

19 October 2015

Town of Westhampton  
Zoning Board of Appeals  
Westhampton, MA

Dear Zoning Board Members:

At the September 17, 2015 Zoning Board of Appeals (ZBA) meeting, Mary Challet, David Cotton (Cotton) and Attorney Patrick Melnik (Melnik) argued to the ZBA that there had been an ongoing continuous gravel operation for more than two years prior to May 17, 2011 across from 315 Northwest Road. Additionally, Cotton told the ZBA that he “paid above market price of \$60,000” for the land in question.

After examination of all publically available documents and after interviews with abutters to the land, it is obvious that these arguments have no merit.

#### **Mary Challet’s Gravel Business**

There is no evidence that Mary Challet, or her husband Walt Challet, advertised a gravel business, registered a gravel business with any business association or was recognized by the MA Executive Office of Labor and Workforce Development as a Westhampton business. See Exhibits A, B and C. Exhibit D shows how a gravel business in Westhampton advertises.

#### **David Cotton’s Gravel Business**

There is no evidence that Cotton has ever advertised a gravel business, registered a gravel business with any business association or was recognized by the MA Executive Office of Labor and Workforce Development as a Westhampton business. Exhibit E shows Cotton does advertise Cotton Tree and showcases that he has been hired to remove eleven thousand (11,000) pine trees. It would seem obvious that he needs land somewhere to put all of the 11,000 pine trees and the accompanying debris.

#### **David Cotton’s Purchase of the Land in Question**

While I pointed out to the ZBA that Cotton has purchased approximately \$380,000 worth of real estate for \$2 from the elderly Challets, Cotton volunteered to the ZBA that he had paid an above market price of \$60,000 for the land in question. Exhibit F shows he paid \$49,040. It is noteworthy that Cotton didn’t actually pay \$49,040 to the elderly Challets. Rather, Cotton granted a mortgage with no repayment schedule promising that he would pay on or before May 21, 2021 -- when Mary Challet would be 91. Sadly, Walt Challet has already passed away without being repaid.

**David Cotton's Most Recent Court Hearing Regarding Westhampton**

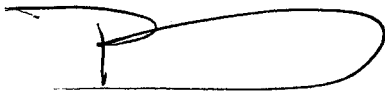
After having been duly denied by the Westhampton Planning Board a special permit for a sawmill, Cotton, represented by Melnik, argued to the Housing Court Department that the special permit was constructively granted. In Exhibit G, Section 5, the Honorable Justice Robert Fields, after a careful review of testimony and exhibits, stated Cotton and Melnik's "arguments have no merit." In other words, their lawsuit was neither based on truth nor facts.

**Affidavits of Abutters to the Land in Question**

Exhibits H, I, J, and K, show four abutters to the land in question unanimously state under oath that they never saw any evidence of a gravel operation from 2008 up until May 17, 2011. Incredibly, one of those affiants actually lived with Mary Challet in her home at 315 Northwest Road from January 2004 to June 2008 and swears "at no time did (he) ever see any evidence of a continuous gravel business."

Based on the overwhelming evidence that Mary Challet and Walt Challet did not operate an ongoing gravel business at the land in question from 2004 up until May 17, 2011, I respectfully request that the ZBA deny Cotton's application.

Sincerely,



Paul J. Silvernail  
245 Northwest Road

# EXHIBIT A

## WESTHAMPTON BUSINESS LISTINGS

### ANIMALS – BOARDING, BREEDING, GROOMING

PAWSITIVELY DUNN GROOMING SHOPPE – Lori Dunn 527-4141  
Dog grooming.

### ART CLASSES

THE ART CELLAR – Carolyn Bruneau 527-0579  
Art classes and private instruction, house portraits.

### AUTOMOTIVE – REPAIR

COUNTRY AUTOMOTIVE – Wayne Buzzee 527-3585  
Automotive repair.

### BUILDING & CONSTRUCTION – CONTRACTORS, SUPPLIES, EXCAVATING, MATERIALS

HATHAWAY CONSTRUCTION CORP. 527-2324  
Remix concrete, sand and processed stone, natural stone, or 527-6097  
crushed stone, wall stone, large rocks for landscaping.

