

***Standards of the
Connecticut River Gateway Commission***

***In Accordance with the Provisions of
Chapter 477a
Section 25-102D***

***Originally Adopted October 24, 1973
Amended
January 22, 1976
May 28, 1992
February 26, 2004***

GATEWAY STANDARDS

Section I – Application

These standards shall apply to the “Conservation Zone” as defined in Sec. 25-102c of the Connecticut General Statutes as it now exists or may thereafter be amended. No regulated activity hereunder shall commence prior to the issuance of a valid permit by the appropriate local authority having jurisdiction, in accordance with these standards, and no such permit shall be granted unless the issuing authority finds upon appropriate evidence that the proposed activity is compatible with the ***preservation of the natural or traditional riverway scene*** and consistent with the purposes of Chapter 477a of the Connecticut General Statutes as it now exists or may hereafter be amended.

Section II – Definitions

The following terms shall have the indicated meanings as used in these standards:

<i>Act</i>	Connecticut Public Act 73-349
<i>Attic</i>	The space between the ceiling beams of the top story and the roof rafters.
<i>Building</i>	Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or materials.
<i>Commercial Cutting</i>	Any cutting or removal of forest tree species which is not covered under the definition of non-commercial cutting contained herein.
<i>Commercial Cutting Plan</i>	A plan showing the applicant's property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the "Minimum Standards for Cutting Timber" set forth in Appendix A of this report.
<i>Commission</i>	The Connecticut River Gateway Commission.. {The municipal commission having jurisdiction is referenced specifically by name, e.g. the (Planning) and Zoning Commission, or Zoning Board of Appeals.]
<i>Coverage</i>	The percentage which the aggregate building area of all buildings on a lot bears to the total area of that lot.
<i>Developed Area</i>	An area adjacent to the Connecticut River or its tributaries and associated wetlands which has, within the 50 foot riparian area immediately landward of the high tide line as defined in §22a-359(c) CGS, been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot riparian area shall also be considered as "developed" if clearing and or construction activities have occurred in such a manner so as to make the retention or replacement of vegetation within said 50 foot riparian area impractical, infeasible or undesirable.
<i>Earth Materials Removal</i>	The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.
<i>Erosion and Sedimentation</i>	A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

<i>Control Plan Grade</i>	The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.
<i>Height</i>	<p>The vertical distance between a horizontal plane through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.</p> <p>The [Planning and] Zoning Commission may consider and may approve a special permit application which allows maximum height to be measured from a new finished manufactured grade if such new grade is determined by the [Planning and] Zoning Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4000) square feet of total floor area. The special permit is mandatory for all structure in excess of four thousand (4000) square feet, and optional for structure with a total floor area of four thousand (4000) square feet or less.</p>
<i>Human Occupancy</i>	The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.
<i>Lot</i>	A plot or parcel of land occupied or capable of being occupied, in conformity with applicable regulations, by one or more principle buildings and any accessory buildings or uses customarily incidental thereto.
<i>Marine Facility</i>	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.
<i>Multi-Family Project</i>	Any group of three or more dwelling units in one or more buildings on a single lot.
<i>Non-Commercial Cutting</i>	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 other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.

<i>Non-Commercial Cutting Plan</i>	A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.
<i>Refuse</i>	Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.
<i>Sign</i>	Any letter, word, model, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, announcement, attraction or directive.
<i>Site Plan</i>	A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.
<i>Story</i>	That part of a building, other than a cellar, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
<i>Story Above Grade</i>	Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12) feet at any point.
<i>Structure</i>	Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than six (6) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.
<i>Town</i>	A town which has voted to be governed by the provisions of Section 6 to 9 of the Act in accordance with Section 4(b) of the Act.
<i>Total Floor Area</i>	The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided

the area has a structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

Wetlands

Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended and Section 22a-38, Connecticut General Statutes, as amended.

Section III - Standards

A. Land Coverage

No building shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed the maximum percentage of total land coverage allowed for such buildings in the aggregate on any single lot as indicated in the following table:

<i>Type of District</i>	<i>Range of Minimum Lot Sizes</i>	<i>Maximum Percent of Land Coverage Permitted</i>
Residential	Up to 20,000 square feet	25%
	20,000 – 40,000 square feet	15%
	Above 40,000 square feet	10%
Commercial (including waterfront)	All sizes	40%
Industrial	All sizes	25%

B. Frontage

No standard recommended.

C. Setback

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100) feet of the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the local commission having jurisdiction may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks, and boathouses.

