

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING
THURSDAY JANUARY 30, 2025

6:00 p.m.

Remote Meeting
via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
Daniel Fernando Hidalgo
Carol Agate

City Employees
Olivia Ratay



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I N D E X

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| BZA-1142420 -- 18 CLINTON STREET Original Hearing Date: 12/12/24 | 5 |
| REGULAR AGENDA | |
| BZA-1144785 -- 1783 MASS AVENUE - UNIT B | 9 |
| BZA-1145011 -- 527 GREEN STREET | 19 |
| BZA-1143322 -- 157 AUBURN STREET | 22 |

P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, and Daniel Hidalgo

JIM MONTEVERDE: Good evening. Welcome to the January 30, 2025 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

Pursuant to Chapter 2 of the Acts of 2023 adopted by the Massachusetts General Court, and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Board of Zoning Appeal.

This meeting is being video and audio recorded and is broadcast on cable television Channel 22 within Cambridge.

There will also be a transcript of the proceedings.

All Board Members, applicants, and members of the public will state their name before speaking. All votes will be taken by roll call.

Members of the public will be kept on mute until it is time for public comment. I will give instructions for

1 public comment at that time, and you can also find
2 instructions on the City's webpage for remote BZA meetings.
3 Generally, you will have up to three minutes to speak.

4 I'll start by asking Staff to take Board Members
5 attendance and verify that all members are audible.

6 OLIVIA RATAY: Virginia Keesler?

7 VIRGINIA KEESLER: Present.

8 OLIVIA RATAY: Daniel Hildago?

9 DANIEL HIDALGO: Present.

10 OLIVIA RATAY: Steven Ng?

11 STEVEN NG: Present.

12 OLIVIA RATAY: Jim Monteverde?

13 JIM MONTEVERDE: And Jim Monteverde present.
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(6:01 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, and Daniel Hidalgo

JIM MONTEVERDE: The first case tonight is a
continued case, and I will call BZA Case 1142420 -- 18
Clinton Street. And we have a letter from Sarah Rhatigan
dated January 27, which reads:

"On behalf of the petitioner, we hereby request a
continuance of this matter presently scheduled to be heard
by this Board on Thursday, January 30, 2025. The petitioner
and her team need additional time to work through various
design alternatives. We request that this case be continued
until the Board of Zoning Appeal hearing scheduled for March
13, 2025. Thank you for consideration."

Do we have a slot on the twenty-fifth (sic)? We
do.

This was a case heard, right? Case heard. So
it's -- so the continued -- I'll go for the motion, but
everyone, can you make -- this would be March 13. Virginia,
does that work for you?

VIRGINIA KEESLER: Yes, that works for me.

1 JIM MONTEVERDE: Steven?

2 STEVEN NG: March 13? Sure, that works for me.

3 JIM MONTEVERDE: And Daniel?

4 DANIEL HIDALGO: Yeah, that's fine.

5 JIM MONTEVERDE: Okay. So let me make a motion to
6 continue this matter until March 13, 2025, on the condition
7 that the petitioner change the posting sign to reflect the
8 new date of March 13, 2025, and the new time of 6 p.m.

9 Also, that the petitioner sign a waiver to the
10 statutory requirements for the hearing. This waiver can be
11 obtained from Maria Pacheco or Olivia Ratay at the
12 Inspectional Services Department.

13 I ask that you sign the waiver and return it to
14 the Inspectional Services Department by a week from this
15 coming Monday. Failure to do so will de facto cause this
16 Board to give an adverse ruling on this case.

17 Also, that if there are any new submittals,
18 changes to the drawings, dimensional forms, or any
19 supporting statements that those be in our files by 5 p.m.
20 on the Monday prior to the continued meeting date.

