

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 15, 2018
7:00 p.m.

in

Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Member
Andrea A. Hickey, Member
Slater W. Anderson, Associate Member:
Laura Wernick, Associate Member

Maria Pacheco, Zoning Secretary

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I N D E X

CASE

PAGE

BZA-8124 -- 8-12 Boardman Street
 Notification to the BZA of Changes in Plans Approved by
 the Comprehensive Permit 5

BZA-015433-2018 -- 261-263, 267, 269 Broadway, 200-210
 Columbia Street, 40 Market Street & 1-6 Linwood Place
 29

BZA-015304-2017 -- 3 Emmons Place 166

BZA-015324-2017 -- 29 Fairmont Avenue 175

BZA-015477-2018 -- 908 Mass. Avenue 229

BZA-015465-2018 -- 1556 Cambridge Street 242

KeywordIndex

PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. At the outset let me read a statement.

After notifying the Chair any person may make a video or audio recording of our sessions or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as not to interfere -- on cue.

JOHN HAWKINSON: Mr. Chair, thank you.

CONSTANTINE ALEXANDER: -- not to interfere with the conduct of the meeting. At the beginning of the meeting the Chair will inform other attendees at that meeting the recording is being made.

And I wish to advise everyone that a recording is

being made. Our stenographer tape records the hearing to assist her in preparing the transcript. And that gentleman over there is about to give us a tape recorder as well. Oh, he did already. He's recording as well.

JOHN HAWKINSON: Very subtle.

CONSTANTINE ALEXANDER: So be aware that every word is being recorded.

Okay, with that we'll have the first case.

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA 8124: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: We'll have the first case, case No. 8124, 8-12 Boardman Street.

Is there anyone here wishing to be heard on this

matter? Good evening.

CRAIG NICHOLSON: Hi, thank you. Is this on?

CONSTANTINE ALEXANDER: The speakers sometimes don't work.

CRAIG NICHOLSON: Thank you. My name is Craig Nicholson. I am with Just-A-Start who is the sponsor of this matter. It is actually very much tied to the first agenda item and I was wondering if you would be open to hearing them together? They're kind of late.

CONSTANTINE ALEXANDER: No, I think they are related but they're separate in terms of the decision we have to make.

CRAIG NICHOLSON: Well, I do understand that. So what we're asking for in regards to this particular matter is a -- what we believe is an insubstantial change to an existing Comprehensive Permit.

We're asking for a reduction in the required parking from one per unit to essentially half per unit, 0.5

per unit. We're not actually getting rid of any parking, it's just that we are combining the Squirrel Brand project with the Linwood Court project which is directly across the street, and as you'll see in the next thing looking to build an additional 23 units and as such are going to share parking across both properties. And because we're going to be sharing it and have people in another property use those spaces, we need to officially amend the existing Comprehensive Permit down to allow for that.

CONSTANTINE ALEXANDER: What puzzled me in reading the file is you say at Squirrel Brand, all the parking spaces are not being used.

CRAIG NICHOLSON: Correct.

CONSTANTINE ALEXANDER: But directly across the street at Linwood Court you've got waiting list for parking.

CRAIG NICHOLSON: Yes.

CONSTANTINE ALEXANDER: Why?

CRAIG NICHOLSON: Different legal entities. And

so there's insurance reasons and different things that does not allow them based on investors and lenders and things of that nature that don't allow the cross-parking by combining the two projects under one entity which is what we're planning to do --

CONSTANTINE ALEXANDER: Got it.

CRAIG NICHOLSON: -- we will be able to do that that our zoning attorney highlighted that in order to officially do it and do it properly, we need to amend this Comprehensive Permit.

CONSTANTINE ALEXANDER: Understood. Questions from members of the Board?

ANDREA HICKEY: Can you talk a little bit at Boardman how many spaces there are, how many are not being used, how many you think you'll need for the combination project?

CRAIG NICHOLSON: Yeah, so right now there's 19 spaces a Squirrel Brand project. Consistently we have

between eight and ten being used. It fluctuates based on a move-out and a move-in, but rarely do we get about half of our spaces being used.

ANDREA HICKEY: And are the spaces assigned to particular sort of tenants or how are the spaces designated?

CRAIG NICHOLSON: The tenants contact our management company because they'll get a sticker for their car. It's not necessarily that they have space 12 or anything like that, but they do get a sticker so that we know that other people aren't parking in the lot and they won't get towed.

ANDREA HICKEY: So you're saying about half of those spaces are regularly used by Boardman occupants?

CRAIG NICHOLSON: About half, and the other half basically sit vacant.

LAURA WERNICK: So once it's a combined project, then there will be an equalization of the cars across the two sites?

CRAIG NICHOLSON: Correct. And as you'll see when I get into the next part of this, the overall parking that we'll be providing will be roughly 50 percent. So 0.51 percent parking ratio. And we met with Traffic and Parking and they've seen what our plan is and we've worked hard with them to try and get as much as we can on the lot and still have, you know, respect for open space and, you know --

CONSTANTINE ALEXANDER: So assuming we grant you this relief you're seeking and we approve the Comprehensive Permit, it will be first come first serve for the people Linwood Court plus Squirrel Brand for the spaces?

CRAIG NICHOLSON: Yeah. So we do have a waiting list, obviously they're in line and we'll reserve some for new tenants that are coming in as well. So it won't be that we'll just clear the waiting list to accommodate this, but you know, there will be some allocation between new and existing to lessen the burden that's currently felt on the residents of Linwood Court.

ANDREA HICKEY: How many people are on that waiting list?

CRAIG NICHOLSON: About 20, 22. And currently Linwood has 22 spaces.

CONSTANTINE ALEXANDER: So you have twice as much demand than you have spaces for Linwood?

CRAIG NICHOLSON: Right now. It varies, I mean sometimes it's been as low as three or four.

CONSTANTINE ALEXANDER: Okay.

And the legal structure before us is that if we can make a determination that this is an insubstantial change, the previously granted Comprehensive Permit, in which case, case over. If we decide otherwise, then we would schedule a hearing, a full hearing with notice and the like and we would take it up in that context. Just for the benefit of the members of the audience and the other board members. That's how it works.

Any other questions or comments?

ANDREA HICKEY: I don't think it's insubstantial.

In other words, I think the request is substantial. I don't know whether any of my other colleagues agree.

CONSTANTINE ALEXANDER: I don't only because it's going to be the same entity. It's not like their -- those spaces are being lost. First of all, they're not being used. We do have a surplus of parking spaces. This will help assist the development of the place across the street, Linwood Court, I'm okay with it, but that's my opinion.

LAURA WERNICK: It's not really a change in that they're not fewer parking spaces overall.

CRAIG NICHOLSON: Right, we're not eliminating any parking spaces. You know, even if, so even if the -- even if the relief asked for in this original Comprehensive Permit said you only need 0.5, we still built twice as much. But we're asking that the relief that, you know, was granted there just be amended to lower what was required. Again, it's still -- the 19 spaces are still gonna be there.

They're not being changed.

CONSTANTINE ALEXANDER: But the four spaces you're looking to -- how many spaces? How many spaces do you have at Squirrel Brand?

CRAIG NICHOLSON: 19.

CONSTANTINE ALEXANDER: 19. And you're only going to be required to have half of 19?

CRAIG NICHOLSON: Ten.

CONSTANTINE ALEXANDER: Ten.

Those spaces will only be available to the people at Linwood Court?

CRAIG NICHOLSON: No. They'll be available to the whole project.

CONSTANTINE ALEXANDER: Okay.

CRAIG NICHOLSON: It's not necessarily taking them away from the Squirrel Brand residents, it just allows the use to be diffused across a wider scale of people.

BRENDAN SULLIVAN: This is my thought, is if we

were -- if this was an application de novo and they asked for ten spaces, we probably would have looked at it a little bit differently and said, well, as to what you were going to do with that other space, but that's a whole other issue. But now we have the benefit of experience, and they're saying to us that we don't need those spaces, we don't use those spaces. I'm reading this that it's really just a legal paper transaction. You're not taking away parking. You're going to allocate it, not to necessarily to the people in that building but to other people.

CRAIG NICHOLSON: Allow it to be --

BRENDAN SULLIVAN: -- so that will take the pressure -- yeah, if you were going to eliminate nine spaces, ten spaces and --

CRAIG NICHOLSON: Build something else on it.

BRENDAN SULLIVAN: -- and build something else, a playground or something like that, and across the street was being pressured for spaces, that would change my opinion on

this. But they're not tearing anything up, it's just to me it's a legal paper.

CRAIG NICHOLSON: Yeah, right.

SLATER ANDERSON: You're adding 23 units, right?

CRAIG NICHOLSON: Yes.

CONSTANTINE ALEXANDER: Across the street.

SLATER ANDERSON: Across the street.

CRAIG NICHOLSON: You'll show a map, you'll see the context of it.

CONSTANTINE ALEXANDER: Brendan touched on a good point. Suppose we were to grant the relief and substantial change, and suppose we were to deny the Comprehensive Permit, then what happens to those spaces? Because nobody in Linwood Court's going to use them. We've allowed you now to reduce the number of spaces. You could take those spaces and build a playground or whatever you want to do with it.

CRAIG NICHOLSON: Which probably we'll still need relief to do that as well, because we're changing the use

that you already granted in the Comprehensive Permit if we move into something else.

CONSTANTINE ALEXANDER: No, you're still going to have affordable housing on the site. You're going to have something else on the site. It doesn't affect the amount of affordable housing on the site.

CRAIG NICHOLSON: For the --

BRENDAN SULLIVAN: Well, the relief they're asking for is a reduction of parking but not a change in the plan.

CRAIG NICHOLSON: Right.

BRENDAN SULLIVAN: If you will.

LAURA WERNICK: It's also not -- it's now going to be the entire -- both complexes that are at 50 percent so they can't, they still can't get rid of parking spaces.

CRAIG NICHOLSON: Linwood Court's existing is 50 percent. There's 45 units, and they have 22 spots. So we're really not changing their parking ratio in any way, shape, or form.

SLATER ANDERSON: Why are you oversubscribing
Linwood and not at Squirrel Brand?

CONSTANTINE ALEXANDER: That's what my questions
was going to be, yeah.

CRAIG NICHOLSON: Different populations within the
buildings. Just by chance Linwood Court is a larger
family-sized units. Most of them are -- well, 95 percent of
them are family-sized units in that -- out of the 45. So we
have 35, three-bedroom units existing at Linwood -- no, 32.
Sorry, we have three at Squirrel. Between the both projects
there's 35, three bedrooms, yeah.

SLATER ANDERSON: I see it on this chart here.

CRAIG NICHOLSON: Yeah. You're jumping ahead of
me.

SLATER ANDERSON: Sorry.

CRAIG NICHOLSON: So.... but that would be why.
Just larger family-size units, some people think -- need a
car, they seem to think they need a car. One of the things

we talked to Traffic and Parking is providing other things to mitigate that which we are doing in terms of bike parking. We have a bus stop right in front of both parties. We're a half mile from T stations, Kendall and Central. You know, we've looked into and are still willing to look into alternatives in terms of is there a ZipCar alternative that we can provide? Is there a, you know, subscriptions for residents to a Hubway. You know, things of that nature just to alleviate what some residents need.

One of the things we do find typically with all of our properties is that less than half of our new residents when they first come to a property, don't ask for parking. It's only once they've been there for a while, one opens up, it's just sitting there and they're like oh, maybe I'll get a car. It's not a common thing. It's actually less common. Less than half of our people actually have a car when they come and first move into a property of ours.

CONSTANTINE ALEXANDER: All right.

Any other questions or comments or questions?

BRENDAN SULLIVAN: No.

CONSTANTINE ALEXANDER: I'll make a motion.

BRENDAN SULLIVAN: You want to open it up to public comment at all?

CONSTANTINE ALEXANDER: Sorry. Thank you.

Is there anyone here wishing to be heard on this matter? We'll open the matter up to public testimony. Does anyone want to comment? Ma'am, thank you. Please come forward and give your name and address to the stenographer and to us.

ABRA BERKOWITZ: Hi. I'm Abra Berkowitz. I live at 253 1/2 Broadway in Cambridge. So I'm nearly an abutter, an abutter. Not quite. But I just want to echo my support from Lee Farris from the Residents Alliance who said it really well, that I think this project has been really well thought out. It's going to provide more affordable units in a neighborhood that I think can definitely use them, but is

also more rich and diverse and just sort of warm and has this incredible energy because of all the tenants in these buildings whether it's Squirrel Brand or Close or Linwood Court, I think it's just a huge asset. So we definitely hope the project moves forward.

I do -- I'm interested in how like the three beds versus one bed versus two beds will be allocated. Because I know some of the housing is going to be for 60 percent or below AMI and then some is like 61 percent to 100. So I would be interested if kind of if that's been figured out what the allocation of the units.

ANDREA HICKEY: I'm going to interrupt for a second. We're focusing now on this parking, sort of reduction in parking.

ABRA BERKOWITZ: Oh, the parking?

CONSTANTINE ALEXANDER: Yeah.

ANDREA HICKEY: So the very narrow issue on this particular case --

ABRA BERKOWITZ: Yeah, oh, I'm sorry.

ANDREA HICKEY: -- is whether this proposed change in parking is insubstantial. And this is relative to the Boardman Street existing project only.

CONSTANTINE ALEXANDER: Right. Your comment and question are well taken.

ABRA BERKOWITZ: Thank you.

CONSTANTINE ALEXANDER: Just wait about 15, 20 minutes.

ANDREA HICKEY: Unless you do have any --

ABRA BERKOWITZ: But also like as someone who lives there, you know, parking is not easy anywhere in the city, but I do think that it will be okay of what is proposed of a reduction of parking.

So thank you.

CONSTANTINE ALEXANDER: Thank you.

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. Any final comments you want to make?

CRAIG NICHOLSON: Well, she did mention an idea that, you know, parking in the city is generally hard, but she doesn't think it's going to be an issue here. We did include a parking study for, again -- the next item has a parking study in your package and it does show that there's ample parking to accommodate what we're trying to do.

CONSTANTINE ALEXANDER: Okay. Now we're ready for a motion?

ANDREA HICKEY: I just wanted to ask a question.

CONSTANTINE ALEXANDER: Yeah, go ahead.

ANDREA HICKEY: Are we -- if we decided in favor of this request, are we able to tie that into the approval of the next case?

CONSTANTINE ALEXANDER: I was going to get there a little differently.

ANDREA HICKEY: Okay.

CONSTANTINE ALEXANDER: But let me tell you when I make the motion how I was going to handle it, is that if we find insubstantial provided that the relief we're granting is only with regard to the number of parking spaces. That if they don't get further relief, they don't get any approval to do anything else with the lesser parking spaces, i.e. put something else on there. So de facto it's tied to the next case is my view anyway.

ANDREA HICKEY: Okay. I'm okay with that. Yeah.

BRENDAN SULLIVAN: Yeah, I guess that gets us there anyhow. Yeah.

CONSTANTINE ALEXANDER: Let's see if I get this right on the first try.

The Chair moves that we decide that the proposal to reduce the number of parking spaces at 8-12 Boardman Street to reduce from one per unit, half per unit approximately, be granted. It's the determination that it is an insubstantial change provided that should the proposed

project at Linwood Court not go forward, that the -- these parking spaces that are no longer required for Squirrel Brand not be used for anything else but for parking for the people who still reside at Squirrel Brand. So there's no right to use the property for anything else should we not grant the relief sought.

Okay?

All those in favor of making the determination or approving the motion? Sir?

CRAIG NICHOLSON: You need a second.

CONSTANTINE ALEXANDER: No, that's not how we do it.

CRAIG NICHOLSON: You don't need a second. I'm on the Zoning Board out in my town we always have to have a second.

CONSTANTINE ALEXANDER: The Chair has a lot of power in this case.

CRAIG NICHOLSON: All right, nice.

CONSTANTINE ALEXANDER: All those in favor of approving the motion I have just made please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Aye.

Five in favor. Motion granted. Relief granted.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

* * * * *

(7:30 p.m.)

(Sitting Members Case BZA-015433-2018: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W.

Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will now start the regular hearing. And the first case I'm going to call is case No. 015433, 261-263, 267, 269 Broadway, 200-210 Columbia Street, 40 Market Street and 1-6 Linwood Place.

Again, give your name and address for the stenographer.

CRAIG NICHOLSON: Craig Nicholson with Just-A-Start. We're the developer and sponsor of this item, and we are obviously thankful to be here in front of you.

There's a couple of folks that you'll see behind me. One is Eric Rex who is our architect. He will be part of the presentation a little bit. Our zoning attorney Arthur Kreiger, and Liz Marsh with Just-A-Start who is manning the computer and the clicking.

So what we're looking for is a grant of relief under Chapter 40B Comprehensive Permit which I don't know if you, you all know --

CONSTANTINE ALEXANDER: Oh, yeah, we've had a number of these cases.

CRAIG NICHOLSON: Okay.

CONSTANTINE ALEXANDER: I usually open the meeting with a five minute summary of how it works, but I think we've heard this -- my board member has certainly heard this speech enough times so I don't have to go through it again.

CRAIG NICHOLSON: Fair enough. Just want to make sure.

So we're looking for relief, dimensional relief, use relief for the addition of 23 affordable housing units at an existing affordable housing development. We'll be combining Squirrel Brand property with the Linwood Court property and ultimately end up with 23 units of 88 units.

So, Just-A-Start as the sponsor, we're a 501c3 which is what gives us eligibility to do the 40B process. We've been in Cambridge for 50 years. This is our 50th anniversary year. And Linwood Court actually was our first

real estate project, our first ownership real estate project. We had done community revitalization in the Wellington-Harrington area and in Area 4 before that, but this is the first one we actually owned. It was done through the Cambridge Redevelopment Authority.

But we also are a typical Community Development Corp. We do real estate and that helps us subsidize things that we do in education. We have a youth build program, which you probably heard about. We do a biomedical manufacturer certificate program. We just launched an IT certificate program. So allowing folks that are eligible, not necessarily restricted to our resident population, but folks who would be eligible to take these classes for free and get a certificate and have an opportunity to get into a better paying job and a more secure career.

We also do housing resources and services through mediation and things of that nature to prevent homelessness and allow people to stay in their homes. We represent both

landlords and tenants and make sure that things can get worked out.

So this is the combination of the two. It's a little further away, but the large irregularly shaped project on top is Linwood Court. You'll notice it has a little diagonal in front of it at the corner of Broadway and Columbia. That's because half of that little square there is actually owned by the city. And we're -- one of the things that we're still working on for the whole project is how the landscaping will work and the open space. We're going to be talking with neighbors, we're going to be talking with the city about that front corner.

CONSTANTINE ALEXANDER: That space is actually a nice introduction into Linwood Court. It makes for a nice entrance.

CRAIG NICHOLSON: It does. However, when we brought up that topic with our residents they were very opposed to it. They think it's a little too inviting to

have everybody walking through their backyard. And they feel that the security and the safety of their families is hindered by that idea.

CONSTANTINE ALEXANDER: Interesting.

CRAIG NICHOLSON: We thought that would be a great way to introduce a spot to bring the community in and then they said no, we really don't like that idea. And so we're kind of back at, you know, needing to talk to them, needing to talk to the neighborhood, needing to talk to the city, because they own part of that parcel, and find a way to make everybody happy with it. That's an ongoing process.

The other building that you saw in the red was this Squirrel Brand building. They're all connected to each other just say a street or two.

So what -- the reason we're bringing these together is, you know, for a couple of reasons:

One, is the efficiency of operating one project and one set of tax returns and one, you know, set of bills

for everything as opposed to two. So it's gonna save on operational costs which for affordable housing is important.

We're also, you know, looking to leverage the parking better. You know, even without the 23 new units, having them under one ownership, having the ability to leverage and cross is going to be a benefit to the people of Linwood Court as well.

But we're also going to be doing rehabilitation work as part of this. So Linwood Court -- Linwood Court hasn't been substantially renovated in any way, shape, or form since we got it in 1976. So it's been about 40 years since it's had, you know, plumbing updates. It's had furnaces and stuff as needed but, you know, kitchens and floors turnover, but, you know, it hasn't had its siding done in any significant time. Insulation there is in need of being updated. Roofs are passed their, passed their time of needing to be done, so this is an opportunity to do that.

And then obviously the reason for the

Comprehensive Permit is the 23 new units. So that's a big part of it.

Funding, there's existing funding on the projects. There's going to be new funding. A big part of that is Cambridge Affordable Trust fund. They've committed to leave the money they have in as well as add new money for the new units.

Cambridge Historical Commission has already granted some funds to this. And then we'll be going to other sources from the state. Just-A-Start will have money in it.

CONSTANTINE ALEXANDER: Let's talk a little bit about that because as you know, one of -- there are three jurisdictional requirements for 40B.

One is that you're non-profit. And you've dealt with that in your materials.

And a third one is that you have ownership to the property. And clearly you do because you own Linwood Court.

But there's nothing in here -- usually we get a letter from some agency that says you're eligible for the financing that you want -- words to that effect. I didn't see any of that in the materials.

CRAIG NICHOLSON: So we, what we do have is Linwood Court's was originally financed under a state program called 13A. It was an offshoot of a HUD program of called 236. It's basically an inter subsidy program to basically allow the state to allow us to pay our mortgage because interest rates were high and rents were low and that. It's coming to an end. And the state has a significant program going forward to preserve these 13A units. As you know, Linwood Court's 40-years-old. A lot of them are 40 and 48. A lot of them have expired. So what we do have is a commitment from Mass Housing and the state to -- they will fund \$4.8 million into the preservation of Linwood Court. We will also be getting four percent low income housing tax exempt bonus.

CONSTANTINE ALEXANDER: Is this in writing, the state commitment?

CRAIG NICHOLSON: So the one stop application that officially grants all of those things was due today. So we submitted it about 3:30. So it goes through the process. We've been in discussions with Mass Housing who is providing the \$4.8 million in that approval letter or in that commitment letter because it's signed by both parties. It does say that they are interested in providing the tax exempt bonds and the mortgage and everything else in order for us to do it.

CONSTANTINE ALEXANDER: Is there any reason why you couldn't have waited till you got your response to that before you brought your application before us?

CRAIG NICHOLSON: It's really a matter of timing of getting the architecture done. You know, we want to make sure that there's --

CONSTANTINE ALEXANDER: You can do that anyway

while you're waiting for word from the authorities that you have the money.

CRAIG NICHOLSON: True. But we don't necessarily have money to spend \$200,000 to design buildings that don't actually get built.

CONSTANTINE ALEXANDER: What you're asking us to approve some buildings that may not get built either.

CRAIG NICHOLSON: They will definitely get -- so there's no way that Mass Housing will --

CONSTANTINE ALEXANDER: You should have done it. You could have fronted the architecture costs.

CRAIG NICHOLSON: We can. But, again, for a non-profit to spend \$200,000 speculating that a building will get done, is very risky.

CONSTANTINE ALEXANDER: Well, if we grant relief I'm going to propose a condition about the financing because you haven't really --

CRAIG NICHOLSON: Absolutely.

CONSTANTINE ALEXANDER: -- literally complied --

JOHN HAWKINSON: Mr. Chairman, would you mind using the mic because there are a lot of people.

CONSTANTINE ALEXANDER: Sorry. Thank you, John.

I was about to say you haven't literally complied with the requirements of 40B with regard to demonstrating that we have jurisdiction to hear this case.

CRAIG NICHOLSON: Yeah, so Mass Housing is the authorizing agency under 40B and they're also the authorizing agency for the tax exempt bonds and financing that we'll be using.

CONSTANTINE ALEXANDER: Again, you don't have --

CRAIG NICHOLSON: Great condition, happy to have it because I know it won't be a problem.

CONSTANTINE ALEXANDER: All right, thank you.

CRAIG NICHOLSON: So once we realized that we thought there was a possibility to add additional units

beyond just our preservation project, we started with the community engagement process. So we went to our residents first. Obviously we're going to be either just rehabilitating or rehabilitating and constructing new units right next-door to them. So we did that in July of last year. We also -- we had 22 residents show up. They were generally positive about the idea of adding options for them in terms of living, adding units to, to the affordable housing stock. They obviously realized they benefitted from what's available out there and feel that it's something that's good for the community. You know, but they are concerned about, you know, as I talked about this park and how great it would be, they're like no, that's not great. So they have their concerns about it as well. And so those are things we're addressing.

We also talked to community groups. We talked A Better Cambridge. We talked to the Port Area 4 Coalition. They were actually really involved in Squirrel Brand first

time around. So they obviously were important for us to reach out to. As well as Cambridge Economic Development, Economic Opportunity Corporation. And so, you know, all of them, again, the need for affordable housing in Cambridge is great. And the idea of using existing land to help defray the cost of acquiring land in Cambridge and then building affordable housing on it they thought was an important idea.

We also reached out to the neighborhood. So we've had two neighborhood meetings. In September we notified over 150 households. We had 49 people show up at two different meetings combined. Again, a lot of the feedback is yes, we see the need for affordable housing, we are concerned about parking, we are concerned about trash and how that's going to be handled. It's a dense urban neighborhood. So it's, you know, the reasonable things that people ask for. That prompted us to do the parking study which is included in your package and shows that there's ample parking out there. But, you know, that's an ongoing

discussion as well. As I said, the residents are concerned about how the open space works in the park, and so are the neighbors. And I've talked to one neighbor whose property is kind of horseshoed around by us in terms of helping us design some of the landscaping and some of his concerns to help shield and protect his property, but I've offered it to other people in the neighborhood as well. With the landscape plan you see up there is a work in progress. You know, that will be further defined and we will have more input. We actually won't be closing on our financing until about this time next year. So we have plenty of time to finalize those drawings.

We also -- oh, actually, we did talk to the city a number of times. We met with city staff five different times. We've gone to the Planning Board. We've talked to the co-chairs of the housing committee; DPW, Traffic and Parking, all of the different city staffs have seen this and we've incorporated a lot of their information into the

design that you'll see today.

So this page here is kind of the before and after of what we're talking about in terms of units. One of the things that I know that is important to the City of Cambridge in terms of affordable housing is family-sized units, larger units. Linwood Court and Squirrel Brand both have a very high percentage of family-size units existing. Linwood Court's at like 95, Squirrel Brand's at like 92. So the 23 new units we're proposing are not as heavily weighted on the family size and there's a reason for that. Currently of the 65 existing units between the two properties, we have five units that are studios or one bedrooms. And what happens is these people who benefit from these larger units, which is what everybody wants, have kids, they grow up, they leave, and then you have a single person or a couple in a three or a four-bedroom apartment and we can't move them unless we have an option in the same project to move them to. So we end up with a lot of overhoused people where

they're just in an apartment that's too big for their needs at this point. And so by scaling the new units towards the one bedrooms, which a little over half -- 12 out of the 23 will be one bedrooms, it really provides some flexibility for us in terms of getting folks moved -- you know, having the people in the two bedrooms go to one bedrooms, three bedrooms into two bedrooms, things of that nature to really open up. We've done our analysis on what our current population is and we feel there's about ten large three, four, five-bedroom units that will be opened up through this process.

BRENDAN SULLIVAN: And the studios just don't work?

CRAIG NICHOLSON: Studios are very hard to rent. People have a thing of being able to close a door to their bedroom. So it's a very hard unit to rent. It's --

BRENDAN SULLIVAN: Okay, so it's just not efficient.

CRAIG NICHOLSON: It sits longer than it should and when you're running on margins of affordable housing, that's not a great thing.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: Can I ask you, too, on your waiting list that you have now, how do the unit sizes break out with respect to that waiting list? So how many people are waiting for a one bedroom?

CRAIG NICHOLSON: Well, it's not -- it's impossible to tell at the Linwood and Squirrel Brand because it's property by property on the wait list. People who want a one bedroom don't put their name on those wait lists because we don't have them. They'll go to the Close building and put their name on that wait list because out of the 61 units there, 49 of them are one bedrooms. So it's not a -- it's -- it would be impossible to tell on that wait list how many people are looking for the smaller units. I know citywide there's still plenty of people looking for

smaller units. There is, you know, CHA has 10,000 plus people on their wait list. Port Landing which is the newest new units in the neighborhood have 20 units, some of them one bedrooms had 1300 applicants. So I don't think it's going to be a problem filling 12, one-bedroom units.

So all of the units are going to be affordable. Most of them will be what we call LIHTC units, which are with area median incomes below 60 percent. So 60 percent of area median income is where those will be pegged. Some of those units will also be below 30 percent. So 10 percent of our units have to be below 30 percent. So we'll be, you know, definitely targeting the very, very low income people. Low income people -- but what we're also providing is 10 what we call ten workforce units, which is that middle tier that is very hard to build because the funding mechanisms and the subsidies that are out there from the state from low income housing tax credits cap at 80 percent. That if you go above 80 percent, you can't get funds for it. So Mass

Housing has a program where they're providing some funds for this middle tier, again, the ability to use land that exists and doesn't have as high of a cost allows us to lower the cost of doing this to be able to provide that tier. And what it's really gonna do, especially for Linwood, as well as the City of Cambridge, is provide just another layer of diversity. So we're gonna have income diversity of very low and low, but now moderate. And we're gonna have the ability with smaller units of having older people in elevatored and then young families. So we're going to have age diversity, income diversity, ethnic diversity as per our affordable housing marketing plan to make sure we hit the different things. So, you know, all in all it's gonna be a nice microcosm that doesn't skew just to the one end of the dumbbell that affordable housing can and let the high end go this. Way we're gonna try to hit some of the people in the middle as well.

So the, this is just kind of a quick thing on the

relief. And the main thing that I want to show on this is that, it's an existing site. And the relief that we're asking for isn't dramatic relief. It's incremental relief. You know, it has a, you know, a 0.97 FAR right now. We're looking to bump that up some. It has basically 50 percent parking ratio. We're looking to maintain basically 50 percent parking ratio at the Linwood Court site. But what it also allows us to do is hit some things that are severely lacking. Right now both Linwood and Squirrelwood have zero covered parking spaces. They weren't required back then. We have zero temporary bike parking spaces. Through this program and this development we're gonna end up with 76 covered bike parking spaces for 88 units. Slightly below code. We're asking for relief on that, but a far cry from zero. We will end up with 28, I believe, 28 temporary bike parking spaces. A lot of -- most of the properties at Linwood have a back balcony. A lot of people use that to put their bikes as is. Really it's going

to open up a lot of space for people to use that space for other than just bike parking, but really open up alternatives to, again, mitigate that push for parking in a dense urban area that has lots of public transportation.

CONSTANTINE ALEXANDER: Are you aware of the letter we received, and I just saw it tonight because it wasn't there Wednesday, yesterday, from a neighbors in the -- opposing the relief that -- the granting of the Comprehensive Permit and listing in great detail all the things they have problems with?

CRAIG NICHOLSON: I have not seen that letter, no.

CONSTANTINE ALEXANDER: Unfortunately. It came in rather late. But when we get to the comment period --

CRAIG NICHOLSON: Sure.

CONSTANTINE ALEXANDER: -- I'll try to raise them, and I suspect some of those points might be raised by members of the audience and we can address them there. But you should be aware of that.

CRAIG NICHOLSON: Okay.

BRENDAN SULLIVAN: And just so I understand, is the biking long term would be tenant-owned bike? The short term, is that Hubway.

CRAIG NICHOLSON: No. Short term is just visitors or, you know, if -- long term bike parking basically means covered, secured, lit so, you know, you can leave it out there in the rain and the snow and over the winter, and it's not taking up space inside your apartment. It's, you know, an option for all year round.

BRENDAN SULLIVAN: Yeah.

CRAIG NICHOLSON: The short term is not covered and that's really the difference.

BRENDAN SULLIVAN: Okay. All right. Okay.

CRAIG NICHOLSON: And then this again is just a high level relief in terms of where we're looking for dimensions, we're looking for height, we're looking for side setbacks, we're looking for parking ratios, we're looking

for bike parking ratios. We have one building where we're proposing 14 units. By right, we can go up to 12. So we're asking for a use variance for a slightly larger building in that sense. And then we have a curb cut change.

It's -- we've been in front of the DPW. They're aware of it. We're not affecting any street trees as part of it, but we're moving it down about 20 or 30 feet to provide the new entrance to the parking. And that's -- I wanted to show this because as I turn this over to Iric Rex who is our architect, now you kind of know as he's going through this, and like, oh, yeah, that's this dimensional variance or that's this thing that they're looking for.

BRENDAN SULLIVAN: And obviously what's driving all of this and the amount of relief are the numbers to make it work?

CRAIG NICHOLSON: Yes, yeah.

BRENDAN SULLIVAN: Obviously it's always dollars and cents at the end of the day.

CRAIG NICHOLSON: Yeah.

BRENDAN SULLIVAN: Even though you have the benefit of the land.

CRAIG NICHOLSON: The land, yeah, we do have the benefit of the land, but it's still --

BRENDAN SULLIVAN: It's acquisition.

CRAIG NICHOLSON: -- you know, construction costs are high.

BRENDAN SULLIVAN: Do you allocate a value to that?

CRAIG NICHOLSON: We do allocate a value to that. As you go through the process with the state, they say, well, this is what it is now, but if you have more units than you can put there, then the land is obviously more valuable than it was with just 45 units. So they'll, they'll change it around with us and allocate. So, but with that I'm going to hand it over to Iric who will then walk you through the site, the buildings, and what we're going

through there.

CONSTANTINE ALEXANDER: You don't have to leave. You can stay there if you like if you're going to continue to speak.

IRIC REX: Thanks, Craig. I'm Iric Rex, principal at Davis Square Architects. Davis Square, Somerville. We are a company that focuses primarily on multi-family housing, and almost all the jobs have a very strong affordable component. So as such, we attend a lot of community meetings and hear a lot of neighborhood comments through the design process. So I was at many of the meetings that Craig mentions, and it does help us to understand the context.

I'd like to walk through description of some of the -- in more detail to Craig some of the context and then the site and then a description of the buildings. And if you want more detail in any part of it, please ask.

CONSTANTINE ALEXANDER: We will.

IRIC REX: All right.

The first slide here -- I'm going to be referring to images over here if that's okay.

First image is the existing site plan without any of the proposed buildings on it. And you can see that there are a number of buildings, buildings A through H to that, they are the wood frame buildings, they're two, three, or four stories, and we have some photos of them so you can understand what the site is like.

Also as Craig said, there's building K and -- J and K down which is before a separate development but is being combined here and has a lot of the parking and bike parking spaces. Next.

So starting on at 40 Market and kind of walking our way around the site, there is the 40 Market Street building, the 210 Columbia, 204 Columbia, etcetera. And these are wood frame buildings, three or four stories. They have bays. They have cornices. They have their entrances

emphasized by the pedimented roof lines and clapboards with trim. It's kind of very typical of the area.

Next.

As we continue, there is one smaller building. There's a single-family, that building F in the top, left corner. And then other two-story four-unit buildings. There's this 1-6 Linwood building which is a townhouse, strip of townhouses interior to the lot. And then of course we get down to the 12 Boardman building which is the tallest building and the biggest building on-site and is an adaptive reuse of an industrial building.

Next.

So we include this to show some of the, some of the different characteristics of the site. There's the green spaces, including significant green space in front of the Squirrel building which has a community garden, very nice space. And there are green spaces shown in the darker green that are at the interior of the Linwood lot which

we're really focussed on right now.

There are three main ones. I don't think my pointer is really reaching over there. But the -- there's -- oh, thanks a lot. There's the corner that Craig mentioned. There is the largest interior green space here which is -- has got a good size in trees. It's kind of underutilized right now and it doesn't have -- it's not easy to use and it doesn't have amenities that would allow it to be a more active space. And then there's a green space at the rear of the 40 Market Street building. So, also on this graphic here are the red buildings that are taller buildings. They're four to six stories just to show that they're taller buildings sprinkled through the neighborhood and often they have a commercial use on the ground floor. And then the yellow buildings are institutional. There's a school, for instance, across the street from the George Close building there's a school right there, which has a larger presence on the street.

Next.

So a few of the neighboring buildings just so you can see, the George Close building here, the commercial at the ground floor, which is kitty-corner across from Linwood, from that corner park, and of course the larger building which is the Squirrel building with a nice green space in front of it.

Next.

So here's an aerial because it gives a nice perspective. You can see the green spaces that I mentioned at the corner, at the interior, and behind 40 Market Street building there. And you can also see here a four-story building. It's a fairly recently constructed apartment building. And then the George Close building which is six stories at the front, seven at the back, which is quite a big building.

CONSTANTINE ALEXANDER: What's that building used for, the George Close building?

IRIC REX: What's that?

CONSTANTINE ALEXANDER: What it now used for?

IRIC REX: It's now apartments. It's 61
apartments.

CRAIG NICHOLSON: Also a Just-A-Start building.

CONSTANTINE ALEXANDER: What's that?

CRAIG NICHOLSON: Also a Just-A-Start building.

CONSTANTINE ALEXANDER: Oh, it is? It's also
affordable building?

CRAIG NICHOLSON: Yes.

IRIC REX: So as we started the job after we heard
a lot of neighborhood comments and attended meetings, we of
course built a digital model of the site so we could start
to study it. And what we were looking at in this context
was really where the opportunities were to add to the
density of the site, add affordable units to the site. And
we really pinpointed three areas:

This area here is a parking lot right now. It's a

surface parking lot. And then that's the first.

And then the second is a gap here between these two buildings.

And then the third, as I mentioned before, a fairly large lot at the rear of the 40 Market Street building.

Next.

So this is just a diagram here, but we kind of put in these red blocks here just to show you really to start studying it, and one thing that was important to us is to maintain or increase the number of parking spaces. Even though we're building at the location of a surface parking lot, we didn't want to end up with fewer parking space than before. And also the importance of this internal green space that we didn't want to build on that. Like, you know, with more internal buildings to the lot because we actually want to increase the use of that green space and make it more usable and a better amenity to the folks that live

here.

Also, you see some red arrows. We started to study passageways through the site where people might walk that live at the site to get to local amenities or where people might walk to go through the site. And that's where we started hearing a lot from the neighborhood about whether it should be a public space or a semiprivate space. And as Craig said, we're still kind of working on that, the character of these internal spaces that are green.

Next.

So going from that blocky diagram in the last graphic to this, this is a site plan which you also see for people that are -- can see the boards is also shown on the boards here. Here you see the seven existing buildings in the tan color. In a slightly darker color you see what we're calling slight L, site M, and site N; L, M, and N. And they're lettered as such because the existing buildings got us up to L.

Also you see a parking lot here. This -- the parking lot that's there now is arranged where you come in, you drive in and then you take a left and the parking spaces are to your right and left, but it's not a highly efficient parking lot. So we wanted to build the most efficient parking lot possible so we're not taking up too much site space and we're getting a few extra cars in. In doing that, you can see this strip here, the building actually extends over the half of the double loaded parking lot on the one side. And this allowed us to get the number of units in the -- a larger number of units in the building and also cover some of the paved area so that it's not, so that the -- the dimensions of the parking lot appear smaller.

The parking lot actually needs relief. I won't go into detail on the relief, but I'll mention a few things:

The parking lot doesn't have the landscape, the planting beds interspersed within the parking lot.

Basically because whatever we took away from the parking lot

would, would take -- whatever we added to the parking lot, would take away from the larger green space. So it seemed like a tradeoff that wasn't really beneficial that where we made the parking lot efficient and then we -- to leave more room for the internal green space.

The -- let's see, next.

Here we're -- here this diagram's -- yes.

LAURA WERNICK: I'm sorry, I lost something there.

Between building L and the parking lot, were you indicating that there's an overhang from building L?

IRIC REX: Yes. Building L, if you go back one, building L sits on the ground plane in this area but overhangs in this strip here.

LAURA WERNICK: All the way up?

IRIC REX: Yes. It's a four-story building. It's got four stories of units on this side and three stories of units above parking on the other side. But that was the plan.

Actually, let me talk a little bit about -- more about the parking lot while it's up. The lighting for the parking lot we know in a dense neighborhood people are sensitive to overlighting a parking lot. The idea is to have short pole lights on this side with cutoff fixtures that directs light down rather than, you know, up at people's windows. And also on this side the parking lot can be lit simply by ceiling fixtures that can be on motion sensors. So there can be an adequate amount of light when there's a car, when the people are coming and going, and that light can tone down when nobody's there. And so we're trying to make it as friendly to the neighborhood as possible in that respect.

Also, we've been asked by the city planning department to study the color of the light, actually, so that it's not a harsh blue light but a more pleasant light, and I certainly understand that need.

Next.

So here I'd like to talk about trees for a second. We are able to keep all the street trees because the curb cut moves but doesn't require the removal of a street tree. There are seven trees on the site that would need to be removed as shown by the X's because we're proposing buildings with parking there. But the idea is that we then replace them with 11 trees to populate the internal green spaces more thickly with trees. There is also one tree that's kind of a memorial tree right here that would be moved and replanted on the site because it's an important tree and we don't want to just lose it altogether.

Next, please.

This plan is about bike parking. As Craig said, we started with zero long-term and zero short-term parking spaces on-site. Here you can see in the orange dots what we're proposing as the long-term bike parking spaces. We talked a lot -- well, we, we saw the Cambridge requirements for parking. We talked with Traffic and Parking and

transportation planners, we were able to distribute the parking, the long-term parking in a number of different areas, smaller, smaller parking facilities in more different areas which would make it more convenient for the residents of all the different buildings. And there are really three kinds of parking here. This is in a building. This would be integrated into the back porches of the building. And these would be a lockers built into bike parking sheds. So they would be, they would be lighting and coverage for those.

Also the green dots show where we propose putting the short-term bike parking spaces which would be more like a bike rack.

Next, please.

Also because the Squirrel building here has a great opportunity at the back of the building for quite a few more long-term and short-term bike parking spaces. When you add that in, that's what gets us up to the number that

Craig mentioned so we're able to get close to a one-to-one bike parking.

CONSTANTINE ALEXANDER: Are those bike parking places some of the parking units we reduced?

CRAIG NICHOLSON: No, that's currently just landscaped. It's overgrown ivy, not even really landscaped.

IRIC REX: But the idea is that by breaking this up into four different spaces, four different bike parking areas, we can still have trees between them and it can be a pleasant space.

Next.

So here, this describes the three different kinds of bike parking that we're providing. This is in building L, it's an elevated building. So what we can have is an area where people can bring their bikes into an at grade front door, go down the elevator here, and come out and park their bikes in a conditioned, secure, lit bike parking room. So this will be very high quality bike parking.

The second is -- well, the second type two here is freestanding bike lockers, which we propose would be covered with a shed. You can buy bike lockers or you can build bike lockers. I'm not sure which one we'll be doing, but the dimensions are set and are acceptable to Cambridge.

And then the third here is this is a back porch -- you can see here's a back porch at the second level, here's a back porch at the first level. The back porches are really quite big. By taking a notch out of that porch we can integrate bike parking so people can have good bike parking right outside their back door. Next.

So I'm going to talk a little bit more about the individual buildings right now and the design of those buildings. First, let me speak generally that in addition to sustainable site measures which we're integrating to the site, that is storm water retainage and recharge, shade trees on the south side of parking lots, etcetera, we're also proposing sustainable design for the buildings. We

have a -- we've detailed a double walled staggered stud wall which is a very highly insulated wall. We're hoping to get the HERS value down to 25. I don't know if that means much to everybody. But it means that it's a building that retains the heat or the conditioning very well. And then by adding solar to more than one building we're able to -- from our experience get very close to a NetZero building at building L. And that's our goal. And I know it's easier said than done, but we have a plan to do it.

Next.

