

**PORTLAND PLANNING AND ZONING COMMISSION**

**SPECIAL MEETING**

**Thursday, May 23, 2024 at 6:00 PM**

**Portland High School Auditorium, Portland, CT.**

**Special Meeting Minutes**

1. Call Meeting to Order

Robert Ellsworth called the meeting to order at 6:00 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 (virtual)  
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 public comments are limited to five minutes with permission to circle back after all who have requested have spoken. Meeting has a hard stop at 9:30 p.m. If letters have been submitted in writing, they will be entered into the record and viewed by the commission.

**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 sum of the total commercial area to include any single upper floor to the total commercial area where only the ground counts currently. Application BRT DiMarco PTP, LLC.

David Daniels, Attorney for BRT DiMarco, said there were concerns at the last meeting about potential expansion of the proposed text amendment to other portions of the town. We came up with some language for the commission's consideration that the changes would only be effective in the central business district. BRT is receptive to this action.

Dan Bertram, 69 Marlborough Street, read a letter from Alan McKittrick who was unavailable.

Public Comment for P&Z Commission Hearing, May 22, 2023 Regarding PZC Application #23-16

My name is Alain McKittrick, 235 Middle Haddam Road, Portland, Connecticut. I am speaking on behalf of my firm, Mohri Associates. We are the restoration architects for the 3 historic buildings at Brainerd Place.

At the last public hearing regarding the proposed changes to the development plan for Brainerd Place, the Portland Historical Society made a statement which included, I believe, some misinformation which I am hoping they will rectify.

The Portland Historical Society stated at this May 5th meeting that, regarding the 3 historic buildings, (Quote) "The restoration was not completed on schedule" (Unquote). This is false. It is important to note that the restoration work on these houses is ongoing and/or in the permitting stage, and is on schedule.

The Portland Historical Society statement also claimed that the proposed site plan changes (Quote) "further delays the restoration of the historic houses" (Unquote). This is also false. As I noted, the restoration work on these houses is ongoing and/or in the permitting stage, and is on schedule.

The Portland Historical Society statement claimed that the proposed site plan changes (Quote) "retreats from the full restoration to simply exterior restoration" (Unquote). This is also, unfortunately, misleading. While the First Selectman has confirmed that the current development schedule to come under consideration by the Board of Selectman includes only the exterior restoration be required relative to other development milestones, the interior restoration plans for Brainerd House have been submitted for permitting, and the interior restoration plans for Hart-Jarvis House are in process.

It is my hope that the Portland Historical Society will amend its statement, to not only correct this misinformation, but also to address the developer's presentation on May 5th that demonstrated how view corridors to the 3 historic buildings from lower Main Street are actually widened as a result of the change in footprints to the adjacent buildings.

Finally, as I was a member of the Vibrant Communities Initiative Steering Committee overseeing that grant and the final report, I find it necessary to comment on another part of the Historical Society's statement. That statement claimed that the requested changes to the current plan are (Quote) "inconsistent with the Plan of Conservation and Development and the Vibrant Communities Initiative which stipulates residential development high rise buildings be on the southeast end of the development" (Unquote). I do not find anything in the Plan of Conservation and Development that stipulates this. In fact, the VCI Report referenced by the Historical Society included 3 recommended development concepts. The first of these 3 concepts, "Concept A," in fact, showed a third residential building spanning across the south side of the side. Its footprint is significantly larger than that currently being proposed.

**Dan: I cut and pasted the above from the Google Drive.**

Mr. Bertram recapped with slides showing two commercial buildings, residential, residential, three historic homes and residential on the east side of the site.

Joe Balskus, VHB, State of CT Licensed Professional Engineer, said in response to the last public hearing there's some comments I wanted to clarify in terms of the information. The letter we submitted in support of the change highlighted four uses. With slides, he discussed the four uses. The afternoon peak hour is the biggest peak hour. From low rise multi-family housing we have plus 70 trips and we are adding traffic residential. We're also adding restaurant. We have 100 trips for the rest so that's why plus for change. This totals 170 trips. We're taking away, reducing traffic. The retail is coming down 150 trips. Office space of 50. The net change is a minus. I hope this clarifies what was in the letter. We are reducing traffic with this proposal. We're adding increasing traffic for housing. We acknowledge that we're adding restaurant traffic but we are taking away traffic with the retail and the office space. So the net change is a negative. It's a small negative but it's a negative. From a traffic engineering standpoint if we see positive there then we're looking at doing a new traffic study looking at what those impacts are. We're seeing reduction in the weekday peak hour trips. Residential is lower. Commercial, office, retail always higher than residential so that's why you are seeing that change.

There were some comments made last time. I want to make sure that it's on the record I'm a licensed professional engineer. The site access is not dangerous. That's supported by my own testimony, by the Town PZC, an existing approval from Town Police and Fire Department as well as OSTA and CTDOT. The access is not dangerous. Parking spaces do not equal traffic generation. There was a comment last time about that you have all of this parking space. It's all traffic. That does not equal peak hour generation. There's also a comment made about traffic. Traffic signals will be coordinated. That's why we have a state approval. We had to go through a long process with the state to get that approved. They will be coordinated.

We heard a lot about congestion and traffic volumes. 2006 data shows 23,000 vehicles per day on Route 66. You also see at 5:00pm 2000, 7:00am about 2000. This is 2006 which was 18 years ago. A slide showing data for February 2024 shows we are at less volume. We were at 16,000 during the pandemic. We're getting back up there but over the course of 18 years we have not come back up. The peak hour volumes are way less than the 2000s that we talked about. We hear a lot about traffic volumes, congestion. It has gotten better. Traffic volumes are not coming back up. The project itself is generating less traffic with this proposal. We will not have an impact because it's reducing traffic volumes.

Dan Bourret said he left out four people on the list. I had left Round 2 out. I crossed out a name for a speaker who couldn't speak and four people had signed up who needed to be signed up for Round 3. He stated their names, Lois Vincelette, Norm Emond, Bruce Morrison, and Linda Yo. Their names are in order on the Round 3 list. We will be happy to listen to your comments when we get to Round 3.

John Niemann, 2 Gloria Heights, said he doesn't envy the pressure or the time spent on this proposal. I wasn't planning on speaking but after some comments were made on the May 5<sup>th</sup> meeting I wanted to use this as an opportunity to share my thoughts on the proposal. My wife and I are both happy and proud to be here. This is a wonderful town to live in and we chose here because of what a great town it is. I think an issue at hand is not merely about apartments but it's really the price of progress and ultimately who pays for it. I think in the end your decision is either going to place that burden either on the developer or on the taxpayer. We've been told that not really any other single banks will up the project or do anything more with commercial real estate and I just don't really understand why that is. I know that Dan mentioned the thing about the letter and so on. I really find it hard to believe with the lack of businesses on this side of the Connecticut River that there's not any more opportunity for commercial real estate and the only thing that we can do now is more residential. To take just one person's word for or maybe a small group isn't necessarily the best approach with especially with what I think you guys have envisioned for this project. It's also going to be a problem if we're going to increase the population in Portland from an additional 10% this year. While I know that BRT will reap the benefits of renting, we're going to be the ones that ultimately pay the price for that in terms of cost for policing, firefighting, education. We are going to pay for their gains. If I had someone working on my house and was given bad news, I would get a second opinion. I really feel that a second opinion is needed here. I do think contacting other commercial interest to see if there could be something more done needs to be done. As for the traffic I know that it's been mentioned that parking spots don't equal additional traffic but people are going to be leaving from those apartments, going onto the road and adding onto that traffic. I know there's an estimate with how much commercial traffic would be but I do think that's another thing that needs to be evaluated. Thank you.

*Applause*

Alfred Yaney, 12 Grandview Terrace – NO SHOW.

Rick Sharr, 168 Middle Haddam Road, said he is currently Chair of the Water and Sewer Department, Co-Chair of River Access Committee, and member of the Airline Trail Committee. He's been following the project since it started with the first developer Tony Fonda. I kind of have to agree with Dan in my experience. There's a certain critical threshold of population and traffic count to attract national and strong regional businesses. You look at geographic barriers, we have the Connecticut River to our west, to our south. We have a state forest in the northeast side kind of the eastern quadrant of Portland. We basically have a small trade area and we're close to a much larger city. We have a population that I think is under 10,000 people. When McDonald's wanted to come to Colchester 20 or 30 years ago, until the popular town had 10,000 people they weren't even going to consider it. I tried to get an Aldi into Colchester right in the center of town on a 2-acre parcel. They said if you don't have 20,000 people we're not going to consider. They don't care and the bean counters in the corporate offices don't care. I'm not up here necessarily saying we should go from 240 to 350. I don't know what the right number is. I do know we shouldn't kid ourselves. We're a small town surrounded by bigger towns and the idea that you know it's amazing that we got a Starbucks. I also kind of feel that we're off the diving board with this project so we need to try to strike some sort of compromise to get this thing finished and stop being an eyesore. We don't want a half finished project. I think cooler heads need to prevail to get this thing across the finish line. I think for the zoning commission you really have to study this and think about what's in the best interest of the Town overall – long term versus what's maybe in the best interest of special interest groups. When Tony Fonda had the project I was against

a big box store. I still am. Part of that was because I had a grocery store in town and I didn't want another big grocery store. We've moved on from a big box store, but even some smaller retail, it's a tough market to get national players. Let's have cooler heads prevail and try to work out some compromise here to get this thing finished. Thank you.

