



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

The following meeting of the Planning & Zoning Commission was held remotely using Zoom Technology:

Planning and Zoning Commission Minutes

January 14, 2021

Meeting Started: 6:00P.M.

P&Z Commission Members and Alternates in attendance:

Danielle Dobin, Paul Lebowitz, Michael Cammeyer, Chip Stephens, Catherine Walsh, and Neil Cohn.

P&Z Staff: Mary Young, P&Z Director

I WORK SESSION

- **Approval of Minutes: 11/30/20, 12/3/20, 12/16/20, 12/17/20- Unanimously Approved**

II PUBLIC HEARING

- 1. 14 Hillandale Road:** Subdivision Appl #PZ-20-00820 submitted by Richard Benson for property owned by Hillandale Properties LLC c/o Richard Benson for a 4-lot Subdivision, and a new private road (Authors Way), located in the Residence AA district, PID#E08074000.
Action: Testimony taken, item continued to 1/28/21
- 2. 16 Surf Road:** Special Permit/ Coastal Site Plan Appl.#PZ-20-00852 submitted by Curt Lowenstein of LANDTECH for property owned by Michael and Jennifer Mixer for excavation and fill approval associated with construction of a single-family residence also requiring Coastal Site Plan approval, located in the Residence A district, PID# B02009000.
Action: Testimony received, and meeting closed.
Granted, Vote: 6-0-0, See attached report.

3. **12 Bermuda Road:** Coastal Site Plan Appl. #PZ-20-00907 submitted by Bill Green of WR Green Construction Inc. for property owned by Karen Hirschberg Trustee to construct a single-family residence located in the Residence A district, PID#B02028000.

Action: Testimony received and meeting closed.

Approved, Vote: 6-0-0, See attached report.

III WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

New Business:

Old Business:

- **14 Hillandale Road:** §8-24 Municipal Improvement request #PZ-20-00885 from the First Selectman submitted on behalf of Richard Benson for a report regarding the proposed private mainline sanitary sewer extension to support a proposed Subdivision of property located at 14 Hillandale Road in the Residence AA district.

Action: Testimony received and meeting closed.

Positive Report, Vote: 6-0-0, See attached report.

Meeting Ended 9:15pm

Respectfully submitted by S. McNally, January 15, 2021



Town of Westport
Planning and Zoning Commission
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Public Meeting: December 17, 2020

Decision: January 14, 2021

January 15, 2021

Honorable James S. Marpe, First Selectman
110 Myrtle Avenue
Westport, CT 06880

RE: §8-24 Municipal Improvement Request to Extend Sanitary Sewer Service in support of project located at 14 Hillandale Road - PZ #20-00885

Dear First Selectman Marpe:

In response to your request for a report from the Planning and Zoning Commission pursuant to CGS §8-24, Municipal Improvement, for a proposal for private sanitary sewer main line extension for a four-lot subdivision at 14 Hillandale Road, the Planning and Zoning Commission offers the following findings and recommendations:

Background

1. The First Selectman on behalf of Bryan Thompson, WPCA Collection System Supervisor, is seeking a report from the Planning and Zoning Commission pursuant to CGS §8-24, Municipal Improvement, in response to an application for private sanitary sewer main line extension for a four-lot Subdivision at 14 Hillandale Road.
2. Connecticut General Statute §8-24, requires that all Municipal Improvements, such as extending the sanitary sewer, obtain a positive report from the Planning and Zoning Commission prior to implementation.
3. The proposed private sewer main line extension will provide sewer connection access to the four (4) residential lots created by a concurrent Subdivision application PZ 20-00802 for 14 Hillandale Road.

4. 14 Hillandale Road is a 4.56-acre property that lies in the Residence AA district which allows a density of one house per acre and all four (4) of the proposed parcels will be conforming in respect to all applicable dimensional regulations for lots in the Residence AA zone.
5. The subject property lies outside of the Coastal Area Management (CAM), there is no land lying within a flood zones and no wetlands are present on site.
6. This main line extension will tie into the existing sewer line in Hillandale Road.
7. The property lies within the projected sewer area or "Limit of Future Sewer Service Area" as designated in the 2002 "Wastewater Facilities Report".
8. The Westport Board of Selectmen acting in its capacity as the Water Pollution Control Authority (WPCA) approved with conditions the sewer connection request for his property on November 12, 2020.
9. Testimony was received at the December 17, 2020 public hearing of the Planning and Zoning Commission and was held in compliance with the Governor's Executive Order 7B and 7I, authorizing the Commission to hold public meetings via videoconference or other technology.

