

**Planning Board
Minutes of Meeting
December 21, 2006**

**** Minutes Approved 1-25-07**

Members Present: Janet LaVigne, Chairman; Mark Montanari, Vice Chairman; Gregg S. Champney, Clerk; and Steve Wheaton, and Richard Dennis Jr., Members

Members Absent: none

Board Business – The meeting was called to order at 7:10 p.m. Draft **minutes** from the meeting of December 7 were approved. The Board postponed the discussion of the **Reed Meadow** subdivision to later in the meeting. Mrs. Toohill indicated that Town Counsel, Tom Harrington is working on a settlement agreement for the **Apple D’Or** litigation. Regarding **Mary Shepherd Estates**, the State did find the developer, who has 20 days to file a response to the Town’s motion.

Richard Way – several residents were in attendance at the meeting. Mrs. LaVigne stated that there are still items to be completed; the easement was still in question. A resident of 7 Richard Way asked what issues were remaining. Mrs. LaVigne stated that the manhole located on Lot 4 property is still not resolved; the drain may have to be moved if the easement is not corrected. She stated that there is a second manhole with a pipe that goes straight through it. Mr. Wheaton asked how much bond money is remaining. It was determined that there is about \$14,000 remaining. A resident asked if that was enough to cover the remaining work. Jim Clyde stated that this is an odd situation, with the drain line off by 4 or 5 feet. Mr. Champney asked if Dr. Chiang had inspected this site. Mrs. LaVigne stated that he had inspected it, but was not expected to survey it; she noted that the developer admitted that the engineers messed up. She asked that the developer be asked to come to the next meeting and see what his plan is. A resident asked about snow plowing. Mrs. LaVigne stated that the Planning Board does not make the decision on who plows the road, noting that it is still privately owned. A resident stated that the road is essentially complete and the developer plowed reluctantly and infrequently. Mr. Montanari stated that is common with several new developments. Mr. Clyde stated that the Tow is not preventing him from completing the work he has out there; there is a punch list with a couple of items. Mr. Montanari stated that we would like him to complete it properly and we go over the same things year after year. Mr. Champney asked what had been done since last year. Mr. Clyde stated that there had been about 15 items on the punch list; since he last met with the developer in June, the developer probably spent 2 days out there. Mrs. LaVigne stated that the Board will request that the developer attend the next meeting to provide an update; she noted that the Town cannot use the bond money to pay for plowing the road; she stated that hopefully the Board will have some influence on getting the work completed.

Bills and payroll were approved for payment.

Vote 550/560 King Street Preliminary Subdivision – Rob Staaf of VHB, Mark Paris of National Development and Scott Ross were present for this discussion. Mr. Staaf stated that two or three things that were omitted from the prior Preliminary Subdivision plans had been updated; the lot shape formula was added to the plans. He stated that when they file a definitive subdivision plan, additional details of the drainage design will be provided. Mr. Staaf stated that the proposed plan shows three lots; the road meets the length requirement and the lots meet the lot shape formula; the setbacks are all met as well. The Planning Board members had no questions. Mrs. LaVigne

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asked if the Board of Health had any questions. Mr. Prendiville stated that the Board of Health saw the plans and the plans are in violation of a couple of our regulations. Mr. Paris stated that this site is served by an onsite wastewater treatment plant and falls under a discharge permit issued by DEP with groundwater discharges. Mr. Prendiville stated that he did not believe that they had applied to the Board of Health for the new lot layout. Mr. Paris stated that they still have to go through the definitive subdivision process. Mr. Prendiville stated that three separate lots cannot use a single treatment facility according to the Town regulations. Peter Cassinari stated that sewage pipes cannot cross a lot line without a variance. Mr. Paris stated that they will evaluate putting separate septic systems on each lot and will leave it to the Board of Health to determine which scheme is more of an environmental benefit. Mrs. LaVigne stated that if you are cutting out land area from the existing site, it would impact the existing Special Permits for the site; you are impacting all your aquifer bylaw permits, noting that they would have to re-apply if they change the land areas or lots when you do a definitive plan. Mrs. LaVigne stated that has a potential for a big impact on the site that they need to be aware of. Mr. Paris stated that they are open to working with the Town. Mrs. LaVigne stated that as long as they were aware of the concerns raised by the Board of Health; she thanked the Board of Health members for attending and providing comments at this early stage.

