

**EAST LYME ZONING COMMISSION  
PUBLIC HEARING I  
Thursday, MARCH 6th, 2008  
MINUTES**

*L. Blair*  
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 to serve as an alternative to the existing Zoning regulatory guidelines in the Gateway Zoning District and which would establish Zoning requirements for development under a set of 'Master Development Plan' regulations providing specific criteria for mixed-use development, building sizes, eligibility, submission requirements, approval criteria, implementation phasing and public improvements, on Thursday, March 6 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:32 PM.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Norm Peck, Steve Carpenteri, Marc Salerno, Ed Gada

**ALSO PRESENT:** Attorney Theodore Harris, Representing Gateway Dev/EL LLC  
Jay Fisher, Principal SK Properties Development  
Chris Knisley, Principal, KGI Properties LLC  
Brian Miller, Sr. Vice President, AICP, PP Turner Miller Group  
Max Stach, Principal Planner, Turner Miller Group  
Donald Klepper-Smith, Chief Economist DataCore Partners LLC  
Bill Sweeney, Planner, TCORS  
William Dwyer, Alternate  
William Mulholland, Zoning Official  
Rose Ann Hardy, Ex-Officio, Board of Selectmen

**ABSENT:** John Birmingham, Alternate, Bob Bulmer, Alternate

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Norm Peck, Steve Carpenteri, Marc Salerno, Ed Gada

**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. This proposal serves as an alternative to the existing Zoning regulatory guidelines in the Gateway Zoning District and would establish Zoning requirements for development under a set of 'Master Development Plan' regulations. The proposal provides the specific criteria for mixed-use development (retail & residential), building sizes, eligibility, submission requirements, approval criteria, implementation phasing and public improvements.**

Mr. Nickerson welcomed everyone and noted that this was a continuation of the Public Hearing as they have the information from an economic impact analysis report that they requested.

Mr. Salerno and Mr. Gada said for the record that they have reviewed the record/tapes of the previous Public Hearing and are up to speed with this application.

Mr. Nickerson then called upon the applicant or their representative for their presentation.

Attorney Theodore Harris, representing the applicant introduced Brian Miller, Vice President of Turner Miller Group and Max Stach, of Turner Miller Group who were retained to do a fiscal and economic impact study of the proposed Zoning Amendment to the Gateway Planned Development District Regulations.

Brian Miller, VP of Turner Miller Group, Cheshire, CT said that they were engaged to analyze the proposed Zoning Amendment for the Gateway Planned Development District with respect to the Niantic and Flanders retail areas of the Town. He passed out the complete report to the Commissioners. He said that they looked at the roles of the two distinct areas of the Town with respect to the fiscal impacts from the proposed text amendment utilizing some main criteria – there would be a maximum of 425,000 sq. ft. of commercial floor area; a maximum of 275 residential units and no single-family detached residences would be permitted. He said that the downtown area has a tourism component to it and that the people, who go there, do come back and have dinner there. It is comprised of small scale businesses and is a typical downtown center that fell out of fashion and then came back into vogue with the Niantic Main Street and Merchants Association. The Flanders area has a diverse mix of business and industry. He said that they made assumptions based on various levels of build out for the project and those can be found in the report.

The potential impact on downtown Niantic would be small as the people who go to downtown Niantic like to walk along the waterfront and enjoy that type of environment. The tourist oriented businesses of Flanders would most likely be enhanced – such as the hotels which would see more business as well as the restaurants which would see more business and have more competition. He said that generally when more traffic is generated to one area that it is good for all of them. Some businesses may find themselves in competition, which is unavoidable; however there is room for them to co-exist. He then introduced Max Stach to present the financial impact.

Max Stach, Principal Planner, Turner Miller Group, Cheshire, CT said that the report that had been passed out was the revised report showing the revised figures. He said that the economic impact is that of the impact on the businesses in the area. Fiscal impact is more of a direct impact on the budget/financial impact to the Town. He said that they gathered information and broke it out based on build out and the cost based on the services. It was found that the flats would have a deficit by themselves, to the Town. If everything were in place today, the Town (conservatively) would get \$1.7M more in revenues and while the residential element would be negative, the commercial portion would so far outpace it that it becomes negligible. If the project were only developed to 25% of its' potential, that would leave a negative figure, however that is not the intent of the developers. He continued that the impact on Town services is small except possibly for police services. He contacted the Town of Clinton as they have the Clinton Crossing outlet and the Town of Waterford as they have the Crystal Mall and other retail areas. The Town of Clinton said that 30% of the total incidents in Clinton can be attributed to the shops. In Waterford, retail areas account for 9% of the police activity. From this he said that they looked at it in terms of the 425,000 sq. ft. and found that the calls could be increased by some 550-600 per year. With this, they recommend that the Town work with the Resident State Troopers and ask them what they feel their need might be.

