

April 8, 2015

The Stonington Board of Selectmen held a special meeting on this date at the Mystic Middle School at 7:00 p.m. Present were First Selectman George Crouse, Selectman Rob Simmons and Selectman Michael Spellman. Also present were members of the public and press.

**(1) Call to Order**

Mr. Crouse called the meeting to order at 7:02 p.m.

**(2) Approval of the Minutes**

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to approve the March 25, 2015 Board of Selectmen special meeting minutes.

**(3) Public Hearing**

- Mrs. Carlene Donnarummo stated that she lives in Pawcatuck is a lifelong resident of the Town of Stonington, Village of Pawcatuck. She stated that she has been following zoning in the Town of Stonington since 1979 and she can dare say that she has missed very few meetings. Mrs. Donnarummo stated that she has also attended several of the Plan of Conservation and Development subcommittee meetings and a lot of the people here who are complaining she would like to say "where were you when this thing was being developed". Mrs. Donnarummo read her prepared statement which is attached to these minutes as Exhibit A.
- Mr. Tim Murray stated that he owns two businesses in the Town of Stonington and also resides in the Town of Stonington in the Village of Mystic. He stated that he agrees with a lot that our former presenter said. He stated that he would love to have an Economic Development person in this town. Mr. Murray stated that he would love the idea of having a Town Planner. He stated that it's something that we can't go any farther without. Mr. Murray stated that he disagrees on a few things. He stated that you can't look at the greater use of Master Planning tools over the last 7 years and decide that in the worst economy that anybody in this room has ever seen that not much got done in the real estate development department. Mr. Murray stated that we have a grand list that has been flat for 5 or 6 years. He stated that no development whatsoever, no growth, our school roofs are leaking. Mr. Murray stated that the schools are cutting programs and the kids are losing their teachers. He stated that he had a next door neighbor who lived in a beautiful home that was a ten minute walk into downtown Mystic. He stated that she and 3 kids and she lost her job. Mr. Murray stated that the town realtor who was trying to sell that house couldn't sell it for a year. He stated that he kept asking why is this house not selling and who wouldn't want to live here. He stated that the realtor said there is no reason for anybody to come here and live because there are no jobs for people who could afford that type of house. Mr. Murray stated that he really thinks we need to make sure we have greater use of planning tools in place. He stated that to attract creative entrepreneurs we want quality development. Mr. Murray stated that none of us want McDonald's and Burger King's down Route 1. He stated that we just want creative, quality economic development so that our kids could move back here. Mr. Murray stated that the Neighborhood Development Districts and the Industrial Heritage Reuse District those have to stay in the POCD and I urge you to do so. He stated that is town needs a vision and that vision will come with the help of a development director and a town planner.

- Mr. Rod Desmaris stated he has been in Mystic for the last 23 years. He stated that he is a downtown Mystic business owner, real estate developer and Chair of the Board of the downtown Mystic Merchant's Association. Mr. Desmaris stated that he was out of town when the last POCD meeting was held so please forgive him if what he has to say is redundant to what has already been addressed. He stated that he does want to align himself with some of the concerns of our friends at the Greater Westerly Pawcatuck Chamber of Commerce and the Greater Mystic Chamber of Commerce. Mr. Desmaris stated that after reading the draft of the POCD it became apparent to him that this is not a comprehensive plan, a plan that gives even consideration to conservation and development. Mr. Desmaris stated that economic development seems to be a neglected child in this plan a neglected child that is screaming to be heard. He stated that as a tourist destination we are blessed with two of the best attractions in the state the Seaport and the Mystic Aquarium. Mr. Desmaris stated that we have also recently completed beautiful streetscape projects in Mystic and Pawcatuck but we still have too many empty storefronts. He stated that we have serious issues across the board that are not being addressed by this POCD. Mr. Desmaris stated that there are no master planning tools. He stated that they were implemented after the 2004 POCD and were helpful in developing the Allen Spool Mill. He stated that they are no longer part of the 2014 plan and that is a mistake. Mr. Desmaris stated that in his opinion there is so much that is not addressed by the 2014 POCD that he would recommend the Selectmen delay the adoption of the plan. He stated that the plan as it is currently drafted is in dire need of input by a professional Director of Planning. He further stated that the town's current planning staff does an excellent job with the resources that they have but they are understaffed and overburdened with the administrative tasks that come before them daily. Mr. Desmaris stated that we need a director who has experience and expertise and the support and the time necessary to implement a comprehensive plan that will bring meaningful change to address the problems we face as a community. He stated that without an effort to increase our grand list how can we continue to provide the services the residents and business owners desire and need. Mr. Desmaris stated that if we can't provide the community with what they need the community will falter, business will leave, jobs will be lost and people will move. He stated that a community cannot be vibrant if only affluent retirees can afford to live there. Mr. Desmaris stated that the current draft is a beginning but it is not a finished project waiting for adoption. He stated that there needs to be more tasks and policies that will encourage new businesses to locate here, streamline the permitting process, allow amendments to zoning to be made. He stated that in summation he strongly urges the Selectmen to not adopt the POCD as it is currently drafted.
- Mr. Simmons stated that in the last hearing and again tonight we have heard discussion of the so-called planning tools. He stated that it is his understanding that the Heritage Reuse Planning tools for use in the Rossi Mill project which is part of the Mystic Seaport and asked Mr. Desmaris if he considered the use of those tools to be successful or unsuccessful.
- Mr. Demaris stated successful.
- Mr. Walter Grant stated he has been a member of the PZC Subcommittee for writing the 2014 POCD. He stated that the number 21% as a goal for committed Open Space was chosen because this to "mirror the Stat of Connecticut's 21% goal" (page 48 third

