



TOWN OF MIDDLEBURY

Economic Development Commission

**Special Meeting Minutes, Monday October 30, 6:30 p.m.
Shepardson Community Center, Room 26**

Present: Chairman Terrence McAuliffe
Commissioner David Cappelletti
Commissioner Nicole Griffin
Commissioner Jesse Langer
Commissioner Armando Paolino

Also Present: Edward (Ned) Fitzpatrick
Ryan McEvoy
Anthony Iacovino
Marjorie Needham
Tom Cunningham

Excused: Commissioner Mark Petrucci

Absent: Commissioner Frank Mirovsky

CALL TO ORDER

The meeting was called to order at about 6:35 pm.

Architecture Review – Design Plans for Southford Park

Beginning Monday October 2, 2023, and continuing October 23 and this meeting, the Commission met with Professional Engineer Ryan McEvoy, Architect Anthony Iacovino, and Attorney Edward (Ned) Fitzpatrick to review the architectural design for a proposed project at 764 Southford Road. Because of the scope and complexity of the project, the commission also met in a workshop October 16. At the subject meeting, the developer presented updates including relocating loading docks away from homes, restricting tractor trailer access, and adding sound walls.

Over the course of all meetings, the commissioners expressed considerable concerns regarding the proposed project's suitability and its potential negative consequences for the town's economy and development. The Commission's ability to conduct a thorough architectural review was hindered by insufficient details from the project's representatives, especially concerning the intended use of the property. The project's design conflicts with the Commission's Architectural Guidelines, as it threatens to overshadow residential areas and schools, and is believed to compromise the town's traditional character. Moreover, the project's dimensions exceed district height restrictions, do not align with the defined category of 'warehousing', and may breach state legislation. There are also

alarming issues about traffic, questionable tax benefits, and adverse effects on property values—all of which could significantly undermine the town's economic wellbeing.

After discussion, the commissioners agreed that the proposed project should not be recommended. Nicole Griffin MOTIONED to send the attached report recommending against the project, SECOND by Armando Paolino and unanimously voted.

PUBLIC COMMENTS

Tom Cunningham asked questions about setbacks, visibility, and noise abatement.

ADJOURNMENT

Nicole Griffin MOTIONED to adjourn, SECOND by Armando Paolino and unanimously voted at about 7:35 pm.

Respectfully submitted,

Terrence McAuliffe

Chairman—Economic Development Commission

cc. Town Clerk, Commission Members

Attachment: Architecture Review Memorandum for Southford Park



TOWN OF MIDDLEBURY

Economic Development Commission

Architectural Review Design Plans for “Southford Park” Southford Park, LLC

Memo to: Terry Smith, Chairman, Planning and Zoning Commission.

On Tuesday October 2, 2023, and continuing in meetings on October 23 and October 30, the Economic Development Commission met with Professional Engineer Ryan McEvoy, Architect Anthony Iacovino, and Attorney Edward (Ned) Fitzpatrick to review the architectural design for a proposed project at 764 Southford Road. Because of the scope and complexity of the project, the commission also met in a workshop October 16.

Commissioners reviewed renderings, site plans, financial documents, promotional material, and other material pertinent to the project.

After questions and discussion, the commissioners expressed considerable concerns regarding the proposed project's suitability and its potential negative consequences for the town's economy and development. The Commission's ability to conduct a thorough architectural review was hindered by insufficient details from the project's representatives, especially concerning the intended use of the property. The project's design conflicts with the Commission's Architectural Guidelines, as it threatens to overshadow residential areas and schools, and is believed to compromise the town's traditional character. Moreover, the project's dimensions exceed district height restrictions, do not align with the defined category of 'warehousing', and may breach state legislation. There are also alarming issues about traffic, questionable tax benefits, and adverse effects on property values—all of which could significantly undermine the town's economic wellbeing.

At the conclusion of the review process, a motion was made and the resulting vote by EDC was to not recommend this project.

Attached to this memorandum is a “REPORT ON SOUTHFORD ROAD PROJECT”

Submitted by:

Terry McAuliffe, Chairman

cc: Curtis Bosco, Zoning Enforcement Officer
Ryan McEvoy
Anthony Iacovino
Edward (Ned) Fitzpatrick
Commission Members
Town Clerk

REPORT ON SOUTHFORD PARK PROJECT

On September 26, 2023, the Middlebury Planning & Zoning Commission (“P&Z Commission”), through Mr. Curtis Bosco, CZEO, referred a project proposed by Southford Park, LLC for an architectural review by the Economic & Industrial Development Commission (“Commission”). This is the Commission’s written report as required by the Middlebury Zoning Regulations (“Regulations”).

