RoR 87.a

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2	SALISBURY	PLANNING & ZONING COMMISION	
3		SPECIAL MEETING	
4		MARCH 8, 2021	
5		5:30 P.M.	
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9			
10	CHAIRMAN:	Michael Klemens	
11	MEMBERS PRESENT:	Michael Klemens	ŝ
12		Bob Riva	
13		Cathy Shyer	
14		Martin Whalen	
15		Allen Cockerline	
16			
17	ALTERNATES PRESENT:	Dr. Danella Schiffer	3.
18		Deborah Allee	
19		John Higgins	
20			
21	STAFF PRESENT:	Abby Conroy	
22		Tai Kern	
23			
24			
25			

1	CHAIRMAN KLEMENS: Its now 5:32 p.m.
	There's all the members are here.
2	
3	Good evening. I'm Michael Klemens, I'm
4	Chairman of the Planning and Zoning Commission. With me
5	tonight are Bob Riva, Cathy Shyer, Marty Whalen and Allen
6	Cockerline, full members. And all our alternates,
7	Dr. Schiffer, Deborah Allee and John Higgins.
8	Now, just a couple There's going to be a lot
9	of housekeeping, so I ask to please bear with me on this.
10	We are starting at 5:30. The meeting will end at $9:30$.
11	There is going to be a continuation of this hearing. I
12	think four hours is a fair amount of time. We received a
13	letter from Attorney Casagrande about the meeting format.
14	We have been using Webinar for the last few meetings.
15	Webinar is also commonly used in many towns that you
16	appear in front of which will be Greenwich, Farmington to
17	name but a few. Okay.
18	So, as the meeting is ending at 9:30
19	And our Land Use Administrator, Abby Conroy and
20	Tai Kern, our recording secretary.
21	As the meeting is going to end at 9:30, it's
22	quite possible that not everyone who wishes to be heard
23	tonight will be heard. If that is the case, I'm sure you
24	will be heard at a subsequent hearing.
25	There was a question of timing. I believe the

Applicant should have at least an hour and a half to 1 2 present, if he needs that. And excuse me for referring the Applicant as a "he." It's a mixture of genders. 3 The hearing will be continued until either March 22nd, with a 4 technical submission deadline of noon on March 18th or 5 April 12th, with a technical submission deadline, okay, 6 That decision is up to the Applicant if they have 7 blank. to grant an extension of time if we have an April 8 hearing. 9

For the public, technical submissions are 10 distinct from general public comments which are not 11 restricted to those submission deadlines. But there is 12 no quaranty that submissions made after those cutoff 13 dates will be uploaded prior to the hearing. However, 14 all matters will be uploaded before we close the public 15 hearing. That means we have to have a separate meeting 16 to close the public hearing. 17

A lot of this, and please bear with me, is 18 going to be a lot of procedure. We received a letter 19 from Attorney Grickis questioning the appropriateness of 20 the participation of certain members in these hearings. 21 Therefore, I'm going to ask each member or alternate 22 several questions. I also believe there's many of those 23 in attendance including those in opposition to the 24 proposed application that there is a need for affordable 25

housing in our community overall. Acknowledging need is, 1 in and of itself, is not a conflict. However, we must 2 each address the following questions in a slightly 3 different way. 4 Starting with myself: Have I reached a 5 conclusion to pre-judge this application? It's no. 6 7 Am I willing to listen without partiality to all presentations, testimony, public comments and 8 questions prior to reaching my conclusion? Yes. 9 Do I have a personal or financial interest in 10 this application? That is no. 11 I'm now going to move to the various 12 commissioners. It's going to be little bit different 13 what I'm going to be asking them. 14 Mr. Riva, who has disclosed has his daughter, 15 Tiffany, has involvement with affordable housing in 16 Salisbury and has submitted a letter in support of this 17 application. On advice of counsel, that interest is 18 deemed personal. But does not, in and of itself, 19 constitute a conflict of interest. So, Mr. Riva, the 20 questions now I'm asking you. 21 Mr. Riva, have you reached a conclusion or 22 prejudged this specific application? 23 MR. RIVA: No, Michael, I have not. 24 CHAIRMAN KLEMENS: Mr. Riva, are you willing to 25

1 listen, without partiality, to all presentations, 2 testimony, public comments and questions prior to reaching your own conclusion on this matter? 3 MR. RIVA: Yes, I do. 4 CHAIRMAN KLEMENS: Permission to answer these 5 questions, please state for the record whether or not the 6 activities of your daughter will hold any sway over your 7 decision in this matter? 8 MR. RIVA: No, they will not. 9 10 CHAIRMAN KLEMENS: Thank you, Mr. Riva. Mr. Cockerline. Mr. Cockerline has a 11 well-known active interest in affordable housing in Falls 12 Village. Serving on the board of directors of a group 13 promoting affordable housing in Falls Village. That 14 interest is not deemed by P&Z counsel to represent, in 15 and of itself, a conflict. 16 Mr. Cockerline, have you reached a conclusion 17 that has pre-judged this specific application? 18 MR. COCKERLINE: No, I have not. 19 20 CHAIRMAN KLEMENS: Mr. Cockerline, are you willing to listen, without partiality, to all 21 presentations, testimony, public comments and questions 22 prior to reaching your conclusions on this matter? 23 24 MR. COCKERLINE: Yes, I will. CHAIRMAN KLEMENS: Mr. Cockerline, do you have 25

a personal or financial interest in this application? 1 2 MR. COCKERLINE: No, I do not. CHAIRMAN KLEMENS: Thank you, Mr. Cockerline. 3 MR. COCKERLINE: Thank you. 4 CHAIRMAN KLEMENS: Mr. Higgins has voiced 5 support for affordable housing within our town. 6 This interest is not deemed by PZC counsel to represent a 7 conflict. 8 Mr. Higgins, have you reached a conclusion that 9 that has pre-judged this specific application? 10 MR. HIGGINS: No. 11 CHAIRMAN KLEMENS: Mr. Higgins, are you willing 12 to listen, without partiality, to all presentations, 13 testimony, public comments and questions prior to 14 reaching your conclusion on this matter? 15 MR. HIGGINS: Always do. 16 CHAIRMAN KLEMENS: Do you have a personal or 17 financial interest in this application? 18 None, whatever. 19 MR. HIGGINS: 20 CHAIRMAN KLEMENS: Ms. Shyer is out of the country for several months. She maintains her residence 21 and as elector in the Town of Salisbury. As these are 22 remote meetings and Ms. Shyer can access all materials 23 and can participate in all meetings in a similar manner 24 that we all do, PZC counsel has deemed that to be 25

permissible under the Governor's Executive Order. 1 In addition, Ms. Shyer wishes to disclose that she and Chris 2 Smith had a professional relationship more than five 3 years ago but no longer have a professional relationship. 4 That was Mr. Smith was hired by Ms. Shyer. 5 Ms. Shyer, have you reached a conclusion to 6 pre-judge this specific application? 7 MS. SHYER: No. 8 CHAIRMAN KLEMENS: Ms. Shyer, are you willing 9 to listen, without partiality, to all presentations, 10 testimony, public comments and questions prior to 11 reaching your conclusion on this matter? 12 MS. SHYER: Yes. 13 CHAIRMAN KLEMENS: Ms. Shyer, do you have a 14 personal or financial interest in this application? 15 MS. SHYER: No. 16 CHAIRMAN KLEMENS: Mr. Whalen, have you reached 17 a conclusion that has prejudged this specific 18 application? 19 20 MR. WHALEN: No. CHAIRMAN KLEMENS: Are you willing to listen, 21 without partiality, to all presentations, testimony, 22 public comments and questions prior to reaching your 23 conclusion on this matter? 2.4 MR. WHALEN: Yes. 25

1 CHAIRMAN KLEMENS: Do you have a personal or financial interest in this application? 2 No, I do not. 3 MR. WHALEN: CHAIRMAN KLEMENS: Thank you, Mr. Whalen. 4 5 Ms. Allee, have you reached a conclusion pre-judged this specific application? 6 7 Debra, your microphone. MS. ALLEE: No, I have not. 8 9 CHAIRMAN KLEMENS: Thank you. 10 Are you willing to listen, without partiality, to all presentations, testimony, public comments and 11 questions prior to reaching your conclusion on this 12 matter? 13 MS. ALLEE: Yes, I am. 14 CHAIRMAN KLEMENS: Do you have a personal or 15 financial interest in this application? 16 MS. ALLEE: No, I do not. 17 CHAIRMAN KLEMENS: Thank you. 18 Dr. Schiffer, have you reached a conclusion 19 that has pre-judged this specific application? 20 DR. SCHIFFER: No, I have not. 21 CHAIRMAN KLEMENS: Have you -- I'm sorry, are 22 you willing to listen, without partiality, to all 23 presentations, testimony, public comments and questions 24 prior to reaching your conclusion on this matter? 25

1 DR. SCHIFFER: Yes. CHAIRMAN KLEMENS: Do you have a personal or 2 3 financial interest in this application? 4 DR. SCHIFFER: No, I do not. 5 CHAIRMAN KLEMENS: Thank you. Thank you all 6 for your forbearance. 7 That being said, all our four commissioners are here this evening and will be seated. 8 In order to maintain impartiality of this 9 procedure, I remind the public and commissioners that ex 10 parte communication on this matter is prohibited by law. 11 Such communications are, but not limited to, in-person 12 conversations, telephone calls, e-mails and text 13 I remind members of the public to refrain from messages. 14 copying members of this Commission on e-mails. A]] 15 communications through the Planning and Zoning Commission 16 are to be routed through the Land Use Administrator, Abby 17 Conroy. 18 Now, on to additional procedural matters. 19 We have an intervention under 22-a19, [Verbatim] CEPA 20 intervention. We accept the intervention which alleges a 21 reasonable likelihood of unreasonable harm to historical 22 resources and grant the Intervenor party statutes. For 23 the public, acceptance of this intervention is, on my 24 part and the Commission, a neutral action. We neither 25

1 agree nor disagree with the allegations but we do give 2 them standing. I, at this point, would ask you to elevate Attorney Casagrande to panelist status. 3 We have, in addition to Attorney Casagrande of 4 5 Cramer & Anderson who represents Susan Galluzzo, William Muecke, Celeste Shannon, Judith Singells and Joseph 6 Schaefer, we also have the Intervenor, Attorney Grickis, 7 who represents Seth Churchill, and Attorney Capecelatro 8 who represents RJS Holding, Dean Diamond. 9 Now to give my voice a rest, Land Use 10 Administrator Conroy will read a list into the record of 11 documents received. 12 MS. CONROY: Mr. Chairman, if you don't mind, I 13 just want to confirm that Cramer & Anderson, that you're 14 corrected both audio and video; correct? 15 CHAIRMAN KLEMENS: Mr. Casagrande, are you 16 connected both audio and video? 17 MR. CASAGRANDE: Yes, Mr. Chairman, I am. 18 19 Thank you. CHAIRMAN KLEMENS: We are now going to begin. 20 Abby is going to read and I'm going to drink some water. 21 MS. CONROY: Let me just get to my page. 22 CHAIRMAN KLEMENS: Take your time. 23 MS. CONROY: Okay. 2.4 So, we have received -- just so MS. CONROY: 25

you all know, basically on Thursday, everything from 1 3:45 -- received by 3:45 on Thursday was uploaded before 2 the weekend. Everything I received before noon today was 3 uploaded. So, if you did send something and it's not up, 4 5 please follow up with me to make sure that we get that. But for now, we have the application submitted by the 6 Applicant that includes -- actually, I'll pull that up, 7 I'll share the screen right now. That includes their 8 plan set, we've received an owner authorization letter 9 from the town allowing the Applicant to apply. 10 We have the notice of hearing published in the Lakeville Journal; 11 neighbors notices submitted by the Applicant; public 12 hearing signs which are not required by these 13 regulations, but were an additional form of notification 14 of the hearing; a letter from the Applicant clarifying 15 the zoning on this parcel; the resumes and C.V.s from the 16 applicant's team; a traffic evaluation from September 17 2020 submitted by the Applicant; supplemental memo from 18 the Applicant regarding traffic dated October 2020. 19 20 Also submitted by the Applicant: Housing affordability plan; a letter from Welsh Sanitation; 21 letters to the Department of Public Health and Aquarion; 22 required notices; referral response from the Salisbury 23

24 Affordable Housing Commission; letter from the fire

25 marshal having reviewed the preliminary plans.

1 The Applicant was kind enough to submit their 2 power point that they will be presenting this evening in 3 advance. We've posted the petition for Intervenor status 4 from Cramer & Anderson.

The following was all submitted from the 5 So, one was -- Mrs. Schilling (ph.) for traffic 6 public: information letter, what submitted by a member of the 7 public; Ms. Oppenheimer presented three documents 8 including photos of surrounding neighborhoods; Attorney 9 Capecelatro provided a letter representing his client and 10 some questions and concerns; Attorney Grickis, the letter 11 that was already alluded to. 12

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 16 communications from the public, so I put those in 17 batches. There's -- each of those, there's a cover page 18 that identifies the person who wrote it and the date of 19 their letter and then following that, each of the actual 20 letters are attached. So, we have letters batch No. 1, 21 batch No. 2, batch No. 3, batch No. 4 and batch No. 5. 22 Then we received -- members of the public had a 23 petition going around in favor of affordable housing. 24 That was attached. And then a letter from Bruce 25

1 Palmer. 2 (Background voice) 3 MR. COCKERLINE: Mike, can you --CHAIRMAN KLEMENS: I don't know who it is. 4 MR. COCKERLINE: Well, it's from out there. 5 CHAIRMAN KLEMENS: Who basically has got this 6 noise? Do we have somebody --7 (Background voice) 8 CHAIRMAN KLEMENS: Marty, is that your house? 9 10 MS. CONROY: I think it was. I just muted 11 Marty. CHAIRMAN KLEMENS: Sorry Marty. 12 MS. CONROY: Mr. Chairman, that concludes the 13 list of documents that I have. 14 CHAIRMAN KLEMENS: Thank you. 15 In response to a letter -- not a letter, a 16 question, the counsel for the Planning & Zoning 17 Commission is Charles Andres of Barclay Damon in New 18 And we've had extensive conversations with him 19 Haven. which is privileged -- attorney-client privilege about 20 the issues which we just discussed. That was a question 21 that Attorney Grickis had. 22 Now, your presentation and the time. 23 I have assigned, and I would like both Mr. Smith, Attorney 24 Smith, Attorney Casagrande to weigh in, I thought that 25

the Applicant up to one and a half hours for their 1 presentation with half an hour for follow-up. 2 Does that sound reasonable, Mr. Smith? 3 MR. SMITH: Certainly, Mr. Chairman. I think 4 we should be able to do our presentation within that time 5 frame, yes. Yes, sir. 6 7 CHAIRMAN KLEMENS: That's 1.5 hours and then there's a half hour for questions posed to you by the 8 Commission and questions for the Intervenor. 9 I will ask Mr. Casagrande: How much time do 10 you require for your presentation? 11 Unmute. You are muted. Attorney Casagrande, 12 13 can you unmute your microphone. MS. CONROY: On the bottom of your screen, 14 there should be --15 MR. CASAGRANDE: I'm sorry. I was looking at 16 the top of the screen. I apologize. 17 That's okay. If you are used to a MS. CONROY: 18 different device, it might be elsewhere. 19 20 MR. CASAGRANDE: Right. Mr. Chairman, we don't plan on making a 21 presentation tonight, as I said in my letter. We are 22 working hard to put together our rebuttal case. As I 23 said in my letter requesting a continuance, we 24 respectfully request the opportunity -- and I would like 25

the Commission, in its discretion, to continue the hearing to the 12th. I'm just not going to be ready within a couple weeks to go forward given the number of issues we have to address.

5 So I, myself, do not plan on making any 6 comments tonight.

7 CHAIRMAN KLEMENS: Okay. Thank you. And -8 yes, Attorney Smith?

MR. SMITH: Mr. Chairman, Attorney Casagrande, 9 I have no idea what letter was sent in. 10 I was not provided with a copy to have nor was I provided with a 11 copy of Attorney Grickis's. So, this is all news to 12 myself and my client relative to asking for a continuance 13 to go out, I guess, over a month. So, I don't -- there 14 was a reference to Webinar, so I was hoping that maybe 15 that could be clarified for me, since I'm kind of 16 operating in the dark and chasing ghosts that the point 17 since, again, a courtesy copy wasn't sent to me. 18

19 CHAIRMAN KLEMENS: Attorney Smith, first, the 20 decision whether to continue until the 22nd or the April 21 12th is really up to the Applicant as I said in my 22 opening remarks. It is within your discretion, you have 23 to grant the extension. So, that is your decision. 24 The letter -- the letter is on the website, but 25 certainly I can ask the Land Use Administrator to send

you Attorney Grickis's letter and Attorney Casagrande's
 letter.

3 MS. CONROY: Actually, two of Attorney Casagrande's -- I got two messages from Attorney 4 5 Casagrande this afternoon, so I didn't have time to put them up or anything. So, the original Intervenor letter 6 and Attorney Grickis's letter are both on the website. 7 MR. SMITH: Yeah, I see that Attorney Grickis 8 I'm more than happy to send copies of whatever 9 is here. we file to legal counsel and hopefully they would extend 10 the same courtesy, Mr. Chairman, as we go this. 11 As you know, I've been doing this for quite a long time and 12 that's typically, actually, always the way it's done. 13 We just ask folks to do that. I think it would help it run 14

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.

18 CHAIRMAN KLEMENS: Certainly for the seated 19 Intervenor that is pro forma. If you wish to also send 20 copies to Attorney Capecelatro and Attorney Grickis, that 21 is your decision. I can't request that of you.

MR. SMITH: Understood.

