

LEGAL NOTICE

TOWN OF PRESTON PLANNING AND ZONING COMMISSION

NOTICE OF PUBLIC HEARING

The Preston Planning and Zoning Commission will hold a public hearing on Tuesday, June 27, 2017 at 7:30 p.m. at the Preston Veterans' Memorial School, 325 Shetucket Turnpike (Route 165), Preston, Connecticut on the following application:

ZTA #2017-01, Mohegan Tribal Gaming Authority, Applicant, An Application for Zoning Regulation Amendment to Amend Section 11C Thames River District of the Preston Zoning Regulations.

Section 11C of the Preston Zoning Regulations contains the regulations which govern the use and development of real property in the Thames River District, including uses in any Special Thames River Design Development Overlay District ("STRDDOD") permitted pursuant to the provisions of Section 11C.7 of the proposed zoning regulation. The zoning regulation amendment is intended to enable development in accordance with a master plan of development within the Thames River District endorsed by the Preston Redevelopment Authority and approved by the electors of the Town of Preston at a referendum held on March 18, 2017. The revised regulations for the Thames River District permit the following uses, with site plan approval, in the Thames River District: (a) professional offices (b) daycare centers, including adult daycare and nursery schools (c) financial offices such as banks, insurance offices and financial planning offices (d) health and fitness centers which are facilities which provide for such activities as swimming, tennis, racketball and/or aerobics (e) dine-in restaurants (f) retail uses of less than 30,000 square feet (g) hotels and inns (h) accessory buildings or uses. If an STRDDOD is approved by the Preston Planning and Zoning Commission for development as an overlay district within the Thames River District, the following uses are uses permitted within the overlay zone if contained in an approved master plan: (a) all uses permitted in the Thames River District (b) convention center (c) nursing home (d) research hospital and/or laboratories (e) medical/dental clinics and offices, including storefront medical facilities (f) veterinary hospitals and offices; pet daycare and hotel facilities (g) retail use with no size limitation, including shopping centers and gasoline/fuel service filling stations and package liquor store facilities and repair services (h) restaurants, including restaurants with drive-thru services; fast food and casual restaurants; coffee shops, diners, cafes, pubs, bars, taverns, snack bars and food trucks (i) movie theatres (j) colleges or private schools, which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principal instructional institution. Examples of such accessory uses are: residential facilities for staff or students; sports fields or other structures for institutional events (k) transportation facilities: such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers including not more than one helistop. A gondola tram system providing transit from one location to another shall be

considered a permitted transportation facility. Parking lots or garages with limited services such as a shelter and payphone, which could be classified as a typical bus stop, are prohibited as principal uses (l) indoor theater or a building or part of a building for dramatic, musical or other live performances (m) studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae, and ancillary equipment (n) indoor and outdoor family oriented recreational/cultural facilities such as theme park, video game arcade, ski slope, waterpark, adventure course, trampoline center, go kart track, golf course or an outdoor theater (o) intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture, and hydroponic facilities, provided there are no adverse environmental impacts, including odor (p) farms, farm wineries and farm vineyards – large scale; agricultural tourism facilities, including production facilities, a portion of which will be open to the public for tours and may include educational events, retail facilities, and sales of products produced on the premises including food and drink products and on-premises restaurants; farmer’s markets (q) museums, riverwalk, art and entertainment areas (r) water-dependent uses such as marinas and water taxis (s) wedding and banquet facilities (t) spas; timeshare facilities and hotel condominiums (u) camping areas, including recreational vehicle parks and including accessory uses such as toilet and shower facilities, utility hook-ups, community center-type facilities; dining facilities and other related ancillary uses (v) multi-family use, including elderly housing, elderly active adult housing, assisted living facility, nursing home and life care facility; provided that any residential component shall not exceed twenty (20%) percent of the gross square footage of all approved development in an STRDDOD. For purposes of the regulation, a residential component does not include hotel, motel or interval ownership uses or elderly housing, elderly active adult housing, assisted living facilities, nursing home and life care facilities. Any multi-family development that is a residential component shall be limited to multi-family rental or ownership units located within a Mixed Use Development that contains commercial or business uses on the first floor with residential units located only above the first floor. In no event shall any multi-family unit that is a residential component contain more than two (2) bedrooms (w) the sale and consumption of alcohol in bars, nightclubs, pubs, cafes, coffee shops, diners, taverns, entertainment facilities, recreational facilities, sports venues and restaurants (all types), whether from a service bar or otherwise. The sale of alcohol in packaged form at licensed package liquor stores and of beer in grocery stores (x) microbrewery, cheese making and other specialty food product manufacturing such as gourmet sauces, home-made pasta, olive oil, soap and other personal products and (y) other uses that are similar in use, dimensions and impact to the STRDDOD enumerated uses. The draft regulation contains procedures for filing an application for development or use in the Thames River District and/or the STRDDOD, design standards for development and evaluation criteria to be applied by the Planning and Zoning Commission in evaluating a proposal for development or use in the Thames River District or the approval of a master plan in a STRDDOD, as well as application requirements and evaluation criteria for site plan approval subsequent to the approval of a master plan for development within an STRDDOD.

Copies of the proposed revisions to the Zoning Regulations for the Thames River District, including the STRDDOD overlay district within the Thames River District, and supporting

documentation are on file in the offices of the Town Planner and Preston Town Clerk, Preston Town Hall, 389 Route 2, Preston, Connecticut and available for public inspection during normal business hours.

At the public hearing interested persons may appear and be heard concerning the Zoning Regulation Amendment and written communications will be received by the Planning and Zoning Commission.

Dated at Preston, Connecticut this 15 day of June, 2017.

PRESTON PLANNING AND ZONING COMMISSION
Arthur Moran, Jr., Chairman

To be published in The Bulletin on June 15, 2017 and June 22, 2017.

Fee 9210-010#180244
Zoning Text Amendment # 2017-01
Date Submitted 05.23.17



**Town of Preston
Planning and Zoning Commission
Zoning Text Amendment Application**

Name of Applicant Mohegan Tribal Gaming Council
Address of Applicant c/o Updike, Kelly & Spellacy, P.C., 100 Pearl Street, Hartford, CT 06103
Phone Number 860-548-2640 Cell Phone n/a
Email Address shays@uks.com

Provide a copy of the proposed revision to the regulations. Underline everything that is being added and ~~cross-out~~ everything that is being deleted. Provide title(s) of the revision(s) with description(s) that will be used for the legal notice and public hearing (also note title as heading on the proposed amendment).
See attached redlined and clean copy

Provide a description of why the request is being made and how the revision(s) is (are) consistent with the Plan of Conservation and Development. Add additional sheets, as necessary.

See attached letter dated May 23, 2017

Will the application impact (1) a municipality within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Please note impacted municipalities.

A portion of the zone which is the subject of the application is located within 500 feet of Montville. As the application is for a text amendment, it should not have any impact as noted above.

Signature of Applicant *Susan A. Hays* Date May 23, 2017
Print name Susan A. Hays, Attorney for Applicant

HELLER, HELLER & McCOY
Attorneys at Law
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Sidney F. Heller (1903-1986)
Harry B. Heller
William E. McCoy

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Mary Gagne O'Donal
Andrew J. McCoy

June 7, 2017

Town of Preston Planning and Zoning Commission
Attn.: Ms. Kathy Warzecha, Director of Planning
389 Route 2
Preston, CT 06365

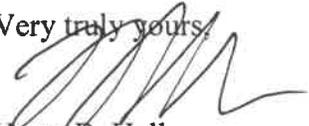
Re: Mohegan Tribal Gaming Council – Zoning Text Amendment Application

Dear Kathy:

As requested, enclosed herewith please find a completed and executed original Zoning Text Amendment application form that has been prepared and executed by counsel for Mohegan Tribal Gaming Council with respect to the proposed text amendment to Section 11C of the Preston Zoning Regulations. The supporting information submitted therewith, representing the May 23, 2017 transmittal, the proposed revised text to Section 11C of the Preston Zoning Regulations and the proposed revised text red-lined against the current text of Section 11C are appended thereto as the complete application for the Commission's consideration. Please enter this application into the record for the public hearing scheduled for June 27, 2017.

Should you have any questions, please feel free to contact the undersigned.

Very truly yours,


Harry B. Heller

HBH/rmb



Susan A. Hays
(t) 860.548.2640
(f) 860.548.2680
shays@uks.com

May 23, 2017

Arthur Moran, Jr.
Chairman
Planning and Zoning Commission
Town of Preston
389 Route 2
Preston, CT 06365

RE: Application to Amend Section 11.C of the Preston Zoning Regulations

Dear Chairman Moran:

Please accept this letter and the accompanying materials and check as the application of the Mohegan Tribal Gaming Authority for the amendment of Section 11.C of the Preston Zoning Regulations. As the application includes modifications to several subsections within Section 11.C, we have included both a clean copy of the proposal as well as a redline from the current Section 11.C.

This amendment primarily modifies the existing Special Thames River Design Development Overlay District (STRDDOD) regulation with some minor amendments to other section of 11.C. There are several purposes for the proposed amendments. It is our understanding that the existing Section 11.C regulation was adopted with the expectation that there would be several developers who would each separately develop individual parcels acquired from the Town. The current land disposition proposal is, for planning purposes, to have one master developer of the majority of the Town's property. Thus, the regulations have been modified to recognize that there will be one master developer for the a majority of the property within the Thames River District. The proposed amendments also clarify the STRDDOD process as well as clarifying and updating the types of materials that will be required for and criteria that will apply to a master plan application. Last, the regulations have been modified to reflect changes in law since the adoption of the original regulations, most notably the MacKenzie case, as well as changes in administrative agencies, entities and processes.

Although the proposed amendment is the application of the Mohegan Tribal Gaming Authority, the applicant has been working closely with counsel to the Town and the Preston Redevelopment Agency in the preparation of these amendments. The materials submitted with this application therefore represent the consensus of the parties to the Property Disposition and Development Agreement (PDDA) with respect to the proposed zoning amendments referred to in, and

Updike, Kelly & Spellacy, P.C.

100 Pearl Street ■ PO Box 231277 ■ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 www.uks.com

satisfying the terms of, the PDDA. The applicant has also been working closely with the Town's special zoning counsel on the preparation of this proposed amendment. While there remain some differences between the applicant's proposal and the special counsel's most recent draft, in the interest of time and to get the statutory clocks running, we are submitting this application. We believe that any remaining issues can be worked out through the application process.

If there is anything further that you need with respect to this application, please contact the undersigned. We look forward to working with the Planning and Zoning Commission on finalizing these zoning regulation amendments so that we can start the approval process for this very exciting project.

Sincerely,


SUSAN A. HAYS
Attorney for the Applicant

SAH:wp

Enclosures

CC: Helga Woods, Esq.
Scott Wells, Esq.
Scott Murphy, Esq.
Bruce Chudwick, Esq.
Timothy Hollister, Esq.