SUMMARY

The Commission has significant reservations about the project and its impact on the economic and developmental wellbeing of the Town of Middlebury (“Town”). These reservations are exacerbated by the lack of information provided by project representatives, particularly about the use of the property. The Commission cannot undertake an appropriate architectural review without knowing the true use of the property.

The Commission finds that the project does not meet the Commission’s Architectural Guidelines as the project (1) does not minimize the impact of the very large facility proposed on adjoining and nearby residential areas and schools and (2) will impair the character of the Town. The Commission is very concerned that this Project would irreparably impair the economic resources of the Town, which are deeply connected to the Town’s traditional New England character.

The reasons are set forth below in this report. They are summarized as follows:

- The project exceeds the allowable height in an LI-200 District under the Regulations. The increased height coupled with size and scope of the project is antithetical to the character of the Town. See Part I, page 4.
- The project does not meet the definition of “warehousing” under the Regulations. There are also significant concerns with the unknowns associated with the use of the proposed facility of this size and scope. See Part II, page 5.
- The project appears to violate Public Act 23-204. See Part III, page 8.
- There are significant concerns regarding traffic, the scale of which is incongruent with the character of the Town, and negatively impacts the Town’s economic resources. See Part IV, page 9.
- There are significant concerns as to whether the Town would realize a true tax benefit based on the information provided and taking into account the deleterious effects of the size and scope of the project. See Part V, p. 10.
- There are significant concerns about impact to property values that is not in keeping with the character of the Town and, thus, impact to the economic resources of the Town. See Part VI, page 10.

AUTHORITY

The Commission derives its authority from General Statutes § 7-136, which allows a municipality to “establish an economic development commission for the promotion and development of the economic resources of such municipality.” General Statutes § 7-136(a). The Charter for the Town established the Commission, which shall “perform the duties prescribed in Section 7-136 of the General Statutes.” Middlebury Charter, § 506 G.

Section 7-136 outlines the contours of the Commission’s role. Section 7-136(b) provides in part:

The commission shall conduct research into the economic conditions and trends in its municipality, shall make recommendations to appropriate officials and agencies of its municipality regarding action to **improve** its economic condition and development . . .

(Emphasis added.) General Statutes § 7-136(b).

The P&Z Commission made the referral in accordance with § 42 of the Regulations. Section 42.6 of the Regulations provides in part:

- Copies of the Site Plan and Architectural Plans shall be submitted to the Commission in sufficient detail and completeness to show the proposed improvements will be in accordance with the controls, restrictions and standards contained in Section 42.
- A report identifying the amount and composition of all industrial wastes and the proposed method and location of disposal of such wastes.
- The Commission shall issue a “written report” to the P&Z Commission within forty days after official receipt of all plans “stating their recommendations and reasons thereof.”

Middlebury Zoning Regs., Art.. IV, § 42.6.1-5.

ARCHITECTURAL GUIDELINES

The Commission developed Architectural Guidelines (“Guidelines”) for architectural reviews of projects. The Guidelines are available on the Town’s website. The purpose of the Guidelines is to “foster long term economic development by encouraging excellence in building design” and to “minimize the impact of stark transitions between business and industrial districts to adjoining residential areas.” Guidelines, § 1.a and b. The Guidelines “embrace” the long term “traditional New England character” of the Town. The Guidelines state in part:

Fostering architectural harmony within the town’s seven commercial districts by embracing our traditional New England character (as it has evolved over the last 200 years) and thereby creating a pleasing business environment that encourages visitation and increased patronage.

(Emphasis added.) Guidelines, § 1.a. More specifically:

Designs should follow traditional New England style concepts, and modern, monolithic structures should be avoided whenever possible as they are not compatible with the desire for more historic architectural themes. This consensus is consistent with the stated goal of protecting and conserving the character of the town.

(Emphasis added.) Guidelines, § 2.b.

THE PROJECT AS PROPOSED

Based on the filings with the P&Z Commission, the site of the project includes a single lot (formally two lots) consisting of slightly more than seventy-seven acres in an LI-200 District (“Site”). There are residential properties surrounding the Site with some commercial and educational (Long Meadow Elementary School) uses to the south and southwest. The Site contains 7.55 acres of wetlands. The Site increases in elevation from Southford Road and the surrounding residential properties.

