

## Special Meeting

The 1640<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held Monday, July 8, 2019, at the Stonington High School, 176 South Broad St., Pawcatuck, CT. The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners Shaun Mastroianni, Ben Philbrick, Gardner Young, and Curtis Lynch; Alternates Fred Deichmann, Lynn Conway, and Peter Chomowicz; Town Planner Keith Brynes, and Director of Planning Jason Vincent.

Seated for the meeting David Rathbun, Ben Philbrick, Gardner Young, Shaun Mastroianni, and Curtis Lynch.

**PZ1908ZC Noank Shipyard, Inc.** - Zone Change Map Amendment Master Plan for rezoning a portion of the Seaport Marine site from a Marine Commercial District (MC-80) to a Neighborhood Development District (NDD) for a mixed-use waterfront development. Properties located at 2, 4, 10, & 18 Washington St., & Willow St., Mystic. Assessors Map 182 Block 1 Lots 16, 12, 8, 7 & 6. Zone MC-80 & RC-120. *PH continued from 5/7/19, 5/28/19, & 6/17/19.*

Resident Ben Tamsky spoke about a point of order that the staff comments and commissioner questions be heard prior to the public comment. He also asked that the Director of Planning step down from speaking about the application due to having spoken in the press.

Bill Sweeney, attorney for the applicant, stated that staff is not subject to the same ex-parte rules the commission is under and is the only vehicle to speak to the public, therefore it is not appropriate to have them excused. The Town's Attorney agreed with his opinion.

Public Comment Against:

Laura Graham, speaking on behalf of Jessica Morrissey, spoke against the application, stating that she does not feel that this development betters the town, but damages the economic and cultural well-being.

Karen Oakley, resident of Jackson Avenue, spoke about her concern with the environment, water quality and flooding surrounding the proposed development.

Jim Frelander stated his concern with Mystic's charm being given up for the sake of tourism.

Kathy Weinberger, stated she would not like to see Mystic lose its small-town charm.

Richard Dixon, business owner in Mystic, asked that the developer extend the public hearing so that everyone has a chance to speak. Mr. Dixon stated that the commission has the discretion at this point and they must get it right at this phase and follow the Plan of Conservation and Development. He stated concern with traffic getting worse. He also stated that as a Mystic Chamber member, although they support it, he does not, he feels this project is too big. He feels their attempts to mitigate funding will affect those further up the river. Mr. Dixon feels the property is demolition by neglect.

Dan Simms, resident of Mystic, stated he understands boat repair is declining but feels that the project is too big and won't benefit the neighborhood. He feels there are other marine alternatives for the property.

Fred Allard, presented a briefing to the commission (exhibit #54) discussing his concern and how it goes against coastal management, the Plan of Conservation and Development, and traffic. Mr. Allard discussed boat storage and reasonable demand that would be consistent with the existing zone.

Matt Thayer, resident of Holmes Street, spoke against the scope and scale of the project proposed. He is concerned about the density affecting traffic and sewage.

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David Snediker, resident of Washington Street, stated that although they accept that Mystic is a tourism town, the proposed development is far above appropriate scale. He feels it is the fault of the applicant that the marine services have not done well there. He stated it does not conform with the Plan of Conservation and Development which prevents them from qualifying for the NDD zone. He feels that there should have been more informal conversations with the public prior to the application.

Bill Scheer, resident of Hayley Street, spoke about parking issues in the town and his difficulty finding parking near his home.

Donna Ryan-Rose, a resident of Willow Street, has a background in design and engineering of large projects, stated her opposition to the project due to it being against the Plan of Conservation and Development, the opposition of the DEEP, Mystic Fire Department, and Groton Planning Department. She stated no one in her neighborhood was in favor of the application. The state of the property is the fault of the owner not to invest in their property.

Niel Spillane, resident of the Mystic Fire District spoke about the purchase and build out of Mystic River Park. He stated they bought the property to prevent commercialization and does not feel it's appropriate just a few blocks away. He is also concerned with traffic and parking.

Nick Salerno, resident of Mystic raised concern with the number of parking spaces proposed as well as the elevations for the flood zone.

Claire Sartor, read a letter from Sally Taylor, a Stoneridge resident against the project. Ms. Sartor then made her own comments about the project. She has been a resident there for 50 years and has embraced change over the years, but must speak out against this project due to its size and scale. She stated the restaurant has already negatively impacted their neighborhood and a larger development would not comply with the NDD.

Chris Chrisoz(?), a North Stonington resident with degrees in environmental science and engineering, spoke in opposition to the application. She stated it is against the Plan of Conservation and Development and disrupts the surrounding residential neighborhood.

