

 ORIGINAL

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REMAND HEARING  
WESTHAMPTON PLANNING BOARD

PARTICIPANTS:

Mr. Mark Schwallie, Planning Board Chair  
Mr. Thomas Hathaway, Planning Board Member  
Mr. Robert Turner, Planning Board Member  
Mr. Robert Dragon Jr., Planning Board Member  
Mr. Philip Dowling, Selectboard Member  
Mr. Arthur Pichette, Selectboard Member

Town Hall  
Westhampton, Massachusetts  
May 23, 2017

Recorder: Unknown Recording Monitor

1 (Meeting begins.)

2 (7:30 p.m.)

3 MR. SCHWALLIE: Good evening, everyone. I want  
4 to call the Public Hearing for this evening to order.

5 UNIDENTIFIED SPEAKER: Is this meeting going to  
6 be filmed? Is the meeting always filmed? I've never  
7 seen that before.

8 MR. SCHWALLIE: It's -- it's just being  
9 recorded.

10 UNIDENTIFIED SPEAKER: Well, does the public  
11 know they're being recorded?

12 MR. SCHWALLIE: I'll make that announcement  
13 right now.

14 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
15 audio at 00:23.)

16 MR. SCHWALLIE: Yeah.

17 UNIDENTIFIED SPEAKER: Thank you.

18 MR. SCHWALLIE: We are recording tonight's  
19 meeting. This is a Public Hearing. It's being  
20 conducted as a remand hearing pursuant to an  
21 Agreement for Judgment approved by the Superior Court  
22 in the case of Cotton Tree et al. versus the Town of  
23 Westhampton Planning Board, Superior Court Civil  
24 Action Number 1580 CV 001112.

25 UNIDENTIFIED SPEAKER: 12.

1 MR. SCHWALLIE: 112. And this all started based  
2 upon an appeal of our Board's decision, and this goes  
3 back to May of 2015.

4 I'd like to ask Phil Dowling to step up as a  
5 Selectboard Member and speak to you all for a couple  
6 of minutes, and then I'll speak for a little bit on  
7 the conditions. I know people probably have copies  
8 of the Agreement for -- for Judgment and the  
9 conditions. If somebody would like a copy -- Tom,  
10 what did you do with them?

11 MR. HATHAWAY: (Indiscernible -- low audio at  
12 02:05.)

13 MR. SCHWALLIE: Okay.

14 UNIDENTIFIED SPEAKER: I've got two.

15 MR. SCHWALLIE: You can come forward, and I'll  
16 put them up here on the stage. Everybody --

17 UNIDENTIFIED SPEAKER: (Indiscernible --  
18 simultaneous speech at 02:18.)

19 MR. SCHWALLIE: -- (indiscernible --  
20 simultaneous speech at 02:18.) Yeah, you can come up  
21 (indiscernible -- simultaneous speech at 02:20.)

22 UNIDENTIFIED SPEAKER: (Indiscernible --  
23 simultaneous speech at 02:20.)

24 MR. SCHWALLIE: Yeah. Or just circulate them.  
25 If somebody would be nice enough to (indiscernible --

1 simultaneous speech at 02:27) --

2 UNIDENTIFIED SPEAKER: Do you have more, Tom?  
3 Is that all you have?

4 MR. HATHAWAY: That's it, yeah.

5 MR. SCHWALLIE: Yeah. If somebody at the end of  
6 the meeting wants to have a copy, we can make more  
7 copies. Or just let Cheryl Provost know, and I'm  
8 sure she can help get you -- get you a copy.

9 So we can now let Selectboard Member Phil Dowling  
10 speak.

11 MR. DOWLING: Hi, I'm Phil Dowling of your  
12 Selectboard. As Mark said, this goes back to a  
13 decision that the Planning Board made on May 28<sup>th</sup>,  
14 2015. They denied. They voted to deny the  
15 applicant's request for zoning relief in the form of  
16 a Special Permit for a sawmill operation at Parcel 5-  
17 15 on Northwest Road.

18 So this has been in litigation for over two  
19 years. We ha -- the Town has spent tens of thousands  
20 of dollars defending the Planning Board's decision.  
21 However, based on several of the preliminary rulings  
22 of the Court, it was the opinion of Town counsel that  
23 it may be difficult for the Planning Board to prevail  
24 in defending its decision. And had the Court  
25 overturned the Board's decision and ordered the

1 issuance of a Special Permit, the Town would have  
2 lost its opportunity to condition the project in  
3 order to protect the neighborhood from potential  
4 impact. So I just want to be clear about that.

5 It was our Town counsel's opinion that they could  
6 lose the case, that we could lose the case after two  
7 years and tens of thousands of dollars, that we could  
8 lose the case, which would just automatically give  
9 Cotton Tree Company whatever they wanted. So the  
10 Selectboard voted unanimously to direct the Planning  
11 Board to come up with a set of conditions to attempt  
12 to settle the case, and that's -- the -- the Planning  
13 Board negotiated with the -- or sent those conditions  
14 back to the -- through the -- through our counsel to  
15 the -- to the Court, and basically it got resolved  
16 with a set of conditions that you can read and are  
17 going to be read to you in a couple minutes.

18 It should be made clear that this agreement in no  
19 way limits an individual from their rights to appeal  
20 this decision. This -- and this is from the lawyers.  
21 It says, "Any individual who is aggrieved by the  
22 Planning Board's decision will have the opportunity  
23 to take full advantage of the appellate rights  
24 according to General Laws Chapter 40(A)(17), and seek  
25 further judicial review of the decision."

1 Does anybody have -- I don't -- I won't  
2 (indiscernible -- background noise at 05:59) at this  
3 point, but if at some point later you want to ask  
4 about the Selectboard's decision, I'm more than happy  
5 (indiscernible -- low audio at 06:06). Thank you.

6 MR. SCHWALLIE: Okay. This is Mark Schwallie  
7 again, and I think I failed to introduce the Board  
8 Members here earlier. To my right is Tom Hathaway.  
9 To my left is Robert Turner, and to my furthest left  
10 is Bob Dragon.

11 With the conditions, I -- I'd like to say we've  
12 tried -- the goal was to make the conditions as  
13 restrictive as possible. Obviously it was a  
14 negotiation, so you might not always get -- get what  
15 you want. But I think the conditions try to cover  
16 (indiscernible -- background noise at 07:32) some of  
17 the points that were brought up in the past public  
18 hearings on this of trying to minimize noise, trying  
19 to have sufficient setback, trying to make sure that  
20 the area was somehow reclaimed a bit, that it -- it  
21 didn't continue to look kind of like lunar landscape,  
22 because part of it does look like that. And we tried  
23 to limit hours of doing certain work, and also the  
24 types of equipment that could be used up there, and  
25 that if equipment had to be replaced it wasn't going

1 | to be replaced with something bigger or noisier, and  
2 | then also trying to limit the amount of trucks  
3 | visiting the -- the site, and -- and hours those  
4 | trucks can go in and out.

5 |       We also wanted to make sure that some of the  
6 | other equipment and personal property up there was  
7 | not in -- in the sight of the abutters, because a lot  
8 | of people were concerned about that, and also  
9 | protection of -- of the stump-dump from expanding  
10 | further, because there's quite a pile of stumps up  
11 | there. We really were concerned about the Building  
12 | Inspector, who is our Zoning Enforcement Officer,  
13 | having access to the property at all times of his  
14 | choosing so an appointment wouldn't be necessary. He  
15 | can just show up there.

16 |       And -- and one of the -- when I -- one of the  
17 | biggest, I think, benefits of -- of the agreement  
18 | here, where we get some conditions rather than  
19 | gambling and possibly not having any conditions, is  
20 | the fact that if there are violations up there, then  
21 | you have contempt of court and -- and you have  
22 | contempt on -- on this Judgment. And I believe that  
23 | has more weight than we were in the previous  
24 | situation, where the -- the Building Inspector was  
25 | trying to write out tickets and nothing was really

1 | happening. Here we -- we have something that -- as -  
2 | - as -- as Mr. Dowling was saying, it's been wrapped  
3 | up in the court system for a couple of years, and now  
4 | there's -- there's something tangible we -- we can  
5 | bring an action on.

6 |       So with that, I -- if people want me to read  
7 | through all the conditions, I gladly will. But I --  
8 | I -- I think you can read through them, but I think I  
9 | covered most of the highlights in there.

10 |       So what I'd -- I'd like to do next is -- is open  
11 | up the floor to public comment. And I just ask that  
12 | people try to keep this to -- if you have something  
13 | to say, try to be as short as possible. I -- I  
14 | really would like to keep it to about five minutes to  
15 | any -- any one individual, and that you address the  
16 | Board or the Selectboard if you have a question or a  
17 | concern. I -- I would really -- I really frown upon  
18 | the cross-talk between everybody here. I'm sure  
19 | everybody has strong opinions on this matter, and I -  
20 | - I don't think that's going to solve any problems.  
21 | If you want to stand up and say you agree with so-  
22 | and-so, that -- that's -- that's fine. I'd ask that  
23 | you identify yourself and where you live, your street  
24 | address, and -- and whether you live here in -- in  
25 | Westhampton or not.



1 You want to add anything?

2 UNIDENTIFIED SPEAKER: No.

3 MR. SCHWALLIE: No?

4 UNIDENTIFIED SPEAKER: Anything to add?

5 MR. HATHAWAY: No. No, as long as people keep  
6 it civil.

7 MR. SCHWALLIE: Okay. All right. So with that,  
8 I -- I guess we can start.

9 Yes, ma'am?

10 MS. MALANOVIC: I'm not going to keep it civil.  
11 I'm only kidding.

12 My name is Judy Malanovic (phonetic). I live on  
13 -- my address is (indiscernible -- low audio at  
14 13:36), but I actually live (indiscernible -- low  
15 audio at 13:37) Northwest Road, right near this whole  
16 debacle.

17 But anyway, addressing --

18 UNIDENTIFIED SPEAKER: Phil.

19 MS. MALANOVIC: -- Phil -- thank you guys -- and  
20 his te -- and his saying that, you know, we -- I saw  
21 the figures on how much we paid the lawyers to -- to  
22 -- to fight this, and they were, like, \$20,000 and  
23 \$30,000. That -- that's true. But I want to read --  
24 this is a letter holding Mr. Cotton in noncompliance  
25 of -- of the laws of wha -- of what the -- he was

1 supposed to comply with. And it says, "Pursuant to  
2 Mass General Laws 48," blah, blah, blah, "your office  
3 is charged with enforcing the bylaws and has  
4 authority" -- it was addressed to the Town Zoning  
5 Board of Appeals -- "and has authority to assess and  
6 levy fines on individuals who vi -- who violate the  
7 bylaws. Mr. Cotton's continuing violation of the  
8 bylaws and your case and desist order over the past  
9 856 days demonstrates blatant disregard for the  
10 bylaws and those charged with enforcing them. As  
11 such, we ask that you assess the maximum fine," and  
12 you address this, Mr. -- shall I Sch -- call you Mark  
13 or call you --

14 MR. SCHWALLIE: You can call me --

15 MS. MALANOVIC: -- Sch -- okay.

16 MR. SCHWALLIE: -- call --

17 MS. MALANOVIC: Mr. Mark.

18 MR. SCHWALLIE: Mr. Mark --

19 MS. MALANOVIC: How's that?

20 MR. SCHWALLIE: -- is fine. It will work --

21 MS. MALANOVIC: Okay.

22 MR. SCHWALLIE: -- for tonight.

23 MS. MALANOVIC: But it -- but it kind of  
24 addresses what you said too. "As such, we ask that  
25 you assess the maximum fine of \$100,000 per day" --

1 and when you kind of -- kind of went, "Yeah, well,  
2 you know, they were assessed, but we weren't getting  
3 anywhere collecting them," which I find that amazing  
4 that we can't collect these fines -- "per day to Mr.  
5 Cotton for these continuing violations, \$85,600 to  
6 date, and pursue a noncriminal complaint against Mr.  
7 Cotton as permitted by Section 6.06 of the bylaws."

8 Now, with \$86,000, I would think we could take  
9 that money and continue to fight and pay those  
10 lawyers --

11 UNIDENTIFIED SPEAKER: Mm-hmm.

12 MS. MALANOVIC: -- so that Mr. Cotton can't  
13 continue to -- and not only that. I just want to  
14 point out one more thing. This just makes it so  
15 clear that Mr. Cotton is not going to go by the law.  
16 He is going to continue to break the law, and he is  
17 going to continue to -- to zap up these -- these --  
18 that we're not even collecting. And I -- and I'd  
19 really like the -- somebody to answer me why we're  
20 not collecting these --

21 MR. HATHAWAY: That's not something that we  
22 (indiscernible -- low audio at 16:06).

23 MS. MALANOVIC: Oh, okay. Well, you -- maybe  
24 you could direct me to that person another -- later  
25 on.

1 But still, we should be able to collect those  
2 fines, and then we should be able to pay those  
3 lawyers that you say that we can't pay, because he's  
4 not going to pay attention to the law. That's quite  
5 obvious. That little section right there says it all  
6 right there.

