

May 6, 2024

Planning and Zoning Department

Town Hall, 110 Myrtle Avenue Westport, CT 06880 Westportct.gov pandz@westportct.gov Telephone (203) 341-1030

Mr. Peter Romano LandTech Consultants, Inc. 518 Riverside Avenue Westport, CT 06880

Re: 63 Old Hill Road, Westport, CT Denial of Issuance of Zoning Permit for Pickleball Court

Dear Mr. Romano:

This letter is in response to your request for a zoning permit for the construction of a pickleball court at 63 Old Hill Road. As the pickleball court is proposed to be located in the front setbacks, the zoning permit as presented will not be issued. The front setback along Side Hill Road is measured from the edge of the Right of Way of Side Hill Road, per sec. 5 of the Westport Zoning Regulations as follows:

Setback, Front:

The minimum required horizontal distance from the front lot line(s) or street line(s) to the closest point of any building, structure, structural projection or use measured in a straight line from and most nearly perpendicular to the front lot line(s).

This is consistent with prior practice of the Westport Planning and Zoning Department. Per the Westport Zoning regulations, the area of Side Hill Road that is **on** 63 Old Hill Road, is removed from the lot area. As such, P&Z has decided it is consistent to measure the setbacks from the edge of the Right of Way, as this area has been removed from the lot area.

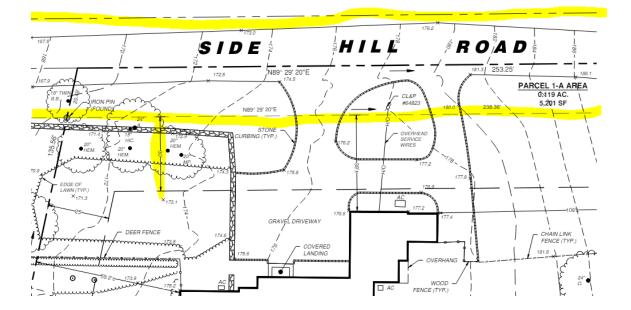
• Page 2

Also, below please find the definition of Lot Area from Sec. 5 of the Westport Zoning Regulations. This definition directs that no area of any public or private street shall be included in the lot area.

Lot Area:

The horizontal area contained within the property lines of the lot as calculated below. In determining compliance with minimum lot area and shape requirements land subject to easements for underground utilities may be included but land subject to easements for above ground utilities which forbid buildings or structures within the area of the easement or, where no such easement exists, the minimum area recommended by a utility company for public safety shall not be included. No part of any public or private street nor any easement which grants exclusive surface use of the property to other than the owner (except drainage easements) shall be included in the lot area.

Below please find a portion of the survey generated by LandTech, issued by Thomas Deilus, Land Surveyor, dated 1/24/23, revised on 3/6/2023, showing the Right of Way of Side Hill Road and the correct measuring of 30' front the setback. This survey was submitted to the Planning and Zoning Department on March 28, 2024. The highlighted area is the Right of Way of Side Hill Road. The 30' front setback is also highlighted.



Enclosed please find a full copy of this Survey.

• Page 3

Also, as the recorded deed for 63 Old Hill Road and associated Map 9295, see attached, continues to reference the Right of Way for Side Hill Road, that is where the front setback is measured from.

Sincerely,

Lauris Montagna

Laurie Montagna, ČAZEO Zoning Official Town of Westport

Attachments: Survey for 63 Old Hill Road by Thomas Deilus, revised date 3/6/2023 Statutory Warranty Deed 63 Old Hill Road (2 pages) Westport Land Records Map #9295

cc: Peter Gelderman, Esquire

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TOWN OF WESTPORT PLANNING & ZONING DEPT.

ZONING PERMIT DATA FORM

110 Myrtle Ave. Town Hall - *Room* 203 Westport, CT 06880 Tel: 203-341-1030 Fax: 203-454-6145 www.westportct.gov

OFF	ICE USE					
Parc	el ID # :			Zoning District		
1.	Property Address:	(As listed on A	ssessor's (Card)		
2.	Owner's Name:	(Person's Name)	 	(Company Name)	Daytime Tel:	
3.	Owner's Address:				<u>"</u> E-mail Req	uired"
4.	Applicant:(Person's Name)	 	(Company Name)	Daytime Tel	:
5.	Applicant's Address:				<u>"</u> E-mail Req	uired"
6.	Existing Uses of Proper	ty:(Example	e: 2-Story	Single Family House with P	ool)	
NO	TE: If project is a NEW HOUSE:	SUBMIT with this Applie	cation a "l	New House Construction Cos	t Estimate Form"	Completed & Notarized.
7a.	Check type of proposed	project below:	7b.	Check one, property is	on: Sewe	r or Septic
<u>R</u>	ESIDENTIAL PROJEC	<u>rs</u> :			ROJECTS:	
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8a.	Will any part of any structu	ire be demolished? No	o Yes	8b. Did you obtair	ı any ZBA Varia	inces? No Yes
9.	Estimated total cost of ye	our proposed project	\$			
10.	Describe your project be	low and provide exa	ct dimen	sions: (List width x length x he	eight, if applicable):	

I hereby certify that the above information is correct and that I have submitted herewith all of pertinent documentation required by the regulations and in accordance with the P&Z bylaws.

