

Cornish Planning Board Meeting Monday, January 8, 2001

AGENDA

1. Jamie Carr – Would like to explore the possibility of expanding the current storage facility on Route 25. In addition, would like to discuss the issue of a previous Planning Board permit.
2. Go over the explanation of changes to the existing tower ordinance by a vote to amend the existing version of the tower ordinance.
3. Call Enterprise proposal for space being leased out at the new facility.
4. Mrs. Harrington to discuss her business on route 5. This will be the application meeting for the business on route 5.

Dan: I don't know if anyone has seen the agenda, but we are going to shuffle the order just slightly. Mark and Will - I am not sure if you guys are ready to present the material, but what we are looking for, as we've discussed recently, is a quick overview, maybe to look at the floor plan of the businesses that will be taking place. Were you able to get together just a quick and dirty floor plan?

Mark: For the building plan - we submitted the floor plan. You have the floor plan.

Dan: Correct. We are more interested in the floor plan of the businesses that will be housed in the new structure.

John: I think it is the same that we presented. They haven't split any of any of those floor plans up into separate offices since we submitted the original. Nothing has changed.

Dan: O.K. When we met most recently we had talked about with the gym, for example. We talked about fixtures for example and the likes. It's just a formality.

Rob: The last time we met we discussed the fact that the two businesses, the gym and the beauty parlor, plus your offices have already gone by. I don't think were looking for any thing on those except for maybe replacements. I could let you know which ones they are. We could do that. I could go over there and see.

Dan: Could we do that? I think it would be helpful to understand that, yes, in a particular location that the gym is going in one area and the hairdresser in another. Is that correct?

John: We would be happy to submit to you the original floor plan with the names of the businesses that have leases in it in the space that they lease if we have to. We could tell you this evening. We could show you.

Janette: Have you secured leases for the other two buildings that are still empty?

John: No. There are six other than the post office. There are six spaces and we _____ spaces.

Janette: O.K.

Rob: I would be happy to give you an update on what the other businesses are and what their business is.

Dan: John, if you could locate your site plan and if you could just provide us with a copy of it so we could have it on record.

John: What I'll do is make a copy of it and mark in who the tenants are and date it.
[Other comment but not understandable.]

Dan: I think the only other issue is – I did a little homework after the last time we met - and that was concerning the nature of the site plan review. I think we are in agreement that the structure of the existing ordinance could place a new burden on the owner to, I guess essentially, to keep the space rented and therefore time to get the site plan review done. So it wouldn't impact you guys financially or anyone else in the town for that matter. Some advice that I received from another town was that if there was a change of use of one location or in the building, for example, in January of next year you folks decided that instead of the gym being there lets say a barber shop moves in for lack of a better description, in that case that would be a change of use and there a site plan review would be warranted. If there was another gym to go in there, there would be no need for a site plan review. No change of use. This is the way it is being conducted in another community which I thought was pretty reasonable. I think that kind of lines up with what our ordinance calls for when you have a change of use. This is what triggers a site plan review.

John: Let me make a comment.

Dan: Please do, John.

John: We are very happy to be here to give you an update on the progress of the development that has been presented and you remember you went through and did a site plan review for the project, the shopping mall, that you approved without condition at that time. Additionally, the code enforcement officer had reviewed the facility for permits for electrical and plumbing and occupancy for the three units as it is right now have been issued and as well as a project as a whole. We are very happy to be here to give you an update on where we are, who is in there, and what kind of business it is. If you have any questions about those businesses, so that you will be fully informed, we will submit our original floor plan indicating those offices and what their business is.

I want to make it very clear that Call Enterprises had not submitted an application or any kind of permit for this particular tenant. We believe we are in full compliance with all of the ordinance in regards to use permits or planning board review or any of the code enforcement functions. So we haven't submitted one to you and we don't believe we are required submit one to you. We would be happy to answer any questions that you may have.

Dan: I don't know that we are requesting that at this time. Based on the last meeting that we held at your place of business I thought that we were in agreement that the planning board was merely looking for an informational setting to stay abreast as to the type of business that is taking place.

John: That is my understanding. Originally when you read the agenda you said we were here for site plan review. We are here to provide information and to be informational. It is suppose to be informal. We are happy to do all of that. We are not trying to be difficult or confrontational. We are not trying to be anything but up front, forward and answer any questions that we can. There may be a difference of opinion about the reading of the ordinance, and that's fine. We just want to make it clear that we haven't come to the same point that you have that a site plan review is required every time a permitted tenant in that use within that permit that was issued requires a site plan review. With that legitimate difference of point of view – that's where we are.