7 So thank you for letting me share.

8 (General applause.)

9 MR. SCHWALLIE: Yes, sir?

10 MR. SENEY: Bill Seney, 310 Northwest Road.  
11 I'll be abutting this property. I've gone to every  
12 single meeting for years now regarding this. And we  
13 went through due process and he was rejected, and  
14 some of what was said in those meetings makes what  
15 he's doing, or what the Town has decided to do,  
16 ridiculous.

17 Essentially you're setting a precedent --

18 UNIDENTIFIED SPEAKER: Mm-hmm.

19 MR. SENEY: -- that anyone from any town can buy  
20 a piece of property near any of you and move an  
21 operation like this, a commercial operation. That  
22 area is not zoned for commercial. It's like seeking  
23 a variance. Now, anyone is susceptible to this  
24 because of this precedent that's being set.

25 In that meeting also, to support what she said,

1 | our enforcer, our Town enforcer, the one who would  
2 | enforce the bylaws and who's going to be the one who  
3 | has to check on this, stated publicly and in the  
4 | Minutes that it would be impossible. It would be  
5 | impossible.

6 |       You know that he doesn't obey the rules and  
7 | bylaws that we have now. We don't have anybody to  
8 | check to see what he's going to be doing.

9 |       UNIDENTIFIED SPEAKER:     That's right.

10 |       UNIDENTIFIED SPEAKER:     Mm-hmm.

11 |       MR. SENEY:           What is the point of this?

12 |       UNIDENTIFIED SPEAKER:     Mm-hmm.

13 |       MR. SENEY:           I know it's expensive, but it's  
14 | going to be really expensive if this continues.

15 |       UNIDENTIFIED SPEAKER:     Mm-hmm.

16 |       MR. SENEY:           Thank you.

17 |       UNIDENTIFIED SPEAKER:     Thank you.

18 | (General applause.)

19 |       MR. SCHWALLIE:       (Indiscernible -- background  
20 | noise at 18:13.)

21 |       MS. ANDERSON:       Me?

22 |       MR. SCHWALLIE:       Yeah.

23 |       MS. ANDERSON:       Teri Anderson, 9 Easthampton  
24 | Road. So I have a question and a comment. So my  
25 | question is for Phil or for the Planning Board, but

1 Phil because he addressed the court order. I -- I  
2 would like to have more information on the -- the  
3 court rulings that you talked about that were the  
4 basis for the -- the Town deciding to reach a  
5 settlement agreement rather than pursuing the -- the  
6 appeal. So if you could say more about that, because  
7 I'd like to understand the legal basis for heading  
8 towards an agreement as opposed to continuing to  
9 (indiscernible -- low audio at 18:53). And then I  
10 have a comment also about the conditions.

11 MR. DOWLING: So we hired counsel, and we  
12 listened to them. And what we were told by counsel  
13 was that there was a fairly decent chance that we  
14 would not prevail in this case, and that left us with  
15 two options. One would be to continue and go to  
16 court, continue down the road that we were on, which  
17 most likely in her mind, based on what information  
18 she had, from years of experience in dealing with the  
19 court, was that we were not going to win this case,  
20 that the Special Permit would be granted, would give  
21 us no conditions and no power.

22 So her opinion was that we set conditions, make  
23 an agreement, and make it a court order so that those  
24 agreements would have teeth. And that was her words.  
25 That was her conclusion based on the -- what she's

1 | been dealing with.

2 | MS. ANDERSON: Yeah, but based on what? I mean  
3 | what is -- how did she reach the conclusion that  
4 | (indiscernible -- simultaneous speech at 20:06) --

5 | MR. DOWLING: I don't have those details.

6 | MS. ANDERSON: I would like --

7 | MR. DOWLING: I'm not second-guessing --

8 | MS. ANDERSON: I would like --

9 | MR. DOWLING: -- her opinion.

10 | MS. ANDERSON: -- to understand that.

11 | UNIDENTIFIED SPEAKER: Why isn't she here?

12 | MS. ANDERSON: So if that could be something  
13 | that you could provide to us, that would be very  
14 | helpful to me.

15 | MR. DOWLING: Okay. Yeah, we certainly can ask.

16 | MS. ANDERSON: Great. Thank you.

17 | And then the other -- the other comment that I  
18 | have is as I understa -- this is the first time I've  
19 | seen this, so I have some concerns about the  
20 | conditions in terms of -- some of it sounds  
21 | contradictory to me. Some of it sounds unenforceable  
22 | to me, and not specific enough. So I would like some  
23 | time to be able to read through this and get my own  
24 | advice on it, to come back and be able to give better  
25 | public comment and suggestions to the Board.

1 I -- I was a Town Planner for 15 years, and so I  
2 am -- I have some familiarity with Zoning. And from  
3 my experience as a Town Planner, I think the Board  
4 was in their rights to deny the Special Permit. So  
5 I'm really confused --

6 UNIDENTIFIED SPEAKER: Mm-hmm.

7 MS. ANDERSON: -- by this decision, and I would  
8 like to understand it better, and to be able to get  
9 (indiscernible -- background noise at 21:13) that I  
10 know and trust so that I can give better feedback.  
11 Thank you.

12 UNIDENTIFIED SPEAKER: Just (indiscernible --  
13 low audio at 21:19.)

14 MR. SCHWALLIE: Yeah. There's -- yes?  
15 Ginny Curtis?

16 MS. CURTIS: Ginny Curtis. I live on 207 Main  
17 Road, and I've been following this court case for the  
18 last two years, because it is on the Internet. If  
19 you go to "Mass Court" you can follow it. And I  
20 thought we were doing really well in court  
21 (indiscernible -- low audio at 21:43). And I've been  
22 in possession of this Agreement for Judgment and this  
23 decision for probably two weeks, and I have two  
24 comments to make.

25 One, I'd like to know what public open meeting



1 | was conducted for the conditions to be discussed and  
2 | voted upon. That's the first issue.

3 |         And then I don't think it should have taken the  
4 | Town counsel two years to figure out, in her opinion,  
5 | that we couldn't continue to win. I don't think she  
6 | should have milked the Town for that long. And  
7 | especially I find it very difficult to believe that  
8 | in your conditions that, considering what she's paid  
9 | an hour -- I assume this is Attorney Lachman  
10 | (phonetic).

11 |         Condition Number 5 says, "The appellant," Mr.  
12 | Cotton, "shall be permitted to work on the site for  
13 | reclamation purposes as set forth in the Chapter 61  
14 | forest plan."

15 |         So when I saw that I went into the Internet, and  
16 | there is no 61 forest plan that's recorded. The 61  
17 | forest plan must be approved by the Conservation  
18 | Department of the state. Sean Libby (phonetic) spoke  
19 | with me at length, and he met with Mr. Melnik,  
20 | Attorney Melnik, Mr. Cotton and the other forester  
21 | (indiscernible -- low audio at 23:27) lawyer, and  
22 | told them that what they were trying to accomplish on  
23 | Northwest Road was commercial. It did not fit into  
24 | the classification of Chapter 61.

25 |         UNIDENTIFIED SPEAKER:     Mm-hmm.

1 MS. CURTIS: So I'll give you a letter from Sean  
2 Libby (phonetic), who is the forester for District 9.  
3 It clearly states that as of last week there is no  
4 Chapter 61 plan on file with the state from Mr.  
5 Cotton or this supposed (indiscernible -- low audio  
6 at 24:10). So I would like to know who verified  
7 these conditions that you have obviously agreed to,  
8 when there was no (indiscernible -- cannot understand  
9 at 24:20).

10 (General applause.)

11 UNIDENTIFIED SPEAKER: Just --

12 MR. SCHWALLIE: Yes?

13 UNIDENTIFIED SPEAKER: -- really quick. I  
14 promise I won't take a lot of time.

15 MR. SCHWALLIE: Yes.

16 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
17 understand at 24:36.) I said this at the Budget  
18 meeting.

19 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
20 audio at 24:39) --

21 UNIDENTIFIED SPEAKER: Oh, I'm sorry.

22 UNIDENTIFIED SPEAKER: -- (indiscernible -- low  
23 audio at 24:42).

24 MS. CURTIS: I'm sorry, but I'd like an  
25 answer --

1 UNIDENTIFIED SPEAKER: (Indiscernible --  
2 simultaneous speech at 24:44) answer the question.

3 MS. CURTIS: -- to the (indiscernible --  
4 simultaneous speech at 24:45) --

5 UNIDENTIFIED SPEAKER: Oh, I'm sorry. I didn't  
6 know. He let me talk.

7 MS. CURTIS: Yes, I'm sure he did.

8 MR. SCHWALLIE: I -- I don't think that  
9 condition has any time on it, meaning it could be  
10 filed in the future, sometime in the past. It's --  
11 it's just that that's what they would have to comply  
12 with.

13 MS. CURTIS: It says, "As set forth in the  
14 Chapter 61 forest plan," and the whole section is  
15 wrapped around this Chapter 61 forest plan.

16 Mr. Cotton does not have a forestry plan in  
17 place --

18 UNIDENTIFIED SPEAKER: Mm-hmm.

19 MS. CURTIS: -- and he has had this two-year  
20 period. He was denied in 2014. And as I said,  
21 (indiscernible -- low audio at 25:42) when he bought  
22 the land and when he was denied, and he has not  
23 returned. So, once again, it goes to the credibility  
24 of Mr. Cotton and his lack of follow-up, la -- lack  
25 of our town following up on collecting the fines.

1 And the whole issue here, which I'm sure an owner who  
2 lives closer to this --

3 UNIDENTIFIED SPEAKER: Crisis?

4 MS. CURTIS: Crisis. Yes, you're right, this is  
5 a crisis for property values and land use.

6 Really needs to be addressed here, because this  
7 is not making any sense to me, and I live on this  
8 side of town.

9 UNIDENTIFIED SPEAKER: Mm-hmm.

10 MR. SCHWALLIE: Yes, (indiscernible -- low audio  
11 at 26:28).

12 UNIDENTIFIED SPEAKER: Are you done? 'Cause I  
13 don't want to step on your toes.

14 UNIDENTIFIED SPEAKER: Can I add to that comment  
15 before you --

16 MR. SCHWALLIE: Well --

17 UNIDENTIFIED SPEAKER: -- start a new topic?

18 UNIDENTIFIED SPEAKER: I just want to say this  
19 really quick. I promise you, I -- I'm going to be  
20 quick.

21 UNIDENTIFIED SPEAKER: All right.

22 UNIDENTIFIED SPEAKER: We keep going to Phil,  
23 and I said this at the Budget meeting, and he's not  
24 an expert, okay? Now, I've been hearing people say,  
25 "I don't know, I don't know."

1           Why isn't the lawyer, who made up all of this --  
2 like, I would like to hear from the lawyer who can  
3 actually answer our questions, instead of you, "Well,  
4 I don't know, I don't know."

5           Or, you know, like, you didn't know about 61 or  
6 you couldn't answer that really very clearly, and the  
7 lawyer's the one that put on --

8           UNIDENTIFIED SPEAKER:    (Indiscernible -- low  
9 audio at 27:07.)

10          UNIDENTIFIED SPEAKER:    -- you know, made the  
11 agreement that these were going to be the conditions.  
12 Why isn't that lawyer here? I think she should be  
13 here to answer our questions. That's the person who  
14 should answer our questions.

15          UNIDENTIFIED SPEAKER:    Yes.

16          UNIDENTIFIED SPEAKER:    That's all I have to say.  
17 Thank you.

18 (General applause.)

19          MR. SCHWALLIE:    Yes, Kelly?

20          MS. AUER:    Kelly Auer, 213 Northwest. In  
21 response to this woman's -- I don't have a copy of  
22 this thing, and I haven't seen it. But just hearing  
23 the statement as read, you take (indiscernible --  
24 cannot understand at 27:40) Court, you try to enforce  
25 it, and I'm telling you right now, that's an

1 | ambiguous statement. (Indiscernible -- low audio at  
2 | 27:46.) So already there's Item Number 1,  
3 | unenforceable.

4 | UNIDENTIFIED SPEAKER: Mm-hmm.

