

Planning & Zoning Commission

TOWN OF OXFORD

S.B. Church Memorial Town Hall 486 Oxford Road, Oxford, Connecticut 06478-1298 www.Oxford-CT.gov

Regular Meeting Minutes Tuesday, July 7, 2015 7:30 PM Oxford Town Hall Main Meeting Room

CALL TO ORDER

Chairman Carver called the meeting to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

John Kerwin, Pete Zbras, Harold Cosgrove, Glen Persson, Arnie Jensen, Tanya Carver

and Pat Cocchiarella.

Not Present:

Todd Romagna, Jeff Luff and Ed Rowland.

Staff Present: Jessica Pennell, Administrative Secretary and Steven S. Macary, ZEO.

CHAIRMAN'S REPORT

Chairman Carver noted that she has sent another letter to the Board of Selectmen regarding having Peter Olson as the Commission's land use attorney. She explained that this is the third letter that has been sent and that she just needs an answer from the Board of Selectmen.

SEATING OF ALTERNATES

Chairman Carver seated Alternates Pete Zbras and John Kerwin.

AMENDMENTS TO THE AGENDA

AUDIENCE OF CITIZENS

CORRESPONDENCE

A.) Letter dated 6/26/2015 from Cohen and Thomas Attorneys at Law **Re: Property located at 13 Tilquist Road**

MOTION BY Commissioner Cosgrove to *FORWARD* this letter to Town Attorney, Kevin Condon and have him contact Attorney Thomas. The Commission would like to be notified when the issues have been resolved.

Second by Commission Secretary Cocchiarella.

VOTE: All (7) Ayes.

OLD BUSINESS

1.) Z-15-028 [VCMUD] – Oxford Town Center (Site Plan Modification)

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-028 for Site Plan Approval.

WHEREAS, The Oxford Planning and Zoning Commission reviewed all documents presented at the meetings of May 5, 2015 and May 19, 2015 as part of the application the following documents presented as part of the application:

WHEREAS, The Oxford Planning and Zoning Commission considered all testimony presented at the meetings of May 5, 2015 and May 19, 2015, which was duly noticed in conformance with all requirement s of the Connecticut General Statues and the Zoning Regulations of the Town of Oxford;

WHEREAS, The Oxford Planning and Zoning Commission reviewed the following documents presented as part of the application:

- Application form for Z-15-028 with supporting narrative.
- Drawing List Drawn by Langan Engineering & Environmental, including the following:

Number	Title	Date Last Revised
CS001	Cover Sheet	05/01/15
CS002	Master Legend and Note Sheet	05/01/15
VB101	Boundary & General Location Survey	05/01/15
CS100	Overall Site Plan	05/01/15
CS101	Site Plan A	05/01/15
CS102	Site Plan B	05/01/15

CG100 Overall grading & Drainage Plan A 05/01/15 CG101 Grading and Drainage Plan A 05/01/15 CG102 Grading and Drainage Plan B 05/01/15 CG201 Rockery Wall Plan 05/01/15 CG202 Rockery Wall Profiles II 05/01/15 CG203 Rockery Wall Profiles II 05/01/15 CG204 Rockery Wall Sections 05/01/15 CU101 Utility Plan A 05/01/15 CU102 Utility Plan B 05/01/15 CE100 Overall Soil Erosion & Sediment Control Plan Phase I 05/01/15 CE101 Soil Erosion & Sediment Control Plan Phase I 05/01/15 CE102 Soil Erosion & Sediment Control Plan Phase II 05/01/15 CS501 Site Details II 05/01/15 CS502 Site Details III 05/01/15 CS503 Site Details II 05/01/15 CS504 Site Details IV 05/01/15 CG505 Signage Details 05/01/15 CG501 Grading & Drainage Details II 05/01/15 CG503 Gradi	00.00		
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	_LL101	Lighting Plan A	05/01/15
	LL102	Lighting Plan B	05/01/15
	LL501	Lighting Notes, Details & Schedules	

• Architectural Drawings, including the following drawn by Amenta / Emma:

Number	Title	Date Last Revised
	Retail A, B, C elevations & Martials	05/06/14
	Retail A, B, C elevations & Martials	05/06/14
	Retail A, B, C	05/06/14
A1	Proposed Floor Plan	08/04/14
A2	Proposed Exterior Elevations	08/04/14
	Signage Drawings	

