

## CHAPTER 4

### ZONING REGULATIONS OF

# *The* **GROTON LONG POINT** *Association, Inc.*

*Rev 11 June 2019*

## TABLE OF CONTENTS

| SECTION | DESCRIPTION                                 | PAGE |
|---------|---|------|
| 1       | DEFINITIONS                                 | 2    |
| 2       | CLASSES OF DISTRICTS                        | 7    |
| 3       | GENERAL REQUIREMENTS                        | 7    |
| 4       | SINGLE FAMILY RESIDENCE DISTRICT            | 14   |
| 5       | COMMERCIAL DISTRICT                         | 16   |
| 6       | CONSERVATION DISTRICT                       | 16   |
| 7       | ENFORCEMENT                                 | 16   |
| 8       | NONCONFORMING USES AND STRUCTURES           | 19   |
| 9       | OFF-STREET PARKING                          | 20   |
| 10      | FLOOD DAMAGE PREVENTION REGULATIONS         | 21   |
| 11      | COASTAL SITE PLAN REVIEW REQUIREMENTS       | 34   |
| 12      | ZONING BOARD OF APPEALS                     | 35   |
| 13      | FEES  | 36   |
| 14      | AMENDMENTS                                  | 36   |
| 15      | VALIDITY                                    | 36   |
| 16      | EFFECTIVE DATE                              | 37   |
| 17      | SOIL EROSION & SEDIMENT CONTROL REGULATIONS | 37   |

*Zoning regulations are designed to protect property values. Inherent in the implementation of these regulations is the assurance that residents of Groton Long Point respect the rights of their neighbors and fellow residents by adhering to the Zoning Regulations. Included in this compliance is the maintenance of public and private views by taking into consideration neighbors, whose views might be affected by the planting of shrubs, bushes, trees and the building of structures and accessory buildings.*

*Residential construction at Groton Long Point requires compliance with both the State of Connecticut and the 2003 International Building Codes. Many of the 2003 revisions to the building codes apply to hurricane-affected areas. A CT licensed contractor conforming to the aforementioned codes must accomplish all construction, including both new and renovations. All homeowners must ensure that the work accomplished on their residence conforms to the pertinent regulations found in the referenced building codes.*

**Groton Long Point - Zoning Enforcement Official - (860) 572-8885**

## **SECTION 1 DEFINITIONS**

For the purpose of these Regulations certain terms and words shall be defined as below. Words in the present tense include the future; the singular number includes the plural and vice-versa. The word "person" includes persons, a family, a partnership, corporation, or other entity. The words "lot" includes the word "plot or parcel. The word "building" includes the word "structure".

**1.1 Accessory Building:** Any building which is subordinate to and whose use is incidental and accessory the use of the principal building on the same lot.

**1.2 Building:** Any structure having a roof and intended for the shelter, housing, or enclosure for persons, vehicles or materials. Any other structure more than four (4) feet high shall be considered as a building, but excluding an electric transmission line or an electric light, utility pole, highway or railroad bridge, flagpole, decorative trellis, garden arbors, and pergolas.

**1.3 Building Area:** The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed buildings and any decks or other structures with an elevation in excess of eighteen (18) inches above ground level as calculated using standard measurement procedures. Roof overhangs in excess of twenty-four (24) inches will have the total overhang included in area calculation.

**1.4 Building Coverage:** The percentage which the aggregate building area of all buildings on the lots bears to the area of the lot.

**1.5 Building Height:** The vertical distance from the average undisturbed ground level within ten (10) feet from the walls of the building, or the average ground level at the street line, whichever is higher, to the highest point of the building, excluding cupolas of no more than thirty-six (36) square feet, no dimension greater than seven (7) feet, and height no greater than five (5) feet above the highest point of the remainder of the building, excluding chimneys and antennas. One half of any additional elevation required by the Flood Damage Prevention Regulations of Section 10 shall be excluded when calculating such vertical distance. The additional height allowance for buildings in the flood plain shall be applied only when bringing the lowest habitable floor into conformance with the Flood Damage Prevention Regulations of Section 10.5.2.1.

**1.6 Building Line:** A line on the lot parallel to a street at a distance from the street line equal to the required front yard.

**1.7 Bulk:** The volume included in the size and shape of buildings, structures, and non-building uses.

**1.8 Bulk Regulations:** Bulk regulations as set forth in Section 8.1.2 include and are applicable to regulations dealing with floor area, building coverage, building height, building lines, lot area and lot lines, lot frontage, lot width, required yards, open space, street lines, projections, and accessory buildings. Bulk shall not include any roof overhang of up to 24 inches. Any roof overhang exceeding twenty-four (24) inches and its projection down to ground level shall be included in the size and shape of the building. Rain gutters are excluded from the calculation (see Sections 1.3 and 3.7).

**1.9 Commission:** The Zoning Commission of Groton Long Point.

**1.10 Community Type Sewer System:** A sewer system operated by the Town of Groton and/or a political subdivision or a private central plant for sewage treatment consisting of a primary and secondary treatment and the production of a substantially clear effluent. Community type sewer system shall not be interpreted to mean a septic tank and leaching field.

**1.11 Community Type Water System:** A system operated by the Town of Groton or a political subdivision or a duly licensed water company.

**1.12 Deck:** An elevated attached floor structure, with no walls or roof, attached to a building, and greater than 18 inches in height above ground level. Railing must be three (3) feet high with a minimum 60% transparent density on those sides of the deck not coincident with a building wall.

**1.13 District:** A district established by the provisions of Section 2 of these Regulations.

**1.14 Dwelling, One Family:** A detached building designated for or occupied by one family.

**1.15 Family:** Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than four persons keeping house together, but not necessarily related by blood or marriage may be considered a family.

**1.16 Family Dwelling Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by one family for residence purposes.

**1.17 Front Yard:** For the purposes of these Regulations the front yard shall be one the water side for those lots adjacent to the water, on the boardwalk side for those lots adjacent to the boardwalk, and on the street side in all other cases.

**1.18 Frontage:** The length of a front lot line.

**1.19 Ground:** the solid surface of the earth; firm or dry land

**1.20 Ground Level:** The elevation level of the ground at a specified point of interest.

**1.21 Lot:** A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings, or uses customarily incidental to it including such open spaces as are required by these Regulations. In the case of public, institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

**1.22 Lot, Corner:** A lot at the intersection of and abutting on two or more streets, where the angle of intersection is not more than one hundred thirty-five (135) degrees or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet.

**1.23 Lot, Interior:** A lot other than a corner lot or through lot.

**1.24 Lot, Through:** A lot other than a corner which abuts two or more streets which do not intersect at the lot.

**1.25 Lot Line:** The established division line between lots or between a lot and either the adjacent street, adjacent boardwalk, or the adjacent water.

**1.26 Lot Line, Front:** All dividing lines between a lot and the street, the boardwalk, or adjacent water shall be considered front lines.

**1.27 Lot Line, Side:** The line or lines bounding a lot that extend from the street towards the rear in the direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

**1.28 Lot Line, Rear:** The line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

**1.29 Lot, Minimum Width Of:** The distance between the side lot lines, measured in a straight line perpendicular to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line and the lot lines adjacent thereto shall be considered as side lot lines.

