



TOWN OF MIDDLEBURY

Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph.

RECEIVED FOR FILING

January 9, 2025 at 9:40 am

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

Man Beth Lukinski, not.
TOWN CLERK

January 2, 2025

REGULAR MEETING MINUTES

Regular Members

Terry Smith, Chairman
Erika Carrington
Matthew Robison
Paul Anderson

Regular Members Absent

Linda Herrmann

Alternate Members

Brendan Browne
Frank Mirovsky
Joe Mancini

Alternate Members Absent

Also Present

John Calabrese, P.E.
Curt Bosco ZEO

CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman named regular member Carrington, Robison, Anderson and alternate members Mancini, Browne, and Mirovsky were present. The Chairman appointed Brendan Browne to sit in place of Linda Herrmann who was absent from this meeting.

PUBLIC HEARINGS

Michael J. McVerry for PJK, LLC/750 Straits Turnpike LLC, Text Amendment, Sec.31.4 to add new Sec.31.4.7 to allow residential apartments above the first floor of commercial buildings (Application#24-111Z)

Chairman Smith reads the legal notice.

Attorney Michael McVerry on behalf of the applicant. The proposal is to amend to allow 1-2 bedroom in the commercial zone on the second and above floors of commercial properties. This would be in furtherance of the Middlebury affordable housing plan. It is serviced by public water and public sewer systems. There will be an internal access way between the residential units and commercial components such as a sidewalk or pathway

with appropriate lighting. Off-street parking in accordance with section 62 of the regulations and the height area would conform with the regulations. The owner purchased the property in 2023, and it consist of 6,091 sf on the main level, 6,091 sf on the second level, and 6,220 sf on the third level. The owner has not been able to rent the space on the second and third levels of the building. The owner would like to be able to convert these floors into apartments. Mr. McVerry gives a copy of the affordable housing plan to the commission and reads a section of the plan on page 19 to them. (see attached), Mr. McVerry said the Town of Plymouth adopted the same regulation, and he had the Town Planner send him a copy. He has not had an opportunity to review what was sent over and is asking the public hearing to be continued to the February meeting.

Public Comments:

- Diana Anton – opposed to the application. There are many commercial buildings in town that this can be done. How will the parking for public versus renters be? How it would affect traffic, where do children get to play? Sanitation and school taxation. (submits statement)
- Ohene Kwabong – Lives at Avalon Farms and is concerned about the character of the Town. His concern is once you take on this you change the setting of the town.
- Linda Van Wagenen – She believes that the town needs affordable housing opportunities. She lives in a two-family home and rents out. Her tenant could not have lived in the town with the opportunity. She believes that this use, in a well thought out manner, would not be a detriment to the town. She is in favor of affordable housing, and it should be done responsibly.

Commission Comments:

- Chairman Smith has a few issues and some where already stated. He feels if it is approved as it is written, what is to stop other commercial zones from going residential and it would ruin the commercial zones. He wants to be informed how these new residences are going to count for affordable housing.

Mr. McVerry states that not approving this is automatically going to open it to residential use. The special exception use would have to be brought back to the commission. Chairman Smith's other issue is that this specific property has been a zoning compliance issue. There have been several letters sent, and nothing has been done. He is going to need assurances that they are going to clean the property from a zoning perspective and assurances that it is going to remain that way. Mr. McVerry states that they did get a letter from Mr. Bosco ZEO two weeks ago and the violations referred to are gone. Chairman Smith stated that as of the day before New Years the big violation had not been taken care of.

A MOTION was made by Paul Anderson, SECONDED by Erica Carrington to continue the public hearing for Michael J. McVerry for PJK, LLC/750 Straits Turnpike LLC, Text Amendment, Sec.31.4 to add new Sec.31.4.7 to allow residential apartments above the first floor of commercial buildings (Application#24-111Z) for February 6, 2025. The MOTION passed unanimously.

Edward G. Fitzpatrick/Middlebury Land Development, LLC-1535 Straits Turnpike/fka Kelly Road, Site Plan Application for a 171,600+-Warehouse and associated access, parking and loading, Sec. 41.1.2 (Application #24-123Z), Special Exception for Excavation and Grading, Sec 64.2 (Application #24-124Z).

Special Exception for an Extension of Use, Sec 5.3 (Application #24-125Z) has been withdrawn.

Chairman Smith reads the legal notice. Correspondence in objection was received from the public in regard to this hearing (see attached).

Attorney Fitzpatrick on behalf of the applicant/owner of the property. The application consists of warehousing use. He has been informed of significant misinformation regarding this application, part of that is this application is for a distribution center. This is far from the truth. The application is clear as it states in the use. It is for warehousing use and not a distribution center. An example of distribution use is the Amazon center on the Naugatuck/Waterbury line that is approximately 5 stories of a building with many trucks going in and out 24 hours a day. This a 1 story building 35 ft high that is in all the requirements of the regulations. This cannot and will not ever be a distribution facility. He states there are some people there tonight that know differently. He refers to Sec. 41.1.2 and reads it aloud. There will be underground utilities. The application was 171,600 sf and now the special exception for an extension of use has been withdrawn. They have now reduced the size of the building, and it will be 171,065 sf. The facility also includes offsite parking and loading areas as required by zoning regulations. Vehicular access will be from Route 63. There will be no storage of any salt, fuels, any chemicals, compounds, or explosives. Mr. Fitzpatrick gave a copy of the Conservation Commission resolution approval to the commissioners (see attached). They have applied for and received approvals from WPCA in regard to the sewer approval and sewer capacity authorization dated October 15, 2024, and he gives a copy to the commission (see attached). He also gives a copy to the commission of the statement of use (see attached). There have been some comments that this involves a zone change. This is further from the truth. He shows to the commission a zoning map from 1975 that was found in the Town Hall. It shows the property on the map that it is an LI-80 zone. There is no request for zone change. In regard to the site plan, it is an administrative approval. There is no request for text change, variance, or zone change.

Ryan McEvoy P.E. with SLR to discuss the site plan application. He shows an ariel description map of the property. It is 24 acres in total. There is a wetland corridor that includes Long Swamp Brook. Adjacent land uses to the east are residential uses on Straits Turnpike. To the west and south is other land of Middlebury Land Development that is in the R-40 zone. He shows a copy of the proposal for the building. There will be a widen driveway to accommodate vehicles. A total of 75 parking spaces and 24 loading dock spaces on the east side of the building. Landscaping at the entrance of the driveway and perimeter of the building. They are creating a landscape berm that will be 6-14ft above existing grade. This will provide a buffer to adjacent residential. Some existing wooded areas will remain. Stormwater will be collected and conveyed to one of three storm water management areas. Mr. McEvoy shows a stormwater plan to the commission. The features are designed to the regulations and 2024 DEEP guidelines. They are proposing a cascade model system. There will be a sand filter with gravel underdrainage system so there will be sediment removal. Sewer will be collected into a pump system and will be served by water and gas. They are below zoning allowances at 16% and the building height is at 35 feet. They are excavating on the upper side of the property and filling on the lower side of the property with a total of 105,000 cubic yard of excavation, 92,000 yards of fill, for a net of 13,000 cubic yards of excavation. Lighting will have no light trespass, and all light features will include full cutoff elements and LED lighting. There will be 14 acres of disturbance so there will be sediment erosion control

Anthony Iacovino, Architect with SMMA, for the proposal. He shows a floor plan to the commission. The layout of the space is subject to the tenant who has not been determined as of yet. There are two potential entrances designed for some flexibility. Ideally it is for one tenant but can be used for two if necessary. There is an access drive around the building that is good for fire department access. The proposed materials are insulated metal panel, and windows can be put where they need to be. The docks are set down for grading and the height inside the building is 30ft. There are couple of at grade doors that provide vehicle access that will be built into this design. Entrances are recessed at the corners. There will be a flat roof with a membrane on it, it will have a number of mechanical units and be invisible from around the building. The roof is also PV ready for future panels if needed. Mr. Iacovino shows a view of what the building may look like on the outside.

Kimberly Guthrie P.E. with SLR to summarize the traffic study. It included reviewing current roadway conditions, site lines for safety, traffic conditions during morning and afternoon peak hours. They collected turning moving counts in October at Straits Turnpike at Park Road & Park Road Ext., Route 64 and Middlebury Road and 84 on and off ramps. They were made aware of a project under design of Straits and Route 64 and 84. They received conceptual design in July and were advised that the funding was received for the project for 2025. The estimated site vehicle trips to are be 47 during the morning and 36 during the afternoon peak hours. They found that all the intersections operated at the same level of service and it suggests that the development will have minimal impact. They did suggest that there be signal timing adjustments to the intersections of Straits Turnpike at Park Road and Straits and Route 64 to improve the level of service where possible. Also, they recommend minor roadway widening and stripping to allow for bypassing. Also, vegetation clearing.

Public comments:

- Frank Perrella – His concern is traffic and refers to the 2004 traffic study done by the State regarding Straits and Routes 64 & 63 and it was referred to as the 5th most congested area. Nothing has been done to improve that. The new projects coming into Middlebury will be put on Straits and feels that traffic should be rectified first.
- Steve Wuest – states that it is a two-lane road and there are no shoulders or traffic control and there is heavy congestion. There was an incident on New Years Eve and all of the traffic was going through other residential streets. He feels that it does not meet the zoning requirements as suggested and reads the noise regulations to the commission.
- Ms. Cantito – She opposes the project, and it will be a negative impact to the town and surrounding neighborhoods. She has traffic concerns, when was the traffic study done, light, air, and noise pollution. Destruction to the ecosystem, strain on town services, impact on property values, and the sewer system.
- Diana Anton – Opposes the project and feels it is not appropriate for the area, has concerns about resident safety and surrounding roads will have more traffic. Submits statement (see attached)
- Edwin Durgy- gives a presentation and reads a statement in opposition to the project (see attached)
- Elizabeth Hintz – Opposes the proposed project and has concerns about traffic. Prevent industrial and urbanization of the town.
- Charles Larkin – Opposed to the proposed project due to traffic and there are unknown tenants and that it is critical that it is known who is going in. Also, long term impacts that this project could have.
- Jared Port – States the plan does not meet the definition of a warehouse. Has concerns about the traffic, safety of the residents, noise and light pollution, air quality, and decreased property values.
- Mark Douty – In support of the project. Feels it is positive and will bring in tax relief. He submits a statement (see attached)
- Mark Beekey – Opposed to the proposed project. States concerns regarding traffic, property values, noise, and light pollution.
- Jill Petrazzio Brown – Shares information from the EPA. The elderly, very young, and those poor in health would be at risk for multiple risks. The warehouse would be an additional pollutant. There are multiple schools, parks, and a housing community in the area.

- Dana Shepard – Opposes the project. There has already been a project approved that is currently in appeal. Reads a portion of Section 9 in the zoning regulations and wants the regulations to be followed. Submits statement (see attached)
- Keith Ainsworth – Attorney who represents the MSTA and states based on section 6.3 of the regulations that it is a violation, and this application should be denied. The state statute also states that this cannot be built when there are so many wetlands and there was a lot line revision was done to avoid this statute.
- Don Andrews – references the 2023 CT General Statutes Title 10, chapter 173, section 10-2-82, and reads the definitions. States any school under grade 7 is considered an elementary school Memorial Middle School is grades 6-8
- Diana Larken – Opposed to the project and states the views of the power plant in Oxford and the proposed distribution are unsightly. Also states concerns regarding traffic.
- Carl Buckley – Has been a resident and a teacher for over 25 years. Feels it will significantly change Middlebury.
- Giordano Santos – The tenant has been undetermined and so this cannot be called a warehouse and may be considered a distribution facility. Concerned about the air pollution.
- John Esposito – moved here from Shelton, CT and feels everything has been a fight regarding projects and wants to know what the Commission is doing, and that people did not move to a semi-rural environment to have an industrial environment. Asks the commission to not approve the project
- Tom Curry – Has always lived on Straits Turnpike, and has traffic concerns and states it is difficult to get out of his driveway already. He feels the commission has the tools to stop this project.
- Ohene Kwabong – Opposed to the project. States that the map presented from 1975 is not current and there are updated maps and regulations.
- Linda Van Wagenen – Questions the traffic study. Widening the road to provide a turning lane and it would be in front of her home, and wants to know where the additional 5 feet would be coming from, also wants more information on the truck information. Are cars delivering items since it is a warehouse?

Commission:

Chairman Smith states he has discussed with the First Selectman and there will be an air quality study done in Town before any construction is done.

Mr. Fitzpatrick states that the traffic study was done October 9, 2024 during peak hours and it is all in the report submitted, and that the counts stated tonight were actual numbers.

Ryan McEvoy – In regard to road widening – the current road is narrow and there is not sufficient space for a car to get around a turning vehicle. There will be a 5-foot widening on the east side of the road that is 600 feet that will allow for bypassing.

Mr. Fitzpatrick states at the next meeting they will provide additional information.

A MOTION was made by Erika Carrington, SECONDED by Matthew Robison to continue the public hearing for Edward G. Fitzpatrick/Middlebury Land Development, LLC-1535 Straits Turnpike/fka Kelly Road, Site Plan Application for a 171,600+-Warehouse and associated access, parking and loading, Sec. 41.1.2 (Application #24-123Z), Special Exception for Excavation and Grading, Sec 64.2 (Application #24-124Z) February 6, 2025. The MOTION passed unanimously.

Ryan McEvoy, SLR International Corp./Kelly Road Residential, LLC-Application for a Subdivision creating 14 single family residential lots, in accordance with the Subdivision Regulations (Application #24-126Z)

Chairman Smith reads the legal notice.

