

CHAIRMAN KLEMENS: Its now 5:32 p.m.
There's -- all the members are here.
Good evening. I'm Michael Klemens, I'm Chairman of the Planning and Zoning Commission. With me tonight are Bob Riva, Cathy Shyer, Marty Whalen and Allen Cockerline, full members. And all our alternates, Dr. Schiffer, Deborah Allee and John Higgins.

Now, just a couple -- There's going to be a lot of housekeeping, so I ask to please bear with me on this. We are starting at 5:30. The meeting will end at 9:30. There is going to be a continuation of this hearing. I think four hours is a fair amount of time. We received a letter from Attorney Casagrande about the meeting format. We have been using Webinar for the last few meetings. Webinar is also commonly used in many towns that you appear in front of which will be Greenwich, Farmington to name but a few. Okay.

So, as the meeting is ending at 9:30 --
And our Land Use Administrator, Abby Conroy and Tai Kern, our recording secretary.

As the meeting is going to end at 9:30, it's quite possible that not everyone who wishes to be heard tonight will be heard. If that is the case, I'm sure you will be heard at a subsequent hearing.

There was a question of timing. I believe the

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1 Applicant should have at least an hour and a half to
2 present, if he needs that. And excuse me for referring
3 the Applicant as a "he." It's a mixture of genders. The
4 hearing will be continued until either March 22nd, with a 5 technical submission deadine of noon on March 18th or 6 April 12th, with a technical submission deadline, okay, 7 blank. That decision is up to the Applicant if they have

8 to grant an extension of time if we have an April 9 hearing.

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housing in our community overall. Acknowledging need is, in and of itself, is not a conflict. However, we must each address the following questions in a slightly different way.

Starting with myself: Have I reached a conclusion to pre-judge this application? It's no.

Am I willing to listen without partiality to all presentations, testimony, public comments and questions prior to reaching my conclusion? Yes.

Do I have a personal or financial interest in this application? That is no.

I'm now going to move to the various commissioners. It's going to be little bit different what I'm going to be asking them.

Mr. Riva, who has disclosed has his daughter, Tiffany, has involvement with affordable housing in Salisbury and has submitted a letter in support of this application. On advice of counsel, that interest is deemed personal. But does not, in and of itself, constitute a conflict of interest. So, Mr. Riva, the questions now I'm asking you.

Mr. Riva, have you reached a conclusion or prejudged this specific application?

MR. RIVA: No, Michael, I have not.
CHAIRMAN KLEMENS: Mr. Riva, are you willing to

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listen, without partiality, to all presentations,
testimony, public comments and questions prior to
reaching your own conclusion on this matter?
    MR. RIVA: Yes, I do.
    CHAIRMAN KLEMENS: Permission to answer these
questions, please state for the record whether or not the
activities of your daughter will hold any sway over your
decision in this matter?
    MR. RIVA: No, they will not.
    CHAIRMAN KLEMENS: Thank you, Mr. Riva.
    Mr. Cockerline. Mr. Cockerline has a
well-known active interest in affordable housing in Falls
Village. Serving on the board of directors of a group
promoting affordable housing in Falls Village. That
interest is not deemed by P&Z counsel to represent, in
and of itself, a conflict.
    Mr. Cockerline, have you reached a conclusion
that has pre-judged this specific application?
    MR. COCKERLINE: No, I have not.
    CHAIRMAN KLEMENS: Mr. Cockerline, are you
willing to listen, without partiality, to all
presentations, testimony, public comments and questions
prior to reaching your conclusions on this matter?
    MR. COCKERLINE: Yes, I will.
    CHAIRMAN KLEMENS: Mr. Cockerline, do you have
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    1 a personal or financial interest in this application?
    2 MR. COCKERLINE: No, I do not.
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``` CHAIRMAN KLEMENS: Thank you, Mr. Cockerline. MR. COCKERLINE: Thank you.
CHAIRMAN KLEMENS: Mr. Higgins has voiced support for affordable housing within our town. This interest is not deemed by PZC counsel to represent a conflict.
Mr. Higgins, have you reached a conclusion that that has pre-judged this specific application?
MR. HIGGINS: No.
CHAIRMAN KLEMENS: Mr. Higgins, are you willing to listen, without partiality, to all presentations, testimony, public comments and questions prior to reaching your conclusion on this matter?
MR. HIGGINS: Always do.
CHAIRMAN KLEMENS: Do you have a personal or financial interest in this application?
MR. HIGGINS: None, whatever.
CHAIRMAN KLEMENS: Ms. Shyer is out of the country for several months. She maintains her residence and as elector in the Town of Salisbury. As these are remote meetings and Ms. Shyer can access all materials and can participate in all meetings in a similar manner that we all do, PZC counsel has deemed that to be
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    1 permissible under the Governor's Executive Order. In
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permissible under the Governor's Executive Order. In addition, Ms. Shyer wishes to disclose that she and Chris Smith had a professional relationship more than five years ago but no longer have a professional relationship. That was Mr. Smith was hired by Ms. Shyer.
Ms. Shyer, have you reached a conclusion to
pre-judge this specific application?
    MS. SHYER: No.
    CHAIRMAN KLEMENS: Ms. Shyer, are you willing
to listen, without partiality, to all presentations,
testimony, public comments and questions prior to
reaching your conclusion on this matter?
    MS. SHYER: Yes.
    CHAIRMAN KLEMENS: Ms. Shyer, do you have a
personal or financial interest in this application?
    MS. SHYER: No.
    CHAIRMAN KLEMENS: Mr. Whalen, have you reached
a conclusion that has prejudged this specific
application?
    MR. WHALEN: No.
    CHAIRMAN KLEMENS: Are you willing to listen,
without partiality, to all presentations, testimony,
public comments and questions prior to reaching your
conclusion on this matter?
    MR. WHALEN: Yes.
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CHAIRMAN KLEMENS: Do you have a personal or financial interest in this application?

MR. WHALEN: No, I do not.
CHAIRMAN KLEMENS: Thank you, Mr. Whalen.
Ms. Allee, have you reached a conclusion pre-judged this specific application?

Debra, your microphone.
MS. ALLEE: No, I have not.
CHAIRMAN KLEMENS: Thank you.
Are you willing to listen, without partiality,
to all presentations, testimony, public comments and questions prior to reaching your conclusion on this matter?

MS. ALLEE: Yes, I am.
CHAIRMAN KLEMENS: Do you have a personal or financial interest in this application?

MS. ALLEE: No, I do not.
CHAIRMAN KLEMENS: Thank you.
Dr. Schiffer, have you reached a conclusion that has pre-judged this specific application?

DR. SCHIFFER: No, I have not.
CHAIRMAN KLEMENS: Have you -- I'm sorry, are you willing to listen, without partiality, to all presentations, testimony, public comments and questions prior to reaching your conclusion on this matter?

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DR. SCHIFFER: Yes.
CHAIRMAN KLEMENS: Do you have a personal or financial interest in this application?

DR. SCHIFFER: No, I do not.
CHAIRMAN KLEMENS: Thank you. Thank you all
for your forbearance.
That being said, all our four commissioners are here this evening and will be seated.

In order to maintain impartiality of this procedure, I remind the public and commissioners that ex parte communication on this matter is prohibited by law. Such communications are, but not limited to, in-person conversations, telephone calls, e-mails and text
messages. I remind members of the public to refrain from copying members of this Commission on e-mails. All communications through the Planning and Zoning Commission are to be routed through the Land Use Administrator, Abby Conroy.

Now, on to additional procedural matters. We have an intervention under 22-a19, [Verbatim] CEPA intervention. We accept the intervention which alleges a reasonable likelihood of unreasonable harm to historical resources and grant the Intervenor party statutes. For the public, acceptance of this intervention is, on my part and the Commission, a neutral action. We neither

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agree nor disagree with the allegations but we do give them standing. I, at this point, would ask you to elevate Attorney Casagrande to panelist status.

We have, in addition to Attorney Casagrande of Cramer \& Anderson who represents Susan Galluzzo, William Muecke, Celeste Shannon, Judith Singells and Joseph Schaefer, we also have the Intervenor, Attorney Grickis, who represents Seth Churchill, and Attorney Capecelatro who represents RJS Holding, Dean Diamond.

Now to give my voice a rest, Land Use Administrator Conroy will read a list into the record of documents received.

MS. CONROY: Mr. Chairman, if you don't mind, I just want to confirm that Cramer \& Anderson, that you're corrected both audio and video; correct?

CHAIRMAN KLEMENS: Mr. Casagrande, are you connected both audio and video?

MR. CASAGRANDE: Yes, Mr. Chairman, I am. Thank you.

CHAIRMAN KLEMENS: We are now going to begin. Abby is going to read and I'm going to drink some water.

MS. CONROY: Let me just get to my page.
CHAIRMAN KLEMENS: Take your time.
MS. CONROY: Okay.
MS. CONROY: So, we have received -- just so

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1 you all know, basically on Thursday, everything from
2 3:45 -- received by 3:45 on Thursday was uploaded before 3 the weekend. Everything I received before noon today was 4 uploaded. So, if you did send something and it's not up, 5 please follow up with me to make sure that we get that. 6 But for now, we have the application submitted by the 7 Applicant that includes -- actually, I'll pull that up, 8 I'll share the screen right now. That includes their 9 plan set, we've received an owner authorization letter 10 from the town allowing the Applicant to apply. We have 11 the notice of hearing published in the Lakeville Journal; neighbors notices submitted by the Applicant; public hearing signs which are not required by these regulations, but were an additional form of notification of the hearing; a letter from the Applicant clarifying the zoning on this parcel; the resumes and C.V.s from the applicant's team; a traffic evaluation from September 2020 submitted by the Applicant; supplemental memo from the Applicant regarding traffic dated October 2020. Also submitted by the Applicant: Housing affordability plan; a letter from Welsh Sanitation; letters to the Department of Public Health and Aquarion; required notices; referral response from the Salisbury Affordable Housing Commission; letter from the fire marshal having reviewed the preliminary plans.

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The Applicant was kind enough to submit their power point that they will be presenting this evening in advance. We've posted the petition for Intervenor status from Cramer \& Anderson.

The following was all submitted from the public: So, one was -- Mrs. Schilling (ph.) for traffic information letter, what submitted by a member of the public; Ms. Oppenheimer presented three documents including photos of surrounding neighborhoods; Attorney Capecelatro provided a letter representing his client and some questions and concerns; Attorney Grickis, the letter that was already alluded to.

We received a response this afternoon from the Selectman to some of the questions posed in Attorney Grickis' letter.

And then we have summarized other communications from the public, so I put those in batches. There's -- each of those, there's a cover page that identifies the person who wrote it and the date of their letter and then following that, each of the actual letters are attached. So, we have letters batch No. 1, batch No. 2, batch No. 3, batch No. 4 and batch No. 5.

Then we received -- members of the public had a petition going around in favor of affordable housing. That was attached. And then a letter from Bruce

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    1 Palmer.
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(Background voice)
MR. COCKERLINE: Mike, can you --
CHAIRMAN KLEMENS: I don't know who it is. MR. COCKERLINE: Well, it's from out there. CHAIRMAN KLEMENS: Who basically has got this noise? Do we have somebody -(Background voice) CHAIRMAN KLEMENS: Marty, is that your house? MS. CONROY: I think it was. I just muted Marty.
CHAIRMAN KLEMENS: Sorry Marty.
MS. CONROY: Mr. Chairman, that concludes the list of documents that I have.
CHAIRMAN KLEMENS: Thank you.
In response to a letter -- not a letter, a question, the counsel for the Planning \& Zoning Commission is Charles Andres of Barclay Damon in New Haven. And we've had extensive conversations with him which is privileged -- attorney-client privilege about the issues which we just discussed. That was a question that Attorney Grickis had.
Now, your presentation and the time. I have assigned, and I would like both Mr. Smith, Attorney Smith, Attorney Casagrande to weigh in, I thought that
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the Applicant up to one and a half hours for their presentation with half an hour for follow-up.

Does that sound reasonable, Mr. Smith?
MR. SMITH: Certainly, Mr. Chairman. I think we should be able to do our presentation within that time frame, yes. Yes, sir.

CHAIRMAN KLEMENS: That's 1.5 hours and then there's a half hour for questions posed to you by the Commission and questions for the Intervenor.

I will ask Mr. Casagrande: How much time do you require for your presentation?

Unmute. You are muted. Attorney Casagrande, can you unmute your microphone.

MS. CONROY: On the bottom of your screen, there should be --

MR. CASAGRANDE: I'm sorry. I was looking at the top of the screen. I apologize.

MS. CONROY: That's okay. If you are used to a different device, it might be elsewhere.

MR. CASAGRANDE: Right.
Mr. Chairman, we don't plan on making a presentation tonight, as I said in my letter. We are working hard to put together our rebuttal case. As I said in my letter requesting a continuance, we respectfully request the opportunity -- and I would like

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1 the Commission, in its discretion, to continue the
2 hearing to the 12th. I'm just not going to be ready
3 within a couple weeks to go forward given the number of
4 issues we have to address.
5
So I, myself, do not plan on making any comments tonight.

CHAIRMAN KLEMENS: Okay. Thank you. And -yes, Attorney Smith?

MR. SMITH: Mr. Chairman, Attorney Casagrande, I have no idea what letter was sent in. I was not provided with a copy to have nor was I provided with a copy of Attorney Grickis's. So, this is all news to myself and my client relative to asking for a continuance to go out, I guess, over a month. So, I don't -- there was a reference to Webinar, so I was hoping that maybe that could be clarified for me, since I'm kind of operating in the dark and chasing ghosts that the point since, again, a courtesy copy wasn't sent to me.

CHAIRMAN KLEMENS: Attorney Smith, first, the decision whether to continue until the 22 nd or the April 12 th is really up to the Applicant as I said in my opening remarks. It is within your discretion, you have to grant the extension. So, that is your decision.

The letter -- the letter is on the website, but certainly I can ask the Land Use Administrator to send

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1 you Attorney Grickis's letter and Attorney Casagrande's 2 letter.
MS. CONROY: Actually, two of Attorney
Casagrande's -- I got two messages from Attorney
Casagrande this afternoon, so I didn't have time to put
them up or anything. So, the original Intervenor letter
and Attorney Grickis's letter are both on the website.
MR. SMITH: Yeah, I see that Attorney Grickis
is here. I'm more than happy to send copies of whatever
we file to legal counsel and hopefully they would extend
the same courtesy, Mr. Chairman, as we go this. As you know, I've been doing this for quite a long time and that's typically, actually, always the way it's done. We just ask folks to do that. I think it would help it run more efficiently for the Commission and the public and certainly my client if we have those courtesies extended to us. But we can deal with that later.

CHAIRMAN KLEMENS: Certainly for the seated Intervenor that is pro forma. If you wish to also send copies to Attorney Capecelatro and Attorney Grickis, that is your decision. I can't request that of you.

MR. SMITH: Understood.
MR. CASAGRANDE: Mr. Chairman, if I may.
CHAIRMAN KLEMENS: Sure.
MR. CASAGRANDE: I had no intention of

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1 excluding Attorney Smith. My understanding was, in
2 filing the letters, he would get copies. But I'm
3 certainly happy to establish a protocol with Chris. He
4 an I have worked together for a long time and I'm sure we 5 can work out a reciprocal approach. But I would ask -- I 6 mean, 30 day extension in a hearing like this is not 7 unreasonable. And so I reiterate my request for that

8 indulgence. I'm not -- I have to say I'm not sure, 9 Mr. Chairman, that it's up to the Applicant at this point 10 because the hearing just got opened. My understanding is 11 if it goes to the point where the hearing has to close, 12 then the Applicant would have to consent to extensions 13 beyond that. So, I'm not sure I agree with Attorney

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    1 the list to get --
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MS. CONROY: Right. I don't see --
CHAIRMAN KLEMENS: I don't see him. But there's 128 now.
MS. CONROY: And not everyone is named by their true names.
CHAIRMAN KLEMENS: I'm sure an attorney would be.
MS. CONROY: Attorney Capecelatro or Mr. Diamond, if you are here, please raise your hand. (No response)
CHAIRMAN KLEMENS: Apparently not.
MS. CONROY: Doesn't look like it.
CHAIRMAN KLEMENS: Then I'm going to flip, and after the Applicant, I will have Attorney Grickis and Mr. Churchill make their presentations. So, I guess at this point, we will start with the presentation of the Applicant. It is now a 5:58. So, by my calculations, --
MS. CONROY: Mr. Chairman, there was some question about where the links to the documents are. I would be happy to show everyone when you go to the Town of Salisbury home page, there is a link right on the left-hand side. Let me add my share screen here. So, Town of Salisbury web page, on the left-hand side, shortcut to Planning and Zoning Commission meeting
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1 documents. And all of the current and pending applications, all of their materials are here. But the one you're specifically looking for is special permit 2021-0123 for the multi-family housing.

