

May 9 20 07 at 3:35 AM
PM

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, MAY 3rd, 2007
MINUTES**

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the Application of Theodore A. Harris for Gateway Development/East Lyme LLC to amend the East Lyme Zoning Regulations to add proposed Section 11.A.9 – Gateway Planned Development District Master Development Plan, on May 3, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:35 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Bill Sweeney, Professional Planner
William Mulholland, Zoning Official
William Dwyer, Alternate (left early)
Bob Bulmer, Alternate (left early)
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Joe Barry, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck

Pledge of Allegiance
The Pledge was observed.

Public Hearing I

1. Application of Theodore A. Harris for Gateway Development/East Lyme LLC to amend the East Lyme Zoning Regulations to add proposed Section 11.A.9 – Gateway Planned Development District Master Development Plan

Chairman Nickerson noted the public hearing procedure for those in attendance.

Mr. Nickerson asked Ms. Carabelas, Secretary to read the correspondence into the record.
Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 5/3/07 to EL Zoning Commission from William Mulholland, Zoning Official – Re: Proposed Zoning Text Amendment – Application of Gateway Development/East Lyme LLC to amend Section 11A Gateway Planned Development District – noting that the applicant is submitting a proposal which is a 'form based' regulatory approach to Zoning. The new concept, considered to be leading edge in some areas uses a concept of form first. This is essentially a method of regulating development to achieve specific urban form. It was suggested that the Commission focus on size and density.
- ◆ Letter dated 5/3/07 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: 8-3a Referral – Application of Theodore Harris for Gateway Development/East Lyme LLC to amend the Zoning Regulations to add new Section 11A.9 to allow development under a set of "Master Development Plan" regulations – noting that the Commission did not

have enough time to digest the information presented and requesting that the public hearing be left open so that the Planning Commission could complete its review.

Mr. Nickerson noted that there was no CAM review necessary and that the legal ad had run in the New London Day on 4/20/07 and 4/30/07.

Mr. Nickerson called for the applicant to present their case.

Attorney Theodore Harris, 351 Main Street said that he represents the applicant and that he would first like to pass out and have the Exhibits entered into the record. The following Exhibits were passed out and entered into the record;

Exhibit 1 – Developer/Development Team Resume

Exhibit 2 – Proposed Zoning Text Amendment – GPDD Master Development Plan (MDP)

Exhibit 3 – Excerpts from the POCD regarding the Gateway Development area

Exhibit 4 – Aerial View – Gateway Planned Development District dated 5/3/07

He explained that this proposed Zoning Text Amendment is not designed to replace what is there but rather designed to be a form-based development scheme to enhance and define what is there. This should be thought of as turning Zoning on its' head as normally one thinks of Zoning standards as being rigid and trying to suit many purposes. The Master Development Plan (MDP) sets standards that are applicable to the specific development and allows the developer to 'think outside of the box'. He said that they would later see this in a concept design showing how a retail building can look like a series of small shops. He said that they first started with the Plan of Conservation and Development (POCD) and its' recommendations to establish a Planned Village District north of I-95. Another reason why they looked at this is due to the reality of this site – in the seven (7) years since it was established not one application has been filed for that area. He said that he thinks that the reason is because it does not allow for a flexibility of use. The POCD is a bit 'scattered' in the things that it suggests for this site – industrial to retail to multi-family and the current regulations do not offer the means to look at this as a large parcel - only as individual parcels. This site also has very little frontage and it would need a new access ramp on/off I-95 which is very costly – hence the necessity to merge the parcels. The reality is that the infrastructure costs that would have to be borne by the developer are extremely high – possibly in the range of \$100M – and this cost must be portioned over a larger area than one parcel. A developer will not expend this upfront cost unless they know that they can get it back. A Master Development Plan is crucial in order to start down the road to make this site marketable.

He said that they have two major developers working together on the parcel - Konover and KGI and that they have been analyzing this site and working on a feasibility study on standards that would have to be met (wetlands, topography, etc.) for a year and a half now. They have also looked at the traffic issue and their engineers have met with the State DOT and devised many types of ramp alternatives, some that DOT has found acceptable. The current POCD not only suggests re-orienting these exits but that they deal with this area as a traffic area, use it as a resource and make it channel the traffic away from the residential areas. The intent of the MDP is not to have a huge big box visible from everywhere. The MDP should be seen as a tool for creative development of a parcel in Town that will help with the economic development of the Town and to lessen the tax burden on the taxpayers of the Town.

Attorney Harris introduced Bill Sweeney, Professional Planner with TCORS Law Firm in New London to explain the MDP concept.

Bill Sweeney, Professional Planner said that he works with TCORS Law Firm in New London and that he has also been the Town Planner for the City of Norwich. He said that he has been involved with this study for a year and a half now. The MDP is a conceptual plan for a specific site that lays out what will be developed in stages over a period of time. It is a creative 'Out of the Box' approach that, although not new, places crucial emphasis on aesthetics and physical appearance and has been used in mixed use projects. The framework of this emphasis has been in effect in other areas such as the Shops at Farmington Valley in Canton, CT. To help create the Planned Development regulations people were brought in from all areas.