Findings

1. The Commission finds, based on the statement of Bryan Thompson, WPCA Collection System Supervisor, that there is sufficient capacity and capability of the Town's Wastewater Treatment Facility and related infrastructure exists to support the proposed private sewer extension and the projected increase in flow.
2. The Commission finds that the subject property falls within the projected sewer area or the "Limit of Future Sewer Service Area" as designated in the 2002 "Wastewater Facilities Report" and that they will tie into the sewer main that exists in Hillandale Road.
3. The Commission finds that this proposal is consistent with the 2017 *Plan of Conservation and Development (POCD)* that states, "Address utility infrastructure needs of Westport in conformity with the land use vision for the community as reflected in the Future Land Use Plan in the POCD and in a manner that does not facilitate or encourage development that is not intended by the POCD," as evidenced by this property falling within the projected sewer area and that the development is consistent with the Residence AA zone which allows a density of one house per acre.

THEREFORE BE IT RESOLVED it was moved by Mr. Stephens and seconded by Mr. Cammeyer to issue a **POSITIVE REPORT** for §8-24 Municipal Improvement report to the First Selectman for a request by Richard Benson regarding the proposed sanitary sewer line extension to support a proposed 4-lot Resubdivision at 14 Hillandale Road subject to the following recommendations:

Recommendations

1. All outstanding required approvals from the RTM, Board of Finance, Department of Engineering, Water Pollution Control Authority (WPCA) and/or Board of Selectman shall be obtained and all conditions of these approvals shall be adhered to prior to commencing work.

VOTE:

AYES	-6-	{Dobin, Lebowitz, Cammeyer, Walsh, Stephens, Cohn}
NAYS	-0-	
ABSTENTIONS	-0-	

Sincerely,



Danielle Dobin, Chair
Planning and Zoning Commission

cc: Peter Ratkiewich, Public Works Director
 Bryan Thompson, WPCA Collection System Supervisor
 Alicia Mozian, Conservation Director
 Rick Benson, owner of 14 Hillandale Road
 Jackie Kaufman, Esq., representing Rick Benson



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Hearing: January 14, 2021
Decision: January 14, 2021

January 15, 2021

William Green
WR Green Construction Inc.
5 Longview Road
Westport, CT 06880

RE: 12 Bermuda Road, Coastal Site Plan Appl. #PZ-20-00907

Dear Mr. Green:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on January 14, 2021, it was moved by Mr. Cammeyer and seconded by Ms. Dobin to adopt the following resolution:

RESOLUTION #PZ-20-00907

WHEREAS, THE PLANNING AND ZONING COMMISSION met on January 14, 2021 and made the following findings:

Background

1. The lot is conforming with 0.58 acres of lot area, where ½ acre is required, and is located within the Res. A district. There are 2,946 SF of tidal wetlands on the property. The survey shows that the property ranges from El. 8' at the road and slopes up to El. 11' around the existing house then back down to El. 3.3' at the Mean High Water Line at Bermuda Lagoon.
2. 12 Bermuda Road is located within the Coastal Area Management (CAM) boundary, outside the Waterway Protection Line Ordinance (WPLO) and is located within the 100-year flood zone which is designated as VE 14 /AE 13 on Panel #09001C0532G. The house is located wholly within the AE El. 13' flood zone. The property is connected to sanitary sewer.
3. The lot currently is developed with a partially demolished single-family dwelling built in 1966, driveway, pool, patio and seawall (concrete), pier, ramp and dock.

4. This property lies within the Coastal Area Management (CAM) boundary, as defined by C.G.S. §22a-94 and therefore, a CAM review is required in accordance with C.G.S. §22a-109 and the Town of Westport Zoning Regulations §31-10.6.
5. §31-10.6. of the zoning regulations exempt from a CAM Site Plan review projects that propose construction of an individual single family residential structure, except when such structure is (a) located on an island not connected to the mainland by an existing road, bridge or causeway, or (b) is in or within two hundred (200) feet of the Mean High Water Line (MHWL), or (c) is in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes. As the proposed activity is occurring within 200 feet of the Mean High Water Line and within 100 feet of tidal wetlands, a Coastal Site Plan review is required.
6. The following coastal resources have been identified on the site or within the influence of the project: General Resources, Bluffs & Escarpments, Coastal Hazard Areas, Coastal Waters, Developed Shorefront and Tidal Wetlands.

