

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
June 21, 2018**

**Members present:**

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk; Janice Swanson, Vice-Clerk; Jim Gouveia, Member; Chris Carmichael, Associate Member; Joseph Urbanski, Associate Member

**Members absent:**

Daniel Gillis, Associate Member

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:00 p.m.

Roll called. Bills signed.

Mr. Foster stated that in accordance with the Open Meeting Law he was announcing that he and the secretary were making an audio recording of the meeting. Mr. Foster advised that LakeCam was also making a video recording. He asked if anyone present was making a recording. There was no response.

Mr. Foster stated that before he opened any hearings, Mr. Jaimie Bissonnette had requested a few minutes before the Board. Mr. Bissonnette then approached the Board. He advised he was speaking regarding 20 & 22 Main Street. Presently, there was an existing building on each lot. The two owners have decided they would like to market the property as one, tear down the two buildings, and market it as business or some type of commercial use. They have asked him to come before the Zoning Board because even after they merge the two lots, it will still not conform to new construction standards unto itself. However, it will be creating a more conforming situation instead of the present two lots. They would like to know if the Zoning Board would look favorably upon this request.

Mr. Foster asked if Mr. Darling, the Building Commissioner, had looked at this. Mr. Bissonnette replied that he had. Mr. Darling was also present. He advised he thought it was a good idea, and that it would be less non-conforming which would be good for the Town. Mr. Foster asked what the size of the new lot would be. Mr. Bissonnette said that it would be approximately 60,000 square feet. Mr. Foster asked what the intended use would be. Mr. Bissonnette replied that it was zoned business so possibly retail or office space.

Mr. Foster asked what other members thought. Mr. Olivieri said they were making it a less non-conforming lot and if they were not for any other relief then this did make sense. Mr. Carmichael thought there should be a stipulation that the existing buildings would be taken down as part of this. Mr. Foster agreed that this plan made a lot of sense.

Mr. Foster noted that there were twelve hearings on the agenda. Two of the hearings were asking to continue so they would take care of those requests first.

#### **Nemasket River Landing, LLC hearing, continued – 27 & 31 Commercial Drive**

Mr. Foster opened the Nemasket River Landing LLC hearing at 7:06. He then read the June 13, 2018, letter from Atty. Michael O'Shaughnessy into the record. Atty. O'Shaughnessy had requested a continuance until the July meeting date.

Mr. Curtis made a motion, seconded by Mr. Olivieri, to continue the Nemasket River Landing, LLC hearing until July 19, 2018. The time would be at 7:00. The **vote** was **unanimous for**.

The hearing closed at 7:06.

#### **Riverside Lakeville, LLC hearing, continued – 29, 32-36 Riverside Drive**

Mr. Foster opened the Riverside Lakeville, LLC hearing at 7:06. He read the June 13, 2018, letter from Atty. Michael O'Shaughnessy into the record. Atty. O'Shaughnessy had requested a continuance until the July meeting date.

Mr. Urbanksy made a motion, seconded by Mr. Curtis, to continue the Riverside Lakeville, LLC hearing until July 19, 2018. The time would be at 7:00. The **vote** was **unanimous for**.

The hearing closed at 7:07.

#### **Andrews hearing – 51 Nelson Shore Road**

Mr. Foster opened the Andrews hearing at 7:07 and read the legal ad into the record. Mr. Jamie Bissonnette of Zenith Consulting Engineers was present. Mr. Bissonnette advised that they have filed a request for a Special Permit and Variance. Their proposal is to take down the existing house to the foundation and reconstruct the house two and a half feet higher to be flood compliant. They would also like to construct a farmers porch on the front of the house which would square off that section with an overhang. They are also proposing an outdoor grilling/barbecue style area on four posts. This would extend into the side setback.

Mr. Foster asked if the new house would use the existing footprint. Mr. Bissonnette said that it would. The farmers porch on the front corner is a small increase. Mr. Foster said that it appears that this would be 17.6 feet from the property line. Mr. Bissonnette said that was correct. Mr. Foster asked how many bedrooms the house had, and how many there would be after the proposed work was complete. Mr. Andrews advised there would be two. Mr. Bissonnette noted the property was deed restricted to two bedrooms. Mr. Foster asked if they had calculated the lot coverage. Mr. Bissonnette replied it was under the 25% and closer to 20%.

Mr. Foster asked if anyone present would like speak for or against the petition. Mr. Carl Huerth of 53 Nelson Shore Road was in favor of the petition, and thought it would be beneficial to the area. Mr. Bill O'Reilly of 36 Nelson Shore Road had no problem with the proposed project. Mr. Foster then asked if there were any comments from the Board. Ms. Swanson asked how high the second floor would be. Mr. Bissonnette replied that they were picking up the foundation approximately two and a half feet making the first floor roughly nine feet high and maybe about 21 feet to the top of it. He noted that raising the house up will make them flood compliant.

Mr. Foster then read the comments from the various Town Boards into the record. The June 14, 2018, memo from the Planning Board indicated they had no comment on the proposed petition. The June 18, 2018, memo from the Board of Health stated that the applicant had been instructed to have an official Title V inspection done to verify the system is in compliance. The June 12, 2018, memo from the Conservation Commission advised that the applicant is required to file a Notice of Intent prior to the beginning of any activity at the site.

Mr. Olivieri then made a motion to approve the petition. After a discussion among the Board it was agreed to include the following restriction:

1. The free-standing roof and columns over the existing bar area will not establish a new setback.

Mr. Curtis seconded the motion. The **vote** was **unanimous for**.

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:15.

### **O'Brien hearing – 1 Hazel Street**

Mr. Foster opened the O'Brien hearing at 7:15 and read the legal ad into the record. Mr. O'Brien was present. He advised he wanted to place a carport over an existing driveway. Mr. Foster asked if there was anything there presently. Mr. O'Brien replied it was just the driveway. He was not replacing anything. He stated that his neighbors did not have an issue with the proposal.

Mr. Foster said that normally they would want to have engineered drawings which would have dimensions on them. He was intruding into the setback and his drawing states +/- 4' from the street. They need to know how far it is from the property line which may or may not be exactly where the street is. Mr. O'Brien replied that his property line was down at the end of the strip. Mr. Foster then asked why he could not move the carport back. Mr. O'Brien said that because of his age he did not have the ability to move the snow out. Ms. Swanson said she could see the need for it. Mr. Foster agreed, but said there is apparently other space on the property where the carport could be placed, and it would not intrude into the setback. Ms. Swanson said it appears from the pictures that Mr. O'Brien is currently parking in this area.