D. Design

1. Site Plans

No building permit shall be issued in connection with any multi-family project or permitted non-residential use in any district unless a site plan shall have been submitted to and approved by the town authority having jurisdiction.

2. *Erosion and Sedimentation Control*

An erosion and sedimentation control plan shall be submitted as part of the supporting documentation to be filed with a required site plan or as one of the required exhibits submitted for land subdivision approval.

Such a plan may be referred to the appropriate soil and water conservation district for its technical review and advisory opinion before approval of the project is granted by the town authority having jurisdiction and shall meet the following criteria:

- a.* The development plan should be fitted to the topography and soils so as to create the least erosion potential.
- b.* Wherever feasible, natural vegetation should be retained and protected.
- c.* Only the smallest practical area of land should be exposed at any one time during development.
- d.* When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- e.* Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.
- f.* Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters and from land undergoing development.
- g.* Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- h.* The permanent final vegetation and structures should be installed as soon as practical in the development.

3. *Signs*

No sign shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner so as to move or rotate mechanically or be illuminated by a light source which visibly flashes, oscillates or otherwise automatically changes in intensity or color, nor shall any sign be permitted which calls the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located.

E. Building Height

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height or thirty-five (35) feet. However, spires, cupolas, towers, flagpoles, and other similar architectural features occupying not more than ten (10) percent of the building footprint and not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit by the town authority having jurisdiction, provided that the architectural features will not have a significant visual impact on the River scene.

F. Cutting of Timber

1. Required Vegetative Buffer

There shall be no cutting of vegetation within a strip of land extending fifty (50) feet in horizontal distance inland from the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section.

- a. There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three (3) feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.
- b. There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead tree results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made to the zoning enforcement officer by a public or consulting forester.
- c. In no event shall an opening be cleared for development, including but not limited to surface regrading, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.
- d. A footpath not to exceed five (5) feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

- e. Stairs or similar structures may be allowed with a permit from the zoning 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 (5) feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- f. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the [Planning and] Zoning Commission as “*developed areas*”. In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the River scene. For purposes of this section, a developed area is an area adjacent to the Connecticut River or its tributaries and associated wetlands which has, within the 50 foot riparian area immediately landward of the high tide line, as defined in CGS22a-359(c), been developed in the sense of being armored through the use of bulkheads, rip-rap or other structural stabilization methods or materials. The 50 foot riparian area shall also be considered as “developed” if clearing or construction activities have occurred in such a manner so as to make the retention or replacement of vegetation within said 50 foot riparian area impractical, infeasible or undesirable.

2. Non-Commercial Cutting

A non-commercial cutting plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision approval.

3. *Commercial Cutting*

Each town shall designate a regulatory authority to issue permits for the commercial cutting of timber and no commercial cutting of timber shall occur in the absence of the issuance of such a permit. After submission of a commercial cutting plan to said regulatory authority, a permit shall be granted if it is found to be consistent with the minimum standards set forth in *Appendix A*.

G. *Burning of Undergrowth*

The burning of undergrowth shall be in accordance with those regulations of the Connecticut Department of Environmental Protection which are in effect from time to time to control and abate air pollution and in accordance with all other applicable provisions of law.

H. Removal of Soil and Earth Materials

The removal of soil and earth materials shall be prohibited except for (1) valid non-conforming uses in existence as of May 14, 1974; (2) foundation, trench and related site excavation performed after the issuance of a building permit; and (3) removal in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal shall not exceed three hundred (300) cubic yards of material.

I. Dumping and Storing of Refuse

No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition nor shall any new public solid waste disposal facility be established or an existing facility be expanded in area.

J. Additional Requirements for Residential Structures over four thousand (4,000) square feet in Total Area

A special permit is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of four thousand (4,000) square feet of total floor area (all floors). The purpose of this requirement is to assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional river scene.

1. Exception

A special permit shall not be required for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.

2. Submission

In addition to other town requirements for special permit applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

3. Special Permit Criteria

- a. Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.
- b. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
- c. Structures located above the crest of hillsides facing the River shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural condition.
- d. Vertical architecture elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
- e. Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
- f. Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.
- g. Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation Zone.
- h. Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.
- i. Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided and contours should be curved to blend with the natural slope.

4. Findings

A special permit shall not be granted until the [Planning and] Zoning Commission has determined that all of the following conditions have been satisfied.

- a. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- b. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- c. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer the mass of the building from the River or its tributaries in the Gateway Conservation Zone.
- d. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the River scene.