Applicant's Signature (If different than Owner) Owner's Signature (Must be signed or letter of authorization provided) If the applicant is unable to obtain the signature of the property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3

Zoning Permit Requirements

Email all questions to pandz@westportct.gov.

Below please find the information required and necessary steps to obtain a Zoning Permit for your project.

- It is up to the applicant to contact each department necessary to obtain their approvals prior to submission of the Zoning Permit Application.
- All materials including required department approvals must be submitted all at once.
- All P&Z forms can be located on the Town Website www.westportct.gov on the Planning and Zoning Dept. tab.
- **1. Zoning Permit Data Form**: Must be filled out in its entirety. If any document is missing or incorrect the Application will not be accepted until we receive the items required.

Application Materials Include:

- A complete Zoning Permit Application w/ applicant and owner signature (or owner authorization letter)
- A check made out to the Town of Westport for the Zoning Permit Fee (all after-the-fact approvals are subject to double the zoning fee).
 - You may reach out to P&Z staff via email or phone with your estimated cost of construction (*same amount as shown on #9 of the application*) or;
- All required department approvals (see below for requirements)
- 1 hard copy of a signed and sealed proposed survey to scale by a CT Licensed Surveyor. *Required for all projects with any change in footprint, coverage and/or square footage.*
- 1 Hard copy of a signed and sealed building plans to scale. *If applicable*.
- 1 Hard copy of the signed and sealed drainage report. *If applicable*.
- A New House Construction Cost Estimate Form is required for all proposed new house permits, it must be notarized and submitted with the application. You may request the form by calling/emailing the P&Z Office or located on the Town Website www.westportct.gov.
- A digital copy (*PDF format on a flash drive*) of all signed and sealed plans and drainage reports.

Note: All revisions, supplemental plans, reports, and/or documents will need to be submitted to each department in which prior approval was received. A new digital copy and hard copy will be required to be submitted to the P&Z office as well.

- 2. Health Dept. (203-227-9571). Once approval is received from the Health Dept. please submit only the 8 ½ x 11 signed approval form from Health Dept. with your Packet. Do not submit your only copy of the stamped plans as your P&Z submission. Plans that were submitted to P&Z will not be returned to the applicant. Health Department approval is required if:
 - **a.** If property is on <u>septic</u> system or well and/or;
 - **b.** If the lot is on Sewer and project is a Pool/Spa and/or;
 - c. Home Occupation that requires an increase in water use and/or
 - **d.** If a business is food, skin or hair related.
- **3.** Conservation Dept. (203-341-1170) All projects must obtain Conservation approval prior to applying for a Zoning Permit.
- 4. Drainage Review: The Engineering Dept. will review all drainage plans and reports that were submitted to the P&Z Dept. <u>A drainage review is required if your project is more than 100sf.</u> If your project is over 850sf, your drainage report must be prepared by a CT Certified Engineer. You may reach out to Kevin Pierce (kpierce@westportct.gov) for any specific questions pertaining to Drainage.



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

- TO: Whom it May Concern
- FROM: Mary Young, Planning & Zoning Director

DATE: Effective Sept. 1, 2022

SUBJECT: Complete Applications & Receipt of Materials

THIS NOTICE IS FOR ALL APPLICANTS FILING APPLICATIONS FOR REVIEW BY THE PLANNING & ZONING STAFF, or COMMISSION or THE ZONING BOARD OF APPEALS

Applicants should submit all materials necessary to review an application in a timely manner to allow for adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals.

Applications will not be officially received until P&Z Staff determines it is complete for purposes of determining deadlines for action by the respective staff and elected officials pursuant to State Statutes and local zoning regulations. Requirements for a complete application are listed on the application forms available on-line in the FORMS section <u>here</u>, or by contacting the P&Z Office.

Revised materials may be submitted. A plan revision fee may be required if staff determines the changes are significant. Revision fees equal 50% of the original application fee, *see Westport Zoning Regulations Appendix A, Land Use Fees,* available on-line <u>here</u> or by contacting the P&Z Office.

A cover letter should accompany revised materials to facilitate review by staff and elected officials.

