

Mansfield Conservation  
Minutes  
September 25, 2023

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MANSFIELD  
MASSACHUSETTS

MEETING HELD IN PERSON IN MEETING ROOM 3 A/B  
AND VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Michael Healey, Chair; Dr. Aaron Roth, Vice Chair; Dr. Jeffrey Paten; Robert Smith-MacDonald; Jonathan Hedlund; Ryan O'Hara; Katelyn Gonyer, Conservation and Environmental Planner.

1. Meeting opened at 6:08 pm.

Mr. Healey read the opening statement.

2. Request for Certificate of Compliance: Dimitrios Loukos, 535 Bird Road, Map 039, Parcel 013.

Mr. Healey opened the hearing for a Request for Certificate of Compliance for Dimitrios Loukos, 535 Bird Road. The Order of Conditions was issued in 1994 for the construction of a driveway across a wetland to access an area to build a single-family home under DEP SE 211-486. This hearing was continued from August 28, 2023.

Ms. Gonyer said this is an old Order and a partial Certificate of Compliance was issued in 1995 because at that time the lawn needed to be seeded and stabilized. She said this is for a land transfer and they are trying to remove the encumbrance on the deed.

There were no Board comments.

Mr. Healey read the public comment statement.

There were no virtual or audience comments.

Dr. Roth made the motion to issue a Full Certificate of Compliance to Dimitrios Loukos, 535 Bird Road, Map 039, Parcel 013 under DEP SE 211-0486.

Mr. Smith-MacDonald seconded the motion.

Motion passed 5-0-0 at 6:12 pm.

3. Request for Certificate of Compliance: Steve Hansen, 137 Old Elm Street, Map 006, Parcel 049.

Mr. Healey opened the hearing for a Request for Certificate of Compliance for Steve Hansen, 137 Old Elm Street. The Order of Conditions was issued for a single-family house, associated septic system with a common driveway to be shared with Lot 3 under DEP SE 211-0996. This hearing was continued from July 31, 2023.

Ms. Gonyer said she met with the Applicant on site and she is still waiting for the discrepancies on the plan to be fixed and the area stabilized. She said the Applicant has requested in writing to continue the hearing until October 30, 2023.

Mr. O'Hara arrived at 6:13 pm.

There were no Board comments.

Mr. Healey read the public comment statement.

There were no virtual or audience comments.

Dr. Paten made the motion to continue the request for a Certificate of Compliance for 137 Old Elm Street to the October 30, 2023 meeting.

Mr. Hedlund seconded the motion.

Motion passed 6-0-0 at 6:14 pm.

4. Request for Determination of Applicability: Municipal Airport, Town of Mansfield, 265 Fruit Street, Map 036, Parcel 015.

Mr. Healey opened the hearing for a Request for Determination of Applicability for the installation of an automated weather observing system (AWOS) at 265 Fruit Street within 100 feet of a Bordering Vegetated Wetland. This hearing was continued from August 28, 2023.

Mark Ottariano, Gale Associates, Inc., consultant for the Airport, gave a brief summary of the work shown on Page 4 of the plan. He explained the Applicant is proposing to install an automated weather observing system to monitor the weather in the area for pilots who come to the airport, specifically for Med Flight.

Ms. Gonyer said she was ok with the wetland delineation. She asked about access to the site because this is an area that would be closest to any resource areas. Mr. Ottariano said vehicles would be traveling down the access road but the main staging area will be on the south side on the apron of the airport pavement and will be well away from any resource areas when staging occurs.

There were on Board comments.

Mr. Healey read the public comment statement.

There were no virtual or audience comments.

Mr. Hedlund made the motion to issue a Negative Determination for Reason #3 (work will not potentially adversely impact the resource area) to the Town of Mansfield Municipal Airport, 265 Fruit Street, (Map 036, Parcel 015) with the following special conditions:

Agent is to be notified of start of work.

All disturbed areas are to be stabilized as soon as possible.

Agent to be notified when work is completed.

Dr. Paten seconded the motion.

Motion passed 6-0-0 at 6:22 pm.

