

**COMMITTEE ON SPECIAL PERMITS
MONDAY, NOVEMBER 29, 2021, at 6:58 p.m.
WOBURN CITY HALL
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Councilor Joanne Campbell, Councilor Darlene Mercer-Bruen, Councilor Michael Lannan, and Councilor Jeffrey Dillon

Non-voting members present: Councilor Michael Concannon, and Councilor Joseph Demers.
Absent: President Edward Tedesco and Councilor Robert Ferullo

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Reading and approval of meeting minutes of September 27, 2021: Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to approve the minutes of the previous meeting; in favor, 5-0.

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CONTINUUS Pharmaceuticals, Inc. for a special permit to allow: 1. Revised site plan file with Special Permit Petition; 2. A Modification to the Landowner’s Decision and Notice of Special Permit dated March 29, 2018 (the “Decision”) to allow for a total of approximately 37,728 square feet of light manufacturing use; and approximately 13,038 square feet of office use; and 7,440 square feet of light manufacturing use; 3. A Special Permit pursuant to Section 9 to allow for the requested uses within the limits of the Floodway and Food Plain Districts; 4. Site Plan Approval pursuant to Section 12.2.4; and 5. A Special Permit pursuant to Section 5.1(53) to allow for a high hazard use, at 32 Cabot Road: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Woburn, MA; Scott Thornton, Vanasse & Associates Inc., 35 New England Business Center Drive, Andover, MA; and Ernest Penachio, Vice President of Technical Operations at Continuus, 25R Olympia Avenue, Woburn, MA. Attorney Tarby presented a list of proposed conditions for the special permit decision. He said conditions 10 and 11 require excavation of Cabot Road, which he said will be restored to the satisfaction of the DPW Superintendent. He said condition 16 addresses a pedestrian crossing light at the corner of Washington Circle and Mill Street. Councilor Mercer-Bruen said the Conservation Commission still has to weigh in on the petition. She said the Conservation Commission will need to issue an order of conditions. Attorney Tarby said this is addressed in condition 6. Councilor Mercer-Bruen said she wants the applicant to purchase and install the crossing light referenced in condition 16. Mr. Thornton said applicant can do this. Councilor Mercer-Bruen said the crossing light has already been approved by the Traffic Commission. Councilor Mercer-Bruen said she wants to make sure any construction equipment will not be visible. She said she hopes the petitioner will have a construction staging plan. She said she wants to amend condition 16 to read: “As mitigation for this proposal, the Petitioner shall make a monetary contribution of \$25,000 for the purchase and installation of a flashing pedestrian signal crossing light at the corner of Washington Circle and Mill Street. Installation will be done by the Petitioner and upon receipt of a building permit. Any excess funds shall be applied to traffic improvements along Commerce Way.” Motion made by Councilor Mercer-

Bruen and seconded by Councilor Dillon that the special permit “ought to pass,” with the 16 conditions submitted by the petitioner, as amended; approved, 5-0.