A1.01	Newtown Savings Bank - Main Floor Elevation Plan	03/04/15
A3.01	Newtown Savings Bank Elevations	
A3.02	Newtown Savings Bank Elevations	

BE IT RESOLVED that based upon the application and testimony, this application is *APPROVED* for the following reasons:

- 1. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.
- 2. The application is in compliance with all Town of Oxford Regulations and Ordinances in effect as of this date; particularly Article 6, Village Center Mixed Use District.
- 3. The application is in compliance with approved conceptual plan of Phase 1 of the Oxford Town Center

SUBJECT TO THE FOLLOWING CONDITIONS;

- 1. All required conditions of the approval of Application **Z-14-076**.
- 2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
- 3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
- 4. Per Article 3, Section 19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside expert the commission assigns to review this application for pre and post review.
- 5. Site Plan approval expires if the work is not completed within 5 years from the date of approval.
- 6. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
- 7. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
- 8. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
- 9. The applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.

- 10. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
- 11. All exterior signs not directly included within this approval shall be subject to approval by the Planning and Zoning Commission, in accordance with the standards and guidelines as interpreted by the Commission.
- 12. All documents required by the approval of this application, including those required of Z-14-076 shall be provided and approved prior to the issuance of a zoning permit by the Zoning Enforcement Officer.

VOTE: All (7) Ayes.

The effective date of this approval is July 7, 2015. This approval expires on July 7, 2020.

2.) Z-15-023 [RESA] – 105 O'Neill Road – Owner & Applicant: Timothy Butterworth (Special Exception – construct a Garage – 2,108 sq. ft.)

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-023 for Special Exception under Article 5, Sections 5.2.5. and 5.2.6, 105 O'Neill Road.

WHEREAS, The Oxford Planning and Zoning Commission reviewed all documents presented at the public hearing held on June 2, 2015.

WHEREAS, The Oxford Planning and Zoning Commission considered all testimony presented at the public hearing held on June 2, 2015, which was duly noticed in conformance with all requirement s of the Connecticut General Statues and the Zoning Regulations of the Town of Oxford;

BE IT RESOLVED, that based upon the application and testimony, this application is *APPROVED* for the following reasons:

- 1. The application is consistent with the Oxford Zoning Regulations, specifically Article 5, Section 2.6 as follows:
 - 2.6.1 The subject property is in conformance with the minimum area requirements within the Residence A District, as required in Schedule B of these regulations.
 - 2.6.2 The total building area of all accessory buildings shall cover no more than 2% of the total lot area.

- 2.6.3 The accessory building shall be consistent in style, appearance and scale with the surrounding residential neighborhood.
- 2.6.4 The accessory building shall not have any detrimental impacts upon any adjacent residential properties.
- 2.6.5 The accessory building shall be used solely for uses accessory to the residential uses, including storage of household items and vehicles, not including any commercial or industrial activity.
- 2. The application is consistent with Article 10, Section 3 of the Oxford Zoning Regulations, which requires that the Commission make certain findings to approve a Special Exception.
- 3. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
- 2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
- 3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
- 4. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
- 5. The applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.
- 6. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
- 7. Site Plan approval expires if the work is not completed within 5 years from the date of approval.
- 8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
- 9. There shall be no commercial uses within the accessory building.

- 10. The maximum height of the accessory building shall be 35', in accordance with the Oxford Zoning Regulations.
- 11. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
- 12. At no time shall the accessory building be used as an accessory apartment or residence.

VOTE: All (5) Ayes. Tanya Carver and Harold Cosgrove abstained.

The effective date of this approval is July 7, 2015.

The site plan approval expires on July 7, 2020.

3.) Z-15-021 [RESA] – 1 Silano Drive – Owner: Garrett Raymond – Applicant: Lawrence Miller (Special Exception – construct a Garage & Carport – 1,458 sq. ft.)

MOTION BY Commission Secretary Cocchiarella:

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-021 for Special Exception under Article 5. Sections 5.2.5. and 5.2.6, 1 Silano Drive.

