



1 subject property is 2.73 acres in a zone that requires 3.5 acres for the construction  
2 of a new multifamily building.

3 4. The property owner is being afforded a reasonable amount of relief to allow for  
4 the full use of his property with no evidence of any negative impacts on others.

5 5. No evidence was presented that suggests property values will be adversely  
6 impacted.

7 6. The variance, as conditioned, represents the minimal amount of relief that is  
8 needed to accomplish the owner's objective.

9

10 Member Moynihan moved to approve the area variance finding that the request meets the criteria  
11 found in 5.6III subject to the following conditions:

12

13 1) The applicant has offered and the Zoning Board has made the approval of the variance  
14 conditional upon the owner of the property being the occupant of one of the units.

15

16 2) Any significant change to the structures or use of the property, as determined by the  
17 Zoning Administrator, will require a new hearing.

18

19 The motion was seconded and voted in the affirmative.

20

21 The Board moved on to deliberations for the multi family special exception making the following  
22 findings:

23

24 1. The existing residential structure on the property is adequate, with minor  
25 renovation, for the proposed use. The town's building inspector has testified to  
26 this in his report to the board.

27 2. The structure is served by two state approved septic systems and a local septic  
28 system designer has certified that in the event of a failure a single replacement  
29 system could reasonably be designed for the site.

30 3. The development on the lot is located so as not to adversely impact abutters.

31 4. Given the size and layout of the structure the approval of a special exception will  
32 bring the entire property more closely into compliance with the town's land use  
33 regulations.

34

35 Member Moynihan moved to approve the special exception subject to the following two  
36 conditions:

37

38 1. This special exception approval is contingent on the area variance approval,  
39 specifically see condition #1.

40

41 2. Prior to occupancy of both units the town's building inspector must complete a  
42 final health and safety code compliance inspection

43

44

1 The motion was seconded and voted in the affirmative.

2

3 There being no other business the meeting adjourned at 8:30pm

4

5

6 Stephen Halleran

Richard Colburn, Chair



1  
2 The motion was seconded and voted in the affirmative 4 to 0.  
3

4 **Case 2017-03 Thomas Lappin:** A request to modify the previous approval to operate a 48 seat  
5 restaurant at #19 Bean Road case 2014-06. This application seeks to add 20 outdoor patio seats.  
6 Included in the application is an expansion of the existing parking lot. The hearing was opened  
7 and the applicant explained the details of the proposed 20'x27' patio area. Board members noted  
8 that there was a deviation between the first approval and the number of seats in the restaurant.  
9 After a full discussion on that issue and determining that the application was sufficient the  
10 hearing was opened to the public. Jane Witzel spoke against the application, noting that while  
11 very well done the restaurant as currently configured does have negative impacts on the  
12 enjoyment of their property. Outside seating will only contribute more noise and more light.  
13 Halleran noted that the only issue with the restaurant has been parking on Bean Road. Options for  
14 reducing this were discussed. It was noted that as developed the parking lot is in conformance  
15 with the town's zoning ordinance requirements. An additional six spaces are planned as part of  
16 the patio project. Owner Tom Lappin agreed that parking does occur on Bean Road and that at  
17 times patrons to the restaurant do not utilize the parking lot efficiently. Tom is working on  
18 strategies to improve the lots use. Posting the west side of Bean Road, no parking was suggested  
19 as a way to ensure an open lane for emergency vehicles.  
20

21 After completing its review of the application Member Moynihan moved the following:  
22

23 The patio application be approved. In approving the application the Board acknowledges that,  
24 without further ZBA review, a relaxing of the town's lot coverage requirement for the  
25 Village Residential zone and a decision by the applicant to include a sprinkler system for  
26 the building resulted in the restaurant being developed with 68 seats and 30 parking spots  
27 (25 customer, 5 employee). The original application called for 48 seats supported by 21  
28 parking spaces (16 customers, 5 employees).  
29