paragraph). Mr. Grant stated that this is the DEEP's goal. He stated that the subcommittee felt that they should at least support the state's goal. He stated if they said we only needed 15% and sometime later there were funds available that we might get the state might say you only wanted 15% anyway. Mr. Grant stated that he attended a seminar sponsored by the Connecticut Land Conservation Council last fall. He stated that the DEEP supervisor was there and when he was asked why 21%, he stated that there were many reasons including that New York City has 17% with its parks. Mr. Grant stated that if a densely populated business center can have 17%, we should have a goal of 21%.

- Mr. Bob Moore stated that he is a fairly recent resident of Stonington. He read a prepared statement from Bill Lyman attached which is attached to these minutes as Exhibit B.
- Mr. Crouse asked how a task would be implemented and who would do that.
- Mr. Moore stated that each of the tasks has a lead group that would be implementing the task and there are companion groups that would work with them to implement the task.
- Mr. Crouse asked if the EDC could implement their view of how that task is met.
- Mr. Moore stated no they would introduce a proposal that would have to be approved by the normal process of the town.
- Mr. Steven Capizzano stated that they've been in town for about 8 months and they haven't been through this whole process. He stated that some of his concerns have been alleviated tonight with some of the speakers and what's been said. He stated that there are a lot of things happening in Pawcatuck. Mr. Capizzano stated that he's not going to say it's a healthy environment but it has the potential for a healthy environment is there. He stated he likes to listen to see what's going on. Mr. Capizzano stated that the business community is struggling down there. He stated that this town is not helping the process. Mr. Capizzano also stated that hiring a Director of Planning might help with situation. He stated that if you don't feel that there's something that the town as a community is willing to help then you're less inclined to continue with the struggle.
- Mr. Simmons asked if a sandwich board would be useful to his business.
- Mr. Capizzano stated that was an excellent question because it's not only what he thinks it's what people coming into the store say. He stated that the customers say they hardly know the store is there. He stated that he understands the idea of signage and that's where he thinks the town could help.
- Mr. Michael Schefers read his prepared statement attached to these minutes as Exhibit C.
- Mr. Charles Sneddon stated that he was really pleased to see the kids here tonight but also to see the second meeting so many people in the community concerned about the document like the Plan of Conservation and Development. He stated "where were we when it was written" really is irrelevant. He stated it is the second night of the public hearing and there will be another public hearing. Mr. Sneddon stated that this is where the public speaks. He stated that not everyone can be involved in daily meetings, weekly meetings or monthly meetings. He stated that he wanted to thank the members of the POCD Committee and the PZC for their volunteering. Mr. Sneddon stated that as some of you know and some of you don't I spent hundreds of hours on the last POCD document that was written, 6 years on Planning & Zoning, 5 years as the chair of

Planning & Zoning using the document that got written. He stated that it is a lot of work and it shouldn't be taken lightly. He stated that he had the help of Carlene Donnarummo all 6 of those years. He stated that a lot of her points are very, very good. Mr. Sneddon stated that his first point refers to the minutes of the last Selectmen's meeting when the chair of the subcommittee for developing the Plan of Conservation and Development stated that she was directed to and believed that they were making amendment to the 2004 POCD and not a rewrite. Mr. Sneddon asked Keith Brynes, Town Planner, if the document that we're looking at tonight is that a standalone document or is it an amendment to the existing document.

- Mr. Brynes stated that it's a revision but it takes the place of the 2004 POCD.
- Mr. Sneddon stated that it is so much more than an advisory document. He stated that it is an extremely valuable tool to members of the community who want to make changes. If you want to make one word in our land use regulations it is required that Planning & Zoning check that amendment to our plan to the existing plan of conversation and development. He stated that he can assure that if is found to be inconsistent with the plan of conservation and development it is very difficult to make a text amendment and it is very difficult to make a zoning change. He stated that it's a double edged sword because it also empowers that commission to make zoning changes and text amendments. Mr. Sneddon stated we have a problem at Exit 92 because you can have a restaurant but you can't have a drive through and you can't sell alcohol. He stated he understands why they did that because they didn't want a dozen fast food restaurants out there and they didn't want a bunch of bars but what it did was it stopped development. Mr. Sneddon stated that at every meeting of the POCD he had two members from Planimetrics, he had the Director of Planning, he had a Planner, on the commission he had an attorney and the Director of Public Works was civil engineer. He stated that those tools weren't available to the people who worked for 3 years putting this document together. He stated they were able to write a Plan of Conservation of Development that directed him and the 4 other members and the alternates on Planning & Zoning to rewrite the regulations out at 92 to fix some of the problems that existed. He stated he went through fairly comprehensively and the tax dollars from the development that happened that was directly because of the Plan of Conservation and Development equals about \$800,000.00 every year. He stated that it cost us \$120,000 to write it and we \$800,000.00 a year in additional taxes because we did. Mr. Sneddon stated that he doesn't mean to belittle Keith because he worked his heart out but he can't be 5 people. He stated writing this Plan of Conservation and Development that left out economic development doesn't make sense. Mr. Sneddon stated he wants a high bar in our town that's why he chose to live here and chose to put his business here and devote 6 years in putting regulations together but we're not done. He stated that we can do better than this. He stated the committee worked their heart out because you can't write a document the way they wrote and not work their heart out. He stated that we didn't give them the tools Mr. First Selectmen and this document's not done, it's not complete and it doesn't address all our needs. He stated that his suggestion is that they do not approve this document and you do not endorse this document that you give them the tools to make it better and they we do it right away.

