

RECEIVED

By Land Use Office at 2:18 pm, Mar 23, 2021

Intervenors'

OPPOSITION
TO THE
SPECIAL PERMIT
APPLICATION

March 22, 2021

Planning and Zoning Public
Hearing



Holley Place Project

In the Lakeville National Register Historic District

Intervenors' Agenda

History of the Lakeville National Register Historic District and Bicentennial Park

Argument

A. C.G.S. § 22a-19: The preservation of historic resources and character

1. The unreasonable impact to the historic resources of the Town
2. Off-site alternatives

B. Application's noncompliance with the Regulations

1. PKSQ Overlay District
 - a. Application's failure to comply with the applicable requirements
2. General standards for Special Permit Application
 - b. Proposed Location is unsuitable for and incompatible with other uses in the District

Conclusion



LAKEVILLE HISTORIC DISTRICT
SALISBURY, LITCHFIELD COUNTY, CONNECTICUT

-  District Boundary
-  Contributing
-  Noncontributing
-  Photo Position

SCALE: ONE INCH EQUALS 110 FEET

The District was approved by the National Park Service for listing on the National Register of Historic Places as a Historic District on August 1, 1996.

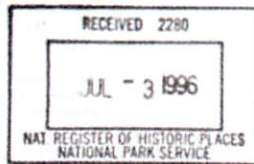
Including Bicentennial Park



84

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form



This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in Guidelines for Completing National Register Forms (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name Lakeville Historic District
other names/site number _____

2. Location Bounded by Millerton Rd., Sharon Rd., Allen St., Holley St.

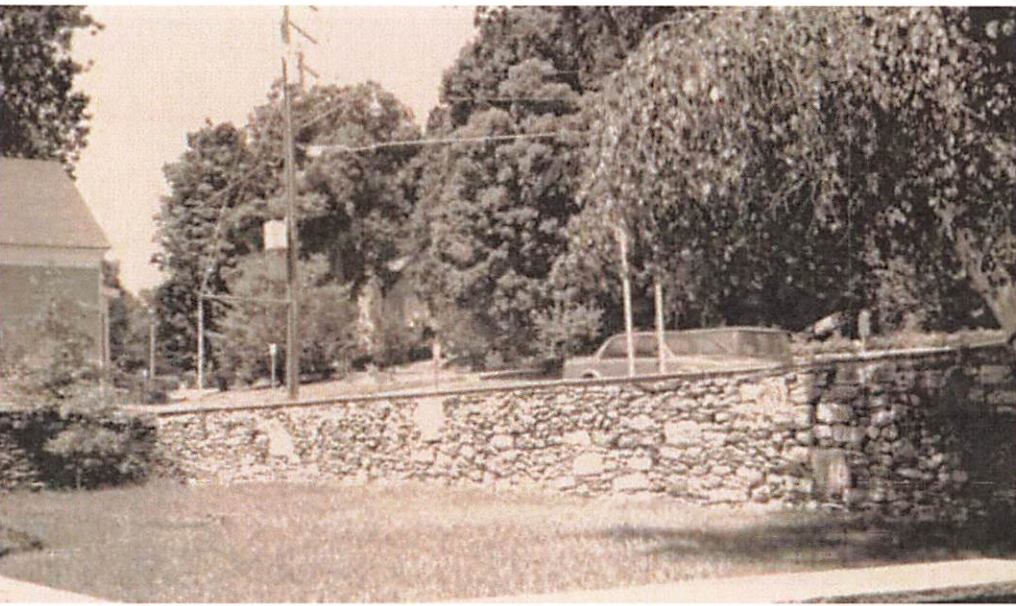
street & number _____ not for publication N/A
city, town Salisbury vicinity N/A
state Connecticut code CT county Litchfield code 00% zip code 06039

3. Classification

| Ownership of Property | Category of Property | Number of Resources within Property | |
|---|--|-------------------------------------|-----------------|
| | | Contributing | Noncontributing |
| <input checked="" type="checkbox"/> private | <input type="checkbox"/> building(s) | | |
| <input checked="" type="checkbox"/> publico-local | <input checked="" type="checkbox"/> district | <u>19</u> | <u>3</u> |
| <input type="checkbox"/> publico-State | <input type="checkbox"/> site | <u>3</u> | |
| <input type="checkbox"/> publico-Federal | <input type="checkbox"/> structure | | |
| | <input type="checkbox"/> object | | |
| | | <u>22</u> | <u>3</u> |
| | | | <u>3</u> |
| | | | <u>Total</u> |

- The [District] contains a mixture of industrial, commercial, and residential architecture dating from the 1750s through the 1930s.
- The [District] comprises an area of approximately 10 acres generally delineated by Millerton Road, Holley Street, Allen Street, and Sharon Road.
- This street grid remains virtually unchanged from the late nineteenth century.
- The boundary of the [District] was defined so as to include contiguous historic buildings and sites within the village center and generally follows property lines.
- The [District] incorporates the structures included within the local historic district originally created in 1970, as well as certain additional contiguous sites.





The [District] also contains two parks, Furnace Park . . . and Bicentennial Park . . . an area formerly occupied by a variety of commercial buildings, most recently the c. 1895 Holley Block, the most important such structure in turn-of-the-century Lakeville.

Millerton Road BICENTENNIAL PARK, small rectangular park across from Holley-Williams House, former site of Holley Block commercial building, razed 1967. Park is bounded by remaining foundations of Holley Block. (Photograph 9)



1967 Gift Condition: “[C]leared, graded and landscaped for a Town park or an attractively landscaped parking area, maintained in a neat and attractive fashion”

“It was with mixed emotions that I, as first selectman of a quarter century, supervised the demolition of [Holley Block building] but was pleased to see the fine end results designed by S. Norton Miner and was gratified at the thought of how much this garden-like improvement will add to the life of the town.”

– Former First Selectman William Bartlett, 1975

BICENTENNIAL PARK

A small "vest pocket" park developed within the foundation of the old Holley Block in Lakeville, at the corner of Holley Street and Millerton Road (Route 44).



The old stone foundation that was once part of the Holley Block, in Bicentennial Park, was repaired this year.

6

Town's **continuing acknowledgement** that Bicentennial Park is a public park of historical significance and its **continued commitment** to maintain the park.


- Annual reports 2009 to 2020 describe the park as "[a] small 'vest pocket' park developed within the foundation of the old Holley Block in Lakeville, at the corner of Holley Street and Millerton Road."
- The 2009 Annual Report noted that the stone foundation in Bicentennial Park was repaired that year

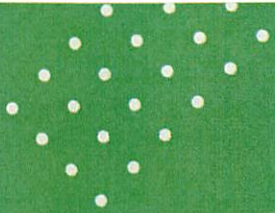
7

Applicant mischaracterizes Bicentennial Park as merely a "parking lot."