11C Thames River District ("TRD")

- 11C.1 Purpose:** The purpose of this district is to promote an energy efficient, pedestrian friendly, planned mixed-use development that includes a variety of commercial uses and will in its design consider the zones' unique locational features such as the campus setting, historic assets, and proximity to State Highways, rail line, the Thames River, natural resources, public utilities, and area attractions. (03/09/09) (App. 02/25/14; Eff. 03/14/14)
- 11C.2 Procedures:** A site plan application shall be submitted for all permitted uses enumerated in Section 11C.3 pursuant to Section 16 of these Regulations. Applications for zone changes and master plan approval pursuant to the Special Thames River Design Development Overlay District ("STRDDOD") shall be submitted in accordance with the provisions of Section 11C.7 of these Regulations. All applications proposing development within the TRD for property that is not the subject of a Property Disposition and Development Agreement ("PDDA) and that is within the redevelopment area shall be submitted to and reviewed by the Preston Redevelopment Agency (PRA). The Commission shall not act on any application for development within the redevelopment area that is required to be submitted to the PRA without receiving recommendations and an advisory report from the PRA; provided, however, that in the event the PRA does not submit review comments within thirty-five (35) days, the Commission may act on such application absent comments from the PRA. All such reports and recommendations shall be considered by the Commission but shall be advisory only.
- 11C.3 Permitted Uses:** The following uses are permitted in the TRD as of right, but subject to receiving site plan approval from the Commission in accordance with the standards contained in these Regulations:
- a) Professional Offices
 - b) Daycare Center, including adult daycare and nursery schools
 - c) Financial Offices, such as banks, insurance offices and financial planning offices
 - d) Health and Fitness Centers: which are facilities which provide for such activities as swimming, tennis, racquetball and/or aerobics
 - e) Dine-in Restaurants
 - f) Retail uses of less than 30,000 square feet
 - g) Hotels and Inns
 - h) Accessory buildings or uses
- 11C.4 Environmental Protection:**
- a) **Coastal Area:** The TRD includes property regulated under the Coastal Management Act (the "Act"). The Act establishes special requirements and procedures that ensure the impacts of proposed activities on both coastal resources and water dependent development activities are acceptable. A coastal site plan application is required for activities located within the coastal boundary.

- b) **Stormwater:** Landscaping and stormwater drainage associated with site development shall be of a design and layout to minimize potential water quality impacts of non-point source runoff, including hydrocarbons, fertilizers and pesticide applications. Stormwater drainage shall be designed to relate harmoniously with the adjacent landscape and structures. All drainage design shall be developed in accordance with the State of Connecticut Stormwater Quality Manual, latest edition.
- c) **Conservation / Public Access Easements:** The Commission may require deeded conservation easements to the Town or any other 501(c)(3) recognized conservation entity approved by the Commission to protect coastal and natural resources and to allow public access to coastal or other natural resources and/or historic resources, where appropriate and available. This determination shall be made by the Commission during the coastal site plan review process and/or the site plan review process, whichever may be applicable.

11C.5 Design Standards: These design standards are provided to ensure harmonious creative design that allows flexibility to achieve the overall goal of a well-planned and well-designed New England style development. All applications for development within the TRD shall be submitted with a general plan illustrating how the project coordinates, complements and fits with the overall plans for the comprehensive development of the TRD.

- a) **Multiple Buildings and Uses:** A lot may be occupied by more than one (1) permitted principal building or use. The separating distance between individual buildings shall be adequate to complement the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for pedestrian or vehicle access or be landscaped. Building separation distances shall be reviewed by the Commission for vehicular and pedestrian safety and compatibility with site features. At no time shall any building separation distance conflict with any federal, state or local building or fire code requirement.
- b) **Special Features:** Important existing site features, such as stone walls, large trees, and other features shall be preserved and incorporated into the new design to the maximum extent feasible.
- c) **Building Design:** All structures and projects should be consistent with the *Thames River Design Guidelines*, hereinafter referred to as the *Design Guidelines* (which are an addendum to these Regulations).
- d) **Lot Coverage and Building Height:** Structures shall not cover more than twenty-five percent (25%) of each parcel. The Commission shall consider impact on vistas and solar access when reviewing the height of structures within the District.
- e) **Sign Design:** The design, proportion and placement of signs shall complement the buildings' composition and architectural details. The design shall consist of materials, colors, and lettering styles and sizes which

relate to the architectural styles in this District. Additional sign requirements are stipulated in Section 18 of these Regulations. Any site plan submitted to the Commission for approval of development within the TRD shall include a signage plan delineating the location of all proposed signage, the size, shape, lighting and conceptual design of all proposed signage within the property that is the subject of the site plan application.

- f) **Parking:** Off-street parking shall meet the requirements of Section 17, unless otherwise specified in Section 11C.5 (m) of the Regulations. All parking areas shall be attractively landscaped with planting strips between bays and planting strips separating driveways from parking bays. No parking shall be located in front of the building served by such parking area, but may be located to the side and rear of the building.
- g) **Buffers:** A landscaped buffer strip shall be provided to adequately screen all abutting residentially zoned properties and/or cemeteries. Such buffer shall provide a physical separation that screens any vehicular head light glare, on-site lighting glare, or other visual intrusion into the adjacent residential zone or cemetery. The Commission may forward copies of the plans to the cemetery association for review and comment. The Commission may also require a buffer strip to provide visual separation from other redevelopment areas within the District where the incorporation of such buffer strip adds to the overall aesthetic character of the District. Off-street parking is prohibited within these areas.
- h) **Noise:** No development or project shall produce decibel levels that exceed the State of Connecticut recommended noise levels.
- i) **Lighting:** The site plan shall show all proposed exterior lighting in enough detail for the Commission to assess the impact of the lighting on the surrounding area. In no case shall the lighting be located such that its height, direction, intensity or conditions pose a nuisance to surrounding uses. The Commission may require a lighting plan prepared by a licensed professional engineer to determine compliance with this requirement.
- j) **Dimensional Requirements:** Other than those separating distances required to comply with other code requirements (building, fire, etc.) there shall be no minimum dimensional requirements within the TRD. Side and rear building set back lines, distances from the centerline of the roads, and building height shall be subject to approval by the Commission. In exercising its discretion, the Commission shall only approve setback lines, the height of structures, and distances which are designed to create a well planned community thereby allowing the sharing of resources, parking and utilities. In considering building height, the Commission shall consider safety, impact on vistas and on the potential use of solar energy.
- k) **Energy Efficiency and Sustainability:** In formulating each site plan for development in the TRD, consideration shall be given to create a development that minimizes the impact on ecosystems and water resources, promotes smarter use of water to reduce both potable and non-potable water consumption,

promotes better building energy performance through innovative strategies, encourages the use of sustainable building materials and reduces waste, promotes improved indoor air quality and access to daylight and views, promotes walkable neighborhoods with efficient transportation options and open space, emphasizes compact, walkable, vibrant, mixed-use neighborhoods with connectivity to nearby communities, and/or reduces the environmental consequences of the construction and operation of buildings and infrastructure.

- l) **Access and Traffic:** All development within the District shall comply with the following standards, as applicable:
1. In order to reduce possible point of traffic conflict, the Commission may require access drives to be located along a side property line so that with the development of the adjacent property, the access drive could be widened onto that adjacent property, to create "one" access drive to serve two (2) or more properties. The Commission may also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety and when connecting to a public road/street. The Commission may require the incorporation into any site plan of reserved rights-of-ways together with an obligation to construct in locations in which the Commission deems interparcel access to adjacent public streets reasonably necessary to enhance traffic flow and to prevent congestion and traffic conflict on existing municipal and state streets and highways. Where common access drives are approved by the Commission as a component of a site plan approval, a written agreement for the common use and maintenance of shared access facilities, subject to the approval of the Town Attorney (not to be unreasonably withheld), shall be executed and recorded in the Preston Land Records prior to the issuance of building permit for the approved development.
 2. The Commission shall require minimum sight line distances depending on present and anticipated traffic conditions and current engineering design standards.
 3. Since it is the intent of the regulations to create a walkable community, the applicant must demonstrate that the site design makes proper provision for pedestrian access and safety problems.
 4. Any permit application may be denied by the Commission if, after review and evaluation, no reasonable modification can be made which will insure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.
 5. The applicant is responsible for obtaining all other required access and traffic permits from the ConnDOT or Office of State Traffic Administration or other, as required by applicable regulations. The status of such permit activity shall be included with any application for development within the TRD. In the event that any such permit or authorization is granted subsequent to the date that the Commission issues its site plan approval, which permit requires material

modifications to the proposed street layout, intersection design or traffic controls incorporated into the site plan approval, the applicant shall submit such amendments and modifications to the Commission for approval and the Commission shall evaluate such modifications and amendments in an application for modification of site plan approval applying the parameters set forth in these regulations.

- m) **Off-Street and Off-Site Parking:** The amount of off-street parking for buildings and uses in the TRD shall either (i) be as stipulated in Section 17 of these Regulations for each of the permitted uses or (ii) be based upon an evaluation of the parking needs for the applicable uses delineated on the site plan or Master Plan, as applicable, prepared by a professional engineer with experience in parking and traffic circulation design, whose recommendations may be adopted by the Commission and incorporated into the Master Plan or site plan approval.

In addition, proposed development activities may provide for off-street parking to be located off-site under the conditions 1) thru 4) below:

1. The off-site parking shall be easily accessible and located within a practical distance from and appropriately located to serve the principle building as illustrated by the applicant and determined to be acceptable by the Commission. The Commission shall also determine that the location of the proposed off-site parking facility will not hamper current or future development opportunities or represent a public safety concern.
2. An agreement, providing for the use and maintenance of such parking facilities, shall be submitted with the application, and subsequent to approval, executed by the applicant and filed in the Preston Land Records.
3. Off-site parking areas shall not be included for calculations when determining compliance with any dimensional requirements, including lot coverage for the parcel on which the principal use is located. For uses requiring a significant number of parking spaces, several smaller interconnected parking areas separated by landscaped islands are encouraged rather than a single large parking lot for aesthetic and drainage purposes.
4. Alternating work shifts can be considered when calculating the parking, as deemed acceptable by the Commission.

11C.6 Non-conforming buildings/residential density limitations: Any single-family residence existing at the time of the Effective Date of Section 11C of these Regulations and located within the TRD shall be exempt from

Section 19.2.3 of these Regulations which prohibits the expansion of non-conforming buildings. In addition, such existing single-family residences shall not be taken into consideration in the determination of the maximum residential density in the TRD or any STRDDOD.

11C.7 Special Thames River Design Development Overlay District (STRDDOD) (NEW, July 2017): The purpose of this floating overlay district is to encourage and permit variety and flexibility in land use and that will augment creative design development within the TRD. This Section 11C.7 sets forth the procedures and criteria for the Commission to rezone one or more portions of the TRD to STRDDOD, in conjunction with the approval of a master plan for redevelopment; and eventually to approve a site plan for one or more segments of an STRDDOD as they are proposed for development and construction. This Section 11C.7 is organized into five subsections: Section 11C.7a – Permitted Uses Within STRDDOD; Section 11C.7b - Procedures For Rezoning To STRDDOD; Section 11C.7c – Criteria And Standards for Rezoning to STRDDOD; Section 11C.7d – Required Content of Master Plan for STRDDOD; and Section 11C.7e – Site Plan Approval Requirements for STRDDOD. The STRDDOD allows the Commission to approve a project with uses that are in addition to those permitted as of right in the TRD and to allow the use of specific development related criteria in lieu of the criteria set forth in Sections 11.C.1 through 6 and Sections 12, 13, 15, 16, 17, 18 and elsewhere in these Regulations. In exercising its legislative discretion in considering an application for an STRDDOD Overlay District, the Commission shall consider the recommendations contained in the Preston Plan of Conservation and Development, Preston Riverwalk Plan of Conservation and Development and the Design Guidelines. In furtherance of the intent to provide for flexibility in design and of uses, the provisions of Sections 12, 13.1, 13.6, 13.7, 13.9, 13.13.11, 13.13.12, 13.14, 13.18, 13.19, 13.22, 13.24, 15.5, 15.9, 15.11, 15.13, 15.14, 15.15, 15.16, 15.18, 16.5.2, 16.5.3, 16.5.7 and 16.5.10 of these regulations shall not apply to an STRDDOD application or to an approved STRDDOD development.