22

23 MR. CASAGRANDE: Mr. Chairman, if I may.

24 CHAIRMAN KLEMENS: Sure.

25 MR. CASAGRANDE: I had no intention of

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excluding Attorney Smith. My understanding was, in 1 filing the letters, he would get copies. 2 But I'm certainly happy to establish a protocol with Chris. 3 He an I have worked together for a long time and I'm sure we 4 can work out a reciprocal approach. But I would ask -- I 5 mean, 30 day extension in a hearing like this is not 6 unreasonable. And so I reiterate my request for that 7 indulgence. I'm not -- I have to say I'm not sure, 8 Mr. Chairman, that it's up to the Applicant at this point 9 because the hearing just got opened. My understanding is 10 if it goes to the point where the hearing has to close, 11 then the Applicant would have to consent to extensions 12 beyond that. So, I'm not sure I agree with Attorney 13 Smith that his client has the veto power of an extension 14 request. And again, I would ask the Commission's 15 indulgence. This is a complex case with major issues and 16 we're just asking for fundamental fairness. 17 Thank you. 18 CHAIRMAN KLEMENS: That was the cheer, Dan. 19 MR. SMITH: And I 20 appreciate that, Attorney Casagrande, and I will work with you to endeavor to keep the procedural niceties 21 continuing as we go through this. Thank you. 22 Thank you, Mr. Chairman. 23 CHAIRMAN KLEMENS: All right. Is Attorney 2.4 Capecelatro here tonight? Or his client? He was next on 25

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1
     the list to get --
                            Right. I don't see --
 2
               MS. CONROY:
               CHAIRMAN KLEMENS: I don't see him.
 3
                                                    But
     there's 128 now.
 4
 5
               MS. CONROY: And not everyone is named by their
 6
     true names.
               CHAIRMAN KLEMENS: I'm sure an attorney would
 7
 8
     be.
               MS. CONROY: Attorney Capecelatro or
 9
     Mr. Diamond, if you are here, please raise your hand.
10
                          (No response)
11
               CHAIRMAN KLEMENS: Apparently not.
12
               MS. CONROY: Doesn't look like it.
13
               CHAIRMAN KLEMENS: Then I'm going to flip, and
14
     after the Applicant, I will have Attorney Grickis and
15
     Mr. Churchill make their presentations. So, I guess at
16
     this point, we will start with the presentation of the
17
     Applicant. It is now a 5:58. So, by my calculations, --
18
               MS. CONROY: Mr. Chairman, there was some
19
20
     question about where the links to the documents are.
                                                            Ι
     would be happy to show everyone when you go to the Town
21
     of Salisbury home page, there is a link right on the
22
     left-hand side. Let me add my share screen here.
                                                        So,
23
     Town of Salisbury web page, on the left-hand side,
24
     shortcut to Planning and Zoning Commission meeting
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1 documents. And all of the current and pending 2 applications, all of their materials are here. But the one you're specifically looking for is special permit 3 2021-0123 for the multi-family housing. 4 5 CHAIRMAN KLEMENS: Thank you, Abby. Is there any other procedural questions? 6 Then we go on to the next two hours which are 7 devoted to the applicant's presentation, questions from 8 the Commission to the Applicant, then questions from the 9 Intervenor to the Applicant. 10 MR. SMITH: All set, Mr. Chairman? 11 CHAIRMAN KLEMENS: Give my voice a rest. 12 MR. SMITH: Have some water. 13 Good evening, Mr. Chairman, members of the 14 Commission, Ms. Conroy, Madam Clerk. For the record, my 15 name is Chris Smith, I'm a land use attorney with the law 16 firm of Alter & Pearson and I appear before you this 17 evening on behalf of the Salisbury Housing Committee, 18 Inc. who is the Applicant for this special permit 19 application that's been submitted pursuant to Section 20 405.5 of the PKSQ Overlay District. As you're aware, 21 there's also a component concerning the Aquifer 22 Protection Overlay District as provided by Section 403. 23 For the record, I just would like to note that 24 we did send notices out e-mail -- by e-mail and letter 25

certified return receipt to both Connecticut DPH as well as Aquarion, and you have been provided with copies of those. Those were some of the documents that Ms. Conroy made reference to as well as the notice letters to the abutters.

6 With permission of the Chair, I would like to 7 turn the presentation Jocelyn Ayer who will -- we do have 8 a Power Point for you this evening as Ms. Conroy 9 indicated. And we can start with that. Thank you. 10 CHAIRMAN KLEMENS: Thank you. Ms. Ayer.

MS. AYER: Thank you. Abby, can you let me share my screen? Maybe? All right.

All right. Again, thank you. We just definitely want to thank the Commission and its staff for your time on this matter and we really look forward to presenting this revised design to you tonight.

Again, my name is Jocelyn Ayer and I am here 17 tonight representing the Salisbury Housing Committee. Ι 18 am just one of the volunteers on the board. All the 19 20 board members are listed here for your reference. We are a private, non-profit, all-volunteer organization that's 21 been building and managing affordable rental housing in 22 Salisbury since 1970. I haven't been here since 1970, 23 but the organization has been functioning in town to 24 create those housing opportunities for that long. 25 And

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.

Briefly, I just want to introduce our team that 6 will be presenting tonight. We do have Rocco from QA+M 7 Architecture who will be presenting the architecture of 8 the new revised design. Jon Tunsky is here to present 9 the site design details. You met Chris Smith who will be 10 representing us. David Berto and Cathy Petracone are on 11 our team from Housing Enterprises, they deal with all the 12 housing finance and project management. And our traffic 13 engineer, VHB Joe Balskus, is here with us tonight as 14 well. 15

So, before I turn it over to them, I just want 16 to briefly summarize, sort of, the major changes in the 17 design that have occurred. As you all know, we heard 18 lots of public comment in the previous iteration of this 19 project. The Salisbury Housing Committee and it's team 20 listened to what we heard in terms of comment and 21 concerns from neighbors and other residents on this 22 project, and basically completely re-designed the project 23 to respond to those concerns. So obviously, the style of 24 architecture has changed a lot. We also scaled back the 25

size and the bulk of the building, especially the third 1 floor and made it symmetrical on both sides. 2 We reduced the number of units and bedrooms to 12 units and it went 3 from 21 bedrooms to 18 bedrooms; and reduced the 4 5 footprint of the building which also meant that we lost two parking spaces under the building; but again, we also 6 obviously reduced the number of bedrooms, so -- and 7 units, so we reduced the parking demand from residents in 8 9 that way. All right, so I'm going to have Jon present the 10 site plan. Jon? 11 Thank you, Jocelyn. 12 MR. TUNSKY: Jonathan Tunsky, landscape architect with todesign, 114 West Main 13 Street, New Britain, Connecticut, 06051, for the record. 14 This is our location map showing the site area 15 in yellow. Currently, the existing site is a plus or 16 minus 24 car parking lot and is adjacent to Bicentennial 17 Park. 18

19 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

existing front yard setbacks of abutting properties. 1 And then moving clockwise to the corner, there will be a 2 3 small permeable paver patio and any memorials stones or plaques on site will be incorporated into the new site 4 Currently, the wall is detailed as concrete, but 5 wall. we'll be meeting with ship owner (ph.) review the 6 existing wall later this week and based on their 7 direction, that material of the wall may change. 8

Moving along towards the right side of the 9 drawing along Holley Street, that will be the main 10 vehicular entrance to the -- to ten parking spaces below 11 the building and 12 space along the southern property 12 line. Four of those spaces will be compact. 12 are 13 required by zoning, so, two of the exterior spaces will 14 be signed for tenant only parking. The remaining ten 15 spaces will be on a first-come-first-serve use for 16 public. And moving along toward the west side there's 17 another entrance to the first floor. Access to the 18 adjacent buildings will not be affected by this plan, 19 including the right of way along the west side of the 20 building where that white car is pictured. 21

22 Remainder of the site will be landscape and 23 trees, shrubs and perennials. The site is located in the 24 Lakeville aquifer. As Chris mentioned Aquarion Water and 25 Connecticut Department of Public Health were notified and this development will have no adverse affects on the aquifer. Storm water will be collected and treated on site by the two existing catch basins. No -- New roof leaders will be connected into those two basins.

5 Trash and recycling pickup will enter and exit 6 on Holley Street. Those will be 95 gallon bins and they 7 will be safely stored in the garage and rolled out for 8 pick up as needed.

9 Also mentioned, plans were reviewed by the fire 10 marshal and the one comment he did bring up was the need 11 for additional fire lanes on the west and south side, so 12 we will add that to our plans later on.

Next slide, please.

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Just to review some of our zoning requirements. 14 Density height, frontage and parking requirements per 15 section 405 the multi-family housing and Pocketknife 16 Square Overlay Districts. The maximum building height is 17 40 feet and we are currently at 33 feet. Minimum street 18 frontage is 25 feet, our proposed frontage is 103 feet. 19 Max building coverage is 75 percent, our coverage is at 20 40.1 percent. And we need one parking space per unit, so 21 we meet that with 12 -- or excuse me, we have 22 but we 22 only need 12. And maximum 20 percent of the parking 23 spaces can be compact and we are at 18 percent. The 24 maximum density is 16 units per acre unless 50 percent of 25

the units are affordable and the minimum size is greater than 350 square feet and we meet that as well. Because we have 12 units with 100 percent affordability and the units are larger than 350 square feet.

Next slide, please.

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Some other zoning requirements, landscaping, 6 lighting, water, sewer per 405.6c. The proposed 7 development shall be served by public sewer system. 8 The Water Pollution Control Authority has provided a letter 9 from -- stating the project meets the requirements. 10 The proposed development will also be served by the public 11 water system per 405.6d. Per 405.6f the landscaping 12 shall be consistent with the requirements of Section 701 13 and we meet those requirements. Per Section 405.6g 14 lighting. Lighting shall be consistent with the 15 requirements of Section 702. All lighting is residential 16 in character and scale. Full cutoff fixtures and the 17 maximum light levels shall not exceed 5 footcandles, and 18 405.6h, other external we meet those requirements. 19 20 elements shall be compatible with the character of the neighborhood and the rural and historic character of the 21 We meet those requirements. 405.6i units shall be 22 town. accessible to individuals with disabilities under the 23 Americans with Disabilities Act, and we meet those 24 requirements. 25

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2	With that, I'll turn it over to Rocco.
3	MR. PETITTO: Let me back up. Good evening.
4	My name is Rocco Petitto. I'm an architect with QA+M
5	Architecture, LLC, Farmington, Connecticut, the address
6	is 195 Scott Swamp Road, Farmington, Connecticut, 06032.
7	To get into the building tonight, I have a list
8	of square footages. The first floor and second floor
9	essentially are 5300 square feet and the third floor is
10	reduced because it's kind of tucked up under the roof.
11	And that's at 4600 square feet giving us a total of
12	around 15,300 square feet.
13	We have seven, 1-bedroom units; four, 2-bedroom
14	units; one, 3-bedroom unit, and so that's a total of 12
15	units with 18 bedrooms. The 1-bedroom units average
16	about 700 square feet, the 2-bedroom units, 1200 square
17	feet and the 3-bedroom unit is 1300 square feet.
18	Next slide.
19	So, here's kind of a more detailed picture of
20	the parking area showing more of the architecture. The
21	elevator will only be accessed by residents. They can
22	park their cars under and walk to the elevator and walk
23	to the stair to access to the building. As Jon
24	mentioned, the area to the, I guess we would say the
25	right middle is where we can store recyclables and trash.
1	

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.

8

Next slide.

Is a picture of the first floor. So, as one 9 comes off Millerton Street into the main vestibule, this 10 is a publicly-accessed area. So, the public and the SAC 11 officers or employees have access to the social room, the 12 office and the conference room. If you continue down 13 kind of a central hallway you'll see, like, the bathrooms 14 that will be accessed for the social room for events. 15 There's also a mail room, a janitor's closet. As you get 16 back to the main corridor that splits the building front 17 to back, you'll see access to the elevator and then the 18 two main stairs on either side. Towards the back of the 19 building we have two, 2 bedroom units and there's also a 20 1 bedroom unit on the, I guess we would call it the 21 northwest side of the building, labelled in red. So, the 22 1-bedroom units will be red, the 2-bedroom units are blue 23 and the 3-bedroom units, green. 2.4

25 Next slide.

On the second floor, 1-bedroom unit stacked 1 above -- we'll go clockwise starting with the 1-bedroom 2 unit in the northwest, then there's a 2 bedroom unit next 3 to it and then down below all along the south side of the 4 5 building, essentially we have three, 1-bedroom units. And then next slide. 6 And this is the third floor. So, again, going 7 clockwise we have the 1 and 2-bedroom units at the north 8 side of the building and then a 1-bedroom and one, 9 3-bedroom unit at the south. 10 Next slide, please. 11 So, this is the elevation that was, more or 12 less, submitted with the P&Z submission. The building 13 will have asphalt shingle roofing, it will have trim 14 clapboard siding. Also, there will be some face brick 15 around the back and there's also incorporating some of 16 the stones from the stone wall are the existing stone 17 foundation that was there along the front Millerton Road 18 elevation. 19 20 Next slide please. This is a view of the south. We've 21 incorporated some screening in the parking area. 22 This is to reduce some of the viewing into the parking but also 23 it's designed to reduce kind of light bleed into the 2.4 neighborhood out of the parking garage. But same type of 25

1 fenestration. You have asphalt shingle roofing, trim, clapboard siding, the brick -- the windows, I guess I 2 3 failed to mention they are six over six double hungs. And then we can go to the next slide. 4 5 So, this is a pictoral representation of what the building will look like in a more realistic form. 6 We've taken, I should say, Ken has taken more of a 7 federal approach than the last building that we saw. 8 We took those recommendations to make the building more 9 symmetrical; and you see -- you can see the ramp and the 10 stairs at the front elevation with a little portico in 11 the center. 12 Then we can go to the next slide which is a 3D 13 at the corner of Holley Street and Millerton Road. 14 Showing those same elements, showing the stone wall, 15 showing the area where the -- we would like to do 16 something special perhaps have a seating area, perhaps 17 incorporating a bench into the wall. This is something 18 that will be discussed with SHPO part of that discussion 19 20 will happen tomorrow, as Jon previously stated. We can go to the next slide. This is a look 21 down Millerton Road. So, you can see the massing of the 22 building and how it will look in relation to the other 23 buildings. 2.4 Next slide, please. 25

1 This is a night view of how we've envisioned 2 the building. We don't intend to light it up, per se. 3 There should be just enough lighting. Inside, most of it 4 will most likely be motion activated, so they will only 5 come on when someone is in the parking area. 6 Next slide, please.

Now, here's the neighborhood context. 7 So, as noted in the previous Planning & Zoning -- in the 8 application, the mid height of our building from the mid 9 range for the site or the mid height of the roof -- slope 10 of the roof to the mid of the site is 33 feet 5 inches. 11 So that conforms about zoning to the top of the roof, 12 very highest part from the first floor is 35 feet. And 13 then the building to -- down on the lower image I'm 14 15 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 16 rendered is that we are intending to be close to the roof 17 height of that. 18

19 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

door openings, aspects of the fenestration as well as 1 colors, textures and the general nature of materials and 2 3 treatment. We believe we he have accomplished that. We don't have any blank wall exposures and considering the 4 variation -- we considered the variation of the roof 5 heights, the use of pitch roofs and other roof elements 6 such as gables and dormers. 7

8 Next slide.

9 Traffic study.

10 MS. AYER: This is Joe.

MR. BALSKUS: For the record. Joe Balskus, 11 record for VHB -- director of transportation systems for 12 VHB. We are located 100 Great Meadow Road in 13 Wethersfield, Connecticut, 06109. I was the traffic 14 engineer that prepared the previous two memos on the 15 application last year which are on file in the record. 16 And I understand this site has now dropped from 13 to 12 17 units so those traffic studies are still in play and 18 still document the conditions of traffic. 19

20 So, really quick on the traffic study, itself. 21 We prepared traffic studies last year as I mentioned and 22 in those studies we show that there's minimal traffic 23 generated on to the area roadways. We are actually less 24 than 7 total trips in the morning peak hour and less than 25 ten trips during the afternoon peak hour with the 12 unit. We also have less than 50 vehicles being generated
 over the course of a day. So, very low generation of
 traffic from this development.

The sight lines we mentioned previously as 4 Exiting traffic Holley Street meet or exceed State 5 well. requirement for sight lines on to Millerton Road and 44. 6 On the parking we did some extensive parking studies. 7 We observed parking over four days last year and basically 8 we found that there -- the 22 spaces, they do exceed the 9 zoning, but we also have an adequate number of spaces 10 left over for public use of the parking. So, we have 11 ample parking proposed for this even though we have a 12 revised site plan. 13

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.

1 In terms of parking, next slide. 2 I think that was me. 3 MS. AYER: I can cover this, Joe. 4 MR. BALSKUS: That's the end of my 5 presentation. Thanks. MS. AYER: Thanks Joe. 6 Yeah, we just wanted to reiterate, again, 7 because this is a new application and new record, that 8 the 12 outdoor spaces on the site will be open to the 9 The 10 parking spaces under the building will be 10 public. for residents only. Again, we expect our building 11 residents will need four of those outdoor spaces during 12 the peak parking hours which is after 5 p.m. and 13 overnight. This will leave eight outdoor spaces during 14 peak parking time. Based on our observations, there were 15 very rarely more than 8 cars parked in the parking lot at 16 any given time currently, and the highest use of this 17 parking lot currently is during the day, again, when many 18 of the residents of this building would not be there. 19 We did submit an affordability plan. 20 And Abby mentioned that's one of the documents that we submitted 21 which has a lot of details around how we intend to ensure 22 that the project will be affordable and remain 23 affordable. Again, all 12 units and the building will be 24 affordable to folks at 80 percent of the area median 25

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

We wanted to show you the -- some example 9 Again, we're not sure exactly what the 10 rents. different -- we'll have a mix of incomes in our units. 11 We're not sure exactly what the income mix will be; but 12 as an example in Sarum Village 2, our current rents by 13 the median income and size. You can see go from a 14 1-bedroom being between \$428 a month to \$991 a month or a 15 3-bedroom unit, for example, between \$1,114 a month or 16 about \$1,300 a month. 17

We do believe that the size that we are 18 proposing here is required to meet the town's goals. 19 And 20 is consistent with what was discussed and requested when residents voted back in 2018 to allow the town to provide 21 the Salisbury Housing Committee the action to lease this 22 property. It was specifically mentioned, this is the 23 newspaper article from back in 2018 which does, again, 24 specifically mention between 12 and 18 units. Obviously, 25

we're on the smaller size of that. We can't get any
 smaller with this project and have it still meet those
 standards.

We believe that 12 homes for young people, 4 seniors and families plus shared public parking is the 5 highest and best use of this site. The scale and the 6 number of units are key, again, to being competitive for 7 State funding. Obviously, the cost of the elevator and 8 the ground level parking has to be divided by the total 9 number of units. So, making it smaller really makes it 10 not viable. 11

The overlay regulations, again, obviously 12 acknowledge and recognize that the scale -- this kind of 13 scale is necessary for affordable housing which it allows 14 the waiver; and again, the regulations specifically allow 15 that greater density. So again, just showing here the 16 newspaper article from what we talked about -- what was 17 talked about with residents back when they voted for this 18 in June 2018. And also, what is in the town's affordable 19 20 housing plan that was adopted by the town specifically mentions 12 to 18 units on this site. And again, we're 21 at the lowest end of that range. 22

23 We also did want to underscore that the access 24 for adjacent buildings will not be affected at all by 25 this proposal. Those arrows on the site plan again show

1 you that the existing accessways at the neighbors properties have to this site will remain -- there will be 2 3 no change to any of those accessways. 4 So, that's our presentation. Thank you. 5 MR. SMITH: Nicely done --Mr. Chairman, Chris Smith for the record. 6 Nicely done, Jocelyn. 7 Mr. Chairman, members of the Commission, I was 8 going to touch upon some legal issues associated with 9 some of the filings that have been submitted already. 10 But it might be more appropriate to do that in response 11 to those particular presentations. I would like to point 12 out, as Jocelyn -- Ms. Ayer indicated just a moment ago 13 that the right of way to the properties to the -- that 14 were just shown to the left on the site plan, that right 15 of way provides for ingress and egress. That's not going 16 to be obstructed, whatsoever. We certainly believe that 17 there's been reference to other approvals in the 18 immediate area requiring satellite parking on the site. 19 We don't think that that is the case; but even if it is, 20 there -- as Jocelyn just indicated, there's a number of 21 spaces that are available for the public even after 22 accommodating the residents and the visitors. And again, 23 as Jon Tunsky indicated, the proposal does more than 24 satisfy the minimum requirements for parking. 25

1 And as to the intervention, I'll wait to hear 2 from Attorney Casagrande. I'm not quite sure why it 3 wasn't filed under 22A-19a that deals with historic 4 impacts; but I'll wait for his response.