5. Request for Determination of Applicability: David and Jana Turco, 23 Keli Lane, Map 040, Parcel 282.

Mr. Healey opened the hearing for a Request for Determination of Applicability for the construction of an addition with a full basement within 100 feet of Bordering Vegetated Wetland, NHESP Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species and within the 200-foot Riverfront of a Perennial Stream. This hearing was continued from August 28, 2023.

Craig Cygawnoski, RIM Engineering Co., Inc. and homeowner David Turco were present; Jana Turco joined the meeting virtually.

Mr. Cygawnoski said there are several wetland resource areas on the property and an existing river, unnamed, located at the southwest corner of the property. He said the Applicant is proposing a 10' x 30' house addition with a full basement that runs the length of the side of the house with approximately 43 square feet of disturbance proposed in the 200-foot Riverfront Area; no work is proposed in the 100-foot Riparian Zone or in the 25-foot No Touch Zone. He noted there is also a rare species habitat on the property that is shown on the state map but no work will be in the rare species area. A drywell, to be located in the front yard, is proposed to carry the roof water from the addition. The existing basement will be continued into the addition. No grading is proposed outside of the existing house.

Ms. Gonyer said two trees were removed in anticipation of installing erosion control. She noted, because there is a slope on the property, the Commission would have to make sure there is no increase in erosion. She said a drywell would be needed to direct any roof runoff from the addition, so any sheet flow is not directed toward the wetlands. She said the during construction the limit of work is to be maintained. The erosion control should be a minimum 8" mulch silt sock, not straw and any lawn clippings/debris should be stored away from the wetlands. She recommended a Negative Determination for reason #3 be issued.

#### Board Comments:

Mr. Healey asked where the soil would be stockpiled before it is backfilled. Mr. Cygawnoski said the stockpile area would be located in the front of the property to the left of the driveway. He said the excavated soil from the foundation not intended for reuse on site would be removed the same day excavation occurred.

Dr. Roth asked if there was any concerns about flooding and if there was any sump pumps. Mr. Cygawnoski said no, there is a 3 ½ foot deep drywell. Mr. Turco said they have not had any basement flooding.

Mr. Healey read the public comment statement.

There were no virtual or audience comments.

Dr. Roth made the motion to issue a Negative Determination for reason #3, (work will not potentially adversely impact the resource area) to David and Jana Turco, 23 Keli Lane, Map 040, Parcel 282 for the construction of an addition with a full basement within 100 feet of Bordering Vegetated Wetland, NHESP Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species and within the 200-foot Riverfront of a Perennial Stream, with the following special conditions:

- Erosion Control is to be installed and inspected by Agent prior to the start of work. Erosion Control shall consist of an "8 (minimum) biodegradable mulch silt sock, not straw.
- Limit of work is to be inspected prior to the start of work.
- All disturbed areas are to be stabilized as soon as possible.
- During construction the limit of work must be maintained .

- Roof runoff is to be directed to a drywell so any sheet flow is not directed toward the wetland areas.
- Any excavated material (soils) should be removed from the site the same day as excavation occurs (except for soil that will be used on site).
- All lawn clippings/yard debris must be stored away from the wetland areas.
- Erosion control must remain in place until all disturbed areas have been stabilized.
- Agent is to be notified when work is complete and all disturbed areas are stabilized.

Mr. Smith-MacDonald seconded the motion.

Motion passed 6-0-0 at 6:33 pm.

6. Request for Determination of Applicability: Nikos Anifantis, 1148 East Street, Map 042, Parcel 030.

Mr. Healey opened the hearing for a Request for Determination of Applicability for the construction on an addition to the existing house and a paver patio within 100 feet of a Bordering Vegetated Wetland and Intermittent Stream.

Craig Cygawnoski, RIM Engineering Co., Inc. and Nikos Anifantis were present.

Mr. Cygawnoski said the proposal is to construct a 16' x 20' addition with a 300 square-foot patio for a total of 830 square feet of disturbance. The closest point to the resource area is 52 feet from the patio and 65 feet from the addition and all work is within the lawn area. He said the stockpiling of material will be adjacent to the paver driveway on the left side of the property; he said any excavated soil from the addition will be removed from the site the same day as excavation occurs. He said a drywell, not shown on the plan, is proposed for runoff from the addition; the location of the drywell will be behind the driveway on the left side adjacent to the material stockpile area. A revised plan, showing the drywell will need to be submitted prior to the release of the Determination.

