

EXHIBIT 7

November 4, 2020

Salisbury Planning and Zoning Commission
27 Main Street
Salisbury, CT 06068

Re: Special Permit #2020-0100 for Multifamily Housing Including Affordable Dwelling Units in PKSQ

Dear Commissioners:

We are writing to urge the Commission to reject the proposed housing project being planned for the corner of Route 44 and Holley Street in Lakeville. We embrace making Lakeville/Salisbury a more affordable place to live and welcome the addition of affordable housing to our area, including to Holley Block. However, we do not support the design of the currently proposed Holley Place project, a 13-unit modern apartment complex exceeding 20,000 square feet, which would front Route 44 at the busy intersection of Holley Street. We urge the Commission to ask for a design of a modest size and scale more appropriate to our community.

After mining our Town's records and meeting archives, we've discovered that this urban complex is not only out of context with the design and scale of buildings that line the streetscape into Lakeville, but that it violates multiple State laws and Salisbury zoning regulations, posing serious health and safety concerns. The project also fails to provide the Commission with the engineering, Village parking and financial studies promised at the June 27, 2018 Town meeting.

Under Salisbury's zoning laws, the Applicant must provide, and the Commission must have, sufficient information to ensure "that the design and layout of the site and the proposed use 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." Since the proposed building is within the Aquifer Protection Overlay District, the Applicant must "[a]ssure that [its] proposed building, structure and use will provide for the maintenance of air, surface-water, and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources." (Section 802.1 of the Zoning Regulations of the Town of Salisbury Connecticut (September 30, 2019).)

That is not the case here.

In her report on the proposed Holley Place Housing Project, the noted Connecticut historic preservation expert Rachel D. Carley explains in great detail why the proposed project neither conforms with specific zoning laws nor the covenants on the property. As she explains,

The introduction of a massive 3 1/2-story structure (including its lower, south parking level) into this village setting would significantly alter the neighborhood atmosphere by appearing as a large apartment house, rimmed with large areas of polychloride vinyl, and standing in a sea of pavement, accessorized with concrete and steel. Such a building has the power to wield enormous change . . .

(Carley Expert Report at 5-6.)

The Commission has multiple grounds, based on the record before it, to reject the proposal. Our letter highlights a few of these concerns, any one of which would be grounds for rejection.

Concerns About Holley Place

1. Failures of Due Process and Lack of Transparency.

This project was never put to a formal Town vote. Informational forums where sentiment is gathered do not constitute a Town vote. Our town never “voted” for the Holley Block project. We voted on June 27, 2018, only to “authorize the town to grant an option to lease to Salisbury Housing Committee (SHC), granting SHC an option to lease” the Holley Block for \$1 per year, for an extended lease term for the purpose of developing and operating affordable housing. The expectation was that any proposal would comply with the zoning laws and covenants on the property.

Indeed, concerns were raised at that 2018 meeting about “how do we think that we're going to put 14 to 18 units of affordable housing, on less much less than a quarter of an acre on a busy street [inaudible] in Lakeville, Connecticut.” But that discussion was cut short, with the moderator making the following admonition:

. . . please stay with the resolution. And there is right now, there is no plan of any note until this, uh, Town Meeting gives its approval for a study to go ahead. As Curtis mentioned in his earlier statement, it has to go through planning and zoning. It has to go through all sorts of things. They have to bring a plan. I don't know if anybody else wants to answer that. I just, I'm just going, I'm trying to stay within the bounds of the resolution.

(Transcript Salisbury Town Meeting, Holley Block Lease (June 27, 2018).)

Many Lakeville residents remain unaware of the size and scope of the project that has been presented to the Commission for final approval. Outreach about this project has been selective, excluding most Lakeville residents, and did not include details about what the project entailed.

2. The Units May Not be Affordable.

The definition of affordable in the newly instituted Pocketknife Square Overlay District is housing for individuals or families whose income is 80% of the average local median, or \$51,000-79,000 per year. Rents are permitted to go as high as \$1975 per month.

So, while the proposal has been advertised as affordable housing, that has been a moving target with the number of units dedicated to that purpose fluctuating between 50 and 100%. There is no guarantee that Holley Place will provide the truly affordable housing that the Town deserves in return for denser zoning and for gifting its Town Park and Parking for 75 years.