Mr. Foster asked if any neighbors were present. A resident from 16 Robbins Lane was present. He felt the carport would impact him because of the noise. Mr. Foster said he was a little puzzled by the objection as this is an existing parking spot. He replied he was concerned this would extend beyond the protected land. Mr. Foster said that this protected land abuts the street. The abutter then came forward and consulted the plan. Mr. John Lens did not think this would cause any additional noise or make any impact.

Mr. Foster then read the June 15, 2018, letter from the Board of Health into the record. The proposed carport met the Board of Health required setbacks. Mr. Foster then asked if anyone else would like to comment on the petition. It was asked what qualifies you as an abutter. Mr. Foster replied that an abutter would be anyone that touches the property or is within 300 feet.

Mr. Curtis then made a motion, seconded by Mr. Gouveia, to approve the petition with the following restrictions:

1. The carport is to remain open with no walls to be allowed.
2. The carport will not establish a new setback.

The **vote was unanimous for.**

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:26.

#### **Perrault hearing – 1 Main Street**

Mr. Foster opened the Perrault hearing at 7:27 and read the legal ad into the record. Mr. Foster noted that approximately ten years ago the Zoning Board gave permission on this property to change it from a residential use to a business use for a lawyer. He thought they had moved to different offices and now the request is to have the building revert back to residential use.

Atty. Robert Mather was present. He advised that although this property is located in the business district it is at the very edge with the residential district to the left of the property. It is a small lot at only 12,278 square feet with 170 feet of frontage. It was used as a single family home from the time of its construction until around 2006 when it was converted to a business use. Most recently it was used for a law office. He noted that because the lot is so small the parking is limited, and because it was a house it did not convert well into office space. The attorney has since moved into a more desirable location.

Atty. Mather noted the property was on the market as a business use but it did not sell because of those deficiencies he had mentioned. The lot has now been sold to Mr. Marvin Valdez who wants to convert it back to a single family dwelling which is the way it was for 54 years before it was converted to business use. Therefore, they are here for two procedural reasons. The first is the use of the property for a single family dwelling in the business district requires a Special Permit. In addition, the property is non-conforming and another part of the bylaw comes into play which is 6.1 which deals with non-conforming uses. When it was used many years for a dwelling it was a pre-existing, non-conforming use because it was a single family home in the business zone but that use was abandoned for more than two years. The bylaw provides, if it is abandoned, for the use to be re-established only if the Board issues a Special Permit.

Mr. Foster noted that the property right now has the look and feel of a residence. Atty. Mather replied that was correct. He stated although he wouldn't normally support putting residential in the business district, in this case, the property is right on the edge. It actually faces out onto Rhode Island Road, and looks like one of the residential dwellings. For those reasons, he thought this Special Permit would be appropriate.

Mr. Foster then asked if anyone present would like to speak for or against the petition. No one spoke. Atty. Mather noted that he had spoken with the direct abutter in the business district, who was Mr. Bissonnette. He was present and had no problem with the petition. Mr. Olivieri thought the best intended use right now was residential. It was a house and the Board granting this Permit did not prevent anyone from coming back in the future and converting it back to a business use.

Mr. Olivieri then made a motion, seconded by Mr. Curtis, to approve the petition as presented. The **vote was unanimous for.**

The hearing closed at 7:35.

#### **Cloutier hearing – 25 Central Avenue**

Mr. Foster opened the Cloutier hearing at 7:36 and read the legal ad into the record. Mr. Foster noted that this petition was not much different from the one they had just looked at. He asked Mr. Cloutier why the carport had to be so close to the property line. Mr. Cloutier replied it would be close to his house, and that is the only place he would want

to put it. Mr. Foster said it appeared the carport would be very close to his neighbor's property line. Mr. Cloutier said that neighbor was not here, but he did not have a problem with the carport.

Mr. Foster asked how far the carport would be from the house. Mr. Cloutier replied it would be about 20 feet from his house if he kept it close to the property line. Mr. Carmichael asked if he planned to extend the driveway over to reach the carport. Mr. Cloutier said that it was beyond the driveway and all grass. He cuts a lot of firewood and just wants to keep it all covered which is what the carport would be used for. Mr. Foster asked if this was going to be portable. Mr. Cloutier stated it would be anchored, but he was not sure yet if he would add any stone. Mr. Foster said he thought if it just sat on the ground it would be considered a portable structure.

Mr. Foster asked Mr. Darling, the Building Commissioner, what he thought. Mr. Darling replied that he had no problem with the petition. This piece of the bylaw had been created to specifically allow these accessory structures in the setback by definition. He saw this to be a structure requiring a Special Permit. Mr. Foster noted that although it will be anchored to the ground it would not be set in concrete so it could be picked up and moved. Did he really need a Permit for a structure like that? Mr. Darling replied that he believed a Permit was required in this instance. Mr. Cloutier added that the company he is purchasing the carport from does want a Permit.

Mr. Foster asked if anyone present would like to speak for or against the petition. Mr. Carmichael asked if the neighbors had any problem with Mr. Cloutier running a log splitter from the carport. Mr. Cloutier stated they did not. Mr. Urbanski asked if it would be open on all sides. Mr. Cloutier replied that all the sides were open.

Mr. Olivieri made the motion, seconded by Mr. Urbanski, to approve the petition with the following conditions:

1. The carport is to remain open with no walls to be allowed.
2. There will be no foundation.
3. The carport will not establish a new setback.

The **vote** was **unanimous for**.

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:42.

#### **Nashawaty hearing – 3 Pinecrest Drive**

Mr. Foster opened the Nashawaty hearing at 7:43 and read the legal ad into the record. Mr. Foster asked how big the property was. Mr. Nashawaty replied it was 13,000 square feet. He noted it was the last house on a dead end road and that on his side of the road no

one abuts him. Mr. Foster clarified that Mr. Nashawaty wanted to put an addition on the existing dwelling and put a large addition on an existing garage which would come to within one foot of one property line and three feet of the front property line. In addition, he also wants to build another 24' x 35' garage. Mr. Foster stated this was a lot of work to do on such a small piece of land. Mr. Nashawaty said it was an existing garage, and he was just making it wider. Where the garage is on the other side, it is just a paper road.

