

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: \_\_\_\_\_ Variance: \_\_\_\_\_ Appeal: X

PETITIONER: Dr. Ling Yi Liu

PETITIONER'S ADDRESS: 31 Pine Ridge Road, Wayland, MA 01778

LOCATION OF PROPERTY: 42 Bay State Road and 277 Broadway

TYPE OF OCCUPANCY: Multifamily Res. ZONING DISTRICT: C-1A & BA

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Other: <u>Appeal of cease and desist order</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

For the reasons stated in the attached Statement, the Board of Zoning Appeals should find that the Petitioner's use of 42 Bay State Road and 277 Broadway as short-term rentals is "grandfathered" under the Zoning Ordinance and the Zoning Act, because such use predates the date of first notice of the Planning Board hearing on Section 4.60 et seq. of the Zoning Ordinance. Accordingly, the Board should reverse ISD's order to cease and desist.

SECTIONS OF ZONING ORDINANCE CITED:

Article 4 Section 4.60 through 4.68

Article 8 Section 8.11 and 8.21

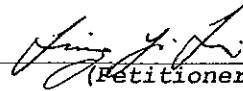
Article \_\_\_\_\_ Section \_\_\_\_\_

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):



(Petitioner(s)/Owner)

Ling Yi Liu, Owner, 42 BSR LLC & 277 Broadway LLC  
(Print Name)

Address: 31 Pine Ridge Road

Wayland, MA 01778

Tel. No.: 508-308-0333

E-Mail Address: lyliu@abodez.com

Date: July 3, 2018

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

*To be completed by OWNER, signed before a notary and returned to  
The Secretary of the Board of Zoning Appeals.*

I/We 42 BSR LLC  
(OWNER)

Address: 277 Broadway #24, Cambridge MA 02139

State that I/We own the property located at 42 Bay State Rd, Cambridge MA,  
which is the subject of this zoning application.

The record title of this property is in the name of 42 BSR LLC

\*Pursuant to a deed of duly recorded in the date 07/18/2011, Middlesex South  
County Registry of Deeds at Book 57154, Page 79; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

*Ling Yi Liu* MANAGER  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

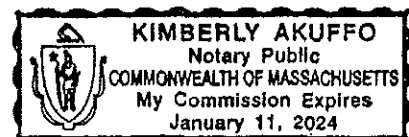
Commonwealth of Massachusetts, County of Middlesex

The above-name Ling Yi Liu personally appeared before me,  
this 01 of July, 2018, and made oath that the above statement is true.

Kimberly Akuffo Notary

My commission expires 01/11/2024 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

*To be completed by OWNER, signed before a notary and returned to  
The Secretary of the Board of Zoning Appeals.*

I/We 277 Broadway LLC  
(OWNER)

Address: 277 Broadway #24, Cambridge MA 02139

State that I/We own the property located at 277 Broadway, Cambridge 02139  
which is the subject of this zoning application.

The record title of this property is in the name of 277 Broadway LLC

\*Pursuant to a deed of duly recorded in the date 07/31/2009, Middlesex South  
County Registry of Deeds at Book 53309, Page 473; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

[Signature] MANAGER  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

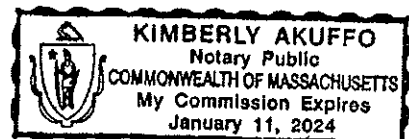
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BZA APPLICATION FORM  
DIMENSIONAL INFORMATION

APPLICANT: 42 BSR LLC PRESENT USE/OCCUPANCY: Multifamily Res.

LOCATION: 42 Bay State Road ZONE: C1-A

PHONE: 508 308 0333 REQUESTED USE/OCCUPANCY: \_\_\_\_\_

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>
TOTAL GROSS FLOOR AREA:	<u>6370</u>	_____	_____ (max.)
LOT AREA:	<u>5285</u>	_____	_____ (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	<u>1.2</u>	_____	_____ (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>1057</u>	_____	_____ (min.)
SIZE OF LOT:			
WIDTH	<u>73.85'</u>	_____	_____ (min.)
DEPTH		_____	_____
Setbacks in Feet:			
FRONT	<u>10'-1"</u>	_____	_____ (min.)
REAR	<u>13'-0"</u>	_____	_____ (min.)
LEFT SIDE	<u>10'-1"</u>	_____	_____ (min.)
RIGHT SIDE	<u>10'-1"</u>	_____	_____ (min.)
SIZE OF BLDG.:			
HEIGHT	<u>32'-8"</u>	_____	_____ (max.)
LENGTH	<u>45'-7"</u>	_____	_____
WIDTH	<u>53'-6"</u>	_____	_____
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	<u>0.16</u>	_____	_____ (min.)
NO. OF DWELLING UNITS:	<u>5</u>	_____	_____ (max.)
NO. OF PARKING SPACES:	<u>5</u>	_____	_____ (min./max)
NO. OF LOADING AREAS:	<u>-</u>	_____	_____ (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>-</u>	_____	_____ (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

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1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

BZA APPLICATION FORM  
DIMENSIONAL INFORMATION

APPLICANT: 277 Broadway LLC PRESENT USE/OCCUPANCY: Office/Multifamily Res.

LOCATION: 277 Broadway, Cambridge MA 02139 ZONE: BA

PHONE: 508 308 0333 REQUESTED USE/OCCUPANCY: \_\_\_\_\_

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>
TOTAL GROSS FLOOR AREA:	<u>12906</u>	_____	_____ (max.)
LOT AREA:	<u>8626</u>	_____	_____ (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	<u>1.496</u>	_____	_____ (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>958</u>	_____	_____ (min.)
SIZE OF LOT: WIDTH	<u>112</u>	_____	_____ (min.)
DEPTH	<u>79.5</u>	_____	_____ (min.)
Setbacks in Feet: FRONT	<u>10</u>	_____	_____ (min.)
REAR	<u>-</u>	_____	_____ (min.)
LEFT SIDE	<u>12.7</u>	_____	_____ (min.)
RIGHT SIDE	<u>19.3</u>	_____	_____ (min.)
SIZE OF BLDG.: HEIGHT	<u>39.94</u>	_____	_____ (max.)
LENGTH	<u>95.17</u>	_____	_____ (min.)
WIDTH	<u>48.92</u>	_____	_____ (min.)
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	<u>27%</u>	_____	_____ (min.)
NO. OF DWELLING UNITS:	<u>9</u>	_____	_____ (max.)
NO. OF PARKING SPACES:	<u>10</u>	_____	_____ (min./max)
NO. OF LOADING AREAS:	<u>-</u>	_____	_____ (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>-</u>	_____	_____ (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

## **STATEMENT CONCERNING REASONS FOR APPEAL**

Dr. Ling Yi Liu, on behalf of himself and 42 BSR LLC, the owner of 42 Bay State Road, and 277 Broadway LLC, the owner of 277 Broadway (collectively herein, the “Petitioner”), hereby submits this statement and attached exhibits and affidavit, in support of his appeal of the Inspectional Services Department’s (“ISD” or the “Department”) determination concerning 42 Bay State Road and 277 Broadway (the “Properties”), which is set forth in Commissioner Singanayagman’s letter dated June 4, 2018 (the “Determination”). The Determination, which is attached hereto as Exhibit A, states that the Department “is in receipt of information that several dwelling unit[s] at the properties located at 42 Bay State Rd and 277 Broadway... [are] being offered as a short-term rental in violation of City of Cambridge Zoning Ordinance... Article 4, Section 4.60, et seq., [the “STR Ordinance”]” and notes that “the Properties have not been issued short-term rental Certificates of Registration by ISD.” The Determination further orders the Petitioner “to immediately **Cease and Desist** offering the Property as a short-term rental.”<sup>1/</sup>

The Properties do not, however, violate the STR Ordinance because their use as a multifamily dwelling, including units rented on a short term basis for less than thirty days, which are neither “operator-occupied short-term rentals” nor “owner-adjacent short-term rentals” within the meaning of the STR Ordinance, constitutes a pre-existing nonconforming use. Sections 8.11 and 8.21 of the City of Cambridge Zoning Ordinance (the “Zoning Ordinance”), subject to the limitations imposed by Section 6 of Chapter 40A of the Massachusetts General Laws (the “Zoning Act”), protect this use against the applicability of the subsequently adopted STR Ordinance.

The Petitioner respectfully submits this Statement along with supporting documentation, to clear up any misunderstanding and set forth his position. By copy of this Statement to the Department, the Petitioner simultaneously asks the Department to reconsider its Determination now that it has been provided with the relevant history.<sup>2/</sup> For the reasons stated herein, the Board of Zoning Appeals should reverse and annul the Determination.

### **Relevant Background**

On April 24, 2017, the Cambridge City Council transmitted the proposed STR Ordinance to the Planning Board. The Planning Board first published notice of a public hearing on the proposed STR Ordinance on May 4, 2017,<sup>3/</sup> and held a hearing on May 23, 2017.<sup>4/</sup> Ultimately, the Cambridge City Council passed the STR Ordinance on August 7, 2017. The STR Ordinance went into effect on April 1, 2018.

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<sup>1/</sup> Although the Determination is dated June 4, 2018, the Petitioner did not receive it until June 11, 2018. The Determination also provides, in quotes, that: “On April 13, 2018 a letter notifying you of the alleged violation of the City of Cambridge Zoning Ordinance was sent to you.” The Petitioner never received any such correspondence and the Determination does not explain why this text is quoted or from what source.

<sup>2/</sup> Petitioner was compelled to file this appeal first to ensure that it complied with the deadline for appeal.

<sup>3/</sup> See Massachusetts Newspaper Publishers Association Public Notice Archive, Cambridge Chronicle & Tab, Notice of Planning Board Hearing (May 4, 2017), attached hereto as Exhibit B.

<sup>4/</sup> See Minutes of Planning Board General Hearing dated May 23, 2017.

The STR Ordinance defines “Short-Term Rental” as “[a]ny rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.” STR Ordinance at § 4.62.a. The term and concept of a “Short Term Rental” did not exist in the Zoning Ordinance prior to the adoption of the STR Ordinance. The STR Ordinance mandates that “[o]nly operator-occupied short-term rentals and owner-adjacent short-term rentals are permitted.” *Id.* at § 4.64.1. The STR Ordinance also provides, among other things, that short-term rental operators must register short-term rentals with ISD. Ordinance at § 4.67. Registration requires operators to submit “proof that one of the units in the structure is used as the operator’s primary residence.” *Id.*

Because Petitioner does not currently use either 42 Bay State Road or 277 Broadway as his primary residence, he may not register the dwelling units in the Properties as Short-Term Rentals and, thus, the STR Ordinance would effectively prohibit his use of the Properties as Short Term Rentals were it not protected against application of the STR Ordinance.