W. MAREK INC. GENERAL CONTRACTORS – Wally Marek 413/977-9539  
Construction of new homes and additions.

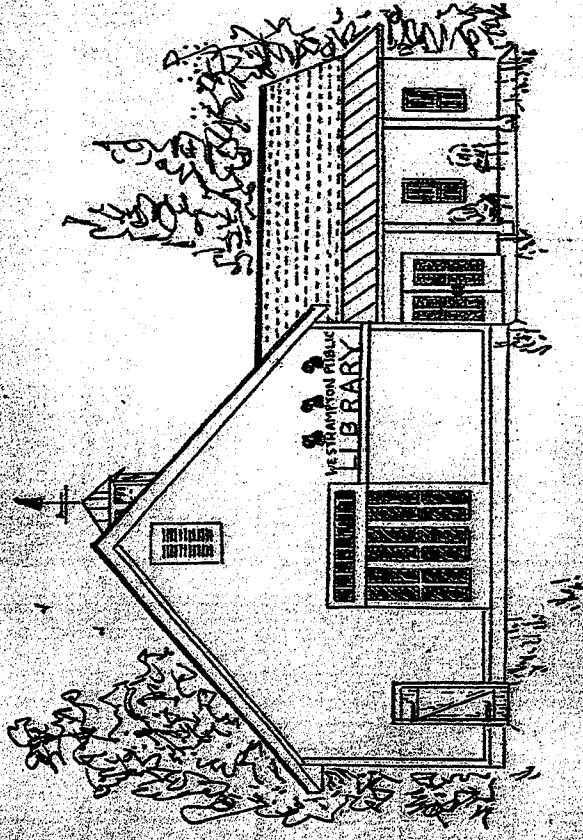
### BUSINESS SERVICES

BREITNER & ASSOCIATES – Laurie Breitner 527-5558  
Since 1991, helping business owners/executives gain perspective/skills  
needed to be confident and successful through strategic planning,  
organizational development and process improvement.  
E-mail: laurie@breitnerandassociates.com Fax: 527-6766

### CAMPGROUNDS

KOA NORTHAMPTON-SPRINGFIELD – John and Sally Kelsey 527-9862  
Family campground. Kids welcome. Large campsites. Pond, pools.  
Open 5/1 – 10/15

# Westhampton Telephone Directory 2010



Westhampton  
Public Library  
527-5386

8



**Hathaway Construction Corp**  
41 Perry Hill Rd  
Westhampton, MA 01027-9648 [Map](#)

(413) 527-6097

Sand & gravel, Crushed stone

## EXHIBIT B

9



**Meehan Construction Co Inc**  
19 Perry Hill Rd  
Westhampton, MA 01027-9648 [Map](#)

(413) 527-3367

Sand & gravel, Crushed stone

[Quick Info](#)

10



**New Beginnings Sand & Refinish**  
90 North Rd  
Chesterfield, MA 01012-0101 [Map](#)

(413) 296-9100

Sand & gravel

[Quick Info](#)

11



**Jacques Construction Inc**  
2 Industrial Dr  
South Hadley, MA 01075-2622 [Map](#)

(413) 539-9331

Sand & gravel, Crushed stone

[Quick Info](#)

12



**John S Lane & Sons Inc**  
1550 West St  
Amherst, MA 01002-3330 [Map](#)

(413) 253-2075

Sand & gravel, Crushed stone

[Website](#)

[Quick Info](#)

13



**Nawrocki Construction Inc**  
11 Lyons St  
Granby, MA 01033-9532 [Map](#)

(413) 592-6577

Sand & gravel

[Website](#)

[Quick Info](#)

14



**River Drive Excavating Inc**  
146 River Dr  
Hadley, MA 01035-9782 [Map](#)

(413) 584-1814

Sand & gravel

[Website](#)

[Quick Info](#)