Master Development Plans are powerful tools with three stages – The adaptation of the regulation itself creates a framework to move forward; the conceptual layout of units under a special permit allows the Town to negotiate a set of standards with the developer in a collaborative effort with the approval of the master

plan serving as an umbrella; and the final phase – the implementation is done in stages and has to conform with the standards that are set forth in the MDP which addresses such items as the variety of uses, densities, size, bulk open space, architectural styles, landscaping, lighting and pedestrian access.

Attorney Harris said that he would briefly walk through Exhibit 2 – the MDP Proposed Zoning Text Amendment. He said that it is subject to a Special Permit and Public Hearing. The Effect is that it allows for deviation from the typical requirements for use, bulk, and other development standards while continuing in force any provision of the East Lyme Zoning Regulations applicable to the property that is not specifically superseded by the adoption of the MDP. It provides for limits on store size and use – allowing for a 'mixed use'. This concept is suggesting that the residential be located to the west of the Pattagansett River and the retail to the east. The MDP application must include at least 75% of the land within the Gateway Planned Development District (GPDD) and not leave the remaining area strapped in terms of development. The requirements become a 'cookbook' for the zone and a detailed guidebook of what will be developed. The build-out would be done over time on a site-plan approval basis.

He noted that regarding the residential use that there was a bit of a 'disconnect' within the POCD as it states that when the area was re-zoned to commercial that large buildings of up to 40,000 sq. ft. can be placed right next to the residential area. He said that they feel that this violates the basic principles of Zoning. They have proposed a transitional zone between the retail and residential uses and a transition of dense to less dense within the residential area. He then introduced Michael Wang from Arrowstreet to give a Power Point presentation of what a prototype development might look like for an area of this size under the MDP text.

Michael Wang, Senior Designer with the Arrowstreet Architectural firm gave a Power Point Presentation showing the master planning and mixed use projects. He noted that the pool store is near Exit 74 and that it has been suggested that the relocation of that Exit be to the west of the pool store site. He said that the mix of uses is critical here as they are proposing that of the 200 acres that 50 acres be for retail and the other 150 acres across the Pattagansett be for residential with a Town Green concept, soccer field, possible Community Meeting Center, etc. He stressed that this would emphasize pedestrian friendly concepts with outdoor dining and landscaping utilizing the hill range as a backdrop. A 'Main Street' effect was brought into play within the retail element with smaller parking areas interconnecting to break the area up. The placement and use of paving, landscaping, lighting and urban furniture would allow for pedestrian friendly areas and allow the integration of the various concepts. Storefronts would wrap into alleyways integrating the concepts with the sense of scale. The network of open spaces would tie everything together. The residential area would tie into the existing trail system and also offer a public soccer field. The densest of the residential areas would be around the Town Green. A 100' buffer would be the least buffer in any area. The Town Green size is comparable in size to that of a football field. High density residential condos/townhouses would have 11.8 units per acre; Medium density housing would have 6.3 units per acre and the single family homes at the perimeter would have 1.8 homes per acre in a prototype.

(A brief break was taken here)

Attorney Harris summed up that this is a glimpse of what could be done under a Master Plan Development. He offered that the objectives that this type of development accomplishes are: a comprehensive integrated development; development with the needs of the Town in mind; they would not have to rely on the State of CT DOT for the major exit and State road infrastructure upgrades; the process itself allows for control and creative thinking and they can 'pre-think' items such as a community meeting hall, Post Office, Public Safety Building, etc. He said that they would be happy to answer any questions.

Mr. Nickerson asked if this is a private development.

Attorney Harris said that they have not focused on a public/private aspect. The roads and housing would most likely be in the form of condo ownership however, that has not been detailed.

Mr. Nickerson and Ms. Byrnes asked if the soccer fields would be public.

Attorney Harris said that they would most likely be public however; none of those decisions have been addressed. He said that the benefit to the Town would largely be economic. He added that the Planning Commission had made a comment that an economic analysis be done – he suggested that an impact study can be done in conjunction with Section 11.A.9.4 and be presented with that.

Ms. Byrnes asked if they would be looking at Niantic Main Street when doing the economic analysis. Attorney Harris said that was not something that was easy to do or to predict as what they are looking at here is a 'tool' to work with.

Ms. Byrnes asked if there would be any Affordable Housing proposed under this plan. Attorney Harris said that they are not anticipating any at this time.

Ms. Byrnes asked for an idea of what an existing 140,000 sq. ft. store is. Mr. Sweeney said that when they get to the large anchor stores that they would market at that time, right now they have not considered any.