I would like to just point out in closing that 5 not only is the proposal, as Jocelyn indicated, 6 consistent with the Pocket Square Knife Overlay District 7 [Verbatim], but it's also, we respectfully submit, 8 consistent with your POCD -- 2012 POCD and in particular 9 one of your major task housing options to seek additional 10 housing opportunities. And when you say housing 11 opportunities you refer to apartments and something other 12 than single family homes; and your 2012 POCD is chock 13 full with how you don't -- there's a lacking of those 14 housing opportunities in Salisbury as are in most of our 15 suburban towns. And that's one of the main goals of your 16 2012 POCD housing options is to provide for those housing 17 opportunities and I'm quoting, quote, Especially in 18 village centers. End of quote. 19

20 And I would respectfully submit that this 21 certainly satisfies this -- satisfies that goal and POCD 22 as well as consistent with the regs. I know I'm coming 23 in -- I wasn't -- I didn't participate with the first 24 application; but I would like to just make those points, 25 Mr. Chairman, in closing. And I know that my client

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.

5 And dealing with private developers on a 6 regular basis with much greater density, I just have to 7 tip my hat off to this dedicated group trying to promote 8 these housing opportunities for the town of Salisbury.

9 So, as Jocelyn indicated, that closes our 10 presentation. A little over half an hour and we're open 11 to any questions from the Commission members at this 12 point. Thank you.

13 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. 18 It would be very helpful if 19 CHAIRMAN KLEMENS: 20 this could be submitted in some form under your letterhead because you know there's a difference between 21 expert testimony and lay testimony. Is there a way some 22 of these concepts could be integrated in a submission 23 from you? 24 MR. BALSKUS: I can look at that. I actually 25

submitted the actual crash data that was obtained from a 1 similar source that we obtained our crash data. So we 2 can provide a current of that data that was used. 3 CHAIRMAN KLEMENS: Yeah, I would -- yep, that 4 would be good to put it together. I'm sure Attorney 5 Smith can explain to you why. 6 7 Can I see where these fire lanes -- could you illustrate where these required fire lanes are on the 8 map, please? 9 I can comment on that. 10 MR. TUNSKY: CHAIRMAN KLEMENS: Thank you. 11 MR. TUNSKY: So, it would be on the south side 12 which is where the -- on the south side where that red 13 car is. 14 CHAIRMAN KLEMENS: Yes. 15 MR. TUNSKY: So, the fire lane which the fire 16 marshal suggested would be on the south side of the 17 building where that red car is and also on the west side 18 which is where the white car is pictured. So, within the 19 right of way there. 20 CHAIRMAN KLEMENS: So, that means basically 21 striping is what it is. No parking or --22 MR. TUNSKY: Correct. So, striping, signage 23 saying fire lane, no parking would be mounted. 2.4 CHAIRMAN KLEMENS: 25 Thank you.

1 The laundry, I presume, is for the entire 2 building; correct? Residents do not have individual 3 washers and dryers?

MR. PETITTO: I can answer that. At this 4 5 point, yes, there's laundry provided for everybody in two There's one located on the first floor 6 laundry rooms. and there's one unmarked one where we also have plans to 7 put laundry on the second floor. I have done units like 8 this where we could provide laundries in each unit and 9 that would be a decision made by the housing committee if 10 they would prefer to do it that way at some point. 11 CHAIRMAN KLEMENS: Where's the laundry on the 12 second floor? Can you show where that's proposed? 13

14MR. PETITTO: If you can pull up the second15floor plan.

16 CHAIRMAN KLEMENS: Yes, I do.

17 MR. PETITTO: I have not seen it. Oh, there we 18 go. The next one is --

19 MS. AYER: Rocco, is it this --

20 MR. PETITTO: Yes, it's the room just to the 21 left there.

22 CHAIRMAN KLEMENS: I see it now. Okay. So, 23 that's basically those rooms is sufficiently large for 24 the number of machines, dryers, washing machines to 25 accommodate the residents?

MR. PETITTO: Yes, sir it should be large 1 enough for at least two of each machine. 2 CHAIRMAN KLEMENS: Thank you. Two of each. 3 That's four washers and four dryers in your professional 4 judgment is sufficient for 12 units? 5 MR. PETITTO: At this point, yes. 6 CHAIRMAN KLEMENS: There's no ratio or standard 7 or anything? 8 MR. PETITTO: No. Because they are generally 9 not required. It's a convenience. 10 CHAIRMAN KLEMENS: Thank you. How much square 11 footage did you shrink the third floor by? 12 MR. PETITTO: From the original? 13 CHAIRMAN KLEMENS: Yes. 14 MR. PETITTO: I do not have it up right at this 15 16 moment. CHAIRMAN KLEMENS: But there was a reduction; 17 correct? 18 MR. PETITTO: Well, there's a reduction total 19 in the whole building. 20 CHAIRMAN KLEMENS: Yeah. 21 But you don't have the individual floor 22 reductions? 23 2.4 MR. PETITTO: No. CHAIRMAN KLEMENS: But that can be provided? 25

1 MR. PETITTO: It could be, yes. 2 CHAIRMAN KLEMENS: Thank you. Let's go look at the back of the building with 3 4 the lighting, please. The nighttime lighting. Okay. 5 Now, you said that the lights internal to the building were going to be motion detected. 6 7 MR. PETITTO: Some of them will be. So, it depends, like we would probably pull in a light than 8 consultant to talk about how much lighting is needed as 9 ambient light and how much is needed for when the parking 10 area is occupied. 11 CHAIRMAN KLEMENS: I'm noticing four rather 12 large sconces outside. Those would be on all the time at 13 night? 14 That's a determination that we 15 MR. PETITTO: can make later. But just because there's four lights 16 there, the lumen number doesn't necessarily mean it's 17 going to be high. Those also can be dimmed. 18 19 CHAIRMAN KLEMENS: Well, as you know there's 20 been quite a bit of concern about how this looks. So, I'm going to continue my line of questioning. Is there 21 any way you can do that with a more downward directed 22 design? 23 24 MR. PETITTO: Yes. Yes, we could. CHAIRMAN KLEMENS: I think the residents would 25

appreciate not seeing those four lights if they could 1 be -- I understand lumens is one thing, but how you spill 2 light if it can be downward directed I think would be an 3 improvement. 4 You are going to meet with SHPO tomorrow? 5 MR. PETITTO: Yes, our historical architect in 6 our office, Ken McCoy, will meet with SHPO tomorrow. 7 They planned to do it earlier but the weather over the 8 last three weeks has impeded that process. 9 CHAIRMAN KLEMENS: So, there's going to be a 10 meeting on site with SHPO? 11 MR. PETITTO: Yes. 12 CHAIRMAN KLEMENS: And a question for Attorney 13 Smith. We now have an Intervenor with an historical 14 impact report. What is the applicant's plan to respond 15 to that? 16 MR. SMITH: With regard to the intervention, 17 Mr. Chairman? 18 CHAIRMAN KLEMENS: Right. 19 Well, it's my understanding that --20 MR. SMITH: that was one of the comments I was going to make. It's 21 my understanding that the attachments there or the 22 information provided therein from what we can gather 23 appear to apply to the prior application. So, I can't 24 speak for Attorney Casagrande on that. But that's what 25

1 it appears to be. So, we just thought that might be an evolving petition at this point in time. 2 So -- but when we reviewed it, that's what it 3 4 appeared to the team. 5 CHAIRMAN KLEMENS: Attorney Smith, you realize when you get an intervention we have the only information 6 being provided by the Intervenor puts the Commission in 7 that difficult position unless there is response by some 8 of the professionals. 9 MR. SMITH: Understood, Mr. Chairman. 10 As you know I'm familiar with the 20-2019 process. 11 CHAIRMAN KLEMENS: I know you are, sir. 12 MR. SMITH: There have been historical issues 13 raised, which I think certainly are more appropriate for 14 22A-19a, which is the section after 22A-19, and that 15 deals with historic impacts. I don't know if -- That 16 appears that it may very well be the appropriate 17 intervention process. If indeed that is, and if the 18 Court finds that the Intervenor does not satisfy their 19 burden of proof with a prima facie case, then arguably 20 they are responsible for the costs -- the applicant's 21 cost in going through the process. 22 I'm just not quite sure what the claims are 23 going to be and we -- if they turn out to be historical, 24 we'll be responding whether it's through intervention, 25

1 Mr. Chairman, or on the merits of the application. We certainly will wait to see what's provided. Again, it 2 does appear that the historical information or the 3 information provided concerning potential impacts appear 4 to deal with the prior application. So, we really can't 5 speak to that. But we will be responding to claims that 6 are brought up by whomever they -- whoever brings them 7 up, Mr. Chairman. You're right, we don't want to leave 8 them unaddressed. 9

10 CHAIRMAN KLEMENS: Because, at some point, 11 we're going to have to make a finding on the 12 intervention; and just so the public knows the procedure, 13 we accept the intervention, but at some point we're going 14 to have to deliberate to determine whether or not the 15 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.

23 CHAIRMAN KLEMENS: I'm now going to go to the 24 Commission. I will start my screen, Mr. Riva is up 25 there. At least on my screen. 1 MR. RIVA: Michael, you did a good job in clarifying some stuff for us there with that. But I do 2 have a question for Jon Tunsky, if I could. Jon, I'm 3 sorry, I was trying to eat my dinner when you were doing 4 5 your presentation. Can we go back and discuss -- can you show me -- you were talking about drains, catch basins, 6 Jon, and I'm not sure if it was leader pipes, drains from 7 the roof. Can you go over that again for me, please. 8 MR. TUNSKY: Sure. Jocelyn, can you pull the 9

So, it's not demonstrated in this plan, but the 11 existing parking lot has two catch basins within the 12 parking lot area which are relatively in -- which are in 13 the drive aisle here kind of on both sides that have of 14 that red car. So, roof leaders from the building are 15 going to be tied in underground piping and then basically 16 saw cut into that catch basin and connect all that water 17 towards the catch basins for treatment. 18

10

plan up, please. Okay.

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.

23 MR. RIVA: All right. Good. I just missed 24 that whole thing there. I'm sorry. Thanks very much. 25 MR. TUNSKY: Not a problem. Thank you.

MR. RIVA: I'm all set right now. That was a 1 2 point I wanted clarified. 3 CHAIRMAN KLEMENS: Thank you. I will go to Mr. Cockerline. Allen? 4 MR. COCKERLINE: Thank you, Michael. 5 I'm here. So, just one of the clarifications I have just 6 for our own housekeeping. Didn't we eliminate the 7 Lakeville Light Industrial Zone? We had a reference to 8 that. I thought we eliminated that and substituted it 9 for the CG or CG-20 or whatever we did. 10 CHAIRMAN KLEMENS: I believe that's correct. 11 MR. COCKERLINE: So, there was --12 CHAIRMAN KLEMENS: Jon's nodding. He's our --13 He's our institutional -- he's got institutional memory. 14 Yes, you're correct. 15 MR. COCKERLINE: So, I think that's -- we just 16 need to get rid of that as part of our -- part of the 17 language in this. 18 And the other question I have is regarding the 19 20 historic Commission. Does this have to be run by them? Lakeville Salisbury Historic Commission. 21 CHAIRMAN KLEMENS: I don't think -- I think 22 until after SHPO, right? Then maybe -- Abby, why don't 23 you give us some--24 MS. CONROY: Actually, Attorney Smith was 25

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

3 CHAIRMAN KLEMENS: I'm sorry. It's like the4 Brady Bunch here.

I'll certainly defer to Ms. Conroy 5 MR. SMITH: on that, but I think it's our understanding that we don't 6 have to do that, Mr. Chairman. But I -- and I would like 7 to comment to Commission Member Cockerline's comment with 8 the light industrial. We did send in a supplemental 9 letter, sir, indicating that Ms. Conroy did indicate to 10 us although the prior administrator thought this was an 11 LI-20 district with the overlight going on top of it with 12 the application. It's actually in the CG-20 and we did 13 send in a supplemental letter indicating that for the 14 Commission and for the record. And Jon Tunsky did review 15 the bulk area requirements for both the CG-20 zone 16 district, which we are located in and the LI-20, which is 17 what we thought we applied under; and we still have --18 they are essentially the same. We do meet the bulk area 19 requirements under the CG-20 zone district as well even 20 though we are applying under the overlay, obviously. 21 Thank you. That was a good pickup. 22 Well, it's just a housekeeping 23 MR. COCKERLINE: I wasn't sure whether we had -- sometimes thing for us. 24 we eliminate things, but they stay. So --25

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1 MR. SMITH: You were right. 2 MR. COCKERLINE: We need to clean it up. And I have no further questions. I read with 3 great relish the 54-page traffic report. I can't say 4 5 that I've ever seen one quite that detailed. It's very 6 extensive and leaves no stone unturned. Very good job. Thank you. 7 8 CHAIRMAN KLEMENS: And thank you. 9 Commissioner Shyer. MS. SHYER: I'm sorry, I got an unavoidable 10 distraction when Jocelyn was talking about the parking. 11 But I did hear it's a first-come-first-serve basis for 12 about eight parks outside. Probably during the 13 commercial day. Is there any -- I mean, there's still 14 correspondence coming in this week and the end of last 15 week about the concern for parking for the current 16 businesses there. And I'm just wondering is there any 17 way to sort this out with these businesses so they are 18 confident that their clients and their employees will be 19 able to use these parks in a fair way? Sorry. That was 20 a question for the Applicant. 21 MS. AYER: My response would be that, again, 22 our studies have shown, including the professional 23 parking study that we had, that the existing use of that 24 parking lot is typically no more than eight folks parking 25

there at any given time, currently. And those eight 1 people would -- you know, those eight cars would be able 2 to be accommodated with that public parking. I guess we 3 would also point out that there is -- again, we know 4 5 during certain peak times there might be lots of -- there might be folks parking on the street; but right now, 6 there is no shortage of also on street parking for folks 7 who want to, you know, visit those businesses. 8

So, you know, we completely understand concerns 9 around parking. We are very supportive of the local 10 business and obviously wouldn't want to do anything to 11 affect their business. We do believe that the parking 12 lot here can accommodate the parking demand that it is 13 currently seeing in the parking lot. Again, we also do 14 believe there are many, many on-street parking spaces at 15 almost all times as well to accommodate additional cars. 16

MR. BALSKUS: Just to add to that -- Joe 17 Balskus -- as reports indicated, our filed report, we did 18 a parking observation over four days, 24 hours, we 19 recorded the parking. So, it's extensive for a project 20 like this. I've done lesser studies for much larger 21 projects. So, we are very confident that the parking 22 demand that's out there can be accommodated with the 23 parking program you have in front of you. 24 MS. SHYER: 25 Thank you.

My other question at this point was the size, 1 the width of the alley to the waste [Verbatim] that is 2 3 now going to need to be designated as a fire lane. Is that being widened from what is currently there now? 4 5 MR. TUNSKY: I can answer that for you Cathy. Jon Tunsky. No, we would be maintaining the existing 6 7 width as it is today. MS. SHYER: Thank you. 8 And I want to clarify one of the chairman's 9 questions about the laundry. It looks more to me -- and 10 I think he thought you said there would be four washers 11 and four dryers. But didn't you say it would be two of 12 each machine, so a total of four? Two dryers and two 13 washing machines? 14 15 MR. PETITTO: Yes, in two rooms. MS. SHYER: In two rooms. 16 MR. PETITTO: There's a room on the first floor 17 and a room on the second floor that we had --18 19 MS. SHYER: Okay. Thank you. 20 MR. PETITTO: And maybe another clarification for Dr. Klemens. We have reduced the first and second 21 floor by 3500 square feet each and the third floor is 22 reduced by 750 square feet. 23 24 CHAIRMAN KLEMENS: Thank you. MR. PETITTO: Yes. 25

MS. SHYER: I'm no architect and I've never 1 2 built a home, certainly not an apartment building, but it seems that all the bathrooms except one have baths. One 3 shower. Did I miss something? 4 Could be a graphical error. 5 MR. PETITTO: MS. SHYER: It just strikes me if they are all 6 supposed to be accessible apartments, how does the bath 7 work into it? 8 MR. PETITTO: Well those, at this point, are 9 graphical. We'll have bathtubs in some and showers in 10 others. 11 MS. SHYER: Okay. 12 MR. PETITTO: If that's what the question is. 13 MS. SHYER: Yeah, okay. Thank you. 14 CHAIRMAN KLEMENS: What you are saying those 15 are place holders right now? 16 MR. PETITTO: They are place holders. 17 We will determine which units are actually fully accessible units 18 and those will be getting showers. But we do have a 19 20 space for either at this point. CHAIRMAN KLEMENS: Thank you. 21 Cathy, any additional questions? 22 MS. SHYER: Not at this stage, thank you. 23 You clarified it's definitely 100 percent 2.4 affordable rental units correct? 25

1 MS. AYER: Correct. 2 MS. SHYER: Thank you. Thank you, Chairman. CHAIRMAN KLEMENS: Marty, do you have any 3 questions? 4 5 MR. WHALEN: Can you hear me? 6 CHAIRMAN KLEMENS: Yep. I have -- the only question I have 7 MR. WHALEN: is on the parking for the residents in this building, 8 does it take into account that you get a couple, like, 9 two or three young couples, they each have a car? 10 Did you take that into consideration? That's going to shrink 11 your parking lot, considerably. I mean, it looks to me 12 like you have one parking space per unit. But you are 13 going to get, from younger people that each have a car 14 going in different direction, so I'm not really sure it 15 won't become a problem. But that's my own comment. 16 And another thing -- and one thing, the mock up 17 of the building from coming down -- let's see, east on 18 Millerton Road. Can you go back to that? I noticed 19 that -- Can you go back to that, Abby? 20 MS. AYER: Sorry. What do you want me to show? 21 There's a view of the building if 22 MR. WHALEN: you are going east on Millerton Road and it shows the 23 three small buildings next to this apartment building. 2.4 Can you show that to me one more time. 25

