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PREAMBLE

# Article VI as Design Standards

## Purpose

*These design standards present verifiable or measurable directives based on the “big picture” of comprehensive planning – combining principles of smart growth, new urbanism and green building. The goal of these design standards is to guide applicants and to give decision-makers the tools to assess and modify plans for development in order to sustain that which exemplifies the best of Old Saybrook.*

## AUTHORITY

Both American and Connecticut law has long recognized the importance of design standards in protecting property values, preserving our natural resources, and protecting the environment. Connecticut General Statute §8-2 authorizes the adoption of zoning regulations that “promote health and the general welfare;” that “provide adequate light and air;” that “such regulations shall be made with reasonable consideration of the character of the [zoning] district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout” the Town; that “such regulations may be made with reasonable consideration for the protection of historic factors;” and that “such regulations may also encourage energy-efficient patterns of development . . . and energy conservation.”

Our courts have upheld visual appearance as a substantial governmental interest that would justify the regulation of signs, *Burns v. Barrett*, 212 Conn. 176, 182, cert. den. 493 U.S. 1003 (1989). They have upheld aesthetics as one criteria, among others, for regulating uses of land and the appearance of structures, *Murphy, Inc. v. Town of Westport*, 131 Conn. 292, 297 (1944); *Town of Farmington v. Viacom Broadcasting, Inc.* 10 Conn. App. 190, 196, cert. Den. 203 Conn. 808. Protection of views and vistas was upheld in *Glendenning v. Conservation Commission of Fairfield*, 12 Conn. App. 47, 55-56, appeal dismissed 205 Conn. 802 (1987); as well as design considerations in subdivisions, *Carlson v. Fisher*, 18 Conn. App. 488 (1989), *Smith v. Greenwich Zoning Board of Appeals*, 227 Conn. 71 (1993). Protecting the character of a community was upheld in *Central Bank For Savings v. Planning and Zoning Commission of Cromwell*, 13 Conn. App. 448, 456 (1988).

These design regulations seek to implement these powers in order to preserve Old Saybrook's unique history and character as a coastal New England community founded in 1635, to protect its natural resources, and to encourage energy efficient development.

Reduce the potential for conflict and delay – apply thoughtful application of the design standards and a well-detailed, sensitive design with quality materials to create a project that is compatible with the neighborhood character.

The United States Supreme Court said it well in the case of *Berman v. Parker*, 348 US 26, 33 (1954), “It is within the legislative power to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.” This was cited with favor in *Schad v. Borough of Mt. Ephraim*, 452 U.S. 61, 76 (1981), “The Borough of Mt. Ephraim did nothing more than employ traditional police power to provide a setting of tranquility.”

**Conflict.** Because some of the Design Standards may conflict, and certain standards may not apply to a project, it is necessary to identify the particular issues related to a project to use this document effectively.

With regard to a particular application, the Commission will designate which design standard will have priority where standards are inconsistent or conflict with each other. *With approval of the Commission*, an applicant may substitute different measures to achieve comparable objectives to the requirements stated in the regulations.

The Commission need not impose any of the requirements of this section where topography, existing structures or other physical features or characteristics of the site, or established patterns of development in the immediate vicinity of the site make the imposition of a requirement not conducive to achieving the stated purposes.

### ORGANIZATION

The Design Standards of the Zoning Regulations are organized in sections about specific elements of design. The elements of design flow in a logical hierarchy, such as from large-scale neighborhood character issues to small-scale building details.

**Central question.** Each section of the Design Standards begins with a series of questions from the Commission or Board to ascertain whether the proposed development satisfactorily meets more particular objectives that follow the question.

- Can the applicant affirmatively answer the questions central to the design standards?
- Can the Commission verify the quality of the project’s design?
- Can the applicant meet the measurable regulations that follow?



**Verifiable criteria.** These *qualitative* criteria are set aside in the outside column of each page. These Design Standards are a series of suggestions intended to be verifiable in making any as-of-right use a better development but should be considered directive commands in the design of any development for which the Commission has discretionary authority in deciding upon a Special Exception use.

**Photograph.** Photographs used are to illustrate the text and provide positive examples of elements of design that are both local and in character with Old Saybrook.

Each photograph is not necessarily the best example of the accompanying Design Standard, and it is not a binding regulation; therefore, may be swapped out from time-to-time as more favorable examples are built in Old Saybrook or elsewhere.

**Measurable criteria.** These *quantitative* criteria follow the traditional numbered format of the Zoning Regulations in the center column of each page. These Design Standards provide measurable standards by which an element of design will be evaluated. Minimum or maximum requirements are the edge of a range, and the Commission has the authority to require more or less, respectively, regardless of whether the development is permitted as-of-right or by Special Exception.

**Diagram.** Similarly, a diagram is used to illustrate a concept or provide a detail in miniature for the purpose of promoting comprehension.

**Detail.** The Commission or any other agency with authority to uphold the Zoning Regulations in the course of its work (e.g. the Planning Commission cannot approve a subdivision of land that conflicts with the Zoning Regulations) may specify standard “detail” drawings to be included as a part of its approval of a plan for development.

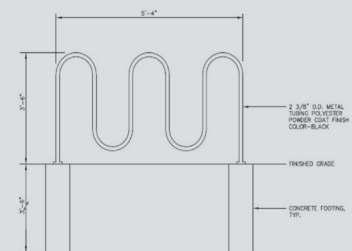
## APPLICABILITY

The Design Standards of **ARTICLE VI** apply to any as-of-right single-family residential use on a lot where marked by an asterisk (\*), except the provisions of **Section 68 Neighborhood Pattern & Building Design**, which do not apply to single-family residential use.

Avoid mistaking the more qualitative, yet often verifiable, Design Standards in this column as merely suggestive.



example of diagram



example of standard detail

