

March 2, 2016

The STEP Ad Hoc Committee held a special meeting on this date at the Stonington High School at 6:00 p.m. Present was First Selectman Rob Simmons, Don Maranell, Darren Stewart, Mike Crowley, Sandy Grimes, Robin Hennessey, Don Kluberanz, Howard Park, Lynn Young, Dave Rathbun, Paul Grassel and Jeff Callahan. Absent were Gloria Gorby, David Quirk and Robert Maurice. Also present were members of the public and the press.

(1) Call to Order

Mr. Simmons called the meeting to order at 6:00 p.m. Mr. Simmons stated that his suggestion to the committee is that they set a time limit of no more than five minutes for each speaker with a second or even third round of five minutes each for those who wish to speak at greater length. Mr. Simmons stated he prepared a large poster of the "alternatives" or options provided by the Board of Selectmen in the January meeting. He stated that a copy should be in the members' STEP Committee folder. Mr. Simmons stated that it is appropriate to ask the speakers to speak in favor of or in opposition to one or more of the alternatives as part of their testimony. He stated that while it is appropriate to ask questions of the speakers to clarify their comments it is not appropriate to become argumentative with them.

(2) Pledge of Allegiance

(3) Approval of the Minutes

A motion was made by Mr. Simmons, seconded by Mr. Grimes and voted unanimously to approve the February 17, 2016 STEP Ad Hoc Committee meeting minutes.

(4) Correspondence

- Mr. Simmons took in correspondence from Rick Newton expressing the need for a dog park just probably not in the Borough. Mr. Newton's letter also listed several alternative properties that could be used instead of the Borough.
- Mr. Simmons took in correspondence from Virginia McCormack urging the committee the Committee to find another location in Stonington to use as the Stonington Dog park.
- Mr. Simmons took in correspondence from Attorney Michael Bonnano stating that the STEP property should be closed to this type of activity and another area, remote from homes, properly permitted and safely designed, should be sought.
- Mr. Simmons took in correspondence from Glen Riffe expressing his support of keeping the piece of land in the Borough, that people have been using, as a dog park.

(5) Public Hearing

- Ms. Angela Gora read the attached statement in opposition of the unofficial "dog park" a copy of which is attached to these minutes as Attachment "A".
- Ms. Dorotea Abele spoke in opposition of the unofficial "dog park".
- Mr. Joe Rendeiro spoke in favor of keeping the parcel just the way it is. He stated that he made a living at the town dock and has never seen any rowdiness or noise. Mr. Rendeiro stated that he has not seen dogs fighting.
- Mr. Forest Sklar spoke in favor of keeping the parcel the way it is.
- Ms. Laurie Hartnett spoke in favor of keeping the dog park the way it is.
- Ms. Casey Malcolm spoke in favor of the dog park. She stated that in the last 2 weeks she has seen no more than 1 or 2 other dogs. Ms. Malcolm stated that in the summer the

parcel is heavily used especially Saturday and Sunday but she has never witnessed a dog fight.

- Attorney Mark Branse read from Attachment "B" and asked that it be entered into the record.

Chairman Rob Simmons left the meeting at 6:53 p.m. to attend the Board of Finance meeting. Co-Chair Don Maranell took over chairing the meeting.

