

TOWN OF NEWTON
PLANNING BOARD
October 23, 2019
MINUTES

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Board Secretary Mrs. Citterbart stated there was a quorum.

OATH OF OFFICE:

Owen Bonnett, J. Caldwell & Associates, Professional Planner

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Marion, Mr. Wink, Mr. Ragsdale, Mrs. Le Frois (7:14 pm), Mr. Flynn, Mr. Le Frois

Excused: Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Couce, Mr. Russo

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collins & Schneider
David Simmons, Harold E. Pellow and Associates
Owen Bonnett of J. Caldwell & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

September 18, 2019

A motion was made by Mr. Marion and seconded by Mr. Wink to approve the September 18, 2019 meeting minutes.

AYE: Mr. Marion, Mr. Wink, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

Kwest Properties, LLC (#PB-3-2019)
Block: 8.08, Lot(s): 10 & 23
134 Spring Street

The Resolution is granting a minor subdivision approval and dismissing without prejudice the application for site plan and variance approval relating to Block 8.08, Lots 10 & 23.

Mr. Marion made a motion to approve the resolution. Mr. Wink seconded the motion.

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Aye: Mr. Marion, Mr. Wink, Mr. Le Frois

The Resolution was approved.

Martorana Enterprises, LLC (#PB-8-2019)
Block 22.05, Lots 13.01 & 13.02
104 Sparta Avenue

The Resolution grants an amendment to the final site plan and final subdivision approval to allow the Applicant to commence construction of the Phase III improvements at the project, including the residential buildings and units included in Phase III, before completing construction of Building No. 10.

Mr. Marion made a motion to approve the resolution. Mr. Wink seconded the motion.

Aye: Mr. Marion, Mr. Wink, Mr. Le Frois

The Resolution was approved.

Newton Town Centre Urban Renewal Associates, L.P. (#PB-10-2019)
Block 8.05, Lots 4, 7, 8, and 9
50 Trinity Street

The Resolution grants an amendment to the final site plan approval to allow reconfiguration of the parking.

Mr. Marion made a motion to approve the resolution. Mr. Wink seconded the motion.

Aye: Mr. Marion, Mr. Wink, Mr. Le Frois

The Resolution was approved.

Thorlabs (#PB-1A-2019)
Block 18.02, Lots 2, 3, 19-23, 31 and 32
Lower Spring Street, Diller Avenue and Sparta Avenue

The Resolution grants an amendment to condition no. 32 of preliminary and final site plan approval.

Mr. Marion made a motion to approve the resolution. Mr. Wink seconded the motion.

Aye: Mr. Marion, Mr. Wink, Mr. Le Frois

The Resolution was approved.

Brookside Urban Renewal, LLC (#PB-7-2019)
Block 5.05, Lot 23
3 Mill Street

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The Resolution grants minor site plan approval to install an emergency generator on the property.

Mr. Marion made a motion to approve the resolution. Mr. Wink seconded the motion.

Aye: Mr. Marion, Mr. Wink, Mrs. Le Frois, Mr. Le Frois

The Resolution was approved.

OLD BUSINESS:

None

NEW BUSINESS:

Thorlabs (#PB-14-2019)
Block 18.03, Lot 11
56 Sparta Avenue

The applicant requests minor site plan approval for an exterior bead blasting unit.

Peter Donnelly, Esq. from Donnelly, Minter & Kelly represented the applicant.

Mr. Donnelly introduced the application and stated: We are here with an application to install an exterior enclosed bead blasting unit at 56 Sparta Avenue. Jim Hermes is here as the fact witness tonight.

Sworn in: James Hermes, Thorlabs.

Mr. Soloway stated: Vice Chairman Marion is a neighbor of Mr. Hermes but due to the nature of their relationship he does not feel there is a conflict. Mr. Hermes characterizes their relationship in the same way. Under the circumstances I don't feel there is a conflict that would require Mr. Marion to recuse. But I would ask Mr. Marion to confirm that and I would also ask Mr. Donnelly to confirm that he doesn't believe there is a conflict either.

Mr. Marion stated: Mr. Hermes and I are very cordial neighbors saying "hi" to each other. That is the extent of our friendship.

Mr. Donnelly questioned Mr. Marion: Do you feel that even based on this relationship you can fairly judge this application?

Mr. Marion stated: Absolutely.

Mr. Donnelly questioned Mr. Hermes: Do you feel that this is a proper characterization of your relationship with the Board member?

Mr. Hermes stated: Yes.

Mr. Donnelly stated: The applicant has no objection to Mr. Marion sitting in and hearing this application.

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Mr. Donnelly prompted Mr. Hermes to describe his role and education.

Mr. Hermes stated: I am a Manufacturing Engineer. I've been in the building industry for 45 years. I was a US Navy Seal on submarines and a diver. I've been working at Thorlabs for five years. My role there requires me to look at the systems and make sure they are communicating with the new technologies.

Mr. Donnelly questioned: Are you familiar with the bead blasting unit and the application we are talking about tonight?

Mr. Hermes stated: Yes.

Mr. Donnelly introduced Exhibit A1, dated 10/23/2019 and distributed handouts of it and asked Mr. Hermes to explain it.

Mr. Hermes referenced Exhibit A1 and stated: There are two buildings. One building houses the facilities for bead blasting. That is the Nova Phase building. The Nova Phase building will be coming down. So we need to find space for it in our main building. This picture shows an AWA, an All Weather Air unit. It's built for temperatures as low as 40 below zero. We would like to put the bead blaster right next to it.

Mr. Donnelly questioned: The AWA unit in this picture is currently at 56 Sparta?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: Is the bead blaster unit made by the same manufacturer and will they be the same color?

Mr. Hermes stated: Yes.

Mr. Donnelly introduced a colorized map of the proposed enclosure and marked it as Exhibit A2, dated 10/23/2019 and prompted Mr. Hermes to describe it.

Mr. Hermes stated: The first exhibit that you have is the AWA building. The new enclosure will look like this but be large enough to accommodate two bead blasting units. So we are copying this and making it a little bit bigger.

Mr. Marion questioned: Are you replacing that unit with this one or are there going to be two?

Mr. Hermes stated: This is our exterior compressor. That's a backup compressor.

Mr. Soloway questioned: So this is what it will look like?