- Mr. Spellman asked with the implementation of the previous plan what would you say was the best intended consequence and what would be the worst unintended consequence.
- Mr. Sneddon stated that it would be difficult for him to say which is the single best intended consequence. He stated that they set out with a mission from the beginning to fix Exit 92 to make it developable. Mr. Sneddon stated that the economy has changed so the biggest portion of what they did was not developed but is approved. He stated Stillman Avenue is one of his greatest failures. Mr. Sneddon stated from the date that he first drove around town with the then Planner, Jason Vincent he pointed out the Stillman Avenue mill and he wanted it and we still haven't been able to as a community to get that done.
- Mr. Art Hayward stated that he would like to approach his comments from a practical approach. He stated that he looked at the document and we have 20% open space in this town that's combined, committed and managed. Mr. Hayward stated that if you take 20% that translates to 8.34 square miles of Stonington is open space. He stated that if you look at the agricultural aspect that is 10%. Mr. Hayward stated that translates to 30% of our town which comes out to be 12.73 square miles. He stated that now comes the economic aspect. Mr. Hayward stated that open space and farms either pay no or a decreased amount of taxes. He stated that it is very understandable with farms because it is very hard for a farmer to make a living. Mr. Hayward stated that there are provisions to allow them to pay less taxes. He stated that we take a lot of our land off of the tax base. He also stated that now we have 30% of our land area taken out of our tax base which is put on the shoulders of our community and somebody has to pay for that. Mr. Hayward stated that the other area that he is concerned with is some of the language like restricted. He stated that when you look at the coastal section 3.2 "The town should promote water dependent uses in coastal areas that have already been developed". He stated that doesn't work that way. He stated that use of a word like restricted it is a dangerous word. Mr. Hayward stated that five years from now when somebody wants to do something in the flood zone there will be somebody that will say this document says this should be restricted and now we have a problem. He stated that this is when it begins to affect the general people of our town. He also stated that the other area that he is concerned about is "the development in a coastal flood zone should be restricted to prevent loss of life, property during major storm surges". Mr. Hayward stated that when you talk about restricting we have a federal government that defines what our flood zones are. He stated that the Town of Stonington has a zoning ordinance that says that we have to exceed the flood zone by 1 foot so in a velocity zone some of them might have an elevation of elevation 14 feet above but our houses have to be 15. Mr. Hayward stated that it's higher but it's an advantage because the town enjoys a lower insurance rate as a result of that. But restricting them means we are taking a lot of people's land and removing the potential for people to build a house on their property along the shoreline because they are in a velocity zone. He stated that there are rules that are intended to protect those structures that's why FEMA requires the standards that they have. Mr. Hayward stated that under recommendations on 3.2.8 "Amend regulations to restrict conversion of cottages and summer dwellings to year round occupancies in coastal flood hazard zones". He stated that there are some instances in some communities where you have seasonal

cottages and the reason why they are seasonal is limited to the sanitary aspect. He stated that they have small lots, they have no sewer so the towns have restricted their use because of the department of health. Mr. Hayward stated that in this particular view you are taking a family's home if it's a cottage or a summer home. He asked what defines a cottage? Mr. Hayward stated that you're going to say you can't live there all year long because of flood zones. He stated flood zones change. He further stated that he has had clients that were in a flood zone and now they are not in a flood zone. He stated that infringes upon the rights of our citizens. Mr. Hayward stated that the other issue is the climate change. He stated the POCD talks about a 24 inch and restricting that area if you compare what the flood zones are today with the inundation zones with additional and 24 inches we would be eliminating a lot of people's land. He stated that science has not been perfected. Mr. Hayward stated that there are multiple points of view in the scientific community related to global warming and the rising of the sea level. He stated that he believes there is a rise in sea level but that could stop. He stated that he would really not like that in the document. Mr. Hayward stated that it would be taking out an enormous amount of land out of our tax base. Mr. Hayward stated that the POCD refers to in Section 3.3.6 "Review regulations to assure that appropriate setbacks for residential uses from the Coastal Jurisdiction Line. Discourage seawalls as a solution to protecting development when other options are feasible." He stated that you can't build a seawall unless you have no other option available and even that is a huge hurdle. Mr. Hayward stated that with regard to Connecticut jurisdiction line that was only enacted a year ago by the State of Connecticut. He stated that one of the areas that really does bother him has to do with the word village. Mr. Hayward stated that in a document like this that word has a specific meaning. He stated that there are houses in Pawcatuck that are in the historic register you cannot take a building down to replace it with a new structure unless the Building Official deems it condemned. Mr. Hayward stated that the regulations can be so restrictive. He stated that there are regulations that say you cannot have a drive through lane within 15 feet of a residential unit. Mr. Hayward stated that those lots are only 50 feet wide. He stated that you are not going to develop that for a bank or other kind of activity similar to that. He stated that we have a built in open space in our zoning regulations. He stated that if you have wetlands on your property the lots get bigger and bigger and that in itself is open space.