"The Holley Block, it is not an "empty" space that needs to be filled with something else. It is an integral part of the Lakeville Historic District and useful and important to those who live and/or do business there, or who pass through."

— Sarah Morrison, Resident

- 
- Applicant claims that the grounds have been “poorly maintained” and are in a “dilapidated state.” (i.e., Holley Block is not worth saving).
 - Applicant’s view of the current condition of the Park is not relevant to the fact Bicentennial Park is on the National Register and exists for the public trust.
 - Under section 22a-19, the developer does not get to make the call whether a natural resource should be destroyed.



Bicentennial Park serves two
complementary and important
public purposes

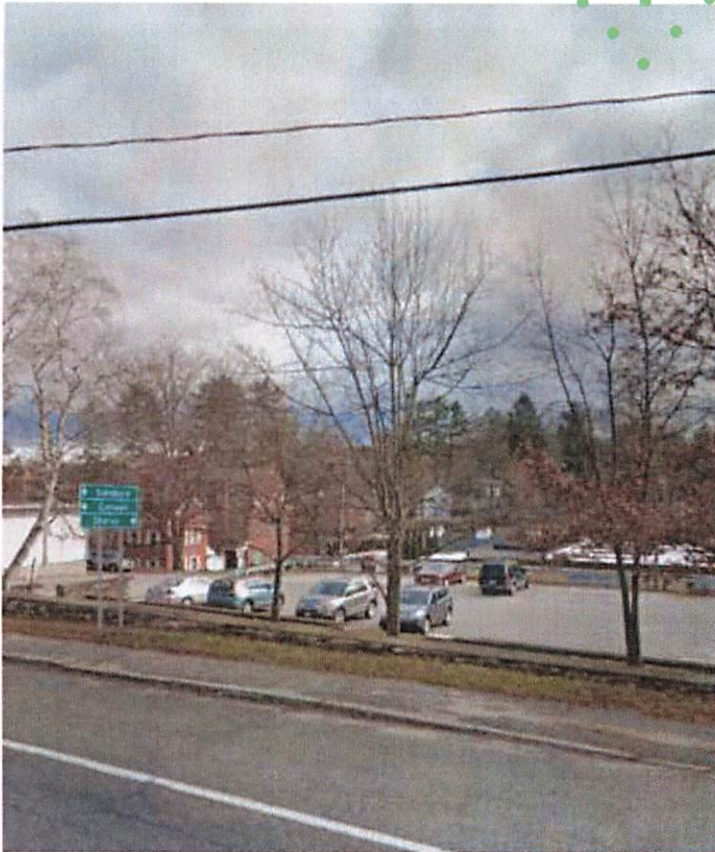
1

Preserve the historic integrity
and sweeping views of the
District through its open area
and centric location

2

Provide needed parking spaces
for the surrounding businesses

Parking safely off of adjoining
public roadways



Intervenor's

Argument

1. Intervenors have demonstrated that the proposed activity is **reasonably likely to unreasonably impair the historic resources of the state**, and have made a prima facie showing that **feasible and prudent alternatives exist**.
2. Applicant has **failed to show** that the Application complies with the applicable requirements of the Regulations.

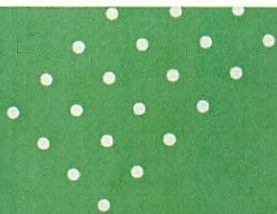




Intervenors' argument pursuant to § 22a-19

- Pursuant to C.G.S. § 22a-19, any person may intervene in any administrative proceeding based on facts alleged in a verified pleading that the proposed activity at issue “has, or is reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or natural resources of the state.”
- Holley Place Project is reasonably likely to have the effect of unreasonably impairing or destroying the public trust in the natural resources of the state.
- The preservation of historic resources and character is within the scope of the natural resources which Section 22a-19 is designed to protect. See *United Progress, Inc. v. Zoning Commission*, 1994 WL 76803 (Conn. Super.).





Approval is likely to unreasonably
destroy or impair the character of
the Lakeville Historic District

1

Construction of the proposed
apartment building will
result in the destruction of
Bicentennial Park.

It is hard to imagine a more
unreasonable impairment to
Bicentennial Park than its
destruction

2

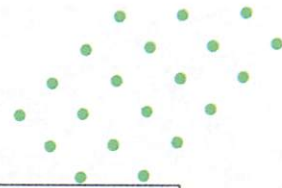
Proposed apartment building
is a "massive 3-1/2 story
structure that is neither "in
keeping" with nor of a design
that complements the
existing character of its
neighborhood.

— Carley Report



Intervenors' argument pursuant to § 22a-19

- The Commission may not approve the special permit application ... if there is a feasible and prudent alternative, consistent with reasonable requirements of public health, safety and welfare .
- “Feasible” means able to constructed or implemented consistent with sound engineering principles.”
- “Prudent” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed ... activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessary mean an alternative is imprudent.



| Property name | Possible number of units* | Rental or Home-ownership | Ownership** | Location details |
|----------------------|---------------------------|----------------------------------|---|--|
| Holley Block | 12-18 units | Rental | Town | In Lakeville village center on Main Street, a multi-unit building once occupied this site, on town water & sewer |
| Salmon Kill Road | 33-64 units | Mix of home-ownership and rental | Town | In Salisbury village center, on town water & sewer |
| East Railroad Street | 14-18 units | Rental | Salisbury Housing Committee has an Option Agreement | In Salisbury village center, on town water & sewer |
| Perry Street | 2-4 | Home-ownership | Town | In Lakeville village center, on town water & sewer |
| Grove Street | 4 | Home-ownership | Town | In Salisbury village center, on town water & sewer |
| Millerton Rd | 1-4 | Rental | Town | Close to Millerton village center |
| Sarum Village III | 10 | Rental | Salisbury Housing Committee | Close to Salisbury village center, on town water & sewer |

Off-site Alternatives

The SAHC's Affordable Housing Plan (May 2018) identifies six Town-owned properties that are under active consideration for affordable housing developments.