1 MS. AYER: See if I can find the right slide 2 for you.

It's actually photos, it looks 3 MR. WHALEN: Right there. Go back one, please. I notice was 4 like. 5 coming down that road today that the picture you show me now, the telephone pole was gone. There's a telephone 6 pole right next to that little building that's going 7 right next to that building. That's the only thing 8 you're going to see is that ugly telephone pole right in 9 front, right on the corner of that building. 10 Because it's out on the sidewalk. And some of those mock ups you 11 show, you got the telephone pole beyond the building. 12 But it's not. It's on the sidewalk. That's my only 13 other comment. The wire just ends right there. It's not 14 15 on a pole. CHAIRMAN KLEMENS: Can someone show what 16 Marty's talking about. 17 MR. COCKERLINE: Marty, this is Allen and I 18 think that representation there is really just about 19 scaling. Yeah, I know what you mean. 20 There's some unrealism that comes into it with the absence of 21 telephone poles; but I was, myself, surprised that the 22 scaling seems to fit the site rather nicely. 23 MR. PETITTO: You can actually see the 24 telephone pole in the top of the picture. 25

That's on the other side of the 1 MR. WHALEN: building, though. I'm talking about the one that's on 2 the left -- the left side of that building. 3 MR. PETITTO: It's graphically shown on the top 4 of the picture. But our image is over the top of it. 5 But our image is over the top of it. 6 We deal with 7 having to move utility poles and, you know, other utilities at times. 8 9 MR. WHALEN: No, no, no. No. I know where that telephone pole is. You can't kid me. Okay, that's 10 my only comments. 11 CHAIRMAN KLEMENS: Danella, do you have 12 questions? 13 DR. SCHIFFER: Yes, I do. 14 And without judging content, I would like to 15 congratulate the Housing Committee for what I thought was 16 a really excellent verbal and visual presentation. 17 Having said that, I do have a question and that 18 is I'd like some clarification on the traffic flow of the 19 20 indoor parking. It appears that there is one lane for cars going in, cars going out; and cars leaving have to 21 back out and then there's parking right opposite the 22 entrance, which makes it kind of tricky and tight. So, 23 could somebody please talk to me --2.4 MR. BALSKUS: This is Joe. Jon, if you can 25

1 show the plan I can help you or I can try to address 2 that. Someone show the site plan. MR. TUNSKY: I would like to take a stab at it. 3 MR. BALSKUS: Go ahead. 4 MR. TUNSKY: So correct, so the -- between the 5 two parking aisles of parking there's a 24 foot aisle 6 which meets the zoning requirements for a park aisle. 7 So yes, this would be two way back and forth. And then cars 8 would be exiting between those two middle columns into 9 the aisle that is also 24 feet wide for -- at the outdoor 10 parking spaces. So, there's sufficient movement --11 zoning regulation. 12 DR. SCHIFFER: Excuse me, Jon. Are there two 13 lanes inside? Is that what you're saying? 14 MR. TUNSKY: Correct, yes, it's two lanes. 15 MR. SMITH: Because of the width, Jon; correct? 16 24 feet. 17 24 feet, yes, that allows for MR. TUNSKY: 18 19 2-way movement. DR. SCHIFFER: You are going to have, like, a 20 solid line down the center to designate two lanes? 21 Typically, we don't stripe parking MR. TUNSKY: 22 You're not really supposed to stripe where cars 23 lots. could cross one another. So, we typically don't do that. 24 I mean, if that's something that we could look into. 25

MR. BALSKUS: This is Joe Balskus. 1 For the 2 record, it's not required. It's a standard parking lot. You don't see center lines in parking lots as well. 3 As a traffic engineer standpoint, it's not required. 4 DR. SCHIFFER: Okay. It just that I'm in so 5 many buildings with indoor parking and they seem to be a 6 lot of instructions as to which lane one should be 7 exiting and entering and so on and so forth. 8 MR. BALSKUS: But we have done arrows in the 9 10 pavement. So, you could do an arrow in the pavement. Jon -- you can certainly put an arrow -- an exit arrow or 11 entrance arrow. You can certainly do that to make it 12 easier for people to understand. 13 Definitely, yeah. That's a good 14 MR. TUNSKY: suggestion. We can add arrows. 15 DR. SCHIFFER: I just didn't realize the width, 16 that 24 feet would be ample. 17 MR. TUNSKY: Correct. 18 CHAIRMAN KLEMENS: Am I correct in -- that 19 there are three parking spots to the south of the -- of 20 this building? Those are parking spots, too? 21 MR. TUNSKY: Yes, Mr. Chairman, there's two 22 parking spaces there. The third one is just a striped 23 24 area. CHAIRMAN KLEMENS: So, they are separated 25

1 from -- there's a wall there or just striping? 2 Between -- it's hard to explain. Are those isolated the main building or do you have -- they all parked 3 accessible or is there a wall there? 4 MR. TUNSKY: There's not a wall there. 5 That's open to the outside. So, those cars would pull in the 6 parking lot and make an immediate right turn to use those 7 two spaces and then they would back out into the same 8 parking aisle that the exterior parking spaces use. 9 CHAIRMAN KLEMENS: Or if there was no one 10 parked inside, they could just go right around, I guess. 11 There's no impairment other than the poles. 12 MR. TUNSKY: And there's a building wall in 13 front of them. 14 CHAIRMAN KLEMENS: Yes, that I understand. 15 Do you have any other questions Danella? 16 DR. SCHIFFER: No. Thank you for the response. 17 CHAIRMAN KLEMENS: Okay. Jon. 18 MR. HIGGINS: Thank you Mr. Chairman. I would 19 echo Danella's comments that I think this presentation 20 was very nicely done and a nice improvement over the last 21 one and very clear. I have just a couple questions: 22 Jon, when you were talking about the fire lanes, you may 23 have answered this with Chairman Klemens' question, but 2.4 when you're talking about the fire marshal comments, 25

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

9 MR. TUNSKY: Certainly. So yeah, the fire 10 marshal reviewed the documents I believe either last week 11 or early this week. One of his comments was to add the 12 fire lane. So, those are not in our submitted documents 13 or shown. So, we would agree to show the signs and 14 striping, whatever he would ask for or require, we would 15 do.

16 MR. HIGGINS: Thank you.

And related to that, during construction, 17 assuming this gets approved at some point, how would 18 those accessways and fire lanes and right of ways be 19 accessed or allowed to continue use during construction; 20 because I would imagine they would have to be blocked. 21 MR. TUNSKY: I can take a chance at that one if 22 you would like. 23 Yeah, we haven't guite looked into how the 24

So, I don't know -- don't have a definitive answer what 1 2 we could do. Okay. It just strikes me with 3 MR. HIGGINS: the limited space that that somehow needs to be addressed 4 5 at some point. And then the other question I had, and I think 6 I saw at one point, it might have been the last 7 presentation, but you also discussed about the WPCA 8 letter from the sewer and water with capacity issues and 9 supply issues and so forth. But I don't recall seeing 10 that in the documents that are on the Town site; but 11 somehow I remember seeing one. Like I said, I don't 12 remember if it was from last time or this time. But I'm 13 not seeing the document that you're referring to with 14 the --15 MR. TUNSKY: So, Jon, that was submitted with 16 our application. It's actually part of our application 17 because we obtained that ahead of time before 18 submitting. 19 MR. HIGGINS: Oh, it's under that. 20 CHAIRMAN KLEMENS: It's a letter from --21 (People spoke at the same time.) 22 MR. HIGGINS: Thank you for that clarification. 23 That's all I have, Mr. Chairman. 2.4 CHAIRMAN KLEMENS: Debra Allee. Is she here? 25

1 Yes. Right next to me. It's crazy this screen. MS. ALLEE: 2 Hi. 3 Again, I think it was a good presentation and much clearer than the last one we had. I had a couple of 4 5 thoughts. Talking about transportation, we're just talking about cars and parking. I'm assuming that there 6 are other methods of transportation, like, school buses 7 or bicycles or maybe motorcycles. I mean, I would like 8 to know that you have some -- maybe would have a bike 9 room or something or just assume that the bikes are in 10 the apartment. 11 I don't -- I still don't see clearly where kids 12 would line up to get on to a school bus. It's just not 13 clear to me. 14 And the third question I had, that wall, that 15 stone wall is actually very large. It looks from -- you 16 know when you're driving by, it looks like it's a little 17 wall. But when you get on to the site, it's I don't know 18 12 feet tall? It's tall. Are you planning to include 19 some of that in the foundation that's in the parking 20 garage along with perhaps an explanation of what that 21 wall is. I don't know. But had you thought about it? 22 MS. AYER: I can respond to that last question. 23 As I think a few of the presenters, Jon and Rocco, 24 mentioned, we are going to be working to try to 25

incorporate that existing stone wall into the site and as much as we can. The main area that we were thinking of is that paved kind of up in the front on the front corner of that paver area, having the stone wall there and also 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.

8 There is quite a few stones and there's a 9 possibility that we could incorporate it into the site 10 plan in other areas as well, but we'll be working with 11 the State historic preservation office on how we can best 12 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 16 in Ms. Shillingford's (ph.) submittal. She had called 17 the bus company directly to find out about where children 18 are picked up currently who live in that neighborhood; 19 and the bus company said they would be picking them up, 20 you know, in front of the building as they do now. 21 MS. ALLEE: Okay. Thank you. 22 Okay. It is now -- I think 23 CHAIRMAN KLEMENS: I would like to take a five minute break. We've been at 2.4 it for -- so everyone turn off their cameras and take a 25

1 very short break.

2 (Whereby, a recess was taken.) CHAIRMAN KLEMENS: I have one comment to make. 3 There are a lot of questions in the Q and A; and they're 4 not -- I don't know if we can even answer them tonight, 5 whether they're going to -- I would ask people to reserve 6 their questions to a comment session and not to be 7 carrying on these conversations in the Q and A. 8 It's like there's a second meeting going on in the question. 9 There's one particular group that's got five or six 10 There's an anonymous post. I would ask people to 11 posts. respect the process. You're all going to have a chance 12 to ask all your questions. But not in the Q and A in the 13 manner that you're doing. Please. 14 MR. CASAGRANDE: Mr. Chairman? 15 CHAIRMAN KLEMENS: Who's addressing? 16 MR. CASAGRANDE: Me, Attorney Casagrande, 17 Mr. Chairman, I'm sorry. I just real quick. I said 18 before that we intend to reserve our rebuttal to the next 19 meeting. We appreciate that. I just -- I wanted to 20 respond to a couple of Attorney Smith's comments, though, 21 because I think they should not be left unsaid tonight. 22 He cites to --23 CHAIRMAN KLEMENS: Excuse me. You're going to 24 have a chance. Your next on the -- you have a spot next 25

1 to ask the -- as an Intervenor, you can ask any of the 2 presenters, including Attorney Smith, questions. I just want to make sure that we have no more Commission 3 questions before the rebuttal. You have as an Intervenor 4 5 you are able to ask questions of both any of the experts and including Attorney Smith. 6 MR. CASAGRANDE: 7 Thank you. CHAIRMAN KLEMENS: Is there any other member of 8 the Commission that has anything more they would like to 9 ask at this time. 10 Seeing none. 11 Next, on the -- is the Applicant, the 12 Commission has questioned. Now we have the questions by 13 the Intervenor represented by Cramer and Anderson. 14 So sir, it's your chance. 15 MR. CASAGRANDE: Thank you, Mr. Chairman. Ι 16 have no questions. 17 I just have a couple comments at this point. 18 Attorney Smith questioned why I did not file my petition 19 under Section 22A-19a. He correctly points out that that 20 deals specifically with historic structures and 21 landmarks; but the problem is the statute is not 22 applicable to this administrative proceeding. 23 If you look at the text of the statute, it talks about a 2.4 plaintiff alleging unreasonable violation or impairment 25

of historic resources in a court action. Okay. 1 That's 2 not what we have. Our petition was filed under 22A-19 3 appropriately because it is in an administrative proceeding, which this is. It alleges unreasonable 4 impairment of historic resources. The law is clear and I 5 cite the Stonington case as the best example that this 6 is the appropriate statute under which to file in this 7 proceeding. So, I just want to correct that for the 8 There has been no misfiling of this petition. 9 record. Second, if you look at Rachel Carley's report 10 attached to my -- to the petition, it's clear, just from 11 a cursory reading of that report, that it's not a rehash 12 of her objections to the first application. She does 13 focus to the extent she could based on the application 14 and materials she had available as of last week on the 15 current application; but having said that, we intend to 16 have her present at the next meeting and she'll have had 17 a chance to review the Power Point as of this --18 presented tonight and can be even more specific in her 19 comments which are addressed to the current application. 20 Thank you. 21 CHAIRMAN KLEMENS: Is that the extent of your 22 comments? 23 24 MR. CASAGRANDE: Yes, sir. CHAIRMAN KLEMENS: Mr. Attorney Smith, do you 25

1 wish to respond?

MR. SMITH: I would like to thank Attorney 2 3 Casagrande for clarifying those two points for us. Thank 4 you. Okay. 5 CHAIRMAN KLEMENS: So, in my -- I was hoping we would have Mark 6 7 Capecelatro or Dean Diamond, but I guess they're not here; correct? If Attorney Capecelatro or Dean Diamond 8 are present, could you signify by raising your hand or 9 unmuting. Well, you can't unmute. We have 10 [Unintelligible]. 11 MS. CONROY: I don't see them. 12 13 CHAIRMAN KLEMENS: Okay. MS. CONROY: Again, they could be on as 14 something else, but --15 CHAIRMAN KLEMENS: I don't think Attorney 16 Capecelatro would --17 MS. CONROY: Yeah, he would be --18 19 CHAIRMAN KLEMENS: Be anonymous. 20 MS. CONROY: Right. CHAIRMAN KLEMENS: Again, if Attorney 21 Capecelatro or Mr. Diamond are present, please raise your 22 hand. There's a raise hand function on the bottom of 23 your screen. 24 25 (No response)

1 CHAIRMAN KLEMENS: All right. Let's move to the next portion of the hearing where Attorney Grickis is 2 going to make a presentation concerning his client. Is 3 Attorney Grickis there? I see you. His hand is raised. 4 Can you --5 MS. CONROY: He just moved on me when I went to 6 promote him, he moved. Because he raised his hand after 7 I was trying to promote him. 8 CHAIRMAN KLEMENS: And Seth Churchill should be 9 promoted, too. His client. I don't see --10 MR. GRICKIS: Seth Churchill is not on the 11 call. 12 CHAIRMAN KLEMENS: He was earlier. 13 MR. GRICKIS: Well, he's asked me to speak on 14 his behalf. 15 CHAIRMAN KLEMENS: Okay. Can we see your face, 16 please, Attorney Grickis. 17 MR. GRICKIS: I'm looking right at my computer, 18 I don't know -- I'm here. Can I click on that or --19 20 start my video. CHAIRMAN KLEMENS: Start your video. Very 21 good. 22 MR. GRICKIS: Thank you. I'm still learning 23 technology and Abby is a great instructor. 24 So am I clear to speak, Mr. Chairman? 25

1 CHAIRMAN KLEMENS: Absolutely, sir. 2 MR. GRICKIS: Thank you very much. First of all, I want to thank the Applicant for 3 a very, I think, clear and straightforward presentation, 4 5 answered a lot of questions and I -- my client and I certainly appreciate the diligence that they have applied 6 to this process from its inception to present; and 7 certainly my client is enthusiastically supportive, as 8 will be seen, of affordable housing and affordable 9 housing initiatives. 10 I believe my letter, dated March 2nd, to the 11 Commission speaks for itself and I don't want to task the 12 Commission with walking through all of those points. 13 I would only observe with surprise that your counsel would 14 advise that Mr. Cockerline will be considered, according 15 to advice of counsel, to be independent in this process 16 given his role as an active director on the Falls Village 17 affordable housing or equivalent. So, I note that with 18 surprise. 19 Based on the presentation tonight, one thing 20 that I find troubling is that there are several illusions 21 to the alleyway that runs west of Holley Block and then 22

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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enters -- the right-hand turn you can back on to Route

1 probably two cars, you know, per unit and anybody trying to use that alleyway, that's a disaster. 2 It's one way 3 only. There's going to be obstructions. It's not paved. It's a total state of disrepair. So, I can not imagine 4 5 how this project can work successfully with that sort of an easement that -- the rights to which are not entirely 6 clear as to who has them. So, that presents an issue. 7

Fundamentally, my client has made a substantial 8 investment in the Lakeville downtown area. He bought the 9 He did a magnificent job in turning that from 10 firehouse. a sow's ear to a silk purse. And I challenge anyone to 11 dispute that. And part of his application process, as I 12 demonstrated in an attachment to my submission to the 13 Commission, indicated that satellite parking was in the 14 parking lot where Holley Block is. Attorney 15 Capecelatro's letter does the same thing with respect to 16 clients and others on that -- the stretch of road just to 17 the west of Holley Block. All of those people are --18 believe their zoning permits dependent on access to 19 20 satellite parking. I don't think it can be said with any predictability what amount of parking will remain after 21 the project goes forward on that site. And with respect, 22 the traffic consultant has done nothing more than he did 23 in the prior submission, which was to be extremely 24 dogmatic in his approach that there were no traffic 25

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

6 So, here we are again, sort of a warmed-over 7 hash presented back again that traffic is not a problem. 8 In my letter, I indicated one of my clients' car was 9 almost demolished by a crash occurring on Route 44 just 10 recently that involved two other cars. It's a dangerous 11 strip of road.

