



TOWN OF MIDDLEBURY

Board of Selectmen

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TOWN CLERK'S OFFICE

MIDDLEBURY, CT

MINUTES

Meeting of the Board of Selectmen
Tuesday, January 17, 2023 – 4:00 p.m.
Town Hall Conference Room

Ruth M. Beards
TOWN CLERK

Start: 4:00 p.m.

End: 5:25 p.m.

Present

Edward B. St. John, First Selectman
Elaine Strobel, Selectman
Ralph Barra, Selectman
Robert W. Smith, Town Attorney

Patrick Deely – Chief of Police
Marj Needham, Middlebury Bee Intelligencer
Liana St. Germain, Recording Clerk
Vincent Cipriano
Rita Smith

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

Approval of December 5, 2022, Meeting Minutes

First Selectman Edward B. St. John MOTIONED to approve December 19, 2022, amended minutes
SECONDED by Selectman Ralph Barra. Unanimous approval.

Correspondence

First Selectman St. John stated we received a thank you note from Curt Bosco and his family. Curt's mother passed away a few weeks ago.

Tax Rebate

Michael A. Gobstein \$ 160.52
Honda Lease Trust \$ 112.69
Joseph V. & Sheri A. Masotta \$ 1,378.92
Joseph V. & Sheri A. Masotta \$ 1,306.36

First Selectman St. John has requested these rebates take their usual course, SECONDED by
Selectman Strobel. Unanimous approval.

Resignation

Selectman Ralph Barra MOTIONED to accept the resignation and thank Diana Anton for the many
years of service to the Beautification Committee, SECONDED by First Selectman St. John.
Unanimous approval.

Appointments

None

Discussion and Consideration

Town of Middlebury - Naming Rights Policy – Rita Smith thanked the Board of Selectmen for allowing her to present a draft copy of the Naming Rights Policy at today's meeting. There are 2 draft options. One is in the event that a long-time resident of Middlebury wishes to make a significant monetary contribution and wishes to have a town-owned building named in their honor. The second item is in recognition of an individual who has made outstanding contributions over and above what the norm is and they've had a positive impact on the past and future developments of the Town of Middlebury. This option would require information to be used to collaborate on the occurrence of the acts for which the person is being honored. In both cases, we would take into moral turpitude and make sure whomever we are honoring, whether they are living or deceased, the honor lives through. First Selectman St. John noted he does not have any questions at this time, and the normal policy is to allow the Board to review it, and put together suggestions/questions. Selectman Strobel stated she'd like to wait on this and questioned if other towns do this. Rita stated there are several other towns in the state of Connecticut that do this, and Chief Deely is who brought this to Rita's attention. This may never be used but in the event that someone may want to provide a contribution to the town, we need to have a policy in place. Selectman Strobel also questioned that there is no monetary amount listed, Rita stated no that is something the Board of Selectman needs to decide on. Selectman Strobel also questioned why is the Library not included, and Rita stated the Library has their own policy and they have that through the Board of Trustees.

Bonds – Vileisis at 288 Watertown Road – Set Bond / First Selectman St. John stated our Town Engineer sent in a letter (see attached) where a bond amount needs to be set. Erosion Control Bond - \$32,646.35, Restoration Bond - \$18,241.30, Landscape Bond - \$4,277.35, for a total of \$55,165.00 with an additional Monument Bond - \$17,600.00. First Selectman St. John MOTIONED to set the bonds pursuant to the recommendation from John Calabrese our Town Engineer, SECONDED by Selectman Strobel. Unanimous approval.

Middlebury Consignment at 1101 Southford Road – Bond Release – A bond is currently in place in the amount of \$6,369.00. The project has been completed a few years ago and the bond can be released. First Selectman St. John MOTIONED to approve the release of the Bond SECONDED by Selectman Barra. Unanimous approval.

Route 64 Corridor Study – First Selectman St. John noted he has been hounding the Department of Transportation (DOT) to conduct a study of the 64 Corridor. First Selectman St. John goes on to note that we have 3 state roads in town, Routes 188, 64, and 63, and if the Town wishes to do anything on those roads one must first obtain DOT approval. Which can take a very long time. The Council of Governments voted a while ago that a transportation study be done along Route 64 Corridor. The First Selectman St. John stated he has signed off on this, there is no expense to the Town for this, and it is now in their right of way. Hopefully, the findings will be very helpful and will indicate if and where sidewalks, crosswalks, and anything else they see fit to be put in.

First Selectman St. John read aloud for the record the following statement:

“I UNDERSTAND THAT YOU ARE HERE OUT OF FRUSTRATION OVER THE 3 PROPOSED TEXT AMENDMENTS TO THE LI-200 SECTION OF THE TOWN’S ZONING REGULATIONS. IT IS MY UNDERSTANDING THAT YOU ARE SEEKING THE ASSISTANCE OF THE BOARD OF SELECTMAN TO OPPOSE THE APPLICATION. I WANT TO LET YOU KNOW THAT BOARD OF SELECTMAN AND ALL TOWN’S OFFICIALS ARE SPECIFICALLY PROHIBITED BY OUR TOWN CODE OF ETHICS AND BY CONNECTICUT LAW FROM APPEARING ON BEHALF OF OR INFLUENCING ANY MATTER BEFORE THE TOWN’S BOARD OR COMMISSIONS. IN SHORT, WE CANNOT APPEAR ON EITHER YOUR BEHALF OR ON BEHALF OF THE DEVELOPER BEFORE ANY TOWN BOARD OR COMMISSION. THE LAST THING ANYONE WOULD WANT IS THE DEVELOPER SUING THE TOWN FOR LOST PROFITS BECAUSE A TOWN EMPLOYEE OR OFFICER TRIED TO INFLUENCE THE INDEPENDENT DECISION MAKING OF THE PLANNING AND ZONING COMMISSION.”

First Selectman St. John noted that he wishes to make it clear that the Selectmen do not attend meetings. They are questioned as to why they aren't saying anything. First Selectman St. John went on to state that he has personally been sued 7 times for projects that were built where either the developer or the residents were unhappy with the decision of the Planning and Zoning Commission. Either way, the Town of Middlebury loses.

Selectman Elaine Strobel stated that all three board members received all the emails which are part of this record. (see attached)

Public Comments

Chuck & Kristin Couture - 17 Brookside Dr – Chuck stated they moved into town 16 years ago from New Jersey. They bought a residence on Brookside Drive. He had a rhetorical question for anyone or the planning board as to how close they live to the proposed sight and how will it affect their quality of life. Their major objection is due to their proximity to Christian Road, they live at the corner of Brookside at Christian, and have seen multiple tractor-trailers attempt the “S” turns. They do not believe the proposed distribution center will do anything to enhance their existence and will negatively impact their property values as well.

Amy Healey of 110 Judd Hill Road - Amy grew up in town and went through the school system, which is now going to be potentially impacted by the amount of significant traffic. She goes on to state her daughter attends Memorial and next year will be attending Pomperaug. The proximity to the schools, the traffic, pollution, and sound pollution are extremely concerning. Ms. Healey also has the same concern about this negatively impacting her property value. One of her biggest concerns is that she doesn't have a good sense of how they can fight this collectively. First Selectman St. John stated he'd like to make one point about the problem along the Route 188 Corridor and that will be the next study. We have a problem out there now. Anytime there is an interruption on the highway, mainly everything going eastbound, all this traffic comes through town, and this has existed for years. There is a residential property on North Benson Road, then you have some businesses there, you then have a school bus lot, and you have a large school. First Selectman St. John reached out to Joe Martino the School Business Manager, who advised that the school bus traffic alone for the morning is 248 trips, 58 school buses. Ms. Healey asked if they decided to make this offer today, are there studies done?

First Selectman St. John stated knowing our Planning and Zoning Commission there will be a lot of things required, along with anything that may impact the state road which will need DOT approval.

Walter Jonsson of 303 Hemlock Lane - He and his wife moved to Middlebury 17 years ago, after a search of 55 and over communities, they decided on Middlebury. Mr. Jonsson goes on to state that yes, he agrees we should take advantage but what's disturbing is the location, in the middle of residential neighborhoods, a school, and that something this size is ridiculous. First Selectman St. John states one of the things that may have gotten confusing and some questions were brought up on transparency. The Zoning Enforcement Officer with the assistance of Liana put up on the town website all the information on file for this project. The process and the first thing that needs to be done, can all be done concurrently, there are three different text amendments, the first being the height of the building, the second on the distribution center, and the third being adding it as a permitted use and definition. First Selectman St. John noted that the Planning and Zoning Commission, as part of their regulation, they have full say over that, exactly what process and how long is unknown.