CHAIRMAN KLEMENS: Thank you, Abby.
Is there any other procedural questions?
Then we go on to the next two hours which are devoted to the applicant's presentation, questions from the Commission to the Applicant, then questions from the Intervenor to the Applicant.

MR. SMITH: All set, Mr. Chairman?
CHAIRMAN KLEMENS: Give my voice a rest.
MR. SMITH: Have some water.
Good evening, Mr. Chairman, members of the Commission, Ms. Conroy, Madam Clerk. For the record, my name is Chris Smith, I'm a land use attorney with the law firm of Alter \& Pearson and I appear before you this evening on behalf of the Salisbury Housing Committee, Inc. who is the Applicant for this special permit application that's been submitted pursuant to Section 405.5 of the PKSQ Overlay District. As you're aware, there's also a component concerning the Aquifer Protection Overlay District as provided by Section 403.

For the record, $I$ just would like to note that we did send notices out e-mail -- by e-mail and letter

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1 certified return receipt to both Connecticut DPH as well
2 as Aquarion, and you have been provided with copies of
3 those. Those were some of the documents that Ms. Conroy 4 made reference to as well as the notice letters to the 5 abutters. board members are listed here for your reference. We are a private, non-profit, all-volunteer organization that's been building and managing affordable rental housing in Salisbury since 1970. I haven't been here since 1970, but the organization has been functioning in town to create those housing opportunities for that long. And

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1 currently, we own 33 affordable rental units in town and
2 contract with a professional rental management company
3 for the day-to-day management of those units. Again, we
4 are not a town committee. We are a private, non-profit 5 that's all volunteers. will be presenting tonight. We do have Rocco from QA+M Architecture who will be presenting the architecture of the new revised design. Jon Tunsky is here to present the site design details. You met Chris Smith who will be representing us. David Berto and Cathy Petracone are on our team from Housing Enterprises, they deal with all the housing finance and project management. And our traffic engineer, VHB Joe Balskus, is here with us tonight as well.

So, before I turn it over to them, I just want to briefly summarize, sort of, the major changes in the design that have occurred. As you all know, we heard lots of public comment in the previous iteration of this project. The Salisbury Housing Committee and it's team listened to what we heard in terms of comment and concerns from neighbors and other residents on this project, and basically completely re-designed the project to respond to those concerns. So obviously, the style of architecture has changed a lot. We also scaled back the

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1 size and the bulk of the building, especially the third
2 floor and made it symmetrical on both sides. We reduced
3 the number of units and bedrooms to 12 units and it went
4 from 21 bedrooms to 18 bedrooms; and reduced the
5 footprint of the building which also meant that we lost
6 two parking spaces under the building; but again, we also
7 obviously reduced the number of bedrooms, so -- and
8 units, so we reduced the parking demand from residents in
9 that way.

10

Next slide, please.
This is the rendered site plan of our project. The proposed building is the tan rectangle and that includes, as discussed, 12 units and 100 percent of those will be affordable. Starting in the front at Millerton Road there will be an accessible ramp and stairs at the main entrance. The front yard setback matches the

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1 existing front yard setbacks of abutting properties. And
2 then moving clockwise to the corner, there will be a
3 small permeable paver patio and any memorials stones or 4 plaques on site will be incorporated into the new site 5 wall. Currently, the wall is detailed as concrete, but 6 we'll be meeting with ship owner (ph.) review the 7 existing wall later this week and based on their

8 direction, that material of the wall may change. the building and 12 space along the southern property line. Four of those spaces will be compact. 12 are required by zoning, so, two of the exterior spaces will be signed for tenant only parking. The remaining ten spaces will be on a first-come-first-serve use for public. And moving along toward the west side there's another entrance to the first floor. Access to the adjacent buildings will not be affected by this plan, including the right of way along the west side of the building where that white car is pictured.

Remainder of the site will be landscape and trees, shrubs and perennials. The site is located in the Lakeville aquifer. As Chris mentioned Aquarion Water and Connecticut Department of Public Health were notified and

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1 this development will have no adverse affects on the
2 aquifer. Storm water will be collected and treated on
3 site by the two existing catch basins. No -- New roof
4 leaders will be connected into those two basins.

Trash and recycling pickup will enter and exit on Holley Street. Those will be 95 gallon bins and they will be safely stored in the garage and rolled out for pick up as needed.

Also mentioned, plans were reviewed by the fire marshal and the one comment he did bring up was the need for additional fire lanes on the west and south side, so we will add that to our plans later on.

Next slide, please.
Just to review some of our zoning requirements. Density height, frontage and parking requirements per section 405 the multi-family housing and Pocketknife Square Overlay Districts. The maximum building height is 40 feet and we are currently at 33 feet. Minimum street frontage is 25 feet, our proposed frontage is 103 feet. Max building coverage is 75 percent, our coverage is at 40.1 percent. And we need one parking space per unit, so we meet that with 12 -- or excuse me, we have 22 but we only need 12. And maximum 20 percent of the parking spaces can be compact and we are at 18 percent. The maximum density is 16 units per acre unless 50 percent of

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1 the units are affordable and the minimum size is greater
2 than 350 square feet and we meet that as well. Because 3 we have 12 units with 100 percent affordability and the 4 units are larger than 350 square feet. development shall be served by public sewer system. The Water Pollution Control Authority has provided a letter from -- stating the project meets the requirements. The proposed development will also be served by the public water system per 405.6d. Per 405.6 f the landscaping shall be consistent with the requirements of Section 701 and we meet those requirements. Per Section 405.6 g lighting. Lighting shall be consistent with the requirements of Section 702. All lighting is residential in character and scale. Full cutoff fixtures and the maximum light levels shall not exceed 5 footcandles, and we meet those requirements. 405.6h, other external elements shall be compatible with the character of the neighborhood and the rural and historic character of the town. We meet those requirements. $405.6 i$ units shall be accessible to individuals with disabilities under the Americans with Disabilities Act, and we meet those requirements.

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Next slide.
With that, I'll turn it over to Rocco.
MR. PETITTO: Let me back up. Good evening. My name is Rocco Petitto. I'm an architect with QA+M Architecture, LLC, Farmington, Connecticut, the address is 195 Scott Swamp Road, Farmington, Connecticut, 06032.

To get into the building tonight, I have a list of square footages. The first floor and second floor essentially are 5300 square feet and the third floor is reduced because it's kind of tucked up under the roof. And that's at 4600 square feet giving us a total of around 15,300 square feet.

We have seven, 1-bedroom units; four, 2-bedroom units; one, 3-bedroom unit, and so that's a total of 12 units with 18 bedrooms. The 1-bedroom units average about 700 square feet, the 2-bedroom units, 1200 square feet and the 3 -bedroom unit is 1300 square feet.

Next slide.
So, here's kind of a more detailed picture of the parking area showing more of the architecture. The elevator will only be accessed by residents. They can park their cars under and walk to the elevator and walk to the stair to access to the building. As Jon mentioned, the area to the, I guess we would say the right middle is where we can store recyclables and trash.

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1 That's where resident can put it. And the then the trash
2 department will -- their company will come and grab the
3 bins and wheel them out to the truck. There's also room
4 down here for storage and mechanical. That remains to be 5 seen as far as what actual utilities and IT and things

6 like that that the building may need. But they should be 7 able to be sufficiently accessed here. back to the main corridor that splits the building front to back, you'll see access to the elevator and then the two main stairs on either side. Towards the back of the building we have two, 2 bedroom units and there's also a 1 bedroom unit on the, I guess we would call it the northwest side of the building, labelled in red. So, the 1-bedroom units will be red, the 2-bedroom units are blue and the 3-bedroom units, green.

Next slide.

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On the second floor, 1-bedroom unit stacked above -- we'll go clockwise starting with the 1-bedroom unit in the northwest, then there's a 2 bedroom unit next to it and then down below all along the south side of the building, essentially we have three, 1-bedroom units.

And then next slide.
And this is the third floor. So, again, going clockwise we have the 1 and 2-bedroom units at the north side of the building and then a 1-bedroom and one, 3-bedroom unit at the south.

Next slide, please.
So, this is the elevation that was, more or less, submitted with the $P \& Z$ submission. The building will have asphalt shingle roofing, it will have trim clapboard siding. Also, there will be some face brick around the back and there's also incorporating some of the stones from the stone wall are the existing stone foundation that was there along the front Millerton Road elevation.

Next slide please.
This is a view of the south. We've incorporated some screening in the parking area. This is to reduce some of the viewing into the parking but also it's designed to reduce kind of light bleed into the neighborhood out of the parking garage. But same type of

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1 fenestration. You have asphalt shingle roofing, trim,
2 clapboard siding, the brick -- the windows, I guess I
3 failed to mention they are six over six double hungs.
And then we can go to the next slide.
So, this is a pictoral representation of what the building will look like in a more realistic form. We've taken, I should say, Ken has taken more of a federal approach than the last building that we saw. We took those recommendations to make the building more symmetrical; and you see -- you can see the ramp and the stairs at the front elevation with a little portico in the center.

Then we can go to the next slide which is a 3D at the corner of Holley Street and Millerton Road. Showing those same elements, showing the stone wall, showing the area where the -- we would like to do something special perhaps have a seating area, perhaps incorporating a bench into the wall. This is something that will be discussed with SHPO part of that discussion will happen tomorrow, as Jon previously stated.

We can go to the next slide. This is a look down Millerton Road. So, you can see the massing of the building and how it will look in relation to the other buildings.

Next slide, please.

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This is a night view of how we've envisioned the building. We don't intend to light it up, per se. There should be just enough lighting. Inside, most of it will most likely be motion activated, so they will only come on when someone is in the parking area.

Next slide, please.
Now, here's the neighborhood context. So, as noted in the previous Planning \& Zoning -- in the application, the mid height of our building from the mid range for the site or the mid height of the roof -- slope of the roof to the mid of the site is 33 feet 5 inches. So that conforms about zoning to the top of the roof, very highest part from the first floor is 35 feet. And then the building to -- down on the lower image I'm drawing a blank on the name of it now, but that building from its floor is 38 feet. As you can see by the image rendered is that we are intending to be close to the roof height of that.

Next slide, please.
I think this goes back to Jocelyn. Or is
that me? I guess it's still me. But the building facades are massed and scaled to present a varied appearance at the street level. I believe we've accomplished that. I believe we have accomplished considering the spacing and proportion of the window and

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1 door openings, aspects of the fenestration as well as
2 colors, textures and the general nature of materials and
3 treatment. We believe we he have accomplished that. We
4 don't have any blank wall exposures and considering the
5 variation -- we considered the variation of the roof such as gables and dormers. Next slide. Traffic study. MS. AYER: This is Joe. MR. BALSKUS: For the record. Joe Balskus, record for VHB -- director of transportation systems for VHB. We are located 100 Great Meadow Road in Wethersfield, Connecticut, 06109. I was the traffic engineer that prepared the previous two memos on the application last year which are on file in the record. And I understand this site has now dropped from 13 to 12 units so those traffic studies are still in play and still document the conditions of traffic.

So, really quick on the traffic study, itself. We prepared traffic studies last year as I mentioned and in those studies we show that there's minimal traffic generated on to the area roadways. We are actually less than 7 total trips in the morning peak hour and less than ten trips during the afternoon peak hour with the 12

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1 unit. We also have less than 50 vehicles being generated
2 over the course of a day. So, very low generation of
3 traffic from this development. ample parking proposed for this even though we have a revised site plan.

And also of note, the DOT has been provided some recent safety improvements. The cross walks, the rectangle rapid flashing beacons that are out there, all provided by the DOT and Town with sidewalks and cross walks at the intersection, itself.

And there is also a separate analysis -- we did a crash analysis in our studies, but I'm also aware of a submitted crash data analysis that was submitted by someone else that reported very low crashes. That just validates the traffic study that we had done in terms of crashes at this intersection along the section of the roadway.

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In terms of parking, next slide.
I think that was me.

MS. AYER: I can cover this, Joe.

MR. BALSKUS: That's the end of my presentation. Thanks.

MS. AYER: Thanks Joe.
Yeah, we just wanted to reiterate, again, because this is a new application and new record, that the 12 outdoor spaces on the site will be open to the public. The 10 parking spaces under the building will be for residents only. Again, we expect our building residents will need four of those outdoor spaces during the peak parking hours which is after 5 p.m. and overnight. This will leave eight outdoor spaces during peak parking time. Based on our observations, there were very rarely more than 8 cars parked in the parking lot at any given time currently, and the highest use of this parking lot currently is during the day, again, when many of the residents of this building would not be there.

We did submit an affordability plan. And Abby mentioned that's one of the documents that we submitted which has a lot of details around how we intend to ensure that the project will be affordable and remain affordable. Again, all 12 units and the building will be affordable to folks at 80 percent of the area median