Ms. Byrnes asked if Wal-Mart would be 140,000 sq. ft. in size. John Mancini of BL Companies Engineering said that they do not build Wal-Marts that small. For an example of size he said that the Home Depots and Targets are generally in the 120,000-140,000 sq. ft. range. The Wal-Mart in Waterford is around 180,000 sq. ft.

Ms. Carabelas said that a lot of the buildings that they see are snapshots of other locations but when it comes to the final plan, it does not look like what they have been shown. She asked if there was any type of design control.

Attorney Harris said 'absolutely' as the architectural standards would have to be approved by the Commission. He said that this is the 'tool' to allow someone to come to try to develop under the MDP. Mr. Mulholland said that 11.9.A.4 items C. and D. address the architectural standards that have been in effect for several years now and that they will continue to be as well as the other steps that are in place.

Mr. Nickerson asked if this plan would allow another 140,000 sq. ft. building. Attorney Harris said no, it is the Commission that retains the right to decide on this and the Commission could disapprove it. It is based upon the general standards in the MDP as well as the zoning regulations. He added that they think that they can take one of those large buildings and integrate it into the site without having it look like a large building.

Mr. Nickerson asked them if approving this would give them a Crossroads Waterford box style set-up. Attorney Harris said no, this MDP shows that other styles can be integrated in a site.

Mr. Nickerson asked if they would still have to prove to this Commission that they can accomplish this. Attorney Harris said yes.

Mr. Nickerson asked if there is a mechanism to be able to say no to the next application. Attorney Harris said that most of the discussion occurs at the MDP stage which is where they weigh in on the standards. The MDP is only for the Gateway area, not for any other area in the Town. Mr. Sweeney said that they wanted to write a regulation that would give them a wide amount of discretion as they have to prove to the Commission that they can do it. Attorney Harris added that the architectural standards would eliminate the type of stores that they might not like or want.

Mr. Mulholland asked Attorney Harris if they should be successful with this amendment, what if Target comes along and wants to come here – where does this leave them. Attorney Harris said that they are limited to the standards that are a part of the MDP and if a Target would not adhere to the architectural styles and specifications then they would have to find someone who will.

Mr. Gada noted the reworking of Exit 74 and talking with the DOT over it and asked if there was talk of service roads there. Attorney Harris said that they have talked of service roads but they are not a good idea. A connector road was felt to be a better idea.

Mr. Nickerson explained the Public Hearing format to the public and asked that those who wished to speak please not repeat something that has been said by someone else. He then called for those in favor of the application to speak first –

Hearing no one –

He called for anyone opposed to the application –

Dave Carlson, 9 Wells Street said that he had some questions and comments. He is mainly in opposition to the retail. He asked about the existing driving range and if it is in that area. He said that he opposes the retail as he can drive 10 miles or less and get to all types of retail and he cannot think of a retail product that we need so badly in this Town that we can't drive 10 minutes to get it. He also asked about the retail piece of 50 acres and said that it sounded to him that a soccer field would be offered in return for all the retail. He said that he has a son who plays little league and a ball field would be good. The proposal is for about 100 single family units and if they estimate them at about two kids per home he wants to know where they are going to go to school and where they will play on the fields. The Westbrook outlets are ugly and he does not think that there is a need for them here.

Mr. Nickerson noted to the public that this land is private land that is developable and that the owner does have a right to put something on it. For example, he can put 200 homes there or a mixture of homes and retail as it is also zoned commercial. The land will at some time be developed.

Dean Pallotti, 200 Turnpike Road said that he represents the carpenters in Town and that they are concerned with how they can do an accurate traffic study to reflect the area.

Mr. Nickerson said that a complete traffic study would be required with the request for a special permit.

Mark Van Wark, Corey Lane asked if the applicant can explain how this will prevent spot zoning and also what the impact will be on the taxpayers.

Mr. Mulholland said that based on the size/acreage that this zone is already in place and that they are just presenting a possible use – it is not spot zoning and would not qualify as spot zoning.

David Main, Four Mile River Road said that he had one question – the word “tool” to use with this – it sounds like a trap – is it a tool or a trap?

Mr. Nickerson and Ms. Byrnes said that it is an ‘opportunity’.

Harold Clarke, 76 Giants Neck Road said that he has not seen the proposed regulations but that it seems to him that there could be a maximum retail of 625,000 sq. ft. there. To put that into perspective for them he said that he looked up information and found that Waterford Commons is 340,000 sq. ft. on 60 acres. That is one-half the square footage on a larger property. He said that he also questions the off-ramp configuration as it is under the authority of the State Traffic Commission and if they like it. He thinks that after working on this for a year and a half that there would have been more of a conceptualization presented. Also, 625,000 sq. ft. of retail would require 2500 parking spaces. Lowe's in Waterford is 138,000 sq. ft.

Mr. Nickerson asked Attorney Harris about the retail square footage.

Attorney Harris said that there is 417,000 sq. ft. of retail in the concept before them and that the limiting factor would be the traffic. Also, this is an estimate of what they think is the maximum retail that could go on 50 acres.