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Cabot, Cabot & Forbes LLC for Special Permit pursuant to Section 23.5.5.2(a), Section 23.5.5.2(b)(e), Section 23.5.5.3(a), Section 23.9 and Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: 1. Two Hundred Fifty (250) residential dwelling units; 2. Accessory pool; 3. Approximately 2,125 square feet of commercial, restaurant, fitness and/or retail space; 4. Site Plan Approval for Two Hundred Fifty (250) residential dwelling units; and 5. All signage as shown on the Site Plan, at 0 New Boston Street: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Woburn, MA; Timothy Williams, Allen & Major Associates, 100 Commerce Way, Woburn, MA; John Sullivan, Executive Vice President, Cabot, Cabot & Forbes LLC, 185 Dartmouth Street, Boston, MA; and Mark Fougere, Fougere Planning & Development, 253 Jennison Road, Milford, N.H. Attorney Tarby said the applicant is waiting for a final memorandum from the City Engineer and response to the peer reviews for both traffic and storm water management. He said in December 2020 the Planning Board approved a definitive subdivision plan that allows for 25 units per acre with a 15 percent affordability component. He said the proposed project has 250 units on a 12.28-acre parcel, which is 20.73 units per acre. He said the density is less than that of Avalon Bay (65 units/acre), 120 Commerce Way (85 units/acre) and 200 Presidential Way (25 units/acre). He said the applicant has agreed to contribute \$150,000 toward traffic signal controls at New Boston and Merrimac streets and New Boston Street and Presidential Way. He said revisions have been made to address some concerns from the Woburn Fire Dept. He said Chief Donald Kenton is reviewing the plan. He said Chief Kenton will forward a letter to the council indicating his concerns have been addressed. He said the environmental cleanup of the site will cost between \$1.5 million-\$2 million, plus another \$1 million for soft costs. Mr. Williams said the applicant received the peer review on November 3 and responded last Friday. He said they have met with the fire department. He said he will walk the committee through the changes right now. He said Chief Kenton’s primary concern was adequate access to fight a fire. He said the layout was changed to better accommodate fire trucks. He said a curb cut for pedestrians was kept so pedestrians can have a connection to the parking lot. He said Eversource will be able to access its power lines. He said there are two MBTA buildings that can be accessed by a path. He said the storm water plan was amended to include the applicant’s calculations. He said he thinks the changes made to the building will address the fire chief’s comments. He said they will also have to modify the floor plan. Councilor Mercer-Bruen said there were some concerns about the size of this project expressed at the public hearing. She asked if the applicant has given any consideration to reducing the number of units. Attorney Tarby said zoning regulations allow for 306 units and the applicant is proposed 250 units. Mr. Sullivan said the environmental cleanup costs are between \$2 million-\$3 million. He said he thinks the density and height are appropriate for this location. Councilor Mercer-Bruen said she will not vote in favor of a special permit for a project of this size. Councilor Dillon asked if the applicants could address the cost of the cleanup. He said the first number he heard was \$1.5 million. Attorney Tarby said the initial estimate is between \$1.5 million-\$2 million. Councilor Dillon asked about the additional soft costs. Attorney Tarby said soft costs could include compliance with environmental regulations, potential redesigns, and legal costs. He said

those costs could be as much as \$1 million. Mr. Sullivan said the \$1 million in soft costs are specific to the superfund site and risk assessment. He said the developer is familiar with the process. He said there are a lot of eyes on this project. Chairman Gately said the land has already been capped. Mr. Sullivan portions of the superfund site are capped but the area of the project itself is not. He said the majority of the site is not capped. He said the area where the building footprint is located is not capped. He said they will have to do test pits and borings. He said there is a process that is highly regulated by EPA. Chairman Gately the applicant will have to be cognizant of the location of the utilities. He said quite a bit of the area was capped, and the environmental agencies will get mad if the cap is dug up. Mr. Sullivan said EPA is focused on maintaining the cap. He said the developer has to come up with a plan to satisfy the environmental agencies and the seller. Councilor Campbell said she has a couple of concerns. She said the area has been saturated with apartments, with approximately 2,000 new units. She said she is concerned about the impact on public safety and schools. She said she thinks the project is too large. She said she thinks it needs to be reduced. She said 250 units is too many. She said she would like to see much less. Councilor Mercer-Bruen asked if the applicants are meeting with Joe LeMay from EPA. She said she is going to give Mr. LeMay a call and report back to the City Council. Attorney Tarby said Mr. Fougere can address the impact of the project on the schools. Mr. Fougere said he looked into the impact on the schools of similar projects and reported as follows: Kimball Court generated 143 students; Inwood generated 50 students and Washington Crossing generated 16 students. He said there is quite a wide range. He said the New Boston Street project is expected to generate approximately 31 children. He said there will not be a significant increase to any particular grade. He said the project will add 16 elementary students, 8 middle school students and 7 high schools students. He said 64 percent of the units are either studio or 1-bedroom units, which do not attract occupants with school-aged children. Councilor Dillon asked about the breakdown of the market rate and affordable units. Mr. Fougere reported as follows: 23 market rate and 4 affordable studio units; 133 market rate and 21 affordable 1-bedroom units; 65 and 11 affordable 2-bedroom units; and 11 market rate and 2 affordable 3-bedroom units. Councilor Mercer-Bruen said if there is no reduction to the number of units, or a change to the breakdown of the units, the applicant may not get this special permit. Attorney Tarby said he does not know how the project will work if the number units is reduced. He said they are still waiting for peer review information. Chairman Gately asked when the peer review information will arrive. Attorney Tarby said he is hoping to hear more about the peer reviews this week. He said he also expects Chief Kenton to send a memo this week. He said it is probably best to keep the matter in committee. Motion made by Councilor Dillon and seconded by Councilor Campbell to leave the matter in committee; approved, 5-0.