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1 income and no tenant will pay more than 30 percent of
2 that her household income on rent, which is the State
3 definition of affordability. This slide does show you
4 the income limits which are based on both household size
5 and area median income. So, for example, a family of
6 four earning $\$ 82,000$ would qualify to live in a unit that
7 is intended for someone at 80 percent of their median 8 income.

```
            We wanted to show you the -- some example
rents. Again, we're not sure exactly what the
different -- we'll have a mix of incomes in our units.
We're not sure exactly what the income mix will be; but
as an example in Sarum Village 2, our current rents by
the median income and size. You can see go from a
1-bedroom being between $428 a month to $991 a month or a
3-bedroom unit, for example, between $1,114 a month or
about $1,300 a month.
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We do believe that the size that we are proposing here is required to meet the town's goals. And is consistent with what was discussed and requested when residents voted back in 2018 to allow the town to provide the Salisbury Housing Committee the action to lease this property. It was specifically mentioned, this is the newspaper article from back in 2018 which does, again, specifically mention between 12 and 18 units. Obviously,

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1 we're on the smaller size of that. We can't get any
2 smaller with this project and have it still meet those
3 standards. number of units are key, again, to being competitive for State funding. Obviously, the cost of the elevator and the ground level parking has to be divided by the total number of units. So, making it smaller really makes it not viable.

The overlay regulations, again, obviously acknowledge and recognize that the scale -- this kind of scale is necessary for affordable housing which it allows the waiver; and again, the regulations specifically allow that greater density. So again, just showing here the newspaper article from what we talked about -- what was talked about with residents back when they voted for this in June 2018. And also, what is in the town's affordable housing plan that was adopted by the town specifically mentions 12 to 18 units on this site. And again, we're at the lowest end of that range.

We also did want to underscore that the access for adjacent buildings will not be affected at all by this proposal. Those arrows on the site plan again show

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1 you that the existing accessways at the neighbors
2 properties have to this site will remain -- there will be 3 no change to any of those accessways. were just shown to the left on the site plan, that right of way provides for ingress and egress. That's not going to be obstructed, whatsoever. We certainly believe that there's been reference to other approvals in the immediate area requiring satellite parking on the site. We don't think that that is the case; but even if it is, there -- as Jocelyn just indicated, there's a number of spaces that are available for the public even after accommodating the residents and the visitors. And again, as Jon Tunsky indicated, the proposal does more than satisfy the minimum requirements for parking.

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And as to the intervention, I'll wait to hear from Attorney Casagrande. I'm not quite sure why it wasn't filed under 22A-19a that deals with historic impacts; but I'll wait for his response.

I would like to just point out in closing that not only is the proposal, as Jocelyn indicated, consistent with the Pocket Square Knife Overlay District [Verbatim], but it's also, we respectfully submit, consistent with your POCD -- 2012 POCD and in particular one of your major task housing options to seek additional housing opportunities. And when you say housing opportunities you refer to apartments and something other than single family homes; and your 2012 POCD is chock full with how you don't -- there's a lacking of those housing opportunities in Salisbury as are in most of our suburban towns. And that's one of the main goals of your 2012 POCD housing options is to provide for those housing opportunities and I'm quoting, quote, Especially in village centers. End of quote.

And I would respectfully submit that this certainly satisfies this -- satisfies that goal and POCD as well as consistent with the regs. I know I'm coming in -- I wasn't -- I didn't participate with the first application; but $I$ would like to just make those points, Mr. Chairman, in closing. And I know that my client

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appreciates the opportunity to have the pre-application meeting and went -- and did participate in a public outreach relative to the modifications that Jocelyn just walked you through.

And dealing with private developers on a regular basis with much greater density, I just have to tip my hat off to this dedicated group trying to promote these housing opportunities for the town of Salisbury.

So, as Jocelyn indicated, that closes our presentation. A little over half an hour and we're open to any questions from the Commission members at this point. Thank you.

CHAIRMAN KLEMENS: Thank you.
Now it's time for Commission questions. I'm going to kick it off with just a few. Mr. Balskus made reference to another document. I assume this is the memorandum from Katriona Pike (ph.)?

MR. BALSKUS: Yes, I believe so, correct.
CHAIRMAN KLEMENS: It would be very helpful if this could be submitted in some form under your letterhead because you know there's a difference between expert testimony and lay testimony. Is there a way some of these concepts could be integrated in a submission from you?

MR. BALSKUS: I can look at that. I actually

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submitted the actual crash data that was obtained from a
similar source that we obtained our crash data. So we
can provide a current of that data that was used.
    CHAIRMAN KLEMENS: Yeah, I would -- yep, that
would be good to put it together. I'm sure Attorney
Smith can explain to you why.
    Can I see where these fire lanes -- could you
illustrate where these required fire lanes are on the
map, please?
    MR. TUNSKY: I can comment on that.
    CHAIRMAN KLEMENS: Thank you.
    MR. TUNSKY: So, it would be on the south side
which is where the -- on the south side where that red
    car is.
            CHAIRMAN KLEMENS: Yes.
            MR. TUNSKY: So, the fire lane which the fire
                marshal suggested would be on the south side of the
                building where that red car is and also on the west side
                    which is where the white car is pictured. So, within the
                        right of way there.
                            CHAIRMAN KLEMENS: So, that means basically
                                striping is what it is. No parking or --
                            MR. TUNSKY: Correct. So, striping, signage
                                saying fire lane, no parking would be mounted.
                        CHAIRMAN KLEMENS: Thank you.
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The laundry, I presume, is for the entire building; correct? Residents do not have individual washers and dryers?

MR. PETITTO: I can answer that. At this point, yes, there's laundry provided for everybody in two laundry rooms. There's one located on the first floor and there's one unmarked one where we also have plans to put laundry on the second floor. I have done units like this where we could provide laundries in each unit and that would be a decision made by the housing committee if they would prefer to do it that way at some point.

CHAIRMAN KLEMENS: Where's the laundry on the second floor? Can you show where that's proposed?

MR. PETITTO: If you can pull up the second floor plan.

CHAIRMAN KLEMENS: Yes, I do.
MR. PETITTO: I have not seen it. Oh, there we go. The next one is --

MS. AYER: Rocco, is it this --
MR. PETITTO: Yes, it's the room just to the left there.

CHAIRMAN KLEMENS: I see it now. Okay. So, that's basically those rooms is sufficiently large for the number of machines, dryers, washing machines to accommodate the residents?

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MR. PETITTO: Yes, sir it should be large enough for at least two of each machine.

CHAIRMAN KLEMENS: Thank you. Two of each. That's four washers and four dryers in your professional judgment is sufficient for 12 units?

MR. PETITTO: At this point, yes.
CHAIRMAN KLEMENS: There's no ratio or standard or anything?

MR. PETITTO: No. Because they are generally not required. It's a convenience.

CHAIRMAN KLEMENS: Thank you. How much square footage did you shrink the third floor by?

MR. PETITTO: From the original?
CHAIRMAN KLEMENS: Yes.
MR. PETITTO: I do not have it up right at this moment.

CHAIRMAN KLEMENS: But there was a reduction; correct?

MR. PETITTO: Well, there's a reduction total in the whole building.

CHAIRMAN KLEMENS: Yeah.
But you don't have the individual floor reductions?

MR. PETITTO: No.
CHAIRMAN KLEMENS: But that can be provided?

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MR. PETITTO: It could be, yes.
CHAIRMAN KLEMENS: Thank you.
Let's go look at the back of the building with the lighting, please. The nighttime lighting. Okay. Now, you said that the lights internal to the building were going to be motion detected.

MR. PETITTO: Some of them will be. So, it depends, like we would probably pull in a light than consultant to talk about how much lighting is needed as ambient light and how much is needed for when the parking area is occupied.

CHAIRMAN KLEMENS: I'm noticing four rather large sconces outside. Those would be on all the time at night?

MR. PETITTO: That's a determination that we can make later. But just because there's four lights there, the lumen number doesn't necessarily mean it's going to be high. Those also can be dimmed.

CHAIRMAN KLEMENS: Well, as you know there's been quite a bit of concern about how this looks. So, I'm going to continue my line of questioning. Is there any way you can do that with a more downward directed design?

MR. PETITTO: Yes. Yes, we could.
CHAIRMAN KLEMENS: I think the residents would

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1 appreciate not seeing those four lights if they could
2 be -- I understand lumens is one thing, but how you spill
3 light if it can be downward directed I think would be an 4 improvement.

5

You are going to meet with SHPO tomorrow?
MR. PETITTO: Yes, our historical architect in our office, Ken McCoy, will meet with SHPO tomorrow. They planned to do it earlier but the weather over the last three weeks has impeded that process.

CHAIRMAN KLEMENS: So, there's going to be a meeting on site with SHPO?

MR. PETITTO: Yes.
CHAIRMAN KLEMENS: And a question for Attorney Smith. We now have an Intervenor with an historical impact report. What is the applicant's plan to respond to that?

MR. SMITH: With regard to the intervention, Mr. Chairman?

CHAIRMAN KLEMENS: Right.
MR. SMITH: Well, it's my understanding that -that was one of the comments I was going to make. It's my understanding that the attachments there or the information provided therein from what we can gather appear to apply to the prior application. So, I can't speak for Attorney Casagrande on that. But that's what

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1 it appears to be. So, we just thought that might be an
2 evolving petition at this point in time.

So -- but when we reviewed it, that's what it appeared to the team.

CHAIRMAN KLEMENS: Attorney Smith, you realize when you get an intervention we have the only information being provided by the Intervenor puts the Commission in that difficult position unless there is response by some of the professionals.

MR. SMITH: Understood, Mr. Chairman. As you know I'm familiar with the 20-2019 process.

CHAIRMAN KLEMENS: I know you are, sir.
MR. SMITH: There have been historical issues raised, which I think certainly are more appropriate for 22A-19a, which is the section after $22 \mathrm{~A}-19$, and that deals with historic impacts. I don't know if -- That appears that it may very well be the appropriate intervention process. If indeed that is, and if the Court finds that the Intervenor does not satisfy their burden of proof with a prima facie case, then arguably they are responsible for the costs -- the applicant's cost in going through the process.

I'm just not quite sure what the claims are going to be and we -- if they turn out to be historical, we'll be responding whether it's through intervention,

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1 Mr. Chairman, or on the merits of the application. We 2 certainly will wait to see what's provided. Again, it 3 does appear that the historical information or the 4 information provided concerning potential impacts appear 5 to deal with the prior application. So, we really can't

7 are brought up by whomever they -- whoever brings them 8 up, Mr. Chairman. You're right, we don't want to leave

CHAIRMAN KLEMENS: Because, at some point, we're going to have to make a finding on the intervention; and just so the public knows the procedure, we accept the intervention, but at some point we're going to have to deliberate to determine whether or not the Intervenor has met their burden.

MR. SMITH: That is their burden, Mr. Chairman. So, we just to have wait and see what's produced and then we will certainly rebut or respond to it so that the Commission certainly hears from us relative to those allegations.

CHAIRMAN KLEMENS: Thank you, Attorney Smith. MR. SMITH: Thank you, sir. CHAIRMAN KLEMENS: I'm now going to go to the Commission. I will start my screen, Mr. Riva is up there. At least on my screen.

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MR. RIVA: Michael, you did a good job in clarifying some stuff for us there with that. But I do have a question for Jon Tunsky, if I could. Jon, I'm sorry, I was trying to eat my dinner when you were doing your presentation. Can we go back and discuss -- can you show me -- you were talking about drains, catch basins, Jon, and I'm not sure if it was leader pipes, drains from the roof. Can you go over that again for me, please.

MR. TUNSKY: Sure. Jocelyn, can you pull the plan up, please. Okay.

So, it's not demonstrated in this plan, but the existing parking lot has two catch basins within the parking lot area which are relatively in -- which are in the drive aisle here kind of on both sides that have of that red car. So, roof leaders from the building are going to be tied in underground piping and then basically saw cut into that catch basin and connect all that water towards the catch basins for treatment.

MR. RIVA: Okay. All right. And those are existing drains now. You're not going to add to anything or -- Okay.

MR. TUNSKY: No, yeah, existing catch basins.
MR. RIVA: All right. Good. I just missed that whole thing there. I'm sorry. Thanks very much. MR. TUNSKY: Not a problem. Thank you.

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MR. RIVA: I'm all set right now. That was a point I wanted clarified.

CHAIRMAN KLEMENS: Thank you. I will go to Mr. Cockerline. Allen?

MR. COCKERLINE: Thank you, Michael. I'm here.
So, just one of the clarifications I have just for our own housekeeping. Didn't we eliminate the Lakeville Light Industrial Zone? We had a reference to that. I thought we eliminated that and substituted it for the CG or CG-20 or whatever we did.

CHAIRMAN KLEMENS: I believe that's correct.
MR. COCKERLINE: So, there was --
CHAIRMAN KLEMENS: Jon's nodding. He's our -He's our institutional -- he's got institutional memory. Yes, you're correct.

MR. COCKERLINE: So, I think that's -- we just need to get rid of that as part of our -- part of the language in this.

And the other question $I$ have is regarding the historic Commission. Does this have to be run by them? Lakeville Salisbury Historic Commission.

CHAIRMAN KLEMENS: I don't think -- I think until after SHPO, right? Then maybe -- Abby, why don't you give us some--

MS. CONROY: Actually, Attorney Smith was

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1 looking to respond. He was raising his hand. Do you 2 want --

CHAIRMAN KLEMENS: I'm sorry. It's like the Brady Bunch here.

MR. SMITH: I'll certainly defer to Ms. Conroy on that, but $I$ think it's our understanding that we don't have to do that, Mr. Chairman. But I -- and I would like to comment to Commission Member Cockerline's comment with the light industrial. We did send in a supplemental letter, sir, indicating that Ms. Conroy did indicate to us although the prior administrator thought this was an LI-20 district with the overlight going on top of it with the application. It's actually in the CG-20 and we did send in a supplemental letter indicating that for the Commission and for the record. And Jon Tunsky did review the bulk area requirements for both the CG-20 zone district, which we are located in and the LI-20, which is what we thought we applied under; and we still have -they are essentially the same. We do meet the bulk area requirements under the CG-20 zone district as well even though we are applying under the overlay, obviously.

Thank you. That was a good pickup.
MR. COCKERLINE: Well, it's just a housekeeping thing for us. I wasn't sure whether we had -- sometimes we eliminate things, but they stay. So --

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MR. SMITH: You were right.
MR. COCKERLINE: We need to clean it up.
And I have no further questions. I read with great relish the 54-page traffic report. I can't say that I've ever seen one quite that detailed. It's very extensive and leaves no stone unturned. Very good job. Thank you.

CHAIRMAN KLEMENS: And thank you.
Commissioner Shyer.
MS. SHYER: I'm sorry, I got an unavoidable distraction when Jocelyn was talking about the parking. But I did hear it's a first-come-first-serve basis for about eight parks outside. Probably during the commercial day. Is there any -- I mean, there's still correspondence coming in this week and the end of last week about the concern for parking for the current businesses there. And I'm just wondering is there any way to sort this out with these businesses so they are confident that their clients and their employees will be able to use these parks in a fair way? Sorry. That was a question for the Applicant.

MS. AYER: My response would be that, again, our studies have shown, including the professional parking study that we had, that the existing use of that parking lot is typically no more than eight folks parking

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1 there at any given time, currently. And those eight
2 people would -- you know, those eight cars would be able
3 to be accommodated with that public parking. I guess we
4 would also point out that there is -- again, we know
5 during certain peak times there might be lots of -- there

6 might be folks parking on the street; but right now, there is no shortage of also on street parking for folks who want to, you know, visit those businesses.

So, you know, we completely understand concerns around parking. We are very supportive of the local business and obviously wouldn't want to do anything to affect their business. We do believe that the parking lot here can accommodate the parking demand that it is currently seeing in the parking lot. Again, we also do believe there are many, many on-street parking spaces at almost all times as well to accommodate additional cars. MR. BALSKUS: Just to add to that -- Joe Balskus -- as reports indicated, our filed report, we did a parking observation over four days, 24 hours, we recorded the parking. So, it's extensive for a project like this. I've done lesser studies for much larger projects. So, we are very confident that the parking demand that's out there can be accommodated with the parking program you have in front of you.