There being no further questions, the Board moved to a discussion of a vote on the Preliminary Subdivision. **REFERENCE PLANS:** “Preliminary Subdivision Plan King Street Littleton, Massachusetts” Owners AG/ND King LLC c/o National Development and VFW Post 6556, dated November 14, 2006, last revised 12/14/06.

Mr. Wheaton made a motion, seconded by Mr. Champney to **approve** the above Preliminary Subdivision with 3 lots in accordance with the **Reference Plans**. The Board voted 5 to 0 in favor of this motion.

Vote Reed Meadow Over-55 Residential Development – The Board asked for an update on the Reed Meadow site. Mr. Clyde stated that the catch basins had been clogged and the developer was told of the situation and went right out there and cleaned the CBs. He noted that Harvard Road washes out on both sides, so this is a difficult site; he suggested adding a swale along the edge of the new road to help direct runoff. Sherrill Gould stated that was no problem and stated that once the slope is stabilized, there will be a big difference. Ms. Gould noted that the area of the conservation land has changed a little; a draft decision was prepared based on the White Street approvals, with some revisions. The Board noted that they would need a road bond prior to building permits being issued, as this was the only method to assure that the road is complete. Ms. Gould stated that the duplex unit numbers are correct as shown; with the affordable units being 11 and 12A and the single family unit on Lot 3.

Mrs. LaVigne asked about a separate agreement for plowing and maintaining the roads. Ms. Gould stated that they propose a full condominium association, since the houses are closer together, they would benefit from a common lawn care, painting, and maintenance system. Ms. Gould noted that the decision indicates that they can postpone the recording until the first lot sale. Mr. Wheaton asked about establishing the size of the road bond. Ms. Gould stated that they would anticipate that it would be posted after the binder course is down. Mr. Clyde asked about addressing the plowing issue during construction. Mrs. LaVigne noted that this was not going to be a Town Way; it is a responsibility of the developer. She asked for an opinion from Town Counsel regarding if the cost of plowing the road can be added to a road bond.

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REFERENCE PLANS: “Village at Reed Meadow”, Over 55 Housing Development, Reed Lane, Littleton, Massachusetts” (6 Sheets) Owner: Apple Valley Homes, Inc., dated October 31, 2006 consisting of six sheets: 1. Cover Sheet; 2. Record Plan 1/5; 3. Lot Layout 2/5; 4. Site Plan 3/5; 5. Landscape Plan 4/5; and 6. Site Details 5/5.

There were no waivers from the Zoning Bylaw requested or granted.

The Board, based on the application, and together with the materials and testimony provided at its hearing, made the following specific findings regarding the land in question and the proposed use:

1. The application substantially meets the submittal criteria set forth in Section 173-151 of the Bylaws.
2. The Board finds, pursuant to Section 173-152A, the dwellings do not detract from the ecological and visual qualities of the environment and are harmonious with the existing neighborhood and that the preservation of desirable open space of the vicinity is maximized.
3. The Board finds, pursuant to Section 173-152B that the applicant shall convey or deed restrict the 4.37 acres of Open Space for Conservation/Municipal purposes prior to the release of any lots within the Over 55 Housing Development Subdivision.
4. The Board finds, pursuant to Section 173-159 that the plan complies with all relevant requirements of the Zoning Bylaws and is on balance no less beneficial to the town than the development likely without such approval; and that the development contributes to meeting housing need.

A motion was made by Mr. Montanari and seconded by Mr. Dennis to **grant the Over 55 Housing Development Special Permit** in accordance with the reference plans with the following **conditions:**