*Applause*

Debbie Law, 18 Bell Court, said Mr. Bertram has said "no" to a third dollar store in town. I'm very appreciative. However this really is a matter of integrity. I'm grateful that you're a man of integrity in this regard. This project is part of your legacy and your work product. At the last meeting we were told leadership is knowing how to disappoint people. Mr. Bertram you said something to this effect. My leadership made an agreement with you. I've already been appropriately disappointed in that we agreed to 240 units. I would have preferred 92. I'm very concerned about how these apartments will be maintained in 20-30 years. We need to ensure that these residents, some of whom will be children, have a safe place to live. Ensuring this with 240 units will be challenge enough. The suggested studio apartment rent is significantly more than my monthly mortgage. While my home is by no means large, it isn't tiny either. When mortgage rates come down, and they eventually will, are these apartments going to be in demand. Will they still be demand when they are no longer new? Our town cannot support 240 low income units and should these apartments fall into disrepair that is exactly what they have. The potential to become 240 units will place way less stress on our police force, fire personnel, public works department, school system, and other town resources. I saw a completely abandoned apartment complex in Marlborough. We need to ensure that this never happens in Portland. We have been told that 240 units will only house 30 children. I think this number is very very underestimated. Some of the children may have special needs which would require them to be educated outside of the district. This could be an expense to Portland in excess of 20,000 per year for each child. If I were in charge of rentals and a single mother or father or poor couple or immigrant couple with three or more children told me a studio was all they could afford, or they would be living in their car, I would rent to them even if it were illegal or I could lose my job. I would risk it as long as it was not a code violation. Many brick and mortar stores are closing but there is still a significant demand especially in this specific area. We are not a Glastonbury Somerset Square but we could be a middle class America Somerset Square that would attract the surrounding towns to us. Wayfair is starting to open brick and mortar stores and a clean makeup company. Really any eco-friendly store would attract younger generations. We agreed to 240 apartments. This is part of your legacy honoring your word. You spoke of your uncle a few weeks ago. If I were your uncle I would want to see you adhere to an agreement way more than I would want a building or street named after me. It may be much more difficult now and perhaps less profitable but I know you can more than successfully achieve this. The entire world would be horrified if a judge changed the race course in the middle of an Olympic event. I don't see how this is any different. I'm respectfully asking you to successfully bring our original agreement to fruition what we entrusted to you in good faith. Thank you in advance for being a man of your word and for helping to build an apartment complex where families where children can safely live now and for generations to come.

*Applause*

Bob McDowell, Kristen Drive, Trustee of the Portland Historical Society, made the following statement on the application.

We were copied on the letter from Mr. McKittrick, the restoration architects for the 3 historic buildings at Brainerd Place, the letter that he sent to the Zoning Board which was read earlier tonight. This letter challenged the accuracy of the statement we made at the beginning of this public hearing. We've conferred with our Board of Directors and we've reviewed the letter and we have the following statement:

The mission of The Portland Historical Society is to function as the custodian of Portland's legacy and perpetuity. There are adequate publicly available documents to back up our statements. One example being the agreement to fix assessment on real property between the Town of Portland and BRT DiMarco signed on October 28, 2021 and recorded by town clerk Ryan Curley and on page 11 it states Phase 1 will be completed on or before March 14, 2024 and to include restoration in place of the Brainerd House, Building G, the Sage House, Building C. In summary we stand behind our previous statement. Please reject this application and enforce the agreements consistent with the existing regulations. Thank you for your consideration. We appreciate your work.

*Applause*

Tom Middlemass, 1 Brush Pasture Lane, said the first meeting I attended was at the recreation center and I sat behind the owner of the company that's building these and at the moment I'm behind the owner again. So history repeats itself. We've heard a lot of things. I've read about the newspaper articles and talking about Portland. We are a small town and however we lose a little perspective. Portland is a gateway to the east and you have people that depend on the Middletown Portland Bridge to get home every single day and these are people who live in East Hampton, Marlborough, Colchester, Hebron, Windham, Bozrah, Glastonbury, Scotland, Lebanon, Salem, Norwich, East Haddam and Haddam. You can get to those towns taking other routes. But if you went to Hartford and then went down to where they live or you went down to where they live or you went to Saybrook and went up, Portland gives them a straight way going straight out and they pass by anything that we have to see here. Many times they buy things in East Hampton or towns that have built up their retail space. Aldi's and sister company are smaller companies, smaller square footage. I've contacted them to see if they were contacted about coming to Portland and the answer was "no". So it raises the question. I'd like to know if you have a list with you in all your paperwork of all the businesses that you actually did contact because obviously very disappointed when people tell me how come those old buildings still are there. Why haven't you torn them down? Oh no they're being rebuilt. I've been answering this question for almost four years and obviously we've pre-stated that this was supposed to be one of the first things done. Obviously that was put on the back burner. I know this company it's not your first rodeo. We've done some research on some of your other projects and this seems to be a particular pattern. So it's okay 240 units we can deal with. Even though the town fathers were talking about closing a school and remodeling another. With 240 people, 30 children, no we're going to have more than that. 350 that's not acceptable at all and that's what we agreed to. This is just not feasible. It's not feasible for you but that's not our problem. Our problem is having you stick to the original agreement and build what you said you were going to build. With buildings right next to the highway makes me think that they automatically were planning on putting more units down the road. But basically we'd like to have you stick to the original agreement that we did and we're sorry that you've had economic problems but for crying out loud get to work on the buildings, the old buildings, and make the town proud.

*Applause*

Mr. Bertram said there's definitely a theme. One of the themes is going faster. We're going as fast as we can. We're certainly focused on doing three historic homes and this job. The additional apartments are the enabling mechanism to do 50,000 sf. of commercial space. The vision is to do higher level commercial space than was previously approved because we have gone through brokers and every broker imaginable. When CVS first was here one of the things they said is we'll step forward if you can get a grocery store. Every grocery store was contacted. We're on the third commercial broker but we've shotgun this. We come slowly to these conclusions and to that leadership point it was disappointing people at a rate they can absorb. We're here because we don't want the job to stop at the end of two-thirds of building. We are going to do the historic homes to the extent that people are focused on that as an issue. It's going to happen. They're doing the roof on Brainerd right now. We've made huge progress on Hart-Jarvis just in the last couple of weeks so that'll keep going. We're moving construction people into Sage and we think it's smarter to go later as it relates to making the town proud. That's our intention. That's why we're here. We're trying to show a path forward. I'll come back after the next group of people.

Ben Srb, West Cotton Hill Road, said I'm assuming that Alan McKittrick is paid by Mr. Bertram and his team. He wrote an extremely inaccurate letter. He writes the restoration was not completed on schedule. He's quoting Bob McDougall. In the approved site plan on the 8/18/22 meeting was the modification and that's the last approved site plan for this site. There is a schedule that is to occur on how the site is to be developed. It tells you which buildings are supposed to be built and when. In Phase 1 we're supposed to have Buildings C, G, E, B and D – all the foundations in. Currently a foundation that's not even in the ground that's supposed to be part of Phase 1 and we allowed Phase 2 to start. So when Alan McKittrick makes the statement that this is inaccurate that is completely false. Alan McKittrick is 100% wrong. This schedule has not only not been followed from a zoning perspective, it definitely was not followed from the tax agreement that we agreed to. That has since either been in default or breached. He didn't make the April 14 or May 14 date 2024. He was supposed to be completed with Phase 1. We still don't even have a foundation in that is required to be in. We've allowed Phase 2 to start which is Building F. Without that foundation in we have serious deficiencies with the site. Alan's statement bothers me that he would write something like that about a great person in this

town. Bob McDougall loves Portland and I thought he did a phenomenal job representing the Historical Society. It really bothers me that he would make these statements that are completely false assuming it's because he's paid to. Still ridiculous and needs to be called out on it. He talks about retreats from full restoration to simple interior restoration and he says this is misleading. He quotes a document that has not been signed by the Board of Selectmen as the logic behind it. If Alan wants to talk about anybody being misleading it's clearly his statement and this needs to be spelled out. He makes it clear that Bertram or this development is in compliance. They are not. They say that they're either in the permitting process or they're under restoration which is BS and it needs to be called out. He also mentions that it's inconsistent with the POCD. It says Portland does not want dense housing. Once again, another inaccurate statement. Alan's rebuttal letter to the Historical Society was a bunch of BS and I hope everybody on this board sees that. I want to talk about the traffic expert, Joe. Joe says not dangerous now. Joe designed the intersection at Route 66 and 17. He designed the site plan. It was approved by the State of CT. Implementation then began on this intersection. We're seeing it today. The town then gets a phone call shortly after that says get the Welcome to Portland sign out of the intersection before it kills somebody.

*Applause*

Carolyn Freeman said I feel like we're talking about the site. I don't feel like I'm hearing a lot about the amendment. There's certain aspects about the text amendment. It doesn't talk about the historical buildings. It doesn't talk about traffic. It talks about the number of residential units. It talks about a reduction in commercial. I feel like we're getting far afield and the commission has not been presented the updated proposed Brainerd Place. There are things we don't know. We're getting a little off track and sidetracked and not really sticking to what we're here for.

