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March 9, 2022

Kathy B. Warzecha
Town Planner
Town of Preston
389 Route 2
Preston, CT 06365

**RE: Benesch Response to Comments
SCCOG – Review of Blue Water Recreation Campground Resort on Avery Pond**

Dear Ms. Warzecha:

Following please find our responses to comments made by Justin LaFountain, AICP, CZEO, Planner II, of the Southeastern Connecticut Council of Governments' (SCCOG), review of the revised plans for the Blue Water Recreation Campground Resort on Avery Pond, dated February 11, 2022. Our responses are provided in *italics*.

Overall Comments

1. Section 15(V) of the Preston Zoning Regulations discusses the need for the Planning and Zoning Commission to determine that Recreational Commercial uses are compatible with neighboring districts when the proposed use crosses a zone boundary line. The Commission should state their justification for determined compatibility on the record if the application is approved.

Response – Attorney Heller has submitted a discussion on how the project complies with the Town POCD, and that is attached to our February 11, 2022 response letter. We have attached that opinion to this letter. Additionally, Public Act 21-29 specifically prohibits a municipal zoning commission from denying a special permit or special exception application on the basis of lack of compatibility with a neighborhood's character unless that character is expressly articulated in the zoning regulations. There is nothing in the Preston Zoning Regulations that expressly articulates any character pertaining to the vicinity of the Route 2 and Route 164 intersection area.

2. The applicant cites Public Act 21-29 as preempting the Preston Zoning Regulations from evaluating a Special Exception based on the effect on surrounding property values. I [Mr. LaFountain] do not believe this to be accurate. While PA 21-29 did prohibit municipalities from evaluation based on 'character,' it did *not* remove a section of the CT State Statutes (Sec. 8-2(a)3) which states: "Such zoning regulations may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values" (emphasis added). Therefore, I [Mr. LaFountain] believe your request to provide documentation regarding property values to be valid. Should this remain an issue of contention, the Commission might wish to seek an opinion from the Town Attorney.

Response – We disagree with Mr. LaFountain's interpretation of Public Act 21-29. Connecticut General Statute 8-2 is the enabling legislation for the adoption of zoning regulations in all municipalities in the

State of Connecticut that exercise zoning powers under Chapter 124 of the General Statutes. Regulations adopted by any such municipality, of which Preston is one, must be consistent with the parameters established in the enabling legislation. The legislature expressly deleted any provision which would allow a municipal zoning commission, in exercising legislative authority in the zoning context, to include provisions in its regulations that allows it to consider "conserving the value of buildings" and has substituted a new standard, that it must consider the "physical site characteristics of the district". To the extent of any inconsistency between this provision and that cited by Mr. LaFountain, the prior must control as it establishes the scope of legislative breadth that may be exercised by a municipal zoning commission.

This debate is largely academic because the applicant retained a highly respected and qualified real estate appraiser to perform a matched pair analysis to determine whether or not the Blue Water development initiative will have any adverse impact on neighboring residential property values prior to submitting its special exception application. Due to a grave illness, the applicant's appraiser has been significantly delayed in submitting his report and analysis. However, the report will be submitted for the record in this proceeding before the public hearing is concluded and will demonstrate that there is no adverse impact to neighboring residential property values; notwithstanding the fact that the applicant maintains the position that the legislative change to the enabling legislation limits administrative review to the physical site characteristics of the district.

3. I [Mr. LaFountain] concur that the 75-foot setback for campsites noted in Section 18.11.3 applies to the boundary of Avery Pond. There is no dispute that that is a property line, and that the neighboring pond is not under the same ownership as the subject site. Therefore, it seems that the intent of the Regulations would require the 75-foot setback.

Response – The revised plans have removed all camp sites from within 75-feet of Avery Pond.

4. Throughout the plan set, many symbols remain undefined, unlabeled or missing from the provided legends. I [Mr. LaFountain] will point out several specific instances in the following sections, but the plan should be comprehensively reviewed by the applicant to ensure all labels and symbology are present, consistent, and accurate.

Response – The plans have been reviewed and revised to be more consistent.

