



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

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MINUTES OF A PUBLIC HEARING

Appeal of Building Inspector Determination

Map 15, Lot 46 Carleton Drive, Georgetown MA

ZBA File #21-01

May 4, 2021 - Zoom Webinar

Board Members Present Online: Jeff Moore Chairman, regular member
Paul Shilhan, regular member
Shawn Deane, regular member
Gina Thibeault, regular member
Dave Kapnis, regular member

Also Present:

Attorney/Applicant: Thomas Flanagan of MacLean Holloway, Doherty & Sheehan, P.C.
Georgetown Town Counsel Attorney Jonathan Eichman of KP Law
Attorney for G. Mello, Nancy McCann
Patty Pitari, Administrative Assistant

**Note Board Members are referred to by their Initials, Attorney McCann =(NM), Attorney Flanagan (Flanagan)*

Chairman, Jeff Moore stated (JM) at 7:14PM, Opened the continued hearing from April 6, 2021.

This Public meeting is being conducted in a way that is an attempt to satisfy the Open Meeting Law, and other State Laws pertaining to the Public Hearings of the Town's Public Bodies pursuant to Chapter 53 of the Acts of 2020, as recently amended by Chapter 201 of the Acts of 2020. It is a good faith, best effort attempt to comply with the Executive Order waiving certain provisions of G. L. c. 30A, sec. 20 during the COVID -19 pandemic. Internet based technologies will be used by the Zoning Board of Appeals to conduct Public Meetings and Hearings until the Executive Order is rescinded, or the State of Emergency is terminated.

Chairman Jeff Moore (JM) stated he will let the audience speak tonight. All we are speaking about tonight is Major Development Review (MDR) JM shares his screen with MDR bylaw 165-80.2, and stated the ZBA is not the permit granting authority for Major Development Review (MDR), we are simply hearing an appeal in regard to building inspector, and it pertains to whether or not this section of the bylaw applies to this project, it comes down to Section B 1-5, 5 triggers for MDR, if any one of those five items is true, then MDR special permit would be required with the Planning Board.

JM speaks of #1 stated when speaking of B of 165.80.2, he reads as it is up on the screen to view, there is no General Commercial District, specifically in the Georgetown Bylaw, this is something that probably needs to be corrected in the bylaw. But it's a reasonable interpretation that the commercial districts generally or any would fall under this category, I would agree with that, board can discuss, any commercial district I believe would have to be considered a general commercial district, the trigger is 1,000 vehicle trips per day in any of those districts, or 500 vehicle trips per day in any other district, the issue I have with the interpretation of this is we have seen, by project counsel and a few others is the way they are interpreting it is to say a project located in or 1,000 vehicles per day or more in the general commercial district or located in any of the other districts that generates 500 Vehicle trips per day, bylaw makes no mention of where the project is located or what district. What is talks about in my view, is where the project would generate traffic, all new uses that generate 1,000 v trips per day or more in the general commercial and/or 500 v trips per day in any other district.

JM pulls up the Zoning Map with the project location as in pink the Commercial C district states he points out other districts on the way, most of Carleton Drive is Industrial B, the traffic can come either way by these districts, so your generating vehicle trips in IB and some residential districts My interpretation of this is that the trigger is not 1,000 per day, it could be if all the traffic is going to flow through a general commercial district, but certainly more than 500 VTPD, are going to be generated in those other district, and there is an And/Or here (see bylaw), In my opinion, this really refers to the districts within which the project would generate vehicle trips, so in my view this certainly applies, and further the intent of the purpose of the section is to identify and try to mitigate negative impacts to the town as a whole, and I think at one point in counsel's letter they point's out under 165-80.2 A. That is my view.

JM asks other board members point by point on the MDR bylaw 5 points

SD – B subsection 1, it would seem to check the box and meet that criteria of being in excess of 500 vehicle trips per day (VTPD), in any other district, notwithstanding the ambiguity around maybe a drafting error in a general commercial district but after that comma, where it says and/or 500 vehicle trips per day in any other district, so I am in agreement with JM.

PS stated he is I agreement as well.

DK – I would agree, I was a bit confused about the existing on East Main where they subtracting out the vehicles per day? And I did read somewhere, I believe there will be the excess of that many VTPD, but does that allow for what is already existing, and can they use that to justify that these trips per day are only x amount over what is already there?