Ms. Gonyer said the owner of the property had come before the Commission for a deck in 2015 and in 2018 there were enforcement issues with some disturbances to the bank of the intermittent stream in order to access the rear portion of the property. She said at that time the owner was installing a fence and plantings; she noted this area has rebounded very well. She said there was some terracing done on the left side of the property with new stone walls to replace the existing stone walls. She said she will go on site to close out the Enforcement Orders.

Mr. Hedlund asked if the paver patio could be done with porous pavers with spaces between, which would allow for rain water to infiltrate into the ground. Mr. Anifantis said the patio would be brick, the same material used for the driveways.

Mr. Healey read the public comment statement.

There were not virtual or audience comments.

Dr. Paten made the motion to issue a Negative Determination to Nikos Anifantis, 1148 East Street, Map 042, Parcel 030, for Reason #3 (work will not potentially adversely impact the resource area) with the following special conditions:

- Limit of work to be inspected prior to the start of work.
- All disturbed areas are to be stabilized as soon as possible.
- Roof runoff is to be directed to a drywell. A revised plan is to be submitted showing the location of the drywell.

- Agent will meet on site with the homeowner to review the status of the stream restoration.
- Agent is to be notified when work is completed

Mr. Hedlund seconded the motion.

Motion passed 6-0-0 at 6:43 pm.

7. Notice of Intent: Michael Shunta, 241 Francis Street, Map 030, Parcel 076, under DEP SE 211-1003.

Mr. Healey said the Notice of Intent was filed for the construction of a single-story warehouse facility and associated improvements within 100 feet of bordering vegetated wetlands and NHESP Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species under DEP SE 211-1003. This hearing was continued from July 31, 31, 2023.

Larry Beals, Beals Associates, Inc. and Michael Shunta, Atlantic Oliver II Francis Ave LLC, were present.

Mr. Beals said at the July 31, 2023 hearing most of the issues with this project were resolved but one of the Commissioners asked if the pavement could be reduce on the access roads on the north and south sides. He said they considered reducing the pavement from 24 feet to 20 feet. He said they contacted the Fire and Safety Office to make sure this would be all right; this was acceptable to the Fire and Safety Office and the Town Engineer. All the roadways around the building are now one way. Mr. Beals said the only change to the site plans is the reduction of the driveways from 24 feet to 20 feet, and a reduction of 3,800 square feet of payment.

Mr. Healey read the public comment statement.

No virtual or audience comments.

Dr. Roth made the motion to issue an Order of Conditions to Michael Shunta, 241 Francis Avenue (Map 030, Parcel 076) for the construction of a single-story warehouse facility and associated improvements within 100 feet of bordering vegetated wetland and NHESP Estimated Habitat of Rare Wildlife under DEP SE 211-1003 with the following standard conditions along with special conditions:

**SPECIAL CONDITIONS UNDER THE BY-LAW**

1. No work can be started until the Order of Conditions has been recorded with the Bristol County Registry of Deeds and the receipt of the Order is returned to the Commission filled in by the Registry.
2. All work must conform to the site plan submitted on May 12, 2023 and revised on September 6, 2023, as "the plan of record" in this Order.
3. All limits of work and erosion controls shall be installed prior to any construction, clearing, or excavation. The erosion controls shall consist of an 8" diameter biodegradable mulch-filled silt sock with wooden stakes every 10 feet on each sides of the sock or equivalent (do not pierce silt sock with stakes). In addition to the silt sock, trenched-in silt fence may be required depending on the specific site conditions. See the Conservation Agent (Agent) for specific erosion control design standards. The Applicant shall notify the Agent when any such devices or measures are installed so that a site visit can be conducted prior to the commencement of work.
4. The Commission reserves the right to require additional mitigation or erosion control devices or measures if mitigation or erosion control devices are not adequately installed or maintained on site.
5. The Applicant shall ensure that all demarcation (i.e. limits of work) and erosion control devices will remain in place and be maintained throughout the construction process and until all disturbed areas are stabilized.

