

May 22, 2014

Dear Steve:

At yesterday's monthly COD meeting, we discussed the two complaints we received from Ms. Cindy McCullough regarding our handling of the variance application for 457 Great Road.

Her complaints/views of the issues were:

- 1) That we had deliberately neglected to include in our comments to the AAB that we did not recommend a formal hearing.
- 2) That Danny Factor (in her letter, described as "a person named Danny") had unduly influenced Commissioner Hopkins to hold a full hearing on this application.

Here are the facts:

- 1) At a special COD meeting called to discuss the matter (with the clients present), one of the three recommendations made was "to not comment" on whether a hearing should be held.
- 2) Danny Factor, our variance coordinator, did not engage in any ex-parte conversations with Tom Hopkins or any other AAB members, and in fact, Mr. Hopkins stated "in all the years I have worked with Danny on Town-related business, I have found Danny's behavior to be beyond reproach and always to be conscientious regarding the legal strictures proscribed for conducting government business."

Thus, The COD decided unanimously that:

- 1) The applicant misinterpreted the third of the three recommendations and therefore "blamed" COD for not having requested there be no hearing
- 2) Danny Factor did nothing wrong as the Town's representative.

The hearing for this variance is scheduled for July 14th.

The COD does not feel comfortable contacting the applicants further on this open case, and expects that you will decide – based on our decision – how to proceed. We look forward to hearing from you on in this regard.

All related minutes and documents have or will shortly be filed on docushare.

Sincerely,

Lisa Franklin, COD Co-Chair
Madeleine Harvey, COD Co-Chair