11C.7a: Permitted Uses Within STRDDOD

1. Uses permitted in the TRD, as set forth in Section 11C.3
2. Convention Center
3. Nursing Home
4. Research Hospital and/or laboratories; medical/dental clinics and offices, including storefront medical facilities; veterinary hospitals and offices; pet daycare and hotel facilities
5. Retail Use with no size limitation, including shopping centers and gasoline/fuel service and filling stations and package liquor store facilities and repair services

6. Restaurants, including restaurants with drive-thru service; fast food and casual restaurants; coffee shops, diners, cafes, pubs, bars, taverns, snack bars and food trucks.
7. Movie Theaters
8. Colleges or private schools, which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principal instructional institution. Examples of such accessory uses are: residential facilities for staff or students; sports fields or other structures for institutional events.
9. Transportation facilities: Such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers including not more than one helistop. A gondola tram system providing transit from one location to another shall be considered a permitted transportation facility. Parking lots or garages with limited services such as a shelter and pay phone, which could be classified as a typical bus stop, are prohibited as principal uses.
10. Indoor Theater or a building or part of a building for dramatic, musical, or other live performances.
11. Studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae, and ancillary equipment.
12. Indoor and outdoor family oriented recreational/cultural facilities such as a theme park, video game arcade, ski slope, waterpark, adventure course, trampoline center, go kart track, golf course or an outdoor theater.
13. Intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture, and hydroponic facilities, provided there are no adverse environmental impacts, including odor.
14. Farms, farm wineries and farm vineyards – large scale; agricultural tourism facilities, including production facilities, a portion of which will be open to the public for tours and may include educational events, retail facilities and sales of products produced on the premises including food and drink products and on-premises restaurants; farmer's markets.
15. Museums, riverwalk, art and entertainment areas.
16. Water-dependent uses such as marinas and water taxis.

17. Wedding and banquet facilities.
18. Spas; timeshare facilities and hotel condominiums.
19. Camping areas, including recreational vehicle parks and including accessory uses such as toilet and shower facilities, utility hook-ups, community center-type facilities; dining facilities and other related ancillary uses.
20. Multi-Family Use, including Elderly Housing, Elderly Active Adult Housing, Assisted Living Facility, Nursing Home and Life Care Facility; provided that any residential component shall not exceed twenty (20%) percent of the gross square footage of all approved development in the STRDDOD. For purposes hereof, a residential component shall not include hotel, motel or interval ownership uses or Elderly Housing, Elderly Active Adult Housing, Assisted Living Facilities, Nursing Homes and Life Care Facilities. Any multi-family development that is a residential component shall be limited to multi-family rental or ownership units located within a mixed use development that contains commercial or business uses on the first floor with residential units located only above the first floor. In no event shall any multi-family unit that is a residential component contain more than two (2) bedrooms.
21. The sale and consumption of alcohol in bars, nightclubs, pubs, cafes, coffee shops, diners, taverns, entertainment facilities, recreational facilities, sports venues and restaurants (all types), whether from a service bar or otherwise, The sale of alcohol in packaged form at licensed package liquor stores and of beer in grocery stores.
22. Microbrewery, cheese making and other specialty food product manufacturing such as gourmet sauces, home-made pasta, olive oil, soap and other personal products.
23. Other uses that are similar in use, dimensions and impact to the uses listed above.

11C.7b: Procedures For Rezoning To STRDDOD

An application for rezoning to STRDDOD shall follow the procedures of Chapter 124 of the Connecticut General Statutes and Section 2.5 of these Regulations, and shall include a Master Plan as set forth in Section 11C.7d below.

1. A pre-application review shall be allowed, but is not required, to provide the applicant with the opportunity to discuss with the Commission the conceptual plan for the project without extensive details. Any pre-application shall be submitted to the Commission for consideration a minimum of two (2) weeks prior to a regularly scheduled meeting of the Commission. Upon receipt, if the property that is the subject of the pre-

application is not covered by a PDDA, the pre-application shall be referred to the PRA for review and recommendation. The PRA shall provide a report to the Commission within thirty-five (35) days of receipt. The report submitted by the PRA shall address the economic benefits or detriments, as the case may be, of the proposed STRDDOD to the community and region, including job creation.

2. The pre-application review and the informal consideration of the conceptual plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. In the event that an applicant utilizes the pre-application review process, neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant and the Commission upon the future receipt of a formal application for a zone change to STRDDOD and Master Plan approval. Since the pre-application review is an informal, non-binding process, the applicant's submission shall be of such content and detail as will enable the Commission to provide comments on areas of concern or interest to the applicant. The level of detail of information submitted by an applicant for a pre-application review shall be at the applicant's discretion. However, more complete information and plans submitted for discussion will result in more meaningful feedback from the Commission.
3. Formal Application: Any owner of property located within the TRD may apply to the Commission for a change of zoning district classification from the TRD to the STRDDOD. The applicant need not own all land within the proposed STRDDOD, and failure to own all land within such proposed district shall not prevent the Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which STRDDOD approval is requested consents in writing to the filing of the application for the STRDDOD. The application shall be submitted to the Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the Zoning Regulations of the Town of Preston and shall further be submitted together with such reasonable additional third party consulting fees for peer review of the technical aspects of the application as have been estimated by the Commission, which fees may be limited by the terms of a PDDA. Such fees shall be accounted for separately by the Commission and the Town from other moneys and may be used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the Commission or the Town. Such peer review shall be for the purpose of assisting the Commission in its review of the zone change and Master Plan approval application. The Commission shall utilize the services of its existing consultants billed at their agreed upon fee schedule; provided, however, that the Commission may seek the review services of third party consultants if existing consultants do not possess the expertise to provide the review services needed to evaluate an application for master plan and/or site plan approval.
4. The following information shall be submitted with an application for zone change to the STRDDOD:

- a. A Project Narrative that includes:
 1. The specific types of proposed uses within the STRDDOD and the approximate square footage of each use;
 2. The methods by which site utilities will be provided;
 3. The proposed timetable for development, including a description of phases, if any;
 4. A list of all licenses, permits, and approvals that will be required for the proposed development, together with a delineation of the agency responsible for the issuance of such permits, licenses, and approvals;
 5. The open space, archaeological, coastal or recreational resources of the site, and the amount of open space to be retained, and the method of preservation thereof;
 6. The pattern/method of ownership and maintenance of any interior roadways, public facilities and other common elements;
 7. With respect to any residential component of the project, an identification of the type of residential housing proposed; i.e. age restricted, affordable, independent living, assisted living, etc., a schedule of bedrooms per dwelling unit, total number of units and the total number of affordable units if any;
 8. A statement delineating how the STRDDOD supports and creates a livable, pedestrian, green development which benefits to the Town of Preston; and
 9. How the proposed development is consistent with the Comprehensive Plan of the Town of Preston, the Plan of Conservation and Development of the Town of Preston and the Preston Riverwalk Plan of Conservation and Development.
- b. A property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owning property located within the proposed STRDDOD and the names of all abutting property owners of record, including property owners located directly across the street from the STRDDOD. Abutting property owners shall be determined by the most recent records of the Assessor of the Town of Preston as of the date of filing of the zone change application for the STRDDOD. Said survey shall include a key map.

- c. A Master Plan which shall be drawn clearly and legibly at a scale of 1" = 100' or less unless the area of the application is such that the entire property cannot be shown on one sheet, in which case a larger scale may be used. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer, architect, landscape architect or land surveyor registered in the State of Connecticut. The Master Plan shall contain the following:
- i. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads.
 - ii. Property Included. The boundaries of the subject parcel or parcels to be rezoned and/or developed and owners of these parcels; owners of adjacent parcels and boundaries, structures and land use on adjacent parcels (including those located across a street) located within 100' feet of the boundary of the property that is the subject of the application.
 - iii. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
 - iv. Proposed Land Uses. Project layout showing the individual development areas on the site, if applicable, and a land use chart indicating the proposed land uses for each of the development areas.
 - v. Proposed Buildings. Proposed preliminary project layout, showing the general location of the following:
 - Buildings and their use, and the location of uses not contemplated within buildings.
 - Parking areas.
 - vi. Circulation. The general location of roads, parking and pedestrian circulation including interconnections with existing town and state roads.
 - vii. Stormwater. A general stormwater quality and management plan that will present the applicant's proposal for addressing stormwater management on site and how it will incorporate low impact development techniques and processes.

- viii. Erosion Control. A statement that all erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
 - ix. Wetlands and Watercourse. The location of any tidal and/or inland wetlands and watercourses as defined by Chapter 440 of the Connecticut General Statutes and the Preston Inland Wetlands and Watercourses Regulations.
 - x. Signage Plan. A general signage plan delineating the types, size limitations and design of all signage within the STRDDOD, including directional signage.
 - xi. Landscape Plan. A general landscape plan showing the locations of landscaped areas (and criteria for certain development areas) within the STRDDOD.
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- d. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the STRDDOD uses and traffic circulation within the STRDDOD.
 - e. Water Supply Study. The name of the water company or utility which will supply water to the STRDDOD, a projection of the number of gallons to be consumed on a daily basis by all uses in the STRDDOD together with a letter from the designated water company or utility committing to provide sufficient water to meet the needs of all uses within the STRDDOD.
 - f. Sewage Disposal Study. The proposed method for the collection and disposal of all sanitary waste, together with a letter from the utility which will provide sanitary sewer service evidencing the fact that such utility has the ability to provide sanitary sewer service for all uses within the STRDDOD.
 - g. Surface Water Quality. A statement indicating the quality of existing watercourses through or near the STRDDOD and containing an analysis of how the development of the STRDDOD will be consistent with the maintenance of surface water quality required by these Regulations.
 - h. Pedestrian Study. An analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the STRDDOD and between the STRDDOD and adjacent uses, which analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the STRDDOD as well as between the STRDDOD and adjacent uses.
 - i. Parking Analysis. The parking analysis for the STRDDOD prepared by a licensed professional engineer experienced in parking needs and design, which analysis shall determine the amount of

parking required for the individual uses contemplated within the STRDDOD. The recommendations of the parking analysis shall be incorporated into the Master Plan by the applicant's licensed professional engineer.

- j. Constructability Review. A review of the design of the STRDDOD prepared by a licensed professional engineer to determine that the Master Plan, as formulated, is constructible giving due consideration to stormwater drainage, environmental constraints, archaeological resources, soil conditions, utility layout and availability of access.
- k. Scheduling. A schedule of proposed development in terms of time and site development area for all proposed phases of the STRDDOD.
- l. General Design Criteria. General design criteria for the buildings and other structures to be constructed on the site including any development limits or substitute criteria for items such as (but not limited to) coverage, setbacks, buffers, landscaping, maximum height of buildings and structures and other bulk and area requirements, sign criteria, parking requirements and similar items that will apply to the specific development areas within the STRDDOD. Separate criteria may be established by the Commission for each development area.
- m. Economic Analysis. For projects that are not the subject of a PDDA, an economic model that indicates that the uses contemplated by the Master Plan will provide more of an economic benefit to the town than a project using the underlying District. The analysis must provide a description on how the project will be developed in accordance with "Smart Growth Principals" that protect the environment, improve public health, create jobs, expand economic opportunity, and improve overall quality of life.

