

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 9, 2015

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Brendan Sullivan, Member

Thomas Scott, Member

Janet Green, Member

Douglas Myers, Associate Member

Slater W. Anderson, Associate Member

Alison Hammer, Associate Member

Maria Pacheco, Zoning Secretary

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**I N D E X**

<u>CASE</u>	<u>PAGE</u>
BZA-004460-2014 -- 90 Hamilton Street	3
BZA-005986-2015 -- 9 Fairmont Street	62
BZA-006194-2015 -- 65 Ellery Street	46
BZA-006077-2015 -- 184 Harvey Street	56
BZA-006199-2015 -- 26 Jackson Street	172
BZA-006157-2015 -- 15 Crescent Street	167
BZA-006231-2015 -- 777 Memorial Drive	202
BZA-006244-2015 -- 17-19 Decatur Street #2	218
BZA-006295-2015 -- 43 Lee Street	170
BZA-006319-2015 -- 194 Western Avenue	247
BZA-006299-2015 -- 27 Corporal Burns Road	278
BZA-006215-2015 -- 28 Creighton Street	311
Keyword Index	

**P R O C E E D I N G S**

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(7:00 p.m.)

(Sitting Members Case BZA-004460-2015: Constantine Alexander, Timothy Hughes, Janet Green Douglas Myers, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chairman is going to call this meeting of the Zoning Board of Appeals to order. And is our custom, we start with continued cases. These are cases that start at an earlier session but for one reason or another has been continued until tonight.

Okay, the Chair will now first call case No. 004460, 90 Hamilton Street.

Is there anyone here wishing to be heard on this matter?

Good evening.

DOUGLAS LING: Thank you. Good evening.

CONSTANTINE ALEXANDER: Give your name and address to the stenographer,

please.

DOUGLAS LING: Douglas Ling, 97  
Wellesley Avenue, Wellesley, Mass.

CHICHI LIAO: Chichi Liao, Nine  
Francis Street, Brookline.

MYONG KIM: Myong Kim, M-y-o-n-g  
K-i-m. And Three Colby Road, Boston,  
Massachusetts.

CONSTANTINE ALEXANDER: Looks like  
you've been busy since the last time you  
were before us?

DOUGLAS LING: Yes, indeed we  
have, Mr. Chairman and Board.

We heard two concerns last time we  
were here discussing the potential day  
care at 90 Hamilton Street. One is  
traffic and the other one is a design of  
the parking lot. On the parking front --

CONSTANTINE ALEXANDER: Excuse me.

Can you hear? Come around the side or something if you want to hear.

DOUGLAS LING: Since then we have done extensive traffic study. We have submitted the report to the Board. The -- and we also have done some redesign of the parking lot with particular increasing landscaping that Mr. Kim is going to address a little bit later. The traffic study that we did fairly hands on. It was on-site at two of our potential -- similar size day care in Cambridge. One is Bright Horizon University City. Second one is Forest City and University Point. And the second is the Rock and Roll Day Care on Prospect Street, prospect and Broadway. They each have comparable size enrollment and we counted, observed the drop-off and pick-up

situation on two occasions, March 16th and March 18th. And the during the peak pick-up hours, 7:30 to 9:30 -- or 10:00 actually. And then 4:00 to 6:30. Those would be slightly beyond our drop-off and pick-up hours.

There are two things we're particularly looking for, one is -- last the time we discussed that we don't expect most of the parents will be drop off by vehicle. We cited our experience in Chinatown which is 35 percent --

CONSTANTINE ALEXANDER: Yes, but -- I'm sorry to interrupt you. But why given where you are located do you think most of the people are not going to come by motor vehicle? Chinatown is a world different. It's an urban environment, people walk down the street.

You're tucked away in a corner, a long way from a lot of other -- particularly MIT where most of your parents are going to come from. So --

DOUGLAS LING: Well, I mean so we have the question mark, too. And then so when we observed the drop-off and pick-up at those two comparable sites, we counted the people who drove, people who walk, bike in some cases, and counted against the enrollment. And the percentage about 38 to 40 percent, slightly higher than in Chinatown, 35 percent. Now, in day care typically neighborhood oriented, or in this case there are a lot of potential corporate clients that might -- you know, work three four blocks away, you know, Sidney Street or whatever, that they have their own parking space. All they need to

do is walk their kids over. So they would rather park and then bring them over. We can't -- you know, we can't -- my own situation near enough to day care I walk sometimes. When the weather is nice. So we do feel that the data on, you know, on four different occasions fairly consistent and even for someplace like Rock and Roll, which is a major, major busy intersection, they were able to accommodate their drop-off and pick-up with five parking spots. And so we feel very confident that with our site we had 12 parking spots available to the day care. Four was assigned to the commercial tenant on second floor. We have 16 altogether. In fact, we had -- we have painted 17, but we counted, based on previous filing, it's actually 16, so we actually amended our

parking space registration to 16. In addition, we consider -- we have in the plan you will see add eight bicycle racks and also have eliminate some spaces so that allow for temporary drop-off of children.

CONSTANTINE ALEXANDER: You're going to have a staff of 14 on the premises based on the materials you submitted.

DOUGLAS LING: Right.

CONSTANTINE ALEXANDER: So if they come for the day --

DOUGLAS LING: Right.

CONSTANTINE ALEXANDER: -- I know we're going to talk about subsidizing and T passes and encourage them to park at the area street garage. But if they choose neither, they're going to be taking a good

number, if not all of the parking spaces in the lot.

DOUGLAS LING: Once again, I'll -- we can only look at whom we recruit and how they, you know, travel, commute. And that is consistent with the Chinatown situation because those people are -- do live on major, you know, they do come by transit. They don't live in the neighborhood. They come from Quincy, they come from Malden, they come from, you know, Arlington. So....

CONSTANTINE ALEXANDER: One more time, sir, I don't mean to be difficult, but the Chinatown example is apples and oranges.

DOUGLAS LING: But the people we recruit --

CONSTANTINE ALEXANDER: Right.

DOUGLAS LING: -- are those people. We love to recruit local folks who are qualified teachers. So if that happens, I presume they will walk or bike. But once again, we have -- we can only base on the kind of target recruit that we gonna attract and based on our experience. If -- I mean we can commit to not having staff parking other than, you know, subsidize the T passes and ask them to, you know, park on Eerie Street on a monthly basis, to lease a space or work with our neighbors who have the parking lot across the street. But, you know, we can certainly commit to reserving the spaces available to parent drop-off so that, you know, and so that we can facilitate a smooth traffic pattern in the area.

The second part, the second part of the study involved the traffic pattern of the area, and we actually stood at the corner of corner of Brookline and Hamilton and counted traffic both on Hamilton Street as well as on Brookline Street. And in the report you'll see that there's a predominant traffic pattern going from Sidney Street to Brookline Street on Hamilton to the -- particularly at five in the evening hour it's a tremendous amount of traffic. But during the day, in the morning, the ratio is a little bit less. So the traffic includes in both directions.

So we are also prepared to state in our parent guidebook, operation guidebook to mandate a certain traffic pattern if in the summertime the traffic is both

direction clear, we would like them to steer away from the Brookline traffic. If it's coming in evening where everything is going, you know, going towards Brookline and you encounter traffic, you might run into, you might run into counter traffic in the wintertime when the lanes are brought down to one, we would, you know, suggest that they would go with the traffic. I mean, those things people will find out very quickly which one is the easiest, quickest to go.

But in any case, our projected number of vehicle trip generated at each hour is less than 30, right, based on our, you know, using the similar ratio at the other sites.

CONSTANTINE ALEXANDER: Even though you're going to have 60 students

you're only going to have 30 cars coming?

DOUGLAS LING: If you use 40 percent. You use the 40 percent ratio.

So 30 vehicles on the -- and the peak on Hamilton Street at five o'clock is 150 vehicles according to what's Brookline. During the day is a little bit less. You know, we are not overly, hopefully are not overly burdening the existing traffic capacity either way. But we would, you know, all of these things we would adjust, but you'll see the traffic pattern later when we look at the parking lot design, you know, the circulation in the parking lot was also to accommodate a quick turnaround. So that people can come in either -- they get infants, they can park in the designated short-term ten-minute parking spots. If they have

older children, they are comfortable dropping them off, we have staff by the door, they can come in and make a continuous traffic circle and then drop off within 30 seconds.

CONSTANTINE ALEXANDER: Let me ask you a question and it will become relevant, you'll see the relevance later on. This project is a joint venture between the owner of the building and your school?

DOUGLAS LING: Yes.

CONSTANTINE ALEXANDER: It's not a pure arm's length lease where you have a landlord that says, yeah, I need a five year lease? You want the place you have to sign a -- and I'm just making these numbers up.

DOUGLAS LING: Yes, right.

CONSTANTINE ALEXANDER: You have flexibility among yourselves?

CHICHI LIAO: Yes.

CONSTANTINE ALEXANDER: One thing I'm wondering about, and we've had it in a situation and I throw it out to the other Board Members, an amount of time, that if we do grant you permission, we grant you for two years or some short period of time. We can see how the traffic evolves and see how the neighborhood can live with the traffic. And sometimes we don't want to do that because you're committed to having a financial obligation that you can't get out of, but I don't hear that tonight. So I'll put that thought in the back of the mind of some of my fellow Board Members. Maybe if it goes forward, go forward meaning we grant you relief,

that we do it for a limited period of time so we can see what the actual experience is.

One of the issues that was raised last time, just getting back to the traffic, was whether you're going to ask for additional curb cuts. And from what I saw, I didn't see any.

DOUGLAS LING: We won't.

CONSTANTINE ALEXANDER: No new curb cuts.

CHICHI LIAO: No.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS LING: Do you want to go to the board to look at the design --

CONSTANTINE ALEXANDER: Sure.

DOUGLAS LING: -- look at the traffic?

MYONG KIM: We are looking at four

different items in terms of the parking design.

The first one is that there was discrepancy between the city number of parking registered to the city which was 17 -- 16. And then the registered, which was 17. So we need to reconcile. This is the dimension showing 17 parking space. And this one is proposed design as one which is 16 now. So that reconciles the discrepancy between the city records and the existing proportion issue. So 16, that's final number that we have.

CONSTANTINE ALEXANDER: Let me just point out, sir, that you're not seeking a Variance for parking.

MYONG KIM: Right.

CONSTANTINE ALEXANDER: You're going on the basis that you believe you

can comply with the parking requirements of our Ordinance?

MYONG KIM: Yes.

CONSTANTINE ALEXANDER: And if we were to grant relief, and when you go to get your final certificate, Mr. O'Grady or someone from the Inspectional Services is going to review your calculations, and if it turns out he does not agree with your computation regarding parking, you're going to have to come back to seek a Variance later on. Just so that you appreciate that. I'm trying to say is we're not going to get into parking tonight because you haven't asked for relieve for parking.

MYONG KIM: Right.

And just for reference, we already filed for registration and that we got a

good comment from them and they 16 is the number they have. So so far it looks good for us.

The second thing is that we're looking at adding opportunity to add more green space to the reduced land. Also to collect the continuous stonewalls from the sparking space here. So that will collect the waters, the storm water will be collected by the system landscape. We haven't fully designed yet, but once we get approval, we'll look at how we actually achieve this landscape and the function as a bio swell collect the waters and storm water runoffs.

And third one is that we have, as Doug explains, we have three spaces reserved to -- as a space for anyone who likes to make u-turn within the site in

dropping off their kids and then without creating the traffic congestion along that street.

CONSTANTINE ALEXANDER: So are you saying reserved, you mean those three spaces will not be available for parking during drop-off hours?

MYONG KIM: Yes, yes, exactly.

And then the last thing is the little bike racks. And we increased the distance between the building to the parking space with that. Anyone who is walking with the stroller, can actually access to the building using this main entry space. So that was the summary of parking space design.

CONSTANTINE ALEXANDER: Now, there was some suggestion, I think, from a member of the audience last time about

screening. You're looking to put greenery, which is very nice around the edge, but it's not screen, not bushes of the like. Just, you believe this is a better approach to the solution?

MYONG KIM: Yes, absolutely.

Visually and I think in terms of functions, functionally it works much better and --

CONSTANTINE ALEXANDER: And you said it's not -- you haven't finalized your plans but you have finalized the amount of greenery that's going to be set forth, it's just a matter of how you're going to plant that what you're talking about, and draining it and all that stuff?

MYONG KIM: Yes, sure.

CONSTANTINE ALEXANDER: Okay.

Did you have a meeting with the

neighborhood or at least advertised something with the neighborhood? I saw something in the files.

CHICHI LIAO: Yes, I do updates and contact our neighbor John to view the plan.

CONSTANTINE ALEXANDER: Did you summarize how the meeting with went with your neighbors?

CHICHI LIAO: In the previous meeting.

CONSTANTINE ALEXANDER: Maybe your neighbor will summarize it for us. I'd just like to know the reaction.

JONATHAN AUSTIN: Jonathan Austin, 219 Brookline street. I actually got this e-mail on Monday morning at 10:13 and I opened it and I have to say I was extremely impressed with his proposal.

It's both in both its creativity and presentation and self-evident that this has been well thought through. So I applaud that. Thanks for doing that.

I have a couple of comments. I think that the zoning setback for planting strips is five feet, and here is proposed to be three feet. And in an urban environment you really need five feet in order to be able to get a hedge to grow properly. Three feet is just a bit too thin.

So if that were to be the case, I think you have to move the whole parking closer to the building which would then get you within ten feet of the building, which then would require a very -- I think it's a very -- yes, it would be a Variance because you were within ten feet of the

building. So one way or the other I believe that there's some relief required here, and I would advocate for it being in the setback from the building in order to get an adequate planting strip.

I would also ask that the, that and I never know quite how this gets embodied within your decision, and planting is planting and planting can easily die and not be maintained and ultimately asphalted over which is what happened here. So I would ask that there be a maintenance plan.

CONSTANTINE ALEXANDER: That's a fair request, but I have to tell you that we've been reluctant to do that because we don't want to have the Inspectional Services Department become a landscape operation.

JONATHAN AUSTIN: I understand that.

CONSTANTINE ALEXANDER: It's a difficult one. We'd like it to be enforced by the city officials, but from a Zoning point of view it's very burdensome.

JONATHAN AUSTIN: Okay. I think it adds for -- I think this adds tremendous value to your property. I think it adds tremendous value to the neighborhood. I have say 25 years ago when we first came here, it was in a remote location and pretty gritty with it. But there are a lot of people on bicycles with families. I can quite believe your figures here about this being a local neighborhood resource where people will come to more and more with bicycles. So I don't find that uncredible (sic). I think

it's -- I think this is vastly improved  
and I would, I would support it.

CONSTANTINE ALEXANDER: Thank you.

JONATHAN AUSTIN: Absolutely.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard on  
this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently  
not. I don't believe there were any  
letters in the file, at least not as of a  
day or two ago regarding what is before  
us. I'll just check.

There are no written communications.  
I'm going to close public testimony.

Any final comments you'd like to  
make?

DOUGLAS LING: No. We think

that -- we hope that we have a chance to be an available resource for the community. We like to be a good neighbor. We've been keeping the plants alive and that's to our advantage. We're going to teach the kids to help us keep the plants alive, and we'll just afford the opportunity to be part of the Cambridge.

CONSTANTINE ALEXANDER: Thank you.

Discussion by members of the Board?

TIMOTHY HUGHES: Well, I'm just concerned about how do we interject Jonathan's comments?

CONSTANTINE ALEXANDER: I thought about that, but just on the fly. I think basically we approve these plans but we don't -- we're not granting a Variance. This is a Special Permit. So to the extent your plans are not consistent with

our Ordinance, you're going to have to come back and seek a Variance for three feet versus five feet or whatever the issues are going to be in terms of setbacks as Jonathan mentioned.

TIMOTHY HUGHES: I understand that. But my understanding was that the Variance would be if you wanted to get closer to the building, that they wouldn't necessarily need a Variance for the three-foot swamp that they're trying to grow a hedge in even if it's not practical to grow a hedge in that three feet.

Is that your understanding of it? Is that they would need a Variance if they moved into the setback, moved within ten feet of the building but....

JONATHAN AUSTIN: I don't know.

I --

TIMOTHY HUGHES: I'm thinking that only half of what they would need to do would require a Variance.

CONSTANTINE ALEXANDER: Again, I think all we can do tonight is to act on the Special Permit, which would be to allow the day care center.

TIMOTHY HUGHES: Right.

CONSTANTINE ALEXANDER: And according to the plans that they've submitted.

TIMOTHY HUGHES: Right.

CONSTANTINE ALEXANDER: And if it requires that these plans require a Variance, they'll have to come back to us.

TIMOTHY HUGHES: In terms of the parking situation.

CONSTANTINE ALEXANDER: Right.

MYONG KIM: Just for your

reference, right now we -- the (inaudible) has enough right now including the edge of the concrete, the concrete will be five feet and then we'll look at some details to accommodate five feet requirements and I'm quite positive that we can, we can -- that's doable.

TIMOTHY HUGHES: Some space there. But it's -- you're saying that that could be part of the green area?

MYONG KIM: This is, so --

TIMOTHY HUGHES: I'm talking about on Brookline.

MYONG KIM: Yes.

TIMOTHY HUGHES: Right there.

MYONG KIM: Here this curb is already drawn as 12 feet, 12 feet. So three feet. So it's total curb to curb is five feet, and then we also need

to -- that would be measured from here to the property line, and that we finalize it's very tight. But I have feeling that we can, we can accommodate five feet requirements, No. 1.

And, No. 2, as you mentioned, if we can't make it, then we have to come back. We understand.

CONSTANTINE ALEXANDER: Right. That's what it comes down to.

TIMOTHY HUGHES: Okay.

JONATHAN AUSTIN: I think also, I mean, I didn't look at the precise plantings that are here, but I think, you know, this is a lovely feature. I mean, the details of this are terrific. They're really very nice. This should be a hedge because the idea of that is to screen parking from the street. So I don't know

what type of hedge you have in mind there.

CONSTANTINE ALEXANDER: I don't think he has any hedge in mind.

JONATHAN AUSTIN: Oh. Well, it's --

CONSTANTINE ALEXANDER: Greenery, but not a hedge.

JONATHAN AUSTIN: Yeah. A hedge is for screening. That's the idea of the setback is to have a screen.

CONSTANTINE ALEXANDER: Well, let me put it this way, we will approve a plan that has greenery along, is it Brookline Street?

MYONG KIM: The narrow one.

CONSTANTINE ALEXANDER: I'm sorry?

MYONG KIM: Brookline is the narrow one.

CONSTANTINE ALEXANDER: And that

how that greenery is, whether it's shrubbery or whether it's something else is, I think it's up to the petitioner to decide, as long as we have something green there. We can't get into, again, at our level --

JONATHAN AUSTIN: I understand that. But does the Zoning require screening? So I mean it's a -- it's something that has a function of screening.

CONSTANTINE ALEXANDER: I will let Mr. O'Grady define what screening means in this context.

JONATHAN AUSTIN: I'm sure.

CONSTANTINE ALEXANDER: I suspect they will reach an agreement on something that --

MYONG KIM: I promise there will

be future improvements into terms of landscaping.

JONATHAN AUSTIN: Yes, the planting is great.

JANET GREEN: I also think that what's clear is that it's in the best interest of the business, particularly this kind of business where you have customers that are coming to your site everyday, you don't want to have dead plants. It's like bad image. You know, make you feel -- you will feel very interested in having the property being inviting to your customers.

DOUGLAS KING: Yes.

CONSTANTINE ALEXANDER: By the way, I neglected to mention that we have a substantial amount of letters in our files for the project, but I think I would also

comment, as best I can tell that almost all of the letters of support are people outside the neighborhood. So they're not the ones directly affected by it. But it doesn't mean that they're not entitled to express their views and that we will disregard them. We have to take that into consideration in evaluating those letters of support.

Let me return to something I said earlier and see what the Board Members' views are. Do you want the motion for the Special Permit to be limited in years to see -- so that we have a second look at the traffic or not?

TIMOTHY HUGHES: The only reason that I'm not concerned with that is because it's not been raised by anybody from the community. You know, I mean --

CONSTANTINE ALEXANDER: I think Mr. Austin raised it the last time.

TIMOTHY HUGHES: The last time. But I thought he was satisfied with the numbers on this one in terms of the traffic pattern. I mean, you -- I'm not opposed to the idea. Because like you said, there's no lease in place, you know and so --

DOUGLAS MYERS: I have one question about the parking and that might somewhat influence this question. I wanted to ask with regard to the parking turning area, if I understand you right, that means that during the pick-up and drop-off period perhaps three hours total a day that the number of parking spaces will be reduced from 16 to 13 and won't that much time, when those parking spaces

are not available for parking, won't that have the effect of effectively practice -- as a practical matter, eliminating those parking places from all day use?

MYONG KIM: Yes. That's still put a lot of -- certain degree they'll put the limitation terms of use. However, that's something that within the control of the operation and that's something that we committed to, to make the facility works within the community. So we'll follow that rule that we set up for our own. So we have commitment to make that happen.

CONSTANTINE ALEXANDER: In making the motion I'm going to suggest that we, one of the conditions is that staff cannot use the parking spaces on the property. That they must, they must park on Eerie

Street garage or take the T or bike. They can park, they can park with their biking, but I think we have to save those spaces for the turnaround. That would be my suggestion to the Members of the Board at least.

DOUGLAS MYERS: I would accept preference of the majority of the Board, of course, but for myself I'm in favor of imposing the condition of two years if whatever term is agreeable and taking a look at it in view of the number of possible impacts this could have on the community.

CONSTANTINE ALEXANDER: Well, I'm sympathetic to that, too. But if other members are not, there's only two out of the five.

JANET GREEN: The only thing I

would say is that we have seen it work at Rock and Roll. I mean, that came before us and at the corner of Prospect and Hampshire is it?

TIMOTHY HUGHES: Broadway.

JANET GREEN: Broadway. And they had fewer spaces, and I've been through there during the times that would ordinarily be a drop-off time, and it's been managed really quite thoughtfully.

CONSTANTINE ALEXANDER: Allison, do you have any views on this?

ALISON HAMMER: I think my only concern with, you know, giving them only two years is that, you know, obviously they're going to be rehabilitating this building, putting time and capital into making this structure appropriate for their day care use. If we -- I

just -- part of me feels that, you know, if we're going to give them a go ahead, it's difficult to say we can only guarantee it for two years.

CONSTANTINE ALEXANDER: All right. I'm persuaded, particularly there's only two of us and we need three to get it. There's no condition as to time. We'll just make the motion for the Special Permit. The other conditions about no staff automobile parking on the site. That we're going to rely on your representation that you're going to provide either subsidized parking at Eerie Street garage or T passes. And that the greenery, the green space on the plans will be part of what you're going to do. How you actually do the greenery is something to be determined and worked out

in the future, but you're going to have the dimensions that are on the plan that you've shown us.

DOUGLAS LING: Can we comment? If all the spaces were for temporary parents' use, then during the day there's the staff is not using it, then the parking lot would be essentially be empty except for random visitors.

CONSTANTINE ALEXANDER: Right.

DOUGLAS LING: I mean, if we have two parking spaces or two or three limit that to the staff use, I mean how, how can we maximize the use of it?

CONSTANTINE ALEXANDER: You told us that the staff is not likely to need to park on the property. Now all of a sudden they may want to have to park on the property.

I think we have to -- in my judgment, air on the side of making sure there's plenty of turnaround space on the site. And you working with your staff will have to solve the parking problem for your staff. Encourage them to ride a bike. There's plenty of parking on the site for bikes.

TIMOTHY HUGHES: I mean I think taking those three spaces out of the equation does provide the turnaround space.

CONSTANTINE ALEXANDER: Yes, that's all it is.

TIMOTHY HUGHES: But I mean, I don't really see any reason to eliminate all the other parking spaces from staff.

CONSTANTINE ALEXANDER: No. Okay, let me -- that's a good point. I can

frame it so that the reserved turnaround space on the lot, that staff may not use the parking space, otherwise use parking spaces that would impede turnaround.

DOUGLAS LING: Yes, yes.

CONSTANTINE ALEXANDER: But if, if you're not impeding, than you can use the lot for the staff. How's that?

TIMOTHY HUGHES: That sounds good.

JANET GREEN: Yes, I think that's good.

CONSTANTINE ALEXANDER: Ready for a motion?

TIMOTHY HUGHES: Sure.

CONSTANTINE ALEXANDER: The Chair moves that with respect to the Special Permit being sought, that is to change current office use to day care preschool, that we make the following findings:

That the Ordinance requires that you have a Special Permit. You can't satisfy the Ordinance without getting a Special Permit.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. With regard to that finding, this is subject to the condition that will be imposed in part of the relief being granted.

That the continued operation of, or development of adjacent uses, will not be adversely affected by what you're proposing.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant or

the citizens of the city.

And that the proposed use would not impair the integrity the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance. With regard to the latter, the Board would be relying on the representation of the petitioner, that they will encourage staff not to drive automobiles and to park on the premises, but rather to take the T or to use public garages in the neighborhood.

And further, that staff will not be permitted to park on the -- in the parking lot in an area that would impede the turnaround that's going to be desired as people, as parents drop-off or pick-up their children.

And on the last -- and so on the

basis of all of these findings and the representations I've just cited, the Chair moves that we grant the Special Permit on the condition that the work proceed in accordance with plans, there are three pages in length, prepared by the petitioner and initialled by the Chair.

So these are them. If you change them, you're going to have to come back before us. And that implies also to the greenery that we've been talking about as well.

MYONG KIM: Yes.

TIMOTHY HUGHES: I think you might want to say with the exception of widening that strip along Brookline to five feet of greenery.

JANET GREEN: That they could change that.

TIMOTHY HUGHES: They could change that on the plan. If the plan doesn't have it at five feet now --

JANET GREEN: They can go to five feet.

TIMOTHY HUGHES: -- and they need to go to five feet, they should be allowed to do that without coming back.

CONSTANTINE ALEXANDER: You got that, Cathy?

With that helpful modification, all those in favor of granting the Special Permit say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

(Alexander, Hughes, Green, Myers, Hammer.)

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(7:35 p.m.)

(Sitting Members Case BZA-006194-2015:  
Constantine Alexander, Brendan Sullivan,  
Thomas Scott, Douglas Myers, Slater W.  
Anderson.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006194, 65 Ellery  
Street.

Is there anyone here wishing to be  
heard on this matter?

CAMPBELL ELLSWORTH: Good evening.  
My name is Campbell Ellsworth. I'm an  
architect for the project. Adam Siegel,  
to my right, and David Paul next to him.  
We were here before you two weeks ago.  
You granted us a continuance to go make a  
thorough community outreach to the  
neighbors about this project. We're here  
to request two Special Permits. One is to

add windows within a required setback, and the second is to add non-GFA basement space that would effectively increase the volume of the built structure beyond the allowable ten percent which has already been permitted.

I am going to ask Adam Siegel to my right to discuss the community outreach pieces.

ADAM SIEGEL: So after our meeting on Thursday Campbell requested the address list from Maria, and we received that I believe on Friday, and I wrote and personally hand addressed letters to all of the abutters. I have a copy of the letter here.

CONSTANTINE ALEXANDER: This is the letter you sent?

ADAM SIEGEL: That's the letter I

sent, yes. Just letting all of the abutters on Maria's list, I believe it was 37 addresses, know we were holding an open house at the property last Thursday between six and seven to show how the -- where the windows would be located inside the property and how it will affect their structure. And just the views and so forth from where the windows are. We masked it out in tape.

And then on Tuesday on the tenants that is live at 67 Ellery, which is directly to our right, we left the same letter in all of their mailboxes because they don't receive the mail from the abutters' list because they're not the owner.

CONSTANTINE ALEXANDER: That's right.

ADAM SIEGEL: So I received a call from the Wind Companies who manage 50 Trowbridge Street who are on the list, but their building really doesn't face the windows at all. I encouraged them to come to the open house on Thursday and I could show them exact locations. They explained to me, though, they most likely not come because the addition of the windows would not be visible to their property or negatively affect it.

At the open house we had two neighbors stop by to look at the project's progress and the potential and the locations. One of the neighbors was Lauren Horrace and she's a first floor tenant at 67 Ellery Street. She stopped by, toured the project. She said most of the windows would actually face her unit

where she lives because she lives right where the windows are. She did not object to the additional windows. She toured the inside of the building and she seemed excited about the project.

CONSTANTINE ALEXANDER: But certainly expressed no objection?

ADAM SIEGEL: No objection, right.

The next neighbor was a gentleman that lived at 426 Broadway Street. I believe he's the owner of the building as well. I don't know -- I'm not sure of the name.

DOUGLAS MYERS: Is that the building that has the three balconies that front --

ADAM SIEGEL: It's the purple building, yes. And he toured the property as well.

Do you remember his name?

DAVID PAUL: No, I don't.

ADAM SIEGEL: He didn't leave his name. He expressed no objections to the addition of the windows either. He was excited that it was being turned into a single-family from a three-family. And we received no other letters or any calls. I left my phone number on the letter and no one stopped by since then. So that was our --

CONSTANTINE ALEXANDER: When did you put the letters in the mailboxes of the three tenants?

ADAM SIEGEL: On Monday. Monday and Tuesday I believe. And then the meeting was on -- we had the open house on Thursday.

CONSTANTINE ALEXANDER: Oh, not

this Monday -- this past Monday, a week ago Monday?

ADAM SIEGEL: A week ago.

CAMPBELL ELLSWORTH: Just a few days after our last meeting.

CONSTANTINE ALEXANDER: Okay.

Thank you.

Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: All right. We vetted this case I think a bit the last time. Basically your traditional, for us, Special Permit relocation for windows in a setback case. And the representation from the petitioner is that they have reached out to the neighborhood and that there has been no objection expressed by the neighborhood. And we have none in our files. Let me just take one last check,

the last I looked -- no, we have no letters of objection.

Let me ask, anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one wishing to be heard. As I mentioned, there is nothing in the file from any citizen.

I'm going to close public testimony.

Are we ready for a vote?

Okay. The Chair moves that with regard to this Special Permit being sought that we make the following findings:

That the only way that the Ordinance can be complied with is to get the Special Permit inasmuch as under our Ordinance, relocation of windows in a prohibited setback requires Special Permit relief.

That what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of adjacent uses will not be adversely affected by the nature of the proposed use.

And that no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the city.

And that what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings,

the Chair moves that we grant the two Special Permits being sought; namely, to add windows on the right side of the structure and to add a non-GFA base less than seven feet under a permitted addition.

On the condition that the work proceed in accordance with plans submitted by the petitioner and initialled by the Chair and is part of our file.

All those in favor of granting the Special Permit please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Scott, Myers, Anderson.)

(7:40 p.m.)

(Sitting Members Case BZA-006077-2015:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will call case No. 06077, 184 Harvey Street.

Is there anyone here wishing to be heard on this matter? You want to be heard?

JOSHUA WALKER: Yes, I want to be heard. I apologize, I was scheduled to meet with you on about two weeks ago.

CONSTANTINE ALEXANDER: This is the third time. You were supposed to have a public hearing, you didn't put a sign up so we continued the case. So this to tonight.

Still no sign up, and it's not clear to me from talking to Inspectional

Services whether the plans that you have submitted are sufficient.

JOSHUA WALKER: The plans are not sufficient.

So the first time that I was supposed to put the sign up, I did, but then found out that my plans were insufficient so I took the sign down.

CONSTANTINE ALEXANDER: Okay, understood.

JOSHUA WALKER: The sign has been down since I do not have plans that are sufficient and have been resubmitted. I have an architect working on those and they have committed to me that those plans would be ready by the next time you guys grant me the hearing.

CONSTANTINE ALEXANDER: They have to be in our file by the five p.m. on the

Monday before which will be April 30th.

Why don't we add a couple weeks in? How about the first meeting in May.

JOSHUA WALKER: My -- they've been working on this now for a month, so I don't know why they haven't been able --

CONSTANTINE ALEXANDER: All right. I don't want to come here in April and have it continued one more time.

JOSHUA WALKER: I understand that. They've given me their assurances that as soon as you guys can see me again, that they assured me will be here and the plans will be ready.

CONSTANTINE ALEXANDER: Do we have room on April 30th?

MARIA PACHECO: Already three continued.

CONSTANTINE ALEXANDER: Are they

real continued cases or any phoneys?

MARIA PACHECO: Might be. We have  
30 Brattle.

CONSTANTINE ALEXANDER: That's not  
going forward one way or another.

MARIA PACHECO: 209 Broadway.

CONSTANTINE ALEXANDER: That's  
going forward.

MARIA PACHECO: And 10 Canal.

CONSTANTINE ALEXANDER: I think we  
can do it on the 30th.

MARIA PACHECO: So I will put the  
sign back up.

CONSTANTINE ALEXANDER: Wait, I'm  
going to make a motion and then I'll  
answer your question as part of that.

JOSHUA WALKER: Okay.

CONSTANTINE ALEXANDER: The Chair  
moves that this case be continued as a

case not heard until seven p.m. on April 30th subject to the following conditions:

You have already signed a waiver of time for decision.

You must post a sign reflecting the new date, April 30th, and the new time, seven p.m. And that sign must be maintained for the 14 days required by our Ordinance. And that plans, any plans and dimensional -- related dimensional forms, must be in our files no later than five p.m. on the Monday before April 30th.

JOSHUA WALKER: Okay.

CONSTANTINE ALEXANDER: Okay?

Those are the conditions.

All those in favor of continuing this case on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Excuse me

sir, the 14 days is coming up almost immediately, so don't waste -- you need to put the sign up.

DOUGLAS MYERS: You only have a day or two.

JOSHUA WALKER: Maria's been very good.

CONSTANTINE ALEXANDER: Make sure you get it up.

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(7:45 p.m.)

(Sitting Members Case BZA-005986-2015:  
Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Alison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
is going to call case No. 005986, Nine  
Fairmont Street.

Is there anyone here wishing to be  
heard on this matter?

FROM THE AUDIENCE: Question.

CONSTANTINE ALEXANDER: Please,  
come forward. If you have any trouble  
hearing or you want to see --

FROM THE AUDIENCE: When you say  
Nine Fairmont, I don't identify it by the  
address. So what is the property?

JOHN WOODS: It's the Woodrow

Wilson Court.

FROM THE AUDIENCE: I would like to speak at public comment.

CONSTANTINE ALEXANDER: Sure. Again, if you have trouble hearing or seeing the plans, feel free to come around and move up. We're not very formal about this.

JOHN WOODS: My name is John Woods. I work for the Cambridge Housing Authority. 362 Green Street, Cambridge Mass., 02139. I'm joined by my colleague Margaret Keaveny. And with me tonight, too, is James Comer, who is a director of operations, as well as Jennifer Gooding who is the manager of the Woodrow Wilson Court Development.

Also in the audience is Terry Dumas who is a director of planning and

development for the Cambridge Housing Authority. We're returning from our last visit on February 12th when we came before the BZA seeking a Variance for the current non-conforming structure that predates the Zoning Ordinance so that the Cambridge Housing Authority can build a 360-square foot trash room attached to one of the three buildings at the Woodrow Wilson family -- Woodrow Wilson Court family public housing development.

As you may recall, the concerns that were raised in the last meeting about the impact of changing the current trash chute system, now in operation at the site, to the new trash collection system planned would require residents to carry their trash from their apartments outside to the new trash structure. The Board asked us

to create an action plan describing in more detail how the new trash system would work, including listing the responsibilities of the residents and the management team. I included that document in the package that was submitted in preparation for this meeting.

Also included in that package was a listing of the meetings that we held with the residents to discuss the renovations planned at the site, including the installation of the new trash room. As you will note, we had four meetings, formal meetings with the residents between early 2014 and early 2015. In addition, in response to the BZA's request we also met three times with the residents since our last meeting in February and continued to discuss the changes to the trash system

at Woodrow Wilson Court. It was during these three more recent meetings that we introduced drafts of the project description and policies and procedures document that eventually became the document that you see before you. I hope that the supplemental information has clarified the issues raised at our last meeting, but if not, we have the key staff that I introduced earlier to speak to any lingering concerns.

And also looking over the transcript, there were some requests to get more clarification of the Jackson Garden trash system which we've been using as a model for this system and we're fortunate enough tonight to have someone from Jackson Gardens, a resident, who is willing to come down here and talk. We

can introduce her when the time is right.

CONSTANTINE ALEXANDER: I have a question and I'm confused which is not at all unusual as my colleagues will tell you. In your action statement, as I understood it, the idea is to get rid of the chutes and you're going to have a trash room down at the first floor. But then I read this and it says here -- this is from your action statement.

JOHN WOODS: Sure.

CONSTANTINE ALEXANDER: Residents will be responsible for removing trash and recyclable materials from their apartments and placing the materials in the trash house, either through the chute identified as household trash or through the chute identified as recycle materials.

So are there still going to be

chutes?

JAMES COMER: James Comer,  
C-o-m-e-r. The chute is basically just  
the slot that the trash is going to go  
into.

CONSTANTINE ALEXANDER: Okay,  
thank you. I told you I'm easily  
confused.

JAMES COMER: Thank you.

DOUGLAS MYERS: No, no, I had it  
wrong. You got it right.

JOHN WOODS: I wanted to make it  
clear that we had some spirited  
discussions during those last three  
meetings. We're fully aware that this is  
a significant change in the sort of  
lifestyle of some of the residents, but  
we're obviously committed to working with  
them. And I think the policies and

procedures that we talked about there outline a procedure that would be in place should someone have difficulty with this new system.

CONSTANTINE ALEXANDER: Let's talk about that, because that was a subject of most of the discussion last time.

JOHN WOODS: Right.

CONSTANTINE ALEXANDER: And it was talked about, I think really two kinds of occupants who might have a problem with your new system. One being elderly people who live on the top floor.

JAMES COMER: Sure.

CONSTANTINE ALEXANDER: And it's difficult to climb down the stairs and get to the trash house.

The other I thought was let's say single parents with small children. We

have to leave the children behind while they went down to the trash area. In your action statement, you talk -- you deal only with the -- and correct me if I'm wrong, the elderly or the disabled. And basically you say there are procedures in place, but as I read those procedures, that means that what you'll do is either relocate the person to another floor or to another facility. Well, that's nice on paper, but if you have an elderly person, that's very traumatic to tell people they've got to get out of their apartment and move to someplace else. So I personally didn't find that to be greatly satisfying.

And on the single parent issue I didn't see any, any outreach or any attempt to deal with or help the single

parent who would be forced to leave their children or child behind.

JAMES COMER: If I could.

JOHN WOODS: Please.

CONSTANTINE ALEXANDER: Please.

JAMES COMER: I'll speak to those two issues independent of one another.

CONSTANTINE ALEXANDER: Sure.

JAMES COMER: Just by way of example. Newtown Court we've had a trash system in place going on 20 years. It is a large family development, 268 units. Currently 69 of those units are headed by head of households that are over 60 years of age. A couple folks, one household met -- head of household is 94-years-old one is 90. Several people in their eighties, seventies. Again 26 percent of the development has a senior head of

household. And we have had few, if any, problems with folks being unable to bring their trash out.

What happens in practice, actually and in addition in the past ten years we haven't had any reasonable accommodations for trash related stuff. But what happens in practice is that as folks -- if folks become, you know, infirm or unable to manage the task of taking their trash out, they do have family members who assist them. Many family folks have home care workers or PCAs or other support services in place that help them with that as well. We really have not seen any problem at that site and as I said, it's, you know, extremely --

CONSTANTINE ALEXANDER: CHA  
provide any kind of help? I mean, do you

once a week we will come by and --

JAMES COMER: No, we don't do that.

CONSTANTINE ALEXANDER: And why not? Just for my own edification.

JAMES COMER: Operationally it would be almost impossible to the run the developments that way. Because to have somebody -- you say have somebody convey the trash from someone's unit?

CONSTANTINE ALEXANDER: Once a week -- I'm going to just make it up.

JAMES COMER: Sure.

CONSTANTINE ALEXANDER: Between the hours of seven and nine on Sunday night, people from CHA will be available to come to your apartment if you're unable to go down to the trash room and pick up your trash and take it to the trash room.

Is that a big burden? It certainly would help --

JAMES COMER: It would become a very big burden very quickly.

CONSTANTINE ALEXANDER: Why?

JAMES COMER: Because the standard for reasonable accommodation in that manner -- A, I would have to really assess that we've never had anyone ask us to do that, but we would have to bring a real assessment of what the need would be and then it would have to be something that we would do across any development that had a trash house. Again, over nearly 20 years at Newtown Court and in the passed couple years at Jackson Gardens we hadn't anybody request anything along those lines. So it would be something -- it really is something we haven't thought about.

JANET GREEN: But you didn't have a trash house before but you had the chute?

JAMES COMER: At Woodrow Wilson Court.

JANET GREEN: Okay.

JAMES COMER: At Newtown Court, which has 268 apartments, we have trash houses there.

JANET GREEN: You have trash houses.

JAMES COMER: At Jackson Gardens we always --

TIMOTHY HUGHES: Was there a transition between chutes and the trash house at Newtown Court?

JAMES COMER: Yeah, you'll have to excuse me, that predates my tenure at CHA. Terry might be able to answer.

TIMOTHY HUGHES: If there wasn't, then it's really not relevant to what we're talking about here.

JAMES COMER: What do you mean? I'm sorry, sir, I don't --

TIMOTHY HUGHES: If people are used to throwing it in a chute on the floor that they live on, and especially in Woodrow Wilson which is what, two floors higher than all of the buildings than Newton Court?

JAMES COMER: No, it's one floor higher.

TIMOTHY HUGHES: All right, one floor higher.

Then that's different than to have to go walk down to a trash house then it would be if they were already walking the trash out to someplace but now it's

centrally collected in a trash house. If there weren't chutes in Newtown Court --

JAMES COMER: No, there was -- I'm sorry, I misunderstood your question. I thought you, what you meant was there a time frame where people transitioned over to doing that. There were trash chutes.

TIMOTHY HUGHES: There were trash chutes at Newtown Court but there was no transitions and no problems?

JAMES COMER: We really haven't had it I'll be very honest with you.

TIMOTHY HUGHES: There's no transition built into your action plan for this one either?

JOHN WOODS: No, no.

TIMOTHY HUGHES: Is that correct?

JAMES COMER: That's correct.

JOHN WOODS: The transition itself

will take place during the construction period. As the trash chutes are closed, the staff will work with the residents to make sure that they're able to sort of meet their obligation in terms of bringing the trash out.

I want to point out one thing, because we went a couple of different paths here in terms of what kind of information to bring to you, but one of the tasks that we did I went up and down Magazine Street and looked at similar buildings to the Woodrow Wilson, including the four-story walkups with no elevators and we verified that there are no elevators there, and the vast majority of those buildings along Magazine Street that are privately owned, have dumpsters in the backyard where people come down and throw

the trash in. So, I guess the one thing that I would take issue with, particularly with the specific population that you're identifying, that this is the same population that the private sector I think needs to address. There's nothing very -- sort of that sets them apart from the other tenant dwellers throughout Cambridge in terms of their basic responsibilities as a tenant in terms of taking their trash out. We fully acknowledge that there are some entrenched ideas or patterns that people have had because, you know, fortunately with our developments people stay in the same developments for a very long time. In fact, as I mentioned in my cover letter, this is a family development. This is a development that is targeted to family

households. We have one-bedroom units. People have moved in as a non-elderly and then sort of aged into an elderly status at the place. And this is their home. But we -- so we take this transition not lightly. We fully intend to sort of work with the residents on this. But as I pointed out in my cover letter, that if an individual is having trouble taking their trash out from their apartments, that's the kind of sort of red flag that we'd have from a management perspective that maybe they do need to be linked up with some of the service programs here, and that's the kind of thing that the Housing Authority is typically involved with. And so I do want to make sure that it's understood that this is not in any way being perceived as a punitive measure,

it's simply a way of addressing a very long-term problem we've had at Woodrow Wilson Court with some of the same residents who have expressed concerns about the odors and the rodents, are the same ones who are now objecting to the idea that we make this change. So it's a difficult process for us, but it's something that we're going to take a great deal of care in making sure that people's transition is done smoothly.

TIMOTHY HUGHES: Don't get me wrong, I think the trash house is a great idea. I think it's going to solve a lot of problems.

JANET GREEN: Right.

TIMOTHY HUGHES: I think the problem here is that there's going to be -- the people who aren't used to doing

it that way.

JAMES COMER: Sure.

TIMOTHY HUGHES: And there's going to be a transition period, and my problem with the action plan is that you don't address that. You say you're going to address the transition period but you didn't write it out. You know? So how do I know that exists and it's just in your head?

JOHN WOODS: I disagree with that.

CONSTANTINE ALEXANDER: Excuse me, would you have given us your action plan -- it's frankly nothing more than what you told us at the last hearing.

JOHN WOODS: I beg to differ. There are policies and procedures. There's a description of what the responsibility of the residents will be.

There's a description of what the responsibility of the management team will be. So --

JANET GREEN: And is there a description of the recourse?

JOHN WOODS: Yes, yes, that's -- the recourse is what is a very detailed description of what we call a reasonable accommodations. Individual -- a resident who needs additional help would contact the management staff under James and Jennifer and say I'm having trouble with this. And so that that would sort of open up a whole path that we have at the Housing Authority to investigate what we'd need to do in order to help this individual. Ultimately it may mean that the need to put a reasonable accommodation request in. That

reasonable accommodation is set up in such a way that it's done in a fair and carefully managed process so that what we do for one person can be applied to other people. So that reasonable accommodation may end up saying oh, well, maybe they do need to be moved from the fourth floor down to the --

CONSTANTINE ALEXANDER: That's my problem. Your reasonable accommodation ends up moving people. Why not have a reasonable accommodation working with the people in their apartments and helping them to get rid of their trash? I am mystified that this intransigents on your part to maybe one hour a week, two hours a week, to have a time when a resident can call down and say, listen, I can't get down the stairs, would you come by and

pick up my plastic bag?

JAMES COMER: Respectfully, sir, that would place an undue burden on our staff as currently constructed. It's not something that's done in our industry. It's not something that's done in private management. It's not something that's done. We cannot set up our operation in a way that we provide an on demand service for trash removal from people's apartments.

JANET GREEN: You're taking the problem of rats and trash which is very big in Cambridge.

JAMES COMER: Correct.

JANET GREEN: We've added all kinds of things to, I understand that. But you can't just ask the people who live there to be -- bear the burden of the

solution.

JOHN WOODS: But we're not asking for anything that is what any other resident throughout Cambridge would do, which is to take a bag of trash down the stairs maybe once or twice a week and put it into a trash barrel. Your point is extremely important to us. If somebody is physically unable to make that happen, those people need to -- we need to talk to those people. We need to work with those individuals. And, again, the ultimate course that could happen is a reasonable accommodation or the staff would say, you know what, there's an opening over at one of other developments that might be better for you. If a person can't take their trash out, how can they go out and get their groceries? How can they go out to a

doctor's appointment? We're not asking them to do anything extraordinary. We're asking them to lug a bag of trash or a large bag of trash, we're asking them to take a 13-gallon white tall kitchen trash bag once or twice a week downstairs. If they're having trouble with that, we will work with them. But I want to make it clear we can't provide that type of concierge type of service where, hey, I've got some trash up here, can you pick it up.

CONSTANTINE ALEXANDER: You're not listening to me. I didn't say a concierge service 24/7 people can call up and say come get my trash. I'm saying set aside one hour once a week when people can call and you go pick it up, that's all. That's not a big burden on your staff.

JAMES COMER: Sir, I will tell you very honestly the reasonable accommodation process is set up to deal with just such issues. We have a reasonable accommodation coordinator. What her determination is that based upon the medical need of the individual --

CONSTANTINE ALEXANDER: What about the single mother who's got three young kids --

JAMES COMER: Sir, respectfully my mother was home alone with a child all day long, my father was not there. She took the trash down three flights of stairs to throw it out. Okay? I find it to be a diminishment to single mothers to suggest that they're somehow less capable of doing this than other folks. Single mothers across the city are doing this right now.

MARGARET KEAVENY: And I also take issue with that, because I'm a product of a single mother and she was capable and willing to take down her trash from a third floor triple decker. So I do take issue with that. And that's not right to single them out and treat them differently.

CONSTANTINE ALEXANDER: I'm not singling anyone out. I'm concerned about the citizens of the city.

MARGARET KEAVENY: Don't be concerned about the single mother, she was very capable of doing lots of things.

JAMES COMER: Sir, we have this at other sites. We have experience with this. We have decades of experience with exactly this system, and the problems that you are anticipating have not arisen. We,

we over the course of those many years, we would have made adjustments had they been necessary or required by our residents. They have not been. These systems have worked out very well in other developments, including our largest family site where there is -- and I can assure you because I at one point did go through by hand all of the trash from Newtown Court as an exercise to see how we were doing with recycling. There is enormous amount of trash at Newtown Court that gets picked up and it gets brought to the trash houses by the residents. We don't have a problem with folks dragging the trash through developments. We don't have problem with folks leaving it in the hallways. It's really very well managed, and it's what people expect when they move

in. They're notified that that's how we do business, and I think they find, they find it to be good because they're not having issues that we've had at Woodrow Wilson and Putnam Gardens where we have infestation, we have odor, we have very poor health and safety situation based upon trash living in those basements throughout the year.

CONSTANTINE ALEXANDER: As Tim has pointed out and other members have pointed out, we understand and recognize that what you're proposing in terms of cleanliness and odors, is a big step forward. There's no question about that.

JAMES COMER: True.

CONSTANTINE ALEXANDER: We're not denying that. The question is are you implementing it in a way that meets the

needs, as best we can tell, of the occupants of the structure or the needs of certain of the occupants of Woodrow Wilson Court, that's what it's about. We grant -- I will say we readily acknowledge that what you're doing will improve the health and safety of the facility in general. That's not an issue for me anyway.

JAMES COMER: So what I would say is --

TIMOTHY HUGHES: It's not an issue for me either, but I think you nailed it when you said that when they move in in Newtown Court, they understand what their responsibilities are. We're talking about a situation where the responsibilities for the people that already live there are being changed from one thing to another

and I wanted to know, that's why we sent you -- one of the reasons I sent I away, I wanted to know that you have a transition plan in place that is going to take care of those needs. And all you're telling me is, yeah, we have one. But you didn't write it out with any --

JAMES COMER: As a matter of fact, we do. We've written out where we're going to have educational sessions with the residents. We're going to have -- we've already had multiple meetings with the residents to talk about how this is all going to work. That's what the transition is. The transition is today isn't you put half your trash down and half the trash over here --

TIMOTHY HUGHES: It's not going to be some --

JAMES COMER: It's going to switch over at some point.

TIMOTHY HUGHES: -- drop dead day when everything changes over or there is going to be --

JOHN WOODS: Well, there will be a day when they decommission the chute.

JAMES COMER: Yeah, the chute.

TIMOTHY HUGHES: And how much time will have transpired between that and this whole education plan you're talking about --

JOHN WOODS: At least six months.

TIMOTHY HUGHES: -- and the drop dead day?

JAMES WOODS: At least six months.

TIMOTHY HUGHES: And there won't be anybody left in the dark about anything?

JOHN WOODS: Absolutely not.

Absolutely not. Individuals will -- obviously we do both group meetings and we do individual meetings. People will get a knock on the door, hey, if you haven't been to one of the meetings, let's set up a time to come in and talk to you about the changes that are going on. We're dealing with a population that has a whole variety of language issues. We have staff that will work with them. We have interpreter systems that will work with them. I'm not going to leave these folks out and sort of in a punitive way make their lives miserable. We're -- again, this is all part of an effort to make some capital improvements to the property so that they'll last for a long time. This cannot stand the way it

is. A lot of these chute systems, don't forget, used to go down into a basement and an incinerator would burn the trash. That was how old these systems are. So this concept of keeping the trash within the buildings is proven time and time again to be nothing but problematic.

TIMOTHY HUGHES: We understand.

CONSTANTINE ALEXANDER: We're not arguing that.

JAMES COMER: Even if you ask the residents of Woodrow Wilson Court whether or not they agree with this or not, they would say that the one thing they could not disagree with this is that they have been under-informed. That we have not made ourselves available. That we have not already at this point gone out and tried to give as much information as

humanly possible, as much information that the residents want. And we're committed to continue that dialogue as we go forward.

JANET GREEN: A dialogue seems to me to be telling them what you're going to do.

CONSTANTINE ALEXANDER: It's a monologue.

JANET GREEN: And not talking to them about what they want --

JAMES COMER: We have talked to them a lot about what, you know, they think about this issue, and at a certain point we have to make operational decisions. And we try to do that with as much information from the residents as we possibly can and with as great a sensitivity to the needs of all of the

residents that we possibly can. I can tell you this is not something we enter into lightly and it's something that we do capriciously. It's something that we believe very strongly is going to promote a stronger, healthier, safer development for everybody going forward, as you guys have all acknowledged. And we understand certainly that there are some folks who are opposed to it. There are other folks who may be in support of it. And this is, you know, again, an operational decision we have to make for the long term health of this development, the long term safety of this community.

CONSTANTINE ALEXANDER: Well, I notice that there are residents in the audience so maybe this is an appropriate time to let them express their views.

Anything more you want to -- you'll have a chance to speak.

JOHN WOODS: Sure.

JAMES COMER: And there is someone as we've said, Ms. Cooper has taken the time out of her day to come down from Jackson Gardens, to talk a little bit about the transition process we went through over there where we did the exact same thing. The exact same system went from a chute in the hallway to an exterior trash room and how that's worked out in Jackson Gardens. So you'd like to hear from her as well.

JOHN WOODS: Aisha, would you feel comfortable?

AISHA COOPER: Hi, how you doing? My name is Aisha Cooper. I live at Jackson Gardens. And the old Jackson

Gardens did have the trash chute in the hallway and it was attracting a lot of -- it used to fill up and used to have a lot of rats and mice and roaches coming up out of the friggin' hole and we would go in your apartment. And now it's nice and new and they put it outside where it's an outside trash chute. You have to go outside. And it's, ain't nobody, to me, nobody's complaining. Mostly some people got kids living with them and they have their kids take out the trash. And it's around the neighborhood and we got cameras. So to me, it's good, you know?

CONSTANTINE ALEXANDER: Thank you. Thank you for taking the time to come down.

AISHA COOPER: And that's to me it's better now than what we had before,

you know? Okay.

JAMES COMER: Thank you.

JOHN WOODS: Thanks for coming out.

CONSTANTINE ALEXANDER: I'm going to open up the matter to any residents or other interested citizens who want to speak on this matter. One at a time. Ma'am, come forward and give your name and address.

TERESA CARDOSI: My name is Teresa Cardosi and I live at Woodrow Wilson Court. And one big distinction between Woodrow Wilson and Jackson Gardens is what Slater Anderson said.

TIMOTHY HUGHES: He's not here anymore.

TERESA CARDOSI: Oh, sorry.

CONSTANTINE ALEXANDER: What's the

difference?

TERESA CARDOSI: Jackson Gardens was demolished so they had the chute system and they were demolished. And then they had the decision to come back because you're always allowed to come back. So when they had the decision to come back, the trash house was in there. So they knew when they came back, they were coming back to this trash house place. We're going to have to go outside and put our trash out. So that's one major distinction. The other thing is it's a three-story instead of four-story. I don't think it has elevators.

But I want to say about the plan, I don't consider the plan -- moving people out is a good solution and there's no mention of any type of emergency plan.

There are 68 apartments. If this thing breaks down, like, some big type of break down, what do 68 people do with the trash in the meantime?

CONSTANTINE ALEXANDER: That's their problem. I don't think that's relevant, frankly, to the zoning issue tonight. They'll have to make arrangements to get rid of the trash.

TERESA CARDOSI: Okay.

CONSTANTINE ALEXANDER: Pure and simple.

TERESA CARDOSI: All right. And one of the main things that they keep telling us -- I sent in some comments but I sent them in Tuesday.

CONSTANTINE ALEXANDER: We have them in our files. I've seen them.

TERESA CARDOSI: We're told to

have faith. I personally don't have faith because of the maintenance issues.

CONSTANTINE ALEXANDER: Let me ask you a question, we've been badgering is maybe the right word --

TERESA CARDOSI: Yes.

CONSTANTINE ALEXANDER: -- these folks about why can't you do something about helping people get their -- who can't do it to get their trash from wherever they are to the trash room.

TERESA CARDOSI: Right.

CONSTANTINE ALEXANDER: And it's been characterized as concierge service which is baloney, it's not that. Let me ask you a couple questions around, why can't the neighbors work out a what I'll call a buddy system, where if there's someone on the top floor who's got

problems, maybe down the hall, will come and get the trash and take it out? Why can't we solve it that way?

TERESA CARDOSI: I think we are a community type people. I mean, type complex. We shovel each others' cars and things like that. But I think that should be done as an alternative. Like, there should be a basic plan, and if something happens with their plan can't be followed, they can call one of us up and we'll do it.

CONSTANTINE ALEXANDER: Well, their plan is, they said reasonable -- if there's a problem with removing the trash, they have reasonable accommodation arrangement, which basically as I understand it, relates to the elderly and the infirm and ultimately leads to

relocation either within the complex or outside the complex.

JAMES COMER: If I could, sir, just to clarify. That is one potential thing that could occur. Each case is addressed individually by a reasonable accommodation coordinator who is our associate general counsel, and on the merits of, you know, the case whether somebody has a defined medical need, how that's impacted by what they're asking for and then what they were requesting, that our attorney will make a decision as to what a reasonable accommodation within -- and it's a very, very kind of strictly defined statute as to, you know, what you have, what you have to achieve. So she will -- you know, that's not, you know, that's one potential reasonable

accommodation. That's not to say that others might not be considered. What I would say is that to have maintenance staff pick up the trash is what is called a fundamental change to the program and that is kind of an obstacle to a reasonable accommodation. But each case will be reviewed on its own merits.

TERESA CARDOSI: I was thinking --

TIMOTHY HUGHES: Can I just say something right here?

What do you do with somebody who can't get the trash down, needs to be moved, and the time it takes to transfer that person from one apartment to another, does that mean you're not going to send somebody up to help them with the trash?

JAMES COMER: Again, we have to --

TIMOTHY HUGHES: Because it's a

fundamental change to the program?

JAMES COMER: If I could finish, again, we would address each case on an individual basis and see what needs to be done in order to meet their particular need.

TIMOTHY HUGHES: But you just said you wouldn't do that.

CONSTANTINE ALEXANDER: You know, all we're hearing frankly -- I don't mean to interrupt.

TIMOTHY HUGHES: I need to hear you say you would do it.

CONSTANTINE ALEXANDER: Can --

TIMOTHY HUGHES: Just say you'll do it. You'll send somebody to pick it up.

JAMES COMER: Sir, to be frank the job of this body is not to dictate the

operational policy of the CHA. And I understand that you think that's a very simple thing for us to do. I do get that. On the face of it it seems a simple thing to do. However, in terms of the burden it would place on us operationally because we would then have many, many people across the city requesting reasonable accommodations for us to come pick up their trash and each one would have to be assessed on its own merits. And many of them may not be granted but it would be administratively excessively burdensome as well. It's just not something that we have done in situations like this in the past. It's not something that's ever been requested in the past.