MS. SHYER: Thank you.

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My other question at this point was the size, the width of the alley to the waste [Verbatim] that is now going to need to be designated as a fire lane. Is that being widened from what is currently there now?

MR. TUNSKY: I can answer that for you Cathy. Jon Tunsky. No, we would be maintaining the existing width as it is today.

MS. SHYER: Thank you.
And I want to clarify one of the chairman's questions about the laundry. It looks more to me -- and I think he thought you said there would be four washers and four dryers. But didn't you say it would be two of each machine, so a total of four? Two dryers and two washing machines?

MR. PETITTO: Yes, in two rooms.
MS. SHYER: In two rooms.
MR. PETITTO: There's a room on the first floor and a room on the second floor that we had --

MS. SHYER: Okay. Thank you.
MR. PETITTO: And maybe another clarification for Dr. Klemens. We have reduced the first and second floor by 3500 square feet each and the third floor is reduced by 750 square feet.

CHAIRMAN KLEMENS: Thank you.
MR. PETITTO: Yes.

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MS. SHYER: I'm no architect and I've never built a home, certainly not an apartment building, but it seems that all the bathrooms except one have baths. One shower. Did I miss something?

MR. PETITTO: Could be a graphical error.
MS. SHYER: It just strikes me if they are all supposed to be accessible apartments, how does the bath work into it?

MR. PETITTO: Well those, at this point, are graphical. We'll have bathtubs in some and showers in others.

MS. SHYER: Okay.
MR. PETITTO: If that's what the question is.
MS. SHYER: Yeah, okay. Thank you.
CHAIRMAN KLEMENS: What you are saying those are place holders right now?

MR. PETITTO: They are place holders. We will determine which units are actually fully accessible units and those will be getting showers. But we do have a space for either at this point.

CHAIRMAN KLEMENS: Thank you.
Cathy, any additional questions?
MS. SHYER: Not at this stage, thank you.
You clarified it's definitely 100 percent affordable rental units correct?

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MS. AYER: Correct.
MS. SHYER: Thank you. Thank you, Chairman.
CHAIRMAN KLEMENS: Marty, do you have any questions?

MR. WHALEN: Can you hear me?
CHAIRMAN KLEMENS: Yep.
MR. WHALEN: I have -- the only question I have is on the parking for the residents in this building, does it take into account that you get a couple, like, two or three young couples, they each have a car? Did you take that into consideration? That's going to shrink your parking lot, considerably. I mean, it looks to me like you have one parking space per unit. But you are going to get, from younger people that each have a car going in different direction, so I'm not really sure it won't become a problem. But that's my own comment.

And another thing -- and one thing, the mock up of the building from coming down -- let's see, east on Millerton Road. Can you go back to that? I noticed that -- Can you go back to that, Abby?

MS. AYER: Sorry. What do you want me to show?
MR. WHALEN: There's a view of the building if you are going east on Millerton Road and it shows the three small buildings next to this apartment building. Can you show that to me one more time.

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2 for you. on a pole.

MS. AYER: See if I can find the right slide

MR. WHALEN: It's actually photos, it looks like. Right there. Go back one, please. I notice was coming down that road today that the picture you show me now, the telephone pole was gone. There's a telephone pole right next to that little building that's going right next to that building. That's the only thing you're going to see is that ugly telephone pole right in front, right on the corner of that building. Because it's out on the sidewalk. And some of those mock ups you show, you got the telephone pole beyond the building. But it's not. It's on the sidewalk. That's my only other comment. The wire just ends right there. It's not

CHAIRMAN KLEMENS: Can someone show what Marty's talking about.

MR. COCKERLINE: Marty, this is Allen and I think that representation there is really just about scaling. Yeah, I know what you mean. There's some unrealism that comes into it with the absence of telephone poles; but I was, myself, surprised that the scaling seems to fit the site rather nicely.

MR. PETITTO: You can actually see the telephone pole in the top of the picture.

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MR. WHALEN: That's on the other side of the building, though. I'm talking about the one that's on the left -- the left side of that building.

MR. PETITTO: It's graphically shown on the top of the picture. But our image is over the top of it. But our image is over the top of it. We deal with having to move utility poles and, you know, other utilities at times.

MR. WHALEN: No, no, no. No. I know where that telephone pole is. You can't kid me. Okay, that's my only comments.

CHAIRMAN KLEMENS: Danella, do you have questions?

DR. SCHIFFER: Yes, I do.
And without judging content, I would like to congratulate the Housing Committee for what I thought was a really excellent verbal and visual presentation.

Having said that, I do have a question and that is I'd like some clarification on the traffic flow of the indoor parking. It appears that there is one lane for cars going in, cars going out; and cars leaving have to back out and then there's parking right opposite the entrance, which makes it kind of tricky and tight. So, could somebody please talk to me --

MR. BALSKUS: This is Joe. Jon, if you can

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1 show the plan I can help you or I can try to address
2 that. Someone show the site plan.

3

MR. TUNSKY: I would like to take a stab at it. MR. BALSKUS: Go ahead. MR. TUNSKY: So correct, so the -- between the two parking aisles of parking there's a 24 foot aisle which meets the zoning requirements for a park aisle. So yes, this would be two way back and forth. And then cars would be exiting between those two middle columns into the aisle that is also 24 feet wide for -- at the outdoor parking spaces. So, there's sufficient movement -zoning regulation.

DR. SCHIFFER: Excuse me, Jon. Are there two lanes inside? Is that what you're saying?

MR. TUNSKY: Correct, yes, it's two lanes.
MR. SMITH: Because of the width, Jon; correct? 24 feet.

MR. TUNSKY: 24 feet, yes, that allows for 2-way movement.

DR. SCHIFFER: You are going to have, like, a solid line down the center to designate two lanes?

MR. TUNSKY: Typically, we don't stripe parking lots. You're not really supposed to stripe where cars could cross one another. So, we typically don't do that. I mean, if that's something that we could look into.

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MR. BALSKUS: This is Joe Balskus. For the record, it's not required. It's a standard parking lot. You don't see center lines in parking lots as well. As a traffic engineer standpoint, it's not required.

DR. SCHIFFER: Okay. It just that I'm in so many buildings with indoor parking and they seem to be a lot of instructions as to which lane one should be exiting and entering and so on and so forth.

MR. BALSKUS: But we have done arrows in the pavement. So, you could do an arrow in the pavement. Jon -- you can certainly put an arrow -- an exit arrow or entrance arrow. You can certainly do that to make it easier for people to understand.

MR. TUNSKY: Definitely, yeah. That's a good suggestion. We can add arrows.

DR. SCHIFFER: I just didn't realize the width, that 24 feet would be ample.

MR. TUNSKY: Correct.
CHAIRMAN KLEMENS: Am I correct in -- that there are three parking spots to the south of the -- of this building? Those are parking spots, too?

MR. TUNSKY: Yes, Mr. Chairman, there's two parking spaces there. The third one is just a striped area.

CHAIRMAN KLEMENS: So, they are separated

1 from -- there's a wall there or just striping?
2 Between -- it's hard to explain. Are those isolated the
3 main building or do you have -- they all parked
4 accessible or is there a wall there? when you're talking about the fire marshal comments,

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1 there was something about the fire lanes and you said in
2 your presentation that you would address it later on.
3 And I just wrote that down because I didn't know what --
4 or needed clarification of what you were going to address
5 later on or maybe it was the painting of the fire lane or 6 something. I'm not sure. But if you could just clarify 7 what was missing that you needed to do later on because 8 it's an important piece of the application in my view.

MR. HIGGINS: Thank you.
And related to that, during construction, assuming this gets approved at some point, how would those accessways and fire lanes and right of ways be accessed or allowed to continue use during construction; because I would imagine they would have to be blocked. MR. TUNSKY: I can take a chance at that one if you would like.

Yeah, we haven't quite looked into how the construction staging would work out here at the moment.

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1 So, I don't know -- don't have a definitive answer what 2 we could do.

MR. HIGGINS: Okay. It just strikes me with the limited space that that somehow needs to be addressed at some point.

And then the other question $I$ had, and I think I saw at one point, it might have been the last presentation, but you also discussed about the WPCA letter from the sewer and water with capacity issues and supply issues and so forth. But I don't recall seeing that in the documents that are on the Town site; but somehow I remember seeing one. Like I said, I don't remember if it was from last time or this time. But I'm not seeing the document that you're referring to with the --

MR. TUNSKY: So, Jon, that was submitted with our application. It's actually part of our application because we obtained that ahead of time before submitting.

MR. HIGGINS: Oh, it's under that.
CHAIRMAN KLEMENS: It's a letter from --
(People spoke at the same time.)
MR. HIGGINS: Thank you for that clarification. That's all I have, Mr. Chairman.

CHAIRMAN KLEMENS: Debra Allee. Is she here?

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1 Yes. Right next to me. It's crazy this screen.

MS. ALLEE: Hi.
Again, I think it was a good presentation and much clearer than the last one we had. I had a couple of thoughts. Talking about transportation, we're just talking about cars and parking. I'm assuming that there are other methods of transportation, like, school buses or bicycles or maybe motorcycles. I mean, I would like to know that you have some -- maybe would have a bike room or something or just assume that the bikes are in the apartment.

I don't -- I still don't see clearly where kids would line up to get on to a school bus. It's just not clear to me.

And the third question I had, that wall, that stone wall is actually very large. It looks from -- you know when you're driving by, it looks like it's a little wall. But when you get on to the site, it's I don't know 12 feet tall? It's tall. Are you planning to include some of that in the foundation that's in the parking garage along with perhaps an explanation of what that wall is. I don't know. But had you thought about it?

MS. AYER: I can respond to that last question. As I think a few of the presenters, Jon and Rocco, mentioned, we are going to be working to try to

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1 incorporate that existing stone wall into the site and as
2 much as we can. The main area that we were thinking of 3 is that paved kind of up in the front on the front corner 4 of that paver area, having the stone wall there and also 5 maybe having some seating there as well. That would be available to the public. So, that's the main area where we hope to incorporate that stone wall.

There is quite a few stones and there's a possibility that we could incorporate it into the site plan in other areas as well, but we'll be working with the State historic preservation office on how we can best incorporate that stone wall into the site. And --

In terms of the bikes, I'm sure we can make space somewhere on the site for a bike rack so we can incorporate that in as well.

And the bus issue, I believe that was addressed in Ms. Shillingford's (ph.) submittal. She had called the bus company directly to find out about where children are picked up currently who live in that neighborhood; and the bus company said they would be picking them up, you know, in front of the building as they do now.

MS. ALLEE: Okay. Thank you.
CHAIRMAN KLEMENS: Okay. It is now -- I think
24 I would like to take a five minute break. We've been at
25 it for -- so everyone turn off their cameras and take a

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1 very short break.
(Whereby, a recess was taken.)
CHAIRMAN KLEMENS: I have one comment to make. There are a lot of questions in the $Q$ and $A$; and they're not -- I don't know if we can even answer them tonight, whether they're going to -- I would ask people to reserve their questions to a comment session and not to be carrying on these conversations in the $Q$ and $A$. It's like there's a second meeting going on in the question. There's one particular group that's got five or six posts. There's an anonymous post. I would ask people to respect the process. You're all going to have a chance to ask all your questions. But not in the $Q$ and $A$ in the manner that you're doing. Please.

MR. CASAGRANDE: Mr. Chairman?
CHAIRMAN KLEMENS: Who's addressing?
MR. CASAGRANDE: Me, Attorney Casagrande, Mr. Chairman, I'm sorry. I just real quick. I said before that we intend to reserve our rebuttal to the next meeting. We appreciate that. I just -- I wanted to respond to a couple of Attorney Smith's comments, though, because I think they should not be left unsaid tonight. He cites to -CHAIRMAN KLEMENS: Excuse me. You're going to have a chance. Your next on the -- you have a spot next

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1 to ask the -- as an Intervenor, you can ask any of the
2 presenters, including Attorney Smith, questions. I just
3 want to make sure that we have no more Commission
4 questions before the rebuttal. You have as an Intervenor
5 you are able to ask questions of both any of the experts 6 and including Attorney Smith.

1 of historic resources in a court action. Okay. That's
2 not what we have. Our petition was filed under 22A-19
3 appropriately because it is in an administrative
4 proceeding, which this is. It alleges unreasonable
5 impairment of historic resources. The law is clear and I
6 cite the Stonington case as the best example that this
7 is the appropriate statute under which to file in this
8 proceeding. So, I just want to correct that for the
9 record. There has been no misfiling of this petition.

23 comments?

MR. CASAGRANDE: Yes, sir.
CHAIRMAN KLEMENS: Mr. Attorney Smith, do you

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wish to respond?
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wish to respond?
MR. SMITH: I would like to thank Attorney
MR. SMITH: I would like to thank Attorney
Casagrande for clarifying those two points for us. Thank
Casagrande for clarifying those two points for us. Thank
you.
you.
CHAIRMAN KLEMENS: Okay.
CHAIRMAN KLEMENS: Okay.
So, in my -- I was hoping we would have Mark
So, in my -- I was hoping we would have Mark
Capecelatro or Dean Diamond, but I guess they're not
Capecelatro or Dean Diamond, but I guess they're not
here; correct? If Attorney Capecelatro or Dean Diamond
here; correct? If Attorney Capecelatro or Dean Diamond
are present, could you signify by raising your hand or
are present, could you signify by raising your hand or
unmuting. Well, you can't unmute. We have
unmuting. Well, you can't unmute. We have
[Unintelligible].
[Unintelligible].
MS. CONROY: I don't see them.
MS. CONROY: I don't see them.
CHAIRMAN KLEMENS: Okay.
CHAIRMAN KLEMENS: Okay.
MS. CONROY: Again, they could be on as
MS. CONROY: Again, they could be on as
something else, but --
something else, but --
CHAIRMAN KLEMENS: I don't think Attorney
CHAIRMAN KLEMENS: I don't think Attorney
Capecelatro would --
Capecelatro would --
MS. CONROY: Yeah, he would be --
MS. CONROY: Yeah, he would be --
CHAIRMAN KLEMENS: Be anonymous.
CHAIRMAN KLEMENS: Be anonymous.
MS. CONROY: Right.
MS. CONROY: Right.
CHAIRMAN KLEMENS: Again, if Attorney
CHAIRMAN KLEMENS: Again, if Attorney
Capecelatro or Mr. Diamond are present, please raise your
Capecelatro or Mr. Diamond are present, please raise your
hand. There's a raise hand function on the bottom of
hand. There's a raise hand function on the bottom of
your screen.
your screen.
(No response)

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                                (No response)
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CHAIRMAN KLEMENS: All right. Let's move to the next portion of the hearing where Attorney Grickis is going to make a presentation concerning his client. Is Attorney Grickis there? I see you. His hand is raised. Can you --

MS. CONROY: He just moved on me when I went to promote him, he moved. Because he raised his hand after I was trying to promote him.

CHAIRMAN KLEMENS: And Seth Churchill should be promoted, too. His client. I don't see --

MR. GRICKIS: Seth Churchill is not on the call.

CHAIRMAN KLEMENS: He was earlier.
MR. GRICKIS: Well, he's asked me to speak on his behalf.

CHAIRMAN KLEMENS: Okay. Can we see your face, please, Attorney Grickis.

MR. GRICKIS: I'm looking right at my computer, I don't know -- I'm here. Can $I$ click on that or -start my video.

CHAIRMAN KLEMENS: Start your video. Very good.

MR. GRICKIS: Thank you. I'm still learning technology and Abby is a great instructor.

So am I clear to speak, Mr. Chairman?

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CHAIRMAN KLEMENS: Absolutely, sir.
MR. GRICKIS: Thank you very much.
First of all, I want to thank the Applicant for a very, I think, clear and straightforward presentation, answered a lot of questions and I -- my client and I certainly appreciate the diligence that they have applied to this process from its inception to present; and certainly my client is enthusiastically supportive, as will be seen, of affordable housing and affordable housing initiatives.

I believe my letter, dated March 2nd, to the Commission speaks for itself and I don't want to task the Commission with walking through all of those points. I would only observe with surprise that your counsel would advise that Mr. Cockerline will be considered, according to advice of counsel, to be independent in this process given his role as an active director on the Falls Village affordable housing or equivalent. So, I note that with surprise.

Based on the presentation tonight, one thing that I find troubling is that there are several illusions to the alleyway that runs west of Holley Block and then enters -- the right-hand turn you can back on to Route 44. If you've driven that recently, that is a cow path at best. So, the addition of 12 apartment units with

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1 probably two cars, you know, per unit and anybody trying
2 to use that alleyway, that's a disaster. It's one way 3 only. There's going to be obstructions. It's not paved.