Jennifer Mahr of 68 Abbott Farm Road - Ms. Mahr starts off by stating she has a series of questions. She has several procedural concerns. First, the noise Ordinance in town is very general. Plenty of other towns separate it out by industrial use, residential use and at times there is even a third use for commercial/industrial use. In such noise ordinances, there are specific decibel levels that are acceptable. Secondly, on the question of transparency and how the town Boards operates, they are all volunteers, and they are doing the best for our town. The corresponding piece to this statement is that they are not elected and there is no function for the people in town to hold any of them accountable for their decision. The last question is directed at the First Selectman, on the town website under the Economic Development page there is a link, "The First Selectman's Door is always open". The page states, "One of the great benefits of a town with a population of only 8,200, and with a First Selectman with decades of experience, is that he can personally discuss your business objectives and provide you with important introductions. Unlike many towns, there is much flexibility in our regulations." Ms. Mahr questions what that means, and which regulations are flexible. The reason for asking there are 2 cases now out of the hearings they've had in the last month and a half that raise concern. First, with the Conservation Commission, they chose not to have a public hearing for the site application that they considered for the distribution facility on November 29, 2022. The Zoning Enforcement Officer Curt Bosco explained to an Avalon Farms HOA meeting that was held on December 27, 2022, that they decided not to call that a public hearing, because it was all science and everything was okay and there is no need for a public hearing. She took these site plans and ran them past a professional drainage engineer. This project is considered a high pollutant load site by the Connecticut DEEP 2004 stormwater quality manual. Several elements of the water management design for this proposed project do not meet state requirements and are not best practices. The filling of wetlands for the building and or parking areas is clearly an adverse physical impact and it is not an insignificant activity based on my more than 40 years in this field. The fact that the applicant is proposing filling wetlands mitigation with no bearing on the significance of the proposed filling. The proposed filling and loss of functional wetlands must be evaluated without consideration of the proposed mitigation. This is based on the gentleman's professional opinion. Ms. Mahr goes on to note that the Conservation Commission should have called for a public hearing because we the town have the right to ask for a specialty evaluation of these plants, and they did not do that. Secondly, people were turned away from the Planning and Zoning Public Hearing on January 5th, 2023, which is a violation of the Freedom of Information Act what should have happened, is the hearing should have been stopped, canceled, and rescheduled for

another time. The denial of access to a public meeting is what the violation is. The final piece of that is that, yes there was a website put up but the application was not on file in the Town Clerks' office ten days prior to the public hearing. In effect, it invalidates the public hearing, because according to state law those papers are to be at the town clerk's office regardless of it being on the town website. There are multiple inconsistencies that surround how the town is handling this process and it is not okay. First Selectman St. John has asked to have all questions be put in writing in order for them to be forwarded to the proper people and have a professional response done. He goes on to state that he is not an expert in land use nor an expert in conservation and wetlands either, he does not claim to be, it is not his area of expertise, but he will be glad to share all questions and concerns with people who do know and you will get a response. First Selectman St. John states as far as what is filed the Selectmen's office are not responsible for those filings, we presume our land use people do, and doing what they are supposed to be doing, and if there are any procedural issues I'm sure they will have to make corrections to it.

Wes DeSantis of 173 North Street - He lived in Waterbury near the Coca-Cola distribution center. When he got married he and his wife were looking to purchase a home they decided on Middlebury, and bought right near the green. Mr. DeSantis explained the cons of living near a distribution, all the noise, trucks, and traffic just to name a few. He moved to Middlebury for the small-town feel.

Charles and Amy Spallino of 183 Ridgewood Drive - Mr. Spallino states we need to get all the neighbors involved in order to stop this.

Blair Patterson of 77 Crest Road - States his concern about the increased pollution, and traffic, and that our roads will not be able to accommodate the increase. Mr. Patterson goes on to state the proximity the Oxford Airport, and that this distribution center will likely bring in more aircraft to the airport.

Jennifer Mahr has an additional question about DOT and state roads and the accessibility to the distribution center, and what if DOT does not approve to use of Route 188? First Selectman St. John stated the only access that will be allowed is on Route 188, Christian Road will be utilized for emergencies only. Ms. Mahr mentions the foundations at the corners of Park Road, and that they are still undeveloped. Marj Needham, Middlebury Bee Intelligencer, stated Metro North Realty had tenants who bailed on them, and they have been actively looking for new tenants. Ms. Mahr goes on to note that she has an inside source who is an engineer, who stated that the permits were pulled by the State. First Selectman St. John questioned who the source was as to where Ms. Mahr stated she cannot disclose this information.

William Pizzuto (71st district State Representative) of 20 Somerset Drive. Mr. Pizzuto states that he and his wife moved to Middlebury because of its location and small semi-rural town. He goes on to state that he is not against development, just not in the projected location of this distribution center.

First Selectman St. John the Airport was originally built for Uniroyal. In the 1980's IBM bought the property, they came in but their business project changed and they did not build on the property. They sold the property to now TIMEX. TIMEX allowed and sold parts of the property, one being Benson Woods.

Tara (Bellotti) Girouard of 180 Burr Hall Road - Ms. Girouard states everyone has given many reasons as to why they do not want a distribution center. She wants to know what can they do to fight this, and is concerned that the decisions are being made by volunteers and, not actual town officials.

Barbara Yantorno of 7 Hampshire Court - She had a question about the airport and are the runways large enough to accommodate large planes. Chuck Couture is a retired pilot, and he stated yes, it is long enough and large enough.

Joe Morningstar of 257 Christian Road - Mr. Morningstar states that the members of the Planning and Zoning Commission do not have a vested stake, they are just volunteers. First Selectman St. John noted per the state of Connecticut, members on Boards, Commissions, and Committees are given authority to make decisions. Our land use department meets with consultants and attorneys. Mr. Morningstar goes on to note that the Board of Selectman should be making these decisions since they are voted in and are vested in our town.

Sam Dexter of 148 North Street - Mr. Dexter stated he never attended a meeting in town because he believed for many years the town was doing a great job. But he believes the Planning and Zoning Commission will just approve this. Mr. Dexter states he strongly opposes this and that the town should not go through with it.

Monique Crane of 3 Fairview Lane - Ms. Crane questioned does Planning and Zoning have the ability to change the laws or do they have to meet with others. First Selectman St. John stated many things need to be done prior to any laws being changed.

Shelley & Lynn Rose of 400 Long Meadow Road - Ms. Rose states that the First Selectman is aware of the many traffic issues with Route 188, and at times it is impossible for her to turn onto Long Meadow due to the traffic backup, especially with tractor-trailers. Even with the state doing a traffic study, the road will still be a mess. The First Selectman stated that the developer will have to pay to have the state handle a traffic study and they have to make sure this will not adversely affect the area.

Selectman Elaine Strobel made it clear that this project is not a done deal. The town residents should do what they need to, but again this is not a done deal.

Walter Jonsson asked if the Planning and Zoning Commission approves this text amendment, what can a town resident do. First Selectman St. John stated that the individual can appeal it personally.

Jennifer Mahr states that the Planning and Zoning Commission has 65 days to decide, but the applicant may choose to extend it if they wish. Ms. Mahr also stated that there's organization information to come out by the end of the week.

MINUTES – BOARD OF SELECTMEN MEETING

Tuesday, January 17, 2023, at 4:00 pm

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Executive Session

None

Adjournment

Selectman Elaine Strobel MOTIONED to ADJOURN the meeting at 5:25 p.m.; SECONDED by First Selectman Edward St. John. Unanimous approval.

The next meeting is slated for Monday, February 6, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk

CALABRESE ENGINEERING

601 Quassapaug Rd.
Watertown, CT 06795
(203)598-4390

Town of Middlebury
Board of Selectmen
1212 Whittemore Road
Middlebury, CT 06762

January 17, 2023

Bond – Vileisis – 288 Watertown Rd.

Dear Mr. St. John:

I have reviewed the following (attached):

- Erosion Control Bond – \$32,646.35
- Restoration Bond – \$18,241.30
- Landscape Bond – \$4,277.35

The bond for the project can be set at the above amounts totaling \$55,165.00

In addition, a Monument Bond (attached) in the amount of \$17,600.00

Please contact me if you have any questions or comments.

