

## City of Concord Planning Board

July 18, 2018

### Minutes

The regular monthly meeting of the City Planning Board was held on July 18, 2018, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

1. Call to Order

Chairman Woodfin called the meeting to order at 7:00 pm. Planning Staff present included Heather Shank (City Planner), Sam Durfee (Senior Planner), and Lisa Fellows-Weaver (Administrative Specialist). Engineering Staff present included Bryant Anderson (Associate Engineer).

2. Roll Call

**Present:** 7 – Chairman Richard Woodfin, Councilor Byron Champlin, Teresa Rosenberger, (Ex-Officio for City Manager), Members Susanne Smith-Meyer, Matthew Hicks, David Fox, and Ian West.

**Absent:** 4 – Vice-Chair Carol Foss, John Regan, Alternate Chiara Dolcino, and Alternate Frank Kenison.

3. Approval of June 20, 2018 Planning Board Meeting Minutes

On a motion made by Mr. West, and seconded by Ms. Smith-Meyer, the Board voted unanimously to approve the minutes for June 20, 2018, as written.

4. Planning Board Chair Overview

Chairman Woodfin announced that Item 6C would be addressed at the end of the meeting.

5. Determination of Completeness

5A. Jonathan Chorlian, on behalf of Roman Catholic Bishop of Manchester, requesting Major Site Plan approval for the construction of 3 attached residential structures totaling 10 dwelling units and renovation of an existing structure for the purpose of a community building at 135 N. State St. in the Neighborhood Residential (RN) District.

On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete and set the public hearing for August 15, 2018.

5B. Stephen Duprey, on behalf of 14 Dixon Avenue Development Company, LLC, requesting Major Site Plan approval for reconstruction of two existing parking lots 4-6 Dixon Avenue in the Central Business Performance (CBP) District.

On a motion made by Mr. West, and seconded by Mr. Fox, the Board voted unanimously to determine the application complete and set the public hearing for August 15, 2018.

### Public Hearings

6. Design Review Applications

6A. Beauty by Design, on behalf of Stephen A. Masters, requesting ADR approval for a new window sign at 22 S. Main Street in the Central Business Performance (CBP) District.

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The applicant was not present at the meeting. Ms. Shank stated that she did reach out to the applicant.

Ms. Shank stated that the ADRC recommended approval with the understanding that the sign is only the red square and phone number below; it does not include the large gray panel.

Ms. Smith-Meyer suggested the phone number be removed. Mr. Fox agreed and commented that the sign is cluttered as proposed.

On a motion made by Ms. Smith Myer, and seconded by Mr. Fox, the Board voted unanimously to approve the sign application subject to the conditions that the phone number be removed, that the bottom of the red square be justified with the sashes of the adjacent windows, and that the sign consist of just the red square not including a large gray panel. The motion passed unanimously.

6B. New Concord Theatre, LLC, requesting ADR approval for construction of a new projecting marquee sign with both internal and external illumination at 16-18 S. Main St. in the Central Business Performance (CBP) District.

Steve Duprey represented the application. He gave a presentation of the theater's history and the intent of the project to create an "old time" movie theater look for Concord. He stated the numerous variances were granted by the Zoning Board for the proposed marquee.

Mr. Duprey stated that the ADRC suggested that the column be removed if it was not structural and he will remove it. Additional discussion was held regarding the structural wall on the north side. It was suggested that the playbill panel be shifted to that wall and he agreed. Another item noted by the ADRC was concern with the white globe proposed and that it could be appeared as a focal point on Main Street. Mr. Duprey stated that this was not the intent and that it would be incorporated better into the design. The neon colors were also discussed by the ADRC. He is going to look into muting the neon colors; however, secondary colors are not always available if there is a need for replacement. He explained that different temperatures affect the colors of the neon. He is still working on this item.

There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the application, subject to the conditions that the column be removed, the white globe be better incorporated into the design, the playlist panel shifted to the north wall, the applicant looks into muting the neon colors, and the theatre is subject to the same sign limitations as The Capital Center of the Arts. The motion passed unanimously.

7. Site Plan & Subdivision Applications

7A. Richard D. Bartlett & Associates, on behalf of the City of Concord and Margaret Lassonde, requesting Minor Subdivision approval for a lot line adjustment at 71 & 81

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#### Penacook St. in the Single Family Residential (RS) District and the Neighborhood Residential (RN) District.

Mark Sargent, LLS, Richard D. Bartlett & Associates, along with Jim Owers of the Concord Conservation Commission represented the application.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

Mr. Sargent explained that the proposal is to annex 1.2 acres of land from 81 Penacook Street to 71 Penacook, which will provide frontage on Columbus Avenue. The municipal lot currently houses an underground water supply reservoir and associated mechanical building. The 71 Penacook Street lot is developed with a single family residence. He stated that the existing driveway is very long and is a safety concern for fire access. The proposal will allow for a new, shorter driveway, and bring the lot more in compliance. He noted that there are no new lots proposed.

Robert Kuepper, 10 Bishop Gate, asked about the location of the new driveway. Mr. Sargent replied that the location is unknown at this time; however, the new driveway will meet all setback requirements.

There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Fox, the Board voted unanimously **to grant the following waivers from the Subdivision Regulations**, utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; and based on the nature of the application as a lot line adjustment for existing lots already built upon, where no further development is proposed:

- 12.03(5) & 12.07 Wetlands Delineation to not provide a wetland delineation stamped by a Certified Wetland Scientist.
- 12.08(5) & 15.03(6) Natural Features, to not show natural features for the entire lots.
- 12.08(3) Topography, to not provide topography.
- 12.08(4) Soils, to not provide soils information.
- 12.08(23)(d) & 19.05(4) Useable land to not provide useable land rectangle and calculations.

On a motion made by Mr. West, and seconded by Councilor Champlin, the Board voted unanimously to grant **the granted Minor Subdivision approval** for the lot line adjustment, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

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- 1) Address Technical Review Comments to the satisfaction of the Planning and Engineering Division.
- 2) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(S) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- 3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 4) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 5) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7B. Arthur Siciliano on behalf of Roger & Marion Clattenburg, requesting Minor Subdivision approval for a two lot subdivision at 15 Frost Road in the Single Family Residential (RS) & Residential Open Space (RO) Districts. MBL: 471Z-22

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to determine the application complete and open the public hearing.

Neal Semple represented the application and explained that the proposal is a two lot subdivision of a 14.43 acre lot into 2 lots consisting of 1.88 acres on Curtisville Road and 12.63 acres on Frost Road and Curtisville Road. This will create one new house lot. He noted that there are no wetlands on the site.

There being no comments from staff or members of the public, the Chair closed the public hearing.

Mr. Durfee stated the applicant submitted an application for a variance to the Zoning Board of Adjustment (ZBA) to not extend and tie into municipal sewer and water on Curtisville Road. The applicant must receive the variance or provide a utility plan showing the hook up as a condition of approval.

On a motion made by Ms. Smith-Meyer, and seconded by Councilor Champlin, the Board voted unanimously to **grant the following waiver** to the Subdivision Regulations utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, and based on the fact that underground utilities are proposed for the new lot:

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- Section 26.02(1) Underground Utilities for the remaining parent tract.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted unanimously **to grant Minor Subdivision approval** subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- 1) Address Technical Review Comments, noted in the July 18<sup>th</sup>, 2018 staff report, to the satisfaction of the Planning Division.
- 2) Address Review Comments from Bryant Anderson, P.E., dated July 6<sup>th</sup>, 2018 to the satisfaction of the Engineering Division.
- 3) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 4) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- 5) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 6) The Applicant shall deliver to Planning, one (1) plan set and one (1) mylar for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.
- 7) All waivers and variances granted are to be noted and fully described on the plan including date granted and applicable section numbers of the Subdivision Regulations and Zoning Ordinance.
- 8) The Applicant shall obtain a variance to not extend and tie into municipal sewer and water on Curtisville Road or provide a utility plan showing the extension of, and hook up to, municipal sewer and water.

7C. Ari Pollack on behalf of Merrimack County, requesting review of a 2-lot minor subdivision in accordance with RSA 674:54 for property at 163 North Main Street in the Civic Performance (CVP) District. MBL: 46-1-11

Ari Pollock represented the application. Pictures of the site were distributed. Mr. Pollock explained that the proposal is to subdivide a 2.39 acre lot into two (2) lots, 2.15 acres that will be conveyed to the State of New Hampshire and the remaining 0.24 acres that will be retained by Merrimack County. In addition, they are proposing a series of access and building maintenance easements for the Merrimack County Courthouse.

Mr. Pollock stated that this application falls under RSA 674:54, which exempts the applicant from compliance with the City Zoning Ordinance. Language has been added to the plan stating that the planning board is not approving the conformity of

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the plan but rather approving that the plan was received, publicly heard in an advisory nature.

There being no comments from staff or members of the public, the Chair closed the public hearing.

Chairman Woodfin commented that the wall along Main Street and the parking lot in the front are not imposing and look great.

Mr. Durfee stated that the condition #4 should be stricken as it is not applicable.

On a motion made by Ms. Smith-Meyer, and seconded by Mr. Fox, the Board voted unanimously to **grant Minor Subdivision approval** for the two lot minor subdivision at 163 North Main Street, subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- 1) Address Technical Review Comments, noted in Section 2 above, to the satisfaction of the Planning Division.
- 2) Address Review Comments from Bryant Anderson, P.E., dated July 2018 to the satisfaction of the Engineering Division.
- 3) Any waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(S) of the Subdivision Regulations. Should the Board vote to deny the waiver request(s), applicant shall comply with said submission requirement(s).
- ~~4) *The Certification statement on the Condominium Plans shall be signed by the Engineer of the Record.*~~
- 5) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- 6) Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- 7) The Applicant shall deliver to Planning, one plan set and mylar(s) for endorsement by the Planning Board Chairman & Clerk and recording at the Registry of Deeds.

7D. The H.L. Turner Group, on behalf of Granite State Baptist Church, requesting Minor Site Plan approval to construct a 2,600 square foot, two story foyer addition and associated access ramp to an existing 3,000 square foot building at 236 Sheep Davis Road in the Industrial (IN) District. MBL: 111-2-3.

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On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to determine the application complete and open the public hearing.

Mark McLeod and Dan Hall of The HL Turner Group represented the application along with Peter Chamberland

Mr. Durfee stated that the applicant previously received two variances from the ZBA, as follows:

- Article 28-2-4(j) to permit a church in a district where such a use is not permitted (2016); and
- To expand an existing church building (use B-7) and in accordance with article 28-8-2(c), status of uses established by variance, and Article 28-2-4(j) to permit a 2,5769 sf two story addition to a building containing an existing use by variance, reference case 31-18.

Mr. Durfee reviewed the ADRC comments and the waiver requests and commented that staff supports the waiver requests.

Mr. McLeod provided an overview of the project, outlining the ramp access to the front door with the connection to the parking at the rear of the property. He added that there is an infiltration basin existing and this will continue to be utilized. The calculations will be provided to show that the size will be sufficient for the addition. A secondary access will be added on the lower level.

Councilor Champlin asked if they have considered adding elevator lift system. Mr. Chamberland stated that they have started to look into a lift system.

Mr. Anderson expressed concern with the proximity of the sidewalk and parking spaces. Mr. McLeod stated that there is an existing landscaped buffer at this time, which makes it tip down to access the sidewalk.

There being no comments from staff or members of the public, the Chair closed the public hearing.

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to **grant Architectural Design Review approval** for the proposed building expansion and ramp construction with the following strong recommendations from the ADR Committee:

- a. Increase the verticality of the windows on the front of the building.
- b. Enlarge the canopy over the front door to work better with the building and steepen its pitch or match it to the pitch of the roof above.
- c. Add pilasters on either side of the front door.
- d. Add stair access to the front entrance.

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to **grant the following waivers** from the Site Plan Regulations for the RO zoned portion of the site utilizing the criteria from RSA 674:36(II)(n)(2):

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Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, and based on the fact that no disturbance is proposed in this area:

- a. Section 13.01(8)(e) Soil tests and soil survey including borings
- b. Section 15.03(3) Topography

On a motion made by Councilor Champlin, and seconded by Mr. West, the Board voted unanimously to **grant Minor Site Plan approval** for the proposed build expansion and ramp construction, subject to the following precedent and subsequent conditions:

- a. Precedent Conditions – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
  - (1) Address review comments in Section 3 of the Planning Staff report dated July 18<sup>th</sup>, 2018 to the satisfaction of the Planning Division.
  - (2) Address review comments from the Engineering staff report dated July 6<sup>th</sup>, 2018 to the satisfaction of the Engineering Division.
  - (3) All waivers granted are to be noted and fully described on the plan including date granted and applicable Section numbers of the Site Plan Regulations.
  - (4) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.
- b. Subsequent Conditions – to be fulfilled as specified:
  - (1) Prior to commencement of construction activity, payment of inspection fees in an amount approved by the City Engineer shall be made.
  - (2) A pre-construction meeting shall be required prior to the start of any construction activities onsite. The applicant shall pick up one (1) set of signed plans at the Planning Office to make copies for the pre-construction meeting. A total of five (5) copies of the signed plan set shall be provided by the applicant at the pre-construction meeting.
  - (3) Prior to a Certificate of Occupancy or final construction sign-off, as-built drawings shall be provided to the City Engineer in accordance with Section 12.09 of the Site Plan Regulations. The as-built drawings shall be surveyed on NH State Plane coordinates and NAVD 88 Datum.
  - (4) Prior to the issuance of a Certificate of Occupancy or final construction sign-off, digital information shall be provided to the City Engineer for incorporation into the City of Concord



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Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.08 of the Site Plan Review Regulations and all information shall be converted to a vertical datum of NAVD 88.

- 7E. Nobis Engineering, on behalf of Smokestack Realty, requesting Major Site Plan approval to construct a new access road and parking areas totaling approximately 22,000 sf of new impervious area at 254 N. State Street in the Institutional (IS) District.

The applicant was not present.

Mr. Durfee stated that staff has not received any updated materials from the applicant. He recommended that the public hearing be continued to August 15, 2018.

On a motion made by Mr. Hicks, and seconded by Councilor Champlin, the Board voted unanimously to continue this project to the August 15, 2018 Planning Board meeting.

- 6C. Jonathan Chorlian, on behalf of the City of Concord, requesting ADR approval for construction of an ADA accessible ramp in the right of way in front of 1 Eagle Square; a park and new parking area in the right of way in front of 4-6 Dixon Ave; and a patio and green space along the Storrs Street frontage of 8-14 Dixon Ave in the Central Business Performance (CBP) District.

Jonathan Chorlian presented the application along with Steve Duprey.

Mr. Chorlian stated that project has been presented to City Council and was well received. He began with an explanation of the overall concept and intentions of how the Granite Center will be developed. He stated that this area will be a redevelopment project with an end result that will rejuvenate three spaces, enhance the facades of Dixon Ave., and reconstruct 150 parking spaces. Façade improvements are proposed to 1 Eagle Square, 6 Dixon and 14 Dixon Ave. Construction of a new accessible sidewalk is proposed for 1 Eagle (“Eagle Plaza”), which will improve portions of the Dixon Ave. right of way (referred to as “Gateway Park”), and to improve the existing City lot immediately adjacent to 14 Dixon (referred to as “Dixon Plaza”).

Mr. Chorlian gave a presentation and provided additional detail of the construction work and renderings. The Eagle Square store fronts will be redone and will be redesigned with a black metal band sign and decorative cast iron columns, similar to the store fronts adjacent to “The Works” down the street. A canopy will be added over the entrance and will be parallel with the sidewalk. He stated that there will be a new elevated sidewalk section added, which will provide ADA accessibility to the four existing retail businesses and the lobby.

Improvements to 6 Dixon Ave. will consist of seven new apartments on the top two floors with prefabricated balconies and the removal of the existing entry vestibule, which will be replaced with a storefront door with frame color matching existing windows. Improvements to 14 Dixon Ave. will be minimal and include façade

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improvements such as new windows, a new storefront system with door and side lights, and new doors at the entrance to Dixon Ave.

Dixon Plaza is a proposal for a landscaped area with an elevated patio for a potential restaurant along with a lawn area, shade trees, and various plantings. This area is being purchased from the City.

The final component is for Gateway Park, which will be a complete redesign and reconstruction of a park area next to Remi's Block. This proposal includes the reconfiguration of ADA accessible parking spaces and two new landscaped areas. It will create an enhanced pedestrian connection to Storrs Street.

Mr. Chorlian explained that there are deadlines quickly approaching for the funding of these projects. He stated that he needs to have an approval from the Planning Board so that he may obtain building permits and line up everything to be on target for completion by the end of July. Mr. Chorlian stated that he realizes that there needs to be more discussion regarding details and final designs. He met with the ADRC who recommend approval with the understanding that he would return to them and the Board prior to finalizing designs and receiving final approval.

Ms. Shank noted that ADRC requested that the Committee have a chance to discuss the balconies in more detail, particularly the dimensions. Mr. Chorlian stated that the balconies are proposed to line up with the eave line. He was fine with smaller dimensions as long as tenants would be able to set out a small table and chairs. He added that there will be portion of the walkway that will be under the balconies.

A lengthy discussion was held regarding the removal of the steps in front of Eagle Square and an ADA ramp. It was suggested to either remove the benches or add benches that are similar to other City benches, which would improve pedestrian areas on Main Street and be less constrictive to pedestrians as the sidewalk would then be wider. The general consensus of the Board was to support adding benches as they are an asset for the area.

Additional discussion was held regarding removing the steps or leaving the steps along the west end or keep only in the front of the building. Discussion continued relative to the construction details and slope of the sidewalk. Mr. Woodfin stated that he strongly supports no stairs at all. It was suggested that a textured walkway be looked into as an option. Mr. Anderson noted that a second ramp would not be ADA compliant, but that since an ADA accessible route would be provided at the other end, and around the ramp, this may be permitted.

Councilor Champlin asked about sidewalk dining areas. Mr. Chorlian stated that there will be an indoor area for the businesses as well as the hotel lobby for access and seating. He added that he appreciates the efforts of Mr. Chorlian and engaging in this very prominent location and important corner in Concord.

Mr. Chorlian stated that signage information will be provided when the signage packet is submitted.

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Further discussion ensued regarding the windows of 8-14 Dixon Ave. The Board felt that the one pane option would be best and it would match the upper sashes. The proposed 95 foot ramp was discussed. Ms. Smith-Meyer suggested that a more direct route be provided by adding stairs, or that the path be more square and not so tight. Mr. Chorlian explained that this issue was discussed; however, there would be no room for landscaping.

On a motion made by Ms. Rosenberger, and second by Mr. Hicks, the Board voted unanimously to grant approval of the application subject to the condition that the CO not be received until the applicant returns to ADRC and the Planning Board for final design approval.

### Other Business

8. Re-zone land off of Old Turnpike Road from Open Space Residential (RO) to Industrial (IN).

Ms. Shank explained that the City of Concord requests review of a proposal to re-zone land off of Old Turnpike Road from Open Space Residential (RO) to Industrial (IN). She explained that that this request, if granted, would allow for this site to become a potential site for the use of solar and re-zoning will avoid any issues associated with the use in the RO district. She noted that this site is proposed for the relocation of the fire training facility.

On a motion made by Ms. Smith-Meyer, and second by Mr. West, the Board voted unanimously to support the re-zoning change of land off of Old Turnpike Road from Open Space Residential (RO) to Industrial (IN).

9. Concord NEXT Code Update – Review of Zoning Code Assessment

Ms. Shank stated that she would review the Code Assessment with the Board at the August meeting. She added that Code Studio may have their second visit to Concord in September.

10. NHMA Workshop/Staff Workshop

Ms. Shank stated that there are a few options for the Board for some additional training and workshops. After discussion, the consensus of the Board was to request NHMA to host a presentation for the Board and neighboring towns, on “The Roles of the Planning Board”. Copies of the OSI Planning Handbook will be provided at the next meeting.

### Adjournment

At the request of Chair Woodfin, Mr. Fox made a motion to adjourn at 9:22 p.m., seconded by Mr. West. The motion carried, unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,

Administrative Specialist