

## SECTION 10

### GATEWAY CONSERVATION ZONE

#### 10.1 Permitted Uses

With the exception of uses prohibited in Section 10.2, all uses, which are permitted by right, permitted with site plan review or permitted by Special Permit, under the Haddam Zoning Regulations, in the zone designated in Section 5.1 shall also be permitted with the same conditions, in such zones within the Gateway Conservation Zone.

#### 10.2 Prohibited Uses

- A. 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, or shall any new public solid waste disposal facility be established or an existing facility be expanded in area.
- B. Removal of Earth Materials: The removal of soil and earth materials shall be prohibited except as indicated in Section 18 of these regulations.
- C. Signs, Directional: Signs which call the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located are prohibited.

(The following Sections were effective December 1, 2004.)

#### 10.3 Setback from a Water Course

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.

Buildings and structures accessory to a conforming residential use, not intended for human occupancy, and outside the Gateway Conservation Zone, are exempt from this regulation.

#### 10.4 Definitions

For the purposes of Section 10, Gateway Conservation Zone, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the context, words used in the present tense include the future, and the plural includes the singular, and the word “shall” is intended to be mandatory.

##### Commercial Cutting Plan:

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 “Town of Haddam Wetlands Commission Forest Practices Regulations” adopted 1/10/2000.

##### Developed Area:

To be determined and defined by the Haddam Planning and Zoning Commission.

##### Non-Commercial Cutting:

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.

##### Earth Materials Removal:

The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

##### Erosion and Sedimentation Control Plan:

A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

##### Height:

The vertical distance between a horizontal plane drawn 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.

The 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 Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4,000) square feet of total floor area. The special permit is mandatory for all structure in excess of four thousand (4,000) square feet, and optional for structure with a total floor area of four thousand (4,000) square feet or less.

Human Occupancy:

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.

Multi-Family Project:

Any group of three or more dwelling units in one or more buildings on a single lot.

Site Plan:

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.

Story:

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.

Story Above Grade:

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.

Town:

A town which has voted to be governed by the provisions of Sections 25-102d through 25-102h of the Connecticut General Statutes, Lower Connecticut River Conservation Zone.

Total Floor Area:

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.

10.5 Special Permit for Residential Structures in the Gateway Conservation Zone:

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 4000 square feet, in accordance with Sections 14 and 15 of the Haddam Zoning Regulations.

10.6 Residential Dwellings with Total Floor Area greater than 4,000 Square Feet:

- A. Purpose -- 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.
- B. 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.
- C. 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.

D. Special Permit Criteria:

1. 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.
2. Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
3. 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 coordination.
4. Vertical architectural 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.
5. 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.
6. 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.
7. 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.
8. 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 shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.

9. 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.

10.7 Findings:

- A. The following findings shall be made by the Commission for Special Permits within the Gateway Conservation Zone:
- B. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- C. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- D. 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 mass of the building from the river or its tributaries in the Gateway Conservation Zone.
- E. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

10.8 Vegetated Buffer:

There shall be no cutting of vegetation within a strip of land extending 50 feet in horizontal distance inland from the high tide line, as defined in Section 22a-359c of 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 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 trees 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 by the zoning enforcement officer, or a letter stating the necessity of such action submitted 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 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 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.