Yours truly,


John N. Calabrese P.E.

288 Watertown Road
Middlebury CT

Erosion Control Bond

January 9, 2023

General: Clearing & Grubbing and Sedimentation & Erosion Control	Units	Units (#)	Unit Price	Total	% Complete	\$ Remaining
Clearing and Grubbing	AC	2.75	3,000.00	8,250.00	0	\$ 8,250.00
Silt Fence	LF	920.00	2.00	1,840.00	0	\$ 1,840.00
Temporary Construction Entrance	EA	1.00	1,000.00	1,000.00	0	\$ 1,000.00
Strip and Stockpile Topsoil	CY	1,477.00	2.50	3,692.50	0	\$ 3,692.50
Temp. Diversion Ditch/Water Bars	EA	2.00	150.00	300.00	0	\$ 300.00
Haybale Protection for Catch Basins	EA	4.00	80.00	320.00	0	\$ 320.00
Temporary Sediment Traps	EA	1.00	2,500.00	2,500.00	0	\$ 2,500.00
Establish Turf on Disturbed Areas	SY	11,776.00	1.00	11,776.00	0	\$ 11,776.00
					% Complete	\$ Remaining
Total Work				29,678.50	0	\$ 29,678.50
10% Contingency				2,967.85	0	\$ 2,967.85
Total Cost Estimate				32,646.35	0	\$ 32,646.35

288 Watertown Road
Middlebury CT

Restoration Bond

January 9, 2023

General: Restoration Work	Units	Units (#)	Unit Price	Total	% Complete	\$ Remaining
Regrading & Repair Allowance	LS	1.00	15,000.00	15,000.00	0	\$ 15,000.00
Seeding & Turf Establishment (Paved Area Only)	SY	1,583.00	1.00	1,583.00	0	\$ 1,583.00
					% Complete	\$ Remaining
Total Work				16,583.00	0	\$ 16,583.00
10% Contingency				1,658.30	0	\$ 1,658.30
Total Cost Estimate				18,241.30	0	\$ 18,241.30

288 Watertown Road
Middlebury CT

Landscape Bond

January 9, 2023

General: Landscaping	Units	Units (#)	Unit Price	Total	% Complete	\$ Remaining
Rain Garden Area Shrubs	EA	150.00	16.00	2,400.00	0	\$ 2,400.00
Riprap Outlet Protection	SY	30.00	25.00	750.00	1	\$ 742.50
Seeding in Rain Garden	SY	746.00	1.00	746.00	0	\$ 746.00
					% Complete	\$ Remaining
Total Work				3,896.00	0	\$ 3,888.50
10% Contingency				389.60	0	\$ 388.85
Total Cost Estimate				4,285.60	0	\$ 4,277.35

288 Watertown Road
Middlebury CT

Monumentation Bond

January 9, 2023

General: Monumentation	Units	Units (#)	Unit Price	Total	% Complete	\$ Remaining
Concrete Monumentation	EA	32.00	500.00	16,000.00	0	\$ 16,000.00
Total Work				16,000.00	0	\$ 16,000.00
10% Contingency				1,600.00	0	\$ 1,600.00
Total Cost Estimate				17,600.00	0	\$ 17,600.00

CALABRESE ENGINEERING

601 Quassapaug Rd.
Watertown, CT 06795
(203)598-4390

Town of Middlebury
Board of Selectmen
1212 Whittemore Road
Middlebury, CT 06762

January 17, 2023

Bond Release – Middlebury Consignment – 1101 Southford Rd.


Dear Mr. St. John:

A bond is currently in place for Middlebury Consignment -1101 Southford Rd. in the amount of ~~\$6369.00~~

The project has been completed a few years ago and the bond can be released.

Please contact me if you have any questions or comments.

Yours truly,



John N. Calabrese P.E.

Liana St. Germain

From: samuel dexter <revdexter@hotmail.com>
Sent: Monday, January 16, 2023 09:44
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting/opposition to proposed warehouse/distribution project

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 Board of Selectmen,

I would like to share with you this statement from the American Academy of Pediatrics article "The Built Environment: Designing Communities to Promote Physical Activity in Children" (2009)

"Air pollution exposure has been associated with the development and exacerbation of asthma in children. Although physical activity is a positive aspect of outdoor play, it is important to recognize that time spent outdoors can make a child more vulnerable to ambient air pollution. Direct exposure to vehicle exhaust can affect a child's health... Children will benefit from planning that actively promotes outdoor play and walking while addressing the negative health effects of traffic and air pollution."

The proposed warehouse and distribution center on the site of the Timex headquarters, as you know, is actually adjacent to Long Meadow Elementary school. I am told that the plans propose sufficient parking for 450 employee cars. A distribution center of that enormous size operating at all hours will also have constant truck traffic, many of them no doubt idling while spewing exhaust near the facility, literally abutting the school and its playing fields and playground. This proposed project endangers the health of the young children who will attend school next door to the facility. That is a simple fact.

I would also like to enter into the record this article documenting the destructive effects of similar distribution centers (many of them, if you read the article, far smaller than the one proposed for the Timex site) <https://www.consumerreports.org/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/>

In the article, these are mostly poor communities of color that suffer the effects of having a corporation which conceals its true identity and the full impact of its plan from residents, with the assistance of colluding city officials, until it is too late for the children in those neighborhoods to avoid negative health outcomes, for the home values of the residents to be protected, and for the incredible increase in truck traffic to do damage to homes' foundations and local roads, and to belch huge quantities of pollution into the atmosphere of the affected neighborhoods. We are not a poor community of color. As I am sure you know, the median household income in Middlebury is \$124,619. We are, as our census designation labels us, a "fringe-rural, suburban" small town. The homes of Avalon Farms and Benson Woods are (at least before a huge distribution center is built next door) worth well over \$500,000 each and pay property taxes accordingly. The Middlebury Plan of Development and Conservation states as its #1 goal "to maintain the semi-rural, small town character" of Middlebury. As the above article makes clear, a project of the size and purpose proposed for the Timex site is laughably incompatible with the Plan of Conservation and Development which is supposed to guide the actions of our town government. Lake Quassapaug, with its town beach and amusement park, with the 600 acre Whittemore Sanctuary, with a new vineyard and farm, and multi-million dollar waterfront homes, is in close proximity to this site. All of us in Middlebury benefit from and appreciate living in a town that isn't out-of-the-way but is also quiet, attractive, and charming. As the above article

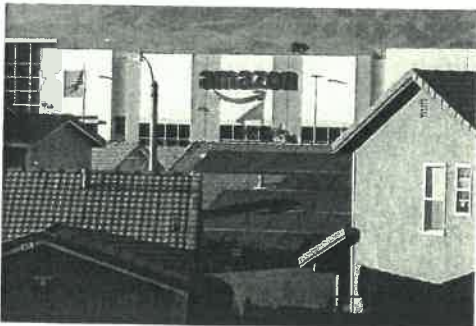
makes clear, as does simple common sense, this project is completely incompatible with the character of the town that we have known and chose to live in.

Our greatest resource in Middlebury is our quality of life. It is this quality of life that sustains our housing values. It is also the reason that all of us in this small town have decided to make our home and our lives here. It would be beyond short-sighted, it would be a crime, to degrade our residential quality of life through allowing for a commercial use of this astonishingly destructive impact on the site of what was and is an architectural marvel of a mid-century corporate office park, which was well-designed with the goal of maintaining Middlebury's small town character. No wonder the existing zoning regulations for this site do not permit this use and the applicants have to apply for rules-changes to move forward. Do not allow this. We are blessed in this town and in this state with strong local governments. We have the ability to make this go away, unlike the poor communities in Illinois and California referenced in the disturbing article I included above. Please do so.

We also have a democratic form of government in a town that still has a population of under 8,000. I myself have never written a letter to the town selectmen in the 20 years I have lived here. You must be responsive to the views of your fellow residents, tax-payers and stake holders. When hundreds of residents turn out for what are usually sleepy town government meetings, this in itself should be enough to show you that the people have spoken. This is what local government is for. Please listen.

Thank you.