3. The Plan Disregards Traffic and Safety Concerns.

The structure proposed would front a busy state highway, Route 44, on a stretch known to be dangerous to both cars and pedestrians.

Recently, the new Transfer Station has begun diverting more traffic to this area. Adding 13 more families and 24 cars, plus visitors, delivery trucks, school bus pick-ups and drop-offs, as well as trash, which presumably would be picked up off of Route 44, would make the intersection even more hazardous.

The plan shows two ways in and out of the site, using both Holley Street and the 15-foot-wide alley right-of-way onto Millerton Road, which cannot provide safe entry and exit.

Tellingly, the Applicant's Site Plan does not contain, as subsection 800.3(e) recommends, "sight lines from driveways or access ways intersections with existing and proposed roads." Nor does the Site Plan address the problem that the right of way onto Route 44 is only 15.22 feet wide. Since this second egress and ingress is so narrow, it absolutely cannot accommodate two-way traffic. This would violate subsection 703.5(a) of the zoning law that parking areas "shall be designed so that vehicles may exit such areas without backing onto a public street." If a car or truck is seeking to pull into the parking lot from Route 44, while a car or truck is seeking to pull out, back-ups in either direction will likely to occur, and if this happens on Route 44, the danger of a car or truck having to stop suddenly coming around the curve from Millerton with a limited line of sight is significant. This was never addressed in the traffic study.

As the Chair of the P&Z told the applicants, “While the data show that the intersection is safe based on crash and fatality data, we heard ample evidence that many people in the community find the stretch of roadway east and west of the intersection to be problematic from a safety perspective, primarily as far as speed is concerned, and the number of trucks hurtling downhill toward the crosswalk.” Even Salisbury Housing Committee member Sean White recently admitted in a public forum that “Traffic in Lakeville is already a nightmare. A few years ago, the State counted an astonishing 8,400 vehicles per day traveling on Main Street, and 4,500 per day on Millerton Road near Holley Street.” (Posted on Salisbury Facebook Page 10/28/20.)

There is no plan for traffic control on Holley Street, which has no sidewalks and where children ride bicycles to the Grove. The Commission must not allow a special permit for extra-dense housing at an intersection known to be hazardous.

4. The Plan Would Take Parking Away From Our Local Businesses.

Bicentennial Park now provides between 16 and 20 parking spaces for local businesses, which occupy 19th-century buildings built before cars. Our proprietor neighbors depend on these spaces to stay in business.

The Holley Place plan takes away these spaces, leaving 8 possibly available, but none guaranteed. There is no other place to re-create parking spaces lost to this project. At the June 2018 Town meeting, assurances were repeatedly made about preserving parking. Our business neighbors were promised that if the P&Z Commission determined that parking problems would arise from building on the site, then the permit would be denied: “What we know for sure is that if P&Z determines parking problems would result from building on the site, it will not grant the special permit and no building will take place.” (Transcript Salisbury Town Meeting, Holley Block Lease (June 27, 2018).)

Parking problems would arise. Lakeville’s business center relies on this parking, and there’s no other place to re-create the spaces that would be lost. Frustration at the Town’s lack of consideration for their small businesses has been expressed to the Commission by, among others, Dean Diamond of Deano’s Pizza, Judith Singelis of Argazzi Art, Dennis Dressel, who manages Assured Partners, and Ashley Marchand and Courtney Saulnier, who own Lakeville Interiors. Joe Shaeffer, who owns the building next to the proposed site, requires 10 spaces for his tenants. Approving this plan would also undercut the viability of future businesses located at the Pocketknife Factory, which is for sale and seems short-sighted from a town planning perspective.

5. The Proposed Apartment Building's Height and Size Do Not Complement the Existing Character of the Historic District.

Housing 13 families on less than 1/3 of an acre, or 46 units per acre, is a high-density urban concept, not appropriate for our rural community. The proposed structure would loom over neighboring buildings. It would be at least five times the size of Deano's Pizza, for example. From its parking level to its highest point, the modern complex would stand nearly 50 feet and tower over the neighboring Pocketknife Factory, the bucolic Factory Pond, and other historic sites.

The chairman of Planning and Zoning, Michael W. Klemens, raised similar concerns about this project which he outlined to the Applicant in a letter on October 13, 2020. His concerns are well-grounded as the proposal violates multiple zoning laws, including specific requirements for any new construction in the historic Pocketknife Square Overlay District.