277 Broadway consists of nine dwelling units, and 42 Bay State Road consists of five dwelling units. On May 4, 2017, the date of the “first publication of notice of the public hearing on” the STR Ordinance,<sup>5/</sup> units at both 42 Bay State Road and 277 Broadway were (i) rented and offered for rent for a duration of less than thirty consecutive days and (ii) were not operator-occupied or owner-adjacent with the meaning of the STR Ordinance.<sup>5/</sup> As explained in more detail below, prior to the notice of the hearing on the STR Ordinance, the Petitioner used the Properties as multifamily dwellings including “Short-Term Rentals” as that phrase is *now* defined in the STR Ordinance.

The Department issued its Determination on June 4, 2018. Petitioner timely filed this appeal pursuant to G.L. c. 40A § 8, within thirty days from the date of the Determination, in order to protect its rights.

### **Argument**

#### **I. The STR Ordinance Does Not Apply to the Petitioner’s Use of the Properties as Multifamily Dwellings Including Short Term Rentals.**

Section 6 of the Zoning Act provides, in relevant part:

[A] zoning ordinance or by-law shall not apply to ... uses lawfully in existence or lawfully begun ... before the first publication of notice of the public hearing on such ordinance or by-law...

G. L. c. 40A, § 6. Consistent with the limitations imposed on it by G.L. c. 40A, § 6, Article 8 of the Zoning Ordinance, titled “Nonconformity,” provides in relevant part:

This Ordinance shall not apply... to the existing use of any building or structure or of land, to the extent to which it is used at

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<sup>5/</sup> See Liu Affidavit attached hereto as Exhibit C.

the time of first publication of notice of public hearing by the Planning Board of applicable provisions of this or any prior Ordinance, but it shall apply to any change of use thereof... .

Zoning Ordinance § 8.11. Section 8.21 of the Zoning Ordinance further provides that:

Any nonconforming structure or use which existed at the time of the first notice of public hearing by the Planning Board of the applicable provisions of this or any prior Ordinance or any amendment thereto may be continued . . .

It is blackletter law that a prior nonconforming use of land is not subject to a later enacted ordinance or by-law. *See, e.g., Derby Ref. Co. v. Chelsea*, 407 Mass. 703, 708 (1990) (recognizing that G. L. c. 40A protected a preexisting use even in the absence of requisite government approval).

The Zoning Ordinance provides that: “No building, structure, or land in any district may be used, . . . for any use not listed in Section 4.30, except nonconforming uses which may be continued under the provisions of 8.20.” Zoning Ordinance § 4.13. The Zoning Ordinance clarifies that: “Where the verb ‘use’ is employed it shall be construed as if followed by the words ‘or is intended, arranged, designed, built, altered, converted, rented, or leased to be used.’” Zoning Ordinance § 2.0.

42 Bay State Road is located in a Residential C-1A (“C-1A”) district and part of the Mixed Use Overlay District. 277 Broadway is located in a Business A (“BA”) zoning district. In both C-1A and BA districts, a multifamily dwelling use is allowed as of right. *See* Table of Use Regulations, Ordinance § 4.31(g).

The Zoning Ordinance defines “multifamily dwelling,” in relevant part, as a “building arranged, intended or designed to contain three or more dwelling units... .” *See* Ordinance at Art. 2.000. “[D]welling unit” is, in turn, defined as a “room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.” *See* Ordinance at Art. 2.000.

Both 42 Bay State Road and 277 Broadway are arranged to contain more than three dwelling units; there are nine dwelling units at 277 Broadway and five dwelling units at 42 Bay State Road.<sup>6/</sup> In accordance with the definition of “dwelling unit,” each of the dwelling units is capable of being occupied separate from any other such room or group of rooms by a family and is equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.<sup>7/</sup> That is, they are residential apartments. Because the Properties were “arranged, intended or designed to contain” more than three dwelling units, they constituted

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<sup>6/</sup> *See* Floor Plans for 277 Broadway and 42 Bay State Road, submitted in connection with this appeal; Liu Affidavit.

<sup>7/</sup> *See id.*



an expressly permitted use prior to the adoption of the STR Ordinance. *See, e.g., Shirley Wayside Ltd. P'ship v. Bd. of Appeals*, 461 Mass. 469, 477 (2012) (recognizing that a zoning bylaw should be enforced according to its plain wording); *Doherty v. Planning Bd. of Scituate*, 82 Mass. App. Ct. 1124 (2012) (reversing decision of municipal board; where a bylaw is unambiguous, “[w]e are obliged to construe the by-law as written, and not undertake to enlarge or broaden the plain meaning of its text for reasons of expediency”).

Prior to the adoption of the STR Ordinance, petitioner rented dwelling units at the Properties for terms of less than thirty days. Nothing in the Zoning Ordinance constrained the period of time for which dwelling units in a multifamily building must be rented. Indeed, as explained above, the concept of a Short Term Rental was first introduced in the STR Ordinance. Accordingly, the rental of the dwelling units for terms of any length was proper under the Zoning Ordinance prior to enactment of the STR Ordinance.

On May 4, 2017, the date of the “first publication of notice of the public hearing on” the STR Ordinance, dwelling units at both 42 Bay State Road and 277 Broadway were rented and offered for rent on a short-term basis of less than 30 days.<sup>8/</sup> That use was lawful until the effective date of the STR-Ordinance, which now prohibits certain new Short Term Rentals by providing that “[o]nly operator-occupied short-term rentals and owner-adjacent short-term rentals are permitted.” STR Ordinance § 4.64(1).

Pursuant to the plain language of the Zoning Ordinance, § 8.11, and Section 6 of the Zoning Act, the STR Ordinance shall not apply to the pre-existing use of the Properties as multifamily dwellings, which included Short Terms Rentals. Plainly said, the Petitioner was properly using units in the Properties as Short Term Rentals before the City decided to prohibit such use. Petitioner’s use of the Properties is, therefore, protected against enforcement of the STR Ordinance.

### **Conclusion**

The Ordinance and Zoning Act are clear: nonconforming uses may continue after the adoption of new zoning provisions which prohibit them. Here, the Petitioner seeks to continue a use that was lawfully in existence prior to the first notice of the public hearing on the STR Ordinance. Respectfully, the Board of Zoning Appeals should, therefore, reverse and annul the Department’s determination.

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<sup>8/</sup> See Liu Affidavit.

Respectfully submitted,

LING YI LIU  
42 BSR LLC and  
277 Broadway LLC

By their attorney,

A handwritten signature in black ink, appearing to read 'N. Cramb', written over a horizontal line.

Nicholas C. Cramb, BBO No. 654368  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
Tel: (617) 542-6000  
NCCramb@mintz.com

Dated: July 3, 2018

78909920





City of Cambridge  
Inspectional Services Department  
831 Massachusetts Ave.  
617-349-6100

June 4, 2018

BY CERTIFIED MAIL –  
RETURN RECEIPT REQUESTED

Dr. Ling Yi Liu  
31 Pine Ridge Rd. Wayland MA 01778

Re: Cease and Desist Order - 42 Bay State Rd and 277 Broadway, Cambridge

Dear Dr. Liu,

Please be advised that the City of Cambridge Inspectional Services Department (“ISD”) is in receipt of information that several dwelling unit[s] at the properties located at 42 Bay State Rd and 277 Broadway (the “Property”) [is/are] being offered as a short-term rental in violation of City of Cambridge Zoning Ordinance (the “Zoning Ordinance”) Article 4, Section 4.60, et seq. (the “STR Ordinance”).

- “On April 13, 2018 it was observed on the website [www.airbnb.com](http://www.airbnb.com) that you are advertising multiple dwelling units for Short Term Rental.”
- “On April 13, 2018 a letter notifying you of the alleged violation of the City of Cambridge Zoning Ordinance was sent to you”
- On June 4, 2018 it was observed on the website [www.airbnb.com](http://www.airbnb.com) that you continue to advertise Short Term Rental units. It was also observed through the reviews of renters that you rented some of these units during the month of May 2018.

The Property at 42 Bay State Rd is located in a C-1A zone and the property at 277 Broadway is located in a BA zone, and the Properties have not been issued a short-term rental Certificates of Registration by ISD.

Pursuant to STR Ordinance Section 4.62, a short-term rental is “[a]ny rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.” Furthermore, pursuant to STR Ordinance Sections 4.64 and 4.67, a dwelling unit cannot be



6/28/2018

https://www.masspublicnotices.org/DetailsPrint.aspx?SID=gc3vrddhzh2cx1vfurq2npza&ID=8069

**Cambridge Chronicle & Tab**

Cambridge Chronicle & Tab  
Cambridge, MA

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**Cambridge Chronicle & Tab**

Publication URL:

[cambridge.wickedlocal.com/](http://cambridge.wickedlocal.com/)

Publication City and State:

**Cambridge, MA**

Publication County:

**Middlesex**

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Notice Popular Keyword Category:

Notice Keywords:

**Planning Board**

Notice Authentication Number:

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**643918082**

Notice URL:

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Notice Publish Date:

Thursday, May 04, 2017

**Notice Content**

SHORT TERM RENTAL

LEGAL NOTICE

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, May 23, 2017 at 7:00 p.m. in the City Hall Annex, Second Floor, 344 Broadway, Cambridge, Massachusetts on a Zoning Petition by the Cambridge City Council to amend the Zoning Ordinance by creating a new Section 4.60 Short Term Rentals to provide regulations for short term residential rental and ensure that the use will not be a detriment to the character and livability of the surrounding residential neighborhood. This new Section 4.60 will apply to all districts where residential uses are allowed.

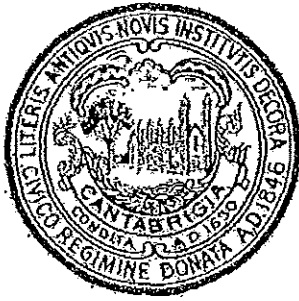
Copies of the full petition are on file in the Office of the City Clerk, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts and at the Community Development Department, 344 Broadway, and online at [www.cambridgema.gov/cdd/zoninganddevelopment/zoning/amendments](http://www.cambridgema.gov/cdd/zoninganddevelopment/zoning/amendments).