I've asked the First Selectman repeatedly to 12 send a policeman down in front of the crosswalk next to 13 the post office to stop speeding traffic because I've 14 nearly been picked off countless times in that crosswalk 15 and the First Selectman response is the town can't afford 16 to send a cop to sit in place in that intersection to 17 issue a few tickets. Well, in the face of that kind of 18 response, how much confidence can I have that the traffic 19 20 study is accurate and that both the residents of that proposed project or the current occupants and the 21 business owners are not going to be in peril if this 22 project goes forward. 23

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

1 well-intentioned. No one would disputes that for a No one disputes for a second that affordable 2 second. housing is needed. But what the Commission is tasked 3 with doing is making sure the site that is chosen is the 4 right site for that project. And clearly, putting 12 5 units with the amount of potential parking and cars and 6 the location of that site on a 2. -- 1.2 eighth of an 7 acre is just illogical. I can quote Dr. Spock from Star 8 It's illogical. It makes no sense. The property 9 Trek. is far better suited. 10

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 16 attention and look to the questions that you all raised 17 the last time around and apply objective judgment as to 18 whether this site meets the criteria that are required 19 20 under your regulations as well as historic district regulations and the parking context that -- as the 21 parking permissions and zoning permits that have been 22 granted in the past and whether or not an intelligent 23 decision is not to encourage the Applicant to find a 24 better site for the project; because this one has too 25

1 many warts. That's all I have to say. Thank you. CHAIRMAN KLEMENS: Mr. Grickis, I do have 2 3 something to ask you: You say that the firehouse building requires satellite parking. Where did you find 4 that? 5 MR. GRICKIS: In the zoning permit that was 6 approved back in 20 -- I believe it was 2017, in the 7 minutes there was a submission that was presented to the 8 Zoning Commission when his application set for his zoning 9 permit was approved, in that submission which -- and that 10 particular slide is attached to my letter, it shows an 11 aerial to satellite parking and in the minutes. 12 As stated in my letter, the minutes recognize that the 13 satellite parking was implicit in that application 14 15 approval. CHAIRMAN KLEMENS: Abby, can you get that 16 submission of Attorney Grickis's letter up on the screen? 17 Thank you, Abby. 18 19 MR. GRICKIS: You can see 22 spaces. 20 CHAIRMAN KLEMENS: 22 spaces --MR. GRICKIS: That's the Holley block right 21 there. 22 CHAIRMAN KLEMENS: Where is -- I'm getting a 23 little bit turned. Where is -- what's the project 2.4 site. 25

1 MR. GRICKIS: That's it. That's the firehouse, 2 right. CHAIRMAN KLEMENS: Right. And there's 3 parking -- that's an old -- that was never approved to 4 cut down the hill. 5 MR. GRICKIS: I can't -- I can't comment on 6 ultimately what happened to that particular --7 CHAIRMAN KLEMENS: We'd love to see a site 8 plan, because of what was approved. Because I remember, 9 as do I believe some of the other Commissioners, that 10 there was a discussion about tearing down that hill. 11 MR. GRICKIS: But Mr. Chairman, look at your 12 13 minutes from that meeting. CHAIRMAN KLEMENS: Can we look at the minutes, 14 15 please. MR. GRICKIS: I quoted them in my letter. 16 CHAIRMAN KLEMENS: We're getting there, 17 Attorney Grickis. 18 MS. CONROY: Which page? Up? 19 Here? 20 MR. GRICKIS: It on page 3 at the top. Under number 2. Do you want me to read it? 21 MS. CONROY: June 25th, 2018? 22 MR. GRICKIS: An extract from the regular 23 minutes of the Commission from June 17 -- I'm sorry, 2.4 that's the wrong one, excuse me. 25

CHAIRMAN KLEMENS: You're in 2021. 1 2018. You need to go up I think if we are going to -- 26 -- no. 2 That's the -- let's go on to Seth's stuff. 3 MR. GRICKIS: These are the minutes that were 4 5 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. 6 7 This is the -- the 2014 is from the prior application. That's not Churchill. 8 CHAIRMAN KLEMENS: Correct. 9 But that reports the satellite 10 MR. GRICKIS: parking that was the special permit that was approved 11 with reference to that satellite parking that included 12 Holley Block. 13 MS. CONROY: So --14 MR. GRICKIS: The minutes from that --15 CHAIRMAN KLEMENS: Hold on. 16 MR. GRICKIS: July 27 meeting? 17 CHAIRMAN KLEMENS: Can we just take a look at 18 19 this. Stop, please. MR. HIGGINS: Mr. Chairman, I can make a 20 comment, if you want. 21 CHAIRMAN KLEMENS: I would delighted, Jon. 22 You have such a good institutional memory. 23 When we were talking about that MR. HIGGINS: 2.4 application and others when we referred to satellite 25

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

MR. GRICKIS: Mr. Higgins, I agree with that. 11 I don't think there was any specific designation. 12 It was implicitly recognized that as a town-owned property, 13 which was a parking lot, was what people were talking 14 about as available satellite parking versus parking on 15 the street. Because, other than that, there is no 16 satellite parking. Other than parking on the street. 17 Which I wouldn't regard as satellite parking. 18 Well, there's several other 19 MR. HIGGINS: 20 parking options. We were talking about all of them as a general --21 MR. GRICKIS: What are those other options 22 besides the Holley Block? 23 MR. HIGGINS: You just showed them on your 24 25 map.

1 MR. COCKERLINE: Can I jump in for a moment? 2 CHAIRMAN KLEMENS: No, Allen. Hold on one 3 second. 4 MR. HIGGINS: Do you see the spots, 24 --5 They all fall under the same category as satellite areas. 6 7 MR. COCKERLINE: Other than Holley Place, there are 59 parking spaces. If you count the ten that will 8 remain at Holley Place there will be 69 remaining public 9 10 spaces. MR. GRICKIS: If the Knife building is sold and 11 used for whatever purposes its owner -- its new owner may 12 desire, how it does that affect the mix? 13 CHAIRMAN KLEMENS: Excuse me. 14 MR. GRICKIS: If the Knife building is sold. 15 It's under contract. 16 CHAIRMAN KLEMENS: Which building are you 17 saying? 18 MR. GRICKIS: The Knife building. 19 20 MR. HIGGINS: That's not even counted. MR. GRICKIS: Well, it's under contract now. 21 It's a large building. How much parking is available on 22 site for that? 23 CHAIRMAN KLEMENS: There's quite a bit if you 24 look from down -- but, I mean --25

1 MR. HIGGINS: The only point I'm making is that 2 we were talking about additional public parking spots 3 that could be used and shared for businesses in that 4 whole area. That was the whole purpose of that 5 discussion. To benefit all the businesses in that area. 6 Not just the fitness center.

CHAIRMAN KLEMENS: Yeah.

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MR. GRICKIS: My client is heavily invested in 8 the revitalization of the Lakeville central business 9 district; and he is concerned that this project may 10 impair the success of investments that he's prospered in 11 the hope of revitalization downtown Lakeville and turning 12 it into something that will attract additional businesses 13 and make the area more viable and more attractive over 14 the long term; and parking is critical for him. 15 So, his -- all along he has viewed that Holley Block space as 16 available parking off street. So, if it's compromised, 17 his concern is that he has an impaired investment. And 18 this is a guy who is prepared to put his wallet where his 19 mouth is in terms of supporting affordable housing on a 20 different level. 21

22 CHAIRMAN KLEMENS: Attorney Grickis, it's no 23 secret that we, for some reason, don't have the approved 24 site plan for the fire house that Seth has. It would 25 help us greatly if that could be introduced into the

record so we can actually see -- because we did not 1 approve what's in front of us. 2 MR. GRICKIS: Well, I would only ask Abby, the 3 minutes from the meeting that I had that were not posted 4 that I asked were missing, I believe it was July 2017. 5 But you found and posted. They approved Seth Churchill's 6 application. 7 Do you recall that, Abby? 8 MS. CONROY: I was not part of that discussion 9 because Emily was helping you find them through the town 10 clerk's office. So, I didn't actually get to review 11 them. But --12 MR. GRICKIS: You have --13 MS. CONROY: Also, minutes without the plans 14 don't really help us. 15 MR. COCKERLINE: That representation, that 16 survey was not what was approved. 17 CHAIRMAN KLEMENS: In front of us, no. 18 MR. COCKERLINE: In front of us. That was not 19 20 approved. MR. GRICKIS: My client doesn't keep the 21 records of the town commissions. I mean there was a 22 submission that he made. 23 But this representation MR. COCKERLINE: True. 2.4 that you're using for this example is not an accurate 25

1 representation. This is not what was presented to us and 2 approved. 3 MR. GRICKIS: Okay. Then what was presented, Commissioner Cockerline? 4 MR. COCKERLINE: I don't have it in front of me 5 right now. I'm not going to answer that. 6 7 MR. GRICKIS: Well, does your land use enforcement officer -- she runs the zoning enforcement 8 office --9 CHAIRMAN KLEMENS: Attorney Grickis, excuse me. 10 The Land Use Administrator inherited a lot of 11 dysfunction. If your client has a site plan that was 12 approved, it would help all of us. 13 MR. GRICKIS: Okay. But your engineer --14 CHAIRMAN KLEMENS: Would you request that he 15 please --16 MR. GRICKIS: His engineer who presented that 17 site plan, Allied Engineering George Johanson, I'm sure 18 has that site plan. And I will definitely ask Seth 19 Churchill as well as George Johanson to submit to produce 20 that site plan for your benefit. But I must say I think 21 it's terrible to place the burden of record keeping on 22 residents of the town when the town's elected officials 23 and so forth can't maintain a coherent record system and 2.4 depend upon applicants who think they have an approved 25

permit in hand and go out and ferret out what was 1 2 submitted to the Commission several years ago. MR. COCKERLINE: I don't think that's fair. Ι 3 don't think that's fair. 4 5 CHAIRMAN KLEMENS: Tom, Tom, please. What is fair, Mr. Cockerline? 6 MR. GRICKIS: CHAIRMAN KLEMENS: Excuse me. I'm not going to 7 tolerate any more of this. Bottom line here is -- one 8 second, Marty. The bottom line here is there were 9 problems in the land use before it was the land use 10 office. It's well known that there are issues in record 11 keeping. It is not Ms. Conroy's fault. It's not fair. 12 She has been trying to piece together -- you go complain 13 to the First Selectman, if you want. We are trying to 14 recreate the best we can for the benefit of everyone. 15 Excuse me.... 16 MR. GRICKIS: Mr. Chairman, first of all, let 17 me just say. I'm not blaming Abby Conroy at all. I know 18 This is not an intention to make her the fall 19 she's new. person for this. Please, that's not correct. 20 And I recognize that there were problems 21 previously. But I don't think those problems should be 22 the burden of my client to reconcile. 23 CHAIRMAN KLEMENS: If your client has the 2.4 missing information, it would behoove all of us to get 25

1 it.

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MR. GRICKIS: Count on it.

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

1 MR. GRICKIS: I think I've pretty much stated the concerns of my client and I certainly hope that the 2 Commission will take all of these factors into 3 consideration and reach a very considered and deliberate 4 I'm sure that it will. 5 conclusion as we proceed. Thank you very much for the opportunity to address the 6 Commission. 7 CHAIRMAN KLEMENS: Thank you. We look forward 8 to receiving that. That will help us tremendously. 9 Okay, now the questions as it goes, Commission 10 questions to the previous presentation. 11 MS. CONROY: Mr. Chairman just a question. Was 12 the Applicant going to respond to that? 13 CHAIRMAN KLEMENS: I think the Commission --14 oh, you are absolutely correct. 15 MS. CONROY: I wasn't sure. I mean, I see --16 CHAIRMAN KLEMENS: No, you're right. 17 MS. CONROY: Bill has his hand up. I wasn't 18 sure if he was on that or not. 19 CHAIRMAN KLEMENS: No, actually. According to 20 my -- You're right, Abby. The next person who has the 21 floor is the Applicant, questions and comments. 22 Attorney Smith? 23 MR. SMITH: Mr. Chairman, I know that Mr. --2.4 for the record Chris Smith. I know that Mr. Balskus 25

1 would like to comment on some comments that have come in 2 along the way here. Thank you. 3 CHAIRMAN KLEMENS: Comments related to Mr. Grickis's presentation? 4 5 MR. BALSKUS: Correct. For the record, Joe Balskus, traffic engineer. I want to start by saying 6 that Mr. Grickis started with subjective terms: 7 Dogmatic, dangerous and peril. Nothing objective in 8 those statements with regards to any type of expert 9 testimony with regard to the traffic study. 10 I behoove him to hire his own traffic engineer to disprove those 11 subjective statements regarding what I prepared. 12 As an engineer of 13 years of experience, I've never been 13 called dogmatic. My integrity is at stake here, so I 14 intensely disagree with the statements he made recording 15 the traffic study. Number 1. 16 Number 2, the study was not updated because 17 there's no need to update it. It was done last year. 18 It was done in conformance to with State requirements, 19 20 state procedures. There's no need to update. Nothing's changed since last year when we did the study. So, 21 that's the why it has not been updated. 22 Number 3, the dangerous. The road is not 23 That's your subjective term. dangerous. DOT, the town 24 has not determined the road to be dangerous. They've 25

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 matter the road is not dangerous. So, if he can find a 4 5 traffic engineer that can disprove that, let him try to find another traffic -- he will not be able to find a 6 traffic engineer. 7

8 The bottom line here this project generates 9 very little traffic. The sight line's available. 10 There's no issue with this project on the transportation 11 impacts and safety of the adjacent roadways. Thank you. 12 CHAIRMAN KLEMENS: Okay. Any other additions, 13 comments or questions from the Applicant to Attorney 14 Grickis?

MS. AYER: I would like to add there was a statement that -- of concern around the residents of Holley Place potentially using the alley behind the neighboring buildings and that is not at all the intention. The residents of Holley Place would enter and exit on to Holley Street, not use the alleyway.

Also, we're certainly sorry that your client does not believe that 12 units of affordable housing would add to the value of Lakeville center, but we certainly do believe that these 12 units will add significant value. And again, 12 young people and/or

seniors will add to the vitality and beauty of Lakeville
 center.

3 CHAIRMAN KLEMENS: Any other comments from the 4 Applicant to Attorney Grickis? Questions?

Yes, Attorney Smith?

5

MR. SMITH: Questions. I was going to follow 6 up with what Jocelyn said and refer to your 2012 POCD. 7 And this is kind of like 101 land use. It's not 8 surprising, but, quote: If land parcel is suitable for 9 development for some of these housing options where 10 within walking distance of the village centers, both 11 merchants and seniors will benefit. End of quote. 12 That's from your POCD at page 26. And that's something I 13 said all along and I think again it's basic zoning 101 to 14 have infill in a village center. And if you have boots 15 on the ground, so-to-speak, that benefits the 16 revitalization of the center. According to your POCD, 17 that's something that your center -- again, it's at the 18 same page at the top, you know, has been suffering since 19 the '08 down turn. I just wanted to point that out and I 20 know in a conversation that I had with Attorney Grickis a 21 short while ago that I just indicated I was surprised 22 that merchants would be objecting to families and 23 individuals from -- living in that walkable center. Ι 24 mean, that's -- whether you are in the West Village or 25

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 wanted to point that out and echo what Jocelyn had to 4 5 say. Thank you. CHAIRMAN KLEMENS: Any other questions from the 6 Applicant? 7 Go to the Commission. 8 ATTORNEY GRICKIS: Actually, may I respond just 9 for a moment, Mr. Chairman to my colleague, Mr. Balskus. 10 I would just offer him an invitation to join me in the 11 crosswalk from the post office to the other side of the 12 street whenever he finds it convenient and we'll see just 13 how dangerous he thinks it is. 14 CHAIRMAN KLEMENS: Thank you Attorney Grickis. 15 Now the Commission has questions. I would 16 actually like to make a comment that sort of follows on 17 this whole thing. I'm sure there are people on the 18 Commission have a long institutional memory. 19 But when that firehouse was abandoned, came up for sale, the first 20 person to buy, offer was someone who wanted to turn it 21 into a private car storage. They were going to give I 22 believe close to \$500,000. We turned that down. 23 Ι believe, Jon, tell me if I'm wrong, we turned that down 2.4 in favor of something that would revitalize, add to the 25

revitalization of Lakeville. And I remember there was 1 some unhappiness on the part of the fire department, they 2 ended up selling that building for considerably less than 3 the first offer to have that contribute to the 4 revitalization, the liveability, the re-invigoration of 5 what we considered the Lakeville Village Center. That's 6 my recollection. Do you have anything to add to that? 7 Either Jon or Marty were there. Is that a rough, correct 8 recollection? 9

10 MR. WHALEN: That's accurate.

MR. COCKERLINE: That's accurate, Michael. 11 CHAIRMAN KLEMENS: Our commitment, Paul, along 12 has been to see Lakeville become the vibrant village. 13 And I just wanted to set that straight. That that 14 building was actually sold for much less in order to 15 encourage the uses that are there now. Restaurant, 16 health center. There was a proposal for, at that time, 17 for potentially the upstairs being affordable housing. 18 That did not happen. Mr. Flint, [Unintelligible] there's 19 20 a long history here. I just wanted to follow on that. I think townspeople come into something without 21 any understanding or not forgetting the history 22 [Verbatim] of how that firehouse became what it is. 23 That's just a comment rather than a question. 2.4 Again, I do want to thank Attorney Grickis for 25

1 getting those plans to us, help us close the loop on 2 that. Thank you. 3 Any other Commissioners have a question or anything they would like to add? 4 5 MR. COCKERLINE: Michael, if I may? 6 CHAIRMAN KLEMENS: Yes, Allen. MR. COCKERLINE: In light of this traffic 7 report, as I said before, I thought the traffic report 8 was more detailed than anything I've ever seen before 9 and, anecdotally, probably twice a week I go by the 10 parking lot and I always count cars. In fact, today I 11 just went by and I counted the cars. It's usually 12 between three and eight. And if you go back to the 13 traffic report, you will find that that confirms it in a 14 less subjective way. A more objective way. Actual 15 counts. So, I was really impressed by the report. 16 And then, also, the representation that we just 17 had on the screen of the available public parking, the 18 count excluding the -- that parking lot that we're 19 talking about, was 59 spaces and then if you take the ten 20 that will remain, that there are still 69 parking spaces, 21 public access parking spaces in Lakeville. 22 CHAIRMAN KLEMENS: You've actually answered one 23 of the questions that people keep putting in the chat. 2.4 [Unintelligible] Monico asked where are the 69 parking 25

1 spaces. Just answer that.

MR. COCKERLINE: Well, the document was up in 2 front of us, and I wrote down the numbers and did the 3 math and that's what it is. 4 5 And again, back to the whole issue is we are really -- we are really judging this on whether it meets 6 our zoning regulations. And that's the issue. 7 CHAIRMAN KLEMENS: Our zoning regulations for 8 the overlay district. We have very broad discretion 9 here. 10 MR. COCKERLINE: We have some discretion, yes, 11 but nonetheless, the underlying regulations are the 12 foundation for the decision we will make. 13 CHAIRMAN KLEMENS: Which underlying 14 regulations? 15 MR. COCKERLINE: I mean, all -- for the PKSQ. 16 CHAIRMAN KLEMENS: That's not the underlying 17 regulations. That's --18 MR. COCKERLINE: The underline will be the CG, 19 20 but yes --CHAIRMAN KLEMENS: Yes. 21 MR. COCKERLINE: The application. 22 CHAIRMAN KLEMENS: Pocketknife Square gives us 23 broad discretion. 2.4 MR. COCKERLINE: And that's the application. 25

1 CHAIRMAN KLEMENS: It has to fit within the 2 neighborhood. That is one of the -- I've been very glib about this and we shouldn't really be having this 3 deliberative discussion now. But --Δ 5 MR. COCKERLINE: Okay. Then don't. CHAIRMAN KLEMENS: No, I don't want to. 6 MR. HIGGINS: Michael. 7 CHAIRMAN KLEMENS: Yes, Jon. 8 I just want to make sure it's 9 MR. HIGGINS: clear to everyone that the parking spots that we're 10 talking about in this application were not designated 11 approved satellite parking spots for the fitness center. 12 When we were referring to additional parking outside of 13 his own property and parking spaces we're referring to 14 what might be 59 or 69, whatever that number is, we're 15 talking about the other public spaces that were within 16 walking distance to that fitness center. There is no way 17 that we would designate and haven't designated and we've 18 used the same process for other businesses, that have 19 20 limited parking in our village centers which we realize has been a problem since zoning was initiated. But the 21 implication that it was designated for this spot is the 22 only part I want to make clear, that could it include 23 this spot, yes, but it wasn't specifically designated to 2.4 this spot. That's -- I just want to make sure that's 25

1 clear.

