



TOWN OF MIDDLEBURY

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

RECEIVED FOR FILING

February 13, 2025 at 2:20 p.m.

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

Marybeth Lubinski, Esq.
TOWN CLERK

February 6, 2025 REGULAR MEETING MINUTES

Regular Members

Terry Smith, Chairman
Erika Carrington
Paul Anderson

Regular Members Absent

Linda Herrmann
Matthew Robison

Alternate Members

Brendan Browne
Joe Mancini

Alternate Members Absent

Frank Mirovsky

Also Present

John Calabrese, P.E.
Curt Bosco ZEO

CALL TO ORDER

The Chairman called the meeting to order at 7:19 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

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

CONTINUED PUBLIC HEARINGS:

Michael J. McVerry for PJK, LLC/750 Straits Turnpike LLC/Application for 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)

Application Withdrawn

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).

Written correspondence was received from the public expressing their opposition. (see

attached). Edward Fitzpatrick representing the applicant. This is for a single building of 171,200 SF in the LI-80 zone for warehousing. Total wetlands acreage is 4.517. Access for the front is on Route 63 and egress will be through the property onto Straits Turnpike. Approvals have been obtained from WPCA and Conservation. Reports from Fire Marshal, Fire Chief, Chief of Police, Economic Development Commission Commissions. TAHD report received, and they responded to the comments from the Town Engineer. Reports have been submitted regarding air quality, sound, industrial waste, and neighborhood impact study, drainage report, and water shed statement. The acoustic engineer report has been submitted (see attached), DEEP standards have been met. Mr. Herps report has been submitted. Mr. Fitzpatrick states this has been zoned LI-80 since 1975 and are not asking for any waivers or special treatment. This application is contained and located on the same property and they are not looking for any easements. With the drainage analysis it complies with the 2024 DEEP Guidelines. Chairman Smith wanted to state that he did receive favorable review of the Architectural Review Commission.

Ryan McEvoy P.E. with SLR states this is 24.4 acres of a wooded site. Access from a gravel driveway on Straits Turnpike and there will be 360 degree access around the building. Site plan was reviewed by Town staff and they received positive approvals from departments. Fire Marshal Proulx had questions about access to fire hydrants and capacity of the existing culvert and they provided responses to his satisfaction. He also had a question regarding of availability to fight fires and sprinklers. Mr. McEvoy states this area does have a low volume of water and a building of this size could demand approximately 2,000 gallons per minute for sprinkler systems. They have provided provisions for on site for 90,000+ gallons of water in underground cisterns to assist the fire pump system to provide water. They received the fire marshal approval based on their response. Mr. Calabrese was provided a written response to his comments regarding to the site plan for the parking and loading and also the excavation and grading, hours of operation, and dust control. They discussed the need for road widening last month on the east side. They did receive concerns from the neighbors and now have an alternate plan that it will be on the west side. This will require guard rail relocation and grading and shifting center line striping and shoulder line striping on both sides of the road. There will still allow enough adequate space. They will go to OSTA for the approval. They have also provided a noise analysis. They modeled the site using air handling units up to 12 at the same time without any sound protection or barriers and the end result was will have no higher than 41 decibels. The CT guideline is 51 decibels. They submitted a series of correspondence of the project narrative. They submitted letters into the record stating no industrial waste or orders from the site. The architectural plan remains the same from last months meeting and he shows it to the commission. It will be a max of 35 feet and is set up for up to two tenants.

Public Comments:

- Linda Van Wagenen – submits statement into record. Concerns about how many trucks are expected, if the plan is opposed by the state what happens thereafter.
- Steve Weist – has noise concerns from the trucks coming in and out. Refers to the LI-80 Zoning rules regarding noise and states that a berm and vegetation will stop the noise
- John Lamb – questions a report about the lack of impact it would have on neighboring properties. How many of those properties that were looked at actually included 24 loading docks and a traffic comparison.
- Maria Cantito – opposed to the project. States the impact to the neighborhood including the new homes being built, nearby schools, traffic concerns, wildlife displaced, and property values.
- Jeff Van Wagenen – Thanks Mr. Bosco and Mr. McEvoy for meeting with him and addressing his concerns and the change to the turning lane. He contacted Costco to get perspective. Their building is a 150,000 one story building with 5 truck bays and they get 5-7 trucks a day and this proposed facility has an unknown amount of trucks per day. His concern is that the state will add another turning lane and there would be nothing to prevent that.
- Ray Petrazzio – opposed to the project and reads a statement that has been submitted.
- Caroline Wright - opposed to the project. States the destruction of the ecosystem, urbanization of the town, noise, air, and light pollution, impact to the sewer system and impact to property values.
- Edwin Durgy – opposed to the project and states the recent court decision that has been made. Submits statement. Also states the town has a spending problem and additional tax dollars are not needed.
- Diana Anton - opposed to the project. Reads zoning regulation 9 and reads the definition of warehousing. Submits statement
- Keith Ainsworth – represents the MSTA and submits into record the decision from the court from another case of a distribution center.
- Jared Port - states that the neighborhood studies are done in favor of the applicant and suggests that the commission have a third-party consultant do a study. Also has concerns about traffic, horns, diesel engines, and property values.
- Charles Larkin – opposed. States environmental impact and long-term impacts to

the town. Questions the cistern that was proposed - does that impact the special permit they were requesting. Also, the widening of the road, what does that mean for traffic.

- Carl Buckley – opposed. He teaches at Memorial School and the students are always outside and has concerns about the air quality and noise. Also, as a resident feels it would disrupt the peace.
- Alice Hallaran – has learned a lot about air quality. There are already multiple sources of air pollution from the highway, the airport, the power plant on the Oxford line, and pumping stations for the airport and there will be more congestion and emissions from the trucks.
- Mark Zabowski – opposed. Recently moved into town and feels that this project is opposite of a small town and that it would disway new residents from coming in.
- Charles Kuehnle – In support of the project. Feels the tax rates have been constantly increasing and feels the development will help residents.
- Thomas King – in support of the project It is a small town and feels that a few members of the commission show the best interest in the town. Taxpayers are feeling the burden of the costs and this would provide relief.
- Shawn Lee Kwashnak – opposed to the project. Ten minutes from town items that are needed in other towns are available. Has concerns about air quality and wildlife concerns.

Commission:

Chairman Smith asks if any testing has been done on the soil in terms of contamination. Mr. McEvoy states yes and that no evidence has been found in the ground water and soil.

Ed Fitzpatrick wanted to clear up that this is not distribution center and an example of that is located on the Waterbury/Naugatuck line. He can also confirm that they will submit the alternate road widening plan to the state. OSTA tells them what to do. They meet all state statues and have received all public safety approvals. Any other legal matter he refers the commission to their legal counsel.

Paul Anderson asks how long the widening of the driveway will be. Mr. McEvoy responds will be approximately 600 feet.

Joe Mancini asks about the turning lane for the trucks turning and how many trucks are expected and if there is something inplace. Mr. McEvoy responds that the State is expected to make adjustments there and that the traffic report includes future trip generation. Also the trips included in the report trucks represent 1/3 of the traffic. The widening of the

shoulder would give enough space on the right side of the road to bypass the vehicle turning left into their site.

Mr. Fitzpatrick refers to the question of the neighborhood study. There were very large facilities included in the studies and those are included in the submitted record. Ray Petrazzio asks about the noise study if it included noise from the trucks as well. Mr. McEvoy says yes and those results are in the report. He also states that the line of the property is set along the LI-80 boundary. The area that is wetlands is still below the 5-acre threshold even if the wetland line was extended.

A MOTION was made by Erika Carrington, SECONDED by Joe Mancini to close the public hearing at 8:56 pm 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). 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)

Ryan McEvoy shows a site plan to the commission. 14 lot single subdivision. They made some changes to the plan in response to some of the staff. They added drainage and relocated some fire hydrants, protection for the old foundation that is on site. Mary Harper (archeologist) reviewed the property and found the site protection is appropriate. They are carving out an area and providing educational resources in the form of a placard. In response to Mr. Pecks report they are providing open space of 1,000+ feet of space being provided. There is interest from the First Selectman's office for taking that, no formal decision has been made. This represents 27% of open space. Step slopes and wetlands are at 23%. Mr. Peck suggested affordability be considered and this is a conventional subdivision, and the applicant is opposed to that and prefers market rate housing. They received John Calabrese's notes and have no exceptions to it.

Public comments:

- Diana Anton – Not opposed to the project. States there is a considerable slope and wants to know if there is a plan for the water going to other properties.
- Alice Hallaran – Representing the Middlebury Land Trust. Thanks the developers for walking the open space parcel with them and feels it could lead to a trail from Kelly Road to a pond. She is delighted the Town is interested in the site and if they can help in trail they would.

Mr. McEvoy states that he also received approvals from fire and police. The road runs along the ridgeline and most lots will have a walk-out style basement. There are no runoff

issues foreseen.

Commission:

None

A MOTION was made by Erika Carrington, SECONDED by Joe Mancini to close the public hearing at 9:13pm 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). The MOTION passed unanimously.

Minutes Approval

A MOTION was made by Erika Carrington, SECONDED by Joe Mancini, to approve the minutes from January 2, 2025. The MOTION passed unanimously

Old Business

2160 Straits Turnpike LLC/Fred's Car Wash/Site Plan Modification (Application #24-140Z)

Fred O'Neil shows an overview of the property to the commission. There will be no expansion of the footprint or change of the area. They will increase the lanes at the entrance to the site from one to three. At the end of the car wash they will install 11 vacuums and a station for cleaning the cars. The other part of the property will be leased to a used car dealer. Where the vacuum cleaners are there will be additional plantings and the color of the vacuums are typically red but can be any color that the commission requests. The lighting will be downward facing, and the hours will be until 7pm.

Chairman Smith asked what the color of the light is and that he does not like 5K lighting. Mr. O'Neil said that they are LED tubes and can be whatever the commission wants. Chairman Smith states he wants nothing higher than 4K and wants a softer look. Mr. O'Neil said if he is given the spec from the CZEO they will meet it. Chairman Smith stated as far as the colors for the vacuums he is fine with a neutral color such as gray or white. He also states upon approval that they file a modified mylar within 90 days.

A MOTION was made by Erika Carrington, SECONDED by Paul Anderson to approve the Site Plan Modification for 2160 Straits Turnpike LLC/Fred's Car Wash (Application #24-140Z). The MOTION passed unanimously.

New Business

Cole Civil+ Survey/1635 Straits/Site Plan Modification for Thomaston Savings Bank. (Application #24-129Z)

Brian Panico on behalf of the applicant. This is to update the Façade of the building and also the handicapped parking in the front. Currently there are 3 handicapped spaces. They are including a van accessible space and a handicapped ramp to the front. The utilities remain the same, no change to the impervious surface. He shows an artist rendering of the updated look. The canopy will remain. Two parking spaces will be lost, and additional parking space will be added to the side of the building. There were no questions from the commission. Chairman Smith states upon approval that they file a modified mylar within 90 days.

A MOTION was made by Paul Anderson, SECONDED by Erika Carrington to approve the Site Plan Modification for Cole Civil+ Survey/1635 Straits/Site Plan Modification for Thomaston Savings Bank. (Application #24-129Z). The MOTION passed unanimously.

Other Business

§8-24 referral regarding properties known as MLB 3-00-46 and 3-00-64 Washington Drive to Sean Ryan

Curtis Bosco CZEO on behalf of Attorney D'Angelo. He passes out to the commission a color copy of the T-Lots in regard to the property owned by Sean Ryan. Ms. Carrington asks about the four lots in between and Mr. Bosco stated that the Town does not own them. Chairman Smith reads the resolution regarding the sale (see attached)

A MOTION was made by Erika Carrington, SECONDED by Brendan Browne to approve the §8-24 referral regarding properties known as MLB 3-00-46 and 3-00-64 Washington Drive to Sean Ryan. The MOTION passed unanimously.

Discussion and possible action regarding an Air Monitoring Program

Chairman Smith has spoken with the First Selectman regarding this. He would like to recommend a program that sensors be placed at all three Region 15 schools to establish a baseline.

A MOTION was made by Erika Carrington, SECONDED by Joe Mancini to recommend to the Board of Selectman for an Air Monitoring program. The MOTION passed unanimously.

Enforcement Report

Curtis Bosco CZEO received correspondence from the CT Federation of Planning and Zoning Agencies. They are having their annual conference in March at the Aqua Turf. A few years ago, Bill Stowell was nominated for the Lifetime Achievement Award and Matthew Robison is next to be nominated. If he receives the award, it will be on March 27, 2025. Mr. Bosco will handle the paperwork.

Adjournment

A MOTION was made by Brendan Browne, SECONDED by Paul Anderson to adjourn the meeting at 9:39pm. 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

Bryan Ferrucci, Chairman, Z.B.A.

Attorney Dana D'Angelo

Rob Rubbo, Director of Health

Michael J. Mc Verry
Attorney at Law

February 5, 2025

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

38 PORTER AVENUE
P.O. BOX 578
NAUGATUCK, CONNECTICUT 06770
(203) 723-7435
FAX (203) 723-9995

RE: PJK, LLC
Zone Text Application – 750 Straits Turnpike – File No. 2024-111-Z

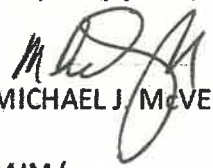
Dear Commissioners:

With regard to the above referenced matter, as you are aware, the undersigned represents the applicant PJK, LLC.

On behalf of my client this letter is to withdraw this application without prejudice at the present time.

Should you have any questions concerning the above, please contact the undersigned.

Very truly yours,


MICHAEL J. McVERRY
MJM/m

cc: PJK, LLC



1535 Straits Turnpike

Sound Study

Middlebury Land Development, LLC

555 Christian Road, Middlebury, CT 06762

Prepared by:

SLR International Corporation

99 Realty Drive, Cheshire, Connecticut, 06410

SLR Project No.: 141.021798.00001

February 6, 2025

Revision: A

Revision Record

Revision	Status	Date	Prepared By	Checked By	Authorized By
A	Issued for Review	February 6, 2025	DB	AY	DJ



Limitations

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Executive Summary

SLR International Corporation (SLR) has prepared a sound study at the request of Middlebury Land Development, LLC, for the 1535 Straits Turnpike warehouse project (Project) in Middlebury, Connecticut. Sound levels attributable to rooftop mechanical equipment were calculated at locations representative of neighboring residences, using an industry standard sound modeling program. Sound levels from rooftop air handling units (AHUs) comply with the Connecticut noise standards for noise emitted from an Industrial land use to a Residential land use. The calculated Project sound levels are shown in **Table A**.

Table A: Rooftop Air Handling Unit Sound Levels (dBA)

Scenario	Highest Sound Level Attributable to AHUs, dBA	CT Nighttime Limit (dBA) ^a	Complies with CT Standard?
East (Closest Residential Property Line on Straits Turnpike)	41	51	Yes
South (Residential Property Line)	42	51	Yes
South (at closest residential dwelling)	40	51	Yes
a. For night-time operation, sound levels generated by a Class C emitter may not exceed 51 dBA at property boundaries shared with a Class A zone. For daytime operation, the limit is 61 dBA at those residential property lines.			

Typical sound levels attributable to the proposed warehouse are expected to be well below the applicable State of Connecticut Nighttime noise limit. This report describes the sound modeling methodology and results in greater detail.



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Appendices

Appendix A Figures

Appendix B Glossary of Common Acoustical Terminology



Acronyms and Abbreviations

dB	Decibel
dBA	A-Weighted Decibel
dBc	C-Weighted Decibel
Hz	Hertz
L_{eq}	Equivalent Continuous Sound Level
L_p	Sound Pressure Level
L_w	Sound Power Level
SLR	SLR International Corporation



1.0 Introduction

SLR International Corporation (SLR) has prepared a sound study at the request of Middlebury Land Development, LLC, for the 1535 Straits Turnpike project (Project) in Middlebury, Connecticut. The Project will include a warehouse with truck unloading and loading capability. The primary purpose of this study is to predict future sound levels from building rooftop mechanical equipment at the surrounding residences, to determine compliance with the State of Connecticut noise standards. Expected sound from onsite truck activity is also discussed.

2.0 Sound Level Criteria

2.1 Town of Middlebury

The Town of Middlebury zoning regulations state the following regarding noise (Section 61.3):

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health and a safety on or the value in reasonable use of any other lot.

The zoning regulation provides no quantitative limits (decibel levels, etc.). In such cases it is typical practice to refer to the state standards for noise.

Section 61.4 also states that, "no vibration shall be transmitted outside the lot where it originates." Vibration is not typically a concern for trucks operating at slow speeds.

2.2 State of Connecticut

Sound attributable to operation of stationary Project equipment (air handling units, ventilation equipment, etc.) must comply with limits found in the General Statutes of Connecticut [Volume 8, Title 22a (Environmental Protection), Chapter 442: Sections 22a-67 through 22a-69-7.4]. The Connecticut statute defines Noise Zones as follows:

Class A noise zone: Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple family homes, hotels, prisons, hospitals, religious facilities, cultural activities, forest preserves, and land intended for residential or special uses requiring such protection.

Class B noise zone: Lands designated Class B shall generally be commercial in nature, areas where human beings converse and such conversation is essential to the intended use of the land (Retail Trade, Parks, etc.).

Class C noise zone: Lands designated Class C shall generally be industrial where protection against damage to hearing is essential, and the necessity for conversation is limited.



2.2.1 Connecticut Class C Noise Zone Limits

The Project site (LI-80 zone) would be considered a Class C zone (manufacturing, transportation facilities, warehousing, etc.). Parcels upon which there are or could be residential dwellings are Class A noise zones, per the Connecticut noise regulation. Sound levels emitted in excess of the values listed in **Table 2-1** shall be considered excessive noise for a Class C noise emitter. (Sec. 22a-69-3.5)

(a) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

Table 2-1: Class C Noise Zone Limits, dBA

	Class C	Class B	Class A (Day)	Class A (Night)
Class C Emitter to:	70 dBA	66 dBA	61 dBA	51 dBA

For night-time operation, sound levels generated by a Class C emitter may not exceed **51 dBA** at property boundaries shared with a Class A zone. For daytime operation, the limit is 61 dBA at those residential property lines.

The Connecticut noise regulations further state:

In measuring compliance with Noise Zone Standards, the following short-term noise level excursions over the noise level standards established by these Regulations shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith (see **Table 2-2**):

Table 2-2: CT Standards Short-Term Noise Level Excursions

Allowable levels above standards (dBA)	Corresponding Class C to Class A Limit (Nighttime)	Time period of such levels (minutes/hour)
3	54	15
6	57	7.5
8	59	5

The regulations also prohibit Impulsive noise (Sec. 22a-69-3.2. Impulse noise):

(a) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Class A Noise Zone.

(b) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Noise Zone.

The project is not expected to generate impulsive sound levels near 80 dB peak.

2.2.2 Excluded Sounds

Per Sec. 22a-69-1.7. – Exclusions. “These Regulations shall not apply to:



- (h) Back-up alarms required by OSHA or other State or Federal safety regulations. (Sec. 22a-69-1.7., h)
- (i) Sound created by any mobile source of noise. Mobile sources of noise shall include, but are not limited to, such sources as aircraft, automobiles, trucks, and boats. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, has turned off its engine and ancillary equipment, and has begun the physical process of removing the contents of the vehicle. (Sec. 22a-69-1.7., i)”

The Federal Code of Federal Regulations contains requirements for back-up alarms [Title 29 CFR 1926.601 states (Occupational Health and Safety, OSHA standards)], shown below.

§ 1926.601 Motor vehicles.

(a) **Coverage.** Motor vehicles as covered by this part are those vehicles that operate within an off-highway jobsite, not open to public traffic. The requirements of this section do not apply to equipment for which rules are prescribed in § 1926.602.

(b) **General requirements.**

(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

- (i) The vehicle has a reverse signal alarm audible above the surrounding noise level or;
- (ii) The vehicle is backed up only when an observer signals that it is safe to do so.

Furthermore, CFR 29 CFR 1910.178(q)(6) prohibits altering or eliminating parts from powered industrial trucks that were originally installed by the manufacturer. This would include backup alarms.

There are no known federal sound level ordinances applicable to the project.

3.0 Relative Environmental Sound Levels

Table 3-1 presents sound levels of common sounds found in the environment and industry.



Table 3-1: Relative Sound Levels

Description of Sound	Sound Level (dBA)	Relative Loudness (dBA)
Threshold of pain	140	256
Jet taking off (200-foot distance)	130	128
Operating heavy equipment	120	64
Night club with music	110	32
Construction site	100	16
Boiler room	90	8
Freight train (100-foot distance)	80	4
Classroom chatter	70	2
Conversation (3-foot distance)	60	1
Urban residence	50	1/2
Soft whisper (5-foot distance)	40	1/4
North rim of Grand Canyon	30	1/8
Silent study room	20	1/16
Threshold of hearing (1,000 hertz)	0	1/64

Note: Adapted from U.S. Department of Labor (2016) Occupational Health and Safety Administration Technical Manual
https://www.osha.gov/dts/osta/otm/new_noise/index.html
dBA = decibels on the A-weighted scale

4.0 Description of Site and Facility

4.1 Description of Site

The Project site is located at 1535 Straits Turnpike (Route 63). The west side of the site is surrounded by hilly terrain containing wooded areas. There are residences on the east side of Straits Turnpike. To the south is a parcel zoned R-40, where a subdivision is being proposed. **Figure A-1** shows the site plan over aerial imagery, showing the proposed warehouse building. The image also shows outlines (in white) of the proposed site landscaping (berms, etc.), as well as the location of the proposed subdivision (Kelly Road Subdivision).

5.0 Sound Propagation Modeling

A three-dimensional sound propagation model was developed to calculate sound levels expected from the project. The model was developed using CadnaA, version 2024 (build 205.5427), a commercial noise modeling package developed by DataKustik GmbH. The software accounts for spreading losses, ground, and atmospheric effects, shielding from barriers and buildings, reflections from surfaces, and other sound propagation properties. The software is based on published engineering standards, such as the ISO 9613 standard used for air absorption and other noise propagation calculations. Site plant information (building layouts and future site grading) was imported into the three-dimensional model space using digital CAD files created by SLR.

Foliage was not included in the model, because foliage has very minor influence on A-weighted sound levels. Existing terrain was modeled based on existing and future topography data



obtained by SLR. Model topography includes proposed landscape berms surrounding the warehouse. A temperature of 10 degrees Celsius and 70 percent relative humidity were used for the atmospheric absorption calculations. The ground was modeled as asphalt where appropriate (a $G = 0.01$ ground absorption coefficient), while all other ground was modeled as mixed (soil/light vegetation), with a $G = 0.5$ absorption coefficient.

5.1 Model Inputs and Assumptions

The primary Project sound sources will be rooftop air-handling units (AHUs). Up to twelve units could potentially operate simultaneously during some times of the year.

Transient sounds (excluded from the Connecticut noise standard) will include truck movement in and out of the site (maximum speed limited to 20 mph) and occasional back-up alarms (intermittent, operation depends on vehicle). Sound levels from these transient sources are provided for informational purposes.

Table 5-1 shows the sound power levels used in the model for the various sound sources. Manufacturer data (as available) and sound measurement data from similar equipment were used. All trucks were assumed to be equipped with standard exhaust silencers. Sound power level is a logarithmic parameter that describes the inherent acoustic energy emitted by a noise source, expressed in decibels, dB, or dBA. Sound power level should not be confused with the sound pressure level. The sound power level is a characteristic of a noise source analogous to the wattage rating of a light bulb, and it is independent of the surroundings. Sound power levels are entered into the propagation model, which is then used to calculate the sound pressure level at various distances beyond the site boundaries.

Table 5-1: Modeling Sound Power Level (L_w) Inputs

Source	Linear L_w at Octave Center Frequency (dB)									dBA
	31.5	63	125	250	500	1k	2k	4k	8k	
Air Handling Unit Casing Radiated Noise (per AHU)	82	82	79	84	77	67	48	39	37	78
AHU Compressor Fan (per fan)	83	82	85	84	83	80	80	69	63	85
Backup Alarm (based on 97 dBA at 1 meter)	-	-	-	-	-	108	-	-	-	108
Truck and vehicular traffic onsite	Per Traffic Noise Model (TNM) – see Section 5.3									

5.2 Air Handling Units Modeling

The rooftop air-handling units (AHUs) were modeled per a rooftop layout provided to SLR. Units were assumed to be approximately 8 feet tall. SLR was given sound data for the AHU casing-radiated sound (which includes the inlet and exhaust fans). The condenser fan sound levels were based on data from a previous project. **Figure A-2** presents the A-weighted sound propagation contours with all AHUs in simultaneous operation, with all condenser fans on. A total of twelve (12) AHUs were modeled.



Table 5-2 presents the highest calculated sound levels at the closest residential property lines and at the closest dwelling to the south. Calculated levels are below the state standard for nighttime noise (51 dBA).

Table 5-2: AHU Modeled Sound Levels (dBA)

Scenario	Highest Sound Level Attributable to AHUs, dBA	CT Nighttime Limit (dBA)	Complies with CT Standard?
East (Closest Residential Property Line on Straits Turnpike)	41	51	Yes
South (Residential Property Line)	42	51	Yes
South (at closest residential dwelling)	40	51	Yes

5.3 Truck Modeling

Though excluded from the state noise standard, this section discusses potential sound from onsite car and truck movement. The results are shown for informational purposes.

Truck and vehicular sound levels were calculated using the FHWA Traffic Noise Model (FHWA TNM® Version 2.5). TNM computes traffic noise at nearby receivers. Inputs to the model include three-dimensional descriptions of road alignments; vehicle volumes in defined vehicle classes; and posted vehicle speeds. Other characteristics included in the model are ground types, topographical features, building shielding, and other features likely to influence the propagation of vehicle noise between the roadway and the receiver. TNM can also account for site topography and landscape berms.

The modeling inputs used the worst-hour vehicular volumes on the site, which were provided by SLR's Transportation Engineering team. **Table 5-3** highlights the volumes used in the modeling (3 p.m. hour).

Table 5-3: Hourly Site Traffic Volumes

Hour	Trucks	Passenger Cars	Total
12:00 AM	0	1	1
1:00 AM	1	1	2
2:00 AM	0	1	1
3:00 AM	1	1	2
4:00 AM	1	3	4
5:00 AM	3	6	10
6:00 AM	6	13	19
7:00 AM	7	15	23



Hour	Trucks	Passenger Cars	Total
8:00 AM	6	13	19
9:00 AM	7	14	20
10:00 AM	7	14	20
11:00 AM	8	16	23
12:00 PM	9	18	27
1:00 PM	7	14	20
2:00 PM	7	15	22
3:00 PM	10	21	31
Highest Hourly Traffic Volumes			
4:00 PM	8	16	24
5:00 PM	7	14	20
6:00 PM	3	6	8
7:00 PM	1	2	3
8:00 PM	1	1	2
9:00 PM	1	1	2
10:00 PM	1	2	2
11:00 PM	1	2	3

5.3.1 Highest Hourly Site Traffic Sound Levels

TNM was used to calculate the average hourly sound level attributable to vehicular activity at the project site, using the traffic volumes shown in **Table 5-3**. Sound from onsite vehicular traffic will vary during any given hour. It will not be a steady sound like the AHUs. L_{eq} , the equivalent-continuous sound level, is a time-average sound level for a specified time period. It is the most commonly used form of sound level averaging. The L_{eq} is the level of a steady sound that has the same sound energy as the time-varying sound during a stated period.

Table 5-4 shows the calculated hourly L_{eq} for the worst-case (highest) traffic volumes. The calculated worst-hour level is 33 dBA (L_{eq1hr}) at potential future residences to the south. There will be a large berm on the south side of the warehouse parcel, which will provide significant shielding between the warehouse and those homes. The calculated worst-hour level at houses opposite the warehouse entry drive is 41 dBA (L_{eq1hr}). L_{eq1hr} levels will be significantly lower during evening and nighttime hours.

Table 5-4: Highest Hourly Site Traffic Sound Levels, L_{eq1hr} (dBA)

Location	Highest Hourly L_{eq1hr} , dBA
East (Closest Residential Dwelling on Straits Turnpike)	41
South (at residential dwelling)	33



5.4 Backup Alarm Modeling

Some vehicles entering the facility may be equipped with backup alarms. When backing into the loading dock, the alarms may emit sound for several seconds. Prior discussions with a trucking consultant determined that on-road (non-construction) alarms are typically rated to emit 97 dBA at 1 meter. On a large truck (semi), alarms are typically above the bumper but below deck height, near the center of the truck (between 4 and 5 feet above grade).

The maximum calculated backup alarm sound levels at the closest residences are shown in **Table 5-5**. The maximum sound level (L_{max}) is the highest instantaneous sound level during the event. The alarm was assumed to be in the southeast corner of the warehouse dock area, which is closest to the residences.

Table 5-5: Backup Alarm Modeled Maximum Sound Levels, L_{max} (dBA)

Location	Highest Hourly L_{eq1hr} , dBA
East (Closest Residential Dwelling on Straits Turnpike)	50
South (at residential dwelling)	51

The highest calculated alarm sound levels (maximum instantaneous level) are just below or at the state nighttime limit. Sound levels from backup events occurring in other areas of the loading dock area are expected to be lower (40 to 49 dBA).

6.0 Conclusions

SLR has completed a sound study for the 1535 Straits Turnpike project. Sound levels attributable to rooftop mechanical equipment were calculated at locations representative of neighboring residences. Calculated sound levels comply with the Connecticut nighttime noise standard for sound emitted from an Industrial land use to a Residential land use. Calculated sound levels from onsite daily vehicular traffic onsite are also below the nighttime limits.



7.0 Closure

This document has been prepared by SLR International Corporation (SLR). The material and data in this report were prepared under the supervision and direction of the undersigned.