The property on which the Site is located is owned by Southford Park, LLC (“Owner”), with a business address in Massachusetts. The Owner proposes to demolish the existing Timex building and construct two large buildings, one that is 539,500 square feet (“Building A”) and the other that is 130,000 square feet (“Building B”), totaling 669,500 square feet (“Project”). Building A would be constructed in the present location of the Timex building and Building B would be constructed to the south proximate to Southford Road. The Owner proposes a building height of forty-two feet, which is seven feet above the permitted height in an LI-200 District. Middlebury Zoning Regs., Art. IV, § 42.2; Art. I, § 11.2. The Owner is seeking a text amendment to the Regulations to increase the allowable building height to forty-two feet.

The buildings would be flat roofed, metal paneled buildings with narrow vertical fins on the exterior. The buildings as contemplated are single story with minimal windows. The window to wall ratio is 5 percent, meaning the majority of the building would be wall. Any deviations would be tenant specific. Project representatives represented on the record that there are no current or specifically contemplated tenants.

The stated use on the Site Plan Application is “warehousing,” which is a permitted use under the Regulations. Middlebury Zoning Regs., Art. IV, § 42.1.5. The proposed “warehousing” operation would include a large parking lot accommodating a total of 410 motor vehicle spaces. The Project would also include sixty loading docks, with forty-eight associated with Building A and twelve associated with Building B. There would also be 106 trailer parking spaces. The Owner is also seeking a Special Exception for excavation and grading under the Regulations.

There is a conservation easement proposed for some of the land (designated as a separate “Lot B”) located to the east and southeast of the proposed buildings. It is uncertain how the conservation easement will be maintained.

The Project would access Southford Road via a new driveway and would close off the existing access onto Christian Road, limiting it for emergency use only. The Project contemplates large commercial trucks delivering to or shipping unknown goods from the facility using Exit 16.

This route would take the large trucks past Long Meadow Elementary School, Pomperaug High School and numerous residential and commercial properties. Although the Project would develop the Site to encourage tractor trailer traffic to turn right out of the Site and towards Exit 16, there are no stated means to prevent these large trucks from driving through the Town to Exit 17.

PROCEEDINGS

On September 26, 2023, the P&Z Commission provided the Commission with the following information: (1) an email from Mr. Curtis Bosco, CZEO, referring the Project to the Commission; (2) an excerpt of a portion of § 42.6 of the Regulations; (3) a letter from SLR to Mr. Bosco concerning waste generation associated with the proposed Project; and (4) a “Fiscal Outline Proposed 669,500 Sq. Ft. Warehouse” by Fougere Planning & Development, Inc. The Chair of the Commission personally picked up a copy of the Site Plan Application concerning the Project from the offices of the P&Z Commission.

On October 2, 2023, the Commission held its rescheduled regular meeting. Representatives of the Project attended and made a presentation outlining the Project and showing some renderings. Members of the public were afforded the opportunity to comment on the presentation.

The Commission twice requested the following additional information from Project representatives: (1) an electronic version of the entire application filed with the P&Z Commission; (2) the Statement of Use submitted to the P&Z Commission; (3) renderings of the buildings showing the loading docks; and (4) a representation of the possible textures of the building skin and colors. Project representatives provided information pertaining to items (1) through (3), along with power point presentations made to the Commission and the P&Z Commission.

On October 23, 2023, the Commission held a regular meeting during which Project representatives presented (1) samples of the skin texture of the buildings and colors and (2) discussed some additional renderings. They also explained that they are preparing more renderings concerning views from Benson Woods, a residential development that directly abuts the Site. On October 28, 2023, Project representatives provided an updated plan showing a revised configuration in which the access to the Project would be curved to discourage tractor trailer trucks from entering the Site from Exit 17 or turning left when exiting the Site.

ANALYSIS

The threshold question before the Commission is whether the Project will “improve [the] economic condition and development” of the Town. General Statutes § 7-136(b). This foundational issue is incorporated into the Guidelines, which the Commission relies on for its architectural review. Guidelines, §§ 1 and 2. The Commission answers this question in the negative. The proposed Project does not meet the Guidelines. The reasons are set forth below.