TIMOTHY HUGHES: It doesn't sound like you've had a situation like this in

the past.

JAMES COMER: Respectfully, sir, we do. We do have senior citizens and disabled individuals --

TIMOTHY HUGHES: No, I'm talking about this transition from one way of dealing with your trash to another. Both of the examples that you've brought up don't really compare to this one. One, it was all new buildings, so, you know, and when people were relocated back into it, they were, you know, they had a new system in place.

JAMES COMER: Newtown Court was not.

TIMOTHY HUGHES: Newtown Court went through a fundamental, you know, renovation, too. And it was -- that was a long transitional process. What I'm not

hearing here is that the transitional process is going to take care of people.

JAMES COMER: I guess I'm struggling because this is not going to happen overnight. This is something that's going to happen months in the future from now.

TIMOTHY HUGHES: I understand that.

JAMES COMER: So there will be a transitional process of education and understanding as to what is expected. And once we start with having a trash house, you know, I'll give you a very good example. Recently in last August we went smoke-free in all of our developments, which was a massive change for the lives of many people. And the biggest issue that people had when we went out and

talked about this policy was I'm a senior citizen, I'm a disabled individual, how will I go outside and smoke? Okay?

TIMOTHY HUGHES: You put the smoking area next to the trash house, that will take care of both issues.

JAMES COMER: There you go.

JENNIFER GOODING: We have not had an issue.

JAMES COMER: And to be very honest with you, and people were very vocal about it. We were sympathetic. We realize we were asking people to make a large change in their life. And we realize we were asking people to make a change in their lifestyle with this. However, the one thing we committed to, and the one thing I would commit to with this, with anything that we do where we're

asking folks to change about the way their living is when we start, it's not, it's not well, now you just have to do this. We work with residents. We work with people. Because it's new for us as well as for them. It's a new way of relating to the development. And, you know, I want to be very clear, we take great pains to plan this out thoughtfully. We take great pains to involve the residents at every point along the way, and we take great pains to make sure it's done with an eye towards people to respecting folks, to taking care of them, and to providing the best quality homes that we can. So this is not done in a draconian way to harm people. We realize it will take some getting used to and we're sympathetic to that. And we want to work with folks to

make sure that the transition goes as smoothly as we possible can.

JANET GREEN: Can you give us some ideas about things that neighbors have suggested that have been incorporated into this plan?

JOHN WOODS: You mean the residents themselves?

JANET GREEN: Yes.

JOHN WOODS: Sure. There was a series of edits made to this particular document, including a couple of places where resident input was going to be made into some of the scheduling of the pick ups.

There was also some other points that we made some changes based on conversations we had, I think at the second meeting. So, you know, this

document was sort of -- we produced the first draft and we asked for input on that. So this document is peppered with this throughout that.

JANET GREEN: I'm just asking to hear a few of them.

JOHN WOODS: Okay.

JANET GREEN: I mean, just where do we see their input? Because so far, I mean really -- I mean, I understand what you're doing. But you've got your idea on the end goal here, and the -- we've got sort of a little bit more of what's happening with the people who are living in it who are citizens of Cambridge who we are, you know, that's what we're doing. And these things -- projects have a big budget and how that budget gets spent is either one way or another. We've all had

budgets. You make decisions about how you're going to spend the money. We're saying are you spending enough money to help people make a reasonable transition into this new system? And I don't hear that there's been plans budgeted for that. I hear what you can't afford or what isn't reasonable, but most of what you're saying seems to be we've told them and we'll give them six months to get used to it.

JOHN WOODS: Well, and we had some very frank discussions. I mean there's never a meeting over in Woodrow Wilson Court that doesn't turn into some very frank discussions. And the -- ultimately we, you know, there was a move to take a vote among the people who were there, whether they supported it or not, and we had to have some discussions about the

fact that, you know, this isn't, we're not asking, we're not putting this question to a vote. This has been a situation that we've analyzed on how best to address the trash problem. And the input of the residents was at sometimes counter to what we were doing as what we saw as a best operation. We -- I cannot sit here and tell you that our operations policy is actually created by our residents. It's not. I mean, I would like to, you know, continue that thought process, but it isn't. The reality of it is our job is to provide a safe and sanitary home for the residents that live at Woodrow Wilson Court as well as all of our developments, and if some folks think they have a better idea of how to do that, we'd listen. We listen and try to incorporate any ideas

that are actually, you know, help improve our situation. But ultimately we're the ones responsible for making sure that we're not violating the state sanitary code. So we are the ones that actually have to go ahead and do this.

So, as I guess the same arrangement, that landlord/tenant arrangement that happens in the private market still happens here. A landlord has got to do what he has to do in order to provide a safe and decent place to live.

CONSTANTINE ALEXANDER: No one is arguing with that.

JOHN WOODS: Well, other than the --

CONSTANTINE ALEXANDER: All the argument is how are you going to implement a safer way --

JOHN WOODS: I thought we were pretty explicit about this. And I do take issue with the fact that when someone says that, put an action plan together, we've provided a plan that describes how we will do this. We will ultimately decommission the chutes after the trash system is built and again, this is probably going to take anywhere from six to nine months once we start the process. We will have the trash system fully operating before the chutes will be decommissioned. And then when that decommissioning takes place, we'll say the things that you've been doing for the last 20, 30 years is no longer what you're going to be doing. And that moment will take place where that transition happens. That's just part of the process of making a transition occur.

DOUGLAS MYERS: How long will the two systems be functional simultaneously?

JOHN WOODS: I imagine --

DOUGLAS MYERS: According to your projections?

JOHN WOODS: Yeah. I imagine that would probably be anywhere from two to three weeks. When the building is sort of being incorporated into the daily use once it's built. And then, again, that decommissioning of the trash chutes will take place.

JAMES COMER: And I mean I don't think it's unreasonable if people say well, we'd really like to have a month to ease our way over. I mean, if it's possible within the -- you know, the confines of the construction contract to do that, I mean that's fine by us.

CONSTANTINE ALEXANDER: Is there anyone else wishing to be heard on this matter. Yes, Ma'am.

Are you finished?

TERESA CARDOSI: I just want to say one more thing.

TIMOTHY HUGHES: I'm sorry, I interrupted you.

TERESA CARDOSI: I had one suggestion and I guess because of the union it couldn't be done. I was asking because CHA is hiring tenant coordinators, and I asked if I could be a tenant coordinator job for people who needed to be reasonably accommodated to go and get it, but I guess it's because it's maintenance, the owner wouldn't do it. Some places put a new title on a -- like they create a new position and it's not

maintenance and then they'll hire them.

CONSTANTINE ALEXANDER: I'm not sure that's relevant to what we're talking about today.

TERESA CARDOSI: Oh, okay. Thank you.

JANET GREEN: It's about having somebody -- it's about having an implementation plan that would help people take out the trash when they couldn't do it, right?

CONSTANTINE ALEXANDER: Right. And at nauseam they're not going to do that. They don't believe they -- Ma'am.

PAULA DOTTIN: Paula Dottin, D-o-t-t-i-n. I was in --

CONSTANTINE ALEXANDER: You can sit down if you want, by the way.

PAULA DOTTING: I was in favor of

this, but there's certain things that turned me totally against it. I did go down to the trash house down at -- on Jackson Gardens. When they opened the door -- No. 1, we waited for maintenance to come. Maintenance never showed up. When the manager came down opened the door, after a while the odor permeated through that door, made me nauseous and sick. Thank God it wasn't summertime. But she said that they clean those barrels out. If -- this was on, I believe on a Monday. If they cleaned it, why couldn't you smell cleaning fluid -- fumes? No cleaning fumes. You couldn't smell it.

CONSTANTINE ALEXANDER: The issue whether they're going to maintain this trash room in a clean state is not the issue before us.

PAULA DOTTIN: No.

CONSTANTINE ALEXANDER: I have to assume that they will. And if they don't, tenants have other recourses within the city. That's not going to be an issue for us tonight.

PAULA DOTTIN: No. But the issue is for people -- single-family, single mothers, that's a -- that's the second biggest issue for me. And elderly. Reasonable accommodation means that you once again you got to go to a doctor or go to your children's doctor to get a letter for reasonable accommodation. I don't believe -- they keep on saying have faith in us, trust us. We're gonna do this, we're gonna do that. We're a population of three different -- four different languages in the Woodrow Wilson. Okay? A

lot of people are intimidated and afraid to come to meetings. Even tonight, there's only three of us here. Why? Because people are afraid they'll get evicted --

CONSTANTINE ALEXANDER: Let me ask a question that I asked before --

PAULA DOTTIN: -- for speaking up.

CONSTANTINE ALEXANDER: -- about why can't the occupants form their own association, buddy system, whatever you want to call it, where they can help out other members of the complex who have problems about getting the trash out? Why do you need to rely on these folks -- I'm just trying to -- to actually provide the service? Can't someone from the group come up and say, listen, you got a problem getting your trash out, give me a call,

I'll come take it for you.

PAULA DOTTIN: Well, we could do that. But why should we do their job? I mean, you know, single mother, she -- either whether she works or she stays home. If she works, she doesn't know her neighbors. I mean, yes, we knock on doors and we try to make ourselves available to the residents as part of the organization, okay? But I mean, some people don't want to be bothered.

CONSTANTINE ALEXANDER: Well, you know, if they don't want to be bothered, I'm not sure we can do anything for them or the Cambridge Housing Authority can do anything for them, you know?

PAULA DOTTIN: That's true. That's true. But I mean you're expecting a neighbor, I'm a neighbor, I have three

people on my floor, okay? I'm willing to help them.

CONSTANTINE ALEXANDER: I'm sure you are.

PAULA DOTTIN: And I know each and every one on my floor. I know a couple of people up above and I know one person below me. Okay? I'm willing to do -- we have a 90-something-year-old that lives in my building. She's over 90-years-old.

CONSTANTINE ALEXANDER: God bless her.

PAULA DOTTIN: And her son's there to help her. Okay? I'm willing to do anything for that lady. She's like a mother that I don't have. And there's other people in there that are mothers that I don't have. My mother passed away. But you have to have a bond of trust when

somebody knocks on your door that you open your door.

CONSTANTINE ALEXANDER: Thank you.

PAULA DOTTIN: But I think that -- and by the way, our front stairs are 50 stairs from the fourth floor downstairs. The back stairs are 47. That's a lot of stairs for a handicapped. And not only that, but when they -- the question of who is going to clean the hallways if somebody drops, breaks a bag, that was never, never resolved. And I -- because I'm responsible for my front and my back hallway to clean it. And now if somebody from the fourth floor sends their kid down and it breaks on my landing, who is going to clean it? I can call the manager, but that doesn't mean that they're gonna pick it up on a timely

basis. Or if an elderly has a bag and they -- and it breaks on the bottom landing or outside in the yard, who's gonna clean it up? That's something that nobody has put any thought or any action plan together to help those.

CONSTANTINE ALEXANDER: Well I would assume it's the obligation of the Cambridge Housing Authority to keep the common areas clean. So if that bag does get broken, you call up whoever you're going to call up and maybe they don't come up in the next five minutes, but their responsibility resides in -- and correct me if I'm wrong.

JANET GREEN: Your responsibility is for the stairs and the hallways?

PAULA DOTTIN: The residents.

JAMES COMER: Again, we have the

same setup in Newtown Court where the residents on a rotating schedule be responsible for the cleaning of the hallways, the same at Woodrow Wilson Court. However, what does happen once in a while is someone will leave a trash bag in the hallway. We will actually put on the gloves and find out whose trash it is and hold them responsible for leaving the mess on the structure.

JOHN WOODS: And there are -- there's a fee structure associated with that behavior. I included that in the package that we have. So all of these situations that are being described as potentially occurring, may occur. And if they do, there are actions that the CHA will take to make sure that they don't continue.

CONSTANTINE ALEXANDER: Okay.

JENNIFER GOODING: As the manager of the project, I can certify or say that most of the elderly that I deal with do have family members that come by on a regular basis and help them out. I'm not saying that that's their responsibility, but they do have family members. And if they don't, we are willing to help them get the services they need to help them to do that. And for single mothers, I feel -- I'm a single mom and I live in a second floor and I come down everyday and I throw out my trash. I feel like there should be a way of -- the finding a way to get the trash out. That's like not an excuse. We right now we have a few trash barrels outside of the development because the trash chutes gets filled fairly

quickly. And what are they doing now? They still have to walk down and put the trash in those few bins that we have outside. So they are doing it, not to a large extent, but they are throwing out to recycle and to throw big items in those trash barrels. So it is slowly a process that we have.

JAMES COMER: Right, and that is something that's occurring already. The recycling is outside of the building.

JANET GREEN: So you provide this kind of -- the things that we're talking about which is assistance for people who need it, are things that are provided now?

JAMES COMER: What we do is we have the ability --

JANET GREEN: I'm sorry, I was asking her.

JAMES COMER: I'm sorry, okay.

JENNIFER GOODING: I'm sorry?

JANET GREEN: So the things that we're talking about wanting services that we think would be basic to a transition plan are things that you're saying go on now?

JENNIFER GOODING: We don't pick up people's trash.

JANET GREEN: No, but if somebody needs assistance. I'm not saying you do a regular basis of doing that, but if somebody needs extra help, is there a system where they can call if they don't have family?

JENNIFER GOODING: I have not had any experience whatsoever of somebody calling me saying I need some help throwing the trash out so far. And I've

been the manager for seven years at this particular site.

JANET GREEN: And they would know to call you if there was a problem?

JENNIFER GOODING: Yes.

JAMES COMER: However, I will say we do offer connection to outside resources as necessary if residents do come to us with a variety of issues as people do have a lot of issues in their lives. I'm having a problem with this, I'm having a problem with that. We have the ability to connect them to service providers that consist with a variety of things that they need.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard? Ma'am, I think you wanted to be heard. You're next.

DENISE SIMMONS: Thank you. Good

evening.

CONSTANTINE ALEXANDER: Good evening.

COUNCILLOR E. DENISE SIMMONS:  
Denise Simmons, 188 Harvard Street in Cambridge, and I'm also Cambridge City Councillor just in regard to full disclosure.

Extraordinarily interesting conversation, but just a few things. I know the Cambridge Housing Authority who is one of the largest house -- agencies to house lower moderate income households is doing an extraordinary job. They're right in the middle of the RAD project. As you know, three -- they've got 5,000 people on the waiting list that going to kind of sit there a while as the Housing Authority goes through the process of rehabbing

their properties which I think is certainly something for us commendable concerning, but I raise that because it's putting a lot of people in a holding process and there's a lot of angst and there's a lot of concern that people have. And so know, it's no surprise that people are concerned about what's going to go on at Woodrow Wilson. And the reason why I came to lend my voice to some of the concerns of the tenants, because sometimes although the Housing Authority does try to reach out to the tenants, they sometimes are just don't feel like they can -- they cannot really say how they feel. They are spoken to but they don't feel as they can speak back without some level of retaliation. And we can't just ignore that. So I just want to say that I think

that the Housing Authority is on its way, but they're not there yet. I think this process needs a little more thinking through. Because once the decision and the work starts, you can't undo it. So that to me being extraordinary important. So I ask the BZA to send the Housing Authority back to think this through a little bit further, No. 1.

No. 2, I did see the -- what's the word, the reference to Newtown Court versus Woodrow Wilson, the difference in my mind with Newtown Court where I lived for about 20 years is that the developments are very different in terms -- Newtown Court is larger. Woodrow Wilson is much smaller. So we're talking about a trash house in a smaller development. Now, Woodrow Wilson I must

say is one of the extraordinarily well kept in a lot of ways, but so my concern is when I think about this trash house, this kind of changes the game. I lived there where the trash chutes, and I actually kind of liked them. I lived there when they were the trash chutes because I didn't have to leave the building. Like you're saying, if I'm doing my daily housework, I step outside the door to put the trash is one thing. If I can't do that to walk across the courtyard, and, you know, one of the things FYI for you folks, is the trash houses sometimes do get overfilled. And I've gone by them where the trash has been sitting out and that draws rodents and that's a huge problem. I'm going to give you my talking points, not necessarily in

a particular order which as I was listening along.

So I do hear and I will acknowledge the fact that there were meetings with the tenants, but again, I just wanted to also say that the tenants didn't always feel that they should or could respond back. So some of their thoughts didn't make it to the table.

I certainly believe that the details need to be fleshed out much better than they are right now and presented to the BZA, and if possible get it in writing. Because I always say what's not in writing didn't happen.

CONSTANTINE ALEXANDER: Let me interrupt you, I'm sorry to, Ms. Simmons.

COUNCILLOR E. DENISE SIMMONS:  
Sure.

CONSTANTINE ALEXANDER: What more has to be fleshed out? I mean, this is a second time we've been around on this. They have given us an action plan. It's not everything that I would have hoped they would do. I didn't think it was much an outreach. It was pretty much here are the rules, folks, you got to live with them. But that's -- that's their position. They're entitled to that position.

COUNCILLOR E. DENISE SIMMONS:  
Right.

CONSTANTINE ALEXANDER: And remember too, this is a Zoning issue. The question before us --

COUNCILLOR E. DENISE SIMMONS:  
Right, I understand that.

CONSTANTINE ALEXANDER: We've been

moving trying to help the citizens of the city moving tangentially around that to try to get things improved. How much we're succeeding is a matter of debate. I don't know what's to be gained by kicking the can down the road further. I simply don't understand that.

COUNCILLOR E. DENISE SIMMONS:

Well, I always say we can do the right thing the wrong way. And one more opportunity to have the residents talk to and not talked at. To actually take in some of the recommendations that did not meet the paper would not be harmful. That's No. 1.

And then some of the things that are little --

CONSTANTINE ALEXANDER: Give me an example.

COUNCILLOR E. DENISE SIMMONS: I can't give you an example right now.

CONSTANTINE ALEXANDER: Well, that's the problem. Everybody talks in generalities, but we have to make a specific decision.

COUNCILLOR E. DENISE SIMMONS: Well, I mean, okay, the proximity of the trash houses to some of the resident buildings. And once they're there they can't be moved. I know you talked about moving the resident, but when you talk about the resident having lived there for 40 years or so, four decades, that's a major interruption to their life.

CONSTANTINE ALEXANDER: Yes understand that.

COUNCILLOR E. DENISE SIMMONS: I know there was some talk about well, you

know, if you're close to a trash house and don't want to change, well, we can close off the windows to that unit. Now you're a little bit more confined than you were before. I don't think that's a solution. The other solution that I hear about reasonable accommodation, that's very, very -- what's the word? Subjective. So what -- I don't know because I don't know what -- I have not seen what their reasonable accommodation looks like and how that will be worked out. And I know there's some conversation around well, in part people should be neighborly and help one another, and that's great. And in a perfect world, but sometimes that does not work. That's a concern of mine.

The transition plan is a concern of mine. It doesn't look like a transition

plan. It looks like we're going to do it in the time that it takes is the transition plan.

And I know currently, and this may not be a BZA concern, but it is what they're dealing with right now. I know there's a lot of problems with the heat now at that building. So there's the heat and now we're working on the trash room simultaneously, and that's a lot for the resident to bear.

CONSTANTINE ALEXANDER: That's not for us, I'm sorry.

COUNCILLOR E. DENISE SIMMONS: I need to make you aware of it.

So for me, I again, if I were to add my concerns, I still think that it would not be criminal to allow the Housing Authority to come back one more time, to

go back to the residents one more time, to talk to them and not at them.

And then the last thing in terms of implementation. I don't know what the policy is at the developments, but I know with the senior buildings the managers constantly change and not all managers are created equal. You could have a wonderful relationship and a really good to well to implement a program or a change with one manager and then three years from now that manager is gone and someone else, and they don't share the same attitudes. And so I just say that to the Housing Authority because that's been a huge concern when I've dealt with constituents that live in CHA buildings.

So, again, I think you've asked very good, very thoughtful questions. You have

certainly held their feet to the fire, but I would strongly suggest that you give them one more bite at the apple.

CONSTANTINE ALEXANDER: Thank you.

COUNCILLOR E. DENISE SIMMONS:

Thank you.

CONSTANTINE ALEXANDER: Ma'am, you wanted to speak I think.

JEANNE HANNON: My name is Jeanne Hannon, H-a-n-n-o-n, 7 Woodrow Wilson Court.

CONSTANTINE ALEXANDER: Could you speak up a just little bit, please?

JEANNE HANNON: I'm a resident at Woodrow Wilson Court. I think you designed a good trash house because I believe that, too. I've heard a lot of problems. I would have loved to see my trash chute in my hallway kept and

everything would be wonderful, but we don't live from that world so I think that they've gone through a very intense design process and they've talked to whoever was willing to come out and talk to them, which is a problem that's been addressed. I think the big argument, and what you've been talking about tonight, is this transition. It's really an issue between the tenants and the CHA. It's on us and on the CHA to involve ourselves in a way to build community rather than them being the task master and we're the victim, to get out of that mentality. And I find that this conversation continuing in that matter is actually kind of upsetting to me because, yes, I am getting older but I'm, you know, there's a certain amount of -- I enjoy my freedom, and that part of my

freedom is to be able to engage with my landlord. And if I were to see anything to go on is a continuation, a collaboration that has come up because of this fighting back and forth that's been going on, I think that a lot of residents have good points. I think that this whole idea of the procedures and the training period, that with those pieces that is a transition actually, that the idea of training is the wrong word to use and that the Housing Authority should consult with the residents and the residents should consult with the housing. It's a discussion that has to happen. It's not gonna be a set of rules. You make the rules, it won't work. You will have trash pile up outside and people will, you know, you can go through every bag in the world,

it doesn't matter. You have the cameras, it doesn't matter, it will still happen. So, if you want to support anything, what I really like to see supported is the idea of tenants being able to deal with the Housing Authority and the Housing Authority being responsive to us. And they have been in this. This has been going on for more than a year. I've been involved in this. So I just wanted to, while I have some concerns, I think that they can be fought out but not here in the BZA. I think that they belong in a different venue.

CONSTANTINE ALEXANDER: Thank you very much. That's a very thoughtful and I find very refreshing comments and I appreciate you taking the time to come down and giving them to us.

Thank you.

JOHN WOODS: You know, can I speak to -- and I agree, I agree with a lot of what was being said here particularly with what Jeanne just said, because the reality of it is that we're not going anywhere. The Cambridge Housing Authority is part of this community and we will be continue to be a part of the community. What you see before you is sort of a, I'll call it a family business. We're having our family business in front of the BZA. The reality of it is when we came here for the Variance request, the minimal dimensional changes that we're asking to a non-conforming structure, that's, that's what we're looking to get done. And I greatly appreciate the fact that you guys are -- you folks here are trying to make

sure that we're gonna do the right thing. And at another meeting, kicking it down the road or another meeting probably won't solve that general distrust. We're obviously obligated to make sure that some of that distrust goes away. And I think what Jeanne said and what some of the other folks, even within some of their criticisms, reinforces the fact that we continue to have conversations with our residents and we will continue to have conversations with our residents. I wish that we were more persuasive in our case to the residents that this is ultimately going to be a good thing. And I think the story James told about that transition process with the smoking, the transition process with a lot of the repairs, the over \$200 million worth of repairs that

we're doing to the property is all being done to make sure that the properties continue to be a resource for the City of Cambridge. So if you gave us the okay to go ahead with this trash room, I can commit to you that we're going to continue these conversations and we will always continue these conversations. So that's a commitment that I think I can make in my position, Terry will make, James will make, Jennifer will make, we're all -- we're not taking off. We're not going off to Florida. We're staying here to make sure that this whole system works.

CONSTANTINE ALEXANDER: Thank you.

I'm going to close public testimony at this point.

I'll ask members fellow members of the Board, is there any sentiment for

continuing the case one more time as Councillor Simmons has suggested?

DOUGLAS MYERS: I'd like to speak to that.

CONSTANTINE ALEXANDER: Go ahead.

DOUGLAS MYERS: It seems to me that the issue is -- the issue on the Board's part is just a concern that the transition process -- there will be a period of transition, and that the transition process is thoughtful, makes extra effort to help with unexpected problems that might arise during transition, and that it's -- and that -- and that it's more than words. I think the Board would like to see some commitment, some effort by the Housing Authority to find a way to do something other than just say we have a bureaucratic

process, it's in place, we think it's fair, it's mandated by law about physical qualifications and procedures. I think the Board would like something more.

Now, I hear a desire to do that, but I have -- I have some ideas, they may not work, but I'd like to ask and some of them originated from one of the members of the public who spoke. How about for 30 days -- for three months or two months, whatever period is an efficacious transition period you find a way, you reach deep into your budgetary resources and black arts and desk drawers and wherever else, some resources are found and you can make a commitment that you will find 20 percent of one employee's time to be handled, to be allocated at the manager's discretion to eliminate

frivolous requests on legitimate unexpected requests that come up in a three-month period. This is not a precedent that you're going to deal with in other projects that you're going to coddle tenants or foment complaints. This is a tangible step to respond to legitimate concerns, the concerns of the Board, the concerns of the tenants. Unexpected problems. One unexpected problem came to my mind. Unexpected problems that people above 50 could have in ascending four flights floors of stairs with garbage. Sure, we all say we understand, but there are going to be times when people might have problems. And if someone for a transition period could help. That someone -- if there would be some way a commitment could be

made that some help over and above the standard procedures would be available, I think that would allay my concerns and it might be responsive to what other members of the Board are saying.

JAMES COMER: Well, what I'll say is this, we have a staffing level at Woodrow Wilson Court now, but as we go through the construction process and as we go through these transitions, it is entirely likely that we'll need extra staff to deal with any number of unintended consequences or circumstances or problems that might arise. So I'm certainly open to that. You know, and we will consider, you know, as we do with everything, not just particularly the trash, we will certainly consider resident requests and act upon them as necessary to

do what's right and what our residents need. I mean, you know, we we're not perfect and we don't have a monopoly on being right about this stuff. We have a pretty good track record and we do a lot of thinking about it, we do a lot of outreach about it. So it's not to say that we feel like we've got this sewn up, we know how this is going to play out. We have a pretty good idea how we like it to go. As more resources we need to devote, we will. I mean we're committed to meeting the needs of the residents.

JOHN WOODS: That was a yes.

JANET GREEN: I was surprised when you came back and you didn't have something -- or maybe I missed it that said, we'll put a transition manager on this project for a year or we'll have a

transition manager who creates a committee of residents who will interact with somebody who has -- on the people who are putting the system in place, would have somebody on that committee, too, so that there would be a process for an ongoing dialogue with the residents.

JAMES COMER: Well, there is --

CONSTANTINE ALEXANDER: That's the problem with your action plan --

JANET GREEN: I was surprised not to hear that.

CONSTANTINE ALEXANDER: -- your action plan is just candidly legalese and there is no, there is no, there's no reach out.

DOUGLAS MYERS: Stripped of excess verbiage, it is more of the same.

CONSTANTINE ALEXANDER: I didn't

see any outreach, that's what disturb me.

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: No outreach. No acknowledgement that there may be problems or we may have a transitional period to deal with, and we will do we can to work it. None of those words --

JOHN WOODS: I can add those and get it back to you.

JANET GREEN: Here is the process --

JOHN WOODS: All right.

JANET GREEN: Here's the process, you know, and it's going to include a person who is experienced in transition management for something like this which, you know, any time that they're redoing any big set of apartments and things like

that, there's a person who is hired to do that.

JAMES COMER: Well, respectfully we have a whole staff of people who do that, who manage that process.

JANET GREEN: And then so there would be a person and everybody would know that person's name, they would meet with the committee of residents who were chosen who would then have dialogue all through the process. So that somebody at some point can say, this isn't working and here are three ideas or something.

JAMES COMER: But we have been -- that process has been ongoing since we began to plan this. I mean, we've been meeting with the residents, we've been meeting with the resident representatives. We have a project

manager who is in charge of this who is handling these -- we haven't been ignorant of that and we haven't ignored that responsibility. It's a huge part of what we do.

JOHN WOODS: Maybe what it is because books it's such second nature to us that we didn't articulate it.

JANET GREEN: And maybe you're not --

JOHN WOODS: And quite seriously.

CONSTANTINE ALEXANDER: Maybe that's the problem.

JANET GREEN: And it didn't really sound like -- the people who at least came down tonight, knew that.

JOHN WOODS: I disagree with that.

JANET GREEN: Okay.

JOHN WOODS: Because I think we

jousted pretty good about that.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: I think I'm ready for a motion.

TIMOTHY HUGHES: Yes, I think I -- you know, the other thing that I thought was missing from your action plan is that -- I mean, you're managing this complex now. I mean, you probably know anybody that's a potential -- potentially going to need the extra help during the transition period. And that kind of information you didn't transmit to us and which would have been very, you know, we're already being pro-active about that. We've already contacted the people we think might have a problem. We've already outlined to them all of the things that they're going to need to do for -- to get

that status as reasonable accommodation, you know, because I don't want to -- I don't want to see a transition period of a month when it takes six weeks to get all the paperwork done or a visit to the doctor and all the paperwork done for a reasonable accommodation, because that just doesn't work. And if you had told us that this, you know, you were already spearheading this proactively which you're just starting to say now, in the beginning, we could have, we could have wrapped this up a half an hour ago.

JOHN WOODS: All right. Well, duly noted. And, again, I think a lot of it is this is sort of our day-to-day operations and maybe by illuminating that we have to articulate this a little bit more, I think the word pro-active was a

keyword that we probably didn't incorporate into our description. We can give you a modified version of this, but --

DOUGLAS MYERS: Some concrete measures that are not simply SOP. Something that indicates you are aware of a particular problem and particular needs and that you're going to reach out and there's going to be some process that's not completely SOP, a new person, committee meetings every week or every other week, something to deal with an actual transition of a limited period.

CONSTANTINE ALEXANDER: Yes, I don't have a -- I do not want to continue this case beyond tonight.

JOHN WOODS: Appreciate that.

CONSTANTINE ALEXANDER: I think we

should take action tonight. We can couch our decision in terms of your obligation to do the things we're talking about.

JOHN WOODS: Yes.

CONSTANTINE ALEXANDER: But I don't want to wait for another plan and have another session for another couple hours.

JOHN WOODS: I appreciate that. And, again, going back to that -- we're not going anywhere. You'll probably see me again in a couple of months on something else.

CONSTANTINE ALEXANDER: For sure.

JOHN WOODS: I can't run from this. We will commit to making it happen. And what I could do is I could send it over to Maria when we've made some revisions to the plan to -- to sort of

reinforce the commitment. But we're going to do it. We're not going to shirk our responsibility.

DOUGLAS MYERS: Can you say at least of the -- if that's going to be the majority of the decision of the Board along what lines are you thinking tonight in terms of concrete measures that we would reflect in a plan?

JOHN WOODS: I think what we would probably add to the plan that we gave you is that transitional period of time. How we would deal with that transitional period of time. Whether we articulate a three-month period where people who may be going through an adjustment period, we will work directly with them. I think the idea of proactively identifying among the 68 residents who may be impacted by this,

that's what we'll put into the plan.

DOUGLAS MYERS: Okay.

CONSTANTINE ALEXANDER: Ready for a motion?

JANET GREEN: And can I just say one more thing?

CONSTANTINE ALEXANDER: By all means.

JANET GREEN: Just one more thing. And so that people who are impacted as the project goes along have a chance to tell you how it's working.

JOHN WOODS: Yes.

JAMES COMER: Here's what we'll do, very simple, there are a number of ways we can do this, okay? We'll have kind of a kickoff event to announce to the community this is what's happening and here is, you know, here's the time frame

and here's when we're going to get to the full use of the trash room. And we will have a designated person that they can interact with.

JANET GREEN: Okay.

JAMES COMER: So that there's one point of contact. They don't have to worry about who are they going to call. We will designate one person and make that abundantly clear who is supposed to be the trash guru for a lack of a better term. And then as -- we can even have over that transitional period the opportunity for folks to have a suggestion, that oh, it's been going on for a couple of weeks, but I'm not -- here are some things that I'm seeing. There will be an ongoing process where people can give us any feedback on that and we'll take action on that.

CONSTANTINE ALEXANDER: Let me see if I can capture it in a motion.

TIMOTHY HUGHES: Everything that's in the transcript.

JOHN WOODS: Sign below.

JANET GREEN: What they said.

TIMOTHY HUGHES: What they said.

CONSTANTINE ALEXANDER: I'm going to make a motion that this Board make the following findings with regard to the Variance being sought. Such Variance is to allow the construction of a trash room on the premises at Fairmont.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that without relief there could be no trash house and with no trash house there are serious health and other related

issues that were to the detriment of the people who reside at Woodrow Wilson.

That the hardship is owing to the fact that this is a non-conforming structure. So any addition of a trash house does require Zoning relief.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard we would make this finding on the basis of representations by the petitioner that they acknowledge that the conversion from a chute system to a trash house system is going to create issues and problems or concerns among the residents of the facility.

That the petitioner will make every

reasonable effort to deal with these concerns to effect a suitable transition period so that the residents can accommodate themselves to the new system.

And that to the extent that there are ongoing problems that cannot be solved by the just transition and education, that the petitioner will make reasonable efforts to help deal with those problems that residents have and are peculiar to them and they're -- required their use of the trash house to be much more problematical than the issues that are now in place.

On the basis of all these findings, the Chair moves, and if anybody wants to correct me or add to that, stop me.

DOUGLAS MYERS: Well, may I say that these reasonable measures will make

the form of a plan along the lines of that suggested stated earlier in the record by Mr. Woods.

JOHN WOODS: Yes.

DOUGLAS MYERS: And the others with him, and that that plan would be delivered to the file of this -- deliver it to the Inspectional Services division for inclusion in the file of this case.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS MYERS: Within 30 days from tonight.

JOHN WOODS: Sure, 30 days is more than reasonable.

CONSTANTINE ALEXANDER: On the basis, then, of all of these findings as modified with what Doug has said, the Chair moves that we grant the Variance being requested on the condition that the

work proceed in accordance with plans submitted by the petitioner, the first page which has been initialed by the Chair.

All those in favor of granting the variance, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Green, Myers, Hammer.)

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case BZA-006157-2015:  
Constantine Alexander Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006157, 15 Crescent  
Street.

Is there anyone here wishing to be  
heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair

notes there is no one wishing to be heard.

The Chair would report that we are in receipt of a letter from Boyes-Watson Architect on behalf of the petitioner in this matter. (Reading) Dear Members of the Board, we are requesting a continuance on BZA case No. 006157, 15 Crescent Street, due to a scheduling conflict with the owner.

I think we'll accept the request for a continuance. May 14th is the time?

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case not heard until seven p.m. on May 14th on the conditions that the petitioner signs a waiver of time for decision.

That the a new posting sign be mounted to reflect the new date, May 14th,

the new time, seven p.m. And that this new sign be maintained for the 14 days required by our Ordinance.

And lastly, that to the extent that the petitioner chooses to amend the plans that are already in our files or the dimensional form, as such amended plans and/or dimensional form must be in our file no later than five p.m. on the Monday before May 14th.

All those in favor of continuing the case on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor case continued.

(Alexander, Hughes, Sullivan, Scott, Green.)

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case BZA-006295-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006295, 43 Lee Street.

Is there anyone here wishing to be  
heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would note there is no one wishing to be heard.

The Chair is in receipt of the request from the petitioner to withdraw. We have nothing in writing?

MARIA PACHECO: Yes, we do.

CONSTANTINE ALEXANDER: We have a letter from Brian Waite, W-a-i-t-e.

(Reading) This is to confirm that we wish to withdraw without prejudice on behalf of Heng-Jin Park, the application for Special Permit for 43 Lee Street that was scheduled to be heard Thursday, April 9th. Please let me know if you need any information.

I would just point out that we do not have the right to withdraw without

prejudice. If a case is going to be withdrawn, it will be treated as a denial and, therefore, no new case on basically the same facts can be brought within two years.

All those in favor of accepting the request of withdrawal please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

(Alexander, Hughes, Sullivan, Scott, Green.)

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(9:05 p.m.)

(Sitting Members Case BZA-006199-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 006199, 26 Jackson Street.

Is there anyone here wishing to be heard on this matter?

PETER BURGER: Yes, sir.

CONSTANTINE ALEXANDER: The floor is yours.

PETER BURGER: My name is Peter Burger. I'm the owner and resident of 26 Jackson Street. That's B-u-r-g-e-r. With me is architect for the project.

Yael GATZ-SCHOEN: Yael Gatz-Schoen, Y-a-e-l G-a-t-z-S-c-h-o-e-n.

CONSTANTINE ALEXANDER: You're taking two variances tonight?

PETER BURGER: Yes. The application is for a Variance for increasing FAR and modification of existing non-conforming structure and also

to parking.

I don't know if the Board had a chance at the view the documents that were included in the application.

CONSTANTINE ALEXANDER: Yes, you should assume that we have.

PETER BURGER: Okay.

So in the application there was a letter from myself to the Board with a narrative describing the background and the history of the project. As well, there were letters from the condo association building, as legally a condo, and letters from -- a letter from -- signed by all of the neighbors and the abutters when I reviewed the project and the designed with them.

Basically what I'm looking at wanting to do is add an addition on to the

back of the house, reconfigure the stairways that connect the basement to the first floor to the second floor to bring it up to modern building codes and standards, and reconfigure the parking arrangement of the house to increase the amount of green space, reduce the amount of asphalt on the lot.

CONSTANTINE ALEXANDER: Okay. Could you briefly describe the nature of the Variance for parking that you need? What's the problem?

PETER BURGER: Well, the problem is that there's not quite enough width for a legal driveway between the car and the property line. And so ten foot I believe is the requirement.

CONSTANTINE ALEXANDER: Yes.

PETER BURGER: And we have --

CONSTANTINE ALEXANDER: Looking at your proposed site plan, the one on the right --

PETER BURGER: Yes.

CONSTANTINE ALEXANDER: -- the upper one is going to be too close to the lot line.

PETER BURGER: Well, this space here is technically not large enough to be classed as a driveway.

CONSTANTINE ALEXANDER: It's supposed to be ten feet?

PETER BURGER: It's supposed to be ten feet and it's I believe, it's nine feet.

Yael Gatz-Schoen: I think -- I think I mention it there, but yeah, it's -- yeah.

PETER BURGER: And the parking

configuration that we have here was, again, to reduce all of this asphalt in the rear of the house, trying to get that back to be open green space.

CONSTANTINE ALEXANDER: Okay.

PETER BURGER: And we originally had both cars next to each other because there's enough room for two parking spaces adjacent, but we were speaking with Ranjit, and because we're moving the front entrance of the first floor unit to the side, we also need a three-foot walkway. So in order to get around that, if you stagger the parking, now the driveway becomes the walkway, the access legally, and but because there's only 18 feet between the house and the property line, there's not enough space for a nine-and-a-half-foot parking space, plus a

ten-foot driveway. It's  
eight-and-a-half-foot parking space.

Yael Gatz-Schoen: Yeah.

Peter Burger: That's the variance  
to reduce the width of the driveway.

Constantine Alexander: And the  
reason for the addition, why is it -- you  
need, as you know, to establish a  
substantial hardship, that's why you're  
here. What's your hardship, substantial  
hardship?

Peter Burger: Well, when I  
purchased the property with friends of  
mine, the intent was that we were going to  
buy a property that was large enough for  
both of us to expand slightly to  
accommodate family and growing needs over  
the rest of our lives. Legally,  
approximately half of the basement was

deeded to me at this time and the other owners of the property took the attic. They had the second floor unit and I had the first floor unit. In the ensuing years we learned that the basement really isn't suitable for finishing mostly because of moisture issues. And I didn't really realize this until after living there for sometime and seeing the moisture come in during the heavy rainstorms, particularly in the springtime. And after discussions with some contractors and architects last summer when I first started talking about the expansion project. Also I went to the city Planning Board, I believe Jeff Roberts is a gentleman I spoke to there, and was talking basement addition and expansion and Zoning rules and a whole bunch of

things. And he said that actually right now the city is really heavily trying to discourage basement expansions because of all of the moisture problems they've been having. I think that was mostly focussed towards additional units being placed in basements, but the reality of the situation is the same for us as well. So since the basement really isn't usable as additional space, started look at, well, what other options are there for increasing the living area, so that it's the size of the property that I, you know, can reasonably expect to spend the next 40 years in which was the reason we moved there in the first place. And getting a little bit extra space, increasing the access throughout, creating more open area for aging in place features. You'll

notice on the floor plans that the kitchen is a little bit larger, so there's larger aisles all around the access of the island in the kitchen. So that if I have one of my parents passes away, and another one moves back in with me, they can get around, they're both fairly old now. All of these things sort of factored into the need for the additional space and the desire for the expansion.

CONSTANTINE ALEXANDER: Okay.

PETER BURGER: Now to try and reduce the impact after the expansion, because I realize it is a fairly large addition, discussed with the condo association, the other owners, and we have removed large portions of the covered front porch to be able to reclaim that real estate and try to apply it towards an

addition. As well, the rear covered enclosed porch, the existing addition, that's going to be demolished, and we're going to recover that real estate. The removal of the front porch also reduces the non-conformity of the front of the structure by reducing the amount of building that interjects into the front setback. As of right now the -- basically the entire front property line, the building is about six feet. The entire front edge of the building is six feet from the property line. And we'll bring that back to about 12 feet for the bulk of the building.

Yael Gatz-Schoen: Just one note, both these porches, the front and the back are in pretty bad condition. So when he bought it, the inspector already told him

about the back one I think it was that it's basically the foundation is --

PETER BURGER: Neither front nor rear porch is actually on any footings. The framing on the front porch is in pretty bad shape, and that was noted when we purchased the property and we've been observing it and making sure that it's not about to fall off. But it needs to be torn down and either rebuilt or left off. It's not exactly safe.

The rear porch not on footings either, and there's a risk of the parking being right there that a car could back into it and knock the pylons out from underneath it and the whole thing comes tumbling down. And we're trying to eliminate those aspects as well.

CONSTANTINE ALEXANDER: And in

terms of the addition, just so we get it on the record the FAR, the permitted FAR in the district is 0.5.

PETER BURGER: Yes.

CONSTANTINE ALEXANDER: Right now you're at 0.76. So you're insubstantially in excess and you're going to go a little bit more, you're at about 0.79.

PETER BURGER: 0.79.

CONSTANTINE ALEXANDER: So you're up roughly 50 percent over the permitted FAR in the district if we grant you the relief that you're speaking tonight.

PETER BURGER: Yes, sir.

CONSTANTINE ALEXANDER: And have we touched on the parking issue and why you need a Variance there.

PETER BURGER: Yes, we touched on the parking. Touched on the space. The

FAR. You also have with you I believe a copy of this letter?

CONSTANTINE ALEXANDER: Yes, we do.

PETER BURGER: Part of the whole process just so you understand sort of the engagement that I've done with my neighbors, I started discussing with architects and builders last summer. And after I went to the city and learned more about the Zoning process, after meeting with Jeff and Ranjit, I went back before even going and contracting with an architect and I met with all of my neighbors. I went door to door and said I'm -- I'm thinking about doing an addition. Do any of you have any comments? Any objections? Any concerns? Before even going down that route to see

if there was any -- and no one had any. So I began discussions and eventually contracted with Yael. We came up with the design. And then in February and March after we had finished the detailed design and were ready to submit the application, I went back around to the neighbors actually with this letter.

CONSTANTINE ALEXANDER: That's in the files.

PETER BURGER: And reviewed the sets of drawings with them, met them all, and saw no objections from anyone.

CONSTANTINE ALEXANDER: Thank you.

Questions from Members of the Board at this point?

BRENDAN SULLIVAN: You know, I drove by there and it somehow lost -- the drawing on the sketch on the left, there

is a green band there between you and the adjoining property?

PETER BURGER: Yes.

BRENDAN SULLIVAN: And that's now, on the new scheme is going to go away?

PETER BURGER: Yes.

BRENDAN SULLIVAN: So then it is -- I guess my thought is, I mean to be honest with you, I really don't like the parking -- proposed parking arrangement. Because I think what you're doing you're taking -- you're pushing it closer to the front, which I think impacts the streetscape and I mean, yes, it's going to be on your property but all of a sudden there's going to be a car there and forward to the entryway to that unit as opposed to having side-by-side parking on that, on the one on the left. And now,

obviously that's going to, you know, you have designed a grand backyard there. But your grand backyard I think is impacting the street view of a car sitting closer to the sidewalk.

PETER BURGER: Well, to speak to that, on Jackson Street there are multiple houses that have parking lots and parking very near the front of the line. They're all not set back in the rear like this. Directly across the street they have this.

BRENDAN SULLIVAN: And that's why we have that book because they decided that was not a good idea to do that. There's new ordinances, new rules, and new dimensions.

PETER BURGER: And that's why --

BRENDAN SULLIVAN: And so because somebody else did it, so I should do it

and so on and so forth. Doesn't carry the day for me. It's, you know, they decided, the authors of the Ordinance, that was not a good thing to do or to replicate that.

So anyhow, that's sort of where I think there was another solution to that car, and yes, that's going to impact, you know, perhaps this space up in here. But, you know, what you're asking for is something rather singular and rather exclusive and it gets to that parking. I'll leave it at that. I'm not totally convinced.

JANET GREEN: Brendan, where are you thinking the second car would go if it didn't go where it is? Kind of where it is in the first drawing?

BRENDAN SULLIVAN: Next to the other one that's up there.

JANET GREEN: So it would go --

BRENDAN SULLIVAN: Side by side.

JANET GREEN: Side by side. So  
the green --

CONSTANTINE ALEXANDER: Is there  
room to do it side by side?

BRENDAN SULLIVAN: Well, not  
according to the -- yes, because if you  
push the building there and there's also  
that deck there.

PETER BURGER: If the deck is  
smaller, than you can accommodate parking.  
You would lose a substantial amount of  
green space in the back, though, because  
the parking would have to be pushed clear  
beyond the building envelope.

Yael GATZ-SCHOEN: So the existing  
green space right now is non-conforming.  
It's too small. It's not the 40 percent

that's needed. What we propose by lowering the driveway area, we're actually making the green space a lot bigger. So if we go back into pushing the cars back in --

BRENDAN SULLIVAN: Well, right. I mean, you're complying in one respect by impacting another. So if you squeeze a balloon, you can compress something and it's going to pop out someplace else.

PETER BURGER: Sure.

JANET GREEN: So if the green space isn't there, what -- does the driveway just go up right to the property line?

PETER BURGER: Well --

JANET GREEN: I mean, is there a fence?

PETER BURGER: Right now there is

a fence all around the perimeter. And if we couldn't do the parking here, we would have to push it in the back, and so we probably either would be eliminating part of the deck here and having parking be approximately here on the drawing or having even further back. Because we have a very long paved driveway, and then another paved parking area in the rear occupying a large portion of the backyard.

JANET GREEN: My question is to do more with the boundary between you and the property next-door, and what will they see with this? Will they just see the two cars parked really right up to their property line? Or is there anything between those cars and their property?

PETER BURGER: There's a fence between and that's it right now.

JANET GREEN: Right now?

PETER BURGER: Yeah. And there is no proposal.

Yael Gatz-Schoen: We're just showing a fence here. There is no space for us to also include some green or, you know, hedges or additional space.

JANET GREEN: Right. The fence that's there is going to stay there?

PETER BURGER: Yes.

JANET GREEN: And those neighbors on that side are some of the people who signed onto that?

PETER BURGER: Yes. In fact, that is the third signature Phyllis Newton, 24 Jackson Street.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: Further questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter? Sir?

JASON STONEHOUSE: Hello. My name is Jason Stonehouse. I reside at 28 Jackson Street which is actually the other property in the condo association. So we're the neighbors that have probably the biggest vested impact. We're looking at a substantial change to our flow in and out of our unit by reconfiguring the back stairwell. With the reconfiguring of the back stairwell, there will be a change in some of the -- we're going to lose a few square feet of space in what's currently a bedroom because the back door for our unit is going to be to change locations to

accommodate the new stairwell. I just am here to express my support for this project as well. Looking at the different iterations of plans that were worked through that Peter presented to us as he was working with Yael, there were a number of alternatives that adhered closer to the -- to what was there presently, but impaired functionality or usability of the space and also didn't enhance the -- what the facade that the house would present to the street and to the neighborhood. By removing those front porches, including a covered front porch that is part of our unit on the second floor, and by removing that we're actually going to be making a more attractive facade presenting some more green space to the neighborhood. Having instead of a porch that's kind of

in disrepair, instead of having that abutting up very close to the sidewalk, we'll be able to have an attractive front garden to present to our neighbors and we're in very strong support of this. My wife could not be here, she's at home with our 15-month-old son. So....

CONSTANTINE ALEXANDER: It's fair to say that this addition will benefit your property as well in terms of additional living space? It looks like you're going to get a deck out of this in the back?

JASON STONEHOUSE: We are getting a deck where right now we have a covered back porch, and that covered back porch we're using a storage area. So we're going to have to --

PETER BURGER: Enclosed covered.

JASON STONEHOUSE: Yeah, enclosed covered. We're going to have to figure out what we're doing with what we're storing there. We have a deck that we're getting out of that. We're losing a deck off the front.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

Anyone else wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one else wishing to be heard.

The Chair would report that we are in receipt of a letter from Gena, G-e-n-a Gourley G-o-u-r-l-e-y-S-t-o-n-e-h-o-u-s-e, Jason Stonehouse, who just spoke and Peter Burger the petitioner. (Reading) We, the

owners and trustees of 26-28 Jackson Street Condominium Trust, wish to express to the Board of Zoning Appeals, our full support for the renovation and addition project as has been proposed by Peter Burger. All aspects of the application and project have been thoroughly reviewed by us and we have no reservations or objections to any part.

We are also in receipt of a letter of support for the project signed by approximately 25 individuals. I don't propose to read it into the record, but it is part of our record.

I see nothing in the file that indicates any opposition from any neighbor.

Has anybody expressed any opposition today?

PETER BURGER: None whatsoever.

CONSTANTINE ALEXANDER: With that I'll close public testimony.

Any final words you want to make?

PETER BURGER: Is there any other questions that the Board has regarding the lot configuration of the parking?

BRENDAN SULLIVAN: What's the material of the driveway?

PETER BURGER: Currently it's asphalt. We would be looking at -- ideally I want to shift to permeable paving system. We haven't specced out materials, but I want to reduce the amount of non-permeable area as much as possible.

JANET GREEN: Dry wells?

PETER BURGER: Beg your pardon?

JANET GREEN: Dry wells?

CONSTANTINE ALEXANDER: Anything

further, Brendan?

BRENDAN SULLIVAN: No.

CONSTANTINE ALEXANDER: I think we're ready for a vote.

The Chair moves that we make the following findings with regard to the Variances being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being the petitioner needs additional living space.

And the fact that the hardship is owing to circumstances relating to the fact that this is already a non-conforming structure, such that any modification would require a Zoning relief.

And further that the -- there are soil conditions that affect the ability to

use other parts of the structure. Namely, the basement to provide this additional living space.

And that relief may be granted which a substantial -- without either substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

On the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner prepared by WGS Design and Development, LLC. I don't see a date. But anyway, the first page of which has been initialed by the Chair.

Before we take a vote, I'm going to be very clear, these are the final plans?

If you change them, you have to come back before us.

PETER BURGER: May I -- there is the one modification on the windows on the existing facade of the structure, adding the bay window where there is existing none adding a --

CONSTANTINE ALEXANDER: Is that in these plans that you have, sir?

PETER BURGER: Yes, sir, it is.

CONSTANTINE ALEXANDER: As long as they're in these plans here.

PETER BURGER: Since we haven't done -- there's going to be demolition work, we don't know exactly what the structure is going to be. So is there a way that we can phrase this so that we have the ability to, like, alter windows sizes very slightly depending on the

structure? That we find once we actually get plaster and siding off?

CONSTANTINE ALEXANDER: Okay, on the condition -- that expressed conditions, work proceed in accordance with the plans as identified provided that the window placement may be modified to an immaterial extent and as determined in the judgment of the Inspectional Services Department.

PETER BURGER: Thank you, sir.

CONSTANTINE ALEXANDER: All those in favor of granting the Variance on this basis, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor?

BRENDAN SULLIVAN: I will propose it will be better than what is there now.

Reluctantly I will say yes anyhow.

CONSTANTINE ALEXANDER: Four enthusiastic yeses and one reluctant.

BRENDAN SULLIVAN: Five anyhow.

(Alexander, Hughes, Sullivan, Scott, Green.)

\* \* \* \* \*

(9:30 p.m.)

(Sitting Members Case BZA-006231-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006231, 777 Memorial Drive.

Is there anyone here wishing to be heard on this matter?

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman, Members of the Board.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY JAMES RAFFERTY: For the record, my name is James Rafferty. I'm an attorney with offices at of 675 Massachusetts Avenue, appearing on behalf of applicant. Seated to my right is Mr. Reid Joseph, R-e-i-d, Joseph like the man's first name. Mr. Joseph is a Vice President with Westbrook Partners and the owner of this hotel at 777 Memorial Drive.

Someone on this Board might remember that around 1968 or '69 this proudly opened as the Fenway Motor Inn. Sitting

atop of the Fenway built by the Sage family and owned and operated by them for many years. And at the time on the roof of the hotel is this large big metal frame that sat the words Fenway Motor Inn for many, many years in the neon letters. And then somewhere around the 80s it became the Howard Johnson Hotel. And on that same frame sat the words Howard Johnson for more than a decade. And then you can actually see this frame I'm talking about in the photo. So it's not even a wall sign, it's a rooftop sign which we don't even permit anymore.

CONSTANTINE ALEXANDER: My left, your right.

ATTORNEY JAMES RAFFERTY: Right. You can see that metal screen.

It became a Radisson Hotel. The

words Radisson sat on that screen for many years. And then in 2008 the hotel was closed for a yearlong renovation and it reopened under the flag of Marriott Courtyard. And Mr. Joseph's company acquired the hotel 2012. So they've done a few things, frankly, that we don't see happen too often. One of the things they did recently if you've been by the hotel over the past year is that they removed the surface parking lot in front of the hotel.

In about 2009 the city adopted something called the Memorial Drive Overlay district, which made that a non-conforming parking lot. You have to have green space along Memorial Drive. So when they told me they were going to do that, I said, you know, you ought to wait

until you get something in exchange for that, because if you just take away those parking spaces, you'll never get them back. But they said, no, we think the hotel looks better with a front lawn than with a parking lot. So they did that. I said, well, I'll mention that when you go for your sign variance because you ought to get something.

CONSTANTINE ALEXANDER: You get no credit for it, sir, too bad. You blew it. Keep going.

ATTORNEY JAMES RAFFERTY: Funny the way that works, there are people who are not here tonight that were impressed by that, and I'll leave it at that.

One of the unique aspects for this application for Variance is it represents a replacement sign, but the area of the

replacement sign is far more conforming to what the Ordinance allows than the existing sign.

CONSTANTINE ALEXANDER: Very briefly.

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: How big is the sign that you're proposing and what's the biggest you could have done in compliance with our Variance? And what's the delta? What's are we talking about?

ATTORNEY JAMES RAFFERTY: So the delta essentially is 21 square feet. What --

CONSTANTINE ALEXANDER: That's all?

ATTORNEY JAMES RAFFERTY: Yes.

We have two signs that total 221 square feet, and we can have a total of

200 square feet.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: So what we did in this case was you can have no one sign greater than 100 feet. So we do have the sign that's 135 feet, but there's a corresponding reduction. The other sign is only at 86 feet. So we said well, rather than have 100 and 135, why don't we do the best we can to lower the other sign. And so the sign that's -- so the 86-foot sign, frankly is not the subject of the Variance. That's the sign that's facing west on the hotel. The sign that's before the Board is the one that faces the river, and it's really intended to allow travelers on the Mass. Turnpike to be able to see this hotel as they exit.

CONSTANTINE ALEXANDER: Why are

you removing the rooftop sign besides being good citizens of the city?

REID JOSEPH: I mean, it's one of those functionally it's harder to see, you know, it's old and harder to maintain and something clean and more conforming. Also with Marriott's brand standards as well, you know.

CONSTANTINE ALEXANDER: Okay.

Illumination.

ATTORNEY JAMES RAFFERTY:

Illumination is compliant. There's no relief sought for the illumination. Channel lettering, backlit channel lettering permitted.

CONSTANTINE ALEXANDER: Is that like the Doubletree across the river? That same impact, the same visual at nighttime?

ATTORNEY JAMES RAFFERTY: Is there a Doubletree? We never noticed that hotel.

TIMOTHY HUGHES: Is it a Doubletree?

ATTORNEY JAMES RAFFERTY: Yes, it is a Doubletree. It has about four times the size of it. You know, it shines into Cambridge. It's only fitting that Cambridge send signage back across the river.

CONSTANTINE ALEXANDER: Same illumination?

ATTORNEY JAMES RAFFERTY: You know, I'm not being -- I don't know what their illumination is. I mean, probably -- probably because that's what you're seeing most of. The new internal illumination isn't permitted. External or

channel lettering, what they call halo lettering, they have lights around the letters, and that's what this will have. And so as you can see in the sign certification form the only non-compliant aspect is the area sign. So the illumination is clear. We did, we did reach out to some people who have citizens who have expressed interest in the past in signage.

TIMOTHY HUGHES: I don't see them here.

JANET GREEN: The wind is whistling.

ATTORNEY JAMES RAFFERTY: I would hesitate to speak for anyone other than myself, but I will say that -- I'll leave it at that. I'll leave it at that. And at any rate it does represent a more

conforming sign. Aesthetically where it sits in the building I think most would agree it's sitting on that blank facade, and it aesthetically fits somewhat better and it goes in -- the height -- it goes from a rooftop sign to a wall sign. As you know the height isn't an issue here because the hotels enjoy an exception to the 20-foot height limitation. So it really comes down to the area of this particular sign.

CONSTANTINE ALEXANDER: And you're about ten percent roughly than the total square feet as permitted under our Ordinance?

ATTORNEY JAMES RAFFERTY: Right.

Whereas the existing sign exceeds 400 square feet. So it's nearly 100 percent.

TIMOTHY HUGHES: Any letters in there, Brendan, from City Councillors.

BRENDAN SULLIVAN: That's what I was looking for. You read my mind on that. I was hoping --

CONSTANTINE ALEXANDER: I looked, at least there weren't two days ago.

ATTORNEY JAMES RAFFERTY: There are no letters.

TIMOTHY HUGHES: Wasn't this hotel going to do a major renovation with a restaurant on the first floor two years ago?

ATTORNEY JAMES RAFFERTY: Around two-thousand -- when did we do that?

TIMOTHY HUGHES: Didn't we give them a Variance to do something like outdoor seating?

ATTORNEY JAMES RAFFERTY: Well,

you have a good memory. Yes, we got a Special Permit from the Planning Board to construct a condominium addition to the front of this hotel, and we had one small piece of a Variance to do with a terrace on the first floor.

TIMOTHY HUGHES: Right.

ATTORNEY JAMES RAFFERTY: And the economy changed and that never got, that never got done. This was going to have a single loaded corridor in the front of the building accommodating about 40 condominiums. And they, they kept the permit alive for a while and then they finally decided not to do that. So they never did all of that. The hotel, I don't know if you've had an opportunity to be in it lately, but they -- Reid was telling me the significant amount of capital, it's

very impressive. Very well appointed hotel. It's very popular. It has a whole new level of finishes. As I said, they closed it for a year a while ago and you most recently just spent --

REID JOSEPH: We redid every guest room, hardwoods, soft woods, bathrooms. Lobby's all new.