Sincerely,

SLR International Corporation

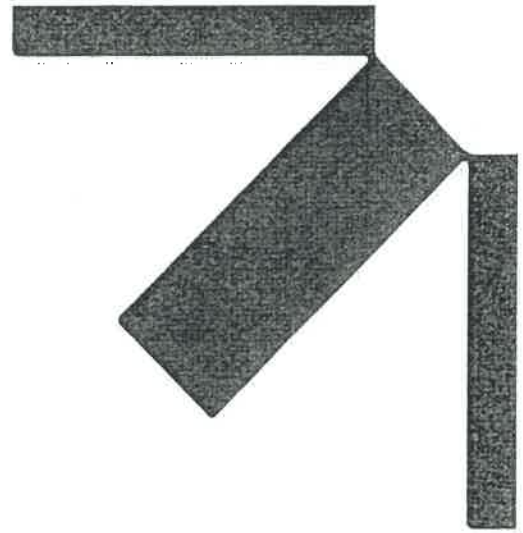


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Appendix A Figures

1535 Straits Turnpike

Sound Study

Middlebury Land Development, LLC

SLR Project No.: 141.021798.00001

February 6, 2025

Figure A-1: Site Plan and Aerial Imagery

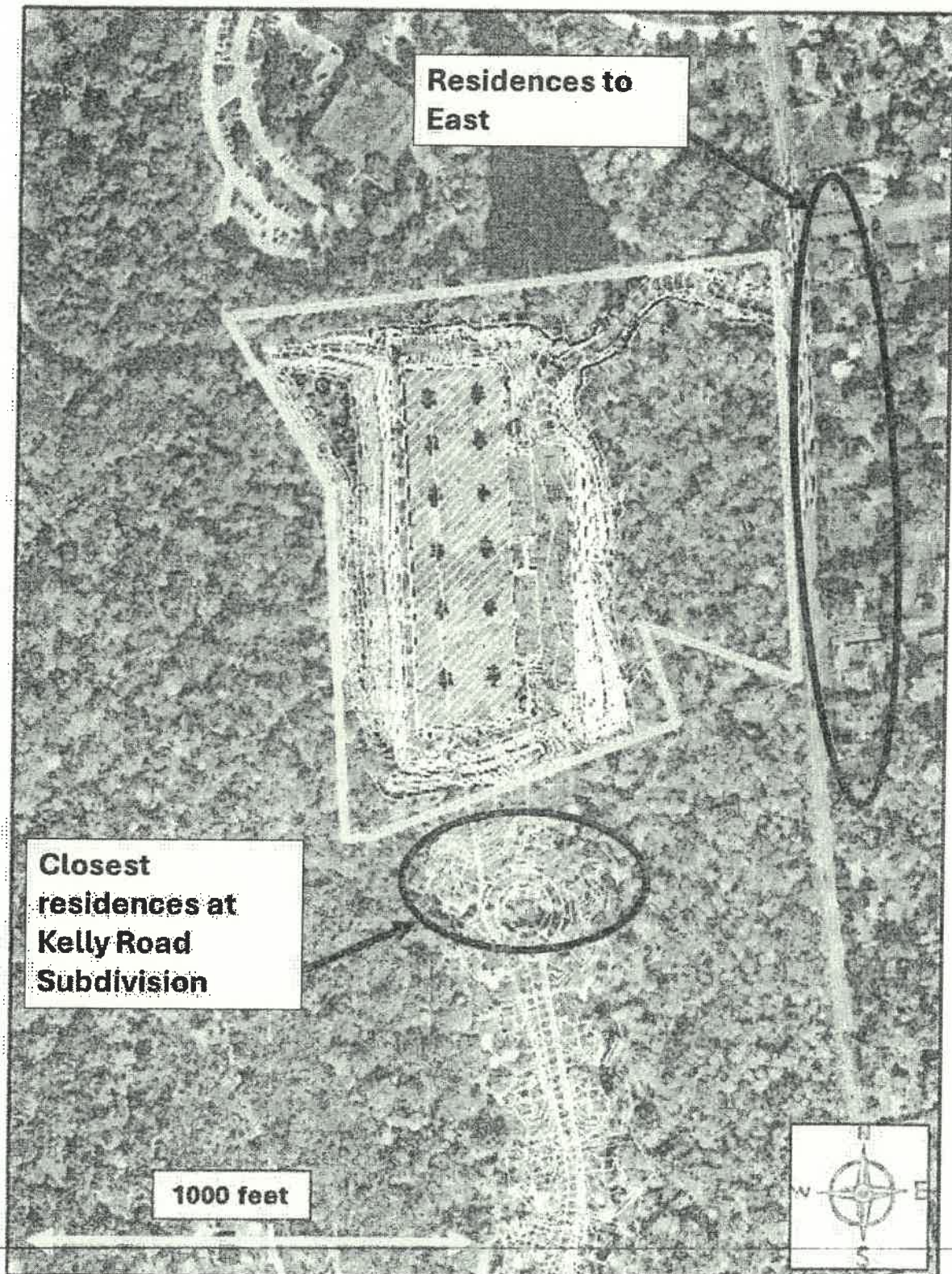
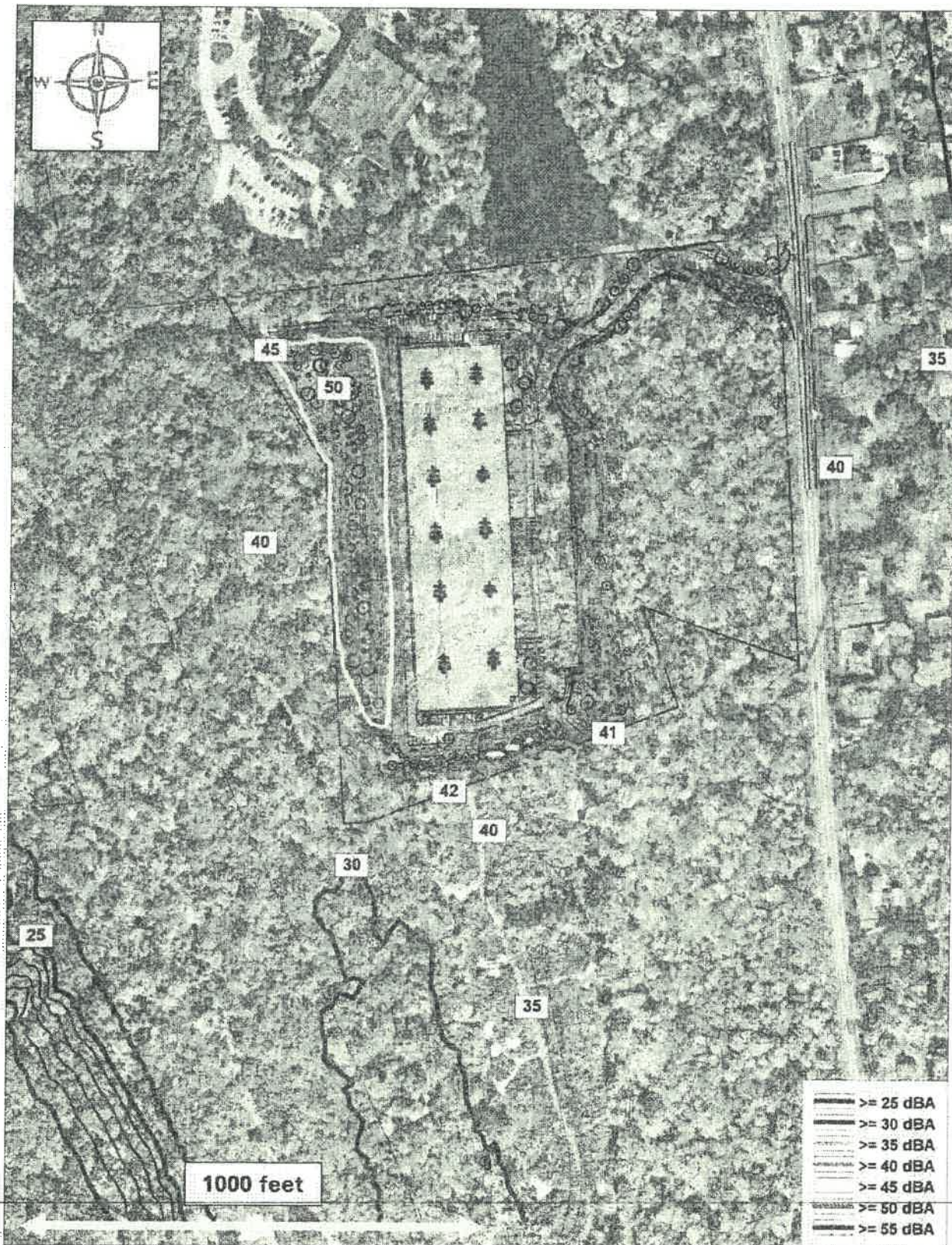


Figure A-2: Rooftop Air Handling Units A-Weighted Sound Contours (dBA)



Appendix B Glossary of Common Acoustical Terminology

1535 Straits Turnpike

Sound Study

Middlebury Land Development, LLC

SLR Project No.: 141.021798.00001

February 6, 2025

A-weighting: a weighting scale in which sound pressure levels in individual frequency bands are adjusted to match the response for the human ear. The reference adjustment is 0 dB at 1,000 Hz. The human ear is much less responsive at low frequencies. An A-weighted sound level is the total contribution from all sound frequencies, with the appropriate weighting factors applied and is designated as dBA.

C-weighting: a weighting scale that is relatively flat from 31.5 Hz to 8,000 Hz with a roll-off higher and lower than those frequencies. The adjustment is 0 dB from 200 Hz to 1,250 Hz. A C-weighted sound level is the total contribution from all sound frequencies, with the appropriate weighting factors applied and is designated as dBC.

Hertz (Hz): the unit of measure of frequency or the speed of vibration of a sound wave. Also referred to as "cycles per second".

Insertion Loss (IL): the decrease (in decibels, dB) in sound power level measured at the location of the receiver when a sound attenuator (e.g., muffler), barrier, or other sound reduction element is inserted in the transmission path between the source and receiver.

L_d: the daytime average sound level. The L_{eq} averaged over daytime hours. Daytime hours may be defined differently by various ordinances and regulations. The hours between 7:00 am and 10:00 pm is the interval used by the U.S. Federal Energy Regulatory Commission (FERC) and the U.S. Department of Housing and Urban Development (HUD).

L_{dn} (also DNL): the day-night average sound level, a metric used by many regulatory bodies (including FERC and HUD) as an overall representation of the sound at a measurement location. The L_{dn} is calculated by averaging the sound measured over a 24-hour period, with 10 decibels added to sound levels measured during nighttime hours.

L_{eq}: the equivalent-continuous sound level is a time-average sound level for a specified time period. It is the most commonly used form of sound level averaging. Specifically, the L_{eq} is the level of a steady sound that has the same sound energy as a time-varying sound during a stated time period and at a stated location.

L_n: the nighttime average sound level. The L_{eq} averaged over nighttime hours. Nighttime hours may be defined differently by various ordinances and regulations. The hours between 10:00 pm and 7:00 am is the interval used by the U.S. Federal Energy Regulatory Commission (FERC) and the U.S. Department of Housing and Urban Development (HUD).

L₉₀: a statistical parameter (percentile) that describes the sound level that is exceeded 90 percent of the time during a stated time period. For example, for a stated hourly L₉₀ of 45 dBA, the sound level at the measurement location has a 90% chance of being greater than 45 dBA and a 10% chance of being less than or equal to 45 dBA. The L₉₀ is often used as the "background" or "ambient" sound level for a given measurement period. Other percentile values are defined similarly (e.g., L₅₀, L₁₀, etc.).

Sound Power Level (PWL or L_w): a logarithmic parameter that describes the power characteristics of a noise source, relative to a reference power value, expressed in decibels, dB, or dBA. The sound power level should not be confused with the sound pressure level. The sound power level is a characteristic of a noise source analogous to the wattage rating of a light bulb, and it is independent of the surroundings. It is calculated from measurements of the sound pressure level. A 75-watt light bulb will look much brighter in a white, reflective room than in a black, absorptive one. A noise source rated with a sound power level of 95 dBA will produce a much higher sound pressure level (will be much louder) in a small hard box than outside in a soft grass meadow.

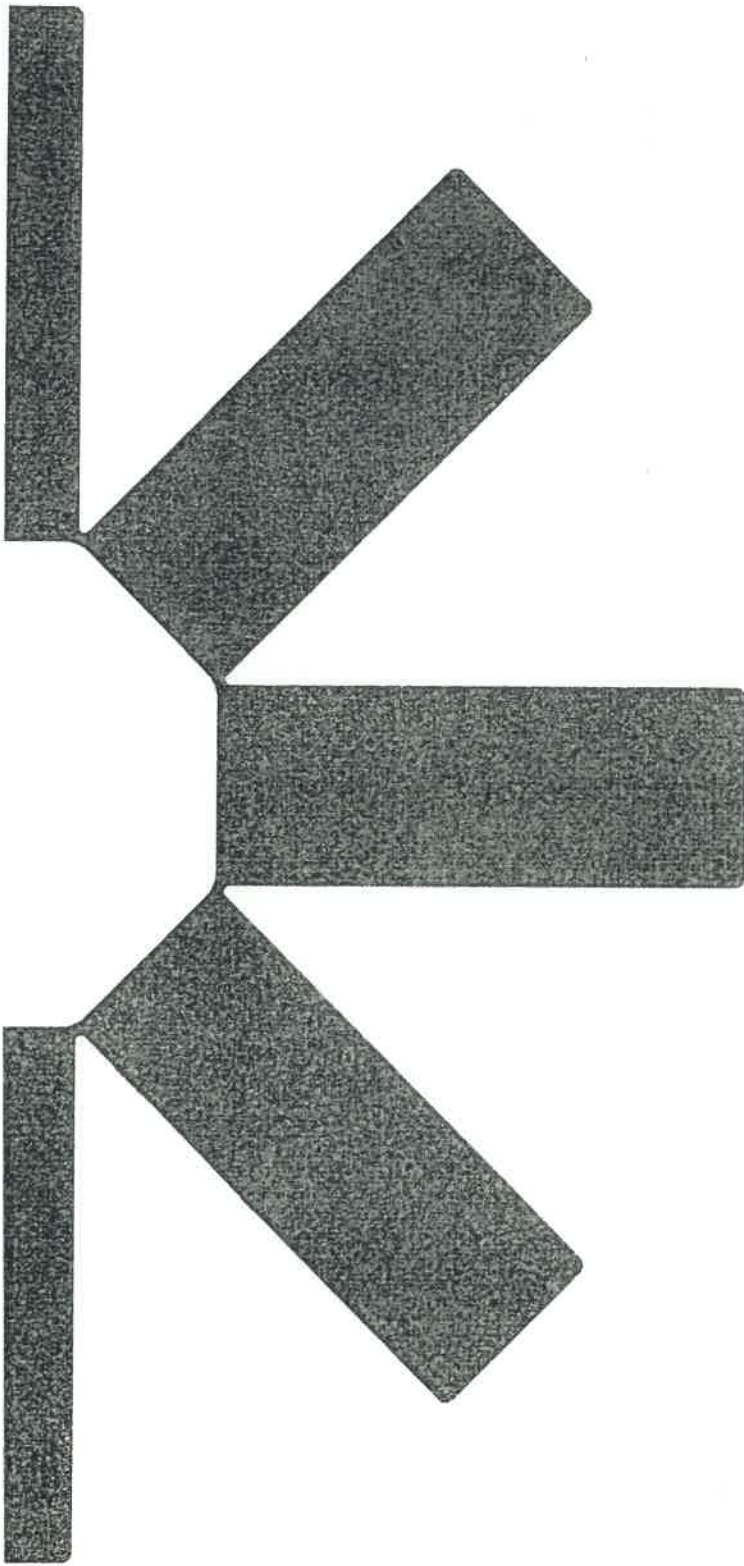


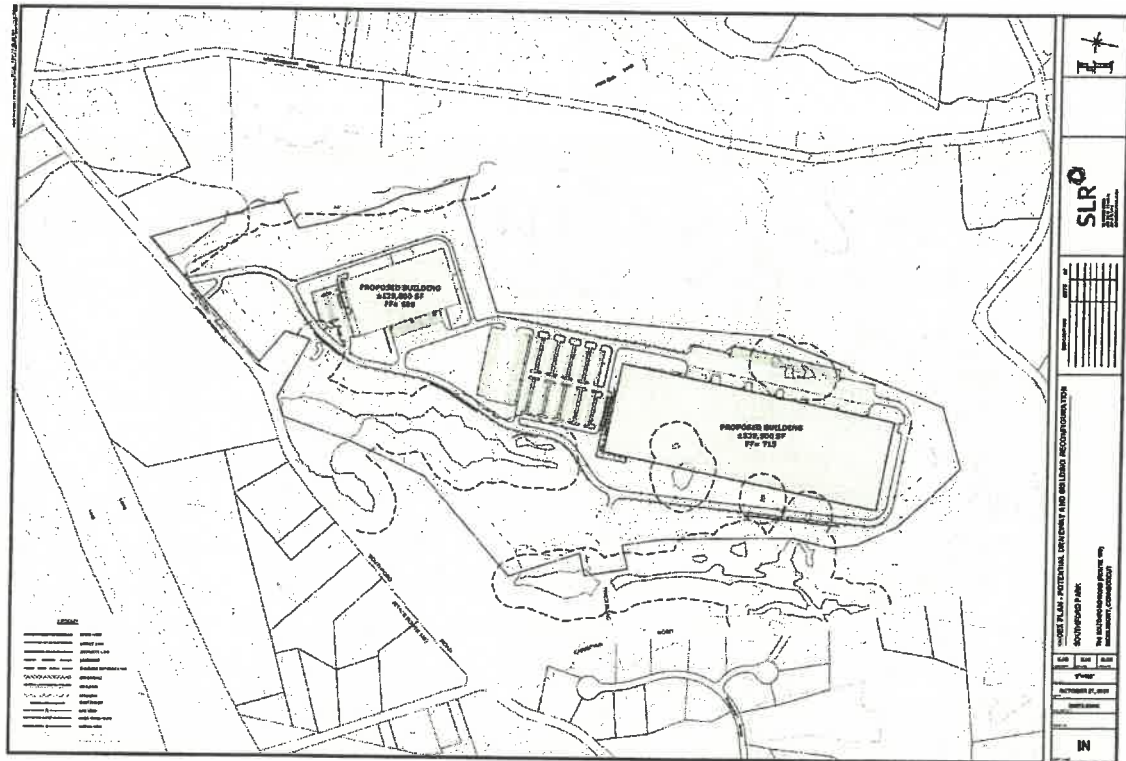
Sound Pressure Level (SPL or L_p): a logarithmic parameter that describes the quantity of sound relative to a reference pressure value, expressed in decibels, dB, or dBA. The SPL is the quantity that is measured with a sound level meter, and it is dependent upon the surroundings of a noise source.

Sound Transmission Class (STC): a single number rating for describing sound transmission loss of a wall or partition. A rating system designed to facilitate comparison of the sound transmission characteristics of various architectural materials and constructions.

Transmission Loss (TL): the difference (in decibels) between sound power incident upon a sound reduction element (wall or muffler) to that transmitted. The less sound energy is transmitted, the higher the TL value.







**Proposed Warehouse at:
1535 Straits Turnpike
Middlebury, Connecticut**

Prepared by:
David Herbst, MAI
Vincent O'Brien, MAI



Kerin & Fazio, LLC
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www.kfvf.com



January 22, 2025

Middlebury Land Development, LLC
c/o Edward G. Fitzpatrick, Esquire
203 Church Street, Suite 4
Naugatuck, CT 06770

Re: Neighborhood Impact Study of a Proposed Warehouse at:
1535 Straits Turnpike, Middlebury, Connecticut

Dear Attorney Fitzpatrick:

At your request, we have performed an analysis related to the construction of a proposed warehouse at 1535 Straits Turnpike, Middlebury, CT. The purpose of our analysis is to render opinions with respect to its probable impact, if any, on the market value of neighboring properties, and the character of the subject neighborhood.

An analysis of the subject site and neighborhood characteristics before and after the proposed warehouse are developed. **Based on our analysis, which is summarized in the accompanying report, it is our opinion that the proposed warehouse will have no negative impact on the market value of neighboring properties and will not change the character of the subject's neighborhood.**

Based on our review of engineering and planning documents (listed in Scope of Work), a site and neighborhood inspection, and a paired sales analysis, the major findings of our analysis are summarized as follows:

1. The subject property is vacant land located along Straits Turnpike, an arterial roadway in Middlebury with a traffic count of 12,700 per day based upon a traffic study completed by SLR.
2. The subject property is predominantly within the LI-80 Light Industrial Zone.
3. The surrounding property use is a mix of residential, office, retail, industrial, and undeveloped land.
4. The visual impact of the proposed warehouse is limited due to a large wetland buffer and mature plantings. The wetlands cover the eastern portion of the site, nearest to Straits Turnpike. The building will be set well back from Straits Turnpike, situated to the rear of existing trees and vegetation.
5. The proposed lighting will not result in light spillage on adjacent properties.

6. All intersections analyzed in the traffic impact study are projected to perform at the same level of service before and after the subject development.
7. A paired sales analysis indicates no decrease in property value associated with warehouse or manufacturing development on land with existing industrial zoning.

You will find the data, analyses and conclusions in support of this opinion in the following report. It has been a pleasure to assist you in this assignment. If you have any questions, or if we can be of further service, please feel free to contact us.

Respectfully submitted,
Kerin & Fazio, LLC

David Herbst, MAI
State Certified General Appraiser,
Connecticut No. RCG.1252
04-30-2025

Vincent O'Brien, MAI
State Certified General Appraiser,
Connecticut No. RCG.1476
04-30-2025

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Introduction

Client and Intended Users

Client:	Middlebury Land Development, LLC
Applicant:	Middlebury Land Development, LLC
Intended Users:	The intended users of this report are the client, and the Middlebury Planning and Zoning Commission.
Intended Use:	To assist the intended users to determine whether the proposed warehouse use has an impact on the market value of the surrounding properties or the character of the neighborhood.

Scope of Work

Elements of Assignment

The scope of work relates to the type and extent of research and analysis applied in an assignment, based upon the following elements:

- Client and intended users
- Intended use
- Subject property characteristics
- Assignment conditions

Summary of Assignment

The purpose of this analysis is to make a reasonable judgment as to what effect (if any) the proposed warehouse use will have on surrounding property values. In estimating the impact (if any) on the value of neighborhood properties, an analysis of the subject site characteristics both before and after the proposed warehouse is developed.

Type and Extent of Research

The following sources are researched to develop the analysis:

1. Physical inspections of the subject property and surrounding neighborhood on January 8, 2025
2. GIS Maps and the Zoning Map of the town of Middlebury showing the subject site and surrounding properties
3. "Location Map" prepared by SLR
4. "Index Plan" prepared by SLR
5. Site Plans, Layout and Landscaping, Grading, Utilities, Sediment and Erosion Controls, and Earthwork Analysis, prepared by SLR
6. "Photometric Site Plan" by SMMA and SLR
7. "Land Title Survey" prepared by Smith & Company
8. Floor Plans & Elevations prepared by SMMA and SLR
9. "Drainage Report" prepared by SLR

10. "Traffic Impact Study" prepared by SLR
11. Building renderings prepared by the applicant
12. Connecticut Multiple Listing Services
13. Middlebury Tax Assessor's field cards

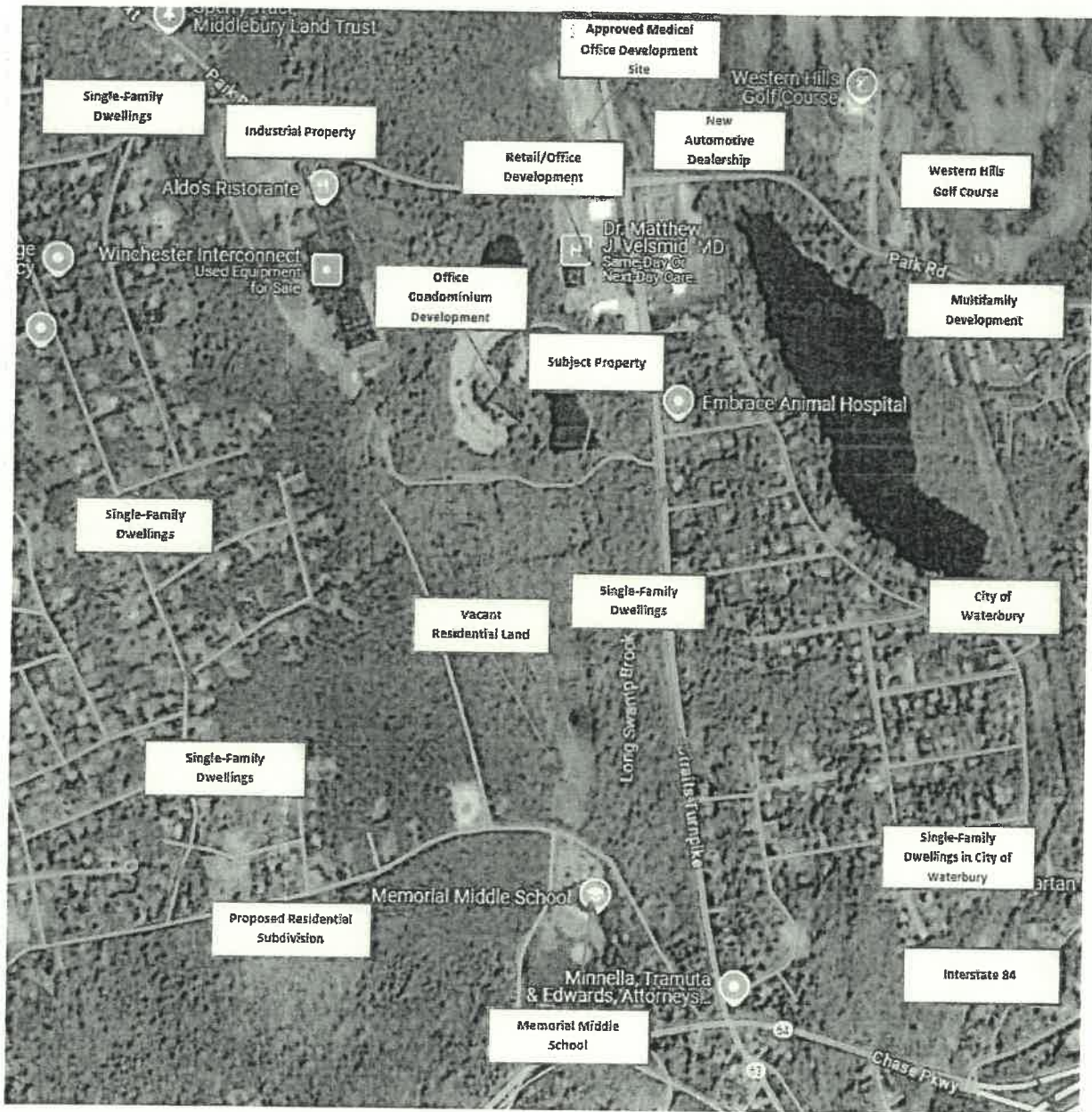
Type and Extent of Analysis

A qualitative analysis is completed based on an examination of potential negative impacts from visual, traffic, and drainage conditions based on the engineering reports outlined in the previous section.

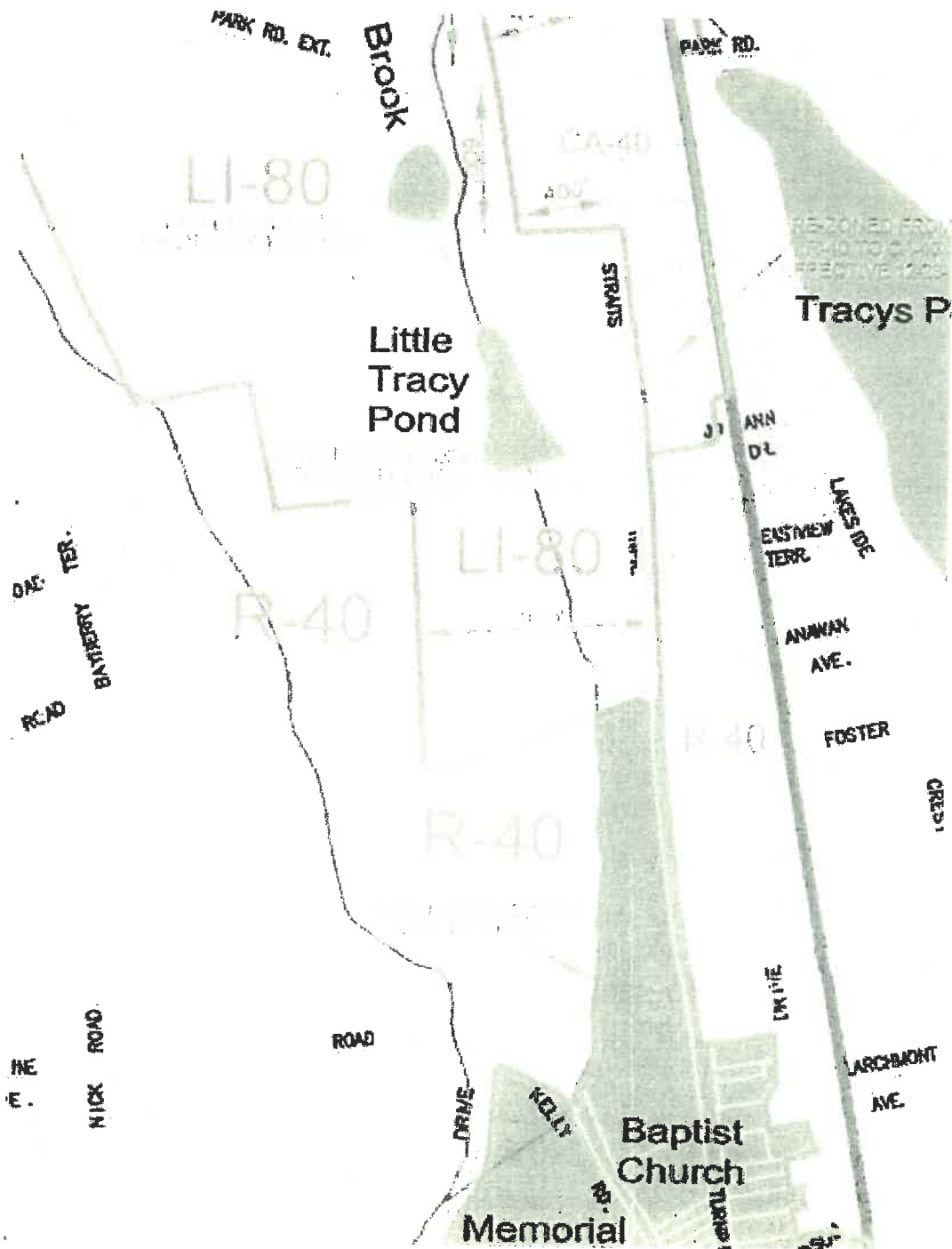
A quantitative paired sales analysis is developed to estimate the impact of the proposed warehouse at the subject on the market value of the neighboring properties.

Neighborhood Analysis

Neighborhood Aerial Map

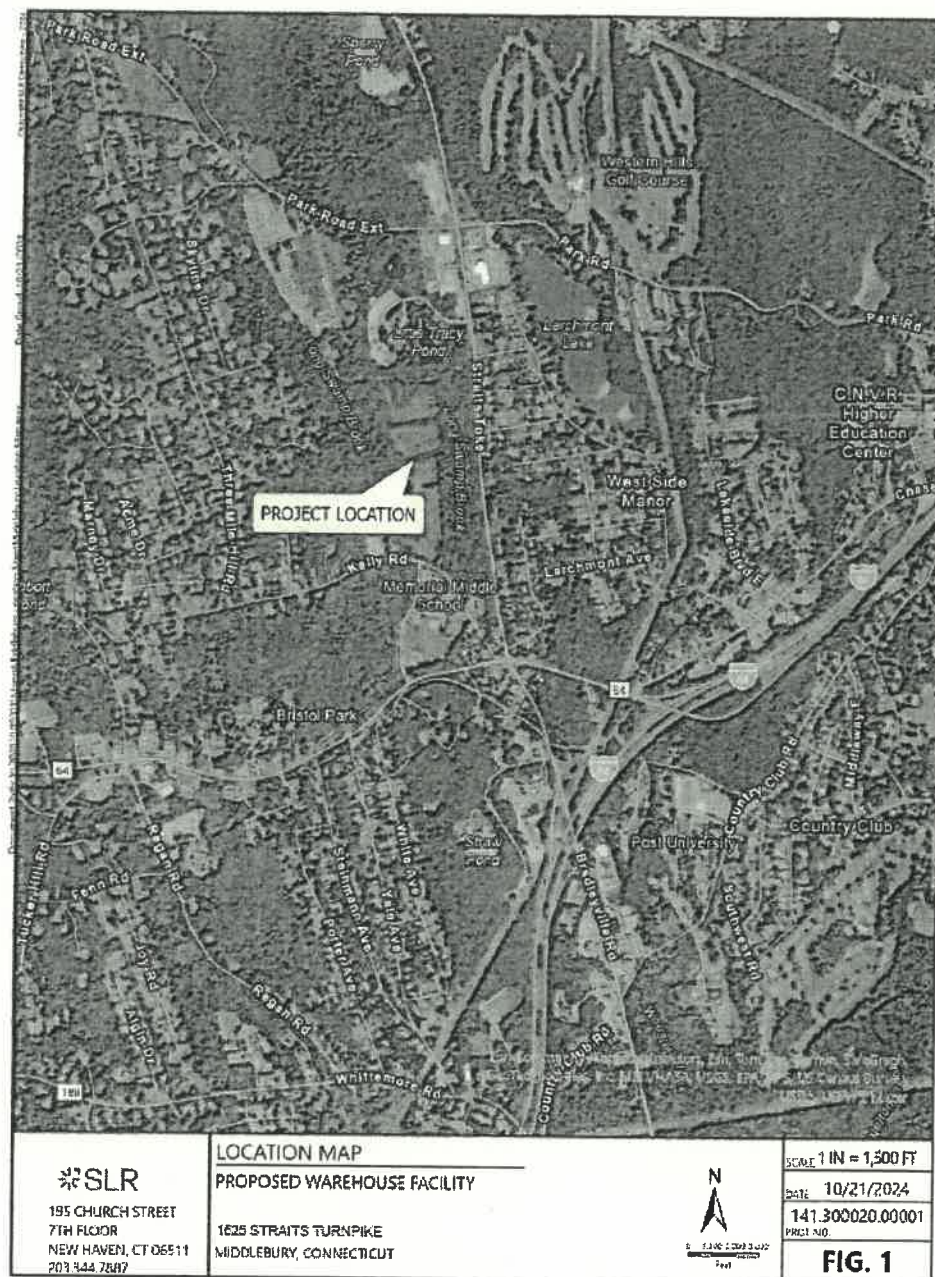


Zoning Map



Description of Neighborhood

The subject site is located predominantly in the LI-80 Zone (Light Industrial). The extreme western portion of the property lies in the R-40 (Residential) zone. No development is proposed on the R-40 zoned land. The site is situated in the northeast section of Middlebury, near the Waterbury border. Access to the area is provided by Interchange 17 of Interstate 84, located approximately one mile to the south.