Dan Bourret said he thinks that's fair and that the board has the discretion to hear some stuff outside the normal text amendment that we would normally hear. If the board would like we could ask both the applicant and the public to focus their comments on the text amendment.

Bob Ellsworth said I think we tried to do that but I kind of want to hear everything right now. It's hard to ask somebody to stop talking until after they've talked.

Dan Bourret said I guess we could try to ask. It's up to you as a board. You have discretion how to control it. If you would like them to focus more on the text amendment we could certainly ask them to.

Carolyn Freeman said I just feel like there's probably a whole presentation that we haven't seen but it's for a specific site and we're not here to talk about that. We're talking about an amendment. We're not looking at how it affects the site.

Tom Bransfield said I agree with Carolyn that our comments be focused on the text amendment. We're spending an awful lot of time on traffic questions specifically about Brainerd Place. They're similar but there are other things to focus on one just the site.

Rob Taylor said I want to make sure that everyone gets an opportunity to be heard. I understand that they might be sidetracked a little bit, might be going off on side tangents a little bit but we want everyone to be able to be heard tonight. We want to make sure everyone gets their voices heard, their opinions out there so that we can make our own decision. We as a board decide want to make sure everyone has the opportunity to be heard.

*Applause*

Carolyn Freeman said I agree with that but would like to try to focus on things that affect the text amendment and not have such large conversations. I know that traffic affects it to a certain degree but there's more to it than the traffic. What keeps happening is it keeps being referenced to a specific site and I know that Brainerd Place is affected by that. But we're not here talking about the site. I just wanted to go on record as that.

Victoria Tchetchet said she'd like to go on the record as disagreeing. I'd like to hear everything that people have to say that relates to this. I would also ask to avoid character assassinations.

Bob Ellsworth said the original intent I think and we admitted at the beginning that we would allow some site specific discussion. The discussion about traffic would need to come into play when we're deciding whether to allow a maximum of 350.

Carolyn Freeman said I understand that. I just think it's getting repetitive.

Bob Ellsworth said I think we did hear some responses to issues at the last meeting. The intent from the very beginning was to allow some site specific discussions. It's going to be our job to filter out what really is site specific versus text amendment. Let's keep the character stuff out of it, keep the political stuff out of it. I guess I think what I'm hearing is most people do want to hear.

Carolyn Freeman said it's not that I don't want to hear it's just can we condense it a little bit or not. It's getting drawn out.

Lois Vincelette, 1 Joelle Drive, said I love Portland. I don't have to live here. I live here because I want to. I've heard, I've read pieces in the paper where these developers didn't know where Portland was. It wasn't marketable and I'm getting tired of listening to it. We are a very small town. We are a beautiful safe town. We have many restaurants here. We have lots of other amenities. There are a lot of things to do here. The Brownstone Quarries bring in hundreds of people from all over. I personally hate going by Brainerd Place. I live on Joelle Drive, a little cul-de-sac. To get downtown to even Adams grocery store I would normally have to go by that every day. I can't because I can't stand looking at it anymore. I go the back way. I go up around Spring Street to High Street by Cumberland Farms. I want this to stay a safe place. 240 apartments when it was first out there was 102 – 140. Too many for me. 100 would have been great. Now 350. I don't think so at all. I hope you people that have probably the last say about this will think real hard about our town and our safety because I am an older resident. I'm not going anywhere. I hope to God I see someday that place is finished and there is not 350 apartments sitting there. I want us to be safe. I don't want our town to be overloaded with just people. I just want Mr. Bertram or whoever is going to finish up the project to get it done. I would love to see the historical homes finished. They are an eyesore. I'd like it to be beautiful there again someday and I hope you can do that. Thank you.

*Applause*

Norm Emond, 20 Hall Hill Road, said at the last meeting Mr. Bertram said they were going to develop a rooftop restaurant. I'd like to know what company is coming in to do this. If we can't get any other business in here who is going to be the rooftop restaurant. The other point, a reputable hotel. And it can be done because when you have Wesleyan graduation and other events in Middletown. So a hotel that's reputable would work. The Nordic Spa, I can't fathom what they're getting out of this by saying they want to be part of this other than some deal is being cut with them. To answer your question, you wanted a yes or no, it's "no".

*Applause*

The Welcome to Portland sign; that sign was supposed to stay there and to have somebody say it was a sight line issue is really a bunch of baloney because you sit there at the traffic light by Walgreens and that's not a traffic sight line issue to the right is unbelievable and you can't tell me that isn't. Try to come up underneath the Portland bridge on the Middletown side and you look at a big wooden sign to tell you all the businesses that are down on Johnson Street and people coming up Route 9 and crossing the bridge. By the time you look and you leave you're there beeping the horn and they're waving you off. Believe me I've done it too many times. Our sanitation plant is in trouble and I don't care who says it's not. There's going to have to be work done there and it's going to fall on the residents of this town. It's a shame and I don't believe we have fire trucks enough that could handle what's going on if you put 350, 240. So here we are back to the Board of Selectmen on a budget that the school budget is out of control. As far as I'm concerned, it needs to be cut a little bit. But every time we say that, it comes down to the special kids are going to lose out. I don't even want to hear that anymore. What I'm going to say to you as a commission, a board. What decision you make isn't just for you it's for everybody sitting in here and you got to make the right decision. So please get it right because it'll affect this town for the rest of the life of this town if it survives. Thank you.

*Applause*

Bruce Morrison, 109 Stewart Hill Road, said I've been coming to these meetings for the last eight or nine years back when this whole project started. The most incredible thing I've seen in those eight or nine years is the amount of people that have come out to these last three meetings than they came out to the budget referendum that this town had last week. That tells you that the people of this town are more concerned about this project than a 5% increase in their taxes. That's amazing that more people are here because of that. It only takes a minute to vote. It takes hours and hours here. The people have been coming to these meetings are overwhelmingly saying "no" to this text change. They're saying no to a developer that threatens us with 83g housing he can't finish the commercial space because it doesn't make sense financially for him. Residential rents have gone up over 30% since the start of this project. They need to take some of that windfall and put it toward the commercial side of the project and lower some of the commercial rents, give some incentives for new commercial tenants to come in. The developer is not going to make as much money with this but that's not the town's problem. We had an agreement with this developer. We need to hold a developer to their part of that agreement. The people of this town, residents of Portland have resoundingly spoken against this text amendment and this board represents those people. We ask you as a residents of Portland, please vote accordingly. Thank you.

*Applause*

Linda Yo, 84 High Street, said I agree with Bruce. We've been bombarded with information, market analyses, traffic studies, all kinds of data thrown at us. Details of a rooftop restaurant are unnecessary distractions. In my 46 years in Portland I've learned that good people live here, honest, honorable people. When we enter into an agreement we honor it. If we make a bad investment we don't expect to be bailed out of it. I ask the commission please keep your eyes on what's being asked of you and why. Thank you.

*Applause*

Terry Grady, 16 Victoria Road, said I didn't come into the process at the very beginning here. I was involved in helping set up some of the vibrant community studies. So I've seen that process. I've seen other towns and I appreciate the people who've had the long term commitment. I came into the process about 5 years ago. I know what a process it was and every decision in every town, in every type there. I don't know 130 people here. There are 130 opinions or close to it. Everything comes down to compromise, the town's Economic Development Group, Planning and Zoning, even the developer. Everyone came down into a compromise a few years ago. Traffic was a component of that decision, of that compromise. It was an integral part of it and it is today. All of those things really come together. We spent hours, everyone did. There was input from professionals, traffic, everything. That compromise was met. We agreed to it, they agreed to it. It did not please a whole lot of people either side but it was decided and I know one member of the Planning and Zoning Commission said don't come back and ask for more. I think that was a general idea of many. As far as economic development goes, I've been away from that even longer than that but I know that success breeds success. If you spend more time trying to find tenants than you do trying to amend texts you do a whole lot better. It falls back we made a deal, stick to it.

*Applause*

Ryan Curley, 795 Glastonbury Turnpike, said that he doesn't want to be here right now. This is not something I want the Planning and Zoning Commission to look at. I agree with Rick Sharr that this does need to be looked at objectively. I want cooler heads to prevail on this. Look at the facts and I understand I've been intimately involved in this. Lately I've been hearing about it in town, obviously, like you all have. I think we're all tired of hearing about Brainerd Place to be honest. The one thing I want to stress is on the text amendment change

I'm speaking as an individual. For the record on the text amendment change by changing to the B3 Zone as they're now doing, it really applies to a really specific unique part of Portland so the chance of 350 apartments somewhere else in town is very very minuscule with the text amendment change. I get it, if we don't want this we don't want it. My fear is we're going to be left with getting 240 apartments whether we like it or not. That ship has sailed. In 2018 I came into this. The plane's in the air and I just wanted to land to be honest. If we're



going to end up with 240 and a Starbucks and if that's what the town wants then that's fine but the truth of the matter is this is a pre-Covid plan in a post-Covid world. This plan is from 2018. I would love to want to hold the developer to what we can hold him to but he can't perform miracles and get commercial where there's not commercial. And believe me this is what the Hartford Courant said two days ago. "The market wants apartments not retail. You can look. There's plenty of articles out there that talk about this and I just want the town to be aware. I want to hold a developer to what we can hold them to but that is the truth of the matter. Another truth is that the plan as amended is still over 83,000 square feet of commercial space. When you put that in perspective because a lot of people say it's just apartments, its 108 more apartments. But with that over 50,000 s.f. of commercial is contingent on that and that's a premium commercial space that looks really good on the corner. Better than a dirt pile which is something that we do risk. It's a risk we don't know if it doesn't go through, I can't guarantee that we're going to have the original plan. The developer is saying that he cannot build that initial building. I don't know what we're going to do but I do know whose phone's going to ring when there's a dirt pile on the corner of Main Street and Route 66 for another 10 – 15 whatever years. That's the risk that we have to face as a town. The POCD for 2016 calls for the completion of Brainerd Place and I'm afraid that we're going to be talking about the completion of Brainerd Place in not just the 2026 POCD, but the 2036 POCD. To me this is just a means to an end to get to more economic development for the town. There's 108 apartments that are not subsidized by the town. I am very familiar with the numbers. The plan brings more value. The assessor has estimated that the new plan is \$14M higher market value. That means those 108 apartments are not incentivized in the first year alone. We would bring in \$812K to the town under the new plan. Under the old plan it's \$363K to the town. That a \$449K increase in tax revenue to the town – 123%. I want to keep taxes lower and economic development is the way to do that. There are hard decisions to make and we need to ask ourselves some questions. As far as children in the school system we have.....I love this town. I promise if I wouldn't do anything that I thought was going to hurt the Town of Portland. And I do promise that. But we can have difference of opinions. I respect everyone's. Thank you.