Mr. Salerno asked if this report includes all the police services for the Town.

Mr. Stach said that it represents them based upon Town totals for residential and non-residential by computation and co-efficient. He explained that whereas there may be demands on the Police from this; there would not be demands on Senior Services – so there are off-setting effects.

Ms. Carabelas asked if the fiscal impact was a net revenue income of \$1.7M.

Mr. Stach said yes.

Ms. Carabelas asked if the police cost would be included or would have to be taken from that figure. She said that she could envision it costing over \$100,000 more to add police officers.

Mr. Stach said that the police costs were already taken out but added that he has suggested that they also speak with the State Troopers regarding what the needs might be.

Mr. Peck asked if Fire services were figured in.

Mr. Stach said yes.

Mr. Peck asked about the 8-mile radius that was used for the marketing plan and what if the theme of this center was a 30-mile radius instead.

Mr. Miller said that the population of an area that size has to be 1M people and that he doubts that it would be that large of an area that would be affected by this as they would be going into Hartford and New Haven.

Mr. Peck said that he wanted to know what the effect would be on the local businesses – just short of the Hartford and New Haven areas.

Mr. Miller said that he would reason that the local businesses would benefit positively as they would be bringing more people to them and that it would be new business for the Town. They call this 'positive spillover'.

Mr. Nickerson asked about this 'positive spillover' effect and where they are going with this, and what does it all mean.

Mr. Miller said that it means that once you drive somewhere to go shopping that you also go to a restaurant in that area or make other stops along the way. He said that he thought that this might have a positive effect with people staying in and around the Flanders area on Flanders Road and frequenting the eating or overnight establishments in the area.

Ms. Carabelas said that the report also alluded to the fact that some of the businesses might be hurt. She said that she is concerned about downtown Niantic.

Mr. Miller said that he has been doing these studies for some 30 years and that there was a concern over many of the older downtowns and some of them were impacted. However; downtowns have come back and with the type of shops, such as major retailers – they will not be replicated in the downtown Niantic area. The downtown will remain the boutique type of shoreline area that it is with the smaller shops and restaurants and the theater. The Flanders area might be more impacted.

Mr. Salerno asked if an improved intersection could have an impact on public safety there.

Mr. Miller said that the less accidents that they have, the less strain they would see on the police services. He suggested that it would maximize itself for the Flanders area and the spillover will be positive as it would enable people to get in and out of the area easier.

Mr. Peck asked if they had noticed increased police calls throughout the Town after the center has been completed – in terms of if it brought more types of crime to the area.

Mr. Miller said that he has not done that study but he would guess that police activity outside of the mall area is related to a lot of the demographics of the area and community changes.

Mr. Salerno asked if Mr. Miller has any knowledge of that impact.

Mr. Miller said that the impact has been positive and that school enrollments are on the downturn. He said that he does not want to suggest that there would be a decrease in taxes as there would be an increase, however, it will be offset greatly by the revenues that will be generated.

Mr. Gada asked about the casinos and if there are impacts there for additional police calls and if that was considered.

Mr. Miller said that Southeastern Connecticut has had huge impacts as a result of the casinos and that East Lyme is impacted by this due to the area and the proximity to the casinos. Whatever bad effects the Town is getting from the casino traffic; at least they can try to get some of the positive from it also.

Mr. Stach said that the Clinton Police Department was very helpful and they detailed the police calls. They were not anything that you would not expect from a mall – shoplifting, writing bad checks, kids, store alarms, and fender benders.

Mr. Nickerson asked Attorney Harris if he had other information to present.

Attorney Harris introduced Don Klepper Smith, Chief Economist with DataCore Partners to review the impact analysis that he had previously presented with respect to this study.

Don Klepper Smith said that he has respect for Mr. Miller and his study as he uses them a lot for various projects. He said that he came up with a \$2.5M revenue figure for the Town versus the \$1.7M of Mr. Miller as

he was figuring it based on the year 2010 when it would perhaps be built. The mill rate would be higher and capitalization of 6% was used whereas Mr. Miller used 7%. They both came up with 53 students from the residential build out. He said that the studies are very similar if they adjust for the differences. They both have found that there are very real and tangible benefits for the Town from this. He said that in his study that he accounted for the increased police services and that they feel that the net fiscal impact is positive and that they have used the most comprehensive measure on Town spending including capital and debt.

