

Jessica Laroco

From: William R Sweeney <wrsweeney@tcors.com>
Sent: Thursday, July 31, 2025 10:39 AM
To: Bill Mulholland; Jessica Laroco
Subject: Gateway Development Standards Amendments
Attachments: Zoning-July-31-2008-Minutes.pdf

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Bill & Jess:

Thanks for the call. My application seeks to add three new permitted uses to the Development and Architectural Standards for the Gateway Commons Master Development Plan which was approved 7/31/2008 (17 years ago today!).

- 1) Light Industrial and Manufacturing Uses
- 2) Warehouse and Wholesale Storage
- 3) Screened Outdoor Storage of Box Trailers

I have attached the minutes of the 7/31/2008 meeting that include the approved Development and Architectural Standards which starts on 6th page of the minutes package. The 8th page of the package has the list of approved permitted uses (a – m). The three new uses would be added as (n), (o), and (p). Does that make sense?

Bill

William R. Sweeney, Esq. | Partner

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FILED IN EAST LYME
Aug 6, 2008 AT *10:00* *9* M
L. A. Blair, ATC
EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
SPECIAL MEETING
Thursday, JULY 31st, 2008
MINUTES**

The East Lyme Zoning Commission held a Special Meeting on Thursday July 31, 2008 at the East Lyme Town Hall, 108 Pennsylvania Ave., Niantic, CT.

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

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Jay Fisher, SK Properties
Chris Knisley, KGI Properties
John Mancini, BL Companies
Bill Sweeney, TCORS
Bob Bulmer, Alternate
Gregory Massad, Alternate

ABSENT: William Dwyer, Alternate

Chairman Nickerson called this Special Meeting of the East Lyme Zoning Commission to order at 7:32 PM.

Pledge of Allegiance

The Pledge was observed.

Public Delegations

Mr. Nickerson called for any comments from the public regarding matters not on the agenda.

Mark Butterfield, 8 Upper Walnut Hill Road said that he wanted to speak regarding the Walnut Hill Country Club –

Attorney Theodore Harris objected and said that it is not appropriate to discuss a pending application that is to come before them.

Mr. Nickerson said to Mr. Butterfield that what Attorney Harris said was correct in that they cannot take public comment on pending applications.

Special Meeting

- 1. Application of Theodore A. Harris for Gateway Development/East Lyme LLC, for approval of a Master Development Plan in accordance with Section 11.A.9 of the East Lyme Zoning Regulations for property identified in the Application as: 284 Flanders Road, East Lyme Assessor's Map 31.3, Lot 1; Flanders Road, East Lyme Assessor's Map 31.0, Lot 1; 294-2 Flanders Road, East Lyme Assessor's Map 31.3, Lot 5; 282 Flanders Road, East Lyme Assessor's Map 31.3, Lot 2; 286 Flanders Road, East Lyme Assessor's Map 26.0, Lot 2; Ancient Highway, East Lyme Assessor's Map 25.0, Lot 36; Flanders Road, East Lyme Assessor's Map 31.1, Lot 9; Boston Post Road, East Lyme Assessor's Map 31.1, Lot 8.1; 4 Church Lane, East Lyme Assessor's Map 31.1, Lot 11; and 138 Boston Post Road, East Lyme Assessor's Map 31.1, Lot 7.**

Mr. Nickerson noted that some of them may have been instructed that this was a public hearing in which they would be able to speak. He apologized that they may have been so misinformed and said that both of the

applications under discussion this evening are for Commission discussion and decision only as public testimony has already been taken.

Mr. Nickerson then called for discussion from the Commissioners on the Application of Theodore Harris for Gateway Development/East Lyme LLC noting that they had heard considerable testimony the previous week as well as in many workshops.

Ms. Carabelas said that she would like to address the issue of the height of the apartments that would be built. She said that she is uncomfortable with the height even though she knows that they meet the regulations to the roof line.

Mr. Gada said that he has a problem with the in and out roadway discussion from the last meeting where they come out somewhere near the Fire department and the cemetery.

Mr. Nickerson asked that they stay with one item at a time and said that they do have other buildings in Town that are that high/tall – such as Windward Apartments, Sea Spray and he has heard that Hope Street is even taller at 52' whereas these are only 50'. He said that he does not have a problem with the height as the buildings are being put in an area where the elevation is lower and they will not stick out. Also, they are lowering the number of residential units from 400 to 275 and by doing that, this can create more open space area and larger buffer zones rather than more buildings and impervious area.

Ms. Carabelas said that she does know that the neighbors are much happier with the number and type of units going there.

Mr. Salemo said that he has tossed that question around and asked himself if he would want taller buildings in the lower topographical area or more buildings spread out over more area.

Mr. Peck said that he does not have a problem with the height and that when it gets to the site plan approval stage that he wants to see the buildings in the lower area.

Mr. Nickerson asked Mr. Gada about his concern regarding the exit to Route 1.

Mr. Gada asked if it was pointed out that it is across from the entrance to the High School.

Mr. Salemo said that it is not there, it is across from the empty lot next to the pizza place.

Mr. Nickerson said that the exit comes out on the other side of the fire house and that the big plan is to move the High School entrance and make it a four-way intersection with a light and turning lanes to make the entire area safer.

Mr. Salemo said that makes sense and that they would have more say at the site plan stage.

Mr. Nickerson said that they do not have any say on a State Road anyway as the State will make that decision and the applicant has volunteered to widen the road and put in the turning lanes. Also, regarding the land on the sides, some of it belongs to the DOT as a right of way anyways – such as the area in front of where the new CVS will be in the Flanders Plaza.

Mr. Gada noted that he was satisfied at this point.

Mr. Salemo said that in looking over the materials that if they were proposing changes that he does not want to see vinyl sided commercial buildings and suggested that they add that the use of vinyl siding shall be limited as it would give them some flexibility without tying their hands. He would also like the grade of the vinyl siding to be subject to Commission approval. Regarding masonry he said that he also does not want to see a complete masonry building.

Mr. Peck suggested that they add a line under Item #1 as letter 'e' that states that these items may be limited or adjusted by the Zoning Commission. He said that he thinks that they already have this ability but he would suggest they add it as that would take care of the trim and siding etc.

Mr. Carpenteri noted that it would give them a say on the grade of the siding, etc. however he suggested that they should remain open to the use of siding as they make high grade products that do not even look like siding.

Mr. Salemo agreed that adding the statement as 'e' would work.

Mr. Peck said that he was concerned with the section of road south of I-95 to King Arthur Drive as they currently have around 25,000 cars per day passing through and the area is not surpassed except by Groton. On a peak Saturday they currently have 21,900 cars passing through and they project 28,010 after the project is done which by his calculations is a 28% increase. However, he said that he does not think that this includes the Rte. 1 mitigation/access plan or the light near the Shack and that mitigation plan.

Mr. Salemo said that the report shows the level of service.

Mr. Peck said yes, it does and that it is rated acceptable.

Mr. Nickerson asked what the level of service was in terms of present and going to –

Mr. Salemo said that the frontage road level at peak hours goes from B to C; the redone exit ramps for I-95 south stay at level A on Friday peak hour and goes from a level A to B on Saturday peak hour. The I-95 North goes from a level B to a level C during the peak times.

Mr. Nickerson said that the applicant is volunteering to do these improvements at their own cost and that they involve State roads.

Ms. Carabelas said that the State has to approve this anyway.

Mr. Peck said that he is also concerned with the setbacks on Page 3 and the buffers on Page 6 and that he has a specific situation in mind here with respect to the cemetery. The 6' and 10' with respect to the cemetery make it so that they can be right next to it. He said that he would like to see a larger buffer or setback in that area and the possibility of adding more trees so that people visiting the cemetery are not looking out on buildings.

Mr. Salemo noted that it is site plan specific.

Mr. Peck said that this was an after thought of his from one of the workshops as the cemetery is in a commercial zone.

Mr. Salemo said that it has to be a 10' buffer and that could be two rows of pine trees wide placed so that you could not see through them.

Mr. Peck said that his thoughts were that they could increase the setback or the buffer and double the evergreens for the winter landscape. He suggested that after Item #3 on Page 3 that they might add: 'Unless otherwise approved or required by the Zoning Commission.'

Mr. Nickerson said that they have a staff of architects and that they should know how to do this and to come in with a good plan for this.

Mr. Peck suggested that they change it to 100'.

Mr. Salemo, Mr. Nickerson and Mr. Carpenteri said that they would not be in favor of that.

Mr. Carpenteri suggested that on Page 6 that they change the buffer from 10' to 20' and that the Zoning Commission may choose to make it a landscape buffer.

Mr. Peck suggested that it be 20' unless otherwise approved by the Commission.

Mr. Peck said that on Page 7 in Item #8 on Irrigation that it states that it should not be supplied by the public water system without prior approval of the Water & Sewer Commission.

Mr. Salemo suggested that they add that they can use 'gray' water.

Mr. Peck noted that the next item number under 8 should be changed to number 9 as there are two 8's.

Mr. Salemo asked that they remove the word 'acceptable' where it appears and relates to 'representative samples'. He cited pages 5, 6, 8, 11, 15, 19 and 23 and noted that any other pages where it might appear should also be included.

Mr. Peck asked that about Item #4 on Page 14 regarding the sale of alcoholic beverages not being subject to any Town separation requirements.

Mr. Carpenteri said that the State follows the Town on these requirements and that historically liquor establishments have to be so many feet from each other.

Ms. Carabelas said that they are talking about ONLY within this development here.

Mr. Salemo said that he did not think that it should be different from the Town.

Mr. Peck said that he did not want to give unfair advantage to this.

Mr. Nickerson said that the point of putting it in here is that they are building a mini-Town and that this is the only area that it would apply to.

The Commission decided that they would strike Item #4 under Miscellaneous Provisions and move all the following numbers up.

Mr. Nickerson said that he would address the drive-thrus at a later time when and where they were being proposed. He noted that he would like the Commission to take control of primary and secondary free-standing signs and asked that on Page 10 in Item #2 b that the last line be changed to read: . . . 'adjacent to each access to a State highway or State road.'

Mr. Nickerson asked if they were ready to make a motion.