**1.30 Non-Conforming Use:** A use of land, buildings, or premises which is not a use permitted by the provisions of these Regulations for the district in which such land, building, or premises are situated.

**1.31 Non-Conforming Building:** A building the use or construction of which does not conform to all the applicable provisions of these Regulations.

**1.32 Open Space:** As applied to a lot, a space, not occupied by a building or other roofed structure, on the same lot as the principal building.

**1.33 Patio or Terrace:** An improved or graded area located on the surface of the ground, not exceeding a height of six (6) inches above ground level.

**1.34 Premises:** A lot as defined in this Section.

**1.35 Raised Patio:** An elevated structure constructed of any normally used building material without a railing or roof, not exceeding eighteen (18) inches at its highest point above average ground level.

**1.36 Recreation Land Vehicles:** Any land vehicle or trailer in excess of seventeen (17) feet in length when fully extended, capable of being registered, with or without wheels, that may be used for human habitation and being self-contained. Self-contained is defined as having any of the following: stove, refrigeration, heat and air-conditioning, electricity, or sleeping accommodations.

**1.37 Required Open Space:** The open space on a lot that is required to remain uncovered by the maximum building coverage of Section 4.2.1.

**1.38 Start of Construction:** For new construction or substantial improvements, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**1.39 Street:** A public way or private thoroughfare for automobiles or similar vehicles, which affords legal access to an abutting property. "Street" shall be deemed to include the entire width of the public way.

**1.40 Street Line:** The line dividing the street and the lot.

**1.41 Structure:** Anything constructed or which is installed on, above, or beneath the ground, including anything installed on, above, or beneath the water which is not primarily utilized or intended for navigation. Driveways, sidewalks, parking areas, and curbing are exempted. For floodplain management purposes, structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**1.42 Substantial Improvement:** "Substantial improvement" means any reconstruction, rehabilitation, alteration, addition or other improvement to a structure taking place within a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either:

1) before the "start of construction" of the improvement or repair is started, or  
2) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

(such market values for determination of substantial improvement shall be as appraised by a licensed appraiser having professional experience in Groton Long Point.)

For the purpose of this definition, "substantial improvement", is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**1.43 Utilities:** Shall include water, sewer, gas, electricity, telephone and television cables.

**1.44 Variance:** "Variance" means a grant of relief from the requirements of these Regulations, which permits construction in a manner that would otherwise be prohibited by these Regulations.

**1.45 Yard, Front:** An open space between the building and the front lot line, extending the full width of the lot, or in the case of a corner lot, extending along all streets.

**1.46 Yard, Rear:** An open space between the building and the rear lot line, extending the full width of the lot. In the case of a corner lot there is no rear yard.

**1.47 Yard, Side:** An open space between the building and a side lot line,

extending from the front yard to the rear yard. Any yard not a rear or a front yard shall be deemed a side yard.

**1.48 Yard, Required Front, Rear, or Side:** So much of the front, rear, or side yard as is required by the applicable provisions of Sections 3.10 and 4.2.1 of these Regulations.

## **SECTION 2 CLASSES OF DISTRICTS**

### **2.1 Division of Districts**

For the purpose of these Regulations, the territory of the Association is divided into the following classes of districts:

- Conservation District
- Residence District
- Commercial District

### **2.2 Zoning Map**

The boundaries of these districts are hereby established as shown on the zoning map of Groton Long Point dated 1 November 1998.

### **2.3 More Restrictive Districts**

A district is deemed to be more restrictive than any other district appearing below it in the preceding list.

### **2.4 Zoning of Streets**

When opposite sides of the street lie in different districts, the boundary shall be deemed the center of the right of way.

### **2.5 Land Under Water**

The boundary of each district shall include any land under any lake, pond or stream lying therein, and shall also include any land, which extends under navigable waters as far as the ownership thereof extends under other provisions of the law.

## **SECTION 3 GENERAL REQUIREMENTS**

### **3.1 Compliance With Regulations**

No land, building, or premises or part thereof shall hereafter be used, and no building or part thereof or other structure shall be constructed, reconstructed, or replaced in whole or in part, extended, enlarged, moved, or altered except in conformity with these Regulations. Every lot shall have an area, width, and front, side, and rear yards at least as large as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations. No building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height, than as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations. Where a new lot is formed by the division of a lot already occupied by a building, no permit shall be granted for the erection of

a building upon the new lot thus created unless both lots and the structures on them comply with the provisions of these Regulations.

### **3.2 Reduction of Lot Area or Dimensions**

No lot shall be diminished nor shall any yard, court or other open space be reduced except in conformity with these Regulations.

### **3.3 Required Frontage and Access**

No building shall be built on any lot unless such lot has a frontage of at least thirty (30) feet on a public street or on the boardwalk, or unless it has unobstructed easement of access or private right-of-way at least ten (10) feet to a public street.

### **3.4 Open Spaces Required For Each Building**

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building

### **3.5 Lot Lying In More than One District**

In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over thirty (30) feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

### **3.6 Roof Pitch**

At least 70% of the roof (projected view) must be of a pitch of 7 in 12 or greater. Architectural features with roofs may not be included. For renovations or additions to an existing structure the roof slope must be compatible with the existing roof(s).

### **3.7 Projection Into Minimum Required Yards**

Nothing in these Regulations shall prohibit the projection of not more than one (1) foot into a required minimum front, rear or side yards of pilasters, columns, sills, cornices, roof overhangs or other similar architectural features, or the planting of landscaping in such required open spaces. The measurement of the projection will be made perpendicular to the building line to the furthestmost face of the aforementioned features. Rain gutters are excluded from this calculation. Stairs for access to a residence may not encroach in minimum front, side, and rear yards. For lots of 4000 square feet or less, stairs to a residence may encroach either in the front or rear yards a maximum of 5 feet. No air conditioning/heating units, propane tanks, oil tanks, shower stalls, or other such permanent fixtures shall be allowed in minimum required yards.

### **3.8 Existing Lots**

The provisions of these Regulations relative to required lot area, required lot width, and required lot frontage, shall not prevent the construction of an otherwise permitted building or structure on any lot which was set out as a separate lot on any one of the original subdivision plans of the Groton Long Point area recorded in either Map Book #45 or #46 of the Land Records of



the Town of Groton, provided that any reduction in the required front, side, or rear yards or open space requirement shall have been approved by the Zoning Board of Appeals.

### **3.9 Required Floor Area**

No dwelling shall be erected or moved unless the living space for the family dwelling unit is not less than one thousand (1,000) square feet. No dwelling shall be enlarged unless the completed dwelling unit as enlarged shall provide not less than one thousand (1,000) square feet. Living space shall be included only if it has a minimum head room of seven (7) feet on the first floor, and above the first floor no part of a room shall be included within the floor area where the ceiling height is less than five (5) feet provided at least forty (40) percent of the room has a ceiling height of seven (7) feet. Any floor space located above the first floor shall have access by an inside permanent stairway. Porches, basement rooms in any part below the grade, garages and other attached accessory buildings shall not be included as living space.

### **3.10 Accessory Building**

Detached accessory buildings not more than sixteen (16) feet in height and not used for human habitation shall not be located in any required side or rear yard, nor in any front yard (sect 1.45) and shall be included in building coverage. Interference of views of the water by adjacent property owners should be considered when locating new accessory buildings.

