Zoning Regulations

of the

Town of Old Saybrook, Connecticut

Old Saybrook Zoning Commission

TOWN OF OLD SAYBROOK

Zoning Commission

ZONING REGULATIONS

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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 Conservation and Development of the Town, with reasonable consideration as to the purpose 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.

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.

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.

3.3 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:

3.3.1 **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 projector 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.
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, *Coastal Jurisdiction Line (CJL)*, 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 archaeological 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, 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 its 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.

3.3.2 **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 ¼″ = 1′ or larger, and will include *signs* and outdoor illumination facilities unless otherwise provided in connection with plot plans.

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
Conservation C 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 Industrial MI District	MI
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 Zone	FP
Planned Residential Development PRD Zone	PRD
Aquifer Protection Area (Holbrook & Saybrook Well Fields, Level A)	APA
Gateway Conservation GC Zone	GC
Coastal Area Management CAM Zone	CAM
Incentive Housing IH Zone	IH

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, or any amendments thereof, which map is a part of these regulations and is referred to as the "Zoning Map" and is filed in the Office of the Town Clerk.

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 establish 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′).

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 *use*s listed as permitted in the *district* under ARTICLES II, III, and IV. *Use*s listed as Special Exception *use*s 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 *use*s, certain *use*s are listed as prohibited in a *district* even though the listing of *use*s prohibited is not intended to be exhaustive; any *use* not specified as permitted in the *district* is prohibited.

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 *lot*s and the location and *bulk* of *building*s or other *structures* in each *district* under Articles II, III and IV. Additional regulations relating to area, location and *bulk* standards apply to *lot*s 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 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 re-subdivision of land will include a MABL that complies with this section. The Planning Commission will determine compliance with the MABL requirement for subdivision *lot*s.

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 *building*s 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 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:

7.3.1 **Signs**. Certain permitted *sign*s, as specified in Section 62, may extend within lesser distances of a property or *street line*.

7.3.2 **Form of Ownership**. The *setback* requirements will not be construed to prohibit condominium ownership of a *building* or *building*s 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 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*.

7.5 Building Bulk and Coverage

For all *stories* of all *building*s 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 *building*s 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* 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.

7.6 Minimum Floor Elevation

Within a *Special Flood Hazard Area (SFHA)*, any *building* or *structure* that is to be constructed, moved or substantially improved will have a lowest floor elevation, as specified in the Chapter 128 of the Old Saybrook Town Code, Flood Plain Management.

7.7 Minimum Building Size

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

7.7.1 Reserved

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

7.8 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 concentrated storm water runoff 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.

Computations, conforming to the requirements outlined in this section, will be submitted for sizing all proposed storm drainage facilities as well as the analysis of any existing off-site facilities required by the *Commission*. In addition, computations will be submitted for both pre-development and post-development conditions for the 2, 10, 25, 50 and 100-year frequency 24-hour duration Type III storm events at each location from which storm water discharges will exit the property under development.

The following minimum criteria for design storms will be used in the analysis and design of stormwater management facilities, storm drainage systems and storm drainage *structures*:

A. For watershed areas less than one square mile in area in which there is no established *watercourse*, stormwater management facilities and storm drainage systems will be designed for the 25-year frequency storm event.

B. For watershed areas less than one square mile in area in which there is an established *watercourse*, stormwater management facilities and storm drainage systems will be designed for the 50-year frequency storm event. The effects of a discharge equal to the 100-year frequency storm event will be checked. Where such effects are likely to cause damage to persons or property, *structures* will be designed to alleviate these problems.

C. For watershed areas one square mile or larger in area, stormwater management facilities and storm drainage systems will be designed for the 100-year frequency storm event.

D. New open channels and existing open channels into which a new or expanded storm drainage system is proposed to discharge will be designed to accommodate flows resulting from storms of the maximum intensity which can be expected to occur on an average of once in twenty five years with a minimum freeboard of six inches.

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

7.9 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*.

7.10 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:

7.10.1 **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.

7.10.2 **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.

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

7.11 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:

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

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

7.11.3 Reserved, wide parking spaces; and

7.11.4 Ground level *building* entrances.

8.0 **[Reserved]**

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*.

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.

Animal Care Services. The keeping of dogs and cats, for grooming, training, day care, and boarding. An Animal Care Services business is not considered a *kennel* and may be permitted as a Special Exception Permit.

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 *use*s 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.).

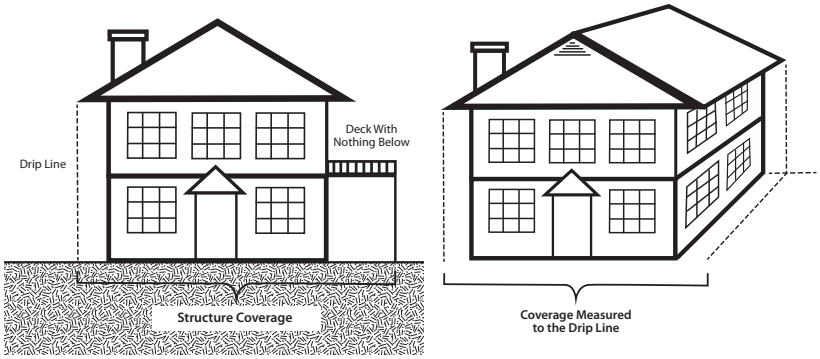
Billboard. Any *sign* greater than seventy-five square feet (75 s.f.) that is freestanding or mounted upon the roof or wall of a *building*. *Billboard* will expressly include any *sign* that is visible from a *street* from which the property on which the *sign* is located does not have direct vehicular access.

Boat with or without hauling trailer. 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 *building*s 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), 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*. Pre-existing *non-conforming lots* used for a residential *use* that contain an area of less than twelve thousand five hundred square feet (12,500 s.f.) will be permitted to exclude from *building/structure coverage* up to a one(1) foot projection for sills, cornices, gutters, eaves or similar architectural features around the perimeter of a *building*. These Regulations require calculation of *building/structure coverage* by excluding *wetlands* from the area of the *lot.*



Bulk. The size and shape of *building*s, *structure*s and *use* areas and the physical relationships of their exterior walls or spatial limits with *lot lines* and other *building*s, *structure*s and *use*s; or with the other walls of the same *building*, or other portions of the same *structure* or *use*. *Bulk* also includes the relationship of *building*s, *structure*s and *use*s 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 *building*s on a single *lot*, length of *building* in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or *use*s located or to be located.

Cannabis. Marijuana, as defined in section 21a-240 of the 24 general statutes.

Cannabis Cultivator. A *person* that is licensed to engage in the cultivation, growing and propagation of the *cannabis* plant at an establishment with not less than fifteen thousand square feet (15,000 s.f.) of grow space as defined in Public Act No. 21-1.

Cannabis Dispensary Facility (adult-use). A place of business that is licensed to purchase *cannabis* from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell *cannabis* to an individual who is twenty-one years of age or older and research programs (as defined in section 21a-408 of the general statutes).

Cannabis Dispensary Facility (medical). A place of business where *cannabis* may be dispensed, sold or distributed by prescription in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder. A medical *cannabis dispensary facility* does not include the retail sale of *cannabis* approved by the Federal Drug Administration (FDA) by prescription at a retail pharmacy.

Cannabis establishment. A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

Cannabis Grow Space. The portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Cannabis grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

Cannabis Manufacturing, Indoor. A facility that adds or incorporates cannabis into other products or ingredients or creates a *cannabis product*.

Cannabis Micro-cultivation Facility. A *cannabis establishment* operated by a *person* (as defined in Public Act No. 21-1) licensed to engage in the cultivation, growing and propagation of the *cannabis* plant at an establishment containing not less than two thousand square feet (2,000 s.f.) and not more than ten thousand square feet (10,000 s.f.) of *cannabis grow space*, prior to any expansion that is authorized by the commissioner of CT Department of Consumer Protection, and approved by the Zoning Commission.

Cannabis product. *Cannabis* that is in the form of a *cannabis* concentrate or a product that contains *cannabis*, which may be combined with other ingredients, and is intended for use or consumption. "Cannabis product" does not include the raw *cannabis* plant.

Coastal Jurisdiction Line (CJL) – The State of Connecticut coastal jurisdictional limit defined in Old Saybrook as elevation 2.9 NAVD 88.

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

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

Commission. The Zoning Commission of the Town of Old Saybrook.

Community Water Supply. Water provided by a "water company," as that term is defined in Connecticut General Statutes Section 16-262m as amended. "Community Water Supply" is intended to include both so-called satellite or community systems as may be approved by the appropriate State agency or agencies.

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 *building*s 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 a *building* or *structure*. Any roof, non-retractable awning or other fixed surface may not cover or 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). *Developed Area* shall be defined by one of the following procedures:

1. An area adjacent to the Connecticut River which has within the 50-foot *Riparian Vegetation Area* immediately landward of the *Coastal Jurisdiction Line (CJL)*, been characterized by *buildings and structures* in such a manner so as to make the retention or replacement of vegetation impractical, infeasible, or inconsistent with the traditional riverway scene, and which has been or may be mapped or officially designated by the Old Saybrook Zoning Commission as a *Developed Area* on a lot by lot basis during the application process for the purposes of these Standards and as approved by the Gateway Commission.

2. The fifty (50) foot *Riparian Vegetation Area* will also be considered as Developed Area if clearing or construction has previously occurred in such a manner so as to make the retention or replacement of vegetation within said fifty-foot (50') *Riparian Vegetation Area* impractical, infeasible or inconsistent with the traditional riverway scene, as determined by the Old Saybrook Zoning Commission for the purposes of these Standards in the context of a pending land use application, and approved by the Gateway Commission prior to the approval of such application.

Developable Land (Incentive Housing Zone). The area of land within the boundaries of an Incentive Housing *Zone* that can be developed into residential or *Mixed-Use Development* consistent with the provision of the Incentive Housing *Zone*, not including: (A) land already committed to a public *Use*, whether publicly or privately owned; (B) existing *parks*, recreation areas and *open space* that is dedicated to the public or subject to a recorded conservation restriction; (C) land proposed by the developer to be otherwise subject to an enforceable restriction on or prohibition of development; or land proposed to be conveyed to the State of Connecticut or Town of Old Saybrook or to a third party subject to an enforceable restriction on or prohibition of development, and which land is excluded from the *Incentive Housing Development*, and which restriction, prohibition or conveyance will take place prior to the endorsement of the site plan by the *Commission* pursuant to Section 51.10; (D) *Wetlands* (both tidal and inland) or *Watercourses* and the upland review areas for *inland wetlands* and *watercourses* as defined in the Old Saybrook *Inland Wetlands* and *Watercourses* Regulations and the *tidal wetlands setback* of Section 68.1.2 b9 of these Regulations; (E) areas of land exceeding one-half or more acres of contiguous land that are unsuitable for development due to slopes exceeding twenty percent (20%) slope in grade measured at forty (40′) foot increments; depth of less than four (4′) feet to bedrock below the natural ground surface as observed by *soil* testing; or groundwater levels higher than eighteen (18″) inches below the naturally occurring ground surface; *Special Flood Hazard Areas;* or the .2 percent floodplain in accordance with Conn. Gen. Stats. §25-65b. Compare to "Minimum Area of Buildable Land" in Section 7.2.1 of these Regulations.

District. An area within which certain *use*s are permitted, certain others are prohibited, and certain others are designated as *use*s 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.*"

District, Underyling. In the case of an overlay *zone*, that zoning *district* upon which the overlay *zone* is located. See Sections 71.3 *Special Flood Hazard Areas*, 54 Incentive Housing *Zone*, 55 *Planned Residential Development Zone*, 58 *Gateway Conservation Zone*, and 59 Coastal Area Management 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*.

Duplex. A *dwelling* containing two (2) *dwelling units* on a *lot*. See Section 54 for more than one *duplex* on a *lot* in the Incentive Housing *Zone*.

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

Dwelling, Multifamily. A *building* that contains three (3) or more *dwelling units*, including *townhouse dwelling*s, on a *lot*.

Dwelling, Single Family. A *building* that contains only one (1) *dwelling unit* on a *lot*. See Section 54 for more than one *dwelling unit* on a *lot* in the Incentive Housing *Zone*.

Dwelling, Townhouse. A *multifamily dwelling* that contains three (3) or more *dwelling units* that are attached by a common or shared wall, and in which each *dwelling unit* extends from the foundation to the roof and has *open space* on at least two (2) sides.

Dwelling, Two-Family. Same as "***Duplex.***" See Section 53, "***Conversion of Dwelling.***"

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*.

Enlarge and/or Extend (Gateway Conservation Zone). For the purposes of Section 58, Gateway Conservation Zone. Any change to an existing structure or structures which in any way enlarges the envelope of the structure(s), either horizontally or vertically.

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. An artificially constructed barrier of any material or combination of materials erected for enclosure, separation of areas, or screening, including a wall.

Fence, Hazardous. A *fence* that is electrified or utilizes, in whole or in part, barbed wire, razor wire or other material that may cause discomfort or injury when a *person* or animal come into contact with it.

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

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

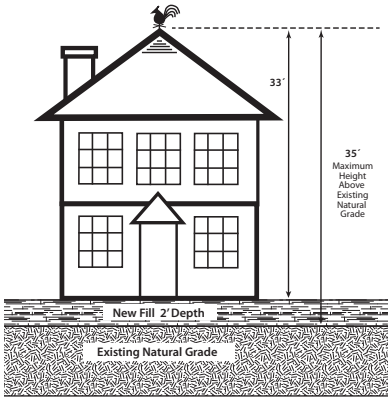
Floor area (attic). The area enclosed by the roof rafters and the exterior walls at the level of the top of the ceiling below or *attic* floor joists.

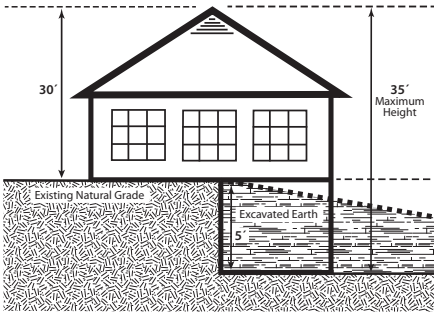
Frontage. A property line that is also a *street line*.

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 Section 25-102c of the Connecticut General Statutes, 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. It is the area within which the Connecticut River Gateway Commission is charged with the protection of the "natural and traditional riverway scene."

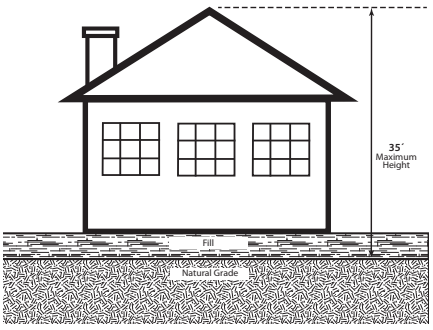
Gross floor area. The sum of the gross area (horizontal) of all *stories* of a *building* or *structure*, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two *buildings*, *dwellings*, or distinct and separate non-residential *uses* having no common exterior access. *Gross Floor Area* includes any area that is capable of being used for human occupancy, including garage or *attic* space, whether finished or not.

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, residential utility platforms, 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*. These Regulations require calculation of *gross floor area* by excluding *wetlands* from the area of the *lot.*





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) *building*s having different ground elevation datum are interconnected, such as by common areas, other *floor area* or other architectural features or *structure*s, 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*, weather vanes, belfries, chimneys, flag or radio poles, silos, *bulkheads*, water tanks or towers, hose towers, scenery lofts or towers, churches, municipal *building*s or *structure*s, tanks, elevator shafts, athletic field light poles 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. The height of athletic field light poles *will* be measured from ground elevation at the center of the field to the highest point of the *structure* including any attached fixture.

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 or which is visible from a new, excavated grade, whichever creates the greatest *height* dimension. 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 business. 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.

Hotel. A *Building* or group of *Buildings*, which *Building(s)* is/are designed or used for transient lodging of five or more *hotel* rooms for transients, and may include as an *accessory use*, the serving of meals to both *persons* occupying the facility and the general public, conference facilities, swimming and other recreational facilities.

Hotel room. A room within a *Hotel* which is/are designed or used for transient lodging, which contains no more than two (2) *bedrooms* but does not contain cooking facilities.

Hotel suite. A *hotel* room or group of *hotel* rooms, which contain cooking facilities.

Incentive Housing Development. A development located in an Incentive Housing *Zone* approved in accordance with Section 54 of these Regulations.

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*. A retail pet store, animal shelter, day care, veterinary hospital, overnight boarding facility, grooming service, training school or other animal care service establishments are not considered a *kennel* when located in a business *district* and services are rendered primarily at retail.

Lot. One (1) or more contiguous *parcel*s 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 building*s or *use*s 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 *building*s 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.

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 *street*s, 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.***

Marine Facility (*Gateway Conservation Zone*). A dock, wharf, slip, basin, or similar landing facility for waterborne vessels and/or an open yard for the building, storing, repairing, servicing or refueling of such vessels, together with any accessory *buildings* or other *structures* necessary for the operation of the foregoing.

Marine vehicle establishment. Establishment for the sale, repair, manufacturing, storage or servicing of motorized or non-motorized *boats*, personal watercrafts, marine trailers, marine equipment and marine engines.

Minimum lot width along the building line. 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*.

Note: In addition to amending the definition width along the building line is proposed to be replaced with Minimum lot width along the building line throughout the regulations.

Mixed-Use development. A *use* of land for a development containing one or more *multifamily dwellings*, *single family dwellings*, *duplexes*, and a substantial component consisting of one or more commercial, public, institutional, retail, office, or industrial *uses* on a *lot*.

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 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.

Motel. A *building* or group of *buildings*, which *building(s)* is/are designed or used for transient lodging of five or more rooms to transients, and which rooms may be accessed from the exterior of the *building(s)* and may include as an *accessory use*, swimming and other recreational facilities, but not the serving of meals to both *persons* occupying the facility and the general public, or conference facilities.

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.

Motor Vehicle Fueling Station. The retail sale of gasoline or other motor vehicle fuel and related vehicle battery-charging stations to the general public and not for bulk storage, commercial sales or distribution of fuel. *Motor vehicle fueling stations* consist of a cluster of fuel-dispensing stations ("pumps") often under a canopy or shelter where payment is made inside a *building*, a retail store or kiosk to the same vendor. Vehicle battery charging stations are not considered a vehicle fueling station and may be allowed as an *accessory use* when charging stations are scattered and not clustered on a *lot*.

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 *lot*s 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.

Park. An area set aside for active or passive recreation of the general public, to promote its health and enjoyment, and owned and operated by a government agency or a non-profit charitable entity.

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

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, *street*s, parking *lot*s, *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.

Permeable Paving Materials. Materials that are alternatives to conventional pavement surfaces and are designed to increase infiltration and reduce stormwater runoff and pollutant loads. Example materials can be found in the CT Stormwater Quality Manual. *Permeable paving materials* are not landscaping.

Person. Except as otherwise defined, a "*person*" for all purposes in these Regulations must be a live, human individual as opposed to a corporate or other "legal" person.

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.

Pharmacy. A retail store where medicinal drugs are dispensed and sold including over the counter medications, tests, vaccinations, and other convenience items such as groceries and gifts. The retail sale of prescription medications approved by the Federal Drug Administration (FDA) is required for a retail store to be considered a *pharmacy* in accordance with these regulations.

Planned Residential Development (PRD). One (1) or more *dwelling*s, each containing not less than four (4) nor more than eight (8) *dwelling unit*s, or one or more clusters of up to six (6) single detached *dwelling*s 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 use*s 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 *building*s, 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.

Property line, rear. Any property line that is parallel to or within forty-five degrees (45º) 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, Outdoor. The retail outdoor sale of food to the general public for consumption on the premises with food service for customers who are consuming the food and beverage seated at tables or counters located outside.

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 *Coastal Jurisdiction Line (CJL)* of the Connecticut River or its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary within the *Gateway Conservation Zone* from which an owner of waterfront property rightfully accesses the water. The most landward *setback* of these distances is utilized to determine the *riparian area.*

Riparian Vegetation Buffer (***Gateway Conservation Zone***). The natural and traditional plant life indigenous to the *Riparian area* located not less than one-hundred (100) feet from the *Coastal Jurisdiction Line (CJL),* which plant life was existing as of the original date of the adoption of the *CT River Gateway Conservation Zone* standards in Old Saybrook.

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 *building* or *structure* and the *street line*; or, in the case of a *corner lot*, a similar *setback* extending along all *streets*.

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.

Sidewalk. A pervious or impervious path most typically constructed of concrete with a minimum width of five feet (5′) for pedestrian circulation. *Sidewalks* run parallel to a *street* and are commonly separated from the road by grass.

Sign. 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 located either:

1) out-of-doors, or
2) indoors and intended to be viewed from outside the *building*.

The term "*sign*" shall include any: *building* feature, including roof or other special illumination, special colors or effects, or *building* or roof lines which serve to identify the *use* or occupancy of any *building* or site through a recognized motif or symbol. The term "*sign*" shall include sculptures and similar works of art designed or intended to attract the attention of the public to commercial or industrial premises.

The term "*sign*," however, will not include any: any government Flag *Sign* or *Nonprofit Flag* Sign, 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.

Sign Area or Face. The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the *sign*. Such perimeter, however, shall not include any structural elements lying outside the limits of such *sign* and not forming an integral part of the display. For the purposes of these Regulations, two-sided *signs* where the sides are back-to-back and located no more than eighteen (18″) inches apart and parallel, will be considered to have only one (1) *sign* face.

Sign, 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*. A *billboard* 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. A *billboard sign* will not include any *sign* approved as a Special Exception *Use*.

Sign, Changeable Message. Any *sign* that contains or consists of patterns of illumination which forms words, symbols, numbers, letters or other messages which are altered more than every ninety (90) minutes, including any *sign* that is capable of displaying more than one message (one of which might be a "blank" display), changeable manually, by remote control, or by automatic control. *Changeable Message Signs* are also referred to as "Dynamic Message *Signs*" in the National Intelligent Transportation Systems (ITS) Architecture and also referred to as "Variable Message *Signs*" in the National Electrical Manufacturers Association (NEMA) standards publications; provided, however, that *Changeable Message Sign* shall not include *"Scoreboard Sign"* or *"Municipal Electronic Message Sign."*

Sign, Community Event. A *sign* identifying the time, location, purpose, or other information concerning a temporary event sponsored by the Town of Old Saybrook or any agency thereof, or a non-profit entity; but expressly excluding any commercial or for-profit event or *use*.

Sign, Decorative Flag. Any Flag *Sign* which is not an *Informational Flag Sign* or a *Government* or *Nonprofit Flag Sign*.

Sign, Directional – Off-Site. A *sign*, which is visible from a *street* or other public property, that directs vehicles or pedestrians to a commercial enterprise, public event, non-profit entity, or other *use* which *use* is not located on the *lot* where the *sign* is placed. Examples: to tag sale, to farmers market, to ABC nursery, to St. Peter's Church, etc.

Sign, Directional – On-Site. A *sign* which directs vehicles or pedestrians to required or recommended patterns of movement within the *lot* upon which the *signs* are located; and not from locations outside the *lot.* Examples: one way, do not enter, keep right, yield to pedestrians, to *drive-through window*, additional parking in rear, right turn only, etc.

Sign, Flashing. Any *sign* or portion thereof (including its support), for which illumination is by an artificial source of light that is not maintained as stationary nor constant in intensity or color saturation for intervals of more than ninety (90) minutes. Flashing sign shall expressly include *Changeable Message* Signs. *Flashing sign* does not include *"Theater Marquee Sign," "Scoreboard Sign,"* or *"Municipal Electronic Message Sign."*

Sign, Government or Nonprofit Flag. Fabric, flexible plastic, or similar material, suspended from a pole, *building*, or other supporting *structure*, stretched across a flexible frame, or otherwise made visible by its method of mounting or by the effects of air movement, which is the recognized flag of any nation, international public or non-profit agency, state or local governmental unit, or non-profit entity. Examples: U.S. Flag, Connecticut Flag, Remember M.I.A. flag, United Nations flag, American Red Cross flag, etc.

Sign Illumination/Illuminated. The direct or indirect lighting of a *sign* either by adjacent or attached lamp post, floodlight, internal illumination, by any lighting technology, including incandescent, LED or fluorescent light whether powered by electric service via wired connection, photovoltaic power or any other means.

Sign, Informational Flag. Fabric, flexible plastic, or similar material, suspended from a pole, *building*, or other supporting *structure*, stretched across a flexible frame, or otherwise made visible by its method of mounting or by the effects of the air movement, which informs the public about a commercial enterprise. Examples: flags saying "open," "sale," "special," "grand opening," "now serving lunch" and similar messages.

Sign, Internal Illuminated. Any *Sign* designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such *Sign*; but not including a "channel" letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

Sign, External Illuminated. A *Sign illuminated* by a light source which is remote from the *sign structure* and so shielded that no direct rays therefrom are visible elsewhere than on the *Sign* Face, or the area immediately around it, but in no event visible off the *Lot* where said *Sign* is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be an *Internally Illuminated Sign*.

Sign, Landmark. A *sign* identifying or explaining the name or significance of a location having historic, cultural, scenic, archaeological, or other significance as would be of interest to the public; expressly excluding any commercial message or *use*.

Sign, Moving. A *sign* for which any portion is capable of movement.

Sign, Municipal Electronic Message Sign. Any *sign* located on property owned by the Town of Old Saybrook and used for municipal purposes that contain or consist of patterns of illumination which forms words, symbols, or other messages which are altered more than every five (5) minutes.

Sign, Occupant or occupancy. For the purpose of determining the number of *signs* per occupancy, a single leasehold, a demised premises, or a fee simple ownership.

Sign, Painted wall. Any *sign* painted on a wall, including any distinct color, shape, or insignia painted as a background to where the *sign* is affixed to the wall.

Sign, Scoreboard. Any *sign* located upon property owned by the Town of Old Saybrook or a non-profit recreation or sports entity, which *sign* displays the score in a sporting event and similar information relative to the subject sporting event.

Sign, Temporary portable. Any s*ign* not permanently anchored to the ground or other *structure* or intended to be moved from one location to another or displayed periodically or intermittently, such as: *A-frame sign*, stick-in-the-ground/lawn *sign*, or any banner, feather flag, or a *sign* temporarily attached to a wall of a *building*, or to a *structure* or to a post, such as paper, fabric, foam board, or similar materials.

Sign, Theater Marquee. A *sign* located on the same *lot* as a theater. *A Theater Marquee Sign* may have lights that vary in intensity. *Theater Marquee Signs* are not permitted in residence *districts*.

Sign, Vehicle. Any *sign* on a motor vehicle or *trailer* parked for a duration of time or in a location or in a manner that indicates that the *sign* on the motor vehicle or *trailer* is being used for the purpose of directing patrons to a business or activity or for the purpose of advertising products sold or services rendered on or near the location of the *sign* on the vehicle or *trailer*.

Sign, Warning. A sign which alerts the general public or visitors to a *lot* to requirements or conditions which are applicable to such *lot*. Examples: No trespassing, no hunting.

Sign, Window. Any *sign* painted on, attached to, or displayed within five feet (5′) of the interior of a window or door so as to be visible from the exterior of the *building* or *structure*, excluding the display of goods, wares or products of the establishment in the window. For purposes of this definition, a window must consist of clear glass visible to the interior of the *building* and not faux windows, glazed windows, or windows otherwise appearing solid in nature.

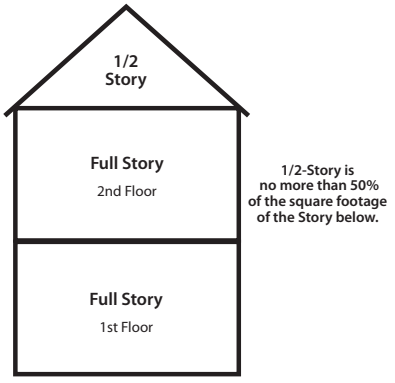
Soil. Any unconsolidated mineral and organic material of any origin.

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* A, AE, AO, AH, and the Coastal High Hazard Areas shown as *Zone* VE and *Zone* AE bounded by a line labeled "Limit of Moderate Wave Action (LiMWA), which are delineated on map entitled "Flood Insurance Rate Map; Town of Old Saybrook, Middlesex County, Connecticut; Community Number 09007C0, Panels 341J, 342J, 343J, 344J, 353J, 361J, 363J, and 364J, effective February 6,2013, and Panels 333G, 334G, and 362G, effective August 28, 2008, prepared by the U.S. Department of Homeland Security 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 *Zones* A, AE, and the Coastal High Hazard Areas shown as *Zone* VE and *Zone* AE bounded by a line labeled "Limit of Moderate Wave Action (LiMWA).

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:

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 (1/2)*, for when an a*ttic* is considered a *story*.

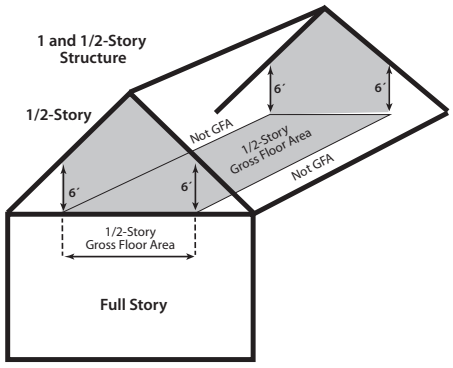


Two and One-Half Story Structure

Exemption: In a *Special Flood Hazard Area*, the unfinished enclosed area below the base flood elevation constructed of flood resistant materials and designed for entry and exit of flood waters will not be considered a *story* even if the surface of the floor above it is more than four feet (4′).

For the purposes of calculating *gross floor area*, any area that is not considered a *story* will not be included in the calculation of *gross floor area*.

In the CT River *Gateway Conservation Zone,* any area located above the average existing grade will be considered a *story* and counted as *Gross Floor Area.*



Calculating Gross Floor Area for a Half 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 six feet (6′) 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 *half 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. Any property that abuts a *street line* that consists of unimproved land leading to a road ending at the CT River, Long Island Sound, *wetland*, beaches or other coastal resources legally protected from development will follow *setback from other property line.*

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, pools, a detached solar panel or satellite dish, or above-ground tank.

A *structure* will not include the following: flagpoles; athletic field light poles; ornamental wells; tents, trailer coaches, wheeled vehicles; retaining walls not over seven feet (7′) high that are not considered a *shoreline flood and erosion control structure, fences* not over seven feet (7′) high; utility mains, lines, and underground utilities; yard and play equipment, above-ground portable hot tub, inflatable or metal pools of less than four hundred square feet (400 s.f.) when located on a *lot* no longer than one-hundred twenty (120) days in one calendar year and in a residence *district*, one (1) storage shed of one-hundred twenty (120) s.f. or less per *lot* when accessory to a *single-family dwelling unit*, ten feet (10′) or less in *height*, located no closer to the *street line* than the primary residence and located at least two feet (2′) from a property line on blocks or gravel (2 or more sheds on a lot are both considered structures and both count toward *building/structure* coverage) and the second shed will meet *accessory structure setbacks*. 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 or minimum-sized residential elevator and shaft for the purpose of handicapped accessibility; steps and a landing for *building* egress when the size does not exceed the minimum Building Code requirement, residential utility platforms;

platforms, patios, or *decks* not more than six (6″) inches above existing grade and not over any basement or *story* below and platforms, patios or *decks* more than six (6″) inches above existing grade and not over any basement or *story* below when the Applicant can demonstrate that the fill/grade change is associated only with the installation of a Health Code compliant septic system.

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 *structure*s 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 *building*s and *structure*s, including pools (*building/structure coverage*), plus *paved* or impervious *areas*, excluding pedestrian *sidewalks*, *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 *use*s, 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 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.

Utility Platform, Residential. A platform of no more than sixteen s.f. that is attached to a residential *structure* and maintains a minimum eight (8′) foot vertical clearance from the ground and a minimum of five (5′) feet from rear and other lines for the purpose of placing an electric meter, water meter or other utility in a *special flood hazard area*. A residential utility platform will not be considered part of the principal residential *structure* or calculated in *building/structure coverage.*

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*.

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

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

Walkway. A pervious or impervious path most typically constructed of concrete with a minimum width of five feet (5′) for pedestrian circulation. *Walkways* are located on private property and function as a pedestrian connection between different *buildings*, *structures* or *uses* on a *lot*.

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.***

Will. When used to describe the obligations or requirements of the applicant under any provision of these Regulations, the term "*will*" is mandatory and is the equivalent of "shall."

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*.

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 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 two years from the casualty and is diligently prosecuted to completion.

The Zoning Commission at the request of the Zoning Enforcement Officer may grant extensions of the requirement to commence construction when mass damage or destruction occurs as a result of a natural disaster or declared storm. The *Commission* may grant no more than two (2), one (1) year extensions for any storm event for a total of no more than four (4) years for any one casualty.

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, *building*s or other *structure*s 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, *building*s 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, *building*s or other *structure*s 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 *building*s or other *structure*s, 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 *building*s 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, *building*s, *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 *nonconformity* so reduced or eliminated will not be resumed.

10.7 Nonconformity – Improvements

The following provisions and limitations will apply to *nonconforming building*s, other *structure*s, 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 structure*s under this section, and any 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, *building*s or other *structure*s 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;

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; and

10.8.5 If permitted in the *District,* the construction of a single detached *dwelling* for one (1) *family* on a pre-existing non-conforming *lot* may be permitted provided the requirements of Paragraph 10.8.1 & Paragraph 10.8.2 are met and a single detached *dwelling* for one (1) *family* exists on the property at the time of application.

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.

A pre-existing *non-conforming* deck, open air porch, overhang, stairs or *accessory* storage structure of one hundred twenty square feet (120 s.f) or less may be replaced when a repair is infeasible, impractical or unsafe due to the structural integrity of the *building/structure* as long as the replacement does not result in an enlargement or change of the *non-conformity*.

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 or to exceed the Ordinance to meet the five-hundred (500) year flood *zone* 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 or elevator that meets no more than the minimum area requirements for a stairway and landing or elevator 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.

G. 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.

SECTION 11

Prohibitions

11.0 [Reserved]

11.1 Signs

Anything in these regulations to the contrary not withstanding, these regulations prohibit the following *signs* throughout the town of Old Saybrook:

A-frame (sandwich board) *sign*
Billboard sign
Feather flag/swooper/tear drop shaped flag signs
Flashing sign
Moving sign
Painted wall sign
Vehicle sign

11.2 Bulk Propane Storage

Anything in these regulations to the contrary notwithstanding, these regulations prohibit the storage of more than 60,000 gallons aggregate water capacity of propane, liquefied petroleum gas, or liquefied natural gas on any *lot*, or in a single, integrated multi-*lot* development, where such storage is for the purposes of wholesale distribution or otherwise not for consumption of the product by the occupant(s) of the *lot* or multi-*lot* development.

11.3 Residential Uses in Marine Industrial District

Anything in these Regulations to the contrary notwithstanding, these Regulations will be construed to prohibit any new residential *use* in the Marine Industrial *District*. As used in this section, "residential use" will include any *use* which is now, or may hereafter be, deemed a residential *use* for purposes of the industrial *zone* exemption in Connecticut General Statutes Section 8-30g(g)(2).

11.4 Cannabis

The sale, production, processing, dispensing of all *cannabis* and *cannabis product*s for which the CT Department of Consumer Protection issues licenses under C.G.S. Sections 21a-408 through 21a-408q, except as allowed under Section 34 and 53 of these *Zoning Regulations*.

11. 5 Cannabis Gifting

The gifting of *cannabis* or of *cannabis products* as a free gifted item included with the retail sale of another item or gifting at gatherings, parties, events for the purpose of *cannabis* ingestion and fundraisers where a cover charge, raffle or other type of lottery is used to gift *cannabis products* is expressly prohibited in all zoning *districts*.

11.7 Accessory Dwelling Units (detached) on lots of less than 12,500 s.f.

Anything in these regulations to the contrary notwithstanding, these regulations prohibit accessory *dwelling units* (detached) on *lots* of less than 12,500 s.f. The division of any *lot* with a detached accessory dwelling unit to create two (2) single-family dwelling units on two (2) lots of less than 12,500 s.f. per lot is expressly prohibited.

Lot size variances to allow for accessory *dwelling units* (detached) on *lots* of less than 12,500 s.f. are expressly prohibited.

SECTION 12

Moratorium

12.0 Purpose

This section has been adopted to provide the *Commission* with the time necessary to consider adoption of potential changes to the Zoning Regulations by moratorium pursuant to Section 8-2 of the Connecticut General Statutes and to opt-out of certain provisions of public acts and the Connecticut General Statutes.

12.1 Cannabis Moratorium

The Connecticut General Assembly has passed legislation that legalizes adult use of cannabis in the State of Connecticut. Said Senate Bill No. 1201, June Special Session, Public Act No. 21-1 (the "Act") contains provisions allowing municipalities to prohibit or place reasonable restrictions on cannabis establishments. Also, the *Commission* would like to review their regulations as it involves dispensary facilities and producers as defined in Chapter 420f, C.G.S., Palliative Use of Marijuana.

This temporary and limited-term moratorium has been adopted to provide the Old Saybrook Zoning Commission with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare and/or to consider a ban on cannabis establishments.

A. **Definitions.**

1. **Cannabis.** Marijuana as defined in Section 21a-240 of the Connecticut General Statutes.

2. **Cannabis Establishment.** A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter of cannabis. Each one of these cannabis establishments has the same definition as set forth in Section 1 of the Act.

B. **Applicability.** During this temporary moratorium, cannabis establishments shall be prohibited in the Town of Old Saybrook and any application shall be denied by the Zoning Commission or Zoning Enforcement Officer to establish a cannabis establishment.

C. **Effective Date/Term.** This temporary and limited moratorium shall become effective on October 20, 2021 and shall remain in effect until May 31, 2022.

12.2 Accessory Dwelling Units – Opting Out of Certain Provisions of Public Act 21-29

The Town of Old Saybrook hereby opts out of the following:

(1) The provisions of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29; and

(2) The provisions of subdivision (9) of subsection (d) of section 8-2 of the General Statutes, as amended by Public Act 21-29.

12.3 Drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53).

This temporary and limited term moratorium has been adopted to provide the Old Saybrook Zoning Commission with the time necessary to review existing regulations.

A. **Applicability.** During this temporary moratorium, drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments shall be prohibited in the Town of Old Saybrook and any application shall be denied by the Zoning Commission or Zoning Enforcement Officer to establish a drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments

B. **Term.** This temporary and limited moratorium shall remain in effect until June 1, 2024

ARTICLE II
RESIDENCE and CONSERVATION DISTRICTS

SECTION 21 **Residence AAA District**

21.0 **[Reserved]**
21.1 **Permitted Uses**
21.2 **Special Exception Uses**
21.3 **Lot Area, Shape and Frontage**
21.4 **Height**
21.5 **Setbacks**
21.6 **Building Bulk and Coverage**
21.7 **Plot Plan**
21.8 **Site Plan**
21.9 **Special Exception**

SECTION 22 **Residence AA-1 District**

22.0 **[Reserved]**
22.1 **Permitted Uses**
22.2 **Special Exception Uses**
22.3 **Lot Area, Shape and Frontage**
22.4 **Height**
22.5 **Setbacks**
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SECTION 23 **Residence AA-2 District**

23.0 **[Reserved]**
23.1 **Permitted Uses**
23.2 **Special Exception Uses**
23.3 **Lot Area, Shape and Frontage**
23.4 **Height**
23.5 **Setbacks**
23.6 **Building Bulk and Coverage**
23.7 **Plot Plan**
23.8 **Site Plan**
23.9 **Special Exception**

SECTION 24 **Residence A District**

24.0 **[Reserved]**
24.1 **Permitted Uses**
24.2 **Special Exception Uses**
24.3 **Lot Area, Shape and Frontage**
24.4 **Height**
24.5 **Setbacks**
24.6 **Building Bulk and Coverage**
24.7 **Plot Plan**
24.8 **Site Plan**
24.9 **Special Exception**

SECTION 25 **Residence B District**

25.0 **[Reserved]**
25.1 **Permitted Uses**
25.2 **Special Exception Uses**
25.3 **Lot Area, Shape and Frontage**
25.4 **Height**
25.5 **Setbacks**
25.6 **Building Bulk and Coverage**
25.7 **Plot Plan**
25.8 **Site Plan**
25.9 **Special Exception**

SECTION 26 **Residence AA-3 District**

26.0 **[Reserved]**
26.1 **Permitted Uses**
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26.3 **Lot Area, Shape and Frontage**
26.4 **Height**
26.5 **Setbacks**
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SECTION 27 **Conservation C District**

27.0 **Purpose**
27.1 **Permitted Uses**
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27.7 **Plot Plan**
27.8 **Site Plan**
27.9 **Special Exception**

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 Home Business

21.1.3 [Reserved]

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 sanitarium

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

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 *Accessory use*, customary with and incidental to any previously mentioned Special Exception *Use*

21.2.16 Agricultural nursery or greenhouse

21.2.17 *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 *Street Line*	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

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*.

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 Home Business

22.1.3 [Reserved]

22.1.4 Boarding house or renting of rooms

22.1.5 Accessory apartment

2.1.1.6 *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 *Animal care services*

22.2.3 *Daycare*

22.2.4 *Nursing home facility*, private hospital or sanitarium

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

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

22.2.15 Agricultural nursery or greenhouse

22.2.16 *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 *Street Line*	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

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*.

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 Home Business

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 *Nursing home facility*, 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

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 previously mentioned 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 *Street Line*	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*.

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 Home Business

24.1.3 [Reserved]

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 *Nursing home facility*, 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*

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 previously mentioned 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	**From Street Line**	25 feet
24.5.2	**From Rear Property Line**	15 feet
24.5.3	**From Other Property Line**	15 feet
24.5.4	**Projection into Setback Area**	3 feet
24.5.5	**Minor Accessory Building or Structure**	
	A. From *Street Line*	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	**Maximum Gross Floor Area**	40%
24.6.2	**Maximum Building/Structure Coverage**	20%
	A. Within the *Gateway Conservation Zone*	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*.

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 Home Business

25.1.4 [Reserved]

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 *Nursing home facility*, 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

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 previously mentioned 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
25.3.3	**Minimum Frontage**	50 feet
25.3.4	**Minimum Width along Building Line**	100 feet

25.4 Height

25.4.1	**Maximum Number of Stories**	2½ stories
25.4.2	**Maximum Height**	35 feet

25.5 Setbacks

25.5.1	**From Street Line**		25 feet
25.5.2	**From Rear Property Line**		15 feet
25.5.3	**From Other Property Line**		15 feet
25.5.4	**Projection into Setback Area**		3 feet
25.5.5	**Minor Accessory Building or Structure**		35 feet
	A. From *Street Line*		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	**Maximum Building/Structure Coverage**	20%
	A. Not served by public water supply within *Gateway Conservation Zone*	15%
25.6.2	**Maximum Gross Floor Area**	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.

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 Home Business

26.1.3 [Reserved]

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 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

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 *Street Line*	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*.

SECTION 27

Conservation C District

27.0 Purpose

To develop nature-based uses in configurations suitable to conserve natural or cultural resources such as, but not limited to, unusual topography, wetlands, watercourses, stormwater basins; aquifers; agricultural land or aquaculture activity; wildlife habitat; historic landscapes, visual corridors or scenic vistas.

