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**Sent:** Monday, June 12, 2023 12:08 PM  
**To:** [bruneauv@andoverelementaryct.org](mailto:bruneauv@andoverelementaryct.org)  
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**Subject:** Pending application for Community Center, Town of Andover

Dear Superintendent Bruneau:

As you know, I am land use counsel of Andover and the legal advisor to its Planning and Zoning Commission. Commission Chairman Jed Larson has provided me with the email that you sent to him on June 11, 2023, as follows:

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Jed:

I did want to let you know that I have tried since Wednesday to get newer and more accurate information from Eric to facilitate a productive session when we meet on Wednesday with the BOS. Since they presented new plans, Wednesday night at your meeting, I wanted to be able to look at them and address any other questions we had. Most notably, was the addition of the fueling station and light posts that could potentially be in the way of our backyard. I was told by Marina that they would be posted on Thursday expectedly. When they were not posted on Thursday, I contacted Eric and was told that Friday Town Hall was closed. So we have yet to see the minutes or be able to share them with our zoning, professional. I then inquired about receiving a copy of the plans and was told that they would be released to the public after this hearing. I am far from the public on this matter and you think that I should have been given a copy of them, even if I was told to be sure not to share them. The video transcript, if it was posted would certainly have been all I needed because I could've stopped the recording at the points that they showed them at the meeting. I believe since they showed them at a recorded meeting they are public information and I therefore should have access to put together the best and most comprehensive list for our meeting. I'm sorry to reach out with what seems like "a complaint" but we have never received an accurate plan, as it always liked something (pickle ball courts missing, septic tank changes, and now a fueling station)

Another Roadblock

Valerie

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**Communication from any interested party, or member of the general public, to a land use commission member on a pending application is considered *ex parte* communication and is prohibited by law.** All communications concerning a pending application *must* be submitted to the Commission's agent, James Hallisey, for inclusion in the public record and shared with the full Commission and other interested parties. By copy of this email, I am requesting Mr. Hallisey to provide this email, including the above email from you, to all interested parties and to include it on the web site as a communication to the full Commission. In the future, please refrain from any communication with individual Commission members while this application is pending. I am copying the Board's land use attorney at Shipman & Goodwin, Joseph P. Williams, so that he can instruct you concerning the legal requirements for proceedings of this kind.

I would also advise you that any plans for the community center application are on file with the zoning office during regular business hours and available for inspection. While I would certainly encourage the applicant to share new information with you as soon as possible, they have no legal obligation to do so. You don't need to view the video of the meeting in order to view the plans presented that night. They are in Mr. Hallisey's office and available for review and have been since the public hearing last week. I am also asking Mr. Hallisey to provide you with the minutes of the meeting as soon as they are prepared, and he may be able to provide you with a recording of the video if that is helpful.

I hope that you find this email helpful. I would urge you to confer with your attorney about what information is relevant to the continued public hearing on June 20, 2023.

Regards,

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