

AGENDA

PLANNING COMMISSION

TUESDAY, APRIL 21, 2020 – 6:00pm

Special Legal Requirements for this Meeting

To allow public access, anyone may access the meeting by either telephone, Zoom and/or the City Norwalk Youtube Channel. Additional instructions for public access have been attached to the backup materials for this meeting (refer to attachment: “Participating and Attending Public Meetings Virtually). Please also see the information below concerning registration for this meeting.

Telephone Access (Listening Only)

- Dial: 646 558 8656 or 312 626 6799 or 470 250 9358
- Enter Webinar ID: 925 6053 9977

Register in advance for this webinar:

- https://zoom.us/webinar/register/WN_nJsXtb5PSReRhP3atSp2hQ
- After registering you will receive a confirmation email containing information about joining the webinar.

For those that just wish to view but are not participating, the live stream can be seen on the City of Norwalk Youtube Channel:

- <https://www.norwalkct.org/youtube>

This meeting will also be recorded and a copy of the audio recording will be posted on the city website within seven (7) days after the meeting.

Agenda

I. CALL TO ORDER

II. ROLL CALL

III. DISCUSSION AND/OR DECISION

- a) 8-24 Referral – Building Management – Sale of two small surplus properties on Bouton Street – *Report & recommended action*
- b) Zoning Commission referral - #1-20R – Proposed amendments to establish a 12 month moratorium on certain uses in I#1 zone including building material and storage yards, contractor’s storage yards and single and two family dwellings - *Report & recommended action*

IV. DISCUSSION OF OTHER ITEMS

- a) East Norwalk TOD plan presentation
- b) Industrial Zones Study Report

V. APPROVAL OF MINUTES: December 10, 2019; December 11, 2019; January 28, 2020; January 29, 2020; February 5, 2020; February 18, 2020 (Special & Regular Meeting)

VI. COMMENTS OF DIRECTOR

VII. COMMENTS OF COMMISSIONERS

VIII. ADJOURNMENT

FUTURE MEETINGS

Planning Commission – May 19, 2020 – 7:00pm – Location to be determined



CITY OF NORWALK

Norwalk City Hall
125 East Avenue, Room 202
Norwalk, CT 06851

TO: NORWALK RESIDENTS

FROM: THE MAYOR'S OFFICE

DATE: APRIL 6, 2020

RE: PARTICIPATING AND ATTENDING PUBLIC MEETINGS VIRTUALLY

Due to COVID-19, also known as the Coronavirus, the City has had to make a change in the way it conducts business to support the efforts of social/physical distancing to reduce community spread. As a result the City established a protocol for how to hold online Zoom meetings, the chosen virtual meeting software. This software allows the Common Council, Committees, Commissions, Authorities, Agencies, and other City meetings to conduct business virtually with the most available functions.

Using the Zoom platform you will be able to participate in public meetings by dialing in using the teleconference phone line or using the video conference link, both of which will be available on the meeting agenda (posted on the City of Norwalk's website), to listen and/or watch the meeting. For some meetings, as outlined on the agenda, you will be able to provide public comment.

Below are a few items to assist you in participating and to make sure that meetings progress accurately and efficiently for the record:

- **How to Test Your Audio and Internet Connection:** In order to make sure you are able to hear and have good internet connection using a computer be sure visit <https://zoom.us/test> before the meeting begins. If you have difficulty simply use the provided telephone call in number and mute your computer audio. This way you will be able to watch via the computer and listen via phone.
- **How to Join a Meeting and Participate or Watch a Meeting:** Meeting agenda's and notice are required to be posted to the City's website and calendar at least twenty-four (24) hours in advance of the meeting with all supporting materials and documentation for your review.
 - **To submit public comment** – there are two ways to participate in public comment:
 - **PUBLIC COMMENT Option 1:** It is strongly encouraged to submit all public comment before the meeting via email to the designated staff member (see the Designated Staff Members document posted on the City of Norwalk's website). Public comment received via email will be read by the designated staff member into the record, as part of the meeting, and will be provided to the Minute Taker for inclusion in the official meeting minutes. This is the simplest and most effective way to provide public comment on an agenda item. To watch the live stream via YouTube, please visit the URL link provided on the meeting agenda.
 - **PUBLIC COMMENT Option 2:** If you choose not to provide written comment in advance of the meeting, live comments will be permitted as part of the "public

comment/participation” or “public hearing” portion of the meeting, as identified by the Chair. For live comments you will need to use the Public Participation URL link, which will allow you to register with your name and phone number for the meeting. Once you have registered, you will be able to enter and participate in the meeting. For land use meetings, public hearing items are specifically listed on the agenda. If you wish to speak to a listed public hearing item, please use the “Raise Your Hand” function in the Zoom platform. The host will call on you and unmute you so you can speak. Please state your name and address for the record before you begin. You will have three minutes to comment. For other public agency meetings, please use the “Raise Your Hand” function in the Zoom platform when the meeting begins. The host will then call on you and unmute you so you can speak. Please state your name and address for the record before you begin. You will have three minutes to comment. Only items that are on the agenda can be commented on.

- **TO WATCH THE MEETING ONLY (no live public comment possible)**: A live stream has been set up for each meeting. To watch the live stream, please visit the URL link provided on the meeting agenda.
 - **TO CALL INTO THE MEETING, WITHOUT A COMPUTER (no visual, or live public comment possible)**: A call in number will be provided on the meeting agenda. This will allow you to listen to the meeting, but it will not allow you to speak, as part of the meeting, or allow you to visually see the meeting take place.
- **How to register your Zoom account**: You have the option to register for your own Zoom account, but this is not required to listen or watch a meeting that is taking place. Before your first meeting be sure to go to <https://zoom.us/> and sign up for free. You can also go directly to this link: <https://zoom.us/signup>. Here you will be able to provide your phone number, email, and name so that when you call in or watch live we will be able to identify you for the record and take your comments or questions accurately. This is required if you wish to give live comment during a Zoom meeting.
 - **How to download Zoom**: You have the option to register for your own Zoom account, but this is not required to listen or watch a meeting that is taking place. Following your registration go to <https://zoom.us/download> to download Zoom. You DO NOT have to download Zoom to participate in a meeting. This is only to streamline the process. If you do not wish to download, skip this step and you can simply join by visiting the link provided on the City’s website and the relative agenda. Please note that you will have limited capabilities if you just use the link. You will still be able to give comment but you may have other missing capabilities depending on your device.
 - **Profanity, Hate Speech, Cursing, and Inappropriate Actions**: If anyone in the meeting uses any hate speech or any inappropriate language in the meeting you will be removed from the meeting and blocked from returning.
 - **Seeing the Minutes and watching the Recording of the Meeting**: Within seven days of the meeting, the minutes as well as the recording will be posted to the City’s website at <https://www.norwalkct.org/1691/Recordings-of-Public-Hearings-and-Meetin> (recordings), <https://www.norwalkct.org/1077/Minutes> (minutes), and also on the relative Common Council, Commission, Committee, or other’s City of Norwalk webpage.

All in all, please remember that you are participating in a meeting virtually and take all possible precautions to ensure that the meeting can run smoothly and you can participate effectively. Should you have technical difficulties or questions please contact the designated staff member for the

meeting. They will connect you with the appropriate person to answer your question.

Thank you all for your cooperation during this time. We hope to, virtually, see you all soon. Please ensure you and your families remain safe and healthy during this pandemic.



NORWALK PLANNING COMMISSION

125 East Avenue
Norwalk, Connecticut

MEMORANDUM

March 13, 2020

TO: Planning Commission – Frances DiMeglio, Chair

FROM: Bryan Baker, Land Use Planner

SUBJECT: 8-24 Review – Building Management – Sale of two small surplus properties on Bouton Street

We have received a request from the City's Building Management Department for an 8-24 Review by the Planning Commission for a recommendation on sale of two small surplus properties on Bouton Street. A bid was received by an adjacent landowner in the amount of \$34,000 for both properties. The request is considered to be a sale of municipally owned property and is therefore subject to Connecticut General Statute 8-24.

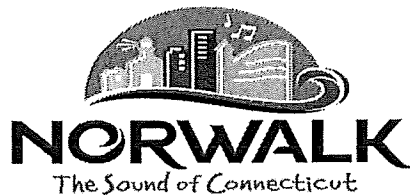
The following resolution is offered:

RESOLUTION TO APPROVE

RESOLVED by the Norwalk Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by the City's Department of Public Works for an 8-24 Review by the Planning Commission for the recommendation of an 8-24 Review – Construct new athletic fields, concession stand with bathrooms, seating and walkways be **APPROVED** subject to the following reasons:

1. To implement the 2019-2029 Plan of Conservation and Development goal to "Maintain the predominantly single-family character of established single-family neighborhoods" (*Chapter 4: Housing Choice and Healthy Lifestyles*); and
2. To implement the 2019-2029 Plan of Conservation and Development goal to "Support housing policies that provide housing for Norwalk's households across a range of preferences and household incomes" (*Chapter 4: Housing Choice and Healthy Lifestyles*)

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.



CITY OF NORWALK
Alan Lo, Buildings and Facilities Manager
alo@norwalkct.org P: 203-854-7877
Norwalk City Hall
125 East Avenue, PO Box 5125
Norwalk, CT 06856-5125

February 18, 2020

Norwalk Planning Commission
Norwalk City Hall

RE : SURPLUS PROPERTIES ON BOUTON STREET

Dear Commissioners:

On behalf of the Land Use and Building Management Committee of the Norwalk Common Council, I am hereby requesting Norwalk Planning Commission recommendation on the sale of two small surplus properties located on Bouton Street (District 5, Block 81, Lots 169 & 173), in accordance with Connecticut State Statutes – Section 8-24.

Based on limited information available, the City acquired these properties through foreclosure. Lot 169 is approximately 0.32 acre and Lot 173 is approximately 0.11 acre. They are located in “B” Residential Zone. These properties abut the back of Brien McMahon High School football field. The properties slope up substantially from Bouton Street toward the football field. There are rock outcropping with difficult topography.

In the 1990’s, the Land Use and Building Management Committee held a public hearing on the disposition of Lot 169 and advertised this properties for sale. The City did not received any proposal due to the size, topography, possible ledge and the lack of city sewer to the property.

About three years ago, the property located between the two City surplus properties was purchased through foreclosure sale by the current property owner. Last year, the property owner inquired about the possible sale of the City properties. On June 5, 2019, the Land Use and Building Management Committee held a public hearing and recommended to advertise the properties for sale and referred the sale to Planning Commission for 8-24 Review.

Subsequently, the City Purchasing Department advertised the properties for sale. One bid was received from the adjacent property owner in the amount of \$34,000 for both properties. Land Use and Building Management Committee met on February 5, 2020 and recommended to accept the bid. At this time, I am requesting Planning Commission recommendation on the sale of the properties.

ACTION REQUESTED:

Approve the sale of city surplus properties located on Bouton Street (District 5, Block 81, Lots 169 & 173) and refer recommendation to the Norwalk Common Council for action.

Thank you for your consideration of this matter. If there are any questions prior to the Planning Commission meeting, please do not hesitate to reach out to me at alo@norwalkct.org or 854-7877. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Lo', with a stylized flourish extending to the left.

Alan Lo
Buildings and Facilities Manager

Cc: Councilman Livingston, Chairman,
Land Use and Building Management Committee
Sharon Conners, Purchasing Agent

Brien
McMahon
High School

Map Number
7366

300
100
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282
275
0.4

Map Number
#5277
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276
304
0.5

Map
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272
158
0.5

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323
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186
164
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165
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Map Number
6072

182
166
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178
168
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Map # 12222

169

171
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173
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55

172
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Map # 5661

153
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Bouton

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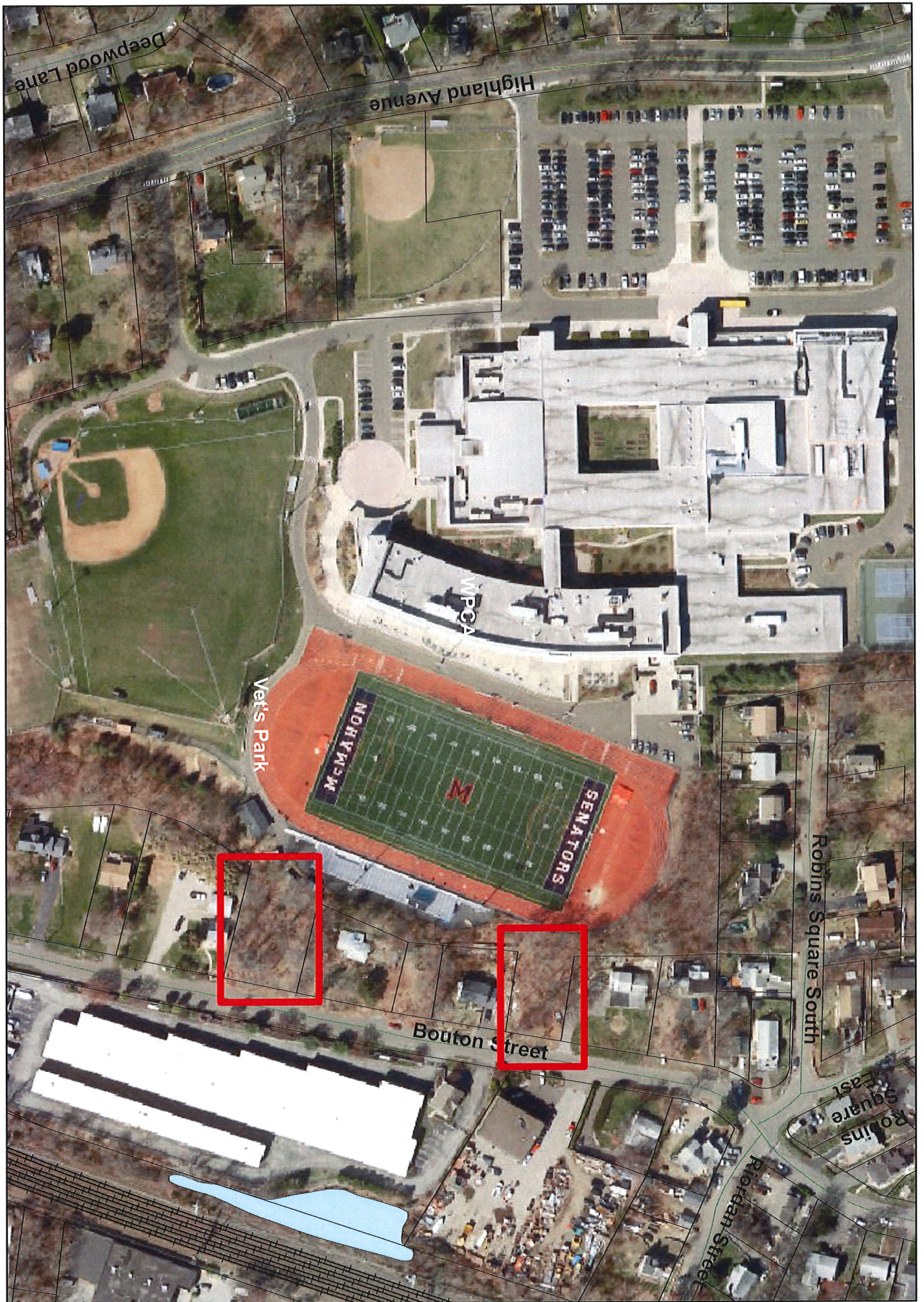
15
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NORWALK ZONING COMMISSION
125 East Avenue - City Hall
Norwalk, CT 06851



February 12, 2020

Ms. Frances DiMeglio, Chair
Norwalk Planning Commission
125 East Avenue
Norwalk CT 06856-5125

RE: #1-20R - Zoning Commission - Proposed amendment to establish a 12 month moratorium on certain uses in the Industrial Zone #1 including building materials sale and storage yards, contractor's storage yards, and new single and two family dwellings

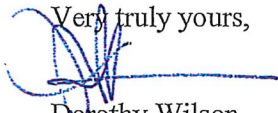
Dear Ms. DiMeglio,

The attached amendment to the Building Zone Regulations is being referred to you by the Norwalk Zoning Commission. The proposed amendments would revise the Industrial Zone #1 (I#1) to implement a twelve (12) month moratorium on certain uses in the I#1 zone, including building materials sale and storage yards, contractor's storage yards and new single and two family dwellings.

The Zoning Commission is referring this application to you for your review and comment, as per the Connecticut General Statutes. A public hearing is tentatively scheduled Wednesday March 18, 2020. Please send your comments on or before that date.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



Dorothy Wilson
Senior Planner

cc. Katie Dykes, Commissioner, CT. Dept of Energy & Environmental Protection
ATTN: Jeff Caiola/David Blatt/OLISP
John Romano, Chair, Harbor Management Commission

enclosures

NORWALK PLANNING COMMISSION
125 East Avenue
Norwalk, CT 06851



MEMORANDUM

March 13, 2020

TO: Planning Commission, Fran DiMeglio, Chairman

FROM: Steve Kleppin, Planning & Zoning Director

RE: #1-20R – Proposed amendment to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings.

In response to a letter from Darlene Young, Common Council, regarding a moratorium on new contractor yards in the I1 zone, the Zoning Commission has authored the attached amendment to the zoning regulations.

In addition to Ms. Young's letter, there is a pending study of the industrial zones as well as ongoing concern regarding the use and number of contractor yards in the I1 zone. Considering that, it might be prudent to put a pause on any new contractor yards until the study is complete and we can address the following:

- Where should the industrial boundaries be?
- Should contractor yards be allowed in all these areas?
- How can we better differentiate between materials processing yards and a location where commercial vehicles park?
- Are there better management tools to address the on-site processing?

I also mentioned my concern for allowing 1 and 2-family dwellings in these areas. I am not opposed to residential uses in these areas, but I don't think having standalone 1 and 2-family dwellings is the highest and best use of industrial land. For example, as part of the East Norwalk TOD study we are exploring allowing residential above commercial as long as the primary use of the property is for commercial purposes. This can also be accommodated in a live-work arrangement.

The moratoriums are amendments to the regulations and are defensible, provided the amendment is for a set period of time and for a stated purpose. In addition, the moratorium is throughout the zone and not specific to one area.

Mandatory Referrals:

As per the Connecticut General Statutes, the proposed amendments were referred to the Norwalk Planning Commission, the State CAM office and the Harbor Management Commission. No comment was received from Harbor Management, while the CAM office found the proposal consistent with the CCMA. The Planning Commission reviewed the amendment at their March 17, 2020 meeting and.....

The following draft resolution is provided:

*** RESOLUTION ***

BE IT RESOLVED that #1-20R – Zoning Commission – Proposed amendments to the Building Zone Regulations to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings, dated February 6, 2020, be **approved**.

BE IT FURTHER RESOLVED that the reasons for this action are to implement the Plan of Conservation and Development:

1. Chapter 3, Goal 2A.iii - *Study industrial zoning and update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones, focused on market opportunities in warehouse/logistics, brewing/distilling, artist/artisan uses, and other light industrial uses that do not have detrimental externalities on nearby areas; and*
2. Chapter 12, Goal 3A.ii - *Prepare a study to evaluate the industrial zoning districts against modern industrial requirements, market demand, future trends, and economic development goals. Create refined performance standards and update the use table (e.g., allow by-right warehouse and wholesale distribution facilities, boutique manufacturing, clean industry, etc.).*
3. Chapter 12, Page 239 - *No heavy industry or residential uses. Contractor yards for processing erodible material should be limited and held to strict performance standards if permitted.*

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

#1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in I#1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings

118-700 B. Uses and structures.

- (1) (Principal uses and structures. In an Industrial No. 1 Zone, premises shall be used and buildings shall be erected which are used, designed or intended to be used for one (1) or more of the following uses and no other. Any use or structure having a gross floor area of twenty thousand (20,000) square feet or more or requiring fifty (50) parking spaces or more shall be permitted, subject to the provisions of § 118-1451, Site plan review. Properties located within the coastal zone boundary, shall be subject to coastal site plan review and all other requirements of § 118-1110 herein.
 - (a) Manufacture, processing or assembly of goods which are not noxious or offensive due to emission of noise, pollutants or waste.
 - (b) Warehouse, storage and wholesale distribution facilities, including package distribution facilities [Amended effective 4-29-2016]
 - (c) Transportation and bus storage terminals.
 - (d) Public utility supply and storage facilities.
 - (e) Building materials sale and storage yards, including contractor's storage yards, **subject to the following Moratorium on new contractor's storage yards:**
 - i. **Purpose – Whereas, there has been consistent concerns from residents regarding some of the activities which occur within contractor's storage yards, and, as a result of those concerns, the Zoning Commission has contracted for an independent study of the uses and activities within the City's Industrial Zones.**
 - ii. **The Commission, therefore, finds that a temporary moratorium is necessary on the approval of any new contractors storage yards, in order to allow the Commission time to have the study completed, review the study, and to possibly propose new regulations for these uses.**
 - iii. **Effective Date (Date of Publication) – *Insert Date*, 2020. The moratorium shall remain in effect for a period of twelve (12) months, unless extended prior to the expiration..**
 - iv. **Application – During the moratorium, no application for any new contractor's storage yards will be accepted. Applications for an expansion of any existing contractor's storage yards, shall be considered a new application.**
 - v. **Exclusions – This moratorium shall not apply to any complete application which has been submitted to the Commission prior to the effective date of this moratorium.**
 - (f) Offices, including medical offices, banks and financial institutions and contractor's offices. [Amended effective 1-26-2001; 5-29-2015]
 - (g) All principal uses permitted in the Marine Commercial Zone.

- (h) Retail stores, personal and business service establishments, including restaurants and taverns.
- (i) Printing establishments.
- (j) Municipal sewage treatment facilities.
- (k) Research and development facilities.

All uses, including special permit uses, permitted in the C Residence Zone. [Amended effective 1-26-2001; 7-24-2015], **except that new single and two family dwellings are subject to a moratorium.**

- i. **Purpose – Whereas, the Citywide Plan has indicated a need to retain land for future commercial and industrial development, and, as a result of that determination, the Zoning Commission has contracted for an independent study of the uses and activities within the City's Industrial Zones.**
- ii. **The Commission, therefore, finds that a temporary moratorium is necessary on the approval of any new single and two family dwellings within the I1 Zone, in order to allow the Commission time to have the study completed, review the study, and to possibly propose new regulations for these uses.**
- iii. **Effective Date (Date of Publication) – Insert Date, 2020. The moratorium shall remain in effect for a period of twelve (12) months, unless extended prior to the expiration.**
- iv. **Application – During the moratorium, no application for any new single or two family dwellings in the I1 Zone will be accepted.**
- v. **Exclusions – This moratorium shall not apply to any complete application which has been submitted prior to the effective date of this moratorium.**

(l) Off-street parking facilities.

(m) Oil or petroleum storage facilities of twenty thousand (20,000) gallons or less, propane gas storage of thirty thousand (30,000) gallons or less and natural gas storage of thirty thousand (30,000) cubic feet or less.

(n) Indoor contractor parking facility, subject to submittal of environmental impact statement certified by a licensed civil or environmental engineer. [Added effective 3-29-2013, amended effective 12-19-2014]

(o) Brew Pub/Distillery [Added effective 11-15-2019]

(2) Special Permit uses and structures. The following uses shall be permitted by Special Permit in accordance with the provisions of § 118-1450, Special Permits, and shall comply with the Schedule Limiting Height and Bulk of Buildings, Commercial and Industrial, EN53 and any additional standards set forth herein:

(a) Municipal utility plant or storage yard, as defined herein, oil and petroleum storage facilities of more than twenty thousand (20,000) gallons. [Added effective 9-27-2002]

(b) Gasoline stations and the sale and service of motor vehicles, subject to § 1181010.

- (c) Propane gas storage of more than thirty thousand (30,000) gallons and natural gas storage of more than thirty thousand (30,000) cubic feet, other than public utilities.
- (d) Asphalt and concrete plants and recycling operations and rock crushing/processing facilities.
- (e) Motor vehicle storage and junkyards.
- (f) Solid waste transfer stations, recycling and composting centers and related facilities.
- (g) Commercial recreation establishments.
- (h) Hotels.
- (i) Adult day care centers. [Added effective 8-31-2001]
- (j) Helicopter landing sites, as an accessory use to a principal permitted use, subject to special permit review and to the following restrictions: the landing site shall be a minimum of 300 feet from a residence zone and flight operations shall be restricted to the hours of 7:00 am to 7:00 pm only. [Added effective 9-28-2001]
- (k) Animal care centers, provided that the use is fully enclosed within a structure located on a lot a minimum of two acres in size, that the location of the use is located a minimum of one hundred and eighty (180) feet from a residential use as certified by a licensed surveyor and that adequate provisions are made to control noise and odors emanating from the facility, subject to approval by the Zoning Commission. [Added effective 6-28-2002, amended effective 10-26-2012]
- (l) Multifamily dwellings, including mixed use developments, provided that: [Added eff. 7-27-2012; amended effective 10-24-2014; 2-27-2015; 4-13-2018; 5-25-2018]
 - i. The subject property is located within the designated areas shown on the map entitled "Designated Properties for Transit Oriented Development at the East Norwalk Railroad Station"
 - ii. Maximum height does not exceed 6 stories and 62 feet above base flood level; and
 - iii. (Residential density does not exceed 800 square feet of lot area per dwelling unit; and
 - iv. A minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation; and
 - v. There is a defined recreation area of not less than one hundred fifty (150) square feet per dwelling unit shall be provided and located with due concern for the safety and convenience of the residents for whose use it is intended

Date: 1/14/20
To: Steve Kleppin, Planning & Zoning Director
From: Darlene Young
Subject: Moratorium on Contractor Yards/Light Industrial Zones

As you and the Planning & Zoning Commissioners may know, South Norwalk is one of the oldest parts of Norwalk and was once the hub of industry with manufacturing, fishing and agriculture as its main commodities. In addition, South Norwalk was home to many families that worked in the City. Through the years, the area has experienced a series of economic losses as families and industry moved out of the area. Over time, the loss of industry and lack of any significant replacement, as is typical of this type decline, left parts of South Norwalk (Whistleville) and the people socioeconomically depleted and stigmatized. As a result, the area became a low-income, redlined and neglected neighborhood. This, unfortunately, made it easy to justify and maintain the area as a light industrial zone without neither consideration of the types of businesses placed there, nor their proximity to a residence and the impact on the neighborhood as a whole. Today, because of this long-term practice and process, there are upwards of 30 contractor yards nestled in just about every parcel of land available. In some instances, land that used to have homes on them have been allowed to convert to contractor yards. Many of these contractor yards along with other industrial properties operate without adequate buffers to shield surrounding families from their noise and unsightliness.

Many of these hardworking residents, of whom could be any of our grandparents who worked hard to get a leg up in life despite circumstances, are feeling dejected. Councilmember Dumas and I have been concerned about these conditions and voicing these opinions for some time. However, we are optimistic about P&Z's willingness to address these concerns that have negatively impacted South Norwalk residents for decades. In light of the new POCD (Part 5) and the continued development in South Norwalk, we urge the Zoning Commission to consider a moratorium on contractor yards and light industrial zone (special) permitting. The moratorium should be for a time period aligned with the completion of the city's planned industrial zone study and the implementation process of any new standards, regulations or ordinances. In addition, the creation of an industrial park should be on the table for consideration as well.

While we are under no illusions about the impetus for change in South Norwalk; we are hopeful that there has been a change of heart for inclusion and consideration for the people who live there. With this inclusion in mind, we ask that we work together to ensure that all residents will be able to enjoy a better quality of life in Whistleville/Old Well, where many have lived all their lives.

Thank you for your time and consideration.