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Montvale Land LLC for approval of amended Master Concept Plan pursuant to Section 28.4.3 of the City of Woburn Zoning Ordinance, as amended, for the Vale, located on Hill Street, and for a Special Permit with Site Plan Review under the Technology Business Overlay District under the 1985 City of Woburn Zoning Ordinance, as amended, to allow for life science campus with a mix of R&D lab buildings, a cGMP biomanufacturing building, and an amenity building of approximately 10,000 square feet, at A2 Hill Street: Representing the petitioner were Attorney Joseph Tarby, Ruben Rudman, 600 Unicorn Park,

Woburn, MA; William Gause, Executive Vice President, Leggat McCall Properties, 10 Post Office Square, Boston, MA; Rob Nagi, Senior Transportation Planner & Engineer, Vanasse Hangen Brustlin, 101 Walnut Street, Watertown, MA; and George Ryan, Stantec Planning and Landscape Architecture P.C., 226 Causeway St., Boston, MA. Attorney Tarby said the applicant is proposing a life sciences campus with a research and development component and an amenities building. He said there will also be approximately 20,000-square-feet of retail spread among four buildings. He said a parking garage will be built in conjunction with the third research and development building. He said there will be five buildings in total. Councilor Mercer-Bruen said there is a memo from the Planning Board dated October 27 and asked if that is the most recent correspondence from the board. Attorney Tarby answered affirmatively. Councilor Mercer-Bruen said she is looking to see language as there was with the previous petition about the buildings being green. She said the applicant can probably use that language. She said she wants to talk about high hazard uses. She said the City Council took great care to restrict uses at the Vale to Biolevel-1 and Biolevel-2. She said she is concerned about this being built on spec. She asked the applicants if they can give her an idea of who is going to occupy these buildings. Attorney Tarby said the current trend is to build on spec to attract tenants. Mr. Gause said tenants want to know where they can go the quickest. He said the idea is to build two different types of buildings to attract two different types of businesses. Councilor Mercer-Bruen said it is good to know who our neighbors are. She asked Mr. Gause if his organization feels it is necessary to let anyone who is buying a condo know what's going on in their other buildings. Mr. Gause said the ordinance has been established so people know what is allowed in the Vale. He said the Biolevel uses are restricted to levels 1 and 2, not 3 and 4. Councilor Dillon said the council approved a smaller building, but now the applicant is planning to build a bigger building with fewer people. He said the original buildings were smaller, but now there is a bigger footprint with less parking and less people. Attorney Tarby replied the applicant has eliminated the hotel and one of the proposed parking garages. Mr. Gause said the actual square footage between the two versions of the project is comparable. He said the newer iteration has much less retail and eliminated a hotel. He said the life sciences buildings will have a lower density because you don't have as many people as you do with an office building. Councilor Dillon said the square footage is smaller than what was approved. Mr. Gause said green space has increased. Councilor Campbell said she would like to hear more about the square footage. She said she realizes the hotel will be eliminated. She said what was proposed originally did not seem as dense. She said the new version of the buildings seem to be larger. Attorney Tarby said open space will increase to 329,000-square-feet, and 82,000-square-feet of retail has been eliminated. Mr. Ryan said there will be additional open space, as shown in a rendering of the common area. He said the campus looks and feels more open. He said green space will increased by 10 percent to give the area more breathing space. Councilor Campbell said she is concerned about the appearance of the buildings. Mr. Gause said there will be a substantial amount of glass in the buildings. He said they will be aesthetically pleasing. Mr. Nagi said he expects the revised version of the project to produce 684 trips on a daily basis. He said that is an increase of about 30 trips, which he described as an insignificant change. He said there will be a reduction of 100 trips on a Saturday. He said when everything is considered, there will be an overall reduction in traffic. Councilor Campbell said that is important information. Councilor Dillon said he thinks the elimination of some of the retail space will help mitigate traffic and lessen the need for city services. He said he thinks the revised plan is superior to what was originally proposed. Attorney Tarby said he has a list of proposed conditions. Councilor Mercer-Bruen said she would like to