1. All such installation and construction shall be completed within 24 months of this date or an extension of said time frame;
2. Special Permit Plans shall be recorded within 6 months of this date or this subdivision shall be automatically rescinded;
3. All drainage, pavement, landscaping, utilities, etc. shall be constructed as shown on the plans;
4. If all the houses in the development are not completed within two years from the time that the base course of pavement is installed, the developer shall reclaim and reinstall the 2 inches of base course prior to installing the top course of pavement if the Planning Board deems that is necessary;
5. Plantings within the development shall conform to the plans;
6. The developer shall pay the Town’s costs of all construction inspections and consultations; all construction must be inspected at intervals approved by the Planning Board;
7. Subject to execution of the Conservation Restriction, the deed(s) for the Open Space must be granted to the Town for Conservation/Municipal purposes as directed by the Planning Board;
8. This approval is contingent upon receipt of all water and utility easements in conformity with the Plans.
9. This subdivision roadway and appurtenances shall remain in private ownership for perpetuity;
10. The walking trail parking lot access shall be constructed within Parcel A as shown on said plan;

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11. Prior to the Board's endorsement of its approval of the Special Permit thereon the developer shall furnish guarantees to the Planning Board as provided in Section 81-U of Chapter 41, GL, that no lot included in such plan shall be conveyed until the work on the ground necessary to service all the lots has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or a cash bond in lieu of completion has been accepted by the Planning Board.
12. The total number of dwelling units shall not exceed 12, and this total number is restricted in perpetuity. No further subdivision of any lot is allowed.
13. Units 7 and 8, 9 and 10A, and 11 and 12A, are duplex units and shall share a single septic disposal system, with a deeded maintenance agreement.
14. Units 3, 11, and 12A shall be designated "Affordable Units" as that term is defined by the Department of Housing and Community Development (DHCD). All such Affordable units shall contain a use restriction meeting all requirements of 760 CMR sec. 45.03(3), including initial purchase and resale price restrictions, and non-discrimination provisions in tenant and buyer selection. Each such unit shall be deeded with a Deed Rider, meeting the requirements of DHCD, as approved and/or modified by Town Counsel for the Town of Littleton. Each such unit shall remain restricted in perpetuity, or the maximum amount allowed by law for newly constructed units, unless released pursuant to the Deed Rider. The Littleton Housing Authority is designated the monitoring agent for the Affordable Units. Each such unit shall be conveyed through a lottery program monitored by Littleton Housing Authority. The inclusion in the Deed of the maximum resale price or formula for maximum resale price shall be conclusive evidence that the Deed has been approved by the Town of Littleton.
15. All Units shall have a maximum of two bedrooms and a maximum size of 1500 square feet per unit, excluding basement, garage and deck. No change in the original footprint of the living space shall be permitted.
16. The living space, defined by the Bylaw as kitchen, dining room, living room and one bedroom, shall be on the ground floor.
17. Each Unit shall be occupied by at least one person age fifty-five (55) or older. Children under the age of eighteen (18) may not reside in any dwelling unit within the development for more than six (6) months in any nine (9) month period. All Units shall be subject to Restrictive Covenants mandating such restrictions. No unit shall be built upon or conveyed until the Restrictive Covenant has been recorded with the Registry of Deeds for Middlesex County.
18. A Homeowner's Association shall be formed which will have the legal responsibility for the management and maintenance of the Development. No unit shall be conveyed until the Homeowner's Declaration has been recorded with the Registry of Deeds for Middlesex County.

The Board voted 5 to 0 in favor of this motion.

Vote Reed Meadow Shared Residential Driveway Special Permits - The Board made the following specific findings regarding the land in question and the proposed use for Lots 1, 2, and 3:

1. The application substantially meets the criteria set forth in Sections 173-125; 173-126; and 173-127 of the Bylaws with the following conditions, and
2. The Board finds, pursuant to Section 173-7 C., that no significant nuisance, hazard, or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws.

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Mr. Montanari made a motion to **grant** the Shared Residential Driveway Special Permit for Lots 1, 2, and 3 of Village at Reed Meadow with the following conditions:

1. This Special Permit is to allow a total of three units to be accessed from this shared residential driveway: # 1, 2, and 3 as shown on the Lot Layout Plan;
2. Pavement width shall be as shown on the REFERENCE PLANS;
3. Metes and bounds descriptions of the easements for the Shared Residential Driveway shall be provided by the applicant prior to construction on site;
4. Construction inspections shall be consistent with those required for a subdivision; all inspection costs shall be paid by the applicant;
5. No occupancy permit shall be issued until this Shared Residential Driveway is constructed to the satisfaction of the Planning Board, however, building permits may be issued;
6. An agreement for continued maintenance and snowplowing of the shared residential driveway shall be recorded, and shall be in a format acceptable to the Planning Board; and
7. This Special Permit shall not become effective until it is recorded at the Registry of Deeds. A copy of the recording information shall be supplied to the Littleton Planning Board.