### **3.11 More Than One Dwelling On A Lot**

Each dwelling building shall be located on a separate lot.

### **3.12 Storage Of Waste Material**

No waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar unsightly material shall be stored or allowed to accumulate in any open space or outside a completely enclosed building on any lot, but this provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises

### **3.13 Site Plan**

#### **3.13.1 Approval of Site Plans**

- a) No building, structure, parking lot, sign, or outdoor use shall be used, constructed, moved, or enlarged until a site plan of development has been approved by the Zoning Enforcement Official. Where the Zoning Board of Appeals, as a condition for a variance or special exception requires it, a site plan of development shall be filed with the Zoning Board of Appeals. Such site plans shall be developed by a Connecticut-registered either professional engineer, land surveyor, or architect.
- b) Construction on site shall be started within one year of approval of the site plan. Approval may be extended for one year at the discretion of the Zoning Enforcement Official.

- c) No Certificate of Occupancy may be issued until the Building Official verifies that the site work has been completed substantially in accord with the approved site plan. When the site work cannot be completed because of weather or other pertinent reason, a Conditional Certificate of Occupancy may be issued for a period not to exceed one hundred eighty (180) days provided an appropriate bond shall be posted with the Treasurer of the Association in an amount sufficient to complete the site work in accord with the approved site plan and as determined by the Building Official.
- d) In cases that the Groton Long Point Soil Erosion and Sediment Control Regulations require a certified soil erosion and sediment control plan, an appropriate performance bond may be required to be posted with the Treasurer of the Association in an amount equal to the plan's estimated costs of measures to control soil erosion and sedimentation.

### **3.13.2 Content of Site Plan**

In order to lessen congestion, to secure safety from fire, panic, flood, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of the land, to facilitate adequate provisions for transportation, water, sewerage and other public requirements, the site plan required by Section 3.13.1a shall include and show, where applicable:

- a) All of the land in the parcel together with any adjacent or contiguous parcels in the same ownership and with such detail of adjacent properties and public ways as will relate the subject premises to the neighborhood and to the street pattern.
- b) Proper provisions for vehicular traffic, service roads, control of entrances, and exits to highways, sidewalks in the public right-of-way, parking and loading as required.
- c) Proper provision for safe pedestrian movement within the parcel and to adjacent uses. Safe pedestrian movement may include sidewalks within the parcel and adjacent to the parcel.
- d) Proper provision for safe adequate water supply and for disposal of storm water and sanitary sewage.
- e) Compliance with all requirements of these Zoning Regulations.
- f) Ground level elevations must be shown at least every twenty (20) feet on all site plans

### **3.14 Walls and Fences**

Fences, walls or similar structures, singularly or in combination, cannot exceed a total height of four (4) feet from the ground. No such fence, wall, or structure in excess of three (3) feet in height from the average ground level shall be permitted unless having a transparent density of not less than fifty (50%) percent. One hundred percent (100%) density fencing must be used for the purpose of screening rubbish cans, shower stalls, and fuel tanks, in accordance with the following: such screening must be attached to a building, except that it shall not be allowed in the required minimum front, side, or rear yards, shall not project more than four (4) feet from the building, and such screening shall not exceed eight (8) feet in length nor seven (7)

feet in height. Fences may be constructed in compliance with all requirements of this section using the following materials: wrought iron, wood, plastic, or vinyl-clad wood or wood look-alike materials. No fencing shall be constructed using metals such as chain link fencing or exposed metal post/balusters. The height of a fence, wall, or other structure shall be measured from the average ground level to the highest point of the structure at several points along the structure. Average ground level is determined before any grading for the project has begun. Fences erected on Groton Long Point Association property for municipal purposes shall be exempt from the restrictions of this article. No walls, structures or plantings other than trees with clear trunks up to a height of twelve (12) feet, above natural grade shall be allowed in that portion of any required front, side or rear yard where the effect of such is to obstruct clear vision on the intersecting streets (as determined by the Traffic Authority).

### **3.15 Addition or Removal of Earth, Sand, Gravel, Clay, Stone**

The Zoning Commission may permit the addition or removal of earth, sand, gravel, clay or stone in any district under the following conditions:

- a) The applicant shall submit a plan showing existing ground levels in the area from which the above material is to be added or removed together with finished ground levels the conclusion of the operation.
- b) The plan shall provide for proper drainage of the area of the operation during and after completion and no bank shall exceed a slope of one (1) foot of vertical rise in one and one-half (1-1/2) feet of horizontal distance except in ledge rock. No removal shall take place within twenty (20) feet of a property line except that where the ground level from a property line rises towards the lot where removal is to take place; material lying above the ground level at the property line may be removed.
- c) At the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four (4) inches of topsoil and seeded with a suitable cover crop, except where ledge rock is exposed.
- d) The plan shall be in compliance with the provisions of Section 10 and 11.
- e) The Zoning Enforcement Official may grant permission for the removal of surplus material resulting from a bona fide construction, landscape, or agricultural operation being executed on the premises and provided that any damage to the landscape is properly repaired.

### **3.16 Recreation Land Vehicles and Storage Trailers or Containers**

No recreation vehicle shall be stored in any location in Groton Long Point unless parked in an enclosed garage.

- a) No enclosed storage trailer or container shall be allowed except on a temporary basis with approval of the Zoning Enforcement Official.

- b) Recreation land vehicles may stay on a lot or street for a maximum of three (3) consecutive days for the purpose of loading or unloading only.
- c) No recreational vehicle may be used for sleeping while in any location within Groton Long Point.
- d) Exception: Vehicles up to nineteen (19) feet in length, licensed and registered for handicapped use.

**3.17 Reduction of Lot Size**

No lot shall be reduced in size as to make its area or width at the building line or any yard smaller than the minimum required.

**3.18 Division of Lot**

Where a new lot is formed by the division of a lot already occupied by a building, no permit shall be granted for the erection of a building upon the new lot thus created unless both lots comply with the provisions of these Regulations. Any proposed division of a lot or parcel of land that involves additions or changes to lot lines is subject to review for compliance with the requirements of Section 4.2.1 of these Regulations by the Zoning Commission. Any further division is subject to further approval by the Zoning Commission with regard for congestion, safety, general welfare, light and air, population, density and public requirements.

**3.19 Signs**

The term "sign" shall include every sign visible from the street. Except for those signs delineated in paragraphs a, b, c, d, and e, there shall be no other signs allowed in the residential district. No illuminated signs shall be permitted in any district.