send the petition back for action. She said she is not ready to vote on the conditions that were submitted by Attorney Tarby. She said she thinks Councilor Campbell has brought up a good point about the design of the buildings. Attorney Tarby said he will confer with his client. Councilor Mercer-Bruen asked if the petition would be ready for a vote when the council resumes the public hearing. Attorney Tarby said renderings were submitted with the application. He said he and his client will review everything before next Tuesday. Councilor Mercer-Bruen said that would be great. She said back for action would be her recommendation, with a potential vote on Tuesday after the council hears from the public. Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to accept a draft version of conditions dated November 29, 2021, as submitted by Attorney Tarby; approved, 5-0. Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to send the petition “back for action;” approved, 5-0.

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Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to take a 5-minute recess; approved, 5-0. Chairman Gately recessed the meeting at 7:59 p.m.

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Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to return to the regular order of business; approved, 5-0. Chairman Gately resumed the meeting at 8:04 p.m.

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Lawless Inc. for special permit to modify Landowner’s Decision and Notice of Special Permit dated May 11, 2017, at 8 Draper Street: Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Woburn, MA. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to take the next two items on the agenda separately; approved, 5-0. Councilor Mercer-Bruen said she has two documents to distribute to the committee: The special permit for Lawless at 196 Lexington Street and the original document for 8 Draper Street. Attorney Tarby said he also has a document for distribution to the committee: an aerial photo of the Draper Street area with 8 Draper Street highlighted in yellow. Attorney Tarby said the applicant is seeking to modify a decision that was issued on May 11, 2017, to allow for auto repair and auto body work at 8 Draper Street, in Building C identified on the plot plan. He said Lawless replaced Bradco Supply at that location in 2017, and the change of tenancy resulted in the elimination of 75-100 truck trips per week. He said Lawless uses the site as a parking and vehicle prep operation. He said the City Council saw the benefit of Lawless moving into that location. He said due to a decrease in the availability of vehicles during the pandemic, the demand for parking on the site has been reduced significantly. He said there is space for 207 vehicles but the last time he was at the site, there were less than 10 vehicles parked there. He said the intent is to provide service for vehicles that is expected to last more than one day. He said all vehicles will be driven to and from the site by Lawless employees. He said there will be no customers allowed on the premises. He said 5-10 employees will be expected to be on-