Mr. Foster asked if he was enlarging the garage why did he also need an additional garage? Mr. Nashawaty said that it would be only for storage. There were no plans for water, a second story, etc. It would be just an open structure for storage. Mr. Foster asked what the proposed addition to the dwelling would be. Mr. Nashawaty replied he was squaring off the back of the house and adding a room above it. Mr. Foster said that was more than squaring it off. It would be a large room with either a full bath or maybe a half bath. Members noted this could easily become a bedroom. It was asked what the septic capacity was. Mr. Nashawaty said it was designed for three bedrooms.

Mr. Foster said this is a lot of expansion on a small property. Mr. Nashawaty noted that he was pretty much keeping within the foot print of the house. Mr. Foster said that he was looking at the setbacks. Mr. Nashawaty is requesting a one foot setback as well as three feet on the other side. Mr. Nashawaty replied that it is a paper road on one side, and it is all wooded but there are no wetlands. Mr. Foster said the practical reason for a setback is to allow enough access room for an emergency vehicle. Both of these proposed setbacks restrict that access. He also said another reason this is not a good idea is if Mr. Nashawaty needs to repair his property, he would have to walk onto someone else's land to do it. Mr. Foster said that he was opposed to all three things that were being requested.

Mr. Carmichael said that although they could do a restriction to not allow additional bedrooms or a full bath, he did have a problem with the requested setback. Mr. Olivieri said he needed more information and at this point he was not in favor of anything proposed. Mr. Foster asked if anyone present would like to speak for or against the petition. Mr. John Lens of 19 and 22 Pinecrest, the direct abutter, then spoke. He advised he had been in this same position about two years ago. The Board gave him restrictions on how big his garage could be on his property. It could not be habitable; he could not do anything upstairs in the garage; and he had to be 20 feet from the property line. He abides by every rule and condition. The proposal to build a garage three feet from his property line when he was not allowed to deviate from what the Board imposed on him was not acceptable. He had no problem with anything he wanted to his primary home for his family but he noted Mr. Nashawaty had been very concerned about his own garage every day. Mr. Nashawaty clarified that the concern was things happening one right after another.

Mr. Foster said the Board had no intention of re-litigating a hearing from three years ago. He hopes Mr. Nashawaty was hearing the pushback from the Board as well as his neighbor, at least about the two garages. He was also concerned that if the Board looks at the plans provided for the house, there is not enough information. The plans don't show

the bathroom downstairs but do show a full bath upstairs with what to him looks like a master bedroom. He recommended coming back with engineered plans.

Mr. Darling, Building Commissioner, then spoke. He stated that this had been presented with an engineered plan but had not been stamped because it was proposed. He questioned the dissimilarity with this and a previous petition that went through with no structural drawings of the house and no floor plan. Mr. Foster replied that the Board does not set precedent and a mistake made before does not set a precedent to make it again. However, he felt no mistake had been made but it would be a mistake to approve this petition with the amount of expansion he wanted to do on a 13,000 square foot lot.

Mr. Steve Reed of 4, 6, & 8 Pinecrest also spoke. He agreed that the setbacks needed to be respected and if he did need to encroach on a setback; it should be minimized as much as possible. He felt that area was already congested and adding so much structure to it was not the right thing to do. Ms. Swanson stated that she would agree with Mr. Lens and be more in favor of what had been requested for the house. She didn't know if the Zoning Board had the right to design inside the home but felt that the Board of Health determined bedrooms. She didn't know how other Board members felt.

Mr. Olivieri would prefer better plans but didn't think they had to be engineered as long as they provided some clarity. He definitely felt the garages were the issue but he was in favor of repairing and expanding the house. Mr. Olivieri then asked Mr. Darling if he knew if the Health Agent was in favor of this plan. Mr. Darling did not know but stated that he could not issue a Building Permit until the Board of Health signed off on the plan. Mr. Foster then read the June 18, 2018, letter from the Board of Health into the record. It stated there would be no increase in flow and that the proposed addition to the garage would be for storage only. Mr. Foster said if there were no further comments he would like a motion.

Mr. Olivieri wanted to clarify that the petitioner would not be able to move forward, even if it was approved tonight, unless the Board of Health was satisfied. Mr. Darling said that was correct. Mr. Curtis noted that he would still like to see a better plan, and he was not happy with the second floor addition. Mr. Foster said they could request a memo from the Board of Health confirming this was a three-bedroom system. He asked if he was suggesting they continue until they get better drawings and confirmation from the Board of Health that it is a three-bedroom system.

Mr. Olivieri said he was suggesting and making a motion they approve only the proposed addition and work on the existing dwelling portion of the petition. It does not include the proposed addition to the garage or a new garage and would have the following restrictions:

1. This Special Permit approval is for only the portion of the application requesting additions to the existing dwelling.
2. This Permit is contingent upon confirmation from the Board of Health that the septic system is an approved three-bedroom design.



The motion was seconded by Mr. Carmichael. The **vote** was **unanimous for**.

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 8:08.

### **Tragiannopoulos hearing – 162 Bedford Street**

Mr. Foster opened the Tragiannopoulos hearing at 8:09 and read the legal ad into the record. Mr. Paul Tragiannopoulos and Mr. Richard Rheume, Engineer were present. Mr. Rheume explained that in the plan in front of them Lot #1 was the old railroad depot that is now a tire facility. The next lot, 162, is the house and it didn't have enough frontage. It had 166.9 feet of frontage so they took the line and slid it over so there is now 175 feet and the lot is fully compliant with all dimensional requirements. They are here tonight to ask that the existing dwelling be allowed to remain even though the lot lines have been moved.

Mr. Foster asked how far the lot line had been moved. Mr. Rheume replied it had been moved from 166.9 feet to 175 feet. He advised that all the lots now comply with the frontage, have at least 70,000 square feet, and have enough contiguous upland. They comply in every regard but this is a business zone and they are asking that the home be able to remain even though it is in the business zone. Mr. Foster asked if all three petitions were the same. Mr. Rheume replied they were not.