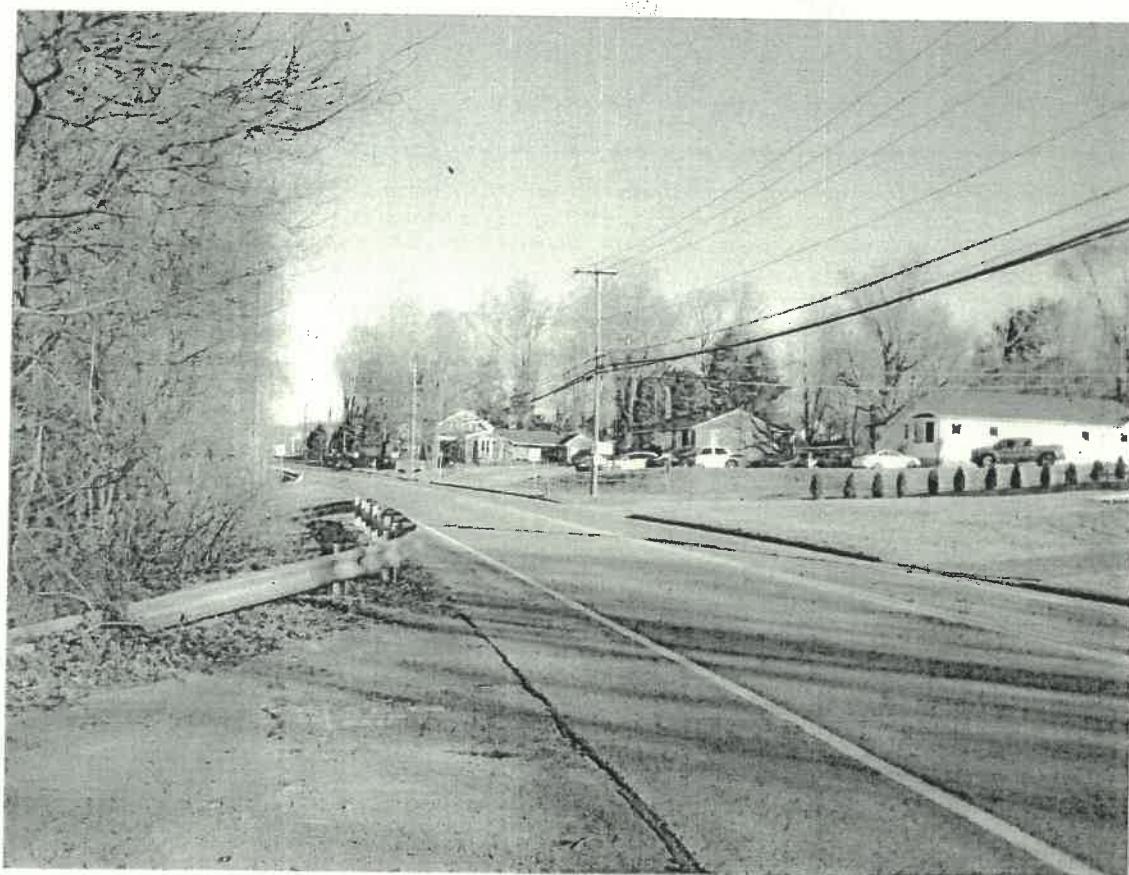
Descriptions of the neighboring properties are presented as follows:

- North -** Abutting the subject to the north at 1579 Straits Turnpike is an office condominium development, with a total of approximately 90,000 square feet. West of the office condominium development is a 220,000 square foot light industrial facility, at 199 Park Rad. North of office condominium development is a mixed use retail/office development at 1625 Straits Turnpike, a new automotive dealership at 1660 Straits Turnpike, and a new gas station at 1680 Straits Turnpike. Farther north along Straits Turnpike is the site of an approved medical office development at 1685 Straits Turnpike.
- East -** The subject fronts Straits Turnpike to the east. The east side of Straits Turnpike is zoned R-40, with a cluster of single-family dwellings in the area of the subject. The closest dwellings are located approximately 700 feet to 800 feet from the proposed building site. The neighborhood is bisected by the municipal boundary with the City of Waterbury, which is located between 350 feet and 500 feet from Straits Turnpike.
- Three sales have occurred in the area since January 2023 with sale prices between \$305,000 and \$375,000 for dwellings between 1,398 square feet and 2,234 square feet. There are two active listings in the area. The property at 1232 Straits Turnpike is a 1,708 square foot colonial which is listed at \$269,900. The property had previously sold for \$185,000 in July 2021. The property at 91 Richardson Drive is a 1,288 square foot raised ranch which is listed at \$400,000.
- South -** The subject abuts wooded vacant residential land to the south, which extends to Kelly Road located approximately 1,500 feet south of the subject site. A religious facility and Memorial Middle School are located along the south side of Kelly Road. A proposed residential subdivision is located on a large site on the south side of Kelly Road.
- Access to the subject's neighborhood is provided by Interchange 17 of Interstate 84, which is located one mile south of the subject, off Chase Parkway and Straits Turnpike.
- West -** There is a residential neighborhood in the R-40 zone to the west of the subject. The neighborhood is broadly bordered by the Hop Brook to the west, Kelly Road to the south, and Park Road Extension to the north. The closest dwellings to the

subject are located along Bayberry Terrace, approximately 1,200 feet from the subject building site. There have been 14 closed sales between January 2023 and December 2024. The sale prices range between \$370,000 and \$610,000 for dwellings ranging between 1,064 square feet and 3,838 square feet.

There are two active listings in the neighborhood. The property at 74 East Ridge Drive is a 1,275 square foot ranch which is listed at \$399,000. The property at 34 Breakneck Hill Road is a 4,551 square foot colonial which is listed at \$849,900.

Neighborhood Photos



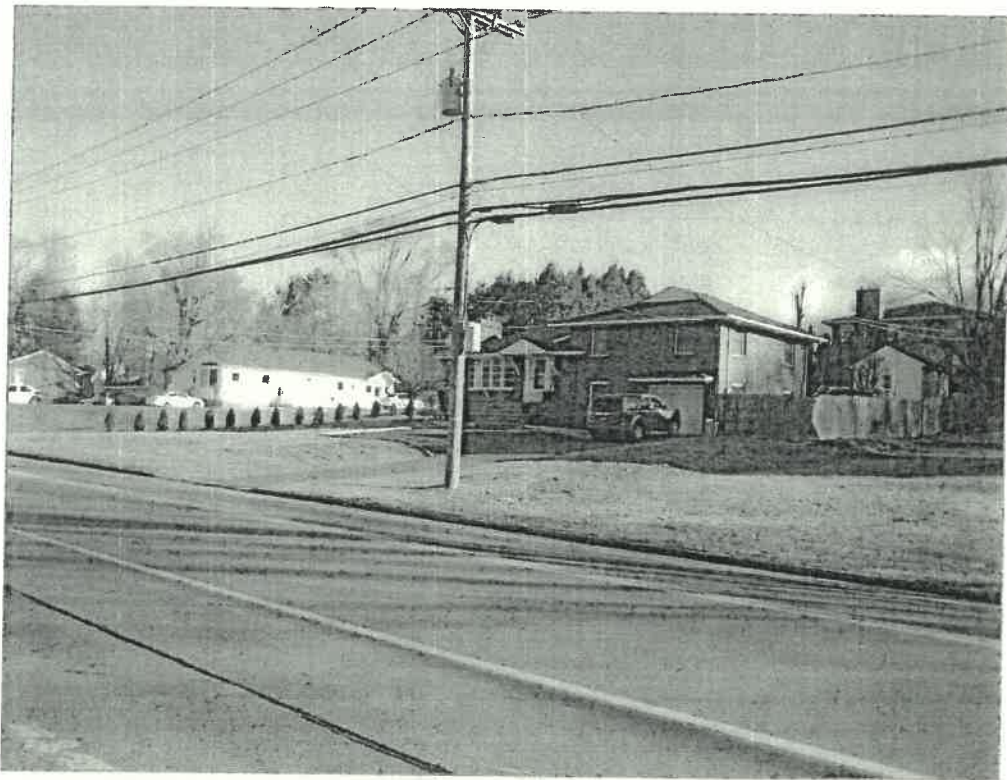
View north on Straits Turnpike from subject entrance



View south on Straits Turnpike from subject entrance



View of 1530 Straits Turnpike across from subject entrance



View of 1540 Straits Turnpike



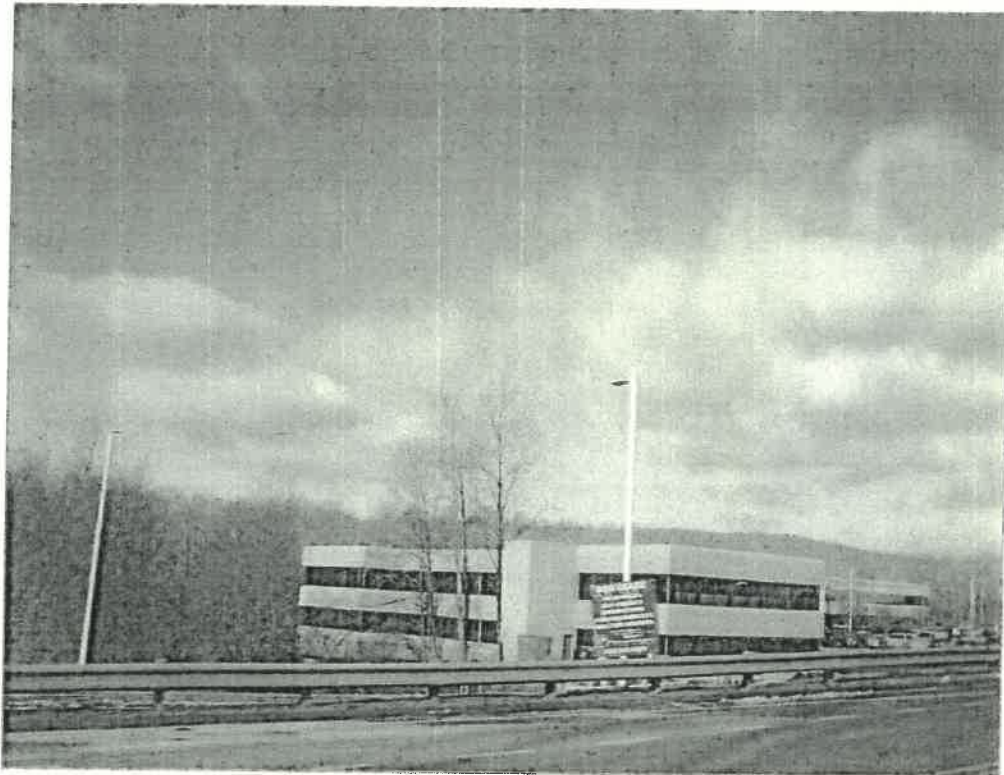
View of 1579 Straits Turnpike the abutting property to the north



Car dealership north of the subject on Straits Turnpike



Gas station north of the subject on Straits Turnpike



View of office property north of the subject on Straits Turnpike



Industrial property northwest of subject on Park Road Ext.



View north on Straits Turnpike from south of the subject site



View of site from Jo Anne Drive

Property Analysis

Photos of Subject Property



Subject entrance off Straits Turnpike



Existing access drive to interior of site



View of 1579 Straits Turnpike from subject



View of proposed building site

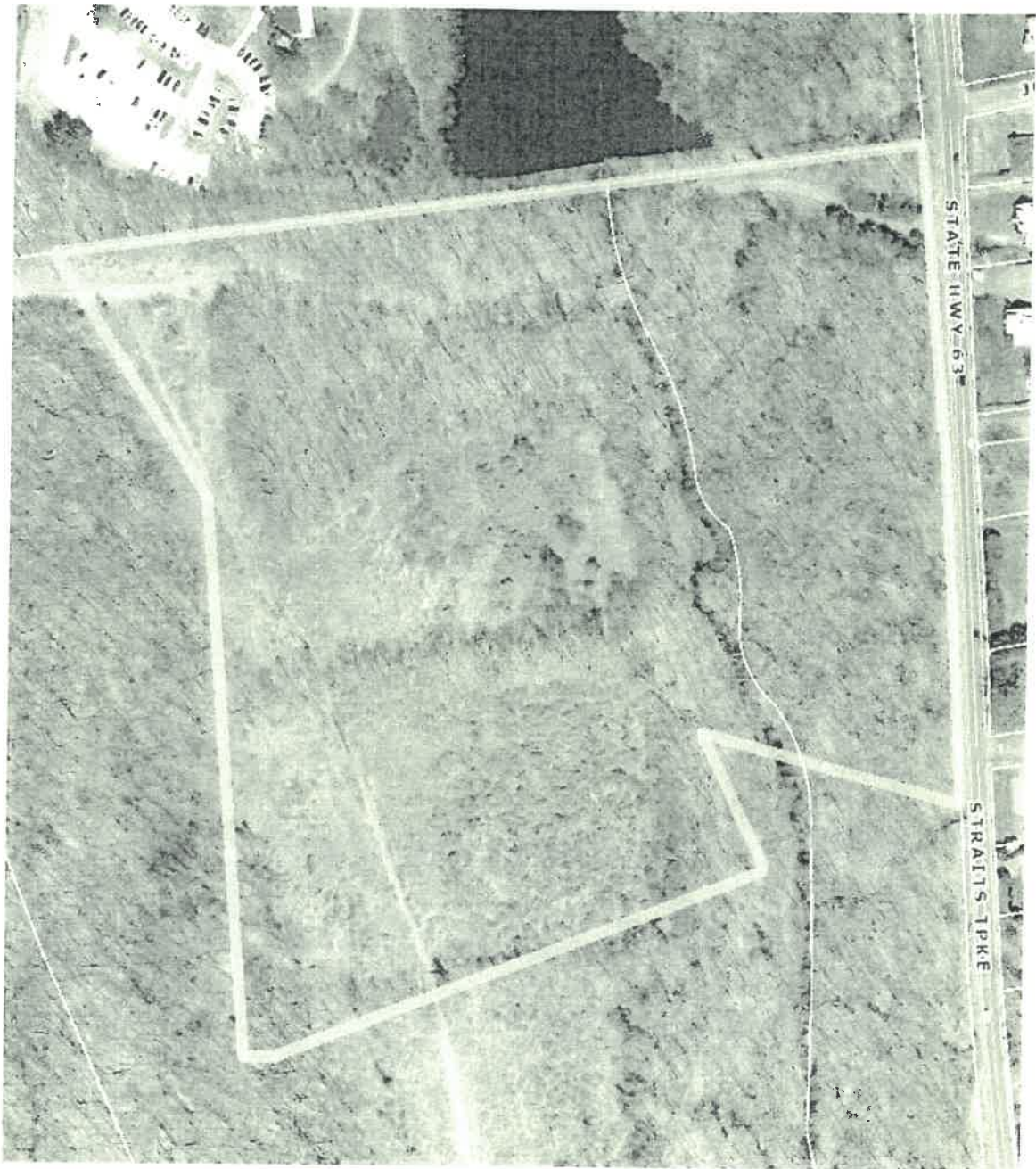


View of proposed building site

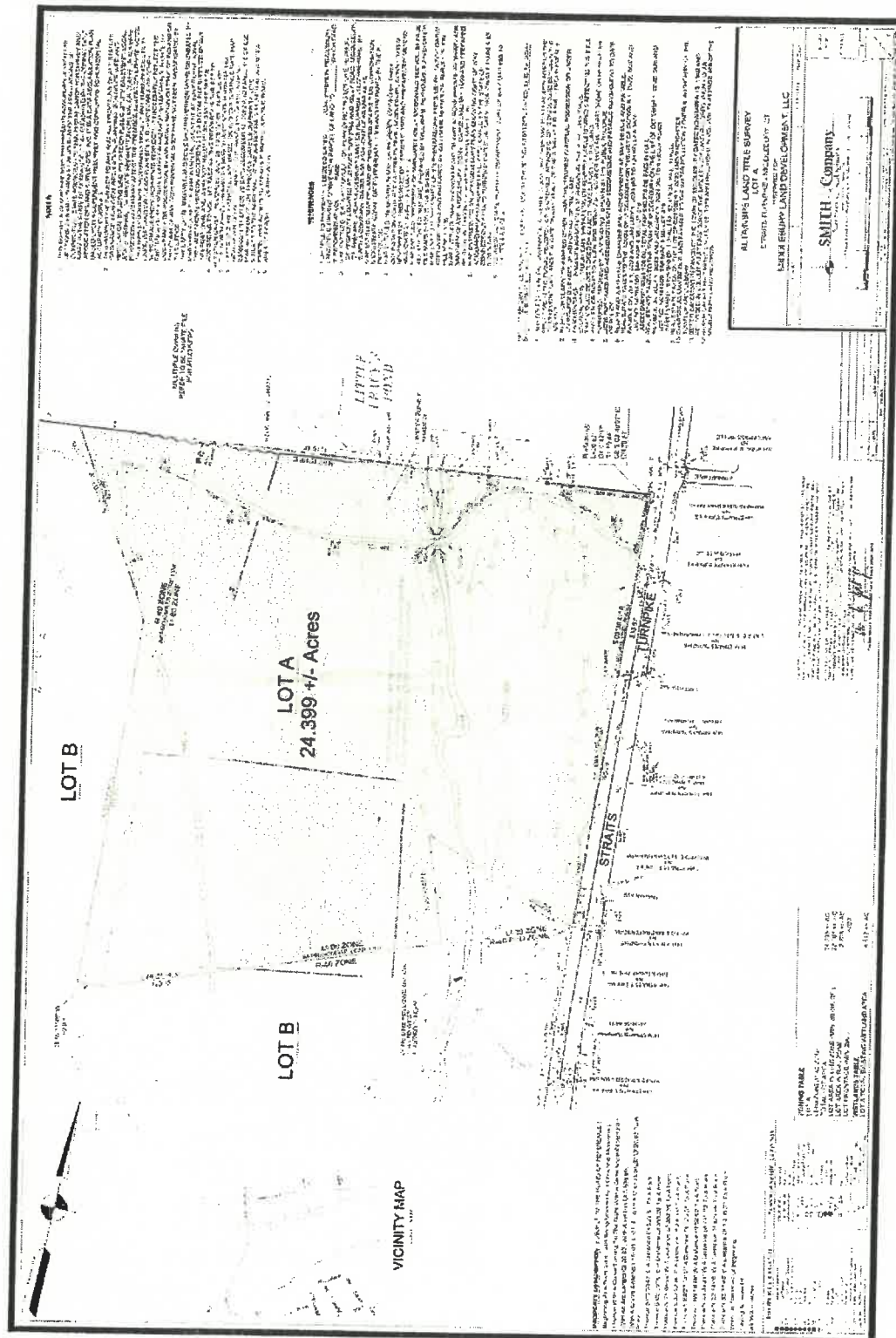


View towards Straits Turnpike from access road

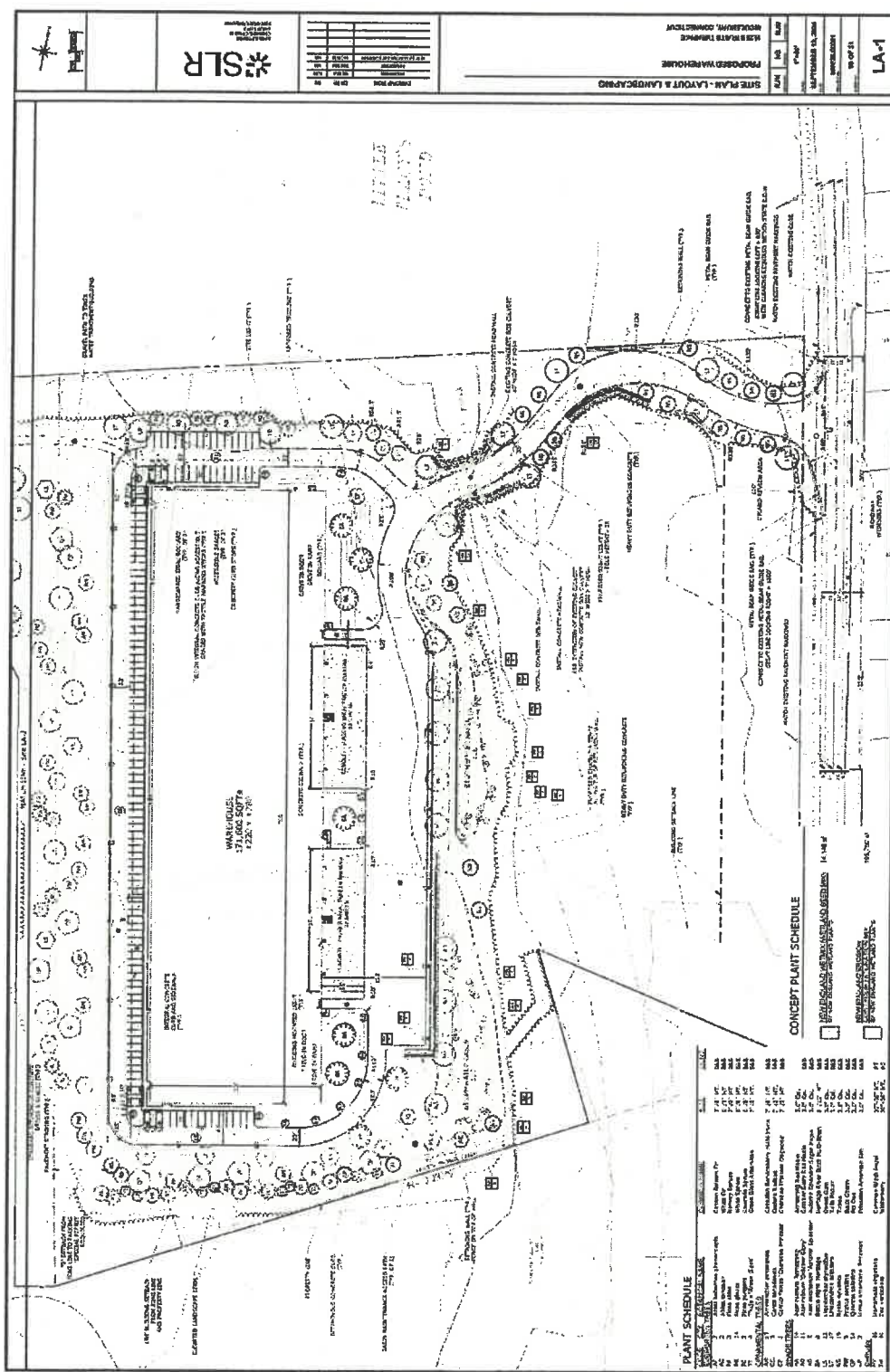
GIS Map of Site



Existing Site Plan



Proposed Site Plan



Site Description

Address:	1535 Straits Turnpike Middlebury, CT
Assessor's MBLU:	The subject development is to be located on a site which has not yet been subdivided. The subject property is comprised of portions of two existing parcels at 1535 Straits Turnpike and 124 Kelly Road. 1535 Straits Turnpike: Map 4-08 Lot 319 • Eastern portion of proposed subject site 124 Kelly Road: Map 4-08 Lot 318 • Western portion of proposed subject site
Property Owner:	Middlebury Land Development, LLC
Zoning:	LI-80 (Light Industrial): 22.161 acres R-40 (Residential): 2.238 acres
Gross Land Area:	24.399 acres
Utilities to Site:	All public utilities are available
Topography:	The subject fronts Straits Turnpike to the east. The elevation along Straits Turnpike is approximately 570 to 580 feet. The eastern portion of the property has gently sloping topography, downwards from Straits Turnpike to the west. The area is wooded. Wetlands are located over a large portion of the eastern section of the property. Long Swamp Brook also traverses the eastern portion of the property, running north/south. The northeastern portion of the site has no wetlands and contains an unimproved accessway which crosses Long Swamp Brook via culvert. The accessway will be used in the proposed development. West of Long Swamp Brook, the topography slopes gently upwards to the north. The elevation rises from approximately 530 feet at Long Swamp Brook to approximately 600 feet on the subject's western property line. The area contains a mix of woods and cleared fields. The central and western portions of the property have no wetlands.

Improvement Description

The subject is vacant land with no existing site improvements.

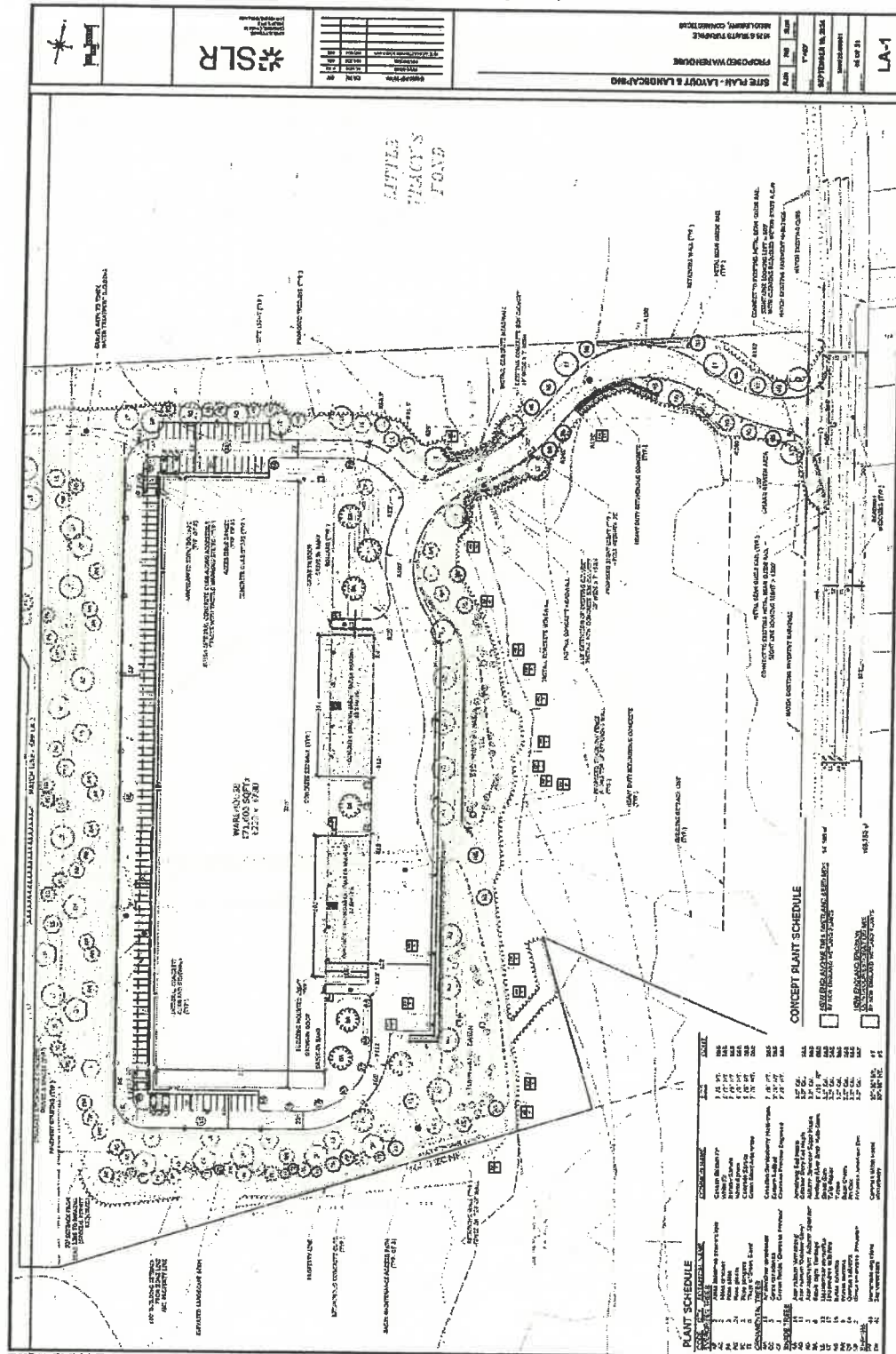
Description of Proposed Use

The subject property is currently vacant land, located primarily in the LI-80 (Light Industrial) zone. The client proposes to construct a new building on the site for warehouse use. The development will be situated on the western portion of the subject site approximately 500 feet from Straits Turnpike. This report analyzes the potential impact of the warehouse use on the surrounding property values and the character of the neighborhood.

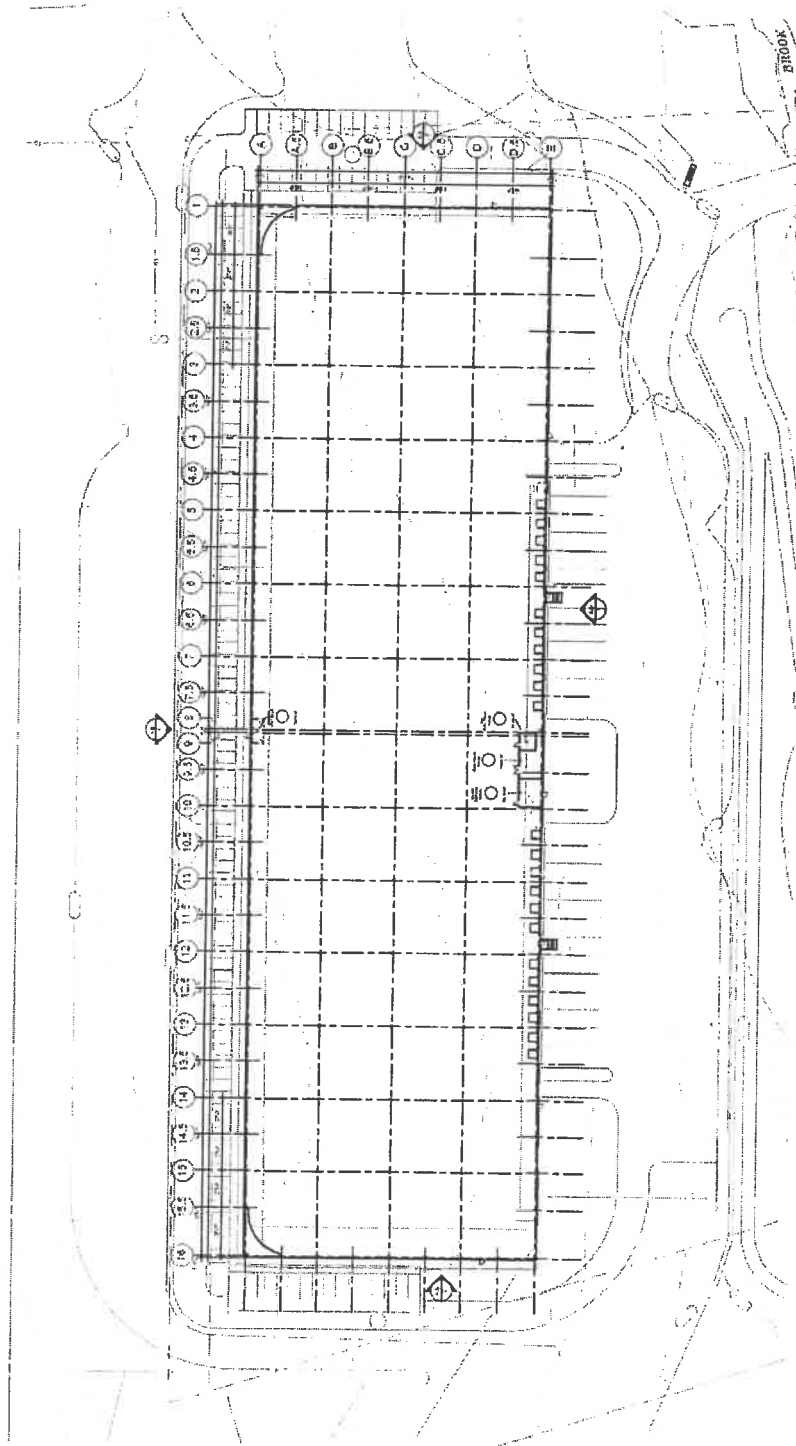
The proposed building will be located on the western portion of the subject site. The proposed building will be 171,600 square feet, with an approximate length to width ratio of 3.5 to 1, and a 35-foot ceiling height. Loading docks will be located off the east side of the building and parking will be located on the west, south, and north sides of the building. There are a total of 24 loading docks in four clusters of six docks each. The total ratio of square feet per loading dock is one dock per 7,150 square feet. The loading docks are limited to one side of the building due to topography. The elevation of the building is approximately 580 feet.