### *Applause*

Brad Tolson, 166 Ames Hollow Road, said I am in agreement with most of what the public members have said. I am not in agreement with what Mr. Bertram and Mr. Curley have said thus far. Notably in Mr. Bertram's opening remarks he spoke about the vibrant communities initiative report of 2015. It did not indicate that the residential development on this particular site was supposed to be internal, however, I spent time reviewing that 112 page report. On Page 54 it says and I quote "once consistent aspect of each scenario is that retail uses should occupy the Main Street and portions of the Marlborough Street frontage and that residential development should occur internal to the site in and along Perry Avenue." The other thing that I would correct with regard to what Mr. Curley just stated is that this 2015 report adopted by the Board of Selectmen well before the pandemic and in fact it is referenced in the 2016 POCD. I'm opposed to this because I believe that the text amendment, the first part of it, concerning the housing units, is inconsistent with the town's character and inconsistent with the 2016 POCD. It, in turn, embraces the recommendations of the DCI report of 2015 in that such a residential development does not incentivize a walkable town center. The fact that there's going to be a Starbucks is actually against what's in the report because it says we really don't want drive-thru type of development and that's exactly what you're getting with the Starbucks. It's not actually consistent with what the town did in its planning. It said it didn't want that type of a thing. It is not a village scale redevelopment. It does not contain that I see any unless it's changed and it hasn't represented a shared amenity like a town green concept and I see very little open space or buffers included in it. I'm actually in favor of the second part of the text amendment about the second story single upper for the 9.17.5E part about the commercial space on the upper level counting towards it. I would be in favor of that portion of it. I would not be in favor of the first

part about the residential units increasing from 240 to 350 and again all in terms of what the town planned on is all pre-pandemic. So to come in now and to say oh well the pandemic changed. The fact of the matter is that if you actually read the plans and the reports they speak to the lack of viability of some of the commercial development in 2015 and the developers should have been aware of that point, should have pivoted, should have understood that and should have determined how to target that commercial space. What can we attract

that others cannot and that's something I don't think the developer has done adequately and therefore I'm against the increased residential units. Thank you.

*Applause*

Scott King, 65 Homestead Avenue, said over the years I see a lot of different things and Brainerd Place is one of them. I'm a project superintendent for a major company and developer in Connecticut and I'm just amazed about how long it's taking your place to be completed. Driving by there I'm noticing that there's several different things that I'm scratching my head with. I just don't understand why we have to add additional housing to this site. The problem is the location of the property itself. Trying to get in and out of here at 7:00 a.m. in the morning is a nightmare. Regardless if there's more property or not more units or less property units. An add, an additional location for a street light is out of control.

*Applause*

Fred Hassan, 35 Main Street, said I'm the original land owner of the subject property along with Dr. Amin and Dr. Feirman, both who have deceased. As far as contacting commercial places of Trader Joe's or Aldi or any place. That is absolutely untrue. We contacted every commercial big box store in the State of Connecticut and we went as far as Rochester, NY and talked to Wagman which is one of the biggest operators in the country. We've hit them all. This comes down to it's all up to the tenant and it's all up to the bank as what we put down. If the commercial tenant doesn't want to come you cannot find finance this. You need a credible commercial tenant in order to get bank financing. You don't build this project of this size out of your piggy bank. You don't have enough in the piggy bank to handle this. We hire experts; engineers, architects, land surveyors. Originally when we were trying to do this with Tony Fonda we spent over a \$1M just on these experts. I'm sure Dan has spent more time than you have to take somebody's input as to what's going on here. You have all these experts telling us this is what you have to do. And then we have everybody's opinion as Mr. Curley stated you got to believe the world we're living in today. If you can't get commercial tenants you need to offset lost revenue by other revenue because your infrastructure cost here is so much and the renovation of the historical houses to please the town is so much that you just cannot not build something and expect it to carry itself. It just doesn't happen that way. So without commercial tenants you can't get the financing. You don't build it. And under the theory build it and they will come; this project is too big for that so I'm in favor of the text amendment. I conducted a little survey in the town myself and I went through to just commercial tenants in the different locations and I would say that 95% are in favor of more apartments and less commercial space. Thank you.

*Applause*

Stephen Augustine, 59 Wellwind Drive, said we moved here because we love the small town. We didn't move here because we want a Metropolis. We didn't care that there wasn't a Starbucks and there wasn't a bunch of retail. We love the small town and the idea of adding 350 apartments, 110 more, is really going to dilute this town's personality and what drew a lot of people here that lived here 40 plus years. Regarding the traffic study, no one mentioned Starbucks at all. Anybody watching a Starbucks in the morning has seen the traffic going down the street. Starbucks has been turned down for many areas because of traffic. What if a traffic study was done with perspective internally in the town to understand what that's going to do? Adding 110 more families will definitely impact things. And if we didn't take Starbucks into account more than the basic retail equation, we have a serious problem. We are diluting the town base by adding about 10% more population. Renters are transient, average two to three years in one place. They're not going to buy another house and they're going to

find another place to rent. Maybe they'll go to Glastonbury and get a bigger nicer apartment in a nicer area or out. In that time they're going to be using our facilities, taxing our systems. I do appreciate Ryan Curley coming up and talking about the increased tax revenue. I haven't heard anyone talk about internal conversation on what is going to add to this town from a tax revenue perspective. \$400k is a lot of money. Personally speaking I'd rather see my taxes go up because I like the small town and I do not want to with a bunch of people that don't plan on being here long term. Thank you.

*Applause*

Karen Maza, 13 Perry Avenue, said that I 100% agree that from the beginning we probably should have focused on solely the text amendment and not as it pertains to one particular parcel because we're not just changing it for that parcel. Somebody else could come in and develop but when the developer was allowed to bring an entire team, started talking about architecture and facades. That derailed everything for both them and the public. I personally plan to stick to solely this because I think that's the best argument. There's so many reasons why the text amendment shouldn't be approved. I do think the developer is a little bit smarter than I maybe gave him credit for. I think he's playing a long chess game with the town. I think this is the third time he's come before the town requesting a change. The last time he was before the town he requested to build in three phases not two and the first that decoupled commercial from the current residential that's being built. That means that the commercial was left for last and I don't think that was an accident. After I watched the last meeting I realized that he probably did this with purpose because that set the stage for him to never finish the project beyond the residential. Maybe he knew that was the plan. He said, and I quote, "I haven't started anything that I can't wind down in a controlled fashion." He also threatened to quote "hang a shingle for the rest of the project" essentially threatening to do something that's harmful to our town if he does not get his way with this text amendment. I don't think that's a developer acting in good faith and doing what's best for our town. He has not once done what you as the commission directed him to do at the very first meeting in the first two minutes of that meeting which was to make a solid and articulate argument why the text amendment would benefit our town. He has not done that other than threaten that he will not finish the project as planned and won't build any commercial besides Starbucks. That's what he's done. He's developing the largest parcel in our central business district. It's the largest parcel which is 1766. What he's proposing is not in line with your POCD for our town. It doesn't include any affordable housing for seniors or a diverse range of incomes as outlined in that same plan. It does not benefit the town to allow this text amendment and open the door for any future developers to build at that density of residential in the future in our central business district. He's asking to build more residential. This amendment with the new language actually proves my point by restricting and increasing residential in only the central business district. This is our only area where we can focus commercial and he's asking to build more residential. There's more than one way to redo and retool this development to make that project work. If large big box isn't supported there's other ways and other proposals that he could make to make that happen. But that's not the way he wants to do it. This isn't about what he wants, this is about what's best for our town. It's not about the developer threatening to not finish the project because I believe we'll have legal recourse if that doesn't happen. If he hangs a shingle and doesn't finish what he's agreed to do and while he's wielded threats to try to get his way he has categorically failed to show you, the commission, how this text amendment to build more residential in our central business district would be of any benefit to our town. He wants to do what's best for him but you need to do what's best and what's more in line with what we need for town. Thank you.