CHAIRMAN KLEMENS: Well, I think if we get the 2 plan that Mr. Grickis has, it will clearly say where they 3 were or if they were just general. 4 5 Anyway. Any other member of the Commission. Now it's the Intervenor's turn to ask questions 6 of Attorney Grickis. Mr. Casagrande? 7 MR. CASAGRANDE: No questions at this time, 8 Mr. Chairman. 9 CHAIRMAN KLEMENS: Okay. 10 I think now we can go to public comment. I think Abby, how are we going to 11 handle this? They to have raise their hand. You have to 12 elevate them one by one; correct? 13 MS. CONROY: Yes. I think what we'll do is --14 let me just take Attorney Grickis -- put him back with 15 the general. 16 CHAIRMAN KLEMENS: Everyone needs to be demoted 17 with the exception of Mr. Casagrande, who is the seated 18 Intervenor. 19 20 MS. CONROY: And the Applicant. Yes. CHAIRMAN KLEMENS: And the Applicant. 21 MS. CONROY: I'm struggling a little bit with 22 the Q and A because it seems like people have been asking 23 multiple questions. 2.4 CHAIRMAN KLEMENS: Well, can I make a 25

1 suggestion.

2 MS. CONROY: Yes. Absolutely. CHAIRMAN KLEMENS: There seems to be -- Artemis 3 Growth Partners seems to have a whole bunch of questions. 4 5 Maybe we can find out if AG is here so AG can basically ask questions. As a matter of fact, Artemis seems to be 6 one, two, three, four, five, six, seven, eight, nine, 7 ten, eleven, twelve --8 MS. CONROY: Yeah. 9 CHAIRMAN KLEMENS: -- thirteen. So, let's get 10 Artemis --11 MS. CONROY: Are we going to put a time frame 12 on the public questions so that we can let everyone 13 respond tonight or --14 CHAIRMAN KLEMENS: Let's see how it goes. 15 MS. CONROY: Okay. 16 CHAIRMAN KLEMENS: Someone who's put out 15 or 17 14 questions is going to need some time. 18 19 MS. CONROY: Do you want me to --20 CHAIRMAN KLEMENS: Elevate that person, please. Now there's a question of is the Q and A not 21 part of the public record. Who is Artemis? There's 22 23 now --I just elevated them. 2.4 MS. CONROY: CHAIRMAN KLEMENS: Okay. Who are they? Where 25

1 are they? Okay. You can unmute Artemis. Abby? 2 MS. CONROY: Yeah, no, I've asked them to. MR. COCKERLINE: Michael, this is Allen. Point 3 of order. In a hearing don't we usually ask people to 4 identify themselves? 5 CHAIRMAN KLEMENS: The problem here is, Allen, 6 is that -- Yes, we do. They're going to have to. 7 But the problem here is we have people, particularly this one 8 particular individual has made a series of comments and 9 questions and if they could -- as the Q and A is full of 10 about half of those, maybe we can actually have that 11 person identify themselves and ask the questions. 12 13 MR. COCKERLINE: I agree. CHAIRMAN KLEMENS: Artemis Growth Partners, who 14 art thou and do you have questions? 15 MS. CONROY: I asked them to unmute themselves 16 and they are not reacting. 17 CHAIRMAN KLEMENS: Well, if they are not going 18 to ask the questions in a public forum, we've given them 19 20 the opportunity. MR. COCKERLINE: Move on. 21 CHAIRMAN KLEMENS: We will in a second, Allen. 22 MR. SMITH: Mr. Chairman? 23 CHAIRMAN KLEMENS: Hold your horses. 2.4 Okay, well, that's with that group. 25

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Yes, Attorney Smith.

2 MR. SMITH: Yes, Mr. Chairman; Chris Smith for 3 the record. I know this is an issue that's come up with the Planning & Zoning section of the Bar when we've had 4 5 our meetings. But I would respectfully request that the Commissioners not refer to the Q and A section nor the 6 chat. And that if as -- the last Commissioner Cockerline 7 just pointed out, typically, in a public forum, people 8 identify themselves, they ask questions. It's almost 9 impossible for the Applicant, in particular, to be --10 ARTEMIS: Hi, everyone. 11 MR. SMITH: -- monitoring Q and A questions. 12 If someone has a question, they should ask publicly and I 13 would request that the Commission members not review any 14 of those and the same thing with the chat function. 15 It's just a distraction --16 CHAIRMAN KLEMENS: T --17 (People spoke at the same time.) 18 MR. MUECKE: I'm here. 19 It's one in the morning where I am. I'm in a house with a lot of sleeping 20 children. It's very difficult for me to find a place 21 that I can speak. 22 23 CHAIRMAN KLEMENS: Who are you, sir? William Muecke, 9 Elm Street. 2.4 MR. MUECKE: CHAIRMAN KLEMENS: Muecke? 25

I'm completely okay with the 1 MR. MUECKE: Commissioner reading my questions and answering them. 2 Ι don't think you need to have the voice. If I have a 3 voice I will wake up three people and it will be a 4 problematic situation here. There are 12 questions 5 because I was dropped earlier. The first six questions 6 disappeared from my monitor. With the webinar, it's 7 impossible to understand what's being posted and what's 8 not. So, this is a terrible format. I will say that. 9 But I'm happy for the Commission to read my questions out 10 and answer them in kind. 11 CHAIRMAN KLEMENS: I think you're represented 12 by counsel; correct? 13 These are actually for the MR. MUECKE: No. 14 family as well. I represent myself in counsel and then I 15 represent the Feeney family as well. 16 CHAIRMAN KLEMENS: I'm sorry, I don't -- Okay, 17 I didn't understand your name. Your name again? 18 MR. MUECKE: I have a different last name than 19 my wife's family. My last name is Muecke. My wife's 20 last name is Feeney. 21 CHAIRMAN KLEMENS: So, you are the Muecke that 22 is represented by Mr. Casagrande; correct? 23 MR. MUECKE: Yes, but my questions are for my 2.4 wife who is asleep right now. 25

1 CHAIRMAN KLEMENS: How can we -- If the person 2 is asleep, we can't answer the questions. Can we disable 3 the Q and A, Abby? Just disable it so we have people --MR. MUECKE: I would just comment that this is 4 5 a very impossible situation for people that aren't able to attend in a time zone that is efficient for the 6 Commission. I would ask the Commission to grant 7 permission to read those questions for someone who is a 8 9 mother, who works and has three children. So please, if you would, read those questions and not ask someone to be 10 11 woken up. MR. CASAGRANDE: Mr. Chairman, if I could. 12 CHAIRMAN KLEMENS: Thank you, Mr. Casagrande. 13 If it helps, I don't represent MR. CASAGRANDE: 14 Ms. Feeney. I represent Mr. Muecke and I don't see any 15 reason why he should not be able to ask questions on 16 behalf of his wife. 17 CHAIRMAN KLEMENS: Please go ahead and ask 18 19 them. 20 MR. MUECKE: I need go back to another place I can speak. I just woke someone up. Hold on. 21 MR. WHALEN: Must be a small house. 22 MR. MUECKE: It's true. He may have a larger 23 house than I. It's very possible. 2.4 MR. WHALEN: I don't think so. 25

1 CHAIRMAN KLEMENS: Not Marty or me. I'm at 2 the --3 MR. MUECKE: I'm sorry. How do you know the size of my house? 4 5 CHAIRMAN KLEMENS: Let's go -- Let's answer the questions, please. 6 7 MR. MUECKE: I'm walking. CHAIRMAN KLEMENS: Why don't you take the 8 questions, then, write them down and submit them. 9 That would be probably the best. 10 MR. MUECKE: I did. I submitted them on the 11 There are no rules on what could or could not be 12 chat. submitted by chat. There were no rules to the webinar 13 posted anywhere that I could find. 14 CHAIRMAN KLEMENS: The expectation is that 15 people raise their hand, they are recognized, they ask a 16 question, the question is responded to or recorded. 17 The chat --18 Respectfully, Chairman I'm on Zoom 19 MR. MUECKE: almost eight hours a day and there are no expectation 20 from different places. 21 There's actually some guidance on 22 MS. CONROY: the Land Use page just above where these documents are 23 posted that identifies that question from the public and 24 responses should only come during when the public comment 25

period has been opened and that we encourage the raise 1 hand function and not the use of chat. 2 MR. MUECKE: Those are guidelines not rules. 3 Ι understand that. Thank you. 4 5 CHAIRMAN KLEMENS: Okay. Let's go back to our regular procedure. Let's have public raise hands. Let's 6 recognize them one by one. You can deal with Artemis. 7 He made his point. 8 I would like to ask my questions. 9 MR. MUECKE: CHAIRMAN KLEMENS: You said you couldn't. 10 MR. MUECKE: I have now walked to a place in 11 the house that I can ask my questions. Thank you. 12 CHAIRMAN KLEMENS: Go ahead. 13 MR. MUECKE: I will start with the first. 14 First was about local employment. I was just asking 15 where the architect was located and will the SHC commit 16 to using local resources in the development, building and 17 maintenance of the site. 18 19 MR. COCKERLINE: Not relevant to Zoning 20 approval. CHAIRMAN KLEMENS: Please, just let him -- if 21 it can be answered, let him answer. 22 MR. COCKERLINE: I did. 23 CHAIRMAN KLEMENS: But you're not the 2.4 Applicant, Allen. 25

MR. SMITH: Chris Smith, for the record. 1 Ι would have to echo, that's certainly not relevant to land 2 use application. 3 CHAIRMAN KLEMENS: That's fine, Chris, if you 4 5 would like to say that. MR. SMITH: Thank you. 6 7 CHAIRMAN KLEMENS: We don't need a comment from the Commission. 8 9 MR. MUECKE: Okay. CHAIRMAN KLEMENS: Next question. 10 The majority of permanent 11 MR. MUECKE: residents in the area surrounding Pocketknife Square will 12 suffer the views of this building from the rear 13 elevation. What is the measurement of the height from 14 the parking lot to the roof line with measurement of the 15 full height off grade when measured from the rear? 16 CHAIRMAN KLEMENS: Mr. Tunsky? 17 MR. COCKERLINE: Those are in the submitted 18 documents. 19 MR. PETITTO: They're in the submitted 20 documents. What's required by Zoning is the median 21 elevation of the site to the middle elevation of the 22 roof, which is 33 five. 23 MR. SMITH: Rocco, could you state your name 2.4 for the record. I'm sorry. 25

1 MR. PETITTO: Sorry. Rocco Petitto, QA+M 2 Architecture. 3 MR. MUECKE: Was that answer to the question what is the height from the rear? 4 CHAIRMAN KLEMENS: What's drafted is in the 5 submittal. 6 7 MR. MUECKE: No one can quote that here? I don't have access to a submittal where I'm sitting. 8 CHAIRMAN KLEMENS: Well, sir, I really don't 9 know how to help you with this. You're asking questions 10 you don't have the plans in front of you. Please 11 proceed. 12 MR. MUECKE: It's -- respectfully, Chairman, 13 it's 1 in the morning. Does the SHC or the members of 14 the Commission believe that a review of the development 15 fits with the historical aesthetic of the National 16 Register District? 17 CHAIRMAN KLEMENS: Can someone answer that, 18 19 please. MR. SMITH: For the record, Chris Smith on 20 behalf of the Applicant. I believe that we certainly 21 feel that it does especially with the revised plans. 22 Jocelyn? I don't want to speak for you on 23 2.4 that. MS. AYER: Agreed. 25

1 MR. MUECKE: From the rear. Okay. 2 MS. AYER: We will be working with the State Historic Preservation Office as well. 3 4 CHAIRMAN KLEMENS: Thank you. Your next 5 question. MR. MUECKE: Will the --6 MR. CASAGRANDE: Mr. Chairman. 7 CHAIRMAN KLEMENS: Let him his questions. 8 MR. MUECKE: -- follow this statement. A four 9 10 to six unit development of Holley Block is both financially viable and more in line with the scale and 11 aesthetic of the historic village of Lakeville. 12 CHAIRMAN KLEMENS: I believe that was answered 13 earlier by Jocelyn Ayer that the critical mass that's 14 needed for what they need to do is a minimum of 12 and a 15 maximum of 18. 16 MR. MUECKE: Can the SHC defend why the 12 17 development unit is necessary to be financially viable? 18 Again, that's -- I don't know if 19 MR. SMITH: 20 Attorney Casagrande, if you were about to say something, but I think that's like asking a developer how much money 21 they're going to make. That's certainly not relevant to 22 this proposal; and it's a non-profit organization where 23 100 percent of these units will be affordable. I don't 2.4 get to work on many applications like that. I'm usually 25

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

3 MR. MUECKE: I only ask the questions because it was made as a statement during the presentation. 4 MR. SMITH: It's not relevant. 5 MR. MUECKE: Well, it was made as a statement 6 during the presentation so I wanted to test that 7 statement. When the representative of the SHC claimed 8 the scale of this development was required to meet the 9 state goals for affordable housing units in Salisbury. 10 And that representative of the SHC disproved the 11 statement that six affordable housing units at Holley 12 Block combined with a maximum number of affordable 13 housing units at Pope property would together support and 14 more than satisfy the state requirements and would also 15 keep with the harmony of the overall aesthetic of the 16 17 town. MS. AYER: I'll just respond briefly that the 18

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.

1 CHAIRMAN KLEMENS: What you are saying, Jocelyn 2 is --MR. MUECKE: -- is that shown? 3 4 CHAIRMAN KLEMENS: Excuse me, excuse me. 5 MR. MUECKE: Because by my calculation it's six units at Holley Place plus the Pope property actually 6 satisfies the minimum requirements. Can you prove that 7 that is an incorrect statement? 8 MS. AYER: Yes. 9 MR. SMITH: Mr. Chairman for the record, Chris 10 I'm not going to -- My client doesn't to have to 11 Smith. be cross-examined on feasibility of a particular 12 13 application. CHAIRMAN KLEMENS: Correct. 14 MR. SMITH: We have a 12-unit special permit 15 application pending before the Commission. 16 CHAIRMAN KLEMENS: Thank you, Attorney Smith. 17 I'm going it say I think this is the end of questions in 18 19 the Q and A. People want to ask questions. MR. MUECKE: [Unintelligible] Chairman. Thank 20 you very much. 21 CHAIRMAN KLEMENS: Thank you. 22 MR. CASAGRANDE: Mr. Chairman? 23 CHAIRMAN KLEMENS: Yes, Mr. Casagrande. 2.4 MR. CASAGRANDE: I'm sorry to interrupt. 25 Ι

just want to note for the record -- I think Attorney Smith and I would agree that normally in an 8-30g application, it's not a relevant or material issue about whether the Applicant can show the economic viability of the project. I think that's a fair statement from the case law.

But the difference here is that this is also a 7 22A-19 petition in which we believe that we will show 8 that there is a likely to be an unreasonable impact on 9 historic resources of this site. And if we show that, 10 which I believe we have shown in spades, then the 11 Commission has to consider alternatives. And I would 12 submit that in the consideration of those alternatives 13 the economic viability of a 12-unit project is precisely 14 relevant to your concerns. Because it goes to the 15 question of what's feasible and what's prudent from a 16 cost point of view. I just want to make that point. 17 CHAIRMAN KLEMENS: Right. Very good. 18 19 Attorney Smith, anything --MR. SMITH: I have nothing further, 20 Mr. Chairman. Thank you. 21 CHAIRMAN KLEMENS: 22 Thank you. Okay, let's go to public comment and in the 23 future we'll not take any more questions out of chat. 2.4 Raise your hand and you will be recognized. 25

1 MS. CONROY: Mr. Chairman, we have Carol 2 Dmytryshak. 3 CHAIRMAN KLEMENS: Carol Dmytryshak, yes. MS. CONROY: Sorry, Carol. That's a tough 4 5 one. CHAIRMAN KLEMENS: Please elevate her to 6 7 panelist. MS. DMYTRYSHAK: Hello? 8 9 CHAIRMAN KLEMENS: Hi, Carol. MS. DMYTRYSHAK: Hi. I've been listening to all 10 this and as you guys know I've written a lot of letters 11 and presented a lot of data. But I'm -- in my former 12 life I was a strategic planner and one of the things we 13 always said is when the goal is clear, the path is 14 straight. Salisbury really needs affordable housing. 15 And everybody says, well, Holley Place isn't going to 16 Why don't you try Pope land or the Chinese 17 work. restaurant. The reality is our goal in achieving 18 affordable housing that's viable for Salisbury, if we 19 20 were lucky, we would be able to build affordable housing on all these spaces. Everybody's -- you know it's a 21 flimflam game here. And I really think what we've done 22 with our proposed plan will -- and we've listened to the 23 community and I think it's a good move. And we would 24 like to work with everybody in the community and build 25

1 affordable housing for Salisbury.