****MOTION (1)**

Mr. Salerno moved to APPROVE the Application of Theodore A. Harris for Gateway Development/East Lyme LLC, for a Master Development Plan in accordance with Section 11.A.9 of the East Lyme Zoning Regulations for property identified in the Application as: 284 Flanders Road, East Lyme Assessor's Map 31.3, Lot 1; Flanders Road, East Lyme Assessor's Map 31.0, Lot 1; 294-2 Flanders Road, East Lyme Assessor's Map 31.3, Lot 5; 282 Flanders Road, East Lyme Assessor's Map 31.3, Lot 2; 286 Flanders Road, East Lyme Assessor's Map 26.0, Lot 2; Ancient Highway, East Lyme Assessor's Map 25.0, Lot 35; Flanders Road, East Lyme Assessor's Map 31.1, Lot 9; Boston Post Road, East Lyme Assessor's Map 31.1, Lot 8.1; 4 Church Lane, East Lyme Assessor's Map 31.1, Lot 11; and 138 Boston Post Road, East Lyme Assessor's Map 31.1, Lot 7; with the following modifications: Remove the word 'acceptable' where it appears and relates to 'representative samples' (pgs. 5, 6, 8, 11, 15, 19 & 23); Page 6, Item 2b change the buffer from 10' to 20' and add 'unless otherwise approved by the Zoning Commission'; Page 14 – Strike Item #4 and renumber accordingly; Page 10 on signage, Item 2b change the very last line at the end to read: 'state highway or state road'; Page 21 – Add a line that states: 'All materials may be limited or adjusted by the Zoning Commission' and regarding irrigation water – 'acceptable 'gray' water may be used'.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

(Note: Copy of MDP Standards showing above changes is filed with the Town Clerk)

It was noted that this would publish on 8/7/08 and become effective on 8/8/08.

2. Application of Frances and Robert Mattison for a Special Permit under Section 3.2.3 to operate a dog kennel at property identified in the Application as 98 Grassy Hill Road, East Lyme, CT.

Mr. Nickerson called for discussion on this application.

Mr. Salerno said that he took a look at the acoustical report/study and that while studying electrical engineering, he studied acoustics and that he now does underwater acoustics. He looked at the report and while the math is 'dead on' and correct some of the assumptions are incorrect. 'Shadowing', the absorption of trees which was mentioned – he said that he was not sure how much sound is absorbed but there are not a lot of trees in certain areas there. The study was done for 300' from the closest property and the attenuation distances were based on grade. He said that he was not sure if that was totally correct and that the fence material would have to be heavy and vinyl would not be able to achieve this and for the study to be accurate – they would have to have a concrete block. Considering this, he said that he does think that the noise would be a nuisance. Also, the regulations state a 'kennel' and he said that doggie daycare is not a kennel as it would mean more vehicle trips per day for people dropping off and picking up rather than with a kennel where people would be leaving their pets for a week or two. He said that he could to approve this with the doggie daycare and that he thinks that based on the acoustic report that there would be a problem up there with the kennel.

Mr. Carpenteri said that this is a large property and that there could be another area on it where the kennel could go so that it is farther from the neighbors so that the noise would be less of a problem to them.

Mr. Gada said that he has trouble with the doggie daycare and all of the traffic that would be generated by it and that he agrees with what his fellow Commissioners have said.

Mr. Peck said that he finds it difficult in trying to support someone who wants to do business in Town when they have to consider a number of things so that they have orderly development. He said that he drove up to this area and that he can hear the birds and it is very quiet and that this would upset this quiet corner. He

said that he also considered that there are people who ride horses up there and that horses are 'strange' animals and could be spooked by dogs barking and someone could get hurt. He said that the opposition from the neighbors was one of the strongest that he has seen and that is what drove him to go up to check out the area. He said that he does not think that this fits in with the harmony of the neighborhood.

Ms. Carabelas said that she did the same thing that Norm did and went up to check out the area and that she had to agree with what her fellow Commissioners have already said.

Mr. Salerno said that he also drove up there and that he was also concerned with the sharp curve in the road.

Mr. Nickerson asked if they were ready to make a motion on this application.

****MOTION (2)**

Ms. Carabelas moved to DENY the Application of Frances and Robert Mattison for a Special Permit under Section 3.2.3 to operate a dog kennel at property identified in the Application as 98 Grassy Hill Road, East Lyme, CT.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

It was noted that this would publish on 8/7/08 and become effective on 8/8/08.

Adjournment

Mr. Nickerson called for a motion to adjourn.

****MOTION (3)**

Mr. Salerno moved to adjourn this Special Meeting of the East Lyme Zoning Commission at 9:35 PM.

Mr. Carpenter seconded the motion.

VOTE: 6 – 0 - 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary



GATEWAY COMMONS

MASTER DEVELOPMENT PLAN

DEVELOPMENT & ARCHITECTURAL STANDARDS

KGI Properties / SK Properties Development

June 2008

*Remainder
Attachment to Zoning Spec. reg. 7/31/08*

Introduction

Section 11.A.9 of the East Lyme Zoning Regulations allows for the adoption of a Master Development Plan (MDP) as an alternative to the traditional parcel by parcel development of the GPDD Gateway Planned Development District. The East Lyme Zoning Commission may, subject to a public hearing, adopt an MDP that modifies the zoning requirements of the District and allow for deviation from the typical requirements for use, bulk, and other development and architectural standards.

Any provision of the East Lyme Zoning Regulations applicable to the District and not specifically superseded by adoption of the MDP shall continue in full force and effect.

The following Development and Architectural Standards for the Gateway Commons Master Development Plan are submitted pursuant to Section 11.A.9.4, subsections (c) & (d), of the East Lyme Zoning Regulations.

These Development and Architectural Standards shall be binding upon all future development within the MDP area unless formally modified by the East Lyme Zoning Commission.

Permitted Uses

Purpose:

To provide for categories of permitted uses allowed, subject to Site Plan Approval, within the Gateway Commons Master Development Plan.

Standards:

- 1) The following shall be permitted uses subject to Site Plan Approval:
 - a) Retail stores subject to the restrictions of Section 11A.9.2.1.
 - b) Multifamily and townhouse residential dwellings subject to the restrictions of Section 11A.9.2.2.
 - c) Standard and fast-food restaurants without drive-thru facilities.
 - d) Business, professional, and medical offices.
 - e) Business and personal service establishments.
 - f) Health clubs and recreational facilities.
 - g) Day care centers.
 - h) Hospitals and clinics.
 - i) Hotels and conference centers.
 - j) Research, design, and development facilities.
 - k) Trade and technical schools and facilities of higher learning.
 - l) Corporate headquarters.
 - m) Parking garages, utility infrastructure, and other accessory uses customary and incidental to any of the foregoing principal uses.

Regulations Superseded:

Section 11A.1 (Permitted Uses)
Section 11A.2 (Special Permit Uses)

Bulk & Dimensional Requirements

Purpose:

To provide tailored standards for the development of lots within the Gateway Commons Master Development Plan.

Standards:

- 1) Lot Size. The minimum lot size shall be 20,000 square feet.
- 2) Frontage. The minimum street frontage shall be 75 feet.
- 3) Setback. No building or structure shall be placed less than 10 feet from a street line or less than 20 feet from other property lines unless otherwise approved by the Commission.
- 4) Coverage. The total area covered by all buildings and structures, excepting parking garages and other parking and access infrastructure, shall not exceed 40 percent of the lot area.
- 5) Height. No non-residential building or structure shall exceed 40 feet in height and no residential building or structure shall exceed 50 feet in height unless otherwise approved by the Commission.
- 6) Height Limitation. Spires, cupolas, towers, chimneys, flagpoles, solar panels, ventilators, tanks and other similar architectural features may be erected to a reasonable and necessary height as approved by the Commission to achieve the architectural standards of the MDP.

Regulations Superseded:

Section 11A.3 (Dimensional Requirements)
Section 20.12 (Height Limitation)

Parking & Loading

Purpose:

To provide flexible parking requirements based on the mix of potential uses within the Gateway Commons Master Development Plan which both limit the unnecessary construction of impervious surfaces and are appropriate for the associated peak hours of demand.

Standards:

- 1) **Parking Space Dimensions.** Each standard vehicle parking stall shall contain a rectangular area not less than 9 feet by 18 feet. No more than 25% of the vehicle parking stalls on any lot may be designated as compact spaces which shall contain a rectangular area not less than 8 feet by 16 feet.
- 2) **Off-Street Parking Space Requirements.** Multiple mixed uses shall be encouraged to share off-street parking spaces. The total number of shared parking spaces required shall be calculated using the Urban Land Institute's Shared Parking (2nd Edition) and Parking Requirements for Shopping Centers, or acceptable equivalent, noting the proposed mix of potential uses and the peak hours of demand for each use. A Shared Parking Analysis, substantiating the number of parking spaces provided and prepared by a qualified professional, shall be submitted with the MDP for review and approval by the Commission.
- 3) **On-Street and Overflow Parking.** The Commission shall consider the availability of on-street parking along public streets and private driveways as well as provisions for overflow parking facilities in their review and approval of the Shared Parking Analysis.
- 4) **Pedestrian Access.** Parking areas shall be located and designed to encourage safe and convenient pedestrian and handicap access to multiple mixed uses.
- 5) **Residential Parking.** Parking spaces for residential uses may be designated in surface parking areas and garages as well as driveways for individual units.
- 6) **Loading Spaces.** Nonresidential uses greater than 20,000 square feet in floor area shall provide one (1) paved off-street loading space not less than 10 feet in width, 30 feet in length, and with 14 feet of vertical clearance. Sharing of loading spaces among uses shall be permitted.

Regulations Superseded:

Section 11A.3.5 (Off-Street Parking and Loading Space)
Section 22 (Off Street Parking and Loading)

Streets & Sidewalks

Purpose:

To provide standards for the construction of safe and convenient vehicular and pedestrian access within the Gateway Commons Master Development Plan.