Stabilization shall be achieved once a complete vegetative cover is reached. Seeded areas shall be covered with a suitable protective cover to allow the seed to germinate and become established. All side slopes greater than 3:1 (but less than 2:1) are to be covered with jute mesh and seeded. At no point shall erosion occur resulting in sediment entering the wetland areas. If erosion occurs, the Agent is to be contacted to review the extent of the erosion and determine follow-up actions.

6. All roof runoff is to be directed into drywells or equivalent drainage components approved by the Commission. The Commission or its agent shall review the locations of the drywells.
7. A construction sequence is to be submitted to the Commission prior to the start of work.
8. The Conservation Commission or its Agent is to be notified of the starting date of the work prior to its commencement.
9. Prior to the commencement of work, a pre-construction meeting shall be held with the Agent, the Engineer and/or Representative, and the General Contractor to review the Order of Conditions, scope of work and construction sequencing.
10. The Applicant shall be responsible to ensure that all contractors on site during the construction have received and reviewed the Order of Conditions and all plans of record.
11. Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued.
12. The Certificate of Compliance shall be requested in writing upon completion of the project. At the same time, the applicant or any successor shall, upon completion of the project, submit an as-built plan and letter signed by a professional engineer, certifying that the work has been done in accordance with the approved plan.
13. Any modifications or revisions to the plan(s) referenced in this Order must be submitted to the Commission for review. For single family lots, this Order is for the structures shown on the plan of record only. Any additional structures including, but not limited to, decks, patios, sheds, pools, walkways and/or any hardscape features must be reviewed by the Commission. If, after their review, the Commission finds that the changes are not significant enough (minor modifications) to warrant an Amended Order or new Notice of Intent, then the revised plans shall be considered the new plan of record. If the changes are significant enough to warrant an Amended Order or new Notice of Intent, the applicant is required to file accordingly.
14. Prior to receiving a Certificate of Compliance, the Applicant must install permanent "Environmentally Sensitive Area" signs on the subject lot. The Applicant must install 12" x 18" metal signs on a permanent metal post. The quantity and location of the signs are to be designated by the Commission or the Agent on a case by case basis. Contact the Conservation Department for signage details, sign vendors and method of installation.
15. No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used.
16. Dumping of lawn clippings and/or yard debris into the wetland and/or 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well.
17. All terms and conditions set forth in the Stormwater Management Plan report including the Stormwater Operations and Maintenance Manual (dated May 2023) are to be included with this Order of Conditions for 241 Francis Avenue, prepared by Beals Associates, Inc. All O & M activities are to be on-going conditions even after a Certificate of Compliance has been issued. All reports and checklist are to be submitted to the Commission as noted.
18. Snow shall be stored in specified snow storage areas; no snow shall be stored within the wetland or wetland buffer zones beyond impervious areas. A chain link fence to be installed to prevent snow being plowed into wetland areas. Any snow stored on site is to be removed off site.
19. All comments made by Richard Alves, Town Engineer, are to be addressed prior to the issuance of this Order.
20. An updated plan is to be provided prior to the start of any work.

Mr. Hedlund seconded the motion.

Motion passed 6-0-0 at 7:09 pm.

8. Notice of Intent: Munal Salem, 235 Central Street, Map 018, Parcel 436, under DEP SE 211-1006.

Mr. Healey opened the hearing for a Notice of Intent for the extension of an existing building and new parking area within 100 feet of Bordering Vegetated Wetland under DEP SE 211-1006. This hearing was continued from August 28, 2023.

Craig Cygawnoski, RIM Engineering Co., Inc., and Balvir Singh, Project Manager, were present.

Mr. Cygawnoski said there is an existing dental practice on this property, which has now been sold to a different dental practice and the new owners are looking to expand the building. He said there is a wetland resource area on the neighboring property, 12 Perkins Avenue, with a small portion on this site. He said currently there is a gravel parking lot with a small area of crushed stone and a retaining wall. The proposed building will be expanded to the back of the existing gravel driveway. He noted the parking is based on the square footage of the building. He said the proposed building would be a two-story building with office space on the second floor with the dental office on the first floor. He said he requested eighteen parking spaces but there is a total of nineteen, with one being a handicapped space. He said the Planning Board approved the project 1½ years ago and the Town Engineer reviewed and approved the drainage system for this project. There are two one-way 12' driveways with an entrance on the right side of the building, with vehicles exiting out on the left side of the building. Mr. Cygawnoski discussed the drainage system. He said the intention is to build the parking area with minimal disturbance of the existing wooded area, leaving the trees and the slope in their current condition.