5 | MS. AUER: So, yeah, where is the attorney? We  
6 | need to have the attorney and we need to move forward  
7 | with having to speak with the attorney.

8 | UNIDENTIFIED SPEAKER: Mm-hmm.

9 | MS. AUER: Thank you.

10 | MR. SCHWALLIE: Yes, sir?

11 | MR. DALEY: I'm Tim Daley. I live at 284.  
12 | There's approximately a 500-foot buffer from me to  
13 | the stump-dump in that area down there. My four-  
14 | season porch is out in back of my house. We enjoy  
15 | that a couple months out of the year. When he was  
16 | down there before with bulldozers and everything  
17 | else, we couldn't sit out there. It was just too  
18 | damn noisy. And I know (indiscernible -- cannot  
19 | understand at 28:37) as far as the lumber business  
20 | there's a lot of (indiscernible -- cannot understand  
21 | at 28:40). The only thing he's going to be doing is  
22 | grinding up what he clears (indiscernible -- cannot  
23 | understand at 28:44) land everyplace else.

24 | UNIDENTIFIED SPEAKER: Mm-hmm.

25 | MR. DALEY: And it's going to be the grinder,

1 the grinder, the grinder. Now, there's some other  
2 issues that need to be addressed. We got all those  
3 heavy trucks coming. We got a stone and grit road.

4 UNIDENTIFIED SPEAKER: Mm-hmm.

5 MR. DALEY: And half to three-quarters of the  
6 rest of the town has a decent black-top road. We pay  
7 our taxes just like everybody else.

8 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
9 audio at 29:09.)

10 UNIDENTIFIED SPEAKER: Hear, hear.

11 MR. DALEY: On the grade right in front of my  
12 house, when they were hauling all the stumps and  
13 everything else the Jake brake, all the time the Jake  
14 brake, going down the hill before they make the turn  
15 over the (indiscernible -- cannot understand at  
16 29:22).

17 The second thing. What kind of abatement are you  
18 going to give to poor residents that live within  
19 1,000 feet of that area? What kind of abatement are  
20 we going to get on our taxes when the valuation on  
21 our property because of noise goes down?

22 UNIDENTIFIED SPEAKER: Mm-hmm.

23 MR. DALEY: I bought that house 30 years ago  
24 because I liked a nice, quiet town. I pay my taxes.  
25 I served on the Search Committee for the Town. I was

1 a firefighter for the Town, and I've contributed to  
2 the town. And I -- I just feel the Town has totally  
3 let us down on this issue.

4 UNIDENTIFIED SPEAKER: Yes.

5 (General applause.)

6 MR. SCHWALLIE: Yes, sir?

7 MR. STEVENSON: Hi, my name is Garth Stevenson.  
8 I'm at 212 Northwest Road. I've only been here a  
9 couple years, and I totally missed that this was even  
10 happening until I saw a sign this week.

11 My business is I have a recording studio, and  
12 (indiscernible -- cannot understand at 30:33) movies  
13 for a living, my full-time job. And the reason I  
14 moved here -- one of the reasons I moved here was  
15 because it's so quiet. And I'm not sure how much  
16 I'll be hearing stump-dump or the grinding from where  
17 I am, and if I was recording rock and roll music it  
18 probably wouldn't be an issue, but everything's very  
19 quiet. And we're right on the hill, so when the  
20 trucks are braking or going up the hill, it'll just  
21 interrupt my business. And, you know, if it's  
22 constantly coming from there, I'll have to move.

23 My other issue is we have a three-year-old and a  
24 eight-month-old, and our street's covered in kids,  
25 and we're out there with strollers every day. And I



1 don't know how a big, long truck is going to do  
2 slowing down (indiscernible -- cannot understand at  
3 31:19) winter. And I don't know if any safety  
4 considerations have been (indiscernible -- low audio  
5 at 31:23), but it seems like a real safety issue.

6 Down at the marsh at the bottom of the hill  
7 there's always two boys fishing in the summer without  
8 their parents, and it's great. That's -- when I see  
9 that I say, "That's why I moved to Westhampton, where  
10 all the kids grow up."

11 But I wouldn't want my kids fishing down the side  
12 of Northwest Road because logging trucks. And I just  
13 read the conditions here. It says 120 trucks a  
14 month. Who's going to be out there counting trucks  
15 every day?

16 (General response.)

17 MR. STEVENSON: And I will be stopping my work  
18 every time one goes by.

19 UNIDENTIFIED SPEAKER: Mm-hmm.

20 MR. STEVENSON: But it sou -- I don't know  
21 Cotton, but it sounds like from what everyone else  
22 (indiscernible -- background noise at 32:00) he's not  
23 going to stick to his word, and that 120 could turn  
24 into, you know, 300 a month. And, you know, that's  
25 putting my business in jeopardy, and my family. So

1 I'm sorry I didn't know about this sooner, but hoping  
2 there's something that can still be done.

3 (General applause.)

4 MR. SCHWALLIE: Yes?

5 MR. SILVERNAIL: My name is Paul Silvernail.  
6 I'm at 245 Northwest Road. Mr. Dowling, so it was  
7 Katherine Langham (phonetic)? Is that the attorney  
8 that told you the permit would be issued?

9 MR. DOWLING: Those aren't her -- her exact  
10 words, but --

11 MR. SILVERNAIL: Okay.

12 MR. DOWLING: -- in essence, yeah.

13 UNIDENTIFIED SPEAKER: (Indiscernible --  
14 simultaneous speech at 32:43.)

15 MR. SILVERNAIL: In essence. Right.

16 So getting back to -- 'cause it appears that  
17 we're all going to blame this attorney (indiscernible  
18 -- cannot understand at 32:47) issued.

19 UNIDENTIFIED SPEAKER: Mm-hmm.

20 MR. SILVERNAIL: So you were notified in  
21 writing, or in a telephone call, or how did she say  
22 to you in essence the permit will be issued?

23 MR. DOWLING: Say that again?

24 MR. SILVERNAIL: You represented to my town, our  
25 town, that the lawyer said the permit would be

1 granted. You then just said in essence that's what  
2 she said. So I'm asking. What form of communication  
3 did she use to be able to say that to you?

4 MR. DOWLING: That -- that's not what I said. I  
5 said that the likelihood would be that we would --  
6 that -- that -- that the Court would approve the  
7 Special Permit that was requested. It would overturn  
8 the judgment of the Planning Board.

9 MR. SILVERNAIL: I'm sorry.

10 MR. DOWLING: And --

11 MR. SILVERNAIL: Do you think you just said that  
12 before? You think you said all those words?

13 UNIDENTIFIED SPEAKER: Yes. Yes, he did.

14 MR. DOWLING: I did.

15 MR. SILVERNAIL: Okay.

16 UNIDENTIFIED SPEAKER: Yes, he did.

17 UNIDENTIFIED SPEAKER: Yes, he did.

18 MR. SILVERNAIL: Then I misheard you.

19 MR. DOWLING: Okay. And she sent us a written  
20 communication to the Selectboard, recommending that  
21 we put conditions on the -- on the Special Permit to  
22 take advantage of the teeth that it would give us to  
23 enforce it, rather than allowing this thing to go  
24 forward without conditions.

25 UNIDENTIFIED SPEAKER: True.

1 MR. SILVERNAIL: So that -- and I'm just trying  
2 to clarify again. So the attorney said to you that  
3 if it went to trial it would be granted, or that the  
4 Court would grant it? Becau -- and the reason I ask  
5 that is my understanding -- and please explain or  
6 correct me if I'm wrong, but the agreement -- if you  
7 vote tonight to deny it, the Court will issue it. Is  
8 that correct, Planning Board?

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. SILVERNAIL: So on April 2<sup>nd</sup> you  
11 basically decided. You -- you decided to vote "Yes."  
12 Now, I know you're going to say you didn't actually  
13 vote, but you did sign a paper that says no matter  
14 how you vote tonight, that Special Permit will be  
15 issued. Is that correct, Planning Board?

16 MR. SCHWALLIE: The Agreement for Judgment reads  
17 the way it reads.

18 MR. SILVERNAIL: Okay. Great.

19 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
20 audio at 34:53) the question.

21 MR. SILVERNAIL: What's -- what's the answer?

22 UNIDENTIFIED SPEAKER: We want the answer.

23 MR. SILVERNAIL: That's not an answer.

24 MR. SCHWALLIE: It's an answer.

25 MR. SILVERNAIL: Okay. Well, answer this

1 question. Tonight if you vote to deny the Special  
2 Permit, the Court will grant the Special Permit  
3 sometime in the future, is that correct?

4 MR. SCHWALLIE: I believe that's what the  
5 Agreement for Judgment says.

6 MR. SILVERNAIL: Okay. So that means that  
7 whatever we talk about tonight will not affect the  
8 outcome. The Special Permit will be granted.  
9 (Indiscernible -- cannot understand at 35:28),  
10 correct?

11 MR. SCHWALLIE: Where are you going with all  
12 this?

13 MR. SILVERNAIL: (Indiscernible -- simultaneous  
14 speech at 35:34.)

15 UNIDENTIFIED SPEAKERS: (Indiscernible --  
16 simultaneous speech at 35:34.)

17 MR. SILVERNAIL: What -- so (indiscernible --  
18 cannot understand at 35:42) question.

19 MR. DOWLING: Can I --

20 MR. SILVERNAIL: What -- I'm asking a question.

21 UNIDENTIFIED SPEAKER: You're not the  
22 professional, Phil.

23 MR. SILVERNAIL: What --

24 MR. HATHAWAY: (Indiscernible -- cannot  
25 understand at 35:50) everybody. Any comments are

1 | directed towards Phil individually, or Mark as the  
2 | Selectboard Chair. We're not going back and forth.  
3 | We're not getting aggressive toward the --

4 | UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
5 | understand at 36:05.)

6 | MR. HATHAWAY: (Indiscernible -- simultaneous  
7 | speech at 36:07.) I just want to make sure. We've  
8 | got these ground rules. We want to follow them. We  
9 | don't want this to get --

10 | UNIDENTIFIED SPEAKER: Keep your face --

11 | MR. HATHAWAY: -- out of control.

12 | UNIDENTIFIED SPEAKER: -- (indiscernible --  
13 | simultaneous speech at 36:14).

14 | MR. HATHAWAY: So go ahead.

15 | MR. SILVERNAIL: Okay. So can you repeat your  
16 | question?

17 | UNIDENTIFIED SPEAKER: (Indiscernible -- low  
18 | audio at 36:25.)

19 | MR. SILVERNAIL: Okay.

20 | MR. HATHAWAY: (Indiscernible -- cannot  
21 | understand at 36:26.)

22 | MR. SILVERNAIL: (Indiscernible -- simultaneous  
23 | speech at 36:26.) So anything that we say tonight is  
24 | not going to affect your votes, and it won't affect  
25 | the Special Permit being issued.

1 MR. SCHWALLIE: You're -- you're free to make --  
2 everyone here is free to make whatever comments they  
3 want.

4 MR. SILVERNAIL: Correct.

5 MR. SCHWALLIE: Okay? And if anybody is  
6 aggrieved by the decision, they have -- as -- as Phil  
7 indicated, you have the right to appeal the  
8 situation.

9 MR. SILVERNAIL: Okay.

10 MR. SCHWALLIE: Okay?

11 MR. SILVERNAIL: So can I ask Phil a question  
12 again now on something he spoke of --

13 MR. SCHWALLIE: Sure.

14 MR. SILVERNAIL: -- in this meeting?

15 You said that the Selectboard voted unanimously  
16 for this? Was that all three members voting for it?

17 MR. DOWLING: Yes.

18 MR. SILVERNAIL: Okay. And can I ask you  
19 another question (indiscernible -- background noise  
20 at 37:24)?

21 MR. DOWLING: Ask away.

22 MR. SILVERNAIL: Sure. So we're all aware of  
23 how courts work, that everyone has an attorney. And  
24 there'll be two attorneys that go in to Court, one  
25 for a plaintiff, one for a defendant. I think we can

1 also agree that the plaintiff's attorney would  
2 completely agree with your case, and the defendant's  
3 attorney would completely agree with their case. So  
4 I'm at a loss to understand how all of the meetings  
5 we went to, all of the exhibits, all the testimony  
6 was all condensed down to be given to the Town's  
7 attorney, that when I look at the docket for this, it  
8 doesn't appear that any discovery was done at all.

9 UNIDENTIFIED SPEAKER: Mm-hmm.

10 MR. SILVERNAIL: So, Phil, my question to you  
11 is, what kind of discovery, meaning what kind of  
12 depositions and what kind of interrogatories, did our  
13 attorney do for this case?