Standards:

- 1) **Access Points.** A minimum of at least two potential access points to an approved public street or highway shall be identified for the development. The sequence of construction of these access points shall be clearly identified in the phasing plan for the development and approved by the Commission.
- 2) **Town Roads.** Town roads within the development shall have a minimum roadway width of 24 feet and a 50 foot right-of-way and shall conform to the other requirements of the East Lyme Subdivision Regulations unless otherwise approved by the Town Engineer. Where possible, town roads may consist of a boulevard design consisting of two 16 foot wide lanes with an 8 foot median.
- 3) **Private Driveways and Parking Areas.** Private driveways and parking area aisles designed for vehicular traffic shall have a minimum width of 15 feet for one-way traffic and 22 feet for two-way traffic. Private driveways and parking areas shall not be required to conform to town road standards. See attached Fig. 1 for pavement structure specifications for private driveways and parking areas.
- 4) **Sidewalks.** All sidewalks within the development shall be constructed of concrete or other material approved by the Commission. Sidewalks, no more than five (5) feet wide and located within the public right-of-way where possible, shall be provided along at least one side of every town road. Sidewalks, no less than four (4) feet wide, shall be provided along private driveways and within parking areas as necessary to encourage safe and efficient pedestrian movement. The construction or extension of sidewalks shall not be required offsite or outside of the MDP area. See attached Fig. 2 for construction specifications for sidewalks.
- 5) **Curbing.** Curbing within the development shall be located and selected by type as necessary for safety and storm water design and shall be constructed of materials selected as appropriate for visual appearance, level of traffic, and tenant needs.
- 6) **Crosswalks.** All crosswalks within the development shall be located to maximize the safety and convenience of pedestrian movements. Crosswalks may be painted on pavement or constructed of another material as approved by the Commission. See attached Fig. 3 for construction specifications for raised crosswalks where required.

Regulations Superseded:

Section 11A.4 (General Requirements)
 Section 20.23 (Private Driveways)
 Section 24.6(A) (Surfacing and Drainage*)
 Section 24.6(B) (Driveways)
 Section 24.6(C) (Sidewalks)

*(provisions for requiring private driveways to be constructed to town standards only)

GATEWAY COMMONS
 East Lyme, CT

KGI Properties / SK Properties Development
 Arrowstreet Architects / BL Companies / TCORS

Revised 6/10/08

A: STANDARD DUTY PAVEMENT SECTION
[PRIVATE DRIVEWAYS/ROADWAYS]

1-1/2" SURFACE COURSE (CLASS 2)
1-1/2" BINDER COURSE (CLASS 1)
12" PROCESSED STONE BASE (FORM 816, M.02.03 OR M.05.01) *
COMPACTED, STABLE SUBGRADE

B: HEAVY DUTY PAVEMENT SECTION
[PRIVATE DRIVEWAYS/ROADWAYS]

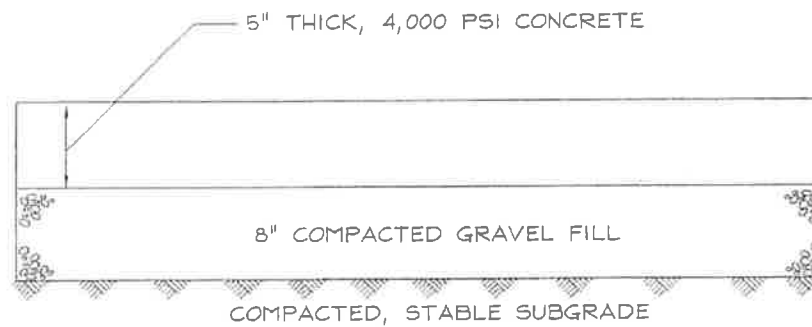
2" SURFACE COURSE (CLASS 2)
2" BINDER COURSE (CLASS 1)
12" PROCESSED STONE BASE (FORM 816, M.02.03 OR M.05.01) *
COMPACTED, STABLE SUBGRADE

NOTES:

* THE ACTUAL THICKNESS OF THE PAVEMENT COURSES AND BASE MATERIAL MAY BE ADJUSTED BY THE GEOTECHNICAL ENGINEER AFTER THE EVALUATION OF THE ACTUAL SITE SUBGRADE CONDITIONS AND THE TENANT/OWNER REQUIRED PAVEMENT LIFE.

FIGURE 1
BITUMINOUS ASPHALT PAVEMENT SECTIONS

CONCRETE SIDEWALK SECTION *

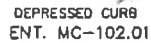


NOTES:

* WIDTH OF SIDEWALK TO BE A MINIMUM OF 4-FEET WITHIN THE GPDD SITE AND ALONG PRIVATE DRIVEWAYS, AND A MAXIMUM OF 5-FEET WITHIN PUBLIC STREET RIGHTS-OF-WAY. LOCATION OF SIDEWALK WITHIN PUBLIC STREETS TO BE DETERMINED BY UTILITIES AND WIDTH OF RIGHT-OF-WAY WITH APPROVAL OF THE TOWN ENGINEER. SIDEWALK IN PUBLIC RIGHTS-OF-WAY SHALL BE REQUIRED ON ONLY ONE SIDE. LOCATION OF THE SIDEWALK ALONG PRIVATE DRIVEWAYS AND WITHIN THE GPDD SITE SHALL BE DETERMINED BY GRADE AND ACCESS REQUIREMENTS

FIGURE 2

CONCRETE SIDEWALK SECTION



GUIDELINE

Landscaping & Screening

Purpose:

To provide requirements for necessary buffers, screening, and landscape plantings as integrated components of the development within the Gateway Commons Master Development Plan.

Standards:

- 1) **Landscaped Buffer Requirement.** A landscaped buffer consisting of native evergreen and deciduous species shall be required along the outer perimeter of the MDP area to provide suitable visual screening. See attached Fig. 2 for details. Suitable and healthy existing trees and other vegetation may be preserved to satisfy this buffer requirement. See Appendix B, Fig. 1, for tree preservation detail. Where appropriate the Commission may waive this buffer requirement or allow substitution with an earthen berm, wall, or decorative fence not less than 6 feet in height. All landscaping shall be arranged in a manner that does not obstruct visibility required for traffic safety.
- 2) **Landscaped Buffer Width.** The minimum width of the required landscaped buffer shall be:
 - a. Six (6) feet along any public street or highway
 - b. ²⁰ 10 feet along any abutting nonresidentially zoned property, *unless otherwise approved by the Zoning Commission.*
 - c. 50 feet along any abutting residentially zoned property

The 10 foot nonresidential buffer requirement shall be reduced to six (6) feet if supplemented with appropriate fencing, wall, or berm wall not less than six (6) feet in height located with adequate separation from the property line for maintenance access. Where designated open space is located within an abutting residential zone, the width of this open space area may be used to satisfy the 50 foot residential buffer requirement. See attached Fig. 2 for details.

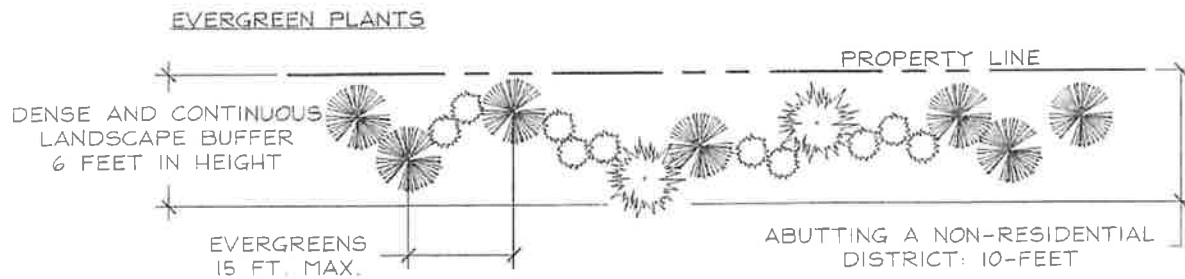
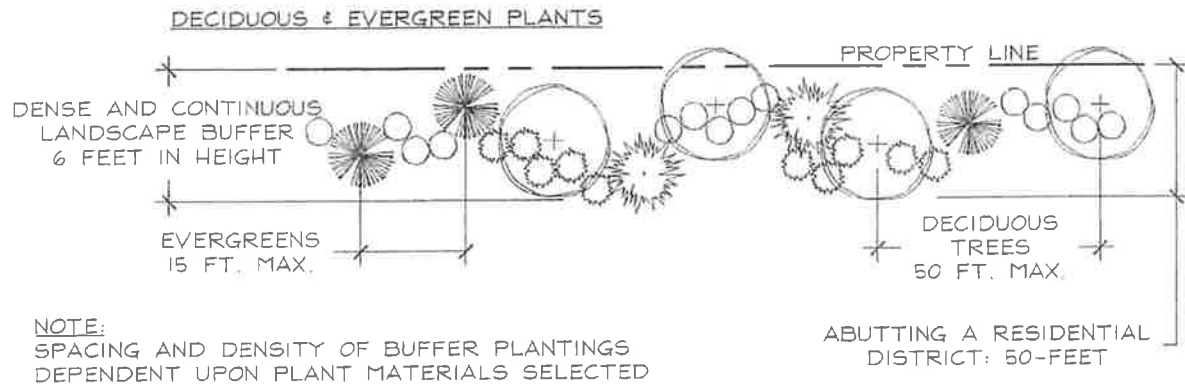
- 3) **Parking Area Landscaping.** A minimum of three (3) canopy trees, two (2) under story trees, and six (6) shrubs, consisting of native evergreen and deciduous species, shall be required within each parking area for every 30 parking spaces. Landscaping will be contained in curbed islands and along perimeter of parking lot, located to aid in the safe and efficient channelization of both pedestrian and vehicular traffic and to separate the major access ways through the parking area from the parking aisles. Each separate landscaped area will contain a minimum of 100 square feet, will have a minimum dimension of six (6) feet, will be planted with grass, ground cover, and/or shrubs, and will include at least one deciduous shade tree of not less than two (2) inch caliper, at least six to eight (6 - 8) feet in height at time of planting. The minimum landscaped area throughout all parking lots within the development shall be no less than ten percent (10%) of the total paved parking area (parking stalls and aisles only) within the development. Planted or natural landscaped areas located within 10 feet of the perimeter of parking areas, except those as required around the perimeter of the development, shall be counted toward satisfying this requirement. See attached Fig. 5 for details. Landscaping shall be protected from vehicular damage per details shown in Appendix B, Fig. 6.
- 4) **Additional Landscaping.** Additional landscaped areas shall be encouraged throughout the development within planters, planting beds surrounding buildings, plazas, courtyards, and along private driveways as necessary for aesthetic interest.

- 5) **Street Trees.** Street trees, consisting of native evergreen and deciduous species, shall be required along all public streets unless they conflict with necessary sight lines or utility infrastructure. The trees shall be spaced at an interval no more than of 50 feet on center and placed within the public right-of-way where possible. Where a median is proposed, the median shall be a minimum of 8 feet wide and planted with street trees spaced 25 to 35 feet on center.
- 6) **Screening.** Outside storage areas, loading bays, machinery and equipment, and disposal containers shall be screened from view from any public street or public plaza by buildings, fences, walls, plantings, or embankments as necessary. See Appendix B, Fig. 3 for details.
- 7) **Invasive Species.** No invasive plants as listed in the Connecticut Invasive Plant List shall be used in any landscape design for the development. The use of drought tolerant, native plants shall be encouraged throughout the development.
- 8) **Irrigation.** Irrigation for the development shall not be supplied by the municipal water system without prior approval of the Water & Sewer Commission. *Acceptable 'gray' water may be used.*
- 8) **Maintenance and Replacement.** All plantings shown on an approved Site Plan implemented under the MDP will be maintained and replaced on an ongoing basis.