- a. Sign, residence and/or resident name – A sign, the sole object of which is to identify the residence and/or name of resident. No such sign shall exceed five (5) square feet in area and no dimension shall exceed four (4) feet.
- b. Sign, business name – A sign, the sole object of which is the name of the user or occupant and which may include the type of business or other activity included in article 4.1.6. No such sign shall exceed five (5) square feet in area.
- c. Sign, advertising – One sign, eighteen (18) inches by twelve (12) inches with black letters on a white background and enclosed in a black metal frame, advertising for sale land or buildings upon which it is displayed is allowed. All such signs will have the following format:

|   |
|---|
| <p>FOR SALE<br/> <b>BY BROKER/OWNER</b><br/>         TEL # (owner or agent)</p> |
|---|

Such sign must be removed within two (2) days of the closing of the advertised sale.

d. Sign – Association – Signs authorized by the GLP Association Board of Directors for use in compliance with municipal ordinances, state and federal laws, and to identify Association property shall be exempt from the restrictions of this article.

e. Political signs for upcoming referendum and public officer elections located on private property, with approval of the property owner, shall be permitted for a period of not more than 60 days prior to an election. Such signs shall be no larger than four (4) sq. ft. and shall be removed within fifteen (15) days after the election.

### **3.20 Determination of Lot Area**

In determining the area of a lot for the purpose of building coverage, the area below mean high water mark shall be excluded regardless of coverage by a dock or similar structure.

### **3.22 Commercial Vehicle**

No commercial vehicle in excess of one (1) ton capacity and no construction equipment shall be permitted on any lot at any time except during actual construction or service work.

### **3.23 Unregistered Motor Vehicle**

No unregistered motor vehicle shall be kept on any lot unless the same is kept in an enclosed garage.

### **3.24 Temporary and Semi-Permanent Structures**

No Quonset huts, tent for human habitation or other similar temporary structures shall be permitted in any zone.

### **3.25 Patios, Raised Patios, and Decks**

A patio or terrace may be constructed on a building lot and may extend to the outer limits of the property lines. A patio/terrace will not be included in the computation of building coverage. A raised patio may be constructed on a lot and must adhere to the required front, side and rear yards. A raised patio will not be included in the computation of building coverage. A deck must adhere to all required side, rear, and front yards. Railings must have a transparent density of not less than 40% on those sides of the deck not coincident with a building wall. Airspace under a first floor deck may be screened, but must have a uniform transparent density of not less than 40%, except as provided for in 3.14. In calculating the building coverage of a deck, the area of a deck will be that projected down to ground level and will contribute to the total building coverage as follows: either (a) 50% of the projected floor area if the deck is at or below the first habitable floor level, or (b) 100% of the projected floor area if the deck is above the first habitable floor level. In cases where multiple decks are constructed over one another, the floor area projected down to ground level shall contribute to building coverage according to either (a) or (b) above, as appropriate for deck elevation, never greater than 100%.

### **3.26 Erosion and Sediment Control**

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development that meets the criteria described in the Groton Long Point Soil Erosion and Sediment Control Regulations adopted on 5 March 1986, as amended. Certification of the plan by the Zoning Commission or its designated representative shall be prerequisite to issuance of a Zoning Permit for proposed development.

### **3.27 Underground Electrical Service**

For any new or substantially renovated dwelling, underground service wiring for electricity, telephone and cable TV shall be required from the street utility source to the house without installation of additional poles. This requirement may be waived by the Zoning Commission in any individual case as a special exception.

### **3.28 Rain Water Control**

Roof water runoff must be directed to the land immediately adjacent to the down spouts so as to allow for the water to permeate the ground and not to traverse via piping or grading to the neighboring properties or the street. If a storm drain in the street is immediately available adjacent to the property, and with permission of the Zoning Enforcement Official, the roof runoff may be directed to the storm drain via installed underground piping.

## **SECTION 4 SINGLE FAMILY RESIDENCE DISTRICT**

### **4.1 Uses Permitted In Residence District**

#### **4.1.1 One Family Dwellings**

**4.1.2** A police station, firehouse, or other Association building, a post office, public utilities building or installation, provided that any such installation is approved by the Planning Commission.

**4.1.3** Parks and playgrounds operated by the Association, a non-profit organization, or community association

**4.1.4** With the approval of the Zoning Board of Appeals as to area suitability and the effect of possible increased traffic, the following uses may be permitted as a special exception:

- a) Philanthropic use, a bona fide club or community house not operated for profit, provided no activity is carried on which results in objectionable noise audible off the premises.
- b) Educational and religious use by a duly organized non-profit body, excluding correctional institutions and institutions for the insane.

**4.1.5** Accessory uses customary with and incidental to a permitted use, but no accessory building shall be used for human habitation. Private garages where they are part of the main dwelling shall not occupy more than

one-half the ground floor area of such dwelling. Space for one motor vehicle may be rented to a person other than a resident of the premises. The storage of contractor's equipment, building supplies, or similar material, or of commercial motor vehicle exceeding one (1) ton capacity, whether inside or outside a building, shall not be a permitted accessory use in a residence district.

**4.1.6** The office of a physician, surgeon, dentist, lawyer, association official, public accountant, architect, engineer, dressmaker, clergyman, salesman, real estate broker, insurance agent, or artist is permitted in the Residence Zone, but only when situated in the same dwelling used by such named person as his private dwelling, provided that no more than one unrelated person shall be employed in any such office.

**4.2 Lot and building Dimensional Requirements**

**4.2.1 Required Lot Area, Width, Yards, Coverage, Height:**

| Minimum Area (Sq-Ft) | Min. Lot Width (Ft) | Min. Req Front Yd. (Ft) | Min Each Side Yd. (Ft) | Min. Req Rear yd. (Ft) | Max Bldg Cover | Max Bldg. Ht (Ft) | Min Lot Frontage (Ft) |
|----------------------|---------------------|-------------------------|------------------------|------------------------|----------------|-------------------|-----------------------|
| 6000                 | 60                  | 25                      | 6                      | 10                     | 25%            | 30                | 60                    |

In case of a corner lot, for which two or more Front Yards are provided for by Section 1.44, one of the Front Yards may be designated as a Secondary Front Yard and the minimum Secondary Front Yard shall be twenty (20) feet. For a lot on the Boardwalk, the required Front Yard shall be the average of the existing Front Yards of the four houses on the Boardwalk nearest the lot under consideration. Where lot size exceeds 12,000 square feet, family dwelling unit coverage shall be limited to 3000 square feet. Accessory buildings shall not exceed two (2) in number and combined lot coverage shall not exceed 800 sq-ft. Maximum building coverage in any instance shall not exceed 25%.

**4.3 Other Restrictions**

**4.3.1 Lighting Fixtures**

On any lot, lighting fixtures used to illuminate any outside area shall be so arranged as to direct the light away from any neighboring premises used for residential purposes. In carrying out the intent of this article it is incumbent upon the owner to respect the neighbors whose property might be affected. This article is not intended to prevent the judicious use of landscape lighting, sensor security lights, or other lights used for architectural purposes.

**4.3.2 Landscaping**

Maintenance of public and private water views is an essential part of maintaining property values. Every effort should be made to ensure that the all plantings of trees and bushes take into account the impact on views by neighboring premises and public spaces. New or replacement shrubbery and trees, when affecting adjacent neighbors scenic views, must not exceed four

(4) feet at any time.

#### **4.3.3 Driveway Construction**

In the interest of safety and liability, and in general consideration of others' passage on GLPA roads, for any new or rebuilt driveway consisting of stones, rocks, gravel, or other loose fill, such driveway shall include a buffer strip at least two-foot wide made of rigid material, such as paver blocks, concrete, or asphalt at the driveway's intersection with a paved roadway.