So focusing still on building L here, the 14-unit elevator building, this is a view from kind of across the corner right here.

CRAIG NICHOLSON: Union Street.

IRIC REX: Union Street, that's right. And what we have here is a building that's bigger than most in the neighborhood and therefore we've broken the facade down into two dissimilar parts connected by an entryway, a covered

entryway at the bottom. And then you can see how the stairwell is expressed here. And the idea is to break it down into dimensions that are very common in the neighborhood. Three-family, six-family buildings. Have -- six-family buildings have facade bigger than either of these halves, and three families, these are about the size of a three-family facade. So very familiar dimension for the neighborhood.

Now, we also have parking under on this side as I described when I was talking about the parking. I know that parking under isn't the greatest thing for an urban facade. What we've done is make sure the parking comes in at the side of the facade. This view is kind of the most direct you can possibly see into that parking area. And we've made the facade so that it has, there's a bottom to this facade and there are bays rising above it. So there's kind of a focal point up higher in the building that takes the emphasis off the parking underneath.

We have gone through many neighborhood and planning department meetings and they've been very helpful. We started of course with a, you know, the blocky model of the buildings and we've been refining the facades ever since with lots of comments from people. There is a letter from CDD staff here that kind of talks about the changes we've been able to make. We've increased the number of windows. We've made larger windows. We've refined the trim. We've made more stronger cornice lines, because it relates well to the buildings around it. And of course the bays that are on several of the buildings relate well to neighborhood buildings.

So they -- our kind of design concept when it comes to facades is to use building elements, elements, building sizes, and building colors that are contextual and combine them in a non-historical, a little fresher way. And we've gotten good feedback from the meetings where we presented these images.

Next.

Here's the same building looking at it from the west where you see kind of this building has a little bit more vertical expression of the trim and windows. And you can see how the base, it's got a strong base like many of the buildings in the neighborhood.

And then, next.

And this is looking at it from the east where you see a little different facade but still large windows, trim, cornices, etcetera, to make it fit in nicely.

So, from here -- okay, actually next. Yeah, that's good.

So I just want to I revisit some of our comments on the site here because building L is replacing a surface parking lot. This is the surface parking lot that's there now. These are the street trees that can remain. This happens to be a snowbank. When the parking lot that's there now is plowed, it pushes up against the neighborhood fence

and bends the neighborhood -- the neighbor's fence over and understandably they're not happy about that. Given the new orientation of the parking lot, the proposed orientation, the snow can be pushed more on to the green space where it won't be up against the neighbor.

This is the internal green space that's there right now, and while we're subtracting a little bit from it, it's gonna substantially be the same space and it will actually be more invigorated with amenities, parking, maybe benches, and probably low bollard lighting and planting beds.

This is some of the character of the interior of the lot here. There's some divisions between -- there are actually a lot of divisions right now on the lot. There's chain link fences that you can't really get through. So part of the site design, we're kind of working with the idea of opening up the sites and removing some of the fences, but talking to the neighbors about how much they want it open

and how much they want it enclosed. So that's all kind of being -- to be worked out.

This is across the -- whoops, this is the building across the street. I mentioned that there's parking under for building L. This is a building right across the street that has parking under. This has parking under at the front facade. We managed to swivel it so that the parking enters from the side so it's not as prominent a street feature.

Next.

Moving on to building -- to site M here, proposed site M. These buildings exist. This is a one-family building. This is a four-family building. And this is a six-family building. So this is open right now, and what we found is that this is a -- very much the red, the diagram here is that's very much the size of a three-family building. You can see. It's just about this dimension here and here. These are neighborhood three families and this is about the same. So we took that dimension because it's a

familiar neighborhood dimension.

Next.

And we also on the facade, we -- you know, we would need relief to get this close to the street. This is about two feet off of the street. But we didn't put it two feet off the street to be aggressive to the street. We did it because this is closer and this is closer. And it's in keeping with what's there and it's not, not different from the neighborhood. It's a little bit more stepped back, but substantially like the setbacks in the neighborhood.

This building will have as proposed, will have a bay on one side. Likewise, we got a lot of comments on this from neighborhood and from planning staff and we -- we were able to revise this design, give it a nice strong brick base, which is common as you see in the neighborhood on other buildings that are Just-A-Start buildings. Double up some windows to give -- to put more glazing on the front. And then elements of stronger cornices over bays which are

very similar to the vocabulary, architectural vocabulary of the neighborhood. This indented porch is also feature that you can see. You know, right next-door is a similar thing happening.

Next.

This is just a view from three other views.

Actually, this is the same view.

This is from the interior of the lot. And from the interior of the lot showing the back of the building. And what we wanted to show here is that because of the back of the building is facing other Just-A-Start buildings, we didn't treat it as the back, we wanted to give it another facade. There are actually two units on each floor in this building. So the building, the units in the back have their own facade and face other, another building.

Next.

And lastly, we have what we're calling site N here. This is 40 Market Street building. It's a six-unit

building. And there is a very big backyard that's underutilized. There's a trash storage and chain link fences that prevent you from walking through and using this to walk to other parts of the site.

Next.

By -- right now there's a walkway on the other side of the building, but by switching the walkway to this side and making use of this small kind of urban courtyard feel, it's kind of an intimate courtyard. We're able to make this -- this is a walkway that leads to the green space in the Linwood, the larger green space. This is a door. This is the back door to the front building. And this is a front door to the -- a rear building here which has three units. All the three-bedroom units. One thing we've been able to do here is to put in the bays that we have -- like a slightly larger bay than we could at the other buildings, and also to put in balconies, because the three-bedroom units and it's nice to have a little relief and, you know, a

place to walk out on to the balcony. And in this case the balcony is overlooking this little courtyard space that will be landscaped.

Next.

So that's -- I'm able to talk in more detail about any of those or the plans of the interior of the building or whatever you're interested in, but the next three slides, this one, this shows the existing buildings A through H and the kind of setbacks and heights that they have. The next shows -- adds in these three new buildings.

CONSTANTINE ALEXANDER: What does ETR stand for?

IRIC REX: Existing to remain. It's not the same --

CRAIG NICHOLSON: Architect speak.

CONSTANTINE ALEXANDER: Yeah.

IRIC REX: It's not the first time I've been asked what that means.

CONSTANTINE ALEXANDER: Every column, every entry

is ETR and no --

IRIC REX: Right.

CONSTANTINE ALEXANDER: -- identifying what it means.

IRIC REX: A description would have been nice. And then of course for L, M, and N you have the setbacks which are, you know, the individual setbacks and heights for those buildings.

The building L is four stories as I mentioned earlier. Building M and N are three stories. We did that just because it just works with the neighborhood. They're next to smaller buildings. L is next to a larger building.

BRENDAN SULLIVAN: L violates the height to the district.

CONSTANTINE ALEXANDER: Yes.

IRIC REX: Yes.

BRENDAN SULLIVAN: But it's not unique to the district, those two of the existing buildings also exceed

the 35 feet.

CONSTANTINE ALEXANDER: Right.

IRIC REX: Yeah. There are two, four-story buildings right off the rear of L.

BRENDAN SULLIVAN: And L is elevated also.

IRIC REX: But the first floor is, the first floor is half parking half units.

BRENDAN SULLIVAN: Right.

IRIC REX: So it's still four floors. It's not four floors over parking.

BRENDAN SULLIVAN: Right, okay.

IRIC REX: So when you add the little elevator, because there it's an elevator building, you need a little overrun shaft. It goes up to --

BRENDAN SULLIVAN: It pops it up, yeah.

IRIC REX: It's not all -- that's the highest part of the roof.

BRENDAN SULLIVAN: But it's not unique to that

neighborhood.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Okay.

IRIC REX: Right.

And so then the next, I think, final slide this is the detailed relief requested which is each paragraph and for the zoning.

CONSTANTINE ALEXANDER: While you're here, I want to turn if I may, unless you have something else you want to -- are you moving on to something completely different?

IRIC REX: Yes.

CONSTANTINE ALEXANDER: I mentioned earlier that we have a letter that I've just seen tonight because it just came in. It's from -- I'm looking for the person. From James Westcoat, W-E-S-T-C-O-A-T who is an abutter. He identifies himself as an abutter to the project. And he was writing on behalf of himself and other abutters. He doesn't identify who they are or how many. But he says that. And

he has specific comments item by item. And I'd like to identify those and see what your response is, at least the major ones. Some of the ones he's supportive of what you want to do so it's not all negative, but just so you understand that.

He says the first: The application states that increasing the FAR, floor area ratio, from 0.96 to 0.16 "to 1.36" will remain consistent with the neighborhood and the project, will not overcrowd the site or the abutters.

He goes on to say: In fact, buildings L, M, and N overcrowd each of the respective sites. They're too close to existing buildings and displace almost all of the open green space on their sites. He says, these comments were made in particular with respect to proposed building N at a community meeting. What's your comment with respect to his comment?

IRIC REX: Well, building N in particular is on the -- is not seen from the street. It's at the rear of 40.

CONSTANTINE ALEXANDER: Well, the overcrowding impacts the whole site. I mean, it's not a matter of visual aesthetics.

IRIC REX: Right. So, of course, we are adding -- we're proposing three new buildings, three new construction, and they are where we've described them, but by opening -- by selectively opening the site, you know, removing some fences and intensifying the potential use of the green space and adding trees, we're hoping to make the site feel like a more pleasant space, that the green spaces will be more usable and more pleasant.

CONSTANTINE ALEXANDER: Okay.

CRAIG NICHOLSON: And also on building N the way it's designed, both the side abutting to 38 Market and the side abutting to 44-50 Market is actually less than the existing building there. So it's not that it's a new, worse distance between buildings from what's there, it's actually less than what the existing building has between buildings.

And very common with buildings on our site, too, as you've seen from the pictures, but also in the neighborhood. There isn't -- they aren't very close together in general building to building. So more of a modal setback between buildings.

BRENDAN SULLIVAN: If you were to design L, M, and N to comply with zoning dimensions, would obviously result in less units. Have you done an exercise as to the number of fewer units?

CRAIG NICHOLSON: No, we haven't -- we haven't done it in that sense. Again, with building N since we're not making an existing non-conforming use worse, you know, we would be able to like maybe tone down a little bit, it might take three-bedroom units and make them two-bedroom units. We wouldn't necessarily lose a unit in that sense.

Building M, it's internal.

BRENDAN SULLIVAN: That's on Broadway.

CRAIG NICHOLSON: It's next to our own building. That's not going to have a side setback issue. And again,

the front setback issue on that one is modal to the rest of all of Broadway basically. So we didn't do it on those. I mean, that would leave building L. And, again, the setback between it and the two corner buildings on Columbia and Market, that it would be up against is again very similar to what's in the neighborhood. So we didn't look at that as a way --

BRENDAN SULLIVAN: It's fair to say it would be a net reduction in any number of units, we just don't know what the number is.

CRAIG NICHOLSON: Yes. Or it would reduce sizes of units. So that instead of having three bedrooms and two bedrooms, we'd have a lot of studios and ones.

BRENDAN SULLIVAN: Scaled down would be the number or size functionality of units.

IRIC REX: Also if we tried to design them to the -- to meet zoning for FAR, we would not even start.

BRENDAN SULLIVAN: Right, yeah. Right.

SLATER ANDERSON: Can I just ask can you put this plan up on the screen there, the one that's on the board there? That's great.

CONSTANTINE ALEXANDER: Okay. The next comment he raised is with regard to height. And comment is what you're proposing is reasonable. There's no objection recording the height of the building. So as Brendan has pointed, out although the building -- one of the buildings is going to be greater than permitted by our zoning, it is consistent with the height of the neighboring buildings. That's our reaction.

Regarding private open space. The statement is: The reduction in open space from 40 percent to 22 percent has a major impact on the density and amenities of the site and neighborhood. Buildings L and M's open spaces are reduced to miniscule proportions.

Your application states: That these impacts will be mitigated, quote, the project will enhance the open space

with an aim toward increasing the intensity of usage of the space. The project includes elements to make the space more attractive, more usable, and less susceptible to undesirable uses than the current space. The statement goes on.

These statements invite three questions: Why has Just-A-Start not made the existing open space more attractive and usable and less acceptable to undesirable uses up until now?

Two, if these investments have not been made in the past, what guarantee is there that they would be made and sustained in the future?

And three, what are the elements that will improve the small open space that remain?

We urge that larger open spaces, detail landscape plans, and security provisions to enhance desirable use be required in the permit application.

Your response?

CRAIG NICHOLSON: Fair points. You know, the

existing parking lot is not well lit. It has a history of undesirable activity. We're aware of it. Cambridge Police are aware of it. The, you know, these are affordable housing. There isn't large capital budgets unless you do this type of a project where you're refinancing and repositioning the property and the ability to add new units and reconfigure that parking lot lends itself to running the wires to have lights out there and having a building in which you can attach the security cameras in order to actually have close enough security cameras to capture what's going on out there and have a monitoring capability. So that is stuff that we've thought about and planned to include in our designs.

As far as the amenities to the open space, I mentioned earlier that is an ongoing discussion and one that we're actively asking the neighbors to participate in. So we're happy to have input from them, input from the residents, and now that front corner input from the city as

who how best to utilize the spaces so they can be utilized well. So, again, it's, you know, fair points on both of those things. This is not building in a vacuum. It's building in a populated urban area. We have to take into account neighbors' perspectives, residents' perspectives. They may not agree. You know, the residents really don't want it to be kind of a more open, visible, everybody there. They're concerned about who might be out there when their kid decides to run out the back door and play on the grass. It's a balancing act and it's one we have to keep open dialogue between all parties.

CONSTANTINE ALEXANDER: What has been the history of Linwood Court with regard to security and the use of the interior open space? Have there been problems?

CRAIG NICHOLSON: There haven't been -- the problems have been in the parking lot. People hang out at the parking lot in the back end where it's less lit and further away from any occupied buildings. And that's the

one place.

CONSTANTINE ALEXANDER: And what do they use -- they hang out for what purpose? I don't think you can answer that specifically. But I mean are there security issues? Have people been assaulted?

CRAIG NICHOLSON: No one's been assaulted that I know of. I think there's one, one incident that I can't remember what it was. But it's not a common like fight club type of thing.

CONSTANTINE ALEXANDER: Do they cause disruption, noise that disturbs the people who live in the nearby units?

CRAIG NICHOLSON: I haven't heard about that through the residents at Linwood Court. You know, the statements I hear from the residents at Linwood Court is concern about who is walking through if their kids are playing out there without someone sitting there watching them. That's their concern. You know, young kids aren't going to be out in the back parking lot at night.

CONSTANTINE ALEXANDER: But what you're saying is that it's just a general nervousness, it's not a nervousness that's born out of specific incidents the in the parking lot at the property.

CRAIG NICHOLSON: The front parking -- the front park that we're going to be talking to the city about has a chain link fence on it. And it didn't used to. It used to be more open, it used to have benches. And what occurred is you would get people loitering there. They would have their boom box, there would be music late at night, there would be singing and yelling and, you know, nothing necessarily illegal but bothersome. And that's one of the things that they want to -- the residents want to avoid as well.

CONSTANTINE ALEXANDER: Anybody by the way, add any comments or questions, stop me as I go along.

Density. The statement is: The current density of 45 units on the site more than meets the density standard of 51 units. However, the project's proposed 68 units would

exceed the density standard by 17 units. On what basis does Just-A-Start then conclude, quote, Squirrelwood will not be overly dense. It will be overly dense because it exceeds the Ordinance standard by a full 33 percent.

CRAIG NICHOLSON: There are other more dense sites. Close building is more dense than Squirrel Brand and Squirrelwood as a whole. There are other sites throughout Cambridge that are significantly more dense than this. So is it more dense than what's allowed in the zoning? Yes, that's why we're here.

CONSTANTINE ALEXANDER: That's right.

CRAIG NICHOLSON: But it's also -- it's not necessarily as -- it could be denser if we took the existing amount of square footage and made them all one's and two's, of these 23 new units we would get -- I forget the exact number, but eight or nine of them just by decreasing unit size. So it's not just a straight 45 units to 68 units, we'd already be up in, you know, close to 52, 55 units just

by decreasing unit size. So it's, again, it's a built environment where it's an incremental change that we're looking for in terms of the number of units.

CONSTANTINE ALEXANDER: Distance. Although the distance Variance for building L may seem small, the reduced distance will limit light and existing buildings.

LAURA WERNICK: This is to neighbors?

CONSTANTINE ALEXANDER: Yeah. I assume, yes.

IRIC REX: Building -- so this is north. You see the north arrow there. South is this way. So, by -- there's a, there's a distance here between the new building -- proposed building and the fence and then the fence and the building. So there is some, you know -- there will be some difference, yes. The closest, the building L actually gets closest to Just-A-Start building, the building B there at the back corner. So that's closer than it will be to the other non-Just-A-Start buildings.

CRAIG NICHOLSON: So the existing parking lot

there also has trees. So they're in shade to begin with. So it's not like they're gonna go from bright eastern morning sun shining through their back door windows because, again, the fronts are on Columbia Street to shade. They're in shade. And they're in shade in back doors that are I believe they have, you know, metal fire escape balconies and ladders on the back of those houses. So it's, you know, it's less used and already shaded. So it's not gonna be a dramatic change from where they are now in terms of light.

CONSTANTINE ALEXANDER: Okay, moving on. Car parking. The comment is: Good arrangements for building M with Squirrel Brand parking, however, Market Street will have more on-street parking pressure. It is not just an issue of spaces. Market Street has a weekly problem of litter and food emptied from cars parked on the street. While Just-A-Start maintains its building frontage and lots on-street parking issues extends beyond those areas.

CRAIG NICHOLSON: Actually I was just discussing

this with him between the first and the second one. Yeah, you know, litter on streets is a citywide problem. And what I have suggested to them is that obviously we have maintenance staff. Our property management headquarters are in the George Close building which is just half a block away. Some of our shops that they have tools and supplies are in the Linwood Court basements. We have resources around the area. We're affordable housing. We do not have the ability to incorporate city street cleaning into our budget, into our operating budget alone. Can we participate? Yes. Can we work as a street and as a neighborhood to do something? Absolutely. Will we fund as well as have people available? Sure. But we can't bury it all. And, you know, as we're talking about landscaping and open space, let's talk about the whole street. I mean, it benefits everybody to have a nicer street.

CONSTANTINE ALEXANDER: Okay.

I have a few more points but let me just make a

general observation. Affordable housing doesn't create utopias. There are always going to be problems. The reason you're here for a Comprehensive Permit is because you can't build what you want to build in conformance with our Zoning Ordinance. And 40B -- this is for the benefit of the audience mostly. 40B recognizes that, and 40B basically states a bias in favor of allowing affordable housing and not being required to meet all the ins and outs and details of the Zoning Ordinance, which doesn't mean we have to approve what you want to do.

CRAIG NICHOLSON: Yes.

CONSTANTINE ALEXANDER: And we'll get to that later, but this is just again for the benefit of the audience. That's -- we're not going to get a perfect project here. And I can understand why yes, he might have this issue, but look at the bigger picture. They're going to get 23 more affordable units and there's clearly a need in Cambridge for a more affordable units.

CRAIG NICHOLSON: Thank you.

CONSTANTINE ALEXANDER: On bike parking the comment is excellent. So we can congratulate you.

Let's talk about curb cut and street trees. Many existing trees on the site will be cut which will lead to a hot, barren, and noisy condition until the proposed unit but not guaranteed plantings mature. Cambridge and the Port neighborhood are losing tree cover and accessibility density is a major reason why.

CRAIG NICHOLSON: So we will be losing some trees, but we're also planting more trees than we are taking down. We're not taking down any street trees. So we're not impacting streetscapes or the greater neighborhood in that sense. As affordable housing, regardless of the Comprehensive Permit, we will be exempt from some of the tree ordinances in terms of caliper sizes and, you know, basically the diameter of the trunk of the tree that you plant and everything else. But we're sensitive to it. You

know, where we can, we would love to be able to move mature trees into some of the new locations. Where we can budget permitting, because bigger more mature trees cost more. And we would entertain that as well. It's not -- again, this is, you know, a lot of what still needs to be done is the landscaping and how that impacts the community. I keep going back to it, this is obviously someone who cares very much about green and open space, but it's something that concerns us, too. I mean, it's a -- yes, we want the units because it's important and we're -- our mission is affordable housing, but it also has to be a nice place to live. And, you know, a large component of our residents once they move into a Just-A-Start apartment, they don't leave. And so we want it to be something that they can stay at and that they can enjoy. So it's important to us too.

CONSTANTINE ALEXANDER: And then last suggestion which is that we should impose, if we approve, we should impose conditions. And we will, when we get to that. We

haven't gotten to that part of the agenda yet. But we never, at least in my experience, never have granted Comprehensive Permit without at least some conditions being imposed.

CRAIG NICHOLSON: Fair enough.

CONSTANTINE ALEXANDER: And I'm going to propose some and maybe some other board members will have some to add to that afterwards.

That covers the letter basically. You can go back to the presentation or are you finished?

CRAIG NICHOLSON: That was it. We're here to answer questions and clarify things.

LAURA WERNICK: Can you go over just on the zoning relief on building L specifically what the -- how much the setbacks vary from what's required?

CRAIG NICHOLSON: At the back end of your package is a 11-by-17, that's a little bit easier to read. Because I can't read that. It looks great on my screen when I'm

making it.

Actually the very back there's an 11-by-17. It's probably even attached there.

LAURA WERNICK: Yeah, right, but I'm just -- this specific setbacks on L, left and right, I just didn't understand what the -- you're saying that it was required to be 23 foot, 8 for -- I'm looking at required for Squirrelwood building L, left side, right side. And so that's what's required. And what are you providing? Is what I'm asking.

IRIC REX: Building L, left side 23 feet, 8 inches. Building L left side is gonna be 41.5 feet. So it's in greatly -- we don't need relief on the left side.

On the right side of building L it is -- what's required is 27.1, and what we're providing is 8.0.

LAURA WERNICK: That's what I was --

IRIC REX: Yeah. And that's -- the reason, the reason the building is skewed towards one side is so that we

can get --

LAURA WERNICK: Parking.

IRIC REX: -- so that we can more than replace the parking.

LAURA WERNICK: And that's probably the extreme single dimensional --

IRIC REX: Yes.

LAURA WERNICK: -- change, difference.

CONSTANTINE ALEXANDER: Noncompliance.

LAURA WERNICK: Noncompliance, yeah.

IRIC REX: As you know, a parking lot can't be -- we can put certain compact spots in a place versus full size, but you know that saves us a foot. But we still want a fence, a buffer, and a rational parking lot with -- that's double loaded. So the dimensions are handed to us to make, to replace that parking and it's tough to do less.

LAURA WERNICK: It seems to my mind that there are

two, two things that that -- the two things that are in -- most out of compliance are that -- that impact abutters are that side dimension with the two abutters. And really, then I shouldn't say, that's the most extreme one. And how does that and the impact it has in terms of shade on those neighbors. And then the other one is the internal green space and what's the right amount of density, which is really internal to the neighbors and how it's used. And it appears like right now the interior space, the courtyard is perhaps not used ideally or is not an ideal space. I understand your goals, but you are reducing it it looks like by 30 or 40 percent which is, is pretty extreme reduction in open space. And I think that's a, to my mind those two things are at least initially the ones that kind of jump out at me is the impact on those two neighbors and then the internal reduction of green space.

CRAIG NICHOLSON: Yeah. And -- yes, it does for that main one which honestly is rarely used as it sits now.

But one of the things that we're able to do is bring into play the green space between 1-6 Linwood Place, the row house, and 40 Market even though we're taking some of that up with building N, there's still a fair enough space that right now is fenced off and has a shed. And even the, even behind 1-6 Linwood Place is a chain link fence. So you have a chain link fence to get through to a get to a wood fence that you can't get through to get to Market Street. So it's virtually unusable at this time for all but maybe four people out of the 45, four families out of the 45 that live there. So if reconfiguring it in this way, it opens it up so that more people can actually use it. And it's going to be programmed from different things. As you saw from the rendering, there will be some benches, it will be more of a courtyard type feel whereas the main space can be more open and kid friendly. You have different, you know, programming for the different green space to accommodate different types of people and what they need. So that's the benefit.

Although yes, smaller, far more useful and far more enjoyable is the goal obviously.

IRIC REX: Can I say one thing about the private open space? That although the percentage is lowered, what doesn't count in private open space is that some of the more narrow passageways that can become much more pleasant with, you know, fixing the sidewalk and adding shrubs and adding trees, that doesn't even contribute to the private open space because it's not of the dimension that we can count. But there are, there are lots of little, you know, little walkways between buildings and all that we, we think will be greatly enhanced from where they are now and they're not contributing to that number.

CONSTANTINE ALEXANDER: Okay. Any other questions from members of the board before I open it up to public testimony?

(No Response.)

CONSTANTINE ALEXANDER: Okay, I will open this up

to public testimony. First of all, can I see a show of hands of how many people want to speak?

(Show of hands.)

CONSTANTINE ALEXANDER: Okay. Let me do it this way. Those who are in favor of the project, go first and then I'll take the ones who are opposed rather than going back and forth. I would ask you, make two requests: One is don't repeat comments that a previous speaker has made. We get it or we hopefully we'll get it the first time it's made. And it just delays the proceedings significantly.

The other is is that please limit your comments to three minutes unless there's a good sufficient reason why you need more time.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I have a question about that. Are the people in favor going to be able to respond to those in opposition?

CONSTANTINE ALEXANDER: No, I don't want to get back and forth debate.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: So
wouldn't it make sense for the opposition to go first?

CONSTANTINE ALEXANDER: No, I think the whole
mechanism of this process is you have a petitioner who wants
relief, and those who were in support of that relief should
go first. And then the people who have an opposition can go
next. We'll digest the pros and the cons having heard both
speakers and the presentation that we've heard tonight. I
would prefer to do it the way I just described it if you
don't mind.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Okay.

CONSTANTINE ALEXANDER: Okay, let's start with
those in favor. By the way, please come forward and give
your name and address to the stenographer. So I guess
you're first.

ELAINE DEROSA: Elaine Derosa, Four Pleasant
Place, Cambridge. And I'm the director of the Cambridge
Economic Opportunity Committee. I just think -- and

speaking in support of the project, I think this is one of the more thoughtful, putting a lot of things together that together. You heard me speak before at the project on Mass. Ave., and mostly I'm speaking for our participants who are the people who are in many underhoused settings. We have many young families in Cambridge that want to stay, but we have, you know, whether children are doubling up in units that aren't appropriate, and then really not a safe issue to have families cramped in small units. And I think this development and again the brilliance of building smaller units so people can move into the larger ones, are really critical. And the fact that it's going to bring on-line so many larger apartments for people. And I think it's just a vibrancy of the city. I mean I know the school committee is concerned about the declining population when we get to the middle school, which means I wonder as kids get older, do people have to leave the city. So this is a great opportunity to maintain the diversity and to have young

families expand in a very healthy way.

Thank you.

CONSTANTINE ALEXANDER: Thank you. Next? Sir, you wanted to speak I think. You'll have a chance, yes, sir.

REPRESENTATIVE MICHAEL CONNOLLY: Thank you. For the record my name is Mike Connolly. I'm a State Representative for the 26th Middlesex District. I'm a resident of Four Ashburton Place, just around the corner from here. And I just wanted to come by, this is in the district that I represent. And I'm 100 percent in support of the project. You think about the 40B law, I think this is well within the purpose of the 40B law. And the affordable housing emergency that we're facing right now really calls on all of us to do everything we can to bring more affordable units on-line. As the previous speaker mentioned, I think that the thoughtfulness that's gone into the different sized units really matters to people as

people's circumstances change and different circumstances require either smaller or larger units. I like that flexibility with the income mix.

And finally, you know, I think we know where we're working with a wonderful partner here. This is actually the 50th year that Just-A-Start has been working in the City of Cambridge so I think we can really have confidence in this proposal and I ask you to consider it and hopefully approve it.

CONSTANTINE ALEXANDER: Thank you.

REPRESENTATIVE MICHAEL CONNOLLY: Thanks.

CONSTANTINE ALEXANDER: The gentleman over here, yes.

LORENZO WILLIAMS: Lorenzo Williams. I live at 269 Broadway in Linwood Court.

I just want to say I think it's a good idea with the plan to add on more units. Sometimes we take things for granted. I was at the stop light the other day and a guy I

hadn't seen in a long time stopped me and he says, man, I got a place to live. I got a -- he was so happy that the light had changed and people were blowing their horns at me, but he was so happy to have a place to live. It made me happy, too. I like the idea of utilizing that space, because that space is not being used. And just to have people to have a place to live -- I have a place to live. Snow removal, trash removal, they clean my hallways, I'm happy with where I am, the maintenance is good. All these things sometimes we take for granted. But to hear that guy say "I have a place to live," is just still in my ear and I like the idea.

CONSTANTINE ALEXANDER: Thank you. And I'm also pleased that someone who lives in Linwood Court has taken the time to come down. So you're on the ground, you're the people who most are very much affected by what is proposed and I'm glad to hear there's some support for that.

Thank you.

Anyone else wish to speak in favor? Sir.

ALEX WANG: Alex Wang, 45 Market Street. W-A-N-G.

I'm here to speak in favor, in support of this project. In particular want to speak to the parking waiver. I read the parking study that all the information there seemed very good. My wife and I have lived in, sorry -- 45 Market Street we're actually right across from building M. And so I want to speak in favor of the parking. My wife and I have chosen to live in this neighborhood of Cambridge. We've lived here -- we've lived in the neighborhood for eight years. We chose to live here because of the ease of different non-car ownership methods of transportation; walking to work, she takes the bus. We take the T. You know, if we need a car, we'll use an Uber or a ZipCar or -- actually there's a -- at 43 Market Street there's a service called Get Around that also allows you to rent a car, and one of those cars is parked at 43 Market Street. So we chose to live in this neighborhood specifically so we

did not have to own a car, and I think there's an opportunity to find people, you know, if you're saying there's wait lists of thousands of people for these spots, I think there's an opportunity to have a parking ratio below the zoning requests. I in fact would argue for even more density. The -- I would personally be in favor of the overhanging parking being replaced with more units or using that to getting rid of that parking for more open space, but I recognize it's already a very big ask to be asking for the parking that they are.

Wanted to confirm that Just-A-Start has been a great neighbor in all this. I found out about the community meetings through a letter they posted at my house. Attended the two meetings in September. Attended also the Planning Board meeting in January. Have had the opportunity to talk with Craig and Iric and Liz. I've e-mailed Liz and she's responded right away, so we've had the opportunity to talk with them. They've told us about the co-organize website

which has kept us up to date on the changes they've made.

And I've also seen them making changes in response to feedback from the residents, the neighbors, and the Planning Board. So excited to see new housing built in Cambridge, particularly below market rate. We've been looking for market rate housing and it's been very difficult. And so really like to see that new housing. We hope to see construction happen and to welcome our new neighbors.

CONSTANTINE ALEXANDER: Thank you.

Anyone else -- Ma'am. Now's your chance.

ABRA BERKOWITZ: Abra Berkowitz, 253 1/2 Broadway in Cambridge. I live, I guess it's about two doors down from Linwood Court. I definitely want to echo my support for the project. I love my neighbors, I want more neighbors, and I want them to have the opportunity to live in subsidized housing. I think it's really extremely important, and it's one of the reasons why The Port Area 4 is such a wonderful place to live. So I do want to say I'm

okay cutting down on the open space. I think as kind of the plans get hashed out further, it would be good to consider things like heat. So where we can put awnings, you know, strategic placement of trees so that we can have more shade. I think we need to make Linwood Court like a really, really great place to live for the residents. So I hope that the open space really takes residents' interest in mind and in part considers kind of their needs in a place that's getting hotter with climate change and also so that they can really enjoy themselves when it's, you know, nice outside.

I also think the bike parking's really cool. I didn't know that people had bike lockers, so thank you for sharing that. And I hope it goes forward.

CONSTANTINE ALEXANDER: Thank you.

Ma'am.

CARLA ELDER: My name is Carla Elder and I live at 269 Broadway, apartment 6, in Cambridge obviously. I want to say thank you for listening to us. And I want to say

that changes are not easy to make but I do appreciate and welcome this change that's on the way.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

CARLA ELDER: You're welcome.

CONSTANTINE ALEXANDER: Anyone else who wishes to speak in favor?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. And now if anyone wishes to speak in opposition or to the relief being sought?

SHANI COLLYMORE: My name is Shani Collymore. I live at 38 Market Street and my property's right next to what would be building N. Some of the concerns that we have is the trash. So currently -- well, historically 40 Market street the trash was in the basement and at some point a few years ago the trash was moved outside. But it's moved against our fence so all of the trash and recycling for 40

Market Street is against our fence for our backyard. So I'm just curious where the trash is going to be for this new building, because it seems like there's going to be even more trash up against our property. And there's oftentimes rodents and raccoons that come out. And so it's like I'm sitting in the backyard and there's rats from the trash, which I don't know, is I think it's not the first thing I want to see when I'm in my backyard is somebody's trash from like I don't know how many units it's going to be now. Ten units?

And another huge problem for us is the driveway, the tenants for 40 Market Street oftentimes park in our driveway. And it's actually a huge problem, because, you know, you get home from work and I have to figure out who's parked in my driveway because there's not enough parking on the street. Or there's not -- I don't know if it's like, they need like a pullover spot or I don't know. But people often when they're going to drop somebody off at 40 Market

Street or I guess pick up, they feel like oh, our driveway is this place. Because my house is right next to 40 Market Street. So I would like to see some sort of solution to that.

And I have a concern about the noise. Because especially in the summer, there's a lot of noise because our house is right next to 40 Market Street, so there's a lot of noise and like yelling, I don't know, from some of the apartments in the building which is also a concern. So I would like to see some sort of solutions to these things because I mean, it's just not -- it's not my ideal to be outside in the property that we paid a lot of money for and have trash, somebody blocking my driveway, and listening to tenants screaming. It's just -- which happens a lot, a lot of the time in the summer and it's just not that enjoyable. I do support, I do support having affordable housing but I don't know if the solution is to have all affordable housing in the city in one area? Like, it just seems like it's

getting to be -- this neighborhood is just so dense with buildings and everybody's building a house in their backyard. And it's just like, it's getting ridiculous. There's no open space anymore in the neighborhood. It's like all the affordable housing is in one area. And it just seems like it would be nice if it could be spread out and not have everything so populated. And a lot of the tenants in 40 Market Street I have noticed in the summer, they barbecue out there and they do enjoy that area that the building is gonna be in, and I don't know where would people do that now? I mean, because that is a very common thing that people are out there. You know, having a party in the summer or whatever. It doesn't seem like that would be really as possible now where you have such a smaller space for people to do that. So....

CONSTANTINE ALEXANDER: With regard to the parking, have you put any signs up by your driveway saying this is not parking for 40, you know, we often see these in

the city where people have problems with improper parking in their parking areas?

SHANI COLLYMORE: No, we don't have signs up, but I mean it's our driveway.

CONSTANTINE ALEXANDER: I know but sometimes you put a sign that says, you know, you cannot park here and we're going to call the police and your car will be towed or whatever.

SHANI COLLYMORE: We have towed people actually. And it's usually the same people that do it all the time. And, you know, oh, we were only going to be a few minutes. You know, stuff like that. I mean, I think just the problem is that there's nowhere, if people feel like I think if they're only going to be a few minutes or whatever the reason is, there's nowhere for them to park. And under the current plan they're adding what, four more parking spaces or something like that?

CONSTANTINE ALEXANDER: Yeah.

SHANI COLLYMORE: Not very many. And they're adding 23 units. So I mean it doesn't seem like a solution to the parking at all. I mean, it's great that they're having bike -- bikes and stuff, but that doesn't -- people are still gonna have cars and you're having 23 more units with more people with having cars, more than four.

CONSTANTINE ALEXANDER: Right.

SHANI COLLYMORE: So it's gonna exacerbate the parking. I mean, I could put up signs but I don't -- I know it's not gonna solve that people don't have anywhere to put their car.

CONSTANTINE ALEXANDER: It won't solve it, it might alleviate the issue, that's all. There's never a solution with people parking where they shouldn't park in the city.

SHANI COLLYMORE: If there's a sign on my fence "Don't park, it's my driveway", I mean, they're still going to park there. Because they already know it's my driveway.

I mean it's pretty obvious. But I mean I can put up a sign but I don't think it's gonna alleviate the problem.

CONSTANTINE ALEXANDER: Okay, thank you. I'm glad you raised the issue about the trash removal. I meant to ask when you made your presentation because it occurred to me as well, and it slipped my mind. So when we're done getting comments from the public, please address that, how you're going to deal with trash removal and trash storage, if you will, if that's the right word.

Is there anyone else who wishes to speak in opposition to the relief being sought?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. Okay. I'm going to -- we have a number of letters in our file. They're all very long. Typically we'd read these letters into the record, but I don't propose to do that tonight otherwise we'll be here this time tomorrow night. But I will summarize or identify who has written to us.

As I have mentioned, we have a letter from James Westcoat, and I've gone through that letter I think in detail.

We have a letter from Community Development summarizing the issue, the meetings with the Planning Board. And there were two in January actually. And the first one I guess raised -- a number of issues were raised, and I think most of those issues were raised at the second hearing. And the comments that remain don't seem to be such that they're germane or significant enough to require us to deal with it further.

We have a letter from City Councillor Timothy Toomey in support.

We have a letter from the Cambridge Affordable Housing Trust in support.

We have a letter from the Cambridge Residents Alliance who express strong support.

A letter from A Better Cambridge in support.

A letter from the Cambridge Historical Commission in fact in support. And they made a contribution to the project with an award of \$70,000 in CPA funds for rehabilitation of 267 Broadway.

We have a very long letter from a citizen Cheryl-Ann Pizza-Zeoli in support.

I've referenced the Planning Board letters.

There's also a letter I wanted to identify from Cambridge Traffic and Parking -- City of Cambridge Parking and Transportation in which they expressed the view: That we believe that the number of parking spaces and the parking management plan proposed by Just-A-Start is reasonable and appropriate. That's the City speaking with regard to parking.

And that's it from the letters.

Any final comments? You're going to address the trash removal and storage?

IRIC REX: Sure. Regarding the trash removal and

storage for the -- well, let me first talk about the existing buildings. For the existing buildings, and these areas in between buildings, generally on one side or the other, there's a sidewalk and on one side or the other there's a row of small toters. You know, kind of large trash cans with wheels that are pulled out to the curb on trash day.

CONSTANTINE ALEXANDER: Where are they stored when they're in between?

IRIC REX: They're lined up -- I think, for the most part they're lined up between the buildings against one wall or the other.

CONSTANTINE ALEXANDER: And of course, during the week that trash accumulates in those things?

IRIC REX: Yes.

CONSTANTINE ALEXANDER: And that can lead to rodent problems and other problems. Have you thought about maybe a better device for dealing with that?

IRIC REX: For the existing buildings, no, we haven't proposed a different solution.

CRAIG NICHOLSON: We are aware that having trash in bins that are just lined up along the side does create a desirable habitat for things that we don't want to see very often like rats and other rodents. We do have an extensive extermination and pest management plan for each of our buildings. It is something that we are aware of and address through maintenance and operations. The site doesn't lend itself to, you know, large dumpster-style trash enclosures. I believe we are doing one for building L because of the way the parking lot's configured, but it's not a large enough space to handle all of the property. So Iric will talk about that piece. But, again, for smaller buildings like this, you know, trash dumpsters, they get rolled out is pretty much the common fare, and, you know, what we, though, do is have an extensive extermination plan to help mitigate it as much as possible.

BRENDAN SULLIVAN: And do you have on-site maintenance and operations? I think you may have addressed earlier.

CRAIG NICHOLSON: Yeah, so our management company's headquarters are in the George Close building, so it's half a block away, corner of Windsor and Broadway. But we do have our maintenance shops are in some of the basements of the Linwood Court buildings. So we're there frequently.

BRENDAN SULLIVAN: But is there somebody that actually walks around? Because now you're asking us to exponentially expand the impact of the site, and it would almost behoove you to have a person monitor trash just, you know, a whole bunch of things. I mean, I think you're very good at designing buildings. Very good at providing housing, so on and so forth. But it's the day-to-day annoyances that you may fall short of.

CRAIG NICHOLSON: Well, actually, you know, again,

I think through our property management company we do have a very extensive maintenance, grounds, extermination. It's our maintenance people that go and bring these toters out to the curb every time. So we are there on site everyday. So it's --

BRENDAN SULLIVAN: Okay. But then I just wonder why we receive a comment from, you know, from an abutter.

CRAIG NICHOLSON: It's a dense urban neighborhood. You know, there are going to be rodents. We, you know, I've walked down other parts --

BRENDAN SULLIVAN: Now you've got this complex there.

CRAIG NICHOLSON: Right.

BRENDAN SULLIVAN: You know? Before it was a group of buildings. Now it's a complex.

CRAIG NICHOLSON: True.

BRENDAN SULLIVAN: And I just want to, you know, when you leave tonight, and, you know, when they leave, I

think they want some assurance that things may improve a bit.

CRAIG NICHOLSON: So I think one of the things --

BRENDAN SULLIVAN: Because the impact is going to be greater.

CONSTANTINE ALEXANDER: I'm very disappointed that you haven't dealt with this issue much better than you have. I mean, I think there's got to be a solution where you can put storage bins not open to the public, not open to whatever rodent that runs by. We've had other affordable housing projects before us, where they have some sort of trash compactors and it's in a building, in the basement. Why don't we have any of this here?

ANDREA HICKEY: Also, what some other buildings do is have an interim private trash pick up halfway through the week. Yes, it costs money, but sort for the benefit of the whole neighborhood not having overflowing bins. What do you now if three days before the trash pick up is scheduled your

bins are overflowing? Where do your -- how do your people handle that? Where do they put the overflow for three days?

CRAIG NICHOLSON: So we have 45 existing units. So if a bin or a series of bins between one building are overflowing, we do have the ability to shuttle trash and even it out across other totes throughout the property. So that is something that we can do. We do have a dumpster-style over at Squirrel Brand. So there will be ways in which to create a management plan for our trash that mitigates this, absolutely. We haven't designed it yet. We don't know for sure that we'll be able to build an additional 23 new units. We will do what we can in terms of, you know, along the property line between 40 Market and 38 Market. I know there's things you can do with, you know, submerged things to, you know, impede rodents travelling underground from one side to the other. But those are things that we can explore as well.

IRIC REX: And just to complete so that we don't

leave thinking that toters are the solution. For building L, this here is -- would be a cedar fenced trash and recycling enclosure that a truck could, it's located such that a truck could back up there to dump, to empty the dumpster, but it's near the pathway so people can put their recycle and trash on the way out. So that would be a larger truck, you know, not a toter. Something, bigger bin.

ANDREA HICKEY: Yeah, I mean I remain concerned about trash not only for an abutter who might have an issue but also for the residents. I mean, you're going to have a lot more trash and a lot less places to put toters.

CONSTANTINE ALEXANDER: You are increasing the size of this Linwood Court by 50 percent. 23 units on top of 40-something -- 25 units, and that is going to create obviously 50 percent more trash and issues. And if there are issues now, it's going to be serious issues later if this project goes forward.

ANDREA HICKEY: That affect your tenants and the

neighbors.

CONSTANTINE ALEXANDER: Yeah.