Mr. Foster asked if anyone present would like to speak to this petition. No one spoke. He asked Board members if they had any comments. There were none. Mr. Foster then asked who operated the Tire Depot. Ms. Donna Caetano said that a Mr. Berube rents it and operates his business out of the train station. Mr. Rheume replied they have received approval from the Historical Commission to allow the train station to be demolished. They delineated the wetlands on the site, and the wetland line has been approved by the Conservation Commission.

Mr. Foster said that they have a June 21, 2018, letter from the Board of Health. It references 160, 162, and 164 Bedford Street. He then read the letter into the record. Mr. Foster also read the September 15, 2015, letter to Mr. Berube into the record. It detailed the steps that must be taken to bring the property under Board of Health compliance. There was also a June 11, 2014, letter from the Board of Health which also documented the health issues at the site. Mr. Rheume replied the first step to responding to these issues was having the wetlands line approved, and then surveying the property. They have located the well on the adjacent property which allows them to schedule the percolation test and do the septic design.

Ms. Caetano noted that she had approached the tire people, the Building Department, and the Board of Health to try to clean up that facility. It has been over four years, nothing has been done, and it is still noncompliant. Mr. Foster asked Mr. Tragiannopoulos if he

was the owner. Mr. Rheume replied that he was not. He was the proposed buyer. The tire facility owner is being evicted and the property is going to be cleaned up. Mr. Tragiannopoulos wants to purchase the property. Mr. Rheume noted that right now they were not talking about Lot 1 but Lot 2, and if the Zoning Board is going to allow the increase of frontage. Mr. Foster replied that the three lots were intertwined, and they did need to figure out certain things and how they are related. Mr. Rheume explained they were trying to make all three lots fully compliant. This was not at the expense of any adjacent lot.

Mr. Olivieri said it appeared the Board of Health had included all the lots in their memo. Although they are entangled, he would prefer they deal with them one at a time. There are issues with 160, but that did not appear to be the case with 162. Mr. Darling said the issue is more the pre-existing, non-conforming residential use rather than the property line. The change will create a new, conforming lot but what they are looking for here is a Special Permit to allow a residential use in a business district, not to allow the change in lot lines.

Mr. Carmichael made a motion, seconded by Mr. Curtis, to approve the petition as presented. Mr. Foster explained that this vote was to approve the continued use of 162 Bedford Street for residential purposes. The **vote was unanimous for**. Mr. Foster noted that Mr. Olivieri was not present for the vote.

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 8:30.

#### **Tragiannopoulos hearing – 160 Bedford Street**

Mr. Foster opened the second Tragiannopoulos hearing at 8:30 and read the legal ad into the record. Mr. Rheume stated that the proposal for this lot is to allow the existing property to be demolished and to erect a commercial garage and residential dwelling where the owner would reside. He advised that included in the proposal is a condition that the property will be cleaned up and be brought fully into compliance. Mr. Foster said in essence they would completely clean the property and tear down the old train station. Mr. Rheume said that was correct. Mr. Foster asked what the impervious coverage would be. Mr. Rheume said they have done the computations and was not sure but knew they were not even close to the maximum allowed.

Mr. Foster asked Mr. Darling what his thoughts were on this application. Mr. Darling said to summarize, this property has been a blight for years. He worked with DEP for years to make some determinations as to bathroom facilities. They had an environmental crew go in there and clean up six to eight barrels of waste oil. Even though this may not be ideal, if the Board would condition it to be fully cleaned up, it was the better option of the different scenarios for the property.

Mr. Foster asked what type of business was proposed there. Mr. Tragiannopoulos wanted to state for the record that he had no type of relationship with the owner who he believed had passed. The daughter inherited the property, and from what he has gathered from neighbors, it is horrific. He is proposing to build a new house in the back and in the front a garage for truck restoration. It would be a minimal use. There would be no outside storage, no tires, no trailers, no trucks, etc. He planned on living there with his family so he intends to bring the property up to top notch condition. He noted that part of the condition of the purchase is the property has to be entirely cleaned, or there is a big penalty that will affect the purchase price. He understood the neighbors' concerns, and he can guarantee this property will be in top rate condition.

Mr. Foster asked what the Board thought of this proposal. Board members thought it was a big improvement to the property. Ms. Swanson said she did agree with Board members that this would clean up the property and be good for the neighborhood and Town. She questioned though if they should allow a house and business on a new lot. Mr. Rheume said this was a new lot, and they were asking for a home occupation and the business use. Mr. Foster replied that does not conform to their home occupation bylaw as only 25% of the home can be used for the business. This was a large external business.

Mr. Rheume clarified their request was to allow an owner/operator to have his house on the same property as his business. Mr. Carmichael said this was not allowed in the bylaw. In his opinion, he was in support of the property being cleaned up and putting in a business. However, he did not think adding a residential home was acceptable. Mr. Rheume noted that unfortunately, unless his client could get this proposal approved, he would not be able to move forward with the purchase and clean up of this property.

Mr. Foster asked if anyone present would like to speak for or against the petition. The abutter who lived across the street was in favor. He stated this would finally get the property cleaned up which would be a big improvement. Ms. Caetano had no opposition to a home in the back. Mr. Scott Dixon asked if a 21E would be done on the property. He was worried about contamination. He also asked what type of truck business it was. Mr. Tragiannopoulos said that it would be large trucks. They do some equipment but it is not very high traffic. There is no auto body, noise, or machinery. All of their stuff will be inside. Mr. Foster said if they were to approve this and consider a restriction on the number of trucks parked outside at night, what number would he put there. Mr. Tragiannopoulos replied there would be no more than ten total outside and in the garage.

Mr. Gouveia asked if the trucks would be fenced in and not visible from the road. Mr. Tragiannopoulos displayed on the plan where the trucks would be located. They would not be visible from the road. It had been stated this would not be allowed under Mass General Law. Mr. Olivieri asked Mr. Darling what he thought. Mr. Darling replied he had heard a home occupation was not allowed in anything else beside a principal structure which was not necessarily true. A home occupation allows the use of an exterior building. Mr. Foster said that it was 25%. Mr. Darling said he did not think it was possible to stay within that 25% but relief could be given. There is another section in the bylaw that says the accessory building can't be specifically for the home occupation

but that wouldn't necessarily preclude him from building that as a residential garage and then turning it into a home occupation after. It is the 25% that would be problematic. For the record he would suggest the trucks be conditioned down to two. He felt ten trucks outside would be too much.