Jay Fisher, Principal, SK Properties thanked Don Klepper Smith and Mr. Miller and Mr. Stach for doing the fiscal impact analysis. He noted that alternative scenarios of reducing the build out had been mentioned however the practical aspect is that they will build the entire 425,000 sq. ft. as otherwise the project does not work. The spillover effect does work and they have said that they will work with both downtown Niantic and Flanders on this. He recalled to them that there is a letter from the Downtown Merchants Association endorsing this project and pledging their support.

Chris Knisley, KGI Properties said that they realize that police coverage is important and that in addition to the Towns' Police Department that there will also be a private detail within the mall area and that they will further define that when they get to that stage. With respect to Mr. Peck's question on the malls, Farmington Valley, Evergreen Shops and Mashpee Commons are the type that they are relating to. The 550-600 police calls per year, if broken down on a daily basis, is 1½ service calls per day and the majority of the calls were shoplifting, inadvertent alarms being set off by store employees and minor traffic accidents. He said that this seems to be a manageable number.

Mr. Nickerson entered the Police Reports for Clinton and Waterford into the record as **Exhibit 5** and the Turner Miller Group Fiscal and Economic Impact Study into the record as **Exhibit 6**.

Ms. Carabelas noted that they had said that the higher end shopping malls bring in the better clientele. She then asked about the ramps that were going to be re-configured and if that would require the ramp system being shut down.

Mr. Fisher said that the ramps do not get shut down. The new ones would be built in stages and phases and the old continue to operate until the changeover. The north side would be the first part and the south is something that is done in conjunction with the DOT.

Mr. Nickerson noted that this application is for a text amendment only and that some of this discussion is way beyond the scope of this application. He asked that they stick to the text amendment. He asked if Attorney Harris had other items to present.

Attorney Harris said that he did not and said that they were ready to hear from the public.

Mr. Nickerson noted the rules for public comment and asked that speakers address the Commission and not the applicant. He then called for anyone from the public who wished to speak in favor of this application –

Mike Schulz, Lovers Lance said that he is a small business owner in Flanders and that he gets business from New Hampshire, Providence and outside of Hartford. He said that his business is destination based and that he does not see where the Gateway would have a negative impact on his business. He sees this as positive and also does not see 50 kids as a negative. He does not think that the businesses that could be drawn into this area would bring adverse people in and cited the fact that both houses that he has lived in have been broken into without the Gateway area developed. They have a good developer here who is concerned for the Town and he said that he sees this as a win-win situation. With respect to the water and sewer, that will come at a later stage and no matter what goes there, that will be necessary.

Chris Miner, 16 Laurelwood Drive South said that he is not sure if he is in favor of this or not. It seems that the fiscal impact is good but he said that he is not sure that all of it will accrue to East Lyme. He has looked at the types of businesses that we have and feels that some would be impacted. He asked that in the Zoning regulations that they restrict the type of usage so that they will not wipe out the existing businesses. He said that he understands that some of the businesses will come and go and that they cannot protect all of them. He said that he thinks that the developer could donate say \$50,000 to the downtown area.

Steve Rebelowski, 24 Higganum Place said that he lives one-quarter of a mile from the Gateway and that he has worked for the East Lyme & Waterford Police Departments for his entire career. He recently retired from the Waterford Police Department. He said that in 1985 Waterford had 43 police officers and that today they still have 43 police officers. People complain about the Crystal Mall but all of the other shopping areas have come in since then and the 43 officers have never changed and they make it work. So, they too - can make it work. He said that he has a concern with the on and off ramp to I-95 and asked if it is going to come from Rte. 161 thru to the State and if the Town would have to control the traffic lights in that area. He said that they need more than one way in and one way out and that they would need to consider that. He said that he would be more concerned with the fire and ambulance rather than the police as alarm calls are a strain on the fire and ambulance people who do not have a full complement of 20, 30 or 40 people working with them like the police do.