CRAIG NICHOLSON: Yes. And it's, it is something that -- we have regular meetings. We have resident services in our buildings that hear the, hear the information from our residents about how things are going in the units. We have a complete mediation services. Sometimes they do actually work for our people. If these things such as trash or other management issues of how these buildings are run come up, we have mechanisms to allow for our residents to come to us outside of the management company so that they're not feeling like they're having to complain to the people that they are complaining about. So there's ways to do that. And I think -- and there's ways that we currently do that. As far as the trash itself, I do understand that, you know, again, everybody gets concerned about trash in an urban area because it does tend to ask for these things, and it is something that as we go forward, we will design trash

that is acceptable and commensurate with the number of units that we're putting in there. Mitigating its impact is important for us, too. I mean, I want this to be a nice place to live for the people that live there. They're my client at the end of the day. And so it's important for us to do it right. That's the way we want to make sure that the open space is the right kind of open space for them as well as the neighbors. That we don't just want to -- I mean, honestly, I would have loved to park in that front corner. I thought it would have been great. I'm not living there. My client is living there. And they said that that's not what their ideal is. So we have to go back to square one. These are all things that we of course take into account and take into account seriously. And you know, as far as -- as far as ways to mitigate it, we'll do everything we can.

BRENDAN SULLIVAN: L, M, and N, trash collection is exterior of the building? There's no internal?

CRAIG NICHOLSON: L, how does L?

IRIC REX: It's on. There's a site located
dumpster that's got a fence around it.

BRENDAN SULLIVAN: But it's outside?

IRIC REX: Yes.

BRENDAN SULLIVAN: It's exterior?

IRIC REX: Yes.

BRENDAN SULLIVAN: Simple answer is yes.

Exterior.

SLATER ANDERSON: Is that the one in the enclosure
in the parking lot for L?

IRIC REX: Yes.

SLATER ANDERSON: And what's the plan for M?

CRAIG NICHOLSON: M would be to have trash
adjacent to or in the same general area that 40 Market
Street has its trash collection.

SLATER ANDERSON: Adjacent to the building?

CONSTANTINE ALEXANDER: Adjacent to the building.

BRENDAN SULLIVAN: So there's no trash room.

SLATER ANDERSON: My only concern and the distinction that I would make is that N, N is somewhat of a unique building in that it abuts non-Linwood residents on two sides.

CRAIG NICHOLSON: Right.

SLATER ANDERSON: Whereas M, it's within the complex, right?

CRAIG NICHOLSON: Right.

SLATER ANDERSON: And we've heard from the neighbor at 38 Market. And as one of your survey architectural plan shows, you are putting that trash against really against her fence in the proposed plan as it's laid out in here. I'd like to see a better solution for N. And N's got three, three-bedroom units. There's going to be nine bedrooms in that addition there, so that's a, you know, a fair amount of additional waste production. So I think a better solution for N is appropriate with respect to the

neighbor.

CRAIG NICHOLSON: Okay.

CONSTANTINE ALEXANDER: I would take it one step further. No, I agree. Your comments are well stated. I think it needs to be a condition that you will not be storing your trash barrels of the project against the fence of any neighbor. You have to come up with a solution internally, preferably barricades, it's either in the building or with a barricade around it so to minimize rodents attacking the garbage.

SLATER ANDERSON: Or the end tenants have to use the enclosure in the parking lot. I mean, they have to walk over there.

IRIC REX: I think we have to do a study with people that know a lot about trash and trash removal to find the right answer. But I can think of a few mitigating, you know, things we could do. So we should talk more about it.

CONSTANTINE ALEXANDER: Yeah, okay.

BRENDAN SULLIVAN: I echo your sentiments that I'm a little disappointed that these issues are coming up because of past lack of addressing it by the --

CONSTANTINE ALEXANDER: I have to say I think this in many ways, this petition is premature. I think you could have done more work with regard to the financing and with regard to some of these issues and you haven't. I'm not -- you've done a lot -- you've gone a long way with trying to get this project ready, but I don't see the need to come here tonight and without getting some of these issues resolved. But I understand why you want to move ahead. It allows you to check one other box off in your checklist on things that need to be done to get this project finished, and it's important to get the project finished. I don't mean to minimize that.

But I echo back your echo. I do think I'm a little disappointed in that part of the presentation.

BRENDAN SULLIVAN: I mean we take very seriously

the comments of neighbors. You know, in support and also the ones who have some issues. And, you know, I'm sitting here and I'm saying, you know, these issues should have been addressed a long time ago. You know, they're systemic of the existing buildings and the modus operandi day-to-day and week to week, and that's only going to get exacerbated. And to say we're going to come up with plan and we're going to do this, doesn't give me a warm and comfy feeling to be honest with you.

CONSTANTINE ALEXANDER: Any other comments? I can make a motion and try to put through some conditions that I can think of based upon what I've heard tonight, and I certainly would welcome suggestions from other members of the Board.

CRAIG NICHOLSON: One thing that I do want to point out is that we did amend the original submittal that's some slightly different relief in terms of like FAR going from 1.36 to 1.39, that was delivered to Maria on Monday

based on things that the Planning Board asked us to change. I just want to make sure that those are the ones that you're reviewing.

CONSTANTINE ALEXANDER: I'm aware of it. I did see a letter in the file.

CRAIG NICHOLSON: I know some of the people have been referencing ones that were -- I just want to make sure --

CONSTANTINE ALEXANDER: If this were a typical zoning case we'd have a lot of problems with what you've done. But in a Comprehensive Permit case where adherence to -- strict adherence to our zoning requirements is not as essential, I'm not troubled by that. So thank you.

CRAIG NICHOLSON: Okay.

CONSTANTINE ALEXANDER: All right, let me start off with -- and we have to make a number of findings before we get to the relief and conditions and let me try my best to getting them out.

The Board moves that we find that the petitioner has satisfied the jurisdictional requirements of Chapter 40B; namely, that it has presented documentation that it is a 501c3 non-profit charitable organization.

That it is given oral assurances that it has -- it is eligible for the financing necessary to proceed with the project.

And that obviously that you have demonstrated, you have control of the site because it's on a site you already own.

So based on these findings, and subject to the satisfaction of the conditions we are imposing, the Board finds that the applicant has met all other jurisdictional requirements of the Code of Massachusetts Regulation. Specifically they have submitted to us a completed and satisfactory application for a Comprehensive Permit pursuant to the Code of Massachusetts Regulations. It includes preliminary site development plans showing the locations and

materials of proposed buildings, streets, drives, parking areas, walks and paved areas, and proposed landscaping areas and improvements within the site.

They've given us information about the existing conditions of the site, that they've submitted preliminary scaled architectural drawings, including typical floor plans, elevations, and sections.

And that they have submitted a preliminary utilities plan and also a list of exceptions to local requirements and regulations. That was that chart, the eye chart that you submitted to us earlier.

So the Board finds that the applicant has met all of the jurisdictional requirements of the Code of Massachusetts regulations.

They have submitted evidence concerning the continued need for affordable housing in the City of Cambridge and in the surrounding region.

On the basis of that evidence and on the Board's

knowledge of housing in the City of Cambridge, we find that there continues to be a regional need for affordable housing and a substantial unmet need for affordable housing in the City of Cambridge.

That the project consists of 23 units, all of which will be affordable according to the requirements of Chapter 40B and of eligible subsidy programs.

In reviewing this project we have, we being the Board, has not identified any significant health, safety, environmental design, open space issues and no adverse impact on storm drainage, traffic, or other engineering and planning matters that would support denial of the project or outweigh the local or regional housing need.

And we have determined that the relief from the specific requirements of the local restrictions and regulations requested by the applicant is necessary in this circumstance to ensure the creation of affordable housing and to allow the construction of the project as proposed.

So based on these findings, the Board finds that the proposed development meets the requirements for a Comprehensive Permit under Chapter 40B and that such a permit shall be granted to the applicant subject to the following conditions:

One, that final detailed construction plans must be submitted to the building inspector to ensure that the final plans are consistent with the preliminary plans submitted by the applicant, the first page of which has been initialled by the Chair. That's what we have right here.

That the petitioner needs to develop a comprehensive garbage storage and removal program, such that has not been presented to us tonight. Such program should contemplate extensive and consistent extermination -- visits by exterminators to remove garbage to the extent practicable to within structures or within the buildings themselves, and in any event, not to be against the fence or other property lines of abutters, abutters to the project.

That the petitioner shall take further steps with regard to the physical security of the residents of this affordable housing project. Security should be a high priority with respect to the security -- with respect to the well-being of the residents of the project.

And next condition, that the open space, further study to better utilize the open space that will remain on the property once the new buildings are constructed.

I think those are the conditions I have. Anybody else want to add anything?

LAURA WERNICK: I think that's it.

CONSTANTINE ALEXANDER: Okay.

All those in favor of granting the Comprehensive Permit in favor of these conditions, say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. The Special Permit has been granted.

CRAIG NICHOLSON: Thank you.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

* * * * *

(9:25 p.m.)

(Sitting Members Case BZA-015304-2017: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W.

Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: Okay, the Chair will call case No. 015304, 3 Emmons Place.

Is there anyone here wishing to be heard on this matter? As I commented to my fellow board member here, they've gone from the ridiculous to the sublime.

JOHN VINING: I'm sorry to disappoint you that, you're not really excited with this one.

So I represent the owners. I'm with Feinmann, Inc.

THE STENOGRAPHER: And your name?

JOHN VINING: I am John Vining. And we are a non-conforming lot in which we want to add a couple of windows.

CONSTANTINE ALEXANDER: I don't think we have any letters from neighbors or abutters. Any people who are directly affected by the windows, new windows? Oh, you'll have a chance to speak. New windows raise two issues potentially: Privacy issues for your neighbors, and -- well, mainly privacy issues I think.

JOHN VINING: Sure.

CONSTANTINE ALEXANDER: Unless you have anything more to say, we'll hear from this gentleman about it. Please come forward.

BILL ZAMPARELLI: Good evening.

CONSTANTINE ALEXANDER: Good evening.

BILL ZAMPARELLI: My name is Bill Zamparelli. I live at 7 Emmons Place, and I was here to try to understand

exactly what was going on.

CONSTANTINE ALEXANDER: Oh, okay.

BILL ZAMPARELLI: I am not necessarily opposed to what is being proposed. I just need a bit of understanding.

CONSTANTINE ALEXANDER: Have you seen the plans where the windows -- the change in the windows?

BILL ZAMPARELLI: I haven't seen.

CONSTANTINE ALEXANDER: You might want to take a quick look at them. That's what's before us tonight. If we approve it, it will be subject to these plans. They have to comply with -- so this is what it will be like.

BILL ZAMPARELLI: Okay.

JOHN VINING: I can give you a black and white straightforward elevation.

BILL ZAMPARELLI: You're just replacing this one?

JOHN VINING: This one's not there now. That's brand new, and this one is replacing existing.

BILL ZAMPARELLI: Right, that was the half window?

JOHN VINING: Correct.

BILL ZAMPARELLI: I have no problems with that.

CONSTANTINE ALEXANDER: Okay.

BILL ZAMPARELLI: What I did want to -- you know, what I had some concerns with and I've spoken with John about this, was the, they were going to be installing an air conditioner and they have told me that they're going to put the unit, it's a split compressor unit, and they were gonna put it on the side of the building and now they're saying they're gonna put it on the roof. I am fine with that. We did have some concerns about the noise between the buildings. So as long as it goes on the roof, I'm good.

CONSTANTINE ALEXANDER: Okay. Thank you.

JOHN VINING: And that was actually via a separate application through Historical.

CONSTANTINE ALEXANDER: Okay. That's not before us.

JOHN VINING: Right.

CONSTANTINE ALEXANDER: I have to ask a question. Maybe neither of you can answer it. We had a very controversial case on Emmons Place a couple years ago. Across the street they were going to move a building.

BILL ZAMPARELLI: That's right. And I worked very closely with Mr. Ferraro to try to broker a solution to that, and we did come to agreement.

CONSTANTINE ALEXANDER: Good.

BILL ZAMPARELLI: Of which I thought was a good outcome for everybody. They removed the rear house and they were granted the ability to move that existing house 14 inches wider so that they could create a one-inch short of a legal driveway I guess. And that would avoid them having as of rights to build another building in the back. But it also, you know, addressed all of the abutters' concerns. I worked with all of our neighbors in and around Emmons Place and on Roberts Road and on Trowbridge Street. We basically met a number of times with Mr. Ferraro and he was very

accommodating. We worked out a good solution and he was very happy, and we ended up being very happy at the outcome.

CONSTANTINE ALEXANDER: Good. Thank you. Just curious.

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?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard. We're not in receipt of any letters in the file so I'm going to close public testimony.

Are we ready for a vote?

ANDREA HICKEY: Yes.

CONSTANTINE ALEXANDER: The Chair moves that -- this is an application for a Special Permit. So it

means we have to make the following findings:

That the requirements of our Zoning Ordinance cannot be met without the Special Permit being requested.

That traffic generated or patterns of access or egress resulting from what is proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of what is being proposed.

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

With regard to all of these findings, the Chair would note that the relief being sought is rather modest in nature, and it has no neighborhood opposition.

So based on all of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with this plan that you submitted and which I've initialled.

JOHN VINING: Sure.

CONSTANTINE ALEXANDER: All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Thank you.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

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(9:30 p.m.)

(Sitting Members Case BZA-015324-2017: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W.
Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 015324, 29 Fairmont Avenue.

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

MARILYN MOEDINGER: Hi, I'm Marilyn Moedinger.
I'm the architect for this project. And Juan Carlos Serna
is right back there. He's the owner. So he's going to jump
up and he will join the conversation as well.

THE STENOGRAPHER: Can you spell your last name,
please?

MARILYN MOEDINGER: Oh sure, M-O-E-D-I-N-G-E-R.

So we've got a couple of things on the menu here.
We have a Special Permit and a Variance. So I'm gonna sort
of describe the holistic picture of what we've got going on,
and then obviously they're two separate things and so I'll
let you take the lead on how exactly you want to --

CONSTANTINE ALEXANDER: Why don't you do the -- after the -- good approach, but take the Variance next. After you give us an overview.

MARILYN MOEDINGER: Sure. A general. Sure, of course.

So the gist of this project is that as you can see on the first page there, it's concerning 25, 29, and 31 Fairmont. Which are all owned by the same person. And the owner lives in 29 Fairmont and would like to expand, put a kitchen addition on and put two bedrooms upstairs. So it's a small addition, that's the Special Permit. And also dig out the basement to create liveable space down there. That's because it's family of three kids. You know, not enough room in the house. And this is a modest addition within all of the zoning dimension, dimensional requirements. That's the Special Permit.

Decided not to build a separate structure in the backyard because that doesn't serve the needs of the family.

And what the family really needs is a larger house. So that was sort of the impetus for the project, that's what got it started. When we realized that this was the most efficient location for the addition right here, sort of between the two, and the reason we can actually touch the other building is because now that all three of these addresses are owned by the same person, they're effectively the same property and that's what changes our setback lines to these that are shown on this drawing.

And so once we realized that this is the most sort of efficient way to put the addition on the project, we then had this funny patch right here that was between the two buildings and thought that that was a logical place to put a parking space. So when I first did the math to see what we were dealing with, it's actually five inches narrower than required driveway. It actually suits -- it fits a parking space, but it's narrower than what's required for a driveway. The car would actually not be in the front

setback. So the relief we're seeking -- the Variance relief that we're seeking -- the Variance is the width of the parking space.

CONSTANTINE ALEXANDER: So you're not -- I couldn't tell that from the plans. You're not going to be parking in the front yard, the zoning front yard?

MARILYN MOEDINGER: Correct. Correct, we are not parking --

CONSTANTINE ALEXANDER: I should rephrase that. You'll have sufficient parking so you'll not be there. Whether you do, your client does it or not, assuming we grant relief, remains to be seen.

MARILYN MOEDINGER: Yes, exactly.

BRENDAN SULLIVAN: It's unfortunate it's shown in the front yard setback.

MARILYN MOEDINGER: I know. It was one of those things that -- so if you look in the curb cut driveway diagram at the top, on the first page, there's a parking

space that's shown as 18 feet. So, and obviously if I had to do the drawing over, I wouldn't show the car in the front yard.

CONSTANTINE ALEXANDER: Well, you may be being honest with your drawings rather than --

MARILYN MOEDINGER: Well, honesty is the best policy, right?

CONSTANTINE ALEXANDER: Well, it depends on what decision we make tonight.

MARILYN MOEDINGER: Oh, well, indeed. Okay. So that's the sort of bigger picture of the project. And then of course there's sort a chicken and the egg. So do we apply for the Variance for allowing a parking space or the curb cut, you know, that kind of thing. So that's what we're doing. We thought we'd do all of it together. We have --

CONSTANTINE ALEXANDER: The Variance is unrelated to the Special Permit in the sense that --

MARILYN MOEDINGER: That's right.

CONSTANTINE ALEXANDER: If we were to turn down the Variance request, you can still go ahead and put your addition --

MARILYN MOEDINGER: That is true.

CONSTANTINE ALEXANDER: -- for your additional living space.

MARILYN MOEDINGER: That is true. And, you know, it's sort of interesting when we sat down and did the math, which you can see on page 0.1, this was a lot of math for such a little project. I'm telling you this one had me tied all in knots. But the way that it works out, actually, is that adding this parking space actually moves us towards conformance because there are six dwelling units and only three provided parking spaces in the parking behind 23 Fairmont which is what you can see -- I don't have it addressed here, but it's the partner to 25 Fairmont. So there are a series of parking spaces back there. Only three

are deeded to the current owner. So it moves it towards conformance.

I understand there's lots of questions. I know there are people behind me with questions and concerns about the parking and we welcome all of that.

CONSTANTINE ALEXANDER: Well, I'll ask some questions right at the outset.

MARILYN MOEDINGER: Sure.

CONSTANTINE ALEXANDER: And only speaking for myself.

MARILYN MOEDINGER: Of course.

CONSTANTINE ALEXANDER: We have to wrestle with this concept of creating a parking space for resident of a house all the time, because by granting -- and it's been raised in the letters, by granting that parking space your client is appropriating public parking that benefits every member of that street, and now it's going to be his alone or whoever succeeds him. That's a problem. It's been a

problem for this Board. It doesn't mean that we haven't granted it in the past, but we don't look kindly on that. And you've got an uphill battle in my opinion, at least with me anyway, to do that. I'm also troubled by the front yard parking. I don't believe which your plans -- you may show space for to not park in the front yard. You'll park, if we grant relief, your client will park in the front yard at least in part. And that's a problem. The Planning Board does not look with favor within the city of front yard parking or creation of new front yard parking, and we don't look at favor. Again, it doesn't mean, we haven't granted relief in the past. But, again, it means to me an uphill battle.

MARILYN MOEDINGER: Understandable.

CONSTANTINE ALEXANDER: Any questions on the Variance part before we get to the Special Permit?

BRENDAN SULLIVAN: Well, this -- questions that I can't really resolve. 25 Fairmont Avenue, where did they

park their cars before?

MARILYN MOEDINGER: Well, they current -- you might want to weigh in on this one.

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

JUAN CARLOS SERNA: Juan Carlos Serna, 25 Fairmont Ave. 25 has and does park their cars behind 23.

BRENDAN SULLIVAN: So there was parking for 25?

JUAN CARLOS SERNA: Initially, yes.

BRENDAN SULLIVAN: Okay. So where is 25 Fairmont going to park now?

JUAN CARLOS SERNA: Same. We're not changing anything about the parking allocation to --

BRENDAN SULLIVAN: So you're taking parking away?

JUAN CARLOS SERNA: No.

BRENDAN SULLIVAN: Well, you're not asking for relief or reduction of parking.

MARILYN MOEDINGER: No, we're not.

JUAN CARLOS SERNA: We're not. You're right,
we're asking --

BRENDAN SULLIVAN: You're not what?

JUAN CARLOS SERNA: Asking for relief for
reduction of parking. We're asking for a creation of a
parking spot. Nonconforming --

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: Well, but you're asking for a
creation of a spot under the 29 application.

JUAN CARLOS SERNA: Which --

BRENDAN SULLIVAN: So are you saying that the spot
that you're creating is allocated to 25?

MARILYN MOEDINGER: No.

JUAN CARLOS SERNA: No.

BRENDAN SULLIVAN: 25 Fairmont now has a parking
space or historically has always had a parking space behind
the building.

MARILYN MOEDINGER: Uh-huh.

BRENDAN SULLIVAN: Okay.

Are you going to provide a parking spot behind the building now for 25?

JUAN CARLOS SERNA: We're not changing anything about 25, their parking, or anything in the building.

LAURA WERNICK: The parking behind 23 --

SLATER ANDERSON: Did I hear you say there's more than one parking space allocated?

MARILYN MOEDINGER: Yes.

SLATER ANDERSON: How many parking spaces in that lot are allocated to these units?

MARILYN MOEDINGER: Three.

JUAN CARLOS SERNA: Three are allocated to 25 Fairmont Ave., for units 1, 2, 3. There's three units there.

CONSTANTINE ALEXANDER: Each unit has got one parking space.

JUAN CARLOS SERNA: Yeah, so that's -- conforms.

SLATER ANDERSON: Okay.

JUAN CARLOS SERNA: 29-31 is where I live. That's a three-family house and there's no parking at all.

MARILYN MOEDINGER: And so what happens is, and I understand it's a rat's nest of when the -- when the lots came into common ownership, that's when, you know, it would be required to have six parking spaces, right? Because three for 25 and then three for 31-29. There's only three for those combined lots. Those are currently allocated to 25 Fairmont. We're adding a parking space.

CONSTANTINE ALEXANDER: So right now you live in 29-31, three-family house, there's no parking for any of these units. You want to create one parking spot for yourself or whoever owns the building. What's the hardship? You have -- to get a Variance you need to demonstrate substantial hardship. This neighborhood, and you've lived with the current situation, why do you need to take away a space, a parking space from the residents of this street for

your own personal benefit?

JUAN CARLOS SERNA: The hardship that we stated in the application relates to getting three kids in and out of a car, you know, on the street primarily.

LAURA WERNICK: And it isn't really -- it's taking one car off the street and the curb cut is reducing less than one car length so you're -- it's a less than one-to-one reduction from the.

CONSTANTINE ALEXANDER: There's a suggestion in the letters, I haven't worked all the way through, that if we were to grant this relief -- because of the location of a fire hydrant, we would be taking away two parking spaces from the city or from the resident street. I don't know if that's true or not. That was raised at least in one letter from a person who objects.

JUAN CARLOS SERNA: I read that as well. I don't see the measurement that way. But I mean it's clear from that, from my good neighbors that there would be

considerable objection if we went to the City Council with the curb cut. So we, obviously after reading the letters and hearing the feedback, we're evaluating our options.

MARILYN MOEDINGER: I think the hardship would be related to anything that -- I mean, that having a three-family house with zero parking any, like, we just heard a whole bunch of stories about how hard it is to have units without parking. So I think that, you know, that it's pretty clear that to have like three-unit house with no parking is a hardship. So we're striving to make that better.

BRENDAN SULLIVAN: This whole parking thing, I can't connect the dots here. In your application, 29 Fairmont Avenue, the number of parking spaces existing, four. Requested conditions, three. You are reducing a parking space.

MARILYN MOEDINGER: No. Something must be getting lost in translation.

BRENDAN SULLIVAN: That's what it says. It says you have four and you are requesting three.

CONSTANTINE ALEXANDER: I couldn't figure that out either when I read the application.

MARILYN MOEDINGER: It might be a mistyping. I don't know, it's right here in our analysis.

BRENDAN SULLIVAN: Well, you know, somebody typed it and this is what we go by.

MARILYN MOEDINGER: Well, I'm very sorry if that was my mistake.

BRENDAN SULLIVAN: And then, again I go back to, and I don't want to pound this thing into the dirt anymore. But 25 Fairmont Avenue had to have had a parking spot somewhere. 23-25 had parking behind the building. Yes?

MARILYN MOEDINGER: Still does.

BRENDAN SULLIVAN: Correct. All right. And it still does? Now, you have built 25. Where is the parking for 25 that was there historically?

MARILYN MOEDINGER: It's still behind 25. It's still behind 23 Fairmont.

JUAN CARLOS SERNA: There's an easement.

BRENDAN SULLIVAN: And yet the access is from another lot --

MARILYN MOEDINGER: Right.

BRENDAN SULLIVAN: -- that you don't own.

MARILYN MOEDINGER: There's an easement.

JUAN CARLOS SERNA: There's an easement down the driveway to get to --

BRENDAN SULLIVAN: Well, okay.

MARILYN MOEDINGER: I mean I'm happy to keep clarifying. You know, it's a difficult situation. It's a classic, you know, Cambridge awkward situation.

CONSTANTINE ALEXANDER: And again what is the hardship? And the hardship from the zoning point of view has got to be the hardship that runs not to you or anybody who is the current occupant, but it has to run with the

land. Anybody who owns your property would have a substantial hardship. And that hardship has got to be owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structure but not affecting generally the zoning district in which it is located.

MARILYN MOEDINGER: Right. So the actual Variance that we are asking for is that the parking, that the driveway width has to be ten feet. We are asking for it to be relieved to nine foot, seven.

ANDREA HICKEY: And I have a problem with that. I mean, even opening doors, the car that's parked in that proposed space is going to be so close to the side of those actual structures, not just the lots, but the structures.

CONSTANTINE ALEXANDER: Which is going to encourage you to move the parking in the front yard.

ANDREA HICKEY: Yeah, I mean -- I have --

JUAN CARLOS SERNA: The structure is there, too,

but, yeah.

MARILYN MOEDINGER: Well, I mean so that's the hardship, is that the structure is there. We can't physically knock over the building. So I mean that's fine and that's why we're here and we're seeking input and all that stuff. It's only five inches less than what the zoning requires.

BRENDAN SULLIVAN: So what's eight foot, six.

MARILYN MOEDINGER: That's the parking space. So we're trying to show that the parking space -- there's two things here, there's the driveway and the parking space.

BRENDAN SULLIVAN: Well, I don't see how you can pull the car all the way with not being in the front yard setback and somebody exiting that vehicle. And if you read, and again, read and reread your pleadings, you're supporting statements, you're saying it's to allow for the easier, safer exit of children, elderly people, on and on and on, all the, you know, good things and I just don't think it's

practical in that space. It's impossible.

CONSTANTINE ALEXANDER: It's impossible.

SLATER ANDERSON: How many units are in 29-31.

JUAN CARLOS SERNA: Three.

MARILYN MOEDINGER: Three.

SLATER ANDERSON: So there's a total of three in those two --

JUAN CARLOS SERNA: Yes.

SLATER ANDERSON: So we've got a total of six units?

One of the things I'm seeing here is that for purposes of your application, you're saying well, in effect we've unified this ownership because it's a single owner, okay? What I'm seeing is you've got three parking spaces over here. You want a parking space for yourself. I mean there's a bit of a self-imposed hardship. You have three parking spaces. You can use one of them for yourself over there. And now I'm sure you might have leases and your

tenants at this point, but that's, that's a self-imposed condition. You can --

JUAN CARLOS SERNA: Sure. And to be clear, I currently use two spots because my tenants don't have cars, but that's not always going to be the case. I mean, I think we're reading the imprint pretty well. I think we're (inaudible).

CONSTANTINE ALEXANDER: I think you are.

MARILYN MOEDINGER: That's fine.

LAURA WERNICK: I'll just say one thing, that having a slot that's nine foot, nine is an adequate width for a car. Even in Cambridge, nine foot -- a nine foot wide parking space is common and allowable. So the nine foot, nine is not -- I don't see that as an issue. But, I'm not --

JUAN CARLOS SERNA: Well, then let's keep going with that.

CONSTANTINE ALEXANDER: Well, with regard to the

Variance, nothing ventured, nothing gained. Let's move on to the Special Permit.

MARILYN MOEDINGER: Sure. So the Special Permit is the addition. And that as you can see on the first page, where it says proposed ground floor addition and can walk you through, I mean you've got plans showing exactly how it fits with, you know, how we plan on expanding the kitchen and adding some bedrooms for a growing family. So this one is all within the requirements in terms of dimensions and all of that. We also feel that it's minimizing impact on neighbors as the Special Permit requires by not using up green space. We're taking sort of unused space anyway, kind of between the houses that would otherwise sort of be a little bit of a no man's land I guess.

ANDREA HICKEY: So is that addition going to touch the structure at the rear of 25?

MARILYN MOEDINGER: Yes.

JUAN CARLOS SERNA: Which I own.

ANDREA HICKEY: Right, but it's a separate property.

LAURA WERNICK: Is it all one property?

MARILYN MOEDINGER: It's all one property.

ANDREA HICKEY: It is?

MARILYN MOEDINGER: Yep. It's a separate structure.

ANDREA HICKEY: One deed, one tax bill?

JUAN CARLOS SERNA: Well, my understanding from our attorney is that once I purchased -- I just finished purchasing and renovating one of the units, that everything merges together.

CONSTANTINE ALEXANDER: Merger.

MARILYN MOEDINGER: Yeah, that's the only thing that makes this whole project possible, the application possible, yeah.

BRENDAN SULLIVAN: Right now it's two different entities.

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: 25, LLC and the other ones are under your name. And going forward you would combine all three properties onto one common entity.

JUAN CARLOS SERNA: Right.

SLATER ANDERSON: Two properties?

JUAN CARLOS SERNA: Two.

BRENDAN SULLIVAN: Well, 25 is one building and then you have 29-31.

SLATER ANDERSON: Is one.

CONSTANTINE ALEXANDER: Is one.

SLATER ANDERSON: Sitting on separate lots.

CONSTANTINE ALEXANDER: I think it's one structure with two entrances, right?

SLATER ANDERSON: So I'm not a lawyer, but what I see is when you merge those, the fault I see in that argument is you've increased the non-conformity --

ANDREA HICKEY: Exactly.

SLATER ANDERSON: -- because you've put more units on one lot than were there previously. I'm not sure you get passed that legally.

MARILYN MOEDINGER: Interesting, yeah. So....

ANDREA HICKEY: I'm thinking merger is not what you want to accomplish what you're asking.

SLATER ANDERSON: I agree.

CONSTANTINE ALEXANDER: That's --

MARILYN MOEDINGER: That's interesting. So help me understand. Because in that case our setbacks would be drawn from the old property lines.

ANDREA HICKEY: Right.

MARILYN MOEDINGER: Which would mean that everything would be not by -- right now this is within all dimensional requirements if we didn't merge the lots or couldn't or whatever, then nothing would be within the dimensional requirements meaning we'd be seeking variance -- lots and lots of variances.

ANDREA HICKEY: Unless you went perhaps back.

MARILYN MOEDINGER: Right. And there's reasons why we didn't do that. And we can get into that now if that would be helpful.

SLATER ANDERSON: But there's a distinction between a use variance and a dimensional variance.

MARILYN MOEDINGER: Right.

SLATER ANDERSON: The thresholds are different.

MARILYN MOEDINGER: Right.

BRENDAN SULLIVAN: Well, your lot area for dwelling unit would be -- would not be in compliance anyhow. Just for starters.

MARILYN MOEDINGER: Right. And so the way -- we're not adding.

BRENDAN SULLIVAN: You're adding to that non-conformity.

ANDREA HICKEY: And, again, the concept of merger to me sort of raises the bar. It makes it harder for you to

do what you're asking, not easier.

JUAN CARLOS SERNA: But the merger happens.

MARILYN MOEDINGER: It's not a choice, right?

JUAN CARLOS SERNA: Right.

MARILYN MOEDINGER: I thought from the city it wasn't a choice.

JUAN CARLOS SERNA: Right. Now assuming, you know, common control, and, you know, we don't have the attorney here --

CONSTANTINE ALEXANDER: I think -- I don't need to give you legal advice, but I think you can avoid the merger by putting one of the lots in an LLC or an entity with a different name than the other.

JUAN CARLOS SERNA: And it -- excuse me, and it currently is. The only reason it is is because we're doing extensive renovations, and just for kind of liability purposes I kept that as an LLC. My intention was to move it under common ownership, a trust with all the properties. In

my mind it's a little separate than the -- the Special Permit we're seeking is assuming that we get a building permit to do all this, right, and addresses your question, and that's a in my opinion a Ranjit question, the Special Permit is to allow the 25 percent FAR.

MARILYN MOEDINGER: Increase in the Variance.

JUAN CARLOS SERNA: And allow us to dig out the basement. Some of these other legal questions are legal questions and Building Code questions.

SLATER ANDERSON: Well it affects where your setback line is.

MARILYN MOEDINGER: Yeah.

BRENDAN SULLIVAN: I think by filling that in it obviously affects air, light, it affects a whole bunch of stuff. I could not support any of this that's before us.

MARILYN MOEDINGER: Could we explain a little bit more about what kind of space it's gonna be and how it's gonna be laid out?

BRENDAN SULLIVAN: I've gone through this quite extensively. I'm not sure how you can explain it away. But anyhow, I will listen.

MARILYN MOEDINGER: Okay.

JUAN CARLOS SERNA: Can we explain the as-of-right option?

MARILYN MOEDINGER: Yeah. I mean what we could do is put a separate structure in the backyard which doesn't help with the goal of expanding the family home. It also -- so in your packet there's also pictures towards the last two pages showing the newly landscaped backyard.

BRENDAN SULLIVAN: Do you have any other tenants in 29?

JUAN CARLOS SERNA: 29 is our side where we live. 31 are short-term rentals.

BRENDAN SULLIVAN: I'm sorry. Are there tenants in that building?

JUAN CARLOS SERNA: 29 is where we live.

BRENDAN SULLIVAN: Yes.

JUAN CARLOS SERNA: And 31 are short-term rentals.

SLATER ANDERSON: There's three units there,
right?

BRENDAN SULLIVAN: Short-term rental. So in other words, if you really wanted to expand living space, then you could take some of that short-term rental. You have the space. You have the area to do it, rather than putting an addition on to the building.

JUAN CARLOS SERNA: I mean, there are many options for many things.

MARILYN MOEDINGER: Sure, I mean this --

BRENDAN SULLIVAN: And you have purchased the building next to it, so --

MARILYN MOEDINGER: So is your --

BRENDAN SULLIVAN: I don't see the need for the addition.

MARILYN MOEDINGER: So is your objection light and

air?

BRENDAN SULLIVAN: Or you could go back with the addition rather than having this building touch the next building to it.

MARILYN MOEDINGER: Sure. And I was just explaining why we decided not to do that, but I don't know if -- so we have pictures here showing the newly landscaped backyard. 25 brand new trees. You know, this is --

BRENDAN SULLIVAN: Oh, I understand. It's beautiful. It's right -- I just -- anyhow. Okay.

MARILYN MOEDINGER: We did test a number of options. I don't want it to seem like we didn't think of those things. You know, my job as a design professional is to make sure that I'm recommending things that I can stand behind, too, as a design professional and those options weren't working as well as this one.

BRENDAN SULLIVAN: Well, the option is that you don't want to give up that short-term rental.

CONSTANTINE ALEXANDER: Yeah, that's exactly --

BRENDAN SULLIVAN: That's the option. I mean, that's the choice and that's the choice that you've made.

JUAN CARLOS SERNA: Well, now I mean, come on.

BRENDAN SULLIVAN: That you want, you want that income and then you also want to then add on.

MARILYN MOEDINGER: This is a little personal.

JUAN CARLOS SERNA: Right. Well, I mean the Variance isn't about a short-term rental --

BRENDAN SULLIVAN: I mean I want what I want because that satisfies my wants.

JUAN CARLOS SERNA: Excuse me, the Special Permit is seeking to be able to use the FAR that the lot has. That we're still well -- we're still under. We can do ten percent by right, right, without having to get a Special Permit? We cannot dig out the basement. Some of the other issues you're bringing up are noteworthy and -- but they're not -- I don't see how they're germane to what we're asking

for.

BRENDAN SULLIVAN: But you have the option of putting in a separate structure that you would live in.

JUAN CARLOS SERNA: No. We're just proving the point that we have the dimensional -- the FAR allowance on the lot to do other things as of right. This design --

BRENDAN SULLIVAN: Right. So going back, so as of right you can put up another structure on that lot?

JUAN CARLOS SERNA: We have how many square feet left of --

MARILYN MOEDINGER: It's 529 --

JUAN CARLOS SERNA: It's a big size lot.

MARILYN MOEDINGER: Yeah.

BRENDAN SULLIVAN: Right, but I'm saying as of right you can still put another structure there.

MARILYN MOEDINGER: Well, it would still be a Special Permit, whether it's attached or in the backyard. And it would be 529 square feet.

BRENDAN SULLIVAN: Right, okay. And that would satisfy your needs for your building.

MARILYN MOEDINGER: No.

BRENDAN SULLIVAN: It would not?

MARILYN MOEDINGER: No, because a separate structure --

BRENDAN SULLIVAN: Well, we're talking as of right and now you're saying --

CONSTANTINE ALEXANDER: Well, the point is I think they could do a separate structure but it would be of such a size that it doesn't really create the additional living space. So you want to have a kitchen, like the old colonial days where the kitchen was located in a different building.

MARILYN MOEDINGER: In a different building, exactly.

SLATER ANDERSON: And that could be one of your short-term rentals in the back.

CONSTANTINE ALEXANDER: Yeah, but I go back I'm

troubled by the fact that this is all about preserving the short-term rental income. And there are -- you have a solution, it gives you your additional living space. You give up maybe some of your Airbnb, short-term rental space, and that solves your problem.

MARILYN MOEDINGER: Does it change if those become long-term rentals?

CONSTANTINE ALEXANDER: No. I think the fact of the matter is you have a choice and you're asking -- you don't want to make a choice. You want us to give you your cake and eat it. You want to have what you have. You want to keep your rental, short term or long term, and you want us to bless it from a zoning point of view. And I think what you're hearing is that we're not thrilled about that idea.

MARILYN MOEDINGER: Sure. So I -- and that's really helpful to hear. I think removing a rental unit, as a renter in Cambridge, removing a rental unit from the

market to expand a kitchen might be seen in the same light.

CONSTANTINE ALEXANDER: No. Well, everybody -- you own the property. You have a right particularly without getting zoning relief to expand or take away a rental unit. Yes, in a perfect world that's not desirable for Cambridge, but that's a right a property owner has.

MARILYN MOEDINGER: So if we could also, if we could expand the current house and keep these rental units available, then that seems the best of both worlds.

CONSTANTINE ALEXANDER: I'm not going to answer that. I do have to go back -- no, this is hypotheticals. The plan you have before us tonight, which you've asked for relief, I don't think is going to fly. That's the sense I'm getting, is not going to fly. There are too many issues with it. Go back to the drawing boards and think about some of the things we've talked about. And I would suggest for this part of the case, a Special Permit, we continue the

case so that you can do that. And I suggest you talk to the Inspectional Services and the like to make sure you understand the zoning issues and come back before us with a different proposal. Or maybe you come up with a solution that doesn't require coming back to us.

MARILYN MOEDINGER: Sure.

CONSTANTINE ALEXANDER: You can do everything as a matter of right.

JUAN CARLOS SERNA: We can do that. Mr. Sullivan, can I just -- can you reiterate your specific concerns?

BRENDAN SULLIVAN: I'm sorry?

JUAN CARLOS SERNA: Can you reiterate your specific concerns?

BRENDAN SULLIVAN: Well, from the get-go I don't like the parking space. I don't think it's workable. And I don't see the need for that addition, because I think you have sufficient space within the existing building to satisfy the needs that you require. Now, you may be giving

up a short-term rental, but that's a financial decision that you've made. But it's not a --

JUAN CARLOS SERNA: Can I --

CONSTANTINE ALEXANDER: And I don't propose to continue the Variance case. I think we can put that to rest tonight. So that deals with the parking.

We're talking just about the special -- the addition.

MARILYN MOEDINGER: Sure, right, because they're separate.

SLATER ANDERSON: And I'd like -- I mean, I don't even like quite getting to the proposal because I'm -- I'd like to have clear understanding that you have the right to merge these lots and put the lot line, you know, the setbacks where you're suggesting they belong. Because I'm still not convinced that you --

MARILYN MOEDINGER: What would help convince you, because I want to make sure --

SLATER ANDERSON: That you could have six units on a single lot.

JUAN CARLOS SERNA: So is that a letter from Ranjit, a letter from our attorney?

BRENDAN SULLIVAN: Zoning.

CONSTANTINE ALEXANDER: Yeah, you would go to see Ranjit and say this is what we're going to do. And he says you can't do it --

MARILYN MOEDINGER: Yeah, we have.

CONSTANTINE ALEXANDER: Because you can't have six units on one lot.

JUAN CARLOS SERNA: All right, we'll have it.

SLATER ANDERSON: Something. I'm just -- the problem that I have is let's say we get over that, you do this, and then you want to go back and say well, we're going to sell these three units or maybe you condo them, I don't know.

ANDREA HICKEY: Well, at that point it's become a

hole. You don't really have that option.

SLATER ANDERSON: You can condo it. I mean, that's the thing that I'm -- yeah.

ANDREA HICKEY: Yeah, I mean, my concerns are exactly yours. I'm not getting over this sort of the two structures touching each other and that sort of magically making it all one. I see these as two separate.

Do I understand correctly that an LLC or some other entity owns one side and that they're not in common ownership?

JUAN CARLOS SERNA: Correct. Currently there's units 1 and 2 are under my name. Unit 3, because we were doing renovations are under an LLC. That's supposed to be just a temporary thing while the renovations were finished. I just haven't --

ANDREA HICKEY: Yeah. So I mean I think there is not a merger in that case, but I'm thinking a merger wouldn't help you for what you're asking for here. I'd like

to you explore those issues and come back.

SLATER ANDERSON: And the other piece I would add as other people have said, is it may not be ideal but it's, you know, there's a -- there is a by-right scenario here to do something, you know. And that's -- you know.

CONSTANTINE ALEXANDER: Well, I suggest we go -- and I'm not going to open the matter up to public testimony because I don't think we need to. I think we should take a vote tonight on the Variance and then we should continue this case with regard to the Special Permit. Give you time to consult with whomever you got to consult with. The only issue with regard to that, that latter thing, is that if we continue the case, we consider it a case heard. Which means that when we hear -- when you come back after the continuance, all five of us have to be here. Not -- it's got to be the five who started the case. And I mean you can waive that requirement and just go with if one of us couldn't be here and just four, but that means you

need to get four out of four votes. Statistically you're better off four out of five, but that's your call. But in any event, how much time do you think you need to explore this and then we'll see whether the availability of the five of us.

JUAN CARLOS SERNA: At least four weeks.

MARILYN MOEDINGER: Yeah, four weeks a month.

CONSTANTINE ALEXANDER: That would be when?

Maria, when would the roughly four weeks from now be?

MARIA PACHECO: We could do March 8th or March 22nd.

LAURA WERNICK: I'm out March 8th.

CONSTANTINE ALEXANDER: Scratch that. March 22nd.

SLATER ANDERSON: I'm available the 22nd.

CONSTANTINE ALEXANDER: You're available? I'm available.

Available?

ANDREA HICKEY: Checking.

LAURA WERNICK: March 28th, I'm available.

SLATER ANDERSON: March 22nd.

CONSTANTINE ALEXANDER: March 22nd.

LAURA WERNICK: Yeah, available.

ANDREA HICKEY: I can do that date, yeah.

CONSTANTINE ALEXANDER: Great.

Okay. Let's -- we haven't taken any votes yet.

Let's take the vote on the Variance.

The Chair moves that we grant the Variance requested to add a new non-conforming parking space. Well, let me rephrase that. The Chair moves that we make the following findings with regard to the request for a Variance to add a non-conforming -- a new non-conforming parking space:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner if we didn't allow this variation of the parking space or the reduction.

That the hardship is owing to circumstances relating to the nature of the topography of the land and structures at the site.