Proposal

7. The applicant is seeking to construct a new house which will be floodplain compliance. The existing driveway and patios will be replaced and reconfigured. The existing pool, seawall (concrete), pier, ramp and dock will remain.
8. The first floor will provide more than the requisite 1 foot of freeboard as the finished floor elevation will be 15.6 feet, which is 2.6 feet higher than the flood zone (AE13). Below the first finished floor, there will be a garage and unfinished space at El. 10.6'. The plans indicate the garage and crawl space will have appropriate flood vents.
9. The existing building coverage is 13.7% and is proposed to be increased to 14.6%. The total coverage is 25.8% and is proposed to be decreased to 24.7% bringing into compliance.
10. The average existing grade is 10.7' and the average proposed grade is 11.1'. The height measured from the average existing grade to the midpoint of the highest roof is 27.8', which complies as the difference between the average existing grade and Base Flood Elevation is 2.3' so a height of 28.3' is permitted. The proposed new house will be 2 stories with an attic.
11. Comments from the Engineering Department dated 1/11/21 indicated the flood vents in the garage were inadequate. Revised plans were submitted today and reviewed by the Engineering Department. The revised Engineering Comments dated 1/12/21 indicate the plans are adequate and no further revisions are needed.

12. As agreed to by the applicant and recommended in the Staff Report dated 1/7/21, a 5 foot vegetated buffer of native salt tolerant plantings should be installed from the seawall landward and will be required to remain in perpetuity in order to:

- Reduce the adverse effects of human activities on natural resources including wetlands and surface waters by acting as filters to intercept and absorb nutrients, sediment and other pollutants carried in storm water runoff from fertilized lawns and landscaping where pesticides are applied.
- Slow down runoff, which both reduces erosion and allows silt and other suspended solids to settle out before they reach a receiving water body or wetlands; and
- Trap bacteria and pathogens from pet wastes and thereby preserving water quality.

13. The Westport Planning and Zoning Commission has determined that this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources (General Resources, Bluffs & Escarpments, Coastal Hazard Areas, Coastal Waters, Developed Shorefront and Tidal Wetlands) identified in Sections 22-93 (a) (7) of said Act.

NOW THEREFORE, BE IT RESOLVED that 12 Bermuda Road: Coastal Site Plan Appl. #PZ-20-00907 submitted by Bill Green of WR Green Construction Inc. for property owned by Karen Hirschberg Trustee to construct a single-family residence located in the Residence A district, PID#B02028000 be **APPROVED** subject to the following modifications:

1. Conformance to Existing Conditions Survey, prepared by Bryan P. Nesteriak, P.E., dated 7/28/20, revised 12/22/20.
2. Conformance to Landscape Plan prepared by William Kenny Associates, LLC, dated 1/5/21.
3. Conformance to Site Plan, prepared by Bryan P. Nesteriak, P.E., dated 10/30/20, revised 12/22/20.
4. Conformance to Building Plans, prepared by WR Green Construction Inc, Sheet A1, dated 12/30/20; Sheet A2, dated 12/2/20; Sheets A3 and A4, dated 1/11/21 (4 Sheets)
5. Conformance to Engineering Department comments dated 1/11/21 and 1/12/21.
6. Conformance to CAM recommendations contained in the Staff Report, dated 1/7/21.
7. All projects requiring permits from the Department of Public Works shall obtain permits before commencement of that work.

8. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced.
9. Prior to the commencement of any construction, site work, tree removal or demolition, the soil and erosion controls shall be installed and inspected by Staff.
10. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. Obtain final approval from Engineering Department for the drainage plans; and
 - B. Submit Planting Plan for 5 foot vegetated buffer.
11. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.
12. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
13. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by January 15, 2026.
14. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

The application as conditioned has been found to be in conformance with all applicable zoning regulations and is consistent with the 2017 Plan of Conservation and Development.

VOTE:

AYES	-6-	{Dobin, Lebowitz, Cammeyer, Stephens, Walsh, Cohn}
NAYS		
ABSTENTIONS		

Very truly yours,



Danielle Dobin
Chairman, Planning & Zoning Commission

cc: P. Friaa, Tax Assessor
K. Wilberg, Town Engineer



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Hearing: January 14, 2021
Decision: January 14, 2021

January 15, 2021

Curt Lowenstein
LANDTECH
518 Riverside Avenue
Westport, CT 06880

RE: 16 Surf Road, Special Permit for Excavation and Fill/Coastal Site Plan Appl. #PZ-20-00852

Dear Mr. Lowenstein:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on January 14, 2021, it was moved by Ms. Dobin and seconded by Mr. Cohn to adopt the following resolution:

RESOLUTION #PZ-20-00852

WHEREAS, THE PLANNING AND ZONING COMMISSION met on January 14, 2021 and made the following findings:

Background

1. The lot is conforming with 0.513 acres of lot area, where ½ acre is required, and is located within the Res. A district. There are 2,670 SF of tidal wetlands on the property. The survey shows that the property varies in elevation from El. 10'-13' with highest portion around the existing house. The property slopes down to El. 9' at seawall.
2. 16 Surf Road is located within the Coastal Area Management (CAM) boundary, outside the Waterway Protection Line Ordinance (WPLO) and is located within the 100-year flood zone which is designated as VE 14 /AE 13 on Panel #09001C0532G. The house is located wholly within the AE El. 13 flood zone. The property is connected to sanitary sewer.

3. The lot currently is developed with a single-family dwelling, driveway, pool, terrace/patio and seawall, pier, ramp and dock.
4. Approval was obtained from CT DEEP for Letter of Map Revision Based on Fill (LOMR-F) per Case #20-02-1333A on 9/2/20. This removed from the AE (El. 13) Flood Zone a portion of the property, including a portion of the now proposed structure.
5. This property lies within the Coastal Area Management (CAM) boundary, as defined by C.G.S. §22a-94 and therefore, a CAM review is required in accordance with C.G.S. §22a-109 and the Town of Westport Zoning Regulations §31-10.6.
6. §31-10.6. of the zoning regulations exempt from a CAM Site Plan review projects that propose construction of an individual single family residential structure, except when such structure is (a) located on an island not connected to the mainland by an existing road, bridge or causeway, or (b) is in or within two hundred (200) feet of the Mean High Water Line (MHWL), or (c) is in or within one hundred feet of the following coastal resource areas; tidal wetlands, coastal bluffs and escarpments and beaches and dunes. As the proposed activity is occurring within 200 feet of the Mean High Water Line and within 100 feet of tidal wetlands, a Coastal Site Plan review is required.
7. The following coastal resources have been identified on the site or within the influence of the project: General Resources, Coastal Hazard Area, Tidal Wetlands and Estuarine Embayment.

Proposal

8. The applicant is seeking to construct a new house. The existing driveway and patios will be replaced and reconfigured. The existing pool and seawall will remain. Approval has been obtained from CT DEEP for replacement of the pier, ramp and dock (20200916-COP on 9/25/20).
9. The applicant is also seeking a Conditional LOMR (CLOMR) for the removal of an area of 3,955 square feet, including the remainder of the proposed structure, from the AE (El. 13) Flood Zone. This is more clearly described on the attached Proposed Area to be Removed Exhibit, prepared by LANDTECH, dated 11/2/20.
10. If this CLOMR is approved, there will be no proposed work in the flood zone that would be subject to FEMA requirements. As in past practice, the application can be approved with the conditions that prior to issuance of the Zoning Permit, the FEMA CLOMR approval shall be obtained. The plans indicate that the finished floor of the dwelling is to be at elevation 14.00 and of the basement is to be at elevation 4.00. The proposed garage of the main dwelling is to be at elevation 13.10.
11. The existing building coverage is 17.45% and is proposed to be decreased to 14.91%. The total coverage is 26.37% and is proposed to be decreased to 24.34%.

12. The average existing grade is 12.7' and the average proposed grade is 13.4'. The height measured from the average existing grade to the midpoint of the highest roof is 25' 11", which complies with 26' height permitted. The proposed new house will be 2 stories with an attic and cellar.

13. The Engineering Department submitted comments dated 12/30/20 which indicated concerns with the stone walls alongside the driveway and the lack of details regarding dewatering of the foundation. Revised plans dated 1/4/21 were submitted and reviewed by the Engineering Department. Revised Engineering comments dated 1/7/21 indicate they would recommend against the construction of a basement in this area but found no issues which would preclude the approval of this application.

14. Irrespective of the ability of the applicant to receive a CLOMR, the Planning and Zoning Commission believes, in agreement with the Engineering Department and staff, that the proposed basement may be **CONTRARY TO GOOD PRACTICE**.

15. The applicant is requesting Special Permit approval for excavation and fill activities, to raise the grade to remove a portion of the property from the flood zone, outside the exempt area per §32-8.1.12 (a). The proposal includes 380 CY of earthwork, including 320 CY of fill and 60 CY of cut, over a 16,988 SF area. The average depth of the cut/ fill is 0.6 feet. The area shown as blue on the Exempt Grading Plan is the grading being requested in this application.