Mr. Hermes stated: Yes. It will just look a little bit bigger.

Mr. Donnelly stated: There is a picture in your packet that shows loading dock number four at 56 Sparta Avenue.

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Mr. Hermes stated: At that back side of the building there are eight loading docks. The four to the right are one through four.

Mr. Donnelly questioned: What does this picture show right now? It shows the loading dock, but what is this over here?

Mr. Hermes stated: That is our existing trash compactor.

Mr. Donnelly questioned: And what is this?

Mr. Hermes stated: That is the AWA unit.

Mr. Donnelly questioned: And that is the same exact?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: And where is the new unit going?

Mr. Hermes stated: Between the existing enclosure and the garbage disposal; about 4 to 5' off the building so you can get behind it.

Mr. Donnelly questioned: Are these doors used by Thorlabs?

Mr. Hermes stated: No.

Mr. Donnelly questioned: Is the bead blasting equipment being moved from the Nova Phase building?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: What is bead blasting and why do you need it?

Mr. Hermes stated: Bead blasting is a way for us to strip material from the surface of the product. It is a safer way of doing it rather than using chemicals. It cleans it up so we can proceed with the next cycle of making products.

Mr. Donnelly questioned: When there is bead blasting going on will there be people in the unit? And is the door closed?

Mr. Hermes stated: There are people in there and the door is closed. We keep the door closed because once we start stripping it we start the cleaning process and create a clean room environment. Once it leaves there it will be in a bucket and taken to a clean room environment to be properly processed?

Mr. Donnelly questioned: Do you keep the door closed to stop outside contaminants from coming into the process?

Mr. Hermes stated: Yes. That helps.

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Mr. Donnelly questioned: The material that you use to clean, the bead blasting material, the material that's stripped off; how is that contained? Does it ever leave the unit?

Mr. Hermes stated: It will leave the unit once it's been exhausted.

Mr. Donnelly questioned: When you say exhausted, do you mean it gets exhausted into the air?

Mr. Hermes stated: No. It gets pulverized and goes into a dust trapper.

Mr. Donnelly questioned: Then that is removed by a waste removal company and replace it with a clean one. Is that correct?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: Do any of the contaminants from the bead blasting process ever get into the environment or do they stay contained in the unit?

Mr. Hermes stated: They stay in the unit.

Mr. Donnelly questioned: Does the unit vent any of this outside?

Mr. Hermes stated: No. We just draw air in.

Mr. Donnelly questioned: At the Nova Phase building, are these powered by air compressors?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: At 56 Sparta Avenue is there existing electrical capacity for this unit?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: Are you moving the Nova Phase air compressor to 56 Sparta Avenue?

Mr. Hermes stated: No.

Mr. Donnelly questioned: How are you getting compressed air into this unit?

Mr. Hermes stated: The colorized picture is of the existing unit. It will be piped outside right into the unit that we will put into that spot.

Mr. Donnelly questioned: So the existing air compressor that is currently in service at 56 Sparta Avenue has extra capacity to service these bead blaster units?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: No new compressors needed?

Mr. Hermes stated: No.

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Mr. Donnelly questioned: What about the potential noise generated by this enclosure? You testified that it will run with the door closed. Have you measured the noise with the system running at Nova Phase with the air compressor on?

Mr. Hermes stated: I have measured it. In your packet you will see the measurements. I measured from 60 and 20; 25 to 30; 35 and 40' which are all well within the 165' of the nearest neighbor.

Mr. Donnelly questioned: Are you saying that the location of the new compressor will be 165' from the nearest residential lot?

Mr. Hermes stated: Correct.

Mr. Soloway questioned: Is it 165' to the lot line?

Mr. Hermes stated: Yes, to the lot line.

Mr. Donnelly questioned: What is the measurement at 30'?

Mr. Hermes stated: At 30' with the door open, the air compressor on, and both bead blasters it is 56.3 dBA.

Mr. Donnelly questioned: For the record, what device did you measure it with?

Mr. Hermes stated: I used a Scientific sound meter, model number 840029. We use this often for safety inside the building as well.

Mr. Donnelly questioned: The numbers you gave us before are with the door open at 30'?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: How about with the door closed?

Mr. Hermes stated: That was a problem because the traffic behind me was louder than the unit. At 25' I had 57.2 dBA with the door open. I had 49.8 dBA with the door closed. That was the best I could do.

Mr. Le Frois stated: For the public, could you talk a little bit about what the standard is for noise levels?

Mr. Simmons stated: The max decibel level is 65 during the day.

Mr. Soloway questioned: Would the applicant agree to the condition that any approval has to comply with DEP noise regulations and the Town noise ordinance to the satisfaction of the Town Engineer?

Mr. Donnelly stated: Yes.

Mr. Le Frois questioned: During what hours of the day will it be operating? Also, how long would a typical operation be? Would you do it more than once a day or a couple of times a week?

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Mr. Hermes stated: We operate from 8 am to 5 pm with that particular process. We have days when it will be a half day. It depends on the demand for the product coming out.

Mr. Le Frois questioned: How often does the existing compressor run?

Mr. Hermes stated: That runs 24 hours a day for 365 days a year. We have machines that require air all the time.

Mrs. Le Frois questioned: To clarify, this process is already operating at the Nova Phase building and it is just being moved. It is not new equipment. Correct.

Mr. Hermes stated: Correct. We plan to keep it at dock #4.

Mr. Donnelly questioned: To clarify, the operations are currently inside the building at Nova Phase. They are now going to be in an enclosure. So that is why the enclosure is needed. Correct?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: Is this a moveable enclosure?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: Is your intention to move it or for it to stay there?

Mr. Hermes stated: The intention is to stay there. But we don't know what will happen in the future.

Mr. Soloway stated: This approval would have to be for a specific location.

Mr. Donnelly stated: It is. We can have a condition that states if we ever decide to move it we would come back for approval from this Board.

Mr. Le Frois asked Mr. Simmons to review his report dated October 16, 2019.

Mr. Simmons stated: Subsequent to my report the applicant's witness met with me in my office and we reviewed several issues in the report which resulted in the additional exhibits that you see tonight that they presented to the Board with additional explanation. We also had a Technical Review Committee meeting this afternoon and we went through some of the items as well. The applicant has reviewed substantially most of the comments in my report. For the record he made a statement before that the color of the enclosure is the same as the compressor. Is that correct?