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

On the basis of these findings, the Chair moves that we grant the Variance requested.

All those in favor please say "Aye."

(No Response.)

CONSTANTINE ALEXANDER: None in favor. The motion does not carry. The Variance has been denied. We have to take another vote.

The Chair notes that the reasons for denying the Variance is that the hardship that has been pleaded by the petitioner is not a substantial hardship within the meaning of our Ordinance and Chapter 40A.

It is a hardship that it just relates to the

current petitioner and doesn't run with the land.

That there is no hardship that in any event that relates to the soil conditions, shape, or topography of what's involved.

So on the basis of all this that's why we denied the Variance.

Anybody want to add, modify?

(No Response.)

CONSTANTINE ALEXANDER: All those in favor say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

CONSTANTINE ALEXANDER: Okay, now let's turn to the Special Permit.

The Chair moves that we continue this case with solely with regard to this the Special Permit subject to the following conditions:

To -- I'm sorry, continue this case to seven p.m. on March 22nd subject to the following conditions:

One, that you sign a waiver of time for decision. And Maria will give that to you right now. Otherwise we have to turn you down tonight because there's a time when you have to make and decide the case.

Two, that the posting sign that you have there now be modified to reflect the new date, March 22nd, and the new time, seven p.m. Or get a new sign. And that sign, as modified or the new one must be maintained for the 14 days prior to the hearing just as you've done for tonight.

And lastly, and this is important, too, to the extent that you're going to submit new plans or modified plans or dimensional forms, they must be in our files no later than five p.m. on the Monday before March 22nd. That's a requirement of our rules. That gives us time to study them. It gives the community time to look at them. If you don't do that, we're not going to hear the case on

March 22nd or we'll deny relief.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. See you on March 22nd.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

* * * * *

(10:05 p.m.)

(Sitting Members Case BZA-015477-2018: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W.

Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015477, 908 Mass. Ave.

Is there anyone here wishing to be heard on this matter? Mr. Benzan, how are you?

ATTORNEY DENNIS BENZAN: Good evening.

CONSTANTINE ALEXANDER: As you know, name and address for the record, please.

ATTORNEY DENNIS BENZAN: Good evening, Mr. Chair, Members of the Board. My name is Dennis Benzan. I am representing the petitioner Temple of Groom, LLC. To my left is Julio Guerro who is the sole manager and owner of Temple of Groom, LLC.

So we are here today seeking a change of use for 908 Massachusetts Avenue. Many of you are probably familiar with this particular location. It's right down the street. There are a number of different businesses that are within this particular building. We have the Plough and Stars on

the corner and then we have a liquor store. We have the laundry mat which is what we're seeking to convert to use as barber shop.

I just want to give you a little bit of background about my client here. Julio is of Dominican descent. He began cutting hair in the Dominican Republic actually under a tree in his grandmother's backyard. He had a broken mirror and he quickly became very popular in the neighborhood cutting hair for a number of his neighbors and the kids in the neighborhood. And back in 2012 he came here to Cambridge. He began working at a barber shop on Cambridge Street which no longer exists, Troy's Barber Shop. Troy was a very famous barber here in our city. Born and raised, went to public schools, and he was one of the young barbers that worked in his barber shop. And right after Troy sold his barber shop, he moved over to Dunster Street and he now has been there for a couple of years, a very famous popular barber shop on Dunster Street. Many of his

clients are from Harvard and MIT. And so he's looking to operate his own barber shop at this stage. It's been his life long dream. And he's looking to not only have a barber shop but have a place that is a temple of groom. A place where you could get a good lineup, where you get special services whether you're a man or a woman. The decor is very interesting. I actually brought some pictures. He's looking to do some vintage Victorian decor in the barber shop. So he's made a number of purchases of antique furniture. And I'll just pass this around so you can see some of the things he'd like to do. If you don't mind, Mr. Chair.

CONSTANTINE ALEXANDER: Same set?

ATTORNEY DENNIS BENZAN: Yes. Different. That's it.

CONSTANTINE ALEXANDER: Okay. This is going to be what? This is going to be in the interior? Oh, yeah.

ATTORNEY DENNIS BENZAN: Yes.

Mr. Chair, I don't think I included this in the package. But this is the final layout of the barber shop.

CONSTANTINE ALEXANDER: You're going to have four chairs?

JULIO GUERRO: Yeah, it's going to be four chairs.

CONSTANTINE ALEXANDER: It's going to be you by yourself?

JULIO GUERRO: Yeah.

CONSTANTINE ALEXANDER: Initially anyway.

JULIO GUERRO: I'm going to have more people, but for the beginning it's going to be just me.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY DENNIS BENZAN: And as you know, Central Square extends to Hancock Street. We did receive a letter of support from the Central Square Business Association and, you know, part of the reason why, you know, this is also important is that as you know, Central Square is a cultural district, and this barber shop is something that's gonna add

to the vibrancy of Central Square in many ways. There are really no barber shops within that corner. As you know, there's John's over on Prospect Street and there are a couple of barber shops over down what I call the coast, Western Ave. and River Street. But there are not very many barber shops in this particular location. You get a lot of pedestrian traffic there so we don't believe that an increase in traffic is going to be a major issue. We're also -- I'm here today with the owners of this particular commercial unit. We've received unanimous support from all the other business owners in the neighborhood. And, you know, we think it would be great. And the pre-existing commercial structure is not, you know, appropriate for as-of-right residential.

CONSTANTINE ALEXANDER: That's the key. That's what you ought to focus in on. Excuse me. You're seeking a Use Variance.

ATTORNEY DENNIS BENZAN: Yes.

CONSTANTINE ALEXANDER: And Use Variances are not usually granted. They're very difficult to satisfy the legal requirements for a Variance. That's why. However, your situation is the kind where we have granted Use Variances in the past. You're in a residentially zoned district. Ain't anyway you're going to have residents living in this barber shop. This is an area that's commercial, it's always been commercial, and God knows it will continue to be commercial. Why it's zoned residential, you'll have to ask the City Council. I don't know why. But in any event, there's no other use for this property other than a commercial use. There's nothing wrong with a barber shop as opposed to -- I mean you're not going to have a sex shop or something like that that might be offensive to the neighborhood. To me it's a no brainer.

BRENDAN SULLIVAN: I don't know, have you seen the furniture?

ATTORNEY DENNIS BENZAN: I also have a letter here

from Councillor Simmons and a letter from a resident Junot Diaz who is a client down the street.

CONSTANTINE ALEXANDER: We also have a letter in our file from Marc McGovern. You touched all the bases.

LAURA WERNICK: Who is this last one from?

JULIO GUERRO: I just bought that furniture.

BRENDAN SULLIVAN: So Andrea, you tell me.

CONSTANTINE ALEXANDER: Anyway.

Anything else to be said?

ATTORNEY DENNIS BENZAN: No, Mr. Chair. Keep it short. I know it's been a long night.

CONSTANTINE ALEXANDER: Any questions from members of the board?

ANDREA HICKEY: No.

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

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

DAVID BARLEM: My name is David Barlem. I live at 85 Glenn Street in Somerville, Massachusetts. I own and operate the Mass. Ave. Diner which is the adjoining business.

CONSTANTINE ALEXANDER: Oh, yes, right next-door, right.

DAVID BARLEM: And I am the son of the owner. So I am not technically the owner. But I just wanted to say we did a lot of consulting trying to figure out what kind of business would go in here. As you know, I came here for my liquor license. It's kind of ridiculous that it's zoned residential, but that's it's not for this committee or whatnot. But that being said, this is a use that will benefit all the other businesses. All the other people in the condo approve of it. From the liquor store to the coffee shop, it just seems like it would be a good fit, because the laundry mat just -- with all the other units around there, having laundry in building is -- was not

sustainable. It went through many owners. I think it would be a good fit for the community and -- yeah, hope you grant it.

CONSTANTINE ALEXANDER: Thank you for taking time to come down and sticking it out this late.

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. As indicated we have a number of letters in support. I'm not going to read them given the hour. A letter from Marc McGovern.

There's a letter from Denise Simmons.

A letter from Junot Diaz, the author.

And a letter from Michael Monostine (phonetic) as you pointed out, which starts We the undersigned wish to be recorded, there's no undersigned. But that's not fatal.

ATTORNEY DENNIS BENZAN: I'll have to talk to him.

CONSTANTINE ALEXANDER: I'll close public

testimony. Ready for a vote?

ANDREA HICKEY: Yes.

CONSTANTINE ALEXANDER: Okay.

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

That a literal enforcement of the provisions would involve a substantial hardship. Such hardship being is that the use of the premises will be limited to residential purposes in a situation where residential is just impossible.

That the circumstances relating to the -- well, basically the shape of the lot and the topography. That's what makes it unusable for residential purposes. The buildings are once -- I think it's one story and they're located right on the street.

And that 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 what's being proposed is a very good business use for this area. It will improve the commercial activities in this area of Cambridge.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested to allow the petitioner to operate The Temple of Groom at these premises.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

* * * * *

(10:15 p.m.)

(Sitting Members Case BZA-015465-2018: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W.

Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015465, 1556 Cambridge Street.

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

MICHAEL LAGASSE: Just me.

LAURA WERNICK: Best for last.

CONSTANTINE ALEXANDER: Why didn't you bring Campbell down?

MICHAEL LAGASSE: Trying to save a few bucks. He said I could handle this.

CONSTANTINE ALEXANDER: You're here to seek -- you want to add and alter basement windows within a side yard setback.

MICHAEL LAGASSE: Yeah, right. They're rundown, rotting, maybe they're original. I don't know.

CONSTANTINE ALEXANDER: You're not relocating them, you're just rebuilding them?

MICHAEL LAGASSE: I'm enlarging.

CONSTANTINE ALEXANDER: You're enlarging, that's right.

MICHAEL LAGASSE: Horizontal -- vertically. So most of them one or two inches, and the other two are egress windows as shown here.

CONSTANTINE ALEXANDER: Nobody's here wanting to be heard. And we'll move things along. I don't see any letters in our file. I think we're ready for a vote.

LAURA WERNICK: I think we should discuss it a little bit longer.

CONSTANTINE ALEXANDER: Somehow I can understand where we're going to go.

The Chair moves that we make the following findings with regard to the Variance being sought.

MICHAEL LAGASSE: Special Permit, right?

CONSTANTINE ALEXANDER: You're absolutely right. Thank you very much.

Make the following findings with regard to the

Special Permit being sought:

That the requirements of our Ordinance cannot be met without the Special Permit.

That traffic generated or patterns of access or egress resulting from what you're proposing will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses will not be adversely affected by the nature of what is being proposed.

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

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

In fact what is proposed is just an upgrade of

basement windows that has -- and apparently does not have any impact on neighboring property that face these windows because of the no comments in our file or any opposition to it.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with this plan which you've submitted with this.

MICHAEL LAGASSE: Yes.

CONSTANTINE ALEXANDER: Okay.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

(Whereupon, at 10:25 p.m., the

Board of Zoning Appeals Adjourned.)

* * * *

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.

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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.

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 12th day of March, 2018.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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\$

\$200,000 [2] - 40:5,
40:17
\$70,000 [1] - 140:15

0

0.1 [1] - 181:10
0.16 [1] - 91:17
0.5 [2] - 6:11, 13:9
0.51 [1] - 10:5
0.96 [1] - 91:17
0.97 [1] - 52:10
015304 [1] - 166:6
015324 [1] - 175:6
015433 [1] - 29:7
015465 [1] - 242:6
015477 [1] - 229:6
02139 [1] - 1:7

1

1 [2] - 187:11, 220:10
1-6 [5] - 2:5, 29:9,
60:16, 116:14,
116:18
1.36 [2] - 91:17, 158:6
1.39 [1] - 158:7
1/2 [2] - 21:17, 129:6
10 [2] - 50:9, 50:13
10,000 [1] - 49:16
100 [2] - 22:17, 123:7
10:05 [1] - 229:1
10:15 [1] - 242:1
10:25 [1] - 246:12
11 [1] - 71:11
11-by-17 [2] - 113:2,
113:6
12 [5] - 9:8, 47:12,
50:2, 56:3, 61:1
12th [1] - 248:8
1300 [1] - 50:1
13A [2] - 38:2, 38:9
14 [3] - 56:2, 171:3,
227:10
14-unit [1] - 76:17
147703 [1] - 248:12
15 [2] - 1:4, 23:18
150 [1] - 44:8
1556 [2] - 2:10, 242:6
166 [1] - 2:7
17 [1] - 103:9
175 [1] - 2:8
18 [1] - 179:16

19 ^[5] - 8:15, 13:12,
13:18, 14:1, 14:2
1976 ^[1] - 36:1

2

2 ^[2] - 187:11, 220:10
20 ^[4] - 11:8, 23:18,
49:18, 56:8
200-210 ^[2] - 2:5, 29:8
2012 ^[1] - 230:17
2018 ^[2] - 1:4, 248:8
2022 ^[1] - 248:14
204 ^[1] - 60:5
210 ^[1] - 60:5
22 ^[5] - 11:8, 11:9,
18:8, 42:16, 97:2
229 ^[1] - 2:9
22nd ^[10] - 222:17,
223:2, 223:3,
223:10, 223:11,
226:17, 227:8,
227:16, 228:2,
228:8
23 ^[21] - 6:16, 16:5,
30:18, 31:5, 35:11,
36:11, 46:14, 47:12,
104:7, 109:9,
113:10, 113:15,
137:2, 137:6, 148:8,
149:15, 162:4,
181:16, 184:17,
187:3, 192:16
23-25 ^[1] - 192:8
236 ^[1] - 38:3
242 ^[1] - 2:10
25 ^[25] - 76:6, 149:15,
176:14, 182:1,
184:8, 184:15,
184:16, 185:1,
185:3, 186:8,
186:11, 186:17,
187:1, 187:11,
188:8, 188:10,
192:7, 192:12,
192:13, 192:15,
199:14, 201:2,
201:9, 206:3,
209:12
253 ^[2] - 21:17, 129:6
261-263 ^[2] - 2:5, 29:8
267 ^[3] - 2:5, 29:8,
140:15
269 ^[4] - 2:5, 29:8,

124:14, 130:18

26th ^[1] - 123:3

27.1 ^[1] - 114:2

28 ^[2] - 53:6

28th ^[1] - 223:8

29 ^[11] - 2:6, 2:8,

175:6, 176:14,

176:16, 186:4,

191:5, 207:15,

207:16, 208:2,

248:14

29-31 ^[4] - 187:18,

188:13, 196:12,

201:10

3

3 ^[4] - 2:7, 166:6,

187:11, 220:10

30 ^[4] - 50:9, 50:10,

56:8, 116:3

31 ^[3] - 176:14,

207:17, 208:4

31-29 ^[1] - 188:8

32 ^[1] - 19:3

33 ^[1] - 103:13

35 ^[3] - 19:2, 19:4,

89:5

38 ^[4] - 93:11, 131:15,

148:11, 154:7

3:30 ^[1] - 39:4

4

4 ^[3] - 31:13, 43:13,

129:14

4.8 ^[2] - 38:13, 39:6

40 ^[24] - 2:5, 29:9,

36:1, 38:10, 60:3,

60:4, 62:7, 63:12,

65:11, 85:13, 92:12,

97:2, 116:3, 116:15,

131:18, 132:4,

132:18, 133:8,

133:11, 133:15,

135:3, 135:15,

148:10, 153:9

40-something

^[1] - 149:15

40-years-old

^[1] - 38:10

40A ^[1] - 225:12

40B ^[13] - 30:5, 31:8,

37:8, 41:13, 41:17,

108:13, 108:14,

108:15, 123:8,
 123:9, 159:13,
 162:6, 163:8
41.5 ^[1] - 113:16
43 ^[2] - 127:4, 127:6
44-50 ^[1] - 93:11
45 ^[10] - 18:7, 19:1,
 57:18, 103:6,
 104:10, 117:5,
 117:6, 126:6,
 126:11, 147:16
48 ^[1] - 38:10
49 ^[2] - 44:9, 49:10

5

5 ^[1] - 2:4
50 ^[8] - 10:5, 18:4,
 18:7, 31:8, 52:12,
 52:13, 149:14,
 149:16
501c3 ^[2] - 31:7,
 159:14
50th ^[2] - 31:9, 124:4
51 ^[1] - 103:7
52 ^[1] - 104:12
529 ^[2] - 212:10,
 212:18
55 ^[1] - 104:12

6

6 ^[1] - 130:18
60 ^[3] - 22:16, 50:7
61 ^[3] - 22:17, 49:10,
 64:5
617.786.7783/617.63
9.0396 ^[1] - 1:15
65 ^[1] - 46:17
68 ^[2] - 103:8, 104:10

7

7 ^[1] - 167:15
76 ^[1] - 53:3
7:00 ^[3] - 1:4, 3:3, 5:1
7:30 ^[1] - 29:1

8

8 ^[2] - 113:11, 113:16
8-12 ^[3] - 2:3, 5:6,
 26:14
8.0 ^[1] - 114:3
80 ^[2] - 50:18, 51:1
806 ^[1] - 1:6
8124 ^[2] - 5:2, 5:6

85 ^[1] - 237:11
88 ^[2] - 31:5, 53:3
8th ^[2] - 222:16,
 222:18

9

908 ^[3] - 2:9, 229:6,
 230:1
92 ^[1] - 46:14
95 ^[2] - 18:18, 46:13
9:25 ^[1] - 166:1
9:30 ^[1] - 175:1

A

ability ^[7] - 35:12,
 51:4, 51:12, 98:17,
 107:14, 148:1,
 171:2
able ^[19] - 8:4, 25:9,
 48:7, 51:6, 71:5,
 72:9, 73:11, 76:10,
 78:17, 84:4, 86:6,
 86:13, 87:4, 94:12,
 110:15, 116:13,
 120:2, 148:8, 211:8
ABRA ^[6] - 21:16,
 23:5, 23:9, 23:16,
 24:2, 129:6
Abra ^[2] - 21:16,
 129:6
absolutely ^[4] - 41:4,
 107:18, 148:6,
 244:6
abuts ^[1] - 153:18
abutter ^[6] - 21:18,
 91:5, 91:6, 145:14,
 149:9
abutters ^[7] - 91:7,
 92:1, 115:10,
 115:11, 164:9,
 167:2
abutters' ^[1] - 171:8
abutting ^[2] - 93:10,
 93:11
acceptable ^[3] - 75:3,
 97:17, 151:7
access ^[3] - 173:2,
 192:18, 244:13
accessibility
^[1] - 110:3
accommodate
^[3] - 11:2, 25:1,
 117:15

accommodating

[1] - 171:12

accomplish

[1] - 202:10

accordance

[2] - 174:6, 246:2

according [1] - 162:5**account** [3] - 100:1,
152:5**accumulates**

[1] - 142:11

accurate [2] - 247:16,
248:6**acquiring** [1] - 44:3**acquisition** [1] - 57:8**act** [1] - 100:7**active** [1] - 62:5**actively** [1] - 99:10**activities** [1] - 241:4**activity** [1] - 98:12**actual** [2] - 194:7,
194:15**adaptive** [1] - 61:3**add** [19] - 36:17, 42:9,
65:2, 65:3, 73:9,
89:17, 98:17, 103:3,
112:9, 124:16,
165:3, 166:17,
210:18, 221:3,
223:18, 224:3,
226:3, 233:17,
242:16**added** [1] - 68:17**adding** [15] - 16:5,
42:18, 43:1, 76:9,
92:17, 93:4, 118:6,
118:7, 136:16,
137:2, 181:13,
188:10, 199:4,
204:6, 204:7**addition** [17] - 30:18,
75:16, 154:13,
176:17, 176:18,
177:4, 177:13,
178:3, 181:3,
198:17, 199:1,
199:13, 208:13,
209:3, 209:7, 217:9,
218:2**additional** [7] - 6:16,42:10, 148:8,
154:14, 181:6,
213:12, 214:6**address** [9] - 21:14,

29:10, 54:13, 121:4,
138:12, 141:13,
143:9, 184:14,
229:11

addressed

[4] - 144:5, 157:8,
171:7, 181:18

addresses

[2] - 177:16, 206:1

addressing

[2] - 43:10, 156:2

adds [1] - 87:10

adequate [2] - 70:11,
198:6

adherence

[2] - 159:1, 159:2

adjacent [5] - 153:8,

153:10, 153:12,
173:6, 244:18

adjoining

[3] - 173:15, 237:13,
245:9

Adjourned

[1] - 246:13

adverse [1] - 162:11

adversely [2] - 173:7,
245:1

advice [1] - 205:6

advise [1] - 4:5

aerial [1] - 63:9

aesthetics [1] - 92:15

affect [2] - 17:12,
150:2

affected [4] - 126:1,
167:3, 173:7, 245:1

affecting [3] - 56:7,
194:4, 194:5

affects [3] - 206:10,
206:14, 206:15

Affordable

[2] - 36:15, 140:7

affordable

[38] - 17:10, 17:12,
22:5, 31:1, 31:2,
35:8, 43:2, 43:18,
44:4, 44:11, 46:10,
48:14, 50:5, 51:15,
52:1, 58:12, 64:13,
65:3, 98:14, 107:13,
108:8, 108:16,
109:9, 109:10,
110:9, 111:9,
123:10, 123:12,
134:9, 134:11,

134:17, 147:3,
161:14, 162:1,
162:2, 162:5, 163:2,
164:12

afterwards ^[1] - 112:9

age ^[1] - 51:14

agency ^[3] - 37:15,
41:17, 41:18

agenda ^[2] - 5:16,
112:2

aggressive

^[1] - 83:13

ago ^[3] - 132:2, 157:8,
170:11

agree ^[4] - 12:12,
100:2, 155:1,
202:12

agreement

^[1] - 170:16

ahead ^[4] - 19:9, 25:7,
156:13, 181:3

aim ^[1] - 97:8

ain't ^[1] - 235:7

air ^[3] - 169:12,
206:14, 209:5

Airbnb ^[1] - 214:7

ALEX ^[1] - 126:6

Alex ^[1] - 126:6

Alexander ^[15] - 1:8,
3:4, 5:3, 28:8, 29:3,
165:13, 166:3,
174:14, 175:3,
226:9, 228:9, 229:3,
241:14, 242:3,
246:10

ALEXANDER

^[230] - 3:7, 3:18,
4:12, 5:5, 5:11, 6:1,
7:5, 7:9, 7:13, 8:3,
8:8, 10:11, 11:10,
11:15, 12:13, 13:15,
14:1, 14:4, 14:9,
16:8, 16:13, 17:9,
18:13, 20:18, 21:4,
21:8, 23:6, 23:14,
23:17, 24:8, 24:11,
25:3, 25:7, 25:11,
25:14, 26:10, 27:11,
27:16, 28:1, 28:5,
29:5, 30:7, 30:10,
33:13, 34:5, 37:5,
38:17, 39:12, 40:1,
40:7, 40:13, 41:1,
41:5, 41:10, 42:2,

42:6, 53:15, 54:6,
54:10, 58:5, 59:5,
63:18, 64:3, 64:9,
64:12, 73:13, 87:12,
87:17, 88:2, 88:5,
89:1, 89:6, 90:8,
90:14, 91:1, 92:13,
93:8, 96:9, 100:9,
100:18, 101:9,
102:3, 103:2, 104:3,
104:16, 105:3,
106:11, 108:6,
109:3, 109:12,
111:16, 112:7,
114:15, 118:15,
119:1, 119:6, 120:4,
120:9, 121:2,
122:16, 124:9,
124:11, 125:15,
129:4, 130:15,
131:6, 131:8,
131:11, 135:13,
136:3, 136:18,
137:9, 137:14,
138:7, 139:1, 142:5,
142:10, 142:14,
146:15, 149:13,
150:4, 153:12,
154:18, 155:17,
156:4, 157:15,
158:11, 158:16,
159:6, 165:5,
165:10, 166:5,
167:1, 167:9,
167:13, 167:18,
168:4, 168:8, 169:8,
170:2, 170:5, 170:8,
170:17, 171:15,
172:1, 172:6,
172:12, 174:9,
174:12, 175:5,
176:7, 178:16,
179:4, 180:1, 180:5,
180:15, 181:1,
181:5, 182:9,
182:12, 182:15,
184:4, 184:13,
186:2, 187:13,
188:12, 189:14,
191:14, 193:13,
194:17, 196:10,
198:2, 198:13,
200:13, 201:1,
201:12, 201:15,

202:13, 205:5,
 210:9, 213:9, 214:2,
 214:11, 215:7,
 215:17, 216:16,
 217:15, 219:1,
 219:5, 221:7,
 222:13, 223:1,
 223:4, 223:11,
 223:14, 225:5,
 226:5, 226:8,
 226:11, 228:7,
 229:5, 229:10,
 232:6, 232:9,
 232:16, 233:2,
 233:5, 233:9,
 234:16, 235:2,
 236:8, 236:17,
 237:3, 237:6,
 237:14, 238:16,
 239:3, 239:15,
 239:18, 241:12,
 242:5, 242:11,
 242:15, 243:3,
 243:6, 243:12,
 243:18, 244:6,
 246:5, 246:8
alleviate [3] - 20:6,
 137:15, 138:5
Alliance [2] - 22:2,
 140:9
allocate [4] - 15:7,
 57:11, 57:13, 58:1
allocated [6] - 22:15,
 186:8, 187:5, 187:8,
 187:10, 188:10
allocation [3] - 11:3,
 23:1, 185:6
allow [15] - 7:3, 7:16,
 7:18, 15:10, 32:14,
 38:4, 38:5, 62:5,
 150:14, 163:3,
 196:5, 206:3, 206:6,
 224:9, 241:8
allowable [1] - 198:8
allowance [1] - 212:3
allowed [3] - 16:18,
 68:5, 104:1
allowing [3] - 32:5,
 108:16, 180:11
allows [5] - 14:12,
 51:5, 52:15, 127:5,
 156:13
almost [3] - 58:12,
 92:5, 144:16

alone ^[2] - 107:16,
 183:4
alter ^[1] - 242:16
alternative ^[1] - 20:3
alternatives
^[2] - 20:2, 53:12
altogether ^[1] - 71:17
amend ^[3] - 7:2, 8:7,
 158:4
amended ^[1] - 13:11
amenities ^[5] - 62:5,
 66:13, 81:9, 97:3,
 99:8
amenity ^[1] - 66:9
AMI ^[1] - 22:16
amount ^[6] - 17:12,
 56:16, 70:11, 104:6,
 115:16, 154:14
ample ^[2] - 25:1,
 44:18
analysis ^[2] - 47:18,
 191:18
AND ^[1] - 247:1
AND/OR ^[1] - 248:16
ANDERSON
^[37] - 16:5, 16:10,
 18:10, 19:6, 19:10,
 96:6, 153:2, 153:5,
 153:10, 153:16,
 154:3, 154:6, 155:9,
 187:4, 187:7,
 187:17, 196:11,
 196:15, 196:18,
 201:7, 201:11,
 201:13, 201:17,
 202:4, 202:12,
 203:13, 203:17,
 206:10, 208:6,
 213:18, 218:5,
 218:14, 219:9,
 219:17, 221:2,
 223:3, 223:10
Anderson ^[15] - 1:9,
 3:5, 5:4, 28:8, 29:4,
 165:13, 166:4,
 174:14, 175:4,
 226:9, 228:9, 229:4,
 241:14, 242:4,
 246:10
ANDREA ^[36] - 8:10,
 9:2, 9:12, 11:6,
 12:9, 23:2, 23:7,
 23:10, 24:1, 25:5,
 25:8, 25:13, 26:6,

48:16, 147:7, 149:8,
 150:2, 172:11,
 194:12, 195:2,
 199:13, 199:17,
 200:4, 200:7, 202:3,
 202:9, 202:18,
 203:8, 204:9,
 219:14, 220:1,
 220:15, 223:7,
 223:13, 237:5,
 239:17

Andrea ^[9] - 1:9, 3:5,
 5:3, 29:3, 166:3,
 175:3, 229:3,
 236:15, 242:3

ann ^[1] - 38:7

Ann ^[1] - 140:18

anniversary ^[1] - 31:9

annoyances

^[1] - 145:3

answer ^[6] - 101:2,
 112:14, 152:18,
 155:14, 170:9,
 215:18

antique ^[1] - 232:2

ANY ^[2] - 248:15,
 248:16

anyhow ^[4] - 26:9,
 204:4, 207:4,
 209:15

anyway ^[7] - 26:5,
 40:2, 183:9, 199:10,
 233:5, 235:8,
 236:17

apartment ^[6] - 47:6,
 47:9, 55:7, 63:14,
 111:12, 130:18

apartments ^[4] - 64:5,
 64:6, 122:6, 133:18

APPEAL ^[1] - 1:1

Appeals ^[4] - 3:8,
 246:13, 247:6,
 247:15

appear ^[1] - 68:9

applicant ^[5] - 160:6,
 161:10, 163:1,
 163:9, 163:15

applicants ^[1] - 50:1

application

^[15] - 14:15, 39:2,
 39:15, 91:15, 97:6,
 98:8, 160:10, 170:4,
 172:13, 186:5,
 189:6, 191:5,

191:15, 197:3,
200:16

apply ^[1] - 180:10

APPLY ^[1] - 248:15

appreciate ^[1] - 131:3

approach ^[1] - 176:8

appropriate
^[4] - 121:18, 141:9,
154:16, 234:15

appropriating
^[1] - 183:2

approval ^[3] - 25:10,
26:2, 39:6

approve ^[7] - 10:13,
40:8, 109:1, 111:18,
124:8, 168:10,
238:8

Approved ^[1] - 2:4

approving ^[2] - 27:9,
28:2

april ^[1] - 248:14

architect ^[4] - 29:17,
56:11, 87:16,
175:10

Architects ^[1] - 58:9

architectural
^[3] - 84:11, 154:8,
161:2

architecture
^[2] - 39:17, 40:14

area ^[23] - 31:13,
50:6, 50:7, 53:13,
60:11, 65:5, 68:7,
69:13, 74:11, 78:5,
91:16, 99:18,
107:13, 134:11,
134:18, 135:5,
151:4, 153:8, 204:2,
208:12, 235:9,
241:3, 241:4

Area ^[3] - 31:13,
43:13, 129:14

areas ^[10] - 65:4,
72:10, 72:12, 74:3,
107:2, 135:18,
141:17, 160:15,
160:16

argue ^[1] - 127:14

argument ^[1] - 202:1

arranged ^[1] - 67:13

arrangements
^[1] - 106:12

arrow ^[1] - 105:6

arrows ^[1] - 66:10

Arthur ^[1] - 30:1

as-of-right
^[2] - 207:7, 234:15

Ashburton ^[1] - 123:4

assaulted ^[2] - 101:4,
101:5

asset ^[1] - 22:11

assigned ^[1] - 9:3

assist ^[2] - 4:7, 12:18

Associate ^[2] - 1:9,
1:10

Association
^[1] - 233:13

assume ^[1] - 105:3

assuming ^[4] - 10:11,
179:7, 205:2,
205:18

assurance ^[1] - 146:9

assurances
^[1] - 159:16

attach ^[1] - 99:3

attached ^[2] - 113:6,
212:17

attacking ^[1] - 155:8

attend ^[1] - 58:13

attended ^[3] - 64:17,
128:5, 128:6

attendees ^[1] - 4:3

ATTORNEY
^[9] - 229:9, 229:12,
232:7, 232:12,
233:10, 235:1,
236:4, 237:1,
239:13

attorney ^[5] - 8:5,
30:1, 200:9, 205:4,
218:17

attractive ^[2] - 97:11,
97:16

audience ^[4] - 12:5,
54:12, 108:14,
109:5

AUDIENCE
^[3] - 119:18, 120:6,
120:18

audio ^[1] - 3:11

author ^[1] - 239:8

authorities ^[1] - 40:3

Authority ^[1] - 31:16

authorizing
^[2] - 41:17, 41:18

availability ^[1] - 222:9

available ^[11] - 14:5,
14:8, 43:3, 108:1,

215:15, 223:3,
223:4, 223:5, 223:6,
223:9, 223:12

Ave [6] - 121:13,
184:16, 187:11,
229:6, 234:4,
237:12

Avenue [8] - 1:6, 2:8,
2:9, 175:6, 184:9,
191:5, 192:7, 230:1

avoid [3] - 102:18,
171:5, 205:7

award [1] - 140:14

aware [9] - 4:12,
53:15, 54:13, 56:6,
98:12, 98:13, 143:2,
143:9, 158:11

awkward [1] - 193:12

awnings [1] - 130:1

Aye [13] - 28:3, 28:4,
28:5, 165:8, 174:10,
174:11, 225:3,
226:6, 228:5, 228:6,
241:10, 246:6,
246:7

B

background

[1] - 230:10

backyard [12] - 34:2,
85:15, 132:5,
132:11, 132:14,
134:15, 177:8,
207:10, 207:13,
209:12, 212:18,
230:13

balancing [1] - 100:7

balconies [2] - 86:16,
106:6

balcony [3] - 53:8,
86:18, 87:1

bar [1] - 204:10

barbecue [1] - 135:4

barber [16] - 230:8,
230:18, 231:2,
231:5, 231:6, 231:8,
231:11, 231:13,
232:1, 232:15,
233:16, 234:1,
234:3, 234:5, 235:9,
235:16

Barber [1] - 231:1

barbers [1] - 231:4

BARLEM ^[2] - 237:10,
237:16

Barlem ^[1] - 237:10

barrels ^[1] - 155:4

barren ^[1] - 109:17

barricade ^[1] - 155:7

barricades ^[1] - 155:6

base ^[3] - 79:17,
79:18, 84:5

based ^[7] - 7:16, 8:17,
157:17, 158:7,
160:4, 163:5, 174:3

basement ^[7] - 132:1,
147:5, 177:1, 206:7,
211:12, 242:16,
245:12

basements
^[2] - 107:12, 144:10

bases ^[1] - 236:10

basis ^[7] - 103:9,
161:16, 225:1,
226:1, 228:5, 241:6,
245:17

battle ^[2] - 183:8,
184:2

bay ^[2] - 84:2, 86:14

bays ^[5] - 60:8, 78:7,
79:3, 84:10, 86:13

beautiful ^[1] - 209:15

became ^[1] - 230:14

become ^[3] - 118:5,
214:10, 219:15

bed ^[1] - 22:14

bedroom ^[12] - 19:2,
47:5, 48:2, 48:8,
49:2, 49:6, 50:3,
86:12, 86:16, 94:13,
94:14, 154:12

bedrooms ^[15] - 19:5,
47:1, 47:11, 47:13,
47:15, 47:16, 49:11,
50:1, 95:16, 154:13,
176:17, 199:4

beds ^[4] - 22:14,
68:14, 81:11

began ^[2] - 230:11,
230:17

begin ^[1] - 105:18

beginning ^[2] - 4:2,
233:7

behalf ^[1] - 91:7

behind ^[13] - 29:17,
63:12, 116:18,
181:16, 182:6,

184:17, 186:13,
 186:17, 187:3,
 192:9, 192:15,
 192:16, 210:3
behoove [1] - 144:16
belong [1] - 218:10
below [7] - 22:16,
 50:7, 50:9, 50:10,
 53:4, 127:13,
 128:17
benches [3] - 81:10,
 102:12, 117:11
bends [1] - 80:16
beneficial [1] - 69:2
benefit [12] - 12:5,
 15:2, 35:13, 47:2,
 57:5, 57:7, 108:14,
 109:5, 117:16,
 147:10, 189:4,
 238:6
benefits [2] - 108:5,
 183:3
benefitted [1] - 43:3
Benzan [2] - 229:8,
 229:14
BENZAN [9] - 229:9,
 229:12, 232:7,
 232:12, 233:10,
 235:1, 236:4, 237:1,
 239:13
BERKOWITZ
 [6] - 21:16, 23:5,
 23:9, 23:16, 24:2,
 129:6
Berkowitz [2] - 21:16,
 129:6
best [5] - 99:14,
 159:9, 180:4,
 215:16, 242:10
Better [2] - 43:12,
 140:10
better [10] - 32:10,
 35:10, 66:8, 142:16,
 146:17, 154:11,
 154:15, 164:17,
 191:2, 222:6
between [27] - 8:16,
 11:3, 19:4, 46:17,
 65:8, 69:8, 74:4,
 81:14, 93:14, 93:16,
 94:3, 95:6, 100:8,
 105:8, 107:4,
 116:14, 118:11,
 141:17, 142:6,

142:8, 147:17,
148:10, 169:18,
177:14, 178:5,
199:10, 203:14

beyond [2] - 42:10,
107:2

bias [1] - 108:15

big [8] - 36:12, 36:15,
47:9, 63:17, 75:8,
85:15, 127:18,
212:11

bigger [6] - 77:3,
77:12, 109:8,
110:17, 149:7,
180:8

biggest [1] - 61:2

bike [30] - 19:16, 53:1,
53:3, 53:6, 53:11,
54:18, 55:3, 55:18,
60:1, 72:1, 72:5,
72:17, 73:3, 73:4,
73:9, 73:12, 73:13,
74:3, 74:8, 74:14,
74:15, 74:17, 75:1,
75:10, 75:11,
109:12, 130:11,
130:12, 137:4

bikes [4] - 53:9,
74:11, 74:13, 137:5

biking [1] - 54:17

bill [1] - 200:7

BILL [11] - 167:12,
167:14, 168:1,
168:7, 168:13,
168:16, 169:3,
169:6, 169:9,
170:13, 170:18

Bill [1] - 167:14

bills [1] - 35:6

bin [2] - 147:17, 149:7

bins [5] - 143:3,
147:1, 147:11,
147:13, 147:17

biomedical [1] - 32:3

bit [18] - 8:10, 14:17,
29:18, 37:6, 70:1,
75:13, 79:16, 81:7,
83:17, 94:12, 113:2,
146:10, 168:3,
197:8, 199:11,
206:18, 230:9,
243:17

black [1] - 168:14

bless [1] - 214:17

block ^[2] - 107:10,
144:8

blocking ^[1] - 134:5

blocks ^[1] - 65:15

blocky ^[2] - 67:3,
78:13

blowing ^[1] - 125:4

blue ^[1] - 70:18

BOARD ^[1] - 1:1

Board ^[22] - 3:8, 8:9,
27:14, 46:1, 128:7,
128:15, 139:14,
141:1, 158:2, 158:8,
159:11, 160:6,
161:10, 162:9,
163:5, 171:17,
183:6, 183:15,
229:13, 246:13,
247:6, 247:15

board ^[7] - 12:6,
30:12, 96:8, 112:8,
118:16, 166:9,
237:4

Board's ^[1] - 161:17

Boardman ^[7] - 2:3,
5:6, 8:11, 9:14,
23:12, 26:14, 61:1

boards ^[3] - 67:6,
216:5

bollard ^[1] - 81:10

bonds ^[2] - 39:9, 42:1

bonus ^[1] - 38:16

boom ^[1] - 102:14

born ^[2] - 102:5,
231:2

bothersome
^[1] - 102:17

bottom ^[2] - 77:7,
78:6

bought ^[1] - 236:13

box ^[2] - 102:14,
156:14

brainer ^[1] - 236:1

Brand ^[18] - 6:13, 7:6,
8:15, 10:15, 13:17,
14:11, 18:12, 22:9,
27:2, 27:4, 31:3,
34:16, 43:14, 46:11,
49:5, 103:16,
106:13, 148:4

brand ^[2] - 169:1,
209:12

Brand's ^[1] - 46:14

break ^[2] - 48:18, 77:9

breaking ^[1] - 74:2

Brendan ^[10] - 1:8,

3:4, 5:3, 16:13,

29:3, 96:13, 166:3,

175:3, 229:3, 242:3

BRENDAN

^[97] - 14:14, 15:11,

15:16, 17:15, 18:1,

21:3, 21:6, 26:8,

48:4, 48:10, 48:15,

54:16, 55:9, 55:12,

56:15, 57:1, 57:4,

57:8, 57:11, 88:17,

89:3, 89:9, 89:13,

89:16, 90:3, 90:6,

90:9, 94:4, 94:17,

95:11, 95:18, 96:5,

144:3, 144:13,

145:12, 146:1,

146:4, 146:7,

146:13, 152:8,

152:14, 152:16,

152:18, 153:14,

155:18, 157:3,

179:10, 184:7,

184:18, 185:3,

185:8, 185:11,

185:16, 186:3,

186:7, 186:11,

186:15, 191:3,

191:11, 192:1,

192:5, 192:11,

192:18, 193:3,

193:8, 195:12,

195:18, 200:17,

201:2, 201:9, 204:2,

204:7, 206:13,

207:2, 207:14,

207:18, 208:3,

208:8, 208:17,

209:2, 209:6,

209:14, 210:6,

210:11, 210:16,

211:5, 211:16,

212:5, 212:13,

213:1, 213:4, 213:7,

217:3, 217:6,

218:18, 236:2,

236:15

brick ^[1] - 84:5

bright ^[1] - 106:1

brilliance ^[1] - 122:3

bring ^[7] - 34:7,

74:11, 116:13,

122:5, 123:12,

145:9, 242:12

bringing [2] - 35:1,

211:13

BRISTOL [1] - 248:3

Broadway [11] - 2:5,

21:17, 29:8, 33:4,

94:17, 95:4, 124:14,

129:7, 130:18,

140:16, 144:9

broken [2] - 77:5,

230:13

broker [1] - 170:15

brought [3] - 33:17,

39:14, 231:17

bucks [1] - 242:14

budget [3] - 107:15,

107:16, 110:17

budgets [1] - 98:15

buffer [1] - 115:2

build [14] - 6:16,

15:14, 15:16, 17:2,

32:2, 50:15, 66:5,

67:17, 75:1, 108:11,

108:12, 148:8,

171:6, 177:7

Building [1] - 206:8

building [162] - 15:8,

34:15, 34:16, 40:18,

44:3, 49:9, 56:1,

56:4, 59:16, 60:5,

60:14, 60:17, 61:1,

61:2, 61:3, 61:4,

61:10, 62:7, 62:15,

63:2, 63:5, 63:6,

63:12, 63:13, 63:15,

63:17, 64:1, 64:8,

64:11, 64:13, 65:12,

66:1, 68:3, 68:6,

69:8, 69:10, 69:11,

69:12, 69:16, 72:15,

72:16, 73:6, 73:8,

74:9, 74:10, 76:8,

76:10, 76:12, 76:16,

76:17, 77:3, 78:8,

79:7, 79:8, 79:14,

79:15, 80:10, 82:6,

82:7, 82:8, 82:14,

82:16, 82:17, 83:3,

84:1, 85:3, 85:4,

85:8, 85:10, 85:13,

85:14, 86:3, 86:10,

86:11, 87:6, 88:12,

88:13, 88:16, 90:1,

92:7, 92:10, 93:9,
 93:12, 93:16, 94:2,
 94:10, 94:16, 95:1,
 95:5, 96:13, 96:14,
 99:2, 99:17, 103:15,
 104:17, 105:5,
 105:8, 105:9,
 105:10, 105:12,
 105:13, 106:13,
 107:1, 107:9,
 112:16, 113:12,
 113:15, 113:16,
 114:1, 114:6,
 116:16, 122:3,
 126:12, 131:16,
 132:7, 133:18,
 134:14, 135:5,
 143:12, 144:8,
 147:5, 147:18,
 148:18, 152:9,
 153:11, 153:13,
 153:18, 155:7,
 163:12, 169:15,
 170:12, 171:6,
 177:15, 186:13,
 186:17, 187:2,
 188:16, 192:9,
 195:8, 201:10,
 205:18, 208:1,
 208:13, 208:18,
 209:8, 213:2,
 213:15, 213:17,
 217:10, 230:5,
 238:12

buildings ^[80] - 18:16,

22:9, 40:6, 40:8,
 58:4, 59:3, 59:10,
 59:11, 59:12, 59:13,
 60:7, 60:16, 62:8,
 62:9, 62:11, 62:13,
 63:1, 65:9, 66:6,
 67:7, 67:11, 71:10,
 72:13, 75:14, 75:15,
 76:3, 77:11, 77:12,
 78:13, 79:3, 79:4,
 79:5, 79:18, 82:15,
 84:7, 85:5, 86:15,
 87:8, 87:11, 88:11,
 88:16, 89:4, 89:8,
 92:2, 92:4, 92:17,
 93:14, 93:16, 93:17,
 94:3, 95:7, 96:14,
 96:17, 97:4, 100:17,
 105:1, 105:15,