- Mr. Andy Wood on behalf of the Mystic Aquarium thanked everyone who was involved in the drafting of the POCD. He stated that tourism is a significant economic driver in Stonington. Mr. Wood stated that the Aquarium has been part of that for 41 years. He stated that the Aquarium continues to exist in an existing non-conforming status based on regulations. He stated that because of that status, the Aquarium has gone through significant time and money to go through the special use permitting processes for a variety of activities they've done at the campus and everything we look to do as we go forward. He stated they exist as a special use entity and he thinks the POCD gives them an opportunity to look at that from an economic perspective and really focus on what are the key plans we should be looking at going forward and taking those elements into consideration. Mr. Wood stated that in addition, we own the property across the street from our current location that is in an M-1 zone designation which obviously creates zone stipulations and as it was pointed out earlier even with what we worked through the

process previously and we were able to achieve some success it does really beg the question should manufacturing be a piece of that puzzle over off of Coogan Boulevard and Maritime Drive. He stated that the POCD is a guiding document we understand that it is not intended to really be the handcuffs but it should guide where we go as a town and how we develop. He stated that their stance is that those elements should be taken into consideration a little further than they currently are. Mr. Wood stated that currently the recommendations in the document only highlight that it is promoting the economic drivers which include tourism there is an opportunity to expand that a little further. He stated that what they recommend and suggest is to not to endorse the plan as it stands. Our intention is not to delay the process at all. He stated that it is about the POCD is going to be the guiding principle by which we look at Stonington and Stonington in the future. Mr. Wood stated that taking in those economic components that may be missing I think are critical to do now.

- Mr. Spellman asked Mr. Wood if there was a strategic plan would the Aquarium be looking for expansion if allowed to.
- Mr. Wood stated it would absolutely be considered. He stated that they are currently in the process of building capital to build a world class research center.
- Mr. Simmons stated that a previous speaker suggested that you are a non-conforming use in an industrial zone. He asked if that has that been the status of the Aquarium for the past 41 years.
- Mr. Wood stated that it is not an industrial zone we are in a tourist commercial 80 zone. He stated that the Aquarium was not listed as that when the regulations were created. In essence makes us not a permitted use we are a special use. He stated that the additional property we own across the street is an M-1.
- Mr. Simmons asked if they have you made an effort to rezone that.
- Mr. Wood stated that a text amendment was made last year to allow for the retail space.
- Mr. Simmons asked if the expansion plans are consistent with the zoning of the property they are planning to use.
- Mr. Wood stated any expansion we would be looking at the TC-8 not the M-1.
- Mr. Bill Middleton stated that he has been a business owner in the area for 20 years. He thanked the committee for working on this. He stated his specific issue is to clarify the village district. Mr. Middleton stated that the village district has a very particular legal meaning within the General Statues. He stated he sees no reason to take the master planning tools away at this point. He stated that you can have your open space and you can also have your development in your villages. He stated we need to wait until we have a Town Planner on board to really pursue this. Mr. Middleton stated that he hopes the Board will vote to give the plan some more time and input and to refine it further before adopting it.
- Mrs. Ruth Waller stated that she was there to speak in favor of the draft proposal as presenting from the Plan of Conservation and Development Subcommittee. She stated that the Plan of Conservation and Development has been working since the Fall of 2012 to guide the town's development. She stated that surveys can be interpreted in different ways. She stated that she feels it was a fair questionnaire. Mrs. Waller stated that stated that we have a Planning & Zoning Commission to uphold the plan of development. She

stated that we don't have to include everything everyone desires in the Plan of Conservation and Development. She stated that we need to be careful not to change the character of the town. Mrs. Waller stated that she would like to thank the Plan of Conservation and Development Subcommittee and asked the Board to forward the plan to the PZC without drastic changes and to fill the position of the Town Planner.

- Mr. Crouse stated that a letter from Ward Smith would be entered into correspondence. See Exhibit D.

**(4) Correspondence**

Mr. Crouse took in correspondence from the Planning & Zoning Department regarding a zoning text amendment.

**(5) Appointment**

**Climate Change Task Force**

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to appoint Lyndsey Pyrke-Fairchild to the Climate Change Task Force.

**(6) New Business**

**Tax Collector Online Collection System**

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to approve the new online collection system for the Tax Collector's office.