Mr. Hermes stated: Yes.

Mr. Simmons continued: So it won't be a bright color. As far as stormwater runoff I think it's a non-issue. They are placing it over impervious concrete so no issue there. No grading other than leveling it off. Will there be an entrance light or will it rely on the lights on the building itself?

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Mr. Hermes stated: We are relying on the lighting off the building itself.

Mr. Simmons continued: Other than that the details would have to be subject to the approvals of the Newton Construction Official and the Newton Fire Subcode Official.

Mr. Le Frois questioned: Does it appear to you that the noise that will be emanating from the equipment enclosure outside will not exceed the maximum noise level allowed by DEP?

Mr. Simmons stated: Based on the information submitted and my knowledge of where this particular piece of equipment is going and the distance to the nearest property lines I believe they will meet the DEP noise requirements.

Mr. Le Frois asked Mr. Bonnet to review Ms. Caldwell's report dated October 16, 2019.

Mr. Bonnet stated: The points that we had concerns about were resolved.

Portion opened to the public.

1st Public: Ralph Porter, 12 Pine Street, Newton. Is there any chance the unit will run longer than 5 pm?

Mr. Hermes stated: No.

Mr. Porter stated: What do you use for the beads? Sand?

Mr. Hermes stated: No. We use garnet not sand.

2nd Public: Diane Zett, 11 Merriam Avenue, Newton. Will there be a difference in the decibels if it is a small metal building versus the building with insulation?

Mr. Hermes stated: It is a steel building and it has insulation. It has a sound deadener. Just like for the air compressor we have in that building, it keeps the sound inside of the building. I don't foresee any issues with that.

Mr. Le Frois stated: Just to reiterate, one of the requirements to be described in the resolution is that they need to meet the noise ordinance. If they don't then our Code Enforcement Officer will go over and it will eventually get resolved.

3rd Public: Robert Glesis, 43 Sussex Street, Newton. Regarding the compressor, I thought this unit and the present unit were using the same compressor which is inside the building. Correct?

Mr. Hermes stated: We have two exterior compressors. This compressor is used as a back up.

Mr. Glesis questioned: Does the compressor run 24/7?

Mr. Hermes stated: It always stays running because it needs to keep the oil hot.

4th Public: Scott Miller, 277 Spring Street, Newton. Related to the overall Thorlabs project, when does construction start? When do you break ground?

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Mr. Donnelly stated: The bids have gone out. We've had submittals received for site work. The plan is to build vertically in the springtime and the site work to begin in about 45 days.

5th Public: William Ehrhard, 5 Pine Street, Newton. I'm concerned with noises that may come after construction. I'm located directly behind the building. We deal with a lot of noise.

Mr. Le Frois stated: My response is if you have a concern there is a process through the Town with the Code Enforcement Official where they can go out and check.

Mr. Ehrhard stated: It is at 2:30 in the morning.

Mr. Donnelly questioned: Can you give me more details? I can try and address it for you. Is it 2:30 every morning?

Mr. Ehrhard stated: It is periodically. It is extremely loud and rattles our home.

Mr. Hermes stated: I will check into it. It's not the compressor. We do have a nitrogen tank there so I will look at that.

Mr. Donnelly stated: We will look into that.

No more public stepping forward. Portion closed.

Mr. Marion questioned: Do you know how far the compressor is off the wall of the building?

Mr. Hermes stated: It is 5' off the wall.

Mr. Marion questioned: So the bead blaster will also be 5' off the wall?

Mr. Hermes stated: Yes. That is correct.

Mr. Marion questioned: It looks like the electric is running along the ground to the building. I don't know if that will be a concern for deterioration.

Mr. Hermes stated: It passed the electrical inspection. It's meant to be outside. There is the quick disconnect on the wall and it goes down from that into the unit. It has been inspected..

Mr. Donnelly questioned: What is the thought with keeping it 5' off the wall?

Mr. Hermes stated: For safety reasons it is usually at least 3'. We do 5' to make sure we have enough room.

Mr. Marion stated: I ask because the new unit has doors on the front and back of it.

Mr. Hermes stated: It used to be two double doors facing Pine Street but only one door was needed. So we did that for the reason of keeping the noise away from the residential side. We didn't need two big doors. So that was changed. I can update the new drawing and get it back to you.

Mr. Marion questioned: So the blueprints you presented are not really what is going there?

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Mr. Hermes stated: It is exactly the same size. The door has just changed. There is a door on the side and a double door on the back.

Mr. Marion stated: With the double door in the back I worry about this cable being a trip hazard.

Mr. Hermes stated: That is not a walking area. There is no reason to walk behind that unit. It is only for people who service it.

Mr. Marion stated: So there is a door on the side of it and a door on the back facing the building. And the cable is going to be on the ground.

Mr. Hermes stated: Yes. The double door is just to load in the equipment. The people operating the bead blaster will use the single door on the side.

Mr. Donnelly questioned: Will the access to the new unit be similar to this door on the existing unit?

Mr. Hermes stated: Yes.

Mr. Donnelly questioned: So a person entering this will be doing so on the side and not the back?

Mr. Hermes stated: Yes. The double door is meant for loading the equipment.

Mr. Marion questioned: Will there be a hose or two running along the building for the compressor and bead blaster?

Mr. Hermes stated: Yes.

Mr. Flynn made a motion to approve the application for an amended minor site plan in addition to the usual conditions that go on every resolution; the condition that the installation comply with all noise limitations and requirements in Town ordinance and DEP regulations to the satisfaction of the Town Engineer; that the unit, which is portable, not be moved from the proposed location without Board approval; the color should substantially match as depicted in A1; a condition limiting the operation between 8 am and 5 pm. Mr. Ragsdale seconded the motion.

Aye: Mr. Marion, Mr. Wink, Mr. Ragsdale, Mrs. Le Frois, Mr. Flynn, Mr. Le Frois

Motion carried.

Mr. Simmons left at 7:55 pm.

Carolyn Dippel, Co-Administrator of Frederick J. Judge a.k.a. Frederick J. Judge, Jr. (PB-12-2019)
Block 22.10, Lots 17 & 21
40-46 Orchard Street

The Applicant is requesting Certification of a Pre-Existing of Non-Conforming Use.