WHEREAS, The Oxford Planning and Zoning Commission reviewed all documents presented at the public hearing held on June 2, 2015 as part of the application the following documents presented as part of the application:

- Application form for Z-15-021.
- Proposed Garage Site Plan, Page 10 1 drawn by D'Amico Associates dated 4/9/15.
- Front Elevation, dated 4/1/15
- Framing Plans, (2 pages) dated 4/1/15
- Building Section, dated 4/1/15

WHEREAS, The Oxford Planning and Zoning Commission considered all testimony presented at the public hearing held on June 2, 2015, which was duly noticed in conformance with all requirements of the Connecticut General Statues and the Zoning Regulations of the Town of Oxford;

BE IT RESOLVED, that based upon the application and testimony, this application is *APPROVED* for the following reasons:

- 4. The application is consistent with the Oxford Zoning Regulations, specifically Article 5, Section 2.6 as follows:
 - 2.6.1 The subject property is in conformance with the minimum area requirements within the Residence A District, as required in Schedule B of these regulations.

- 2.6.2 The total building area of all accessory buildings shall cover no more than 2% of the total lot area.
- 2.6.3 The accessory building shall be consistent in style, appearance and scale with the surrounding residential neighborhood.
- 2.6.4 The accessory building shall not have any detrimental impacts upon any adjacent residential properties.
- 2.6.5 The accessory building shall be used solely for uses accessory to the residential uses, including storage of household items and vehicles, not including any commercial or industrial activity.
- 5. The application is consistent with Article 10 Section 3 of the Oxford Zoning Regulations, which requires that the Commission make certain findings to approve a Special Exception.
- 6. The application is consistent with the Comprehensive Plan and the Plan of Conservation and Development.

SUBJECT TO THE FOLLOWING CONDITIONS;

- 13. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
- 14. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
- 15. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
- 16. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
- 17. The applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.
- 18. No work to be done until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
- 19. Site Plan approval expires if the work is not completed within 5 years from the date of approval.
- 20. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.

- 21. There shall be no commercial uses within the accessory building.
- 22. The maximum height of the accessory building shall be 2.5 or 35', in accordance with the Oxford Zoning Regulations.
- 23. The accessory structure shall not be used as an accessory apartment.

VOTE: All Ayes.

4.) Z-15-037 [OPD] – 556 Oxford Road – Owner & Applicant: Tiki Monster Realty, LLC – Erika Ball (Site Plan Modification)

Chairman Secretary Cocchiarella read correspondence from Nafis & Young dated June 30, 2015. He also noted that they have received Pomperaug Health Department approval.

MOTION BY Commissioner Secretary Cocchiarella to *TABLE* this item to the next meeting. Second by Commissioner Cosgrove. **VOTE**: All Ayes.

5.) Z-15-008 [IND] – Prokop Road (Lot #4) Map: 25 Block: 19 Lot: 4B – Owner & Applicant: Ferris Properties (Special Exception – Excavation – remove approximately 3,200 cubic yards of material) (Site Plan)

WHEREAS, The Oxford Planning and Zoning Commission has received the Application Z-15-008 [IND] – Prokop Road (Lot #4) Map: 25 Block: 19 Lot: 4B – Owner & Applicant: Ferris Properties (Special Exception – Excavation – remove approximately 3,200 cubic yards of material) (Site Plan)

- WHEREAS, The Oxford Planning and Zoning Commission reviewed all documents presented at the public hearing held on June 2, 2015, and continued to June 16, 2015 and the following documents presented as part of the application:
 - Proposed Site Development Plan Parcels A&B Prokop Road, Oxford, CT Drawn by L. Edwards Associates; last revised February 3, 2015.
 - Detail Plan, Parcels A7B Prokop Road, Oxford, CT, dated October 20, 2003.
 - Landscape Plan Prokop road, Oxford, CT; drawn by Ferris Properties LLC, last revised January 26, 2015
 - Application Z-15-008 and supporting materials, signed March 11, 2015

NOW THEREFORE, the Commission hereby finds as follows:

1. The application constitutes the minimum degree of alteration of the natural contours of the land so as to allow the land to be used for a viable purpose.

- 2. The application conforms to all requirements of the Oxford Zoning regulations, including the following sections.
 - a. Article 14, Section 3.13, as the regrading of the land is the minimum necessary to permit the feasible use of the property.
 - b. Article 9, Section 9.3.4 permits Garden Supply Centers and Nurseries by Special Exception.
 - c. Article 10, Section 10.3.1.That the proposed use, buildings or other structures will not be detrimental to the health, safety, welfare and property values in the neighborhood.
 - d. Article 10, Section 10.3.2. That the proposed use, buildings, or other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.
 - e. Article 10, Section 10.3.3. That the site will be suitably landscaped and that the design and setbacks of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
 - f. Article 10, Section 10.3.4 That the lot on which the use, building, or other structure(s) proposed to be established is of adequate dimensions to permit construction of the facilities and conduct of the use in such manner that it will not detrimental to adjoining property and the neighborhood.

