

**PORTLAND PLANNING AND ZONING COMMISSION**  
**SPECIAL MEETING**  
**Thursday, May 29, 2024 at 7:00 PM**  
**Portland High School Auditorium**  
**Portland, CT**

**Special Meeting Minutes**

1. Call Meeting to Order

Robert Ellsworth called the meeting to order at 7:00 p.m.

2. Introduction of Members and Seating of Alternates

Present: Bob Ellsworth, Robert Taylor, Victoria Tchetchet, Carolyn Freeman, Jennifer Tellone, Chantal Foster, Tom Bransfield, Joe Spada.

Staff: Dan Bourret, Town Planner  
Kari Olson, Town Attorney (remote)  
Dawn Guite, Recording Secretary

3. Accept Agenda

**MOTION:** Chantal Foster MOVED, seconded by Robert Taylor to ACCEPT the agenda as PRESENTED.  
**VOTE UNANIMOUS. MOTION CARRIED.**

4. Meeting Procedures

Chairman Ellsworth said that there is a hard stop for tonight's meeting at 9:30 p.m. due to building constraints.

This is a continuation of a public hearing but public comment section was closed at the previous meeting. Chairman Ellsworth thanked everyone who took time to comment at the two previous meetings. It was great our community involvement and we really appreciate your input. Tonight's discussion is deliberation amongst commission members, getting clarification from town staff if needed and ultimately a vote on the proposed text amendment. One additional proposed potential that was brought up at the prior meeting and that was whether or not this proposed text amendment would apply to all MUD areas in town or just in the Central Business District. We will now begin our discussion.

**Public Hearing**

5. PZC Application #23-16: Proposed Amendment to the Portland Zoning Regulations. Change to section 9.17.1 to increase the allowable MUD residential units to 350 from the current 240 and to increase the ratio of allowable apartments from 16 to 21 per 5,000 square feet of commercial space. Change to section 9.17.5.E to allow the sum of the total commercial area to include any single upper floor to the total commercial area where only the ground floor counts currently. Application of BRT DiMarco PTP, LLC.

Chairman Ellsworth said that one of the very first items we should come to an agreement on was the last item I mentioned and that is the area that this proposed text amendment applies to. It would either be all MUD areas in town or only MUD areas in the Central Business District.

Chantal Foster said to clarify it means that if it is only applicable to TCV area then we're basically only talking about this property, correct?

Dan Bourret said that it is my understanding the central business district they are referring to is the B3 zone so in our zoning regulations the B3 zone is referred to as the Central Business District so it would be the B3 not the Town Center Village.

Chairman Ellsworth said what was brought up at the prior meeting would be a more restrictive version of the proposed text amendment.

Victoria Tchetchet said that my initial reaction is to not restrict it to the B3 and try and keep our regulations as consistent through the town as we can. Going district to district further complicates things.

Rob Taylor said I believe Dan said that there's only one other property that could fit that many apartments on it and it's highly unlikely we'd ever see anything on that property and as Victoria said it just makes it more complicated. Keeping it more straightforward is better in the circumstances.

Chairman Ellsworth said let's keep in mind in today's world it's very likely that this wouldn't be allowed anywhere else in town but things can change. So remember that this is a regulation change that we're proposing so it would live on beyond this. I have two votes for making this less restrictive. If approved this would affect all MUD environments in town.

Victoria Tchetchet said we would not be making a change.

Chairman Ellsworth said we can proceed under that assumption then.

Victoria Tchetchet said you can proceed under that assumption that I would be against that, yes.

Chantal Foster said you mean including the restriction for B3.

Victoria Tchetchet said that I wouldn't further complicate things. I would try and leave things as uniform to our town as possible.

Chairman Ellsworth said so I think we're saying exclude the restriction to B3. I believe that's what you're saying.

Victoria Tchetchet said yes.