Mr. Foster asked Town Counsel, Atty. Amy Kwesell, for an opinion on this. Could they permit new construction of a dwelling and a business building which would be approximately twice the size of the home on a business property? She said it does say the home occupation shall be accommodated in the existing dwelling. She said the building could be built as by right; the house would need a Special Permit. She was unsure of the prohibition on more than one principal use. Mr. Foster then read 6.4.1 which did allow the use of an accessory building in a home occupation. Mr. Carmichael asked if they granted the Special Permit for the home would they be violating Mass General Law. Atty. Kwesell replied that is something she would have to look at. There were two principal uses on a lot so you would need a Variance, and then you would need a Special Permit for the dwelling.

Mr. Foster stated that this was a complex matter and because they were so uncertain, he suggested they continue the hearing so research could be done. This would make sure that what is done does not put either Mr. Tragiannopoulos or the Town at risk. Mr. Tragiannopoulos agreed to continue the hearing. Mr. Dixon voiced his concern again that if the property was bought with cash a 21E would not be done, and it would not get cleaned up. Mr. Foster replied they could make the clean up a condition but realistically, Mr. Tragiannopoulos would not want to buy the property and then find out it is contaminated especially if his plans are to live there with his family.

Mr. Curtis made the motion, seconded by Mr. Urbanski, to continue the Tragiannopoulos hearing for 160 Bedford Street until July 19, 2018, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 8:58.

#### **Hoard hearing – 164 Bedford Street**

Mr. Foster opened the Hoard hearing at 8:59. He asked if he understood correctly that Mr. Hoard had passed away. Mr. Rheame said that was correct. There should be documentation with the application that indicates his daughter has authority to act for the estate, and he was presenting for the estate. He advised this application is the same as the first one heard tonight. The lot lines have been changed to make it a fully compliant lot, and they ask that they allow the existing residence to remain.

Mr. Carmichael thought the petition was very similar to the first one they heard and they had not had a problem with that one. Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke.

Mr. Carmichael made a motion, seconded by Mr. Curtis, to approve the petition as submitted. The vote was **unanimous for**.

The hearing closed at 9:00.

**Nature's Remedy of Massachusetts, Inc. hearing, continued – 310 Kenneth Welch Drive**

Mr. Foster opened the continued Nature's Remedy of Massachusetts, Inc. hearing at 9:00. Mr. Robert Carr was present. Mr. Foster stated they had a signed and approved Host Community Agreement (HCA.) He asked Atty. Kwesell what the Board needed to do. She replied they should have the applicant describe the operation again. They should also establish any buffers between the properties, hours of operation, or if there are to be any traffic restrictions. She did recall they spoke about traffic at the last meeting, and it did not seem to be an issue. The Board then needs to consider that this operation is not more detrimental to the neighborhood.

Atty. Kwesell also noted that a compost pile had been mentioned at the last meeting, but she would recommend against it. Mr. Foster asked what the compost pile would be for. Mr. Carr replied it would be for the grindings of the stalks of the plant. These plant remains would not contain THC. However, if they didn't want it, they could do a container instead.

Mr. Foster asked what is the volume they project they might produce. Mr. Carr believed that for a 30 yard container that volume would last them for two to three months. Atty. Kwesell asked how many parking spaces there were. Mr. Carr said they have 70 existing spaces right now. Mr. Foster asked how many employees he thought they would have. Mr. Carr replied they have approximately 30 employees working on cultivation. Mr. Urbanski asked if it would be single or multi work shifts. Mr. Carr said they will have a single shift and work toward having two shifts.

Ms. Swanson wanted to clarify this was for medical only. Mr. Carr said that was correct. Mr. Olivieri asked if they were to go to recreational, would they have to come back. Atty. Kwesell replied they would, and they would have to negotiate a new HCA. She advised, according to their bylaw, the Site Plan has to be incorporated into their Special Permit Decision. Do they have a copy of that from the Planning Board? Mr. Foster was unsure. Mr. Carr said they did have Site Plan Review. Board of Health approval was also required. Did they have that? Mr. Carr said he did not have it on him but believed staff should have sent it in.

Atty. Kwesell advised the following were some of the items or conditions, which somewhat echoes the HCA, they would want to put into the Decision:

- The Fire Department and Police Department must sign off before any Building Permit or Certificate of Occupancy is issued.

- Hours of Operation. Mr. Foster recommended the hours of operation mirror the following hours of operation at the pharmacies at CVS and Walgreens.  
CVS - weekdays 9 to 9, Saturday 9 to 6, Sunday 10 to 6  
Walgreens – weekdays 8 to 8, Saturday 9 to 6, Sunday 10 to 6
- Signage. Atty. Kwesell advised the content of the signs is strictly regulated under the regulations, but will the size of the signs be in conformance with the bylaw? Mr. Carr said they would.

Mr. Gouveia asked what the length of the work shifts would be. Mr. Carr replied as they get going in production on the cultivation side, he suspected they would be there at 7 a.m. to 7 p.m. Ms. Swanson said that she did not see any problem with anyone working inside at night.

Mr. Foster asked what the Zoning Board needed to do to approve the Permit. Atty. Kwesell replied there have been findings made at their last meeting and tonight. This is being proposed in an existing building so there is existing parking, which is adequate, and there is existing landscaping, which is adequate. Traffic is not a consideration, and any proposed signage would be in accordance with the bylaw. Those would be the findings and as a result of those findings, this Board needs to determine if this is no more detrimental to the neighborhood, which is the Industrial District.

Atty. Kwesell advised once the Board makes that ultimate finding, one condition would be the hours of operation; either the hours of the other pharmacies or what the applicant proposed, which had been weekdays 10 a.m. to 7 p.m. and weekends 11 a.m. to 4 p.m. Mr. Olivieri suggested they go with the broader hours so if the applicant decided to expand them in the future, they would not have to return to the Zoning Board. Mr. Foster then recommended the hours be weekdays 8 a.m. to 9 p.m., Saturday 9 a.m. to 6 p.m., and Sunday 10 a.m. to 6 p.m.

Atty. Kwesell said other conditions would be the Special Permit is contingent upon a Host Community Agreement, and there shall be no outdoor composting. She said they also need Site Plan approval and Board of Health approval. She did recall there had been a letter from Board of Health at the last meeting. Mr. Foster asked if there was any further comment from the public. No one spoke.

