



TOWN OF WATERTOWN

Board of Appeals

149 Main Street

Watertown, MA 02472

Harry J. Vlachos, Chairman
Melissa M. Santucci, Clerk
Stuart J. Bailey, Member
Deborah Elliot, Member
David Ferris, Alternate
Suneeth P. John, Alternate

Telephone (617) 972-6428
Facsimile (617) 926-7778
www.watertown-ma.gov

MINUTES

On Wednesday evening, **March 31, 2010** at 7:00 p.m. in the Council Chambers on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: **Harry J. Vlachos**, *Chairman*; **Melissa Santucci**, *Clerk*; **Stuart Bailey**, *Member*; **David Ferris**, *Alternate Member*; **Suneeth P. John**, *Alternate Member*; **Steve Magoon**, *Director, Community Development and Planning*; **Nancy Scott**, *Zoning Enforcement Officer*; **Louise Civetti**, *Clerk to BOA*. *Absent: Deborah Elliott, Member; Danielle Fillis, Senior Planner.*

Chair Vlachos opened the meeting, swore in the audience and proceeded to the agenda, noting the first item being the approval of minutes from the March 10th meeting and asked for a motion to postpone the approval as he had not been able to review them.

Ms. Santucci motioned to postpone approval of the minutes of the March 10, 2010 meeting. Mr. Ferris seconded. Voted 5-0, postponed.

Ms. Santucci read the legal notice for the first Case Pending:

William Aldridge, 27 Standish Road, Watertown, MA 02472, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Side Yard Setback, Zoning Ordinance, so as to raze, replace and extend rear non-conforming 8'x12' deck to 14.4'x14', maintaining non-conforming 5.4' northerly side yard setback, where 12' is required at **27 Standish Road**, located in the S-6 (Single Family) Zoning District.

William Aldridge, petitioner and owner, explained that they want to remove the existing deck and rebuild and expand it so as to be able to place a table and a grill on the deck to enjoy the outdoors. He will maintain the 5.4' boundary line from the house. They cannot move the deck over as it would require them to move interior plumbing to relocate the door.

Mr. Ferris asked if the shrubbery on the right will remain (it will) and offered a suggestion to keep the pressure treated wood 8" off the grade.

No further questions or comments were made.

Ms. Santucci motioned to approve the Special Permit Finding with the conditions suggested by the Planning Staff and Planning Board. Mr. John seconded. Voted 5-0. Granted.



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Ms. Santucci read the Legal Notice for the next case:

Linda M. DeLuca, 29 Fairfield Street, Watertown, MA 02472, herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Front Yard Setback, Zoning Ordinance, so as to raze existing cape-style roof to construct second floor, 32.6'x 28.4' with roof and construct a southerly side 1-story addition 15'x19.5' with full basement, maintaining non-conforming front yard setback at 11.8', where 15' is required at **74 Spring Street**, located in the T (Two-Family) Zoning District.

Linda DeLuca, petitioner and owner, introduced Joe Ryan who will be speaking for her.

Stuart (Joe) Ryan, 114 Dexter Street, stated that he will be co-owner of the property in the near future. They would like to 'carry' 15' for the kitchen and maintain the 11.5' line to create an esthetically pleasing angle of the home. They are omitting an unsightly bulked and walkway facing Spring Street to make it a nicer view for their neighbors. All other setbacks have been met.

Ms. Scott asked if they are removing the roof of the house. Mr. Ryan stated that they are constructing a second floor for a master suite and bath.

Mr. Ferris asked if the area over the garage will remain for storage. Mr. Ryan stated that it is strictly storage over the garage.

Ms. Scott asked about the wall in the back. Mr. Ryan stated that when they purchased the property, the wall was covered in ivy. They discovered trees growing in the wall, which created a 'bow' about 15' long. He notified the abutter and contractor and they agreed to reconstruct that section using a footing as they ivy was actually holding the wall together. The wall is 1/3 back in place. They have a temporary fence up now and the wall will be completed next week.

Ms. Scott asked if he has shown the plans to his neighbors. Mr. Ryan stated that the two abutters next to the wall were shown the plans and the project was discussed in detail. Both were in favor.

Mr. Ferris asked if they are putting wood shingles in the front. Mr. Ryan said they are and they are putting stone in the front to match the wall. They are also extending the chimney – they do not know yet if they will re-point it, clean it and veneer it.

Ms. Santucci asked if the garage is by-right. Ms. Scott said that it is.

Mr. Bailey asked what area is the front and what is the side area of the house. Ms. Scott stated that the side yard faces the driveway.

Dennis Duff, 33 Spruce Street commented that he is in favor of this petition as the side yard requirement is not detrimental and it is an improvement to the neighborhood.

No further comments were made from the audience.

Ms. Santucci motioned to approve the Special Permit Finding with the conditions suggested by the Planning Staff and Planning Board with changes discussed tonight. Mr. Ferris seconded. Voted 5-0. Granted.



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Ms. Santucci read the Legal Notice for the next case:

Matt Loughran, 49 Buick Street, Watertown, MA herein requests the Board of Appeals to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Front and Side Yard Setback, Zoning Ordinance, so as to raze roof on existing 1-story addition to construct 2nd floor 20.2'x 20.5' with roof, maintaining front yard setback of 24.4', where 25' is required and southerly side yard setback of 7.5', where 12' is required at **49 Buick Street**, located in the S-6 (Single Family) Zoning District.

Matt Loughran, Petitioner and Owner, stated that he and his wife, Rachel purchased their second home (49 Buick St.), two years ago. They plan to add a second story over the existing single story portion of the house, which will match the pitch of the existing roof. This will add a much needed bedroom, as they have three children under the age of 10. The addition will allow them to stay in Watertown. He is a teacher in Watertown and an active member of the community.

Member Ferris asked if they had considered alternatives to the design of the addition as most of the houses on the street are the same house and he feels that the addition masts heavy on one side. Mr. Loughran said they tried to match it up to the existing house as much as possible. They spoke to the neighbors (on that side) and they do not have an issue with it. This option is the most conducive to their needs.

Mr. Ferris asked if the siding and windows will match what is there now. Mr. Loughran said they would and they are putting on an entirely new roof, so it will be uniform.

Member Santucci shares the same concerns. She asked why the new side is so much higher than the existing house. Mr. Loughran said they wanted a full story as opposed to having pitched walls. They could lower the roofline a bit to ease the transition.

Matt Petrie, Architect, stated that 7'6" ceilings and an 8/12 pitched roof (to match existing), the gable design is what you get. If they went below the roofline, the pitch would change. They needed to run the joist front to back, otherwise they'd have to add a large beam to the existing house. This is an easier way to frame it. They put the false gable on the front to match the existing false gable. They avoided an attic-feeling space there.

Ms. Scott asked if the ridge height could be lowered. Mr. Petrie said it could be lowered but it wouldn't have the same roof pitch as the existing roof.

Mr. Ferris said the rear fascia/gutter line is much higher than the existing. Mr. Petrie agreed that the existing ceilings in the second floor are low and the 7'6" ceiling heights in the new addition bring it up. They also needed to insert 12" tji's, where they have 2x6's (roof framing) in order to span above a large family room. They minimized it as much as possible.

No one spoke from the audience.

Mr. Loughran stated that he has received a letter from his neighbor, Tim Murphy, 55 Buick Street, the northern direct abutter, stating that he is in support of the project. The letter was stamped in by Ms. Civetti for the record.

Chair Vlachos declared a business meeting. He read from the Planning Board Report of March 10, 2010, stating they ask that 'the change shall not be more detrimental than the existing non-conformity' and the Planning Board said it is not more detrimental, despite its' size. They did have some concerns regarding the addition and how it relates to the rest of the house but did not find it to be more detrimental.

Mr. John's concern is the gable that juts out in the front and asks if that is really necessary. Mr. Petrie stated that they had looked at many different options – this is the option the petitioners liked. Mr. John said that the massing could be avoided. Mr. Ferris added that this is an overlay to the construction.

Ms. Santucci asked if there are samples of the other options. Mr. Petrie did not bring any alternative plans with him. Chair Vlachos stated that they would like to see the other options as there is question to the size. Mr. Loughran stated that they went with the gable in the front to match up with the rest of the house. They thought it would look better with a matching gable as opposed to having a lot of roof facing the front.

Mr. Ferris observed that it would appear 'softer' if the roof were to go in the perpendicular direction – he thinks it is nice and helps with the massing with the gable in the front. The three dimensional views allows him to see the height of the building. Mr. Petrie said that if you look at the proposed front elevation and took that gable straight back, it goes below the ridgeline on the existing house and you'd have to raise the existing house up a foot or two to make it work. Mr. Ferris said he could take gable and extend it to the main house roof and let the ridge climb onto the roof of the addition. There are many ways of doing things.

Chair Vlachos asked if the board wants the petitioner to tweak the plan. Ms. Santucci said there is room for improvement. This looks like a box next to a small house. There isn't any detail and although there isn't much detail on the existing house, when you're coming to the board for a Finding, you add detail. This is unattractive and does not see how this wouldn't be substantially more detrimental.

Mr. Ferris, in asking the board for clarity, suggested the roof be redirected – the gable that faces the street is the real gable and the family room would need the main beam. Ms. Scott asked if that would reduce the massing. Mr. Ferris said it reduces the massing visually.

Mr. Magoon asked about the gable running parallel to street - another option could be to bring in two ends of the roof line, to reduce the massing of the roof and eliminate the faux front gable or leave it. The ends would come in and you'd have a short peak to the roof, rather than a peak from one end to the other.

Mr. Ferris offered that to do that, could they use the hip-roof trusses as opposed to gable-roof trusses and use the front and rear walls as bearing walls and the front gable adds to the character to the house.

Chair Vlachos asked if they want to continue the case to come up with a better scenario or take a chance at a vote tonight. Mr. Ferris asked if the board would be agreeable to ask the petitioner to

provide the hip roof and have the gable face the front and vote. Chair Vlachos stated that they at least create the drawings for this scenario and if they wish, create other options. Mr. Ferris was suggesting they vote tonight. Chair Vlachos wants to see drawings. Ms. Santucci does, as well. Chair Vlachos said they are trying to protect the neighborhood and be sure the design matches as best. Mr. Ferris added that they would be setting a precedence for their neighbors as so many of the houses are the same house. He asked if this family room was originally a garage. It was always a family room but the other houses are all built the same.

Chair Vlachos asked if they would like to continue. Mr. Loughran said he would.

Mr. Vlachos motioned to continue this case to the next meeting. Ms. Santucci seconded. Voted 5-0. Continued to April 28, 2010.



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Ms. Santucci read the Legal Notice for the next case:

John M. Airasian, 249 Westminster Avenue, Watertown, MA 02472, herein requests the Board of Appeals to grant a **Variance** in accordance with §5.04, Table of Dimensional Regulations, Rear Yard Setback and further to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structures, Side Yard Setback, Zoning Ordinance so as to raze non-conforming rear enclosed porch 7'x10' and construct and enlarge open deck, 10'x17', located 10'-18' from rear property line where 20' is required and maintaining 8.6' northerly side yard setback, where 10' is required at **249 Westminster Avenue**, located in the T (Two-Family) Zoning District.

John M. Airasian, Petitioner and Owner, noted the lot is currently non-conforming to size – it is 4,467 square feet, where 5,000 square feet is required and any alteration to the property would require a Special Permit Finding or a Variance. He stated that there was an enclosed porch on the existing remaining footings; however, he tore it down as it was leaking water into the kitchen.

Mr. Ferris asked if they are also constructing a dormer at the rear of the house. Mr. Airasian stated that the dormer was already constructed.

Katherine Klosowski, 239 Westminster Avenue, stated that she is in support of the project and that he has done a great job improving the property.

Dennis Duff, 33 Spruce Street, stated that he is in favor of the petition and the shape of the lot should be taken into consideration in granting this request.

Mr. Ferris suggested not having the posts go in at grade – better to bring the wood up.

Ms. Scott suggested changing the condition approved by the Planning Board and Staff from, 'the deck shall not be enclosed', to 'the deck shall not be enclosed without approval from the Zoning Board'. The Board concurred.

Ms. Santucci motioned to approve the request for a Variance for the rear yard setback to build a 10x17' deck with the conditions discussed. Mr. John seconded. Voted 5-0. Granted

Ms. Santucci motioned to approve the request for a Special Permit Finding with conditions discussed. Mr. Bailey seconded. Voted 5-0. Granted.



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Ms. Santucci read the Legal Notice for the next case:

Peter Davos, Trustee, NTAOBS Realty Trust, 94 Grayfield Avenue, Boston, MA 02132, herein requests the Board of Appeals grant a **Special Permit** in accordance with §5.01.1(e), Table of Use Regulations, New Construction of Three Family Structure; and to grant a **Variance** in accordance with §5.04, Table of Dimensional Regulations, Side Yard Setbacks and §6.02(j), Garage Entrance within Building Front Yard and further to grant a **Special Permit Finding** in accordance with §4.06(a), Alts/Additions to Non-Conforming Structure, Rear Yard Setback, FAR, and Height, Zoning Ordinance so as to raze existing non-conforming dwelling and construct 3-family dwelling, 43.36' x 62' with westerly side bump-out, proposing non-conforming westerly side yard setback of 16.3' – 20' currently and easterly side yard setback of 9'-11.2' existing, where 20' is required on both sides; 11.9'-18.1' from rear property line, where existing house was 4.7 and where 25' is required; height of 34' average grade/42' from street grade, where 35' maximum permitted; maintaining non-conforming FAR at .94, where .75 is required and providing 6 parking spaces in garage under at **9 Winter Street**, located in the R.75 (Residential) Zoning District.

Chairman Harry Vlachos noted his written disclosure stamped into the Town Clerk's office on 3/3/010 states that he and the petitioner's attorney both serve on the Board of Directors of the Hellenic Bar Association. Mr. Vlachos also noted that the Legal Notice published in the local newspaper stated that the name of the trust is NTAOBS, when it is NTABOS.

Michael Zafiropoulos, Esquire, Morrissey, Wilson & Zafiropoulos, Braintree, spoke on behalf of Peter Davos, Petitioner and Owner, and explained the sections of the ordinance they are seeking relief from and a description of the steep sloped property with the 3-story mansard-roofed single family dwelling built in the late 1800's and used as a single family occupancy boarding house, adding that the building was condemned in 2002 by the Board of Health. He then detailed the existing non-conformities of the property. He noted the properties bounding either side are a 17 unit apartment building and an 11 unit apartment building and in the rear is a 17,000 square foot lot containing the Masonic Lodge. He described their intent to raze the abandoned structure and rebuild a new 3 family structure that will be more conforming – including parking where there is no parking now. He noted the increase in the rear yard setback from the existing non-conformity and that the revised summary in our records with the Table of Dimensional Regulations is correct.

Member Santucci asked when the property was purchased. Mr. Davos stated that he purchased the property a couple of years ago but the owner refused to convey the property to them and they spent

a year in litigation resulting in a court order for them to take possession of the property. Ms. Santucci stated that they did not own it when it was known as the "haunted house". Mr. Davos said that since they've owned it, they put up the construction fence, the wind screen and removed the underground oil tanks.

Jai Khalsa, Architect, Khalsa Design, Somerville, noted that he has worked with Mr. Davos on other projects including one that just won an award by the Builders Association. He is known for the high quality job on his projects. Mr. Khalsa noted the amount of topography on this site and the non-conforming height, FAR, setbacks and parking. The new scheme maintains the FAR, lowers the height to conforming, reduces the side yard setback non-conformities - a building totally conforming would be smaller than what is existing and they would not be able to use the FAR. They needed to add underground parking aligning with the walls of the building. They maintained the aesthetics of the building and added a widows walk at the top for private deck use. There is one unit on the first floor and two duplex units on the upper floors. They are maintaining the granite wall at the street level to the greatest extent possible and breaching only where they are bringing in the driveway. He discussed the fact that the abutter (same owner on both sides) suggested using the existing retaining wall instead of building a new retaining wall between the properties. He detailed the retaining walls, landscaping, fence and steps as well as the details on the building. The house is beyond restoration and they explored donating any interior items to the Watertown Historical Society but all of the ornamental items in the house were smashed prior to the transfer of ownership. Trash is in basement as well as the 6 parking spaces.

Member Santucci asked what is happening between the abutter's retaining wall and this property - are they issuing an easement? Mr. Davos said the area in question ranges from 6" at the front to 6' in the rear. They have been given permission to cut the retaining wall to meet their grade. They are not looking for an easement - they can use the property. They will plant grass and maintain it. Ms. Santucci is concerned that the property may be sold as condos and this portion of the land not noted in the condo documents. Mr. Khalsa states that the site survey plan documents the exact property lines.

Ms. Santucci asked how the area outside of the wall will be maintained. Mr. Davos felt the landscaper would be able to access the area without issue to maintain it.

Mr. Ferris asked what the materials are for the retaining wall, the siding and roof. Mr. Davos stated fiberboard for clapboard and AZEK (pvc) for trim boards, Timberline roof with architectural shingles and a Carlisle rubber roof system - most of the exterior products are non-decay and there will be mostly natural stone - blue stone, nothing prefabricated on the retaining walls.

Mr. Ferris asked about the exterior mechanicals/equipment. Mr. Davos stated that the two units that are duplex will have the condensers on the roof and the single unit will have the unit placed near the back patio as it is dedicated to the first floor.

Member John asked what the materials are for the railings. Mr. Davos said along the retaining walls will be powder-coated aluminum and on the roof it will be AZEK.

Member Bailey asked if the parking space closest to the street will be easily accessed. Mr. Davos stated that the configuration has been gone over several times and the space closest to the garage (sic) will be the most easily accessed as they pull in and then back into their space. The tightest space is the last space and is more easily accessed when the adjacent vehicle is not there. Mr. Bailey asked if they could move them to make it more accessible. Mr. Khalsa said they could not come up with a better plan but since there are two spots to each unit, they can work together to access each space more easily.

Mr. Bailey asked about visibility exiting the driveway since the lowest part of the wall is 3' and it rises up into the driveway from there. Mr. Khalsa said there is ample area to see coming out of the driveway as there is only a 6" rise to the door of the garage.

Tim McBride stated that he and his father manage the properties to the east and west of this property. Upon meeting with Mr. Davos, they feel he is a quality developer. He is willing to discuss

anything regarding the retaining wall and believes this will be a quality project. He and his father are in support.

Ken Sheytanian, Chairman, Watertown Masonic Associates, the direct abutters to the rear, stated that they have had to look at the blighted property for 50 years and for the last 20 years, they have had to put up with vandals, 'playing with matches', bottles being thrown and debris falling from this property. He believes this plan is a 'homerun' for the town and all those involved. Mr. Davos takes care of the abutters of his projects. Mr. Davos was concerned with access to the property during construction and asked him to allow this access – since they are strongly in favor of this project, they will allow any access Mr. Davos requires.

Tom McDermott, owns the property across the street, and is unanimously in favor of the project. He stated that this has not been a neighborhood with this building here – the rooming house, fires, vandalism for the past 40 – 50 years.

Dennis Duff, 33 Spruce Street, states that he is happy they are not sparing the expense to put in the parking and he sees no reason not to allow the exceptions to this project (for zoning relief). He likes the lines and architectural features of the project. He feels the garage door sticks out like a sore thumb.

Peter Davos wants to add for the record that Nancy Scott, the Building Commissioner, the Planning Staff and the Planning Board have made this process a lot nicer and easier and they were able to work together to put this project together.

Ms. Santucci asked that the detail of plant types be added to the Landscape Plan. Mr. Khalsa agreed that would be submitted.

Ms. Santucci motioned to approve the Variance for the side yard setback with conditions. Mr. Bailey seconded. Voted 5-0. Granted.

Ms. Santucci motioned to approve the Variance for the driveway front yard with conditions. Mr. Ferris seconded. Voted 5-0. Granted.

Ms. Santucci motioned to approve the Special Permit Finding with conditions. Mr. John seconded. Voted 5-0. Granted.

Ms. Santucci motioned to approve the Special Permit for the three-family with conditions. Mr. John seconded. Voted 5-0. Granted.

No further cases presented before the board.

Ms. Santucci motioned to adjourn. Mr. John seconded. Voted 5-0. Meeting adjourned at 8:50 p.m.