Chairman Ellsworth said the proposal is amongst the commissions members to exclude the restriction; restricting this just to the B3 environment. We will not include the proposed revision that was brought up at our last meeting last week and that was to restrict this proposed change to the B3 environment only. So we will not be including that in our discussions. My thought is there are three remaining points that are included in the proposal. We have basically three options when it comes to these three proposals. The first would be to approve the application as presented. The second would be to deny the application as presented and the third option would be to approve one or more than one of the three components of the proposed amendment. My suggestion is to begin our discussions and go one at a time for each of these components. To remind people the first one is to increase the allowable residential units to 300, 50 from the current 240. The second one is to increase the ratio of allowable apartments from 16 to 21 per 5,000 s.f. of commercial space. And the third one is to allow the sum of commercial space on a second floor in the total commercial area calculation. This is regarding building height.

Victoria Tchetchet said is it second floor or third floor.

Dan Bourret said it's any upper story.

Chantal Foster said anything other than ground floor.

Victoria asked if that one can go first.

Chairman Ellsworth said yes as long as people are in agreement that it would be okay to discuss them one at a time. Let's start then with the third one which is including any single upper floor to the total commercial area where only the ground floor counts currently. We're basically relaxing the total commercial area consideration in a building.

Victoria Tchetchet said that she thinks that is fine as far as she is concerned. Having commercial space on a floor other than the ground floor for counting commercial space is perfectly acceptable to me.

Chantal Foster said agreed.

Chairman Ellsworth said I tend to agree with that. I visit a lot of buildings where the commercial space is on not on the ground floor. Any commission members who are against including this.

Rob Taylor said no that he is in favor of it.

Kari Olson said that she wanted to suggest and maybe it's part of your final motion that there actually be a vote on whether or not to accept the proposed amendment limiting it to the B3 Zone. I heard a couple of people talk about it but I don't know that there was a formal motion and it might be wise for the record to make sure that there is a formal vote on that.

Dan Bourret said that he would make a note of that of that meeting.

Chairman Ellsworth said we'll move on to the first one I mentioned increase the allowable MUD residential units to 350 from the current 240 which is really intertwined with the next one.

Chantal Foster asked if she could make comments for the commission to consider.

Chairman Ellsworth said yes, certainly.

Chantal Foster said this has to do with addressing the text amendment and knowing that there is a plan out there. It's been really hard to separate the two things and that we're kind of stuck between a rock and a hard place because we can't really talk about the plan that there is to approve without approving the text amendment for 350 apartments. It makes it a little tricky. I want to mention that this commission has granted all requested waivers both in 2020 and again in 2022 and the town granted incentives to keep this project moving. Listening to all the people weigh in with their pros and cons one could argue that given the trajectory of the other waivers granted for shifting the commercial construction much later in the project there's a question in my mind as to what kind of an effort was made to secure, to pursue commercial for this site. With all respect I don't really know but I look at again the trajectory of what's happened there is a question in my mind as to whether a really good effort was made to put more commercial in here. Listening to various comments during the public hearing I heard a couple people use the word compromise and I don't know what could work in the situation that we're in. But that's something that I would like to see. What I'm seeing in this plan is we're filling a commercial space because we can't get commercial retailers in there. We're just taking an exact copy of what we have over here and plunking it down over here and saying this is what we have to do. I keep asking myself does it make sense for our town to add another 110 unit apartments in this space given the reason provided which is essentially that commercial won't sell and we don't even know how the first 240 units are going to pan out. Is there a potential to wait a year or two. I know you want to do things all at the same time but maybe you don't get to do everything that you want to do. We're not doing everything that we want to do that's for sure.

Chairman Ellsworth said just looking at it from the sheer numbers 350 up from 240 is a 45% increase in residential units. To me that's significant and given our small town my opinion is that this would be out of line so I am not in favor of the increase to 350 units from 240. Chantal mentioned compromise. I think there's always for compromise. We'll have to see going forward but those are my thoughts on this.

Rob Taylor asked Chairman Ellsworth why he said it was out of line in his opinion.

Chairman Ellsworth said a 45% increase in allowable. That amount of an increase is significant. Out of line wasn't the right word but is significant. I'm just not comfortable with that sort of increase personally.