5. The rear-yard setback, as required by the Zoning Regulations, is 40 feet, in both the RC and R-60 Zones. Throughout the plans, this rear-yard setback is not consistently applied. All rear-yard setbacks should be shown as 40 feet.

Response – Rear yard setbacks have been revised.

6. No images and/or plans are presented for the proposed safari tents. The tent sites appear to have sewer and water service. Will they have bathrooms? Is there electrical service? More details on these should be provided.

Response – Safari tents are equipped with bathrooms/sewer connections, water and electric service.

7. How will emergency access be provided to the tent sites? The provided access ways do not seem wide enough for emergency vehicles (fire, ambulance, etc.). Due to the number of tent sites, it would seem prudent to provide for such vehicles.

Response – The northwestern peninsula sites have been removed from the plan set. Turning movements have been run on the northeastern peninsula and an ambulance can access the site.

8. A loading area is not provided for the main building complex. How and where will unloading of supplies/merchandise be handled?

Response – Delivery trucks arrive during non-peak hours and unload using the trucks lift gate and then use a hand cart into the building. The deliveries, which are typically once per month, are campstore supplies to replenish our welcome center.

9. Section 18.11.16 of the Zoning Regulations requires that each campsite have pins or monuments at all corners. I [Mr. LaFountain] do not notice any pins on the plans. A note to this effect should be added.

Response – Note 19 on Sheet C-2.0 has been added to the plans.

10. Section 18.11.13.d of the Zoning Regulations requires an insect/rodent control plan as recommended by the health official. If such a plan has not be submitted, it should be provided.

Response – Blue Water will contract with a local pest control company to provide a comprehensive maintenance plan that address all insect and rodent issues, as appropriate.

11. If the Commission approves the application, it may wish to include the requirements listed in Section 18.11.7 of the Zoning Regulations as conditions of approval. This section includes various requirements, such as for fire extinguishers, and waterproof electrical outlets.

Response – None required.

12. Section 18.11.5 requires that individual campsites be clearly labeled with a number on-site. I [Mr. LaFountain] did not see any such notations on the plans. If approved, this should be listed as a condition of approval, or a not should be added to the plans.

Response – Individual camp site labels are provided on Sheet C-2.0.

13. Approval from the Office of the State Traffic Administration (OSTA) should be obtained for the emergency access route and any other relevant areas. The approval from the Planning and Zoning Commission should be contingent on such approval.

Response – OSTA approval is in process. OSTA will not provide formal approval of any site plan until after proof of local approval is granted.

14. Due to the scale of the project and its proposed extensive grading, the Commission may want to require regular E&S control reports throughout the construction phase of the project, and potentially after major rainfall events.

Response – The size and nature of the project requires a general permit from DEEP during construction. This permit requires weekly erosion control inspections. We will make these available to the town as requested.

15. The Commission may wish to request a plan from the applicant detailing a procedure for cleaning/remediating fuel and oil spills, due to the number of vehicles on-site and the proximity to wetlands and Avery Pond.

Response – A Spill Control and Countermeasures Plan can be provided if requested by the Commission.

Sheet SV.01

1. There are several undefined lines, symbols, and areas on this sheet. Setback/zoning lines should be labeled, along with features like the existing driveway from Route 2 and the parking area.

Response – Lines, symbols and setback/zoning lines have been clarified.

2. Multiple areas of text overlap other text, making it difficult to read. This should be adjusted.

Response – Plan has been clarified.

Erosion and Sediment Control Sheets

1. Multiple items are missing in the legend, primarily various line types. It is difficult to determine what certain lines represent.

Response – Lines and symbols have been revised.

Sheet C-2.0

1. There are several blanks in the parking table where numbers should be added.

Response – The parking table has been filled in.

2. There are several blanks in the legend which should be addressed.

Response – The legend has been filled in.

3. The table notes that RV parking dimensions are 10'x40', but that is not the case when compact spaces are provided. This should be adjusted or reflect various dimensions.

Response – The several camp sites that did not meet the 10'x40' dimension have been removed and all remaining camp sites meet the required dimension. The compact sites "property lines" meet the 10'x40' dimension, though the physical construction/layout of parking space/pad require less area than the regular spaces.