27.1 Permitted Uses

27.1.1 Activities conducted for the specific purpose of conserving or preserving *soil*, vegetation, water, fish, shellfish, wildlife or other land or water resources

27.1.2 Public *walkway, park* or fishing pier

27.1.3 Off-*street* parking accessory to a permitted *use*

27.1.4 [Reserved]

27.1.5 [Reserved]

27.1.6 *Park*, playground or *open space* land

27.1.7 Keeping of livestock or poultry

27.1.8 Farm, including a *roadside stand*, agricultural nursery or greenhouse

27.1.9 *Signs*

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

27.2 Special Exception Uses

27.2.1 Research laboratory for the study of aquatic and marine environment, ecology or resources

27.2.2 *Shoreline flood & erosion control structure*

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

27.2.4 Any one of the following *uses* when not conducted as a business or for profit: place of worship, schools, cemetery; or educational, religious, philanthropic or charitable institution

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: or nature preserve or wildlife sanctuary; or golf, tennis, swimming, boating or similar club

27.2.8 *Commercial tree cutting*

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

27.3 Lot Area, Shape and Frontage

27.3.1	**Minimum Lot Area**	
	A. Not served by public water supply	60,000 square feet
	B. Served by public water supply	40,000 square feet
27.3.2	**Minimum Dimension of Square**	
	A. Served by public water supply	150 feet
	B. Not served by public water supply	200 feet
27.3.3	**Minimum Frontage**	20 feet
27.3.4	**Minimum width along Building Line**	150 feet

27.4 Height

27.4.1	**Maximum number of stories**	2½ stories
27.4.2	**Maximum Height**	35 feet

27.5 Setbacks

27.5.1	**From Street Line**	50 feet
27.5.2	**From Rear Property Line**	20 feet
27.5.3	**From Other Property Line**	20 feet
27.5.4	**Projection into Setback Area**	3 feet
27.5.5	**Minor Accessory Building or Structure**	
	A. From *Street Line*	50 feet
	B. From *Rear Property Line*	20 feet
	C. From Other Property Line	20 feet
	D. Maximum *Height*	20 feet

27.6 Building Bulk and Coverage

27.6.1	**Maximum Building/Structure Coverage**	10%
27.6.2	**Maximum Gross Floor Area**	20%

27.7 Plot Plan

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

27.8 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*.

27.9 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*.

ARTICLE III
BUSINESS and INDUSTRIAL DISTRICTS

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

31.0 **Purpose**
31.1 **Permitted Uses**
31.2 **Special Exception Uses**
31.3 **Prohibited Uses**
31.4 **Lot Area, Shape and Frontage**
31.5 **Height**
31.6 **Setbacks**
31.7 **Building Bulk and Coverage**
31.8 **Plot Plan**
31.9 **Site Plan**
31.10 **Special Exception**

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

32.0 **Purpose**
32.1 **Permitted Uses**
32.2 **Special Exception Uses**
32.3 **Prohibited Uses**
32.4 **Lot Area, Shape and Frontage**
32.5 **Height**
32.6 **Setbacks**
32.7 **Building Bulk and Coverage**
32.8 **Plot Plan**
32.9 **Site Plan**
32.10 **Special Exception**

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

33.0 **Purpose**
33.1 **Permitted Uses**
33.2 **Special Exception Uses**
33.3 **Prohibited Uses**
33.4 **Lot Area, Shape and Frontage**
33.5 **Height**
33.6 **Setbacks**
33.7 **Building Bulk and Coverage**
33.8 **Plot Plan**
33.9 **Site Plan**
33.10 **Special Exception**

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

34.0 **Purpose**
34.1 **Permitted Uses**
34.2 **Special Exception Uses**
34.3 **Prohibited Uses**
34.4 **Lot Area, Shape and Frontage**
34.5 **Height**
34.6 **Setbacks**
34.7 **Building Bulk and Coverage**
34.8 **Plot Plan**
34.9 **Site Plan**
34.10 **Special Exception**

SECTION 35 **Marine Industrial MI 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 Districts**

37.0 **Purpose**
37.1 **Permitted Uses**
37.2 **Lot Area, Shape and Frontage**
37.3 **Height**
37.4 **Setbacks**
37.5 **Building Bulk and Coverage**
37.6 **Plot Plan**
37.7 **Site Plan**
37.8 **Special Exception**

SECTION 41 **Industrial District**

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

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 qualities and encourage the conversion, conservation, and preservation of existing buildings and sites that define the historic qualities 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*

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 Mixed-use apartment

31.2.4 *Daycare*

31.2.5 [Reserved]

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*

31.2.9 "Undertaker's Establishments"

31.2.10 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*

31.2.11 *Sign, Theater Marquee*

31.3 Prohibited Uses

31.3.1 *Dwelling* except as otherwise permitted in this *District*, *Nursing home facility,* hospital or sanitarium

31.3.2 *Motor vehicle fueling 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 or the rental thereof

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 is 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 *building*	18,000 square feet
31.7.2	**Maximum Gross Floor Area**	150%
	A. Maximum each for any *building*	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

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*.

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 as well as regional based services tailored toward individuals. 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 harmony 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

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 fueling station,* motor vehicle 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 "Undertaker's Establishments"

32.2.4 Indoor restaurant or other indoor food and beverage service establishment, which includes *fast food, full service* and *take-out restaurants* which may have an accessory *drive-through window.*

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*

32.2.10 Establishment for sale, repair or servicing of *boats*, including the retail sale of marine equipment provided the *lot* has *frontage* on Essex Road and is located in the Mixed-Use Incentive Housing Zone

32.2.11 Storage of *boats* when accessory to a *use* permitted under paragraph 32.2.10. The maximum number of *boats* at any time, including those under fifteen feet (15′) in length, will not exceed eight (8)

32.3 Prohibited Uses

32.3.1 *Dwelling* except as otherwise permitted in this *District*, *Nursing home facility,* hospital or sanitarium

32.3.2 Motor vehicle service station, except as permitted under Paragraph 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

32.3.4 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
B. 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%

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 five (5) acre *parcel*, one *building* of thirty-five thousand square feet (35,000 s.f.) of *gross floor area* or 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

B. 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*.

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 qualities 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 scale of buildings and the layout of the site. Extensions of or alteration of an existing building originally designed as a house will preserve the architectural integrity of the existing building, as a house.

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

33.1.2 Home Business

33.1.3 [Reserved]

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, including *roadside stand*

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

33.2.3 Indoor restaurant

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 "Undertaker's Establishments"

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 Veterinary hospital located on a *lot* at least one (1) acre

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

33.2.19 *Marine Vehicle Establishment*

33.3 Prohibited Uses

33.3.1 *Motor vehicle fueling 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; 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, woodworking, blacksmith, welding or machine shop

33.3.6 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	**Minimum Frontage**	100 feet

33.5 Height

33.5.1	**Maximum Number of Stories**	2½ stories
33.3.2	**Maximum Height**	35 feet

33.6 Setbacks

33.6.1	**From Street Line**	25 feet
33.6.2	**From Rear Property Line**	15 feet
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 *Street Line*	25 feet
	B. From *Rear 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*.

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 appropriate to 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

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 fueling station*; motor vehicle repair garage, including automobile, truck, trailer or farm equipment; maintenance, 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, which includes *fast food*, *full service* and *take-out restaurants* which may have an accessory drive-through window

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 "Undertaker's Establishments"

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

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

34.2.13 *Marine Vehicle Establishment*

34.2.14 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*

34.2.16 Expansion or enlargement of a *cannabis dispensary facility* or change of *use* from *cannabis dispensary facility (medical)* to *cannabis dispensary facility (adult-use)* on properties which have obtained Site Plan Review approval prior to January 1, 2022.

34.2.17 *Cannabis Micro-cultivation facility*

34.3 Prohibited Uses

34.3.1 *Dwelling* except as otherwise permitted in this *District*, 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	**Minimum Frontage**	50 feet

34.5 Height

34.5.1	**Maximum Number of Stories**	2½ stories
34.5.2	**Maximum Height**	35 feet

34.6 Setbacks

34.6.1	**From Street Line**	50 feet
34.6.2	**From Rear Property Line**	20 feet
34.6.3	**From Other Property Line**	20 feet
34.6.4	**From Residence District Boundary Line**	50 feet
34.6.5	**Projections into Setback Area**	5 feet

34.7 Building Bulk and Coverage

34.7.1	**Maximum Building/Structure Coverage**	40%
34.7.2	**Maximum Gross Floor Area**	60%
	A. Maximum each for any *building*, plus covered loading spaces	85,000 square feet
	B. Minimum *open space* between *buildings*	20 feet
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*.

SECTION 35

Marine Industrial MI 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 Expansion of a single-*family dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot* including *buildings, uses* and *structures* accessory thereto existing on December 11, 2017

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*

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*.

SECTION 36

PLANNED DEVELOPMENT DISTRICT

36.1 General

36.1.1 The Zoning Commission recognizes there are highly visible undeveloped or underdeveloped lots, adaptive reuse opportunities, and lots where natural resources are unique assets in the Town of Old Saybrook and whose presence may limit the capacity of the land to support future development. In order to ensure that future development will enhance the neighborhoods adjacent to these sites, balance natural resource protection with development, advance the goals and strategies of the Plan of Conservation and Development and its successor, and to advance the efforts to protect water quality through environmentally sensitive requirements in water-adjacent property, the Zoning Commission hereby creates a Planned Development District ("PDD") which will provide a legislative framework for development on these unique properties.

36.2 Statement of Purpose

36.2.1. Planned Development Districts (PDD) are intended to provide an attractive alternative to the subdivision of land, to diversify Old Saybrook's overall housing portfolio, to encourage open space preservation and economic development by allowing residential development in a comprehensively planned setting. The PDD requires sensitivity in design in order to achieve a development that will be complementary to adjacent land uses while advancing Old Saybrook's planning objectives. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of the Old Saybrook Zoning Regulations (the "Regulations") to accomplish the purposes set forth below. Factors to be considered by the Commissions in approving a Map Amendment to Planned Development District shall include:

(a) That the location, uses and layout of the proposed PDD are in conformance with the intent of, and goals and objectives contained in the Plan of Conservation and Development.

(b) Harmony and compatibility of the PDD with surrounding neighborhoods and land uses, including the incorporation of adequate buffers to protect abutting property values, minimization of traffic impacts on residential streets, to the extent practical, the establishment of traffic patterns which direct commercial traffic to major thoroughfares and away from residential areas and provide for adequate on-site parking, prevention of glare and noise from non-residential areas of the development, if any, negatively impacting adjoining residential properties, and protection of groundwater resources where adjoining properties use onsite wells for potable water supplies.

(c) Protection of natural and historic resources including, but not limited to, inland and tidal wetlands and watercourses, coastal resources, groundwater resources, flood plains, ledge outcroppings, steep slopes, wildlife habitats, historic sites and landscapes, archaeological and/or scenic vistas.

i. Particular care must be made to limit the visibility of development from scenic and rural roads.

ii. Efforts must be made to properly document key cultural, scenic, historical, archaeological and natural resources as part of the application process.

iii. Preservation of a minimum of 10 percent of the site that is devoted to residential use as open space.

36.3. Establishment of District

36.3.1. Upon receipt of a Petition for PDD designation, the Enforcement Officer will transmit the Petition 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 a copy of the Petition, plans and documents, the Planning Commission shall report its recommendations to the Commission, stating the reasons. The Zoning Commission shall establish the PDD by approving a Master Plan in accordance with Section 51 of the Regulations and this Section, which, while not intended to be a substitute for detailed documentation associated with a subsequent site plan approval, shall provide sufficient information required by Section 51 to determine whether the proposed development is in conformance with Section 36.2.1 and the Old Saybrook Plan of Conservation and Development ("POCD"). Such adoption shall constitute a zoning map amendment, subject to a public hearing in accordance with Section 74 of these Regulations. Once enacted, the PDD will supersede all pre-existing zoning on the specific property and any development on the rezoned property will be subject to the specific PDD requirements set forth herein.

36.3.2. Eligibility. The following characteristics are required for a site to be eligible for the PDD designation:

(a) Minimum District Size: Nine(9) acres (parcel or combination of parcels including contiguous lots and lots across a road).

(b) If within the "Coastal Area Management Zone," proposed PDD's must be found consistent with Old Saybrook's Municipal Coastal Program and shall be subject to the requirements of Section 59 of the Regulations.

(c) The proposed PDD must have a minimum frontage of 50 feet on a Town or State Road.

(d) Parcel Location: The Lot(s) eligible for a PDD shall be (i) located in the following zoning districts: MI.

(e) Residential Density: To promote the diversification of housing types and opportunities in Old Saybrook and to ensure the viability of this type of zoning district, a PDD may have two residential dwelling units per acre. For purposes of calculating Density in a PDD, the parcel area shall exclude inland wetlands and watercourses as defined in Section 9 of these Zoning Regulations and shall further exclude slopes in excess of twenty (20%) percent. Each dwelling unit shall have its own entry from the exterior of the building in which it is located. Each dwelling unit shall contain no more than 5 bedrooms and shall be served by a public water supply. Notwithstanding the foregoing, where 5 or more dwelling units are proposed to be developed within the PDD, at least 10% of such dwelling units beyond the 4th dwelling unit shall be affordable and restricted to purchase or occupancy by households that have a combined total annual income for all members that does not exceed 80% area median income (AMI) as defined by HUD.

Attached Housing Bulk Requirements in PDD

ZONE: PPD	
MINIMUM LOT AREA	9 acres
UNITS PER	2
MAXIMUM STORIES	2-1/2
MINIMUM UNITS PER BUILDING	1
MAXIMUM UNITS PER BUILDING	2
OPEN SPACE	10% of residential dev
BUILDING HEIGHT	35′ total building height to peak of roof*
PARKING	2 spaces per D/U

(f) Residential Parking: Each dwelling unit shall be served by two off-street parking spaces. Both Garage spaces and parking spaces in front of garages count in this computation.

36.3.3. Appropriateness: In determining the appropriateness of a proposed PDD, the Commission shall consider the following factors:

(a) Access to major roads and proximity to community services.

(b) Physical characteristics of the applicable parcel(s).

(c) Existing municipal infrastructure's capability to support the proposed development.

(d) Consistency with policies and goals of the POCD.

* If within Gateway Conservation Zone, Height shall comply with §58.7

36.4. Master Plan

36.4.1. A Master Plan shall be submitted to the Commission to determine whether the proposed use and layout of the PDD conform to the requirements of Section 36.2 and to the POCD. The Master Plan, once adopted, shall establish the dimensional characteristics of the PDD and its uses. Only the uses listed on the Master Plan are approved uses within the PDD; uses not enumerated on the Master Plan are not permitted without a Master Plan Amendment.

36.4.2 Permitted Uses in the PDD.

(a) Residential uses including Single detached *dwellings* for one (1) family or attached housing as a principal use at the density permitted in Section 36.3.2.e] or

(b) Home Business

(c) Passive and active recreation; walking and/or bicycle trails.

(d) Accessory structures, tennis court, pool, and other recreational amenities customary and incidental to residential use

(e) A dock, wharf, slip basin or similar landing facility serving the public and associated parking

(f) A dock, wharf, slip basin or similar landing facility for *dwellings* in the PDD

(g) Kayak/Canoe Launch

(h) Open Space/Conservation Land

36.4.3 All graphic elements of the Master Plan shall be prepared by a licensed engineer, architect or landscape architect and include:

(a) Plan showing existing site conditions and structures, including tidal and inland wetlands and watercourses, which, along with other surveys and plans listed below, shall be at a scale of one (1) inch equals forty (40) feet or larger shall include all those items required by Section 51 Site Plan Requirements.

(b) An impact statement regarding the effect, if any, of the proposed new uses or change in uses on surrounding residential properties and a description of what, if any, changes are proposed in flow of traffic or pedestrians, as well as buffering to minimize the impact.

(c) A sign plan for commercial uses, indicating the general position, content, and appearance of signs visible from the public right-of-way and in accordance with Section 10.4 of the Regulations.

(d) For waterfront properties the applicant shall submit a suitability analysis of the site for various water-dependent uses or public access to the Commission.

36.4.7. Changes to the Master Plan.

(a) Any modifications that change the dimensional elements of an approved Site Plan shall follow the Site Plan Procedures in Section 51.13.

(b) Any modifications to the use elements in the Master shall follow the Zoning Map Amendment Procedures in Section 74.

36.5 Detailed Site Plan

36.5.1. As part of or after the Master Plan approval, a Detailed Site Plan Application shall be submitted for approval in accordance with Section 51 and including all of the information required by the approved Master Plan.

36.5.2. Site Plans may be submitted in phases provided that such phases include of all those public amenities and features used as public protection for the surrounding area. Such phases shall be capable of complete and self-sufficient existence with the completion of the remaining phases.

36.5.3. Detailed Site Plans must be submitted within 24 months of the Zoning Map Amendment and Master Plan Adoption. The Master Plan shall become null and void if the Detailed Site Plan is not approved within that timeframe. The Commission may grant one extension of this period upon written request of the Applicant, but in no event shall the extension exceed an additional 24 months.

36.6. Specific Design Standards

36.6.1. Residential Buildings shall not exceed a height of 35' total building height to peak of roof.

36.6.2. Accessory Buildings for Residential Uses shall not exceed a height of 20 feet.

32.6.3. Such maximum height shall not apply to the following when not for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos, as well as features such as tanks and heating, ventilating, air conditioning, railings, and elevator equipment including elevator shaft, solar collectors that are located on the roof of a building and do not occupy more than 25 percent of the area of the roof.

36.6.4. Additional Bulk Standards

Minimum Front Yard	Maximum Building Coverage	Minimum Side Yard	Minimum Rear Yard	Total Parcel Building Coverage	Total Parcel Coverage (including pavement)
25 feet**	10%	25 feet	25 feet**	12.0%	20%

The above standards shall apply to dwellings within a standard subdivision with separate lots. In addition, separate dwellings are permitted within a common ownership community with private internal roadways. In such instances, a plan shall be submitted documenting conformance with these standards (although no lot lines need to be established).

** The Greater of PDD, Gateway or Coastal setback requirements will adhere

36.6.5. Two Parking spaces shall be required or each Dwelling Unit in the PDD.

36.7 Certificate of Zoning Compliance

36.7.1. Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance to permit any occupancy of the PDD, the developer shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission to guarantee the provision of all facilities common to the entire development, including but not limited to private roads, buffer strips, walkways, recreational facilities, club houses and other common areas.

36.7.2. The financial guarantee shall be conditioned upon completion of said common facilities within five (5) years of the date of approval of the first such Certificate of Zoning Compliance, except that the Commission may extend the time for completion for an additional period not to exceed one (1) year after public hearing for a good cause shown.

36.8 Additional Limitations

36.8.1. Adoption of a Planned Development District by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Detailed Site Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.

36.8.2. The development authorized by the Commission shall be completed within five (5) years from the effective date of the latest Detailed Site Plan approval for the PDD except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise the Commission shall be deemed authorized by the owner or owners of land within the District to amend these Regulations and the Zoning Map, deleting the Planned Development District and establishing for such land the provisions of another zoning district.

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 archaeological 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-1	SP-2	SP-3
37.1.1	A single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*	X	X	P
37.1.2	A *dwelling* containing two (2) *dwelling units* and not more than one (1) *dwelling* per *lot*	X	X	S
37.1.3	[Reserved]			
37.1.4	Home Business	X	X	P

		SP-1	SP-2	SP-3
37.1.5	[Reserved]			
37.1.6	*Signs*	P	P	P
37.1.7	A dock, wharf, slip basin or similar landing facility for pleasure *boats* or excursion *boats* serving the public, expressly excluding vessels engaged in commercial fishery or shellfishery	S	S	X
37.1.8	Establishment for the sale, repair or servicing of pleasure *boats*, including the dispensing of fuel or lubricants for *boats* at retail, but expressly excluding dry storage of *boats* or bulk storage of fuel	X	S	X
37.1.9	A sail loft or ship chandlery, including the retail sale of marine equipment, engines or provisions for pleasure *boats*	X	S	X
37.1.10	*Park* or playground or *open space* land	P	S	X
37.1.11	Marine research laboratory for the study of aquatic and marine environment, ecology or resources	X	S	X
37.1.12	Indoor *restaurant or outdoor restaurant* or other food and beverage service establishment	X	S	X
37.1.13	The following *uses* when related to and either accessory or subordinate to a *use* permitted under paragraphs 37.1.7, 37.1.8, 37.1.9 or 37.1.12 on the same *lot*: Business or professional office; Store or other *building* or *structure* where goods are sold and services are rendered primarily at retail; *Hotel* or *motel*, including conference facilities; swimming or other recreational facility	X	S	X
37.1.14	*Hotel suites* and *hotel rooms* in a separate *building* or *buildings*, as accessory to and administered as part of a *hotel* permitted under these Regulations, subject to the Special Standards of Section 53.	X	S	S
37.1.15	*Buildings*, *use* or facility of the Town	S	S	S
37.1.16	*Building*, *use* or facility of the State of Connecticut or Federal government	S	S	S
37.1.17	Off-*street* parking accessory to a *use* permitted and located in the Saybrook Point District	S	S	S
37.1.18	*Accessory uses* customary with and incidental to any permitted *use* located on the same *lot*	P	P	P

		SP-1	SP-2	SP-3
37.2	**Lot Area, Shape and Frontage**			
37.2.1	**Minimum Lot Area** (s.f.)	20,000	20,000	69,700
37.2.2	**Minimum Dimension of Square**	100 feet	100 feet	100 feet
37.2.3	**Minimum Frontage**	50 feet	50 feet	50 feet
37.3	**Height**			
37.3.1	**Maximum Number of Stories**	2½	2½	2½
37.3.2	**Maximum Height**	35 feet	35 feet	35 feet
37.4	**Setbacks**			
37.4.1	**From Centerline of College St. Right-of-Way**	55 feet	70 feet	55 feet
37.4.2	**From Street line of Other Streets**	25 feet	25 feet	25 feet
37.4.3	**From Property Line**			
	A. Abutting navigable water	None	None	None
	B. Not abutting navigable water	15 feet	15 feet	15 feet
37.4.4	**Projections Into Setback Area**	3 feet	3 feet	3 feet
37.5	**Building Bulk and Coverage**			
37.5.1	**Maximum Building/Structure Coverage**	10%	25%	20%
37.5.2	**Maximum Gross Floor Area**	10%	50%	40%
37.5.3	**Maximum Total Lot Coverage**	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

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*.

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 qualities 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 office; 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 *Daycare*

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

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 *use*

41.2 Special Exception Uses

41.2.1 Helipad

41.2.2 Indoor restaurant or other indoor food and beverage service 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*

41.2.7 Any one of the following *uses* when not conducted as a business or for profit; school, college, university or educational facility

41.2.8 *Marine Vehicle Establishment*

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**

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

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*.

ARTICLE IV

[RESERVED]

ARTICLE V
SITE PLANS, SPECIAL EXCEPTIONS, and SPECIAL ZONES

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51.1 **Procedure**
51.2 **Activities for Which a Site Plan Is Required**
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SECTION 58 **Gateway Conservation (GC) Zone**

58.0 **Purpose**
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58.2 **Riparian Buffer Area**
58.3 **Developed Areas**
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58.6 **Setback (Gateway Conservation Zone)**
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58.8 **Considerations for Decision**

SECTION 59 **Coastal Area Management (CAM) Zone**

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

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 3.3.1 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*. I*ntensification* 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 to 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 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.

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), CT River Counsel of Governments (RiverCOG), *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 purpose of the *District*.

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*; improving quality of life by maintaining a minimum illuminance intensity appropriate with the conforming uses in the *District*.

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 *lot* 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: and that *buildings* or *structures* fifty (50) years old or more, or which otherwise contribute to the Town's history, will be preserved, restored, and adaptively re-used rather than being demolished or replicated. Relocation of a historic *building* or *structure* on the *lot* will be a last resort and such relocation will be to a visually prominent location on the *lot*. The *Commission* may condition any Site Plan approval on the retention and maintenance of a historic *building* or *structure*. If a historic *building* or *structure* is effectively demolished, either by neglect or affirmative act, prior to the filing of the application with the apparent intent to avoid its preservation, the *Commission* may require that the *building* or *structure* be exactly replicated in every exterior detail.

51.5.11 **Neighborhood & Placemaking.** That the location, size, scale, and architecture 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 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 revised 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. At the discretion of the *Commission* or its agent, site development plans will include a minimum of four (4) points and their Connecticut State Plane Coordinate Grid System locations (NAD83) distributed on the perimeter of the property.

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**

(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 of 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 facilities, subsurface sewage disposal systems, storm water drainage facilities, water supply facilities, and refuse collection areas, including provisions for recycling, as well as other underground and above ground utilities.

(2) Storm water management 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 (1/2) 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) Specifications identifying the degree of perviousness for any material proposed as pervious;

(9) 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 archaeological 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. In accordance with Section 8-25a of the Connecticut General Statutes, any development providing water by means of a "water company," as that term is defined in Connecticut General Statutes section 16-262m(a), shall provide to the *Commission* a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Public Utilities Regulatory Authority (PURA) and the Department of Health Services (DHS). No application for Special Exception involving a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Old Saybrook Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The *Commission* may condition approval of an application on receipt of a Certificate of Public Convenience and Necessity where Phase I-A approval, as defined by Connecticut State Agency Regulations sections 16-262m-1 and 16-262m-5, has been granted by PURA and DHS.

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 Plan** – 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 curve number 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 plan must incorporate low impact development (LID) practices, where practicable, runoff reduction/alternative treatment standards considerations, water quality and how the development/redevelopment will retain the water quality volume (WQV) on the site.

   The Applicant will demonstrate consistency with the most current Connecticut Stormwater Quality Manual, CT DEEP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), the Town of Old Saybrook MS4 Stormwater Management Plan (SMP) and the CT DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, where applicable.

   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 to be conveyed or controlled by the town which are shown on the approved site plan. The bond will be in a form, amount and duration, not to exceed one year, acceptable to the *Commission* and its legal counsel. No bond shall be required to be posted prior to an Applicant's seeking a certificate of zoning compliance or occupancy. 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.

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

Any approved site plan not completed in five (5) years (or other time as may be authorized by the Connecticut General Statutes) of the date of the *Commission* approval will 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*, or delegated to the Zoning Enforcement Officer for approval, or provided the amendments do not alter the overall visual appearance, 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.

The *Commission* may determine that increases to *building/structure coverage* and/or *gross floor area* are minor when the increase does not exceed ten percent (10%) of the *building/structure coverage* beyond the initial Special Exception approval date and/or *gross floor area* of all *structures* on a *lot*, five hundred square feet (500 s.f.) total maximum, for all *structures* on a *lot*. The *Commission* may grant multiple minor amendments to an approved site plan if the total increase in *building/structure coverage* and/or *gross floor area* cumulatively does not exceed one thousand (1,000 s.f.).

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 visual impact, quality, density or intensity, *uses*, amenities, parking or other major features of a site plan. The *Commission* will decide whether a change will be designated major or minor.

SECTION 52

Special Exception Uses

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 special qualities requiring 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:

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 (SPEX)

Upon receipt, the Land Use Department will transmit the application and accompanying plans and documents to the *Commission*; and may 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. 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 five (5) 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 five (5) years. 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 **Historic Preservation.** The location, type, 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. *Buildings* or *structures* fifty (50) years old or more, or which otherwise contribute to the Town's history, will be preserved, restored, and adaptively re-used rather than being demolished or replicated. Relocation of a historic *building* or *structure* on the *lot* will be a last resort and such relocation will be to a visually prominent location on the site. The *Commission* may condition any Special Exception approval on the retention and maintenance of a historic *building* or *structure*. If a historic *building* or *structure* is effectively demolished, either by neglect or affirmative act, prior to the filing of the application with the apparent intent to avoid its preservation, the *Commission* may require that the *building* or *structure* be exactly replicated in every exterior detail.

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 harmonize with the neighborhood, to accomplish a transition between unlike areas, 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.

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 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) *boat*s.

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:

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, MI 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.
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, *daycare* 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 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 53 Adult Entertainment Businesses) 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 these Regulations.

C. **Required Renewal** – Renewal of *adult entertainment business*es 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.

Animal Care Services. Animal care service establishments may be allowed in the Residence AA-1 Zoning District subject to the following:

A. *Animal care services* may be located on a Lot of not less than three (3) acres and which Lot abuts a railroad right-of-way.

B. All *buildings* where animals are kept *will* be not less than one hundred (100) feet from any residential property line, but this setback *will* not apply to street line or railroad right of way. All outside runs or pens *will* not be less than one hundred and fifty (150) feet from any residential property line, but this setback will not apply to street line or railroad right of way. Perimeter landscaping buffer requirements apply to property lines other than railroad right of way.

C. The maximum number of animals on site at any one time for an *Animal Care Services* in the Residence AA-1 Zoning District will be thirty (30).

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

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

Apartment, Accessory. An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) *family* is a *use* subordinate to the single detached *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 apartments:

A. An accessory apartment may be attached to or detached from the primary *dwelling unit.*

B. A maximum of one accessory apartment (attached or detached) is permitted on a *lot* having at least the minimum area as required by these Regulations for the *District* where the *lot* is located or on a pre-existing *non-conforming lot* of 12,500 s.f. or more when served by public water. Accessory apartments (detached) are expressly prohibited on *lots* of less than 12,500 s.f.

C. 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* is eligible to have a professional office or home occupation as an *accessory use* in addition to the accessory apartment. The accessory apartment is not eligible for *use* as a professional office or a home business in a *dwelling unit*.

E. The *gross floor area* of the accessory apartment will not exceed one-third of the *gross floor area* of the single-detached *dwelling* including attached or detached garage area serving as the principal *use* on the *lot*, or one thousand (1,000)

square feet, whichever is less. Any finished areas in the detached garage for *uses* other than the parking of vehicles or storage of items customarily stored in a garage such as yard and lawn equipment will be counted toward the area of accessory apartment (detached).

F. The accessory apartment will be provided with a kitchen and a full bathroom, separate from the facilities of the *single-family* principal *dwelling*, as well as two (2) means of egress including a separate outside door.

G. The single-*family* detached *dwelling* for one-*family* 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 other spaces required for the *dwelling*.

I. Either the single-*family* detached *dwelling* for one-*family* or the accessory apartment will be occupied by a *person* who owns the premises, except, under this subsection, a *person* may also be a non-profit corporation organized for the purpose of providing housing for low and moderate income individuals and *families*, where the premises is not operated for profit, in which case both the single detached *dwelling* and the accessory apartment (residential) may be occupied by non-owners.

J. Accessory apartments will not be rented for a duration of thirty (30) days or less.

K. 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), *person* who owns the premises will file with the Enforcement Officer a new affidavit of ownership of the premises certifying that either the accessory apartment or the *single-family* detached *dwelling* is occupied by the *person* who owns the premises as required for the original application; and certifying that the rental of either the accessory apartment or the *single-family dwelling* will not be rented for a duration of thirty (30) days or less.
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.

L. The property will be served by one shared *driveway* and will not have multiple *driveways* or curb-cuts to the *street* giving the appearance of two (2) *single-family* detached *dwelling units.*

Standards for Accessory Apartments (attached)

A. The accessory apartment (attached) will be located within, or in an addition to, the *single-family* detached *dwelling*. A garage *structure* attached to the *dwelling* and converted to contain an accessory apartment is considered attached.

B. The *single-family* detached *dwelling* for one-*family* containing an accessory apartment will have a design that maintains the appearance of the premises as a *single-family* detached *dwelling* for one (1) *family*. Alterations to the *structure* to accommodate the accessory apartment will be designed in a manner that

the *structure* can be converted back to a *single-family* detached *dwelling* without substantial demolition or reconstruction to the *dwelling.*

C. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* or detached garage will be located on the side or rear of the building/*structure* and will include at least one fully enclosed stairway. Only one front door facing the *street* is permitted unless two doors existed at the time of application.

Standards for Accessory Apartments (detached)

A. The accessory apartment (detached) will be located on the same *lot* as *single-family* detached *dwelling unit* for one *family*.

B. The accessory apartment (detached) will meet all *setback*, *bulk* standard requirements and will be located no closer to any *street* than the detached *dwelling unit* serving as the principal *use* on the *lot*.

C. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* or detached garage will be located on the side or rear of the accessory *structure* and will include at least one fully enclosed stairway. Only one front door facing the *street* is permitted unless two doors existed at the time of application. One door facing the *street* is permitted.

D. The accessory apartment (detached) will be designed in a manner that it appears accessory and subordinate to the *single-family* detached *dwelling unit.*

Accessory Apartment Application Requirements:

The application for Certificate of Zoning Compliance will be accompanied by the following:

A. An affidavit of ownership signed by the owner of the premises and affirming knowledge of the following Zoning Requirements pertaining to the issuance of the permit:

B. The accessory apartment or the *single-family dwelling* will be occupied by an owner of the premises as the principal place of residence.

C. Neither the accessory apartment nor the *single-family dwelling* is permitted for rental for a duration of thirty (30) days or less.

D B-100a or Engineered Plan Review approval from the CT River Area Health District (CRAHD) demonstrating that septic and water are sufficient to accommodate the *uses*.

E. A plan of the premises as specified in Paragraph 72.2; and

F. Competent floor plan drawings of the *dwelling* and accessory apartment, and suitable sketches, architectural drawings or photographs sufficient to show the extent of exterior *building* and façade construction including any alterations.

Apartment, Mixed Use. An apartment mixed *use* is a *dwelling unit* that is accessory and subordinate to a permitted non-residential *use* and is an additional *use* which the *Commission* may approve by Special Exception in the Central Business B-1 Zoning *District*.

The following standards, conditions, and procedures are applicable to the establishment of all mixed-use apartments:

A. When mixed-*use* apartments are proposed on a *lot*, the total s.f. of the apartments will not exceed 50% of the *gross floor area* of the *buildings* on a *lot*. One apartment will not exceed 800 s.f. of *gross floor area* and the other will not exceed 1,500 s.f. of *gross floor area*, the sum of both will not exceed 2,300 s.f. If only one apartment is proposed, the mixed-use apartment will not exceed 800 s.f. or 1500 s.f. of *gross floor area*. When three or more apartments are proposed on a *lot*, the third apartment and any additional apartments will not have a maximum *gross floor area* requirement but will be deed restricted as affordable unit(s) for 30 years at 80% or lower of the median income of Middlesex County.

B. Except for an access door, lobby, or hallway, no portion of a mixed-use apartment will be located on a first *story* or will be located facing a *street* in a manner that disrupts a series of commercial *uses* (i.e., non-residential permitted in the underlying zone) as viewed from a *street* or other public space. The purpose of this provision is to limit first *story* mixed-*use* apartments to those areas where commercial *uses* transition to nearby residential *uses* located along the *street*. A door along the *street* to access second *story* apartments or to a hallway to access rear apartments is to be permitted and is encouraged.

C. For corner *lots*, the *Commission* in its discretion may allow for first *story* mixed-*use* apartments facing a *street* when the location does not break up an existing or planned commercial streetscape.

D. Any *gross floor area* remaining on any *story* of the *building* that is not used for mixed-*use* apartments will be used in accordance with the *uses* permitted in the underlying *district*, or, if vacant, is being actively marketed as such.

E. Residential *uses* shall comply with the provisions of Section 68, specifically Sections 68.1.3 and 68.1.4.

F. Any Special Exception issued under this Section shall be valid until the following January of each year ending in a five (5) or a zero (0), at which time the owner of the premises will file with the Enforcement Officer an affidavit, and such other evidence as the Enforcement Officer may require, establishing that the mixed-*use* apartment continues to comply with the criteria set forth above, the approved plans, and any condition of approval attached to such Special Exception.

Athletic Field Lighting. In Industrial I *District* and Residence A, illumination of athletic fields not located in the *CT River Gateway Conservation Zone will* be permitted as an *accessory use* subject to the following special standards and conditions:

A. Athletic Field Lighting *will* be located on a *lot* of a minimum of eleven (11) acres owned by the Town of Old Saybrook or Old Saybrook Fire Company #1.

B. Times and Hours of Operation

1. Lighting is permitted from March 1st to November 30th.
2. Lighting is not permitted on Sundays unless otherwise specified as part of the Special Exception approval.
3. Lighting is permitted on State or Federally-recognized Holidays if the Holiday is specifically identified in the Statement of *Use* as part of an approved Special Exception Permit.

4. Lighting *will* be turned on no earlier than 7 a.m.
5. Lighting *will* be shut off by 9:00 p.m on Monday – Thursday and by 10:30 p.m on Friday and Saturday.
6. Requests for the *use* of lighting for a special event not specifically listed in a Special Exception approval will be submitted to the Zoning Commission for consideration a minimum of three (3) weeks in advance of a regular meeting in letter format and will not require an application for modification of the Special Exception approval.

C. Standards

1. All lighting must be down directed to the greatest extent possible.
2. International Dark Sky Criteria for Community-Friendly Outdoor Sports Lighting is the preferred measure for illuminance density standard for athletic fields.
3. At the property line, the *Commission* may allow up to 0.60 foot candles yet prefers a maximum of 0.3 foot candles.
4. Power supply *will* be located on the same *lot* as the athletic field or on an adjacent *lot*. Power *will* be permanently hardwired and not powered by the *use* of gas, diesel or other fuel-powered generators.
5. Prior to the issuance of a Zoning Certificate of Compliance the applicant *will* submit a final engineer's certification of luminance measurements at the property line.

D. *Setbacks* for Light Poles Used To Illuminate Athletic Fields

1. From *Street* Line: 50 feet
2. From *Rear Property Line*: 50 feet
3. From Other Property Line: 50 feet
4. Maximum *Height*: 80 feet

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) 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 on the same *lot*.

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 pattern of the neighborhood, including screening. In any event, there will be no more than four (4) rooms in the *dwelling*.

I. No b*ed and breakfast transient lodging use* is permitted in a *dwelling* where rooms are rented.

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.

Cannabis Dispensary (previously approved). An existing, or proposed, adult-use and/or medical *cannabis dispensary facility* may be expanded, enlarged or changed by Special Exception Permit subject to the following standards:

A. The existing, or previously approved adult-use and/or medical *cannabis dispensary facility* obtained an approved Site Plan Application and/or approved Certificate of Zoning Compliance (CZC) prior to January 1, 2022.

B. The *lot* size has not increased or decreased in size since the original Site Plan Application and/or approved Certificate of Zoning Compliance (CZC) prior to January 1, 2022.

C. *Use* changes will be limited to types of retail *uses* only (medical and/or adult sales).

D. The addition of *Cannabis Manufacturing*/Growing is not proposed.

Cannabis Micro-Cultivation Facility. An indoor facility where the cultivation, manufacturing and packaging of cannabis and cannabis products may be permitted, expanded, enlarged, or changed by *special exception permit* subject to the following standards.

A. All activities will take place inside an enclosed *building* with walls.

B. A *Cannabis Micro-Cultivation Facility* will not exceed ten thousand (10,000 s.f.) of *cannabis grow space* at the time the initial *Special Exception Permit* is issued. Any future expansion will require authorization by the commissioner of CT Department of Consumer Protection, and a *Special Exception Permit*.

C. The total maximum *cannabis grow space* of a *Cannabis Micro-Cultivation Facility* will not exceed twenty-five thousand square feet (25,000 s.f).

D. No Cannabis Micro-Cultivation Facility will be located within one-thousand feet (1000') of a municipal building, public park, public recreation or open space area, licensed adult or child day care center, school (private or public) or place of worship located within the town of Old Saybrook, or within five-hundred feet (500') of a *residential zoned property* located within the town of Old Saybrook (each a "Protected Use") that are in existence at the date of application. Distances measured under this subsection are measured from property line to property line. A *Cannabis Micro-Cultivation Facility will* not become a *nonconforming use* by the later establishment of any of the uses listed above and can be enlarged, renovated, and reconstructed by *Special Exception Permit*.

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 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 historic qualities 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 an Industrial I *District*, the *daycare* facility will be located within a *building* on a *lot*, which *building* is also occupied by other *uses* or within a separate *building*. The facility may have an outside *fenced* playground area.

The *daycare* facility, including but not limited to its location within a *building*, its location in relation to other *buildings* on the *lot*, its playground area and its drop off and pick up points in relation to truck and other vehicular traffic, will be subject to the applicable requirements of these Regulations.

Drive-through windows. *Drive-through windows* are permitted by Special Exception Permit as an *accessory use* to service customers in motor vehicles at a *drive-through window* for financial institutions, *pharmacies*, indoor restaurants or other food and beverage establishments under the following conditions:

A. *Drive-through windows* for *pharmacies*, indoor restaurants and other food and beverage establishments must be located in an enclosed *building* where customers without a motor vehicle can enter for retail purchase of products and located on a *lot* having not less than eighty thousand square feet (80,000 s.f.) of *lot area.*

B. Drive-throughs for financial institutions are not required to have an interior area to service customers and may be serviced by an automated teller machine or self-service deposit box kiosk.

C. *Drive-through windows* for *pharmacies* will only be permitted for the presentment and pick-up of prescriptions, over the counter medicinal drugs and testing.

D. 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.

E. 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.

F. The applicant must plant evergreen or other tree species to provide a perimeter buffer.

G. There will be no more than one *drive-through window* and one *drive-through 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 one (1) business per *building*.

H. 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 and 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*.

I. No *building* having a *drive-through window* will be located within one hundred feet (100′) from a residence district boundary line.

J. No property can have a drive-through unless the property has a minimum of three hundred fifty feet (350′) of *frontage* on Route 1 or Route 166 and is located south of Interstate I-95.

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 toward 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 *dwellings* 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 *dwellings* 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 *dwellings*, as well as utility and maintenance *buildings* and facilities necessary for support of the *dwellings* 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.

Fence, Hazardous. All *hazardous fences* must be permitted by Special Exception except when used to provide security to a public utility *building* or *structure* (including a utility tower); for Town and State facilities requiring security from entry; or where constructed as a barrier to livestock and farm animals to prevent them from entering or leaving an enclosed area accessory to a permitted farm.

Food and Beverage Concession Service. A food and beverage concession service is an accessory *use,* involving the indoor or outdoor retail sale of food for consumption on the premises, such retail sale *not* being to the general public nor for consumption off the premises, but *accessory* to a *park or playground* operated by the Town of Old Saybrook when said *park* abuts Long Island Sound. A food and beverage concession service may be permitted in any *district* by Special Exception *Use* when in accordance with the following standards and conditions:

A. A food and beverage concession service will not operate when the *park* to which it is accessory is not open to the public, and in no event will a food and beverage concession service operate for more than six (6) months in any calendar year.

B. A food and beverage concession service will not obstruct parking, loading, emergency access areas, pedestrian *walkways* or paths.

C. A food and beverage concession service will provide service to patrons of the *park* to which it is accessory. *Signs*, advertising, promotion, or other market efforts directed to off-site patrons is prohibited.

D. A food and beverage concession service will have a maximum floor area of no more than four hundred square feet (400 s.f.) of indoor or otherwise enclosed space. One wheeled cart or one motor vehicle situated on the property for a minimum of four hours per day may be permitted in lieu of a permanent *building*. No outdoor seating will be provided for this *accessory use* however *park* benches, picnic tables and other furniture located at the *park* on a year round basis may be used for seating.

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

A. The *person* conducting the home business will reside in the *dwelling unit*, and there will be no more than one (1) non-resident *person* employed on the premises in connection with the business.

B. There will be no evidence outside the *dwelling*, except permitted *signs* and required off-*street* parking, that the *dwelling* contains a home business.

C. The home business will be confined to but one (1) floor of the *dwelling unit* and will not exceed more than twenty-five percent (25%) of the *gross floor area* of the *dwelling unit*.

D. No finished consumer goods will be acquired outside the *dwelling unit* for sale in connection with a home business within the *dwelling unit.*

E. The home business and conduct thereof will not impair the residential appearance 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 business 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*.

Hotel Suites in the SP-2 and SP-3 Districts.

A. A *hotel suite* and *hotel rooms* may be permitted as accessory to and part of a *hotel* permitted under these regulations. The *hotel suite* and *hotel rooms* may be located within the *hotel Building* or *Buildings*.

B. Section 9.1 of these Regulations notwithstanding, a *hotel suite* or *suites* and *hotel room* or *rooms* may be located in a *building* or *buildings* on a separate *lot* from the *hotel* provided that a public entrance to said *hotel* is not more than 1000 feet distant from the entrance to the *building* in which each *hotel suite* and each *hotel room* is located, and provided that all other requirements of this Section are met.

C. The number of accessory *hotel suites* will be less than 50% of the number of total rooms in the *hotel* devoted to transient lodging.

D. The floor area of the accessory *hotel suites* will be less than 50% of the floor area of the total rooms in the *hotel* devoted to transient lodging.

E. A *hotel suite* will not be less than 750 square feet, nor exceed 1900 square feet and a *hotel room* will not be less than 250 square feet nor exceed 700 square feet outside the *hotel room* or suite that is designed or arranged such that it is for the exclusive use of one or more of the *hotel rooms* or suites shall be allocated to that *hotel suite* or room prorata.

F. In the event a *hotel suite* or *hotel room* is located on a separate *lot* from the *hotel*, no more than 24 *hotel suites* or *hotel rooms,* or combination of *hotel suites* and *hotel rooms* may be located on any single *lot*, and no other *hotel* facilities will be located on the same separate *lot*.