118:11, 134:13,
 141:16, 141:17,
 141:18, 142:9,
 142:18, 143:8,
 143:16, 144:11,
 145:1, 146:5, 147:8,
 150:7, 150:13,
 157:9, 160:14,
 164:7, 165:1,
 169:18, 178:5,
 240:13

built ^[8] - 13:9, 40:6,
 40:9, 64:17, 72:17,
 104:13, 128:16,
 192:12

bump ^[1] - 52:11

bunch ^[3] - 144:18,
 190:15, 206:15

burden ^[1] - 11:4

bury ^[1] - 108:2

bus ^[2] - 19:17, 127:2

Business ^[1] - 233:13

business ^[4] - 234:11,
 237:13, 238:1,
 241:3

businesses

^[2] - 230:4, 238:7

buy ^[1] - 75:1

by-right ^[1] - 221:5

BZA ^[2] - 2:3, 5:2

BZA-015304-2017

^[2] - 2:7, 166:2

BZA-015324-2017

^[2] - 2:8, 175:2

BZA-015433-2018

^[2] - 2:5, 29:2

BZA-015465-2018

^[2] - 2:10, 242:2

BZA-015477-2018

^[2] - 2:9, 229:2

BZA-8124 ^[1] - 2:3

C

cake ^[1] - 214:14

caliper ^[1] - 110:11

CAMBRIDGE ^[1] - 1:2

Cambridge ^[44] - 1:7,

2:10, 21:17, 31:8,
 31:15, 36:15, 37:1,
 43:12, 43:16, 44:1,
 44:3, 46:9, 51:8,
 72:6, 75:4, 98:13,
 103:17, 109:10,

110:1, 121:7, 121:8,
 121:16, 124:6,
 126:15, 128:16,
 129:7, 130:18,
 140:6, 140:8,
 140:10, 140:12,
 141:4, 141:5,
 161:15, 161:18,
 162:3, 193:11,
 198:6, 215:4,
 215:11, 230:17,
 230:18, 241:5,
 242:6

cameras [2] - 99:3,
 99:4

Campbell [1] - 242:12

cannot [4] - 136:5,
 172:17, 211:12,
 244:11

cans [1] - 142:3

cap [1] - 50:18

capability [1] - 99:6

capital [1] - 98:15

capture [1] - 99:4

CAPTURING

[1] - 1:15

car [21] - 9:7, 19:13,
 19:14, 20:14, 20:16,
 70:11, 106:12,
 126:18, 127:2,
 127:6, 127:9, 136:6,
 137:13, 178:12,
 179:17, 189:7,
 189:10, 189:11,
 194:13, 196:1,
 198:6

career [1] - 32:11

cares [1] - 111:5

CARLA [2] - 130:17,
 131:7

Carla [1] - 130:17

CARLOS

[48] - 184:15, 185:2,
 185:5, 185:10,
 185:14, 185:17,
 186:6, 186:10,
 186:18, 187:10,
 187:15, 187:18,
 189:5, 190:5,
 192:17, 193:6,
 195:3, 196:13,
 196:17, 197:14,
 198:11, 199:16,
 200:8, 201:6, 201:8,

204:13, 204:17,
 205:2, 205:10,
 206:6, 207:6,
 207:16, 208:2,
 208:4, 208:14,
 210:14, 211:3,
 211:7, 212:1, 212:8,
 212:11, 216:18,
 217:4, 217:14,
 218:16, 219:7,
 220:9, 222:10

Carlos ^[2] - 175:11,
 184:15

carry ^[1] - 225:6

cars ^[9] - 10:1, 68:2,
 106:17, 127:6,
 137:6, 137:7, 184:9,
 184:16, 197:16

CASE ^[1] - 2:1

case ^[35] - 4:15, 5:6,
 12:1, 23:8, 25:10,
 26:4, 27:17, 29:7,
 41:15, 87:1, 158:17,
 159:1, 166:6,
 170:10, 175:6,
 197:17, 202:15,
 216:8, 217:16,
 220:16, 221:11,
 221:15, 221:16,
 222:2, 226:14,
 226:16, 227:5,
 228:2, 228:4, 229:6,
 242:6

Case ^[6] - 5:2, 29:2,
 166:2, 175:2, 229:2,
 242:2

cases ^[1] - 30:8

Catherine ^[2] - 248:4,
 248:11

CDD ^[1] - 78:15

cedar ^[1] - 149:1

ceiling ^[1] - 70:9

Center ^[1] - 1:5

Central ^[5] - 20:1,
 233:11, 233:12,
 233:15, 233:18

cents ^[1] - 57:2

certain ^[1] - 114:18

certainly ^[3] - 30:13,
 71:1, 157:18

certificate ^[3] - 32:4,
 32:5, 32:9

CERTIFICATION

^[1] - 248:15

Certified ^[2] - 248:4,
 248:12
certify ^[1] - 248:5
CERTIFYING
^[1] - 248:16
CHA ^[1] - 49:15
chain ^[5] - 81:15,
 85:16, 102:10,
 117:1
chair ^[4] - 229:13,
 232:5, 232:13,
 237:1
Chair ^[26] - 1:8, 3:7,
 3:10, 3:13, 3:17,
 4:2, 26:12, 27:16,
 29:5, 163:16, 166:5,
 172:12, 173:18,
 174:4, 175:5,
 223:17, 224:2,
 225:1, 225:8,
 226:13, 229:5,
 240:1, 241:7, 242:5,
 244:2, 245:18
Chairman ^[1] - 41:7
chairs ^[3] - 46:1,
 232:17, 233:1
chance ^[4] - 18:16,
 122:18, 129:5,
 167:4
CHANGE ^[6] - 247:8,
 247:9, 247:10,
 247:11, 247:12,
 247:13
change ^[23] - 6:7,
 11:18, 13:3, 16:1,
 16:15, 17:17, 23:11,
 26:17, 56:5, 58:1,
 104:14, 106:9,
 114:14, 123:17,
 130:8, 131:4, 158:9,
 168:5, 173:4, 214:9,
 229:18, 244:15,
 247:6
changed ^[2] - 13:14,
 125:3
changes ^[6] - 78:16,
 128:12, 128:14,
 131:2, 177:18,
 247:16
Changes ^[1] - 2:3
changing ^[4] - 17:6,
 18:8, 185:6, 186:18
Chapter ^[5] - 30:5,
 159:13, 162:6,

163:8, 225:12

character ^[4] - 66:18,
81:12, 173:4,
244:16

characteristics

^[1] - 61:7

charitable

^[1] - 159:15

chart ^[3] - 19:6, 161:8

check ^[1] - 156:14

checking ^[1] - 223:7

checklist ^[1] - 156:14

Cheryl ^[1] - 140:18

Cheryl-Ann

^[1] - 140:18

chicken ^[1] - 180:10

children ^[2] - 121:17,
196:6

choice ^[6] - 204:15,

205:1, 210:12,

214:12, 214:13

chose ^[2] - 126:17,

127:7

chosen ^[1] - 126:14

circumstance

^[1] - 163:1

circumstances

^[5] - 123:16, 123:17,

194:2, 224:12,

240:10

citizen ^[1] - 140:17

citizens ^[2] - 173:12,

245:6

CITY ^[1] - 1:2

city ^[23] - 24:4, 24:14,

33:6, 33:11, 34:12,

45:17, 46:3, 70:16,

99:13, 102:10,

107:14, 122:7,

122:11, 134:11,

135:16, 137:17,

173:12, 183:16,

190:1, 205:1, 231:2,

245:6

City ^[11] - 46:9, 51:8,

124:5, 140:4, 141:5,

141:9, 161:15,

161:17, 162:3,

190:9, 235:13

citywide ^[2] - 49:14,

107:6

clapboards

^[1] - 60:10

clarify ^[1] - 112:14

clarifying ^[1] - 193:10
classes ^[1] - 32:8
classic ^[1] - 193:11
clean ^[1] - 125:9
cleaning ^[1] - 107:15
clear ^[5] - 11:1, 190:7,
 190:18, 197:15,
 218:7
clearly ^[2] - 37:12,
 109:9
clicking ^[1] - 30:3
client ^[7] - 151:12,
 152:1, 179:6, 183:2,
 183:13, 230:10,
 236:6
clients ^[1] - 231:9
climate ^[1] - 130:8
Close ^[8] - 22:10,
 49:8, 62:15, 63:2,
 63:15, 64:1, 107:9,
 144:7
close ^[12] - 48:8,
 73:11, 76:11, 83:10,
 92:4, 94:1, 99:4,
 103:15, 104:11,
 172:8, 194:15,
 239:15
closely ^[1] - 170:14
closer ^[3] - 83:14,
 105:14
closest ^[2] - 105:11,
 105:12
closing ^[1] - 45:12
club ^[1] - 101:8
co ^[2] - 46:1, 128:11
co-chairs ^[1] - 46:1
co-organize
^[1] - 128:11
Coalition ^[1] - 43:13
coast ^[1] - 234:4
Code ^[4] - 160:8,
 160:11, 161:12,
 206:8
code ^[1] - 53:4
coffee ^[1] - 238:9
colleagues ^[1] - 12:12
collection ^[2] - 152:9,
 153:9
COLLYMORE
^[6] - 131:14, 136:1,
 136:7, 137:1,
 137:10, 137:18
Collymore
^[1] - 131:15

colonial ^[1] - 213:13

color ^[3] - 67:8, 70:17

colors ^[1] - 79:9

Columbia ^[7] - 2:5,

29:8, 33:5, 60:5,

60:6, 95:7, 106:3

column ^[1] - 88:2

combination

^[2] - 8:13, 32:18

combine ^[2] - 79:9,

201:4

combined ^[4] - 9:17,

44:10, 59:18, 188:9

combining ^[3] - 6:13,

8:1, 31:3

comfy ^[1] - 157:13

coming ^[5] - 10:18,

38:7, 70:12, 156:2,

216:14

commensurate

^[1] - 151:7

comment ^[11] - 21:7,

21:12, 23:15, 54:8,

92:8, 92:9, 96:10,

96:11, 106:12,

109:13, 145:13

commented

^[1] - 166:8

comments ^[20] - 12:8,

21:1, 24:12, 58:15,

64:16, 78:15, 80:10,

84:3, 91:9, 92:6,

103:3, 119:11,

119:16, 138:12,

139:18, 141:12,

155:1, 157:4,

157:16, 245:15

commercial

^[9] - 62:12, 63:3,

234:10, 234:14,

235:10, 235:11,

235:15, 241:4

Commission

^[3] - 37:1, 140:13,

248:13

commitment

^[3] - 38:12, 38:18,

39:7

committed ^[1] - 36:16

committee ^[3] - 46:2,

122:8, 238:5

Committee ^[1] - 121:8

common ^[14] - 20:14,

20:15, 77:10, 84:6,

93:16, 101:8, 135:7,
143:18, 188:5,
198:8, 201:5, 205:3,
205:15, 220:8

COMMONWEALTH

[1] - 248:2

community

[12] - 31:12, 34:8,
42:11, 43:5, 43:11,
58:14, 61:10, 92:8,
111:4, 128:4,
227:18, 238:14

Community

[2] - 31:17, 139:12

compact [1] - 114:18

compactors

[1] - 147:4

company [4] - 9:6,

58:10, 145:7,
150:15

company's [1] - 144:7

complain [1] - 150:17

complaining

[1] - 150:17

complete

[2] - 148:16, 150:10

completed [1] - 160:9

completely

[1] - 90:17

complex [3] - 146:2,

146:5, 154:4

complexes [1] - 18:3

compliance

[2] - 115:9, 204:4

complied [2] - 41:6,

41:13

comply [2] - 94:5,

168:11

component

[2] - 58:13, 111:11

comprehensive

[1] - 164:1

Comprehensive

[19] - 2:4, 6:8, 7:3,
8:7, 10:13, 12:1,
13:8, 16:16, 17:7,
30:5, 36:11, 54:1,
108:11, 110:10,
112:4, 158:18,
160:10, 163:7,
165:7

compressor

[1] - 169:14

computer [1] - 30:2

concept ^[3] - 79:6,
182:16, 204:9

concern ^[5] - 101:15,
101:18, 133:13,
134:1, 153:16

concerned ^[8] - 43:6,
44:12, 45:2, 100:5,
122:8, 149:9, 151:4

concerning
^[2] - 161:13, 176:14

concerns ^[11] - 43:8,
45:7, 111:6, 131:17,
169:10, 169:17,
171:8, 182:7, 217:2,
217:5, 220:1

conclude ^[1] - 103:10

condition ^[8] - 41:2,
42:4, 109:18, 155:3,
164:16, 174:5,
197:13, 246:1

conditioned
^[1] - 74:14

conditioner
^[1] - 169:12

conditioning
^[1] - 76:9

conditions
^[14] - 111:18, 112:5,
157:17, 159:9,
160:5, 161:1,
163:10, 165:2,
165:8, 191:7, 194:3,
225:17, 226:15,
226:18

condo ^[3] - 219:13,
219:17, 238:7

conduct ^[1] - 4:1

confidence
^[1] - 124:7

configured
^[1] - 143:13

confirm ^[1] - 128:2

conformance
^[3] - 108:12, 181:14,
182:4

conforming
^[5] - 94:11, 166:17,
223:18, 224:4

conformity
^[2] - 202:2, 204:8

conforms ^[1] - 187:16

congestion
^[2] - 173:3, 244:14

congratulate

[1] - 109:13

connect [1] - 191:4

connected

[2] - 34:17, 77:6

CONNOLLY

[2] - 123:1, 124:10

Connolly [1] - 123:2

cons [1] - 120:14

consider [3] - 124:8,
129:18, 221:16

considerable

[1] - 190:8

considers [1] - 130:7

consistent

[4] - 91:18, 96:16,
163:13, 164:4

consistently

[1] - 8:16

consists [1] - 162:4

Constantine [8] - 1:8,
3:4, 5:2, 29:3,
166:3, 175:3, 229:3,
242:3

CONSTANTINE

[230] - 3:7, 3:18,
4:12, 5:5, 5:11, 6:1,
7:5, 7:9, 7:13, 8:3,
8:8, 10:11, 11:10,
11:15, 12:13, 13:15,
14:1, 14:4, 14:9,
16:8, 16:13, 17:9,
18:13, 20:18, 21:4,
21:8, 23:6, 23:14,
23:17, 24:8, 24:11,
25:3, 25:7, 25:11,
25:14, 26:10, 27:11,
27:16, 28:1, 28:5,
29:5, 30:7, 30:10,
33:13, 34:5, 37:5,
38:17, 39:12, 40:1,
40:7, 40:13, 41:1,
41:5, 41:10, 42:2,
42:6, 53:15, 54:6,
54:10, 58:5, 59:5,
63:18, 64:3, 64:9,
64:12, 73:13, 87:12,
87:17, 88:2, 88:5,
89:1, 89:6, 90:8,
90:14, 91:1, 92:13,
93:8, 96:9, 100:9,
100:18, 101:9,
102:3, 103:2, 104:3,
104:16, 105:3,
106:11, 108:6,

109:3, 109:12,
111:16, 112:7,
114:15, 118:15,
119:1, 119:6, 120:4,
120:9, 121:2,
122:16, 124:9,
124:11, 125:15,
129:4, 130:15,
131:6, 131:8,
131:11, 135:13,
136:3, 136:18,
137:9, 137:14,
138:7, 139:1, 142:5,
142:10, 142:14,
146:15, 149:13,
150:4, 153:12,
154:18, 155:17,
156:4, 157:15,
158:11, 158:16,
159:6, 165:5,
165:10, 166:5,
167:1, 167:9,
167:13, 167:18,
168:4, 168:8, 169:8,
170:2, 170:5, 170:8,
170:17, 171:15,
172:1, 172:6,
172:12, 174:9,
174:12, 175:5,
176:7, 178:16,
179:4, 180:1, 180:5,
180:15, 181:1,
181:5, 182:9,
182:12, 182:15,
184:4, 184:13,
186:2, 187:13,
188:12, 189:14,
191:14, 193:13,
194:17, 196:10,
198:2, 198:13,
200:13, 201:1,
201:12, 201:15,
202:13, 205:5,
210:9, 213:9, 214:2,
214:11, 215:7,
215:17, 216:16,
217:15, 219:1,
219:5, 221:7,
222:13, 223:1,
223:4, 223:11,
223:14, 225:5,
226:5, 226:8,
226:11, 228:7,
229:5, 229:10,

232:6, 232:9,
 232:16, 233:2,
 233:5, 233:9,
 234:16, 235:2,
 236:8, 236:17,
 237:3, 237:6,
 237:14, 238:16,
 239:3, 239:15,
 239:18, 241:12,
 242:5, 242:11,
 242:15, 243:3,
 243:6, 243:12,
 243:18, 244:6,
 246:5, 246:8

constructed
 [2] - 63:14, 165:1

constructing
 [1] - 42:14

construction
 [5] - 57:10, 92:18,
 129:2, 163:3,
 163:11

consult [2] - 221:13

consulting
 [1] - 237:18

contact [1] - 9:5

contemplate
 [1] - 164:3

context [5] - 12:4,
 16:12, 58:17, 59:2,
 65:1

contextual [1] - 79:9

continuance
 [1] - 221:18

continue [9] - 58:7,
 60:13, 216:8,
 217:16, 221:11,
 221:15, 226:13,
 226:16, 235:11

continued
 [3] - 161:14, 173:5,
 244:17

continues
 [1] - 161:18

continuing [1] - 228:4

contribute [1] - 118:7

contributing
 [1] - 118:13

contribution
 [1] - 140:14

CONTROL
 [1] - 248:16

control [2] - 160:2,
 205:3

controversial

[1] - 170:10

convenient

[1] - 72:12

conversation

[1] - 175:13

convert [1] - 230:8**convince** [1] - 218:13**convinced**

[1] - 218:11

cool [1] - 130:12**corner** [16] - 33:4,

33:12, 60:15, 61:18,

63:4, 63:5, 63:11,

76:18, 95:6, 99:13,

105:14, 123:5,

144:8, 151:18,

230:6, 234:1

cornice [1] - 79:2**cornices** [3] - 60:8,

80:5, 84:10

Corp [1] - 31:18**Corporation**

[1] - 43:17

correct [7] - 7:8, 10:2,

169:5, 179:2,

192:11, 220:9

correction [1] - 247:7**corrections**

[1] - 247:16

correctly [1] - 220:6**cost** [4] - 44:2, 51:5,

51:6, 110:18

costs [4] - 35:7,

40:15, 57:10, 147:9

Council [2] - 190:9,

235:13

Councillor

[2] - 140:4, 236:5

count [2] - 118:3,

118:9

couple [8] - 29:16,

35:2, 47:5, 166:18,

170:11, 175:18,

231:7, 234:3

course [12] - 61:1,

63:5, 64:17, 78:12,

79:3, 88:8, 92:16,

142:10, 152:4,

176:11, 180:9,

182:14

Court [30] - 6:14,

7:10, 10:15, 11:5,

13:1, 14:6, 18:17,

22:10, 26:18, 31:4,
 31:10, 33:3, 33:14,
 35:13, 35:17, 37:13,
 38:14, 46:11, 52:14,
 100:10, 101:13,
 101:15, 107:12,
 124:14, 125:17,
 129:8, 130:3,
 144:11, 149:14

Court's ^[5] - 16:18,
 18:6, 38:1, 38:9,
 46:13

courtyard ^[5] - 86:5,
 86:6, 87:2, 116:1,
 117:11

cover ^[2] - 68:7, 110:2

coverage ^[1] - 73:1

covered ^[6] - 52:17,
 53:3, 55:4, 55:11,
 74:18, 77:6

covers ^[1] - 112:10

CPA ^[1] - 140:15

CRAIG ^[108] - 5:9,
 5:13, 6:4, 7:8, 7:12,
 7:14, 8:4, 8:14, 9:5,
 9:15, 10:2, 10:16,
 11:8, 11:12, 13:5,
 13:18, 14:3, 14:7,
 14:10, 15:10, 15:14,
 16:4, 16:7, 16:11,
 17:4, 17:14, 17:18,
 18:6, 18:15, 19:8,
 19:11, 24:13, 27:10,
 27:13, 27:18, 29:12,
 30:9, 30:15, 33:16,
 34:6, 37:18, 39:1,
 39:16, 40:4, 40:10,
 40:16, 41:4, 41:16,
 42:4, 42:8, 48:6,
 48:12, 49:3, 54:4,
 54:9, 54:15, 55:2,
 55:10, 55:14, 56:18,
 57:3, 57:6, 57:9,
 57:13, 64:7, 64:10,
 64:14, 73:16, 77:1,
 87:16, 93:9, 94:8,
 94:18, 95:14, 98:10,
 100:13, 101:5,
 101:12, 102:8,
 103:14, 104:4,
 105:16, 107:3,
 109:2, 109:11,
 110:4, 112:6,
 112:13, 113:1,

116:10, 143:2,
 144:6, 145:5,
 145:15, 146:3,
 146:6, 146:11,
 147:16, 150:5,
 152:11, 153:7,
 154:2, 154:5,
 154:17, 158:3,
 158:13, 159:5,
 165:12
Craig ^[11] - 5:14,
 29:12, 58:8, 58:16,
 59:1, 59:16, 61:18,
 66:17, 72:2, 73:11,
 128:8
cramped ^[1] - 122:1
create ^[8] - 108:9,
 143:4, 148:5,
 149:16, 171:4,
 177:2, 188:15,
 213:12
created ^[2] - 173:10,
 245:4
creating ^[2] - 182:16,
 186:8
creation ^[4] - 163:2,
 183:17, 186:1,
 186:4
credits ^[1] - 50:18
critical ^[1] - 122:5
cross ^[2] - 7:18, 35:12
cross-parking
^[1] - 7:18
cry ^[1] - 53:5
cue ^[1] - 3:16
cultural ^[1] - 233:16
curb ^[9] - 56:5, 71:6,
 109:15, 142:4,
 145:10, 179:14,
 180:11, 189:10,
 190:9
curious ^[2] - 132:6,
 171:16
current ^[10] - 47:18,
 97:12, 103:5,
 136:15, 182:3,
 184:11, 189:1,
 193:16, 215:14,
 225:14
cut ^[8] - 56:5, 71:6,
 109:15, 109:17,
 179:14, 180:12,
 189:11, 190:9
cutoff ^[1] - 70:6

cutting [3] - 129:16,
230:11, 230:15

D

darker [2] - 61:12,
67:8

date [4] - 128:12,
223:13, 227:7,
247:7

DAVID [2] - 237:10,
237:16

David [1] - 237:10

Davis [2] - 58:9

day-to-day
[2] - 145:3, 157:10

days [4] - 147:12,
147:15, 213:13,
227:10

de [2] - 14:15, 26:4

deal [2] - 138:13,
140:2

dealing [2] - 142:16,
178:8

deals [1] - 217:17

dealt [2] - 37:10,
146:16

debate [1] - 120:5

decide [3] - 12:2,
26:12, 227:5

decided [3] - 25:8,
177:7, 209:10

decides [1] - 100:6

decision [4] - 6:3,
180:6, 217:13,
227:2

declining [1] - 122:9

decor [2] - 231:16,
231:18

decreasing
[2] - 104:9, 104:12

deed [1] - 200:7

deeded [1] - 182:2

defined [1] - 45:11

definitely [5] - 22:6,
22:11, 40:10, 50:11,
129:9

defray [1] - 44:2

delays [1] - 119:13

delivered [2] - 158:7,
247:3

demand [1] - 11:11

demonstrate
[1] - 188:17

demonstrated

[1] - 160:2

demonstrating

[1] - 41:14

denial [1] - 162:13**denied** [2] - 225:7,

226:2

Denise [1] - 239:7**DENNIS** [9] - 229:9,

229:12, 232:7,

232:12, 233:10,

235:1, 236:4, 237:1,

239:13

Dennis [1] - 229:14**dense** [11] - 44:14,

53:13, 70:3, 103:11,

103:12, 103:15,

103:18, 104:1,

134:13, 145:15

denser [1] - 104:5**density** [9] - 65:3,

97:3, 103:5, 103:6,

103:7, 103:9, 110:3,

115:16, 127:14

deny [2] - 16:16,

228:2

denying [1] - 225:9**Department**

[1] - 247:4

department

[2] - 70:17, 78:11

derogate [3] - 173:15,

240:18, 245:9

derogating

[1] - 224:17

DEROSA [1] - 121:6**Derosa** [1] - 121:6**descent** [1] - 230:11**describe** [1] - 176:2**described** [3] - 77:17,

93:1, 120:17

describes [1] - 74:7**description**

[3] - 58:18, 59:3,

88:7

design [16] - 40:6,

45:6, 46:5, 58:15,

75:15, 76:2, 79:6,

81:17, 84:5, 94:4,

96:2, 151:6, 162:10,

210:2, 210:4, 212:4

designated [1] - 9:4**designed** [2] - 93:10,

148:7

designing ^[1] - 145:1
designs ^[1] - 99:7
desirable ^[3] - 98:7,
 143:4, 215:11
detail ^[7] - 54:2, 59:1,
 59:4, 68:11, 87:5,
 98:5, 139:11
detailed ^[3] - 76:3,
 90:12, 163:11
details ^[1] - 108:17
determination
^[3] - 11:17, 26:16,
 27:9
determined
^[1] - 162:16
detriment
^[4] - 173:10, 224:16,
 240:17, 245:4
develop ^[1] - 163:18
developer ^[1] - 29:13
development
^[9] - 12:18, 31:2,
 53:2, 59:18, 122:2,
 160:13, 163:6,
 173:6, 244:18
Development
^[3] - 31:18, 43:16,
 139:13
device ^[1] - 142:16
diagonal ^[1] - 33:3
diagram ^[4] - 65:14,
 67:3, 83:1, 179:14
diagram's ^[1] - 69:6
dialogue ^[1] - 100:8
diameter ^[1] - 110:12
Diaz ^[2] - 236:6, 239:8
difference ^[3] - 55:11,
 105:11, 114:14
different ^[34] - 7:14,
 7:16, 18:15, 44:9,
 45:18, 46:3, 51:16,
 61:7, 72:10, 72:11,
 72:13, 74:2, 74:3,
 74:8, 80:4, 83:16,
 90:17, 117:9,
 117:13, 117:14,
 117:15, 123:15,
 123:17, 126:18,
 143:1, 158:5,
 200:18, 203:18,
 205:8, 213:14,
 213:16, 216:12,
 230:4, 232:7
differently ^[2] - 14:17,

25:12

difficult [3] - 129:1,
193:10, 235:3

diffused [1] - 14:12

dig [3] - 177:1, 206:6,
211:12

digest [1] - 120:14

digital [1] - 64:17

dimension

[7] - 77:15, 83:4,
83:6, 83:7, 115:11,
118:9, 177:5

dimensional

[9] - 30:17, 56:13,
114:12, 177:5,
203:3, 203:5,
203:15, 212:2,
227:14

dimensions

[7] - 55:16, 68:8,
75:3, 77:9, 94:5,
115:4, 199:6

diner [1] - 237:13

DIRECT [1] - 248:16

direct [1] - 78:4

DIRECTION

[1] - 248:16

directly [3] - 6:14,

7:9, 167:3

director [1] - 121:7

directs [1] - 70:7

dirty [1] - 192:7

disappoint

[1] - 166:11

disappointed

[3] - 146:16, 156:1,
157:1

discuss [1] - 243:16

discussing

[1] - 107:4

discussion [2] - 45:1,

99:10

discussions

[1] - 39:5

displace [1] - 92:5

disruption

[1] - 101:10

dissimilar [1] - 77:5

distance [5] - 93:14,

104:16, 104:17,

104:18, 105:7

distinction

[2] - 153:17, 203:14

distribute [1] - 72:9

District ^[1] - 123:4
district ^[10] - 88:18,
 89:4, 123:6, 173:14,
 173:15, 194:6,
 233:16, 235:7,
 245:8, 245:9
disturbs ^[1] - 101:10
diverse ^[1] - 22:7
diversity ^[6] - 51:9,
 51:10, 51:14, 51:15,
 122:12
divisions ^[2] - 81:13,
 81:14
documentation
^[1] - 159:14
DOES ^[1] - 248:15
dollars ^[1] - 57:2
Dominican
^[2] - 230:11, 230:12
done ^[19] - 31:12,
 31:15, 36:5, 36:8,
 39:17, 40:14, 40:18,
 47:18, 76:13, 78:2,
 94:7, 94:9, 111:3,
 138:11, 156:6,
 156:9, 156:15,
 158:18, 227:11
door ^[11] - 42:15,
 48:8, 74:12, 75:11,
 84:14, 86:9, 86:10,
 100:6, 106:2,
 237:15
doors ^[3] - 106:4,
 129:8, 194:13
dots ^[3] - 72:4, 73:2,
 191:4
double ^[4] - 68:4,
 76:4, 84:8, 115:3
doubling ^[1] - 121:17
down ^[28] - 7:3, 56:8,
 59:17, 61:1, 70:7,
 70:13, 74:12, 76:6,
 77:5, 77:9, 94:12,
 95:18, 110:6,
 125:17, 129:8,
 129:16, 145:17,
 177:2, 181:2, 181:9,
 193:7, 227:3, 230:3,
 234:3, 236:6,
 238:17, 242:12
DPW ^[2] - 46:2, 56:6
drainage ^[1] - 162:12
dramatic ^[2] - 52:9,
 106:9

drawing ^[3] - 178:1,
 179:17, 216:5
drawings ^[3] - 45:15,
 161:3, 180:2
drawn ^[1] - 202:16
dream ^[1] - 231:12
drive ^[1] - 67:14
drives ^[1] - 160:14
driveway
^[16] - 132:18, 133:1,
 133:4, 133:9, 134:5,
 135:15, 136:2,
 138:1, 138:3, 171:5,
 178:9, 178:12,
 179:14, 193:7,
 194:9, 195:17
driving ^[1] - 56:16
drop ^[1] - 133:8
due ^[1] - 39:3
dumbbell ^[1] - 52:1
dump ^[1] - 149:3
dumpster
^[4] - 143:11, 148:4,
 149:4, 152:13
dumpster-style
^[2] - 143:11, 148:4
dumpsters
^[1] - 143:17
Dunster ^[2] - 231:6,
 231:8
during ^[1] - 142:11
dwelling ^[2] - 181:15,
 204:3

E

e-mailed ^[1] - 128:9
ear ^[1] - 125:13
ease ^[1] - 126:17
easement
^[3] - 192:17, 193:5,
 193:6
easier ^[4] - 76:13,
 113:2, 196:6,
 204:12
east ^[1] - 80:3
eastern ^[1] - 106:1
easy ^[3] - 24:3, 62:4,
 131:3
eat ^[1] - 214:14
echo ^[5] - 22:1, 129:9,
 155:18, 156:18
Economic ^[3] - 43:16,
 43:17, 121:8

education ^[1] - 32:2
effect ^[2] - 37:16,
 197:4
effectively
^[1] - 177:17
efficiency ^[1] - 35:4
efficient ^[6] - 48:11,
 67:16, 67:17, 69:3,
 177:13, 178:3
egg ^[1] - 180:10
egress ^[3] - 173:2,
 243:10, 244:13
eight ^[4] - 8:16, 104:9,
 126:16, 195:12
either ^[6] - 40:9,
 42:13, 77:12,
 123:17, 155:6,
 191:15
ELAINE ^[1] - 121:6
Elaine ^[1] - 121:6
ELDER ^[2] - 130:17,
 131:7
Elder ^[1] - 130:17
elderly ^[1] - 196:6
elements ^[5] - 79:8,
 84:9, 97:10, 98:3
elevated ^[1] - 89:9
elevation ^[1] - 168:15
elevations ^[1] - 161:4
elevator ^[4] - 74:12,
 76:17, 89:18
elevated
^[2] - 51:13, 74:10
eligibility ^[1] - 31:7
eligible ^[5] - 32:6,
 32:8, 37:15, 159:17,
 162:6
eliminate ^[1] - 15:13
eliminating ^[1] - 13:6
emergency
^[1] - 123:10
Emmons ^[5] - 2:7,
 166:6, 167:15,
 170:10, 171:9
emphasis ^[1] - 78:9
emphasized ^[1] - 60:9
emptied ^[1] - 106:17
empty ^[1] - 149:3
enclosed ^[1] - 82:3
enclosure ^[3] - 149:1,
 153:3, 155:10
enclosures
^[1] - 143:11
encourage

[1] - 194:18
end [13] - 31:4, 38:7,
 47:8, 52:1, 52:2,
 53:2, 53:5, 57:2,
 66:2, 100:16, 113:1,
 151:12, 155:9
ended [1] - 171:13
energy [1] - 22:8
enforcement
 [2] - 224:6, 240:4
engagement
 [1] - 42:11
engineering
 [1] - 162:12
enhance [2] - 97:8,
 98:7
enhanced
 [1] - 118:12
enjoy [3] - 111:14,
 130:9, 135:5
enjoyable
 [2] - 117:17, 134:8
enlarging [2] - 243:5,
 243:6
ensure [2] - 163:2,
 163:13
enters [1] - 82:11
entertain [1] - 111:1
entire [1] - 18:3
entities [2] - 7:15,
 200:18
entity [5] - 8:1, 12:14,
 201:5, 205:8, 220:7
entrance [2] - 33:15,
 56:9
entrances [2] - 60:9,
 201:16
entry [1] - 88:3
entryway [2] - 77:6
environment
 [1] - 104:13
environmental
 [1] - 162:10
equalization
 [1] - 9:18
equipment [1] - 3:15
ERRATA [1] - 247:1
Errata [2] - 247:2,
 247:7
escape [1] - 106:6
especially [3] - 51:7,
 133:14, 194:4
essential [1] - 159:3
essentially [1] - 6:10

established

[2] - 173:4, 244:15

estate [3] - 31:10,

31:11, 31:18

etcetera [3] - 60:6,

76:2, 80:5

ethnic [1] - 51:15**ETR** [2] - 87:12, 88:3**evaluating**

[1] - 190:11

evening [5] - 5:8,

167:12, 167:13,

229:9, 229:12

event [4] - 164:7,

222:7, 225:17,

235:14

everyday [1] - 145:11**evidence** [2] - 161:13,

161:16

exacerbate

[1] - 137:11

exacerbated

[1] - 157:11

exact [1] - 104:8**exactly** [8] - 167:16,

176:5, 179:9, 199:2,

202:3, 210:10,

213:17, 220:2

exceed [2] - 89:5,

103:8

exceeds [1] - 103:12**excellent** [1] - 109:13**except** [1] - 247:15**exceptions**

[1] - 161:7

excited [2] - 128:16,

166:12

excuse [3] - 205:10,

211:7, 234:17

exempt [4] - 38:16,

39:9, 41:18, 110:10

exercise [1] - 94:7**exist** [1] - 82:15**existing** [39] - 6:7,

7:3, 11:4, 18:7,

19:2, 23:12, 31:1,

36:13, 44:2, 46:13,

46:17, 52:7, 59:9,

67:7, 67:11, 87:8,

87:14, 89:4, 92:4,

93:12, 93:15, 94:10,

97:15, 98:11, 104:6,

105:1, 105:16,

109:16, 141:16,

141:17, 142:18,
147:16, 157:9,
161:1, 169:2, 171:3,
191:6, 217:10,
234:13
exists [2] - 51:4,
231:1
exit [1] - 196:6
exiting [1] - 196:2
expand [7] - 122:13,
144:15, 176:16,
208:9, 215:5,
215:10, 215:14
expanding
[2] - 199:3, 207:11
experience [3] - 15:2,
76:11, 112:3
expired [1] - 38:11
Expires [1] - 248:13
explain [3] - 206:17,
207:4, 207:6
explaining
[1] - 209:10
explore [3] - 148:15,
220:18, 222:8
exponentially
[1] - 144:15
express [1] - 140:9
expressed [2] - 77:8,
141:6
expression
[1] - 79:16
extends [3] - 68:3,
107:2, 233:11
extensive [5] - 143:6,
144:1, 145:7, 164:4,
205:12
extensively
[1] - 207:3
extent [2] - 164:5,
227:13
exterior [3] - 152:9,
152:16, 153:1
extermination
[4] - 143:7, 144:1,
145:8, 164:4
exterminators
[1] - 164:5
extra [1] - 68:1
extreme [3] - 114:12,
115:12, 116:4
extremely
[1] - 129:13
eye [1] - 161:8

F

facade ^[12] - 77:5,
77:12, 77:14, 78:1,
78:3, 78:5, 78:6,
80:4, 82:10, 83:9,
85:7, 85:9

facades ^[2] - 78:14,
79:7

face ^[2] - 85:10,
245:14

facilities ^[1] - 72:11

facing ^[2] - 85:5,
123:11

fact ^[7] - 92:2, 122:5,
127:14, 140:13,
214:3, 214:12,
245:11

facto ^[1] - 26:4

fair ^[7] - 30:15, 95:11,
98:10, 99:15, 112:6,
116:16, 154:14

fairly ^[2] - 63:14,
65:11

Fairmont ^[15] - 2:8,
175:6, 176:14,
176:16, 181:17,
182:1, 184:9,
184:16, 185:4,
186:11, 187:11,
188:10, 191:5,
192:7, 192:16

fall ^[1] - 145:3

familiar ^[3] - 77:14,
83:6, 230:2

families ^[8] - 34:3,
51:13, 77:13, 83:5,
117:6, 121:16,
122:1, 122:13

family ^[24] - 18:17,
19:1, 19:12, 46:10,
46:12, 46:16, 58:11,
60:14, 77:10, 77:11,
77:14, 82:16, 82:17,
83:2, 177:3, 177:9,
188:1, 188:13,
190:14, 199:5,
207:11

family-size
^[2] - 19:12, 46:12

family-sized
^[3] - 18:17, 19:1,
46:10

famous ^[2] - 231:2,
231:8

FAR ^[7] - 52:10,
91:16, 96:3, 158:6,
206:3, 211:9, 212:3

far ^[7] - 53:5, 99:8,
117:17, 151:2,
152:6

fare ^[1] - 143:18

Farris ^[1] - 22:1

fatal ^[1] - 239:12

fault ^[1] - 201:18

favor ^[30] - 25:9, 27:8,
28:2, 28:6, 108:15,
119:7, 120:2, 121:3,
126:5, 126:7,
126:13, 127:15,
131:9, 165:6, 165:7,
165:10, 174:10,
174:12, 183:16,
183:18, 225:3,
225:5, 226:6, 226:8,
228:4, 228:7,
241:10, 241:12,
246:6, 246:8

Fax ^[1] - 1:15

feature ^[2] - 82:12,
84:13

FEBRUARY ^[1] - 1:4

feedback ^[4] - 44:10,
79:11, 128:14,
190:11

feet ^[10] - 56:8, 83:11,
83:12, 89:5, 113:15,
113:17, 179:16,
194:10, 212:9,
212:18

Feinmann
^[1] - 166:14

fellow ^[1] - 166:8

felt ^[1] - 11:5

fence ^[16] - 80:16,
80:17, 102:10,
105:9, 115:2, 117:1,
117:2, 117:3, 132:3,
132:5, 138:1,
152:13, 154:9,
155:4, 164:8

fenced ^[2] - 116:17,
149:1

fences ^[4] - 81:15,
82:1, 85:16, 93:2

Ferraro ^[2] - 170:14,
171:11

few ^[10] - 63:1, 68:1,
 68:12, 73:8, 108:7,
 132:2, 136:10,
 136:13, 155:15,
 242:13
fewer ^[3] - 13:4, 66:3,
 94:7
fight ^[1] - 101:8
figure ^[3] - 133:3,
 191:14, 238:1
figured ^[1] - 22:18
file ^[7] - 7:6, 139:3,
 158:12, 172:8,
 236:9, 243:14,
 245:15
files ^[1] - 227:15
filling ^[2] - 50:2,
 206:13
final ^[6] - 24:12,
 90:11, 141:12,
 163:11, 163:13,
 232:14
finalize ^[1] - 45:14
finally ^[1] - 124:2
financed ^[1] - 38:1
financial ^[1] - 217:12
financing ^[6] - 37:16,
 41:3, 42:1, 45:13,
 156:7, 159:17
findings ^[13] - 159:8,
 160:4, 163:5,
 172:15, 173:17,
 174:3, 224:2, 225:1,
 240:2, 241:6, 244:3,
 244:8, 245:17
fine ^[3] - 169:17,
 195:8, 198:3
finished ^[5] - 112:12,
 156:16, 156:17,
 200:10, 220:13
fire ^[2] - 106:6, 189:17
First ^[1] - 1:6
first ^[39] - 4:14, 5:6,
 5:16, 10:14, 12:16,
 20:10, 20:17, 26:11,
 29:6, 31:10, 31:11,
 31:14, 42:12, 43:14,
 59:7, 59:9, 65:7,
 75:7, 75:15, 87:18,
 89:11, 89:12, 91:15,
 107:4, 119:2, 119:8,
 119:12, 120:8,
 120:12, 121:5,
 132:13, 139:15,

141:15, 163:15,
 176:13, 178:7,
 179:15, 198:18
fit [3] - 80:6, 238:10,
 238:14
fits [2] - 178:10, 199:2
five [18] - 28:6, 30:11,
 45:18, 46:18, 48:2,
 165:10, 174:12,
 178:8, 195:10,
 221:18, 222:1,
 222:6, 222:9, 226:8,
 227:15, 228:7,
 241:12, 246:8
five-bedroom
 [1] - 48:2
fixing [1] - 118:6
fixtures [2] - 70:6,
 70:9
flexibility [2] - 47:13,
 123:18
Floor [1] - 1:6
floor [8] - 62:13, 63:3,
 85:8, 89:11, 89:12,
 91:16, 161:3, 199:1
floors [3] - 36:4,
 89:14, 89:15
fluctuates [1] - 8:17
fly [2] - 216:3, 216:4
focal [1] - 78:8
focus [1] - 234:17
focuses [1] - 58:11
focusing [2] - 23:3,
 76:16
focussed [1] - 61:13
folks [5] - 29:16, 32:6,
 32:7, 47:14, 66:9
following [8] - 163:9,
 172:15, 224:2,
 226:15, 226:17,
 240:2, 244:3, 244:8
food [1] - 106:17
foot [8] - 113:10,
 115:2, 194:11,
 195:12, 198:5,
 198:7, 198:8
footage [1] - 104:6
FOR [1] - 1:1
foregoing [1] - 247:15
FOREGOING
 [1] - 248:15
forget [1] - 104:8
form [2] - 18:9, 35:18
forms [1] - 227:14

forth ^[4] - 119:9,
120:5, 145:2, 248:6

forward ^[10] - 21:13,
22:12, 26:18, 38:8,
121:4, 130:14,
150:1, 151:6,
167:11, 201:3

