

*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

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FINAL

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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.

Pursuant to Section 25-102d(a)(2), the Gateway Commission hereby adopts these standards “to prevent deterioration of the natural or traditional riverway scene and acknowledges that such standards shall not discourage constructive development and uses of such properties within the Conservation Zone which are consistent with the purposes of Chapter 477a of the Connecticut General Statutes.

The provisions of individual member towns regarding casualty losses will govern should any existing or future structure in the Gateway Conservation Zone be damaged or destroyed in circumstances specified in each towns’ regulations. (added 2013)

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>Coastal Jurisdiction Line (CJL)</i>	The location of the topographical elevation of the highest predicted tide from 1983 to 2001, based on the most recent National Tidal Datum Epoch published by NOAA and described in terms of feet of elevation above the North American Vertical Datum of 1988. This replaces “high tide line” as the landward limit of the State’s regulatory jurisdiction under Section 22a-361 of the Connecticut General Statutes. (added 2013)
<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. (amended 2013)
<i>Conservation Zone</i>	That area along the lower Connecticut River defined in Section 22a-102c of the Connecticut General Statutes in which the Connecticut River Gateway Commission is charged with the protection of the “natural and traditional riverway scene”. (added 2013)
<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 coastal jurisdiction line, been characterized by buildings and construction of greater density than average in the Conservation Zone in such a manner so as to make the planting or replacement of vegetation impractical, infeasible, or inconsistent with the traditional riverway scene, and which has been mapped and designated by the

municipal (Planning

and) Zoning Commission as a Developed Area for the purposes of these Standards. (added 2013)

Earth Materials Removal

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

Enlarge and/or Extend

Any change to an existing structure or structures which in any way enlarges the envelope of the structure(s), either horizontally or vertically.

Erosion and Sedimentation Control Plan

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

Grade

The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

Height

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.

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 review criteria for special permit or site plan reviews for residential structures in excess of four thousand (4,000) square feet of total floor area. The special permit or site plan review 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. (added 2004, amended 2013)

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.

Lot

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 two or more dwelling units in one or more buildings on a single lot. (amended 2013)
<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. (added 2004)
<i>Vegetation</i>	The natural and traditional plant life of a region not to include cultivated grass, gardens and ornamental shrubs or trees legally-existing as of the date of adoption of these standards. (amendment drafted 5/2015)
<i>Viewshed Analysis</i>	An visual impact evaluation comprising, at a minimum, topographic maps and photographs showing the site, with such photographs taken from locations upriver, downriver and opposite the site. (added 2013)
<i>Wetlands</i>	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%

Furthermore, referrals to the Gateway Commission will not be required for variance applications for lot coverage which is in excess of the individual town's maximum requirement so long as the coverage being proposed is not in excess of the maximum Percent of Land Coverage Permitted above for the corresponding district and lot size.

(added 2013)

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 coastal jurisdiction line 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. (added 2004, amended 2013)

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 of 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.

(added 2004)

F. *Cutting of Timber*

1. **Required Vegetative Buffer**

(added 2004)

There shall be no cutting of vegetation within a strip of land extending fifty (50) feet in horizontal distance inland from the coastal jurisdiction line of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section. (amended 2013)

- 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 through the buffer strip provided that said footpath and associated clearing is not oriented in a direct downslope manner, a practice which may promote unwanted transport of eroded materials into the river. (added 2004, amended 2013)
- 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 coastal jurisdiction 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. (amended 2013)
- f. A vegetated buffer shall not be required for areas within the Conservation Zone which have been **designated as “developed” by agreement between the local Planning & Zoning [Zoning] Commission or its agent and the Gateway Commission or its agent.** (amendment drafted 5/2015)

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. 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.

(amended 2013)

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*** (added 2004)

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, 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), except in accordance with the exceptions below.

(amended 2013)

1. Exceptions from Special Permit and Site Plan Review Requirement

1. A special permit **or site plan** review 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 **any one or combination of the following:**

- A. an area topographic map and photographs of the property from the river and its tributaries showing that there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure,**
- B. a plan view map of the property showing a proposed addition to an existing structure where the existing structure or structures on the same property block the view of the addition from the river and its tributaries,**
- C. a plan view map of the property showing a proposed addition to an existing structure or a new structure blocked from view by a structure or structures located on adjacent properties, and**
- D. large stands of trees located on an intervening property or properties which will obscure sight of the proposed development from view from the river.**

(amendment drafted 5/2015)

No Review Exceptions for Properties Fronting or One Lot Removed from River

1. No exceptions to **review by** Special Permit are permitted for development on parcels fronting the river or only one lot removed from the river, nor if significant clearing of natural vegetation is proposed. A member town may choose to allow a Site Plan application instead of a special permit review for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by a viewshed analysis, that:

(amendment drafted 5/2015)

- a.) the proposed structure or structures will not be significantly visible from the Connecticut River due to an intervening land mass or existing permanent structure.

(amended 2013)

b.) the proposed addition to an existing structure is either substantially hidden from view from the river by the existing structure or other structures either on- or off-site or the addition does not add significantly to the visual profile of the existing structure even when seen from an angle.

(amendment drafted 5/2015)

c.) the structure's distance from the river combined with its elevation/lack of elevation causes it to be of insignificant visual impact. (amendment drafted 5/2015)

Furthermore, a site plan application may be utilized instead of a Special Permit application if the local zoning commission so chooses provided the applicant has received a letter from the Gateway Commission or its staff approving the use of a Site Plan application based on Gateway's pre-application review of the proposal, with all materials submitted for the site plan application to be clearly identified as those used for the pre-application review.

(added 2013)

2. Submission

In addition to other town requirements for special permit or site plan 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 as measured from existing natural grade, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.

(amended 2013)

3. Review Criteria for Special Permit and Site Plan Applications (re-titled 2013)

- 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 or site plan approval shall not be granted until the [Planning and] Zoning Commission has determined that all of the following conditions have been satisfied. (amended 2013)

- 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.