

TOWN OF OLD SAYBROOK
Land Use Department

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REPORT

Via Hand Delivery

To: Robert J. McIntyre, Chairman, Planning Commission
From: Christine Nelson, Town Planner *CN*
Christina Costa, Zoning Enforcement Officer *CC*
Sandy Prisloe, Environmental Planner *SP*
Date: January 14, 2011
Subject: **“The Preserve” Modification to Approved Special Exception
for Preliminary Open Space Plan – Review of 12/29/2010 Plans**

We find that the most recent set of plans does not affect the reasonable yield of the Bokum Road parcel given the elements of a conventional subdivision. Revisions to the proposed Modification to the previously approved Preliminary Open Space Plan makes great effort to accommodate many of our previous concerns. Our outstanding concern is simply the continued disparity between the applicant’s treatment of the phased areas as stand-alone development yet consistent request for postponement of rationally necessary improvements until later development of the interior. *This is our second report offered in the hope of refining the proposed Modification so that the development better fulfills the purposes of the Residence Conservation C District as originally proposed and approved in 2005 and as stated in Section 27.0 of the Zoning Regulations.*

PROPOSED MODIFICATION TO APPROVED PRELIMINARY OPEN SPACE PLAN

Conceptual Standard Plan

The Commission must review the proposed Conceptual Standard Plan to determine by reference to a conventional subdivision of land the maximum number of lots (“yield”) that the applicant may later propose as a subsequent open space subdivision.

Bokum Road

Review of revisions to the “Pianta Parcel” off Bokum Road finds the following modifications would result in a **reduction from 9 lots to a reasonably likely number of 6 lots.**

- Eliminate Lot 4 where it appears probable that a subdivision could occur and suitable for a future *street* connection with that adjoining land and provide for access to the open space for monitoring.
- Modify Lot 8; Eliminate Lots 2 and 9 to encompass at least the 100’ upland review area of the vernal pools; therefore, these lots would need to be consolidated or modified.

Preliminary Open Space Plan

The Commission must review the Preliminary Open Space Plan to determine if the design ("layout") clusters the number of lots determined by the Conceptual Standard Plan and permanently reserves land according to the standards of open space preservation.

Phasing

The applicant wishes the Commission to approve three outlying areas of the site as stand-alone developments, described as "pods". Yet, as reviewers, we draw the distinction that these areas are modifications of a Preliminary Open Space Plan for an entire site. In our reporting, we purposefully direct the Commission away from the applicant's use of the word "pod", although we acknowledge the convenience of the imagery for the purposes of describing the concept of these outlying areas of the development marketed as "The Preserve". In the same way, the Commission should ignore the notion of the "interior forest core" because, again, the existing Preliminary Open Space Plan is approved to become a mix of commercial and residential development, as well parks, a golf course, and pockets of conservation land. The term has no regulatory equivalent and no relevance to the factors the Commission must consider in making its decision, and we describe the area in our report as the interior of the site to differentiate from the three areas proposed for modification from the original approval.

The closest regulatory term that carries meaning in the process of modifying the Preliminary Open Space Plan is "phase", which is used in Section 27 of the Zoning Regulations and throughout the subdivision regulations. It is quite prudent for the applicant to propose later phasing of construction of the development, especially given the world's economic market, and you will see typical treatments of that such as cul-de-sacs and the reserve strips for future extension through the interior of the site. Phasing enhances the probability and timeliness of economically beneficial use of the property consistent with the comprehensive plan of zoning for the town. That possibility of phased construction requires the Commission to think both in the short-term and in the long-term about the proposed modification – can each phase stand on its own? how does each phase uphold the design of the overall plan as approved? as amended? Although the applicant proposes boundaries of each phase, those are merely proposed, not yet approved, and therefore not binding as a restriction upon considering whether the modification affects the integrity of how the Commission approved the original design of the development as a holistic plan. In its 2008 decision to uphold the 2005 approval of the development, the Superior Court commended the Commission for the incredible amount of work that went into review of the design and its constructive conditions of approval. Therefore, do not restrict yourselves from the interior of the site if you need to consider adjustments to the short-term proposal to make it consistent with the long-term livability of the new neighborhood.

