



**Town of Westport
Planning and Zoning Commission**
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 | Fax: 203-454-6145 | PandZ@westportct.gov
www.westportct.gov

Public Meeting: March 13, 2023

Decision: March 13, 2023

March 16, 2023

Honorable Jennifer Tooker, First Selectwoman
110 Myrtle Avenue
Westport, CT 06880

RE: 260 Compo Rd. South (Longshore Club Park), PZ-23-00078, §8-24 Request for a Report from the Planning and Zoning Commission regarding a 4th amendment to the 2007 Inn at Longshore Lease

Dear First Selectwoman Tooker:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on March 13, 2023 it was moved by Ms. Dobin and seconded by Mr. Cohn to adopt the following resolution:

RESOLUTION #PZ-23-00078

WHEREAS THE PLANNING AND ZONING COMMISSION met on March 13, 2023, in response to your request for a report pursuant to CGS §8-24, Municipal Improvement, and the Commission offers the following findings and recommendations:

Background/Proposal

1. 260 Compo Road South, Longshore Club Park, is a 168[±]-acre Town-owned property. It is located in the Residence AAA and AA zoning districts, in the Coastal Area Management Boundary, (portions) are in the 100-year flood zone (AE 14 and VE 15), and the site is adjacent to Long Island Sound.

2. 260 Compo Road South is home to the Inn at Longshore facility that includes La Plage Restaurant offering both indoor dining and outdoor dining on the Porch and the Veranda, and open to the public for lunch, dinner, and brunch on weekends.
3. The Inn at Longshore is also a venue for special events such as weddings, holiday parties, birthdays, and business dinners.
4. The Inn additionally offers accommodations consisting of twelve (12) guest rooms. Guests are permitted to enjoy access to the recreational facilities at Longshore Park.
5. The Town of Westport, on Jan. 1, 2007, leased the Inn at Longshore to Longshore Associates of Westport LP, whose principal was Rory Tagert. Two extensions were granted and minor lease amendments were subsequently adopted. Longshore Associates of Westport LP assigned the lease to Longshore Hospitality LLC on Oct. 26, 2020. The current lease expires on Dec. 31, 2028.
6. The First Selectwoman is seeking a report from the Planning and Zoning Commission pursuant to CGS §8-24, Municipal Improvement, to approve the 4th amendment to the 2007 lease. Among other changes, the 4th amendment extends the lease term for ten (10) years beginning Jan. 1, 2029, and ending Dec. 31, 2038.
7. The amended lease also grants the tenant two, ten (10) year options to further extend the lease until Dec. 31, 2058.
8. The amended lease additionally requires the tenant complete an \$8M comprehensive renovation detailed in Exhibit A of the lease.
9. Leasing a municipal building requires issuance of a Positive §8-24 Report by the Planning and Zoning Commission or an affirmative vote by the RTM to overturn a Negative §8-24 Report.
10. In the present case, the proposal is not for a new lease, but an amendment that provides for revised rent, tenant improvements and the extension of the lease term until 2038, along with two additional ten (10) year options that further extend the lease through 2058. Therefore an §8-24 Report was requested.

Prior Approvals and Department Comments

11. The Board of Finance at their 2/13/23 reviewed the proposed 4th amendment to the current Inn at Longshore lease pursuant to §C-6.2 of the Town Charter, and unanimously approved it.
12. The application was referred to Town Departments and the Aspetuck Health District for comments. No objections were received.
13. The Fire Marshal in his 2/21/23 comments identified:

“Albeit this Office has no comments on the lease agreement details, this office does fully support the well overdue and much needed repairs/renovations to such a vulnerable building. The current life safety systems/protections that are in place are in need for repairs and upgrades to be in compliance with the current CT Fire Safety and Fire Prevention Codes to protect such a town asset.”
14. Planning and Zoning staff in comments dated 3/6/23, describe the renovations listed in Exhibit A of the lease when completed will bring the building into ADA compliance.
15. Correspondence received from members of the public expressed noise concerns. A resident at 30 Owenoke Park described *“excessive entertainment-related noise”* heard by residential property owners across Greys Creek and requested consideration for instituting a noise curfew or adding soundproofing to the Inn.
16. A resident at 10 Waterside Terrace described her noise concerns relate to activities outside the building describing, *“our main problem with the Inn is the excessive noise level generated by amplified music outside on the Inn’s patio and lawn.”*
17. The Planning and Zoning staff comments recommended the tenant inform the Commission whether soundproofing is planned as part of the \$8M renovations.
18. A member of the Planning and Zoning Commission at the public meeting suggested if residents desire a Noise Ordinance in Westport, they should contact their RTM representatives as they would be the responsible parties for drafting any ordinance.
19. Correspondence was received from another Westport resident questioning why Request for Proposals (RFP’s) were not circulated by the Town to allow for a competitive bidding process before asking the Board of Finance and Planning and Zoning Commission to endorse the current lease.

