

**Planning and Zoning Commission
Regular Meeting
Tuesday, May 24, 2022
7:00 P.M.
Preston Plains Middle School Cafeteria**

1. Call to Order

Richard Chalifoux called the meeting to order at 7:00 P.M.

2. Roll Call

Members

Art Moran, Jr. – Chairman - excused
Richard Chalifoux – Vice Chairman
Doreen Rankin -Secretary
Zach Turner - excused
Denise Beale
Charles Raymond
Mike Sinko

Alternates

Nate Konecko - absent
Fred Eddy - seated for Art Moran
Terri Eickel - seated for Zach Turner

Kathy Warzecha – Town Planner
Kimberly Lang – Recorder

Also present:

38 members of the public

3. Determination of Quorum

4. Approval of the Minutes

a. Regular Meeting and Public Hearing Minutes for April 26, 2022

Mike Sinko motioned to approve Regular Meeting and Public Hearing Minutes for April 26, 2022, as presented. Doreen Rankin seconded the motion. The motion was carried unanimously.

b. Special Workshop Meeting Minutes May 17, 2022

The following correction was noted - that Denise Beale was excused rather than absent.

Charles Raymond motioned to approve Special Workshop Meeting Minutes for May 17, 2022, as amended. Fred Eddy seconded the motion. Denise Beale, Charles Raymond, Doreen Rankin, Fred Eddy, and Terri Eickel voted in favor of the motion; while Mike Sinko and Richard Chalifoux abstained. The motion passed.

5. Communications

- a.** Letter dated April 28, 2022, from John Moulson, Chairman, Inland Wetlands & Watercourses Commission to Heller, Heller, & McCoy, Harry Heller Esq., regarding Blue Camp CT, LLC.
- b.** Zoning Practice from American Planning Association, May 2022, Issue Number 5, regarding Practice Deregulation.
- c.** Zoning Bulletin, March 10, 2022.
- d.** Zoning Bulletin, March 25, 2022.
- e.** Poquetanuck Village Project Narrative LOTCIP Grant - Kathy Warzecha explained that a grant has been submitted on behalf of the Town. She explained the process that the project will hopefully take.

6. PUBLIC HEARING - None

7. Old Business

Special Exception

Special Exception Application #2021-03, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 “Vacation Resorts” which includes recreational campgrounds in accordance with Section 18.11.

Doreen Rankin declared that she had listened to the recording of the April 26, 2022 meeting. The Blue Water lawyer questioned Denise Beale’s qualification to act on the applications because she declared that she had listened to the recording but had not reviewed the Exhibits. It was determined that she has reviewed the Exhibits at subsequent meetings, therefore she was qualified to decide on this application.

Kathy Warzecha recommended to approve the application with the following MODIFICATIONS:

- 1. Add speed bumps in roadway areas and speed limit signs throughout the site. Details of the speed bumps shall be acceptable to the town engineer.

2. The number of plantings listed in the chart should reflect what is noted on the plan. The Town Planner may require additional plantings based on field conditions after the project is complete and before the Final Zoning Compliance is approved.
3. Camp sites 271, 272, 273, 274, 275, 277, 278, 279, and 280 are to be eliminated due to the steep slope and lack of detail for the installation of platforms. No details have been provided for safety of the campers and the detail provided for the platform installation is not adequate.
4. Check in paperwork will note that portable fire extinguishers are required for RV units.
5. Any revision to the opening/closing dates noted on the plan will require approval by the Planning and Zoning Commission.
6. Caretakers will be available 24 hours a day and for the entire year. The town staff will be given their contact information in the event there is a problem or concern. No caretakers will live on site. If there is a change on the status of caretakers and a caretaker is to live on site, approval will be required by the Commission.
7. Any addition to the campground to add music festivals will require approval by the Commission of a new special exception.
8. A storm water maintenance report will be provided annually with the renewal permit to ensure proper maintenance of the storm water system. The maintenance report will be sent to the town engineer for review and approval, all inspection fees will be covered by the campground owner. If additional work is required as directed by the town engineer, said work will be completed by the campground owner prior to the issuance of the renewal permit and opening of the campground. If the repairs to the system are not completed within 30 days or a time limit approved by the Town Planner/Engineer, the Town, or a contractor hired by the Town, will have the right to enter the property and clean or update the system. The fee for the work will be paid for by the owner. The ZEO will have the right to close the campground for non-compliance with the maintenance of the stormwater system and for lack of payment.
9. It is recommended that the white pine buffer be interspersed with eastern red cedar as recommended by the wildlife biologist; however, like white pines they also lose their lower limbs; a variety of low growing evergreen shrubs should be provided on the north side of the screen to create a solid screen. Shrubs to be planted should be native (not native cultivar) and should be a variety of types of shrubs with berries that will feed the wildlife. There is a note on the loan that the invasive species will be removed.
10. Add some additional evergreens behind the maintenance building and along the line of RVs located on the west side of the property to screen the property from 12 Route 164 and other properties on Lynn Drive.
11. Check-in for Campers will be after 3:30 P.M. during the school year.