30 In reviewing the patio addition, the Zoning Board made the following findings:

- 31 1. The restaurant's development and the businesses summer seating (patio) to  
32 include a maximum of 80 seats, winter seating (no patio) a maximum of 68  
33 seats is reasonable for the size of the lot (1.02 acres, minimum lot size being .45  
34 acres in the VR with water and sewer). While patrons due occasionally park on  
35 Bean Road, the parking lot as developed and as proposed satisfies the minimum  
36 zoning ordinance parking requirements. As part of the patio addition the  
37 applicant has agreed to expand the parking area to include at least six (6)  
38 additional spaces and to explore ways to get more efficient utilization of the  
39 existing lot.
- 40 2. Based on abutter testimony the patio use and resulting noise and traffic has the  
41 potential to impact abutters.  
42

43 **Approval Conditions:**

- 44 1. Site Plan Review approval by the Planning Board with a focus on minimizing  
45 the occurrences of on street parking and the abatement of noise and light from  
46 the patio area.
- 47 2. In completing its Site Plan Review the Planning Board should review the entire  
48 use for compliance with the original site plan for the project. Landscaping along

1           the property line fence may not be completed and is resulting in light and noise  
2           spillover to neighbors.

3

4           The motion was seconded and voted in the affirmative on a vote of 4 to 0.

5

6           The meeting adjourned at 9:30pm.

7

8

9           Stephen Halleran

Richard Colburn, Chair



1 As part of its review the board made the following findings:  
2

3 1) This proposal is for a 137kW ground mounted solar array which will be approximately  
4 150' x150' in size to be located just to the north of the access road to the water treatment plan  
5 (see file). Individual array tables are to be approximately 11' in height at the tallest point. The  
6 array to be located is in the Village Residential zone.  
7

8 2) The School Board in considering and approving the array for the campus has held three  
9 separate public hearings, including a final hearing in which a project brochure was mailed to all  
10 property owners in the town. During this process, there was near universal support for the array  
11 development from hearing attendees. There were location concerns which were addressed by the  
12 school board in their review process.  
13

14 3) In reaching its decision to move forward with the application, the school board considered the  
15 safety of the students and determined the array would not pose a significant threat to the student  
16 body or other users of the property.  
17

18 4) The application satisfies the general standards for granting a special exception found in section  
19 5.6II of the zoning ordinance.  
20

21 5) The application satisfies the specific standards found in section 3.18 of the town's Zoning  
22 Ordinance, 2015 edition.  
23

24 6) The application specifies underground electrical conduit for the project.  
25

26 A motion to approve the use was made, seconded and voted in the affirmative. The approval was  
27 conditioned as follows:  
28

29 1) Site Plan Review approval by the Planning Board with a focus on screening for abutters.  
30

31 2) Prior to issuance of the building permit for the project, the town is to receive a project  
32 acceptance letter from the receiving utility company and a letter from the School Administration  
33 detailing the safety assessment that was conducted for the array.  
34

35 3) Code compliance review by the Town's Building Inspector.  
36

37 4) At a minimum a protective barrier, acceptable to the building inspector, must be provided to  
38 keep the public away from the high voltage components of the array.  
39

40 5) Any significant change to the array either in size or location, as determined by the Zoning  
41 Administrator, will require a new hearing.  
42

43 The meeting adjourned at 8:15pm.  
44

45  
46 Stephen Halleran

Richard Colburn, Chair



1 Valley Treatment Center through its applicant screening process and high staff to student ratio  
2 has not resulted in any significant number of calls for service to the local police departments.  
3 These are kids with anxiety issues that tend to be very introverted and rarely if ever act out. The  
4 facility is fully accredited and licensed by the state. The organization has no plans to change its  
5 mission or population served. Mr. Lovejoy noted that they are successful because of their very  
6 limited scope. They specialize in helping a very specific child. Chairman Colburn noted that any  
7 significant change in mission would result in a need for a new hearing.

8  
9 The public hearing was closed. The board entered its deliberative phase at the end of which a  
10 motion to approve the application was made, seconded and voted in the affirmative.

11  
12 In reaching its decision the board made the following findings:

- 13 1) The application meets the general requirements of the ordinance.
- 14 2) The required state oversight and licensing will ensure that the facilities are adequate for the  
15 use.
- 16 3) The 25 acres of property is sufficiently large to support the activities of the organization  
17 including but not limited to parking, outdoor programs and adequate buffers from adjacent  
18 properties.