Rob Taylor asked if it was a traffic concern or is it because we don't have anything like this in town right now and this would be something new?

Chairman Ellsworth said it's a number of things. We've heard a lot about the traffic for this specific site which this regulation could someday address other sites. It's a bunch of unknowns to me. Adding this amount of residential space to our small town population might be a shock to our small town.

Chantal Foster will come back with another comment about how this relates to the plan.

Victoria Tchetchet asked Chantal Foster if she's wondering about the plan that we're not supposed to be talking about, but we're talking about, would only go forward if we approved the 350 units. I think that is implied. I think you're thinking of that corner building being smaller shops rather than just one large. I don't see anything that was literally tied to an increase in the number of apartments. It's part of the plan but I don't know if the entire plan is going to be thrown away. We have no way of knowing how tied together this is to that and because we can't really discuss that I don't think we can really consider the impact that our decision today will have on whether or not that plan is built. There's no data to support an opinion. We have to be kind of independent of that plan because if we say yay or nay he might come back with another option.

Chantal Foster said clearly it could be something else.

Victoria Tchetchet said or it could be the same thing and we just don't know. There's no way of knowing.

Rob Taylor said to Dan Bourret that this might be a question for Kari or yourself. Let's say we approved this and we got the application in, what would be our options in that circumstance of saying we don't want the full plan as they intend on proposing it. Is it going to be where we have to approve it as a matter, as a right, or do we have discretion in what happens next.

Dan Bourret asked Attorney Olson to weigh in on this.

Attorney Olson said if I understand the question there is concern about what the impact of approving the text amendments will be on your ability to control the special permit application that's also pending. Is that correct? If the proposal meets requirements of your regulation you're supposed to approve it, however, in a special permit context the law recognizes that special conditions and other types of modifications may be appropriate for some uses such as this which is why it's a special permit. The bottom line is if you don't approve the text amendments based on my review of the application for the special permit, you can't approve that because it's for 30 – 40 apartments. If you haven't increased the number of apartments that are allowed then they can't meet the regulations. If you agree to the text amendment you still have the right to look at their modified plan and within the terms of your regulations to request specific conditions and modifications so that it's not out of your hands. You would still have an opportunity to discuss what that special permit should be. Maybe the correct text amendment is the number of apartments is up to so that you can work with the developer to come up with a quote compromise. I don't know if that's possible. We heard Mr. Bertram say that it's a financial thing so I don't know if that will work. If the amendment is up to that number of apartments it does leave open the discussion of something less than that. That is definitely a separate application and you do within your special permit criteria have the opportunity to put conditions on it, work with the developer to modify it. If it completely meets all of your regulations including any reasonable conditions then you're supposed to approve it.

Victoria Tchetchet said that would be for the 2317 not this text amendment. That's the special permit.

Attorney Olson said the first step is are you going to accept these text amendments as provided and there is authority out there that you can modify what's being asked of you in a text amendment as long as it's less than, not more than, what's been requested. There is some authority to allow that to happen which is why I did not object to their modification to limit to the B3 Zone because it's more restrictive not broader. The whole point of the application and the public hearing and the notice is to give people notice of what the possible outcome could be. The assumption being if they're not, if they're concerned they'll show up. Anything less than that they've effectively had notice. Anything more than that and it's a new application, you have to start over. Once the text amendments are voted on if you approve one or more of them you set an effective date for them to apply and Mr. Bertram can then go forward with his special permit application and he would have to commit to complying with the newly adopted regulations because the application was pending before the text amendment. He would have to waive his right to rely on the old regulations and agree to be bound by the new regulations as of the effective date. Then you go forward with the special permit application and you apply your special permit criteria. It's no longer your text amendment criteria although in some ways they're aligned and some ways they're not. You look at it as you would any other special permit and you put any of your normal conditions on it.