Ms. Swanson then made the motion, seconded by Mr. Olivieri, to approve the petition with the following conditions:

1. This Special Permit is contingent upon a valid Host Community Agreement. If for any reason the Host Community Agreement becomes invalid, this Special Permit is no longer in effect.
2. Hours of operation will be as follows:  
Monday through Friday 8:00 a.m. to 9:00 p.m.  
Saturday 9:00 a.m. to 6 p.m.  
Sunday 10:00 a.m. to 6:00 p.m.

3. There shall be no outdoor composting.

The vote was **unanimous for**.

The hearing closed at 9:19.

**The Residences at LeBaron Hills, LLC, hearing continued – M26-B3-L10**

Mr. Foster opened the continued The Residences at LeBaron Hills, LLC hearing at 9:20. He stated before they got into some of the issues of the petition, they had some housekeeping items to take care of. He has received additional complaints regarding noise and construction past the hours that are stipulated in the existing Comprehensive Permit. The complaint indicates there was construction going on at 8:00 p.m. and 8:15 p.m. on two successive nights. Atty. Mather responded that Mr. Itani has tried to do everything he can to control this. They had an issue that people were working on Sundays so they adopted a policy. Letters have been sent to all their sub-contractors that state there should be no activities of any kind on the holidays. Mr. Itani is informing them there is a penalty or fine of \$100 for the first offense. These letters have been signed, and Mr. Itani has already fined two contractors. This fee is then sent to the Senior Center.

Atty. Mather noted they haven't had a lot of people complain, but there is one gentleman in particular that does complain and has called the police. They are doing the best they can, and he welcomed any suggestions. Mr. Foster felt that somehow it should be conveyed to this person that there are certain behaviors on his part that are equally unacceptable and harassing or talking to people who drive on the property who are looking at the homes is not acceptable. They may even ask Town Counsel to write a letter explaining some of these things.

Mr. Foster clarified that statement number one in the condition states in bold and underlined "absolutely no construction activities of any kind." That should include arriving at the property or leaving the property. Mr. Itani responded that some employees do arrive five to ten minutes earlier as work officially begins at 7:00. This is people driving their own cars not large trucks or deliveries. Mr. Olivieri asked what the allowed hours were. Atty. Mather replied it was 7 a.m. to 5 p.m. Mr. Darling had indicated the allowed Town hours were 7 a.m. to 7 p.m. Mr. Olivieri noted that soon people would be moving in and you could not regulate the time, for example, they would cut their lawns. He felt what had been put in place was sufficient.

Mr. Itani stated what they set up was the first offense for contractors violating the work hours was \$100 and the second offense was \$300. These donations are sent to the Senior Center. Atty. Kwesell wanted it noted the donation was not required from the Zoning Board. Mr. Itani said that was something they did on their own. Selectman Powderly advised a couple of points of interest were that they had received some checks at the Senior Center, but he would recommend the hours be changed. He felt this site should

have the same hours as any other construction site in Town. If there is only one individual calling, he would suggest that he is harassing them and maybe they should do a no trespassing as it doesn't appear that he is going to stop.

Mr. Foster asked if they could change the hours. Atty. Kwesell advised they could change the hours for Phase IV and Phase V but not the existing Phase unless they came back for a modification. Mr. Foster recommended they see how things continue to go for Phase III, and if it goes well then they could consider longer hours for Phase IV and Phase V. Selectman Powderly noted that the code enforcement for any rule breaking was through the Building Commissioner. Although the Police Department can go out there and make a report, it would go to Mr. Darling. Mr. Darling said he has gone out there every day this week and the most he has seen after 5:00 is someone sweeping or picking up their tools. He was in favor of longer hours and felt that the longer hours they had, the quicker the project would be completed. Mr. Foster agreed. He felt they should see if they could get better compliance, and then take it from there.

Mr. Foster said another issue on their list was the potential of Indian artifacts on the new parcel of land and if this had ever been addressed. Atty. Mather was sure it had been addressed as they had to do a Massachusetts Environmental Policy Act (MEPA.) Mr. Foster noted that this parcel had not been included when that was done. Atty. Mather replied he had done some research and found that there is a State law, Chapter 9, Section 26, that says any project that requires funding, licenses, or permits from any State Agency must be reviewed by the Mass Historical Commission. They don't require a permit from the State Agency, but they have no problem if they want to put a contingency in the Comprehensive Permit that says if they are required to submit a project notification to the Mass Historical Commission, they will do so before work commences.

Atty. Peter Freeman, co-counsel for the applicant, then spoke. He advised there was a MEPA certificate that was issued and an Environment Impact Report that had been required in the beginning of the project. It lists a few areas or issues such as wastewater where a Groundwater Discharge Permit, which is a State Permit, was issued. It was unclear if there was any review done under historic, and it was not listed as an interest area. It may be that there was no concern or no known Indian artifacts but as was said, because it is a new parcel and there was a State Permit issued they may have to file a Notice of Project change and a project notification to Mass Historical. They will do what is necessary, but if the Board would be more comfortable with it as a condition that would be appropriate.

Mr. Foster said they should do what is ethical and legal, but he would like to see this done as quickly as possible. Mr. Carmichael asked when the artifacts were uncovered. Atty. Mather replied in the first project a study would have been done, but nothing was found. The question was asked if they needed to do this on the project that was being added, but he was not sure. Atty. Kwesell said she was a little confused. Atty. Freeman said there was no archeological study done, and Atty. Mather said there was. Atty. Freeman clarified that he did not know. Atty. Mather said that requesting a State Permit



would trigger this study, in addition to a MEPA. Atty. Kwesell said not necessarily but they have comments. It doesn't mean that it was the trigger. She asked if it was accurate that a study had not been done. Mr. Foster said he would propose they move forward and not make it a condition but they take it on the good word of the developer, to do it and report back. Atty. Kwesell noted that she would recommend it be a condition if the applicant is willing to do it.

Atty. Mather stated there were five things they wanted to talk about tonight and two of them, the hours of operation and the historical assessment, have been covered. The following are the remaining three items:

1. The engineering issues.
2. Discussing the number of affordable units that are counted and will be counted, and confirmation that no affordable units will be necessary until they reach 248 units which will be in their Phase V.
3. Proforma requirements and issues that were raised by Selectman Hollenbeck about the cost certifications.

