

Lowell Zoning Board of Appeals Minutes

April 26, 2021 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Chairman Perrin, Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Procope, Member Njoroge

Members Absent:

Others Present: Fran Cigliano, Senior Planner; Jess Wilson, Associate Planner; Dylan Ricker, Assistant Planner; Peter Cutrumbes, Assistant Planner

The following represents the actions taken by the Zoning Board of Appeals at the 3/8/2021 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

Chairman Perrin called the meeting to order at 6:31pm.

Continued Business

ZBA-2021-5

Petition Type: Variance

Applicant: Lupoli Companies, LLC

Property Located at: 330 Jackson Street, 01852

Applicable Zoning Bylaws: Section 5.1

Petition: Lupoli Companies, LLC seeking Variance approval to construct an 8-story, 548 space parking structure at 330 Jackson Street. The property is in the Hamilton Canal Innovation District (HCID). The proposal requires Variance relief from Section 10.3.8(3) Building Form Standards for Parcel 1 and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

S. Callahan motioned, and M. Briere seconded the motion to withdraw the application without prejudice. The motion passed unanimously, (5-0).

ZBA-2021-1

Petition Type: **Variance**

Applicant: **Lorenzo Arpini**

Property Located at: **74-76 Chapel Street, 01852**

Applicable Zoning Bylaws: **Section 6.1**

***Petition:* Lorenzo Arpini has applied to the Zoning Board of Appeals seeking Variance approval to convert a 3-family home into a 4-family home. The property is located in the Urban Multi-Family (UMF) zoning district. The existing home at 74-76 Chapel Street requires a Variance under Section 6.1 for off-street parking requirements, a Site Plan Review under Section 11.4 for the conversion of a residential structure with more than 3 dwelling units, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Lorenzo Arpini, Applicant

Ian Ainslee, Applicant's Engineer

I. Ainslee stated that the property is an existing 3-unit residential structure, and the applicant is seeking to renovate the property into a 4-unit residential structure. A Variance is being requested from the off-street parking requirement, currently residents cram cars onto the existing pavement. I. Ainslee stated that the applicant currently has only one parking space which meets the zoning requirements, and is requesting a Variance for 7 parking spaces. I. Ainslee said that no exterior work is being proposed, and all work is interior. The petitioner purchased the property expecting it to be a 4-unit residential structure, and there are issues with the shape and size of the lot to fit additional parking.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech stated that the property is in an area with many multi-family properties, and he does not have any major concerns.

S. Callahan agreed that it would be difficult to fit necessary parking into the property, and they were lucky to fit 2. S. Callahan asked how the interior of the building would be laid out, including where the egresses would be located. S. Callahan confirmed that the entrance to the property would be on Chapel Street. I. Ainslee stated that after entering the first unit there is a hallway followed by a dining room, living room, and kitchen. There is one unit on the left and one unit on the right.

S. Callahan confirmed the egresses for the 2nd floor units would be on the side of the building or via interior stairs. I. Ainslee said that the 3rd floor would be entered via exterior stairs.

S. Callahan stated that the 2 parking spaces in the rear of the building should be dedicated to the units with the exterior egresses. I. Ainslee said the petitioner would be okay with this condition. S. Callahan said that he

believes the application meets the criteria for the Variance based on the lot shape. S. Callahan stated he would approve the Variance with a condition that the rear parking spaces be dedicated to the units with exterior egresses.

D. McCarthy stated that the building plans illustrate that the property is a 3 family property, and this property has never been a 4 family property. D. McCarthy said there are additional requirements for larger units including sprinklers. The plans show that Unit 1 is a 3 bedroom unit which spans 3 floors, Unit 2 is a 2 bedroom, Unit 3 is a 3 bedroom on the 2nd floor with unroofed exterior stairway access, and Unit 4 is on the 3rd floor with 2 bedrooms. D. McCarthy said he believes the property was constructed as a 3 unit residential structure with 2 units with stairs spanning the 1st and 2nd floors, and a 3rd floor unit. The narrative stated that there was a current space with an additional living room, bedroom, and kitchen as part of Unit 2.