Brian J. Miller, AICP
Miller Planning
Group
Wallingford, CT

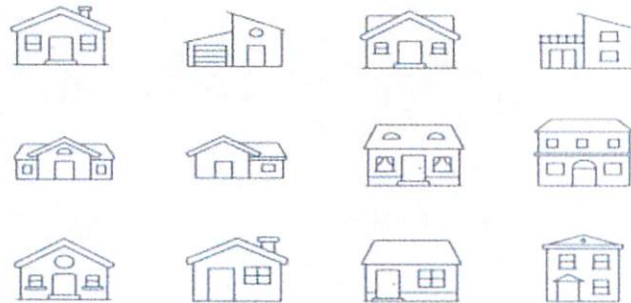
Affordable Housing Alternative Locations

Components of the Study

- Impacts on Lakeville Village Businesses



- Affordable Housing Alternatives

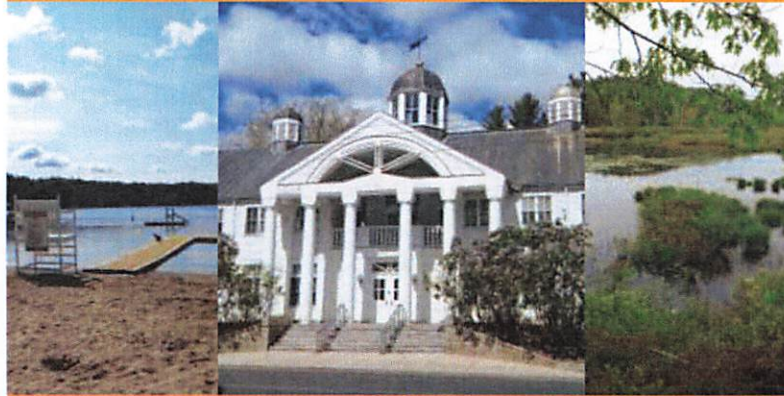


Subject Site



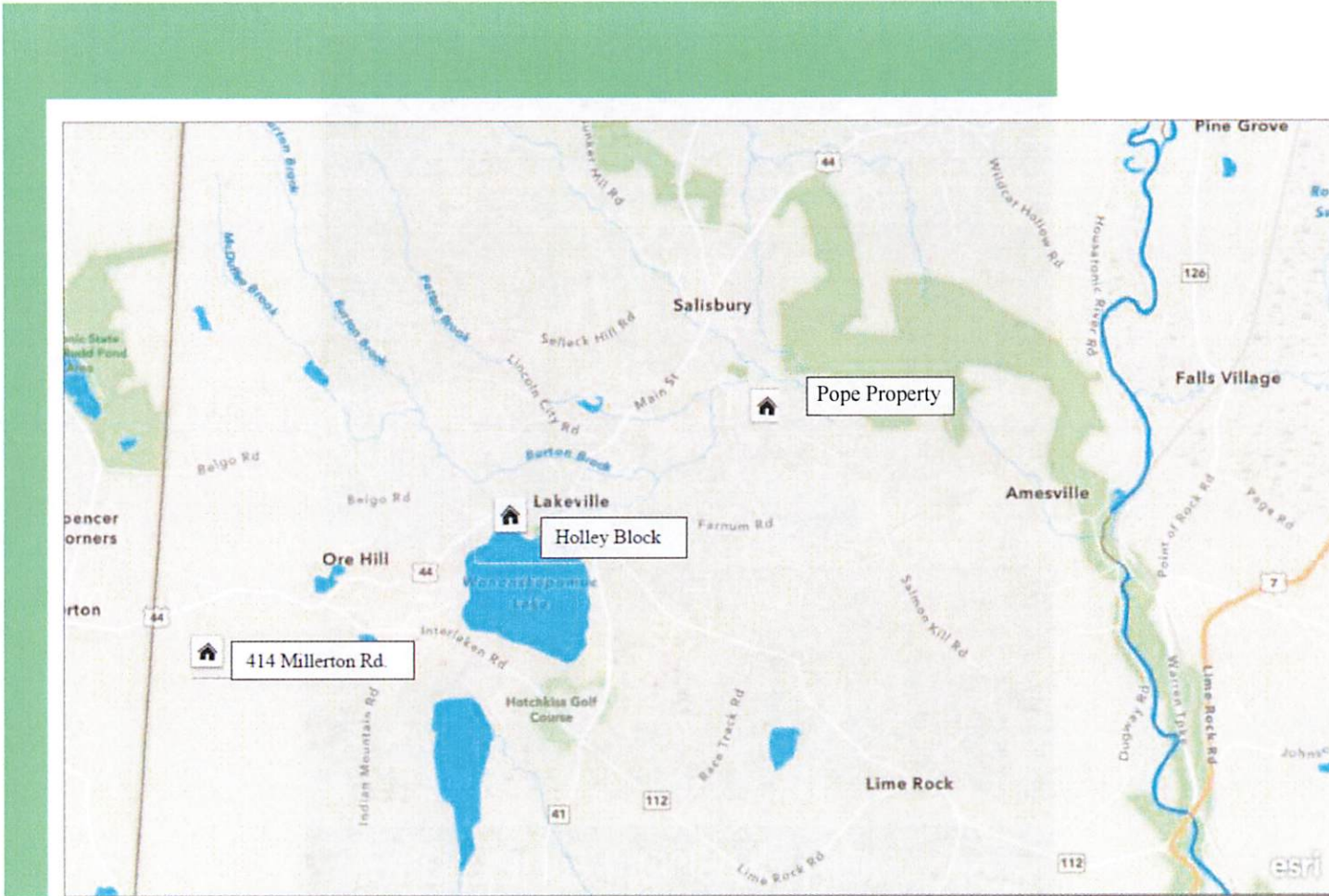
Town of Salisbury

Affordable Housing Plan



Adopted May 2018

Drafted by Salisbury Affordable Housing Commission



Location of Alternative Affordable Housing Sites

| Property Characteristics | 414 Millerton Rd. | Pope Property |
|---------------------------|---|--|
| Lot statistics | 4 acres | 59 acres |
| Building Characteristics | Existing building. 3,552 sq.ft. plus lower level | NA |
| Water & Sewer | Existing large sanitary system at transfer station | Yes |
| Located in Historic Dist. | No | 9.7 acres in Hist. Dist. |
| Traffic Safety Issues | No, located along major highway | None |
| Environmental Issues | | 40 acres of wetlands |
| Potential Unit Counts | Minimum of 3, potentially more | 33-64 |
| Other Considerations | One Mile from Millerton on state road. Additional units can be added to existing building. Potential room for additional building | Walk to Salisbury Center. Adjacent to Town Park Adjacent to day care center. |



Pope Property



414 Millerton
Rd.

Applicant will argue that it has already incurred \$275,000 in debt that it cannot recoup.