Mr. Mulholland asked Attorney Harris to clarify to the Commission what is meant under items A, B and C in Retail Use in the MDP and if there is no maximum or what it is and what drives the maximum square footage of retail – space, parking, and traffic?

Attorney Harris said that is what drives it and that they gave some range on what the sizes could be – it does not say what it will be as it is entirely site driven.

Mr. Mulholland said that he sees it as maybe 140,000 + 90,000 + 150,000 as the maximum retail sq. footage.

Attorney Harris said that the preliminary study shows that around 400,000 sq. ft. of retail is the maximum for the area.

Marvin Schutt, 29 Edgewood Road North said that he feels that his comments may be premature but he has heard some grandiose plans for the area – he asked the Commission if they are in charge of aquifer protection for the Town and if they have given consideration to this so that they do not have the same situation as they did with the Stop & Shop.

Mr. Mulholland said that they are in charge of aquifer protection for the Town and that there were differences of opinion on what to use at the Stop & Shop site and the DEP met with the Town and the applicant over it and found that what they were using there was cutting edge. If this gets to that point, they would have to prove that the systems in place could handle the run-off and any other storm water issues.

Mr. Schutt said that his plea to them is that they place special emphasis that surface water run-off collection is done in the right way and that we do not starve the aquifer.

Mr. Mulholland said that this area may not be in the aquifer protection zone as the DEP is mandating them to re-do the areas and they have shrunk. He said that this would not however lessen the controls that they would mandate.

Harold Clarke, 75 Giants Neck Road said that the applicant has make it very clear that he has the ability to do this and that developer is Konover. He reminded them that they (Konover) proposed the Wal-Mart in Groton and that if there was an issue here that they would be the plaintiff.

Barbara Johnston, 35 Sea Crest Ave. said that she was confused over the developers proposed regulations. It said that this is a prime site for commercial development and then only 50 of the 200 acres are proposed to be used for retail. She said that she could not see giving up 150 acres of prime commercial property for residential houses.

Mr. Nickerson said that while he might agree, that the GPDD states that you cannot make it all retail as they want the area to be a mixed use.

Ms. Johnston said that she has been on a Planning & Zoning Commission in another Town for many years and that if they go to West St. there is a Marriott Hotel there and other businesses. They can have other businesses beyond retail here also. This parcel is already zoned and if they are trying to re-zone it, she urges them not to approve this.

Jay Fisher, Principal with Konover Properties said that he wanted to clear up the fact that there are two (2) Konover's and that this Konover is not the subject of any lawsuits in the area. There was a family split and they work for Simon Konover, the father and not for Michael, the son.

Bill Mulholland (not the Zoning Official), 4 Bittersweet Drive said that he is speaking against approving the MDP. He heard about the scale of the project but said that he thinks that it was lost on the people this evening as they listened to other parts. He wants to reiterate to everyone that this is enormous and that currently the plan calls for 20,000 sq. ft. and this is proposing 140,000 sq. ft. which is seven times plus the other retail that is proposed. He said that he also heard outside of here that the complex as a whole is the size of Crystal Mall and he does not think that it is in keeping with our character. He said that he heard Ms. Byrnes ask for the scale of a 140,000 sq. ft. building – well he heard from outside that if they take the Stop & Shop and all the other shops there that area is 85,000 sq. ft. so 140,000 sq. ft. would be almost double the Stop & Shop. He thinks that this would split Niantic and East Lyme. He said that they live in East Lyme and go to Niantic often. Next, regarding the residential, he said that he lives in Rose Cliff Estates and that they would probably be the most impacted by the residential development. The 100' buffer is less than the distance between the existing homes where he lives now and his driveway is 100' long. And, the density at the outer limits is 1.8 homes per acre but the MDP allows for three homes per acre. His neighborhood has one home per acre. He said that he knows that some development will come but he thinks that they should provide protection to their property as this will reduce the value of the homes where he lives.

Mr. Nickerson asked Mr. Mulholland what would be better than residential for that area or what could go there.

Mr. Mulholland said that part of that area was RU-40 and industrial and commercial – mixed.

Ms. Bymes said that the regulations as they read today say a 100' buffer.

Mr. Mulholland said that the Commission could modify that buffer.

Mr. Salerno asked about the part of the property that is not in the GPDD and if it would need a zone change.

Mr. Mulholland cautioned the Commission that they are only considering approval of a text amendment at this point in time.

Attorney Harris said that if anything went forward and a zone change were needed that they would apply for one as necessary. He also said that he would like to clarify that the Crystal Mall is roughly one million sq. ft. and that they are substantially less than that. He added that they would have no objection if the Commission chose to set the retail at a maximum of 400,000 sq. ft.

Someone, unidentified, from the public asked what RU-40 meant.

Mr. Mulholland explained that RU-40 is a residential zone where the lot size is 40,000 sq. ft.