- Ms. Bev Phillips stated that she has lived in Stonington for 12 years. Ms. Phillips spoke in favor of the unofficial "dog park". She stated that on Saturday and Sunday the most dogs you will see are 10. Ms. Phillips stated that it is self-regulated and people try very hard to keep dogs away from the fenced area.
- Mr. Jesse Terry read the attached statement in favor the unofficial "dog park" a copy of which is attached to these minutes as Attachment "C".
- Ms. Brenda Eckert spoke in favor of the park but has concerns that it is town property and part of it is not allowed to be accessed by the property owners.
- Ms. Dorrit Castle spoke in favor of the unofficial "dog park".
- Ms. Leigh Cremin stated that she has been scrutinizing this issue on the Stonington Community Forum. She stated that the Groton dog park is really bad. Ms. Cremin stated that she has never had a problem at the Borough parcel.
- Ms. Ellen Buxton stated that she has been going to the unofficial "dog park" for a year and she absolutely loves it. She stated that she lives in Pawcatuck and drives over. Ms. Buxton stated instead of taking it out of the Borough adding 1 in Pawcatuck and 1 in Mystic.
- Mr. Dean Seder stated that he doesn't have a dog but he has a friend who has a dog. He stated the parcel is more than just for 5 people who use it.
- Mr. Sean Cronin stated that the town should keep the park as it is but he does have a concern with how many dogs are in the park.
- Mr. John Guilloti stated that he tries to be a good neighbor and when his dog acts up, he puts it back on its leash and leaves.
- Mr. Steve Turrisi asked why the fence was put and why was the public access blocked off.
- Ms. Lyne Gaccione spoke in favor of the park. She stated that it is wonderful and is great for the community. She stated that there are generally 3 or 4 dogs and they are well behaved.
- Ms. Jess Terry spoke in favor of the unofficial "dog park".

(6) Adjourn

There being no further business to come before this Committee, the meeting was adjourned at 7:55 p.m.



Kristine Bell

Recording Secretary

ATTACHMENT "A"

DOG PARK PUBLIC MEETING

3.2.16 *submitted by Angela Gora*

Good evening, Mr. Simmons and ladies and gentlemen.

We are a **kind, warm, hardworking, family** just trying to live in peace. We are **not affluent**. We are usually at our home 24/7 because we both work from home.

The land use behind our home is **stressful to us beyond your comprehension**.

I have brought along *exhibits showing aerial photos* of the top 10 rated dog parks in Ct.
Share handouts....

If you **care to take a look** you will see that **NONE of these border private homes**. In one instance there is a home across the street separated by a road and about 150 feet.

This nightmarish place in the Borough is literally in our backyard. There are not **ANY dog parks** in the U.S. that are 3 feet away from people's homes and yards.

If one **googles "dog parks"**, hundreds come up and one can look at the aerials - they are **ALL located in remote areas that do not interfere with human lives and residential neighborhoods**. Some Borough folks think that neighbors do not matter.

We have been *abused, bullied, ridiculed, laughed at - folks have thrown dog feces at us and we are frightened*. Should you spend a few days at our home you would hear the **barking, the fighting, the clapping, the shouting, the screaming, the whistling**, the constant "good boy" "good girl" .

My daughter, who is a student in the school system here, is impacted by the screaming and fighting when she is studying - she too is frightened and no longer goes out back.

We have **many years of documentation - photos and videos - EVIDENCE** proving that there are not just a few, as many claim, but **dozens of dogs at a time and hundreds of dogs on weekends**. The police have our evidence on file.

Town officials and dog park users CHOOSE not look at the evidence.

They just see what you want to see.

In our small yard (see Exhibit #12) the "unofficial dog park" is not just two feet away from us - it is in some places about **1/8 INCH**. And that is the area where the **people and dogs all congregate**, which is not only extremely **LOUD and CLOSE** to us, but it also, of course, makes **OUR** dogs **EXTREMELY** agitated.

People are aware of this and do it on purpose.

Dori has owned this house almost **20 years** and you act like she is a newcomer who has no business asserting her rights.

Dogs' rights seem to matter more than basic human rights.

I am sure there will be **additional law suits** should you decide **NOT** to find an alternate location.

It's obvious that ***this location is not acceptable***, particularly if you have looked at other legally zoned dog parks. **How can you possibly NOT UNDERSTAND that?**

In closing - many folks in town have **privately shared their sentiments and they feel the same way we do.**

However - they are **AFRAID** to speak up because it may impact their businesses.

My suggestion for the land use is a **public garden** dedicated in memory of the town's **founders and fishermen.**

It would help ***stabilize the erosion*** and it would also be beautiful and open for **EVERYONE** to enjoy.

Thank you for understanding.

ATTACHMENT "B"

BRANSE & WILLIS, LLC

148 EASTERN BOULEVARD SUITE 301
GLASTONBURY, CONNECTICUT 06033
TELEPHONE: (860) 659-3735
FAX: (860) 659-9369

MARK K. BRANSE
MATTHEW J. WILLIS*
CALEB F. HAMEL
ELIZABETH L. HEINS**
*ADMITTED IN MASSACHUSETTS
**ADMITTED IN NEW YORK

E-Mails:

mwillie@bransewillis.com
chamel@bransewillis.com
ehelne@bransewillis.com

OF COUNSEL:
RONALD F. OCHSNER

roschner@bransewillis.com

March 1, 2016

Rob Simmons, First Selectman
Chairman, STEP Committee
Town of Stonington
Town Hall
P.O. Box 352
Stonington CT 06378

RE: STEP Committee Public Hearing Comments
FILE NO: 4309/14-112

Dear Chairman Simmons:

As you know, I represent Frank Mastrapasqua and Laura Gabrysch, the owners of property on Front Street adjoining the *de facto* dog park on the STEP parcel, but my representation has been confined to efforts—unsuccessful to date—to resolve the dog park issues through local regulatory channels rather than litigation. Attorney Michael Bonnano is representing my clients in their law suit which is now pending in Superior Court, which law suit is a reflection of my failure to obtain good faith action by the Town or the Borough. I offer these comments to the Committee, though with little confidence that they will have any effect on the discussion or the ultimate outcome.

Location of a Dog Park

Even though the topic is expressly addressed in the charge to the Committee from the Board of Selectmen, there has so far been no meaningful discussion of whether the STEP parcel is suitable for a dog park (about which I inquired at the meeting that I attended on February 3). I think that your proposal to have Committee members view other dog parks in Connecticut was very wise because it will demonstrate that successful dog parks are not located in proximity to existing homes. What was troubling to me was to hear Town Planner Jason Vincent dispute the distance of the Norwich dog

Mr. Rob Simmons, First Selectman
Chairman, STEP Committee
March 1, 2016
Page 2

park from the next nearest home. His argument was disingenuous. The fact remains that *no* dog park has been identified that is as close to residences as the STEP facility.

The simple fact is that any dog park, no matter how well monitored or designed, will unavoidably create some level of noise, disruption, and contamination that is not compatible with adjacent single family homes on small lots, such as is the case at the STEP location. At its last meeting, the Committee heard from Gleanna Doyle, who spearheaded the "Central Bark" dog park in Groton. Central Bark is located on a parcel of land that contains more than 200 acres of land and is far distant from any private homes. The Committee heard Ms. Doyle describe why the STEP location was unsuitable, with erosion, poor maintenance, and lacking in facilities that could socialize dogs and instead creates a "pack" mentality.

Those who say that the dog park is a good neighbor should volunteer a location near their own homes. It's very easy to say that the dog park creates no adverse impacts when those impacts are felt by *others*. If this dog park had gone through the zoning process, as it should, there would be a formal proceeding where impacts could be evaluated and a lawful decision made. Instead, a park that was illegally created is to be validated based on the absurd proposition that people once walked on the grass on this site in 1975 (perhaps accompanied by a dog on a leash) and "a park is a park," as Mr. Vincent said.

The current location should not be considered fixed and immovable just because that's where a dog park happens to have evolved over time. The Committee should seriously examine other locations with greater separation from residences so that a dog park can function without hindrance or nuisance. This is especially the case since it is now clear that in order to create a dog park on the STEP parcel that meets nationally recognized standards, there will have to be significant capital expenditures. Yet, the STEP parcel is primarily held by the Town for expansion of the sewer treatment plant, so investing in a temporary dog park location is fiscally irresponsible. Put the same money into a location where the dog park can remain in perpetuity.

The Committee's Legitimacy

The resignation from the Committee of the only two abutters was both tragic and predictable. The treatment received by Dorotea Abele when I was there on February 3 was simply shocking, and left no doubt as to why Angela Gora (having already attended one meeting) found it prudent to simply remain silent. Dog park advocates were allowed free rein to provide conflicting and factually incorrect information while Ms. Abele was cut off by a motion to adjourn when she only asked when she might have the opportunity to provide correcting information.