## **SECTION 5 COMMERCIAL DISTRICT**

### **5.1 Uses Permitted in Commercial District**

**5.1.1** Any use permitted in Residence District

**5.1.2** Business or professional offices and financial institutions.

**5.2.1** The Zoning Board of Appeals may, after hearing, as a special exception, upon its approval as to suitability of area, effect of possible increased traffic, both vehicular and pedestrian, and with due regard to its effect on the esthetic values of the area, permit any premises in a Commercial District to be used for any of the following uses:

- a) A retail business establishment or retail service occupation not including the manufacture or process of materials, and providing that no objectionable noise, small or unsightly condition is created which is noticeable off the premises, and providing all activities shall be carried on within a building, except for the display of merchandise within ten (10) feet of such building.
- b) A restaurant.

## **SECTION 6 CONSERVATION DISTRICT**

### **6.1 Uses Permitted in Conservation District**

The land in the Conservation District shall be maintained as an open area subject to such rules and regulations as may from time to time be recommended by the Conservation Commission in accordance with the provisions of Section 7.131a of the General Statutes, and approved by the Board of Directors.

## **SECTION 7 ENFORCEMENT**

### **7.1 Building Permits and Zoning Permits**

No construction, reconstruction, replacement, alteration or other work of a plumbing, electrical, heating, or structural nature shall be done on any lot, including but not limited to buildings, walls, fences, or docks, until a permit



has been duly issued. No zoning permit or building permit shall be issued for the construction, alteration, or moving of any building or part thereof unless the plans and intended use are such that said building and the lot on which it stands or will stand will conform in all respects with the provisions of these Regulations. Every application for a building permit shall be accompanied by a detailed plan drawn to scale of the land and building(s) in question and by such information as the Zoning Enforcement Official shall require to establish full compliance with the provision of these Regulations as to contemplated work and of all other codes and regulations currently in effect. Zoning permits will expire after 12 months of approval if construction has not started. Construction on site shall be started within one year of approval of the site plan. Approval may be extended for one year at the discretion of the Zoning Enforcement Official. New construction and substantial renovation shall be completed within 24 months from the start of construction.

When there is a requirement for access involving adjacent residential or Association property to perform the construction work involved, permission by the affected property owner or the Association must be obtained and placed on record with the building permit.

#### **7.1.1 Procedure for Obtaining a Zoning Permit and/or a Building Permit**

The procedure for obtaining a permit for proposed construction is dependent upon construction category, as follows:

a) Category I - all interior or exterior work to be accomplished within the existing structural configuration and the proposed work does not constitute a "substantial improvement." This category of construction requires no Zoning Permit. Procedure - applicant submits a completed Application for Building Permit form to the Building Official.

b) Category II - new dwelling or construction which changes the exterior configuration of the building, construction of accessory buildings, fences, walls, or docks, or any other construction not specifically included in Category I including substantial improvement. Procedure - (1) applicant submits a completed Application for Zoning Permit to the Zoning Enforcement Official; (2) the Zoning Enforcement Official approves the permit if all Zoning Regulations are complied with; (3) if approved, the applicant then applies for a Building Permit with the Building Official; (4) if the Zoning Permit is denied, the applicant may either revise and resubmit the application or appeal to the Zoning Board of Appeals for a variance. When the proposed construction is for a new or relocated dwelling or when deemed necessary by the Zoning Enforcement Official to verify lot boundaries, the application for Zoning Permit and site plan required by Section 3.13.1.a shall be accompanied by a lot survey of class at least A-2. Such survey shall be recorded with the Town of Groton Registry of Deeds. All drawings for this work must have the following statement attached: "The work proposed by this drawing has taken into account the scale and harmony of the Groton Long Point Community."

#### **7.2 Certificate of Occupancy**

A written application for a Certificate of Occupancy shall be made to the Building Official at the time the building permit is applied for. Written

application for a Certificate of Occupancy shall be made to the Building Official also for any of the following:

- a) Change in the use of an existing building, except to another use permitted in the zone in which the building is located.
- b) Any change of a nonconforming use.
- c) Occupancy, use and change in use of vacant land.
- d) Establishment of any use of a building or of land for which a special permit is required under the provisions of these Regulations.

### **7.3 Issuance of a Certificate of Occupancy**

A Certificate of Occupancy shall be issued upon such written application within three days after receipt by the Building Official of written notification that the erection or alteration of a building, or part thereof, has been completed in conformity with the provisions of these Regulations **or** within three days after a decision on an application in connection with the use of vacant land or a change in use of land or building. Every Certificate of Occupancy for a use requiring a special permit or a variance shall contain a detailed statement of such special permit or variance and of any condition to which the same is subject. A Certificate of Occupancy shall remain valid only so long as a building, the use thereof or the use of land remains in full conformity with the provisions of these Regulations or of any future amendment thereto. Following the removal of any violation, a new Certificate of Occupancy shall be required for any further use of such building or land.

### **7.6 Mooring, Dock, or Similar Structure**

No mooring, dock, float, sea wall, or similar structure shall be installed, constructed, altered, or moved except upon issuance of appropriate permits by the Zoning Enforcement Official and Building Official pursuant to a recommendation by the Harbor Master.

### **7.7 Inspection**

The Zoning Enforcement Official or Building Official may cause any building or premises to be inspected and may order in writing the remedying of any conditions found to exist therein in violation of these Regulations.

### **7.8 Penalty and Enforcement**

These Regulations shall be enforced by the Zoning Commission or the Zoning Enforcement Official appointed by the Commission who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remediation of any condition found to exist therein or thereon in violation of any provision of the Regulations made under the authority of the provisions of the State statutes. Any person convicted of a willful violation of the Zoning Regulations will be subject to the penalties outlined in Connecticut General Statutes, Section 8.12.

## **SECTION 8 NONCONFORMING USES AND STRUCTURES**

### **8.0 Statement of Purpose**

It is the purpose of Section 8 to bring the maximum number of Groton Long Point homes as practicable into conformity with the Zoning Regulations. Nevertheless, this section is intended to allow reasonable degrees of maintenance, repair, enlargement, renovation, repositioning, or alternation without the additional expense of bringing the entire structure into full conformity with these regulations

**8.1** Any building or use lawfully existing or for which a lawful permit was issued under the provisions of the zoning ordinance in effect prior to the effective date of these Regulations, may be continued subject to compliance with the following conditions:

**8.1.1** Any use of land or buildings which does not conform to the regulations specified by these Regulations shall not be:

- a) Changed to another nonconforming use without a special permit from the Zoning Board of Appeals, and then only to one equally or more nearly in conformity.
- b) Re-established after non-use for any reason longer than one year.
- c) Moved to another location where such use continues to be nonconforming.

**8.1.2** No nonconforming building or structure shall be extended, maintained, repaired, enlarged, reconstructed or structurally altered in any way except in accordance with the provisions of this Section and with proper permits.