4 It's a total state of disrepair. So, I can not imagine 5 how this project can work successfully with that sort of 6 an easement that -- the rights to which are not entirely 7 clear as to who has them. So, that presents an issue. 24 in the prior submission, which was to be extremely Fundamentally, my client has made a substantial investment in the Lakeville downtown area. He bought the firehouse. He did a magnificent job in turning that from a sow's ear to a silk purse. And I challenge anyone to dispute that. And part of his application process, as I demonstrated in an attachment to my submission to the Commission, indicated that satellite parking was in the parking lot where Holley Block is. Attorney Capecelatro's letter does the same thing with respect to clients and others on that -- the stretch of road just to the west of Holley Block. All of those people are -believe their zoning permits dependent on access to satellite parking. I don't think it can be said with any predictability what amount of parking will remain after the project goes forward on that site. And with respect, the traffic consultant has done nothing more than he did dogmatic in his approach that there were no traffic

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1 issues to be concerned with on Route 44; and in a
2 pandemic and he -- he's done nothing to update that
3 study, so we're forced with the same data that was
4 inconclusive as the Commission members duly noted,
5 including the chairman, the last time around.

So, here we are again, sort of a warmed-over hash presented back again that traffic is not a problem. In my letter, I indicated one of my clients' car was almost demolished by a crash occurring on Route 44 just recently that involved two other cars. It's a dangerous strip of road.

I've asked the First Selectman repeatedly to send a policeman down in front of the crosswalk next to the post office to stop speeding traffic because I've nearly been picked off countless times in that crosswalk and the First Selectman response is the town can't afford to send a cop to sit in place in that intersection to issue a few tickets. Well, in the face of that kind of response, how much confidence can $I$ have that the traffic study is accurate and that both the residents of that proposed project or the current occupants and the business owners are not going to be in peril if this project goes forward.

At the end of the day, as I said in my letter, the Applicant -- the applicant's intentions are

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1 well-intentioned. No one would disputes that for a
2 second. No one disputes for a second that affordable
3 housing is needed. But what the Commission is tasked
4 with doing is making sure the site that is chosen is the 5 right site for that project. And clearly, putting 12 units with the amount of potential parking and cars and the location of that site on a 2. -- 1.2 eighth of an acre is just illogical. I can quote Dr. Spock from Star Trek. It's illogical. It makes no sense. The property is far better suited.

I recognize that Commission's job is not to tell the Applicant where to go for its project. But this is a question of sunken costs that the Applicant is unwilling to lose face because it made a bad choice in persuing a horse that won't run in the race.

So, I urge the Commission to pay close attention and look to the questions that you all raised the last time around and apply objective judgment as to whether this site meets the criteria that are required under your regulations as well as historic district regulations and the parking context that -- as the parking permissions and zoning permits that have been granted in the past and whether or not an intelligent decision is not to encourage the Applicant to find a better site for the project; because this one has too

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1 many warts. That's all I have to say. Thank you.

CHAIRMAN KLEMENS: Mr. Grickis, I do have something to ask you: You say that the firehouse building requires satellite parking. Where did you find that?

MR. GRICKIS: In the zoning permit that was approved back in 20 -- I believe it was 2017, in the minutes there was a submission that was presented to the Zoning Commission when his application set for his zoning permit was approved, in that submission which -- and that particular slide is attached to my letter, it shows an aerial to satellite parking and in the minutes. As stated in my letter, the minutes recognize that the satellite parking was implicit in that application approval.

CHAIRMAN KLEMENS: Abby, can you get that submission of Attorney Grickis's letter up on the screen? Thank you, Abby.

MR. GRICKIS: You can see 22 spaces.
CHAIRMAN KLEMENS: 22 spaces --
MR. GRICKIS: That's the Holley block right there.

CHAIRMAN KLEMENS: Where is -- I'm getting a little bit turned. Where is -- what's the project site.

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MR. GRICKIS: That's it. That's the firehouse, right.

CHAIRMAN KLEMENS: Right. And there's parking -- that's an old -- that was never approved to cut down the hill.

MR. GRICKIS: I can't -- I can't comment on ultimately what happened to that particular --

CHAIRMAN KLEMENS: We'd love to see a site plan, because of what was approved. Because I remember, as do I believe some of the other Commissioners, that there was a discussion about tearing down that hill.

MR. GRICKIS: But Mr. Chairman, look at your minutes from that meeting.

CHAIRMAN KLEMENS: Can we look at the minutes, please.

MR. GRICKIS: I quoted them in my letter.
CHAIRMAN KLEMENS: We're getting there, Attorney Grickis.

MS. CONROY: Which page? Up? Here?
MR. GRICKIS: It on page 3 at the top. Under number 2. Do you want me to read it?

MS. CONROY: June 25th, 2018?
MR. GRICKIS: An extract from the regular minutes of the Commission from June 17 -- I'm sorry, that's the wrong one, excuse me.

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CHAIRMAN KLEMENS: You're in 2021. 2018. You need to go up I think if we are going to -- 26 -- no. That's the -- let's go on to Seth's stuff.

MR. GRICKIS: These are the minutes that were not posted that I asked to you find and post. I'm not sure if $I$ extracted them in my letter. I thought I did. This is the -- the 2014 is from the prior application. That's not Churchill.

CHAIRMAN KLEMENS: Correct.
MR. GRICKIS: But that reports the satellite parking that was the special permit that was approved with reference to that satellite parking that included Holley Block.

MS. CONROY: So --
MR. GRICKIS: The minutes from that -CHAIRMAN KLEMENS: Hold on.

MR. GRICKIS: July 27 meeting?
CHAIRMAN KLEMENS: Can we just take a look at this. Stop, please.

MR. HIGGINS: Mr. Chairman, $I$ can make a comment, if you want.

CHAIRMAN KLEMENS: I would delighted, Jon. You have such a good institutional memory.

MR. HIGGINS: When we were talking about that application and others when we referred to satellite

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1 parking, we're talking about in the area. We never
2 approved an application with designated satellite parking
3 in a specific area. The only comment was that there's
4 plenty of parking within the area that's public; and
5 satellite parking in addition to the site plan was
6 considered part of the approval and that satellite
7 parking was understood and known to be shared. So, I
8 don't think there's any history of any designated parking
9 spots specifically to that site. I would disagree with 10 that.

11
12

MR. GRICKIS: Mr. Higgins, I agree with that. I don't think there was any specific designation. It was implicitly recognized that as a town-owned property, which was a parking lot, was what people were talking about as available satellite parking versus parking on the street. Because, other than that, there is no satellite parking. Other than parking on the street. Which I wouldn't regard as satellite parking.

MR. HIGGINS: Well, there's several other parking options. We were talking about all of them as a general --

MR. GRICKIS: What are those other options besides the Holley Block?

MR. HIGGINS: You just showed them on your map.

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MR. COCKERLINE: Can I jump in for a moment?
CHAIRMAN KLEMENS: No, Allen. Hold on one second.
MR. HIGGINS: Do you see the spots, 24 --
They all fall under the same category as satellite areas.
MR. COCKERLINE: Other than Holley Place, there are 59 parking spaces. If you count the ten that will remain at Holley Place there will be 69 remaining public spaces.
MR. GRICKIS: If the Knife building is sold and used for whatever purposes its owner -- its new owner may desire, how it does that affect the mix?
CHAIRMAN KLEMENS: Excuse me.
MR. GRICKIS: If the Knife building is sold. It's under contract.
CHAIRMAN KLEMENS: Which building are you saying?
MR. GRICKIS: The Knife building.
MR. HIGGINS: That's not even counted.
MR. GRICKIS: Well, it's under contract now. It's a large building. How much parking is available on site for that?
CHAIRMAN KLEMENS: There's quite a bit if you look from down -- but, I mean --
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MR. HIGGINS: The only point I'm making is that we were talking about additional public parking spots that could be used and shared for businesses in that whole area. That was the whole purpose of that discussion. To benefit all the businesses in that area. Not just the fitness center.

CHAIRMAN KLEMENS: Yeah.
MR. GRICKIS: My client is heavily invested in the revitalization of the Lakeville central business district; and he is concerned that this project may impair the success of investments that he's prospered in the hope of revitalization downtown Lakeville and turning it into something that will attract additional businesses and make the area more viable and more attractive over the long term; and parking is critical for him. So, his -- all along he has viewed that Holley Block space as available parking off street. So, if it's compromised, his concern is that he has an impaired investment. And this is a guy who is prepared to put his wallet where his mouth is in terms of supporting affordable housing on a different level.

CHAIRMAN KLEMENS: Attorney Grickis, it's no secret that we, for some reason, don't have the approved site plan for the fire house that Seth has. It would help us greatly if that could be introduced into the

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    2 approve what's in front of us.
    ```
    1 record so we can actually see -- because we did not
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    1 record so we can actually see -- because we did not
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MR. GRICKIS: Well, I would only ask Abby, the minutes from the meeting that I had that were not posted that I asked were missing, I believe it was July 2017. But you found and posted. They approved Seth Churchill's application.

Do you recall that, Abby?
MS. CONROY: I was not part of that discussion because Emily was helping you find them through the town clerk's office. So, I didn't actually get to review them. But --

MR. GRICKIS: You have --
MS. CONROY: Also, minutes without the plans don't really help us.

MR. COCKERLINE: That representation, that survey was not what was approved.

CHAIRMAN KLEMENS: In front of us, no.
MR. COCKERLINE: In front of us. That was not approved.

MR. GRICKIS: My client doesn't keep the records of the town commissions. I mean there was a submission that he made.

MR. COCKERLINE: True. But this representation that you're using for this example is not an accurate

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1 representation. This is not what was presented to us and approved.

MR. GRICKIS: Okay. Then what was presented, Commissioner Cockerline?

MR. COCKERLINE: I don't have it in front of me right now. I'm not going to answer that.

MR. GRICKIS: Well, does your land use enforcement officer -- she runs the zoning enforcement office --

CHAIRMAN KLEMENS: Attorney Grickis, excuse me. The Land Use Administrator inherited a lot of dysfunction. If your client has a site plan that was approved, it would help all of us.

MR. GRICKIS: Okay. But your engineer -CHAIRMAN KLEMENS: Would you request that he please -- -

MR. GRICKIS: His engineer who presented that site plan, Allied Engineering George Johanson, I'm sure has that site plan. And I will definitely ask Seth Churchill as well as George Johanson to submit to produce that site plan for your benefit. But I must say I think it's terrible to place the burden of record keeping on residents of the town when the town's elected officials and so forth can't maintain a coherent record system and depend upon applicants who think they have an approved

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permit in hand and go out and ferret out what was
submitted to the Commission several years ago.
MR. COCKERLINE: I don't think that's fair. I
don't think that's fair.
CHAIRMAN KLEMENS: Tom, Tom, please.
MR. GRICKIS: What is fair, Mr. Cockerline?
CHAIRMAN KLEMENS: Excuse me. I'm not going to
tolerate any more of this. Bottom line here is -- one
second, Marty. The bottom line here is there were
problems in the land use before it was the land use
office. It's well known that there are issues in record
keeping. It is not Ms. Conroy's fault. It's not fair.
She has been trying to piece together -- you go complain
to the First Selectman, if you want. We are trying to
recreate the best we can for the benefit of everyone.
Excuse me....
MR. GRICKIS: Mr. Chairman, first of all, let
me just say. I'm not blaming Abby Conroy at all. I know
she's new. This is not an intention to make her the fall
person for this. Please, that's not correct.
And I recognize that there were problems
previously. But I don't think those problems should be
the burden of my client to reconcile.
CHAIRMAN KLEMENS: If your client has the
missing information, it would behoove all of us to get

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| 1 | it. |
| :---: | :---: |
| 2 | MR. GRICKIS: Count on it. |
| 3 | CHAIRMAN KLEMENS: Thank you, Attorney Grickis. |
| 4 | Marty, do you have something to say? |
| 5 | MR. WHALEN: I remember this firehouse deal and |
| 6 | I don't ever remember seeing a drawing or a submission |
| 7 | like this. I remember seeing something in black and |
| 8 | white from AIE, Allied Engineering, but I never remember |
| 9 | seeing this particular drawing. Ever. |
| 10 | CHAIRMAN KLEMENS: This was the conceptual -- I |
| 11 | don't think this is what -- I don't either. And I know |
| 12 | we had a very big discussion about tearing away the |
| 13 | hillside. |
| 14 | MR. WHALEN: You're correct. You're correct. |
| 15 | CHAIRMAN KLEMENS: I remember we had a |
| 16 | discussion, which I believe is shown there which we |
| 17 | didn't do. |
| 18 | MR. WHALEN: Right. |
| 19 | CHAIRMAN KLEMENS: Of basically piping the |
| 20 | brook. |
| 21 | So, you mean this has no reality. If we can |
| 22 | get a reality. That will help. And Attorney Grickis has |
| 23 | just told us we can. We will. And I appreciate that, |
| 24 | Attorney Grickis. Very much. |
| 25 | Would you like to continue? |

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MR. GRICKIS: I think I've pretty much stated the concerns of my client and I certainly hope that the Commission will take all of these factors into consideration and reach a very considered and deliberate conclusion as we proceed. I'm sure that it will. Thank you very much for the opportunity to address the Commission.

CHAIRMAN KLEMENS: Thank you. We look forward to receiving that. That will help us tremendously.

Okay, now the questions as it goes, Commission questions to the previous presentation.

MS. CONROY: Mr. Chairman just a question. Was the Applicant going to respond to that?

CHAIRMAN KLEMENS: I think the Commission -oh, you are absolutely correct.

MS. CONROY: I wasn't sure. I mean, I see -CHAIRMAN KLEMENS: No, you're right.

MS. CONROY: Bill has his hand up. I wasn't sure if he was on that or not.

CHAIRMAN KLEMENS: No, actually. According to my -- You're right, Abby. The next person who has the floor is the Applicant, questions and comments.

Attorney Smith?
MR. SMITH: Mr. Chairman, I know that Mr. -for the record Chris Smith. I know that Mr. Balskus

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1 would like to comment on some comments that have come in
2 along the way here. Thank you.

CHAIRMAN KLEMENS: Comments related to Mr. Grickis's presentation?

MR. BALSKUS: Correct. For the record, Joe Balskus, traffic engineer. I want to start by saying that Mr. Grickis started with subjective terms: Dogmatic, dangerous and peril. Nothing objective in those statements with regards to any type of expert testimony with regard to the traffic study. I behoove him to hire his own traffic engineer to disprove those subjective statements regarding what I prepared. As an engineer of 13 years of experience, I've never been called dogmatic. My integrity is at stake here, so I intensely disagree with the statements he made recording the traffic study. Number 1.

Number 2, the study was not updated because there's no need to update it. It was done last year. It was done in conformance to with State requirements, state procedures. There's no need to update. Nothing's changed since last year when we did the study. So, that's the why it has not been updated.

Number 3, the dangerous. The road is not dangerous. That's your subjective term. DOT, the town has not determined the road to be dangerous. They've

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1 have done improvements to the road. The roadway is not 2 dangerous. So, that is not a correct statement he's 3 making. It's an incorrect statement. The fact of the 4 matter the road is not dangerous. So, if he can find a 5 traffic engineer that can disprove that, let him try to 6 find another traffic -- he will not be able to find a 7 traffic engineer. significant value. And again, 12 young people and/or

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1 seniors will add to the vitality and beauty of Lakeville 2 center.
seniors will add to the vitality and beauty of Lakeville
center.
CHAIRMAN KLEMENS: Any other comments from the
Applicant to Attorney Grickis? Questions?
Yes, Attorney Smith?
MR. SMITH: Questions. I was going to follow
up with what Jocelyn said and refer to your 2012 POCD.
And this is kind of like 101 land use. It's not
surprising, but, quote: If land parcel is suitable for
development for some of these housing options where
within walking distance of the village centers, both
merchants and seniors will benefit. End of quote.
That's from your POCD at page 26. And that's something I
said all along and I think again it's basic zoning 101 to
have infill in a village center. And if you have boots
on the ground, so-to-speak, that benefits the
revitalization of the center. According to your POCD,
that's something that your center -- again, it's at the
same page at the top, you know, has been suffering since
the 108 down turn. I just wanted to point that out and I
know in a conversation that $I$ had with Attorney Grickis a
short while ago that $I$ just indicated $I$ was surprised
that merchants would be objecting to families and
individuals from -- living in that walkable center. I
mean, that's -- whether you are in the West Village or

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1 wherever you happen to go, that's an ideal -- or Audubon
2 down in New Haven or Worcester Square. I mean, these are
3 ideal locations for something like this. So, I just
4 wanted to point that out and echo what Jocelyn had to
5 say. Thank you. into a private car storage. They were going to give I believe close to $\$ 500,000$. We turned that down. I believe, Jon, tell me if I'm wrong, we turned that down in favor of something that would revitalize, add to the

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1 revitalization of Lakeville. And I remember there was
2 some unhappiness on the part of the fire department, they