**Discuss 2015 Neighborhood Assistance Act (NAA) Program Application**

A motion was made by Mr. Simmons, seconded by Mr. Spellman and voted unanimously to appoint Interim Finance Director James Sullivan as the town's municipal liaison to the NAA Program.

**Greater Mystic Chamber of Commerce Request for a Fee Waiver**

After some discussion by the Selectmen, Lisa Konicki from the Greater Westerly-Pawcatuck Chamber of Commerce and Tricia Walsh from the Greater Mystic Chamber of Commerce this matter was tabled.

**Discussion - West Broad Street School Special Committee**

- Mr. Spellman stated that he would like to seat this Committee and have a report in May of 2016 and have a joint meeting Board of Selectmen and the Board of Education
- Mr. Crouse stated that he would like to appoint new people to the Permanent Committee to Study the Needs of Town Owned Public Buildings.

**(7) Comments from the Public**

None

**(8) Comments from the Selectmen**

None

**(9) Adjourn**

There being no further business to come before this Board, the meeting was adjourned at 9:29 p.m.

Respectfully submitted,



Kristine Bell

Recording Secretary

# Exhibit A

To: Stonington Board of Selectmen

March 25, 2015

From: Carlene Donnarummo

Re: Public Hearing on Proposed Plan of Conservation and Development

Before I read my prepared statement I would just like to make two comments concerning testimony given at your last public hearing.

1. The gasps from the audience when Mr. Boardman said that he paid \$150,000 in permitting fees. (See attached sheet prepared by the Planning Department).
2. That it took a year to get an approval for the Red 36 Restaurant. I recall that they weren't following the zoning regulations for their zone in regard to the building's height and had to go back and have it redesigned. That took time.

My prepared comments will address five of the concerns and suggestions made to you in a letter from the Economic Development Commission and also expressed in a letter by its chairman in *The Westerly Sun*.

**1. POCD Task #8.2.5 "Consider establishing village districts."** The Town of Stonington consists of four distinct areas in different parts of town that have been known traditionally as villages. There is Pawcatuck, Stonington Borough, Mystic and Old Mystic. The word villages is mentioned throughout the proposed POCD and those areas are generally depicted on page 4 of the proposed document. What has become a lightning rod of discussion is the mention of the Connecticut General Statutes 8-2J. It has been my understanding that the maps on pages 68 and 69 in the on line Final version were merely to depict those densely populated areas traditionally called villages and not to introduce the notion of having an historic district nor a village district as defined by state statutes. I have 3 draft copies of the POCD, including the one dated October 22, 2014, which is the final draft submitted by the subcommittee to the Planning and Zoning Commission. None of those copies mention CGS 8-2J. Unfortunately, somehow between October 2014 and February 6, 2015 when the final draft was approved for public hearing by the Planning and Zoning Commission, CGS 8-2J was added. It would have been better to label these maps as village centers or areas.

I want to thank the Economic Development Commission for pointing this out so it could be corrected.

The POCD subcommittee has considered the EDC's concern about this and in its letter to you dated March 23, 2015, they proposed that Task #8.2.5 be eliminated and the term "village districts" be deleted from policy 8.1.2 and anywhere else it is used throughout the POCD. It was never their intent nor the Planning and Zoning Commission's intent to follow the state statutes in this regard. I strongly suggest that you accept these recommendations from the POCD subcommittee when you report your recommendations to the Planning and Zoning Commission. However, I do not support the subcommittee's recommendation that the maps be replaced by a "more generalized map of village areas." Because one of the overarching goals of the proposed POCD is to "Strengthen Existing Villages" (See pg. 3), it makes sense to me that those areas be defined. So, I would prefer that the maps be retained with the title of "Possible village boundaries" as the maps now appear in the Final Draft of February 6, 2014, but with the words "per CT General Statutes 8-2J" deleted.

Board of Selectmen

Carlene Donnarummo Comments

March 25, 2015 continued to April 8, 2015

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2. POCD Task #8.2.6 "Review the NDD and IHRD zoning regulations for potential updates." I do not share the EDC's and the subcommittee's thoughts that "greater use of these types of master planning tools" should be encouraged. The Industrial Heritage Re-Use District (IHRD) regulations were adopted in August 2004 meaning they been on the books for 10 ½ years. Its stated purpose is to "encourage renovation and/or adaptive re-use of Stonington's historic mills, promote diversified housing opportunities in combination with commercial, retail or office use, where such mixed-use is appropriate, and retaining historic architectural design elements, etc. There are 9 historic mills in our town. Five of them have done quite well on their own without the use of the IHRD regulations. They are the former Sirtex Mill in Old Mystic; the Packer Tar Building, Acme Wire Company and the Rossie Velvet Mill in Mystic, and The Velvet Mill in the Borough which is not governed by our Planning and Zoning Regulations. Five mills have applied under the IHRD regulation with only 3 successes: The Mystic Seaport which was explained at the last meeting by former Director of Planning Jason Vincent, the Allen Spool Mill in Mystic which has been completed, and the Thread Mill in Pawcatuck now under construction after many years of delay. Of the other 2 with approvals, The Connecticut Casting Company on Stillman Avenue in Pawcatuck has not gone anywhere and now sports a For Sale sign; and the former Mystic

Color Lab property also has a prior approval which the current owners apparently don't wish to construct. To my knowledge none of the property owners of the Yardney Electric property, the former Harris Graphics property, or the Grainery building in Pawcatuck have approached the Planning and Zoning Commission with master plans signaling their intent to use the IHRD regulation. I don't think 3 successful projects out of 9 possibilities is a resounding affirmation of these regulations. The IHRD regulations give the developers too much latitude and not enough guidance in what the residents would like to see in their neighborhoods. A prime example of this is the former Mystic Color Lab property which has suffered denials of newer plans and has almost nothing left of the original mill as they wish to demolish what little is standing to even qualify under the IHRD regulations in my mind.