site during hours of operation, which are proposed for 7 a.m. – 6 p.m. on weekdays and 7 a.m. – 5 p.m. on Saturdays. He said there will be no hours of operation on Sunday. He said the special permit issued in 2017 limits operations to parking and preparation of vehicles. He said Lawless is asking for that to be changed to allow auto repair and body work. He said the only opening in the building faces 10 Draper Street. He said no openings face toward any residential areas. He said he does not believe there will be any adverse impact to the neighbors. Councilor Mercer-Bruen said she took a ride to the site to make sure nothing has changed. She said in 2017 the council said no to vehicle repair and body work. She said sound travels. She said from looking at the photo there are swimming pools and residential neighbors in proximity. She said the council has done a good job limiting businesses that cause traffic and noise on Draper Street. She said the council does not want to go backwards on Draper Street. She said nothing has changed. She said there are plenty of other places where this type of operation would work. She said it doesn't work here. She said she won't support it. She said this is another example of chipping away. She said the council is discussing two things it expressly didn't want in 2017. She said she is concerned about proximity to residents. She said she hopes her colleagues on the council will join her in saying no. Councilor Campbell said Councilor Mercer-Bruen has been working hard to make sure the neighbors are heard. She said the council made it quite clear there would be no vehicle repair at this site. She said she thinks the council needs to respect the conditions it imposed in the past. She said she cannot go along with this either. She said if she does not respect the conditions that were imposed on this special permit, she will not know how she is going to draw the line in the future. She said there is a condition that prohibits vehicle repair and she will respect that. Councilor Dillon said that while businesses change and business conditions change, the residents still have a right to peace and quiet. Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to suspend the rules to allow any member of the council not on the committee to address the committee in regard to the petition; approved, 5-0. Councilor Concannon said he agrees with Councilor Mercer-Bruen and Councilor Campbell. He said this is a unique neighborhood. He said there has been a lot of development that has come up around it. He said the unfortunate people on Draper and Nashua streets have put up with a lot. He said he was on the fence in 2017 but supported the special permit under the terms that there would only be parking and vehicle prep. He said that seemed reasonable. He said he recalls a discussion then about repairs and whether that would be allowed. He said if the council allows vehicle repair, it will be too much of a burden for the neighborhood. Councilor Lannan said he has no problem allowing auto repair and a body shop on this site. He said his business is in the automotive industry with a dealership on Winn Street and he hears more noise from the pickleball court at Library Park than he does from the repair shop. Councilor Lannan said he does not have a problem with supporting this petition. Attorney Tarby said the locus is in an industrial zone. He said there are other repair facilities on Draper Street. He said the neighborhood is a business industrial neighborhood. He said if noise is an issue, the committee should give the applicant an opportunity to suggest noise mitigation measures. Councilor Mercer-Bruen said the applicant is trying to chip away at the prohibitions imposed by the council in 2017. She said the committee ought to say no. She said there will be noise, and neither she nor the Building Commissioner has time to chase down noise complaints. She said there are locations other than Draper Street that are more appropriate for auto repair and body work. She said the council has made progress on Draper Street and now is not the time to go backwards. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell that the modification to the special permit "ought not to pass;" approved, 5-0.

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Lawless Inc. for a special permit to modify Landowner's Decision and Notice of Special Permit dated June 14, 2005 pursuant to Section 7.3 and Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, at 196 Lexington Street:

Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman, 600 Unicorn Park, Woburn, MA; Timothy Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA; Ralph Bavaro, Vice President of Lawless, Inc., 196 Lexington Street, Woburn, MA; and Dan Ray, Vice President of Preconstruction and Design, Jewett Construction, 25 Spaulding Road, Fremont, N.H. Attorney Tarby said the applicant is proposing to construct an addition of approximately 4,125-square-feet on the first floor and approximately 4,900-square-feet on the second floor. He said Jeep Chrysler has requested a modification of the dealership. He said customers will be able to wait in a more comfortable waiting area. He said there were a number of comments made during the public hearing which he would like to address. He said there was a statement made at the hearing that a fence was installed just prior to the public hearing. He said Lawless paid \$3,800 in 2019 to have a portion of the fence fixed but the contractor did not finish the job. He said another contractor was hired in May to install the fence, and the project was completed as soon as possible. He said Lawless has been in contact with the neighbor about the fence. He said there was a statement that Lawless is using a portion of the lot for parking that is not allowed to use. He said Lawless does not use that area for parking and is prohibited from using that area for parking under the zoning ordinance. He said there was a statement that employees are using panic alarms to locate cars in the parking lot. Attorney Tarby said Lawless management sends memos the staff advising them using the panic alarms is against company policy. He said he is not sure all the panic alarm sounds are coming from Lawless and may be emanating from neighboring properties. Mr. Williams said he would like to address comments from a Planning Board memorandum dated Nov. 22, 2021. He said a snow storage area will be added. He said the dumpster has been relocated to another location for practical reasons. He said a rendering of one of the facades will be provided. He said right-of-way encroachments will be indicated in a modified plan. He said the existing light fixtures will remain. He said the existing oil and water separator will be used. Mr. Williams said the dumpster was placed in its intended location in 2005 but there were some issues due to the wind. He said the new location of the dumpster faces the wind and the problems will be eliminated. He said the parking spaces were reconfigured at a 90-degree angle to better facilitate 2-way movement. He said a curb cut was eliminated. He said everything else will remain the same, including 1-way traffic on the right side of the building. He said they plan on making a final submission with the plan changes. Mr. Ray said there are two areas that will be renovated. He showed the committee a rendering of the façade with a combination of dark and light gray colors, with a harvest bamboo accent. He said there will be a sleek, modern look. He said the entry door will be aluminum and glass. He said there is 91.3 square feet of existing signage, with a proposed modest increase to 119.8-square-feet. He said the signage on the north side will be skinned and replaced, but the signage on the south side of the facility will remain. He said the existing pylon sign will be removed and reduced to zero. He said the wall packs will remain dark sky compliant. Councilor Campbell said when the proposal came forward, Lawless personnel took her around the premises. She said she does not mind the addition, which she said is nicely designed. She said she has a few concerns about the Planning Board comments, firstly about the aisle on the northeast side of the building that narrows from