19  
20 **Approval Conditions:**

- 21 1) Site Plan Review with attention to “dark sky” compliant lighting suitable for the rural location.
- 22 2) To reduce the possibility that attendees leave the facility and wander onto adjacent private  
23 lands future buildings for the use will be located so as to comply with the setbacks called out in  
24 the Approved Business Project section of the ordinance.
- 25 3) Any significant change to the organization or deviation from this application (number of  
26 students, mission, population served, staff levels etc) was determined by the Zoning  
27 Administrator will require additional Zoning Board review.

28  
29 **Other Business:** The May 8<sup>th</sup> and June 12<sup>th</sup> minutes were approved as amended.

30  
31 The meeting adjourned at 9:30pm. The group meets next on August 14<sup>th</sup>.

32  
33  
34 Stephen Halleran

Richard Colburn, Chair

35

1  
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **August 14th 2017**  
4 **MERIDEN TOWN HALL**  
5

6  
7 Zoning Board

8 Members Present: Richard Colburn, Chairman Ted Moynihan  
9 William McGonigle Brad Atwater  
10 Peter Martin Scott MacLeay-alt  
11

12  
13 The meeting was opened at 7:00pm.

14  
15 ZBA members welcomed back to the board Peter Martin of Grantham Mt. Road. Peter previously  
16 served on the Zoning Board and upon request has agreed to return to the board.  
17

18 The July 10<sup>th</sup> minutes were approved as amended.  
19

20 **Case 17-07 Brite Lite Electric:** Chairman Colburn opened the public hearing. Applicant Matt  
21 Smith explained that the request is for special exception #35 Approved Business Project to  
22 establish their electrical contractor business at property located at #1214 Route 12A  
23 (formerly G&S Trucking) tax map 256 lot 12 in Plainfield Village. The 2.5 acre property  
24 is served by public water. Chair Colburn noted that the property is zoned Village  
25 Residential (VR). The company employs eight (8) people including the owners on a year  
26 round basis. During the summer an additional 2-4 part-time workers are employed. The  
27 property will be used as a home base for the company which does nearly all of its work  
28 out on job sites. Little, if any, retail or customer traffic is anticipated. Employees will  
29 arrive in the morning, load vehicles and leave for the day, returning at night. Brite Lite  
30 trucks are pick up truck sized vehicles. The company owns a small bucket truck and a ¾  
31 ton truck. Hours of operation are Monday-Saturday 5am to 6pm. Once or twice per  
32 week freight companies will make delivery to the yard. Initial plans are to clean up the  
33 site of debris, do some maintenance to the building, and add a sign to the front. No new  
34 buildings or uses are planned at this time.  
35

36 Board members found the application to be sufficiently complete to move forward with  
37 the hearing. Chairman Colburn asked for abutter comments. Cheryl Grabe, Helen  
38 Koehler, and Chris Rollins all spoke in favor of the application noting the proposed use  
39 seems less intensive than some of the previous uses the property has been put to.  
40 Historically, the building has been used as a car sales business, heavy truck body  
41 fabrications, dumpster sales and a headquarters for a small rubbish removal business. The  
42 Gallagher Family has owned the property since the 1970's.  
43

44 There being no further comments the public hearing was closed.  
45

46 In reviewing the plans the board determined that parking was more than adequate, lot  
47 coverage was not an issue, and that in general the building as currently configured was  
48 well suited for the proposed use.

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A motion to approve the application was made,seconded and voted in the affirmative.

In approving the application the board made the following **findings**:

- 1) The property and the proposed use meet the requirements found in section 3.5 for an Approved Business Project.
  - he property is located in the VR zone with access and frontage on a state highway.
  - he proposed use is consistent with other uses in the neighborhood.
  - butters had no concerns about the proposed use
- 2) The use meets the requirements for all special exceptions found in section 5.6.
- 3) The 2.5 acre lot is relatively large for the VR zone. Consequently, there is sufficient area to accommodate necessary parking and to satisfy the zone’s maximum lot coverage of 40%.

**Conditions:**

- 1) If the use becomes significantly more intense or the number of employees doubles from the current eight, a zoning compliance review will be required.
- 2) Site Plan Review with the Planning Board.

The meeting adjourned at 8:20pm.