Our goal is high and we're nowhere close to it. 2 CHAIRMAN KLEMENS: Carol, for the record, you 3 were a member of the board of directors of SHC? 4 MS. DMYTRYSHAK: I am the treasurer. 5 6 CHAIRMAN KLEMENS: Thank you. MS. DMYTRYSHAK: I mean, I'm not ashamed of 7 that. 8 CHAIRMAN KLEMENS: No, no. I just think it's 9 important to get this into the record. 10 MS. DMYTRYSHAK: Yeah. But I'm really 11 goal-oriented and this is something that we should really 12 have a clear vision of what we have to do for the town. 13 And I sent a letter to Abby and I have a letter in the 14 Lakeville Journal the last two weeks talking about the 15 demographics. So, I hope we can move forward with this 16 project. 17 CHAIRMAN KLEMENS: Thank you. Thank you very 18 19 much for your comment. Is there anything else or we go to the next one? I think we're all set. Next one, 20 please, Abby. Thank you, Carol. 21 22 MS. DMYTRYSHAK: Thank you. MS. CONROY: I think Nancy Van Deusen is who I 23 saw next. 2.4 CHAIRMAN KLEMENS: Okay. She's has to unmute 25

herself and start her video if she hasn't. 1 2 MR. VAN DEUSEN: Okay. Are we unmuted? CHAIRMAN KLEMENS: You are unmuted. 3 MRS. VAN DEUSEN: Yeah. There you go. My 4 5 husband, Hobart, will be speaking. MR. VAN DEUSEN: Are we unmuted? 6 7 CHAIRMAN KLEMENS: Yes. MR. VAN DEUSEN: For those of you who would 8 like to be watching the basketball with the Huskies, it's 9 14 to 4 favor the Huskies. This is for the championship. 10 In any event, my question is: When was that 11 traffic survey done? Mr. Butkus or Braskus? 12 MR. BALSKUS: For the record, my name is Joe 13 Balskus. 14 15 MR. VAN DEUSEN: Okay. MR. BALKSUS: That was done last year in August 16 and September of last year and we used pre-pandemic 17 traffic volumes. 18 MR. VAN DEUSEN: Oh, so it was done during the 19 20 COVID. MR. BALSKUS: It was done during the COVID but 21 the volumes that were utilized were done -- were 22 accumulated prior, accumulated prior to the pandemic. 23 So we have pre-pandemic traffic volumes in the traffic 24 study. 25

I'm glad to hear that because 1 MR. VAN DEUSEN: obviously, there was no real activity. It's a -- five 2 restaurants in this downtown area. And I don't think if 3 you ever gone to a dinner out during the year, especially 4 5 in the summer, spring and fall, you would find -- you have a very hard time finding parking spaces. And my 6 objection at all to this particular site on Holley Street 7 is parking, parking, parking. And the two businesses or 8 three or four businesses directly below that spot have no 9 10 place for their customers to park. There's no parking there at all. So they to have search around. Have you 11 talked to the business owners there? They are very much 12 against this whole thing at Holley Street. 13

Now, we all are in favor of affordable housing. 14 This is just in the wrong spot. And you just are not 15 taking into consideration the traffic to those 16 restaurants. You have two pizza places, one just a few 17 steps away where people are coming and going all day 18 There's actually parking in front of the proposed 19 long. building. When children or people come down their 20 elevator in the stairway, they literally will be stepping 21 out on the sidewalk in one or two steps. And there's 22 parking right in front of them. God forbid a small child 23 will come out the door and run out between two parked 2.4 cars and get hit and killed. And that will be on your 25

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

7 The other thing is that you are going to be 8 cutting down five trees that are presently there, fully 9 grown trees, and there's going to be little or no 10 greenery you have a nice pretty picture there of big 11 trees on either corner and so forth. Are you going to 12 spend \$50,000 to put in each tree to replicate the sizes 13 of trees that are already there? I don't think so.

Another question I have is there's no sidewalk 14 going down the Holley Street side directly below the 15 building; and what -- how are children going to go down 16 the hill? Are they supposed to cross over Holley Street 17 when trucks and cars are coming around the corner and 18 they're caught out in the middle with their tricycles or 19 skateboards or what have you? Are there plans for a 20 sidewalk to continue down to the bottom of the road from 21 the apartment building? Can I have an answer on that 22 23 one. CHAIRMAN KLEMENS: No, you cannot have a an 24

25 answer. The questions are directed to the chair and the

Applicant has made note of your questions. And they will 1 2 respond. MR. VAN DEUSEN: Well, is there a provision for 3 a sidewalk; is that right? 4 5 CHAIRMAN KLEMENS: They will answer that but Let's go to the next public comment, please. 6 not now. 7 MR. VAN DEUSEN: So, they don't answer questions. 8 9 CHAIRMAN KLEMENS: I think we are going to put a time limit of five minutes because we're never going to 10 get through the public. 11 MS. CONROY: Yeah. So we have Lloyd Baroody. 12 13 CHAIRMAN KLEMENS: Okay. Do you see him -- you got his name down. Okay, 14 15 Mr. Baroody. MR. BAROODY: Hi. My name is it Lloyd Baroody. 16 I have been a resident of the town since 1960. I was 17 born way before that, so I know the town pretty well. 18 When I was living -- I really want to respond about this 19 parking thing and about Mr. Grickis's comments about 20 parking, which are very subjective. When I grew up in 21 the town, the building right across the street on the 22 corner of Holley Block and Route 41 was the Salisbury 23 Bank and everybody used to go there and they didn't do 2.4 things online. It was pretty busy. The Pocketknife 25

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

3 Down the hill, the place where the gas station was, was a multi-story building with lots of stores. 4 То the left of the entrance of community field was another 5 multi-story building with lots of stores. Like, two 6 levels of stores even. There was even a garage there for 7 the school buses. The town was extremely bustling; okay? 8 I don't ever recall having a problem parking. 9 If we had to walk a little bit more, so what. 10 I just find it's almost ridiculous that people are talking about 11 a parking problem when, you know, we're talking about a 12 ghost town compared to what it was 50, 60 years ago. I 13

14 think I'll take it what it was 50, 60 years ago and maybe 15 walk a little bit more if I have to in order to have a 16 town that has this vibrance see to it.

So, I just think this whole parking thing got 17 way out of line and the thing about the traffic. I mean, 18 good God, try to get into the post office sometime there. 19 20 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 21 That's far more dangerous in the winter time than 22 that. anything else and we all have to take that road. 23 So, I think we to have keep everything in perspective here. Do 24 we want to have a town that's vibrant with younger people 25

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

This idea that five trees has more priority than having some -- a bunch of apartments is ridiculous. 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 8 here this. This is not New York. So, I think that let's 9 10 just get on with this. We need a quantum increase in affordable housing. It's not this or that. It's all of 11 them, all of the above. We have to be thinking 10x. How 12 to increase things, like, ten times, we to have think 13 big. Instead of piddling around with onsies -- with all 14 due respect, onsies and twosies is not going to do the 15 trick here in this town; okay? 16

So, I think it's a no-brainer that we do this 17 project. Despite the warts here and there and the trees 18 that have to be taken down and the lack of this and the 19 lack of that and the architecture that maybe isn't good 20 enough for somebody. Come on. We need to get with the 21 program here. This is just -- it's excruciating to have 22 to listen to some of the objections people have. 23 It's almost like they have nothing better to 24 So, I support the project wholeheartedly. I know 25 do.

what this town was 50, 60 years ago. It was a great 1 I bet a lot of people on this call weren't even 2 town. around in Lakeville at that time. Maybe some of them 3 weren't even born. But it was a great place. Let's try 4 5 and have a bridge to the past with this building. Let's try and get back to some portion of what we used to have 6 in this town. And not worry about, you know, is there 7 enough parking and, you know -- there was plenty -- there 8 was enough parking before despite at least a dozen more 9 stores in the very area that we're talking about, you 10 know, during the old days. 11

That's all I want to say. I just want to -- I 12 want to thank all the people in the -- that have worked 13 so hard to put this application forward, it's a thankless 14 job and I want to thank the Planning and Zoning 15 Commission for having to listen to some of the 16 excruciating testimony. But I just think that -- I think 17 at the end of day, this is going to get done and I wish 18 19 the best. So, thank you very much.

CHAIRMAN KLEMENS: Thank you, Mr. Baroody. 20 The next -- he kept right in five minutes, too. Very good. 21 Next one. 22 We have Susan Galluzzo. 23 MS. CONROY: CHAIRMAN KLEMENS: Okay. Elevate Susan, 24 She's there but she's muted. Does she have to 25 please.

1 unmute?

2 MS. CONROY: Yes. CHAIRMAN KLEMENS: 3 Susan -- there she is. MS. GALLUZZO: I really didn't want to say 4 5 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 6 anyone's opinion who spoke this evening, but I also 7 really, really care about Dino. I care about Judith who 8 owns Argazzi Art. I care about Joey Schaefer who owns 9 that building. I care about Celeste Shannon who owns the 10 building across the street. I care about those two girls 11 who own the building below. So, this has not just been 12 Seth's parking. It's about five people who make a living 13 in our town. None of these people can make a living with 14 their businesses unless they have parking. If you have 15 parking 500 feet away, that doesn't do it for Dean. 16 That doesn't do it for Katie Baldwin, that. Doesn't do it for 17 the three businesses that -- the three businesses that 18 are in Joey Schaefer's building. It doesn't do it for 19 Celeste Shannon. For me, quite honestly, it's really 20 I really, really love these -- I've known personal. 21 Celeste Shannon for about 40 others. 22 So, my point is, while parking is a technical 23 issue, the fact is that I, as an attorney, submitted a 24 document to the Planning and Zoning Commission back in 25

October; and based on statistics, not based on someone 1 saying I might do this, with all respect to Jocelyn Ayer, 2 or we intend to do this, this is not intention. 3 The required parking for Schaefer, Shannon, Argazzi, Dino and 4 Lakeville Interiors is 90 spaces under the zoning 5 regulations. You can do the calculations yourself. 6 The owners deeded or satellite parking only 29 7 space. Again, do the calculations yourself. 8 So therefor, the parking deficit for local business just 9 these, not even including Seth's is 61 spaces. 10 This is an affirmable -- easily affirmable 11 So, these people don't eat, these people don't 12 number. send their children to college, these people don't save 13 for their futures unless they make a living. 14 You take away their parking, you put in a year 15 and a half of construction which nobody's really 16 addressed is how much and how long and the impact on the 17 construction of these buildings with regard to these very 18 fragile 19th century buildings will be. 19 These are critical issues. No one has addressed that. 20 So, I can go through my other list of 21 questions, you know, my other stuff about parking and on 22 this easement, that will be addressed when Casagrande 23 It's a 15 foot right of way. You put a dotted speaks. 24 line in a 15 foot right of way and try to represent in an 25

images it's a two-way street? It's not a two-way street.
It is a one-way street. That is by my -- if I were the
representing attorney, I would say that's at best a
misrepresentation.

5 Anyway, it's personal. It is something that -and I actually texted Joey Schaefer and I said did anyone 6 ever -- did the traffic consultant -- let's ask him --7 did you ever talk to any of those business owners about 8 their parking needs? Ever? Ever, ever about their 9 parking needs or their traffic needs? Let's ask -- Let's 10 have them answer that question. So, that's my -- that's 11 one of my many concerns about this particular issue. 12

13 The second one actually is that constantly the 14 Applicant has represented this, first in their 15 application to the State they completely misrepresented 16 it as a vacant lot. I can document that.

Two, Chris, with all due respect, Attorney 17 Smith, he represented as a parking lot. It is not a 18 parking lot. It is a parking lot and a park -- you can 19 look all over every map ever presented in this town, it 20 is a parking -- it is a park and a parking lot which 21 means it gets special protection under certain statutes 22 under the state. So, we have a lot of address here that 23 is not, one, nitpicking, but two, really deals with our 24 neighbors and our friends, honest to God, who don't need 25

or support their families without this business. That's 1 2 all I have to say. 3 CHAIRMAN KLEMENS: Thank you, Susan. You kept right on five minutes. Great. Thank you for your 4 5 testimony. MS. GALLUZZO: Thanks, Michael. 6 7 CHAIRMAN KLEMENS: Next one. MS. CONROY: I just have Andrew. I don't have 8 9 a last name. CHAIRMAN KLEMENS: We need the last name for 10 the record. 11 CHAIRMAN KLEMENS: Andrew, your last name, 12 13 please. MS. MARCHAND: Actually it's Ashley Marchand. 14 I'm one of the owners of -- Working? Sorry. Oh, no. 15 Sorry about that. A few technical things. Hi. 16 I'm one of the owners of Lakeville Interiors in the 17 building right below the parking lot. I just have a 18 question, the traffic specialist when he mentioned that 19 previous traffic data was used, what does that mean? I'm 20 sorry, I don't totally understand. 21 CHAIRMAN KLEMENS: Please ask the questions, go 22 to the Chair and the Applicant is going to accumulate 23 2.4 them and respond. MS. MARCHAND: Okay. So that's one of my 25

1 questions.

2 And then just some other comments, at our 3 business we get a fair amount of deliveries from large tractor-trailers and they park in the road and then we 4 5 help the delivery gentleman or woman unload them and that can take, you know, around 10, 15 minutes sometimes. 6 So, I just want people to be aware that keep that in mind if 7 there's a school bus drop off, the school bus might not 8 be able to get by the trailer that's making the delivery. 9 And accepting those deliveries is crucial for our 10 business. 11

12 And the other item, I appreciated Mr. Whalen's 13 comment about that, you know, each unit might actually 14 potentially have two cars. So, I was wondering if when 15 they accept applications or people or tenants if they 16 need to register their cars or how many cars they will be 17 allowed to register? Will there be a limit? That sort 18 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. Thankyou.

1 CHAIRMAN KLEMENS: Thank you. And I know the 2 Applicant is taking notes on all of these questions and 3 will respond to them in an organized way. Thank you very much. 4 5 The next one, please. MS. CONROY: I don't have anyone else with 6 7 their hand raised at the moment. CHAIRMAN KLEMENS: No one else with a hand 8 raised? 9 Oh, here we to. No, they took it 10 MS. CONROY: down. It's up again. 11 CHAIRMAN KLEMENS: There's one hand, two 12 hands --13 MS. CONROY: Eileen Fox. Hold on. There you 14 15 go. MS. CONROY: You have to unmute yourself 16 Eileen. There should be on the bottom of your screen a 17 microphone -- there you go. 18 19 Ms. FOX: I appreciate the opportunity 20 listening to the Zoom call even with it's imperfection, I think it's wonderful the community has this access. I'm 21 a 35-year resident of northwest Connecticut. I'm a 22 16-year owner in Lakeville. I utilize the services of 23 our local businesses including Dino's great pizza place. 2.4 Once upon a time I used to go to the gym. 25

[Unintelligible] Lakeville Interiors. I never had a 1 2 problem parking. And I never parked in the Holley Place 3 parking lot bicentennial wonderful park. This is an application about needed housing. 4 5 And the parking will sort itself out. It is a false flag to make this about parking. Please consider the basics 6 of the application and move forward. Thank you. 7 Thank you for your CHAIRMAN KLEMENS: 8 9 testimony. There's another hand up I see, Abby. MS. CONROY: I --10 CHAIRMAN KLEMENS: One hand. 11 MS. CONROY: Amanda Ash, first. 12 13 CHAIRMAN KLEMENS: Amanda Ash. You are going to have to unmute yourself, please. 14 On the bottom of your screen, you have to 15 unmute your microphone, please. On your screen, if you 16 look on the bottom, as you face it left, you should be 17 able to unmute your microphone. 18 19 (No response.) MR. COCKERLINE: Unless it's an iPad, then you 20 tap the upper right. 21 MS. CONROY: I've asked to unmute also. 22 So -they have not responded. 23 CHAIRMAN KLEMENS: I don't know what we can do. 2.4 There's no other way to communicate with her? 25

1 MS. CONROY: Just -- did that just change for 2 you? 3 CHAIRMAN KLEMENS: Excuse me? 4 MS. CONROY: It just changed on my screen. 5 CHAIRMAN KLEMENS: She's still there with a 6 mute. 7 MS. CONROY: Yeah. No, I mean, the only -- I told her the lower left-hand side of the screen or like 8 Allen was saying the top right. I believe when I ask 9 10 someone to unmute that it should trigger for them. For example, Marty, I'm going to ask you to unmute right now. 11 Does it give you a pop-up when I ask unmute? 12 MR. WHALEN: 13 Yes. So, I have done that, too. 14 MS. CONROY: CHAIRMAN KLEMENS: Unfortunately, we can't 15 unmute, there's nothing we can do. Is there anybody else 16 that wishes to be recognized? We have a hand up -- they 17 go up and they go down. 18 19 MS. CONROY: I know. CHAIRMAN KLEMENS: Is there anyone else in the 20 public that wishes to speak? Anyone else? Okay. 21 Would the Applicant like to address some that 22 was asked or do you want to do it in writing? What's 23 your pleasure, Attorney Smith. 2.4 MR. SMITH: Mr. Chairman, for the record, Chris 25

Smith and members of the Commission, think we would 1 prefer to have a concerted rebuttal. And I think that 2 would be the most fair way to do it for the Commission 3 and efficient as well. So, the continued hearing we will 4 5 certainly be prepared to respond to the questions that we heard. 6 7 CHAIRMAN KLEMENS: Great. Any other member of the public? There's a hand 8 9 up. Two hands up. 10 MS. CONROY: Okay. I will take Philip Oppenheimer. 11 CHAIRMAN KLEMENS: 12 Okay. 13 You have to unmute yourself. Great. MR. OPPENHEIMER: Hi. Can you hear me? 14 15 CHAIRMAN KLEMENS: Sure can. Mr. OPPENHEIMER: It's Philip Oppenheimer. 16 Ι think some of attorney this stuff is meant as a stalling 17 tactic and I think some of it, you know, is overblown. 18 It isn't just about parking, it isn't just about traffic 19 and design and so on. I think there's something bigger 20 at work here and when people start hiring attorneys and 21 fighting this in this way, I think that we shouldn't let 22 them stall this thing. It's been a long time. We're all 23 exhausted with it. Let's get it going and let's not give 2.4 them extra time. That's all I have to say. 25

1 CHAIRMAN KLEMENS: Thank you, Mr. Oppenheimer. 2 We have another hand up, Abby. MS. CONROY: M. Stucke. 3 CHAIRMAN KLEMENS: Okay. Yep. 4 It's Maurice Stucke. 5 MR. STUCKE: Thanks so much, Chris, for the presentation, everyone. It would be 6 helpful and I think Michael you raised this before, to 7 have a view of the building from Factory Pond particular 8 with the screening. So, in the presentation I didn't see 9 that. I did see how it would look at night. 10 But it would be very helpful to have the view from the park how 11 it would look in terms of scale. 12 And if that, Christopher, can be included in 13 your rebuttal that would be --14 CHAIRMAN KLEMENS: You are talking about the 15 view from Elm Street; correct? 16 17 MR. STUCKE: Exactly. CHAIRMAN KLEMENS: Across Factory -- yeah, that 18 has been asked for. 19 20 MR. STUCKE: It's been asked I think multiple 21 times. CHAIRMAN KLEMENS: Yes, you are correct. 22 MR. STUCKE: If you would at that Christopher, 23 that would be very helpful. 2.4 MR. SMITH: We'll look into that. Thank you, 25

1 sir.

2

MR. STUCKE: Thank you.

