

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
SEPTEMBER 15, 2015**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Sini, Jr., Voigt, Olvany (arrived 8:25 P.M.)

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

PUBLIC HEARING

Proposed Amendment to the Darien Zoning Map (COZM #1-2015), Special Permit Application #246-C/Site Plan #251-C, Land Filling & Regrading Application #184-C/lot line adjustment, Sun Homes Darien, LLC, 36, 42 (formerly 0), and 48 Wakemore Street (Kensett II). Proposing to: establish the Designed Community Residential (DCR) overlay zone on parcels totaling approximately 2.49+/- acres; and raze the existing three structures on those properties and constructing ten new structures containing fourteen market rate units and three off-site below market-rate units at 269 Hoyt Street (two of which will be age-restricted); combine the three Wakemore Street parcels with Kensett I; and perform related site development activities. The subject properties are located on the north side of Wakemore Street approximately 1,025 feet east of its intersection with Hoyt Street, and are shown on Assessor's Map #8 as Lots #226/227 (36 Wakemore Street), #228/229 (42 Wakemore Street), and #230 (48 Wakemore Street), now in the R-1/3 Zone.

Attorney Bruce Hill represented the applicant and explained that Kensett was approved by the Planning & Zoning Commission in 2007 under the new DCR Zoning Regulations. In 2009, the Kensett developers had to return to the Planning & Zoning Commission because the Department of Transportation had not allowed their initial access driveway onto Hoyt Street. The new access driveway included rebuilding of the beginning portion of Wakemore Street and the access driveway from Wakemore Street then goes into the site. The 62 units in the development have been almost all constructed and will be completed in the near future.

Attorney Hill said that in 2014, the applicant proposed a zoning map amendment which would add 16 new units to the project because they were acquiring more land at the northeast end of Wakemore Street. The Commission did not approve that requested amendment. The current proposal involves the same 2.5 acres of land to be added to the project. Currently the 2.5 acres of land consists of 3 lots with a total of 5 building units. The new proposal is that 14 new, market rate units would be added within the Kensett Development and that three below market rate units would be provided on a separate parcel of land located on the south side of Wakemore Street at the intersection with Hoyt Street. Those off-site units are in an existing, legally non-conforming dwelling and would satisfy the requirement for below market rate units.

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Chairman Cameron asked the Commission members if the concept of rezoning the 2.5 acres on the northeast corner of Wakemore Street seemed feasible and plausible and whether it was worth further discussing the matter, or if the concept was completely unacceptable.

Mr. Voigt said in the previous application one of the key concerns was whether the new units in Kensett would be age targeted or age restricted. Mr. Sini asked about 80% SMI for below market units. Kensett agreed.

Commission members said that the concept of rezoning the 2.5 acres of land was sound and that it would be appropriate to continue the discussion regarding the more site specific aspects of the project which include the Special Permit and Site Plan and, Land Filling & Regrading and other details of proposed development.

Attorney Hill said that the previous project had proposed 16 units on the 2.5 acres and now they are only proposing 14 units. He also said that the below market rate units on the separate parcel of land would all be affordable as defined by the State Statutes. He said all of the new units in Kensett would be age targeted and would be on the smaller side of the other units in the development. All of the new units would be accessible from Kensett Lane (the driveway that runs through the development) and would not be accessible from Wakemore Street except when the previously approved emergency egress driveway must be utilized. He said that they are also proposing some improvements at the intersection of Hoyt Street and Wakemore Street to help create safer bus stop activity for the children in the neighborhood.

Bill McGuinness of Sun Homes Darien, LLC reviewed the enlarged plans of the proposed development area. He said that the driveway from Wakemore Street (at the east end of Wakemore) into the site will no longer be used for construction access. It will only be for emergency egress. They will continue with the restoration of the wetlands in accordance with EPC approval. This includes removal of invasive species and planting of new, native vegetation.

With respect to the portion of Wakemore Street near Hoyt Street, Mr. McGuinness said that there are eight proposed parking stalls on the site of the three-family house at the corner of Wakemore and Hoyt Street. Five of those parking stalls will be used by the residents in the three-family house and the other stalls can be used by parents waiting to drop off or pick up their children at the bus stop along Hoyt Street. He also said that they proposed to construct a bus shelter that will include two benches and a roof, but no side walls.

The proposed 14 new dwelling units at the northeast corner of Wakemore Street will be part of the Kensett development and they will implement the Universal Design Guidelines so they can easily be modified for people with mobility issues. This is one way that they are age targeting the units, so that people can easily accommodate the building to their lifestyle needs.