21 On the motion to continue this matter until March
22 13, 2025, a voice vote by Board Members? Virginia?

1 VIRGINIA KEESLER: Virginia Keesler --

2 SARAH RHATIGAN: Excuse me, I'm sorry. Mr.
3 Chairman, may I just ask a procedural question? I'm
4 counting just four Board Members --

5 JIM MONTEVERDE: Correct.

6 SARAH RHATIGAN: -- including yourself. And --

7 JIM MONTEVERDE: -- yep.

8 SARAH RHATIGAN: -- I'm -- I apologize, I don't
9 remember who the fifth Board Member was who heard us on
10 December 12, but are they not --

11 JIM MONTEVERDE: They're not present.

12 SARAH RHATIGAN: -- here anymore?

13 JIM MONTEVERDE: No --

14 SARAH RHATIGAN: Okay.

15 JIM MONTEVERDE: -- they're just not present this
16 evening.

17 SARAH RHATIGAN: So -- oh, okay. So they may be
18 able to be present on March 13, we're not sure?

19 JIM MONTEVERDE: Correct. Yep.

20 SARAH RHATIGAN: Great. Thank you.

21 JIM MONTEVERDE: We'll confirm.

22 Anyway, a voice vote by Board Members? Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Thank you. Daniel?

3 DANIEL HIDALGO: In favor.

4 JIM MONTEVERDE: Thank you. Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: So four in favor. That matter is
9 continued until March 13, 2025. Thank you.

10 SARAH RHATIGAN: Thank you very much. Good
11 evening.

12 JIM MONTEVERDE: You're welcome.

13 Do I have to sign this? Just a letter.

14 OLIVIA RATAY: Yeah.

15 JIM MONTEVERDE: Initial? All right.

16 Now we have to wait 10 minutes. I'll be back.

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(6:15 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Carol Agate

JIM MONTEVERDE: All right. We're back. Now we will go to the Regular Agenda.

Hallo, Carol?

CAROL AGATE: Yes, hi Jim.

JIM MONTEVERDE: Hey.

First case is BZA-1144785 -- 1783 Mass Avenue, Unit B. Is there anyone on the line who wishes to talk to us about this?

TIMOTHY BURKE: Yes, good evening, Mr. Chairman and Members of the Board. My name is Timothy Burke. I'm the architect for the project and I have a business address of 142 Berkeley Street in Boston.

And with me is the owner of the property, Mr. Marc Kadis.

JIM MONTEVERDE: Very good. Thank you.

Can you tell us what you're looking to do and what zoning relief is required?

TIMOTHY BURKE: Yes. Mr. Kadis bought this unit.

1 There's a plan of the unit. It's a basement apartment at
2 1783 Mass Ave. It's right on Mass Ave. The -- it had -- it
3 at some point in the past appears to have been a residential
4 unit, but right now it was purchased. It was completely
5 gutted, and the former owner probably did that without a
6 permit.

7 So Mr. Kadis is looking to rejuvenate the space.
8 It's a nice layout. It has an 8.5' ceiling, which is great
9 for a basement apartment. And it's in a wonderful location.

10 So the proposal is to install a new apartment
11 there that triggers relief for several items in terms of the
12 FAR and some Dimensional Requirements.

13 The entire building sits on a 22,378 square-foot
14 lot, but it has quite a few units in it that would exceed
15 the number allowed by the zoning in this area.

16 And we are also seeking permission to install some
17 window wells to allow emergency egress from the bedrooms.
18 And by doing that, we're essentially lowering the grade
19 around the building and increasing theoretically, the
20 building's height.

21 There is no real change -- you know, we're not
22 raising the roof at all. This work is completely limited to

1 this existing basement space. And those were -- the main
2 variances were the height and the basic FAR and Dimensional
3 Requirements for this particular property.

4 JIM MONTEVERDE: Okay. Thank you. And our agenda
5 says that this is a converting an existing commercial
6 condominium into a dwelling unit. Is that correct?

7 TIMOTHY BURKE: Well, it's kind of vague. And the
8 condominium association did provide me a letter saying it
9 had been used as a dwelling unit. So the records were a
10 little loose on this one. So ISD took the opinion that it
11 was probably maybe like a Superintendent's office
12 originally.