15



**Bond Cons.**  
98 North Spencer Rd (Rt 31)  
Spencer, MA 01520 [Map](#)

(508) 709-0457

Sand & gravel

1



**L & L Fence Company**  
45 State Road  
Whately, MA 01093 Map

**(413) 665-4981**  
Have this business call you

Landscaping equipment, materials & supplies

Website Video

Quick Info

2



**Shanahan Construction Supply Company**  
298 Ave-A  
Turners Falls, MA 01376 Map

**(888) 897-0003**  
Have this business call you

Landscaping equipment, materials & supplies

Website View Ad

Quick Info

3



**Bond Sand Gravel & Asphalt**  
98 N Spencer Rd  
Spencer, MA 01562-1402 Map

**(508) 885-6100**

Sand & gravel, Landscaping equipment, materials & supplies

Quick Info

4



**Washed Sand & Gravel**  
1010 Ryan Rd  
Florence, MA 01062-3677 Map

**(413) 584-1802**

Sand & gravel

Website

Quick Info

5



**Bill Willard Inc**  
303 King St  
Northampton, MA 01060-2370 Map

**(413) 584-1054**

Sand & gravel, Crushed stone

Quick Info

6



**Segalla Sand & Gravel Inc**  
112 Allyndale Road  
North Canaan, CT 06018-2107 Map

**(860) 824-4444**

Sand & gravel

Website

Quick Info

7



**Hathaway Construction**  
119 North Rd  
Westhampton, MA 01027-9692 Map

**(413) 527-2324**

Sand & gravel, Crushed stone

Website

Quick Info

**Half off your rate plan**  
and Sprint will pay whatever it costs for you to switch via reward card

[Switch now](#)

Restrictions apply

Website

Quick Info

16



**Baxter Sand & Gravel**  
652 Prospect St  
Chicopee, MA 01020-3048 [Map](#)

(413) 536-5311

Sand & gravel

Quick Info

17



**Bushika Sand & Gravel**  
926 N State Rd  
Cheshire, MA 01225-9672 [Map](#)

(413) 743-1650

Sand & gravel

Quick Info

18



**Delta Sand Gravel Inc**  
562 Amherst Rd  
Sunderland, MA 01375-9466 [Map](#)

(413) 665-4051

Sand & gravel, Crushed stone

Website

Quick Info

19



**Duke's Sand & Gravel**  
101 Grove St  
Adams, MA 01220-9707 [Map](#)

(413) 743-1500

Sand & gravel

Quick Info

20



**Vanco Sand & Gravel**  
69 Hillsville Rd  
North Brookfield, MA 01535-2207 [Map](#)

(508) 637-1163

Sand & gravel

Quick Info

[Report Incorrect Listings](#)

1 [2](#) [3](#) [4](#) [»](#)

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# EXHIBIT C

## Largest 25 Employers in Westhampton

This list is ordered by size range then alphabetically within the size range.  
This information on employers does not come from the Unemployment Insurance reporting system.

[Close](#)



Employer information is provided by Infogroup®, Omaha, NE, 800/555-5211.

Click on the company name to view more information.

Company Name	Address	City	State	Number of employees	NAICS Code
<a href="#">Hampshire Regional School Dist</a>	Stage Rd	Westhampton	MA	100-249	6111
<a href="#">Westhampton Elementary School</a>	Kings Hwy	Westhampton	MA	20-49	6111
<a href="#">Westhampton Fire Dept</a>	Stage Rd	Westhampton	MA	20-49	9221
<a href="#">Hathaway Construction Corp</a>	North Rd	Westhampton	MA	10-19	2361
<a href="#">Hathaway Construction Corp</a>	Perry Hill Rd	Westhampton	MA	10-19	4441
<a href="#">Town Hall</a>	South Rd	Westhampton	MA	10-19	9211
<a href="#">Anytimeoil.com</a>	Main Rd	Westhampton	MA	5-9	2111
<a href="#">Berkshire Biological</a>	Main Rd	Westhampton	MA	5-9	3254
<a href="#">Bonnie's Program</a>	Kings Hwy	Westhampton	MA	5-9	6244
<a href="#">Ed-Tech</a>	Mine Rd	Westhampton	MA	5-9	5415
<a href="#">Glass Castle of Northampton</a>	Reservoir Rd	Westhampton	MA	5-9	4441
<a href="#">Maitri Learning</a>	Tob Hill Rd	Westhampton	MA	5-9	4532
<a href="#">Meehan Construction Co Inc</a>	Perry Hill Rd	Westhampton	MA	5-9	4233
<a href="#">Outlook Farm Country Store</a>	Main Rd	Westhampton	MA	5-9	1119
<a href="#">Sovereign Builders Inc</a>	Southampton Rd	Westhampton	MA	5-9	2361
<a href="#">Springfield Koa</a>	South Rd	Westhampton	MA	5-9	7212
<a href="#">Big B's Autobody</a>	Northwest Rd	Westhampton	MA	1-4	8111
<a href="#">Demarey Gardens</a>	South Rd	Westhampton	MA	1-4	9999
<a href="#">Fuller Horse Facility</a>	Southampton Rd	Westhampton	MA	1-4	9999
<a href="#">Intervale Farm</a>	Cemetery Rd	Westhampton	MA	1-4	4812
<a href="#">Loven Excavating &amp; Constr</a>	Reservoir Rd	Westhampton	MA	1-4	2389
<a href="#">North Country Garden Ctr</a>	Main Rd	Westhampton	MA	1-4	4442
<a href="#">Westhampton Congregational</a>	Tob Hill Rd	Westhampton	MA	1-4	8131
<a href="#">Westhampton Police Dept</a>	Stage Rd	Westhampton	MA	1-4	9221
<a href="#">Westhampton Town Highway Dept</a>	Hathaway Rd	Westhampton	MA	1-4	2373



Employer information is provided by Infogroup®, Omaha, NE, 800/555-5211.