Richard Steel, 23 Rose Lane said that he is confused. While he is in favor of mixed development he asked why a master plan has to be changed especially when traffic is an issue. Even on Sundays the traffic is backed up. He said that it seems that the 'green' atmosphere seems to be getting stronger and asked about the integration of that here and also about the lighting.

Carol Marelli, 74 Ancient Highway said that she would like to speak in favor of this application – she said that her property is surrounded by this on three (3) sides and that part of the property that they are talking about is quite developable and that was stated 10 years ago with the Yale study. She said that she thinks that they need to look at this MDP as it was zoned so stringent that no one could develop it. They need a better tax base in this Town and if this is done in a wise way, it can be a great benefit to the Town. She said that she has lived here for over 50 years and that this can be a benefit. She said that long ago her grandfather owned some of the property that they are now discussing and that people have to understand that things change over time. This plan considers all the things that have been discussed before, there would be a traffic light to control traffic flow, the road would be widened and there would be a controlled traffic area. As far as Rose Cliff Estates are concerned, she said that area of development is well below the site line of Rose Cliff. It is not parallel with it and she does not think that lighting will affect them or herself. She said that she thinks that the Commission needs to address this and to let development take place as this is a much better plan. Lastly, with respect to some comments she heard about shopping – she said that she has sometimes driven 50 miles for a good store and that she is sure that there are others in this room who have also done that – why not have those stores here?

Mr. Nickerson thanked Ms. Marelli for clearing up some of the issues regarding the residential area bordering this property.

Tim Sullivan, 2 North Plains Ind., Wallingford said that he has made some observations – this deviates from the GPDD and he asked why they deviate from a plan that has served the Town well for so many years. The proposal seems to have some vague standards and he thinks that the fox is in charge of the hen house here. He also thinks that traffic studies should be required and he also asked about bonding and if there was a guarantee that the property would get built as proposed. He said that he wanted to see the parking lots and the parking spaces. Lastly, regarding the lawsuit in Groton, it did not say which Konover – he said that he has some of the newspaper articles on that.

Mark Bennett, 10 Bittersweet Drive asked for a clarification on the buffers. He said that he lives in the same neighborhood as the other Mr. Mulholland and that his driveway is 140' long. The master plan says that the buffers adjoining the residential use would be 100'.

Mr. Mulholland, Zoning Official said that is not something to be determined at this time – this is only a text amendment application.

Mr. Bennett said that he thinks that the smartest people here are on the side of the podium that he is on at present. He said that he meant no offense to the Commission but he has heard one plan tonight and about tax benefits and he does not think that they know enough about the specifics of this – especially since the Commission did not know what a 140,000 sq. ft. retail store would be like.

Ms. Carabelas said that this property has been sitting here for about eight (8) years and nothing has come before them for an application.

Bob Gadbois, 358 Boston Post Road said that he is concerned about the traffic and that he does not see how anyone would want to go shopping here as on Sundays the traffic is backed up from the Groton Bridge to the Saybrook Bridge. Also, Marvin Schutt brought up the water issue. He said that he is on the Water & Sewer Commission however he is speaking here as a citizen. He does not know how they are going to do this and provide water and services. Lastly he said that when the 'Dems' ran for office they said in their flyer (he has a copy of it at home) that there would be no big box stores --

Frank Bouwer, 690 Vauxhall Street, Waterford asked how long they have been trying to develop this area – since 1985 there were some eight developers who were all turned down. He said that the Yale Report states to develop the Gateway area so there should be no question about it. He said that he is trying to sell the property so that he can get rid of an estate left by his father. He told the Commission that building down in that valley that there is no way that the residential area could see lights or the highway – and – with the moon so bright the other night – you could not see the stars!

Bill Mulholland (not the Zoning Official), 4 Bittersweet Drive said that there are several property owners who are selling their properties to comprise this piece and it struck him that those who have the least to gain would be stuck and those who are selling would probably get the breaks and have the largest buffers to their property. He asked that they have another meeting on this as there are a lot of people who are not aware of this.

Mr. Nickerson said that if they do leave the public hearing open that they would be looking for new public comment and not what they have already heard.

Mr. Salerno said to the public that the site plan does not mean anything – it is only conceptual.

Mike Schulz, 14 Lovers Lane asked why this has to be developed.

Mr. Nickerson said that it is private property and the owners have a right to develop it. It has not been stated that it has to be developed – this is the last piece of commercial property in the Town and we only have 3% total commercial property in this Town.

Mr. Schulz said that he is concerned about the tax base and how 400 units could lower his taxes. 400 family units will have kids and with each kid costing us some \$9000 to educate each year - where is the tax break?

Bob Corriveau, 296 Millstone Road East, Waterford said that when he looks at the POCD that the residential aspect sticks out. It says single family homes at urban density and 400 units on 150 acres seem denser. He also heard comments on the extra kids taxing the school system and asked how many tax dollars the retail would bring in versus the costs to have it with the residential. He asked if the text amendment is specific or if he would have to look elsewhere for the specifics.