20. Another member of the Commission at the public meeting added her voice to the call for competition among potential lessees and she cited the missed opportunity by the lessors to incorporate noise abatement and sustainability initiatives as requirements in the amended lease.
21. The Town Attorney explained the Town is under no obligation to issue an RFP, and he described after many months negotiating with the current tenant, he did not envision a better deal could be negotiated with another tenant.
22. A third member of the Commission observed language was removed from the original lease requiring a pub menu and other reasonably priced restaurant offerings.
23. The Town Attorney in response cited the Town's desire to stay out of any micro-managing of the day to day operations and/or menu of the Inn and its' restaurant.
24. The Commissioner clarified he was not objecting to the change, but rather sought to explain to the Town Attorney and others why the language was originally written as it served an on-going purpose. He explained reasons were to maintain accessibility to food and drink for golfers and other Park patrons seeking casual accommodations, not fine dining, following their use of on-site recreational facilities.
25. Michael Ryan, on behalf of Longshore Hospitality, LLC, the lessee and current tenant, responded La Plage Restaurant currently offers a clubhouse menu on the restaurant patio and he intends to continue offering lighter fare to those who seek it.
26. A member of the Commission at the public meeting suggested adding language to the lease to ensure the tenant fulfills their obligations regarding capital improvements and ongoing maintenance, including in the latter part of any extensions of the lease by
 - A. Referencing §6.06 of the lease; or
 - B. Including a schedule describing how monies collected should be spent.

Findings

27. The Planning and Zoning Commission finds leasing the Inn at Longshore has long served residents and visitors.
28. The Commission also finds the *2017 Plan of Conservation and Development* (POCD) recognizes the value of the Inn at Longshore and recommends maintaining existing facilities and making efficient use of existing sites.
29. The Commission additionally finds there will be benefits associated with modifying the lease including:
 - A. The \$8M renovation the lease requires the tenant complete, will both compensate for years of neglect by the former tenant and will significantly enhance the value of this Town asset that the Town will continue to own.
 - B. The planned ADA improvements outlined in Exhibit A of the lease should bring the Inn into ADA compliance reducing the Town's risk for (more) litigation associated with non-compliance.
 - C. The repairs and upgrades will bring the building into compliance with the CT Fire Safety and Fire Prevention Codes according to the Fire Marshal.

Meeting Process

30. Neighboring property owners located within 250-feet of the subject property, were notified of the application submission, procedures for accessing all available information including participation at the public meeting, with a notice letter sent in envelopes marked "**Urgent Notice Letter**" in red ink, with receipt evidenced by a Certificate of Mailing.
31. Consistent with State law, a remote public meeting of the Planning and Zoning Commission was held, was live streamed on the Town's website, and shown live on television on Optimum Government Access Channel 79 and Frontier Channel 6020.

NOW THEREFORE BE IT RESOLVED that a **POSITIVE REPORT** is issued for **260 Compo Road South**: Appl. #PZ-23-00078, Request for a report from the Planning and Zoning Commission submitted by the First Selectwoman pursuant to CGS §8-24, Municipal Improvement, regarding a fourth amendment to the 2007 lease with Longshore Hospitality, LLC for the Inn at Longshore, located on Town-owned property in both Residence AAA & AA Districts, PID#C04001000.

Recommendations

1. Language should be added to the lease amendment to clarify that the newly created Capital Improvement (CI) Fund shall be used to fund improvements and repairs required by §6.06 of the lease, though the tenant's obligations pursuant to §6.06 may exceed the total collected in the CI Fund. Doing so should avert a repeat scenario as ensued with the prior tenant who had no incentive to meet his obligations during the latter term of his lease resulting in the deteriorating conditions of the Town-owned building that exist today. The current lessee will likely change over the course of the next 30-years and it should not be taken for granted what the future may bring.
2. Another §8-24 Request should be submitted to the Planning and Zoning Commission when the renovations plans are available for the planned substantial improvement.

VOTE:

AYES	-6-	{Dobin, Lebowitz, Cohn, Cammeyer, Olefson, Zucaro}
NAYS	-1-	{Falk}
ABSTENTIONS	-0-	

Very truly yours,



Danielle Dobin
Chairman, Planning & Zoning Commission

cc: Douglas LoMonte, Esq., Berchem Moses P.C.
Ira Bloom Esq., Town Attorney
Terry Dunn, Fire Marshal
Mark Cooper, Aspetuck Health District Director
Jen Fava, Parks and Recreation Director
Jeff Wieser, RTM Moderator
Matt Mandell, Chairman, RTM P&Z Committee