Ryan McEvoy on behalf of the applicant. He shows a map of the site plan to the commission. It is an abutting property that was presented earlier this evening. It is 52 acres in size in two zones: R40 residential and R-40 PRD. Abutting land uses are vacant land to the west, commercial properties to the north, residential uses to Straits Turnpike and Kelly Road. Active use of the property is a water treatment plant for Timex. There was a historical housed home on the property and hayfields that is overgrown. There will be public water, electricity, and no sewer is being sought. Mr. McEvoy shows a map of the subdivision of 14 lots and a cul-de-sac. The owner, Middlebury Land Development, will retain ownership of 17 acres. There will be 900 feet of road with a 200 foot wide cul-de-sac and the roadway grading will follow existing grading. No special exceptions or variances are requested. There is no anticipation for gas utilities, and they have received approval from TAHD for the septic system. Storm water will be collected and conveyed to a catch basin system. The site received Conservation approval as well. Open space provision will be greater than the 15% required, and the applicant has been in discussion with the land trust as far as open space. Historical foundation on the property will be preserved where it used to be located, and will be located in the open space.

Public Comments:

- Scott Peterson – speaking on behalf of the co-president Tom Cunningham. The Middlebury land trust has not decided whether to be in support or not regarding the project and they have no opinion on open space. There are guidelines in the plan to preserve open space. Also states there will be increased vehicular traffic and airport traffic.
- Diana Anton – She is not opposed to the project. Her concern is the traffic congestion with the schools and the State of Connecticut possibly starting their project for 2025. Also, there has been flooding at the bottom of Kelly Road and if there will be more rainstorms and if there will be any consideration for this issue. Also, native shrubs and plants to be put in the plan.
- Elizabeth Hintz – concerned about the contamination of the soil and water due to the stated remediation that was already done. Also concerned about the traffic at the school during events.
- Edwin Durgy – spoke regarding the house that was on the national registry and read a quote. He submitted it to the commission.
- Charles Larkin – spoke about the historic nature of the foundation is noteworthy and wants it to be preserved. States the farm on the property was no longer used because of the pollution on the property and has it been taken into consideration.
- Mark Bicki – Questioned how many bedrooms there will be, and how close the proposed warehouse will be to this project. He believes the housing development is appropriate. If there will be low-income housing.
- Ralph Barra – inquires why is there no sewer hookups.
- Ray Petrazzio – states he has knowledge of the water pollution. The pollution was not to the surface water but only the ground water. The order to DEEP is still in effect.

Commissioners:

Mr. Robison asked for clarification on the lot sizes. Mr. McEvoy replied that they are 1-2 acres in size. Mr. Robison asked if it will be an HOA and Mr. McEvoy replied no, and it will be a public road. He also states the applicant is aware of the school being there and the application for the warehouse that was proposed tonight. Chairman Smith asks has this been brought up to Police, Fire, and Public Works. Mr. McEvoy stated no. Chairman Smith states he wants reports from the departments. He also inquired if there will be sidewalks. Mr. McEvoy states yes there is. Mr. McEvoy states in regard to affordable housing this is not controlled prices. In regard to sewer it is designated as non-sewer area and it would not

have been something well received by WPCA and is suitable for septic.

John Milone states that the ground water pollution has had a lot of studies to the property. It has been remediated for some time and it is in the rock not the soil and are not proposing well only ground water.

A MOTION was made by Matthew Robison, SECONDED by Paul Anderson to continue the public hearing for Ryan McEvoy, SLR International Corp./Kelly Road Residential, LLC-Application for a Subdivision creating 14 single family residential lots, in accordance with the Subdivision Regulations (Application #24-126Z). for February 6, 2025. The MOTION passed unanimously.

Discussion of the minutes of the Regular Meeting held on December 5, 2024

A MOTION was made by Erika Carrington, SECONDED by Matthew Robison, to approve the minutes from December 5, 2024. Chairman Terry Smith ABSTAINED. The MOTION carries.

Old Business

None

New Business

2160 Straits Turnpike LLC/Fred's Car Wash

A MOTION was made by Erika Carrington, SECONDED by Paul Anderson to accept the application for 2160 Straits Turnpike LLC/Fred's Car wash. The MOTION passed unanimously.

Added to the Agenda

A MOTION was made by Erika Carrington, SECONDED by Paul Anderson to add to the agenda an extension request from Michael McVerry to file a mylar. The MOTION passed unanimously.

A letter was received to extend the mylar. The fence has been installed and they wanted to wait until the approval came from Park and Rec. Chairman Smith looked at the fence and it looks nice. He also spoke with Mrs. Anderson in Park and Rec and she has not had an opportunity to look at it yet but did view photos.

A MOTION to grant a 60 day extension was made by Erika Carrington, SECONDED by Matthew Robison. The MOTION passed unanimously.

Other Business

Enforcement Report

None

Adjournment

A MOTION was made by Matthew Robison, SECONDED by Paul Anderson to adjourn the meeting at 9:37pm. The MOTION passed unanimously.

These minutes are submitted subject to approval.

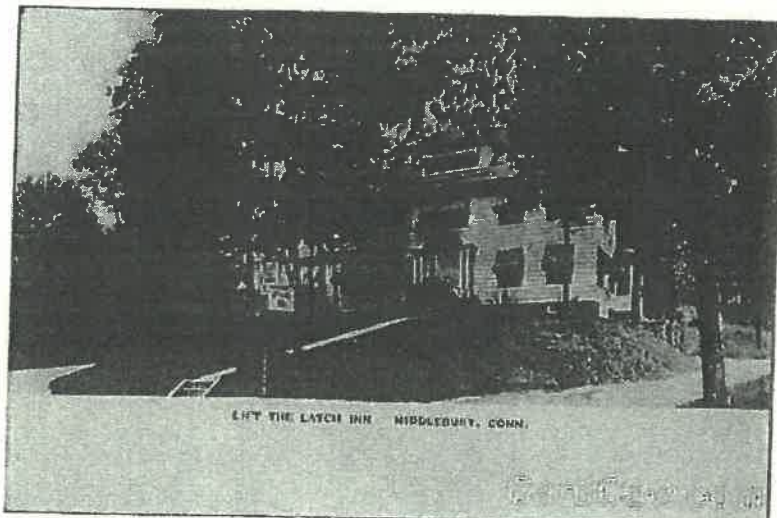
Respectfully submitted,
Jennifer Atkinson
Recording Clerk
cc: Brigitte Bessette, Town Clerk
Chairman Terry Smith
Curtis Bosco, Z.E.O.
Linda Herrmann Chairman, Z.B.A.
Attorney Dana D'Angelo
Rob Rubbo, Director of Health

Town of Middlebury

Affordable Housing Plan

2023-2028

Final Draft



Historic Example



Current Example

Section 5: How Do Middlebury's Current Policies Affect Affordable Housing?

There are two primary documents that guide land use in a Connecticut municipality. They are the most current Plan of Conservation and Development (POCD) and the currently adopted Zoning Regulations. The current Middlebury POCD was adopted in 2015. The POCD is required to be reviewed for revisions at least every ten years. The POCD review will likely begin in 2024 so that it can be revised and adopted in 2025 as scheduled. Currently the Commission is nearing a comprehensive revision of the current zoning regulations. It is anticipated the revised regulations will be reviewed and adopted in 2023.

With regard to affordable housing the current **POCD** makes note of the issue as follows:

Page 10 Housing Goal: Middlebury should retain single-family detached housing as its primary residential type, while allowing for a range of alternative housing types and densities consistent with maintaining the Town's character and quality of life.

Objective: #2: Develop regulations which provide more affordable housing opportunities for residents of Middlebury by allowing a small density increase in housing development which dedicate a certain number of units as affordable, in accordance with State Statutes.
#7: Strive to provide for acquisition of land to be used for the construction of elderly housing by private developers.
#8: Encourage the development of more elderly housing, for those residents 62 and over who may not be able to otherwise afford to remain in Middlebury, or who have special medical or financial needs. However there is no need for additional 55 and over age restricted market rate housing, as has been widely developed in the region, as there is a significant surplus.

In addition the section of the POCD on Housing Affordability cites some of the information regarding the sales process of housing in Town. This section does cite the fact that market rate housing in Middlebury is quite expensive compared to other towns and the region. It also notes that these prices fluctuate considerably for a variety of reasons.

Average Home Values*:

Middlebury: \$378,715 - \$403,260

New Haven County: \$289,914

Connecticut: \$315,745

*Zillow, 2019, includes single-family, condos and apartments

The above Goal and Objectives in the POCD set a fairly narrow set of parameters for increasing the stock of affordable housing. This AHP suggests a few additional considerations the Commission and the Town may wish to consider.

Zoning regulations are the actual mechanism which may permit the Town to consider some alternatives which may allow for the creation of affordable housing which would fit the small town character Middlebury wishes to retain but also would also address the issues that providing such housing would address.

The POCD does specifically cite a need to assist those who may wish to remain in Town but may have medical or financial constraints. It is suggested that a few other reasons may also be cited as reasons to address this need. Consideration might be given to elderly residents who may wish to down-size but remain in Town. The cost of upkeep for a large residence will continue to increase. The ability to remain in Town by seeking a smaller more appropriate sized dwelling unit, whether single-family or a condo or apartment, may well serve this need.

The location of well-designed smaller residential units in proper locations will be a key element for both local acceptance and excellence of design. These units can be part of what is termed *light density*.

Section 6: What Actions Might Middlebury Consider?

Based on the available data and the requirements of the CGS 8-30j, the following items are recommended for discussion and consideration as ways to increase the affordable housing supply to an appropriate level in Middlebury. In addition to CGS 8-30g, 8-30j, other statutes also exist which may provide a basis for some actions as well.

Goal 1. Encourage the development of affordable rental options for seniors and young people. The Commission should;

- a. consider regulation and policy changes which may help facilitate development which focuses on the creation of affordable units for seniors and young people.
- b. consider ways to allow seniors who want to remain in town to remain in their homes or to downsize if they want to do so. This might be facilitated in part, by the Commission using various rental options or by facilitating/easing the creation of accessory dwelling units (ADUs) in existing single family homes.
- c. consider close coordination with Social Services to determine the specifics of the needs of seniors and young people in finding or relocating to appropriate, safe housing. This may also include encouraging the housing of health aides or au pairs in existing housing as of right.
- d. encourage and assist local and regional social services to use available technology to help create or advertise existing educational programs or alliances that might assist with these housing issues.
- e. consider creating a zoning overlay regulation which would allow the creation of slightly increased density in appropriate town/village center areas.
- f. consider regulation changes to ease installation of items such as access ramps, driveway connections and necessary alarms for assistance.

Goal 2. Encourage the formation and operation of a local nonprofit housing entity by;

- a. encourage donations of private or public (non-open space) lands to nonprofit development entities which are interested in creating affordable housing with physical characteristics which fit well with existing development.
- b. encourage local nonprofits to create a development fund for the creation of small to medium size affordable housing development projects.
- c. encourage coordination between local nonprofits, lending institutions and local, regional and state governmental agencies who may help with some aspect of affordable housing development.
- d. consider coordination of housing efforts with interested organizations such as AARP or lending institutions which have a community obligation to monitor and assist in certain development issues.

Goal 3. Consider zoning regulation revisions which would assist in promoting affordable housing creation by;

- a. consider the adoption of an inclusionary zoning regulation (CGS 8-30i) which requires that 10% of any development with 10 or more housing units or 15% in any development with over 20 units, be included as deed restricted affordable housing units in any such development.
- b. revise zoning regulations so that significant aspects of the regulations, such as minimum dwelling unit size be coordinated with the CT Building Code.
- c. revise zoning regulations with equity, diversity and inclusion in mind so that all sectors of the housing market are able to be served for the betterment of the entire community.
- d. revise or clarify zoning regulations so that live work developments, such as apartments over retail do not require any connection to the business.

- e. revise regulations so that while addressing affordable housing the design and desirable physical characteristics of the community are considered as well.
- f. revise regulations to ease the creation of desirable ADUs within existing dwellings and in appropriate outbuildings on existing developed properties.
- g. examine zoning regulations to determine if additional or revised mixed use regulations could assist in creation of additional affordable housing opportunities in such areas.
- h. consider adopting an affordable housing overlay zone regulation such as that authorized by the CT Incentive Housing Zone legislation.

Goal 4. Consider alternative solutions for addressing the local affordable housing issue. The Commission might also;

- a. consider recommending or encouraging the conversion of "struggling" properties into affordable housing units by asking a nonprofit to examine the possibility of such development, keeping in mind the environmental health and safety code limitations of the property.
- b. examine whether there exists any Town owned (non-open space) property which might be suitable for affordable housing development.
- c. examine whether any institutionally owned property, such as churches or schools might be available for such density if developed at a reasonable and acceptable density for affordable housing.
- d. consider acknowledging the need on affordable housing by adopting a policy For future inclusion in the POCD to increase the affordable housing by at least 10% of existing level per year.
- e. consider asking Social Services Department to consider forming an affordable housing group/committee to educate, discuss and inform the community on affordable housing issues.

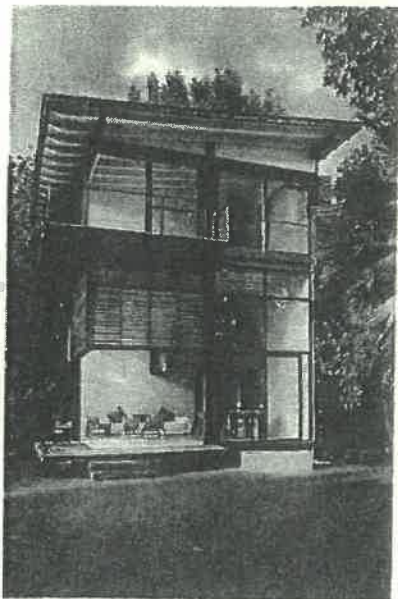
Various Examples of Well Designed Affordable Housing Types



Small, well designed, small lot, classic colonial style.



Small carriage house
on possible larger
property.



Small sq ft, high tech, energy efficient, small lot.



Small lot, well designed, suitable for infill application.