13 JIM MONTEVERDE: Right. Yep.

14 TIMOTHY BURKE: And so, they have asked us to come
15 before you to seek permission to make it a dwelling unit,
16 yes.

17 JIM MONTEVERDE: Okay. All right. And looking at
18 the Dimensional Form, it's nonconforming, but in the
19 requested conditions, the only thing that changes is the lot
20 area of each dwelling unit.

21 TIMOTHY BURKE: Right, because we're adding --

22 JIM MONTEVERDE: If I'm reading this correctly.

1 TIMOTHY BURKE: -- we're adding one unit, correct,
2 yes.

3 JIM MONTEVERDE: Correct. But that's all. So
4 what you mentioned about height, the existing condition is
5 45.5, the requested is 45.53 is that correct?

6 TIMOTHY BURKE: Yes. it's a very minor
7 difference, yes.

8 JIM MONTEVERDE: Yeah, okay. And then the number
9 of dwelling units from 41 to 42. That's basically all in
10 terms of the Dimensional Form, correct?

11 TIMOTHY BURKE: That is correct, yes. Yep.

12 JIM MONTEVERDE: Okay.

13 TIMOTHY BURKE: The rest is all existing,
14 nonconforming items, yes.

15 JIM MONTEVERDE: And then I assume from the
16 drawing that's up on the screen, the new construction in the
17 darker color outside of the exterior wall, those are all the
18 areaways that --

19 TIMOTHY BURKE: That is correct, yes.

20 JIM MONTEVERDE: -- you'll be installing, and
21 those will require -- you've got two front yards, I believe,
22 so you'll have front yard setbacks, right side for the

1 window wells?

2 TIMOTHY BURKE: Correct, yes.

3 JIM MONTEVERDE: Right? Okay. And I'm assuming
4 there's no Historic Commission or any other neighborhood
5 group to review? All righty.

6 And we do have a letter from the -- since this is
7 a condominium -- from the condominium Newport Condominium
8 Trust by its attorneys, Marcus Errico Emmer & Brooks saying
9 that the Trust has approved -- although this is dated May
10 14, 2024, so it sounds like this has been in the works for a
11 while --

12 TIMOTHY BURKE: Yes, it has.

13 JIM MONTEVERDE: -- it says the Trust has approved
14 for unit modification work to take place within Unit 1783B
15 and to certain portions of the common elements of the
16 condominium that abut the subject unit. So you have your
17 required acceptance from the condominium association.

18 TIMOTHY BURKE: Yes, we're going to --

19 JIM MONTEVERDE: Okay.

20 TIMOTHY BURKE: -- with them, yes.

21 JIM MONTEVERDE: Anything else to explain to us?

22 TIMOTHY BURKE: No. Again, we think it's a great

1 way to get an additional living unit in Cambridge with a
2 minimum impact on the environment.

3 JIM MONTEVERDE: Yep. Since this is a variance,
4 we need to meet all of the following:

5 That the literal enforcement would involve a
6 substantial hardship.

7 And the hardship is owing to soil condition,
8 shape, or topography of such land or structure, not
9 affecting generally the zoning district.

10 And that desirable relief may be granted without
11 substantial detriment to the public good or nullifying or
12 substantially derogating from the intent or the purpose of
13 the Ordinance.

14 Can you talk to us about -- it's the hardship that
15 we always have to work our way around or talk through.

16 TIMOTHY BURKE: Yes, yep. In this particular
17 case, because of the size of the lot and the location of
18 this in a basement space, the -- and the fact that the owner
19 purchased this not knowing that it was -- would require a
20 variance --

21 JIM MONTEVERDE: Mm-hm.

22 TIMOTHY BURKE: -- creates the hardship for him

1 that --

2 JIM MONTEVERDE: Yep. And I think we could also
3 say that the hardship relates to the City's desire for, you
4 know, more dwelling units -- living units -- and that this
5 will certainly aide that.