D. McCarthy said that the plot plan does not illustrate the same lot size as was previously stated. I. Ainslee stated that the lot is roughly 3500 square feet. Records show that the applicant owns part of Cottage Street, it is the surveyor's understanding that the property owner does not own part of Cottage Street, and the square footage should be corrected to about 3600 square feet.

D. McCarthy stated that if the lot was only 3600 square feet the application would require an additional Variance for Lot Area per Dwelling Unit. D. McCarthy noted that 4 vehicles are currently parked on a dirt area. The plot plan stated this is a gravel area, but it appears to be dirt. I. Ainslee stated the applicant would turn this into a gravel driveway.

D. McCarthy said that the driveway could accommodate 4 vehicles, and asked if it would be possible to configure 4 parking spaces. This would be necessary to supply enough parking to tenants. I. Ainslee said that parking spaces must be 3 feet from the property line and building, and dimensions must be 9 feet by 18 feet. If those requirements and the stacked parking requirement can be waived then it could be done.

D. McCarthy stated that he would support granting relief for parking space size to add more parking. I. Ainslee stated that a tenant currently parks on the street. D. McCarthy said he was concerned about the amount of street parking available in this area and the potential lack of parking for the amount of units at the property. D. McCarthy said he wants to see a plot plan with the corrected lot size.

M. Briere said he does not see how the project can proceed without a parking plan. M. Briere is concerned there is not enough parking for 10 bedrooms, and said he would like to support the project, but there must be a parking plan.

R. Njoroge agreed with the previous comments, and would like to see a parking plan. He stated he is concerned with the egresses of the units as well. R. Njoroge said he would like to see a parking plan prior to a final vote.

G. Procope agreed with fellow board members about the need for a parking plan. G. Procope stated there is limited parking nearby, and providing additional parking would be necessary. G. Procope said he would like to support the project given the housing crisis, but there must be enough parking.

S. Callahan asked for clarification about the interior layout of the property. S. Callahan said he sees 9 bedrooms on the plan, and asked for a walkthrough of the interior. L. Arpini said there are 9 bedrooms, but saw 10 bedrooms when the property was purchased. S. Callahan stated that records list the property as a 9 bedroom.

L. Arpini said that he would be happy to make the property a 9 bedroom with a 1 bedroom 4th floor unit. L. Arpini stated that 1 unit spans all 3 floors. S. Callahan said that as you enter on Chapel Street side there is 1 unit with 3 bedrooms, on the left there is a 2 bedroom, 1 floor unit, and a 2nd floor 3 bedroom unit on the right side. L. Arpini said that he is only trying to legalize the 3rd floor 1 bedroom unit.

S. Callahan said it would be helpful if 4 parking spots could be provided, even it was with stacked parking. S. Callahan would like a condition that the parking spots be dedicated to the units with rear egresses.

D. McCarthy stated that the 3rd floor apartment could easily be converted to a 2 bedroom if a tenant desired to due to the dining room. D. McCarthy said he would like to see a parking plan which provides 4 parking spaces, and a corrected plot plan. D. McCarthy would also like to see a reduction in total bedrooms to offset traffic and parking impacts on the neighborhood.

G. Perrin said the application is incomplete without the parking plan which makes it difficult to make a final vote. He stated the parking issue is not resolved, and he would support a reduction in bedrooms. G. Perrin said there have been multiple continuances and at a point this should be a complete application. G. Perrin expressed support for one final continuance to allow for a parking plan and the feasibility of a reduction of bedrooms.

D. McCarthy stated that the square footage should be verified and added to the plot plan.

Motion:

S. Callahan motioned, and D. McCarthy seconded the motion to continue the application to the May 10, 2021 Zoning Board of Appeals meeting. The motion passed unanimously, (5-0).

ZBA-2021-7

Petition Type: Special Permit

Applicant: 78-79 Lakeview Avenue LLC

Property Located at: 78 Lakeview Avenue, 01850

Applicable Zoning Bylaws: Section 6.3

Petition: 78-79 Lakeview Avenue LLC has applied to the Zoning Board of Appeals seeking Special Permit approval to erect an internally illuminated sign at 78-79 Lakeview Avenue. The property is located in the Urban Mixed Use (UMU) zoning district. The proposed application requires a Special Permit from the Zoning Board of Appeals under Section 6.3 and for any other relief under the Lowell Zoning Ordinance.