G. No *hotel* facilities shall be located on the said separate *lot* for *use* by the *hotel* guests other than the occupants of the separate *building* or *buildings* on the *lot*, or for *use* by the general public.

H. Within the *building* or *buildings* on the separate *lot*, the *Commission* may approve a separate entry area and a separate common area which may have kitchen facilities, for the *use* of the occupants of the *building*, and not for *use* by *hotel* guests other than the occupants of the *building*, nor for *use* by the general public. Any such *building* or *buildings*, including any entry area and common area, shall not have separate staff, but shall be administered as an accessory part of the *hotel* as required under Section 37.1.14.

I. In the event a *hotel suite* or *hotel room* is located on a separate *lot* from the *hotel*, there will be two parking spaces per *hotel suite* and one parking space per *hotel room* located on the same *lot*. Such parking spaces per *hotel suite* and *hotel room* will be in addition to the parking required for any other *uses*, principal or accessory, located on such *lot*.

J. In the event the *hotel suite*s or *hotel rooms* are to be located in an existing *dwelling* or *dwellings* having the same or more *bedrooms* than proposed, which *dwelling* or *dwellings*, or the lot on which it is located, is *nonconforming* to one or more of the requirements of Section 37.2 through 37.5, inclusive, the provisions of 10.7 shall apply.

K. In the event the *hotel suites* or *hotel rooms* are to be located in an existing *building* containing more than one *dwelling* unit, no part of the existing *building* can be converted to *hotel suites* or *hotel rooms* except under the following condition:

    1. Only the first floor *dwelling units* will be converted to *hotel suites* or *hotel rooms* in the event *dwelling units* are to remain above the first floor of the *building*.

Kennel. A *kennel* will be located on a *lot* of not less than five (5) acres as a Special Exception *Use*. 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*.

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, 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, 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*.

Marine Vehicle Establishment. A *marine vehicle establishment* will conform to the following special standards:

A. The marine vehicle establishment will be located in the Industrial I, Business B-3 or B-4 *Districts* and within five thousand (5,000) feet of the main navigable channel of the Connecticut River, specifically excluding North Cove, South Cove and tributaries of the Connecticut River.

B. The display or storage of *boats* and related products, or any other outdoor storage or display, may be permitted when located at least fifty feet (50′) from the *street line.* The *Commission* may allow a lesser setback where a landscaped buffer is provided between any such display or storage area which buffer is as high as any product to be displayed or stored less than fifty feet (50′) from the *street line*. The *Commission* may also require landscaped buffering for outdoor storage or display areas regardless of their location on the *lot* where desirable to protect abutting zones or *uses*.

C. The sale of parts, accessories, and products related to motorized or non-motorized *boats*, personal watercrafts, marine trailers, marine equipment, and marine engines is permitted as an *accessory use*, the application for *marine vehicle establishment* will identify the floor area within a *building* or the square footage of outdoor areas to be dedicated to such *accessory use*, and the *Commission* may impose conditions of approval to establish that such sale is significantly accessory to the *principal* use for the sale, repair, manufacturing, storage or servicing of motorized or non-motorized *boats*, personal watercrafts, marine trailers, marine equipment and marine engines. The intent of these Regulations is that retail trade not be the primary or predominant use of premises approved for a *marine vehicle establishment*.

Material Earth Removal, Filling & Excavation. A Special Exception Permit is required and valid for one (1) year from the date of *Commission* approval for deposition, excavation, removal, grading or dumping one hundred cubic yards (100 yd3) or more of earth or any other material on any *lot* in a calendar year.

A Special Exception is not required for deposition, excavation, removal, grading or dumping of one hundred cubic yards (100 yd3) or more of earth including loam, sand, gravel, clay, peat or quarry stone material or any other material on a *lot* in a calendar year when the project/activity is associated with the following:

A. A permit issued by the CT DEEP, Army Corps of Engineers, Planning Commission, Zoning Commission, Zoning Board of Appeals, Inland Wetlands & Watercourses Commission or Zoning Enforcement Officer.

B. Installation of a Health Code compliant septic system or drinking water well approved by the CT River Area Health District (CRAHD) or State of Connecticut when the fill deposited or excavated will not exceed the absolute minimum required to meet the Health Code.

C. Installation, maintenance or replacement of driveways, *sidewalks*, roads, parking lots, snow removal, drainage, utilities such as gas lines and buried utility tanks.

D. Operation of a permitted agricultural *use*, transfer station, public works garage or recycling center or temporary debris storage by the Town of Old Saybrook or State of CT as a result of major storms.

Motor Vehicle Fueling Station. The retail sale of gasoline or other motor vehicle fuel and related vehicle battery-charging stations, will be subject to the following special standards and conditions in addition to the other requirements of these regulations.

A. There will be no more than ten (10) fuel-dispensing stations ("pumps") which may be in double-sided configurations.

B. The vehicle spaces immediately adjacent to the fuel-dispensing stations and any vehicle battery-charging station space will not be counted to meet any minimum parking space requirements for the site.

C. The applicant will demonstrate to the satisfaction of the *Commission* that provision has been made for the safe *street* access and egress of vehicles from the fuel-dispensing stations and any battery-charging station to the *street* as well as the rest of the site.

D. The applicant will demonstrate to the satisfaction of the *Commission*, that adequate provision has been made for *pedestrians* to safely enter/exit the fuel-dispensing station or battery-charging stations proposed under this Section.

E. There will be no more than two (2) signs for directional flow provided that the directional signs are no wider than forty-eight (48") nor higher than eight inches (8′′) only, with the words "Enter" or "Exit" with "Fuel." A battery-charging station will be identified by a sign no wider than forty-eight inches (48′′) nor higher than eight inches (8′′), with the words "Battery-Charging Station."

F. The location of television screens, monitors, or speakers at the fueling station for the purpose of entertainment or advertising while fueling are not permitted.

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

Motor Vehicle Uses. A *motor vehicle fueling station*, motor vehicle repair garage and automotive *uses* specifically listed as Special Exception *Uses* in a zoning *district*, will conform to the following special standards:

A. No *building* or *structure* used for a *motor vehicle fueling 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 fueling 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 one thousand feet (1000′) in the Shopping Center Business B-2 District and within five hundred feet (500′) in the Gateway Business B-4 District of any pump or other fuel-filling devices 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 storag*e 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 these Regulations will be in addition to, not in lieu of, the requirements set forth in C.G.S. §14-54, §14-67i, and §14-321.

Non-Commercial Communication Equipment. *Antennas* and their support *structure* in residence *districts* intended for *non-commercial communication* purposes, including television *antennas*, 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%
MI	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.

Propane, Bulk Storage. The *bulk* storage of propane, liquified petroleum gas, or liquified natural gas, where such storage is not for consumption of the product by the occupant(s) of the *lot*, shall be allowed in the Industrial *District* under the following conditions:

1. The gross amount of propane, liquified petroleum gas or liquified natural propane stored on any *lot*, or in a single, integrated multi-lot development, shall not exceed 60,000 gallons;
2. The maximum tank size shall be 30,000 gallons;
3. Any tank shall have a minimum *setback* of fifty (50) feet from any other *lot*;
4. Any tank shall have a minimum *setback* of five hundred (500) feet from a *dwelling unit*; and
5. The *lot* on which the *bulk* storage is located shall not be within six hundred (600) feet of U.S. Route 1 (Boston Post Road).
6. In addition to the bulk storage of propane described above, the occupant may have additional, separate propane storage of up to 1,000 gallons which serves the *building* or *buildings* located on the *lot*.

The bulk storage of propane, liquified petroleum gas, or liquified natural gas, where storage is not for consumption of the product by the occupant(s) of the lot, shall be prohibited in the Coastal Management Area, in the *CT River Gateway Zone* and on properties located within a *Special Flood Hazard Area*.

Public Utility Substation. A public utility substation or telephone equipment *building* will conform to the following special standards:

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 unit*s. 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 by these *Regulations* 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 unit*s 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. An *outdoor restaurant* serving customers who are consuming the food and beverages at tables or counters located outside. The *outdoor restaurant* is required to include restaurant facilities on the same *lot*, including, for example, dedicated restrooms, utility connections, tables, chairs, and hostess station. A Food and Beverage Concession Service (as set forth above) will not be used in the operation of an *outdoor restaurant* or be allowed as an *accessory use* for an *outdoor restaurant.*

Outdoor Seating. Outdoor seating associated with an indoor restaurant, *an outdoor restaurant,* or for the consumption of food purchased at a retail establishment 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.

A. **Restaurant or other indoor food or beverage service establishment.** An indoor restaurant, an *outdoor restaurant,* or other indoor food and beverage service establishment will be permitted to have outdoor seating as an accessory use on the property in which the indoor restaurant or *outdoor restaurant* is located. A restaurant will be permitted to locate one additional exterior seat for every three parking spaces approved for the restaurant *use*.

B. **Retail establishment.** A retail establishment will be permitted to have outdoor seating as an *accessory use* on the property where the retail business is located when the purpose of the seating is for the consumption of food purchased at retail on the premises such as ice cream or pre-packaged foods not prepared on the premises. A maximum of two (2) tables and eight (8) chairs or two (2) picnic tables are permitted per retail business.

The Zoning Commission in its discretion may permit a business to exceed the permitted number of outdoor seats by no more than fifty (50) seats in addition to the approved number of outdoor seats allowed as of right as a Special Exception when at a minimum the business

can demonstrate that one (1) parking space is provided for every three (3) outdoor seats or that there is adequate parking or bicycle/*boat*/pedestrian traffic in the area that additional parking spaces are not necessary.

Outdoor seating for all other uses (i.e., employee lunch areas, waiting areas, picnic areas, lawn furniture and *street* furniture) is permitted and does not require a Certificate of Zoning Compliance unless the seating, tables and furniture placed outdoors is for sale or for storage purposes.

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 *setback*s 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 located within a radius of five hundred feet (500′) of any entrance or exit at the *street line* of a *motor vehicle fueling station* or other motor vehicle *use*.

Vehicle Battery Charging Station

1. Vehicle battery charging stations are permitted as an *accessory use* to a business or industrial *use*. For parking lots with fifty (50) or more parking spaces, five (5) charging stations are permitted for the first fifty (50) approved parking spaces and one (1) additional station is permitted for every additional ten (10) parking spaces located on the *lot*.
2. A maximum of five (5) vehicle battery charging stations are permitted as an *accessory use* to a *dwelling unit* or multiple *dwelling units,* any *uses* or facilities on a *lot* owned by the Town of Old Saybrook, State of Connecticut or Federal Government. For parking lots with twenty-five (25) or more spaces, five (5) charging stations are permitted for the first twenty-five (25) approved parking spaces and one (1) additional station is permitted for every additional ten (10) parking spaces located on the *lot*.

SECTION 54

Incentive Housing Zone (IHZ)

54.0 Purpose

The Incentive Housing Zone (IHZ) is adopted pursuant to the authority of Public Act 07-4. Its purpose is to encourage affordable housing in both residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support concentrations of development. The IHZ seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed-use areas to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities. It is a further purpose that the IHZ may enable context-sensitive infill development and adaptive reuse of existing, historic or underutilized buildings or properties in Old Saybrook that may otherwise be lost to progress.

54.1 General

The IHZ is an overlay *zone* established and approved under this Section, which is an additional class of *zones* in addition to and overlapping a portion or portions of one or more of the *underlying districts*. Except as modified in this Section, the provisions of the *underlying district* will govern.

The total area of any IHZ will not exceed ten percent (10%) of the total land area of the town; the aggregate of all IHZs will not exceed twenty-five percent (25%) of the total land area of the town.

54.1.1 Location Criteria

A. **State Plan.** No land will be zoned for IHZ unless the *zone* change is consistent with the State Plan of Conservation and Development, as may be amended from time to time.

B. **Eligible location.** Any land to be zoned for IHZ will be comprised of the following:

1. **Transit.** An area near a transit station, including rapid transit, commuter rail, bus terminal, bus shelter, or ferry terminal;
2. **Concentrated development.** An area of concentrated development such as a commercial center, existing residential or commercial *district*, or village *district* established pursuant to Conn. Gen. Stats. §8-2j; or
3. **Suitable location.** An area that, because of exiting, planned, or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an IHZ.

C. **Wastewater Management District.** No portion of an IHZ will be located within any portion of the Wastewater Management District (WWMD) as designated by the Town of Old Saybrook and the Connecticut Department of Environmental Protection pursuant to Conn. Gen. Stats. §7-247.

54.1.2 **Subzones**

The *Commission* may designate subzones within an overall IHZ in which different types of *uses* may be permitted, as in the case of a mixed-use *Incentive housing development*.

Each IHZ will consist of one or more subzones, which may overlay each other as well as the *underlying district*. Within any IHZ, there may be any or all of five (5) subzones, designated as: Single *Family* SF Subzone, *Duplex* D Subzone, Townhouse TH Subzone, Multi-*family* MF Subzone, or Mixed-use MU Subzone.

54.1.3 **Incentive Housing Zone IHZ**

IHZs are in locations as indicated on the Old Saybrook Zoning Map and may include subzones and/or approved *Incentive Housing Developments* described as follows:

A. **Single-family SF Subzone.**

1. None.

B. **Duplex D Subzone.**

1. None.

C. **Townhouse TH Subzone.**

1. None.

D. **Multi-family MF Subzone.**

1. **Saybrook Junction Multi-family MF Subzone.** The Saybrook Junction Multi-*family* Subzone overlays that portion of the *Shopping Center* Business B-2 *District* known as 7 North Main *Street* (Assessor's Map 40, Lot 5); North Main *Street* (Assessor's Map Lot 40, Lot 6-1) and North Main Street (Assessor's Map 39, Lot 9) as the Saybrook Junction IHZ as delineated on the Zoning Map.

   Within the Saybrook Junction Multi-*family* MF Subzone, the following *Incentive Housing Developments* have been approved for the purposes of the Housing for Economic Development Program:

   a. None.

E. **Mixed-use MU Subzone.**

1. **Ferry Point Mixed-use MU Subzone.** The Ferry Point Mixed-Use MU Subzone overlays that portion of the Residence A *District*, as the Ferry Point IHZ delineated on the Zoning Map.

   Within the Ferry Point Mixed-Use MU Subzone, the following *Incentive Housing Developments* have been approved for the purposes of the Housing for Economic Development Program.

   a. **"Ferry Crossing" Incentive Housing Development.** (Phase I of Ferry Point Mixed-use MU IHZ) overlays property known as Assessor's Map 45/Lot 3 (45 Ferry Road).

54.2 Approval of IHZ or Subzones

In considering each subzone, or any IHZ as a whole, the *Commission* will find that any application for an *Incentive housing zone* or subzone will comply with the provisions of this Section. In establishing a subzone, the *Commission* will have the discretion to exclude one or more *uses* that would otherwise be permitted in an *Incentive housing development* in that subzone, including *uses* permitted in the *underlying district*, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the *Incentive housing zone*.

54.2.1 **Application Fees.** The applicant for an IHZ shall pay for the cost of review fees in accordance with Old Saybrook Code of Ordinances Chapter 118 (formerly known as Ordinance 71).

54.2.2 **Design Standards.** In adopting the design criteria of Article VI the *Commission* has considered design standards that (1) ensure that development is complementary to adjacent or neighboring *buildings* or *structures* and consistent with the housing plan provided for in Conn. Gen. Stats. § 8-13p, and to (2) address the scale or proportions of *buildings*; site coverage; alignment, width or grade of *streets* or sidewalks; type or location of infrastructure; location of *building* or garage entrances; off-*street* parking; protection of significant natural site features; location or design of open *spaces*; signage; or *setbacks* or buffering from adjacent properties etc.; provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required Incentive housing restriction set forth in this Section.

54.2.3 **Conditions of Approval.** The *Commission* may waive any standards that would unreasonably impair the economic or physical feasibility of constructing *dwellings* at minimum densities or with required Incentive housing restrictions set forth in this Section.

The *Commission* will approve an IHZ subject only to conditions necessary to (1) ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; or (2) mitigate any extraordinary adverse impacts of development on nearby properties.

An application may be denied only on the grounds: (A) the development does not meet the requirements set forth in this Section 54; (B) the applicant failed to submit information or fees required by the regulations and necessary for an adequate and timely review of the design or potential impacts of the development or (C) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

54.3 Permitted Uses

Prior to the approval of any application for Certificate of Zoning Compliance for any *Incentive housing development* that includes any *principal* or *accessory use* permitted under this Section, a Plot Plan or Site Plan, whichever is more suitable as determined by the Enforcement Officer, will be submitted to and approved by the *Commission*. In considering an *Incentive housing development*, the *Commission* will find that any application for an *Incentive housing development* will comply with the provisions of this Section, as well as the Site Plan Objectives and the General Standards for Special Exception *Uses*.

54.3.1 **Single-family SF Subzone.** *Single-family dwelling* for one (1) *family*, subject to Section 54.12.

54.3.2 **Duplex D Subzone.** *Duplex*, subject to Section 54.12.

54.3.3 **Townhouse TH Subzone.** *Townhouse dwelling*, subject to Section 54.12.

54.3.4 **Multi-family MF Subzone.** *Multi-family dwelling*, subject to Section 54.12.

54.3.5 **Mixed-use MU Subzone.** A subzone that allows for *mixed-use development* consisting of *single family, duplex, townhouse or multi-family uses* that are only permitted in conjunction with non-residential *uses* permitted as-of-right or by Special Exception in the *underlying district,* and, in addition, the following by Special Exception:

Bank
Community/Civic center
Convenience store (excluding sale of motor vehicle fuels)
Daycare
Hair care/barber shop/beauty salon
Health club, membership club or outdoor recreation facility
Laundry/Dry cleaner
Library
Liquor store
Medical/Dental office
Place of Worship
Police/Fire station
Restaurant
School
Senior care facility/Convalescent home/Nursing home
Supermarket
Theater

54.3.6 **In All Subzones**

A. Any *principal* or *accessory use* as permitted in the *underlying district* and subject to the requirements and approval procedures as may be applicable to the *uses*.

B. For any *Incentive housing development* in a residential *underlying district*:

1. No non-residential *use* permitted under this section will be located above the first *story* of any *building*; and

2. The maximum percentage of *gross floor area* for any non-residential *use* will be twenty-five percent (25%), and the total *gross floor area* of any non-residential *use* will not exceed three thousand square feet (3,000 s.f.).

54.4 Special Exception Uses

Prior to the approval of any *application* for Certificate of Zoning Compliance for any *Incentive housing development* that includes any *principal* or *accessory use* permitted by Special Exception under this Section or that of the *underlying district*, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the *Commission*.

54.4.1 Mixed Uses

For any *Incentive housing development* in a mixed-use subzone, the *Commission* may allow by Special Exception the inclusion of *uses* otherwise permitted by Site Plan or Special Exception in the *underlying district* provided that the minimum residential densities are met for the total *Incentive housing development*. In any *mixed-use Incentive housing development*, at least seventy (70%) percent of the *gross floor area* of the first *story* will be non-residential *uses*.

Bulk requirements for stand-alone non-residential *uses* in an *Incentive housing development* will be in accordance with the requirements of the *underlying district*.

54.5 Location

The *uses* associated with any *Incentive housing development* need not be located on contiguous *parcels* but will be part of a single integrated plan, even if phased in construction, and those *parcels* will be separated by not more than fifteen hundred feet (1,500).

Any mix of *dwelling types* in an *Incentive housing development* may be located on the same *lot* or on different *lots*; if *lots* are being subdivided into different *lots*, then approval of an *Incentive housing development* is subject to prior subdivision approval.

54.6 Density, Shape and Frontage

In lieu of provision of a minimum area of buildable land, any *Incentive housing development* will be built on *developable land* according to the following requirements:

54.6.1 Minimum Density

Where an *Incentive housing development* contains a mix of the above *dwelling* types, the land occupied by non-residential *uses* will not be included in the residential density calculation. The residential densities will be calculated by apportioning the total acreage of the *Incentive housing development* in the same proportion that each type of housing bears to the total number of *dwelling units* so as to comply with the minimum residential densities and the Incentive housing restrictions set forth in this section.

A. **Private Applicant.** In no event will the density of any *Incentive housing development* be less than 1.25 times the density of the underlying residential or mixed-use district:

1. Single *family dwelling*	6 *dwelling units* per acre
2. *Duplex* or *Townhouse dwelling*	10 *dwelling units* per acre
3. *Multi-family dwelling*	20 *dwelling units* per acre

B. **Public Applicant.** In the case of an *Incentive housing development* proposed by a public applicant, the residential densities will be in accordance with a waiver as may be granted by the Secretary of the Office of Policy & Management in accordance with Conn. Gen. Stats. §8-13n(b)(3).

54.6.3 **Minimum Frontage of Lot**
20 feet or a lesser width as permitted in the *underlying district*.

54.6.4 **Minimum Lot Width along Building Line**
50 feet or a lesser width as permitted in the *underlying district*.

54.7 Height

For *Incentive housing developments* within the *Gateway Conservation Zone*, the *height* restrictions of the *underlying district* will apply.

For *Incentive housing developments* outside the *Gateway Conservation Zone*, the following will apply:

54.7.1 For *single-family dwellings* or *duplex*

Maximum Number of Stories	2 1/2 stories
Maximum Height	35 feet

54.7.2 For *townhouse dwellings* in a residential *underlying district* or in a B-3 *District*

Maximum Number of Stories	2 1/2 stories
Maximum Height	35 feet

54.7.3 For *townhouse dwellings* in a marine or business *district*, other than a B-3 *District*

Maximum Number of Stories	3 stories
Maximum Height	38 feet

54.7.4 For *multi-family dwellings* in a residential *underlying district* or in a B-3 *District*

Maximum Number of Stories	2 1/2 stories
Maximum Height	35 feet

54.7.5 For *multi-family dwellings* in a marine or business *district*, other than a B-3 *District*

Maximum Number of Stories	3 stories
Maximum Height	38 feet

54.7.6 For *mixed-use buildings*

Maximum Number of Stories	3 1/2 stories
Maximum Height	40 feet

54.7.7 For non-residential *uses*, the *height* restrictions of the *underlying district* will apply.

54.8 Setbacks

54.8.1 From Street Line

Principal *buildings* or *structures* will be set back from the *street* line in accordance with the *underlying district*, including the narrow *street* provisions of these Regulations but only up to a maximum of five feet (5′) of additional *setback* beyond that required in the *underlying district*.

54.8.2 From Rear Property Line

A. Where the *underlying district* is a residential or a B-3 *district*, no less than ten feet (10′).

B. Where the *underlying district* is a marine or business *district*, other than a B-3 *District*, in accordance with the *underlying district*.

C. For non-residential *districts*, in accordance with the *underlying district*.

54.8.3 From Other Property Line

A. Where the *underlying district* is a residential or a B-3 *district*, no less than ten feet (10′).

B. Where the *underlying district* is a marine or business *district*, other than a B-3 *District*, in accordance with the *underlying district*.

C. For non-residential *districts*, in accordance with the *underlying district*.

54.8.4 **Projection into Setback Area.** In accordance with the *underlying district*.

54.8.5 Minor Accessory Buildings or Structures

A. For residential *uses*, same as for principal *buildings* or *structures*, above.

B. For non-residential *districts*, in accordance with the *underlying district*.

54.9 Building Bulk and Coverage

54.9.1 Maximum Building/Structure Coverage

Within the *Gateway Conservation Zone*, in accordance with the *underlying district*.

Outside the *Gateway Conservation Zone*, the following will apply:

A. For residential or B-3 *district underlying district*, same as *underlying district* plus 10%.

B. For non-residential *uses*, in accordance with the *underlying district*.

54.9.2 **Maximum Gross Floor Area.** In accordance with the *underlying district*.

54.10 Open Space

54.10.1 **Purposes.** Land for *parks*, playgrounds, recreation areas or *open spaces* will be provided and reserved in each *Incentive housing development* as deemed necessary and in locations deemed proper by the *Commission*. The land reserved will be of such size, location, shape, and topography as to satisfy the needs determined by the *Commission*. The needs may include, but are not limited to the following:

A. Preservation of natural resources such as, but not limited to, unusual topography, *wetlands*, aquifers, agricultural land, wildlife habitat, visual corridors or vistas;

B. Retention of natural drainage ways;

C. Establishment of coherent urban form to break up undifferentiated sprawl patterns, provide edges, focal points or centers to enable people to relate to their surroundings or to integrate or separate various types of *uses* or activities;

D. Provision for passive or active recreation;

E. Enhancement of historic or cultural activities or locations; and

F. Maintenance of scenic quality, specifically including creation or retention of public views and vistas of the Connecticut River and Long Island Sound.

The reservation of land will conform to any plan of development for *parks*, playgrounds, recreation land, conservation or *open space*.

54.10.2 **Dedication Requirement.** In determining the need for reservation of *open space*, the *Commission* will be guided, but not limited to, a standard of ten percent (10%) of the land area of the *Incentive housing development* and a minimum reservation area of one (1) acre. The *Commission* may determine that a lesser area is sufficient to satisfy the need for such *open space* within the *Incentive housing development* or that such reservation is not feasible because:

A. Adequate existing *parks*, playgrounds, recreation areas or *open space* are available in the neighborhood; or

B. There is no land in the *Incentive housing development* suitable for such reservation.

54.10.3 **Access and Location.** *Open spaces* will be easily accessible and will be situated to preclude grouping of *lots* or *open spaces* in the extremities of the tract. Proper pedestrian and vehicular access will be provided for each such reservation.

54.10.4 **Method of Dedication.** *Open space* areas will be permanently reserved for the designed *use* by means acceptable to and approved by the *Commission*.

54.10.5 **Condition of Land.** Land reserved for *open space* will not be used for the storage of equipment or the deposit of debris. The land so reserved will not be excavated, filled or regraded, and trees will not be removed, except in accordance with a grading plan approved by the *Commission*.

54.11 Incentive Housing Restriction

54.11.1 Private Applicant for Incentive Housing Development

For an *Incentive housing development* proposed by a private applicant, at least twenty percent (20%) of the *dwelling units* will be rented or conveyed subject to an Incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the *dwelling units* will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty (30%) or less of their annual income, where the income is less than or equal to eighty (80%) percent or less of the median income. In determining compliance with this paragraph, the *Commission* will utilize regulations or guidelines published by the Office of Policy & Management, or any other successor agency designated in accordance with Conn. Gen. Stats. §8-13m. 8-13x.

54.11.2 Public Applicant for Incentive Housing Development

For an *Incentive housing development* proposed by a public applicant, one hundred percent (100%) of the *dwelling units* will be rented or conveyed subject to an Incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the *dwelling units* will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty (30%) or less of their annual income, where the income is less than or equal to eighty (80%) percent or less of the median income. In determining compliance with this paragraph, the *Commission* will utilize regulations or guidelines published by the Office of Policy & Management, or any other successor agency designated in accordance with 8-13m. 8-13x.

54.11.3 Submission of Affordability Plan

Each applicant for an *Incentive housing development* will provide an affordability plan that will detail the administration, monitoring and enforcement of the *dwelling units* to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the *Commission* may require to establish compliance with this Section and Conn. Gen. Stats. §8-13m. to 8-13x.

54.11.4 Designation of Administering Agency

The applicant will indicate the name, address and other contact information for the agency that will administer the sale or rental of *dwelling units* that are subject to the below-market sale or rental in accordance with this Section.

54.12 Method of Ownership

54.12.1 Dwelling units

Dwelling units may be offered for sale or for 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* for *Incentive housing development*.

54.12.2 Open space

All *open space* or supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing or rights of access and *use* by residents of the *Incentive housing development* as is acceptable to the *Commission*. *Open space* areas required will be permanently reserved for the designated use by means acceptable to and approved by the *Commission*, such as, but not limited to:

A. **Methods of Open Space Reservation.**

1. **Deeded to the Town.** Where *open space* areas are to be conveyed to the Town, the applicant will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.
2. **Deeded to a non-profit organization acceptable to the Commission.** Such non-profit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of *open space* land. The deed to such organization will contain language satisfactory to the *Commission* requiring that the land be held in perpetuity as *open space* land for the *use* of the public. If *open space* is to be conveyed to a non-profit organization, the *Commission* may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the property will be conveyed to the *Town*, or subject to the approval of the *Commission*, to another non-profit corporation. The *Commission* will have the right to reject any proposal for the transfer of *open space* land to a private non-profit organization if the *Commission* determines that such conveyance would not be in the best interest of the Town.
3. **Held in corporate ownership by owners of lots within the development.** *Open space* may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the *Commission*. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners association will be submitted as a part of the *application* for the IHZ Development. Membership in such corporation will be mandatory for all *lot* owners within the development. Each deed conveyance to *lot* owners will include the membership stipulation, the beneficial right in *use* of the open land or all other pertinent restrictions, and will be recorded in the Old Saybrook Land Records. Wording on each deed will state that such open land is reserved for *use* only as *open space* in perpetuity.

4. **Perpetual easement.** Where the right of *use*, interest or privilege, short of fee ownership in the *open space* owned by another, is obtained by the Town or acceptable non-profit organization, a deed stipulating that the owner transfers development rights to, and *open space* or scenic easements over, the land will be required, the fee owner will retain the fee title to the premises and all incidents of fee ownership, except the right to construct any *structure*, *sign*, *fence* or other improvement, or to alter the contours. Minimum *lot* requirements cannot be satisfied by use of land dedicated to *open space*.

B. **Conditions of Open Space Conveyance.** Title to the *open space* land will be unencumbered and will be transferred at a time approved by the *Commission*, and in any case, not later than the time at which title to the *streets* in the development is accepted by the town.

C. **Deed Guarantees.** Regardless of the method employed, the instrument of the *open space* conveyance must include provisions suitable to the *Commission* and its Legal Counsel for guaranteeing the following:

1. Continuity of proper maintenance for those portions of the common *open space* land requiring maintenance;
2. When appropriate, the availability of funds required for such maintenance; and
3. Recovering of loss sustained by casualty, condemnation or otherwise.

SECTION 55

Planned Residential Development (PRD) 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 Industrial MI *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.

55.2 Definitions

Planned Residential Development.

A. One (1) or more *dwellings*, each containing not more than eight (8) *dwelling units*, or

B. One or more clusters of single detached *dwellings* 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.** 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´) (National American Vertical Datum of 1988), the boundary of any *tidal wetlands* and *inland wetlands* and any *watercourses*.

55.3.2 **Site Plan.** The applicant will submit one (1) original application and sufficient copies of the application materials for review by other agencies or officials as requested by the *Commission* or the Enforcement Officer.

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

55.3.4 **Soil Erosion & Sediment Control Plan.** *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 will 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 (CRAHD), 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 (CRAHD).

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 (CRAHD) 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

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

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 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 *dwellings* 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 significance, is consistent with the size, 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 *dwellings* 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 line*s, and separation distances between *dwellings* and clusters of *dwellings* 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 *Connecticut River 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 *dwellings* and will not hinder safety on existing or proposed *streets*. An access *driveway* serving more than two (2)+ *dwellings* 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 space*s 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 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 to 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 space*s, 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 with a gross area of no 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 breakfast 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, and the bed and breakfast premises will be the principal place of residence of the owner or the operator.

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
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 *Street* Line	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 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.

SECTION 57

57.0 [RESERVED]

SECTION 58

Gateway Conservation (GC) 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 and consistant with Chapter 477a, sections 25-102a through 102s of the Connecticut General Statutes.

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*. If a *lot* is subdivided or split in a manner that removes the *Gateway Conservation Zone* boundary from one or multiple *lots,* all *lots* will remain subject to the *Gateway Conservation Zone* Regulations. 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 Zone*.

58.2 Riparian Vegetation Buffer

Within the *Gateway Conservation Zone*, the Commission requires a *riparian vegetation buffer* of one hundred feet (100′) measured in a horizontal plane, from any point of the *Coastal Jurisdiction Line (CJL)* of the Connecticut River, its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary. The most landward *setback* of these distances is utilized to determine the *riparian vegetation buffer.*

Within the *riparian vegetation buffer*, 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 vegetation buffer*, the property owner arranges for a licensed Land Surveyor to locate the boundaries of the *riparian vegetation buffer* with oak stakes, labeled "*Riparian Vegetation Buffer*" with waterproof ink and tied with red flags at each

change of boundary direction and at every one hundred foot (100′) interval on straightaways. 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 vegetation buffer* for development.

A. Exception for *lots* with a total lot area of twelve thousand, five hundred square feet (12,500 s.f.) or less:

If the applicant can demonstrate that there is no feasible or prudent alternative for the location of a sewage disposal area, drainage or utilities within the one hundred foot (100′) *riparian vegetation buffer,* the applicant will be permitted to install these amenities within the *riparian vegetation buffer* if they are located fifty-one to one hundred feet (51′– 100′) from any point of the *Coastal Jurisdiction Line (CJL)* of the Connecticut River or its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary, whichever is located most landward. The applicant must demonstrate that installation activities will:

(1) consist of the minimal amount of clearing, grading and general *riparian vegetation buffer* disruption,

(2) will not be visible from the Connecticut River or its tributaries, and

(3) will not be detrimental to the environment. The applicant must submit a landscape plan for planting and stabilization of the disrupted area for approval consistent with Section 58.8.9 of these regulations.

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 provided said footpath and associated clearing is not oriented in a direct downslope manner.

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 waterward of or over the *Coastal Jurisdiction Line (CJL)* of the Connecticut River or its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary or the upland edge of a *wetlands,* whichever is located most landward, if 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 vegetation buffer*. 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 the *riparian vegetation buffer* impractical, infeasible or undesirable. If part of the *riparian vegetation buffer* 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 vegetation buffer* 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 *structure*s will not be visible from the Connecticut River. Demonstration that a *structure* will not be visible from the Connecticut River consists of a *Viewshed Analysis* as defined in these regulations showing that there is intervening ground at an elevation at least thirty-five feet (35′) above ground elevation of the proposed *structure*.

58.6 Building/Structure Setback (Gateway Conservation Zone)

Within the *Gateway Conservation Zone*, the *Commission* prohibits construction or alteration of any *building or structure* within less than one hundred feet (100′), measured in a horizontal plane, from any point of the *Coastal Jurisdiction Line (CJL)* of the Connecticut River or any of its tributaries or its associated *wetlands* or to the most landward extent of the *tidal wetlands* boundary, whichever is located most landward.

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. Establishments 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.

58.8 Building/Structure Coverage (Gateway Conservation Zone)

In the Residence A, AA-1 & AA-2 *Districts,* the more restrictive *Gateway Conservation Zone* requirements do not apply when the applicant can demonstrate all of the following requirements are satified:

A. The *lot* is 20,000 s.f. or less.

B. The *lot* is not adjacent to or visible from the Ct River.

C. Proposed improvements are located on a *lot* where the improvements are not visible from the Ct River as a result of topography, other *structures* and location.

58.9 Light Pollution (Gateway Conservation Zone).

The purposes of Section 58, Gateway Conservation Zone, excessive, misdirected, or obtrusive light from artificial sources emanating from a site shone into the sky, onto the land or into the water column of the Connecticut River and its tributaries, including but not limited to site and architectural lighting, lighting on private residential docks, and up-lighting of trees or other site features, which may result in: brightening of the night sky, inhibiting the observation of stars and planets; light trespass onto neighboring properties including the Connecticut River; visual glare and discomfort; or significant disruptions to wildlife and ecological cycles. This regulation is in addition to lighting regulations outlined in Section 61 and 68 of these regulations.

58.11-58.19 [Reserved]

58.20 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:

58.20.1 The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional riverway scene.

58.20.2 Site development maintains the essential natural qualities 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.

58.20.3 Structures adapt to the existing terrain rather than the earth altered to create a platformed development site.

58.20.4 Minimized disturbance to existing topographic forms and grading or excavation does not result in soil erosion or silting of lower slopes.

58.20.5 *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.

58.20.6 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).

58.20.7 Mass of *building* forms broken apart, varied or scaled to the actual environmental setting to avoid excessive forms that fail to enhance the natural appearance of hillsides (e.g., large roof areas broken up to approximate natural slopes).

58.20.8 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.

58.20.9 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 qualities of the visual buffering between all development and the Connecticut River, its tributaries or *wetlands.*

58.20.10 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.

58.20.11 *Shoreline flood & erosion control structures* minimized to the greatest extent possible.

SECTION 59

Coastal Area Management (CAM) 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.

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:

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 qualities 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, elevated decks 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.

59.2.9 Elevation of a residential *structure* located in a *Special Flood Hazard Area* above the base flood elevation to bring the *structure* in compliance with the Flood Plain Management Ordinance of the Town of Old Saybrook when the *structure* is located 100 feet or more from the following coastal resource areas, *tidal wetlands*, *Coastal Jurisdiction Lines (CJL),* coastal bluffs and escarpments and beaches and dunes.

PREAMBLE

Article VI as Design Standards

Purpose

These design standards present verifiable or measurable directives based on the "big picture" of comprehensive planning – combining principles of smart growth, new urbanism and green building. The goal of these design standards is to guide applicants and to give decision-makers the tools to assess and modify plans for development in order to sustain that which exemplifies the best of Old Saybrook.

Authority

Both American and Connecticut law has long recognized the importance of design standards in protecting property values, preserving our natural resources, and protecting the environment. Connecticut General Statute §8-2 authorizes the adoption of zoning regulations that "promote health and the general welfare;" that "provide adequate light and air;" that "such regulations shall be made with reasonable consideration of the purpose and intent of the [zoning] *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; that "such regulations may be made with reasonable consideration for the protection of historic factors;" and that "such regulations may also encourage energy-efficient patterns of development . . . and energy conservation."

Our courts have upheld visual appearance as a substantial governmental interest that would justify the regulation of *signs*, Burns v. Barrett, 212 Conn. 176, 182, cert. den. 493 U.S. 1003 (1989). They have upheld aesthetics as one criteria, among others, for regulating *uses* of land and the appearance of *structures*, Murphy, Inc. v. Town of Westport, 131 Conn. 292, 297 (1944); Town of Farmington v. Viacom Broadcasting, Inc. 10 Conn. App. 190, 196, cert. Den. 203 Conn. 808. Protection of views and vistas was upheld in Glendenning v. Conservation Commission of Fairfield, 12 Conn. App. 47, 55-56, appeal dismissed 205 Conn. 802 (1987); as well as design considerations in subdivisions, Carlson v. Fisher, 18 Conn. App. 488 (1989), Smith v. Greenwich Zoning Board of Appeals, 227 Conn. 71 (1993). Protecting the character of a community was upheld in Central Bank For Savings v. Planning and Zoning Commission of Cromwell, 13 Conn. App. 448, 456 (1988).

These design regulations seek to implement these powers in order to preserve Old Saybrook's unique history and character as a coastal New England community founded in 1635, to protect its natural resources, and to encourage energy efficient development.

The United States Supreme Court said it well in the case of Berman v. Parker, 348 US 26, 33 (1954), "It is within the legislative power to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." This was cited with favor in Schad v. Borough of Mt. Ephraim, 452 U.S. 61, 76 (1981), "The Borough of Mt. Ephraim did nothing more than employ traditional police power to provide a setting of tranquility."

Conflict. Because some of the Design Standards may conflict, and certain standards may not apply to a project, it is necessary to identify the particular issues related to a project to use this document effectively.

Reduce the potential for conflict and delay – apply thoughtful application of the design standards and a well-detailed, sensitive design with quality materials to create a project that is compatible with the neighborhood.

With regard to a particular application, the *Commission* will designate which design standard will have priority where standards are inconsistent or conflict with each other. With approval of the *Commission,* an applicant may substitute different measures to achieve comparable objectives to the requirements stated in the regulations.

The *Commission* need not impose any of the requirements of this section where topography, existing *structures* or other physical features 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.

Organization

The Design Standards of the Zoning Regulations are organized in sections about specific elements of design. The elements of design flow in a logical hierarchy, such as from large-scale neighborhood issues to small-scale *building* details.

Central question. Each section of the Design Standards begins with a series of questions from the *Commission* or Board to ascertain whether the proposed development satisfactorily meets more particular objectives that follow the question.

- ☐ Can the applicant affirmatively answer the questions central to the design standards?
- ☐ Can the *Commission* verify the quality of the project's design?
- ☐ Can the applicant meet the measurable regulations that follow?

Verifiable criteria. These qualitative criteria are set aside in the outside column of each page. These Design Standards are a series of suggestions intended to be verifiable in making any as-of-right *use* a better development but should be considered directive commands in the design of any development for which the *Commission* has discretionary authority in deciding upon a Special Exception *Use*.

Photograph. Photographs used are to illustrate the text and provide positive examples of elements of design that are both local and in keeping with Old Saybrook.

Each photograph is not necessarily the best example of the accompanying Design Standard, and it is not a binding regulation; therefore, may be swapped out from time-to-time as more favorable examples are built in Old Saybrook or elsewhere.

Measurable criteria. These quantitative criteria follow the traditional numbered format of the Zoning Regulations in the center column of each page. These Design Standards provide measurable standards by which an element of design will be evaluated. Minimum or maximum requirements are the edge of a range, and the *Commission* has the authority to require more or less, respectively, regardless of whether the development is permitted as-of-right or by Special Exception.

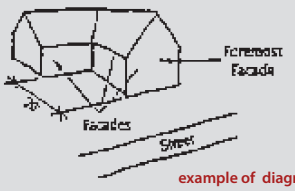
Diagram. Similarly, a diagram is used to illustrate a concept or provide a detail in miniature for the purpose of promoting comprehension.

Detail. The *Commission* or any other agency with authority to uphold the Zoning Regulations in the course of its work (e.g., the Planning Commission cannot approve a subdivision of land that conflicts with the Zoning Regulations) may specify standard "detail" drawings to be included as a part of its approval of a plan for development.

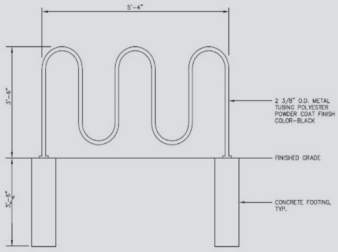
Applicability

The Design Standards of **ARTICLE VI** apply to any as-of-right single-*family* residential use on a *lot* where marked by an asterisk (*), except the provisions of **Section 68** Neighborhood Pattern & Building Design, which do not apply to single-*family* residential *use*.

Avoid mistaking the more qualitative, yet often verifiable, Design Standards in this column as merely suggestive.



example of diagram



example of standard detail

ARTICLE VI

TOWN-WIDE DESIGN STANDARDS

SECTION 61 **Performance, Maintenance and Operations**

- 61.0 **Purpose**
- 61.1 **General**
- 61.2 **Smoke, Gas, or Fumes**
- 61.3 **Noise**
- 61.4 **Vibration**
- 61.5 **Odors**
- 61.6 **Glare or Heat**
- 61.7 **Refuse or Pollution**
- 61.8 **Danger**
- 61.9 **Radio Interference**
- 61.10 **Energy Inefficiency**

SECTION 62 **Access, Circulation, Parking and Loading**

- 62.0 **Purpose**
- 62.1 **Obligation**
- 62.2 **Access To or From the Site**
- 62.3 **On-Site Circulation**
- 62.4 **Parking of Automobiles**

SECTION 63 **Landscaping, Screening and Buffering**

- 63.0 **Purpose**
- 63.1 **Minimum Landscape Area**
- 63.2 **General Requirements**
- 63.3 **Front Landscaped Area**
- 63.4 **Perimeter Buffer**
- 63.5 **Interior Parking Lot Landscaping**
- 63.6 **Visual Clearance**
- 63.7 **Screening**
- 63.8 **Submission of a Landscape Map**
- 63.9 **Requirement for Surety**

SECTION 64 **Signs**

- 64.0 **Purpose**
- 64.1 **General**
- 64.2
- 64.3 **Standards–All Districts**
- 64.4 **Exempt Signs**
- 64.5 **Permitted Signs**
- 64.6 **Prohibited Signs**

SECTION 65 **[Reserved]**

SECTION 66 **Trailers**

66.0 **[Reserved]**
66.1 **Purpose**
66.2 **Definitions**
66.3 **Standards**
66.4 **Authorized Use of Trailers and Boats**
66.5 **Sales and Rentals**
66.6 **Plot Plan**
66.7 **Site Plan**

SECTION 67 **Soil Erosion and Sediment Control**

66.0 **[Reserved]**
66.1 **General**
66.2 **Special Definitions**
66.3 **Control Plan**
66.4 **Minimum Standards**
66.5 **Certifications**
66.6 **Conditions**
66.7 **Inspection and Orders**

SECTION 68 **Neighborhood Pattern & Building Design**

68.0 **Purpose**
68.1 **Neighborhood Pattern**
68.2 **Building Design**

SECTION 61

Performance, Maintenance and Operations

61.0 Purpose

The purpose of performance standards is to establish certain nuisance factors that, 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 use of land, buildings, and other structures, wherever located, will be established and conducted to conform to the performance standards specified.