Subsection 405.6(b) of the Salisbury zoning laws provide that any new construction in the Pocketknife Square Overlay District "shall be of a height, bulk, and design that complements the existing character of the neighborhood and community." Under subsection 803.3 of the Salisbury zoning laws, the proposed use must "not unreasonably adversely affect the enjoyment, usefulness, and value of properties in the general vicinity thereof, or cause undue concentration of population or structures taking into account the topography of the lot and the character, location and height of proposed buildings, structures, and landscaping."

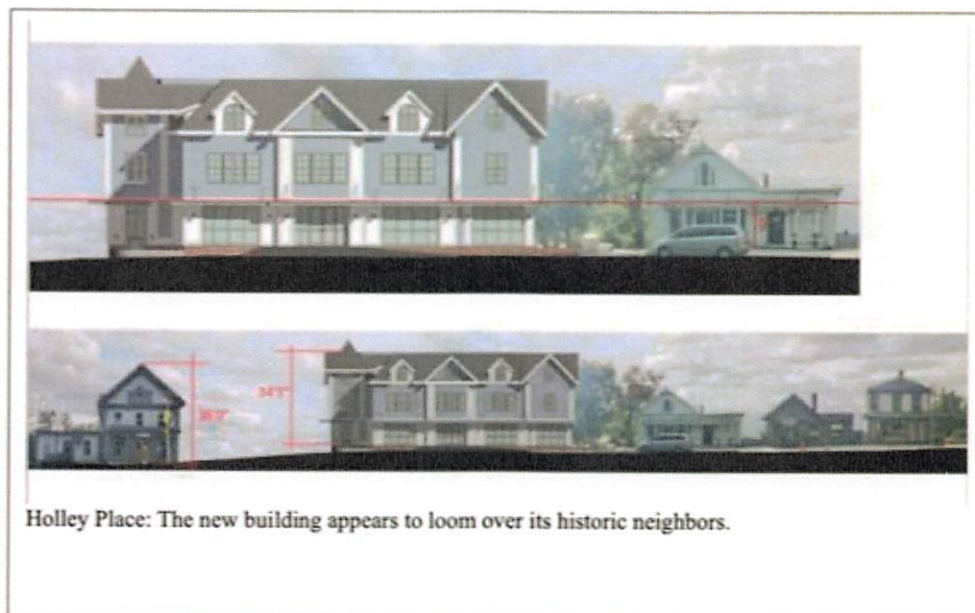
The property Bicentennial Park has been misrepresented as a vacant lot in statements to the town and the State of Connecticut. (Connecticut Housing Finance Authority/Consolidated Application Attachment at p. 1.) The funds for the purchase of this property were gifted to the town in 1967 on the condition that Holley Block, a Victorian eyesore building, be razed and replaced with a landscaped park or parking. The condition had a caveat: if any structure were ever to replace Holley Block, it would have to have (unlike Holley Block) an "exterior design in keeping with the Federal or early eighteenth century image of our villages."

Bicentennial Park is centrally located in the Lakeville National Register Historic District and is surrounded by buildings that contribute to the historic significance of this district. While the Applicant's site plan fails to provide the location of historic sites, as the zoning law requires (§ 800.3), any design on this site will be subject to review by the State Historic Preservation Office, which ensures compliance with the Connecticut Environmental Protection Act when State or Federal funding is involved in a project.

Even if the Applicant's proposed modern apartment building's design somehow seeks to copy elements of the Holley Block, a building that was once on the site and was not consistent with the surrounding buildings in the District, that is not sound design practice in a Historic District. Scale,

materials, composition, and details will be much more important factors that the State will consider when they evaluate whether a new building detracts from the protected buildings in this District.

As Chairman Klemens observed, “The building’s mass is out of scale with the surrounding streetscape/street wall.” (Chairman’s (Michael Klemens) Comments Concerning Architectural Simulations 10/8/2020.) When one approaches the building from Ethan Allen Street, the highest point of the building would appear nearly 50 feet above the site. Even if one uses the midpoint of the site slope and highest roof, the building’s height would exceed 38 feet. As the historic preservation expert observes, “The new building appears to loom over its historic neighbors.”