The applicant wishes the Commission to postpone conditions of approval regarding open space, street layout and lot configuration from the proposed phase of development to later development of the interior. Yet, the applicant acknowledges that there is a question as to whether it will proceed with subsequent Open Space Subdivision because it hopes to market the interior for purchase as open space. We ask ourselves and pose to the Commission the question whether this is perhaps an

entirely different development scheme than that previously approved? Therefore, we encourage the Commission to carefully consider each element of design reasonably in connection and in proportion to the demand each phase generates as if it were truly stand-alone without hope of someday receiving full benefit of the development as a whole.

Open Space

The applicant wishes the Commission to approve provision of open space in increments equal to 50% of the land of each phase upon approval of subsequent Open Space Subdivision contrary to Section 56.6.8, which requires that the entirety of the proposed open space for the development be provided in the first phase.

To clarify the intent of this regulation, Chris Costa, as Zoning Enforcement Officer, reviewed the history of this regulation to verify its intent and found the following based on the record of that time.

In the early 1970s, the Zoning Commission used an East Haven regulation as a model, the relevant portion of which states:

The Final Open Space Subdivision Plan may be submitted in sections, but the open space land proposed and approved on the preliminary subdivision map shall be established in the first section submitted including suitable access to such land.

On June 18, 1973, within its comprehensive re-write of the zoning regulations, the Old Saybrook Zoning Commission clearly used the East Haven text as a basis to write regulations for Open Space Subdivisions (from Zoning Work Session June 1, 1972), which states:

56.6.8 Sections: The area covered by an Open Space Subdivision Plan may be submitted for final approval in sections, provided that any land to be reserved for open space is so reserved in the first section.

The current regulation updates some terms but retains the original intent:

“56.6.8 Phases. The area covered by an open space subdivision plan may be submitted for the final approval in phases, if any land to be reserved for open space is so reserved in the first phase.”

We reiterate that a consequence of phasing development is that the land reserved for open space by the Preliminary Open Space Plan must be dedicated, whether in fee or in easement, as a condition of approval at the time of approval of the first phase of the Open Space Plan for Subdivision of Land.

- Calculate areas of and ratios between wetlands and uplands for open spaces.
- Provide open space to connect each of the 3 Phases. Dedicate physical access.

Street Layout

The applicant wishes the Commission to approve postponement of an original condition of approval requiring lot line adjustment and grading to improve line-of-sight of Ingham Hill Road until some later time if/when the applicant applies for

subsequent Open Space Subdivision of the interior of the land (after the first phase). However, we regard this as a more immediately necessary improvement especially in regard to the safe intersection of the proposed roads with Ingham Hill Road and the need for an adequate and convenient system for the present and prospective traffic needs of the lots proposed with this phase.

The applicant wishes the Commission to approve reserve strips to bridge the gap between maximum length of a dead-end street and the requirement to carry proposed dead-end streets to the proposed lot line with adjoining undeveloped land although the Subdivision Regulations indicate, “no reserve strips will be permitted”. The applicant rightly points out that the Commission needs to consider the probability that adjoining undeveloped land could be subdivided, and if so, then how best to extend the proposed dead-end roads to the proposed limits of each phase. The reserve strips in this stage of permitting allows the Commission to address this issue in subsequent Open Space Subdivision either as an extension of the roadway or as a waiver of this subdivision requirement (the applicant is correct in indicating that the Commission cannot waive this subdivision requirement during this process).

Lot Configuration

The applicant wishes the Commission to approve lots within the proposed phasing plan with individual on-site water and septic systems because the cost of bringing water to the site and developing a community septic system is no longer justified by the limited development. As we pointed out in a previous report, Section 54 of the Zoning Regulations does not allow a reduction in lot size without public/community utilities, and thus the applicant is limited from adhering to the previously approved low-impact design in these phased areas. The Land Use Department has discussed with both the applicant and the Commission over the years that this regulation is short-sighted in that the lot size minimum is a growth management tool in addition to the protections provided under the Public Health Code that handicaps the efficiency of clustering, but in the several petitions to amend the zoning regulations there has been no request to address the required lot size.

At what point does the applicant provide the utilities as approved in the Preliminary Open Space Plan so that it may adhere to the clustering of house lots that made room for protection of natural habitats and inclusion of the proposed commercial golf course? What is to prevent the applicant from continuing down a path of “modifying” the previously approved Preliminary Open Space Plan. Therefore, we certainly support some provision by the applicant or accommodation by the Commission for reduction of lot size at the stage of subsequent Open Space Subdivision.