- Predevelopment costs do not render the Holley Place site the only prudent alternative
- The relevant inquiry is to compare the relative costs of building a similar facility on the alternative sites

Applicant fails to meet the requirements of many sections of the Salisbury Zoning Regulations

Dainius Virbickas, P.E., a
principal in the firm of Artel
Engineering, Inc.

Virbickas Report



HOLLEY PLACE
ZONING REGULATION
NON-COMPLIANCE

- The property is located in the General Commercial (CG-20) zoning district as well as in the Pocketknife Square (PKSQ) Overlay District.
- The site is also located within and encumbered by the Aquifer Protection Overlay District (APO).
- Applicant does not meet the numerous requirements under Zoning Regulations.

HOLLEY PLACE
ZONING REGULATION
NON-COMPLIANCE

Section 800.2 states: **“A Special Permit application shall be accompanied by a Site Plan where necessary to determine conformity with these Regulations. Every Site Plan application shall be accompanied by such information and reports as required in these Regulations and as necessary to determine conformity with these Regulations.”**

The application submitted to the Town appears deficient and/or non-compliant with many sections of the Town of Salisbury Zoning Regulations. The following are a few of these instances:

- Section 800.3 states: **“The design, layout, computations and plans showing existing and proposed drainage patterns, and construction of storm drainage improvements, driveways, access ways, parking areas, loading areas and other site construction improvements shall be prepared by a Connecticut Registered Engineer.”**
- Section 801.5 states: **“...drainage-impounding areas shall be utilized to infiltrate water on the site through natural percolation to a degree equivalent to that existing prior to development.”**
- Section 601.3 states: **“Before any Special Permit for Excavation, Filling and Grading may be granted, a written application shall be submitted to the Commission by the property owner or by his agent, on forms provided by the Commission, together with maps and plans prepared by an engineer or Registered Land Surveyor licensed to practice in the State of Connecticut.”**

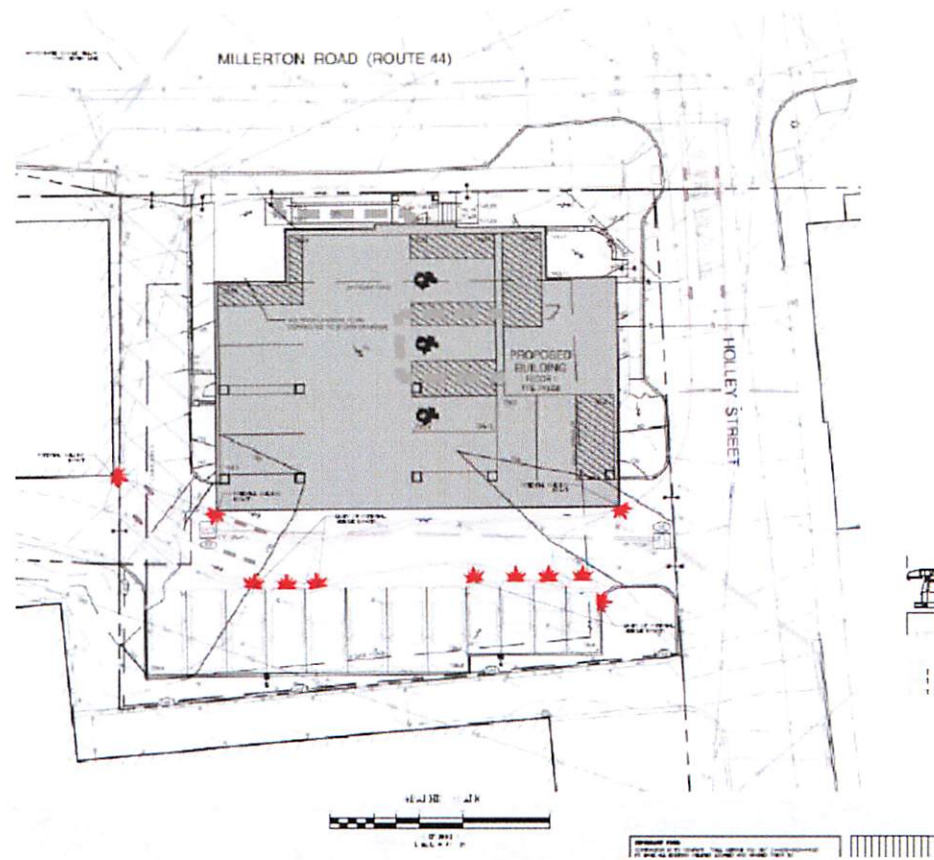


HOLLEY PLACE
ZONING REGULATION
NON-COMPLIANCE

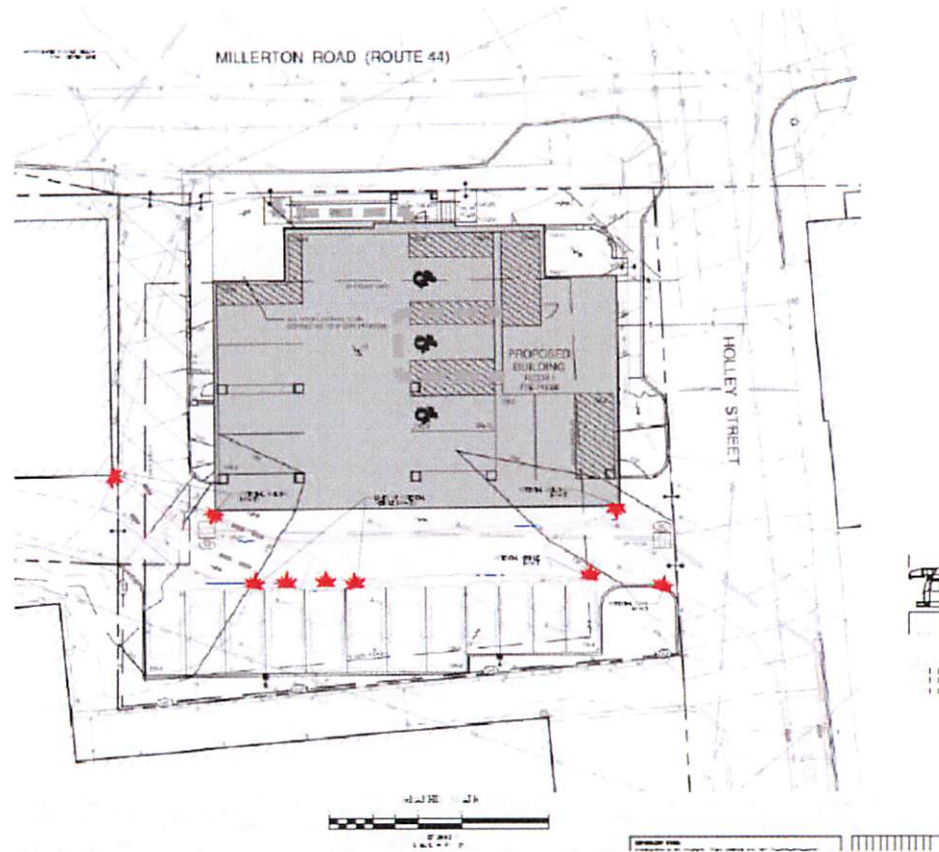
- Section 602.1 states: "A **Storm Water Management Plan** shall also be required in the C-20, **CG-20**, LI-1 or LI-20 zones for any Site Plan where the total impervious surface on the lot is greater than 20%." Further, the plan shall be designed to: "Maintain the hydrology of existing sub-watersheds including wetlands and watercourses."
- Section 300.3 requires: 20-foot front yard setback in the CG-20 zoning district. The proposed Holley Street front yard setback is 9.48'.
- Section 700.3 states: "The maximum driveway grade shall be 18%." As proposed, a portion of the west-side driveway will be 20-25%.
- Section 801.10 Natural and Historical Resources: The Site Plan shall be designed to minimize any damage or destruction to locally significant natural or historical resources. The application proposes the removal of an historic wall.