Useful Information for All Applicants

P&Z Staff is available daily to respond to questions and/or discuss applications before submission. Discussions can be scheduled in-person, via Zoom, or via Microsoft Teams. General questions can be answered over the phone.

Check to confirm submission of items often missed that can delay obtaining an approval including:

- The application fee (\$). Make check made payable to "Town of Westport" or submit cash;
- Proposed survey or site plan signed by a licensed surveyor or engineer (if required);
- Building Plans drawn to scale (if required);
- Owner's authorization if the application is being submitted by other than the owner of the property;
- All application requirements: application form, survey, building plans, owners authorization, other departmental approvals (such as Health Dept., Conservation Dept.) submitted electronically for loading into the permitting software system.

Time Needed for Review:

Materials submitted less than 14 days prior to a hearing will be received into the record as required in accordance with the Connecticut General Statutes. Items submitted less than 14 days prior to a public hearing or at a public hearing, may not be reviewed or discussed until the next scheduled hearing. A hearing may be left open if substantial materials are submitted by an applicant less than 7 days prior to the hearing to allow adequate time for review by staff, members of the Planning and Zoning Commission and/or members of the Zoning Board of Appeals. This requirement may be waived by the Chairman of the elected Commission and/or Board at its discretion.

Thank you for your cooperation.



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

TO: All Applicants Seeking a Zoning Permit

FROM: Mary Young, Planning and Zoning Director

CC: Ira Bloom, Town Attorney Peter Gelderman, Town Attorney's Office Members, Planning and Zoning Staff Members, Zoning Board of Appeals Members, Planning and Zoning Commission

DATE: Sept. 23, 2021

RE: NEW POLICY DICONTINUING CONDITIONAL ZONING PERMITS

Effective October 1, 2021, a Zoning Permit will NOT be issued conditioned upon a promise or representation on a plan to bring a site into zoning compliance prior to a Zoning Certificate of Compliance (ZCC) where the work authorized by the Zoning Permit would otherwise create a zoning violation. P&Z Staff is NOT authorized to grant zoning relief; such authority is vested exclusively with the Zoning Board of Appeals. Whereas P&Z staff inherited a more lax practice allowing conditional permits to be issued, P&Z staff is putting all applicants on notice this practice is being <u>discontinued</u>.

Background

To date, there have been instances wherein an applicant has requested a Zoning Permit for improvements to be added to existing conditions that combined exceed what zoning allows, with a commitment offered to bring the site into compliance prior to seeking a Zoning Certificate of Compliance and avoid seeking a variance from the Zoning Board of Appeals. Such Zoning Permits have been granted. This is a practice that appears to have been ongoing for decades.

For example, a resident may seek a Zoning Permit for a new Swimming Pool which is an improvement counted towards allowable Total Coverage (25%). The pool when added to existing conditions in this example would exceed 25% Coverage. The applicant will simultaneously identify their intent on their plans to remove a shed, or excess driveway area, so at the end of the project the As-Built survey will show the site will not exceed 25%. Many applicants who have applied this strategy have been contractors who have not consulted with their clients before making such representations, and at the end of the project some of these clients have sought variances to maintain all existing and new improvements unaware any "trade-offs" were represented when the permits were sought, or didn't realize they would need to keep all improvements for instance to safely maneuver out of their driveway to be reduced in size, or didn't fully consider their needs to store their lawn equipment out of the elements if the shed were removed. For those properties where promises to remove improvements were not kept, this has resulted in Zoning Violations and resulted in "after the fact" requests to the Zoning Board of Appeals for zoning relief.

Thank you in anticipation of your cooperation.