3 ended up selling that building for considerably less than
4 the first offer to have that contribute to the
5 revitalization, the liveability, the re-invigoration of what we considered the Lakeville Village Center. That's my recollection. Do you have anything to add to that? Either Jon or Marty were there. Is that a rough, correct recollection?

MR. WHALEN: That's accurate.
MR. COCKERLINE: That's accurate, Michael.
CHAIRMAN KLEMENS: Our commitment, Paul, along has been to see Lakeville become the vibrant village. And I just wanted to set that straight. That that building was actually sold for much less in order to encourage the uses that are there now. Restaurant, health center. There was a proposal for, at that time, for potentially the upstairs being affordable housing. That did not happen. Mr. Flint, [Unintelligible] there's a long history here. I just wanted to follow on that.

I think townspeople come into something without any understanding or not forgetting the history [Verbatim] of how that firehouse became what it is. That's just a comment rather than a question. Again, I do want to thank Attorney Grickis for

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1 getting those plans to us, help us close the loop on
2 that. Thank you.

Any other Commissioners have a question or anything they would like to add?

MR. COCKERLINE: Michael, if I may?
CHAIRMAN KLEMENS: Yes, Allen.
MR. COCKERLINE: In light of this traffic report, as I said before, I thought the traffic report was more detailed than anything I've ever seen before and, anecdotally, probably twice a week I go by the parking lot and I always count cars. In fact, today I just went by and I counted the cars. It's usually between three and eight. And if you go back to the traffic report, you will find that that confirms it in a less subjective way. A more objective way. Actual counts. So, I was really impressed by the report. And then, also, the representation that we just had on the screen of the available public parking, the count excluding the -- that parking lot that we're talking about, was 59 spaces and then if you take the ten that will remain, that there are still 69 parking spaces, public access parking spaces in Lakeville.

CHAIRMAN KLEMENS: You've actually answered one of the questions that people keep putting in the chat. [Unintelligible] Monico asked where are the 69 parking

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1 spaces. Just answer that.
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spaces. Just answer that.
MR. COCKERLINE: Well, the document was up in front of us, and \(I\) wrote down the numbers and did the math and that's what it is.
And again, back to the whole issue is we are really -- we are really judging this on whether it meets our zoning regulations. And that's the issue.
CHAIRMAN KLEMENS: Our zoning regulations for the overlay district. We have very broad discretion here.
MR. COCKERLINE: We have some discretion, yes, but nonetheless, the underlying regulations are the foundation for the decision we will make.
CHAIRMAN KLEMENS: Which underlying regulations?
MR. COCKERLINE: I mean, all -- for the PKSQ.
CHAIRMAN KLEMENS: That's not the underlying regulations. That's --
MR. COCKERLINE: The underline will be the CG, but yes --
CHAIRMAN KLEMENS: Yes.
MR. COCKERLINE: The application.
CHAIRMAN KLEMENS: Pocketknife Square gives us broad discretion.
MR. COCKERLINE: And that's the application.
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CHAIRMAN KLEMENS: It has to fit within the neighborhood. That is one of the -- I've been very glib about this and we shouldn't really be having this deliberative discussion now. But --

MR. COCKERLINE: Okay. Then don't.
CHAIRMAN KLEMENS: No, I don't want to. MR. HIGGINS: Michael.

CHAIRMAN KLEMENS: Yes, Jon.
MR. HIGGINS: I just want to make sure it's clear to everyone that the parking spots that we're talking about in this application were not designated approved satellite parking spots for the fitness center. When we were referring to additional parking outside of his own property and parking spaces we're referring to what might be 59 or 69 , whatever that number is, we're talking about the other public spaces that were within walking distance to that fitness center. There is no way that we would designate and haven't designated and we've used the same process for other businesses, that have limited parking in our village centers which we realize has been a problem since zoning was initiated. But the implication that it was designated for this spot is the only part I want to make clear, that could it include this spot, yes, but it wasn't specifically designated to this spot. That's -- I just want to make sure that's

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clear.
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CHAIRMAN KLEMENS: Well, I think if we get the plan that Mr. Grickis has, it will clearly say where they were or if they were just general.

Anyway. Any other member of the Commission.
Now it's the Intervenor's turn to ask questions of Attorney Grickis. Mr. Casagrande?

MR. CASAGRANDE: No questions at this time, Mr. Chairman.

CHAIRMAN KLEMENS: Okay. I think now we can go to public comment. I think Abby, how are we going to handle this? They to have raise their hand. You have to elevate them one by one; correct?

MS. CONROY: Yes. I think what we'll do is -let me just take Attorney Grickis -- put him back with the general.

CHAIRMAN KLEMENS: Everyone needs to be demoted with the exception of Mr. Casagrande, who is the seated Intervenor.

MS. CONROY: And the Applicant. Yes.
CHAIRMAN KLEMENS: And the Applicant.
MS. CONROY: I'm struggling a little bit with the $Q$ and $A$ because it seems like people have been asking multiple questions.

CHAIRMAN KLEMENS: Well, can I make a

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MS. CONROY: Yes. Absolutely.
CHAIRMAN KLEMENS: There seems to be -- Artemis Growth Partners seems to have a whole bunch of questions. Maybe we can find out if AG is here so AG can basically ask questions. As a matter of fact, Artemis seems to be one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve --
MS. CONROY: Yeah.
CHAIRMAN KLEMENS: -- thirteen. So, let's get
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    Artemis --
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    Artemis --
    MS. CONROY: Are we going to put a time frame on the public questions so that we can let everyone respond tonight or --
CHAIRMAN KLEMENS: Let's see how it goes.
MS. CONROY: Okay.
CHAIRMAN KLEMENS: Someone who's put out 15 or 14 questions is going to need some time.
MS. CONROY: Do you want me to --
CHAIRMAN KLEMENS: Elevate that person, please. Now there's a question of is the $Q$ and $A$ not part of the public record. Who is Artemis? There's now --
MS. CONROY: I just elevated them. CHAIRMAN KLEMENS: Okay. Who are they? Where

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are they? Okay. You can unmute Artemis. Abby?

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MS. CONROY: Yeah, no, I've asked them to.
MR. COCKERLINE: Michael, this is Allen. Point of order. In a hearing don't we usually ask people to identify themselves?

CHAIRMAN KLEMENS: The problem here is, Allen, is that -- Yes, we do. They're going to have to. But the problem here is we have people, particularly this one particular individual has made a series of comments and questions and if they could -- as the \(Q\) and \(A\) is full of about half of those, maybe we can actually have that person identify themselves and ask the questions. MR. COCKERLINE: I agree.

CHAIRMAN KLEMENS: Artemis Growth Partners, who art thou and do you have questions?

MS. CONROY: I asked them to unmute themselves and they are not reacting.

CHAIRMAN KLEMENS: Well, if they are not going to ask the questions in a public forum, we've given them the opportunity.

MR. COCKERLINE: Move on. CHAIRMAN KLEMENS: We will in a second, Allen. MR. SMITH: Mr. Chairman? CHAIRMAN KLEMENS: Hold your horses. Okay, well, that's with that group.

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Yes, Attorney Smith.
MR. SMITH: Yes, Mr. Chairman; Chris Smith for the record. I know this is an issue that's come up with the Planning \& Zoning section of the Bar when we've had our meetings. But I would respectfully request that the Commissioners not refer to the Q and A section nor the chat. And that if as -- the last Commissioner Cockerline just pointed out, typically, in a public forum, people identify themselves, they ask questions. It's almost impossible for the Applicant, in particular, to be --

ARTEMIS: Hi, everyone.
MR. SMITH: -- monitoring Q and A questions. If someone has a question, they should ask publicly and I would request that the Commission members not review any of those and the same thing with the chat function. It's just a distraction --

CHAIRMAN KLEMENS: I --
(People spoke at the same time.)
MR. MUECKE: I'm here. It's one in the morning where I am. I'm in a house with a lot of sleeping children. It's very difficult for me to find a place that I can speak.

CHAIRMAN KLEMENS: Who are you, sir?
MR. MUECKE: William Muecke, 9 Elm Street. CHAIRMAN KLEMENS: Muecke?

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MR. MUECKE: I'm completely okay with the Commissioner reading my questions and answering them. I don't think you need to have the voice. If I have a voice I will wake up three people and it will be a problematic situation here. There are 12 questions because I was dropped earlier. The first six questions disappeared from my monitor. With the webinar, it's impossible to understand what's being posted and what's not. So, this is a terrible format. I will say that. But I'm happy for the Commission to read my questions out and answer them in kind.

CHAIRMAN KLEMENS: I think you're represented by counsel; correct?

MR. MUECKE: No. These are actually for the family as well. I represent myself in counsel and then I represent the Feeney family as well.

CHAIRMAN KLEMENS: I'm sorry, I don't -- Okay, I didn't understand your name. Your name again?

MR. MUECKE: I have a different last name than my wife's family. My last name is Muecke. My wife's last name is Feeney.

CHAIRMAN KLEMENS: So, you are the Muecke that is represented by Mr. Casagrande; correct?

MR. MUECKE: Yes, but my questions are for my wife who is asleep right now.

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CHAIRMAN KLEMENS: How can we -- If the person is asleep, we can't answer the questions. Can we disable the \(Q\) and A, Abby? Just disable it so we have people --

MR. MUECKE: I would just comment that this is a very impossible situation for people that aren't able to attend in a time zone that is efficient for the Commission. I would ask the Commission to grant permission to read those questions for someone who is a mother, who works and has three children. So please, if you would, read those questions and not ask someone to be woken up.

MR. CASAGRANDE: Mr. Chairman, if I could.
CHAIRMAN KLEMENS: Thank you, Mr. Casagrande.
MR. CASAGRANDE: If it helps, I don't represent Ms. Feeney. I represent Mr. Muecke and I don't see any reason why he should not be able to ask questions on behalf of his wife.

CHAIRMAN KLEMENS: Please go ahead and ask them.

MR. MUECKE: I need go back to another place I can speak. I just woke someone up. Hold on.

MR. WHALEN: Must be a small house.
MR. MUECKE: It's true. He may have a larger house than I. It's very possible.

MR. WHALEN: I don't think so.

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CHAIRMAN KLEMENS: Not Marty or me. I'm at
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the --

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MR. MUECKE: I'm sorry. How do you know the size of my house?

CHAIRMAN KLEMENS: Let's go -- Let's answer the questions, please.

MR. MUECKE: I'm walking.
CHAIRMAN KLEMENS: Why don't you take the questions, then, write them down and submit them. That would be probably the best.

MR. MUECKE: I did. I submitted them on the chat. There are no rules on what could or could not be submitted by chat. There were no rules to the webinar posted anywhere that I could find.

CHAIRMAN KLEMENS: The expectation is that people raise their hand, they are recognized, they ask a question, the question is responded to or recorded. The chat --

MR. MUECKE: Respectfully, Chairman I'm on Zoom almost eight hours a day and there are no expectation from different places.

MS. CONROY: There's actually some guidance on the Land Use page just above where these documents are posted that identifies that question from the public and responses should only come during when the public comment

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period has been opened and that we encourage the raise hand function and not the use of chat.

MR. MUECKE: Those are guidelines not rules. I understand that. Thank you.

CHAIRMAN KLEMENS: Okay. Let's go back to our regular procedure. Let's have public raise hands. Let's recognize them one by one. You can deal with Artemis. He made his point.

MR. MUECKE: I would like to ask my questions.
CHAIRMAN KLEMENS: You said you couldn't.
MR. MUECKE: I have now walked to a place in the house that \(I\) can ask my questions. Thank you.

CHAIRMAN KLEMENS: Go ahead.
MR. MUECKE: I will start with the first.
First was about local employment. I was just asking where the architect was located and will the SHC commit to using local resources in the development, building and maintenance of the site.

MR. COCKERLINE: Not relevant to Zoning approval.

CHAIRMAN KLEMENS: Please, just let him -- if it can be answered, let him answer.

MR. COCKERLINE: I did.
CHAIRMAN KLEMENS: But you're not the Applicant, Allen.

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MR. SMITH: Chris Smith, for the record. I would have to echo, that's certainly not relevant to land use application.

CHAIRMAN KLEMENS: That's fine, Chris, if you would like to say that.

MR. SMITH: Thank you.
CHAIRMAN KLEMENS: We don't need a comment from the Commission.

MR. MUECKE: Okay.
CHAIRMAN KLEMENS: Next question.
MR. MUECKE: The majority of permanent residents in the area surrounding Pocketknife Square will suffer the views of this building from the rear elevation. What is the measurement of the height from the parking lot to the roof line with measurement of the full height off grade when measured from the rear?

CHAIRMAN KLEMENS: Mr. Tunsky?
MR. COCKERLINE: Those are in the submitted documents.

MR. PETITTO: They're in the submitted documents. What's required by Zoning is the median elevation of the site to the middle elevation of the roof, which is 33 five.

MR. SMITH: Rocco, could you state your name for the record. I'm sorry.

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MR. PETITTO: Sorry. Rocco Petitto, QA+M Architecture.

MR. MUECKE: Was that answer to the question what is the height from the rear?

CHAIRMAN KLEMENS: What's drafted is in the submittal.

MR. MUECKE: No one can quote that here? I don't have access to a submittal where I'm sitting.

CHAIRMAN KLEMENS: Well, sir, I really don't know how to help you with this. You're asking questions you don't have the plans in front of you. Please proceed.

MR. MUECKE: It's -- respectfully, Chairman, it's 1 in the morning. Does the SHC or the members of the Commission believe that a review of the development fits with the historical aesthetic of the National Register District?

CHAIRMAN KLEMENS: Can someone answer that, please.

MR. SMITH: For the record, Chris Smith on behalf of the Applicant. I believe that we certainly feel that it does especially with the revised plans. Jocelyn? I don't want to speak for you on that.

MS. AYER: Agreed.

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MR. MUECKE: From the rear. Okay.
MS. AYER: We will be working with the State Historic Preservation Office as well.

CHAIRMAN KLEMENS: Thank you. Your next question.

MR. MUECKE: Will the --
MR. CASAGRANDE: Mr. Chairman.
CHAIRMAN KLEMENS: Let him his questions.
MR. MUECKE: -- follow this statement. A four to six unit development of Holley Block is both financially viable and more in line with the scale and aesthetic of the historic village of Lakeville.

CHAIRMAN KLEMENS: I believe that was answered earlier by Jocelyn Ayer that the critical mass that's needed for what they need to do is a minimum of 12 and a maximum of 18 .

MR. MUECKE: Can the SHC defend why the 12 development unit is necessary to be financially viable?

MR. SMITH: Again, that's -- I don't know if Attorney Casagrande, if you were about to say something, but I think that's like asking a developer how much money they're going to make. That's certainly not relevant to this proposal; and it's a non-profit organization where 100 percent of these units will be affordable. I don't get to work on many applications like that. I'm usually

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1 with an \(8-30 g\) where it's 30 percent. But it's certainly 2 not relevant --

MR. MUECKE: I only ask the questions because it was made as a statement during the presentation. MR. SMITH: It's not relevant. MR. MUECKE: Well, it was made as a statement during the presentation so I wanted to test that statement. When the representative of the SHC claimed the scale of this development was required to meet the state goals for affordable housing units in Salisbury. And that representative of the SHC disproved the statement that six affordable housing units at Holley Block combined with a maximum number of affordable housing units at Pope property would together support and more than satisfy the state requirements and would also keep with the harmony of the overall aesthetic of the town.

MS. AYER: I'll just respond briefly that the town's affordable housing plan lists this site as having 12 to 18 units as well as units at Pope property. I don't remember off the top of my head how many units that site also had. But the town needs both to -- both 12 to 18 units at Holley Place and additional units at Pope in order to meet the goals in the town's adopted affordable housing plan.

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CHAIRMAN KLEMENS: What you are saying, Jocelyn
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is --

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MR. MUECKE: -- is that shown?
CHAIRMAN KLEMENS: Excuse me, excuse me.
MR. MUECKE: Because by my calculation it's six units at Holley Place plus the Pope property actually satisfies the minimum requirements. Can you prove that that is an incorrect statement?

MS. AYER: Yes.
MR. SMITH: Mr. Chairman for the record, Chris Smith. I'm not going to -- My client doesn't to have to be cross-examined on feasibility of a particular application.

CHAIRMAN KLEMENS: Correct.
MR. SMITH: We have a 12-unit special permit application pending before the Commission.

CHAIRMAN KLEMENS: Thank you, Attorney Smith. I'm going it say \(I\) think this is the end of questions in the Q and A . People want to ask questions.

MR. MUECKE: [Unintelligible] Chairman. Thank you very much.

CHAIRMAN KLEMENS: Thank you.
MR. CASAGRANDE: Mr. Chairman?
CHAIRMAN KLEMENS: Yes, Mr. Casagrande.
MR. CASAGRANDE: I'm sorry to interrupt. I

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1 just want to note for the record -- I think Attorney
2 Smith and I would agree that normally in an \(8-30 \mathrm{~g}\)
3 application, it's not a relevant or material issue about
4 whether the Applicant can show the economic viability of 5 the project. I think that's a fair statement from the 6 case law.