JM – That is a good point, if you go to Section 5, it talks about an expansion of an existing use, so the project is either going to be considered a new or expansion of an existing use, can't have it both ways, 100% of the traffic is coming down Carleton Drive IB district, so I don't think it's an expansion of an existing use, I think that is an expansion of an existing site, and I know Attorney McCann did layout in her letter, but you can't have it both ways, if you add up the existing traffic and compare it proposed it exceeds 500 traffic it exceeds 500 VTPD, and the expansion of the traffic itself exceeds 20% of the existing. If you want to call it an expansion then we skip to number 5.

SD – How has the applicant characterized it as a new use or expansion?

JM – A new use. I would let N. McCann explain.

McCann – Yes we did characterize this as a new use, and my letter indicates we did not take credit for the existing location, we didn't say well we are generating a smaller amount of new trips, we didn't do that, we took a conservative approach and said we are going to call this a new use on Carleton Drive, which I believe that it is and we gave the vehicle trip count in total for the new use, I think it's an unusual interpretation to say that the vehicle trips going thru all of the districts, I don't think the bylaw has ever been interpreted that way, and I would ask has it ever been interpreted to require or view the vehicles travelling thru all of the districts in town which seems to be what is being said here tonight, is that you have to look at all different districts in town and where the traffic might be going thru, which in my opinion a very odd interpretation, and certainly not the opinion of the building inspector during our many conversations with him with regard to this, I have to go back also to what the role of the board tonight, should be determining whether the determination of the inspector, that he need not make a decision on this issue now, when requested, was that decision incorrect, I don't think it's the position of the board to be making the decision as to the applicability of MDR, that is the decision of the building inspector, the appeal was of his decision which declined to make a decision at that time, because there was no present violation alleged under 40A section 7, so I don't think this matter is even before the board, but if you want to consider the matter, the matter is whether the inspector made the proper determination that he shouldn't act at that time, but not whether the Board of Appeals should be making the determination as to Major Development Review

JM – We will get into some of that in a minute, we were presented with a lot of information regarding the applicability or not of MDR, we were reviewing that, not sure we will be making a decision on MDR, but I think it's due for discussion.

NM – Saying you will have to look at the all of the different district is unusual interpretation, not to look at the district in which the project is location, but the other districts is very unusual.

SD asks Attorney McCann; since the commercial district doesn't exist, then (inaudible)? of this project would be in any other district and then the requisite VTPD would be 500.

NM – No we reviewed back in 2018 with Inspector then and the determination was as the chairman has stated that all commercial districts were determined to be applicable to the general commercial district criteria, and I think that makes sense, because otherwise the provision is moot.

JM – The sentence makes no mention of project location, and if you look at the purpose of bylaw, it looks at impact of town overall, to me it is a use that generates 1,000 VTPD or more in the general commercial district and/or, you have the and /or in there; you're not going to have a project located in more than one district.

SD – Yes Mr. Chair, it doesn't specify the location or the site, it's just general statement about traffic.

GT – Part of problem with bylaw it is not specific, and I feel like it doesn't say located in, but it also doesn't say trips thru adjacent districts either, and I go back to the point, this is a decision by the building inspector not the Zoning Board, it's not clear either way, at that point we can interpret it differently.

JM – I agree in most respects, its ambiguous in all kinds of ways, sometimes we are trying to figure out the purpose and intent, its true for 40A also, the state.

GT – I think if it needs to be rewritten, I don't know who decides that or who does it, town's attorneys or who, I feel this is a different case; I think it's not clear, it doesn't say located and it doesn't say through.

SD – I would say there is some guiding language in Purpose Section A 165-80.2 Shawn reads entirely, I see this as a preamble to this, it is fairly general, but it talks about directly or indirectly and the town as a whole. GT – I agree 100%, as a whole, but there is no through.

McCann – I don't believe the interpretation that is being discussed tonight, the history of this provision has been interpreted by the building inspector, number one and number two, the building inspector is the code enforcement officer who makes the determination with regard to interpretation of the bylaw.

JM – Agreed, I don't know how exactly the previous inspector interpreted this, he hasn't done anything in writing, I know you have had conversations with him, but obviously we have a new building inspector will need to review this at some point.

JM – I don't think it's an unreasonable interpretation.

DK – I think it's still a gray area, he mentions B (1), and if traffic will be diverted or not. Carleton drive is one in and one out only one way.