Small duplex, modern design, small lot. infill type development.



Apts over village shops. Well designed. Walkable.



Suburban duplex, well designed converted rehab.

END

Diana Anton 27 Kelly Road, Middlebury, ct

I am opposed to adding a new text amendment to zoning regulation 31.4 without knowing how this is going to impact our own use and enjoyment of our own homes, our activities in town, our children, our safety.

The request is to add a "special exception" to allow residential apartments above the first floor of Commercial Buildings. One building was specifically cited to make this an exception. We have many commercial buildings in town where an owner might consider renovating once this special exception is made.

- What is the plan?
- How does this affect public parking at commercial building sites vs apartment renters?
- How will this affect traffic?
- Where do kids get to play?
- What are the safety issues to be concerned about? Sanitation, pest control above restaurants
- Limits to allowance on size of apartments? How many apartments allowed per building site?
- How many children per apartment. Would animals be allowed?
- School taxation
- Town size continuing to grow—losing our 'Small town' status
- Who else would this affect? Postal service/delivery services/building security.
- Would Other areas in the Zone regulations need to be amended?

Thank you.

RESOLUTION / REPORT

Application #518 1535 Straits Turnpike

WHEREAS: The Middlebury Conservation Commission for the Town of Middlebury has received an application on September 24, 2024 from Middlebury Land Development, LLC map entitled "Proposed Warehouse, 1535 Straits Turnpike, Middlebury, Connecticut" dated September 10, 2024 with revision date of September 20, 2024;

WHEREAS: The Commission has considered the proposed activity, application and all documents and reports submitted by or on behalf of the applicant.

WHEREAS: The application was referred to John Calabrese, Town Engineer whose comments have been considered by the Commission;

WHEREAS: Field inspections were conducted by Commission members;

WHEREAS: The Commission finds based on evidence received that the proposed activity does conform to the purposes and requirements of the Inland Wetlands Commission;

WHEREAS: The Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the commission considered factors and circumstances as set forth in Section 10.2;

NOW THEREFORE, BE IT RESOLVED That the Middlebury Conservation Commission approves the above application with the following conditions:

- (1) The proposed activity that consists of drainage facilities, discharge of drainage and road construction within the regulated areas will not have a substantial impact on the regulated area.
- (2) Prior to permit issuance:
 - Revised plans shall reflect comments from John Calabrese
 - A cash wetland planting bond for the stormwater detention basins shall be in place. Said amount shall be acceptable with town staff. The bond shall remain in place for three (3) growing seasons and after a final report from a wetland consultant has been submitted.
- (3) As-builts of all stormwater detention basins shall be submitted.
- (4) The engineer shall certify all site work has been completed in accordance with the approved plans.
- (5) Required weekly site inspection reports shall be provided to the commission.
- (6) The applicant shall notify the enforcement officer forty-eight (48) hours prior to the commencement of work and upon its completion.
- (7) Timely implementation and maintenance of sediment and erosion control measures are a condition of this approval. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.
- (8) No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this approval.

- (9) All work and all regulated activities conducted pursuant to this approval shall be consistent with the terms and conditions of the wetland permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized shall constitute a violation of this approval and may result in its modification, suspension, or revocation.
- (10) It is the applicant's responsibility to give notification to the Army Corps of Engineers and the Department of Environmental Protection if necessary.

October 29, 204



MIDDLEBURY WATER POLLUTION CONTROL AUTHORITY

1212 Whittemore Road • Middlebury, CT 06762

MINUTES

Meeting of the Water Pollution Control Authority
Tuesday, November 19, 2024 - 7:30 p.m.
Shepardson Community Center - Room 26

Present:

Robert Smith -Chairman
Mark Petrucci
Dan Civitello
Ted Mannello
Mark Petrucci
Paul Phillips

Absent:

Also Present:

Ned Fitzpatrick, Attorney
Mike Lovely, President, Lovely Development
Brian Henebry, Attorney
Michael Angieri, P.E., Consultant
Austin Dowd, Associate Civil Engineer, SLR International Corp.
WPCA Employee, Matthew Morytko
Recording Clerk, Tracy Graziano

1.) Call to Order

Mr. Smith called the meeting to order at 7:30 p.m.

2.) Approval of the October 15, 2024 Meeting Minutes

Mr. Civitello made a MOTION to approve the October 15, 2024 Meeting Minutes. Mr. Phillips SECONDED and the MOTION was unanimously APPROVED.

3.) Old & New Business

a.) 1535 Straits Turnpike: SLR and Attorney Fitzpatrick re: capacity application for Timex Corp. property (Lots 318 & 319).

Atty. Fitzpatrick referred to a Wastewater Generation Flow and Downstream Sanitary Sewer Capacity Analysis from SLR International Corp (See Appendix 3.a.). Mr. Austin Dowd continued the discussion re: proposed sewer flow with a presentation of SLR's Wastewater Flow Analysis. Mr. Smith asked Mr. Angieri for his opinion after reviewing this analysis. Mr. Angieri commented on original intent, stating that the system was intended to serve this property and it maintains the capacity required. He added that a conversation came up re: septic, explaining that this is an avoidance area because when that determination was made there was nothing there; adding that the sewer was intended and designed for this property. His recommendation for this property to be developed going forward, in the long run, is the sewer connection that was originally intended to prevent any further pollution to the brook and any areas further down the stream. Mr. Smith asked Atty. Henebry to address some legal questions that arose. Atty. Henebry referred to a memorandum

that he submitted to Mr. Smith on November 15, 2024 (See Appendix 3.b.). One question referred to Public Act 23-204, Section 173, codified as Conn. Gen. Stat. 8-3m; Section 173. Atty. Henebry stated that this statute does not apply to this parcel because this parcel has less than 5 acres of wetlands.

Mr. Smith read into the record a MOTION (See Appendix 3.c.) as to 1535 Straits Turnpike: Application of Middlebury Land Development for Sewer Capacity and for Change in Designation of Parcel from "Sewer Avoidance" to "Sewer Available". Mr. Civitello SECONDED and the MOTION was unanimously APPROVED.

b.) Benson Woods Phase 2 – Under new ownership. Development name is Aberdeen Estates at Benson Woods: 32 units plus clubhouse. Representatives are from Lovely Development, the builder. Mark Lovely, President, Lovely Development, 710 Main St., Plantsville, CT, stated that Benson Woods, Phase II has been redesigned and now has ten buildings with 3 units each, one duplex with 2 units, and a proposal for a clubhouse. He described the sewer hook-ups adding that they were anticipated during Phase I and will tie into an existing man hole. Mr. Smith asked Mr. Angieri if he has evaluated this application. Mr. Angieri replied no.

Mr. Smith made a MOTION to accept the application tonight subject to legal review and review by the WPCA's engineer, Mr. Angieri. Mark Petrucci SECONDED and the MOTION was unanimously APPROVED.

c.) Monthly Expenses

Mr. Smith reviewed and processed invoices.

4.) Staff Discussion

a.) Pump Stations – Matthew Morytko reported no issues.

b.) Collection Systems

Mr. Smith made a MOTION to cancel the December WPCA meeting. Mr. Phillips SECONDED and the MOTION was unanimously APPROVED.

5.) Adjournment

Mr. Petrucci made a MOTION to adjourn. Mr. Phillips SECONDED. Meeting adjourned at 7:54pm.

Respectfully Submitted pending approval,
Tracy Graziano, Recording Clerk

ATTORNEYS

**EDWARD G. FITZPATRICK
CARLOS A. SANTOS
CESAR L. SOUSA
TIMOTHY E. FITZPATRICK
DANIELLE N. PERUGINI**



OFFICE

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OF COUNSEL:

**ANTONIO A. NUNES
PETER E. MARIANO**

FITZPATRICK | SANTOS | SOUSA | PERUGINI P.C.
ATTORNEYS AT LAW

STATEMENT OF USE

RE: Application of Middlebury Land Development, LLC

The application proposes the construction of an approximately 171,100 square foot industrial building on the property for WAREHOUSING use in the LI-80 zone. The proposed use is a Permitted Use as specifically set forth in Section 41.1.2 of the Middlebury Zoning Regulations.

The property will be serviced by public water, sewer, and other public utilities, all of which shall be placed underground. Included in the plan are provisions for off-street parking and loading as required by the zoning regulations. All vehicular access and egress to and from the property, both automobile and truck, shall be from Connecticut Route 63 (Straits Turnpike). There will be no industrial truck traffic onto local or town roads.

There will be no storage of salts, fuels nor any volatile organic compounds or explosives on the site in accordance with the terms and conditions of the Middlebury Conservation Commission approval dated October 29, 2024.

The application meets or exceeds the set-back, parking, loading, lot coverage and other bulk standards set forth in the Middlebury Zoning Regulations and also provides buffering and screening together with the natural landscape to limit visual effects on neighboring properties.

Diana Anton 27 Kelly Road, Middlebury Ct

I am opposed to the warehouse application at 1535 Straights turnpike.

Middlebury Land Development's applications include plans for the construction of the following on the site:

- A 171,600⁰⁰⁰ square foot warehouse and distribution center standing 35 feet high and covering nearly four acres of existing open space. The scale of this warehouse is just not appropriate for commercial activity thru pristine woods onto rt. 63. This area is even more congested than Southford Road project. Is there any consideration being given to local residents safety on this stretch of road?

~~Smaller warehouses without being attached to a manufacturing operation have been approved in this town. Allowing for the Southford road project, ^{on the future} There should be thought given to the 'scale' of a project. P and Z is currently reviewing Zone regulations and perhaps its too late but, please add 'scale' to your zone regulations for future generations. Some projects are just too big for this town.~~

~~Thank you~~

Note: traffic will by pass 63 & 64 + will increase in neighborhood
putting walkers, bikers, runners at risk

Did we hear 24 hr operation or not?

Thank you

**Planning & Zoning Commission – Public Hearing
January 2, 2025**

Good evening. My name is Edwin Durgy and my family has lived on Kelly Road for six decades across three generations, serving the Town in a variety of capacities over that period.

On December 30th I submitted a presentation to the Planning & Zoning Commission via email illustrating the dangers of the Commission approving an industrial warehousing facility in the current macroeconomic environment. While I will not rehash the details of that analysis here, I have provided hard copies of that presentation for the benefit of the Commission tonight.

I will instead use my time to establish two points derived from the Town of Middlebury's Zoning Regulations.

First and foremost, the proposed warehouse at 1535 Straits Turnpike does not conform to our Zoning Regulations. Middlebury Land Development LLC, via Application #24-123Z, has applied for approval of a site plan under Section 41.1.2, claiming "Warehousing" as defined by the Regulations as an approved use. However, Warehouse is defined on PDF page 28 of the Zoning Regulations as "a building used primarily for storage of goods and material prior to distribution **that are produced in conjunction with a manufacturing facility.**" Critically, the applicant's site plan does not include any onsite manufacturing as explicitly required by the Regulations. As such, the developer's proposal does not qualify as a "warehouse" and thus does not fall under any approved use. Given this, Application #24-123Z should be rejected by the Commission and this proposal should end there, full stop.

Second, the role of the Planning & Zoning Commission is to serve the citizens of Middlebury by actively protecting our Town from inappropriate land use proposals. Thankfully, our Zoning Regulations equip the Commission with the broad discretion necessary to fulfill this vital civic duty. Specifically, Middlebury Land Development's second application, #24-124Z, requests that the Commission grant a "Special Exception" for Excavation and Grading. Section 64.2 of the Regulations states plainly that "The filling, excavation, grading or removal on any lot of any earthen material... is hereby expressly prohibited" barring a "Special Exception" granted by the Planning & Zoning Commission. Let me be clear, the **Commission is under no obligation to provide any such a Special Exception and can and should simply decline to do so**, regardless of what is claimed or threatened by any developer, lawyer, bureaucrat or politician.

In fact, Section 52.1 of the Zoning Regulations, which covers the conditions for "Special Exceptions", specifically states that Commissioners must undertake "a comprehensive review of the proposed plan", including "the impact of the use upon the environment, health, safety, welfare and convenience of the members of the community" prior to granting any "Special Exception", to ensure that "the proposed use will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area". Section 52.6.2 further states that the Commission must ensure that the proposed use "shall not create a nuisance to neighboring properties, whether by noise, air or water pollution, offensive odors, dust, smoke, vibrations, lighting or other effects". Constructing an enormous industrial trucking facility in the heart Middlebury's long-established middle-class neighborhoods, directly adjacent to Memorial Middle School, will by the very nature of the project trigger all of the ill effects that are explicitly barred by our Town's Zoning Regulations. As such, the Commission should not **and cannot** grant any "Special Exceptions" requested by the applicant in this case.

In closing, this Commission's obligation is not to any corporation, out-of-town developer or multi-national hedge fund, but rather to Middlebury and the people who live here. As such, we simply request that the Commissioners use the power and discretion with which they have been entrusted by their neighbors to end the madness and reject the applications currently before the Commission for a massive industrial warehousing facility at 1535 Straits Turnpike.

Thank you.

Hello, my name is Mark Douty and I reside at 28 Jensen Road Middlebury, CT. I am here to express my support for the proposed warehouse development on Straits Turnpike. This property has been zoned industrial for many years, and the development aligns with the town's long-standing economic development plan encouraging commercial development. The fact that the development is allowed by the town's zoning regulations makes it a logical step forward. Additionally, this project will bring substantial tax revenue, which could potentially provide tax relief for local residents. I believe this development will be a positive addition to Middlebury, fostering job creation, supporting local businesses, and enhancing public services. Thank you for your consideration.

Public Statement to the Middlebury Planning & Zoning Commission

Good evening, members of the Commission,

My name is Mark Beekey, I own a home at 112 Bayberry Terrace. I am here to express my unequivocal opposition to the proposed warehouse and distribution center at 1535 Straits Turnpike. This project is an affront to everything Middlebury stands for as a community, and its approval would represent a profound betrayal of the residents you were appointed to serve.