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														Anr	vision B	ldg. Value (0	Card)			887,400
				Total										· ·		•				
					ASSESSI			HOOD						App	raised X	f (B) Value (Bldg)			0
	Nbhd			Name		В		_	Tracing	g		Bato	ch	- Apr	raised C	b (B) Value	(Blda)			49,600
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B Use	Code	Description	Zone	Land Type	Land Unit	S	Unit Price	Size Adj	Site Ind	ex Conc	. INDIN.	Nbhd. Ad	'	N	otes		Location A	Adjustment	Adj Unit F	Land Value
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Property Location Vision ID 570	9	Account # 98	06	311/ / 017/000 / Bldg # 1	Bldg Name Sec # 1 of 1	Card # 2 of 2	State Use 201 Print Date 9/28/2023 10:17:09 A
		CTION DETAIL	CONSTRUCTION DE				
Element	Cd	Description	Element Cd	Description			
Style:	103	Custom Colonial	Fireplaces 3				
Model	01	Residential	Ceiling Height 8.00				
Grade:	15	A+	Elevator				
Stories:	2.5	2 1/2 Stories					
Occupancy	1		CONDO	DATA			
Exterior Wall 1	14	Wood Shingle		C Owne			
Exterior Wall 2	1.4	Wood Onlingic		BS			
		Gable	Adjust Type Code	Description Factor%			
Roof Structure:	03		Condo Flr				
Roof Cover	03	Asphalt Shingl	Condo Unit				
nterior Wall 1	05	Drywall	CONDO UNIT				
nterior Wall 2			COST / WARKE				
nterior Flr 1	09	Pine/Soft Wood					
nterior Flr 2	12	Hardwood	Building Value New				
leat Fuel	02	Oil					
Heat Type:	05	Hot Water					
AC Type:	03	Central	Year Built				
		5 Bedrooms	Effective Year Built				
otal Bedrooms	05		Depreciation Code				
otal Bthrms:	3	3 Full Baths	Remodel Rating				
Total Half Baths	2	2 Half Bths	Year Remodeled				
otal Xtra Fixtrs	0		Depreciation %				
otal Rooms:	11	11 Rooms					
Bath Style:	02	Average	Functional Obsol				
Kitchen Style:	02	Average	External Obsol				
Kitchens	1	/ Weilage	Trend Factor				
Vhirlpool Tubs	1'		Condition				
			Condition %				
Hot Tubs			Percent Good				
Sauna (SF Area			Cns Sect Rcnld				
Fin Basement			Dep % Ovr				
Fin Bsmt Qual			Dep Ovr Comment				
Bsmt. Garages	0		Misc Imp Ovr				
nterior Cond	A		Misc Imp Ovr Comment				
Fireplaces	3		Cost to Cure Ovr				
Ceiling Height	8.00						
			Cost to Cure Ovr Comment				
	- UUIBU	B Units Unit Price Yr Blt	AF - BUILDING EXTRA FE				
Code Descrip	Juon L/I	B Units Unit Price 11 Bit	Cond. Cd % Gd Grade	Grade Adj. Appr. Value			
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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Book: 1650 Page: 36 File Number: 5020 Page: 1 of 2

VOL 1650 PG036

WARRANTY DBED (Statutory Form) Survivorship

We, LOUISE R. MEYER of 20100 Boca West Drive, Boca Raton, Florida

for consideration paid, grant to JAMES A. COYNE and DIANA G, COYNE of the Town of Westport, County of Fairfield and State of Connecticut

AS JOINT TENANTS, with WARRANTY COVENANTS:

See Schedule λ attached hereto and incorporated herein for a Description of the Premises, any encumbrances to which the described Premises is subject, and any additional provisions forming a part of this conveyance.

Signed this 10 day of November, 1998

Witnessed By:

W. GLENN MAJOR

KATHERINE R. MARSHALL

Louise R. MEY

November 10, 1998

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STATE OF CONNECTICUT)) ss. Westport

COUNTY OF FAIRFIELD)

Personally appeared LOUISE R. MEYER, signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.

W. GLENN MAJOR Commissioner of the Superior Court Book: 1650 Page: 36 File Number: 5020 Page: 2 of 2

VOL 1650 PG037

SCHEDULE A

ALL THOSE CERTAIN pieces, parcels or tracts of land, with the buildings and improvements thereon, located in the Town of Westport, County of Fairfield and State of Connecticut being shown as "LOT 1" and "Parcel 1-A" in all comprising 55,153 S.F. or 1.2% acres on that certain map entitled "Lot Division Map prepared for LOUISE R. MEYER Westport, Connecticut Scale: 1" = 30" certified Substantially Correct by Dennis A. Deilus Land Surveyor dated April 24, 1998 and on file in the Westport Town Clerk's office as Map No. 9295.

TOGETHER WITH a Right Of Way for all purposes over that tract of land 20 feet in width adjacent to the Northerly boundary of Parcel 1-A extending from Old Hill Road westerly to the Westerly boundary of the premises.

The premises are conveyed subject to the following:

а. Laws and ordinances

7

- Taxes of the Town of Westport, Connecticut hereinafter due h. and payable.
- Notes, co and 9295. с. conditions and setback lines on Maps 1162, 1570, 8847
- Easements in favor of Connecticut Light & Power Co. dated December 28, 1936 and recorded in Volume 67 at Page 533 and re-recorded in Volume 70 at Page 30. d.
- Rights of others in and to the portion of the premises on which a private road is located. e.
- Effect of letter from Town of Westport Planning & Zoning Commission dated February 1, 1990 and recorded in Volume 1043 at Page 153. f.

RECEIVED FOR RECORD . NOVEMBER 23.