Mr. Dennis seconded this motion and the board voted 4 to 0 to approve the Shared Residential Driveway Special Permit with the above conditions.

Vote Reed Meadow Shared Residential Driveway Special Permits - The Board made the following specific findings regarding the land in question and the proposed use for Lots 4, 5, and 6:

1. The application substantially meets the criteria set forth in Sections 173-125; 173-126; and 173-127 of the Bylaws with the following conditions, and
2. The Board finds, pursuant to Section 173-7 C., that no significant nuisance, hazard, or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws.

Mr. Montanari made a motion to **grant** the Shared Residential Driveway Special Permit for Lots 4, 5, and 6 of Village at Reed Meadow with the following conditions:

1. This Special Permit is to allow a total of three units to be accessed from this shared residential driveway: # 4, 5, and 6 as shown on the Lot Layout Plan;
2. Pavement width shall be as shown on the REFERENCE PLANS;
3. Metes and bounds descriptions of the easements for the Shared Residential Driveway shall be provided by the applicant prior to construction on site;
4. Construction inspections shall be consistent with those required for a subdivision; all inspection costs shall be paid by the applicant;
5. No occupancy permit shall be issued until this Shared Residential Driveway is constructed to the satisfaction of the Planning Board, however, building permits may be issued;
6. An agreement for continued maintenance and snowplowing of the shared residential driveway shall be recorded, and shall be in a format acceptable to the Planning Board; and
7. This Special Permit shall not become effective until it is recorded at the Registry of Deeds. A copy of the recording information shall be supplied to the Littleton Planning Board.

Mr. Dennis seconded this motion and the board voted 4 to 0 to approve the Shared Residential Driveway Special Permit with the above conditions.

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Informal Discussion – ANR – Reed Meadow – Ms. Gould presented an ANR plan for the existing house at Reed Meadow. The Board noted that the lot shape formula would have to be met.

ANR – 34/36 Shaker Lane – Keith Daigle of 36 Shaker Lane and Mabel and John Cantino of 34 Shaker Lane were present. Mr. Daigle stated that they are taking parts of the two existing lots and combining it to make one new reduced frontage lot. Parcels A, B, and C would be combined to create the new lot, Lot 3 shown on the plan, with Parcels D and E to be deeded to the Town. Mr. Daigle stated that was adjacent to where the septic line goes to the elementary school, which would give them more room if they have to repair the septic. Mr. Champney asked about the sight distance on that part of Shaker Lane. Mr. Wheaton noted that for an ANR, the Board cannot consider that.

REFERENCE PLANS: “Plan of Land in Littleton, Massachusetts” Owned By: Francis J. & Mabel M. Cantino and Keith & Ann M. Daigle, dated December 7, 2006 by Foresite Engineering Drawing 1360WDR.2D.

There being no further questions, Mr. Wheaton made a motion to approve the plan in accordance with the **REFERENCE PLAN**. Mr. Champney seconded this motion and the Board voted 5 to 0 in favor of this motion. The Board endorsed the mylar. Mrs. Toohill recommended the applicants work with the Assessors’ office as soon as possible regarding the street address for the new lot.

Informal Discussion – Town Government Study Committee – Mrs. LaVigne apologized for running late and welcomed the committee. Members of the committee present were Roland Gibson, Joe Knox, Lynn Mason, Karen McNamara, Rod Stewart, and Nate Long. Mr. Knox provided some background on the Town Government Study Committee, stating that the Selectmen formed the committee last March and they have been meeting every week; they talked to 7 or 8 different towns, interviewed every department, and want to talk to every Board in Town so there are no big surprises at Town Meeting. He stated that they found that they have all kinds of data and got quite a few responses to the survey. Currently the Town has a flat government; no one has to report to anyone. He stated that their recommendations have not been formed yet, but they are looking at if some elected offices are appointed, like the treasurer; with the reasoning being if you make it appointed you have a larger field. One thought is to give the Town Administrator more authority. He stated that the personnel committee is addressing some of their initial concerns; one major issue has been the lack of communication between boards. Mr. Knox stated that the DOR Department of Local Services will come in and help the Town if we want to form a finance department, for example. He stated that all the information will be given to the Board of Selectmen. On January 6 they have a 4-hour meeting schedule to go through all the recommendations and they anticipate recommendations to come after that meeting. Mr. Montanari stated that the communication seems to be a lot better. Mr. Knox stated that one suggestion is to move towards integrated information about property where different departments would be able to have information. Mrs. Toohill stated that the Town had purchased some modules from GEOTMS, but the departmental budgets were cut at the same time, so there was no implementation. Mr. Gibson stated that there are some areas that are working well and some areas that should be improved.