## EXHIBIT D



Quality Service for 44 Years

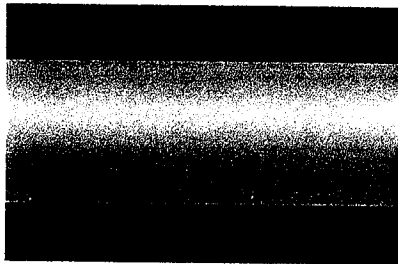
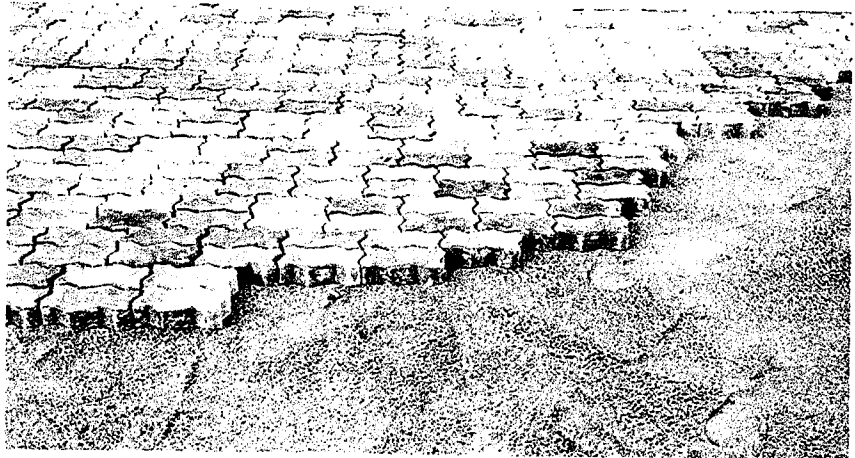
[redimixhcc@yahoo.com](mailto:redimixhcc@yahoo.com)

**413-527-2324**

HOME CONCRETE SAND & GRAVEL QUARRY MATERIALS CONTACT

### You'll get the best quarry materials available

Take advantage of our vast inventory today to find the materials you need. You will always have access to a large selection of superior quality materials competitive prices. Call us today!



### You save money because we own the quarry

You will find just about every type of quarry material you will ever need. We have everything from decorative stone to processed gravel. We'll deliver right to your site.

- Decorative stone, wall stone, loose and palletized
- Large and unique boulders for landscaping
- Feature stone, screened loam delivery

Take advantage of our competitive prices, and be sure to ask about our significant volume discounts.  
**413-527-2324**

Since 1971, Hathaway Construction Corp. has been serving the area by providing people with an enormous array of quarry and concrete products and services. Our courteous and knowledgeable staff is here to answer all of your questions and take your orders. Don't wait another moment - [contact us today](#) for exceptional service.

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Quality Service for 44 Years

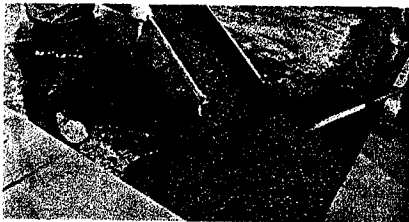
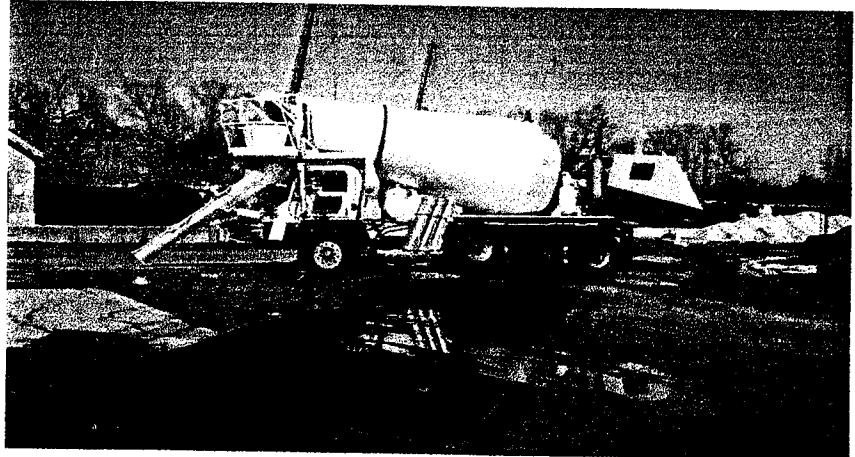
[redimixhcc@yahoo.com](mailto:redimixhcc@yahoo.com)