- a) Normal maintenance and repair, structural alteration in, moving, reconstruction, extending or enlarging of a building or structure with nonconforming bulk or an existing nonconformity is permitted only if the same does not increase the degree of or create any new nonconforming bulk or nonconformity in such building or structure or if any increased or additional nonconforming bulk is created only by raising of the structure (including decks) to meet the Flood Damage Prevention Regulations of Section 10. Without being limited thereto, the nonconforming bulk or nonconformity of any building or structure shall include any enclosed or roofed volume which either exceeds the maximum allowable building coverage or lies in any required front, side, or rear yard, as prescribed in Section 4.2.1. If the project involves substantial improvement, or if more than 50% of the total existing exterior surface area of the walls and roof is demolished, destroyed, moved, rebuilt, or repositioned by any means except catastrophe, no repairs or reconstruction shall be made unless every portion of such structure and the use thereof is made to conform to all regulations except as stated herein and in Section 8.1.3. For this criterion, "wall" and "roof" shall include the structural components of those sections, i.e. the sheathing and studs or rafters.

b) Normal maintenance and repair of, and incidental alteration to a nonconforming building or structure or in a building occupied by a nonconforming use is permitted.

c) This section applies only to those buildings, structures and uses lawfully in existence on the effective date of these Regulations. The effective date of these Regulations as referred to herein shall also include the effective date of any subsequent amendment of the zoning regulations, which may cause any building, structure or use to become nonconforming.

**8.1.3** Subject to the provisions of Section 10 of these Regulations, in the event of a partial or total loss of a building or structure which prior to such loss was a legally existing building or structure, because of fire, flood, windstorm or other casualty, such building or structure may be re-built in its entirety provided such re-built structure is of the same area and in the same location on the lot as the building or structure which was damaged or destroyed, provided an application for a permit to rebuild or restore shall be made within six months after such loss. The Building Official, however, may at any time order structural alterations or demolition necessary to restore or bring damaged properties to a safe condition.

## **SECTION 9 OFF-STREET PARKING**

### **9.1 Parking Facilities Required**

Parking facilities off the street or highway right-of-way shall be provided to serve all buildings erected, moved, altered, or enlarged and all premises otherwise developed after the adoption of these Regulations. Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time and shall be provided in accordance with the following requirements:

**9.1.1 For dwelling units.** Two spaces for each dwelling. Driveways may be included as required space for dwellings. For permitted home occupations, spaces shall be provided as required for the occupational uses specific herein in addition to the spaces required for the dwelling.

**9.1.2 For offices.** One space per two hundred fifty (250) square feet of gross floor area.

**9.1.3 For permitted businesses.** One space for each 150 square feet of gross floor area.

**9.1.4 For places of public assembly or public recreation.**

One space for each five (5) legal occupants.

### **9.2 Interpretation of Off-street Parking**

**9.2.1** Where fractional spaces result, the parking spaces required shall be

construed to be the next highest whole number.

**9.2.2** The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation.

**9.2.3** In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**9.2.4** The parking requirements as set forth in this section are to be construed as minimum requirements.

### **9.3 Location of Required Parking Facilities**

Required parking facilities shall be located on the same lot as the building or other use which they serve, except that in a commercial zone, the required parking facilities may be provided on the same lot as the building they serve or within three hundred (300) feet thereof.

### **9.4 Minimum Area**

For the purpose of this regulation an off-street parking space is an all-weather surfaced area having a width of not less than nine (9) feet and a length of not more than eighteen (18) feet. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required area is to be exclusive of driveways, except as otherwise provided, and shall be permanently reserved for the temporary parking of one automobile, and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of dwellings, all-weather surfaces shall not be required.

### **9.5 Entrance and Exit Driveways**

**9.5.1** Residence driveways shall not be less than nine (9) feet wide at the right-of-way line nor less than thirteen (13) feet at the curb line for lots for dwellings.

**9.5.2** Driveways in the commercial district shall not be more than forty-five (45) feet wide at the right-of-way line and fifty-five (55) feet wide at the curb line.

## **SECTION 10 FLOOD DAMAGE PREVENTION REGULATIONS**

### **10.1.1 Finding of Fact**

(1) The flood hazards of the Groton Long Point Association are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are in part caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(3) The Flood Damage Prevention Regulations are hereinafter referred to as FDPR.

### **10.1.2 Statement of Purpose**

It is the purpose of FDPR to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **10.1.3 Methods of Reducing Flood Losses**

In order to accomplish its purposes, FDPR includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling, filling, grading, dredging and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **10.2 Definitions**

**10.2.1** Unless specifically defined below, words or phrases used in this FDPR section shall be interpreted so as to give them meaning they have in common

usage and to give it its most reasonable application.

**10.2.2** "Appeal" means a request for a review of the Building Official's or Zoning Enforcement Officer's interpretation of any provision of FDPR, or a request for a variance.

**10.2.3** "Area of Special Flood Hazard" means the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

**10.2.4** "Base Flood Elevation (BFE)" means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the flood plains of coastal and riverine areas.

**10.2.4.1** "Basement" means that portion of a building having its floor sub-grade (below ground level) on all sides.

**10.2.5** "Breakaway Walls" mean any type of walls, whether solid lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

**10.2.6** "Coastal High Hazard Area" means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The areas designated on a Flood Insurance Rate Map (FIRM) as Zone VE.

**10.2.7** "Development" means any man-made change to improved or unimproved real estate, including but not limited the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**10.2.8** "Federal Emergency Management Agency(FEMA)" means the federal agency that administers the National Flood Insurance Program (NFIP).

**10.2.9** "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters and/or (2) The unusual and rapid accumulation or runoff of surf waters from any source.

**10.2.10** "Flood Insurance Rate Map" (FIRM) means the official map on which

the Federal Emergency Management Agency (*FEMA*) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**10.2.11** "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that include flood profiles, the Flood Insurance Rate map and water surface elevation of the base flood.

**10.2.12** "Floor" means the top surface of an enclosed area of a building (including basement), i.e., top of the slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**10.2.13** "Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales, or service facilities.

**10.2.14** "Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**10.2.15** "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

**10.2.16** "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

**10.2.17** "Mean Sea Level" means, for purpose of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**10.2.18** "New Construction" means structures for which the "start of



construction" commenced on or after March 18, 1980, the effective date of the FDPR and includes and includes any subsequent improvements to such structures.

**10.2.19** "Recreational Vehicle" means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**10.2.20** "Sand Dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**10.2.21** "Special Flood Hazard Area" is the area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM, Zones A, AE, and VE.

**10.2.22** "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value before the damage occurred. "Substantial Damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**10.2.23** "Violation" means a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be violation until such time as that documentation is provided.

**10.2.24** "Water Surface Elevations" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **10.3 General Provisions**

#### **10.3.1 Land to which these Regulations apply**

These Regulations shall apply to all areas of special flood hazards within the territorial limits of the Groton Long Point area.

#### **10.3.2 Basis for establishing the areas of special flood hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013, and other supporting

data applicable to the Groton Long Point Association, Inc., and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file.

### **10.3.3 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the FDPR and other applicable regulations.

### **10.3.4 Abrogation and Greater Restrictions**

The FDPR is not intended to repeat, abrogate or impair any existing easements, covenants, or deed restrictions. However, where the FDPR and other regulations, easement, covenant or deed restrictions conflict or overlap, which ever imposes the more stringent restrictions shall prevail.

### **10.3.5 Interpretation**

In the interpretation and application of the FDPR, all provision shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body, and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **10.3.6 Warning and Disclaimer of Liability**

The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger flood can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The FDPR does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The FDPR shall not create liability on the part of Groton Long Point Association, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this restriction or any administrative decision lawfully made thereunder.