(Carley Expert Report at 7.)

Others have voiced similar concerns about the building’s mass and height. As the P&Z Chair said, “The massing and scale of the building has been a repeated concern of the public comments we have received.” (Chairman’s (Michael Klemens) Comments Concerning Architectural Simulations 10/8/2020.)

The building’s height and bulk conflict with, rather than complement, the neighboring historic buildings and residences. That, by itself, is grounds to deny the proposal.

6. The Proposed Apartment Building's Design Does Not Complement the Existing Character of the Historic District.

Given the historical significance of the Pocketknife Square Overlay District, the zoning laws require any multi-family development within this district to comply with specific design requirements, including that “[t]he design shall consider the spacing and proportion of window and door openings, bays or other aspects of building fenestration, as well as colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.” (Subsection 405.6(b)(2) of the Salisbury zoning laws.)

Most of the structures in the Lakeville Historic District retain their original form, materials, and detailing. Even for the later built buildings, “[a]rchitects employed the stylistic vocabulary of the Georgian and Federal eras to recreate the look and feel of earlier structures. Typical details [of these later buildings] included pedimented gables, quoins, double-hung sash windows, cupolas, columned porches, and classically inspired door surrounds.” (U.S. Department of the Interior, National Park Service, National Register of Historic Places Registration Form for Lakeville Historic District (1996).)

The proposed building's design, as the historic preservation expert observes, clashes with the design of the neighboring historic buildings:

The proposed building is particularly notable for its complicated massing incorporating a polygonal-roofed tower, deep cornice overhangs and a mix-and-match arrangement of dormers and gables. The result is an overly complex silhouette, highly out of keeping with the model provided by the simple, clean exterior profiles of Salisbury's 18th-century and Federal-era example. Moreover, a ground-floor overhang on its long, Millerton Road elevation emphasizes the building's already prodigious bulk, as does the way in which the structure is intended to bank into a sloping site, thus gaining a lower story (for parking) on its south and east sides.

(Carley Expert Report at 5.)

Chairman Klemens reached a similar conclusion: “The building reflects a discordant hodgepodge of various architectural elements and styles that bear no contextuality to one another nor reflect either the Federal or Victorian style.” (Chairman's (Michael Klemens) Comments Concerning Architectural Simulations 10/8/2020.) Nothing in the proposal or the record before the Commission demonstrates how this modern, oversized apartment building's design would complement the neighborhood's historic surroundings.

7. The Proposed Apartment Building's Materials Are Not Compatible with the Existing Character of the Historic District.

The zoning laws require for any multi-family housing unit in the historic Pocketknife Square Overlay District that “[a]ll materials, construction, signs and other external elements of the building and on the site shall be compatible with the character of the neighborhood, and the rural and historic character of the Town.” (§ 405.6(h).)

As the historic preservation expert observes, neither the apartment building nor its exterior façade, which calls for clapboard siding, “vinyl windows,” and “PVC trim,” match the character of any of the surrounding Lakeville Historic District’s buildings, which date from 1759 to 1934, and with the majority dating from the nineteenth century:

Fine workmanship, distinctive stylistic elements and a classically inspired architectural vocabulary are fundamental elements of the historic model referenced in the 1967 gift and may be considered part of the design requirement cited by zoning regulations. This design sensibility is absent from the Holley Place project. The proposed use of vinyl chloride trim, aluminum “storefronts” and vinyl windows as specified by the QA&M plans is incompatible with the building’s historic context and further prevents it from blending appropriately with its surroundings.

(Carley Expert Report at 5.)

Moreover, the proposal calls for “Aluminum Storefront,” which in Salisbury is only contextual with its one gas station and supermarket. These materials are not compatible with those of other housing in this National Register Historic District.

8. The Proposed Building Violates the Law’s Requirement for Landscaping and Screening.

Another problem is the lack of landscaping, screening, and community amenities for the proposed apartment building in Bicentennial Park. The zoning law requires that “[a]ll landscaped and/or screened areas, including yard setback areas, shall be so designed as to be consistent and compatible with nearby residential uses and properties.” (§ 801.3.) Under Salisbury zoning laws for any multi-family housing unit in the historic Pocketknife Square Overlay District, “[l]andscaping or screening shall be required where needed to shield the view of parking areas from the street and adjacent properties.” (§ 405.6(e).) Here again, the apartment building, in standing nearly 50 feet above Factory Pond, would tower over the bucolic pond and historic

buildings. The lowest level of the proposed project facing the Pocketknife Factory is an open concrete parking garage.