Paul Formica, First Selectman said that he is speaking in favor of the text amendment and that he would take his First Selectman hat off and speak on this from the 'business hat' perspective. When new businesses come in, and; they have had 10 national chains come in within the last five (5) years; they can bet that it has affected the dining establishments in the area. It has made them change their business and how they do business and it has made them better. Flanders is still growing and Niantic is changing. He said that he has met with the casino managers and that they have picked up the slack from the downsizing of Pfizer. The new MGM Grand Hotel that is being built up there is a good example. He said that he asked them how they could do this, considering the economic climate and they told him that they appeal to a whole different demographic of people in the 25-55 year old age range with an income of \$90,000+. The casino will spend over \$21M advertising to get that demographic there and these people will drive right through us to get there. He said that Niantic is making a comeback – they have received one STEAP Grant and have applied for another. With the demographic, this will continue to grow and a tourist dollar is spent between one (1) and 50 times. He said that there are 12 restaurants on Flanders Four Corners and here they are talking about a unique parcel of property and the developer is entitled to make a profit on his development of that parcel. The 1997 Yale Charrette calls for exactly this type of development on this parcel – and if not this, then what? He said that he thinks that the Gateway is the host to the Mystic Coast and Country area, and that the Town could certainly use the tax revenue. They have heard talk about services; Police, Water and Sewer, Fire, etc. but the fact is that they will need these anyway and they will also need to increase the tax dollar. Only 3% of the property in this Town is zoned for commercial development and they need to have the commercial areas humming as best as possible. He said that water and sewer is working on drilling a new well and chlorinating the water as the State is pressing in on the Town to chlorinate the water and for a water regionalization system. He said that he would like us to be a water seller rather than a water buyer and that regardless, they need to do this. They are also looking into taking the salt water and turning it into drinking water. This is the last piece to the puzzle in the commercial zone. He said that he thinks that the developer has been a good listener, has adapted to work with us and the neighbors and that they need to think win-win and long-term and this; creates solutions.

Steve Rebelowski, 24 Higganum Place said that he wanted to add that in 1983 that the City of New London was paying money to have the Crystal Mall put in so that they could get the increased traffic from it.

Mr. Nickerson then called for anyone from the public who wished to speak against this application – Mark Van Wart, 49 Corey Lane said that he has been here for over 40 years and that he is concerned over the text amendment change as it would add to congestion and accidents on I-95. He said that safety should be more important to them than tax dollars. He said that he is not going to make a penny from this and that he would rather work the extra days per year and pay the extra taxes. The low paying jobs that this would bring would put a tax burden on them. He asked if the market analysis was done for things other than the retail.

Mr. Nickerson responded that what is being proposed is retail and that it has been changed from office and that the applicant is not responsible for coming up with all sorts of scenarios.

Barbara Johnston, 35 Sea Crest Ave. said that she has heard a lot of speaking tonight, but not to address the text amendment. She asked if it could be an 'umbrella' for the whole Town.

Mr. Nickerson said that it is defined for the 'Gateway' area only.

Ms. Johnston said that with respect to the traffic study that she heard that 'in the 1990's' and that she does not think that is valid now. She asked what the build out time frame was and where the minutes were from the neighborhood meetings that the developer held and if any were taken. She said that they used 18,000 as the population figure and asked about the summer population and if that was used. She said that she did not see any improvements to Rte. 161 and asked if there were any. They had mentioned market-rate apartments and not Affordable Housing. Would there be any Affordable Housing units and if not, why not – as the Town needs them. She said that the underground utilities should be in the text amendment. She asked why this is not office or light industry. She asked if the R-40 area near the neighborhoods has been deeded to the Town. She said that she is against the text amendment as proposed and they should deny the change. Regarding the comments on the spillover from the casinos – she said that she does not think that this will happen at all as she has worked at the casinos and the people will just drive right through here and not stop. She submitted her comments for the record. They were entered as **Exhibit 7**.

Bob Gadbois, 358 Boston Post Road said that when he was growing up that he took the bus to New London and it was a thriving Town. Then they built the New London Mall and the people went there and then the Crystal Mall was built and the people went there and all of this affected downtown New London. This will affect downtown. Regarding the school kids, he said that he went to a meeting and Dr. Smotas said that there are some 80 kids that are coming from the Sea Spray development and that this does have an effect on them.

Dave Carlson, 9 Wells Street said that he thinks that if this can be put into law that it can also be taken out. He said that he stays here because of Niantic and Flanders and that he does not want to live in a Town that has a mall. Barnes & Noble and Bed, Bath & Beyond mean nothing to him as he can go to the Book Barn and soap is easy to come by anywhere. There has to be more of a driving force than money and he chooses not to live near Target and such stores.