Site plans, view renderings, and building floor plans and elevations are shown on the following pages. Based upon the location of the subject improvements on the site, the proposed development will have limited visibility from Straits Turnpike. This is due to the large wetland area and existing tree cover on the eastern portion of the property, which provide screening for the building, which will be situated well back from Straits Turnpike, on the western portion of the property.

Proposed Site Plans
(Prepared by SLR)



Floor Plans & Elevations
(Prepared by SLR)



LEVEL 1 FLOOR PLAN

1535 Straits Turnpike

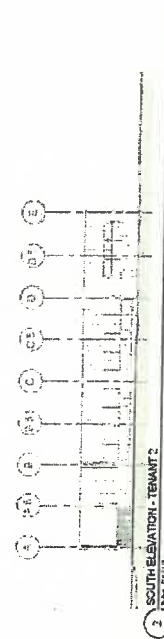
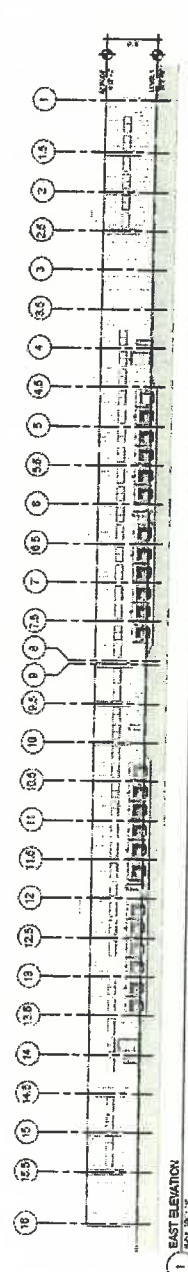
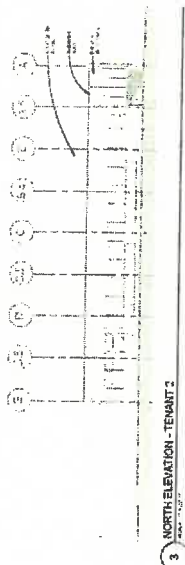
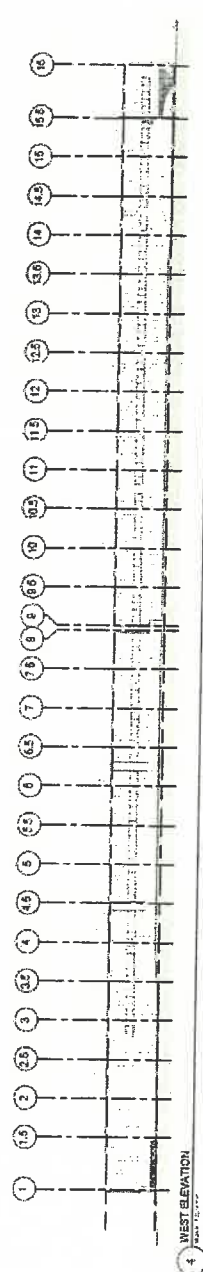


11/25/2014

SLR

smma

Middlebury
Connecticut

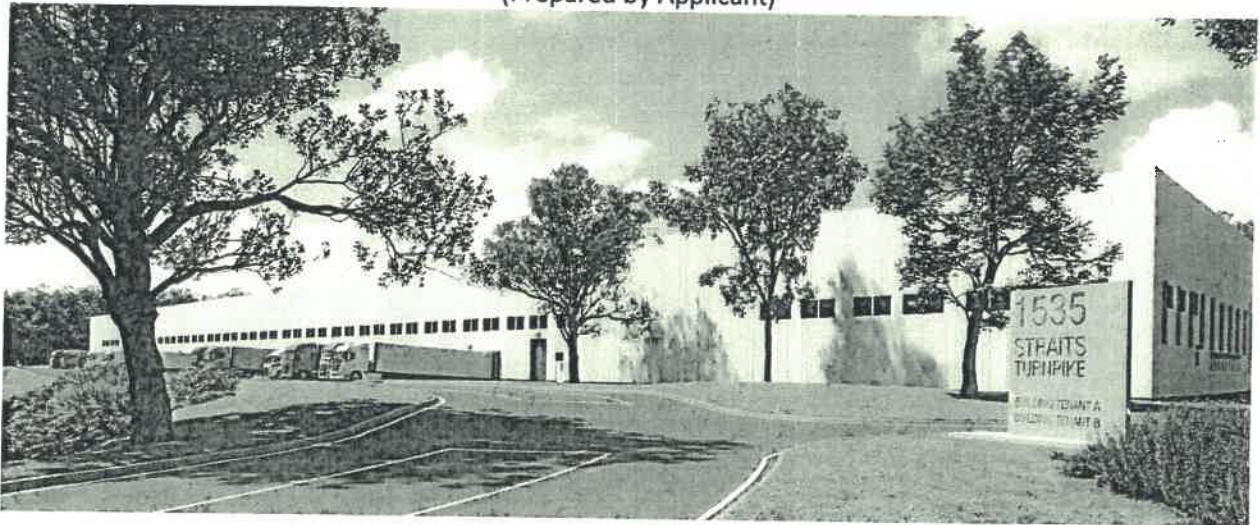


BUILDING ELEVATIONS

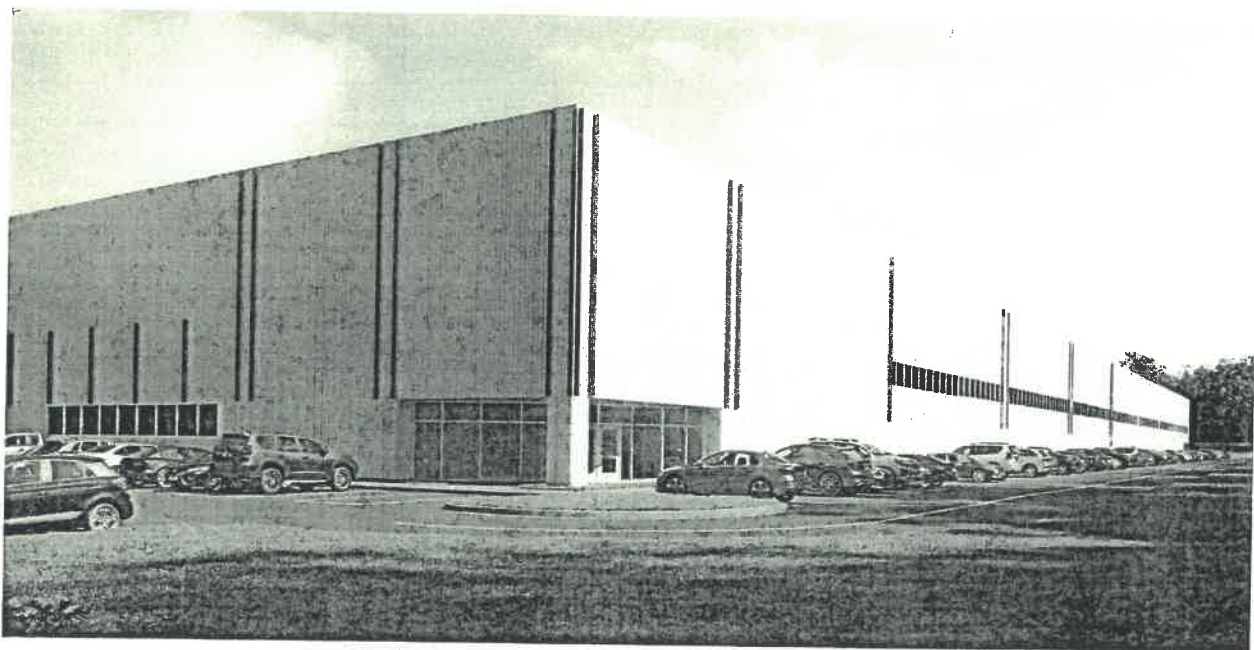
1535 Straits Turnpike

smma *SLR 11/25/2024

View Renderings
(Prepared by Applicant)



Rendering of front of building from driveway looking southwest.



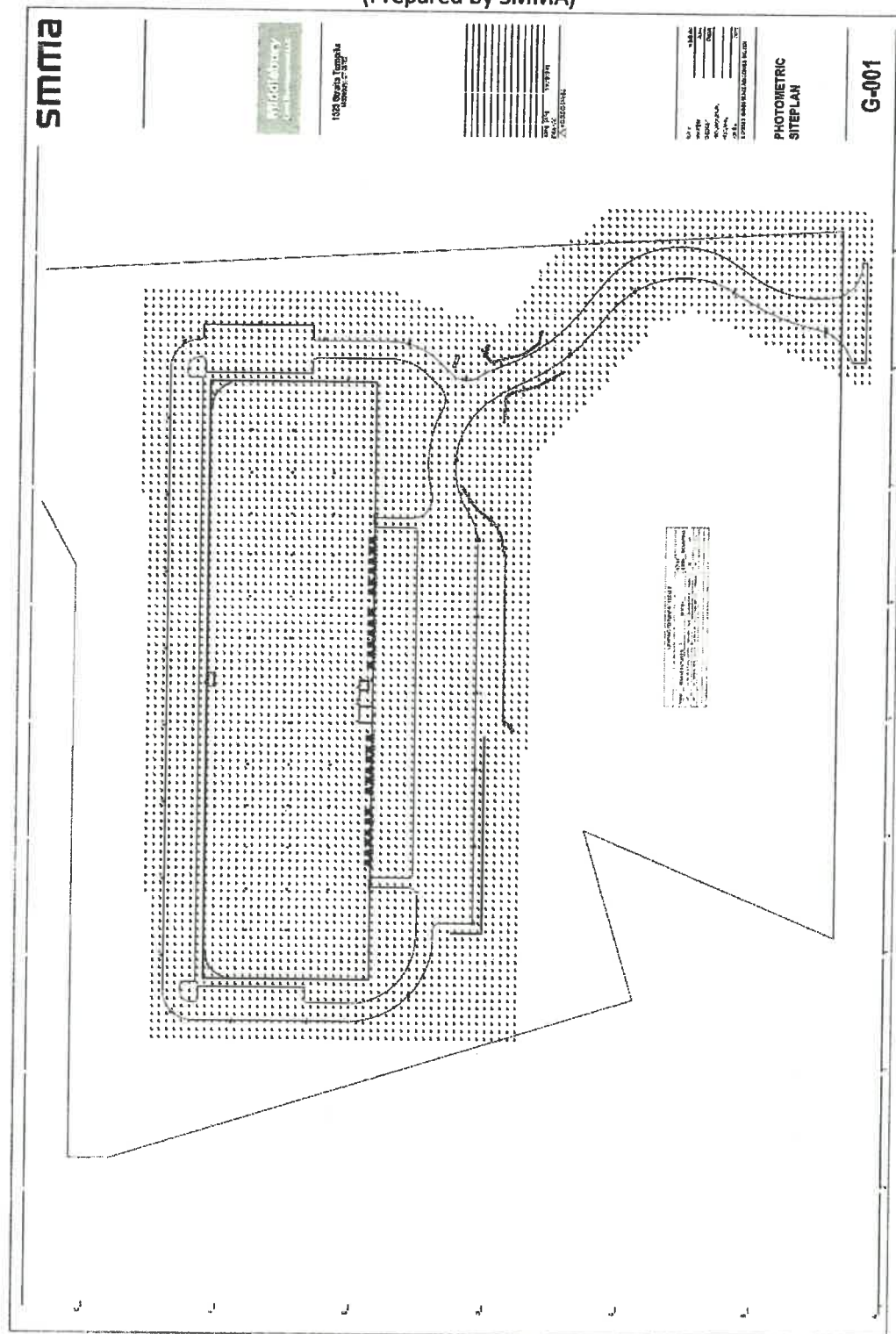
Rendering of side and rear of building looking southeast.

Lighting Analysis

The lighting plan, prepared by SMMA, indicates that exterior lighting will be directed towards the proposed building, the parking lots, loading areas, and the driveway. The location and orientation of the proposed lighting results in no light spillage on adjacent properties. The analysis completed by SMMA indicated that the maximum light spillage at the subject property line is 4.0 footcandles. However, this spillage is located on the eastern property line, at the curb cut on Straits Turnpike. There is no spillage on any other portion of the eastern property line. Additionally, there is no light spillage along the subject's southern, western, or northern boundary lines.

Based on the photometric site plan and proposed site plan, there is no impact from light spillage affecting the properties proximate to the subject property. The photometric site plan on the following page details the subject's proposed lighting plan and light spillage.

Photometric Site Plan
(Prepared by SMMA)



Traffic Analysis

The subject currently has one curb cut along Straits Turnpike. The curb cut is across from existing dwellings along Straits Turnpike. The proposed warehouse development will utilize the existing curb cut, which will be the only ingress and egress for the proposed development. The driveway will be controlled by a stop sign. There will be no traffic light along Straits Turnpike at the subject's entrance.

The key findings from a Traffic Impact Study completed by SLR, dated November 26, 2024 are summarized below.

Trip Generation:

The subject property is currently vacant land. Per the traffic impact study, total trip generation for the proposed use, defined as "warehousing" in the traffic report, has a total estimated trip generation of 309 trips over a 24-hour period on a weekday. Total trips during peak hours, defined as between 7AM to 9AM, and 4PM to 6PM will be 93 under the proposed use.

The impact of the subject development's projected trip generation on intersection capacity was studied against existing background conditions, the existing traffic in the subject's area associated with nearby and expected/under construction developments. The analysis considered two under-construction/approved medical office developments in the subject's area: an under-construction development at 1625 Straits Turnpike and an approved development on the northwest corner of Straits Turnpike and Park Road Extension.

Based upon the analysis, all studied intersections are projected to perform at the same level of service before and after the subject development.

Access and Circulation:

The traffic impact study analyzed the necessity of a left-turn treatment for vehicles turning left to enter the subject from Straits Turnpike. The analysis concluded that a left-turn treatment was warranted.

Sight Lines:

The traffic impact study analyzed sight lines at the subject for the proposed development. The sight line requirements are per the CTDOT Highway Design Manual. The impact study indicated the required intersection sight distance (ISD) is 540 feet for passenger cars looking left and 530 feet for passenger cars looking right. Sight lines in both directions were in excess of 600 feet. The traffic impact study also analyzed data for tractor trailers. The study noted that existing vegetation in the State of Connecticut's right of way may obstruct sight lines, but that with proper clearing there were adequate sightlines for tractor trailers. Therefore, the traffic study concludes that the site plan meets the recommended sight distances, but recommends clearing of vegetation adjacent to the proposed driveway.

Conclusion:

The conclusion in the traffic study is that the proposed warehouse use is anticipated to have “minimal impact to the surrounding roadway network of traffic flows”.

Drainage Analysis

A drainage report was prepared by SLR, dated September 20, 2024 (last revised November 26, 2024). Per the report, approximately 0.08 acres of the property are currently impervious. The proposed development increases the impervious area to approximately 7.80 acres.

The drainage report states that the development will include “a new stormwater treatment train consisting of catch basins with 2-foot sumps, hydrodynamic separators, retention storage for the WQV, and bioretention filter media within the stormwater management basins”. The proposed storm drainage system has been designed for a 25-year storm event. Additionally, the proposed stormwater treatment plan utilizes hydrodynamic separators which were designed to criteria recommended by CT DEEP.

The drainage report also performed a hydrologic analysis to determine the peak-flow rates for the subject site under the existing conditions and under the proposed conditions. The analysis showed that there would be no increases in peak-flow rates due to the proposed warehouse.

Based on the drainage report, there are no drainage issues associated with the proposed warehouse.

Paired Sales Analysis

Paired Sales Analysis

Paired sales from four separate industrial sites are analyzed to determine the impact of the proposed warehouse on surrounding property values. Paired data analysis is defined in the Dictionary of Real Estate Appraisal, Seventh Edition, published by the Appraisal Institute as:

"A quantitative technique used to identify and measure adjustments to the sale prices or rents of comparable properties. To apply this technique, sales or rental data on nearly identical properties, or adjusted data, is compared to isolate and estimate a single characteristic's effect on value or rent"

In this analysis, sales of residential properties are segmented into two categories, a "Before" group and an "After" group. In total, four paired sales analyses were completed.

In two of the paired sale analyses the "Before" group includes sales which occurred prior to the development of a warehouse or manufacturing facility proximate to the sales. In these analyses the "After" group includes sales of properties which occurred subsequent to the development of a warehouse or manufacturing facility proximate to the sales. To the extent possible, paired sales with similar characteristics are selected to minimize the degree of adjustment necessary.

In two of the paired sale analyses, the "Before" group includes sales which are not located proximate existing warehouses or manufacturing facilities. The "After" group includes sales which are located proximate to existing warehouses or manufacturing facilities. To the extent possible, paired sales with similar characteristics are selected to minimize the degree of adjustment necessary.

In each of the analyses, the adjusted value between the two sales is compared to develop an opinion of the impact on market value of the proposed warehouse at the subject.

Summary

Based on the analysis, it is our opinion that proposed warehouse at the subject property will have no negative impact on the market value of neighboring properties and will not negatively change the character of the subject's neighborhood.

The data is summarized in the following table followed by the analysis of each paired site.

Summary of Paired Sales	
Facility Location	Value Change
99 International Drive, Windsor	-0.7%
113 North Maple Street, Enfield	3.4%
1100 Buckingham Street, Watertown	0.8%
1421 Lowes Way, Plainfield	0.2%
Average	0.9%
Median	0.5%

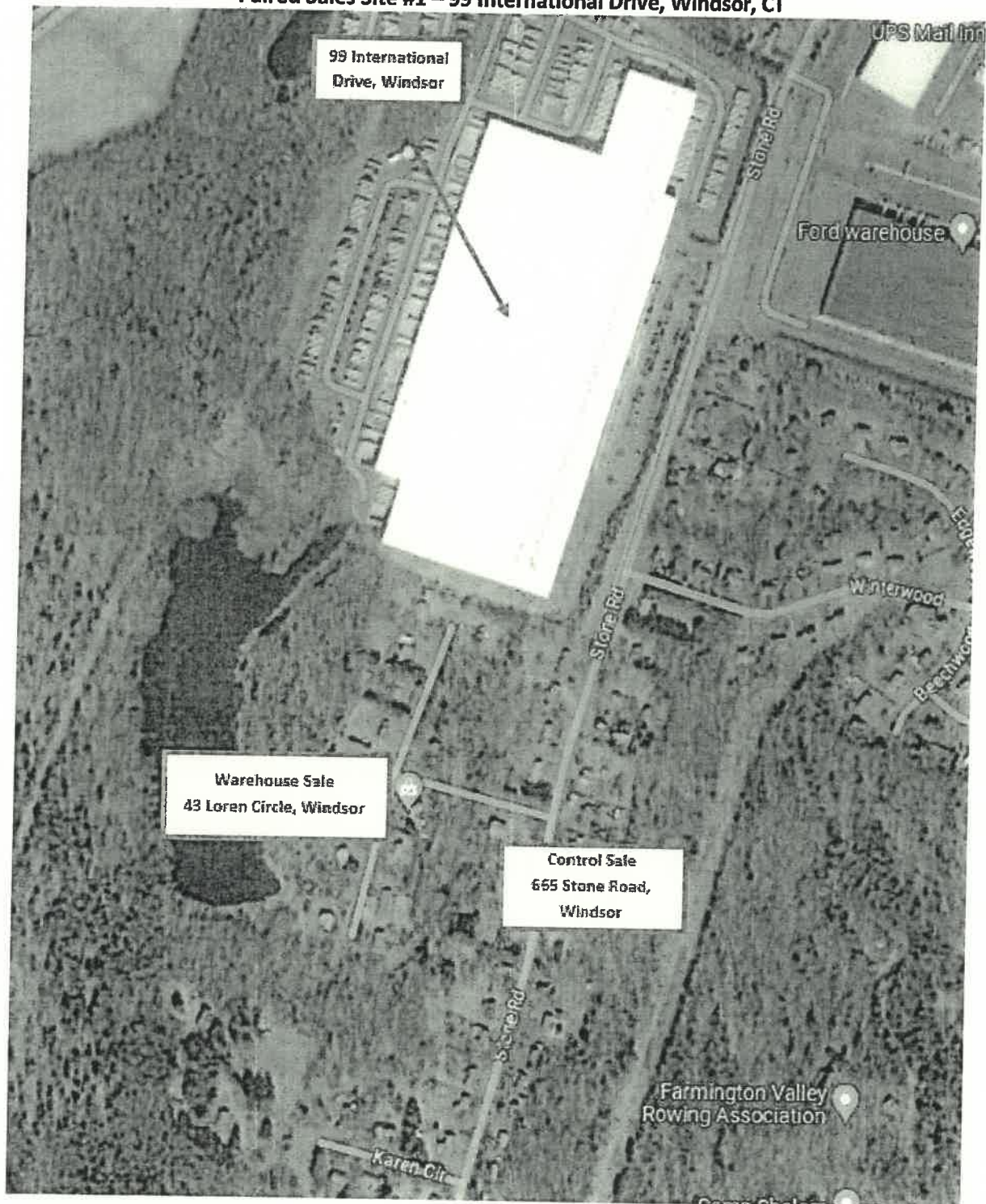
Paired Sales Site #1 - 99 International Drive, Windsor

One set of paired sales located proximate to a development at 99 International Drive, in Windsor is analyzed. The property at 99 International Drive is a 93.10-acre site. A 1,004,143 square foot warehouse was constructed on the site in 2013. There are a total of 100 dock-high doors for a ratio of one dock-high door per 10,041 square feet. The building is occupied by Dollar Tree. Prior to the development, the site was agricultural land with industrial zoning. Residential neighborhoods are located directly south and east of the warehouse.

The sale of a single-family dwelling at 43 Loren Circle (which abuts the new distribution warehouse and is approximately 140 feet from the new building) is compared to a single-family dwelling at 665 Stone Road, which is located approximately 1,550 feet from the facility the warehouse site but occurred prior to its construction. The sale of 665 Stone Road occurred in July 2011 and the sale of 43 Loren Circle occurred March 2015. Adjustments were necessary for market conditions, site size, bathrooms, and living area.

The analysis indicates that there was not a statistically significant impact on residential market values due to the construction of the warehouse. The sales indicate a difference of negative 0.7% on the market value subsequent to the construction of the warehouse, which is considered to be within the margin of error.

Paired Sales Site #1 – 99 International Drive, Windsor, CT



PAIRED SALES ADJUSTMENT CHART			
Comparison of: 665 Stone Road With: 43 Loren Circle (Warehouse)			
LOCATION	Warehouse	CONTROL	ADJUSTMENT
ADDRESS	43 Loren Circle Windsor, CT	665 Stone Road Windsor, CT	
SALE PRICE	\$228,000	\$213,000	
PROPERTY RIGHTS CONVEYED	Conveyed in fee	Conveyed in fee	0%
ADJUSTED UNIT RATE			\$213,000
FINANCING TERMS	Considered Typical	Considered Typical	0%
ADJUSTED UNIT RATE			\$213,000
CONDITIONS OF SALE	None affecting value	None affecting value	0%
ADJUSTED UNIT RATE			\$213,000
TIME	3/16/2015	7/29/2011	5.0%
TOTAL ADJUSTED SALE PRICE:			\$223,650
SUPPLEMENTARY ADJUSTMENTS			
LOCATION	Residential	Residential	
PHYSICAL CHARACTERISTICS Site Size, Shape, Topography	0.64	0.86	(\$6,600)
BUILDING CHARACTERISTICS Design/Appeal Quality of Construction Year Built Condition Room Count (Above Grade) Bathrooms Gross Living Area Basement Functional Utility Heating Air Conditioning Garage/Carport Fireplace(s) Other	Raised Ranch Average 1967 Average 9 3.0 2,261 Garage Average Baseboard None One-Car One Deck, landscaping, etc.	Raised Ranch Average 1966 Average 8 1.1 2,293 Garage Average Baseboard None One-Car One Deck, shed, landscaping, etc.	\$15,000 (\$2,400)
		NET ADJUSTMENT	\$6,000
		ADJUSTED SALE PRICE	\$229,650
Net Supplementary Adjustment			\$6,000
Indicated Value of 43 Loren Circle (without consideration to warehouse) by Comparison to 665 Stone Road (no warehouse)			\$229,650
Actual Purchase Price Reflecting Proximity to warehouse)			\$228,000
Change in Value Due to Proximity to Warehouse			(\$1,650)
Percentage Change in Value Due to Proximity to Warehouse			-0.7%

43 Loren Circle, Windsor	
Change in Value Due to Warehouse	-\$1,650
Value Change As % of Value	-0.7%

Paired Sales Site #2 - 113 North Maple Street, Enfield

One set of paired sales located proximate to a development at 113 North Maple Street, in Enfield was analyzed. The property at 113 North Maple Street is a 71.20-acre site. A 500,000 square foot warehouse was constructed on the site in 2021. There are a total of 60 dock-high doors for a ratio of one dock-high door per 8,333 square feet. Prior to the development, the site was agricultural land with industrial zoning. Residential neighborhoods are located directly to the south and southeast, off North Maple Street (Route 192).

The sale of a single-family dwelling at 16 Ryefield Drive (approximately 1,400 feet from the new facility) which occurred after the construction of the distribution warehouse is compared to a single-family dwelling at 13 Ryefield Drive (approximately 1,200 feet from the facility), which occurred prior to the construction of the warehouse. The sale of 13 Ryefield Drive occurred in January 2021 and the sale of 16 Ryefield Drive occurred October 2023. Adjustments were necessary for market conditions, physical condition, living area, air conditioning, and fireplaces.

The sales indicate a difference of positive 3.4% on the market value subsequent to the construction of the warehouse, which is considered to be within the margin of error.

Paired Sales Site #2 – 113 North Maple Street, Enfield, CT



PAIRED SALES ADJUSTMENT CHART			
Comparison of: 13 Ryefield Drive With: 16 Ryefield Drive (Warehouse)			
LOCATION	Warehouse	CONTROL	ADJUSTMENT
ADDRESS	16 Ryefield Drive Enfield, CT	13 Ryefield Drive Enfield, CT	
SALE PRICE	\$340,000	\$287,500	
PROPERTY RIGHTS CONVEYED	Conveyed in fee	Conveyed in fee	0%
ADJUSTED UNIT RATE			\$287,500
FINANCING TERMS	Considered Typical	Considered Typical	0%
ADJUSTED UNIT RATE			\$287,500
CONDITIONS OF SALE	None affecting value	None affecting value	0%
ADJUSTED UNIT RATE			\$287,500
TIME	10/6/2023	1/22/2021	20.0%
TOTAL ADJUSTED SALE PRICE:			\$345,000
SUPPLEMENTARY ADJUSTMENTS			
LOCATION	Residential	Residential	
PHYSICAL CHARACTERISTICS			
Site Size, Shape, Topography	0.38	0.34	
BUILDING CHARACTERISTICS			
Design/Appeal	Raised Ranch	Raised Ranch	
Quality of Construction	Average	Average	
Year Built	1986	1986	
Condition	Average	Average to Good	(\$17,250)
Room Count (Above Grade)	6	5	
Bathrooms	2.1	2.1	
Gross Living Area	1,659	1,817	(\$11,850)
Basement	Garage	Garage	
Functional Utility	Average	Average	
Heating	Baseboard	Baseboard	
Air Conditioning	Central Air	None	\$10,000
Garage/Carport	Two-Car	Two-Car	
Fireplace(s)	One	None	\$2,500
Other	Deck, shed, landscaping, etc.	Deck, shed, landscaping, etc.	
NET ADJUSTMENT			(\$16,600)
ADJUSTED SALE PRICE			\$328,400
Net Supplementary Adjustment			(\$16,600)
Indicated Value of 16 Ryefield Drive (without consideration to warehouse) by Comparison to 13 Ryefield Drive (no warehouse)			\$328,400
Actual Purchase Price Reflecting Proximity to warehouse)			\$340,000
Change in Value Due to Proximity to Warehouse			\$11,600
Percentage Change in Value Due to Proximity to Warehouse			3.4%

16 Ryefield Drive, Enfield	
Change in Value Due to Warehouse	\$11,600
Value Change As % of Value	3.4%

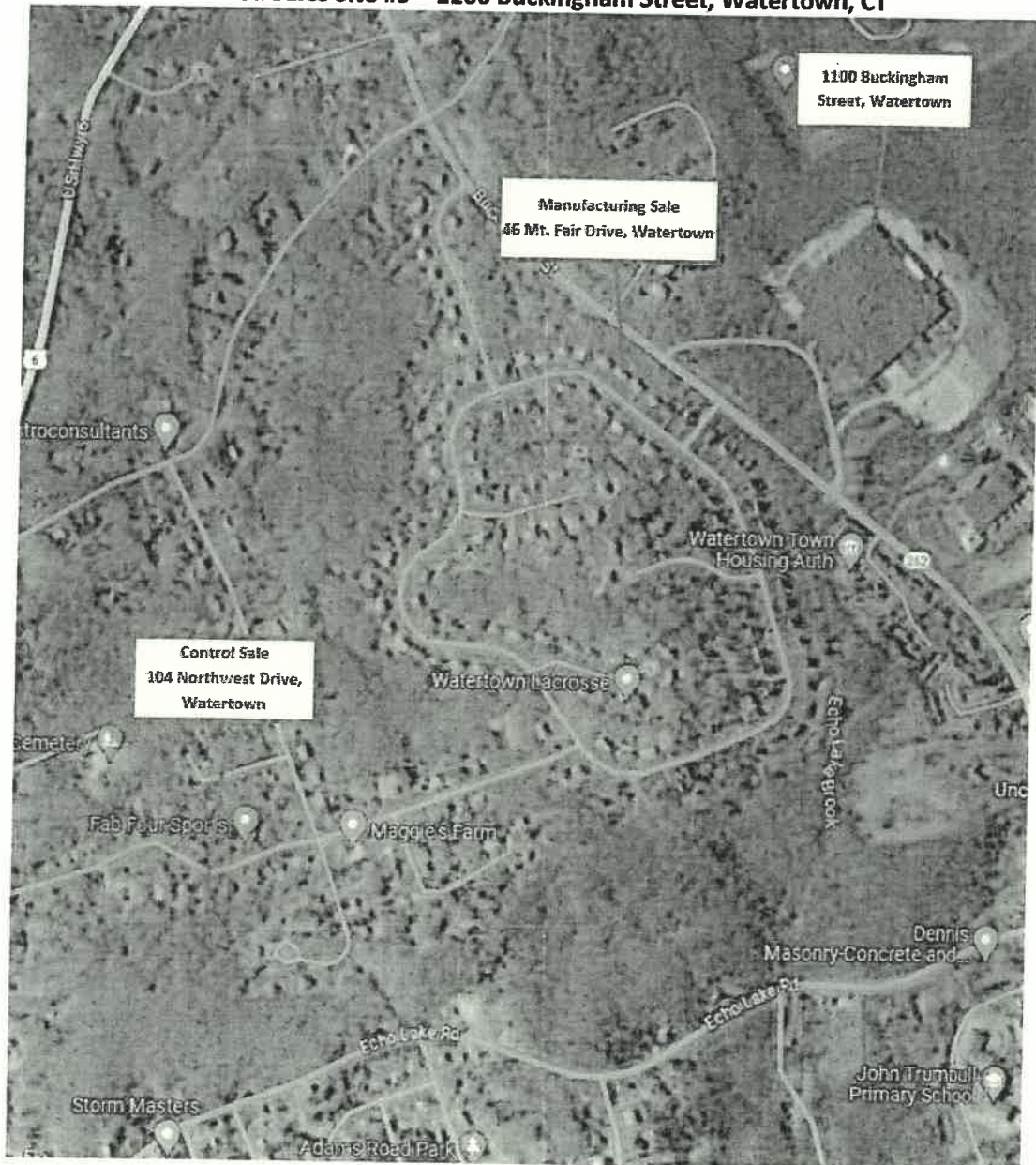
Paired Sales Site #3 - 1100 Buckingham Street, Watertown

One set of paired sales located proximate to a development at 1100 Buckingham Street, in Watertown was analyzed. The property at 1100 Buckingham Street is a 53.34-acre site. A 326,357 square foot manufacturing facility was constructed on the site in 1970. There are a total of 7 dock-high doors for a ratio of one dock-high door per 46,622 square feet. A residential subdivision is located across Buckingham Street from the facility, and is accessed off Buckingham Street.

The sale of a single-family dwelling at 46 Mt. Fair Drive (approximately 875 feet from the facility with frontage on Buckingham Street) is compared to a single-family dwelling at 104 Northwest Drive which is remote from the warehouse facility. The sale of 46 Mt. Fair Drive occurred in October 2017 and the sale of 104 Northwest Drive occurred January 2018. Adjustments were necessary for living area, air conditioning, and site improvements.