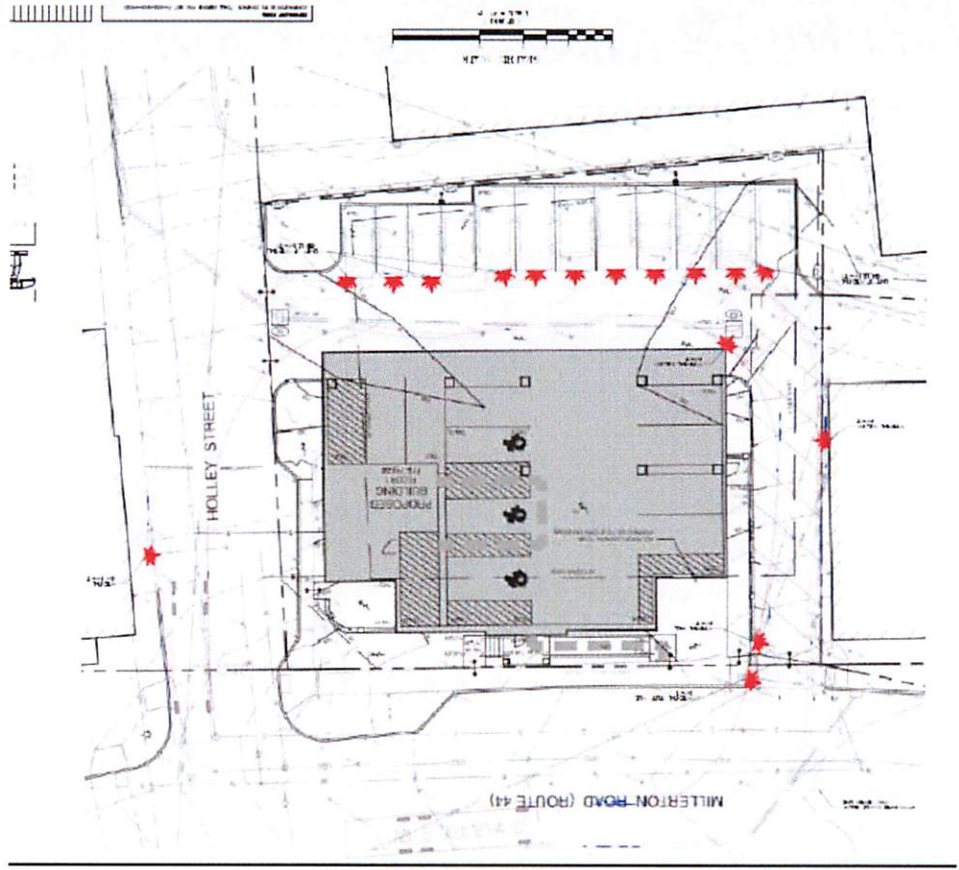


Fire Truck Turning Diagrams (1 of 4)



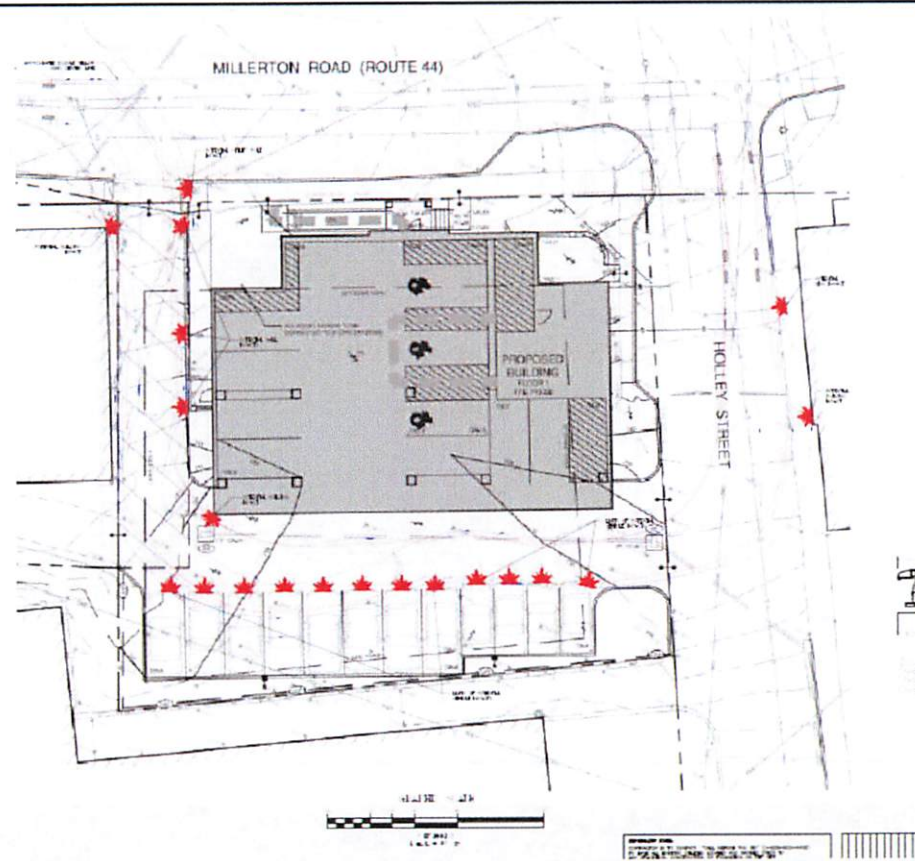
Fire Truck Turning Diagrams (2 of 4)





Fire Truck Turning Diagrams (3 of 4)

Fire Truck Turning Diagrams (4 of 4)



Applicant's proposed project does not comply with the general standards for Special Permits

Connecticut law : zoning commission may deny special permit application for failure to comply with general public health, safety and welfare standards in the regulations even when the application meets the technical requirements of the regulations.