It was requested that I provide a memorandum regarding whether the text amendment constituted spot zoning. I have not had time to put stuff in writing but I want to go on the record as saying I do not believe that this would ever constitute spot zoning. Spot zoning is a situation where you take a very small piece of land and you rezone it in a way that's really not consistent with your POCD. If you were in your residential zone and somebody came to you with a zone acre parcel and wanted you to zone it industrial, that could arguably be spot zoning. Connecticut courts have moved away from spot zoning altogether with the institution of permissible floating zones which are effectively zones that you float around town and land where appropriate. I do not believe that a court would find that the proposed text amendments would constitute spot zoning because they apply to the entire MUD. Since you rejected the B3 it's the entire MUD. I do not have concerns about that.

Chantal Foster said that the prior approvals that were given were given in addition to changing the commercial residential ratio. There were waivers given for reduced parking and this is an area I think that we're also taking a little bit of it; an optimistic call on reducing the parking because if there isn't adequate parking in a facility it causes all kinds of problems. This is something that we need to be mindful of with the site plan.

Chairman Ellsworth asked if there were other thoughts, comments regarding the proposed increase to 350 from 240.

Victoria Tchetchet said she put together a list of pros and cons looking at public comment and many pages of notes. She agrees with Chairman Ellsworth that the increase to 350 is not something that she agrees with. The 240 that the developer originally agreed to, he agreed to that being critical mass needed to move the project along. I haven't seen enough evidence to the contrary to meet the burden of changing the text. I think that the lack of faith in the growth happening in Portland is just that. It's a lack of faith. I see a lot of growth in our future and I'm very hopeful that commercial space will be in much more demand in the coming years than it is right now. I don't want to see that commercial space be used as residential space in our commercial district. Although the traffic studies have been shown to us, I can't wrap my head around the reality of having another 108 apartments and having it be less traffic than commercial space especially at the hour of 7:30 in the morning when people are really pressed to go to work. I think we already have too limited amount of commercial potential in the town Village District and I think that we need to keep that as open as we can and not use again same thing residential. The Department of Public Works memo states that the improvements will need to be made to the facilities before additional apartments can be built, before we can have additional flow. That concerns me. That letter was clearly against this increase. The current plan that we have now meets the POCD. I see no reason to change that. I think this will absolutely increase the number of children. As people leave their homes to downsize and potentially move into this development, children, you families will buy the homes that are put on the market. Until we get to see what that really looks like with a smaller number of apartments, I don't think jumping to 350 at this point is wise. I would like to see the developer stick to what he has agreed on, and as Chantal has pointed out, we've

really bent over backwards a couple of times to try and help move this along and to understand and make it easier so that this gets completed. We did say the last time that he came before us that we would not be entertaining any more changes, that we were going to hold him to his commitment. I'd like to stick with our word on that. I think more commercial space rather than less means more commuters stopping in town instead of just driving right through Portland from one place of employment to their homes and vice versa. I think that the rents that the developer is charging for commercial space might be reconsidered and maybe some commercial incentives can be made to get tenants. I don't care for the fact that the further delay of historical renovations could occur. I'd like to see the historical buildings at least have exterior renovations completed before considering more apartments. I have to respect the legal teams and the urban planners who carefully constructed this plan when it was originally put forth. I don't feel that I have enough knowledge and information to make any changes to that. The developer is seeking relief from requirements due to current economic conditions beyond his control. I don't think that the burden has been met to change text. I'm not convinced it's necessary so I will vote "no" for those reasons. Thank you.

Chairman Ellsworth asked if there were other thoughts, comments regarding the proposed increase to 350 from 240.

Rob Taylor said that the issue with the traffic; we heard an opinion from an engineer who specializes in that. We didn't hear any opinions from any other engineers to say that he was wrong. We don't really have any reason to say that he is wrong because of that. I know everyone has their own experiences with that area and driving. A licensed professional who does this for a living, we have to kind of take his word for it unless somebody else wants to come forward with an engineer to say he's wrong. I think the special permit modification is good for the town. I know you don't want to see a bunch of commercial buildings get built and they sit empty. That doesn't help anybody. It brings nothing to the town other than vacant space. With a project this big there's going to be change and sometimes changes aren't going to be what everybody wants. Adding more people downtown will make things a little bit livelier. It will add some actual money into the local restaurants, the bars down there. People wouldn't have to drive in order to go to visit those places. They could walk across the street. I see how everyone doesn't want more people there but I see this as possibly a good thing.

