



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

June 1, 2023

REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Matthew Robison
Erika Carrington
Joseph Drauss

REGULAR MEMBERS ABSENT

ALTERNATE MEMBERS PRESENT

Frank Mirovsky
Paul Anderson (arrived @ 7:09 p.m.)

ALTERNATE MEMBERS ABSENT

Gerald Lukowski

ALSO PRESENT

John Calabrese, P.E.

CALL TO ORDER

Chairman Smith called the Regular Meeting to order at 7:00 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, Robison, Carrington & Drauss and Alternate Member Mirovsky as present. Regular. Alternate Member Anderson arrived at 7:09 p.m. Alternate Member Lukowski was absent.

PUBLIC HEARINGS

None

MINUTE APPROVAL

1. Discussion of the Minutes of the Special Meeting held on May 4, 2023

Motion: to approve the Minutes as submitted. Made by William Stowell, seconded by Matthew Robison. Joseph Drauss abstained. Unanimous Approval.

2. Discussion of the Minutes of the Regular Meeting held on May 4, 2023

Motion: to approve the Minutes as submitted. Made by Matthew Robison, seconded by William Stowell. Joseph Drauss abstained. Unanimous Approval.

OLD BUSINESS

None

NEW BUSINESS

3. Jennifer Mahr/Middlebury Small Town Alliance, LLC/P.O. Box 1073, Middlebury, CT 06762 – Proposed Zoning Regulation Amendment. Moratorium on Distribution Facilities of any size and Warehouses in excess of 100,000 square feet. (Application #23-26Z)

Jennifer Mahr stated that she was under the impression that the commission was accepting the application.

Chairman Smith confirmed that the commission was accepting it. He then stated that a public hearing would need to be set within sixty-five (65) days.

Jennifer Mahr questioned even if they grant an extension.

Chairman Smith clarified that they could grant an extension. Once a public hearing is open, it must be closed within sixty-five (65) days. They could request an extension to keep it open

another thirty-five (35) days, but not to open a public hearing. He then added that they had the choice to either withdraw and resubmit in July or set the public hearing for August.

Jennifer Mahr replied that August was fine.

Bob Nerney of 414 Long Meadow Road requested to make a comment.

Chairman Smith agreed.

Bob Nerney proceeded to state that the information Chairman Smith declared was inaccurate.

Chairman Smith replied that it is correct and that he has a legal opinion.

Bob Nerney declared that if they needed to obtain a legal opinion, they would do so.

Jennifer Mahr reiterated that August was fine.

Motion: to set a Public Hearing for August 3, 2023. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Jennifer Mahr requested that Chairman Smith provide her with a copy of the legal opinion.

Chairman Smith provided her with said document.

OTHER BUSINESS

4. Presentation by Town Consultant Hiram Peck of Plan Three regarding Final Draft of Affordable Housing Report

Chairman Smith stated that Hiram Peck would not be present and that this was to approve the Final Draft of the Affordable Housing Report that Mr. Peck presented to the commission on May 4, 2023. A few revisions were made, such as typos and numbering, otherwise it is exactly the same.

Motion: to approve the Final Draft of the Affordable Housing Report. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

Chairman Smith then declared that it would be forwarded to the Board of Selectmen.

5. Metro Realty/1535 Straits Turnpike – Informal discussion on Luxury Rental Housing at 124 Kelly Road and 1535 Straits Turnpike

Attorney Edward (Ned) Fitzpatrick of 203 Church Street, Suite 4, Naugatuck, CT 06770 spoke on behalf of the applicant. He stated that Kyle Richards of Metro Realty, LLC provided the members of the commission with 11 X 17 packets which contain completed projects of luxury rental housing in Farmington (2014) and West Hartford (2016), along with other related materials. He acknowledged that Mr. Richards provided a slideshow presentation to this commission on March 2, 2023. At that time, it was suggested that the applicant proceed to determine if there is sewer capacity for the proposal. According to the Middlebury WPCA, it was determined that it is a non-sewer district. However, the 77 acre property does have access to the City of Waterbury through several locations. The packet contains copies of the following capacity determinations:

- May 22, 2023 letter from Michael LeBlanc from the City of Waterbury Water Pollution Control Department to Thomas Daly of SLR International Corporation, 99 Realty Drive, Cheshire, CT 06410
- May 5, 2023 letter from Lauren E. Berman, P.E., from Connecticut Water Company to Kyle Richards of Metro Realty Group, Ltd., 6 Executive Drive, Suite 100, Farmington, CT 06032

Paul Anderson arrived at 7:09 p.m.

Attorney Fitzpatrick acknowledged that the determination is subject to detailed plans and an intermunicipal agreement between Waterbury and Middlebury. The application consists of one-bedroom and two-bedroom luxury rentals only. There will be no three-bedroom rentals. He encouraged the members of the commission to visit the completed projects in Farmington and West Hartford, both of which are 100% occupied. The 77 acre piece is comprised of three (3) different zones and he expects to draft a regulation similar to Section 22. Their intention is to keep the project specific to the subject piece of land, as opposed to being town-wide. He shared that applicant is willing to meet with members of the commission or staff should they wish to visit their existing sites. He also offered for them to do a site visit unannounced.

Kyle Richards of Metro Realty Group, Ltd. thanked the commission for again allowing him to provide them with a presentation. He pointed out that Thomas Daly of SLR International Corporation, 99 Realty Drive, Cheshire, CT 06410, Ben Trip, EVP of Metro Realty Group, Ltd. and Geoffrey Sager, Founder of Metro Realty Group, Ltd. were also present and available to answer questions. He proceeded to provide a refresher presentation on the site, luxury housing proposed use and the benefits they feel so strongly about. He acknowledged that they have yet to submit a formal application, but was hopeful for some feedback. His presentation mirrored the contents of his packet, dated June 1, 2023, with the following additions:

- These communities are designed for people that have the means to purchase but are choosing to rent.
- Many of the buildings will have elevator access to the 2nd and 3rd floors.
- The clubhouse is approximately 5,000 sq. ft. in size with concierge staffing.
- 15-17 acres of the total 77 acre site will be developed.
- There are eight residential buildings with 25 apartments in each building.
- Each building will have 13 interior garages on the ground floor.
- Additional detached structures are also proposed, each containing 12 garages.
- A long stately entrance approximately 1,000 feet.
- They envision walking paths for residents along the brook.
- The town's regulations utilize both gross and net acres and depending on the zone density is calculated differently.
- They are advocates of affordable housing, developing 1,500 affordable apartments over 19 communities in central CT which they still own and maintain to this day. They are willing to make a portion of the development affordable, but what they believe will be economically feasible is in 5%-10% (preferably 5%) of the total number of apartments.
- Approximately 15,000 luxury rental apartments have been approved in CT over the last 10 years.
- Since the first approved luxury rental housing in 2013, Simsbury has approved 5 more communities with over 1,000 luxury rental apartments in town, with over 97% occupancy.
- He welcomed the members to visit their Farmington and West Hartford residences.

Chairman Smith stated that he needs some time to digest all of the information and think about comments and questions. He offered to have Curtis Bosco, Z.E.O. invite him back for further clarification at a later time.

Matthew Robison pointed out that the May 5, 2023 letter from Lauren E. Berman, P.E., from Connecticut Water Company indicates "8 buildings with a total of 35 bedrooms", however, Kyle Richards referenced 8 buildings with 200 apartments.

Kyle Richards expressed his belief that she meant to reference "per building".

Matthew Robison acknowledged the possibility, but stressed that it needs to state so in the letter.

Kyle Richards agreed and again thanked the commission for their time.

6. Presentation by Attorney Dana D'Angelo/Town of Middlebury regarding an 8-24 referral for the sale of property on Artillery Road to Larry Janesky

Chairman Smith announced that Attorney D'Angelo requested to table her presentation until next month as Larry Janesky was not available to attend and she also needs to do more research.

7. **Reminder of Public Hearing scheduled for July 6, 2023 regarding 1365 LLC/1321 West Street-Application for a Text Amendment to create a Bed & Breakfast use (Application 23-21Z)**

No discussion.

8. **Any other business added to the agenda by a 2/3 vote of the Commission**

None

9. **Adjournment**

Motion: to adjourn the meeting at 7:42 p.m. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

*The next Regular Meeting of the Planning & Zoning Commission is scheduled for July 6, 2023.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Brigitte Bessette, Town Clerk

cc: P&Z Commission Members
Paul Bowler, Chairman, Conservation Commission
Mark Lubus, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Rob Rubbo, Director of Health