But the difference here is that this is also a 22A-19 petition in which we believe that we will show that there is a likely to be an unreasonable impact on historic resources of this site. And if we show that, which I believe we have shown in spades, then the Commission has to consider alternatives. And I would submit that in the consideration of those alternatives the economic viability of a 12-unit project is precisely relevant to your concerns. Because it goes to the question of what's feasible and what's prudent from a cost point of view. I just want to make that point.

CHAIRMAN KLEMENS: Right. Very good.
Attorney Smith, anything --
MR. SMITH: I have nothing further, Mr. Chairman. Thank you.

CHAIRMAN KLEMENS: Thank you.
Okay, let's go to public comment and in the future we'll not take any more questions out of chat. Raise your hand and you will be recognized.

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MS. CONROY: Mr. Chairman, we have Carol Dmytryshak.

CHAIRMAN KLEMENS: Carol Dmytryshak, yes.
MS. CONROY: Sorry, Carol. That's a tough one.

CHAIRMAN KLEMENS: Please elevate her to panelist.

MS. DMYTRYSHAK: Hello?

CHAIRMAN KLEMENS: Hi, Carol.
MS. DMYTRYSHAK: Hi. I've been listening to all this and as you guys know I've written a lot of letters and presented a lot of data. But I'm -- in my former life \(I\) was a strategic planner and one of the things we always said is when the goal is clear, the path is straight. Salisbury really needs affordable housing. And everybody says, well, Holley Place isn't going to work. Why don't you try Pope land or the Chinese restaurant. The reality is our goal in achieving affordable housing that's viable for Salisbury, if we were lucky, we would be able to build affordable housing on all these spaces. Everybody's -- you know it's a flimflam game here. And I really think what we've done with our proposed plan will -- and we've listened to the community and I think it's a good move. And we would like to work with everybody in the community and build

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    1 affordable housing for Salisbury.
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Our goal is high and we're nowhere close to it. CHAIRMAN KLEMENS: Carol, for the record, you were a member of the board of directors of SHC? MS. DMYTRYSHAK: I am the treasurer. CHAIRMAN KLEMENS: Thank you. MS. DMYTRYSHAK: I mean, I'm not ashamed of that.
CHAIRMAN KLEMENS: No, no. I just think it's important to get this into the record.
MS. DMYTRYSHAK: Yeah. But I'm really goal-oriented and this is something that we should really have a clear vision of what we have to do for the town. And I sent a letter to Abby and I have a letter in the Lakeville Journal the last two weeks talking about the demographics. So, I hope we can move forward with this project.
CHAIRMAN KLEMENS: Thank you. Thank you very much for your comment. Is there anything else or we go to the next one? I think we're all set. Next one, please, Abby. Thank you, Carol.
MS. DMYTRYSHAK: Thank you.
MS. CONROY: I think Nancy Van Deusen is who I saw next.
CHAIRMAN KLEMENS: Okay. She's has to unmute

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1 herself and start her video if she hasn't.

MR. VAN DEUSEN: Okay. Are we unmuted? CHAIRMAN KLEMENS: You are unmuted. MRS. VAN DEUSEN: Yeah. There you go. My husband, Hobart, will be speaking. MR. VAN DEUSEN: Are we unmuted? CHAIRMAN KLEMENS: Yes. MR. VAN DEUSEN: For those of you who would like to be watching the basketball with the Huskies, it's 14 to 4 favor the Huskies. This is for the championship. In any event, my question is: When was that traffic survey done? Mr. Butkus or Braskus?

MR. BALSKUS: For the record, my name is Joe Balskus.

MR. VAN DEUSEN: Okay.
MR. BALKSUS: That was done last year in August and September of last year and we used pre-pandemic traffic volumes.

MR. VAN DEUSEN: Oh, so it was done during the COVID.

MR. BALSKUS: It was done during the COVID but the volumes that were utilized were done -- were accumulated prior, accumulated prior to the pandemic. So we have pre-pandemic traffic volumes in the traffic study.

\section*{ALLAN REPORTING SERVICES} 5 in the summer, spring and fall, you would find -- you

MR. VAN DEUSEN: I'm glad to hear that because obviously, there was no real activity. It's a -- five restaurants in this downtown area. And I don't think if you ever gone to a dinner out during the year, especially have a very hard time finding parking spaces. And my objection at all to this particular site on Holley Street is parking, parking, parking. And the two businesses or three or four businesses directly below that spot have no place for their customers to park. There's no parking there at all. So they to have search around. Have you talked to the business owners there? They are very much against this whole thing at Holley Street.

Now, we all are in favor of affordable housing. This is just in the wrong spot. And you just are not taking into consideration the traffic to those restaurants. You have two pizza places, one just a few steps away where people are coming and going all day long. There's actually parking in front of the proposed building. When children or people come down their elevator in the stairway, they literally will be stepping out on the sidewalk in one or two steps. And there's parking right in front of them. God forbid a small child will come out the door and run out between two parked cars and get hit and killed. And that will be on your

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1 backs for saying there's no problem on Route 44 , which is
2 very business -- busy and it's on a curve and if those 3 trucks go straight ahead, they will just go plow right 4 into the building where the cars are parked in front of 5 it all day long. So, that is one of my objections to the 6 whole thing.

CHAIRMAN KLEMENS: No, you cannot have a an answer. The questions are directed to the chair and the

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1 Applicant has made note of your questions. And they will 2 respond.

MR. VAN DEUSEN: Well, is there a provision for a sidewalk; is that right?

CHAIRMAN KLEMENS: They will answer that but not now. Let's go to the next public comment, please.

MR. VAN DEUSEN: So, they don't answer questions.

CHAIRMAN KLEMENS: I think we are going to put a time limit of five minutes because we're never going to get through the public.

MS. CONROY: Yeah. So we have Lloyd Baroody. CHAIRMAN KLEMENS: Okay.

Do you see him -- you got his name down. Okay, Mr. Baroody.

MR. BAROODY: Hi. My name is it Lloyd Baroody. I have been a resident of the town since 1960. I was born way before that, so I know the town pretty well. When I was living -- I really want to respond about this parking thing and about Mr. Grickis's comments about parking, which are very subjective. When I grew up in the town, the building right across the street on the corner of Holley Block and Route 41 was the Salisbury Bank and everybody used to go there and they didn't do things online. It was pretty busy. The Pocketknife

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1 Square building was the Lakeville Journal and that was a 2 pretty busy building.

Down the hill, the place where the gas station was, was a multi-story building with lots of stores. To the left of the entrance of community field was another multi-story building with lots of stores. Like, two levels of stores even. There was even a garage there for the school buses. The town was extremely bustling; okay?

I don't ever recall having a problem parking. If we had to walk a little bit more, so what. I just find it's almost ridiculous that people are talking about a parking problem when, you know, we're talking about a ghost town compared to what it was 50,60 years ago. I think I'll take it what it was 50, 60 years ago and maybe walk a little bit more if \(I\) have to in order to have a town that has this vibrance see to it.

So, I just think this whole parking thing got way out of line and the thing about the traffic. I mean, good God, try to get into the post office sometime there. It's a lot more traffic there. If you want to ride to the dump, how many curves do you have to go around for that. That's far more dangerous in the winter time than anything else and we all have to take that road. So, I think we to have keep everything in perspective here. Do we want to have a town that's vibrant with younger people

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1 in it or do we just want to turn into a graveyard or let
2 it continue to be a graveyard.

5 If you want to trees, I have 40 acres here behind me, if anyone wants any trees, you can take all the trees you want here.

I think there's no shortage of trees around here this. This is not New York. So, I think that let's just get on with this. We need a quantum increase in affordable housing. It's not this or that. It's all of them, all of the above. We have to be thinking 10x. How to increase things, like, ten times, we to have think big. Instead of piddling around with onsies -- with all due respect, onsies and twosies is not going to do the trick here in this town; okay?

So, I think it's a no-brainer that we do this project. Despite the warts here and there and the trees that have to be taken down and the lack of this and the lack of that and the architecture that maybe isn't good enough for somebody. Come on. We need to get with the program here. This is just -- it's excruciating to have to listen to some of the objections people have.

It's almost like they have nothing better to
25 do. So, I support the project wholeheartedly. I know

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1 what this town was 50 , 60 years ago. It was a great
2 town. I bet a lot of people on this call weren't even
3 around in Lakeville at that time. Maybe some of them
4 weren't even born. But it was a great place. Let's try 5 and have a bridge to the past with this building. Let's 6 try and get back to some portion of what we used to have 7 in this town. And not worry about, you know, is there 8 enough parking and, you know -- there was plenty -- there was enough parking before despite at least a dozen more stores in the very area that we're talking about, you know, during the old days.

That's all I want to say. I just want to -- I want to thank all the people in the -- that have worked so hard to put this application forward, it's a thankless job and I want to thank the Planning and Zoning Commission for having to listen to some of the excruciating testimony. But \(I\) just think that -- I think at the end of day, this is going to get done and \(I\) wish the best. So, thank you very much.

CHAIRMAN KLEMENS: Thank you, Mr. Baroody. The next -- he kept right in five minutes, too. Very good. Next one.

MS. CONROY: We have Susan Galluzzo.
CHAIRMAN KLEMENS: Okay. Elevate Susan, please. She's there but she's muted. Does she have to

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unmute?

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MS. CONROY: Yes.
CHAIRMAN KLEMENS: Susan -- there she is.
MS. GALLUZZO: I really didn't want to say anything, but the one thing \(I\) do want to say and I want to say this to Lloyd and I respect his opinion, I respect anyone's opinion who spoke this evening, but I also really, really care about Dino. I care about Judith who owns Argazzi Art. I care about Joey Schaefer who owns that building. I care about Celeste Shannon who owns the building across the street. I care about those two girls who own the building below. So, this has not just been Seth's parking. It's about five people who make a living in our town. None of these people can make a living with their businesses unless they have parking. If you have parking 500 feet away, that doesn't do it for Dean. That doesn't do it for Katie Baldwin, that. Doesn't do it for the three businesses that -- the three businesses that are in Joey Schaefer's building. It doesn't do it for Celeste Shannon. For me, quite honestly, it's really personal. I really, really love these -- I've known Celeste Shannon for about 40 others.

So, my point is, while parking is a technical issue, the fact is that \(I\), as an attorney, submitted a document to the Planning and Zoning Commission back in

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1 October; and based on statistics, not based on someone
2 saying I might do this, with all respect to Jocelyn Ayer,
3 or we intend to do this, this is not intention. The
4 required parking for Schaefer, Shannon, Argazzi, Dino and
5 Lakeville Interiors is 90 spaces under the zoning these, not even including Seth's is 61 spaces.

This is an affirmable -- easily affirmable number. So, these people don't eat, these people don't send their children to college, these people don't save for their futures unless they make a living.

You take away their parking, you put in a year and a half of construction which nobody's really addressed is how much and how long and the impact on the construction of these buildings with regard to these very fragile 19th century buildings will be. These are critical issues. No one has addressed that.

So, I can go through my other list of questions, you know, my other stuff about parking and on this easement, that will be addressed when Casagrande speaks. It's a 15 foot right of way. You put a dotted line in a 15 foot right of way and try to represent in an

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1 images it's a two-way street? It's not a two-way street.
2 It is a one-way street. That is by my -- if I were the
3 representing attorney, I would say that's at best a 4 misrepresentation. and I actually texted Joey Schaefer and I said did anyone ever -- did the traffic consultant -- let's ask him -did you ever talk to any of those business owners about their parking needs? Ever? Ever, ever about their parking needs or their traffic needs? Let's ask -- Let's have them answer that question. So, that's my -- that's one of my many concerns about this particular issue. The second one actually is that constantly the Applicant has represented this, first in their application to the State they completely misrepresented it as a vacant lot. I can document that.

Two, Chris, with all due respect, Attorney Smith, he represented as a parking lot. It is not a parking lot. It is a parking lot and a park -- you can look all over every map ever presented in this town, it is a parking -- it is a park and a parking lot which means it gets special protection under certain statutes under the state. So, we have a lot of address here that is not, one, nitpicking, but two, really deals with our neighbors and our friends, honest to God, who don't need

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    1 or support their families without this business. That's
    2 all I have to say.
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CHAIRMAN KLEMENS: Thank you, Susan. You kept right on five minutes. Great. Thank you for your testimony.
MS. GALLUZZO: Thanks, Michael.
CHAIRMAN KLEMENS: Next one.
MS. CONROY: I just have Andrew. I don't have a last name.
CHAIRMAN KLEMENS: We need the last name for the record.
CHAIRMAN KLEMENS: Andrew, your last name, please.
MS. MARCHAND: Actually it's Ashley Marchand. I'm one of the owners of -- Working? Sorry. Oh, no.
Hi. Sorry about that. A few technical things. I'm one of the owners of Lakeville Interiors in the building right below the parking lot. I just have a question, the traffic specialist when he mentioned that previous traffic data was used, what does that mean? I'm sorry, I don't totally understand.
CHAIRMAN KLEMENS: Please ask the questions, go to the Chair and the Applicant is going to accumulate them and respond.
MS. MARCHAND: Okay. So that's one of my

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1 questions.

5 help the delivery gentleman or woman unload them and that

7 I just want people to be aware that keep that in mind if
8 there's a school bus drop off, the school bus might not
9 be able to get by the trailer that's making the delivery.
10 And accepting those deliveries is crucial for our
11 business.
And the other item, I appreciated Mr. Whalen's comment about that, you know, each unit might actually potentially have two cars. So, I was wondering if when they accept applications or people or tenants if they need to register their cars or how many cars they will be allowed to register? Will there be a limit? That sort of thing.

And finally, in that rear view depiction, there's no guard rail. So, given where our building is, there's potential -- I just want to clear up that there will be a guard rail there and we won't end up with cars accidentally in our building.

So, those are my thoughts and questions. Thank you.

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24 our local businesses including Dino's great pizza place.
25 Once upon a time I used to go to the gym.
[Unintelligible] Lakeville Interiors. I never had a
problem parking. And I never parked in the Holley Place
parking lot bicentennial wonderful park.
    This is an application about needed housing.
And the parking will sort itself out. It is a false flag
to make this about parking. Please consider the basics
of the application and move forward. Thank you.
    CHAIRMAN KLEMENS: Thank you for your
testimony. There's another hand up I see, Abby.
    MS. CONROY: I --
        CHAIRMAN KLEMENS: One hand.
        MS. CONROY: Amanda Ash, first.
        CHAIRMAN KLEMENS: Amanda Ash. You are going
        to have to unmute yourself, please.
    On the bottom of your screen, you have to
        unmute your microphone, please. On your screen, if you
        look on the bottom, as you face it left, you should be
        able to unmute your microphone.
        (No response.)
    MR. COCKERLINE: Unless it's an iPad, then you
        tap the upper right.
    MS. CONROY: I've asked to unmute also. So --
        they have not responded.
    CHAIRMAN KLEMENS: I don't know what we can do.
        There's no other way to communicate with her?

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MS. CONROY: Just -- did that just change for you?

CHAIRMAN KLEMENS: Excuse me?
MS. CONROY: It just changed on my screen. CHAIRMAN KLEMENS: She's still there with a mute.

MS. CONROY: Yeah. No, I mean, the only -- I told her the lower left-hand side of the screen or like Allen was saying the top right. I believe when I ask someone to unmute that it should trigger for them. For example, Marty, I'm going to ask you to unmute right now. Does it give you a pop-up when I ask unmute?

MR. WHALEN: Yes.
MS. CONROY: So, I have done that, too.
CHAIRMAN KLEMENS: Unfortunately, we can't unmute, there's nothing we can do. Is there anybody else that wishes to be recognized? We have a hand up -- they go up and they go down.

MS. CONROY: I know.
CHAIRMAN KLEMENS: Is there anyone else in the public that wishes to speak? Anyone else? Okay.

Would the Applicant like to address some that was asked or do you want to do it in writing? What's your pleasure, Attorney Smith.

MR. SMITH: Mr. Chairman, for the record, Chris

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1 Smith and members of the Commission, think we would
2 prefer to have a concerted rebuttal. And I think that would be the most fair way to do it for the Commission and efficient as well. So, the continued hearing we will certainly be prepared to respond to the questions that we heard.

CHAIRMAN KLEMENS: Great.
Any other member of the public? There's a hand up. Two hands up.

MS. CONROY: Okay. I will take Philip Oppenheimer.

CHAIRMAN KLEMENS: Okay.
You have to unmute yourself. Great.
MR. OPPENHEIMER: Hi. Can you hear me?
CHAIRMAN KLEMENS: Sure can.
Mr. OPPENHEIMER: It's Philip Oppenheimer. I think some of attorney this stuff is meant as a stalling tactic and I think some of it, you know, is overblown. It isn't just about parking, it isn't just about traffic and design and so on. I think there's something bigger at work here and when people start hiring attorneys and fighting this in this way, I think that we shouldn't let them stall this thing. It's been a long time. We're all exhausted with it. Let's get it going and let's not give them extra time. That's all I have to say.