Donald Hogan, Esq. represented the Applicant.

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Mr. Soloway stated: When zoning ordinances change there are certain uses that complied with the ordinance requirements at that time but as a result of the change no longer comply. Those uses if you can demonstrate that they were there before, are called pre-existing, non-conforming uses. The newest of the Land Use Law has a provision that allows the property owner or prospective purchaser to seek a certification from the municipality that a particular use of a structure qualifies as a valid pre-existing non-conforming structure or use. Under the Land Use Law the applicant is allowed to try to obtain that from the Zoning Officer within one year of an ordinance change which moves it from lawful to no longer complying. With anything after that you have to go to the Zoning Board of Adjustment. That is what this application is about. The burden of proof is on the applicant and I'm sure they will explain factually what the circumstances are. I don't know if it's a conflict, but she works for the Town as a crossing guard.

Mrs. Le Frois stated: The crossing guards actually report to the Police Department and are under the privy of the Chief of Police.

Mr. Soloway questioned Mrs. Le Frois: Are you personally acquainted with Ms. Dippel?

Mrs. Le Frois stated: No.

Mr. Soloway stated: I don't think it is a conflict.

Sworn in:
Carolyn Dippel

Mr. Hogan distributed handouts of Exhibit A-1 dated 10/23/2019 which is a photograph of the building taken by Mr. Hogan.

Mr. Hogan questioned: How big is the building?

Mrs. Dippel stated: The building is 1,795 square feet.

Mr. Hogan questioned: What is its present use?

Mrs. Dippel stated: Storage.

Mr. Hogan questioned: You are the administrator of the Estate of Frederick Judge who passed away in May of 2015?

Mrs. Dippel stated: Correct.

Mr. Hogan questioned: Mr. Judge was your brother?

Mrs. Dippel stated: Yes.

Mr. Hogan questioned: Were you aware of any commercial use of the property other than storage?

Mrs. Dippel stated: Yes. There was a cabinet maker in there and before that there was a sponge maker.

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Mr. Hogan questioned: Was there a point when your brother used it exclusively?

Mrs. Dippel stated: Yes. After the cabinet maker.

Mr. Hogan questioned: And what did he do with the building?

Mrs. Dippel stated: He used it as a storage unit.

Mr. Hogan questioned: What size are the two doors?

Mrs. Dippel stated: They are 8' wide and 10' high. They open with a clear spin. There is no partition.

Mr. Hogan questioned: Was there ever any partition? Any evidence on the floor of one?

Mrs. Dippel stated: No.

Mr. Hogan questioned the utilities and established that there is heating, water and sewer in the building.

Mr. Hogan questioned: When the cabinet maker left were there any changes made to the building?

Mrs. Dippel stated: No.

Mr. Hogan stated: In your package there are a series of dates and Mr. Soloway had represented to me that all the deeds are in the chain of common law and public record. In addition, I submitted the maps which are part of the package. In addition to the exhibits I talked about, there is exhibit H, the tax assessment card which indicates a storage use in 1952. It is in the T-3 zone which I confirmed. Also in your package is the record of the Planning Board indicating that the zone ordinance was adopted in 1960. Exhibit J is the minutes from the meeting in January 1976 which was approval for a use as an assembly of photographic equipment and referred to the prior block and lot. In there the language is the building on the property has continuously been used for a variety of manufacturing and commercial uses and is considered a non-conforming use under the zoning ordinances. The applicant is seeking an indication of recognition that this building is a garage. It has garage doors on it. It is clearly intended to be used as a commercial structure. Our position is that it is a non-conforming use in the zone and we are dramatically reducing it. Mr. Judge never abandoned the use as a commercial structure. He didn't make any of the changes to the building. He used it for storage.

Mr. Flynn questioned: You say you are reducing it?

Mr. Hogan stated: Yes. It is my position that we can use it for commercial and storage is a reduced use.

Mr. Soloway stated: The applicant is seeking certification of a pre-existing non-conforming use for that structure. I would mention first that the Land Use Law speaks of pre-existing non-conforming uses and speaks of pre-existing non-conforming structures. Based on the materials that have been submitted there doesn't seem to be an issue with the building. It seems to have

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been built before there was any zoning ordinance. But in order to obtain pre-existing non-conforming use approval as a garage, in my opinion the applicant would be hard to demonstrate that the building has been used as a garage continuously since such time as a garage was a permitted use either under a prior version of the zoning ordinance or since 1960 when the zoning came to Newton. According to what they said the last use, although Mr. Judge may have used it as a garage, there was no approval that it was used as a garage. It was permitted to be used for a cabinet maker and for a sponge maker. I don't vote but I have a problem with it because I don't see it. So if you want to address that.

Mr. Hogan stated: The definition light industrial has one of the uses as storage. And that is what it was used for.

Mr. Soloway stated: So it is your position that if you look at the zoning ordinance it addresses 100+ separate uses and puts them in categories. For example you have a category of education, government, retail, and light industrial uses. I think there are six or seven in that. Mr. Hogan's position is that if you qualify for pre-existing non-conforming use status under one light industrial use it extends to them all. So if he had a lawful pre-existing non-conforming use as a cabinet making facility which would be a kind of light industrial use and it was abandoned by an intervening non light industrial use then the applicant's position is that they should be entitled to use the building for any use that's classified as light industrial. In this case warehouse and storage are a separate category then light industrial use. I don't agree. But it is up to you to decide. If you look at the ordinance, within those categories the uses are clearly not treated the same. A light manufacturing facility is not a lawful use in every district that a storage warehouse facility is or vice versa. If you go under retail you've got things like bars and candy stores. I think you have to go by specific use not by the broad category.

Mr. Ragsdale questioned: Would this be a storage facility to rent out?

Mrs. Dippel stated: Yes. It is not that big so there wouldn't be a lot of people renting it.

Mr. Soloway stated: It's not permitted in the zone under the ordinance.

Mrs. Le Frois questioned Mr. Bonnet: What is the current zoning for this parcel?

Mr. Bonnet stated: T-3 residential.