Dan: Thank you, John.

John: Why don't I just give you a brief update. Brian Hink, who we all know and is here, is running a hometown health and fitness center. It is in the space most immediate and adjacent to where the Post Office will be. Brian has the distinction of being the President, the entire employed staff and the janitor of that great establishment. Hopefully it will be a success. He runs it and they provide fitness exercise and a related health care program. The nature of his business is such that, as you might anticipate, most of the folks who come there come in the evening after they have finished their work or their daily responsibilities. There are fewer folks during the daytime which fits in quite nicely because it doesn't have a conflict of parking at all because the other tenants and the post office and the other tenants do their business during the day time. The second space which is sort of in the middle and towards the back of the building is Call Enterprises and Mark and Will will be the folks that occupy that office. Other than the usual kind of people that may come in, the vendors for the IGA, the same folks that came before, no anticipated additional traffic will come to that office. They do a lot of work on the phone, they do a lot of telecommunications. The other one is a beauty salon, is the one if you are facing the building at the front it will be to your right. There is space for three stylists, three stations. Currently there is a full time and a half time person. They are hoping that all three will be full. It is done by appointment. They will have someone for about an hour probably. So there will be someone there and then there will be a little bit of time while someone who is waiting for a moment. You might have 6 customers at any particular hour who are there if it is going full steam.

That leaves three remaining offices to be leased. Currently talking with different potential tenants but none of them have been leased yet.

Janette: The biggest concern that we have heard so far is that when we approve a large multi-use building is we don't want one blanket use permit going in and then just any type of business come in without the town knowing. We thank you for the information so we know who is going in and what type of business it is and we apologize for any misunderstanding that there has been on your permit.

John: My understanding is that the developers are looking at the kind of business that are coming in in that area, and they are not looking for anything that is currently not permitted or allowable under the ordinance.

Dan: Darrell, do you have any questions.

Darrell: I have nothing to say.

Dan: Rob, are you all set?

Rob: I would just like to add I think that part of this whole deal is that how we need to enforce this. So the wording _____ for us as well and how we are going to interpret the ordinance.

John: I think in between if another tenant leases the space and gets signed up I think that the Calls would be happy to let the code enforcement officer know that they have another space leased up and that it may or may not require any changes depending on whether they need to do anything to the space. But certainly if they had to

Dan: Again, this is where the Planning Board feels pretty strongly, that an informal review like we are going through this evening needs to occur. Because, again, the intent or the purpose is to afford the town to know some of the specifics as to the nature of the business that is being conducted in the town.

Yes, Will.

- Will: Dan, you and I have talked more than with the code enforcement officer and the other members of the Board.
- Dan: We meet twice a month.
- Will: There is such a thing in the ordinance, as it is my understanding of allowable uses, if John Smith, an attorney, comes to me or Mark tomorrow morning or Bob and Cindy Libby and they are building down the street, and if a decision is going to be made yes I am going to lease a space as an allowable use. There is a certain criteria – What objection or what permission does that attorney, dentist, doctor, beauty salon, fitness center. Why do they need an ok from the planning board if it is already permissible use?
- Dan: That's what I was referring to earlier before because we are at a Go ahead, Darrell.
- Darrell: A lot of it is the interpretation of professional office space.
- Will: Retail, professional office space, professional service, the list goes on and on as far as permissible use.
- Darrell: Pretty much the town of Cornish is open to do whatever they want to do.
- Will: Basically it's in writing. John made a point at the last meeting that we had that every time a new business goes in and out of the mall or in professional office space in downtown Portland, that those people had to go to the Planning Board every time there was a change in a tendency. The Planning Board wouldn't have anything to do except approving people going in and out of office spaces and retail spaces and what have you. We have an ordinance with criteria as to what can go in and can't go in. My contention is that you can't stifle a business – when a decision has to be made that something as simple as an "Allowable Use", you can't wait for people to give us permission to let – I mean what would they change? When attorney Dave Severence went into the old building in downtown Cornish last year. Did he have to get a permit to go in there.
- Dan: I don't know if that was prior to my being involved.
- Darrell: As you know Will, a lot of stuff happens in Cornish that nobody knows about. When we issued Bobby his permit for his building, he had to wait a long time really.
- Will: So did we. We went through that. You know that.
- Darrell: I know that the Planning Board had asked Mark to come to a meeting. It was pretty much just an informational meeting to let the Planning Board know. And it was pretty much said we will just deal with the consequences.
- Will: What would I do tomorrow or what would Bob and Cindy do tomorrow if John Smith comes into our office and says I want to rent an office or one of your buildings. I am a lawyer. Now what do we have to do? What do we have to tell that prospective tenant? I'm sorry, I can't lease it to you know, don't sign on the dotted line because I have to get permission from the Planning Board. Is that what we have to do?
- Dan: I would just like to elaborate. This is just to follow up on a conversation that we had and there was a question that we talked about and we recognize the fact that it could place a financial burden on the order. That is a given. We don't want to do that. However, I had a conversation with a town manager of another small community similar to Cornish. And I asked him what triggers a Planning Board review. I explained to him what we have going on at your place of business and I did not make references as to any names. He said if there is a change of use. In other words, and I will use a bank for lack of a better industry. If you have a bank in there today and a few months down the road you