12. Traffic control during construction will be coordinated with the Resident Trooper.
13. Monthly E &S reports will be provided to the Town Planner and Planning and Zoning Commission during the construction period. Staff will have access to the site during the construction period at any time during work hours. Staff will have the right to inspect the storm water system with a 24-hour notice after the construction is completed.
14. A joint \$600,000 bond will be posted with the Planning and Zoning Commission and Inland Wetlands Watercourses Commission. The bond will be submitted on a form that is prepared by the Town Attorney and the final bond will be approved by the Town Attorney. The release/reduction of the bond will require approval from both the Planning and Zoning Commission and the Inland Wetlands Watercourses Commission.
15. Payment will be required for all planning and engineering overages and additional funds will be added for inspections by the Town Engineer during the construction of the project for bond reduction and release requests.
16. Install second emergency access once approved by the state OSTA. Any changes to the plan that results from the issuance of permit from the OSTA, approval may be required by the PZC.
17. Smokeless fire pits will be used and no out of state wood will be permitted.
18. No outdoor recreational activities will have amplification. Amplification will be permitted for emergency purposes only. Any changes to amplifications shall require approval by the Planning and Zoning Commission.
19. Show the location for the storage of the park-owned park models during the off season.
20. A preconstruction meeting will be coordinated with the town planner prior to the start of construction. Construction schedules and contacts will be provided to the town staff at that time.
21. If anything is changed from the Insect and Rodent plan, the town planner shall be consulted. If the owners apply the larvicide themselves, they can use Bti or Bs. If they hire a contractor, they must be a DEEP-certified pesticide applicator, licensed in Cat. 7f (Mosq and Biting Fly). The applicator can use Bti, Bs or methoprene but they need to obtain an annual Aquatic Use Permit from the DEEP Pesticide Division.
22. Implement recommendation of the wildlife biologist to support the wildlife in the area which includes: adding eastern red cedar to the white pine buffer and use native shrubs to supplement it, review the plan to ensure that cultivars are not being used and substitute the cultivars with native species, following construction, any silt fencing or other erosion controls used should be removed once the soils have been fully stabilized to avoid

amphibians and reptile movements between the wetland and uplands.

23. Preston Public Works Manager will have access to the site to investigate the location of the beaver dam on the applicant's property and will have the possibility of removing it.
24. A Flood Impact Statement and Application has been submitted as part of this application. The statement and application are found to be acceptable and is part of this approval.

Statement regarding Special Exception Compliance:

- a. **Site Design. Overall design, architectural treatment and aesthetic character shall be in harmony with the surrounding area. Consideration shall be given to the following: the design of the proposed use(s), building(s) or development, the relationship between the buildings and the land, the relationships between buildings or structures, the overall physical appearance of the property, building or development and its subsequent compatibility with surrounding development and the neighborhood.**
 1. The project fronts on Route 2, a commercial route with the front portion of the property zoned Resort Commercial, which purpose is to promote tourism-oriented commercial development. The project has only one access point to control the flow of traffic. Adjacent uses include the school, gas station, town hall, agricultural, hotel. The architecture of the surrounding area is eclectic. The proposed buildings will be designed with cedar shakes and fiber cement linear siding and is in harmony with the surrounding area.
 2. The rear portion of the property is zoned residentially. The closest disturbance of the development to a property under separate ownership in the residential district is 100' which is along Avery Pond. The closest residential home to the property is 200'. A natural and planted buffer is provided from the developed area to the residential area; an additional line of evergreens (white pines/added eastern red cedar) been added to the plan to enhance the buffering of the project from the residential area. However, these evergreens lose their lower limbs. An additional line of evergreen shrubs will be planted along the line of the white pine/ eastern red cedars. A Landscaped entrance will be installed. A berm will be installed along Route 2 and planted with pin oaks which are very hearty and can grow to 70' to 100' tall. Additional plantings will be added to the westerly side of the property to enhance the screen of the properties located adjacent to the northwest corner of the subject property.
 3. Dumpsters and trash receptacles have been provided to control trash. The evergreen buffer will stop debris from entering the pond. This will ensure a harmonious relationship between the buildings, land, and the uses within the area.
 4. The project will maintain 25 feet to the wetland areas in most places – except for the westerly cul-de-sac. In this area, the 25'x60' campsites are within 25' of the wetland, but the area will be used for smaller campers and as a result the actual developed area is 25' from the wetland. The IWWC has authority over the work within the wetland buffer. The PCZ considers the relationship between buildings and land and the overall physical appearance of the property, how it fits into actual landscape of the area only. The

glamping sites are in an area of steep slopes. Camp sites 271, 272, 273, 274, 275, 277, 278, 279, and 280 are to be eliminated due to the steep slope and lack of detail for the installation of platforms. No details have been provided for safety of the campers and the detail provided for the platform installation is not adequate. If it is possible to redesign or relocate these glamping sites to lessen the slope, the applicant may return to the Commission for a modification to this approval.

5. The applicant has developed an extensive landscape plan to help integrate the project into the natural landscape, several rain gardens and landscaped drainage basins have been added to help accomplish this goal and address the storm water within the site.
6. Lights from the campground should not be visible from the neighborhood as they are at a lower elevation than the tree line and angled in a downward position.

The items noted above will ensure a harmonious relationship between the commercial and residential property and compatibility with the surrounding development and neighborhood.

b. Appropriateness of Location or Use:

The use shall preserve the integrity and character of the neighborhood, adjacent uses and current zoning district. Consideration shall be given to the size, location, use and height of buildings, nature and extent of landscaping, location of driveways, parking and loading areas. The intensity of the proposed use and project development shall be compatible with the adopted POCD. The use and project shall be compatible with adjacent established uses and the neighborhood. The project and its use(s) shall not degrade or decrease the value of the surrounding properties. Surrounding properties shall continue to have an ability to consistently develop with the prevailing zoning district and applicable regulations.

1. Resort Commercial District: Surrounding land uses are the school, hotel, Dunkin Donuts, town hall/library, gas station, and farms along the commercial strip. There are a variety of commercial uses within the area - all uses permitted or allowed by special permit.
2. R-60 District: Residential district is set back 500' from Route 2. Closest point to the residential use is 200'. A viewshed analysis has been provided that illustrates that the residents will not see the project from their residential properties (see sheet C-2.6). To protect the integrity and character of the neighborhood in the residential area, extensive landscaping has been provided as noted above (C-5.0 to 5.7). There will be no access to the site from the residential district and visibility of the project will be screened by existing and proposed plantings as noted above. Add some low growing some additional evergreens behind the maintenance building and along the line of RV located on the west side of the property to screen the property from 12 Route 164 and other properties on Lynn Drive.
3. There are several structures: a welcome center, pavilion, maintenance center and 2 bathhouses. The maximum height of any structure is 22.5'; lighting is 12' and angled downward. There will be a tennis court, pool, splash pad area with slide, playground, bocce court, and volleyball court. Parking will be located 100' from the front property line and will surround the activity area. There will be one public access point that will be 28' wide. A 20' wide emergency access will be located along side of the main drive. A

detail has been provided of the entrance that includes signage. Two stone walls will flank the entry drive with two sign panels - these are set back from the edge of the road pavement by about 50'.