- Correct Note #3 on each Preliminary Open Space Plan to reference Section 4.4.9 Preservation of Stone Walls in the Subdivision Regulations.
- Calculate areas of and ratios between wetlands and uplands on a lot-by-lot basis.

Bokum Road Phase

The same comments apply as from the Conceptual Standard Plan above, as well as the following. We agree with the applicant’s contention that the road ought to remain where the Commission approved it in the previously approves Special Exception for

Preliminary Open Space Plan with regard to vernal Pool #37. We find acceptable the relocation of the cul-de-sac out of the upland review area. The applicant extends the road to the adjacent vacant properties.

Ingham Hill Road Phase

Review of this phase indicates that the applicant has provided dedicated access to open space area adjacent to Town-owned property. The Commission should consider whether it agrees with the applicant's recommendation to postpone creating an easement across the frontage of scenic Ingham Hill Road until subsequent Open Space Subdivision.

- Provide lot line adjustment for improving line-of-sight of Ingham Hill Road across proposed Lots 10 and 11 as required as an original condition of approval.
- Relocate the proposed trailhead to the northernmost dead-end (of Road A) currently identified on the plan as 10 parking spaces and a kiosk. Parking spaces perpendicular to the road create a hazardous situation of cars backing into the road near a sharp turn. The pedestrian easement area is not necessary either way since this is a public road and there is very little traffic from the last two properties.

Essex Road (Route 153) Phase

Review of this phase indicates again that the Commission needs to consider the matter of road extensions. Additionally, there is no access to the open space of the Phase nor "the core" as originally approved (parking, unstructured playing field and nature center pavilion).

- Provide recreational open space and access to trails; we cannot find the limited parking or access to the portion of the trail system connecting to historic Ingham Hill Road on Plan RS-5.
- Identify that this portion of the development is located within the correct version of the Aquifer Protection Zone (Level B).

END OF MEMORANDUM

Attachments:

East Haven Zoning Regulations "Section 34 – Open Space Subdivision Plans"
Old Saybrook Zoning Work Session regarding Section 56 Open Space Subdivisions
Old Saybrook Zoning Commission Resolution regarding Comprehensive Revision and Updating of the Zoning Regulations

Copy to:

Mark K. Branse, Esq.
Geoffrey L. Jacobson, P.E.
Bruce Hillson, P.E.

OLD SAYBROOK ZONING COMMISSION

TOWN OF OLD SAYBROOK, CONNECTICUT

Zoning Work Session - June 1, 1972

A. Transmittal List (subsequent to 5/11/72)

1. 2nd page, Table of Contents (addition of Sec. 65).
2. Sec. 8 - Additional Standards.
3. Sec. 9 - Definitions.
4. Page 21-3 (removal of Par. 21.7).
5. Page 23-3 (removal of Par. 23.7).
6. Sec. 25 - Residence B District.
7. Page 53-3 (revision of Par. 53.6.2)
8. Sec. 54 - Flood Plain District.
9. Sec. 56 - Open Space Subdivisions
10. Sec. 65 - Trailers.

B. Questions for Review:

1. Sec. 63 - Signs.

C. Next Work Session:

1. Zoning Map.

SECTION 56 - OPEN SPACE SUBDIVISIONS

- 56.1 General: The Planning Commission may grant a SPECIAL EXCEPTION, simultaneously with the approval of a subdivision plan under the Subdivision Regulations of the Town of Old Saybrook, to permit establishment of an Open Space Subdivision Plan in the Residence AA-1 District, involving permanent reservation of land for open space purposes concurrent with reduction of lot area and shape requirements applicable in such District. The Planning Commission shall follow the procedures herein specified, and before granting a SPECIAL EXCEPTION, shall find that the standards and conditions herein specified have been met and that the SPECIAL EXCEPTION will accomplish the open space purpose set forth in Par. 56.2 and will be in harmony with the purpose and intent of the Zoning Regulations.
- 56.2 Open Space Purpose: The Open Space Subdivision Plan shall result in permanent reservation of land for the purpose of providing or supporting one or more of the following:
- 56.2.1 parks, playgrounds or other outdoor recreation areas;
 - 56.2.2 protection of natural streams, ponds or water supply;
 - 56.2.3 conservation of soils, wetlands, beaches or tidal marshes;
 - 56.2.4 protection of natural drainage systems, or assurance of safety from flooding;
 - 56.2.5 preservation of sites or areas of scenic beauty or historic interest; or
 - 56.2.6 conservation of forest, wildlife, agricultural and other natural resources.
- 56.3 Application: Application for a SPECIAL EXCEPTION for an Open Space Subdivision Plan shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and shall also be accompanied by the following:
- 56.3.1 Standard Plan: a standard subdivision plan, meeting the requirements for a Site Development Plan under the Subdivision Regulations of the Town of Old Saybrook and conforming to all of the regular provisions of these Regulations and the Subdivision Regulations; six (6) copies shall be submitted.
 - 56.3.2 Preliminary Plan: a preliminary subdivision plan, meeting the requirements for a Site Development Plan under the Subdivision Regulations of the Town of Old Saybrook, showing the proposed development of the land under an Open Space Subdivision Plan; six (6) copies shall be submitted.