Mrs. LaVigne stated that there now seems to be the realization that certain boards have certain jobs, and in the past politics has played a bigger part than it should. Mr. Wheaton stated that the Town took a step forward when the permit coordinator piece was added. It gives people an idea of where they have to go to get permits. Mr. Knox stated that one issue is to have a central list of

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building permits, for example, since there are ways to beat the system, but better communication would allow the status of permits for all the Boards to be shown.

Mrs. McNamara stated that the tools to make that happen include joint meetings, inviting all members from all the Boards. Mrs. LaVigne stated that the progress on the Master Plan Subcommittee where we are brainstorming implementing is different than in the past; it is non-judgmental. Mr. Montanari stated that the challenges are more than just for the Planning Board; he noted that the Selectmen had come to the Planning Board on several issues. Mrs. McNamara stated that there might be a way to define that through bylaws or job descriptions; a tool to work around any kind of personalities; it should be an expectation for bimonthly committee meetings, for example. She noted that staff meetings should be conducted to improve communications. Mrs. LaVigne stated that we are getting better at the communications part of this. Mrs. McNamara stated that there has been a lot of turnover, but monthly staff meetings would help.

In response to a question about Town Manager versus Town Administrator, Mrs. McNamara stated that the idea is to have a central office that runs the town on a daily basis; she noted there is a continuum of responsibilities, you can have a strong administrator or a weak manager; it depends on how you put it all together. Mr. Knox stated that they are considering recommending changes to town bylaws, changing some elected positions to appointed and having all Town Employees report to the town administrator. Mrs. LaVigne noted that the town board secretaries, administratively, should still take direction from town board. Mrs. McNamara stated that they want to make this as efficient as possible, make it more equitable. She noted that staffing is so thin, there is mutually assured success.

Mr. Knox stated that they have also talked about the physical layout of Town Hall; it would be nice to have one permitting department, one finance department, and different boards have different hours, so a person from the outside has a challenge to talk to everyone they need to. They are trying to identify systems issues, how to improve the system.

Mr. Wheaton asked about looking at stipends for board members, asking if perhaps more people would run. Mrs. McNamara stated that a town could never afford enough of a stipend to make a difference. It was stated that boards should go to their respective MMA meetings. Mrs. LaVigne stated that the Planning Board used to attend the planning meetings, but had not recently. Mrs. Toohill stated that hours were cut to the point of no time for professional development options.

Mr. Gibson suggested that prior to elections, the Town should run workshops so people can better understand the issues; and an education program for people interested in running for election to create a larger pool of candidates.

Mr. Knox wrapped up the discussion by stating that they are looking for input from everyone and they will send out information after their early January meeting.

The meeting adjourned for a Public Hearing.

Public Hearing – 153 Taylor Street – Aquifer Resource District Special Permit – diesel fuel storage tank

Site Plan Modification – 153 Taylor Street diesel fuel storage tank

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The Public Hearing was opened with the reading of the Public Hearing Notice as published in the Littleton Independent on December 7 and 14, 2006. John Meyer and Jim Durico were present. Mr. Meyer provided an overview of the project, stating that the purpose was to replace the existing 4,000-gallon underground storage tank with a 4,000-gallon above-ground tank. He stated that the proposed tank is a ConVault tank, a double-walled steel tank wrapped in HDPE with reinforced concrete poured around it. The Board noted it was the same design as presented in an informal discussion. Mr. Meyer stated that this tank was specifically designed for this installation, with 110 percent containment. Mr. Dennis asked about the containment requirements. Mr. Meyer stated that it would carry the entire volume of the tank plus 10 percent, incorporated into double-walled tanks. Mr. Champney asked about the inventory of hazardous materials. Mr. Meyer stated that it had really not changed, but was part of the submittal. Mr. Montanari asked about the use of the fuel. Mr. Meyer stated that it was to fuel the back-up generator to provide power redundancy.