Mr. Hogan stated: The section of the ordinance is 320.3 under definitions of Light Industry. The permitted uses there are research and development, manufacturing, compounding, processing, packaging, and storage and assembly. I don't know of any light industrial use that you don't have to store some of your materials in the building. The cabinet maker and the sponge maker had to store their supplies on the property. Mr. Soloway and I had a discussion that the simple non-use doesn't constitute an abandonment of the building.

Mr. Soloway stated: I would agree. Non-use does not necessarily constitute an abandonment of use. The problem in my mind is that I don't see in any place that there was a lawful storage facility for rent to outsiders use at this property. And yes, every use, even your house has storage in closets or basement. Every commercial operation has that. But it is incidental and accessory to the primary use on the premises. It's not like you rent out your closet to third parties.

Mr. Le Frois questioned: So what is the course of action?

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Mr. Hogan stated: The main use statute talks about use or structure. We've got a structure and we want to do something with it. Mrs. Dippel is in the process of liquidating the properties. Buyers come to us and say what can we do with this building? We went to the Fire Marshall and he told us what we are expected to do. We are trying to comply with the law. There is a lawful structure there. We are entitled to some use. This is a reasonable use with minimal impact to the surrounding properties. Under the law and the statute created we are entitled to some reasonable use.

Mr. Soloway stated: You are melding two separate concepts. To answer the Chairman's question, what can they do? Assuming the Board doesn't find a rental storage facility to third persons isn't a valid pre-existing non-conforming use, what they should do is come in on an application that a buyer wants to go for a use variance and site plan. The arguments you were just making are the types of arguments the Board is used to hearing on a site plan application. The problem isn't the building. The problem is what you are going to do with the building. I believe based on what I heard that unless you are doing a cabinet making facility or something very similar, I think you need a use variance.

Mr. Hogan stated: It is a variety of light industrial commercial uses.

Mr. Soloway stated: I think you have to be more specific with uses. That covers a lot of territory.

Mrs. Le Frois questioned: You have testimony that the facility is currently being used for storage. Who's stuff is being stored there?

Mr. Hogan stated: Mr. Judge's estate.

Mrs. Le Frois stated: His personal stuff?

Mrs. Dippel stated: It was the stuff he had from the business.

Mrs. Le Frois questioned: During any of the time that the cabinet maker and sponge maker were there, were there rents or money received for that?

Mrs. Dippel stated: No. Not when he had his own stuff in there.

Mr. Flynn stated: The cabinet maker and sponge maker were rents.

Mrs. Le Frois stated: So the proposed potential use for tenants or the new business will be storage units?

Mr. Hogan stated: We are not looking to open up high traffic. If someone wants to put a car or motorcycle that would work.

Mr. Flynn stated: I know this street well. I know this street has some odd characteristics to it. There are vacant lots, single family homes, trailers and a commercial building converted to a two-family home. I think there is a use for storage but I don't think it's classified as light industrial. If I characterized the street this kind of fits in because it doesn't fit in. That being said, without the proposals for the intention of what's going to go there you don't necessarily know but I guess

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that is the whole stipulation with uses because you can't regulate who's going to go there just what's going to go there.

Mr. Hogan stated: We're open to any reasonable restriction. You could limit it to cars.

Mr. Soloway stated: But you're not here on an application. You're here tonight to ask for a certification from the Board that storage is a pre-existing non-conforming use. If you get it, you might still need site plan approval but you're done. But if you don't get it then you have to come back with a use variance and site plan application for that or whatever it is you propose to do there. That is not this application.

Mrs. Le Frois stated: I don't think anybody is disputing whether or not that is a good functioning use of the existing property. I think what we are getting hung up on is the process. We are not approving an application, we are approving a potential use of a building that we're really not sure about.

Mr. Soloway stated: They are asking you to approve a specific use that is not permitted in the zone based upon the finding that the property has been continuously utilized for that use either since it was specifically authorized by a prior board resolution or if it never was since 1960.

Mrs. Le Frois stated: We see applications all the time where people are coming before the Board with a change of use. It triggers a site plan and a review by the Town Planner and Engineer to see if we can grant a non-conforming use variance.

Mr. Soloway stated: But they are not asking you for a variance. They are asking you to say that they don't need a variance and that they are entitled to that use.

Mr. Hogan stated: To me a site plan is lighting, drainage, parking, building changes. There is nothing going to change there. Anybody who used that building for any type of manufacturing process had to store materials there. So you have a legal right to use the building. So we can go through the cost and all this and nothing is going to change. We are being forced to spend money. We have a right to use the building. Do you disagree, Mr. Soloway?

Mr. Soloway stated: Yes, but you haven't got there yet.

Mr. Ragsdale questioned Mr. Soloway: If he has to go through the variance process and submit a site plan, would some of these documents be acceptable so he doesn't have to get a new survey or do a lot of engineering work?

Mr. Soloway stated: I would defer that process to the Engineer and the Planner. But I wouldn't necessarily assume, like Mr. Hogan says, that he won't need a site plan because they won't do anything to the building. How will people get in and out, how many units will there be, how many cars, are their circulation issues with the other uses on the property. I think they may need a site plan. But they could do that further down the road as part of a variance application. Again, if their proofs don't support a determination that they have an absolute right, perhaps subject to site plan, to use this building and rent storage units or rent the entire building to a third party then I think they are going to need a use variance.

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Mr. Flynn questioned: I'm not sure how it works with the owners or tenants of the trailers. But since it's all on the same block and lot, what if they were to allocate 11 square feet in this building for storage? Would that be allowed?

Mr. Soloway stated: I'd actually suggested something similar to Mr. Hogan but he wasn't thrilled about it. I would have to think it through because it may or may not be a variance. That would be different because it would be considered an accessory use to the other buildings on the property. Maybe not, but I would have to think it through. But that would be different than saying you have storage units for rent. If you are allocating for accessory storage on the property that's different and maybe you don't need a use variance.

Mr. Hogan questioned Mrs. Dippel: Have you considered renting out storage to the occupants of the mobile home park?

Mrs. Dippel stated: Yes.

Mr. Hogan questioned: Have you been managing this property for the last four and a half years?

Mrs. Dippel stated: Yes.

Mr. Hogan questioned: Would it be economically feasible for the occupants to rent the storage area?

Mrs. Dippel stated: Probably not. The people renting the mobile homes do not have a lot of money and they all have sheds already. I'm not sure they would be able to afford another space or even need it.