Questions concerning the petition may be addressed to Liza Paden at 617/349-4647 or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

AD#13563422

Cambridge Chronicle 5/4, 5/11/17

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CITY OF CAMBRIDGE, MASSACHUSETTS

## PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, May 23, 2017 at 7:00 p.m. in the City Hall Annex, Second Floor, 344 Broadway, Cambridge, Massachusetts on a Zoning Petition by the Cambridge City Council to amend the Zoning Ordinance by creating a new Section 4.60 Short Term Rentals to provide regulations for short term residential rental and ensure that the use will not be a detriment to the character and livability of the surrounding residential neighborhood. This new Section 4.60 will apply to all districts where residential uses are allowed.

Copies of the full petition are on file in the Office of the City Clerk, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts and at the Community Development Department, 344 Broadway, and online at [www.cambridgema.gov/cdd/zoninganddevelopment/zoning/amendments](http://www.cambridgema.gov/cdd/zoninganddevelopment/zoning/amendments).

Questions concerning the petition may be addressed to Liza Paden at 617/349-4647 or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

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The City of Cambridge does not discriminate on the basis of disability. The City of Cambridge will provide reasonable accommodations to people with disabilities upon request. Please make requests for alternative formats at least two weeks in advance by contacting Liza Paden, Planning Board staff, at 617/349-4647, [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).





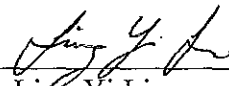
**Affidavit of Dr. Ling Yi Liu**

I, Dr. Ling Yi Liu, upon my own personal knowledge, on oath hereby do depose and say the following is true:

1. I am the Manager of 42 BSR, LLC, and 277 Broadway, LLC. 42 BSR, LLC owns the property located at 42 Bay State Road in Cambridge, Massachusetts ("42 Bay State Road"). 277 Broadway, LLC owns the property located at 277 Broadway in Cambridge, Massachusetts ("277 Broadway").
2. 277 Broadway and 42 Bay State Road both contain apartments offered for rent to tenants.
3. 42 Bay State Road has two two-bedroom apartments (Apartment Numbers 3 and 5) and three three-bedroom apartments (Apartment Numbers 1, 2 and 4). Each apartment at 42 Bay State Road has its own kitchen and two bathrooms, which are not accessible from the other apartments.
4. 277 Broadway has one studio apartment (Apartment Number 23) with one bathroom, one one-bedroom apartment (Apartment Number 22) with one bathroom, five two-bedroom apartments (Apartment Numbers 21, 31, 33, 41 and 43) with two bathrooms, and two three-bedroom apartments (Apartment Numbers 32 and 42) with two bathrooms. Each apartment at 277 Broadway has its own kitchen and one or two bathrooms, which are not accessible from the other apartments.
5. On May 4, 2017, three of the apartments at 42 Bay State Road were rented for a period under 30 days. Apartment Number 1 was rented for the period April 29, 2017 to May 8, 2017 (nine days). Apartment Number 2 was rented for the period May 4, 2017 to May 8, 2017 (four days). Apartment Number 5 was rented for the period May 1, 2017 to May 6, 2017 (five days). The other two apartments were not rented on May 4, 2017, but were offered for rent for terms of any duration over two nights.

6. On May 4, 2017, seven of the nine apartments at 277 Broadway were rented for a period under 30 days. Apartment Number 21 was rented for the period May 1, 2017 to May 11, 2017 (ten days). Apartment Number 23 was rented for the period May 3, 2017 to May 10, 2017 (seven days). Apartment Number 31 was rented for the period April 27, 2017 to May 6, 2017 (nine days). Apartment Number 32 was rented for the period May 4, 2017 to May 6, 2017 (two days). Apartment Number 41 was rented for the period May 3, 2017 to May 5, 2017 (two days). Apartment Number 42 was rented for the period May 3, 2017 to May 9, 2017 (six days). Apartment Number 43 was rented for the period April 30, 2017 to May 5, 2017 (five days). The other two apartments at 277 had occupants renting for periods over 30 days.

Signed under the pains and penalties of perjury this 3rd day of July, 2018.

  
\_\_\_\_\_  
Dr. Ling Yi Liu

# MINTZ LEVIN

Nicholas C. Cramb | 617 348 1740 | nccramb@mintz.com

One Financial Center  
Boston, MA 02111  
617-542-6000  
617-542-2241 fax  
www.mintz.com

2018 JUL -3 PM 1:55

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS July 3, 2018

## BY HAND

Board of Zoning Appeals  
City of Cambridge  
831 Massachusetts Avenue  
Cambridge, MA 02139

Donna P. Lopez, City Clerk  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, MA 02139

*Re: Dr. Ling Yi Liu – Appeal to Board of Zoning Appeal*

To Whom It May Concern:

Enclosed for filing on behalf of Dr. Ling Yi Liu, Manager, 42 BSR LLC and 277 Broadway LLC, please find the requisite copies of the following:

- BZA Application Form (3 Forms with Original Signatures);
- Supporting Statement concerning the reason for the appeal, including supporting Exhibits A-C;
- \$100 Application Fee;
- Check List;
- Ownership Information and Dimensional Information – 42 Bay State Road & 277 Broadway (2 copies of each); and
- Assessor's Plat, Floor Plans, Elevations and Photographs – 42 Bay State Road & 277 Broadway (2 copies of each).

Please acknowledge receipt of this filing by date-stamping the enclosed copies of this letter.  
Thank you for your prompt attention to this matter.

Very truly yours,



Nicholas C. Cramb

Enclosure

79010959v.1

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

BOSTON | LONDON | LOS ANGELES | NEW YORK | SAN DIEGO | SAN FRANCISCO | STAMFORD | WASHINGTON



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2018 JUL 17 AM 11:33

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-016955-2018

Address: 42 Bay State Rd.

Owner: Dr. Ling yi Liu

I, \_\_\_\_\_, Owner, \_\_\_\_\_  
(Print Owner Name) (Print Petitioner Name)

Petitioner or Nicholas C. Cramb, Esq., Petitioner's and/or Owner's  
(Print Agent/Representative Name)

Agent or Representative, hereby waives the Petitioner's and/or Owner's right to a  
Decision by the Board of Zoning Appeal on the above referenced

Case # BZA-016955-2018 within the time period as required by Section 9 or Section  
15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General  
Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job  
Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or  
federal regulation or law, as applicable, until November 2, 2018.

Date: 7/12/18

Signature

Print Name

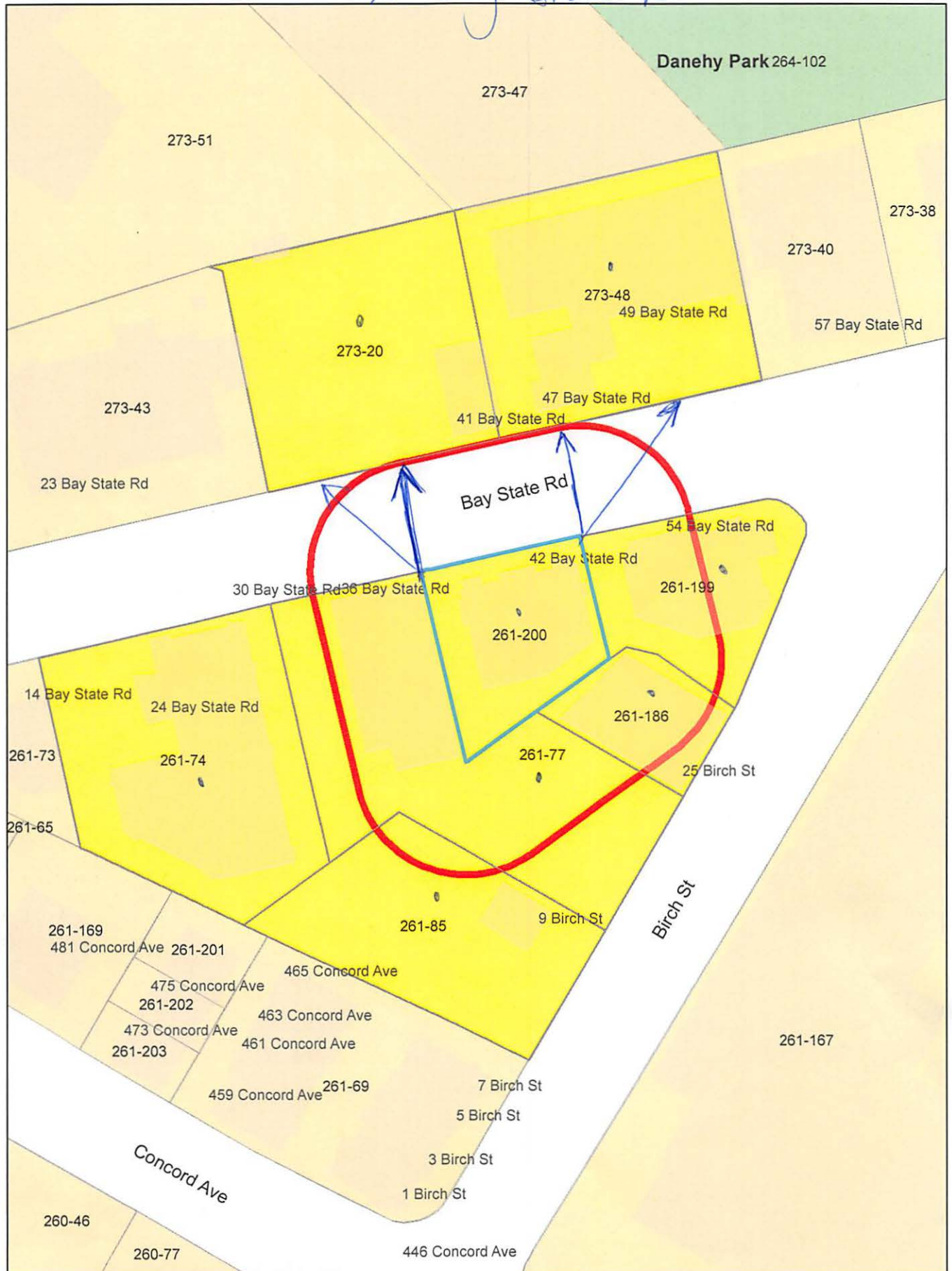
☐ Owner

☐ Petitioner

☒ Petitioner's and/or Owner's Agent or  
Representative

Change Hearing Date  
from August 23, 2018 to  
September 13, 2018.  
M.P.