Mr. Sini asked if it would be possible to create more pull off areas along Kensett Lane so that parents from Kensett will have the ability to wait for a school bus along Kensett Lane rather than waiting on Wakemore Street. He also questioned the use of the parking spaces on the three-family house lot by other people.

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Mr. McGuinness said that three parking spaces in that parking lot will be available for parents waiting to drop off children and two pull off areas along Kensett Lane will be created. None of these will be assigned spots, but they will be available for people to use on a temporary basis while waiting for school buses to pick up or drop off children.

Mr. Olvany then arrived.

Mr. DiDonna said that pull aside areas do not seem enough to address the existing parking problems that have been experienced and previously expressed. Mr. Olvany said that few people will park in the parking lot and then walk down to the corner and then walk back up to the car to return home or to drive to work.

With respect to the new units proposed in Kensett, Mr. DiDonna asked about the description of an elevator “rough in.” Mr. McGuinness said that the design is to create a shaft built into the building so that an elevator can easily be installed in the future. If the elevator is not installed initially, the various levels of the shaft can be used as storage closets.

Mr. DiDonna said that the application indicates that they will change their marketing materials to not mention the schools. Mr. DiDonna said that that is one aspect, but he suggested that they should mention the Senior Center and other amenities available to seniors in the community. He asked about the Universal Design standards.

Mr. McGuinness said that the Universal Design standards are incorporated in the development at little or no cost to the buyer so that the home can easily be modified as the mobility of the residents decreases and their need for assistance increases. He said that the Universal Design standards are built in at no cost, and the elevator shaft is designed in at no cost to the buyers, but the actual installation of an elevator is an option that the buyer would need to pay for.

Mr. Sini asked about the drainage and engineering questions and asked if they had all been resolved. Attorney Hill said that the engineers for the applicant and the Town have resolved all of their issues and concerns and have provided written comments to the Town. The final plans will incorporate the final engineering and storm water management that has been discussed by the engineers. Mr. Voigt asked if this included the issues regarding the southerly portion of Kensett I, and he was told that it did.

Oleg Starovoitov at 22 Wakemore Street said that he had submitted letters that had been signed from various neighbors in support of the project subject to certain conditions, including the “emergency only” use of the second driveway at the easterly end of Wakemore Street; that no construction traffic use Wakemore Street; that Wakemore Street be paved by November 26th; and that the gas line be installed in Wakemore Street as previously promised by the developer. Other issues of concern include the school bus solution and drainage improvements recommended by Mr. Canas, the engineer hired by the Town.

Patrick Hirscht of 17 Wakemore Street said that the bus stop problem is a safety problem that is growing. He said that he would prefer cut-outs along the street rather than using a separate parking lot that is on the site of a three-family house. He said that those three parking spaces mentioned by Mr. McGuinness would not be used by parents from other parts of Kensett or Wakemore Street. He

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said that most children at the bus stop are elementary school age and about 10 of those children are from Wakemore Street and about 15 are from Kensett. He said that the small covered area proposed in the bus stop would not be sufficient during inclement weather to cover all of those children. He said that he has discussed the issue with the Board of Education and they will not drive their school buses on the private road on Kensett Lane which is a private driveway, or on Wakemore Street which is a private road.

Victor LaLanne of 32 Wakemore Street spoke in support of the application.

Jen Van Beek of 9 Kensett Lane said that it is a wonderful place to live and said the proposed school bus shelter should be larger and enclosed. She said that she noted in the morning that approximately 10 cars line up on Kensett Lane and Wakemore Street in the winter. She suggested that a sidewalk should be installed along a portion of Wakemore Street to avoid the children to having to walk in the street.

Mr. Christian Green of 35 Wakemore Street said that the proposal is in effect doubling the density of the number of units on the 2.5 acres at the northeast end of Wakemore Street. He said that the marketing materials for the developer still references the schools. He said that there are pictures of vehicles on Wakemore Street lined up waiting for the school buses and that there were less during this last summer. He said that dirt and dust from the construction site have spread throughout the neighborhood and that all of the neighbors are waiting for Wakemore Street to be black topped as promised by the developer. He said that the intersection of Hoyt Street and Wakemore Street needs to have safety improvements for the school bus children.

Commission members asked Mr. Ginsberg if the Town's Traffic Consultant had any comments. Mr. Ginsberg said that the Traffic Study was reviewed by Mr. Galante on behalf of the Town and he felt no need to comment.