61.1 General

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, codes, ordinances or regulations, whichever is the more restrictive.

The performance standards specified will be of continuing application. The Enforcement Officer is authorized to evaluate and take measurements to determine compliance.

61.2 Smoke, Gas or Fumes

☐ Does the project protect the air quality of the community?

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.

61.2.1 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 any twelve-hour (12) period.

Open Burning

Chapter 99 of the Town Code requires a permit from the Municipal Open Burning Official to burn an open fire.

Noise

Chapter 152 of the Town Code authorizes the Department of Public Services to enforce noise levels occurring from 10:00 P.M. to 7 A.M. Monday through Saturday and 10:00 P.M. to 9:00 A.M. on Sunday.

61.3 Noise

☐ Has noise pollution been limited so as to not diminish any resident's quality-of-life?

No noise will be transmitted outside the *lot* where it originates when noise has a decibel level, octave band, intermittence or beat frequency that endangers public health or safety, or impairs the value or reasonable *use* of any other *lot*, except that of time signals or other noise necessarily involved in the construction or demolition of *buildings* or *structures*.

61.3.1 Adaptive Technologies

Nothing in this section will be construed as prohibitive of the necessary installation of devices to assist in listening or communicating.

Install sound containment or noise reduction *structures* to decrease sound levels when proposing a *use* that may generate noise.

61.4 Vibration

☐ Have mechanical activities or other sources of vibration been structurally buffered?

No vibration will be transmitted outside the lot where it originates, except vibration necessarily involved in the construction or demolition of *buildings* or *structures*.

61.5 Odors

Consider adopting a waste removal plan to prevent refuse overflow and associated odors.

☐ Have emissions of offensive odors been eliminated or shielded from traveling off-site?

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 or Heat

Choose shielded, "down lit" light fixtures for safe and secure egress from *buildings* with careful thought as to avoiding distracting or harmful light glare off-site.

☐ Is outside lighting of the site be limited in hours or output to reduce "sky glow"?

☐ Are trees or light-colored surfaces employed to reduce the collective "heat island" effect?

No light *will* be transmitted outside the *lot* where it originates so as to endanger 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*.

61.6.1 Light Pollution

In Residence *Districts*, the source of any lighting located out-of-doors on any *lot* will not be visible from any other *lot*.

61.7 Refuse or Pollution

- ☐ Do operations include support for proper disposal of office or household hazardous waste stream?
- ☐ Does the Statement of *Use* include a waste management plan for separation of recyclables?
- ☐ Does the project adequately address how daily operations will protect public and environmental health?
- ☐ Is wastewater reduced and water reuse encouraged?
- ☐ Is biodiversity preserved via conservation of water quality, natural hydrology or native wildlife habitat of *wetlands*?

No refuse or other waste materials will be dumped, burned or buried on any lot, except with approval of the Connecticut River Area Health District.

Place trash containers in easily accessible and contained areas to avoid dumping on a *lot*.

61.7.1 Water Pollution

No refuse, waste materials, or liquids will be dumped on any *lot* or dumped or discharged into any river, stream, estuary, *watercours*e, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.

61.8 Danger

- ☐ Have precautions been made for the safe storage or handling of hazardous materials?

Properly label and store flammable or hazardous materials.

No material that 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

- ☐ Have all precautions been taken to avoid interfering with private, public or emergency communications?

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.

The State Department of Public Utility Control's Siting Council regulates the locations and operation of cell and personal communication system equipment.

61.10 Energy Inefficiency

☐ Is energy consumption reduced by increased efficiency of construction techniques or reliability of installed mechanical systems?

☐ Is on-site renewable energy self-supply available?

No open space subdivision will be permitted by the Planning Commission, nor any *planned residential development* or other property with two (2) or more *dwelling units*, nor any Site Plan approval or Special Exception for non-residential development will be approved by the Zoning Commission, without demonstrating energy-efficient patterns of development (roads, *sidewalks* or underground facilities), the use of solar or other renewable forms of energy, or energy conservation.

SECTION 62

Access, Circulation, Parking and Loading

62.0 Purpose

To lessen congestion in the streets and provide a feeling of security in movement, these design standards promote safe access to each use on any lot; convenient patterns of circulation both onto and off of any site for pedestrians and other modes of transportation; adequate automobile parking spaces; and efficient, unobtrusive loading of goods or provision of services in a manner that does not dominate the sense of place.

62.1 Obligation

Access, circulation, off-street parking and loading will be provided for any *use* of land, *buildings* or other *structures* in accordance with the design standards of this section and 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

☐ Is the current layout "due for an upgrade"?

A *use* existing at the time of the adoption of these regulations will be maintained in conformance with these design standards to the extent that it conforms at the time of adoption of this section. If any existing *use* of land, *building* or *structure* is changed, extended, enlarged or moved to a *use* requiring additional access, circulation, off-*street* parking or loading under these regulations, then additional required improvements will be provided for the new *use* in accordance with these design standards.

Decrease the "non-conformities" of an existing access, circulation, parking or loading to meet current design standards:

- Increase parking *lot* landscaping.
- Repave, restripe or re-curb.
- Update outmoded site lighting.

62.2 Access To or From the Site

- ☐ Does an appealing, comfortable *street* environment promote pedestrian activity?
- ☐ Does site design facilitate use of public transportation as an alternative to automobiles?
- ☐ Is access to and from *sidewalks*, bikeways, transit stops, and parking clearly marked?

Exclude *sidewalks*, bikeways and trails from the "paved area" used in calculation of *Total Lot Coverage*.

Main Street Crosswalk

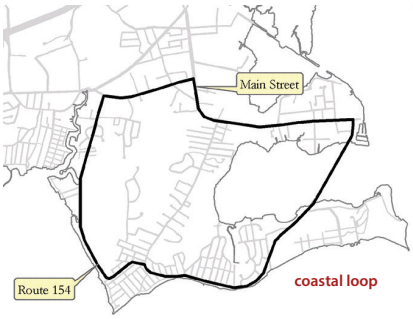
Wherever possible, and for waterfront uses that are not water-dependent, create visual or physical access to coastal environments along Old Saybrook's shoreline.

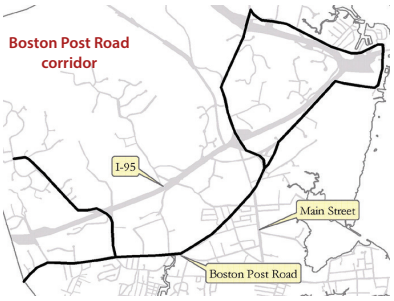
62.2.1 via Sidewalk

The *Commission* may require the installation of *sidewalks* or crosswalks along public *streets* in places deemed proper by the *Commission* for public necessity or safety; or, in lieu of construction, the *Commission* may require that adequate space and grading be established for future *sidewalks* along public *streets*.

A. **Location.** *Sidewalks* will be installed along State or local feeder *streets* or commercial thoroughfares as identified in the Plan of Conservation & Development or its supplements, preferably in areas south of I-95:

1. Within one (1) mile or wherever students tend to walk to and from the Town's schools or other destinations;
2. On the north or east side of a right-of-way or access way to facilitate snowmelt;

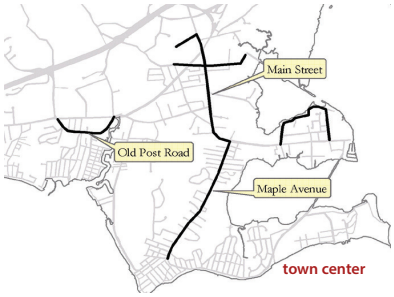




3. Around the Connecticut Scenic Rte. 154 "Coastal Loop Road";
4. Within the U.S. Rte. 1 "Boston Post Road Corridor," the Ferry Point Loop, and Schoolhouse Road to Connecticut State Route 153; and
5. Along the Main Street "Town Center" and its environs as deemed appropriate by the *Commission*.

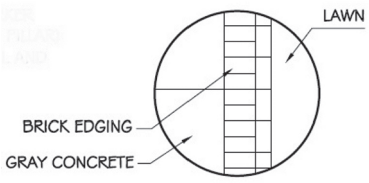
Use *sidewalks* to encourage infill development.

Give special regard for pedestrian safety in the town center due to the presence of school children, senior citizens and tourists.



B. **Construction**. Except as stated below, *sidewalks* will be installed in accordance with the Town of Old Saybrook Regulations for Public Improvements.

1. *Sidewalks* in the Town Center and *pedestrian nodes* of the Boston Post Road will be constructed of brick or colored, stenciled Portland cement concrete unless specified otherwise by the Town of Old Saybrook Regulations for Public Improvements.



brick edge detail

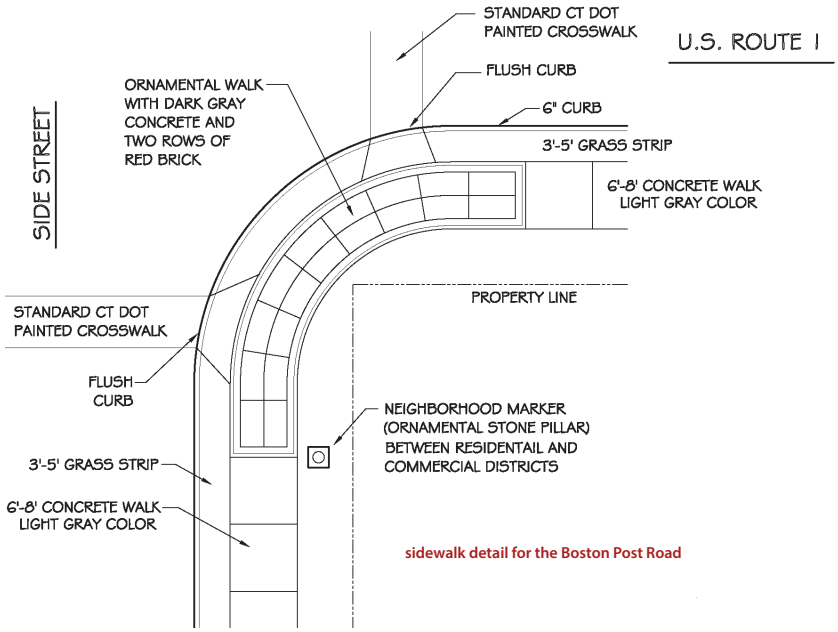
2. *Sidewalks* along the Boston Post Road outside of the *pedestrian nodes* will be constructed of Portland cement concrete and lined with brick or colored, stenciled concrete along the edge.

3. *Sidewalks*, elsewhere, will be constructed of Portland cement concrete.

4. There will be a minimum clear passage of thirty-six inches (36″) under all circumstances of pedestrian ways; minimum *sidewalk* widths as little as four feet (4′) only under constraining circumstances; five feet (5′) elsewhere; and eight feet (8′) in the Town Center and other areas of intense pedestrian activity.

5. There will be five-foot (5′) square "passing areas" at intervals of no more than two hundred feet (200′) when the *sidewalk* width is less than sixty inches (60″).

6. *Sidewalks* will be carried across driveways, preferably at *sidewalk height*.



sidewalk detail for the Boston Post Road

Elevate pedestrians above and away from automobile traffic.

"brick" stamped sidewalk at Stage Road

Match the dominant pattern of *sidewalk* material on a *street* or in a neighborhood when completing *"infill" sidewalks*.

4' *sidewalk* on Boston Post Road

Information Booth access drive

Give motorists visible reminder that they are entering a pedestrian area, particularly within walking distance of any school or the Town Center.

Streets & Sidewalks
Chapter 185 of the ***Town Code*** requires homeowners and businesses to control landscaping and remove snow from *sidewalks*.

A *walkway* or bikeway may be in lieu of or in addition to sidewalks.

multi-use trail along the Causeway

Wherever possible, completely separate bikeways or multi-use trails from the vehicular travel way.

bike rack at Pasbeshauke Pavilion

9 Town Transit

62.2.2 via Bikeway

A bikeway will be constructed in an easement no less than fifteen feet (15′) in width.

A. **Location.** In areas where the *street* system does not conform to an anticipated pattern of pedestrian circulation, particularly in the area of an existing or proposed *park*, playground, *open space* or non-residential facility, the *Commission* may require the dedication or construction of a separate pedestrian bikeway or multi-use trail, particularly along State or local feeder *streets* or commercial thoroughfares as identified in the Plan of Conservation & Development or its supplements, preferably in areas south of I-95 where connections can be made to an existing bikeway or multi-use trail within one-quarter (1/4) mile of the site or in any location deemed appropriate by the *Commission*.

B. **Width.** Wherever possible, a bikeway will be built to be rated as Class I or with a minimum width of eight-feet (8′).

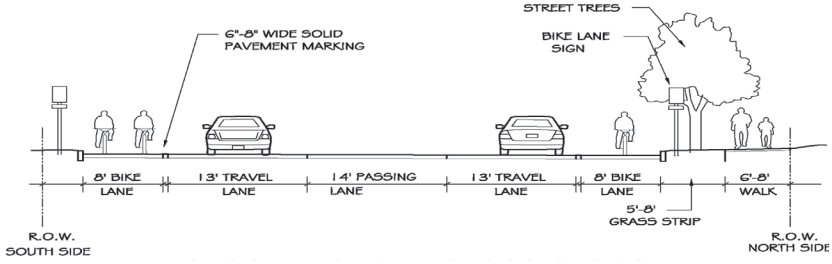
C. **Materials.** A bikeway will be constructed of bituminous pavement; a multi-use trail, located north of Interstate 95 or otherwise located in a scenic or rural area, will be constructed of compacted crushed rock, pavement millings or unpaved, compacted earth.

D. **Bike rack.** A bike rack will be located within five hundred feet (500′) of the building entrance served of a capacity deemed appropriate by the *Commission*. For *uses* that require more than 100 parking spaces, capacity will be no less than five percent (5%) of the off-*street* parking spaces provided for the proposed *use*.

bike rack detail

62.2.3 via Public Transit

Any development further than one-quarter (1/4) mile from a shelter for a bus or shuttle route or within a one-half (1/2) mile from a rapid bus, train or ferry service will provide or dedicate adequate space for at least one (1) shelter with seating to protect riders from inclement weather and *walkways* to the development served.



62.2.4 via Street

The *street* giving access to the site will have a traffic carrying capacity or will be suitably improved to accommodate the volume, speeds or types of traffic with which the proposed *use* will interact or will generate.

A. **Local road**. The *Commission* may require improvements to the existing *street* to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion where it determines that the condition of the existing public *street* is such that the approval of the site plan could result in a potential safety hazard, including, but not limited to, *street* widening, surface improvement, turning lanes, acceleration or deceleration lanes, traffic directional islands, *frontage* road, *driveways* or traffic controls within the *street*.

Curbs will be installed on new or extended residential *streets* or on commercial thoroughfares or feeder *streets* only where necessary in conjunction with an engineered stormwater management plan. In places where the *Commission* deems appropriate for channelizing off-*street* traffic through a site, curbs will be constructed of extruded concrete or granite.

1. **Local scenic road**. Any development on Ingham Hill Road, Schoolhouse Road or any other designated local scenic road will be referred to the Planning Commission for an advisory report.

B. **State road.** Where any road, drainage facility or other associated work is proposed to intersect with a State highway or to be located within a State highway right-of-way, the applicant will obtain an approval letter from the Connecticut State Department of Transportation (DOT), which will be conditional upon prior approval of the project by the *Commission* or will not prohibit or preempt the *Commission* from imposing more restrictive requirements.

1. **State scenic road**. Maintain or enhance the appearance of the Coastal Loop Road, as defined in the *Sidewalk* Plan supplement to the Plan of Conservation & Development, as it passes land on which is located a historic *building* or *structure* listed on the national or state registers of historic places or affords vistas of marshes, shorelines, forests with mature trees or notable geologic or other natural features.

Design all new parking and loading areas so that any vehicle entering from or exiting onto a public *street* will be traveling in a forward motion that will not encroach on the oncoming lane of traffic.

stone wall and view along Ingham Hill Road

Where possible, reduce the width of the traveled way of any *street*, the amount of curbing, and disperse stormwater runoff in a sheet flow pattern over the roadway shoulder into low gradient swales to promote infiltration and ground-water recharge.

Scenic Roads

Chapter 169 of the Town Code sets forth criteria to protect from alteration of the scenic views, mature trees or stone walls of the roadsides along local scenic raods, such as Schoolhouse or Ingham Hill Roads.

Provide stoplights at intersection-style driveways; channelize high volumes of "right-in, right-out" vehicles associated with businesses along State routes.

In Old Saybrook, the Chief of Police is the staff person designated as legal traffic authority (LTA) to handle traffic-related matters for any State road requiring coordination with the State Department of Transportation (DOT) or the State Traffic Commission (STC).

62.2.5 Vehicular Access Drive

☐ Can curb cuts be consolidated along a road to improve street circulation?

☐ Are curb cuts designed to provide safe access during all weather conditions?

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

A. **Location**. Consolidate multiple or continual curb cuts wherever possible to no more than one (1) access *drive* from any *lot* across the *frontage* of whichever adjacent *street* has lesser potential for traffic congestion or hazards to vehicular or pedestrian traffic.

B. **Visibility**. Visibility at the intersection of any access drive with any intersecting *street* will be sufficient to allow a stopped vehicle to see and be seen from a vehicle approaching from either direction at a distance based on a design speed of the intersecting road, but a minimum distance of: 200 feet

C. **Grading**. Any access *drive* providing connection between any non-residential parking or loading area and any public *street* will have suitable alignment and a grade not to exceed: 10%

D. **Materials and distance**. Any access *drive* will be finished with bituminous concrete from the edge of *street* pavement for a minimum distance: 20 feet

E. **Apron width**. The access *drive* in commercial or industrial *districts* will be not more than:

At the right-of-way line	30 feet
At the curb line	55 feet

F. **Drive width**. The minimum widths will be for:

One-way traffic	14 feet
Two-way traffic	24 feet

Shared Driveway

With approval of the *Commission*, consolidate driveways to share existing curb cuts between *lots* that negatively affect off-site vehicular circulation or pedestrian safety. Relocate a portion of the front or perimeter landscaping to accommodate a shared driveway.

Plan for and locate all access drive to provide as much sight distance as possible at intersections with the connecting public *street*.

Transition grades and site distances for safe, convenient and efficient access to meet the *street line* and travel way of the *street* so as to conform to the established cross-section for the *street*.

access drive to Saybrook *Shopping Center*

Access Width

With approval of the *Commission*, provide greater widths necessary to accommodate traffic volumes or movements, public safety requirements or larger vehicles.

bank kiosk accessed from Orchard Street

62.2 Separate Ingress/Egress

With approval of the *Commission*, create separate entrance and exit drives for large tracts or uses of extensive scope to relieve traffic congestion in the *street* or to safeguard against hazards. Requirements for the front landscape area or perimeter buffer shall not be varied to provide additional access.

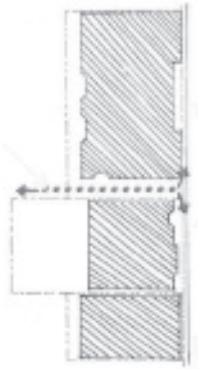
62.3 On-Site Circulation

62.3.1 Pedestrian Walkway

☐ Does the site incorporate high levels of internal connectivity?

☐ Are the safety needs of motorists and pedestrians balanced?

A. **Location.** *Walkways* or multi-use trails will be provided where the *Commission* deems appropriate:



1. **Street to door.** There will be at least one (1) *walkway* directly from the *street* to the major-functional entry of any *building* or *use* oriented along the *street* system.

   Similarly, *building* entrances will facilitate store patrons to pass-through commercial units to/from the *sidewalk* along the street *frontage* to/from the rear or side parking lot; and residents, to/from the *sidewalk* adjacent the *street* or *building* through residential units to/from common areas on the property.

2. **Adjacent to building.** In parking *lots* containing one hundred (100) spaces or more, parking is prohibited adjacent to the front of the *building* unless separated from the *building* by a *walkway* in combination with a minimum fifteen-foot (15′) wide landscaped area.

3. **Between buildings or uses.** All *walkways* between residential units or other *buildings* within a residential development will comply with accessible design provisions.

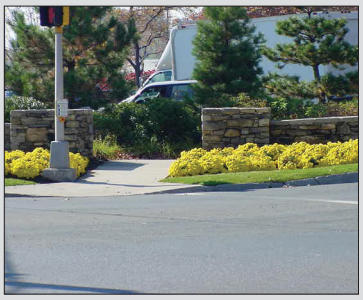
4. **From or through parking lot.** Provide *walkways* and ramps for multi-modal stops.

5. **Through site.** Where there is no through-*street*, there will be at least one intra-neighborhood connection through the site every eight hundred feet (800′) or at intervals matching abutting through-*streets*, whichever is smaller, to any adjacent business, *street*, neighborhood or resource within one-quarter (1/4) mile of the site, except where physically constrained.

B. **Materials.** *Walkways* will be constructed of concrete.

C. **Width.** The minimum width will be: 5 feet

Create a "safe haven" for pedestrians crossing the *street*.



Create a series of "way finding" cues throughout any development and into the surrounding neighborhood.

Transition a *walkway* pursuant to State standards for handicap accessibility where it intersects with a *street* or internal drive aisle of a parking *lot*.

Provide *walkways* to adjoining *lots* with similar existing or potential *uses* to discourage in-car "hops" between businesses.

Purposefully incorporate and delineate safe *walkways* through parking *lots* to *building* entrances.

walkway from Stage Road to store

Avoid parking spaces that obstruct the view of vehicles turning into and out of parking aisles.

Provide queuing space at traffic lights, stop signs, intersections, pick up areas or *drive-through windows* where motor vehicles may line up one behind another.

parking aisle with two outlets

Use *signs* or markers as necessary to ensure efficient traffic flow within all parking *lots* and between any *lot* and the public street serving the *lot*.

Wherever possible, direct traffic toward perimeter drives, from parking areas or parking aisles – away from the primary flow of pedestrian traffic between parking spaces and *building* entrances.

62.3.2 Perimeter Drive

Provide a perimeter drive giving access to parking aisles and parking spaces.

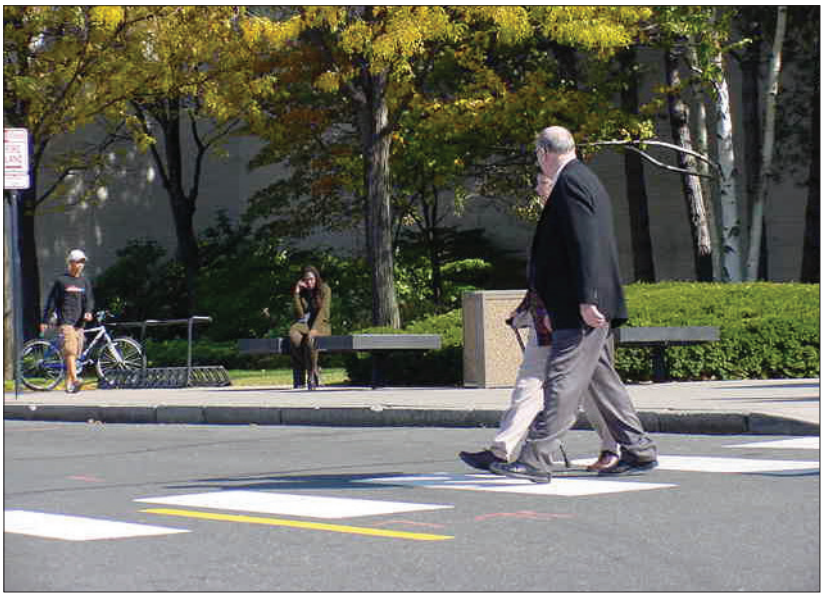
Where topographic and other conditions permit, provision will be made for circulation *driveway* connections to adjoining *lots* of similar existing or potential *uses* when the *driveway* connections will facilitate fire protection services or when the *driveways* will enable the public to travel between two *uses* open to the public without need to travel on a public *street*.

To the greatest extent possible, neither perimeter drive nor parking aisle will dead-end without provisions made for present or future connection to an adjacent *lot*.

62.3.3 Parking Aisle

A. **Width.** The access aisles will be not less than:

Two-way, perpendicular parking	24 feet
One-way, angled parking	16 feet



62.3.4 Off-Street Loading Requirements

- ☐ Are loading spaces located in the least conspicuous area on the *lot* as possible?
- ☐ Does the loading area integrate into the overall *building* design and architecture?
- ☐ Are loading areas screened or enclosed in ways to conceal materials awaiting loading or unloading?

A. **Location.** No off-*street* loading space will be located in the area required for *setback* from a *street line* or any residence *district* boundary line; in Restricted Business B-3 or Industrial I *Districts*, no space will be located in the area required for *setback* from a property line.

Locate truck loading areas adjacent to the area or doors that will be used for the loading and unloading of goods and supplies.

B. **Dimensions.** 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″).

Provide a space of greater dimension if necessary for the type of truck serving the *uses* proposed.

C. **Number.** 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.

The foregoing loading requirement is a minimum, and the *Commission* may require additional loading spaces where the nature of the development, its location or any unique feature of the surrounding area requires additional loading space.

The one (1) required loading space may be eliminated when the *gross floor area* of the *building* is less than 15,000 s.f. and the applicant demonstrates that the loading space is unnecessary or impractical for the *use* and its reduction will not pose circulation or traffic congestion.

Minimize visibility of trucks and loading from the *street*, and avoid interrupting the flow of vehicles in access drives or interior aisles.

62.4 Parking of Automobiles

- ☐ Is adequate parking provided based on the *use* of the site?
- ☐ Has the applicant considered alternatives to traditional parking *lots* that can lessen and improve parking congestion for not only the site but the general area?

Separate off-*street* parking from the *building* served in a way as to assure safe movement of pedestrian traffic to all major functional entrances of the *building*.

The parking of automobiles is permitted as an *accessory use* customary with and incidental to a *principal use* permitted in any *district*, as well as a *principal use* permitted as a Special Exception *Use* in the *Shopping Center* Business B-2, Gateway Business B-4 and Industrial I *Districts*.

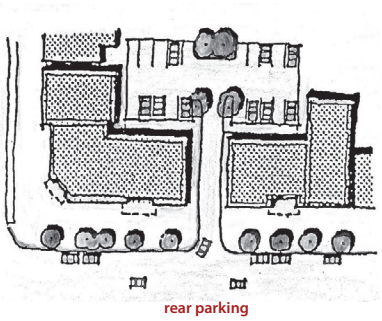
62.4.1 Location

- ☐ Can shared parking support adjacent *uses* with varying peak hours?
- ☐ Could adjacent complimentary *uses* result in one trip to two locations?
- ☐ Can impervious surfaces be reduced by parking allowed to remain "in reserve"?
- ☐ Does the parking *structure* harmonize with adjacent architecture and enhance the visual appeal of the streetscape?

access drive between Main Street stores

Locate a parking garage in the center of a block or behind an existing *building* or liner *building* to minimize visibility from public *streets*.

A. **Parking lot.** Locate a majority of any parking at the rear or sides of a *building* on a *lot*; then, facilitate residents or store patrons to pass from the rear or side parking or communal space through residential or commercial units to the front entrance and out onto the *sidewalk*.



rear parking

Avoid blank walls – emphasize vertical articulations to break up the mass of the façade along a *street* or alley.

B. **Parking structure.** Parking *structures* will meet all applicable *setbacks* in the underlying *district*. The *structure* will be located in an area least conspicuous from any *street* so that the overall impact is not in sharp visual contrast with the surrounding area.

Include a bicycle rack and a bus stop shelter adjacent to the pedestrian entryway of the parking *structure* to promote multi-modal transportation.

Any wall facing a *street* 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.

Hide or screen interior vehicle ramps to the greatest extent possible from the exterior.

Pedestrian entries to the garage will be clearly visible and located on the corners of the *structure* facing the *street* for easy accessibility and identification. Vehicle entrances/exits to the garage will be clearly marked

with minimal directional signage as permitted in these design standards. Transition areas between vehicle, bicycle and pedestrian travel ways will be easily identifiable both inside and outside of the *structure*.

Interior illumination of parking decks and interior directional signage will not be visible from the exterior of the *structure*.

C. **On-site modifications.** Required parking facilities will be located on the same *lot* as the *building* or *use* for which they are required, except as noted below:

1. **Joint use of parking lot.** In a multiple or *mixed-use development* where there are two (2) or more *uses* with either a) different users with different operating hours or b) the same users for similar operating hours, which allows the utilization of the same parking spaces and, thus, reduces demand.

2. **Reserve parking.** In commercial and industrial *districts*, where the *gross floor area* on a site exceeds three thousand square feet (3,000 s.f.), the *Commission* may authorize the substitution of a reserve parking area in lieu of up to twenty percent (20%) of the required number of marked spaces.

   The Enforcement Officer will report to the *Commission* any findings 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 *Commission*, at its discretion, may notify the owner of the property that the reserve area must be properly maintained or must be fully or partially developed as a parking area within six (6) months of notification.

3. **Shared parking lot.** The *Commission* may authorize abutting landowners to utilize one common parking area on either property, provided that the common parking area will contain the minimum number of spaces required by these regulations for each *use* collectively. Each property owner will sign a formal shared parking agreement that will run with the land binding present and future owners to allow common *use* of the parking area and requiring the owners to a portion of the costs of maintenance of the common parking areas and to delineate the location of the cross-access easement area, including *walkways*, on the shared parking site plan to indicate that vehicular cross-patronage among the adjacent *uses* will be located within a maximum walking distance of five hundred feet (500′).

Joint Parking

With approval of the *Commission*, reduce the number of required spaces when on-site parking is shared among *uses*.

Design reserve parking area – an integral part of the overall parking layout – accessible from the marked parking areas, reasonably direct access to *building* entrances and available for overflow during peak traffic periods.

Locate reserve parking on reasonably flat, well-drained land capable of being suitably grassed or landscaped, kept free of obstructions and easily maintained.

Share parking where a *use* is located near another *use*, such as a church or other place of assembly, that is not in operation during the same hours or days as the first *use*, and the other *use* is willing to make its parking available to the first *use* through written agreement.

parking shared at the back of Main Street stores

Demonstrate safe pedestrian travel between the municipal *use* and the *lot* on which the alternate parking will be located.

The surface of the alternate parking and the route to the destination will be safely passable in all weather for pedestrians, wheelchairs, strollers or similar devices that are customarily used on public *sidewalks*.

The Katharine Hepburn Cultural Arts Center

Vehicles and Traffic

Chapter 202 of the Town Code authorizes the Department of Police Services to enforce the prohibition against parking on town *streets* or roads in places other than where designated.

D. **Off-site exceptions.** Parking facilities *will* be located on the same *lot* as the *building* or *use* for which they are required, except as noted below:

1. **Alternate municipal parking.** The *Commission* may authorize that no more than fifty percent (50%) of the required off-*street* parking for any permitted *principal use* of the Town of Old Saybrook located in the Business B-1 *District* and Residence A *District* to be located at an alternate site within one thousand feet (1,000′) of the *lot* in any other *district* on any Town or State-owned property or under license agreement to the Town from a private property owner. 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.

2. **Special event parking.** The *Commission* may permit an alternate parking *lot* located more than one thousand feet (1000′) away in any other *district* for special events on the conditions that the Town arranges for shuttle transportation from the alternate parking *lot* to the *lot* on which the special event is to occur and 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.

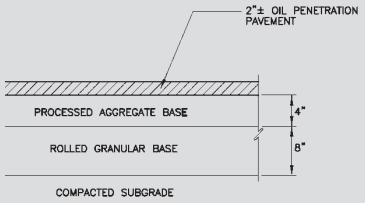
   The Town may apply for a one time site plan approval from the *Commission* for each alternate parking *lot*, which site plan approval will be valid for one (1) year and renewed annually for subsequent years; the *Commission* may deny the request for annual renewal if it finds the alternate parking *lot* arrangement is not operating in accordance with the provisions of this section. The *Commission* may by resolution delegate renewals to the Enforcement Officer. The site plan must designate shuttle drop-off/pick-up areas located to provide safe movement for pedestrian traffic. The Town must provide a list of the events to the *Commission* on January 2nd 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 will be submitted thirty (30) days prior to the event except under extenuating circumstances.

3. **Town center parking.** For *lots* fronting on Main Street between the Boston Post Road and Pennywise Lane, the *Commission* may credit on-*street* parking spaces located directly in front of the *lot* toward the total number of parking spaces required for a particular *use*.

motorcycle parking

62.4.2 Construction

- ☐ Is the site and access to *buildings* "barrier-free" to increase the range of accessibility to living, working and shopping without needing a vehicle?
- ☐ Has every opportunity for shared, reserve, or alternative parking and curb cuts in an effort to reduce stormwater run-off from impervious surfaces?



pavement detail

A. **Dimensions.** Each space will have a minimum width of nine feet (9′), minimum length of eighteen feet (18′)and minimum vertical clearance of not less than seven feet six inches (7′6″), except as follows:

1. **Parallel space.** 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′).
2. **Compact automobile space.** 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.
3. **Handicap-accessible space.** Each site will have a minimum of one (1) space reserved for *use* by a physically handicapped person as designated by the State of Connecticut Building Code.

Place a sign at each space to identify as handicapped parking, van accessible, if applicable, and a warning of monetary fine for any violation of *use*.

B. Lighting

- ☐ Does the parking area provide sufficient security lighting?
- ☐ Are the watts or fixtures excessive or unnecessary for the proposed *use*?
- ☐ Does site or auto light pose harmful glare or infringe on the privacy of neighbors?

All on-site parking, including but not limited to associated access, circulation drives/aisles, *walkways*, *building* entrances will be lighted to provide safety and security in an efficient and convenient manner.

1. **Number.** Adequate lighting will be provided for all parking areas of more than twenty (20) spaces, except where the *Commission* determines a parking area is unlikely to ever be used at night.
2. **Location.** Each interior parking *lot* light poles or *walkway* lamp post will be located a minimum of five feet (5′) from any curb to protect it from damage by head-in parking hanging over the curb; a minimum of three feet (3′) for angled parking.

   The concrete base of any light pole or lamp post will be flush with the surrounding ground, painted a dark color and surrounded by low shrubs or other ground cover to blend into a landscaped area.

   There will be no *building*-mounted flood lighting, except downcast or cut-off fixtures with fully-shielded light sources necessary for ingress or egress from the *building*.
3. **Height.** No lamp or pole will exceed fourteen feet (14′) in *height*.
4. **Timing.** Lighting will be photo-cell operated by daylight sensors.

Install downward-lit, shielded parking *lot* fixtures to eliminate glare and light spillage over property lines.

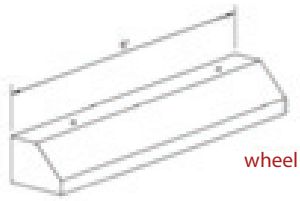
parking lighting on Boston Post Road East

pathway lighting at the Town Hall

Minimize light trespass from the site to avoid contributing to the phenomenon of "sky glow" caused by cumulative sources of light pollution.

Increase night sky access, improve nighttime visibility and protect nocturnal habitats.

C. **Marking.** All required parking areas 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 by other means to indicate individual spaces.



wheel stop detail

D. **Grading.** Every parking space will have suitable access and slope to accommodate an automobile.

E. **Materials.** Any parking *lot* that serves more than twenty (20) cars will be surfaced with bituminous concrete unless otherwise approved.

F. **Drainage.** Parking areas will be graded and drained to dispose of all surface water in accordance with all drainage design standards established by these regulations or by any other Town code or regulation. No drainage will be allowed to cross any *sidewalk* areas.

1. **Non-point source pollution.** The *Commission* encourages low impact development (LID) and technical standards for drainage design to reflect new technologies for controlling the rate, volume or quality of stormwater runoff from parking.

   Where possible, reduce the width of the traveled way of any *street*, as well as the amount of curbing to facilitate stormwater runoff over the roadway shoulder into low gradient vegetated swales to promote direct infiltration and groundwater recharge.

Use wheel stops or other appropriate provisions to prevent vehicles from overhanging *walkways* or from rolling or damaging trees or other landscaping materials.

Surface and maintain all off-*street* parking areas with durable and dustless all-weather material.

Stormwater Quality Manual

Demonstrate consistency with the 2004 Connecticut Stormwater Quality Manual or any subsequent revisions for guidance and requirements in protecting the waters of the state from the adverse impacts of post-construction stormwater runoff.

CT DEEP Stormwater Permits

Demonstrate consistency with the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 Stormwater General Permit), and the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (Construction Stormwater General Permit).

Pervious Pavement

With approval of the *Commission*, use pervious surface materials for all or part of a parking area as a part of an overall drainage design that minimizes concentration of stormwater runoff.

62.4.3 Operations and Maintenance of Parking

☐ Does the layout of parking reflect the operational needs of the *use*?

☐ Does the Statement of *Use* include a schedule of site maintenance?

All on-site parking *lots* or *structures*, including but not limited to associated access, circulation drives/aisles and *walkways*, will be maintained in a clean, well-kept manner.

Maintain *walkways*, *sidewalks* and *street* corners as a direct continuation of the pedestrian's travel path – uncluttered by *signs*, paper boxes, tree branches and the like.

A. **Snow removal.** An open, unrestricted area sufficient for the storage of snow will be reserved between the curb and the perimeter landscaping. This area will be delineated on the site plan as free from obstructions including, but not limited to, parking spaces, parking aisles, landscape islands, light poles, *sidewalks*, *walkways*, bike racks, loading areas and trash receptacles.

Minimize the cost of pavement repairs by regularly removing abrasive materials that can degrade pavement.

B. **Sweeping.** The entire *paved area*, including curb lines, corners and areas under parked vehicles, will be swept/vacuumed each seasonally to effectively remove leaves, sand, glass, bottles, cigarettes, paper and other common debris. Similarly, *walkways* will be kept free of barriers, obstacles and hazards.

C. **Trash removal.** Trash cans, dumpsters will be emptied on a regular basis to eliminate undesirable factors related to poor sanitation practices: odors, insects, overflow. Large, unwanted items typically deposited in loading areas, such as broken skids, bindings, plastic and metal pieces, will be picked up and discarded.

D. **Shopping cart corral.** Any shopping cart corral or carriage return within a parking area will be placed in any location central to the parking *lot* itself and convenient for patrons. Advertisements are prohibited on any shopping cart corral.

Include a designated location for a donation drop-off box whether or not currently planned to avoid the requirement to modify parking or landscaping plan at a future time.

E. **Donation drop-off box.** An area for no more than two (2) donation drop-off boxes for clothing and other charitable contributions may be designated on any site in a non- residential *district*. Donation drop-off boxes will be located in a safe, easily accessible location that does not obstruct parking spaces or circulation drives. The required number of parking spaces will not be reduced by the presence of any donation drop-off box; a drop-off box will not be included in calculating the maximum *building/structure coverage*.

62.4.4 **Off-Street Parking Requirements**

- ☐ Is there enough on-site parking to support the *use*?
- ☐ Does the nature of development, its location or other unique features require additional parking?
- ☐ Is employee parking provided?

In determining the appropriate parking requirements to be applied to a specific *use*, the decision of the *Commission* will be final.

A. **Additional spaces.** The *Commission* may require additional parking spaces where the nature of development, its location, or other unique features requires additional parking.

Round up to the next highest number where fractional spaces result from calculation of parking space requirements.

B. **Unlisted uses.** *Uses* not specifically listed in this section will be determined by the *Commission* based on parking requirements for a similar listed *use* or upon reference to recent parking standards of the Institute of Traffic Engineers or other recognized source.

C. **Mixed Use.** In *buildings* or on *lots* containing a mix of *uses*, spaces for residential *use* will be specifically designated.

D. **Multiple use.** In *buildings* or *lots* containing multiple *uses*, the *Commission* will apply the appropriate standard to each *use* and will aggregate the total parking spaces required.

E. **Parking spaces for physically handicapped.** Required handicapped parking spaces will be considered part of the number of parking spaces required under these regulations and not in addition.

F. **Employee parking.** For retail and service establishments and for other *uses* with a frequent exchange of customers or patrons, designate employee parking remotely from entrances so as to retain closer spaces for customers or clients.

Provide sufficient on-site parking for residential uses to accommodate both residents and guests.

62.4.5 Residential Uses

☐ Is there enough parking for residents, visitors and maintenance/ repair personnel?

The following off-*street* parking requirements are minimum requirements:

A. **One or two dwelling unit.** Two (2) spaces for each *dwelling unit*; *driveways* or garages may be included as required space. If the second *dwelling unit* is an accessory apartment, three (3) total spaces are required for both *dwelling units*.

B. **Three or more dwelling unit.** 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; *driveways* or garages may be included as required space.

C. **Elderly housing.** One (1) space for each efficiency unit or one (1) *bedroom* unit, and one and one-half (1½) spaces for each two-*bedroom* unit.

D. **Professional office or home occupation 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*.

62.4.6 **Non-Residential Uses**

☐ Is there enough parking for tenants, employees, patrons, visitors or others who can be expected to visit the site?

These parking requirements are in addition to any space that is required for storage of trucks or other vehicles used in connection with a commercial or industrial *use*:

A. **Business office.** 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 establishment.** Generally, one (1) space per one hundred fifty square feet (150 s.f.) *gross floor area*, except for the *uses* listed below:

   1. **Undertakers establishment.** 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 or dental office or clinic.** One (1) space per two hundred square feet (200 s.f.) of *gross floor area*.

   3. **Repair shop (excluding automotive repair).** One (1) space per two hundred square feet (200 s.f.) of *gross floor area*, with a minimum of three (3) spaces.

C. **Financial institution.** One (1) space for every two hundred fifty square feet (250 s.f.) of *gross floor area*.

D. **Retail store.** 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. **Supermarket.** One (1) space for every two hundred square feet (200 s.f.) of *gross floor area*.

   2. **Convenience store.** 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 store** (requiring significant display areas for large merchandise items). One (1) space per four hundred square feet (400 s.f.) of *gross floor area*.
4. **Lumber and building materials business.** 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.
6. **Shopping center**. Parking for *shopping centers* will be provided at a ratio of one (1) parking space for each two hundred twenty-five square feet (225 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 for individual *uses*, except as hereinafter provided. For the purposes of establishing off-*street* parking requirements, a *shopping cente*r 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*. For any *building* in the *shopping center* which is ten thousand square feet (10,000 s.f.) of *gross floor area* or more, for the purposes of determining the parking spaces required for such *building*, the Applicant may allocate the area within such *buildin*g dedicated for enclosed storage in accordance with the ratio for enclosed storage *use* under Section 62.4.6.Q of these Regulations.

E. **Motor Vehicle Uses**

1. ***Motor vehicle fueling 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. **Motor vehicle repair 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. **Motor vehicle 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, bar or pub.** 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.

2. **Restaurant with take-out or drive-through 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 or dance club.** One (1) space for every four (4) legal occupants in the club area under the Connecticut Fire Safety Code.

G. **Educational Institutions**

1. **Elementary or junior high school.** 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. **Daycare center or nursery school.** 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. **Place of worship.** 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 (1/3) parking space 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 (1½) 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. **Theater, auditorium or other place 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 library, museum or art gallery.** One (1) space for every four (4) legal occupants under the Connecticut State Fire Safety Code.

N. **Marina.** Three quarters (¾) of a space for each *boat* slip or rental *boat*, and three quarters (¾) of a space for each commercial mooring, with separate space provided for parking of *boat trailers* and storage of dinghies.

O. **Manufacturing or industrial plant.** One (1) space for each eight hundred square feet (800 s.f.).

P. **Research or development facility.** One (1) space per each three hundred square feet (300 s.f.) of *gross floor area*.

Q. **Warehousing or other enclosed storage use.** One (1) space for each one thousand two hundred square feet (1,200 s.f.) of *gross floor area*.

R. **Hotel, motel, boarding or lodging house or similar building.** One and one-quarter (1¼) spaces for each room, plus spaces as required for other related *uses*, including *restaurant* and places of public assembly.

S. **Membership club, lodge or community house.** 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*.

SECTION 63

Landscaping, Screening and Buffering

63.0 Purpose

The landscaping provisions of these design standards preserve and enhance the quality, appearance and beauty of the community, to preserve property values, and to accomplish transition between unlike areas.

63.1 Minimum Landscape Area (MLA)

- ☐ Does the landscaping include a diverse variety of plant species?
- ☐ Does the landscaping soften the mass of a large *building*?
- ☐ Will the landscaping features create a sense of place?

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 tree protection, plant preservation and pervious landscaping will not be less than the following percentages of MLA in each *District*:

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 Industrial MI District	15%
Saybrook Point SP District	20%
Industrial I District	25%

Each site will contain a minimum of twelve (12) trees per acre.

For purposes of this section, pervious landscaping consists of any of the following or combination: turf grass, vines, shrubs, groundcover, hedges or trees.

Decrease the "non-conformities" of an existing landscaping, screening or buffer areas to meet current design standards:

- Replace diseased trees.
- Increase buffer plantings.
- Relocate dumpsters.

The Board of Selectmen's Tree Committee advocates a policy of no net loss of tree cover.

Existing Site Features

With approval of the *Commission*, include existing natural vegetation and unique site features, such as existing stone walls, large boulders or rock outcroppings, in the area used to satisfy this requirement.

trees above sidewalk on the Boston Post Road

63.2 General Requirements

☐ Does the development preserve sensitive environmental land features, such as steep slopes, *wetlands* and large rock outcroppings?

☐ Are scenic views and historically or archaeologically significant features preserved?

The following performance standards apply to all *uses* for which a site plan is required:

- Any portion of a developed *lot* that 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 an approved landscaping plan.
- Any area of the *lot* not disturbed by filling, grading, excavation or other construction activity may be left as natural terrain if its location, size or shape supports the landscaping plan in a manner as to minimize storm water runoff, sedimentation or *erosion*.
- Landscaping, trees and plants required by these design standards will be planted in a growing condition according to accepted horticultural practices and will be maintained in a healthy growing condition.
- Any landscaping, trees or plants in a condition that does not fulfill the intent of the approved landscaping plan will be replaced by the property owner during the next planting season. The *Commission* may require a separate bond, in a form acceptable to the *Commission* against completion of the requirements to be held by the *Commission* for two (2) years.
- Any screening, *fence* or wall required by these design standards will be maintained by the property owner in good condition throughout the period of the *use* on the *lot*.
- 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.

Streets and Sidewalks

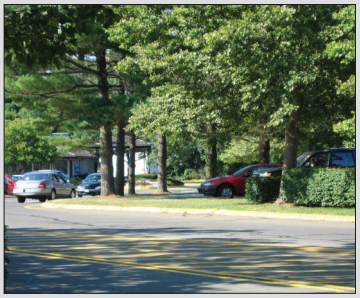
Chapter 185 of the Town Code authorizes the Board of Selectmen to enforce that "all owners of property adjacent to or abutting on public sidewalks shall be responsible for keeping such sidewalks free of hedges, shrubbery grass and overgrown plantings."

- To the maximum extent possible, all significant existing natural, man-made or scenic resources will be preserved or protected to the greatest extent possible, including, but not limited to, stone walls, steep slopes, large boulders or ledge outcroppings, specimen trees or stands of trees, including rare or unusual flora or fauna, endangered species, species of special concern, *watercourses*, ponds, *wetlands*, scenic vistas, ridgelines or other significant geological or unique site features.
- Existing, healthy, mature plant materials, especially trees, if properly located, will be fully credited toward these design standards.
- 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, specimen types interspersed for accent.
- Variety should be achieved with respect to seasonal changes, species selected, texture, color, and size at maturity.
- The *use* of resource-efficient, landscapes and gardens of slow-growing, drought-resistant plant species indigenous to the region is encouraged.
- 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.
- Landscape composition will be complimentary to the scale and style of existing and proposed *buildings*.
- Without adversely affecting the reasonable solar gain of any neighboring property, new plantings will concentrate evergreen trees and hedges on the north side of a *structure* to protect from wind without interfering with passive solar gain; deciduous, on the south side for seasonal sun control.

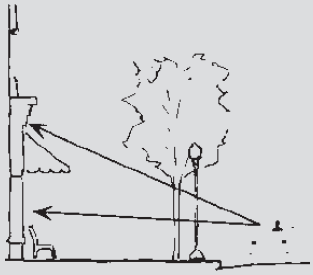
Additionally, properties located in the *Connecticut River Gateway Conservation Zone* must adhere to the minimum *riparian buffer area* required in Section 58.

manicured evergreens on Elm Street

functional reproduction with classical materials



well-shaded parking spaces on Boston Post Road



building visibility

Include the area of the front landscaped buffer in calculations for the minimum landscaped area.

Leave room for plants or hedges to grow without interference to any existing or required *sidewalk*.

Prevent the need for costly replacement of unmaintained vegetation by installing resource efficient systems, such as drip/micro irrigation, rainwater collection or gray water retention.

Minimize turf by planting the front landscape area with ground cover and appropriate trees and shrubs.

Planters

With approval of the *Commission*, substitute planters, plant boxes or pots containing trees or flowers to comply with the intent of these design standards where the *Commission* acknowledges that *lot* size and shape or existing *structures* make it infeasible to comply with the requirements for landscaping, screening or buffering.

63.3 FRONT LANDSCAPED AREA

☐ Is the appearance of the property enhanced rather than the *use* screened from view?

☐ Are shade trees located so as to not interfere with utilities or signage when mature in size?

63.3.1 Design and Construction

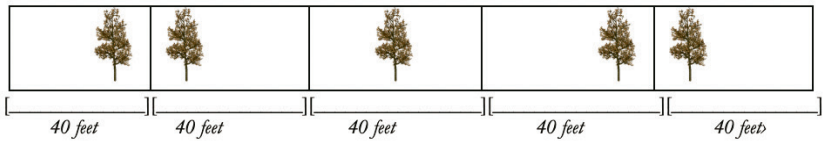
A. **Location.** Provide each *lot* with a landscaped area extending the length of the *street frontage* along the interior side of the front *lot* line, except where a *driveway* is located.

B. **Width.** The width of a front landscaped area will be at least:

Central Business B-1 District	10 feet
Saybrook Point SP-2 District	15 feet
Other districts	25 feet

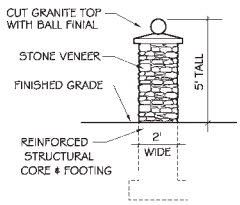
C. **Materials.**

1. Shrubs and plantings will be *native* or *adaptive plants* chosen for drought-resistance or other qualities necessary to survive in local conditions and not exceed three feet (3′) in *height* at maturity; roadside shoulders will be planted to optimize visual clearance for automobile drivers;
2. At a minimum, one *specimen* tree having a caliper of at least three and one-half inches diameter at breast *height* (3½′ dbh) and a *height* of at least six feet (6′) at time of planting will be planted within each forty feet (40′) of *lot frontage* and each fraction thereof.



63.3.2 Streetscape

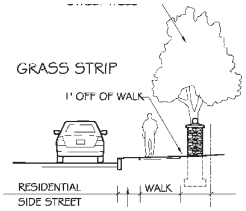
Clearing in a public right-of-way of any *street* is prohibited, except in conjunction with an approved site plan, the *Commission* may require the area within a public right-of-way between the front *lot* line and the edge of the pavement to be landscaped and maintained or any of the following improvements:



marker detail

A. **Neighborhood Markers**. Neighborhood monuments or markers will be placed within either side of a right-of-way of any side *street* transitioning from commercial to residential *uses*.

B. **Street Furniture**. Necessary or convenient equipment will be installed in the *street*, including traffic barrier, bench, outdoor seating, bicycle rack, bollard, post box, phone box, streetlamp, *street* lighting, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, fountain, memorial, or waste or recycling receptacle.



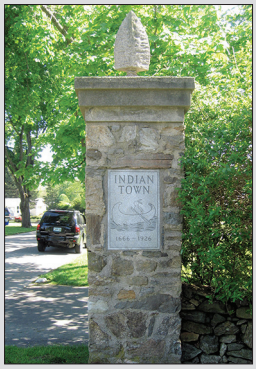
street tree in grass strip

C. **Street Trees**. At a minimum, one *street* shade tree having a caliper of at least three and one-half inches diameter at breast height (3½″ dbh) and a *height* of at least six feet (6′) at time of planting will be planted for each forty feet (40′) of *lot frontage* and each fraction thereof.

D. **Plant Palette**. A plant palette will be provided for use in coordinating the various landscape elements of the site and that of the neighboring properties.

Encroachment Permit

Work in any right-of-way requires permission from the Town Department of Public Works or State Department of Transportation



Include *street* trees that contribute to the ecological "microclimate" of the neighborhood.

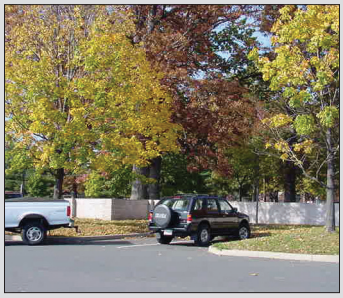
Plant Palette

With approval of the *Commission*, landscape those *lots* fronting on Main Street, the Boston Post Road or Ferry Road consistent with any comprehensive landscape design established by cooperative efforts of civic, business or governmental organizations or agencies.

63.4 Perimeter Buffer

☐ Does landscaping sufficiently shield adjacent properties from the site's noise, headlight glare or visual intrusion?

Include perimeter buffer in calculating minimum landscape area.



Except for *single-family* residential *uses*, do not use the perimeter buffer for parking.

Provide a perimeter buffer along all *lot* lines except the front *lot* line and where *driveways* or *sidewalks* connect to abutting properties.

Include evergreen planting to supplement deciduous planting but not take its place.

63.4.1 Buffer Width

A buffer is required for each *lot*, not withstanding any buffers on adjacent property:

A. For single-*family* 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 *Planned Residential Development*, in which event the provisions of Section 63 will apply. — 20 feet

C. For *uses* within business *districts* — 10 feet
In *districts* where a *building or structure setback* is less than ten feet (10′), a *building or structure* will be allowed within the perimeter buffer.

D. For *uses* within industrial *districts* — 20 feet

63.4.2 Required Landscaping for Buffers

At a minimum, the planting will consist of mixed evergreen trees six feet (6′) in *height* planted at intervals of ten feet (10′) staggered on center, unless otherwise approved by the *Commission*.

A. **Multi-family or non-residential use**. 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.

B. **Single-family use**. There is no specific requirement for landscaping the buffer area.

Perimeter Width

With approval of the *Commission*, modify the width of the perimeter buffer area where *lot* size and shape or existing *structures* make it infeasible to comply with the minimum widths required above.

63.5 Interior Parking Lot Landscaping

☐ Are pervious surfaces maximized to protect water quality?

☐ Are there enough trees to shade parked cars from absorbing the solar heat sink of the pavement?

In addition to front landscaped area and perimeter buffer requirements, there will be landscaping of *buildings*, *walkways* and parking *lots*:

63.5.1 Cumulative Area

A standard of one (1) island for every ten (10) parking spaces should be used for design purposes. 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 *lot* per parking space.

63.5.2 Intervening Islands

For *uses* requiring thirty (30) or more spaces, no more than fifteen (15) parking spaces in a row or four (4) rows across will be permitted without an intervening interior landscape area.

63.5.3 Dimensions

Each interior parking lot landscaped area will contain:

A. A minimum area of one hundred square feet (100 s.f.);

B. A minimum depth of ten feet (10′);

C. Plantings of shrubs or ground cover; and

D. At least one (1) specimen shade tree having a caliper of at least three and one-half inches diameter at breast height (3-1/2″ dbh) and six feet (6′) in *height* and spaced approximately every forty feet (40′) and each fraction thereof from the next tree within any interior parking *lot* landscaped area.

Design interior landscaping to enhance visual qualities of the site and to break up expanses of parking.

Position islands to indicate safe and efficient channelization of pedestrian or vehicular traffic and to separate access ways from parking aisles.

Provide a landscaped area along the perimeter drive of any parking area, except where functionally integrated with parking on an abutting *lot*.

Natural Landscape

With approval of the *Commission*, modify the planting or buffer area requirements where the existing topography or natural vegetation provides adequate screening.

Plant low-*height* shrubs or upward branching trees that will not obscure pedestrians or signs from motor vehicles — especially at crossing locations.

clear corner at Elm Street

Protect cyclists and pedestrians from motor vehicles with conscientious placement of *fencing*.

clear corner in Old Saybrook

63.6 Visual Clearance

☐ Is there sufficient visual clearance to prevent any safety hazard to motorists, cyclists or pedestrians?

No plant, *structure* or object will be located to create – nor grow to create – a visual hazard for vehicular or pedestrian traffic either within or at the intersection of the site's access with a *street*.

63.6.1 Fences, Walls or Terraces

The required *setback* distances will not apply to *fences* or walls seven feet (7′) or less in *height* nor to retaining walls of less than seven feet (7′) 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*.

Any *fence*, wall or planting that obstructs the line of sight will not be considered to be a *nonconformity*.

63.6.2 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 intersecting *street lines* and a straight line connecting a point on one *street line* fifteen feet (15′) from the intersection with a point on the other pavement fifteen feet (15′) 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 one-half feet (31/2′) 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.

Line-of-Sight

With approval of the *Commission*, modify the requirements to maintain a clear line-of-sight where unique circumstances indicate that the intent of the design standards can be met.

63.7 Screening

- ☐ Is glare, noise or litter prevented from spilling into residential areas or public *streets*?
- ☐ Are on-site activities suitably screened from public view during all seasons?

Requirements for screening will address areas for loading and service, including trash receptacles, storage, utilities or mechanical units and queuing lanes, and retail drive-through mechanicals, such as menu boards, automatic teller machines or other product dispensers:

- Service areas and mechanicals will be located in the least conspicuous area of the site that allows sufficient area for operations without damage from service providers or other vehicles to the maximum extent possible without conflict with the Fire/Building or Health Codes.
- Building materials of muted colors and natural vegetation will be used to conceal or blend service areas into the background and to divert attention to more attractive parts of the site.
- Service areas, mechanicals and product dispensers will be screened from view from any public *street* by *fencing*, decorative walls or other landscaping materials or a combination that complements the architecture of the *building* and the neighborhood.
- Loading areas will be designed so that delivery vehicles can back up to a loading dock or enter the *building*.

plantings around utilities at Banbury Crossing

Perimeter Screening

With approval of the *Commission*, substitute an earthen berm, wall or *fence* of location, *height*, design and materials 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 landscape area.

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.

SECTION 64

Signs

64.0 Purpose

It is the purpose and intent of this section to accommodate the establishment of signs necessary for identification, direction, information, or reasonable commercial promotion while avoiding signs of a character, as well as a proliferation or expansion of signs, that would be detrimental to the public health or safety, property values or the appearance or beauty of the community.

64.1 General

- ☐ Does site identification signage establish a lasting identity of the place?
- ☐ Does signage facilitate on-site wayfinding and emergency response?
- ☐ Is information on a permanent *sign* necessary, sufficient, simple and direct?
- ☐ Is business promotion balanced with maintaining the attractiveness of Old Saybrook?

Unless expressly permitted otherwise, all *signs will* conform to the provisions specified in this section or to any additional conditions or limitations that the *Commission* may impose concerning the approval of a Site Plan or Special Exception.

No person will establish, construct, reconstruct, enlarge, extend, move, or structurally alter any *sign* until the Enforcement Officer approves an application for Certificate of Zoning Compliance or unless expressly permitted by exemption.

No *sign* will be located in a manner so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system, fire escape or exit, or to cause any other hazard to public health or safety.

Decrease the "non-conformities" of an existing *sign* to meet current design standards:

- size
- *height*
- line-of-sight
- *setback* from property line

Services and products on Main Street

Give preference to primary information needed by in-person patrons of each business, such as types of services and hours of operation (omit secondary information such as website addresses, email addresses, advertising slogans, etc.) with little repetition between *signs* and *buildings*, regardless of the area allowed.

64.3 Standards – All Districts

- ☐ Does lighting avoid light pollution or disturbance of surrounding residential areas?
- ☐ Does each *sign* attached to a *building* preserve the historic integrity of the *building*?
- ☐ Is landscaping around the *sign* sustainable?
- ☐ Are structural materials common to the local vernacular?
- ☐ Is the *sign* basic enough to ensure legibility, as well as reduce visual clutter along the roadway?
- ☐ Is each *sign* placed where it will best fulfill its function?

Any *sign*, 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 unless expressly permitted otherwise.

64.3.1 Location.

All occupants of any *building* will consolidate all wall and *window signs* to no more than the number of walls allowed to display *signs* as permitted in the underlying district.

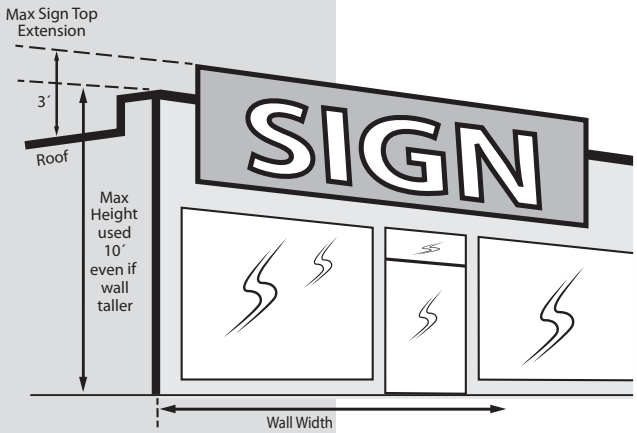
64.3.2 Duration. 6 mos. min.

Any *sign* pertaining to each *use* will be removed or otherwise eliminated when the *use* is discontinued for a continuous period of 6 mos. min.

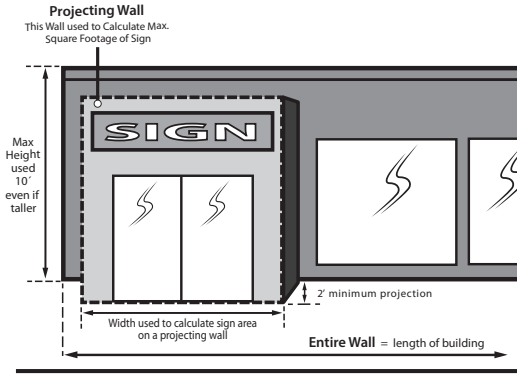
64.3.3 Maximum Area. 75 s.f. max. ea.

64.3.4 Area Calculations.

Calculations to determine the percentage of wall area permitted in a *District* will be measured to a maximum *height* of ten feet (10′) above ground level even if the wall is higher than ten feet (10′).



When a *sign* is proposed on a wall that projects two feet (2′) or more feet from another wall of a *building*, the wall calculation will be based on the wall where the *sign* is being placed (not by using the overall length of the entire building).



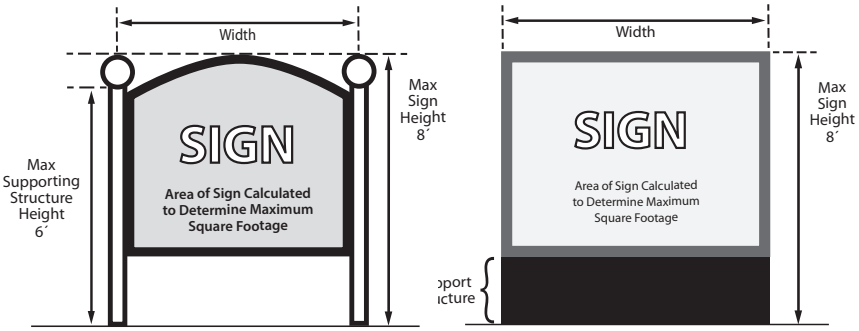
The *Commission* excludes the area of any "Exempt *Sign*" (Section 64.4) in calculating the area of any other *sign* otherwise permitted on a *lot* in each *district*.

Signs consisting of lettering or logos affixed directly to a wall will be calculated by the area of a square or rectangle that will encompass all the lettering, graphics and logos and not by calculating the area of the words, graphics or logos separately.

64.3.5 **Height including decorative finial** 8′ max.

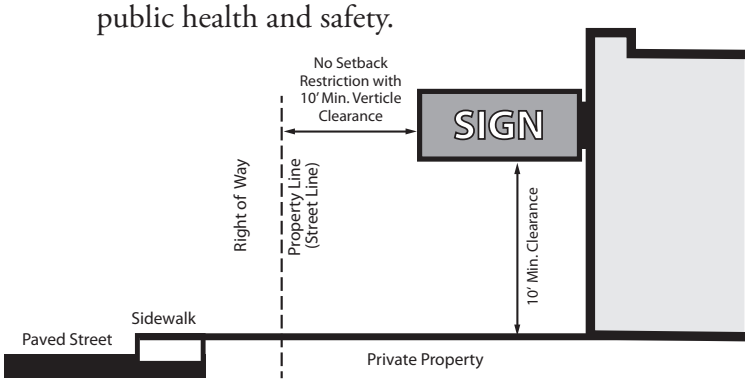
64.3.6 **Support structure height** 6′ max.

Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings will be protected by a stone border, curb, edging or base.



64.3.7 **Setback.**

These regulations specify a minimum *setback* per *district* subject to review by the *Commission* to ensure public health and safety.



Window display space on Route 1

Faux windows, glazed windows, or windows otherwise appearing solid in nature are not eligible to be counted as that area permitted as a window *sign*.

Finials atop Route 1 sign support *structure*

Limit the *height* of the support *structure* to no higher than the face of the *sign* itself, and balance the *height* with decorative elements.

Avoid placing a freestanding *sign* where blocked by trees, brush or on-street parking; locate signage where on- or off-site snow plowing operations will not disturb it.

Similarly, maintain a line-of-sight so that an automobile driver leaving a site can safely see to enter oncoming road traffic.

Visibility for pedestrians on Main Street

Locate a projecting *sign* on a building facade facing the street or an on-site walkway.

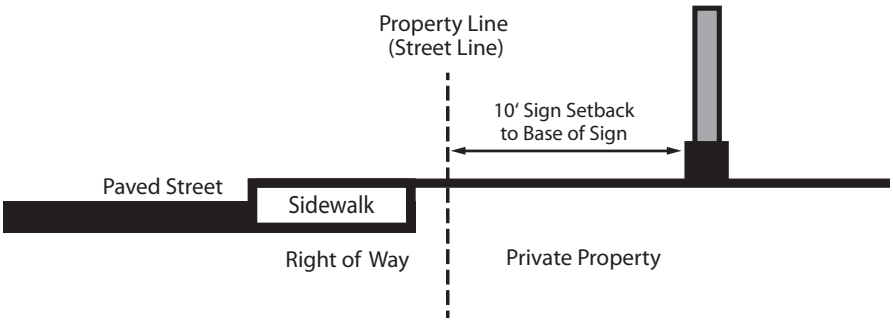
Legibility for pedestrians on Main Street

Size the lettering and graphics on a projecting *sign* appropriately for viewing by pedestrians.

Proportionately space a wall *sign* between shutters, window trim or other architectural elements of the *building* and well below the fascia or cornice.

Minimal illumination on Main Street

Use an opaque background material for an *internally-illuminated sign* so that visible light emanating at night is restricted through only the translucent letters, symbols or graphics.

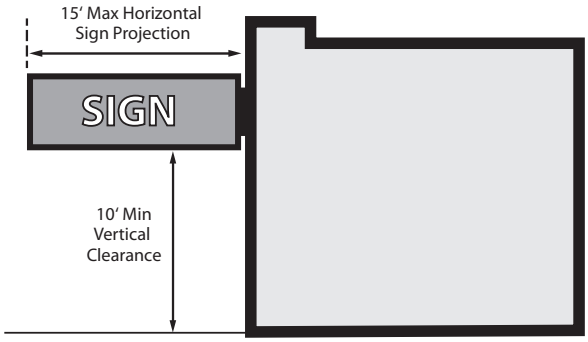


64.3.8 **Horizontal projection.** 4′ max. for signs 12 s.f. or less
15′ max. for signs of 12 s.f. or more

No *sign* will be located in a *setback*, right-of-way, driveway, roadway, access way, or over a *sidewalk*, with the exception of a *sign* with a horizontal projection or an off-site *sign* specifically permitted by these regulations.

Vertical clearance. 10′ min.

Any *sign* attached to and projecting horizontally from the wall or under the roof of a *building*, a *structure* or a post may project into or hang over a *sidewalk*, right-of-way, driveway, roadway, access way, or *setback* if the horizontal projection maintains a vertical clearance from the ground of 10′ min.



64.3.9 **Vertical projection** (pitched roof). 3′

No *sign* will be located on any roof, and no *sign* attached to a *building* will extend above the top of the wall of the *building,* except if these regulations specify a maximum vertical projection above the wall of a *building* with a pitched roof in a specific *district*.

64.3.10 **Illumination.** 1 hour max. after close of business

These regulations permit external illumination of *signs* in all districts; internal illumination, as indicated in each *district*.

Illuminated signs must be dark sky compliant and meet the performance standards and outdoor illumination standards outlined in these regulations.

Where permitted, illumination of any *sign* must be set on a timer to shut off no later than 1 hr. max. after close of business.

64.3.11 **Construction & Specifications**

1. Light sources, electrical connections, wiring, junction boxes and hardware if not intended as a decorative element must be concealed from view to the maximum extent possible.
2. Specifications of timers and illumination will be provided and included on the plans submitted.

64.4 Exempt Signs

The *Commission* excludes any exempt *sign* in calculating the area of any other *sign* otherwise permitted on a *lot*.

The *Commission* allows exempt *signs* in all *districts* and *zones* without a Certificate of Zoning Compliance in addition to any other *sign* otherwise permitted on a *lot* providing the exempt *signs* comply with any requirement of the *underlying district* and the specifications below:

64.4.1 **Private directional sign or Warning sign.** 4 s.f. max. ea.

Per *lot*, four (4) private *directional* or *warning signs*.

64.4.2 **Development sign.** 32 s.f. max. total

Per *lot*, where a Subdivision, Affordable Housing Development, *Incentive Housing Development, Planned Residential Development*, or Special Exception *Use* is permitted, one (1) development *sign* not referring to any other premises. The *sign* will be removed no later than thirty (30) days after the completion of the project or sale or lease of the available space.

Legibility

Limit the amount of text and imagery on a sign to improve legibility. Less content on a sign improves visibility and impact of a sign.

Signs with light text on dark backgrounds are encouraged.

On-site wayfinding along Route 1

Use a scaled-down monochromatic icon or logo on directional signage consistent in size and shape at the point at which a driving or walking patron would become confused in trying to locate one business among many.

Job opportunity on Middlesex Turnpike

Avoid visual clutter by closely relating the design and placement of a temporary *sign* to the existing *sign* system, landscape improvement, or the *building* design.

Consider a simple two-color palette for off-site leader signs.

Designate a secondary, predictable location where patrons can find updates to the rules, regulations and other precautionary information.

Thanking volunteers who tend the grounds at Founders Memorial Park

Be mindful of blocking a scenic view with a freestanding *sign* or otherwise detracting from the experience of visiting a municipal facility or living in a particular neighborhood.

Designate a typical location on the *building*, such as windows, to promote brands or temporary sales.

An enticing preview of Bridge Street fare

Limit the size of any menu board mounted outside the entrance to a restaurant to the *size* of the menu handed to a seated restaurant patron.

64.4.3 **Real Estate, Contractor or Designer Identification sign.** 12 s.f. max. total

Per *lot*, where the premises are for sale, for rent or under construction, one (1) *sign* not referring to any other premises. The property owner will remove the *sign* within thirty (30) days after completion of the project or sale or rental of property.

64.4.4 **Real Estate Open House sign.** 12 s.f. max. total

Off the *lot*, one (1) *directional sign* to an open house for the sale or rental of real estate during the day of each event only; the *sign* must not obstruct sight lines, vehicular traffic or create a hazard.

64.4.5 **State or Municipal use, Neighborhood association, Park or conservation area or Farm sign.**

On a *lot*, informational *signs* not visible from any road, public way or adjacent property.

A. **Freestanding sign** multiple per *lot*

1. **Area** 16 s.f. max.
2. **Height** 8′ max.
3. **Support structure *height*** 6′ max.

   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.
4. **Setback**

   from *street line* not visible

   from rear & other property line not visible
5. **Horizontal projection** 4′ max.

B. **Wall sign** 2 per bldg.

1. **Area**

   for 1st *sign*, the lesser of: 10% max. of the wall or 40 s.f. max.

   for 2nd *sign*, the lesser of: 10% max. of the wall or 16 s.f. max.
2. **Horizontal projection** 4′ max.
3. **Vertical projection** (pitched roofs) not permitted

64.4.6 **Informational flag** or **Decorative flag.** — 40 s.f. max.

On a *lot*, for each occupant of a *building*, one (1) flag on a pole anchored by a permanent bracket to the *building* and removed at the close of business each day. Flags attached to residential *buildings* for other than commercial purposes may remain attached twenty-four (24) hours a day.

64.4.7 **Window sign.**

In any window of a permitted business, the regulations permit the following area of any window to display signage, some of which may be internally illuminated where permitted in the *underlying district*:

A. **No internal illumination**, the lesser of: — 20% max. total or 25 s.f. max.

B. **Internal illumination**, the lesser of: — 10% max. total or 6 s.f. max.

C. **Combination of internally illuminated and non-illuminated signs** — 10% max. total or 10 s.f. max.

64.4.8 **Landmark sign.** — 6 s.f. max.

On any *lot*, one (1) *sign* identifying or explaining the name or significance of a location having historic, cultural, scenic, archaeological, or other significance as would be of interest to the public; expressly excluding any commercial message or *use*.

Easy viewing at Ft. Saybrook Monument Park

Clear view for "walk-ins" on Main Street

Comprise a permanent *window sign* of individual letters, logos or design elements (avoid a solid or opaque background) so as to not obscure the view through the windows.

Use native materials, such as wood or multiple per *lot* stone, in the base *structure* and frame.

Protective plantings on Route 1

Protect the base of a *sign* from rot or damage from lawnmowers and weedwackers.

Evergreens on Elm Street

To make a seasonal impression, supplement year-round vegetation with low-maintenance perennials.

Distinguishing window on Main Street

Use a pedestrian-level window for business identification where a freestanding *sign* is not feasible.

Wind-proofed sales event on Route 1

Secure a temporary banner from folding or flipping in the wind so content is not obscured.

Use a portable *sign* for a temporary occasion to convey specific information, alert the public to special events, or announce new businesses.

Uniform sign band on Main Street

Avoid overwhelming a *building's* façade with crowding, variety or disproportionate *sign* sizes.

Omit advertising features such as greater-than-life size models of food or other products, replicas of spokespersons associated with commercial products, rows of flags or banners, or internally lit bands of color across a façade, awning or canopy.

64.5 Permitted Signs

64.5.1 All Districts

In addition to any *sign* allowed on any *lot* within each district, the *Commission* or its agent may permit the following *signs* on a lot pursuant to the following specifications and the standards for the *district* where not specified. The *Commission* excludes the area of the following *signs* in calculating the area of any other *sign* otherwise permitted on a *lot* in each *district*.

A. **Scoreboard sign** at each permitted recreational field on any *lot*

1. **Area** 48 s.f. max.
2. **Height** 14′ max.

B. **Community Event sign** 1 max. per ea. event

1. **Duration**
   days (consecutive) per event 15 days max.
2. **Area**

   1 max. stick-in-the-ground *signs* 4 s.f. max.

   1 max. banner-on-posts or a wall of a building in a Business, Industrial *District* or in a Residence *District* on the premises of the event 24 s.f. max.
3. **Setback**
   from *street line* 5′ min.
4. **Internal illumination** not permitted

64.5.2 Residence Districts, Saybrook Point SP-1 & SP-3 Districts

A. **Identification sign.** 1 per *lot*
On any *lot*, a freestanding or wall *sign* giving only the name of the premises or of the occupant, or announcing a permitted business *use* on the premises:

1. **Area** 3 s.f. max.
2. **Height** 8′ max.
3. **Support structure height** 6′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.
4. **Internal illumination** not permitted

B. **State or Municipal use, Neighborhood association, Park or conservation area, Farm or Special Exception use sign.** 1 per lot

On any *lot*, a freestanding *sign:*

1. **Area** 16 s.f. max.
2. **Height** 10′ max.
3. **Support structure height** 8′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.
4. **Internal illumination** not permitted

C. **Municipal Electronic Message sign.** 1 per *lot*

On any *lot* located in a Residence *district* (excluding MI, SP-1 & SP-3 *Districts*), a freestanding *sign* with electronic letters illuminated by a non-flashing, internal source of artificial light for a Special Exception *Use* that occupies a *gross floor area* of 25,000 s.f. or more:

1. **Area** 40 s.f. max.
2. **Height** 8′ max.
3. **Support structure height** 6′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.
4. **Internal illumination** permitted

Front door detail on Essex Road

Save fancy scripts and scrolled lettering for pedestrian settings, slow speeds, or at stops; reduce the size of the lettering and graphics for up-close viewing.

Predictable placement of typical rules at Founders Memorial Park

Make room on the identification *sign* for immediate notices about seasonal or temporary conditions (beach closed, seasonal *use*, sunrise to sunset, parking lot full, etc.).

If visible, then use a shape, color palette, trim and details in which the support *structure* for a freestanding *sign* and the frame of the wall *sign* complements the architecture of the *building* without distracting from the message of the *sign*.

Legible at higher speeds and distance on Route 1

Consider your audience: use a monument *sign* in an automobile oriented setting.

A collective approach to customizing a *building* on Main Street

Fit each tenant within a *sign* band without extending beyond or leaving unfinished gaps.

Contrast adds variety on Main Street

Create harmony rather than uniformity among identification *signs* for multiple tenants.

Identifying place name on North Main Street

Create cache with a place name on the freestanding entrance *sign* of a destination with minimal, if any, additional wording to identify individual tenants on-site.

64.5.3 Central Business B-1 District

A. **Freestanding sign** — 1 per *lot*

1. **Area** — 12 s.f. max.
2. **Height** — 8′ max.
3. **Support structure height** — 6′ max.

   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.
4. **Setback**

   from *street line* — 0′ min.
   from rear & other property line — 5′ min.
5. **Internal illumination** — 9 s.f. max. permitted
6. Freestanding signs for properties with multiple businesses or uses will be limited to a maximun of four (4) colors (one (1) foreground color, one (1) background color, and two (2) accent colors) for consistant appearance for all occupants. Freestanding signs with five (5) or more colors for all occupants will be permitted as a *Special Exemption Use.*

B. **Wall sign** — 2 per occupant

1. **Are**a (no internal illumination)

   for 1st *sign*, the lesser of: — 20% max. of 1st wall or 50 s.f. max. ea.

   for 2nd *sign*, the lesser of: — 5% max. of 2nd wall or 20 s.f. max.

   Area (no internal illumination)

   for 1st *sign*, the lesser of: — 20% max. of 1st wall or 35 s.f. max. ea.

   for 2nd *sign*, — no illumination permitted.
2. **Horizontal projection**

   for *sign* 12 s.f. or less — 4′ max.
   for *sign* 12 s.f. or more — 15′ max.
3. **Vertical projection** — not permitted (pitched roofs)
4. **Internal illumination** — permitted

   Freestanding signs for properties with multiple businesses or uses will be limited to a maximun of four (4) colors (one (1) foreground color, one (1) backgroundc olor, and two (2) accent colors)

for consistant appearance for all occupants. Freestanding signs with five (5) or more colors for all occupants will be permitted as a *Special Exemption Use.*

64.5.4 Incentive Housing Mixed-use IH-MU Zone

A. **Wall sign** (non-residential *uses*) 2 per occupant

1. **Area**
   for 1st *sign*, the lesser of: 20% max. of 1st wall or 30 s.f. max. ea.
   for 2nd *sign*, the lesser of: 5% max. of 2nd wall or 15 s.f. max.
2. **Horizontal projection**
   for *sign* 12 s.f. or less 4′ max.
   for *sign* 12 s.f. or more 15′ max.
3. **Vertical projection** (pitched roofs) not permitted
4. **Internal illumination** not permitted

64.5.5 Shopping Center Business B-2 & Gateway Business B-4 Districts

A. **Freestanding sign.** 1 per *lot*
1 add'l per *lot*

On any *lot*, one (1) freestanding *sign*; plus a 2nd *sign* for any permitted special exception *use* on any *lot* with frontage on separate streets and with two (2) or more vehicular entrances located more than fifteen hundred feet (1,500′) apart measured along the *street lines*.

1. **Area** (no internal illumination)
   for 1st *sign* 50 s.f. max.
   for 2nd *sign* 25 s.f. max.

   Area (with internal illumination)
   for 1st *sign* 45 s.f. max.
   for 2nd *sign* 20 s.f. max.
2. **Height** 8′ max.
3. **Support structure height** 6′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.

Showcasing the marketplace of Saybrook Junction' entrance on Route 1

Make predictable the size and location of *business* names for individual tenants by limiting location to a coordinated free-standing directory *sign* or a *sign* band across all *building* façades on a site with capacity and flexibility now to accommodate multiple tenants in the future.

Tastefully lit sign at Saybrook Shopping Center on Route 1

Consider internally-lit "channel" letters and logos rather than whole panels; avoid light creases that detract from the content of the *sign* when using a single solid panel of facing material for an internally-illuminated *sign*.

Clear identification on Boston Post Road

Clarify wayfinding with a hierarchy of minimal information (i.e., address most prominent, name of place / *building* / development, direction to primary tenant, other tenants, exits).

Discreet signage for a professional office in a residence on the Old Post Road

Consider your audience: use a post sign in a pedestrian-oriented setting.

Artful reflection of nearby natural resources on Essex Road

Consider "local flavor" to make relevant to Old Saybrook the iconography of any *business* trademark (omit logos, slogans or other messages on a *sign* other than for occupants of the property or a franchisee of a business located on the property).

Gooseneck lights downcast upon a wall sign on Route 1

Carefully locate, aim and shield lighting to prevent light spillage beyond the *sign* face.

4. **Setback**
   from *street line* 10′ min.
   from rear & other property line 5′ min.
5. **Internal illumination** 9 s.f. max. permitted
6. Freestanding signs for properties with multiple businesses or uses will be limited to a maximum of four (4) colors (one (1) foreground color, one (1) background color and two (2) accent colors) for consistent appearance for all occupants. Freestanding signs with five (5) or more colors for all occupants will be permitted as a *Special Exception Use*.

B. **Wall sign** 2 per occupant

1. **Area** (no internal illumination)
   for 1st *sign*, the lesser of: 20% max. of 1st wall or 75 s.f. max.
   for 2nd *sign*, the lesser of: 5% max. of 2nd wall or 40 s.f. max.

   Area (with internal illumination)
   for 1st *sign*, the lesser of: 20% max. of 1st wall or 65 s.f. max.
   for 2nd *sign*, the lesser of: 5% max. of 2nd wall or 25 s.f. max.
2. **Horizontal projection**
   for *sign* 24 s.f. or less 8″ max. ea.
   for *sign* 24 s.f. or more 15″ max. ea.
3. **Vertical projection** (pitched roofs) 3′ max. ea.
4. **Internal illumination** permitted

64.5.6 **Restricted Business B-3 District**

A. **Freestanding sign** 1 per *lot*

1. **Area** 12 s.f. max.
2. **Height** 8′ max.
3. **Support structure height** 6′ max
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base.

4. **Setback**
   from *street line* 10′ min.
   from rear & other property line 5′ min.

5. **Internal illumination** Not permitted

6. Freestanding signs for properties with multiple businesses or uses will be limited to a maximum of three (4) colors (one (1) foreground color, one (1) background color and two (2) accent colors) for consistent appearance for all occupants. Freestanding signs with five (5) or more colors will be permitted as a *Special Exception Use* for all occupants.

B. **Wall sign (no internal illumination)** 1 per occupant

1. **Area** 5% max. of wall area or 50 s.f. max. ea.

2. **Horizontal projection**
   for *sign* 12 s.f. or less 4′ max.
   for *sign* greater than 12 s.f. 15″ max.

3. **Vertical projection** not permitted
   (pitched roofs)

4. **Internal illumination** not permitted

C. **Municipal Electronic Message *Signs*** 2 per *lot* max.

1. **Freestanding *municipal electronic sign* not visible from the *street* or adjacent property.** 2 per *lot* max.

   A. **Area** 40 s.f. max.

   B. ***Height*** 10′ max.

   C. **Support *structure height*** 8′ max.

   D. ***Internal illumination*** permitted

   E. ***Street line setback*** 150′ min.

2. ***Municipal electronic wall sign* when not visible from the street or any adjacent property.** 1 per building

   A. **Area** 40 s.f. max.

Easy identification on Ferry Road

Choose font-styles (e.g., san serif or block) to keep lettering readable at high speeds to prevent a safety hazard such as motorists slowing down to read them.

Period lighting on Route 1

Direct downward all top-mounted lighting fixtures in a manner that hides the light source.

Conceal electrical connections, wiring, junction boxes and other similar devices, as well as hardware if not intended as a decorative element; use weather-resistant hardware, such as stainless steel or galvanized metal, to prevent failure from corrosion or rust that could stain or discolor the *building*.

Clearly contrasting letters on signs on Business Park Road

Consider no more than two (2) colors on the graphic palette of a mult-tenant *sign* to minimize confusion and clutter.

Well-lit sign on Pond Road

Use a matte finish rather than a glossy or reflective finish for an *externally illuminated sign* with downcast luminaries with full cut-off shields/shrouds directed toward and focused on the face of the *sign* at a level sufficient to noticeably contrast the vertical surface of a sign without undue glare, reflection or overspill into the eyes of passersby.

Saybrook Junction's marketplace tenants on Route 1

Place individual business names on a *building* proximate to the individual entrance of each.

A danger to motorists anywhere in town

64.5.7 Marine Industrial MI & Saybrook Point SP-2 Districts

A. **Freestanding sign** — 1 per *lot*

1. **Area** — 50 s.f. max.
2. **Height** — 8′ max.
3. **Support structure height** — 6′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging, or base.
4. **Setback**
   from *street line* — 10′ min.
   from rear & other property line — 5′ min.
5. **Internal illumination** — not permitted
6. Freestanding signs for properties with multiple businesses or uses will be limited to a maximum of three (4) colors (one (1) foreground color, one (1) background color and two (2) accent colors) for consistent appearance) for all occupants. Freestanding signs with five (5) or more colors for all occupants will be permitted as a *Special Exception Use.*

B. **Wall sign** — 2 per occupant

1. **Area**
   for 1st *sign*, the lesser of: — 10% max. of 1st wall or 50 s.f. max. ea.
   for 2nd *sign*, the lesser of: — 5% max. of 2nd wall or 25 s.f. max. ea.
2. **Horizontal projection**
   for *sign* 12 s.f. or less — 4′ max.
3. **Vertical projection** — not permitted (pitched roofs)
4. **Internal illumination** — not permitted

64.5.8 Industrial I District

A. **Freestanding sign** — 1 per lot

1. **Area** — 50 s.f. max.
2. **Height** — 8′ max.

3. **Support structure height** 6′ max.
   Support structure will be surrounded with landscaping materials and plantings that will not obstruct the sign face when plants have grown to full maturity. Plantings and landscaping will be protected by a stone border, curb, edging or base .

4. **Setback**
   from *street line* 10′ min.
   from rear & other property line 5′ min.

5. **Internal illumination** not permitted

6. Freestanding signs for properties with multiple businesses or uses will be limited to a maximum of three (4) colors (one (1) foreground color, one (1) background color and two (2) accent colors) for consistent appearance for all occupants. Freestanding signs with five (5) or more colors for all occupants will be permitted as a *Special Exception Use*.

B. **Wall sign** 1 per occupant

1. **Area** (external illumination) 10% max. of wall area or 75 s.f. max. ea.

2. **Horizontal projection**
   for *sign* 12 s.f. or less 4′ max.
   for *sign* greater than 12 s.f. 15″ max.

3. **Vertical projection** 3′ max.
   (pitched roofs)

4. **Internal illumination** permitted

64.6 Prohibited Signs

Section 11 Prohibitions.

These regulations prohibit the following *signs* throughout the town of Old Saybrook: *A-frame* (sandwich board) *sign, billboard, flashing sign, moving sign, painted wall sign, vehicle sign.* These regulations prohibit any other *sign* unless expressly permitted or exempted.

SECTION 65

65.0 [RESERVED]

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.

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 such as trucking terminals, *building* contractor's businesses and *storage* yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods and marine transportation.

D. **Temporary Non-Residential Restaurant Trailer.** A wheeled trailer used for a permitted *outdoor restaurant* use, which will be located on the same lot as the *outdoor restaurant* use. Temporary non-residential restaurant trailers will be used for storage, restaurant facilities and/or food preparation and will be located on the lot for fewer than 180 days in any calendar year, including time for installation, set-up, breakdown and removal of the trailers and other non-permanent features of the site. When located in a *Special Flood Hazard Area,* the temporary non-residential restaurant trailer will only be approved subject to a Storm & Flood Emergency Action Plan for evacuation of the site in the event of a major storm or hurricane as specified in Chapter 128 of the Old Saybrook Town Code Flood Plain Management.

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 with 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 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 of 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.

66.3.4 **Temporary Non-Residential Restaurant Trailer.** The parking of *temporary non-residential restaurant trailers* will comply with the following special standards:

A. Temporary non-residential restaurant trailers will conform to *setback* requirements for *buildings* and other *structures* and will be located so as to not occupy and obstruct parking or loading spaces required for *uses* on the site or lanes used for the purpose of emergency access or other essential circulation patterns.

B. Temporary non-residential restaurant trailers will be designed and located in a manner that is consistent with the intent of the Article VI /Design Standards and the *Gateway Conservation Zone* standards in these Regulations.

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*.

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* as 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*.

SECTION 67

Soil Erosion & Sediment Control

67.0 [Reserved]

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 (1/2) 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 provisions to adequately control accelerated *erosion* and sedimentation and reduce the danger from stormwater runoff on the lot based on the best available technology. The principles, methods and practices necessary for certification are found in the most current versions of the following:

1. Connecticut Guidelines for *Soil Erosion & Sediment Control*,
2. CT DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities,
3. CT DEEP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.

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 waterbodies;

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

The *Soil Erosion & Sediment Control Plan* will be 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.

SECTION 68

Neighborhood Pattern & Building Design

68.0 Purpose

As vacant land in Old Saybrook approaches "build-out," there is a need to guide market investment in re-"growth" that honors the integrity of neighborhood patterns by harmonizing with the varied composition of the town. Buildings in most neighborhoods in Old Saybrook are relatively small, built at a human scale and relative to one another functionally, whether commercial, residential, or mixed-use. While these existing relationships identify the town, there are methods to maintain and strengthen the Town's unique and historic identity as infill and redevelopment occurs. New, large-format uses especially require forethought in layout and design – in context with existing surroundings and for long-term adaptability to future changes in use.

See Preamble to Article VI Town-wide Design Standards for use of illustrative photographs, images and other graphics.

68.1 Neighborhood Pattern

Any new development or any redevelopment, excluding any *single-family* residential *use* on a *lot*, *will* not only reinforce the desirable pattern of the existing neighborhood but *will* also complement and enhance through the following guiding principles:

68.1.1 Guiding Principles

A. **Implementation of town plans.** Old Saybrook plans for *use* of the town's land in corresponding strategies – the first being long-range planning via implementation of the Plan of Conservation & Development and its supplements (Sidewalk Plan, Coastal Management Plan, *Open Space* Stewardship Plan, etc.), which is "proactive" to municipal needs, and the second being current planning via regulation of property owners' site-specific initiatives, which is "reactive" to market forces. *Integrated master planning funnels top-level, consensus-based goals, supported by a series of policies that reflect time-tested preferences in practice, into a specific set of action items – municipal improvements, programs, standards – which are then implemented by measurable or verifiable criteria for decision-making.*

review for consistency with Town plans

view of Lynde and Saybrook Points

neighbors to The Back River

Saybrook Junction and Estuary Transit *District*

Wastewater Management *District*

The WPCA reviews any necessary installation, upgrade or replacement of a septic system within any portion of the Wastewater Management District (WWMD) as designated by the Town and the Connecticut Department of Environmental Protection pursuant to Conn. Gen. Stats. §7-247.

Therefore, in any development, it is incumbent upon both the Town and the applicant to honor years of hard work by elected and appointed leaders to effectively articulate "Old Saybrook" as a place in an effort to comprehensively protect the integrity of its built and natural environments.

B. **Sustainable development.** Old Saybrook maintains a framework of smart growth principles inherent to its overall comprehensive plan of zoning. *Such opportunity for sustainable development protects and enhances the overall health, natural environment, and quality of life of the community*. Therefore, in any development, both the neighborhood pattern and *building* design should result in efficient *use*, reuse and recycling of resources, including energy, water and construction materials.

C. **Compact development.** Old Saybrook has diverse density of development much of which is compact due to the natural resources surrounding many cottages or small houses on smaller *building lots*, *planned residential developments, open space* subdivisions, as well as apartments that are accessory to existing *single-family* homes. *Compact development results in more efficient use of land, reduced dependency on vehicles for travel, and lower costs of providing public infrastructure and services*. Therefore, in any development, similar density of development should conserve natural resources and incorporate a variety of *building* forms including *multifamily buildings*, and *mixed-use development*.

D. **Multiple modes of transportation.** Old Saybrook is one of several "hubs" of transportation along the shoreline. *Multiple modes of transportation provide an interconnected network of circulation systems that facilitate walking, bicycling and driving*. Therefore, in any development, *streets* should be designed to establish a satisfactory level of service for vehicular travel, and promote the safe and efficient use of alternative transportation modes.

E. **Existing infrastructure.** Old Saybrook is a town where adaptive reuse and renovation of existing *buildings* is celebrated and new construction is increasingly complementary to the traditional architectural form of *buildings* in town. *Existing infrastructure – utilities, transportation access and suitable community facilities –makes a neighborhood suitable for infill, redevelopment or rejuvenation*. Therefore, in any development, new development should emphasize the conservation of *building* or groups of *buildings* that have architectural or

historical significance, or are listed within public plans or policy documents as contributing to Old Saybrook.

F. **Neighborhood gateways.** Areas of Old Saybrook reflect its progression from early settlement to colony to town with subsequent eras of development locally known as individual beach communities, *districts*, subdivisions and developments. *The initial visual impression of any neighborhood is important to articulate a sense of place but also to reinforce the sense of belonging to a larger identity of community identity*. Therefore, in any development, a prominent, attractive gateway should be an organizing principle to identify a neighborhood or to transition between unlike areas.

Elaborately detail a corner *building* to fulfill an otherwise unspoken, but well-understood, responsibility to contribute something remarkable to Old Saybrook.

G. **Mix of uses.** Old Saybrook is most dynamic at those focal points where *dwelling units* exist above, adjacent to or within walking distance of commercial *uses*, such as shops or offices. *Mixed uses create alternatives in housing types and sizes or accommodate households of a broad range of ages, sizes, incomes and physical abilities*. Therefore, in any development, mixed *uses* should also complement residential land *uses* in design and scale.

second-*story* windows sized for future residences

See: **Section 33** Restricted Business B-3 *District*, **Section 53** Home Occupation in a *dwelling unit* or Professional office in a *dwelling unit*, **Section 54** Incentive Housing Zone, or **Section 56** *Open Space* Subdivision.

H. **Human scale.** Old Saybrook is based around a town center and a series of neighborhoods where residential, commercial and civic *buildings* or *open spaces* in close proximity to one another encourage people to walk among the various destinations. *Development designed for the human scale takes into account the relationship between the dimensions of the human body and the proportion of traveled ways, public spaces and buildings*. Therefore, in any development, the *height* of *buildings*, the design of *street* lights or *signs*, the materials for *sidewalks* or other features should be based on creating an inviting environment for the pedestrian at *street* level.

street trees and *street*-side area

open space **boundary markers**

I. **Connection to the landscape.** Old Saybrook has a well-dispersed series of natural, recreational, cultural and civic spaces that not only support social and community interaction but really put the town "on the map." *Open spaces and landscaping should continue to be arranged in such a way as to act as a unifying element among buildings, roads, pathways and outdoor places*. Therefore, in any development, smaller landscaped areas and pocket *parks* should be integrated throughout the development with an emphasis on functionality – giving opportunity to experience one's natural surroundings – and not simply aesthetic appeal.

68.1.2 Harmony in Scale, Massing and Organization

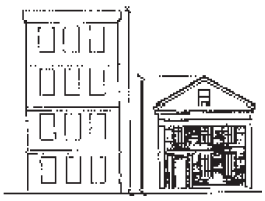
☐ Does the improvement relate to the human scale?

In areas with mixed visual surroundings, design *buildings* to help define, unify and contribute positively to desirable visual context.

When designing a façade, create window sill lines and sign lines as if extending the same from the neighboring *building* onto the façade of the new *building*.

The *Commission will* consider the essential and traditional elements of that portion of the streetscape or neighborhood in which it seeks to harmonize the scale, massing or organization of a new *building*, addition or renovation of an existing *building*.

A. **Height.** The *height* of any *building* or *structure will* be as allowed within each *district*.



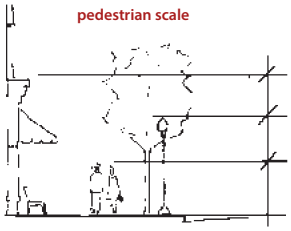
no harmony in height

Infill *buildings* in the town center or at *pedestrian nodes* along the Boston Post Road should reflect the *height* of *buildings* in the neighborhood to avoid creating a gap in the streetscape of more than five feet (5′) in *height*, whether by being constructed to the same height as an adjacent *building* or by use of complementary horizontal design elements. Elsewhere, the *height* of new *buildings* should be within one (1) story of the *height* of adjacent *buildings*.

Set new *buildings* right on the sidewalk in the town center or a *pedestrian* node of the Boston Post Road.

*B. **Building Setback.** 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:

1. **Maximum setback.** To the extent possible within the current minimum for the streetline *setback*, the main façade of any new principal *structure will* be located at a depth of no more than five feet (5′) of the depth of the main façade of the principal *structures* on adjacent properties.



pedestrian scale

A new principal *structure* may be set back inconsistent from neighboring principal *structures* if the *streetline* setback area is to be used for a well-landscaped public space or if the distance of the main façades of the neighboring *structures* are set back greater than ten feet (10′) from each other, in which case the main façade of the new *structure will* be no more than ten feet (10′) from the minimum *streetline* setback.

Where greater front setbacks are approved, design elements such as a wall, fencing or landscaping of a minimum *height* of three (3) feet should be used to reinforce the *street line*.

2. **Setback for building, structure and parking in pedestrian node.** In any *pedestrian node*, the *Commission* may allow, or may require, that any non-residential use or mixed-use *building* or *structure* be set back:

From *Street Line*	10 feet
From *Rear Property Line*	10 feet
From Other Property Line	10 feet
Minor Accessory *Building* or *Structure*	10 feet
Projections into *Setbacks*	1½ feet

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*.

*3. **Additional setback.** 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.

4. **[Reserved]**

Within the *pedestrian node*, do not locate a parking area or access driveway to, or connecting parking areas between, a non-residential *building* and the *street line*.

In applying this section, consider:

- the Plan of Conservation & Development
- any supplemental Town-sponsored corridor study
- the width of the *street* right-of-way
- the distance between proposed improvements and the paved portion of the *street*
- the location of other pysical features, such as existing *sidewalks*, trees, landscaping or above-ground utility line
- sight-line distances

Face the finished or "good side" of a *fence*, wall or terrace toward the adjoining properties or the *street*.

Consider a gate in a *fence* or stone wall between properties so that children and neighbors can visit each other in the yard.

*5. **Railroad.** In Business, Marine or Industrial *Districts*, no *setback* is required from the right-of-way of a railroad.

*6. **Fence, wall or terrace.** *Setback* distances *will* not apply to a *fence* or wall seven feet (7′) or less in *height* nor to a retaining of less than seven feet (7′) in *height* that is not classified as a *shoreline flood and erosion control structure* nor to an unroofed terrace; but no *fence*, wall or terrace *will* be located within the right-of-way of any *street*.

*7. **Sign.** Certain permitted *signs*, as specified in Section 62, may extend within lesser distances of a property or *street line*.

*8. **Minor Accessory structure in a residence district.** In a Residence *District*, an unattached *accessory structure* that is twenty feet (20′) or less in *height* and four hundred square feet (400 s.f.) or less in *gross floor area* may meet the lesser *setback* requirement for minor *accessory structures* as specified in the *district*.

Any minor *accessory structure* that is 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 or other property line *setbacks* for minor *accessory structures* by one half (1/2).

*9. **Special setback from tidal wetlands.** No *building*, *structure*, patio, *deck* or platform or filling or grading or excavation is permitted within fifty feet (50′) of a *tidal wetland*, except:

a. Construction, filling, grading or 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.

Seek a permit to construct a storage shed as a "permanent" minor *accessory structure*.

shed beside Plum Bank Creek

b. The minimum amount of filling or grading permissible to meet minimum *Building* Code requirements for frost protection when:

(1) A foundation is adjacent to the 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.

c. Residential docks when constructed solely for access to the water.

d. *Buildings* or *structures* used in association with a permitted *use* in the MI *District* approved by the *Commission* as a Special Exception.

e. *Uses* customary or incidental to the *use* or enjoyment of property that typically do not require a Certificate of Zoning Compliance or require minimal or no anchoring to the land, including, but not limited to, bird house, clothesline, mailbox or play equipment.

f. *Uses* customary and incidental to public recreation or environmental protection.

g. Maintenance of public roads or drainage systems.

h. Vertical expansion, modifications or additions above a pre-existing legally *non-conforming structure* located within the fifty-feet (50′)of a *tidal wetland* when excavation/grading is not required and the existing *structure* remains intact and is not rebuilt.

Harvey's Beach

view from Founders Memorial Park

Conservation or preserve *open space* for other functions – ecosystem, aesthetics, economics or public health and safety – pursuant to these regulations.

Exclude any commercial active recreational *use* or private area associated with any individual *dwelling unit* from the calculation for the area to be permanently dedicated as *open space*, including any *driveway*, parking, or accessory facility or area.

Be purposeful in accommodating outdoor space for public gatherings, small crowds, festivities, bonfires, fairs, block parties, etc.

Landscape the entrance road or drive to any major development with an approach that accommodates multiple users and distinguishes the property as a destination.

Avoid gated areas or enclaves other than for campuses where used for security purposes.

Place identification and directional "way-finding" signage, an interesting interpretive "education station" or site furniture, such as a bench, trash receptacle or lighting of the pathway or parking.

***Sidewalk* Plan**

Old Saybrook considers a "complete *street*" as more than a place through which people pass – the movement is an occasion to stay awhile and interact with others.

68.1.3 Outdoor space

- ☐ Is permanent access to abundant light, air and views somewhere nearby?
- ☐ Is the outdoor space designed as comfortable and welcoming to attract and retain visitors?
- ☐ Are conservation areas identified to encourage awareness, stewardship and a local "sense of place"?
- ☐ Do public spaces include as many seating opportunities as possible?
- ☐ Can residents, patrons and visitors monitor and control the areas around their homes and places of work to deter criminals and to reduce crime?

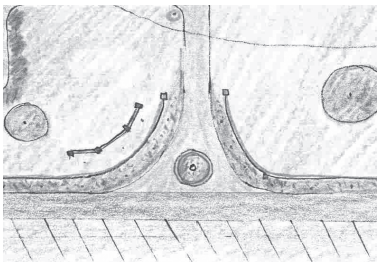
Outdoor space, whether public or private in ownership, is a type of *open space* that ranges in scale and design, as deemed appropriate by the *Commission*, for the active or passive *use* for which it is intended. Methods of fulfilling this requirement include but are not limited to:

A. **Public, common or shared place.** Any development proposed to create a new neighborhood or significantly contribute to the pattern of an existing neighborhood, including an *Incentive Housing Development*, *open space* subdivision, *planned residential development* or two-*family dwelling*, will provide public, common or shared *open space* as required by these regulations for recreation, leisure, socializing or interfacing with mixed uses. The area of any series of *open spaces* on any property will average at least one-half (1/2) acre in size.

1. **Boulevard.** Any development located along U.S. Route 1, including that portion terminating at Ferry Point, will contribute to the overall scheme of a tree-lined canopy over either side of the connector strip, including the pedestrian and bicycle corridor; the boulevard runs between a series of intersections identified as *pedestrian nodes* and surrounded by higher density *mixed-use development* and green outdoor spaces.
2. **Access or circulation drive.** Designate all residential drives as available for public *use* and not gated.
3. **Sidewalk or path.** Any development may make use of its proximity to a public *sidewalk* or its own on-site paths to create an outdoor space by

bumping out a space of not less than eighteen square feet (18 s.f.) on either side of the *walkway* such as for a bench or picnic table.

4. **Park or green.** Any development further than one-quarter (1/4) mile from an existing *park*, green, square or plaza may provide or allocate adequate space of at least seventy-five hundred square feet (7,500 s.f.) in area with a maximum width of seventy feet (70′) and a minimum length of one hundred fifty feet (150′) for the same purpose.



5. **Playfield or sports field.** Any development further than a one-half (1/2) mile from an existing facility or more than one-quarter (1/4) mile from a recreation center, gym or *park* with outdoor active recreational facilities may provide or allocate at least one (1) acre in size for the same purpose.

6. **Tot lot or play area.** Any development, other than an age-restricted development, further than one (1) mile from an existing playground may provide or allocate adequate space of at least seventy-five hundred square feet (7,500 s.f.) in area for the same purpose.

7. **Coastal access.** Any development within the coastal boundary, other than a single-*family* residential *use* on a *lot*, proposing a non-water dependant use *will* mitigate that consequential adverse impact on future water dependent development opportunities or activities by providing or allocating meaningful public

Use a rectangular shape in creating a plaza or green such that one can recognize the face of a person entering from the other side; extend the other dimensions such that a loud voice can just barely be heard.

To the extent possible, keep outdoor space to the south of the *building* with which it correlates; avoid a band of shade between the *building* and sunny part of the outdoors.

Design active *open space* facilities in a manner to adapt to each *use* at different times of the day or year, and install durable, vandal-resistant and low maintenance equipment.

Use low walls, *fences* or dense plantings as a visual boundary for areas intended for *families* without visually secluding the space from a *sidewalk* or other shared spaces so that there is a sense of safety.

Connecticut Coastal Management Act

The responsibility lies with the Zoning Commission, Planning Commission and Zoning Board of Appeals to uphold the policies of giving high priority and preference to *uses* and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.

Make access to *open spaces* easy with on or near site parking, *walkways* through the site or connections to public *sidewalks*, and gentle slopes.

Provide *fencing*, watering systems, soil or garden bed enhancements, secure storage shed, and pedestrian access.

Capture any opportunity to provide a comprehensive view from which to reassess the shape and scope of the surroundings.

Sufficiently separate a contemplative space away from privacy conscious neighbors, dogs, industrial activities or other noise or visual distractions.

Create a progression of landscape thresholds that people pass through to gradually reveal the features of a site.

Create walls with *fences*, sitting walls, screens, hedges or the exterior walls of the *building* itself.

balcony at Eden Harbor

Build each private outdoor space with enough enclosure to take on the feeling and comfort of a private room even though it is open to the sky or only partially roofed.

Separate public and private outdoor space via plantings, *fences* or adequate space between public and private activity areas.

access in a strip of land along the water's edge with amenities sufficient to access the water, such as a fishing pier, transient boat slip, car-top boat ramp, open-air kayak, canoe or dinghy rack, or scenic overlook, as determined appropriate by the *Commission* or the Zoning Board of Appeals.

8. **Community garden.** Any development may provide or allocate growing space, such as a neighborhood farm or community garden, where sufficient solar access exists, and related facilities, such as a greenhouse, on the basis of no less than ten (10) square feet of growing space per *dwelling unit.*

   Greenhouses are prohibited from front yard areas that face a street.

9. **Scenic overlook.** Any development with access to vistas of particular note, whether a man-made townscape, natural resource or a point of interaction between, may provide or allocate an area or series of areas sufficient to give residents, visitors or patrons an opportunity to view from a public, common or shared area.

10. **Landmark or sacred site.** Any development encompassing any geographic area or sequence of spaces that is locally known as a place, landmark or site of some cultural distinction to be preserved may provide or allocate sufficient adequate outdoor space and make appropriate improvements to promote its public meaning.

B. **Private area.** In any *Incentive housing development*, *open space* subdivision, *planned residential development*, *mixed-use development* or *two-family* dwelling, a private area for each *dwelling unit will* be dedicated as deemed appropriate by the *Commission*. Any balcony, porch, patio or terrace should be at least six feet (6′) deep and, wherever possible, partially recessed into the façade of the *building* for privacy.

68.1.4 **Facilities for Community Amenities.** In any *incentive housing development*, *open space* subdivision, *planned residential development*, mixed-use *development* or *two-family dwelling*, facilities for on-site amenities *will* be grouped as a central feature and organized as mutually supportive in accommodating similar functions, social patterns or hours of *use*.

Comparable amenities within one-quarter (1/4) mile of any organized area of activity may be substituted for provision on-site if pedestrian paths between *uses* are made as direct as possible.

1. **Community building.** A community *building* may be dedicated for public, common or shared *uses*, including but not limited to, laundry, social gathering, maintenance, meeting room, kitchen or craft room, on the basis of no less than fifteen square feet (15 s.f.) per *dwelling unit* or commercial *use* as deemed appropriate by the *Commission*.
2. **Information station.** One (1) free-standing kiosk or covered bulletin board of no more than six square feet (6 more than forty-eight square feet (48 s.f.) total of all sides may be installed within fifteen feet (15′) of any grouping of on-site shared amenities listed in this section.
3. **Mailboxes.** Mailboxes may be unobtrusively centralized in an outdoor location so as to be handicap accessible, convenient for residents or protected from the weather yet accessible to the mail service and large enough to accommodate receipt of packages.
4. **Storage.** Provision for attached, sheltered, secured storage, such as a detached shed, automobile garage or utility closet, for each *dwelling unit will* be provided and *setback* from property lines in accordance with these regulations. Any in-*building* secondary storage facility in a multi-*family* development *will* be made handicapped accessible.
5. **Garbage, trash compactor or recycling.** Any dumpster or large bin to remain outside for garbage collection or recycling *will* be in a permanent location on a concrete pad with enclosures suitable to screen it from view.

Locate service areas, such loading, delivery, trash compaction, etc., away from the entry or private outdoor space for the residential component of a *mixed-use development*.

Include backs and arms on outdoor seating for the elderly, and place as observation points of activity.

Design all amenities for safety, handicapped accessibility, ease of supervision and proximity to other shared spaces.

Consider providing handicapped accessibility and protection from weather for mailbox holders.

Anticipate the need for retailers to bring outdoor display materials into the store for the night without blocking emergency access ways.

Use the north or shady side of a *building* to keep the car, garbage, storage, shed or interior parts of a *building* that do well without sunlight.

6. **Utilities.** Utility lines, such as for gas, sewer, electric, cable or fiber-optics, *will* be located underground, except as otherwise required by FEMA, fire or *building* codes, and should be metered separately for each residential *dwelling* or commercial tenant unit.

68.1.5 Outdoor illumination

Use outdoor illumination for safety, security, convenience and comfort of human habitat without interfering with the reasonable enjoyment of adjacent properties, the viability of the environment or the neighborhood.

- ☐ Does the operation plan incorporate on-going energy conservation measures?
- ☐ Does the site lighting avoid interference with surrounding habitat?
- ☐ Are wall-mounted emergency egress lights recessed and shielded?
- ☐ Are the security lights motion-sensitive? On a timer? Using a photo-cell?
- ☐ Lights extinguished after business hours?

Exterior lighting of *building* façades, points of access/egress, landscape features, pathways or vehicular drives via site or *building*-mounted luminaires *will* be designed and maintained to be consistent in performance and uniform in quality.

A. **Maximum illuminance density**. Exterior lighting should produce a maximum illuminance density at the edge of each "zone" of no more than:

Maintain a:

"dark zone"
for a *park* or rural setting;

"low zone"
for a residential area;

"medium zone"
for a commercial, industrial or high-density residential area

"high zone"
for public facilities and high activity *uses*

	horizontal & vertical footcandles
Dark (*park* or rural setting)	0.01 fc max
Low (residential area)	0.10 fc max
Medium (commercial, industrial, high density residential)	0.20 fc max
High (public facilities and high *use* activities)	0.60 fc max

*See also: **Section 61** Performance Standards.

1. **Natural habitat.** The maximum lighting power density *will* be that of a dark zone within fifty-foot (50′) of any *tidal wetland* or tributary of the Connecticut River or within one hundred feet (100′) of an *inland wetland* or *watercourse*. Light poles may be located at that distance from the resources as long as neither the horizontal nor the vertical cast of the light spills toward the resource.

Operate exterior luminaires for public or shared space via photocell controls; for private space, operate by interior switches.

2. **Public, shared or common space.** The maximum lighting power density of any zone above that is required for exterior lighting in shared or common portions of any development may be reduced for safety and comfort to no more than

*See also: **Section 62** Access, Circulation, Parking and Loading and **Section 63** Signs.

eighty percent (80%) for site illumination, such as for pathways or vehicular drives or fifty percent (50%) for illumination of *building* façades or landscape features.

B. **Site illumination** All exterior luminaires for site illumination *will* be down-cast with full cut-off shields/shrouds directed inward toward the site and away from oncoming motorists.

1. **Floodlight.** Floodlights from *buildings* to locations on-site *will* be directed inward from the property line towards that portion of the site needing illumination. Flood lighting of private property from a luminaire mounted on a utility pole is prohibited.
2. **Pathway.** A luminaire mounted on a light pole, bollard or fixture of no more than fourteen feet (14′) along any pedestrian *sidewalk*, *walkway* or path may be other than a cut-off fixture if the light source is shielded.
3. **Sports or outdoor recreation.** A court for tennis or other outdoor paddle sports may be illuminated no later than one (1) hour after the end of activities; seasonal use of municipal ice-skating or miniature golf may be illuminated no later than eleven (11 P.M.). Illumination of an athletic field is permitted by Special Exemption *Use* and subject to Section 53 Special Standards.
4. **Outdoor display area.** Illumination of display area of exterior sales or special activity at a temporary event with a termination date and time as approved by the *Commission*.

C. **Building Illumination**

1. **Façade.** The façade of a *building*, *structure* or monument may be illuminated in a single color designated at the time of application. The *Commission* may permit outdoor illumination of any non-residential *building* by Special Exception only.

   Exterior illumination of any landscape feature or the façade of any non-residential or mixed-use *building will* be extinguished before eleven in the evening (11 P.M.).

Down cast, shield and direct light inward from the property boundary.

United States Flag Code

Observe the universal custom to display the flag only from sunrise to sunset and on a stationary flagstaff in the open; however, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

Avoid the poorly-placed and limitless glare of utility-pole mounted security lights especially found in commercial areas.

Engage a practical low-end brightness for holiday/seasonal lighting while being mindful of light spillage passing over property lines.

Install motion sensitive devices on security lights for energy conservation.

Avoid a "wall pack" wherever possible other than a shielded safety light at egress service doors.

Consider installing non-reflective window tint to reduce interior light spill outward and energy costs of cooling solar gain in summer months.

2. **Canopy**. Luminaires or fixtures under any commercial or industrial canopy (e.g. gas station), portico, porte cochere or other overhead *structure* (e.g., *drive-through window*) *will* by recessed and shielded such that the source of any light is not visible from outside the property line.
3. **Wall**. Non-shielded wall-mounted fixtures are prohibited on any *building* except for a temporary event with a termination date and time as approved by the *Commission*.
4 **Interior**. Interior illumination of operations or activity in non-residential *structures will* be reduced sufficiently to appear closed for business within one (1) hour of closing or after-hours business activity, such as re-stocking, excluding twenty-four (24) hour commercial *uses*.

68.2 Building Design

- ☐ Does the architecture maintain a balanced relationship between prominent natural land features, prevailing vegetation patterns and adjacent land *use* development with regard to organization, and visibility?
- ☐ Are the patterns and the architectural features of the development compatible with the visual appearance of the surrounding *buildings*?
- ☐ Are advertising iconic images or motifs on *buildings* or *signs* minimized so as to not detract from the coherent and distinctive identity of Old Saybrook?

The architectural plans for any new construction, addition or renovation of an existing development will harmonize with the neighborhood, to transition between unlike areas, to protect property values and to preserve and enhance the appearance and beauty of the community.

* *Single-family dwellings* that are not a part of any *Incentive housing development*, *open space* subdivision or *planned residential development* are exempt from this section of the regulations.

68.2.1 **Building Type**

In accommodating the use for which it is constructed, design of a *building* or *structure will* take into account the context of the types of *buildings* that define the surrounding neighborhood, as well as the long-term adaptability of its configuration for growth or for different *uses* also permissible in the *district*.

Standardized *buildings* or *structures* that identify the owner or occupant by a trademarked architectural style are regulated pursuant to Section 3 *Signs*.

Proposals for new *building* construction that use a particular historical style should utilize accurate elements of that style.

Harmonize *buildings* and operations of franchise businesses with surrounding architectural styles.

single-*family* residential

duplex / two-*family* residential or accessory apartment

townhouse

mixed-use

commercial

multi-*family* residential

marine

institutional

industrial

Buildings and *structures* that are historic (50 or more years old), or that contribute to the history of the Town, will be preserved, restored, and adaptively re-used where possible, including integrating such *buildings* into new construction; retaining them in visually prominent locations with new construction to the rear of the historic *structure*; or, as a last resort, moving the historic *buildings* or *structures* to a visually prominent location on the site with new construction in a less visible location.

Use materials appropriate to the *building's* style:

Use wood as the time-honored tradition of shoreline *structures* whether as siding or trim materials – shiplap, shingle, clapboard or board and batten.

Construct institutional uses of brick in the town center; full-size brick veneer is preferable to brick tile.

Mortar a masonry veneer and use bullnose pieces to give the appearance of structural masonry.

Wrap masonry around corners; terminate only at an interior corner to transition materials.

68.2.2 Exterior Materials

- ☐ Do the building materials provide visual interest or texture to the *building*?
- ☐ Is the life cycle of existing building stock extended, resources conserved, waste reduced or environmental impacts of material manufacturing and transport eliminated by using recycled or salvaged materials?
- ☐ Is the reuse of a historic building encouraged to preserve its historic materials and appearance?

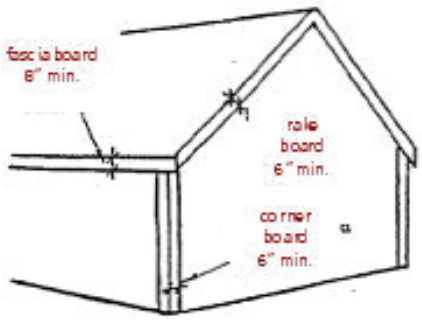
The *Commission* may require exterior materials that complement and enhance those already common to the neighborhood; exterior materials should be consistent across a majority of the entire exterior of a *building*.

wood

brick

stone

Rake and corner boards *will* be a minimum nominal width of six inches (6″); fascia trims, eight inches (8″).



Use stone and stone veneers as a special material for wall panels or sills in combination with other materials.

Use tile, stucco or metal wall surfaces sparingly as they are not typical building materials in Old Saybrook but may be acceptable for small *buildings* or limited areas of larger *buildings*.

Avoid synthetic siding materials unless detailed in a manner of traditional siding (corner board, rakes, fascia, etc.)

Detail any poured-in-place or pre-cast concrete as a basic building material or finished with special consideration in formwork, pigments or aggregates that can create rich surfaces to be compatible with surrounding *buildings*.

Trim & Details

With approval of the *Commission*, modify the width of trim detail on new or exterior alterations to be compatible with surrounding architecture.

Evoke the rhythm of historic shop fronts or mixed-use town center, add visual interest, and maintain the pedestrian scale of the streetscape.

Carry windows, wall panels, pilasters, *building* bays and storefronts across otherwise windowless walls to relieve blank, uninteresting surfaces.

Articulate side and rear facades in a manner compatible with the design of the foremost façade.

Though literal symmetry is not necessary, a general balance between façade elements is harmonious to the eye.

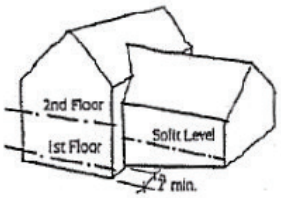
68.2.4 Façade

- ☐ Are windows and doors balanced in their placement on the façade?
- ☐ Is the façade embellished in such a way as to make new development compatible with the surrounding architectural context
- ☐ Is the façade of the large *building* articulated to reflect and reinforce the architectural rhythm of traditional, smaller *buildings* in the neighborhood?

A new *building*, addition or renovation of an existing *structure will* reflect or reinforce the proportions, rhythm or attention to detailing established by the façades of *structures* on lots with two hundred feet (200′).

A. **Articulations in façade.** Any *building* façade visible from a street, adjacent property, publicly-owned land or designated common area, such as a parking area will be designed to have interruptions in the walls of the *building* to avoid the appearance of a flat uninterrupted façade. Interruptions in a façade may include changes in wall plane, surface ornamentation, porches, awnings or other treatments in addition to windows and doors. The requirement for a *building* to articulate a façade does not exempt a project from meeting roof articulation requirements or any other regulations outlined in Section 68.

1. **Façades with a wall greater than eighty feet (80′)** will be designed to include recesses/bays or additional *building* elements such as porches. A recess in a wall will have a minimum depth of two feet (2′) for every thirty feet (30′) of wall with a maximum of forty percent (40%) in length per recess. A two foot (2′) difference in wall plane is required when a wall segment reaches forty feet (40′) in length.
2. **Façades with a wall length between forty feet (40') and eighty feet (80′)** will be designed to include additional architectural elements along the walls of the *building* such as changes in wall plane, porches, awnings or similar treatments.
3. **Façades with a wall length of less than forty feet (40′)** will be designed to include detailed minor architectural elements that are designed into or attached to walls of the *building* such as surface ornamentation or similar treatments in addition to windows and doors.



B. **Recesses in façade**. Recesses *will* be a minimum of two feet (2′) feet deep. Between full *stories*, there *will* be no change of floor level without a minimum two-foot (2′) change in the façade.

Across *building* frontage, incorporate recessed entries; recessed or projecting bays; expression of architectural or structural modules and detail; or variations, such as surface relief, expressed joints and details, color and texture.

Maintain bay windows, porticos, porches or historical façade projections as subordinate in proportion to the size of the façade.

*C. **Projections into setback.** Pilasters, belt courses, sills, cornices, marquees, canopies, gutters, overhangs, awnings, eaves, similar architectural features or open fire escapes may project into an area required for *setback* from a *street line*, property line or Residence *District* boundary line as specified for the *district*.

Balconies and bay windows are encouraged.

Arcades should not reduce the *sidewalk* width to less than four feet (4′).

Whenever on-site paths run along the edge of a *building*, use an overhang, awning, canopy, etc. to shade or shelter pedestrians or use continuous arcades, pergolas, etc. to connect *buildings* to one another.

Include windows, doors or other signs of human occupancy on any side of a *building* that has frontage on a *sidewalk* or street.

Affix a front porch or balcony to enhance architectural interest and create an opportunity to visit for both pedestrians and occupants.

Where *buildings* adjoin in a commercial or mixed-use setting, consider creating or maintaining a visual distinction between upper and lower floors of multi-story *buildings*.

Secondary entrances located on rear alleys or parking lots are encouraged.

Avoid creating façades in which the second or third story overhangs the first story.

In order to modulate its scale, separate the base, middle, and top, of a multi- story *building* by articulating with cornices, string cornices, step-backs or other features.

D. **Street-level story.** Exposed foundation walls *will* be minimized. The sill of any window on a *building* intended for residential *use* should be at least five feet (5′) above the street or at a *height* high enough to be private. Where a *building* is set behind the front *lot* line on other than a narrow street, an unenclosed porch may encroach into the required front yard by one-half (1/2) the required *setback* distance.

E. **Upper stories.** For *buildings* or *structures* greater than one and one-half (1 1/2) *stories* in *height*, a strong horizontal treatment (e.g., cornice line or frieze) *will* occur at the first story. Divisions of ground and upper floors *will* be consistent across a *building* frontage.

Wherever feasible, upper-level offices or apartments *will* be accessible from functional entries on the *sidewalk*.

68.2.5 **Entry**

All principal *building* entrances *will* be oriented toward and visible from the street or provide direct access to *sidewalks* or pathways.

A. **Functioning entry.** Each principal *building* or each individual *building* occupant on the street side of any *building* will be provided with a public entrance or a shared public entrance vestibule on the street side of the *building* or on the side of the *building* readily accessible by pedestrians from public *sidewalks* along the street.

No principal *building* or individual *building* occupant should have its only functioning public entrance located farther than three hundred feet (300′) from the *street line*, measured along the route of pedestrian access from the *street* sidewalk.

B. **Transition space.** A development may transition the entry from the street or a parking area to the front door of any *dwelling unit* or group of front doors by recessing the space or locating it along the side of the *building*.

Give the main entrance of a *building* a bold, visible shape that stands out at a point where it can be seen immediately from the main avenues of approach.

Secondary back entries or entrances from courtyards that face the street are encouraged to supplement the principal functioning entry.

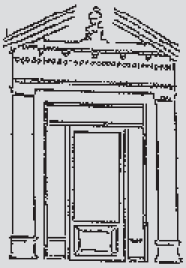
Wherever possible, maintain "visitability" by handicapped persons and a defensible field of visibility.

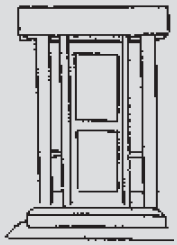
Mark any transition space along any path that connects street and entrance through a transition space with a gateway or a change in direction, surface, grade or view.

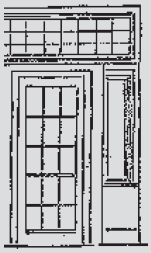
One-story porches of any size are encouraged, including entry porches, full front porches or wrap-around porches.

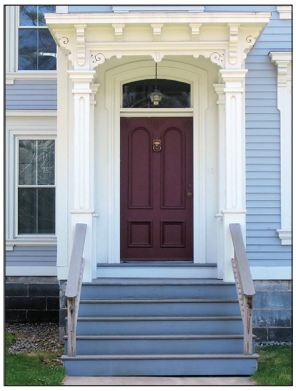
Doorways to upper floors will be visually separated from street-level shop entries, and doorway location and design should seek to minimize confusion.

C. **Entry style.** Doors *will* be common to the neighborhood.









68.2.6 **Window**

☐ Are the *building's* outdoor spaces made safe by overlooking windows?

☐ Do all exterior walls have windows, especially if they face the street or any public or semi-public space?

A. **Window placement.** Windows should be inset a minimum of three (3) inches from any masonry wall surface to add visual relief to the wall.

Align windows vertically on the top and bottom floors.

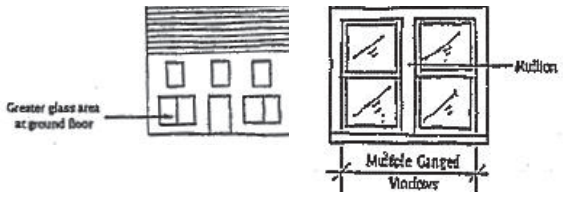
B. **Window ratio of façade.**

1. No less than twelve percent (12%) and no more than thirty-five percent (35%) glass area *will* be employed on the foremost front-facing façade of a *building*.
2. Generally, accrue no more glass at upper floors than at the ground floor.
3. No more than thirty-five percent (35%) glass area *will* be employed on other façades.

Measure glass area per façade as inclusive of muntin and sash, but exclusive of casings.

Windows on upper floors should not be larger than windows on the first floor.

C. **Window trim.** All windows and doors *will* be framed with a minimum casing width of three-and-a-half inches (3½″).



Singly-cased windows are encouraged; multiple ganged window configurations are acceptable.

Avoid sliding glass doors or reflective glass, and continuous strip windows without major vertical divisions on front *building* façades.

Maintain a human scale.

On the upper floor of any *building*, place operable double-hung, casement, awning or pivot windows, or a combination of any two types.

Break the expanse of main floor display windows with muntins.

Maintain the aspect ratio of the window panes proportionate to the dimensions of the window itself.

In general, all windows should be taller than they are wide. This is true of windows on the first as well as upper floors.

D. **Window width.**

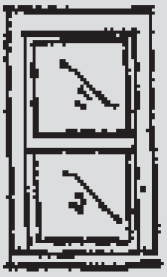
1. On the entry levels of commercial *uses*, windows *will* be no greater than six feet (6′) wide.
2. Avoid windows wider than three feet (3′) in residential, upper stories of mixed-use *buildings* or transitional settings.

E. **Window size.**

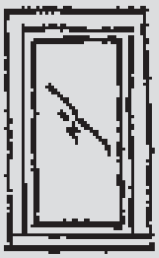
1. Except on storefronts, windows *will* be vertical in proportions ranging from a 1:2 to a 3:5 ratio of width to *height*.
2. Shaped windows and windows of a 1:1 ratio are acceptable within the triangle created by converging floor planes and at decorative entries and where combined in a Palladian configuration.
3. Elliptical "eyebrow" windows of a 1.5:1 to 3:1 ratio range are acceptable just below the roof eaves.

F. **Window style.** Windows *will* be common to the neighborhood and consistent across a majority of the entire exterior of a *building*.

Use windows appropriate to the *building's* style:



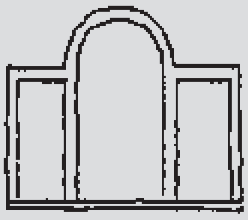
double-hung



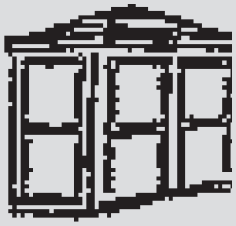
casement

half-round

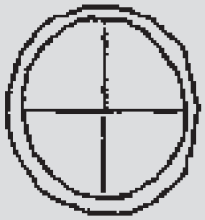
elliptical



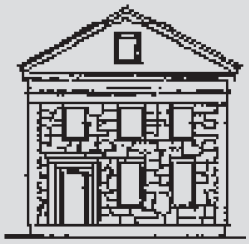
Palladian



bay

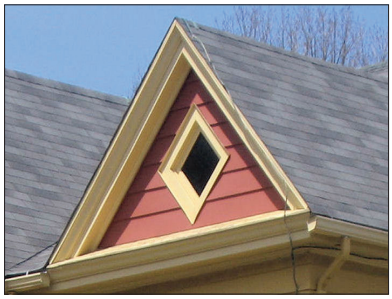


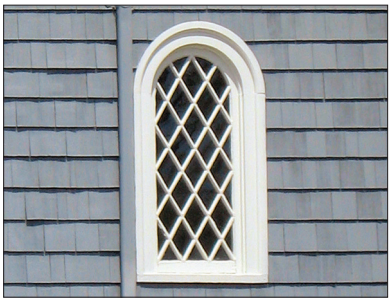
round



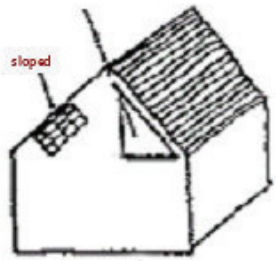
square

other

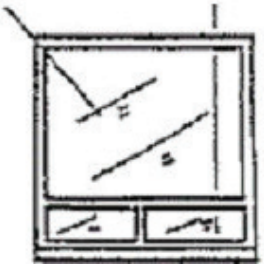




triangular



picture awning



Avoid triangular, sloped, picture or picture / awning combination windows.

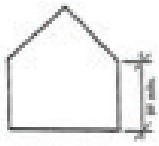
68.2.7 **Roof**

- ☐ Does rehabilitation of any existing *building* identify, retain and preserve the roof or the functional or decorative features that define the overall historical character of the *building*?
- ☐ Are additions to existing *buildings*, such as for residential, office or storage space; elevator housing; *decks* or terraces; dormers or skylights, located so as to not damage or obscure architectural-defining features of the *building's* roof?
- ☐ Can mechanical and service equipment, such as air conditioning, transformers or solar collectors, be located so as to be inconspicuous from the public right-of-way or adjacent properties?