BE IT RESOLVED that based upon the application and testimony, this application is *APPROVED*, subject to the following *conditions*:

- 1. The applicant shall submit three complete copies of the set of plans which reflect these conditions of approval, including an electronic copy.
- 2. Compliance with Oxford Zoning Regulations as of this date.
- 3. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings regarding this application.
- 4. Compliance with all Town of Oxford Ordinances in effect as of this date.
- 5. No burying of stumps, debris or any other material. A report or receipt must be provided indicating proper stump removal.
- 6. Applicant shall contact Zoning Enforcement Officer and Town Engineer to schedule a pre-construction meeting prior to any activity on site.
- 7. As per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside exerts the Commission assigns to review this application.

- 8. If required, a copy of monitoring records from each blasting event shall be placed on file with the Commission.
- 9. A copy of the insurance policy required by these regulations shall be placed on file with the Commission prior to the commencement of any work under this special permit.
- 10. A record of the amount of material leaving the site shall be kept by the applicant. A copy of these records shall be submitted monthly, by the tenth of each month.
- 11. The applicant shall submit an as-built grading survey at completion, or when requested by the ZEO or the Commission, which shall indicate the amount of material removed, to be verified by the Town Engineer.
- 12. The applicant post surety with the Board Selectmen of Oxford in a form satisfactory to Town Counsel in an amount approved by the Commission to guarantee maintenance and repair, if needed, of the sedimentation and erosion control measures.
- 13. Sedimentation and erosion control measures on-site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Commission's engineer.
- 14. No fixed machinery shall be erected or maintained on the premises.
- 15. No activities in accordance with this special permit shall be conducted on the Property except during the hours of 8:00 AM to 4:00 PM, Monday through Friday, including all rock crushing activities.
- 16. A complete dust control plan for the site shall be submitted to and approved by the Zoning Enforcement Office prior to the start of and construction activity. There shall be proper provision for the control of dust. This dust control plan shall be adhered to during the duration of extraction activities.
- 17. All blasting on-site shall be conducted in conformance with all applicable standards, including conducting a pre-blast survey, as required. A copy of each of these surveys shall be submitted to the Planning Office.
- 18. There shall be no fuel storage on site.
- 19. All truck excavation activities shall utilize Prokop Road to Riggs Street.
- 20. A timetable for completion of the process shall be provided to the ZEO, to be confirmed by the PZC.

VOTE: All Ayes.

The effective date of this approval is July 7, 2015.

The site plan approval expires on July 7, 2020.

NEW BUSINESS

1.) Z-15-055 [IND] – Lots 12 & 15 B Patriot Way (Patriot Business Park) – Owner: 589
Investments, LLC c/o Mr. Mark Oczkowski – Applicant: Northeast Stihl c/o Mr. Casey
McGrath (Site Plan)

Chairman Secretary Cocchiarella read correspondence from Nafis & Young dated July 6, 2015.

Curt Jones, Civil 1, Engineer for the applicant explained that the proposed building will serve as a warehouse for the company's products. He stated that the 1st phase would be a 110,000 square foot building and the 2nd phase would be an 84,000 square foot building. He noted that the 3rd phase would most likely be 10-15 years from now.

Casey McGrath of Northeast Stihl explained that this company has been in business since 1926 and is family owned.

Chairman Carver questioned if there would be any manufacturing on site.

Casey McGrath stated that it will only be for distribution of their products.

John Kerwin questioned what type of delivery method would be used to deliver the products.

Casey McGrath stated that they use UPS, FedEx, LTL, etc., they do not have many trucks.

Chairman Carver stated that the application still needs wetlands approval and comments from Town Planner, Brian Miller.

MOTION BY Commission Secretary Cocchiarella to *TABLE* this item to the next meeting. Second by Commissioner Cosgrove. **VOTE**: All Ayes.

BOND RELEASES

1.) Central Park Associates – Bond Release Request (Awaiting report from P&Z Engineer, Jim Galligan)

Jessica Pennell stated that she has spoken to Matt Zaloumis's attorney, Kevin Condon and Jim Galligan regarding this bond release.

ZONING ENFORCEMENT

1.) Commission discussion with ZEO regarding various items, complaints and zoning violations.

Steve Macary, ZEO discussed the following items:

a.) **Jenny Lane 2** – He noted that he inspected the site and silt fence and hay bales have been installed. He and the owners have also been in touch with Beacon Falls, and they are currently

before wetlands. He stated that the owner would be taking out whatever trees, stumps, garbage, etc., that they can see.

Alternate Zbras questioned the wood chips and the problem with decay.

Steve Macary, ZEO stated that he would talk to Jim Galligan about that.

Alternate Zbras suggested putting something on the land records so that if they sell the house the buyer would be aware of the potential for sink holes on the property.

Steve Macary, ZEO stated that the owners will be at the next meeting.

- 2.) **Little Punkup Road** Steve noted that a homeowner dug out a road and was shut down by Zoning and Wetlands. The owner is now going through the permit process for a site plan with excavation and is in the process of getting the survey prepared.
- 3.) **Signs** Steve stated that he is receiving many complaints about signs and he will be notifying business owners on Route 67 about any illegal signs they have on their property.
- 4.) **Pies & Pints** Steve explained that the new owners cut down some trees and that the neighbor thinks that they are encroaching on their property. He is in the process of investigating this matter further.

APPROVAL OF MINUTES

MOTION BY Commission Secretary Cocchiarella to APPROVE the following minutes:

- 1.) May 19, 2015 Regular Meeting Minutes
- 2.) June 2, 2015 Public Hearing Minutes 1 Silano
- 3.) June 2, 2015 Public Hearing Minutes 105 O'Neill Road
- 4.) June 2, 2015 Public Hearing Minutes Ferris Properties
- 5.) June 2, 2015 Regular Meeting Minutes
- 6.) June 16, 2015 Public Hearing Minutes Ferris Properties
- 7.) June 16, 2015 Regular Meeting Minutes

Second by Commissioner Jensen.

Jessica Pennell explained that the June 2, 2015 Public Hearing Minutes for 7:00 P.M., 7:05 P.M. and 7:10 P.M. need to me amended. The amendment is "add Tanya Carver to Not Present" and change the votes from "All (4) Ayes" to "All (5) Ayes".

Commission Secretary Cocchiarella accepted the amendment.

Commissioner Jensen seconded the amended motion.

VOTE: All Ayes. **Tanya Carver** and **Harold Cosgrove** abstained from voting on the June 2, 2015 meetings.

INVOICES

- 1.) Turner Miller Group Invoices:
 - a. #5249

MOTION BY Commission Secretary Cocchiarella to *APPROVE* Invoice #5249. Second by Commissioner Cosgrove.

VOTE: All (7) Ayes

b. #5250

MOTION BY Commission Secretary Cocchiarella to *APPROVE* Invoice #5250. Second by Commission Alternate Zbras.

VOTE: All (7) Ayes

c. #5251

MOTION BY Commission Secretary Cocchiarella to *APPROVE* Invoice #5251. Second by Commission Alternate Zbras.

VOTE: All (7) Ayes

d. #5252

MOTION BY Commission Secretary Cocchiarella to *TABLE* Invoice #5251. Second by Commission Alternate Zbras.

VOTE: All (7) Ayes

2.) Nafis & Young Invoice

a. #159-15

MOTION BY Commission Secretary Cocchiarella to *APPROVE* Invoice #159-15. Second by Commission Alternate Zbras.

VOTE: All (7) Ayes

OTHER BUSINESS

1.) Glendale – Discussion with possible action.

Discussion ensued between the Commission an staff regarding the items that still need to be done in order for Glendale to move forward and obtain permits.

Jessica Pennell stated that she spoke with Kevin Condon today and was informed that most towns use their Housing Authority as the administrator for the workforce housing. She will have to research this item further.

2.) 360 Oxford Road – Discussion with possible action.

Fred D'Amico was present to discuss his property.

Discussion ensued between Commission members and the ZEO regarding the state of the property as well as the safety. It was noted that a wall had collapsed, and that Gordon Gramolini, the Building Official is also concerned.

Fred D'Amico stated that he would clean up his property

Alternate Commissioner Zbras suggested putting a bond on the property.

Commission members also discussed getting the P&Z Engineer, Jim Galligan involved at this point.

Steven S. Macary, ZEO noted that the application was approved in 2005 and is expired.

3.) Any other business the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Commission Alternate Kerwin to *ADJOURN* the meeting at 9:00 P.M. Second by Commissioner Cosgrove.

VOTE: All Ayes.

Respectfully submitted,

Administrative Secretary

Planning & Zoning Commission

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