Kevin Regan, 12 Luce Ave. said that he was concerned with the proposed text amendment and feels that the POCD controls should be adopted. If the tax dollars would be the same for other than retail, he said that he would prefer that it be non-retail. He also submitted one sheet of signatures representing residents against this application. This was entered as **Exhibit 8**.

John Wagner, 45 Walnut Hill Road said that he is against the developer driven text amendment changes and that he thinks that 'we can decide for ourselves' and the developer can follow with what we decide. 'We' can change the regulations and not the developer. He also asked if this would change the ISO rating and if so – how. He said that they should know that the occupancy rate of most of these retail areas is only at 80%.

Bart Pacekonis, 39 Blue Ridge Drive, South Windsor, CT said that he is a Planning & Zoning official in South Windsor and that the larger retail brings in low-paying jobs and housing that tax the services of the community such as police and fire. They would also need 50% of the proposed residential housing to be Affordable Housing to accommodate these jobs. Regarding police, two cops go on calls and it would cost over \$100,000 for the cops so it will tax services. He cited Evergreen Walk where he lives and said that it is mixed use and that they asked the developer to tailor it to how they wanted it built as they wanted the best shops and high end shops. To that end, it has medical and office space and shops such as LL Bean and also fitness. He said that they had a concern with the buildings and had the developer finish the sides to give a better appearance as they would not be hidden by landscaping. He said that the examples of the shops that were given are not high end. He said that as he reads it that there is no public hearing involving this site plan and he thinks that the public should be involved in the approval process. He said that he thinks that they can design what they want better than the developer.

Mr. Nickerson asked Mr. Pacekonis what percentage of the property in South Windsor was devoted to commercial development.

Mr. Pacekonis said that South Windsor was 17% industrial however through the efforts of an aggressive Town Leader, they are now at 30% commercial/industrial and this brings in the tax dollars. He said that they also picked up retail from the Buckland shops which have fanned out to their doorstep.

Mr. Nickerson said to Mr. Pacekonis that they are talking about two very different universes as East Lyme has only 3% commercial/industrial land.

Ms. Carabelas asked is he has seen the preliminary pictures that they have here depicting what this might look like.

Mr. Pacekonis said that the pictures are great but they are one thing and the development is another.

Mr. Nickerson asked Mr. Pacekonis if he was present for the first part of this public hearing and the PowerPoint presentation.

Mr. Pacekonis said no, but added that he did pick up a copy of the disk presentation.

Mr. Salerno asked if the office and other area were sold that way.

Mr. Pacekonis said that they were conceptual and that there was a conceptual for the bike paths and band shells however they never materialized as they were a carrot that was out there that did not happen. He said that he is now in favor of the true mixed use. He lastly added that he may not have mentioned it before; but he is speaking on behalf of 30 carpenters as he is also a Carpenter's Union representative.

Bob Gadbois, 358 Boston Post Road said that this is located over the aquifer and that the asphalt does not allow the water in. He said that the First Selectman spoke on a de-salination plant and that those plants do not come cheap as if they did, you would see them up and down the coast.

Barbara Johnston, 35 Sea Crest Ave. complimented the man coming from South Windsor and said that Rocky Hill also did different things with their commercial areas. She suggested that they take a ride out to look and see what was done so they will have more ideas.

(Note: A brief break was taken here)

Mr. Nickerson called for any other public comments –

Robert Corriveau, 296 Millstone Road East said that he represents the carpenters and about 30 of his fellow members. They heard about the aquifers and the run-off will go into detention ponds; some wells could also be drawn down in other areas from this. And – when they open and then some of the stores go vacant – what is to stop an unsavory store from going into the vacant area.

Mr. Nickerson noted for the record that they have a subcommittee hard at work on 'adult uses'. He added that they are also very well aware of the aquifer.

Attorney Harris said that they have heard a variety of comments and that what they are talking about here is a 'text amendment only' and that it is only at the next stage that they would begin to deal with the other items that have been mentioned. He also recalled that the Planning Commission unanimously endorsed this text amendment on referral as being consistent with the Plan of Conservation & Development and the Yale Charrette report to channel future commercial growth toward this area. He asked that they move forward on this so that they can get to the next phase.

Mr. Salerno said that he is a proponent of office space and that he does not see where it is exempted here. Attorney Harris said that it is not exempted – the items listed such as retail and residential are there because they have limits on them – there is no exemption of office space.

Mr. Salerno said that he would like insurance that office space would be a component.