Atty. Mather noted that if you go all the way back to the original Comprehensive Permit, the developer promised to do certain mitigation issues. They have done all of them with the exception of the installation of sidewalks on Precinct Street from Fern Avenue up to the Senior Center. The prior applicant said they would do this, but apparently the Town does not want it done. They will schedule a meeting with the Selectmen to discuss alternative mitigation, possibly the money that it would have cost to do the sidewalk.

When they meet with the Selectmen, they will share with them the proforma information that they will have because once they get approval for Phase IV and Phase V; they will have to do a proforma. They are more than willing to share all of that information and all of their financial information with the Selectmen. As they know there is a 17 ½% profit cap and if it goes above that, money goes to the Town. The Town would like to know if there is any possibility of that happening as it would enable them to do planning. He then asked Jason Youngquist, the engineer, to review the engineering issues.

Mr. Youngquist advised since their last meeting they have been working with Mr. Lanner to fine tune the design and make minor changes to the infrastructure and drainage. They have dug test pits all through the site, especially in the drainage areas to make sure the infiltration basins work as designed and in the new parcel to confirm the soil conditions. Mr. Lanney has recently submitted to them two comments on Phase IV. As they are taking out a large amount of material to cut the slope down to make it more even with LeBaron Boulevard, Mr. Lanney wanted them to confirm the soil conditions. This will be done during construction. As the road is built and the material is taken out, they will get it down to sub-grade and then they can confirm the soil conditions at that time. A Building Permit will not be issued until that is done.

Mr. Youngquist advised another outstanding issue was Mr. Lanney was concerned with the slope they were creating behind the buildings where there is a 2:1 slope designed. He

spoke to Mr. Lanney today, and they are going to revise that to a 3:1 slope with some smaller retaining walls to decrease and stabilize it. Atty. Mather advised to be clear in Mr. Lanney's email where he was concerned about the 2:1 slope; he stated that he couldn't allow it without having a report from a geotechnical engineer. Mr. Youngquist said that was correct. Atty. Mather asked if he was correct in saying if they go to the 3:1 slope they do not need that geotechnical engineer. Mr. Youngquist said that was correct. Atty. Mather said he just wanted to clarify that issue, as well as having the sub-grades inspected. Mr. Lanney suggests the Building Permits not be issued, but they understand if the soils are not the same, they would have to return to the Zoning Board. Mr. Youngquist added if soils were different it would impact their design which they would have to revise so they understand they would have to return to the Board. However, they don't anticipate the soils would be different as they have been consistent through the site.

Atty. Freeman then approached the Board. He advised he did speak to Counsel regarding these issues. The first question that had come up was about 40B regulations and the timing for getting Mass Housing Approval. He sent an email to Ms. Jessica Malcolm who is doing their project at Mass Housing, their subsidizing agency. He cited to her his understanding of the regulation as they do not need Mass Housing formal approval at this time because this is not an initial application, they are only seeking changes. She did confirm that as being correct. They will review the modification at final approval of Phases IV and V.

Atty. Freeman then spoke to the next question. He stated the Comprehensive Permit is very clear that Phase III is allowed with no affordable units. They are asking that Phase IV be allowed with no affordable units, and Phase V be allowed with eight affordable units. That will keep the proportion about 25%. That is consistent with their Permits, both the modification for Phase III and the 2011 modification. He also had a May 14, 2018, email from Ms. Malcolm which he submitted into the record. It confirmed what he had just said.

He advised the next question that had come up was regarding the cost certification. He distributed for the record a copy of the third amendment to the Regulatory Agreement. On the second page it addresses the fact that the required cost certification has been submitted and approved. It states that the Regulatory Agreement has been partially discharged in regards to Phase II of the development including, but not limited to, the fact that the required cost examination under the limited dividend provisions has been submitted and approved by the Subsidizing Agency and the Project is now comprised of Phase I and Phase III. It also has a provision relating to the proforma that states the cost examination shall include a fair allocation of the soft and infrastructure costs of the entire development provided that such costs that have already been applied to Phase II shall not be countable again.

Atty. Kwesell requested a copy of their Mass Housing approval for Phase III. She wanted a clarification that they were doing a cost certification for Phases I, III, IV, and V together. Atty. Freeman said that is what Mass Housing will say with the final approval

of Phase IV and V. Now it says because the Project that has so far been approved to proceed, the Project in the eyes of Mass Housing for the cost examination is Phases I and III but since they are proceeding with Phase IV and Phase V what they expect is there will be a final approval letter, and the fourth amendment to the Regulatory Agreement will be the same as the previous. Atty. Kwesell asked if they could get cost certification for Phases I and III. Atty. Freeman replied that he did not expect them to do that; he would expect it would be everything combined according to the language that he has read.

Selectman Burke then approached the Board. He had a letter dated May 16, 2018, that had been forwarded to the Zoning Board. He said it was a very important and critical letter and although Atty. Freeman had presumed to answer the question relative to it, he did not touch on some of the important aspects they need to have answered so they can understand the impact of this project from a financial perspective. After discussion, it was agreed Atty. Freeman would continue his presentation in order to see if Selectman Burke's concerns would be addressed.

Atty. Freeman then distributed the 40B regulations. He advised it is the Zoning Board's prerogative under certain circumstances to ask for a proforma, and they have said they are going to do one. However, he did not feel the circumstances yet called for it. They are not trying to not be transparent but they just want to follow the process and get things moving the way the regulations are intended. If they come up with concerns that they say affect the economics, then they would do it. In addition to sharing it with the Selectmen, and as they prepare to go to Mass Housing for final approval, there will be a proforma. Mass Housing will look at it and approve it. That is how it works under the regulations.

Selectman Burke then read the letter from Selectman Hollenbeck into the record. It stated the following concerns: the cost certification and what the process is for the rental units being included; the continued changing of the phasing of the project resulting in a mix of affordable and for sale units; if the rental units are actually part of the project and can be counted as part of the affordables as related to the for sale units; what would happen if Phase V is not completed; the current affordable count is only 14 out of 222 or 6%; and where is the updated budget and anticipated cost versus the revenue of this project. Selectman Hollenbeck urged the Zoning Board to receive answers to all these questions before they issued any decision on this project.