PS - I think B-1 it's pretty clear, we can argue on the nuance or specific of bylaw but we all know what the intent is, and that is to figure out the impacts on the town, so as a board we are trying to discuss with all, there has been a lot of confusion and I think this is a good exercise to discuss it.

JM to DK speak of point 5, and goes to traffic table discussion, review VTPD.

Flanagan – Speaks with the trip-generation summary up on the screen, I want to point something out, my understanding it seems the existing trips is based on the 203 E. Main St. site, the proposed trips are Carleton Dr., so they are comparing apples to oranges, you have 890 brand new trips on Carleton, its' not fair to subtract the existing from what will happen at Carleton Dr. It's a new use is not accurate, discusses some residential driveways on Carleton.

JM – I would also point out the Sunday hours were not included, I don't know if new project would operate on Sundays, on existing Sunday was more, but what we are talking about is does that 500 VTPD that that exceed, I would agree it's a new use, 100% of the traffic is new traffic, I don't think #5 applies.

NM – We have always maintained it's a new use, we have provided data with the traffic study and updated the traffic study, and the table that was put up and in the appeal was to show a comparison to the existing location and new the location. The traffic report states, we are not taking credit for the existing traffic within the corridor, for the existing location, we have treated it as a new use, and estimated the trip generation for this new use, and we are under 1,000 VTPD and it is location in the CC district, that was the interpretation of the building dept., and historically it has not been to include all the districts in town where may draw vehicles from.

JM goes thru the 5 triggers for MDR, and the last 30,000 sq. ft or more item, he stated it includes the building itself. And that there is no basis for interpreting threshold including areas beyond the gross floor area of the proposed building.

NM – No Mr. Chair that was not what my letter said, we use the building sq. footage 15,000 sq. footage, and the building footprint, the residential drop off area, including the sidewalk and the bins, the attendant shed, and the commercial tipping scale area, we determined the use areas have been added together and was provided to Les Godin and those as well are under 30,000 sq. ft., so the total area for use is 23,228 sq. ft. below the 30,000 sq.

JM puts the plan on the screen, I would then read the Use definition in bylaw, it talks about land or building, so is the use itself more than 30,000 sq. ft. Points out areas on plan.

JM are there any other cases being uses other than building or structure. Is the use greater than 30,000 sq. ft.?
JM to J. Eichman to help with this area, are there other situations where uses being other than a building or structure.

J. Eichman – your interpretation of use as encompassing all of the use on the property, not just the building but all of the uses of the property for the use in question is part of the use is standard zoning law, I don't see anything in your definition of use in your zoning bylaw that alters that, but I think that a reasonable interpretation of that provision, but it has been pointed out and worth noting 2 things; #1, I have been informed that previously the building dept always interpreted this provision notwithstanding the plain language as ____?____square footage of buildings, and #2 in that lower section of 165-80.2 the part about any expansion of an existing use, there are 4 sub-categories there, where we get into the expansion exceeds 20% of the existing, those mirror the 4 categories above them and you will note when you get down to the last one, it now says gross floor area, so that has to be taken into account here, and the other thing I noted in the past, the scope of review that this is intended for are large uses, like 50 or more dwelling units, 50 or more building lots, 1,000 or 500 VTPD those are large uses, 30,000 sq. ft of a piece of property is not a particularly large use, any number of small commercial and in fact the large single family residential use could encompass 30,000 sq. ft of a property if your talking about a part of the property that has been developed and used for that particular use, so it does make you pause to just call this the entire use of the property is 30,000 sq. ft because it would certainly make this applicable to a lot of uses, I think that have not been applied to, to this point, so that is some of the difficulty, I agree with you the plain language says all new uses and uses as I understand it, on the definition in zoning is consistent with the definition that you pointed out in your zoning bylaw, its all uses of the property.

JM – Thank you. JM points talks about the existing facility, really doesn't have any floor area.

Clearly this bylaw is looking for uses that are large enough to impact the town by virtue of the size of the use. I think the 30,000 part could go either way.

PS talks about driveways and parking areas in regard to use.

SD to Chairman – I think the plain reading of the definition of use encompasses the entire use area not just physical structure or buildings within the use, that is my take.

GT – I agree with that, on driveways, parking etc.

NM – That has not been the interpretation in the Town of Georgetown, in any development that you look at.

JM – This section of bylaw has not applied because I don't think we have any major projects that might trigger it.