14 MR. DOWLING: I don't readily have -- I don't  
15 readily have that detail, but we can get that.

16 MR. SILVERNAIL: But --

17 MR. DOWLING: We can get that.

18 MR. SILVERNAIL: -- since --

19 UNIDENTIFIED SPEAKER: Yeah.

20 MR. SILVERNAIL: -- the attorney is being used  
21 as the reason for why this was being -- being issued,  
22 right, I -- I would think that -- that it defies  
23 belief that we just went to this attorney and we  
24 accepted her opinion that this sawmill would be  
25 granted, when it appears that based on the way the



1 case was proceeding, that was not a given outcome.

2 UNIDENTIFIED SPEAKER: Mm-hmm.

3 MR. SILVERNAIL: I mean on the website that I  
4 created, it has the docket. It shows what's happened  
5 in this case. It shows that Mr. Cotton was -- was  
6 found in Housing Court to be found -- what's the  
7 wording again? He had an argument without merit.

8 But what shocks me is that our Town attorney  
9 never went to pursue legal costs against Mr. Melnik,  
10 if he was the one that filed that, and certainly not  
11 against Mr. Cotton, walked away from over about  
12 \$140,000 of fines. I didn't see that was rolled into  
13 the agreement that you agreed to. Did you discuss  
14 the fines of Mr. Cotton (indiscernible -- cannot  
15 understand 39:49) as part of the agreement with the  
16 attorney, Planning Board?

17 UNIDENTIFIED SPEAKER: Yeah.

18 MR. SILVERNAIL: Was there a discussion when you  
19 made the agreement to put the sawmill on my road with  
20 conditions? Was there any discussion about the  
21 ongoing (indiscernible -- cannot understand 40:08)  
22 for the cease and desist order with the attorney?  
23 And -- and if you did -- did you get -- I don't know  
24 how it works. Did you guys talk with the attorney or  
25 did the Selectboard talk to the attorney? Maybe I

1 shouldn't be asking you this.

2 MR. TURNER: (Indiscernible -- low audio at  
3 40:22.)

4 MR. SILVERNAIL: So, Mr. Schwallie, is it your  
5 Board that speaks to the attorney about these  
6 details, or the Selectboard?

7 MR. TURNER: Both.

8 MR. SILVERNAIL: Okay. All right, both. So for  
9 the Planning Board, did you discuss the cease and  
10 desist order with the attorney as part of this  
11 settlement agreement?

12 MR. SCHWALLIE: I did.

13 MR. SILVERNAIL: Okay. Mr. Hathaway, did you?

14 MR. HATHAWAY: No.

15 MR. SILVERNAIL: And Mr. Turner?

16 MR. TURNER: My conversations with her don't  
17 pertain to this.

18 MR. SILVERNAIL: Okay.

19 UNIDENTIFIED SPEAKER: Okay.

20 MR. SILVERNAIL: Mr. Dragon, right?

21 MR. SCHWALLIE: I -- I think you're beyond your  
22 five minutes.

23 (General response.)

24 UNIDENTIFIED SPEAKER: Donate your minutes.

25 UNIDENTIFIED SPEAKER: I want to go home.

1 UNIDENTIFIED SPEAKER: So go home.

2 MR. SCHWALLIE: Yes, sir?

3 UNIDENTIFIED SPEAKER: Yeah, go home.

4 UNIDENTIFIED SPEAKER: Are we going to get any  
5 answer about the -- the questions that I put to you  
6 folks tonight?

7 MR. SCHWALLIE: It's in the conditions. The  
8 neighbors can make reports based upon --

9 UNIDENTIFIED SPEAKER: Oh, my God.

10 MR. SCHWALLIE: You can make reports with the  
11 Building Inspector, and you can bring them to the  
12 Selectboard. And they can --

13 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
14 audio at 41:48.)

15 MR. SCHWALLIE: -- again, contact the Town  
16 attorney to put, as Phil said, some teeth into the  
17 whole thing.

18 UNIDENTIFIED SPEAKER: Okay. That still doesn't  
19 answer anything.

20 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
21 audio at 42:00.)

22 MR. SCHWALLIE: Yeah. I don't know how -- yes,  
23 ma'am?

24 UNIDENTIFIED SPEAKER: So I'm actually one of  
25 the closest neighbors, and the last time we were here

1 we were kind of under the impression this was all  
2 denied. Are these conditions at all up for  
3 interpretation or suggestion, or is this kind of --

4 UNIDENTIFIED SPEAKER: It's (indiscernible --  
5 low audio at 42:16).

6 UNIDENTIFIED SPEAKER: -- what it's going to be?

7 MR. SCHWALLIE: The interpre -- the -- the  
8 conditions are part of the agreement.

9 UNIDENTIFIED SPEAKER: So the agreement is set  
10 in stone already, and it is what it is? Like, we  
11 don't --

12 MR. SCHWALLIE: Well, it's --

13 UNIDENTIFIED SPEAKER: -- have any say or  
14 ability to comment on it?

15 MR. SCHWALLIE: Everybody's here commenting on  
16 it.

17 UNIDENTIFIED SPEAKER: Well, I mean --

18 MR. SCHWALLIE: Yeah.

19 UNIDENTIFIED SPEAKER: I mean it's -- it's  
20 already -- this agreement, is this going to be the  
21 final agreement or is this a draft?

22 MR. SCHWALLIE: No. Well, we have to have a  
23 vote on it tonight.

24 UNIDENTIFIED SPEAKER: Is it just -- I mean I --  
25 I like some of the -- the conditions, but I just -- I

1 have two little kids, and I'm the closest house. It  
2 doesn't seem like any of these focus on safety. The  
3 noise part doesn't really seem too constrictive. I  
4 just don't really understand. It doesn't seem like  
5 it's very friendly to the people who actually live  
6 there.

7 UNIDENTIFIED SPEAKER: That's right.

8 MR. SCHWALLIE: Again, it was a negotiation, so  
9 usually with negotiations it's give and take.

10 UNIDENTIFIED SPEAKER: It's a negotiation  
11 without people who are going to have to deal with it?

12 UNIDENTIFIED SPEAKER: Mm-hmm.

13 MR. SCHWALLIE: Well --

14 UNIDENTIFIED SPEAKER: Yes.

15 MR. SCHWALLIE: -- again --

16 UNIDENTIFIED SPEAKER: Just, I feel like --

17 MR. SCHWALLIE: -- you know --

18 UNIDENTIFIED SPEAKER: -- (indiscernible --  
19 cannot understand at 43:17) since the day that it was  
20 denied, that we should have been notified maybe -- I  
21 feel like of all the people, we should have been put  
22 as people who are going to have to --

23 MR. SCHWALLIE: Yeah.

24 UNIDENTIFIED SPEAKER: -- see, hear and live  
25 with the equipment every day.

1 UNIDENTIFIED SPEAKER: That's right.

2 MR. SCHWALLIE: Yeah. Well, tha -- that's why  
3 some of the conditions are -- are in tha -- in there.

4 UNIDENTIFIED SPEAKER: So is this our only  
5 chance to modify the conditions, or is there going to  
6 be more meetings?

7 MR. SCHWALLIE: Yeah. I don't foresee more  
8 meetings, but I don't know.

9 UNIDENTIFIED SPEAKER: Well, what's the --

10 MR. SCHWALLIE: Sir --

11 UNIDENTIFIED SPEAKER: What's the point of --  
12 what's the point? Sorry. I don't mean to speak out  
13 of -- out of place, but what is the point of all  
14 this? If you're just going to -- we're going to talk  
15 to you, and then we're going to walk away, and  
16 (indiscernible -- cannot understand at 44:01) your  
17 SOL, why are we here right now? What's the purpose?

18 UNIDENTIFIED SPEAKER: Right.

19 MR. SCHWALLIE: (Indiscernible -- simultaneous  
20 speech at 44:08) --

21 UNIDENTIFIED SPEAKER: I got -- 'cause I've got  
22 a one-year-old and I have a two-year-old. If they go  
23 over that hill and something happens to them, who do  
24 I go to?

25 MR. SCHWALLIE: Again, you could go to the

1 Selectboard and you can --

2 UNIDENTIFIED SPEAKER: And they're

3 (indiscernible -- simultaneous speech at 44:19) --

4 MR. SCHWALLIE: -- tell the Enforcement Officer.

5 UNIDENTIFIED SPEAKER: Nothing.

6 UNIDENTIFIED SPEAKER: Nothing.

7 MR. SCHWALLIE: I -- I don't know what they're

8 going to do --

9 UNIDENTIFIED SPEAKER: (Indiscernible --  
10 simultaneous speech at 44:22) --

11 MR. SCHWALLIE: -- or not do, but -- but  
12 that's --

13 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
14 audio at 44:24.)

15 MR. SCHWALLIE: -- that's --

16 UNIDENTIFIED SPEAKER: What ground  
17 (indiscernible -- simultaneous speech at 44:27) --

18 MR. SCHWALLIE: -- you know, your recourse.

19 UNIDENTIFIED SPEAKER: -- with? What ground do  
20 you (indiscernible -- cannot understand at 44:31)  
21 right now? Nothing. You -- there's no -- there's no  
22 nothing, is my point. We bought our house three  
23 years ago for a good sum of money, move our little  
24 children into this home that's quiet, a good school,  
25 to now have this. I don't think that's proper --

1 UNIDENTIFIED SPEAKER: There's not even going to  
2 be --

3 UNIDENTIFIED SPEAKER: -- for us.

4 UNIDENTIFIED SPEAKER: -- like, a fence  
5 (indiscernible -- simultaneous speech at 44:51) --

6 UNIDENTIFIED SPEAKER: We pay a lot of money in  
7 taxes, a lot of money in taxes. Like he said, are my  
8 taxes going to go down?

9 UNIDENTIFIED SPEAKER: I asked that question  
10 (indiscernible -- simultaneous speech at 44:57) --

11 UNIDENTIFIED SPEAKER: (Indiscernible --  
12 simultaneous speech at 44:57.)

13 MR. SCHWALLIE: We don't have anything to do  
14 with the tax. It's --

15 UNIDENTIFIED SPEAKER: Well, then who --

16 UNIDENTIFIED SPEAKER: Well, what about the  
17 conditions, the --

18 UNIDENTIFIED SPEAKER: Yeah.

19 UNIDENTIFIED SPEAKER: -- the safety factor?  
20 There -- there's a 12-foot wall that's supposed to,  
21 like, be a sound barrier, and there's going to be  
22 some shrubs planted so we don't see the machines, but  
23 we can already see machines that are already there.  
24 How is that --

25 UNIDENTIFIED SPEAKER: (Indiscernible --



1 simultaneous speech at 45:15) --

2 UNIDENTIFIED SPEAKER: -- going to keep, like --

3 UNIDENTIFIED SPEAKER: -- look out my window,  
4 and that's what I see.

5 UNIDENTIFIED SPEAKER: Like, how are we going to  
6 keep --

7 UNIDENTIFIED SPEAKER: Mm-hmm.

8 UNIDENTIFIED SPEAKER: I'm not against anybody  
9 here. I just know what's best for my family, and I -  
10 - by all means, everyone have their way. But I don't  
11 fores -- you know, I don't foresee my -- my toddler  
12 growing up to be 10 years old but not being a little,  
13 you know, curious. You know? A little -- it's  
14 impossible. So that's why (indiscernible -- cannot  
15 understand at 45:37) anything. You know, when they  
16 do --

17 MR. SCHWALLIE: Yeah.

18 UNIDENTIFIED SPEAKER: -- (indiscernible --  
19 cannot understand at 45:39) the point they're going  
20 to climb that hill, I mean, what am I going to do?  
21 You know?

22 MR. SCHWALLIE: Mm-hmm.

23 UNIDENTIFIED SPEAKER: Or, you know, 9:00 a.m.  
24 on a Tuesday my kids were playing in the backyard  
25 and, "brrr." My kid can't even hear a vacuum. He's

1 going to hear a -- a -- a sawmill? Like,  
2 (indiscernible -- cannot understand at 45:57). And  
3 like I said, nothing against anybody. But, you know,  
4 right now he's one. He'll be two next year, three,  
5 four. It comes to a point where do I sell my house  
6 and take, what, a couple-thousand-dollar hit for my  
7 house because of a sawmill? You know, I -- I mean  
8 (indiscernible -- cannot understand at 46:16).

9 UNIDENTIFIED SPEAKER: Uh --

10 UNIDENTIFIED SPEAKER: And I'm sorry.

11 MR. SCHWALLIE: (Indiscernible -- low audio at  
12 46:21.)

13 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
14 audio at 46:21.)