11C.7c: Criteria And Standards For Rezoning To STRDDOD

In acting on an application for change of zone and master plan approval for an STRDDOD, the Commission is performing a legislative function and shall be allowed the discretion granted to zoning commissions acting in a legislative capacity by Connecticut law. The Commission shall, in acting upon a zone change to STRDDOD and approval of a master plan submission, consider the comprehensive plan of the Town of Preston, the Plan of Conservation and Development adopted by the Commission and the Preston Riverwalk Plan of Conservation and Development.

1. General Findings:

In general, the Commission shall consider the following in any decision to approve an STRDDOD:

- i. The compatibility of the proposed location and uses with the recommendations of the adopted Plan of Conservation and Development, the Preston Riverwalk Plan of Conservation and Development and the Design Guidelines.
- ii. The existing and future character of the district in which the STRDDOD is located. Particular attention shall be paid to the character and uniqueness of the natural, historic and archaeological resources of the District and the character and use of the existing highway facilities.
- iii. Traffic circulation within the STRDDOD. The amount, access and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses and the use of alternative modes of transportation proposed to minimize traffic impacts. Development shall be located so as to provide direct primary access to a state owned and maintained arterial highway and to discourage increased traffic loads through residential neighborhoods.
- iv. The quality of the natural resources within the proposed STRDDOD and the affect that the proposal will have on such resources and the impact the proposal may have through the treatment and disposition of stormwater runoff.
- v. The STRDDOD shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage and topography must be suitable to adequately accommodate the pattern and nature of the land use intended.
- vi. The availability of water to the STRDDOD and the adequacy of capacity in the delivery system to the wastewater treatment plant and in the wastewater treatment plant itself providing sewer service to uses within the STRDDOD. Sufficient water shall be available to the site to supply the needs of the proposed uses. The proposal shall not impose upon the town any obligation to effect improvements to water lines, water supplies, wastewater collection systems or a wastewater treatment plant, unless funded by the applicant.
- vii. Safeguards to protect neighboring properties and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.
- viii. For projects that are not the subject of a PDDA, the economic impact on the Town of Preston with particular attention to the potential property tax revenue from the STRDDOD.
- ix. For projects that are not the subject of a PDDA, the economic impact of the development on municipal and regional economies. Economic impact calculations shall take into consideration the value of secondary spending using recognized multipliers to calculate such benefits.

11C.7d: Site Plan Approval Requirements For STRDDOD

Site Plan Application: Subsequent to approval of the zone change and Master Plan, a site plan application shall be submitted for approval in accordance with Section 16 of these Zoning Regulations for all development in the approved STRDDOD and shall comply with the following additional requirements.

The following information shall be submitted with a site plan application for a site within an approved STRDDOD:

1. Property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk.
2. Development Plan: The development plan shall be drawn clearly and legibly at a scale of 1" = 40' or less horizontal and T-2 vertical, with contour intervals not to exceed 2'. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer and land surveyor registered in the State of Connecticut with, if required, the additional design expertise of a landscape architect and/or architect. The development plan may comprise several plans for separate phases of the development of the STRDDOD and shall contain the following:
 - a. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads, general soil conditions and zoning districts of all properties located within 1,000 feet of the STRDDOD.
 - b. Adjacent Land Uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures and land uses.
 - c. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
 - d. Site Layout and Zoning Chart. The proposed land uses intended in the development including a zoning chart setting forth the number of residential and commercial units, and the amount of land to be devoted to each land use including the amount and general location of proposed open space, recreational areas and facilities, parking, walkways and other amenities.
 - e. Proposed Buildings. The height, bulk, use and location of buildings, including conceptual elevations of each building.

- f. Circulation. The design, ownership, utilities and drainage of roads, parking and pedestrian circulation areas, interconnection points with existing town and state highways and public utility facilities, and provisions, if applicable, for the interconnection of said infrastructure in multi-phased STRDDODs.
 - g. Utilities. The layout and method for addressing water, sewer, gas, telephone, electric, cable and stormwater required to accommodate the uses and development within the STRDDOD.
 - h. Surface Water and Groundwater Quality. A statement indicating the quality of existing watercourses through or near the application parcel and containing an analysis of how the proposed development will be consistent with the maintenance of surface water quality and groundwater quality required by these Regulations, including, the design of all stormwater quality treatment facilities incorporated into that phase of the STRDDOD, the maintenance plan for the maintenance of the same and verification that the water quality measures incorporated into the design will comply with the requirements of the 2004 State of Connecticut Stormwater Quality Manual and the low impact design addendum, both published by the State of Connecticut Department of Energy and Environmental Protection.
 - i. Erosion Control. An erosion control plan delineating the erodability of the soils and the location and design of all erosion and sediment control measures incorporated into the development plan for that phase of the STRDDOD to control the migration of sediment and to prevent erosion during the construction phases of the development. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
 - j. Signage Plan. A general signage plan delineating the location, type, size, height and design of all signage within the proposed development, including directional signage, or establishing criteria for the same. No free-standing sign shall exceed thirty (30') feet in height.
 - k. Scheduling. A detailed schedule of development in terms of time and site development area for the proposed development.
 - l. Landscape Plan. A landscape plan showing the use of native vegetation (where possible) and existing and proposed topography.
3. The applicant shall submit the following reports as part of the site plan application:
- a. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the proposed uses; which traffic impact study shall be a refinement of the study required in conjunction with the Master Plan approval

and which traffic impact study shall delineate areas of potential traffic congestion and conflict anticipated to arise from the proposed uses and incorporate solutions to ameliorate those anticipated impacts on existing state and municipal highways, roads and intersections.

- b. Pedestrian Impact Study. An impact analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the proposed development and between the proposed development and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the proposed development as well as between the proposed development and adjacent uses.
- c. Parking Plan. The parking plan for the proposed development prepared by a licensed professional engineer with experience in parking needs and design, in accordance with the requirements of Section 11C.7b(3)(i) of these Regulations, which parking plan shall be in compliance with the Parking Analysis required in conjunction and approved with the Master Plan application.
- d. Stormwater Report. A report, containing both pre-development and post development calculations analyzing the stormwater runoff impact of the proposed development as well as the water quality impacts of the proposed development and incorporating the necessary measures to mitigate any adverse impacts disclosed by said analysis.

11C.7e: Modifications: Upon approval of the zone change and Master Plan, and the filing of the same with the Preston Town Clerk, any material changes to the Master Plan shall be submitted to the Commission as an amendment to the Master Plan, which amendment shall require approval utilizing the same procedural formalities as were required for a Master Plan approval. Any non-material changes to the STRDDOD shall be submitted as an amendment to projects through the site plan approval process.

For purposes of the preceding paragraph, a material change is:

- a. Any increase in the gross square footage of all buildings in the STRDDOD by more than ten (10%) percent.
- b. Any substantial change in the general layout and arrangement of uses and neighborhoods in the STRDDOD which would alter the general character of the TRD.

11C Thames River District (~~"TRD"~~)

- 11C.1 Purpose:** The purpose of this district is to promote an energy efficient, pedestrian friendly, planned mixed-use development that includes a variety of commercial uses ~~with a minor residential component~~ and will in its design consider the zones' unique locational features such as the campus setting, historic assets, and proximity to State Highways, rail line, the Thames River, natural resources, public utilities, and area attractions. (03/09/09) (App. 02/25/14; Eff. 03/14/14)
- 11C.2 Procedures:** A site plan application shall be submitted for all permitted uses enumerated in Section 11C.3 pursuant to Section 16 of these Regulations ~~and, as applicable, an application for Zone Change and Master Plan Approval, if applicable, and development in accordance with the provisions of Section 11C.9 of these Regulations contemplated for~~. Applications for zone changes and master plan approval pursuant to the Special Thames River Design Development Overlay District ("STRDDOD). All projects located within the designated Redevelopment Area, shall be") shall be submitted in accordance with the provisions of Section 11C.7 of these Regulations. All applications proposing development within the TRD for property that is not the subject of a Property Disposition and Development Agreement ("PDDA) and that is within the redevelopment area shall be submitted to and reviewed by the Preston Redevelopment Agency (PRA). The Commission shall not consider or act on any application for development within the Redevelopment Area, whether as a permitted use or uses allowed in the STRDDOD, without the Commission redevelopment area that is required to be submitted to the PRA without receiving recommendations and an advisory report from the Preston Redevelopment Agency, PRA; provided, however, that in the event the PRA does not submit review comments within thirty-five (35) days, the Commission may act on such application absent comments from the PRA. All such reports and recommendations shall be considered by the Commission but shall be advisory only.
- 11C.3 Permitted Uses:** The ~~Following~~following uses are permitted in the ~~Thames River District~~TRD as of right, but subject to receiving site plan approval from the Commission in accordance with the standards contained in these Regulations:
- Professional Offices
 - Daycare Center, including adult daycare and nursery schools
 - Financial Offices, such as banks, insurance offices and financial planning offices
 - Health and Fitness Centers: which are facilities which provide for such activities as swimming, tennis, racquetball and/or aerobics
 - Dine-in Restaurants
 - Retail ~~useless~~uses of less than 30,000 square feet

g) Hotels and Inns

~~The Commission shall review all structures contemplated within the Thames River District for architectural consistency required to compliment the multi-use development of Preston Riverwalk and to contribute to the overall character, theme and sustainability of the District.~~

h) Accessory buildings or uses

11C.4 Environmental Protection:

a) **Coastal Area:** The ~~District~~TRD includes ~~much of the coastal zone in Preston~~property regulated under the Coastal Management Act. ~~The act establishes special requirements under the Coastal Management- (the "Act").~~ The ~~act~~Act establishes special requirements and procedures that ensure the impacts of proposed activities on both coastal resources and water dependent development activities are acceptable. A coastal site plan application is required for activities located within the coastal boundary.

b) **Stormwater:** Landscaping and stormwater drainage associated with site development shall be of a design and layout to minimize potential water quality impacts of non-point source runoff, including hydrocarbons, fertilizers and pesticide applications. Stormwater drainage shall be designed to relate harmoniously with the adjacent landscape and structures. All drainage design shall be developed in accordance with the State of Connecticut Stormwater Quality Manual, latest ~~addition~~edition.

c) **Conservation / Public Access Easements:** The Commission may require deeded conservation easements to the Town or any other 501(c)(3) recognized conservation entity approved by the Commission to protect coastal and natural resources; and to allow public access to coastal or other natural resources and/or historic resources, where appropriate and available. This determination shall be made by the Commission during the coastal site plan review process and/or the site plan review process, whichever may be applicable.

11C.5 Design Standards: These design standards are provided to ensure harmonious creative design that allows flexibility to achieve the overall goal of a well-planned and well-designed New England style development. All applications for development within ~~Preston Riverwalk~~the TRD shall be submitted with a general plan illustrating how the project coordinates, complements and fits with the overall plans for the comprehensive development of ~~Preston Riverwalk~~the TRD.

a) **Multiple Buildings and Uses:** A lot may be occupied by more than one (1) permitted principal building or use. The separating distance between individual buildings shall be adequate to complement the natural and man-made features of the site and surrounding area. Separating distance between buildings may be used for pedestrian or vehicle access or be landscaped. Building separation distances shall be reviewed by the Commission for vehicular and pedestrian safety and compatibility with site features. At no time shall any building separation distance conflict with any federal, state or local building or fire code requirement.

b) **Special Features:** Important existing site features, such as stonewalls, large trees, and other features shall be preserved and incorporated into the new design to the maximum extent possiblefeasible.

- c) **Building Design:** All structures and projects should be consistent with the *Thames River Design Guidelines*, hereinafter referred to as the *Design Guidelines* (which are an addendum to these Regulations). ~~The materials, texture, and colors used on the exterior walls and roofs of buildings located in this District should be consistent with the *Design Guidelines*. Preferred building material shall be brick, stone and wood. Metal, unfinished concrete, block, vinyl and asphalt siding, tar paper, sheet metal or plastic roofing materials shall be prohibited unless it is determined by the Commission~~
~~that such materials are fabricated in such a way as to satisfy the architectural intent of the *Thames River District* and the *Design Guidelines*.~~
- d) **Lot Coverage and Building Height:** Structures shall not cover more than twenty-five percent (25%) of each parcel. The Commission shall consider impact on vistas and solar access when reviewing the height of structures within the District.
- e) **Sign Design:** The design, proportion and placement of signs shall complement the buildings' composition and architectural details. The design shall consist of materials, colors, and lettering styles and sizes which relate to the architectural styles in this District. Additional sign requirements are stipulated in Section 18 of these Regulations. Any site plan submitted to the Commission for approval of development within the **Thames River District** TRD shall include a signage plan delineating the location of all proposed signage, the size, shape, lighting and conceptual design of all proposed signage within the District property that is the subject of the site plan application.
- f) **Parking:** Off-street parking shall meet the requirements of Section 17, unless otherwise specified in Section 11C.5 (Am) of the Regulations. All parking areas shall be attractively landscaped with planting strips between bays and planting strips separating driveways from parking bays. No parking shall be located in front of the building served by such parking area, but may be located to the side and rear of the building.
- g) **Buffers:** A landscaped buffer strip shall be provided to adequately screen all abutting residentially zoned properties and/or cemeteries. Such buffer shall provide a physical separation that screens any vehicular head light glare, on-site lighting glare, or other visual intrusion into the adjacent residential zone or cemetery. The Commission may forward copies of the plans to the cemetery association for review and comment. The Commission may also require a buffer strip to provide visual separation from other redevelopment areas within the District where the incorporation of such buffer strip adds to the overall aesthetic character of the District. Off-street parking is prohibited within these areas.

- h) **Noise:** No development or project shall produce decibel levels that exceed the State of Connecticut recommended noise levels.

- i) **Lighting:** The site plan shall show all proposed exterior lighting in enough detail for the Commission to assess the impact of the lighting on the surrounding area. In no case shall the lighting be located such that its height, direction, intensity or conditions pose a nuisance to surrounding uses. The Commission may require a lighting plan prepared by a licensed professional engineer to determine compliance with this requirement.

- j) **Dimensional Requirements:** Other than those separating distances required to comply with other code requirements (building, fire, etc.) there shall be no minimum dimensional requirements within the ~~Thames River District~~ TRD. Side and rear building set back lines, distances from the centerline of the roads, and building height shall be subject to approval by the Commission. In exercising its discretion, the Commission shall only approve setback lines, the height of structures, and distances which are designed to create a well planned community thereby allowing the sharing of resources, parking and utilities. In considering building height, the Commission shall consider safety, impact on vistas and on the potential use of solar energy.

- k) **Energy Efficiency and Sustainability:** In formulating each site plan for development in the District TRD, consideration shall be given to create a development that ~~is LEED Certified (Leadership in Energy and Environmental Design), an internationally recognized green building certification system that includes: encouraging strategies that minimize~~ minimizes the impact on ecosystems and water resources, ~~promote~~ promotes smarter use of water, ~~inside and out,~~ to reduce both potable and non-potable water consumption, ~~promoting~~ promotes better building energy performance through innovative strategies, ~~encouraging~~ encourages the use of sustainable building materials and ~~reducing~~ reduces waste, ~~promote better~~ promotes improved indoor air quality and access to daylight and views, ~~promoting~~ promotes walkable neighborhoods with efficient transportation options and open space, ~~emphasizing~~ emphasizes compact, walkable, vibrant, mixed-use neighborhoods with ~~good connections~~ connectivity to nearby communities, ~~reducing and/or reduces~~ the environmental consequences of the construction and operation of buildings and infrastructure, ~~and/or has Net Zero Energy Buildings.~~

- l) **Access and Traffic:** All development within the District shall comply with the following standards, as applicable:
 - 1. ~~1.~~ — In order to reduce possible point of traffic conflict, the Commission ~~shall~~ may require access drives to be located along a side property line so that with the development of the adjacent property, the access drive ~~can~~ could be widened onto that adjacent property, to create ~~"one"~~ one access drive to serve two (2) or more properties. The Commission ~~shall~~ may also require common interior drives to serve more than one (1) parcel, where appropriate for traffic safety and when connecting to a public road/street. The Commission may require the incorporation into any site plan of reserved rights-of-ways together with ~~a right to construct in favor of adjacent parcels in lieu of actual construction, depending upon the location of the site being considered for development and its relationship to and the present uses on adjacent parcels. Additional access drives may be used only after~~

~~determination by the Commission that the purpose and intent of this Section is satisfied~~ an obligation to construct in locations in which the Commission deems interparcel access to adjacent public streets reasonably necessary to enhance traffic flow and to prevent congestion and traffic conflict on existing municipal and state streets and highways. Where common access drives are ~~required and constructed~~ approved by the Commission as a component of a site plan approval, a written agreement for the common use and maintenance of ~~a shared access shall be submitted to the Commission, for approval; and upon approval of the site plan application, recorded in the Town shared access facilities.~~ subject to the approval of the Town Attorney (not to be unreasonably withheld), shall be executed and recorded in the Preston Land Records, prior to the issuance of building permit for the approved development.

2. The Commission shall require minimum sight line distances depending on present and anticipated traffic conditions and ~~upon the eighty-fifth (85) percentile speed of vehicles utilizing the road system based on the then current Connecticut Department of Transportation Standards~~ current engineering design standards.

3. Since it is the intent of the regulations to create a walkable community, the applicant must demonstrate that the site design makes proper provision for pedestrian access and safety problems.

4. Any permit application may be denied by the Commission if, after review and evaluation, no reasonable modification can be made which will insure that the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.

5. The applicant is responsible for obtaining all other required access and traffic permits from the ConnDOT or ~~state~~ Office of State Traffic Commission Administration or other, as required by applicable regulations. The status of such permit activity shall be included with any application for development within ~~this District~~ the TRD. In the event that any such permit ~~will be issued or authorization is granted~~ subsequent to the date that the Commission ~~action on the site plan application, the Commission shall condition its approval upon obtaining all other required permits for the development of the project contemplated by the site plan, but only in the event that the Commission is reasonable satisfied that such permits and approvals are obtainable.~~ issues its site plan approval, which permit requires material modifications to the proposed street layout, intersection design or traffic controls incorporated into the site plan approval, the applicant shall submit such amendments and

modifications to the Commission for approval and the Commission shall evaluate such modifications and amendments in an application for modification of site plan approval applying the parameters set forth in these regulations.

- m) **Off-Street and Off-Site Parking:** The amount of off-street parking for buildings and uses in the ~~Thames River District~~ TRD shall either (i) be as stipulated in Section 17 of these Regulations for all-permitted uses. Upon the Applicant's request, the Commission may modify the requirements for the number of parking spaces based on documentation acceptable to the Commission that indicates that the proposed reduced parking for the uses contemplated by the site plan is adequate. In conjunction with any request for reduced parking, the applicant shall submit to the Commission, for consideration, a report prepared by a traffic engineer licensed in the State of Connecticut, delineating the anticipated parking demand of the project and providing the Commission with information required in order to make a determination that the proposed reduced parking will not create traffic congestion or parking conflicts as a result of the proposed development. each of the permitted uses or (ii) be based upon an evaluation of the parking needs for the applicable uses delineated on the site plan or Master Plan, as applicable, prepared by a professional engineer with experience in parking and traffic circulation design, whose recommendations may be adopted by the Commission and incorporated into the Master Plan or site plan approval.

In addition, proposed development activities may provide for off-street parking to be located off-site under the conditions 1) thru 4) below:

1. The off-site parking shall be easily accessible and located within a practical distance from and appropriately located to serve the principle building as illustrated by the applicant and determined to be acceptable by the Commission. The Commission shall also determine that the location of the proposed off-site parking facility will not hamper current or future development opportunities or represent a public safety concern.
2. An agreement, providing for the use and maintenance of such parking facilities, shall be submitted with the application, and subsequent to approval, executed by the applicant and filed in the Preston Land Records.
3. Off-site parking areas shall not be included for calculations when determining compliance with any dimensional requirements, including lot coverage for the parcel on which the principal use is located. For uses requiring a significant number of parking spaces, several smaller interconnected parking areas separated by landscaped islands are

encouraged rather than a single large parking lot for aesthetic and drainage purposes.

4. Alternating work shifts can be considered when calculating the parking, as deemed acceptable by the Commission.

11C.6 Non-conforming buildings/residential diversity density limitations: Any single-family residence existing at the time of the Effective Date of Section 11C of these Regulations and located within the TRD shall be exempt from Section 19.2.3 of these Regulations which prohibits the expansion of non-conforming buildings. In addition, such existing single-family residences shall not be taken into consideration in the determination of the maximum residential density in the TRD ~~authorized pursuant to the provisions of~~ or any STRDDOD.

11C.7(e). Special Thames River Design Development Overlay District (STRDDOD) (NEW, July 2017): The purpose of this floating overlay district is to encourage and permit variety and flexibility in land use and that will augment creative design development within the TRD. This Section 11C.7 sets forth the procedures and criteria for the Commission to rezone one or more portions of the TRD to STRDDOD, in conjunction with the approval of a master plan for redevelopment; and eventually to approve a site plan for one or more segments of an STRDDOD as they are proposed for development and construction. This Section 11C.7 is organized into five subsections: Section 11C.7a – Permitted Uses Within STRDDOD; Section 11C.7b - Procedures For Rezoning To STRDDOD; Section 11C.7c – Criteria And Standards for Rezoning to STRDDOD; Section 11C.7d – Required Content of Master Plan for STRDDOD; and Section 11C.7e – Site Plan Approval Requirements for STRDDOD. The STRDDOD allows the Commission to approve a project with uses that are in addition to those permitted as of right in the TRD and to allow the use of specific development related criteria in lieu of the criteria set forth in Sections 11.C.1 through 6 and Sections 12, 13, 15, 16, 17, 18 and elsewhere in these Regulations. In exercising its legislative discretion in considering an application for an STRDDOD Overlay District, the Commission shall consider the recommendations contained in the Preston Plan of Conservation and Development, Preston Riverwalk Plan of Conservation and Development and the Design Guidelines. In furtherance of the intent to provide for flexibility in design and of uses, the provisions of Sections 12, 13.1, 13.6, 13.7, 13.9, 13.13.11, 13.13.12, 13.14, 13.18, 13.19, 13.22, 13.24, 15.5, 15.9, 15.11, 15.13, 15.14, 15.15, 15.16, 15.18, 16.5.2, 16.5.3, 16.5.7 and 16.5.10 of these regulations shall not apply to an STRDDOD application or to an approved STRDDOD development.

~~**11C.7 Special Thames River Design Development Overlay District (STRDDOD):** The purpose of this floating overlay District is to permit and encourage variety and flexibility in land use that will augment creative designed development within the Thames River District. The STRDDOD allows the Commission to approve a project with uses that may not be permitted as of right and to provide other incentives to promote the goals of the Preston Riverwalk Plan of Conservation & Development. In addition; the projects submitted for approval with a STRDDOD must have unique design details and features, diversified yet complementary uses, and economic and community benefits. This section/District provides special incentives such as additional land uses, no coverage~~

requirements and allow increased building size. These incentives are permitted only if the standards below are satisfied.

11C.7a) Standards:

1. ~~**Consistency with the Preston Riverwalk Plan of Conservation & Development and Design Guidelines:** The project with its uses and design should be consistent with and complementary to the *Preston Riverwalk Plan of Conservation & Development*, the actual or permitted development of the neighborhood, the *Design Guidelines*, and shall promote livability and sustainability. The project shall enhance natural and coastal resources, complement the natural setting, and use progressive green design techniques. It is the intent to create a synergy between uses to improve the economic sustainability of Southeastern Connecticut.~~

2. ~~**Lot Coverage/Lot Area:** The Commission may waive the requirement for lot coverage, provided an open space/greenway landscaping plan is submitted that reinforces the *Preston Riverwalk Plan of Conservation & Development* and the *Design Guidelines*. A formal request shall be made in writing to the Commission to waive the requirement. If the project is located within the designated Redevelopment Areas, a copy of the request shall be forwarded to the Preston Redevelopment Agency for review and recommendation.~~

3. ~~**Economic, Social and Cultural Benefits:** The project must demonstrate economic, social or cultural benefits beyond uses allowed as of right in the underlying Thames River District. The application shall, in conjunction with an application for zone change and master plan approval for STRDDOD, submit a narrative in the form of a written document to the Commission demonstrating compliance with the requirements of this Section. For economic benefit, an economic model shall be provided that indicates the project shall provide more of an economic benefit to the Town than a project developed by right pursuant to the regulations for the underlying Thames River District. The Commission may hire a consultant to review the analysis and to provide recommendations to the Commission as to the compliance of the proposed master plan with the requirements hereof. Said fee for the consultant shall be paid for by the applicant.~~

4. ~~**Pedestrian Friendly:** The Commission may require that the project include the creation of a pedestrian system that provides public access to such things as: businesses, the coastal area, natural or archaeological resources, and other modes of transportation, as applicable.~~

11C.7 b)a. Permitted Uses: Within STRDDOD

1. ~~Uses permitted in the underlying Thames River District.~~ TRD, as set forth in Section 11C.3

11C.7 c) Additional Permitted Uses:

~~1)~~ 2. Convention Center

~~2)~~ 3. Nursing Home

~~3)~~ 4. Research Hospital and/or laboratories; medical/dental clinics and offices, including storefront medical facilities; veterinary hospitals and offices; pet daycare and hotel facilities

5. Retail Use with no size limitation, including shopping centers and gasoline/fuel service and filling stations and package liquor store facilities and repair services

~~4)~~ Retail Use

6. Restaurants, including restaurants with drive-thru service; fast food and casual restaurants; coffee shops, diners, cafes, pubs, bars, taverns, snack bars and food trucks.

~~5)~~ 7. Movie Theaters

~~6)~~ 8. Colleges or private schools, which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific profession, vocation, or technical field. Such institutions may include accessory uses and structures to support the principal instructional institution. Examples of such accessory uses are: residential facilities for staff ~~and/or~~ students; sports fields ~~and/or~~ other structures for institutional events.

~~7)~~ 9. Transportation facilities: Such facilities shall allow travelers to change from one mode of transportation to one or more other modes of transportation and also include buildings and amenities such as telephone, restrooms, and other services for such travelers including not more than one helistop. A gondola tram system providing transit from one location to another shall be considered a permitted transportation facility. Parking lots or garages with limited services, such as a shelter and pay phone, which could be classified as a typical bus stop, are prohibited as principal uses.

~~8)~~ 10. Indoor Theater or a building or part of a building for dramatic, musical, or other live performances.

~~9)~~ 11. Studios for recording, production, and broadcast of music, television, radio and motion pictures, including transmitters, antennae, and ancillary equipment.

~~10)~~ 12. Indoor and outdoor family oriented recreational/cultural facilities such as a theme park, video game arcade, ski slope, waterpark, adventure course, trampoline center, go kart track, golf course or an outdoor

theater, ~~provided the following conditions can be met:~~

- ~~a) — Off street parking shall be provided based upon documentation acceptable to the Commission provided by a professional engineer demonstrating expertise in parking analysis provided at the applicant's expense to determine the necessary number of parking spaces for the STRDDOD. In addition, surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. All parking facilities shall provide landscaping that will create an aesthetically attractive facility that complements the design of the STRDDOD.~~
- ~~b) — Temporary or permanent sanitary facilities shall be provided in adequate numbers to serve the maximum number of expected patrons.~~
- ~~c) — The volume of sound from music, public address systems and similar facilities shall be so controlled as to limit noise emanating from the STRDDOD to that level allowed by the State of Connecticut noise standards.~~

~~11) 13. Intensive agriculture and aquaculture activities such as greenhouse nurseries, tank culture, and hydroponic facilities, provided there are no adverse environmental impacts, including odor.~~

14. Farms, farm wineries and farm vineyards – large scale; agricultural tourism facilities, including production facilities, a portion of which will be open to the public for tours and may include educational events, retail facilities and sales of products produced on the premises including food and drink products and on-premises restaurants; farmer's markets.

15. Museums, riverwalk, art and entertainment areas.

16. Water-dependent uses such as marinas and water taxis.

17. Wedding and banquet facilities.

18. Spas; timeshare facilities and hotel condominiums.

19. Camping areas, including recreational vehicle parks and including accessory uses such as toilet and shower facilities, utility hook-ups, community center-type facilities; dining facilities and other related ancillary uses.

20. Multi-Family Use, including Elderly Housing, Elderly Active Adult Housing, Assisted Living Facility, Nursing Home and Life Care Facility; provided that any residential component shall not exceed twenty (20%) percent of the gross square footage of all approved development in the STRDDOD. For purposes hereof, a residential component shall not include hotel, motel or interval ownership uses or Elderly Housing, Elderly Active Adult Housing, Assisted Living Facilities, Nursing Homes and Life Care Facilities. Any multi-family development that is a residential component shall be limited to multi-family rental or ownership units located

within a mixed use development that contains commercial or business uses on the first floor with residential units located only above the first floor. In no event shall any multi-family unit that is a residential component contain more than two (2) bedrooms.

~~12) Multi-Family Use, Elderly Housing, Active Adult Housing, Assisted Living and Life-Care Facilities, only at the discretion of the Planning & Zoning Commission based on availability of Residential Development Credits available in the Residential Development Credit Bank. The gross floor area of all residential units created in an STRDDOD shall not exceed thirty percent (30%) within the TRD and a minimum of fifteen percent (15%) of all the residential units are either "assisted housing" or thirty percent (30%) of the residential units are a component of a "set-aside development" as noted by Section 8-30g of the Connecticut General Statutes.~~

~~a) The Planning & Zoning Commission shall establish a Residential Development Credit Bank, herein after referred to as "the Bank" that~~

21. The sale and consumption of alcohol in bars, nightclubs, pubs, cafes, coffee shops, diners, taverns, entertainment facilities, recreational facilities, sports venues and restaurants (all types), whether from a service bar or otherwise. The sale of alcohol in packaged form at licensed package liquor stores and of beer in grocery stores.

~~shall be comprised of Residential Development Credits deposited into the bank after the issuance of a Certificate of Zoning Compliance by the Zoning Enforcement Officer and Certificate of Occupancy by the Building Inspector of a commercial building within the TRD. The Zoning Enforcement Officer and the Building Inspector shall jointly certify the square feet of gross commercial building area that was built, and provide such certification to the Town Planner for each square foot of the gross leasable commercial area constructed with the TRD. .3 of a Residential Development Credit will be added to the "Bank"; such Bank shall be managed and administered by the Planning & Zoning Commission. In the event an applicant desires to construct a residential use, a request shall be made to the Planning & Zoning Commission to determine the amount of gross residential square footage that would be granted to them. An applicant may request the use of Residential Development Credits based on the commercial development proposed within their project area. The criteria that shall be used by the Commission to determine if such residential is to be granted to the developer, are as follows:~~

~~i. The development of residential units in the STRDDOD provided they create a mixed-use village style environment where there is a range of uses that encourage pedestrian activity and mixed commercial uses that are designed to be compatible. Residential is not intended to dominate the development of a STRDDOD; and for that reason, it is wholly dependent upon the prior development of~~

- ~~non-residential uses allowed in either the TRD or a STRDDOD as a condition precedent to the residential development which may occur in a STRDDOD.~~
- ~~ii.—A mixed-use project that included residential shall provide adequate recreation and open space opportunities for its residents. It shall be designed to foster pedestrian-oriented activity nodes by providing mixed uses in compact walkable areas.~~
- ~~iii.—The project shall encourage residential development to occur in close proximity to employment and services. It shall be appropriate for the site and location by fostering a mixture and variety of compatible land uses with the TRD and contributing to a synergistic relationship between
uses.~~
- ~~iv.—The application shall be referred to the Preston Redevelopment Agency (PRA) for review and advisory comment if the property is located within the Preston Riverwalk Property. The PRA shall be afforded thirty-five (35) days to review the application and to provide comments to the Commission. If a report is not provided within the thirty-five (35) day time period, the PRA shall~~

22. Microbrewery, cheese making and other specialty food product manufacturing such as gourmet sauces, home-made pasta, olive oil, soap and other personal products.

- ~~waive its rights to comment. If a negative recommendation is received from the PRA regarding the residential component within any redevelopment area, a two-thirds (2/3) vote of the voting members of the Commission shall be required to approve the residential use.~~
- ~~v.—All residential uses shall be located on upper levels of commercial buildings unless otherwise permitted by the Commission. Approval of any residential component of an STRDDOD shall require a finding by the Commission, based upon the application and supporting documentation presented to the Commission, that there is a demonstrated need for the particular type of residential development incorporated in the STRDDOD; i.e., affordable housing, elderly housing, assisted living, etc. and that such housing will not create a negative social and/or economic impact or burden on the town, based on number of units, population projections, age projections.~~
- ~~vi.—Simultaneous commercial and residential applications may be submitted, prior to the issuance of a final Zoning Compliance Certificate for the residential use provided the residential development is a component of a multi-use project which contains commercial development and meets the requirements of Section 11C.7 (c) (1) (a) and (b) hereof. Prior to the issuance of final Zoning~~

~~Compliance for the residential development, the commercial component of the project must have a Certificate of Zoning Compliance by the Zoning Enforcement Officer and Certificate of Occupancy by the Building Inspector for the completion of the commercial building space that will qualify the thirty percent (30%) residential space. It is the intent of these Regulations to insure that the percentage of residential use in the TRD remains in balance with the gross floor area ratio requirements of these Regulations.~~

23. Other uses that are similar in use, dimensions and impact to the uses listed above.

~~13) Other uses not listed in the District may be permitted, provided the use is consistent with the Preston Riverwalk Plan of Conservation & Development and provided a positive recommendation is received from the Redevelopment Agency for those projects within the designated Redevelopment area. If the PRA provides a negative report to the Commission, a two thirds (2/3) vote of voting members of the Commission shall be required to approve the application.~~

11C.7b: Procedures For Rezoning To STRDDOD

11C.8—Application Procedure for Master Plan Approval and Zone Change to the STRDDOD:

An application for rezoning to STRDDOD shall follow the procedures of Chapter 124 of the Connecticut General Statutes and Section 2.5 of these Regulations, and shall include a Master Plan as set forth in Section 11C.7d below.

~~11C.8 a) 1.~~ A pre-application review ~~allows the developer~~ shall be allowed, but is not required, to provide the applicant with the opportunity to discuss with the Commission the ~~general~~ conceptual plan for the project without extensive details. ~~The~~ Any pre-application shall be submitted to the ~~Planning & Zoning~~ Commission for consideration a minimum of two (2) ~~working~~ weeks prior to a regularly scheduled meeting of the Commission. Upon receipt, if the property that is the subject of the pre-application will is not covered by a PDDA, the pre-application shall be referred to the PRA for review and recommendation. The PRA shall provide a ~~written~~ report to the Commission within thirty-five (35) days of receipt. The report submitted by the PRA shall address the economic benefits ~~and/or~~ detriments, as the case may be, of the proposed STRDDOD to the community and region, including job creation.

The preliminary application submission shall include:

~~1.—Pre-application proposal with supporting studies: Preparation of a preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the~~

~~development of the land within the STRDDOD before the applicant proceeds with the formal application and preparation of submittable maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. The pre-application conference and the informal consideration of the preliminary plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a master plan approval. Neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant and the Commission upon the future receipt of a formal application for a STRDDOD. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for a change of zone. In order to allow the Commission to provide meaningful review and recommendations to an applicant, the following components shall be included in any re-application submission:~~

2. The pre-application review and the informal consideration of the conceptual plan shall not be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. In the event that an applicant utilizes the pre-application review process, neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the applicant and the Commission upon the future receipt of a formal application for a zone change to STRDDOD and Master Plan approval. Since the pre-application review is an informal, non-binding process, the applicant's submission shall be of such content and detail as will enable the Commission to provide comments on areas of concern or interest to the applicant. The level of detail of information submitted by an applicant for a pre-application review shall be at the applicant's discretion. However, more complete information and plans submitted for discussion will result in more meaningful feedback from the Commission.

- a. ~~Conceptual Plans:~~ Provide ten (10) full-sized copies of development proposal plans and twenty (20) sets reduced to 11" x 17" containing the following information:
- ~~i. Project layout, showing the general configuration of the property.~~ ii. **Project layout, showing the general location of the following:**
 - ~~* Building and their use.~~
 - ~~* Parking areas~~
 - ~~* Pedestrian and vehicular circulation and components complementing the walkable community of the entire Preston-~~

Riverwalk area, as applicable.

b. Building Design:

- i. Provide general building elevations for all structures including materials to be used for the facades, and how the building design will be in accordance with the Design Guidelines.

c. Project Narrative: Provide twenty (20) copies of the narrative addressing the following information:

- i. Describe the project's unique design details including site design layout, building design and uses.
- ii. Describe on-site and adjacent resources and how the project will preserve, enhance or complement the resources. A coastal site plan application will be required if the site is located within the designated "Coastal Area"; however, a formal application is not required until the final application is submitted.
- iii. Phasing Plan showing all phasing for the project and an approximate time period for completion. For projects that propose housing, describe how the phasing plan will coordinate with the proposed residential components of the STRDDOD with commercial uses in order to comply with the performance requirements of these Regulations.
- iv. Describe how the project supports and creates a livable, pedestrian, and walking community.
- v. Describe how the project relates to the archaeological resources on the site and discuss how the project will address archaeological matters. You may contact the State Archaeologist for assistance with this matter.
- vi. Public Utility use: Provide letters of commitment by the respective utility companies that will serve the STRDDOD.
- vii. Describe how the project is consistent with the *Preston Riverwalk Plan of Conservation and Development*, *Conceptual Management Plan*, and the *Design Guidelines*. Describe how the project will complement existing and future development within the Thames River District.
- viii. Describe sustainability of the project, including economic benefits and job creation.
- ix. Describe if any creative and innovative green development techniques will be used including:
 - Drainage
 - Recycling
 - Water supply
 - Energy
 - Building construction
- x. Describe how the STRDDOD will conserve and reuse the existing road and parking network.

- ~~xi. Provide and describe dimensional requirements and why the Commission should approve them, including lot area, yard requirements, setback from centerline of the road, building height and lot coverage.~~
- ~~xii. Provide a list of waivers from the regulations and describe the reasons the waivers are necessary for the project.~~

~~The Commission will meet with the development team to discuss the project and may request additional information.~~

3. ~~11C.8 b)~~ Formal Application: After the pre-application review has been completed for approval of an STRDDOD, and recommendations made by the Commission to the applicant, the applicant shall submit a formal application for master plan approval and Formal Application: Any owner of property located within the TRD may apply to the Commission for a change of zoning district classification from the TRD to the STRDDOD pursuant to Section 2.5 of the Zoning Regulations. The formal application shall address all comments and concerns received from the Commission during the pre-application process. The formal The applicant need not own all land within the proposed STRDDOD, and failure to own all land within such proposed district shall not prevent the Commission from hearing or granting any such application; provided, however, that the owner of each parcel delineated on the Master Plan for which STRDDOD approval is requested consents in writing to the filing of the application for the STRDDOD. The application shall be submitted to the Commission on a form prescribed by it and accompanied by an application fee for a zone change in accordance with the ~~ordinances~~ Zoning Regulations of the Town of Preston and shall further be submitted together with such reasonable additional ~~fees as have been recommended by the Commission in the pre-application process in order to compensate the Commission for the professional review costs anticipated to be incurred by the Commission in retaining professional consultants to assist the Commission in its review of the zone change and master plan approval application.~~ The following information shall be submitted with an application for zone change to the STRDDOD: third party consulting fees for peer review of the technical aspects of the application as have been estimated by the Commission, which fees may be limited by the terms of a PDDA. Such fees shall be accounted for separately by the Commission and the Town from other moneys and may be used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the Commission or the Town. Such peer review shall be for the purpose of assisting the Commission in its review of the zone change and Master Plan approval application. The Commission shall utilize the services of its existing consultants billed at their agreed upon fee schedule; provided, however, that the Commission may seek the review services of third party consultants if existing consultants do not possess the expertise to provide the review services needed to evaluate an application for master plan and/or site plan approval.

~~1. A statement describing:~~

4. The following information shall be submitted with an application for zone change to the STRDDOD:

a. A Project Narrative that includes:

1. The specific types of proposed uses within the STRDDOD and the approximate square footage of each use;

~~b.~~ 2. The methods by which site utilities will be provided;

~~c.~~ 3. The proposed ~~time table~~ timetable for development, including a description of phases, if any;

~~d.~~ 4. A list of all ~~additional~~ licenses, permits, and approvals ~~which~~ that will be required for the ~~redevelopment~~ proposed development, together with a delineation of the agency responsible for the issuance of such permits, licenses, and approvals;

~~e.~~ 5. The open space, archaeological, coastal ~~and~~ or recreational resources of the site, and the amount of open space to be retained, and the method of preservation thereof;

~~f.~~ 6. The pattern/method of ownership, ~~the pattern/method of ownership~~ and maintenance of any interior roadways, public facilities and other common elements;

~~g.~~ 7. With respect to any residential component of the project, an identification of the type of residential housing proposed; i.e. age restricted, affordable, independent living, assisted living, etc., a schedule of bedrooms per dwelling unit, total number of units, and the total number of affordable units and such other data as may be required to evaluate compliance with the standards and criteria of these Regulations if any;

~~h.~~ 8. A statement delineating how the STRDDOD supports and creates a livable, pedestrian, green development which ~~as~~ benefits to the Town of Preston ~~that cannot be achieved in the TRD~~; and,

~~i.~~ A statement outlining how 9. How the proposed development ~~conforms to~~ is consistent with the Comprehensive Plan of the Town of Preston, the Plan of Conservation and Development of the

Town of Preston, ~~and~~ the Preston Riverwalk Plan of Conservation and Development, ~~the~~
~~Conceptual Management Plan and the Design Guidelines.~~

2. ~~Property~~ b. A property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all property owners owing property located within the proposed STRDDOD and the names of all abutting property owners of record, including property owners located directly across the street from the STRDDOD. Abutting property owners shall be determined by the most recent records of the Assessor of the Town of Preston as of the date of filing of the zone change application for the STRDDOD. Said survey shall include a key map.
3. ~~c. A Master Plan~~ a. The master plan which shall be drawn clearly and legibly at a scale of ~~1" = 100' or less~~ 1" = 100' or less unless the area of the application is such that the entire property cannot be shown on one sheet, in which case a larger scale may be used. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer, architect, landscape architect or land surveyor registered in the State of Connecticut. The ~~master plan~~ Master Plan shall contain the following:
- i. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads.
 - ii. ~~Adjacent Land Uses~~ Property Included. The boundaries of the subject parcel or parcels to be rezoned and/or developed, ~~and~~ owners of these parcels and; owners of adjacent parcels, roadways and boundaries, structures and land ~~uses~~ use on adjacent parcels (including those located across a street) located within 100' feet of the boundary of the property that is the subject of the application.
 - iii. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
 - iv. Proposed Land Uses. Project layout showing the individual development areas on the site, if applicable, and a land use chart indicating the proposed land uses for each of the development areas.

- v. Proposed Buildings. Proposed preliminary project layout, showing the general location of the following:
- Buildings and their use, and the location of uses not contemplated within buildings.
 - Parking areas.
- vi. Circulation. The general location of roads, parking and pedestrian circulation including interconnections with existing town and state roads.
- vii. Stormwater. A general stormwater quality and management plan that will present the applicant's proposal for addressing stormwater management on site and how it will incorporate low impact development techniques and processes.
- viii. Erosion Control. A statement that all erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.
- ix. Wetlands and Watercourse. The location of any tidal and/or inland wetlands and watercourses as defined by Chapter 440 of the Connecticut General Statutes and the Preston Inland Wetlands and Watercourses Regulations.
- x. Signage Plan. A general signage plan delineating the types, size limitations and design of all signage within the STRDDOD, including directional signage.
- xi. Landscape Plan. A general landscape plan showing the locations of landscaped areas (and criteria for certain development areas) within the STRDDOD.
- d. Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the STRDDOD uses and traffic circulation within the STRDDOD.
- e. Water Supply Study. The name of the water company or utility which will supply water to the STRDDOD, a projection of the number of gallons to be consumed on a daily basis by all uses in the STRDDOD together with a letter from the designated water company or utility committing to provide sufficient water to meet the needs of all uses within the STRDDOD.

- f. Sewage Disposal Study. The proposed method for the collection and disposal of all sanitary waste, together with a letter from the utility which will provide sanitary sewer service evidencing the fact that such utility has the ability to provide sanitary sewer service for all uses within the STRDDOD.
- g. Surface Water Quality. A statement indicating the quality of existing watercourses through or near the STRDDOD and containing an analysis of how the development of the STRDDOD will be consistent with the maintenance of surface water quality required by these Regulations.
- h. Pedestrian Study. An analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the STRDDOD and between the STRDDOD and adjacent uses, which analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the STRDDOD as well as between the STRDDOD and adjacent uses.
- i. Parking Analysis. The parking analysis for the STRDDOD prepared by a licensed professional engineer experienced in parking needs and design, which analysis shall determine the amount of parking required for the individual uses contemplated within the STRDDOD. The recommendations of the parking analysis shall be incorporated into the Master Plan by the applicant's licensed professional engineer.
- j. Constructability Review. A review of the design of the STRDDOD prepared by a licensed professional engineer to determine that the Master Plan, as formulated, is constructible giving due consideration to stormwater drainage, environmental constraints, archaeological resources, soil conditions, utility layout and availability of access.
- k. Scheduling. A schedule of proposed development in terms of time and site development area for all proposed phases of the STRDDOD.
- l. General Design Criteria. General design criteria for the buildings and other structures to be constructed on the site including any development limits or substitute criteria for items such as (but not limited to) coverage, setbacks, buffers, landscaping, maximum height of buildings and structures and other bulk and area requirements, sign criteria, parking requirements and similar items that will apply to the specific development areas within the STRDDOD. Separate criteria may be established by the Commission for each development area.
- m. Economic Analysis. For projects that are not the subject of a PDDA, an economic model that indicates that the uses contemplated by the Master Plan will provide more of an economic benefit to the town than a project using the underlying District. The analysis must provide a description on how the project will be developed in accordance with "Smart Growth Principals" that protect the environment, improve public health, create jobs, expand economic opportunity, and improve overall quality of life.

11C.7c: Criteria And Standards For Rezoning To STRDDOD

In acting on an application for change of zone and master plan approval for an STRDDOD, the Commission is performing a legislative function and shall be allowed the discretion granted to zoning commissions acting in a legislative capacity by Connecticut law. The Commission shall, in acting upon a zone change to STRDDOD and approval of a master plan submission, consider the comprehensive plan of the Town of Preston, the Plan of Conservation and Development adopted by the Commission and the Preston Riverwalk Plan of Conservation and Development.

1. General Findings:

In general, the Commission shall consider the following in any decision to approve an STRDDOD:

- i. The compatibility of the proposed location and uses with the recommendations of the adopted Plan of Conservation and Development, the Preston Riverwalk Plan of Conservation and Development and the Design Guidelines.
- ii. The existing and future character of the district in which the STRDDOD is located. Particular attention shall be paid to the character and uniqueness of the natural, historic and archaeological resources of the District and the character and use of the existing highway facilities.
- iii. Traffic circulation within the STRDDOD. The amount, access and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses and the use of alternative modes of transportation proposed to minimize traffic impacts. Development shall be located so as to provide direct primary access to a state owned and maintained arterial highway and to discourage increased traffic loads through residential neighborhoods.
- iv. The quality of the natural resources within the proposed STRDDOD and the affect that the proposal will have on such resources and the impact the proposal may have through the treatment and disposition of stormwater runoff.
- v. The STRDDOD shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage and topography must be suitable to adequately accommodate the pattern and nature of the land use intended.
- vi. The availability of water to the STRDDOD and the adequacy of capacity in the delivery system to the wastewater treatment plant and in the wastewater treatment plant itself providing sewer service to uses within the STRDDOD. Sufficient water shall be available to the site to supply the needs of the proposed uses. The proposal shall not impose upon the town any obligation to effect improvements to water lines, water supplies, wastewater collection systems or a wastewater treatment plant, unless funded by the applicant.
- vii. Safeguards to protect neighboring properties and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.

- viii. For projects that are not the subject of a PDDA, the economic impact on the Town of Preston with particular attention to the potential property tax revenue from the STRDDOD.
- ix. For projects that are not the subject of a PDDA, the economic impact of the development on municipal and regional economies. Economic impact calculations shall take into consideration the value of secondary spending using recognized multipliers to calculate such benefits.

11C.7d: Site Plan Approval Requirements For STRDDOD

Site Plan Application: Subsequent to approval of the zone change and Master Plan, a site plan application shall be submitted for approval in accordance with Section 16 of these Zoning Regulations for all development in the approved STRDDOD and shall comply with the following additional requirements.

The following information shall be submitted with a site plan application for a site within an approved STRDDOD:

1. Property boundary survey, prepared to Class A-2 standards, suitable for filing in the Office of the Preston Town Clerk.
2. Development Plan: The development plan shall be drawn clearly and legibly at a scale of 1" = 40' or less horizontal and T-2 vertical, with contour intervals not to exceed 2'. Sheet size shall not exceed 24" by 36" and the plan shall be drawn by a professional engineer and land surveyor registered in the State of Connecticut with, if required, the additional design expertise of a landscape architect and/or architect. The development plan may comprise several plans for separate phases of the development of the STRDDOD and shall contain the following:
 - a. Key Map. A key map at a scale of 1" = 1,000' showing the location of the proposed development and its relationship to existing town and state roads, general soil conditions and zoning districts of all properties located within 1,000 feet of the STRDDOD.
 - b. Adjacent Land Uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures and land uses.
 - ~~iii~~ c. Existing Site Features. Existing structures, roads, land uses, topography at a contour interval of two feet (2') or less, major and unique natural, scenic and historic and open space features of the parcel and their relationship to the proposed development.
 - ~~iv~~ Proposed Land Uses. Site Layout and Zoning Chart. The proposed ~~density of~~ land uses intended ~~for different parts of~~ in the STRDDOD, development including a zoning chart setting forth the number of residential and commercial units, and the amount of land to be devoted to each land use including the amount and general location of proposed open space, recreational areas and facilities, parking, walkways and other amenities.
 - ~~v~~ e. Proposed Buildings. The height, bulk, use and location of buildings, including conceptual elevations of each building ~~and structure in each phase of the STRDDOD sufficient to~~

~~demonstrate to the Commission a consistent architectural theme which will be maintained throughout each phase of the STRDDOD.~~

~~—vi.f.~~ Circulation. The ~~location of roads~~design, ownership, utilities and drainage of roads, parking and pedestrian circulation ~~including interconnections~~areas, interconnection points with existing town, and state highways and public utility facilities, and provisions, if applicable, for the interconnection of said infrastructure in multi-phased STRDDODs.

~~vii. — Water Supply.~~ The name of the water company which will supply potable water to

g. Utilities. The layout and method for addressing water, sewer, gas, telephone, electric, cable and stormwater required to accommodate the uses and development ~~and a projection of the number of gallons to be consumed by the entire~~within the STRDDOD upon completion.

~~viii. — Sewage Disposal.~~ The proposed method for the collection and disposal of all sanitary waste.

~~ix. — Stormwater.~~ A comprehensive stormwater quality and management plan that will incorporate low impact development techniques and processes.

~~*h.~~ Surface Water and Groundwater Quality. A statement indicating the quality of existing watercourses through or near the STRDDOD application parcel and containing an analysis of how the proposed development of the STRDDOD will be consistent with the maintenance of surface water quality and groundwater quality required by these Regulations, including, the design of all stormwater quality treatment facilities incorporated into that phase of the STRDDOD, the maintenance plan for the maintenance of the same and verification that the water quality measures incorporated into the design will comply with the requirements of the 2004 State of Connecticut Stormwater Quality Manual and the low impact design addendum, both published by the State of Connecticut Department of Energy and Environmental Protection.

~~*i.~~ Erosion Control. An erosion control plan delineating the erodability of the soils and ~~a general indication of the need for erosion and sedimentation control~~the location and design of all erosion and sediment control measures incorporated into the development plan for that phase of the STRDDOD to control the migration of sediment and to prevent erosion during the construction phases of the development. All erosion and sediment control measures shall comply with the latest edition of the Connecticut Guidelines for Soil Erosion and Sediment Control.

~~xii. — Watercourse.~~ The location of any inland wetland and watercourse as defined by the Preston Inland Wetlands and Watercourses Regulations.

- j. Signage Plan. A general signage plan delineating the location, type, size, height and design of all signage within the proposed development, including directional signage, or establishing criteria for the same. No free-standing sign shall exceed thirty (30') feet in height.
- k. Scheduling. A detailed schedule of development in terms of time and site development area for the proposed development.
- l. Landscape Plan. A landscape plan showing the use of native vegetation (where possible) and existing and proposed topography.

3. The applicant shall submit the following reports as part of the site plan application:

- ~~xiii.~~ a Traffic Impact Study. A traffic impact analysis prepared by a Connecticut licensed professional engineer specializing in traffic engineering, evaluating the capacity of the existing streets and highways to accommodate the projected traffic which will be generated by the ~~STRDDOD~~uses proposed uses; which traffic impact study shall be a refinement of the study required in conjunction with the Master Plan approval and which traffic impact study shall delineate areas of potential traffic congestion and conflict anticipated to arise from the proposed uses and incorporate solutions to ameliorate those anticipated impacts on existing state and municipal highways, roads and intersections.
- ~~xiv.~~ b. Pedestrian Impact Study. An impact analysis prepared by a Connecticut licensed professional engineer evaluating the movement of pedestrian traffic within the ~~STRDDOD~~proposed development and between the ~~STRDDOD~~proposed development and adjacent uses, which impact analysis shall incorporate recommendations to facilitate pedestrian use and movement both within the ~~STRDDOD~~proposed development as well as between the ~~STRDDOD~~proposed development and adjacent uses.
 - ~~xv.~~ Parking Analysis. ~~The parking plan for the STRDDOD prepared by a licensed professional engineer specializing in parking needs and design, which analysis shall determine the amount and location of parking required for the uses contemplated within the STRDDOD. The recommendations of the parking analysis shall be incorporated into the master plan by the applicant's consulting civil engineer.~~
 - ~~xvi.~~ Constructability Review. ~~A review of the design of the STRDDOD prepared by a licensed professional engineer to determine that the master plan, as formulated, is constructible giving due consideration to stormwater drainage, environmental constraints, archaeological resources,~~

- soil conditions, utility layout and availability of access.
- xvii. ~~Signage Plan.~~ A general signage plan delineating the location, type and design of all signage within the STRDDOD, including directional signage.
 - xviii. ~~Scheduling.~~ A detailed schedule of development in terms of time and site development area for all proposed phases of the STRDDOD.
 - xix. ~~Restrictions and Covenants.~~ Drafts of all restrictions and covenants, including joint easements and cross easements, required in order to provide for the full implementation of the design contemplated by the master plan.
 - xx. ~~Landscape Plan.~~ A landscape plan showing the use of native vegetation (where possible) and existing and proposed topography to create a comprehensive landscape layout that coordinates the land uses within the STRDDOD, building design and locations and natural resources.
4. ~~Economic Analysis.~~ An economic model that indicates that the uses contemplated by the master plan will provide more of an economic benefit to the town than a project using the underlying District. The analysis must provide a description on how the project will be developed in accordance with "Smart Growth Principals" that protect the environment, improve public health, create jobs, expand economic opportunity, and improve overall quality of life.
- c. Parking Plan. The parking plan for the proposed development prepared by a licensed professional engineer with experience in parking needs and design, in accordance with the requirements of Section 11C.7b(3)(i) of these Regulations, which parking plan shall be in compliance with the Parking Analysis required in conjunction and approved with the Master Plan application.

Subsequent to approval of the zone change, a site plan application shall be submitted for approval in accordance with Section 16 of the Zoning Regulations:

- d. Stormwater Report. A report, containing both pre-development and post development calculations analyzing the stormwater runoff impact of the proposed development as well as the water quality impacts of the proposed development and incorporating the necessary measures to mitigate any adverse impacts disclosed by said analysis.

11C.7e: Modifications: Upon approval of the zone change and ~~master plan~~ Master Plan, and the filing of the same with the Preston Town Clerk, any material changes to the ~~master plan~~ Master Plan shall be submitted to the Commission as an amendment to the ~~master plan~~ Master Plan, which amendment shall require approval utilizing the same procedural formalities as were required for a ~~master plan~~ Master Plan approval. Any non-material changes to the STRDDOD shall be submitted as an amendment to projects through the site plan approval process.

For purposes of the preceding paragraph, a material change is:

- a. Any increase in the gross square footage of all buildings in the STRDDOD by more than ten (10%) percent.
- b. Any substantial change in the general layout and arrangement of uses and neighborhoods in the STRDDOD which would alter the general character of the TRD.

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8:28:24 AM

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Format change	
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