Mr. Meyer stated that the tank is double-walled with piping leak protection and alarms, both an audible and visual fill alarm. Mrs. LaVigne noted that it was state of the art. Mr. Montanari asked about the design of the tank. Mr. Meyer stated that it was specifically designed for this site by the manufacturer. The discussion turned to the use of the building. Mr. Durico stated that there were 1500 people at the Taylor Street buildings at the height of use; now it is a hardware-intensive site with a small number of employees.

The Board discussed conditions of approval, noting that they would modify the existing approval and add conditions about having an employee present during any filling of the tank and referencing the new tank. There being no further questions, Mr. Wheaton made a motion to close the Public Hearing. Mr. Montanari seconded this motion and the board voted 5 to 0 to close the hearing.

Modification to Special Permits previously issued pursuant to Section 173-61 (and predecessor provisions) of the Littleton Zoning By-Law for 153 Taylor Street to permit (i) more than 100 parking spaces, (ii) storage of toxic or hazardous materials in excess of 5 gallons or 25 pounds dry weight of any substance, and (iii) storage of fuel oil in excess of 500 gallons. For previous special permits, see decisions dated March 29, 2005, November 19, 1985, September 11, 1990, and June 23, 1992.

Mr. Champney made a motion to modify the Previous Special Permits with the following conditions:

1. Semi-annual groundwater monitoring activities shall be required to help assess land use impacts on local groundwater resources. The owner shall be responsible for all associated costs incurred including: maintenance and upkeep of existing groundwater wells; and sampling, analysis, and review performed by the Littleton Water Department. The sampling, location, testing frequency, and analytical requirements shall be drafted and modified by the Littleton Water Department and approved by the Littleton Planning Board contingent upon existing and future environmental site conditions;
2. A written policy outlining spill procedures including immediate notification to the Fire Department for any spill amount of five (5) gallons or more is required;
3. MSDS sheets are to be posted in a MSDS box at a location approved by the Fire Chief and reduced layout of the building showing the water and gas shutoffs shall be included in the MSDS box;

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4. The Fire Department must be notified of hazardous, combustible or flammable materials on site in the amount of 5 gallons or more;
5. A sign shall be posted where materials subject to these special permits are being stored and dispensed, stating the proper handling, use, and disposal of any hazardous materials;
6. No sodium de-icing chemicals are to be used on drives or parking areas;
7. Catch basins shall be cleaned semi-annually, and more frequently if required;
8. Failure to comply with the Previous Special Permits as herein modified shall result in violation of the zoning by-laws of the Town of Littleton;
9. The Town has the right to inspect the catch basins;
10. Inspection by representatives of the Planning Department/Water Department shall be permitted;
11. Parking on the property at 153 Taylor Street with up to 626 spaces shall be permitted;
12. Sewage flow from the building on 153 Taylor Street shall be permitted up to 14,531 gallons per day;
13. The storage of toxic or hazardous materials in excess of 5 gallons or 25 pounds dry weight of any substance is hereby permitted on the property at 153 Taylor Street, currently consisting of acid in lead acid batteries used to power the building's uninterruptible power supplies, emergency generators, and PBX switches, and approximately 14,700 gallons of diesel fuel oil stored for emergency generator purposes;
14. The storage of fuel oil/diesel in excess of 500 gallons is hereby permitted on the property at 153 Taylor Street, currently consisting of approximately 14,700 gallons of diesel fuel oil stored in tanks; the fuel 4,000-gallon ConVault tank with 110 percent containment is to replace the existing 4,000-gallon underground storage tank as shown on the REFERENCE PLANS; and
15. Fuel deliveries are allowed only when an HP employee is present to monitor the delivery.

Mr. Montanari seconded this motion and the Board voted 5 to 0 in favor of this motion.

The meeting adjourned.

Signed,

Gregg S. Champney, Clerk