TIMOTHY HUGHES: I don't typically stay in hotels that I can walk to from my house.

REID JOSEPH: Take a walk around, it's very nice.

ATTORNEY JAMES RAFFERTY: It's called a staycation. It's very popular.

CONSTANTINE ALEXANDER: Questions from Members of the Board at this point?

TIMOTHY HUGHES: I asked all my questions.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes no one is wishing to be heard. There are no letters in the file. I didn't see any.

ATTORNEY JAMES RAFFERTY: There weren't any as of three o'clock today.

CONSTANTINE ALEXANDER: I will close public testimony.

Any final comments?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Public testimony is closed, do you want to go for a vote or discussion?

TIMOTHY HUGHES: I'm ready for a vote.

JANET GREEN: I'm ready for a vote.

CONSTANTINE ALEXANDER: Somehow I sensed that.

The Chair moves that we make the following findings with regard to the relief being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the petitioner is in need as a hotel of a sign that's more current in terms of the ability to communicate information or identification to the passersby, and that it is a better solution than a rooftop mounted sign.

The hardship is owing to the fact

that the shape of the structure, it's a large structure and therefore requires a large sign. But that the sign that's being proposed is relatively compliant with our Zoning Ordinance. As indicated, it exceeds the permissible area by only ten percent.

And the relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

The end result of the relief being sought is that the skyline, streetscape of Memorial Drive will actually be improved by this sign that's being proposed as compared to the sign that currently exists.

So on the basis of all of these

findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans. This is the one you showed us.

ATTORNEY JAMES RAFFERTY: That's correct.

CONSTANTINE ALEXANDER: Part of the file, it's one page, and it's been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

(Alexander, Hughes, Sullivan, Scott, Green.)

(9:40 p.m.)

(Sitting Members Case BZA-006244-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet

Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006244, 17-19 Decatur Street, No. 2.

Is there anyone here wishing to be heard on this matter?

FROM THE AUDIENCE: I want to be heard.

CONSTANTINE ALEXANDER: Okay. You'll have an opportunity. Please come forward. Before we start the case I want to make a statement. I take it you're the neighbor who has written an objection?

You're seeking setback relief?

PETER WRIGHT: Yes, we are.

CONSTANTINE ALEXANDER: The neighbor most effectively objected to this.

PETER WRIGHT: I understand that.

CONSTANTINE ALEXANDER: We as a Board pay a lot of attention to people, neighbors whose setbacks are being intruded upon and have serious objections. So you're starting in a hole basically.

PETER WRIGHT: I understand that.

CONSTANTINE ALEXANDER: You're going to have to go a long way to get the relief you want. We could start the case, we can go through all of this, and you can come to see the conclusion we're reaching is not the one you want us to reach. And, therefore, you're going to ask for a continuance. Then it would be a case heard and we have to get the same five of us together. Or you can continue and see if you can find an as-of-right solution.

I would suggest to you, but it's your call, that we continue the case

tonight. So we can hear the case, you can get more time to think about the neighbor's objection, see whether you can come up with a solution that meets either her objections or one that doesn't require any Zoning relief.

PETER WRIGHT: Understood.

CONSTANTINE ALEXANDER: It's up to you. If you want to go forward tonight, it's fine. But I don't think it's desirable. What's your pleasure?

PETER WRIGHT: Well, excuse me, the reason that I think we should because we thought about this a lot, of course, the last two days, is that any alternative does not work very well and that we all explained, we could explain that. And I mean I could do, we could do a bay addition to the house, that's about all we

could do otherwise because of the constraints. It is -- shall I continue? Shall I introduce myself?

CONSTANTINE ALEXANDER: Do you want to proceed tonight? Let me stop right there, do you want to proceed tonight?

PETER WRIGHT: Yes, we do.

My name is Peter Wright,  
W-r-i-g-h-t. I live at 107 Larch Road,  
Cambridge, and I'm the architect.

YVETTE GROSZMANN: And my name is Yvette Groszmann and I live at 19 Decatur Street.

PETER WRIGHT: Go ahead and introduce yourself.

YVETTE GROSZMANN: So my name is Yvette Groszmann. And the reason actually I want to go ahead is because I think the

letter is based on erroneous assumptions. So to make a decision based on erroneous assumptions, I just want people to get the facts because I'm not here to -- I would never build an addition that would block someone's windows or lights. The whole point of this addition was to not affect my neighbors. I've lived there for eleven years. I love my house. I love my neighbors. If someone was to build an addition that would block my light, I would be very upset. So I completely understand.

CONSTANTINE ALEXANDER: Did you talk to your neighbor before you filed the petition?

YVETTE GROSZMANN: I did. I tried. So, I --

CONSTANTINE ALEXANDER: What was

the big pressure? Why didn't you keep trying until you --

YVETTE GROSZMANN: I did keep trying. I literally have an e-mail that she refuses, she does not want to discuss it further. She wants to discuss it in front of the BZA. I have an e-mail. So she -- that is why I'm saying it's based on fallacy, because she was not willing to talk to me. I am not a contentious person. So basically I, the reason I need this, and I've explained in my letter, is I just need an office. I just need a little bit of space. So, I had hired Peter because he lives in Cambridge and he was recommended by someone. And when we made this plan, obviously it was -- well, it wouldn't be obvious to everyone. We made it so it wouldn't upset anyone

because we're going to seek for a Variance and we're gonna do something to someone's property, then what's the point. It's wasted time and money. So I invited my neighbors from 21 Decatur. Unfortunately one had the flu and the other one was on-call. She's an anesthesiologist. My neighbor in the middle came over, we had never met. And my other neighbors were there. I showed them the plans. They weren't like the final, final plans, but I showed and I said, you know, I just want you to know because I'm sure you're going to be concerned, the addition is not gonna go up to your window. It's only 14 feet. It's not gonna block the sun. She said okay, great. That's fine.

And then I got an e-mail the next day saying that she was completely opposed

to it. So I replied, you know, I understand your concerns. Why don't we meet and talk. I promise you I'm not trying to get one over you. Why don't we meet, you know, with my architect? And the reply that I got back and I can -- it's in capital letters. You know, I said please -- okay. So hi, Yvette, with all respect whether your architect is 50 years' of experience in Cambridge or one year, it does not make a smallest difference in my life. I believe I'm very clear on your plan and, therefore, I do not, in capital letters, seek any further discussion on this topic neither with you nor with your architect. I much rather follow the process that the City of Cambridge makes available at the BZA. Which is why I've never been able to talk

to her. I haven't been able to show her the plans which is why we're here. And so that is why I haven't talked to her.

CONSTANTINE ALEXANDER: Are you blocking her?

YVETTE GROSZMANN: No, we are not.

CONSTANTINE ALEXANDER: I think we need to see.

PETER WRIGHT: Okay, okay, so in light of this letter I -- today I put a demonstration together.

YVETTE GROSZMANN: And photographs.

PETER WRIGHT: And, yes.

And just to start, photograph, this is, it was taken eleven a.m. February the 1st. And this shadow right here is of course the shadow of the existing house.

CONSTANTINE ALEXANDER: That

window there?

YVETTE GROSZMANN: That's the window.

CONSTANTINE ALEXANDER: That's the window to your neighbor?

YVETTE GROSZMANN: Yes.

PETER WRIGHT: Yes.

And on her letter she correctly says she gets a bit of sunlight in the early morning. Just to give you a sense of the -- south is going this way. I, this is, this is high noon. This drawing right here. These two drawings are high noon. So that shows the angle of the sun at that time coming from the south. This is the addition, and you can see that the shade of the main block of the house, this is 12 feet lower and it steps back. You can see that the sun hits that one part of the top

of the addition, excuse me. And then, excuse me, and I calculated where the addition sunlight -- shadow would be, and that's shown in blue. And the same goes with that. That's, that's the blue area. Eventually as the sun goes around, this block of the house shades that part of the house and it does, it always has, and it always will.

CONSTANTINE ALEXANDER: But do I see right is that the window is going to be -- by the shadow that your addition's going to create --

PETER WRIGHT: Yeah, I'm being very liberal on this to be honest.

CONSTANTINE ALEXANDER: Well, you're being honest. You're being honest, but the fact of the matter is it looks like about 25 percent of the window is

going to be shaded.

PETER WRIGHT: Yeah. It only gets so much sun anyway, of course. And I'm not saying that you only get a little bit so we take a little bit more off of you. But it, it's probably not as dramatic as was stated on the letter. You know?

CONSTANTINE ALEXANDER: Maybe not as dramatic, but the fact of the matter is there is an impact, is there not?

PETER WRIGHT: There is an impact.

CONSTANTINE ALEXANDER: There is an impact.

PETER WRIGHT: Yes.

CONSTANTINE ALEXANDER: And setbacks are designed and not have this happen.

PETER WRIGHT: I understand, yeah.

CONSTANTINE ALEXANDER: So I'm

still back to where I started. Maybe it's not as dramatic -- not as severe as has been claimed, but there is an impact.

PETER WRIGHT: Yeah.

CONSTANTINE ALEXANDER: And I have trouble finding why we should grant relief when I know that the very reason why we have setback requirements is being violated.

PETER WRIGHT: I fully am aware of that, that's true.

But we do have a hardship on the site. It is a very large site relatively speaking.

CONSTANTINE ALEXANDER: The hardship is you need an office. I mean, that's not a hardship. I'm sorry.

PETER WRIGHT: Yeah.

CONSTANTINE ALEXANDER: That's not

a hardship. Find another place for an office. Don't take away some of the light for the one window that your neighbor has.

JANET GREEN: Or pull it back a few feet.

YVETTE GROSZMANN: I mean, we just drew this today. I honestly did not think that we were gonna --

CONSTANTINE ALEXANDER: That why I suggested you come back.

JANET GREEN: So make it a little smaller. Not 14 feet.

YVETTE GROSZMANN: Right, like 12 feet.

PETER WRIGHT: And we could make it narrower I suppose.

CONSTANTINE ALEXANDER: Yes.

YVETTE GROSZMANN: We could pull it back. See, this is based on his

estimate. This is a photograph. You know, I don't know how if any other kind of solar, but I would be willing to -- I mean, I just need a small office. It doesn't have to be this massive thing.

CONSTANTINE ALEXANDER: Why didn't you just simply continue the case and why did you have us open the case and get into this when you know you have incomplete plans? You bring it to us at a late time.

PETER WRIGHT: Yeah, okay.

CONSTANTINE ALEXANDER: I mean, I think it's very disrespectful to this Board.

PETER WRIGHT: I'm sorry, yeah. I didn't realize that -- okay.

CONSTANTINE ALEXANDER: What do you mean you didn't realize? I just told you at the outset.

PETER WRIGHT: Yeah.

CONSTANTINE ALEXANDER: Ma'am, I'll let you speak just briefly because they're not going to -- I think this case -- unless you want us to go ahead to a vote? I think you may want to continue the case.

PETER WRIGHT: No, we do want a continuance.

YVETTE GROSZMANN: Yeah, we do.

MONA KHABBAZAN: Thanks for giving me the chance to speak. I really appreciate it. This is my first time doing that so I was --

CONSTANTINE ALEXANDER: You must give your name and address.

MONA KHABBAZAN: Mona, M-o-n-a. My last name is K-h-a-b-b-a-z-a-n.

So as you know there's always two

side of the story. I live there for two years, almost three years this July, and just before she want to submit this case, she called me for the very first time ever, let's be friends. And I mean, she just didn't, she read my response. She didn't read her response to you. It's like let's be friends. Okay, sure. She invited me over. I went over because I wanted to see the plans before I have an opinion about it. I saw the plans. Obviously it wasn't like good for me at all. I didn't say anything because I am, listen, I am a very new homeowner and I don't know how the law works. I came back, I called this lady. I've called her multiple times, and she gave me guidance. She told me that first of all, you should let your neighbor know that you have a

problem with it because that's the right thing to do. You don't want her to file for the, pay for the fees and then you get surprised. So that's what I did. And she also told me that they take your concern into consideration and do the -- she explained the whole process. Everything I've done, I know nothing about it. I've been explained how to do it.

So I responded to her that I am, in all respect this plan doesn't work for me. You're blocking my window, and this is a minimum setback. You are going half of the setback required. Right? And that is after I've done my research to understand what the requirement is. And her response to me was two things: One, I have a right to block your window. I can move my trees and put them in front of your window to

block your window after that I don't need any permit. Right, that's one thing.

Two, I have the best architect in town with 50 years' of experience to make it happen. So you can see why from my side I don't see any -- like, what am I getting by getting into this conversation? I felt threatened, right? And I said, okay, I followed the proper process that I don't have conflict with my neighbor, and for that reason I did -- she knows how many times I've called before the case was even filed because I travel a lot for my work, and I didn't want to miss it because it's so important to me. And response to the comment that she made, if she want to make the office and so important, she can have the minimum setback required away from my window. And the conversation that

they're having about the shadow, they're already blocking one of my window, and from that window I get no direct sun at all. Nothing, anything.

YVETTE GROSZMANN: The house was built --

MONA KHABBAZAN: This is my turn, excuse me.

And they're going to make the exact same thing that's the first window to the second window. So I already have what they're saying for the first window and I do not get any sunlight. And I want to know how they grant it. Is it the ten seconds that they display that I get that shadow coming through my window. I'm a middle unit. I don't get sun from my left and I don't get no sun from my right. Direct sunlight I get ever. Right? And I

don't want to live in this unit and this is how I bought it. This is how the situation was. And I don't want this to be changed.

CONSTANTINE ALEXANDER: Okay, thank you. I appreciate your coming down and let me tell you where we are right now.

I think it's fair to say that this petition as submitted it dead on arrival. Okay? And that's why you're going to continue the case. Okay? Continue it to another night. They got to go back and rethink where they come up with a different approach, something that may be acceptable to you or may not. But something they want to pursue. Something different than what we have tonight. We will the five of us will meet that night.

We're going to pick a time, a date for that. I want to make sure that it's a date you can be available.

MONA KHABBAZAN: That's the next thing I want to tell you. I am in UK for April 30th and for May 14th and May 20 I'm here.

MARIA PACHECO: May 14th is next available anyway.

CONSTANTINE ALEXANDER: May 14th? Can you be ready for May 14th, or you need more time?

JANET GREEN: May 14th is available?

MARIA PACHECO: It is.

JANET GREEN: I can't be here.  
Let me just look.

MARIA PACHECO: May 28th.

YVETTE GROSZMANN: Would like a

solar plot or something --

CONSTANTINE ALEXANDER: You're going to have to solve the problem yourself. The fact of the matter is you've heard, you heard I don't know how many times from me, you know, you're dealing with a neighbor. You're not communicating with that neighbor. And why you pushed ahead tonight --

YVETTE GROSZMANN: I have the e-mails --

CONSTANTINE ALEXANDER: -- just still annoys me to a great extent.

May 28th work for you, Janet?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Everybody else?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: You can

make May 28th?

I move that this case -- you can make the 28th, obviously, and you have time to do your plans?

PETER WRIGHT: Um.

CONSTANTINE ALEXANDER: They have to be in by five p.m. on the Monday before.

PETER WRIGHT: Right, I know.

CONSTANTINE ALEXANDER: And I'm going to make a requirement that you give her the plans the same day you file with the Inspectional Services Department.

PETER WRIGHT: Yes.

CONSTANTINE ALEXANDER: Are you checking?

MONA KHABBAZAN: Yes, exactly. What I want -- this is after I talk to Sean, what I want is to get the dimensions

because he didn't have them to be able to understand the minimum setback required, and I also don't want a deck up above their extension to have a perfect view to my window. I don't want that. Right now the plan that they submitted not only they cover my window, they also have a deck on the top exactly from the window. So I want to know the minimum setback required, because when I asked Sean, he said that he doesn't have the dimension at that time for me. That same dimension --

CONSTANTINE ALEXANDER: I'm trying to think why Sean wouldn't be able to do that.

MONA KHABBAZAN: He said it would be done during the public hearing. As I said this is a learning experience for me.

CONSTANTINE ALEXANDER: I'm going

to make a motion -- move that this case be -- it's going to be a little different than the usual one. This case be continued as a case heard until seven p.m.

TIMOTHY HUGHES: Just to be on the safe side, we're going to have to push it back.

CONSTANTINE ALEXANDER: Okay.  
What's the next one?

MARIA PACHECO: June 11th.

CONSTANTINE ALEXANDER: June 11th.  
Okay, that work for everybody else?

This case -- June 11th works for you?

MONA KHABBAZAN: Yes.

CONSTANTINE ALEXANDER: And for you?

PETER WRIGHT: I'm quite sure.

CONSTANTINE ALEXANDER: The Chair

moves that this case be continued as a case heard until seven p.m. on June 11th on the following conditions:

That the petitioner sign a waiver of a time for a decision. You know what that is.

That a new posting sign be put up. It can be the current one you have right now. Just take a magic marker and change the date and the time.

YVETTE GROSZMANN: Okay.

CONSTANTINE ALEXANDER: I'm sorry?

YVETTE GROSZMANN: I said okay.

CONSTANTINE ALEXANDER: And that this modified sign be maintained for the 14 days required by our Ordinance. If that doesn't happen, we're not going to hear the case on June 11th.

And finally, any new plans and

new -- any new plans and information regarding the setbacks that your neighbor is requiring, must be in our files no later than five p.m. on, not the Monday before, but a week before the Monday before. I want this person to have ample time to consider -- so you have to file with the Inspectional Services Department and with your neighbor, any modified plans. And what's that Monday before June 11th?

MARIA PACHECO: So it will be the first.

CONSTANTINE ALEXANDER: First of June?

MARIA PACHECO: That's the Monday before. Monday before is the 8th.

JANET GREEN: The 11th.

CONSTANTINE ALEXANDER: June 11th

is when the hearing is going to be.

MARIA PACHECO: You want not the Monday before but the Monday before that? That's the first.

CONSTANTINE ALEXANDER: First of June. So by June 1st. Five p.m. by June 1st. And delivered to your neighbor and you'll certify when you file with the Inspectional Services Department that you have delivered the same materials you're filing to your neighbor.

All those in favor of continuing the case on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. We'll see you on June 11th.

(Alexander, Hughes, Sullivan, Scott, Green.)

THOMAS SCOTT: I have one

question. Are these windows your --

MONA KHABBAZAN: That's the first one. That's the first one I was saying that I already don't get light from.

THOMAS SCOTT: So that one?

MONA KHABBAZAN: That's the one I already said I don't get any light from. And they're doing the same thing just bringing it up to that window right now. That's their plan. If you look at the plan, they're bringing it -- and they're claiming that's like I don't get some sun.

PETER WRIGHT: That's four feet.

Thank you

\* \* \* \* \*

(10:00 p.m.)

(Sitting Members Case BZA-006319-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006319, 194 Western  
Avenue.

Is there anyone here wishing to be  
heard on this matter?

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman and Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of the petitioner Ray Acevedo, owner of 194 Western Ave. And also project architect.

TANYA CARRIERE: Tanya Carriere, C-a-r-r-i-e-r-e.

RAY ACEVEDO: Ray Acevedo, A-c-e-v-e-d-o.

ATTORNEY SEAN HOPE: This is an application requesting Special Permit relief to add 21 percent of additional gross floor area to a non-conforming structure. As the Board is aware, Article 8 you can add ten percent as of right with a Building Permit. This was a deteriorating structure that was in

renovation. If you go by the property recently, you'll see that the ten percent reconstructing has already commenced.

This is an existing two-family and it's in a BA-3 Zone. So this property could have had a myriad of different uses beyond residential. Multi-family residential is allowed and being proposed. This was formerly a two-family and so we're adding a third unit.

In terms of unit mix, and we can go into detail if you want from the architect. The first floor and what we call the garden level would be a three-bedroom unit. The second floor would be a two-bedroom unit. And we are proposing an addition, which is part of the reason why we're here, triggering the 21 percent to the third floor. And so

it's a three-story addition is what we're proposing.

Just briefly, this is the existing elevation from the west. And as you can see, there is three roof types, three roofs. The addition is this starting here at this second roof level, and it's an addition that's encompassing approximately 17 feet, and it's actually creating a new wall plane.

CONSTANTINE ALEXANDER: It's red. The new addition, what you're adding is in red?

ATTORNEY SEAN HOPE: Is in read exactly. Going down to the ground.

So for the third, second, and first floor there's going to be egress stairs as well as additional living space. There's a washer and dryer space on the second

floor and creating a new exit. I think it's important to know that this addition is creating a new wall plane that sticks out about a foot and a half from the existing wall plane and it continues all the way to create a new exit.

In terms of the additional units, the project fully complies with lot area per dwelling unit, open space, all the other requirements of 5.26 that are required.

CONSTANTINE ALEXANDER: What about the dormer guidelines with respect to the addition?

ATTORNEY SEAN HOPE: Okay, so I think we said it best. So if you flip to the model.

So we have a dormer. And the dormer on the front portion of the roof structure

of the first part satisfies the dormer guidelines.

CONSTANTINE ALEXANDER: It does. It's the other one.

ATTORNEY SEAN HOPE: Yes. And so in this instance the nuance is important. This -- we're proposing a three-story addition. Not in a dormer -- not an addition with a dormer on it. And I think the difference is a dormer, and the discussion is adding a structure to an existing roof. This is this first roof plane.

The second roof plane we're actually raising the roof from, because the first plane and then it dips down. We're actually raising the roof on the second roof plane and creating an addition that bumps out from the wall. So this whole

structure is an addition as opposed to seeing this as a dormer. I think part of what --part of what I think may be creating this separation from the first and second to the third floor is that we actually carry this roof treatment around the edge so that it almost seems that somehow this is a first and second story addition and this is a dormer. This is actually one whole addition. And so this --

CONSTANTINE ALEXANDER: I hear you. I guess I'm just not -- probably me just me. It's not clear to me why we have dormer guidelines except when you want to get around them you put the dormer on an addition. I mean why couldn't you, make a dormer on the addition, that's somewhat similar to the dormer that is dormer

guideline compliant to my left, to your right. You see what I'm saying?

ATTORNEY SEAN HOPE: So --

CONSTANTINE ALEXANDER: You have less space, I'll acknowledge that.

TANYA CARRIERE: Okay, so the former guidelines say that only 15 feet is allowed per side. So we have that maxed that out here.

CONSTANTINE ALEXANDER: Yes, you have.

TANYA CARRIERE: And we wanted to create an egress stair up to the third floor, and so we created this addition.

CONSTANTINE ALEXANDER: Why couldn't that top floor of your addition be only 15 feet wide, too? In other words, be smaller than what you have there so that it matches, quote/unquote, matches

the other dormer?

TANYA CARRIERE: I see what you're saying, the living space is pretty limited on the top floor so we were trying to maximize it.

CONSTANTINE ALEXANDER: Give me some numbers and specifics, why is it? How big? What's the impact? Floor, how much are you going to lose?

TANYA CARRIERE: It's around 570 square feet at this time.

ATTORNEY SEAN HOPE: On the third floor.

TANYA CARRIERE: You would have to lose three-foot, six from each side and reconfigure the entire stairway.

ATTORNEY SEAN HOPE: And I'd also like to point out that this was just to add additional living height to the third

floor and you can maybe be able to narrow it to be able to fit the dormer. But this is not a dormer. This addition affects all three floors. The idea that the impact is just the third floor, is actually not the case. You would actually be impacting the egress on the first and second floor. I think that's the distinction which changes this from a dormer to an addition. This is truly an addition. And I think also to the fact that this creates a new wall plane as opposed to being flush to the existing wall plane, what changes this from being a first and second floor with the dormer on top for the whole addition.

I did actually look at the dormer guidelines and they do give, for shed dormers, they give three examples of

different dormers. And for illustration purposes, we actually just checking ourselves, it was three examples of dormers that they gave. All of these examples on one, two, and three all have -- on the first one, this is the same wall plane suggesting in the setback --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: -- as opposed to what we're doing bringing out the wall.

And the second example is similar to ours, but the fact that they cantilever. So all they're doing is affecting this top second floor adding more floor space. What they're not doing is impacting the whole structure on what they're doing. Even though the Board knows the Code doesn't define addition for a dormer, I think you can look through the guidelines

and figure out in which cases those would be applicable. It was intentional to add this additional space that wasn't a dormer. And we were trying to impact all three units. We styled it the same, but we didn't feel it was appropriate to limit ourselves to the dormer guidelines because it is truly an addition and not a dormer. And I do think that if we fell into any of these categories, then we wouldn't be within the dormer guidelines. It wasn't something we missed, but we intentionally made an addition. And so the addition is part of what we need for the Special Permit. There's also some additional gross floor space in the basement that was created to reach that 21 percent. Part of this, Mr. Acevedo went and worked the neighborhood and to get their support and

feedback. There are people here who are speaking in support. I think because of the poor condition of the structure as well the job that he's doing in terms of renovation, we have I believe overwhelming support from the direct abutters. Also one of -- the Historical Commission this week came out, this the building has some historical significance and so the architect and Mr. Acevedo's met with Sarah Burks just to get some ideas about different treatments and you can speak to that.

TANYA CARRIERE: So she suggested adding a paired brackets under the eave and then additional brackets on the bay and a panelling detail, and then also recreating the existing --

CONSTANTINE ALEXANDER: So the

plans that we have before us are not the plans that you're going to go forward with?

ATTORNEY SEAN HOPE: Well, know we told Mrs. Burks that because of the timing, we couldn't do any material changes for the Board that would affect --

TANYA CARRIERE: Decorative details.

ATTORNEY SEAN HOPE: -- decorative details.

And she did recognize because of the renovations already occurred, it was a little bit late in the game to be suggesting, but I think voluntarily the applicant went -- so if there was any feedback and anything that wouldn't change the Board's purview, she made suggestions, some of them coloring, texturing,

materials things that are subject of the nature of the relief. But I think that overall it meets the requirements of the Special Permit. This is a residential use in an area that is surrounded by mostly residential structures. The adjacent parcel has a mixed use with an auto body shop. Anecdotally those two properties were under common ownership at one time. I think there was a time that Western Ave. had more of a commercial use and now is transitioning into residential.

And so it's not going to cause any of the detriments that are normally associated with a Special Permit, and I think adding an addition and including the three-bedroom unit has been supported and you'll hear some of that from the testimony today.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wish being to be heard on this matter?

SANDRA GREY: Good evening. How are you?

CONSTANTINE ALEXANDER: Good evening.

SANDRA GREY: My name is Sandra Grey and I live right across the street at 189 Western Avenue. I've been living there for now 40 years.

CONSTANTINE ALEXANDER: Congratulations.

SANDRA GREY: And for 30 of the 40 years that place has been a mess. And we

are tired of looking at it. And we was hoping that the city might have picked up the building, but Ray picked up the building. And right now he has done outside of the building in a very nice color. And it -- I am happy to support his petition because we need to get that building completed and have people live in it. So we're -- I'm here to say I support his plans. I support the addition and I am so happy. I am so happy it is being done because my neighbors next-door have condominiums and they went up for sale and they couldn't sell them, and they couldn't sell them because of the building across the street which was this building. So we're very happy that Ray came in and did the building over and we support it wholeheartedly.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

Anyone else wishing to be heard?

MAX BARNES: Hi. My name is Max Barnes, B-a-r-n-e-s. I live at 21 Jay Street. It's the corner of Jay and Western. This project is abutting the back side of my house and I just wanted to come and show my support because -- for the same reasons that as the previous -- it's been vacant for a long time. It's been crumbling and falling in my driveway and my yard and now it's on the right track and I just wanted to come out and show my support so it stays on the right track.

CONSTANTINE ALEXANDER: Good of you to do that. Thanks very much.

ISAIAH BRADSHAW: Hi, everyone.

My name's Isaiah Bradshaw. Isaiah Bradshaw, III. I'm going to be moving over to 208 which is right next to the house that he's building right now. I think it's cool. But I think it's fine. I'm going to approve of it. I support him of his decision. I don't see that it's taken away or causing any harm to anyone in the neighborhood. It's a nice build to the house, you know, and I approve of it. I don't think there's anything wrong, and I'm going to be moving to the house right across from it so I don't see anything wrong with it.

CONSTANTINE ALEXANDER: Thank you.

PATRICIA BRADSHAW: My name is Patricia Bradshaw. I'm his mother and I want to say in this moment I'm very proud of my son.

CONSTANTINE ALEXANDER: You should be.

PATRICIA BRADSHAW: I'm very, very proud of him. We're also in the process of fixing up 208 Western Avenue and hopefully by the end of this year it will be done and hopefully both buildings will improve the neighborhood. And I also approve -- I don't see anything wrong with what Ray is adding. So that's all there is.

CONSTANTINE ALEXANDER: Thank you. Thank you for coming down.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes there's no one else. The Chair would report that we are in receipt of the letter from the Vice Mayor Dennis Benzan,

B-e-n-z-a-n. (Reading) I am writing to lend my strong support for the Special Permit application to allow for a three-story addition to the existing multi-family dwelling at 194 Western Ave. Said property has sat vacant for many years. It is a deteriorating structure that has plagued the neighborhood as an eyesore and home for trespassers and vagrants. Over the past decade the city has spent substantial resources in litigation with the former owner's estate in an attempt to enforce our building, safety, and sanitary codes and thus see the property restored. Furthermore, I have reviewed the plans and I believe the use of the property as a three-family dwelling is appropriate and will add to Cambridge's housing stock of renovated

property. In addition, I commend the petitioner for including two, and more importantly three-bedroom units in the proposal. Such units are desperately needed to enable families an opportunity to live near our city centers. To my knowledge the applicant is voluntarily working with the Historical Commission regarding the exterior aesthetic and has received support for the three-story addition requiring Special Permit relief. I fully support the addition's design and the functionality it provides to allow for a viable proposal. For all of these reasons, I urge you to approve the Special Permit request without delay. If any further questions, please don't hesitate to contact me. And that's the only letter we have in our files.

Any final comment, Mr. Hope?

ATTORNEY SEAN HOPE: No.

CONSTANTINE ALEXANDER: I'm going to close public testimony.

Questions, comments from Members of the Board?

THOMAS SCOTT: So my only comment is about the addition the three-story addition. I like what you're doing with the property. And I think to Gus's point where it looks like it's a dormer up on top of kind of a faked out, you know, gable, and I almost wish you were a little more true to what that is which is a three-story addition and not introduce like the false eave and rake elements to kind of make it look like it was something that was tacked on. It just looks false to me. And I think architecturally it

probably would have come off stronger if somehow you just dealt with the mass and maybe trimmed out the mass with some trim boards and things to kind of and just express what it is, which is a three-story addition.

ATTORNEY SEAN HOPE: And I think to that point --

TANYA CARRIERE: Yeah, I guess we were trying to blend it in with the existing, but that is an option to treat it differently and maybe make wider corner boards.

ATTORNEY SEAN HOPE: We did bring an image without that treatment that you think it does create this idea that it sat on top as opposed to just being flush.

TANYA CARRIERE: Not detailed or anything.

CONSTANTINE ALEXANDER: Is that part of our file now?

ATTORNEY SEAN HOPE: This was a change that we brought just to show you.

TANYA CARRIERE: Just to show you what it looks like without the roof.

CONSTANTINE ALEXANDER: Can you hold it up a little bit?

TANYA CARRIERE: Sure. And so it's a little bit cleaner. So the reason we had that roof is just to give it more dimensional feel and just on the back side here.

THOMAS SCOTT: By adding that roof it made it look like it was a dormer that didn't meet any of our guidelines.

CONSTANTINE ALEXANDER: I like that better.

ATTORNEY SEAN HOPE: Thinking that

really makes it feel like it's not part of the front wall plane.

THOMAS SCOTT: I think that's truer to what it really is. And this is a little bit false, and then it makes element look like we ignored our dormer guidelines for that one particular dormer and it just seems funny.

ATTORNEY SEAN HOPE: I do know the Board sometimes does allow for de minimus tweaks like this. I think this is, that --

CONSTANTINE ALEXANDER: I know where you're going. I like this -- personally I like that much better than this. And I would be prepared to vote tonight to approve it with that. I don't think we have to do it again. That's my personal opinion.

THOMAS SCOTT: I'm with Gus on that.

ATTORNEY SEAN HOPE: That came late in this week thinking about it.

TANYA CARRIERE: Removing the false eave --

RAY ACEVEDO: That's not even on there yet.

TANYA CARRIERE: That's the only difference.

RAY ACEVEDO: This right here.

TANYA CARRIERE: Yeah.

RAY ACEVEDO: We've only gone -- right now the city gave us permission to do this on the permit and it's only up to the second floor. That what you see there, is not done yet. So this would be a better to show the, that was something that the -- Sarah -- I mean

the lady from the --

CONSTANTINE ALEXANDER:

Historical.

TANYA CARRIERE: She commented that she likes the addition pops out from the existing itself.

THOMAS SCOTT: Yes, it expresses it and just let it be what it is.

BRENDAN SULLIVAN: The other one looks too busy?

THOMAS SCOTT: Yeah.

RAY ACEVEDO: We can do that.

CONSTANTINE ALEXANDER: I thought it wasn't very attractive frankly.

ATTORNEY SEAN HOPE: It does change it.

CONSTANTINE ALEXANDER: This is much more attractive.

BRENDAN SULLIVAN: My viewpoint is

that whatever you do, good luck to you.  
God bless you. Just wherever we need to  
sign. It needs something.

CONSTANTINE ALEXANDER: Why don't  
you show the comparison.

(Looking over plans).

BRENDAN SULLIVAN: The only thing  
is if it changes, a number one way or the  
other, you may want to make sure that the  
dimensional form properly reflects  
whichever form it's going to end up in.  
It may not change it at all. But it's a  
legal document and somewhere along the  
line those numbers may come into play  
somewhere else.

CONSTANTINE ALEXANDER: Folks, you  
follow what we're talking about? This,  
not that.

RAY ACEVEDO: Yes, this, not that.

You don't like the fake eave. That shows that it's an addition.

CONSTANTINE ALEXANDER: Yes. I think it's cleaner.

RAY ACEVEDO: It's cleaner.

TIMOTHY HUGHES: I don't think the eave comes to the plan with the dimensional form anyway.

THOMAS SCOTT: I don't think so.

CONSTANTINE ALEXANDER: Other Members of the Board satisfy.

JANET GREEN: Yes, very.

TIMOTHY HUGHES: Initial it and let's vote.

BRENDAN SULLIVAN: I don't think it will have any -- well, you just need to make sure the number is correct in the dimensional form that's all.

CONSTANTINE ALEXANDER: Ready for

a vote, folks?

The Chair moves that we make the following findings with regard to this the Special Permit being sought:

That the Ordinance requires that a Special Permit be obtained under these circumstances because of a non-conforming structure.

That traffic generated or patterns of access or egress will result from this project will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what is being proposed. In fact, there is testimony that they will be -- I mean, beneficially impacted, not adversely impacted.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed structure or the citizens of the city.

And that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the Chair would note that if this project goes forward, it will remove an eyesore from the City of Cambridge. It will add new housing units of a desirable size, two- and three-family bedroom units, all of which are consistent with the intent of our Ordinance.

So the Chair moves that we grant the Special Permit being sought on the

condition that the work proceed in accordance with the plans submitted by the petitioner, except that the plan A-000 and other related plans to that are replaced by plan A-031. And that has been initialled by the Chair. So the controlling, to the extent that there is inconsistencies, these plans and these plans, this is it. Otherwise these plans are what you have to follow in terms of the interior and the like.

All those in favor of granting the Special Permit on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

(Alexander, Hughes, Sullivan, Scott, Green.)

\* \* \* \* \*

(10:25 p.m.)

(Sitting Members Case BZA-006299-2015:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006299, 27 Corporal  
Burns Road.

Is there anyone here wishing to be  
heard on this matter?

CAMPBELL ELLSWORTH: Good evening.  
My name is Campbell Ellsworth. I'm the  
architect. I'm here with my client Jesse  
English owner of the property at 27

Corporal Burns Road.

We're here before you tonight to request two Variances. One is to -- so that Jessie can create a driveway for off street parking, but that would require that the vehicle be allowed to be a compact vehicle and not a full-size vehicle as defined by the Ordinance.

And the second is an interesting requirement, which we can -- may need to discuss a little more, but such that she can park that in the front yard setback.

CONSTANTINE ALEXANDER: Not an interesting requirement. This is something we hear all the time. And as you're probably aware, we do not look with favor upon these requests -- the Planning Board doesn't look favor upon these requests. Doesn't mean we don't grant

relief, but it is a high burden to be satisfied because of the impact on the streetscape and because of the fact that what you would be doing is appropriating a parking space that's available for all the citizens of the city and making it yours, i.e., you'll have that curb cut so that only people that can park would be you. Where right now it's first come, first served with respect to the area in front of the house. Like I said, I'm not saying that the case is dismissed. We need to know why we should change our rules with regard to front yard parking. And in fact that as you point out in the materials, everybody on the street has this, they have driveways, it's not front yard parking. They may park near the front of their driveway, it is a driveway to the

garage in the back.

CAMPBELL ELLSWORTH: Well, there are actually to be --

CONSTANTINE ALEXANDER: One I could count. I went down the street, I could count one. There was one that was not a driveway to the parking space in the rear.

CAMPBELL ELLSWORTH: I think there are more, but we can certainly discuss that.

So, that's why we're here. The -- I think in your -- so there's this sort of interesting history here. Jessie can speak to some of the history, but briefly in -- she's lived there since 2006. And since -- since 2004. In 2006 she had requested a curb cut from the city and was granted one, but there was some concern by

an abutter, it precipitated a more precise site plan which revealed a discrepancy, and then the request or the plan to put the curb cut into place was withdrawn.

Jessie does have that.

CONSTANTINE ALEXANDER: Did she seek -- I'm sorry to interrupt you, did she seek Zoning relief at that time or just a curb cut from the city?

JESSIE ENGLISH: I'm sorry, what?

CONSTANTINE ALEXANDER: Did you seek Zoning relief from the city at that time?

JESSIE ENGLISH: It was from what I could understand from, you know, from the Zoning that I saw. I just drew it. I didn't hire anybody, you know. I was told when I bought the house I could put a curb cut in verbally. Okay. So I -- and so

according to what I could understand of the plot plan I had, it wasn't, I didn't know there was a difference between a plot plan and a survey. So yes, I've learned a lot. So, I did the, you know, according to the plot plan it looked like to me it fit the code. And the previous owner had said that you could put a curb cut in. So it went through the process without asking for any, you know, Variances or whatever. I don't know what it would have needed, but it didn't -- it went through at that time.

CONSTANTINE ALEXANDER: Okay, I'm just curious. Thank you.

CAMPBELL ELLSWORTH: So the City, as you know, has been performing sewer separation work throughout the city.

CONSTANTINE ALEXANDER: Don't I

know.

CAMPBELL ELLSWORTH: Right.

And when that started to come into Jessie's neighborhood, she sort of revived the idea of the driveway. She eventually, after some -- after some sort of extended contacts with the city was able to get the city out there with most specifically one of the project managers from the DPW. I believe in your package you got, you have a plan. I hope this is included. There's a plan that actually was generated.

CONSTANTINE ALEXANDER: That's not in our files.

CAMPBELL ELLSWORTH: That plan was generated by the city, by Public Works.

CONSTANTINE ALEXANDER: That's not in our files.

CAMPBELL ELLSWORTH: Okay, well

that would -- that plan that I generated, this plan.

CONSTANTINE ALEXANDER: That we have.

CAMPBELL ELLSWORTH: That actually is a synthesis of the DPW plan, and which really is dealing with the street and Jessie's certified plot plan. So we put those two together. But I'm -- that's my omission. But this was --

CONSTANTINE ALEXANDER: Can we have it?

CAMPBELL ELLSWORTH: Yes, yes, yes, absolutely. What this articulates is that she got support from the DPW to the extent that they actually in fact put a design together that would accommodate her request. Of course it doesn't, you know -- we're still here.

CONSTANTINE ALEXANDER: You still need Zoning relief.

CAMPBELL ELLSWORTH: Right.

What they suggested was create this curb bump out. Because they're doing the sewer separation, they were able to re -- they would be able to redo the drains. That work is sort of in process down in that neighborhood right now. So we're hoping that we -- if relief is granted tonight, that the next step, of course, would be to go for the curb cut itself from the City Council.

CONSTANTINE ALEXANDER: Of course.

CAMPBELL ELLSWORTH: And then the, and then this work in the street finalizing the work on the sidewalks is to happen sometime in July and August.

The -- she has support for this.

CONSTANTINE ALEXANDER: Yes, she does. Very, very thoughtful and extensive support and congratulations.

JESSIE ENGLISH: They were physically here, but I didn't feel my -- I have a picture of them here.

CAMPBELL ELLSWORTH: We took a picture of everybody.

CONSTANTINE ALEXANDER: I would say it's unusually strong support from your --

CAMPBELL ELLSWORTH: Yeah, there's been no -- and it's a very strong community.

THOMAS SCOTT: Why did the city propose the curb out, what was the purpose of that?

JESSIE ENGLISH: To protect the tree root.

CAMPBELL ELLSWORTH: Right, right.

THOMAS SCOTT: A tree root?

CAMPBELL ELLSWORTH: There's a tree.

BRENDAN SULLIVAN: A tree right there.

CAMPBELL ELLSWORTH: There's an existing tree that's now fairly good size. It's about as tall as the house itself. It's about a ten-inch diameter tree. You can see it on that plan as well. And they felt that by putting that bump out there that that would actually effectively protect the tree.

BRENDAN SULLIVAN: Well, in my mind I think they did a disservice, because all that does is exacerbate a bad situation of taking a parking space off the street. And, again, I'll go back to

what I said earlier, I think that a -- parking in the front yard is a very singular and very exclusive benefit to the homeowner and it severely impacts, I think, the availability of parking. And this bump out exacerbates that beyond what I've ever seen in all the years I've ever sat on this board. It's like taking two or three spaces.

THOMAS SCOTT: Yeah, I'm a little troubled by it as well. Because that's the type of thing you usually see at a corner where you're kind of creating a narrower section of street for people to cross. There's a crosswalk there. But there's no crosswalk here. There's no reason for it other than I guess to save the tree.

JESSIE ENGLISH: We've been doing

a lot of bump outs in my neighborhood.

TIMOTHY HUGHES: Yes, but typically they're traffic calming patterns to slow it down.

JESSIE ENGLISH: Well, they initially proposed -- when they were doing the streetscape, they initially proposed narrowing our road. And the neighborhood said please don't narrow our road.

CONSTANTINE ALEXANDER: It's a pretty wide road now.

JESSIE ENGLISH: It is. For Cambridge as a reasonably wide road. They wanted to narrow it. And they are trying to do street -- it's a one way street and people zoom down it, so they're trying to do things to do street calming efforts.

JANET GREEN: We had those bump outs.

JESSIE ENGLISH: There's a lot of them. As a service operation, there's been a lot of bump outs and there's been....

BRENDAN SULLIVAN: And, again, you're going right up to the property line. And within the front yard setback.

CAMPBELL ELLSWORTH: With the car. No, we're requesting -- well, okay, so here's the question --

BRENDAN SULLIVAN: I mean that -- the people who live here who probably park their car here, now -- it's just -- it doesn't.

CONSTANTINE ALEXANDER: Plus, at some point you're not going to be there any longer and someone is going to move in with a full-size car and then what happens to this parking space? We've taken

it -- we have a curb cut. We've taken a parking area away from the citizens of the city with no benefit. I mean, if there's any area that doesn't look like it's suitable for a front yard parking, it's this.

JESSIE ENGLISH: But if --

CONSTANTINE ALEXANDER: I mean. I like to be cooperative and I am very much -- I am seriously impressed by the letters of support you received but my goodness.

JESSIE ENGLISH: If you look at the street, okay, and you look at the parking, I mean compared to what what's on the street, you know, there are people -- there's one -- I mean, they're in their front yard. The car is actually not going to be in the front yard. There

is, you know -- I mean if you look at it, it looks more normal than almost anything else that's on the street.

One of the neighbors, the neighbor that's across that's only been there a year or so when I was talking to them about it. He said, I could understand why there wasn't already a parking spot there. So I think if, you know, you look at the actual house and you look at the picture of the house, it looks extremely logical. You know, as far as, you know, the bump out piece -- the city has been taking the parking, and you talk about the citizens of --

JANET GREEN: And if you go back --

JESSIE ENGLISH: You talk about the citizens of and protecting the

parking, you know, I think the neighborhood, because there has been --

TIMOTHY HUGHES: It's in the front yard setback. So....

CONSTANTINE ALEXANDER: It's in the setback.

CAMPBELL ELLSWORTH: It's a 15-foot required setback in the B Zone, and we would be requesting 10.

Let me just ask this: There is, and you can see it on the certified plot plan. There is seven-and-a-half feet from the side of the house to the property line. And if this Board were to grant a compact space, and technically that car could pull up further into that space, meaning it could -- the parking space could actually slip by that corner of the house because a compact space is seven-and-a-half feet

wide which is exactly what's available to the property line.

CONSTANTINE ALEXANDER: Well, you would have to -- if you go that route, you would have to file a new application for a Variance not to park in the front yard, but to have a driveway that's seven-and-a-half feet wide that would allow to you drive the car back further into the lot. That's what -- and we couldn't give that relief tonight is what I'm trying to say.

CAMPBELL ELLSWORTH: Okay, well I think that -- my understanding, a driveway technically is supposed to be ten feet.

CONSTANTINE ALEXANDER: Yes, that's right.

CAMPBELL ELLSWORTH: But a vehicle can park next to a structure in the width

of the vehicle. It doesn't need the full ten feet. That's what I've experienced.

CONSTANTINE ALEXANDER: That's news to me, but I'm not saying you're wrong. I just don't know the answer to that.

CAMPBELL ELLSWORTH: Okay. That's my --

BRENDAN SULLIVAN: No matter how long the driveway was, that car is going to park where it's shown now to line up with the front door.

JESSIE ENGLISH: I would actually prefer to go into the house in the back. Just because it's -- I have a little mudroom back there.

So one thing I would like to say is, you know, I have a lot of support and that's coming from the fact that we have a

close neighborhood, but it's also coming from the fact that the neighborhood feels a bit under siege. There's so much development happening in our neighborhood, and in general people are pretty overwhelmed, would be a nice way to put it. There's other adjectives I could use, and they feel that the city should be trying to help the ongoing residents. My street is routinely used. All of these apartments are getting shoved into the Alewife area. So what happens is they charge extra for parking, people don't use -- don't want to pay that. Some of them don't need their cars, they just want to have a car available. Literally they park on my street. They dump it, dump it for months in the winter. And that's gotten significantly worse. And we

haven't even started some of the building. And, you know, so there's parking, you know -- it's like oh, you're taking away a parking space from the public, and I can understand that aspect and argument, but I would say as a resident, most of us feel like we're not being represented and the city is not looking out, you know, it's just well, we're gonna do whatever we have to. The developers get to put the stuff in in these very, very dense pieces and it's really impacting where we live. And difficulty -- the reason you have these letters is one, they do like me. I'm a really good neighbor. But that's --

CONSTANTINE ALEXANDER: That's clear.

JESSIE ENGLISH: But that's not the only reason. The other reason is that

there is a feeling that, okay, the city could do some small thing for this person. Maybe it's a huge thing, but it would make, you know, for a resident that has tried to being a good citizen, is a good citizen of the community, and we're under siege.

CONSTANTINE ALEXANDER: I, speaking just personally myself, first of all, I think you're absolutely right about being under siege. I don't know what the Planning Board has in mind with respect to that whole area with development. But I don't know if that justifies granting relief in this situation. It's apples and oranges. You know, the city should do something better for people like yourself.

JESSIE ENGLISH: But they're not and they're not going to. It's not going

to happen.

CONSTANTINE ALEXANDER: We haven't taken a vote yet. So I don't know what's going to happen.

JESSIE ENGLISH: So I guess what I would say is, you know, if you look at the house, if you look at the picture, this is not something that's going to look weird. There are true parking situations on my street where you look at it and it's like that's, you know, it doesn't look good. I don't think this is that situation. That's my personal view. I don't think I would have gotten the support of the neighbors if they had felt like it was going to be a negative.

CAMPBELL ELLSWORTH: And also support from the abutter who is most affected by this.

CONSTANTINE ALEXANDER: I saw that.

JESSIE ENGLISH: We have support from them. We have -- you know, one of the things that's happening is that they're also taking parking spaces from Fern. So there's eight parking spaces being taken from Fern. The city originally proposed to take all of the parking off of Fern. You know, so again, it's -- you know, it's like, okay, it's not going to get better. And, you know, it just feels like that most of the efforts are for something very, very high density and the impact of that is --

CONSTANTINE ALEXANDER: I couldn't agree more.

JESSIE ENGLISH: And so you can say, okay, you know, this is outside the

lines. But if you look at the parking place, I mean it's not a weird parking place. I mean, if you look at the street, it's consistent with the street. There's only one other house that doesn't have the parking on the street. There's -- you know, the whole behind my house is a parking lot.

CONSTANTINE ALEXANDER: Anything else?

CAMPBELL ELLSWORTH: I think Jessie has accurately, you know, identified motions of the neighborhood.

CONSTANTINE ALEXANDER: And the letters express it as well.

CAMPBELL ELLSWORTH: I would think, I would hope that this Board somehow came to bear as well. I know that it may not meet your definition of

hardship, but we're trying to also be reasonable with it. The house itself is only 10.4 feet. You know, the house is also built into the required front yard setback so the car effectively would not --

CONSTANTINE ALEXANDER: I'm not sure it hurts or helps your case, but anyway.

CAMPBELL ELLSWORTH: Right, I don't know.

CONSTANTINE ALEXANDER: But anyway, why don't we stop right there. I'm going to close public testimony. As I indicated and you have indicated, we have many, many letters of support. I would characterize them as heartfelt, thoughtful, and mostly relating to the fact that the neighborhood is under siege

and why shouldn't we, why shouldn't you be allowed to park in your front yard? But I don't propose to read them, we'll be here until two in the morning. I'm going to close public testimony at this point.

Discussion among Members of the Board?

TIMOTHY HUGHES: It's obviously front, you know, parking in the front yard setback of the -- it's not so obvious that it's taking away a spot at the city if the city is going to put that traffic bump in front of it anyway. That's going to take a parking space away anyway. I'd vote for it.

JANET GREEN: I think it's a significant hardship. I think this is a significant hardship. I think that the density and the population and how quickly

that's grown and how the fact that the outpouring of support in the neighborhood for it by the people who are going to be most affected by it. But I mean I understand the rule about front yard parking, I don't think we've ever voted maybe once in favor for front yard parking before, but in this case, I'll vote for this.

CONSTANTINE ALEXANDER: Okay, thank you.

BRENDAN SULLIVAN: We've had, you know, cases two, three months ago where somebody who lives four houses away from a school. And talk about somebody who's under siege in the neighborhood and it didn't make sense then. I don't think any of these really make sense. That bump out is absolutely horrendous and that will

have an enormous detrimental affect to that side of the street so I cannot support it.

THOMAS SCOTT: I could support it, I guess without that bump out as well. I don't know whether you can make a motion to say that we could approve it without the bump out. I just don't understand it. I don't think it does anything for the traffic.

CONSTANTINE ALEXANDER: You have control over the bump out?

CAMPBELL ELLSWORTH: We could bring it back to the DPW and see if -- I think the essence of the bump out was to protect the tree.

JESSIE ENGLISH: I've asked them to move the tree, you know, but they don't -- the tree is healthy. And I mean,

actually the tree -- the neighborhood actually doesn't -- it's a whole other saga. The neighborhood doesn't like the tree because it drops all these porcupine ball things. Yeah, so we would like, you know, I thought it was the rational thing would be to put a different tree and put it in a different place. But the -- they were, they were not in favor of that, you know. So it's, you know, I literally rake the street in the winter, these porcupine balls.

CAMPBELL ELLSWORTH: And so to answer your -- we don't have control over that, but we can certainly -- they have been very accommodating and responsive to Jessie by coming up with this. It is possible that they could come up with some other configuration. I don't know,

though. We would have to go back to them.

JANET GREEN: They put those all over the city. I mean, they're in our neighborhood.

THOMAS SCOTT: But they're placed very purposefully, you know, to calm traffic or set up crosswalks or, you know --

CONSTANTINE ALEXANDER: Yes, yes.

THOMAS SCOTT: This is very random to me and I don't understand it. It just doesn't seem like it, it's a very thoughtful placing of it.

BRENDAN SULLIVAN: Let me ask the question of the Chairman is it worth their while to go through that exercise if you would support a parking spot there to begin with?

CONSTANTINE ALEXANDER: I would

support -- with some reluctance, I've been moved by the testimony and the comments. I would support the relief, but on the grounds that the bump out be removed. You're going to have to go back to DPW and get them to remove the bump out. That would get my vote. If you can't do that, you have to come back before us and say we tried and couldn't do it, could you please give us a Variance again this time without the bump out.

CAMPBELL ELLSWORTH: I see. So you would approve it conditional on no bump out?

CONSTANTINE ALEXANDER: Yes.

CAMPBELL ELLSWORTH: So not to absorb the 24 feet or so that it's going to take on the front of the --

BRENDAN SULLIVAN: It would be

just a straight curb cut.

CAMPBELL ELLSWORTH: Right, straight curb cut. Was that in the conversation?

JESSIE ENGLISH: Well, when we had the meeting, they wanted -- they wanted this.

CONSTANTINE ALEXANDER: We're going to give you some ammunition. You're going to be able to go back --

JESSIE ENGLISH: That would be helpful. I'll go back to them.

CONSTANTINE ALEXANDER: The Zoning Board said they'll do it, but you got to get rid of it. That's the difference between before and now.

Okay, I'm going to make a motion. The Chair moves that we make the following findings with regard to the Variance being

sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner is in need of off street parking and cannot achieve it except through a front yard parking in the front yard setback, and a parking space that would be designed only for compact cars.

The hardship is owing to the shape of the lot and the location of the structures on the lot.

And relief may be granted without substantial detriment to the public good or nullifying or substantially derogate the intent and purpose of this Ordinance.

On the basis of these findings, the Chair moves that we grant the Variance

being sought on the conditions that one, the work proceed in accordance with the plans prepared by Ellsworth Associates, initialled by the Chair. Except that the bump out that is shown on this plan is not permitted. And that the project is going to go forward, there can be no bump out. And that to the extent that the DPW has to be advised that -- they should be advised that this is a requirement of our Board in order to allow the front yard parking.

And, again, if for some reason you can't succeed with the DPW, you'll have to come back before us and we'll reconsider.

CAMPBELL ELLSWORTH: Okay.

CONSTANTINE ALEXANDER: All those in favor of granting the Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor?

(Alexander, Hughes, Scott, Green.)

CONSTANTINE ALEXANDER: Opposed?

BRENDAN SULLIVAN: Opposed.

CONSTANTINE ALEXANDER: Four in favor. One opposed.

\* \* \* \* \*

(10:50 p.m.)

(Sitting Members Case BZA-006215-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 06215, 28 Creighton Street.

LEIN TUNG: My name is Lein Tung, L-e-i-n T-u-n-g. I am the trustee of the trust that owns the property Lein H. Tung Family Trust. And just by way of background, what we're asking for is the back side of our house on the second floor, currently a sort of 1980 style conservatory or greenhouse, depending what you want to call it, what we're asking to do is basically replace that with a more of a box type structure that fits better with the character of the house.

CONSTANTINE ALEXANDER: The dimensions are the same?

LEIN TUNG: Exactly. There's no square footage change.

The hardship is that the existing structure leaks. It's causing water to go down into the walls of our house, has

caused wood rot, and we've had issues with carpenter ants. We tried to address this problem ten years ago. Had a contractor come in and completely redo it. The situation -- it worked for a while and now we're back, basically back in the same situation. We looked on-line, everywhere we can, to find out replacement parts for the existing structure. The manufacturer went out of business. There's nothing available. The structure was put in 25 or 30 years ago. So we are a basically asking for permission to replace the greenhouse with more conventional structure. And my understanding is the greenhouse was put in under a Variance, and because we're varying a Variance, we have to come back.

CONSTANTINE ALEXANDER: All right,

I wasn't aware of that. It must have been an old, old Variance.

LEIN TUNG: And so we didn't have time at the time to submit a package, but we did circulate this to all of the abutters. Basically it has before picture and after drawing. And we have signatures.

CONSTANTINE ALEXANDER: Those are in the file?

LEIN TUNG: Absolutely. All the abutters, we gave them side-views, side-view new, rearview, and rearview new. All abutters signed. Nobody had any issues.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: You don't have a copy of the old Variance, do you?

LEIN TUNG: No. I called, Sean

looked up something on the system. He said it was under a Variance.

CONSTANTINE ALEXANDER: That's the first I heard of it. He didn't mention it.

BRENDAN SULLIVAN: Probably FAR. It probably was an open area that was enclosed.

CONSTANTINE ALEXANDER: Yes.

Nothing more I hope?

LEIN TUNG: No, unless there are any questions.

TIMOTHY HUGHES: It's pretty clear.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Public testimony? Anything you want to say?

(No Response.)

CONSTANTINE ALEXANDER: Close public testimony.

As the petitioner has noted, there are letters of support from abutters which is part of our file and it's incorporated into the record.

Ready for a vote I trust?

TIMOTHY HUGHES: Oh, yes.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such substantial hardship being that the petitioner has structure that is in serious deteriorating condition and that it is not usable now or will soon not be usable and needs to be

improved upon and only can be approved upon by what the petitioner wants to do; namely, to enclose the structure rather than to maintain the greenhouse that was there previously.

The hardship is owing to the shape of the structure. That any modification -- and the fact that this greenhouse is being replaced was a subject of a prior Variance which requires in turn a new Variance.

And that desirable relief may be granted without substantial detriment to the public good or nullifying or substantially derogate from the intent and purpose of the Ordinance.

In this regard the Chair would note that the relief being sought is modest. It does not in any way increase the size

of the structure. It just replaces the greenhouse with a more conventional closed in area.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans prepared by --

LESLIE SAUL: Me.

CONSTANTINE ALEXANDER: Yes, you. Leslie Saul and Associates.

I just want to make sure these got to be the final plans? You can't change them. If you do, you have to come back before us. Okay? You understand?

LESLIE SAUL: Yes. Those are the plans.

CONSTANTINE ALEXANDER: The work proceed accordance with the plans prepared

by Lesley Saul and Associates and  
initialed by the Chair.

All those in favor of granting the  
relief, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor.

(Alexander, Hughes, Sullivan,  
Scott, Green.)

(Whereupon, at 11:00 p.m., the  
Zoning Board of Appeals  
Adjourned.)

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**ERRATA SHEET AND SIGNATURE INSTRUCTIONS**

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

**INSTRUCTIONS**

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

**PAGE**

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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 22nd day of April, 2015.