Stephen Halleran

Richard Colburn, Chair

1  
2 **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
3 **September 11th 2017**  
4 **MERIDEN TOWN HALL**  
5

6  
7 Zoning Board

8 Members Present:

Richard Colburn, Chairman  
William McGonigle  
Peter Martin

Ted Moynihan  
Brad Atwater  
Scott MacLeay-alt

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12  
13 **Case 2017-08 Cynthia Patalano** request for special exception #24 Approved Solar  
14 Energy System to establish a single ground mounted 4.3 kW solar array (sun tracker  
15 type) on property described as #1127 Route 12A (map 108 lot 3). Chairman Colburn  
16 opened the hearing reading the posting. Member Brad Atwater recused himself from the  
17 case, he and his wife Laurie will soon own the property which was owned by Laurie's  
18 now late father. Applicant Ralph Patalano explained that the project involves a single  
19 pole mounted array approximately 20' wide, 12' high and will be mounted no higher than  
20 16'. All cabling and supporting devices will be buried underground and/or located in his  
21 residence. The location, 15' from the common line with Mac's Happy Acres was chosen  
22 to give the greatest sun exposure to the device and still meet setbacks. Board members  
23 felt that given the rotational nature of the array a setback encroachment was necessary as  
24 well. At certain times of the day the unit moves into a full horizontal position and will  
25 extend 6' into the setback area.

26 Having determined that the application was sufficient to move forward, Chairman  
27 Colburn turned to public comments on the proposal. Abutter Laurie Atwater expressed  
28 support for the project, but asked if screening or noise abatement became necessary that  
29 corrective measures be put in place. The applicant expressed a strong desire to do  
30 whatever was necessary to minimize the impact of the array on his neighbors. There  
31 being no others wishing to speak the public hearing was closed. The board began its  
32 deliberations, making the following findings:

- 33 1) The proposed location of the array is substantively separated from abutting residences.  
34 2) For maximum possible sun exposure the array mounting pole is to be located 15' from  
35 the side property line, resulting in the need for a 6' setback encroachment when the array  
36 is in the horizontal position.  
37 3) The application satisfies the general standards for granting a special exception found in  
38 section 5.6II of the zoning ordinance and the specific criteria found in section 3.18 Solar  
39 Energy Systems.

40  
41 A motion to approve by Member Moynihan, was seconded and voted in the affirmative.  
42 Approval subject to the following conditions:

- 43  
44 1) The existing vegetative buffers along property boundary lines will be maintained.  
45 Once constructed, should an abutter request additional boundary line screening, reflection  
46 or noise abatement measures, the applicant has agreed to implement the measures as  
47 deemed necessary by the Zoning Administrator.  
48

1 2) Any significant change to the array, as determined by the Zoning Administrator, will  
2 require a new hearing. The complete application becomes part of this approval; the array  
3 is to be as depicted in the application attachments.  
4

5 **Case 2017-09 James Lenz for special exception #37 Approved Detached Accessory**  
6 **Dwelling Unit:** Chairman Colburn opened the hearing by reading the posting. Jennifer  
7 Lenz explained that the 9 acre property located at 115 Main Street (tax map 102 lot 15)  
8 was recently developed by her parents for a new single family home. Her hope is to bring  
9 a 200 sq ft “tiny home” to the property as an ADU. The one story unit will be anchored to  
10 the existing ledge, will have a potable water tank, hardwire electrical connection, and will  
11 be connected to a state approved septic system (water holding tank=running water=need  
12 for an approved waste water system). Zoning Administrator Halleran explained that he  
13 and building inspector David Lersch have held several meetings with Jennifer in an  
14 attempt to work out a variety of code and ordinance issues. Per the town’s zoning  
15 ordinance people are not allowed to live in an RV for extended periods of time. Tiny  
16 houses which often share characteristics with RV’s often have difficulties satisfying local  
17 building codes. David has decided to evaluate this one as a manufacture home for life  
18 safety code issues. The unit will have to be hardwired and anchored.