56.3.3 Statement: six (6) copies of a written statement describing the following:

- a. the open space resources of the lot and the specific open space purposes of Par. 56.2 to be accomplished;
- b. the proposed method of preservation, disposition, ownership and maintenance of the open space land; and
- c. the proposed method of providing water supply.

56.4 Initial Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying plans and documents to the Planning Commission; he shall also transmit a copy thereof to the Zoning Commission. The Planning Commission may request the applicant to submit such additional information that such Commission deems necessary to make a reasonable decision on the application. The Planning Commission shall review the Standard Plan submitted under Par. 56.3.1 and by resolution determine the number of lots that constitute a reasonable subdivision of the land conforming to these Regulations and the Subdivision Regulations. The Planning Commission shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and action on the application. The Planning Commission may approve the application, approve it subject to modifications or disapprove the application. The Planning Commission may approve the application only if such Commission finds that the purposes specified in Par. 56.2 will be accomplished, that the standards specified in Par. 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 shall constitute preliminary approval and shall authorize the applicant to submit a final Open Space Subdivision Plan as provided in Par. 56.5.

56.5 Approval: Within six (6) months after preliminary approval of the application by the Planning Commission under Par. 56.4, the applicant shall submit to the Planning Commission final plans for the Open Space Subdivision Plan in the same manner as required for formal approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook. The final plans shall conform to the preliminary approval granted under Par. 56.4 and shall conform to the standards specified in Par. 56.6. The Planning Commission shall act on the final plans in the same manner as required for action on subdivision applications under the Subdivision Regulations. No APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE in the Open Space Subdivision Plan area shall be approved by the Zoning Enforcement Officer and no CERTIFICATE shall be issued by him until the final plans have been approved by the Planning Commission and the final map has been recorded in the Office of the Old Saybrook Town Clerk.

56.6 Standards: The Open Space Subdivision Plan shall conform to the following standards in addition to the standards of the Subdivision Regulations:

56.6.1 Acreage: The area covered by the application excluding existing streets shall consist of not less than 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 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 shown on the final subdivision map specified in Par. 56.5 shall not exceed the number shown on the Standard Plan specified in Par. 56.3.1 and accepted by the Commission under Par. 56.4. In determining the number of lots which can reasonably be created on the Standard Plan, there shall be excluded from the total any lots which in their natural state are unsuitable for building or for on-site sewage disposal systems.

56.6.3 Lot Area and Shape: Each building lot shall have an area of not less than 24,000 square feet, shall be of such shape that a square with 120 feet on each side will fit on the lot and shall have a minimum width along the building line of 100 feet. Each lot shall have a frontage of not less than 20 feet on a street.

56.6.4 Water Supply: Each building lot shall be served by public water supply.

56.6.5 Area of Open Space Land: The area of open space land shown on the final subdivision map shall not be less than 16,000 square feet times the number of lots shown on the Standard Plan accepted by the Planning Commission under Par. 56.4.


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

a. The specific purpose or purposes for which open space land is retained and preserved shall be subject to the approval of the Planning Commission.

b. The open space land shall have boundaries, access, shape, dimension, character, location and topography suitable to support the purpose intended as approved by the Planning Commission.

- e. The open space land shall be shown on the subdivision map and shall be labeled in a manner approved by the Planning Commission, specifying the approved general open space purpose, and indicating that such land is subject to the SPECIAL EXCEPTION, shall not be further subdivided and is permanently reserved for open space purposes.
- d. Provision shall be made for retention and preservation of the land by means of ownership, operation and maintenance suitable to support the open space purposes approved by the Planning Commission. Such means shall be subject to the approval of the Planning Commission and shall include a) recording in the Office of the Old Saybrook Town Clerk of restrictive covenants that support the open space purpose and b) conveyance of the land to the Town of Old Saybrook, if accepted by the Town, or to a land conservation trust, if accepted by the trust, or to such other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Planning Commission.

56.6.7 Permitted Uses: Each building lot shown on an approved Open Space Subdivision Plan shall be used for one or more of the uses listed in Par. 22.1.1, 22.1.2, 22.1.3, 22.1.4, 22.1.7 and 22.1.8 of Section 22, and no other. The open space land preserved under an Open Space Subdivision Plan shall be used only for the purposes set forth under Par. 56.2 and approved by the Planning Commission, and no building or other structure shall be established in connection with such purposes unless a SPECIAL EXCEPTION therefor is secured from the Zoning Commission, in accordance with the provisions of Section 52, as consistent with and in support of the approved open space purpose.

 56.6.8 Sections: The area covered by an Open Space Subdivision Plan may be submitted for final approval in sections, provided that any land to be reserved for open space is so reserved in the first section.

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 34 - OPEN SPACE SUBDIVISION PLANS

- 34.1 General: The Planning and Zoning Commission may grant a special exception, simultaneously with the approval of a subdivision plan under the Subdivision Regulations of the Town of East Haven, to permit establishment of an Open Space Subdivision Plan involving reduction of lot area and lot shape requirements and reduction of certain yard and setback requirements applicable in any Residence R-5 District in order to accomplish one or more of the open space purposes specified in Paragraph 34.2 of this Section. Before the Commission shall grant any special exception, an application shall be submitted to the Commission in accordance with the procedures, standards and conditions herein specified. The Commission shall follow the procedures herein specified, and, before granting any special exception, the Commission shall find that the standards and conditions herein specified have been met and that the special exception will accomplish one or more of the open space purposes herein stated and will be in harmony with the purposes and intent of the Zoning Regulations.
- 34.2 Purpose: The Commission may grant a special exception to permit establishment of an Open Space Subdivision Plan if it finds that the special exception will accomplish one or more of the following open space purposes:
- 34.2.1 To preserve land as unsubdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;
 - 34.2.2 To preserve land for park and recreation purposes;
 - 34.2.3 To preserve land for purposes of conserving natural resources;
 - 34.2.4 To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest; or
 - 34.2.5 To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.
- 34.3 Application: Application for a special exception pertaining to a proposed Open Space Subdivision Plan shall be submitted in writing to the Commission and shall be accompanied by the following:
- 34.3.1 A written statement describing the open space purpose to be accomplished and the proposed method of preservation and disposition of the open space land; four (4) copies shall be submitted.
 - 34.3.2 A preliminary subdivision map as specified in the Subdivision Regulations of the Town of East Haven, and showing a proposed subdivision of the land in conformity with the regular Residence R-5 District requirements; four (4) copies shall be submitted.

- 34.3.3 A preliminary subdivision map as specified in the Subdivision Regulations of the Town of East Haven, and showing the proposed subdivision of the land as an Open Space Subdivision Plan under the special exception standards and conditions herein specified; four (4) copies shall be submitted.
- 34.3.4 Such additional information that the Commission may deem necessary to make a reasonable decision on the application.
- 34.3.5 An application fee of \$50.00.
- 34.4 Standards and Conditions: The application for a special exception and the Open Space Subdivision Plan shall conform to the following standards:
- 34.4.1 Area of Subdivision: The acreage covered by the Open Space Subdivision Plan shall consist of not less than 25 acres, except that the acreage may be less than 25 acres if the open space land proposed consists of five (5) acres or more, is an adjunct to existing open space land outside the area covered by the application, or is suitable for the open space purpose specified in Paragraph 34.2.5.
- 34.4.2 Location: The area covered by the proposed Open Space Subdivision Plan shall be located entirely within the Residence R-5 District.
- 34.4.3 Number of Lots: The number of building lots shown on the Open Space Subdivision Plan shall not exceed the number that could be created in conformity with the regular Residence R-5 District requirements and the Subdivision Regulations of the Town of East Haven as indicated on the preliminary subdivision plan submitted under Paragraph 34.3.2.
- 34.4.4 Lot Area, Shape and Other Requirements: Each building lot shall have a minimum area of 25,000 square feet, a minimum street frontage of 115 feet, and shall be of such shape that a square with 125 feet on each side will fit on the lot. The minimum setback of a structure from the street line or rear property line shall be 40 feet and from any other property line shall be 25 feet.
- 34.4.5 Water Supply: Each building lot shall be served by public water supply.
- 34.4.6 Open Space Land: The Open Space Subdivision Plan shall result in preservation of open space land with suitable access, shape, dimension, character, location and topography to accomplish one or more of the open space purposes specified in Paragraph 34.2. Such open space land shall be shown on the Open Space Subdivision Plan and shall be labeled in a manner approved by the Commission to indicate that such land is subject to the special exception and is not to be used for building lots.