1998 AT 12:09 P.H.

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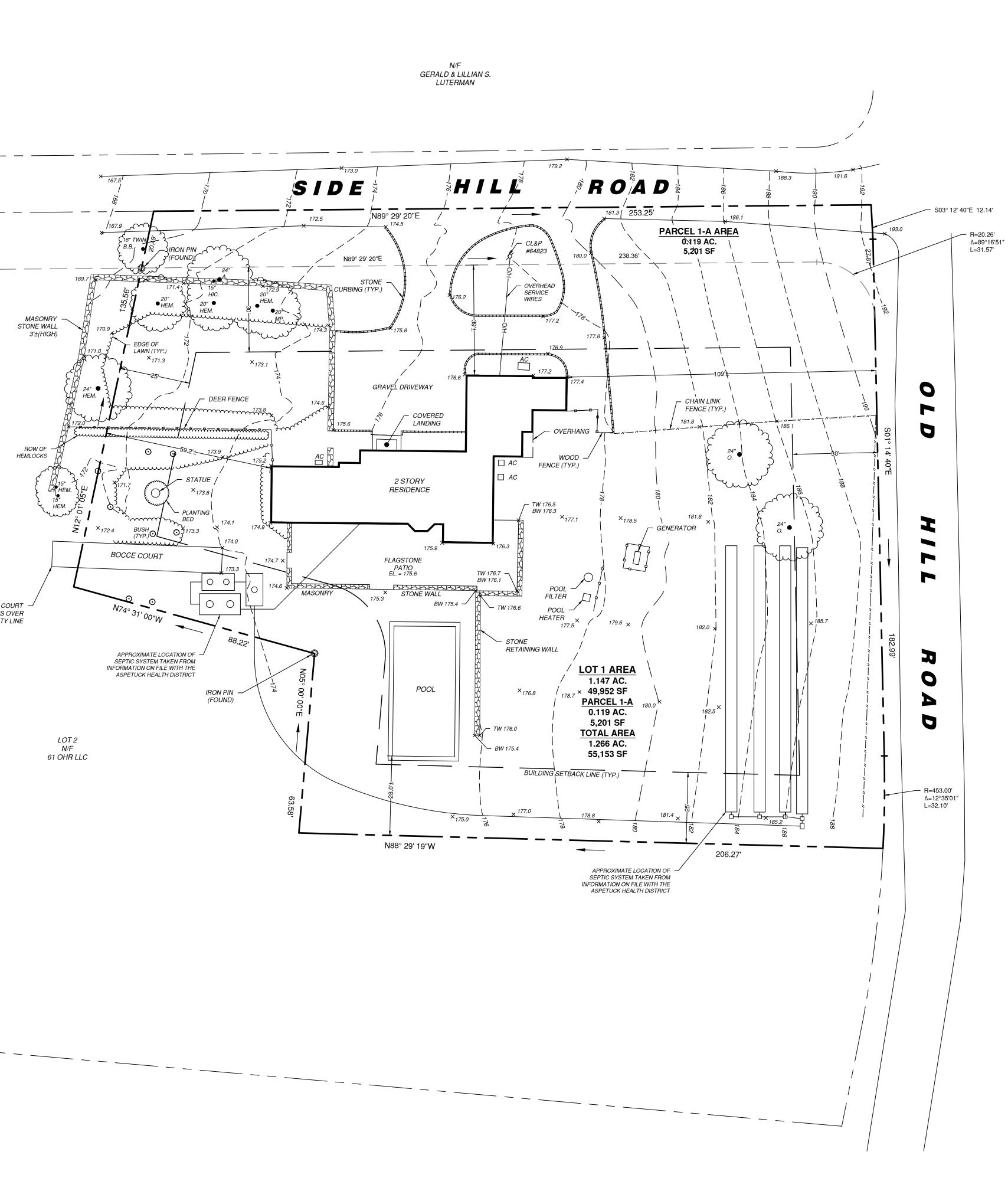
PATRICIA E. STRAUSS, TOWN CLERK