St. Joseph's High School, Inc. v. Planning & Zoning Commission, 176 Conn. App. 570, 587-99 (2017)

Section 802.1 of the Regulations, in pertinent part requires the Commission, before approving any special permit, to:

- Assess the layout of the building(s), structure(s) or uses ... and the impact of the use(s) upon the environment, health, safety, welfare, and convenience of the members of the community;
- “Insure that the design and layout of the state and the proposed use[s] will constitute suitable and appropriate development in character with the neighborhood and will not result in an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is to be located.”

Applicant fails to meet these general standards:

1. Carley Report—proposed massive scale of building is a “massive 3 1/2 story structure that” is neither “in keeping” with nor of a design that complements the existing character of its neighborhood.

2. Miller Report—conversion of Bicentennial Park to proposed apartment building will have significant adverse impact to surrounding businesses.
 - a. Removes an important public parking area within the business district.
 - b. Violation of one property owner’s right under a special permit.
 - c. No viable substitute to replace the parking spaces at Bicentennial Park.

Brian J. Miller, AICP
Miller Planning
Group
Wallingford, CT

Potential Impacts on Lakeville Village Businesses



11 Holley Street

A location in Salisbury

Commute to [Downtown Torrington // compare edit commutes](#)

60+ min 60+ min 60+ min

[Favorite](#) [Map](#) [Nearby Apartments \(/apartments/search/11-holley-st-salisbury-ct-06039\)](#)

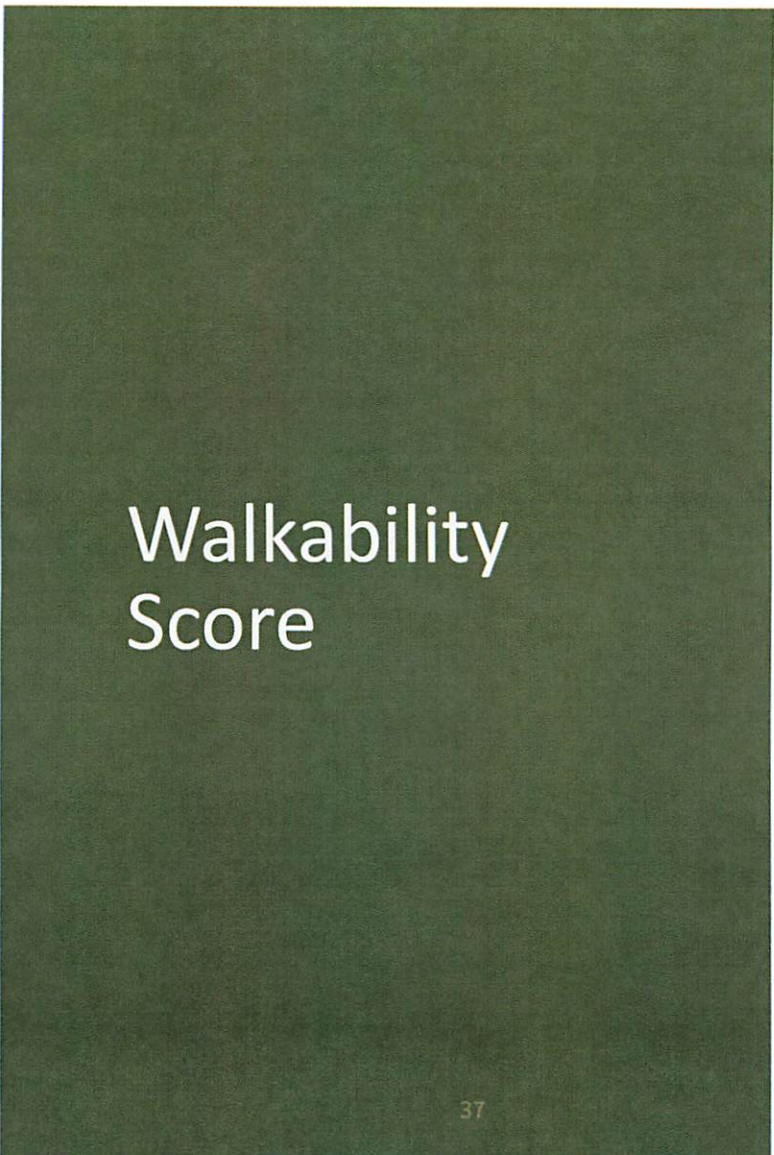
Walk Score
32
Car-Dependent
Most errands require a car.

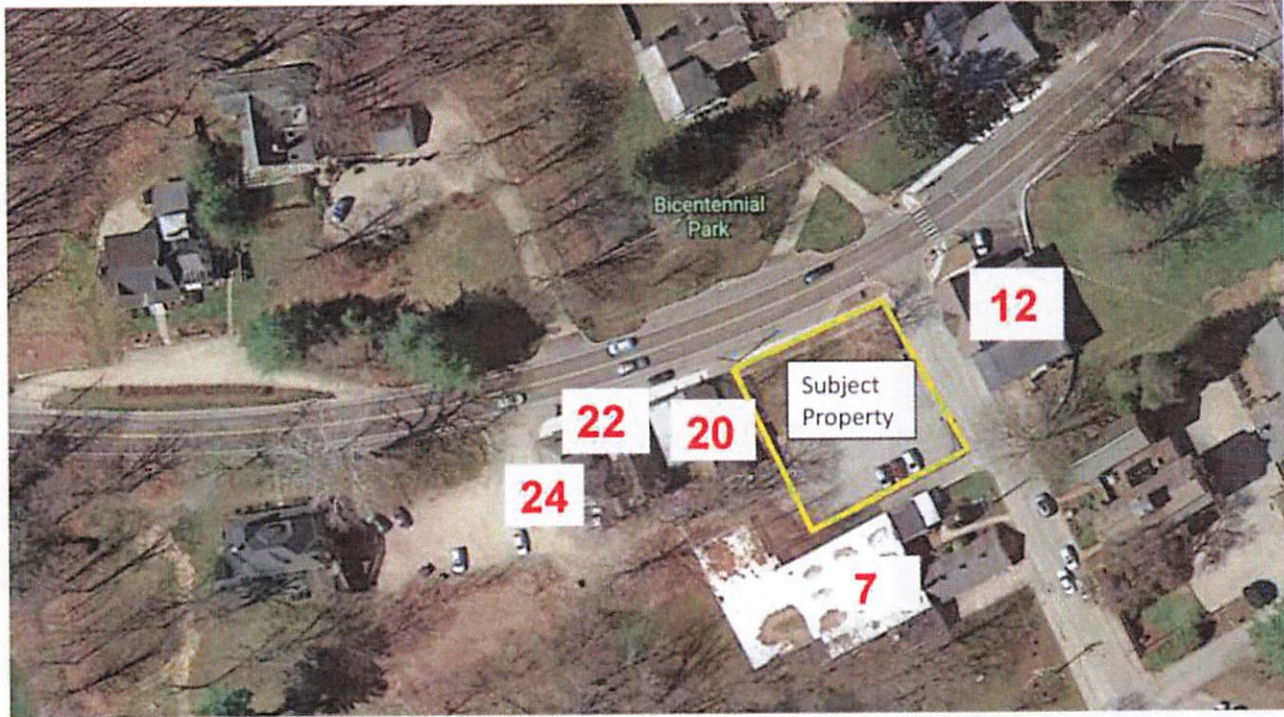
Bike Score
27
Somewhat Bikeable
Minimal bike infrastructure.