Ms. Gonyer suggested a chain link fence around the parking area parallel to the wetland resource area to collect any debris.

Mr. Cygawnoski said unfortunately there is no other place to put the handicapped spot, which is at the 25-foot buffer zone. Ms. Gonyer asked if the proposed parking spaces were needed and if this was a Planning Board decision. Mr. Cygawnoski said this is a zoning regulation. Mr. Singh said the business need the proposed number of spaces for the employees and patients. Ms. Gonyer said with the proposed number of parking spaces, she would like to incorporate more green space on the site; she said there are new technologies to integrate nature-based solutions within the parking areas. She noted having the stormwater chambers under the pavement is always a concern because it is harder to maintain the system. She said she would like to minimize the pavement coverage.

Mr. Healey said at the top of the slope there is an area of exposed gravel with no vegetation; he said his concern is if this area is stable. Mr. Cygawnoski said the stormwater system is designed for a 100-year storm. Mr. Healey said looking at the site the slope now appears to be stable but if an event happened and the emergency overflow goes toward this direction he does not know if the slope would remain stable. He asked if there was a different place for the emergency overflow to be located. Mr. Cygawnoski said if they reverse the drainage or the flow of the parking lot to be collected in the rear of the parking lot then it will overflow down the slope and away from the wetland resource area. Mr. Healey said he is concerned about the stability of the steep bank. Mr. Healey said maybe they need to rethink the proposed spillway. Ms. Gonyer said they could do a berm. Mr. Healey said maybe they could do a swale to bring the flow to the east.

Ms. Gonyer questioned if the parking spaces could be reduced to get them away from the resource area and minimize some of the impervious. She asked if there is any type of buffer restoration or enhancement plantings that could be done in this area. Mr. Cygawnoski said they are intending to leave the trees but if there are any improvements, the trees would be removed before this could be done. Mr. Cygawnoski said they could rearrange the handicapped spot so it is away from the 25-foot area. Dr. Roth said this is too close to this area. Ms. Gonyer asked if the handicapped space could be located on the other side of the property where the concrete pad is located. Mr. Cygawnoski said this is the location for the dumpster. Dr. Paten asked if they could rotate the handicapped parking space and eliminate the corner space to pull it away from the 25-foot area, leaving a total of 18 spaces. Mr. Cygawnoski said they could possibly put the handicapped space in the front of the building where there is a landscaped area, but the issue would be the need for a handicapped ramp to replace the existing stairs. Ms. Gonyer asked if they could rearrange the corner near the wetland and improve diversity of the plantings. Mr. Healey said they would have to get rid of the invasive species and put native plantings that are appropriate for a better wetland, the bank and the wildlife corridor.

Mr. Healey read the public comments statement.

Patrice Travis, 12 Perkins Avenue, noted the slope has always been unstable and said she was concerned about the stability of the site because of future weather conditions. She asked if there were other options for the parking. Mr. Healey said the configuration of the building is beyond the purview of the Conservation Commission. She said her concerns were the drainage from the surrounding properties and roads and stabilization. Ms. Gonyer said they should get the pavement out of the 25-foot area, plant some substantial trees, shrubs and ground layer to provide protection to the resource area. Mr. Healey said this is a lot of impervious area.

Nancy Thayer, 234 Central Street, said she is concerned about the wetlands and the additional water on her property as well as tree removal; she mentioned there is wildlife in the area. Mr. Healey said the plan for parking has been put together and approved by the Planning Board, who have jurisdiction over parking.

Sarah Forbes, 131 Branch Street, said she has lived in Mansfield since 1955 and said the pond sometimes doubles in size. She asked if a friend could speak. Ed Beatty, from Norton said he grew up in this area and said during a recent rain storm the pond did double in size. He said he does not believe, as proposed, they can catch that much water from the parking lot. Mr. Healey said right now this "depression" is classified as a Bordering Vegetated Wetland due to the vegetation in it and most ponds do not have 6" Maple trees in them.