NM – I think if you're giving it the interpretation you're discussing now, that would not be a correct statement.

SD – reads the use definition again, in a use like this where all of the land is going to be utilized, I don't see how it couldn't encompass the whole site.

JM Opens to Audience

Most residents sent emails/letters which JM place on screen and addresses some issues that do not apply to what this hearing is about; Major Development Review, it is not a review of the project or existing permits or pending issue from other board, its purely of 165-80.2 Section B.

New Correspondence - Residents – See attached, residents that sent correspondence – 2 listed on abut list as direct abutters, and applicants of appeal.

Mike Birmingham – 12 True Lane

Kathy Birmingham – 12 True Lane

Brian McEvoy, - 60 E. Main St. – JM read his letter, not present

Claudia Owens, 85 W. Main St. – SD read her letter, not present

John Duff, 6 Spaulding Road

Kyle MacNichol – 107 West. St.

Emma Driskill – 3 Spaulding Rd – Direct Abutter & Co-Applicant of the Appeal – Replaced Leah Craig

Conor Powers-Smith 3 Spaulding Rd – Direct Abutter – Replaced Leah Craig moved in Dec. 2020

Lisa Ciulla – 274 E. Main St. – SD read her letter, not present online – Jeff read letter

Theodora Capaldo, 111 West St. – Emailed letter

Amy Smith – 1 Katie Ln. – Direct Abutter & Applicant of Appeal

Tracy Lasquade – 1 True Ln. – Email

JM to Tracy Lasquade, 1 True Lane – See attached letter. JM just informational before you speak, part of your letter mentions the state code 40A section 9 of the state code, this is not what we are speaking of tonight, but to explain; this section is about a locused zoned for industrial uses, I think what is happening is people are confusing the name of the district with uses that are allowed in those districts and so people say well this is a Commercial C district, and the theory being that we have allowed a special permit in a CC district, that is not allows, so it's not a correct interpretation, the commercial district if you look at the Schedule of Uses in the bylaw, the CC district allows for certain Industrial uses, just because its called a commercial district it doesn't mean that certain industrial uses are not allowed in them, just as the industrial district also allow some industrial uses, so in this case the zoning board granted a special permit for a light industrial use or use similar to light industrial use which is allowed under the bylaw and so this locus is specifically zoned to allow for industrial uses.

Tracy- I think you answered that point, she references 1st part of her letter w driveway, to consider part of Carleton drive a new driveway.

Amy Smith, 1 Katie Lane – Sent letter. I am abutter. She stated the project is too big, and there was push back from neighbors on existing site on the tonnage expansion, why was tonnage not in hearing notice? Also question on 3 separate zones.

JM – I would note that the 203 E. Main is still open, no action was taken, I don't have the notice from 2019 in front of me, again what we are focusing on tonight is Major Development Review, the ZBA decision was not appealed and is a valid permit.

Mike Birmingham, 12 True Lane – Sent 3 emails/letters. Spoke of items in his letter, spoke of access road, and tonnage concerns. Asked if board is under minding the state.

JM replies to Mike Birmingham – They still have to get a site assignment, as far as the board, we made a finding that this use was similar to light industrial use and that is permitted in the CC district with a special permit, that is the process it went thru, tonight we are not talking about a permit that has already been issue. I appreciate your comments.

Kathy Birmingham, 12 True lane – Sent email with concerns, stated concerns in letter, spoke of packer trucks in traffic report. JM – The planning board is doing traffic now.

SD reads Claudia Owens of 85 W. Main St. she was not present online.
Brian MacVoy – JM reads letter.

John Duff, 6 Spaulding Rd – Emailed concerns/letter. I don't think it's fair to interpret traffic to just commercial zone, see his letter sent to board.

Kyle MacNichol, 107 West. St. – I will not read my letter, I think there are merits to this moving it to a commercial zone not the current residential zone, I think the Carleton drive is a good location, maybe the access road, I also like promoting local business in Town, I would not want to push Mello out of town.

Conor Powers-Smith – 3 Spaulding Rd – Summarized his letter.

Emma Driskill – 3 Spaulding Rd. – Send letter I will not read letter most points have been addressed, concerned the bylaw is vague.

Theodora Capaldo, 111 West St, not present – JM addressed her concerns only that pertained to relative appeal. Not relevant to MDR.