Four ^[2] - 121:6,
123:4

four ^[34] - 11:14,
13:15, 38:15, 47:5,
48:2, 59:13, 60:7,
60:16, 62:9, 63:13,
69:15, 69:16, 74:2,
82:16, 88:12, 89:8,
89:14, 89:15, 117:5,
136:16, 137:8,
191:6, 191:12,
222:4, 222:5, 222:6,
222:10, 222:11,
222:14, 232:17,
233:1

four-bedroom
^[1] - 47:5

four-family ^[1] - 82:16

four-story ^[3] - 63:13,
69:15, 89:8

four-unit ^[1] - 60:16

frame ^[2] - 59:13,
60:6

free ^[1] - 32:9

freestanding
^[1] - 74:17

frequently
^[1] - 144:12

fresher ^[1] - 79:10

friendly ^[2] - 70:14,
117:13

FROM ^[3] - 119:18,
120:6, 120:18

front ^[30] - 19:17,
29:15, 33:4, 33:11,
56:6, 61:9, 63:7,
63:16, 74:12, 82:9,
84:9, 86:9, 86:10,
95:2, 99:13, 102:8,
102:9, 151:18,
178:13, 178:18,
179:1, 179:11,
179:18, 183:10,
183:12, 183:14,
183:16, 183:17,
194:18, 196:2

frontage ^[1] - 107:1

fronted ^[1] - 40:14
fronts ^[1] - 106:3
full ^[3] - 12:3, 103:13,
 115:1
functionality
^[1] - 96:1
fund ^[3] - 36:16,
 38:13, 108:1
funding ^[4] - 36:13,
 36:14, 50:16
funds ^[4] - 37:2, 51:1,
 51:3, 140:15
funny ^[1] - 178:4
furnaces ^[1] - 36:3
furniture ^[3] - 232:2,
 236:3, 236:14
future ^[1] - 98:2

G

gained ^[1] - 198:15
gap ^[1] - 65:8
garbage ^[3] - 155:8,
 164:1, 164:5
garden ^[1] - 61:10
GENERAL ^[1] - 1:3
general ^[5] - 94:2,
 102:4, 108:8, 153:8,
 176:10
generally ^[7] - 24:15,
 42:17, 75:16,
 141:18, 173:13,
 194:5, 245:7
generated ^[2] - 173:1,
 244:12
gentleman ^[3] - 4:8,
 124:11, 167:11
George ^[6] - 62:15,
 63:2, 63:15, 64:1,
 107:9, 144:7
germane ^[2] - 140:1,
 211:15
get-go ^[1] - 217:6
gist ^[1] - 176:12
given ^[4] - 80:18,
 159:16, 160:18,
 239:5
glad ^[2] - 126:2, 138:8
glazing ^[1] - 84:9
Glenn ^[1] - 237:11
goal ^[3] - 76:12,
 117:18, 207:10
goals ^[1] - 116:2
God ^[1] - 235:10

gonna ^[23] - 13:13,
 35:7, 51:7, 51:10,
 51:11, 51:17, 52:2,
 53:2, 81:7, 105:18,
 106:8, 113:16,
 135:5, 137:6,
 137:10, 137:12,
 138:5, 169:15,
 169:16, 176:2,
 207:1, 233:17

grade ^[1] - 74:12

grandmother's

^[1] - 230:13

grant ^[14] - 10:12,
 16:14, 27:6, 30:4,
 41:1, 174:4, 179:7,
 183:13, 189:16,
 223:17, 225:2,
 238:14, 241:7,
 245:18

granted ^[20] - 11:18,
 13:11, 17:6, 26:15,
 28:6, 28:7, 37:2,
 112:3, 124:17,
 125:12, 163:9,
 165:11, 171:2,
 183:7, 184:1,
 224:15, 235:3,
 235:6, 240:16,
 246:9

granting ^[5] - 25:17,
 54:1, 165:6, 182:18,
 183:1

grants ^[1] - 39:2

graphic ^[2] - 62:8,
 67:4

grass ^[1] - 100:7

great ^[17] - 34:7, 42:4,
 43:7, 43:8, 44:1,
 48:14, 54:2, 73:7,
 96:8, 113:4, 122:12,
 128:3, 130:4, 137:4,
 152:1, 223:14,
 234:13

greater ^[3] - 96:15,
 110:8, 146:14

greatest ^[1] - 78:1

greatly ^[2] - 113:17,
 118:12

green ^[28] - 61:8,
 61:9, 61:11, 61:12,
 62:1, 62:6, 63:6,
 63:10, 66:4, 66:8,
 67:1, 68:18, 69:4,

71:12, 73:2, 81:3,
81:5, 86:7, 86:8,
92:5, 93:3, 93:6,
111:5, 115:15,
116:9, 116:13,
117:14, 199:9

groom ^[1] - 231:14

Groom ^[3] - 229:15,
229:17, 241:9

ground ^[5] - 62:12,
63:3, 69:12, 125:18,
198:18

grounds ^[1] - 145:8

group ^[1] - 146:5

groups ^[1] - 43:11

grow ^[1] - 47:4

growing ^[1] - 199:4

guarantee ^[1] - 98:1

guaranteed

^[1] - 110:1

Guerro ^[1] - 229:15

GUERRO

^[4] - 232:18, 233:4,
233:6, 236:13

guess ^[7] - 26:8,
121:5, 129:7, 133:9,
139:15, 171:5,
199:12

guy ^[2] - 124:18,

125:12

H

habitat ^[1] - 143:4

hair ^[2] - 230:11,
230:15

half ^[18] - 6:11, 8:18,
9:13, 9:15, 9:16,
14:2, 19:18, 20:9,
20:15, 26:15, 33:5,
47:12, 68:3, 89:12,
107:10, 144:8,
169:4

halfway ^[1] - 147:9

hallways ^[1] - 125:10

halves ^[1] - 77:13

Hancock ^[1] - 233:11

hand ^[2] - 58:2, 248:8

handed ^[1] - 115:4

handle ^[4] - 25:16,

143:14, 147:14,
242:14

handled ^[1] - 44:13

hands ^[5] - 119:3,

119:5, 165:9, 226:7,
241:11

hang ^[2] - 100:15,
101:1

happy ^[11] - 34:13,
42:4, 80:18, 99:11,
125:3, 125:4, 125:5,
125:10, 171:13,
171:14, 193:9

hard ^[6] - 10:8, 24:15,
48:6, 48:9, 50:15,
190:16

harder ^[1] - 204:11

hardship

^[20] - 188:16,
188:18, 189:5,
190:12, 191:1,
193:14, 193:15,
194:1, 195:6, 197:8,
224:8, 224:11,
225:9, 225:11,
225:13, 225:16,
240:5, 240:6

Harrington ^[1] - 31:13

harsh ^[1] - 70:18

Harvard ^[1] - 231:9

hashed ^[1] - 129:17

HAWKINSON

^[3] - 3:17, 4:11, 41:7

hazard ^[4] - 173:3,
173:9, 244:14,
245:3

headquarters

^[2] - 107:9, 144:7

health ^[3] - 162:10,
173:10, 245:4

healthy ^[1] - 122:14

hear ^[12] - 41:15,

58:14, 101:14,
125:12, 126:2,
150:7, 150:8,
167:10, 187:4,
215:3, 221:17,
228:2

heard ^[24] - 5:7,

21:10, 24:9, 30:12,
30:13, 32:3, 64:16,
101:12, 120:15,
120:16, 121:12,
154:6, 157:18,
166:7, 172:3, 172:7,
175:7, 190:15,
221:16, 229:7,
237:8, 239:1, 242:7,

243:13

HEARING ^[1] - 1:3

hearing ^[11] - 4:7,

5:17, 12:3, 29:6,

66:15, 139:18,

190:10, 214:18,

227:11, 248:6

heat ^[2] - 76:8, 129:18

heavily ^[1] - 46:15

height ^[5] - 55:16,

88:17, 96:10, 96:12,

96:16

heights ^[2] - 87:9,

88:10

help ^[9] - 12:17, 44:2,

45:7, 58:17, 144:2,

202:15, 207:10,

218:12, 220:17

helpful ^[3] - 78:12,

203:12, 215:3

helping ^[1] - 45:6

helps ^[1] - 32:1

hereby ^[1] - 247:16

herein ^[1] - 248:6

hereunto ^[1] - 248:7

HERS ^[1] - 76:6

hi ^[3] - 5:9, 21:16,

175:9

HICKEY ^[36] - 8:10,

9:2, 9:12, 11:6,

12:9, 23:2, 23:7,

23:10, 24:1, 25:5,

25:8, 25:13, 26:6,

48:16, 147:7, 149:8,

150:2, 172:11,

194:12, 195:2,

199:13, 199:17,

200:4, 200:7, 202:3,

202:9, 202:18,

203:8, 204:9,

219:14, 220:1,

220:15, 223:7,

223:13, 237:5,

239:17

Hickey ^[15] - 1:9, 3:5,

5:3, 28:8, 29:4,

165:13, 166:4,

174:14, 175:4,

226:9, 228:9, 229:4,

241:14, 242:4,

246:10

high ^[8] - 38:6, 46:12,

51:5, 52:2, 55:15,

57:10, 74:15,

164:13
higher ^[1] - 78:8
highest ^[1] - 90:5
highlighted ^[1] - 8:5
highly ^[2] - 67:16,
76:5
himself ^[2] - 91:6,
91:7
hindered ^[1] - 34:4
historical ^[1] - 79:10
Historical ^[3] - 37:1,
140:12, 170:4
historically
^[3] - 131:18, 186:12,
192:14
history ^[2] - 98:12,
100:10
hit ^[3] - 51:16, 52:3,
52:15
hole ^[1] - 219:15
holistic ^[1] - 176:3
home ^[2] - 133:3,
207:11
homelessness
^[1] - 32:14
homes ^[1] - 32:15
honest ^[2] - 157:14,
180:2
honestly ^[2] - 116:11,
151:17
honesty ^[1] - 180:3
hope ^[5] - 22:11,
129:2, 130:5,
130:14, 238:14
hopefully
^[2] - 119:12, 124:8
hoping ^[2] - 76:5,
93:4
horizontal ^[1] - 243:8
horns ^[1] - 125:4
horseshoed ^[1] - 45:5
hot ^[1] - 109:17
hotter ^[1] - 130:8
hour ^[1] - 239:6
house ^[15] - 116:14,
128:5, 133:10,
133:15, 134:14,
171:2, 171:3, 177:4,
177:10, 182:17,
188:1, 188:13,
190:14, 190:18,
215:14
households ^[1] - 44:8
houses ^[2] - 106:7,

199:10

housing ^[42] - 17:10,
 17:13, 22:15, 31:1,
 31:2, 32:12, 35:8,
 38:15, 43:2, 44:1,
 44:4, 44:11, 46:2,
 46:10, 48:14, 50:17,
 51:15, 52:1, 58:11,
 98:14, 107:13,
 108:8, 108:16,
 110:9, 111:9,
 123:10, 128:16,
 128:18, 129:2,
 129:12, 134:9,
 134:11, 134:18,
 145:2, 147:3,
 161:14, 161:17,
 162:1, 162:2,
 162:14, 163:2,
 164:12

Housing ^[6] - 38:12,
 39:5, 40:11, 41:16,
 51:2, 140:7

Hubway ^[2] - 20:5,
 55:1

HUD ^[1] - 38:3

huge ^[3] - 22:10,
 132:17, 133:2

hydrant ^[1] - 189:18

hypotheticals
^[1] - 216:1

I

i.e ^[1] - 26:3

idea ^[15] - 24:14, 34:4,
 34:9, 42:18, 44:1,
 44:5, 70:5, 71:11,
 74:1, 77:8, 81:18,
 124:16, 125:6,
 125:14, 215:1

ideal ^[4] - 116:2,
 134:3, 152:3, 221:4

ideally ^[1] - 116:1

identified ^[1] - 162:9

identifies ^[1] - 91:5

identify ^[4] - 91:8,
 91:10, 139:7, 141:4

identifying ^[1] - 88:5

illegal ^[1] - 102:16

image ^[1] - 59:9

images ^[2] - 59:8,
 79:12

impact ^[10] - 97:2,

115:10, 115:13,
 116:7, 144:15,
 146:13, 151:9,
 162:11, 199:7,
 245:13
impacting ^[1] - 110:7
impacts ^[3] - 92:14,
 97:7, 111:3
impair ^[2] - 173:14,
 245:8
impede ^[1] - 148:13
impetus ^[1] - 177:11
importance ^[1] - 66:4
important ^[14] - 35:8,
 43:15, 44:5, 46:9,
 65:17, 71:16, 111:8,
 111:14, 129:13,
 151:9, 151:13,
 156:16, 227:12,
 233:15
impose ^[3] - 3:14,
 111:17, 111:18
imposed ^[3] - 112:5,
 197:8, 197:12
imposing ^[1] - 160:6
impossible ^[5] - 49:4,
 49:12, 196:9,
 196:10, 240:9
imprint ^[1] - 197:18
improper ^[1] - 135:17
improve ^[3] - 98:4,
 146:10, 241:4
improvements
^[1] - 160:16
IN ^[2] - 248:7, 248:15
inaudible ^[1] - 198:1
Inc ^[1] - 166:14
INC ^[1] - 1:14
inch ^[1] - 171:4
inches ^[5] - 113:16,
 171:3, 178:9,
 195:10, 243:9
incident ^[1] - 101:7
incidents ^[1] - 102:6
include ^[3] - 24:16,
 61:6, 99:7
included ^[2] - 44:17,
 232:13
includes ^[2] - 97:10,
 160:12
including ^[2] - 61:8,
 161:3
income ^[10] - 38:15,
 50:8, 50:12, 50:17,

51:10, 51:14, 124:1,
210:17, 214:4

incomes ^[1] - 50:6

incorporate
^[1] - 107:14

incorporated
^[1] - 46:4

increase ^[4] - 65:18,
66:7, 206:4, 234:8

increased ^[2] - 78:17,
202:1

increasing
^[3] - 91:16, 97:9,
149:14

incredible ^[1] - 22:8

incremental
^[2] - 52:9, 104:14

indeed ^[1] - 180:7

indented ^[1] - 84:12

indicated ^[1] - 239:4

indicating ^[1] - 69:9

individual ^[2] - 75:14,
88:10

industrial ^[1] - 61:4

inform ^[1] - 4:3

information
^[4] - 46:4, 126:10,
150:8, 160:18

initialled ^[2] - 163:16,
174:7

input ^[5] - 45:12,
99:12, 99:13, 195:9

inside ^[1] - 55:7

Inspectional
^[2] - 216:10, 247:3

inspector ^[1] - 163:12

installing ^[1] - 169:12

instance ^[1] - 62:14

instead ^[1] - 95:15

institutional
^[1] - 62:14

INSTRUCTIONS
^[2] - 247:1, 247:5

insubstantial
^[6] - 6:7, 11:18,
12:10, 23:11, 25:16,
26:17

insulated ^[1] - 76:5

insulation ^[1] - 36:6

insurance ^[1] - 7:15

integrate ^[1] - 75:10

integrated ^[1] - 72:15

integrating ^[1] - 75:17

integrity ^[2] - 173:14,

245:8

intensifying ^[1] - 93:3

intensity ^[1] - 97:9

intent ^[4] - 173:16,

224:18, 241:1,

245:10

intention ^[1] - 205:14

inter ^[1] - 38:4

interest ^[2] - 38:6,

130:6

interested ^[4] - 22:13,

22:18, 39:9, 87:7

interesting ^[5] - 34:5,

181:8, 202:7,

202:14, 231:17

interfere ^[2] - 3:16,

4:1

interim ^[1] - 147:8

interior ^[11] - 60:18,

61:12, 62:1, 63:11,

81:13, 85:1, 85:2,

87:6, 100:11,

115:18, 232:11

internal ^[11] - 66:4,

66:6, 67:1, 69:4,

71:12, 81:5, 94:16,

115:15, 115:17,

116:8, 152:10

internally ^[1] - 155:6

interrupt ^[1] - 23:2

interspersed

^[1] - 68:14

intimate ^[1] - 86:6

introduce ^[1] - 34:7

introduction

^[1] - 33:14

investments

^[1] - 97:18

investors ^[1] - 7:17

invigorated ^[1] - 81:9

invite ^[1] - 97:14

inviting ^[1] - 34:1

involve ^[2] - 224:7,

240:5

involved ^[2] - 43:14,

225:18

Iric ^[6] - 29:17, 56:11,

58:3, 58:8, 128:8,

143:15

IRIC ^[41] - 58:8, 59:6,

64:2, 64:5, 64:15,

69:11, 69:15, 74:1,

77:2, 87:14, 87:18,

88:4, 88:7, 89:2,

89:7, 89:11, 89:14,
 89:17, 90:4, 90:10,
 90:18, 92:10, 92:16,
 96:2, 105:5, 113:15,
 114:5, 114:9,
 114:13, 114:17,
 118:1, 141:14,
 142:7, 142:13,
 142:18, 148:16,
 152:12, 152:15,
 152:17, 153:4,
 155:12

irregularly ^[1] - 33:2

issue ^[16] - 15:1, 23:7,
 24:16, 95:2, 95:3,
 106:15, 109:7,
 122:1, 137:15,
 138:8, 139:13,
 146:17, 149:10,
 198:9, 221:14,
 234:8

issues ^[21] - 101:3,

107:2, 139:16,
 139:17, 149:17,
 149:18, 150:12,
 156:1, 156:8,
 156:12, 157:6,
 157:7, 162:11,
 167:5, 167:6, 167:7,
 211:13, 216:5,
 216:11, 221:1

IT ^[1] - 32:5

item ^[5] - 5:16, 24:17,
 29:14, 91:10

itself ^[3] - 99:1,
 143:10, 151:2

ivy ^[1] - 73:17

J

James ^[2] - 91:4,
 139:10

January ^[2] - 128:7,
 139:15

job ^[3] - 32:10, 64:15,
 210:1

jobs ^[1] - 58:12

JOHN ^[12] - 3:17,
 4:11, 41:7, 166:11,
 166:16, 167:8,
 168:14, 168:18,
 169:5, 170:3, 170:7,
 174:8

John ^[3] - 41:11,

166:16, 169:11

John's ^[1] - 234:2

join ^[1] - 175:13

JUAN ^[48] - 184:15,

185:2, 185:5,

185:10, 185:14,

185:17, 186:6,

186:10, 186:18,

187:10, 187:15,

187:18, 189:5,

190:5, 192:17,

193:6, 195:3,

196:13, 196:17,

197:14, 198:11,

199:16, 200:8,

201:6, 201:8,

204:13, 204:17,

205:2, 205:10,

206:6, 207:6,

207:16, 208:2,

208:4, 208:14,

210:14, 211:3,

211:7, 212:1, 212:8,

212:11, 216:18,

217:4, 217:14,

218:16, 219:7,

220:9, 222:10

Juan ^[2] - 175:11,

184:15

JULIO ^[4] - 232:18,

233:4, 233:6,

236:13

Julio ^[2] - 229:15,

230:10

July ^[1] - 42:16

jump ^[2] - 116:7,

175:12

jumping ^[1] - 19:8

Junot ^[2] - 236:6,

239:8

jurisdiction

^[1] - 41:14

jurisdictional

^[4] - 37:7, 159:12,

160:7, 161:11

Just-A-Start

^[17] - 5:14, 29:13,

30:2, 31:6, 37:4,

64:7, 64:10, 84:7,

85:5, 97:15, 103:10,

105:12, 106:18,

111:12, 124:5,

128:2, 141:8

K

keep [8] - 71:5, 100:8,
111:4, 193:10,
198:11, 214:15,
215:14, 237:2

keeping [1] - 83:15

Kendall [1] - 20:1

kept [2] - 128:12,
205:13

key [1] - 234:16

KeyWordIndex

[1] - 2:11

kid [2] - 100:6, 117:12

kids [7] - 47:3,
101:16, 101:18,
122:10, 177:3,
189:7, 230:16

kind [37] - 5:18,
22:18, 34:9, 45:5,
46:6, 52:5, 56:12,
60:3, 60:10, 62:2,
65:15, 66:18, 71:14,
76:18, 78:3, 78:7,
78:16, 79:6, 79:15,
81:17, 82:3, 86:5,
87:9, 100:3, 116:7,
129:17, 130:7,
142:2, 151:15,
180:12, 199:10,
205:13, 206:18,
235:5, 238:1, 238:3

kindly [1] - 183:7

kinds [2] - 72:14, 74:8

kitchen [5] - 176:17,
199:4, 213:13,
213:14, 215:5

kitchens [1] - 36:4

kitty [1] - 63:4

kitty-corner [1] - 63:4

knock [1] - 195:7

knots [1] - 181:12

knowledge

[1] - 161:17

knows [1] - 235:11

Kreiger [1] - 30:1

L

lack [1] - 156:2

lacking [1] - 52:16

ladders [1] - 106:6

LAGASSE [7] - 242:9,
242:13, 242:18,
243:5, 243:8, 244:5,

246:4

laid [2] - 154:10,
207:1

land [13] - 44:2, 44:3,
51:4, 57:5, 57:6,
57:7, 57:17, 193:17,
194:3, 194:4,
199:12, 224:13,
225:15

Landing [1] - 49:17

landlords [1] - 32:15

landscape [3] - 45:9,
68:14, 98:6

landscaped

[5] - 73:17, 73:18,
87:2, 207:13,
209:12

landscaping

[5] - 33:9, 45:6,
108:3, 111:3,
160:16

large [9] - 33:1, 48:1,
65:11, 80:5, 98:15,
111:10, 142:3,
143:11, 143:14

larger [19] - 18:17,
19:12, 46:10, 47:2,
56:4, 62:16, 63:5,
68:6, 68:18, 78:18,
86:8, 86:14, 88:16,
98:5, 122:4, 122:6,
123:18, 149:6,
177:10

largest [1] - 62:1

last [7] - 42:16, 67:4,
111:16, 175:15,
207:12, 236:11,
242:10

lastly [2] - 85:12,
227:12

late [4] - 5:18, 54:7,
102:14, 238:18

latter [1] - 221:14

launched [1] - 32:5

laundry [3] - 230:7,
238:10, 238:11

LAURA [25] - 9:17,
13:3, 18:2, 69:7,
69:14, 105:2,
112:15, 113:7,
114:4, 114:8,
114:11, 114:14,
114:16, 115:7,
165:4, 187:3, 189:9,

198:4, 200:1,
 222:18, 223:8,
 223:12, 236:11,
 242:10, 243:16

Laura ^[8] - 1:10, 3:6,
 5:4, 29:4, 166:4,
 175:4, 229:4, 242:4

law ^[2] - 123:8,
 123:10

Lawson ^[1] - 248:4

lawyer ^[1] - 201:17

layer ^[1] - 51:9

layout ^[1] - 232:14

lead ^[3] - 109:17,
 142:14, 176:5

leads ^[1] - 86:7

leases ^[1] - 197:11

least ^[8] - 91:11,
 112:3, 112:4, 116:6,
 183:9, 183:14,
 190:3, 222:10

leave ^[11] - 36:16,
 47:4, 55:5, 58:6,
 69:3, 95:5, 111:12,
 122:11, 146:8,
 146:9, 148:17

Lee ^[1] - 22:1

left ^[10] - 60:15,
 67:15, 67:16, 113:8,
 113:12, 113:15,
 113:16, 113:18,
 212:9, 229:15

legal ^[9] - 7:14, 11:16,
 15:5, 16:3, 171:4,
 205:6, 206:7, 206:8,
 235:4

legally ^[1] - 202:6

lend ^[1] - 143:10

lenders ^[1] - 7:17

lends ^[1] - 98:18

length ^[1] - 189:11

less ^[15] - 20:9, 20:15,
 93:12, 93:15, 94:6,
 97:11, 97:16,
 100:16, 106:7,
 115:6, 149:12,
 189:11, 189:12,
 195:10

lessen ^[1] - 11:4

lesser ^[1] - 26:3

letter ^[31] - 37:14,
 39:7, 53:16, 54:5,
 78:15, 91:2, 112:10,
 128:4, 139:9,

139:11, 139:12,
 140:4, 140:6, 140:8,
 140:10, 140:12,
 140:17, 141:3,
 158:12, 190:3,
 218:16, 218:17,
 233:12, 236:5,
 236:9, 239:6, 239:7,
 239:8, 239:9
lettered ^[1] - 67:10
letters ^[11] - 139:3,
 139:4, 141:2,
 141:11, 167:2,
 172:8, 183:1,
 189:15, 190:10,
 239:4, 243:14
level ^[3] - 55:15, 75:7,
 75:8
leverage ^[2] - 35:9,
 35:12
liability ^[1] - 205:13
License ^[1] - 248:12
license ^[1] - 238:3
life ^[1] - 231:11
light ^[13] - 70:7,
 70:11, 70:13, 70:18,
 71:1, 104:18,
 106:10, 124:18,
 125:3, 206:14,
 209:5, 215:6
lighting ^[3] - 70:3,
 72:18, 81:10
lights ^[2] - 70:6, 99:1
LIHTC ^[1] - 50:6
likewise ^[1] - 84:2
limit ^[2] - 104:18,
 119:15
limited ^[1] - 240:7
LINE ^[1] - 247:8
line ^[6] - 10:17, 122:6,
 123:13, 148:10,
 206:11, 218:9
lined ^[3] - 142:7,
 142:8, 143:3
lines ^[5] - 60:9, 79:2,
 164:8, 178:1,
 202:17
lineup ^[1] - 231:15
link ^[5] - 81:15, 85:16,
 102:10, 117:1,
 117:2
Linwood ^[52] - 2:6,
 6:14, 7:10, 10:14,
 11:5, 11:9, 11:11,

13:1, 14:6, 16:18,
 18:6, 18:11, 18:16,
 19:3, 22:10, 26:18,
 29:9, 31:4, 31:10,
 33:2, 33:14, 35:13,
 35:16, 35:17, 37:13,
 38:1, 38:9, 38:14,
 46:11, 46:13, 49:4,
 51:8, 52:14, 52:16,
 53:8, 60:17, 61:13,
 63:4, 86:8, 100:10,
 101:13, 101:15,
 107:12, 116:14,
 116:18, 124:14,
 125:17, 129:8,
 130:3, 144:11,
 149:14, 154:1

liquor ^[3] - 230:6,
 238:3, 238:8

list ^[11] - 7:11, 10:17,
 11:2, 11:7, 48:17,
 49:1, 49:6, 49:9,
 49:12, 49:16, 161:6

listen ^[1] - 207:4

listening ^[2] - 131:1,
 134:6

listing ^[1] - 54:2

lists ^[2] - 49:7, 127:11

lit ^[5] - 55:4, 70:9,
 74:14, 98:11,
 100:16

literal ^[2] - 224:6,
 240:4

literally ^[2] - 41:5,
 41:12

litter ^[2] - 106:17,
 107:5

live ^[30] - 21:17, 66:9,
 66:12, 101:11,
 111:10, 117:6,
 124:14, 125:2,
 125:5, 125:8, 125:9,
 125:13, 126:14,
 126:17, 127:7,
 129:7, 129:12,
 129:15, 130:4,
 130:18, 131:15,
 151:10, 151:11,
 167:15, 188:1,
 188:13, 207:17,
 208:2, 211:18,
 237:11

liveable ^[1] - 177:2

lived ^[4] - 126:11,

126:15, 126:16,
189:1

lives [3] - 24:3,
125:16, 176:16

living [8] - 43:1,
152:1, 152:2, 181:6,
208:10, 213:12,
214:6, 235:8

Liz [3] - 30:1, 128:8,
128:9

LLC [7] - 201:2,
205:8, 205:14,
220:6, 220:12,
229:15, 229:17

loaded [2] - 68:4,
115:4

local [4] - 66:13,
161:7, 162:14,
162:17

located [5] - 149:2,
152:13, 194:6,
213:14, 240:14

location [5] - 66:1,
177:13, 189:17,
230:3, 234:6

locations
[2] - 110:16, 160:13

lockers [5] - 72:17,
74:17, 75:1, 130:13

logical [1] - 178:6

loitering [1] - 102:13

long-term [5] - 72:2,
72:5, 72:9, 73:8,
214:10

look [9] - 20:2, 95:9,
109:8, 168:9,
179:13, 183:7,
183:15, 183:18,
227:18

looked [2] - 14:17,
20:1

looking [25] - 6:16,
13:16, 30:4, 30:17,
35:9, 49:13, 49:14,
52:11, 52:13, 55:16,
55:17, 55:18, 56:14,
65:1, 79:14, 80:3,
91:4, 104:14,
113:11, 128:18,
231:10, 231:12,
231:18

looks [2] - 113:3,
116:3

LORENZO

[1] - 124:13
Lorenzo [1] - 124:13
lose [2] - 71:17, 94:14
losing [2] - 110:2,
 110:4
lost [3] - 12:15, 69:7,
 191:10
lot's [1] - 143:13
love [2] - 110:15,
 129:10
loved [1] - 151:17
low [9] - 11:13, 38:6,
 38:15, 50:12, 50:17,
 51:10, 51:11, 81:10
lower [2] - 13:11, 51:5
lowered [1] - 118:3
luck [1] - 241:13

M

M's [1] - 97:4
M-O-E-D-I-N-G-E-R
 [1] - 175:17
Ma'am [3] - 21:13,
 129:5, 130:16
magically [1] - 220:4
mailed [1] - 128:9
main [4] - 52:6, 61:15,
 116:11, 117:12
maintain [3] - 52:13,
 65:17, 122:12
maintained
 [1] - 227:10
maintains
 [1] - 106:18
maintenance
 [7] - 107:8, 125:11,
 143:9, 144:4,
 144:10, 145:8,
 145:9
major [4] - 91:11,
 97:2, 110:3, 234:8
man [2] - 125:1,
 231:16
man's [1] - 199:12
managed [1] - 82:10
management
 [9] - 9:6, 107:8,
 141:8, 143:7, 144:6,
 145:7, 148:5,
 150:12, 150:15
manager [1] - 229:16
manning [1] - 30:2
manufacturer

[1] - 32:4

map [1] - 16:11

Marc [2] - 236:9,
239:6

March [13] - 222:16,
222:17, 222:18,
223:2, 223:8,
223:10, 223:11,
226:17, 227:8,
227:16, 228:2,
228:8, 248:8

margins [1] - 48:13

Maria [4] - 1:11,
158:7, 222:14,
227:2

MARIA [1] - 222:16

MARILYN

[74] - 175:9, 175:16,
176:10, 179:2,
179:9, 179:12,
180:3, 180:7,
180:18, 181:4,
181:7, 182:11,
182:14, 184:3,
184:11, 185:13,
186:9, 186:14,
187:6, 187:9, 188:3,
190:12, 191:9,
191:16, 192:3,
192:10, 192:15,
193:2, 193:5, 193:9,
194:7, 195:5,
195:14, 196:14,
198:3, 198:16,
199:15, 200:2,
200:5, 200:14,
202:7, 202:14,
203:1, 203:10,
203:16, 204:1,
204:5, 204:15,
204:18, 206:4,
206:12, 206:17,
207:5, 207:8,
208:16, 209:1,
209:4, 209:9,
209:17, 211:1,
212:10, 212:12,
212:16, 213:3,
213:5, 213:16,
214:9, 215:2,
215:13, 216:15,
218:3, 218:12,
219:4, 222:11

Marilyn [1] - 175:9

market ^[4] - 106:16,
128:17, 128:18,
215:5

Market ^[30] - 2:5,
29:9, 60:3, 60:5,
62:7, 63:12, 65:12,
85:13, 93:11, 95:7,
106:14, 116:15,
117:3, 126:6,
126:11, 127:4,
127:7, 131:15,
132:1, 132:4,
132:18, 133:8,
133:11, 133:16,
135:3, 148:11,
153:9, 154:7

marketing ^[1] - 51:16

Marsh ^[1] - 30:1

Mass ^[9] - 2:9, 38:12,
39:5, 40:11, 41:16,
51:2, 121:13, 229:6,
237:12

MASSACHUSETTS

^[1] - 248:2

Massachusetts

^[7] - 1:6, 1:7, 160:8,
160:11, 161:12,
230:1, 237:12

mat ^[2] - 230:7,
238:10

materials ^[3] - 37:10,
37:17, 160:14

math ^[3] - 178:7,
181:9, 181:10

matter ^[18] - 5:8, 5:15,
6:6, 21:11, 39:16,
92:15, 166:8, 172:2,
172:4, 175:8,
214:12, 216:17,
221:8, 229:8, 237:7,
237:9, 242:8

matters ^[2] - 123:16,
162:13

mature ^[3] - 110:1,
110:16, 110:18

McGovern ^[2] - 236:9,
239:6

mean ^[52] - 11:13,
92:14, 95:5, 101:3,
108:4, 108:18,
111:7, 122:8, 134:2,
135:7, 136:2,
136:11, 137:4,
137:11, 138:1,

138:3, 138:4,
 144:18, 146:17,
 149:8, 149:11,
 151:10, 151:16,
 155:10, 156:17,
 157:3, 183:6,
 183:18, 190:6,
 190:13, 193:9,
 194:13, 195:2,
 195:5, 195:8, 197:8,
 197:17, 199:1,
 203:1, 207:8,
 208:14, 208:16,
 210:12, 210:14,
 211:3, 211:5, 218:5,
 219:18, 220:1,
 220:15, 222:2,
 235:16

meaning [2] - 203:6,
 225:11

means [10] - 55:4,
 76:7, 88:1, 88:6,
 122:10, 172:14,
 184:2, 221:16,
 222:4

meant [1] - 138:9

measurement

[1] - 190:6

measures [1] - 75:17

mechanism

[1] - 120:10

mechanisms

[2] - 50:16, 150:14

median [2] - 50:6,

50:7

mediation [2] - 32:13,

150:10

medium [1] - 3:12

meet [2] - 96:3,

108:17

meeting [8] - 3:8,

3:12, 4:1, 4:2, 4:3,

30:11, 92:8, 128:7

meetings [11] - 44:7,

44:9, 58:14, 58:16,

64:17, 78:11, 79:11,

128:4, 128:6,

139:13, 150:6

meets [2] - 103:6,

163:6

Member [4] - 1:8, 1:9,

1:9, 1:10

MEMBER

[3] - 119:18, 120:6,

120:18
member ^[3] - 30:13,
 166:9, 183:3
Members ^[8] - 3:4,
 5:2, 29:2, 166:2,
 175:2, 229:2,
 229:13, 242:2
members ^[9] - 8:9,
 12:5, 12:6, 54:12,
 112:8, 118:16,
 158:1, 171:17,
 237:4
memorial ^[1] - 71:14
men ^[1] - 137:2
mention ^[2] - 24:13,
 68:12
mentioned
^[10] - 61:18, 63:11,
 65:10, 73:11, 82:6,
 88:13, 91:1, 99:9,
 123:14, 139:9
mentions ^[1] - 58:16
menu ^[1] - 176:1
merge ^[3] - 201:18,
 203:4, 218:8
merger ^[7] - 200:13,
 202:9, 204:10,
 204:13, 205:7,
 220:16, 220:17
mergers ^[1] - 200:12
met ^[7] - 10:6, 45:17,
 160:7, 161:11,
 171:11, 172:17,
 244:11
metal ^[1] - 106:5
methods ^[1] - 126:18
mic ^[1] - 41:8
Michael ^[1] - 239:9
MICHAEL ^[9] - 123:1,
 124:10, 242:9,
 242:13, 242:18,
 243:5, 243:8, 244:5,
 246:4
microcosm
^[1] - 51:18
middle ^[4] - 50:15,
 51:3, 52:3, 122:10
Middlesex ^[1] - 123:3
might ^[14] - 54:12,
 66:12, 66:13, 94:13,
 100:5, 109:7,
 137:15, 149:10,
 168:8, 184:12,
 191:16, 197:11,

215:6, 235:18
Mike ^[1] - 123:2
mile ^[1] - 19:18
million ^[2] - 38:13,
 39:6
mind ^[8] - 41:8, 115:7,
 116:5, 120:17,
 130:6, 138:11,
 205:16, 232:4
minimize ^[2] - 155:8,
 156:17
minimizing
^[1] - 199:7
miniscule ^[1] - 97:5
minute ^[1] - 30:11
minutes ^[4] - 23:18,
 119:16, 136:10,
 136:13
mirror ^[1] - 230:13
mission ^[1] - 111:9
mistake ^[1] - 192:4
mistyping
^[1] - 191:17
MIT ^[1] - 231:10
mitigate ^[4] - 19:16,
 53:12, 144:2, 152:7
mitigated ^[1] - 97:7
mitigates ^[1] - 148:6
mitigating ^[2] - 151:9,
 155:15
mix ^[1] - 124:1
modal ^[2] - 94:2, 95:3
model ^[2] - 64:18,
 78:13
moderate ^[1] - 51:11
modest ^[2] - 174:1,
 177:4
modified ^[3] - 227:7,
 227:9, 227:14
modify ^[1] - 226:3
modus ^[1] - 157:9
MOEDINGER
^[74] - 175:9, 175:16,
 176:10, 179:2,
 179:9, 179:12,
 180:3, 180:7,
 180:18, 181:4,
 181:7, 182:11,
 182:14, 184:3,
 184:11, 185:13,
 186:9, 186:14,
 187:6, 187:9, 188:3,
 190:12, 191:9,
 191:16, 192:3,

192:10, 192:15,
 193:2, 193:5, 193:9,
 194:7, 195:5,
 195:14, 196:14,
 198:3, 198:16,
 199:15, 200:2,
 200:5, 200:14,
 202:7, 202:14,
 203:1, 203:10,
 203:16, 204:1,
 204:5, 204:15,
 204:18, 206:4,
 206:12, 206:17,
 207:5, 207:8,
 208:16, 209:1,
 209:4, 209:9,
 209:17, 211:1,
 212:10, 212:12,
 212:16, 213:3,
 213:5, 213:16,
 214:9, 215:2,
 215:13, 216:15,
 218:3, 218:12,
 219:4, 222:11

Moedinger

[1] - 175:10

Monday [2] - 158:7,
 227:16

money [7] - 36:16,
 36:17, 37:4, 40:3,
 40:5, 134:4, 147:10

monitor [1] - 144:17

monitoring [1] - 99:5

Monostine [1] - 239:9

month [1] - 222:12

morning [1] - 106:1

mortgage [2] - 38:5,
 39:10

most [14] - 18:17,
 50:5, 53:7, 67:17,
 77:4, 78:4, 115:9,
 115:12, 126:1,
 139:17, 142:8,
 177:12, 178:3,
 243:9

mostly [2] - 108:14,
 121:13

motion [9] - 21:5,
 25:4, 25:15, 27:9,
 28:2, 28:6, 70:10,
 157:16, 225:6

move [16] - 8:17,
 8:18, 17:7, 20:17,
 47:6, 47:7, 110:15,

111:11, 122:4,
 156:13, 170:12,
 171:3, 194:18,
 198:15, 205:14,
 243:13
move-in ^[1] - 8:18
move-out ^[1] - 8:17
moved ^[5] - 47:14,
 71:15, 132:2, 132:3,
 231:6
moves ^[16] - 22:11,
 26:12, 71:6, 159:11,
 172:12, 174:4,
 181:14, 182:3,
 223:17, 224:2,
 225:2, 226:13,
 240:1, 241:7, 244:2,
 245:18
moving ^[4] - 56:8,
 82:14, 90:16,
 106:11
multi ^[1] - 58:11
multi-family
^[1] - 58:11
music ^[1] - 102:14
must ^[4] - 163:12,
 191:9, 227:10,
 227:15

N

N's ^[1] - 154:11
name ^[19] - 5:13,
 21:14, 29:10, 49:7,
 49:9, 121:4, 123:2,
 130:17, 131:14,
 166:15, 167:14,
 175:15, 184:13,
 201:3, 205:8,
 220:10, 229:10,
 229:13, 237:10
namely ^[1] - 159:13
narrow ^[2] - 23:7,
 118:4
narrower ^[2] - 178:9,
 178:11
nature ^[8] - 7:18,
 20:6, 32:13, 47:17,
 173:8, 174:1,
 224:12, 245:1
near ^[1] - 149:4
nearby ^[1] - 101:11
nearly ^[1] - 21:18
necessarily ^[9] - 9:7,

14:10, 15:7, 32:6,
40:5, 94:14, 102:16,
104:5, 168:1

necessary

[2] - 159:17, 163:1

need [40] - 7:2, 8:7,
8:13, 13:9, 15:3,
17:5, 19:13, 19:14,
20:7, 27:10, 27:13,
36:6, 43:18, 44:11,
71:2, 71:8, 83:10,
90:1, 109:10,
113:17, 117:16,
119:17, 127:2,
130:3, 133:6,
156:11, 156:15,
161:14, 162:1,
162:2, 162:15,
168:2, 188:17,
189:2, 205:6, 209:2,
217:8, 221:9, 222:4,
222:8

needed [1] - 36:3

needing [4] - 34:10,
34:11, 36:8

needs [10] - 47:10,
68:10, 111:2, 130:7,
155:2, 163:18,
177:9, 177:10,
213:2, 217:11

negative [1] - 91:13

neighbor [6] - 45:4,
81:4, 128:3, 154:7,
154:16, 155:5

neighbor's [1] - 80:17

neighborhood

[52] - 22:5, 34:11,
44:6, 44:7, 44:14,
45:9, 49:18, 58:14,
62:11, 64:16, 66:15,
70:4, 70:15, 77:4,
77:10, 77:15, 78:10,
79:5, 80:1, 80:16,
83:4, 83:7, 83:16,
83:18, 84:3, 84:6,
84:12, 88:15, 90:7,
91:18, 93:18, 95:9,
97:4, 107:18, 110:2,
110:8, 126:15,
126:16, 127:8,
134:13, 134:17,
145:16, 147:11,
173:4, 174:2,
188:18, 230:15,

230:16, 234:12,

236:1, 244:15

neighboring

[3] - 63:1, 96:17,

245:14

neighbors

[22] - 33:10, 45:3,

53:18, 82:1, 99:11,

105:2, 115:14,

115:17, 116:8,

128:15, 129:3,

129:10, 129:11,

150:3, 151:16,

157:4, 167:2, 167:6,

171:9, 190:7, 199:8,

230:16

neighbors' [1] - 100:1

nervousness

[2] - 102:4, 102:5

nest [1] - 188:4

net [1] - 95:12

NetZero [1] - 76:11

never [3] - 112:2,

112:3, 137:16

new [40] - 10:18, 11:3,

20:10, 35:11, 36:11,

36:14, 36:17, 42:15,

46:14, 47:11, 49:17,

56:9, 80:18, 87:10,

92:17, 92:18, 93:13,

98:18, 104:7, 105:8,

110:16, 128:16,

129:2, 129:3, 132:7,

148:9, 164:18,

167:4, 167:5, 169:1,

183:17, 209:12,

223:18, 224:4,

227:7, 227:8, 227:9,

227:10, 227:13

newest [1] - 49:17

newly [2] - 207:13,

209:12

next [48] - 6:15, 10:3,

24:17, 25:10, 26:4,

42:15, 45:13, 60:2,

60:12, 61:5, 62:18,

63:8, 65:13, 67:2,

69:5, 71:3, 71:18,

73:5, 74:6, 75:12,

76:15, 79:13, 80:2,

80:7, 82:13, 83:8,

84:14, 84:16, 85:11,

86:1, 87:3, 87:7,

87:10, 88:15, 88:16,

90:11, 94:18, 96:9,
120:14, 122:16,
131:16, 133:10,
133:15, 164:16,
176:9, 208:18,
209:8, 237:15

next-door ^[3] - 42:15,
84:14, 237:15

nice ^[14] - 27:18,
33:14, 33:15, 51:18,
61:10, 63:6, 63:10,
84:5, 86:17, 88:8,
111:10, 130:10,
135:1, 151:10

nicely ^[1] - 80:6

nicer ^[1] - 108:5

NICHOLSON

^[108] - 5:9, 5:13, 6:4,
7:8, 7:12, 7:14, 8:4,
8:14, 9:5, 9:15,
10:2, 10:16, 11:8,
11:12, 13:5, 13:18,
14:3, 14:7, 14:10,
15:10, 15:14, 16:4,
16:7, 16:11, 17:4,
17:14, 17:18, 18:6,
18:15, 19:8, 19:11,
24:13, 27:10, 27:13,
27:18, 29:12, 30:9,
30:15, 33:16, 34:6,
37:18, 39:1, 39:16,
40:4, 40:10, 40:16,
41:4, 41:16, 42:4,
42:8, 48:6, 48:12,
49:3, 54:4, 54:9,
54:15, 55:2, 55:10,
55:14, 56:18, 57:3,
57:6, 57:9, 57:13,
64:7, 64:10, 64:14,
73:16, 77:1, 87:16,
93:9, 94:8, 94:18,
95:14, 98:10,
100:13, 101:5,
101:12, 102:8,
103:14, 104:4,
105:16, 107:3,
109:2, 109:11,
110:4, 112:6,
112:13, 113:1,
116:10, 143:2,
144:6, 145:5,
145:15, 146:3,
146:6, 146:11,
147:16, 150:5,