4. The front- and rear-yard setbacks have inaccuracies in the zoning table. The front yard is 100 feet in the RC Zone, and the rear yard is 40 feet in both zones.

Response – The zoning table has been revised.

5. It is noted there will be 27 rental RV sites, but they do not seem to be labeled anywhere on the plans themselves. These should be labeled.

Response – There are not sites specifically limited to rentals, as the RV rentals are mobile and can be placed in any of the sites on the site. The applicant is providing rentals for patrons who do not own an RV. This designation is listed on the plan set as it was discussed with the commission.

6. It appears that campsites 294-296 extend over the setback line.

Response – The "property lines" of the camp sites do not need to abide by the setback lines, which limit the placement of buildings. In this case, the physical placement of the RVs will be outside the setback limits.

7. Note #11 states quiet times for the site, but should reflect Section 18.13.6 of the Zoning Regulations, which calls for outdoor activities to be over by 10:00 p.m., and all activities to be over by 11:15 p.m., regardless of the day of the week.

Response – The note has been revised.

8. A variety of items are unlabeled, notable dumpster enclosures.

Response – Sheet C-2.0 is an overall plan and is included for context. Callouts are not typically provided on the overall plans. Callouts of dumpsters and other items are provided on the enlarged C-2 series sheets.

9. This sheet labels each campsite with individual numbers, however the enlarged sheets do not. Campsite numbering should be added to each sheet for easier review.

Response – Individual camp sites have been labelled on the enlarged C-2 series sheets.

Sheet C-2.1

1. The golf cart parking is located over the front setback line. Section 10.5.8 of the Zoning Regulations states that no parking area shall be located in any setback area.

Response – Golf cart parking has been moved to a location to the northeast of the welcome center area.

2. No accessible parking is shown at the maintenance building. Per the 2010 ADA Standards, one accessible parking space is required for each parking facility with 1-25 total spaces. An accessible space should be added.

Response – Accessible spaces are provided and can be seen on Sheet C-2.1.

3. The coloring used for the drive aisles is not included in the legend and appears inconsistent on various sheets. On this sheet, unshaded driveways are labeled as Bit. Conc. Pavement, whereas unshaded drive aisles are labeled as gravel pavement on Sheet C-2.2. On Sheet C-2.4, shaded driveway areas are labeled as gravel pavement. All of these should be reconciled.

Response – Shading has been reconciled.

4. There is a box near the entrance, seemingly surrounding the proposed signage. The box is unlabeled. What does it represent?

Response – The box indicates it is part of the entry signage.

5. Various other symbols, such as drainage outfalls, are undefined and should be labeled to eliminate confusion.

Response – Drainage symbols have been removed from the C-2 series.

6. The legend specifically notes a 100' campsite setback requirement however the setbacks are different for front, side, and rear yards.

Response – Legend has been updated.

Sheet C-2.2

1. See note above (Sheet C-2.1, #3).

Response – See response to C-2.1 #3.

Sheet C-2.3

1. A label for a safari tent is not pointing to a safari tent. The arrow should be re-directed and the feature currently defined as a safari tent should be identified.

Response – Label has been shifted.

2. Conflicting rear-yard setbacks are shown (25 feet and 40 feet). The required rear-yard setback is 40 feet, regardless of which of the two zones the area is in.

Response – Rear yards have been all shown as 40-feet.

3. Based on Overall Comment #3, a 75-foot setback should be applied to this area, as it is bordering Avery Pond, and campsites should be relocated out of that area.

Response – The revised plans have removed all camp sites from within 75-feet of Avery Pond.

4. Campsite #267 seems to encroach into the stormwater basin. This should be fixed.

Response – The “property lines” of the camp sites are shown for regulatory purposes. In this case, the physical placement of the RVs will be outside the limits of the stormwater basin.

5. The campsites in the lower right of the sheet appear to be compact RV sites, but they do not match with the provided legend. Are they compact sites or something else? If these are the rental sites, they should be labeled as such.

Response – They are compact sites, which abide by the 10'x40' required “property line” but which physical placement of the construction is shifted closer to the road to avoid environmental impacts.

Sheet C-2.4

1. See not above (Sheet C-2.1 #3).

Response – See response to C-2.1 #3.

Utility Sheets

1. The maintenance building shows only a connection to electricity; however the building contains bathrooms. Sewer and water connections should be identified if bathrooms are proposed.

Response – Water and sewer laterals have been added to the maintenance building.

2. The RV sites show connections to sewer and water but not to electricity. If electricity is proposed, it should be included.

Response – Power will be provided to each individual camp site. No laterals (water, sewer, or electric)

are shown on the utility plan, however, as it would render the plan unreadable.

3. The bathhouses show proximity to sewer, water, and electrical lines, but do not show any specific connections. Connection locations should be provided.

Response – Utility laterals have been added to the sheets.

Planting Plans

1. The landscaping plans are difficult to review, due to the similarity of the symbology and the scale of the plans. Different unique symbols should be used, or color coding added, to ensure that the plans can be easily reviewed and implemented if approved.

Response – Plans have been revised.

2. On sheet C-5.1, the ownership information is further obscuring the plant types. This text should be relocated/resized to allow for easier review.

Response – Ownership information has been frozen.

3. If the golf carts were to remain at the current location (although they do appear to be over the setback), the Commission may wish to consider additional screening, specifically for the area facing Route 2. Currently, only a few trees at the corners are provided for screening.

Response – Screening as requested by the commission has been included for the golf cart parking in the form of a chain link fence with privacy slats. The location has been moved to the northeast of the welcome center area.

Sheet C-7.0

1. The traffic turning radii provided are too small to easily review, are only provided on the overall sheet (with a few small exceptions). Enlargements should be provided on each of the following sheets. As an example, it appears that the traffic may go slightly off of the proposed roadway near the golf cart parking, but it is hard to determine for certain at this scale.

Response – The turning radii have been included on the overall sheets.

Lighting Sheets

1. The lighting photos and codes do not match the plans or the table. For example, the Safari tent lights state that there will be 1 “PL” at each site, but there are no “PL” labels on the plan. There are “PS” labels which seem to correspond with this, but they are not directly affiliated with each tent site. The applicant should review the lighting sheets for consistency and revise, as necessary.

Response – The plan has been revised to be more readable.

Kathy B. Warzecha
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If you have any questions about this information, please call or e-mail me at 860-494-4359 or wwalter@benesch.com.

Sincerely,
Alfred Benesch & Company

A handwritten signature in black ink that reads "Will Walter". The signature is written in a cursive, slightly slanted style.

Will Walter, PE
Senior Project Manager

Attachments Attorney Heller – POCD Compliance Opinion

**APPLICATION OF BLUE CAMP CT, LLC TO
TOWN OF PRESTON PLANNING AND ZONING COMMISSION
SPECIAL EXCEPTION APPLICATION FOR RECREATION CAMPGROUND
AT 451, 455 AND 495 NORWICH-WESTERLY ROAD**

**RESPONSE TO STAFF REVIEW COMMENT 71 COMPATIBILITY WITH THE
INTENSITY OF DEVELOPMENT CONTEMPLATED BY THE PRESTON PLAN OF
CONSERVATION AND DEVELOPMENT**

Pursuant to the provisions of §8-23(a)(1) of the Connecticut General Statutes, a municipal planning commission is required, at least once every ten years, to prepare or amend and adopt a Plan of Conservation and Development for the municipality. The Plan of Conservation and Development is a statement of policies, goals and standards for the physical and economic development of the municipality. The Plan of Conservation and Development should act as a recommendation for future development of the municipality, including recommended land uses and location of public improvements.

Connecticut differs from many other states in that the zoning commission when exercising its zoning powers is not controlled by recommendations of the planning commission (or a combined Planning and Zoning Commission acting in its authority under Chapter 126 of the Connecticut General Statutes) and particularly, the policies, objectives and recommendations contained in the Plan of Conservation and Development. Recommendations in the Plan of Conservation and Development are merely advisory to and do not bind the zoning commission. Primarily, the Plan of Conservation and Development is a document which must be considered by the zoning commission, acting in its capacity under Chapter 124 of the Connecticut General Statutes acting in its legislative capacity in enacting or amending zoning regulations. The Plan of Conservation and Development is an advisory tool to assist the zoning commission in enacting or amending regulations that govern and control land use within the municipality. The application which is currently pending before the Town of Preston Planning and Zoning Commission is an application for a special exception use. The property which is the subject of the application of Blue Camp CT, LLC is located primarily in the Resort Commercial Zoning District, with the northerly most portion of the property located in the R-60 Zoning District. The use of real property in the Resort Commercial Zoning District is governed by the provisions of Section 10 of the Town of Preston Zoning Regulations. Section 10.4.11 provides that a "vacation resort" is a use permitted by special exception in the Resort Commercial Zoning District. A recreation campground is, by definition, considered a vacation resort. Pursuant to the provisions of Section 5.2.4 of the Preston Zoning Regulations, a recreation campground is a use permitted by special exception in the R-60 Zoning District.

Special exceptions, in Connecticut, are permitted pursuant to the enabling legislation contained in Section 8-2(a) of the Connecticut General Statutes which, in pertinent part, provides as follows:

"All such regulations shall be uniform for each class or kind of buildings, structures or uses of land throughout each district, but the regulations in one district may differ from those in

another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission... subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. **SUCH REGULATIONS SHALL BE MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND IN ADOPTING SUCH REGULATIONS THE COMMISSION SHALL CONSIDER THE PLAN OF CONSERVATION AND DEVELOPMENT PREPARED UNDER SECTION 8-23. (emphasis added)...**"

In reviewing the enabling legislation authorizing zoning in the State of Connecticut, it is clear that the Plan of Conservation and Development is a tool to be utilized by a municipal zoning commission in enacting and/or amending zoning regulations, from time to time. There is nothing in the enabling legislation which either requires or authorizes a municipal zoning commission to consider the municipal Plan of Conservation and Development in acting upon a special permit or special exception application.

When a zoning commission acts on a special exception application, it acts in an administrative capacity. A special exception is a use which the zoning relations expressly permit under conditions specified in the regulations. A special exception is considered generally compatible with the zoning district but requires review and approval by a land use agency under standards in the zoning regulations to determine that it is consistent with uses permitted as of right in the district. The rationale for a special exception is that while certain specially permitted uses are generally compatible with uses as of right in particular zoning districts, their precise location and mode of operation must be regulated because of topography, traffic or the physical characteristics of the district.

In the instant situation, recreation campgrounds are uses permitted by special exception in both the Resort Commercial Zoning District and the R-60 Zoning District. The enabling legislation allows the municipal zoning commission, in adopting zoning regulations, some latitude in determining the general evaluation criteria to be considered in determining the suitability of a particular special exception use on the parcel on which it is proposed. However, those evaluation criteria are limited solely to those criteria which are germane to the siting of a permitted use on a particular parcel of property and evaluating the physical impacts that result from such placement. Consideration of the Plan of Conservation and Development is foreign to this concept. By definition contained in the enabling legislation, the special exception general evaluation criteria are those that impact public health, safety and welfare. The Plan of Conservation and Development is a guide for purposes of enactment of zoning regulations only, for the siting and construction of public improvements and for the creation of open space. It is not, within the statutory enabling scheme, a tool to be utilized in evaluating the propriety of a special exception use.

The Applicant acknowledges that Section 18.4(b)(i) of the Preston Zoning Regulations provides that "the intensity of the proposed use and project development shall be compatible with the adopted POCD." The Applicant disagrees that this consideration is statutorily authorized as a consideration for evaluating a special exception use as contained in the enabling legislation authorizing zoning in the State of Connecticut as contained in Chapter 124 of the Connecticut

General Statutes.¹ Notwithstanding the Applicant's position that consideration of the municipal Plan of Conservation and Development is not a statutorily authorized evaluation criteria in evaluating a special exception application; the Applicant, to address Review Comment 71 hereby offers the following:

POCD PAGES 15-16

“Commercial land uses comprise less than one percent of Preston’s total land area, or 101 acres and are located primarily along Route 2, Route 2A, Route 12, Route 165 and in Preston City, with smaller commercial establishments scattered around the town... Since 2003, only seven commercial site plan applications have been approved and involve the construction of one hotel, two gas stations, one ice cream shop, expansion of a campground and two wineries.”

This section of the Plan of Conservation and Development evidences a paucity of commercially zoned land in the Town of Preston which translates to an imbalance between residentially zoned and commercially and industrially zoned land within the municipality.

POCD PAGE 25

The Plan of Conservation and Development designates the Route 2 corridor as a “area of special interest”. The Plan provides “although there is a large area zoned for commercial use along the eastern section of Route 2 (about 450 acres), thirty percent or 133 acres of the commercially zoned land is owned by the Mashantucket Pequot Tribe, and remains vacant. Fifty-two acres are owned by the Town of Preston, and are developed for municipal facilities. About ten acres are under the farmland preservation program and about 35 acres are designated roads. Over fifty percent of land is either Mashantucket, Town of Preston, road or protected farmland. This fact has substantially reduced the amount of land that may be developed commercially along Route 2.”

While the instant application for special exception use has been submitted by Blue Camp CT, LLC, the 65 acres, more or less, on which the project is proposed, are owned by the Mashantucket Pequot Tribal Nation and are a component of the 133 acres targeted within the Route 2 corridor as land considered by the Plan of Conservation and Development as not available for commercial use which would generate ratables in the Town of Preston. The instant application effectively removes these 65 acres from the “Mashantucket” category considered on Page 25 of the Plan of Conservation and Development and proposes the development of these parcels for commercial use which will generate positive property tax revenue for the Town of Preston.

POCD PAGE 84

“Appropriate economic development provides a positive balance for the community and can improve or enhance the quality of life. It provides employment, wealth, goods and services,

¹ Section 18.4(b)(i) further provides “the use and project shall be compatible with adjacent established uses and the neighborhood. The project and its use(s) shall not degrade or decrease the value of the surrounding properties. ...” We call the attention of the Preston Planning and Zoning Commission to Public Act 21-29 adopted by the Connecticut legislature in 2021. Public Act 21-29 changes the enabling legislation for zoning in the State of Connecticut and removes the statutory authorization for the consideration of these factors. The statute now limits the consideration of the municipal zoning commission to the physical site characteristics of the district.

and can relieve the tax burden on residents, providing jobs and providing services to residents of Preston...”

As indicated above, notwithstanding the fact that the Resort Commercial District was enacted many years ago in order to enable commercial development linked to the traffic flow generated by the Foxwood Casino, there has been a dearth of development within the parameters established for that zoning district. The zoning district was enacted to take advantage of the increased traffic flow on Route 2 as a catalyst for economic development to achieve the balance between commercial and industrial and residential properties contemplated by the Plan of Conservation and Development. It recognizes the fact that Route 2 is an arterial highway within the Town of Preston highway system with a high volume of traffic which is a positive parameter for any developer looking to initiate an economic development initiative.

POCD PAGE 91

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

POCD PAGE 119

Table 35 on Page 119 of the Plan of Conservation and Development evidences the fact that Preston has the lowest percentage of grand list property in the category of commercial/industrial/public utility properties which translates to the lowest percentage of the municipal tax burden being borne by non-residential properties of the listed municipalities. This table further supports the imbalance in the Town of Preston between residential uses and commercial and industrial uses which translates into the further need to incentivize commercial development in those areas in which it is allowed by the municipal zoning regulations.

POCD PAGE 141

“Goal #4: Create a diverse business environment that will encourage a positive sustainable economy.”

This section of the Plan of Conservation and Development encourages businesses that have a higher tax rate to locate in Preston. The Plan incentivizes the Planning and Zoning Commission and Economic Development Commission to conduct research on the level of taxes that various types of economic development generate and revise the zoning regulations to encourage the desired use.

It is anticipated that the proposed Blue Water at Avery Pond Recreation Campground, when completed, will result in an increase of \$8,050,000.00 to the Preston Grand List which, based upon the current mill rate of 26.94 mills, will result in municipal taxes in the amount of \$238,602.00.

Plan of Conservation and Development Page 141 designates as an objective, in areas other than Preston River Walk, to encourage small scale retail establishments, research/office parks and tourism, manufacturing and recreation facilities as the preferred type of economic development.

A recreation campground located in close proximity to the Foxwood Casino is clearly a tourism related facility which falls squarely within the objective enunciated in the Plan of Conservation and Development. The inclusion of multiple recreational facilities within the proposed Blue Water at Avery Pond facility further enhances compliance with this objective enunciated in the Plan of Conservation and Development.

Plan of Conservation and Development Page 141 charges the Town of Preston to establish a "business friendly" town. By way of action, it charges the Board of Selectman and Economic Development Commission to ensure that Town boards, commissions and departments operate in a "business friendly" manner.

Notwithstanding the fact that the Resort Commercial Zoning District was established many years ago, the Hilton Hotel facility is the only meaningful economic development which has occurred in the district. The proposed Blue Water at Avery Pond Recreation Campground represents a major economic development initiative for the Town of Preston. Since applications have been filed with the Town of Preston Inland Wetlands and Watercourses Commission and the Town of Preston Planning and Zoning Commission to enable the development of this project, the applications have been met with a significant amount of negative publicity and comment within the Town of Preston community. The municipal officials of the Town of Preston need to heed the objective contained in the municipal Plan of Conservation and Development and establish an atmosphere which encourages meaningful economic development within the municipality. The manner in which applications involving major development initiatives are administered sets a tone within a municipality. Developers investigate and evaluate how receptive municipalities are to business development. That evaluation is often a determining factor in a capital-based decision as to whether or not to invest in a community. Other developers are cognizant of the atmosphere in which this application is being administered.

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

The proposed Blue Water at Avery Pond Recreation Campground is consistent with this objective. The proposed Blue Water at Avery Pond Recreation Campground is located on the northerly side of Connecticut Route 2 and the easterly side of Connecticut Route 164, both arterial highways within the Town of Preston highway system. The property is located along the southerly and southeasterly shore of Avery Pond, an attribute which enhances the recreational potential for the development of this facility consistent with the objective enunciated under Goal 4 above. In conjunction with a concurrent application being administered before the Town of Preston Inland Wetlands and Watercourses Commission, the Applicant's development team has worked closely with the Town of Preston engineer and consulting wetland ecologist to modify the development

initiative to achieve consistency with the environments associated with Avery Pond and its surrounding riparian wetland systems. A letter dated February 10, 2022 issued by the Town of Preston's Consulting Wetlands Scientist, Joseph R. Theroux, evidences the fact that the goal of environmental consistency with Avery Pond and its environs has been achieved. The design of the proposed Blue Water at Avery Pond project retains existing vegetation along the westerly, northerly and northwesterly perimeter of the proposed development area which creates the screening and remoteness from residential development contemplated by Goal 5 in the Plan of Conservation and Development.

POCD PAGE 142

Objective "Extend public sewer, water and gas to specified areas in Preston to allow for controlled and environmentally responsible economic development... the second priority area is along Route 2 in the Resort Commercial Zoning District."

The proposed Blue Water at Avery Pond Recreation Campground is consistent with this objective. While an extension of municipal utilities is not necessary to serve this proposed development; this development, since it is occurring on land owned by the Mashantucket Pequot Tribal Nation, has access to governmental water and sewer facilities provided by the Mashantucket Pequot Tribe. As designed by the project's consulting engineers, and as presented to the Town of Preston Planning and Zoning Commission for consideration, this project will interconnect with the governmental water and sewer facilities provided by the Mashantucket Pequot Tribal Nation.

SUMMARY

While consideration of consistency with the intensity of development contemplated by the Plan of Conservation and Development is not a statutorily authorized consideration for a municipal zoning commission acting in its administrative capacity on a special exception application, the analysis provided above evidences the fact that the proposed Blue Water at Avery Pond Recreation Campground satisfies the compatibility with intensity standard that has been enunciated by the Preston Planning and Zoning Commission for legislative decisions.