19 Having determined that the application was sufficient to move forward, Chairman  
20 Colburn turned to public comments on the proposal. Abutter Greg Castell expressed  
21 support for the project. There being no others wishing to speak the public hearing was  
22 closed. The board began its deliberations, making the following findings:

- 23 1) The owner is the permanent resident on site.
- 24 2) The proposed unit is to be 200 sq feet; the main house is over 3,600 sq feet in size,
- 25 3) The 9.5 acre property is located in the Village Residential zone is conforming to the  
26 zoning ordinance and the proposed ADU meets or exceeds all valid specific requirements  
27 found in the ADU ordinance section 4.3C and newly adopted state law RSA 674:71-73.
- 28 4) The application satisfied the general performance standards for all special exceptions  
29 as outlined in section 5.6 II
- 30 5) Parking for the proposed unit is adequate.

31  
32 A motion to approve by Member Moynihan, was seconded and voted in the affirmative.  
33 Approval subject to the following conditions:

- 34 1) Prior to occupancy, the required documentation certifying permanent residency must  
35 be recorded at the Registry of Deeds (see ADU ordinance criteria #1)
- 36 2) Prior to occupancy, the project must obtain a certificate of occupancy from the town’s  
37 building inspector.

1 **Case 2017-10 Bart Industries** for special exception #35 Approved Business Project to  
2 build/operate a 3,500 sq ft dry food storage/distribution facility at #360 Route 12A (tax  
3 map 218 lot 10). Chairman Colburn opened the public hearing by reading the posting.  
4 The applicant Robert Baylon explained that Bart Industries is a small company in  
5 Bellows Falls VT. The proposal is to develop a small warehouse on the property for the  
6 storage and distribution of dry foods. No refrigeration is necessary so there are no  
7 compressors or extensive mechanical systems running outside the building. These  
8 facilities work in the following manner: One tractor trailer per day brings the bulk food  
9 into the warehouse. Each morning 6-10 delivery trucks are loaded, leave for the day,  
10 returning late in the afternoon. No employees work in the building during the day. There  
11 is a small office for the district manager to do paperwork. The facility will have a well  
12 and a septic system. The grounds will be landscaped and screened from neighbors; all  
13 outside lighting will either be motion sensitive or dark sky compliant. Having  
14 determined that the application was sufficient to move forward, Chairman Colburn turned  
15 to public comments on the proposal. Zoning Administrator Halleran noted that he has  
16 contacted the State of NH Department of Environmental Services and the proposed use is  
17 in keeping with environmental restrictions on the property. The new owner will, of  
18 course, be responsible for monitoring the existing wells.

19  
20 Abutter Paul Franklin questioned the accuracy of the tax maps noting that at 3.5 acres the  
21 lot is just conforming and a conforming lot is a requirement for the Approved Business  
22 Project special exception. The tax map acreage appears to be calculated, not from a  
23 survey. Further in his view the neighborhood is residential and this parcel no longer  
24 enjoys any grandfathered status, the Berwick operation ended years ago. To be approved  
25 the Board must find the use is compatible with its surroundings. Finally, Paul questioned  
26 why the building is pushed to the north on the parcel, a centrally located building would  
27 have less impact on their property. Board members determined that the tax maps were the  
28 best data they had available and that data shows the lot to be conforming. Board  
29 members agreed that there is no grandfathered use on the site, the new application must  
30 meet the requirements of an approved business project. Robert Baylon indicated that  
31 location of the building was determined to allow for sufficient turning radius for the bulk  
32 trucks to side unload and leave the facility without having to back up.

33  
34 Abutter Troy Hall asked that screening be added to the common line with his property.  
35 He had no objection to the proposed use.

36  
37 Karen Aldrich felt the use would be a safety hazard with large trucks leaving on such a  
38 heavily travelled roadway.

39  
40 David Lillie noted this property has been an eye sore for decades now and while he has  
41 concerns about the proposed use, the property does need, to find a new use and get  
42 cleaned up.

43  
44 Amy Franklin requested that the applicant consider moving the building to reduce the  
45 impact on her home. As planned, the new building is directly across the line from her

1 existing house. She also noted that the property receives a lot of night time visits from  
2 cars. The property has a history of illegal activity, dumping, drug use etc.

3  
4 There being no others wishing to speak, the public hearing was closed.

5  
6 The board began its deliberations noting that as represented the proposed use would appear to be  
7 no more intensive than any of the three large agricultural businesses in the neighborhood (Mac's,  
8 RiverView and Edgewater Farms). As currently configured the town's zoning ordinance requires  
9 commercial businesses be located on state highways.

10 The Board made the following findings:

11 1) As represented on the town's tax maps the parcel is 3.5 acres in size with 680' of road  
12 frontage along Route 12A. The property is zoned Rural Residential. The neighborhood is  
13 a mix of residential, agriculture, and a commercial automotive garage.

14 2) The scale of the proposed use is a once a day delivery of dry food by a tractor trailer  
15 sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave  
16 the facility returning at night. The process is then repeated six days per week generally  
17 between the hours of 6am to 6pm.

18 3) Lot coverage for the proposed use has been represented at 19%.

19 4) The application satisfied the general performance standards for all special exceptions  
20 as outlined in section 5.6 II of the 2016 zoning ordinance.

21 5) The application satisfies the specific standards for an Approved Business Project,  
22 section 3.5 of the 2016 zoning ordinance.

23  
24 A motion to approve by Member Moynihan was seconded and voted in the affirmative.  
25 Approval subject to the following conditions:

26 1) Site Plan Review Approval by the Planning Board with an emphasis on screening the  
27 proposed use from the residences to the northwest and southwest.

28 2) Prolonged idling of delivery trucks is not permitted.

29 3) Prior to occupancy, the project must obtain a certificate of occupancy from the town's  
30 building inspector.

31 4) The use to be monitored by the Town's Zoning Administrator. Any substantive  
32 deviation from the application or increase in the scale of the use will require additional  
33 town review.

34  
35 The meeting adjourned at 9:40pm.

36  
37  
38 Stephen Halleran

Richard Colburn, Chair

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41

1                                   **MINUTES OF THE ZONING BOARD OF ADJUSTMENT**  
2   **October 10th 2017**  
3   **MERIDEN TOWN HALL**

4 Zoning Board

5 Members Present:                   Richard Colburn, Chairman       Peter Martin  
6   William McGonigle               Brad Atwater

7 The meeting was opened at 7:00pm.

8 **Case 2017-11 Meriden Solar One:** A special exception request to establish a 53 kW/AC  
9 ground mounted solar field on property owned by the Meriden Village Water District.  
10 Chairman Colburn opened the hearing by reading the posted notice. He asked for  
11 clarification about Meriden Solar One. Terry Donoghue of Norwich Technology,  
12 representing the LLC, noted that like Barrington Power at PES, a group of investors will  
13 own the array for tax credits. There is a letter of agreement for the project between  
14 Meriden One and the Meriden Village Water District.

15  
16 Terry Donoghue went on to explain the project. The three rows of panels will cover  
17 approximately 1/3 of an acre on the northern hillside of the Meriden Village Water  
18 District property, see map. The array is close enough to the existing chain link fence that  
19 surrounds the waste water plant that once the array is complete the fence will be relocated  
20 as to include the array within its fenced area. It is anticipated that, like the plant, the array  
21 will not be visible from any abutting residence. All wiring and connections to the electric  
22 grid will be concealed in the array or underground. About five acres of MVWD forested  
23 land will be cut, but not stumped, to provide full sunlight to the array.

24  
25 Zoning Administrator Halleran asked if the water district had held any public hearings on  
26 the proposal, Commissioner Jeff Allbright indicated that they had not.

27  
28 Board members agreed that this case is less complex than the PES array which was larger  
29 and highly visible from the school building. The application was found to be complete.  
30 Halleran noted that there is a land ownership issue that is currently being corrected. It  
31 appears that KUA, many years ago when deeding land to the water district for the sewer  
32 plant made an error in the deed description that has resulted in a gore of land that  
33 technically is still owned by KUA. The academy has been aware of the issue for  
34 sometime and has promised to have the corrective deeds prepared by the water district  
35 signed at an upcoming Trustees meeting. The array will be partially located on the land  
36 in question. Halleran noted that a building permit for the array cannot be issued until the  
37 correction or some other arrangement has been made.

38  
39 The Board moved through its review of the general conditions for all special exceptions  
40 and the specific criteria for ground mounted solar arrays. At the end of this review the  
41 application was found to be complete and the project was approved on a unanimous vote.  
42 The approval was conditioned upon the land issue being resolved, see ZBA decision for  
43 more details.

44  
45 The meeting adjourned at 8:20pm  
46 Stephen Halleran

Richard Colburn, Chair

47