Chantal Foster said it's possible that it could be a good thing but we don't know how 240 is going to work out.

Rob Taylor said that 240 is going to change the way the downtown area feels. Anything we put in there of that size is going to change the way it's going to feel. That's a matter of fact. It's going to feel awkward at first for everybody who's grown up in this town, who's used to that area just being dead, being an overgrown Elmcrest of nothing. Whatever project goes in whether it's the current plan or the one that they want to change.

Victoria Tchetchet said that I haven't heard anybody say that they don't want change in this discussion tonight. I think we've already approved modifications to this that have significantly changed the plan from the original plan. I think they were necessary and we did what we did. I don't think any of us expect there to not be change. Certainly, I welcome change downtown. I think it's fantastic that's being developed. It's the other concerns that I listed that give me pause to go from 240 to 350 at this point in time.

Chantal Foster said it just seems to be backfilling. We can't get the commercial. Here we have this building. We can put that right there. That's really the thing that makes it kind of tough.

Chairman Ellsworth said my thoughts about adding feet to the street; the Chairman of the Economic Development Commission spoke in favor of the 350 apartments saying more people, more better. My feeling is adding however many people 240 apartments adds a substantial increase in the number of feet on the street. In my mind it will not only support our existing businesses in town, it would encourage other commercial ventures to look into Brainerd Place. 240 residences is a fair amount of people.

Rob Taylor said I don't we every really looked into either. How much vacant space is in Middletown when it comes to commercial space. Washington Street expanded a lot over the last year or two and we never really did

a comparison or asked for a comparison and analysis of what's commercially available in Middletown because they would be a direct competitor if we throw in commercial space right there. Why would someone build in Portland when they can build out in Middletown for either a comparable price or at least at minimum have more traffic going by on a daily basis.

Victoria Tchetchet said I think that Middletown is a destination. People go there specifically unless you live there. We're talking about people being attracted to an area and they're attracted to Middletown in large part because of the restaurants and it is off the beaten path. It is off Route 9 and you go there as a destination. Portland has an enormous amount of commuter traffic that travels through and we are actually a more direct spot for more traffic than Middletown. If we're going to open a business and wanted 22,000 commuter cars to drive by every day, I would put a business in Portland because all of those cars are going to go by and that opportunity is unique. Middletown just doesn't have that. They tried to do that by putting in traffic lights on Route 9 and getting people to move into Middletown. We have something that they don't have and that's all of those people that have to go through Portland to get onto Route 9, to get to East Hampton, to get to Colchester.

Rob Taylor said the latest plans for Route 9 are to get rid of those traffic lights which also included removing the direct access from Route 9 to the Arrigoni Bridge. Anybody coming from Route 9 South according to the last plans I saw would require you to go through a roundabout take to **Copen (?)** and go through Middletown. Direct access would be going through Route 9 South and that would be the only way to get off of Route 9 directly onto the Arrigoni Bridge. By the time this project would be finishing Route 9 would be starting to change and that could change the entire traffic flow into Portland once that project is done.

Victoria Tchetchet said it's still the only place over the river. It's the only place to go over the river unless you go. You still have to cross the river on the bridge. I'm being the devil's advocate about why would you stop in Portland when you have Middletown. If traffic goes through Middletown it puts them on uneven footing with us if the same people have to go through Middletown that go through Portland.

Rob Taylor said if you live on this side of the river. If you don't live on this side of the river why would people come over here. Middletown has plenty of other amenities. If you don't live over here, you don't usually come over here.

Victoria Tchetchet said I think we have a lot of great things that Middletown doesn't have.

Rob Taylor said when we're looking at this type of change. The developer had professional opinion saying that Portland's difficult to find commercial tenants. It's their job to find people who want to spend a considerable amount of money to come into this town and lease space. That's something that we need to consider. I wish we had gotten more input from Dan about lease rates as comments were made that they were relatively high.

