

CHAPTER 478a

NIANTIC RIVER GATEWAY COMMISSION

Table of Contents

[Sec. 25-109c. Definitions.](#)

[Sec. 25-109d. Conservation zone designated.](#)

[Sec. 25-109e. Niantic River Gateway Commission established.](#)

[Sec. 25-109f. Standards for preservation.](#)

[Sec. 25-109g. Local zoning within conservation zone.](#)

[Sec. 25-109h. Action on applications to zoning boards of appeals referred to Niantic River Gateway Commission.](#)

[Sec. 25-109i. Withdrawal of town by referendum. Reinstatement by referendum.](#)

[Sec. 25-109j. Uniform Administrative Procedure Act not applicable.](#)

[Sec. 25-109k. Appeals.](#)

[Secs. 25-109l to 25-109p. Reserved](#)

Sec. 25-109c. Definitions. As used in sections 25-109c to 25-109k, inclusive, “conservation zone” means the zone described in section 25-109d; “development rights” means the rights of the owner of property to improve such property, including the right to change the terrain, remove natural vegetation and construct buildings thereon; “land coverage” means that portion of a given plot of land on which construction is permitted; “scenic easement” means a less than fee interest in property acquired for the purpose of maintaining the existing condition of the property or of preserving an unobstructed view.

(P.A. 87-512, S. 1.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 25-109d. Conservation zone designated. All of the following parcels of land are hereby designated as a conservation zone: (1) A parcel of land located west of the Niantic River, beginning at a point 1000 feet to the southeast of the highway limits of Interstate Route 95 and 1500 feet to the west of the mean high water line of the Niantic River and proceeding southerly in a direct line for a distance of 5000 feet to a point 2000 feet to the west of the mean high water line of the Niantic River, thence due east along a line to the intersection of said line with the mean high water line of the Niantic River, thence northerly along said mean high water line to a point 750 feet southerly of U.S. Route 1, thence westerly to the point of beginning and (2) a parcel of land located east of the Niantic River, 100 feet landward of the mean high water line of the Niantic River, from the Golden Spur Ridge to Sandy Point.

(P.A. 87-512, S. 2; P.A. 88-364, S. 102, 123.)

History: P.A. 88-364 amended description of conservation zone boundaries.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-109e. Niantic River Gateway Commission established. (a) The towns of East Lyme and Waterford may by ordinance establish a Niantic River Gateway Commission. The ordinance shall set forth the number of members of the commission, their method of selection, terms of office and procedure for filling any vacancy. The commission may employ expert and such other assistants as it judges necessary and may accept funds from any source. Notwithstanding any other provision of the general statutes, funds appropriated to the commission, or received by the commission from any other source, shall be held in the custody of the commission and expended by the commission for the purposes set forth in sections 25-109c to 25-109k, inclusive.

(b) Notwithstanding any other provision of the general statutes, the commission may: (1) Acquire or convey by purchase, gift, lease, devise, exchange or otherwise, any land or interest therein including, but not limited to, conservation easements, located wholly or partly in the conservation zone, provided such acquisition does not utilize funds furnished by the state; (2) transfer, with the approval of the Commissioner of Energy and Environmental Protection, any land or interest therein to the state with or without consideration, provided any funds received therefor shall not be deemed funds furnished by the state for the purposes of this section; and (3) contribute or transfer funds to, and enter into agreements with, land trusts or other conservation organizations, to carry out the purposes of sections 25-109c to 25-109k, inclusive. The commission shall report to the General Assembly, on or before February fifteenth, annually, on its activities of the preceding year and on its finances. The existence of the commission shall terminate at such time as each of its member towns has withdrawn or it is abolished by the General Assembly.

(P.A. 87-512, S. 3; P.A. 11-80, S. 1.)

History: Pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (b), effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-109f. Standards for preservation. (a) Within ninety days after establishment, the commission shall: (1) Hold public hearings for the purpose of developing minimum standards to preserve the area within the conservation zone as hereinafter provided; (2) using as guidelines whatever standards may be applicable, including those set down for estuarine sanctuaries by the Department of Commerce under the Coastal Zone Management Act of 1972, (P.L. 92-583), prepare minimum standards for the regulation of the usage of property within the conservation zone consistent with the purposes of sections 25-109c to 25-109k, inclusive, and for the protection and development, for purposes of said sections, of such property by means of land coverage, frontage, setback, design and building height and the regulation of the cutting of timber, burning of undergrowth, removal of soil or other earth materials and the dumping or storing of refuse to prevent deterioration of the natural or traditional riverway scene, provided such standards shall not discourage constructive development and uses of such property, which are consistent with the purposes of said sections; (3) present such standards, with relevant findings as to whether the plan of development and zoning ordinances and planning and subdivision regulations, relating to land within the conservation zone of each town conform with such standards and, if not, specifying the particulars in which they do not conform, to the conservation commissions, zoning commissions, planning commissions and planning and zoning commissions of each town.

(b) The commissions of each town referred to in subsection (a) of this section shall study the standards established and shall, within ninety days of such submission, submit to its legislative body, recommendations as to whether the town should vote to be governed by the provisions of sections 25-109c to 25-109k, inclusive. Failure of a commission to make such recommendations within the time limited therefor shall be deemed a recommendation that the town should vote to be so governed. Such legislative body shall vote as to whether the town shall be governed by the provisions of said sections.