3 CHAIRMAN KLEMENS: We have another attendee,4 another hand up. Do we have a hand?

5 MS. CONROY: Oh, yeah. They just have to 6 unmute.

CHAIRMAN KLEMENS: George Mason, there we go. 7 MS. WILSON: My question is on the financial 8 information that you've provided. You provide revenue 9 10 information that shows a range of revenues from \$500 per month for a 1-bedroom apartment to I think \$1,300 for the 11 3-bedroom apartment. That revenue comes out to somewhere 12 between 100,000 and \$140,000 a year. We would like to 13 have you show us that this project is feasible and that 14 the tax payers will not have to pick up any additional 15 costs by showing the expenses that are involved in this 16 project. Those expenses should include, you know, 17 maintenance on a building which has an estimated cost of 18 somewhere between 3 to 5 million dollars. 19 Although you have not provided any costs. We would also like to see 20 what the cost estimate is of this building. We find it 21 shocking, basically, that nobody is answering these 22 questions. It's inappropriate for this town to approve a 23 project of this scale and significance without providing 24 some financial information. 25

1 CHAIRMAN KLEMENS: Is this Pamela Wilson? 2 MS. WILSON: Yes. CHAIRMAN KLEMENS: It's Pamela Wilson for the 3 record. 4 5 I'll have Attorney Smith look at the questions He will respond. Some of the questions are not within 6 the purview of the zoning application. I'll let him 7 parse through that and respond in writing as he said he's 8 9 going to. 10 MS. WILSON: Thank you. CHAIRMAN KLEMENS: Thank you. That was Pamela 11 Wilson for the record. 12 We have another attendee -- no. Gone. 13 Oh, Poor Abby. I see what you're going through. The 14 back. invisible hand. 15 MS. CONROY: Tracy Atwood. 16 CHAIRMAN KLEMENS: A person, I believe. 17 Can you unmute yourself, please, Tracy. Do you know how to 18 unmute yourself? Lower left-hand corner there's an 19 unmute button. There you go. You are all set. You can 20 speak, please. She's unmuted. Do you have anything to 21 22 say? Just move on. Nothing we can do about it if 23 he's unmuted and he won't talk. 2.4 Is there anybody else who wishes to be 25

1 recognized? Raise your hand. You have a hand up, 2 Abby. 3 MS. CONROY: Yes, Attorney Grickis, do you want to call on him again or -- it's down. It's up again. 4 5 CHAIRMAN KLEMENS: There's another hand up. 6 MS. CONROY: Yes. Is it appropriate to call on 7 Attorney Grickis again? CHAIRMAN KLEMENS: Let's -- no one member from 8 9 the public. If he has something to say. Let him say it. 10 MS. CONROY: Okay. Yeah, I don't see anybody 11 else. 12 CHAIRMAN KLEMENS: Might as well get all the 13 issues out now. You can unmute yourself, Attorney 14 Grickis. 15 MR. GRICKIS: Yes. Can you hear me? 16 CHAIRMAN KLEMENS: Yes. 17 MR. GRICKIS: Just a quick question. I would 18 just ask that the Commission and/or the Applicant respond 19 to all of the issues that I presented in my letter of 20 March 2nd. Some of them were addressed, not all. That's 21 my request. Thank you. 22 CHAIRMAN KLEMENS: Attorney Smith, did you take 23 that on board? 2.4 MR. SMITH: We'll -- Mr. Chairman, for the 25

record, Chris Smith, we'll certainly review Attorney 1 2 Grickis's letter and any documents that -- and provide a response. It won't necessarily be in writing, 3 Mr. Chairman, but we certainly will up the appropriate 4 5 person and consult an expert to respond to the specific questions and have a coordinated response, presentation 6 for the Commission and the public and the citizens to 7 that we will respond. If not, we will explain why not. 8 9 CHAIRMAN KLEMENS: Yes, I think that may be 10 part of it. Okay, thank you. Thank you. Is there anybody else that wishes to speak? 11 There's no hand. Okay. Members of the public, it's your 12 13 last opportunity this evening to speak. MS. CONROY: Got one. M. E. 14 CHAIRMAN KLEMENS: Hi, M. E, you have to 15 unmute. 16 17 MS. FREEMAN: Here we go. CHAIRMAN KLEMENS: 18 Great. 19 MS. FREEMAN: I want to speak briefly. I think 20 the goal would be to close this up before 9 o'clock so everybody can go home. I want to thank Planning & Zoning 21 and I want to thank the Applicant. I think you've done a 22 great job. I simply want to echo a couple of thoughts 23 and make some points known to most of you who are 2.4 familiar with this year after year that it's been going 25

1 on.

I agree that parking is a false flag. 2 I work full-time in Lakeville, I am here on Main Street all the 3 I walk everywhere, I drive my car by that parking 4 time. 5 lot. I use all the parking spaces referred to. I've never had a parking issue. And I don't think that's a 6 real issue. I think that's a smoke screen for other 7 things. 8

And the other point, if I hear one more time 9 about the Chinese restaurant or the Pope property --10 first of all, the Chinese restaurant, if someone wants to 11 buy that land and donate it to the town, fine. 12 It's for sale for a high price. There's no indication that that 13 building can be used at all. It's pie in the sky and 14 it's privately owned. As for the Pope property, the Pope 15 property is always been in addition to. Not instead of. 16 If you look at the 2018 proposal, the units we came up 17 with for 75 for the town goal included the Holley Place 18 19 property and the Pope property. And one day, God 20 willing, the Pope property will be available and can be developed. But it's not anywhere close. 21

In 2018, we started down this road. We have not built a single unit of affordable housing. The goal was to do 75 in ten years. How about let's start with 12. I think that the building will be a notable

improvement. The so-called Bicentennial Park, it's not a park. It's a parking lot. And it's not attractive. And it's not nice to look at. And I think that the building proposed there will be a lovely addition to the street scape and to the vitality of the town.

And more importantly, it will provide housing 6 for 12 units for families and individuals that 7 desperately need housing. And our town needs them. 8 And I would encourage P&Z to approve this project. Let's do 9 Carpe dium. Let's think of our fellow human beings. 10 it. Not just parking. Let's think about people who want to 11 live in this town, who grew up in this town and are being 12 priced out of the market both rental and daily by people 13 coming in buying second homes and we're going to wind up 14 with a very old and very wealthy retirement community 15 here with nobody to serve us and no firemen. We need to 16 be more than that. We need not to be a naturally 17 occurring retirement community of rich folks. 18

So, I encourage you to approve this project and
to take care of our fellow human beings. Thank you.
CHAIRMAN KLEMENS: Thank you, M. E. Okay.

22 Anybody else.

Okay. I think it's now time to talk about scheduling the next public hearing. Attorney Smith, that is something I'm going to ask you. 1 MR. SMITH: Okay, thank you Mr. Chairman and 2 members of the Commission and Ms. Conroy, Abby for your 3 time this evening.

With all due respect to Attorney Casagrande and 4 if he called me for an extension on a brief or whatever 5 that's one thing, but my client has been working on this 6 for quite a long time. And the architecture, design has 7 changed. I think it is apparent that Ms. Kerry (ph.) has 8 reviewed the plans. We heard that they would like time 9 for her to review the Power Point. I think two weeks is 10 more than enough. I have a hearing tomorrow night with 11 94 units, it's an 8-30g and we had two weeks to come up 12 with our rebuttal. And we've been in a scramble and 13 we've gotten it all done. We have -- we have ten-fold 14 the issues that I've heard are associated with this 15 proposal. 16

So, I would respectfully request that the 17 Intervenors -- they're Intervenors, but it's our 18 application -- I would respectfully request that if they 19 20 have something to say, that they try to pull that together for the next meeting which I know is planned to 21 be on the 22nd. And we will work from our end, 22 Mr. Chairman and members of the Commission, to provide 23 responses to the comments and questions we heard this 2.4 evening; and if we can elaborate on any other questions 25

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. 5 CHAIRMAN KLEMENS: Okay. Then I'm -- a couple I will entertain a motion to continue the 6 things. hearing to March 22nd. 7 8 MR. CASAGRANDE: Mr. Chairman. May I speak? 9 CHAIRMAN KLEMENS: Yes, go ahead please. 10 MR. CASAGRANDE: I have been retained by the client for this application for a little -- the clients 11 for a little over two weeks. I have been working 12 13 extremely hard to get our rebuttal presentation together. Attorney Smith well knows that a continuance of 30 days 14 is standard. I find it very disappointing that he will 15 not agree to an additional two weeks to allow me to get 16 my expert witnesses who -- and remember the application 17 materials, up until last week, was just the application. 18 19 We only got supporting materials in last week. So, it's grossly unfair. I would say a violation of my client's 20 due process rights to truncate this into a two weeks 21 window where we have to come up with a presentation based 22 on the presentation tonight. I will also add, and I know 23 that the Commission does not have to consider this, as I 2.4 would demur to Attorney Smith if he said to me I've got 25

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. That's going to monopolize my time. I respectfully ask 4 5 the Commission's indulgence. It is not unreasonable to give me 30 days. 6 Given the application and the complexity, the number of 7 factual issues, the number of legal issues. My goal is 8 to get you a robust, fair and complete presentation. 9 We'll do our darndest to do that. But please, 10 Mr. Chairman, a month is not unreasonable. 11 CHAIRMAN KLEMENS: My concern is that if you 12 come in with a robust presentation then it's going to 13 have to be continued anyway. 14 MR. CASAGRANDE: But that's the nature of these 15 proceedings, as you know. 16 CHAIRMAN KLEMENS: All right, so if we 17 continued it to the date that Attorney Smith has 18 requested, we can then end up having to extend it. 19 MR. CASAGRANDE: But I'm not going to be ready 20 by then. 21 MR. COCKERLINE: Mr. Chairman, had you asked 22 for a motion and you I was actually ready to move that. 23 CHAIRMAN KLEMENS: I think we need to let the 2.4 attorneys talk still, Allen. 25

1 MR. COCKERLINE: Okay. 2 CHAIRMAN KLEMENS: Attorney Smith? MR. SMITH: I'm sorry, Mr. Chairman? 3 CHAIRMAN KLEMENS: Attorney Smith, are you 4 5 absolute on your insistence of this? MR. SMITH: My client would like to proceed two 6 weeks from now as originally planned, if we can. 7 And we'll see how it goes. 8 MR. CASAGRANDE: Well, I don't really know what 9 10 that means: We'll see how it goes. What am I going to be expected to do on March 22nd? 11 MR. SMITH: Attorney Casagrande --12 MR. CASAGRANDE: I would add, Mr. Chairman -- I 13 would add it's not attorney Smith's call here. It's the 14 Commission's call. And I've been advising planning 15 commissions and zoning Commissions in western Connecticut 16 for 30 years. I have never seen a case involving this 17 type of an application where a Commission would not 18 routinely grant a 30-day extension to allow opponents to 19 put together their rebuttal case. The nature of these 20 kinds of applications is, yes, they are complex and they 21 have a lot of issues and if we continue it for 30 days 22 and I put in my case and if Attorney Smith said to me I 23 need more time. I would grant them that as a matter of 2.4 Obviously, with the permission of the 25 course.

1 Commission.

2 So, I just think it's outrageous that you're even considering truncating my time to two weeks from 3 now. It really borders on fundamental unfairness with 4 5 all due respect. CHAIRMAN KLEMENS: Attorney Smith. 6 7 MR. CASAGRANDE: Please, Mr. Chairman, I ask the Commission to continue this for a month. That's all 8 I ask. 9 This is -- I'm sorry. I thought --10 MR. SMITH: I didn't know if you wanted me to respond. 11 CHAIRMAN KLEMENS: Yes, I would like you to 12 13 respond. MR. SMITH: I'm trying to communicate with my 14 We can't do it, as we know with the in person -client. 15 we can't have a side bar, I have to go through text. 16 CHAIRMAN KLEMENS: Would you like just a few 17 minutes for side bar. 18 MR. SMITH: I'm being advised that in -- and 19 20 Dan, I'm just being advised, that there might been some correspondence from you last fall with this. I don't 21 know. As you know, I'm recently been involved with this 22 at the end of the year. But again, I think my client 23 would like to proceed on the 22nd and again, I don't know 2.4 if we are going to hear more from the public or not at 25

1 that point in time.

2 CHAIRMAN KLEMENS: I'm sure we will. MR. CASAGRANDE: But then, Mr. Chairman, what 3 is the direction to me if you go that route? I mean, I 4 5 just don't understand the need --CHAIRMAN KLEMENS: Honestly, I expected you 6 submitted a report when I traded the outline for this 7 evening, he was exhibiting that you at least put on some 8 witnesses. I had a whole block of time for you. 9 I was 10 surprised that you didn't have anybody. MR. CASAGRANDE: Well, I made that request in 11 my petition that I filed last week. So, the Commission 12 has known about the fact that I would not have witnesses 13 tonight since last week. And just --14 CHAIRMAN KLEMENS: Can you have witnesses on 15 the 22nd? That's two weeks. 16 MR. CASAGRANDE: I don't know. I don't know. 17 If you force me to, I'll have to do my best to get them 18 But it's an inordinately small period of time in ready. 19 20 which to put together this type of opposition. So all I'm asking for is two additional weeks. 21 CHAIRMAN KLEMENS: Well, let me just ask the 22 Commissioners, I think we have to go -- we have to have 23 another hearing with -- we have to deal with another 2.4 hearing. I would like to grant the extension until the 25

1 22nd -- continue the hearing the 22nd with the 2 understanding of all parties that it could, most likely 3 continue again for another -- to the April meeting, too. 4 MR. COCKERLINE: Agreed. CHAIRMAN KLEMENS: Members of the Commission. 5 Bob? 6 7 MR. RIVA: Agreed. CHAIRMAN KLEMENS: Kathy? 8 9 MS. SHYER: Agreed. 10 CHAIRMAN KLEMENS: I'm missing people. Marty? 11 Marty? MR. WHALEN: Agreed. 12 CHAIRMAN KLEMENS: And the alternates? 13 Kindly unmute. Deborah? 14 15 MS. ALLEE: Agreed. CHAIRMAN KLEMENS: Dr. Schiffer, Danella? 16 DR. SCHIFFER: I assume the agreement is to 17 have the next hearing on the 22nd? 18 CHAIRMAN KLEMENS: 19 Yes. DR. SCHIFFER: With the possibility that we 20 will have a hearing after that? 21 CHAIRMAN KLEMENS: Yes. It's quite likely. 22 I agree. 23 DR. SCHIFFER: CHAIRMAN KLEMENS: It will be like the transfer 24 station. 25

1 DR. SCHIFFER: Yep. I agree. 2 CHAIRMAN KLEMENS: And there's one other alternate I missed. Jon? 3 4 MR. HIGGINS: Agreed. 5 CHAIRMAN KLEMENS: Mr. Cockerline, will you please make a motion to --6 7 MR. COCKERLINE: Motion to continue the hearing for the Pocketknife Square project --8 CHAIRMAN KLEMENS: Holley Block. 9 MR. COCKERLINE: Holley Block until March 22 at 10 5:30 p.m. via zoom. 11 CHAIRMAN KLEMENS: We are going to be on 12 daylight savings. I still think we should do this at 13 5:30. 14 15 MR. COCKERLINE: Agreed. VOICE: Agreed. 16 CHAIRMAN KLEMENS: Get a second to that, 17 please? 18 Bob Riva, second, Michael. 19 MR. RIVA: 20 CHAIRMAN KLEMENS: All those in favor? Signify by saying aye? 21 22 ALL: Aye. CHAIRMAN KLEMENS: Anybody opposed? 23 Any extensions? 2.4 The motion carries unanimously. 25

1 MR. CASAGRANDE: Mr. Chairman just to clarify. 2 CHAIRMAN KLEMENS: Yes. MR. CASAGRANDE: When will the documents for 3 this March 22nd hearing need to be filed. 4 5 CHAIRMAN KLEMENS: Thank you for asking that. I said, what seemed a lifetime ago, the March 22nd public 6 hearing technical submissions have to be received by noon 7 on March 18th. That doesn't preclude the public, but any 8 9 technical submission should be in hand then so everyone can look at it. 10 MR. CASAGRANDE: So, you have eight days. 11 Just --12 CHAIRMAN KLEMENS: Excuse me? 13 Ten, by my count. 14 MR. SMITH: Yes, that's -- yes, that's MR. CASAGRANDE: 15 right, Attorney Smith. And Mr. Chairman, just so I'm 16 clear, if I'm within the ten days I'm not able to get in 17 all of the exert reports that I will do my best to get 18 19 in, will there be another continuance? CHAIRMAN KLEMENS: I don't see why not. 20 But let's try to keep this moving. Don't go to the bank 21 there will be a continuance. Please get as much as you 22 23 can to us. MR. CASAGRANDE: All right, that's for the 2.4 record. 25

1 CHAIRMAN KLEMENS: I can't speak with the rest 2 of my Commission will allow or advise.

Okay. Well, all I ask the 3 MR. CASAGRANDE: Commission to keep in mind that my clients have due 4 process rights in fundamental fairness and unreasonably 5 truncating this hearing to accommodate the Applicant's 6 schedule is recognized by Courts as, in some 7 circumstances, violating those rights. I just ask the 8 Commission to keep that in mind. I know you will be 9 fair. I know you will be open. But it's a tremendous 10 burden that you have put on me an my clients tonight and 11 I hope you will see fit that if I come to you next time 12 and say I haven't been able to get everything together, 13 that you honor a request for another ten was. 14 CHAIRMAN KLEMENS: Surely you will be able to 15 get something together. 16 MR. CASAGRANDE: I will do my best, 17 Mr. Chairman. 18 MR. HIGGINS: Michael also mentioned that we 19 set this September 22nd as a possible continuation 20 21 date. CHAIRMAN KLEMENS: March, March. 22 MR. HIGGINS: I'm sorry. March 22nd at our 23 last meeting. So, it's not like we're just deciding 2.4 25 tonight.

1 CHAIRMAN KLEMENS: Frankly, I do have to echo 2 Attorney Smith. I do this for many other clients 3 juggling and responding to ever moving benchmarks. I 4 certainly think your consultant should be able to come up 5 with something. I know I'm often forced to do it myself. 6 It's an imperfect world.

7 You will get a fair hearing and if you don't have everything addressed and Attorney Smith doesn't and 8 the public, we'll just continue it. We are a fair 9 Commission. But I don't want to have this process 10 stagnate when there's a lot of other things that need to 11 be addressed. Attorney Smith has a laundry list of 12 things to address. So, let's just keep it moving and we 13 will respect your due process rights and that of your 14 client. 15

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

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

MR. COCKERLINE: Just a motion to continue, I
believe.
CHAIRMAN KLEMENS: I think we're done.

25 MR. COCKERLINE: We've done that and --

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.) *

1	CERTIFICATION
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3	I hereby certify that the above and
4	foregoing is a true and correct transcript of the audio
5	recording provided, limited only by the technology of the
6	recording.
7	Dated this 14th day of July, 2021.
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12	VIKTORIA V. STOCKMAL, CRR, RMR
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