Chairman Ellsworth said the third point which we should discuss is increasing the ratio of allowable apartments from 16 to 21 per 5,000 s.f. of commercial space.

Chantal Foster said I was really surprised that there wasn't a study done prior to going into this endeavor about the commercial environment. Don't you think that would be a typical thing as a developer that you would check that kind of thing out. That just always seemed a little unusual to me. I'm not exactly sure what's going on but if you were going to build a multi-million dollar mixed used development, don't you think you would have checked that out. You can't pin everything on COVID.

Rob Taylor asked have you driven through Hartford lately. It's still relatively empty all the time. That's thanks to COVID. The point is the demand for commercial space has changed over the last couple of years as a result of the pandemic.

Chairman Ellsworth said I would agree with that if we're talking about retail, brick and mortar retail but commercial really comprises more than just retail; professional offices. Let's keep that in mind too. We'll move on to the proposal to change the ratio of apartments from 16 to 21 per 5,000 s.f. of commercial space. Remember that 16 would be including the bonus apartments for historic preservation restoration.

Dan Bourret said you get that bonus if you do historic preservation.

Chairman Ellsworth said if we don't do historic preservation the number is much lower than 16.

Dan Bourret said it's one to three. It's a maximum of three whereas it's a maximum of 16 right now.

Chantal Foster said I think this number was only changed to accommodate the 350. Do we have to considerate it as a separate thing?

Chairman Ellsworth said I'm not sure because you could be allowed more even if your total was under three.

Dan Bourret said I would look at it as two separate things because you can have more density with the higher unit to commercial ratio.

Chairman Ellsworth said that's a good way of putting it. It's increasing the density allowed per given amount of commercial space. In my opinion with this proposal we're tipping the scale more towards residential than commercial. More than it is in our current regulations. For that reason I am against this proposal as well. A mixed used development by definition is a combination of mixed use and how you balance that residential and commercial. Commercial is what's in question here. There should be a more equitable balance than what's being proposed.

Victoria Tchetchet said I agree with you. I concur.

Dan Bourret said to Attorney Olson that there's different opinions on different portions or proposals within the modification. Should we go through this individually? I had originally constructed written motions as is. I certainly can amend those based on how each of those goes. I'm not sure what your recommendation would be

Attorney Olson said if there are differing opinions on each of the text amendments that are being proposed it would be wise to take them up separately which would mean that somebody makes a motion to approve Text Amendment A. You vote on that and then somebody makes a motion to approve Text Amendment B and you vote on that. Then Text Amendment C. You would describe the first proposal. It's pretty simplistic. You can take them one step at a time.

Dan Bourret said I'll break these up into the four motions for the board and then tomorrow I'll write written motions and then get signatures. Is that what you would recommend?

Attorney Olson said if you want to vote tonight it's a matter of somebody making a motion to approve the text amendment that changes the number of apartments in the MUD Zone from 240 to 350 and then you vote on that.

Dan Bourret said if they're ready to vote tonight we would do the verbal motions and then tomorrow I would type those out individually and file those with the Town Clerk.

Chairman Ellsworth said before we itemize these four items question of effective date has been discussed. If one or more were to be approved when would they be effective?

Attorney Olson said that is clearly within your discretion. You want to make sure that the effective date is out far enough so that you're also deliberating on and deciding the other text amendments that are pending so that



you can make them all effective on the same date. If approved that saves your town money but the discretion is yours. In the absence of a decision on the effective date it's going to be 15 days after publication. If you had them be effective on July 1<sup>st</sup> it's a benefit to the town for the text amendments to come into play. It's cost saving. To amend regulations through Mooney Code is not cheap.

Dan Bourret said we don't do that.

Chairman Ellsworth said I'm going to propose 7/1/2024 for an effective date so we'll do that. So now let's agree on the four we'll assign them each a letter.

Dan Bourret said that the first one was the modification that was proposed at the last meeting to restrict the potential text amendment changes to just the B3 Zone. That's what we call "A". They have to be done in the affirmative.