4. The extensive landscape plan has been designed to include the planting of the drainage basins, rain gardens; planting deciduous trees and installing a berm along Route 2; visual screen between the project and the residential area will be achieved by preserving the existing trees within 100 feet of the project and a mixture of evergreens and deciduous trees. Each campsite will have a minimum of 2 shade trees and 7 shrubs.
5. A report from the applicant's attorney was provided indicating consistency with the POCD - exhibit 34.

"Appropriate economic development provides a positive balance for the community and can improve or enhance the quality of life. It provides employment, wealth, goods, and services, and can relieve the tax burden on residents, providing jobs and providing services to residents of Preston... "

On Page 91, the Plan of Conservation and Development designates the Route 2 corridor as a location for the development of commercial activity, second in priority only to the development of the Preston River Walk area.

The subject property has been zoned commercially for about 2 decades. The intent of the Resort Commercial district is to have tourism related uses which includes an RV park and campground.

Plan of Conservation and Development Page 141, Goal #5 provides "Priority areas for economic development in Preston will be those areas located on state highways that have access, visual exposure, environmental compatibility and remoteness from residential development. As an objective, the Plan states "Promote appropriate economic development along the Route 2, Route 12, Route 165 and Route 164 corridors."

6. A Neighborhood Impact Study (NIS) (Exhibit 64) has been provided. The Conclusion to the NIS indicated that Rt 2 is mixed commercial, residential, and agricultural. The site is well suited for the development - which has occurred in this area to support the casino and associated recreational tourist influx. A paired analysis was presented to review sales activity in proximity to campground were similar to those not in proximity to a campground and did not negatively affect neighborhood property values.
7. Public concern regarding impact on residential property values. There were several articles added into the record that addressed the issue of impact on property value and the neighborhood, including exhibits 67-70, but no expert testimony was entered into the record that contradicted the Neighborhood Impact Study.

Because of the above note items, the project will preserve integrity and character of the existing uses and neighborhood and is consistent with the Preston Plan of Conservation and Development

- c. **Adjacent and feeder street(s) shall have the ability to handle peak traffic loads and shall not cause traffic hazards. The use and the extent, nature and arrangement of parking facilities, entrances and exits shall not create or further aggravate vehicular and pedestrian traffic safety problems.**

1. Traffic plan and a revised traffic plan have been provided. The Resident State Trooper should be contacted to inform him (and coordinate with) regarding the traffic control during the construction period. The traffic circulation plan has been provided and should also include adding speed limit signs and speed bumps.
2. Check-in shall be after 3:30 p.m. during school year to prevent any conflicts with the school bus schedule. Concern with the number of trips during peak check-in times especially on weekends and holidays.
3. Van transportation will be provided to the Casino
4. Sight distance along Route 2 is in excess of 1,000 feet.

Because of the above noted the project will have the ability to handle peak traffic loads and will not aggregate vehicular and pedestrian traffic and safety problems.

d. The obstruction of light or air shall be reviewed as relates to impact on scenic views and solar access. The use(s) shall not create excessive and unreasonable noise that is different from what currently exists within the neighborhood. Consideration shall be given to light levels, smoke, odor, gas, dust, or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties. The proposed use will not adversely affect environmental quality.

1. There will be no obstruction of light or scenic views. A view shed analysis has been provided and the project should not be visible from the residential properties. A solid buffer is being provided with evergreens and the additional requirement of low growing evergreen shrubs.
2. There will be no music festivals, and all outdoor activities will be over by 10:00pm weekdays and 11:15 p.m. weekends. No amplification is proposed to be used.
3. Each camp site will have a smoke free fire pit.
4. Environmental concerns:
5. PFAS contamination: Report submitted by BGTEnvironmental Ex. 75 indicating that the sludge was applied over 25 yrs. ago, noting that the type of development and site alteration will not result in an increase in PFAS migration to the wetland more than the process has over the past 15 years, and, therefore, will not create a greater impact on the lake or wetland that is currently occurring.
6. Report from George Knoecklin: (exhibit 61) notes concerns with the not maintaining the stormwater system for the project. A storm water maintenance report will be provided annually with the renewal permit to ensure proper maintenance of the storm water system. This will be addressed by requiring a maintenance report will be sent to the town engineer for review and approval, all inspection fees will be covered by the campground owner. If additional work is required as directed by the town engineer, said work will be completed by the campground owner prior to the issuance of the renewal permit and opening of the campground. If the repairs to the system are not completed (in compliance with the plan) within 30 days or a time limit approved by the Town Planner/Engineer, the town will have the right to enter the property and clean or update the system. The fee for the work will be paid for by the owner. The ZEO will have the right to close the campground for non-compliance with the maintenance of the stormwater system and for lack of payment.