20 feet to 15 feet and if that was addressed. Mr. Williams said they will be submitting a plan that shows the parking spaces will be angled to 90 degrees, which will create greater width to that aisle. Councilor Campbell met with Mary Ellen Devine to discuss a few things. She said the 2005 conditions to the special permit included a provision for a fence. She asked if Lawless put up a chain link fence. Mr. Bavaro said they put up a white vinyl fence. Mr. Bavaro said what exists on Ms. Devine's property is not their fence. He said her fence has been there since before he started working for the company. Councilor Campbell said she has the original plan that was filed in 2005. She said she is concerned about the design. She said there were supposed to be 29 white pine trees planted. Mr. Bavaro said the 29 trees were planted. He said pine trees were requested. He said pine trees do not do well in a condensed space. He said some the pine trees have thinned out. He said he would have preferred to plant maple or Bartlett Pear trees. Councilor Campbell asked why the trees are not being shown on the plan. She said the plan shows parking right up to the property line. Mr. Williams said there is a buffer zone of 75 feet. Councilor Campbell asked if dark sky compliant lighting will be installed in the parking area and on the building. She said she would like to see something that shields the lighting. Councilor Campbell said Ms. Devine mentioned the noise from the car alarms. She said Ms. Devine indicated Lawless is trying to deal with that issue. She said there is also a concern about noise from loudspeakers in the summer. She said she would like to impose a condition prohibiting the use of loudspeakers. Councilor Campbell said she would like to address the unloading of vehicles. She said she thinks the committee needs to address this issue. Attorney Tarby said the unloading of vehicles occurs in an area in front portion of the property. He said unloading of vehicles on the street does tend to happen when cars are towed to Lawless for repair. Mr. Bavaro said there are three curb cuts on Lexington Street. He said tractor-trailers use the middle curb cut. He said there are occasions when tow truck drivers come to the dealership unannounced. He said they are blind-sided. Councilor Campbell asked about the relocation of the dumpster. Mr. Bavaro said the dumpster was located in an elevated spot and the wind could blow open the doors, which are made of plastic to avoid loud noises. He said trash was blowing everywhere. He said the parking lot is patrolled for trash every day. He said it is evident how clean Lawless' properties are. Councilor Campbell said she would like to impose a couple of additional conditions. Attorney Tarby said the applicant still has to provide a revised site plan. He said he thinks the applicant can put together a list of conditions within the next couple of days. Chairman Gately suggested sending the petition back for action, pending the submission of a revised plan and the negotiation of a list of conditions. Councilor Campbell said she will confer with Ms. Devine about the fence. Attorney Tarby said he will compile a list of conditions. Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to send the petition "back for action;" approved, 5-0.

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Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 8:55 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees

