

The Office of Town Counsel

Memorandum

To: Zoning Board of Appeals

From: Jonathan Simpson, Associate Town Counsel

Re: 40 Centre Street

Date: December 29, 2016

Cc: Maria Morelli, Senior Planner

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I have reviewed the draft Decision on Chapter 40B Comprehensive Permit Application for the project proposed at 40 Centre Street, in particular Findings 16, 17, 18 and 19, as well as the letter of December 29, 2016 from Derek Chiang to Chairman Geller and Members of the Zoning Board of Appeals. With respect to Findings 17, 18 and 19, it is my opinion that those Findings are not superfluous; they represent legitimate attempts by the Board of Appeals to state how it understands the relevant law and regulations and how it interprets them to apply to the proposed project given the conditions stated in the decision following. They provide increased clarity and precision to the decision, and will be particularly valuable in any subsequent review by members of the public or anyone else.

With respect to the claim that Findings 17 and 19 are inaccurate, it is my opinion that such a claim is not warranted. Both Findings are supported by the testimony provided to the Board by the professional staff of the Town and the experts retained to perform peer review of the 40 Centre project.