6 TIMOTHY BURKE: Yes, yep.

7 JIM MONTEVERDE: Okay. We'll go with that. Any
8 -- is that your presentation, are you all set?

9 TIMOTHY BURKE: Yes. We're all set. I'm happy to
10 answer any questions that --

11 JIM MONTEVERDE: Okay.

12 TIMOTHY BURKE: -- the Board may have.

13 JIM MONTEVERDE: Any questions from Members of the
14 Board? Nope? If not, I will open it up to public
15 commentary. I have no correspondence in the file either for
16 or against. So I'll open it up to public comment.

17 Any member of the public who wish to speak should
18 now click the icon at the bottom of your Zoom screen that
19 says, "Raise hand." If you're calling in by phone, you can
20 raise your hand by pressing *9 and unmute or mute by
21 pressing *6.

22 I'll now ask Staff to unmute speakers one at a

1 time. You should begin by saying your name and address, and
2 Staff will confirm that we can hear you. After that you
3 will have up to three minutes to speak before I ask you to
4 wrap up.

5 Nobody out there. All right, so we will close
6 public testimony.

7 Any discussion among Members of the Board? If
8 not, are we ready for a motion?

9 DANIEL HIDALGO: Ready for a motion.

10 JIM MONTEVERDE: Motion. And this is a variance.
11 So the Chair makes a motion to grant relief from the
12 requirements of the Ordinance under Sections 5.31 -- that's
13 the Dimensional Form -- and that is specifically the reduced
14 lot area of each dwelling unit because of the additional
15 unit, the height of the building infinitesimally modified,
16 and the number of dwelling units is, again, up by one.

17 Section 5.26 for the conversion; Section 4.31.g
18 for Multifamily Dwellings; 8.22.3 for a Nonconforming
19 Structure; and 10.30 for the Variance.

20 And as we said -- the proponent discussed 10.31 --
21 we have to find all of the following, that is really in part
22 the shape of the lot, the small size of the lot and large

1 size of the building; and also, that they're providing an
2 additional living unit for the City of Cambridge. So that
3 addresses the hardship and the Variance Requirements.

4 So, the Chair makes a motion -- granted, those are
5 the sections -- on the condition that the work proposed
6 conforms to the drawings entitled, "1783 Massachusetts
7 Avenue Unit B," prepared by Timothy Burke, dated 11/23/21
8 (sic).

9 Is that correct, Mr. Burke?

10 TIMOTHY BURKE: Yeah, but the -- it's November 21,
11 2023, yes.

12 JIM MONTEVERDE: '23. '23, okay.

13 TIMOTHY BURKE: Kind of written in an odd way
14 there, yes.

15 JIM MONTEVERDE: Yep, okay.

16 Initialed and dated by the Chair. And further,
17 that we incorporate the supporting statements and
18 Dimensional Form submitted as part of the application.

19 On a voice vote, Members, please? Carol?

20 CAROL AGATE: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you. Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Thank you. Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: Thank you. And Jim Monteverde in
6 favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. Your
9 relief is granted.

10 TIMOTHY BURKE: Thank you very much. Have a good
11 night.

12 JIM MONTEVERDE: You're welcome.

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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Carol Agate

JIM MONTEVERDE: All right. We are back. 6:30.

The next case is BZA-1145011 - 527 Green Street.

And we have a letter from Mr. James Rafferty, dated this January 30, saying, "Please accept this correspondence as a request to continue the hearing on the above-captioned matter to the next available date. Thank you for your assistance."

So, what's the next available date?

February 27, 2025. And this is a case not heard so it could be any five of us. All right. The matter continues.

JIM MONTEVERDE: Mr. Rafferty.

JAMES RAFFERTY: Excuse me, Mr. Chair, I wasn't aware that the date would be that soon. Would it be possible to get March date only because I'm not going to be available that week.