The analysis indicated that there is not a statistically significant impact on residential market values due to the proximity to the manufacturing facility. The sales indicate a difference of positive 0.8% on the market value due to the proximity to the manufacturing facility, which is considered to be within the margin of error.

Paired Sales Site #3 – 1100 Buckingham Street, Watertown, CT



PAIRED SALES ADJUSTMENT CHART			
Comparison of: 104 Northwest Drive With: 46 Mt. Fair Drive (Manufacturing)			
LOCATION	Manufacturing	CONTROL	ADJUSTMENT
ADDRESS	46 Mt. Fair Drive Watertown	104 Northwest Drive Watertown, CT	
SALE PRICE	\$322,500	\$350,000	
PROPERTY RIGHTS CONVEYED	Conveyed in fee	Conveyed in fee	0%
ADJUSTED UNIT RATE			\$350,000
FINANCING TERMS	Considered Typical	Considered Typical	0%
ADJUSTED UNIT RATE			\$350,000
CONDITIONS OF SALE	None affecting value	None affecting value	0%
ADJUSTED UNIT RATE			\$350,000
TIME	10/2/2017	1/18/2018	0.0%
TOTAL ADJUSTED SALE PRICE:			\$350,000
SUPPLEMENTARY ADJUSTMENTS			
LOCATION	Residential	Residential	
PHYSICAL CHARACTERISTICS			
Site Size, Shape, Topography	0.52	0.53	
BUILDING CHARACTERISTICS			
Design/Appeal	Colonial	Colonial	
Quality of Construction	Average	Average	
Year Built	1989	1987	
Condition	Average	Average	
Room Count (Above Grade)	7	8	
Bathrooms	2.1	2.1	
Gross Living Area	1,872	2,338	(\$34,950)
Basement	Full (Unfinished)	Full (Unfinished)	
Functional Utility	Average	Average	
Heating	FHA	Baseboard	
Air Conditioning	None	Central Air	(\$10,000)
Garage/Carport	Two-Car	Two-Car	
Fireplace(s)	One	One	
Other	Patio, inground pool, etc.	Deck, shed, landscaping, etc.	\$15,000
NET ADJUSTMENT			(\$29,950)
ADJUSTED SALE PRICE			\$320,050
Net Supplementary Adjustment			(\$29,950)
Indicated Value of 104 Northwest Drive (without consideration to manufacturing facility) by Comparison to 46 Mt. Fair Drive (no manufacturing facility)			\$320,050
Actual Purchase Price Reflecting Proximity to Manufacturing Facility)			\$322,500
Change in Value Due to Proximity to Manufacturing Facility			\$2,450
Percentage Change in Value Due to Proximity to Manufacturing Facility			0.8%

46 Mt. Fair Drive, Watertown	
Change in Value Due to Manufacturing Facility	\$2,450
Value Change As % of Value	0.8%

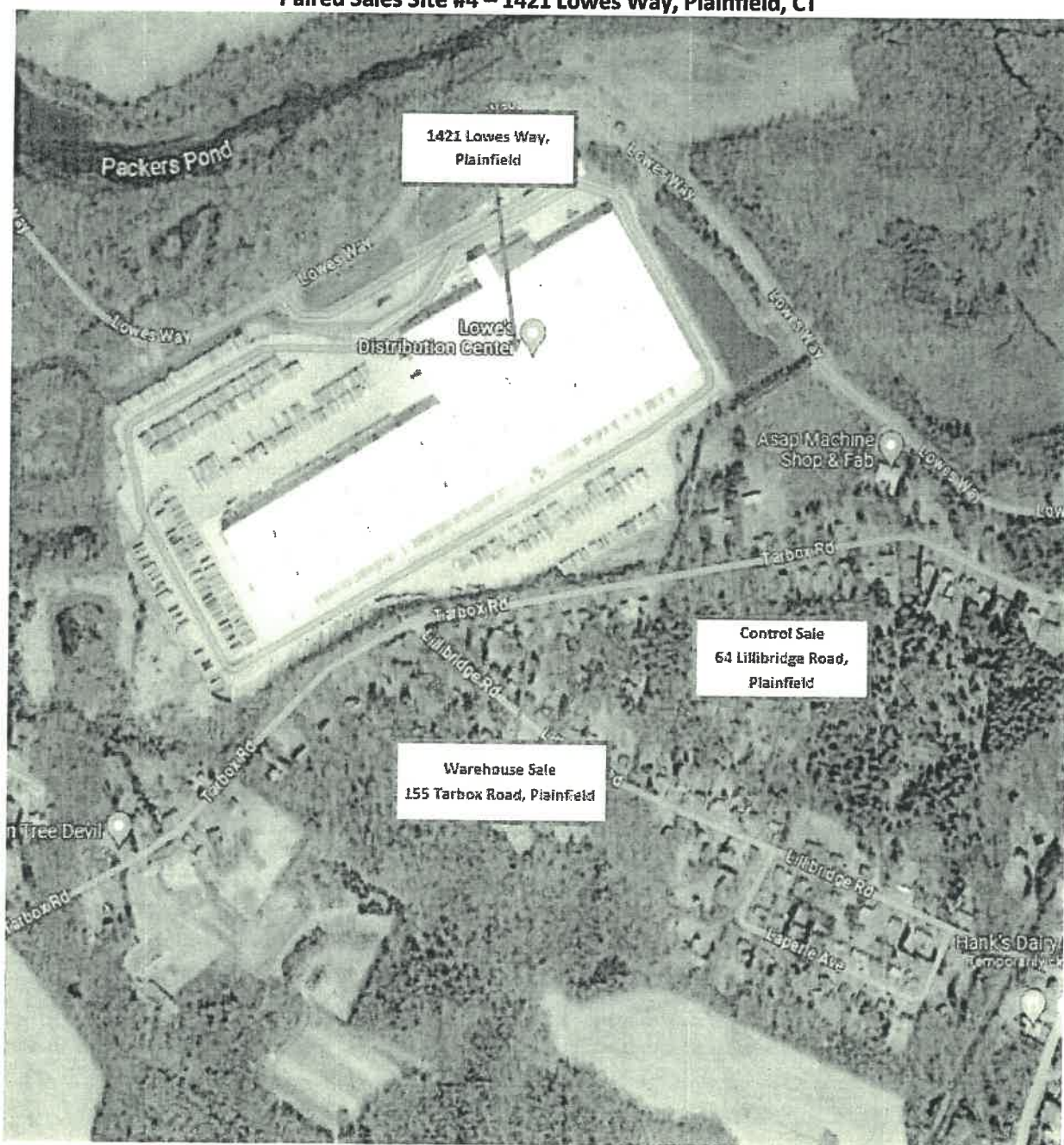
Paired Sales Site #4 - 1421 Lowes Way, Plainfield

One set of paired sales located proximate to a development at 1421 Lowes Way, in Plainfield was analyzed. The property at 1421 Lowes Way is a 202.19-acre site. A 1,354,348 square foot warehouse was constructed on the site in 2004. There are a total of 222 dock-high doors for a ratio of one dock-high door per 6,101 square feet. A residential neighborhood is located south of the warehouse.

The sale of a single-family dwelling at 155 Tarbox Road (approximately 550 feet south of the distribution warehouse across Tarbox Road with views of the warehouse) is compared to a single-family dwelling at 64 Lillibridge Road which is more distant from the warehouse (approximately 1,900 feet from the facility on a residential street). The sale of 155 Tarbox Road occurred in January 2023 and the sale of 64 Lillibridge Road occurred in April 2023. Adjustments were necessary for site size, physical condition, and living area.

The analysis indicates that there was not a statistically significant impact on residential market values due to the proximity to the distribution warehouse. The sales indicate a difference of positive 0.2% on the market value due to the proximity to the distribution warehouse, which is considered to be within the margin of error.

Paired Sales Site #4 – 1421 Lowes Way, Plainfield, CT



PAIRED SALES ADJUSTMENT CHART			
Comparison of : 64 Lillibridge Road With: 155 Tarbox Road (Warehouse)			
LOCATION	Warehouse	CONTROL	ADJUSTMENT
ADDRESS	155 Tarbox Road Plainfield, CT	64 Lillibridge Road Plainfield, CT	
SALE PRICE	\$262,000	\$245,000	
PROPERTY RIGHTS CONVEYED	Conveyed in fee	Conveyed in fee	0%
ADJUSTED UNIT RATE			\$245,000
FINANCING TERMS	Considered Typical	Considered Typical	0%
ADJUSTED UNIT RATE			\$245,000
CONDITIONS OF SALE	None affecting value	None affecting value	0%
ADJUSTED UNIT RATE			\$245,000
TIME	1/4/2023	4/5/2023	0.0%
TOTAL ADJUSTED SALE PRICE:			\$245,000
SUPPLEMENTARY ADJUSTMENTS			
LOCATION	Residential	Residential	
PHYSICAL CHARACTERISTICS			
Site Size, Shape, Topography	0.47	0.38	\$2,500
BUILDING CHARACTERISTICS			
Design/Appeal	Ranch	Ranch	
Quality of Construction	Average	Average	
Year Built	1977	1978	
Condition	Average to Good	Average	\$12,250
Room Count (Above Grade)	5	5	
Bathrooms	1.0	1	
Gross Living Area	960	936	\$1,800
Basement	Full (Partially Finished)	Full (Partially Finished)	
Functional Utility	Average	Average	
Heating	Baseboard	Baseboard	
Air Conditioning	None	None	
Garage/Carport	None	None	
Fireplace(s)	None	None	
Other	Deck, shed, landscaping, etc.	Deck, shed, landscaping, etc.	
		NET ADJUSTMENT	\$16,550
		ADJUSTED SALE PRICE	\$261,550
Net Supplementary Adjustment			\$16,550
Indicated Value of 155 Tarbox Road (without consideration to warehouse) by Comparison to 64 Lillibridge Road (no warehouse)			\$261,550
Actual Purchase Price Reflecting Proximity to warehouse)			\$262,000
Change in Value Due to Proximity to Warehouse			\$450
Percentage Change in Value Due to Proximity to Warehouse			0.2%

155 Tarbox Road, Plainfield	
Change in Value Due to Warehouse	\$450
Value Change As % of Value	0.2%

Summary

Summary of Paired Sales	
Facility Location	Value Change
99 International Drive, Windsor	-0.7%
113 North Maple Street, Enfield	3.4%
1100 Buckingham Street, Watertown	0.8%
1421 Lowes Way, Plainfield	0.2%
Average	0.9%
Median	0.5%

Conclusion

Based on the preceding analysis, it is our opinion that proposed warehouse at the subject property will have no negative impact on the market value of neighboring properties and will not negatively change the character of the subject's neighborhood.

Certification of Value

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial and unbiased professional analyses, opinions and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results. Furthermore, our engagement was not conditioned upon the appraisal producing a specific value, a value within a given range or the approval of a loan.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute as well as the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- No one provided significant professional assistance to the person signing this report.
- David Herbst, MAI and Vincent O'Brien, MAI personally inspected the subject property.
- As of the date of this report, David Herbst, MAI and Vincent O'Brien, MAI have completed the requirements of the continuing education program of the Appraisal Institute.
- David Herbst, MAI and Vincent O'Brien, MAI have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

David Herbst, MAI
State Certified General Appraiser,
Connecticut No. RCG.1252
04-30-2025

Vincent O'Brien, MAI
State Certified General Appraiser,
Connecticut No. RCG.1476
04-30-2025

Addenda

Vincent O'Brien, MAI - Outline of Qualifications, Education, and Experience

Biographical Data

Vincent has experience in the commercial appraisal field. A graduate of the University of Connecticut, Vincent holds a Bachelor's degree in Business Management with a concentration in Entrepreneurship. He has earned his Certified General Real Estate Appraiser license and has earned the Appraisal Institute's distinguished MAI membership designation, indicating an advanced level of expertise in the valuation of commercial, industrial, and other property types.

Professional Affiliations

Appraisal Institute – MAI Designation

General Real Estate Appraiser, State of Connecticut #RCG.1476

Revaluation License-Commercial/Industrial, Connecticut OPM Certificate No. 10040

Education and Training

Graduate, University of Connecticut, Storrs, CT – Earned BS in Business Management, Entrepreneurship
Completed courses and seminars offered by the University of Connecticut and the Appraisal Institute, including the following:

- Basic Appraisal Principles
- General Appraiser Income Approach I
- General Appraiser Sales Approach
- Appraisal Law
- Real Estate Investments
- Site Valuation & Cost Approach
- Advanced Income Capitalization Approach
- Advanced Market Analysis and Highest and Best Use
- Uniform Standards for Federal Land Acquisitions: Practical Applications
- Appraisal of Medical Office Buildings
- Small Hotel/Motel Valuation
- Basic Appraisal Procedures
- General Appraiser Income Approach II
- USPAP
- Real Estate Finance
- Market Analysis and Highest & Best Use
- Report Writing and Case Studies
- Real Estate Finance Statistics and Valuation Modeling
- Business Practices & Ethics
- Advanced Concepts & Case Studies
- Quantitative Analysis
- Subdivision Valuation

Representative Property Types

Office, retail centers, industrial, multifamily, single-family residential/subdivisions, commercial land, nursing homes, assisted living facilities, condominium developments, easements, farms, golf courses, marinas, auto dealerships, and hospitality.

Expert Witness Background

Qualified as expert witness in New Britain Superior Court

Recent Employment

6/2013-7/2017: Provisional Real Estate Appraiser - Kerin & Fazio, LLC, Fairfield, CT

7/2017-Present: General Real Estate Appraiser - Kerin & Fazio, LLC, Fairfield, CT

Connecticut License



David J. Herbst, MAI - Outline of Qualifications, Education, and Experience**Biographical Data**

David has a diverse real estate background that includes commercial leasing and sales, construction management, and appraisal. A graduate of the University of Michigan, David holds a Bachelor's degree in Economics. He has earned the Appraisal Institute's distinguished MAI membership designation, indicating an advanced level of expertise in the valuation of commercial, industrial and other property types.

Professional Affiliations

Appraisal Institute – MAI Designation, Certificate #497388

Certified General Real Estate Appraiser, State of Connecticut # RCG.1252

Certified General Real Estate Appraiser, State of New York # 46000050523

Revaluation License-Commercial/Industrial, Connecticut OPM Certificate No. 983

Education and Training

Graduate, University of Michigan, Ann Arbor, MI – Earned BA in Economics

Completed courses and seminars offered by the University of Michigan, the Appraisal Institute, as well as other real estate institutions, including the following:

- | | |
|---|---|
| • Appraisal I | • Appraisal II |
| • Real Estate Economics | • Money & Banking |
| • International Finance | • International Trade Theory |
| • General Appraiser Income Approach II | • Real Estate Finance and Statistics |
| • Advanced Applications | • Market Analysis and Highest & Best Use |
| • Tenant Credit Analysis | • Advanced Income Capitalization |
| • Separating Real Property, Personal Property, and Intangible Business Assets | • Advanced Sales Comparison and Cost Approach |
| • Analyzing Distressed Real Estate | • Report Writing and Valuation Analysis |
| • Appraisal of Medical Office Buildings | • Appraising Convenience Stores |
| • Appraising Auto Dealerships | • Fundamentals of the Uniform Appraisal Standards for Federal Land Acquisitions |

Representative Property Types

Office, retail centers, industrial, multi-family, single-family residential/subdivisions, commercial land, nursing homes, assisted living facilities, condominium developments, easements, golf courses, marinas, auto dealerships, and hospitality

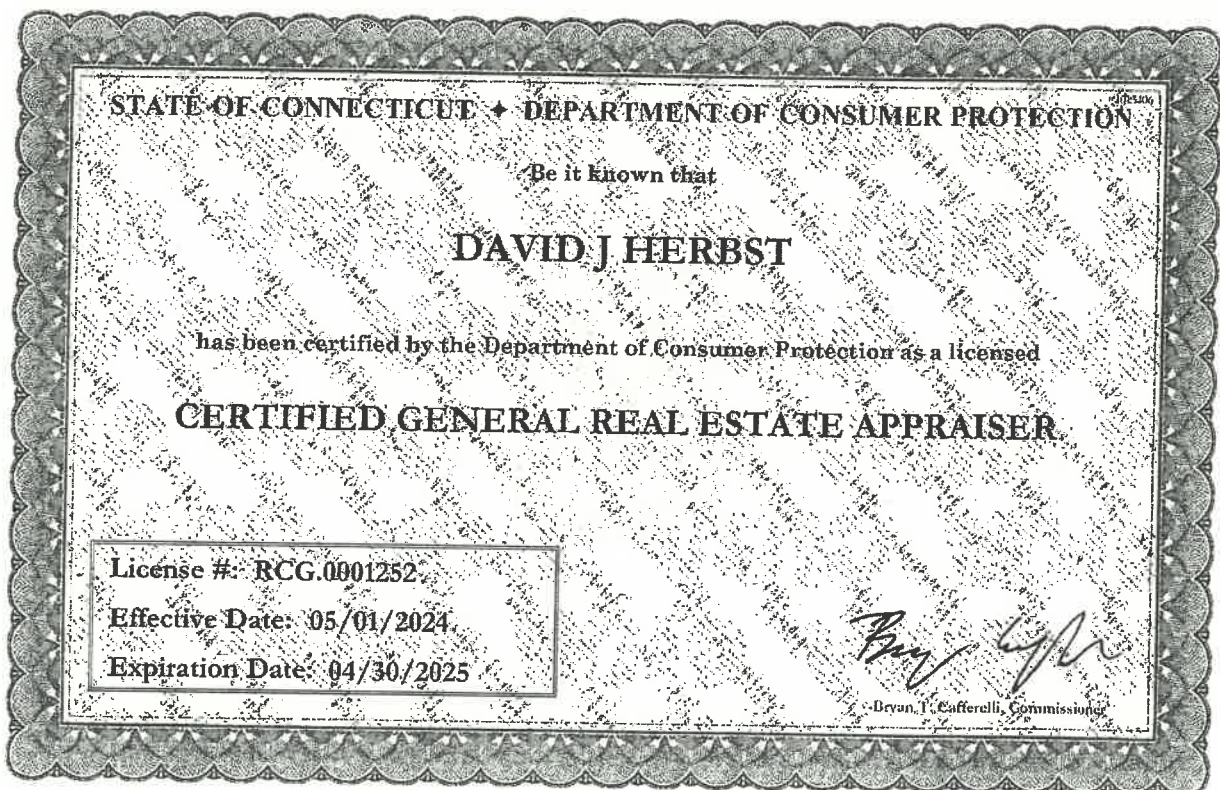
Expert Witness Background

Qualified as expert witness in Fairfield County and New Britain Superior Courts

Recent Employment

- 2014-present: Partner of Kerin & Fazio, LLC, Fairfield, CT (Fee Appraisal Firm)
Partner of Municipal Valuation, LLC, Fairfield, CT (Municipal Revaluation Firm)
2007-2013: Commercial Appraiser - Kerin & Fazio, LLC, Fairfield, CT
2005-2006: Commercial Real Estate Agent / Appraiser – John D. Hastings, Inc. Westport, CT

Connecticut Appraisal License



As of 4:00 pm today:

RECEIVED

FEB 06 2025

Linda and Jeffrey Van Wagenen /

Middlebury Land Use Office

Middlebury, CT 06762

Joseph Puzzo

Margie & Jonathan Hertz

Greg Scallon

W. Scott Peterson

Chris Schilero

Walter Phillips

Peggy Earle

Melanie Peters

1516 Straits Turnpike
Middlebury, Connecticut 06762
lindacvarun@gmail.com jjvanwagenen@yahoo.com

February 6, 2025

Middlebury Planning and Zoning Commission

Re: Follow-up to our earlier letter regarding Application #24-123Z (Site Plan Application for a 171,600+/- Warehouse and Associated Access, Parking and Loading)

Ladies and gentlemen of the Commission:

We have been following this application with great interest, given that our property (1514/1516 Straits Turnpike) is across the street from the proposed entrance to the proposed warehouse.

We share the concerns of many of our neighbors, which were verbalized extensively at the initial public hearing on January 2. Although we recognize that the property will eventually be developed (as is any property owner's right), finding a use that is a "good fit" is paramount. The 24-acre parcel zoned LI-80 abuts residentially zoned (R-40) property to its west, south, and east. We wonder whether constructing a 171,065 square foot warehouse with 24 loading docks and parking for over 100 passenger vehicles is truly a "good fit" for this particular property. We believe the Commission is responsible for mitigating any proposed commercial/light industrial development's negative impacts on its residential neighbors as much as possible.

At the January public hearing, we learned that a "squeeze by lane" will be needed so that northbound traffic can squeeze by the vehicles waiting to make a left-hand turn into the applicant's property. The applicant has proposed adding 5.4 feet to the shoulder on the east (R-40) side of Straits Turnpike. This proposed widening, 600 feet in length, affects five existing residences, including ours - which was constructed in 1928, long before zoning regulations. Tonight, you saw another possible plan that takes those 5.4 feet from the Applicant's 898 feet of road frontage on the west side of Straits Turnpike. However, when Mr. McEvoy showed us the plan earlier in the week, he acknowledged that the state has the final say and that some issues may make that alternative less desirable to the state.

We ask you to consider whether a use that requires residential property owners to lose nearly five and a half feet of "setback" from a roadway that sees over 12,000 vehicles speed by daily is fair and reasonable. Frankly, we don't think so.

We take pride in our properties and have invested in landscaping to shield our home and outdoor spaces from the dust and noise emanating from the Turnpike. We spend at least an hour each week picking up the trash routinely tossed from cars onto our property. Without those 5.4 feet and the 25 to 30-year-old bushes in front of our house (and other natural screening from neighboring homes), the noise, dust, pollution, and trash generated by those 12,000 vehicles daily will be even more burdensome.

Just north of the applicant's proposed entrance are three left turn lanes from Straits Turnpike: the first leads into the old Timex headquarters, the second to the new medical complex, and the third to the Park Road intersection. Approval of this application, with its road widening on the east side, would be yet another step in eroding the quiet enjoyment of residential property on Straits Turnpike.

We understand that the Connecticut Department of Transportation ("CTDOT") will not consider the applicant's proposed plans until after the Middlebury Planning and Zoning Commission has approved them. What would happen if CTDOT decides another (fourth) left-turn lane is required? At that point, neither the Town nor the existing property owners would have any say about CTDOT's design. CTDOT could (and would) have the road widened any way it saw fit within its 80-foot wide right of way.

Accordingly, we request that should the Planning and Zoning Commission approve this application, the approval contain a contingency that any and all required widening of the existing Straits Turnpike must be made from the applicant's (west) side of the existing roadway. We argue that if this can't be done, and if the applicant cannot gain entrance to the site using only the applicant's side of the state's right of way, the proposed use is not the best fit for the parcel. Again, we ask why the applicant's need to widen the roadway should cause the residential property owners to lose a significant portion of the setback from this already busy road.

We know the state can take those 5.4 feet of green space in a road widening project. But the state isn't asking for this – the developers are proposing a use that requires widening the road. The applicant's proposed use is causing the state to exercise its "right of way" ... to the detriment of the residential properties. Does that seem fair?

We purchased our property nearly 25 years ago. We knew it was a busy road, and we were moving from five and a half acres of woodlands on a dead-end road! But we love Middlebury and we love our 1928 Sears Craftsman Sunbeam with all of its quirky additions. I love my garden and spend hours pulling weeds while cars zip on by. Over those 25 years, we have seen significant commercialization of land once zoned R-40, with development on the east side from Park Road to JoAnn Drive. One house (currently vacant) now has almost no setback due to the road widening to accommodate the commercial development on the west side of the street. Please don't allow that to happen to us and our Straits Tpke neighbors who have witnessed the ongoing commercialization of our neighborhood.

As you consider this application, we hope you will also consider our concerns and needs as we seek to enjoy what remains of residential property on Straits Turnpike. If the applicant cannot convince the state to use a plan that removes the 5.4 feet from his side of Straits Turnpike, then we believe (and I think our neighbors would concur) the proposed use is too intensive for this particular LI-80-zoned parcel.

We appreciate your service to our Town and thank you for your attention and consideration.



Linda C Van Wagenen



Jeffrey J. Van Wagenen

Curt Bosco

From: JOSEPH P. PUZZO <jppuzzo@comcast.net>
Sent: Monday, February 3, 2025 11:01 AM
To: Planning Zoning
Subject: 1535 Straits Turnpike Proposed Distribution Facility

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.

Members of the Middlebury P&Z Commission.

You now have an opportunity to correct your error in approving the Southford Park distribution facility by voting against the Straits Turnpike proposal. Although not exactly a similar application it is clear that the Ct Superior Courts decision and the continued overwhelming opposition from your fellow town residents should provide you with a strong argument to oppose this application. Do the right thing. Consider the opposition of your fellow residents and vote no. TWO WRONGS DO NOT MAKE A RIGHT.

Joe&Elaine Puzzo
42 Avalon Drive
Middlebury

Curt Bosco

From: Jonathan Hertz <hertzj@ptd.net>
Sent: Tuesday, February 4, 2025 8:23 PM
To: Planning Zoning
Subject: Vote "NO!"

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.

To members of the P & Z Commission:

We ask you to vote "No" on the proposal for a warehouse on Straits Turnpike. The truck traffic and air/noise pollution would be unbearable. It would be a blight on surrounding residential neighborhoods. Please protect our beloved small town!

Margie & Jonathan Hertz
159 Ridgewood Dr.
Middlebury

Curt Bosco

From: Gregory Scallon <gregscal145@gmail.com>
Sent: Wednesday, February 5, 2025 5:31 PM
To: Planning Zoning
Cc: Nancy
Subject: The Proposed Straits Turnpike Warehouse

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.

This is to register my wife's and my opposition to the proposed warehouse on Straits Turnpike. As with the distribution center at Southford and Christian Roads, this would be a very poor match for the character of the town and the quality of life for all of us in Middlebury, not just those directly near the facility. Our sincere hope is that this will be rejected.

Sincerely,

Greg Scallon
145 Ridgewood Drive, Middlebury

Curt Bosco

From: W. Peterson <wsp@aya.yale.edu>
Sent: Thursday, February 6, 2025 2:57 AM
To: Planning Zoning
Cc: Keith Ainsworth; Raymond Pietrorazio; Scott Peterson
Subject: Warehouse proposal 1535 Straits Tpke - Opposition Statement from Two Residents

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 Middlebury P&Z Commission:

We are Walter Scott and Jean M. Peterson, residing at 317 Tranquillity Rd in Middlebury.

We write in strong opposition to the above-captioned proposal. We incorporate, without repeating here, into this letter of opposition all arguments, comments, and concerns of Middlebury Small Town Alliance and Attorney Keith Ainsworth.

It is now obvious, given the recent court decision regarding the "Timex" project, that a number of your prior interpretations regarding the permissibility of such projects in Middlebury are fallacious and that all such proposals must be rejected.

Additionally, and importantly (especially to me as a physician), you have the moral and legal obligation to take increasing air pollution into account as you consider these so-called "warehouse" proposals. Calling what are clearly active distribution centers "warehouses" is disingenuous at the very least. Pollution from huge numbers of heavy trucks will harm Middlebury's residents, especially vulnerable children. Allowing that to happen would be unconscionable.

As noted, there are other concerns about and strong arguments against these projects, but the two described above are the most urgent and compelling at the present moment.

Please do everything in your power to stop these and any future such projects.

Thank you.

W. Scott Peterson, MD
Jean M. Peterson

Curt Bosco

From: W. Peterson <wsp@aya.yale.edu>
Sent: Thursday, February 6, 2025 3:04 AM
To: Planning Zoning
Cc: Raymond Pietrorazio; Keith Ainsworth; Scott Peterson
Subject: Addendum to letter regarding 1535 Straits Tple "Warehouse"

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We reference Middlebury Small Town Alliance in our letter of opposition to this project. Please add Preserve Middlebury to that sentence of our submission. I believe that may be the more relevant opposition entity.

Thank you.

W. Scott Peterson, MD
Jean M. Peterson
317 Tranquillity Road, Middlebury

Curt Bosco

From: Chris Schilero <chris.schilero@gmail.com>
Sent: Thursday, February 6, 2025 8:50 AM
To: Planning Zoning
Subject: Opposition to Proposed Warehouse at 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.

Chris Schilero

1340 Straits Tpke

Chris.schilero@gmail.com

2/6/2025

Planning & Zoning Commission

Town of Middlebury

pandz@middlebury-ct.org

Subject: Opposition to Proposed Warehouse at 1535 Straits Turnpike

Dear Members of the Planning & Zoning Commission,

I am writing to express my strong opposition to the proposed warehouse and distribution facility at 1535 Straits Turnpike. Based on Middlebury's zoning regulations and Connecticut state law, this proposal is fundamentally flawed and should be rejected for the following reasons:

1. Failure to Conform to Zoning Regulations

The proposed project does not meet the definition of a "warehouse" as outlined in Middlebury's zoning regulations. The definition requires a manufacturing facility, which is absent in the current site plan. Therefore, **Application #24-123Z must be denied** due to noncompliance with the town's established zoning criteria.

2. Ineligibility for Special Exceptions

The warehouse proposal would impose significant negative externalities on Middlebury residents, including increased traffic, air and noise pollution, light pollution, environmental degradation, and decreased property values. Middlebury's zoning regulations, particularly Section 52, require that special exceptions be granted only when the proposed use does not harm public welfare or property values. This project clearly violates these conditions by:

- **Creating a nuisance to neighboring properties** through excessive noise, pollution, and traffic congestion.

- Disrupting the character of the surrounding area, failing to integrate harmoniously with nearby properties.
- Diminishing property values in the vicinity and threatening local environmental resources.

Given these direct violations of zoning regulations, **Application #24-124Z must also be denied.**

3. Violation of Connecticut State Law (Section 8-3(m))

A recent Connecticut Superior Court ruling has established a clear precedent that bars the construction of large warehousing or distribution facilities exceeding 100,000 square feet in municipalities with populations between 6,000 and 8,000 if certain environmental and locational factors apply. The proposed warehouse at 1535 Straits Turnpike meets these disqualifying factors, including:

- Proximity to **Memorial Middle School**, which is considered an elementary school under state law.
- The existence of **improper segmentation** of the lot, which appears to be an attempt to bypass legal restrictions on wetlands acreage.

The court has already determined that such segmentation is unlawful. Given this precedent, the Commission **must reject both applications under state law.**

Conclusion

Approving this warehouse would not only contradict Middlebury's zoning regulations but would also violate state law and set a dangerous precedent for future development in our community. The town's regulations exist to protect the health, safety, and quality of life of Middlebury residents, and they must be enforced.

I urge the Planning & Zoning Commission to uphold its duty to the community by **rejecting Applications #24-123Z and #24-124Z.**

Thank you for your time and consideration. I trust that the Commission will act in the best interest of Middlebury's residents by ensuring that this ill-conceived proposal is denied.

Sincerely,

Chris Schilero

Curt Bosco

From: Chris Schilero <chris.schilero@gmail.com>
Sent: Thursday, February 6, 2025 8:50 AM
To: Planning Zoning
Subject: Opposition to Proposed Warehouse at 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.

Chris Schilero

1340 Straits Tpke

Chris.schilero@gmail.com

2/6/2025

Planning & Zoning Commission

Town of Middlebury

pandz@middlebury-ct.org

Subject: Opposition to Proposed Warehouse at 1535 Straits Turnpike

Dear Members of the Planning & Zoning Commission,

I am writing to express my strong opposition to the proposed warehouse and distribution facility at 1535 Straits Turnpike. Based on Middlebury's zoning regulations and Connecticut state law, this proposal is fundamentally flawed and should be rejected for the following reasons:

1. Failure to Conform to Zoning Regulations

The proposed project does not meet the definition of a "warehouse" as outlined in Middlebury's zoning regulations. The definition requires a manufacturing facility, which is absent in the current site plan. Therefore, **Application #24-123Z must be denied** due to noncompliance with the town's established zoning criteria.

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- **Creating a nuisance to neighboring properties** through excessive noise, pollution, and traffic congestion.

- Disrupting the character of the surrounding area, failing to integrate harmoniously with nearby properties.
- Diminishing property values in the vicinity and threatening local environmental resources.