15 MR. GAGNE: Thank you.

16 Hi, Steve (phonetic) Gagne. I live -- 39 Stage  
17 Road. I'm just trying to understand procedurally how  
18 these conditions were drafted up. You -- you say  
19 it's a process of negotiation that these --

20 MR. SCHWALLIE: Right.

21 MR. GAGNE: -- conditions were drafted.

22 MR. SCHWALLIE: Yup.

23 MR. GAGNE: At some point was there an  
24 opportunity for town folks and abutters and residents  
25 to chime in on these conditions, to propose

1 additional ones, more restrictive ones, or were these  
2 pretty much just negotiated and now here we are?

3 MR. SCHWALLIE: A lot of these topics and  
4 conditions -- I can't say word for word, but I can  
5 say the topics were part of the original public  
6 hearing process, up to the point where there was the  
7 split vote, two in favor of the project, two not in  
8 favor of the project.

9 MR. GAGNE: Mm-hmm.

10 MR. SCHWALLIE: So my understanding is that's  
11 where the attorneys kind of had kind of a jump-off or  
12 starting point with these here.

13 MR. GAGNE: So there was -- there was public  
14 input. Then conditions were sculpted from that  
15 input?

16 MR. SCHWALLIE: They were -- they were talked  
17 about. People weighed in on them before -- before the  
18 original split vote that ended up denying it.

19 MR. GAGNE: 'Cause part of the frustration I'm -  
20 - I'm hearing -- and I'm not even the person who is  
21 going to be hearing the noise. But it sounds like  
22 the frustration is that these conditions were  
23 hammered out and agreed to in negotiations before  
24 folks could actually point out and say --

25 UNIDENTIFIED SPEAKER: Exactly.

1 MR. GAGNE: -- this condition is problematic on  
2 that front, like Ginny pointed out, because a Chapter  
3 61 plan not even on file. I mean that --

4 UNIDENTIFIED SPEAKER: Mm-hmm.

5 MR. GAGNE: -- that's an issue.

6 But it sounds like, am I right, that at this  
7 hearing tonight we're not here to debate or discuss  
8 or propose or modify or tweak or add or delete  
9 conditions. Those conditions have been negotiated,  
10 and that's what's on -- on paper at this point.

11 MR. SCHWALLIE: These are the conditions that  
12 have been negotiated --

13 MR. GAGNE: Okay.

14 MR. SCHWALLIE: -- between the two attorneys.

15 MR. GAGNE: So hypothe -- just a last point.  
16 Hypothetically w -- you're going to hear from us,  
17 then you're going to make your vote. What if  
18 hypothetically you are so persuaded by what you're  
19 hearing tonight, the Planning Board voted to deny  
20 this Special Permit? What would be the next step?

21 UNIDENTIFIED SPEAKER: Mm-hmm.

22 MR. SCHWALLIE: I --

23 MR. HATHAWAY: Phil, is that something you want  
24 to take?

25 MR. DOWLING: Do I want to? No.

1       It's -- it's my understanding that regardless of  
2 what the Planning Board does, this agreement is --  
3 part of the agreement (indiscernible -- cannot  
4 understand at 49:06) has already been decided. It  
5 will go into effect --

6       UNIDENTIFIED SPEAKER:     (Indiscernible -- low  
7 audio at 49:10) the answer.

8       MR. DOWLING:     -- regardless of how the Planning  
9 Board votes, and that's that. But as I said at the  
10 beginning, this is open to appeal, so anybody can  
11 appeal this case.

12       UNIDENTIFIED SPEAKER:     So if we hire a lawyer we  
13 can appeal it?

14       MR. DOWLING:     That's correct.

15       UNIDENTIFIED SPEAKER:     Can we appeal without a  
16 lawyer?

17       UNIDENTIFIED SPEAKER:     (Indiscernible -- cannot  
18 understand at 49:34) our \$86,000.

19       MR. GAGNE:     Sir, just again, procedurally it  
20 says this agreement that was reached -- the Agreement  
21 for Judgment says this case -- a judgment shall enter  
22 ordering the case remanded, sent back to Westhampton  
23 Planning Board, for the issuance of a permit. If the  
24 Planning Board decides, based upon the input you're  
25 getting tonight, to not issue that permit, wouldn't

1 that essentially void this agreement and put the case  
2 back into court?

3 UNIDENTIFIED SPEAKER: The Court will issue a  
4 Special Permit along with those conditions if the  
5 Planning Board denies (indiscernible -- cannot  
6 understand at 50:17).

7 MR. SCHWALLIE: Yes, Teri?

8 MS. ANDERSON: Can you explain w -- can you  
9 explain why that is? And -- and what was the purpose  
10 of -- of the -- of the hear -- having a hearing if  
11 it's already been settled? So is it because the  
12 Selectboard agreed to begin with? And so it's all s  
13 -- it's all (indiscernible -- cannot understand at  
14 50:38) be? And so what is the purpose of this public  
15 hearing?

16 MR. SCHWALLIE: To -- to let everybody know what  
17 the agreement is, and you can make public comment if  
18 you want.

19 MR. HATHAWAY: I -- I think we made --

20 MS. ANDERSON: Oh, so --

21 MR. HATHAWAY: -- (indiscernible -- simultaneous  
22 speech at 50:56).

23 MS. ANDERSON: -- (indiscernible -- simultaneous  
24 speech at 50:56) public comments (indiscernible --  
25 simultaneous speech at 50:58) --

1 MR. SCHWALLIE: And I -- I think it's required  
2 as an Open Meeting.

3 MS. ANDERSON: So continue with the public --

4 MR. SCHWALLIE: I think it --

5 MS. ANDERSON: -- hearings --

6 MR. SCHWALLIE: I -- I --

7 MS. ANDERSON: -- (indiscernible -- background  
8 noise at 51:04) no effect?

9 MR. SCHWALLIE: I -- I -- I --

10 MS. ANDERSON: There's no changes to be made  
11 based on public comment?

12 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
13 audio at 51:08.)

14 UNIDENTIFIED SPEAKER: This is unbelievable.  
15 This is (indiscernible -- low audio at 51:11)  
16 undemocratic.

17 MS. ANDERSON: Is that yes or no?

18 UNIDENTIFIED SPEAKER: (Indiscernible --  
19 background noise at 51:18) answer a question?  
20 Really? That's shameful.

21 UNIDENTIFIED SPEAKER: I -- I -- I thought he  
22 had something to comment on this.

23 MR. MARTIN: Tom --

24 UNIDENTIFIED SPEAKERS: (Indiscernible -- cannot  
25 understand at 51:29.)

1 UNIDENTIFIED SPEAKER: How -- can I ask you a  
2 question? How many of you guys (indiscernible --  
3 cannot understand at 51:37) sawmill? (Indiscernible  
4 -- low audio at 51:39.)

5 UNIDENTIFIED SPEAKERS: (Indiscernible --  
6 simultaneous speech at 51:41.)

7 MR. MARTIN: Tom Martin, 140 Easthampton Road.  
8 And I just wanted to ask Mark something you alluded  
9 to that -- that -- if you could clarify for the body  
10 tonight, is that you said because the Planning Board  
11 voted two-two to deny the Special Permit --

12 MR. SCHWALLIE: Right.

13 MR. MARTIN: -- that that was kind of a -- a  
14 framework or a foothold for the appeal process to  
15 move towards negotiation or a reconciliation or  
16 whatever. (Indiscernible -- background noise at  
17 52:22.)

18 MR. SCHWALLIE: What -- no. What --

19 MR. MARTIN: No?

20 MR. SCHWALLIE: No.

21 MR. MARTIN: Okay.

22 MR. SCHWALLIE: What -- what I'm saying is --

23 MR. MARTIN: If you could clarify?

24 MR. SCHWALLIE: -- it was a split -- it was a  
25 split decision --



1 MR. MARTIN: As we know.

2 MR. SCHWALLIE: -- that ended up in a rejection  
3 of the Special Permit.

4 MR. MARTIN: Right.

5 MR. SCHWALLIE: The Cotton Tree appealed that  
6 decision.

7 MR. MARTIN: Right.

8 MR. SCHWALLIE: It went in to Court, okay? The  
9 other gentleman over here asked me, "Well, where did  
10 the conditions come from?"

11 The conditions came out of some of those public  
12 hearings that we had before --

13 MR. MARTIN: (Indiscernible -- simultaneous  
14 speech at 52:52.)

15 MR. SCHWALLIE: -- there was ever a -- a -- a  
16 decision about, "What about the possibility of this?  
17 What about the possibility of that? How many trucks  
18 are going to be there?"

19 You know, limitation of -- of trips and -- and  
20 all that.

21 MR. MARTIN: Okay. So had the Planning Board  
22 voted unanimously to reject the permit, would --  
23 would in your opinion the -- the process been exactly  
24 the same?

25 MR. SCHWALLIE: I -- I --

1 UNIDENTIFIED SPEAKER: Yes.

2 MR. SCHWALLIE: I don't -- I don't know. I -- I  
3 don't.

4 MR. MARTIN: Okay. All right. That's my --  
5 that's my question. Thank you.

6 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
7 audio at 53:26.)

8 MR. SCHWALLIE: The fellow who's standing up  
9 here?

10 UNIDENTIFIED SPEAKER: (Indiscernible --  
11 background noise at 53:30). I live on (indiscernible  
12 -- background noise at 53:33) Road.

13 Has any of -- anybody in the room actually worked  
14 in a sawmill? (Indiscernible -- simultaneous speech  
15 at 53:40) --

16 UNIDENTIFIED SPEAKER: (Indiscernible --  
17 simultaneous speech at 53:40.)

18 UNIDENTIFIED SPEAKER: (Indiscernible --  
19 background noise 53:42) right after they came to  
20 (indiscernible -- cannot understand at 53:47) I went  
21 to work (indiscernible -- cannot understand at 53:49)  
22 Aerosmith (phonetic), all right? I've spent a lot of  
23 years working in a large-scale sawmill. Years.

24 Seems to me that the question is pretty simple.  
25 Either you want all that traffic, all the congestion,

1 or you don't. I mean, who gives a rat's -- about  
2 whether they come to town or not? It's just -- it's  
3 really simple. You pay extra taxes if you have to.  
4 You want a quiet town. It's not going to be quiet  
5 anymore.

6 UNIDENTIFIED SPEAKER: Mm-hmm.

7 UNIDENTIFIED SPEAKER: It's not -- the streets  
8 aren't going to be quiet. Every road in the area of  
9 the mill is going to be busy.

10 UNIDENTIFIED SPEAKER: Mm-hmm.

11 UNIDENTIFIED SPEAKER: We used to see accidents  
12 twice a summer, never mind the winters. It's ju --  
13 it's just simple. Either you want that kind of  
14 large-scale business in town, or you want to keep it  
15 a quaint, quiet town, which most people moved here  
16 for, which I did 200 years ago, whenever it was.  
17 It's that simple. I mean -- I mean everybody's,  
18 like, getting all worked up for nothing. If you want  
19 a quiet town with no stop signs, no -- (indiscernible  
20 -- cannot understand at 55:07).

21 But if you want a quiet town with no stores, none  
22 of the crap that is down in the city, you have to  
23 give a little bit. You've got to pay a little. You  
24 have to pay a little extra, you pay a little extra.  
25 But once you start introducing things like that --

1 going to have a personal sawmill, pop out a little  
2 (indiscernible -- cannot understand at 55:35) in the  
3 course of a week? Great. Hey, that's different.

4 But I worked in the large-scale mill just up the  
5 street. I don't know if anybody here remembers the  
6 place. Probably not. No one remembers the chicken  
7 farm that was just down the street. But anyways, I'm  
8 going to use up my five minutes. It's really that  
9 simple, though. Either you want a quiet town, you  
10 want to keep it that way. Do it. If you don't want  
11 it quiet anymore, then give it up.

12 UNIDENTIFIED SPEAKERS: (Indiscernible -- low  
13 audio at 56:06.)

14 UNIDENTIFIED SPEAKER: Hmm?

15 MR. SCHWALLIE: Mr. Tracy (phonetic)?

16 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
17 audio at 56:10) choice.

18 UNIDENTIFIED SPEAKER: What do you mean, there's  
19 no choice?

20 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
21 audio at 56:12.)