Mark Bennett, 10 Bittersweet Drive said that he thinks that what he notices the most is the acoustics and that he would like a study done on that and if they would put green boards up to muffle the sounds.

Attorney Harris said that he recognizes that many comments tonight were specific to the site and to designs. He also recognizes there is a concern for these things but this is a conceptual design and the challenges are part of the versatility of the Master Plan to change things so that they can be integrated to the site. Regarding the taxes, a study would have to be done and the lighting and other items are part of the site plan issues. With respect to the residential element, the POCD recommends that they have areas of denser development as a means to fight urban sprawl and the variety of housing needs that they are concentrating on is what is

suggested. Lastly, the issue of school children has been brought up and that would have to be part of a study. In the meantime he said that they should know that typically dense housing does not bring lots of children.

Mr. Nickerson asked Mr. Sweeney if this form-based development has been used by others in other areas. Mr. Sweeney said that he would be happy to provide them with some people that have done this that they can contact on it.

Mark Campbell, 27 Monticello Drive thanked them for staying late. He said that the concept that this was used in other areas states that people brought up a lot of good points. He said that he knows that the Canton project was not completed as initially planned and that some things were left out. He thinks that they need an infrastructure assessment as he thinks that it is important that they see what they get when they change the regulations. He noted the takeover attempt of Rupert Murdoch.

Mr. Peck said that when all is said and done that the decision will be made on if the Town wants this type of development mix of retail and residential or if they will stick with the Gateway which they have had for the last seven (7) years and nothing has happened on this site. Here, they could build something that they'll have for 50 years. He said that he also thinks that the time for an impact study is now so that they will have some information about property taxes from retail and also possibly some information on crime.

Mr. Nickerson said that they would continue this public hearing and asked if the Commission members had other comments –

Hearing none –

Mr. Nickerson called for a motion to continue this Public Hearing.

Mr. Mulholland said that at this time that he did not have a date for the continuance but he would assess the schedule and try to find a spot for it.

****MOTION (1)**

Ms. Byrnes moved that this Public Hearing be continued.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned and continued this Public Hearing at 11:10 PM.

(A brief break was taken)

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

THE DEVELOPERS

Established in 2001 as a joint venture between The Koffler Group and Great Island Development Group, KGI has acquired and developed retail real estate across New England, developing millions of square feet of retail space. KGI is a vertically integrated company with its own engineering, construction management, and property management division. For additional information on KGI, please explore their website at <http://www.kgiproperties.com>. Likewise, for over 45 years, Konover Properties has operated as a multi-faceted real estate company excelling in the development, acquisition, construction, management and ownership of residential, office, hotel, retail, and mixed use/specialty real estate throughout the East Coast. Konover Properties' strength lies in the depth of its in-house resources and vertical integration which benefits its properties under management and its development. For additional information on Konover Properties, please view their website at <http://www.konoverproperties.com>

THE DEVELOPMENT TEAM

✓ BL COMPANIES. Located in Meriden Connecticut, BL is among the largest , engineering firms in the State, and employs engineering professionals with a wide variety specialties. This allows resolution of the wide variety of issues without resort to outside consultants, providing better coordination of design.

ARROWSTREET, INC. Located in Summerville, Massachusetts, Arrowstreet is a New England based architectural firm which has clients nationwide. It has provided design services for master planned and mixed use developments throughout New England.

WILLIAM R. SWEENEY. Bill is a professional planner, formerly serving as such for the City of Norwich, currently working with the TCORS law firm on land use issues.

THEODORE A. HARRIS. Local based land use attorney, active within Town of East Lyme and before its land use commissions for over 30 years.

EXH. 1 zoning 5/3/07 ONI

11.A.9.2.2 Residential Use

To the extent that a MDP shall contain residential uses, such uses shall be subject to the following:

- (1) Such uses shall only be allowed on the west side of the Pattagansett River.
- (2) Such uses shall be designed and located to minimize the impact on surrounding areas by incorporating one or more of the following:
Suggest that actually ALL of these techniques be used
 - (a) Buffers to adjoining residential uses.
 - (b) Locating the lower density uses in areas near existing residential uses.
 - (c) Providing open space and/or recreational areas.
 - (d) Providing architectural and/or lighting controls.
- (3) In no event shall the average residential density exceed three (3) units per gross acre of the portion of the MDP allocated to residential use.