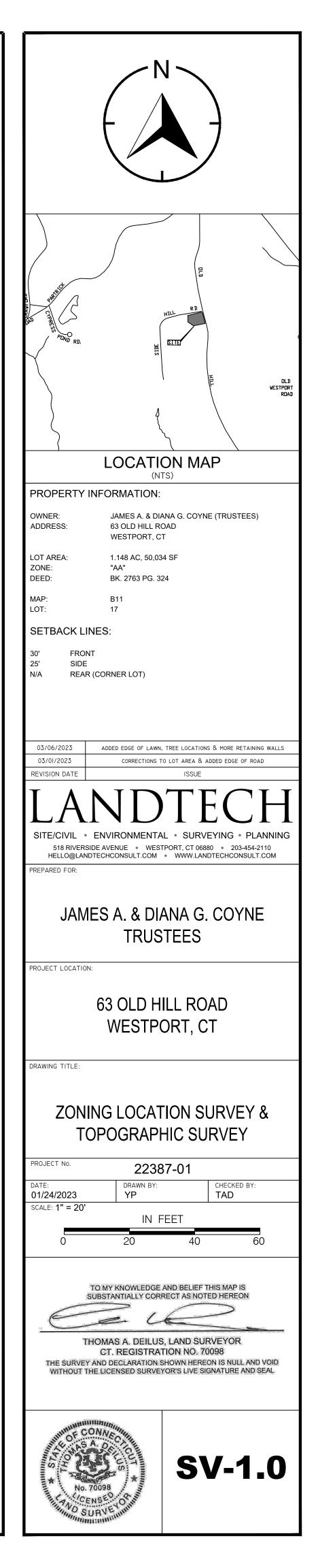
Book: 1650 Page: 36 Page 2 of 2,

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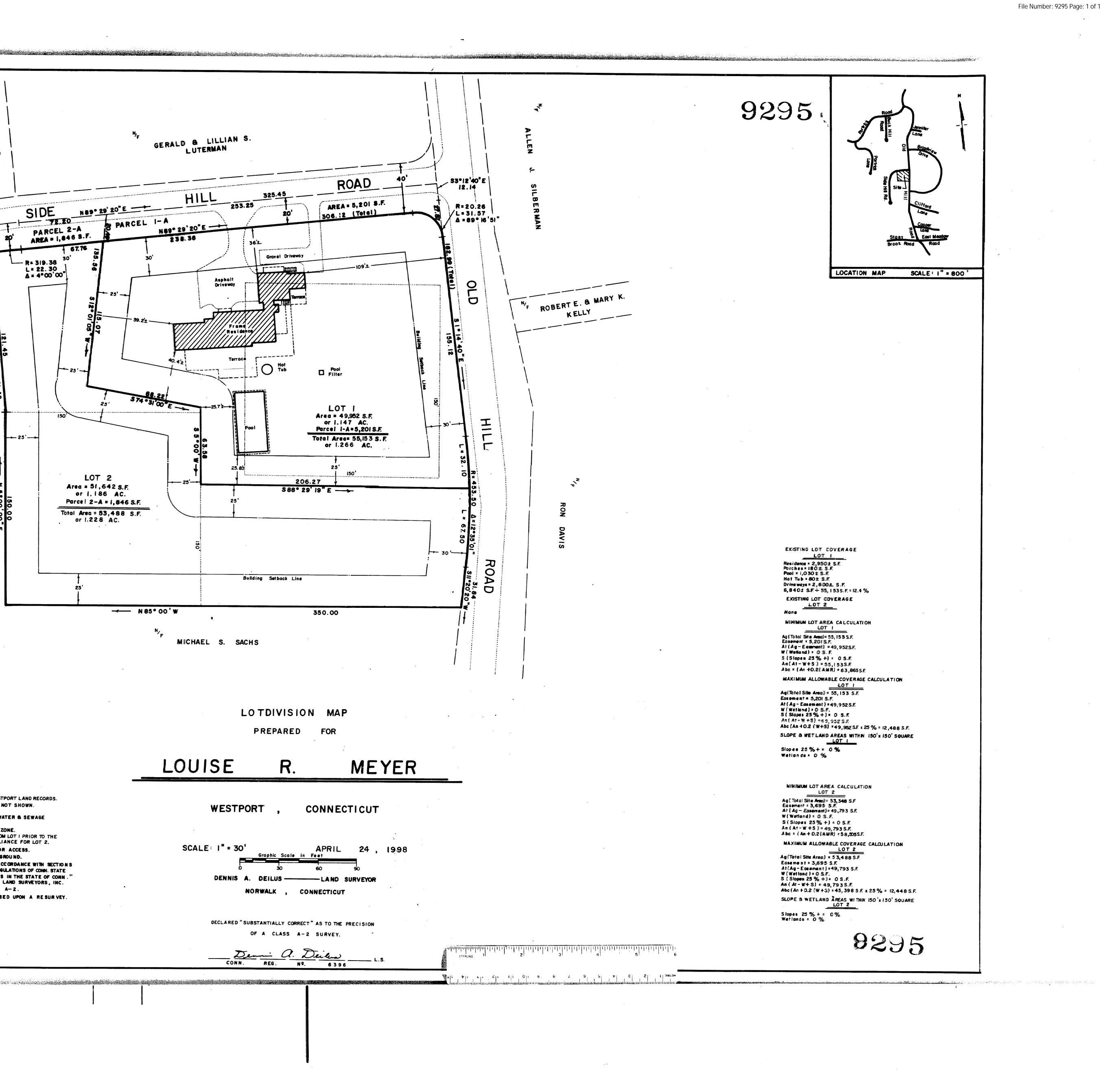
THIS PROPERTY IS LOCATED IN FEMA FLOOD ZONE "X" AS SHOWN ON FEMA FIRM PANEL 09001C 0394F, EFFECTIVE JUNE 18, 2010.