JIM MONTEVERDE: Hm. March 13 seems to be a popular date tonight. That work for you?

1 JAMES RAFFERTY: Sounds very good. Appreciate it.

2 JIM MONTEVERDE: Okay. March 13.

3 So let me make a motion to continue this matter
4 until March 13, 2025, on the condition that the petitioner
5 change the posting sign to reflect the new date of March 13,
6 2025, and the new time of 6 p.m.

7 Also, that the petitioner sign a waiver to the
8 statutory requirements for the hearing. This waiver can be
9 obtained from Maria Pacheco or Olivia Ratay at the
10 Inspectional Services Department.

11 I ask that you sign the waiver and return it to
12 the Inspectional Services Department by a week from this
13 coming Monday. Failure to do so will de facto cause this
14 Board to give an adverse ruling on this case.

15 Also, that if there are any new submittals,
16 changes to the drawings, dimensional forms, or any
17 supporting statements that those be in our files by 5 p.m.
18 on the Monday prior to the continued meeting date.

19 On a motion to continue this matter until March
20 13, 2025, by a voice vote, the Board Members, please; Carol?

21 CAROL AGATE: Available.

22 JIM MONTEVERDE: Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Thank you. Daniel?

3 DANIEL HIDALGO: In favor.

4 JIM MONTEVERDE: Thank you. Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Thank you. And Jim Monteverde in
7 favor.

8 [All vote YES]

9 JIM MONTEVERDE: That's five in favor. The matter
10 is continued. Thank you.

11 JAMES RAFFERTY: Thank you very much, Mr. Chair
12 and Members of the Board. Have a good evening.

13 JIM MONTEVERDE: You are welcome. You too.
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(6:45 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
Virginia Keesler, and Carol Agate

JIM MONTEVERDE: All right. We are back; it's
6:45, and the next and last case for the evening is BZA-
1143322 -- 157 Auburn Street.

Is there anyone calling in, the proponent calling
in to talk to us about this one?

Thomas Russell?

We will give him one minute.

[Pause]

JIM MONTEVERDE: Nobody is calling in.

Well, if the rest of the Board members don't mind,
if we could give him a few moments and see if anyone shows
up, calls in?

DANIEL HIDALGO: Not a problem.

[The Chair makes a call to Mr. Russell; Mr.
Russell joins the meeting.]

JIM MONTEVERDE: All right. Mr. Russell, are you
with us?

TOM RUSSELL: Yes, I am.

1 JIM MONTEVERDE: Excellent.

2 JIM MONTEVERDE: Could you introduce yourself,
3 please for the record?

4 TOM RUSSELL: My name is Tom Russell, and we're
5 doing the remodeling project at 157 Auburn Street.

6 JIM MONTEVERDE: All right. Thank you. Could you
7 just talk to us about what it is you are asking to do and
8 what relief you need to do it?

9 TOM RUSSELL: So it's a single-family side-by-
10 side. And the unit on the right, which we're working on,
11 they're looking to mimic what the unit on the left has done,
12 which was get rid of an oversized rear porch --

13 JIM MONTEVERDE: Yep.

14 TOM RUSSELL: -- a rear porch, and go with a spiral
15 staircase, just to get some additional outdoor space.

16 JIM MONTEVERDE: Mm-hm. So you're looking to
17 replicate what your neighbor has --

18 TOM RUSSELL: What the neighboring unit has done.

19 JIM MONTEVERDE: -- done, right? Mm-hm.

20 TOM RUSSELL: Correct.

21 JIM MONTEVERDE: Okay. And there's relief that
22 you need to do that?

1 TOM RUSSELL: Yes.

2 JIM MONTEVERDE: And from the advertisement it
3 says the Table of Dimensional Requirements?

4 TOM RUSSELL: Correct.

5 JIM MONTEVERDE: Which it doesn't look like you're
6 changing anything, or there are no changes listed under the
7 Dimensional Requirements form. So I don't know what
8 dimensional relief you need.