Without any landscaping and screening, one will see from the park a far busier, and noisier, parking lot. The parking spots will not be shielded year-round from view from the park and neighboring residences. We foresee that the 24-hour lighting of open underground parking and open placement for enough garbage dumpsters to service 13 units will pose quality of life issues for immediate neighbors, and in violation of subsection 803.2 of the zoning laws.

Moreover, the proposal cannot include, as subsection 405.2 of the zoning laws encourages, any of the “[c]ustomary accessory residential amenities intended for use by residents of the development,” which include gardens and walking trails.

Ultimately, the Commission must be satisfied that the Applicant has shown the adequacy of providing “open space and landscaping and other safeguards [that are] compatible with the adjacent property and the neighborhood in general.” (§ 803.4(g).) That is impossible here. Not only does the lack of landscaping and ground cover violate specific zoning laws, but it also reflects the extent to which this massive apartment building clashes with the surrounding historic district. As the Historic Preservation Expert Report notes,

The major percentage of site coverage of Holley Place will be paved parking area. Whether empty of vehicles, or filled with them, the effect will be completely out of character with the neighborhood, which relies on its trees, fences, gardens, lawns and outbuildings for its small-town ambience. Moreover, plans for concrete stairs and steel railings are at odds with the existing context and historical precedent. Parking-lot lighting will be a further detriment to the neighborhood.

(Carley Expert Report at 4.)

9. Health and Safety Zoning Violations.

The proposal ignores that the site is within an Aquifer Protection Overlay District and does not take into account state laws and regulations imposed to specifically protect “the public health, safety, and welfare through the preservation of the Town’s major groundwater resources; to ensure a future supply of safe and healthy drinking water for the residents of Salisbury, and to reduce the potential for groundwater contamination.” (Zoning law § 403.1.)

According to the aquifer zone laws, because the proposed apartment building would leave far more “than thirty percent (30%) of the total lot area in impervious surfaces” and will retain far less “than thirty percent (30%) of the total lot areas in vegetative ground cover,” the Applicant is required to

make an application for a special permit under the Aquifer Protection Overlay District regulations, where the Applicant bears the burden to provide “proposed measures to mitigate any adverse impacts to underground water resources.” (§§ 403.4 & 403.6.) The Applicant has not done so.

The Applicant’s Site Plan fails to state, as the zoning law also requires, the impervious surface coverage. (§ 800.3(o).) When one actually adds the paved areas, 93% of the site would be covered, rather than 30%. Also, the plan shows only 7% of the site to be planted, while regulations generally contemplate that 30% be greened.

Since most of the vegetation will be replaced with asphalt, the proposed plans raise significant stormwater runoff issues. The law requires that the Applicant provides a stormwater management plan, prepared by a Connecticut Registered Engineer, that clearly shows how stormwater runoff will be managed in a manner to prevent pollution of groundwater, and comply with all state laws. The Applicant failed to do this. Its Site Plan also fails to include plans for erosion and sedimentation control and existing and post-construction surface drainage patterns, as the zoning law specifically requires. (§ 800.3.) Consequently, the Applicant has not shown, as it must, for the Commission to approve its plan, its specific methods, measures, and plans to protect surface and groundwater water quality, including “storm water run-off from parking lot areas and other impervious surfaces, and any other use that may adversely affect the quality or quantity of groundwater.” (§ 803.4.)

In addition, the state of Connecticut outlines (i) what forms the Applicant needs to file, (ii) with which agencies, including the state’s Department of Energy and Environmental Protection’s Aquifer Protection Program and the state’s Department of Public Health’s Drinking Water Division, and (iii) what additional information the Applicant must provide. (Connecticut Department of Energy and Environmental Protection (DEEP), Aquifer Protection Area Program’s Municipal Manual (2011), <https://portal.ct.gov/DEEP/Aquifer-Protection-and-Groundwater/Aquifer-Protection/Municipal-Manual>.) As the Applicant has failed to comply with what is required under state laws, the Commission cannot legally approve its proposal.