16. The proposed Excavation and Fill activities conform to the standards listed in §32-8.

17. As agreed to by the applicant and recommended in the Staff Report dated 1/7/1, a 5 foot vegetated buffer of native salt tolerant plantings should be installed from the seawall landward and will be required to remain in perpetuity in order to:

- Reduce the adverse effects of human activities on natural resources including wetlands and surface waters by acting as filters to intercept and absorb nutrients, sediment and other pollutants carried in storm water runoff from fertilized lawns and landscaping where pesticides are applied.
- Slow down runoff, which both reduces erosion and allows silt and other suspended solids to settle out before they reach a receiving water body or wetlands; and
- Trap bacteria and pathogens from pet wastes and thereby preserving water quality.

18. The Westport Planning and Zoning Commission has determined that this project is consistent with the policies identified in Section(s) 22a-92(b) (1) and 22-a-92 (b) (2) of the Coastal Area Management Act; that it will not adversely affect adjacent Coastal Resources (General Resources, Coastal Hazard Area, Tidal Wetlands and Estuarine Embayment.) identified in Sections 22-93 (a) (7) of said Act.

NOW THEREFORE, BE IT RESOLVED that 16 Surf Road: Special Permit/ Coastal Site Plan Appl.#PZ-20-00852 submitted by Curt Lowenstein of LANDTECH for property owned by Michael and Jennifer Mixer for excavation and fill approval associated with construction of a single-family residence also requiring Coastal Site Plan approval, located in the Residence A district, PID# B02009000 be **APPROVED** subject to the following modifications:

1. Conformance to Engineering Department Comments, dated 12/30/20 and 1/7/21.
2. Conformance to CT DEEP Certificate of Permission #20200916-COP for dock dated 9/25/20.
3. Conformance to CT DEEP Letter of Map Revision Based on Fill (LOMR-F) per Case #20-02-1333A on 9/2/20.
4. Conformance to Drainage Report, prepared by LANDTECH, dated 11/2/20, revised 12/29/20.
5. Conformance to Existing Conditions Survey, prepared by Walter Skidd, dated 2/4/11, revised 10/10/14.
6. Conformance to Site Plan, prepared by LANDTECH,, dated 11/2/21, revised 1/4/21.
7. Conformance to Excavation and Fill Plan, prepared by LANDTECH, dated 11/13/20, revised 1/4/21.
8. Conformance to Proposed Area to be Removed Exhibit, prepared by LANDTECH, dated 11/2/20.
9. Conformance to Building Plans, prepared by Vita Design Group, dated 11/2/20 (8 Sheets).
10. Conformance to CAM recommendations contained in the Staff Report, dated 1/7/21.
11. All projects requiring permits from the Department of Public Works shall obtain permits before commencement of that work.
12. Trees and shrubs on Town property or in the Town right of way shall not be removed, pruned, injured, or defaced.
13. Prior to the commencement of any construction, site work, tree removal or demolition, the soil and erosion controls shall be installed and inspected by Staff.
14. Prior to the issuance of a Zoning Permit for this work, the applicant shall submit and obtain the following:
 - A. File resolution of approval on the Land Records;

- B. The proposed drainage report revised to model the proposed drainage system per Town Standards system;
 - C. Obtain final approval from Engineering Department for the drainage plans;
 - D. Obtain and driveway and sewer permit from DPW;
 - E. Submit a revised Site Plan indicating all disturbed areas will be stabilized with lawn;
 - F. Submit Planting Plan for 5 foot vegetated buffer; and
 - G. The FEMA CLOMR approval for removal of entire house from flood zone must be obtained.
15. Prior to the issuance of the Zoning Certificate of Compliance, the applicant shall submit a Certified "As-Built" survey stamped by a registered Engineer or Surveyor.
16. This application is granted upon the condition that all construction and site improvements shall be in strict accordance with the plans and other documents submitted and any statements or representations made by the applicant or agent on the record. Any deviation from such documents or representations shall require further review and approval from the Commission.
17. All work approved pursuant to this Site Plan shall be completed within 5 years of date of approval, by January 14, 2026.
18. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reasons:

The application as conditioned has been found to be in conformance with all applicable zoning regulations, the Special Permit standards in §44-6 and is consistent with the 2017 Plan of Conservation and Development.

VOTE:

<i>AYES</i>	-6-	{Dobin, Lebowitz, Cammeyer, Stephens, Walsh, Cohn}
<i>NAYS</i>		
<i>ABSTENTIONS</i>		

Very truly yours,



Danielle Dobin
Chairman, Planning & Zoning Commission

cc: P. Friaa, Tax Assessor
K. Wilberg, Town Engineer