As for the Neighborhood Development District, aka the NDD regulations, adopted in November of 2005, the only project approved under this regulation is Prospect Place on Mechanic and Prospect Streets in Pawcatuck. To me, that approval has deprived the town of Stonington of a potential manufacturing site. This could have been the site of a nice R&D building and would have fit in with the Sun Publishing Company's building as well as the Yardney and Harris buildings across the street. The project has not even been completed and some of the units are owned by a bank; and it appears that some of the units are not occupied or are up for sale. I don't think that is so great. Personally, I would like to see the NDD eliminated from our regulations.

Please keep in mind that the proposed POCD does not change any zoning regulations. Zoning Regulation 7.21 Neighborhood Development District (NDD) remains on the books. But, I urge you to not to support "greater use of master planning tools" in your recommendations to the Planning and Zoning Commission.

Board of Selectmen

Carlene Donnarummo comments

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**3. POCD Task #5.3.4—"Develop and adopt Buildable Land Regulations to reduce pressure on sensitive areas."** If memory serves me correctly, it was a member of the Conservation Commission who initially proposed this recommendation. If it were to be implemented, a whole new set of regulations would have to be crafted and vetted through an open Public Hearing process. The purpose behind this would be to protect sensitive land constraints such as steep slopes, ledges, and outcroppings from being blasted and encroached upon. Here are two contrasting examples: In my neighborhood the developer left the ledges untouched and planned his development around them creating lots that have a great deal of character. In contrast Lambs Way constructed in the Quiambaug section of town did extensive blasting for that subdivision causing problems for the neighbors and changing the landscape; and, as a result of that blasting, one sees piles of crushed stone as one approaches that subdivision—not a very pleasant introduction to a very expensive neighborhood. Please keep in mind that certain flood zones are already disallowed for building purposes in the current zoning regulations and our town is more generous than other towns in that our regulations allow a proration of the wetlands to be included in the buildable computations whereas in most other town wetlands are excluded. The example that the EDC proffered in its February 23, 2015 letter to you is an extreme case and if it were an actual piece of property being referred to, one must remember that we do not zone for one piece of property but for the whole town. I believe that the lot in the EDC example would not be unbuildable as the EDC claims, but it would qualify for relief under zoning regulation 2.9.1 in which the bulk requirements "shall be for that zone which has a minimum lot size closest to the lot size of the subject lot." There would be no "taking without compensation" as thought by the EDC.

For the protection of our environment and unique character of the Town of Stonington I would suggest that you **do not recommend eliminating Task 5.3.4 from the proposed POCD** as proposed by the EDC, but support the minor word change suggested by the POCD subcommittee to "Study and develop buildable land regulations to reduce development pressure on sensitive areas." Then let the process of changing zoning regulations run its course and let the public decide through a public hearing process if the Implementation Committee pursues this option.

**4. POCD Task #6.1.7—"Consider increasing the open space set-aside requirements in the subdivision regulations."** Please keep in mind that the 2004 POCD had a lofty goal of 30 percent open space for our town. That goal has been reduced to 21 percent to mirror the state's objective. The town now has only 14 percent of committed open space—land that is deeded to be open space in perpetuity. There are three ways that the 21 percent goal can be achieved. Currently, a developer is required to dedicate 15 percent of his land for open space or he can pay a fee in lieu of 10 percent of current land market value to the town which is eventually used to purchase open space. An example of this is the Crowley property on Greenhaven Road which was purchased by cobbling monies from several different entities including money from the fee in lieu account. The Conservation Commission prefers to accept open space when it is adjacent to already existing open space; and that makes sense. So having to dedicate 15 percent or 20 percent doesn't necessarily apply to every single subdivision proposal. If the land doesn't abut already existing open space, the developer is asked to use the fee in lieu option. Small pockets of open space really are not practical. The third way to achieve Open Space is for the town to purchase it. The Conservation Commission is reluctant to approach the Board of Finance because of its

Board of Selectmen

Carlene Donnarummo comments

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past experiences in which the Finance Board has not supported purchasing open space. There used to be a line item in the budget for purchasing open space, but I am not sure if it still exists. Another way our town has been negligent in acquiring open space is that it has not taken advantage of matching grants that were offered by the state in previous years. Because having more open space in our town has been a prime objective for residents as expressed in both the 2004 and the proposed 2015 POCD, all of the options I mentioned should be pursued. I hope that you as a Board of Selectmen would recommend keeping 6.1.7 and also encourage the Board of Finance to support outright purchases of desirable parcels of open space and put away money each year to achieve the 21 percent open space that residents desire.

**5. POCD Task #6.1.13—“Establish a Municipal Land Acquisition and Development Authority under CT General Statutes 7-131p.”** There is no entity in our town that oversees current and future use of town owned land. For example, our Conservation Commission doesn't think it's their mission to look for recreational land which I understand is sorely lacking in our town. A municipal authority as suggested would have the ability to do this. To my dismay there have been recent instances in our town to take away open space that is in the town's name. Moss Park was considered for an affordable housing project a few years ago; and just in the past few months the K-12 School Building Committee was investigating taking park land from Spellman Park for a new middle school. A municipal authority, if we had one, would have been protecting town owned open space parcels from development, actively searching for more recreational space, and avoiding these kinds of misuse of municipally owned land. A private land trust would not be able to do this. Just recently the DEEP announced it is accepting proposals for Connecticut's Recreational Trails Program Grants. I am attaching the guide lines to my comments that I will be submitting to you. This grant is something that could have been pursued if we had a Municipal Land Acquisition and Development Authority. I urge you to support keeping Task 6.1.13 in the current Plan of Conservation and Development which envisions many stakeholders to be included on the authority.

Our town does need economic development to reduce the tax burden on its residents. I strongly urge you to encourage the Board of Finance to fund an Economic Development position for this function. The Economic Development Commission and the Planning Department could work with this person to develop a list of available land and buildings and assist and guide prospective applicants through the process to becoming a part of Stonington's landscape. That would be a win-win situation for all of the residents of Stonington.

I also firmly believe that the residents of this town know what they want for their town in the future and the POCD Subcommittee has done a herculean job over the past 2 ½ years putting together a very good document with very little funds from the coffers. The Greater Mystic Chamber of Commerce in their letter to you dated March 25, 2015 has suggested that you wait for a new Director of Planning. We don't even know yet whether the Finance Board will be funding a Director of Planning. In my opinion no new Director of Planning could do a better job in formulating another Plan of Conservation and Development in a town that he or she most likely would not be from. Delaying passage of the proposed Plan of Conservation and Development would not be in the best interests of the Town as we could risk losing discretionary state funding and the members of the subcommittee may not be interested in continuing on the committee. And if we even do get a new Director of Planning, that would take time.

In conclusion I ask that you please carefully consider these comments when formulating your recommendations to the Planning and Zoning Commission.

**PERMITTING FEES FOR RED 36 RESTAURANT, 2-4 Washington St. Mystic**

***Not an exhaustive list. May not include everything and does not include any water or electrical hook up charges from others.***

PZ1214SUP. Special Use Permit	\$	1,510.00
CAM1214. Coastal Area Management	\$	1,000.00
ZON13-014. Zoning Permit (foundation and site work only)	\$	110.00
ZON13-129 Zoning Permit (building)	\$	110.00
D-2011-507. 11/15/11. Demo Permit. Demo section of warehouse.	\$	224.00
B-2013-030R. 10/23/13. Building Permit.	\$	2,802.00
B-2013-030. 2/6/13. Foundation only. (no fee listed)		
B-2014-451. 11/26/14. Building Permit -- temporary panels for patio.	\$	162.00
P-2013-489. 11/13/13. Plumbing.	\$	10.00
P-2013-511. 11/25/13. Plumbing.	\$	322.00
P-2014-016. 1/24/14. Plumbing -- hood system.	\$	122.00
H-2014-007. 2/26/14. Heating -- cancelled.	\$	162.00
H-2014-006. 2/26/14. Heating -- cancelled.	\$	42.00
H-2014-018. 3/28/14. Heating.	\$	

	26.00
H-2014-062. 6/26/14. Heating.	\$ 10.00
E-2014-052. 2/28/14. Electrical.	\$ 482.00
Sewer hook up charge. Total bill \$26,000. Not paid in full yet. (7 payments over time.)	\$ 26,000.00
Erosion and Sedimentation Control bond	\$ 4,000.00
Total (including future sewer payments)	\$ 37,094.00

# Exhibit B

## BOS POCD Hearing Remarks

You have heard suggestions to delay approval of the POCD until a Director of Planning is hired who can edit the plan and make it more development friendly. Please keep in mind that the purpose of the POCD is to point the direction, not provide the solutions. The input you have heard at this hearing is all we need to point that direction, and the current draft of the plan is more consistent than not with what you have heard. The main messages in the table of contents headings, in the overarching principles section, and throughout the document provide an overall direction that is mostly consistent with what you have been hearing. It is unfortunate that a few specific task recommendations have raised red flags that detract attention from the overall positive intent of the plan to encourage development and redevelopment in an appropriate balance with conservation of our precious resources. A few edits of the current draft can easily address those issues and add a little more balance as needed so we can move on and approve the plan now.

Most of people who have spoke at this hearing want solutions to the problems that may get in the way of appropriate growth and development in the Town. The POCD is not the document to provide those solutions, but it is the document to raise areas of concern that should be looked at and it has done that. The recommended tasks are the vehicles with the potential to provide those solutions, and the sooner the plan is approved, the sooner implementation work can start on the solutions.