11.A.9.3 Eligibility

Need this in order for this to be used
A MDP application must include at least 75% of the land within the GPDD Gateway Planned Development District. A MDP must provide for reasonable access and utility interconnections to any portion of the District not included within a proposed MDP. The uses and bulk contained in the MDP shall not be considered with respect to site plans for portions of the Zone outside the MDP.
Does not leave other area straggled

11.A.9.4 Submission Requirements

An application for MDP adoption shall require a Special Permit and in lieu of a site plan as described in Section 24, shall include the following components:

- (a) Existing Conditions Survey prepared by a licensed surveyor showing:
 - (1) Existing topography with contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, inland wetlands, watercourses and flood plains.
 - (2) Land uses, zoning and approximate location of buildings and driveways within 100 feet of the site.
 - (3) A-2 boundary survey.
 - (4) Location map.
- (b) Conceptualized Layout Plan prepared by a licensed engineer, architect and/or landscape architect showing:
 - (1) General location and nature of proposed land uses.
 - (2) Proposed public and private rights-of-way, parking areas, easements, and public and private open space areas.
 - (3) Proposed building footprints, floor areas, and building heights.

- (4) Proposed location of landscaping, buffering, and screening.
- (5) Utility and highway improvements.

(c) Development Standards for the proposed development provided in a narrative form including, but not limited to:

- (1) Permitted uses subject to Site Plan approval.
- (2) Bulk and dimensional requirements.
- (3) Parking and loading.
- (4) Streets and sidewalks.
- (5) Landscaping and screening.
- (6) Lighting.
- (7) Signage.
- (8) Open space and conservation areas.
- (9) Any other standards the Commission may reasonably require.

Cookbook for the zone

Becomes a very detailed guidebook

(d) Architectural Standards for the proposed development provided in both narrative form and visual representations prepared by a licensed architect showing:

- (1) Architectural styles.
- (2) Massing and scale.
- (3) Materials and colors.
- (4) Rooflines and profiles.
- (5) Typical building facades and elevations.

(e) Traffic Analysis prepared by a professional traffic engineer including:

- (1) A comprehensive traffic study detailing the impact of the proposed development.
- (2) Improvement plan and the measures necessary to mitigate those impacts.

would be required to provide this also -

would also require state review -

11.A.9.5 Approval Criteria

The adoption of a MDP shall require a Special Permit and a public hearing pursuant to Section 25 of these Regulations. The Commission shall consider the following criteria in determining whether to adopt a proposed MDP:

- (1) Consistency with the Plan of Conservation and Development.
- (2) Consistency with the purpose of the GPDD Gateway Planned Development District.
- (3) Consistency with the purpose of the alternative MDP process.
- (4) Consistency with the general standards of provisions of Special Permit approval pursuant to Section 25 of the Regulations.

The Commission shall reserve the right and discretion to deny the adoption of any MDP that, in the opinion of the Commission, fails to meet one or more of the above-mentioned criteria.

SECTION 6
ECONOMIC DEVELOPMENT

Flanders/Exit 74/Planned Development District

The Flanders Exit 74/75 business district is still in the growth stage and will see some major new growth in the near future. Located at the approximate center of the Town, it is an attractive location for businesses that require easy access to routes I-95 and I-395. One major problem for this area is vehicular access, traffic and related problems of pedestrian safety.

Rebuilding Exit 74 and rezoning the area to a planned commercial development area north of I-95 (see Figure 6-1) would help address the traffic problem. The new traffic flow design would take advantage of prime commercial property and improve traffic conditions in the Flanders area. The extension of East Society Road to the Exit 74 development area would also make a convenient connection to the Dean Road area and to Flanders. This area is well suited for hotel/conference center development to support adjacent high tech industry and the proximity to the growing casino and tourism business and bio-medical expansion in New London provides a distinct advantage for development. This area would also be a great location for other commercial or industrial development such a "Technology Incubator" for new tech companies.

Recommendations

1. Evaluate what land use strategy is best for the 100+ acres of vacant land north of Interstate 95 at Exit 74 from recommendations in Appendix A. Then work cooperatively with the Zoning, Planning, Water and Sewer and Economic Development Commissions to develop guidelines and regulations for development of the properties (see Figure 6-1).
2. Improve access to the area by negotiating with the state for improvements to the Exit 74 southbound exit and entrance ramp. Construction of a frontage road from Route 161 to East Society Road should be a priority whether funded by the state, the town or a developer. This will improve traffic congestion in the Flanders area and take advantage of the re-direction to a new Flanders business district.

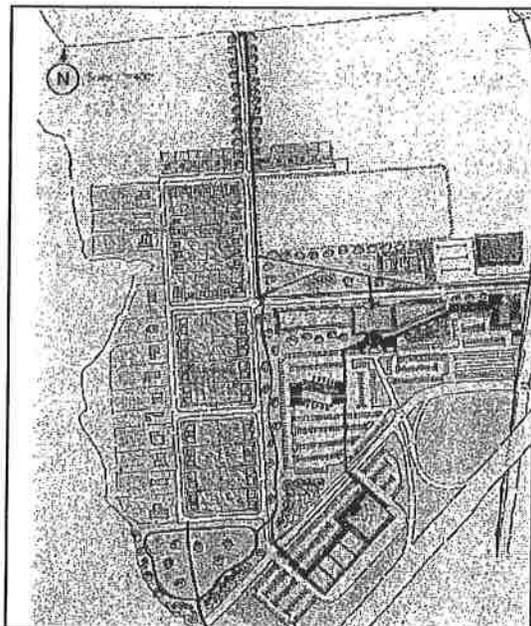


Figure 6-1 - Exit 74 Planned Development District (PPD) - Maximum development of the area in harmony with available resources is critical to advantageous use of the properties. Arrangement of complimentary uses is important to long-term sustainability and the economy of the existing Flanders Village. Interconnection between both villages with sidewalks and bikepaths along Pattagansett River area will produce interconnectivity between the villages, new businesses and the residential core.