I. THE HEIGHT REQUIREMENTS FOR THE LI-200 DISTRICT.

The proposed height of forty-two feet exceeds the Regulations. The permitted height for buildings in the LI-200 District is thirty-five feet. Middlebury Zoning Regs., Art. IV, § 42.2; Art. I, § 11.2. The Commission is reluctant to offer an affirmative recommendation for this Project because it exceeds the height restrictions for the LI-200 District. The Commission's reluctance is not allayed by the explanation for the height increase. This is particularly so because Project representatives were vague and noncommittal about the specific use of the Project.

The Commission is concerned that exceeding the height restrictions will have a direct impact on the nearby residential properties. This impact is considerable in light of the immense size of the two buildings and the capacity of the contemplated operations. The increased height coupled with the modern and monolithic design of the very large buildings is contrary to the Guidelines. These features are contrary to the Guidelines because they do not "minimize the impact of stark transitions between business and industrial districts to adjoining residential areas." They also do not create a pleasing business environment that encourages visitation and increased patronage. Guidelines, §§ 1.a and b.

II. THE STATED USE FOR THE PROJECT.

The Commission recognizes that the P&Z Commission will determine whether the Project meets the Site Plan requirements including whether the Project is in fact a use permitted under an LI-200 District. The presentation by Project representatives during the Commission's public meeting strongly suggests that the Project fails to meet those requirements. Because Project representatives have not provided specificity and clarity concerning the actual use of the Project, the Commission cannot provide an affirmative recommendation for the Project. Moreover, the Commission is of the position that the Project should not be approved without the P&Z Commission being able to vet the Project fully based on a clear and defined use.

The Commission finds troubling the Project's reliance on the generic and vague term "flex industrial space." This term is not defined by the Regulations. The Commission knows of no other proposal referred to it for architectural review in which the use was not clearly defined. In the Commission's experience, the project referred for architectural review has a tenant, or the nature of the tenant is clearly known based on the use, e.g., motor vehicle dealership or professional office for doctors. This is essential to the architectural review.

At the Commission's October 2nd public meeting, Project representatives stated that the Site would be used for "warehousing." Yet, they also referred to other possible uses such as "light manufacturing" or "research and development." After questioning from Commissioners, Project representatives stated that the Project would be a "permitted use," and that use would depend on the tenant(s). Project representatives stated that they have no known or contemplated tenants.¹

¹ In response to questions by Commissioners about how the Project's physical characteristics would change based on the tenant(s), Project representatives stated any "material changes" would require P&Z Commission approval. The Commission is very concerned that such a review would not be necessary if changes are made only to the interior of Building A or B. This would likely be reviewed administratively and without a public hearing. Thus, the P&Z Commission, the Conservation Commission or the Commission would not be able to vet the Project based on its "true" use whatever that is. It also would not be subject to public scrutiny.

The Commission will consider only the specific stated uses. It will not consider vague references to one or more unknown “permitted uses.” It is too difficult for the Town’s agencies to vet the Project properly and responsibly given the different uses permitted in the LI-200 District. Each permitted use brings its own challenges and if not vetted properly could impact surrounding residential areas and the overall character of the Town. Consider the potential impacts of a research laboratory versus a farm, or a business office versus a light manufacturing facility.

A. Warehouse and Warehousing

Project representatives stated that the Project will be used for “warehousing.” The Regulations list “warehousing” as a permitted use. Middlebury Zoning Regs., Art. IV, § 42.1.5 “Warehousing” is not defined by the Regulations.

To understand what “warehousing” means under the Regulations, one needs to consider the definition of “warehouse.” A “warehouse” is defined as a “building used primarily for storage of goods and material prior to distribution that are produced in conjunction with a manufacturing facility.” (Emphasis added.) Middlebury Zoning Regs., Art. I, § 9.1.

“Manufacturing” is not defined by the Regulations. Merriam Webster defines the verb of “manufacture” (manufactured or manufacturing) as follows: “to make into a product suitable for use” or “to make from raw materials by hand or machinery” or to “create.” The noun “manufacture” is “something made from raw materials by hand or by machinery.”

The Regulations also do not define “conjunction.” According to Merriam-Webster, the definition of “conjunction” is “the act or instance of conjoining; the state of being conjoined” or “occurrence together in time or space.” The term “conjoin” means “to join together for a common purpose.” Thus, the definition of “warehouse” under the Regulations means that the building must have a manufacturing facility occurring together in time or space. This reasonably means that the manufacturing facility, creating something new from raw materials, would be on site or proximate to the “warehouse.”