34.4.7 Disposition: The method of preservation and disposition of the open space land shall accomplish the open space purposes and shall be subject to the approval of the Commission. The method used may include, but is not limited to, one of the following:

- a. establishment of a neighborhood association to own and maintain the land for the open space purposes intended;
- b. offer and transfer of the land to the Town of East Haven, subject to agreement by the Town to accept the land;
- c. transfer of the land to an institution, person, organization or other entity to own and maintain the land for the open space purposes intended.

34.4.8 Area of Open Space Land: The area of the open space land shown on the Open Space Subdivision Plan shall not be less than 15,000 square feet times the number of building lots indicated on the preliminary subdivision plan submitted under Paragraph 34.3.2.

34.5 Preliminary Action: Before taking preliminary action on the application, the Commission may, and upon request of the applicant, shall, hold a public hearing on the application preceded by the same notice as required for hearings on subdivision applications. Within 60 days after receipt of the application, the Commission shall give preliminary approval to the application or shall disapprove the application. The Commission may give preliminary approval to the application if the Commission finds that one or more of the open space purposes specified in Paragraph 34.2 will be accomplished, that the standards and conditions of Paragraph 34.4 have been met, and that the proposed Open Space Subdivision Plan will not be detrimental to the health, safety and property values of the neighborhood. Preliminary approval shall not constitute final approval of the application and shall only constitute authorization to the applicant to submit a final Open Space Subdivision Plan as part of the application.

34.6 Final Action: After preliminary approval, the applicant shall submit a final Open Space Subdivision Plan meeting all of the requirements for final approval of a subdivision under the Subdivision Regulations of the Town of East Haven. The final Open Space Subdivision Plan may be submitted in sections, but the open space land proposed and approved on the preliminary subdivision map shall be established in the first section submitted including suitable access to such land. The Commission shall pursue the following procedures in acting on the special exception application:

34.6.1 Approval: Within 60 days after receipt of the final Open Space Subdivision Plan, the Commission shall approve or disapprove the application. The Commission may approve the application and final Open Space Subdivision Plan, granting the special exception, if the Commission finds that one or more of the open space purposes specified in Paragraph 34.2 will be accomplished, that the standards and conditions of Paragraph 34.4

have been met, and that the Open Space Subdivision Plan will not be detrimental to the health, safety and property values in the neighborhood. In granting the special exception, the Commission may attach such conditions that it deems necessary to preserve the purpose and intent of these Regulations.

- 34.6.2 Endorsement: The approval of the special exception shall be noted on the subdivision map to be recorded in the Office of the East Haven Town Clerk. The map shall be signed by the Chairman of the Commission with the date of approval indicated on the map.
- 34.6.3 Expiration: Any special exception granted under these provisions shall become null and void one year from the date the special exception was granted if the subdivision map for which the special exception was granted has not been recorded in the Office of the East Haven Town Clerk.
- 34.7 Permitted Uses: Any building lot on an approved Open Space Subdivision Plan shall be used only for a single family house and accessory structures and customary home occupations as specified in Schedule A of these Regulations.
- 34.8 Area, Location, and Bulk Requirements: Except for the variations specified in Section 34.4.4, any building lot shown on an approved Open Space Subdivision Plan shall be subject to all of the requirements of Section 25 and Schedule B ordinarily applicable to building lots in an R-5 District.
- 34.9 Open Space Land: The open space land shown on an approved Open Space Subdivision Plan shall be considered a lot with area, dimensions and access as required by these Regulations and shall not be subdivided except under a revised special exception application.