Lisa Yarnell of 15 Kensett Lane said that she likes having children in the community and notes that there are 12 to 20 children that play in the streets and ride bikes and skateboards in the street within Kensett because there is no playground area for them. She said adding more homes with the potential of more children would make the need for more play area more of a problem. She said that we need to make playground space for the children and that many of the children in the development are under 5 years old and will be going to school in the future. Mrs. Cameron said that the original intent of the development was to be age targeted toward seniors and so there will not be playgrounds on site. Mr. DiDonna said the development was designed not to be for children and now the fact that many residents do have children appears to pose a safety problem. Mrs. Yarnell said that there is still a feeling that the internal driveway is narrow and she is very concerned about the safety of the children playing in the street.

Tina Orsi-Lirot said that she lives across town on Fairmead Road but noted that this is a wildly successful development. She said that eventually this development should take over all of Wakemore Street and she is in support of this high quality project. She said that many buyers of the units did not use real estate agents to purchase their units because Kensett did a good job of marketing.

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Elizabeth Gertds of 19 Kensett said that she resides in the Kensett development and that it is a beautiful community. She said that adding more units with a potential for more children will add to the existing problem and it may become dangerous with more children. She said that the Town or the developer should deal with the problem as it is.

Diane Nava of 49 Kensett Lane said that she loves living there and that this is a great alternative to a single family, detached house on its own separate lot. She is in favor of more dwelling units being added, but not more children playing in the street. She said that the kids in the neighborhood are good kids, but it is not safe to have them playing in the streets.

Bruce Hill said, in response to questions, that it would be acceptable to incorporate the Traffic Study and final engineering and Police Department comments from the previous files into the current file.

Bob Dale of Kensett said that the development has been a long term benefit to the neighborhood and the Town and that he and his partners will work hard to make the new units age-targeted. All of the new units will have the new elevator installed at no extra cost to the buyers. He said of the last 14 sales within the development, only three of those buyers had young children and 11 buyers had no children. He said that the development benefits both the neighborhood and the Town, and will spur additional investment and improvements in properties. He said that a commitment has been made to pave Wakemore Street, but they have been waiting for the gas company to install the gas line in that area. He said that the previous assessment was approximately \$1,000,000, and now the assessment is approximately \$25,000,000.

In response to questions from Mr. DiDonna about his long term view of Wakemore Street, whether it will be single family or multi-family, Mr. Dale and Mr. Hill indicated that they had no plan to extend the multi-family zone onto any other properties on Wakemore Street. They anticipate that those single family property owners will invest to improve their homes.

Mrs. Cameron asked if there were any other safety improvements that could be made at the bus stop area of Hoyt Street and Wakemore Street.

Mr. Dale said that it might be possible to add a stop sign and that they will work with the Board of Condominium Owners of Kensett, because it is their neighborhood and they know it best. He said another possibility would be to narrow the street because narrow streets slow down traffic. He said that the plan does not show a sidewalk near the bus stop shelter and that they will re-examine the grades and discuss the possibility of creating more pull off areas on the north side of Wakemore Street.

Mrs. Cameron said that she noted that it appears that construction vehicles are still using the east end of Wakemore Street as construction access. Mr. Dale said that he did not think that was occurring, but he will look into the matter.

Mr. Voigt asked the applicants to look into expanding the size of the bus shelter and having side walls to create more of a wind break. Mr. Olvany asked if they would provide more detailed information about the taxes on the units and associated values and tax revenues. Mr. Dale said that they would return to the Commission with additional information regarding the taxes, and safety at the bus stop, and safety on the internal Kensett Lane area, and the floor plans for the buildings.

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Mr. Hill said that if the Wakemore residents have formed any kind of a formal neighborhood association, he would be glad to work with that organization on the safety and traffic issues.

Commission members decided to continue the public hearing regarding this matter on September 29, 2015 at 8:00 P.M. in Room 206 in the Town Hall.

At about 9:50 P.M., Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #362, Evan Saucedo, 1 Fairmead Road. Proposing to regrade for the construction of a new driveway and associated retaining walls, and to perform related site development activities. The subject property is situated on the west side of Fairmead Road, at the southwest corner formed by its intersection with Old King's Highway North and is shown on Assessor's Map #35 as Lot #31 & #32, in the R-1/2 Zone.

Scott Farquharson explained that the proposed addition to the south side of the house would include living space and a new garage. The doors to the garage would face the side of the property and the driveway needs to be rebuilt and extended to reach the new driveway. Part of the regrading for the driveway would be within 15 feet of the southerly property line and therefore. Special Permit approval from the Commission is required.

John Martucci, Professional Engineer, explained that most of the regrading involved cutting or lowering the ground level. He has designed the plan to incorporate proper storm water management techniques. He said that the new driveway has been designed so that it is no more than a two percent slope for the first 30 feet going into the site from the street. Then the pitch of the driveway does not exceed 10% in grade. A retaining wall will be constructed along the southerly property line to accommodate the change in the grade. Stormwater will be managed by putting it into an infiltrator system.

Christina Orsi-Lirot explained that she owns the property to the south and she feels that a proposed addition and driveway is a great plan. She said that Fairmead Road is completely non-conforming because many of the lots are so small they do not comply with the current zoning requirements. She did question the fence located on or adjacent to the south property line and asked if it would be removed during the construction of the wall. If it is removed, she asked if it would be re-installed. She also asked whether the retaining wall would be loose stone or mortared in place. She asked about parking of construction vehicles during the construction process. She said she had no problem if the applicants wanted to discuss with her the ability to access the construction site through her property, but she needs to know what the detailed plans are so that she can discuss it with her tenant.

Mr. Martucci said that the plan would be to remove the existing fence along the side property line, do the regrading and build the retaining wall, and then reinstall the fence on top of the wall. He said that the new driveway will be lower than the neighbor's property and that the face of the wall would be stone. He said that the wall would be a maximum of two feet wide and it would still leave a 24 foot wide back-up area from the garage to the face of the stone wall. He said that if the project is approved, he could provide specifications of the wall design.

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There were no further questions or comments. The following motion was made: that the Commission close the public hearing regarding this application. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

At about 10:05 P.M., Chairman Cameron then read the following agenda item:

Coastal Site Plan Review #203-A, Flood Damage Prevention Application #116-A, Land Filling & Regrading Application #365/lot line adjustment, John & Cindy Lynn Sites, 209 Long Neck Point Road. Proposing to construct additions and alterations to the existing residence; merge Lot #10-2 and Lot #10 into a single lot; and perform related site development activities within regulated areas. The subject properties are located on the east side of Long Neck Point Road approximately 1,450 feet south of its southernmost intersection with Pear Tree Point Road, and are shown on Assessor's Map #61 as Lots #10 and #10-2, in the R-1 Zone.

Attorney Wilder Gleason represented the applicant and submitted a highlighted map to illustrate the location of the property. He said that there are actually two properties, a front lot which is number 207 Long Neck Point Road and a rear lot which is number 209 Long Neck Point Road on which the existing house is located. He said that the house is partially located in the velocity Flood Zone with an expected Flood Elevation of 15. That results in a requirement that the first floor of the house has to be at Elevation 17 or more. He said that the actual floor Elevation of the first floor of the house is 15. Mr. Gleason did say that there is an existing basement at Elevation 8.5. From the existing Mean High Water Line to the wall of the building is 52 feet and from the Mean High Water Line to the deck is approximately 47 feet. The proposed construction on the water side of the house includes extending the deck and porch area. The main addition to the house will be a garage located inland or upland from the house. He said that because the basement is below the expected Flood Elevation, the house does not comply with the Flood Damage Prevention Regulations. The total value of all of the improvements to the residence cannot exceed 50% of the value of the structure. The proposed improvements will cost less than 50% of the value of the structure. In order to comply with the setback requirements, the front lot and back lot must be combined so that the garage can be placed on the property.

Attorney Gleason said the few changes include the new garage and driveway courtyard, a link from the house to the garage, a new turret style entry addition on the southwest corner of the house and on the southeast corner of the house, and an addition at Elevation 17.4 or above. He said that the support structures for that addition will be washed through piers so that it will not obstruct or be damaged by flood waters. The proposed deck addition would be 42 feet from mean high water and would be above an existing patio that is located at grade.

In response to questions, Mr. Ginsberg said that the plan does not need to be submitted for review by the Architectural Review Board or the Historic Preservation Committee, since it is a single family residence.

Attorney Gleason said that the merger of the two parcels would do away with any likely additional driveway from Long Neck Point Road.

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Mr. Ginsberg said that the plans were referred to the Connecticut Department of Energy and Environmental Protection and in an email they indicated that the plans are not inconsistent with the Coastal Area Management policies.

Attorney Gleason submitted a letter from John Roberge, P.E. regarding the structural elements of the foundation and the fact that they will comply with the Flood Damage Prevention Regulations.

Robert Frangione, Professional Engineer, reviewed the site plan and development aspects of the project. He said that stormwater runoff from all the impervious surfaces drains directly into Long Island Sound and there are no water quality features on the site. He said that the proposed drainage system would include water quality best management practices, but they would not be retaining any rain water for flood damage prevention purposes, only for water quality. The proposed Drainage Plan includes installation of 15 Cultec units for water cleansing. The plans also include proper installation of silt fence and tree protection and anti-tracking pads.

Attorney Gleason said that the proposed garage has been designed to be tucked into the hill so that it would not be obtrusive. This will result in some cut and the excavated material will be removed from the site.

Chris Pagliaro, Project Architect, said that they are adding a masonry deck structure with an open area below. They will need a safety fence or railing required by the Building Code, but the increased deck allows them to create an extended patio from the northeast side to the southeast side of the residence.

Mr. Voigt expressed his concern about the Coastal Area Management Regulations and the proximity of the proposed work to Mean High Water. He also noted that the additions and construction would be visible from the water looking landward.

There were no comments from the public regarding the application. The following motion was made: that the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

At about 10:30 P.M., Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #363, Peter Grant, 38 Old Parish Road (aka 154 West Avenue). Proposing to fill and regrade and construct associated walls, and to perform related site activities. The subject property is on the west side of Old Parish Road approximately 15 feet north of its intersection with West Avenue, and is shown on Assessor's Map #20 as Lot #17, in the R-1/5 Zone.

Architect Jacek Bigosinski represented the applicant and explained that the house on the property at 154 West Avenue has been removed. The plan is to build a new house and it will be accessed from Old Parish Road so the street address will become Old Parish Road. They have applied to the Environmental Protection Commission and received approval to do filling and regrading and construction of a retaining wall very close to the edge of the wetland. This retaining wall will allow for a clear demarcation and separation barrier between the lawn and actively used portion of the

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property from the wetland areas that are not to be disturbed. Since some of the proposed regrading would be within 15 feet of the property lines and more than 25 feet from the building, Special Permit approval from the Planning & Zoning Commission is necessary.

Mr. Bigosinski said that there is an angled wall from the westerly property line which is adjacent to the parking lot for Rings End Lumber.

Mr. Ginsberg said that the original house construction had been approved several months ago by the Environmental Protection Commission and then the applicant returned to the EPC for the additional filling and regrading and retaining wall. He said that the second application was also approved by the EPC. He said that the plan was referred to various departments in Town and the Department of Public Works has indicated that the applicant needs to obtain approvals for the sanitary sewer work and any work within the street right-of-way.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #364, DH Realty, LLC, 272 West Avenue. Proposal to fill and regrade in the front and back yard, and install associated retaining wall and perform related site development activities. The subject property is situated on the north side of West Avenue, approximately 75 feet west of its intersection with Edgerton Street and is shown on Assessor's Map #22 as Lot #43, in the R-1/5 Zone.

John Martucci, Professional Engineer, represented the applicant and explained that they are proposing to add a ½ story to the house and a patio. They want to level off the back yard. He said that the property generally slopes from the west to the east and there is approximately 2½ to 3 foot change in the ground level. They will continue to have the same overall slope, but the front and back yards will both be flatter. Mr. Martucci explained that drainage design has incorporated several cultec units to be installed and the overflow from those cultec units will continue to flow downhill which is toward the property on Edgerton Street.

Nicholas Morales, the owner of the neighboring property at 68 Edgerton Street, expressed his concern about the drainage. He wanted to make sure that no additional water runoff would be directed at his residence.

Mr. Martucci noted that the low spot of the subject property is in the middle of the east side of the site. He said that regrading will eliminate much of the flow of water into that low spot. Stone stairs will be created to access from the basement to the front yard and back yard. The basement door is at approximately Elevation 89.5 and the backyard is at Elevation 92.1 and the front yard is Elevation 92.5. Mr. Martucci said that the grades will be carefully managed so that water goes around the Morales' house rather than being directed toward the house.

There being no further questions or comments the following motion was made: that the

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close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron then read the following agenda item:

Deliberation and possible decision regarding:

Coastal Site Plan Review #302-A, Land Filling & Regrading Application #352, David & Rhonda Sherwood, 245 Long Neck Point Road. Proposing to construct a pool, spa, patio, and pool cabana; install associated stormwater management; and to perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED: 7/28/2015. DECISION DEADLINE: 10/1/2015.*

Mr. Sini departed the meeting because he would not be participating in this matter. The following motion was made: That the Commission waive the process of reading the entire Draft Resolution aloud because members have had an opportunity to review it prior to the meeting. The motion was made by Mr. Voigt and seconded by Mr. DiDonna and unanimously approved.

Commission members discussed the draft Resolution and made several clarifications and corrections. They asked the staff to revise the draft Resolution for consideration at a future meeting.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 11:06 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

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