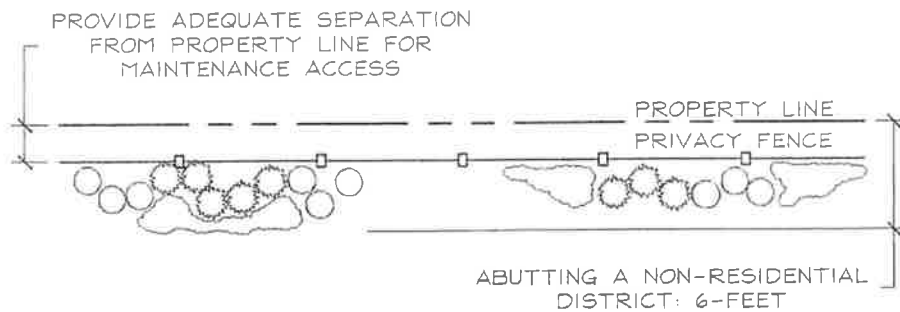
Regulations Superseded:

Section 11A.7 (Landscape Requirements)
 Appendix B (Standard Landscaping Details – Figures 2, 4, 5)
 Section 24.6(E) (Landscaping and Buffers)

A: WITHOUT FENCING



B: WITH PRIVACY FENCING



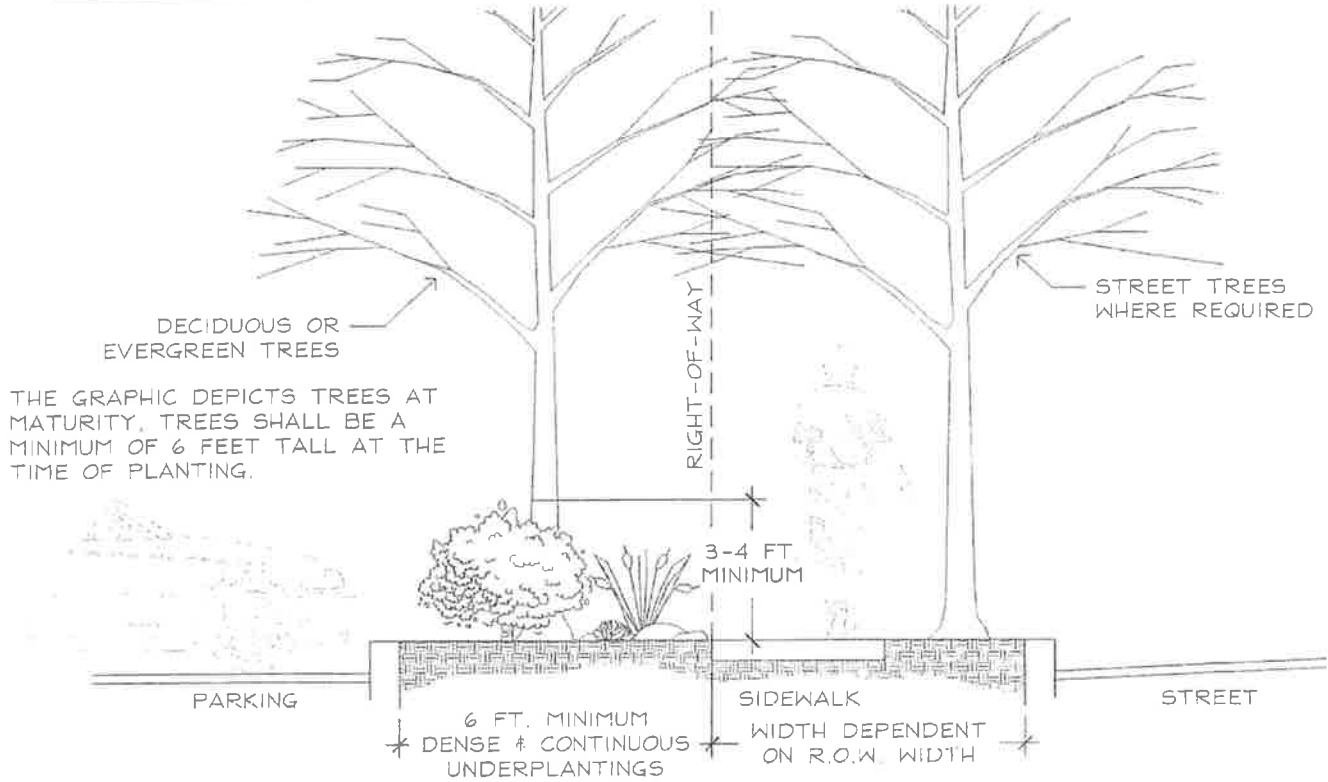
NOTES:

FENCE SHALL BE 6 FEET TALL WITH SOLID PICKETS (PRIVACY STYLE) DECORATIVE IN NATURE.

PLANTINGS MAY BE INCORPORATED ALONG FENCE. PLANTS SHOULD BE SELECTED FOR THERE AESTHETIC NATURE AND LOW GROWTH HABIT. THERE SHALL BE NO HEIGHT REQUIREMENT FOR PLANTINGS WHEN A 6 FOOT FENCE IS PROVIDED.

FIGURE 2
BUFFERING ALONG MDP PERIMETER

A: SCREENING FROM STREET WITHOUT BERM (SECTION)



B: SCREENING FROM STREET WITH BERM (SECTION)

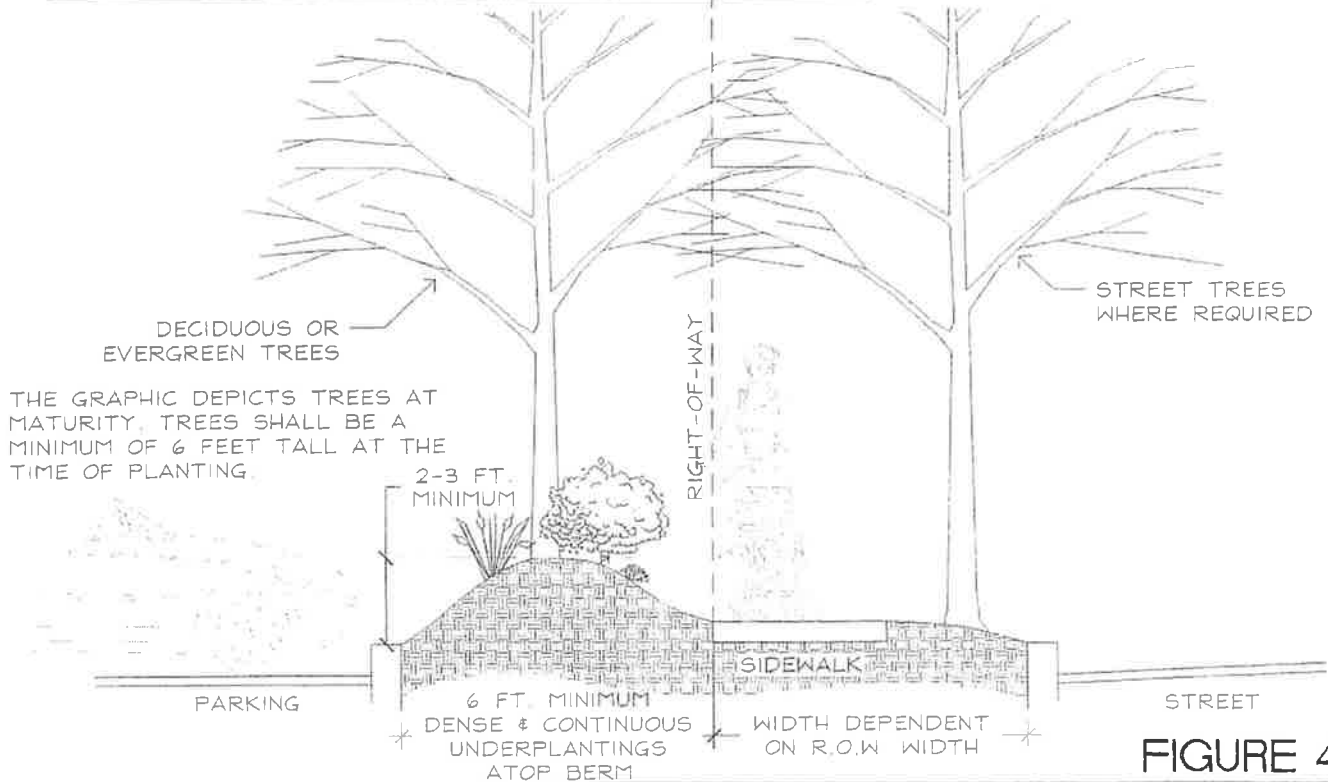
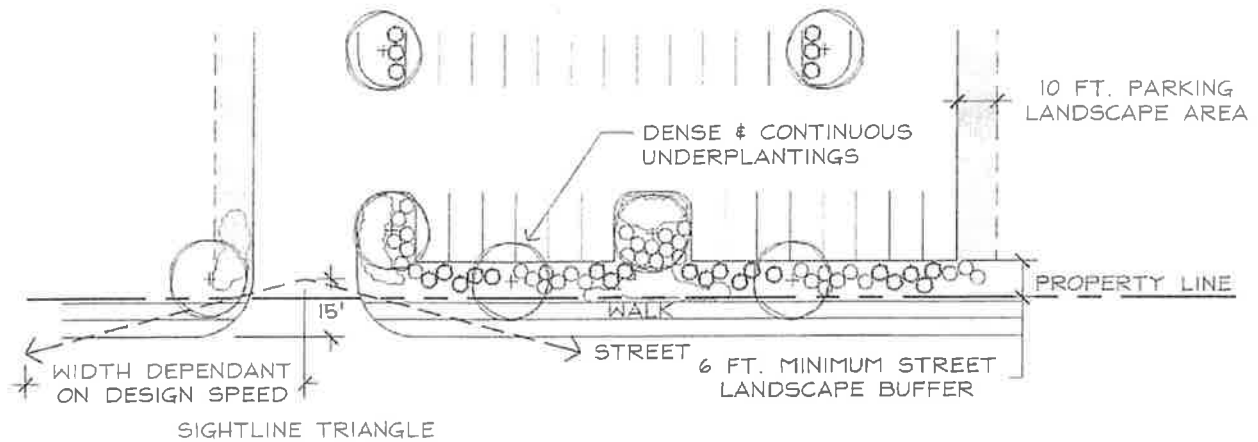


FIGURE 4

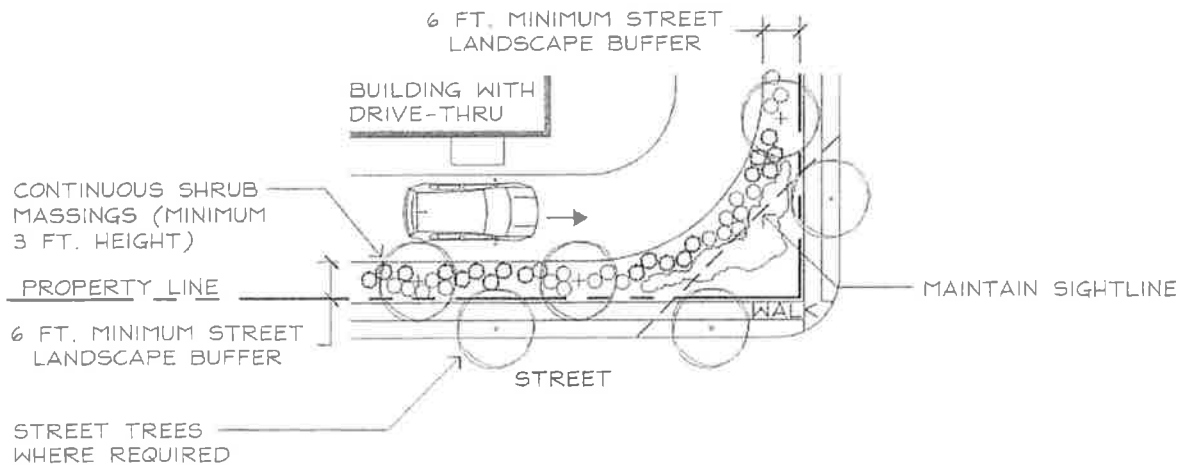
PARKING LOT SCREENING

C: SCREENING FROM STREET (PLAN)



NOTE:
REFER TO CONNECTICUT DOT HIGHWAY DESIGN MANUAL,
SECTION: INTERSECTIONS AT-GRADE FOR SIGHT TRIANGLES AND DISTANCES

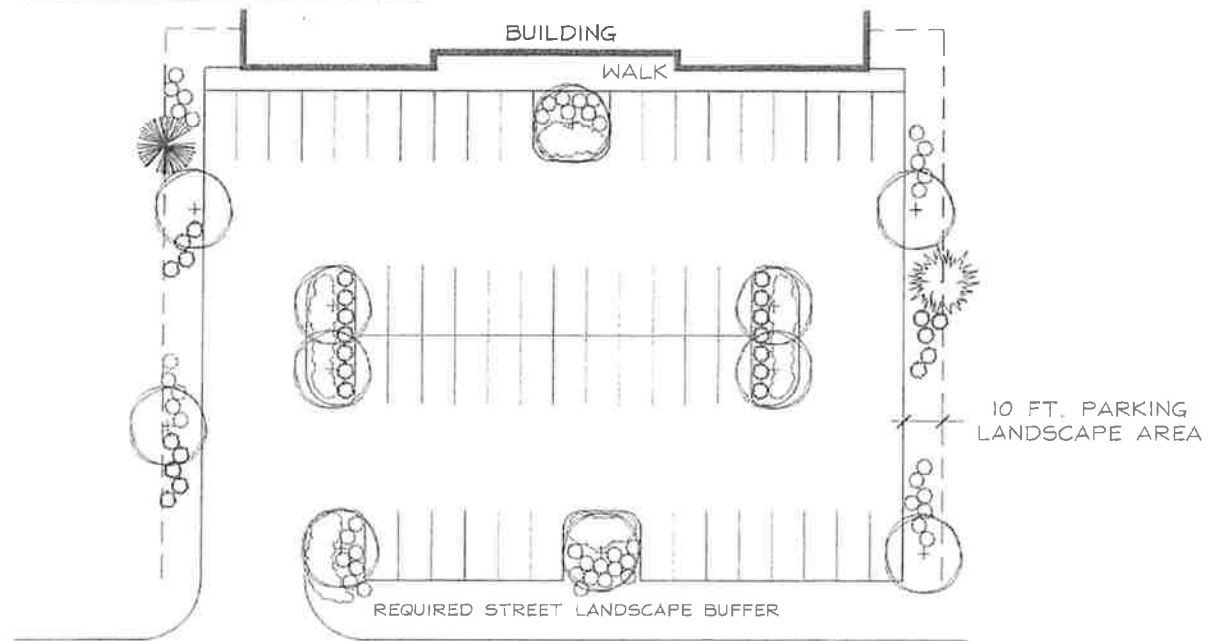
D: SCREENING FROM DRIVE-THRU (PLAN)



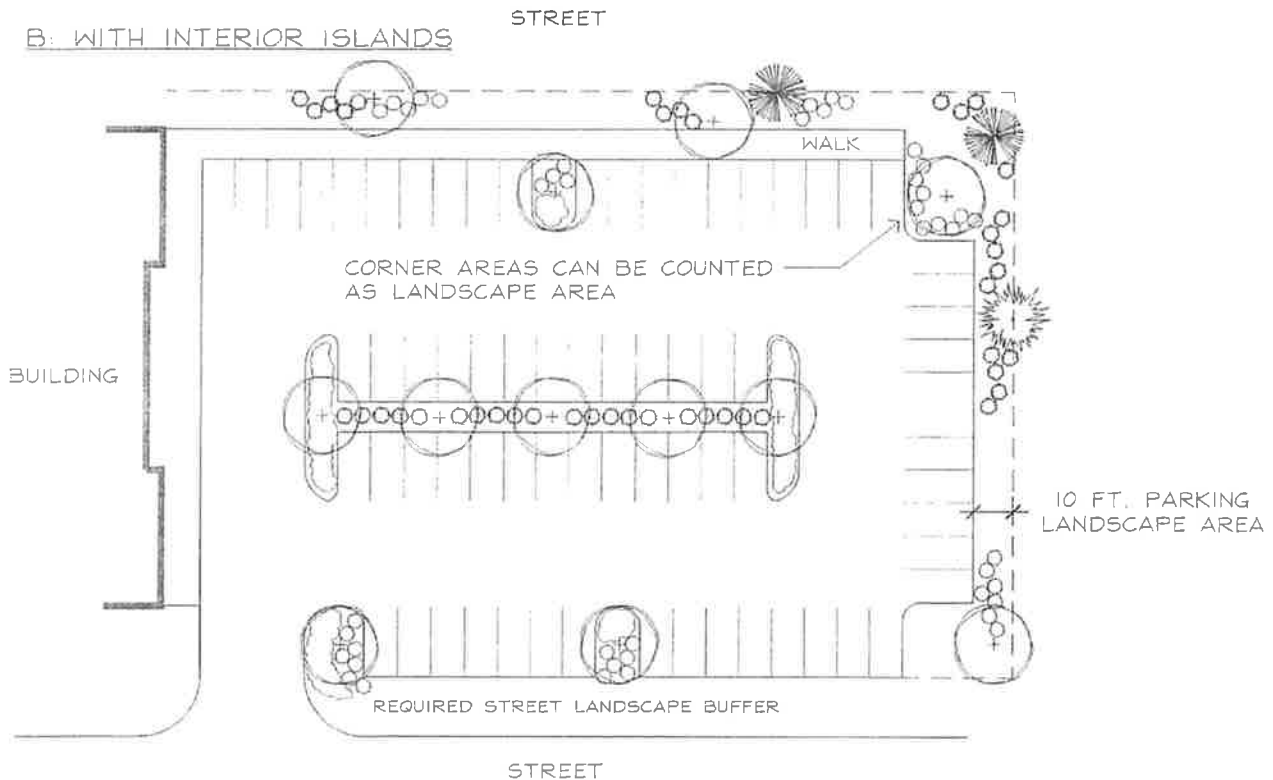
NOTE:
REFER TO CONNECTICUT DOT HIGHWAY DESIGN MANUAL,
SECTION: INTERSECTIONS AT-GRADE FOR SIGHT TRIANGLES AND DISTANCES

FIGURE 4
PARKING LOT SCREENING

A: NO INTERIOR ISLANDS



B: WITH INTERIOR ISLANDS



NOTES:

ALTERNATE SKETCHES DEPICTING WAYS TO PROVIDE PARKING LOT LANDSCAPING.

THE MINIMUM LANDSCAPED AREA SHALL BE NO LESS THAN TEN PERCENT (10%) OF THE TOTAL PAVED PARKING AREA. THE LANDSCAPE AREA SHALL BE CALCULATED 10 FEET BEYOND THE PARKING LOT PERIMETER AND ALL INTERIOR LANDSCAPE AREAS WITHIN EACH PARKING AREA. NO REQUIRED MDP PERIMETER BUFFER AREA SHALL BE COUNTED IN THE LANDSCAPE AREA CALCULATION. MINIMUM OF THREE (3) CANOPY TREES, TWO (2) UNDER STORY TREES, AND SIX (6) SHRUBS SHALL BE REQUIRED FOR THE PARKING AREA FOR EACH 30 PARKING SPACES.

FIGURE 5
PARKING LOT LANDSCAPING

Lighting

Purpose:

To provide standards for architecturally sensitive lighting fixtures which minimize light pollution, conserve energy, and maintain reasonable safety and security within the Gateway Commons Master Development Plan.

Standards:

- 1) All outdoor lighting fixtures shall be appropriately located and/or shielded to avoid unnecessary illumination or glare onto abutting properties and into the night sky. A photometric analysis and plan shall be provided with the implementation of each phase of the MDP.
- 2) All building-mounted lighting fixtures shall be integrated and compatible with the architectural design of each building with the exception of lighting for loading areas and as otherwise required by other applicable regulation.
- 3) Exterior lighting fixtures shall be generally consistent throughout the development, compatible with surrounding buildings, and provide adequate safety lighting along pedestrian sidewalks and within parking areas. Architectural light fixtures are specifically encouraged along pedestrian sidewalks and public plazas.
- 4) Pole-mounted light fixtures shall not exceed 25 feet in height in parking areas and shall not exceed 20 feet in height elsewhere in the development. Pole heights shall be measured from average adjacent grade and shall include any base.
- 5) Examples. Representative examples of acceptable exterior lighting fixtures include the following:



Nonresidential Lighting Fixtures



Residential Lighting Fixtures

Regulations Superseded:

Section 11A.6.6 (Architectural Requirements – Lighting)

Section 24.5.2(C) (Architectural Design*)

*(provisions for exterior lighting only)

Signage

Purpose:

To provide flexible and simplified signage requirements which acknowledge tenant branding requirements and preserve the visual appearance of development within the Gateway Commons Master Development Plan.

Standards:

- 1) **Design Guidelines.** All signage design within the development shall strive for simplicity, promoting clear, decipherable messages and should enhance the overall character of the development while conveying the branding and identity needs of each tenant. The detailing of signs including material, color, lettering, construction and illumination should serve to further the balance between the integration with building architecture and the preservation of brand identity. The location and scale of signs shall reflect thoughtful placement, respect for proportions, and appropriateness in the overall context of the development.
- 2) **Directional and Way-finding Sign Program.** A consistent and unified directional and way-finding sign program, representing a "family of signs", shall be provided within and throughout the development. The colors, style, material, lighting, size, branding, and location of these signs shall be compatible with the overall character and architectural styles of the development. A sign permit shall be obtained for the directional and way-finding sign program from the Zoning Officer pursuant to Section 18.1.13. The directional and way-finding sign program shall not be subject to a limit on sign area except that the following free-standing signs, advertising the variety of uses and tenants within the development and located at access points to the MDP area, shall be permitted with the following restrictions:
 - a) **Primary Free-standing Sign.** A single primary free-standing sign, no greater than 50 feet in height and including no more than 1200 square feet of total sign area, shall be permitted within the development adjacent to I-95.
 - b) **Secondary Free-standing Signs.** Additional secondary free-standing signs, no greater than 15 feet in height and including no more than 150 square feet of total sign area, shall be permitted within the development adjacent to each access to a state highway or town ~~state~~ road.

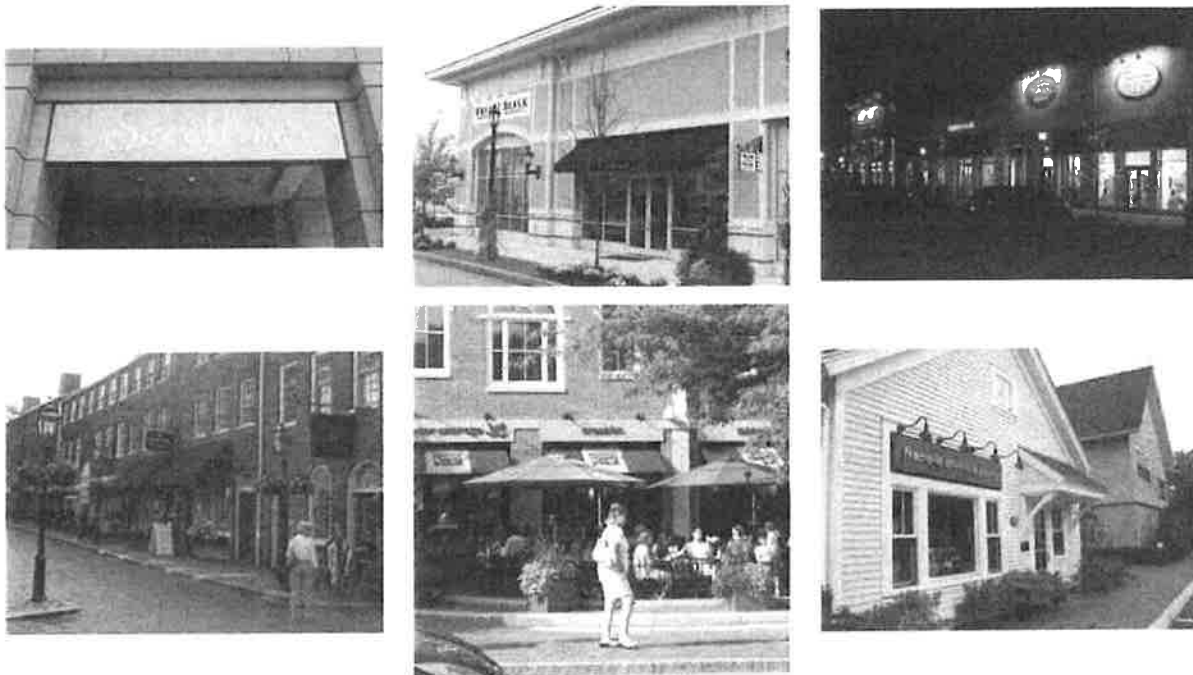
The height of these free-standing signs shall be measured from the average grade within 10 feet of their base to the highest point of the sign.

All signs part of the directional and way-finding sign program may be illuminated using external, backlit, or with the approval of the Commission, internal light fixtures. These signs may be comprised of multiple individual panels for various tenants and may have multiple colors and styles of lettering permitted.

- 3) **Nonresidential Signs.** Each nonresidential building frontage running parallel to an adjacent public street or private driveway (primary façade) shall be permitted no more than two (2) square feet of building mounted signage per linear foot along that length. Each nonresidential building frontage running parallel to an adjacent new or parking area (secondary façade) shall be permitted no more than one (1) square foot of building mounted signage per linear foot along that length. Nonresidential building signs may be illuminated using external, backlit, or with the approval of the Commission, internal light fixtures. A sign permit shall be obtained for each nonresidential building's signage from the Zoning Officer pursuant to Section 18.1.13.



Large-format Nonresidential Signs



Small-format Nonresidential Signs

Regulations Superseded:

Section 18.4.3 (Computation of Height)
 Section 18.1.4.4 (Computation of Maximum Total Permitted Sign Area for a Zone Lot)
 Section 18.1.5 (Signs Allowed on Private Property With and Without Permits)
 Section 18.1.6 (Permits Required)
 Section 18.1.7.1 (Design)
 Section 18.1.8 (Master or Common Signage Plan)
 Section 18.1.12 (Prohibited Signs*)
 Tables 1.5A, 1.5B, 1.5C, 1.5D

*(superseded as provided for by Commission waiver)

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Open Space & Conservation Areas

Purpose:

To provide requirements for the integration of open space, passive and active recreation areas, and preservation of natural features within the Gateway Commons Master Development Plan.

Standards:

- 1) **Designated Open Space.** Designated open space within the MDP area shall consist of a variety of both publicly and privately accessible areas, designated for either active or passive recreational uses.
- 2) **Natural Features.** Natural features, including existing trees, vegetation, unique site features, and significant resources shall be maintained and protected where prudent and feasible within the development.
- 3) **Access.** Access to designated open space areas shall be provided by pedestrian trail systems or other means that limit unnecessary disturbance of natural areas.
- 4) **Maintenance.** Long-term maintenance for designated open space shall be provided by the property owner or, with the approval of the Commission, another designated party.

Regulations Superseded:

Miscellaneous Provisions

Purpose

To address miscellaneous provisions of the East Lyme Zoning Regulations that would otherwise conflict with the Gateway Commons Master Development Plan.

Standards

- 1) Utility Lines. All new electric, telephone, and cable television lines shall be placed underground. Existing electrical distribution lines may be relocated as necessary. Existing electrical distribution lines may be relocated underground where both feasible and prudent, subject to the approval of the line owner.
- 2) Aquifer Protection. All permitted uses within the MDP shall be permitted uses within any associated Aquifer Protection District. All development within the MDP shall be served by sanitary sewer without zoning restriction on sanitary waste water discharge.
- 3) Wetland and Watercourse Setback. No building or structure, except for necessary retaining walls, structural elements for crossings, and/or storm water structures, shall be erected or placed within 25 feet of a wetland, watercourse, or other body of water.

~~4) Sale of Alcoholic Beverages. The sale of alcoholic beverages for consumption on premises or off premises shall not be subject to any separation requirements.~~

4.8) Outdoor Dining. Outdoor dining shall be a permitted accessory use without restriction.

5.6) Drive-thru Facilities. Drive-thru facilities shall not be subject to separation requirements and may be permitted accessory uses to banks, pharmacies, and other compatible uses only with the approval of the Commission and subject to the design standards of Section 20.28(a)-(j).

Regulations Superseded

Section 11A.4.6 (Transmission Lines)
 Section 13.2 (Aquifer Protection District - Permitted Uses)
 Section 13.5.1 (Sanitary Waste Water Discharge)
 Section 20.15 (Setback from Wetland or Water Body)
 Section 20.20 (Alcoholic Liquor Outlets)
 Section 20.27 (Restaurant Outdoor Dining in CB Zones)
 Section 20.26 (Drive-thru Separation)
 Section 20.28 (Drive-thru Facilities*)

*(provisions for types of uses only)

Architectural Styles

Purpose:

To provide general standards for the architectural style of buildings within the Gateway Commons Master Development Plan to promote quality design and protect the architectural integrity of the surrounding community.