---

Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
License No. 147703

My Commission Expires:  
April 23, 2015

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**\$****\$200** <sup>[1]</sup> - 144:17

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**'69** <sup>[1]</sup> - 202:5**0****0.5** <sup>[1]</sup> - 181:10**0.76** <sup>[1]</sup> - 181:13**0.79** <sup>[2]</sup> - 181:15,  
181:16**004460** <sup>[1]</sup> - 3:15**005986** <sup>[1]</sup> - 61:6**006157** <sup>[2]</sup> - 166:6,  
166:18**006194** <sup>[1]</sup> - 46:7**006199** <sup>[1]</sup> - 171:6**006231** <sup>[1]</sup> - 201:6**006244** <sup>[1]</sup> - 217:6**006295** <sup>[1]</sup> - 169:6**006299** <sup>[1]</sup> - 277:6**006319** <sup>[1]</sup> - 246:6**02139** <sup>[2]</sup> - 1:7, 62:8**06077** <sup>[1]</sup> - 55:7**06215** <sup>[1]</sup> - 310:6**1****1** <sup>[4]</sup> - 30:8, 117:19,  
131:5, 135:4**10** <sup>[2]</sup> - 58:8, 292:2**10.4** <sup>[1]</sup> - 300:5**100** <sup>[3]</sup> - 206:5, 206:9,  
210:10**107** <sup>[1]</sup> - 220:9**10:00** <sup>[2]</sup> - 6:4, 246:1**10:13** <sup>[1]</sup> - 22:11**10:25** <sup>[1]</sup> - 277:1**10:50** <sup>[1]</sup> - 310:1**11:00** <sup>[1]</sup> - 317:7**11th** <sup>[9]</sup> - 241:5,  
241:6, 241:8,  
241:14, 242:10,  
243:2, 243:9,  
243:10, 244:7**12** <sup>[6]</sup> - 8:11, 30:2,  
180:4, 226:10,  
230:1**12th** <sup>[1]</sup> - 62:18**13** <sup>[1]</sup> - 35:13**13-gallon** <sup>[1]</sup> - 84:7**135** <sup>[2]</sup> - 206:6, 206:9

**14** [7] - 9:5, 59:7,  
 59:19, 167:12,  
 223:11, 229:19,  
 242:7  
**147703** [1] - 319:12  
**14th** [9] - 167:2,  
 167:6, 167:10,  
 167:19, 237:5,  
 237:7, 237:9,  
 237:10, 237:12  
**15** [5] - 2:8, 166:6,  
 166:18, 252:9,  
 252:18  
**15-foot** [1] - 291:19  
**15-month-old**  
 [1] - 193:4  
**150** [1] - 13:11  
**16** [8] - 8:14, 8:16,  
 8:18, 17:8, 17:11,  
 17:14, 19:2, 35:13  
**167** [1] - 2:8  
**16th** [1] - 6:2  
**17** [5] - 8:15, 17:8,  
 17:9, 17:10, 248:15  
**17-19** [2] - 2:11, 217:6  
**170** [1] - 2:12  
**172** [1] - 2:7  
**18** [1] - 175:14  
**184** [2] - 2:6, 55:7  
**188** [1] - 129:4  
**189** [1] - 260:7  
**18th** [1] - 6:2  
**19** [1] - 220:12  
**194** [4] - 2:13, 246:6,  
 246:15, 264:14  
**1968** [1] - 202:5  
**1980** [1] - 310:14  
**1st** [3] - 225:9,  
 243:16, 243:17

## 2

**2** [4] - 2:11, 30:9,  
 131:6, 217:7  
**20** [6] - 69:17, 72:16,  
 114:12, 131:9,  
 147:13, 237:5  
**20-foot** [1] - 210:2  
**200** [1] - 205:19  
**2004** [1] - 280:6  
**2006** [2] - 280:5,  
 280:6  
**2008** [1] - 203:7  
**2009** [1] - 203:16

**2012** [1] - 203:10  
**2014** [1] - 64:8  
**2015** [4] - 1:4, 64:8,  
 319:8, 319:14  
**202** [1] - 2:9  
**208** [2] - 262:13,  
 263:15  
**209** [1] - 58:5  
**21** [6] - 205:15, 223:1,  
 247:4, 248:7,  
 256:16, 261:17  
**218** [1] - 2:11  
**219** [1] - 22:10  
**221** [1] - 205:18  
**22nd** [1] - 319:8  
**23** [1] - 319:14  
**24** [2] - 190:14, 306:9  
**24/7** [1] - 84:16  
**247** [1] - 2:13  
**25** [4] - 24:19, 195:6,  
 227:10, 311:17  
**26** [4] - 2:7, 70:5,  
 171:6, 171:13  
**26-28** [1] - 194:15  
**268** [2] - 69:18, 73:9  
**27** [3] - 2:14, 277:6,  
 277:13  
**278** [1] - 2:14  
**28** [3] - 2:15, 191:6,  
 310:6  
**28th** [4] - 237:16,  
 238:11, 238:17,  
 238:19

### 3

**3** [1] - 2:3  
**30** [11] - 13:3, 13:7,  
 13:10, 14:9, 58:2,  
 114:12, 147:6,  
 164:5, 164:7,  
 260:12, 311:17  
**30th** [7] - 56:19,  
 57:15, 58:10, 58:19,  
 59:5, 59:11, 237:5  
**311** [1] - 2:15  
**35** [2] - 6:11, 7:12  
**360-square** [1] - 63:3  
**362** [1] - 62:8  
**37** [1] - 47:18  
**38** [1] - 7:10

### 4

**40** [9] - 7:11, 13:8,

13:9, 136:2, 178:7,  
188:1, 212:2, 260:9,  
260:12

**400** [1] - 210:9

**426** [1] - 50:3

**43** [3] - 2:12, 169:6,  
170:3

**46** [1] - 2:5

**47** [1] - 122:17

**4:00** [1] - 6:4

## 5

**5,000** [1] - 129:14

**5.26** [1] - 249:16

**50** [6] - 48:16, 122:15,  
148:7, 181:18,  
224:4, 234:7

**56** [1] - 2:6

**570** [1] - 253:11

## 6

**60** [2] - 13:6, 70:1

**617.786.7783/617.63**

**9.0396** [1] - 1:18

**62** [1] - 2:4

**65** [2] - 2:5, 46:7

**67** [2] - 48:8, 49:10

**675** [1] - 201:16

**68** [3] - 98:19, 99:2,  
158:16

**69** [1] - 69:19

**6:30** [1] - 6:5

## 7

**7** [1] - 139:16

**777** [3] - 2:9, 201:6,  
202:2

**7:00** [2] - 1:5, 3:3

**7:30** [1] - 6:3

**7:35** [1] - 46:1

**7:40** [1] - 55:1

**7:45** [1] - 61:1

## 8

**8** [1] - 247:6

**806** [1] - 1:6

**80s** [1] - 202:12

**86** [1] - 206:8

**86-foot** [1] - 206:11

**8th** [1] - 243:8

## 9

**9** [2] - 1:4, 2:4  
**90** [4] - 2:3, 3:15,  
 4:17, 70:3  
**90-something-year-old** [1] - 122:1  
**90-years-old**  
 [1] - 122:2  
**94-years-old**  
 [1] - 70:3  
**97** [1] - 4:4  
**9:00** [2] - 166:1, 169:1  
**9:05** [1] - 171:1  
**9:30** [2] - 6:4, 201:1  
**9:40** [1] - 217:1  
**9th** [1] - 170:4

## A

**A-000** [1] - 275:18  
**A-031** [1] - 275:19  
**A-c-e-v-e-d-o**  
 [1] - 247:1  
**a.m** [1] - 225:9  
**ability** [5] - 127:1,  
 128:12, 197:11,  
 199:8, 215:3  
**able** [20] - 8:8, 23:3,  
 57:5, 73:19, 76:3,  
 141:4, 142:7,  
 179:10, 192:19,  
 206:17, 224:13,  
 224:14, 239:16,  
 240:9, 254:2, 254:3,  
 282:13, 284:12,  
 284:13, 306:19  
**absolutely** [8] - 21:2,  
 25:11, 91:13, 91:14,  
 284:1, 296:17,  
 302:17, 312:15  
**absorb** [1] - 306:9  
**abundantly**  
 [1] - 160:6  
**abutter** [2] - 280:8,  
 298:5  
**abutters** [8] - 47:13,  
 47:17, 172:18,  
 257:5, 312:10,  
 312:16, 312:18,  
 314:5  
**abutters'** [1] - 48:11  
**abutting** [2] - 192:18,  
 261:19  
**accept** [2] - 37:1,  
 167:1

**acceptable**

[1] - 236:15

**accepting**

[1] - 170:12

**access** [6] - 20:11,

42:10, 175:13,  
178:10, 178:15,  
274:7

**accommodate**

[9] - 8:8, 14:2, 29:9,  
30:7, 162:18,  
176:13, 187:13,  
191:18, 284:4

**accommodated**

[1] - 116:11

**accommodating**

[2] - 212:2, 304:11

**accommodation**

[20] - 72:9, 81:8,  
81:9, 81:13, 81:17,  
81:19, 83:17, 85:3,  
85:5, 101:13, 102:2,  
102:10, 102:15,  
103:1, 119:6, 119:9,  
136:14, 136:18,  
155:5, 155:11

**accommodations**

[3] - 70:11, 80:18,  
104:19

**accordance**

[10] - 44:5, 54:10,  
164:14, 198:4,  
199:14, 216:7,  
275:16, 308:10,  
316:5, 316:16

**according** [6] - 13:12,

28:15, 115:1, 187:9,  
281:7, 281:12

**accurate** [2] - 318:17,

319:6

**accurately**

[1] - 299:15

**Acevedo** [3] - 246:14,

246:19, 256:17

**ACEVEDO**

[7] - 246:19, 270:7,  
270:11, 270:13,  
271:10, 272:16,  
273:2

**Acevedo's** [1] - 257:8**achieve** [3] - 19:12,

102:13, 307:15

**acknowledge**

[5] - 77:8, 89:3,  
 132:15, 162:10,  
 252:7

**acknowledged**  
 [1] - 94:15

**acknowledgement**  
 [1] - 151:13

**acquired** [1] - 203:10

**act** [2] - 28:10, 149:11

**action** [15] - 63:15,  
 65:16, 66:1, 68:9,  
 75:13, 79:16, 80:4,  
 114:1, 123:13,  
 133:14, 150:19,  
 151:4, 154:12,  
 157:3, 160:15

**actions** [1] - 125:4

**active** [2] - 154:19,  
 156:4

**actual** [3] - 16:4,  
 156:16, 291:4

**ADAM** [8] - 47:8,  
 47:16, 48:15, 50:1,  
 50:8, 50:13, 51:5,  
 51:11

**Adam** [2] - 46:12,  
 47:5

**add** [18] - 9:1, 19:5,  
 46:18, 47:1, 54:5,  
 54:6, 57:1, 138:3,  
 151:17, 158:9,  
 163:12, 173:2,  
 247:4, 247:6,  
 253:19, 256:2,  
 265:7, 275:10

**added** [1] - 83:2

**adding** [11] - 19:5,  
 198:15, 198:17,  
 247:17, 248:18,  
 250:15, 255:14,  
 257:13, 259:10,  
 263:19, 268:17

**addition** [62] - 8:18,  
 49:4, 50:15, 54:8,  
 64:9, 70:10, 162:2,  
 173:2, 176:5,  
 177:12, 179:6,  
 179:11, 179:13,  
 181:8, 183:2, 193:6,  
 194:18, 211:12,  
 219:19, 221:4,  
 221:6, 221:10,  
 223:10, 226:8,

226:12, 226:14,  
 248:5, 248:8,  
 248:13, 248:14,  
 248:18, 249:8,  
 249:19, 250:12,  
 250:13, 251:3,  
 251:4, 251:11,  
 251:13, 251:18,  
 252:1, 252:16,  
 252:18, 254:4,  
 254:10, 254:16,  
 255:18, 256:7,  
 256:12, 259:11,  
 261:4, 264:13,  
 265:9, 265:18,  
 266:15, 267:2,  
 267:11, 271:3,  
 272:18  
**addition's** [2] - 227:4,  
 265:19  
**additional** [17] - 16:8,  
 49:15, 80:19,  
 177:19, 178:3,  
 179:1, 190:6, 193:7,  
 197:4, 197:13,  
 247:4, 249:5,  
 249:13, 254:1,  
 256:2, 256:14,  
 257:14  
**address** [12] - 4:3,  
 5:10, 47:9, 61:16,  
 77:3, 79:17, 79:18,  
 97:11, 103:16,  
 112:4, 232:2, 311:8  
**addressed**  
 [3] - 47:12, 102:1,  
 140:10  
**addresses** [1] - 47:19  
**addressing**  
 [1] - 78:15  
**adds** [3] - 24:16,  
 24:17  
**adequate** [1] - 23:16  
**adhered** [1] - 192:5  
**adjacent** [5] - 42:17,  
 53:12, 175:7, 259:1,  
 274:12  
**adjectives**  
 [1] - 294:16  
**adjoining** [4] - 43:6,  
 54:1, 184:5, 275:5  
**Adjourned** [1] - 317:8  
**adjust** [1] - 13:17

**adjustment**

[1] - 158:14

**adjustments**

[1] - 87:2

**administratively**

[1] - 105:4

**adopted** [1] - 203:16**advantage** [1] - 26:11**adversely** [4] - 42:18,  
53:12, 274:13,  
274:16**advertised** [1] - 21:15**advised** [2] - 308:16,  
308:17**advocate** [1] - 23:14**aesthetic** [1] - 265:16**aesthetically**

[2] - 209:14, 209:17

**affect** [6] - 48:4, 49:5,  
197:11, 221:6,  
258:4, 302:18**affected** [6] - 34:2,  
42:18, 53:12,  
274:13, 298:5,  
302:3**affecting** [1] - 255:13**affects** [1] - 254:4**afford** [2] - 26:13,  
111:7**afraid** [2] - 119:15,  
119:17**age** [1] - 70:2**aged** [1] - 77:18**agencies** [1] - 129:10**aging** [1] - 178:11**ago** [13] - 24:19, 26:1,  
46:14, 51:9, 51:11,  
55:12, 155:17,  
210:17, 211:3,  
212:12, 302:11,  
311:9, 311:17**agree** [6] - 18:11,  
93:4, 143:4, 209:15,  
299:2**agreeable** [1] - 37:5**agreement** [1] - 32:16**ahead** [8] - 38:12,  
113:4, 145:3, 146:3,  
220:14, 220:18,  
231:11, 238:6**ain't** [1] - 96:13**air** [1] - 40:9**Aisha** [2] - 96:1, 96:4

**AISHA** [2] - 96:3, 97:2

**aisles** [1] - 178:14

**Alewife** [1] - 295:2

**Alexander** [23] - 1:8,

3:5, 45:17, 46:3,

54:18, 55:3, 61:3,

165:3, 166:3, 168:6,

169:3, 170:17,

171:3, 200:13,

201:3, 216:18,

217:3, 246:3,

276:12, 277:3,

309:11, 310:3,

317:5

**ALEXANDER**

[378] - 3:7, 4:2, 4:11,

5:2, 6:13, 9:4, 9:8,

9:11, 10:7, 10:12,

13:5, 14:11, 14:17,

15:4, 15:7, 16:12,

16:15, 16:18, 17:16,

18:1, 18:6, 20:2,

20:14, 21:5, 21:13,

22:1, 22:6, 24:5,

24:11, 25:10, 25:13,

25:17, 26:15, 27:1,

28:9, 28:14, 28:18,

29:4, 30:12, 31:5,

31:8, 31:13, 31:17,

32:1, 32:11, 32:15,

33:14, 34:17, 36:10,

37:8, 38:3, 38:15,

39:18, 40:4, 40:18,

41:4, 41:11, 41:17,

42:1, 45:9, 45:15,

46:6, 47:14, 48:13,

49:18, 51:2, 51:8,

51:14, 51:18, 52:13,

54:16, 55:6, 55:13,

56:8, 56:17, 57:6,

57:14, 57:18, 58:3,

58:6, 58:9, 58:13,

58:17, 59:13, 59:18,

60:7, 61:5, 61:11,

62:2, 65:13, 66:4,

66:15, 67:12, 67:16,

68:3, 69:11, 69:14,

71:3, 71:7, 71:14,

71:17, 72:7, 80:3,

81:16, 84:14, 85:9,

86:9, 88:8, 88:15,

92:19, 93:16, 95:3,

96:19, 97:7, 98:1,

99:4, 99:10, 99:16,  
100:2, 100:6,  
100:12, 101:10,  
104:2, 104:7,  
113:11, 113:14,  
115:16, 116:17,  
117:8, 117:13,  
118:11, 118:16,  
119:19, 120:3,  
121:5, 121:14,  
122:3, 122:13,  
123:15, 125:6,  
128:15, 129:1,  
133:8, 133:11,  
134:4, 134:9, 135:7,  
135:11, 136:4,  
137:18, 139:10,  
139:13, 139:17,  
142:16, 145:13,  
146:3, 150:18,  
151:3, 151:9,  
151:12, 153:17,  
154:8, 156:17,  
157:2, 157:7,  
157:14, 159:1,  
159:5, 160:17,  
161:5, 164:4, 164:9,  
165:1, 166:5,  
166:11, 167:4,  
168:4, 169:5,  
169:10, 169:17,  
170:15, 171:5,  
171:10, 171:18,  
172:8, 173:10,  
173:19, 174:2,  
174:6, 174:11,  
175:4, 176:4, 179:3,  
181:7, 181:12,  
181:17, 182:3,  
182:10, 183:13,  
183:18, 187:6,  
190:17, 191:1,  
193:5, 194:2, 194:7,  
195:14, 196:12,  
196:15, 198:18,  
199:2, 199:12,  
200:1, 200:5,  
200:10, 201:5,  
201:12, 203:1,  
204:12, 205:6,  
205:9, 205:16,  
206:2, 206:19,  
207:9, 207:16,

208:8, 210:5,  
210:16, 213:5,  
213:9, 213:14,  
214:1, 214:6,  
214:12, 216:11,  
216:16, 217:5,  
217:12, 217:19,  
218:3, 218:9, 219:9,  
220:4, 221:12,  
221:17, 224:17,  
225:1, 225:12,  
225:16, 227:2,  
227:8, 227:18,  
228:3, 228:6, 228:9,  
228:14, 229:3,  
229:7, 229:16,  
230:5, 230:13,  
230:19, 231:4,  
231:8, 232:1, 236:6,  
237:9, 237:19,  
238:9, 238:13,  
238:16, 239:3,  
239:6, 239:11,  
240:8, 240:14,  
241:3, 241:6,  
241:10, 241:12,  
242:4, 242:6, 243:5,  
243:10, 243:15,  
244:6, 246:5,  
248:17, 249:17,  
250:8, 251:14,  
252:6, 252:12,  
252:17, 253:7,  
255:8, 257:17,  
259:14, 259:17,  
260:4, 260:10,  
261:13, 262:9,  
263:6, 263:11,  
264:2, 264:6,  
266:10, 268:5,  
268:11, 269:1,  
269:15, 271:1,  
271:11, 271:15,  
272:2, 272:13,  
272:19, 273:7,  
273:16, 276:10,  
277:5, 278:7,  
279:14, 280:14,  
280:19, 282:1,  
282:6, 282:19,  
283:4, 283:9,  
283:17, 284:7,  
284:19, 285:6,

285:14, 288:9,  
 289:13, 290:5,  
 291:17, 292:15,  
 293:8, 293:14,  
 296:5, 296:15,  
 297:9, 298:7, 299:1,  
 299:12, 299:17,  
 300:9, 300:13,  
 302:8, 303:7, 305:3,  
 305:13, 306:7,  
 306:17, 307:3,  
 309:5, 309:9,  
 309:12, 309:14,  
 310:5, 310:19,  
 312:5, 312:13,  
 312:19, 313:6,  
 313:10, 313:15,  
 313:18, 314:2,  
 314:10, 316:7,  
 316:15, 317:3  
**alexander** <sup>[1]</sup> - 244:8  
**Alison** <sup>[3]</sup> - 1:11, 3:6,  
 61:4  
**ALISON** <sup>[1]</sup> - 38:5  
**alive** <sup>[3]</sup> - 26:10,  
 26:12, 212:3  
**allay** <sup>[1]</sup> - 148:15  
**Allison** <sup>[1]</sup> - 38:3  
**allocated** <sup>[1]</sup> - 147:14  
**allow** <sup>[10]</sup> - 9:2, 28:11,  
 138:5, 161:9,  
 206:16, 264:12,  
 266:1, 269:13,  
 293:1, 308:18  
**allowable** <sup>[1]</sup> - 47:3  
**allowed** <sup>[6]</sup> - 45:7,  
 98:7, 247:16, 252:9,  
 277:19, 301:2  
**allows** <sup>[1]</sup> - 205:4  
**almost** <sup>[7]</sup> - 33:18,  
 59:19, 71:10, 232:7,  
 251:10, 266:19,  
 290:16  
**alone** <sup>[1]</sup> - 85:13  
**alter** <sup>[1]</sup> - 199:9  
**alternative**  
<sup>[2]</sup> - 101:6, 219:16  
**alternatives**  
<sup>[1]</sup> - 192:5  
**altogether** <sup>[1]</sup> - 8:14  
**amend** <sup>[1]</sup> - 167:15  
**amended** <sup>[2]</sup> - 8:17,  
 167:17

**ammunition**

[1] - 306:18

**amount** [12] - 12:2,

15:10, 21:7, 33:16,

87:10, 141:3, 173:8,

173:9, 179:17,

187:14, 196:7,

212:8

**ample** [1] - 242:17**analyzed** [1] - 112:3**AND** [1] - 318:1**AND/OR** [1] - 319:17**Anderson** [4] - 1:11,

46:5, 54:19, 97:16

**anecdotally**

[1] - 259:3

**anesthesiologist**

[1] - 223:4

**angle** [1] - 226:7**angst** [1] - 130:2**announce**

[1] - 159:15

**annoys** [1] - 238:10**answer** [4] - 58:14,

73:19, 293:16,

304:9

**anticipating**

[1] - 86:19

**ants** [1] - 311:8**ANY** [2] - 319:16,

319:17

**anyhow** [3] - 186:7,

200:9, 200:12

**anyway** [9] - 89:6,

198:7, 227:13,

237:8, 273:5,

300:10, 300:13,

301:13, 301:14

**apart** [1] - 77:5**apartment** [4] - 69:1,

72:1, 96:10, 103:9

**apartments**

[9] - 63:13, 66:6,

73:9, 78:6, 82:1,

82:16, 99:1, 152:7,

295:1

**apologize** [1] - 55:11**APPEAL** [1] - 1:1**Appeals** [5] - 3:9,

194:17, 317:8,

318:6, 318:16

**appearing**

[1] - 201:17

**applaud** <sup>[1]</sup> - 22:16  
**apple** <sup>[1]</sup> - 139:9  
**apples** <sup>[2]</sup> - 10:9,  
297:3  
**applicable** <sup>[1]</sup> - 256:1  
**applicant**  
<sup>[3]</sup> - 201:17, 258:11,  
265:14  
**application**  
<sup>[10]</sup> - 170:2, 172:1,  
172:7, 172:11,  
183:11, 195:1,  
205:1, 247:3,  
264:12, 292:17  
**applied** <sup>[1]</sup> - 81:12  
**apply** <sup>[1]</sup> - 179:11  
**APPLY** <sup>[1]</sup> - 319:16  
**appointed**  
<sup>[1]</sup> - 212:10  
**appointment**  
<sup>[1]</sup> - 84:4  
**appreciate**  
<sup>[7]</sup> - 18:14, 142:19,  
143:18, 157:1,  
157:10, 231:17,  
236:7  
**approach** <sup>[2]</sup> - 21:1,  
236:15  
**appropriate**  
<sup>[4]</sup> - 38:10, 95:5,  
256:5, 265:7  
**appropriating**  
<sup>[1]</sup> - 278:16  
**approval** <sup>[1]</sup> - 19:11  
**approve** <sup>[9]</sup> - 27:3,  
31:14, 262:16,  
263:1, 263:18,  
266:3, 269:18,  
303:4, 306:6  
**approved** <sup>[1]</sup> - 315:1  
**April** <sup>[9]</sup> - 56:19, 57:7,  
57:15, 58:19, 59:5,  
59:11, 170:4, 237:5,  
319:8  
**APRIL** <sup>[1]</sup> - 1:4  
**april** <sup>[1]</sup> - 319:14  
**Architect** <sup>[1]</sup> - 166:15  
**architect** <sup>[13]</sup> - 46:12,  
56:13, 171:15,  
182:19, 220:10,  
224:1, 224:4,  
224:11, 234:6,  
246:16, 248:1,

257:8, 277:12

**architects** [2] - 177:8,  
182:14

**architecturally**  
[1] - 267:6

**area** [29] - 9:13,  
11:10, 11:13, 29:14,  
35:9, 43:16, 68:9,  
107:10, 178:5,  
178:11, 188:3,  
189:7, 193:13,  
196:7, 205:2, 209:1,  
210:4, 215:13,  
226:16, 247:5,  
249:14, 258:19,  
279:3, 289:18,  
290:1, 295:2,  
296:19, 313:9,  
316:1

**areas** [1] - 123:17

**arguing** [2] - 93:1,  
113:12

**argument**  
[3] - 113:15, 140:11,  
295:14

**arise** [2] - 146:10,  
149:6

**arisen** [1] - 86:19

**Arlington** [1] - 10:6

**arm's** [1] - 14:18

**arrangement**  
[5] - 101:13, 113:5,  
113:6, 173:7,  
184:14

**arrangements**  
[1] - 99:7

**arrival** [1] - 236:10

**Article** [1] - 247:6

**articulate**  
[3] - 153:13, 156:3,  
158:12

**articulates** [1] - 284:1

**arts** [1] - 147:10

**as-of-right**  
[1] - 218:19

**ascending** [1] - 148:7

**aside** [1] - 84:17

**aspect** [2] - 209:1,  
295:13

**aspects** [3] - 181:6,  
194:19, 204:19

**asphalt** [3] - 173:9,  
175:1, 196:4

**asphalted** <sup>[1]</sup> - 24:2  
**assess** <sup>[1]</sup> - 72:10  
**assessed** <sup>[1]</sup> - 105:2  
**assessment**  
<sup>[1]</sup> - 72:13  
**assigned** <sup>[1]</sup> - 8:12  
**assist** <sup>[1]</sup> - 70:16  
**assistance**  
<sup>[2]</sup> - 126:17, 127:13  
**Associate** <sup>[3]</sup> - 1:10,  
1:11, 1:11  
**associate** <sup>[1]</sup> - 102:3  
**associated**  
<sup>[2]</sup> - 124:18, 259:9  
**Associates**  
<sup>[3]</sup> - 308:11, 316:8,  
316:17  
**association**  
<sup>[4]</sup> - 120:5, 172:15,  
179:7, 191:8  
**assume** <sup>[3]</sup> - 118:17,  
123:16, 172:9  
**assumptions**  
<sup>[2]</sup> - 220:19, 221:2  
**assurances**  
<sup>[1]</sup> - 57:10  
**assure** <sup>[1]</sup> - 87:7  
**assured** <sup>[1]</sup> - 57:12  
**atop** <sup>[1]</sup> - 202:6  
**attached** <sup>[1]</sup> - 63:3  
**attempt** <sup>[2]</sup> - 69:5,  
265:2  
**attention** <sup>[1]</sup> - 218:4  
**attic** <sup>[1]</sup> - 176:17  
**attitudes** <sup>[1]</sup> - 138:19  
**ATTORNEY**  
<sup>[41]</sup> - 201:10,  
201:14, 203:3,  
204:15, 205:8,  
205:14, 205:17,  
206:3, 207:11,  
207:19, 208:3,  
208:10, 209:9,  
210:8, 210:18,  
211:4, 211:9,  
211:17, 213:3,  
213:18, 214:4,  
216:9, 246:10,  
247:2, 249:1, 250:1,  
250:10, 252:5,  
253:13, 253:18,  
255:9, 258:1, 258:6,  
266:9, 267:12,

267:18, 268:7,  
 269:3, 269:12,  
 270:3, 271:13

**attorney** [3] - 102:8,  
 201:16, 246:12

**attract** [1] - 10:18

**attracting** [1] - 96:7

**attractive**  
 [4] - 192:14, 192:19,  
 271:12, 271:16

**AUDIENCE**  
 [4] - 61:10, 61:14,  
 61:19, 217:10

**audience** [3] - 20:16,  
 62:14, 95:5

**August** [2] - 107:2,  
 285:4

**AUSTIN** [11] - 22:9,  
 24:10, 24:15, 25:11,  
 28:4, 30:15, 31:7,  
 31:10, 32:7, 32:14,  
 33:2

**Austin** [2] - 22:9,  
 34:18

**Authority** [19] - 62:7,  
 62:16, 63:2, 78:11,  
 81:4, 121:8, 123:17,  
 129:9, 129:16,  
 130:9, 130:16,  
 131:3, 138:5, 139:1,  
 141:15, 142:8,  
 143:8, 146:15

**authors** [1] - 186:5

**auto** [1] - 259:2

**automobile** [1] - 39:1

**automobiles**  
 [1] - 43:11

**availability** [1] - 287:5

**available** [17] - 8:12,  
 11:8, 20:4, 26:8,  
 35:15, 71:19, 93:8,  
 121:2, 148:15,  
 224:12, 237:2,  
 237:8, 237:12,  
 278:17, 292:13,  
 295:6, 311:16

**Ave** [3] - 246:15,  
 259:5, 264:14

**Avenue** [7] - 1:6,  
 2:13, 4:5, 201:17,  
 246:7, 260:8,  
 263:15

**aware** [7] - 67:4,

138:2, 156:10,  
 228:18, 247:6,  
 278:10, 312:6  
**Aye** [24] - 45:13,  
 45:14, 54:14, 54:15,  
 59:16, 59:17,  
 164:18, 164:19,  
 168:2, 168:3,  
 170:13, 170:14,  
 200:3, 200:4,  
 216:14, 216:15,  
 244:4, 244:5, 276:8,  
 276:9, 309:7, 309:8,  
 317:1, 317:2

## B

### **B-a-r-n-e-s**

[1] - 261:17

### **B-e-n-z-a-n**

[1] - 264:10

### **B-u-r-g-e-r**

[1] - 171:14

### **BA-3** [1] - 247:13

### **background**

[2] - 172:13, 310:11

### **backlit** [1] - 207:14

### **backyard** [4] - 76:17,

185:5, 185:6, 189:9

### **bad** [5] - 33:10, 180:8,

180:14, 204:13,

286:18

### **badgering** [1] - 100:3

### **bag** [10] - 82:7, 83:9,

84:6, 84:8, 123:2,

123:10, 123:18,

124:13, 142:2

### **balconies** [1] - 50:7

### **ball** [1] - 303:19

### **balloon** [1] - 188:9

### **balls** [1] - 304:7

### **baloney** [1] - 100:14

### **band** [1] - 184:5

### **BARNES** [1] - 261:16

### **Barnes** [1] - 261:17

### **barrel** [1] - 83:11

### **barrels** [3] - 118:6,

126:3, 126:10

### **base** [2] - 10:17, 54:7

### **based** [11] - 8:15, 9:5,

10:19, 13:3, 85:7,

88:6, 109:19,

220:19, 221:1,

222:6, 230:7

**basement** <sup>[10]</sup> - 47:1,  
 92:12, 173:4,  
 176:15, 177:1,  
 177:12, 177:16,  
 178:2, 197:13,  
 256:15

**basements** <sup>[2]</sup> - 88:6,  
 177:19

**basic** <sup>[3]</sup> - 77:6,  
 101:6, 127:8

**basis** <sup>[21]</sup> - 11:4, 18:2,  
 44:1, 54:3, 59:16,  
 103:17, 123:9,  
 125:11, 127:14,  
 162:9, 163:10,  
 164:10, 168:2,  
 198:1, 200:2, 216:4,  
 244:4, 276:8, 308:7,  
 309:6, 316:2

**bathrooms**  
<sup>[1]</sup> - 212:15

**bay** <sup>[3]</sup> - 198:16,  
 219:19, 257:14

**bear** <sup>[3]</sup> - 83:5,  
 137:17, 300:2

**became** <sup>[3]</sup> - 64:17,  
 202:13, 203:5

**become** <sup>[4]</sup> - 14:12,  
 24:9, 70:13, 72:5

**becomes** <sup>[1]</sup> - 175:13

**bedroom** <sup>[7]</sup> - 77:17,  
 191:16, 248:3,  
 248:4, 259:11,  
 265:11, 275:11

**been...** <sup>[1]</sup> - 289:2

**beg** <sup>[2]</sup> - 80:7, 196:10

**began** <sup>[2]</sup> - 153:2,  
 183:6

**begin** <sup>[1]</sup> - 305:11

**beginning**  
<sup>[1]</sup> - 155:15

**behalf** <sup>[4]</sup> - 166:15,  
 170:1, 201:17,  
 246:14

**behavior** <sup>[1]</sup> - 124:19

**behind** <sup>[3]</sup> - 68:8,  
 69:8, 299:10

**belong** <sup>[1]</sup> - 142:14

**below** <sup>[2]</sup> - 121:18,  
 161:2

**beneficially**  
<sup>[1]</sup> - 274:15

**benefit** <sup>[3]</sup> - 193:6,

287:3, 290:1  
**Benzan** <sup>[1]</sup> - 264:9  
**best** <sup>[9]</sup> - 33:5, 33:18,  
88:18, 108:18,  
112:4, 112:7,  
206:10, 234:6,  
250:2  
**better** <sup>[17]</sup> - 21:1,  
21:4, 84:1, 97:3,  
112:16, 133:3,  
160:8, 200:8, 204:7,  
209:17, 215:5,  
269:2, 269:17,  
270:17, 297:4,  
298:16, 310:18  
**between** <sup>[19]</sup> - 14:14,  
17:6, 17:13, 20:9,  
48:1, 64:8, 71:17,  
73:15, 91:5, 97:14,  
140:13, 173:16,  
175:15, 184:5,  
189:11, 189:15,  
189:18, 281:10,  
307:5  
**beyond** <sup>[6]</sup> - 6:5,  
47:3, 156:19,  
187:16, 247:14,  
287:6  
**bicycle** <sup>[1]</sup> - 9:1  
**bicycles** <sup>[2]</sup> - 25:3,  
25:6  
**big** <sup>[15]</sup> - 72:3, 72:6,  
82:18, 84:19, 88:12,  
97:14, 99:2, 110:18,  
126:9, 140:11,  
152:6, 202:10,  
205:9, 221:18,  
253:8  
**bigger** <sup>[1]</sup> - 188:4  
**biggest** <sup>[4]</sup> - 107:5,  
119:4, 191:9,  
205:11  
**bike** <sup>[5]</sup> - 7:8, 10:16,  
20:8, 36:15, 40:13  
**bikes** <sup>[1]</sup> - 40:14  
**biking** <sup>[1]</sup> - 36:16  
**bins** <sup>[1]</sup> - 126:7  
**bio** <sup>[1]</sup> - 19:13  
**bit** <sup>[23]</sup> - 5:11, 12:3,  
13:13, 23:5, 51:19,  
95:13, 110:14,  
131:4, 136:11,  
139:18, 156:3,

178:9, 178:13,  
 181:14, 222:11,  
 226:2, 227:14,  
 227:15, 258:10,  
 268:12, 268:14,  
 269:8, 294:12  
**bite** <sup>[1]</sup> - 139:9  
**black** <sup>[1]</sup> - 147:10  
**blank** <sup>[1]</sup> - 209:16  
**blend** <sup>[1]</sup> - 267:15  
**bless** <sup>[2]</sup> - 122:3,  
 271:19  
**blew** <sup>[1]</sup> - 204:13  
**block** <sup>[7]</sup> - 221:4,  
 221:10, 223:12,  
 226:9, 226:17,  
 234:1, 234:3  
**blocking** <sup>[3]</sup> - 224:18,  
 233:15, 235:4  
**blocks** <sup>[1]</sup> - 7:16  
**blue** <sup>[2]</sup> - 226:15,  
 226:16  
**board** <sup>[2]</sup> - 16:17,  
 287:8  
**Board** <sup>[53]</sup> - 3:9, 4:15,  
 5:7, 15:10, 16:1,  
 26:16, 34:8, 36:19,  
 37:2, 43:8, 51:16,  
 63:14, 145:17,  
 146:13, 146:19,  
 148:3, 148:17,  
 158:5, 161:6,  
 166:16, 172:5,  
 172:12, 177:10,  
 183:19, 190:18,  
 194:17, 195:18,  
 201:11, 202:4,  
 206:14, 211:11,  
 213:6, 218:4, 231:1,  
 246:11, 247:6,  
 255:17, 258:4,  
 259:15, 266:13,  
 269:13, 273:8,  
 278:11, 292:7,  
 296:18, 300:1,  
 301:7, 307:4,  
 308:18, 313:16,  
 317:8, 318:6,  
 318:16  
**BOARD** <sup>[1]</sup> - 1:1  
**Board's** <sup>[2]</sup> - 146:5,  
 258:13  
**boards** <sup>[2]</sup> - 267:10,

267:17  
**body** [2] - 104:11,  
 259:2  
**bond** [1] - 122:11  
**book** [1] - 185:16  
**books** [1] - 153:12  
**Boston** [1] - 4:9  
**bothered** [2] - 121:4,  
 121:6  
**bottom** [1] - 123:11  
**bought** [3] - 180:9,  
 236:3, 281:6  
**boundary** [1] - 189:11  
**box** [1] - 310:17  
**Boyes** [1] - 166:14  
**Boyes-Watson**  
 [1] - 166:14  
**brackets** [2] - 257:13,  
 257:14  
**BRADSHAW**  
 [3] - 262:11, 263:7,  
 263:13  
**Bradshaw**  
 [3] - 262:12, 263:8  
**brand** [1] - 207:7  
**Brattle** [1] - 58:2  
**break** [1] - 99:2  
**breaks** [4] - 99:1,  
 123:1, 123:6,  
 123:10  
**BRENDAN**  
 [29] - 184:2, 184:8,  
 184:11, 185:15,  
 186:1, 186:19,  
 187:3, 187:8, 188:6,  
 196:1, 196:14,  
 200:7, 200:12,  
 210:13, 271:7,  
 271:17, 272:5,  
 273:12, 286:7,  
 286:16, 289:3,  
 289:9, 293:19,  
 302:10, 305:8,  
 306:11, 309:13,  
 313:1, 313:8  
**Brendan** [14] - 1:9,  
 46:3, 55:4, 166:3,  
 169:4, 171:4,  
 186:15, 196:13,  
 201:4, 210:12,  
 217:4, 246:4, 277:4,  
 310:4  
**Brian** [1] - 169:18

**briefly** [5] - 173:11,  
 205:7, 231:9,  
 248:10, 280:4  
**Bright** [1] - 5:14  
**bring** [9] - 8:1, 70:8,  
 72:12, 76:8, 173:5,  
 180:4, 230:17,  
 267:18, 303:9  
**bringing** [4] - 76:4,  
 244:18, 245:2,  
 255:10  
**BRISTOL** [1] - 319:3  
**Broadway** [5] - 5:18,  
 37:16, 37:17, 50:3,  
 58:5  
**broken** [1] - 123:18  
**Brookline** [12] - 4:7,  
 11:14, 11:16, 11:18,  
 12:10, 12:12, 13:12,  
 22:10, 29:17, 31:15,  
 31:18, 44:16  
**brought** [5] - 12:15,  
 87:12, 105:18,  
 170:11, 268:8  
**buddy** [2] - 100:16,  
 120:5  
**budget** [2] - 110:18,  
 110:19  
**budgetary**  
 [1] - 147:10  
**budgeted** [1] - 111:6  
**budgets** [1] - 111:1  
**build** [5] - 63:3,  
 140:15, 221:4,  
 221:9, 263:1  
**builders** [1] - 182:15  
**building** [41] - 14:15,  
 20:9, 20:11, 23:8,  
 23:9, 23:12, 23:15,  
 27:14, 28:3, 38:8,  
 48:18, 49:16, 50:4,  
 50:6, 50:9, 115:5,  
 122:2, 126:14,  
 132:3, 137:15,  
 172:15, 173:6,  
 179:17, 180:1,  
 180:2, 180:5,  
 187:10, 187:17,  
 209:15, 212:2,  
 257:7, 260:16,  
 260:18, 261:1,  
 261:8, 261:9,  
 261:11, 262:15,

265:3, 295:10  
**Building** <sup>[1]</sup> - 247:7  
**buildings** <sup>[10]</sup> - 63:4,  
 74:10, 76:11, 76:15,  
 92:16, 106:1,  
 135:17, 138:12,  
 139:4, 263:17  
**built** <sup>[7]</sup> - 47:2, 75:13,  
 114:4, 115:7, 202:7,  
 235:8, 300:6  
**bulk** <sup>[1]</sup> - 180:5  
**bump** <sup>[19]</sup> - 284:11,  
 286:14, 287:6,  
 287:19, 288:17,  
 289:2, 291:7,  
 301:12, 302:16,  
 303:2, 303:4, 303:8,  
 303:11, 305:17,  
 305:19, 306:4,  
 306:6, 308:12,  
 308:15  
**bumps** <sup>[1]</sup> - 251:3  
**bunch** <sup>[1]</sup> - 177:13  
**burden** <sup>[7]</sup> - 72:4,  
 72:6, 82:9, 83:5,  
 85:1, 104:16,  
 278:13  
**burdening** <sup>[1]</sup> - 13:15  
**burdensome**  
<sup>[2]</sup> - 24:14, 105:5  
**bureaucratic**  
<sup>[1]</sup> - 146:16  
**BURGER** <sup>[42]</sup> - 171:9,  
 171:12, 172:1,  
 172:10, 173:14,  
 174:1, 174:5, 174:8,  
 174:13, 174:18,  
 175:5, 176:2, 176:9,  
 179:4, 180:12,  
 181:11, 181:16,  
 182:2, 182:6,  
 182:11, 183:15,  
 184:7, 184:10,  
 185:9, 185:19,  
 187:12, 188:11,  
 188:15, 188:18,  
 189:17, 190:1,  
 190:9, 190:13,  
 193:15, 195:13,  
 195:17, 196:3,  
 196:10, 198:13,  
 199:1, 199:4,  
 199:19

**Burger** [3] - 171:13,  
 194:14, 194:19  
**Burks** [2] - 257:9,  
 258:2  
**burn** [1] - 92:13  
**Burns** [3] - 2:14,  
 277:6, 277:14  
**bushes** [1] - 20:19  
**business** [6] - 33:6,  
 33:7, 87:19, 143:12,  
 311:16  
**busy** [3] - 4:12, 8:7,  
 271:8  
**but...** [1] - 28:3  
**buy** [1] - 176:11  
**BZA** [9] - 62:18,  
 131:3, 133:4,  
 137:12, 142:14,  
 143:13, 166:17,  
 222:5, 224:13  
**BZA's** [1] - 64:9  
**BZA-004460-2014**  
 [1] - 2:3  
**BZA-004460-2015**  
 [1] - 3:4  
**BZA-005986-2015**  
 [2] - 2:4, 61:2  
**BZA-006077-2015**  
 [2] - 2:6, 55:2  
**BZA-006157-2015**  
 [2] - 2:8, 166:2  
**BZA-006194-2015**  
 [2] - 2:5, 46:2  
**BZA-006199-2015**  
 [2] - 2:7, 171:2  
**BZA-006215-2015**  
 [2] - 2:15, 310:2  
**BZA-006231-2015**  
 [2] - 2:9, 201:2  
**BZA-006244-2015**  
 [2] - 2:10, 217:2  
**BZA-006295-2015**  
 [2] - 2:12, 169:2  
**BZA-006299-2015**  
 [2] - 2:14, 277:2  
**BZA-006319-2015**  
 [2] - 2:13, 246:2

## C

**C-a-r-r-i-e-r-e**  
 [1] - 246:18  
**C-o-m-e-r** [1] - 66:13  
**calculated**

[1] - 226:13

**calculations**

[1] - 18:10

**calm** [1] - 305:1

**calming** [2] - 288:2,  
288:16

**CAMBRIDGE** [1] - 1:2

**Cambridge** [27] - 1:7,

5:14, 26:14, 62:7,  
62:8, 62:16, 63:2,  
77:6, 82:19, 83:8,  
110:16, 121:8,  
123:16, 129:5,  
129:9, 143:8, 145:2,  
208:6, 220:9,  
222:12, 224:5,  
224:12, 246:13,  
275:9, 288:12

**Cambridge's**

[1] - 265:7

**cameras** [2] - 96:17,  
142:4

**CAMPBELL**

[33] - 46:10, 51:12,  
277:10, 279:12,  
279:18, 282:3,  
282:8, 283:2, 283:6,  
283:11, 283:19,  
284:9, 285:1,  
285:12, 285:16,  
286:4, 286:6, 286:9,  
289:6, 291:19,  
293:5, 293:10,  
293:17, 298:4,  
299:14, 299:19,  
300:11, 303:9,  
304:8, 306:5, 306:8,  
306:13, 309:4

**Campbell** [3] - 46:11,  
47:9, 277:11

**Canal** [1] - 58:8

**candidly** [1] - 151:4

**cannot** [8] - 36:12,  
82:13, 92:10, 112:7,  
130:11, 163:2,  
302:19, 307:15

**cantilever**

[1] - 255:12

**capable** [3] - 85:18,  
86:4, 86:14

**capacity** [1] - 13:16

**capital** [5] - 38:9,  
92:8, 212:9, 224:2,

224:8

**capriciously**

[1] - 94:11

**capture** [1] - 160:18

**CAPTURING**

[1] - 1:17

**car** [15] - 173:16,

181:3, 184:19,

185:7, 186:8,

186:16, 289:6,

289:11, 289:16,

290:13, 292:8,

293:2, 294:1, 295:5,

300:7

**CARDOSI**

[13] - 97:12, 97:19,

98:3, 99:9, 99:12,

99:18, 100:5,

100:11, 101:2,

103:3, 116:1, 116:5,

117:1

**Cardosi** [1] - 97:13

**Care** [1] - 5:17

**care** [14] - 4:17, 5:13,

7:12, 8:3, 8:12,

28:12, 38:10, 42:4,

70:17, 79:4, 90:1,

106:10, 107:11,

108:17

**carefully** [1] - 81:10

**carpenter** [1] - 311:7

**CARRIERE**

[16] - 246:17, 252:8,

252:14, 253:3,

253:11, 253:15,

257:12, 258:5,

267:14, 268:3,

268:9, 268:13,

270:5, 270:9,

270:12, 271:2

**Carriere** [1] - 246:17

**carry** [3] - 63:12,

186:3, 251:9

**cars** [8] - 13:7, 101:4,

175:6, 188:5,

189:13, 189:16,

295:5, 307:18

**CASE** [1] - 2:2

**Case** [12] - 3:4, 46:2,

55:2, 61:2, 166:2,

169:2, 171:2, 201:2,

217:2, 246:2, 277:2,

310:2

**case** <sup>[63]</sup> - 3:15, 7:14,  
 13:1, 23:6, 46:7,  
 51:19, 52:3, 55:7,  
 55:16, 58:18, 59:16,  
 61:6, 102:1, 102:5,  
 103:2, 103:16,  
 144:12, 145:18,  
 156:18, 164:3,  
 166:6, 166:17,  
 167:5, 168:2, 168:5,  
 169:6, 170:8,  
 170:10, 170:16,  
 171:6, 201:6, 206:4,  
 217:6, 217:14,  
 218:11, 218:16,  
 219:2, 219:3,  
 230:14, 230:15,  
 231:10, 231:12,  
 232:8, 234:15,  
 236:12, 238:18,  
 240:15, 240:17,  
 241:8, 241:13,  
 242:10, 244:4,  
 246:6, 254:6, 277:6,  
 279:4, 300:10,  
 302:6, 310:6  
**cases** <sup>[6]</sup> - 3:10, 3:11,  
 7:9, 57:19, 256:1,  
 302:11  
**categories** <sup>[1]</sup> - 256:9  
**Catherine** <sup>[2]</sup> - 319:4,  
 319:11  
**Cathy** <sup>[1]</sup> - 45:10  
**caused** <sup>[1]</sup> - 311:6  
**causing** <sup>[2]</sup> - 262:18,  
 311:5  
**center** <sup>[1]</sup> - 28:12  
**Center** <sup>[1]</sup> - 1:6  
**centers** <sup>[1]</sup> - 265:14  
**centrally** <sup>[1]</sup> - 74:18  
**certain** <sup>[6]</sup> - 12:7,  
 36:2, 88:19, 94:3,  
 117:16, 141:2  
**certainly** <sup>[11]</sup> - 11:7,  
 49:19, 72:4, 94:15,  
 129:18, 133:2,  
 139:7, 149:7,  
 149:10, 279:19,  
 304:10  
**certificate** <sup>[1]</sup> - 18:8  
**CERTIFICATION**  
<sup>[1]</sup> - 319:16  
**certification**

[1] - 208:19  
**certified** [2] - 283:14,  
 292:4  
**Certified** [2] - 319:4,  
 319:12  
**certify** [3] - 125:8,  
 243:18, 319:5  
**CERTIFYING**  
 [1] - 319:18  
**CHA** [9] - 71:3, 71:19,  
 73:18, 104:12,  
 116:8, 125:4, 139:3,  
 140:14  
**Chair** [53] - 1:8, 1:8,  
 3:14, 42:1, 44:3,  
 44:8, 46:6, 52:13,  
 52:19, 54:4, 54:11,  
 55:6, 58:17, 61:5,  
 163:11, 164:11,  
 164:16, 166:5,  
 166:11, 166:13,  
 167:4, 169:5,  
 169:10, 169:13,  
 171:5, 194:7,  
 194:10, 196:17,  
 198:2, 198:8, 201:5,  
 213:14, 214:14,  
 216:5, 216:13,  
 217:5, 241:12,  
 246:5, 264:6, 264:7,  
 273:18, 275:7,  
 275:14, 276:1,  
 277:5, 307:8, 308:8,  
 308:12, 310:5,  
 314:10, 315:16,  
 316:3, 316:18  
**Chairman** [5] - 3:7,  
 4:15, 201:11,  
 246:11, 305:9  
**chance** [5] - 26:7,  
 95:7, 159:9, 172:5,  
 231:17  
**CHANGE** [6] - 318:9,  
 318:10, 318:11,  
 318:12, 318:13,  
 318:14  
**change** [31] - 42:3,  
 42:11, 44:9, 44:18,  
 45:1, 53:10, 67:4,  
 79:2, 102:18,  
 103:14, 107:4,  
 107:18, 108:1,  
 108:5, 136:9,

138:13, 138:16,  
 191:11, 191:14,  
 191:18, 198:11,  
 242:1, 258:13,  
 268:8, 271:13,  
 272:10, 274:9,  
 279:5, 311:3,  
 316:10, 318:6  
**changed** <sup>[3]</sup> - 89:16,  
 211:18, 236:5  
**changes** <sup>[11]</sup> - 64:12,  
 90:18, 91:19,  
 109:19, 131:18,  
 143:15, 254:9,  
 254:14, 258:3,  
 272:6, 318:16  
**changing** <sup>[1]</sup> - 63:9  
**channel** <sup>[3]</sup> - 207:13,  
 207:14, 208:15  
**character** <sup>[4]</sup> - 42:12,  
 53:10, 274:10,  
 310:18  
**characterize**  
<sup>[1]</sup> - 300:17  
**characterized**  
<sup>[1]</sup> - 100:13  
**charge** <sup>[2]</sup> - 153:6,  
 295:2  
**check** <sup>[2]</sup> - 26:2, 52:8  
**checking** <sup>[2]</sup> - 239:12,  
 255:2  
**CHICHI** <sup>[5]</sup> - 4:6, 15:6,  
 16:14, 21:18, 22:4  
**Chichi** <sup>[1]</sup> - 4:6  
**child** <sup>[2]</sup> - 69:7, 85:13  
**children** <sup>[6]</sup> - 9:3,  
 14:6, 43:19, 68:7,  
 68:8, 69:7  
**children's** <sup>[1]</sup> - 119:8  
**Chinatown** <sup>[5]</sup> - 6:11,  
 6:17, 7:12, 10:1,  
 10:9  
**choose** <sup>[1]</sup> - 9:14  
**chooses** <sup>[1]</sup> - 167:15  
**chosen** <sup>[1]</sup> - 152:15  
**chute** <sup>[15]</sup> - 63:9,  
 66:8, 66:9, 66:13,  
 73:4, 74:7, 91:2,  
 91:3, 92:11, 95:16,  
 96:6, 96:12, 98:4,  
 140:4, 162:11  
**chutes** <sup>[13]</sup> - 65:17,  
 66:11, 73:15, 74:19,

75:6, 75:8, 76:1,  
114:4, 114:8, 115:8,  
126:4, 131:19,  
132:2

**circle** <sup>[1]</sup> - 14:9

**circulate** <sup>[1]</sup> - 312:10

**circulation** <sup>[1]</sup> - 14:1

**circumstances**

<sup>[3]</sup> - 149:6, 197:6,  
274:4

**cited** <sup>[2]</sup> - 6:11, 44:3

**citizen** <sup>[4]</sup> - 52:16,

107:7, 296:13

**citizens** <sup>[14]</sup> - 43:3,

53:17, 86:11, 97:9,

105:13, 110:15,

134:10, 207:2,

209:3, 275:1,

278:17, 289:19,

291:9, 291:12

**city** <sup>[40]</sup> - 17:6, 17:7,

17:13, 24:13, 43:3,

53:17, 86:1, 86:11,

104:18, 118:18,

134:11, 177:10,

177:15, 182:16,

203:16, 207:2,

260:15, 264:19,

265:13, 270:14,

275:2, 278:18,

280:7, 280:17,

281:1, 282:5,

282:13, 282:14,

283:3, 285:18,

289:19, 291:7,

294:17, 295:16,

296:9, 297:3,

298:13, 301:11,

301:12, 304:17

**City** <sup>[9]</sup> - 5:15, 129:5,

145:2, 210:12,

224:12, 275:9,

282:3, 284:18

**CITY** <sup>[1]</sup> - 1:2

**claimed** <sup>[1]</sup> - 228:12

**claiming** <sup>[1]</sup> - 245:2

**clarification** <sup>[1]</sup> - 65:6

**clarified** <sup>[1]</sup> - 64:19

**clarify** <sup>[1]</sup> - 101:19

**classed** <sup>[1]</sup> - 174:9

**clean** <sup>[8]</sup> - 118:6,

118:13, 123:1,

123:4, 123:7,

123:12, 123:18,  
207:6

**cleaned** [1] - 118:8

**cleaner** [3] - 268:14,  
273:1, 273:2

**cleaning** [3] - 118:8,  
118:9, 124:10

**cleanliness**  
[1] - 88:11

**clear** [14] - 12:9, 33:5,  
55:17, 67:2, 84:11,  
108:12, 160:7,  
187:16, 198:10,  
209:2, 224:7,  
251:16, 296:6,  
313:14

**client** [1] - 277:12

**clients** [1] - 7:15

**climb** [1] - 68:4

**close** [14] - 26:4,  
52:17, 136:8, 136:9,  
145:14, 174:7,  
192:18, 195:15,  
214:1, 266:11,  
294:10, 300:15,  
301:5, 314:2

**closed** [5] - 76:1,  
203:7, 212:12,  
214:7, 316:1

**closer** [5] - 23:7,  
27:13, 184:16,  
185:7, 192:5

**coddle** [1] - 148:1

**code** [2] - 113:2,  
281:13

**Code** [1] - 255:17

**codes** [2] - 173:6,  
265:3

**Colby** [1] - 4:9

**collaboration**  
[1] - 141:7

**colleague** [1] - 62:9

**colleagues** [1] - 65:15

**collect** [3] - 19:6,  
19:8, 19:13

**collected** [2] - 19:9,  
74:18

**collection** [1] - 63:11

**color** [1] - 260:18

**coloring** [1] - 258:14

**Comer** [2] - 62:10,  
66:12

**COMER** [57] - 66:12,

66:17, 68:2, 69:9,  
 69:12, 69:15, 71:6,  
 71:9, 71:16, 72:5,  
 72:8, 73:5, 73:8,  
 73:12, 73:17, 74:4,  
 74:11, 75:2, 75:10,  
 75:17, 79:13, 82:8,  
 83:1, 85:2, 85:12,  
 86:15, 88:14, 89:7,  
 90:4, 90:15, 91:3,  
 93:2, 94:1, 95:10,  
 97:5, 101:18,  
 103:12, 103:15,  
 104:10, 105:12,  
 106:4, 106:11,  
 106:16, 107:12,  
 107:15, 115:9,  
 124:7, 126:12,  
 126:19, 127:4,  
 128:6, 148:18,  
 150:17, 152:9,  
 153:1, 159:12,  
 160:3

**comfortable**

[2] - 14:6, 96:2

**coming** [15] - 12:10,

13:7, 33:8, 45:8,  
 59:19, 96:9, 97:6,  
 98:10, 226:7,  
 235:17, 236:7,  
 264:3, 294:10,  
 294:11, 304:12

**commenced**

[1] - 247:11

**commend** [1] - 265:9

**commendable**

[1] - 129:19

**comment** [7] - 19:2,

33:18, 39:12, 62:1,  
 234:18, 266:8,  
 266:14

**commented**

[1] - 271:2

**comments**

[9] - 22:18, 26:5,  
 26:19, 99:14,  
 142:18, 183:3,  
 214:3, 266:12,  
 305:15

**commercial**

[2] - 8:13, 259:6

**Commission**

[3] - 257:6, 265:16,

319:13  
**commit** <sup>[5]</sup> - 11:1,  
 11:7, 108:3, 145:4,  
 157:16  
**commitment**  
<sup>[6]</sup> - 36:9, 145:7,  
 146:14, 147:12,  
 148:13, 157:19  
**committed**  
<sup>[7]</sup> - 15:16, 36:6,  
 56:14, 67:6, 93:12,  
 108:2, 150:3  
**committee**  
<sup>[4]</sup> - 150:11, 150:14,  
 152:15, 156:14  
**common** <sup>[2]</sup> - 123:17,  
 259:4  
**COMMONWEALTH**  
<sup>[1]</sup> - 319:2  
**communicate**  
<sup>[1]</sup> - 215:3  
**communicating**  
<sup>[1]</sup> - 238:5  
**communications**  
<sup>[1]</sup> - 26:3  
**community**  
<sup>[14]</sup> - 26:8, 34:16,  
 36:7, 37:7, 46:16,  
 47:6, 95:2, 101:3,  
 140:15, 143:9,  
 143:10, 159:15,  
 285:17, 296:13  
**commute** <sup>[1]</sup> - 9:19  
**compact** <sup>[4]</sup> - 277:19,  
 292:7, 292:11,  
 307:18  
**Companies**  
<sup>[1]</sup> - 48:16  
**company** <sup>[1]</sup> - 203:10  
**comparable**  
<sup>[2]</sup> - 5:19, 7:7  
**compare** <sup>[1]</sup> - 105:19  
**compared** <sup>[2]</sup> - 216:2,  
 290:11  
**comparison**  
<sup>[1]</sup> - 272:3  
**complaining**  
<sup>[1]</sup> - 96:14  
**complaints**  
<sup>[1]</sup> - 148:1  
**completed** <sup>[1]</sup> - 261:1  
**completely**  
<sup>[4]</sup> - 156:13, 221:11,

223:15, 311:10  
**complex** <sup>[5]</sup> - 101:3,  
 101:16, 101:17,  
 120:7, 154:13  
**compliance**  
<sup>[1]</sup> - 205:11  
**compliant**  
<sup>[4]</sup> - 207:12, 209:1,  
 215:11, 252:2  
**complied** <sup>[1]</sup> - 53:4  
**complies** <sup>[1]</sup> - 249:14  
**comply** <sup>[1]</sup> - 18:2  
**complying** <sup>[1]</sup> - 188:7  
**compress** <sup>[1]</sup> - 188:9  
**computation**  
<sup>[1]</sup> - 18:12  
**concept** <sup>[1]</sup> - 92:15  
**concern** <sup>[10]</sup> - 38:6,  
 130:3, 131:16,  
 137:5, 137:6,  
 137:12, 139:2,  
 146:6, 233:9, 280:8  
**concerned**  
<sup>[6]</sup> - 26:18, 34:14,  
 86:10, 86:13, 130:5,  
 223:10  
**concerning**  
<sup>[1]</sup> - 129:19  
**concerns** <sup>[15]</sup> - 4:16,  
 63:7, 65:3, 78:18,  
 130:7, 138:4,  
 142:12, 148:3,  
 148:4, 148:16,  
 162:13, 162:16,  
 183:4, 223:17  
**concierge** <sup>[3]</sup> - 84:12,  
 84:15, 100:13  
**conclusion**  
<sup>[1]</sup> - 218:13  
**concrete** <sup>[4]</sup> - 29:7,  
 29:8, 156:8, 158:6  
**condition** <sup>[14]</sup> - 37:4,  
 38:18, 42:13, 44:5,  
 54:9, 164:13, 180:8,  
 198:3, 199:13,  
 216:6, 257:1,  
 275:15, 314:18,  
 316:4  
**conditional**  
<sup>[1]</sup> - 306:6  
**conditions**  
<sup>[9]</sup> - 36:12, 39:1,  
 59:1, 59:14, 167:7,

197:11, 199:13,  
241:15, 308:9  
**condo** [4] - 172:15,  
172:16, 179:7,  
191:8  
**Condominium**  
[1] - 194:16  
**condominium**  
[1] - 211:12  
**condominiums**  
[2] - 212:2, 261:6  
**confident** [1] - 8:10  
**configuration**  
[3] - 174:19, 195:19,  
304:14  
**confined** [1] - 136:11  
**confines** [1] - 115:13  
**confirm** [1] - 169:19  
**conflict** [2] - 166:19,  
234:13  
**conforming**  
[12] - 62:19, 143:16,  
162:1, 172:3,  
187:19, 197:7,  
203:18, 205:3,  
207:6, 209:13,  
247:5, 274:4  
**conformity**  
[1] - 179:16  
**confused** [2] - 65:14,  
66:16  
**congestion** [4] - 20:1,  
42:10, 53:9, 274:8  
**congratulations**  
[2] - 260:11, 285:8  
**connect** [2] - 128:12,  
173:4  
**connection**  
[1] - 128:7  
**consequences**  
[1] - 149:5  
**conservatory**  
[1] - 310:14  
**consider** [5] - 8:19,  
98:17, 149:8,  
149:10, 242:17  
**consideration**  
[2] - 34:5, 233:9  
**considered**  
[1] - 102:16  
**consist** [1] - 128:13  
**consistent** [5] - 8:6,  
10:1, 27:6, 275:12,

299:7

**constantine**

[1] - 166:3

**CONSTANTINE**

[378] - 3:7, 4:2, 4:11,  
5:2, 6:13, 9:4, 9:8,  
9:11, 10:7, 10:12,  
13:5, 14:11, 14:17,  
15:4, 15:7, 16:12,  
16:15, 16:18, 17:16,  
18:1, 18:6, 20:2,  
20:14, 21:5, 21:13,  
22:1, 22:6, 24:5,  
24:11, 25:10, 25:13,  
25:17, 26:15, 27:1,  
28:9, 28:14, 28:18,  
29:4, 30:12, 31:5,  
31:8, 31:13, 31:17,  
32:1, 32:11, 32:15,  
33:14, 34:17, 36:10,  
37:8, 38:3, 38:15,  
39:18, 40:4, 40:18,  
41:4, 41:11, 41:17,  
42:1, 45:9, 45:15,  
46:6, 47:14, 48:13,  
49:18, 51:2, 51:8,  
51:14, 51:18, 52:13,  
54:16, 55:6, 55:13,  
56:8, 56:17, 57:6,  
57:14, 57:18, 58:3,  
58:6, 58:9, 58:13,  
58:17, 59:13, 59:18,  
60:7, 61:5, 61:11,  
62:2, 65:13, 66:4,  
66:15, 67:12, 67:16,  
68:3, 69:11, 69:14,  
71:3, 71:7, 71:14,  
71:17, 72:7, 80:3,  
81:16, 84:14, 85:9,  
86:9, 88:8, 88:15,  
92:19, 93:16, 95:3,  
96:19, 97:7, 98:1,  
99:4, 99:10, 99:16,  
100:2, 100:6,  
100:12, 101:10,  
104:2, 104:7,  
113:11, 113:14,  
115:16, 116:17,  
117:8, 117:13,  
118:11, 118:16,  
119:19, 120:3,  
121:5, 121:14,  
122:3, 122:13,

123:15, 125:6,  
128:15, 129:1,  
133:8, 133:11,  
134:4, 134:9, 135:7,  
135:11, 136:4,  
137:18, 139:10,  
139:13, 139:17,  
142:16, 145:13,  
146:3, 150:18,  
151:3, 151:9,  
151:12, 153:17,  
154:8, 156:17,  
157:2, 157:7,  
157:14, 159:1,  
159:5, 160:17,  
161:5, 164:4, 164:9,  
165:1, 166:5,  
166:11, 167:4,  
168:4, 169:5,  
169:10, 169:17,  
170:15, 171:5,  
171:10, 171:18,  
172:8, 173:10,  
173:19, 174:2,  
174:6, 174:11,  
175:4, 176:4, 179:3,  
181:7, 181:12,  
181:17, 182:3,  
182:10, 183:13,  
183:18, 187:6,  
190:17, 191:1,  
193:5, 194:2, 194:7,  
195:14, 196:12,  
196:15, 198:18,  
199:2, 199:12,  
200:1, 200:5,  
200:10, 201:5,  
201:12, 203:1,  
204:12, 205:6,  
205:9, 205:16,  
206:2, 206:19,  
207:9, 207:16,  
208:8, 210:5,  
210:16, 213:5,  
213:9, 213:14,  
214:1, 214:6,  
214:12, 216:11,  
216:16, 217:5,  
217:12, 217:19,  
218:3, 218:9, 219:9,  
220:4, 221:12,  
221:17, 224:17,  
225:1, 225:12,

225:16, 227:2,  
227:8, 227:18,  
228:3, 228:6, 228:9,  
228:14, 229:3,  
229:7, 229:16,  
230:5, 230:13,  
230:19, 231:4,  
231:8, 232:1, 236:6,  
237:9, 237:19,  
238:9, 238:13,  
238:16, 239:3,  
239:6, 239:11,  
240:8, 240:14,  
241:3, 241:6,  
241:10, 241:12,  
242:4, 242:6, 243:5,  
243:10, 243:15,  
244:6, 246:5,  
248:17, 249:17,  
250:8, 251:14,  
252:6, 252:12,  
252:17, 253:7,  
255:8, 257:17,  
259:14, 259:17,  
260:4, 260:10,  
261:13, 262:9,  
263:6, 263:11,  
264:2, 264:6,  
266:10, 268:5,  
268:11, 269:1,  
269:15, 271:1,  
271:11, 271:15,  
272:2, 272:13,  
272:19, 273:7,  
273:16, 276:10,  
277:5, 278:7,  
279:14, 280:14,  
280:19, 282:1,  
282:6, 282:19,  
283:4, 283:9,  
283:17, 284:7,  
284:19, 285:6,  
285:14, 288:9,  
289:13, 290:5,  
291:17, 292:15,  
293:8, 293:14,  
296:5, 296:15,  
297:9, 298:7, 299:1,  
299:12, 299:17,  
300:9, 300:13,  
302:8, 303:7, 305:3,  
305:13, 306:7,  
306:17, 307:3,

309:5, 309:9,  
 309:12, 309:14,  
 310:5, 310:19,  
 312:5, 312:13,  
 312:19, 313:6,  
 313:10, 313:15,  
 313:18, 314:2,  
 314:10, 316:7,  
 316:15, 317:3

**Constantine**

[12] - 1:8, 3:5, 46:3,  
 55:3, 61:3, 169:3,  
 171:3, 201:3, 217:3,  
 246:3, 277:3, 310:3

**constantly**

[1] - 138:12

**constituents**

[1] - 139:3

**constraints**

[1] - 220:2

**construct** [1] - 211:11

**constructed**

[1] - 82:10

**construction**

[4] - 75:19, 115:14,  
 149:2, 161:9

**consult** [2] - 141:15,

141:16

**contact** [4] - 21:19,

80:19, 160:4, 266:5

**contacted** [1] - 155:1

**contacts** [1] - 282:13

**contentious**

[1] - 222:8

**context** [1] - 32:13

**continuance**

[5] - 46:15, 166:17,  
 167:2, 218:15,  
 231:14

**continuation**

[1] - 141:6

**continue** [17] - 93:12,

112:10, 125:5,  
 143:9, 144:9,  
 144:10, 145:1,  
 145:4, 145:6,  
 156:18, 218:18,  
 219:2, 220:3,  
 230:14, 231:12,  
 236:12

**continued** [15] - 3:10,

3:13, 42:16, 53:11,  
 55:16, 57:8, 57:17,

57:19, 58:18, 64:12,  
167:5, 168:5,  
240:17, 241:13,  
274:11

**continues**

[1] - 249:11

**continuing**

[5] - 59:15, 140:19,  
145:17, 168:1,  
244:3

**continuous** [2] - 14:8,

19:7

**contract** [1] - 115:14**contracted** [1] - 183:7**contracting**

[1] - 182:18

**contractor** [1] - 311:9**contractors**

[1] - 177:7

**CONTROL**

[1] - 319:17

**control** [3] - 36:4,

303:8, 304:9

**controlling** [1] - 276:2**conventional**

[2] - 311:19, 316:1

**conversation**

[6] - 129:8, 137:1,  
140:18, 234:10,  
235:2, 306:14

**conversations**

[5] - 109:19, 144:9,  
144:11, 145:5,  
145:6

**conversion**

[1] - 162:11

**convey** [1] - 71:12**convinced**

[1] - 186:14

**cool** [1] - 262:15**cooper** [1] - 95:11**COOPER** [2] - 96:3,

97:2

**Cooper** [1] - 96:4**cooperative**

[1] - 290:6

**coordinator**

[3] - 85:6, 102:3,  
116:9

**coordinators**

[1] - 116:8

**copy** [3] - 47:13,

182:8, 313:2

**corner** <sup>[8]</sup> - 6:19,  
 11:13, 11:14, 37:15,  
 261:18, 267:17,  
 287:12, 292:11

**Corporal** <sup>[3]</sup> - 2:14,  
 277:6, 277:13

**corporate** <sup>[1]</sup> - 7:14

**correct** <sup>[8]</sup> - 68:11,  
 75:16, 75:17, 83:1,  
 124:3, 163:11,  
 216:10, 273:14

**correction** <sup>[1]</sup> - 318:7

**corrections**  
<sup>[1]</sup> - 318:16

**correctly** <sup>[1]</sup> - 226:1

**corresponding**  
<sup>[1]</sup> - 206:7

**corridor** <sup>[1]</sup> - 212:1

**couch** <sup>[1]</sup> - 157:3

**Council** <sup>[1]</sup> - 284:18

**COUNCILLOR**  
<sup>[10]</sup> - 129:3, 133:10,  
 134:2, 134:7,  
 134:17, 135:9,  
 135:15, 136:6,  
 138:1, 139:11

**Councillor**  
<sup>[2]</sup> - 129:6, 145:18

**Councillors**  
<sup>[1]</sup> - 210:12

**counsel** <sup>[1]</sup> - 102:4

**count** <sup>[2]</sup> - 279:15

**counted** <sup>[5]</sup> - 5:19,  
 7:7, 7:9, 8:15, 11:14

**counter** <sup>[2]</sup> - 12:14,  
 112:6

**couple** <sup>[11]</sup> - 22:18,  
 57:1, 70:2, 72:17,  
 76:7, 100:15,  
 109:15, 121:17,  
 157:9, 157:13,  
 160:12

**course** <sup>[9]</sup> - 37:3,  
 83:16, 87:1, 219:15,  
 225:10, 227:13,  
 284:5, 284:17,  
 284:19

**Court** <sup>[31]</sup> - 61:18,  
 62:13, 63:5, 64:13,  
 69:16, 72:17, 73:6,  
 73:8, 73:16, 74:10,  
 75:1, 75:8, 78:17,  
 87:9, 87:11, 89:1,

89:12, 93:3, 97:13,  
 106:4, 106:5,  
 111:13, 112:14,  
 124:8, 124:11,  
 131:7, 131:9,  
 131:11, 139:16,  
 140:1, 149:1

**Courtyard** <sup>[1]</sup> - 203:9

**courtyard** <sup>[1]</sup> - 132:6

**cover** <sup>[3]</sup> - 77:14,  
 78:4, 240:2

**covered** <sup>[7]</sup> - 179:9,  
 179:12, 192:11,  
 193:11, 193:12,  
 193:15, 193:17

**create** <sup>[9]</sup> - 63:14,  
 116:14, 162:12,  
 227:5, 249:12,  
 252:15, 268:1,  
 277:17, 284:10

**created** <sup>[7]</sup> - 43:1,  
 53:15, 112:9,  
 138:13, 252:16,  
 256:15, 274:18

**creates** <sup>[2]</sup> - 150:11,  
 254:12

**creating** <sup>[8]</sup> - 19:19,  
 178:11, 248:16,  
 249:7, 249:9, 251:3,  
 251:7, 287:13

**creativity** <sup>[1]</sup> - 22:14

**credit** <sup>[1]</sup> - 204:13

**Creighton** <sup>[2]</sup> - 2:15,  
 310:6

**Crescent** <sup>[3]</sup> - 2:8,  
 166:6, 166:18

**criminal** <sup>[1]</sup> - 138:5

**criticisms** <sup>[1]</sup> - 144:8

**cross** <sup>[1]</sup> - 287:14

**crosswalk**  
<sup>[2]</sup> - 287:15, 287:16

**crosswalks**  
<sup>[1]</sup> - 305:2

**crumbling** <sup>[1]</sup> - 262:4

**curb** <sup>[17]</sup> - 16:9,  
 16:12, 30:1, 30:3,  
 278:19, 280:6,  
 280:11, 280:17,  
 281:6, 281:15,  
 284:11, 284:18,  
 285:19, 289:18,  
 306:12, 306:14

**curious** <sup>[1]</sup> - 282:2

**current** [5] - 42:3,  
62:19, 63:9, 215:2,  
241:19  
**custom** [1] - 3:10  
**customers** [2] - 33:7,  
33:12  
**cut** [10] - 278:19,  
280:7, 280:11,  
280:17, 281:6,  
281:15, 284:18,  
289:18, 306:12,  
306:14  
**cuts** [2] - 16:9, 16:13

## D

**D-o-t-t-i-n** [1] - 117:12  
**daily** [2] - 115:6,  
132:4  
**dark** [1] - 91:12  
**data** [1] - 8:4  
**date** [7] - 59:5,  
167:10, 198:6,  
237:1, 237:2, 242:1,  
318:7  
**DAVID** [1] - 50:12  
**David** [1] - 46:13  
**day-to-day** [1] - 156:1  
**days** [10] - 51:12,  
59:7, 59:19, 147:6,  
164:5, 164:7,  
167:12, 210:17,  
219:16, 242:8  
**de** [1] - 269:13  
**dead** [4] - 33:9, 90:17,  
91:9, 236:10  
**deal** [13] - 68:10, 69:5,  
79:4, 85:4, 125:9,  
142:7, 147:18,  
149:4, 151:14,  
156:15, 158:11,  
162:16, 163:5  
**dealing** [5] - 92:1,  
105:16, 137:13,  
238:4, 283:13  
**dealt** [2] - 139:3,  
267:8  
**Dear** [1] - 166:16  
**debate** [1] - 134:13  
**decade** [2] - 202:15,  
264:19  
**decades** [2] - 86:17,  
136:2  
**Decatur** [4] - 2:11,

217:6, 220:12,  
223:2

**decent** <sup>[1]</sup> - 113:9

**decide** <sup>[1]</sup> - 32:4

**decided** <sup>[3]</sup> - 185:16,  
186:4, 212:4

**decision** <sup>[14]</sup> - 23:19,  
59:3, 94:19, 98:6,  
98:8, 102:9, 130:19,  
135:14, 157:4,  
158:5, 167:8, 221:1,  
241:17, 262:17

**decisions** <sup>[2]</sup> - 94:4,  
111:2

**deck** <sup>[9]</sup> - 187:10,  
187:12, 189:3,  
193:9, 193:11,  
193:19, 194:1,  
239:18, 240:3

**decker** <sup>[1]</sup> - 86:6

**decommission**  
<sup>[2]</sup> - 91:2, 114:3

**decommissioned**  
<sup>[1]</sup> - 114:9

**decommissioning**  
<sup>[2]</sup> - 114:10, 115:7

**decorative**  
<sup>[2]</sup> - 258:5, 258:6

**deded** <sup>[1]</sup> - 176:16

**deep** <sup>[1]</sup> - 147:9

**define** <sup>[2]</sup> - 32:12,  
255:17

**defined** <sup>[3]</sup> - 102:5,  
102:11, 278:1

**definition** <sup>[1]</sup> - 300:3

**degree** <sup>[1]</sup> - 36:2

**delay** <sup>[1]</sup> - 266:4

**deliver** <sup>[1]</sup> - 164:1

**delivered**  
<sup>[4]</sup> - 163:19, 243:17,  
244:1, 318:3

**delta** <sup>[2]</sup> - 205:12,  
205:15

**demand** <sup>[1]</sup> - 82:15

**demolished**  
<sup>[3]</sup> - 98:4, 98:5,  
179:13

**demolition** <sup>[1]</sup> - 199:5

**demonstration**  
<sup>[1]</sup> - 225:5

**denial** <sup>[1]</sup> - 170:9

**DENISE** <sup>[11]</sup> - 128:18,  
129:3, 133:10,

134:2, 134:7,  
 134:17, 135:9,  
 135:15, 136:6,  
 138:1, 139:11

**Denise** <sup>[1]</sup> - 129:4

**Dennis** <sup>[1]</sup> - 264:9

**dense** <sup>[1]</sup> - 295:19

**density** <sup>[2]</sup> - 298:18,  
 301:18

**denying** <sup>[1]</sup> - 88:16

**Department**  
<sup>[6]</sup> - 24:9, 199:18,  
 239:9, 242:19,  
 243:19, 318:4

**derogate** <sup>[5]</sup> - 43:6,  
 54:1, 275:5, 308:5,  
 315:14

**derogating**  
<sup>[3]</sup> - 162:6, 197:18,  
 215:16

**describe** <sup>[1]</sup> - 173:11

**described** <sup>[1]</sup> - 125:2

**describes** <sup>[1]</sup> - 114:2

**describing**  
<sup>[2]</sup> - 63:15, 172:13

**description**  
<sup>[6]</sup> - 64:16, 80:9,  
 80:10, 80:14, 80:17,  
 156:6

**Design** <sup>[1]</sup> - 198:5

**design** <sup>[11]</sup> - 4:19,  
 13:19, 16:17, 17:4,  
 17:11, 20:13, 140:7,  
 183:8, 183:10,  
 265:19, 284:3

**designate** <sup>[1]</sup> - 160:6

**designated** <sup>[2]</sup> - 14:4,  
 159:19

**designed** <sup>[6]</sup> - 19:10,  
 140:1, 172:19,  
 185:5, 228:7,  
 307:18

**desirable**  
<sup>[3]</sup> - 219:11, 275:10,  
 315:11

**desire** <sup>[2]</sup> - 147:2,  
 179:1

**desired** <sup>[1]</sup> - 43:17

**desk** <sup>[1]</sup> - 147:10

**desperately**  
<sup>[1]</sup> - 265:12

**detail** <sup>[3]</sup> - 63:15,  
 248:1, 257:15

**detailed** [3] - 80:16,  
183:9, 268:3

**details** [5] - 29:9,  
30:18, 133:2, 258:5,  
258:7

**deteriorating**  
[3] - 247:8, 264:16,  
314:17

**determination**  
[1] - 85:6

**determined** [2] - 39:9,  
199:17

**detriment** [9] - 43:1,  
53:15, 161:17,  
162:5, 197:17,  
215:15, 274:18,  
308:4, 315:12

**detrimental**  
[1] - 302:18

**detriments** [1] - 259:9

**developers**  
[1] - 295:18

**development**  
[16] - 42:17, 62:15,  
63:6, 69:18, 70:5,  
72:15, 77:15, 94:13,  
95:1, 108:11, 126:3,  
131:14, 274:12,  
294:13, 297:1

**Development**  
[2] - 62:13, 198:6

**developments**  
[10] - 71:11, 77:11,  
77:12, 83:19, 87:5,  
87:15, 107:3,  
112:15, 131:10,  
138:11

**devote** [1] - 150:2

**dialogue** [4] - 93:12,  
93:14, 150:16,  
152:16

**diameter** [1] - 286:12

**dictate** [1] - 104:11

**die** [1] - 24:1

**differ** [1] - 80:7

**difference** [7] - 98:2,  
131:8, 224:6,  
250:14, 270:10,  
281:10, 307:5

**different** [18] - 6:17,  
8:5, 17:3, 74:15,  
76:7, 119:13,  
131:11, 142:15,

192:2, 236:14,  
 236:17, 240:16,  
 247:14, 255:1,  
 257:10, 304:2,  
 304:3

**differently** [2] - 86:8,  
 267:16

**difficult** [5] - 10:8,  
 24:12, 38:13, 68:4,  
 79:2

**difficulty** [2] - 67:10,  
 296:2

**dimension**  
 [3] - 17:10, 240:6,  
 240:7

**dimensional**  
 [9] - 59:8, 59:9,  
 143:15, 167:16,  
 167:18, 268:15,  
 272:8, 273:4,  
 273:14

**dimensions**  
 [4] - 39:10, 185:18,  
 239:15, 311:1

**diminishment**  
 [1] - 85:17

**dips** [1] - 251:1

**DIRECT** [1] - 319:17

**direct** [3] - 235:5,  
 236:1, 257:4

**direction** [1] - 12:8

**DIRECTION**  
 [1] - 319:17

**directions** [1] - 12:4

**directly** [4] - 34:2,  
 48:8, 158:14,  
 185:13

**director** [2] - 62:11,  
 62:15

**disabled** [3] - 68:12,  
 105:13, 107:7

**disagree** [3] - 80:2,  
 93:6, 154:3

**disclosure** [1] - 129:6

**discourage**  
 [1] - 177:16

**discrepancy**  
 [3] - 17:6, 17:12,  
 280:10

**discretion**  
 [1] - 147:15

**discuss** [7] - 47:6,  
 64:4, 64:12, 222:3,

222:4, 278:5,  
279:19

**discussed** [2] - 6:9,  
179:7

**discussing** [2] - 4:17,  
182:14

**discussion**  
[7] - 26:16, 67:14,  
141:17, 214:8,  
224:9, 250:15,  
301:7

**discussions**  
[6] - 67:2, 111:12,  
111:15, 111:19,  
177:7, 183:6

**dismissed** [1] - 279:4

**display** [1] - 235:17

**disregard** [1] - 34:4

**disrepair** [1] - 192:17

**disrespectful**  
[1] - 231:1

**disservice**  
[1] - 286:17

**distance** [1] - 20:8

**distinction**  
[3] - 97:14, 98:13,  
254:9

**district** [9] - 43:5,  
43:6, 53:19, 54:1,  
181:10, 181:19,  
203:18, 275:4,  
275:5

**distrust** [2] - 144:4,  
144:5

**disturb** [1] - 151:10

**division** [1] - 164:2

**doable** [1] - 29:11

**doctor** [3] - 119:7,  
119:8, 155:9

**doctor's** [1] - 84:3

**document** [7] - 63:19,  
64:17, 109:15,  
110:2, 110:4,  
272:10

**documents**  
[1] - 172:6

**DOES** [1] - 319:16

**done** [29] - 5:6, 5:8,  
79:5, 81:10, 82:11,  
82:12, 82:13, 101:5,  
103:18, 105:6,  
108:16, 108:19,  
116:7, 143:17,

144:19, 155:8,  
 155:10, 182:13,  
 199:4, 203:11,  
 205:11, 211:19,  
 233:11, 233:18,  
 240:12, 260:17,  
 261:5, 263:16,  
 270:17  
**door** <sup>[14]</sup> - 14:7,  
 91:17, 117:19,  
 118:3, 118:4,  
 122:12, 132:5,  
 183:1, 189:12,  
 191:17, 261:5,  
 294:3  
**doors** <sup>[1]</sup> - 121:1  
**dormer** <sup>[30]</sup> - 249:18,  
 250:4, 250:6,  
 250:13, 250:14,  
 250:15, 251:5,  
 251:12, 251:16,  
 251:18, 251:19,  
 252:2, 252:8, 253:2,  
 254:3, 254:4, 254:9,  
 254:15, 254:17,  
 255:18, 256:3,  
 256:6, 256:8,  
 256:10, 266:18,  
 268:18, 269:9,  
 269:10  
**dormers** <sup>[3]</sup> - 254:19,  
 255:1, 255:3  
**DOTTIN** <sup>[10]</sup> - 117:11,  
 118:15, 119:2,  
 120:2, 120:15,  
 121:10, 121:16,  
 122:5, 122:14,  
 124:6  
**Dottin** <sup>[1]</sup> - 117:11  
**DOTTING** <sup>[1]</sup> - 117:15  
**Doubletree**  
<sup>[4]</sup> - 207:17, 208:1,  
 208:2, 208:4  
**Doug** <sup>[2]</sup> - 19:15,  
 164:11  
**DOUGLAS** <sup>[37]</sup> - 3:19,  
 4:4, 4:14, 5:5, 7:4,  
 9:7, 9:10, 9:17,  
 10:10, 10:13, 13:8,  
 14:16, 15:3, 16:11,  
 16:16, 16:19, 26:6,  
 33:13, 35:6, 37:1,  
 39:12, 39:19, 41:10,

50:6, 60:3, 66:18,  
 114:17, 115:1,  
 146:1, 146:4, 151:7,  
 156:8, 158:3,  
 158:19, 163:13,  
 163:18, 164:5

**Douglas** <sup>[6]</sup> - 1:10,  
 3:6, 4:4, 46:4, 55:5,  
 61:4

**down** <sup>[53]</sup> - 6:18,  
 12:15, 30:13, 56:7,  
 56:11, 65:10, 65:18,  
 68:4, 68:9, 72:1,  
 74:16, 76:10, 76:17,  
 81:15, 82:5, 82:6,  
 83:9, 85:15, 86:5,  
 90:12, 92:12, 95:12,  
 97:1, 99:1, 99:2,  
 100:18, 103:7,  
 117:14, 117:17,  
 117:18, 118:2,  
 123:6, 125:17,  
 126:6, 134:15,  
 142:19, 144:2,  
 154:2, 180:18,  
 181:5, 183:5, 194:3,  
 210:3, 236:7, 249:2,  
 251:1, 261:14,  
 264:3, 279:15,  
 284:14, 288:3,  
 288:15, 311:6

**downstairs** <sup>[2]</sup> - 84:9,  
 122:16

**DPW** <sup>[7]</sup> - 282:15,  
 283:12, 284:2,  
 303:10, 305:18,  
 308:16, 309:2

**draconian**  
<sup>[1]</sup> - 108:19

**draft** <sup>[1]</sup> - 110:3

**drafts** <sup>[1]</sup> - 64:15

**dragging** <sup>[1]</sup> - 87:14

**draining** <sup>[1]</sup> - 21:10

**drains** <sup>[1]</sup> - 284:13

**dramatic** <sup>[3]</sup> - 227:16,  
 227:19, 228:11

**drawers** <sup>[1]</sup> - 147:11

**drawing** <sup>[5]</sup> - 184:3,  
 186:18, 189:5,  
 226:5, 312:12

**drawings**  
<sup>[2]</sup> - 183:16, 226:6

**drawn** <sup>[1]</sup> - 30:2

**draws** <sup>[1]</sup> - 132:10  
**drew** <sup>[2]</sup> - 229:14,  
 281:4  
**drive** <sup>[2]</sup> - 43:11,  
 293:1  
**Drive** <sup>[6]</sup> - 2:9, 201:7,  
 202:3, 203:17,  
 204:1, 216:1  
**driveway**  
<sup>[18]</sup> - 173:16,  
 174:10, 175:13,  
 175:18, 176:3,  
 188:3, 188:13,  
 189:6, 196:2, 262:5,  
 277:17, 279:10,  
 279:11, 279:16,  
 282:11, 292:19,  
 293:6, 294:1  
**driveways** <sup>[1]</sup> - 279:9  
**drop** <sup>[14]</sup> - 6:1, 6:6,  
 6:10, 7:6, 8:9, 9:3,  
 11:8, 14:9, 20:5,  
 35:11, 38:1, 43:18,  
 90:17, 91:8  
**drop-off** <sup>[10]</sup> - 6:1,  
 6:6, 7:6, 8:9, 9:3,  
 11:8, 20:5, 35:11,  
 38:1, 43:18  
**dropping** <sup>[2]</sup> - 14:7,  
 19:18  
**drops** <sup>[2]</sup> - 123:1,  
 303:18  
**drove** <sup>[2]</sup> - 7:8, 184:2  
**dry** <sup>[2]</sup> - 196:9, 196:11  
**dryer** <sup>[1]</sup> - 249:6  
**due** <sup>[1]</sup> - 166:18  
**duly** <sup>[1]</sup> - 155:18  
**Dumas** <sup>[1]</sup> - 62:14  
**dump** <sup>[2]</sup> - 295:7  
**dumpsters** <sup>[1]</sup> - 76:16  
**during** <sup>[14]</sup> - 6:3, 12:2,  
 13:13, 20:4, 35:10,  
 37:19, 39:14, 64:14,  
 67:3, 75:19, 146:11,  
 154:16, 177:5,  
 240:12  
**dwellers** <sup>[1]</sup> - 77:5  
**dwelling** <sup>[3]</sup> - 249:15,  
 264:14, 265:6

## E

**e-mail** <sup>[4]</sup> - 22:11,  
 222:2, 222:5,

223:14  
**e-mails** [1] - 238:8  
**early** [3] - 64:8, 226:2  
**ease** [1] - 115:11  
**easiest** [1] - 12:19  
**easily** [2] - 24:1,  
66:16  
**eave** [5] - 257:13,  
267:3, 270:6,  
272:17, 273:4  
**economy** [1] - 211:18  
**edge** [4] - 20:18, 29:7,  
180:2, 251:10  
**edification** [1] - 71:8  
**edits** [1] - 109:14  
**education** [3] - 91:6,  
106:17, 163:3  
**educational** [1] - 90:6  
**Eerie** [3] - 11:3,  
36:14, 39:4  
**effect** [2] - 35:16,  
162:17  
**effectively** [5] - 35:16,  
47:2, 218:1, 286:15,  
300:7  
**efficacious**  
[1] - 147:8  
**effort** [4] - 92:8,  
146:9, 146:14,  
162:16  
**efforts** [3] - 163:4,  
288:16, 298:17  
**egress** [5] - 42:10,  
249:4, 252:15,  
254:7, 274:7  
**eight** [3] - 9:1, 175:19,  
298:12  
**eight-and-a-half-foo**  
**t** [1] - 175:19  
**eighties** [1] - 70:4  
**either** [16] - 13:16,  
14:3, 39:4, 50:15,  
66:8, 68:15, 75:14,  
89:10, 101:16,  
110:19, 120:17,  
180:18, 181:1,  
189:3, 197:16,  
219:6  
**elderly** [9] - 67:19,  
68:12, 68:18, 77:18,  
77:19, 101:15,  
119:5, 123:9, 125:9  
**element** [1] - 269:8

**elements** <sup>[1]</sup> - 267:4  
**elevation** <sup>[1]</sup> - 248:11  
**elevators** <sup>[3]</sup> - 76:13,  
 76:14, 98:15  
**eleven** <sup>[2]</sup> - 221:7,  
 225:9  
**eliminate** <sup>[4]</sup> - 9:2,  
 41:2, 147:15, 181:6  
**eliminating**  
<sup>[2]</sup> - 35:18, 189:3  
**Ellery** <sup>[4]</sup> - 2:5, 46:7,  
 48:8, 49:10  
**ELLSWORTH**  
<sup>[33]</sup> - 46:10, 51:12,  
 277:10, 279:12,  
 279:18, 282:3,  
 282:8, 283:2, 283:6,  
 283:11, 283:19,  
 284:9, 285:1,  
 285:12, 285:16,  
 286:4, 286:6, 286:9,  
 289:6, 291:19,  
 293:5, 293:10,  
 293:17, 298:4,  
 299:14, 299:19,  
 300:11, 303:9,  
 304:8, 306:5, 306:8,  
 306:13, 309:4  
**Ellsworth** <sup>[3]</sup> - 46:11,  
 277:11, 308:11  
**embodied** <sup>[1]</sup> - 23:18  
**emergency**  
<sup>[1]</sup> - 98:19  
**employee's**  
<sup>[1]</sup> - 147:13  
**empty** <sup>[1]</sup> - 39:16  
**enable** <sup>[1]</sup> - 265:12  
**enclose** <sup>[1]</sup> - 315:3  
**enclosed** <sup>[4]</sup> - 179:12,  
 193:15, 193:16,  
 313:9  
**encompassing**  
<sup>[1]</sup> - 248:15  
**encounter** <sup>[1]</sup> - 12:12  
**encourage** <sup>[3]</sup> - 9:13,  
 40:13, 43:10  
**encouraged**  
<sup>[1]</sup> - 48:19  
**end** <sup>[5]</sup> - 81:13,  
 110:12, 215:18,  
 263:16, 272:9  
**ends** <sup>[1]</sup> - 81:17  
**enforce** <sup>[1]</sup> - 265:2

**enforced** <sup>[1]</sup> - 24:12

**enforcement**

<sup>[5]</sup> - 161:11, 197:1,  
214:17, 307:11,  
314:13

**engage** <sup>[1]</sup> - 141:4

**engagement**

<sup>[1]</sup> - 182:13

**English** <sup>[1]</sup> - 277:13

**ENGLISH**

<sup>[20]</sup> - 280:18, 281:2,  
285:9, 286:2,  
287:18, 288:4,  
288:11, 288:19,  
290:4, 290:9,  
291:11, 294:4,  
296:7, 297:6,  
297:12, 298:8,  
299:3, 303:13,  
306:15, 307:1

**enhance** <sup>[1]</sup> - 192:8

**enjoy** <sup>[2]</sup> - 141:3,

210:2

**enormous** <sup>[2]</sup> - 87:10,

302:18

**enrollment** <sup>[2]</sup> - 5:19,

7:10

**ensuing** <sup>[1]</sup> - 176:19

**enter** <sup>[1]</sup> - 94:9

**enthusiastic**

<sup>[1]</sup> - 200:11

**entire** <sup>[3]</sup> - 179:19,

180:2, 253:17

**entirely** <sup>[1]</sup> - 149:3

**entitled** <sup>[2]</sup> - 34:3,

133:19

**entrance** <sup>[1]</sup> - 175:9

**entrenched** <sup>[1]</sup> - 77:9

**entry** <sup>[1]</sup> - 20:12

**entryway** <sup>[1]</sup> - 185:1

**envelope** <sup>[1]</sup> - 187:17

**environment**

<sup>[2]</sup> - 6:18, 23:2

**equal** <sup>[1]</sup> - 138:14

**equation** <sup>[1]</sup> - 40:16

**ERRATA** <sup>[1]</sup> - 318:1

**Errata** <sup>[2]</sup> - 318:2,

318:7

**erroneous**

<sup>[2]</sup> - 220:19, 221:1

**especially** <sup>[1]</sup> - 74:8

**essence** <sup>[1]</sup> - 303:11

**essentially**

[2] - 39:16, 205:15

**establish** [1] - 176:6

**established**

[3] - 42:11, 53:10,  
274:9

**estate** [3] - 179:10,  
179:14, 265:2

**estimate** [1] - 230:7

**evaluating** [1] - 34:6

**evening** [13] - 3:18,  
4:1, 12:1, 12:11,  
46:10, 128:19,  
129:2, 201:11,  
201:13, 246:10,  
260:2, 260:5,  
277:10

**event** [1] - 159:15

**eventually** [4] - 64:17,

183:7, 226:17,  
282:11

**everyday** [2] - 33:8,

125:18

**everywhere**

[1] - 311:13

**evicted** [1] - 119:18

**evident** [1] - 22:15

**evolves** [1] - 15:13

**exacerbate**

[1] - 286:18

**exacerbates**

[1] - 287:6

**exact** [4] - 49:2,

95:15, 235:11

**exactly** [9] - 20:6,

86:17, 180:19,

199:6, 239:13,

240:3, 249:2,

292:13, 311:2

**example** [6] - 10:9,

69:16, 107:1, 135:8,

135:10, 255:11

**examples**

[4] - 105:18, 254:19,

255:3, 255:4

**exceeds** [2] - 210:9,

215:12

**Except** [1] - 308:12

**except** [5] - 39:16,

251:17, 275:17,

307:16, 318:16

**exception** [2] - 44:15,

210:2

**excess** [2] - 151:7,

181:14  
**excessively**  
 [1] - 105:4  
**exchange** [1] - 204:4  
**excited** [2] - 49:16,  
 50:16  
**exclusive**  
 [2] - 186:12, 287:3  
**excuse** [8] - 5:2,  
 73:18, 80:3, 126:2,  
 219:13, 226:12,  
 226:13, 235:10  
**Excuse** [1] - 59:18  
**exercise** [2] - 87:9,  
 305:10  
**existing** [22] - 13:15,  
 17:13, 172:3,  
 179:12, 187:18,  
 198:15, 198:16,  
 205:4, 210:9,  
 225:11, 247:12,  
 248:10, 249:10,  
 250:16, 254:13,  
 257:16, 264:13,  
 267:15, 271:4,  
 286:10, 311:4,  
 311:14  
**exists** [2] - 80:1,  
 216:3  
**exit** [3] - 206:18,  
 249:7, 249:12  
**expand** [1] - 176:13  
**expansion**  
 [4] - 177:9, 177:13,  
 179:2, 179:5  
**expansions**  
 [1] - 177:16  
**expect** [3] - 6:9,  
 87:18, 178:7  
**expected** [1] - 106:18  
**expecting**  
 [1] - 121:11  
**experience** [9] - 6:11,  
 10:19, 16:4, 86:16,  
 86:17, 127:18,  
 224:5, 234:7,  
 240:13  
**experienced**  
 [2] - 152:4, 293:13  
**Expires** [1] - 319:13  
**explain** [1] - 219:18  
**explained** [5] - 49:2,  
 219:17, 222:9,

233:10, 233:12  
**explains** [1] - 19:16  
**explicit** [1] - 113:18  
**express** [6] - 34:3,  
 95:6, 191:19,  
 194:16, 267:10,  
 299:18  
**expressed**  
 [7] - 49:19, 50:14,  
 52:6, 78:18, 195:11,  
 199:13, 209:4  
**expresses** [1] - 271:5  
**extended** [1] - 282:12  
**extension**  
 [1] - 239:18  
**extensive** [2] - 5:6,  
 285:7  
**extent** [9] - 27:5,  
 126:8, 163:1,  
 167:14, 199:16,  
 238:10, 276:2,  
 284:2, 308:16  
**exterior** [2] - 95:17,  
 265:16  
**external** [1] - 208:15  
**extra** [6] - 127:15,  
 146:9, 149:4,  
 154:16, 178:10,  
 295:3  
**extraordinarily**  
 [2] - 129:7, 131:15  
**extraordinary**  
 [3] - 84:5, 129:12,  
 131:2  
**extremely** [4] - 22:12,  
 71:2, 83:11, 291:6  
**eye** [1] - 108:16  
**eyesore** [2] - 264:17,  
 275:9

## F

**facade** [4] - 192:8,  
 192:14, 198:15,  
 209:16  
**face** [3] - 48:18,  
 49:12, 104:15  
**faces** [1] - 206:15  
**facilitate** [1] - 11:9  
**facility** [4] - 36:6,  
 68:16, 89:5, 162:14  
**facing** [1] - 206:13  
**fact** [27] - 8:14, 77:13,  
 90:4, 111:19,

113:19, 132:16,  
 143:18, 144:8,  
 161:19, 190:13,  
 197:5, 197:6, 215:7,  
 227:10, 227:19,  
 238:2, 254:11,  
 255:12, 274:14,  
 278:15, 279:7,  
 284:3, 294:10,  
 294:12, 300:19,  
 301:19, 315:8

**factored** <sup>[1]</sup> - 178:19

**facts** <sup>[2]</sup> - 170:10,  
 221:3

**fair** <sup>[5]</sup> - 24:6, 81:10,  
 146:17, 193:5,  
 236:9

**fairly** <sup>[6]</sup> - 5:12, 8:5,  
 126:4, 178:18,  
 179:6, 286:10

**Fairmont** <sup>[4]</sup> - 2:4,  
 61:6, 61:15, 161:10

**faith** <sup>[3]</sup> - 99:19,  
 119:10

**fake** <sup>[1]</sup> - 272:17

**faked** <sup>[1]</sup> - 266:19

**fall** <sup>[1]</sup> - 180:17

**fallacy** <sup>[1]</sup> - 222:6

**falling** <sup>[1]</sup> - 262:4

**false** <sup>[4]</sup> - 267:3,  
 267:6, 269:8, 270:5

**families** <sup>[2]</sup> - 25:3,  
 265:13

**family** <sup>[24]</sup> - 50:17,  
 63:5, 69:18, 70:15,  
 70:16, 77:14, 77:16,  
 87:6, 119:3, 125:10,  
 125:13, 127:16,  
 143:11, 143:12,  
 176:13, 202:7,  
 247:12, 247:15,  
 247:17, 264:13,  
 265:6, 275:11

**Family** <sup>[1]</sup> - 310:11

**FAR** <sup>[6]</sup> - 172:2,  
 181:9, 181:18,  
 182:7, 313:8

**far** <sup>[5]</sup> - 19:3, 110:10,  
 128:1, 205:3, 291:6

**father** <sup>[1]</sup> - 85:14

**favor** <sup>[30]</sup> - 37:3,  
 45:12, 45:16, 54:13,  
 54:17, 59:15,

117:15, 164:17,  
165:2, 168:1, 168:5,  
170:12, 170:16,  
200:2, 200:6,  
216:14, 216:17,  
244:3, 244:7, 276:7,  
276:11, 278:10,  
278:12, 302:5,  
304:4, 309:6,  
309:10, 309:15,  
316:19, 317:4

**Fax** <sup>[1]</sup> - 1:18

**feature** <sup>[1]</sup> - 30:18

**features** <sup>[1]</sup> - 178:12

**February** <sup>[4]</sup> - 62:17,  
64:11, 183:8, 225:9

**fee** <sup>[1]</sup> - 124:18

**feedback** <sup>[3]</sup> - 160:15,  
256:18, 258:12

**fees** <sup>[1]</sup> - 233:6

**feet** <sup>[56]</sup> - 23:1, 23:2,  
23:3, 23:4, 23:9,  
23:12, 27:8, 27:18,  
28:2, 29:8, 29:9,  
30:2, 30:3, 30:4,  
30:8, 44:16, 45:3,  
45:5, 45:7, 54:7,  
139:7, 174:12,  
174:14, 175:14,  
180:2, 180:3, 180:4,  
191:15, 205:15,  
205:19, 206:1,  
206:5, 206:6, 206:8,  
210:7, 210:10,  
223:12, 226:10,  
229:12, 229:19,  
230:2, 245:4,  
248:15, 252:9,  
252:19, 253:12,  
292:5, 292:12,  
293:1, 293:7,  
293:13, 300:5,  
306:9

**fell** <sup>[1]</sup> - 256:8

**fellow** <sup>[2]</sup> - 16:1,  
145:16

**felt** <sup>[3]</sup> - 234:10,  
286:13, 298:3

**fence** <sup>[5]</sup> - 188:17,  
188:19, 189:17,  
190:4, 190:7

**Fenway** <sup>[3]</sup> - 202:6,  
202:7, 202:10

**Fern** [3] - 298:11,  
 298:12, 298:14  
**few** [9] - 51:12, 70:7,  
 110:7, 126:2, 126:6,  
 129:8, 191:15,  
 203:11, 229:11  
**fewer** [1] - 37:18  
**fighting** [1] - 141:8  
**figure** [2] - 193:17,  
 255:19  
**figures** [1] - 25:4  
**file** [18] - 25:19, 52:16,  
 54:12, 56:18, 164:1,  
 164:3, 167:18,  
 195:9, 213:16,  
 216:12, 233:6,  
 239:8, 242:18,  
 243:18, 268:6,  
 292:17, 312:14,  
 314:6  
**filed** [3] - 19:1,  
 221:13, 234:15  
**files** [11] - 21:17,  
 33:16, 52:7, 59:10,  
 99:17, 167:16,  
 183:14, 242:14,  
 266:7, 283:1, 283:5  
**filing** [2] - 8:16, 244:2  
**fill** [1] - 96:7  
**filled** [1] - 126:4  
**final** [10] - 17:14,  
 18:8, 26:5, 195:16,  
 198:10, 214:3,  
 223:7, 266:8,  
 316:10  
**finalize** [1] - 30:6  
**finalized** [2] - 21:6,  
 21:7  
**finalizing** [1] - 285:2  
**finally** [2] - 212:4,  
 242:11  
**financial** [1] - 15:16  
**findings** [16] - 42:5,  
 44:2, 53:2, 54:3,  
 161:7, 163:10,  
 164:10, 196:18,  
 198:1, 214:15,  
 216:5, 273:19,  
 307:9, 308:7,  
 314:11, 316:2  
**fine** [4] - 115:15,  
 219:11, 223:13,  
 262:16

**finish** [1] - 103:15  
**finished** [2] - 115:19,  
183:9  
**finishes** [1] - 212:11  
**finishing** [1] - 177:2  
**fire** [1] - 139:7  
**first** [44] - 3:14, 17:5,  
24:19, 49:10, 56:4,  
57:2, 65:19, 110:3,  
164:15, 173:4,  
175:9, 176:18,  
177:8, 178:9,  
186:18, 198:7,  
201:19, 211:3,  
211:14, 231:18,  
232:9, 233:2,  
235:12, 235:14,  
243:4, 243:5,  
243:14, 243:15,  
244:12, 244:13,  
248:2, 249:3, 250:6,  
250:17, 250:19,  
251:7, 251:11,  
254:8, 254:14,  
255:5, 279:2,  
296:16, 313:7  
**fit** [2] - 254:3, 281:13  
**fits** [2] - 209:17,  
310:17  
**fitting** [1] - 208:6  
**five** [35] - 8:9, 12:1,  
13:11, 14:19, 23:1,  
23:3, 27:8, 29:8,  
29:9, 30:3, 30:8,  
37:11, 44:16, 45:3,  
45:4, 45:7, 45:15,  
54:16, 56:18, 59:10,  
124:1, 165:1,  
167:19, 168:4,  
170:15, 200:12,  
216:16, 218:17,  
236:18, 239:4,  
242:14, 243:16,  
244:6, 276:10,  
317:3  
**fixing** [1] - 263:15  
**flag** [2] - 78:7, 203:9  
**fleshed** [2] - 133:3,  
133:12  
**flexibility** [1] - 15:5  
**flights** [2] - 85:15,  
148:7  
**flip** [1] - 250:2

**floor** <sup>[47]</sup> - 8:13,  
 49:10, 65:19, 68:1,  
 68:16, 74:7, 74:11,  
 74:14, 81:15, 86:5,  
 100:18, 121:13,  
 121:17, 122:16,  
 123:5, 125:17,  
 171:10, 173:4,  
 173:5, 175:10,  
 176:18, 176:19,  
 178:13, 192:13,  
 211:3, 211:15,  
 247:4, 248:2, 248:4,  
 248:7, 249:4, 249:6,  
 251:8, 252:15,  
 252:18, 253:5,  
 253:9, 253:14,  
 254:1, 254:6, 254:8,  
 254:15, 255:14,  
 256:14, 270:16,  
 310:13

**floors** <sup>[3]</sup> - 74:9,  
 148:8, 254:5

**Florida** <sup>[1]</sup> - 145:10

**flow** <sup>[1]</sup> - 191:11

**flu** <sup>[1]</sup> - 223:2

**fluid** <sup>[1]</sup> - 118:9

**flush** <sup>[2]</sup> - 254:13,  
 268:2

**fly** <sup>[1]</sup> - 27:2

**focussed** <sup>[1]</sup> - 177:18

**folks** <sup>[25]</sup> - 10:14,  
 70:2, 70:7, 70:13,  
 70:16, 85:19, 87:14,  
 87:16, 92:5, 94:16,  
 94:17, 100:7, 108:5,  
 108:17, 109:3,  
 112:15, 120:9,  
 132:8, 133:17,  
 143:19, 144:7,  
 160:10, 272:13,  
 273:17

**follow** <sup>[4]</sup> - 36:7,  
 224:11, 272:14,  
 276:5

**followed** <sup>[2]</sup> - 101:8,  
 234:12

**following** <sup>[10]</sup> - 42:5,  
 53:2, 59:1, 161:7,  
 196:18, 214:15,  
 241:15, 273:19,  
 307:8, 314:11

**foment** <sup>[1]</sup> - 148:1

**foot** <sup>[9]</sup> - 27:15, 63:3,  
173:17, 175:11,  
175:17, 175:18,  
175:19, 249:10,  
253:16

**footage** <sup>[1]</sup> - 311:3

**footings** <sup>[2]</sup> - 180:13,  
181:1

**FOR** <sup>[1]</sup> - 1:2

**forced** <sup>[1]</sup> - 69:7

**FOREGOING**

<sup>[1]</sup> - 319:16

**foregoing** <sup>[1]</sup> - 318:15

**Forest** <sup>[1]</sup> - 5:15

**forget** <sup>[1]</sup> - 92:12

**form** <sup>[9]</sup> - 120:4,  
163:14, 167:17,  
167:18, 208:19,  
272:8, 272:9, 273:5,  
273:15

**formal** <sup>[2]</sup> - 62:5, 64:7

**former** <sup>[1]</sup> - 265:1

**formerly** <sup>[1]</sup> - 247:17

**forms** <sup>[1]</sup> - 59:9

**forth** <sup>[5]</sup> - 21:8, 48:5,  
141:8, 186:3, 319:6

**fortunate** <sup>[1]</sup> - 65:8

**fortunately** <sup>[1]</sup> - 77:11

**forward** <sup>[15]</sup> - 16:2,  
58:4, 58:7, 61:12,  
88:12, 93:13, 94:14,  
97:10, 185:1,  
217:14, 219:10,  
257:19, 275:8,  
308:14

**fought** <sup>[1]</sup> - 142:13

**foundation**

<sup>[1]</sup> - 180:11

**four** <sup>[17]</sup> - 7:16, 8:5,

8:12, 17:2, 64:7,  
76:12, 98:14,  
119:13, 136:2,  
148:7, 200:5,  
200:10, 208:4,  
245:4, 302:12,  
309:9, 309:14

**four-story** <sup>[2]</sup> - 76:12,  
98:14

**fourth** <sup>[3]</sup> - 81:15,

122:16, 123:5

**frame** <sup>[6]</sup> - 41:5, 75:5,

159:17, 202:10,  
202:14, 202:16

**framing** [1] - 180:14  
**Francis** [1] - 4:7  
**frank** [3] - 104:10,  
 111:12, 111:14  
**frankly** [6] - 80:5,  
 99:6, 104:3, 203:11,  
 206:12, 271:12  
**free** [2] - 62:4, 107:2  
**freedom** [2] - 141:3,  
 141:4  
**Friday** [1] - 47:11  
**friends** [3] - 176:10,  
 232:10, 232:12  
**friggin'** [1] - 96:9  
**frivolous** [1] - 147:15  
**FROM** [4] - 61:10,  
 61:14, 61:19,  
 217:10  
**front** [53] - 5:1, 50:7,  
 122:15, 123:3,  
 143:13, 175:9,  
 179:9, 179:15,  
 179:16, 179:18,  
 179:19, 180:2,  
 180:7, 180:12,  
 180:14, 184:16,  
 185:12, 192:11,  
 193:1, 194:1,  
 203:15, 204:7,  
 211:12, 212:1,  
 222:4, 234:3, 250:5,  
 269:5, 278:6, 279:3,  
 279:6, 279:9,  
 279:10, 287:2,  
 289:5, 290:2,  
 290:13, 290:14,  
 291:15, 292:18,  
 294:3, 300:6, 301:3,  
 301:9, 301:13,  
 302:4, 302:6,  
 306:10, 307:16,  
 307:17, 308:19  
**full** [6] - 129:6,  
 159:18, 194:17,  
 278:1, 289:16,  
 293:12  
**full-size** [2] - 278:1,  
 289:16  
**fully** [8] - 19:10, 67:4,  
 77:8, 78:2, 114:8,  
 228:18, 249:14,  
 265:19  
**fumes** [2] - 118:9

**function** [2] - 19:13,  
32:10

**functional**  
[1] - 114:18

**functionality**  
[2] - 192:7, 266:1

**functionally**  
[2] - 21:4, 207:4

**functions** [1] - 21:3

**fundamental**  
[3] - 102:18, 103:14,  
106:6

**funny** [2] - 204:15,  
269:11

**furthermore**  
[1] - 265:4

**future** [3] - 32:19,  
39:9, 106:14

**FYI** [1] - 132:7

## G

**G-a-t-z-S-c-h-o-e-n**  
[1] - 171:17

**gable** [1] - 266:19

**gained** [1] - 134:14

**game** [2] - 131:18,  
258:10

**garage** [4] - 9:14,  
36:15, 39:5, 279:11

**garages** [1] - 43:13

**garbage** [1] - 148:8

**Garden** [1] - 65:6

**garden** [2] - 193:1,  
248:2

**Gardens** [11] - 65:9,  
72:18, 73:12, 88:3,  
95:13, 95:18, 96:5,  
97:15, 98:3, 117:18

**GATZ** [6] - 171:16,  
174:15, 176:1,  
180:6, 187:18,  
190:3

**Gatz** [1] - 171:16

**GATZ-SCHOEN**  
[6] - 171:16, 174:15,  
176:1, 180:6,  
187:18, 190:3

**Gatz-Schoen**  
[1] - 171:16

**Gena** [1] - 194:11

**GENA** [1] - 194:11

**GENERAL** [1] - 1:3

**general** [4] - 89:5,

102:3, 144:4,  
294:14

**generalities**  
[1] - 135:13

**generated** [6] - 13:2,  
42:9, 274:6, 282:18,  
283:3, 283:7

**gentleman** [2] - 50:2,  
177:11

**GFA** [2] - 47:1, 54:7

**given** [4] - 6:14,  
57:10, 80:4, 133:14

**gloves** [1] - 124:14

**goal** [1] - 110:13

**God** [3] - 118:5,  
122:3, 271:18

**gonna** [12] - 10:18,  
119:11, 123:8,  
123:12, 141:18,  
144:1, 222:17,  
223:11, 223:12,  
229:15, 295:17

**GOODING**  
[6] - 107:13, 125:7,  
127:5, 127:10,  
127:17, 128:5

**Gooding** [1] - 62:12

**goodness** [1] - 290:8

**Gourley** [1] - 194:12

**GOURLEYSTONEH**  
**OUSE** [1] - 194:12

**grand** [2] - 185:5,  
185:6

**grant** [19] - 15:11,  
16:2, 18:7, 44:4,  
54:4, 56:15, 89:2,  
164:12, 181:19,  
198:2, 216:5,  
228:15, 235:16,  
275:14, 278:13,  
292:7, 308:8, 316:3

**granted** [14] - 42:15,  
45:16, 46:15, 105:3,  
162:4, 165:2,  
197:15, 215:14,  
216:17, 276:11,  
280:7, 284:16,  
308:3, 315:12

**granting** [9] - 27:4,  
45:12, 54:13,  
164:17, 200:2,  
276:7, 297:2, 309:6,  
316:19

**great** <sup>[10]</sup> - 33:3, 79:4,  
79:7, 94:7, 108:12,  
108:13, 108:15,  
137:3, 223:13,  
238:10

**greater** <sup>[1]</sup> - 206:5

**greatly** <sup>[2]</sup> - 69:2,  
143:18

**GREEN** <sup>[65]</sup> - 33:4,  
37:12, 37:17, 41:15,  
44:18, 45:4, 73:3,  
73:7, 73:11, 79:9,  
80:13, 82:17, 83:2,  
93:14, 93:18, 109:6,  
109:12, 110:6,  
110:9, 117:3, 124:4,  
126:15, 127:2,  
127:6, 127:12,  
128:3, 150:6, 151:1,  
151:11, 151:19,  
152:2, 152:12,  
153:14, 153:19,  
154:4, 154:7, 159:3,  
159:7, 160:2, 161:3,  
186:15, 187:2,  
187:4, 188:12,  
188:16, 189:10,  
189:19, 190:7,  
190:10, 190:16,  
196:9, 196:11,  
209:8, 214:11,  
229:11, 229:18,  
237:12, 237:14,  
238:12, 243:9,  
273:9, 288:17,  
291:10, 301:15,  
304:16

**green** <sup>[15]</sup> - 19:5,  
29:14, 32:5, 39:6,  
173:8, 175:3, 184:4,  
187:5, 187:14,  
187:19, 188:4,  
188:12, 190:5,  
192:15, 203:19

**Green** <sup>[23]</sup> - 1:10, 3:6,  
45:17, 55:4, 61:4,  
62:8, 165:3, 166:4,  
168:7, 169:4,  
170:18, 171:4,  
200:14, 201:4,  
216:19, 217:4,  
244:9, 246:4,  
276:13, 277:4,

309:11, 310:4,  
317:6

**greenery** <sup>[9]</sup> - 20:17,  
21:7, 31:8, 31:15,  
32:2, 39:6, 39:8,  
44:11, 44:17

**greenhouse**  
<sup>[6]</sup> - 310:14, 311:19,  
312:2, 315:4, 315:8,  
315:19

**GREY** <sup>[3]</sup> - 260:2,  
260:6, 260:12

**Grey** <sup>[1]</sup> - 260:6

**gritty** <sup>[1]</sup> - 25:1

**groceries** <sup>[1]</sup> - 84:3

**gross** <sup>[2]</sup> - 247:4,  
256:14

**GROSZMANN**  
<sup>[17]</sup> - 220:11,  
220:16, 221:15,  
222:1, 224:19,  
225:6, 225:14,  
225:18, 229:13,  
230:1, 230:6,  
231:15, 235:7,  
237:17, 238:7,  
242:3, 242:5

**Groszmann**  
<sup>[2]</sup> - 220:12, 220:17

**ground** <sup>[1]</sup> - 249:2

**grounds** <sup>[1]</sup> - 305:16

**group** <sup>[2]</sup> - 91:15,  
120:11

**grow** <sup>[3]</sup> - 23:4, 27:16,  
27:17

**growing** <sup>[1]</sup> - 176:14

**grown** <sup>[1]</sup> - 301:19

**guarantee** <sup>[1]</sup> - 38:13

**guess** <sup>[11]</sup> - 76:18,  
106:11, 113:5,  
116:6, 116:11,  
184:12, 251:15,  
267:14, 287:17,  
297:12, 303:2

**guest** <sup>[1]</sup> - 212:14

**guidance** <sup>[1]</sup> - 233:2

**guidebook** <sup>[2]</sup> - 12:6

**guideline** <sup>[1]</sup> - 252:2

**guidelines**  
<sup>[10]</sup> - 249:18, 250:7,  
251:17, 252:9,  
254:18, 255:19,  
256:6, 256:10,

268:19, 269:9  
**guru** <sup>[1]</sup> - 160:7  
**Gus** <sup>[1]</sup> - 270:2  
**Gus's** <sup>[1]</sup> - 266:17  
**guys** <sup>[4]</sup> - 56:15,  
 57:11, 94:14,  
 143:18

## H

**half** <sup>[12]</sup> - 28:7, 90:11,  
 90:12, 155:16,  
 175:17, 175:19,  
 176:15, 233:16,  
 249:10, 292:5,  
 292:12, 292:19  
**hall** <sup>[1]</sup> - 100:19  
**hallway** <sup>[5]</sup> - 95:16,  
 96:6, 123:4, 124:13,  
 140:4  
**hallways** <sup>[4]</sup> - 87:16,  
 123:1, 124:5,  
 124:10  
**halo** <sup>[1]</sup> - 208:16  
**Hamilton** <sup>[7]</sup> - 2:3,  
 3:15, 4:18, 11:14,  
 11:15, 11:19, 13:11  
**HAMMER** <sup>[1]</sup> - 38:5  
**Hammer** <sup>[5]</sup> - 1:11,  
 3:6, 45:18, 61:4,  
 165:4  
**Hampshire** <sup>[1]</sup> - 37:15  
**hand** <sup>[3]</sup> - 47:12, 87:8,  
 319:8  
**handicapped**  
<sup>[1]</sup> - 122:18  
**handled** <sup>[1]</sup> - 147:14  
**handling** <sup>[1]</sup> - 153:7  
**hands** <sup>[1]</sup> - 5:12  
**HANNON**  
<sup>[3]</sup> - 139:15, 139:16,  
 139:19  
**Hannon** <sup>[1]</sup> - 139:16  
**happy** <sup>[4]</sup> - 260:19,  
 261:4, 261:10  
**harder** <sup>[2]</sup> - 207:4,  
 207:5  
**hardship**  
<sup>[26]</sup> - 161:13,  
 161:19, 176:7,  
 176:8, 197:3, 197:5,  
 214:19, 215:7,  
 229:1, 229:3, 229:5,  
 229:8, 300:3,

301:16, 301:17,  
 307:13, 307:14,  
 307:19, 311:4,  
 314:15, 314:16,  
 315:6

**hardwoods**

[1] - 212:15

**harm** [2] - 109:1,  
 262:18

**harmful** [1] - 135:4

**Harvard** [1] - 129:4

**Harvey** [2] - 2:6, 55:7

**hazard** [6] - 42:11,  
 42:19, 53:9, 53:14,  
 274:8, 274:17

**head** [4] - 70:1, 70:3,  
 70:6, 80:1

**headed** [1] - 69:19

**health** [7] - 43:1,  
 53:15, 88:5, 89:4,  
 95:1, 161:16,  
 274:18

**healthier** [1] - 94:13

**healthy** [1] - 303:15

**hear** [17] - 5:3, 5:4,  
 15:18, 95:19, 104:5,  
 110:7, 111:6, 111:7,  
 132:15, 136:13,  
 147:2, 151:2, 219:3,  
 242:9, 251:14,  
 259:12, 278:9

**heard** [41] - 3:17,  
 4:16, 25:14, 46:9,  
 52:11, 52:15, 55:9,  
 55:11, 58:19, 61:9,  
 115:17, 128:16,  
 128:17, 140:3,  
 166:9, 166:12,  
 167:6, 169:8,  
 169:12, 170:4,  
 171:8, 191:4, 194:4,  
 194:9, 201:9,  
 213:12, 213:15,  
 217:9, 217:11,  
 218:16, 238:2,  
 240:18, 241:14,  
 246:9, 260:1,  
 261:15, 264:4,  
 277:9, 313:7

**hearing** [10] - 55:15,  
 56:16, 61:12, 62:3,  
 80:6, 104:3, 106:8,  
 240:12, 243:11,

319:6  
**HEARING** <sup>[1]</sup> - 1:3  
**heartfelt** <sup>[1]</sup> - 300:18  
**heat** <sup>[2]</sup> - 137:14,  
 137:15  
**heavily** <sup>[1]</sup> - 177:15  
**heavy** <sup>[1]</sup> - 177:5  
**hedge** <sup>[8]</sup> - 23:4,  
 27:16, 27:17, 31:1,  
 31:3, 31:6, 31:9,  
 31:10  
**hedges** <sup>[1]</sup> - 190:6  
**height** <sup>[4]</sup> - 209:18,  
 210:1, 210:2, 254:1  
**held** <sup>[2]</sup> - 64:3, 139:7  
**hello** <sup>[1]</sup> - 191:5  
**help** <sup>[28]</sup> - 26:12,  
 69:6, 70:18, 71:4,  
 72:4, 80:19, 81:6,  
 103:10, 111:4,  
 112:18, 117:5,  
 120:6, 121:13,  
 122:6, 123:14,  
 125:11, 125:14,  
 125:15, 127:15,  
 127:19, 134:10,  
 137:2, 146:9,  
 148:12, 148:13,  
 154:16, 163:5,  
 294:18  
**helpful** <sup>[2]</sup> - 45:11,  
 307:2  
**helping** <sup>[2]</sup> - 82:1,  
 100:8  
**helps** <sup>[1]</sup> - 300:10  
**Heng** <sup>[1]</sup> - 170:2  
**Heng-Jin** <sup>[1]</sup> - 170:2  
**hereby** <sup>[1]</sup> - 318:17  
**herein** <sup>[1]</sup> - 319:6  
**hereunto** <sup>[1]</sup> - 319:8  
**hesitate** <sup>[2]</sup> - 209:10,  
 266:5  
**hi** <sup>[4]</sup> - 96:3, 224:3,  
 261:16, 262:11  
**high** <sup>[4]</sup> - 226:5,  
 226:6, 278:13,  
 298:18  
**higher** <sup>[4]</sup> - 7:11,  
 74:9, 74:12, 74:14  
**hire** <sup>[2]</sup> - 116:15,  
 281:5  
**hired** <sup>[2]</sup> - 152:8,  
 222:11

**hiring** <sup>[1]</sup> - 116:8  
**Historical** <sup>[3]</sup> - 257:5,  
 265:15, 271:1  
**historical** <sup>[1]</sup> - 257:7  
**history** <sup>[3]</sup> - 172:14,  
 280:3, 280:4  
**hits** <sup>[1]</sup> - 226:11  
**hold** <sup>[2]</sup> - 124:15,  
 268:11  
**holding** <sup>[2]</sup> - 47:19,  
 130:2  
**hole** <sup>[2]</sup> - 96:9, 218:7  
**home** <sup>[7]</sup> - 70:17,  
 78:1, 85:13, 112:13,  
 120:18, 193:3,  
 264:17  
**homeowner**  
<sup>[2]</sup> - 232:18, 287:4  
**homes** <sup>[1]</sup> - 108:18  
**honest** <sup>[6]</sup> - 75:11,  
 107:15, 184:12,  
 227:7, 227:9  
**honestly** <sup>[2]</sup> - 85:3,  
 229:14  
**hope** <sup>[6]</sup> - 26:7, 64:18,  
 266:8, 282:17,  
 300:1, 313:11  
**HOPE** <sup>[19]</sup> - 246:10,  
 247:2, 249:1, 250:1,  
 250:10, 252:5,  
 253:13, 253:18,  
 255:9, 258:1, 258:6,  
 266:9, 267:12,  
 267:18, 268:7,  
 269:3, 269:12,  
 270:3, 271:13  
**Hope** <sup>[2]</sup> - 246:12  
**hoped** <sup>[1]</sup> - 133:15  
**hopefully** <sup>[3]</sup> - 13:14,  
 263:15, 263:17  
**hoping** <sup>[3]</sup> - 210:15,  
 260:14, 284:15  
**Horizon** <sup>[1]</sup> - 5:14  
**Horrace** <sup>[1]</sup> - 49:9  
**horrendous**  
<sup>[1]</sup> - 302:17  
**hotel** <sup>[15]</sup> - 202:2,  
 202:9, 203:7,  
 203:10, 203:13,  
 203:15, 204:7,  
 206:14, 206:17,  
 208:1, 211:1,  
 211:13, 212:6,

212:10, 215:1  
**Hotel** [2] - 202:13,  
 203:5  
**hotels** [2] - 210:1,  
 212:18  
**hour** [5] - 12:1, 13:2,  
 82:3, 84:17, 155:16  
**hours** [7] - 6:3, 6:6,  
 20:5, 35:12, 71:18,  
 82:4, 157:9  
**house** [61] - 47:19,  
 49:1, 49:6, 51:7,  
 66:7, 68:5, 72:16,  
 73:4, 73:15, 74:16,  
 74:19, 79:7, 98:8,  
 98:10, 106:19,  
 107:10, 117:18,  
 129:10, 131:13,  
 131:17, 136:8,  
 140:2, 161:15,  
 162:2, 162:12,  
 163:7, 173:3, 173:7,  
 175:2, 175:15,  
 192:9, 212:19,  
 219:19, 221:8,  
 225:11, 226:10,  
 226:18, 235:7,  
 262:1, 262:14,  
 263:1, 263:3, 279:3,  
 281:6, 286:11,  
 291:4, 291:5, 292:6,  
 292:11, 294:5,  
 297:14, 299:8,  
 299:11, 300:4,  
 300:6, 310:13,  
 310:18, 311:6  
**household** [4] - 66:9,  
 70:2, 70:3, 70:6  
**households**  
 [3] - 70:1, 77:16,  
 129:11  
**houses** [7] - 73:9,  
 73:11, 87:12, 132:8,  
 135:17, 185:11,  
 302:12  
**housework**  
 [1] - 132:4  
**housing** [4] - 63:6,  
 141:17, 265:8,  
 275:10  
**Housing** [19] - 62:7,  
 62:16, 63:2, 78:11,  
 81:4, 121:8, 123:17,

129:9, 129:16,  
 130:9, 130:16,  
 131:3, 138:5, 139:1,  
 141:15, 142:8,  
 143:8, 146:14

**Howard** [2] - 202:13,  
 202:14

**huge** [4] - 132:11,  
 139:2, 153:9,  
 296:11

**Hughes** [22] - 1:8, 3:5,  
 45:17, 55:3, 61:3,  
 165:3, 166:3, 168:6,  
 169:3, 170:17,  
 171:3, 200:13,  
 201:3, 216:18,  
 217:3, 244:8, 246:3,  
 276:12, 277:3,  
 309:11, 310:3,  
 317:5

**HUGHES** [70] - 26:17,  
 27:11, 28:6, 28:13,  
 28:17, 29:2, 29:12,  
 29:16, 29:19, 30:14,  
 34:13, 34:19, 37:16,  
 40:15, 41:1, 41:14,  
 41:19, 44:14, 45:1,  
 45:6, 73:14, 74:1,  
 74:6, 74:13, 75:7,  
 75:12, 75:16, 79:6,  
 79:10, 79:14, 89:9,  
 90:13, 90:17, 91:4,  
 91:8, 91:11, 92:18,  
 97:17, 103:4,  
 103:13, 103:19,  
 104:5, 104:8, 105:9,  
 105:15, 106:5,  
 106:15, 107:9,  
 116:3, 154:10,  
 160:19, 161:4,  
 208:2, 209:6,  
 210:11, 211:1,  
 211:6, 211:16,  
 212:17, 213:7,  
 214:9, 238:15,  
 240:19, 273:3,  
 273:10, 288:1,  
 291:15, 301:8,  
 313:14, 314:9

**humanly** [1] - 93:10

**hurts** [1] - 300:10

**i.e** <sup>[1]</sup> - 278:18  
**idea** <sup>[17]</sup> - 31:1, 31:11,  
 35:3, 65:17, 79:1,  
 79:7, 110:12,  
 112:16, 141:11,  
 141:13, 142:7,  
 150:1, 158:15,  
 185:17, 254:5,  
 268:1, 282:11  
**ideally** <sup>[1]</sup> - 196:4  
**ideas** <sup>[6]</sup> - 77:9,  
 109:7, 112:18,  
 147:3, 152:19,  
 257:9  
**identification**  
<sup>[1]</sup> - 215:4  
**identified** <sup>[4]</sup> - 66:8,  
 66:10, 199:15,  
 299:15  
**identify** <sup>[1]</sup> - 61:15  
**identifying** <sup>[2]</sup> - 77:1,  
 158:16  
**ignorant** <sup>[1]</sup> - 153:7  
**ignore** <sup>[1]</sup> - 130:15  
**ignored** <sup>[2]</sup> - 153:8,  
 269:9  
**ill** <sup>[1]</sup> - 262:13  
**illuminating**  
<sup>[1]</sup> - 156:2  
**illumination**  
<sup>[7]</sup> - 207:10, 207:12,  
 207:13, 208:9,  
 208:12, 208:14,  
 209:2  
**illustration** <sup>[1]</sup> - 255:1  
**image** <sup>[2]</sup> - 33:10,  
 267:19  
**imagine** <sup>[2]</sup> - 114:19,  
 115:3  
**immaterial**  
<sup>[1]</sup> - 199:16  
**immediately**  
<sup>[1]</sup> - 60:1  
**impact** <sup>[14]</sup> - 63:9,  
 179:5, 186:9,  
 191:10, 207:18,  
 228:1, 228:2, 228:4,  
 228:12, 253:9,  
 254:5, 256:4,  
 278:14, 298:19  
**impacted** <sup>[5]</sup> - 102:6,  
 158:17, 159:8,  
 274:15, 274:16

**impacting** [5] - 185:6,  
 188:8, 254:7,  
 255:15, 296:1  
**impacts** [3] - 37:7,  
 184:17, 287:4  
**impair** [3] - 43:5,  
 53:19, 275:4  
**impaired** [1] - 192:6  
**impede** [2] - 41:9,  
 43:16  
**impeding** [1] - 41:12  
**implement**  
 [2] - 113:15, 138:16  
**implementation**  
 [2] - 117:5, 138:10  
**implementing**  
 [1] - 88:17  
**implies** [1] - 44:11  
**important** [6] - 83:11,  
 131:2, 234:17,  
 234:19, 249:8,  
 250:11  
**importantly**  
 [1] - 265:10  
**imposed** [1] - 42:14  
**imposing** [1] - 37:4  
**impossible**  
 [1] - 71:10  
**impressed**  
 [3] - 22:13, 204:17,  
 290:7  
**impressive**  
 [1] - 212:9  
**improve** [3] - 89:4,  
 112:19, 263:17  
**improved** [4] - 25:8,  
 134:12, 216:1,  
 315:1  
**improvements**  
 [2] - 32:19, 92:9  
**IN** [2] - 319:8, 319:17  
**inasmuch** [1] - 53:5  
**inaudible** [1] - 29:6  
**INC** [1] - 1:17  
**inch** [1] - 286:12  
**incinerator** [1] - 92:13  
**include** [2] - 152:3,  
 190:5  
**included** [5] - 63:18,  
 64:2, 124:19, 172:6,  
 282:17  
**includes** [1] - 12:4  
**including** [9] - 29:7,

63:16, 64:5, 76:12,  
87:5, 109:15,  
192:11, 259:11,  
265:10

**inclusion** <sup>[1]</sup> - 164:2

**income** <sup>[1]</sup> - 129:11

**incomplete**

<sup>[1]</sup> - 230:16

**inconsistencies**

<sup>[1]</sup> - 276:3

**incorporate**

<sup>[2]</sup> - 112:17, 156:5

**incorporated**

<sup>[3]</sup> - 109:8, 115:6,  
314:6

**increase** <sup>[3]</sup> - 47:2,

173:8, 315:18

**increased** <sup>[1]</sup> - 20:8

**increasing** <sup>[4]</sup> - 5:9,

172:2, 178:5,

178:10

**indeed** <sup>[1]</sup> - 4:14

**independent**

<sup>[1]</sup> - 69:13

**Index** <sup>[1]</sup> - 2:16

**indicated**

<sup>[3]</sup> - 215:12, 300:15,  
300:16

**indicates** <sup>[2]</sup> - 156:10,

195:10

**individual** <sup>[7]</sup> - 78:5,

80:18, 81:6, 85:8,

91:16, 103:17,

107:7

**individually**

<sup>[1]</sup> - 102:2

**individuals**

<sup>[4]</sup> - 83:15, 91:14,

105:14, 195:6

**industry** <sup>[1]</sup> - 82:11

**infants** <sup>[1]</sup> - 14:4

**infestation** <sup>[1]</sup> - 88:4

**infirm** <sup>[2]</sup> - 70:14,

101:15

**influence** <sup>[1]</sup> - 35:8

**information**

<sup>[9]</sup> - 64:19, 76:8,

93:10, 93:11, 94:5,

154:17, 170:5,

215:3, 242:12

**informed** <sup>[1]</sup> - 93:7

**initial** <sup>[1]</sup> - 273:10

**initialed** <sup>[3]</sup> - 164:16,

198:8, 316:17  
**initialled** [5] - 44:7,  
 54:11, 216:12,  
 276:1, 308:11  
**Inn** [2] - 202:6, 202:11  
**input** [4] - 109:16,  
 110:4, 110:10,  
 112:5  
**inside** [2] - 48:3,  
 49:16  
**Inspectional**  
 [9] - 18:9, 24:8,  
 55:18, 164:2,  
 199:18, 239:9,  
 242:18, 243:19,  
 318:3  
**inspector** [1] - 180:9  
**installation** [1] - 64:5  
**instance** [1] - 250:11  
**instead** [3] - 98:14,  
 192:16, 192:17  
**INSTRUCTIONS**  
 [2] - 318:1, 318:5  
**insubstantially**  
 [1] - 181:13  
**insufficient** [1] - 56:6  
**integrity** [3] - 43:5,  
 53:19, 275:4  
**intend** [1] - 78:2  
**intended** [1] - 206:16  
**intense** [1] - 140:7  
**intent** [10] - 43:7,  
 54:2, 162:7, 176:11,  
 197:18, 215:17,  
 275:6, 275:12,  
 308:6, 315:14  
**intentional** [1] - 256:2  
**intentionally**  
 [1] - 256:11  
**interact** [2] - 150:12,  
 160:1  
**interest** [2] - 33:6,  
 209:4  
**interested** [2] - 33:11,  
 97:9  
**interesting**  
 [4] - 129:7, 278:3,  
 278:8, 280:3  
**interior** [1] - 276:5  
**interject** [1] - 26:18  
**interjects** [1] - 179:18  
**internal** [1] - 208:14  
**interpreter** [1] - 92:4

**interrupt** <sup>[4]</sup> - 6:14,  
104:4, 133:9,  
280:15

**interrupted**  
<sup>[1]</sup> - 116:4

**interruption**  
<sup>[1]</sup> - 136:3

**intersection** <sup>[1]</sup> - 8:8

**intimidated**  
<sup>[1]</sup> - 119:15

**intransigents**  
<sup>[1]</sup> - 82:3

**introduce** <sup>[4]</sup> - 65:11,  
220:3, 220:15,  
267:3

**introduced**  
<sup>[2]</sup> - 64:15, 65:2

**intruded** <sup>[1]</sup> - 218:5

**investigate** <sup>[1]</sup> - 81:5

**invited** <sup>[2]</sup> - 223:1,  
232:13

**inviting** <sup>[1]</sup> - 33:12

**involve** <sup>[7]</sup> - 108:14,  
140:15, 161:12,  
197:2, 214:18,  
307:12, 314:14

**involved** <sup>[3]</sup> - 11:12,  
78:12, 142:11

**ISAIAH** <sup>[1]</sup> - 262:11

**Isaiah** <sup>[2]</sup> - 262:12

**island** <sup>[1]</sup> - 178:15

**issue** <sup>[23]</sup> - 17:14,  
69:4, 76:19, 86:3,  
86:6, 89:5, 89:9,  
94:3, 99:6, 107:5,  
107:14, 113:19,  
118:11, 118:13,  
118:19, 119:2,  
119:4, 134:5,  
140:13, 146:5,  
182:4, 210:1

**issues** <sup>[17]</sup> - 16:6,  
27:9, 65:1, 69:13,  
85:5, 88:2, 92:2,  
100:1, 107:11,  
128:9, 128:10,  
161:16, 162:12,  
163:8, 177:2, 311:7,  
312:18

**items** <sup>[2]</sup> - 17:3,  
126:10

**iterations** <sup>[1]</sup> - 192:2

**itself** <sup>[5]</sup> - 75:18,

271:4, 284:18,  
286:11, 300:5

## J

**Jackson** <sup>[18]</sup> - 2:7,  
65:6, 65:9, 72:18,  
73:12, 95:12, 95:18,  
96:4, 96:5, 97:15,  
98:3, 117:18, 171:6,  
171:14, 185:10,  
190:15, 191:6,  
194:15

**James** <sup>[6]</sup> - 62:10,  
66:12, 81:1, 144:15,  
145:8, 201:15

**JAMES** <sup>[80]</sup> - 66:12,  
66:17, 68:2, 69:9,  
69:12, 69:15, 71:6,  
71:9, 71:16, 72:5,  
72:8, 73:5, 73:8,  
73:12, 73:17, 74:4,  
74:11, 75:2, 75:10,  
75:17, 79:13, 82:8,  
83:1, 85:2, 85:12,  
86:15, 88:14, 89:7,  
90:4, 90:15, 91:3,  
91:10, 93:2, 94:1,  
95:10, 97:5, 101:18,  
103:12, 103:15,  
104:10, 105:12,  
106:4, 106:11,  
106:16, 107:12,  
107:15, 115:9,  
124:7, 126:12,  
126:19, 127:4,  
128:6, 148:18,  
150:17, 152:9,  
153:1, 159:12,  
160:3, 201:10,  
201:14, 203:3,  
204:15, 205:8,  
205:14, 205:17,  
206:3, 207:11,  
207:19, 208:3,  
208:10, 209:9,  
210:8, 210:18,  
211:4, 211:9,  
211:17, 213:3,  
213:18, 214:4,  
216:9

**JANET** <sup>[65]</sup> - 33:4,  
37:12, 37:17, 41:15,  
44:18, 45:4, 73:3,

73:7, 73:11, 79:9,  
 80:13, 82:17, 83:2,  
 93:14, 93:18, 109:6,  
 109:12, 110:6,  
 110:9, 117:3, 124:4,  
 126:15, 127:2,  
 127:6, 127:12,  
 128:3, 150:6, 151:1,  
 151:11, 151:19,  
 152:2, 152:12,  
 153:14, 153:19,  
 154:4, 154:7, 159:3,  
 159:7, 160:2, 161:3,  
 186:15, 187:2,  
 187:4, 188:12,  
 188:16, 189:10,  
 189:19, 190:7,  
 190:10, 190:16,  
 196:9, 196:11,  
 209:8, 214:11,  
 229:11, 229:18,  
 237:12, 237:14,  
 238:12, 243:9,  
 273:9, 288:17,  
 291:10, 301:15,  
 304:16

**Janet** <sup>[13]</sup> - 1:10, 3:5,  
 55:4, 61:3, 166:4,  
 169:4, 171:4, 201:4,  
 217:4, 238:11,  
 246:4, 277:4, 310:4

**Jason** <sup>[2]</sup> - 191:6,  
 194:13

**JASON** <sup>[3]</sup> - 191:5,  
 193:10, 193:16

**Jay** <sup>[2]</sup> - 261:17,  
 261:18

**JEANNE** <sup>[2]</sup> - 139:15,  
 139:19

**Jeanne** <sup>[3]</sup> - 139:15,  
 143:6, 144:6

**Jeff** <sup>[2]</sup> - 177:11,  
 182:17

**JENNIFER**

<sup>[6]</sup> - 107:13, 125:7,  
 127:5, 127:10,  
 127:17, 128:5

**Jennifer** <sup>[3]</sup> - 62:12,  
 81:1, 145:9

**Jesse** <sup>[1]</sup> - 277:12

**Jessie** <sup>[4]</sup> - 277:17,  
 280:13, 299:14,  
 304:11

**jessie** <sup>[1]</sup> - 280:3  
**JESSIE** <sup>[20]</sup> - 280:18,  
 281:2, 285:9, 286:2,  
 287:18, 288:4,  
 288:11, 288:19,  
 290:4, 290:9,  
 291:11, 294:4,  
 296:7, 297:6,  
 297:12, 298:8,  
 299:3, 303:13,  
 306:15, 307:1  
**Jessie's** <sup>[2]</sup> - 282:10,  
 283:14  
**Jin** <sup>[1]</sup> - 170:2  
**job** <sup>[6]</sup> - 104:11,  
 112:12, 116:9,  
 120:16, 129:12,  
 257:2  
**John** <sup>[2]</sup> - 21:19, 62:6  
**JOHN** <sup>[45]</sup> - 61:17,  
 62:6, 66:3, 67:1,  
 67:15, 69:10, 75:15,  
 75:18, 80:2, 80:7,  
 80:15, 83:6, 91:1,  
 91:7, 91:13, 95:9,  
 96:1, 97:6, 109:10,  
 109:13, 110:8,  
 111:11, 113:13,  
 113:17, 114:19,  
 115:3, 124:17,  
 143:3, 150:5,  
 151:17, 152:1,  
 153:11, 153:16,  
 154:3, 154:5,  
 155:18, 157:1,  
 157:6, 157:10,  
 157:15, 158:8,  
 159:11, 161:2,  
 163:17, 164:7  
**Johnson** <sup>[2]</sup> - 202:13,  
 202:14  
**joined** <sup>[1]</sup> - 62:9  
**joint** <sup>[1]</sup> - 14:14  
**JONATHAN**  
<sup>[11]</sup> - 22:9, 24:10,  
 24:15, 25:11, 28:4,  
 30:15, 31:7, 31:10,  
 32:7, 32:14, 33:2  
**Jonathan** <sup>[2]</sup> - 22:9,  
 27:10  
**Jonathan's**  
<sup>[1]</sup> - 26:19  
**JOSEPH** <sup>[3]</sup> - 207:3,

212:14, 213:1  
**Joseph** <sup>[3]</sup> - 201:18,  
 201:19, 202:1  
**Joseph's** <sup>[1]</sup> - 203:9  
**JOSHUA** <sup>[8]</sup> - 55:10,  
 56:2, 56:10, 57:3,  
 57:9, 58:16, 59:12,  
 60:5  
**jousted** <sup>[1]</sup> - 154:6  
**judgment** <sup>[2]</sup> - 40:8,  
 199:17  
**July** <sup>[2]</sup> - 232:7, 285:4  
**June** <sup>[12]</sup> - 241:5,  
 241:6, 241:8,  
 241:14, 242:10,  
 243:2, 243:6,  
 243:10, 243:16,  
 244:7  
**justifies** <sup>[1]</sup> - 297:2

## K

**K-h-a-b-b-a-z-a-n**  
<sup>[1]</sup> - 232:4  
**K-i-m** <sup>[1]</sup> - 4:9  
**Keaveny** <sup>[1]</sup> - 62:9  
**KEAVENY** <sup>[2]</sup> - 86:2,  
 86:12  
**keep** <sup>[7]</sup> - 26:12,  
 99:13, 119:10,  
 123:17, 204:14,  
 221:18, 222:1  
**keeping** <sup>[2]</sup> - 26:10,  
 92:15  
**kept** <sup>[3]</sup> - 131:16,  
 140:5, 212:3  
**key** <sup>[1]</sup> - 65:2  
**KeyWord** <sup>[1]</sup> - 2:16  
**keyword** <sup>[1]</sup> - 156:4  
**KHABBAZAN**  
<sup>[9]</sup> - 231:16, 232:3,  
 235:9, 237:3,  
 239:13, 240:11,  
 241:9, 244:12,  
 244:16  
**kicking** <sup>[2]</sup> - 134:14,  
 144:2  
**kickoff** <sup>[1]</sup> - 159:15  
**kid** <sup>[1]</sup> - 123:6  
**kids** <sup>[6]</sup> - 7:19, 19:19,  
 26:11, 85:11, 96:15,  
 96:16  
**KIM** <sup>[17]</sup> - 4:8, 17:2,  
 17:19, 18:5, 18:18,

20:6, 21:2, 21:12,  
29:5, 29:15, 29:18,  
30:1, 31:16, 31:18,  
32:18, 36:1, 44:13

**Kim** <sup>[2]</sup> - 4:8, 5:10

**kind** <sup>[22]</sup> - 10:18,  
33:7, 71:4, 76:8,  
78:7, 78:10, 102:11,  
102:19, 126:16,  
129:15, 131:18,  
131:19, 140:19,  
154:17, 159:14,  
186:17, 192:17,  
230:9, 266:18,  
267:4, 267:10,  
287:13

**kinds** <sup>[2]</sup> - 67:17, 83:2

**KING** <sup>[1]</sup> - 33:13

**kitchen** <sup>[3]</sup> - 84:8,  
178:13, 178:15

**knock** <sup>[3]</sup> - 91:16,  
121:1, 181:3

**knocks** <sup>[1]</sup> - 122:11

**knowledge**  
<sup>[1]</sup> - 265:14

**knows** <sup>[2]</sup> - 234:14,  
255:17

## L

**lack** <sup>[1]</sup> - 160:8

**lady** <sup>[3]</sup> - 122:7,  
233:1, 270:19

**land** <sup>[1]</sup> - 19:6

**landing** <sup>[2]</sup> - 123:6,  
123:11

**landlord** <sup>[3]</sup> - 14:19,  
113:8, 141:5

**landlord/tenant**  
<sup>[1]</sup> - 113:6

**landscape** <sup>[3]</sup> - 19:10,  
19:12, 24:9

**landscaping**  
<sup>[2]</sup> - 5:10, 33:1

**lanes** <sup>[1]</sup> - 12:15

**language** <sup>[1]</sup> - 92:2

**languages**  
<sup>[1]</sup> - 119:13

**Larch** <sup>[1]</sup> - 220:9

**large** <sup>[13]</sup> - 69:18,  
84:6, 107:18, 126:8,  
174:9, 176:12,  
179:6, 179:8, 189:8,  
202:9, 215:8, 215:9,

229:2  
**larger** [3] - 131:12,  
 178:14  
**largest** [2] - 87:6,  
 129:10  
**last** [29] - 4:12, 4:16,  
 6:8, 16:6, 20:7,  
 20:16, 34:18, 34:19,  
 44:1, 48:1, 51:13,  
 51:19, 52:8, 62:17,  
 63:8, 64:11, 65:1,  
 67:3, 67:14, 80:6,  
 92:10, 107:2,  
 114:11, 138:9,  
 177:8, 182:15,  
 219:15, 232:4  
**lastly** [1] - 167:14  
**late** [3] - 230:17,  
 258:10, 270:3  
**lately** [1] - 212:7  
**latter** [1] - 43:8  
**Lauren** [1] - 49:9  
**law** [2] - 146:18,  
 232:19  
**lawn** [1] - 204:7  
**Lawson** [1] - 319:4  
**leads** [1] - 101:15  
**leaks** [1] - 311:5  
**learned** [3] - 176:19,  
 182:16, 281:11  
**learning** [1] - 240:13  
**lease** [4] - 11:4,  
 14:18, 15:1, 35:4  
**least** [8] - 21:15,  
 25:19, 36:19, 91:7,  
 91:10, 154:1, 158:3,  
 210:17  
**leave** [10] - 50:13,  
 68:8, 69:7, 92:5,  
 124:13, 132:3,  
 186:13, 204:18,  
 209:11, 209:12  
**leaving** [2] - 87:16,  
 124:16  
**Lee** [3] - 2:12, 169:6,  
 170:3  
**left** [9] - 48:9, 50:19,  
 91:12, 180:19,  
 184:4, 185:3, 203:1,  
 235:19, 252:3  
**Legal** [1] - 246:12  
**legal** [2] - 173:16,  
 272:10

**legalese** [1] - 151:4  
**legally** [3] - 172:16,  
 175:14, 176:15  
**legitimate**  
 [2] - 147:16, 148:2  
**LEIN** [7] - 310:8,  
 310:9, 311:2, 312:8,  
 312:15, 313:3,  
 313:12  
**Lein** [2] - 310:8,  
 310:10  
**lend** [2] - 130:7,  
 264:10  
**length** [2] - 14:18,  
 44:6  
**Lesley** [1] - 316:17  
**LESLIE** [2] - 316:6,  
 316:13  
**Leslie** [1] - 316:8  
**less** [6] - 12:3, 13:3,  
 13:13, 54:7, 85:18,  
 252:7  
**letter** [23] - 47:13,  
 47:15, 47:16, 48:9,  
 50:19, 77:14, 78:4,  
 119:8, 166:14,  
 169:18, 172:12,  
 172:17, 182:9,  
 183:12, 194:11,  
 195:4, 220:19,  
 222:10, 225:4,  
 226:1, 227:17,  
 264:8, 266:6  
**lettering** [4] - 207:14,  
 208:15, 208:16  
**letters** [22] - 25:18,  
 33:16, 33:19, 34:6,  
 47:12, 50:18, 51:3,  
 52:9, 172:15,  
 172:16, 202:12,  
 208:17, 210:11,  
 210:19, 213:16,  
 224:2, 224:9, 290:7,  
 296:3, 299:18,  
 300:17, 314:5  
**letting** [1] - 47:17  
**level** [6] - 32:6,  
 130:14, 148:19,  
 212:11, 248:3,  
 248:14  
**LIAO** [5] - 4:6, 15:6,  
 16:14, 21:18, 22:4  
**Liao** [1] - 4:6

**liberal** [1] - 227:7  
**License** [1] - 319:12  
**life** [3] - 107:19,  
 136:3, 224:7  
**lifestyle** [2] - 67:5,  
 108:1  
**light** [5] - 221:10,  
 225:4, 229:9,  
 244:14, 244:17  
**lightly** [2] - 78:2,  
 94:10  
**lights** [2] - 208:17,  
 221:5  
**likely** [3] - 40:5, 49:3,  
 149:3  
**limit** [2] - 40:1, 256:6  
**limitation** [2] - 36:3,  
 210:3  
**limited** [4] - 16:3,  
 34:10, 156:16,  
 253:4  
**line** [15] - 30:5,  
 173:17, 174:7,  
 175:15, 180:1,  
 180:3, 185:12,  
 188:14, 189:15,  
 272:11, 289:4,  
 292:6, 292:14,  
 294:2, 311:13  
**LINE** [1] - 318:8  
**lines** [4] - 72:19,  
 158:5, 163:15,  
 299:4  
**LING** [20] - 3:19, 4:4,  
 4:14, 5:5, 7:4, 9:7,  
 9:10, 9:17, 10:10,  
 10:13, 13:8, 14:16,  
 15:3, 16:11, 16:16,  
 16:19, 26:6, 39:12,  
 39:19, 41:10  
**Ling** [1] - 4:4  
**lingering** [1] - 65:3  
**linked** [1] - 78:9  
**list** [5] - 47:10, 47:18,  
 48:11, 48:17,  
 129:15  
**listen** [5] - 82:5,  
 112:17, 120:12,  
 232:17  
**listening** [2] - 84:15,  
 132:14  
**listing** [2] - 63:17,  
 64:3

**literal** <sup>[5]</sup> - 161:11,  
197:1, 214:17,  
307:11, 314:13

**literally** <sup>[3]</sup> - 222:2,  
295:6, 304:6

**litigation** <sup>[1]</sup> - 265:1

**live** <sup>[26]</sup> - 10:2, 10:4,  
15:14, 48:8, 68:1,  
74:8, 83:4, 89:15,  
96:4, 97:13, 112:13,  
113:10, 125:17,  
133:18, 139:3,  
140:6, 220:9,  
220:12, 232:6,  
236:2, 260:7, 261:2,  
261:17, 265:13,  
289:10, 296:1

**lived** <sup>[7]</sup> - 50:3, 131:9,  
131:18, 132:1,  
136:2, 221:7, 280:5

**lives** <sup>[9]</sup> - 49:13, 92:7,  
107:4, 122:1,  
128:10, 176:14,  
222:12, 302:12

**living** <sup>[13]</sup> - 88:6,  
96:15, 108:6,  
110:15, 177:4,  
178:5, 193:8, 197:4,  
197:13, 249:5,  
253:4, 254:1, 260:8

**LLC** <sup>[1]</sup> - 198:6

**loaded** <sup>[1]</sup> - 212:1

**lobby's** <sup>[1]</sup> - 212:16

**local** <sup>[2]</sup> - 10:14, 25:4

**located** <sup>[2]</sup> - 6:15,  
48:3

**location** <sup>[2]</sup> - 25:1,  
308:1

**locations** <sup>[3]</sup> - 49:2,  
49:8, 191:18

**logical** <sup>[1]</sup> - 291:6

**long-term** <sup>[1]</sup> - 78:16

**look** <sup>[34]</sup> - 9:18,  
13:19, 16:17, 16:19,  
19:11, 29:9, 30:16,  
34:11, 37:5, 49:7,  
137:7, 178:4,  
237:15, 245:1,  
254:17, 255:18,  
267:4, 268:18,  
269:8, 278:10,  
278:11, 290:2,  
290:9, 290:10,

290:16, 291:4,  
 291:5, 297:13,  
 297:14, 297:15,  
 297:17, 297:18,  
 299:5, 299:7  
**looked** <sup>[6]</sup> - 52:8,  
 76:10, 210:16,  
 281:13, 311:13,  
 313:4  
**looking** <sup>[15]</sup> - 6:8,  
 17:2, 19:4, 20:17,  
 65:4, 143:17, 173:1,  
 174:2, 191:10,  
 192:1, 196:4,  
 210:14, 260:14,  
 272:4, 295:16  
**looks** <sup>[13]</sup> - 4:11,  
 19:3, 136:18, 137:8,  
 193:8, 204:7,  
 227:10, 266:17,  
 267:5, 268:10,  
 271:8, 290:16,  
 291:6  
**lose** <sup>[4]</sup> - 187:14,  
 191:15, 253:10,  
 253:16  
**losing** <sup>[1]</sup> - 194:1  
**lost** <sup>[1]</sup> - 184:3  
**love** <sup>[3]</sup> - 10:14, 221:8  
**loved** <sup>[1]</sup> - 140:4  
**lovely** <sup>[1]</sup> - 30:18  
**lower** <sup>[3]</sup> - 129:10,  
 206:10, 226:10  
**lowering** <sup>[1]</sup> - 188:2  
**luck** <sup>[1]</sup> - 271:18  
**lug** <sup>[1]</sup> - 84:6

## M

**M-o-n-a** <sup>[1]</sup> - 232:3  
**Ma'am** <sup>[6]</sup> - 97:10,  
 115:18, 117:10,  
 128:16, 139:13,  
 231:8  
**Magazine** <sup>[2]</sup> - 76:10,  
 76:15  
**magic** <sup>[1]</sup> - 242:1  
**mail** <sup>[5]</sup> - 22:11,  
 48:11, 222:2, 222:5,  
 223:14  
**mailboxes** <sup>[2]</sup> - 48:10,  
 51:3  
**mails** <sup>[1]</sup> - 238:8  
**main** <sup>[3]</sup> - 20:12,

99:13, 226:9  
**maintain** [3] - 118:12,  
 207:5, 315:4  
**maintained** [4] - 24:2,  
 59:6, 167:12, 242:7  
**maintenance**  
 [7] - 24:4, 100:1,  
 102:17, 116:12,  
 116:15, 118:1  
**major** [6] - 8:7, 10:2,  
 98:12, 136:3, 211:2  
**majority** [3] - 37:2,  
 76:14, 158:4  
**Malden** [1] - 10:5  
**man's** [1] - 201:19  
**manage** [3] - 48:16,  
 70:14, 152:11  
**managed** [3] - 38:1,  
 81:10, 87:17  
**management**  
 [6] - 63:18, 78:8,  
 80:11, 81:1, 82:12,  
 152:4  
**manager** [10] - 62:12,  
 118:2, 123:7, 125:7,  
 128:1, 138:17,  
 138:18, 150:9,  
 150:10, 153:6  
**manager's**  
 [1] - 147:15  
**managers**  
 [3] - 138:12, 138:13,  
 282:15  
**managing**  
 [1] - 154:13  
**mandate** [1] - 12:7  
**mandated**  
 [1] - 146:18  
**manner** [1] - 72:10  
**manufacturer**  
 [1] - 311:15  
**March** [3] - 6:2, 183:9  
**MARGARET**  
 [2] - 86:2, 86:12  
**Margaret** [1] - 62:9  
**Maria** [3] - 1:12,  
 47:10, 157:17  
**MARIA** [14] - 57:16,  
 58:1, 58:5, 58:8,  
 58:11, 167:3,  
 169:16, 237:7,  
 237:13, 237:16,  
 241:5, 243:3, 243:7,

243:12  
**Maria's** [2] - 47:18,  
60:5  
**mark** [1] - 7:5  
**marker** [1] - 242:1  
**market** [1] - 113:7  
**Marriott** [1] - 203:9  
**Marriott's** [1] - 207:7  
**masked** [1] - 48:6  
**mass** [2] - 267:8,  
267:9  
**Mass** [3] - 4:5, 62:8,  
206:16  
**MASSACHUSETTS**  
[1] - 319:2  
**Massachusetts**  
[4] - 1:6, 1:7, 4:10,  
201:16  
**massive** [2] - 107:3,  
230:11  
**master** [1] - 140:16  
**matches** [2] - 253:1,  
253:2  
**material** [2] - 196:2,  
258:3  
**materials** [8] - 9:6,  
66:6, 66:7, 66:10,  
196:6, 244:1,  
258:15, 279:7  
**matter** [35] - 3:17,  
21:9, 25:15, 35:17,  
46:9, 52:11, 55:9,  
61:9, 90:4, 97:8,  
97:10, 115:18,  
134:13, 140:19,  
142:3, 142:4, 166:9,  
166:16, 169:8,  
171:8, 191:2, 191:4,  
194:5, 201:9,  
213:10, 213:12,  
217:9, 227:10,  
227:19, 238:2,  
246:9, 259:18,  
260:1, 277:9,  
293:19  
**MAX** [1] - 261:16  
**Max** [1] - 261:16  
**maxed** [1] - 252:10  
**maximize** [2] - 40:3,  
253:5  
**Mayor** [1] - 264:9  
**mean** [71] - 7:4, 10:8,  
10:19, 12:17, 20:3,

30:16, 30:18, 32:9,  
 34:2, 34:16, 35:3,  
 37:14, 39:19, 40:2,  
 40:15, 41:1, 71:4,  
 74:4, 81:6, 101:3,  
 103:9, 104:3,  
 109:10, 110:9,  
 110:10, 110:11,  
 111:12, 112:10,  
 115:9, 115:12,  
 115:14, 120:17,  
 121:1, 121:3,  
 121:11, 123:8,  
 133:12, 135:16,  
 149:12, 150:3,  
 153:3, 154:13,  
 154:14, 184:12,  
 184:17, 188:7,  
 188:16, 207:3,  
 208:12, 219:18,  
 229:4, 229:13,  
 230:10, 230:19,  
 231:5, 232:10,  
 251:19, 270:19,  
 274:15, 278:12,  
 289:9, 290:1, 290:5,  
 290:11, 290:13,  
 290:15, 299:5,  
 299:6, 302:3,  
 303:15, 304:17  
**meaning** [2] - 16:2,  
 292:9  
**means** [5] - 32:12,  
 35:10, 68:14, 119:6,  
 159:6  
**meant** [1] - 75:4  
**meantime** [1] - 99:3  
**measure** [1] - 78:14  
**measured** [1] - 30:5  
**measures** [3] - 156:9,  
 158:7, 163:14  
**medical** [2] - 85:7,  
 102:5  
**meet** [10] - 55:11,  
 76:3, 103:18, 135:3,  
 152:14, 223:17,  
 223:19, 236:19,  
 268:19, 300:2  
**meeting** [21] - 3:8,  
 21:14, 22:2, 22:5,  
 47:8, 51:6, 51:13,  
 57:2, 63:8, 64:1,  
 64:11, 65:1, 110:1,

111:13, 144:2,  
144:3, 150:3, 153:3,  
153:4, 182:17,  
306:16

**meetings** <sup>[12]</sup> - 64:3,  
64:7, 64:14, 67:3,  
90:8, 91:15, 91:16,  
91:18, 119:15,  
132:16, 156:14

**meets** <sup>[3]</sup> - 88:17,  
219:6, 258:17

**Member** <sup>[6]</sup> - 1:9, 1:9,  
1:10, 1:10, 1:11,  
1:11

**member** <sup>[1]</sup> - 20:15

**Members** <sup>[27]</sup> - 3:4,  
15:10, 16:1, 36:19,  
46:2, 51:16, 55:2,  
61:2, 166:2, 166:16,  
169:2, 171:2,  
183:19, 190:18,  
201:2, 201:11,  
213:6, 217:2, 246:2,  
246:11, 259:15,  
266:12, 273:8,  
277:2, 301:7, 310:2,  
313:16

**members** <sup>[11]</sup> - 26:16,  
37:10, 70:16, 88:9,  
120:7, 125:10,  
125:13, 145:16,  
147:5, 148:17

**Members'** <sup>[1]</sup> - 34:8

**Memorial** <sup>[6]</sup> - 2:9,  
201:6, 202:3,  
203:17, 204:1,  
216:1

**memory** <sup>[1]</sup> - 211:10

**mentality** <sup>[1]</sup> - 140:18

**mention** <sup>[5]</sup> - 33:15,  
98:18, 174:16,  
204:9, 313:7

**mentioned**

<sup>[4]</sup> - 27:10, 30:9,  
52:15, 77:13

**merits** <sup>[3]</sup> - 102:4,  
103:2, 105:2

**mess** <sup>[2]</sup> - 124:16,  
260:13

**met** <sup>[6]</sup> - 64:10, 70:2,  
182:19, 183:16,  
223:5, 257:8

**metal** <sup>[2]</sup> - 202:10,

203:4  
**mice** <sup>[1]</sup> - 96:8  
**middle** <sup>[3]</sup> - 129:13,  
 223:4, 235:18  
**might** <sup>[17]</sup> - 7:15,  
 12:13, 35:7, 44:14,  
 58:1, 67:18, 73:19,  
 83:19, 102:16,  
 146:10, 148:10,  
 148:16, 149:6,  
 155:2, 202:4,  
 260:15  
**million** <sup>[1]</sup> - 144:17  
**mind** <sup>[8]</sup> - 15:19, 31:4,  
 31:6, 131:8, 148:6,  
 210:14, 286:16,  
 296:19  
**mine** <sup>[3]</sup> - 137:5,  
 137:7, 176:10  
**minimal** <sup>[1]</sup> - 143:15  
**minimum**  
<sup>[4]</sup> - 233:16, 235:1,  
 239:17, 240:4  
**minus** <sup>[1]</sup> - 269:13  
**minute** <sup>[1]</sup> - 14:5  
**minutes** <sup>[1]</sup> - 124:2  
**miserable** <sup>[1]</sup> - 92:7  
**miss** <sup>[1]</sup> - 234:17  
**missed** <sup>[2]</sup> - 150:8,  
 256:11  
**missing** <sup>[1]</sup> - 154:12  
**misunderstood**  
<sup>[1]</sup> - 75:3  
**MIT** <sup>[1]</sup> - 7:2  
**mix** <sup>[1]</sup> - 247:19  
**mixed** <sup>[1]</sup> - 259:2  
**model** <sup>[2]</sup> - 65:7,  
 250:3  
**moderate** <sup>[1]</sup> - 129:11  
**modern** <sup>[1]</sup> - 173:5  
**modest** <sup>[1]</sup> - 315:17  
**modification**  
<sup>[5]</sup> - 45:11, 172:3,  
 197:8, 198:14,  
 315:7  
**modified** <sup>[5]</sup> - 156:6,  
 164:11, 199:16,  
 242:7, 243:1  
**moisture** <sup>[3]</sup> - 177:2,  
 177:5, 177:17  
**mom** <sup>[1]</sup> - 125:16  
**moment** <sup>[2]</sup> - 114:13,  
 263:9

**MONA** <sup>[9]</sup> - 231:16,  
232:3, 235:9, 237:3,  
239:13, 240:11,  
241:9, 244:12,  
244:16

**Mona** <sup>[1]</sup> - 232:3

**Monday** <sup>[18]</sup> - 22:11,  
51:5, 51:9, 51:10,  
56:18, 59:10, 118:7,  
167:19, 239:4,  
242:15, 242:16,  
243:1, 243:7, 243:8,  
243:13

**money** <sup>[3]</sup> - 111:3,  
111:4, 223:1

**monologue**

<sup>[1]</sup> - 93:17

**monopoly**

<sup>[1]</sup> - 149:14

**month** <sup>[5]</sup> - 57:4,  
115:11, 147:17,  
155:7, 158:12

**monthly** <sup>[1]</sup> - 11:4

**months** <sup>[10]</sup> - 91:7,  
91:10, 106:14,  
111:10, 114:6,  
147:7, 157:13,  
295:7, 302:11

**morning** <sup>[4]</sup> - 12:3,  
22:11, 226:3, 301:4

**most** <sup>[17]</sup> - 6:9, 6:15,  
7:2, 49:3, 49:12,  
67:14, 111:8, 125:8,  
208:14, 209:15,  
212:13, 218:1,  
282:14, 295:14,  
298:5, 298:17,  
302:2

**mostly** <sup>[5]</sup> - 96:14,  
177:2, 177:18,  
258:19, 300:18

**mother** <sup>[8]</sup> - 85:10,  
85:13, 86:4, 86:13,  
120:17, 122:7,  
122:10, 263:8

**mothers** <sup>[5]</sup> - 85:17,  
85:19, 119:3, 122:9,  
125:16

**motion** <sup>[12]</sup> - 34:9,  
36:11, 38:19, 41:18,  
58:14, 154:9, 159:2,  
160:18, 161:6,  
240:15, 303:3,

307:7

**motions** <sup>[1]</sup> - 299:15

**motor** <sup>[1]</sup> - 6:16

**Motor** <sup>[2]</sup> - 202:6,  
202:11

**mounted** <sup>[2]</sup> - 167:9,  
215:5

**move** <sup>[11]</sup> - 23:7,  
62:4, 69:1, 87:18,  
89:11, 111:16,  
234:2, 238:18,  
240:15, 289:15,  
303:14

**moved** <sup>[8]</sup> - 28:1,  
28:2, 77:17, 81:14,  
103:7, 135:18,  
178:8, 305:15

**moves** <sup>[20]</sup> - 42:2,  
44:4, 52:19, 54:4,  
58:18, 163:11,  
164:12, 167:5,  
178:17, 196:17,  
198:2, 214:14,  
216:5, 241:13,  
273:18, 275:14,  
307:8, 308:8,  
314:11, 316:3

**moving** <sup>[8]</sup> - 81:18,  
98:17, 134:10,  
134:11, 135:19,  
175:9, 262:13,  
263:3

**mudroom** <sup>[1]</sup> - 294:6

**multi** <sup>[2]</sup> - 247:15,  
264:13

**multi-family**  
<sup>[2]</sup> - 247:15, 264:13

**multiple** <sup>[3]</sup> - 90:8,  
185:10, 233:1

**must** <sup>[10]</sup> - 36:14,  
59:4, 59:6, 59:9,  
131:15, 167:18,  
232:1, 242:14,  
312:6

**Myers** <sup>[8]</sup> - 1:10, 3:6,  
45:17, 46:4, 54:18,  
55:5, 61:4, 165:3

**MYERS** <sup>[16]</sup> - 35:6,  
37:1, 50:6, 60:3,  
66:18, 114:17,  
115:1, 146:1, 146:4,  
151:7, 156:8, 158:3,  
158:19, 163:13,

163:18, 164:5  
**MYONG** <sup>[18]</sup> - 4:8,  
 17:2, 17:19, 18:5,  
 18:18, 20:6, 21:2,  
 21:12, 29:5, 29:15,  
 29:18, 30:1, 31:16,  
 31:18, 32:18, 36:1,  
 44:13  
**Myong** <sup>[1]</sup> - 4:8  
**myriad** <sup>[1]</sup> - 247:14  
**mystified** <sup>[1]</sup> - 82:2

## N

**nailed** <sup>[1]</sup> - 89:10  
**name** <sup>[25]</sup> - 4:3,  
 46:11, 50:5, 50:11,  
 50:14, 62:6, 96:4,  
 97:11, 97:12,  
 139:15, 152:14,  
 171:12, 191:5,  
 201:15, 201:19,  
 220:8, 220:11,  
 220:16, 232:2,  
 232:4, 260:6,  
 261:16, 263:7,  
 277:11, 310:8  
**name's** <sup>[1]</sup> - 262:12  
**namely** <sup>[3]</sup> - 54:5,  
 197:12, 315:2  
**narrative** <sup>[1]</sup> - 172:13  
**narrow** <sup>[5]</sup> - 31:16,  
 31:18, 254:2, 288:8,  
 288:13  
**narrower** <sup>[2]</sup> - 230:4,  
 287:13  
**narrowing** <sup>[1]</sup> - 288:7  
**nature** <sup>[4]</sup> - 53:13,  
 153:12, 173:11,  
 258:16  
**nauseam** <sup>[1]</sup> - 117:9  
**nauseous** <sup>[1]</sup> - 118:4  
**near** <sup>[4]</sup> - 8:2, 185:12,  
 265:13, 279:10  
**nearly** <sup>[2]</sup> - 72:16,  
 210:10  
**necessarily**  
<sup>[2]</sup> - 27:14, 132:13  
**necessary** <sup>[3]</sup> - 87:2,  
 128:8, 149:11  
**need** <sup>[61]</sup> - 7:18,  
 14:19, 17:9, 23:3,  
 27:14, 28:1, 28:7,  
 30:4, 38:17, 40:5,

45:6, 60:1, 72:13,  
 78:9, 81:5, 81:7,  
 81:14, 83:13, 83:14,  
 85:7, 102:6, 103:18,  
 104:5, 120:8,  
 125:15, 126:17,  
 127:19, 128:14,  
 133:3, 138:2, 149:4,  
 149:12, 150:2,  
 154:15, 155:4,  
 170:5, 173:12,  
 175:10, 176:6,  
 179:1, 182:4, 215:1,  
 222:9, 222:10,  
 222:11, 225:2,  
 229:4, 230:10,  
 234:4, 237:10,  
 256:13, 261:1,  
 271:19, 273:13,  
 278:4, 279:5, 284:8,  
 293:12, 295:4,  
 307:14

**needed** <sup>[4]</sup> - 116:10,  
 188:2, 265:12,  
 281:18

**needs** <sup>[18]</sup> - 77:3,  
 80:19, 88:18, 88:19,  
 90:1, 94:7, 103:7,  
 103:17, 127:13,  
 127:15, 130:18,  
 150:3, 156:11,  
 176:14, 180:18,  
 197:4, 272:1,  
 314:19

**negative** <sup>[1]</sup> - 298:3

**negatively** <sup>[1]</sup> - 49:5

**neglected** <sup>[1]</sup> - 33:15

**neighbor** <sup>[23]</sup> - 21:19,  
 22:7, 26:9, 50:2,  
 121:12, 195:10,  
 217:16, 217:19,  
 221:13, 223:4,  
 225:17, 229:10,  
 233:3, 234:13,  
 238:4, 238:5,  
 242:13, 242:19,  
 243:17, 244:2,  
 290:18, 296:4

**neighbor's** <sup>[1]</sup> - 219:4

**neighborhood**  
<sup>[36]</sup> - 7:13, 10:4,  
 15:14, 21:15, 21:16,  
 24:18, 25:5, 34:1,

42:12, 43:13, 52:5,  
 52:6, 53:10, 96:17,  
 192:10, 192:16,  
 256:17, 262:19,  
 263:18, 264:17,  
 274:10, 282:10,  
 284:15, 287:19,  
 288:7, 291:13,  
 294:11, 294:12,  
 294:14, 299:16,  
 300:19, 302:1,  
 302:14, 303:16,  
 303:17, 304:18

**neighborly** <sup>[1]</sup> - 137:2

**neighbors** <sup>[23]</sup> - 11:5,  
 22:3, 46:16, 49:6,  
 49:9, 100:16, 109:7,  
 120:19, 172:17,  
 182:13, 183:1,  
 183:12, 190:10,  
 191:9, 193:1, 218:5,  
 221:7, 221:9, 223:1,  
 223:6, 261:5,  
 290:18, 298:2

**neon** <sup>[1]</sup> - 202:11

**never** <sup>[14]</sup> - 23:18,  
 72:11, 111:12,  
 118:1, 123:2, 204:5,  
 208:1, 211:18,  
 211:19, 212:5,  
 221:4, 223:5,  
 224:13

**new** <sup>[48]</sup> - 16:12, 59:4,

59:5, 63:11, 63:13,  
 63:16, 64:6, 67:10,  
 67:19, 96:11,  
 105:19, 106:3,  
 108:9, 108:10,  
 111:5, 116:13,  
 116:14, 156:13,  
 162:19, 167:9,  
 167:10, 167:11,  
 170:9, 184:9,  
 185:17, 185:18,  
 191:18, 208:14,  
 212:11, 212:16,  
 232:18, 241:18,  
 242:11, 242:12,  
 248:16, 248:18,  
 249:7, 249:9,  
 249:12, 254:12,  
 275:10, 292:17,  
 312:17, 315:10

**news** <sup>[1]</sup> - 293:14  
**Newton** <sup>[2]</sup> - 74:10,  
 190:14  
**newtown** <sup>[3]</sup> - 69:16,  
 106:4, 106:5  
**Newtown** <sup>[12]</sup> - 72:17,  
 73:8, 73:16, 75:1,  
 75:8, 87:8, 87:11,  
 89:11, 124:8, 131:7,  
 131:9, 131:11  
**next** <sup>[18]</sup> - 46:13,  
 50:2, 56:15, 107:10,  
 124:1, 128:17,  
 175:6, 178:7,  
 186:19, 189:12,  
 223:14, 237:3,  
 237:7, 241:4, 261:5,  
 262:14, 284:17,  
 293:11  
**next-door**  
<sup>[2]</sup> - 189:12, 261:5  
**nice** <sup>[9]</sup> - 8:4, 20:18,  
 30:19, 68:17, 96:11,  
 213:2, 260:18,  
 262:19, 294:15  
**night** <sup>[3]</sup> - 71:18,  
 236:13, 236:19  
**nighttime** <sup>[1]</sup> - 207:18  
**Nine** <sup>[3]</sup> - 4:6, 61:6,  
 61:15  
**nine** <sup>[4]</sup> - 71:18,  
 114:6, 174:14,  
 175:17  
**nine-and-a-half-foot**  
<sup>[1]</sup> - 175:17  
**nobody** <sup>[3]</sup> - 96:13,  
 123:13, 312:18  
**nobody's** <sup>[1]</sup> - 96:14  
**non** <sup>[15]</sup> - 47:1, 54:7,  
 62:19, 77:18,  
 143:16, 162:1,  
 172:3, 179:16,  
 187:19, 196:7,  
 197:7, 203:18,  
 209:1, 247:5, 274:4  
**non-compliant**  
<sup>[1]</sup> - 209:1  
**non-conforming**  
<sup>[9]</sup> - 62:19, 143:16,  
 162:1, 172:3,  
 187:19, 197:7,  
 203:18, 247:5,  
 274:4

**non-conformity**

[1] - 179:16

**non-elderly**

[1] - 77:18

**non-GFA** [2] - 47:1,

54:7

**non-permeable**

[1] - 196:7

**none** [3] - 52:7,

195:13, 198:16

**None** [1] - 151:15**noon** [2] - 226:5,

226:6

**normal** [1] - 290:16**normally** [1] - 259:9**NOT** [1] - 319:16**Notary** [2] - 319:5,

319:11

**note** [6] - 64:6,

169:11, 180:6,

275:7, 315:16,

318:6

**noted** [4] - 155:19,

180:15, 314:4,

318:16

**notes** [5] - 52:14,

166:12, 194:8,

213:15, 264:7

**nothing** [10] - 52:15,

77:4, 80:5, 92:17,

169:15, 195:9,

233:11, 235:6,

311:16, 313:11

**notice** [2] - 95:4,

178:12

**noticed** [1] - 208:1**notified** [1] - 87:19**nuance** [1] - 250:11**nuisance** [3] - 42:19,

53:14, 274:17

**nullifying** [5] - 162:6,

197:17, 215:16,

308:5, 315:13

**number** [13] - 9:15,

13:1, 17:6, 17:14,

19:2, 35:12, 37:6,

50:19, 149:5,

159:13, 192:4,

272:6, 273:14

**numbers** [4] - 15:2,

35:1, 253:8, 272:11

**O**

**o'clock** [2] - 13:11,  
 213:19  
**O'Grady** [2] - 18:8,  
 32:12  
**object** [1] - 49:14  
**objected** [1] - 218:1  
**objecting** [1] - 79:1  
**objection** [6] - 49:19,  
 50:1, 52:6, 52:9,  
 217:16, 219:4  
**objections**  
 [6] - 50:14, 183:4,  
 183:17, 195:3,  
 218:6, 219:6  
**obligated** [1] - 144:4  
**obligation** [4] - 15:17,  
 76:4, 123:16, 157:4  
**observed** [2] - 6:1,  
 7:6  
**observing**  
 [1] - 180:16  
**obstacle** [1] - 103:1  
**obtained** [1] - 274:3  
**obvious** [2] - 222:15,  
 301:10  
**obviously** [9] - 38:7,  
 67:6, 91:15, 144:4,  
 185:4, 222:14,  
 232:16, 238:19,  
 301:8  
**occasions** [2] - 6:2,  
 8:5  
**occupant** [3] - 43:2,  
 53:16, 274:19  
**occupants**  
 [4] - 67:18, 88:18,  
 89:1, 120:4  
**occupying** [1] - 189:8  
**occur** [3] - 102:1,  
 114:16, 125:3  
**occurred** [1] - 258:9  
**occurring** [2] - 125:3,  
 126:13  
**odor** [2] - 88:4, 118:3  
**odors** [2] - 78:18,  
 88:12  
**OF** [6] - 1:1, 1:2,  
 319:2, 319:16,  
 319:17, 319:17  
**offer** [1] - 128:7  
**office** [6] - 42:4,  
 222:10, 229:4,  
 229:8, 230:11,

234:19  
**offices** [1] - 201:16  
**Offices** [1] - 246:13  
**OFFICIAL** [1] - 1:17  
**officials** [1] - 24:13  
**often** [1] - 203:12  
**old** [7] - 92:14, 96:5,  
 178:18, 207:5,  
 312:7, 313:2  
**older** [3] - 14:6,  
 14:14, 141:2  
**omission** [1] - 283:16  
**on-call** [1] - 223:3  
**on-line** [1] - 311:13  
**on-site** [1] - 5:12  
**once** [17] - 9:17,  
 10:16, 19:11, 71:4,  
 71:14, 83:10, 84:8,  
 84:18, 106:19,  
 114:6, 115:6, 119:6,  
 124:12, 130:19,  
 135:18, 199:11,  
 302:5  
**one** [157] - 3:12, 4:18,  
 4:19, 5:14, 5:15,  
 6:8, 10:7, 12:15,  
 12:18, 15:7, 16:6,  
 17:5, 17:11, 19:15,  
 23:12, 24:12, 31:16,  
 31:19, 35:2, 35:6,  
 36:11, 46:18, 49:8,  
 50:19, 52:8, 52:14,  
 57:8, 58:4, 63:4,  
 67:19, 69:13, 70:2,  
 70:3, 74:11, 74:13,  
 75:14, 76:6, 76:9,  
 76:18, 77:17, 81:11,  
 82:3, 83:19, 84:17,  
 87:7, 89:16, 89:17,  
 90:3, 91:17, 93:5,  
 97:10, 97:14, 98:12,  
 99:12, 101:8,  
 101:19, 102:14,  
 103:9, 105:1,  
 105:16, 105:19,  
 108:2, 108:3,  
 110:19, 113:11,  
 116:2, 116:5,  
 121:17, 121:18,  
 129:9, 131:15,  
 132:5, 132:7,  
 134:19, 137:2,  
 138:6, 138:7,

138:16, 139:8,  
 145:18, 147:5,  
 147:13, 148:5,  
 159:3, 159:7, 160:3,  
 160:6, 166:12,  
 169:11, 174:3,  
 174:7, 178:16,  
 178:17, 180:6,  
 180:10, 183:6,  
 185:3, 187:1, 188:7,  
 194:8, 198:14,  
 200:11, 203:12,  
 204:19, 206:4,  
 206:15, 207:3,  
 211:13, 213:15,  
 216:8, 216:12,  
 218:13, 219:6,  
 223:2, 223:3,  
 223:18, 224:5,  
 226:11, 229:9,  
 234:1, 234:5, 235:4,  
 240:17, 241:4,  
 241:19, 244:10,  
 244:13, 244:15,  
 244:16, 250:9,  
 251:12, 255:5,  
 255:6, 257:5, 259:4,  
 264:7, 269:10,  
 271:7, 272:6,  
 277:16, 279:14,  
 279:16, 280:7,  
 282:14, 288:14,  
 290:12, 290:18,  
 294:8, 296:3, 298:9,  
 299:8, 308:9,  
 309:15

**one-bedroom**

[1] - 77:17

**ones** [4] - 34:1, 78:19,  
 113:1, 113:3

**ongoing** [5] - 150:16,  
 153:2, 160:14,  
 163:2, 294:18

**open** [16] - 47:19,  
 49:1, 49:6, 51:7,  
 81:3, 97:8, 122:12,  
 149:7, 175:2,  
 178:11, 191:1,  
 213:9, 230:15,  
 249:15, 259:17,  
 313:9

**opened** [4] - 22:12,  
 117:19, 118:2,

202:5  
**opening** [1] - 83:18  
**operated** [1] - 202:8  
**operating** [1] - 114:8  
**operation** [10] - 12:6,  
 24:9, 36:5, 42:16,  
 53:11, 63:10, 82:14,  
 112:7, 274:11,  
 289:1  
**operational** [3] - 94:4,  
 94:19, 104:12  
**operationally**  
 [2] - 71:9, 104:17  
**operations**  
 [3] - 62:11, 112:8,  
 156:1  
**opinion** [2] - 232:15,  
 270:1  
**opportunity**  
 [7] - 19:5, 26:13,  
 134:19, 160:10,  
 212:7, 217:13,  
 265:13  
**opposed** [11] - 35:3,  
 94:16, 185:2,  
 223:15, 251:5,  
 254:12, 255:9,  
 268:2, 309:12,  
 309:13, 309:15  
**opposition**  
 [2] - 195:10, 195:11  
**option** [1] - 267:16  
**options** [1] - 178:4  
**oranges** [2] - 10:9,  
 297:3  
**order** [9] - 3:9, 23:3,  
 23:16, 81:5, 103:18,  
 113:9, 132:13,  
 175:11, 308:18  
**Ordinance** [30] - 18:4,  
 27:6, 42:6, 42:8,  
 43:7, 53:3, 53:5,  
 54:2, 59:7, 63:1,  
 161:12, 162:7,  
 167:13, 186:5,  
 197:2, 197:19,  
 205:4, 210:7,  
 214:18, 215:12,  
 215:17, 242:8,  
 274:2, 275:6,  
 275:13, 278:2,  
 307:12, 308:6,  
 314:14, 315:15

**ordinances**  
 [1] - 185:18

**ordinarily** [1] - 37:19

**organization**  
 [1] - 121:3

**oriented** [1] - 7:13

**original** [1] - 318:2

**originally** [2] - 175:5,  
 298:13

**originated** [1] - 147:5

**others'** [1] - 101:4

**otherwise** [6] - 41:8,  
 43:6, 54:1, 220:1,  
 275:5, 276:4

**ought** [2] - 204:3,  
 204:10

**ourselves** [5] - 93:8,  
 121:2, 140:15,  
 255:3, 256:6

**outdoor** [1] - 211:7

**outline** [1] - 67:9

**outlined** [1] - 155:3

**outpouring**  
 [1] - 302:1

**outreach** [7] - 46:16,  
 47:6, 69:5, 133:16,  
 149:17, 151:10,  
 151:12

**outs** [3] - 287:19,  
 288:18, 289:2

**outset** [1] - 231:6

**outside** [17] - 33:19,  
 63:13, 96:11, 96:12,  
 96:13, 98:11,  
 101:17, 107:8,  
 123:11, 126:3,  
 126:7, 126:14,  
 128:7, 132:4, 142:1,  
 260:17, 299:4

**overall** [1] - 258:17

**overfilled** [1] - 132:9

**Overlay** [1] - 203:17

**overly** [2] - 13:14,  
 13:15

**overnight** [1] - 106:13

**overwhelmed**  
 [1] - 294:15

**overwhelming**  
 [1] - 257:4

**owing** [5] - 161:19,  
 197:5, 215:7,  
 307:19, 315:6

**own** [7] - 7:17, 8:2,

36:8, 71:8, 103:2,  
105:2, 120:4  
**owned** [2] - 76:16,  
202:7  
**owner** [9] - 48:12,  
50:4, 116:12,  
166:19, 171:13,  
202:2, 246:14,  
277:13, 281:14  
**owner's** [1] - 265:2  
**owners** [3] - 176:17,  
179:8, 194:15  
**ownership** [1] - 259:4  
**owns** [1] - 310:10

## P

**p.m** [26] - 1:5, 3:3,  
46:1, 55:1, 56:18,  
58:19, 59:6, 59:10,  
61:1, 166:1, 167:6,  
167:11, 167:19,  
169:1, 171:1, 201:1,  
217:1, 239:4,  
240:18, 241:14,  
242:14, 243:16,  
246:1, 277:1, 310:1,  
317:7

### **PACHECO**

[14] - 57:16, 58:1,  
58:5, 58:8, 58:11,  
167:3, 169:16,  
237:7, 237:13,  
237:16, 241:5,  
243:3, 243:7,  
243:12

**Pacheco** [1] - 1:12

**package** [5] - 63:19,  
64:2, 124:19,  
282:16, 312:9

**page** [3] - 164:15,  
198:7, 216:12

**PAGE** [2] - 2:2, 318:8

**pages** [1] - 44:6

**pains** [3] - 108:12,  
108:13, 108:15

**painted** [1] - 8:15

**paired** [1] - 257:13

**panelling** [1] - 257:15

**paper** [2] - 68:17,  
135:3

### **paperwork**

[2] - 155:8, 155:10

**parcel** [1] - 259:1

**pardon** [1] - 196:10  
**parent** [4] - 11:8,  
12:6, 69:4, 69:6  
**parents** [5] - 6:10,  
7:2, 43:18, 68:7,  
178:16  
**parents'** [1] - 39:13  
**Park** [1] - 170:2  
**park** [20] - 7:19, 9:13,  
11:3, 14:4, 36:14,  
36:15, 36:16, 40:5,  
40:7, 43:11, 43:15,  
278:6, 279:1,  
279:10, 289:10,  
292:18, 293:11,  
294:2, 295:6, 301:2  
**parked** [1] - 189:14  
**parking** [106] - 4:19,  
5:1, 5:9, 7:17, 8:9,  
8:11, 8:17, 9:16,  
11:1, 11:5, 13:19,  
14:1, 14:5, 17:3,  
17:7, 17:10, 17:18,  
18:3, 18:12, 18:16,  
18:17, 20:4, 20:9,  
20:13, 23:7, 29:3,  
31:2, 35:7, 35:9,  
35:12, 35:14, 35:15,  
35:18, 36:13, 39:1,  
39:4, 39:15, 40:12,  
40:14, 41:3, 41:7,  
41:8, 43:15, 172:4,  
173:7, 173:12,  
174:18, 175:7,  
175:12, 175:17,  
175:19, 181:2,  
182:4, 182:7,  
184:13, 184:14,  
185:3, 185:11,  
186:13, 187:13,  
187:16, 189:1,  
189:4, 189:7,  
195:19, 203:15,  
203:19, 204:5,  
204:8, 277:18,  
278:16, 279:6,  
279:9, 279:17,  
286:19, 287:2,  
287:5, 289:17,  
289:18, 290:3,  
290:10, 291:3,  
291:8, 291:12,  
292:10, 295:3,

295:11, 295:12,  
 297:16, 298:11,  
 298:12, 298:14,  
 299:5, 299:6, 299:9,  
 299:11, 301:9,  
 301:14, 302:4,  
 302:6, 305:11,  
 307:15, 307:16,  
 307:17, 308:19

**part** <sup>[36]</sup> - 11:11,  
 26:13, 29:14, 38:11,  
 39:7, 42:14, 54:12,  
 58:15, 82:3, 92:8,  
 114:15, 121:3,  
 137:1, 141:4, 143:8,  
 143:10, 146:5,  
 153:9, 182:11,  
 189:3, 192:12,  
 195:3, 195:8,  
 216:11, 226:12,  
 226:18, 248:6,  
 250:6, 251:6,  
 256:13, 256:16,  
 268:5, 269:4, 314:6

**particular** <sup>[9]</sup> - 5:9,  
 103:18, 109:14,  
 128:2, 132:13,  
 156:10, 156:11,  
 210:4, 269:10

**particularly** <sup>[9]</sup> - 6:7,  
 7:2, 11:19, 33:6,  
 38:16, 76:19, 143:5,  
 149:9, 177:6

**Partners** <sup>[1]</sup> - 202:2

**parts** <sup>[2]</sup> - 197:12,  
 311:14

**passed** <sup>[2]</sup> - 72:17,  
 122:10

**passersby** <sup>[1]</sup> - 215:4

**passes** <sup>[4]</sup> - 9:13,  
 11:2, 39:5, 178:16

**past** <sup>[8]</sup> - 51:9, 70:10,  
 105:7, 105:8,  
 105:11, 203:14,  
 209:4, 264:18

**path** <sup>[1]</sup> - 81:3

**paths** <sup>[1]</sup> - 76:7

**PATRICIA** <sup>[2]</sup> - 263:7,  
 263:13

**Patricia** <sup>[1]</sup> - 263:8

**pattern** <sup>[6]</sup> - 11:10,  
 11:12, 11:18, 12:7,  
 13:18, 35:2

**patterns** [4] - 42:9,  
 77:10, 274:6, 288:2  
**PAUL** [1] - 50:12  
**Paul** [1] - 46:13  
**PAULA** [11] - 117:11,  
 117:15, 118:15,  
 119:2, 120:2,  
 120:15, 121:10,  
 121:16, 122:5,  
 122:14, 124:6  
**Paula** [1] - 117:11  
**paved** [2] - 189:6,  
 189:7  
**paving** [1] - 196:5  
**pay** [3] - 218:4, 233:6,  
 295:4  
**PCAs** [1] - 70:17  
**peak** [2] - 6:3, 13:10  
**peculiar** [1] - 163:6  
**people** [98] - 6:16,  
 6:18, 7:8, 10:2,  
 10:10, 10:13, 12:17,  
 14:3, 25:2, 25:5,  
 33:19, 43:18, 67:19,  
 68:19, 70:4, 71:19,  
 74:6, 75:5, 76:17,  
 77:10, 77:12, 77:17,  
 79:12, 81:12, 81:18,  
 81:19, 83:4, 83:13,  
 83:14, 84:16, 84:18,  
 87:18, 89:15, 91:16,  
 96:14, 98:17, 99:3,  
 100:8, 101:3,  
 104:18, 106:1,  
 106:10, 107:4,  
 107:5, 107:16,  
 107:18, 107:19,  
 108:8, 108:16,  
 109:1, 110:15,  
 111:4, 111:17,  
 115:10, 116:10,  
 117:5, 119:3,  
 119:14, 119:17,  
 121:4, 121:12,  
 121:18, 122:8,  
 126:17, 128:9,  
 129:14, 130:1,  
 130:3, 130:5, 137:1,  
 142:1, 148:6,  
 148:10, 150:13,  
 152:10, 154:1,  
 155:1, 158:13,  
 159:8, 160:14,

161:17, 190:11,  
 204:16, 209:3,  
 218:4, 221:2,  
 256:19, 261:2,  
 278:19, 287:14,  
 288:14, 289:10,  
 290:12, 294:14,  
 295:3, 297:4, 302:2

**people's** <sup>[3]</sup> - 79:5,  
 82:16, 127:11

**peppered** <sup>[1]</sup> - 110:4

**per** <sup>[2]</sup> - 249:14,  
 252:10

**perceived** <sup>[1]</sup> - 78:14

**percent** <sup>[19]</sup> - 6:12,  
 7:11, 7:12, 13:9,  
 47:3, 70:5, 147:13,  
 181:18, 188:1,  
 210:6, 210:10,  
 215:13, 227:11,  
 247:4, 247:7,  
 247:10, 248:7,  
 256:16

**percentage** <sup>[1]</sup> - 7:10

**perfect** <sup>[3]</sup> - 137:3,  
 149:13, 239:19

**performing**

<sup>[1]</sup> - 282:4

**perhaps** <sup>[2]</sup> - 35:11,  
 186:10

**perimeter** <sup>[1]</sup> - 188:19

**period** <sup>[22]</sup> - 15:12,  
 16:3, 35:11, 76:1,  
 79:15, 79:18,  
 141:12, 146:7,  
 147:8, 147:17,  
 148:11, 151:14,  
 154:16, 155:7,  
 156:16, 158:10,  
 158:11, 158:13,  
 158:14, 160:10,  
 162:17

**permeable**

<sup>[2]</sup> - 196:5, 196:7

**permeated** <sup>[1]</sup> - 118:3

**permissible**

<sup>[1]</sup> - 215:13

**permission**

<sup>[3]</sup> - 15:11, 270:14,  
 311:18

**Permit** <sup>[30]</sup> - 27:5,

28:11, 34:10, 38:19,  
 42:2, 42:7, 42:8,

44:4, 45:12, 45:16,  
 52:2, 53:1, 53:5,  
 53:7, 54:14, 170:3,  
 211:11, 247:3,  
 247:7, 256:13,  
 258:18, 259:10,  
 264:11, 265:18,  
 266:3, 274:1, 274:3,  
 275:15, 276:8,  
 276:11

**permit** <sup>[4]</sup> - 202:19,  
 212:3, 234:4,  
 270:15

**Permits** <sup>[2]</sup> - 46:18,  
 54:5

**permitted** <sup>[9]</sup> - 43:15,  
 47:4, 54:8, 181:9,  
 181:18, 207:15,  
 208:15, 210:7,  
 308:13

**person** <sup>[15]</sup> - 68:15,  
 68:18, 81:11, 84:1,  
 103:8, 121:18,  
 152:3, 152:8,  
 152:13, 156:14,  
 160:1, 160:6, 222:8,  
 242:16, 296:10

**person's** <sup>[1]</sup> - 152:14

**personal** <sup>[2]</sup> - 270:1,  
 298:1

**personally**  
<sup>[5]</sup> - 47:11, 69:2,  
 99:19, 269:16,  
 296:16

**perspective** <sup>[1]</sup> - 78:8

**persuaded** <sup>[1]</sup> - 38:16

**persuasive**  
<sup>[1]</sup> - 144:12

**PETER** <sup>[70]</sup> - 171:9,  
 171:12, 172:1,  
 172:10, 173:14,  
 174:1, 174:5, 174:8,  
 174:13, 174:18,  
 175:5, 176:2, 176:9,  
 179:4, 180:12,  
 181:11, 181:16,  
 182:2, 182:6,  
 182:11, 183:15,  
 184:7, 184:10,  
 185:9, 185:19,  
 187:12, 188:11,  
 188:15, 188:18,  
 189:17, 190:1,

190:9, 190:13,  
 193:15, 195:13,  
 195:17, 196:3,  
 196:10, 198:13,  
 199:1, 199:4,  
 199:19, 217:18,  
 218:2, 218:8, 219:8,  
 219:13, 220:7,  
 220:14, 225:3,  
 225:7, 225:19,  
 227:6, 227:12,  
 228:2, 228:5, 228:8,  
 228:13, 228:18,  
 229:6, 230:3,  
 230:18, 231:2,  
 231:7, 231:13,  
 239:2, 239:5,  
 239:10, 241:11,  
 245:4

**Peter** <sup>[6]</sup> - 171:12,  
 192:3, 194:13,  
 194:19, 220:8,  
 222:12

**petition** <sup>[3]</sup> - 221:14,  
 236:10, 260:19

**petitioner** <sup>[26]</sup> - 32:4,  
 43:10, 44:7, 52:4,  
 54:11, 162:10,  
 162:15, 163:4,  
 164:15, 166:15,  
 167:7, 167:15,  
 169:14, 194:14,  
 197:4, 198:5, 215:1,  
 241:16, 246:14,  
 265:9, 275:17,  
 307:13, 307:14,  
 314:4, 314:16,  
 315:2

**phone** <sup>[1]</sup> - 50:19

**phoneys** <sup>[1]</sup> - 57:19

**photo** <sup>[1]</sup> - 202:17

**photograph**  
<sup>[2]</sup> - 225:8, 230:8

**photographs**  
<sup>[1]</sup> - 225:6

**phrase** <sup>[1]</sup> - 199:8

**Phyllis** <sup>[1]</sup> - 190:14

**physical** <sup>[1]</sup> - 146:18

**physically** <sup>[2]</sup> - 83:12,  
 285:10

**pick** <sup>[18]</sup> - 6:1, 6:3,  
 6:6, 7:6, 8:9, 35:11,  
 43:18, 72:2, 82:7,

84:13, 84:19,  
 102:17, 104:9,  
 105:1, 109:17,  
 123:8, 127:10,  
 236:19

**pick-up** [7] - 6:1, 6:3,  
 6:6, 7:6, 8:9, 35:11,  
 43:18

**picked** [3] - 87:11,  
 260:15, 260:16

**picture** [5] - 285:11,  
 285:13, 291:5,  
 297:14, 312:11

**piece** [2] - 211:13,  
 291:7

**pieces** [3] - 47:7,  
 141:12, 295:19

**pile** [1] - 142:1

**place** [28] - 15:1, 35:5,  
 67:9, 68:13, 69:17,  
 70:18, 75:19, 77:19,  
 82:9, 89:19, 98:11,  
 104:17, 106:3,  
 113:9, 114:10,  
 114:13, 115:8,  
 146:17, 150:13,  
 163:9, 178:9,  
 178:12, 229:8,  
 260:13, 280:11,  
 299:5, 299:6, 304:3

**placed** [2] - 177:19,  
 304:19

**placement**  
 [1] - 199:15

**places** [3] - 35:18,  
 109:15, 116:13

**placing** [2] - 66:7,  
 305:7

**plagued** [1] - 264:16

**plan** [66] - 8:19,  
 21:19, 24:4, 31:14,  
 39:11, 45:2, 63:15,  
 75:13, 79:16, 80:4,  
 89:19, 91:6, 98:16,  
 98:17, 98:19, 101:7,  
 101:8, 101:11,  
 108:12, 109:9,  
 114:1, 114:2, 117:5,  
 123:13, 127:8,  
 133:14, 137:6,  
 137:8, 137:10,  
 150:19, 151:4,  
 153:3, 154:12,

157:8, 157:18,  
 158:7, 158:9,  
 158:18, 163:15,  
 163:19, 174:3,  
 222:14, 224:8,  
 233:14, 240:1,  
 245:1, 273:4,  
 275:18, 275:19,  
 280:9, 280:11,  
 281:8, 281:10,  
 281:12, 282:16,  
 282:17, 283:2,  
 283:7, 283:8,  
 283:12, 283:14,  
 286:13, 292:4,  
 308:13  
**plane** <sup>[11]</sup> - 248:16,  
 249:9, 249:11,  
 250:17, 250:18,  
 251:1, 251:2,  
 254:12, 254:13,  
 255:6, 269:5  
**planned** <sup>[2]</sup> - 63:11,  
 64:4  
**planning** <sup>[1]</sup> - 62:15  
**Planning** <sup>[4]</sup> - 177:10,  
 211:11, 278:11,  
 296:18  
**plans** <sup>[54]</sup> - 21:6,  
 27:3, 27:6, 28:15,  
 28:19, 39:6, 44:6,  
 54:10, 55:19, 56:2,  
 56:6, 56:11, 56:14,  
 57:12, 59:8, 62:4,  
 111:6, 164:14,  
 167:15, 167:17,  
 178:13, 192:2,  
 198:4, 198:10,  
 198:19, 199:3,  
 199:14, 216:8,  
 223:7, 223:8,  
 224:15, 230:16,  
 232:14, 232:15,  
 239:1, 239:8,  
 242:11, 242:12,  
 243:1, 257:17,  
 257:18, 261:3,  
 265:5, 275:17,  
 275:18, 276:3,  
 276:4, 308:10,  
 316:5, 316:10,  
 316:14, 316:16  
**plans)** <sup>[1]</sup> - 272:4

**plant** <sup>[1]</sup> - 21:9  
**planting** <sup>[6]</sup> - 22:19,  
 23:16, 23:19, 24:1,  
 33:2  
**plantings** <sup>[1]</sup> - 30:16  
**plants** <sup>[3]</sup> - 26:10,  
 26:12, 33:9  
**plaster** <sup>[1]</sup> - 199:11  
**plastic** <sup>[1]</sup> - 82:7  
**play** <sup>[2]</sup> - 149:19,  
 272:12  
**pleasure** <sup>[1]</sup> - 219:12  
**plenty** <sup>[2]</sup> - 40:9,  
 40:14  
**plot** <sup>[6]</sup> - 237:18,  
 281:8, 281:10,  
 281:12, 283:14,  
 292:4  
**plus** <sup>[2]</sup> - 175:17,  
 289:13  
**Point** <sup>[1]</sup> - 5:16  
**point** <sup>[24]</sup> - 17:17,  
 24:14, 41:5, 76:6,  
 83:11, 87:7, 90:16,  
 93:9, 94:3, 108:14,  
 145:15, 152:17,  
 160:4, 170:6, 184:1,  
 213:6, 221:5,  
 222:19, 253:19,  
 266:17, 267:13,  
 279:7, 289:14,  
 301:6  
**pointed** <sup>[3]</sup> - 78:4,  
 88:9  
**points** <sup>[3]</sup> - 109:18,  
 132:12, 141:10  
**policies** <sup>[3]</sup> - 64:16,  
 67:7, 80:8  
**policy** <sup>[4]</sup> - 104:12,  
 107:6, 112:8,  
 138:10  
**poor** <sup>[2]</sup> - 88:5, 257:1  
**pop** <sup>[1]</sup> - 188:10  
**pops** <sup>[1]</sup> - 271:3  
**popular** <sup>[2]</sup> - 212:10,  
 213:4  
**population** <sup>[5]</sup> - 77:1,  
 77:2, 92:1, 119:12,  
 301:18  
**porch** <sup>[10]</sup> - 179:9,  
 179:12, 179:15,  
 180:13, 180:14,  
 181:1, 192:12,

192:16, 193:12

**porches** [2] - 180:7,  
192:11

**porcupine**  
[2] - 303:19, 304:7

**portion** [2] - 189:8,  
250:5

**portions** [1] - 179:9

**position** [4] - 116:14,  
133:19, 134:1,  
145:8

**positive** [1] - 29:10

**possible** [7] - 37:6,  
93:10, 109:5,  
115:12, 133:5,  
196:8, 304:12

**possibly** [2] - 94:6,  
94:8

**post** [1] - 59:4

**posting** [2] - 167:9,  
241:18

**potential** [7] - 4:17,  
5:13, 7:14, 49:8,  
101:19, 102:14,  
154:15

**potentially**  
[2] - 125:2, 154:15

**practical** [2] - 27:17,  
35:17

**practice** [3] - 35:17,  
70:9, 70:12

**precedent**  
[1] - 147:18

**precipitated**  
[1] - 280:9

**precise** [2] - 30:16,  
280:9

**predates** [2] - 63:1,  
73:18

**predominant**  
[1] - 11:17

**prefer** [1] - 294:5

**preference** [1] - 37:2

**prejudice** [2] - 170:1,  
170:7

**premises** [3] - 9:5,  
43:12, 161:10

**preparation** [1] - 64:1

**prepared** [7] - 12:5,  
44:7, 198:5, 269:18,  
308:10, 316:5,  
316:16

**preschool** [1] - 42:4

**present** [2] - 192:9,  
193:1

**presentation**  
[1] - 22:14

**presented** [2] - 133:4,  
192:3

**presenting**  
[1] - 192:15

**presently** [1] - 192:6

**President** [1] - 202:1

**pressure** [1] - 221:18

**presume** [1] - 10:16

**pretty** [12] - 25:1,  
113:18, 133:17,  
149:15, 150:1,  
154:6, 180:8,  
180:14, 253:4,  
288:10, 294:15,  
313:14

**previous** [4] - 8:16,  
22:4, 262:3, 281:14

**previously** [1] - 315:5

**private** [3] - 77:3,  
82:12, 113:7

**privately** [1] - 76:16

**pro** [2] - 154:19,  
156:4

**pro-active**  
[2] - 154:19, 156:4

**proactively**  
[2] - 155:14, 158:15

**problem** [30] - 40:12,  
67:18, 71:1, 78:16,  
79:10, 79:15, 81:17,  
82:18, 87:13, 87:15,  
99:5, 101:12, 112:4,  
120:12, 128:4,  
128:10, 128:11,  
132:11, 135:12,  
140:10, 148:5,  
150:19, 153:18,  
155:2, 156:11,  
173:13, 173:14,  
233:4, 238:1, 311:8

**problematic**  
[1] - 92:17

**problematical**  
[1] - 163:8

**problems** [18] - 70:7,  
75:9, 79:8, 86:18,  
100:18, 120:7,  
137:14, 140:3,  
146:10, 148:5,

148:6, 148:10,  
 149:6, 151:13,  
 162:13, 163:2,  
 163:5, 177:17

**procedure** <sup>[1]</sup> - 67:9

**procedures**

<sup>[8]</sup> - 64:16, 67:8,  
 68:13, 68:14, 80:8,  
 141:11, 146:19,  
 148:14

**proceed** <sup>[12]</sup> - 44:5,

54:9, 164:14, 198:3,  
 199:14, 216:7,  
 220:5, 220:6,  
 275:16, 308:10,  
 316:4, 316:16

**proceedings**

<sup>[1]</sup> - 319:7

**process** <sup>[37]</sup> - 79:2,

81:11, 85:4, 95:14,  
 106:8, 106:9,  
 106:17, 112:11,  
 114:7, 114:15,  
 126:11, 129:17,  
 130:2, 130:18,  
 140:8, 144:15,  
 144:16, 146:7,  
 146:8, 146:16,  
 149:2, 150:15,  
 151:19, 152:2,  
 152:11, 152:17,  
 153:2, 156:13,  
 160:14, 182:12,  
 182:17, 224:11,  
 233:10, 234:12,  
 263:14, 281:15,  
 284:14

**produced** <sup>[1]</sup> - 110:3

**product** <sup>[1]</sup> - 86:3

**program** <sup>[3]</sup> - 102:19,  
 103:14, 138:16

**programs** <sup>[1]</sup> - 78:10

**progress** <sup>[1]</sup> - 49:7

**prohibited** <sup>[1]</sup> - 53:6

**project** <sup>[27]</sup> - 14:14,

33:17, 46:12, 46:17,  
 49:11, 49:17, 64:15,  
 125:8, 129:13,  
 150:9, 153:6, 159:9,  
 171:15, 172:14,  
 172:18, 177:9,  
 192:1, 194:18,  
 195:1, 195:5,

246:15, 249:14,  
 261:19, 274:8,  
 275:8, 282:15,  
 308:14

**project's** <sup>[1]</sup> - 49:7

**projected** <sup>[1]</sup> - 13:1

**projections**  
<sup>[1]</sup> - 115:2

**projects** <sup>[2]</sup> - 110:18,  
 147:19

**promise** <sup>[2]</sup> - 32:18,  
 223:18

**promote** <sup>[1]</sup> - 94:12

**proper** <sup>[1]</sup> - 234:12

**properly** <sup>[2]</sup> - 23:4,  
 272:8

**properties**  
<sup>[3]</sup> - 129:17, 145:1,  
 259:3

**property** <sup>[43]</sup> - 24:17,  
 30:5, 33:12, 36:13,  
 40:6, 40:7, 48:1,  
 48:3, 49:5, 50:9,  
 61:16, 92:9, 144:19,  
 173:17, 175:15,  
 176:10, 176:12,  
 176:17, 178:6,  
 180:1, 180:3,  
 180:16, 184:6,  
 184:18, 188:14,  
 189:12, 189:14,  
 189:16, 191:7,  
 193:7, 222:18,  
 247:9, 247:13,  
 264:14, 265:4,  
 265:6, 265:8,  
 266:16, 277:13,  
 289:4, 292:6,  
 292:13, 310:10

**proportion** <sup>[1]</sup> - 17:14

**proposal** <sup>[4]</sup> - 22:13,  
 190:2, 265:11,  
 266:2

**propose** <sup>[5]</sup> - 188:2,  
 195:7, 200:7,  
 285:19, 301:3

**proposed**  
<sup>[19]</sup> - 17:11, 23:1,  
 43:4, 53:8, 53:13,  
 53:17, 53:18, 174:3,  
 184:14, 194:19,  
 215:11, 216:2,  
 247:16, 274:13,

275:1, 275:3, 288:5,  
288:6, 298:13

**proposing** [6] - 42:18,  
88:11, 205:10,  
248:5, 248:9,  
250:12

**Prospect** [2] - 5:17,  
37:15

**prospect** [1] - 5:18

**protect** [3] - 286:2,  
286:15, 303:11

**protecting**

[1] - 291:12

**proud** [2] - 263:9,  
263:14

**proudly** [1] - 202:5

**proven** [1] - 92:16

**provide** [10] - 39:4,  
40:17, 71:3, 82:14,  
84:11, 112:12,  
113:9, 120:10,  
126:15, 197:13

**provided** [3] - 114:2,  
126:18, 199:15

**providers** [1] - 128:13

**provides** [1] - 266:1

**providing** [1] - 108:18

**provisions**

[5] - 161:12, 197:2,  
214:18, 307:12,  
314:14

**proximity** [1] - 135:16

**public** [26] - 26:4,  
43:13, 52:17, 55:15,  
62:1, 63:6, 145:14,  
147:6, 162:5, 191:2,  
195:15, 197:17,  
213:10, 214:2,  
214:6, 215:15,  
240:12, 259:18,  
266:11, 295:12,  
300:15, 301:5,  
308:4, 313:18,  
314:2, 315:13

**Public** [3] - 283:3,  
319:5, 319:11

**pull** [3] - 229:11,  
230:6, 292:8

**punitive** [2] - 78:14,  
92:6

**purchased**

[2] - 176:10, 180:15

**pure** [2] - 14:18,

99:10

**purple** <sup>[1]</sup> - 50:8

**purpose** <sup>[9]</sup> - 43:7,  
54:2, 162:7, 197:19,  
215:17, 275:6,  
285:19, 308:6,  
315:14

**purposefully**

<sup>[1]</sup> - 305:1

**purposes** <sup>[1]</sup> - 255:2

**pursue** <sup>[1]</sup> - 236:17

**purview** <sup>[1]</sup> - 258:13

**push** <sup>[3]</sup> - 187:9,

189:2, 241:1

**pushed** <sup>[2]</sup> - 187:16,

238:6

**pushing** <sup>[2]</sup> - 184:16,

188:5

**put** <sup>[41]</sup> - 15:18,

20:17, 31:14, 36:1,

36:2, 51:3, 55:15,

56:5, 58:11, 60:2,

81:7, 83:10, 90:11,

96:11, 98:12, 107:9,

114:1, 116:13,

123:13, 124:14,

126:6, 132:5, 150:8,

158:17, 225:4,

234:2, 241:18,

251:18, 280:11,

281:6, 281:14,

283:14, 284:3,

294:16, 295:18,

301:12, 304:2,

304:3, 304:16,

311:17, 312:2

**Putnam** <sup>[1]</sup> - 88:3

**putting** <sup>[5]</sup> - 38:9,

112:2, 130:1,

150:13, 286:14

**pylons** <sup>[1]</sup> - 181:4

## Q

**qualifications**

<sup>[1]</sup> - 146:18

**qualified** <sup>[1]</sup> - 10:15

**quality** <sup>[1]</sup> - 108:18

**questions**

<sup>[13]</sup> - 51:16, 100:15,

139:6, 183:19,

190:18, 195:18,

213:5, 213:8,

259:14, 266:5,

266:12, 313:13,  
313:15  
**quick** [1] - 14:2  
**quickest** [1] - 12:19  
**quickly** [4] - 12:18,  
72:6, 126:4, 301:18  
**Quincy** [1] - 10:5  
**quite** [7] - 23:18, 25:3,  
29:10, 38:2, 153:16,  
173:15, 241:11  
**quote/unquote**  
[1] - 253:2

## R

**racks** [2] - 9:1, 20:8  
**RAD** [1] - 129:13  
**Radisson** [2] - 203:5,  
203:6  
**RAFFERTY**  
[22] - 201:10,  
201:14, 203:3,  
204:15, 205:8,  
205:14, 205:17,  
206:3, 207:11,  
207:19, 208:3,  
208:10, 209:9,  
210:8, 210:18,  
211:4, 211:9,  
211:17, 213:3,  
213:18, 214:4,  
216:9  
**Rafferty** [1] - 201:15  
**rainstorms** [1] - 177:5  
**raise** [1] - 129:19  
**raised** [5] - 16:6,  
34:15, 34:18, 63:8,  
65:1  
**raising** [2] - 250:19,  
251:2  
**rake** [2] - 267:3, 304:6  
**random** [2] - 39:16,  
305:4  
**Ranjit** [2] - 175:8,  
182:17  
**rate** [1] - 209:13  
**rather** [8] - 7:19,  
43:12, 140:16,  
186:12, 206:8,  
224:11, 315:3  
**ratio** [3] - 12:3, 13:4,  
13:9  
**rational** [1] - 304:2  
**rats** [2] - 82:18, 96:8

**Ray** <sup>[5]</sup> - 246:14,  
 246:19, 260:16,  
 261:10, 263:19  
**RAY** <sup>[7]</sup> - 246:19,  
 270:7, 270:11,  
 270:13, 271:10,  
 272:16, 273:2  
**re** <sup>[1]</sup> - 284:12  
**reach** <sup>[8]</sup> - 32:16,  
 130:9, 147:9, 151:5,  
 156:12, 209:3,  
 218:14, 256:16  
**reached** <sup>[1]</sup> - 52:4  
**reaching** <sup>[1]</sup> - 218:13  
**reaction** <sup>[1]</sup> - 22:8  
**read** <sup>[9]</sup> - 65:19,  
 68:14, 195:7,  
 210:14, 232:11,  
 249:1, 301:3,  
 318:15  
**readily** <sup>[1]</sup> - 89:3  
**reading** <sup>[1]</sup> - 318:6  
**Reading** <sup>[4]</sup> - 166:16,  
 169:19, 194:14,  
 264:10  
**ready** <sup>[13]</sup> - 41:17,  
 52:18, 56:15, 57:13,  
 154:9, 159:1,  
 183:10, 196:16,  
 214:9, 214:11,  
 237:10, 273:16,  
 314:8  
**real** <sup>[4]</sup> - 57:19, 72:12,  
 179:10, 179:14  
**reality** <sup>[4]</sup> - 112:12,  
 143:6, 143:13,  
 178:1  
**realize** <sup>[7]</sup> - 107:17,  
 107:19, 109:1,  
 177:3, 179:6, 231:3,  
 231:5  
**really** <sup>[35]</sup> - 23:3,  
 30:19, 38:1, 41:2,  
 48:18, 67:17, 70:19,  
 72:10, 73:1, 74:2,  
 75:10, 87:17,  
 105:18, 110:11,  
 115:11, 130:11,  
 138:15, 140:13,  
 142:6, 153:19,  
 177:1, 177:3,  
 177:15, 178:2,  
 184:13, 189:14,

206:15, 210:3,  
 231:17, 269:4,  
 269:7, 283:13,  
 296:1, 296:4,  
 302:16

**rear** <sup>[7]</sup> - 175:1,  
 179:12, 180:13,  
 181:1, 185:13,  
 189:8, 279:17

**rearview** <sup>[2]</sup> - 312:17

**reason** <sup>[19]</sup> - 3:12,  
 34:13, 41:2, 130:6,  
 176:5, 178:8,  
 219:14, 220:17,  
 222:9, 228:16,  
 234:14, 248:6,  
 268:14, 287:16,  
 296:2, 296:8, 309:1,  
 318:7

**REASON** <sup>[6]</sup> - 318:9,  
 318:10, 318:11,  
 318:12, 318:13,  
 318:14

**reasonable**  
<sup>[31]</sup> - 70:11, 72:9,  
 80:17, 81:7, 81:8,  
 81:13, 81:17, 81:18,  
 83:17, 85:3, 85:5,  
 101:11, 101:13,  
 102:2, 102:9,  
 102:14, 103:1,  
 104:19, 111:4,  
 111:8, 119:5, 119:9,  
 136:14, 136:17,  
 155:5, 155:10,  
 162:16, 163:4,  
 163:14, 164:8,  
 300:4

**reasonably**  
<sup>[3]</sup> - 116:10, 178:7,  
 288:12

**reasons** <sup>[3]</sup> - 89:18,  
 262:2, 266:2

**rebuilt** <sup>[1]</sup> - 180:19

**receipt** <sup>[5]</sup> - 166:14,  
 169:13, 194:11,  
 195:4, 264:8

**receive** <sup>[1]</sup> - 48:10

**received** <sup>[5]</sup> - 47:10,  
 48:15, 50:18,  
 265:17, 290:8

**recent** <sup>[1]</sup> - 64:14

**recently** <sup>[4]</sup> - 107:2,

203:13, 212:13,  
247:10  
**reclaim** [1] - 179:10  
**recognize** [2] - 88:10,  
258:8  
**recommendations**  
[1] - 135:2  
**recommended**  
[1] - 222:13  
**reconcile** [1] - 17:9  
**reconciles** [1] - 17:12  
**reconfigure**  
[3] - 173:3, 173:6,  
253:17  
**reconfiguring**  
[2] - 191:12, 191:13  
**reconsider** [1] - 309:3  
**reconstructing**  
[1] - 247:11  
**record** [10] - 149:15,  
163:16, 181:9,  
195:7, 195:8,  
201:15, 246:12,  
314:7, 318:17,  
319:6  
**RECORD** [1] - 1:17  
**records** [1] - 17:13  
**recourse** [2] - 80:14,  
80:16  
**recourses**  
[1] - 118:18  
**recover** [1] - 179:14  
**recreating**  
[1] - 257:15  
**recruit** [4] - 9:18,  
10:11, 10:14, 10:18  
**recyclable** [1] - 66:6  
**recycle** [2] - 66:10,  
126:9  
**recycling** [2] - 87:10,  
126:14  
**red** [3] - 78:7, 248:17,  
248:19  
**redesign** [1] - 5:8  
**redid** [1] - 212:14  
**redo** [2] - 284:13,  
311:10  
**redoing** [1] - 152:6  
**reduce** [5] - 173:8,  
175:1, 176:3, 179:4,  
196:7  
**reduced** [2] - 19:6,  
35:13

**reduces** <sup>[1]</sup> - 179:15  
**reducing** <sup>[1]</sup> - 179:17  
**reduction** <sup>[1]</sup> - 206:7  
**reference** <sup>[3]</sup> - 18:19,  
 29:5, 131:7  
**reflect** <sup>[2]</sup> - 158:7,  
 167:10  
**reflecting** <sup>[1]</sup> - 59:4  
**reflects** <sup>[1]</sup> - 272:8  
**refreshing**  
<sup>[1]</sup> - 142:18  
**refuses** <sup>[1]</sup> - 222:3  
**regard** <sup>[15]</sup> - 35:9,  
 42:12, 43:8, 52:19,  
 129:6, 161:7, 162:8,  
 196:18, 214:15,  
 273:19, 275:7,  
 279:6, 307:9,  
 314:12, 315:16  
**regarding** <sup>[5]</sup> - 18:12,  
 26:1, 195:18,  
 242:12, 265:16  
**registered** <sup>[2]</sup> - 17:7,  
 17:8  
**registration**  
<sup>[2]</sup> - 8:18, 19:1  
**regular** <sup>[2]</sup> - 125:10,  
 127:14  
**rehabbing**  
<sup>[1]</sup> - 129:17  
**rehabilitating**  
<sup>[1]</sup> - 38:8  
**Reid** <sup>[2]</sup> - 201:18,  
 212:8  
**REID** <sup>[4]</sup> - 201:19,  
 207:3, 212:14,  
 213:1  
**reinforce** <sup>[1]</sup> - 157:19  
**reinforces** <sup>[1]</sup> - 144:8  
**related** <sup>[4]</sup> - 59:9,  
 70:12, 161:16,  
 275:18  
**relates** <sup>[1]</sup> - 101:14  
**relating** <sup>[3]</sup> - 108:10,  
 197:6, 300:19  
**relationship**  
<sup>[1]</sup> - 138:15  
**relatively** <sup>[2]</sup> - 215:11,  
 229:2  
**relevance** <sup>[1]</sup> - 14:13  
**relevant** <sup>[4]</sup> - 14:12,  
 74:2, 99:5, 116:18  
**relief** <sup>[35]</sup> - 16:3, 18:7,

23:14, 42:14, 53:7,  
 161:14, 162:3,  
 162:4, 181:19,  
 197:9, 197:15,  
 207:12, 214:15,  
 215:14, 215:18,  
 216:17, 217:17,  
 218:10, 219:7,  
 228:15, 247:3,  
 258:16, 265:18,  
 278:13, 280:16,  
 281:1, 284:8,  
 284:16, 293:3,  
 297:2, 305:16,  
 308:3, 315:11,  
 315:17, 317:1  
**relieve** [1] - 18:17  
**relocate** [1] - 68:15  
**relocated** [1] - 106:2  
**relocation** [3] - 52:2,  
 53:6, 101:16  
**reluctance**  
 [1] - 305:14  
**reluctant** [2] - 24:7,  
 200:11  
**reluctantly** [1] - 200:9  
**rely** [2] - 39:2, 120:9  
**relying** [1] - 43:9  
**remember** [3] - 50:11,  
 134:4, 202:4  
**remote** [1] - 25:1  
**removal** [2] - 82:15,  
 179:15  
**remove** [2] - 275:9,  
 305:19  
**removed** [3] - 179:8,  
 203:14, 305:17  
**removing** [6] - 66:5,  
 101:12, 192:10,  
 192:13, 207:1,  
 270:5  
**renovated** [1] - 265:8  
**renovation**  
 [6] - 106:6, 194:18,  
 203:8, 211:2, 247:9,  
 257:3  
**renovations**  
 [2] - 64:4, 258:9  
**reopened** [1] - 203:8  
**repairs** [2] - 144:17,  
 144:18  
**replace** [2] - 310:16,  
 311:19

**replaced** [2] - 275:19,  
315:9

**replacement**  
[3] - 205:2, 205:3,  
311:14

**replaces** [1] - 315:19

**replicate** [1] - 186:6

**replied** [1] - 223:16

**reply** [1] - 224:1

**report** [5] - 5:7, 11:16,  
166:13, 194:10,  
264:8

## REPORTER

[1] - 319:18

**Reporter** [2] - 319:4,  
319:12

## REPORTERS

[1] - 1:17

**represent** [1] - 209:13

## representation

[3] - 39:3, 43:9, 52:3

## representations

[2] - 44:3, 162:9

## representatives

[1] - 153:5

## represented

[1] - 295:15

**represents** [1] - 205:1

## REPRODUCTION

[1] - 319:16

**request** [13] - 24:6,  
46:17, 64:9, 72:18,  
81:8, 143:14, 167:1,  
169:13, 170:13,  
266:4, 277:16,  
280:10, 284:4

**requested** [4] - 47:9,  
105:8, 164:13,  
280:6

## requesting

[6] - 102:8, 104:19,  
166:17, 247:3,  
289:7, 292:2

**requests** [6] - 65:5,  
147:16, 149:10,  
278:11, 278:12

**require** [9] - 23:10,  
28:8, 28:19, 32:8,  
63:12, 162:2, 197:8,  
219:7, 277:18

**required** [14] - 23:14,  
46:19, 59:7, 87:3,  
163:7, 167:12,

233:17, 235:1,  
239:17, 240:5,  
242:8, 249:16,  
292:1, 300:6

**requirement**

[6] - 173:18, 233:19,  
239:7, 278:4, 278:8,  
308:18

**requirements**

[6] - 18:3, 29:10,  
30:8, 228:17,  
249:16, 258:17

**requires** [6] - 28:19,  
42:6, 53:7, 215:9,  
274:2, 315:10

**requiring** [2] - 242:13,  
265:18

**research** [1] - 233:18

**reservations**

[1] - 195:3

**reserved** [3] - 19:16,  
20:3, 41:6

**reserving** [1] - 11:7

**reside** [2] - 161:18,  
191:6

**resident** [15] - 65:10,  
80:18, 82:5, 83:7,  
109:16, 135:17,  
135:19, 136:1,  
137:17, 139:19,  
149:10, 153:5,  
171:13, 295:14,  
296:12

**residential**

[5] - 247:15, 258:18,  
259:1, 259:7

**residents** [50] - 63:12,  
63:17, 64:4, 64:8,  
64:10, 66:4, 67:6,  
76:2, 78:3, 78:17,  
80:10, 87:3, 87:13,  
90:7, 90:9, 93:3,  
93:11, 94:6, 94:8,  
95:4, 97:8, 108:8,  
108:14, 109:10,  
112:5, 112:9,  
112:13, 121:2,  
124:6, 124:9, 128:8,  
135:1, 138:7, 141:9,  
141:16, 144:10,  
144:11, 144:13,  
149:12, 150:4,  
150:11, 150:16,

152:15, 153:4,  
 158:16, 162:13,  
 162:18, 163:5,  
 294:18

**resides** <sup>[1]</sup> - 124:2

**resolved** <sup>[1]</sup> - 123:2

**resource** <sup>[3]</sup> - 25:5,  
 26:8, 145:1

**resources** <sup>[5]</sup> - 128:7,  
 147:10, 147:11,  
 150:2, 265:1

**RESPECT**  
<sup>[1]</sup> - 319:17

**respect** <sup>[7]</sup> - 42:2,  
 188:7, 224:4,  
 233:14, 249:18,  
 279:2, 296:19

**respectfully**  
<sup>[4]</sup> - 82:8, 85:12,  
 105:12, 152:9

**respecting**  
<sup>[1]</sup> - 108:17

**respond** <sup>[2]</sup> - 132:19,  
 148:2

**responded**  
<sup>[1]</sup> - 233:13

**Response**  
<sup>[12]</sup> - 25:16, 51:17,  
 52:12, 166:10,  
 169:9, 190:19,  
 194:6, 213:13,  
 259:16, 264:5,  
 313:17, 314:1

**response** <sup>[5]</sup> - 64:9,  
 232:11, 232:12,  
 233:19, 234:18

**responsibilities**  
<sup>[4]</sup> - 63:17, 77:7,  
 89:13, 89:14

**responsibility**  
<sup>[7]</sup> - 80:9, 80:11,  
 124:2, 124:4,  
 125:12, 153:9,  
 158:2

**responsible**  
<sup>[5]</sup> - 66:5, 113:1,  
 123:3, 124:10,  
 124:15

**responsive**  
<sup>[3]</sup> - 142:9, 148:16,  
 304:11

**rest** <sup>[1]</sup> - 176:14

**restaurant** <sup>[1]</sup> - 211:3

**restored** [1] - 265:4  
**resubmitted**  
 [1] - 56:12  
**result** [2] - 215:18,  
 274:7  
**retaliation**  
 [1] - 130:14  
**rethink** [1] - 236:14  
**return** [1] - 34:7  
**returning** [1] - 62:17  
**revealed** [1] - 280:10  
**review** [1] - 18:10  
**reviewed** [5] - 103:2,  
 172:18, 183:15,  
 195:2, 265:5  
**revisions** [1] - 157:18  
**revived** [1] - 282:10  
**rid** [4] - 65:17, 82:1,  
 99:7, 307:5  
**ride** [1] - 40:13  
**risk** [1] - 181:2  
**river** [3] - 206:15,  
 207:17, 208:7  
**roaches** [1] - 96:9  
**road** [6] - 134:15,  
 144:2, 288:7, 288:8,  
 288:10, 288:12  
**Road** [5] - 2:14, 4:9,  
 220:9, 277:7,  
 277:14  
**Roberts** [1] - 177:11  
**Rock** [3] - 5:17, 8:6,  
 37:13  
**rodents** [2] - 78:19,  
 132:11  
**Roll** [3] - 5:17, 8:7,  
 37:14  
**roof** [14] - 202:9,  
 248:12, 248:14,  
 250:5, 250:16,  
 250:17, 250:18,  
 250:19, 251:2,  
 251:9, 268:10,  
 268:15, 268:17  
**roofs** [1] - 248:12  
**rooftop** [4] - 202:18,  
 207:1, 209:19,  
 215:5  
**room** [16] - 57:15,  
 63:3, 64:6, 65:18,  
 72:2, 72:3, 95:17,  
 100:10, 118:13,  
 137:16, 145:3,

159:19, 161:9,  
 175:7, 187:7,  
 212:15  
**root** [2] - 286:3, 286:5  
**rot** [1] - 311:7  
**rotating** [1] - 124:9  
**roughly** [2] - 181:18,  
 210:6  
**route** [2] - 183:5,  
 292:16  
**routinely** [1] - 294:19  
**rule** [2] - 36:8, 302:4  
**rules** [6] - 133:17,  
 141:18, 141:19,  
 177:13, 185:18,  
 279:5  
**run** [4] - 12:13, 71:10,  
 157:15  
**runoffs** [1] - 19:14

## S

**safe** [4] - 112:12,  
 113:9, 180:19,  
 241:1  
**safer** [2] - 94:13,  
 113:16  
**safety** [7] - 43:2,  
 53:16, 88:5, 89:4,  
 95:2, 265:3, 274:19  
**saga** [1] - 303:17  
**Sage** [1] - 202:7  
**sale** [1] - 261:6  
**SAME** [1] - 319:17  
**SANDRA** [3] - 260:2,  
 260:6, 260:12  
**Sandra** [1] - 260:6  
**sanitary** [3] - 112:13,  
 113:2, 265:3  
**Sarah** [2] - 257:9,  
 270:19  
**sat** [6] - 202:10,  
 202:14, 203:6,  
 264:15, 268:1,  
 287:7  
**satisfied** [2] - 35:1,  
 278:14  
**satisfies** [1] - 250:6  
**satisfy** [2] - 42:7,  
 273:8  
**satisfying** [1] - 69:3  
**SAUL** [2] - 316:6,  
 316:13  
**Saul** [2] - 316:8,

316:17  
**save** [2] - 36:17,  
 287:17  
**saw** [7] - 16:9, 21:16,  
 112:6, 183:16,  
 232:15, 281:4,  
 298:7  
**schedule** [1] - 124:9  
**scheduled**  
 [2] - 55:11, 170:3  
**scheduling**  
 [2] - 109:17, 166:19  
**scheme** [1] - 184:9  
**SCHOEN** [6] - 171:16,  
 174:15, 176:1,  
 180:6, 187:18,  
 190:3  
**Schoen** [1] - 171:16  
**school** [2] - 14:15,  
 302:13  
**SCOTT** [15] - 244:10,  
 244:15, 266:14,  
 268:17, 269:6,  
 270:2, 271:5, 271:9,  
 273:6, 285:18,  
 286:5, 287:10,  
 303:1, 304:19,  
 305:4  
**Scott** [20] - 1:9, 46:4,  
 54:18, 55:4, 166:4,  
 168:6, 169:4,  
 170:17, 171:4,  
 200:13, 201:4,  
 216:18, 217:4,  
 244:8, 246:4,  
 276:12, 277:4,  
 309:11, 310:4,  
 317:5  
**screen** [5] - 20:18,  
 31:2, 31:12, 203:4,  
 203:6  
**screening** [5] - 20:16,  
 31:11, 32:8, 32:10,  
 32:12  
**Sean** [5] - 239:14,  
 240:5, 240:9,  
 246:12, 313:3  
**SEAN** [19] - 246:10,  
 247:2, 249:1, 250:1,  
 250:10, 252:5,  
 253:13, 253:18,  
 255:9, 258:1, 258:6,  
 266:9, 267:12,

267:18, 268:7,  
 269:3, 269:12,  
 270:3, 271:13  
**seated** <sup>[1]</sup> - 201:18  
**seating** <sup>[1]</sup> - 211:8  
**second** <sup>[33]</sup> - 5:15,  
 5:16, 8:13, 11:11,  
 19:4, 34:11, 46:19,  
 110:1, 119:4,  
 125:17, 133:13,  
 153:12, 173:5,  
 176:18, 186:16,  
 192:12, 235:13,  
 248:4, 248:13,  
 249:3, 249:6,  
 250:18, 251:2,  
 251:8, 251:11,  
 254:8, 254:14,  
 255:11, 255:14,  
 270:16, 278:3,  
 310:13  
**seconds** <sup>[2]</sup> - 14:10,  
 235:16  
**Secretary** <sup>[1]</sup> - 1:12  
**section** <sup>[1]</sup> - 287:14  
**sector** <sup>[1]</sup> - 77:3  
**see** <sup>[67]</sup> - 8:19, 11:17,  
 13:18, 14:13, 15:13,  
 16:4, 16:9, 34:8,  
 34:10, 41:2, 57:11,  
 61:13, 64:18, 69:5,  
 87:9, 103:17,  
 110:10, 131:6,  
 140:4, 141:5, 142:6,  
 143:10, 146:13,  
 151:9, 155:7,  
 157:12, 160:17,  
 183:5, 189:12,  
 189:13, 195:9,  
 198:6, 202:16,  
 203:4, 203:11,  
 206:17, 207:4,  
 208:18, 209:6,  
 213:16, 218:12,  
 218:18, 219:4,  
 225:2, 226:9,  
 226:11, 227:2,  
 230:7, 232:14,  
 234:8, 234:9, 244:7,  
 247:10, 248:11,  
 252:3, 253:3,  
 262:18, 263:4,  
 263:19, 265:4,