have another bank go in there. No need for a site plan, Planning Board review. However, if you are going from a bank to a donut shop. In his town, which I believe his ordinance reads similar to ours, you would have a "Change of Use". Going from the bank to the donut shop – that warrants a Planning Board review. I am pretty confident that this Planning Board can turn - much like tonight - I am pretty confident that the information provided is all that the Planning Board was looking for at this point in the process. As we mentioned before, the Planning Board is willing to work with merchants in town so that no financial hardship is placed on anybody. There are ways that the Planning Board, given the nature of your business, you have done a good job lining up all your ducks. This is merely a formality. In the future, a Planning Board review would be very simple. The building is already up and running. The Planning Board would be interested in knowing what is going on.

Janette: It is highly unlikely that someone is going to come to any business in tomorrow and say I want to move in tomorrow.

Will: That's not true... People don't like to have to wait – they've made their decision. If John Smith, a lawyer, a permissible use or any other place of business in town today. If Dave Severance moves out today and a dentist wants to move in upstairs. The person who owns the building should be able to make the decision with that respective tenant whether or not he should let them lease if it is a permissible use. They shouldn't have to go through this process if it is a permissible use.

Janette: That is a good argument but we need to think about the other half of the possibility of the business that come in. Someone could come to you and say I run beauty services or whatever. You say fine sign on the dotted line. You can move in when you've got your 3 months rent up front. But she turns out to be an illicit massage parlor and you've let her in. It may be humorous to you but we have a responsibility to the town to let people know who is moving in. People could move in from out of town or out of state and they may say who they are. Yes that's unlikely too but we have to cover all the basis. We are all volunteers here and we are sorry that we can't meet more than twice a month but we don't get paid for this. If it's Mr. Severance and he wants to move to another place in town then yes he can move right in because we know him. We have to have some line. Anybody can interpret the ordinance any way that.

Will: Answer my question. If Mr. Smith, lawyer, comes in and wants to sign a lease. He says I want to rent an office. What do I tell him? How long is it going to take to get your permission so he can move his law office into mine or Bob Libby's building or any downtown office space. How long is it going to take?

Dan: Given the nature of your particular business, I think you should feel comfortable allowing John Smith to rent the building. In the future, however, if there is a change of use, a different type of business I think the next John Smith, if he is running a different type of business, should be prepared to come before the Planning Board for an informal review.

Janette: There is no way to tell how long it would take to go through the chain. Everyone has to have the same rule. We can't choose who we want to rush through. We have to do it for everyone.

Darrell: Did we not have a special meeting one night and asked Mark to come down? Yes, there is nothing that we will stop from going in there. Will, nothing.

Will: I know that Darrell. But if it is a permissible use, you can't handcuff a landlord or a business from telling John Smith, lawyer, or John Doe, dentist, or any other allowable use that is in the ordinance that he has to have permission from the Planning Board to do it. What condition could you possibly put on these people? The building is already there, the _____ is already

there, the traffic count already's been done, the storm drainage and septic is already done. What do we have to ask them to do?

Darrell: There is nothing there we want to put conditions on.

They build a new mall in Kittery... a 100 sites in there. They get one permit for the whole thing, but does each new place need a permit.

Rob: We have already established building permits as a separate issue...

? But you don't think that every time someone goes into the business out at the mall in South Portland, or downtown Portland, this doesn't mean they have to go before the Planning Board in Portland.

Janette: Sure, it does. So, that means that anyone can go in there... gambling... a liquor store...?

? No, wait a minute... as long as it's permissible use. Allowable use.

Janette: So, what was your permissible use on your...? I mean, this was more than a year ago...

John: I guess we'd like to see to see our conditional use permit that was originally issued.

Rob: Do you want to back this up?

Janette: We don't need to back this up. You guys are already in there. We are just asking for information.

Rob: Let's back this up.

John: It's your position very clearly is that you think that it is not only the responsibility but you think you have the legal requirement, based on the ordinance, that no matter what the use or project even though it has already gone through a review. That there is some sort of an obligation to let the town know who that tenant is going to be. If I understand you correctly.

Dan: No. Only if there is a change of use.

John: Well, that's what I mean. If another tenant comes in with an allowed use, let's say its an accountant instead of a lawyer. Do you think each landowner has to come and get some sort of a review? And I assume since you are going through this to be able to put in either conditions or rejections otherwise we are not too sure what you are doing. Am I understanding you?

Dan: I think that is incorrect to place any conditions. I think that the primary goal and Janette said it best is that it is the goal of the Planning Board to maintain a knowledge of what is going on in town and I think it is summed right up here in three paragraphs that put all legality issues aside and if I had a financial interest in town I think the Planning Board is a good neighbor to have. I will just read the 1st paragraph as it sums up the goal:

** To provide a level of municipal review that would not otherwise occur for projects that could adversely impacted the surrounding community as a whole.

Janette: We represent the community. We have to at least know about this. We can't just let anyone move in. We have to represent the town and to say whether we think it meets those guidelines.

John: The Planning Board's responsibility is to enforce the ordinance, the law.

Darrell: Do we enforce it or do we make the rules?

John: It is to review that and go by what the ordinance says and make approvals or not approvals based on what the citizens of this town have adopted. The purpose of that is so that when development occurs within the community, the Planning Board has an opportunity to see whether those kind of things are:

- a) are consistent with the use within that area, and b) that the effects of that use exterior to that particular lot or development has minimal or no impact on the exterior. The traffic, drainage, health and safety, septic system, all those types of things. That is the purpose of it. It is not the purpose to say whether you like a particular business owner or whether you like that type of business. There is nothing in the ordinance that allows the Planning Board to say we don't like massage parlors. If it is an allowable use and they meet all the requirements in your ordinance, you either approve them or don't approve them.

Darrell: I agree. That happened three planning board members ago. This is a whole new planning board.

John: I am trying to say very clearly, again, there is nothing here that anybody is trying to say. We just want to let you know whose going to be in there, who the owners are. Get all the permits that are needed from the code enforcement officer, any kind of construction, alteration changes going on. Do all of that stuff but simply because we are changing from a lawyer from an accountant, when there is no substantial change in the kind of use of that building – where one has a different occupation but the use is still professional services, that that requires any type of site plan review or any kind of permit from the Planning Board. I don't say that to be confrontational. I just want to say very clearly that we don't think there is any legal basis for it. We are happy to provide you with information of what you want.

Janette: Which you have already done. Tonight you have shown your desire to come in and do that.

John: You say at Call Enterprise: If you go from a lawyer to an accountant – you are to tell us about that and provide us with information, which they probably will. I you say we are going to have some say on whether that is acceptable use or not. You can take what action you want, but it has to be consistent with what the legal authority that you have.

Dan: We aren't going to spend much more time here.

John: If you want more information, we'll do that. We'll send you the map. If you think there is some sort of approval that you are going to deny or make. It is not our position what your authority is. But you have your opinion and you can do as you feel. You will do what you are required to do. Obviously you will. Any action we take has nothing to do with being personal. Nothing to do with being confrontational or trying to be difficult. We have a very clear difference on how we think the authority within that language should be interpreted.

Dan: I think the question goes back to the definition of "Change of Use". That is a very gray area. You make reference about going from a lawyer to an accountant. I bet you could find 10 people that would argue that there is no "Change of Use" and I bet you could find 10 that would argue that yes there is a "Change of Use". This is where the benefit of a Planning Board review is good because you get open discussion. I think the ordinance clearly states that when a "Change of Use" occurs then a Planning Board review shall follow.

John: Let me just give you an example and maybe that will help you out. Let's take a legal non-conforming use. That's a use that was going on when the ordinance was adopted but the use as described for that specific area didn't include a specific use that was there at the time. It is called Grandfathering. Sure you can go ahead and do what you've been doing because you were there historically. They are a legal non-conforming use. The ordinance says that if the owner of that property wants to sell it to someone else for essentially the same use or use that is of less impact. They are allowed to do that. It says so in the ordinance. The reason is that you want some opportunity to be able to transfer some value of the property. But it says if you are going to do a different use that has more impact you have to come to the Planning Board to get permission to do that. If you are doing that with a legal non-conforming use, that is, you are allowing them to go from either a similar use or less impact use and continue to remain their status as a legal non-conforming use, then why are we treating legal uses a permitted uses more stringent than we are treating legal non-conforming uses. There is not a consistency there. The language is in the ordinance. So it is anticipated that if you have a use that is similar – lawyer, accountant they are doing similar things and they have gone through a review. Those are similar type of kinds of uses. But if you are going to do something that is not permitted in that area then you have to come and ask for a review. That's where our difference of opinion is.

Rob: I would just like to remind everyone that the original sort of _____ for this whole thing came when we/they discovered that the types of businesses that were going to be going into your establishment and the question wasn't about your offices. It never was. The question was whether or not a beauty parlor and a gym were professional uses. Since then, in digging through the ordinance on parking we discovered that the ordinance has treated the beauty parlor as a professional business. But we find no reference to a gym in any way. I'm just trying to make a point here. When you get away from something that isn't specifically outlined in the ordinance, you don't know how to interpret it – what it is called... I think the Planning Board feels safer keeping that responsibility to themselves then giving it away.

John: I will accept your inclination that it may be less specificity. But it is very hard for any ordinance to list all possible use. So it requires some understanding of the intent and purpose. No question about that. And we can have some difference of opinion about that. But I think we have to be clear about what the outcome is going to be if there is going to be a more restrictive interpretation of that and the legal basis to support that. Let's get back to the positive. We have given you information. We are happy to let you know who the leasees are. At least you'll know if it is constructions of bombs or something.

Janette: You have tonight already given us everything that we have asked. We have to answer to the community. If it comes back on anybody, it will come back on us. If something moves in anywhere in the town of Cornish, it comes back on us regardless of who really is responsible. And if, as Darrell said, if there isn't any informal site review we might as well do away with the Planning Board because someone has to informally, very informally know what is going on so that the community is going to know. If you have people just coming and going without anybody knowing, you might as well do away with most of the governments of the town.

Will: Tomorrow I have a meeting with a card and a pharmaceutical company. Do I tell them I don't have permission to lease them space?

Dan: No, I think what.....

Will: If they want to sign the lease tomorrow and maybe alter some things for additional plumbing, which I would recommend for them. Hopefully within a two-week period be up and running. Can we can have them go ahead.

Janette: I am sure that they would be able to attend the next Planning Board meeting and let us know.

Dan: I think at this point you can feel very comfortable as long as it is an allowable use...

Janette: If you've already got your permit for allowable use they can go in.

Darrell: We don't want to deny anything.

Janette: But it has taken this long to find out what is going in there. It is very informal. This town is small. We are small. We have no legal stronghold at all. We are a small town. This really has to be a gentleman's agreement on a lot of things because we just need to know.

Will: So I'm safe if I can sign the lease tomorrow to have that person apply for a building permit from our code enforcement officer for alterations that need to be made.

Dan: So long as the business falls in the allowable use.

Rob: So that's the same question I would ask you. Can I issue him a building permit? Am I the one who is going to make the decision whether it's permissible use or not?

Mark: Do I have to have a business to build? If I say to you if I want to put up four walls – I don't have a tenant – but I want to put walls up? Would you refuse me a building permit.

Rob: I don't know.

Mark: So what you are saying is I don't need a tenant to expand on to my building?

Dan: To answer your question Mark. I think what triggers the CEO to issue a permit is the Planning Board to have conducted a review authorizing the CEO to go ahead and issue the permit. Although what we are requesting is pretty informal, the ordinance clearly calls for the Planning Board review to be conducted to allow the CEO to issue the permit.

Will: So every permit he has got to come to you?

Dan: No, what needs to happen in this case is that the tenant needs to have gone through a Planning Board review.

Rob: Yes, but as he says he can ask permission to construct the inside of those spaces and there is nothing I can do.... You don't need a tenant. So but then again if you aren't going to be allowed to — if Joe Shmoe the lawyer wants to put a couple of offices in one of the larger spaces and building permit wise is perfectly legit. But if you're not an allowable use then that's not advantageous to start that construction.

Dan: No, but I would hope that you would have made reference as to whether that business was allowable. If you've got an allowable use then again, not to be redundant, but you should feel pretty comfortable in going ahead with the business deal knowing that the Planning Board is still going to do it and as John makes reference to provide any information so that we can carry out the duties that we chose to be here for. I don't think that is a very strong request.

Mark: It's a whole misunderstanding. I thought you wanted a site plan review on each unit and that's what my understanding was through this whole thing so I apologize for the misunderstanding.

Dan: Like here Mark. You make reference to the gift shop. We would be asking for nothing more than a floor plan to just identify how the business is going to be carried out.

Mark: So they can go ahead and apply a tendency within the building?

Rob: What I get here is that if it is clearly spelled out there is no problem and if it isn't then someone needs to find out because you don't want to lease it to a tenant and then find out it's not permissible use, and I don't know how you would do that in between Planning Board meetings so maybe we need to find out how we can do that.

Will: As long as it is an allowable use. Common sense is going to tell you something.

Mark: Common sense tells me a card shop is an allowable use.

Janette: Are they going to be able to provide any professional services as well? Are you going to be able to do any marketing mail outs or any stationary printing?

Mark: An allowable use in that district is a card and gift shop, so that's an allowable use in that shopping center. We were under the understanding that is what we had applied for originally was under our whole shopping center area. It's no different then Windham, or Portland.

Dan: You would be looking to your zone to see what would be permissible in your zone and obviously retail is permissible... I think it would be beneficial to let your tenant know that the Planning Board is going to be looking for a review. I know timing is often an issue but we CAN make it happen. On an ordinary basis you would probably know sometime in advanced, maybe 2 or 3 weeks prior to the signing of the lease that you've got a perspective tenant going in there and when the next planning board meeting will be held.

Mark: To answer my original question – tomorrow if the card and gift shop or pharmaceutical people come in and want to start work on Thursday, can I go ahead and let them.

Dan: I think that given the timing here I think the Planning Board would probably accommodate you. I think in the future though, out of fairness to the Planning Board, I think if you can get the timing such that the review takes place prior to turning the keys over to the tenant that's the way we should go.

John: Let me just say here under my client's point of view here – We have not changed our position. You may feel that the review has got to take place ahead of time..... (tape ends)

(Side 2)

Mark: _____ deal with stress and things that you don't have to for nothing, so I commend you on that. I just have to know as a businessperson, like I said before, I'm getting 2 or 3 different answers now what I should do in this instance. I am the one that is running this business for him. I am the one that executes the leases and tells people whether they can or can not take tenancy. At this point, I feel like I can't tell anyone if they can take tendency.

Dan: I think the planning board has said go ahead if you feel comfortable that you have a permissible use. John has raised legal issues that we could talk about for a long time. I don't know if there are enough legal minds in this room to discuss any of those issues tonight. I think I am hearing that the Planning Board is willing to work with you given the nature of the timing and I have said this 3 or 4 times and extend the courtesy to your tenant that a Planning Board review will be warranted.

Darrell: And would they be willing to come forward or hire a representative to the Planning Board to say this is what we want to do.

Janette: Really – if they want to work in a small town you would think they would want to come to the Planning Board and say we are XYZ and we are going to do this and we are glad to be here. We can say it looks like you have permissible use according to the Black and White. It not cut and dry but it's a small town and that's all we are asking.

Dan: We have spent a lot of time here. I don't know that we have satisfied John's concerns entirely. I hope that we have clarified some of the misunderstandings on the part of Call's Enterprises and, correct me if I'm wrong, that for the benefit of the town I think that we are all in agreement that the Planning Board has merit. A Planning Board review has merit. I think if you had an attorney in here he would find that he would interpret the Change of Use triggering a Planning Board review, therefore kicking off the authority of the CEO to go ahead and issue his permit. We are trying to work to make this so it is equitable for everybody. But keep in mind after all is said and done after the dust has settled the purpose and intent of a Planning Board review - We all benefit from it. I would like to bring a close to your issues and concerns and we thank you for coming down tonight and talking to us.