9 Nonconforming Structure, can't tell, because the
10 Ordinance Requirements in the Dimensional Form are listed
11 all as zeros, where it's usually not the case, and you need
12 a variance.

13 TOM RUSSELL: Yes, we do.

14 JIM MONTEVERDE: Anything else, or is that the sum
15 and --

16 TOM RUSSELL: That's --

17 JIM MONTEVERDE: -- substance of what you want to
18 do?

19 TOM RUSSELL: -- that is the sum and substance of
20 what we want to do.

21 JIM MONTEVERDE: Okay. And just out of curiosity,
22 the building is a -- the building is a two-family, or --

1 TOM RUSSELL: It's --

2 JIM MONTEVERDE: -- two side-by-side singles or a
3 condo or --

4 TOM RUSSELL: -- it's a two side-by-side singles,
5 not condos, just individual, attached single-family homes.

6 JIM MONTEVERDE: Okay. All right. Very good.
7 Any questions from Members of the Board?

8 TOM RUSSELL: No.

9 JIM MONTEVERDE: No?

10 Tom, that's for the Members of the Board. Let's
11 let them speak.

12 Anyone have any questions for the proponent? If
13 not, let me open it to public comment. There are no
14 correspondents in the file either for or against, so we'll
15 open it up to public comment.

16 Any members of the public who wish to speak should
17 now click the icon at the bottom of your Zoom screen that
18 says, "Raise hand."

19 If you're calling in by phone, you can raise your
20 hand by pressing *9 and unmute or mute by pressing *6. I'll
21 now ask Staff to unmute speakers one at a time. You should
22 begin by saying your name and address, and Staff will then

1 confirm that we can hear you. After that you will have up
2 to three minutes to speak before I ask you to wrap up.

3 No. No one calling in, so we'll close public
4 testimony.

5 Any discussion among Members of the Board? If
6 not, I will move to a motion, and this is a variance.

7 And we can go back to the previous photo.

8 I think the rationale for the variance here is
9 really the potentially deteriorated condition of the wood
10 structure of the stair -- stair from the second floor, and
11 to basically replace that with in kind, or similar to what's
12 on the right-hand side of this photo.

13 So I'll go with that as the rationale for the
14 variance. Thank you.

15 The Chair makes a motion to grant relief from the
16 requirements of the Ordinance under Sections 5.31, Table of
17 Dimensional Requirements; under Section 8223 for a
18 Nonconforming Structure; and Section 10.31, a Variance for
19 the condition that I just mentioned on the condition that
20 the work proposed conforms to the drawings entitled -- one
21 second -- "157 Auburn Street." It has not listed who
22 prepared it, and there's no date on it. I will date it

1 today's date; initialed and dated by the Chair.

2 And further, that we incorporate the supporting
3 statements and Dimensional Form as part of the application.

4 On a voice vote, Members, please?

5 Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Thank you. Carol?

8 CAROL AGATE: In favor.

9 JIM MONTEVERDE: Thank you. Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: Thank you. Daniel?

12 DANIEL HIDALGO: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The relief
16 is granted. Thank you.

17 And Members, thank you for your help and
18 goodnight.

19 COLLECTIVE: Goodnight. Thank you.

20 [07:00 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Elizabeth McAvoy, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
above transcript is a true record, to the best of my
ability, of the proceedings.

I further certify that I am neither related to nor
employed by any of the parties in or counsel to this action,
nor am I financially interested in the outcome of this
action.

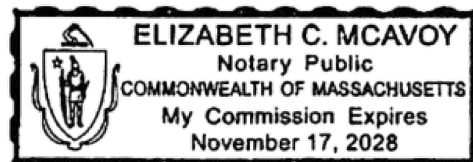
In witness whereof, I have hereunto set my hand this
19th day of February 2025.

Elizabeth C. McAvoy

Notary Public

My commission expires:

November 17, 2028



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