On Behalf:

Chuck Raz, Applicant's Representative

C. Raz stated that the applicant is seeking to erect internally illuminated signs at the subject property, and will meet dimensional requirements for signage. The signs have standard internally illuminated letters and would not exceed 15 inches. C. Raz said that there are Dominos' signs on other sides of the building, the applicant is only seeking 70 square feet of signage on 1 wall, and are not currently seeking signage facing VFW Hwy. C. Raz stated they are requesting only the 1 sign facing the stoplight, and Lakeview Avenue curves around the building. The applicant is seeking relief for internal illumination they are not requesting any signage facing VFW Hwy, and all current signage will remain. C. Raz said the applicant is seeking approval on one side of the building, and approval for additional signage of up to 65 square feet facing Lakeview Avenue in the future.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D. McCarthy stated that he likes the appearance of the signage, and the location makes sense. D. McCarthy asked whether the green oval with the yellow "African" written through it will be illuminated as well. C. Raz said that that is a capsule for that word and has one flat faced surface with the green background and yellow letters. C. Raz confirmed this is the same case for the word "Tropical Food".

D. McCarthy asked whether the sign to be added in the future facing Lakeview Avenue would match the proposed sign. D. McCarthy said that he would like to see it match this design. D. McCarthy said he would have difficulty approving a sign if he could not see the design.

C. Raz said there was another sign option that was smaller, he stated it would be a smaller version of the name and logo. The budget for an additional sign is not available right now. D. McCarthy asked to confirm that the additional sign would match the design of the proposed sign. C. Raz confirmed this.

D. McCarthy stated he liked the signage and is happy to see the store open.

M. Briere stated he is supportive of the signage.

G. Procope agreed and believes the business is a good addition to the neighborhood. G. Procope asked if there are rules about when the sign will be lit. C. Raz said that the sign will only be on while the store is open or up to one hour after closing. The intent is not to have the sign on throughout the night.

R. Njoroge said he has no objection to the petition, and likes the appearance of the sign. He asked to be notified when the next sign was proposed.

V. Pech stated that the application is straight forward and thanked the business owner for his investment in the City.

S. Callahan agreed that it is a good project and asked for clarification on where the signage will be, and whether it will be visible from VFW Hwy. C. Raz said that if you are traveling east on VFW Hwy you will not see the sign, but it will be visible from all other directions. There is no direct access to the parking lot from VFW Hwy, only from Lakeview Avenue.

S. Callahan said that a typical condition would be that signage not be lit one hour before sunrise to one hour after sunset, or business closing, whichever comes first. S. Callahan asked if the business was moving, the applicant stated that it was expanding.

Motion:

S. Callahan motioned to approve the Variance with the following conditions:

- 1) The hours of illumination shall be one (1) hour before sunrise to (1) hour after sunset or one (1) hour after the close of the business, whichever comes later;

2) The additional internally illuminated signage facing Lakeview Avenue is not to exceed (65) square feet, and will be in the same design.

G. Procope seconded the motion, and it passed unanimously, (5-0).

ZBA-2021-4

Petition Type: **Special Permit**

Applicant: **Coljack Development Corporation**

Property Located at: **698-706 Lawrence Street 01852**

Applicable Zoning Bylaws: **Article XII**

Petition: **Coljack Development Corporation has applied to the Zoning Board of Appeals for Special Permit approval to construct a duplex at 698-706 Lawrence Street. The subject property is located in the Traditional Mixed Use (TMU) zoning district and requires a Special Permit under Article XII for use, and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

George Theodorou, Applicant's Representative

David Fieldsend, Applicant's Engineer

G. Theodorou stated that after the previous meeting more information was requested from the Fire and Police Department. Questions from abutters also needed to be addressed. Since that meeting information from the Fire Department has been received, and that the Fire Marshall stated that the project could be completed and the Fire Department recommended that 13D sprinklers be installed, and the petitioner would be willing to comply with that condition.