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CHAIRMAN KLEMENS: Thank you, Mr. Oppenheimer. We have another hand up, Abby.

MS. CONROY: M. Stucke.
CHAIRMAN KLEMENS: Okay. Yep.
MR. STUCKE: It's Maurice Stucke. Thanks so much, Chris, for the presentation, everyone. It would be helpful and I think Michael you raised this before, to have a view of the building from Factory Pond particular with the screening. So, in the presentation I didn't see that. I did see how it would look at night. But it would be very helpful to have the view from the park how it would look in terms of scale.

And if that, Christopher, can be included in your rebuttal that would be --

CHAIRMAN KLEMENS: You are talking about the view from Elm Street; correct?

MR. STUCKE: Exactly.
CHAIRMAN KLEMENS: Across Factory -- yeah, that has been asked for.

MR. STUCKE: It's been asked I think multiple times.

CHAIRMAN KLEMENS: Yes, you are correct. MR. STUCKE: If you would at that Christopher, that would be very helpful.

MR. SMITH: We'll look into that. Thank you,

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1 sir.

MR. STUCKE: Thank you.
CHAIRMAN KLEMENS: We have another attendee, another hand up. Do we have a hand?

MS. CONROY: Oh, yeah. They just have to unmute.

CHAIRMAN KLEMENS: George Mason, there we go. MS. WILSON: My question is on the financial information that you've provided. You provide revenue information that shows a range of revenues from \(\$ 500\) per month for a 1-bedroom apartment to I think \(\$ 1,300\) for the 3-bedroom apartment. That revenue comes out to somewhere between 100,000 and \(\$ 140,000\) a year. We would like to have you show us that this project is feasible and that the tax payers will not have to pick up any additional costs by showing the expenses that are involved in this project. Those expenses should include, you know, maintenance on a building which has an estimated cost of somewhere between 3 to 5 million dollars. Although you have not provided any costs. We would also like to see what the cost estimate is of this building. We find it shocking, basically, that nobody is answering these questions. It's inappropriate for this town to approve a project of this scale and significance without providing some financial information.

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CHAIRMAN KLEMENS: Is this Pamela Wilson? MS. WILSON: Yes.

CHAIRMAN KLEMENS: It's Pamela Wilson for the record.

I'll have Attorney Smith look at the questions He will respond. Some of the questions are not within the purview of the zoning application. I'll let him parse through that and respond in writing as he said he's going to.

MS. WILSON: Thank you.
CHAIRMAN KLEMENS: Thank you. That was Pamela Wilson for the record.

We have another attendee -- no. Gone. Oh, back. Poor Abby. I see what you're going through. The invisible hand.

MS. CONROY: Tracy Atwood.
CHAIRMAN KLEMENS: A person, I believe. Can you unmute yourself, please, Tracy. Do you know how to unmute yourself? Lower left-hand corner there's an unmute button. There you go. You are all set. You can speak, please. She's unmuted. Do you have anything to say?

Just move on. Nothing we can do about it if he's unmuted and he won't talk.

Is there anybody else who wishes to be

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    1 recognized? Raise your hand. You have a hand up,
    2 Abby.
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MS. CONROY: Yes, Attorney Grickis, do you want to call on him again or -- it's down. It's up again.
CHAIRMAN KLEMENS: There's another hand up.
MS. CONROY: Yes. Is it appropriate to call on Attorney Grickis again?
CHAIRMAN KLEMENS: Let's -- no one member from the public. If he has something to say. Let him say it.
MS. CONROY: Okay. Yeah, I don't see anybody else.
CHAIRMAN KLEMENS: Might as well get all the issues out now. You can unmute yourself, Attorney Grickis.
MR. GRICKIS: Yes. Can you hear me?
CHAIRMAN KLEMENS: Yes.
MR. GRICKIS: Just a quick question. I would just ask that the Commission and/or the Applicant respond to all of the issues that $I$ presented in my letter of March 2 nd. Some of them were addressed, not all. That's my request. Thank you.
CHAIRMAN KLEMENS: Attorney Smith, did you take that on board?
MR. SMITH: We'll -- Mr. Chairman, for the

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1 record, Chris Smith, we'll certainly review Attorney
2 Grickis's letter and any documents that -- and provide a
3 response. It won't necessarily be in writing,
4 Mr. Chairman, but we certainly will up the appropriate 5 person and consult an expert to respond to the specific 6 questions and have a coordinated response, presentation

7 for the Commission and the public and the citizens to
8 that we will respond. If not, we will explain why not.

MS. FREEMAN: Here we go.
CHAIRMAN KLEMENS: Great.
MS. FREEMAN: I want to speak briefly. I think the goal would be to close this up before 9 o'clock so everybody can go home. I want to thank Planning \& Zoning and I want to thank the Applicant. I think you've done a great job. I simply want to echo a couple of thoughts and make some points known to most of you who are familiar with this year after year that it's been going

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    1 on.
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2
3
4 time. I walk everywhere, I drive my car by that parking 5 lot. I use all the parking spaces referred to. I've 6 never had a parking issue. And I don't think that's a 7 real issue. I think that's a smoke screen for other 8 things.

25 12. I think that the building will be a notable

1 improvement. The so-called Bicentennial Park, it's not a
2 park. It's a parking lot. And it's not attractive. And
3 it's not nice to look at. And I think that the building
4 proposed there will be a lovely addition to the street
5 scape and to the vitality of the town.
6
7 for 12 units for families and individuals that
8 desperately need housing. And our town needs them. And
9 I would encourage P\&Z to approve this project. Let's do
10 it. Carpe dium. Let's think of our fellow human beings.
11 Not just parking. Let's think about people who want to
12 live in this town, who grew up in this town and are being
13 priced out of the market both rental and daily by people
14 coming in buying second homes and we're going to wind up
15 with a very old and very wealthy retirement community
16 here with nobody to serve us and no firemen. We need to
17 be more than that. We need not to be a naturally
18 occurring retirement community of rich folks.

25 is something I'm going to ask you.

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MR. SMITH: Okay, thank you Mr. Chairman and members of the Commission and Ms. Conroy, Abby for your time this evening.

With all due respect to Attorney Casagrande and if he called me for an extension on a brief or whatever that's one thing, but my client has been working on this for quite a long time. And the architecture, design has changed. I think it is apparent that Ms. Kerry (ph.) has reviewed the plans. We heard that they would like time for her to review the Power Point. I think two weeks is more than enough. I have a hearing tomorrow night with 94 units, it's an \(8-30 \mathrm{~g}\) and we had two weeks to come up with our rebuttal. And we've been in a scramble and we've gotten it all done. We have -- we have ten-fold the issues that I've heard are associated with this proposal.

So, I would respectfully request that the Intervenors -- they're Intervenors, but it's our application -- I would respectfully request that if they have something to say, that they try to pull that together for the next meeting which \(I\) know is planned to be on the 22 nd . And we will work from our end, Mr. Chairman and members of the Commission, to provide responses to the comments and questions we heard this evening; and if we can elaborate on any other questions

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1 that we provided to the Commission and citizens already, 2 we will at that time. We would respectfully request that 3 this matter go over as originally planned to March 22nd 4 and we'll go from there? Thank you.

CHAIRMAN KLEMENS: Okay. Then I'm -- a couple things. I will entertain a motion to continue the hearing to March 22nd.

MR. CASAGRANDE: Mr. Chairman. May I speak?
CHAIRMAN KLEMENS: Yes, go ahead please.
MR. CASAGRANDE: I have been retained by the client for this application for a little -- the clients for a little over two weeks. I have been working extremely hard to get our rebuttal presentation together. Attorney Smith well knows that a continuance of 30 days is standard. I find it very disappointing that he will not agree to an additional two weeks to allow me to get my expert witnesses who -- and remember the application materials, up until last week, was just the application. We only got supporting materials in last week. So, it's grossly unfair. I would say a violation of my client's due process rights to truncate this into a two weeks window where we have to come up with a presentation based on the presentation tonight. I will also add, and I know that the Commission does not have to consider this, as I would demur to Attorney Smith if he said to me I've got

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1 other matters and other things to take care of, I do.
2 I've got briefs in other cases that are due. I have 3 another hearing in Canton coming up I believe next week.

4 That's going to monopolize my time. I respectfully ask 5 the Commission's indulgence.
        We'll do our darndest to do that. But please,
        Mr. Chairman, a month is not unreasonable.

CHAIRMAN KLEMENS: My concern is that if you come in with a robust presentation then it's going to have to be continued anyway.

MR. CASAGRANDE: But that's the nature of these proceedings, as you know.

CHAIRMAN KLEMENS: All right, so if we continued it to the date that Attorney Smith has requested, we can then end up having to extend it.

MR. CASAGRANDE: But I'm not going to be ready by then.

MR. COCKERLINE: Mr. Chairman, had you asked for a motion and you I was actually ready to move that.

CHAIRMAN KLEMENS: I think we need to let the attorneys talk still, Allen.

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MR. COCKERLINE: Okay.
CHAIRMAN KLEMENS: Attorney Smith?
MR. SMITH: I'm sorry, Mr. Chairman?
CHAIRMAN KLEMENS: Attorney Smith, are you absolute on your insistence of this?

MR. SMITH: My client would like to proceed two weeks from now as originally planned, if we can. And we'll see how it goes.

MR. CASAGRANDE: Well, I don't really know what that means: We'll see how it goes. What am I going to be expected to do on March 22nd?

MR. SMITH: Attorney Casagrande --
MR. CASAGRANDE: I would add, Mr. Chairman -- I would add it's not attorney Smith's call here. It's the Commission's call. And I've been advising planning commissions and zoning Commissions in western Connecticut for 30 years. I have never seen a case involving this type of an application where a Commission would not routinely grant a \(30-\) day extension to allow opponents to put together their rebuttal case. The nature of these kinds of applications is, yes, they are complex and they have a lot of issues and if we continue it for 30 days and I put in my case and if Attorney Smith said to me I need more time. I would grant them that as a matter of course. Obviously, with the permission of the

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23 at the end of the year. But again, I think my client
24 would like to proceed on the 22 nd and again, I don't know 25 if we are going to hear more from the public or not at

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1 that point in time.

CHAIRMAN KLEMENS: I'm sure we will.
MR. CASAGRANDE: But then, Mr. Chairman, what is the direction to me if you go that route? I mean, I just don't understand the need --

CHAIRMAN KLEMENS: Honestly, I expected you submitted a report when I traded the outline for this evening, he was exhibiting that you at least put on some witnesses. I had a whole block of time for you. I was surprised that you didn't have anybody.

MR. CASAGRANDE: Well, I made that request in my petition that \(I\) filed last week. So, the Commission has known about the fact that I would not have witnesses tonight since last week. And just --

CHAIRMAN KLEMENS: Can you have witnesses on the 22nd? That's two weeks.

MR. CASAGRANDE: I don't know. I don't know. If you force me to, I'll have to do my best to get them ready. But it's an inordinately small period of time in which to put together this type of opposition.

So all I'm asking for is two additional weeks.
CHAIRMAN KLEMENS: Well, let me just ask the Commissioners, I think we have to go -- we have to have another hearing with -- we have to deal with another hearing. I would like to grant the extension until the

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    1 22nd -- continue the hearing the 22nd with the
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    1 22nd -- continue the hearing the 22nd with the
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understanding of all parties that it could, most likely

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understanding of all parties that it could, most likely
continue again for another -- to the April meeting, too.
continue again for another -- to the April meeting, too.
    MR. COCKERLINE: Agreed.
    MR. COCKERLINE: Agreed.
    CHAIRMAN KLEMENS: Members of the Commission.
    CHAIRMAN KLEMENS: Members of the Commission.
Bob?
Bob?
    MR. RIVA: Agreed.
    MR. RIVA: Agreed.
    CHAIRMAN KLEMENS: Kathy?
    CHAIRMAN KLEMENS: Kathy?
    MS. SHYER: Agreed.
    MS. SHYER: Agreed.
    CHAIRMAN KLEMENS: I'm missing people. Marty?
    CHAIRMAN KLEMENS: I'm missing people. Marty?
Marty?
Marty?
    MR. WHALEN: Agreed.
    MR. WHALEN: Agreed.
    CHAIRMAN KLEMENS: And the alternates?
    CHAIRMAN KLEMENS: And the alternates?
Deborah? Kindly unmute.
Deborah? Kindly unmute.
    MS. ALLEE: Agreed.
    MS. ALLEE: Agreed.
    CHAIRMAN KLEMENS: Dr. Schiffer, Danella?
    CHAIRMAN KLEMENS: Dr. Schiffer, Danella?
    DR. SCHIFFER: I assume the agreement is to
    DR. SCHIFFER: I assume the agreement is to
have the next hearing on the 22nd?
have the next hearing on the 22nd?
    CHAIRMAN KLEMENS: Yes.
    CHAIRMAN KLEMENS: Yes.
    DR. SCHIFFER: With the possibility that we
    DR. SCHIFFER: With the possibility that we
will have a hearing after that?
will have a hearing after that?
        CHAIRMAN KLEMENS: Yes. It's quite likely.
        CHAIRMAN KLEMENS: Yes. It's quite likely.
        DR. SCHIFFER: I agree.
        DR. SCHIFFER: I agree.
        CHAIRMAN KLEMENS: It will be like the transfer
        CHAIRMAN KLEMENS: It will be like the transfer
station.
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station.

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DR. SCHIFFER: Yep. I agree.
CHAIRMAN KLEMENS: And there's one other alternate I missed. Jon?
MR. HIGGINS: Agreed.
CHAIRMAN KLEMENS: Mr. Cockerline, will you please make a motion to --
MR. COCKERLINE: Motion to continue the hearing for the Pocketknife Square project --
CHAIRMAN KLEMENS: Holley Block.
MR. COCKERLINE: Holley Block until March 22 at 5:30 p.m. via zoom.
CHAIRMAN KLEMENS: We are going to be on daylight savings. I still think we should do this at 5: 30 .
MR. COCKERLINE: Agreed.
VOICE: Agreed.
CHAIRMAN KLEMENS: Get a second to that, please?
MR. RIVA: Bob Riva, second, Michael.
CHAIRMAN KLEMENS: All those in favor? Signify
by saying aye?
ALL: Aye.
CHAIRMAN KLEMENS: Anybody opposed?
Any extensions?
The motion carries unanimously.

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MR. CASAGRANDE: Mr. Chairman just to clarify. CHAIRMAN KLEMENS: Yes.

MR. CASAGRANDE: When will the documents for this March 22nd hearing need to be filed.

CHAIRMAN KLEMENS: Thank you for asking that. I said, what seemed a lifetime ago, the March 22nd public hearing technical submissions have to be received by noon on March 18th. That doesn't preclude the public, but any technical submission should be in hand then so everyone can look at it.

MR. CASAGRANDE: So, you have eight days. Just --

CHAIRMAN KLEMENS: Excuse me?
MR. SMITH: Ten, by my count.
MR. CASAGRANDE: Yes, that's -- yes, that's right, Attorney Smith. And Mr. Chairman, just so I'm clear, if I'm within the ten days I'm not able to get in all of the exert reports that \(I\) will do my best to get in, will there be another continuance?

CHAIRMAN KLEMENS: I don't see why not. But let's try to keep this moving. Don't go to the bank there will be a continuance. Please get as much as you can to us.

MR. CASAGRANDE: All right, that's for the record.

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CHAIRMAN KLEMENS: I can't speak with the rest of my Commission will allow or advise.

MR. CASAGRANDE: Okay. Well, all I ask the Commission to keep in mind that my clients have due process rights in fundamental fairness and unreasonably truncating this hearing to accommodate the Applicant's schedule is recognized by Courts as, in some circumstances, violating those rights. I just ask the Commission to keep that in mind. I know you will be fair. I know you will be open. But it's a tremendous burden that you have put on me an my clients tonight and I hope you will see fit that if I come to you next time and say \(I\) haven't been able to get everything together, that you honor a request for another ten was.

CHAIRMAN KLEMENS: Surely you will be able to get something together.

MR. CASAGRANDE: I will do my best, Mr. Chairman.

MR. HIGGINS: Michael also mentioned that we set this September 22 nd as a possible continuation date.

CHAIRMAN KLEMENS: March, March.
MR. HIGGINS: I'm sorry. March 22 nd at our last meeting. So, it's not like we're just deciding tonight.

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CHAIRMAN KLEMENS: Frankly, I do have to echo Attorney Smith. I do this for many other clients juggling and responding to ever moving benchmarks. I certainly think your consultant should be able to come up with something. I know I'm often forced to do it myself. It's an imperfect world.

You will get a fair hearing and if you don't have everything addressed and Attorney Smith doesn't and the public, we'll just continue it. We are a fair Commission. But I don't want to have this process stagnate when there's a lot of other things that need to be addressed. Attorney Smith has a laundry list of things to address. So, let's just keep it moving and we will respect your due process rights and that of your client.

MR. CASAGRANDE: Thank you very much, Mr. Chairman.

CHAIRMAN KLEMENS: You're welcome. Okay.
And I need a motion to continue the hearing. Do we need to -- That's it. Do we have to have a motion to close tonight? No. We are continuing.

MR. COCKERLINE: Just a motion to continue, I believe.

CHAIRMAN KLEMENS: I think we're done.
MR. COCKERLINE: We've done that and --

\section*{ALLAN REPORTING SERVICES}

CHAIRMAN KLEMENS: Already done.
VOICE: To adjourn the meeting.
MR. COCKERLINE: Time to leave the meeting. CHAIRMAN KLEMENS: I need to motion to adjourn the meeting. Thank you, Abby. I'm losing my -MR. COCKERLINE: So moved. MR. RIVA: Second. CHAIRMAN KLEMENS: All those in favor? All: Aye.

CHAIRMAN KLEMENS: Okay. Thank you.
MR. SMITH: Stay safe everybody.
(Whereby, the hearing adjourned.)



\[
C E R T I F I C A T I O N
\]

I hereby certify that the above and foregoing is a true and correct transcript of the audio recording provided, limited only by the technology of the recording.

Dated this 14th day of July, 2021.

VIKTORIA V. STOCKMAL, CRR, RMR
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