Sam Dexter
148 North Street
Middlebury CT



When Amazon Expands, These Communities Pay the Price

José Mendez, who has lived in Gage Park for 18 years, says his 5 a.m. commute now involves battling semis for space on a nearby residential street.

www.consumerreports.org

Liana St. Germain

From: Christine Giordano <cagiordano10@gmail.com>
Sent: Monday, January 16, 2023 09:02
To: First Selectman
Cc: Elaine Strobel; Ralph Barra
Subject: Timex Property Development

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 Mr. St. John & Those It Concerns:

We are seniors who reside at 4 Devon Court, Avalon Farms, in Middlebury. Our property borders 188. We have lived here for the past two years, having left our (beloved) Cape Cod to escape a housing development that was to be built on the twelve acres that bordered our property there. We chose Avalon for its beautiful architecture, it's well-governed HOA, and for the natural gas and town sewer every home here offered. The only down side to being here was the traffic on 188 which proved to be, if not silent, at least manageable most days and, gratefully, quiet at night. To say we are against the currently proposed Southford Park project would be an understatement.

Now, at this time in our lives, we are potentially risking a financial loss on our most prized asset, our home, due to excessive commercial development. We are against every aspect of said proposal — from numerous tractor trailers, to the noise and pollution that would ensue. These environmental/financial factors will surely have a deleterious affect on the appeal of Middlebury as a desirable location in which to settle.

Kindly count us among those adamantly against this particular project at the Timex property and, rather, look to bring tax revenue to our town via means of additional housing, or some project that won't have so many of us regretting our choice to have moved here.

Sincerely,

Michael & Christine Giordano

Liana St. Germain

From: Sally Romano <sally.d.romano@gmail.com>
Sent: Monday, January 16, 2023 12:27
To: First Selectman
Cc: Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting

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Dear First Selectman St. John,

I will be unable to attend the board of selectmen meeting on 1/17/23 due to clinical obligations, but would like to request that this email be included in the public record.

I write to you today to voice my strong opposition to the proposed zoning changes under consideration related to the 555 Christian Road/ "Southford Park" project. I have lived in Middlebury for the majority of my life. I attended Region 15 schools from K-12, then left for college and medical training and returned to Middlebury because it was the place I wanted to raise my own family. I still feel that way, but I have to be honest, the proposed zoning amendments which would pave the way for the Southford "park" distribution center threaten the very heart of the Middlebury that so many of us know and love. Given the sheer size of the project, the air, noise and light pollution it will bring with it, and the location of the proposed distribution center--sandwiched between an elementary school and several family-friendly residential neighborhoods, and just a stone's throw away from lake Quassapaug, it would be hard to imagine a project more antithetical to the values and community of our town.

I realize much is being said and written about this, but I wanted to communicate a few of my questions and concerns to you directly--both as they related to the process by which this matter is being evaluated and to the project itself.

Process issues:

1. Accessibility of meetings

--can they be held in a location that allows for greater access, both parking and seating space. Would one of the schools work for this?

-- I would like to request that these meetings be available via: zoom or livestreamed (particularly given the spike in COVID cases, not to mention other respiratory viruses) --AV support--a microphone is really necessary, would it be possible to have someone on hand for this? I'm guessing someone in the town would volunteer to help with AV support if asked

2. What is the process for changing town codes (in this case zoning)--it seems to me that the zoning regulations are there for a reason, and that without clear consensus, the default should be to keep the regulations as they are. I'd like to suggest that this be put to a referendum, with both sides able to advance their arguments. A change of this magnitude should not be made by a 5 member committee.

Substantive Issues about the proposal:

1. It will needlessly endanger children:

-As you are aware, this will sit next to LMES, the largest elementary school in the region, and the home of the Special Education/PreK program. As such, LMES serves the youngest and most vulnerable children in the region. It also requires

complicated busing routes, and significant bus and car traffic. Adverse effects on air quality (worsening asthma), noise pollution (disruptive to learning for all children) and traffic (increased risk of car/bus/truck accidents) will all threaten our children's safety and well-being. -PHS--new teenage drivers already have difficulty negotiating Southford Rd during busy times of day, please don't add this already risky time of life for teenage drivers by adding a large distribution facility on their route to school.

2. Many neighboring residential areas will be adversely affected by noise, light, air pollution and significant traffic disruptions. The light industrial zone designation as it currently stands does not allow for a "distribution center" nor should this function be added.

People purchased these homes with the expectation that the current Light Industrial zoning guidelines would be honored. Doubling the height of the facility and adding the "distribution" (i.e. "trucking") function does not at all conform to the prior zoning codes. If this change goes through it will not only irrevocably alter the landscape and feel of the town, it will also bring with it a sense of betrayal from those of us who purchased homes with one understanding of what Light Industrial zoning meant, only to have it profoundly altered.

Finally, I would like to understand what the benefits of this would actually be? I am acutely aware of economic pressures and the desire to expand the tax base in town. To me, my children's well-being and the destruction of so much of Middlebury's community is not worth whatever small tax cut might come from this, but I know this is the argument in favor of the distribution center. So to be fair, I would like to ask you, what would this project do for Middlebury? My understanding is that the project would be eligible for some significant (up to 80% reduction) in taxes for the first 5 years. This would profoundly reduce any tax benefits. And, as a distribution center geared towards robotics, how many new jobs would this actually add?

Thank you for your time and service to our town.

Sincerely,

Sally D. Romano, M.D., Ph.D.
1 Brookside Dr.
Middlebury, CT 06762

Liana St. Germain

From: Angela M. Smith <Angela@sig-brand.com>
Sent: Monday, January 16, 2023 13:25
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting.

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Dear Sir or Madam,

Please be advised that my family built our dream home in Middlebury a few years back after growing up & working in Waterbury all my life. I have endured noise, pollution, littering and excess traffic in Waterbury and moved to Middlebury to "escape", for a lack of better term. The proposed warehouse will be detrimental to our small, quaint town, as well as destructive to our town roads. This type of facility belongs in a City, NOT a small town.

I am absolutely appalled that anyone that sits in a position to represent our residents can even present this idea. Listen to your residents! Although I don't live close to this proposal, my neighbors and I stand united in opposition.

Very Truly Yours,

Angela Smith
49 Leonard Road
Middlebury, CT. 06762

Angela M. Smith
CFO

Signature Brand Factory
409 Canal Street • Milldale, CT 06467
860.426.2144 x 301
Angela@sig-brand.com

signaturebrandfactory.com

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Liana St. Germain

From: Sarah Carpentieri <sarahepoulin@gmail.com>
Sent: Monday, January 16, 2023 13:43
To: First Selectman; Elaine Strobel
Subject: For Inclusion into the public record at 1/17/23 Middlebury BOS Meeting

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

Good afternoon-

I am writing to state my firm opposition to the proposed distribution center at Southfield Park. I have also submitted my opinion to Mr Bosco with Planning and Zoning and have also sent an additional email to Mr. St John but in advance of this meeting this upcoming Monday, I want to express my opinion to be submitted on the record as well.

I grew up in Middlebury and I now have a son who will someday go to school at LMES. I am deeply, deeply upset that the town would even entertain a proposal of this nature. It would forever alter the character of the town that I grew up in and want to raise my son in. The town will be congested with traffic and the roads around the schools will become extremely dangerous. I am quite literally horrified that my son's future buses will be on the road with so many trucks and the thought of it keeps me up at night every night since I have heard of this proposal.

The town is a quiet and peaceful one. We live here because we don't want to be surrounded by traffic and congestion and warehouses. I have lived in a major city and I chose to return to live in Middlebury because I don't want to be surrounded by trucks and traffic and bright lights. I want to keep this town small and safe. Young families like myself not want to stay in a town decimated by a distribution center that causes pollution, poses a danger to our children, and destroys our environment. The future of our town is literally at stake.

So many residents in this town are sad, disappointed and angry that this is even being entertained by the town. Please help keep Middlebury a safe, peaceful, and quiet community. We don't want this distribution center. I beg you to listen to us.

Best,
Sarah Carpentieri

Liana St. Germain

From: JOSEPH P. PUZZO <jppuzzo@comcast.net>
Sent: Monday, January 16, 2023 14:05
To: First Selectman
Cc: estroble@middlebury-ct.org; Ralph Barra
Subject: Zoning Regulation Text Changes

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Hi Ed,

For inclusion in the public record for 1-17-23 Middlebury BOS.

I am sure you are aware of a very large number of town residents are opposed to changing the Zoning Regulations regarding the proposed Timex development project. I wish to state that I am opposed to Text amendment changes proposed by the applicant. Middlebury is a beautiful semi-rural community whose character would be forever changed if a distribution center would be allowed in our community. This, for many reasons is totally unreasonable. I will not repeat all the reasons for not moving forward with this application. You are all aware of the reasons expressed at several public meetings already. Don't let it be just about the money. A distribution center adds nothing to the value of our town (except tax revenue). Are these potential tax revenues worth destroying our town?

Joe Puzzo
42 Avalon Drive
Middlebury

Liana St. Germain

From: Heather Hughes <heatherh714@gmail.com>
Sent: Monday, January 16, 2023 14:29
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting.

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

Good afternoon,

I am writing this email to express my feelings regarding town meetings. There should be more availability to residents of the town. The town meetings should be held in a larger venue with more seating and parking, such as, Shepardson or PHS auditorium. Residents should be able to have access to the meetings through Zoom or a similar platform. The meetings should be televised for residents to watch if they are unable to attend. In addition, a microphone should be used so that all attending the meeting can hear. Middlebury residents have a right to attend town meetings. By conducting the meetings at the Town Hall conference room, which is a much smaller venue, you are in fact trying to deter residents from participating on issues that directly affect them. As a Middlebury resident I am completely aware and appalled that people who are voted into these positions are now trying to conduct such shady practices.

Thank you,
Bert & Heather Hughes
357 Mirey Dam Rd, Middlebury

Liana St. Germain

From: Sonia Perugini <srperugini@comcast.net>
Sent: Monday, January 16, 2023 14:49
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record

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For inclusion into the public record for the 1/17/23 Middlebury BOS meeting:

Coming from a family of 3rd generation residents of Middlebury, we are shocked and ashamed of the representation of this town regarding the proposed distribution facility. We have been proud residents of the community and regularly tout the wonderful changes that your leadership has brought to the town. Most specifically, converting forgotten woodlands into beautiful parks and managing the streets and weather-related impacts so well. We've been proud to bring relatives from all over the country to visit our sweet little piece of paradise. We are passionate about the lake activities, walking the greenway, attending the Memorial Day parades and frequenting the wonderful small businesses.

With the proposed distribution facility and all that comes with it, the life we've made in Middlebury, will cease to exist. We will be forced to sell our property before home values implode and the semi-rural small town neighborhood on Christian Road comes to an end.

How is it possible you would consider an industrial proposal of this kind after all the good you've done for the town? We do not WANT to be Oxford or Watertown, or even Southbury. This is why we live HERE. Is this your last hurrah of your final term in office with a big \$COOP at the end? There is no way you think a business like this belongs in Middlebury, unless you are leaving yourself.

The traffic congestion, industrial eyesore, noise and dark sky pollution that the facility will create is a complete reversal of the exemplary, eco-conscious, friendly steward that Timex was to this town and our Christian Road neighborhood.

Life long residents like us planned to live here through retirement. Like us, you will be upending thousands of families who will now need to leave in search of the rural character we came here for - all so a few pockets can seemingly get lined after approving the "text changes".

To conclude, PLEASE, PLEASE do NOT allow this. The proposed use is incompatible with the current use of the zone. FULL STOP.

Keep Middlebury Rural.

Thank you for your consideration.

Sonia & Rob Perugini

160 Christian Road
Middlebury, CT 06762

Liana St. Germain

From: Matt Gardner <four712@gmail.com>
Sent: Monday, January 16, 2023 14:56
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/2023 Middlebury BOS meeting

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

My name is Matt Gardner. I live at 3 Colonial Ct, Middlebury, CT 06762. I stand in strong opposition to the proposed changes.

According to the 2020 census, Middlebury is 17.76 square miles. For comparison, Oxford is 32.75. Naugatuck is 16.30. Watertown is 29.01. Southbury is 39.01. Waterbury is 28.52.

We are a small town. Our greatest asset is our land. Our greatest asset is being a residential community. We sit surrounded by larger towns and with easy access to both I-84 E/W and Route 8 N/S. This makes Middlebury an extremely desirable community to live in. It is a small town with easy access to commuting and larger cities. Middlebury has everything you need for day to day life, but is just minutes away from anything you could want. We have lake access, trails, parks, restaurants, offices, and small businesses. Pair this with some of the best schools in the state and Middlebury is a gem. There is a reason people choose Middlebury over the surrounding towns. People live in, move to, and stay in Middlebury for these reasons.

Oxford, Southbury, Watertown, and Waterbury are large. They are all nearly double our land size. They can designate separate areas for large industrial use if they so choose (and they have). But no one would choose to live in those towns because of those areas. Middlebury can not, and should not, try to be like them. We cannot do so without risking the best of Middlebury.

Blank checks have ruined other towns. Corporations use any loophole in regulation and the law to their advantage. They would rather break laws and pay fines than actually follow them. That's business. It's a business decision. Corporations don't care about communities. They care about bottom lines. They care about investors. The investors that hold the shares aren't the people that live next door. They're big investors. That is shown every day in every market where decisions rarely, if ever, are made to benefit everyday people. Decisions come at the cost of everyday people for the benefit of very few.

Warehouses of any type are moving toward full automation. The whole idea is to minimize employees and thus jobs. Bigger, faster, and more automated. There is a place for that. But that place should not be Middlebury. Also, these zoning regulations don't just allow in one warehouse. They throw the doors wide open to many.

Middlebury is not a business. We have to do business in some ways. But we are a community. The community IS the people. The community is FOR the people. As a community, we need business. But that has to be strategic. The current zoning regulations will allow businesses a blank check to eat our community alive, stripping away what makes Middlebury great before we can decide what it is we really want. It'll just be another Oxford, Naugatuck, Waterbury, Watertown, smashed in the middle, instead of being a high value residential community, a gem of a town that stands apart.

There is no going back. Once companies can abuse the regulations, by right, they will. This will come at the cost of the people who live here, and even the people that work for the many businesses in town. Warehouses won't help our restaurants to thrive. They won't help our grocers, landscapers, or small business owners to thrive. The only traffic they drive is trucks and vans, in and out, as fast as possible. For Middlebury to remain the gem of a residential community that it is, our regulations need to protect that.

By allowing these changes in zoning regulations, and without clear and specific zoning regulations to protect the interests of our small town, Middlebury will lose its charm and become a vague area in-between these other less desirable towns. Our homes will be encroached upon by large and unsightly industrial buildings and corporations that will actually devalue the surrounding property. That will cause people not to choose Middlebury. It will cause homeowners who now choose Middlebury to leave. It will cause Middlebury to be lost.

Middlebury is currently the best of what this part of Connecticut has to offer. It is a diamond in the rough with characteristics that Woodbury, Roxbury, and other desirable communities cannot offer. Please not only deny these zoning regulations, but fight to fortify our position as that diamond. That is what will help Middlebury to thrive as a community over the next 100 years.

Sincerely,

Matt and Jessica Gardner
3 Colonial Ct
Middlebury, CT 06762

Liana St. Germain

From: Mike Yantorno <mike.yantorno@gmail.com>
Sent: Monday, January 16, 2023 15:18
To: First Selectman; Elaine Strobel; Ralph Barra
Cc: Barbara Yantorno
Subject: For Inclusion into the Public Record for the 1/17/23 Middlebury BOS Meeting

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 Board of Selectman Members;

We are writing to voice our opposition to the proposed text amendments (Zoning Permit Application 2022-12-1) to the Light Industrial 200 District. The proposed changes would allow for a speculative build of a 700,000 sq.ft. distribution center with the potential for 250 to 500 tractor-trailers per day, 24 hours per day, entering and exiting Rt 188 and passing two schools and residential zones. Additionally, there would be an increase in air, light and noise pollution. The negative impact on our desirable semi-rural small town would be devastating.

The Town of Middlebury has the right to hire independent experts, at the applicant's expense, to give the town expert review of the impact the proposed text amendments would have regarding traffic, storm water management and quality, air pollution, and real estate property value.

We moved to Middlebury in 2018 and built a house in the Avalon Farms community. Our community maintains its own roads, lighting, etc. My wife and I have no children in Region 15 schools, but we do pay over \$12,000 in real estate taxes to the town. We recognize that the maintenance of our town and the desirable school district add to the value of the Middlebury lifestyle and our home.

When we built our new home we were aware of the Timex headquarter office building across Christian Road from our back yard. We were also aware that potential new businesses that conformed to the LI-200 zone as it presently exists could be permitted. Had the requested changes been in existence when we chose our new community, we would not have chosen Middlebury.

Please respect the wishes of the overwhelming majority of our town's residents. The proposed text changes are clearly not in the best interests of our town.

Respectfully,

Michael and Barbara Yantorno
7 Hampshire Court, Middlebury

Liana St. Germain

From: Neil Cybart <neil.cybart@gmail.com>
Sent: Monday, January 16, 2023 15:52
To: First Selectman
Subject: Comment to be Included in Public Record for the January 17th, 2023 Middlebury Board of Selectman Meeting

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On January 5th, there was a record turnout of Middlebury residents in opposition to the proposed text amendments to include distribution facilities as a permitted use in LI-200 zones. Zoning Enforcement Officer Curtis Bosco, in conversation with the Republican American, projected the public hearing turnout would be at a 15-year high for a land-use issue. Turnout likely exceeded Bosco's expectations as the police began turning residents away 15 minutes prior to the meetings' scheduled start due to the lack of parking.

The reason there was a record turnout on January 5th is that Middlebury residents understand and see how these text amendments represent a danger to our town given the impact they would have on Middlebury's infrastructure and quality of life. New-age distribution facilities and the accompanying truck traffic, pollution, and noise that come with them make prior factories that have called Middlebury home look tame. A growing number of communities from around the country are speaking up as to how such facilities, which they thought would lead to good economic growth, have instead negatively impacted their communities. To have these text amendments be related to a proposed distribution facility on a plot of Middlebury land that is cornered by residential zones on three sides makes this situation all that more insane.

These text amendments would jeopardize everything elected officials such as yourself have worked for in terms of responsible economic growth that matches our semi-rural town character. Please listen to and support the significant - and growing - number of Middlebury residents, voters, and taxpayers, who oppose changing our zoning to support new-age distribution facilities (truck terminals).

Neil Cybart

Middlebury

Liana St. Germain

From: Jennifer Ceresa <juniper8583@yahoo.com>
Sent: Monday, January 16, 2023 15:59
To: First Selectman
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting

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Timex Property Development:

Please do not let a gigantic distribution center be allowed in Middlebury.

I agree with my fellow neighbors that there is a lack of availability for town meetings in general (not televised or on zoom, no mic, not enough seating, standing outside, limited parking, etc) and that this project would tank property values, negatively affect our school system, and ruin the semi-rural, small town feel of Middlebury.

I agree that this project would put our children at Long Meadow Elementary School and Pomperaug High School in harm's way (100s of truck trips per day, increased air pollution for asthmatics, etc.)

Thank you for listening

Liana St. Germain

From: Jennifer Cybart <jennifer.cybart@gmail.com>
Sent: Monday, January 16, 2023 15:59
To: First Selectman
Subject: Comment for Inclusion in the Public Record of Middlebury Board of Selectmen Meeting on January 17th, 2023

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 Mr. St. John,

I am writing to insist that you please act in the best interest of our town by not supporting any changes that would allow a distribution facility to be placed in Middlebury. Based on research that illustrated what has happened to other communities as a result of such development, new-age distribution facilities would clearly have a detrimental effect on the town and quality of life here.

Noise, traffic, and pollution would be among disastrous consequences. People live in and have moved to this town with the understanding that there are zoning regulations in place that prevent development such as what is being proposed, and that is exactly what they were meant to do – protect our town and families. In addition, please make every effort to prevent a facility that would enter our town under the guise of a “warehouse” and nefariously and surreptitiously find ways to bypass our current zoning regulations to act in its own best interest and destroy our town.

Again, please make every effort to protect Middlebury’s character and our quality of life. Thank you in advance.

Sincerely,
Jennifer Cybart
Middlebury

Liana St. Germain

From: Jessica Vinhateiro <jvinhateiro@gmail.com>
Sent: Monday, January 16, 2023 16:21
To: First Selectman; Elaine Strobel; Ralph Barra
Cc: Jessica Vinhateiro
Subject: For inclusion into the public record for the 01/17/2023 Middlebury BOS Meeting

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Good afternoon, Selectmen St. John, Strobel and Barra,

I'm writing today with regard to the Southford Park proposal as well as the pending zoning application requesting (1) text amendments to Section 9.1 to add "distribution facilities," (2) changes to Section 42.1 to add distribution facilities as a permitted use, and (3) changes Section 42.2.4 to increase the height allowance of buildings from 35 feet to 50 feet. I would have preferred to attend the 01/17/2023 Board of Selectmen meeting in person, however, being that it falls within normal business hours, this meeting is not very accessible to members of the public at its current scheduled time.

Current language and regulations were strategically put in place to protect the town and its community. Town officials shouldn't even consider advancement of this project due to the size of Middlebury alone. Middlebury is less than 18½ mi². Why would our town's leaders feel the need to compete with or compare to surrounding towns such as Oxford, Southbury or Watertown, all of which are much larger than Middlebury.

Clearly, a project of this magnitude does not fall within a "light industrial" definition which is why the application to change LI-200 zoning requirements came to fruition. The industrial development proposed at the corner of Christian Road and Southford Road is more in line with a heavy industry type of business in that it will involve large-scale undertakings, sizeable equipment and redevelopment of large areas of land. Approval of this proposed development and changes to the current zoning regulations will welcome endless negative impacts to our town. This project would drastically decrease property values, negatively affect our highly acclaimed school system and ruin the semi-rural, small town feel of Middlebury.

Having just moved to Middlebury a little over a year ago, my husband and I worked very hard to have the privilege of becoming members of this town and community. We have two young children, both of whom will be enrolled in LMES, and both of whom will be put in harm's way each and every day given the countless daily truck trips and increased air pollution that will result from this proposed warehouse. I beg you to re-evaluate the future of Middlebury and deny all current plans relating to the proposed warehouse. It is my hope that Middlebury continues to maintain its rural sense of community, and that I can continue to grow my family's roots here in Middlebury and support you in the coming terms.

Thank you for your consideration.

Jessica Vinhateiro
63 Atwood Street, Middlebury

Liana St. Germain

From: Cara Pulaski Tyminski <cara.pulaski@gmail.com>
Sent: Monday, January 16, 2023 16:42
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: Inclusion into public record for the 1/17/23 Middlebury BOS meeting

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

Good afternoon,

I am writing to make mention of my disapproval and concern for the Timex Property Development. This project jeopardizes what Middlebury as a town represents, puts our children in harm's way, and will forever change the beauty and nature of this town. This is not something that will overall benefit Middlebury and we hope you ears are listening to the many concerns. I am completely against this and am disappointed by the this has been handled as well. There is little opportunity for those we are working or need to find babysitters to attend or be a part of these meetings. Since COVID zoom meetings and the ability to be a part of these meetings should be accessible- we have seen this done. Other ways should be done so that all can be a part of this. It is our town and this is something we should all be able to be a part of.

Thank you,
Cara Tyminski

Liana St. Germain

From: Catherine Cincogrono <grownoc@gmail.com>
Sent: Monday, January 16, 2023 17:00
To: First Selectman
Subject: Tonight's meeting

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To Whom it May Concern,

Due to the fact that I am unable to attend the meeting tomorrow evening, I would like it included in the public record that I am vehemently opposed to adding any of the proposed amendments to accommodate the developers seeking a distribution center on the former Timex property.

Catherine Cincogrono 14 Winding Trail

Sent from my iPhone

Liana St. Germain

From: Rebecca Spencer <rlspencer@centralchurch.us>
Sent: Monday, January 16, 2023 18:43
To: First Selectman; Ralph Barra; Elaine Strobel
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting

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Dear Mr. St. John, Ms. Strobel, and Mr. Barra,

While I now live most of the time in RI, serving Central Congregational Church in Providence as senior minister, my heart belongs to Middlebury, where my sons and I own Hawkeye Farm. My parents, Henry and Evelyn Spencer, moved to Middlebury in 1947. At that time, our address was simply Hawkeye Farm, Judd Hill Rd. Now we are 352 Judd Hill Rd. Ever since then, my family has been involved in the small town, 'rural evolving into semi-rural,' character of Middlebury. My mother was on the Region 15 Board of Education which established Pomperaug High School, a win-win situation for the then truly small rural towns of Middlebury and Southbury. My father and my brother Tom were both active in the Middlebury Land Trust, Henry having been one of its founders. My brother, Sam, was a long-time volunteer firefighter with the Middlebury Fire Department and my brother Mike cleared the trail to the Rochambeau Monument on Breakneck Hill as an Eagle Scout.

I share these family details to indicate how troubled I am by the proposal to develop a tractor trailer truck terminal/warehouse/distribution center/undisclosed/unclear purpose built to replace the Timex Corporate Headquarters. The requirement for increased height and other amendments to our zoning code, increased traffic, concomitant noise, light and air pollution etc. are simply not consistent with the Plan of Conservation for the Town.

The proposal requiring these amendments and zoning changes would forever change the character of Middlebury. Before we can properly consider any of these changes, the entire community needs to know all pertinent facts concerning this proposal. The proposed amendments will affect not only the immediate neighborhood, but the entire town, and as our elected officials, I urge you to take the lead to disseminate all relevant facts. These facts would include traffic and safety issues, pollution issues, town wide changes to zoning, as well as possible tax revenue.

Timex was an incredibly responsible corporate citizen. The campus was environmentally sensitive, the corporation receptive to local town causes. Traffic was minimal and the corporation was a good example of development for a town like Middlebury. As its successor, I ask you to find a suitable steward for this prime area. To give in to what seems to be a developer's scheme to make alot of money fast and to promise lots of money ("jobs! taxes!") later (which may or may not happen) seems to me like Esau selling his birthright to Jacob for a mess of pottage.(Genesis 25:29-34.) I urge you to move away from any further discussion with this proposal which asks us to move away from our Town's Conservation Plan, to change a reasonable height requirement and to allow an as yet untested large scale commercial development with absolutely no care or concern for Middlebury's small town, semi-rural character. When the applicant's lawyer cited other towns' height requirement at the meeting on Jan. 5, 2023, he mentioned Cheshire, Oxford, Watertown. Why not look at Woodbury, Roxbury, Litchfield, Bethlehem? These are other small, semi-rural CT towns which have

not succumbed to the easy appeal of a fast buck made at the expense of the small town citizens and for the advantage of out of town developers.

Please do not give in to this developer, who to my knowledge does not even live in Middlebury now. Except for the developer, this proposal is not in anyone's best interest (current and future residents, children in the schools, visitors to Middlebury enjoying our natural resources of the lake and Land Trust). It needs to be promptly and firmly dismissed and other options thoroughly investigated.

Thank you for your care and attention given to this important matter affecting the future of our town.

Rebecca Spencer



Liana St. Germain

From: Karen Foytho <foy424@gmail.com>
Sent: Monday, January 16, 2023 18:58
To: First Selectman
Subject: For inclusion into the public record for the 1/17/2023 Middlebury BOS meeting

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.

I would hope someone in this town would stand up against this project.
The traffic on 188 is already a nightmare at rush hour or if there is a back up on I84.
The airport is expanding on the Oxford line AND new houses are being built on Christian Road. The blasting actually shakes the house. Lord help us if this causes foundation damage..
Now it seems with no regard to our citizens we are looking to have more pollution, much more traffic and constant noise.
This used to be a small but workable town. Close to larger cities but far enough away to enjoy day to day life. Now instead of reaping the benefits of that we are seeking projects that diminish our quality of life.

When will we pay more attention to our children and the health effects this more than likely will cause and less for someone's bulging pockets.
Can we take a step back and rethink this before we have irreversible consequences.
Please reconsider and fix other things that are needed in this town instead of putting the citizens in harms way with this project.

Sincerely,
Karen N. Foytho

Sent from my iPad

Liana St. Germain

From: Lynn Rose <lynnrose2912@gmail.com>
Sent: Monday, January 16, 2023 22:33
To: First Selectman
Subject: For Inclusion Into Public Record for the 1/17/23 Middlebury Board of Education meeting

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Dear Selectman St. John,

This is our second email to you opposing the proposed change in the zoning regulations from "Light Industry" to zoning regulations that would permit a 700,000+ square foot Warehouse/Distribution facility to be constructed on the former Timex site as well as future similar facilities to be built throughout town if zoning IS changed. We would like the following concerns we have to be on record:

1. Traffic Concerns on Route 188

We can speak to this directly as we currently live on Long Meadow Road and have to contend with the heavy volume of traffic on Route 188 in the mornings and afternoons due to Pomperaug High School and Long Meadow School traffic AND general traffic from individuals heading to or coming from I-84. More concerning and difficult to contend with is the heavy traffic and blockage of entry onto our road when there is any accident or issue causing congestion on I-84. Police records should be able to confirm the frequency of highway accidents /issues at Exits 16 and 17 throughout the year that have redirected traffic to route 188. This is a safety issue and great nuisance for any individual trying to enter or exit 188, especially the areas of Route 188 from the intersection of 188 and 64 West toward Southbury.

CONCERN: The new proposed warehouse and truck traffic will only compound traffic issues affecting the quality of life and safety of residents who live off of Route 188 or use Route 188. This is a safety issue for Pomperaug student drivers and LMES bus drivers and parents driving in and out of those schools onto 188 and any individuals traveling the road in the morning or late afternoon. We do not have the infrastructure to support such a large facility, it's a narrow winding road!

2. Degrading the small town charm of Middlebury /Quality of Life/Impact on Property Values

The current zoning is for "light industry" and should remain as such. A large warehouse distribution center belongs in an industrial park, NOT a residential neighborhood and not in a charming town like Middlebury.

CONCERN: This will negatively impact property values (and our school system), especially for nearby neighborhoods, and degrade the quality of life of the nearby residents with increased traffic, increased noise and light pollution, and increased emissions from trucks coming in and out of the facility.

Middlebury is special, and it has some beautiful sections that make it charming and give it character (Tranquility Road, Quassy Amusement Park and Lake, Bike Path). That should be YOUR legacy, Selectman St. John, NOT a giant warehouse that will be an eyesore detracting from this beautiful town with truck traffic polluting and further clogging Route 188. **Please do not support this proposed change.**

Thank you.

Lynn and Gary Rose

Liana St. Germain

From: Gary Kline <gary.kline.ct@gmail.com>
Sent: Monday, January 16, 2023 22:38
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For Inclusion Into the Public Record for the Jan 17, 2023 Middlebury BOS Meeting

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Dear First Selectman St. John, Selectman Strobel, and Selectman Barra:

I am a resident and homeowner in Avalon Farms in Middlebury. I am writing this email for inclusion into the Public Record for the January 17, 2023 Middlebury Board of Selectmen Meeting. Concerning Zoning Permit Application 2022-12-1 for text amendments to Light Industrial 200 District, I am opposed to the text amendments to add 'Distribution Facilities' to section **9.1 Definitions**, to add 'Distribution Facilities' to section **42.1 Permitted Uses**, and to add 'warehouses and distribution facilities not to exceed fifty (50) feet' to section **42.2.4 Height of Buildings**.

As the Middlebury Board of Selectmen, I request that you support your Middlebury residents in opposing any Planning and Zoning changes that would allow for a distribution facility to be built in Middlebury, which would detrimentally impact the very nature of Middlebury's small-town living and rural warmth, as described in "About Us" on the Town of Middlebury website:

"In Middlebury, our residents know and appreciate small-town living at its finest. People are drawn to Middlebury for its beauty, friendliness, and rural warmth. The Board of Selectmen is committed to its residents because they are the heart of our municipality. In addition, the Board of Selectmen is continuously dedicated to maintaining the high standard of living our residents have always cherished. All of these efforts ensure our hometown to be a premier Connecticut hamlet."

Allowing a distribution facility as a permitted use would be incongruent with other permitted uses in the Light Industrial 200 zone like executive and business offices, research laboratories, or light manufacturing. The current permitted uses focus on the creation of economic activity on site, with limited daily traffic and public interaction. A distribution facility would be the opposite of that, focusing on high-volume transportation of finished goods and maximizing in-and-out traffic. A distribution facility, leveraging large scale tractor trailer transportation, would have a long-lasting negative impact on Middlebury's semi-rural, small-town character.

When looking for a home to purchase in Middlebury, a key factor and consideration for us was not just the home, but the location around the home, including any undeveloped land and zoning restrictions on the use of that land. We understood the possible businesses that could be allowed to operate in the Light Industrial 200 zone, based on the existing permitted uses. In our case at Avalon Farms, the Timex headquarter office building was already in place, operating, and inhabited. We purchased our home with the knowledge and understanding that the Light Industrial permitted use business operating next to Avalon Farms was a headquarter or business office; we did not purchase our home under the proposed text amendments that would allow for a distribution facility to operate in that same Light Industrial zone.