This is not paperwork for the sake of paperwork. The state manual’s Aquifer Protection Inspection Report, for example, identifies one area of “Potential Pollution Sources” as “dumpsters, solid wastes storage” and one “Potential Stormwater Pollution Source” as “large parking or pavement areas,” precisely the concern here. (DEEP Manual at 108.) One cannot take this gamble in an aquifer district. The Applicant simply has not shown how its proposed building, which removes nearly all existing vegetation from Bicentennial Park is “designed to minimize any risk of surface-water or groundwater pollution, soil erosion and sedimentation, and water diversion.” (§ 801.6.)

The Applicant must also provide in its Site Plan “appropriate erosion control measures,” including slope “stabilization measures and the seeding of exposed areas to replace vegetative cover.” (§

801.5.) Besides removing nearly all vegetation from Bicentennial Park, the Applicant also plans to remove the historic Holley Block foundation and fails to provide any plans for shoring to avoid the collapse of Route 44 and Holley Street.

There are many good health reasons why the law requires this minimum amount of vegetation to protect our water, environment, and safety. The proposal does not address why it runs afoul of these laws.

10. The Proposed Building Violates the Covenants on Which the Town Accepted This Property.

The Town agreed to accept funds as a gift to purchase Holley Block in 1967. The donor and her family, as the minutes of the December 5, 1967 Selectmen's Meeting state, were long convinced that the Town's "greatest physical assets" were "the quiet, charming, early eighteenth century image." The Town accepted the gift, which had several covenants. One covenant was that the original Holley Block would be razed. If nothing were built to replace it within a year, the land would be used for a Town Park and Parking in a covenant that recognized the need for green space for residents and parking for businesses if they are to thrive. The Town of Salisbury also agreed "that if any buildings are *ever* erected on the cleared land, such buildings shall have exterior design in keeping with the Federal or eighteenth century image of our village." (Emphasis added.) The Town also agreed that the exterior design for such buildings "shall be designed by a registered architect and be subject to the approval of the majority of the Selectmen of the Town of Salisbury."

The historic preservation expert explained in her report the multiple reasons why the proposed building would run afoul of this covenant. So, in addition to violating the Salisbury zoning regulations, the proposed design of the building would not match the covenants and intentions of the original donor whose gift carried with it legal obligations taken on by the Town.

As subsection 102.3 of the Zoning laws provides, when "any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that *establishes the greatest restriction upon the use of land, buildings or structures or imposes the highest standard* shall control." (Emphasis added.)

* * *

We recognize the need for more affordable housing for our area, including to Holley Block, and are grateful to the housing advocates working to make this happen. But we urge them and the Town to explore a design more suited to our community. We hope the Commissioners agree that affordable housing can be achieved without running afoul of multiple zoning laws or violating the

terms of a gift, which the Town accepted, or ignoring our neighbors who rely, as we all do, on the enforcement of the laws and regulations of our community.

Respectfully,

Mary and Irwin Ackerman
Lakeville

Martha Baer
Lakeville

Kati Banyai
Lakeville

Laurie Batchelor
Lakeville

Astrid Baumgardner
Lakeville

Ann and Peter Becket
Lakeville

Susan Belcher
Lakeville

Liz & Steve Bierman
Taconic

Ann Billingsley
Lakeville

Allen Blagden
Salisbury

Richard and Freya Block
Lakeville

Tina Bolton
Taconic

Don and Susan Brant
Salisbury

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Jeffery Burnell
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David Burnett
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Dennis and Peg Card
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Richard and Joan Cassin
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Sofia and Jacques Chappuis
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Barbara Binswanger and Jim Charlton
Lakeville

Catherine Chatham
Salisbury

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Lakeville

Dean Diamond
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Vivian Feist Garfein
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Kaye and Bruce Garner
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Lori Shepard Germack
Salisbury

Nina and Brian Goodall
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Leon Graham
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Salisbury

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Salisbury

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Salisbury

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Gay Morris
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Lakeville

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Lakeville

Gisela Piccolo
Salisbury

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Kathleen and Michael Voldstad
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Lisa Wardell
Lakeville

Kathleen Weigel
Lakeville

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Maura C. Wolf
Salisbury

Desi and Ben Zalman
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Barbara and Michael Zimmerman
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Linda Yowell and Richard Zuckerman
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