G. Theodorou said that a request was made to the Police Department related to traffic incidences. No data was provided and the Police Department took a conservative approach. There were two interested abutters that have been contacted, and stated that he said that they sought to identify issues related to the site. G. Theodorou pointed out concerns about how the property would be constructed including how much digging would need to be done for utilities and where they would be located. The applicant confirmed there would be no blasting. Additionally, they stated that there is an encroachment of a fence and small patio used by a neighbor on the property. G. Theodorou stated that they would grant her an easement to allow her to continue the use and would allow her to continue her garbage storage. Additionally, they stated they would be attentive to concerns of the abutters.

G. Theodorou sited housing choice initiative, and the state must provide a more diverse housing to meet statewide housing needs. G. Theodorou stated there is risk for the developers in making the investment in housing, and going through the process of redeveloping a blighted lot.

Speaking in Favor:

None

Speaking in Opposition:

Rosa Bonilla

714 Lawrence St, Lowell MA 01852

R. Bonilla stated she spoke with G. Theodorou, and he eased some of her concerns. R. Bonilla stated that she is still not completely free of reservations, she is concerned with parking, and that the street is very busy. She

stated that the street restricts parking during emergencies, and there is no street parking. In the area there are 23 units vying for the same parking spaces. Other large developments have off-street parking, but they still park on Lawrence Street. She does not like that the lot is vacant, but there are still concerns about the limited parking in the area. She stated the encroachment has existed for at least 20 years, and the boulder is part of her property's foundation, and she was concerned because this was a part of her foundation. The house to the rear of her property shares that boulder as well. R. Bonilla wants to ensure there are safeguards for their properties to ensure that there are no negative impacts on the property. There are concerns about the parking impacts on the neighborhood.

Layla Espada
712 Lawrence St, #2, Lowell MA 01852

L. Espada stated her only concern is her retaining wall, and the boulder. G. Theodorou eased concerns and she was concerned with safety if they were digging into boulder. There was also concern with fire access to the property, the applicant eased the concerns with the addition of sprinklers to the property. She is also concerned with the lack of parking in the area. Parking is a challenge in the area, but is aware that is a problem in a lot of areas.

Discussion:

M. Briere stated that his concerns were alleviated, and he is supportive of the petition.

R. Njoroge said that the petitioner addressed the Board's concerns, and the inclusion of 4 off-street parking spaces is helpful. The fire safety issue has been addressed, and the Police Department stated there were no traffic incidences. He supports the project to increase the much needed housing stock.

V. Pech stated that the project is a good addition to the neighborhood by increasing housing. V. Pech applauded the applicant's outreach to abutters.

G. Procope said that his main concern about traffic was addressed, and stated he supports the project.

S. Callahan said that he agreed the property was in blight, and in need of investment. S. Callahan said both fire and traffic concerns were addressed, and commended the petitioners and abutters efforts to alleviate concerns. S. Callahan stated he supports the project and it will be beneficial to the City.

D. McCarthy thanked the abutters for sharing their concerns. D. McCarthy said he believes the relief being granted is reasonable considering 4 spaces are provided and the units will only be 2 bedrooms each. D. McCarthy asked why it states 3 parking spaces are being lost, the curb cut for the 2 driveways is 15 feet totaling 30 feet of curb cut. G. Theodorou stated he didn't think so, and he did not mention that. D. McCarthy stated that there may be as few as 2 spots lost, but they are also losing up to 6 parking spots on the lot.

D. McCarthy asked whether building height was addressed. D. Fieldsend stated that the height of the building will be 29.4 feet, and it can be included as a condition to update the building height on the plans.

D. McCarthy proposed a condition that the site plan indicate the building will be less than 45 feet. D. McCarthy asked whether the stormwater plan had been reviewed by the City. D. Fieldsend stated the project has subsurface storm tech infiltration units in the rear of the property that will be connected to the roof drain, and will be included on the revised plan.

G. Theodorou stated there is only one required Variance for the garage setback, they are seeking this Variance and a Special Permit.