22 UNIDENTIFIED SPEAKER: There's always a choice.  
23 No. (Indiscernible -- low audio at 56:15.)

24 MR. MCLEOD: I'm Bill McLeod (phonetic). I used  
25 to be the Building Inspector, Building Enforcement.

1 I was on the Board of Selectmen.

2 I have a question about a stipulation included in  
3 that agreement. It was enforcement by appointment.  
4 I don't think our town does it. Our zoning  
5 enforcement is done by a written complaint to the  
6 Selectmen, and Selectmen will designate the Inspector  
7 to go look at the complaint. But to make an  
8 appointment? I don't think that's --

9 MR. HATHAWAY: No. No, w -- we're -- we're not  
10 requiring the Inspector to make an appointment. He's  
11 got free --

12 MR. MCLEOD: You've got it --

13 MR. HATHAWAY: -- access.

14 UNIDENTIFIED SPEAKER: You've got it in the  
15 agreement.

16 MR. HATHAWAY: He has free access to the  
17 property at his choosing.

18 MR. MCLEOD: Well, why isn't it in the  
19 agreement?

20 MR. HATHAWAY: It -- it is. Because, trust me,  
21 that was something I was not happy about.

22 (Indiscernible -- cannot understand at 56:59) --

23 UNIDENTIFIED SPEAKER: Well, it shouldn't be  
24 there.

25 MR. HATHAWAY: -- (indiscernible -- cannot

1 understand at 57:00).

2 UNIDENTIFIED SPEAKER: This shouldn't be here  
3 at all.

4 MR. SCHWALLIE: (Indiscernible -- cannot  
5 understand at 57:05). I think that's what he's  
6 talking about.

7 Bill Tracy (phonetic)?

8 MR. TRACY: In response to (indiscernible -- low  
9 audio at 57:23), and there's an awful lot of people  
10 here who weren't present for all the hearings that  
11 were on for over a year's time, it should be noted  
12 that during that time period there were opportunities  
13 for public visitation to the site so people could  
14 look at it. And also there was time when Mr. Cotton  
15 was allowed and told to run his machinery so that  
16 people could stand in different places and -- and  
17 hear what kind of noise was being made. So -- and I  
18 know that folks that weren't involved at the time who  
19 are here don't know that that whole process was on.  
20 And that is where -- the origin, as Mark just stated,  
21 a lot of these conditions came from, based on all  
22 that information that was gained during that time.

23 MR. SCHWALLIE: Okay.

24 Yes?

25 MR. SENEY: Bill Seney again. Let's be clear

1 that no one who is against this had any input into  
2 any of these conditions. Those conditions aren't  
3 worth the paper they're written on. And there's no  
4 force in this town that is going to police this.  
5 This is a joke.

6 UNIDENTIFIED SPEAKER: It is a joke.

7 (General applause.)

8 MR. SCHWALLIE: Yes, ma'am? I don't think  
9 you've spoken.

10 MS. HURD: Hi, Richelle Hurd. I live on 223  
11 Northwest Road. I've been out there for 20 years.  
12 Don't see trucks ever, or very rarely, and I'm not  
13 going to see them now. I have two teenagers.  
14 There's dogs that run up the street that are going to  
15 get hit. There's things going on that there's no  
16 reason for any of that to be on there.

17 I've been here too long. It's been quiet up  
18 here. I'd like to keep it that way. There's no  
19 reason for that up there. It's clearly commercial.  
20 It needs to go somewhere else. Thank you.

21 (General applause.)

22 MR. SCHWALLIE: Is -- is there anybody here --

23 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
24 audio at 59:34.)

25 MR. SCHWALLIE: Barry (phonetic)?

1 MR. BRANDOW: Barry Brandow (phonetic),  
2 (indiscernible -- background noise at 59:41)  
3 Northwest Road. I have a question, comment  
4 (indiscernible -- background noise at 59:46). The  
5 operation that we're talking about is being called a  
6 sawmill.

7 UNIDENTIFIED SPEAKER: Hmm.

8 UNIDENTIFIED SPEAKER: Yes.

9 MR. BRANDOW: A sawmill according to our bylaw  
10 definition, "A facility utilized to process lumber  
11 into -- into boards, beams" -- actually, I'm sorry.

12 "Fa -- a facility utilized to process logs into  
13 lumber, boards, beams and related wood stock for  
14 commercial purposes, excluding operation  
15 (indiscernible -- cannot understand at 1:00:17),"  
16 which would be a (indiscernible -- cannot understand  
17 at 1:00:22) sawmill or something like that, I assume.

18 Now, according to the Cotton affidavit of August  
19 31 of 2012, there is nothing mentioned about boards,  
20 beams or as -- associated products. All I heard was  
21 grinding stumps. Now, the DEP Notice of  
22 Noncompliance calls it processing wood waste. I call  
23 it forest products waste-disposal facility.

24 UNIDENTIFIED SPEAKER: Mm-hmm.

25 MR. BRANDOW: It ain't a sawmill.



1 UNIDENTIFIED SPEAKER: Mm-hmm.

2 MR. BRANDOW: So the We -- Westhampton Zoning  
3 bylaw, a Schedule of Use Regulations, April 1. Pages  
4 3-2 through 3-6 list all permissible land use  
5 codifications. In my opinion there is no general,  
6 business or manufacturing or industrial use listed  
7 that would meet this definition of stump-grinding.

8 Okay. So exceptions (indiscernible -- cannot  
9 understand at 1:01:26) regulations, "No building  
10 structure shall (indiscernible -- cannot understand  
11 at 1:01:30) and no building, structure or land shall  
12 be used for any purpose other than as provided for in  
13 this section."

14 And this is not provided in that section. "If a  
15 use or a condition is not specifically or generally  
16 listed here, a landowner or interested party should  
17 contact the Zoning Board of Appeals for a variance."

18 Now, that sounds pretty straightforward to me,  
19 and I -- I can't buy this idea of a sawmill. It is  
20 not mentioned in the initial request.

21 Okay. Now, a variance is pretty tough to get,  
22 and I would assume that's why (indiscernible --  
23 cannot understand at 1:02:20). But I would suggest  
24 that maybe we should have tried for the variance and  
25 done it the right way, instead of wink-wink, "Let's

1 do it the easy way and see if it works."

2 "The Zoning Board of Appeals shall hear and  
3 decide requests for variance from the terms of this  
4 bylaw, in accordance with the provisions of Section  
5 (indiscernible -- cannot understand at 1:02:42) of  
6 Chapter 48 of the General Laws of the State of  
7 Massachusetts. Such variance shall be granted only  
8 if all of the following conditions have been met."

9 This is state law. "Circumstances exist that  
10 relate to the (indiscernible -- cannot understand at  
11 1:03:00) conditions, shape or (indiscernible --  
12 cannot understand at 1:03:02) of the land or  
13 structures, which especially effect such land or  
14 structures but do not generally affect the zoning  
15 district in which the land or structures are  
16 located."

17 I don't pretend to know how that particularly  
18 affects this whole thing, but I don't see that it  
19 does. "Literal enforcement" -- okay, B.

20 "Literal enforcement of the bylaw will result in  
21 a substantial hardship, financial or otherwise," and  
22 C, "That desirable relief may be granted without  
23 substantial detriment to the public good, and without  
24 nullifying or substantially (indiscernible -- cannot  
25 understand at 1:03:41) from the intent or purpose of

1 the bylaw."

2 That one sounds like a tough one to me, because  
3 the bylaw clearly states what a sawmill is, and this  
4 a sawmill ain't. Thank you.

5 MR. SCHWALLIE: Mm-hmm.

6 (General applause.)

7 MR. SCHWALLIE: Ginny Curtis? Ginny?

8 MS. CURTIS: Northwest Road used to be called  
9 Shake (phonetic) Street. Remember? (Indiscernible -  
10 - low audio at 1:04:15.) Northwest Road used to be  
11 called Shake (phonetic) Street (indiscernible -- low  
12 audio at 1:04:20). It's not Shake (phonetic) Street  
13 anymore.

14 And, Phil, as a Selectman you hold the purse  
15 strings, and I think that you've gotten the gist  
16 tonight, and people will tell you more details of why  
17 they're opposed. But the bottom line is the people  
18 who are in this room tonight are here because a  
19 neighborhood got together. They made posters. They  
20 made a web page. We did emails, and this side of  
21 town got together with that side of town --

22 UNIDENTIFIED SPEAKER: Mm-hmm.

23 MS. CURTIS: -- to bring people together.  
24 Because what was painfully apparent on March 10<sup>th</sup> with  
25 the Executive Session -- it was on the web page, on

1 one of the agendas that showed at Friday night at  
2 7:30 on March 10<sup>th</sup>. There was an Executive Session  
3 with the Planning Board and the Selectboard.

4 Now, there has been a financial decision  
5 (indiscernible -- background noise at 1:05:30) to not  
6 pursue this case. You -- this -- this is a sham,  
7 because this agreement, the first three pages written  
8 by these two lawyers clearly state -- there is no  
9 question after reading this that no matter how much  
10 everybody pleads tonight, brings all of these issues  
11 up, the bottom line is it's a done deal, because this  
12 document states clearly that even if you guys voted  
13 against it tonight, this lawyer has told this lawyer  
14 to take the Special Permit and take it to Hampshire  
15 Registry of Deeds and file it. Now, that's the  
16 bottom line here.

17 So this case on 4/7, April 7<sup>th</sup>, was trial-ready  
18 to go in to Court, and this attorney convinced the  
19 Selectboard, "Oh, after two years we can't win that.  
20 So don't spend the money with me for two days in  
21 trial."

22 That's how I see it from the outside. But I can  
23 look down the street here and maybe ask for some  
24 accounting of how much money that's been sent --  
25 spent and is still being spent on the court, Land

1 Court, with (indiscernible -- cannot understand at  
2 1:07:16) and Cheryl Malinowski's (phonetic) lawsuit  
3 in this town. That hasn't been cut off, I've seen,  
4 because the Town wants that land.

5 So as far as I see it, I see it's a money call.  
6 I see a judgment call by the Selectboard, that you've  
7 made a decision based on what the lawyer told you,  
8 "Stop."

9 And that's what you did, and I don't think that  
10 you're being fair to the homeowners and their  
11 property values on Northwest Road. Thank you.  
12 (General applause.)

13 MR. TRACY: Bill Tracy (phonetic) again, 106  
14 South Road. And again, I'm not issuing any judgment,  
15 ju -- just trying to offer clarification. First of  
16 all, this case first did come to the Zoning Board,  
17 and as a member of the Zoning Board, we had public  
18 hearings and we voted against it. So that process  
19 did go through in the proper manner.

20 Secondly, just as a point of historical  
21 information, I think it is interesting that Northwest  
22 Road did used to be called Shake (phonetic) Street,  
23 but not for the reason that everybody thinks. That  
24 was where the farmers in the fall would take their  
25 hogs and then go up there and get the -- the nuts

1 from the trees, and that was called "shake." It was  
2 the nuts and the -- the -- came off the trees. They  
3 ate nuts and acorns, and it was called "shake," and  
4 they would take their hogs up there (indiscernible --  
5 cannot understand at 1:08:47) and get the shake. And  
6 that's why it's called Shake (phonetic) Street, and  
7 then back in the 1940s in deference to the people who  
8 lived there that was changed. It became Northwest  
9 Road.

10 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
11 audio at 1:08:58.)

12 MR. SCHWALLIE: Paul?

13 MR. SILVERNAIL: Paul Silvernail, 245 Northwest  
14 Road. Mr. Tracy (phonetic) spoke about the sound  
15 testing. I also think it's useful for everyone here  
16 that Mr. Tracy (phonetic) submitted a letter in  
17 support of the sawmill because he had to be in  
18 another Town meeting. I have a copy of it if you  
19 guys want it.

20 So my question to the Planning Board, from the  
21 time that you voted two to two to deny it, did you  
22 have any new findings? Were there any new findings  
23 that you had as a Board about this sawmill from the  
24 time that you denied it in 2015?

25 MR. SCHWALLIE: I -- I --

1 MR. SILVERNAIL: Was there any new evidence that  
2 you gathered?

3 MR. SCHWALLIE: I do -- I don't -- I don't what  
4 you mean by "findings."

5 MR. SILVERNAIL: Okay. Well, so what you did  
6 when you rejected the sawmill, you had what you  
7 called "findings," which I would assume is based on  
8 all of us getting together and talking, and then you  
9 wrote down the reasons why. For the --

10 MR. SCHWALLIE: Right.

11 MR. SILVERNAIL: -- for the Superior Court you  
12 submitted an agreement that had findings to it. So  
13 my question is, from the time you rejected the permit  
14 in 2015, did you gather any new evidence to be able  
15 to have new findings?

16 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
17 understand at 1:10:19.)

18 MR. SILVERNAIL: No, (indiscernible -- cannot  
19 understand at 1:10:22). I said -- do you understand  
20 the question?

21 MR. SCHWALLIE: No, (indiscernible --  
22 simultaneous speech at 1:10:26) --

23 MR. SILVERNAIL: Okay. So -- and -- and I  
24 believe it was March 2015 is when you submitted --  
25 well, I think (indiscernible -- cannot understand at

1 1:10:31) May. You voted two to two, correct?

2 MR. SCHWALLIE: Yes.

3 MR. SILVERNAIL: Okay. From that time, has the  
4 Planning Board acquired any new evidence or data as  
5 part of reviewing the -- the Special Permit for the  
6 sawmill?

7 MR. SCHWALLIE: We -- we wrote our decision and  
8 then filed it with the Town Clerk, and we had the  
9 two-two -- the -- the split vote.

10 MR. SILVERNAIL: Yup.

11 UNIDENTIFIED SPEAKERS: (Indiscernible -- cannot  
12 understand at 1:11:01.)

13 MR. SILVERNAIL: So --

14 UNIDENTIFIED SPEAKER: So --

15 MR. SILVERNAIL: -- maybe --

16 UNIDENTIFIED SPEAKER: Yeah.

17 MR. SILVERNAIL: -- somebody else can phrase the  
18 question. But --

19 UNIDENTIFIED SPEAKER: He just wants to know was  
20 there --

21 MR. SILVERNAIL: -- from the day --

22 UNIDENTIFIED SPEAKER: -- (indiscernible --  
23 simultaneous speech at 1:11:10) permit?

24 MR. SILVERNAIL: -- from the day that you had  
25 that vote until you entered into this agreement in



1 April of 2017, was there any --

2 MR. SCHWALLIE: But --

3 MR. SILVERNAIL: -- new --

4 MR. SCHWALLIE: -- from there it was appealed  
5 and it was again in legal hands, so --

6 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
7 audio at 1:11:24.)

8 MR. SILVERNAIL: So is the answer that you  
9 had --

10 MR. SCHWALLIE: Yes, ma'am?

11 I -- I -- I don't know how else to answer the  
12 question. I'm -- I'm --

13 UNIDENTIFIED SPEAKERS: (Indiscernible --  
14 simultaneous speech at 1:11:31.)

15 MR. SCHWALLIE: I -- I -- I --

16 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
17 understand at 1:11:33) we need the lawyer here.

18 MR. SCHWALLIE: You know --

19 UNIDENTIFIED SPEAKER: (Indiscernible -- low  
20 audio at 1:11:35.)

21 MR. SCHWALLIE: Ma'am?

22 UNIDENTIFIED SPEAKER: Okay. I got a question  
23 for all of you, one by one.

24 Do you live on Northwest Road?

25 UNIDENTIFIED SPEAKER: (Indiscernible -- low

1 audio at 1:11:41.)

2 UNIDENTIFIED SPEAKER: Do you live on Northwest  
3 Road?

4 MR. HATHAWAY: I don't.

5 UNIDENTIFIED SPEAKER: Do you live on Northwest  
6 Road?

7 UNIDENTIFIED SPEAKER: No, I live close. No.

8 UNIDENTIFIED SPEAKER: Do you? Phil, do you  
9 live on Northwest Road?

10 MR. DOWLING: No.

11 UNIDENTIFIED SPEAKER: Okay. So why don't you  
12 all move onto Northwest Road and see if you like it?

13 MR. HATHAWAY: Just 'cause I'm not on Northwest  
14 Road doesn't mean (indiscernible -- cannot understand  
15 at 1:12:00).

16 MR. SCHWALLIE: Okay. Yes, sir?

17 UNIDENTIFIED SPEAKER: My point is -- is that --

18 MR. SCHWALLIE: Sir?

19 UNIDENTIFIED SPEAKER: -- you guys can go listen  
20 to all the noise and everything else --

21 MR. SCHWALLIE: Okay.

22 UNIDENTIFIED SPEAKER: -- that we're going to  
23 hear.

24 MR. SCHWALLIE: Ho -- hold on. This guy --

25 UNIDENTIFIED SPEAKER: (Indiscernible --

1 simultaneous speech at 1:12:08) --

2 MR. SCHWALLIE: -- hasn't spoken.

3 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
4 understand at 1:12:10.) I live on 326 Northwest  
5 Road, all right, abutted right next to (indiscernible  
6 -- background noise 1:12:18) property and so on. I'm  
7 lucky. I got great neighbors. My neighbors are  
8 great. I love all of my neighbors. Good people,  
9 including Dave Cotton. He'd help you out whenever he  
10 could, you know? (Indiscernible -- cannot understand  
11 at 1:12:31.) I've been hearing trucks all the time  
12 (indiscernible -- cannot understand at 1:12:37).  
13 They had a gravel pit. I heard Jake brakes. I heard  
14 trucks.

15 And, you know, I don't know these people, "I've  
16 never heard a truck."

17 I heard trucks (indiscernible -- cannot  
18 understand at 1:12:48). I'm tired of it. I want to  
19 be friends with everybody (indiscernible -- cannot  
20 understand at 1:13:03) ganging up on Dave Cotton.  
21 He's a good man.

22 Oh, yeah. (Indiscernible -- cannot understand at  
23 1:13:14.) They're great people. I care about my  
24 neighbors, including Dave Cotton, who's always good  
25 to me, you know? (Indiscernible -- cannot understand

1 at 1:13:28) trucks. Well, hey, you know, trucks are  
2 there all the time. (Indiscernible -- cannot  
3 understand at 1:13:34.)

4 UNIDENTIFIED SPEAKER: (Indiscernible --  
5 simultaneous speech at 1:13:35.)

6 MR. SCHWALLIE: Yeah. Folks?

7 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
8 understand at 1:13:38) --

9 MR. SCHWALLIE: Fo --

10 UNIDENTIFIED SPEAKER: -- (indiscernible --  
11 cannot understand at 1:13:39) Chesterfield Road,  
12 (indiscernible -- cannot understand at 1:13:42) Road.  
13 Nobody ever says (indiscernible -- cannot understand  
14 at 1:13:44).

15 UNIDENTIFIED SPEAKER: I have heard trucks  
16 (indiscernible -- low audio at 1:13:46) Jake brakes  
17 and stuff.

18 MR. SCHWALLIE: Okay. I -- I -- I -- I think we  
19 got your point, sir.

20 UNIDENTIFIED SPEAKER: We should --

21 MR. SCHWALLIE: Okay?

22 UNIDENTIFIED SPEAKER: -- be good to each other.  
23 That's all I got to say.

24 MR. SCHWALLIE: All righty.

25 MS. CHALLET: Can I say something?

1 MR. SCHWALLIE: Yes --

2 MS. CHALLET: (Indiscernible -- simultaneous  
3 speech at 1:13:59).

4 MR. SCHWALLIE: -- Mary.

5 MS. CHALLET: I live at 315 Northwest Road.  
6 I've lived there all my life. Well, I'm still alive.  
7 But there are always trucks in there. My husband and  
8 I have an excavating business. Trucks are in and  
9 out, and part of those trees that are down there  
10 (indiscernible -- cannot understand 1:14:18) property  
11 to build their house on. They bulldozed the stumps  
12 all out. (Indiscernible -- background noise at  
13 1:14:29) most of the stumps came from (indiscernible  
14 -- cannot understand at 1:14:32), and the trees that  
15 are piled up there were cut when his house was put  
16 down. (Indiscernible -- background noise at  
17 1:14:41.) And the people up there (indiscernible --  
18 cannot understand at 1:14:44) these Jake brakes.  
19 (Indiscernible -- cannot understand at 1:14:46.)  
20 They call it a pup. A pup. P-U-P. (Indiscernible -  
21 - cannot understand at 1:14:53), and a -- a logger  
22 would know.

23 They were logging somewhere in Westhampton, I  
24 believe off Kings Highway, and the log truck had a  
25 load of trees, and then he got another one. It's

1 | like a trailer but they call it a pup. Two loads he  
2 | was dragging. He went up through Chesterfield, and  
3 | there's always been traffic. Nobody complained.  
4 | They never, ever did. We've always had one hell of a  
5 | good neighborhood up there. (Indiscernible --  
6 | background noise at 1:15:27) used to bring their pigs  
7 | up there so that they eat the acorns and all of the  
8 | nuts. That's why it was named that.

9 |       And they had a great bunch of neighbors, so other  
10 | neighbors had moved in. (Indiscernible -- cannot  
11 | understand at 1:15:50.) But they went up there.  
12 | Several people were there. They heard the noise  
13 | tested. They test the noise level. It was all  
14 | passed. It was all right. And I think it's now time  
15 | they laid off Cotton Tree Service and gave Cotton --  
16 | he would do anything for anybody. Anybody breaks  
17 | down (indiscernible -- simultaneous speech at  
18 | 1:16:12.)

19 |       UNIDENTIFIED SPEAKER: (Indiscernible --  
20 | simultaneous speech at 1:16:12.)

21 |       MS. CHALLET: I'm sick and tired of all of these  
22 | Jake brakes and everything. It's time. Hopefully  
23 | somebody straightens them out. I'm sick of it.  
24 | Thank you.

25 |       MR. SCHWALLIE: Okay. One more comment.

1 Ma'am?

2 MS. MORREY: All I can say right now is wow. My  
3 name is Leslie. I live at 322 Northwest Road, Leslie  
4 Morrey. I don't usually say much at these meetings,  
5 but I do have a couple -- well, one question and one  
6 comment.

7 My question to the Board and to the Selectboard  
8 is why was it, when it was being negotiated with the  
9 lawyers, amongst the lawyers and yourselves, why  
10 wasn't it brought back at that time for discussion  
11 with the town for these stipulations? Is there a  
12 reason why it wasn't brought back to us at that time  
13 when you guys were under negotiation?

14 And we were involved the whole time with open  
15 forums and this and that, and you -- you -- you know,  
16 you went to court and everything. Why wasn't it at  
17 that point brought back to the town members, the --  
18 especially the abutters? Why -- why wasn't it?

19 UNIDENTIFIED SPEAKER: Why weren't people  
20 involved?

21 MR. SCHWALLIE: The people were involved with our  
22 split decision. Then it was appealed.

23 MS. MORREY: Right.

24 MR. SCHWALLIE: Then it's been wrapped up in the  
25 courts. I guess if it had gone to trial I -- I don't

1 know who would have come in as witnesses and -- and  
2 all that.

3 MS. MORREY: No, I mean why was the town  
4 members, all of us, not included on the negotiation  
5 stipulations to the Special Permit that the lawyers  
6 agreed upon in that -- whatever that write-up is?  
7 Why weren't we involved in that? Why couldn't we be  
8 involved in that? Why is it just the two little  
9 lawyers talking back and forth, agreeing upon for  
10 everybody else in this room as to what Mr. Cotton can  
11 and can't do?

12 UNIDENTIFIED SPEAKER: Mm-hmm.

13 MR. HATHAWAY: I believe we expected the lawyer  
14 to act in the best interest of --

15 UNIDENTIFIED SPEAKER: Cotton.

16 MR. HATHAWAY: -- (indiscernible -- simultaneous  
17 speech at 1:18:28).

18 UNIDENTIFIED SPEAKERS: (Indiscernible --  
19 simultaneous speech at 1:18:28.)

20 MR. SCHWALLIE: Okay.

21 MS. MORREY: Okay. That's fine.

22 UNIDENTIFIED SPEAKER: (Indiscernible -- cannot  
23 understand at 1:18:34.)

24 MS. MORREY: I just -- I just think that, you  
25 know, with everything that we've been through, all



1 the time that we've taken and all the meetings that  
2 we had, it would have made more sense for the Board  
3 and the Selectboard to say, "Hey, we need to  
4 (indiscernible -- background noise at 1:18:47)  
5 everybody," or at least -- at least the abutters.

6 I'm a direct abutter to Mr. Cotton's property.  
7 He -- he is my back of my property.

8 Excuse me, I'm not finished.

9 MR. SCHWALLIE: Yeah. I'm -- I'm sorry.

10 MS. MORREY: My back of my property is abutting,  
11 well, part of his property. We do have a little  
12 buffer of trees, but if he was to go cut them all  
13 down, that's it. No more buffer.

14 My dog -- okay? I have two children and two dogs  
15 and a husband.

16 (General laughter.)

17 UNIDENTIFIED SPEAKER: Which one stays outside?

18 MS. MORREY: My dog -- one of my dogs is getting  
19 older. I'm not even worried about my husband, but  
20 one of my dogs is -- is getting older, and she took  
21 off back there, okay? And it -- it's happened twice  
22 in the last couple months. We had to go look for  
23 her. She doesn't hear. She doesn't come when she's  
24 called. She can hardly see. She was back on the  
25 back (indiscernible -- cannot understand at 1:19:43),

1 going into the woods.

2 I -- I startled a huge deer. It was humongous.  
3 You know, it was -- it was so beautiful back there,  
4 walking around. It's quiet and -- and serene, and I  
5 just -- you know, I just -- I just really wish that  
6 this could have been brought back to all of us before  
7 you guys made the negotiation. Even though the  
8 lawyer was supposed to be acting on our behalf, she  
9 obviously had an opinion, as you -- as Mr. --

10 UNIDENTIFIED SPEAKER: Bowerly (phonetic).

11 MS. MORREY: Bowerly (phonetic) has said. But  
12 she's not here today to --

13 UNIDENTIFIED SPEAKER: To tell us.

14 MS. MORREY: -- to tell us her side --

15 UNIDENTIFIED SPEAKER: Exactly.

16 MS. MORREY: -- and I think that that should  
17 have been a definite must.

18 UNIDENTIFIED SPEAKER: Exactly.

19 MR. SCHWALLIE: Art?

20 MR. PICHETTE: Yes. Art Pichette. I'm one of  
21 the three Selectmen that are here tonight.

22 And the Selectboard, so that you know, was not  
23 directly involved in the early process related to  
24 what ultimately became a two-to-two vote to deny.  
25 That decision was appealed by the applicant, and he

1 | was of course represented in the appeal. We were  
2 | represented by Town counsel to present our reasons  
3 | for denying the permit. And when I say "our  
4 | reasons," it -- it -- it w -- it's the Planning  
5 | Board's reasons of course, because it's their  
6 | purview. But after that -- the -- that suit was  
7 | filed, that appeal was filed, our attorney argued for  
8 | the Town. His attorney argued that the appeal should  
9 | be granted. And there are filings that go on between  
10 | our attorney and the -- his attorney that continue to  
11 | be presented to the judge. We continue to -- to pay  
12 | for our attorney, obviously.

13 | But as this case was proceeding, Town counsel  
14 | made it known to both the Pla -- the Selectboard and  
15 | to the Planning Board that we were more likely than  
16 | not to lose this case, and if we lost the case we  
17 | would not have the right to have any conditions on  
18 | the Special Permit that the Court would then grant.  
19 | It was the opinion, I believe, of -- of our Town -- I  
20 | -- I don't believe. I know. (Indiscernible --  
21 | background noise at 1:23:02) that the best way to  
22 | proceed was to get conditions that would protect the  
23 | Town, the abutters, and that that was going to be the  
24 | best that we could do, as opposed to losing the whole  
25 | thing and having no conditions, and we would have no

1 | say over what activities went in there.

2 |       Understand one very important thing here, and  
3 | that is that the members of the Selectboard and the  
4 | Planning Board did not choose to go forward with  
5 | these conditions to benefit Mr. Cotton. We did it  
6 | because we were trying to protect the town as much as  
7 | we could, given what we were being told by Town  
8 | counsel. And I -- I mean, that -- these people up  
9 | here are not doing this to you. They're doing it for  
10 | you. And I'm sorry (indiscernible -- background  
11 | noise at 1:24:19). We can either grant this permit  
12 | and have conditions, or have the Court grant the  
13 | permit with no conditions. That's it in a nutshell,  
14 | and I'm sorry (indiscernible -- background noise at  
15 | 1:24:40).

16 |       MR. SCHWALLIE:     Yup.

17 |       MR. PICHETTE:     (Indiscernible -- background  
18 | noise at 1:24:45.)

19 |       MR. HATHAWAY:     I -- I'm going to move that we  
20 | close the Public portion of the -- of the hearing and  
21 | move on (indiscernible -- simultaneous speech at  
22 | 1:24:55).

23 |       UNIDENTIFIED SPEAKER:   I've raised my hand four  
24 | times. I have one question --

25 |       UNIDENTIFIED SPEAKER:   He did.

1 UNIDENTIFIED SPEAKER: -- and I would like an --

2 MR. SCHWALLIE: Okay.

3 UNIDENTIFIED SPEAKER: -- answer to it.

4 MR. SCHWALLIE: I -- I'll -- I'll let -- let you  
5 have the last comment.

6 UNIDENTIFIED SPEAKER: In listening here, the  
7 only time the trucks are restricted from going in  
8 there is nine to one on Saturday. So that means at  
9 six o'clock at night, seven o'clock at night they're  
10 making regular delivery in there? The only thing it  
11 says in here is Saturday, nine to one. There is no  
12 other restriction on trucks.

13 MR. SCHWALLIE: There's a limitation on the  
14 amount of trucks.

15 UNIDENTIFIED SPEAKER: There's a limitation on  
16 the amount?

17 UNIDENTIFIED SPEAKER: (Indiscernible --  
18 background noise at 1:25:34.) But there's nothing  
19 about times. And I remember when he was  
20 (indiscernible -- background noise at 1:25:43) trucks  
21 coming in there at 7:30, eight o'clock at night.

22 UNIDENTIFIED SPEAKER: Yup.

23 UNIDENTIFIED SPEAKER: Yup.

24 UNIDENTIFIED SPEAKER: Yup.

25 UNIDENTIFIED SPEAKER: Yup. Yup.

1 UNIDENTIFIED SPEAKER: For sure.

2 UNIDENTIFIED SPEAKER: At 6:30 in the morning.

3 MR. HATHAWAY: All right. I'd like to close the  
4 Public Hearing.

5 UNIDENTIFIED SPEAKER: You got to move to --

6 UNIDENTIFIED SPEAKER: What kind of answer am I  
7 going to get for that question?

8 MR. SCHWALLIE: You're going to move to close  
9 comment, public comment?

10 MR. HATHAWAY: Public comment.

11 MR. SCHWALLIE: Okay. There's a motion to close  
12 (indiscernible -- cannot understand at 1:26:10)  
13 public comment. Do I have a second? A third? Clo -  
14 - close public comment by four.

15 (General conversation.)

16 MR. SCHWALLIE: Public comment is now closed.

17 (Indiscernible -- background noise at 1:26:33.)

18 Okay. Folks --

19 UNIDENTIFIED SPEAKER: We still have the hearing  
20 going on, so all (indiscernible -- background noise  
21 at 1:26:51).

22 (General conversation continues.)

23 UNIDENTIFIED SPEAKER: Okay. Folks? Excuse me.

24 (General conversation continues.)

25 UNIDENTIFIED SPEAKER: (Indiscernible --

1 background noise at 1:29:24) all night. Can you  
2 please take your conversations outside (indiscernible  
3 -- background noise at 1:29:29) talking, or please  
4 come up and listen (indiscernible -- background noise  
5 at 1:29:31). Thank you.

6 (General conversation continues.)

7 UNIDENTIFIED SPEAKER: Of the people, for the  
8 people, by the people.

9 MR. SCHWALLIE: I -- I'd like to reiterate  
10 again, any individual who is aggrieved by the  
11 Planning Board's decision has the opportunity with  
12 appellate rights under General Law 40(A), Section 17  
13 for further review of the decision. I -- I do want  
14 people to know that.

15 For -- for what it -- for what it's worth,  
16 people, I -- I -- I would just like to -- to  
17 personally say to you all this -- this is a tough,  
18 tough situation. It -- it -- it -- I -- I -- I feel  
19 bad for my fellow Planning Board Members here. I --  
20 I -- I -- I feel bad for everybody here, because  
21 people are so, so concerned. We're all concerned. I  
22 think our Selectboard is -- is -- is very concerned.  
23 And -- and I just want you to know, we as Board  
24 Members, and -- and -- and I'm speaking for the  
25 Selectboard here also, we're -- we're all very

1 | concerned about this, and -- and we take this  
2 | seriously, and -- and -- and -- and we know people  
3 | are -- are upset and frustrated.

4 |       And -- and I -- I -- I just want you to know my  
5 | heart goes out for all you guys. This has been  
6 | killing me for a long time. And I don't want to get  
7 | into everything that isn't so great with -- with my  
8 | life, but this whole thing here has -- has been  
9 | personally killing me. And for what it's worth, I  
10 | just thought I'd share my personal thoughts and --  
11 | and let you know.

12 |       So what I would like to do is -- is move to close  
13 | the Public Hearing. Second?

14 |       UNIDENTIFIED SPEAKER:    Yeah.

15 |       MR. SCHWALLIE:     Third?

16 |       UNIDENTIFIED SPEAKER:    Third.

17 |       MR. SCHWALLIE:     Fourth?

18 |       And with that, move to take the vote.

19 |       UNIDENTIFIED SPEAKER:    I -- I'll second.

20 |       MR. SCHWALLIE:     Second?

21 |       UNIDENTIFIED SPEAKER:    Yeah.

22 |       MR. SCHWALLIE:     Okay. And -- and I -- I move to  
23 | approve the Special Permit, subject to the terms and  
24 | conditions and the remand decision and the Agreement  
25 | for Judgment that we've all been talking about this



1 evening.

2 UNIDENTIFIED SPEAKER: I can't agree with it.

3 MR. SCHWALLIE: Okay.

4 (General applause.)

5 UNIDENTIFIED SPEAKER: I agree.

6 MR. SCHWALLIE: You agree?

7 UNIDENTIFIED SPEAKER: (Indiscernible --  
8 background noise at 1:33:48.) Don't agree.

9 MR. SCHWALLIE: Don't agree.

10 (General applause.)

11 MR. HATHAWAY: (Indiscernible -- cannot  
12 understand at 1:34:02.)

13 MR. SCHWALLIE: No.

14 I -- I guess I -- I have to go on the record. I  
15 -- I -- I guess I'll -- I'll agree to go with the  
16 conditions and -- and the judgment, so we're -- we're  
17 split here, I guess. Okay. So it's a vote, two for  
18 and two against. All righty. All righty.

19 So that's our decision.

20 MR. HATHAWAY: That is our decision.

21 MR. SCHWALLIE: Two yeses, one by Tom Hathaway,  
22 one by me, and a no by you, Bo -- Bob Dragon and Bob  
23 Turner. Okay.

24 UNIDENTIFIED SPEAKER: Yeah.

25 MR. SCHWALLIE: All righty. So with that we'll

1 adjourn.

2 MR. HATHAWAY: I'll second.

3 MR. SCHWALLIE: Second that move to adjourn.

4 UNIDENTIFIED SPEAKER: Third.

5 MR. SCHWALLIE: Third.

6 UNIDENTIFIED SPEAKER: Fourth.

7 MR. SCHWALLIE: Fourth.

8 We adjourn.

9 (Planning Board remand hearing ends.)



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**simultaneous speech** 02:18; 02:20; 02:27; 20:06; 24:44; 24:45; 32:43; 35:34; 36:07; 36:14; 36:26; 44:08; 44:19; 44:22; 44:27; 44:51; 44:57; 45:15; 50:56; 50:58; 51:41; 52:52; 53:40; 1:10:26; 1:11:10; 1:11:31; 1:12:08; 1:13:35; 1:13:59; 1:16:12; 1:18:28; 1:24:55

**cannot understand** 24:20; 24:36; 27:40; 28:37; 28:40; 28:44; 29:22; 30:33; 31:19; 32:47; 35:28; 35:42; 35:50; 36:05; 36:26; 39:49; 40:08; 43:17; 44:01; 44:31; 45:37; 45:39; 45:57; 46:16; 49:06; 49:34; 50:17; 50:38; 51:29; 51:37; 53:47; 53:49; 55:07; 55:35; 56:59; 57:00; 57:05; 1:00:17; 1:00:22; 1:01:26; 1:01:30; 1:02:20; 1:02:42; 1:03:00; 1:03:02; 1:03:41; 1:07:16; 1:08:47; 10:08:58; 1:10:19; 1:10:22; 1:10:31; 1:11:01; 1:11:33; 1:12:00; 1:12:10; 1:12:31; 1:12:37; 1:12:48; 1:13:03; 1:13:14; 1:13:28; 1:13:34; 1:13:38; 1:13:39; 1:13:42;

1:13:44; 1:14:18; 1:14:32; 1:14:44; 1:14:46; 1:14:53; 1:15:50; 1:18:34; 1:19:43;  
1:26:10; 1:34:02

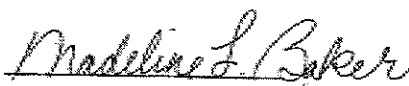
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20 September 24, 2017

21 Date

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