Standards:

- 1) **Styles.** The architectural vernacular used to articulate buildings in New England town centers typically represents a variety of styles, reflecting the evolution of a "place" over an extended period of time. As such, a variety of building scales, roof forms, materials and architectural details should be encouraged to accentuate the mix of uses desired, while reinforcing the key characteristics of architectural form and open space "place-making" that enhance an appropriately scaled, pedestrian-friendly environment.
- 2) **Compatibility.** Architectural styles may vary within the development to allow for buildings with distinctive character, but shall remain compatible with each other, helping to create a well-defined streetscape edge and a unified character to the development. The architecture should create a unique identity of place, while respecting the larger surrounding context.
- 3) **Articulation.** Excessive articulation and repetitive forms shall be discouraged in favor of simplicity of forms. Buildings should have a level of articulation appropriate to their scale and hierarchical placement in the development as well as their role in defining public open space.
- 4) **Architectural Detail.** A commitment to architectural details will help create visual interest appropriate for addressing adjacent streetscapes and public spaces. Architectural elements, such as windows, doors, storefronts, bays and decorative elements, such as cornices, brackets, trim, and railings should be judiciously utilized to articulate all building facades, with particular attention given to entries and primary facades along streets.
- 5) **Examples.** Representative examples of acceptable architectural styles include the following:



Large-format Nonresidential Buildings



Large-format Nonresidential Buildings



Small-format Nonresidential Buildings

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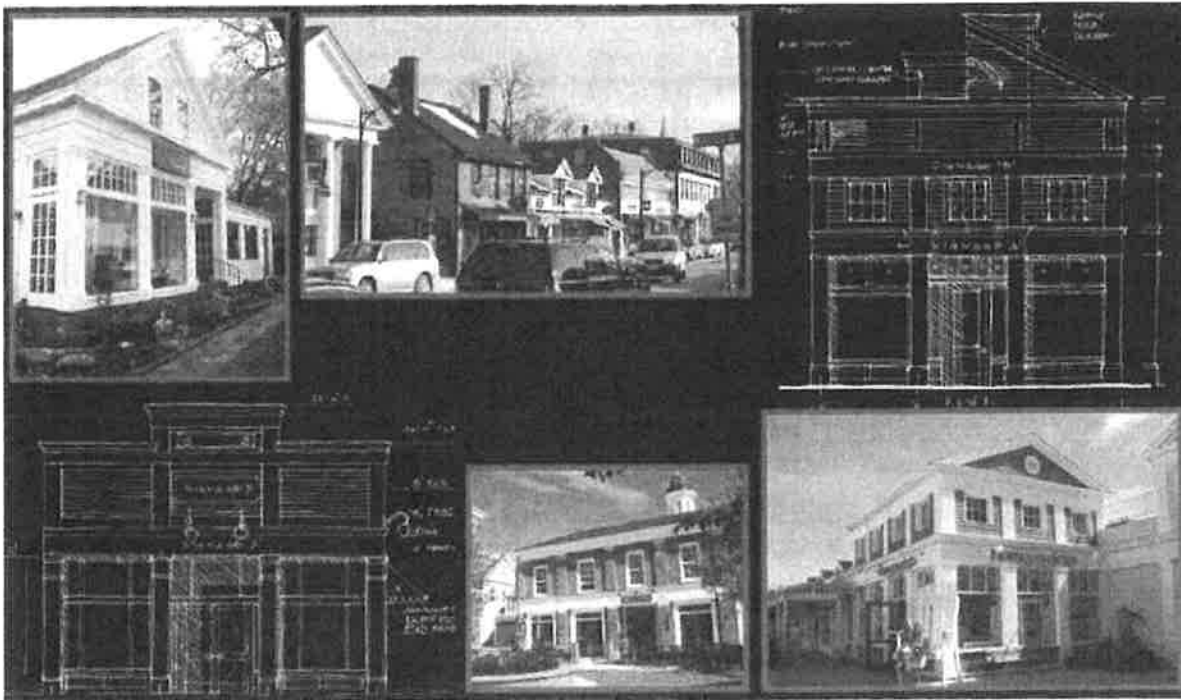


Residential Buildings

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Other Precedents

Regulations Superseded:

Section 11A.6 (Architectural Requirements)

Section 24.5.2(C) (Architectural Design)

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Massing & Scale

Purpose:

To provide requirements for building massing and scale within the Gateway Commons Master Development Plan that balance visual relationships between buildings of varying sizes in order to promote a distinctive yet consistent character throughout the development.

Standards:

- 1) **Proportion.** Building massing and scale may vary within the development to reflect unique uses and the desired prominence of certain structures. Buildings of varying scales should strive to achieve a consistency of proportions characteristic of a pedestrian-scaled environment.
- 2) **Massing.** Buildings greater than 20,000 square feet in size shall provide façade and roof designs that break up the building into smaller and more visually segmented sections using a variety of architectural treatments and forms. Buildings less than 20,000 square feet in size shall utilize façade and roof designs that promote variety between the middle and ends of blocks, and provide visual focal points as appropriate.
- 3) **Scale.** Uninterrupted lengths and heights of facades shall be modulated through the use of architectural projections, setbacks, canopies, porches, trellises, variations in roof form, entryways, windows, and changes in materials. Wherever possible, building height shall be proportional to sidewalk width and overall public street or private driveway width on which it fronts.
- 4) **Siting.** Buildings shall contribute to creating street walls but may be setback from access ways to provide public space for dining or other public activities. Building locations that define public plazas, create view corridors, and enhance gateways to the development shall be encouraged. Buildings shall address primary facades to public streets and private driveways and secondary facades to mews and adjacent parking areas.
- 5) **Examples.** Representative examples of acceptable building massing and scale include the following:



Massing and Scale

Materials & Colors

Purpose:

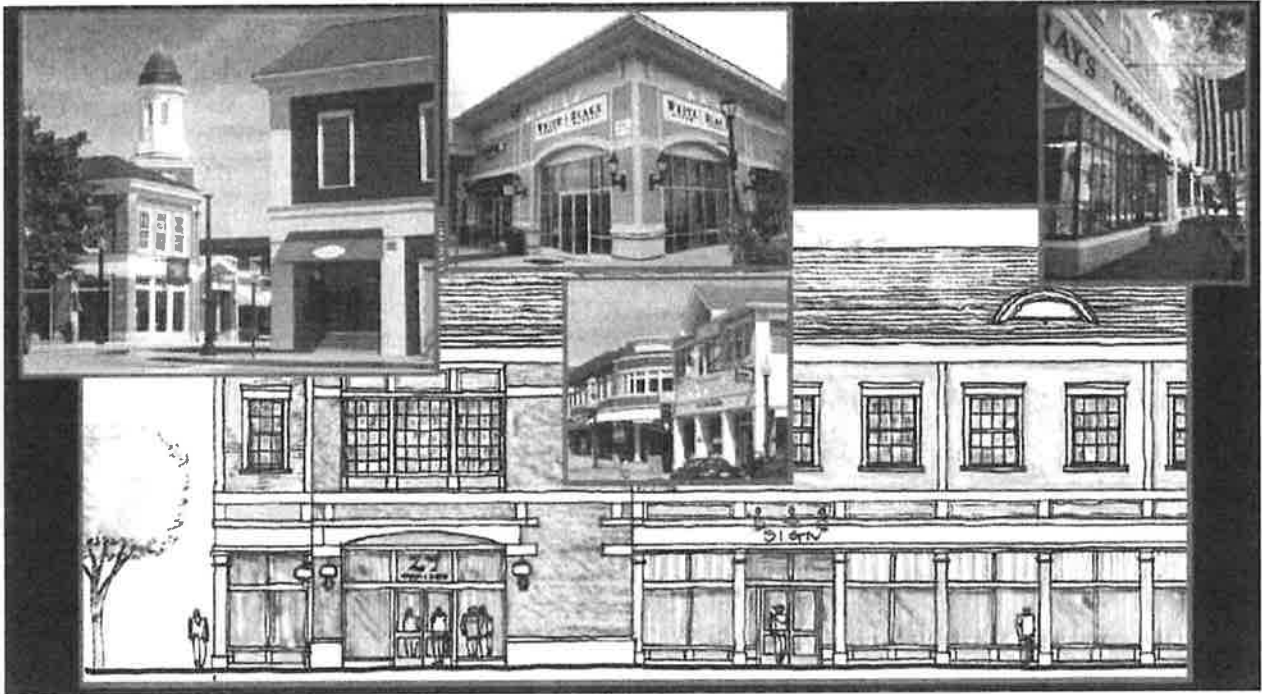
To provide requirements for building materials and colors which insure the quality, the durability, and aesthetics of the development within the Gateway Commons Master Plan.

Standards:

- 1) Nonresidential Building Materials. For nonresidential buildings, exterior materials may consist of:
 - a) Cladding: Wood, fiber cement (siding or panels), brick, brick veneer, finished masonry, cast stone, vinyl siding
 - b) Base: Cast stone, finished masonry
 - c) Trim: Synthetic wood, GFR materials, wood
 - d) Roofing: Architectural asphalt shingles, metal, rubber (on flat surfaces not visible from the ground only)
- 2) Residential Building Materials. For residential buildings, exterior materials may consist of:
 - a) Cladding: Wood, fiber cement (siding or panels), composite clapboard, shiplap siding, vinyl siding
 - b) Base: Cultured stone, brick, wood, composite clapboard, shiplap siding
 - c) Trim: Synthetic wood, wood, extruded foam, cellular PVC
 - d) Roofing: Architectural asphalt shingles
- 3) Other Materials. Materials other than those listed in Standards 1 and 2 above may be utilized with the approval of the Commission if it is determined that such materials are consistent with the architectural standards of the development.
- 4) Building Colors. Exterior building shell and trim colors shall compliment the overall architectural character of the development and remain compatible with similar buildings in the community.

** All materials may be limited or adjusted by the Zoning Commission.*

- 5) Examples. Representative examples of acceptable materials and colors include the following:



Precedents

Regulations Superseded:

Section 11A.6 (Architectural Requirements)
 Section 24.5.2(C) (Architectural Design)

Rooflines & Profiles

Purpose:

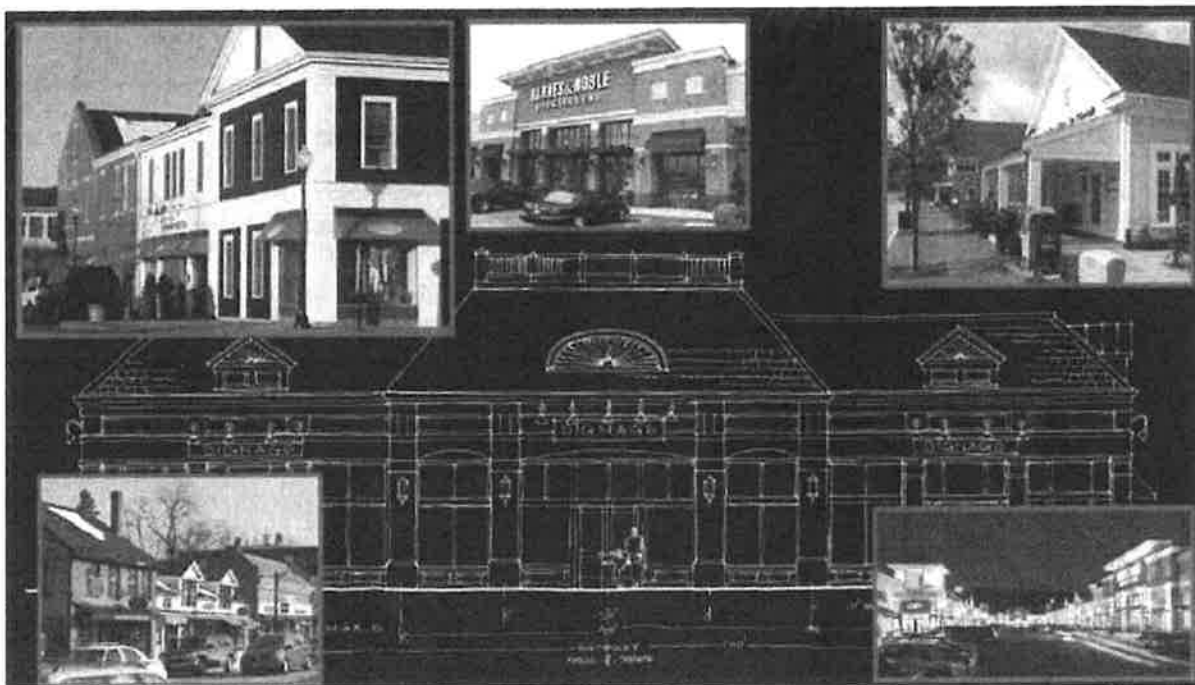
To provide standards for roof design and profile that preserve architectural integrity and visual aesthetics within the Gateway Commons Master Development Plan.