Because of the above noted, the project will not impact scenic views or adversely impact the environmental quality of the area.

e. Consideration shall be given to protecting unusual topography, walls, habitat areas, and trees, or other unique vegetation on the site. A landscaping plan shall be provided showing mature trees, shrubs, and noninvasive species.

1. An extensive landscape plan has been provided.
2. Archaeological remains, pond, wetlands, and the habitat areas are all special features at the site. Coordination with the MTHO and Sate Archaeologist is required.
3. 100'buffer to the pond and 25' to the wetland.
4. Lights 12' and angled downward to prevent glare onto adjacent properties. Lighting plan has been if shows the extent of the footcandles (see pg. SL-1 in on plans exhibit 85)

Because of the items listed above, the project is consistent with this special exception consideration.

Mike Sinko motioned to approve Special Exception Application #2021-03, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 "Vacation Resorts" which includes recreational campgrounds in accordance with Section 18.11 based on the applicant's demonstration that they have met all Special Exception criteria of Section 10.4.11 and Section 18.11 of the Preston Zoning Regulation and that the Town Planner's recommended modifications read earlier are specifically followed. Doreen Rankin seconded the motion. Richard Chalifoux, Mike Sinko, and Fred Eddy were in favor of the motion; while Denise Beale, Doreen Rankin, Charles Raymond, and Terri Eickel voted against the motion. The motion failed 3 to 4.

Denise Beale stated that she has concerns with this project and that even though it complies with the regulations; the traffic, school, and neighbors are still concerning issues.

Site Plan

Site Plan Application #2021-03, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 "Vacation Resorts" which includes recreational campgrounds in accordance with Section 18.11.

Mike Sinko motioned to table Site Plan Application #2021-03, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 "Vacation

Resorts” which includes recreational campgrounds in accordance with Section 18.11; and Site Plan Application #2021-03, Blue Camp CT, LLC, Applicant, and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 “Vacation Resorts” which includes recreational campgrounds in accordance with Section 18.11 until the June 28, 2022 meeting. Doreen Rankin seconded the motion. The motion was carried unanimously.

Zoning Permit

- a. **Zoning Permit Application #2022-01**, Brenda Mansaka, Applicant and 30 Spicer, LLC, Owner for property located at 30 Spicer Road; Short Term Rental.

Due to numerous missing documents, it was recommended that this application be tabled until all the appropriate documents have been submitted.

Mike Sinko motioned to table Zoning Permit Application #2022-01, Brenda Mansaka, Applicant, and 30 Spicer, LLC, Owner for property located at 30 Spicer Road; Short Term Rental until the June 28, 2022 meeting. Denise Beale seconded the motion. The motion was carried unanimously.

8. New Business - None

9. Other Matter

- a.) Revision for facade at Bestway Gas Station & Market, Site Plan #2019-01 located at 212 Route 2, Sultan Ali Javed, Applicant, and Hussan Ali, LLC, Owner.

Kathy Warzecha shared that they are changing the facade they’ve taken the second story off because it wasn’t structurally sound.

- b.) Affordable Housing Plan update and meeting on May 9, 2022.

Kathy Warzecha shared that now that the Plan has been approved that steps need to be taken to implement it. Many of the implementations need to be done by either the Board of Selectmen or the Board of Finance. It was decided that Ms. Warzecha will discuss a time with Sandra Allyn-Gauthier and get back to the Commission with a date after the budget has passed.

10. Public Comment - None

11. Adjournment

Mike Sinko motioned to adjourn the meeting at 8:08 P.M. Doreen Rankin seconded the motion. The motion was carried unanimously.

Respectfully submitted,

Kimberly Lang

Kimberly Lang