OLD SAYBROOK ZONING COMMISSION

TOWN OF OLD SAYBROOK, CONNECTICUT

Resolution
9/17/73

WHEREAS on June 18, 1973 the Old Saybrook Zoning Commission held a duly noticed public hearing to consider adoption of a comprehensive revision of the zoning regulations and zoning map applicable throughout the Town of Old Saybrook, which regulations are entitled "Zoning Regulations of the Town of Old Saybrook, Connecticut", dated April 23, 1973, incorporating the following maps of the same date:

- a. "Zoning Map of the Town of Old Saybrook, Connecticut"; and
- b. "Zoning Map of the Town of Old Saybrook, Connecticut: Supplementary Map Number One (Route 1 Corridor)";

WHEREAS the Commission has found need for a comprehensive revision and updating of the zoning regulations for purposes such as the following:

1. to provide for improved standards for parking, loading and signs;
2. to introduce site layout and design procedures and criteria to assure high quality of development in commercial and industrial areas and in connection with institutional and community uses in residential areas;
3. to reorganize and strengthen procedures for administration of the regulations;
4. to assure adequate development standards in the shore area;
5. to assure adequate lot sizes as needed for support of on-site sewage disposal and water supply systems;
6. to achieve a general clarification of permitted uses and standards in the Regulations, as well as a restructuring of the text of the regulations so as to accommodate future changes and additions; and
7. to implement recommendations of the adopted Plan of Development for the Town, including the appropriate location and standards for land uses.

WHEREAS the Commission has considered and discussed in detail the information presented at the public hearing and finds that certain modifications to said comprehensive revision of the Zoning Regulations and Zoning Map are necessary and appropriate.

NOW THEREFORE BE IT RESOLVED by the Old Saybrook Zoning Commission as follows:

- A. Said Zoning Regulations, dated April 23, 1973, are modified as follows and shall bear the additional date "Revised September 17, 1973":
 1. Par. 55.6.2 Dwelling Units of Section 55 - Condominium District is revised to specify (third Line) that the total number of dwelling units on the lot shall not exceed five (5) per acre rather than six (6) per acre; Par. 55.6.2 is additionally revised to specify (fourteenth line) that, when one (1) additional dwelling unit is permitted in connection with reservation of open space, the maximum number of such additional units shall not exceed one (1) per acre of suitable building land, so that the total number of dwelling units does not exceed six (6) per acre of such land rather than seven (7) per acre.
- B. Said Zoning Map, including Supplementary Map Number One, each dated April 23, 1973, are modified as follows and shall bear the additional date "Revised September 4, 1973":
 1. The proposed B-2 District on the west side of Middlesex Turnpike between Monk Road and the Old Saybrook-Essex Town Line is revised to a B-3 District having a depth of 150 feet rather than 400 feet, and the AA-1 District is extended to the rear of such 150 foot depth;
 2. The proposed B-2 District on the east side of the Middlesex Turnpike, between the northerly property line of Parcel #10 on Assessor's Map #63 and the Old Saybrook-Essex Town Line is revised to a B-3 District having a depth of 150 feet rather than 400 feet and 200 feet, and the AA-1 District is extended to the rear of such 150 foot depth;
 3. The proposed B-2 District on the west side of Middlesex Turnpike from Bokum Road to Route #9 Expressway, having a depth of 700 feet, is revised to a B-3 District;
 4. The proposed B-2 District at the southwest corner of Middlesex Turnpike and Bokum Road is revised to a B-4 District;
 5. The proposed B-2 District on the northwest side of Springbrook Road is revised as follows:
 - a. The B-2 District incorporates all of Parcels #17, 17-1, 17-2, 18 and 19 on Assessor's Map #58 and Parcel #25 on Assessor's Map #53; and
 - b. The remainder of the proposed B-2 District is revised to an AA-2 District.
- C. Said comprehensive revision of the zoning regulations and zoning map, as hereinbefore revised, is adopted.
- D. The Commission establishes October 15, 1973 at 9:00 A. M. as the effective date for the adopted Zoning Regulations and Zoning Map, and the Commission **directs** the Chairman and Clerk to give notice of such adoption and effective date as required by law.

E. Said Zoning Regulations and Zoning Map are adopted for the following reasons;

1. to accomplish the purposes for a comprehensive revision and updating as hereinbefore set forth; and
2. to accomplish the general purposes of zoning as set forth in Chapter 124 of the Connecticut General Statutes and Section 1 of the adopted Regulations.

Adopted by the Old Saybrook Zoning Commission on September 17, 1973.

OLD SAYBROOK ZONING COMMISSION

Ross L. Byrne, Chairman

Elaine Staplins, Clerk