About your score
[Add scores to your site \(/professional/badges.php?address=11.Holley.Street.06039\)](#)



About this Location





Map of Properties with Parking Needs of Subject Site by Address

TABLE SHOWING PARKING DEFICITS FOR LOCAL OWNERS & BUSINESSES IN HOLLEY BLOCK AREA

| Property Address | Parking Spaces Required by Zoning Regulations | Owners Deeded or Satellite Parking | Parking Space Deficit for Local Business |
|-------------------------|--|---|---|
| 20 Millerton Rd. | 10 | 0 | 10 |
| 12 Millerton Rd. | 18 | 1 | 17 |
| 7 Holley St. | 50 | 20 | 30 |
| 22 Millerton Rd. | 8 | 4 | 5 |
| TOTALS | 86 | 25 | 61 |

Conclusion

Would the construction of twelve affordable housing units at that specific location outweigh the potential harm to members of the local business community, given the other available options?

Applicant fails to meet these general standards (continued):

3. Disruptive effect of loss of Bicentennial Park's spaces on at least four surrounding businesses:
 - a. 20 Millerton Road (Joseph Schaefer/RJS Holdings LLC)
 - b. 12 Millerton Road (Celeste Shannon/12 Millerton Road, LLC)
 - c. 22 Millerton Road (Judith Singelis/Argazzi Art)
 - d. 7 Holley Street (Passway Partners, LLC)

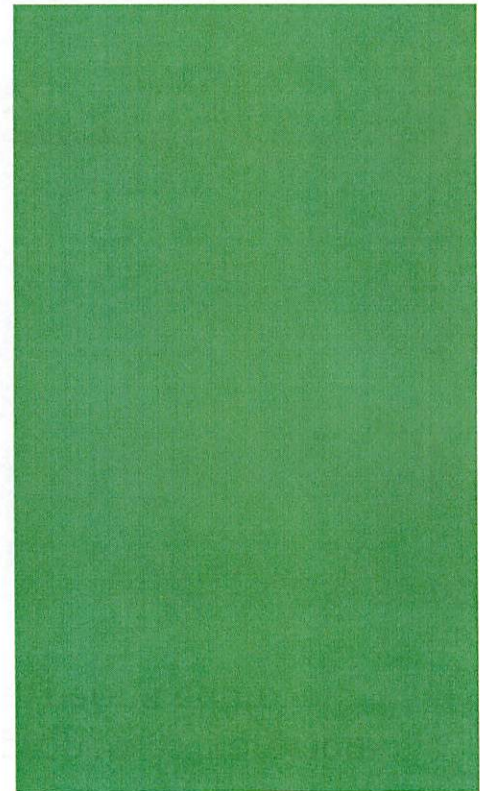
Outline of 4 businesses using Bicentennial Park affected by loss of parking in Bicentennial Park:

1. Required parking space for each property:
 - A. 20 Millerton Road : 10 spaces
 - B. 12 Millerton Road: 18 spaces
 - C. 22 Millerton Road: 8 spaces
 - D. 7 Holley Street: 50 spaces
 2. Actual number of on-site spaces (or deeded/approved off-site spaces):
 - A. 20 Millerton Road: none
 - B. 12 Millerton Road: 1 space
 - C. 22 Millerton Road: 1 on-site and 3 deeded off-site spaces
 - D. 7 Holley Street: 2 spaces
 3. Average number of spaces at Bicentennial Park regularly used by these businesses:
 - A. 20 Millerton Road: 6 spaces
 - B. 12 Millerton Road: 5-7 spaces
 - C. 22 Millerton Road: 3 spaces
 - D. 7 Holley Street: none
- See also, Intervenors' Tab S (outlining parking issues of the surrounding businesses).

**TABLE SHOWING PARKING DEFICITS
FOR LOCAL OWNERS & BUSINESSES IN HOLLEY BLOCK AREA**

See, Intervenors' Tab T for this table.

| OWNER | REQUIRED PARKING | OWNERS DEEDED OR SATELLITE PARKING | PARKING SPACE DEFICIT FOR LOCAL BUSINESSES |
|--|-------------------------|---|---|
| Schaefer 20 Millerton Road | 10 | 0 | 10 |
| Shannon 12 Millerton Road | 18 | 1 | 17 |
| Singelis 22 Millerton Road | 8 | 4 | 4 |
| Lakeville Interiors 7 Holley Street | 50 | 20 | 30 |
| TOTALS | 86 | 25 | 61 |



Destruction or substantial reduction of spaces in Bicentennial Park will render four properties more non-conforming, and one additional property (24 Millerton Road) in violation of its special permit approval

- All four above properties have far fewer on-site spaces than regulations require, and depend on Bicentennial Park for satellite parking needs
- 24 Millerton Road (6 of Diamonds LLC):
 - Special permit approved in 2006
 - Site plan shows on-site spaces and satellite parking at Holley Block
 - Special permit conditions “all parking by employees...should use satellite parking facilities - clearly referring to site plan
 - Business has 3 employees
 - If satellite parking spaces in Bicentennial Park are removed or no longer dedicated to 24 Millerton Road, property owner will be in violation of special permit condition (See Capecelatro Letter dated 11/5/20 (Tab U))

Commission has no authority to approve a special permit that would render abutting properties non-conforming or in violation of its zoning approval.