Additionally, to be a permitted “manufacturing facility” in an LI-200 District, the Project would have to be used for “[l]ight manufacture” which is defined by the Regulations. The Regulations qualify the noun “manufacture” with the adjective “light” to mean the “processing or assembly of products and the packaging of foods, beverages, toilet supplies, pharmaceuticals, perfumes or similar projects.” (“Emphasis added.) Middlebury Zoning Regs., Art. IV, § 42.1.4.

The “light manufacture” at a “manufacturing facility” in an LI-200 District is the creation of something from raw products, whether by process or assembly of the sort of goods listed in § 42.1.4 of the Regulations. The creation of these goods from raw materials must occur at or proximate to the Site.

Project representatives did not represent that the Site would be used “in conjunction with a manufacturing facility.” They cannot make that representation as they have said the Project has no known or contemplated tenants. Thus, the stated use does not meet the definition of “warehouse.”

Project representatives suggested there is a difference between “warehousing” as a permitted use, which is undefined in the Regulations, and “warehouse” which is defined in the Regulations. They thus imply “warehousing” either includes “flex industrial space” or does not require the use (whatever it is) to be “in conjunction with a manufacturing facility.” The Commission finds this explanation unpersuasive.

Merriam Webster defines “warehousing” as follows: to deposit, store or stock in or as if in a warehouse.” The “warehouse” is the physical space; “warehousing” is the act or process of storing goods in a building. Thus, the Commission reads the term “warehousing” for a LI-200 District as requiring a manufacturing facility, specifically light manufacturing as defined in § 42.1.4 of the Regulations, proximate to or on the site of the “warehouse.”

“Warehousing” does not include “flex industrial space.” It does not include research and development. It does not include any other use mentioned by Project representatives. Accordingly, Project representatives cannot use the contrived difference between “warehousing” and “warehouse” to bypass the Regulations. It is a distinction without a difference.

B. Distribution Facility

Representatives of the Project stated on the record that it is “not a given” the Project would serve as a warehouse or distribution facility, but they are “potential uses” for the Project. Another representative stated that “warehouse” and distribution facility are synonymous. The Commission need only refer to an earlier filing, Application 2022-12-1 (“Application”), regarding the Site to demonstrate that the two terms are not synonymous insofar as the Regulations are concerned.

The Application requested the P&Z Commission to amend the Regulations to add:

Distribution Facilities: A specialized warehouse that serves as a hub to store *finished* goods, facilitate the picking, packing and sorting process and to ship goods out to another location or final destination.

(Emphasis added.) That Application also sought to add “Distribution Facilities” as a permitted use, and not a special exception use, in an LI-200 District. The applicant further sought an increase of the permitted height in such districts to fifty feet.

There is a clear difference between a “Distribution Facility,” as defined in the Application, *e.g.*, Amazon, which sorts finished goods, on the one hand, and a “warehouse” and “warehousing” on the other hand, *e.g.*, Winchester Electronics, which creates goods from raw materials. If they were synonymous, then the Application would not have been filed.

The Commission’s concern was not assuaged by the “Fiscal Outline” for the “Proposed 669,500 Sq. Ft. Warehouse” submitted by Project representatives. The Fiscal Outline provided estimated tax revenues “[b]ased upon a review of the marketplace of large warehouses as detailed in Table One of the Fiscal Outline” (Emphasis added.) The facilities listed in Table One, however, are nearly all “Distribution Facilities” based on the definition in the Application.

The Commission finds troubling the relatively same size and scale of the initial proposal contemplated in the Application, coupled with the statements by Project representatives concerning a “Distribution Facility.” The Commission further finds that the Project likely seeks to use the Site as a “Distribution Facility” similar to what was proposed previously. Even if the Project would not serve as a “Distribution Facility,” the size and scale of the Project, with its attendant traffic impacts, is antithetical to the upscale and traditional New England small town character of the Town.

C. Research and Development

Project representatives suggested that the Project could be used for research and development. The Regulations permit “research laboratories” in an LI-200 District. Middlebury Zoning Regs., Art. IV, § 42.1.3. Project representatives, however, stated that the proposed size and scale of the Project, specifically the sixty loading docks² and 106 trailer parking spaces, are typical of a large warehousing function, not research and development.

