

Statement of Zoning Board of Appeals Member Natalie B. Sawyer
Date: March 22, 2021

Re: 751-761 Boston Post Road, Comprehensive Permit dated November 23, 2020
Weston BPR LLC v. Li et al., HAC Case No. 20-10

This statement is submitted to clarify and memorialize that I have declined to participate in settlement discussions and I decline to vote on the approval of a proposed settlement agreement in the above referenced matter. I have based this decision upon the following:

- (i) That inadequate information has been provided for any assessment of a settlement proposal, specifically: no representations or information have been provided by the Applicant/Petitioner regarding the financial impact of complained-of conditions, nor otherwise in support of its general allegations in its Initial Pleading.
- (ii) That consideration of a settlement proposal is premature while a public records request to the Housing Appeals Committee (which includes communications between the Applicant/Petitioner and Housing Appeals Committee) remains outstanding, the Housing Appeals Committee has identified that it is in possession of responsive documents, and the withholding of such public records is the subject of a pending dispute. *See, e.g., M.G.L. c. 66, § 10(A) (obligation to produce public records); and 801 CMR 1.03(6) (prohibition of ex parte communications).*
- (iii) That the Applicant/Petitioner has sought amendment of conditions which were not raised on appeal, and are not the subject of litigation; therefore, consideration of such request to amend in executive session is inappropriate. *See M.G.L. ch. 30A, § 21.*

Respectfully submitted for publication in the record,



Natalie B. Sawyer