Attorney Olson said under Roberts Rules you really should state them in the affirmative.

Dan Bourret said the first motion would be to approve to restrict proposed text amendment modification to the Central Business District.

Letter "B" would be motion to approve the modification of Section 9.17.1 to increase the number of allowable MUD residential units from the current 240 to 350.

Chairman Ellsworth said Letter "C" would be to increase the ratio of allowable apartments.

Dan Bourret said the next motion is to approve proposed modification to Section 9.17.1 to increase the ratio of allowable apartments from 16 to 21 per 5,000 s.f. of commercial space.

Dan Bourret said lastly a motion to approve proposed modification to Section 9.17.5 to allow the sum of total commercial area to include any single Upper Floor to the total commercial area where only the ground floor counts currently.

Chairman Ellsworth said to be clear we'll have four separate votes on each one of these motions.

Attorney Olson said to Chairman Ellsworth if there's a concern that people feel differently about each of the text amendments I would strongly recommend that. If everyone is on the same page it could be one motion. I think based on what Dan was saying he's feeling like there may be some of those revisions that some people might be in favor of so it probably makes sense to do it this way.

Victoria Tchetchet read motion to approve proposed text amendment modification to restrict proposed text amendment to the Central Business District. Chantal Foster seconded the motion.

Votes:

Victoria Tchetchet – no  
 Chantal Foster – no  
 Rob Taylor – no  
 Jennifer Tellone – no  
 Bob Ellsworth – no

Motion fails.

Victoria Tchetchet read motion to approve proposed modification to Section 9.17.1 to increase number of allowable MUD residential units from the current 240 to 350. Chantal Foster seconded the motion.

Votes:

Victoria Tchetchet – no  
 Chantal Foster – no  
 Rob Taylor – yes  
 Jennifer Tellone – no  
 Bob Ellsworth – no

Motion fails.

Victoria Tchetchet read motion to approve proposed modification to Section 9.17.1 to increase the ratio of allowable apartments from 16 to 21 per 5,000 s.f. of commercial space. Chantal Foster seconded the motion.

Votes:

Victoria Tchetchet – no  
 Chantal Foster – no  
 Rob Taylor – yes  
 Jennifer Tellone – no  
 Bob Ellsworth – no

Motion fails.

Victoria Tchetchet read motion to approve proposed modification to Section 9.17.5 to allow the sum of total commercial area to include any single Upper Floor to the total commercial area where only the ground floor counts currently. Chantal Foster seconded the motion.

Votes:

Victoria Tchetchet – yes  
 Chantal Foster – yes  
 Rob Taylor – yes  
 Jennifer Tellone – yes  
 Bob Ellsworth – yes

Motion passes.

Dan Bourret will write written motions and then get signatures. Commission members gave Dan permission to sign on their behalf.

Attorney Olson stressed that there should be a fifth motion to set an effective date.

Victoria Tchetchet gave a verbal motion to approve setting effective date for Section D of the approved text amendment to July 1, 2024. Chantal Foster seconded the motion.

Votes:

Victoria Tchetchet – yes

Chantal Foster – yes

Rob Taylor – yes

Jennifer Tellone – yes

Bob Ellsworth – yes

Motion passes.

Dan Bourret said that for clarity for the four people besides Bob this will be the only time I will avail myself of that privilege.

Chair Ellsworth said we'll move on to the Public Hearing for Application 2317 which is on the agenda. It's a request for Special Permit Modification application property of BRT DiMarco, PTP LLC for 69 Marlborough Street. Map 19 Lot 68. Zone B2, B3, and TCVD. We need to determine the date of the hearing.

Dan Bourret suggested holding off on this to the regular meeting on Thursday. He will speak with the applicant and see what they would like to do based on tonight's events.

Chair Ellsworth said that makes sense.

6. Adjourn

**MOTION:** Chantal Foster MOVED, seconded by Robert Taylor to ADJOURN the meeting at 8:25 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

*Dawn Guite*

Recording Secretary