**413-527-2324**

HOME   CONCRETE   SAND & GRAVEL   QUARRY MATERIALS   CONTACT

## Are you looking for aggregate at great prices?

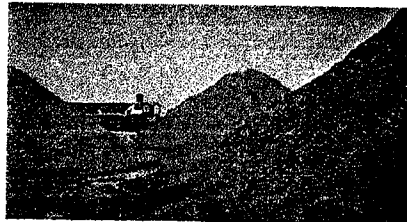
Whether you need aggregate supplies for your home or construction site, Hathaway Construction Corp. has what you need. You'll find everything you need, including crushed stone, concrete, sand, and gravel.



### Purchase high quality concrete for your project

Regardless of the size of your project, we can get the job done. A sidewalk or a complete subdivision gets the same great quality service.

Serving you since 1971



### You'll receive sand and gravel in any size quantity

You can have your sand or gravel delivered, or you can come to our quarry and pick it up. We can load your pickup truck or your semi-truck.

Competitive prices



### You'll find the type of aggregate you need

From washed sand to decorative stone and everything in between, we have the quality products you are looking for to complete your construction project.

Make it easy

# EXHIBIT E

Home

Services

Request Services

Gallery



## Welcome to CottonTree.com!

### News! - Cotton Tree hired to remove 11,000 pine trees

The Cotton family prides itself in excellent service since 1956. We specialize in Tree pruning, removal, planting, cabling, fertilizing, and land clearing. We are fully insured and ready to help you! Cotton Tree Service is a member of the following organizations:

- Northampton Chamber of Commerce
- Int Society of Arboriculture
- Member of Angie's List

We accept Visa, Mastercard, Amex, and Discover.

We are a member of [Angie's List](#)

We are a member of the [International Society of Arboriculture](#).

Check out the Northampton Chamber of Commerce, [Explore Northampton](#)



## Screened Loam Special!!!

Screened Loam promotes healthy plant growth. It is used for new lawns, gardens, top dressing and planting. We can deliver for \$32.00/yard with a 3 yard minimum order. A delivery charge will apply to locations outside the Northampton

## Spring Mulch Special!!!

area.

DAMN GOOD MULCH is all natural double ground mixed wood mulch. It is a rich dark brown that dries to a medium brown.

### Prices

**Northampton Area delivery:** \$32.00/yard plus sales tax with a 3 yard minimum (minimum yardage higher outside of the Northampton area).

**Outside a 5 mile radius:** A delivery charge will apply to deliveries outside a five mile radius of our yard.

**Pickup at our yard:** \$28.00/yard plus sales tax (no minimum amount).

**MULCH TIPS:** Covering garden beds with 2"-3" of mulch in the springtime conserves a tremendous amount of water and suppresses weed growth!

58985 Visitors since July 1st, 2012

Website by [Digital Earth Technology](#). Copyright © 2012 Cotton Tree Service

[Home](#)

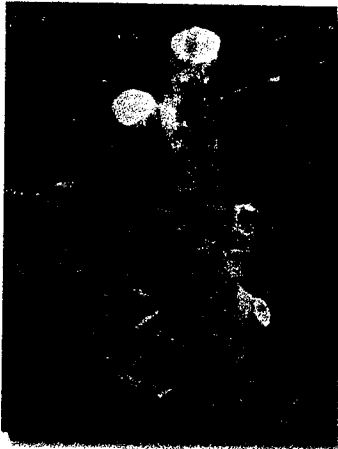
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**Cotton Tree is a Fully Insured Company providing you excellent service.**



Cotton Tree offers the following services:

- Tree Pruning
- Tree Removals
- Planting
- Cabling
- Fertilizing
- Stump Grinding
- Grading
- Land Clearing
- Emergency Tree Services
- All Natural Wood Mulch
- Right of Way Clearance