Patrice Travis asked if they could get a copy of the plan the Planning Board received showing 13 parking spaces, and when the number of spaces changed. Mr. Cygawnoski said there was never a plan showing 13 spaces. He said they are required to have 13 spaces but they have always showed 19 spaces and the parking has never changed between the first submittal and approval for the office on the second floor. Mr. Hedlund asked about the oil separator, because there is a hood and infiltration system but the oil separator is missing on the plan. Mr. Cygawnoski said he does not do the drainage portion of the design. Ms. Gonyer said she would follow up with the town engineer.

Dr. Paten said it seems as if the abutters are questioning if the 25-foot mark is drawn accurately or if it needs to be reevaluated, remeasured and extended further up the slope. Mr. Smith MacDonald said basically, the 2013 delineation would be inaccurate. Dr. Roth said an updated plan would have to be submitted.

Ms. Gonyer said the handicapped parking space would have to be relocated and some buffer enhancement done in the 25-foot area. Dr. Roth said he would not vote for the project with the handicapped space where it is. Mr. Healey said the Commissioners would like the handicapped parking space moved and this would allow a change



in the curb line in this area and also maintain a wildlife corridor, with improved vegetation and the removal of invasive species, which would allow for a better resource area. He said they could also look at the orientation of the parking spaces. He said the emergency overflow could be positioned in an area that it would minimize the potential for water coming from the emergency spillway from entering the wetland area to the north of the property because of the concerns of the Commission of the stability of the slope to handle the flow. Ms. Gonyer asked, in the area of the limit of work, if there is a reason there is a gap and can it be pulled up to the edge of the parking; if the limit of work was pulled in it would save a lot of trees. Mr. Cygawnoski suggested a swale to carry the emergency overflow but would then have to look into rearranging the drainage.

Mr. Healey said once things are finalized with this filing there will be a list of appropriate types of vegetation to be planted on this site.

Mr. Healey read the public comment statement.

There were no virtual or audience comments.

Mr. Cygawnoski asked for a continuance.

Dr. Paten made the motion for a continuance for 235 Central Street, Map 018, Parcel 436 to the October 30, 2023 meeting.

Mr. O'Hara seconded the motion.

Motion passed 6-0-0 at 8:24 pm.

#### 9. New Business:

- 130 Stearns Avenue: Ms. Gonyer said this item would be on the October 30, 2023 agenda so she can meet with Town Counsel.

#### 10. Old Business:

- Approval of July 31, 2023 minutes:  
Motion to approve the July 31, 2023 minutes (Roth/Smith-MacDonald)  
Motion passed 6-0-0 at 8:28 pm.

- Conservation Updates:

DPW Duck Pond: Ms. Gonyer said DPW did maintenance at the Fulton Pond irrigation pond. She said they also removed some of the Knotweed on the site. She said they did a wonderful job.

Procedures with complaints: Ms. Gonyer said the office has been inundated with calls about trees being removed. A procedure will have to be put in place.

Enforcement Issues Update: Mr. Healey mentioned we have a number of enforcements going on in town.

For 88 Highland Avenue, the legal process has started with this property.

For 493, 505 and 509 West Street: They were issued a "stop work order" but they continued to seriously impact and fill the wetlands. Ms. Gonyer will follow up with the seconded enforcement order, following with the same path at 88 Highland Avenue.

55 South Street: The owner, who owns an excavating company, was starting to clear around the vernal pool on site to make more parking for his equipment. Ms. Gonyer issued a "stop work order". Mr. Healey also went to the property. The enforcement order will go out this week.

131 Old Elm Street: Ms. Gonyer is working with both parties. Another site on Old Elm Street will be resolved with a Certificate of Compliance next month.

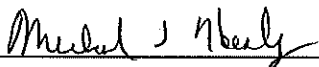
Attendance: Ms. Gonyer said she will develop a schedule for communication for the Commissioners throughout each month.

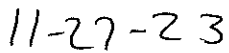
Ms. Gonyer and the Commissioners discuss meeting at 6:30 or 7:00 if possible instead of 6:00.

11. Adjournment:

Motion to adjourn at 8:40 pm (Smith-MacDonald/Paten. Motion passed 6/0/0.

Next meeting will be October 30, 2023 at 6:00 pm.

  
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Michael Healey, Chair

  
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Date