Given these direct violations of zoning regulations, **Application #24-124Z must also be denied.**

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A recent Connecticut Superior Court ruling has established a clear precedent that bars the construction of large warehousing or distribution facilities exceeding 100,000 square feet in municipalities with populations between 6,000 and 8,000 if certain environmental and locational factors apply. The proposed warehouse at 1535 Straits Turnpike meets these disqualifying factors, including:

- Proximity to **Memorial Middle School**, which is considered an elementary school under state law.
- The existence of **improper segmentation** of the lot, which appears to be an attempt to bypass legal restrictions on wetlands acreage.

The court has already determined that such segmentation is unlawful. Given this precedent, the Commission **must reject both applications under state law.**

Conclusion

Approving this warehouse would not only contradict Middlebury's zoning regulations but would also violate state law and set a dangerous precedent for future development in our community. The town's regulations exist to protect the health, safety, and quality of life of Middlebury residents, and they must be enforced.

I urge the Planning & Zoning Commission to uphold its duty to the community by **rejecting Applications #24-123Z and #24-124Z.**

Thank you for your time and consideration. I trust that the Commission will act in the best interest of Middlebury's residents by ensuring that this ill-conceived proposal is denied.

Sincerely,

Chris Schilero

Curt Bosco

From: WALTER PHILLIPS <phillips.walter@comcast.net>
Sent: Thursday, February 6, 2025 1:35 PM
To: Planning Zoning
Cc: First Selectman; Jennifer Mahr; J. Paul Vance
Subject: Town meeting regarding 1535 Straits Tpke

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Dear Planning and Zoning Commission,

As a long time resident of Middlebury, I value it's 'small town feel' and 'bucolic nature,' especially along the wooded areas of Straits Turnpike.

I am strongly opposed to the construction of a warehouse or similar commercial facility at 1535, or any other address, along that still lovely road.

Walter M. Phillips
86 Strathmore Road
Middlebury

Curt Bosco

From: Peggy Earle <peggy.earle@gmail.com>
Sent: Thursday, February 6, 2025 1:50 PM
To: Planning Zoning
Cc: First Selectman; Jennifer Mahr; J. Paul Vance
Subject: Proposed warehouse

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To the Middlebury Planning and Zoning Commission:

I have lived in Middlebury since 2008 and enjoyed its beauty, its quiet, and its low vehicular traffic.

The proposed enormous warehouse at 1535 Straits Turnpike will negatively affect those above-mentioned qualities that have been essential to the quality of life in Middlebury.

Please listen to your constituents and do not allow the greed that infects so much of our country's leaders to tempt you to harm the lives of the very people you are meant to represent.

Thank you for your attention to this vital matter.

Sincerely,

Peggy Earle
86 Strathmore Rd.
Middlebury

Curt Bosco

From: Melanie Peters <mapeters88@gmail.com>
Sent: Thursday, February 6, 2025 2:22 PM
To: Planning Zoning
Cc: First Selectman; Jennifer Mahr; J. Paul Vance
Subject: 1535 Straits Turnpike Warehouse Proposal - Strongly Opposed

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.

To all on the P&Z Commission:

It's deja vu all over again. Another warehouse/distribution facility proposed, but on the other side of town. The location does not change the facts - these applications:

- Do not confirm with the definition of warehouse under Middlebury's Zoning Regulations
- Do not qualify for a Special Exception under the Zoning Regulations
- Do not adhere to the General Statutes of Connecticut Section 8.c (m)

Not to mention the fact that there is strong opposition from a majority of residents to such development projects. Development is expected and welcome, but must be consistent with the town's own regulations and those of the State. The residents of Middlebury rely on our fellow residents who people this commission to follow the rules and to protect our town. Please do your job and deny these applications.

Respectfully,
Melanie Peters
173 Ridgewood Drive

February 4, 2025

Mr. Curt Bosco
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

RECEIVED

FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

RE: Project Narrative
1535 Straits Turnpike – Proposed Warehouse
Middlebury, Connecticut

Dear Mr. Bosco,

The application proposes the construction of an approximately 171,200-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. Also, all facility improvements, including the building, utilities, parking areas, driveways, sanitary sewer, stormwater drainage, and structures, and regulated wetlands activities related to the development of this lot are located on the subject property. In addition, there are no improvements, including drainage facilities, utilities, grading, landscaping, access, parking, or other related facilities, located, maintained, or constructed on any adjoining parcel.

The application meets or exceeds the setback, 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.

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. Additionally, in accordance with Section 8.12.1, we do not anticipate that the proposed use will emit any offensive odors, noxious fumes, or gases from the property.

In order to construct the building, parking, access, and related site improvements, a Special Permit application has been submitted in conjunction with the Site Plan application. The project proposes 105,000 cubic yards (CY) of excavation, with 92,000 CY of fill material, for a net excavation of 13,000 CY. This site grading is needed to support the road/driveway in fracture and building elevation. We expect that the mass earthwork needed to establish rough subgrade elevations can be achieved in a 4- to 6-month timeframe. In accordance with Section 61.5 of the Zoning Regulations, no offensive odors will be emitted into the air as result of the proposed earthmoving activities.

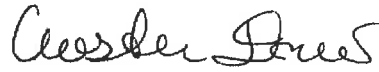
If you have any additional questions, please feel free to contact either of the undersigned at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com



Austin Dowd
Associate Civil Engineer
adowd@slrconsulting.com

Attachment

141.300020.00001.f425.ltr



RECEIVED

February 5, 2025

Mr. Brian Proulx, Middlebury Fire Marshal
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

**RE: Site Plan Review
1535 Straits Turnpike – Proposed Warehouse
Middlebury, Connecticut**

Dear Mr. Proulx,

SLR International Corporation (SLR) is in receipt of your email correspondence dated January 25, 2025, regarding the site plan review of the above-referenced project. We offer the following responses to your comments contained herein.

- C1. Based on the size of the facility, CT Fire Code dictates a fire flow. Appendix B Table B105.1(1) is the starting point. From my understanding of the CT Water system in this area, GPM is very limited. This would mean there is a need for an engineered fire protection water storage system to satisfy a building this size.
1. I require additional details regarding a plan to supplement the public water system.
 2. For example, Type IA building for the proposed size with sprinkler coverage requires approximately 2,250 GPM for 1 hour.
- R1. **The future building permit application for this project, if approved, would include all of the details that you list.**
- R1.1 **Short of the actual flow test data that we will secure as soon as it can be run, the team is proceeding with a system that would rely upon both on-site storage tanks and an associated fire pump.**
- R1.2 **Assuming some contribution from the CT Water Company supply, the building will store sufficient water to operate a new fire pump with a rating of 170 pounds per square inch (psi) at 2,000 gallons per minute (gpm). A break tank would be provided so there is no direct suction from the CT Water system. The tanks would be sized for an hour duration.**

We have requested fire flow data from the CT Water Company to better quantify the volume of water storage needed on site, though cold weather conditions have not allowed for such a flow test. We expect that this test will be performed at some point in the early spring of this year. We have provided 90,000 gallons of storage on the latest site plans which we believe would provide adequate storage for water supply, though that volume may

have to increase or decrease depending on the availability of fire flow from CT Water Company. Hydrants on site will provide adequate flow via a fire pump located in the building, which will provide up to 1,000 GPM to on site fire hydrants. Ultimately, the sprinkler /hydrant demand will determine the size of the fire pump and the specific volume of water will be reviewed against the available water from CT Water Company. We would continue to work with your office should this site proceed towards building permit applications on water storage needs, sprinkler/fire hydrant demands, fire pump sizing, along with backup power generation for the fire pumps.

- C2. Confirm building access and turn radius meet the attached specs for Middlebury Truck 1 at a minimum.
- R2. Please see attached Turning Movement Figure, Figure TM-1, for Middlebury Truck 1 navigating the proposed layout.**
- C3. Confirm there are no grade level changes that would exceed 10%.
- R3. The maximum proposed roadway grade is 8.0%.**
- C4. Confirm FD Access road will be of an all-weather driving surface to prevent apparatus from becoming buried in wet or snow conditions
- R4. The access road will be bituminous concrete.**
- C5. Show all planned fire lanes and fire lane no parking sign details on drawing. Due to the limited road width along the back of the building I ask that the entire rear access road be marked as a fire lane, no parking.
- R5. The site plans have been updated to show the roadway along the western side of the building to be a fire lane with no parking allowed. Striping for the fire lane with corresponding signage has been also added.**
- C6. Unobstructed access to HYDs shall be maintained at all times and HYDs operational prior to any building construction
- R6. Comment acknowledged.**
- C7. A minimum 3-ft clear space maintained around HYDs.
- R7. Comment acknowledged. A minimum of 3-foot clear space will be maintained around fire hydrants.**
- C8. Where HYDs are subject to impact by a motor vehicle, appropriate guards are needed, only saw bollard protection on one HYD in the drawing.
- R8. Bollards are proposed for all fire hydrants. Additional callouts have been added to the Utilities Plan, Sheet UT-1.**
- C9. It is not clear in this proposal, what is the maximum weight that the access road can carry (culvert)?



- R9. The existing culvert is an H-20 rated three-sided box culvert that is capable of supporting 32,000 lbs per axle. The culvert extension will mimic the capacity of the existing culvert.**
- C10. Purchase of a Knox Box Key safe and install in an area where the FD will access the building (<https://www.knoxbox.com/11568>)**
- R10. Comment acknowledged. The location of Knox Box Key Safe will be coordinated with the Fire Department prior to submitting the building permit application.**

If you have any additional questions, please feel free to contact us at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

Attachment

141.300020.00001.f525.ltr.docx



Austin Dowd
Associate Civil Engineer
adowd@slrconsulting.com





February 5, 2025

Mr. Terry Smith, Chairman
Middlebury Planning and Zoning Commission
1212 Whittamore Road
Middlebury, CT 06762

FEB 05 2025
Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

**RE: Comment Response Letter
Section 64 – Excavation and Grading
Engineering Review
Proposed Warehouse – 1535 Straits Turnpike
Middlebury, Connecticut**

Dear Mr. Smith,

SLR International Corporation (SLR) is in receipt of correspondence addressed to you from John N. Calabrese, PE, of Calabrese Engineering dated January 20, 2025, regarding the engineering review of the above-referenced project. We offer the following responses to Mr. Calabrese's recommendations.

- C-A. Hours of operation and timeline for the project should be added to the plans.
- R-A. **For the purposes of excavation and grading, typical construction hours are anticipated from 7:00 a.m. to 6:00 p.m., weather and daylight permitting.**
- C-B. Types and number of earthmoving equipment to be used in the excavation and grading process.
- R-B. **A list of equipment and the type of equipment to be used by the site contractor can be provided to staff once a site contractor has been selected.**
- C-C. A Dust Control Plan should be added to the notes on the plans.
- R-C. **Comment acknowledged. A dust control plan will be added to the notes on the site plans.**
- C-D. Timeline for the excavation should be added to the plans.
- R-D. **A timeline for the start of construction cannot be specified at this time; however, it is anticipated the length of mass excavation work to occur is to be 4 to 6 months.**
- C-E. Insurance requirement per Section 64.12 and 64.13.
- R-E. **Comment acknowledged. Insurance information will be provided to the town and state as appropriate by the site contractor once one is selected.**
- C-F. Bond in amount to be determined by Planning & Zoning Commission and Board of Selectmen.
- R-F. **Comment acknowledged.**

If you have any questions or require any additional information, please do not hesitate to contact me at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

Attachments

300020.00001.j2325.ltr.1.docx





February 5, 2025

Mr. Terry Smith, Chairman
Middlebury Planning and Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

FEB 05 2025
Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

**RE: Comment Response Letter
Engineering Review
Proposed Warehouse – 1535 Straits Turnpike
Middlebury, Connecticut**

Dear Mr. Smith,

SLR International Corporation (SLR) is in receipt of correspondence addressed to you from John N. Calabrese, PE, of Calabrese Engineering dated January 20, 2025, regarding the engineering review of the above-referenced project. We offer the following responses to Mr. Calabrese's recommendations.

- C-A. The stopping sight distances are on the plan for the existing driveway onto Straits Turnpike a note should be added showing the zoning of clearing and stating that this zone to be continually maintained to allow sight distance.
- R-A. The site plans will be updated to show the area of vegetation trimming within the state right-of-way for the sightlines. Additionally, a note stating continual maintenance of this area will be required and will be added to the plans.**
- C-B. Project requires review and approval by the Office of State Traffic Administration (OSTA) and CT DOT. A note should be added to the plans stating that no construction can begin until OSTA & CT DOT approvals have been granted.
- R-B. Comment acknowledged.**
- C-C. The architectural plans along with the photometric plan should be signed and sealed.
- R-C. Comment acknowledged. Signed architectural and photometric plans have been submitted.**
- C-D. The Photometric Plan indicates that the site lighting will consist of 12 ft high wall lights and 20 ft high light poles details of these fixtures should be provided and the temperature of the proposed lighting should be 3000K.
- R-D. Details for the proposed site lighting fixtures have been added to the detail sheets. All site lighting is proposed at 3000K.**
- C-E. Building colors and type of material should be included.
- R-E. Additional detail and information about building color and material type have been added to the architectural plans.**
- C-F. Bond in amount to be determined by Planning & Zoning Commission and Board of Selectmen.

R-F. Comment acknowledged. We agree to submit a bond in the form and amount as determined by the Planning and Zoning Commission and Board of Selectmen.

If you have any questions or require any additional information, please do not hesitate to contact me at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

Attachments

300020.00001.j2325.ltr.2.docx





February 5, 2025

Mr. Curt Bosco
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

RECEIVED

FEB 05 2025

SLR Project No.: 141.300020.00001

Middlebury Land Use Office

**RE: Middlebury Zoning Regulations – Section 52.3.16.B & E
1535 Straits Turnpike – Proposed Warehouse
Middlebury, Connecticut**

Middlebury, CT 06762

Dear Mr. Bosco,

The proposed development has been designed to protect groundwater in accordance with Section 52.3.16.B. The design of the proposed sediment and erosion controls in conjunction with the proposed stormwater management system includes best management practices (BMPs) to ensure groundwater protection, which are further discussed in the Drainage Report. Also, in accordance with Section 52.3.16.E., the project parcel is **not** within a watershed of a water company as defined in Section 16-1 of the General Statutes.

If you have any additional questions, please feel free to contact me at (203) 271-1773.

Regards,

SLR International Corporation

A handwritten signature in black ink that reads "Ryan McEvoy".

Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

Attachment

141.300020.00001.f425.ltr.2.docx



January 21, 2025

RECEIVED

Mr. Curtis Bosco
Middlebury Zoning Enforcement Office
1212 Whittemore Road
Middlebury, CT 06762

FEB 05 2025
Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

RE: Industrial Development
1535 Straits Turnpike
Middlebury, Connecticut

Dear Mr. Bosco,

The proposed development offers industrial space with a building intended for general warehousing use. Waste generation is expected to be limited to domestic wastewater (i.e., sewage) and municipal solid waste (i.e., trash). Domestic wastewater will be discharged to the Middlebury sanitary sewer system, while trash will be stored in dumpsters and hauled to a transfer/disposal facility by a state-licensed transporter.

Industrial waste is not expected to be generated by site occupants. While the Middlebury Zoning Regulations do not define "Industrial Waste," it is commonly identified as solid or liquid wastes generated by certain manufacturing processes. The uses listed above will not generate "Industrial Waste."

In accordance with Section 42.6.2 of the Zoning Regulations, the Economic and Industrial Development Commission (Economic Development Commission) will be notified of any intended change in industrial waste generation practices should they occur in the future. The notification will include a description of the process generating the waste, the means and location of any temporary storage of the waste, and the intended method of disposal of the waste.

Regards,

SLR International Corporation

A handwritten signature in black ink, appearing to read "Ryan McEvoy".

Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

300020.00001.j2125.ltr.2.docx



January 23, 2025

Mr. Curtis Bosco
Middlebury Zoning Enforcement Office
1212 Whittemore Road
Middlebury, CT 06762

RECEIVED

FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

**RE: Proposed Warehouse – Air Quality
1535 Straits Turnpike
Middlebury, Connecticut**

Dear Mr. Bosco,

The proposed Straits Turnpike development is not expected to have enough emissions to be a concern to the maintenance of existing air quality.

Like any stationary source of emissions with associated mobile source activity, the Straits Turnpike development is subject to existing air quality programs designed to protect public health, prevent air quality degradation, and assure conformity with plans to reduce regional ozone levels. Those programs provide reasonable assurance that the Straits Turnpike development will not result in impacts injurious to public health or significantly degrade air quality and will conform to Town of Middlebury Zoning Regulations relevant to air quality or air quality-related values (e.g., Section 61 – Performance Standards).

The Clean Air Act has been the primary regulatory framework driving air quality regulation in the United States since 1970. The Clean Air Act requires the Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for Criteria Pollutants and regulate emissions of 188 hazardous air pollutants. One of the goals of the Clean Air Act is to achieve the NAAQS everywhere to address the public health and welfare risks posed by Criteria Pollutants. The primary NAAQS are designed to protect the health of sensitive populations such as asthmatics, children, and the elderly. The secondary standards are concerned with protecting the environment and are designed to address visibility, damage to crops, vegetation, buildings, and animals. A project that complies with the NAAQS is certain to comply with the local standards. Furthermore, areas that are not currently achieving the NAAQS are designated nonattainment and are subject to additional regulation designed to improve air quality and must comply with federally mandated milestones for achieving the NAAQS.

Equally as important, the Clean Air Act also includes provisions to prevent significant deterioration of air quality in all areas through the Prevention of Significant Deterioration (PSD) program. This program prevents locations with favorable air quality from becoming magnets for development and deters additional development in areas with elevated Criteria Pollutant concentrations. By correcting nonattainment issues while at the same time preventing significant deterioration the Clean Air Act works to provides equal access to clean air for all communities consistent with EPA's emphasis on Environmental Justice.

Except for ozone, regional concentrations of Criteria Pollutants are at or below 50% of the NAAQS based on data collected with oversight by EPA in Bridgeport, Danbury, New Haven,

Waterbury, Hartford, and East Hartford. This is a strong indication that a source of emissions many times the size of the Straits Turnpike development could be built in the Middlebury area without threatening compliance with the NAAQS. There is reasonable assurance that the Straits Turnpike development will not result in impacts above levels designed to protect the health of resident populations and will comply with state and local zoning performance standards.

The PSD program limits the incremental increase in air quality impacts designed to prevent degradation. It does this by identifying projects that have enough emissions to significantly degrade air quality and subject them to additional emissions controls review, air quality modeling demonstrations, and more stringent air quality standards which are 10% of the NAAQS. The Straits Turnpike development emissions are expected to be much lower than those subject to PSD review providing reasonable assurance that the project will not significantly degrade air quality.

While regional ozone concentrations have decreased over the last several years, they may exceed the NAAQS at times which has led parts of Connecticut to be designated nonattainment. Ozone is unique among the Criteria Pollutants because it is formed from the interaction of other criteria pollutants with volatile organic compounds emitted regionally. Consequently, even though the project area has relatively low industrialization, it experiences elevated ozone concentrations because of the cumulative effect of regionally transformed and transported emissions and not the result of an individual source. In Connecticut, the geographic extent of this regional ozone issue is the result of emissions transport from other states coupled with the population density and the number of vehicle miles traveled in an area. Therefore, ozone concentrations around Middlebury are unlikely to be exacerbated locally by insignificant sources of precursor emissions like the Straits Turnpike development. In other words, while the proposed project will result in ozone precursor emissions, it is not responsible for the regional population growth and associated vehicle traffic that directly contributes to the elevated ozone concentrations.

A review of existing air quality and expected Straits Turnpike development emissions suggests that the existing federal and state regulatory framework is sufficient to prevent emissions from the project that would harm the public, result in air quality degradation, or interfere with plans to reduce regional ozone levels. Consequently, this provides reasonable assurance that the project will comply with the performance standards of the Town of Middlebury Zoning Regulations.

Regards,

SLR International Corporation



Tom Damiana
Principal Air Quality Engineer
tdamiana@slrconsulting.com

300020.00001.j2125.ltr.docx





TOWN OF MIDDLEBURY
Economic Development Commission
Office of the First Selectman
1212 Whittemore Road, Middlebury, CT 06762

February 5, 2025

VIA ELECTRONIC MAIL

Terry Smith, Chairman
Middlebury Planning & Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

RE: Architectural Review – Report on 1535 Straits Tpke. (Middlebury Land Development LLC)

Dear Chairman Smith,

On January 27, 2025, the Commission conducted an architectural review of an approximate 24.4 acre parcel commonly known as 1535 Straits Turnpike, Middlebury (“Property”). Representatives of the applicant, Middlebury Land Development LLC, appeared to present the project. Prior to the meeting, those representatives provided electronic copies of civil plans, architectural plans, renderings, reports, and a statement concerning “industrial waste.”

On February 3, 2025, the Commission held a special meeting to vote on the referral. Based on our deliberations, materials provided by the applicant and the record, the Commission finds as follows:

- The Town’s master plan, the Plan of Conservation and Development (“POCD”), provides as its first overall goal to “[m]aintain the semi-rural, small town character of Middlebury.” *POCD, ch. 2, p. 7*. The third overall goal is to “[p]romote the economic growth of Middlebury in a way to preserve the character of the Town, as well as provide an environment for modern emerging industries.” *Id.*
- The Commission is committed to promoting economic development according to these overall goals.
- Straits Turnpike, including the norther section where the Property is located, serves as one of the few commercial corridors in Middlebury and is recognized as such in the POCD.
- The Property is zoned for industrial use (LI-80).
- The applicant stated that industrial waste “is not expected to be generated by site occupants.”



TOWN OF MIDDLEBURY

Economic Development Commission

Office of the First Selectman
1212 Whittemore Road, Middlebury, CT 06762

- The applicant made no mention of any manufacturing “in conjunction” with the proposed warehouse use as required by § 9.1 of the Middlebury Zoning Regulations.
- The applicant stated that the proposed configuration is ideal for two tenants and that it did not yet have any tenants lined up for occupancy.
- The area surrounding the project site includes a mix of uses such as commercial, educational, industrial and residential.
- The applicant represented that the facility would not be visible from Memorial Middle School, or residential clusters to the west. There would be some views of the facility from some residences to the east across the street on Straits Turnpike. Those views would be largely seasonal.
- Any rooftop HVAC infrastructure would not be visible based on the size of the roof and the ability to place that infrastructure fifty or more feet from the rooftop edge.
- The applicant indicated that it filed a lot line revision regarding the Property. It is unclear on this record whether General Statutes § 8-3m applies to the project.
- This area of Town – specifically the Property located on northern Straits Turnpike – is an appropriate location for permissible commercial or industrial uses. The Commission encourages the development of permissible commercial or industrial uses in this area of the Town in accordance with the POCD.
- Although the *Architectural Guidelines* state that “modern, monolithic structures should be avoided whenever possible . . .,” the Commission recognizes that the proposal includes some features to break up the monotony of the long industrial building façade. It is not realistic to design large warehouse facilities in a traditional New England style.

The Commission voted (5-0) unanimously to recommend the architectural proposal for this project, with the following caveats:

- (1) An affirmative conclusion that General Statutes § 8-3m does not apply to the project and the project meets the definition of “warehouse” under the Zoning Regulations.
- (2) The project implements adequate shielding from views and acoustics for nearby residentially zoned property including, if possible, materials/technology on the interior of the building to dampen any operational sounds.



TOWN OF MIDDLEBURY
Economic Development Commission
Office of the First Selectman
1212 Whittemore Road, Middlebury, CT 06762

Please do not hesitate to contact me should you have any questions.

Very Truly Yours,

Jesse A. Langer
Chairman, Middlebury Economic Development Commission
edc@middlebury-ct.org

cc: Curtis Bosco, ZEO
Town Clerk;
Commission Members;
Edward Fitzpatrick, Esq.
Ryan McEvoy

Comparison of Costco Waterbury to Proposed 1535 Straits Warehouse

The table below was prepared to help the public and the Middlebury Zoning Commission better understand the size of the proposed facility.

	Costco Waterbury	Applicant (1535 Straits)
Square Feet	150,000	171,000
Height	1 story	2.5 Stories
Truck Bays	5	24
Trucks per day	7	??
Turning lanes	Yes	None proposed, however this is to be determined by CTDOT

Prepared and submitted by Jeff Van Wagenen, 1516 Straits Turnpike

February 6, 2025

TO:

Middlebury Planning and Zoning Commission
Public Hearing, Feb. 6, 2025

From:

Raymond Pietrorazio
764 Charcoal Avenue,
Middlebury, CT

Subject: Opposition to the 1535 Straits Turnpike Application

Dear Members of the Planning and Zoning Commission,

My name is Raymond Pietrorazio, and I reside at 764 Charcoal Avenue, Middlebury, CT. I am writing to formally voice my opposition to the 1535 Straits Turnpike application currently before the Commission. Below, I outline three primary concerns that I urge you to fully consider in your deliberations.

Item #1: CT OLR Research Report, November 24, 1999, Duties of Planning and Zoning Commissions

The Connecticut Office of Legislative Research Report (OLR) clearly states in **CGS Section 8-2** that zoning regulations must address certain public concerns. These include:

1. Promoting public safety, health, and welfare
2. Preventing overcrowding
3. Facilitating the provision of public services (transportation, sewerage, schools, parks, etc.)
4. Encouraging the most appropriate use of land in the municipality

In my view, the proposed facility at 1535 Straits Turnpike fails to meet these critical objectives. The proposal does not align with the stated duties of zoning regulations and would fail to promote the safety, welfare, and character of the community. (See attached Exhibit #1 for reference.)

Item #2: Notice of Amendment of the Zoning Ordinance of the Town of Middlebury

The amendment to the zoning ordinance regarding "Light Industrial Zones" dates back to October 26, 1956. (See attached Exhibit #2.) At that time, distribution centers as we know them today did not exist. It is clear that the Middlebury Planning and Zoning Commission of 1956 could not have envisioned large-scale distribution centers in these zones. Distribution centers require direct access to major highways and other infrastructure not designed for the current zoning. The planned facility would necessitate significant changes to local traffic patterns, including the possible conversion of local roads to multi-lane highways, similar to those found near other distribution centers. Would the intersection of Route 63 and Route 64 need to be expanded to accommodate this? (See attached Exhibit #3 for reference.)

Item #3: Air Quality

I have previously shared information with the Commission regarding air quality concerns related to this application. The applicant has provided minimal information, offering only a two-page letter that lacks comprehensive site reviews or studies. Notably, the applicant discusses transient air pollution from other states but omits any discussion of the cumulative impact from local sources of pollution, particularly the increased truck traffic and tailpipe emissions that would result from this facility. The U.S. EPA regulates mobile pollutant sources, and its policies on dispersion modeling are outlined in the EPA's Air Quality Models publications. (See attached Exhibits #4 & #5 for relevant materials.)

I urge the Commission to carefully review the concerns presented in this letter and reject the application for the following reasons:

- The proposed location is ill-suited for the level of traffic expected, exacerbating existing congestion.
- The facility's size and intended use are inconsistent with the intent of Middlebury's zoning regulations.
- The applicant has failed to provide adequate air quality assessments, particularly concerning the impact of local sources of pollution.

Thank you for your attention to these important matters. I trust the Commission will take these points into serious consideration in making its decision.

Respectfully,
Raymond Pietrorazio
764 Charcoal Avenue
Middlebury, CT 06762

Topic:

MUNICIPALITIES; ZONING;

Location:

PLANNING AND ZONING;

Scope:

Connecticut laws/regulations;

Exhibit #1

FILE CO. 1



November 24, 1999

99-R-1186

DUTIES OF PLANNING AND ZONING COMMISSIONS

By: Kevin E. McCarthy, Principal Analyst

You requested a description of the duties of planning and zoning commissioners. This memo discusses the duties of the two types of commissions separately, although in practice most towns have combined planning and zoning commissions.

SUMMARY

This memo describes the duties of planning and zoning commissions because the law does not specify the duties of individual commissioners. Planning commissions are required to develop the municipality's plan of conservation and development and its subdivision regulations. They are responsible for approving individual subdivisions and may be responsible for issuing special permits and exceptions under the municipality's zoning regulations. They also review proposals for various types of municipal improvements. Zoning commissions are responsible for regulating the use of land and buildings under the municipality's zoning regulations. If designated by the regulations, they also issue special permits and exceptions. They may also be responsible for reviewing site plans submitted by developers.

In practice, planning and zoning commissioners are expected to regularly attend the commission's meetings and public hearings, become informed about the issues before the commissions, and demonstrate good judgment. There are a variety of print and on-line resources available to commissioners. Although somewhat dated, *Connecticut Land Use Regulation* by Prof. Terry Tondro provides a useful introduction to planning and zoning, with

particular emphasis on legal issues. The *Planning Commissioner's Journal*, available in print and on-line at <http://www.plannersweb.com>, routinely has articles on such issues as transportation planning, ethics, and organizational improvement. Commissioners who are members of the American Planning Association receive the quarterly journal *Commissioner*. Many of the articles from this journal are available on-line at <http://www.planning.org/educ/commindex.htm>.

PLANNING COMMISSIONS

Plan of Conservation and Development

Under CGS § 8-23, the commission is responsible for developing a plan of conservation and development. The plan is a statement of the policies, goals, and standards for the municipality's physical and economic development. It must be designed to promote the coordinated development of the municipality and the general welfare of its people.

The plan must show the commission's recommendations regarding land use within the municipality. The law specifies several issues the plan must consider in developing the plan, including the need for affordable housing and the protection of drinking water supplies. Additional provisions are required for municipalities bordering Long Island Sound.

The plan can also contain the commission's recommendations regarding roads, parks, and other public improvements. The plan can include recommendations for its implementation including:

1. a schedule and budget for capital improvement projects;
2. a program for the enactment and enforcement of zoning and subdivision controls, building and housing codes, and safety regulations; and
3. plans for the implementation of affordable housing, open space acquisition, and greenways protection.

Before adopting the plan, the commission must publish at least two notices in the local newspaper and hold a public hearing. The commission must review and update the plan at least once every ten years. Under PA 99-117, if a commission does not meet this requirement, the chief elected official of the municipality must send a letter to certain state officials explaining why.

Subdivision Regulation

Under CGS § 8-25, planning commissions must adopt regulations covering the subdivision of land. The regulations must ensure that subdivisions are designed to:

1. safeguard public health and safety;
2. provide for water, sewerage, drainage, and flood protection; and
3. provide for current and future traffic needs.

The regulations must promote energy efficiency and may require or promote cluster developments.

The regulations can prescribe how a developer is to provide infrastructure improvements such as public utilities. The commission can accept a surety bond as an alternative to the developer constructing these improvements before final approval is granted. Another alternative is for the municipality to make the improvements and subsequently assess the property owners. The commission can grant conditional approvals of subdivisions. Such approvals are valid for up to five years, although the commission can grant an extension of up to five additional years. The developer is subject to a fine of up to \$500 for each lot he sells before receiving the final approval for the subdivision.

Under the regulations, the commission can require developers to provide parks and other open spaces or pay a fee of no more than 10% of the value of the unimproved land. This requirement does not apply in certain circumstances.

Approval of Individual Subdivisions

The commission must approve all proposed subdivisions and resubdivisions, including those that already exist but were not previously approved. The commission must run two notices in a local newspaper and hold a public hearing with regard to resubdivision (but not subdivision) applications.

Under CGS § 8-26d if the commission holds a hearing on an application, the hearing must start within 65 days of the commission's receiving the application and must be completed within the next 30 days. The commission must issue its decision within 65 days of the close of the hearing. If the commission does not hold a hearing, it must act within 65 days of receiving the application.

Once a subdivision plan has been approved, the developer is not required to comply with subsequent changes in the zoning regulations, zoning districts, or subdivision regulations. Generally, the developer has five years to complete the subdivision, although it can seek an extension of up to five additional years.

Special Permits and Exceptions

Under CGS § 8-2, a municipality's zoning regulations may allow certain classes of buildings or land uses only after the applicant obtains a special permit or special exception. The permit or exception is granted by the planning commission, zoning commission, or zoning board of appeals, as designated in the regulations. If the planning commission is the designated body, it must run two notices concerning the application in the local newspaper and hold a public hearing. It also can notify abutting property owners by mail. The commission must act on the application within 65 days of the close of the hearing.

As discussed in OLR memo 91-R-0312, commissions act in an administrative capacity when issuing special permits and exceptions. This means that they can only impose conditions and requirements listed in the regulations. If those conditions and requirements are met, they have no choice but to issue the permit or exception.

Municipal Improvements

The commission must review proposals for various types of municipal improvements. These include (1) the acquisition of land for or substantial improvements to parks, schools, and other municipally owned property, (2) street improvements, and (3) urban redevelopment, public housing, and public utility projects. The commission has 35 days to review the

proposal. If the commission recommends disapproval of the project, it can be constructed or financed only with the approval of two thirds of the legislative body.

ZONING COMMISSIONS

Zoning Regulation

Under CGS § 8-2, the zoning commission is authorized to divide the municipality into districts (zones) and regulate the use of buildings and land in each district. Within each district the regulation must uniform as to the treatment of types of buildings and land uses, but the regulations can vary by district. The regulations may provide that certain types of buildings and land uses are permitted in a district only with a special permit or special exception. The regulations must designate which agency issues the permit or exception (the planning or zoning commission or the zoning board of appeals).

CGS § 8-2 specifies in great detail the types of issues the zoning regulations must and may address. Among other things, the regulations must be designed to:

1. promote public safety, health, and welfare;
2. prevent overcrowding;
3. facilitate the provision of public services such as transportation, sewerage, schools, and parks; and
4. encourage the most appropriate use of the land in the municipality.

The regulations may govern:

1. the height and size of buildings and other structures;
2. the area of the lot they may occupy;
3. the size of yards and other open spaces; and
4. the height, size, and location of advertising signs and billboards.

Under CGS § 8-3, the zoning commission must determine how the zoning regulations and map will be established and changed. Before taking these steps the commission or a committee of the commission must hold a public hearing. The commission must publish notice of the hearing at least twice in a local newspaper and make the proposed regulation or boundary available for public inspection. The commission can also mail notices to owners of land abutting the land that is subject to the hearing.

Adopting or amending the regulations or the boundaries normally requires approval of a majority of the commission's total membership. Under some circumstances, a vote of two-thirds of the members is required. This requirement applies if the owners of 20% of the land that is affected by the commission's action or the land within 500 feet of the affected area protest the proposed change. The protest can be made before or at the hearing.

The commission determines how the regulations will be enforced. Building permits and certificates of occupancy cannot be issued until the zoning enforcement officer certifies that the building or use conforms to the regulations or is a valid nonconforming use. A valid nonconforming use is one that was authorized before the commission changed its

regulations. Under CGS § 8-2, zoning regulations cannot prohibit the continuance of nonconforming uses or buildings existing when the regulations are adopted.

As part of its regulations, the commission can establish village districts to protect the distinctive character, landscape, and historic structures of designated areas in the municipality. Under these provisions, the commission can regulate (1) alterations and improvements in such areas and (2) substantial reconstruction and rehabilitation of properties in the district that can be seen from public roads. All applications for substantial reconstruction visible from the road and new construction must be reviewed by an architect selected by the commission.

Special Permits and Exceptions

Under CGS § 8-3c, the provisions governing the issuance of special permits and exceptions by planning commissions also apply to zoning commissions. They also apply to special exemptions from density limits granted by the zoning commission for the construction of affordable housing.

Site Plan Review

Under CGS § 8-3, the zoning regulations can require that a site plan be filed with the commission or its designee to determine whether a proposed building or use conforms to the regulations. The commission must consider the report of the inland wetlands agency in cases involving activities it regulates. A site plan can be modified or denied only if it does not comply with the zoning or inland wetland regulations. Normally, the commission has 65 days to act after the site plan is filed; if it does not the site plan is considered approved. Generally, all work in connection with an approved site plan must be completed within five years of the approval; the commission can grant an extension of up to five years. In the case of certain large developments, the developer has up to ten years to complete the work.

KEM:lc

**NOTICE OF AMENDMENT OF THE ZONING ORDINANCE
OF THE TOWN OF MIDDLEBURY**

Notice is hereby given that effective October 29, 1956, the Zoning Ordinance of the Town of Middlebury has been amended in the following respects:

(1) The provisions of "Section II, Zones" subsection "The Light Industrial Zone" are amended to read as follows:

"The Light Industrial Zone shall consist of those parcels of land bounded and described as follows:

FIRST PARCEL:

Beginning at a point in the southwesterly line of Park Road Extension said point being 45.30 feet southerly from the northerly boundary line of land of The United States Time Corporation, measured along said line; thence running S. 89° 50' W. 269.25 feet to a point; thence S. 1° 15' 30" E. 86.41 feet to a point; thence S. 5° 22' 30" E. 163.59 feet to a point; thence S. 7° 40' 30" E. 185.55 feet to a point; thence S. 12° 08' E. 448.78 feet to a point; thence S. 16° 34' 30" E. 177.88 feet to a point; thence S. 17° 29' 30" E. 172.21 feet to a point; thence S. 16° 20' 30" E. 191.31 feet to a point; thence S. 15° 20' 30" E. 179.46 feet to a point; thence S. 16° 17' 30" E. 158.09 feet to a point; thence S. 14° 50' 30" E. 156.04 feet to a point; thence N. 89° 32' E. 202.86 feet to a point; thence N. 89° 22' E. 358.03 feet to a point; thence S. 1° 33' 20" E. 460.49 feet, to a point; thence S. 86° 06' 55" E. 336.25 feet to a point; thence N. 6° 13' W. 1,684 feet, more or less, to a point in the southwesterly line of Park Road Extension; thence running northwesterly along the southwesterly line of said Park Road Extension 1,120 feet, more or less, to the point of beginning. Bounded northeasterly by Park Road Extension and on all other sides by land of The United States Time Corporation.

SECOND PARCEL:

A certain tract of land containing approximately 37 acres, bounded and described as follows:

Commencing at a point marked by a C. H. D. monument marking the intersection of State Highway Route No. 188, also known as Avalon Farm Road and a highway known as Benson Road, and running thence in a southwesterly direction along Route No. 188 a distance of 513.44 feet as more particularly shown on Connecticut Highway Department Map No. 80-06-1937, to a point marked by C. H. D. monument, and thence continuing along Route No. 188 S. 64° 34' 50" W. 1028.92 feet to land of Iver K. Benson, and thence running along land of said Benson N. 10° 24' 55" W. 183.43 feet to a 3/4" pipe, and thence continuing along land of said Benson N. 19° 3' W. 463.89 feet to a drill hole, and thence continuing along land of said Benson 10 feet more or less to Eight Mile Brook, and thence running in a general northeasterly direction along Eight Mile Brook 2100 feet, more or less, to land of Peter Sobin, and thence running along land of Peter Sobin the following courses and distances:

S. $35^{\circ} 10' 30''$ E. 242 feet more or less to an eight inch elm tree, thence S. $51^{\circ} 55' 30''$ E. 48.20 feet to a 12 inch black birch tree, thence S. $22^{\circ} 44' 30''$ W. 156.10 feet to an iron pipe at the southwest corner of land of Peter Sobin, and thence S. $10^{\circ} 27' 15''$ W. 279.91 feet along land of Andrew E. and Rose Stango to an iron pipe at the southwest corner of land of said Stangos, and running thence S. $84^{\circ} 22' 45''$ E. 358.72 feet along land of said Stangos to a drill hole at the northwest corner of land of Fred C. and Estelle S. Stango and running thence S. $0^{\circ} 14' 15''$ W. 160 feet along land of Fred C. and Estelle S. Stango to a point marking the southwesterly corner of their land, and thence running along remaining land of Howard D. and Lillian E. Spencer the following courses and distances:

N. $63^{\circ} 28'$ W. 30.02 feet to a pipe, thence S. $12^{\circ} 7' 50''$ W. 213.11 feet, thence S. $77^{\circ} 52' 10''$ E. 26.56 feet, thence S. $22^{\circ} 46' 30''$ W. 261.80 feet, thence S. $67^{\circ} 51' 10''$ E. 107.22 feet, thence S. $70^{\circ} 50'$ E. 236.08 feet, thence east 300 feet to a point on the westerly side of Benson Road marking the southeast corner of remaining land of said Spencers; and running thence S. $2^{\circ} 2' 50''$ E. 295.90 feet along Benson Road to the point and place of beginning. See Map recorded in Middlebury Land Records in Map Book 8 at Page 69."

Dated at Middlebury this 26th day of October, 1956.

And notice is further given that a copy of the amendments to said Zoning Ordinance were filed in the Office of the Town Clerk in Middlebury on October 26th, 1956.

The Planning and Zoning Commission of the
Town of Middlebury

By

George G. Jones Jr.

Its Secretary

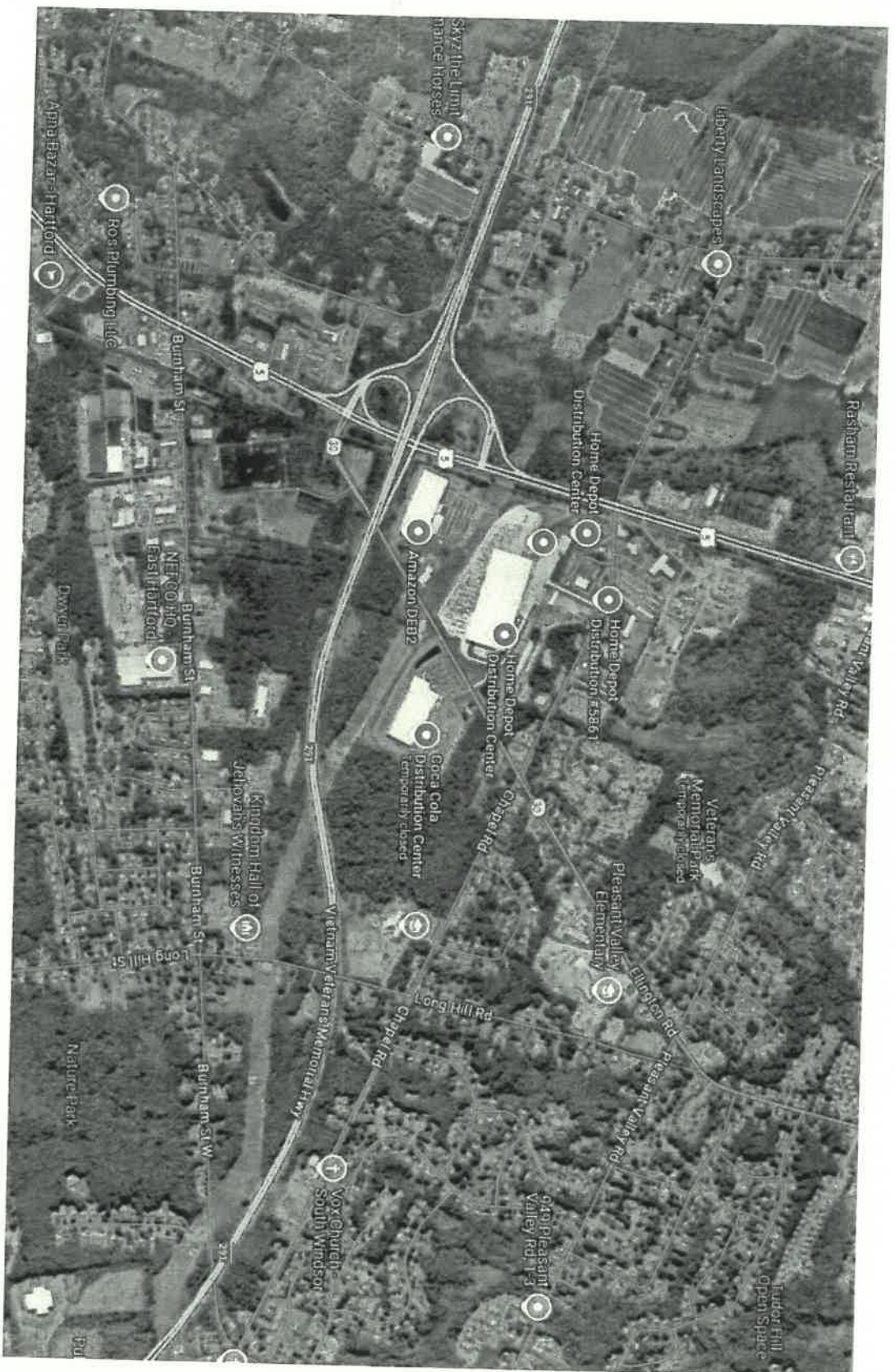
Exhibit #3



Aerial view of Straits Turnpike, Middlebury, CT, showing proposed distribution center location; note that Straits Turnpike is a two-lane road, and the Rt. 63-Rt. 64 intersection must be utilized for CT I-84 access.



Aerial view of Day Hill Road, Windsor, CT, showing distribution center location and zoning; note that the area traffic activity is supported by a minimum four(4)-lane highway and is located immediately adjacent to CT I-91.



Aerial view of John Fitch Boulevard (Rt. 5), South Windsor, CT, showing distribution center location and zoning; note that Rt. 5 is a minimum four (4) lane highway and is located immediately adjacent to CT I-291.



Home <<https://epa.gov/>> / Air Research <<https://epa.gov/air-research>>

Air Quality Modeling

Atmospheric modeling is used by air quality managers to make decisions on effective and efficient ways to implement the National Ambient Air Quality Standards (NAAQS) <<https://epa.gov/naaqs>> and improve air quality. EPA has an extensive air quality modeling program that develops, evaluates, and applies models to support a wide variety of air quality management needs.



Researcher studies results from EPA's Community Multiscale Air Quality Model (CMAQ).

Advances in modeling enables users to better estimate the relationship between sources of pollution and their effects on ambient air quality, predict the impacts from potential emission sources, and simulate ambient pollution concentrations under different policy scenarios. They are critical for determining the relative contributions from different sources, monitoring compliance of air quality regulations, and making policy decisions.

This research is also enhancing the ability to conduct multipollutant air quality assessments at local, regional, national, and global scales in addition to developing multimedia and multi-stressor models to address complex environmental issues. The research objectives are:

- Characterize the role of background air pollution on NAAQS attainment and implementation
- Support the development of major energy and transportation sector rules

- Inform air quality permitting decisions
- Assess risks posed by criteria and hazardous air pollutants (HAPs)
- Develop local and regional-scale air quality and related climate data

On this page:

- Community Multiscale Air Quality (CMAQ) Modeling System
- TracMyAir Web Application for Researchers
- Air Dispersion Modeling
- Indoor Air Modeling
- Chemical Mechanisms to Address New Challenges in Air Quality Modeling
- Multi-Media and Multi-Stressor Modeling
- Modeling SARS-CoV-2 Aerosols and Evaluating Ways to Inactivate Aerosolized SARS-CoV-2
- Related Links

Community Multiscale Air Quality (CMAQ) Modeling System

The Community Multiscale Air Quality (CMAQ) Modeling System <<https://epa.gov/cmaq>> is EPA's premier modeling system for studying air pollution from local to hemispheric scales. For more than two decades, EPA and states have used CMAQ to translate fundamental atmospheric science principles to policy scenarios to support air quality management decisions. CMAQ is continually updated to incorporate knowledge on the state-of-the science and harness high performance computing power to more effectively and efficiently characterize air quality and protect human health and the environment.

CMAQ combines meteorological, emissions, and air chemistry transport and deposition models to explore the estimated short- and long-term impacts of different policy and regulatory options, including actions to attain the NAAQS, and long-term impacts of the



Home <<https://epa.gov/>> / Support Center for Regulatory Atmospheric Modeling (SCRAM)
<<https://epa.gov/scram>>

Air Quality Models

Air quality models use mathematical and numerical techniques to simulate the physical and chemical processes that affect air pollutants as they disperse and react in the atmosphere. Based on inputs of meteorological data and source information like emission rates and stack height, these models are designed to characterize primary pollutants that are emitted directly into the atmosphere and, in some cases, secondary pollutants that are formed as a result of complex chemical reactions within the atmosphere. These models are important to our air quality management system because they are widely used by agencies tasked with controlling air pollution to both identify source contributions to air quality problems and assist in the design of effective strategies to reduce harmful air pollutants. For example, air quality models can be used during the permitting process to verify that a new source will not exceed ambient air quality standards or, if necessary, determine appropriate additional control requirements. In addition, air quality models can also be used to predict future pollutant concentrations from multiple sources after the implementation of a new regulatory program, in order to estimate the effectiveness of the program in reducing harmful exposures to humans and the environment.

The most commonly used air quality models include the following:

Dispersion Modeling <<https://epa.gov/scram/air-quality-dispersion-modeling>> - These models are typically used in the permitting process to estimate the concentration of pollutants at specified ground-level receptors surrounding an emissions source.

Photochemical Modeling <<https://epa.gov/scram/photochemical-air-quality-modeling>> - These models are typically used in regulatory or policy assessments to simulate the impacts from all sources by estimating pollutant concentrations and deposition of both inert and chemically reactive pollutants over large spatial scales.

Receptor Modeling <<https://epa.gov/scram/air-pollutant-receptor-modeling>> - These models are observational techniques which use the chemical and physical characteristics of gases and particles measured at source and receptor to both identify the presence of and to quantify source contributions to receptor concentrations.

Additional Information about air quality models can be found at **Related Links** <<https://epa.gov/scram/air-modeling-resources-selected-agencies-and-organizations>>.

Last updated on May 20, 2024

DIANNA Anton

2.6.27

27 Kelly Rd, Middlebury Ct

I found 3 references for 'warehousing'
under Gateway Industrial District 34.1.4
Light Industrial - 80 41.1.2
Light Industrial - 200 42.1.5

our Section 9 - Definitions help to define &
explain certain words used in the Regulations.

Warehouse: a building used primarily for
storage of goods and materials prior to
distribution that are produced in conjunction
with a manufacturing facility.

'Warehousing' is not defined in our regulations which
is unfortunate. Was this perhaps an oversight?

~~'Warehousing' is not defined in our regulations~~

~~W
my understanding is that there are 2 separate but
distinct~~

Warehousing is the process of buying goods from a
manufacturer and then storing them in a warehouse
before fulfilling an order.

Warehouse defined by zoning Regs is ~~not~~ in 'warehousing'
is not defined in our zoning regulations. ~~It~~
Was this an ~~intentional~~ oversight?

42.5 Special Standards

42.5.3 Traffic

Driveways shall be designed in such a manner that any vehicles, including trucks, can execute normal turning movements onto a street without resorting to wild turns or hazardous maneuvers.

What I don't see is where the "Main Street" turn off would be allowed to be impacted in accommodating a turn into a side street where the neighborhood surrounding the side street is impacted and where neighborhood would lose property. In this case we are hearing Rt 63 will be widened to accommodate trucks by able to turn into the street leading to the warehouse.

in 51.3 Duties of the Commission:

with regard to 51.3.2 - Neighborhood:

The site plan + Architectural plan shall be related harmoniously to the terrain and existing buildings in the vicinity that have a visual relationship to the proposed buildings. They shall aspire to accomplish the transition in character between areas of unlike character, to protect property values and preserve and enhance the appearance and beauty of the community.

DOCKET NO. UWY-CV-24-6075302¹

SUPERIOR COURT

MIDDLEBURY SMALL TOWN ALLIANCE
LLC, ET AL.

JUDICIAL DISTRICT
OF WATERBURY

V.

MIDDLEBURY PLANNING AND ZONING
COMMISSION, ET AL.

JANUARY 31, 2025

MEMORANDUM OF DECISION

INTRODUCTION:

This decision deals with three consolidated administrative appeals taken from decisions of the Middlebury Planning & Zoning Commission (Zoning Commission) and the Middlebury Conservation Commission (Conservation Commission). Each of the appeals involve the same parties and the proposed development of the same property comprising one parcel located at 764 Southford Road and one parcel located at 555 Christian Road (collectively, the Properties). The court held a hearing on the consolidated appeals and requested supplemental briefing on specified issues.

¹ This matter was consolidated with UWY-CV-24-6078356 and UWY-CV-24-6078355. This decision addresses all three consolidated cases.

SUPERIOR COURT
WATERBURY, J.D.

JAN 31 2025

CLERK'S OFFICE

UWY-CV-24-6078355-5

FACTS AND PROCEDURAL HISTORY:

The following facts are relevant to a decision in this appeal and are contained in the record. Five local regulatory actions have been taken in connection with the Properties. Only three of the foregoing regulatory actions are subject to this appeal.

The first regulatory action was a May 10, 2023 approval of a wetlands permit by the Conservation Commission. An appeal of this approval was previously taken, but this court dismissed that appeal, and no further action was taken by the parties.² This regulatory action therefore stands and is not subject to this appeal.³

On August 24, 2023, the owners of the two parcels of land filed what they titled as a "Lot Line Revision Map." This revision reflected the shifting of approximately fifty-eight acres of land from the Christian Road parcel to the Southford Road parcel. The approximately fifty-eight acres which were shifted, contained about three acres of wetlands that were shifted from the Christian Road parcel to the Southford Road parcel. The court notes that this shift of property

² See UWY-CV-23-6070997.

³ As applied for in this first regulatory action it is undisputed that the warehousing facility spanned both the 555 Christian Road parcel and the 764 Southford Road parcel. It also appears to be conceded that if General Statutes § 8-3m had been in place at the time of the first regulatory action it would have prohibited that approval.

was accomplished despite the fact that the two lots were then owned by different entities. This Lot Line Revision has not been appealed and is not itself the subject of this appeal.⁴

The third regulatory action was an approval of an August 29, 2023 Text Amendment, Site Plan Application and Special Permit for Excavating and Grading. This application reflects the properties as having been changed by the lot line revision. This approval is subject to this appeal.⁵

The fourth regulatory action is an approval of a modification to a wetlands permit. Accordingly, this regulatory action modifies the wetlands permit issued in the first regulatory action. This modification was necessitated by the lot line revision and is subject to this appeal.⁶

⁴ Although at the time of the lot line revision the parcels were owned by different entities, those entities facilely moved acreage between the parcels, encumbered the 555 Christian Road parcel with various easements favoring the 764 Southford Road parcel, proposed to create and maintain new wetlands, and created a conservation easement all without requiring the owner of the 555 Christian Road parcel to be an applicant in the further regulatory process despite the fact that the permits issued allow and even require work to be done on both parcels. In contrast, at the time of the first regulatory action, before General Statutes § 8-3m was enacted, the owners of both parcels were applicants. As of the date of the lot line revision, August 24, 2023, the parcels became commonly owned. Lastly, the applicant defendant readily admitted that they engaged in the lot line revision in response to General Statutes § 8-3m. The applicant defendant describes the intent of the lot line revision as an attempt to "comply" with the statute. However, since the statute provides only a prohibition, a more apt description of the intent may have been to avoid the prohibition.

⁵ UWY-CV-24-6075302

⁶ UWY-CV-24-6078355

The fifth regulatory action was an approval of a site plan modification by the Zoning Commission. Again, this modification was necessitated by the lot line revision and is subject to this appeal.⁷

Each of the foregoing regulatory actions, other than the first, occurred after the effective date of General Statutes § 8-3m⁸ and are therefore subject to its prohibition. The parties concede that, prior to the August 24, 2023 lot line revision, General Statutes § 8-3m would have prohibited any local regulatory approval of this proposed development after the June 12, 2023 effective date of this statute. Accordingly, prior to the lot line revision, the proposed development met all of the statutory elements of General Statutes § 8-3m, namely: (1) Middlebury had an applicable population of between 6,000 and 8,000; (2) the proposed facility was a warehouse facility that exceeded 100,000 square feet; (3) the facility was located on one or more parcels that comprised less than 150 acres; (4) such parcels comprised more than five acres of wetlands; and (5) the facility was located within two miles of an elementary school. The effect of the lot line revision was to shift specific acreage between the two parcels such that the warehousing buildings, which previously spanned both parcels, were now located only on the

⁷ UWY-CV-24-6078356

⁸ This statute was passed as part of Public Act 23-204 and had an effective date of June 12, 2023.

Southford Road parcel and that wetlands were shifted between the parcels such that neither parcel alone contained more than five acres of wetlands. The purpose of the lot line revision was to allow the argument that the warehouse facility was not located on a parcel or parcels that contain more than five acres of wetlands and to thereby attempt to avoid the prohibitions of General Statutes § 8-3m.

STANDARD OF REVIEW:

Any person aggrieved by a decision made by a municipality pursuant to its zoning regulations or pursuant to General Statutes §§ 22a-36 through 22a-45, inclusive, may appeal to the Superior Court within the time specified in General Statutes § 8-8 (b) from the publication of such decision. See General Statutes § 8-8 and § 22a-43 (a). General Statutes § 8-8 (b) provides in relevant part that "any person aggrieved by any decision of a board . . . may take an appeal to the Superior Court for the judicial district in which the municipality is located . . . within fifteen days from" the publication of the decision being appealed.

In appeals such as this, the standard of review is well established. Courts are not to substitute their judgment for that of the board. The decisions of local boards will not be disturbed as long as substantial evidence has been presented to the board to support the board's findings and decision after a fair and full hearing, and provided such decision is consistent with applicable law. Evidence is sufficient to sustain an agency finding if it affords a substantial basis of fact from which the fact in issue can be reasonably inferred. The board is the finder of fact in the

administrative proceeding below. As such, it was the board's province to believe and credit or disbelieve and discredit any evidence offered to it. It was also the board's province to reasonably interpret and weigh the evidence, and to make reasonable inferences from the evidence. The mere fact that a record contains countervailing evidence does not undermine an agency decision as long as the record contains substantial evidence supporting the agency decision and the decision is consistent with applicable law. On appeal, the burden of proof to demonstrate that the board acted improperly is upon the plaintiffs. See *Samperi v. Inland Wetlands Agency*, 226 Conn. 579, 587-88, 628 A.2d 1286 (1993). An applicant for an inland wetlands permit has the burden of proving that it has met the statutory prerequisites for the permit. See *Strong v. Conservation Commission*, 226 Conn. 227, 229, 627 A.2d 431 (1993).

Upon appeal, the court is to review the record to determine whether the board acted fairly, with proper motives and upon valid reasons as supported by substantial evidence in the record. Courts are not to substitute their judgment for that of the board unless the board's decision is unreasonable in view of the applicable law and the substantial evidence in the record. On appeal, the burden of proof is upon the plaintiff to establish that the board acted improperly in view of the applicable law and the substantial evidence in the record. *Bloom v. Zoning Board of Appeals*, 233 Conn. 198, 206, 658 A. 2d 559 (1995).

When a board states its reasons for action, the question for the court is whether the reasons are reasonably supported by the record and whether they are pertinent to the appropriate considerations which the board is required to apply under the regulations. *Chevron Oil Co. v.*

Zoning Board of Appeals, 170 Conn. 146, 152-53, 365 A. 2d 387 (1976). If the board does not state the reasons for their action, the court is to review the record to discover whether a sufficient reason to support the board's decision exists. *Manchester v. Zoning Board of Appeals*, 18 Conn. App. 69, 71, 556 A.2d 1026, cert. denied, 212 Conn. 804, 561 A.2d 946 (1989).

ANALYSIS:

The plaintiffs are aggrieved because the plaintiffs own, either directly or as trustee or through membership, property that abuts the property which is the subject of the decisions on appeal, which decisions are adverse to the plaintiffs. One of the plaintiffs, the Middlebury Small Town Alliance LLC, is also statutorily aggrieved as a result of its intervention pursuant to General Statutes § 22a-19.

The plaintiffs have raised several issues on appeal. The primary issue, however, concerns the application of General Statutes § 8-3m to the siting and permitting of the facility under consideration. The foregoing statute provides as follows: "Notwithstanding any municipal charter, ordinance, regulation or resolution, special act or provision of this title, no municipality with a population of more than six thousand and less than eight thousand, as determined by the most recent federal decennial census, or board or commission of any such municipality authorized to regulate planning, zoning or land use, 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." (Emphasis added.)

The foregoing statute was passed into law before the regulatory actions that are subject to this appeal were made. The legislative history of the statute indicates that the legislature had Middlebury in mind when it passed the statute and may have even had this particular project in mind.⁹ Although not absolutely clear, it appears that the legislature may have intended to disallow this particular project. The court notes that no party has challenged the validity of this statute but have instead merely challenged its applicability.

The applicability of the statute to this project requires an interpretation of the words "warehousing or distribution facility" and "located on one or more parcels" in the context of this statute. The court interprets the words "warehousing or distribution facility" to mean all man-made structures on the property which structures are designed to facilitate the functions of warehousing or distribution including all buildings, parking lots, driveways, utility structures and drainage structures.¹⁰ The court interprets the words "located on one or more parcels" to mean

⁹ The legislative history references a "Middlebury warehouse" and the statute was enacted while this warehouse project was under consideration by the local boards in Middlebury. The court notes that this project is a very large project in a small town. The project comprises warehousing buildings in excess of 600,000 square feet with about 166 tractor trailer spaces. It is not surprising that the project drew attention.

¹⁰ This definition corresponds to the structures that must be considered in taking the regulatory actions at issue here. Both the zoning and wetlands commissions take all man-made structures and associated activity into consideration when making their regulatory decisions. Clearly such regulatory decisions are not limited to building structures. In

any parcels of land upon which there is the presence of any portion of the warehousing or distribution facility.

Prior to the lot line revision, all parties concede that the warehousing or distribution facility proposed was located on one or more parcels that contain more than five acres of wetlands. The defendants contend that after the lot line revision, the entire warehousing or distribution facility is located on the 764 Southford Road parcel and that parcel contains less than five acres of wetlands. The court respectfully disagrees with this conclusion.

Although the 764 Southford Road itself parcel now contains only about 3.8 acres of wetlands, the 555 Christian Road parcel contains 3.9 acres of wetlands. Accordingly, the two parcels together contain 7.7 acres of wetlands. It is conceded that portions of the warehousing or distribution facility are present on the 764 Southford Road parcel. Further, it is clear to the court that portions of the warehousing or distribution facility are present on the 555 Christian Road parcel.

In particular, the defendant commissions admit that the following man-made structures, which facilitate the warehousing or distribution function, are located on the 555 Christian Road parcel: (1) an emergency access/exit driveway; and (2) at least one drainage detention basin and one drainage level spreader. In addition to the foregoing, it is apparent to the court that drainage

this particular case structures on the 555 Christian Road parcel were necessary to obtaining the regulatory approvals and are necessary to the warehousing function and operations on the 764 Southford Road parcel.

structures and utility structures¹¹ that are necessary for the operation of the warehousing or distribution facility are also located on the 555 Christian Road parcel.¹² Accordingly, the warehousing facility is located on both parcels and the parcels together have more than five acres of wetlands. The other statutory elements remain met as noted above.¹³

Improper segmentation occurs when an agency attempts to circumvent a proper review of the environmental impacts of a project by dividing the project into smaller components to avoid studying the overall impacts of the project. A project has been improperly segmented if the project being studied has no independent utility or life of its own, or is simply illogical, when viewed in isolation from other related components, and when the segmented review will avoid an understanding of, and review of, the overall environmental impacts of the wider project. See *Stewart Park & Reserve Coalition, Inc. v. Slater*, 352 F.3d 545, 559 (2d Cir. 2003). The

¹¹ See easements E1 through E8. The court notes that these easements provide for utility and drainage man-made structures that are present on the 555 Christian Road parcel and which are necessary for the function, operation and approval of the warehousing functions of the 764 Southford Road parcel. The foregoing drainage and utility structures are part of the warehousing facility.

¹² In addition to the foregoing structures, the 555 Christian Road parcel is extensively burdened by easements that favor the 764 Southford Road parcel which easements were integral to and necessary for the regulatory approvals achieved. Further it can be said that the landscaping easement burdening the 555 Christian Road parcel and benefiting the 764 Southford Road parcel will result in man-made structures comprising landscaping that are necessary for the warehousing function of the 764 Southford Road parcel. These man-made structures include man-made wetlands that will be artificially made and maintained to replace other natural wetlands that will be destroyed by the warehousing project as a whole.

¹³ The parcels comprise less than 150 acres and the warehousing facility is located within two miles of an elementary school.

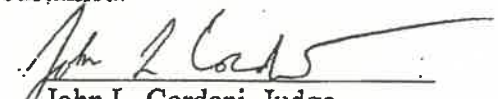
determination of improper segmentation requires both questions of fact and questions of law. First, the facts found must be assessed to determine whether the project being considered by the agency has independent utility and is logical apart from the related component being asserted. Second, the court must draw a conclusion from the facts as to the project's independent utility. Lastly, the court must assess whether the agency's consideration of the project separately from the component will cause the agency to miss or not consider certain environmental impacts or concerns that may arise from the combination of the project and the component. The court does not find here that the boards improperly segmented the project because such finding is unnecessary at this point, but instead finds, as noted above, that the boards did not properly interpret the statute at issue and accurately apply the undisputed facts. However, the court does note that the structures and conditions present on the 555 Christian Road parcel do not have independent utility apart from the warehousing operations on the 764 Southford Road parcel, but instead support the function, operation and approval of the warehousing operations and are an integral part thereof.