Steve Saddler, 7 Hillside Dr. – I would like to board ask the applicant if they do have packer trucks, this project is not a good look for the town, are packer trucks included, is the traffic count on Sunday included? Please ask the applicant about the packer trucks at the current facility and will be at proposed.

JM – I don't think that is specifically relevant to what we are doing tonight.
Steve Saddler – It is relevant.

JM to NM – would you like to answer about packer trucks.

NM – the Planning board is reviewing and has done a Peer Review, there are packer trucks included in the traffic report at the new site, as to specific things I the traffic report, the Planning board is still reviewing, if packer trucks are at new site, as far as existing site that has not relevant and would answer with traffic consultant present. That Table 1 for traffic trip generation put up on the screen is 1 portion of the study the study has been updated.

Patrick Canny, 4 True Ln. – If approved, does town liable if accidents?
J. Eichman – There is no liability to the town.

Theodora Capaldo, 111 West, now present – Are any state laws violated. Bylaw says can't have education near transfer station. She also sent letter.

JM replies, to private educational use and bylaw, the CrossFit (it's a workout business in an existing building) it is not a licensed day care, none of the uses like school are in the law. He pulled up the section of the law on the screen Section 310 CMR 16.403D5, education use. It is not 500 ft., from occupied residential dwelling or prison, health care, Schools, etc. it doesn't refer to private educational use.

John Samel, 16 Carleton Drive (not a resident) – Concern about logic on process.

JM – Other board members have comments.

SD – I would thank the resident for comments

Flanagan – The number of trips along Carleton and out into residential to 133, there is a concern by the business on Carleton Drive, about Carleton Dr. becoming an extension of Carleton driveway.

JM – It would be part of the Site Plan Approval process.

SD – I am prepared to propose finding, there are kind of 2 central issue, MDR, and then procedural on the appeal itself, I could make Findings on both of those.

JM – We do need to make a decision, findings that these sections apply or not, and then the appeal itself.

SD – Yes, I would like to make finding on MDR.

GT – I am curious why we need to make Findings around MDR, and not the Appeal that is what we are discussing, why are we not voting on the Appeal... if it is valid. The MDR is not our purview, it's not even being asked of us

JM – I think it is being asked of us, the want to appeal and claiming it should apply, so can abstain for that. GT – Shouldn't we decided that the appeal is valid, before we make findings.

JM – We can do go thru it, like a special permit.

GT – It's not the same thing, it's not a special permit.

JM - A finding is merely an opinion of the board it's not a decision

NM – If I can add this again, as far as standing; I believe town counsel is correct, and advised that this is not properly before the board, that is going to the crux if this goes forward thru an appellant process. There was not a decision rendered by the inspector that is appealable and the subject matter of the appeal the issue before the board, that someone has filed an appeal, and that 40A section 7, and the timelessness of the appeal, the bylaw and vagueness, this not an appealable doesn't give you jurisdiction.

JM - If a member would like to make a finding.

GT – Can I ask Attorney Eichman's position on findings please?

JM – What about them?

GT – I am just wanting Town Counsel opinion on findings?

JM – The question is if the board is allowed to make an opinion on this matter

J. Eichman – Mr. Chair, what is the board asking me to make to do here, JM – I am not actually sure, I haven't heard the motion yet, SD has suggested we make a finding on MDR, then finding on the appeal itself, and if all those findings, are in favor, then appeal granted, and if any does not pass then appeal is denied.

GT – That is not what I said. Should we be making a finding.

JM – I don't think JE is in a position, to ask if we should or should not do anything. JM to J. Eichman if want to answer the question on making a finding you are so inclined?

J. Eichman – I would agree with you that it's not a legal question, it's if the board should or should not, to make a vote or finding on a particular issue that is up to the board, I think Gina is speaking of a finding on if MDR applies as presented to the Board, and Mr. Chair, there is nothing to prevent the board in making an opinion or finding, my caution is simply the board does have to decision the appeal and it has to give reasons to decision on appeal, and to the extent on a finding that MDR applies to its decision on appeal has yet to be made, it may not it may be a separate finding/opinion of the board on that issue it may not be applicable to the boards ultimate decision on appeal which may be based on completely different grounds.

JM – I am inclined that we come to some resolution in the best interest of a town as a whole. If any member doesn't want to then I will not hear a second on a motion.