Based on these representations, the Commission finds that Project representatives are just listing possible permitted uses to obtain approval. This is insufficient for an architectural review; it is also insufficient for zoning approval. This would be a project of unprecedented size and scale for the Town with significant traffic impacts and, as proposed, would directly contravene the Town’s traditional New England character.

D. Flex Industrial Space

“Flex Industrial Space” is not a permitted use in an LI-200 District. The term is not defined by the Regulations. Accordingly, the Commission finds that it cannot perform an architectural review based on this vague term. Moreover, Site Plan approval is only applicable to uses permitted under § 42 of the Regulations. Middlebury Zoning Regs., Art. IV, § 42.3. The only uses listed under § 42 of the Regulations are those permitted uses and their accessory uses under § 42.1. Certain other uses specified in § 42.4, which are inapplicable to this Project, may be approved by the P&Z Commission by Site Plan and Special Exception. Ultimately, Project representatives cannot rely on this vague term as means to obtain Site Plan approval in this instance.

III. PUBLIC ACT 23-204

The Project appears to violate § 173 of Public Act 23-204 (“PA 23-204”). PA 23-204 states:

Notwithstanding any municipal charter, ordinance, regulation or resolution, special act or provision of title 8 of the general statutes, no municipality with a population of more than six thousand and less than eight thousand, as determined by the most recent federal decennial census, or board or commission of any such municipality authorized to regulate planning, zoning or land use, shall approve the siting, construction, permitting, operation or use of a warehousing or distribution facility exceeding an area of one hundred thousand square feet if such (1) facility is located on one or more parcels of land that are less than one hundred fifty acres in total, (2) parcels contain more than five acres of wetlands in

² At the October 23rd regular meeting, Project representatives stated that the number of loading docks could change depending on the tenant(s). They further stated that the change would be made during the building permit process after zoning approval. This confirms the Commission’s concern articulated in footnote 1, *supra*.

total, and (3) parcel or parcels are located not more than two miles from an elementary school.

The articulated use of “warehousing,” or the use as a “distribution facility” as discussed in Part II, *supra*, is prohibited under PA 23-204 in municipalities with a population between six thousand and eight thousand if the other factors in the Public Act are met. According to the submissions associated with the Project: (1) the facility is located on one or more parcels of land that is 77.038 acres, (2) the parcels contain 7.55 acres of wetlands in total, and (3) the parcel or parcels are located less than two miles from Longmeadow Elementary School. Therefore, the Project appears to violate the Public Act. If so, the P&Z Commission must deny the Project.

IV. TRAFFIC IMPACTS

The Commission is very concerned that the Project will impose a significant increase in traffic within the Town as large tractor trailer trucks would become daily, frequent users of one of the most highly traveled thruways in the Town. Residents, business owners, school buses and visitors will no longer have the luxury of crossing Town with ease.

The proposed configuration is stated to encourage large commercial tractor trailer trucks exiting the Project right onto Southford Road towards Exit 16. Aside from the potentially large volume of tractor trailers travelling towards the Site from Exit 16, the Commission is concerned that the configuration, even if revised to a curve, does not prevent those large tractor trailer units from turning left onto Southford Road towards Exit 17 and travelling across town. Additionally, the Commission is concerned about the volume of tractor trailer trucks travelling towards the Project from Exit 16 and having to turn left to enter the Project.

The power point presentation made to the P&Z Commission included some information about traffic analysis.. That presentation and the traffic report on the P&Z Commission’s website do not allay the Commission’s concerns about traffic impacts particularly since the use of the Project is unclear.

The Project is also required to obtain approval as a **Major Traffic Generator** from the Department of Transportation’s Office of State Traffic Administration (“OSTA”). As explained on OSTA’s website, a Major Traffic Generator certificate is necessary for “any new, expanded, changed, or repurposed (land use change) development with 100,000 square feet or more of gross floor area or 200 or more parking spaces” *See* General Statutes §§ 14-311 and 14-311a; Regs., Conn. State Agencies § 14-312-1. Among the several requirements for a Major Traffic Generator certificate, the Project must provide the number of trips in and out of the property, flow diagrams describing the traffic flow, and site generated traffic.

The Commission is concerned that OSTA would require Project representatives to significantly expand Southford Road to accommodate a major increase in tractor trailer traffic. Would this include several lanes? If so, would the expansion impact the residences and businesses adjacent to Southford Road? Would any additional wetlands be impacted by this expansion? These are significant and important unknowns particularly because the use of the Project is unknown.