A. **Roof eave.**

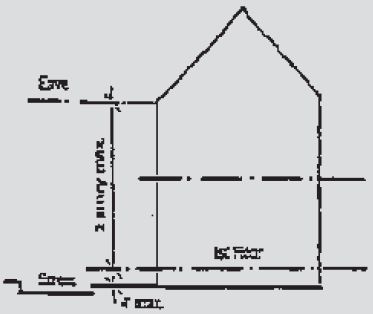
1. A maximum two-*story* eave *height* is encouraged and should compare to those within 200′ of the *lot*. The first floor level of a two-*story* façade *will* not exceed a *height* of four feet (4′) above the grade at the *street* face of a *building*.
2. The roof eave on a main roof *will* be a minimum of ten feet (10′) above the grade at the *building* front entry.

   The main roof of non-habitable accessory *buildings*, such as pump houses and tool sheds, *will* be a minimum of four feet (4′) above grade.



Habitable Non-habitable

3. Mechanical equipment, including metal chimneys and elevator penthouses at grade, attached to, or on the roof of a *building will* be screened from view from *streets* or adjacent properties or *will* be integrated into the overall design of the *building* by use of materials, placement, roof shape or form or by other means.
4. Any *building* or *structure* more than forty feet (40′) in length *will* vary its roof line at the eaves a minimum of one foot (1′) at intervals averaging no more than thirty feet (30′).



Retain story *heights* within the range of those in surrounding *buildings*.

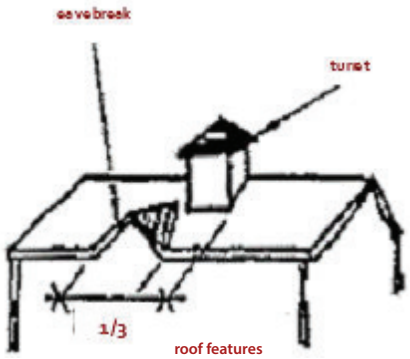
Two-story mixed-use *buildings* are encouraged.

Shield heating, ventilation or air-conditioning equipment so as not to be visible from the *street*.

B. **Roof detailing.**

☐ Are the roof features consistent with the period styling of the *building*?

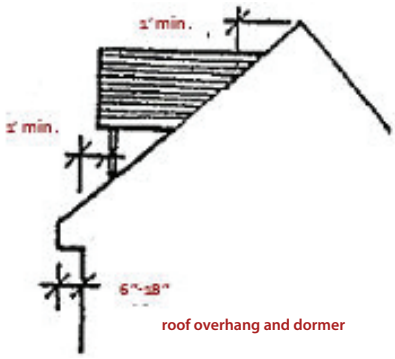
Add dormers, lanterns, turrets, eave breaks or skylights in proportion to the overall size of a roof.



roof features

1. Roof features cumulatively may interrupt the roof plane no more than one-third (1/3) of the length of the eave.

The roof pitch of a gable dormer should match the roof pitch of the primary roof.

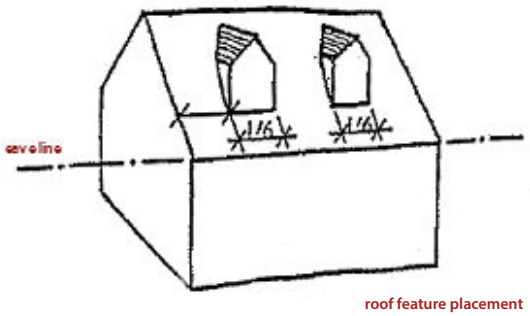


roof overhang and dormer

2. A dormer roof *will* connect to the primary roof at least one foot (1′) below the primary roof ridge line.

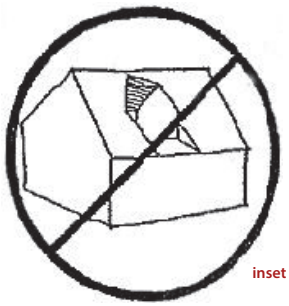
3. A dormer *will* be set back from the face of a *building* by at least one foot (1′) and from the sides of a *building* by at least three feet (3′).

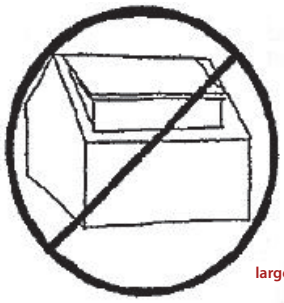
The face of a dormer should be minimal in *height* and made up mostly of window area.



roof feature placement

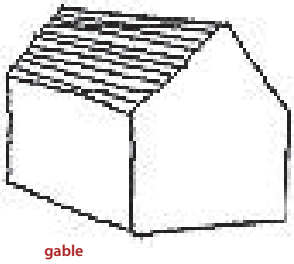
Avoid a shed dormer that is inset or envelops the primary roof slope.


inset dormer


large-sized dormer

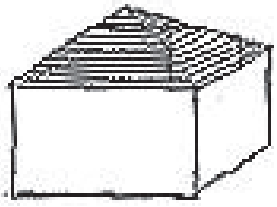
C. **Roof style.** The shape of the roof *will* compare to the majority of roofs within the neighborhood.

Flat roofs without cornices are prohibited.

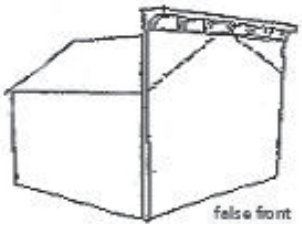


gable

flat



hip



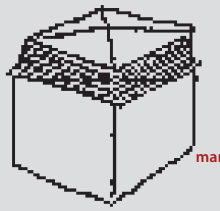
false front

The roofs of party wall *buildings* should be simple gable or flat roofs with cornices rather than interrupted by complicated or dominating roof designs visible from the street.

Reinforce the line of party wall *buildings* with parapets, projecting cornices or decorative roof overhangs.

The two roof types that are predominant and encouraged in Old Saybrook are gable or hip for a main roof.

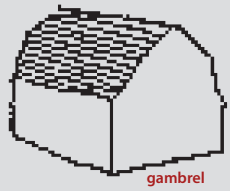
Although there are few examples of a false front in Old Saybrook, use this roof type (preferably attached to other *buildings*) for infill development in the town center.


mansard

Avoid a mansard roof type because it is not common to Old Saybrook's commercial or *mixed-use development*, except in its modern ability to act as a screen for rooftop mechanical systems.

octagon

saltbox

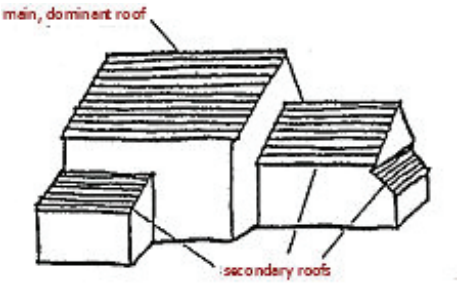

gambrel

Vary roof forms within a block or even within a *building*, incorporating parapets, decorative cornice treatments, belt courses or window bays.

D. **Roof massing.**

- ☐ Is the main or dominant roof of a small *building* a simple roof consisting of a single roof type?
- ☐ As a *building's* size increases, can it remain in scale to complement with its surroundings?

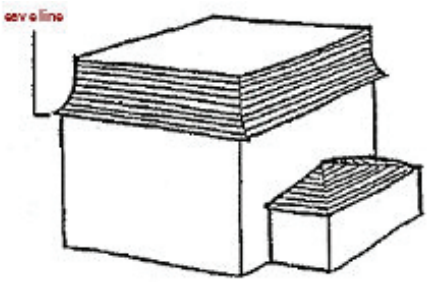
Roof forms *will* complement the principal *building* in terms of style, detailing and materials.



shed and gable additions to gable-roofed buildings

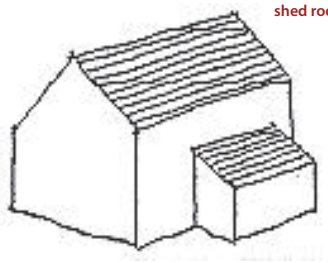
Make the main roof of a large *building* complex by the addition of lower, intersecting secondary roof types.

Combine any main roof with a secondary or subordinate shed, gable or hip roof.



hip-roofed addition to a mansard-roofed building

Combine a mansard main roof only with a secondary shed or hip roof lower than the mansard eave. Use a mansard roof with a second empire or Italianate style of architecture.

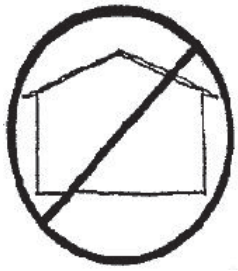


Attach the highest roofline of the shed roof as a secondary roof to the dominant *building* mass.

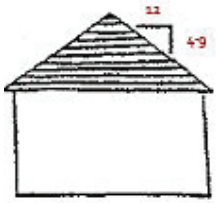
Avoid a flat roof except when used to maintain consistency between adjacent façades. Otherwise, include cornice, balustrade, ornamentation or other variation of silhouette.

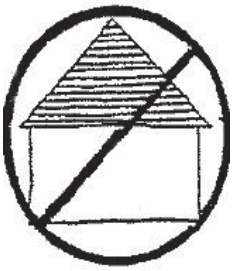
E. **Roof pitch.**

1. A gable roof may vary in pitch from 7:12 to 14:12. Avoid pitches below 8:12 on a primary gable roof.



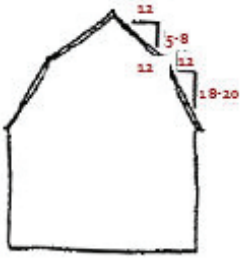
2. A hip roof may vary in pitch from 4:12 to 14:12.

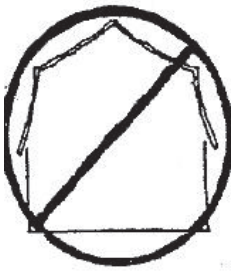




Gambrel roofs have different pitches on their upper and lower roof planes.

3. Upper roof pitches may vary from 5:12 to 8:12 while lower pitches may vary from 18:12 to 20:12. The most typical and harmonious arrangement is an upper roof pitch of 5:12 and a lower roof pitch of 20:12.

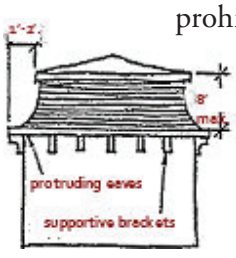


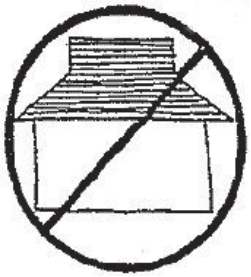


The height of a mansard roof should be in proportion to the size of the façade below.

Dormers are encouraged on a mansard roof, but skylights are not.

4. A mansard roof may not exceed eight feet (8') in *height* from eave to ridge. Modern imitations that lack the proportions of historic mansards are prohibited.





5. A shed roof may vary in pitch from 4:12 to 14:12.

F. **Roof materials.**

The following roofing materials are encouraged:

slate

wood shingles or shakes

standing seam metal

Colors should be neutral in tone.

Asphalt roof shingles are acceptable.

ARTICLE VII
ADMINISTRATION and ENFORCEMENT

SECTION 71 **ZONING BOARD OF APPEALS**

71.0 **[Reserved]**
71.1 **Authority**
71.2 **Powers and Duties**
71.3 **Special Flood Hazard Area (SFHA)**

SECTION 72 **ADMINISTRATION**

72.0 **[Reserved]**
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**
72.9 **Orders**

SECTION 73 **PENALTIES AND REMEDIES**

73.0 **[Reserved]**
73.1 **Penalties**
73.2 **Remedies**

SECTION 74 **AMENDMENTS**

74.0 **[Reserved]**
74.1 **Petitions to Amendments**
74.2 **Policies**

SECTION 75 **VALIDITY**

75.0 **[Reserved]**
75.1 **Use**
75.2 **Building, Structure or Lot**

SECTION 76 **REPEAL AND EFFECTIVE DATE**

76.0 **[Reserved]**
76.1 **Repeal**
76.2 **Effective Date**

POLICIES

No. 1 **Petitions**
No. 2 **Fees**

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 Special Flood Hazard Area (SFHA)

These Regulations impose special requirements applicable in the *Special Flood Hazard Areas* that incorporate requirements of Chapter 128 of the Town Code of the Town of Old Saybrook "Flood Plain Management." The Zoning Board of Appeals will hear and decide appeals and requests for variances from the *Special Flood Hazard Area* requirements as described in 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 and deputies in the enforcement and administration of the Town Code;

A. To issue variances from the standards of the Town Code, under the general considerations and procedures for variances identified in Chapter 128 of the Town Code.

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 Town Code.

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.

SECTION 72

Administration

72.0 [Reserved]

72.1 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 a Federal Emergency Management Agency (FEMA) designated A, AE and VE zones, including areas designated as a floodway and the VE *Zone* and Coastal AE *Zone* bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) also identified as the coastal high-hazard area on the Flood Insurance Rate Map (FIRM) for the Town of Old Saybrook published from time to time by FEMA flood plain boundary and elevation data as specified in Paragraph 72.2.7;

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 (1/2) acre or more, all construction, including *dwellings*, 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 Zoning 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 theTown Engineer and/or the *Connecticut River Coastal 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 may 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. A temporary certificate will not be issued unless at a minimum the final course of paving, parking lot striping, directional *signs* and *driveways* to the *structure* are completed.

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 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 (1/2) 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 Federal Emergency Management Agency (FEMA) designated A, AE, AO, AH, and VE *zones*, including areas designated as a floodway and the VE Zone and Coastal AE *Zone* bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) also identified as the coastal high-hazard area on the Flood Insurance Rate Map (FIRM) for the Town of Old Saybrook published from time to time by 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 Chapter 128 Flood Plain Management of the Town Code 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 Town Code or if authorized as an agent for compliance with the Town Code 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.

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.

SECTION 74

Amendments

74.0 [Reserved]

74.1 Petitions To Amendments

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.

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.

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.

ADOPTION

1973

REGULATION AMENDMENT

Effective Date	Section	Description
October 15, 1973	Administrative	ADD: Rules for Submission for Policy #1

MAP AMENDMENT

Effective Date	District/Zone	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

REGULATION AMENDMENT

Effective Date	Section	Description
December 16, 1974	32.2.2	ADD: auto *uses* in Shopping Center B-2 District
December 16, 1974	32.3.2	ADD: auto *uses* in Shopping Center B-2 District
December 16, 1974	53.6.2	ADD: auto *uses* in Shopping Center B-2 District
December 16, 1974	53.6.2 d.	ADD: auto *uses* in Shopping Center B-2 District

MAP AMENDMENT

Effective Date	District/Zone	Location
February 25, 1974	MCL → A	Map 49 / Lot 4
December 2, 1974	B-3 → B-2	Map 57 / Lot 32-1

1975

REGULATION AMENDMENT

Effective Date	Section	Description
January 31, 1975	51.9	ADD: subsurface sewage disposal systems
June 26, 1975	4.3	Connecticut River *Gateway Conservation Zone*
June 26, 1975	6.1.4	Connecticut River *Gateway Conservation Zone*
June 26, 1975	7.3	Connecticut River *Gateway Conservation Zone*
June 26, 1975	7.4.9	Connecticut River *Gateway Conservation Zone*
June 26, 1975	7.5.2	Connecticut River *Gateway Conservation Zone*
June 26, 1975	8.2	Connecticut River *Gateway Conservation Zone*
June 26, 1975	9	DEFINE: Connecticut River *Gateway Conservation Zone*
June 26, 1975	22.6.3 a.	Connecticut River *Gateway Conservation Zone*
June 26, 1975	23.6.2 a.	Connecticut River *Gateway Conservation Zone*
June 26, 1975	24.6.2 a.	Connecticut River *Gateway Conservation Zone*
June 26, 1975	25.6.2 a.	Connecticut River *Gateway Conservation Zone*

June 26, 1975	41.4	Connecticut River *Gateway Conservation Zone*
June 26, 1975	41.6.2 a.	Connecticut River *Gateway Conservation Zone*
June 26, 1975	51.3	Connecticut River *Gateway Conservation Zone*
June 26, 1975	51.16	Connecticut River *Gateway Conservation Zone*
June 26, 1975	52.4	Connecticut River *Gateway Conservation Zone*
June 26, 1975	52.7.8	Connecticut River *Gateway Conservation Zone*
June 26, 1975	53.4	Connecticut River *Gateway Conservation Zone*
June 26, 1975	65.2	Connecticut River *Gateway Conservation Zone*
June 26, 1975	65.6.13	Connecticut River *Gateway Conservation Zone*

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT	LOCATION
June 26, 1975	B-3 → AAA	Middlesex Turnpike at Rt. 9

1976

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
March 1, 1976	72.4	AMEND
March 1, 1976	72.4.1 – 72.4.5	DELETE
March 1, 1976	64.8	AMEND: inspection fee
May 1, 1976	55.2	REVISE: Definitions
May 1, 1976	55.6.2 – 55.6.4	AMEND: Definitions
June 15, 1976	8.2.1	AMEND: Definitions
June 15, 1976	8.12	ADD: minimum *building* size
June 15, 1976	34.1.4	DELETE: indoor *restaurant*
June 15, 1976	34.2.2	ADD: indoor *restaurant* & food svc. establishment
June 15, 1976	51.2.5	ADD: Modification of Submission
June 15, 1976	55.5 b.	AMEND

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT	LOCATION
September 23, 1976	I-1 → A	Map 28 / Lots 28
September 23, 1976	I-1 → A	Map 28 / Lots 29
September 23, 1976	I-1 → A	Map 28 / Lots 30

1977

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
June 15, 1977	7.4.8	DELETE
June 15, 1977	8.13	AMEND
June 15, 1977	10.6.2	DELETE
June 15, 1977	31.1.14	DELETE
June 15, 1977	32.3.1	ADD: convalescent homes, hospitals, and sanitaria
June 15, 1977	51.2.2 – 51.2.3	AMEND: number of copies of plans required
June 15, 1977	52.3.2	ADD: Section 51
June 15, 1977	51.12.3	AMEND: conforming to requirements of Section 62
June 15, 1977	55.5	AMEND: condominium development

June 15, 1977	53.6.2 d.	DELETE: including damaged vehicles
June 15, 1977	55.6.3	AMEND: *dwelling unit* specifications
June 15, 1977	55.6.4	ADD: *setbacks*
June 15, 1977	55.6.6	ADD: bonding
June 15, 1977	62.7.4	ADD: parking *setbacks*
June 15, 1977	63.5.3 e.	ADD: no *sign* painted on the wall of the *building*
June 15, 1977	72.4.6	DELETE
June 15, 1977	74.2	ADD: Administrative Policy No. 1

MAP AMENDMENT

Effective Date	District/Zone	Location
August 9, 1977	B-4 → A	

1978

Effective Date	Section	Description
June 15, 1978	6.1.5	ADD: *Gateway Consrv. Zone* & comm'l tree removal
June 15, 1978	7.4.10	ADD: special *setbacks* from *wetlands*
June 15, 1978	8.6	ADD: home application and application for permit
June 15, 1978	8.12	ADD: minimum *building* size
June 15, 1978	9	ADD: *lot area and shape*
June 15, 1978	9.33	ADD
June 15, 1978	32.2.3	ADD: heliports
June 15, 1978	34.2.3	ADD: heliports
June 15, 1978	35.2.8	ADD & RENUMBER: special exception *uses*
June 15, 1978	41.2	ADD: special exception *uses*
June 15, 1978	42.2	ADD: special exception *uses*
June 15, 1978	51.10	ADD: *wetlands*
June 15, 1978	52.7.9	ADD: heliports
June 15, 1978	62.7.4	ADD: parking *setbacks*
June 15, 1978	63.7.1	AMEND: periods of time for special events
June 29, 1978	4.2 – 4.2.2	ADD: Flood Plain Management
June 29, 1978	8.2.1	AMEND: site plan
June 29, 1978	8.11	AMEND: minimum floor elevation
June 29, 1978	54	ADD: flood plain management
June 29, 1978	65.4	ADD: flood plain mgmt. and mobile home location
June 29, 1978	71.3	ADD: flood plain mgmt. and the Board of Appeals
June 29, 1978	72.2.6	ADD: Flood Plain *Zone*

1979

Effective Date	Section	Description
July 10, 1979	8.3	ADD: indoor *restaurant*
July 10, 1979	31.1.4	DELETE
July 10, 1979	31.2	ADD: special exception *uses*
July 10, 1979	31.2.1	ADD: indoor *restaurant*/special exception *uses*
July 10, 1979	31.3 – 31.8	RENUMBER
July 10, 1979	32.1.4	DELETE
July 10, 1979	32.2.4	ADD: indoor *restaurant*, food/bvge. estab.

July 10, 1979	34.1.4	DELETE
July 10, 1979	34.2.2	AMEND: indoor *restaurant*, food/bvge. estab.
July 10, 1979	41.1.6	DELETE
July 10, 1979	41.2.2	ADD: indoor *restaurant*
September 18, 1979	8.12.1	AMEND: *dwellings* for elderly, handicapped persons
September 18, 1979	24.2.5	AMEND: *dwellings* for elderly, handicapped persons
September 18, 1979	62.3.1	AMEND: *dwellings* for elderly, handicapped persons
September 18, 1979	52.7.10	ADD: *dwellings* for elderly, handicapped persons
October 2, 1979	8.2.1	AMEND: site plan
October 2, 1979	51.16	AMEND: *Soil Erosion & Sediment Control*
October 2, 1979	55.2.2	ADD: condominium *district*
October 2, 1979	55.3.1	AMEND: number of Class-A survey map
October 2, 1979	55.3.2	AMEND: number of site plans
October 2, 1979	55.3.3	AMEND: architectural plans
October 2, 1979	55.4	AMEND: procedure
October 2, 1979	55.5	AMEND: approval
October 2, 1979	55.6.1 – 55.6.4	AMEND: *open space*

MAP AMENDMENT

Effective Date	District/Zone	Location
June 12, 1979	I-1 → AA-1	Map 35 / Lot 8
August 14, 1979	A → B-2	Map 29 / Lot 17
August 14, 1979		Map 29 / Lot 35

1980

REGULATION AMENDMENT

Effective Date	Section	Description
January 29, 1980	35.2.3	ADD: marine research laboratories
January 29, 1980	35.2.4 – 35.2.10	RENUMBER
January 29, 1980	36.2.2	ADD: marine research laboratories
January 29, 1980	36.2.3.1	RENUMBER
January 29, 1980	36.2.4 – 36.2.8	RENUMBER
January 29, 1980	52.7.11	ADD: marine research laboratories
February 22, 1980	7.4.10	ADD: special *setbacks* from *wetlands*
February 22, 1980	24.3	AMEND: minimum *lot* area
February 22, 1980	35.1.8	AMEND: *sign*s as provided in Section 63
February 22, 1980	36.1.7	AMEND: repair/servicing of *boats*
February 22, 1980	51.2.4	AMEND: *Soil Erosion & Sediment Control Plan*
February 22, 1980	52.3.4	AMEND: modification of submission
February 22, 1980	72.3	AMEND: Coastal Harbor Management Act
February 22, 1980	72.3.2	ADD: Coastal Harbor Management Act
February 22, 1980	72.2.6	ADD: Flood Plain *Zone*
February 22, 1980	72.2.7	RENUMBER
March 12, 1980	7.3	AMEND: *Gateway Conservation Zone*
March 12, 1980	10.6.2	AMEND: change in *nonconforming use*

March 12, 1980	21.2.14	ADD: towers for standard broadcasting radio stations
March 12, 1980	21.2.15	RENUMBER
March 12, 1980	57.2.12	ADD: radio towers

1981

REGULATION AMENDMENT

Effective Date	Section	Description
September 30, 1981	6.1.3	AMEND: *amusement* machines or *devices*

1982

REGULATION AMENDMENT

Effective Date	District	Location
October 15, 1982	Saybrook Point	Supplementary Map No. 2

1983

REGULATION AMENDMENT

Effective Date	Section	Description
January 29, 1983	4.1	AMEND: Saybrook Point
January 29, 1983	4.4	ADD: Saybrook Point *district*
January 29, 1983	5.1	AMEND: Supplementary Maps
January 29, 1983	7.49	AMEND: section (b) *uses* permitted add'l sections
January 29, 1983	37	ADD: Saybrook Point *District*
January 29, 1983	51.13	AMEND: section i. SP-2 25%
January 29, 1983	51.18	ADD: Saybrook Point *District*
January 29, 1983	63.5.6	ADD: Saybrook Point *District*
January 29, 1983	63.5.7	RENUMBER
September 21, 1983	5.1	AMEND: Supplementary Maps
September 21, 1983	35	AMEND: Purpose of Marine Commercial MC District
September 21, 1983	51.5.2	AMEND: circulation
September 21, 1983	51.8	AMEND: drainage
September 21, 1983	51.9. A.	ADD: Hazardous Materials and Waste
September 21, 1983	51.13	AMEND: *outside storage* areas identified on site plan
September 21, 1983	51.16	AMEND: *soil erosion & sediment control* on site plan
September 21, 1983	51.18	ADD: Marine Commercial *District*
September 21, 1983	62.3.11	AMEND: other *uses*
September 21, 1983	62.3.12	AMEND: Marinas
September 21, 1983	62.3.13	RENUMBER
September 21, 1983	63.5.5	AMEND: MC District *sign* regulations
September 21, 1983	72.2.7	ADD: 100´ distance from *wetlands*
September 21, 1983	72.2.8	AMEND & RENUMBER
September 21, 1983	72.3.2	AMEND: Applications for special exception

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
January 29, 1983	→ SP-1	Map 24 / Lot 41 (SupplementaryMap No.2)
January 29, 1983		Map 24 / Lot 48 (Supplementary Map No. 2)
January 29, 1983		Map 24 / 54 (Supplementary Map No. 2)
January 29, 1983		Map 24 / 55 pt. (Supplementary Map No. 2)
January 29, 1983		Map 24 / 56 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 42-1 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 42 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 43 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 44 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 45 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 46 (Supplementary Map No. 2)
January 29, 1983		Map 24 / Lot 47 (Supplementary Map No. 2)
January 29, 1983		Map 32 / Lot 42-2 (Supplementary Map No. 2)
April 18, 1983	North Cove	Supplementary Map No. 3
April 18, 1983	Ferry Point	Supplementary Map No. 5
May 13, 1983	North Cove	Supplementary Map Nos. 3
May 13, 1983	Riverfront	Supplementary Map Nos. 4
May 13, 1983	Ferry Point	Supplementary Map Nos. 5
May 27, 1983	North Cove	Supplementary Map Nos. 3
May 27, 1983	Riverfront	Supplementary Map Nos. 4
May 27, 1983	Ferry Point	Supplementary Map Nos. 5
September 21, 1983	MCL → MC	
September 21, 1983	MCL → A	
September 21, 1983	A → MC	
September 21, 1983	A → MC-2	
October 12, 1983	B-1 → A	Map 37 / Lot 56
October 12, 1983	B-1 → A	Map 37 / Lot 60
October 12, 1983	B-1 → A	Map 40 / Lot 61 pt.

1984

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
June 16, 1984	26	ADD: AA-3 District at Otter Cove & Watrous Point

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
February 6, 1984	B-2 → A	Map 59 / Lot 67
February 15, 1984	A → B-3	Map 28 / Lot 15
February 15, 1984	A → B-3	Map 28 / Lot 15-1
6/16/84 or 6/20/84	AA-1 → AA-3	Map 63 / Lot 65-3
6/16/84 or 6/20/84	AA-1 → AA-3	Map 63 / Lot 65-4
6/16/84 or 6/20/84	AA-1 → AA-3	Map 63 / Lot 65-5
6/16/84 or 6/20/84	AA-1 → AA-3	Map 69 / Lot 1
November 5, 1984	B-2 → AA-2	Map 58 / Lot 17 pt.

1985

REGULATION AMENDMENT

Effective Date	Section	Description
March 18, 1985	8.14	ADD: accessory apartments
March 18, 1985	21.1.5	ADD: an apartment *dwelling unit*
March 18, 1985	21.1.6 – 21.1.8	RENUMBER
March 18, 1985	22.1.5	ADD: an apartment *dwelling unit*
March 18, 1985	22.1.6 – 21.1.8	RENUMBER
March 18, 1985	23.1.4	ADD: an apartment *dwelling unit*
March 18, 1985	23.1.5 – 23.1.8	RENUMBER
March 18, 1985	72.4.6	ADD: measurement and certification
April 25, 1985	34.2.4	ADD: convalescent homes
April 25, 1985	34.3.1	AMEND: hospitals and sanitaria
April 25, 1985	52.7.3	ADD: conditions for hospitals and sanitaria
July 1, 1985	37	ADD: *Aquifer* Protection
July 1, 1985	66	ADD: Soil Erosion and Sediment Control
July 1, 1985	37.8.1	AMEND: *dry storage*
October 28, 1985	41.2.3	ADD: Convalescent Homes
October 28, 1985		AMEND: Convalescent Homes
October 28, 1985	52.7.3a	AMEND: AAA/AA-1 Convalesc. Homes/Hospitals

MAP AMENDMENT

Effective Date	District/Zone	Location
July 1, 1985		*Aquifer* Protection Supplementary Map No. 6

1986

REGULATION AMENDMENT

Effective Date	Section	Description
July 1, 1986	8.2.1r	ADD: required information on site plans
July 1, 1986	9	AMEND: *Story 1/2*
July 1, 1986	10.6.2	AMEND: conversion of seasonal residences
July 1, 1986	51.15	AMEND: enclosure
July 1, 1986	55.5	AMEND: public hearing
July 1, 1986	72.7	AMEND: approval and issuance of CZC
July 1, 1986	51.16	AMEND: landscaping to be provided
July 1, 1986	51.2.1	AMEND: additional Statement of *Use* requirements
July 1, 1986	51.2.5	ADD: Traffic Impact Report
July 1, 1986	51.6	ADD: Access and Circulation
July 1, 1986	51.7	ADD: Plan of Development
July 1, 1986	62.3.8	AMEND: hospitals (as separate *use*)
July 1, 1986	62.3.9	ADD: *hotels* and *motels* (as separate *uses*)
July 1, 1986	62.7.3	ADD: additional landscaping requirements
July 1, 1986	62.7.4	ADD: parking *setbacks*
July 1, 1986	66.4	AMEND: minimum SE&SC standards
July 1, 1986	72.9	AMEND: additional CZC requirements

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
July 1, 1986	I-1 → A	Map 53

1987

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
April 7, 1987	51.14.3	ADD: landscaping SP-1, SP-3, MC and I *Districts*
April 7, 1987	62.7.4	ADD: parking *setbacks* 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: Coverage, *Building/Structure*; Coverage, Total; AMEND: Total ground coverage

1988

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
March 28, 1988	55.1	AMEND: portion of AA- (Ragged Rock) standards
March 28, 1988	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: setback from *wetlands*

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
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.
June 24, 1988	A → B-2	Map 29 / Lot 13
June 24, 1988	A → B-2	Map 29 / Lot 14
June 24, 1988	A → B-2	Map 29 / Lot 15
June 24, 1988	A → B-2	Map 29 / Lot 16
June 24, 1988	A → B-2	Map 29 / Lot 36 pt.

1989

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
January 30, 1989	24.2.6	RENUMBER
January 30, 1989	24.2.6	ADD: *Residential life care facility*
January 30, 1989	52.7.1	ADD: Special Standards
January 30, 1989	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 *lots* in the *Gateway Conservation Zone* – 15%"
December 4, 1989	9	AMEND: *Lot Area, Shape, Cvrg. Buildings/Structures*

MAP AMENDMENT

Effective Date	District/Zone	Location
May 30, 1989	A → B-2	Map 29 / Lot 37

1990

REGULATION AMENDMENT

Effective Date	Section	Description
August 21, 1990	26.3	Min. *Lot* Area amended from 80,000 to 87,120 s.f.
October 1, 1990	8.14.2	AMEND: non-profit corp. as non-res. *dwelling* owner
October 1, 1990	9	DEFINE: *Non-profit corporation*

MAP AMENDMENT

Effective Date	District/Zone	Location
December 12, 1990	B-4 → A	Map 17 / Lot 5 pt. \

1991

REGULATION AMENDMENT

Effective Date	Section	Description
October 1, 1991	64.8	AMEND: Inspection Fee amended
October 1, 1991	72.4	AMEND: fees
October 1, 1991	72.4.1 – 72.4.9	DELETE
October 1, 1991		Admin. Policy #1 AMEND: fees

1993

REGULATION AMENDMENT

Effective Date	Section	Description
November 10, 1993	9.1	DEFINE: *Bed & breakfast transient lodging*
November 10, 1993	23.2.1	ADD: Special Exception *Uses – Bed & breakfast*
November 10, 1993	24.2.1	ADD: Special Exception *Uses – Bed & breakfast*
November 10, 1993	32.2.5	ADD: Special Exception *Uses – Bed & breakfast*
November 10, 1993	52.7.13	ADD: special standards for *Bed & breakfast*

MAP AMENDMENT

Effective Date	District/Zone	Location
May 28, 1993	B-4 → B-3	Map 42 / Lots 30
May 28, 1993 B-4	B-3	Map 42 / Lot 30-1

1995

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
January 1, 1995	62	ADD: criteria for parking, loading, access, circulation
January 1, 1995	63	ADD: req. for landscaping, screening, buffer area
January 1, 1995	63	DEFINE: *gross floor area* in regard to parking calc.
April 13, 1995	7.21	ADD: MABL on each *building lot* created
April 13, 1995	8.2.1	AMEND: requirements for Plot Plan submissions
April 13, 1995	31.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	32.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	33.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	34.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	35.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	37.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	41.1	ADD: Floor area thresholds for Special Exceptions
April 13, 1995	51	AMEND: requirements for Site Plan submissions
April 13, 1995	51.2.1 A-F	RENUMBER and RELOCATE: to Section 8
April 13, 1995	52.2.1	ADD: Waiver of Site Plan Info. req.
April 13, 1995	52.2.2	ADD: Partial Waiver of Site Plan Info. req.
May 16, 1995	9	DEFINE: *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*
May 16, 1995	34.2	AMEND: *Adult entertainment business* by SPECEX
May 16, 1995	52.7.15	ADD: Special Exception, establishing standards for *adult entertainment businesses*, including procedural and informational requirements
May 30, 1995	9	AMEND: *Boat with or without hauling trailer; Mobile manufacturing home; Motorized camper; Pick-up coach or pick-up camper*
May 30, 1995	66	AMEND: standards and procedures for trailers

1996

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
October 7, 1996		Admin. Policy #2 Fees for technical assistance

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT	LOCATION
February 26 1996	B-2 → AA-1	Map 58 / Lot 38

1997

REGULATION AMENDMENT

Effective Date	Section	Description
December 10, 1997	7	ADD: *Telecommunication Facilities* and Non-Commercial Airway Communication equipment
December 10, 1997	8	ADD: *Telecommunication Facilities* and Non-Commercial Airway Communication equipment
December 10, 1997	9	ADD: *Telecommunication Facilities* and Non-Commercial Airway Communication equipment
December 10, 1997	67	ADD: *Telecommunication Facilities* and Non-Commercial Airway Communication equipment

1998

REGULATION AMENDMENT

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 *sign*age
December 30, 1998	9	DEFINE: *Assisted living unit* & *Residential life care facility*
December 30, 1998	52.7.13	AMEND: *Residential life care facility*
December 30, 1998	62.3.21	AMEND: Non-Resid'l *Uses*: *Resid'l life care facility*

1999

REGULATION AMENDMENT

Effective Date	Section	Description
August 16, 1999	9	DEFINE: *Attic; Floor area; Height; Story, One-half (1/2); Story*
August 23, 1999	55.1	PROHIBIT: PRDs in Cornfield Point

MAP AMENDMENT

Effective Date	District/Zone	Location
August 23, 1999	PRD → part A	Cornfield Point

2000

REGULATION AMENDMENT

Effective Date	Section	Description
January 3, 2000	Resolution 99-01	Interpretation of Definitions regarding coverage
February 18, 2000	9	DEFINE: Private country club
February 18, 2000	21	AMEND: permit Private country club
February 18, 2000	22	AMEND: permit Private country club
February 18, 2000	26	AMEND: permit Private country club
February 18, 2000	52	AMEND: special standards for Private country club
February 18, 2000	62.3.2 S.	AMEND: Off-*street* Parking and Loading, Access and Circulation for Private country club
March 10, 2000	4	AMEND: substitute PRD for condominium

March 10, 2000	37	AMEND: substitute PRD for condominium
March 10, 2000	55	AMEND: substitute PRD for condominium
July 14, 2000	7.2.1	ADD: set forth requirements MABL

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
August 23, 1999	A → SP-3	Saybrook Point

2001

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
June 14, 2001	11	PROHIBIT: *Billboards*

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
May 1, 2001	I-1 → B-3	Map 44 / Lot 17
May 1, 2001	I-1 → B-3	Map 44 / Lot 18
May 1, 2001	I-1 → B-3	Map 44 / Lot 19
May 1, 2001	I-1 → B-3	Map 44 / Lot 20
May 1, 2001	I-1 → B-3	Map 44 / Lot 21-1
May 1, 2001	I-1 → B-3	Map 44 / Lot 21-2
May 1, 2001	I-1 → B-3	Map 44 / Lot 21-3
May 1, 2001	I-1 → B-3	Map 44 / Lot 22
May 1, 2001	I-1 → B-3	Map 44 / Lot 23
May 1, 2001	I-1 → B-3	Map 44 / Lot 24
May 1, 2001	I-1 → B-3	Map 44 / Lot 24-1

2002

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
July 26, 2002	9	DEFINE: *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* AMEND: *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;*
August 1, 2002	31.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	32.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	33.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	34.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	35.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	36.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	37.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	38.0	ADD/AMEND: Purpose of non-residential *district*
August 1, 2002	41.0	ADD/AMEND: Purpose of non-residential *district*

MAP AMENDMENT

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*
September 15, 2003	27	ADD: Residence Conservation C *District*
September 15, 2003	55.1	ADD/AMEND: PRD is a *zone*
September 15, 2003	55.2	DEFINE/AMEND: PRD
September 15, 2003	55.3	ADD/AMEND: Application for PRD
September 15, 2003	55.3.1	DELETE: seepage test holes/deep test pits location
September 15, 2003	55.3.3	ADD/AMEND: architectural plans
September 15, 2003	55.3.5	RENUMBER: "Management" to 55.3.7
September 15, 2003	55.3.6	ADD: Protection of Surface and Ground Water
September 15, 2003	55.4	ADD: Procedure
September 15, 2003	55.5	DELETE: Approval
September 15, 2003		55.5.2 ADD/AMEND: Timing and Staging
September 15, 2003	55.5.4	ADD: Bond to include PRD
September 15, 2003	55.6	ADD: Standards
September 15, 2003	55.6.1	ADD: *Lot* Area
September 15, 2003	55.3.2	ADD: *Dwelling units*
September 15, 2003	55.6.4	ADD: *Setbacks*
September 15, 2003	55.6.5	ADD: Utilities
September 15, 2003	55.6.6	ADD/AMEND: Paving and *Sidewalks*
September 15, 2003	55.6.7	ADD: Method of Ownership
September 15, 2003	55.6.8	ADD: *Open space*
September 15, 2003	55.6.9	ADD/AMEND: Supporting Services
September 15, 2003	56.1	ADD: General
September 15, 2003	56.2	ADD: Purpose
September 15, 2003	56.3.1	ADD/AMEND: Conceptual Plan
September 15, 2003	56.3.2	ADD: Efficient presentation
September 15, 2003	56.3.3	ADD/AMEND: Preliminary *open space* plan
September 15, 2003	56.3.4	ADD: Letter C, sewage disposal
September 15, 2003	56.4	ADD: Initial procedure
September 15, 2003	56.6.2	ADD/AMEND: Number of *lots*
September 15, 2003	56.6.3	ADD/AMEND: *Lot* area, shape and *frontage*; Building, *bulk* and *coverage*
September 15, 2003	56.6.4	ADD/AMEND: Water supply/sewage disposal plans
September 15, 2003	56.6.5	ADD: *Open space* for AA-1 *Open Space* Subdivisions
September 15, 2003	56.6.6	ADD: *Open space* land
September 15, 2003	56.6.7	ADD: Permitted *uses*
September 15, 2003	56.6.9	ADD: Conflicting Provisions

MAP AMENDMENT

Effective Date	District/Zone	Location
October 7, 2003	A → PRD	Map 22 / Lot 22-1

2004

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
April 30, 2004	55.2	AMEND: *Age restricted*
April 30, 2004	55.6.2	AMEND: age restriction, change *bedrooms* per acre
April 30, 2004	55.6.3	ADD: *setbacks* in *age restricted development*
April 30, 2004	55.6.4	ADD: *open space* in Res. A, AA-2 and SP-3 *Districts*
May 17, 2004	56.6.3a/b	AMEND: reduce *lot* area, reduce min. dim. of square
May 17, 2004	56.6.3	AMEND: reduce width along *building*
July 7, 2004	7.4.8	AMEND: reduce side and rear *setbacks* for *accessory structure*s >120 s.f. by 1⁄2 on non-conforming *lots*
July 7, 2004	7.4.10	PROHIBIT: activities within 50´ of *tidal wetlands*
July 7, 2004	9	DEFINE: *Structure* to exempt *decks* > 6″ from existing grade and to exclude handicapped ramps
July 7, 2004	10.11	DEFINE: *Special Flood Hazard Area*
July 7, 2004	21.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	22.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	23.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	24.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	25.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	26.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	27.5.5d	ADD: *height* of *accessory structure*
July 7, 2004	64.5.2c	AMEND: maintain uniformity; one *sign*/tenant/wall
July 7, 2004	64.5.2d	AMEND: maintain uniformity; one *sign*/tenant/wall
July 7, 2004	64.5.5	AMEND: maintain uniformity; one *sign*/tenant/wall
July 7, 2004	72.7.5	ADD: mandatory *Special Flood Hazard Area* review
September 7, 2004	52.7.2	DELETE: 5-yr renewal day nursery in bus. *district*s

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
April 30, 2004	A → PRD	Map 45 / Lot 15
April 30, 2004	A → PRD	Map 55 / Lots 56 & 61
April 30, 2004	AAA &A-1 → C	Map XX / Lots 6, 13,15, 17, 18
November 1, 2004	A → PRD	Map 49 / Lot 12
November 1, 2004	A → PRD	Map 49/Lot 12-2
November 15, 2004	B-2 → B-1	Map 40 / Lot 1

2005

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
April 18, 2005	8.22	ADD: drive-through pharmacies/banks in B-2 & B-4
April 18, 2005	9	DEFINE: *Drive-through window*; *Drive-through substation*
April 18, 2005	62.6.3	AMEND: permit off site parking for municipal *uses*
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
November 4, 2005	55.6.3	AMEND: 2nd-flr. *dwelling unit*s in existing *structure*

November 4, 2005	55.6.4	AMEND: PRD *dwelling units*/*setbacks* for B-1
November 4, 2005	31.6.4	AMEND: Residence boundary line *setback* for PRDs

2006

REGULATION AMENDMENT

Effective Date	Section	Description
April 10, 2006	56.1	ADD: permit *Open Space* Subdivisions in AAA
April 10, 2006	56.6.3	AMEND: wells in AAA *Open Space* Subdivisions
April 10, 2006	56.6.4	ADD: permit *Open Space* Subdivisions in AAA
April 10, 2006	56.6.7	ADD: *uses* within AAA *Open Space* Subdivisions
April 10, 2006	8.23	ADD: reduced *setbacks* in *pedestrian nodes*
April 10, 2006	9.1	DEFINE: *Pedestrian node*
April 10, 2006	31.2.3	AMEND: non-resid'l *structure* in *pedestrian node*
April 10, 2006	32.3.6	AMEND: non-resid'l *structure* in *pedestrian node*
April 10, 2006	33.2.17	AMEND: non-resid'l *structure* in *pedestrian node*
April 10, 2006	34.2.7	AMEND: non-resid'l *structure* in *pedestrian node*
April 20, 2006	53	DELETE: Section and transfer ZBA SPEX to ZC
April 20, 2006	52.1	DELETE: ZBA SPEX review; ADD: conversions of *dwellings* to two-*family*
April 20, 2006	52.7.18	ADD: automotive *uses*
August 28, 2006	4.2	AMEND: FP, PRD, and AP; ADD: GC, CAM
August 28, 2006	4.3	DELETE
August 28, 2006	4.4	RELOCATE: to new Section 59 CAM
August 28, 2006	6.1.4	RELOCATE: to new Section 58 GC
August 28, 2006	6.1.5	RELOCATE: to new Section 58 GC
August 28, 2006	7.3	DELETE
August 28, 2006	7.4.9	DELETE
August 28, 2006	7.5.2	DELETE
August 28, 2006	8.2.3	DELETE
August 28, 2006	8.21	DELETE
August 28, 2006	9.1	DEFINE: *Cupola; Developed area (Gateway Conservation Zone); High tide line; Height (Gateway Conservation Zone); Riparian; Riparian area; Riparian buffer area; Shoreline flood & erosion control ;* AMEND: *Connecticut River Gateway Zone; Commercial tree cutting; Height; Non-commercial communications equipment*
December 4, 2006	9.1	AMEND: *Special Flood Hazard Area*

2008

REGULATION AMENDMENT

Effective Date	Section	Description
February 19, 2008	4.2.3	AMEND: change *Zone* to Area
February 19, 2008	5.1.6	DELETE: Supplementary Map Number 6 (Aquifer Protection *Zone*)
February 19, 2008	9	DEFINE: *Aquifer protection area*; DELETE: Primary recharge area, Secondary recharge area
February 19, 2008	57	DELETE: Section 57 Aquifer Protection *Zone*

March 17, 2008	4.2	AMEND: re-format list of special zones
March 17, 2008	6.1	AMEND/REMOVE: *Amusement Device* to Sect. 53
March 17, 2008	6.2	DELETE: Performance Standards
March 17, 2008	6.3	DELETE: Parking and Loading
March 17, 2008	6.4	DELETE: Landscaping, Screening and Buffer Areas
March 17, 2008	8	REMOVE: (to Section 53) 8.3 *Restaurant*, 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
March 17, 2008	9.1	DEFINE: *Amusement Device; Kennel*
March 17, 2008	10.5	AMEND: Casualty
March 17, 2008	10.11	AMEND: Flood Plain Compliance
March 17, 2008	11.2	ADD: prohibition of A-frame *sign*s
March 17, 2008	52.5	AMEND: Expiration of Special Exception
March 17, 2008	52.6.7	ADD: requirement to preserve character of house
March 17, 2008	52.7	REMOVE: (to Section 53) 52.7.1 *Roadside stand*; 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
March 17, 2008	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*; *Roadside stand*; ADD: Schools; *Restaurant*, Outdoor Seating
March 17, 2008	54	DELETE: Section 54 Flood Plain Requirements
March 17, 2008	58	AMEND: replace Total Floor Area with *Gross Floor Area*
March 17, 2008	54.2.5	ADD: elevation of first finished floor in SFHA
March 17, 2008	64.3.	ADD: limit to *height* of *sign* posts; AMEND: require timers for *illuminated signs*

March 17, 2008	64.5	AMEND: reduce size of ground *signs*; reduce *height* of ground *signs*
March 17, 2008	68	DELETE: Section 68 *Telecommunications Facilities*
March 17, 2008	72.5	AMEND: correct for staking of work by applicant
September 8, 2008	7.4	AMEND: shoreline flood & erosion control *structure*; ADD: exemptions from *tidal wetland setback*
September 8, 2008	9	DEFINE: *Daycare; Deck; Restaurant, Fast Food; Restaurant, Full-service; Restaurant, Take-out; Roadside stand; Structure*
September 8, 2008	21.1	AMEND: clarify list of Permitted *Uses*; ADD: *Roadside stand*, Keeping of livestock or poultry
September 8, 2008	21.2	AMEND: clarify list of Special Exception *Uses*; RELOCATE: *Roadside stand* to 21.1.7; ADD: Agricultural nursery or greenhouse; *Open Space* Subdivision
September 8, 2008	21.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	21.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	21.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	22.1	AMEND: clarify list of Permitted *Uses*; ADD: Keeping of livestock or poultry; *Roadside stand*
September 8, 2008	22.2	AMEND: clarify list of Special Exception Uses; RELOCATE: *Roadside stand* to 22.1.7; ADD: Agricultural nursery or greenhouse; *Open Space* Subdivision
September 8, 2008	22.7	RELOCATE: Open Space Subdivision to 22.2.17; RENUMBER & AMEND: clarify Requirement for Plot Plan
September 8, 2008	22.8	RENUMBER & AMEND: clarify Requirement for Site Plan
September 8, 2008	22.9	RENUMBER & AMEND: clarify Requirement for Special Exception
September 8, 2008	23.1	AMEND: clarify list of Permitted *Uses*; ADD: *Roadside stand*, Keeping of livestock or poultry
September 8, 2008	23.2	AMEND: clarify list of Special Exception *Uses*; ADD: Agricultural nursery or greenhouse
September 8, 2008	23.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	23.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	23.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	24.1	AMEND: clarify list of Permitted *Uses*; ADD: *Roadside stand*, Keeping of livestock or poultry
September 8, 2008	24.2	AMEND: clarify list of Special Exception *Uses*; RELOCATE: *Roadside stand* to 24.1.7; ADD: Agricultural nursery or greenhouse
September 8, 2008	24.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	24.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	24.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	25.1	AMEND: clarify list of Permitted *Uses*; ADD: Keeping of livestock or poultry

September 8, 2008	25.2	AMEND: clarify list of Special Exception *Uses*; ADD: Agricultural nursery or greenhouse
September 8, 2008	25.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	25.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	25.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	26.1	AMEND: clarify list of Permitted *Uses*
September 8, 2008	26.1.5	ADD: *Roadside stand*
September 8, 2008	26.1.8	ADD: Keeping of livestock or poultry
September 8, 2008	26.1.9	ADD: Boarding house or the renting of rooms
September 8, 2008	26.1.10	ADD: Accessory apartment
September 8, 2008	26.2	AMEND: clarify list of Special Exception *Uses*
September 8, 2008	26.2.5	Conversion of *dwelling* to contain 2 *dwelling units*
September 8, 2008	26.2.6	*Building*, use or facility of the Town of Old Saybrook
September 8, 2008	26.2.7	ADD: Agricultural nursery or greenhouse
September 8, 2008	26.2.8	ADD: *Daycare*
September 8, 2008	26.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	26.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	26.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	27.1	AMEND: clarify list of Permitted *Uses*; DELETE: Family *daycare* home; ADD: *Roadside stand*; Keeping of livestock or poultry
September 8, 2008	27.2	AMEND: clarify list of Special Exception *Uses*; ADD: Daycare; Agricultural nursery or greenhouse; *Open Space* Subdivision
September 8, 2008	27.7	AMEND: clarify Requirement for Plot Plan
September 8, 2008	27.8	AMEND: clarify Requirement for Site Plan
September 8, 2008	27.9	AMEND: clarify Requirement for Special Exception
September 8, 2008	53	ADD: *Boarding house; Daycare; Renting of Rooms*; DELETE: Day nursery
October 20, 2008	31.1	ADD: Non-residential *use* within *pedestrian node* provision from 31.2; RENUMBER & 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 to 31.2.6; DELETE: day nursery; water supply reservoir, well, tower, treatment facility or pump station; Railroad right-of-way or passenger station; off-*street* parking facility
October 20, 2008	31.2	AMEND: clarify list of Special Exception *Uses*; RELOCATE: Non-residential use within *pedestrian node* provision to 31.1; ADD: *Daycare*; Off-*street* 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

October 20, 2008	31.3	AMEND: clarify list of Prohibited *Uses*; ADD: Conference facility
	31.6.5	ADD: Projection into *setback*
October 20, 2008	31.7	AMEND: clarify Requirement for Plot Plan
October 20, 2008	31.8	AMEND: clarify Requirement for Site Plan
October 20, 2008	31.9	AMEND: clarify Requirement for Special Exception
October 20, 2008	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
October 20, 2008	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;
October 20, 2008	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 32.2 DELETE: Heliport;
October 20, 2008	32.3	AMEND: clarify list of Prohibited *Uses*; ADD: Conference facility
October 20, 2008	32.7	AMEND: clarify Prohibited *Uses*
October 20, 2008	32.8	AMEND: clarify Requirement for Plot Plan
October 20, 2008	32.9	AMEND: clarify Requirement for Site Plan
October 20, 2008	32.10	AMEND: clarify Requirement for Special Exception
October 20, 2008	33.1	AMEND: clarify list of Permitted *Uses*; RELOCATE: Agricultural nursery or greenhouse to 33.2; ADD: keeping of livestock or poultry; DELETE: School
October 20, 2008	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
October 20, 2008	33.3	AMEND: clarify list of Prohibited *Uses*; ADD: Conference facility; *Kennel*

October 20, 2008	33.8	AMEND: clarify Requirement for Plot Plan
October 20, 2008	33.9	AMEND: clarify Requirement for Site Plan
October 20, 2008	33.10	AMEND: clarify Requirement for Special Exception
October 20, 2008	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
October 20, 2008	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
October 20, 2008	34.8	AMEND: clarify Requirement for Plot Plan
October 20, 2008	34.9	AMEND: clarify Requirement for Site Plan
October 20, 2008	34.10	AMEND: clarify Requirement for Special Exception
October 20, 2008	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
October 20, 2008	37.8	AMEND: clarify Requirement for Plot Plan
October 20, 2008	37.9	AMEND: clarify Requirement for Site Plan
October 20, 2008	37.10	AMEND: clarify Requirement for Special Exception
October 20, 2008	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
October 20, 2008	41.2	AMEND: clarify list of Special Exception *Uses*; ADD: Motor vehicle use; Off-*street* parking facility; *building*, *use* or facility of the Town
October 20, 2008	41.3	AMEND: Clarify list of Prohibited *uses*; DELETE: Motor vehicle *uses*
October 20, 2008	41.8	AMEND: clarify Requirement for Plot Plan
October 20, 2008	41.9	AMEND: clarify Requirement for Site Plan
October 20, 2008	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 *bed and breakfast transient use*

2009

REGULATION AMENDMENT

Effective Date	Section	Description
August 17, 2009	3	DELETE SECTION & REPLACE NEW: Certificate of Zoning Compliance
	7	DELETE SECTION & REPLACE NEW: Area, Location & *Bulk* Standards
	8	DELETE SECTION & RESERVE
	9	DELETE SECTION & REPLACE NEW: Definitions
	54	NEW: *Incentive Housing Zone* (IHZ)
	61	DELETE SECTION & REPLACE NEW: Performance, Maintenance & Operations
	62	DELETE SECTION & REPLACE NEW: Access, Parking & Loading
	63	DELETE SECTION & REPLACE NEW: Landscaping, Screening & Buffer Areas
	68	NEW: Neighborhood Pattern & Building Design
August 24, 2009	9	DEFINE: *hotel*; *hotel room*; *hotel suite*; *motel*;
	37.1.14	RENUMBER: 37.1.5
	37.1.14:	NEW: *Hotel Suites*
	37.1.15	RENUMBER: 37.1.16
	37.1.16	RENUMBER: 37.1.17
	37.1.17	RENUMBER: 37.1.18
	53	NEW: *Hotel Suites* in the SP-2 and SP-3 *Districts*
October 5, 2009	54.1.3a	DELETE: Multi *Family* MF Subzone, REPLACE WITH: Mixed-use MU Subzone
October 26, 2009	9	AMEND: *Height* (*Gateway Conservation Zone*), *Riparian Area*, *Riparian Buffer Area*
	58.2.1a	NEW: *Riparian Buffer Area Exception*
	58.2.5	AMEND: *Riparian Buffer Area*
	58.6	AMEND: *Setback* (*Gateway Conservation Zone*)

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
August 17, 2009	Map Change	NEW: Ferry Point *Incentive Housing Zone* and Mixed Use Ferry Point Subzone
August 17, 2009	IHZ MU Subzone	Portions of Ferry and Essex Road

2010

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
June 1, 2010	56.5	AMEND: to expand approval period for *open space* subdivision
December 6, 2010	37.1.14	AMEND: to allow *Hotel Rooms* as permitted in SP-2 & SP-3 *districts*
	53	AMEND: *Hotel Suites* Sections A-K to add *Hotel Rooms* and room specifications
December 10, 2010	3, 7, 8, 9, 54, 61, 62, 63 & 68	READOPT: Sections adopted on August 7, 2009 for funding qualification for Housing for Economic Development Program
	54.1.3a(1)	NEW: Identifying Phase 1 of Ferry Point IHZ
	Article IV	NEW: Contents Section & Preamble

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
December 10, 2010		RE-ADOPT: Ferry Point *Incentive Housing Zone* designating 45 Ferry Road (Map 45/Lot 3 as Ferry Crossing (Phase 1) of the Ferry Point IHZ

2011

REGULATION AMENDMENT

EFFECTIVE DATE	SECTION	DESCRIPTION
April 1, 2011	4.2	DELETE: APZ Saybrook Well Field Level B ADD: Saybrook Well Field Level A
	57	DELETE: Section 57 in it's entirety.
May 2, 2011	62.3.4	ADD: allow waiver to eliminate one loading space when *gross floor area* of *building* is less than 15,000 s.f.

MAP AMENDMENT

EFFECTIVE DATE	DISTRICT/ZONE	LOCATION
April 1, 2011		DELETE: Saybrook Well Field Aquifer Protection *Zone* Level B ADD: Aquifer Protection Area Level A Map for Saybrook Well Field

2012

REGULATION AMENDMENT

Effective Date	Section	Description
January 2, 2012	9	DELETE SECTION & REPLACE NEW: *Gross floor area* & *Gross floor area* (*Gateway Conservation Zone*)
January 2, 2012	9	ADD: Accessory Apartment, (mixed use)
May 1, 2012	31.2.9 32.2.3 33.2.5 34.2.7	ADD: "Undertaker's Establishments"
May 1, 2012	59.2.9	AMEND: Exempt elevation of existing *structure* from Coastal Site Plan Review
May 1, 2012	9	AMEND: Definition of *story* in *Special Flood Hazard Area*
May 1, 2012	53	DELETE: 5 year maximum for daycare permits.
May 1, 2012	52.4	REMOVE: Mandatory referral of Special Exception application to Planning Commission.
May 1, 2012	51.8	AMEND: Bonding Requirements
December 10, 2012	32.2.10	ADD: sale, repair & servicing of boats as a Special Exception Use.
	32.2.11	ADD: storage of 8 or fewer *boats* as accessory to a Special Exception *Use* in 32.2.10

2013

REGULATION AMENDMENT

Effective Date	Section	Location
March 4, 2013	5.1	DELETE: supplementary maps
March 4, 2013	9	AMEND: Structure to clarify that a patio less than 6′ is not a structure.
March 4, 2013	10.5	DELETE/REPLACE: Casualty to extend to 2 years
March 4, 2013	51.6.4 B (2)	AMEND: Site development plans to require electronic NAD83 data
March 4, 2013	51.8	AMEND: Bond requirements to reflect new State Laws
March 4, 2013	22.2.4	REPLACE: "convalescent home" with "*nursing home facility*"
	23.2.3 24.2.5 25.2.3 27.2.2	
March 4, 2013	2.7.3	AMEND: Temporary Certificate Requirements
March 4, 2013	9	AMEND: Definition of *Sign* & *Billboard* ADD: Different types of *sign* definitions
March 4, 2013	11.1	RELOCATE: 11.2 into 11.1 ADD: as prohibited *flashing*, *moving*, *painted wall & vehicle signs*

March 4, 2013	64	DELETE/REPLACE: Section 64: Signs in its entirety
March 4, 2013	53	AMEND: Reduce parking spaces per *hotel room* in SP-3 District.
March 4, 2013	53	AMEND: Allow for *drive-through windows* for pharmacies & banks in B-1 *District*.
June 17, 2013	53	ADD: Food & Beverage Concession Service
June 17, 2013	37.1.10	REPLACE: "Public *walkway*, park or fishing pier" with "*Park* or playground or *open space* land"
June 17, 2013	9	ADD: Definition of "*Park*"
September 9, 2013	54.1.3	DELETE SECTION & REPLACE NEW: *Incentive Housing Zone* IHZ
September 9, 2013	54.3.5	AMEND: Mixed-Use MU Subzone
October 21, 2013	9.1	AMEND: Definition of Developable Land (*Incentive Housing Zone*) Section C

MAP AMENDMENT

Effective Date	District/Zone	Location
July 1, 2013	IHZ MF Subzone	Map 40/Lot 5 & 6, and Map 39/Lot 9.

2014

REGULATION AMENDMENT

Effective Date	Section	Description
July 1, 2014	21.5.5a 22.5.5a 23.5.5a 24.5.5a 25.5.5a 26.5.5a 27.5.5a 33.6.5a 56.6.3a	REMOVE: From longest *street line* of corner lot REPLACE WITH: From *Street Line*
July 1, 2014	9	AMEND: *Building Structure Coverage* to clarify coverage is calculated to the drip line and does not exclude projections. ADD: New text exempting projections into *setbacks* as described in Section 68 from coverage calculations for *lots* of less than 12,500s s.f.
July 1, 2014	9	AMEND: *Gross Floor Area* to clarify *attics*, garages & habitable space are included.
July 1, 2014	9	DELETE/REPLACE: Width Along Building Line to Minimum Width Along Building Line.
July 1, 2014	9	ADD: Definition of "*Person*"
July 1, 2014	31.3.1	AMEND: "*Dwelling*" to "*Dwelling* as otherwise permitted in the *District*"

	32.3.1	AMEND: "*Dwelling*" to "*Dwelling* as otherwise permitted in the *District*"
	34.3.1	AMEND: "*Dwelling*" to "*Dwelling* as otherwise permitted in the *District*"
July 1, 2014	32.3.2	DELETE: 32.2.1 no longer in existence.
July 1, 2014	51.4.5	DELETE: 45 day ARB timeline to respond.
July 1, 2014	52.4	DELETE: SPEX timeline to respond for advisory Planning & ARB reports.
July 1, 2014	52.6.7	AMEND & RELOCATE: Special Exception text for B-3 District to Section 33 Purpose B-3.
July 1, 2014	52.5	AMEND: Special Exception extend approval period to 3 years and permit additional 2 years for extensions.
July 1, 2014	53	DELETE: Professional Office in a *dwelling unit*.
July 1, 2014	53	DELETE: Home Occupation in a *dwelling unit*.
July 1, 2014	53	ADD: Home Business in a *dwelling unit*.
July 1, 2014	53	AMEND: Accessory Apartment (residential) "owner" to "*person*" & remove Section H requirement for Enforcement Officer to report.
July 1, 2014	53	REMOVE: Marine Research Laboratory "to be located in the MC District"
July 1, 2014	53	AMEND: Rename Restaurant Outdoor Seating to Outdoor Seating. Clarify method to calculate allowable number of seats. New subsections A & B to allow for both restaurant and retail seating.
July 1 2014	53	AMEND: Public Utility Substation to make standards apply in all *Districts*, not just B-3.
July 1, 2014	54.6.1	ADD: "not"
July 1, 2014	56.4	DELETE/REPLACE: "Enforcement Officer "to Land Use Department"
July 1, 2014	59.2.5	ADD: Elevated decks
July 1, 2014	62.3.4C	DELETE: Language relating to loading space waiver.
July 1, 2014	63.2	AMEND: Bond language for consistency.
July 1, 2014	65.6.11	AMEND: Bond language for consistency.
July 1, 2014	65.2.5	ADD: Excavation exemption for installation of septic system.
July 1, 2014	68.1.5	ADD: High Illumination Zone
July 1, 2014	68.2.4	RENAME: "Projection from Façade" to "Projection into *setback*."
July 1, 2014	52.5	AMEND: Special Exception extend approval period to 5 years and permit additional 5 years for extensions.

2015

REGULATION AMENDMENT

Effective Date	Section	Description
January 1, 2015	52.5	AMEND: Special Exception extend approval period to 5 years and permit additional 5 years for extensions.
March 16, 2015	11.2	ADD: Prohibition of Bulk Propane Storage
July 1, 2015	3.3.4	DELETE : High Tide Line REPLACE WITH: *Coastal Jurisdiction Line*
July 1, 2015	9	DEFINE: Community Water Supply
July 1, 2015	9	DELETE: Club, Private Country Club
July 1, 2015	9	DEFINE: *Coastal Jurisdiction Line*
July 1, 2015	21.2.1.5	DELETE & RESERVE: Private Country Club
July 1, 2015	22.2.14	DELETE & RESERVE: Private Country Club
July 1, 2015	26.2.3	DELETE & RESERVE: Private Country Club
July 1, 2015	27.2.13	DELETE & RESERVE: Private Country Club
July 1, 2015	34.3.1	DELETE & RESERVE: *nursing home facility* as prohibited *use*.
July 1, 2015	51.4.6	DELETE/REPLACE: CRERPA with RiverCOG
July 1, 2015	51.6.5.A.1.b	AMEND: Water Supply
July 1, 2015	53	DELETE: Private Country Club
July 1, 2015	53	DELETE/REPLACE: CRERPA with RiverCOG
July 1, 2015	54.8.2c	DELETE/REPLACE: use with *districts*
July 1, 2015	54.8.3c	DELETE/REPLACE: uses with *districts*
July 1, 2015	54.8.4	DELETE/REPLACE: use with *districts*
July 1, 2015	54.8.5	DELETE/REPLACE: use with *districts*
July 1, 2015	55.6.9	DELETE & RESERVE : golf Courses
July 1, 2015	56.6.5	DELETE : golf Courses
July 1, 2015	56.6.4	AMEND: Water Supply and Sewage Disposal Plans
July 1, 2015	62.4.6 S	DELETE: Parking Requirements Private Country Club
July 1, 2015	62.4.6T	REPLACE: Private Country Club with Membership Club, Lodge or Community House.
July 1, 2015	68.2	AMEND: Require façade articulations in *structures* visible from adjacent properties.

2016

REGULATION AMENDMENT

Effective Date	Section	Description
May 2, 2016	11.1	ADD: "Feather flag/swooper/tear drop shaped flag *signs*" to prohibitions
May 2, 2016	64.5.1B	AMEND: Reduce number of permitted *community event signs*.
May 2, 2016	64.5.1C	DELETE: Eliminate free-standing special event *signs*.
May 2, 2016	9	ADD: Definition of "Residential Utility Platform"
May 2, 2016	9	AMEND: Clarify *Building/Structure Coverage* definition for exclusion of *wetlands* from coverage calculations
May 2, 2016	9	DELETE: *Gross Floor Area* (*Gateway Conservation Zone*) AMEND: *Gross Floor Area* DELETE: Gateway *Story* AMEND: *Story*, half (1/2)
May 2, 2016	10.11	AMEND: to exempt elevators
May 2, 2016	33.1 35.1.1	AMEND: remove detached from single *family dwelling* to clarify residences may be attached to businesses in B-3 & MC
May 2, 2016	68.1.2B9	AMEND: to clarify patios/platforms less than 6´ from grade not permitted within 50´ *tidal wetlands*.
May 2, 2016	53	AMEND: outdoor seating to allow more than 25% by Special Exception and calculate # allowed based on parking.
October 11, 2016	41.1.8 53	ADD: *Daycare* ADD: Standards for *daycare* in Industrial I *District*.

2017

REGULATION AMENDMENT

Effective Date	Section	Description
August 14, 2017	7.6 66.4 71.3 71.3.1 9	DELETE: Remove references to Sec 54 Flood Plain Zone. ADD: Special Flood Hazard Area (SFHA),Change Ord to Town Code
August 14, 2017	71.3.1	ADD: and deputies

August 14, 2017	31.2.5	DELETE & RESERVE: Off-*street* parking
August 14, 2017	64.5.5.B.1	
	64.5.8.B.1	DELETE: unless permitted by Special Exception
August 14, 2017	9	
	63.6.1	
	68.1.2.B.*6	AMEND: *Structure* not include *fences*/retaining walls 7´ or less
August 14, 2017	41.1.18	REMOVE: Special Exception
August 14, 2017	41.2.7	ADD: Education Facilities as Special Exception *Use*
August 14, 2017	68.1.2B2	DELETE/REPLACE: *Setback* for parking
August 14, 2017	63.4.1	AMEND: Clarify other line *setback*, perimeter landscape buffer
August 14, 2017	9	AMEND: Clarify definition of deck.
August 14, 2017	51.5.10	
	52.6.1	
	68.2.2	ADD: Preservation of historic *structures*.
August 14, 2017	53	AMEND: Accessory Apartment to increase gfa to 1000 max. AMEND: *Kennel* for clarification AMEND: Drive Through to remove as SPEX in B-1.
August 14, 2017	62.4.1.C2	AMEND: reserve parking from gfa 20,000 s.f. to 3,000 s.f.
August 14, 2017	72.0	
	72.1	
	72.2	
	72.2.1	
	72.2.2	
	72.2.3	
	72.2.4	
	72.2.5	
	72.2.6	
	72.2.8	
	72.3	
	72.3.1	
	72.4	
	72.5	
	72.6	
	72.6.1	
	72.6.2	
	72.6.3	
	72.7	
	72.7.1	
	72.7.2	

	72.7.3	
	72.7.4	
	72.7.5	
	72.7.6	
	72.7.7	
	72.8	
	72.9	AMEND: outdated FEMA and other references.
August 14, 2017	Admin. Policy No. 1	
		AMEND: reflect current practices
August 14, 2017	9	ADD: Marine Vehicle Establishment
August 14, 2017	53	ADD: Marine Vehicle Establishment
August 14, 2017	7.8	AMEND: Update for compliance with MS-4
	51.6.4g(1) & (2)	Stormwater Requirements
	51.6.5b4	
	61.7.1	
	62.2.4	
	62.4.2	
	62.4.2f	
	67.3	
	67.3.2	
November 1, 2017	32.2.4	ADD: *Drive-through windows* accessory to fast food, full service & take-out restaurant
	53.1	ADD: *Drive-through windows* for indoor restaurant or other food & beverage service establishment.
December 11, 2017	54.1.3E1	DELETE: MC and B2 *Districts*
	35	DELETE: Marine Commercial (MC) *District* RENAME: Marine Industrial (MI) *District* throughout Section 35 and entire set of regulations.
	35.1.1	DELETE: Single-*family dwelling* as permitted. ADD: Expansion of single *family* allowed if exist prior to 12/11/17
	11.3	ADD: Prohibition of residential use in MI *District*.
	53	REMOVE/REPLACE perimeter buffer planting requirement.
	31.2.10	ADD: Text requiring Special Exception B-1 *Pedestrian Node*.
	31.2.13	ADD: Text requiring Special Exception B-1 *Pedestrian Node*.

2017

MAP AMENDMENT

Effective Date	Description/Zone Location
December 11, 2017	Reduce Ferry Road IHZ MU Subzone to 45 Ferry Road (Map 45, Lot 3)

2019

REGULATION AMENDMENT

Effective Date	Section	Description
January 7, 2019	62.4.1D4	ADD: Off-Site Parking for Principal *Uses* in Specified *Districts*
	53.1	AMEND: Special Standards to include off-site parking facility
March 1, 2019	9	AMEND: *flashing sign*, electronic message sign, scoreboard sign, *fence* & *building structure* coverage calculations of projections, *riparian area*, *riparian buffer area*. ADD: changeable message *sign*, hazardous *fence*
	10.11	AMEND: flood compliance allow elevation 500 year *zone*.
	53	ADD: new Special Standard for hazardous *fence*.
	33.1.6	AMEND: *roadside stands*
	33.3.6	AMEND: *remove roadside* stand as prohibited.
	58.2	AMEND: change high tide line to *coastal jurisdiction line*.
	58.6	
	59.2.9	
	58.6	ADD: structure to *setback* requirement in GCZ.
	68.1.5C	AMEND: remove façade renovation of historic and state *buildings* as of right and not allow for changing colors in façade illumination.
September 4, 2019	9	ADD: Definitions of P*ermeable Paving Materials*, *Sidewalk* and Walkway. DELETE: Ornamental Plaza and Terraces from Total *Lot* Coverage definition. AMEND: definition of *Structure* to exempt patios over 6″ when grade changes due to code-compliant septic system.
	27	RENAME: Residence C as Conservation C and amend references throughout the regulations. AMEND uses for Conservation C *District*
	51.2A	DELETE: 8.2 REPLACE with 3.3.1 to reference correct section
	51.6.4(i)(8)	ADD: Site Plan requirement identifying degree of pervious for proposed materials.
	51.13.1	AMEND: Site Plan/SPEX Minor Amendments to allow ZC to not require a public hearing requirement for changes of *building structure coverage*/gfa of 500 s.f.

	51.13.2	AMEND: Major Amendments, delete "on cases of question"
	53	DELETE: reference to Paragraph 8.7 that no longer exists.
	53.1	DELETE: Off-Street Site Parking Facility
	55	DELETE: Residence C references throughout. PRD not allowed in C
	55.3.1	AMEND: datum definition to NAVD
	55.3.2	DELETE: 6 copies of survey map requirement REPLACE: Copies as required by ZEO or ZC
	55.6.11B	DELETE: store from allowed *uses* associated with *Bed and Breakfast Transient Lodging* in PRD.
	56	DELETE: Residence C references in *Open Space* Subdivision.
	56.3.4	DELETE: 6 copies of written statement requirement
	62.2.1	DELETE/REPLACE: Stamped concrete with stenciled concrete
	62.4.1.D.4	DELETE: Off-site parking for principal *uses*
	63.3.1C2	AMEND: *Street* Tree requirements to clarify one tree for within every 40′ of lot *frontage*.
	68.2.7B2	DELETE: roof overhang 6″-18″
	62.4.3A	AMEND: snow removal for situations where no turnarounds.
December 2, 2019	33.2.15	ADD: Veterinary Hospital as permitted SPEX use
	33.3.2	REMOVE: prohibition on Veterinary Hospitals

2019

MAP AMENDMENT

Effective Date		Description/Zone Location
September 4, 2019	C to AAA	Map 61/Lot 17
December 2, 2019	AA-1 to B-3	Map 68/lot 28-1

2020

REGULATION AMENDMENT

Effective Date	Section	Description
February 19, 2020	68.1.5B3	REMOVE: prohibition of illuminated playing fields
	53	ADD: new Special Standard to permit Athletic Field Lighting on properties of 11 acres or more in Residence A and Industrial I *Districts* owned by TOS or OSFC #1
	9	AMEND: definition of *Height* of Athletic Field Light Poles and definition of *Structure* to exclude Athletic Field Light Poles

February 19, 2020	65	DELETE & RESERVE: Excavation & Grading
	53	ADD: new Special Standard, Material Earth Removal, Filling & Excavation.
June 8, 2020	11.2	AMEND: to increase the prohibition limit from 20,000 to 60,000 gallons aggregate water capacity of propane, liquefied petroleum gas, or liquefied natural gas on a *lot*.
June 8, 2020	41.1.3	AMEND: Section 41.1.3 to include a reference to Section 53.
June 8, 2020	53	ADD: new special standards to Section 53 to regulate bulk propane storage when the propane is not consumed on the *lot* that it is stored.

2021

REGULATION AMENDMENT

Effective Date	Section	Description
March 18, 2021	68.2.4	AMEND: to clarify wall articulated every 40′ with a 2′ recess in the same wall.
March 18, 2021	68.2.4	DELETE: Text paragraph next to 68.2.4 beginning with "Uninterrupted means…"
March 18, 2021	64.3.3	REMOVE: Conflicting text allowing for *signs* larger than 100 s.f. (*billboard*) since *billboards* are prohibited in Section 11
March 18, 2021	64.3.4	AMEND: *Sign* calculations to correspond with change to articulations in façade.
March 18, 2021	10.8.5	AMEND: to allow for new construction on *non-conforming lots* when all *setback*, coverage & *gross floor area* requirements are met.
March 18, 2021	51.11	AMEND: to increase timeline to commence construction to allow for delays.
March 18, 2021	53	AMEND: Section H REMOVE: Sections I & J to remove minimum gfa for other *buildings* on *lot*, public entrance within 50′ of *street line* and window required within 100′ of residential *district* boundary.
March 18, 2021	53	AMEND: Parking for *Bed & Breakfast Transient Lodging* must be on same *lot*.
April 12, 2021	9	ADD: *Outdoor Restaurant* definition
	37.1.12	AMEND: to include *outdoor restaurant*
	53	ADD: *Outdoor Restaurant* standard
	66.2.2	ADD: Temporary Non-Residential Restaurant Trailer
	66.3.4	ADD: Temporary Non-Residential Trailer
April 19, 2021	9	ADD: Theater Marquee Sign
	31.2.11	AMEND: to add *Theater Marquee Sign* as Special Exception *Use*.

October 20, 2021	12	ADD: Moratoriums
October 20, 2021	12.1	ADD: Cannabis
November 16, 2021	7.7.1	
	55.6.10C	DELETE: Minimum *building size*
November 16, 2021	9	AMEND: Definition of *street line* to allow other line *setback* when street is unimproved road, leads to a coastal resource.
November 16, 2021	9	AMEND: Special Flood Hazard Area to add AO & AH
November 16, 2021	9	AMEND: *Structure* to exclude sheds of 120 s.f. or less, hot tubs & seasonal pools.
November 16, 2021	10.11	ADD: Repair to allow reconstruction of certain pre-existing *non-conformities*, 120 s.f. or less.
November 16, 2021	21.5	
	22.1.5	
	23.1.4	
	24.1.5	
	26.1.10	
	31.2.3	AMEND: Accessory Apartment names in each *district*.
November 16, 2021	53	REMOVE: References to 52.7.15, 52.7.18 & 52.7.13.
November 16, 2021	53	DELETE: Accessory apartment (residential) REPLACE: Accessory Apartment to include both attached & detached
November 16, 2021	53	AMEND: Accessory apartment (mixed use) in B-1 District to Mixed Use Apartments and allow for more than 2 when deed restricted affordable.
November 16, 2021	62.4.5	AMEND: To require 1 parking space for accessory apartment.
November 16, 2021	68.1.2B4*	DELETE: Narrow Street *Setback*
November 16, 2021	68.1.2B9*	AMEND: *Tidal Wetland Setback* to allow vertical expansion over *non-conforming structure*.
November 16, 2021	Throughout	REMOVE/REPLACE: the words character & characteristics in 89 places.

2022

REGULATION AMENDMENT

Effective Date	Section	Description
February 1, 2022	34.2.2	AMEND: To allow restaurant *drive-through window* as an *accessory use*.
February 1, 2022	53	AMEND: To allow restaurant *drive-through window* as an *accessory use* in B-4 *District*
February 1, 2022	62.4.6.D.6	AMEND to change parking ratio for *shopping centers* to 1 per 225 s.f. of g.f.a. and to allow *buildings* in excess of 10,000 s.f. to allocate space devoted to storage to 1 space per 1,200 s.f.
February 1, 2022	32.0 32.7.2	AMEND: to allow one bldg. with max gfa of 35,000 s.f. in B-2 *Zone* when on a 5 acre parcel.
March 1, 2022	12	ADD: Opting Out of certain provisions of PA 21-29
	12.2	ADD: Opting Out of certain provisions of PA 21-29 Accessory Dwelling Units.
March 1, 2022	34.2.1 53.1	AMEND: to permit retail gasoline and other motor vehicle fuel sales and battery charging stations as principal use by Special Exception in B-4 *District*.
April 15, 2022	9	AMEND: to add Animal Care Services.
	22.2.2	ADD: Animal Care Services
	53.1	ADD: Standards for Animal Care Services.
May 23, 2022	9	ADD: Definitions: Cannabis, cannabis cultivator, cannabis dispensary facility (adult-use and medical use), cannabis establishment, cannabis manufacturing (indoor), cannabis micro-cultivation, cannabis product and pharmacy
May 23, 2022	11.4 11.5	ADD: Prohibition of cannabis gifting and cannabis smoking lounges/parties.
May 23, 2022	34.2.16	ADD: Expansion or enlargement of cannabis dispensary facility or change of use from cannabis dispensary facility from medical to adult-use.
May 23, 2022	53	ADD: expansion of cannabis dispensary approved by CZC prior to 1/1/2022 by Special Permit.
May 23, 2022	53	AMEND: To consolidate text for drive-through windows for restaurants, pharmacies and financial institutions into one special standard.
May 23, 2022	32.2.4	AMEND: drive-through restaurant B-2, remove references to other sections and change text for consistency
May 23, 2022	33.2.3	REMOVE: drive-through restaurants as special exception use in B-3 District
May 23, 2022	62.4.6C	REMOVE: financial institution parking additional space requirement based on teller windows and ATMs.

May 23, 2022	62.4.6F	ADD: drive-through to clarify that take-out window and drive-through window are same parking calculation.
May 23, 2022	62.4.6f 3	REMOVE: 1 sp. per 50 s.f. parking requirement for night club, add dance club and amend to 1 space for every 4 occupants per the CT Fire Safety Code.
May 23, 2022	9	ADD: street line setback for sheds not considered structures.
May 23, 2022	31.2.3	ADD: Mixed use apartments as special exception use.
May 23, 2022	9 Kennel 53 Kennel	AMEND: to exclude retail animal services in business districts and eliminate requirement for new Special Exception every 5 years.
May 23, 2022	64.5.6c	ADD: to allow municipal electronic message signs in the B-3 when not visible from street/other properties.
May 23, 2022	9	ADD: Motor Vehicle Fueling Station as the retail sale of gas/alternative fuels.
May 23, 2022	53 34.2.1 33.1 32.2.2 33.3.1 34.2.1	AMEND: to remove service stations and replace sale of gas/alternative fuel with motor vehicle fueling stations
May 23, 2022	41.1.3	REMOVE: reference to Sect. 53
May 23, 2022	53 62.4.6e 1-4	AMEND: to change automotive uses to motor vehicle uses, gas to fueling and remove service stations and references to other sections of the zoning regulations.
May 23, 2022	53	AMEND: Motor Vehicle Fueling Station to create exclusions for hybrid and ev chargers as accessory uses to residential and commercial development under specific circumstances and prohibit televisions, speakers and electronic signs at charging stations.
May 23, 2022	11.7	ADD: Accessory Apartment (AP) new text prohibiting detached units on lots of less than 12,500 s.f. or splitting lots with apartments on lots of 12,500 s.f
May 23, 2022	53	ADD: Standards requiring AP to maintain accessory appearance and prohibit multiple driveways.
August 15, 2022	53	AMEND: to allow drive-through windows to include properties with frontage on Route 166.
November 7, 2022	9	REMOVE/REPLACE: Developed Area (Gateway Conservation Zone). ADD: Enlarge and/or Extend (Gateway Conservation Zone). AMEND: Statutory reference and commission charge in Gateway Conservation Zone definition.

REGULATION AMENDMENT

Effective Date	Section	Description
November 7, 2022	9	ADD: Marine Facility (Gateway Conservation Zone) REMOVE: Riparian buffer area. ADD: Riparian Vegetation Buffer (Gateway Conservation Zone). REMOVE: Total floor area (Gateway Conservation Zone).
	58.0	ADD: Statutory reference to Purpose.
	58.2	AMEND: To require lots split in the GCZ to remain under GCZ Regulations despite property line change.
	58.2	RENAME: Riparian Buffer Area to Required Riparian Vegetative Buffer.
	58.2.1	REMOVE: text listing what may be included as development.
	58.2.4	AMEND: footpath clearing.
	58.5.3	ADD: a Viewshed Analysis.
	58.8	ADD: New Building/Structure Coverage in GCZ to allow increase coverage to 20% under specific circumstances.
	58.9	ADD: Light Pollution (Gateway Conservation Zone).
	58.11-58.19	[RESERVED]
	58.20	RENUMBER Considerations for Decision.
November 11, 2022	12.3	ADD: temporary moratorium for drive-through establishments.
December 12, 2022	64.3.3	AMEND: maximum area of sign from 100′ to 75′.
	9	AMEND: billboard definition to any sign greater than 75 s.f.
	64.3.4	AMEND: wall area calculations maximum height from 12′ to 10′. ADD: calculating area of square or rectangle for lettering or logos fixed directly to wall.
	64.3.6 64.4.5A3 64.5.2A3 64.5.2C3 64.5.3A3 64.5.5A3	AMEND: to reduce maximum post structure height to 6′ and require landscaping, plantings and border around all freestanding signs.
	64.4.5A2 64.5.3A2 64.5.5A2 64.5.6A2 64.5.7A2 64.5.8A2	AMEND: to reduce height of freestanding sign from 10′ to 8′.

64.3.10	ADD: requirement that illuminated signs be dark sky. compliant and meet lighting regulations in Sec. 53 & 68
64.3.11	ADD requiring minimum construction and specifications for signs.
64.4.7	AMEND: window signs reduced to 20% or 25 s.f. max for non illuminated, 10% or 10 s.f. max when combination of illuminated, & non Illuminated and 10% or 6 s.f. max for internally illuminated.
64.5.5A1	AMEND: freestanding sign to allow 50 s.f. max. (1st sign) and 25 s.f. max. (2nd sign) for non illuminated. AMEND: freestanding sign to allow 45 s.f. max. (1st sign) and 20 s.f. max. (2nd sign) for internally illuminated.
64.5.3A6 64.5.5A6 64.5.6A6 64.5.7A6 64..5.8A6	ADD: freestanding signs on properties with multiple businesses or uses limited to r colors. 5 or more colors permitted by Special Exception.
64.5.3B1	AMEND: wall signs reduced to 50 s.f. max (1st sign) and 20 s.f. max (2nd sign) for non-illuminated, 20% max of 1st wall or 35 s.f. max for internal illuminated (1st sign), 2nd illuminated sign not permitted.
64.5.4	AMEND: wall signs reduce to 30 s.f. max (1st sign) and 15 s.f. max (2nd sign) for non-illuminated. Internal illumination not permitted.
64.5.5B1	AMEND: wall signs to reduce to 75 s.f. max (1st sign) for non illuminated. ADD: wall sign 20% max or 65 s.f. max (1st sign) and 5% max or 25 s.f. max (2nd sign) for internal illuminated.
64.5.6B1	AMEND: wall signs area to reduce to 50 s.f. max.
64.5.7B1	AMEND: wall sign area to 50 s.f. max (1st sign) and 25 s.f. max (2nd sign).
64.5.8B1	AMEND: wall sign area to reduce to 75 s.f. max.

2023

REGULATION AMENDMENT

Effective Date	Section	Description
March 6, 2023	9	ADD: definition of Cannabis Grow Space AMEND: definition of Cannabis Micro-cultivation Facility to add Cannabis Grow Space
	11.4	AMEND to add cannabis prohibition exception
March 6, 2023	34.2.17	ADD: Cannabis Micro-cultivation facility as special exception use in Gateway Business B-4 District
	53	ADD: new Special Standard to allow operation of Cannabis Micro-cultivation facilities by Special Exception Permit.
March 27, 2023	12.3	AMEND: to extend Drive-Thru Moratorium to remain in effect until December 31, 2023
July 1, 2023	53.1	AMEND: reduce separation distance for fuel pumps for motor vehicle uses in B-4 Zone to 500′
November 6, 2023	12	AMEND: Extend Moratorium for Drive-Through Windows to 6/1/2024
December 15, 2023	36	ADD: Planned Development District (PDD)

ADMINISTRATIVE POLICIES
No. 1
Petitions To Amend The Zoning Regulations Or Map

A. General

Any Petition for amendment of the Zoning Regulations or Map will include the following:

1. **Petition**. The Petitioner will submit one (1) original copy 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. Additional copies of the petition will be required by the Enforcement Officer or Land Use Department for referrals to staff, agencies and officials reviewing the petition for comment.

2. **Text**. For Petitions concerning the Zoning Regulations, the Petitioner will submit one (1) original copy of the precise wording of both the existing and the proposed text of the Zoning Regulation. Proposed new text will be underlined, deleted text will be in strikethrough font and notes describing the purpose of the proposed amendments will be bold and italicized.

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 a metes and bounds description of the area proposed to be changed. The Enforcement Officer may accept a map produced from the Town's geographic information system and not require a metes and bounds description when the proposed petition to amend the map includes an entire parcel(s) as identified on the Assessor's Map.

4. **Fee**. The Petitioner will submit a minimum fee as set forth in the Town Code.

5. **Adjacent Property Owners**. The Petitioner will submit a list of names and current mailing addresses of all 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.