G. Perrin thanked the abutters and petitioner for addressing concerns.

Motion:

S. Callahan motioned to approve the Special Permit with the following conditions:

- 1) The applicant shall install a 13D Residential Sprinkler system;
- 2) The applicant shall grant an easement to the owner of 714 Lawrence Street allowing for the continued use of a patio on the subject property, and will replace the stockade fence;
- 3) The building height shall be provided on the revised site plans.

V. Pech seconded the motion, and it passed unanimously, (5-0).

S. Callahan motioned to approve the Variance with the following conditions:

- 1) The applicant shall install a 13D Residential Sprinkler system;
- 2) The applicant shall grant an easement to the owner of 714 Lawrence Street allowing for the continued use of a patio on the subject property, and will replace the stockade fence;
- 3) The building height shall be provided on the revised site plans.

G. Procope seconded the motion, and it passed unanimously, (5-0).

New Business

ZBA-2021-8

Petition Type: Special Permit and Variance

Applicant: Lowell Housing Authority

Property Located at: 572-610 Lakeview Avenue 01850

Applicable Zoning Bylaws: Section 4.5, and Section 6.1

Petition: Lowell Housing Authority has applied to the Zoning Board of Appeals for Special Permit and Variance approval to extend the existing non-conforming use, and non-conforming number of offstreet parking spaces per dwelling unit for the addition of an ADA accessible residential unit and parking space. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The proposal requires Special Permit approval under Section 4.5 for non-conforming uses, and Variance approval under Section 6.1 for parking requirements, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Nora Shull, Applicant's Representative

Jonathon Goldfield, Applicant

J. Goldfield stated that the proposed project is being funded by a DHCD grant of \$1.24 million to update affordable units and buildings constructed in the mid-1950s as a mod phase grant for elderly housing. They are seeking to add a fully handicap accessible unit and convert a unit to a handicap accessible unit. The project also includes updating buildings and landscaping work. J. Goldfield said that this is not detrimental to the community, and provides much needed housing.

N. Shull stated there is a full modernization of the 20 unit residential development, 4 one bedrooms and 16 studio apts. The proposal seeks to add 2 accessible units, including 1 entirely new unit. The applicant is proposing to redo walkways and add seating areas throughout the development to foster community within the development. The project will make the entire site handicap accessible. The parking area will be redone to add 2 accessible parking spaces for the new units, and add a drop off and pick up space for tenants. There will be new plantings along with VFW Hwy to create a nice visual barrier for tenants and neighborhood.

N. Shull said that it was important not to eliminate any of the housing stock, the proposal is in the middle of the development to minimize visual impact, and will be architecturally matched to other units in the development. The applicant is seeking relief to extend the non-conforming use of the multi-family development, and for relief from the parking requirement. Maintaining exterior for community activity areas was important to maintain and the Housing Authority did not want to eliminate this space for parking. Many tenants utilize public transit rather than driving their own car. The project complies with the city master plan by providing more affordable housing, accessible housing in particular. Overall this project will have a positive impact on the city.

J. Goldfield added that they are in contact with Wastewater, Fire Department, and Building commissioner to comply with city requirements. Additionally, they working with the Storm water Department on storm water issues.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

M. Briere stated that he must recuse himself from judgement of this petition as he is employed by Lowell Housing Authority.

G. Procope stated that the project is straightforward and he does not have any issues with the application.

R. Njoroge stated that the improvements outweigh the relief being sought. They are only proposing one additional unit, and the relief is minor and the improvements will have a positive impact.

D. McCarthy stated the improvements were significant given the minor relief being sought. The work being done will be a boost to residents and city. D. McCarthy asked whether the curb cut required additional relief. J. Wilson stated that this would require an additional Variance. D. McCarthy wants to be sure there is not a safety issue.

D. McCarthy asked if there was thought to reconfigure the lot to allow cars not to back out onto road. N. Shull stated that they wanted to maintain amount of parking.

D. McCarthy asked about traffic safety concerns. J. Wilson stated that the Police Department did not provide comments.

D. McCarthy asked about sustainability and whether solar could be added to roofs. N. Shull stated this hadn't been discussed as the roofs on the property had just been redone. J. Goldfield said there are no plans for solar, this is something they can discuss but there is not room in the budget. Some sites are solar net metering from other locations.

V. Pech said that the application is amazing, and the benefits far outweigh the relief that is being sought. V. Pech stated the project will have a positive impact on Lowell Housing Authority residents, and he supports the project.

S. Callahan stated that is a great project and presentation. S. Callahan supported the additional landscaping and redoing of walkways, this project will make the entire area look better. S. Callahan asked whether there will be signage on the drop off area. N. Shull stated that there will signage written on the pavement itself, and will add a sign if it proves necessary.

S. Callahan proposed adding a condition to ensure the drop off area would be signed.

M. Briere agreed with colleagues and stated his support for the increase of housing. M. Briere said he supported the additional green space along the VFW Hwy, and is hopeful the state highway department will follow suit.

Motion:

S. Callahan motioned to approve the Special Permit with the following condition:

- 1) The applicant shall install signage designating the drop off, and pick up area within the parking lot.

D. McCarthy seconded the motion, and it passed unanimously, (5-0).

S. Callahan motioned to approve the Variance with the following condition:

- 1) The applicant shall install signage designating the drop off, and pick up area within the parking lot.

G. Procope seconded the motion, and it passed unanimously, (5-0).

Other Business

Minor Modification: 207 Wentworth Avenue 01852

The applicant is seeking a minor modification for a previously approved Variance to construct an addition to a single-family home. The applicant is seeking to change the style of the home due to rot that was found in the gambrel, the proposed exterior would resemble a colonial style home.

On Behalf:

Michael Batson, Applicant's Contractor

M. Batson stated that they found roof rafter tails were not connected to the outside rim, there was approximately 4.5 feet of rotted header. There was very little holding up the wall, due to emergency repairs he instructed workers to remove corner of house, before they applied for Minor Modification the change was noticed by an inspector. Most of the second floor has been replaced and they are trying to ensure the home has good curb appeal with Colonial style home.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech stated that this is a structural, and safety issue, and feels this modification is acceptable.

S. Callahan said that this meets the definition of the minor modification, the proposal has minimal impact on the relief sought. The application initially sought .50 FAR relief and now requires .51 relief. S. Callahan supports minor modification.

R. Njoroge agreed with S. Callahan's statement and noted the small change in FAR. He does not have concerns.

G. Procope stated he does not have issues with the minor modification, and the changes are small.

M. Briere stated that this certainly minor and he has no questions.

D. McCarthy stated that the documentation is very clear, and is sorry this happened. D. McCarthy agreed this a minor modification.

G. Perrin agreed this is a minor modification and is appropriate. G. Perrin asked whether DPD or the Building Department were notified after discovering the rot, prior to city notification of the requirement for a minor modification. M. Batson stated that he is unsure what day it was when the rot was found, and when it was found they came to the determination that the issue was beyond repair. As a result they made the change. M. Batson stated they had 48 hours the change the permit with the City to reflect the modifications. Work was stopped as soon as they were told to stop.

G. Perrin asked if there were concerns about structural damage due to rain. M. Batson stated that the property will be structural sound, they attempted to tarp the property but the wind blew it off. Once the Minor Modification is approved they will continue necessary work.

G. Perrin stated he heard concerns from residents about safety on the site. G. Perrin stated he asked the general contractor to attend the meeting and appreciates that he attended to speak to concerns.

Motion:

S. Callahan motioned, and D. McCarthy seconded the motion to approve the Minor Modification. The motion passed unanimously, (5-0).

Minutes for Approval:

March 22, 2021

S. Callahan motioned, and G. Procope seconded the motion to approve the minutes for March 22, 2021. The motion passed unanimously, (5-0).

Announcements

V. Pech acknowledged fellow Board members, and DPD staff for their professionalism after the debate at the previous Zoning Board of Appeals meeting.

D. McCarthy stated it would be helpful if an announcement explaining the public hearing process was made at the beginning of Zoning Board meetings.

Adjournment

S. Callahan motioned and D. McCarthy seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 9:14 PM.