A Director of Planning is not needed to re-write the plan; however, that position is essential to implement some of the more important recommendations in the plan. Examples of tasks that need the efforts of a planning expert are 9.3.4 and 10.2.5 *Conduct a comprehensive rewrite of zoning regulations to revisit, update and modernize residential and commercial zoning;* 10.4.2 *Develop a comprehensive economic development plan for the Town, reflecting primary economic drivers and identifying the resources required to compete successfully in these areas;* and 8.1.5 *Develop more detailed neighborhood plans for each village of Mystic, Old Mystic and Pawcatuck.* It is through these types of implementation efforts that specific changes and solutions can be developed that address the concerns of both residents and the business community.

Regarding task priorities, the subcommittee intentionally dropped them from the POCD, and proposed priorities be established by the lead groups that will accomplish the tasks with oversight from the implementation committee. Developing specific solutions is hard work and none of it will happen without by-in of the lead groups that can set their own schedules in concert with all else they have to do. Again, a Director of Planning would be very helpful in setting the priorities of the Planning Department whose involvement is key for many of the more important tasks.

So after two years of the updating process, now is not the time to delay approval of the POCD, a document that is advisory and does not implement any change. Now is

P

the time to focus on implementation of tasks that can create solutions to the types of concerns you have heard at this hearing. It is recommended the Board of Selectmen focus on a few specific changes that will clarify the intended direction of the POCD so it may be approved in timely manner. It is also recommended the BOS focus on leading the implementation effort as recommended in the POCD, and by hiring a Director of Planning as soon as possible to lead some of the more important tasks that will provide solutions for the concerns that have been expressed.

This approach to getting the POCD approved so that implementation work may get underway in a timely manner has been informally endorsed by other members of the POCD subcommittee.

Thank-you

## Exhibit C

**My name is Michael Schefers. I am a Borough resident and it's Tax Assessor, I am a Trustee of the Stonington Historical Society and my wife Sylvia Lynch and I own and operate a farm on Anguilla Brook Road.**

**I am here to provide comments on the draft POCD, in particular, Section 8.**

**I'd like to address what I consider to be misleading information previously presented to the subcommittee concerning the possible implementation of Village Districts.**

**In a Westerly Sun article published after the final POCD Subcommittee Meeting Monday March 16<sup>th</sup>, the following was stated and attributed to Economic Development Commission Chairman Blunt White:**

**"If passed, the plan's implementation of village districts would have operated like the historic district on the Groton side of Mystic. Property owners would be required to go through a public-hearing process to change anything from building colors to landscaping."**

**That's very powerful, however, nowhere in Section 8 or in the recommendations outlined in Sections 8.1, 8.2 or in 8.3 does it say anything like that. Nowhere does this draft POCD talk about restrictive "historical districts"...what it says is we should consider establishing village districts to support and strengthen existing businesses and encourage investment. I would further add, that we ought to "promote" these village districts in our economic development literature and with early meetings with developers and other business interests. Villages are an integral part of this wonderful town in which we live...why would we in any way deny these proposed village districts, we need to support them, the town and it's homeowners and businesses alike.**

**The aforementioned rhetoric is an uninformed and misleading reaction to something that neither exists nor is proposed in this document, it is jumping to conclusions.**

**We need to protect the character of Stonington and it's villages. The document as proposed allows us to only "consider" establishing these proposed named districts and how we might strengthen village planning and zoning as well as encouraging further economic investment in them. If we**

do it, and then, how we do it, should then be further discussed by the town and appropriate stakeholders. The vehicle for that discussion should not be deleted from this document. If that is the case, discussions that will ensue would be to the benefit to the town, and it's residents and taxpayers. You are selling all of us short if you don't consider the proposed recommendation(s) in Section 8.

Additionally, I'd like to add the following regarding moving forward:

- 1) We have a lot of smart talented people in Stonington
- 2) We spent a lot of money in 2003 and 2004 with Planametrics as a consultant building this framework
- 3) These are fiscally challenging times...we need not spend additional monies we don't have
- 4) And finally, Let's get on with it and using this document make our special town an even better one!

Thank you for listening and for your consideration!

Exhibit D

**To:** The Town of Stonington Board of Selectmen  
**From:** Ward Smith, 7 Schooner Dr., Mystic (Stonington)  
**Re:** The Town of Stonington public hearing on the final draft of the Plan of Conservation and Development, April 8, 2015

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I cannot attend the April 8 public hearing on the town of Stonington's draft Plan of Conservation and Development and would like to submit a written comment.

The plan was developed over a two-year period based on extensive input from a diverse representation of members of the Stonington community. This representative process should not be allowed to be high jacked by any one individual or group with a narrow agenda.

I say let the process proceed. The Economic Development Committee and other committees tasked in the plan with helping to implement this plan will have an opportunity to provide their ideas and opinions during the implementation process.

*Ward Smith 4/6/15*

Ward Smith  
7 Schooner Dr  
Mystic (Stonington), CT 06355  
860-536-6591

SELECTMANS OFFICE

APR - 6 2015

RECEIVED