This Commission has already disappointed our town by approving a previous distribution center, a decision that ignored overwhelming community opposition and irreparably harmed trust in this body. Approving yet another industrial project would double down on this disregard for Middlebury's residents, values, and future.

The reasons to reject this proposal are as clear as they are numerous. The influx of tractor trailers would overwhelm our already strained roadways, from Middlebury Road to Straits Turnpike and countless neighboring streets. The massive scale of this project is incompatible with the surrounding residential neighborhoods and would lower property values, harm our local environment, and disrupt the peace and safety of our community.

The traffic study for this project highlights additional reasons for concern:

- The proposed development is projected to generate 309 daily vehicle trips, including a significant number of tractor-trailers, during peak weekday hours. This will undeniably add strain to already busy roads.
- The intersection of Straits Turnpike and Route 64/Middlebury Road is projected to remain at a failing Level of Service (LOS "E") during peak hours, even with mitigations.
- The study identifies a need for left-turn treatments and road widening to accommodate traffic safely. These infrastructure changes, while technically feasible, underscore the inherent risks and challenges of integrating a facility of this scale.
- The study fails to address potential spillover effects on residential streets adjacent to the site such as Three Mile Hill leaving unresolved concerns about safety and quality of life in these areas. Traffic already races up and down the road well over the speed limit and worsens anytime there is congestion at the 64/63 intersection.
- The study does not sufficiently consider the cumulative effects of increased noise, air pollution, and other externalities on the community's well-being.

This project *violates Middlebury's zoning regulations*. The proposed facility does not meet the definition of a "warehouse," as it lacks the required onsite manufacturing component. Although that was clearly thrown out the window with the other Timex property. Additionally, the developer is asking for exceptions that the Commission is under no obligation to grant—exceptions that would destroy natural ecosystems, encroach on residentially zoned land, and exacerbate noise, light, and air pollution.

Middlebury's Zoning Regulations empower this Commission to reject proposals like this to protect our community. Ignoring those regulations in favor of corporate interests/ short term tax

revenue but long term expenses would be a dereliction of your duty. Our town's residents have spoken: we want to preserve Middlebury's semi-rural character, not see it transformed into an industrial corridor.

I implore you to listen to the people you serve and reject this project in its entirety. We deserve leaders who prioritize the health, safety, and character of Middlebury over short-sighted development projects that harm our town.

Thank you.

Mark Beekey

 1/2/25

112 Bayberry Terrace

Middlebury, CT 06762

203-527-5339

Dana Shepard
302 Hemlock Lane
Middlebury

Jan 2, 2025

December 27, 2024 marked the two year anniversary of the initial meetings with the Avalon Farms HOA and members of the Town Planning & Zoning Commission and other elected officials in town.

The P+Z Commission has already approved a warehouse/distribution facility on the other side of town - ignoring our own regulations. That decision has been appealed.

A modification application to the original ~~approval~~ application was approved. That has also been appealed.

I ask you to save us a lot of time, money and aggravation & deny this application. By Middlebury's own regulations there must be manufacturing in conjunction with a warehouse for approval - →

If you need Reference for that definition - see Section 9- Definitions of Middlebury Planning & Zoning Regulations Warehouse: a building used primarily for storage of goods and material prior to distribution that are produced in conjunction with a manufacturing facility -

Note the Application uses the term Warehouse. Although, as much as Attorney Fitzpatrick may argue, warehousing and warehouse are the same thing.

This topic is currently under appeal with the Superior Court. -

From: Pat Mulhall <pmulhall@polylok.com>
Sent: Tuesday, December 3, 2024 3:08 PM
To: Planning Zoning
Cc: First Selectman; Jennifer Mahr; J. Paul Vance
Subject: Objection to 175,000 Square Foot Distribution Center

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Dear Members of the Planning and Zoning Commission,

My wife and I are writing to formally express our strong objection to the proposed 175,000 square foot distribution center to be built on 1535 Straights Turnpike. As a concerned resident of Middlebury, we believe this development would have significant negative impacts on both the local environment and the quality of life for those who live nearby.

Environmental Concerns

The proposed site is near residential homes, and we are particularly concerned about the potential environmental effects of this large-scale industrial development. The noise, and light pollution associated with such a facility could severely affect the well-being of nearby residents. I happen to own a 150,000 sq. ft. manufacturing facility in Wallingford, CT that has approximately thirty eighteen wheelers coming and going each day (Mon-Fri 8:00-4:00 PM). I am not sure if people realize how loud these trucks are between back up signals, idling, starting, and shutting down. Having these trucks coming in and out of the facility 24/7 would be unfair to the surrounding neighbors that moved to Middlebury because of its small-town feel.

Traffic and Safety Concerns

The influx of large trucks and commercial vehicles required for a distribution center of this scale would likely cause significant traffic congestion on the local streets, which were not designed to accommodate such heavy vehicles. This could increase the risk of accidents and traffic, particularly on Straights Turnpike and the intersection of RT 64. As many of you are already aware there are already delays in the mornings and evening as well as numerous accidents at that intersection. It's already very difficult for trucks coming off exit 17 and trying to make a right had turn onto Straights Turnpike. I can't tell you how many times I have witnessed a large truck stuck at that corner near Attorney Minella's office because they could not make the turn. Adding all these additional trucks that would be coming and going to the proposed distribution center would only magnify the current problem and cause massive delays in all directions.

Impact on Property Values

The construction of a massive industrial facility near residential homes is likely to lower property values in the surrounding area. Potential homebuyers might be deterred from purchasing homes in the vicinity due to concerns about noise, traffic, pollution, and the loss of the area's aesthetic value. This could have a long-term negative impact on the economic well-being of our beautiful town.

We thank you in advance for your consideration of our request,

Best regards,

Patrick & Donna Mulhall
47 Blueberry Knoll
Middlebury, CT 06762

Curt Bosco

From: Gary Beaulieu <st.vincent.de.paul@snet.net>
Sent: Tuesday, December 3, 2024 3:14 PM
To: Planning Zoning
Cc: Jennifer Mahr; J. Paul Vance
Subject: Re: Proposed Distribution Center at 1535 Straits Turnpike

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To: Middlebury Planning & Zoning Commission

Re: Proposed Distribution Center at 1535 Straits Turnpike

As Middlebury residents of 52 Three Mile Hill Rd., we have serious concerns about the proposed distribution center, which is intended to be built directly north of Memorial Middle School at 1535 Straits Turnpike. As long-term residents of the area, we have already witnessed the uptick in traffic, speeding, and safety issues that has occurred over time as individuals regularly use Three Mile Hill Rd., Kelly Rd. and Memorial Drive as an alternate route/shortcut to access I-84 or other areas of Middlebury. As we understand it, the distribution center would include a great deal of large trucks and approximately 130 passenger vehicles leaving from and entering the facility--day and night. With these additional traffic, noise, and air quality concerns, if Zoning and Planning were to approve the proposed distribution center, it will incurably impact the serenity, safety and peaceful enjoyment of the entire Three Mile Hill Rd., Kelly Rd. and Memorial Drive area and the neighboring homes and streets, and consequently, the small-town feel and value of those homes. In considering just the additional traffic concerns alone, it is, in fact, hard to imagine how children will get to and/or leave Memorial School, or how other Middlebury residents will be able to access I-84 without significant delays and congestion.

As it is understood, the proposed distribution center would also violate the Town's current Zoning Regulations, which do allow for warehouses in this zone, as such a structure would only be permitted in conjunction with on-site manufacturing.

Given the existing regulations, the proximity of the Elementary School, the potential for additional safety, noise, air quality, traffic and speeding concerns, and the potential hardship that would be imposed on Middlebury residents, and acutely on the residents within the Three Mile Hill Rd., Kelly Rd. and Memorable School area, we respectfully ask that the Planning and Zoning Commission deny the applicant's approval for the proposed distribution center.

We thank you for your consideration.

Sincerely,

Gary Beaulieu and Karrie-Frasca-Beaulieu

52 Three Miel Hill Rd.

Middlebury, CT

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein is **STRICTLY PROHIBITED**. If you received this e-mail transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

Curt Bosco

From: Maria Cantito <mcantito@gmail.com>
Sent: Tuesday, December 3, 2024 8:24 PM
To: Planning Zoning
Subject: 1535 Straits Turnpike

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Dear Planning & Zoning Committee:

I am disheartened to hear that yet another distribution center is being proposed now on the opposite side of our small town. What a pair of bookends that will make?!

The directly affected neighborhoods of Straits Tpk, Three Mile Hill and Kelly Road will be utterly crushed by the excessive traffic, light and air pollution that such a large facility and all its accoutrements will bring.

Last year, when the apartments were being proposed, it was clearly stated by a long line of community members that we did not wish to have any development that would impact these neighborhoods adversely and yet here we are again.

The proposed 171,600 square foot, ~4 acre distribution facility, standing at 35 feet, would directly impact this already congested residential area. In addition to this massive construct, the proposal calls for tractor trailer traffic in 2 directions, loading docks for said trucks, and parking facilities for ~135 vehicles. A minimal quote of an additional 309 vehicles per day, please note that I said minimal as we know this does not include anticipated growth of such a facility, would be added to the incredible traffic issue we already have in this area. It often takes me 20 minutes to get from my home on Kelly Road to the entrance to I-84 East. At least once per week, there is a traffic jam on I-84 that drives cars down Route 64/188 from Southbury to circumvent. Again, this was a major issue of concern with all of us who were opposed and it has not been resolved. This proposal threatens to add to this disastrous problem.

In addition to traffic, additional light pollution from such a massive facility along with noise and air pollution from the tractor trailers in this already congested area, is a huge concern for me. Summer nights on my deck are already impacted by light and noise from Straits Turnpike. To add this type of facility right in my backyard, would destroy the small bit of peace and quiet that we can still hold onto.

This proposed facility should be denied for the above reasons which are personal but also for the following legal reasons:

1. The proposed facility is not in compliance with current Middlebury P&Z laws that "a building used primarily for storage of goods and material prior to distribution that are produced in conjunction with a manufacturing facility".
2. The facility goes against current state law: https://cga.ct.gov/2024/sup/chap_124.htm#sec_8-3m "no municipality with a population of more than six thousand and less than eight thousand... shall approve the siting, construction, permitting, operation or use of a warehousing or distribution facility exceeding an area of one hundred thousand square feet if such (1) facility is located on one or more parcels of land that are less than one hundred fifty acres in total, (2) parcels contain more than five acres of wetlands in total, and (3) parcel or parcels are located not more than two miles from an elementary school." As a school that serves students enrolled in grades six through eight, Memorial Middle School, which is located across Kelly Road from the property in question, is an elementary school per the General Statutes of Connecticut Section 10-282, which defines an elementary school as "any public school building designed to

house any combination of grades below grade seven or children requiring special education." The last I checked, MMS houses students in the 6th grade.

3. With regard to the wetlands in that area: lot lines were redrawn earlier this year, separating a single parcel into two but under common ownership. This occurred to specifically circumvent a state law to benefit the developer's goal. The true wetlands acreage on the parcel has yet to be verified by an independent expert that is NOT affiliated with the developer.

You have it in your power to deny this application outright with just the above criteria. Please do the right thing for the town and your neighbors by denying this application.

Kind regards,
Maria and Al Cantito
356 Kelly Road
Middlebury, CT

203-768-9526

Curt Bosco

From: Stephen Dunn <stephenr_dunn@yahoo.com>
Sent: Wednesday, December 4, 2024 9:14 AM
To: Planning Zoning
Subject: Distribution Centers

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Hello,

Let me start by saying thank you for your public service to our town. I think most of us have never been in your shoes or understand the sacrifice but know that we are grateful.

My family and I moved to Middlebury in 2018 and although it was exclusively because we feel in love with our house, it has also grown to include the Middlebury charm, great schools and some wonderful neighbors.

The past year has been so confusing with the proposals put forth as growth for our town. Two distribution centers? Is that really what we want? Is it the best we can do to create jobs and bring in income? I find that hard to believe. Not to mention the proposed locations seem much less than ideal. Both are proposed to be extremely close to schools in the area. As a father of two, young children I find the thought of large trucks passing by troubling and only raising the frequency of accidents, traffic and the loss of charm our town current is fighting to hold onto.

I am not educated on how these proposals are brought forth or approved but from what I have read it seems there are plenty of existing town regulations in place that would prevent these proposals from moving ahead. So what it is? What do I not understand? I am honestly curious.

Its obvious my family and I are against the proposed distribution centers. I hope this emails encourages the committee to stop and think about the real gains and losses we will all feel if these centers are approved and ultimately built.

Thank you again for all you do.
All the best,

Stephen Dunn
341 Three Mile Hill Rd.

Curt Bosco

From: Raymond Sullivan <mckysull01@att.net>
Sent: Wednesday, December 4, 2024 9:44 AM
To: Planning Zoning
Subject: Distribution Center Straits Turnpike.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Dear Distinguished members of the Middlebury Planning and Zoning Commission:

I am writing to strongly urge you to reject the application for any form of warehousing on Straits Turnpike north. Not because we couldn't all benefit from the taxes but because of the huge traffic and safety issues it would create at the intersection of Routes 63 and 64. The folks on Richardson Drive already have a very difficult and often treacherous time just getting out onto Straits Turnpike. In addition, in heavy traffic, large trucks are having a very difficult time rounding the curve from exit 17 onto Straits Turnpike. As has already occurred in Hawleyville section of Newtown and in Danbury, the Office of State Traffic Administration (OSTA) has turned down the creation of large warehouses in those locations despite local approval. I respectfully ask that in being forward-thinking, you reject any proposal for warehousing in the area of Straits Turnpike. Thank you for your attention.

Respectfully,
Raymond E Sullivan
32 Marney Drive
Middlebury
Ph: 203-206-4312 Sent from my iPhone

Curt Bosco

From: Tom Curry <tomcamps@comcast.net>
Sent: Wednesday, December 4, 2024 10:55 AM
To: Planning Zoning
Subject: Distribution site Straits Tpk

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

My name is Tom Curry Sr and I have lived at 1398 Straits Turnpike since 1965. I have watched this road be OVER developed for decades!!! I can't take a left out of my driveway without waiting at least 5-10, depending on the time of day, EVERY time!! Adding this distribution center will cripple ALL the homes on Straits Turnpike!!! Manipulating town laws and P&Z laws are NOT the way this town should run!!!
Sent from my iPhone

Curt Bosco

From: Liana St. Germain
Sent: Wednesday, December 4, 2024 1:04 PM
To: Planning Zoning
Subject: FW: Opposition to (All) Distribution Centers in Middlebury

Good afternoon,

I am forwarding this email at the request of the First Selectman.

Thank you,

Liana

Liana St. Germain
Executive Assistant
First Selectman's Office
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762
203.758.2439
www.middlebury-ct.org

From: wsp@aya.yale.edu <wsp@aya.yale.edu>
Sent: Monday, December 2, 2024 11:40
To: First Selectman <firstselectman@middlebury-ct.org>; Jennifer Mahr <jmahr@middlebury-ct.org>; J. Paul Vance <JPVance@middlebury-ct.org>
Subject: Opposition to (All) Distribution Centers in Middlebury

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Dear Middlebury Selectpersons,

Scott Peterson here, at 317 Tranquility Road, Middlebury. My wife, Jean, and I wish to express our extreme opposition to any and all distribution centers in Middlebury, but now especially to the one proposed on Straits Turnpike. We realize you have to follow local ordinances, but these are often open to interpretation. Please remember that we are a residential town that would be ruined by endless trucks clogging our roads and making our community dangerous. Certainly, special favors or exemptions are not required of you or from any of our town boards and commissions. If Middlebury's quality of life declines sufficiently, this will affect property values and ultimately the tax base. You are our Town's leaders—you can and must do a lot to stop this ruination of our Town.

Thank you.

Scott Peterson

Curt Bosco

From: Jared Port <jport428@gmail.com>
Sent: Wednesday, December 4, 2024 11:35 PM
To: Planning Zoning
Subject: 1535 Straits Turnpike Proposed Warehouse (Distribution Center) Concerns
Attachments: Port_1535 Straits Tpk Distribution Ctr Concerns.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Email support@computercompany.net if you doubt the validity of this email.

Good evening Planning & Zoning Commission Members,

Attached please find a letter of opposition to the proposed 171,600+ square foot warehouse (distribution center) development project located at 1535 Straits Turnpike by Middlebury Land Development, LLC.. This proposed development is not the right fit for our neighborhood and any applications or exceptions should be denied without future consideration for alternate development applications of this type and magnitude. Since the current Town of Middlebury Zoning Regulations and Connecticut State law to not allow for a project of this type on a site such as the proposed, I ask that you maintain the regulations and current law and do not allow for any exceptions. Please refer to the attached letter for additional reasons why this proposed development should not be considered including the overall size, violation of local and state regulations, increased traffic and congestion, environmental damage and pollution, impact on surrounding property values, increased demand on Naugatuck POTW, environmental contamination, and increased noise and light pollution.

I appreciate your attention to this matter and I trust that the right decision will be made that is in the best interest of the people of Middlebury and the entire Middlebury community.

Jared Port

December 4, 2024

Jared Port, P.E.
1498 Straits Turnpike,
Middlebury, CT 06762

Planning & Zoning Commission Members
Town of Middlebury
1212 Whittemore Road
Middlebury, Connecticut 06762

Re: Proposed Warehouse (Distribution Center) at 1535 Straits Turnpike, Middlebury, CT

Dear Middlebury Planning & Zoning Commission Members:

I am writing to express my strong opposition to Middlebury Land Development, LLC's proposed 171,600+ square foot warehouse (distribution center) application located at 1535 Straits Turnpike in our neighborhood.

The proposed development violates the current Town of Middlebury's Zoning Regulations and Connecticut state law and would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise and light pollution, decreased property values, strain on our public services as well as cause significant environmental damage, destroying natural habitats and putting wildlife at risk. The following presents a detailed discussion of the above items and rationale why the Planning & Zoning Commission should **NOT** grant approval of this application that is clearly in violation with the existing Town of Middlebury's Zoning Regulations and Connecticut state law nor the various exceptions (i.e., excavation and grading, extension of use, etc.) that Middlebury Land Development, LLC is seeking:

Size and Current Zoning: The proposed development is simply too large for our area. The application includes a is in direct violation of the current Town of Middlebury's Zoning Regulations. The application includes the term warehouse, which is defined as "a building used primarily for storage of goods and material prior to distribution that are produced in conjunction with a manufacturing facility." While the Zoning Regulations do allow for warehouses in certain zones within Middlebury, such structures are only permitted in conjunction with on-site manufacturing. The applicant's plan does not provide for a warehouse "in conjunction with a manufacturing facility," but rather for a standalone distribution center, the proposal does not conform with Middlebury's Zoning Regulations.

There is a reason that when Middlebury Zoning Regulations were drafted, they did not allow for construction of standalone distribution centers that aren't tied on on-site manufacturing, and this proposed development should be no exception. The size of the proposed development is out of alignment with the character of our neighborhood and culture of our small-town community.

In addition, this application also violates Connecticut state law. Per the General Statutes of Connecticut Section 8-3(m), *"no municipality with a population of more than six thousand and less than eight thousand... shall approve the siting, construction, permitting, operation or use of a warehousing or distribution facility exceeding an area of one hundred thousand square feet if such (1) facility is located on one or more parcels of land that are less than one hundred fifty acres in total, (2) parcels contain more than five acres of wetlands in total, and (3) parcel or parcels are located not more than two miles from an elementary school."* As a school that serves students enrolled in grades six through eight, Memorial Middle School, which is located across

Kelly Road from the property in question, is an elementary school per the General Statutes of Connecticut Section 10-282, which defines an elementary school as "*any public school building designed to house any combination of grades below grade seven or children requiring special education.*" In addition, the proposed parcel (or parcels that the applicant is proposing this distribution center, contain several acres of wetlands and should be verified by an independent consultant.

Increased Traffic and Congestion: As a resident of Straits Turnpike, it is already difficult to enter/exit Straits Turnpike due to already overburdened infrastructure from recent development along the northern section of Straits Turnpike (commercial businesses) and Watertown Area of Straits Turnpike. The proposed main entrance at 1535 Straits turnpike would cause a significant increase of traffic and congestion for those turning into/out of the proposed development entrance. To makes matters worse, the large majority of the traffic increase and congestion would consist of semi-truck and trailer combinations exceeding 70 to 80 feet in length each. The increased presence of these semi-truck and trailer combinations would be operating at all hours of the day and provide significant sight reductions for entry/exit of local side roads and driveways. Any proposed traffic management approaches or devices will NOT alleviate the increased congestion for the only entrance to the proposed development site. This development would cause a significant increase in traffic on the already extremely busy and unsafe section of Straits Turnpike. A turning lane or merging lane will not help this cause, nor will a traffic light. Any traffic management will make it even more difficult for nearby residents to enter/exit their driveways.

Environmental Damage and Pollution: The proposed development would cause significant destruction of wildlife habit, create large expansive impervious areas resulting in increased runoff and pollutant loading (i.e., road salt, vehicles oils, etc.) into the nearby Long Swamp Brook, unnamed stream, and overall wetland corridor on the proposed development site. The proposed development would drastically alter the aesthetic of the immediate area, replacing the existing greenery and open spaces with a massive 35 foot tall building.

Impact on surrounding property values: I am deeply concerned about the impact this development would have on property values in the surrounding area, specifically for residents along Straits Turnpike. The construction of a distribution center would immediately cause a decline in property values, making it difficult for current residents to sell their homes and move elsewhere (without realizing significant losses in sale price to homes that local residents have put in blood, sweat, and tears through many years of ownership to improve value in future). The development will limit the interest for buyers of homes along Straits Turnpike and result in reduced property values for residents.

Increased demand on Naugatuck POTW: Since the project will connect to the sanitary sewer and ultimately Naugatuck POTW, the proposed development will cause increased demand on POTW resources and treatment processes, ultimately resulting in a reduced life expectancy of the POTW and need for updates which would cause increased sewer fees to ALL of Middlebury residents who are connected to the sanitary sewer and POTW system.

Environmental Contamination: Middlebury Land Development, LLC has not considered the impacts to the proposed development site from previous environmental releases from the upgradient former Timex manufacturing facility. The former manufacturing operations of Timex caused contamination of soil, sediment, and groundwater on the Timex site. Although Timex currently operates a pump and treat system to prevent VOC-contaminated groundwater from migrating off-property, there is concern that residual VOC-contaminated groundwater (not being captured by the Timex pump and treat system) is present underneath the proposed development site that could cause soil vapor impacts of overlying proposed structures and the health of potential occupants could be at risk. Middlebury Land Development, LLC should be required to conduct a full-scale due diligence environmental investigation to confirm that soil, sediment,

and groundwater are in compliance with applicable Connecticut Department of Energy and Environmental Protection (CTDEEP) Remediation Standards Regulations (RSRs) to be protective of human health and environment. In addition, it should be noted that process wastewater was historically discharged without any form of treatment overland via an unlined swale to Little Tracy's Pond from the former Timex manufacturing facility, which is hydraulically connected to Long Swamp Brook and surrounding wetlands through a box culvert of the proposed project site access road at 1535 Straits Turnpike. A review of publicly available documentation revealed that EPA concluded that indoor air on the former Timex site was *"reasonably expected to be contaminated with VOCs above Region IX Preliminary Remediation Goals (PRGs)."* In addition, EPA concluded that *"surface water was contaminated with VOCs above the CTDEEP Human Health Criteria for Consumption of Water and Organisms"*. Due the proximity of the proposed development site and documented contamination resulting the former Timex facility onto the proposed development site, there is significant concern that without a proper comprehensive environmental investigation designed and implemented by a licensed environmental professional (LEP), any occupants of the proposed development may become exposed to residual contaminated soil, sediment, indoor air, and groundwater at the site as a result of the historic upgradient releases. Without a comprehensive due diligence investigation, any areas such as the downgradient surface water and wetlands located on the proposed development site may contain concentrations of contaminants exceeding current applicable RSR standards and may pose a threat to potential structure occupants.

Noise and Light Pollution: The proposed development site is situated atop a north-south oriented drumlin that transitions to lower elevation areas to the east and west directions. The location of the proposed development will cause noise pollution since everyday activities that cause excessive sound will travel to nearby residents along Straits Turnpike and other surrounding neighborhoods due to elevation differences. In addition, the highest noise pollution levels experienced by nearby residents would be during the fall and winter months, when the leaves are off of trees. In addition, the development location presents the likelihood for light pollution to nearby residents as the elevated position of the development would cause a significant increase in light from the current site which is undeveloped and free of light impacts to adjacent established neighborhoods.

Much like others throughout the state and country, a distribution center would likely operate 24 hours a day, 7 days a week with trucks entering and existing the facility at all hours of the day and night. This, along with the accompanying light and noise pollution, would be a major reduction to the quality life for nearby residents.

In conclusion, I strongly urge you to NOT grant approval of this application that is clearly in violation with the existing Town of Middlebury's Zoning Regulations and Connecticut state law, nor the various exceptions (i.e., excavation and grading, extension of use, etc.) that Middlebury Land Development, LLC is seeking. For the reasons described above, this project is simply not the right fit for our neighborhood and the various applications should be denied without future consideration for alternate development applications of this type and magnitude. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Port'.

Jared E. Port, P.E.

Curt Bosco

From: Eric Schenfield <ericsinct@aol.com>
Sent: Thursday, December 5, 2024 6:13 PM
To: Planning Zoning
Subject: Distribution center

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I am against the distribution center off Street Turnpike.

Young children heading to the middle school I would hate to see any changes near that location.

Eric Schenfield
15 Yale Ave.
Sent from my iPhone

Curt Bosco

From: Liana St. Germain
Sent: Thursday, December 5, 2024 1:49 PM
To: Planning Zoning
Cc: agalipeau2@earthlink.net
Subject: FW: Proposed warehouse for kelly rd

Good afternoon,

This is being forwarded at the request of the First Selectman.

Thank you,

Liana

Liana St. Germain
Executive Assistant
First Selectman's Office
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762
203.758.2439
www.middlebury-ct.org

From: Annette <agalipeau2@earthlink.net>
Sent: Thursday, December 5, 2024 10:00
To: First Selectman <firstselectman@middlebury-ct.org>
Subject: Proposed warehouse for kelly rd

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Good morning. I am very concerned about the impact on our lives of the repeated attempts to get distribution centers/warehouses in our town. This new proposal for Kelly rd warehouse will affect traffic on the main rd through town and the school buses/children/parent pick up etc at the middlebury middle school. The distribution center will affect pomperaug hs and LMES. Couldn't we get in pharmacy/grocery store, restaurants? why is the administration pushing to have our main rds through town all clogged up with truck traffic when we already have that with every 1-84 breakdown/accident/roadwork? WHY keep fighting the residents and why keep trying to get things near schools? Also a new medical center on 63 heading toward naugatuck to have well water? It would have to have city water. WEll water can't be relied on for a medical establishment. Please reconsider all the tax payers who just want a decent life. Please have the townspeople in mind, please protect our school children from all this truck nonsense, let us keep our way of life. Annette Galipeau Yale Ave resident.

Curt Bosco

From: Liana St. Germain
Sent: Monday, December 16, 2024 3:25 PM
To: anne nardozza; First Selectman
Cc: Planning Zoning
Subject: RE: Subject: Proposed Distribution Center at 1535 Straits Turnpike
Attachments: BOS Mins 11-20-23.pdf

Good afternoon,

I am responding to this email at the request of the First Selectman.

Thank you for contacting me about your objection to such a facility. The Board of Selectman, on November 20, 2023, see attached, page 2 under the heading J. Paul Vance, voted NOT to support the construction of a distribution center. Please let me know if you have any questions. I can be reached at 203.704.0087.

-Ed

Thank you,

Liana

Liana St. Germain
Executive Assistant
First Selectman's Office
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762
203.758.2439
www.middlebury-ct.org

From: anne nardozza <anardo.1212@gmail.com>
Sent: Monday, December 16, 2024 15:23
To: First Selectman <firstselectman@middlebury-ct.org>
Subject: Subject: Proposed Distribution Center at 1535 Straits Turnpike

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Dear First Selectman Edward St. John,

As Middlebury citizens residing at 1486 Straits Turnpike for over 40 years, we wish to share our serious concerns regarding the proposed distribution center at 1535 Straits Turnpike.

Residents are already enduring many quality of life environment challenges and safety issues with our homes on Straits Turnpike. Frequent traffic accidents, excessive speeding, noise, litter, cars and trucks using our driveways as turnarounds with gridlocked traffic due to accidents and construction & maintenance projects are just a few issues we endure on a regular basis.

A recent appraisal of our property cited, "The subject is located on a roadway busier than average traffic patterns-effect on marketability is reflected in indicated value". The proposed distribution center, with additional traffic, noise, light and air pollution would render our property unlivable and unsellable.

It is clear as a two-lane roadway, Straits Turnpike cannot handle the proposed number of tractor trailers and employee vehicles entering and exiting this route without causing significantly more accidents and issues requiring additional resources to manage the negative impact this will create.

We ask that our town officials and commissions consider other options for generating tax revenue. Surely there are better alternatives to distribution centers, such as upscale residential properties and other endeavors that would preserve and enhance the positive aspects of living and working in Middlebury.

We also would like to take this opportunity to thank you for your time and the service you provide to the businesses and residents of Middlebury. We can appreciate the difficult task of balancing the welfare of both groups while meeting the needs of the town.

Thank you for listening to our concerns and extend our best wishes to you and your family during this holiday season.

Sincerely,

Anne Nardoza and Jim Coffey

Curt Bosco

From: JOSEPH P. PUZZO <jppuzzo@comcast.net>
Sent: Wednesday, January 1, 2025 1:18 PM
To: Planning Zoning
Subject: 2nd Distribution application

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Dear members of the Commision,

Not again!!! For over two years the MSTA and the citizens of the Middlebury have been fighting to stop the development of a distribution center in Middlebury. Against the wishes of an overwhelming majority of the citizens (I would estimate 90-95%) you gave approval for a distribution center despite several zoning regulations that could have been employed to deny its development. Now another distribution center is being considered. You must deny this application for many of the same reasons residents were opposed to the first center. What I don't understand is that I believe you were appointed to the P&Z Commission to represent the interests of the town and its RESIDENTS. You did not represent the will of the people of Middlebury and instead approved the distribution center perhaps for some self-interest of at least not representing the will of the residents who were overwhelmingly opposed to the center. PLEASE DON'T MAKE THE SAME MISTAKE AGAIN.

Thank you for your time.

Joseph & Elaine Puzzo
42 Avalon Drive
Middlebury

Curt Bosco

From: Edwin Durgy <edurgy@gmail.com>
Sent: Monday, December 30, 2024 2:12 PM
To: Planning Zoning
Cc: First Selectman; Jennifer Mahr; J. Paul Vance
Subject: 1535 Straits Turnpike Applications
Attachments: Macroeconomic Backdrop and Impact on Warehouse Demand (Dec. 2024).pdf

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Good afternoon,

The Middlebury Planning & Zoning Commission should reject Middlebury Land Development's applications for the construction of a 171,600 square foot warehouse at 1535 Straits Turnpike (Applications #24-123Z, #24-124Z and #24-125Z). The Town of Middlebury's Zoning Regulations grant the Planning & Zoning Commission broad discretion to deny such development projects, especially given this specific proposal's inappropriateness for the site, the neighborhood, and the broader Middlebury community.

To illustrate the proposal's unsuitability, attached please find an analysis of the current macroeconomic environment and the dangers of the Planning & Zoning Commission approving a new industrial warehousing facility in Middlebury against this backdrop. As detailed therein, federal stimulus dollars and artificially low interest rates, combined with lockdowns and supply chain disruptions, led to an explosion in demand for physical goods and warehouse space during the COVID-19 pandemic. A construction boom followed as developers added hundreds of millions of square feet of warehouse and distribution center capacity throughout 2021 and 2022. However, as the economic environment has normalized post-COVID, this demand for warehouse space has been more than fully met. At this point, the economy does not require more warehouse square footage and, if anything, such facilities have been overbuilt. This is evidenced by spiking vacancy rates across the country and the 57% collapse in warehouse facility construction from Q2 2022 to Q3 2024. As concluded in the attached:

"...peak distribution center" was actually back in mid-2022, a few months after the Federal Reserve began ratcheting up the Federal Funds Rate. Two and a half years later, Middlebury has zero incentive to accommodate an ill-conceived project that is unprecedented in the history of the Town, does not conform to the Town's existing Zoning Regulations and is designed for the macroeconomic environment of three years ago."

A warehouse of this scale at 1535 Straits Turnpike would unnecessarily destroy long-standing open space, irreparably change the character of Middlebury and undermine the economic vitality of our community.

Thank you,

Edwin Durgy

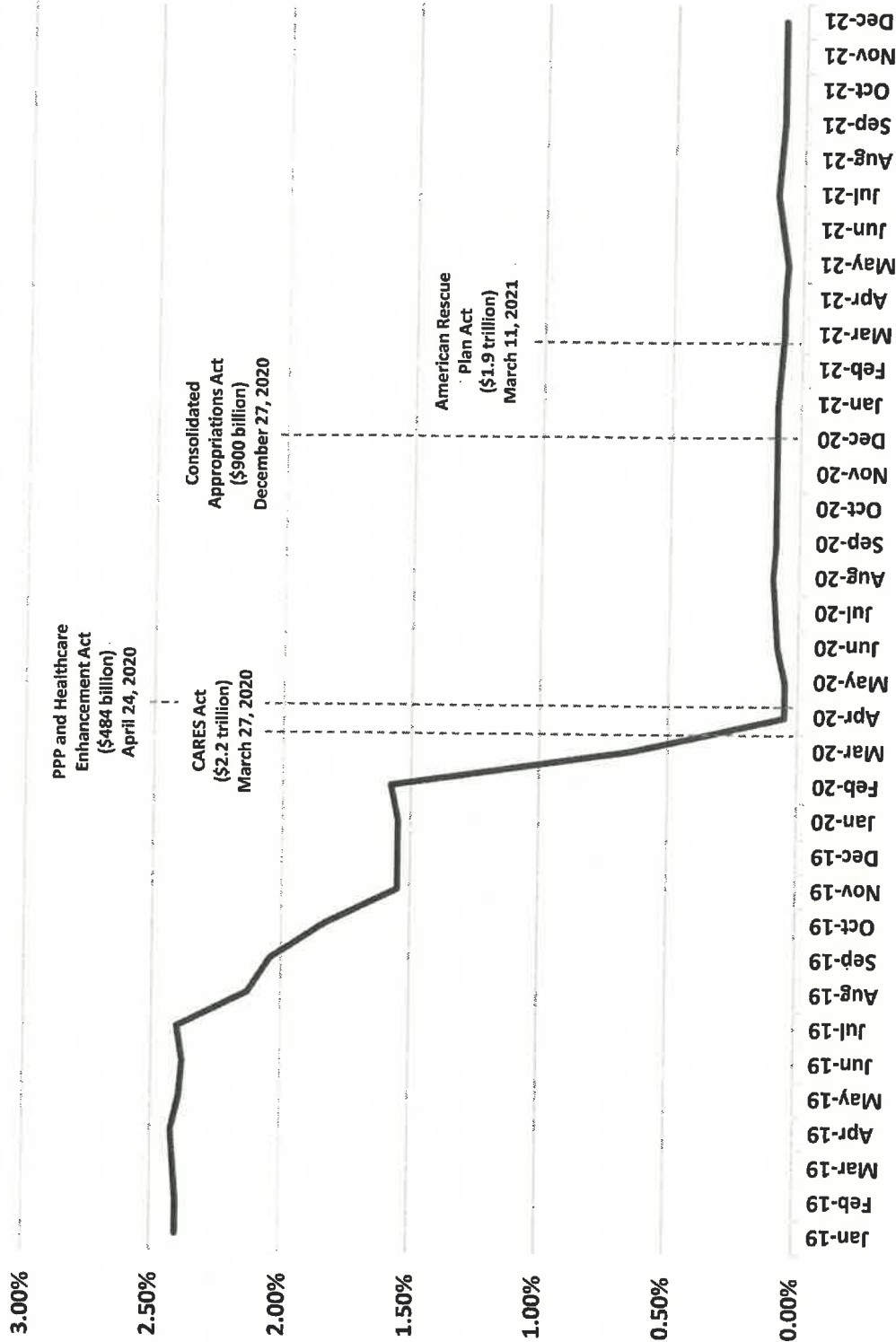
Macroeconomic Backdrop and Impact on Warehouse Demand

December 2024

COVID-Era Stimulus

The United States federal government responded to the COVID-19 pandemic with unprecedented monetary and fiscal stimulus immediately slashed the Federal Funds Rate to 0% while Congress injected over \$5.5 trillion into the economy

Federal Funds Effective Rate

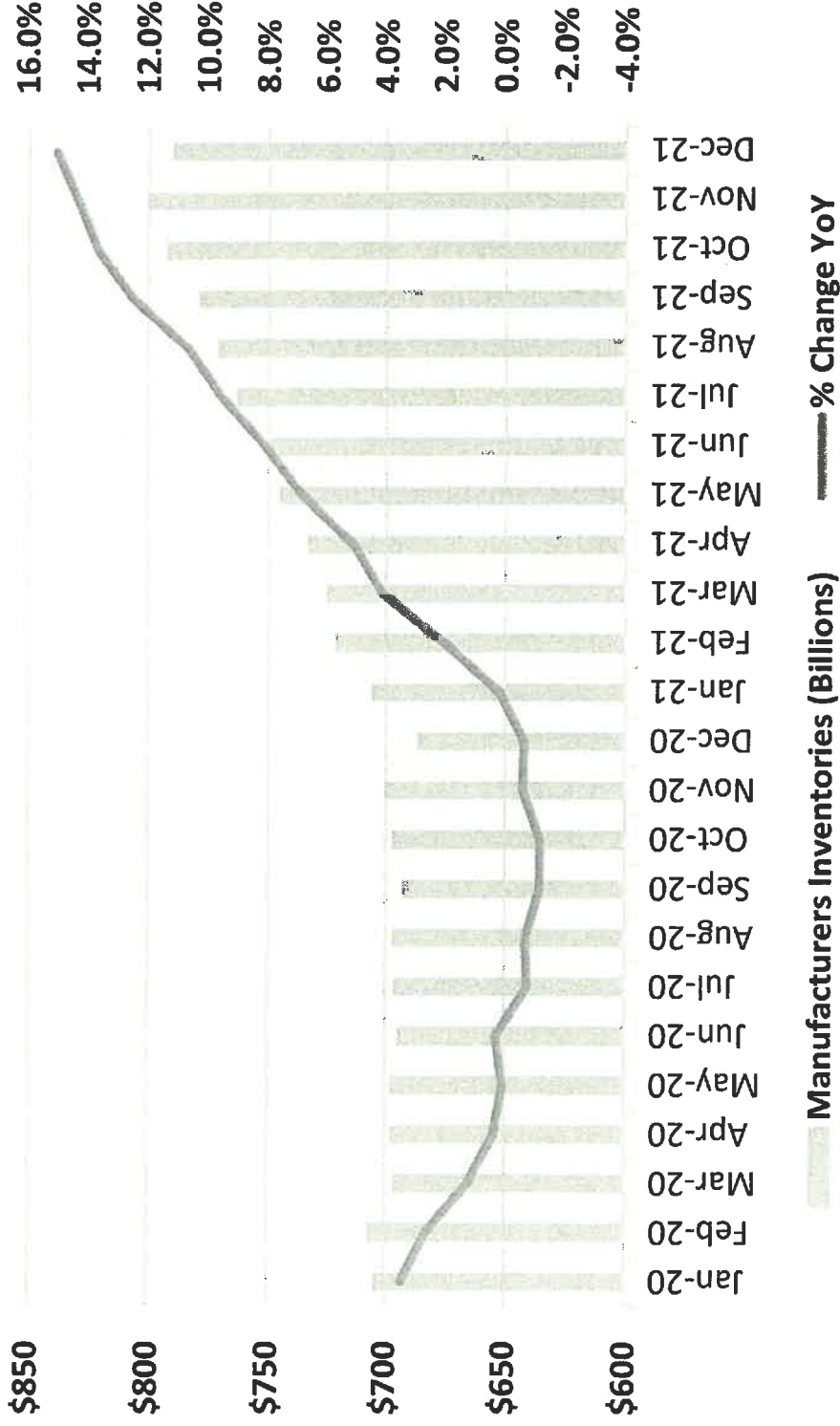


Source: Federal Reserve Bank of St. Louis, Coronavirus Aid, Relief, and Economic Security Act, Paycheck Protection Program and Health Care Enhancement Act, Consolidated American Rescue Plan Act of 2021.

Impact on Demand

This tidal wave of stimulus resulted in a massive spike in demand for physical goods which, together with global lockdowns and disruptions, swelled inventory levels across the economy and thereby generated record demand for warehouse and distribution centers.

Manufacturers Inventories

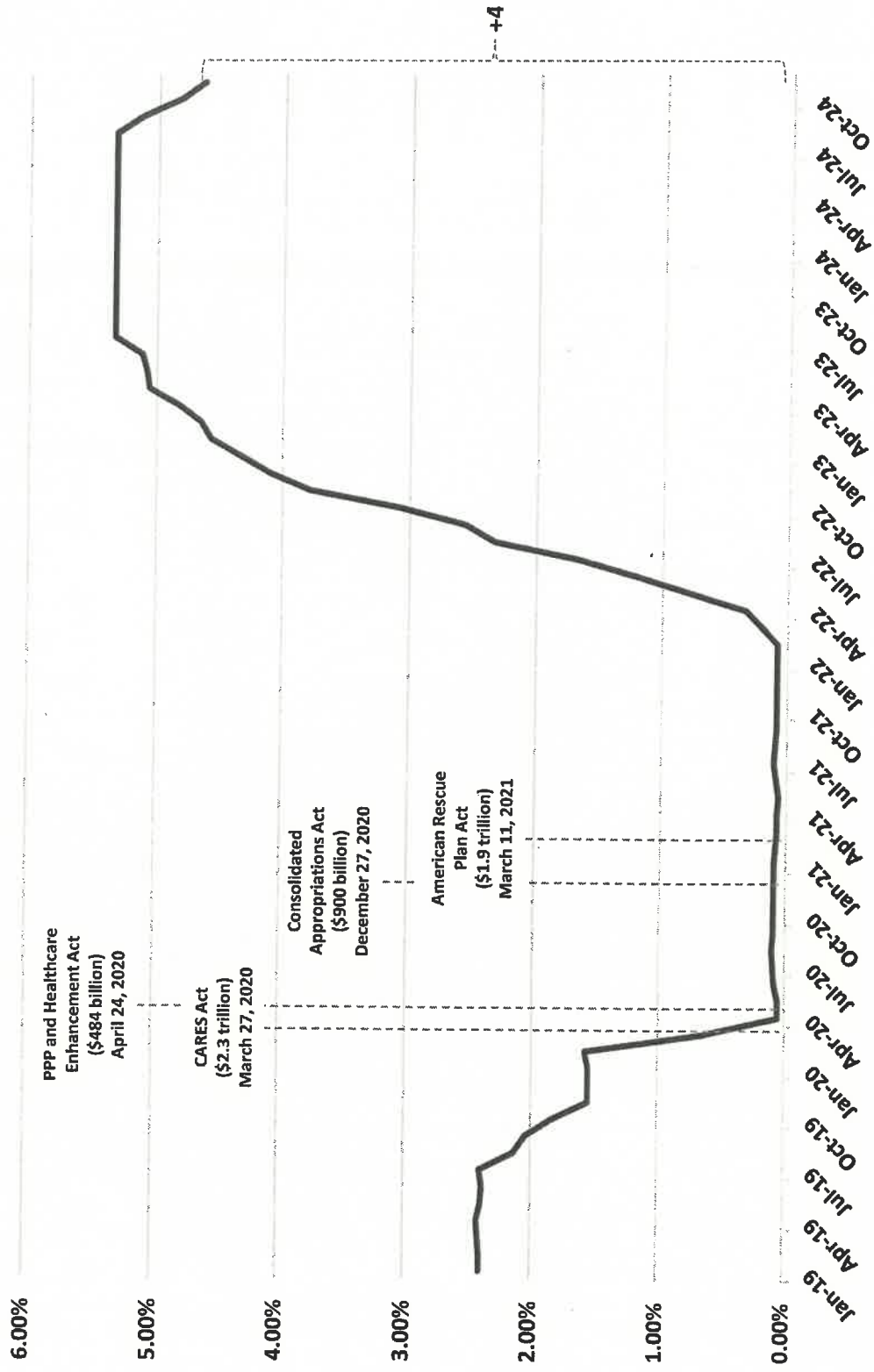


Source: U.S. Census Bureau.

Post-COVID Stimulus Normalization

Since March 2022, however, the Federal Reserve has raised the Federal Funds Rate significantly, while consumers have spent down. As such, the macroeconomic backdrop has fundamentally changed over the past two and a half years.

Federal Funds Effective Rate

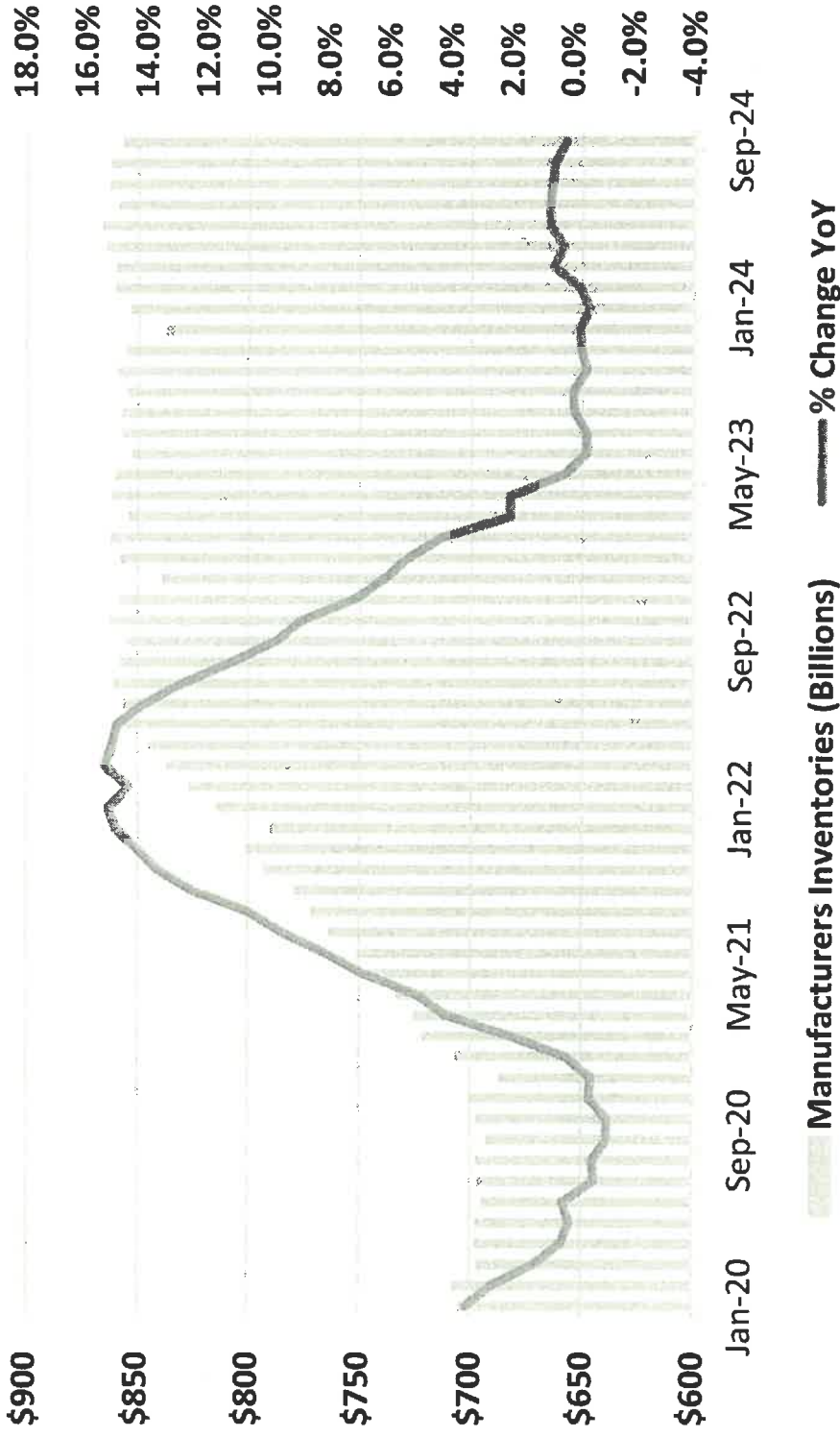


Source: Federal Reserve Bank of St. Louis, Coronavirus Aid, Relief, and Economic Security Act, Paycheck Protection Program and Health Care Enhancement Act, Consolidate American Rescue Plan Act of 2021.

Resulting Demand Plateau

The end of COVID-era stimulus can be seen in the stabilization of demand – inventory levels plateaued in mid-2022 after a steep climb slightly year-over-year in some recent months as supply chains have settled into a “new normal”.

Manufacturers Inventories

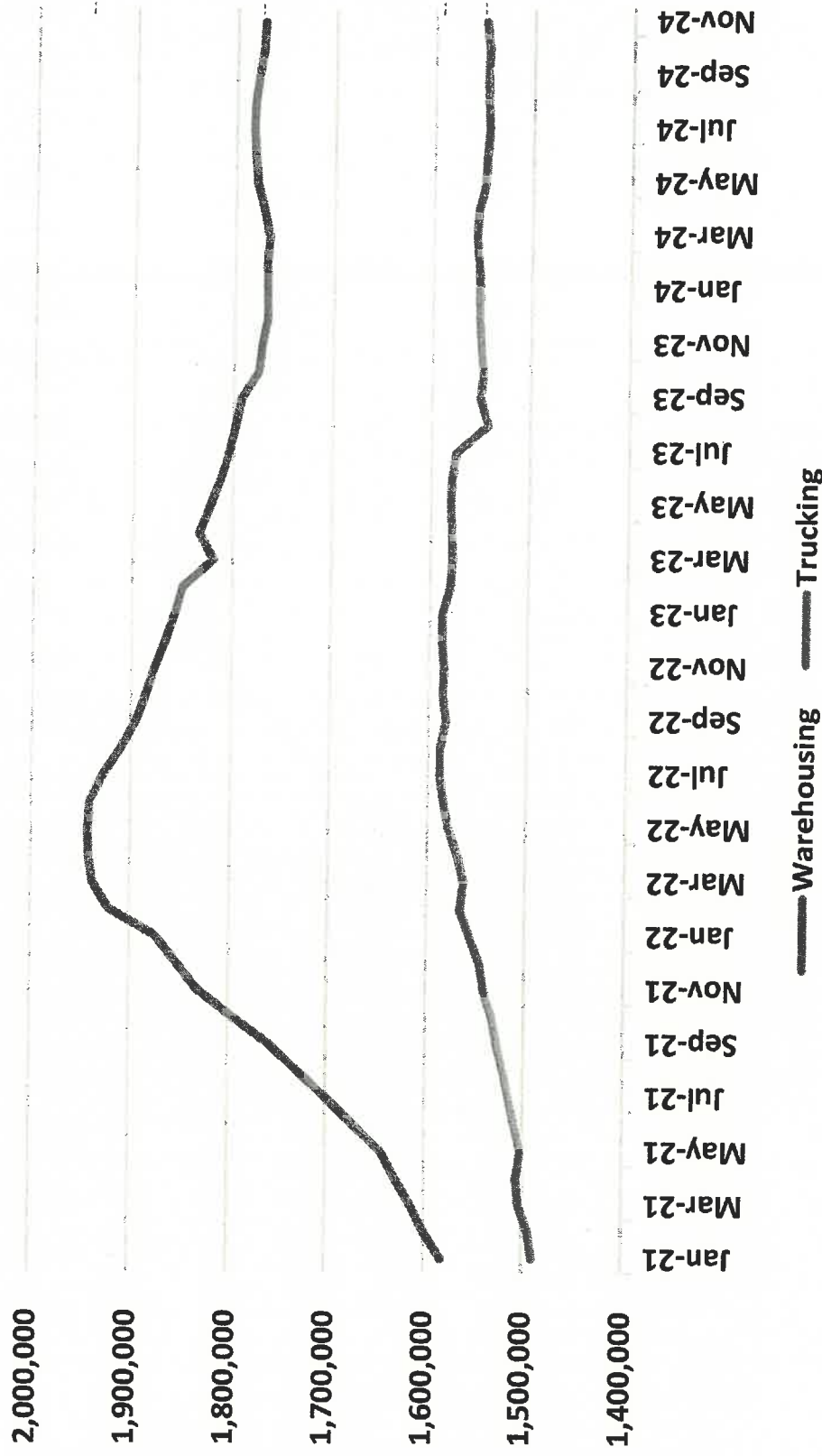


Source: U.S. Census Bureau.