270:16, 286:12,  
 287:12, 292:4,  
 303:10, 306:5

**seeing** [5] - 62:3,  
 160:13, 177:4,  
 208:13, 251:5

**seek** [7] - 18:13, 27:7,  
 222:17, 224:9,  
 280:15, 280:16,  
 280:19

**seeking** [3] - 17:17,  
 62:18, 217:17

**seem** [1] - 305:6

**self** [1] - 22:15

**self-evident**  
 [1] - 22:15

**sell** [2] - 261:7, 261:8

**send** [5] - 103:10,  
 104:9, 131:3,  
 157:17, 208:7

**sends** [1] - 123:5

**Senior** [1] - 1:6

**senior** [4] - 70:6,  
 105:13, 107:7,  
 138:12

**sense** [3] - 226:3,  
 302:15, 302:16

**sensed** [1] - 214:13

**sensitivity** [1] - 94:7

**sent** [6] - 47:15,  
 47:17, 89:17, 89:18,  
 99:14

**sentiment**  
 [1] - 145:17

**separation**  
 [3] - 251:7, 282:5,  
 284:12

**series** [1] - 109:14

**serious** [3] - 161:16,  
 218:6, 314:17

**seriously**  
 [2] - 153:16, 290:7

**served** [1] - 279:2

**service** [8] - 78:9,  
 82:15, 84:12, 84:16,  
 100:13, 120:10,  
 128:13, 289:1

**services** [3] - 70:18,  
 125:14, 127:7

**Services** [9] - 18:9,  
 24:8, 55:18, 164:2,  
 199:18, 239:9,  
 242:18, 243:19,

318:4  
**session** [2] - 3:11,  
 157:9  
**sessions** [1] - 90:6  
**set** [13] - 21:8, 36:8,  
 81:9, 82:14, 84:17,  
 85:4, 91:18, 141:18,  
 152:6, 185:13,  
 305:2, 319:6, 319:8  
**setback** [24] - 22:19,  
 23:15, 28:2, 31:12,  
 46:19, 52:3, 53:6,  
 179:18, 217:17,  
 228:17, 233:16,  
 233:17, 235:1,  
 239:17, 240:4,  
 255:7, 278:6, 289:5,  
 291:16, 291:18,  
 292:1, 300:7,  
 301:10, 307:17  
**setbacks** [4] - 27:10,  
 218:5, 228:6,  
 242:13  
**sets** [2] - 77:4, 183:15  
**setup** [1] - 124:8  
**seven** [13] - 48:2,  
 54:7, 58:19, 59:5,  
 71:18, 128:2, 167:6,  
 167:11, 240:18,  
 241:14, 292:5,  
 292:12, 292:19  
**seven-and-a-half**  
 [3] - 292:5, 292:12,  
 292:19  
**seventies** [1] - 70:4  
**several** [1] - 70:4  
**severe** [1] - 228:11  
**severely** [1] - 287:4  
**sewer** [2] - 282:4,  
 284:12  
**sewn** [1] - 149:18  
**shade** [1] - 226:9  
**shaded** [1] - 227:11  
**shades** [1] - 226:18  
**shadow** [6] - 225:10,  
 225:11, 226:14,  
 227:4, 235:3,  
 235:17  
**shall** [2] - 220:2,  
 220:3  
**shape** [4] - 180:15,  
 215:8, 307:19,  
 315:6

**share** [1] - 138:19  
**shed** [1] - 254:18  
**SHEET** [1] - 318:1  
**Sheet** [2] - 318:3,  
 318:7  
**sheet** [1] - 318:7  
**shift** [1] - 196:5  
**shines** [1] - 208:5  
**shirk** [1] - 158:2  
**shop** [1] - 259:2  
**short** [2] - 14:5, 15:12  
**short-term** [1] - 14:5  
**Shorthand**  
 [2] - 319:4, 319:12  
**shoved** [1] - 295:1  
**shovel** [1] - 101:4  
**show** [9] - 48:2, 49:1,  
 224:14, 262:1,  
 262:7, 268:8, 268:9,  
 270:18, 272:3  
**showed** [4] - 118:2,  
 216:8, 223:6, 223:8  
**showing** [2] - 17:10,  
 190:4  
**shown** [4] - 39:11,  
 226:15, 294:2,  
 308:13  
**shows** [2] - 226:6,  
 272:18  
**shrubby** [1] - 32:2  
**sic** [1] - 25:7  
**sick** [1] - 118:4  
**side** [25] - 5:3, 40:9,  
 54:6, 175:10, 185:2,  
 187:3, 187:4, 187:7,  
 190:11, 232:5,  
 234:8, 241:1,  
 252:10, 253:16,  
 261:19, 268:16,  
 292:5, 302:18,  
 310:12, 312:16  
**side-by-side**  
 [1] - 185:2  
**side-view** [1] - 312:16  
**side-views**  
 [1] - 312:16  
**sidewalk** [2] - 185:8,  
 192:19  
**sidewalks** [1] - 285:3  
**siding** [1] - 199:11  
**Sidney** [2] - 7:16,  
 11:18  
**siege** [5] - 294:13,

296:14, 296:18,  
301:1, 302:14  
**Siegel** [2] - 46:12,  
47:5  
**SIEGEL** [8] - 47:8,  
47:16, 48:15, 50:1,  
50:8, 50:13, 51:5,  
51:11  
**sign** [46] - 15:1,  
55:15, 55:17, 56:5,  
56:7, 56:10, 58:12,  
59:4, 59:6, 60:2,  
161:2, 167:9,  
167:11, 202:17,  
202:18, 204:10,  
205:2, 205:3, 205:5,  
205:10, 206:4,  
206:6, 206:7,  
206:10, 206:11,  
206:13, 206:14,  
207:1, 208:19,  
209:1, 209:14,  
209:19, 210:4,  
210:9, 215:2, 215:6,  
215:10, 216:2,  
216:3, 241:16,  
241:18, 242:7,  
271:19  
**Sign** [1] - 318:7  
**signage** [2] - 208:7,  
209:5  
**signature** [1] - 190:14  
**SIGNATURE**  
[1] - 318:1  
**signatures**  
[1] - 312:12  
**signed** [5] - 59:2,  
172:17, 190:11,  
195:5, 312:18  
**significance**  
[1] - 257:7  
**significant** [4] - 67:4,  
212:8, 301:16,  
301:17  
**significantly**  
[1] - 295:8  
**signs** [2] - 167:7,  
205:18  
**similar** [5] - 5:13,  
13:4, 76:11, 252:1,  
255:11  
**SIMMONS**  
[11] - 128:18, 129:3,

133:10, 134:2,  
 134:7, 134:17,  
 135:9, 135:15,  
 136:6, 138:1,  
 139:11  
**Simmons** [3] - 129:4,  
 133:9, 145:18  
**simple** [4] - 99:11,  
 104:14, 104:15,  
 159:13  
**simply** [4] - 78:15,  
 134:15, 156:9,  
 230:14  
**simultaneously**  
 [2] - 114:18, 137:16  
**single** [16] - 50:17,  
 68:7, 69:4, 69:6,  
 85:10, 85:17, 85:19,  
 86:4, 86:7, 86:13,  
 119:3, 120:17,  
 125:15, 125:16,  
 212:1  
**single-family**  
 [2] - 50:17, 119:3  
**singling** [1] - 86:10  
**singular** [2] - 186:12,  
 287:3  
**sit** [3] - 112:7, 117:13,  
 129:15  
**site** [16] - 5:12, 8:11,  
 19:18, 33:8, 39:2,  
 40:10, 40:14, 63:10,  
 64:5, 71:1, 87:6,  
 128:2, 174:3, 229:1,  
 229:2, 280:9  
**sites** [3] - 7:7, 13:4,  
 86:16  
**sits** [1] - 209:14  
**Sitting** [12] - 3:4, 46:2,  
 55:2, 61:2, 166:2,  
 169:2, 171:2, 201:2,  
 217:2, 246:2, 277:2,  
 310:2  
**sitting** [4] - 132:10,  
 185:7, 202:6,  
 209:16  
**situation** [17] - 6:1,  
 8:2, 10:1, 15:9,  
 29:3, 88:5, 89:14,  
 105:10, 112:3,  
 112:19, 178:1,  
 236:4, 286:18,  
 297:2, 297:19,

311:10, 311:12  
**situations** [3] - 105:6,  
 125:1, 297:16  
**six** [9] - 48:1, 91:7,  
 91:10, 111:10,  
 114:6, 155:8, 180:1,  
 180:3, 253:16  
**size** [9] - 5:13, 5:19,  
 178:6, 208:5,  
 275:11, 278:1,  
 286:10, 289:16,  
 315:18  
**sizes** [1] - 199:9  
**sketch** [1] - 184:4  
**skyscape** [1] - 215:19  
**Slater** [3] - 1:11, 46:4,  
 97:15  
**slightly** [4] - 6:5, 7:11,  
 176:13, 199:9  
**slip** [1] - 292:10  
**slot** [1] - 66:14  
**slow** [1] - 288:2  
**slowly** [1] - 126:11  
**small** [5] - 68:7,  
 188:1, 211:13,  
 230:10, 296:10  
**smaller** [5] - 131:12,  
 131:14, 187:13,  
 229:19, 252:19  
**smallest** [1] - 224:6  
**smell** [2] - 118:8,  
 118:10  
**smoke** [2] - 107:2,  
 107:8  
**smoke-free**  
 [1] - 107:2  
**smoking** [2] - 107:9,  
 144:16  
**smooth** [1] - 11:9  
**smoothly** [2] - 79:5,  
 109:4  
**so...** [3] - 10:6, 193:4,  
 291:16  
**soft** [1] - 212:15  
**soil** [1] - 197:10  
**solar** [2] - 230:9,  
 237:18  
**solution** [9] - 21:1,  
 83:5, 98:18, 136:12,  
 136:13, 186:8,  
 215:5, 218:19,  
 219:5  
**solve** [5] - 40:11,

79:8, 101:1, 144:3,  
238:1

**solved** <sup>[1]</sup> - 163:2

**someone** <sup>[15]</sup> - 18:9,  
65:9, 67:10, 95:10,  
100:17, 113:19,  
120:11, 124:12,  
138:18, 148:11,  
148:12, 202:4,  
221:9, 222:13,  
289:15

**someplace** <sup>[4]</sup> - 8:6,  
69:1, 74:18, 188:10

**sometime** <sup>[2]</sup> - 177:4,  
285:4

**sometimes** <sup>[8]</sup> - 8:3,  
15:15, 112:5, 130:8,  
130:10, 132:8,  
137:4, 269:13

**somewhat** <sup>[3]</sup> - 35:7,  
209:17, 252:1

**somewhere**  
<sup>[3]</sup> - 202:12, 272:11,  
272:12

**son** <sup>[2]</sup> - 193:4,  
263:10

**son's** <sup>[1]</sup> - 122:5

**soon** <sup>[2]</sup> - 57:11,  
314:19

**SOP** <sup>[2]</sup> - 156:9,  
156:13

**sorry** <sup>[16]</sup> - 6:14,  
31:17, 74:5, 75:3,  
97:19, 116:3, 127:2,  
127:4, 127:5, 133:9,  
137:19, 229:5,  
231:2, 242:4,  
280:15, 280:18

**sort** <sup>[22]</sup> - 67:5, 76:3,  
77:4, 77:18, 78:3,  
78:7, 81:3, 92:6,  
110:2, 110:13,  
115:5, 143:11,  
156:1, 157:19,  
178:19, 182:12,  
186:7, 280:2,  
282:10, 282:12,  
284:14, 310:13

**sought** <sup>[17]</sup> - 42:3,  
53:1, 54:5, 161:8,  
196:19, 198:3,  
207:13, 214:16,  
215:19, 216:6,

274:1, 275:15,  
 307:10, 308:9,  
 314:12, 315:17,  
 316:4  
**sound** [2] - 105:9,  
 154:1  
**sounds** [1] - 41:14  
**south** [2] - 226:4,  
 226:8  
**space** [61] - 7:18,  
 8:17, 11:4, 17:10,  
 19:5, 19:7, 19:17,  
 20:9, 20:12, 20:13,  
 29:12, 39:6, 40:10,  
 40:17, 41:6, 41:8,  
 47:1, 173:8, 174:8,  
 175:3, 175:16,  
 175:17, 175:19,  
 178:3, 178:10,  
 179:1, 182:7,  
 186:10, 187:15,  
 187:19, 188:4,  
 188:12, 190:4,  
 190:6, 191:16,  
 192:7, 192:15,  
 193:8, 197:4,  
 197:14, 203:19,  
 222:11, 249:5,  
 249:6, 249:15,  
 252:7, 253:4,  
 255:14, 256:2,  
 256:15, 278:17,  
 279:17, 286:19,  
 289:17, 292:7,  
 292:9, 292:10,  
 292:11, 295:12,  
 301:14, 307:17  
**spaces** [20] - 9:2,  
 9:16, 11:7, 19:16,  
 20:3, 35:13, 35:15,  
 36:13, 36:17, 37:18,  
 39:13, 40:1, 40:16,  
 41:3, 41:8, 175:7,  
 204:5, 287:9,  
 298:11, 298:12  
**sparkling** [2] - 19:7,  
 40:1  
**speaking** [6] - 120:2,  
 175:8, 182:1, 229:2,  
 256:19, 296:15  
**spearheading**  
 [1] - 155:13  
**specced** [1] - 196:6

**Special** <sup>[31]</sup> - 27:5,  
 28:11, 34:9, 38:19,  
 42:2, 42:7, 42:8,  
 44:4, 45:12, 45:16,  
 46:18, 52:2, 53:1,  
 53:4, 53:7, 54:4,  
 54:14, 170:2,  
 211:10, 247:3,  
 256:13, 258:18,  
 259:10, 264:11,  
 265:18, 266:3,  
 274:1, 274:3,  
 275:15, 276:8,  
 276:11  
**specific** <sup>[2]</sup> - 77:1,  
 135:13  
**specifically**  
<sup>[1]</sup> - 282:14  
**specifics** <sup>[1]</sup> - 253:8  
**spend** <sup>[2]</sup> - 111:2,  
 178:7  
**spending** <sup>[1]</sup> - 111:3  
**spent** <sup>[3]</sup> - 110:19,  
 212:13, 264:19  
**spirited** <sup>[1]</sup> - 67:2  
**spoken** <sup>[1]</sup> - 130:12  
**spot** <sup>[3]</sup> - 291:3,  
 301:11, 305:11  
**spots** <sup>[3]</sup> - 8:10, 8:11,  
 14:5  
**springtime** <sup>[1]</sup> - 177:6  
**square** <sup>[8]</sup> - 191:15,  
 205:15, 205:18,  
 205:19, 210:7,  
 210:10, 253:12,  
 311:3  
**squeeze** <sup>[1]</sup> - 188:8  
**SS** <sup>[1]</sup> - 319:3  
**staff** <sup>[25]</sup> - 9:5, 11:1,  
 14:7, 36:12, 39:1,  
 39:14, 40:2, 40:5,  
 40:11, 40:12, 41:3,  
 41:7, 41:13, 43:10,  
 43:14, 65:2, 76:2,  
 81:1, 82:9, 83:17,  
 85:1, 92:3, 102:17,  
 149:4, 152:10  
**staffing** <sup>[1]</sup> - 148:19  
**stagger** <sup>[1]</sup> - 175:12  
**stair** <sup>[1]</sup> - 252:15  
**stairs** <sup>[11]</sup> - 68:4,  
 82:6, 83:9, 85:15,  
 122:15, 122:16,

122:17, 124:5,  
148:8, 249:4

**stairway** [1] - 253:17

**stairways** [1] - 173:3

**stairwell** [3] - 191:12,  
191:13, 191:19

**stand** [1] - 92:10

**standard** [2] - 72:8,  
148:14

**standards** [2] - 173:6,  
207:7

**start** [8] - 3:10, 3:11,  
106:19, 108:6,  
114:7, 217:14,  
218:11, 225:8

**started** [6] - 177:8,  
178:3, 182:14,  
228:10, 282:9,  
295:9

**starting** [3] - 155:14,  
218:7, 248:13

**starts** [1] - 131:1

**state** [3] - 12:5, 113:2,  
118:13

**statement** [4] - 65:16,  
66:2, 68:10, 217:15

**statement(s)**  
[1] - 318:17

**status** [2] - 77:19,  
155:5

**statute** [1] - 102:11

**stay** [3] - 77:12,  
190:8, 212:18

**staycation** [1] - 213:4

**staying** [1] - 145:11

**stays** [2] - 120:18,  
262:7

**steer** [1] - 12:9

**stenographer**  
[1] - 4:3

**step** [4] - 88:12,  
132:4, 148:2,  
284:17

**steps** [1] - 226:10

**sticks** [1] - 249:9

**still** [11] - 36:1, 55:17,  
66:11, 113:7, 126:5,  
138:4, 142:4, 228:9,  
238:10, 284:5,  
284:7

**stock** [1] - 265:8

**STONEHOUSE**  
[3] - 191:5, 193:10,

193:16

**Stonehouse**

[2] - 191:6, 194:13

**stonewalls** [1] - 19:7

**stood** [1] - 11:13

**stop** [4] - 49:7,

163:12, 220:5,

300:14

**stopped** [2] - 49:11,

51:1

**storage** [1] - 193:13

**storing** [1] - 193:18

**storm** [2] - 19:9,

19:14

**story** [13] - 76:12,

98:14, 144:14,

232:6, 248:8,

250:12, 251:11,

264:12, 265:17,

266:15, 267:2,

267:11

**straight** [2] - 306:12,

306:13

**Street** [47] - 2:3, 2:4,

2:5, 2:6, 2:7, 2:8,

2:11, 2:12, 2:15,

3:15, 4:7, 4:18,

5:17, 7:16, 11:3,

11:15, 11:16, 11:18,

11:19, 13:11, 31:15,

36:14, 39:5, 46:7,

48:17, 49:10, 50:3,

55:7, 61:7, 62:8,

76:10, 76:15, 129:4,

166:7, 166:18,

169:6, 170:3, 171:6,

171:14, 185:10,

190:15, 191:7,

194:15, 217:7,

220:13, 261:18,

310:7

**street** [33] - 6:19,

9:14, 11:6, 20:1,

22:10, 31:2, 185:7,

185:14, 192:9,

260:7, 261:9,

277:17, 279:8,

279:15, 283:13,

285:2, 286:19,

287:14, 288:14,

288:16, 290:10,

290:11, 290:17,

294:19, 295:6,

297:17, 299:7,  
 299:8, 299:9,  
 302:19, 304:6,  
 307:15

**streetscape**  
 [4] - 184:17, 215:19,  
 278:15, 288:6

**strictly** [1] - 102:11

**strip** [2] - 23:16,  
 44:16

**stripped** [1] - 151:7

**strips** [1] - 22:19

**stroller** [1] - 20:11

**strong** [4] - 193:2,  
 264:11, 285:15,  
 285:17

**stronger** [2] - 94:12,  
 267:7

**strongly** [2] - 94:12,  
 139:8

**structure** [40] - 38:10,  
 47:3, 48:4, 54:6,  
 63:1, 63:14, 88:19,  
 124:16, 124:18,  
 143:16, 162:1,  
 172:4, 179:16,  
 197:7, 197:12,  
 198:15, 199:6,  
 199:10, 215:8,  
 215:9, 247:5, 247:8,  
 250:5, 250:16,  
 251:4, 255:16,  
 257:2, 264:16,  
 274:5, 275:1,  
 293:11, 310:17,  
 311:5, 311:15,  
 311:17, 312:1,  
 314:17, 315:3,  
 315:7, 315:19

**structures** [2] - 259:1,  
 308:1

**struggling**  
 [1] - 106:11

**students** [1] - 13:6

**study** [3] - 5:6, 5:11,  
 11:12

**stuff** [4] - 21:11,  
 70:12, 149:15,  
 295:18

**style** [1] - 310:14

**styled** [1] - 256:4

**subject** [6] - 42:13,  
 59:1, 67:13, 206:12,

258:15, 315:9

**subjective**  
 [1] - 136:15

**submit** [3] - 183:10,  
 232:8, 312:9

**submitted** [11] - 5:7,  
 9:6, 28:16, 54:10,  
 55:19, 63:19,  
 164:14, 198:4,  
 236:10, 240:1,  
 275:17

**subscribe**  
 [1] - 318:17

**subsidize** [1] - 11:2

**subsidized** [1] - 39:4

**subsidizing** [1] - 9:12

**substantial**  
 [21] - 33:16, 42:11,  
 53:9, 161:13, 162:5,  
 176:6, 176:8,  
 187:14, 191:11,  
 197:3, 197:16,  
 214:19, 215:15,  
 264:19, 274:9,  
 307:13, 308:4,  
 314:15, 315:12

**substantially**  
 [5] - 162:6, 197:18,  
 215:16, 308:5,  
 315:13

**succeed** [1] - 309:2

**succeeding**  
 [1] - 134:13

**sudden** [2] - 40:6,  
 184:19

**sufficient** [3] - 56:1,  
 56:3, 56:12

**suggest** [5] - 12:16,  
 36:11, 85:17, 139:8,  
 219:1

**suggested**  
 [6] - 109:8, 145:19,  
 163:15, 229:17,  
 257:12, 284:10

**suggesting**  
 [2] - 255:6, 258:10

**suggestion**  
 [4] - 20:15, 36:18,  
 116:6, 160:11

**suggestions**  
 [1] - 258:14

**suitable** [3] - 162:17,  
 177:1, 290:2

**Sullivan** <sup>[19]</sup> - 1:9,  
 46:3, 54:18, 55:4,  
 166:4, 168:6, 169:4,  
 170:17, 171:4,  
 200:13, 201:4,  
 216:18, 217:4,  
 244:8, 246:4,  
 276:12, 277:4,  
 310:4, 317:5

**SULLIVAN**

<sup>[29]</sup> - 184:2, 184:8,  
 184:11, 185:15,  
 186:1, 186:19,  
 187:3, 187:8, 188:6,  
 196:1, 196:14,  
 200:7, 200:12,  
 210:13, 271:7,  
 271:17, 272:5,  
 273:12, 286:7,  
 286:16, 289:3,  
 289:9, 293:19,  
 302:10, 305:8,  
 306:11, 309:13,  
 313:1, 313:8

**summarize** <sup>[2]</sup> - 22:2,  
 22:7

**summary** <sup>[1]</sup> - 20:13

**summer** <sup>[2]</sup> - 177:8,  
 182:15

**summertime**

<sup>[2]</sup> - 12:8, 118:5

**sun** <sup>[9]</sup> - 223:12,

226:7, 226:11,  
 226:17, 227:13,  
 235:5, 235:19,  
 236:1, 245:3

**Sunday** <sup>[1]</sup> - 71:18

**sunlight** <sup>[4]</sup> - 226:2,  
 226:14, 235:15,  
 236:1

**supplemental**

<sup>[1]</sup> - 64:19

**support** <sup>[40]</sup> - 25:9,  
 33:19, 34:6, 70:18,  
 94:18, 142:5, 192:1,  
 193:2, 194:17,  
 195:5, 256:18,  
 256:19, 257:4,  
 260:19, 261:3,  
 261:11, 262:2,  
 262:7, 262:17,  
 264:11, 265:17,  
 265:19, 284:2,

285:5, 285:8,  
 285:15, 290:8,  
 294:9, 298:2, 298:5,  
 298:8, 300:17,  
 302:1, 302:19,  
 303:1, 305:11,  
 305:14, 305:16,  
 314:5

**supported**

[3] - 111:18, 142:6,  
 259:12

**suppose** [1] - 230:4

**supposed** [6] - 55:14,  
 56:4, 160:7, 174:12,  
 174:13, 293:7

**surface** [1] - 203:14

**surprise** [1] - 130:4

**surprised** [3] - 150:6,  
 151:1, 233:7

**surrounded**

[1] - 258:19

**survey** [1] - 281:10

**suspect** [1] - 32:15

**swamp** [1] - 27:15

**swell** [1] - 19:13

**switch** [1] - 90:15

**sympathetic**

[3] - 37:9, 107:17,  
 109:2

**synthesis** [1] - 283:12

**system** [27] - 19:9,  
 63:10, 63:11, 63:16,  
 64:13, 65:7, 65:8,  
 67:11, 67:19, 69:17,  
 86:18, 95:16, 98:4,  
 100:17, 106:3,  
 111:5, 114:4, 114:8,  
 120:5, 127:15,  
 145:12, 150:13,  
 162:11, 162:12,  
 162:19, 196:5,  
 313:4

**systems** [5] - 87:4,  
 92:4, 92:11, 92:14,  
 114:18

**T**

**T-u-n-g** [1] - 310:9

**table** [1] - 133:1

**tacked** [1] - 267:5

**talks** [1] - 135:12

**tall** [2] - 84:8, 286:11

**tangentially**

[1] - 134:11  
**tangible** [1] - 148:2  
**TANYA** [16] - 246:17,  
 252:8, 252:14,  
 253:3, 253:11,  
 253:15, 257:12,  
 258:5, 267:14,  
 268:3, 268:9,  
 268:13, 270:5,  
 270:9, 270:12,  
 271:2  
**Tanya** [1] - 246:17  
**tape** [1] - 48:6  
**target** [1] - 10:18  
**targeted** [1] - 77:16  
**task** [2] - 70:14,  
 140:16  
**tasks** [1] - 76:9  
**teach** [1] - 26:11  
**teachers** [1] - 10:15  
**team** [2] - 63:18,  
 80:12  
**technically**  
 [3] - 174:9, 292:8,  
 293:7  
**temporary** [2] - 9:3,  
 39:13  
**ten** [19] - 14:5, 23:9,  
 23:12, 28:2, 47:3,  
 70:10, 173:17,  
 174:12, 174:14,  
 175:18, 210:6,  
 215:13, 235:16,  
 247:6, 247:10,  
 286:12, 293:7,  
 293:12, 311:8  
**ten-foot** [1] - 175:18  
**ten-inch** [1] - 286:12  
**ten-minute** [1] - 14:5  
**tenant** [6] - 8:13,  
 49:10, 77:5, 77:7,  
 116:8, 116:9  
**tenants** [11] - 48:7,  
 51:4, 118:18, 130:8,  
 130:10, 132:17,  
 132:18, 140:13,  
 142:7, 148:1, 148:4  
**tenure** [1] - 73:18  
**TERESA** [13] - 97:12,  
 97:19, 98:3, 99:9,  
 99:12, 99:18, 100:5,  
 100:11, 101:2,  
 103:3, 116:1, 116:5,

117:1

**Teresa** <sup>[1]</sup> - 97:12

**term** <sup>[6]</sup> - 14:5, 37:5,  
78:16, 95:1, 95:2,  
160:8

**terms** <sup>[24]</sup> - 17:3,  
21:3, 27:9, 29:2,  
32:19, 35:2, 36:3,  
76:4, 76:8, 77:6,  
77:7, 88:11, 104:16,  
131:11, 138:9,  
157:4, 158:6, 181:7,  
193:7, 215:2,  
247:19, 249:13,  
257:3, 276:5

**terrace** <sup>[1]</sup> - 211:14

**terrific** <sup>[1]</sup> - 30:19

**Terry** <sup>[3]</sup> - 62:14,  
73:19, 145:8

**testimony** <sup>[17]</sup> - 26:4,  
52:17, 145:14,  
191:2, 195:15,  
213:10, 214:2,  
214:7, 259:13,  
259:18, 266:11,  
274:14, 300:15,  
301:5, 305:15,  
313:19, 314:3

**texturing** <sup>[1]</sup> - 258:15

**THE** <sup>[10]</sup> - 1:2, 1:17,  
61:10, 61:14, 61:19,  
217:10, 319:16,  
319:17, 319:17

**themselves**

<sup>[2]</sup> - 109:11, 162:18

**therefor** <sup>[1]</sup> - 318:7

**therefore** <sup>[4]</sup> - 170:9,  
215:9, 218:14,  
224:8

**they've** <sup>[9]</sup> - 28:15,  
57:3, 57:10, 68:19,  
129:14, 140:7,  
140:8, 177:17,  
203:10

**thin** <sup>[1]</sup> - 23:5

**thinking** <sup>[9]</sup> - 28:6,  
103:3, 130:18,  
149:16, 158:6,  
183:2, 186:16,  
269:3, 270:4

**third** <sup>[12]</sup> - 19:15,  
55:14, 86:5, 190:14,  
247:18, 248:7,

249:3, 251:8,  
252:15, 253:13,  
254:1, 254:6

**THIS** <sup>[1]</sup> - 319:16

**THOMAS**

<sup>[15]</sup> - 244:10,  
244:15, 266:14,  
268:17, 269:6,  
270:2, 271:5, 271:9,  
273:6, 285:18,  
286:5, 287:10,  
303:1, 304:19,  
305:4

**Thomas** <sup>[11]</sup> - 1:9,  
46:4, 55:4, 166:4,  
169:4, 171:4, 201:4,  
217:4, 246:4, 277:4,  
310:4

**thorough** <sup>[1]</sup> - 46:16

**thoroughly**

<sup>[1]</sup> - 195:2

**thoughtful**

<sup>[6]</sup> - 139:6, 142:17,  
146:9, 285:7,  
300:18, 305:6

**thoughtfully**

<sup>[2]</sup> - 38:2, 108:13

**thoughts** <sup>[1]</sup> - 133:1

**thousand** <sup>[1]</sup> - 211:5

**threatened**

<sup>[1]</sup> - 234:11

**Three** <sup>[1]</sup> - 4:9

**three** <sup>[60]</sup> - 7:15,  
19:16, 20:3, 23:2,  
23:4, 27:8, 27:15,  
27:18, 30:2, 35:11,  
38:17, 40:1, 40:16,  
44:6, 50:7, 50:17,  
51:3, 57:16, 63:4,  
64:10, 64:14, 67:3,  
85:10, 85:15, 98:14,  
115:4, 119:12,  
119:16, 121:12,  
129:14, 138:17,  
147:7, 147:17,  
152:18, 158:12,  
175:11, 213:19,  
232:7, 248:3, 248:8,  
248:12, 250:12,  
253:16, 254:4,  
254:19, 255:3,  
255:5, 256:4,  
259:11, 264:12,

265:6, 265:11,  
265:17, 266:15,  
267:2, 267:11,  
275:11, 287:8,  
302:11

**three-bedroom**

[3] - 248:3, 259:11,  
265:11

**three-family**

[3] - 50:17, 265:6,  
275:11

**three-foot** [3] - 27:15,

175:11, 253:16

**three-month**

[2] - 147:17, 158:12

**three-story**

[8] - 98:14, 248:8,  
250:12, 264:12,  
265:17, 266:15,  
267:2, 267:11

**throughout** [6] - 77:6,

83:8, 88:7, 110:5,  
178:11, 282:5

**throw** [5] - 15:9,

76:17, 85:15,  
125:18, 126:9

**throwing** [3] - 74:7,

126:9, 127:19

**Thursday** [5] - 47:9,

48:1, 49:1, 51:7,  
170:4

**THURSDAY** [1] - 1:4

**tight** [1] - 30:6

**Tim** [1] - 88:8

**timely** [1] - 123:9

**timing** [1] - 258:2

**Timothy** [12] - 1:8,

3:5, 55:3, 61:3,  
166:3, 169:3, 171:3,  
201:3, 217:3, 246:3,  
277:3, 310:3

**TIMOTHY** [70] - 26:17,

27:11, 28:6, 28:13,  
28:17, 29:2, 29:12,  
29:16, 29:19, 30:14,  
34:13, 34:19, 37:16,  
40:15, 41:1, 41:14,  
41:19, 44:14, 45:1,  
45:6, 73:14, 74:1,  
74:6, 74:13, 75:7,  
75:12, 75:16, 79:6,  
79:10, 79:14, 89:9,  
90:13, 90:17, 91:4,

91:8, 91:11, 92:18,  
 97:17, 103:4,  
 103:13, 103:19,  
 104:5, 104:8, 105:9,  
 105:15, 106:5,  
 106:15, 107:9,  
 116:3, 154:10,  
 160:19, 161:4,  
 208:2, 209:6,  
 210:11, 211:1,  
 211:6, 211:16,  
 212:17, 213:7,  
 214:9, 238:15,  
 240:19, 273:3,  
 273:10, 288:1,  
 291:15, 301:8,  
 313:14, 314:9  
**tired** [1] - 260:14  
**title** [1] - 116:13  
**TO** [1] - 319:16  
**today** [7] - 90:11,  
 116:19, 195:12,  
 213:19, 225:4,  
 229:14, 259:13  
**together** [6] - 114:1,  
 123:14, 218:17,  
 225:5, 283:15,  
 284:4  
**tonight** [30] - 3:13,  
 15:18, 18:16, 28:10,  
 55:16, 62:10, 65:9,  
 99:6, 119:1, 119:16,  
 140:12, 154:2,  
 156:19, 157:3,  
 158:6, 164:6,  
 171:19, 182:1,  
 204:17, 219:2,  
 219:10, 220:5,  
 220:6, 236:18,  
 238:6, 246:13,  
 269:18, 277:15,  
 284:16, 293:4  
**took** [4] - 56:6, 85:14,  
 176:17, 285:12  
**top** [10] - 68:1,  
 100:17, 226:12,  
 240:3, 252:18,  
 253:5, 254:15,  
 255:13, 266:18,  
 268:1  
**topic** [1] - 224:10  
**torn** [1] - 180:18  
**total** [5] - 30:3, 35:12,

205:18, 205:19,  
210:6

**totally** [2] - 117:17,  
186:14

**touched** [3] - 182:4,  
182:6, 182:7

**toured** [3] - 49:11,  
49:15, 50:9

**towards** [4] - 12:12,  
108:16, 177:18,  
179:11

**town** [1] - 234:6

**track** [3] - 149:15,  
262:6, 262:8

**traditional** [1] - 52:1

**traffic** [31] - 4:18, 5:6,  
5:11, 11:10, 11:12,  
11:15, 11:17, 12:2,  
12:4, 12:7, 12:8,  
12:10, 12:13, 12:14,  
12:17, 13:15, 13:18,  
14:9, 15:13, 15:14,  
16:7, 17:1, 19:19,  
34:11, 35:2, 42:9,  
274:6, 288:2,  
301:12, 303:6,  
305:1

**training** [2] - 141:11,  
141:14

**transcript** [6] - 65:4,  
161:1, 318:2, 318:6,  
318:15, 318:17

**TRANSCRIPT**  
[1] - 319:16

**transfer** [1] - 103:8

**transit** [1] - 10:3

**transition**  
[38] - 73:15, 75:13,  
75:18, 78:2, 79:5,  
79:15, 79:18, 89:19,  
90:10, 90:11, 95:14,  
105:16, 109:4,  
111:5, 114:14,  
114:15, 127:8,  
137:6, 137:7, 137:9,  
140:12, 141:13,  
144:15, 144:16,  
146:6, 146:8,  
146:11, 147:8,  
148:11, 150:9,  
150:10, 152:4,  
154:16, 155:7,  
156:16, 162:17,

163:3

**transitional**

[7] - 106:8, 106:9,  
106:17, 151:14,  
158:10, 158:11,  
160:9

**transitioned** [1] - 75:5

**transitioning**

[1] - 259:6

**transitions** [2] - 75:9,

149:3

**transmit** [1] - 154:17

**transpired** [1] - 91:5

**trash** [124] - 63:3,

63:9, 63:11, 63:12,  
63:13, 63:16, 64:6,  
64:12, 65:6, 65:18,  
66:5, 66:7, 66:9,  
66:14, 68:5, 68:9,  
69:16, 70:8, 70:11,  
70:15, 71:13, 72:2,  
72:3, 72:15, 73:4,  
73:9, 73:11, 73:15,  
74:16, 74:17, 74:19,  
75:6, 75:7, 76:1,  
76:4, 76:18, 77:8,  
78:6, 79:7, 82:2,  
82:15, 82:18, 83:9,  
83:10, 84:2, 84:6,  
84:8, 84:13, 84:17,  
85:15, 86:5, 87:8,  
87:11, 87:12, 87:14,  
88:6, 90:12, 92:13,  
92:15, 95:17, 96:6,  
96:12, 96:16, 98:8,  
98:10, 98:12, 99:3,  
99:8, 100:9, 100:10,  
100:19, 101:12,  
102:18, 103:7,  
103:11, 105:1,  
105:17, 106:19,  
107:10, 112:4,  
114:4, 114:7, 115:8,  
117:6, 117:18,  
118:12, 120:8,  
120:12, 124:13,  
124:15, 125:18,  
126:1, 126:2, 126:4,  
126:6, 126:10,  
127:11, 127:19,  
131:13, 131:17,  
131:19, 132:2,  
132:5, 132:8,

132:10, 135:16,  
 136:8, 137:16,  
 140:2, 140:4, 142:1,  
 145:3, 149:9,  
 159:19, 160:7,  
 161:9, 161:14,  
 161:15, 162:2,  
 162:11, 163:7

**traumatic** [1] - 68:18

**travel** [2] - 9:19,  
 234:16

**travelers** [1] - 206:16

**treat** [2] - 86:8,  
 267:16

**treated** [1] - 170:9

**treatment** [2] - 251:9,  
 267:19

**treatments**

[1] - 257:10

**tree** [14] - 286:2,  
 286:5, 286:6, 286:7,  
 286:10, 286:12,  
 286:15, 287:17,  
 303:12, 303:14,  
 303:15, 303:16,  
 303:18, 304:3

**trees** [1] - 234:2

**tremendous**

[3] - 12:1, 24:16,  
 24:18

**trespassers**

[1] - 264:18

**tried** [5] - 93:9,  
 221:15, 296:12,  
 306:2, 311:8

**triggering** [1] - 248:6

**trim** [1] - 267:9

**trimmed** [1] - 267:9

**trip** [1] - 13:2

**triple** [1] - 86:6

**trouble** [6] - 61:12,  
 62:3, 78:5, 81:2,  
 84:9, 228:15

**troubled** [1] - 287:11

**Trowbridge**

[1] - 48:17

**true** [7] - 88:14,  
 121:10, 121:11,  
 228:19, 267:1,  
 297:16, 319:6

**truer** [1] - 269:6

**truly** [2] - 254:10,  
 256:7

**Trust** [2] - 194:16,  
 310:11  
**trust** [4] - 119:10,  
 122:11, 310:10,  
 314:8  
**trustee** [1] - 310:9  
**trustees** [1] - 194:15  
**try** [7] - 94:4, 112:17,  
 121:1, 130:9,  
 134:11, 179:4,  
 179:10  
**trying** [20] - 18:15,  
 27:16, 120:9,  
 134:10, 143:19,  
 175:2, 177:15,  
 181:6, 221:18,  
 222:2, 223:18,  
 240:8, 253:5, 256:3,  
 267:15, 288:13,  
 288:15, 293:4,  
 294:18, 300:3  
**tucked** [1] - 6:19  
**Tuesday** [3] - 48:7,  
 51:6, 99:15  
**tumbling** [1] - 181:5  
**TUNG** [6] - 310:8,  
 311:2, 312:8,  
 312:15, 313:3,  
 313:12  
**Tung** [2] - 310:8,  
 310:10  
**turn** [4] - 19:18,  
 111:14, 235:9,  
 315:10  
**turnaround** [7] - 14:2,  
 36:18, 40:10, 40:17,  
 41:6, 41:9, 43:17  
**turned** [2] - 50:16,  
 117:16  
**turning** [1] - 35:9  
**Turnpike** [1] - 206:17  
**turns** [1] - 18:11  
**tweaks** [1] - 269:14  
**twice** [2] - 83:10, 84:8  
**two** [53] - 4:16, 5:13,  
 6:2, 6:7, 7:7, 15:11,  
 25:19, 37:4, 37:10,  
 38:6, 38:14, 38:16,  
 40:1, 46:14, 46:18,  
 49:6, 54:4, 55:12,  
 60:4, 67:17, 69:13,  
 74:9, 82:4, 114:18,  
 115:4, 147:7,

170:11, 171:19,  
 175:7, 189:13,  
 205:18, 210:17,  
 211:3, 211:5,  
 219:16, 226:6,  
 232:5, 232:6, 234:1,  
 234:6, 247:12,  
 247:17, 248:4,  
 255:5, 259:3,  
 265:10, 275:11,  
 277:16, 283:15,  
 287:8, 301:4,  
 302:11

**two-bedroom**

[1] - 248:4

**two-family**

[2] - 247:12, 247:17

**two-thousand**

[1] - 211:5

**type** [9] - 31:3, 84:11,

84:12, 98:19, 99:2,

101:3, 287:12,

310:17

**types** [1] - 248:12

**typically** [4] - 7:13,

78:11, 212:17,

288:1

## U

**u-turn** [1] - 19:18

**UK** [1] - 237:4

**ultimate** [1] - 83:16

**ultimately** [7] - 24:2,

81:6, 101:15,

111:15, 112:19,

114:3, 144:13

**unable** [4] - 70:7,

70:14, 72:1, 83:12

**uncredible** [1] - 25:7

**UNDER** [1] - 319:17

**under** [16] - 53:5,

54:7, 81:1, 93:7,

203:8, 210:7,

257:13, 259:3,

274:3, 294:12,

296:14, 296:17,

301:1, 302:13,

312:2, 313:5

**under-informed**

[1] - 93:7

**underneath**

[1] - 181:4

**undersigned**

[1] - 319:4  
**understood**  
 [4] - 56:9, 65:16,  
 78:13, 219:8  
**undo** [1] - 131:1  
**undue** [1] - 82:9  
**unexpected**  
 [5] - 146:10, 147:16,  
 148:4, 148:5, 148:6  
**unfortunately**  
 [1] - 223:2  
**unintended**  
 [1] - 149:5  
**union** [1] - 116:6  
**unique** [1] - 204:19  
**unit** [18] - 49:13,  
 71:13, 136:10,  
 175:10, 176:18,  
 176:19, 185:2,  
 191:12, 191:17,  
 192:12, 235:18,  
 236:3, 247:18,  
 247:19, 248:3,  
 248:4, 249:15,  
 259:11  
**units** [10] - 69:18,  
 69:19, 77:17,  
 177:19, 249:13,  
 256:4, 265:11,  
 265:12, 275:10,  
 275:11  
**University** [2] - 5:15,  
 5:16  
**unless** [2] - 231:10,  
 313:12  
**UNLESS** [1] - 319:17  
**unreasonable**  
 [1] - 115:10  
**unusual** [1] - 65:15  
**unusually**  
 [1] - 285:15  
**up** [94] - 6:1, 6:3, 6:6,  
 7:6, 8:9, 15:2, 32:4,  
 35:11, 36:8, 43:18,  
 55:15, 55:17, 56:5,  
 58:12, 59:19, 60:2,  
 60:8, 62:5, 71:15,  
 72:2, 76:10, 78:9,  
 81:3, 81:9, 81:13,  
 81:18, 82:7, 82:14,  
 84:13, 84:16, 84:19,  
 85:4, 87:11, 91:18,  
 96:7, 96:9, 97:8,

101:9, 102:17,  
 103:10, 104:9,  
 105:1, 105:18,  
 118:2, 120:2,  
 120:11, 121:18,  
 123:9, 123:12,  
 123:19, 124:1,  
 127:10, 139:18,  
 141:7, 142:1,  
 147:17, 149:18,  
 155:16, 173:5,  
 181:17, 183:8,  
 186:10, 187:1,  
 188:14, 189:14,  
 191:2, 192:18,  
 213:10, 219:5,  
 219:9, 223:11,  
 236:14, 239:18,  
 241:18, 244:19,  
 252:15, 259:18,  
 260:15, 260:16,  
 261:6, 263:15,  
 266:18, 268:12,  
 270:15, 272:9,  
 289:4, 292:8, 294:2,  
 304:12, 304:13,  
 305:2, 313:4

**updates** <sup>[1]</sup> - 21:18

**upper** <sup>[1]</sup> - 174:6

**ups** <sup>[1]</sup> - 109:17

**upset** <sup>[2]</sup> - 221:11,  
 222:16

**upsetting** <sup>[1]</sup> - 141:1

**urban** <sup>[2]</sup> - 6:18, 23:2

**urge** <sup>[1]</sup> - 266:3

**usability** <sup>[1]</sup> - 192:7

**usable** <sup>[3]</sup> - 178:3,  
 314:18, 314:19

**uses** <sup>[4]</sup> - 42:17,  
 53:12, 247:14,  
 274:12

**usual** <sup>[1]</sup> - 240:17

## V

**vacant** <sup>[2]</sup> - 262:3,  
 264:15

**vagrants** <sup>[1]</sup> - 264:18

**value** <sup>[2]</sup> - 24:17,  
 24:18

**Variance** <sup>[42]</sup> - 17:18,  
 18:13, 23:11, 27:4,  
 27:8, 27:12, 27:15,  
 28:1, 28:8, 28:19,

62:19, 143:14,  
 161:8, 164:12,  
 172:2, 173:12,  
 176:2, 182:5, 198:2,  
 200:2, 205:1,  
 205:12, 206:12,  
 211:7, 211:14,  
 216:6, 222:17,  
 292:18, 306:3,  
 307:9, 308:8, 309:6,  
 312:2, 312:3, 312:7,  
 313:2, 313:5,  
 314:12, 315:9,  
 315:10, 316:3  
**variance** <sup>[3]</sup> - 164:18,  
 165:2, 204:10  
**Variances**  
<sup>[3]</sup> - 196:19, 277:16,  
 281:16  
**variances** <sup>[1]</sup> - 171:19  
**variety** <sup>[3]</sup> - 92:2,  
 128:9, 128:13  
**varying** <sup>[1]</sup> - 312:3  
**vast** <sup>[1]</sup> - 76:14  
**vastly** <sup>[1]</sup> - 25:8  
**vehicle** <sup>[8]</sup> - 6:10,  
 6:17, 13:2, 277:19,  
 278:1, 293:10,  
 293:12  
**vehicles** <sup>[2]</sup> - 13:10,  
 13:12  
**venture** <sup>[1]</sup> - 14:14  
**venue** <sup>[1]</sup> - 142:15  
**verbally** <sup>[1]</sup> - 281:7  
**verbiage** <sup>[1]</sup> - 151:8  
**verified** <sup>[1]</sup> - 76:13  
**version** <sup>[1]</sup> - 156:7  
**versus** <sup>[2]</sup> - 27:8,  
 131:7  
**vested** <sup>[1]</sup> - 191:10  
**vetted** <sup>[1]</sup> - 51:19  
**viable** <sup>[1]</sup> - 266:2  
**Vice** <sup>[3]</sup> - 1:8, 202:1,  
 264:9  
**victim** <sup>[1]</sup> - 140:17  
**view** <sup>[8]</sup> - 21:19,  
 24:14, 37:6, 172:6,  
 185:7, 239:19,  
 298:1, 312:16  
**viewpoint** <sup>[1]</sup> - 271:17  
**views** <sup>[6]</sup> - 34:4, 34:8,  
 38:4, 48:5, 95:6,  
 312:16

**violated** <sup>[1]</sup> - 228:17  
**violating** <sup>[1]</sup> - 113:2  
**visible** <sup>[1]</sup> - 49:4  
**visit** <sup>[2]</sup> - 62:17, 155:9  
**visitors** <sup>[1]</sup> - 39:17  
**visual** <sup>[1]</sup> - 207:18  
**visually** <sup>[1]</sup> - 21:3  
**vocal** <sup>[1]</sup> - 107:16  
**voice** <sup>[1]</sup> - 130:7  
**volume** <sup>[2]</sup> - 47:2,  
 318:6  
**voluntarily**  
<sup>[2]</sup> - 258:11, 265:15  
**vote** <sup>[17]</sup> - 52:18,  
 111:16, 112:2,  
 196:16, 198:9,  
 214:8, 214:10,  
 214:11, 231:11,  
 269:18, 273:11,  
 273:17, 297:10,  
 301:14, 302:7,  
 305:19, 314:8  
**voted** <sup>[1]</sup> - 302:5

## W

**W-a-i-t-e** <sup>[1]</sup> - 169:18  
**W-r-i-g-h-t** <sup>[1]</sup> - 220:8  
**wait** <sup>[3]</sup> - 58:13,  
 157:8, 204:3  
**Waite** <sup>[1]</sup> - 169:18  
**waited** <sup>[1]</sup> - 117:19  
**waiting** <sup>[1]</sup> - 129:15  
**waiver** <sup>[3]</sup> - 59:2,  
 167:7, 241:16  
**walk** <sup>[10]</sup> - 6:18, 7:8,  
 7:18, 8:3, 10:16,  
 74:16, 126:6, 132:6,  
 212:18, 213:1  
**WALKER** <sup>[8]</sup> - 55:10,  
 56:2, 56:10, 57:3,  
 57:9, 58:16, 59:12,  
 60:5  
**walking** <sup>[2]</sup> - 20:10,  
 74:17  
**walkups** <sup>[1]</sup> - 76:12  
**walkway** <sup>[2]</sup> - 175:11,  
 175:13  
**wall** <sup>[11]</sup> - 202:17,  
 209:19, 248:16,  
 249:9, 249:11,  
 251:4, 254:12,  
 254:13, 255:6,  
 255:10, 269:5

**walls** [1] - 311:6  
**wants** [3] - 163:11,  
 222:4, 315:2  
**washer** [1] - 249:6  
**waste** [1] - 60:1  
**wasted** [1] - 222:19  
**water** [3] - 19:9,  
 19:14, 311:5  
**waters** [2] - 19:8,  
 19:13  
**Watson** [1] - 166:14  
**ways** [2] - 131:16,  
 159:13  
**weather** [1] - 8:3  
**week** [14] - 51:9,  
 51:11, 71:4, 71:15,  
 82:4, 83:10, 84:8,  
 84:18, 156:14,  
 156:15, 242:15,  
 257:6, 270:4  
**weeks** [6] - 46:14,  
 55:12, 57:1, 115:5,  
 155:8, 160:12  
**weird** [2] - 297:15,  
 299:6  
**welfare** [3] - 43:2,  
 53:16, 274:19  
**Wellesley** [2] - 4:5  
**wells** [2] - 196:9,  
 196:11  
**west** [2] - 206:13,  
 248:11  
**Westbrook** [1] - 202:1  
**Western** [8] - 2:13,  
 246:6, 246:15,  
 259:5, 260:8,  
 261:18, 263:15,  
 264:14  
**WGS** [1] - 198:5  
**whatsoever**  
 [2] - 127:18, 195:13  
**whereas** [1] - 210:9  
**WHEREOF** [1] - 319:8  
**whichever** [1] - 272:8  
**whistling** [1] - 209:8  
**white** [1] - 84:7  
**whole** [20] - 23:7,  
 81:3, 91:6, 92:2,  
 141:10, 145:12,  
 152:10, 177:13,  
 181:5, 182:11,  
 212:11, 221:5,  
 233:10, 251:4,

251:12, 254:15,  
255:15, 296:19,  
299:10, 303:17

**wholeheartedly**

[1] - 261:12

**wide** [5] - 252:19,  
288:10, 288:12,  
292:12, 293:1

**widening** [1] - 44:15

**wider** [1] - 267:17

**width** [3] - 173:15,  
176:3, 293:11

**wife** [1] - 193:3

**willing** [9] - 65:10,  
86:4, 121:13,  
121:19, 122:6,  
125:14, 140:9,  
222:7, 230:10

**Wilson** [26] - 61:17,  
62:13, 63:5, 64:13,  
73:5, 74:9, 76:11,  
78:16, 88:3, 89:1,  
93:3, 97:13, 97:15,  
111:13, 112:14,  
119:14, 124:11,  
130:6, 131:8,  
131:12, 131:14,  
139:16, 140:1,  
149:1, 161:18

**wind** [1] - 209:8

**Wind** [1] - 48:16

**window** [24] - 198:16,  
199:15, 223:11,  
225:12, 225:15,  
225:17, 227:3,  
227:11, 229:10,  
233:15, 234:2,  
234:3, 234:4, 235:2,  
235:4, 235:5,  
235:12, 235:13,  
235:14, 235:18,  
239:19, 240:2,  
240:3, 244:19

**windows** [17] - 46:18,  
48:2, 48:5, 48:19,  
49:4, 49:12, 49:14,  
49:15, 50:15, 52:2,  
53:6, 54:5, 136:10,  
198:14, 199:9,  
221:5, 244:11

**winter** [2] - 295:8,  
304:6

**wintertime** [1] - 12:14

**wish** <sup>[5]</sup> - 144:11,  
 169:19, 194:16,  
 259:19, 266:19  
**wishes** <sup>[1]</sup> - 25:14  
**wishing** <sup>[24]</sup> - 3:16,  
 46:8, 52:10, 52:14,  
 55:8, 61:8, 115:17,  
 128:16, 166:8,  
 166:12, 169:7,  
 169:11, 171:7,  
 191:3, 194:4, 194:8,  
 201:8, 213:11,  
 213:15, 217:8,  
 246:8, 261:15,  
 264:4, 277:8  
**withdraw** <sup>[3]</sup> - 169:14,  
 170:1, 170:7  
**withdrawal**  
<sup>[1]</sup> - 170:13  
**withdrawn**  
<sup>[3]</sup> - 170:8, 170:16,  
 280:12  
**WITNESS** <sup>[1]</sup> - 319:8  
**wonderful**  
<sup>[2]</sup> - 138:14, 140:5  
**wondering** <sup>[1]</sup> - 15:8  
**wood** <sup>[1]</sup> - 311:7  
**Woodrow**  
<sup>[26]</sup> - 61:17, 62:13,  
 63:4, 63:5, 64:13,  
 73:5, 74:8, 76:11,  
 78:16, 88:3, 89:1,  
 93:3, 97:13, 97:14,  
 111:13, 112:14,  
 119:14, 124:11,  
 130:6, 131:8,  
 131:12, 131:14,  
 139:16, 140:1,  
 148:19, 161:18  
**woods** <sup>[2]</sup> - 163:16,  
 212:15  
**WOODS** <sup>[46]</sup> - 61:17,  
 62:6, 66:3, 67:1,  
 67:15, 69:10, 75:15,  
 75:18, 80:2, 80:7,  
 80:15, 83:6, 91:1,  
 91:7, 91:10, 91:13,  
 95:9, 96:1, 97:6,  
 109:10, 109:13,  
 110:8, 111:11,  
 113:13, 113:17,  
 114:19, 115:3,  
 124:17, 143:3,

150:5, 151:17,  
 152:1, 153:11,  
 153:16, 154:3,  
 154:5, 155:18,  
 157:1, 157:6,  
 157:10, 157:15,  
 158:8, 159:11,  
 161:2, 163:17,  
 164:7

**Woods** <sup>[1]</sup> - 62:6

**word** <sup>[5]</sup> - 100:4,  
 131:7, 136:15,  
 141:14, 156:4

**words** <sup>[7]</sup> - 146:12,  
 151:16, 195:16,  
 202:10, 202:14,  
 203:5, 252:19

**workers** <sup>[1]</sup> - 70:17

**Works** <sup>[1]</sup> - 283:3

**works** <sup>[8]</sup> - 21:4, 36:6,  
 120:18, 120:19,  
 145:12, 204:16,  
 232:19, 241:8

**world** <sup>[4]</sup> - 6:17,  
 137:3, 140:6, 142:3

**worry** <sup>[1]</sup> - 160:4

**worse** <sup>[1]</sup> - 295:9

**worth** <sup>[2]</sup> - 144:18,  
 305:9

**wrapped** <sup>[1]</sup> - 155:16

## WRIGHT

<sup>[28]</sup> - 217:18, 218:2,  
 218:8, 219:8,  
 219:13, 220:7,  
 220:14, 225:3,  
 225:7, 225:19,  
 227:6, 227:12,  
 228:2, 228:5, 228:8,  
 228:13, 228:18,  
 229:6, 230:3,  
 230:18, 231:2,  
 231:7, 231:13,  
 239:2, 239:5,  
 239:10, 241:11,  
 245:4

**Wright** <sup>[1]</sup> - 220:8

**write** <sup>[2]</sup> - 79:19, 90:3

**writing** <sup>[4]</sup> - 133:5,  
 133:6, 169:15,  
 264:10

**written** <sup>[3]</sup> - 26:3,  
 90:5, 217:16

**wrote** <sup>[1]</sup> - 47:11

**www.reportersinc.com** [1] - 1:18

## Y

**Yael** [2] - 183:7, 192:4

**YAEL** [7] - 171:16,  
171:17, 174:15,  
176:1, 180:6,  
187:18, 190:3

**yael** [1] - 171:16

**yard** [20] - 123:11,  
262:5, 278:6, 279:6,  
279:9, 287:2, 289:5,  
290:3, 290:13,  
290:15, 291:16,  
292:18, 300:7,  
301:3, 301:9, 302:4,  
302:6, 307:16,  
307:17, 308:19

**year** [9] - 14:19, 88:7,  
142:11, 150:10,  
203:14, 212:12,  
224:6, 263:16,  
290:19

**yearlong** [1] - 203:8

**years** [33] - 15:12,  
24:19, 34:10, 37:4,  
38:7, 38:14, 69:17,  
70:1, 70:10, 72:16,  
72:17, 87:1, 114:12,  
128:2, 131:10,  
136:2, 138:17,  
170:11, 176:19,  
178:8, 202:8,  
202:11, 203:6,  
211:3, 221:8, 232:6,  
232:7, 260:9,  
260:13, 264:15,  
287:7, 311:9,  
311:17

**years'** [2] - 224:5,  
234:7

**yeses** [1] - 200:11

**young** [1] - 85:10

**yourself** [3] - 220:15,  
238:1, 297:5

**yourselves** [1] - 15:5

**YVETTE** [17] - 220:11,  
220:16, 221:15,  
222:1, 224:19,  
225:6, 225:14,  
225:18, 229:13,  
230:1, 230:6,

231:15, 235:7,  
237:17, 238:7,  
242:3, 242:5

**Yvette** [3] - 220:12,  
220:17, 224:3

## **Z**

**Zelinski** [2] - 319:4,  
319:11

**Zone** [2] - 247:13,  
292:1

**ZONING** [1] - 1:1

**zoning** [2] - 22:19,  
99:6

**Zoning** [21] - 1:12,  
3:8, 24:13, 32:8,  
63:1, 134:5, 162:3,  
177:13, 182:16,  
194:17, 197:9,  
215:12, 219:7,  
280:16, 281:1,  
281:4, 284:8, 307:3,  
317:8, 318:6,  
318:16

**zoom** [1] - 288:15