152:11, 153:7,
 154:2, 154:5,
 154:17, 158:3,
 158:13, 159:5,
 165:12
Nicholson [2] - 5:14,
 29:12
night [4] - 102:2,
 102:15, 139:6,
 237:2
nine [10] - 15:13,
 104:9, 154:13,
 194:11, 198:5,
 198:7, 198:8
nobody [1] - 16:17
nobody's [2] - 70:13,
 243:12
noise [5] - 101:10,
 133:13, 133:15,
 133:16, 169:18
noisy [1] - 109:17
non [14] - 37:9, 40:17,
 79:10, 94:11,
 105:15, 126:18,
 154:1, 159:15,
 166:17, 202:2,
 204:8, 223:18,
 224:4
non-car [1] - 126:18
non-conforming
 [5] - 94:11, 166:17,
 223:18, 224:4
non-conformity
 [2] - 202:2, 204:8
non-historical
 [1] - 79:10
non-Just-A-Start
 [1] - 105:15
non-Linwood
 [1] - 154:1
non-profit [3] - 37:9,
 40:17, 159:15
noncompliance
 [2] - 114:15, 114:16
nonconforming
 [1] - 186:1
none [1] - 225:5
north [2] - 105:5,
 105:6
NOT [1] - 248:15
Notary [2] - 248:4,
 248:11
notch [1] - 75:9
note [2] - 173:18,

247:6

noted ^[1] - 247:16

notes ^[1] - 225:8

noteworthy

^[1] - 211:14

nothing ^[6] - 37:14,

102:16, 198:14,

203:5, 235:15

notice ^[2] - 12:3, 33:3

noticed ^[1] - 135:3

Notification ^[1] - 2:3

notified ^[1] - 44:8

notifying ^[1] - 3:10

novo ^[1] - 14:15

now's ^[1] - 129:5

nowhere ^[2] - 136:12,

136:14

nuisance ^[2] - 173:9,

245:3

nullifying

^[2] - 224:17, 240:18

number ^[32] - 3:14,

17:1, 25:18, 26:13,

30:8, 45:17, 59:11,

65:18, 68:5, 68:6,

72:10, 73:10, 78:18,

94:7, 95:12, 95:13,

96:1, 104:8, 104:15,

118:14, 139:2,

139:16, 141:7,

151:8, 159:7,

171:11, 191:5,

209:17, 230:4,

230:15, 232:1,

239:4

numbers ^[1] - 56:17

O

objection ^[3] - 96:12,

190:8, 209:4

objects ^[1] - 190:4

observation

^[1] - 108:8

obvious ^[1] - 138:4

obviously

^[20] - 10:17, 29:14,

36:10, 42:13, 43:2,

43:15, 56:15, 57:1,

57:17, 94:6, 107:7,

111:5, 117:18,

131:1, 149:16,

160:1, 176:4,

179:16, 190:10,

206:14
occupant
 [3] - 173:11, 193:17,
 245:5
occupants [1] - 9:14
occupied [1] - 100:17
occurred [2] - 102:12,
 138:10
OF [6] - 1:1, 1:2,
 248:2, 248:15,
 248:15, 248:16
offensive [1] - 235:18
offered [1] - 45:8
OFFICIAL [1] - 1:15
officially [3] - 7:2, 8:6,
 39:2
offshoot [1] - 38:2
often [4] - 62:12,
 133:7, 135:16,
 143:5
oftentimes
 [2] - 132:9, 133:1
old [2] - 202:16,
 213:13
older [2] - 51:12,
 122:11
on-line [2] - 122:6,
 123:13
on-site [3] - 61:3,
 72:3, 144:4
on-street [2] - 106:14,
 107:1
once [8] - 9:17, 20:11,
 42:8, 111:11,
 164:18, 178:2,
 200:9, 240:13
one [126] - 6:10, 8:1,
 19:14, 20:8, 20:12,
 22:14, 26:14, 29:17,
 31:14, 33:7, 35:4,
 35:5, 35:11, 37:6,
 37:9, 37:11, 39:1,
 45:4, 46:8, 47:1,
 47:11, 47:12, 47:15,
 49:1, 49:6, 49:11,
 49:18, 50:3, 51:18,
 56:1, 60:13, 65:16,
 68:4, 69:12, 71:13,
 73:12, 75:2, 76:10,
 82:16, 84:2, 86:12,
 87:8, 95:3, 96:7,
 96:14, 99:10, 100:7,
 100:17, 101:6,
 102:17, 107:5,

114:7, 115:13,
 115:15, 116:11,
 116:12, 118:1,
 119:10, 121:10,
 127:6, 129:14,
 134:11, 134:18,
 139:15, 141:18,
 142:1, 142:9,
 143:12, 146:11,
 147:18, 148:14,
 152:4, 153:2, 154:7,
 155:1, 156:14,
 158:3, 163:11,
 166:12, 168:17,
 169:1, 171:4, 172:6,
 179:12, 181:11,
 184:12, 187:5,
 187:14, 188:15,
 189:10, 189:11,
 189:12, 190:3,
 197:2, 197:9, 198:4,
 199:5, 200:1, 200:2,
 200:7, 200:11,
 201:4, 201:9,
 201:11, 201:12,
 201:15, 202:5,
 205:7, 210:5,
 213:18, 219:6,
 220:4, 220:7, 222:3,
 227:1, 227:10,
 231:4, 236:11,
 240:14, 243:9

one's ^[3] - 101:5,
 104:7, 168:18

one-bedroom

^[1] - 50:3

one-family ^[1] - 82:16

one-inch ^[1] - 171:4

one-to-one

^[2] - 73:12, 189:12

ones ^[11] - 61:15,

91:12, 95:17, 116:6,
 119:8, 122:4, 157:5,
 158:10, 158:14,
 201:3

ongoing ^[3] - 34:14,

45:1, 99:9

open ^[48] - 5:17,

10:10, 21:6, 21:11,
 30:10, 33:9, 45:2,
 47:17, 53:10, 53:12,
 82:2, 82:18, 92:5,
 96:18, 97:1, 97:4,
 97:8, 97:15, 98:4,

98:5, 99:8, 100:4,
 100:8, 100:11,
 102:11, 108:3,
 111:6, 116:4,
 117:12, 118:2,
 118:3, 118:8,
 118:16, 119:1,
 127:17, 129:16,
 130:5, 134:16,
 147:1, 151:14,
 151:15, 162:11,
 164:16, 164:17,
 172:1, 221:8, 237:6

opened ^[1] - 48:2

opening ^[4] - 81:18,
 93:1, 93:2, 194:13

opens ^[2] - 20:12,
 117:7

operands ^[1] - 157:10

operate ^[3] - 231:10,
 237:12, 241:8

operating ^[2] - 35:4,
 107:16

operation ^[3] - 3:15,
 173:5, 244:17

operational ^[1] - 35:7

operations
^[2] - 143:10, 144:4

opinion ^[4] - 13:2,
 16:1, 183:9, 206:2

opportunities
^[1] - 65:2

Opportunity
^[2] - 43:17, 121:8

opportunity
^[9] - 32:10, 36:9,
 73:7, 122:12, 127:9,
 127:12, 128:8,
 128:10, 129:12

opposed ^[5] - 33:18,
 35:6, 119:9, 168:2,
 235:16

opposing ^[1] - 53:18

opposition
^[7] - 120:3, 120:7,
 120:13, 131:12,
 138:17, 174:2,
 245:16

option ^[7] - 47:7,
 55:8, 207:7, 210:6,
 210:11, 211:17,
 219:16

options ^[5] - 42:18,
 190:11, 208:15,

209:18, 210:4
oral ^[1] - 159:16
orange ^[1] - 72:4
order ^[4] - 3:9, 8:6,
 39:10, 99:3
Ordinance
^[12] - 103:12,
 108:13, 108:18,
 172:17, 173:7,
 173:16, 224:7,
 224:18, 225:12,
 241:1, 244:10,
 245:10
ordinances
^[1] - 110:11
organization
^[1] - 159:15
organize ^[1] - 128:11
orientation ^[2] - 81:1,
 81:2
original ^[4] - 13:8,
 158:5, 243:1, 247:2
originally ^[1] - 38:1
otherwise ^[6] - 12:2,
 139:6, 173:15,
 199:11, 227:3,
 245:9
ought ^[1] - 234:17
outcome ^[2] - 171:1,
 171:14
outs ^[1] - 108:17
outset ^[2] - 3:9,
 182:10
outside ^[6] - 75:11,
 130:10, 132:3,
 134:3, 150:15,
 152:14
outweigh ^[1] - 162:14
overall ^[2] - 10:4, 13:4
overcrowd ^[2] - 92:1,
 92:3
overcrowding
^[1] - 92:14
overflow ^[1] - 147:15
overflowing
^[3] - 147:11, 147:13,
 147:18
overgrown ^[1] - 73:17
overhang ^[1] - 69:10
overhanging
^[1] - 127:15
overhangs ^[1] - 69:13
overhoused ^[1] - 47:8
overlighting ^[1] - 70:4

overlooking ^[1] - 87:1

overly ^[2] - 103:11

overrun ^[1] - 90:1

oversubscribing

^[1] - 18:11

overview ^[1] - 176:9

owing ^[2] - 194:2,

224:11

own ^[12] - 34:12,

37:13, 85:9, 94:18,

127:9, 160:3, 189:3,

193:4, 199:16,

215:8, 231:10,

237:12

owned ^[5] - 31:15,

33:6, 54:18, 176:15,

177:16

owner ^[8] - 175:12,

176:15, 182:3,

197:5, 215:12,

229:16, 237:17

owners ^[4] - 166:13,

234:9, 234:12,

238:13

ownership

^[8] - 31:11, 35:11,

37:12, 126:18,

188:5, 197:4,

205:15, 220:8

owns ^[3] - 188:16,

193:18, 220:7

P

p.m ^[12] - 1:4, 3:3,

5:1, 29:1, 166:1,

175:1, 226:17,

227:8, 227:15,

229:1, 242:1,

246:12

PACHECO

^[1] - 222:16

Pacheco ^[1] - 1:11

package ^[4] - 24:18,

44:17, 113:2,

232:14

packet ^[1] - 207:12

PAGE ^[2] - 2:1, 247:8

page ^[6] - 46:6,

163:15, 176:13,

179:15, 181:9,

198:18

pages ^[1] - 207:13

paid ^[1] - 134:4

paper [2] - 15:5, 16:3

paragraph [1] - 90:13

parcel [1] - 34:12

park [18] - 43:7, 45:3,

63:5, 74:13, 102:9,

133:1, 136:5,

136:15, 137:17,

138:1, 138:2,

151:17, 183:12,

183:13, 184:9,

184:16, 185:4

parked [4] - 106:17,

127:6, 133:4,

194:14

Parking [6] - 10:6,

19:15, 46:2, 72:8,

141:4, 141:5

parking [218] - 6:10,

6:12, 6:17, 7:7,

7:11, 7:18, 9:10,

10:4, 10:5, 12:17,

13:4, 13:6, 15:6,

17:16, 18:5, 18:9,

19:17, 20:11, 23:4,

23:5, 23:11, 24:3,

24:6, 24:14, 24:16,

24:17, 25:1, 25:18,

26:3, 26:13, 27:1,

27:3, 35:10, 44:12,

44:16, 44:18, 52:12,

52:13, 52:17, 53:1,

53:3, 53:6, 53:11,

53:13, 55:4, 55:18,

56:1, 56:9, 60:1,

65:5, 65:6, 65:18,

66:2, 66:3, 67:12,

67:13, 67:15, 67:16,

67:18, 68:4, 68:9,

68:10, 68:13, 68:15,

68:16, 68:17, 69:2,

69:9, 69:17, 70:2,

70:3, 70:5, 70:9,

71:10, 72:1, 72:3,

72:5, 72:7, 72:9,

72:10, 72:11, 72:14,

72:17, 73:3, 73:9,

73:12, 73:14, 74:3,

74:8, 74:14, 74:15,

75:10, 75:11, 76:1,

77:16, 77:18, 78:2,

78:5, 78:9, 80:11,

80:12, 80:14, 81:1,

81:9, 82:7, 82:8,

82:9, 82:11, 89:12,

89:15, 98:11, 98:18,
 100:14, 100:15,
 102:1, 102:6, 102:8,
 105:16, 106:12,
 106:13, 106:15,
 107:1, 109:12,
 114:8, 114:10,
 114:17, 115:3,
 115:5, 126:9,
 126:14, 127:13,
 127:16, 127:17,
 128:1, 133:5,
 135:14, 135:15,
 135:17, 135:18,
 136:16, 137:3,
 137:11, 137:16,
 141:7, 141:10,
 143:13, 153:3,
 155:10, 160:15,
 178:7, 178:10,
 178:15, 178:18,
 179:3, 179:5,
 179:15, 180:11,
 181:13, 181:16,
 182:1, 182:7,
 182:16, 183:1,
 183:2, 183:10,
 183:16, 183:17,
 184:18, 185:6,
 185:9, 185:12,
 185:18, 186:1,
 186:12, 186:13,
 186:16, 187:1,
 187:3, 187:5, 187:7,
 187:14, 188:2,
 188:7, 188:11,
 188:14, 188:15,
 189:2, 189:18,
 190:14, 190:17,
 191:1, 191:3, 191:6,
 191:7, 192:8, 192:9,
 192:13, 194:9,
 194:18, 195:14,
 195:15, 195:17,
 197:6, 197:7, 197:9,
 198:7, 217:7,
 217:18, 224:1,
 224:4, 224:9

parking's ^[1] - 130:11

part ^[18] - 10:3, 29:18,
 34:12, 35:16, 36:12,
 36:15, 56:7, 59:4,
 81:16, 90:5, 112:2,
 130:6, 142:8, 157:1,

183:14, 184:5,
216:7, 233:13

participants
[1] - 121:14

participate
[2] - 99:11, 107:16

particular [10] - 6:6,
9:3, 23:8, 92:7,
92:10, 126:8, 230:2,
230:5, 234:6,
234:10

particularly
[2] - 128:17, 215:9

parties [3] - 19:18,
39:8, 100:8

partner [2] - 124:3,
181:18

parts [3] - 77:5,
85:18, 145:18

party [1] - 135:8

pass [1] - 232:3

passageways
[2] - 66:11, 118:4

passed [3] - 36:7,
202:6

past [5] - 98:1, 156:2,
183:7, 184:1, 235:6

patch [1] - 178:4

pathway [1] - 149:4

patterns [2] - 173:1,
244:12

paved [2] - 68:7,
160:15

pay [1] - 38:5

paying [1] - 32:10

pedestrian [1] - 234:6

pedimented [1] - 60:9

pegged [1] - 50:8

people [88] - 7:1, 9:9,
10:14, 11:6, 14:6,
14:13, 15:8, 15:9,
19:13, 20:16, 27:3,
32:14, 35:13, 41:9,
44:9, 44:15, 45:8,
47:2, 47:8, 47:15,
48:7, 49:1, 49:6,
49:13, 49:14, 49:16,
50:12, 50:13, 51:12,
52:3, 53:8, 53:10,
66:12, 66:13, 67:5,
70:4, 70:12, 74:11,
75:10, 78:15,
100:15, 101:3,
101:10, 102:13,

108:1, 117:5, 117:8,
 117:15, 119:3,
 120:1, 120:13,
 121:14, 122:4,
 122:6, 122:11,
 123:16, 125:3,
 125:8, 125:18,
 127:10, 127:11,
 130:12, 133:7,
 135:6, 135:8,
 135:11, 135:16,
 136:7, 136:8,
 136:12, 137:5,
 137:7, 137:13,
 137:16, 145:9,
 147:14, 149:4,
 150:11, 150:17,
 151:11, 155:13,
 158:14, 167:3,
 182:6, 196:6, 221:3,
 233:7, 238:7

people's ^[2] - 70:8,
 123:16

per ^[6] - 6:10, 6:11,
 26:14, 26:15, 51:15

percent ^[26] - 10:5,
 18:4, 18:7, 18:18,
 22:16, 22:17, 38:15,
 50:7, 50:9, 50:10,
 50:18, 51:1, 52:12,
 52:13, 97:2, 103:13,
 116:3, 123:7,
 149:15, 149:17,
 206:3, 211:10

percentage
^[2] - 46:12, 118:2

perfect ^[2] - 109:6,
 215:11

perhaps ^[2] - 116:1,
 203:8

period ^[1] - 54:8

permit ^[3] - 98:7,
 163:8, 205:18

Permit ^[44] - 2:4, 6:8,
 7:3, 8:7, 10:13,
 12:1, 13:8, 16:16,
 17:7, 30:5, 36:11,
 54:1, 108:11,
 110:10, 112:4,
 159:1, 160:11,
 163:7, 165:7,
 165:11, 172:14,
 172:18, 174:4,
 176:1, 177:1, 177:6,

180:16, 184:6,
 198:15, 198:17,
 199:8, 205:17,
 206:3, 211:8,
 211:12, 212:17,
 216:8, 221:12,
 226:12, 226:15,
 244:5, 244:9,
 244:11, 245:18

permitted [2] - 96:15,
 173:6

permitting
 [1] - 110:17

person [7] - 3:10,
 47:5, 91:4, 144:17,
 176:15, 177:17,
 190:3

personal [2] - 189:4,
 211:2

personally
 [1] - 127:15

perspective
 [1] - 63:10

perspectives
 [2] - 100:1, 100:2

pest [1] - 143:7

petition [1] - 156:5

petitioner
 [9] - 120:11, 159:12,
 163:18, 164:10,
 224:8, 225:10,
 225:14, 229:14,
 241:8

phonetic [1] - 239:10

photos [1] - 59:14

physical [1] - 164:11

physically [1] - 195:7

pick [3] - 133:9,
 147:9, 147:12

picture [3] - 109:8,
 176:3, 180:8

pictures [4] - 93:18,
 207:12, 209:11,
 231:17

piece [2] - 143:15,
 221:2

pinpointed [1] - 65:4

Pizza [1] - 140:18

Pizza-Zeoli
 [1] - 140:18

Place [11] - 2:6, 2:7,
 29:9, 116:14, 117:1,
 121:7, 123:5, 166:6,
 167:15, 170:10,

171:9

place [18] - 12:18,
86:18, 100:17,
111:10, 115:1,
125:2, 125:5, 125:8,
125:13, 129:15,
130:4, 130:7,
133:10, 151:10,
178:6, 231:13,
231:14

placement [2] - 3:14,
130:2

places [2] - 73:14,
149:12

plan [25] - 10:7,
17:17, 45:10, 51:16,
59:9, 67:4, 69:18,
72:1, 76:14, 96:7,
124:16, 136:15,
141:8, 143:7, 144:2,
148:5, 153:5, 154:8,
154:10, 157:12,
161:6, 174:6, 199:3,
216:1, 246:2

plane [1] - 69:12

planned [1] - 99:7

planners [1] - 72:8

planning [5] - 8:2,
70:17, 78:11, 84:4,
162:13

Planning [7] - 46:1,
128:7, 128:15,
139:14, 141:1,
158:8, 183:15

Plans [1] - 2:3

plans [15] - 87:5,
98:6, 129:17,
160:13, 161:3,
163:12, 163:13,
163:14, 168:5,
168:11, 178:17,
183:11, 199:2,
227:14

plant [1] - 110:13

planting [3] - 68:14,
81:11, 110:5

plantings [1] - 110:1

play [2] - 100:6,
116:13

playground
[2] - 15:17, 17:2

playing [1] - 101:16

pleaded [1] - 225:10

pleadings [1] - 196:4

pleasant ^[5] - 71:1,
 74:4, 93:5, 93:7,
 118:5
Pleasant ^[1] - 121:7
pleased ^[1] - 125:16
plenty ^[2] - 45:14,
 49:14
Plough ^[1] - 230:5
plowed ^[1] - 80:15
plumbing ^[1] - 36:2
plus ^[2] - 10:15, 49:16
point ^[11] - 16:14,
 47:10, 78:8, 132:2,
 158:4, 193:15,
 197:12, 212:2,
 213:9, 214:17,
 219:14
pointed ^[2] - 96:13,
 239:10
pointer ^[1] - 61:16
points ^[4] - 54:11,
 98:10, 99:16, 108:7
pole ^[1] - 70:5
police ^[1] - 136:6
Police ^[1] - 98:13
policy ^[1] - 180:4
pops ^[1] - 90:3
popular ^[2] - 230:14,
 231:8
populate ^[1] - 71:12
populated ^[2] - 99:18,
 135:2
population ^[3] - 32:7,
 47:18, 122:9
populations
^[1] - 18:15
porch ^[5] - 75:6, 75:7,
 75:9, 84:13
porches ^[2] - 72:16,
 75:8
Port ^[4] - 43:12,
 49:16, 110:2,
 129:14
positive ^[1] - 42:17
possibility ^[1] - 42:9
possible ^[6] - 67:18,
 70:15, 135:10,
 144:2, 200:15,
 200:16
possibly ^[1] - 78:4
posted ^[1] - 128:5
posting ^[1] - 227:6
potential ^[1] - 93:3
potentially ^[1] - 167:5

pound ^[1] - 192:6
power ^[1] - 27:17
practicable
^[1] - 164:6
practical ^[1] - 196:8
pre ^[1] - 234:13
pre-existing
^[1] - 234:13
prefer ^[1] - 120:16
preferably ^[1] - 155:6
preliminary
^[4] - 160:12, 161:2,
161:6, 163:14
premature ^[1] - 156:6
premises ^[2] - 240:7,
241:9
preparing ^[1] - 4:7
presence ^[1] - 62:17
presentation
^[5] - 29:18, 112:11,
120:15, 138:10,
157:2
presented ^[3] - 79:12,
159:14, 164:2
preservation
^[2] - 38:14, 42:10
preserve ^[1] - 38:8
preserving ^[1] - 214:4
pressure ^[2] - 15:12,
106:15
pressured ^[1] - 15:18
pretty ^[5] - 116:4,
138:4, 143:18,
190:18, 197:18
prevent ^[2] - 32:14,
85:16
previous ^[2] - 119:11,
123:13
previously
^[2] - 11:18, 202:5
primarily ^[2] - 58:11,
189:8
principal ^[1] - 58:9
priority ^[1] - 164:13
privacy ^[2] - 167:6,
167:7
private ^[5] - 96:18,
118:2, 118:3, 118:8,
147:8
problem ^[14] - 42:5,
50:2, 106:16, 107:6,
132:17, 133:2,
136:11, 138:6,
183:5, 183:15,

194:12, 214:8,
219:10

problems [9] - 54:3,
100:12, 100:14,
108:10, 135:17,
142:15, 158:17,
169:6

proceed [3] - 159:18,
174:5, 246:1

proceedings
[2] - 119:14, 248:6

process [8] - 31:8,
34:14, 39:4, 42:12,
48:3, 57:14, 58:15,
120:10

production
[1] - 154:15

professional
[2] - 210:2, 210:4

profit [3] - 37:9,
40:17, 159:15

program [11] - 32:2,
32:4, 32:5, 38:2,
38:3, 38:4, 38:8,
51:2, 53:2, 164:2,
164:3

programmed
[1] - 117:9

programming
[1] - 117:14

programs [1] - 162:7

progress [1] - 45:10

project [50] - 6:13,
6:14, 8:13, 8:15,
9:18, 14:8, 22:3,
22:11, 23:13, 26:18,
31:11, 33:2, 33:8,
35:5, 42:11, 47:7,
91:6, 91:18, 97:7,
97:10, 98:16, 109:6,
119:8, 121:10,
121:13, 123:8,
126:8, 129:10,
140:14, 150:1,
155:4, 156:10,
156:15, 156:16,
159:18, 162:4,
162:8, 162:14,
163:3, 164:9,
164:12, 164:15,
175:10, 176:12,
177:11, 178:4,
180:9, 181:11,
200:15

project's ^[1] - 103:8

projects ^[4] - 8:1,
19:4, 36:14, 147:3

prominent ^[1] - 82:12

prompted ^[1] - 44:16

properly ^[1] - 8:6

properties ^[7] - 6:18,
20:9, 46:18, 53:7,
201:4, 201:7,
205:16

property ^[33] - 7:1,
20:11, 20:17, 27:5,
31:3, 31:4, 37:12,
45:4, 45:8, 49:5,
98:17, 102:7, 107:8,
132:9, 134:4,
143:15, 145:6,
148:2, 148:10,
164:8, 164:18,
177:18, 193:18,
199:18, 200:1,
200:3, 202:16,
215:8, 215:12,
235:14, 245:5,
245:14

property's

^[1] - 131:16

proportions ^[1] - 97:5

proposal ^[4] - 26:13,
124:7, 216:12,
218:6

propose ^[6] - 41:2,
73:2, 74:18, 112:8,
139:5, 217:16

proposed

^[30] - 23:11, 24:5,
26:18, 59:10, 81:1,
82:15, 84:1, 92:7,
103:8, 105:8,
109:18, 126:1,
141:8, 143:1,
154:10, 160:14,
160:16, 163:4,
163:6, 168:2, 173:2,
173:8, 173:11,
173:13, 194:14,
198:18, 241:2,
245:2, 245:7,
245:11

proposing ^[8] - 46:15,

56:2, 71:10, 72:4,
76:2, 92:17, 96:11,
244:14

pros ^[1] - 120:14

Prospect ^[1] - 234:2
protect ^[1] - 45:7
provide ^[6] - 20:4,
 22:4, 51:6, 51:9,
 56:9, 186:16
provided ^[3] - 25:17,
 26:17, 181:16
provides ^[1] - 47:13
providing ^[10] - 10:4,
 19:15, 39:6, 39:9,
 50:13, 51:3, 74:9,
 113:13, 114:2,
 145:2
proving ^[1] - 212:2
provisions ^[3] - 98:6,
 224:7, 240:5
public ^[17] - 21:7,
 21:12, 53:14, 66:16,
 118:17, 119:2,
 138:12, 147:1,
 172:2, 172:8, 183:2,
 221:9, 224:16,
 231:3, 237:7,
 239:15, 240:17
Public ^[2] - 248:4,
 248:11
pull ^[1] - 196:1
pulled ^[1] - 142:3
pullover ^[1] - 133:6
purchased
^[2] - 200:10, 208:17
purchases ^[1] - 232:2
purchasing
^[1] - 200:10
purpose ^[6] - 101:1,
 123:9, 173:16,
 224:18, 241:1,
 245:10
purposes ^[4] - 197:3,
 205:13, 240:7,
 240:13
pursuant ^[1] - 160:11
push ^[1] - 53:13
pushed ^[1] - 81:2
pushes ^[1] - 80:15
put ^[37] - 26:3, 49:7,
 49:9, 53:9, 57:16,
 65:15, 83:12, 84:8,
 86:13, 86:15, 96:7,
 114:18, 130:1,
 135:14, 136:4,
 137:11, 137:13,
 138:4, 146:18,
 147:15, 149:5,

149:12, 157:16,
 169:13, 169:15,
 169:16, 176:17,
 178:3, 178:6, 181:3,
 202:4, 207:9, 212:6,
 212:14, 217:17,
 218:9

putting [7] - 73:3,
 121:11, 151:8,
 154:8, 205:7,
 208:12, 211:17

puzzled [1] - 7:5

Q

quality [1] - 74:15

questions [19] - 8:9,
 12:8, 18:14, 21:1,
 21:2, 97:14, 103:3,
 112:14, 118:16,
 171:17, 182:5,
 182:6, 182:10,
 184:4, 184:8, 206:8,
 206:9, 237:3

quick [2] - 52:5, 168:9

quickly [1] - 230:14

quite [6] - 21:18,
 63:17, 73:8, 75:8,
 207:3, 218:6

quote [2] - 97:7,
 103:10

R

raccoons [1] - 132:10

rack [1] - 73:4

rain [1] - 55:5

raise [2] - 54:11,
 167:5

raised [9] - 54:12,
 96:10, 138:8,
 139:16, 139:17,
 182:18, 190:3,
 231:3

raises [1] - 204:10

Ranjit [3] - 206:2,
 218:17, 219:2

rarely [2] - 8:18,
 116:11

rat's [1] - 188:4

rate [2] - 128:17,
 128:18

rates [1] - 38:6

rather [7] - 54:7, 70:7,
 119:9, 174:1, 180:2,

208:12, 209:7
ratio [6] - 10:6, 18:9,
 52:12, 52:14, 91:16,
 127:13
rational [1] - 115:3
ratios [2] - 55:18,
 56:1
rats [2] - 132:11,
 143:6
reach [1] - 43:15
reached [1] - 44:6
reaching [1] - 61:16
reaction [1] - 96:17
read [11] - 3:9, 113:3,
 126:9, 139:4, 190:5,
 191:15, 196:3,
 239:5, 247:15
reading [5] - 7:6,
 15:4, 190:10,
 197:18, 247:6
ready [5] - 25:4,
 156:10, 172:10,
 239:16, 243:15
real [3] - 31:10, 31:11,
 31:18
realized [4] - 42:8,
 43:3, 177:12, 178:2
really [51] - 13:3,
 15:5, 18:8, 22:2,
 22:3, 34:8, 39:16,
 41:3, 43:13, 47:13,
 47:17, 51:7, 53:9,
 53:12, 55:11, 61:13,
 61:16, 65:2, 65:4,
 65:16, 69:1, 72:14,
 73:18, 75:8, 81:16,
 100:3, 115:11,
 115:16, 121:18,
 122:4, 123:11,
 123:15, 124:6,
 129:1, 129:13,
 130:4, 130:5, 130:9,
 130:11, 135:10,
 154:9, 166:12,
 177:9, 184:8, 189:9,
 208:9, 213:11,
 215:3, 219:15,
 233:18
rear [7] - 62:7, 65:11,
 86:11, 89:8, 92:12,
 171:2, 199:14
REASON [6] - 247:9,
 247:10, 247:11,
 247:12, 247:13,

247:14
reason [14] - 35:1,
 36:10, 39:13, 46:16,
 108:10, 110:3,
 114:6, 119:17,
 136:14, 177:14,
 205:11, 233:14,
 247:7
reasonable [4] - 3:13,
 44:15, 96:11, 141:9
reasons [5] - 7:15,
 35:3, 129:14,
 203:11, 225:8
rebuilding [1] - 243:4
receipt [1] - 172:7
receive [2] - 145:13,
 233:12
received [2] - 53:16,
 234:10
recently [1] - 63:14
recharge [1] - 75:18
recognize
 [1] - 127:18
recognizes
 [1] - 108:14
recommending
 [1] - 210:3
reconfigure
 [1] - 98:18
reconfiguring
 [1] - 117:7
record [5] - 123:2,
 139:5, 229:11,
 247:16, 248:6
RECORD [1] - 1:15
recorded [2] - 4:13,
 239:11
recorder [1] - 4:9
recording [5] - 3:11,
 4:4, 4:6, 4:10, 96:12
records [1] - 4:7
recycle [1] - 149:5
recycling [2] - 132:4,
 149:1
red [5] - 34:16, 62:8,
 65:15, 66:10, 83:1
Redevelopment
 [1] - 31:16
reduce [4] - 17:1,
 26:13, 26:14, 95:15
reduced [3] - 73:15,
 97:5, 104:18
reducing [3] - 116:3,
 189:11, 191:7

reduction [12] - 6:9,
 17:16, 23:4, 24:5,
 95:12, 97:1, 116:4,
 116:8, 185:12,
 185:18, 189:12,
 224:10

referenced [1] - 141:1

referencing
 [1] - 158:14

referring [1] - 59:8

refinancing
 [1] - 98:16

refined [1] - 79:1

refining [1] - 78:14

reflect [1] - 227:7

regard [19] - 25:18,
 41:13, 96:10,
 100:10, 135:13,
 141:10, 156:7,
 164:11, 173:17,
 198:13, 221:12,
 221:14, 224:3,
 226:14, 240:2,
 241:2, 244:3, 244:8

regarding [2] - 96:18,
 141:14

regardless [1] - 110:9

regards [1] - 6:5

region [1] - 161:15

regional [2] - 162:1,
 162:14

regular [2] - 29:6,
 150:6

regularly [1] - 9:13

Regulation [1] - 160:8

Regulations
 [1] - 160:12

regulations
 [3] - 161:7, 161:12,
 162:18

rehabilitating
 [2] - 42:14

rehabilitation
 [2] - 35:16, 140:15

reiterate [2] - 217:1,
 217:4

relate [1] - 79:4

related [2] - 6:2,
 190:13

relates [4] - 79:2,
 189:6, 225:13,
 225:17

relating [3] - 194:2,
 224:12, 240:10

relative ^[1] - 23:12

relief ^[52] - 10:12,
 13:7, 13:10, 16:15,
 17:5, 17:15, 25:17,
 26:1, 27:6, 28:6,
 30:5, 30:17, 30:18,
 41:2, 52:6, 52:8,
 52:9, 53:4, 53:18,
 55:15, 56:16, 68:10,
 68:11, 83:10, 86:17,
 90:12, 112:16,
 113:17, 120:11,
 120:12, 131:13,
 138:17, 158:6,
 159:8, 162:16,
 173:18, 178:13,
 178:14, 179:7,
 183:13, 184:1,
 185:12, 185:17,
 189:17, 215:9,
 216:2, 224:15,
 228:3, 240:16,
 246:9

relieved ^[1] - 194:10

relocating ^[1] - 243:4

remain ^[7] - 80:13,
 87:14, 91:17, 98:4,
 139:18, 149:8,
 164:18

remains ^[1] - 179:7

remember ^[1] - 101:7

removal ^[9] - 71:7,
 125:9, 138:9,
 138:13, 141:13,
 141:15, 155:14,
 164:1

remove ^[1] - 164:5

removed ^[2] - 71:9,
 171:1

removing ^[4] - 81:18,
 93:2, 215:3, 215:4

rendering ^[1] - 117:10

renovated ^[1] - 35:18

renovating

^[1] - 200:11

renovations

^[3] - 205:12, 220:11,
 220:13

rent ^[3] - 48:7, 48:9,
 127:6

rental ^[12] - 208:8,

208:11, 210:8,
 211:4, 214:4, 214:7,
 214:16, 215:4,

215:5, 215:10,
 215:15, 217:12
rentals [4] - 207:17,
 208:5, 214:1,
 214:10
renter [1] - 215:4
rents [1] - 38:6
repeat [1] - 119:11
rephrase [2] - 179:4,
 224:1
replace [3] - 71:11,
 114:10, 115:5
replaced [1] - 127:16
replacing [3] - 80:11,
 168:16, 169:1
replanted [1] - 71:15
Reporter [2] - 248:4,
 248:12
REPORTER
 [1] - 248:16
REPORTERS
 [1] - 1:14
repositioning
 [1] - 98:17
represent [3] - 32:15,
 123:7, 166:13
REPRESENTATIVE
 [2] - 123:1, 124:10
Representative
 [1] - 123:3
representing
 [1] - 229:14
REPRODUCTION
 [1] - 248:15
Republic [1] - 230:12
request [4] - 12:11,
 25:9, 181:2, 224:3
requested [9] - 90:12,
 162:18, 172:18,
 174:5, 191:6,
 223:18, 225:2,
 241:8, 246:1
requesting
 [1] - 191:12
requests [2] - 119:10,
 127:13
require [5] - 71:7,
 123:17, 140:2,
 216:14, 217:11
required [15] - 6:10,
 13:12, 14:2, 27:2,
 52:18, 98:7, 108:17,
 112:18, 113:10,
 113:11, 113:13,

114:2, 178:9,
178:11, 188:6

requirement

[2] - 222:2, 227:17

requirements

[19] - 3:13, 37:7,
41:13, 72:7, 159:2,
159:13, 160:7,
161:7, 161:11,
162:6, 162:17,
163:7, 172:16,
177:6, 199:6, 203:3,
203:6, 235:4,
244:10

requires [2] - 195:11,
199:8

reread [1] - 196:4

reserve [1] - 10:18

reside [1] - 27:4

resident [6] - 32:7,
123:4, 150:7,
182:17, 190:1,
236:6

residential

[6] - 234:15, 235:12,
238:4, 240:7, 240:8,
240:13

residentially

[1] - 235:7

Residents [2] - 22:2,
140:9

residents [26] - 11:5,
14:12, 20:5, 20:6,
20:10, 33:17, 42:12,
42:17, 45:2, 72:13,
99:12, 100:3,
101:13, 101:14,
102:18, 111:11,
128:15, 130:5,
149:10, 150:8,
150:14, 154:1,
164:12, 164:15,
189:3, 235:8

residents' [2] - 100:1,
130:6

resolve [1] - 184:8

resolved [1] - 156:12

resources [2] - 32:12,
107:12

respect [8] - 10:9,

48:18, 70:15, 92:7,
92:9, 154:16,
164:13, 164:14

RESPECT

[1] - 248:16
respective [1] - 92:3
respond [1] - 120:2
responded [1] - 128:9
Response [9] - 24:10,
 118:18, 131:10,
 138:18, 171:18,
 172:5, 225:4, 226:4,
 239:2
response [4] - 39:14,
 91:11, 98:9, 128:14
rest [2] - 95:3, 217:17
restricted [1] - 32:7
restrictions
 [1] - 162:18
result [1] - 94:6
resulting [2] - 173:2,
 244:13
retainage [1] - 75:18
retains [1] - 76:8
returns [1] - 35:5
reuse [1] - 61:3
reviewing
 [2] - 158:10, 162:8
revise [1] - 84:4
revisit [1] - 80:9
revitalization
 [1] - 31:12
REX [41] - 58:8, 59:6,
 64:2, 64:5, 64:15,
 69:11, 69:15, 74:1,
 77:2, 87:14, 87:18,
 88:4, 88:7, 89:2,
 89:7, 89:11, 89:14,
 89:17, 90:4, 90:10,
 90:18, 92:10, 92:16,
 96:2, 105:5, 113:15,
 114:5, 114:9,
 114:13, 114:17,
 118:1, 141:14,
 142:7, 142:13,
 142:18, 148:16,
 152:12, 152:15,
 152:17, 153:4,
 155:12
Rex [3] - 29:17, 56:11,
 58:8
rich [1] - 22:6
rid [3] - 6:12, 18:5,
 127:17
ridiculous
 [3] - 134:16, 166:10,
 238:3
rights [1] - 171:6

rising ^[1] - 78:7
risky ^[1] - 40:18
River ^[1] - 234:4
Road ^[1] - 171:10
Roberts ^[1] - 171:10
rodent ^[2] - 142:15,
 147:2
rodents ^[5] - 132:9,
 143:6, 145:17,
 148:13, 155:8
rolled ^[1] - 143:17
roof ^[4] - 60:9, 90:5,
 169:16, 170:1
roofs ^[1] - 36:7
room ^[4] - 69:3,
 74:14, 153:15,
 177:4
rotting ^[1] - 243:1
roughly ^[2] - 10:5,
 222:14
round ^[1] - 55:8
row ^[2] - 116:14,
 142:2
rules ^[1] - 227:17
run ^[4] - 100:6,
 150:13, 193:17,
 225:14
rundown ^[1] - 243:1
running ^[2] - 48:13,
 99:1
runs ^[2] - 147:2,
 193:16

S

safe ^[1] - 122:1
safer ^[1] - 196:6
safety ^[4] - 34:3,
 162:10, 173:10,
 245:4
SAME ^[1] - 248:15
sat ^[1] - 181:8
satisfaction
^[1] - 160:5
satisfactory
^[1] - 160:10
satisfied ^[1] - 159:12
satisfies ^[1] - 211:6
satisfy ^[3] - 213:2,
 217:10, 235:4
save ^[2] - 35:7,
 242:13
saves ^[1] - 115:1
saw ^[4] - 34:15,

53:16, 72:6, 117:10
scale ^[1] - 14:13
scaled ^[2] - 95:18,
 161:2
scaling ^[1] - 47:10
scenario ^[1] - 221:5
schedule ^[1] - 12:2
scheduled
^[1] - 147:13
school ^[4] - 62:14,
 62:16, 122:8,
 122:10
schools ^[1] - 231:3
scratch ^[1] - 223:1
screaming ^[1] - 134:6
screen ^[2] - 96:7,
 113:4
second ^[11] - 23:3,
 27:10, 27:14, 27:15,
 65:8, 71:5, 74:16,
 75:7, 107:5, 139:18
Secretary ^[1] - 1:11
sections ^[1] - 161:4
secure ^[2] - 32:11,
 74:14
secured ^[1] - 55:4
security ^[9] - 34:3,
 98:6, 99:3, 99:4,
 100:10, 101:3,
 164:11, 164:13,
 164:14
see ^[65] - 6:15, 10:3,
 16:12, 19:6, 26:10,
 29:16, 37:17, 44:11,
 45:10, 46:5, 59:11,
 63:2, 63:10, 63:13,
 66:10, 67:5, 67:7,
 67:8, 67:12, 68:2,
 69:5, 72:4, 75:6,
 77:7, 78:4, 79:15,
 79:17, 80:4, 83:3,
 84:6, 84:13, 91:11,
 105:6, 119:3,
 128:16, 129:1,
 129:2, 132:13,
 133:11, 134:1,
 135:16, 143:5,
 154:11, 156:10,
 158:12, 176:13,
 178:8, 181:9,
 181:17, 190:6,
 195:18, 198:9,
 198:17, 201:18,
 202:1, 209:2,

211:14, 217:8,
219:2, 220:5, 222:8,
228:8, 232:3,
243:14

seeing [2] - 197:2,
197:6

seek [1] - 242:16

seeking [10] - 10:12,
178:13, 178:14,
195:9, 203:6,
205:17, 211:8,
229:18, 230:8,
234:18

seem [6] - 19:13,
104:18, 135:9,
137:3, 140:1,
209:18

selectively [1] - 93:1

self [2] - 197:8,
197:12

self-imposed
[2] - 197:8, 197:12

sell [1] - 219:12

semiprivate

[1] - 66:17

Senior [1] - 1:5

sense [7] - 56:4, 94:9,
94:15, 110:9, 120:7,
180:16, 216:3

sensitive [2] - 70:4,
110:14

sensors [1] - 70:10

sentiments

[1] - 155:18

separate [15] - 6:2,
59:17, 170:4, 176:4,
177:7, 199:18,
200:5, 201:13,
205:16, 207:9,
211:17, 213:6,
213:10, 218:4,
220:5