*Applause*

Bob Heron, 23 Old Homestead Village, said I want to give general support to the PZC and give them our opinion and tell them that we want them to think very carefully about what they're doing. I think they do because they're pretty much volunteers. This is out of the goodness of their heart. They're here to do the right thing for Portland, along with our Board of Selectmen, along with Ryan Curley and with regard to adding another 100 units, to me, when we have 4,000 plus residential units isn't a big deal. I think that our PZC or BOS think if they do not have adequate resources to help them make this decision. They probably need a team of urban planners that are cognizant of all the things that are going on in the Connecticut marketplace,

specifically this region, to work with our partner who, like it or not guys, Dan is our partner and we selected him a few years ago. To Rick's point we need to try and bring this together whether we do it quickly or whether we do it over the next six months. We really don't want this in our 2036 POCD that we're still trying to develop. I support this if you guys support this. If we also get something out from Dan which sounds like he's open to that whether it's increasing the historical home development and how you're doing that, whether it's changing some of the buildings so the sight lines better, whether it's adding a dog park at his cost somewhere. I don't know what it is but I think you guys with your brain power have enough to bring this home. I support what

you're doing. I know this is a long night for you. One of many to come and one that I'm glad that I'm here to support you guys.

*Applause (and booing)*

*5 minute break taken at 7:54 p.m.*

*Meeting resumed at 8:11 p.m.*

Kathy Heron, 23 Old Homestead Village, said she'd like to thank the PZC members for serving on this important board especially during this time of planning and zoning one of the largest developments in Portland in recent years. I recommend we step forward in growth. I've been in support of the project from the beginning and I am still in support of it now including the proposed 108 additional apartments. I'm in favor for three reasons. One, I believe it will bring much needed vitality to our downtown. I've seen small changes in the 20 years that I have lived in Portland to the downtown commercial tenants but I believe there is much potential for more commercial development. If there is more feet on the street, as they say. Two, this development including additional apartments will provide more tax revenue that could be used for much needed infrastructure projects including new sidewalks. Since there will be no tax abatement on these additional units there will be significantly more tax revenue. Ryan mentioned additional \$449K per year. This is a large development in the center of downtown and it is well underway. I wouldn't want it to stall. If the text amendment is not approved and left unfinished with a large pile of dirt in the middle of the property. Things change especially over a project approved six years ago. I believe reasonable changes to the project are to be expected. I am fully supportive of the text amendment. Thank you.

*Applause*

Stephanie Tetreault, 65 Great Hill Road, said Karen Maza has been the best speaker this evening and she knocked it out of the park. She respectfully requested that the PZC decline to accept the application as presented. Mr. Bertram, the developer, as part of the plan of development agreed to bring business as well as residential to the town. To date he has not brought any business to town. He needs to uphold that part of the agreement before he is awarded with more residential. He should withdraw the application as it stands and work with the town, because, as we stated earlier, we are partners in this project. I do like the plan that was presented with the new building on the corner. I think that is much more appealing than having the CVS on the corner. What would be nice to see is if the building, the Hassan North and Hassan South, the two apartment buildings get completed. If the town could approve the building on the corner which is commercial space, that gets completed, the Starbucks building get done, the two historic buildings get completed and then we address the need for a second exit from that property. Right now there is only one exit onto Route 66 that needs to get done. As those buildings are getting completed, perhaps we can work together to maybe develop additional commercial space where we could have a grocery store on the ground floor, perhaps a Highland Park Market. I think at one point that was discussed. One the second and third floor we could have a boutique hotel and then on the fourth floor we could have the restaurant overlooking the river. Then we could have with more than 22,000 cars going past this property every day. I find it difficult to believe than no one knows where Portland is. People know where Portland is. It's just that maybe this property is hard to get to because there's only these two small entrances. In the traffic study I was questioning the math because that showed that in the evening

traffic the pluses were 170. The math worked out that there was a net of 35 cars but it was 200 pluses and 170 minuses so that math works out to a net of 30 cars not 35 cars. I was wondering why there was no morning traffic presented because from the meeting two weeks ago, the net was an actual ad of 40 cars in the morning. Thank you very much and I appreciate all the hard work that the committee does because you guys put a lot of time.

*Applause*

Elwin Guiles, 332 Middle Haddam Road, said I don't know anyone who has more experience working with this particular developer and on this project than I. I've been a proponent of it from the very earliest time through all the controversy with the arrival at the compromise. Terry Grady so clearly spoke and I don't know how the Town of Portland could do anything more in partnership than it has on every front on every occasion. We've been accommodating and supportive of this development. The question before us as it's always been is to justify the need for text amendment to change to 350 apartments and the reason is that the development is a failure. I didn't say that. Dan Bertram said that the project is a failure. And so the project is coming to you and saying we need to make a change. I'm saying to you go back to the drawing board and find partners with the Nordic Spa, with St. Clemens, with Wesleyan University, with other entrepreneurs in the local area. Build us a hotel that would serve the golf courses, the quarry operations. St. Clemens is desperately needing housing so is Wesleyan. I have no understanding why we don't have a quality hotel and this is a perfect location to do that. Go back and do your homework. You're the developer. Planning and Zoning commission members are not developers. You're not going to study the bookkeeping and the commercial ins and outs of finance and contracting. That's the developer's job. So far he has failed. Send him back and let him get it done. Thank you.

### *Applause*

Jennifer Sparks, 186 Jobs Pond Road, said I'm really concerned about changing and amending our zoning rules. I noticed that it said there was a certain amount within the commercial, the main commercial area that it would only go up to the 240 apartments that Dan keeps changing like we make these agreements. I noticed it said it added units outside of the commercial zone. I'm wondering what change because as I'm following the State of Connecticut and I wanted to bring it up about the Municipal Redevelopment Association that was enacted in 2019 where our government is funding \$600M to redevelop areas. I'm curious to know with this change in the zoning through our town how that would affect our town in the future. What I've also been following in other towns like Rocky Hill and there's a town which is in Granby which is actually fighting a developer, Vessel Technologies, to build on their wetlands and they're building smaller type units on smaller parcels of land outside of the commercial district. I'm wondering how that would affect our town. I'm also very concerned about how we, the citizens, will be potentially responsible for the finance, to pay for all the infrastructure like sewage. We don't have the infrastructure to support the sewage of expanding more apartments in a small area. I know we have water issues in town so that's my concern about amending any zoning rules. Here's an act incentivizing housing production created by the MRDA, the Municipal Redevelopment Association which set up another commission which we have Shipman and Goodwin as our town attorney and I'm a little concerned about a conflict of interest because Matthew Ritter sits on the commission. Matthew Ritter is a Speaker of the House in Hartford and also an attorney for our town representing our interests against the developer. But Shipman and Goodwin also had an attorney, Timothy Hollister, who no longer works there after a big controversy in Westport with another Housing Development. That Housing Development pulled out in the Town of Westport, was given the ability to say "no" to this development. The development was going to come into play because of 8-30G. I'm wondering if Portland is considered in the growth zone per the MRDA. Are we part of that, and, if not, are we trying to get to be part of that. I wonder if the Zoning Commission knows about the MRDA, which is a quasi-government partnership to address housing crisis across income spectrum. When I spoke last time and I asked you've had this plan all along. Based on what I'm seeing, coming out through the state, and he said that the area in question was an ideal location for affordable housing. I have nothing against affordable housing.

He could build 530 apartments but had this "aha" moment where he wasn't going to do that. What was the "aha" moment where though it was perfect because it was right there, not having to deal with zoning issues, with wetlands. He was like it has all the infrastructure; it has everything; it's an ideal perfect place for these 530 apartments. Was that what he was looking at? Why all of a sudden changed. And if it really did change and the plan has been all along to build these apartments, which would make him the largest landlord in our town. He would set the pace for rents throughout our town and could affect all kinds of things economically at a disadvantage to the people like us to the great advantage of him. I really hope you don't amend our zoning

rules. I do appreciate you guys having to sit here for hours. I don't think I could deal with that. Please don't change your zoning rules to accommodate this developer. Thank you.

*Applause*

Michael Pelton, 124 Isinglass Hill Road, said I've been involved in a lot of town activities over the years. I think I have a good feel for the town. I've heard so much against the project. There's a lot of people here that have voiced that and you should be coming here. You feel strongly about it and come here and tell people what you feel about it. But I hear something different when I talk to a number of families. I'm in favor of more housing. Housing is a problem. It's a real problem nationally; it's certainly a problem in our town. I like the idea of more housing. I like the idea of having more people come to town. We have less people now that we did 10 years ago. We have fewer students in the school system graduating. I think we have under 70 kids in the schools graduating this year. We have a big sign that says "Come on Over". I hope more people do come over. We're a great town. I love this town. I've really come to embrace it. What I've heard over the last couple of months especially on this project is a lot of fear. There's a lot of people afraid of change, afraid of what might happen, afraid of what will happen to the units. Reasonable people can disagree on the number. I trust the commission to come up with what they think is the best thing to do for the town but I'd like to echo what Rick said is that we do need to move forward. There are some things we can do better. I think this project could be a very good thing for the town. When you look at the project as they're asking for I think it's close to \$900K of extra tax money coming into the town. That's a lot of money. I don't know what the best rate, what the best way to handle it going forward with the whole project but it's substantial. The families that I've talked to would rather not pay more taxes if they can balance what I'm looking for. I wish people were able to talk about complicated projects like this more diplomatically, disagree without being disagreeable. I hope we have more discussions about this and talk about it again. You have to do what you think is best for the town. There's a significant portion of Portland that thinks this is a good idea. Maybe the details we need to work out. I'd like to speak on their behalf as well as my feelings about that. I hope we can be more business friendly as well as accommodate more people to this beautiful town that I love so much as well. Thank you.

*Applause*

Ed Flynn, 20 Pickering, said I'm against this. I live so close to this place. I can see it out my back door but it's here and my opinion doesn't matter. There's so much to, for, and against it. I'm not for the addition of the 120 more apartments. Thank you.

*Applause*

Brian Flood, 41 Ridgewood Road, said I served on the Board of Selectmen for 12 or 13 years with Ryan, Mike, back in the day when this was all beginning to develop. I have no special interest in this, none whatsoever, other than my interest in protecting taxpayers, which was what my interest was on the Board of Selectmen. That is why I was opposed, not necessarily to this project, but to the tax abatement which again speaks to all of this. It makes absolutely no sense to be encouraging and incentivizing housing in the town as opposed to commercial development. This town is mostly comprised of residences. There's very little property to develop in town. I think it was a huge mistake developing that property in the central business district. You put in apartments, it makes no sense. It's doesn't help the taxpayer whatsoever. Zero. It makes no sense to give a tax payment. We're here today talking about putting in more apartments and I guess I had a front row seat to all of this back when all this happened. I remember the first visit from Mr. Bertram when he came to meet with

the Board of Selectmen and Ryan who is my friend. I'm not criticizing him. We all have different opinions but he said that very day that he would do anything and give the developer anything he wanted to develop this project. I think that was sort of the sentiment of some people because they were tired of looking at this piece of land that wasn't being developed. That immediately put me on the defensive because I was interested in protecting the taxpayers. Some people might think I'm an (expletive). I had to act like one because it made no sense to do this tax payment. It was obvious to me then and it's obvious to me now and in fact I predicted it back then before I got off the board that we would be here in 2024 having these same types of conversations. I was saying over and over again that this is what's going to happen. I don't hold anything against Mr. Bertram.

He's a businessman. He's trying to make money and he can do whatever he wants but not on our backs. I mean that's the problem. It makes no sense whatsoever to be adding more apartments. It makes no sense. I don't know why we're doing it again. Mr. Hassan was approached by one developer after the other to put up hotels. One developer after the next, rejected, rejected, rejected. He wanted to build more apartments with Mr. Bertram. They have some sort of relationship together. That's great but not on our backs. He is an apartment builder that's what he does for a living. It's not to the benefit of the Town of Portland and it makes no sense to add more apartments on top of more apartments. I don't care if there's just a coffee shop there. Let it sit there for as long as it has to. It'll develop in time. If the town didn't put their thumb on the scale back in the day, this tax abatement project never would have gone forward and I guarantee you would have had better investment on that property because people were interested. It was a prime property and instead we're here as I predicted. I was obvious that's where we were going and that's where we were going and that's where we are. He was playing us back then. I told everyone who would listen and he's playing it again. That's where we are. Thank you.

*Applause*

Jonathan Olson, 432 Main Street, said I'd like to point out in the projection of the traffic patterns, I would like to know how they calculated that. Putting this in would end up decreasing business and commercial traffic in that area. I'd really like to know how they came to that conclusion because that number just confuses the hell out of me. They claim it's only going to be 30 kids for that number of families. That estimate is way off and on top of that in that area. Any number of kids in that area astounds me because kids play outside. How is it going to be safe for kids to be playing outside right next to those two main roads? In addition, we're going to have to have a bus stop somewhere for them. Can't have a bus top on either corner of Main and Marlborough there. It's going to have to be further down which means the kids are going to be having to either cross Main Street or Marlborough Street to catch a bus for school which is not at all going to be safe. In addition, as far as costs, it may bring in more tax revenue but we have to figure what is it going to cost us in tax revenue for increase police, increase fire department, increase water utilities, electric utilities. All that's going to increase due to increase in population as well as just the regular cost of living because when demand goes up the cost goes up. The cost of everything is going to increase. I don't see this as making money more than it's going to cost us money. This whole development does not make any sense to me. Thank you.

*Applause*

Dan Bourret said that I think at 9:15 we'll probably have to stop taking public comment and then have the board and the developer have some back and forth and we also have some Zoom.

Peter Willse (via Zoom), 62 Jobs Pond Road, said I'm also the building official and I'm also a volunteer firefighter and EMT with the Portland Fire Department. About the monument having to be removed because of this establishment is wrong. It was on state property. The state turned around and said we never approved it to go there. You need to remove it. Secondly, Portland Fire Department has a 75 ft. aerial ladder. Middletown has a 100 foot platform. The building is going to be sprinklered. It's probably more safe than most of your residence buildings or homes in this town. The corridor will be fire rated so you have a 1 hour fire rating same as a hotel. If you have to get out because of a fire in any of the apartments you have the ability to get out to an exit. Third, the quote for 30% rent increase was because of this establishment. I don't think so. I think a lot

of it is because of the economy. Everything is more expensive now than it was about 5-10 years ago. I moved here over 40 plus years ago. We love Portland and we want to stay here so when we get old enough we don't have to worry about mowing the lawn and snow blowing our driveway. Where are we going to go? My daughter is down in New York City, my son is up outside of Boston. Portland is halfway in between; two hours south, two hours north. The Atrium does not have any vacancies so where are we going to move to. Yes there's going to be one and two bedroom apartments. Who's going to move there? If you take a look over in Middletown there are the buildings going over there. I was talking to the building official. There were only 14 young people who are going to the schools. 14 more people in our schools. I don't think that's going to overwhelm them. Comment about a hotel. We're all considered transients. A hotel is hard to run and what

about the occupancy rate. I heard we need to have a hotel because Wesleyan has their graduation and St. Clemens has their weddings. That is only on the weekends. What about anything in between. The people would not be going to Adams or going to the hair stylist or any other businesses in town; where if there was an apartment building, yes, they would be visiting those people. Enfield Square Mall was a commercial property now being converted into residential and restaurants because businesses have left the area. A lot of high-rise buildings that were once offices in Hartford are now being converted over to residential. As far as the addition of two more floors. I understand a chef came by flew a drone and said yes I want to have a restaurant on this level. So we now have some commercial coming into it. Part of it is going to be an outdoor restaurant eating area. This was considered back in 2015. I said it before and I'll say it again. How many of you purchased your stuff over the internet, Amazon, Walmart, Target, get your drugs through the mail. Very few people are now going to the businesses and that's why you see a lot businesses especially on the corner of Waverly and Main Street where that building has been sitting vacant because nobody wants to move in. Take a look at Ned Lamont. He says we need more residential occupancies than commercial. The comment about in Granby. They were putting up a fight about development in wetlands. I hope they do because you don't want to build in wetlands because you're now destroying the environment. With that I'll stop.

*Applause*

Dan Bourret said we have about 25 minutes or so. If you have a shorter comment or can condense them to try to get as many people up here as possible, please do so.

Grayson Hartson, 1 Joelle Drive, said I'm just a concerned citizen. My concern for the board is that you asked whether I concur or whether don't with the text amendment. I'll come here as many times as I have to in order to get this clear. I do not want this text change. I do not want the 110 apartments and I don't want the taxpayers to have this hung on their backs if it should go through. Our mil rates are going up and up since I've been here the last 20 years. This is only going to be an addition that I don't feel is fair to the people of Portland to have this go through to bail him out. This is personal to me because I am a taxpayer in Portland. Thank you.

*Applause*

Ben Srb, 139 West Cotton Hill Road, said I'm not attacking character. We're talking about content that people talk about. We should be able to question it. Back to the approval. The State of Connecticut approved it; someone smarter fixed it. That monument was on that original approval. In Joe's defense the state approval it then it had to be removed. So who knows what else Joe missed or seriously messed up on this. There should be an independent review done and paid by the developers to make sure no other major deficiencies are identified. This major deficiency could have caused a major accident or death. In the last meeting Joe said to me "Ben you should know parking does not mean traffic generator." Well he's right if you're referring to a used car dealership or new car dealership. But when you're referring to buildings and parking stalls that are part of the information that you pull us to figure out what they generate, well then obviously they do go hand in hand. So my question are how many times in a peak traffic time does the traffic, little crosswalk, bus get pushed. I think that's important because it would slow everything down. I'm curious what was used in the study and what other impacts have you missed on other sites. I'll jump into the architect. I think she did a wonderful job on her presentation. I loved all the bells and whistles that she showed up including the copper

down spouts, something to that effect or bronze. This was also done in the first modification of all the bells and whistles that we were going to get back. Where is the brick façade, where is the brownstone on the rear of the Starbucks building, and where is the metal roof that's all part of the original approval to date. It doesn't mean we're going to get them. Phase 3. Dan said in the last meeting is not feasible. That's why we're here so let's talk about some facts. BRT is required to build all three phases as part of their approval. To be clear, everything in this site but building will be built in phases one and two. So we don't need to trade 40,000 s.f. of commercial to get 110 residential. Does this commission understand that Dan has not followed the plan and needs to start following the approvals? There has been some misunderstanding about the site and what will happen here if it doesn't get completed. This commission did lose some control of the site in the 8/18 meeting but still has the power to get everything except Building A. You will get everything else completed. If he wants



CO's on F, there won't be a dirt pile where there's supposed to be a foundation. We just need to follow the rules, we need to look at what was approved, follow the rules. So if Dan wants the CO's on Building F he will need to do everything except Building A. All we are talking about is Building A in the back may not get built. Dan mentioned one of the statements to his children about being a leader. What Dan doesn't realize here is you guys are the leader not Dan in that phrase. Remember that you're the leader right now of this town and you have a serious decision to make. My dad reminded me that actions speak louder than words. So Dan less talking, more action. From the last meeting the board knows that I had an application in front of you. The Town of Portland has approximately \$4.1M problem at our sewer plant. Its part of the record of this meeting and it needs to be clear our sewer plant needs \$4.1M and we have no plan in place to pay for it. You have the letters from both Ryan, the Public Works Director and Jeff Jacobson, our Town Engineer saying when making changes to zoning regulations you must consider utility systems at today's conditions. We have a sewer system that is running at 50% and we're at 96% of that. Even if you wanted to vote for this change, you have to vote "no" until our sewer system is fixed. Otherwise you run the risk of ruining it for everybody else. This developer has not lived up to his obligations to date so don't reward bad behavior with more residential. Please require this developer to complete this project especially Phase 1 and 2. Here's the compromise. Maybe we work on lowering the liability of the commercial moving forward. There's 240,000 plus square footage of residential already approved and there's 118 approved, 18,000 ft. of commercial. Maybe we lower the 118. But keep in mind those numbers. We need to work together. Please vote "no". Thank you.

*Applause*

Tina Anstead, 150 Great Hill Road, said I have been a taxpayer in Portland for over 20 years and I love this town. When you pointed out that we're getting off track, we're not focusing on the text amendment that spoke to me. I looked at the screen at the proposed amendment, which, thank you for clarifying Ben. That was a proposal on the proposal from the developer and what struck me is that the developer is writing our amendment or this proposed amendment to our zoning regulations. We've heard so much about moving the goalposts and things not getting completed. This amendment is to our zoning. Don't amend it. Don't let the tail wag the dog. That's what it seems like to me. This is being written just for this project and it's not surprising that there have been many comments because that's what's bringing us here. It's the project. So to amend our regulations I don't think it's a good thing for the town and I don't support it. I applaud you and thank you for the jobs that you do but please vote "no".

*Applause*

Margaret Keezer, 39 Williams Street, said thank you very much for your service. I'm the former Vice President of J. Watson Beach Development Corporation, Inc., both of which were national and international real estate investment companies. We did huge commercial industrial real estate projects. In my position I think that the project has been a great success. This is exactly where the project was going right from the start. It was always meant to be apartments. Apartments bring month income from the state and federal government because it's without a doubt 110% going to be low income housing. We have a shortage not only for our own people who live in Connecticut but we also are a sanctuary state. Right now if you go down to the shoreline, if you go down to any of the hotels, they are overrun right now with people who need housing who are new to this country. I don't think that part Mr. Bertram had known in advance. But I do believe 110% that his intent was always to

make it rentals because it is guaranteed income. I know that he had priced himself very high in the market regarding his commercial properties and that was probably part of the reason that he didn't get filled up. I know he went to my husband. The rent was twice of what my husband's paying in Glastonbury for half the amount of square footage triple net. I've traveled. I've done deals in London, Palm Beach, Charlotte and even Windsor Locks. This is how people like Mr. Bertram and I operate. It's ugly but it makes a bottom line for us and our investors. So with that I am a hard "no". I've lived here since I was five on.

*Applause*

Terry Grady, 16 Victoria Road, said revenue, yes, there will be additional revenue but as pointed out costs will go up as well. How many jobs will be lost if the commercial goes down? Sure we have a Starbucks that's

about 15 people or so. How many other shops? There might be a couple doctors' offices. It doesn't matter what they are. What are the numbers of how many jobs will be lost that will help the people of town if that comes across? As far as the text amendment goes, trying to limit it to the downtown area. I can almost hear lawyers salivating at the opportunity to hold that as the next project up the road comes up. It'll be a different Planning and Zoning Board. It might be in eight or ten years. It'll be a different venue and feeling within the whole organization and they changed that and it worked out. Let's give it a go down by Dairy Queen. We had quite a team that put together the 240 that we compromised on. I think that said it right there. We had a good team and they did a good job. Let's stick with that. Thank you.

*Applause*

Tom Middlemass, 5 Buddy Lane, said a lot of pros and cons have been said this evening. We like Portland. We like the area and everything about it. The taxes on our condo is \$6,200 a year. We don't mind it. We help the schools and the kids but the only thing we get for our taxes is police protection and fire. We don't get anything else. We pay for our plowing. We pay for our street lights plus our taxes. It would have been appreciated if these apartments were condos instead. Portland would have gotten a new amount of property tax payers and caused our rate to come down. But you combine apartments with tax abatement then our tax sewer or city water he said forget it. That's like the 40s and 50s. Right at our street is where that all ends. We've spent money on the Airline Trail and we need another soccer park but we're not doing capital expenditures and it's been talked about the problems with the sewage with the new units. Hopefully not everyone flushes at the same time. These are things that need to be addressed immediately. We're going to have to spend money and we could bring in more business by extending that further down 66. But stop and then when someone crosses over the bridge besides the storage and the gas station one of the first things they see and where we would have retail space that would be available like a small store like an Aldi or something. You have so many people that go through that, don't live here but they are going through one of the eighteen or so towns on their way home from work. They see a convenience store like an Aldi or something because we know that they stop at our other stores. To have other businesses would create additional retail business. I'm thinking the developers went to Liberty Bank and took out a couple of mortgages for about \$32M so we know they had money to at least work on the first house. I think it was part of their general plan not to think about that at all. Thank you very much.

*Applause*

Drew France, 745 Williams Street, said thank you all for your service. I know how much this weighs on all of you. All the people that keep coming back to these meetings are telling you something. This developer had agreement, shovel ready long before the pandemic hit. The lag time from the first approval to the shovel in the ground allowed the pandemic to change the dynamic of everything that happened. They should have built when they could have. We didn't design this project. The board didn't design it, people here didn't design it. We didn't build a CVS at the time what they thought was best. If they had built it then it might have, might not have. All you asked for the board at the time was a residential over commercial ratio and that was approved and that was what should be stuck to. Whether it's a big box store, whether its retail, 240 units approved will absolutely support the retail in existing buildings. Absolutely. I was pitched to move my business there at \$40

a foot more than I'm paying where I am. It is no surprise to me with rents at that point that those commercial occupancies were not able to be filled. No surprise at all. Piles of dirt won't scare me. I'm sure this town's ordinances wouldn't allow that to happen. They probably shouldn't be there now to be honest with you. For me who has nothing but something to gain from this as a business owner downtown. I would gain from this twofold. It's a hard "no". I care too much about this town. I care too much about what we're all going to pay when the infrastructure fails. The added weight of the residence in a dense area is going to burden the town and its services. The loss of the commercial property in an area that is design designated for commercial property. The existing density of the plan I doubt a coffee shop would be a benefit to anyone that doesn't live there. I don't see how anyone could get into that small Starbucks if they weren't on that premise. It's not going to be a benefit to anybody other than those people. Thank you for your time.

*Applause*

Dan Bourret said I think we have to wrap up public comment for tonight. We need to understand first is whether the public hearing can be open or not for the next meeting. If you'd like to keep it open we would need to be granted an extension by the developer. How the application works, we receive an application. You have 65 days to open the application, 35 days to close. That's where we are right now. The two meetings we had were those 35 days and you have another 65 days to render a decision. In that there are 65 days of extension that are in the applicant's hands. The applicant can grant extensions of if they need time in terms of opening or closing, they have that ability to grant those.

Bob Ellsworth said that my understanding is there are a couple more people who asked to speak and then I'm assuming the applicant would want to make some sort of response to several of the questions that were raised by the public comment. I believe it should remain open. The public hearing should remain open but that's up to the applicant.

Mr. Bertram said he has never said "no" to a request along those lines and I think might be the first night and it's because there's no new content. So we have two speakers left. Is it possible for them to come up and have two minutes each?

Dan Bourret said we have three. If we could be that quick, I think so.

Mr. Bertram said my closing remarks are succinct. I don't think that we're covering new content and so I would have closing remarks and I believe the commission will have enough to work with to make a decision at the end of that. I think everyone would appreciate it.

Dan Bourret asked speakers to keep comments succinct. We have to close because we have high school kids working the booth and we need to wrap up by 9:30 to 10:00.

Norm Emond, 20 Hall Hill Road, said just remember one thing, more housing, one person doesn't drive a car usually it's two. You're always going to have someone in the family with two cars. It's going to be busy. We need commercial. We need some commercial in this town because you come through this town at 7:30 and the shades are drawn and nobody's here. You can drive down Main Street 90 mph and you wouldn't see anybody. We need to get some business back in this town to lower our tax base. The sign needs to go back up. It was there for so many years and now all of a sudden that state says it's not permissible. I don't believe that. That sign was there for a while. Where is it going to go if we don't put it back up there? Everybody comes into town and that's what you see so it needs to go back there.

Dan Bourret said that he can talk to Mr. Edmund at the end of the meeting regarding the sign.