Mr. Rob Simmons, First Selectman
Chairman, STEP Committee
March 1, 2016
Page 3

The carefully orchestrated presentations by Mr. Vincent and Mr. Atkinson left no doubt that their respective employers want the dog park to remain in the current location, and with no zoning review or other regulatory procedure to review its design or operation. I represented clients who spent vast sums on architectural, engineering, and legal fees just to add 220 square feet to an existing house, but a patch of grass can become a formally designated dog park without so much as a zoning permit or a hearing before any regulatory agency.

I was the one who initially suggested the creation of the STEP Committee to former First Selectman Crouse, and again to you, Mr. Simmons. I envisioned a process where conflicting interests would hammer out compromises and seek consensus. At your personal request, I drafted a charge to the Committee that encompassed these objectives. Instead, the charge has been pared back (with no discussion with me), the Committee has been stacked with pro-dog park members, the neighbors have been silenced, and the testimony has been skewed to avoid zoning review.

Any hope that the Committee might have avoided endless litigation over a dog park at the STEP location is now gone, and I am deeply pained by that reality. The only option now is to move the park to a less sensitive location. If the Town had heeded Ms. Abele and Ms. Gora in 2011 when they retained counsel to protect their property rights; if Mr. Habarek had heeded my clients when they approached him about the dog park, instead of pretending that the park didn't exist; if Mr. Crouse had kept his promise to create a study committee with meaningful representation of the neighbors; or if the current Committee had been constituted to be more balanced and divergent views respected, perhaps litigation could have been avoided or at least stayed. But none of that happened.

Instead, the *de facto* park has been allowed to operate without oversight or regulation, creating a clear nuisance neighbors and liability to the Town that has stretched over three First Selectmen. At this point that my clients have no confidence in the Town's ability to manage a dog park responsibly at the STEP parcel and will only accept its relocation. Therefore, the courts have become the remedy of last resort, at great expense to all participants, unless the park is moved.

The Committee has lost the credibility to achieve any resolution of the current dispute, and the resignation of the two neighbor representative is a symptom of that loss, not the cause. I was sad to hear that the resignation letter from Ms. Abele and Ms. Gora wasn't even read out loud or discussed by the Committee; and the same treatment was accorded it when received by the Board of Selectmen. I would have expected some effort to respond to that letter or to reassure those two members that their fears were

Mr. Rob Simmons, First Selectman
Chairman, STEP Committee
March 1, 2016
Page 4

unfounded, that their views would be heard. No such effort was made. The Board merely accepted the resignations and appointed new members without discussion. Now, no matter what recommendations the Committee makes, they will lack legitimacy. That is very sad.

My Remaining Hope

I know that the tone of this letter has been one of pessimism and failure, but I want to end it on a note of hope. The Committee has now heard Gleanna Doyle about the unsuitability of the STEP as a dog park; they have visited other dog parks in the region and noted their proximity to residences; they have seen the resignation letter from Ms. Abele and Ms. Gora; and they have seen that the lawsuit brought by Frank Mastrapasqua and Laura Gabrysch has been reactivated. I firmly believe that there was a point in time where a dog park on the STEP parcel could have been achieved following a formal review procedure and rigorous design and operational protections. That point in time is now gone.

However, it is not too late to honestly and objectively search for a location where a properly designed dog park can be located—permanently—without endless conflict, litigation, complaints, and contamination of adjacent waterways. I hope the Committee won't waste this last, best chance for resolution of a conflict that has been simmering and ignored for years while the pot slowly came to a boil.

Very truly yours,



Mark Branse

MB

cc Frank Mastrapasqua and Laura Gabrysch
Michael S. Bonnano, Esq.
Jason Vincent, AICP, Town Planner
David Atkinson, Zoning Enforcement Officer

Correspondence

ATTACHMENT "C"

Jesse & Jess Terry
70 Cutler Street, Apt. 2
Stonington, CT, 06378
www.jessterrymusic.com

Dear Commission and First Selectman Rob Simmons,

My name is Jesse Terry and my wife and I (and our beloved rescue dog Jackson Brown) live in the Borough on Cutler Street, right across from the Fun Company.