42 Bay State Rd.





42 Bay state Rd.  
Appeal

Retention

261-77  
CARGILLAND, DENNIS M. & DONALD F. LAW, JR.,  
TRS. OF ANDREW TRUST  
36 BAY STATE RD.  
CAMBRIDGE, MA 02138

DR. LING YI LIU  
31 PINE RIDGE ROAD  
WAYLAND, MA 01778

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO P.C  
C/O NICHOLAS C. CRAMB, ESQ.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

261-199  
I. FISHMAN FAMILY LIMITED PARTNERSHIP  
PO BOX 232  
LINCOLN, MA 01773

261-186  
GRADY, SETH  
TRUSTEE OF BSR REALTY TRUST  
25 BIRCH ST  
CAMBRIDGE, MA 02138

261-200  
42 BSR LLC,  
277 BROADWAY  
CAMBRIDGE, MA 02139

273-48  
AMERICAN ASS. VARIABLE STAR OBSERVERS  
47-53 BAY STATE ROAD  
CAMBRIDGE, MA 02138

261-74  
HUSBANDS, PARRY  
24 BAY STATE RD., #1  
CAMBRIDGE, MA 02138

261-74  
SUH, LAWON & YOUNG HO LEE  
31 MILL ST  
LINCOLN, MA 01773

261-74  
MILLER, THOMAS BYRON  
24 BAY STATE RD., #22  
CAMBRIDGE, MA 02139

261-74  
ROOKS, DAVID A. & MARK D. PHILIBERT  
24 BAY STATE RD. UNIT#21  
CAMBRIDGE, MA 02138

261-74  
PECKOVER, RACHEL A.  
24 BAY STATE RD. UNIT#20  
CAMBRIDGE, MA 02138

261-74  
LEE, YOUNG H.  
24 BAY STATE RD  
CAMBRIDGE, MA 02138

261-74  
HENDRIGAN, FRANCIS H. &  
DENISE B. HENDRIGAN  
24 BAY STATE RD. UNIT#24/18  
CAMBRIDGE, MA 02138

261-74  
TOWSLEY, SARA KRISTAL  
24 BAY STATE RD., #17  
CAMBRIDGE, MA 02140

261-74  
TEEL, KEVIN L.  
24 BAY STATE RD., UNIT #16  
CAMBRIDGE, MA 02139

261-74  
HURH, EUNJU  
24 BAY STATE RD., #15  
CAMBRIDGE, MA 02138

261-74  
WU, DI & SUJEONG LEE  
24 BAY STATE RD., #14  
CAMBRIDGE, MA 02138

261-74  
PETERSON, DAVID R.  
24 BAY STATE RD. #3  
CAMBRIDGE, MA 02138

261-74  
LIPSTADT, DEBORAH  
1674 RANIER FALLS DRIVE.  
ATLANTA, GA 30329

261-74  
BIX, HERBERT P.  
24 BAY STATE RD., #11  
CAMBRIDGE, MA 02139

261-74  
JIANG, LEI  
24 BAY STATE RD., #10  
CAMBRIDGE, MA 02138

261-74  
MARUSAK, MATUS  
24 BAY STATE RD., #9  
CAMBRIDGE, MA 02138

261-74  
RAPAPORT, SOPHIE  
24 BAY STATE RD., UNIT #8  
CAMBRIDGE, MA 02139

261-74  
LEE, JOON-HO J.  
24 BAY STATE RD., #7  
CAMBRIDGE, MA 02141

261-74  
ITOKA, FELICITE F.  
24 BAY STATE RD., #6  
CAMBRIDGE, MA 02138

261-85 /273-20  
BONNY'S LANDSCAPE SERVICE INC  
41 BAY STATE ROAD  
CAMBRIDGE, MA 02138

261-74  
OLANS, RICHARD N. & RITA I. OLANS  
24 BAY STATE RD., #4  
CAMBRIDGE, MA 02138

261-74  
SOBEL, ETHAN L.  
24 BAY STATE RD., #3  
CAMBRIDGE, MA 02138

261-74  
SHUR, MAIYA  
24 BAY STATE RD., UNIT 24/2  
CAMBRIDGE, MA 02138

42 Bay State Rd .

261-74

BOSTON STEP CENTURY INTERNATIONAL  
EDUCATIONAL GROUP, LLC.  
24 BAY STATE RD., # 5  
CAMBRIDGE, MA 02138

# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



Architect



34 Century Lane  
Milton, MA  
Tel 617.296.7300

GENERAL NOTES:

1. THIS DRAWING MUST BE USED IN CONJUNCTION WITH THE STRUCTURAL DRAWINGS, AND MECHANICAL, ELECTRICAL, PLUMBING & FIRE PROTECTION DRAWINGS. PROJECT PARTICIPANTS SHOULD REPORT & RESOLVE INCONSISTENCIES WITH THE ARCHITECT & OBTAIN THE ARCHITECT'S APPROVAL BEFORE PROCEEDING WITH WORK.
2. DO NOT SCALE MANUALLY OR ELECTRONICALLY FROM THIS DRAWING
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS & CONDITIONS BEFORE PROCEEDING WITH ANY WORK, AND SHALL BE RESPONSIBLE FOR SAME.



Stamped By: \_\_\_\_\_  
Drawn By: NP  
Checked By: TP, JP  
Date: 120117

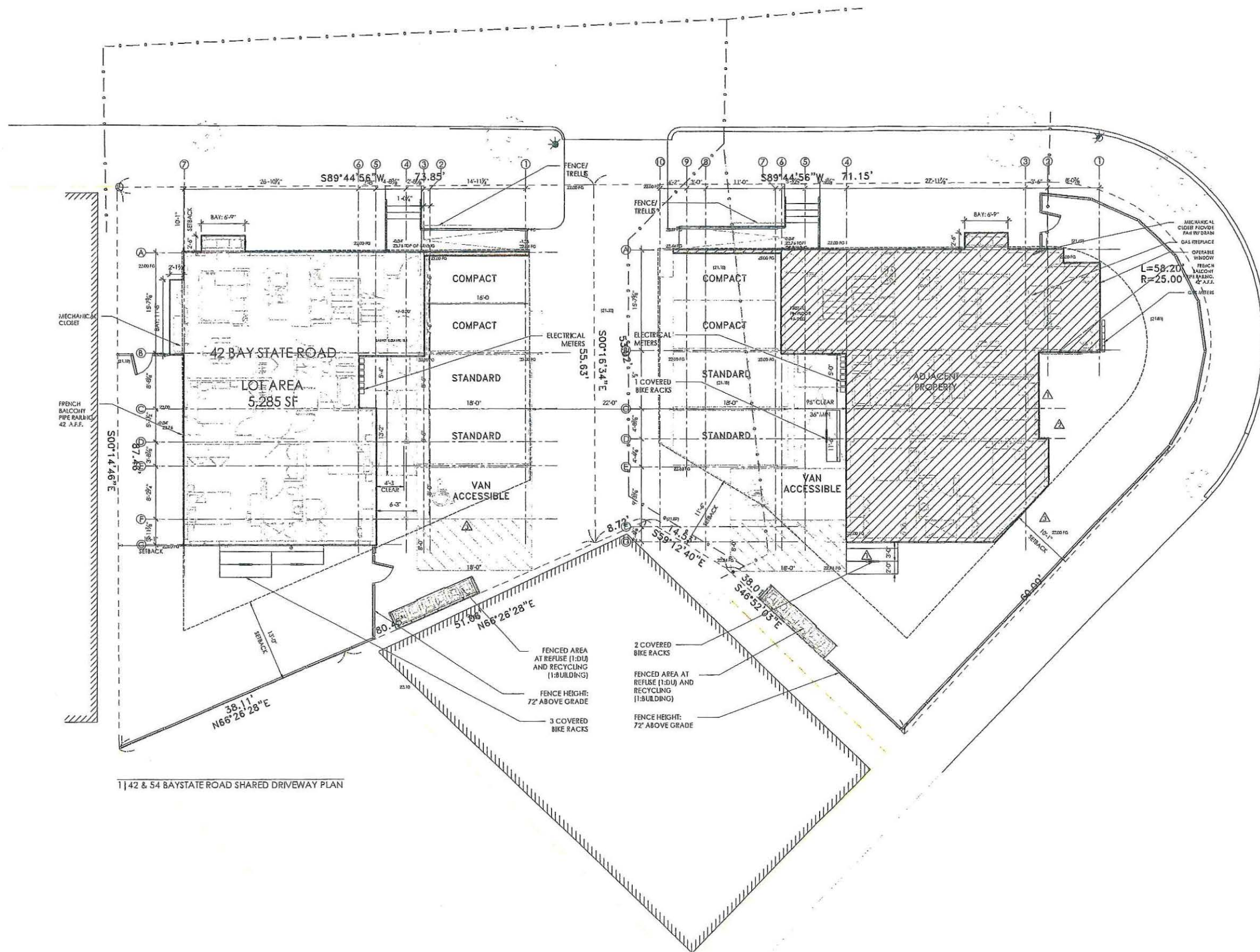
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RAMPS AT REAR & SIDE ENTRIES	111208
1 WINDOW LOCATION	111222
2 ZONING SETBACK REVISION	111227
3 ZONING SETBACK REVISION	120316
4 REVISED BIKE RACK LOCATION	120322

Project No. \_\_\_\_\_  
Drawing Title. \_\_\_\_\_

SITE PLAN

Scale: 1/8" = 1'-0"  
CHECK SET ☐ END SET ☐ PERMIT SET ☐ CONSTRUCTION SET ☐

Sheet No. A1.01



1 | 42 & 54 BAYSTATE ROAD SHARED DRIVEWAY PLAN

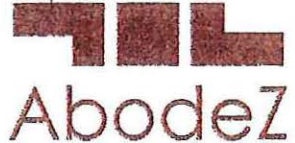


# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



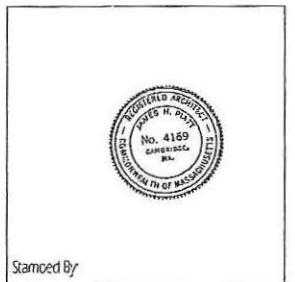
Architect



34 Century Lane  
Milton, MA  
Tel 617.296.7300

## GENERAL NOTES:

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Drawn By: NP  
Checked By: JP  
Date: 120117