Lindsay Downing, 31 Edgewood Road said I have lived here all my life. My kids are fourth generation residents in high school. I've realized the value in a small town. I have no plans to leave. My concerns and questions are genuine and have the sole purpose of helping me understand where it is we can meet in the middle. One of my concerns unfortunately not effectively answered is how our police department and volunteer fire department

will be impacted. Has an assessment been done to predict that impact that the increase in apartments would have. Mr. Bertram, your response to that was something about nice elevators. That doesn't really answer the question. We are concerned with how our town will be able to safely and effectively function with the increase in population. I did some math. With 350 apartments with 1.5 people per apartment we can expect an 8% increase in our Town's population. Without a plan that is attainable, supported, and affordable, how can we expect our town to buy into something that has the potential effect to affect response time of our emergency personnel which could potentially be a life or death scenario? This topic is absolutely relevant to the number of apartments being approved not only for the rest of the town but also those residents that would be in this apartment complex. My second concern is the entrance and exit being in the same spot. I am not an expert in traffic. Common sense tells me that the level of service will drop dramatically in that area. Was the level of service analysis completed and, if so, I'm interested in knowing the grade of that analysis post completion. Safety will further be impacted if there is an accident on that end of 66 and traffic is at a standstill blocking the access to the property. Everyone inside is trapped. Anyone coming home to the location is trapped outside.

What happens if there's an emergency on the property at that time? How will people enter; emergency personnel specifically. Is the plan to rely solely on that Main Street entrance which I believe is a one-way access point? With all due respect Mr. Bertram, the lack of answers is disappointing me at a rate that I cannot absorb. I would urge that you not lead with the expectation of disappointing those around you. I hope that we can come together to an agreement that results in you leaving a very positive impact in your absence. Thank you.

*Applause*

Maribeth Backus, 184 Thompson Hill Road, said I really appreciate the board and your job before you. I think you really have a difficult decision to make. 20 something year olds don't have places to live when they move out of college. Apartments are a good stepping stone and I don't see that we have a lot of those types of housing, affordable housing for younger 20 somethings. That's where I see a benefit. It would also be a stepping stone in the reverse direction as we get older and not going into a 55 and older community. I think there's a lot of opportunity for the apartments to be available and somebody put into perspective that it was such a small percentage of the 4,000 residents that already exist. I think it's an opportunity. Younger folks are renting either in Glastonbury or Middletown and that's where they have to go because we don't have anything for them. If we do have these apartments available for the younger folks, and just folks. You can walk everywhere. As this happens, as people start renting, you're going to have business sprawl and it might not be in this development but it's going to be down Route 66 and other places to accommodate the demands of those people that are living in the apartments. Thank you. Good luck.

*Applause*

Peter Willse (via Zoom), 62 Jobs Pond Road, said I'm a volunteer firefighter with the Portland Fire Department. Prior to Covid we were running 1,200 calls per year. I want to say about 90 were medicals. Post-Covid we're down to about 8,900 calls. Yes, we have the ability to do additional calls if necessary. Mr. France moved into a facility that was already built not something that's being built now. It's going to cost more now than it was before. The medical calls, we've been doing more pre-Covid than we are doing now.

Dan Bertram said commercial demands have always been a concern at this site. It's no different now from the day we got here. It's informed concern we keep deals. We do keep our end of the deal but we also choose who we're going to work with. We pick areas where we think we can partner and frankly it's too slow yes but so far so good. We have some momentum right now. We're not selling a project of this type. We're selling the completion of a project of this type. The numbers make sense. The strategies make sense. Markets are overwhelming. We've talked about the dynamics that we're up against. People with fiscal responsibility, the town leaders who are charged with managing to a budget and promoting business growth in this area are almost exclusively in support. The Selectman, Economic Development Commission, Chamber of Commerce wrote a very good letter that's in the record that came in today. Other investors that support from Pomeroy Lodging I thought was important. There's nothing going on with them. Those for and against this project will always

come out in this forum when there's a change if there's something provocative to say. I think it's good we're wrapping tonight. Momentum is extremely important. I do say that we should give some credit for commercial development to the perception of progress being made at this site that made it easier for the spa to get approval through their investment committee. We are having to adjust in the shift that's going on and people have talked about this. There's no question that costs are up at Brainerd Place. Construction costs are up, the cost of money is up and so the rents have to be up to cover the cost of new construction. The plan that we see is to go from vanilla space. Quality matters so we're proposing a solution that makes it so we can put up 50,000 square feet of premium space. That's the pitch full stop. We're not trying to not build the commercial. We're trying to find a way to build the commercial. This process, that not in my backyard, I don't want to see it, we don't want change, is going on everywhere. We try to work with the town. That's all we're trying to do here. With this pivot it gives us the economics to finish a mission and it is different from what I thought. I didn't think it would even be possible to try this level of a premium product. The rooftop restaurant wasn't my idea. I can't say who we're trying to get in there but I can say it wasn't my idea. I thought it was a damn good idea and worth a shot.

If we have the ability to do it we'll take the field and keep pushing. If we don't then we stand down and hope we'll complete the stuff we've started. It will be too late for everybody but it will be done well. The other stuff I've built is nice. We'll make this nice. Thank you for your time. I don't envy the position you're in because it is hard. This is our proposed solution and I do want to say one thing. Hang in a shingle. All we meant was we would demobilize from the site and there would be a sign up saying call here. The hurdle gets higher if a job stops to re-engage and start a whole project again. I've learned in this business you build when you can build because they're going to be other times when macroeconomic reasons stop everything. So this is how we can finish the job. Thank you.

*Applause*

Tom Bransfield said we have the original text amendment and then we had a proposed change. What are we doing? Are we talking about the change? Can we even talk about the change because a week ago we told an applicant wording changes would require him to go come back and resubmit is application? So that's my question.

Dan Bourret said he had a brief conversation with Kari Olson.

Kari Olson said if I understand correctly his question is which proposal do you consider. My response is you should consider both of them and the only reason that the modified proposal is, does not require a new application. The law is everybody's entitled to notice of a potential text amendment change as you know you. You have a public hearing and the notion under the law is that if the notice is adequate. People will come and those who are interested will engage. Where you get into trouble is if the text amendment that you notice does something completely different. In this case the modification actually shrinks the impact. It doesn't expand it. It doesn't change it to a different zone. It's actually more limiting. Before any MUD could avail themselves of what was being proposed and there were concerns about that. I believe what the applicant said is an alternative how about just having this apply to this one particular zone. I think you have the right to consider both and determine based on the criteria that you're obliged to apply, which is if either is consistent with your criteria and whether you should approve it.

Bob Ellsworth said as we go through deliberations after we close the public hearing we can decide which of the two versions of the text amendment we want to address. We as a commission.

Kari Olson said the alternates cannot deliberate. What it's going to boil down to is all of the rest of you discussing it and whatever motion is put forth obviously will be the motion that you have to address. And through your deliberations you have every right to weigh the pros and cons of both what was initially proposed and the shrunken version, the more limited version. You have the right to consider both in light of your criteria

Bob Ellsworth said we as a commission have to decide which one we would like to on.

Dan Bourret said you would come to a consensus. You would figure out amalgamation you would like to vote on.

**MOTION:** Chantal Foster MOVED, seconded by Robert Taylor to CLOSE the Public Hearing.  
**VOTE UNANIMOUS. MOTION CARRIED.**

Bob Ellsworth said that deliberations will not be taking place tonight due to the time constraint. Deliberation would have to happen before we vote.

Dan Bourret said that the best date that he could come up with to secure the room was June 27<sup>th</sup> for a special meeting. We need to do it here to accommodate the volume of people and use of the technology. You have 65 days to render a decision.

Chantal Foster asked what was happening on May 30<sup>th</sup>.

Dylan said that the room is already booked.

Chantal Foster asked what about May 29<sup>th</sup>.

Dylan said that the room is available.

Dan Bourret said that he will speak with Bob Shay and that if not the 29<sup>th</sup>, it'll be June 27<sup>th</sup>.

Kari Olson said that because she is on trial she will have to participate by Zoom if scheduled on May 29<sup>th</sup>. She is available on June 27<sup>th</sup>.

Chantal Foster said that if we're not going to have people speaking we could start at 7:00 p.m. We don't have to start at 6:00 p.m.

Kari Olson said you'd be best served thinking about these text amendments at the same time because there is some interplay. With respect to doing effective dates it seems that it makes a lot of sense to think about them cohesively. And it costs the town less money to revise their regulations twice instead of once.

Dan Bourret said that he will work with Bob Shay. If not May 29<sup>th</sup> then the next available date

6. PZC Application #23-17: 69 Marlborough Street. Request for Special Permit Modification. Application and Property of BRT DiMarco PTP, LLC. Map 19, Lot 68. Zone B-2, B-3 and TCVD. (To be determined)
7. Approval of Minutes: 5/2/24 Regular Meeting  
Minutes will be discussed/approved at next regular meeting.
8. Public Comment: The Commission will hear brief comments at this time from anyone wishing to speak. Comments may not be made regarding any pending application. - None
9. Adjourn

**MOTION:** Chantal Foster MOVED, seconded by Robert Taylor to ADJOURN the meeting at 9:48 p.m. **VOTE UNANIMOUS. MOTION CARRIED.**

Respectfully Submitted:

*Dawn Guite*

Recording Secretary