Flanagan – To suggest we are not property before the board is wrong, the inspector refused to make a decision, he refused to do so, that is like him saying it does not apply, to suggest there needs to be a violation...this is in front of the board because he didn't make a decision.

NM – No, the building inspector said the request was not timely.

Motion - Findings

SD – I move to make some findings on MDR and then address the appeal itself.

SD - I move the board find the proposed G. Mello facility for Carleton Drive, constitutes a new use, as defined in the Georgetown Zoning Bylaw, in accordance with Chapter 165-80.2, B sub sec 1, is projected to generate more than 500 vehicles trips per day, in zoning districts other than the CC district, specifically in the residential B and industrial B districts, I further move the at G. Mello proposal it constitutes a new use 30,000 sq. ft or more in accordance with 165.80.2, B subsection 4, in accordance with the term "use" in 165-7 B, and then move that the board find the Bylaw 165-80.2 MDR is applicable to this project, in accordance, with 165-80.2 B (1) and B (4).

DK – Seconded

JM – Board Discussion, JM so, Shawn groups three items that B1 and B4 applies this is an opinion, if any one of those are triggered then MDR should apply, but this is just a finding, and doesn't conclude this or the appeal before us.

JM – I will move for a roll call vote, if there is no further discussion.

GT – Yes, DK – Yes, P.S– Yes, S. Deane – Yes, GT – Abstain. JM – Yes. **Motion carried 4-0.**

JM – There is still the issue of the Appeal of the "Godin Letter" JM Put up on Screen to view.

Flanagan – We are Appealing this letter of March 2020.

JM reviews the Godin letter, and the petitioner needs to be aggrieved by an order/decision of the Building Inspector, in my opinion I don't believe a legal determination has been made, an enforcement would also come into play with a zoning violation, there is no zoning violation here, so an enforcement action can't be taken. Chapter 40A outlines the appeal process, again, I don't believe this letter constitutes an appeal process. So, we need to make a decision on the appeal.

SD – I agree Mr. Chairman, I don't believe the applicant has an appealable issue before the board, there wasn't a determination or enforcement action or decision rendered at that time, by Les Godin. I think procedurally it's my opinion there is not a proper basis for appeal.

GT – I am curious where they are in the process now. Could the inspector make a decision now?

JM – Yes, what act could the inspector take.

JM – To Attorney Eichman

J. Eichman – Only 2 things that will give the Building Inspector jurisdiction to make a decision on whether or not MDR is for this project, #1 is an application for building permit to construct a transfer station, at that time he need to determine whether the proposed use complies with zoning, if there are permits that are required that have not been obtained then he is required to deny the application, #2 If the use of property commences and not permit is applied for and the Building Inspector believes that a permit is required, then he may then take enforcement action to prohibit the use on the grounds that they do not have adequate permits, If he doesn't not think that action request can be made by any concerned citizen who request him to enforce against the ongoing use of the property, he can make a response at that time, Until that happens he can issue at best an opinion, if is his so inclined, but not required to.

JM to answer Gina's question, he can render his opinion to the project, but not required.

JM - Gina does that answer your question?

GT – It does I like feel not matter what happens this evening there is still a chance it can go either way; I still believe it's the building inspector's job.

Appeal

SD – I move that the Board finds that the former Building Inspector Les Godin letter of 3/26/2020, which forms the basis of the applicant's current appeal does not constitute any of the following:

- It does not constitute an enforcement action, the granting or denial of a permit, a decision a determination nor an order from the Building Inspector.

I further move that the board finds at the present time there is no basis for appeal, and therefore the and therefore based on the findings made by the board, I move that the Board Deny the petitioners Appeal for these reasons;

DK seconded. Discussion. GT – I struggle with this, sometimes decisions are purely procedural.

PS – I think its clear, we have done our due diligence.

DK – I did lean much tonight about this type of issue, moving forward we won't always agree.

JM – I will move for a roll call vote, if there is no further discussion.

GT – Yes, DK – Yes, P.S– Yes, S. Deane – Yes, GT – Yes, JM – Yes. **Motion carried 5-0.**

The Appeal has been Denied.

JM – Motion to close the hearing. PS moved, DK – second. Roll call
GT – Yes, DK – Yes, P.S– Yes, S. Deane – Yes, GT – Yes, JM – Yes. **Motion carried 5-0.**

Patty Pitari
Administrative Assistant

Approved 6-1-21