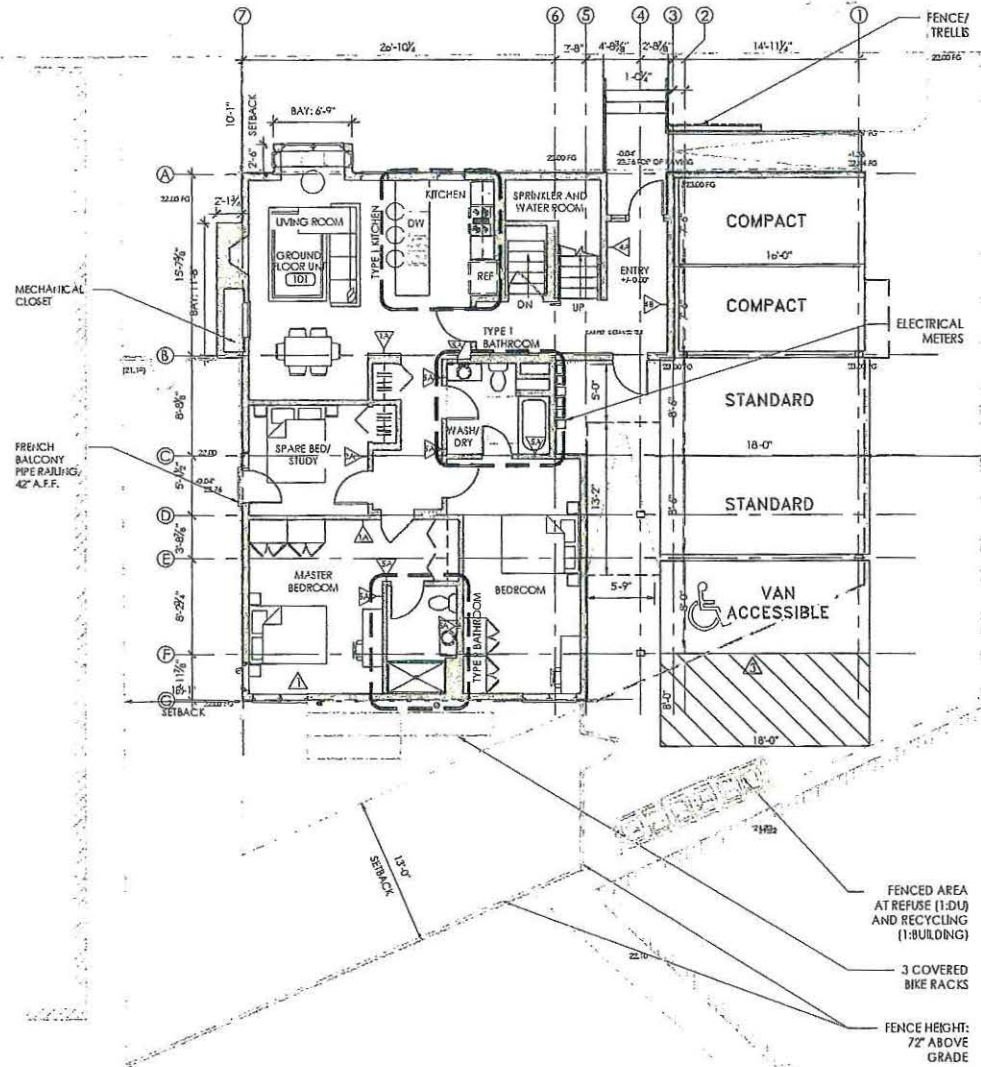
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1 WINDOW LOCATION	111222
2 ZONING SETBACK REVISION	111227
3 ZONING SETBACK REVISION	120319

Project No. \_\_\_\_\_  
Drawing Title: \_\_\_\_\_

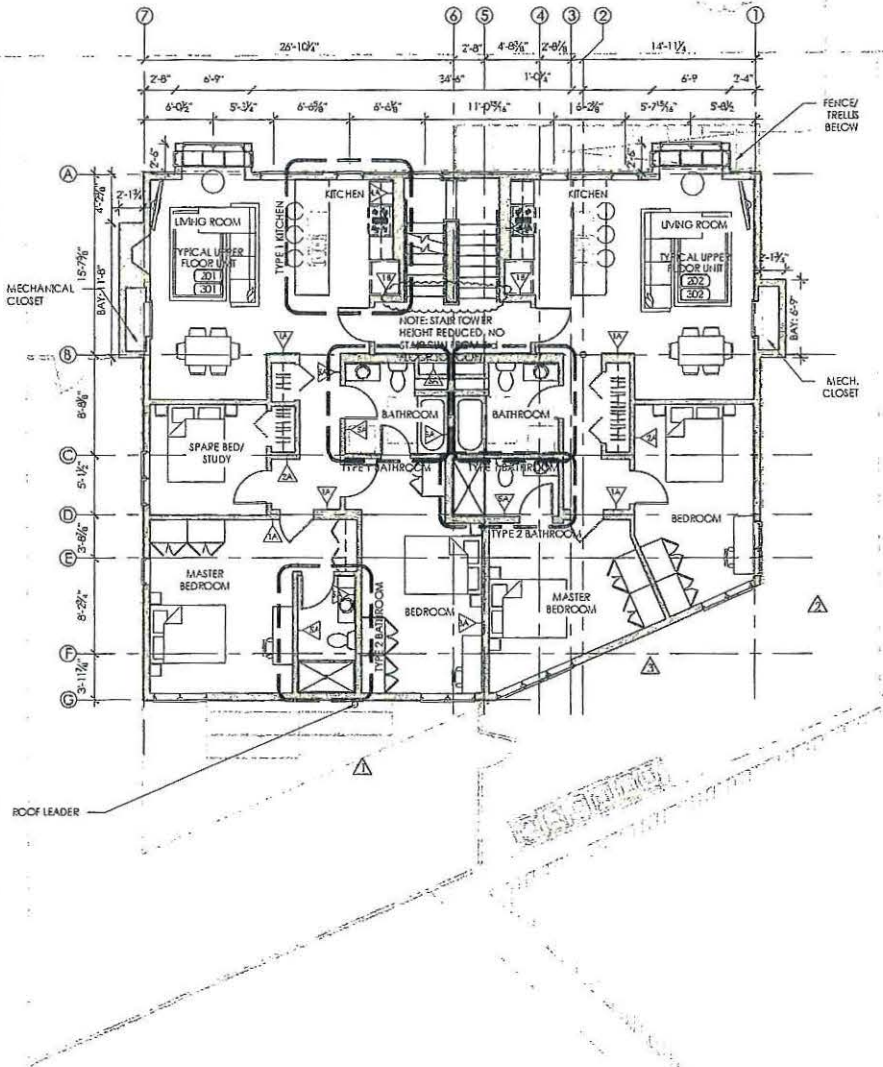
## GROUND AND TYPICAL UPPER FLOOR PLANS

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CHECK SET ☐ BID SET ☐ PERMIT SET ☐ CONSTRUCTION SET ☐

Sheet No. A1.02



1 | 42 BAYSTATE ROAD GROUND FLOOR PLAN



2 | 42 BAYSTATE ROAD FLOORS 2 & 3

# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



## AbodeZ

Architect



34 Century Lane  
Milton, MA  
Tel 617.296.7300

GENERAL NOTES:

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Checked By: \_\_\_\_\_ JP, TP  
Date: \_\_\_\_\_ 120117

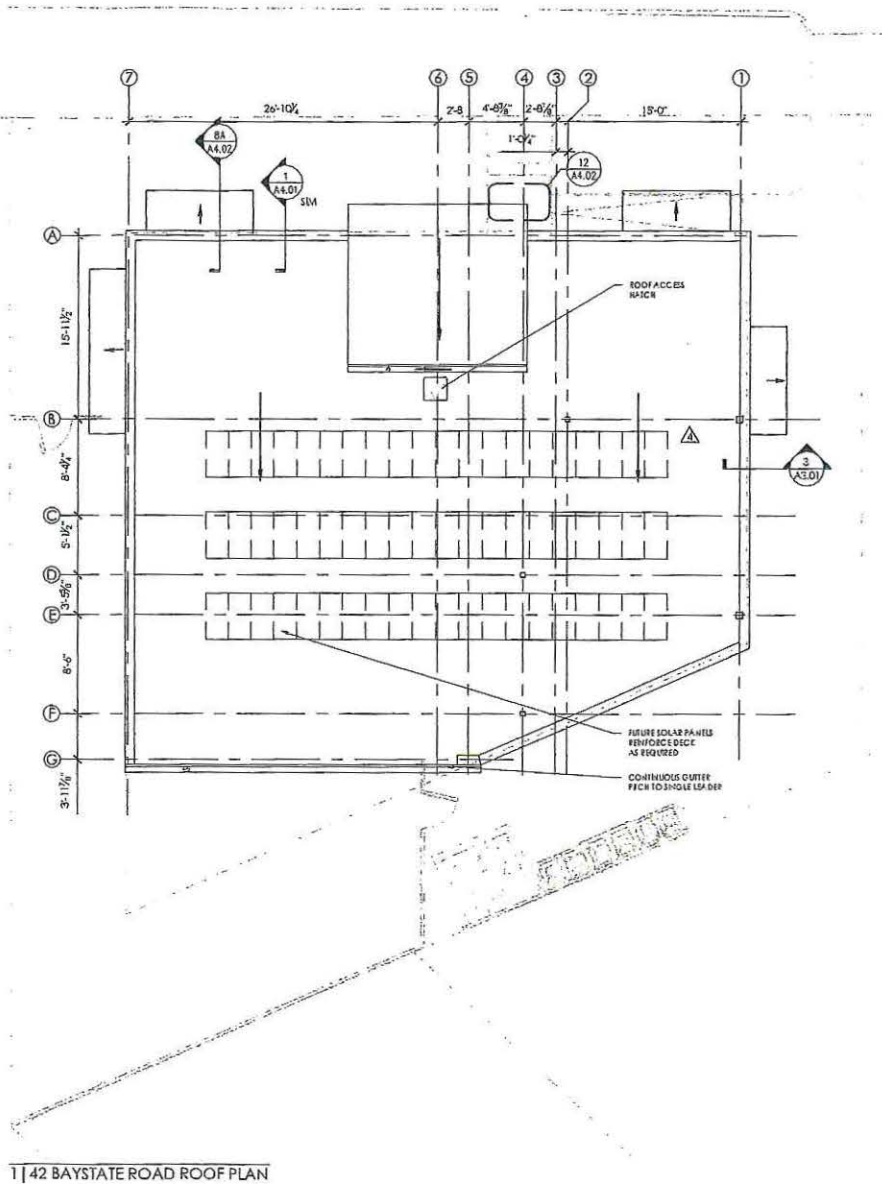
Revisions		
2	ZONING SETBACK	111227
	REVISION	
3	ZONING SETBACK	120316
	REVISION	

Project No. \_\_\_\_\_  
Drawing Title: \_\_\_\_\_

ROOF PLAN

Scale: 1/8" = 1'-0"  
CHECK SET ☐ BID SET ☐ PERMIT SET ☐ CONSTRUCTION SET ☐

Sheet No. A1.03



1 | 42 BAYSTATE ROAD ROOF PLAN



# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner

42 BSR, LLC

Development



## AbodeZ

Architect



ARCHITECTURE

34 Century Lane

Milton, MA

Tel 617.296.7300

GENERAL NOTES:

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Stamped By:

Drawn By:

TP

Checked By:

MC; KBS; JSN

Date:

120328

Revisions

INSET #6 ELECT METERS	120330

Project No.