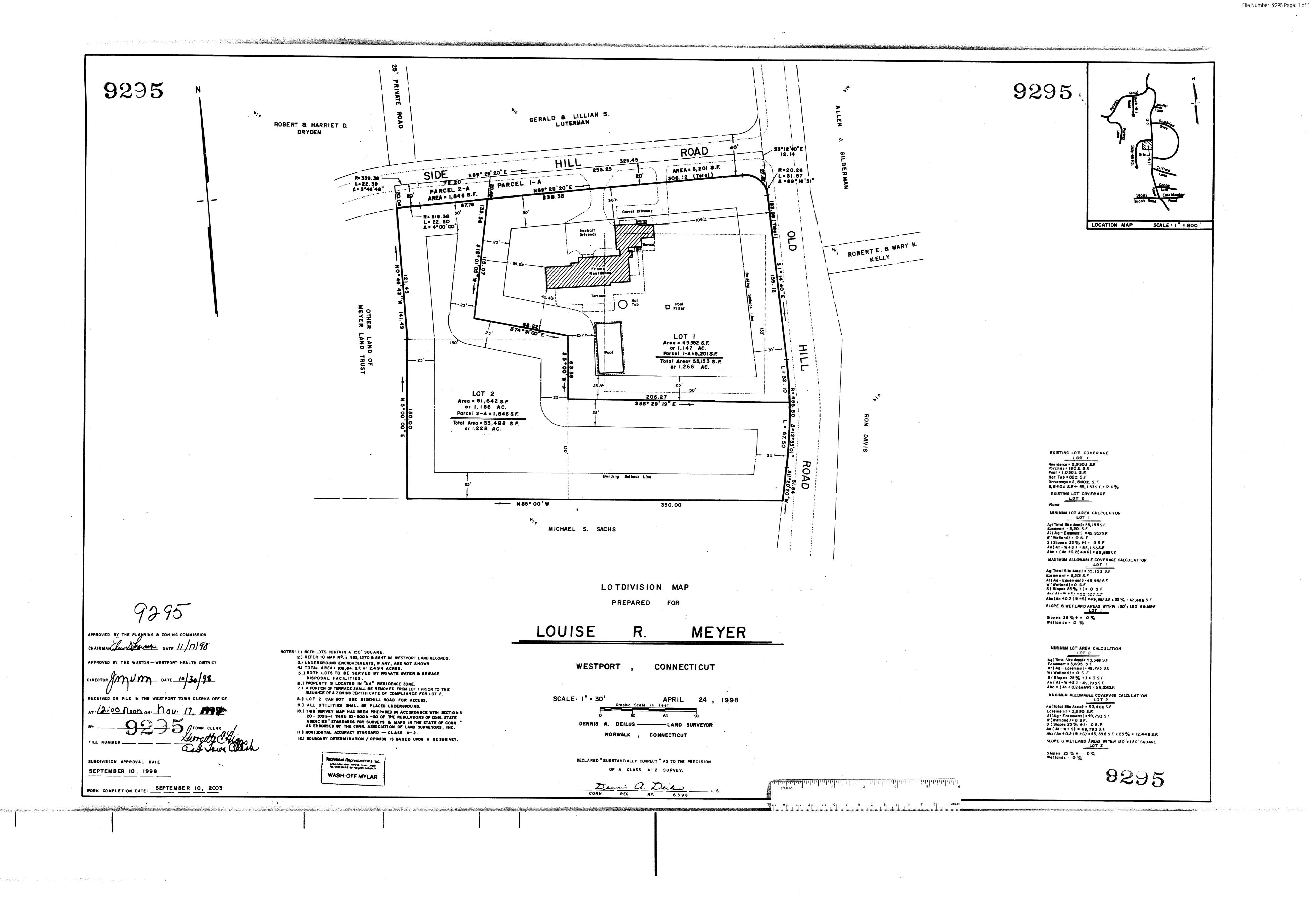
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9295 N/F ROBERT & HARRIET D. DRYDEN R= 339. 38 -L= 22. 39 &= 3°46'48" OTHER MEYER LAND OF LAND TRUST 9295 APPROVIED BY THE PLANNING & ZONING COMMISSION CHAIRMAN Lee Stant DATE 11/198 NOTES : I.) BOTH LOTS CONTAIN & 150' SQUARE. 2.) REFER TO MAP Nº.'s 1162, 1570 & 8847 IN WESTPORT LAND RECORDS. 3.) UNDER GRIDUND ENCROACHMENTS, IF ANY, ARE NOT SHOWN. 4.) TOTAL ARIEA = 108,641 S.F. or 2.494 ACRES. 5.) BOTH LOTS TO BE SERVED BY PRIVATE WATER & SEWAGE APPROWED BY THE WESTON - WESTPORT HEALTH DISTRICT DISPOSAL FACILITIES. LATA DATE DIRECTOR AL 6.) PROPERTY IS LOCATED IN "AA" RESIDENCE ZONE. 7.) A PORTION OF TERRACE SHALL BE REMOVED FROM LOT I PRIOR TO THE ISSUANCE OF A ZONING CERTIFICATE OF COMPLIANCE FOR LOT 2. 8.) LOT 2 CAN NOT USE SIDEHILL ROAD FOR ACCESS. RECEIVED ON FILE IN THE WESTPORT TOWN CLERKS OFFICE 9.] ALL UTHLITIES SHALL BE PLACED UNDERGROUND. AT: 12:00 NOOD ON: NOV. 17. 198 IO.) THIS SURVEY MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20 - 300 h -1 THRU 20 - 300 b -20 OF THE REGULATIONS OF CONN. STATE AGENCIES" STANDARDS FOR SURVEYS & MAPS IN THE STATE OF CONN . AS ENDORSED BY THE CONN. ASSOCIATION OF LAND SURVEYORS, INC. BY: _____. II.) HORIZONTAL ACCURACY STANDARD - CLASS A-2. 12.) BOUNDARY DETERMINATION / OPINION IS BASED UPON A RESURVEY. FILE NUMBER _____ Vactorical Reproductions (DC. 3864 Main Ave. Norvak, Com. 3865 Fel. (283) 645-8180 Fai (283) 845-971 SUBDIVISION APPROVAL DATE SEPTEMBER 10, 1998 WASH-OFF MYLAR WORK COMPLETION DATE: SEPTEMBER 10, 2003