September [2] - 44:8,
128:6

series [2] - 147:17,
182:1

serious [1] - 149:18

seriously [2] - 152:5,
157:4

SERNA [48] - 184:15,
185:2, 185:5,
185:10, 185:14,
185:17, 186:6,
186:10, 186:18,

187:10, 187:15,
 187:18, 189:5,
 190:5, 192:17,
 193:6, 195:3,
 196:13, 196:17,
 197:14, 198:11,
 199:16, 200:8,
 201:6, 201:8,
 204:13, 204:17,
 205:2, 205:10,
 206:6, 207:6,
 207:16, 208:2,
 208:4, 208:14,
 210:14, 211:3,
 211:7, 212:1, 212:8,
 212:11, 216:18,
 217:4, 217:14,
 218:16, 219:7,
 220:9, 222:10
Serna ^[2] - 175:11,
 184:15
serve ^[2] - 10:14,
 177:8
service ^[1] - 127:5
Services ^[2] - 216:10,
 247:3
services ^[4] - 32:12,
 150:7, 150:10,
 231:15
sessions ^[1] - 3:11
set ^[6] - 35:5, 35:6,
 75:3, 232:6, 248:6,
 248:7
setback ^[10] - 94:3,
 95:2, 95:6, 177:18,
 178:13, 179:11,
 196:2, 206:11,
 242:17
setbacks ^[9] - 55:17,
 83:18, 87:9, 88:9,
 88:10, 112:17,
 113:8, 202:16,
 218:10
settings ^[1] - 121:15
seven ^[6] - 63:16,
 67:7, 71:8, 194:11,
 226:17, 227:8
several ^[1] - 79:4
severely ^[1] - 52:16
sex ^[1] - 235:17
shade ^[7] - 75:18,
 105:17, 106:3,
 106:4, 115:14,
 130:3

shaded ^[1] - 106:8
shaft ^[1] - 90:1
shall ^[2] - 163:8,
 164:10
SHANI ^[6] - 131:14,
 136:1, 136:7, 137:1,
 137:10, 137:18
Shani ^[1] - 131:14
shape ^[5] - 18:9,
 35:18, 194:3,
 225:17, 240:11
shaped ^[1] - 33:2
share ^[1] - 6:17
sharing ^[2] - 7:1,
 130:13
shed ^[2] - 74:18,
 116:18
sheds ^[1] - 72:17
sheet ^[1] - 247:7
SHEET ^[1] - 247:1
Sheet ^[2] - 247:2,
 247:7
shield ^[1] - 45:7
shining ^[1] - 106:1
Shop ^[1] - 231:1
shop ^[14] - 230:8,
 230:18, 231:5,
 231:6, 231:8,
 231:11, 231:13,
 232:1, 232:15,
 233:16, 235:9,
 235:16, 235:17,
 238:9
shops ^[5] - 107:11,
 144:10, 234:1,
 234:3, 234:5
short ^[21] - 54:18,
 55:2, 55:10, 70:5,
 72:3, 73:3, 73:9,
 145:3, 171:4,
 207:17, 208:4,
 208:8, 208:11,
 210:7, 211:4, 214:1,
 214:4, 214:7,
 214:16, 217:12,
 237:2
short-term ^[13] - 72:3,
 73:3, 73:9, 207:17,
 208:4, 208:8,
 208:11, 210:7,
 211:4, 214:1, 214:4,
 214:7, 217:12
Shorthand
^[2] - 248:4, 248:12

Show ^[4] - 119:5,
 165:9, 226:7,
 241:11

show ^[15] - 16:11,
 24:18, 42:17, 44:9,
 52:7, 56:10, 61:6,
 62:10, 65:15, 73:2,
 85:3, 119:3, 179:17,
 183:11, 195:15

showing ^[5] - 85:2,
 160:13, 199:2,
 207:13, 209:11

shown ^[7] - 61:11,
 67:6, 71:9, 178:1,
 179:11, 179:15,
 243:10

shows ^[4] - 44:17,
 87:8, 87:10, 154:8

shrubs ^[1] - 118:6

shuttle ^[1] - 148:1

side ^[33] - 55:17, 68:4,
 69:17, 69:18, 70:6,
 70:8, 76:1, 77:17,
 78:3, 82:11, 84:2,
 86:3, 86:4, 93:10,
 93:11, 95:1, 113:12,
 113:15, 113:16,
 113:18, 114:1,
 114:7, 115:10,
 141:18, 142:1,
 143:4, 148:14,
 169:15, 194:15,
 207:16, 220:7,
 242:17

sides ^[1] - 154:1

sidewalk ^[2] - 118:6,
 142:1

siding ^[1] - 36:5

Sign ^[1] - 247:7

sign ^[7] - 136:4,
 137:18, 138:4,
 227:1, 227:6, 227:9

SIGNATURE
^[1] - 247:1

signed ^[1] - 39:8

significant ^[5] - 36:5,
 38:8, 61:9, 140:2,
 162:10

significantly
^[2] - 103:18, 119:14

signs ^[3] - 135:14,
 136:1, 137:12

similar ^[3] - 84:11,
 84:14, 95:8

Simmons [2] - 236:5,
239:7

simple [1] - 152:18

simply [1] - 70:9

singing [1] - 102:15

single [5] - 47:4,
60:14, 114:12,
197:5, 218:15

single-family
[1] - 60:14

sit [1] - 9:16

site [52] - 17:10,
17:11, 17:13, 52:8,
52:14, 58:3, 59:2,
59:9, 59:15, 60:4,
61:3, 61:8, 64:18,
65:3, 65:4, 66:11,
66:12, 66:14, 67:4,
67:9, 68:1, 71:8,
71:15, 72:3, 75:16,
75:17, 80:10, 81:17,
82:14, 82:15, 85:13,
85:18, 92:1, 92:14,
93:2, 93:5, 93:17,
97:3, 103:6, 109:16,
143:10, 144:4,
144:16, 145:11,
152:12, 160:2,
160:3, 160:12,
160:17, 161:1,
224:14

sites [6] - 10:1, 81:18,
92:3, 92:6, 103:15,
103:17

sits [3] - 48:12, 69:12,
116:12

Sitting [7] - 3:4, 5:2,
29:2, 166:2, 175:2,
229:2, 242:2

sitting [5] - 20:13,
101:17, 132:11,
157:6, 201:13

situation [5] - 189:1,
193:11, 193:12,
235:5, 240:8

six [12] - 62:9, 63:16,
77:11, 82:17, 85:14,
181:15, 188:7,
195:13, 197:1,
218:14, 219:6

six-family [3] - 77:11,
82:17

six-unit [1] - 85:14

size [13] - 19:12,

46:12, 46:16, 62:2,
 77:14, 83:2, 96:1,
 104:10, 104:12,
 115:1, 149:14,
 212:11, 213:11
sized [4] - 18:17,
 19:1, 46:10, 123:15
sizes [4] - 48:18,
 79:8, 95:15, 110:11
skew [1] - 51:18
skewed [1] - 114:6
SLATER [37] - 16:5,
 16:10, 18:10, 19:6,
 19:10, 96:6, 153:2,
 153:5, 153:10,
 153:16, 154:3,
 154:6, 155:9, 187:4,
 187:7, 187:17,
 196:11, 196:15,
 196:18, 201:7,
 201:11, 201:13,
 201:17, 202:4,
 202:12, 203:13,
 203:17, 206:10,
 208:6, 213:18,
 218:5, 218:14,
 219:9, 219:17,
 221:2, 223:3,
 223:10
Slater [8] - 1:9, 3:5,
 5:4, 29:4, 166:4,
 175:4, 229:4, 242:4
slide [2] - 59:7, 90:12
slides [1] - 87:7
slight [1] - 67:9
slightly [5] - 53:4,
 56:4, 67:8, 86:14,
 158:5
slipped [1] - 138:11
slot [1] - 198:5
small [6] - 86:4, 98:4,
 104:18, 122:2,
 142:2, 176:18
smaller [13] - 49:13,
 49:15, 51:12, 60:13,
 68:9, 72:10, 72:11,
 88:15, 117:17,
 122:3, 123:18,
 135:11, 143:16
snow [3] - 55:6, 81:2,
 125:9
snowbank [1] - 80:14
so... [3] - 19:11,
 135:12, 202:8

soil ^[2] - 194:2,
 225:17
solar ^[1] - 76:9
sold ^[1] - 231:5
sole ^[1] - 229:16
solely ^[1] - 226:14
solution ^[14] - 133:12,
 134:10, 137:3,
 137:16, 143:1,
 146:18, 148:18,
 154:11, 154:15,
 155:5, 170:15,
 171:13, 214:5,
 216:13
solutions ^[1] - 134:2
solve ^[2] - 137:12,
 137:14
solves ^[1] - 214:8
someone ^[4] - 24:2,
 101:17, 111:5,
 125:16
Somerville
^[2] - 58:10, 237:11
sometimes ^[6] - 5:12,
 11:13, 124:17,
 125:11, 136:4,
 150:10
somewhat
^[1] - 153:18
somewhere
^[1] - 192:8
son ^[1] - 237:16
sorry ^[12] - 19:3,
 19:10, 21:8, 23:9,
 41:10, 69:7, 126:11,
 166:11, 192:3,
 207:18, 217:3,
 226:16
sort ^[19] - 9:3, 22:7,
 23:4, 133:12, 134:1,
 147:4, 147:10,
 176:2, 177:10,
 177:14, 178:3,
 180:8, 180:9, 181:8,
 199:9, 199:11,
 204:10, 220:3,
 220:4
sought ^[7] - 27:6,
 131:13, 138:17,
 173:18, 240:3,
 244:4, 244:9
sources ^[1] - 37:3
south ^[2] - 76:1,
 105:6

space ^[109] - 9:8,
 10:10, 15:1, 33:9,
 33:13, 45:2, 53:10,
 53:11, 55:7, 61:9,
 61:11, 62:1, 62:6,
 63:7, 66:3, 66:4,
 66:8, 66:16, 66:17,
 68:1, 68:18, 69:4,
 74:5, 81:3, 81:5,
 81:8, 86:7, 86:8,
 87:2, 92:5, 93:4,
 93:5, 96:18, 97:1,
 97:8, 97:9, 97:10,
 97:13, 97:16, 98:4,
 99:9, 100:11, 108:3,
 111:6, 115:15,
 115:18, 116:2,
 116:5, 116:9,
 116:14, 116:17,
 117:12, 117:14,
 118:2, 118:4, 118:8,
 125:6, 125:7,
 127:18, 129:16,
 130:5, 134:16,
 135:11, 143:14,
 151:14, 151:15,
 162:11, 164:16,
 164:17, 177:2,
 178:7, 178:10,
 178:15, 179:15,
 180:11, 181:6,
 181:13, 182:17,
 183:1, 183:12,
 186:12, 186:13,
 187:5, 187:14,
 188:11, 189:2,
 191:8, 194:14,
 195:15, 195:16,
 195:17, 196:9,
 197:7, 198:7, 199:9,
 199:10, 206:18,
 208:10, 208:11,
 213:12, 214:6,
 214:8, 217:7,
 217:10, 224:1,
 224:5, 224:9

spaces ^[66] - 7:2, 7:7,
 8:11, 8:15, 9:1, 9:2,
 9:4, 9:13, 10:15,
 11:9, 11:11, 12:15,
 12:17, 13:4, 13:6,
 13:12, 13:16, 13:17,
 14:5, 14:16, 15:4,
 15:13, 15:18, 16:17,

17:1, 17:2, 18:5,
 25:18, 26:3, 26:13,
 27:1, 52:17, 53:1,
 53:3, 53:7, 60:1,
 61:8, 61:11, 63:10,
 65:18, 67:1, 67:15,
 71:12, 72:3, 72:5,
 73:3, 73:9, 74:2,
 93:6, 97:4, 98:5,
 99:14, 106:16,
 136:16, 141:7,
 181:16, 182:2,
 187:7, 188:7, 190:1,
 191:6, 197:6, 197:9
speaker [2] - 119:11,
 123:13
speakers [2] - 5:11,
 120:15
speaking [4] - 121:9,
 121:13, 141:10,
 182:12
Special [25] - 165:11,
 172:13, 172:17,
 174:4, 176:1, 177:1,
 177:6, 180:16,
 184:5, 198:15,
 198:16, 199:8,
 205:17, 206:3,
 211:8, 211:11,
 212:17, 216:8,
 221:12, 226:12,
 226:14, 244:5,
 244:9, 244:11,
 245:18
special [2] - 218:1,
 231:15
specific [6] - 91:9,
 102:6, 113:8,
 162:17, 217:2,
 217:5
specifically
 [4] - 101:2, 112:16,
 127:8, 160:8
speculating
 [1] - 40:17
speech [1] - 30:13
spell [1] - 175:14
spend [2] - 40:5,
 40:17
split [1] - 169:14
spoken [1] - 169:11
sponsor [3] - 5:15,
 29:13, 31:6
spot [8] - 34:7, 133:6,

186:1, 186:4, 186:8,
186:16, 188:15,
192:8

spots ^[4] - 18:8,
114:18, 127:12,
197:15

spread ^[1] - 135:1

sprinkled ^[1] - 62:11

Square ^[6] - 58:9,
58:10, 233:11,
233:13, 233:15,
233:18

square ^[5] - 33:6,
104:6, 152:3, 212:9,
212:18

Squirrel ^[23] - 6:13,
7:6, 8:15, 10:15,
13:17, 14:11, 18:11,
19:4, 22:9, 27:2,
27:4, 31:3, 34:16,
43:14, 46:11, 46:13,
49:4, 61:9, 63:6,
73:6, 103:16,
106:13, 148:4

Squirrelwood
^[4] - 52:17, 103:10,
103:16, 113:11

SS ^[1] - 248:3

staff ^[4] - 45:18,
78:16, 84:4, 107:8

staffs ^[1] - 46:3

stage ^[1] - 231:11

staggered ^[1] - 76:4

stairwell ^[1] - 77:8

stand ^[2] - 87:13,
210:3

standard ^[3] - 103:7,
103:9, 103:12

Stars ^[1] - 230:6

Start ^[18] - 5:14,
29:13, 30:2, 31:6,
37:4, 64:7, 64:10,
84:7, 85:5, 97:15,
103:10, 105:12,
105:15, 106:18,
111:12, 124:5,
128:2, 141:8

start ^[6] - 29:6, 64:18,
65:16, 96:4, 121:2,
159:7

started ^[8] - 42:11,
64:15, 66:11, 66:15,
72:2, 78:12, 177:12,
222:1

starters ^[1] - 204:4
starting ^[1] - 60:3
starts ^[1] - 239:10
state ^[8] - 37:3, 38:2,
 38:5, 38:7, 38:12,
 38:18, 50:17, 57:15
State ^[1] - 123:3
statement ^[4] - 3:9,
 97:1, 97:13, 103:5
statement(s)
^[1] - 247:17
statements
^[3] - 97:14, 101:14,
 196:5
states ^[3] - 91:16,
 97:6, 108:15
stations ^[1] - 19:18
statistically
^[1] - 222:5
stay ^[4] - 32:14, 58:6,
 111:13, 121:16
STENOGRAPHER
^[2] - 166:15, 175:14
stenographer
^[5] - 4:6, 21:14,
 29:11, 121:5,
 184:14
step ^[1] - 155:1
stepped ^[1] - 83:17
steps ^[1] - 164:11
sticker ^[2] - 9:6, 9:9
sticking ^[1] - 238:17
still ^[33] - 10:9, 13:9,
 13:12, 13:13, 17:5,
 17:9, 18:4, 20:2,
 27:4, 33:7, 49:14,
 57:7, 66:18, 74:3,
 76:16, 80:4, 89:14,
 111:2, 115:2,
 116:16, 125:13,
 137:6, 138:2, 181:2,
 192:10, 192:12,
 192:15, 192:16,
 211:9, 211:10,
 212:14, 212:16,
 218:11
stock ^[1] - 43:2
stop ^[4] - 19:17, 39:1,
 103:3, 124:18
stopped ^[1] - 125:1
storage ^[6] - 85:16,
 138:14, 141:13,
 141:15, 147:1,
 164:1

store [2] - 230:7,
 238:8
stored [1] - 142:6
stories [9] - 59:14,
 60:7, 62:10, 63:16,
 69:16, 69:17, 88:12,
 88:14, 190:15
storing [1] - 155:3
storm [2] - 75:18,
 162:11
story [5] - 60:16,
 63:13, 69:15, 89:8,
 240:14
straight [1] - 104:10
straightforward
 [1] - 168:15
strategic [1] - 130:1
Street [41] - 2:3, 2:5,
 2:10, 5:6, 23:12,
 26:14, 29:9, 60:5,
 62:7, 63:12, 65:12,
 77:1, 77:2, 85:13,
 106:3, 106:14,
 106:16, 117:4,
 126:6, 126:12,
 127:4, 127:7,
 131:15, 132:4,
 132:18, 133:8,
 133:11, 133:16,
 135:3, 153:9,
 171:10, 230:18,
 231:6, 231:9,
 233:11, 234:2,
 234:4, 237:11,
 242:6
street [41] - 6:15,
 7:10, 13:1, 15:18,
 16:9, 16:10, 34:17,
 56:7, 62:15, 62:17,
 71:5, 71:7, 80:13,
 82:6, 82:8, 82:12,
 83:11, 83:12, 83:13,
 92:11, 106:14,
 106:18, 107:1,
 107:15, 107:17,
 108:4, 108:5,
 109:15, 110:7,
 132:1, 133:5,
 170:11, 183:3,
 189:3, 189:8,
 189:10, 190:1,
 230:3, 236:7,
 240:15
streets [2] - 107:6,

160:14

streetscapes

[1] - 110:8

strict [1] - 159:1

strip [3] - 60:17, 68:2,
69:13

striving [1] - 191:1

strong [4] - 58:12,
79:18, 84:5, 140:9

stronger [2] - 79:1,
84:10

structure [15] - 11:16,
177:7, 194:5, 195:3,
195:6, 199:14,
200:6, 201:16,
207:9, 211:17,
212:6, 212:14,
213:6, 213:10,
234:14

structures [6] - 164:6,
194:4, 194:15,
194:16, 220:3,
224:13

stud [1] - 76:4

studios [4] - 47:1,
48:4, 48:6, 95:17

study [10] - 24:17,
24:18, 44:16, 64:18,
66:11, 70:17, 126:9,
155:12, 164:17,
227:18

studying [1] - 65:16

stuff [6] - 36:3, 99:6,
136:10, 137:5,
195:10, 206:15

style [2] - 143:11,
148:4

subject [6] - 3:13,
160:4, 163:9,
168:10, 226:15,
226:17

sublime [1] - 166:10

submerged

[1] - 148:12

submit [1] - 227:13

submittal [1] - 158:5

submitted [10] - 39:3,
160:9, 161:2, 161:5,
161:9, 161:13,
163:12, 163:14,
174:6, 246:3

subscribe

[1] - 247:16

subscriptions

[1] - 20:4

subsidies [1] - 50:16

subsidize [1] - 32:1

subsidized

[1] - 129:12

subsidy [2] - 38:4,

162:7

substantial

[12] - 12:11, 16:15,

162:2, 173:3,

188:18, 194:1,

224:8, 224:16,

225:11, 240:5,

240:17, 244:15

substantially

[5] - 35:17, 81:7,

83:17, 224:17,

240:18

subtle [1] - 4:11

subtracting [1] - 81:6

succeeds [1] - 183:4

sufficient

[3] - 119:17, 179:5,

217:9

suggest [3] - 216:7,

216:9, 221:7

suggested [1] - 107:7

suggesting

[1] - 218:10

suggestion

[2] - 111:17, 189:15

suggestions

[1] - 158:1

suits [1] - 178:10

SULLIVAN

[97] - 14:14, 15:11,

15:16, 17:15, 18:1,

21:3, 21:6, 26:8,

48:4, 48:10, 48:15,

54:16, 55:9, 55:12,

56:15, 57:1, 57:4,

57:8, 57:11, 88:17,

89:3, 89:9, 89:13,

89:16, 90:3, 90:6,

90:9, 94:4, 94:17,

95:11, 95:18, 96:5,

144:3, 144:13,

145:12, 146:1,

146:4, 146:7,

146:13, 152:8,

152:14, 152:16,

152:18, 153:14,

155:18, 157:3,

179:10, 184:7,

184:18, 185:3,
 185:8, 185:11,
 185:16, 186:3,
 186:7, 186:11,
 186:15, 191:3,
 191:11, 192:1,
 192:5, 192:11,
 192:18, 193:3,
 193:8, 195:12,
 195:18, 200:17,
 201:2, 201:9, 204:2,
 204:7, 206:13,
 207:2, 207:14,
 207:18, 208:3,
 208:8, 208:17,
 209:2, 209:6,
 209:14, 210:6,
 210:11, 210:16,
 211:5, 211:16,
 212:5, 212:13,
 213:1, 213:4, 213:7,
 217:3, 217:6,
 218:18, 236:2,
 236:15

Sullivan ^[16] - 1:8,
 3:5, 5:3, 28:8, 29:3,
 165:13, 166:3,
 174:14, 175:3,
 217:1, 226:9, 228:9,
 229:3, 241:14,
 242:3, 246:10

summarize

^[1] - 139:7

summarizing

^[1] - 139:13

summary ^[1] - 30:11

summer ^[4] - 133:14,

134:8, 135:4, 135:9

sun ^[1] - 106:1

supplies ^[1] - 107:11

support ^[21] - 22:1,

120:12, 121:9,

123:7, 126:2, 126:7,

129:9, 134:9, 140:5,

140:7, 140:9,

140:11, 140:13,

140:18, 157:5,

162:13, 206:16,

233:12, 234:11,

239:5

supporting

^[1] - 196:4

supportive ^[1] - 91:12

suppose ^[2] - 16:14,

16:15

supposed

[1] - 220:12

surface [4] - 65:6,

66:2, 80:11, 80:12

surplus [1] - 12:17

surrounding

[1] - 161:15

survey [1] - 154:8

susceptible

[1] - 97:12

suspect [1] - 54:11

sustainable

[3] - 75:16, 76:2,

238:12

sustained [1] - 98:2

switching [1] - 86:3

swivel [1] - 82:10

systemic [1] - 157:9

T

talks [1] - 78:16

taller [2] - 62:9, 62:10

tallest [1] - 61:2

tan [1] - 67:7

tape [2] - 4:6, 4:9

targeting [1] - 50:11

tax [6] - 35:5, 38:15,

39:9, 41:18, 50:18,

200:7

tearing [1] - 16:2

technically

[1] - 237:17

Temple [3] - 229:15,

229:16, 241:9

temple [1] - 231:13

temporary [3] - 53:1,

53:6, 220:12

ten [10] - 8:16, 14:3,

14:4, 14:16, 15:13,

48:1, 50:14, 132:15,

194:9, 211:10

tenant [1] - 54:18

tenant-owned

[1] - 54:18

tenants [14] - 9:3, 9:5,

10:18, 22:8, 32:16,

132:18, 134:6,

135:3, 150:2, 155:9,

197:11, 197:16,

207:15, 208:1

tend [1] - 151:5

term [25] - 54:17,

54:18, 55:2, 55:3,
 55:10, 72:2, 72:3,
 72:5, 72:9, 73:3,
 73:8, 73:9, 207:17,
 208:4, 208:8,
 208:11, 210:7,
 211:4, 214:1, 214:4,
 214:7, 214:10,
 214:16, 217:12

terms ^[16] - 6:2,
 19:16, 20:3, 43:1,
 45:5, 46:7, 46:9,
 47:14, 55:15,
 104:15, 106:9,
 110:11, 115:14,
 148:9, 158:6, 199:6

test ^[1] - 209:17

testimony ^[8] - 21:12,
 118:17, 119:2,
 172:2, 172:9, 221:9,
 237:7, 239:16

thankful ^[1] - 29:14

THE ^[11] - 1:1, 1:15,
 119:18, 120:6,
 120:18, 166:15,
 175:14, 248:15,
 248:15, 248:16,
 248:16

themselves

^[2] - 130:9, 164:7

therefor ^[1] - 247:7

therefore ^[1] - 77:4

they've ^[9] - 10:7,
 20:12, 36:16, 78:11,
 128:11, 128:13,
 160:18, 161:1,
 166:9

thickly ^[1] - 71:13

thinking ^[3] - 148:17,
 202:9, 220:17

third ^[3] - 37:11,

65:10, 75:5

THIS ^[1] - 248:15

thoughtful

^[1] - 121:11

thoughtfulness

^[1] - 123:14

thousands

^[1] - 127:11

three ^[64] - 11:13,
 19:2, 19:3, 19:5,
 22:14, 37:7, 47:5,
 47:16, 48:1, 59:13,
 60:7, 61:15, 65:4,

69:17, 72:14, 74:7,
 77:10, 77:13, 77:14,
 83:2, 83:5, 84:17,
 86:11, 86:12, 86:16,
 87:7, 87:10, 88:13,
 92:17, 92:18, 94:13,
 95:16, 97:14, 98:3,
 119:16, 147:12,
 147:15, 154:12,
 177:3, 177:16,
 181:15, 182:2,
 187:9, 187:10,
 187:12, 188:1,
 188:7, 188:8, 188:9,
 188:13, 189:7,
 190:14, 190:18,
 191:7, 191:13,
 196:13, 196:14,
 196:16, 197:6,
 197:9, 201:4, 208:6,
 219:12

three-bedroom

[5] - 19:2, 86:12,
 86:16, 94:13,
 154:12

three-family

[6] - 77:10, 77:14,
 83:2, 188:1, 188:13,
 190:14

three-unit [1] - 190:18

thresholds

[1] - 203:17

thrilled [1] - 215:1

throughout

[2] - 103:17, 148:2

THURSDAY [1] - 1:4

tie [1] - 25:9

tied [3] - 5:16, 26:4, 181:11

tier [3] - 50:15, 51:3, 51:7

timing [1] - 39:17

Timothy [1] - 140:5

TO [1] - 248:15

today [4] - 39:3, 46:5, 229:18, 234:9

together [7] - 5:18, 35:2, 94:1, 121:11, 121:12, 180:14, 200:12

tomorrow [1] - 139:6

tone [2] - 70:13, 94:12

tonight [15] - 53:16, 91:3, 120:16, 139:5,

146:8, 156:11,
 157:18, 164:3,
 168:10, 180:6,
 216:2, 217:17,
 221:10, 227:3,
 227:11
took ^[3] - 68:16, 83:6,
 104:6
tools ^[1] - 107:11
Toomey ^[1] - 140:5
top ^[4] - 33:2, 60:15,
 149:15, 179:14
topic ^[1] - 33:17
topography
^[4] - 194:3, 224:13,
 225:18, 240:12
total ^[2] - 196:15,
 196:18
toter ^[1] - 149:7
toters ^[5] - 142:2,
 145:9, 148:2,
 148:17, 149:12
touch ^[3] - 177:15,
 199:14, 209:8
touched ^[2] - 16:13,
 236:10
touching ^[1] - 220:3
tough ^[1] - 115:5
toward ^[1] - 97:8
towards ^[5] - 47:11,
 114:6, 181:14,
 182:3, 207:12
towed ^[3] - 9:11,
 136:6, 136:7
town ^[1] - 27:14
townhouse
^[1] - 60:17
townhouses
^[1] - 60:18
tradeoff ^[1] - 69:1
traffic ^[5] - 162:12,
 173:1, 234:7, 234:8,
 244:12
Traffic ^[5] - 10:6,
 19:15, 46:2, 72:7,
 141:4
transaction ^[1] - 15:6
transcript ^[5] - 4:8,
 247:2, 247:6,
 247:15, 247:16
TRANSCRIPT
^[1] - 248:15
translation
^[1] - 191:10

transmit ^[1] - 3:12

Transportation

^[1] - 141:5

transportation

^[3] - 53:14, 72:8,
127:1

trash ^[46] - 44:13,

85:16, 125:9,
131:18, 132:1,
132:2, 132:4, 132:6,
132:8, 132:12,
132:14, 134:5,
138:8, 138:13,
138:14, 141:13,
141:14, 142:3,
142:4, 142:11,
143:3, 143:11,
143:17, 144:17,
147:4, 147:8,
147:12, 148:1,
148:6, 149:1, 149:5,
149:9, 149:11,
149:17, 150:12,
151:2, 151:4, 151:7,
152:8, 153:8, 153:9,
153:14, 154:9,
155:3, 155:13

travelling ^[1] - 148:13

treat ^[1] - 85:6

tree ^[8] - 71:7, 71:13,
71:14, 71:16, 110:2,
110:11, 110:13,
230:12

trees ^[22] - 56:7, 62:2,

71:4, 71:6, 71:8,
71:11, 71:13, 74:4,
76:1, 80:13, 93:4,
105:17, 109:16,
110:5, 110:7,
110:16, 110:18,
118:7, 130:2,
209:13

tried ^[1] - 96:2

trim ^[4] - 60:10, 79:1,
79:17, 80:5

troubled ^[3] - 159:3,
183:10, 214:3

Trowbridge

^[1] - 171:10

troy ^[1] - 231:1

Troy ^[1] - 231:5

Troy's ^[1] - 231:1

truck ^[3] - 149:2,
149:3, 149:6

true [6] - 40:4, 146:6,
181:4, 181:7, 190:2,
248:6

trunk [1] - 110:13

Trust [2] - 36:15,
140:7

trust [1] - 205:15

try [8] - 10:8, 26:11,
52:3, 54:10, 157:16,
159:9, 167:16,
170:14

trying [6] - 25:2,
70:14, 156:10,
195:15, 238:1,
242:13

turn [5] - 56:10,
90:15, 181:2,
226:12, 227:3

turnover [1] - 36:4

twice [2] - 11:10, 13:9

two [55] - 8:1, 10:1,
22:14, 32:18, 34:18,
35:7, 44:7, 44:9,
46:18, 47:15, 47:16,
59:13, 60:16, 65:9,
74:17, 77:5, 83:11,
83:12, 85:7, 89:4,
89:7, 94:14, 95:6,
95:16, 97:18, 115:8,
115:11, 116:6,
116:7, 119:10,
128:5, 129:8,
139:14, 154:1,
167:5, 176:4,
176:17, 177:14,
178:5, 189:18,
195:16, 196:16,
197:15, 200:17,
201:7, 201:8,
201:16, 207:12,
220:3, 220:5, 227:6,
243:9, 243:10

two's [1] - 104:7

two-bedroom

[1] - 94:14

two-story [1] - 60:16

type [4] - 74:16,
98:16, 101:8,
117:11

typed [1] - 192:2

types [1] - 117:15

typical [4] - 31:17,
60:11, 158:17,
161:3

typically ^[2] - 20:8,
139:4

U

Uber ^[1] - 127:3

ultimately ^[1] - 31:4

unanimous

^[1] - 234:11

UNDER ^[1] - 248:16

under ^[19] - 8:1, 30:5,

35:11, 38:1, 41:17,

77:16, 77:18, 82:7,

82:9, 136:15, 163:7,

186:4, 201:3,

205:14, 211:10,

220:10, 220:11,

230:12

underground

^[1] - 148:13

underhoused

^[1] - 121:15

underneath ^[1] - 78:9

undersigned

^[3] - 239:11, 239:12,

248:4

understandable

^[1] - 184:3

understandably

^[1] - 80:17

understood ^[1] - 8:8

underutilized

^[2] - 62:3, 85:15

undesirable

^[3] - 97:12, 97:17,

98:12

unfortunate

^[1] - 179:10

unfortunately

^[1] - 54:6

UNIDENTIFIED

^[3] - 119:18, 120:6,

120:18

unified ^[1] - 197:4

union ^[2] - 77:1, 77:2

unique ^[3] - 89:3,

90:6, 153:18

unit ^[23] - 6:10, 6:11,

26:15, 48:9, 48:18,

60:16, 85:14, 94:15,

104:9, 104:12,

109:18, 169:14,

187:13, 190:18,

204:3, 215:4, 215:5,

215:10, 220:10,
234:10

units [115] - 6:16,

16:5, 18:7, 18:17,
19:1, 19:2, 19:12,
22:5, 23:1, 31:1,
31:5, 35:11, 36:11,
36:18, 38:9, 42:10,
42:15, 43:1, 46:8,
46:10, 46:11, 46:12,
46:14, 46:17, 46:18,
47:2, 47:11, 48:2,
49:10, 49:13, 49:15,
49:17, 49:18, 50:3,
50:4, 50:6, 50:9,
50:10, 50:14, 51:12,
53:3, 56:2, 57:16,
57:18, 65:3, 68:5,
68:6, 69:16, 69:17,
73:14, 85:7, 85:9,
86:11, 86:12, 86:16,
89:12, 94:6, 94:7,
94:13, 94:14, 95:12,
95:15, 96:1, 98:18,
101:11, 103:6,
103:7, 103:8, 103:9,
104:8, 104:10,
104:11, 104:12,
104:15, 109:9,
109:10, 111:8,
121:18, 122:2,
122:3, 123:13,
123:15, 123:18,
124:16, 127:16,
132:15, 132:16,
137:2, 137:7,
147:17, 148:9,
149:15, 149:16,
150:9, 151:8,
154:12, 162:4,
181:15, 187:8,
187:11, 187:12,
188:14, 190:16,
196:11, 197:1,
200:11, 202:5,
208:6, 215:15,
218:15, 219:6,
219:13, 220:10,
238:11

UNLESS [1] - 248:16

unless [7] - 24:1,

47:6, 90:15, 98:15,
119:16, 167:9,
203:8

unmet [1] - 162:2
unrelated [1] - 180:16
unusable [2] - 117:4,
 240:12
unused [1] - 199:10
up [74] - 12:4, 16:2,
 20:12, 21:6, 21:11,
 31:4, 33:17, 42:17,
 44:9, 45:10, 47:4,
 47:8, 47:17, 48:2,
 52:11, 53:2, 53:5,
 53:10, 53:12, 55:7,
 56:2, 66:2, 67:11,
 67:18, 69:14, 70:2,
 70:7, 73:10, 74:2,
 78:8, 80:15, 81:3,
 81:18, 84:8, 90:2,
 90:3, 95:8, 96:7,
 97:17, 104:11,
 116:16, 117:7,
 118:17, 119:2,
 121:17, 128:12,
 132:8, 133:9,
 135:14, 136:2,
 137:11, 138:4,
 142:7, 142:8, 143:3,
 147:9, 147:12,
 149:3, 150:13,
 155:5, 156:2,
 157:12, 171:14,
 172:2, 175:12,
 199:9, 210:7,
 211:13, 212:6,
 214:6, 216:13,
 217:12, 221:8,
 237:7
updated [1] - 36:7
updates [1] - 36:2
upgrade [1] - 245:12
uphill [2] - 183:8,
 184:2
upstairs [1] - 176:18
urban [7] - 44:14,
 53:13, 78:1, 86:5,
 99:18, 145:15,
 151:4
urge [1] - 98:5
usable [4] - 66:8,
 93:6, 97:11, 97:16
usage [1] - 97:9
useful [1] - 117:17
uses [4] - 97:12,
 97:17, 173:6,
 244:18

utilities ^[1] - 161:6
utilize ^[2] - 99:14,
 164:17
utilized ^[1] - 99:15
utilizing ^[1] - 125:6
utopias ^[1] - 108:9

V

vacant ^[1] - 9:16
vacuum ^[1] - 99:17
valuable ^[1] - 57:17
value ^[3] - 57:12,
 57:13, 76:6
Variance
^[28] - 104:17, 176:2,
 176:9, 178:14,
 178:15, 180:11,
 180:15, 181:2,
 184:5, 188:17,
 194:8, 198:14,
 206:5, 211:4,
 217:16, 221:11,
 223:16, 223:18,
 224:3, 225:2, 225:6,
 225:9, 226:2,
 234:18, 235:4,
 240:3, 241:7, 244:3
variance ^[5] - 56:3,
 56:13, 203:6,
 203:14, 203:15
Variances ^[2] - 235:2,
 235:6
variances ^[1] - 203:7
variation ^[1] - 224:9
varies ^[1] - 11:12
vary ^[1] - 112:17
vehicle ^[1] - 196:3
ventured ^[1] - 198:14
versus ^[3] - 22:14,
 115:1
vertical ^[1] - 79:16
vertically ^[1] - 243:9
via ^[1] - 170:3
vibrancy ^[2] - 122:7,
 233:17
Victorian ^[1] - 231:18
video ^[1] - 3:11
view ^[8] - 26:5, 76:17,
 78:3, 84:17, 84:18,
 141:6, 193:15,
 214:17
views ^[1] - 84:18
VINING ^[9] - 166:11,

166:16, 167:8,
168:14, 168:18,
169:5, 170:3, 170:7,
174:8

Vining ^[1] - 166:16
vintage ^[1] - 231:18
violates ^[1] - 88:17
virtually ^[1] - 117:4
visible ^[1] - 100:4
visitors ^[1] - 55:3
visits ^[1] - 164:4
visual ^[1] - 92:15
vocabulary
^[2] - 84:11, 84:12
volume ^[1] - 247:6
vote ^[6] - 172:10,
221:10, 223:16,
225:7, 239:16,
243:15
votes ^[2] - 222:5,
223:16

W

W-A-N-G ^[1] - 126:7
wait ^[7] - 23:17, 49:6,
49:7, 49:9, 49:12,
49:16, 127:11
waited ^[1] - 39:13
waiting ^[8] - 7:11,
10:17, 11:2, 11:7,
40:2, 48:17, 48:18,
49:1
waive ^[1] - 222:2
waiver ^[2] - 126:9,
227:1
walk ^[8] - 58:3, 58:18,
66:12, 66:13, 85:17,
86:18, 155:11,
199:1
walked ^[1] - 145:17
walking ^[5] - 34:1,
60:4, 85:17, 101:15,
127:1
walks ^[2] - 144:14,
160:15
walkway ^[3] - 86:2,
86:4, 86:7
walkways ^[1] - 118:11
wall ^[3] - 76:4, 76:5,
142:9
walled ^[1] - 76:4
WANG ^[1] - 126:6
Wang ^[1] - 126:6

wants ^[3] - 47:3,
 120:11, 211:6
warm ^[2] - 22:7,
 157:13
waste ^[1] - 154:14
watching ^[1] - 101:17
water ^[1] - 75:18
ways ^[6] - 148:5,
 150:18, 151:1,
 152:6, 156:5,
 233:18
website ^[1] - 128:11
Wednesday
^[1] - 53:17
week ^[4] - 142:11,
 147:9, 157:10
weekly ^[1] - 106:16
weeks ^[3] - 222:10,
 222:11, 222:14
weigh ^[1] - 184:12
weighted ^[1] - 46:15
welcome ^[5] - 129:3,
 131:3, 131:7, 158:1,
 182:7
welfare ^[2] - 173:11,
 245:5
well-being
^[1] - 164:14
Wellington ^[1] - 31:13
**Wellington-Harringt
 on** ^[1] - 31:13
WERNICK ^[25] - 9:17,
 13:3, 18:2, 69:7,
 69:14, 105:2,
 112:15, 113:7,
 114:4, 114:8,
 114:11, 114:14,
 114:16, 115:7,
 165:4, 187:3, 189:9,
 198:4, 200:1,
 222:18, 223:8,
 223:12, 236:11,
 242:10, 243:16
Wernick ^[15] - 1:10,
 3:6, 5:4, 28:9, 29:4,
 165:14, 166:4,
 174:15, 175:4,
 226:10, 228:10,
 229:4, 241:15,
 242:4, 246:11
west ^[1] - 79:15
Westcoat ^[2] - 91:4,
 139:10
WESTCOAT ^[1] - 91:5

Western ^[1] - 234:4
whatnot ^[1] - 238:5
wheels ^[1] - 142:3
whereas ^[2] - 117:12,
 154:3
WHEREOF ^[1] - 248:7
white ^[1] - 168:15
whole ^[13] - 14:8,
 15:1, 33:8, 92:14,
 103:16, 108:4,
 120:10, 144:17,
 147:10, 190:15,
 191:3, 200:15,
 206:15
whoops ^[1] - 82:5
wide ^[1] - 198:7
wider ^[2] - 14:13,
 171:3
width ^[3] - 178:15,
 194:9, 198:6
wife ^[2] - 126:11,
 126:14
WILLIAMS
^[1] - 124:13
Williams ^[1] - 124:13
willing ^[1] - 20:2
window ^[1] - 169:4
windows ^[17] - 70:8,
 78:18, 79:17, 80:5,
 84:8, 106:2, 166:18,
 167:3, 167:4, 167:5,
 168:5, 168:6,
 242:17, 243:10,
 245:12, 245:14
Windsor ^[1] - 144:9
winter ^[1] - 55:6
wires ^[1] - 99:1
wish ^[3] - 4:5, 126:5,
 239:11
wishes ^[4] - 131:9,
 131:12, 138:16,
 172:7
wishing ^[10] - 5:7,
 21:10, 24:9, 166:7,
 172:3, 175:7, 229:7,
 237:8, 239:1, 242:7
WITNESS ^[1] - 248:7
woman ^[1] - 231:16
wonder ^[2] - 122:10,
 145:13
wonderful ^[2] - 124:3,
 129:15
wondering ^[1] - 5:17
wood ^[3] - 59:12,

60:6, 117:2
word ^[3] - 4:13, 40:2,
 138:15
words ^[3] - 12:10,
 37:16, 208:9
workable ^[1] - 217:8
workforce ^[1] - 50:14
works ^[5] - 12:7,
 30:12, 45:3, 88:14,
 181:12
world ^[1] - 215:11
worlds ^[1] - 215:16
worse ^[2] - 93:13,
 94:11
wrestle ^[1] - 182:16
writing ^[2] - 38:18,
 91:7
written ^[1] - 139:7
www.reportersinc.c
om ^[1] - 1:16

X

X's ^[1] - 71:9

Y

yard ^[12] - 178:18,
 179:1, 179:11,
 179:18, 183:10,
 183:12, 183:14,
 183:16, 183:17,
 195:1, 196:2,
 242:17
year ^[5] - 31:9, 42:16,
 45:13, 55:8, 124:4
years ^[6] - 31:9, 36:1,
 126:17, 132:2,
 170:11, 231:7
yelling ^[2] - 102:15,
 133:17
yellow ^[1] - 62:13
yesterday ^[1] - 53:17
young ^[5] - 51:13,
 101:18, 121:15,
 122:13, 231:4
yourself ^[4] - 188:15,
 197:7, 197:10,
 233:3
youth ^[1] - 32:2

Z

ZAMPARELLI

^[11] - 167:12,
 167:14, 168:1,

168:7, 168:13,
168:16, 169:3,
169:6, 169:9,
170:13, 170:18

Zamparelli

[1] - 167:15

Zelinski [2] - 248:4,
248:11

Zeoli [1] - 140:18

zero [6] - 52:17,
52:18, 53:5, 72:2,
72:3, 190:14

ZipCar [2] - 20:3,
127:3

zoned [3] - 235:7,
235:12, 238:4

zoning [20] - 8:5,
30:1, 90:13, 94:5,
96:3, 96:15, 104:1,
112:16, 127:13,
158:17, 159:2,
177:5, 178:18,
193:14, 194:5,
195:11, 214:17,
215:9, 216:11,
218:18

ZONING [1] - 1:1

Zoning [10] - 1:11,
3:8, 27:14, 108:13,
108:18, 172:16,
173:7, 246:13,
247:6, 247:15