There will be a devastating impact to the future financial value of our Middlebury neighborhoods and homes if the text amendments are approved to allow for a distribution facility to be built and operate in the Light Industrial zone. Our current property values will be negatively affected by the existence of a high-traffic, high-noise generating warehouse as a permitted use within the zone. The full extent of the negative impact to our home values can't be determined due to the proposed speculative build, where there is no known final tenant nor actual use specifically defined for the distribution facility. The proposed text amendments are too general and allow a developer to build whatever he/she wants for whatever use a tenant might request for a distribution facility.

There are several other items I'd like to express concern and ask that you address as our Board of Selectmen:

1. The Conservation Commission does not post its Agenda online like the vast majority of the other Town Boards and Commissions. In the modern age of computers, this oversight is unacceptable and decreases government transparency.
2. The Planning & Zoning Commissioners do not have town email addresses and did not see any of the materials submitted by members of the public to the Commission before the January 5, 2023 public hearing. When asked, ZEO Curt Bosco said the Commission would not receive any subsequent communication, although he could consider sending some. This is unacceptable given the modern age of email, and it demonstrates a failure to govern effectively. The unelected volunteers on the Planning & Zoning Commission have the power to make a decision that could obliterate property values and ruin the bucolic nature of Middlebury, but the public can't communicate effectively with these people or hold them accountable for their decisions.
3. The Town of Middlebury has the right to hire certain experts (at applicant expense) to provide additional, expert review of the proposed text amendments and any follow-on site plans. We, the residents of Middlebury, demand the Town ask for this additional input as it relates to traffic, stormwater management and quality, air pollution, and real estate property values.

Allowing a distribution facility to be built in Middlebury will destroy the Town of Middlebury as we know it today. Please take a few minutes to do a quick Google search to see how such facilities have destroyed other towns.

As the Middlebury Board of Selectmen, I ask that you protect Middlebury from developers with no vested interest in maintaining the beauty, rural warmth, and small-town living that Middlebury currently offers.

Thanks in advance for your time and attention to these items.

Sincerely,
Gary L. Kline
5 Hampshire Court, Middlebury, CT 06762

Liana St. Germain

From: Sally Romano <sally.d.romano@gmail.com>
Sent: Tuesday, January 17, 2023 01:09
To: Elaine Strobel
Cc: First Selectman; Curt Bosco
Subject: Re: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting

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Elaine,

Thank you. I have already raised several of these issues with Curt, but I appreciate you sharing this with him. I also feel these issues—most notably questions about transparency, accessibility, and the overall decision making process— merit the attention of the selectman. In particular, I would really appreciate some answers to the questions I have raised regarding meeting accessibility and the role for a public referendum in a decision that has the potential to do dramatically alter the lives of so many citizens.

Sincerely,
Sally

Sent from my iPhone

On Jan 16, 2023, at 5:27 PM, Elaine Strobel <estrobel@middlebury-ct.org> wrote:

Sally,

Your e-mail concerning opposition to the proposed distribution center will be e-mailed to the Zoning Enforcement Official. It will become part of the record.

Elaine Strobel

Sent from Mail for Windows

From: Sally Romano
Sent: Monday, January 16, 2023 12:27 PM
To: First Selectman
Cc: Elaine Strobel; Ralph Barra
Subject: For inclusion into the public record for the 1/17/23 Middlebury BOS meeting

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Dear First Selectman St. John,

I will be unable to attend the board of selectmen meeting on 1/17/23 due to clinical obligations, but would like to request that this email be included in the public record.

I write to you today to voice my strong opposition to the proposed zoning changes under consideration related to the 555 Christian Road/ "Southford Park" project. I have lived in Middlebury for the majority of my life. I attended Region 15 schools from K-12, then left for college and medical training and returned to Middlebury because it was the place I wanted to raise my own family. I still feel that way, but I have to be honest, the proposed zoning amendments which would pave the way for the Southford "park" distribution center threaten the very heart of the Middlebury that so many of us know and love. Given the sheer size of the project, the air, noise and light pollution it will bring with it, and the location of the proposed distribution center--sandwiched between an elementary school and several family-friendly residential neighborhoods, and just a stone's throw away from lake Quassapaug, it would be hard to imagine a project more antithetical to the values and community of our town.

I realize much is being said and written about this, but I wanted to communicate a few of my questions and concerns to you directly--both as they related to the process by which this matter is being evaluated and to the project itself.

Process issues:

1. Accessibility of meetings

--can they be held in a location that allows for greater access, both parking and seating space. Would one of the schools work for this?
-- I would like to request that these meetings be available via: zoom or livestreamed (particularly given the spike in COVID cases, not to mention other respiratory viruses)
--AV support--a microphone is really necessary, would it be possible to have someone on hand for this? I'm guessing someone in the town would volunteer to help with AV support if asked

2. What is the process for changing town codes (in this case zoning)--it seems to me that the zoning regulations are there for a reason, and that without clear consensus, the default should be to keep the regulations as they are. I'd like to suggest that this be put to a referendum, with both sides able to advance their arguments. A change of this magnitude should not be made by a 5 member committee.

Substantive Issues about the proposal:

1. It will needlessly endanger children:

-As you are aware, this will sit next to LMES, the largest elementary school in the region, and the home of the Special Education/PreK program. As such, LMES serves the youngest and most vulnerable children in the region. It also requires complicated busing routes,

and significant bus and car traffic. Adverse effects on air quality (worsening asthma), noise pollution (disruptive to learning for all children) and traffic (increased risk of car/bus/truck accidents) will all threaten our children's safety and well-being.

-PHS--new teenage drivers already have difficulty negotiating Southford Rd during busy times of day, please don't add to this already risky time of life for teenage drivers by adding a large distribution facility on their route to school.

2. Many neighboring residential areas will be adversely affected by noise, light, air pollution and significant traffic disruptions. The light industrial zone designation as it currently stands does not allow for a "distribution center" nor should this function be added. People purchased these homes with the expectation that the current Light Industrial zoning guidelines would be honored. Doubling the height of the facility and adding the "distribution" (i.e. "trucking") function does not at all conform to the prior zoning codes. If this change goes through it will not only irrevocably alter the landscape and feel of the town, it will also bring with it a sense of betrayal from those of us who purchased homes with one understanding of what Light Industrial zoning meant, only to have it profoundly altered.

Finally, I would like to understand what the benefits of this would actually be? I am acutely aware of economic pressures and the desire to expand the tax base in town. To me, my children's well-being and the destruction of so much of Middlebury's community is not worth whatever small tax cut might come from this, but I know this is the argument in favor of the distribution center. So to be fair, I would like to ask you, what would this project do for Middlebury? My understanding is that the project would be eligible for some significant (up to 80% reduction) in taxes for the first 5 years. This would profoundly reduce any tax benefits. And, as a distribution center geared towards robotics, how many new jobs would this actually add?

Thank you for your time and service to our town.

Sincerely,

Sally D. Romano, M.D., Ph.D.
1 Brookside Dr.
Middlebury, CT 06762

Liana St. Germain

From: sap286@aol.com
Sent: Tuesday, January 17, 2023 23:30
To: First Selectman; Elaine Strobel; Ralph Barra
Subject: For inclusion in the next meeting on the Timex Property Development

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

Good afternoon,

I am taking the time to send this email to express my deep concern on the proposed development of the Timex property. I am surprised that this is even being considered in a town such as Middlebury where people live here because of its small town atmosphere, the natural beauty and peaceful quiet it offers its residents. This would all be destroyed by allowing a huge warehouse facility to be developed here. The traffic not only on 188 but in all the surrounding roads would impact every resident whether they are traveling to LMES, Pomperaug High school, to any of the businesses on 188, gaining access to 184 or to the many residences in the area. The huge influx of large trucks in the area of the schools poses a danger to the children that attend these schools. Eventually if not immediately the air traffic will increase as I assume the facility will be receiving as well as sending products by air in addition to the truck traffic. I don't see how any benefits from this project would outweigh the negatives that it poses. I feel that those in charge need to listen to the residents who live here and we should be able to take part in these meetings which for some reason are not at the most convenient times to draw the largest resident population. Perhaps a zoom meeting could be arranged (I'm surprised this wasn't already considered). In closing I ask that you consider how the residents of this town feel about this project that could forever change that small town atmosphere that Middlebury now has. If the town is looking for a large taxpayer this type of business is not what residents here welcome. It would destroy the Middlebury we love.

Thank you,
Sharon Pulaski