Without a named tenant, the answers to OSTA's questions amount to nothing more than speculation. The number of trips and the manner in which tractor trailers and cars might flow may vary widely based on the tenant. The Commission is concerned that the traffic impacts related to a "High-Cube Transload and Short-Term Storage Warehouse" as referenced by Project representatives, depend on the type of use falling under that designation, *e.g.*, fulfillment centers or parcel hubs. A high cube warehouse may operate twenty-four hours a day, seven days a week.

A Home Goods warehouse, for example, may keep regular business hours and therefore cause more significant traffic concerns during the morning and afternoon rush hour, times which are already challenging on Southford Road and Interstate 84. If the tenant is a food distribution facility, they may operate twenty-four hours a day, therefore disrupting the homeowners and schoolchildren who are their immediate neighbors.

OSTA also requires sign-off from the Local Traffic Authority, the Town's Police Chief, that the proposed Major Traffic Generator will have no substantial impact to the state highway system. The Commission does not think this official can issue a statement of "no substantial impact" without a full understanding of the use of the Project and an accurate anticipated trip count of the tractor trailer units and other motor vehicles based on the actual use of the Project.

The Commission has serious concerns about the traffic impacts on the nearby residential properties and schools, as well as on the economic resources in the Town. A steady stream of tractor trailer units driving past two of the Town's schools does not create "a pleasing business environment that encourages visitation and increased patronage." Guidelines, § 1.a

V. TAX REVENUE

One of the Commission's functions is to promote responsible economic development through the Town's tax incentive program. This program is available for review on the Commission's website. This program serves to encourage economic development in the Town by abating a certain portion of the real and personal property taxes associated with the new economic activity. The Commission touts this program and is always looking for more ways to attract and expand economic development in the Town.

The Commission is very concerned that the estimated tax revenue outlined in the "Fiscal Outline" will be outweighed by the detrimental impacts of the proposed Project as discussed herein. It is not clear whether the Town will receive a true benefit from this tax revenue.

VI. PROPERTY VALUES

The Commission is very concerned about the impact of the Project on property values of the several adjacent neighborhoods. The Commission is unconvinced that the Project of the proposed size and magnitude would be shielded from view from the adjacent and nearby residential neighborhoods.³ This is particularly concerning because the Project would demolish

³ The Commission notes the arial image provided by Project representatives of the proposed loading docks in close proximity to the Benson Woods development. Project representatives state they are preparing renderings of perspectives from homes in Benson Woods.

the Timex building, oft referred to as a jewel for its architecture, and replacing it with two very large monolithic industrial buildings.

Additionally, Project representatives have not provided a noise assessment, which may be challenging without an identified tenant. How many and how often will tractor trailer trucks engage their vehicle motion alarm when moving in reverse to a loading dock or into a trailer parking space? How many large commercial trucks will have refrigeration systems that require continuous cooling and, if so, how loud will they be particularly in concert? What of the HVAC systems associated with Buildings A and B?

Project representatives have not answered these questions. The Commission is doubtful these questions can be answered without a specific tenant. Ultimately, these unknowns make it impossible for the Commission to issue a recommendation in favor of the Project.

CONCLUSION

The Commission takes seriously its statutory charge to “improve [the] economic condition and development” of the Town. The pursuit to improve the Town’s economic condition, however, must always remain faithful to the essence of the Town – an upscale small town with a traditional New England character.

To that end, the Commission has supported and would support responsible economic development for light manufacturing uses and research laboratories whose size and capacity are in keeping with our Town character. A very large warehouse/distribution center of unprecedented size for the Town, with sixty loading docks and 106 trailer parking spaces detracts significantly from the Town’s essence.

The Project does not meet the spirit or letter of the Guidelines. There are no architectural changes that would bring the Project of this size and nature into adherence with the Guidelines.

On January 31, 2023, during a Special Meeting, the Commission passed a Resolution stating that distribution centers or enormous warehouse operations are antithetical to the Town’s upscale small town charm. The Commission called for a pause, careful review and consideration of community assets to ensure that the Town improves its economic condition responsibly. The Commission concludes that this is the appropriate course, which requires a denial of the Project, as it is contrary to the Town’s character and would thus irreversibly impair the Town’s economic resources.