Paul Sartor, resident of Jackson Avenue presented a presentation that a neighbor put together and spoke about his opposition to the project and feels it should have been withdrawn by now. They have not met the standards for NDD in his opinion. He also read a letter from Christian McGugan. Mr. Sartor raised concern with the financing of the project and how to pay for the dock that would be deeded to the town. Mr. Sartor is concerned that the apartments will also turn into a large number of short-term rentals. He feels they should address these issues prior to a master plan approval. Mr. Sartor presented a petition to require a 2/3 vote from the commission rather than a majority vote.

Anne Marie Foster, works on Holmes Street and spoke about parking and traffic issues.

Janis Mink, a Pawcatuck resident and former Mystic resident, spoke about her concern with the project. There are aspects for the public in the proposal that would be beneficial and hopes a compromise can be found.

Rosanne Smyle, stated that the developers should work with the community for an appropriate compromise.

Jack Steele, business owner in downtown Mystic spoke about traffic and his opposition to the project.

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Architect James Gibbs, a resident of Jackson Avenue, spoke against the size and scale of the project. He feels there should be a setback to the wetlands and the townhomes should be eliminated. On Memorial Day weekend, Mr. Gibbs counted 248 cars on-site as it currently exists. He feels there is not sufficient parking in the plan and made recommendations to reduce the size of the project.

Mary Hendrickson, stated that the comparison to the Stonington Commons was inappropriate and disagreed with the landscaping plan that could be susceptible to flooding. She feels there is not adequate infrastructure for the project.

Dean Anderson, former employee of Seaport Marine in 1974, spoke about the need of boat repair on the water and that restaurants and hotels should be located inland.

Mary Blanchet, spoke about issues with a building in her neighborhood and understands the impact they can have. She feels there are alternatives to this project that would better fit with the neighborhood.

Eleanor Venderoff, spoke in opposition to the project due to its size, environmental impacts, and traffic issues.

Molly Burrill, agreed with past comments and stated her concern with the proposed project for several reasons.

Lyndsey Pryke-Fairchilde, spoke against the application. She stated concern with the destruction of the marina use on the property and loss of that diversity for more of the same of what is downtown. She is also concerned with residential uses in the flood plain.

Quentin Snediker, spoke about the demand of boat storage and marine uses and need for affordable housing.

Karen Clarke, a resident of Borodell Avenue, spoke about concern with congestion, rising water levels, and town infrastructure. She also feels it is against the Plan of Conservation and Development.

Tom Taylor, stated he spoke with the owner ten years ago and the appropriate density was not financially feasible which is why he believes they have submitted at this level.

Bill Lyman, stated he would like to see improvement made to the property, but something that would work for the community. He urged the commission to resist making excessive modifications to avoid a design by committee that may not be feasible.

Pam Gibbs, stated they purchased their property accepting the Seaport Marine property was zoned MC-80 and feels they should not be granted the zone change. She feels residential uses in the flood plain are irresponsible and the project would overwhelm their neighborhood.

Bill Sternberg, stated he submitted his written comments this evening. He reviewed specific comments about the economic analysis and the existing restaurant. He also commented on the letters of support submitted in favor. He also commented that the project does not conform to the POCD.

General Comment:

Ben Tamsky submitted a draft resolution for denial.

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Chuck Sneddon, spoke about the commission acting in their legislative capacity but with administrative direction. He stated the project does not lose the marina, and the current zone allows additional restaurants. He spoke about the boat repair and how it is likely better to not have it on the property. He stated that the proposed uses fit the purpose of the NDD.

Francis Hoffman, stated some questions that the commission should be thinking of for their decision.

Carlene Donnarummo, stated that there is large opposition to the project and sees this additionally as opposition to the NDD zone. She encouraged the commission to have the applicant come back with a more appealing project.

The meeting recessed at 10:18pm and reconvened at 10:28pm.

### Staff Comments:

Mr. Brynes spoke about the staff report provided to the commission. Although it is a feasibility analysis, it does not suggest to the commission an approval or denial, that lies with the commission. The commission is serving in their legislative capacity with wide authority. Should it be approved they would then be serving in an administrative authority. Changes to substance should be made during this phase of the approval process. Staff indicated that they do not prepare a draft resolution of denial in advance without being directed by the commission regarding the reasons. The POCD has positive and negative comments on the project. Mr. Brynes read the statement of purpose of the NDD zone. There are two waivers to the NDD regulations requested as well. The commission also must decide on the coastal area management application. Mr. Brynes reviewed several items the commission must consider. The maximum extension the hearing could continue to, with an approval from the applicant, is August 15<sup>th</sup>. The commission would then have 65 days to decide. The petition for a majority vote will be reviewed and certified.

Attorney Bill Sweeney stated that they will approve an extension to the July 16<sup>th</sup> meeting for the commission to ask questions and provide rebuttal.

Ben Tamsky asked if the public can comment on new information. Mr. Sweeney stated they will not submit new information.

Mr. Lynch moved to continue the public hearing to July 16<sup>th</sup>, seconded by Mr. Young, all in favor 5-0, motion approved.

Mr. Mastroianni moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 10:57pm.



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Shaun Mastroianni, Secretary