congregate housing, which could offer another type of affordable housing to senior citizens. Special permit controls should be re-evaluated for adequate site and road design to accommodate proposed density. These controls should also incorporate guidelines for design, which preclude elderly housing from being easily converted to multifamily housing. This would include house design and number of bedrooms, as well as stipulations for homeowners associations.

Incorporating the recommendations of the 1987 Plan of Development, design site plan standards for multifamily housing properties will need to be upgraded to ensure that neighboring residential properties are protected. An additional benefit of specific development standards is that they tend to relieve the Commission from making Special Permit decisions primarily on the basis of judgmental general standards and decisions are therefore more equitable and less prone to challenge.

Recommendations for Multifamily Housing

For purposes of this document, multifamily development is defined as any use of land containing three or more dwelling units on the same lot; this definition is consistent with East Lyme's Zoning Regulations. Ownership of the dwelling units is of no importance from a land-use perspective; both apartments and condominiums are considered multifamily housing.

1. Permit multifamily housing development in designated growth areas when such development is used to combat housing sprawl to rural areas of town. Methods such as transfer of development rights and special permit for multifamily housing in village districts are examples that could be used.
2. Consideration should be given to the following as characteristics of development sites in deciding the placement of multifamily housing:
 - ~~generally free of major site development constraints such as wetlands, bedrock soils, steep slopes and primary aquifers~~
 - ~~within the boundaries of, or readily connected to, the municipal water and sewer service area~~
 - ~~accessible to arterial roadways~~
 - ~~accessible to municipal services, particularly fire protection and schools~~
 - ~~protected by distance, topography or vegetation from existing large lot, single family residential development.~~
3. Adopt upgraded standards for multifamily housing development:
 - DISTRICTS – commercial business districts, Residential/Multifamily or PUD Overlay
 - APPROVALS - Special Permit by Zoning Commission.
 - UTILITIES - Where public water and sewer are available, connection should be required.
 - LOT AREA - 20,000 square feet per unit except in commercial business districts where there is a mixed use.
 - EXCEPTIONS - As it is in the public interest to encourage higher standards of development and provision of amenities for multifamily residents, the Zoning Commission, as part of a special permit plan review, may reduce the minimum lot area per dwelling unit up to a maximum 4,000 square foot reduction (from 20,000 square feet to 16,000 square feet per unit) if the applicant chooses to provide the following options:

Coastal Area Management

1. Accommodate future population growth by directing new residential development to non-coastal areas of the Town. Allow new residential development in the coastal area only in those areas recommended for residential use in the Plan of Development and only at a density consistent with the capabilities of the land.
2. Incorporate flexible development techniques and special controls-including cluster zoning, open space dedication, and non-infringement area requirements-into East Lyme's land use regulations to allow development to proceed while preserving and protecting sensitive ecologically valuable natural resources.
3. Discourage further structural alteration of the East Lyme coastline except when coastal structures are necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures. Control development in coastal flood areas in a manner that minimizes hazards to life and property; require strict adherence to the Flood Damage Prevention ordinance to prevent construction or reconstruction that would increase exposure to coastal storm hazards.
4. Encourage clustered residential development as a means of creating permanent open space and preserving environmentally sensitive areas.
5. The Planning and Zoning commissions should revise the new cluster provisions as a means to achieve the above objectives of minimizing impacts from road construction and improved allocation of open space dedication.
6. Protect natural resources areas such as wetlands, watercourses, and beaches by establishing Non-Infringement Area controls.

ZONING COMMISSION

Residential

1. Amend regulations as appropriate to ensure that increased density does not occur when water and sewer are available to the site.
2. Revised zoning regulations to prohibit inappropriate commercial uses in residential zones.
3. Rezone the northern rural area for decreased density and/or amend the zoning regulations to encourage minimum area of buildable land area.
4. Zone multi-family housing development for designated growth areas when such development is used to combat housing sprawl in rural areas of town. Consider methods such as transfer of development rights or special permits for multi-family housing in village business districts.
5. Consideration should be given to site characteristics and upgrade standards for multi-family housing (Recommendations area specified in POCD)

Commercial Zoning

1. Channel future commercial growth toward the Route 161/I-95 Interchange Area
2. [REDACTED]
3. [REDACTED]
4. Adopt controls over the number and location of curb cuts for access to commercial development.