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VOL 1650 PG036

WARRANTY DBED (Statutory Form) Survivorship

We, LOUISE R. MEYER of 20100 Boca West Drive, Boca Raton, Florida

for consideration paid, grant to JAMES A. COYNE and DIANA G, COYNE of the Town of Westport, County of Fairfield and State of Connecticut

AS JOINT TENANTS, with WARRANTY COVENANTS:

See Schedule λ attached hereto and incorporated herein for a Description of the Premises, any encumbrances to which the described Premises is subject, and any additional provisions forming a part of this conveyance.

Signed this 10 day of November, 1998

Witnessed By:

W. GLENN MAJOR

KATHERINE R. MARSHALL

Louise R. MEY

November 10, 1998

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STATE OF CONNECTICUT)) ss. Westport

COUNTY OF FAIRFIELD)

Personally appeared LOUISE R. MEYER, signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed, before me.

W. GLENN MAJOR Commissioner of the Superior Court Book: 1650 Page: 36 File Number: 5020 Page: 2 of 2

VOL 1650 PG037

SCHEDULE A

ALL THOSE CERTAIN pieces, parcels or tracts of land, with the buildings and improvements thereon, located in the Town of Westport, County of Fairfield and State of Connecticut being shown as "LOT 1" and "Parcel 1-A" in all comprising 55,153 S.F. or 1.2% acres on that certain map entitled "Lot Division Map prepared for LOUISE R. MEYER Westport, Connecticut Scale: 1" = 30" certified Substantially Correct by Dennis A. Deilus Land Surveyor dated April 24, 1998 and on file in the Westport Town Clerk's office as Map No. 9295.

TOGETHER WITH a Right Of Way for all purposes over that tract of land 20 feet in width adjacent to the Northerly boundary of Parcel 1-A extending from Old Hill Road westerly to the Westerly boundary of the premises.

The premises are conveyed subject to the following:

а. Laws and ordinances

7

- Taxes of the Town of Westport, Connecticut hereinafter due h. and payable.
- Notes, co and 9295. с. conditions and setback lines on Maps 1162, 1570, 8847
- Easements in favor of Connecticut Light & Power Co. dated December 28, 1936 and recorded in Volume 67 at Page 533 and re-recorded in Volume 70 at Page 30. d.
- Rights of others in and to the portion of the premises on which a private road is located. e.
- Effect of letter from Town of Westport Planning & Zoning Commission dated February 1, 1990 and recorded in Volume 1043 at Page 153. f.

RECEIVED FOR RECORD . NOVEMBER 23.

1998 AT 12:09 P.H.

I strange IT (VATURE

PATRICIA E. STRAUSS, TOWN CLERK

Book: 1650 Page: 36 Page 2 of 2,