58985 Visitors since July 1st, 2012

Website by [Digital Earth Technology](#), Copyright © 2012 Cotton Tree Service



Bk: 10550Pg: 102 Page: 1 of 3  
Recorded: 05/17/2011 02:25 PM

# EXHIBIT F

MASSACHUSETTS EXCISE TAX  
Hampshire District ROD #13 001  
Date: 05/17/2011 02:25 PM  
ctri# 025734 05830 Doc# 00009745  
Fee: \$225.72 Cons: \$49,040.00

## QUITCLAIM DEED

AFFECTED PREMISES: off Northwest Road (south side), Westhampton

**Walter F. Challet and Mary A. Challet** of 315 Northwest Road, Westhampton, Hampshire County, Massachusetts,

for **Forty-nine Thousand and forty Dollars (\$49,040.00)** consideration paid

grant to **Dodge Maple Grove Farm LLC** of 284 Hatfield Street, Northampton, Massachusetts 01060,

### with QUITCLAIM COVENANTS

The land with the buildings thereon in Westhampton, Hampshire County, Massachusetts being more particularly bounded and described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

WITNESS our hands and seals on May 17, 2011.

*Walter F. Challet*

Walter F. Challet

*Mary A. Challet*

Mary A. Challet

### COMMONWEALTH OF MASSACHUSETTS

Hampshire, ss.

On May 17, 2011, before me, the undersigned notary public, personally appeared **Walter F. Challet and Mary A. Challet**, proved to me through satisfactory evidence of identification, which was  personal knowledge,  a MA driver's license,  oath or affirmation of a credible witness, or  (identify) \_\_\_\_\_, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



**WILLIAM E. DWYER, JR.**  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES  
JULY 21, 2017

*William E. Dwyer, Jr.*

# EXHIBIT G

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, S.S.

HOUSING COURT DEPARTMENT  
WESTERN DIVISION  
CIVIL ACTION NO. 15-CV-395

TOWN OF WESTHAMPTON, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 DAVID COTTON, )  
 )  
 Defendant )

## ORDER DENYING DEFENDANT'S MOTION TO DISMISS

After hearing on June 15, 2015 on the defendant's motion to dismiss or in the alternative to deny the plaintiff's motion for temporary restraining order, at which both parties appeared, the following rulings and order are to enter:

**1. Background:** On May 30, 2012, the plaintiff (hereinafter, "Town of Westhampton") issued cease and desist orders to the defendant (hereinafter, "Cotton") for wood processing operations on Cotton's property on Northwest Road in Westhampton under the town's Zoning Bylaws. Cotton appealed the order and The Town's Zoning Board of Appeals twice upheld the order. On December 13, 2013, Cotton filed a special permit application with the Town's Planning Board ("Board") to use the property as a sawmill for commercial uses. On February 4, 2014, the Board notified all parties involved and held its first public hearing and continued the meetings every month between February 4, 2014 and March 10, 2015, with the exceptions of February 17, 2015 and March 3, 2015 due to no quorum and due to a snowstorm, to consider evidence regarding the approval or denial of the special permit. At a July, 2014 meeting, Cotton made the planning board aware that he no longer agreed or consented to any further continuances of the public hearing process. On January 20, 2015, the Board held another

meeting of the continued public hearing for the special permit. Cotton attended. On March 10, 2015, the Board met and voted to close the public hearing and on April 21, 2015, the Board voted and denied the special permit application. On April 24, 2015, Cotton filed a Notice of Constructive Grant of Special Permit. On May 28, 2015, the Board filed its decision to deny the special permit with the Town Clerk. On May 4, 2015, the Town of Westhampton filed a temporary restraining order against the Cotton for the continued use of commercial activities at the subject property.

**2. Standard for constructive grant of special permit:** The relevant statute regarding the constructive grant of special permit can be found at G.L. c. 40A, §9. In pertinent part, the statute requires that “The special permit granting authority shall hold a public hearing, for which notice has been given within sixty-five days from the date of filing such application...[and] the decision of the special granting authority shall be made within ninety days following the date of such public hearing.” *Id.* The ninety day time limit may be extended with written agreement between the petitioner and the special permit granting authority. *Id.* If the special permit granting authority fails to make a final decision within the ninety days, and there is no agreement in writing extending the time limit, the granting authority shall be considered to have granted the special permit. *Id.*