Conclusion

The court finds that, on appeal, the plaintiffs have met their burden of establishing that the Commission's final decisions are inconsistent with applicable law. In particular, the court finds that General Statutes § 8-3m prohibits the regulatory approvals that are subject to this appeal.¹⁴

ORDER:

Judgment enters for the plaintiffs. The appeal is sustained.


John L. Cordani, Judge
Juris #438571

AJDNO was sent on January 31, 2025
notifying all counsel of record of the availability
of this Memorandum of Decision in the
electronic file and sent by electronic means
to RJD. By the Clerk,

Matthew P. Stevens, TAC
1/31/2025

¹⁴ It appears to the court that General Statutes § 8-3m may have been passed with the purpose of disallowing the very regulatory action that is the subject of this litigation. No party has contested the validity of the statute. The statute explicitly supersedes all local law and other state statutes. The court's decision respects the statute and its apparent purpose. The court notes that the legislative history recognizes that the statute is altering local control, explicitly references a "Middlebury warehouse" and was enacted while this warehouse project was under consideration by the local boards in Middlebury. The court further notes that this project is a very large project in a small town. The project comprises warehousing buildings in excess of 600,000 square feet with about 166 tractor trailer spaces.

**Planning & Zoning Commission – Public Hearing
February 6, 2025**

Good evening. My name is Edwin Durgy and I live on Kelly Road.

The commentary submitted by Middlebury residents over the past several weeks has thoroughly established the negative externalities that this project would impose on the neighborhood, on Memorial Middle School and on Middlebury. As such, I will not go into detail on the truck traffic, spillover traffic, habitat destruction, environmental degradation, air pollution, noise pollution, light pollution, urbanization, industrialization and financial burden that the proposed warehouse at 1535 Straits Turnpike would trigger and why those ill-effects would be harmful to the Town that you represent.

I will instead advocate for the accurate interpretation of Middlebury's Zoning Regulations and Connecticut state law. Though certain developers, lawyers, bureaucrats and politicians might have you believe otherwise, the plain language of the relevant statutes **obligates** this commission to reject both Application #24-123Z and #24-124Z.

First, the proposed use ("Warehouse") does not conform with the definition of the term found on PDF page 28 of the Zoning Regulations, as the site plan does not include "a manufacturing facility." As such, the site plan application, Application #24-123Z, **must** be rejected by the Commission.

Second, the negative externalities previously noted would violate the numerous Special Exception "Standards and Conditions" detailed on PDF page 215 of the Zoning Regulations. These "Standards and Conditions" are intended to "prevent damage to adjoining property and to protect the health, safety and convenience of the community." Specifically, the deleterious "impact of the use(s) upon the environment, health, safety, welfare and convenience of the members of the community", as stated in Section 52 of the Zoning Regulations, is such that the Commission **must** reject the application for a "Special Exception".

Reviewing the rest of Section 52, we find that Section 52.6.2 dictates that the "design of the proposed project of development shall be related harmoniously to the terrain and to the use, scale and siding of existing buildings in the vicinity of the site", which the proposed warehouse facility obviously would not be. Further, that the "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", which the proposed warehouse facility obviously would. Section 52.6.10 further requires that "proposed uses shall not adversely affect the value of properties in the general vicinity thereof, or cause undue concentration of population or structures" and finally, Section 52.6.11 demands that "proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources." In short, the proposed project does not qualify for the special exceptions requested and as such, Application #24-124Z, **must** be rejected by the Commission.

Finally, the recent decision rendered in Connecticut Superior Court has established a clear precedent in regard to the proper interpretation of the General Statutes of Connecticut Section 8-3(m). As you well know, this statute bars the construction of a "warehousing or distribution facility" of more than 100,000 square feet in any "municipality with a population of more than six thousand and less than eight thousand" if the "facility is located on one or more parcels of land that are less than one hundred fifty acres in total," the "parcels contain more than five acres of wetlands in total" and the "parcel or parcels are located not more than two miles from an elementary school". It is important to note that Memorial

Middle School is an "elementary school" under the General Statutes of Connecticut Section 10-282. Specifically, the court ruled that the splitting of the Southford Road parcel to circumvent the "five acres of wetlands" provision constituted an "improper segmentation" undertaken to "avoid" the applicable law. In this instance, the 2024 lot line revision that split the 1535 Straits Turnpike property into two parcels was also clearly undertaken to carve sufficient wetlands out of the parcel to get the total just under the operative five acres. This is evidenced by the unnatural triangle shaped cut out of LI-80-zoned acreage from the otherwise light industrial-zoned parcel shown in the applicant's own site plan. As such, an "improper segmentation" has occurred in this case as well, and the applications *must* be rejected by the Commission under Connecticut state law.

I will close with this: we are both a democratic society and a society ruled by laws – I urge the Commission to adhere to these principles and reject both applications before it this evening.

Thank you.



February 5, 2025

RECEIVED

Middlebury Planning and Zoning Commission
Town of Middlebury
1212 Whittamore Road
Middlebury, CT 06762

FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300020.00001

**RE: Subdivision Application for 14 Lots on Property at 124 Kelly Road
Middlebury, Connecticut**

Dear Middlebury Planning and Zoning Commission,

SLR International Corporation (SLR) is in receipt of correspondence addressed to you from Hiram W. Peck III, AICP, of Plan Three, LLC dated February 1, 2025, regarding the review of the above-referenced project. We offer the following responses the comments contained herein.

- C1. Site Development Plan, information not presented, includes soil types, open space accessibility, and information regarding the "land to be retained by the owner." Is the retained land to be in another ownership? The regulations require this land to be no less than 100 feet from the end of the development. The Commission needs to be clear as to the details of this land for several reasons, including possible future connection to other properties.
- R1. **The site development plan has been revised to show soil types. In terms of Open Space, the open space has thousands of feet of frontage along Kelly Road and Straits Turnpike and will be accessible for passive recreation along these frontages. The 'land to be retained by the owner' is not intended at this time to be used as a building lot, merely to provide zoning compliance for land that is presently used for groundwater treatment facilities. At this time, there is no intended future use of this parcel. Access to existing groundwater treatment facilities will continue through the present access on 1535 Straits Turnpike and is not intended to be provided at the terminus of the cul-de-sac.**
- C2. There is no indication of the potential impact on the drainage to this site from any nearby proposed development, including any impact on streams and ponds on the site or in the vicinity. The applicant should comment on this potential impact, if any.
- R2. **We have provided a drainage analysis comparing existing hydrology to proposed hydrology, demonstrating no increases in the rate of runoff at either point of analysis. Our drainage computations have been reviewed by the Town Engineer during this Conservation Commission application along with the Planning and Zoning Commission Subdivision application.**
- C3. A note on the submitted site plan (page 2) indicates that the wetlands boundaries were not field located. The Commission should verify to their satisfaction that wetlands and

stream, especially floodplain limits and boundaries are correct. While the Conservation Commission may have reviewed and discussed this item it is not clear from available minutes. Clarification on this point should be made.

- R3. The wetland boundaries were field delineated by a soil scientist and located using a handheld global positioning system (GPS) receiver, which is accurate to within 1'. The soil report was reviewed and accepted by the Conservation Commission.**
- C4. The subdivision standards contained in Section 5.7 regarding open space appear to be incomplete based on the materials I was able to review. The applicant should verify that the requirements of this section are met. In fact, the Commission may wish to consider the Fee in Lieu of Open Space for this development as the proposed open space appears to be hard to access, used for drainage basin and less that the best playground area for residents.
- R4. The proposed open space includes approximately 27% of the total area of land included in the subdivision, greatly exceeding the 20% requirement. Of the total 14.3 acres of proposed open space, wetland areas or steep slopes account for 3.3 acres, or 23% of the open space, which is less than the recommended 25% threshold for further Commission considerations. The applicant has had preliminary discussions with the Town of Middlebury, who has expressed interest in receiving the open space.**
- C5. The application makes no mention of any planning done with regard to solar access which is required by the Section 5.4 of the regulations. Has any such planning been done? If so, where is it indicated?
- R5. The road layout has been set along a lightly wooded ridgeline running essentially north to south. All proposed houses will have the availability or west or southern facing roof exposure so solar access will be adequate for all proposed lots.**
- C6. What percentage of the proposed open space is wetland? Greater than 25%? Where is the required pedestrian access to the proposed open space? Is the open space proposed to be owned by the Land Trust, or an HOA or by some other party? This should be indicated for maintenance purposes and proper deeding purposes.
- R6. The open space includes approximately 21% wetland areas and 2% steep slopes. Pedestrian access is available along some 1700+ linear feet of road frontage along Kelly Road and Straits Turnpike. The applicant has approached the Town of Middlebury to review the possibility of the Town accepting the open space areas.**
- C7. The plans do show the required street trees to be planted. However, the tree details with regard to size. Caliper and tree species are not clearly shown.
- R7. The species of trees and caliper will be coordinated with the Director of Public Works.**
- C8. The plans do not clearly show the requirement that the utilities are to be located underground.



- R8. All utilities are proposed to be underground. A note to that effect can be added to the General Notes on the Title Sheet.**
- C9. Finally, the applicant should present any information regarding the remains of the "Old House Location" and "Old House Foundation" shown on the property. It appears this area is to be used as a detention basin. Are there any historical aspects of either of these items that should be noted or possibly preserved. What are the facts pertaining to them? Any historical interest so that they should be preserved or otherwise noted?
- R9. The site including the old stone foundation of the Nathaniel Richardson House and surrounding areas have been reviewed by Mary Harper of AHS Cultural Resource Management. It is her professional opinion that the measures taken to preserve the stone foundation remains of the prior house are appropriate as shown. She did not identify any other areas that required preservation. Her letter has been submitted for the record and is attached to this response.**

Overall:

It appears that some of the required items have not been provided for review by the Commission or staff. These items should be provided for review as the application appears to be incomplete at this time. In fact many of the items are significant and without them the Commission would be hard pressed to determine the application to be complete. Once these items are prepared and presented, a decision could then be made.

In addition, it is my opinion, based on the amount and number of wetlands and floodplain on the site, that this parcel might be an excellent candidate for an open space subdivision. Has this been considered? In addition, based on the adopted Middlebury Affordable Housing Plan, while not required at this time, the Commission might consider asking for any subdivision or development with 10 or more lots to provide an aspect of affordable housing in the development. Many municipalities are requesting 20% of the units to be able to comply with attainable housing standards.

Response: With the documents already submitted, along with the responses provided, we believe that we've provided adequate information for the Commission to render a decision. Additionally, the applicant respectfully declines to offer any of the lots as affordable as part of the proposed traditional conventional subdivision.

If you have any additional questions, please feel free to contact us at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

141.300020.00001.f525.ltr.2.docx





January 27, 2025

FEB 05 2025

Mr. Brian Proulx, Middlebury Fire Marshal
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

Middlebury Land Use Office
Middlebury, CT 06762

SLR Project No.: 141.300325.00001

**RE: Site Plan Review
Kelly Road Subdivision at Memorial Drive
Middlebury, Connecticut**

Dear Mr. Proulx,

SLR International Corporation (SLR) is in receipt of your email correspondence dated January 10, 2025, regarding the above-referenced project. We offer the following responses to your comments contained herein.

- C1. Confirm the turn radius of the cul-de-sac meets the turning details of our longest apparatus attached.
- R1. **Middlebury's longest apparatus will be able to navigate the proposed cul-de-sac. Please see attached Figure TM-1.**
- C2. Confirm hydrants will be active prior to any construction taking place.
- R2. **Comment acknowledged. Hydrants will be active prior to any building construction.**
- C3. Confirm grade is less than 10% anywhere within the development.
- R3. **The proposed maximum roadway grade is 10%.**
- C4. What is the average (and largest) square footage of the homes? This will determine fire flow needs.
- R4. **The average square footage of the homes will likely range from 2,600 to 3,000 square feet (SF). At this time, it is hard to determine the square footage of the largest home.**
- C5. I do not recall where the closest hydrant is near memorial drive, I will have to go take a look.
- R5. **The closest existing hydrant is located at the southeast corner of Memorial Drive and Kelly Road intersection, directly across the road from the proposed development.**

- C6. If the hydrant in the cul-de-sac could be damaged by a plow, it will require bollards or some level of protection from damage.
- R6. The proposed fire hydrant has been moved out of the cul-de-sac to a location with less likelihood for potential damage from snow plowing operations.**
- C7. Will need a sign or appropriate markings to not block the hydrant in the cul-de-sac.
- R7. Please see response to Comment #6.**
- C8. What is the distance in feet from the road entrance to the first hydrant, and the distance between the 1st and 2nd hydrant?
- R8. The distance from the road entrance to the first hydrant along the roadway is 465 feet. The distance between the first and second hydrant is 435 feet.**

If you have any additional questions, please feel free to contact us at (203) 271-1773.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com

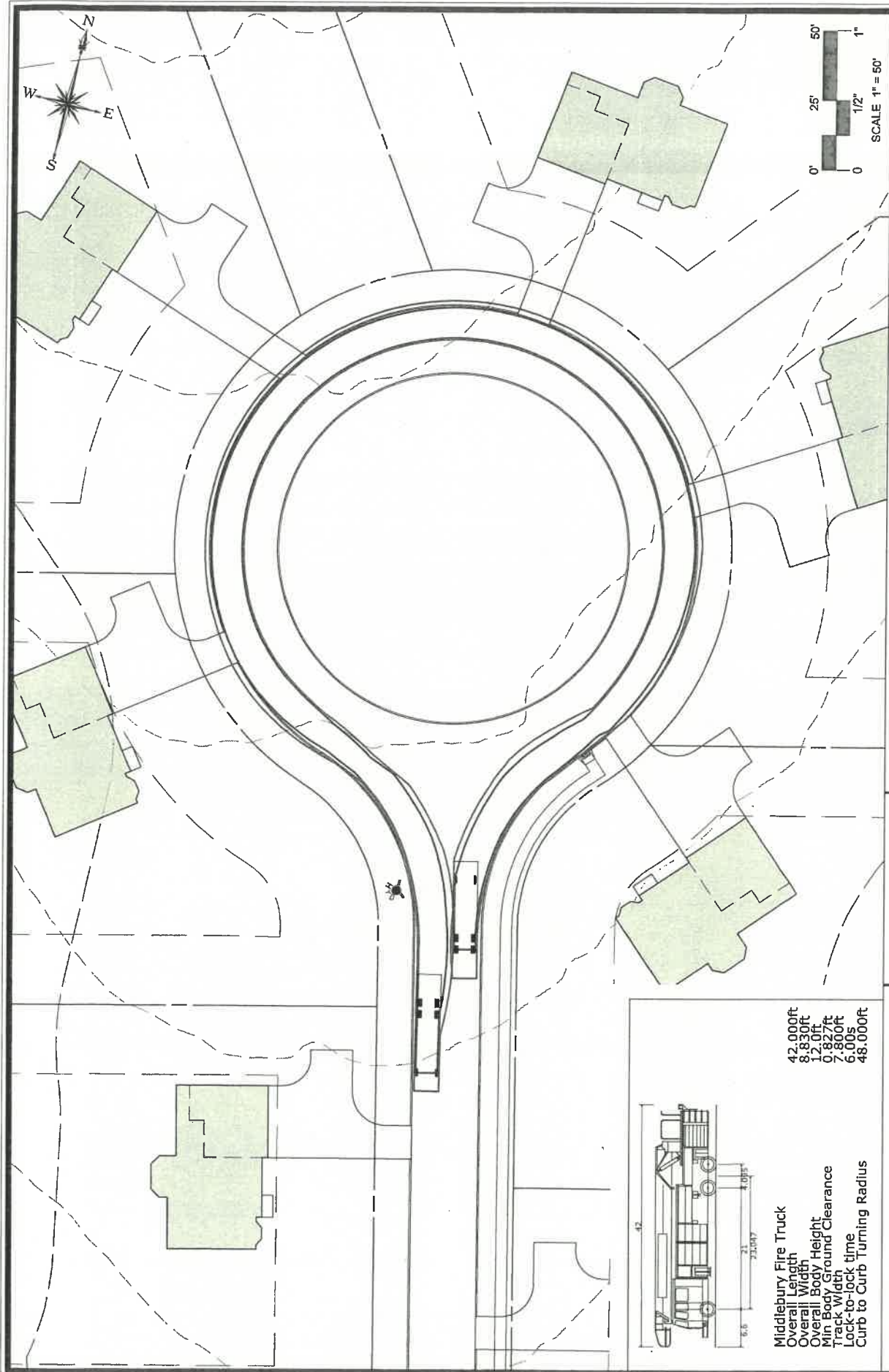
Attachment

300325.00001.j2725.ltr.docx



Austin Dowd
Associate Civil Engineer
adowd@slrconsulting.com





DRAWING NAME:

TM-1

FIRE TRUCK TURNING MOVEMENT

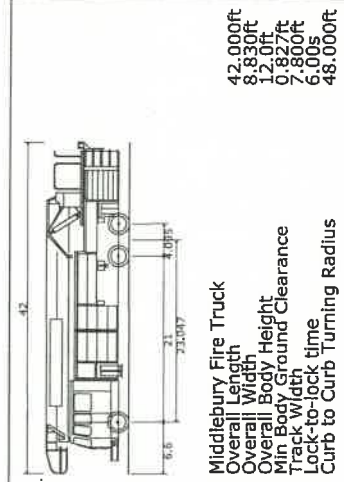
KELLY ROAD SUBDIVISION
AT MEMORIAL DRIVE

124 KELLY ROAD
MIDDLEBURY, CONNECTICUT

DATE	JANUARY 14, 2024
SCALE	1"=50'
PROJ. NO.	300020.00001
DESIGNED	---
DRAWN	NB
CHECKED	RJM



99 REAHY DRIVE
CHESHIRE, CT 06410
TEL: 860.261.1111
SLRCONSULTING.COM





ARCHAEOLOGICAL AND
HISTORICAL SERVICES, INC.

569 Middle Turnpike
P.O. Box 543
Storrs, CT 06268

www.ahs-inc.biz

January 21, 2025

John Milone
Johnmilone11@gmail.com

Re: Nathaniel Richardson House Site
Kelly Road Subdivision at Memorial Drive
124 Kelly Road
Middlebury, Connecticut

Dear Mr. Milone:

AHS has reviewed information that you provided regarding the Kelly Road Subdivision, including site development drawings prepared by SLR, dated November 27, 2024, and a Potential Lot Line Revision dated January 2, 2025.

Within the proposed subdivision is the site of the ca. 1800 Nathaniel Richardson House, which was listed on the National Register of Historic Places in 1976 when the building was standing. The house was later demolished, but remains of the stone foundation are still visible at the surface. We understand that some local residents have asked that the house site be preserved and recognized.

AHS visited the site on January 17, 2025, to observe the site and the foundation remains. Using photographs of the house in the Nathaniel Richardson House National Register nomination, we verified that the foundation is in the same location. Given the historical significance of the site, AHS believes that preserving the area surrounding the stone foundation and the foundation itself is an appropriate measure for the project.

Sincerely,

A handwritten signature in black ink that reads 'Mary G. Harper'. The signature is fluid and cursive, with the first name 'Mary' being the most prominent part.

Mary G. Harper
President

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FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

RE: Kelly Road Subdivision @ Memorial Drive

From Brian Proulx <brianproulx@middlebury-ct.org>

Date Tue 2/4/2025 8:52 PM

To Ryan McEvoy <rmcevoy@slrconsulting.com>

Cc Curt Bosco <cbosco@middlebury-ct.org>; Austin Dowd <adowd@slrconsulting.com>; John M. Milone <jmilone@slrconsulting.com>; Terry Smith <tsmith@middlebury-ct.org>

 2 attachments (9 MB)

2025-02-04 Reponse to Fire Marshall.pdf; 2025.01.27 Kelly Road Subdivision At Memorial Drive_Site Plans.pdf;

I have conducted a site plan review of the proposed project and accept the written response letter dated 2025-2-4 with provisions mentioned from Ryan McEvoy and approve the modified drawing dated 2025.1.27 for the Kelly Road Subdivision.

Brian Proulx
Fire Marshal - Middlebury
(o) 203-577-6740

From: Ryan McEvoy <rmcevoy@slrconsulting.com>

Sent: Tuesday, February 4, 2025 12:01 PM

To: Brian Proulx <brianproulx@middlebury-ct.org>

Cc: Curt Bosco <cbosco@middlebury-ct.org>; Austin Dowd <adowd@slrconsulting.com>; John M. Milone <jmilone@slrconsulting.com>

Subject: Kelly Road Subdivision @ Memorial Drive

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.

Brian,

Per our conversation, please see my updated response to Comment #4. Please let me know if you'll be able to provide a letter to the P&Z Commission prior to the 2/6/25 Public Hearing.

Ryan McEvoy PE
Principal Civil Engineer

D 475-244-2302 O 203-271-1773

M 203-606-2314 E rmcevoy@slrconsulting.com

SLR International Corporation

99 Realty Drive, Cheshire, CT, United States 06410



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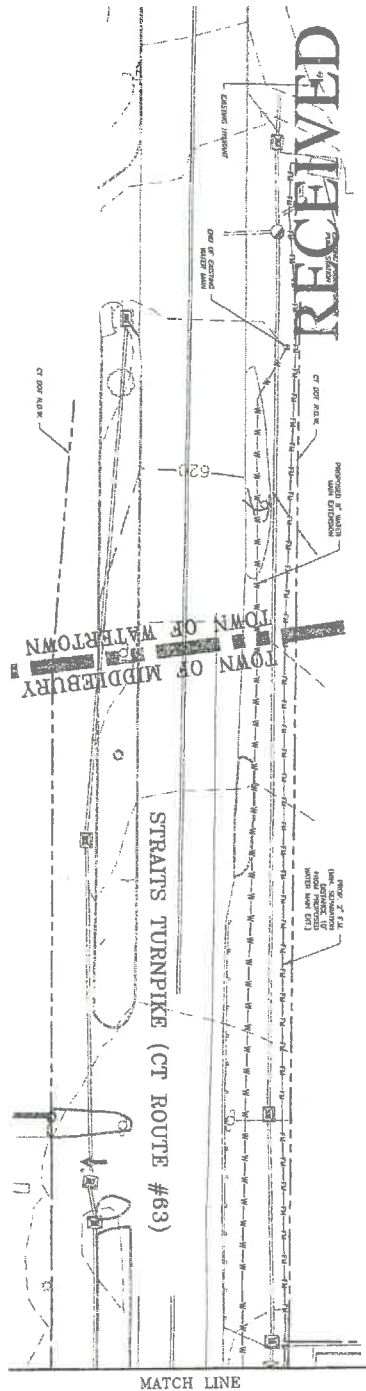
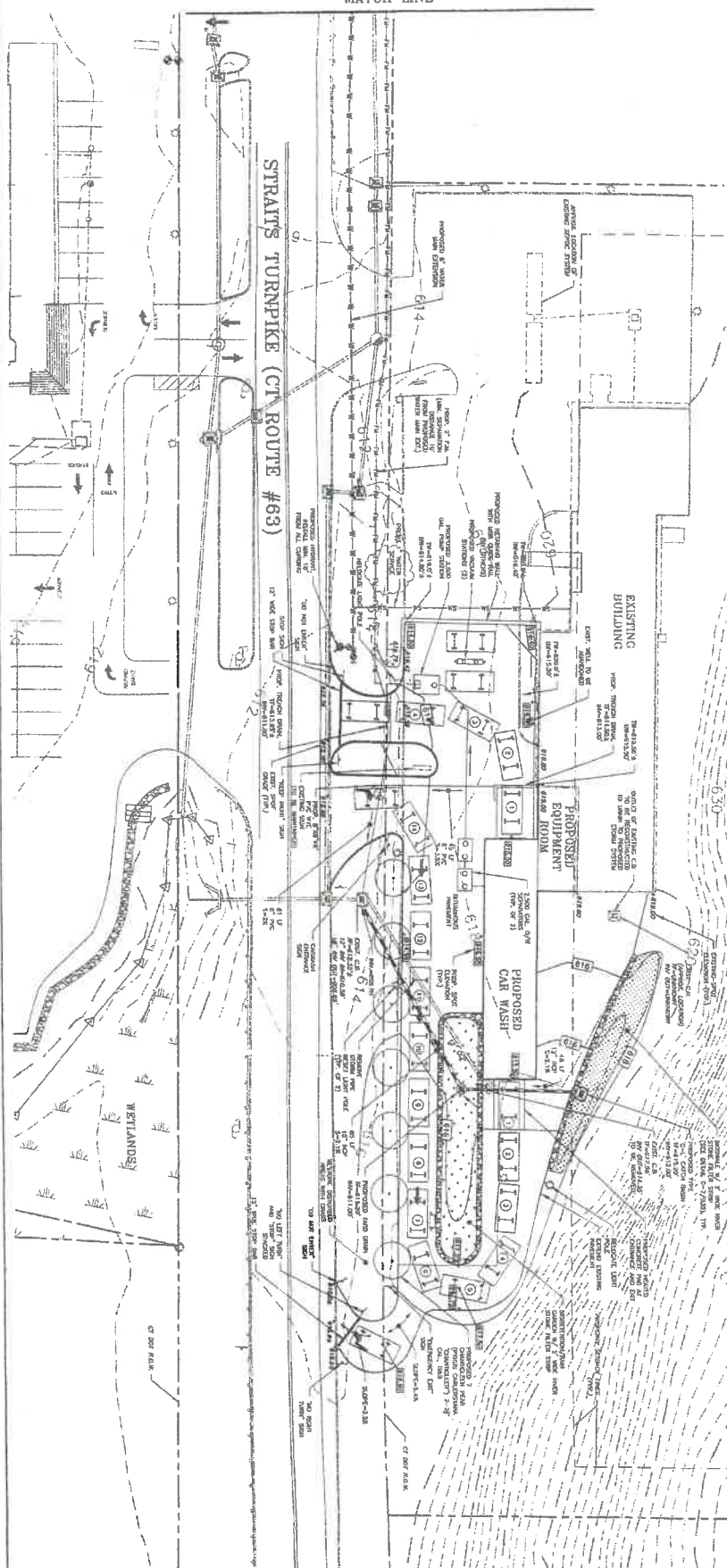
FEB 05 2025

Middlebury Land Use Office
Middlebury, CT 06762

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MATCH LINE



FEB 06 2025

Middlebury Land Use Office

Middlebury, CT 06762

REVIEWED

TOWN OF MIDDLEBURY
TOWN OF WATERLOO

STRAITS TURNPIKE (CT ROUTE #63)

MATCH LINE

1. ALL PROVIDED BRIDGE/DOCK/RAILS AND SHOPS SHALL BE MAINTAINED AND KEPT IN WORKING CONDITION.
2. THE PROVIDER PROVIDING RAIL SHALL BE COMBINED BY A PROFESSIONAL ARCHITECT, LOCATED IN CONNECTICUT, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE/REPAIRS OF THE RAIL. THE PROVIDER SHALL BE RESPONSIBLE FOR THE STAFF OF CONSTRUCTION.
3. THE DIRECTOR, OR HIS REPRESENTATIVE, SHALL INSPECT ALL WORK AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE/REPAIRS TO THE TOON OF MAINTENANCE. THE PROVIDER SHALL CARRY THAT ALL WORK HAS BEEN DONE IN ACCORDANCE WITH THE APPROVED PLANS.
4. THE OWNER SHALL CONSIDER A SAVANNAH, LOCATED IN CONNECTICUT, TO OBTAIN AN AS-BUILT PLAN. SUCH PLAN SHALL BE SUBMITTED TO THE TOWN OF BLOOMFIELD.

DATE	7/6/18	NOT VALID WITHOUT SIGNATURE AND ORIGINAL SEAL
SCALE	1"=20'	
DESIGNED BY	S.A.L.	
DRAWN BY	C.C.S.	
CHECKED BY	M.E.L.	
JOB NO.	00336	
DRAWING NO.		

CLIENT: 2160 Straits, L.L.C.
c/o County Line Nissan
2160 Straits Tank, Middlebury CT 06762

PROJECT: Proposed Car Wash
2160 Straits Turnpike
Middletown, CT 06762

TITLE: Site Utility & Grading Plans



DYMAR

800 Lake Street South • Southbury, CT 06488 • (203) 237-2948 • Fax (203) 237-1561

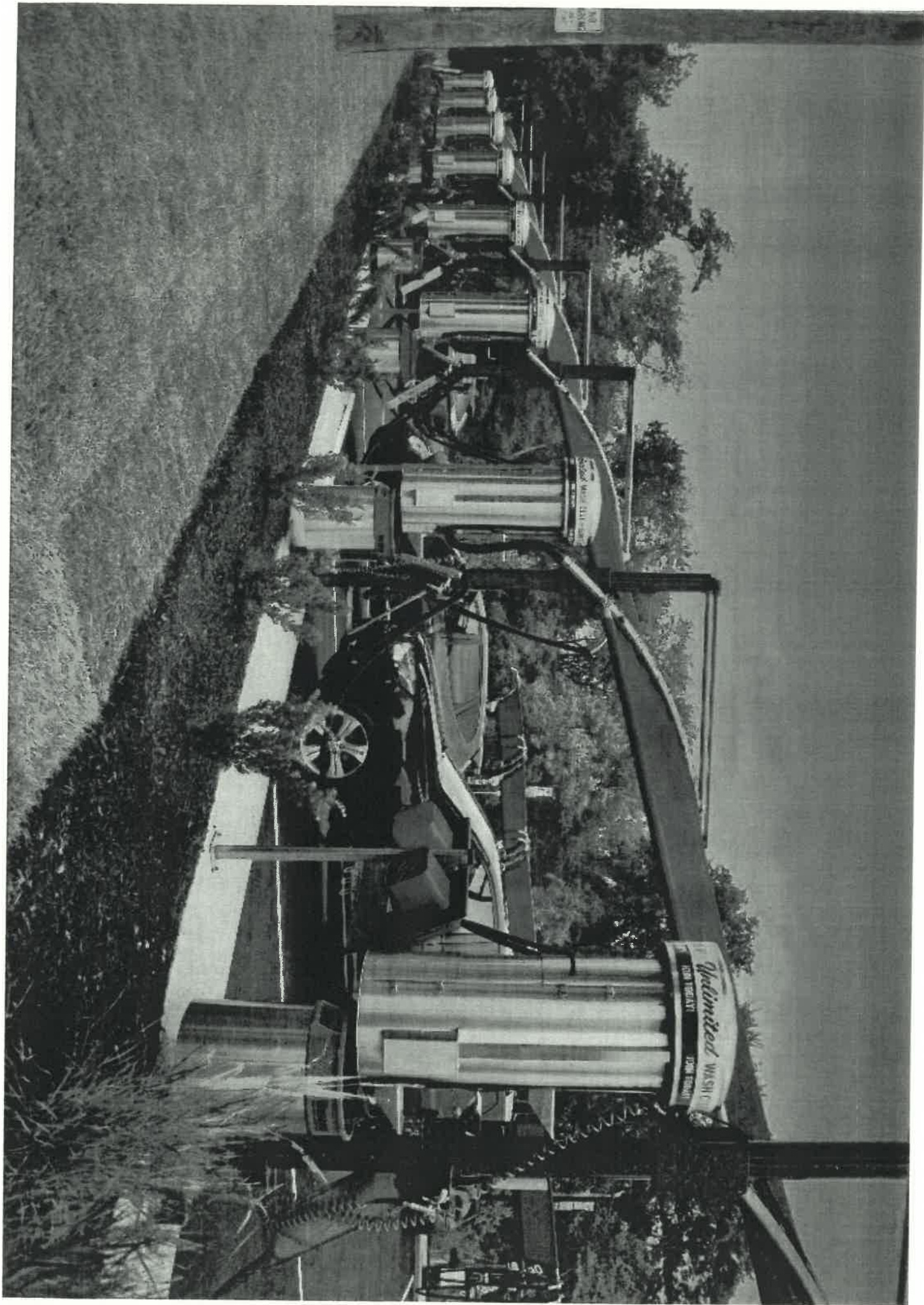
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QUALIFIED TO BE ISSUED FOR LAND REVENUE PURPOSES ONLY

REVISION				
NO.	DATE	DESCRIPTION	THRU	CHGNO.
1	8-9-66	Revised per review comments.	S.A.L.	M.F.L.
2	8-20-66	Revised per review comments.	S.A.L.	M.F.L.
3	8-23-66	Revised per review comments.	S.A.L.	M.F.L.
4	8-24-66	Revised per review comments.	S.A.L.	M.F.L.

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C-3





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FEB 06 2025

Middlebury Land Use Office

Middlebury, CT 06762