## **10.4 Administration**

### **10.4.1 Establishment of Development Permit**

A development permit shall be obtained before construction or development begins including land subdivisions within any area of special flood hazard established in section 10.3.2. Application for a Development Permit shall be

made on forms furnished by the Building Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any structure has been flood-proofed;
- (3) Certification by a Connecticut registered either professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 10.5.2.2.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- (5) Plans for any walls to be used to enclose space below the base flood level.

#### **10.4.2 Designation of the Zoning Enforcement Official and Building Official**

The Zoning Enforcement Official and the Building Official are hereby appointed to administer and implement the FDPR by granting or denying development permit applications in accordance with its provisions.

#### **10.4.3 Duties and Responsibilities of the Zoning Enforcement Official and the Building Official**

Duties of the Zoning Enforcement Official and the Building Official shall include, but not be limited to:

##### **10.4.3.1 Permit Review**

- (1) Review all development permits to determine that the permit requirements of these regulations have been satisfied and whether proposed building sites will be reasonably safe from flooding.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.
- (3) Review all development permits in the area of special flood hazard except in the coastal high hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of these Regulations, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- (5) Review plans for walls to be used to enclose space below the base flood level in accordance with Section 10.5.3.2(4).

##### **10.4.3.2 Information to be Obtained and Maintained**

- (1) Obtain and record the actual elevation (in relation to mean sea level) of

the lowest floor (including basement) of all new and substantially improved structures.

(2) For all new substantially improved flood-protected structures:

(i) Verify and record the actual elevation (in relation to mean sea level), and

(ii) Maintain the flood-proofing certifications required in Section 10.4.1.3

(3) In coastal high hazard areas, certification shall be obtained from a Connecticut registered either professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

(4) Maintain for public inspection all records pertaining to the provisions of these Regulations.

(5) Obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM, or in any area of potential, demonstrable, or historical flooding within the community, meet the FDPR standards.

(6) Base flood elevation data shall be required for all subdivision proposals. In all special flood hazard areas where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut registered professional engineer that generates base flood elevations for all subdivision proposals and other proposed development.

#### **10.4.3.3 Alteration of Watercourses**

(1) Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### **10.4.3.4 Interpretation of FIRM Boundaries**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.4.4.

#### **10.4.4 Variance Procedure**

##### **10.4.4.1 Appeal Board**

(1) The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of the FDPR sections.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of the FDPR

sections.

(3) Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer, may appeal such decision to the Superior Court, as provided in 8-8.

(4) In passing upon such applications and appeals, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of these Regulations, and:

(i) the danger that material may be swept onto other lands to the injury of others;

(ii) the danger of life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community.

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage.

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-ix) in Section 10.4.4.1 have been fully considered. As the lot size increases beyond the one-half acres, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Section 10.4.4.1 and the purposes of these Regulations, the Zoning Board of Appeals may attach such conditions not inconsistent with other requirements to the granting of variances as it deems necessary to further the purposes of these Regulations.

(7) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report.

#### **10.4.4.2 Conditions for Variances**

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical

Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
  - (i) Showing a good and sufficient cause, as set forth in Section 12.6.3.
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 10.4.1.4(4) or conflict with existing local laws or ordinances.
- (5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

## **10.5 Provisions for Flood Hazard Reduction**

### **10.5.1 General Standards**

In all areas of special flood hazards the following standards are required:

#### **10.5.1.3 Utilities**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On site systems for waste disposal shall be designed to avoid impairment during flood conditions.
- (4) For all new construction and substantial improvements, electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to the base flood elevation plus one (1) foot to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, boilers, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.
- (5) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (6) All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards.
- (7) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to

minimize flood damage.

**10.5.1.4 Manufactured Homes. Recreational Vehicles used as Temporary Dwellings during the Reconstruction of Substantially-Damaged Dwellings.**

Manufactured homes are prohibited in all special flood hazard areas. Recreational vehicles may be placed on sites within Zones A, AE, and VE for use as temporary dwellings during the reconstruction of substantially-damaged dwellings, but their use is subject to the following conditions of this section. In the Zones A and AE, such recreational vehicles shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 10.5.1 and the elevation requirement of Section 10.5.2.1. Such recreational vehicles placed on sites within Zone VE shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 10.5.1 and the Coastal High Hazard Area construction requirements of Section 10.5.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**10.5.1.5 Above-ground Storage Tanks** – Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement. In addition, fuel oil tanks shall have the top of the vent pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

**10.5.2.1 Residential Construction**

New construction and substantial improvement of any residential structure in an A or AE zone shall have the lowest floor, including basement, elevated to or above base flood elevation plus one (1) foot.

**10.5.2.2 Nonresidential Construction**

New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation plus one (1) foot; or, together with attendant utility and sanitary facilities, shall:

- (1) be flood-proof so that below the base flood elevation plus one (1) foot the structure is watertight with wall substantially impermeable to the passage of water;
- (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) be certified by a Connecticut-registered either professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 10.4.3.3.2.

**10.5.2.3 Fully-Enclosed Areas Below Base Flood Elevation**

New construction or substantial improvements of residential and non-

residential buildings that include fully-enclosed areas formed by foundation and other exterior walls below the base flood elevation plus one (1) foot shall have at least one side at or above grade and shall be designed to preclude finished living space and designated to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (ii) the bottom of all openings shall be no higher than one foot above grade and at least one place on the side of the lowest grade; and
  - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions. Other coverings must be designated and certified by an engineer or approved by the Zoning Enforcement Officer.
- (2) Electrical, plumbing, and other utilities are prohibited below the base flood elevation plus one (1) foot; and
- (3) Use of the enclosed area shall be limited to parking of vehicles or limited storage or maintenance equipment used in connection with the premises or entry to the living area (via stairway or elevator).

### **10.5.3 Coastal High Hazard Area**

Coastal High Hazard Areas (V Zones) are located within the areas of special flood hazard established in Section 10.3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

#### **10.5.3.1 Location of Structure**

- (1) All new construction and buildings with substantial improvements shall be located landward of reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

#### **10.5.3.2 Construction Methods**

- (1) All new construction and buildings with substantial improvements shall be elevated so that the lowest horizontal supporting member is located no lower than the base flood elevation level plus one (1) foot, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 10.5.3.2(4).
- (2) Structural Support
  - (i) All new construction and buildings with substantial improvements shall be elevated so that the lowest horizontal supporting member is no lower than the base flood elevation plus one (1) foot.
  - (ii) Pilings or columns used as structural support, and the structures attached thereto, shall be designed and anchored to resist floatation,



collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values, which equal or exceed the 100 year mean recurrence interval (one percent annual chance floods and winds).

(iii) There shall be no fill used for structural support.

(3) Certification

(i) Structural specifications and plans for the construction shall be in compliance with the provisions of Section 10.5.3.2(1) and 10.5.3.2(2) and

(ii) Such shall be certified to by a Connecticut registered either professional engineer or architect.

(4) Space Below the Lowest Floor

(i) Any alteration, repair, reconstruction, or improvement to a structure started after the enactment of these Regulations shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.