**3. A public hearing in the zoning context** “connotes the opportunity for interested persons to appear and express their views pro and con.” *Milton Commons Assoc. v. Bd. Of Appeals of Milton*, 14 Mass. App. Ct. 111, 114-115 (1982). The special permit granting authority (hereinafter, “SPGA”) may continue or adjourn the hearing to a subsequent date by publicly announcing the specific date, time and place of the continued hearing before close of the previous hearing. *Kendrick v. Bd. Of Appeals of Wakefield*, 27 Mass. App. Ct. 774 (1989). In the zoning context, “a public hearing ends when the right of interested parties to present information and argument is cut off.” *Milton*, 14 Mass. App. Ct. at 115. Section 9 of the Zoning Act provides if the SPGA fails to take “final action” on the application for special permit within ninety days after the date of the public hearing it “shall be deemed to be a grant” of the

special permit. Mass. Gen. Laws. Ch. 40A, §9, ¶13. The Appeals court has held that the ninety days begin to run from the final day of a hearing, as reasonably continued. *Kendrick*, 27 Mass. App. Ct. at 776.

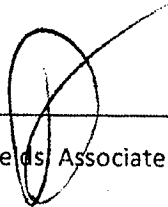
4. **Argument:** Cotton argues that a special permit was constructively granted. He predicates this argument on several assertions. First, he argues that the last public hearing was scheduled, held and closed on January 20, 2015. Secondly, that in order for the public hearing to continue, there must be a written agreement between the petitioner and the Board; further arguing that ninety days from January 20, 2015 is April 20, 2015 and because the Board did not act within this timeframe, a special permit was constructively granted.

5. Such arguments have no merit. First, the record before the court supports a finding that the public hearing was not closed on January 20, 2015. The Board did not vote to close the public hearing. The Board may vote at the hearing or may close the hearing and adjourn its decision until a subsequent hearing. *Building Inspector of Attleboro v. Attleboro Landfill, Inc.*, 384 Mass. 109 (1981). The Board adjourned the hearing until the next meeting, February 17, 2015, which was not held due to a lack of a quorum. The meeting was rescheduled for March 3, 2015 but was not held due to a snowstorm. It was rescheduled and held on March 10, 2015. March 10, 2015 marked the final day of the public hearing, at which extensive testimony was presented by Cotton and other interested parties. On that day, the Board voted and closed the public hearing. The ninety-day time limit, as imposed by G.L. c. 40A, §9, began to count down, therefore, on March 10, 2015. Secondly, the Board does not need to have written permission from the petitioner to continue the public hearing. The extension of time provision of G.L. c. 40A, §9, which states that "the required time limits for a public hearing...may be extended by written agreement between the petitioner and the special permit granting authority" is to extend the decision beyond ninety days after the close of the public hearing. A written agreement for a time extension is not needed between petitioner and Board for sessions adjourned but not closed in accordance with open meeting law. *Tebo v. Bd. Of Appeals of Shrewsbury*, 22 Mass. App. Ct. 618, 623 (1986).

6. **Conclusion and Order:** March 10, 2015 was the final date that the Board held the public hearing. On that day, the Board voted and close the public hearing. It is from March 10, 2015 that the ninety-day time limit begins to toll in regards to a constructive grant of a special permit. Ninety days from March 10, 2015 was June 8, 2015. On April 21, 2015 the Board voted and denied the Special Permit Application and filed its decision with the Town Clerk on May 28, 2015---well within ninety days after the close of the March 10, 2015 public hearing---and Cotton's filing of a Notice of Constructive Grant of Special Permit on April 24, 2015 was premature.

7. For the foregoing reasons, Cotton's motion to dismiss is denied. The parties may now schedule with the Office of the Clerk Magistrate a hearing on the Town of Westhampton's application for an injunctive order regarding commercial wood processing operations at the defendant's property. Until further order of the court, the agreement of the parties to maintain the terms of the May 18, 2015 agreement, that there shall not be any commercial use of the subjected premises, shall remain in full force and effect.

So entered this 22nd of September 2015.