Impact on Warehousing and Trucking Employee Counts

As demand has peaked and inventories have leveled off, the number of individuals employed in warehousing and trucking has fallen. Employees peaked in May 2022 and the economy has since shed 170,000 jobs in the sector, with a significant retrenchment a

Total Employees

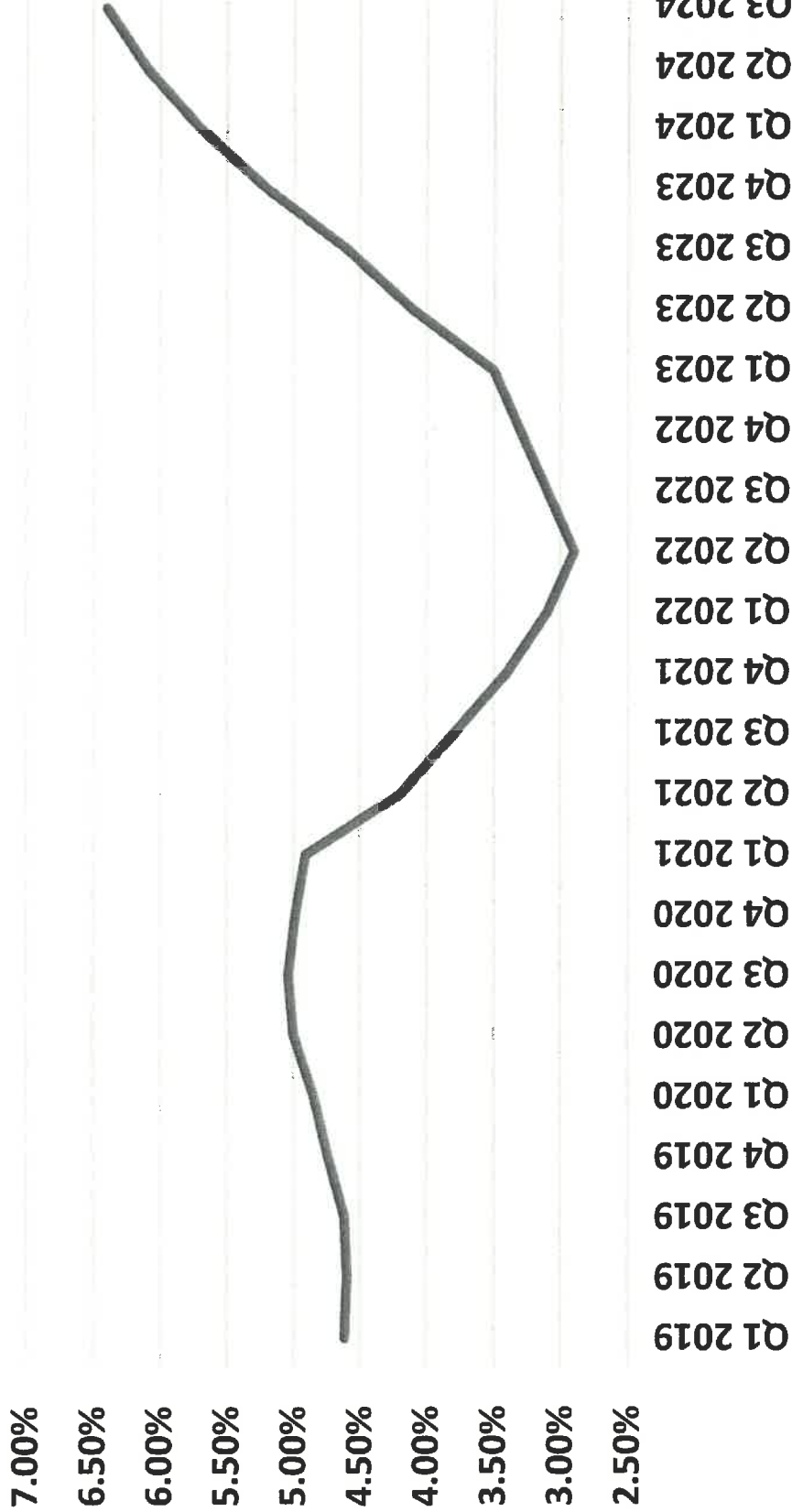


Source: U.S. Bureau of Labor Statistics.
Note: Seasonally adjusted.

Impact on Industrial Vacancy Rates

The industrial real estate vacancy rate has seen a similar reversal in response to the fundamental change in the macroeconomic backdrop. In Q2 2022 just as warehouse employee counts were peaking, industrial vacancy now stands at 6.40% and is rising sharply as warehouse

Industrial Vacancy Rate

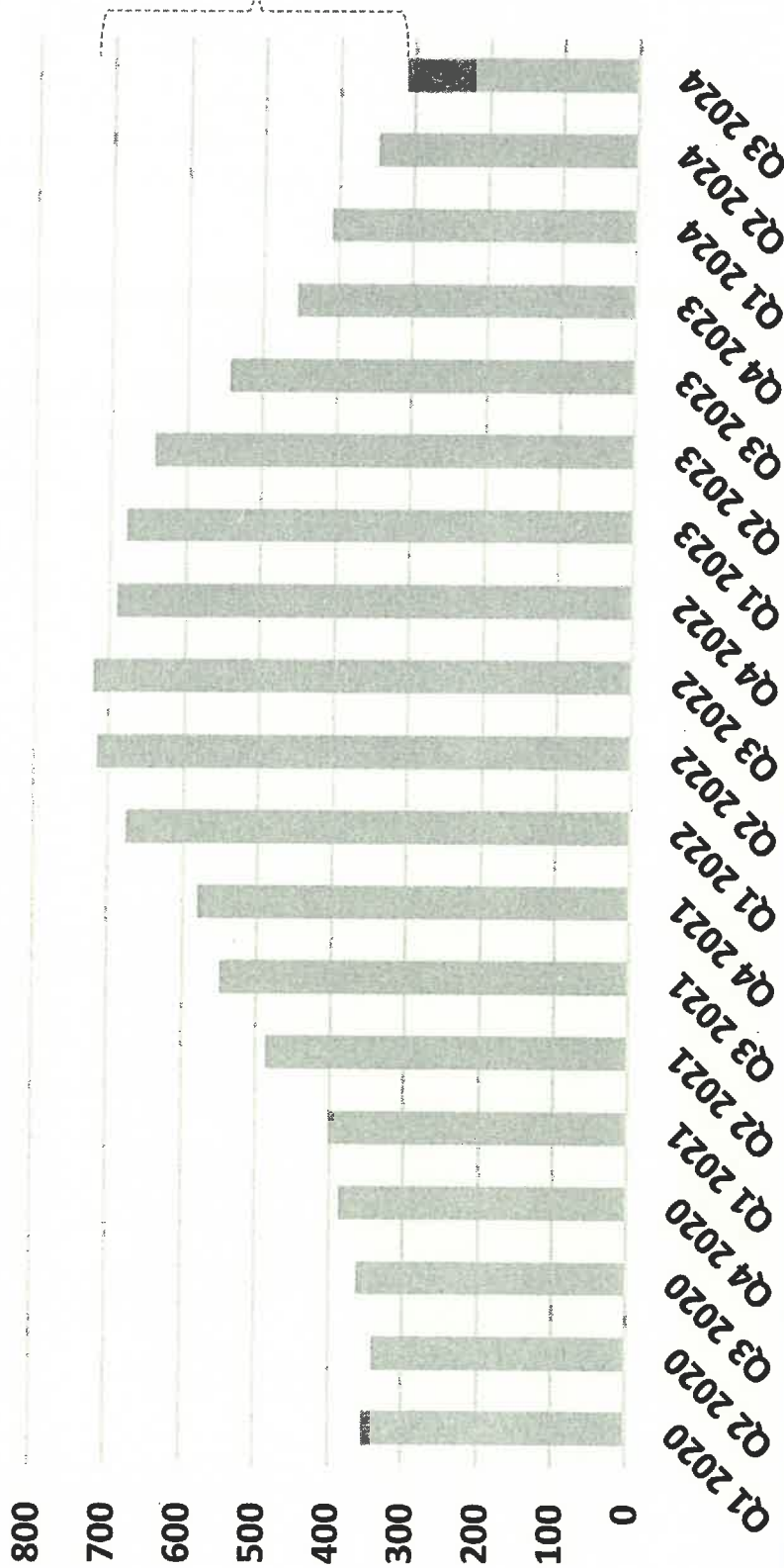


Source: Cushman & Wakefield.

Impact on Warehouse Construction Starts

In response to the rising cost of capital, the slackening of demand for warehouse space and the resulting spike in vacancy rates, decreasing construction of new warehouse space, with total warehouse square footage under construction falling an incredible -57.0%.

Warehouse Construction (M. Sq. Ft.)



As illustrated above, "peak distribution center" was actually back in mid-2022, a few months after the Federal Reserve began raising the Rate. Two and a half years later, Middlebury has zero incentive to accommodate an ill-conceived project that is unprecedented in the not conform to the Town's existing Zoning Regulations and is designed for the macroeconomic environment of three

Source: Cushman & Wakefield.

Curt Bosco

From: Regina Kotchian <reginakot@yahoo.com>
Sent: Wednesday, January 1, 2025 6:37 PM
To: Planning Zoning
Subject: warehouse and distribution center at 1535 Straits

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I'm opposed to this because of the noise and air pollution and traffic it would create.

Regina Kotchian
204 Skyline Drive
Middlebury, CT

Sent from my iPhone

Curt Bosco

From: Gary Kline <gary.kline.ct@gmail.com>
Sent: Wednesday, January 1, 2025 11:41 PM
To: Planning Zoning
Subject: Please Include In Public Record - P&Z Jan 2 Public Hearing

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Hello -

Please include the following in the public record for the January 2, 2025 Planning and Zoning Public Hearing for the proposed warehouse on Straits Turnpike, Applications #24-123Z and #24-124Z.

I am **opposed** to a warehouse / distribution facility being built in Middlebury, which will have a detrimental and long lasting negative impact on Middlebury's semi-rural, small-town character. A distribution facility or a warehouse without on-site manufacturing is not a permitted use within the Middlebury LI 200 P&Z Regulations. The project does not meet the definition of "warehousing" under the Regulations and trucking terminals are prohibited unless connected to on-site manufacturing.

Straits Turnpike already suffers severe traffic congestion, which will only be compounded with the addition of tractor trailer trucks going to and from the distribution facility. The traffic congestion at Routes 63 and 64 will cripple Middlebury with truck traffic entering and exiting I-84. Middlebury residents suffer when there is an accident on I-84 and re-routed traffic crawls through Middlebury. With the truck traffic associated with a distribution facility at either end of Middlebury, residents would experience crawling traffic and congestion daily.

In addition to the truck traffic, there are concerns with the ongoing pollution from the noise, runoff water, and idling trucks. Given the proximity of the proposed distribution facility to the Middlebury Memorial Middle School there are concerns with the pollution impacting the children of Middlebury residents.

The Middlebury Planning and Zoning Commission should protect Middlebury and its residents by **denying** the applications for the proposed distribution facility / warehouse on Straits Turnpike.

Thank you for your time and consideration.

Thanks,
Gary Kline
5 Hampshire Court
Middlebury, CT 06762

Curt Bosco

From: Maryann Barra <rmbarra75@gmail.com>
Sent: Wednesday, January 1, 2025 2:42 PM
To: Planning Zoning
Subject: 1535 Straits Turnpike Proposal
Attachments: BOSLETTER.pdf

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Members of P&Z,
Attached is a letter we would like submitted into record for your 1/2/2025 meeting.

To: MIDDLEBURY PLANNING AND ZONING
Date: 1/2/2025
RE: Proposed warehouse and distribution center at 1535
Straits Turnpike

Like many residents in our town, I have grave concerns about the proposed warehouse/distribution center at 1535 Straits Turnpike. While industrial trucking facilities bring a host of negative consequences to the communities plagued by them, one of the most deceptive is air pollution.

At the December 16th Board of Selectmen's meeting, Mr. Ray Pietrorazio eloquently spoke of the importance of monitoring our air quality here in town, particularly near Pomperaug High School and Long Meadow Middle School. Also, there was an eye-opening editorial in the Bee-Intelligencer that listed the harmful effects of pollutants that come with the burning of fossil fuels. We must not only protect our children from these harmful emissions, but ALL of our residents as well.

If a proposed warehouse and distribution center were to come to fruition in the town of Middlebury, not only will we experience air pollution, but also noise pollution and traffic congestion. On Dec 31, 2024 our fire dept, EMTs, and police had to respond to a horrific 3 care accident on Straits Turnpike where an individual died. Can you imagine someone trying to pass an 18-wheeler? The results would be catastrophic.

A proposed warehouse will also have a negative effect on property values.

Ralph and Maryann Barra
161 Three Mile Hill Road

From: Gary Beaulieu <st.vincent.de.paul@snet.net>
Sent: Wednesday, January 1, 2025 2:40 PM
To: Planning Zoning
Subject: Applications related to the Proposed Distribution Center at 1535 Straits Turnpike

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To: Middlebury Planning & Zoning Commission

Re: The applications related to the Proposed Distribution Center at 1535 Straits Turnpike

Written Commentary (Please include as part of the record--Public Comment on 01/02/2024.)

As Middlebury residents of 52 Three Mile Hill Rd., my wife and I are against the proposed distribution center, which is intended to be built directly north of Memorial Middle School at 1535 Straits Turnpike. As long-term residents of the area, we have already witnessed the uptick in traffic, speeding, and safety issues that have occurred over time as individuals regularly use Three Mile Hill Rd., Kelly Rd. and Memorial Drive as an alternate route/shortcut to access I-84 or other areas of Middlebury. As we understand it, the proposed distribution center would include an abundance of large trucks; parking for approximately 130 passenger vehicles; and at least 309 vehicles per day leaving from and entering the facility--day and night. With the additional traffic, noise, and air quality concerns, if Planning and Zoning were to approve the proposed distribution center, it will have a profound and negative impact the quality of life, serenity, safety, and peaceful enjoyment of the entire Three Mile Hill Rd., Kelly Rd. and Memorial Drive area and the neighboring homes and streets, and consequently, the small-town feel and value of those homes.

In considering just the additional traffic concerns alone, it is, in fact, hard to imagine how children will effectively get to and/or leave Memorial School, or how other Middlebury residents will be able to access I-84 without significant traffic delays and congestion. With this in mind, it seems that, at the bare minimum, an independent traffic study should be recommended by the Middlebury Planning & Zoning Commission.

As it is understood, the proposed distribution center would also violate the Town's current Zoning Regulations, which do allow for warehouses in this zone, as such a structure would only be permitted in conjunction with on-site manufacturing.

In considering the existing regulations; the proximity of the Elementary School to the facility; the potential environmental, safety, noise, and air quality concerns; the additional traffic issues; and the hardships that would be imposed on Middlebury residents, and acutely on the residents within the Three Mile Hill Rd., Kelly Rd. and Memorable School area, we respectfully ask that the Planning and Zoning Commission deny approval of the proposed distribution center.

It seems clear that there are ample reasons to deny the proposed distribution center. We ask that the Planning & Zoning Commission recognize the very real concerns of the Middlebury residents when considering the applications at hand.

We thank you for your consideration,

Gary Beaulieu and Karrie Frasca-Beaulieu

52 Three Mile Hill Rd.

Middlebury, CT 06762

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