I'm a full-time internationally touring singer-songwriter. My wife is from New Zealand and runs her own business from home, right here in Stonington. We are active members of this community. I've even played a beautiful concert down at La Grua Center. We absolutely love this town.

We're writing to voice our love and support for the unofficial "Dog Park" down by the town docks. I'm a CT native; I grew up in Wilton and Greenwich, CT and then moved out of the state for many years. I never thought I'd ever return to my home state of Connecticut, until I visited Stonington and fell in love with the place! Luckily, my wife felt the same and still does.

I moved to Stonington because I think it's a rare and special place. I've visited just about every place in America and there is nowhere else I'd want to live. When we decided to put our roots down in Stonington, it was not to change the town or the Borough. We came here because I felt like it was different than Greenwich and Wilton. I love the history of the town; I love the friendliness and beauty of the town; I love that it feels like a community.

Part of the reason we moved to Cutler Street, was because of the proximity to the "dog park". We're massive dog lovers and our dog Jackson loves the park more than anything in the world. When we first moved here, I remember thinking that the Borough had the most clean and beautiful dog park I've ever seen. Again, another reason why Stonington is special. My heart was a bit broken when that chain link fence went up that obscured the natural beauty of the waterfront. I would think that lowers the property value of the surrounding homes.

I've heard some different statements from the few folks that are complaining about the park. I'd like to address those issues for the record:

- The statement that the park is not well maintained is simply ridiculous. I have never stepped in anything nasty at the park. In fact, I think it's one of the cleanest parks I've visited.

- For a little while, shortly after the neighbors threatened children with a stun device and allegedly sickened dogs by sprinkling a pet-repellant mixture on the rocks, I remember them standing on their decks and staring down at the peaceful folks that used the public

park. I haven't seen them in quite a while since then.

- In the two years I've lived here I've never witnessed a "dog fight". I have witnessed dogs playing and chasing each other and wrestling occasionally for fun. That's what dogs do. They are very social pack animals and enjoy playing. I've never witnessed aggressive dogs being brought into the park. I've met a ton of friends there, lots of great dogs and lots of lovely, peaceful people. That's my honest experience with the park.

For the life of me, I cannot understand why someone would knowingly buy a house next to a park and a water treatment facility (at a substantial discount I'm sure) and then complain about that beautiful park. It seems against the nature of Stonington to have chains on public fences along with nasty and unattractive "No Trespassing" signs on the waterfront. Frankly it's the kind of behavior that I remember witnessing when I was growing up in Greenwich, CT. I still don't understand why an ugly chain link fence is up around the waterfront. We can't live our entire lives in fear of frivolous litigation. Should we put up a chain link fence around the Point because a person could slip and fall on the rocks? It doesn't make sense to me.

My wife and I are a young married couple and we live in a modest apartment here in town. It's perfect for us now. In the future, Stonington Borough is the place where we'd like to buy our first house; this is where we want our children to grow up; this is where we want to grow old.

I beg of you, please keep Stonington special and rare. Don't make it like every other town in the country. I have nothing against folks that buy second homes here and folks that are wealthy. I hope I'm wealthy someday! But please, cater to the folks that come to Stonington and fall in love with it. Cater to the folks that don't come here, cause trouble and try to change this perfect place. I want this to be a place that we'll always be in love with.

In conclusion, please keep this amazing unofficial dog park as it stands. Keep it open for the many, many dog lovers that love the park and use the park. Keep it open for man's best friend. Besides tearing down that chain link fence, it's a place that doesn't need to change. Dogs are not allowed in many places in town. They're not allowed un-leashed in any other place. They're not allowed on DuBois Beach. This is the place for dogs and dog-lovers. Stonington simply wouldn't be the same without it.

I have never trespassed on the neighbor's property. They have trespassed on town land. We are happy to mind our own business and always take wonderful care of the park. I just hope the water treatment facility never expands. Now that would truly lower property values!

Very best and kind regards,

Jesse Terry

www.jessterrymusic.com - (615) 569-0330