  
\_\_\_\_\_  
Robert Fields, Associate Justice

cc: Peter Montori, Esq., Clerk Magistrate



## EXHIBIT H

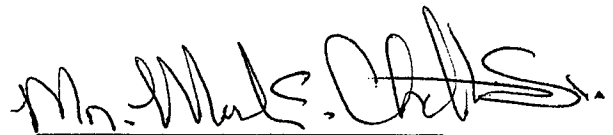
October 16, 2015

To The Zoning Board of Appeals  
Westhampton, MA

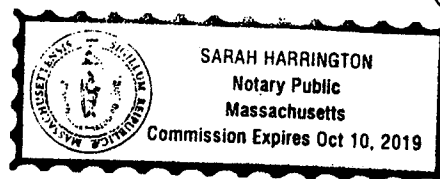
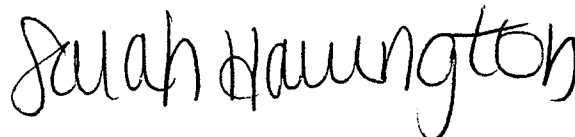
Dear Members of the ZBA:

1. I am Mark Challet, Sr. and I lived at 315 Northwest Road from January 2004 till June 7, 2008.
2. I then moved into my home located at 324 Northwest Road on June 8, 2008 and lived there until May 29, 2015.
3. At no time from January 2004 till May 29, 2015 did I ever see any evidence of a continuous gravel business going on at Dave Cotton's property.
4. I have seen Dave Cotton operating the commercial Cotton Tree Service company from January 2014 through November 2014 on Northwest Road.

I sign this letter under the pains and penalties of perjury.



Mr. Mark Challet, Sr.



# EXHIBIT I

Town of Westhampton  
Zoning Board of Appeals  
Westhampton, MA 01027


Dear Board Members:

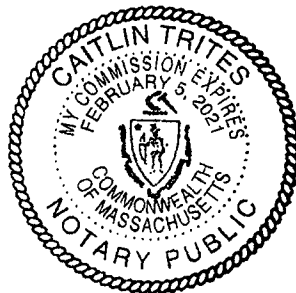
1. My name is Timothy Fondakowski.
2. I have lived at 335 Northwest Road since 2005 which is across the road from the Cotton property.
3. I have never seen any activity of a gravel pit operation at the Cotton property from 2005 to 2012.
4. The only gravel activity I observed at the property from 2005 to 2012 was Walt Challet with his blue ford tractor bringing dirt to fix his washout in his driveway after a heavy rain.
5. I started seeing Cotton's trucks entering the road to the pit across from my driveway with stumps/logs and equipment in 2012.

Signed under the pains and penalties of perjury on this 16 day of October 2015.



Timothy Fondakowski

  
10/16/15



On this 16 day of October, 2015  
before me, the undersigned notary public,  
personally appeared Timothy  
Fondakowski (name of  
document signer), proved to me through  
satisfactory evidence of identification,  
which were MA Driver's License  
to be the person whose name is signed  
on the preceding or attached document  
in my presence.

# EXHIBIT J

Westhampton Zoning Board of Appeals  
Westhampton

Dear Sirs and Madam:

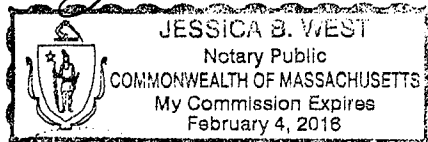
1. My name is Sarah Challet and I live at 82 Laurel Hill Road in Westhampton.
2. I lived at 324 NW Road with my husband, Mark, from June 2008 to May 29<sup>th</sup> 2015 when we moved to Laurel Hill Road.
3. I did not see any evidence of a gravel business at Mr. Cotton's property the entire time I resided at 324 NW Road.
4. I did see evidence of a commercial tree and stump dumping operation run by Mr. Cotton and his trucks behind my home at 324 NW Road from 2012 up until 2014.

I am signing this under the pains and penalties of perjury  
October 16, 2015.

*Mrs. Sarah Challet*

Mrs. Sarah Challet

*Jessica B. West*



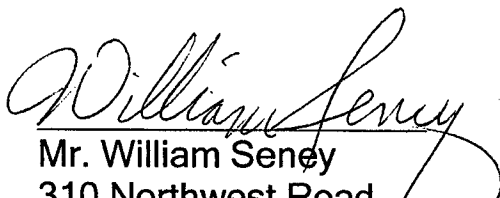
# EXHIBIT K

Town of Westhampton  
Zoning Board of Appeals  
One South Road  
Westhampton, MA 01027

Dear Zoning Board of Appeals:

1. My name is William Seney.
2. I live at 310 Northwest Road and have been there since 1989.
3. I have not seen any gravel business at the property in question since the early 90's.
4. I first noticed Cotton and his tree trucks moving in and out of the property in the summer of 2011.
5. His tree trucks were very loud.

I submit this under the penalties of perjury October 16 2015.

  
Mr. William Seney  
310 Northwest Road  
Westhampton, MA 01027

*Deborah A. Beauchemin*  
10-16-2015