MSW Associates, LLC v. Planning & Zoning Commission, 2014 WL 463, 74-76 (Statement in Opposition, page 19).

Applicant's traffic engineer (March 8, 2021):

- Based on snapshots of Bicentennial Park over a few days in October 2020 (during COVID-19 lockdown), he is “confident” that parking needs of nearby businesses could be “accommodated.”
- No evidence that he contacted owners of nearby businesses.
- Contrast his testimony with affidavits of Schaefer (RJS Holdings), Shannon, and Singelis (Tabs V, W, X):

Affidavit of Joseph Schaefer

2. I have been the owner of 20 Millerton Road since 2019. I own 20 Millerton Road as the managing member of my real estate business, RJS Holdings LLC.
3. I purchased this property because the nearby parking spaces at Bicentennial Park provided a safe parking option for my commercial and residential tenants.
4. My property has two one-bedroom apartments and three commercial offices. Currently, all four residential tenants and five employees of the three commercial tenants require parking (total of nine vehicles). On average, there are about six vehicles of my residential and commercial tenants that are parked on the parking spaces at Bicentennial Park. Two of my commercial tenants also have clients and guests that regularly come by the offices and use the parking spaces at Bicentennial Park.

Affidavit of Joseph Schaefer (continued)

5. I spoke with two of my tenants, one residential tenant and one commercial tenant, and they both expressed that they will likely have to leave my property if they lose the parking spaces at Bicentennial Park.
6. There are no alternative parking options available around my building that can be conveniently utilized by my tenants in the event they lose the parking spaces at Bicentennial Park.
7. My business is going to be adversely affected by, among other things, losing the parking spaces at Bicentennial Park as I cannot afford my mortgage without my tenants.

Affidavit of Celeste Shannon

2. I have been the owner of 12 Millerton Road, LLC for not less than 4 years prior to the date of this Affidavit and my deceased husband, Walter Shannon, was the owner of 12 Millerton Road since 1977. I acquired title to the property in 2016.
3. My husband and I relied on the parking spaces available at Bicentennial Park when we purchased this property. The parking spaces at Bicentennial Park was one of the main considerations for the purchase.
4. My property has one four-bedroom apartment and two commercial offices.
5. At one point, I had several tenants in the apartment unit, but currently there is one tenant who utilizes some parts of the apartment as her office. She often had business visitors come to her office before the COVID-19 pandemic. Both my apartment tenant and her visitors utilize the parking spaces at Bicentennial Park.

Affidavit of Celeste Shannon (continued 1)

6. One of my two commercial tenants is AssuredPartners. AssuredPartners has been a tenant at 12 Millerton Road for more than 30 years. It currently has six employees and they all use the parking spaces at Bicentennial Park.
7. Dennis Dressel, Agency President of AssuredPartners, previously wrote a letter to the Planning and Zoning Commission on or about October 6, 2020 describing his various concerns regarding the possibility of losing the parking spaces at Bicentennial Park.
8. My other commercial tenant is Aperture that has about one employee that currently parks at the parking spaces at Bicentennial Park.
9. On average, there are about five to seven vehicles of my residential and commercial tenants that are parked on the parking spaces at Bicentennial Park.

Affidavit of Celeste Shannon (continued 2)

10. There are no alternative parking options available around my building that can be conveniently utilized by my tenants in the event they lose the parking spaces at Bicentennial Park.
11. In late 2017 or early 2018, I had a conversation with First Selectman Curtis Rand, during the time the Town of Salisbury was in the process of completing the crosswalk signaling and highway bump-out on Route 44. When I expressed concern that the bump-out would cost my business 2 on-site parking spaces, Mr. Rand countered by explaining to me that additional parking was available at Bicentennial Park.
12. I rely on rental income from this property to adequately maintain the building. This rental income will be compromised if my tenants are adversely affected by the loss of the parking spaces at Bicentennial Park.
13. My business is going to be adversely affected by, among other things, losing the parking spaces at Bicentennial Park.

Affidavit of Judith Singelis

2. I have been the owner of 22 Millerton Road for not less than 18 years prior to the date of this Affidavit. I have been operating my art gallery, Argazzi Art, from this property since 2003. Argazzi Art showcases, among other things, arts created by both emerging and established artists, nationally and internationally recognized.
3. I purchased this property because the nearby parking spaces at Bicentennial Park provided a safe parking option for my clients and guests. Parking for my business was a major consideration and I would not have purchased the building 18 years ago if there were no parking spaces available at Bicentennial Park.
4. My business uses the available parking spaces at Bicentennial Park on a daily basis. My business uses about one to three spaces at Bicentennial Park on average for my vehicle and vehicles that make deliveries to my business.

Affidavit of Judith Singelis (continued)

5. I organize three to four receptions at my gallery (six to eight receptions in some years) each year hosting about fifty (50) people at these receptions. I spend a lot of time and money putting together professional advertisements and sending out special invitations for the receptions.
6. I am not going to be able to host these receptions in the event that the Planning and Zoning Commission grants the Applicant's application for special permit because I will no longer be able to utilize the parking spaces at Bicentennial Park for my guests. There are already insufficient public parking options in the area, and the elimination of the parking spaces at Bicentennial Park is going to make it impossible to accommodate fifty guests at my receptions. This will have a real and devastating impact on my business.
7. I never recommend that my clients and guests park on Route 44/Millerton Road as it is very dangerous. Just last month, my vehicle and another vehicle that were parked on Route 44 were struck by a motorist. Both vehicles were damaged and mine had an extensive damage as it was struck first.

See also, the March 15, 2021 Letter from
AssuredPartners at 12 Millerton Road (Tab Y):

“We have recently been notified of a proposal to construct an affordable housing building using the current park and parking lot spaces which are directly across Holley Street from our office. This is already a congested area and we would lose parking spaces for our 6 employees at that office when the parking lot is no longer available.... I cannot think of another option for our employee parking.”

- Dennis Dressel, Agency President



Whose testimony should be credited:

The “confident” opinion of Applicant’s traffic engineer, who presumably has no knowledge of history of parking uses at Bicentennial Park

Sworn statements of nearby owners and tenants, based on their first-hand knowledge, who depend on continued availability of these spaces for their livelihood?

Intervenors respectfully submit that the answer is clear.

Conclusion



For the foregoing reasons, Intervenor respectfully request the Commission to deny the special permit application.