Mr. Fisher said that they have that power at the MDP stage and that they do not really want to be dictating to the market what it would be as that is the way that this 'Gateway' has been for many years and the demand is not there for it and that is why it has not been developed over so many years.

Mr. Salerno said that maybe not in terms of square feet – but just in terms that there will be an office component.

Mr. Nickerson clarified to Mr. Salerno that Mr. Fisher has just said that you would 'hand cuff' the project by making a requirement for an office component.

Bill Sweeney, Certified Land Planner, TCORS explained that the criterion states that it must be a 'mixed use'.

Mr. Fisher said that they had said at the prior public hearing that they would do some office component and that they are committed to it as part of the project. He said that it would be a mistake to make it required in the text amendment.

Mr. Sweeney said that this leaves the door open for creativity as it is a very strong amendment.

Mr. Carpenteri asked if they are proposing any Affordable Housing.  
Attorney Harris said no.

Mr. Nickerson commented that they would be market rate apartments.

Attorney Harris said that the Planning Commission unanimously found this text amendment to be consistent with the Plan of Conservation and Development.

Mr. Salerno asked Mr. Mulholland if it would be taken off of the original area if a hotel wanted to be put here – would they be able to re-configure the retail and make those decisions and still have office space.

Mr. Mulholland said that would come at a later time as this is only the text amendment stage.

Mr. Fisher said for the record that they will very strongly consider having some office space there.

Attorney Harris explained that if you mandate it that you stick yourself with something that you may not want or even worse that would not work.

Mr. Gada noted that someone out there had suggested that this would allow someone to come forward with something unique. He said that he would like to see that happen.

Attorney Harris said to Mr. Gada, 'exactly' and this allows that to happen.

Mr. Nickerson asked if the Commission had any other comments or questions –  
Hearing none –

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

**\*\*MOTION (1)**

**Ms. Carabelas moved that this Public Hearing be closed.**

**Mr. Gada seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

Mr. Nickerson closed this Public Hearing at 10:15 PM.

(Note: A brief break was taken here)

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary

Proposed Zoning Text Amendment  
Gateway Planned Development District  
Master Development Plan

**11.A.9 Master Development Plan (MDP)**

As an alternative to the traditional parcel by parcel development of the GPDD Gateway Planned Development District under the preceding provisions, the Commission may, subject to a public hearing, adopt a Master Development Plan (MDP) that modifies the zoning requirements of the District in accordance with the following standards.

**11.A.9.1 Purpose**

The purpose of the MDP process is to encourage the comprehensive planning and coordinated mixed-use development of multiple parcels within the District, promote creativity and superior design through flexible and context-sensitive development standards, support significant economic investment, reduce impacts associated with large-scale development, and provide protection to adjoining neighborhoods.

**11.A.9.2 Effect**

The adoption of an MDP shall modify the zoning requirements of the GPDD Gateway Planned Development District as specified by the MDP and except as provided in Section 11.A.9.2.1 and 11.A.9.2.2 shall allow for deviation from the typical requirements for use, bulk, and other development standards. Any provision of the East Lyme Zoning Regulations applicable to the property and not specifically superseded by adoption of the MDP shall continue in full force and effect.

**11.A.9.2.1 Retail Use**

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

- (A) Not more than one (1) anchor store, containing no more than 140,000 square feet of net floor area, shall be allowed.
- (B) Not more than Five (5) junior anchor stores, typically ranging from 25,000 to 90,000 square feet shall be allowed, provided that no single store may exceed 90,000 square feet of net floor area, and not more than two (2) such stores may exceed 50,000 net floor area.
- (C) Notwithstanding Subsections (A) and (B) above, not less than twenty-five (25%) percent of all retail space in the MDP shall be contained in stores with less than 20,000 square feet of net floor area.

Attachment RHI Zoning 3/6/08

- (4) Proposed location of landscaping, buffering, and screening.
  - (5) Utility and highway improvements.
  - (6) Construction phasing plan.
- (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.
- (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) Roof lines 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.

#### 11.A.9.5 Approval Criteria

The adoption of a MDP shall require a public hearing with notice of the hearing made by publication. 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 goal of the GPDD Gateway Planned Development District to broaden the Town's tax base while providing a coordinated development, in harmony with the underlying aquifer protection district, calculated to maximize the potential of the district.
- (3) Consistency with the purpose of the alternative MDP process.
- (4) Consistency with the orderly development of the District with provisions for necessary utility and traffic infrastructure and in harmony with the surrounding land uses.