Drawing Title

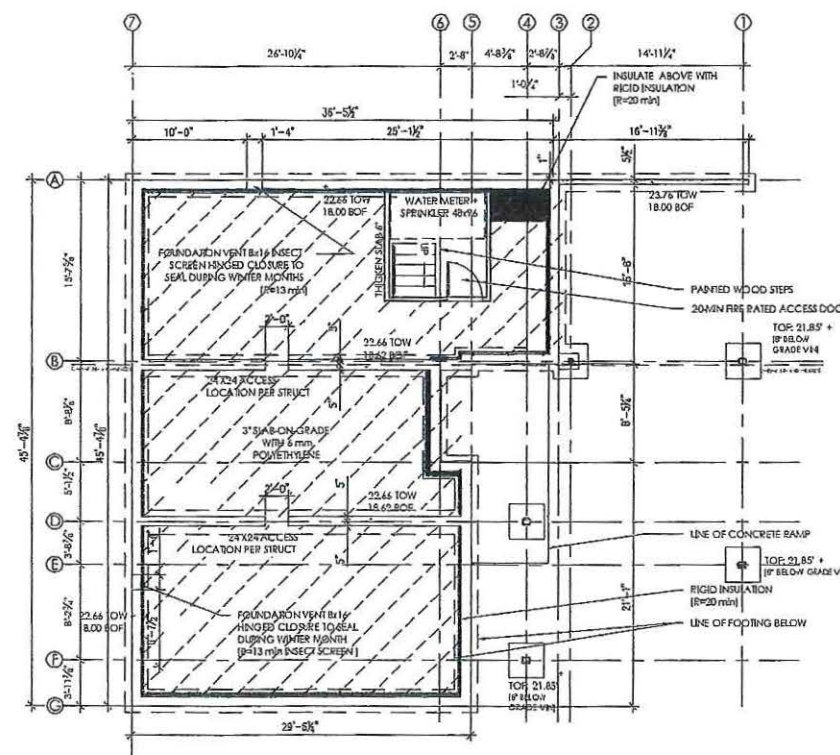
FOUNDATION PLAN

Scale: 1/8" = 1'-0"

CHECK SET ☐ BID SET ☐ PERMIT SET ☒ CONSTRUCTION SET ☐

Sheet No.

A1.10



1 | 42 BAYSTATE ROAD FOUNDATION PLAN





# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



Architect



34 Century Lane  
Milton, MA  
Tel 617.296.7300

## GENERAL NOTES:

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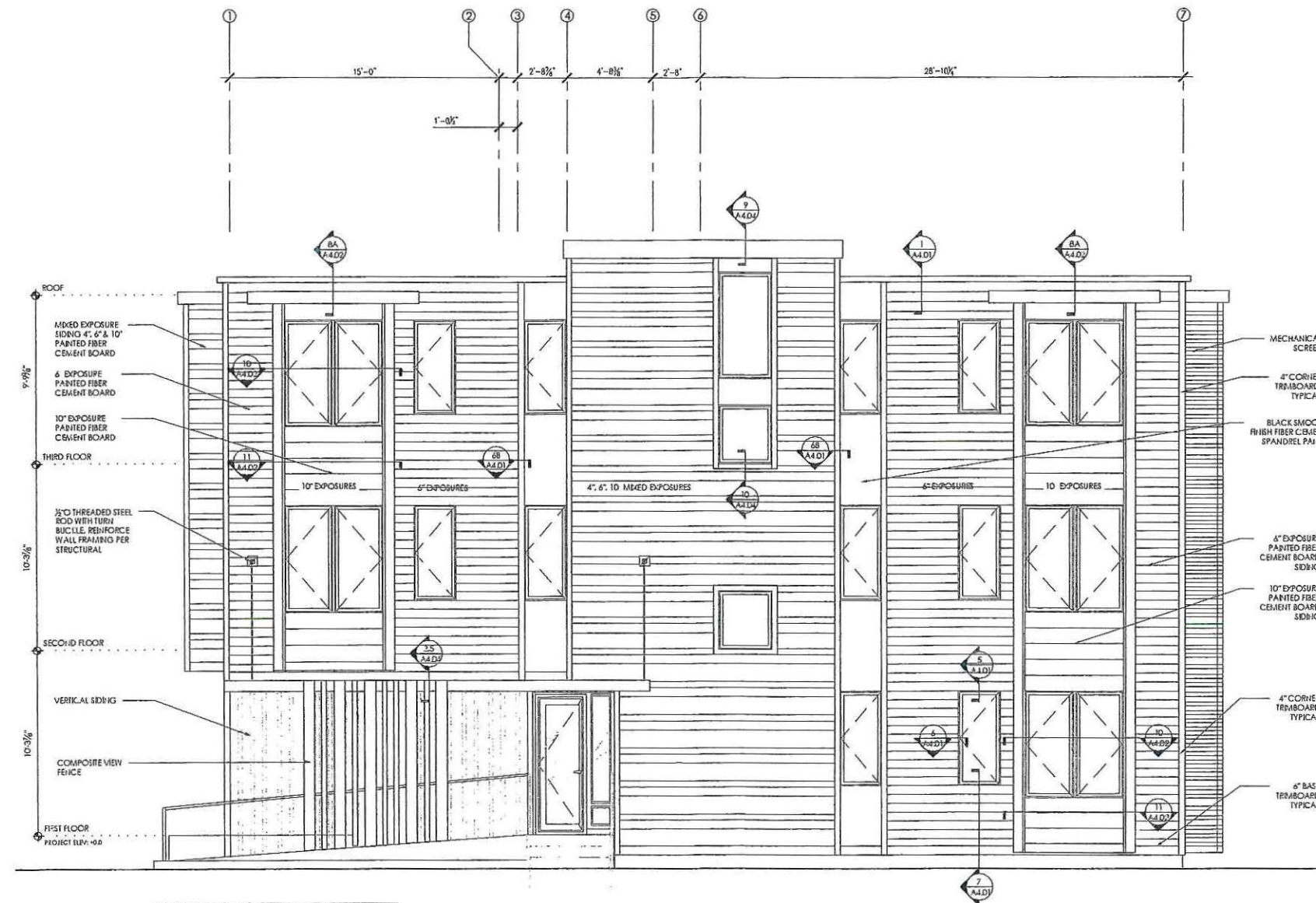
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Drawn By: NP  
Checked By: JP  
Date: 120117

Revisions	
REVISED SETBACKS	120319

Project No. \_\_\_\_\_

Drawing Title: \_\_\_\_\_

NORTH ELEVATION



1 | 42 BAYSTATE ROAD NORTH ELEVATION

## MATERIAL NOTES:

1. CLAPBOARD SIDING TO BE 1/2" THICK SMOOTH-FACED FIBER CEMENT LAPPED SIDING, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) AND FIELD PAINTED IN PAINT AND COLOR SELECTED BY ARCHITECT. EXPOSURE AS INDICATED ON DRAWINGS.
2. TRIM TO BE 1" OR 3/4" THICKNESS BY WIDTHS INDICATED ON DRAWINGS. SMOOTH-FACED FIBER CEMENT, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) FIELD PAINTED IN PAINT AND COLORS SELECTED BY ARCHITECT.
3. SPANDREL AND FLAT PANEL AREAS TO BE 1/2" THICK SMOOTH-FACED FIBER CEMENT CLADDING, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) AND FIELD PAINTED.
4. INSTALL ALL FIBER CEMENT PRODUCTS WITH FASTENING FLASHING SEALANT AND AIR/MOISTURE BARRIER ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
5. INSTALL WATER RESISTANT BARRIER (TYVEK BY DUPONT CORPORATION) WALL AND WINDOW FLASHING AND SEALANTS ACCORDING TO DUPONT CORPORATION INSTALLATION AFTER WRB INSTALLED (VERSION 2) GUIDELINES. TYVEK REPRESENTATIVE SHALL CONDUCT FACTORY AND FIELD INSPECTIONS AND PROVIDE DUPONT CORPORATION 10 YEAR PERFORMANCE GUARANTEE.

Scale: 1/4" = 1'-0"  
CHECK SET ☐ FID SET ☐ PERMIT SET ☒ CONSTRUCTION SET ☐

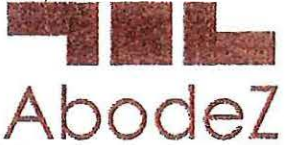
Sheet No. A2.01

# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



Architect



34 Century Lane  
Milton, MA  
Tel 617.296.7300

## GENERAL NOTES:

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Checked By: \_\_\_\_\_ JP  
Date: \_\_\_\_\_ 120117

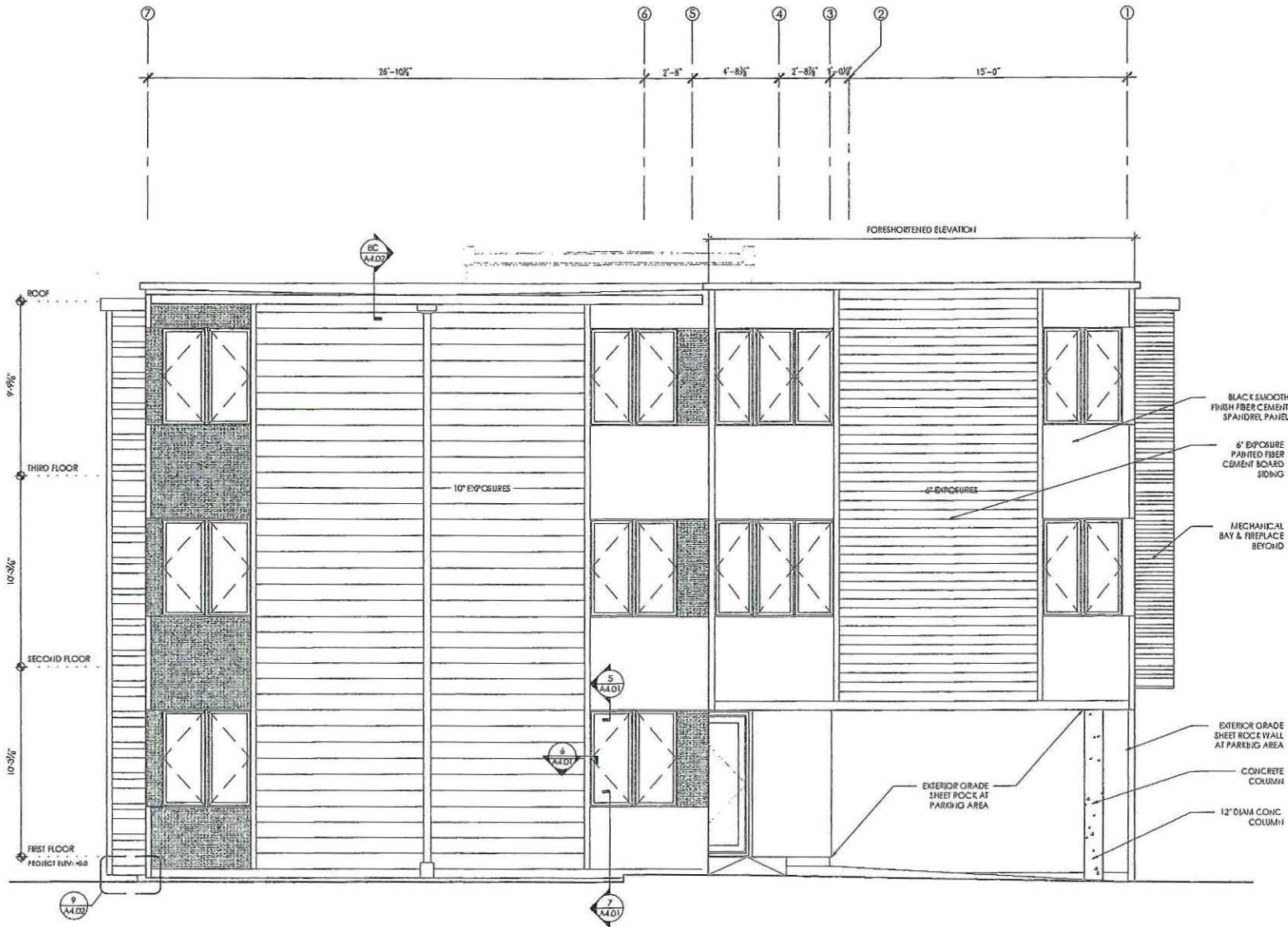
REVISIONS	
1	REVISED SETBACKS 120319

Project No. \_\_\_\_\_  
Drawing Title \_\_\_\_\_

## SOUTH AND AUXILIARY ELEVATIONS

Scale: 1/4" = 1'-0"  
CHECK SET ☐ END SET ☐ PERMIT SET ☐ CONSTRUCTION SET ☐

Sheet No. **A2.02**



1 | 42 BAYSTATE ROAD SOUTH ELEVATION

- MATERIAL NOTES:
1. CLAPBOARD SIDING TO BE 1/2" THICK SMOOTH-FACED FIBER CEMENT LAPPED SIDING, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) AND FIELD PAINTED IN PAINT AND COLOR SELECTED BY ARCHITECT. EXPOSURE AS INDICATED ON DRAWINGS.
  2. TRIM TO BE 1" OR 1 1/2" THICKNESS BY WIDTHS INDICATED ON DRAWINGS. SMOOTH-FACED FIBER CEMENT, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) FIELD PAINTED IN PAINT AND COLOR SELECTED BY ARCHITECT.
  3. SPANDREL AND FLAT PANEL AREAS TO BE 1/2" THICK SMOOTH-FACED FIBER CEMENT CLADDING, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) AND FIELD PAINTED.
  4. INSTALL ALL FIBER CEMENT PRODUCTS WITH FASTENING FLASHING SEALANT AND AIR/MOISTURE BARRIER ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
  5. INSTALL WATER RESISTANT BARRIER (TYVEK BY DUPONT CORPORATION) WALL AND WINDOW FLASHING AND SEALANTS ACCORDING TO DUPONT CORPORATION INSTALLATION AFTER WRB INSTALLED (VERSION 2) GUIDELINES. TYVEK REPRESENTATIVE SHALL CONDUCT FACTORY AND FIELD INSPECTIONS AND PROVIDE DUPONT CORPORATION 10 YEAR PERFORMANCE GUARANTEE.





# 42 BAYSTATE ROAD

CAMBRIDGE, MA

Owner  
42 BSR, LLC

Development



## AbodeZ

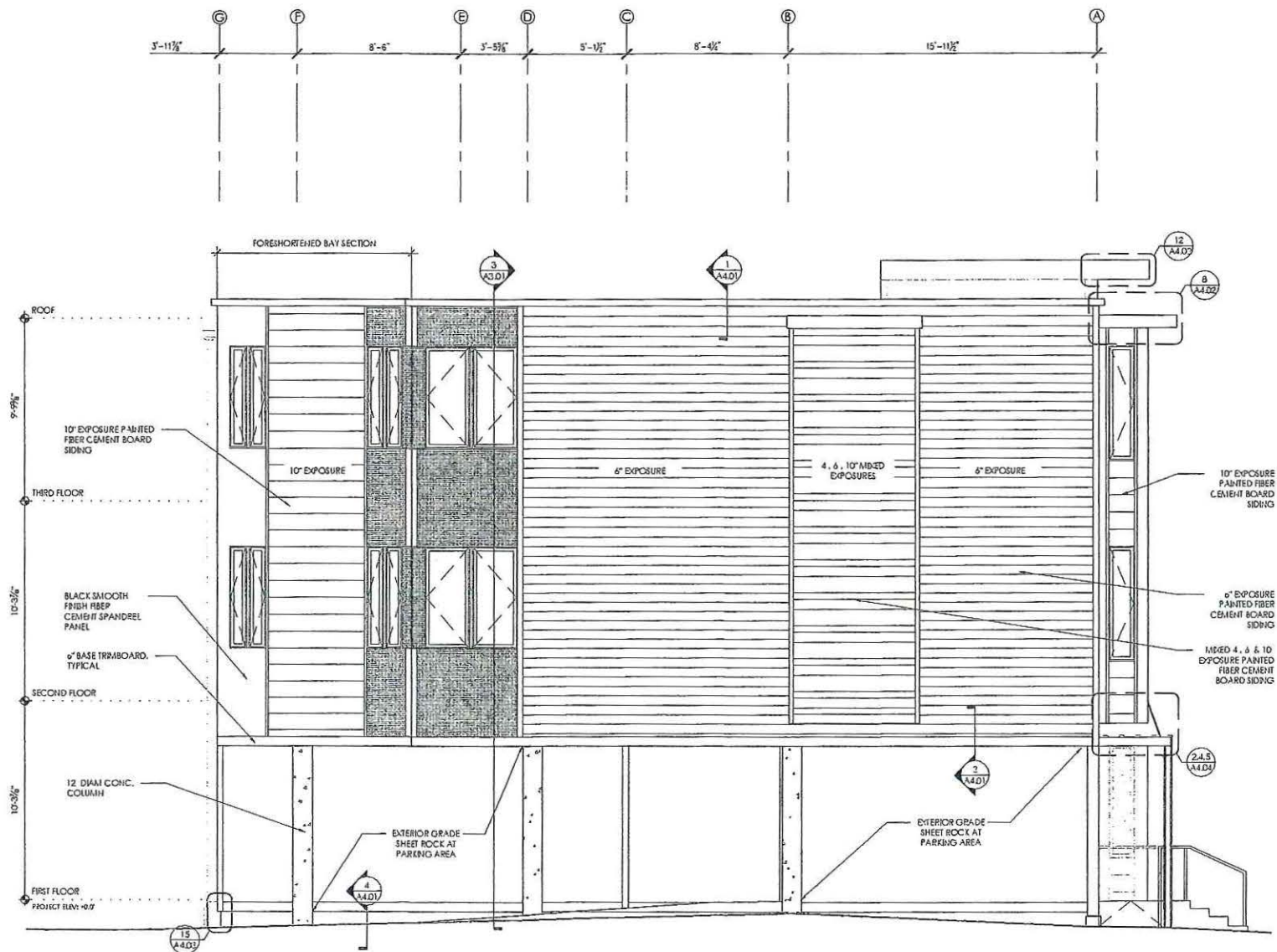
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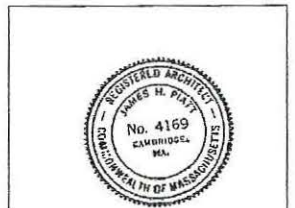
34 Century Lane  
Milton, MA  
Tel 617.296.7300

### GENERAL NOTES:

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1 | 42 BAYSTATE ROAD EAST ELEVATION



Stamped By  
Drawn By: NP  
Checked By: JP  
Date: 120117

Revisions	
REVISED SETBACKS	120319

Project No.  
Drawing Title:

EAST ELEVATION

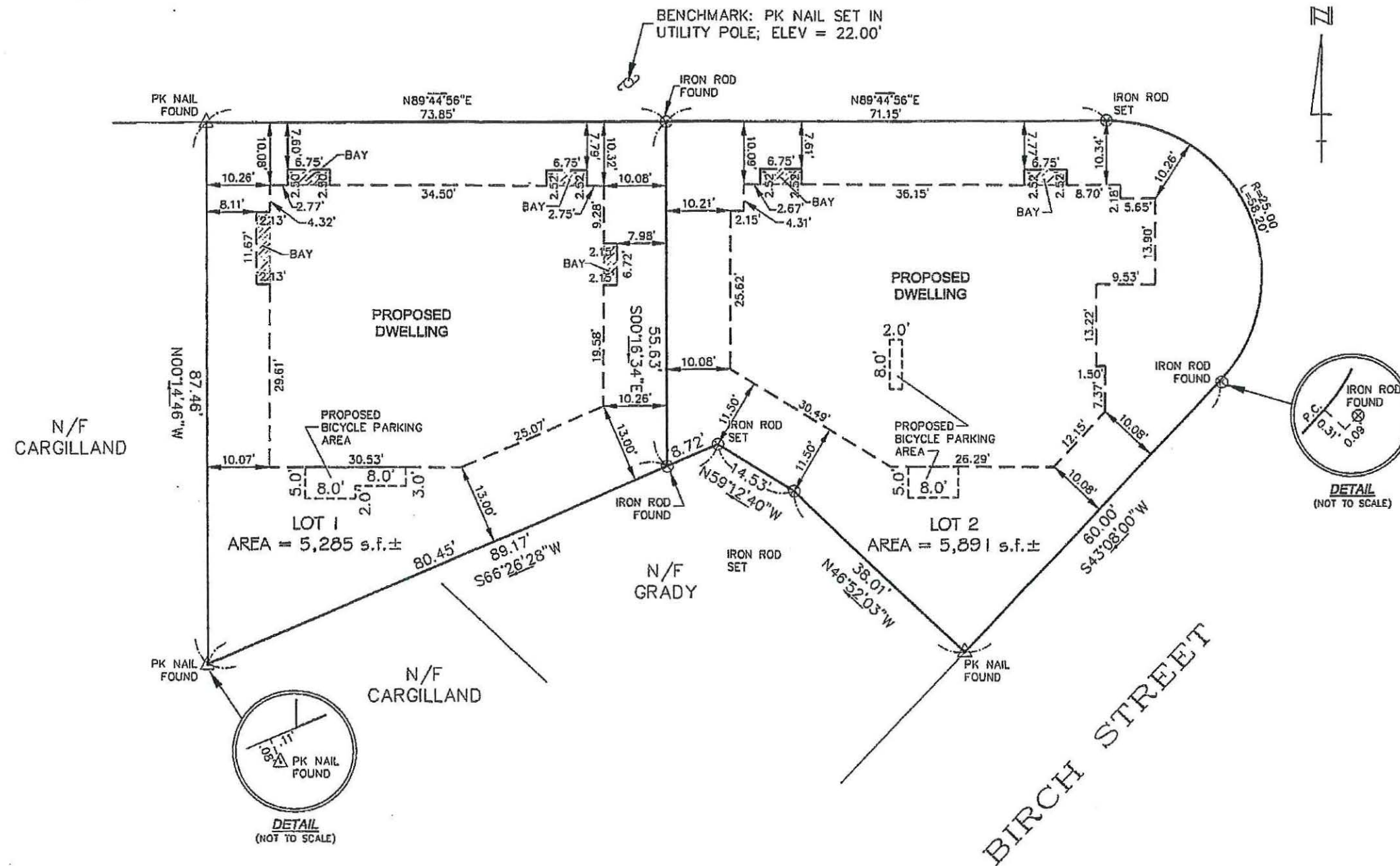
- MATERIAL NOTES:
1. CLAPBOARD SIDING TO BE 3/4" THICK SMOOTH-FACED FIBER CEMENT LAPPED SIDING, PRIMED (AS PER MANUFACTURER JAMES HARDIE CO.) AND FIELD PAINTED IN PAINT AND COLOR SELECTED BY ARCHITECT. EXPOSURE AS INDICATED ON DRAWINGS.
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Scale: 1/4" = 1'-0"  
☐ CHECK SET ☐ ESD SET ☐ PERMIT SET ☒ CONSTRUCTION SET

Sheet No. **A2.04**

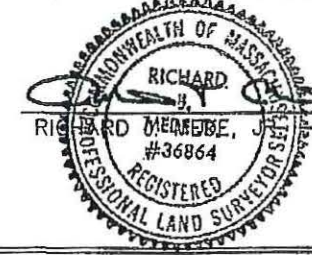


# BAY STATE ROAD



TITLE REF: No. 42: BK 57154 PG 79  
No. 54: BK 57154 PG 310  
PLAN REF: No. 39 of 2008  
No. 458 of 1957  
FILE PLAN 481

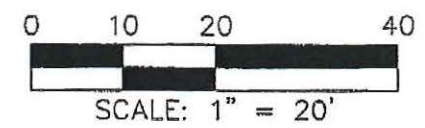
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN INSTRUMENT SURVEY AND INFORMATION PROVIDED BY PIATT ASSOCIATES ARCHITECTURE.



03/22/2012  
DATE:

CURRENT ZONING DISTRICT: C-1A MXR(ALEWIFE OVERLAY DISTRICT)

NOTE: TIES SHOWN TO PROPERTY LINES TAKEN FROM PROPOSED CORNER BOARD.



PLAN OF LAND  
42-54 BAY STATE ROAD  
CAMBRIDGE, MASS.  
(MIDDLESEX COUNTY)

PREPARED BY:  
MEDFORD ENGINEERING & SURVEY  
ANGELO B. VENEZIANO ASSOCIATES  
15 HALL ST. MEDFORD, MA. 02155  
781-396-4466 fax: 781-396-8052

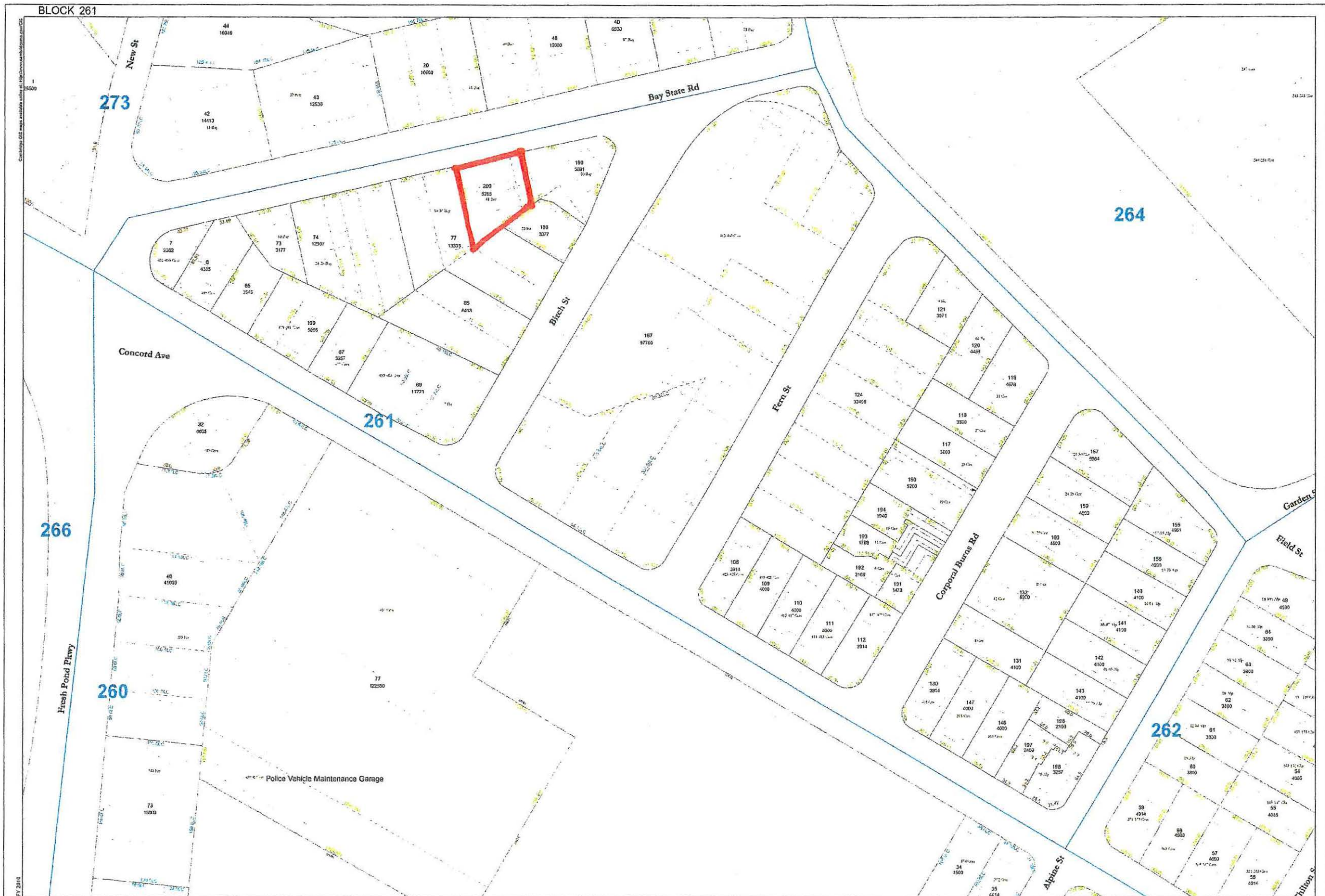
DATE: MARCH 22, 2012

FILE No. 18222









City of Cambridge  
Assessing Department  
795 Massachusetts Ave.  
Cambridge, MA 02139

- Buildings
- Lot Line
- Block Line
- City Boundary
- Water
- Sub-Parcel Line
- Easement
- Railway

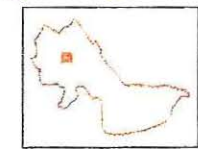
10 Lot Number  
261 Block Number  
10 Cam Street Number  
(125.0) Deed Dimension

100 Parcel size in Sq. Ft.  
44.0 LC Land Court Dimension  
65.0 Survey Dimensions

DISCLAIMER:  
All data shown on this map was compiled from existing records, but does not constitute a warranty of accuracy. The City of Cambridge is not responsible for any errors or omissions. This map is for informational purposes only.



0 25 50 100 Feet  
1 inch = 40 feet



Parcel Block Map  
**261**