Atty. Freeman replied that a large segment of the Selectman's comments go to what is in the third amendment to the Regulatory Agreement. The Agreement has been partially discharged with respect to Phase II, the 56 unit affordable rentals, including but not limited to the fact that the required cost examination, under the limited dividend provision, has been approved by the subsidizing agency. He noted as had read there shall be a fair allocation of the costs of the entire development as related to the various phases.

Atty. Kwesell asked what the status of the four and a half acres was. Atty. Freeman replied it was under agreement. She stated they would need some evidence of that. She

said the cost of that land is only going to apply to Phases I, III, IV, and V, but that is not how it is supposed to be. Phase II is benefiting from that land so at some point you have to split the project into two; Phase II and then the rest. Atty. Freeman replied the only thing that would be added to a proforma for any part of the project is the fair market value of the land and that would be added to the next proforma that is submitted. Atty. Kwesell said but that does not include Phase II. Atty. Freeman responded that was Mass Housing's choice.

Atty. Freeman agreed this project was a hybrid, but they are doing their best to answer the questions in conjunction with Mass Housing. If Mass Housing believes there is anything that needs to be revised on any aspect then they will tell them. Atty. Kwesell noted that what he had quoted had been drafted prior to purchasing the additional land. Atty. Freeman said that was correct. Atty. Kwesell asked if he thought the four and a half acres had changed the project. Atty. Freeman replied not as to Phase II. Atty. Kwesell said if they were considering all five phases as one project, and the land is being added to the project, but it's not going to be considered in Phase II; she felt there was a problem. Atty. Freeman replied the subsidizing agency has made that decision and if there is anything the Town says that makes them revisit it, so be it. They are trying to be transparent, and it will be dealt with when they are asked to approve the proforma.

The next item Atty. Freeman discussed was the questions about DHCD and the subsidized inventory count. He did talk to DHCD and gave them the information, the breakdown, the history, etc. It was confirmed to him the number is 62 units, that is the 56 units in the rental and the 6 that were allowed by this Board and Mass Housing previously. Those 62 units count and as the affordable units are built, they will be added to the Subsidized Housing Inventory (SHI.)

Mr. Foster said it sounds like there is willingness to prepare a proforma and the other side is saying they would like a proforma. Atty. Freeman clarified that they did not think that the review of the proforma should delay the approval of what is requested. He noted they are hopefully at the start of Phases IV and V and if that is shared after approval, everyone still has the opportunity to talk to Mass Housing. He did not understand why they needed to see this now as the Agency was not going to let the developer get away with anything. They take it and look at it very seriously.

Selectman Burke responded, with all due respect, the Agency has let the Town down before. The development at the Train Station had affordables that were not mixed with market rate rentals. It was approved by the Zoning Board and the monitoring agency went back and looked at it and said these are not all going to count because they didn't follow the rules. It is a huge assumption for them to believe that all these units are going to count when that has not been their experience. Regarding the proforma, he watched their last meeting where a member of the Board asked for a proforma. Why are they still waiting for the proforma when this Board asked for it two months ago? Selectman Burke felt the Board should not make a decision tonight especially if the Board of Selectmen is meeting with the developer to discuss mitigation, which should then be incorporated into the decision.

Mr. Itani responded he resented the fact that the Selectman that wrote that letter is questioning their honesty and integrity. This is one of ten projects they have, and they have completed multiple projects. The Selectman keeps referring to the fact that the cost certification should be done within 90 days of the completion of the project, but the project is ten years from completion. There are 107 units that have to be built beyond Phases IV and V. How can they possibly come up with a proforma to say how much money they are going to make ten years from now? That request is not reasonable. He noted that the mitigation was also an optional thing. They are coming to the Town and saying they are willing to do it but they do not have to. He did not think this Board should be held hostage to that request because his answer would be no, they are not going to do it.

Atty. Freeman noted there was a totally different profit limitation for a rental versus an affordable unit. The profit limitation on a for sale unit is no more than 20% but Atty. Mather said this one is 17.5%. He was unsure if there had been a special agreement between the Board and the applicant originally. On a rental it is nothing to do with costs and sales, it is purely cash flow. They calculate equity based on various formulas and then there is a limitation of no more than 10% cash flow per year based on return on equity. He can't say that Mass Housing will change something they said on Phase II, which is up to them, but they will be asked. Atty. Freeman asked if there were anymore questions.

Selectman Powderly noted on the July 21, 2006, modification it does state on page 3 that after the first three phases there would be an accounting. He suggested that the Selectmen call a special meeting with the builders and attorneys and try to satisfy some of the fears of moving this project forward. He is personally supportive of the project and felt they could resolve their issues within the next three weeks. He noted approval could be based on, not the Selectmen's meeting, but if the Selectmen feel comfortable with what is going on, both in mitigation and the costs that have been offered. Selectman Powderly stated this project has been going on for several years and will continue for several years, but to begin the process and the structure of the phase costing and revenue was important so they could have accounting as they go forward.

Mr. Foster asked Selectman Burke if he agreed. He replied that he did and he apologized to Mr. Itani if the tone of the letter came off as being personally offensive. He did not think that was the intent of Selectman Hollenbeck, but she cares deeply about the Town and is only looking out for its best interests. He said generally the Selectmen support this project and want to see it happen but the goal is to be partners in this and not have it be adversarial.

Mr. Foster noted that it was getting quite late. He asked Atty. Mather if they had touched on all five items of concern. Atty. Mather replied they had. Mr. Foster said he would recommend they meet in July at their next regular meeting. That would give the applicant and the Selectmen time to meet and resolve any issues. The Selectmen could then forward a summary of their decision to the Zoning Board. Mr. Foster asked if they had any other business to conduct. Mr. Itani stated that he would be out of town from

July 1<sup>st</sup> to July 16<sup>th</sup>. Mr. Foster noted their meeting is scheduled for July 19<sup>th</sup>. Selectman Burke said they would also work to accommodate Mr. Itani and the dates he would be available. They will check the schedule and hopefully confirm a date with him tomorrow.

Mr. Curtis then made the motion, seconded by Mr. Urbanski, to continue The Residences at LeBaron Hills, LLC, hearing until July 19, 2018, at 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 10:45.

Mr. Foster adjourned the meeting at 10:45.