Standards:

- 1) Roof forms shall express the individual integrity of each building.
- 2) Roof profiles shall highlight variations between buildings by incorporating gable, hip, gambrel, shed or mansard designs. Flat roofs shall be screened from view from immediately adjacent public streets or plazas with parapets or other architectural features.
- 3) Roof mounted mechanical equipment such as heating and air conditioning units shall be adequately screened from view from public streets or plazas.
- 4) Examples. Representative examples of acceptable rooflines and profiles include the following:



Rooflines & Profiles



Other Precedents

Regulations Superseded:

Section 11A.6 (Architectural Requirements)
 Section 24.5.2(C) (Architectural Design)

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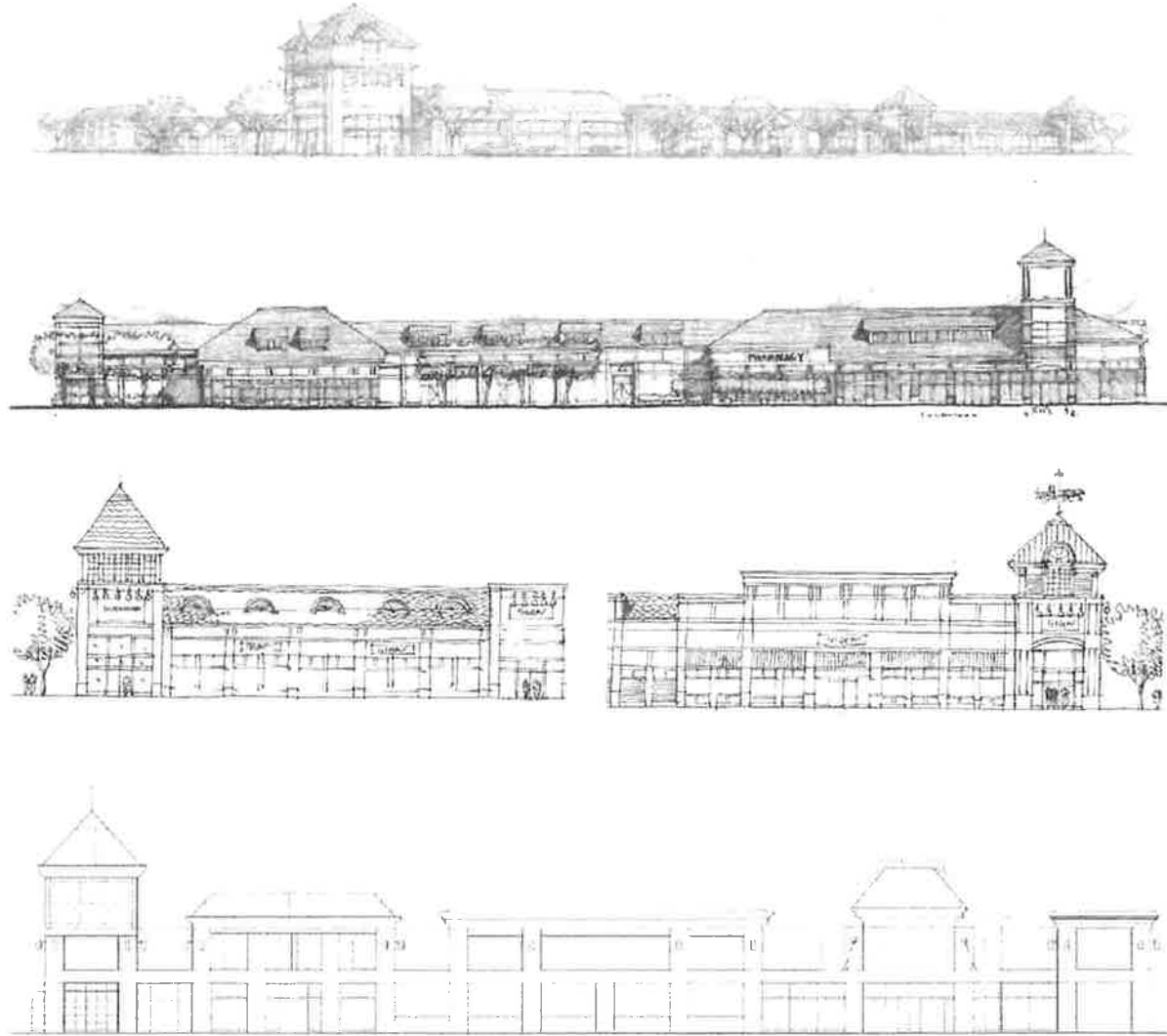
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Typical Building Facades & Elevations

Representative examples of Typical Building Facades & Elevations include the following:

- 1) Large-format nonresidential buildings.

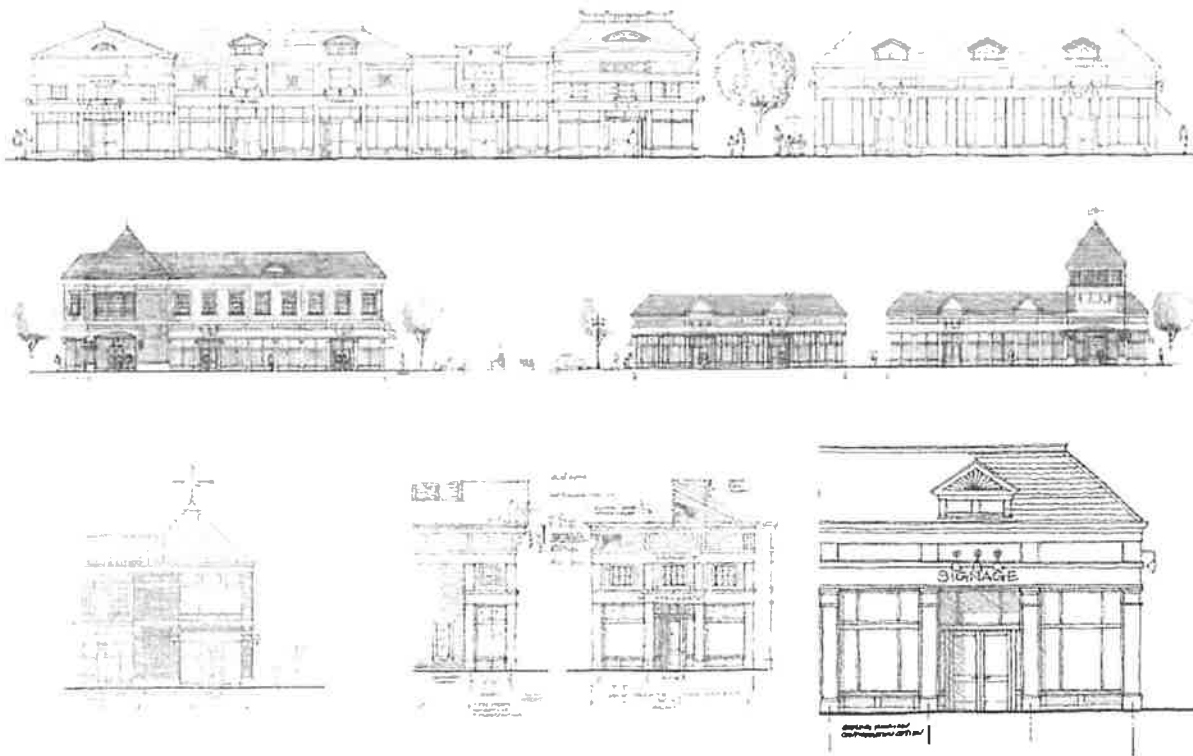


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2) Small-format nonresidential buildings.

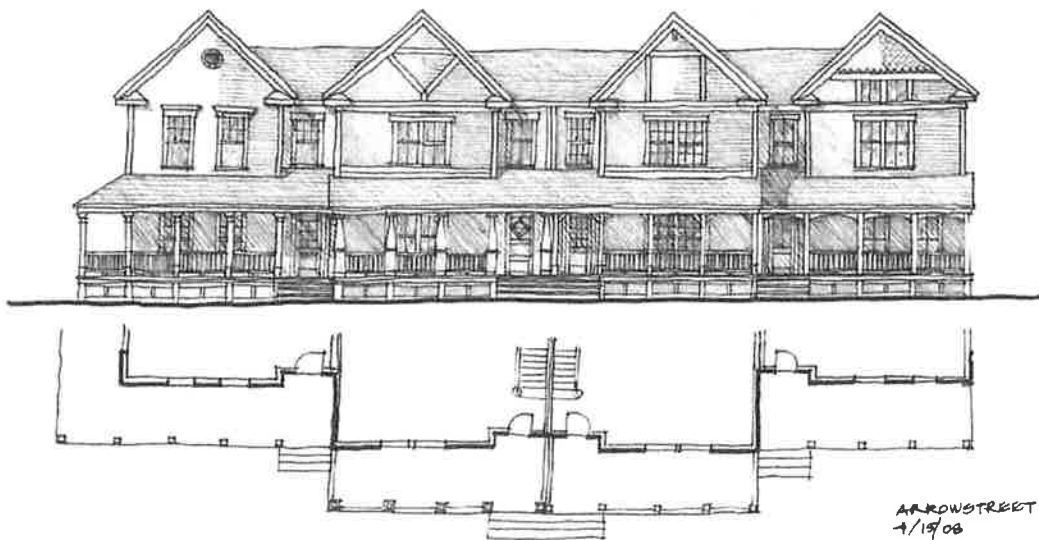


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3) Residential buildings.



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PROPOSED TOWNHOUSE CLUSTER
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