(P.A. 87-512, S. 4; P.A. 05-288, S. 115.)

History: P.A. 05-288 made a technical change in Subsec. (b), effective July 13, 2005.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-109g. Local zoning within conservation zone. (a) After each town to which sections 25-109c to 25-109k, inclusive, apply has voted to be so governed, the planning commission and the zoning commission, or the combined planning and zoning commission, of each such town shall promptly revise the zoning ordinances or plan of development and planning and subdivision regulations, relating to land within the conservation zone of such town to meet the minimum standards established under the provisions of section 25-109f, and thereafter shall promptly make further revisions to meet any revised standards adopted by the commission pursuant to subsection (c) of this section.

(b) No adoption, amendment or repeal of a local zoning, subdivision or planning regulation with respect to property within the conservation zone within such town shall be effective which has not received the approval of the Niantic River Gateway Commission. Each local zoning commission, planning commission or combined planning and zoning commission shall submit its decision by certified mail to the Niantic River Gateway Commission for approval. If, within thirty-five days after receipt of such submission, said commission has failed to approve or disapprove such submission, it shall be deemed to be so approved; provided, the Niantic River Gateway Commission may within said time period reserve decision thereon and schedule the matter for a public hearing. Notice of the Gateway Commission's decision on the submission or of its determination to hold a public hearing shall be made in writing to the commission referring the submission. Such public hearing shall commence within sixty-five days after receipt of the submission and shall terminate within sixty days of its commencement and shall be held by a majority of the members of the Niantic River Gateway Commission, with representatives of each town present, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town from which the submission was referred, two times, at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing. The action of the Niantic River Gateway Commission shall have the object of regulating the uses of such property consistent with the purposes of sections 25-109c to 25-109k, inclusive, and promoting the protection and development for purposes of said sections of such property by means of classification of zoning districts according to types of land usage permitted therein, land coverage, frontage, setback, design and building height and by regulating the cutting of timber, burning of undergrowth, removing soil or other earth materials and dumping or storing refuse in a manner that would detract from the natural or traditional riverway scene, provided such action shall not discourage constructive development and uses of such property which are consistent with the purposes of said sections. The commission shall render a decision on the submission within sixty-five days after completion of the hearing. The submitting commission may consent to an extension of any period specified in this subsection, provided such extension shall not be for longer than double the period specified, or it may withdraw such submission. The Gateway Commission shall publish notice of its decision in a newspaper having substantial circulation in the town from which the submission was received.

(c) The commission shall, from time to time, review and may, after public hearing of which at least fifteen days' notice has been given in a newspaper or newspapers having a circulation in the conservation zone, revise the standards established under the provisions of section 25-109f consistent with the purposes of sections 25-109c to 25-109k, inclusive. A copy of the proposed revisions to be presented at such public hearing shall be furnished at least fifteen days prior thereto to the conservation commissions, zoning commissions, planning commissions or combined planning and zoning commissions of the towns to be affected thereby.

(P.A. 87-512, S. 5.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 25-109h. Action on applications to zoning boards of appeals referred to Niantic River Gateway Commission. Whenever any zoning board of appeals of a town which has voted to be governed by the provisions of sections 25-109c to 25-109k, inclusive, receives an application with respect to land within the conservation zone, such board shall submit a copy of such application to the Niantic River Gateway Commission and the conservation commission of the town within which such land is located not less than ten days prior to the date set for the hearing on such application. Said commission shall review such application to determine if the action requested in such application is adverse to the protection and development of the conservation zone in accordance with the purposes of sections 25-109c to 25-109k, inclusive, and the standards set forth in section 25-109f. In addition to its other powers and duties, the zoning board of appeals shall determine if the action requested in such application is consistent with the purposes of said sections and the standards set forth in subsection (b) of section 25-109g. Said commission and such conservation commission shall be deemed aggrieved parties at any hearing on any such application before the zoning board of appeals and for the purpose of taking an appeal pursuant to section 8-8.

(P.A. 87-512, S. 6.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 25-109i. Withdrawal of town by referendum. Reinstatement by referendum. (a) Any town which has voted to be governed by the provisions of sections 25-109c to 25-109k, inclusive, may, by referendum, vote not to be so governed and, effective six months thereafter, the provisions of said sections shall not apply to such town. Upon the filing of a petition of not less than ten per cent of the voters of such town circulated as provided in sections 7-9 and 7-9a, such referendum shall be held, subject to the provisions of sections 7-9b and 7-9c, at a regular or special town meeting to be held within sixty days after such filing.

(b) Notwithstanding any decision of a town not to be governed by the provisions of sections 25-109c to 25-109k, inclusive, taken pursuant to subsection (a) of this section, such town may vote to again be so governed by petition and referendum as set forth in subsection (a) of this section.

(P.A. 87-512, S. 7.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 25-109j. Uniform Administrative Procedure Act not applicable. The provisions of chapter 54 shall not apply to any procedures to be followed or actions taken pursuant to the provisions of sections 25-109c to 25-109k, inclusive.

(P.A. 87-512, S. 8.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 25-109k. Appeals. Appeals from decisions of the Niantic River Gateway Commission may be made in the manner provided in section 8-8.

(P.A. 87-512, S. 9.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Secs. 25-109l to 25-109p. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)