(ii) Breakaway walls shall be allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

(a) Design safe loading resistance of each wall shall not be less than 1 nor more than 20 pounds per square foot; or

(b) If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which should occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be use and this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

(iv) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.

## **SECTION 11 COASTAL SITE PLAN REVIEW REQUIREMENTS**

**11.1** All buildings, uses, and structures fully or partially within the coastal boundary as defined by CGS, Sec 22a-94, entitled "The Connecticut Coastal Management Act," Rev 1/1/97, shall be subject to the coastal site plan review requirements and procedures in CGS, Sec 22a-105 with the exception of the following activities which are hereby exempted from coastal site plan review requirements under the authority of CGS, Sec 22a-109.

**11.1.1** Gardening, grazing and harvesting of crops.

**11.1.2** Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.

**11.1.3** Construction of new or modifications of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.

**11.1.4** Construction of new or modification of existing on premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water, and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach.

**11.1.5** Construction of an individual conforming single family residential structure except in or within one hundred feet of the following coastal resource areas as defined by CGS, Sec 22a-109: tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

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

## **SECTION 12 ZONING BOARD OF APPEALS**

**12.1** In accordance with the provisions of Section 8-5 of the General Statutes, as amended, the Zoning Board of Appeals shall consist of five electors, and three alternates who shall also be electors, none of whom shall be members of the Zoning Commission. They shall be appointed for terms of five years, so arranged that the term of not more than one member shall expire in any one year.

**12.2** The Zoning Board of Appeals shall elect a Chairman from among its members and all meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and shall be open to the public.

**12.3** The Chairman, or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

**12.4** The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions.

**12.5** Each rule or regulation and each amendment or repeal thereof and each order, requirement, or decision of the board shall immediately be filed in the office of the Association and shall be a public record.

**12.6** The Zoning Board of Appeals shall have the following power and duties:

**12.6.1** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Official, Building Official, or any other official charged with the enforcement of these Regulations.

**12.6.2** To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of these Regulations.

**12.6.3** To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the property values, public health, safety, convenience and welfare solely with respect to a parcel of land where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

**12.6.4** To hear and decide all appeals and requests for variances under Section 10 of these regulations, under CGS, Sec. 8-6 and as otherwise permitted or required by law.

**12.7** Appeals to the Board shall be taken in accordance with the provisions of Section 8-7 of the General Statutes, as amended, and within the time prescribed by rule adopted by the Board or within 30 days if no such rule is prescribed.

**12.8** At least ten (10) days before the date of the hearing upon any application or appeal, the applicant or person taking the appeal shall mail by certified mail, postage prepaid, a copy of the notice of the hearing to the owners of record of lots located within one hundred fifty (150) feet of the lot or lots which are the subject of such application or appeal, as such owners appear on the last completed grand list of the Town of Groton at the address shown thereon, and shall file a certificate with the Secretary of the Zoning Board of Appeals prior to the hearing certifying compliance with the foregoing.

### **SECTION 13 FEES**

**13.1** Fees for the issuance of permits by the Building Official shall be fixed from time to time by the Board of Directors.

**13.2** Fees for applications and appeals to the Zoning Board of Appeals shall be fixed from time to time by the Board of Directors.

**13.3** Fees for zoning applications shall be fixed by the State of Connecticut.

### **SECTION 14 AMENDMENTS**

**14.1** These Regulations and the boundaries of zoning districts established there under may from time to time be amended or changed by the Zoning Commission in accordance with the provisions of Chapter 8-3 of the General Statutes, Current revision. At least ten (10) days before the date of the public hearing concerning any amendment to the zoning map, the person requesting such amendment shall mail, by certified mail, postage prepaid, a copy of the notice of the public hearing thereon to the owners of record of lots located within one hundred fifty (150) feet of the area to be rezoned, as such owners appear on the last completed grand list of the Town of Groton, at the addresses shown thereon, and shall file a certificate with the Secretary of the Zoning Commission prior to the public hearing certifying compliance.

### **SECTION 15 VALIDITY**

**15.1** If any section, paragraph, subdivision, clause, or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

**SECTION 16  
EFFECTIVE DATE**

**16.1** These Regulations shall become effective **November 1, 1975**, effective as to date of issuance. Revisions or amendments to these Regulations shall become effective on a date decided by a vote of the Commission subsequent to the adoption of the revisions or amendments.

**SECTION 17  
SOIL EROSION AND SEDIMENT CONTROL REGULATIONS  
Adopted 5 March 1986**

**1. DEFINITIONS**

- 1.1 "Certification" means a signed, written approval by the Groton Long Point, CT Zoning Commission (or its designated agent) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 1.2 "Commission" means the Zoning Commission of the Borough of Groton Long Point, CT.
- 1.3 "County Soil and Water Conservation District" means the District established under subsection (a) of section 22a-315 of the General Statutes.
- 1.4 "Development" means any construction or grading activities to improved or unimproved real estate.
- 1.5 "Disturbed Area" means an area where ground cover is destroyed or removed, leaving the land subject to accelerated erosion.
- 1.6 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- 1.7 "Grading" means any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 1.8 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- 1.9 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 1.10 "Soil" means any unconsolidated mineral or organic material of any origin.

- 1.11 "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

## **2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN**

A soil erosion and sediment control plan shall be submitted with any application for development when either (a) the disturbed area of such development is cumulatively more than one-half acre, or (b) the development involves grading of land in or adjacent to a wetland, marsh, lagoon, open body of water, or conservation district.

## **3. EXEMPTIONS**

A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations, unless the proposed development meets either of the criteria in Sub-Section 2.

## **4. EROSION AND SEDIMENT CONTROL PLAN**

4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger of storm water runoff on the proposed site base on the best available technology. Such principles, methods, and practices necessary for certification are found in the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985), as amended. Alternative principles, methods, and practices may be used with prior approval of the Commission.

4.2 Said plan shall contain, but not limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:
  - a. start and completion dates;
  - b. sequence of grading and construction activities;
  - c. sequence for installation and/or application of soil erosion and sediment control measures;
  - d. sequence for final stabilization of project site.
3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent

- properties;
2. the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
  3. the existing structures on the project site, if any;
  4. the proposed area alterations including cleared, excavated, filled, or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;
  5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  6. the sequence of grading and construction activities;
  7. the sequence for installation and/or application of soil erosion and sediment control measures;
  8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

## **5. MINIMUM ACCEPTABLE STANDARDS**

5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

5.2 The minimum standards for individual measures are those in the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

5.3 The appropriate method from Chapter 9 of the **Connecticut Guidelines for Soil Erosion and Sediment Control** (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

## **6. ISSUANCE OR DENIAL OF CERTIFICATION**

6.1 The Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124A, or 126 of the Connecticut General Statutes.

6.3 Prior to certification, any plan submitted to the municipality may be

reviewed by the New London County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

6.4 The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

## **7. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL**

7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition or certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 3.13.1.d of the Zoning Regulations.

7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

## **8. INSPECTION**

8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.



**Revision History**

| Date        | Change  |
|-------------|---|
| August 2018 | Added new reg 4.3.3 Driveways                           |
| June 2019   | Changed 1.42 substantial improvement from 10 years to 1 |