Mr. Marion questioned: Are you looking to eventually convert this building into multiple storage units?

Mr. Hogan stated: No. It is staying exactly the way it is. We are not proposing any walls. Nothing is changing.

Mrs. Dippel stated: It would probably be just one person.

Mr. Marion questioned: So if you get the approval, what if the one person decides he doesn't want to store stuff in there. Are you going to come back and want to divvy it up into multiple units?

Mr. Hogan stated: We would have to come back and go through the site plan because things would be changing.

Mr. Marion questioned: I know you had mentioned how light industrial has storage. But now you want to do the storage without the light industrial. But that's not what the building's initial intent was.

Mr. Hogan stated: To me you are reducing the non-conforming use. But Mr. Soloway and I disagree on that point.

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Mr. Soloway stated: You may be and that's a good variance argument. But its not in my mind what gets you to the certification of a pre-existing non-conforming use. Yes, if you have a variance application and the property is non-compliant and as part of your application you are going to improve the property and make it less non-compliant that is a good argument. But you haven't done that yet.

Mrs. Le Frois questioned Mr. Soloway: Can you explain the parameters by which a certification would be granted for a pre-existing non-conforming use?

Mr. Soloway stated: Based on the proofs that they've submitted, the only thing I see for certification would be another cabinet making type facility. It doesn't have to be exactly identical. But I don't think they have anything beyond that. The other thing they might look into if they are trying to market it is to sell it to somebody and subdivide it off.

Mr. Wink stated: The four apartments on Merriam Street are the perfect example of a pre-existing non-conforming use. They had been rented out since 1925.

Mr. Soloway stated: There have been court cases where they have proven the use was continuous and pre-dated the ordinance.

Mr. Le Frois stated: This is different because of the broad category of light industrial.

Mr. Soloway stated: Light industrial can be a research and development facility, a warehouse and storage facility, a light manufacturing facility, a product assembling facility, an artisanal workshop, or food and beverage production. Your other broad ordinance categories have numerous separate uses and in my mind they are not the same thing. Otherwise they wouldn't have a chart that tells you where they are permitted and where they aren't permitted. Warehouse and storage for example is not permitted in the SD-1 district, but research and development is.

Mrs. Le Frois questioned Mr. Bonnet: As the Planner on this application tonight what is your opinion?

Mr. Bonnet stated: According to Ms. Caldwell's report of October 2, 2019 it was approved in 1976 for photographic and graphic arts processes. It would conform to a light industrial or simply craftsman use I think it would categorize with the pre-existing non-conforming use. But since they are simply using it for storage it would not fall under the same uses.

Mr. Le Frois stated: I think we have to answer is storage and warehousing lumped in with the other uses that are named under light industrial or are each of the categories independent enough, including storage, to be treated separately?

Mr. Hogan stated: I would recommend to the Board, in going through the paper trail for this property there was in the Construction Department's file some memorandum about the cabinet maker being there and that they don't need site approval.

Mr. Soloway stated: It was different ordinance. Maybe it was a valid use under that ordinance but the Zoning Ordinance changed dramatically in the past 10 years. They want you to find that a storage facility for rent to a third party is the type of use that was previously approved by the Board or has existed since before 1960 on a continuous basis.

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Mr. Flynn stated: By the construction of the lot and proximity to the street, I think the building was never intended to be anything other than what it is now. The use was never intended to be a different use than it is now. It was never a clubhouse for the trailer park.

Mr. Le Frois stated: I think there is evidence that it has been used in the category of light industrial. However, Mr. Soloway's point is that the categories under light industrial are different enough that they need to be looked at separately. You are saying that the broad definition of light industrial is good enough for you and that's fine. We need to vote on it.

Mr. Flynn stated: Warehouse and storage is where my thought process to light industrial lands.

Mr. Le Frois stated: Even though except for Mr. Judge's use over the last few years prior to his passing was for storage. Other than that there is no evidence of exclusively storage use.

Mr. Soloway stated: For himself.

Mrs. Le Frois stated: So is the approval so prescriptive as to say, the certification of the pre-existing non-conforming use is for "fill in the blank"? Because anything else other than that will require an application.

Mr. Le Frois stated: Correct. Right now the only thing that is proven is photographic use and a few others.

Mr. Flynn stated: We don't know that the cabinet maker was making the cabinets there. They may have been storing them there.

Portion opened to the public.

1st Public: Roberg Glesias, 43 Sussex Street, Newton. Are you talking about storing vehicles and other property just inside the building? I don't want to see a bunch of cars in the back of the building. I border the back of the building. Will the property owner remain the same?

Mr. Hogan stated: No. We can't assume that?

Mr. Glesias questioned: If a new owner buys it and they want to use it for multiple storage units does that mean they have to build structures within the building and go through a variance?

Mr. Soloway stated: It depends on what the Board determines. Whatever is lawful, the buyer has the right to continue that. If they change it to a significant degree then they have to come back.

Mr. Glesias questioned: If everything is approved for them tonight and they leave the building as it is and have a single renter who will store vehicles inside the building, does that message go back to the Fire Department for inspections that there are vehicles that contain flammable material?

Mr. Hogan stated: Yes. We would submit it to Mr. Rome. We have already been in contact with him.

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Mr. Le Frois questioned: For this application, is it simply a yes or no vote that it is certified or are there conditions?

Mr. Soloway stated: If you approve this there wouldn't be conditions. There might be a very detailed description of what it is you are saying they are entitled to. You wouldn't be granting a development approval.

Mr. Flynn stated: If they wanted to change the building significantly they would have to come back because they would be changing a pre-existing non-conforming use.

Mr. Hogan stated: If we change anything we will have to come back to the Board.

Mr. Le Frois questioned: So we are looking to certify a pre-existing non-conforming use. What definition are we trying to use as pre-existing? Are we trying to use the whole light industrial category?

Mr. Hogan stated: It would be storage. No internal or external changes.

Mr. Le Frois stated: To me that is a problem because I don't see any evidence of it being used as storage before. No documentation at all about that. It's all been light manufacturing based on the documentation that you've found.

Mr. Hogan questioned: How do you manufacture without storing materials?

Mr. Le Frois stated: I understand that you have to store some materials there but it is different.

Mr. Hogan stated: I would like to refer you to Exhibit A-2 which is an email from Mr. Rome the Fire Marshall. This should address your concerns about fire safety.

2nd Public: Gladys Glesias, 43 Sussex Street, Newton. My concern is that there will be cars on the rear of the building outside. I don't want to see a junk yard.

Mr. Hogan stated: We are not storing outside. It is just the inside of the building.

Mr. Soloway stated: If you vote no on this it is not a determination that they don't have a right to do it. But if they want to pursue that right they would have to pursue a use variance coupled with site plan approval or site plan waiver.

Mrs. Le Frois stated: So the use variance becomes prescriptive of what is allowed and not allowed. Right now it's being asked tonight to say yes or no with no parameters. Right now it is not a car garage. It presents as a building with large garage doors that has had prior businesses and commercial enterprises. We keep saying garages and light industrial because there hasn't been an application before us saying what it is to be used for. In these situations our standard protocol has been to take the advice of the professionals because it is based in the Municipal Land Use Law. I want to caution that there are a lot of gray areas here that leave a lot of things open. The historical position on this Board and what we are supposed to be doing on this Board is adhering to the Planning and Zoning and Land Use Laws as prescribed. The reason applications come before us is if they are outside of the parameters that have been established. Every time you stray from that then it has to be founded in enough evidence to be conclusive enough to say yes without restriction or without hesitation because of the circumstances pre-

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existing or not that the applicant can move forward. You don't have a formal application. Again, this is one of these things where you are asking for approval for something that is not clearly defined.

Mrs. Glesias stated: I'm also concerned with oil and gas running down from their property onto mine because my property is lower.

No more public stepping forward. Portion closed.

Mr. Le Frois questioned: What if they don't know what they are going to do with the property and are asking for a certification of a pre-existing non-conforming use?

Mr. Soloway stated: I think they are looking to find out how they can market this. They want to be able to tell the buyer that you are allowed to do this here. Is that fair?

Mr. Hogan stated: Yes.

Mr. Flynn stated: Just in that building as it lays right now you would be able to do that. Anybody buying it wouldn't be able to manipulate the structures or do any kind of site improvements without going to the Board.

Mr. Soloway stated: Just because you might vote yes, doesn't mean they won't need a site plan approval or waiver. We don't have any specifics.

Mrs. Le Frois stated: Yes. That's what I've been saying. Even with an approval saying that they can continue to use it as it has been used, if someone rents for a different use they are going to have to come to us with a site plan approval.

Mr. Soloway stated: If somebody comes in to change the use on the property they have to get a zoning permit. The application for a zoning permit triggers a determination by the Zoning Officer as to if it's a permitted use and assuming it is whether or not it requires site plan or other variance approval. And not to put words in Mrs. Citterbart's mouth, but she usually errs on the safe side by having the Board make that determination rather than her whenever it is not clear to her. So I don't know that a yes on this is a use approval in the sense that a company now has the right to just move in and do that.

Mr. Marion stated: Say we permit is as storage, and they sell the building and they get a carpenter that has trucks. He wants to use the building to store the trucks and materials. They are inside and outside. That would be permitted then?

Mr. Soloway stated: It depends on what you say. Even if it was permitted you would probably still need site plan approval.

Mr. Le Frois stated: That is my question. If we vote yes, what kind of use are we saying that it was?

Mr. Soloway stated: The application as I understand it is for a storage facility to rent to third parties. Is that fair?

Mr. Hogan stated: Yes.

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Discussion ensued.

Mr. Marion questioned: What about the shed on the property? Will it be rented out also?

Mr. Le Frois stated: No one knows.

The Board took a 10 minute break. The Board returned at 9:12 pm.

Mrs. Le Frois stated: Thank you for the recess to re review the application through the lens of what we've heard tonight. So we have had testimony tonight that says it has been used as a garage. We don't have a document that says that. We have testimony tonight that says it was a cabinet maker. I don't see any documentation of that. We have testimony that it was used as a small photographic and graphic arts process unit. We do have evidence of that. Referring to Exhibit J, dated January 6, 1976 that says the building on the property is approximately 30' by 50' and has continuously been used for a variety of manufacturing and commercial enterprises and is considered a non-conforming use under the zoning ordinance. The applicant has an agreement with the new tenant who will assemble small photographic and graphic arts processing equipment. The company has no more than four employees, including the owner and the proposed hours of operation are 8 am to 5 pm five days per week. The applicant filed for site plan approval despite the fact that there will be no physical changes to the building because the change in occupancy might change the operating conditions such as hours of operation, solid waste, quantity, noise, fumes, etc.. So we do have evidence of owners coming forth and filing a site plan approval for a change in use of an already deemed non-conforming, but because it might change what has been happening here. So my question to Mr. Soloway is if we say yes, we are saying they are approved to continue storing items in this garage. We cannot define what those items and that continued use are to be. Even if we say yes and somebody goes to buy the property or a tenant, they may still have to make an application to the Zoning Officer. If we say no, that we have historical documentation that documents that this has been a commercial enterprise for a variety of manufacturing and commercial enterprises then they are still going to have to come forward with an application. It feels like based on the testimony tonight that they have made an application without making an application. So I want counsel to confirm the two options before the Board and what our exposure is. Because we have so many buildings in Town that are pre-existing non-conforming, what I don't want to have happen is that we set a precedent of just issuing a certificate because we could have other applicants come in and say just certify what's been happening there regardless of what we are trying to do with development in the Town.

Mr. Soloway stated: If the Board votes no, then it would be a determination that a storage facility for third parties is not a valid pre-existing non-conforming or permitted use at this property. If the applicant wanted to pursue that as a use they would certainly have the right to fill out an application with the Board for a use variance and perhaps a site plan or site plan waiver approval.

Mrs. Le Frois stated: And the key there is for third party use. If the owner wants to store things there it is different. As soon as they introduce a third party use, meaning they are realizing rent and somebody else has access to it, that's a change.

Mr. Soloway stated: That is the "no" scenario. If the Board says yes, on a practical level it would be a determination that a storage facility rented to third persons is a permitted use on this

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property. That doesn't mean that anybody can just do it necessarily. If somebody wanted to pursue that they would probably still have to go to the Board for site plan approval or site plan waiver for a detailed proposal on exactly what they want to do. I guess the difference is you don't have to throw the use variance in. For the applicant they have to prove variance criteria. If you are a permitted use and you comply with the ordinance you are more or less entitled to an approval if you meet ordinance site plan standards. There could be other variances that are required. But the likelihood in either scenario, either this applicant or the contract purchaser will have to come before the Board. Certainly they will if it's a no, but there is a good chance they will to even if it's a yes.

Mr. Hogan stated: We have no problem if you want to maintain control. If you want to make any approval subject to the stipulation that before anyone starts using it they have to come back before the Board with a site plan or application for site plan waiver. The word Use Variance scares me because we need five of seven approvals and we only have six tonight. So if that stipulation is allowed, can we impose a condition on a pre-existing non-conforming use?

Mr. Marion stated: The problem is, what if you decide to rent it without coming to us. Who is going to police it?

Mr. Hogan stated: Who police's it now?

Mr. Le Frois stated: The Code Enforcement Officer.

Mr. Marion stated: It puts the burden on the Town to enforce these conditions. I wouldn't go for that.

Mr. Hogan stated: We have a building and are entitled to some reasonable use.

Mr. Soloway stated: But you haven't applied for that.

Mr. Hogan stated: Ok. If you want to be certain, my client will stipulate on the record that we would come back with a site plan or waiver of site plan approval if we had for instance a cabinet maker who wants to put equipment in there. I agree with that. However, if we have people who want to store an antique car in there, I don't see the need for a site plan for that. There has been no proof and nothing submitted that we are trying to store anything outside. There is a parking area in the front.

Mr. Marion stated: Your photo shows storage outside. There is a landscaping trailer, tables and stuff just stored outside.

Mr. Hogan stated: They are cleaning out the garage. The trailer is not there now.

Mrs. Le Frois stated: I'm just looking for an assurance that if the use is going to be changed that there is approval point for that.

Mr. Soloway stated: In effect the applicant has amended his application to approve that as part of it. Is that fair, Mr. Hogan?

Mr. Hogan stated: Yes.

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Mr. Marion stated: So aren't we dictating what goes in there in the future?

Mr. Le Frois stated: Yes. It's storage.

Mr. Soloway stated: The difference is if they come in for a storage facility for third persons you have to deal with it like it's a permitted use. Any other use would require a use variance. No question that a use variance is not an entitlement. They might have some very good arguments here but it's not an entitlement.

Mr. Flynn made a motion to certify that a storage facility for rent to a third person or persons is a valid pre-existing non-conforming use in this regard and in addition there would be a condition that prior to any actual use in that regard there would be a site plan application or a request for a site plan waiver from the Board. Mr. Le Frois seconded it.

Aye: Mrs. Le Frois, Mr. Flynn, Mr. Le Frois

Nay: Mr. Marion, Mr. Wink, Mr. Ragsdale

Application denied.

Mr. Soloway stated: I would suggest to the applicant that if they get a buyer come in on a use variance application. You've made some good arguments. Nobody is telling you that the building has to come down. Your argument is that it's a low intensity use. You might get the approval.

Mrs. Le Frois stated: I agree. This has to come in under a use variance.

DISCUSSION

Martorana Enterprises, LLC (#PB-8-2019)
Block 22.05, Lots 13.01 & 13.02
104 Sparta Avenue

The Applicant requesting façade change from brick to stone as a field change.

Mr. Flynn recused himself due to a conflict.

Mr. Soloway stated: The applicant wants to change it from brick to stone. You will have to decide if you are ok with the change that they want to make. And if you are ok with it, whether it can be done as a field change as opposed to technically requiring an amendment to the prior approval.

Discussion ensued on whether or not it is a field change.

Mrs. Le Frois questioned: What are the legal parameters around a field change? What is the Board's responsibility around field changes?

Mr. Soloway stated: None. Field changes can happen with the approval of a Municipal Engineer. If it doesn't rise to the level of something that is integral to the application or specifically approved by the Board you can do it in the field rather than running back to the

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Board. There are probably dozens of those types of things on a big project. So that's what it would mean as a field change. So the first question is whether you are ok with it. The second question is do you want to authorize it as a field change or memorialize it as a formal amendment.

Mr. Marion stated: In the 20+ years I've done this it is the first time I've seen this done. They aren't even breaking grounds on this until next year. I would like to see them come back with plans.

Mr. Wink stated: I would be inclined to say no without seeing any plans.

Mr. Bonnet stated: There would be brick façade two units per building and there are four buildings being proposed so it would be a total of eight.

Mr. Soloway stated: It is just Phase III they are proposing this.

Mrs. Le Frois stated: So Phases I and II don't have the stone.

Mr. Marion stated: So they want to change this last phase to stone.

Mr. Soloway stated: You are perfectly within your rights to say it may or may not be a good idea but they should come in and formally ask for it.

Discussion ensued.

Mr. Wink stated: I would like to see them come back with Phase III plan showing what it would look like. Any kind of rendering would be helpful.

Mr. Le Frois stated: Our responsibility is that they follow the ordinance and design standards. We need to be careful when it comes to finishes because everyone has an opinion on what looks good or not.

Mr. Soloway stated: Typically, I say that it's not much of a factor unless there is a variance that is part of the selling point. Your whole ordinance makes a very big deal about what things look like.

Mrs. Le Frois stated: In that zone we are very clear about what we want to see as far as facades. Mr. Bonnet, in that zone and construction project is that an approved use?

Mr. Soloway stated: I don't know that it is that specific.

Discussion ensued.

Does the Board accept the change from brick to stone as a field change?

Aye: Mr. Marion, Mr. Wink, Mr. Le Frois

Nay: Mr. Ragsdale

The Board accepted it as a field change.

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CORRESPONDENCE: -

None

EXECUTIVE SESSION -

None

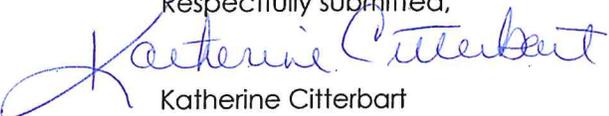
PUBLIC PORTION -

None

ADJOURNMENT

Mr. Marion made a motion to adjourn the meeting. Mr. Wink seconded the motion. The meeting was adjourned at 9:51 PM with a unanimous "aye" vote. The next meeting will be held on December 18, 2019 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary