

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 14, 2018  
7:15 p.m.

in

Senior Center  
806 Massachusetts Avenue  
First Floor  
Cambridge, Massachusetts 02139

Brendan Sullivan, Acting Chair  
Janet Green, Member  
Andrea A. Hickey, Member  
Slater W. Anderson, Associate Member  
Jim Monteverde, Associate Member

Sisia Daglin, Assistant Commissioner

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CASE

I N D E X

PAGE

BZA-016355-2018 -- 10 Wares Street	5
BZA-016192-2018 -- 121 Clay Auburn Street	81
BZA-016224-2018 -- 22 Haskell Street	88
BZA-016243-2018 -- 55 Park Avenue	97
BZA-016194-2018 -- 955 Mass. Avenue	112
BZA-016276-2018 -- 189 Charles Street	143
BZA-016277-2018 -- 1556 Cambridge Street	153
BZA-016336-2018 -- 10 Soden Street	188
BZA-016500-2018 -- 14 Hubbard Avenue	231

KeyWordIndex

**PROCEEDINGS**

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(7:15 p.m.)

(Sitting Members: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: Let me call to order the Board of Zoning Appeal for June 14, 2018. I would like to make two announcements before we get into the hearing.

First of all, I would like to say we've recently lost a member of our Board, Patrick Tedesco, who passed away last week. And so I would publicly like to acknowledge that, and with condolences to the Tedesco family. Patrick was wonderful in serving on the Board and he added -- he made us a better Board by his presence. And unfortunately he passed away last week. So we remember Patrick.

(Slight Pause.)

BRENDAN SULLIVAN: Second of all, after notifying the Chair, any person may make a video or audio recording of our open 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 with the

conduct of the meeting. At the beginning of the meeting, the Chair will inform other attendees at the meeting that a recording is being made.

There are two recordings. Cathy is making an audio recording to help her with the transcripts, and a member of the public has a recording device at the corner. So that you're on tape.

\* \* \* \* \*

(7:15 p.m.)

(Sitting Members Case No. BZA-016355-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: Let me call the first matter before us. Case No. 016355, 10 Ware Street.

Whoever is going to speak I would ask that you please identify yourself with name and address. And please speak clearly and succinctly so that it makes it easier on Cathy. If you have a business card, it might make it is easier for Cathy.

JANET GREEN: And please use the microphone.

ATTORNEY JOHANNA SCHNEIDER: All right. If you can't hear me please let me know. My name is Johanna Schneider and I'm an

attorney at Rackemann, Sawyer and Brewster in Boston and I'm here on behalf of Verizon New England. With me is Nick LiVigne from Verizon. We're here tonight to respectfully request that this Board overturn a cease and desist order issued by the Commissioner of Inspectional Services regarding a use of the portion of the 10 Ware Street building as office space.

Just to get into the history a little bit, and I did submit a narrative with our appeal, which the Board can refer to if need be. 10 Ware Street was originally constructed in 1932, and it has been owned by Verizon since it was constructed. The building has always housed a telecommunications operation along with office space.

In or about 1991 Verizon leased close to 8,000 square feet of space on the ground floor to Harvard office use. In 1993 the city issued a building permit allowing interior alterations to the existing office space and noted that there was no change in use of the space which had been previously been occupied by Verizon for office.

Verizon continued to lease office space on the ground floor of the building to Harvard with the amount of that space gradually increasing

to about 10,000 square feet. Harvard vacated the office space in 2003 after which time Verizon employees continued to use it for office, and that lasted until roughly 2016.

In 2016 the city issued a building permit allowing for the renovation of 10,000 square feet of space, the same office space we've been talking about on the first floor of the building, and a Certificate of Occupancy was issued in 2017.

This space now houses an immensely popular co-working space operated by Alley. And it's also slated to serve as a test bed for Verizon's newest generation of telecommunications technology. And in just a moment Nick will explain more about the technology that's in the building and how it is being used in the Alley space.

Essentially I feel like the Board can approach this in two ways:

The first is to view the current co-working space as an office use that was established as a principal use throughout Harvard's tenancy between 1993 and 2003. This office use was consistent, it was never abandoned as Verizon employees moved into the space immediately after Harvard vacated it and it's been used consistently as office space ever

since.

The second way the Board can view this, and it may be the easier way for the Board to look at this, is to view the space not as a principal office use but rather as accessory to Verizon's telecommunications use, which is explicitly allowed on the property. Even though the property is located within a residential district, Verizon has operated under a Special Permit granted by this Board long ago enabling it to maintain telecommunications functions. And in fact, all of Cambridge is served out of this telecommunications building, and part of Somerville is as well.

Under either one of these paradigms, either as a pre-existing non-conforming use that has never been abandoned, or as an accessory to the technology or the telecommunications use, I think the Board can grant us the relief that we're seeking.

But I would like to turn it over to Nick now to explain a little bit more about how the Alley space is not a conventional co-working office space but it's rather sort of a vanguard of Verizon's technology and how it's being used as a test bed or incubator space for that platform.

NICHOLAS LiVIGNE: Good evening. Members of the Board, members of the community, thank you for your time and attention. My name is Nick LiVigne from Verizon.

JANET GREEN: I think you need to be just a little bit closer so people in the back --

NICHOLAS LiVIGNE: A bit closer? Can people in the back hear me now?

JANE GREEN: Great.

NICHOLAS LiVIGNE: Okay. So I lead our strategy to build and operate co-working and innovation communities in strategic locations around the world. We have six of these communities operating, including here in Cambridge, New York City, Washington, D.C., London, and we recently launched in Singapore as well. We've partnered with Alley, a startup co-working operator, to curate the community on our behalf. The clear intent of our co-working communities is to get more local in our innovation outreach to support startup ecosystem development and build a bridge between our global network and the dynamic individuals and companies that fuel tech advancement and growth. Our program has a



mandate to invest in the success of tech startups who are aligned with Verizon's vision of the future. The future of work and innovation is collaborative. That's why we've invited tech innovators inside our walls to develop on our network and technology platforms and interact directly with Verizon's thought leaders.

We have over 25 member companies in the space, all choosing to locate their businesses in Cambridge. Our members are real professionals who represent industries such as education technology, autonomous vehicles, clean energy, e-sports and augment reality, just to name a few.

So, for example, Alley Powered By Verizon, that's what the space is called, is also the official training facility for the new Boston Celtics e-sports team, which is called CLTX Gaming. Verizon is installing next generation wireless technology at 10 Ware Street, one of the first public test environments in the United States. At Alley Powered By Verizon, we provide an exclusive opportunity for local startups and entrepreneurs to test their products for the future.

We have built use case trial and partner programs which allow

Verizon and our member companies to collaborate and develop for what we're calling the Fourth Industrial Revolution right here in Cambridge.

We didn't make this investment because we want to make money from this venture. Verizon is interested in being at the vanguard of technology incubation and development, and this facility makes that possible.

Verizon chose to locate an Alley Powered By Verizon in Cambridge specifically because of the richness of this community. The close proximity of world class academic institutions, aggressive tech forward culture, the diversity of your residents, and a clear desire from the city to be innovative were all major contributing factors to our decision to locate here.

At Alley Powered By Verizon, we built a space that gives startups and entrepreneurs affordable proximity to the many desirable benefits of being located in Cambridge.

Our events and programs provide a platform for local meet-up groups, business associations, and technology forums to speak directly to a captive audience. And we shop local, too. The food and beverage services our members enjoy draw exclusively from local vendors. We

support multimodal transportation. We've directly funded a Blue Bikes bike share station on our property. And our members and guests predominantly access our facility via bicycles, public transportation, or by walking from other parts of the city.

It's also worth noting that a couple of years ago this facility was somewhat of an eyesore to the community. We've invested millions of dollars into the revitalization of the building. We've restored the historic roof, facade, windows, and decorative light fixtures, cleaned up landscape, and are in the process of installing more energy efficient infrastructure to prepare the building for the next generation of our communications and data network.

We'd really love the opportunity to meet with members of the Cambridge community to understand how we can coexist and support the neighborhood more effectively. And we really look forward to resolving this issue so we can continue to contribute to the entrepreneurial spirit of the city and build a future together.

I'm happy to take any questions from the Board or community members. Thank you for your time.

BRENDAN SULLIVAN: Does Alley and Verizon, are they linked financially other than Alley paying rent.

NICHOLAS LiVIGNE: Alley doesn't pay rent actually. It's a management agreement. It's more of a joint venture than it is -- there's no real estate action.

BRENDAN SULLIVAN: But it's wholly owned or a partially owned subsidy of --

NICHOLAS LiVIGNE: It's a -- it's not a subsidy.

BRENDAN SULLIVAN: So it's two separate entities --

NICHOLAS LiVIGNE: Exactly, yes.

BRENDAN SULLIVAN -- that have an arrangement --

NICHOLAS LiVIGNE: Correct.

BRENDAN SULLIVAN: -- for Alley to operate there. And Verizon connects it and all Alley's members to the outside world basically?

NICHOLAS LiVIGNE: Correct. And our technology platforms --

BRENDAN SULLIVAN: Something similar to say if we worked -- we work with -- have AT&T connect them to the outside world,

it's that. And, again, according to a point I know that you're trying to stress that they're closely linked, but they are still two separate entities.

ATTORNEY JOHANNA SCHNEIDER: They are two separate -- they're obviously two separate corporate entities. But I think a large part of this is that Verizon is a telecommunications company, and this is a telecom building. Verizon does not have the capacity to operate office space and it's not -- or co-work space and it's not within its business model.

BRENDAN SULLIVAN: Right.

ATTORNEY JOHANNA SCHNEIDER: It's only doing this, this co-working space in order to provide a platform for testing its technology. It wouldn't just do this independently. But of course it also does not -- because it is a telecom company and not a co-working company, it doesn't have the expertise or the manpower to staff or operate the Alley space, which is why it has Alley as the operator of this space.

NICHOLAS LiVIGNE: And I would just add to that that Alley's uniquely positioned to capture the audience that we're looking to interact with on a regular basis through our leadership.

ANDREA HICKEY: So the folks that use this space as co-work space, who do they pay?

NICHOLAS LiVIGNE: They -- so the venture is the business of Verizon and Alley is our managing agent. So the money flows through Alley to Verizon.

ANDREA HICKEY: So there are -- for lack of a better word, subtenants, people that use this co-work space?

NICHOLAS LiVIGNE: It's a membership-based community.

ANDREA HICKEY: It is?

NICHOLAS LiVIGNE: Yes.

ANDREA HICKEY: And they pay Alley.

NICHOLAS LiVIGNE: They pay Alley and then that flows to Verizon.

ANDREA HICKEY: And we've established that Alley and Verizon are not linked other than their decision to partner for this venture?

NICHOLAS LiVIGNE: We're linked contractually, yes.

ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: I guess the question that I have, and

I've been consumed with this for almost two or three weeks.

JOHN HAWKINSON: Sorry, Brendan, it's a little tough to hear you.

BRENDAN SULLIVAN: The question that I have, and I've been consumed with this case for the last two or three weeks, and reading all of the voluminous communications, is that in 1932 the facility was built, and it was to house telephone equipment. And fully understand, they probably had incidental office people there to run that, to manage it. But that at some point over the years, the -- if you will, the tail started wagging the dog so that it became more office and less telecommunication.

ATTORNEY JOHANNA SCHNEIDER: I think that's an --

BRENDAN SULLIVAN: And even if it wasn't the predominant, that that office use crept in there over a period of time. And the thought that keeps going through my head is that obviously telephone has a real estate department and they obviously have a legal department, and why one didn't talk to the other when they said, you know, we're operating in a certain zone or maybe nobody really asked.

ATTORNEY JOHANNA SCHNEIDER: So I've reviewed the

same documents that you have and I have tried to piece it together. I mean, I think that the building is still -- I was just there for the first time tonight. The building is still predominantly a telecommunications building. It's multi-floor. We're really talking about office use, whether it's Harvard, Verizon, the co-work space, it occupies a relatively small footprint within the building. And if you go over to the building, the vast majority of the building is still dedicated to the telecommunications use.

And, yes, I think that originally it was probably the case that the office was accessory to the telecommunications use, and it was obviously as something customarily incident to the primary use. I don't think anybody would be saying, you know, there's a problem with Verizon operating office space here.

To the best of my ability to discern what happened, I believe that in the early 1990s Harvard began operating, leasing what had been Verizon office space in the building under the notion that as an educational institution it was exempt from the residential restrictions on the use, and that it could just basically, you know, go in and do that. And then that use continued by Verizon, by Verizon employees and then the



Alley venture thereafter. Why nobody connected the dots, you know, further than that, I don't know. I was not around then, and I don't think anybody who's working on this now or has been working on this recently knows at what point in time someone did an analysis and said, you know, Harvard's allowed to do this, Harvard's not allowed to do this. But I do note that throughout the 90s the City did grant both a Building Permit and a Certificate of Occupancy for a sizable amount, the same amount of office space that we're talking about tonight.

BRENDAN SULLIVAN: On the presentation of the application.

ATTORNEY JOHANNA SCHNEIDER: I'm not -- it said office, and I'm not sure that it said anything more than that.

BRENDAN SULLIVAN: And I read, you know, you cite Durkin and I read through Durkin and, again, without getting into all of the machinations there because of whether it was immune because it was a Federal Government, you know, so on and so forth, aside from that at least Durkin came and asked the question: Can I have a Special Permit? Even though he was given erroneous information that it was commercial

by a clerk and so on and so forth. But at least he came and he asked. And I can't connect why somebody as savvy as telephone with a legal department and a real estate department would have said, you know, are what we're doing here correct?

NICHOLAS LIVIGNE: Well, a colleague of mine who was responsible for building space and going through the process with the city, did go to the Building Department, secured his Certificate of Occupancy through an inspection, and I believe that was the process through which we assumed that there was a continuation of the use of space because we were relying on the history of the use and that process developed.

ATTORNEY JOHANNA SCHNEIDER: Yeah, and I just want to make clear that -- I want to make clear that there was no deliberate intent --

NICHOLAS LIVIGNE: Right.

ATTORNEY JOHANNA SCHNEIDER: -- to misrepresent or to mislead the City or the building inspector or department in any way, shape, or form. This is really a legacy use that goes back, you know -- and yes, there has certainly been some evolution of the

occupancy, but there has been office use, and I think that it was generally considered over the years to be a legitimate use, especially once they had permits in hand from the city. I'm not saying that everybody dotted the I's and crossed the T's correctly. If that had been the case, we wouldn't be here tonight with a question to resolve, but I don't, but I do want to make very clear that this was not a deliberate attempt to trick the City into granting permits. And I'm not even talking about the permits in the 2017 time frame. I'm talking about the permits that go back to the mid-90s. I don't think anybody is suggesting that there was any misrepresentation at that time. I think, you know, it was characterized as an office use and the permits were granted for office use.

BRENDAN SULLIVAN: So certain scenario of events that, you know, I guess are unfortunate for all in that sense.

ATTORNEY JOHANNA SCHNEIDER: And I think largely unknowable as we sit here today, which is why I did want to raise sort of two potential pathways for the Board to be looking at our request for relief. I know that the history is a little bit murky with respect to the permitting for the office use, but I do think it would be very easy for the Board to support

this important and productive and popular community use in this way of fostering new technology being brought to Cambridge by viewing this space as really an extension or something that is accessory to Verizon's main telecommunications use. Because this really is about promotion of the technology as opposed to making money off of a co-work space.

BRENDAN SULLIVAN: Yeah.

Any questions?

JIM MONTEVERDE: Is there a zoning definition of accessory? There's a Building Code definition of accessory. In other words, when you say that this new use will be accessory to what happens in the building. I'm guessing in 1930 it was a switching building for all the old equipment. What you're describing doesn't feel like accessory to that use. It's accessory to the corporate goal, to the corporate -- to the corporate structure, but not to that specific use that was, that it was granted that particular location and that use in that location. Do I understand that correctly?

ATTORNEY JOHANNA SCHNEIDER: I would say that the use that was permitted in the 1930s was more broadly a

telecommunications use. And I think that -- I mean I'm not even -- maybe somebody else on the Verizon team can answer the question about the actual technology, but I'm pretty sure that a telephone switching station isn't even a thing anymore as technology --

JIM MONTEVERDE: Right.

ATTORNEY JOHANNA SCHNEIDER: As technology has evolved over time, the means of providing telecommunications services obviously has shifted quite a bit. And I think the types of uses that are, and I'm using accessory as customarily incident to a main use as accessory, have to change as the technology evolves.

JIM MONTEVERDE: Yeah, I guess my question was does that -- the function that you want to use that space for really have anything to do with the use in the rest of the building? Does it any way support it or when you say accessory to it? Is there any cross-connection, cross-fertilization?

ATTORNEY JOHANNA SCHNEIDER: Absolutely.  
Absolutely. Go ahead.

NICHOLAS LIVIGNE: Right, I mentioned that we are

installing next generation wireless technology into this space. So this technology is still under development and is part of the continuation of 3G, 4G and onward. And the intent of the installation of that technology specifically in this building to interact with the community of people who are working out of the Alley space is to build trial, trial partnerships, develop use cases around 5G -- I'm sorry, of advanced wireless technology that is important to the proliferation of that technology. So I would say there is a direct connection in that way specifically, yes.

JIM MONTEVERDE: Okay. Can I ask one other question?

BRENDAN SULLIVAN: Sure. No, absolutely. If you want to talk into the mic there, Jim.

JIM MONTEVERDE: Sorry.

And is there another remedy or path to a remedy? If this appeal weren't successful, would you have to come in for a Special Permit or something to be able to allow to be used office use specifically in that facility, that location?

ATTORNEY JOHANNA SCHNEIDER: Yes. So as I, as I understand it, the path forward is that if our appeal tonight is denied, the

cease and desist order previously issued, it would immediately could go into effect. We could seek a judicial remedy to have that stayed pending filing a Variance and coming back before this Board to seek a Use Variance to allow office and basically give the same presentation we're giving tonight, but --

JIM MONTEVERDE: Right.

ATTORNEY JOHANNA SCHNEIDER: -- but in the context of a Variance.

JIM MONTEVERDE: Okay, thanks.

BRENDAN SULLIVAN: Slater, any questions at all?

SLATER ANDERSON: So this is a big building. We're talking about one floor here, right?

ATTORNEY JOHANNA SCHNEIDER: It's not even a whole floor of the building.

SLATER ANDERSON: Yeah, okay. So what goes on in the rest of the building?

ATTORNEY JOHANNA SCHNEIDER: Telecommunications. It's giant, giant -- I'm going to describe it as --

SLATER ANDERSON: Switchers?

ATTORNEY JOHANNA SCHNEIDER: I'm going to describe it as a layperson --

SLATER ANDERSON: We're looking at servers and stuff like this?

ATTORNEY JOHANNA SCHNEIDER: Servers. Big cages with lots and lots of equipment.

SLATER ANDERSON: Okay.

ATTORNEY JOHANNA SCHNEIDER: And lots of wires.

SLATER ANDERSON: And there are people, there are some people in there managing --

ATTORNEY JOHANNA SCHNEIDER: There are some people operating, yes.

SLATER ANDERSON: Those are Verizon employees?

ATTORNEY JOHANNA SCHNEIDER: Yes.

NICHOLAS LIVIGNE: Correct.

SLATER ANDERSON: Okay. How many Verizon employees in the building?



NICHOLAS LiVIGNE: There are around 10 to 15. There's variable resources that --

SLATER ANDERSON: In this joint venture, how many Alley --

NICHOLAS LiVIGNE: So we have 25 member companies. Verizon people specifically. We have --

SLATER ANDERSON: No. So we've got people managing the switching operation?

NICHOLAS LiVIGNE: Correct.

SLATER ANDERSON: Is telecommunication operation, 10 to 15?

NICHOLAS LiVIGNE: Yes.

SLATER ANDERSON: The use, the people in this 10,000 square feet, on a typical day how many people are in that space?

NICHOLAS LiVIGNE: So we have 25 member companies varying from anywhere from a single person to six to eight. So the total there, probably around, you know, maybe north of 80.

SLATER ANDERSON: Okay. In that 10,000 square feet?

NICHOLAS LiVIGNE: In that 10,000 square feet, correct.

BRENDAN SULLIVAN: What are the hours that the building is open?

NICHOLAS LiVIGNE: It is staffed from nine a.m. to six p.m.

ATTORNEY JOHANNA SCHNEIDER: Are you talking about the Alley space or the building overall?

SLATER ANDERSON: The Alley space.

BRENDAN SULLIVAN: The Alley space.

ATTORNEY JOHANNA SCHNEIDER: Oh, okay.

NICHOLAS LiVIGNE: Nine a.m. to six p.m. The members of the space do have 24/7 access to only the Alley space. There is obviously for security reasons, they're fully segregated from the rest of the building. They cannot access it.

BRENDAN SULLIVAN: And I would suspect some of those people sleep during the day and are up during the night? The nature of --

NICHOLAS LiVIGNE: Sure. Tech entrepreneurs tend to be night owls, so they spend a bit of time there, working evenings, yes.

BRENDAN SULLIVAN: Anything else?

SLATER ANDERSON: So, this is in a residential zone, right?

What is a -- I mean, there are other allowed-like institutional uses that could be in there. But the issue here is that this is like a commercial use, office use, a non-institutional, for example. Because you said Harvard had used the space for a while?

ATTORNEY JOHANNA SCHNEIDER: Harvard had used this space for a while, but I think that an intervening zoning change during the Harvard tenancy actually renders this, you can't put an institutional use here either. It's in the institutional overlay.

SLATER ANDERSON: Okay.

ATTORNEY JOHANNA SCHNEIDER: So I don't think you can even put an institutional use. So I think, you know, if we were not to receive zoning relief for this, the only thing that goes into that space is either more telecommunications or more Verizon employees. And I would note, you know, I think to some extent that's a loss to the neighborhood and to the community. This, as Nick was describing, this has provided a really nice sense of community engagement. It's really kind of, you know, it's a hub for networking. Again, I was there tonight.

There's a kitchen. There are couches. You know, people are a part of this community. And Verizon has done a great job in terms of engaging the tech community, the Harvard community, the MIT community, to build a real network and space here. And if that goes away, you know, that sort of nice interface, which is relatively low impact, nobody's parking there, there are no marking spaces there. Everybody walks, T's, or bikes, all of that kind of goes away without us being able to continue this use.

SLATER ANDERSON: So you're serving a segment of the community. But I see in here in skimming this, and I've not read the voluminous files that we have here in their entirety, but there are definitely some immediate neighbors who may not be involved in technology who don't seem very happy with Verizon. And it may not be specific to this space, but it's the Verizon operation there. So I -- you know, see an issue.

ATTORNEY JOHANNA SCHNEIDER: If I could address at that for a moment. One thing I want to be really clear about, so as part of the new wave of technology that Nick was referencing, and just part of just general telecom operations, Verizon needs to periodically upgrade,

maintain, update their telecommunications equipment. That happens completely irrespective of Alley. And I think Verizon would be the first to admit that the most recent round of technology upgrades for the telecom use was not handled as sensitively actively to the neighbors as it could have been. But that is entirely separate from Alley.

Alley is very low impact, right? It's, you know, tech entrepreneurs coming, you know, in throughout the day or the evening if they're the night owls. But the -- I think what the neighbors have taken issue with, and I think rightly so, and we will do better, is work that will always take place at this site because of the primary use which is the telecom use.

SLATER ANDERSON: Right.

ATTORNEY JOHANNA SCHNEIDER: And we -- it has come to our attention in this process that we can do a better job of dealing with our immediate neighbors when there are these construction projects, and we are -- we have started the process of engagement sort of in reaction to what we've been hearing around this process, and we absolutely will continue to improve those relationships going forward.

SLATER ANDERSON: Nothing else.

JANET GREEN: You mentioned there would be no parking impact on the neighborhood from this use that you're talking about wanting to have the office use. How can you say that?

I mean I think we all know busses run. We all know people ride bikes. But how can you say there will be no parking impact?

ATTORNEY JOHANNA SCHNEIDER: Well, we have been operating the space for --

NICHOLAS LIVIGNE: Just under a year.

ATTORNEY JOHANNA SCHNEIDER: -- just under a year now. And so no parking is provided on-site for anybody who wants to use Alley space. The site overall has only four parking spaces I think. Four parking spaces which are for Verizon employees only. And, again, that has nothing to do with Alley, that has to do with the operations of the telecommunication's function.

In the time that Verizon has been operating this co-work space on the ground floor, I think they have been tracking to some degree how the members are getting to and from. And maybe, Nick, I don't know

if you want to talk about that --

NICHOLAS LiVIGNE: Yeah.

ATTORNEY JOHANNA SCHNEIDER: -- some more.

JANET GREEN: Because did you present that information in your, in your case here? I missed that.

ATTORNEY JOHANNA SCHNEIDER: We really tried at least tonight to tailor our comments to the appeal of the cease and desist order. We're happy to provide to you to the extent that we can, information about traffic or parking.

NICHOLAS LiVIGNE: I can provide a little color to that.

So, we did survey our members and there are a number that, you know, ride their bikes, take the bus, take the T, that's the predominant mode of transportation for the vast majority of our members. There are a few that drive to the area and they park in parking garages. Or some of them have even gotten creative and rented a parking spot from a local neighbor that put it up on Craig's List for example. Other than that, we're not aware of any street parking because their -- yeah.

ATTORNEY JOHANNA SCHNEIDER: Yeah.

And the only thing I would add is that I think that to the extent that this space were required to be converted back to Verizon office space, you actually would see more people driving to the site as opposed to now. Right now we have a generally local community of users who as we've said many times now are biking, walking, taking the T. I think Verizon employees would be coming predominantly from outside of Cambridge and would be more likely to drive. So I think we would anticipate that being an actual greater traffic generating use as the current use as the co-working space.

BRENDAN SULLIVAN: Andrea, anything? We'll come back again.

ANDREA HICKEY: I'm struggling a little bit with your secondary that you presented at your opening about the use sort of being accessory to Verizon. I'm just not seeing a connection that would support that premise. Can you talk a little bit about your first theory again? About the pre-existing non-conforming use? Because in my mind, I can wrap myself around that a little more easily than this accessory theory.

ATTORNEY JOHANNA SCHNEIDER: Sure.



So beginning in 1991, which was quite sometime ago, the space that we're talking about right now was leased to Harvard for office use. And that lease continued until 2003 without interruption. So to the extent that there's a question about was that use ever abandoned? I think we can show a very, very clear chronology of consistent office use. So we're not really talking about, you know, was it a use that was abandoned.

The closer case quite candidly is whether or not Harvard's use was a pre-existing non-conforming use. And we would take the position that it was. And that at some point an intervening -- so Harvard obviously does enjoy some exemptions of use regulation in certain parts of Cambridge. And it's our understanding in 1991, when Harvard began operations, office operations at this building, it was an exempt use. And in the early 90s, the city issued a building permit allowing interior alterations to office space and noted quote/unquote there was no change of use of the space which meant that it was acknowledged to be an office use. It had been an office use by Verizon. It was then an office use by Harvard. And we do have a series of leases between Harvard and

Verizon that do describe this as permitted office space.

ANDREA HICKEY: But if they were allowed to lease because they were an exempt institution, how do you piggyback on that and say that you're allowed to do that, too?

ATTORNEY JOHANNA SCHNEIDER: Right. So I think the analysis, the facts are not identical to the Durkin case which Mr. Sullivan referenced, but I think that you can make an analogy there which basically is when a use comes off of being an exempt use or a non-conforming use, and I mean I think in Durkin you can view those two interchangeably, that use continues as long as it is not abandoned at any time. And that use kind of carries forward. And so I think, you know, the fact that from 1991 on, office as a principal use has been in that space without interruption. We are piggybacking off of Harvard using it, not as Verizon did, as an accessory use, but as a principal use. And then from that point forward it goes into being a pre-existing non-conforming or exempt use.

ANDREA HICKEY: So can you refresh my memory as to when Harvard ceased operations with office use?

ATTORNEY JOHANNA SCHNEIDER: Yeah, 2003.

ANDREA HICKEY: And then what happened from then forward?

ATTORNEY JOHANNA SCHNEIDER: So 10,000 square feet was used by Verizon until 2016.

ANDREA HICKEY: As office space?

ATTORNEY JOHANNA SCHNEIDER: As office space.

ANDREA HICKEY: Thank you.

ATTORNEY JOHANNA SCHNEIDER: So this is continuously -- this is continuously office as a sort of a primary independent use going back to 1991.

ANDREA HICKEY: And then Verizon used it as office, whether accessory or not, that's --

ATTORNEY JOHANNA SCHNEIDER: Used it as office consistently --

ANDREA HICKEY: Until?

ATTORNEY JOHANNA SCHNEIDER: Until transitioning to the Alley use.

ANDREA HICKEY: Thank you, that's very helpful.

ATTORNEY JOHANNA SCHNEIDER: Thank you.

BRENDAN SULLIVAN: Let me ask the Commissioner, was the use of the property by Harvard ever exempt from the zoning regulation?

COMMISSIONER RANJIT SINGANAYAGAM: No. First of all for a non-conforming use, that use should have started prior to the Ordinance was enacted. That's a definition of the Zoning Ordinance.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Can you speak up?

COMMISSIONER RANJIT SINGANAYAGAM: According to the Zoning Ordinance says that for a pre-existing non-conforming use the use should have started prior to the adoption of the Ordinance. That's in the definition there.

So that is -- even in 1943 for residential use. I have a map on it. So at that time they didn't even allow office use.

Secondly, Harvard did not get an occupancy permit. We have an old petition that doesn't exempt all the institution uses. So Harvard, Harvard wants offices for their group, they have to follow the

(inaudible) under our Ordinance. So they didn't get an occupant's permit for their use.

BRENDAN SULLIVAN: Okay.

Anything else? Questions?

ANDREA HICKEY: Not at the moment.

BRENDAN SULLIVAN: I'm going to open it to public comment. You'll have a chance to --

ATTORNEY JOHANNA SCHNEIDER: Thank you.

BRENDAN SULLIVAN: But I would ask those who would -- I would ask anybody who is going to speak that what is before us is a very narrow issue. Is whether or not the Commissioner ruled rightly, that an office use was not permitted in this building. The behavior, misbehavior, whether they're good, bad, or indifferent, the occupant, Verizon, its predecessor, the telephone company, whatever, that is not before us. And we really cannot entertain whether they have been a good neighbor or possibly not a good neighbor. It's immaterial to what we're doing here. It has absolutely no bearing. And all it is going to do is prolong the night. And I would ask you to stop your presentation. There are a number of

letters in the file, and most of them, if not all of them, relate to some issue that somebody has with the use of the property by Verizon and possibly their insensitivity or whatever. I don't want to keep going on with adjectives and categorize it. But that is not before us tonight. It is a legal question of whether or not the Commissioner ruled correctly in his interpretation of the Zoning Ordinance. This is a C-1 Zone. This does not allow office use. So, again, I will open it up to public comment, but you really have to limit your comments to that issue and not to any behavioral science if you will.

Is there anybody who would like to speak? And please identify yourself for the record. Give your full name and address. And I would ask you that you speak succinctly but briefly.

JACK HEMBRO: Jack Hembro. I live next-door to you all at 47 Trowbridge Street.

JANET GREEN: Can other people hear?

ANDREA HICKEY: Does that microphone down there work?  
The one at the very end?

JACK HEMBRO: Okay, so there seems to be two

arguments. Jack Hembro, 47 Trowbridge Street.

There seems to be two arguments. The first is that this is some vital telecommunications platform, that's the gentleman here. I'm in technology. The 5G doesn't exist yet. All 5G is is a way of delivering Wi-Fi without wires, right? I mean that's -- we've got 4G. We're gonna deliver, we're gonna deliver 5G to a router and the router's gonna put Wi-Fi into the building. We don't care how the Wi-Fi gets there. You have a cable at home. Some of us have fiberoptic at home. I mean, that's how -- how these entrepreneurs are a test bit for 5G, where 5G's going to roll out, oh, by the way, in Sacramento first. How this is vital to what Verizon is doing is beyond me. Okay, first, first argument.

Second argument is well, Harvard was in there with an educational use using this office space. Well, some of us have been around here longer. That wasn't a classroom in there. I mean, it was a phone -- it was a phone switch. Harvard decided they were going to run their own switch as I'm sorry, sir, I don't know your name.

JIM MONTEVERDE: Jim.

JACK HEMBRO: The big hunky switches? They were

going to run their own switches in there. And they were going to have a couple of technicians in there to run the switch. And if you wanted to swap out your phone, remember when you actually had to carry a phone around and swap it out? You'd bring it in and they'd swap out the phone for you. It wasn't an office. It wasn't an education. It wasn't somebody sitting in there teaching, you know, economics. It was -- so that was the office use that -- and oh, by the way, that was 15 years ago that this ran. Okay? I mean, 2003 was actually 15 years ago. I was only 53 then. I'm a grumpy old man.

But anyway that's as succinct as -- oh, and the amount of -- the gentleman also I would point out, told you about the amount of Verizon people that are in there, 10 or 15 filling up that space now. We've got 100. We don't need this in our neighborhood. It's a residential neighborhood. We're seeing creeping business moving in there. Okay, we've already got -- oh, a bike rental business in the front of the building that we're very proud of in a residential area.

BRENDAN SULLIVAN: Okay, great, thank you.

Is there anybody else who would like to speak to the issue?



Yes. Come up, please, and identify yourself.

CALEB HUNTINGTON: Yeah, hi. I'm Caleb Huntington.

And I don't really have a position on this. I just came partly to meet my neighbors. But I've lived at the condominiums at 4 Trowbridge Place, which is right next-door to Verizon since 1995. And I just wanted to mention a couple of observations:

One, is that indeed as I would walk through the parking lot to the T everyday for many years, I did notice there was a Harvard phone switching office sign at Verizon. So I think at least one use was phone switching for Harvard. So that's a very particular use.

I also wanted to mention that, you know, if this has been used 10,000 feet for offices by Verizon lately, almost no one has been parking there to use those office spaces. Typically in the parking lot behind Verizon there are, you know, four or five cars usually with Verizon labelling on them. Occasionally there will be 15 Verizon trucks, but it's not been a heavy use as far as car use goes. I don't know if that's relevant or not.

Third, and almost the final observation, is Verizon has put up a gate. It's not functional yet, but a gate to, it could block off the parking

area. I know, I cut through Verizon when I'm driving. That's probably irrelevant. So I'm a little -- I am concerned about the gate, but that's more or less irrelevant.

By the way, my wife and I did check out Alley. It's a nice space. It's a great space. We thought about joining it. We sort of had an educational sidekick, but we decided not to because I think it's going to cost like 400 or 500 a month. But they were nice to the neighbors. They gave us free food, stuff like that. That was cool. People there were cool. And, you know, this has been an opportunity I guess for Verizon to clean-up the building a little bit and to, you know, there have been sound issues --

BRENDAN SULLIVAN: That's another issue.

CALEB HUNTINGTON: I just wanted to say good and bad.

ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: All right, well....

Is there anybody else who would like to speak on the merits of the appeal or the --

RON KLEIGER: Yes. My name is Ron Kleiger. I live at 42

Trowbridge Street. So the Verizon building's between my building and Ware Street. And I had planned to come here and speak about my bad experience with Verizon, but according to your comments I'm not going to do that.

BRENDAN SULLIVAN: We don't want to hear about it.

RON KLEIGER: What I am going to talk about is the impact of the changes and what I'm specifically talking about is excessive noise. Noise that the city has confirmed has repeatedly violated the City's Noise Ordinance. I've been at Trowbridge Street since 2009 and never had an issue with noise off the Verizon building until the fall of 2015. And at that point they put in an HVAC system on the roof without city approval, and we've been struggling for two and a half years to get that noise problem fixed. It just got fixed in the last month, which I'm happy to say, but it should not have taken two and a half years. And I believe that's an impact due to the changing use of the building where they had to upgrade and improve their HVAC systems.

BRENDAN SULLIVAN: Thank you.

Is there anybody else who would like to speak on the very

narrow issue before us?

MICHAEL JUAN: Hey, guys. Michael Juan with CLTX Gaming. I will do my best to just stick to the narrow parameters you put forth for us. But operating in the e-sport space, we are confined, for at least the moment, to the, to the ability to compete with the real wire connection. Without getting into the logistics of pinning the network and competing over long distances, it has been central to us in our progression towards what will be is working with Verizon in out of that space to explore the possibilities of what can become of the improved wireless technology for essentially expanding what is capable with the industry that e-sports as it continues to expand and grow exponentially, not just here but, you know, across the world.

BRENDAN SULLIVAN: Right. Thank you.

Is there anybody else who would like to speak on the issue?

NINA HUNTINGTON: Hi. My name is Nina Huntington. I'm Caleb's wife. And he's right, we went to Alley and we thought it was interesting. So I have not taking sides, but I'm trying to figure out the legalese of this. The bottom line of this is that Harvard was exempt

because they were an educational institution and it was used as a phone office, so not just office, phone office. And the other thing, since it was exempt as an educational, I wanted to know is Alley considered an educational institution? So, I don't know. So I just wonder about that.

BRENDAN SULLIVAN: Thank you.

Is there anybody else who would like to speak?

(No Response.)

BRENDAN SULLIVAN: I see nobody. I will close public comment.

I will read into the record a letter from the Commissioner dated June 14th.

Dear members of the Board of Zoning Appeal: I am writing in response to a letter sent to me on February 21, 2018, by attorney Richard J. Gallogly on behalf of his client Verizon New England, regarding the above-referenced property, and my response to attorney dated April 11th. I wanted to further explain my reasoning to the Board and ask that the Board deny Verizon's appeal of my zoning determination and uphold my zoning determination that the property may not be used for office use or

any use that is not permissible in a Residence C-1 Zoning District.

In my response, I indicated that on or about February 5, 2018, I had met with representatives of Verizon and explained to them that office use is not allowed in the Residence C-1 Zoning District in which the property is situated. I referenced Article 4, Section 4.30 of the Cambridge Zoning Ordinance. I informed Verizon that Mike Hudson, a Verizon representative, had acknowledged to me that the property had previously been used as a switching station that housed telecommunication equipment, but that more recently the property had been vacant for at least two years. In addition, inspectors from Inspectional Services Department have inspected the property at various intervals in prior years and have confirmed that the property was vacant for many years. I stated in my letter that while a 1967 Variance allowed an addition to the property for the purpose of adding more telecommunication equipment, at no time was office use permitted as a principal use of the property.

Although a Certificate of Occupancy was issued in June 2017, based upon representations made by the applicant to the ISD staff that the property was previously used as an office as a principal use, I explained to

Verizon that the Certificate of Occupancy was issued in error, and that contrary to the representations that were made by the applicant, office use as a principal use was never a lawful pre-existing use of the property.

Based on the facts, which clearly indicates that the property was vacant for at least two years in accordance with General Law Chapter 40-A, Chapter 6 in Section 8.22 of the Ordinance, office use is not a lawful pre-existing use, and the property cannot now be used for office use or any use that is not permissible in the Residence C-1 Zoning District without first obtaining zoning relief. Even assuming that the property was not vacant for two years, the prior use of the property was not a principal office use. The property has been used as a switch gear room for the then existing telephone company. I indicated to Verizon that although Verizon now claims that Harvard University was its tenant and used the property possibly for educational purposes, this use of a property was not known to or approved by ISD. Therefore, the use of the property now proposed by Verizon as a so-called co-working space or incubator space for local companies is not a grandfathered use and is not an allowed use in the C-1 Zoning District in which the property is situated.

I respectfully request that notwithstanding the original error that was made by ISD in June of 2017 in issuing a Certificate of Occupancy, based upon erroneous representation made by the applicant to the ISD staff, the Board should not rely upon that error and should indeed recognize that my current zoning determination is appropriately based upon the actual facts concerning this property; and I therefore further request that the Board uphold my zoning determination that office use as a principle is not a grandfathered pre-existing non-conforming use of this property. And that as such use is not permitted in the C-D district in which it is located. Sincerely, the Commissioner.

ATTORNEY JOHANNA SCHNEIDER: Thank you. I'll try to make my response brief. There are a couple of things that I want to clarify about the prior Harvard use.

At no time have we claimed that it was an educational use like for a classroom. But I think that institutional and educational uses under what the Cambridge exemption and also under the Dover Amendment to Chapter 40-A referred to anything that's sort of an extension of an educational or institutional use as a protected or exempt educational use.



Harvard has historically, and still does in fact, maintain some telecommunications switching gear within the building, but they also during the time that they were an tenant of the building, operated their office of information technology out of the space and that was indeed a principal office use within the penumbra of an educational use.

The other thing that I want to point out is that we are not trying to hang our hats on the disputed Certificate of Occupancy granted as the Commissioner says erroneously in 2017. We're really going much further back in time to the Building Permit that was issued by the City in May of 1993. This was Exhibit D to our appeal. And the description of the work that was improved was interior alterations to existing office space on ground floor of existing building. Note, no change in use.

And that was a Building Permit and a Certificate of Occupancy that was granted for renovation of the Harvard space as a principal use. So I want to be very clear, we're not just talking about, you know, whatever misunderstanding the Commissioner feels occurred in recent history. We're actually tracing the providence of the principal use back to 1993 as a sanctioned use by the city.

The last thing I would say is that even if the Board is unconvinced that we have properly connected the dots back to 1993 to establish a pre-existing non-conforming use that is grandfathered, I do think that we have made out an appropriate and adequate case that the incubator space that Verizon is fostering through its arrangement with Alley truly is hand in glove with the telecommunications purposes and functions of this building. I know that there were some comments about, you know, what is this technology? I personally don't know. I don't understand the technology enough to know, but I will say that I have -- Verizon folks have explained this to me over and over again. They've done in this six different cities throughout the world as a way of launching their new technology and as a way of building a market and building a platform for a new technology. I don't think we should view this in as cramped away as well, they had a telephone switching station in 1932, this is not a telephone switching station. Technology has evolved over time and so have the uses that are accessory to or that facilitate or promote the development of that technology.

You heard from some neighbors that this is a use that is

welcome in the neighborhood. And I think that, you know, we know from the reactions of the members who use the space that this is very welcome in the Harvard Square neighborhood and in the Cambridge community overall, and I do feel like losing this use and forcing us to either shutter it or to go down a path where the end result might be that it's just more telecom space, is a real missed opportunity. But for the entrepreneurs who use it and rely on it as you heard from the Celtics gaming folks, but also from the City of Cambridge which is, you know, a hot bed of innovation and technology.

Thank you.

BRENDAN SULLIVAN: That's it. Okay.

Pre-existing non-conforming use. The key word that is absent in that little collection of words is legally pre-existing non-conforming use. And that's really what I think is the nexus of this is legally and I think that's for us to decide.

Okay, so I will close the presentation part, discuss it among the Board.

Thoughts anybody? Comments?

SLATER ANDERSON: I have a question. The HVC work that was -- HVAC work that was done on the roof, is that related to this space or the telecommunication -- existing telecommunication equipment?

NICHOLAS LIVIGNE: So if 2015 is the timeline when it was installed, I'm actually not familiar with that installation. But if 2015 was that time frame, we weren't even considering this site as a location for Alley at that time. So it was not connected in any way.

SLATER ANDERSON: Okay.

BRENDAN SULLIVAN: Jim, any thoughts?

JIM MONTEVERDE: Just my two cents before the Board votes, however that vote goes. Just what you're bringing to Cambridge sounds phenomenal. Terrific, thank you. Whether this is the neighborhood, this is the building, legal or otherwise, we'll vote on that, but once that's over just -- it's a great opportunity. It's great for the city.

SLATER ANDERSON: I would concur with that. I think it sounds like a worthy enterprise. I think the issue we have that's our jurisdiction here is that it's an activity that's taking place in a residential zone that by some expert view within the ISD isn't legally permitted.

There's a path to pursue legal permission to continue this activity. I think asking us to overrule ISDA -- ISD for this is not the proper path to approve this work in my opinion.

BRENDAN SULLIVAN: Andrea.

ANDREA HICKEY: Yeah, I mean I agree with that.

I -- reluctantly because I realize you relied on the permission that you've received to proceed. And I'm sure that a lot of time and money went into that. And at the end of the day, had it come before us, not on appeal, there's probably a really good chance it would have been approved. But it's this sort of out of order and asking us to kind of unravel it and put it back together, that's a real struggle I think for us as a Board. I'm feeling like this is sort of a change in use that the community really should have had an opportunity to come in and speak about pro or con and we -- we're not in a position to hear that today. I think it's a real shame that you could as a result of our decision have to shut down and come back. But, frankly, I'm not seeing a way around that that is supported by what you've presented, and I don't feel great about that, but that's where I'm hovering unless you have anything to add that you think could put me in a different

place.

ATTORNEY JOHANNA SCHNEIDER: May I ask a question?

A procedural question? I'm getting the sense from the Board, and I realize the Board's deliberations are not complete, but the Board feels that this is a worthwhile use that perhaps we should be seeking a Variance for and come back before the Board and undergo community process. Is there any possible way that the Board is able, and I don't know if it's within the Board's jurisdiction or not or if the Building Commissioner could issue a Stay of Enforcement of the cease and desist? As I said, I can go into the court tomorrow and file something and we could go through a series of hearings so that we do get a stay while a Variance is sought or a rezoning or whatever the proper mechanism is because we do feel very strongly this is an appropriate location for the use. We have invested over \$2 million in the use on reliance in the past permits. We would like very much to stay. So I don't know if there's a mechanism by which enforcement of the Building Commissioner's order can be stayed while we file for a Variance, which I can do tomorrow, and get before this Board again on a different posture where the Board might feel more comfortable

hearing a plea for zoning relief?

BRENDAN SULLIVAN: The short answer is that's administrative. Like the three branches of government there is legislative, there is judicial, and there is executive. That's the executive. So that would be administrative, not us. So we, we make our decision and then we hand it off. So that's really the short answer.

ATTORNEY JOHANNA SCHNEIDER: If the Board were so inclined to make a decision and hand it off with a recommendation to the Executive Branch, we would greatly appreciate it. Only because I would rather not involve the judicial branch if need be.

BRENDAN SULLIVAN: Right. That exceeds our -- you know, we're stepping over a line at that point.

ANDREA HICKEY: Yeah, I could say if that were an option that we had the power to use, I would support that. I just don't think it's --

ATTORNEY JOHANNA SCHNEIDER: I understand. I just figured I would ask.

BRENDAN SULLIVAN: Someone with a robe on will decide that.

ANDREA HICKEY: And it's unfortunate that you and your clients now have to spend all of this money and all of this time to get a judge to make that decision. But I frankly don't think we have the authority to condition our decision on a stay.

BRENDAN SULLIVAN: Well, I keep going back to Durkin and legal department and real estate department, somebody should have talked to each other a long, long, long time ago.

Anyway, that's another issue. Janet.

JANET GREEN: I'm in complete agreement with the comments of my colleagues.

BRENDAN SULLIVAN: Okay, let me make a motion. Make a motion, the Board finds that 10 Ware Street is in a Residence C-1 Zoning District, and has been in a residential zone since 1932. Use of the property for office use is not permitted in Residence C-1 Zone. Notwithstanding the historic or current use as office use and Building Permits and Certificate of Occupancy, the office use has never been sanctioned or approved as a pre-existing non-conforming use of this property.

Based on the above and the letter from the Commissioner



dated June 14, 2018, the Board affirms the Commissioner's determination that the office use as a principal use is not permitted in Residence C-1, and as such the appeal is denied.

All those who are in favor of that motion, please say "Aye."

(Aye.)

BRENDAN SULLIVAN: Five in favor. So your appeal is denied.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

ATTORNEY JOHANNA SCHNEIDER: Thank you very much for hearing us out. We appreciate it.

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(8:20 p.m.)

(Sitting Members Case No. BZA-016192-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016192, 121 Clay Street.

THOMAS RAWSON: Thank you, Mr. Chairman, members of the Board. My name is Tom Rawson. I live at 121 Clay Street.

ELANA STONE: I'm Elana Stone, also live at 121 Clay Street.

BRENDAN SULLIVAN: And you would like to change a window.

THOMAS RAWSON: We would like to change a window. We are remodelling our kitchen and looking to basically take a wide, wide-ish, not too tall window, and turn it the other way and make it a little bigger. It's a non-conforming due to the side setback. It's about five feet instead of seven, six in a Residence B Zone. And we do have the support of the neighbor on that side. It's in the file. And on the other side as well I believe.

BRENDAN SULLIVAN: Okay.

Any questions by the Board at this point?

ANDREA HICKEY: No.

JANET GREEN: No.

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody here who would like to speak on the matter of 121 Clay Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

There is a correspondence here from Mike Hirsch who lives at 117. (Reading) I have absolutely no objection to all of the requests. I am confident that the work will be well done and will have no impact on the neighbor -- I'm sorry, on the neighborhood.

There is a letter in the file from Kenneth Bader, B-A-D-E-R. (Reading) I am the owner of the property at 127 Clay Street. I'm writing to support the application submitted by Thomas Rawson and Elana Stone, owners of 121. I have reviewed the plans and will have no detrimental effect on the neighborhood.

Okay. So you're just changing out a window.

THOMAS RAWSON: That's correct.

BRENDAN SULLIVAN: For light and air.

THOMAS RAWSON: Yes, light and air in the kitchen.

BRENDAN SULLIVAN: Okay.

Let me close public comment presentation part.

Any questions?

ANDREA HICKEY: No questions.

BRENDAN SULLIVAN: Let me make a motion, then. This is a Special Permit to enlarge the kitchen window under Section Article 8, 8.22.2c, a non-conforming structure.

The Board finds that the granting of the Special Permit, that the requirements of the Ordinance can be met. The alteration complies with the conditions in Article 8, Section 8.22.2c because it is an alteration of a non-conforming structure which will not be in further violation of the requirements of the Ordinance.

This is a window alteration which will have no impact on traffic or patterns of access or egress.

The continued operation of or development of adjacent uses

as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

There is no change in use or operations of the property.

The change in the shape and size of this window does not significantly affect visibility into or privacy of the adjacent property.

The Board finds that there would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or to the citizens of the city.

The alteration would enhance the existing use by providing more natural light in the kitchen.

It is barely visible from the street and would create no nuisance or other effect on the citizens of the city.

Another reason, the proposed use would not impair of the integrity of the district.

The new window will be of a type used throughout the existing house and widely used generally and is consistent with the current use and the character of the district and the neighborhood in general.

Adding natural light to the kitchen is also consistent with the

purpose of the Ordinance which to provide adequate light and air and to conserve the value of lands and buildings.

On the motion, then, to grant the Special Permit, all those in favor?

(Aye.)

BRENDAN SULLIVAN: Five in favor. Good luck.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

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(8:25 p.m.)

(Sitting Members Case No. BZA-016224-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: We'll hear case No. 016224, 22 Haskell Street.

FRANK DILL: Yes, my name is Frank Dill. And I'm at 185 Crescent Street in Waltham. I'm an architect representing the owners of 20-22 Haskell Street. That's Jan Harvey, Ruth Harvey, and Lynn Hoefgen. We're here requesting relief for maximum FAR requirements to construct a screen porch at the rear of the property.

The existing residence was constructed in 1891 and it's currently non-conforming with respect to FAR front and side yard setbacks.

The Hoefgen-Harvey family have resided on this property since 1990. Both dwelling units are currently occupied by the members of the same extended family. Current occupants actually span four generations. They're seeking a space to enjoy the outdoors, protected from the sun, precipitation, and insects, and large enough to seat frequent family gatherings of 10 to 12 family members.

The Hoefgen-Harvey family's committed to their home and neighborhood, and the addition of the screen porch will allow them to stay in their home longer as the family ages.

Before submitting the project to the Board, the owners presented their screen porch plans to the neighbors. In response to requests from Ann Mock and Chris Chan who live adjacent to the property, closest to the porch at 16-18 Haskell, we relocated, simplified, and reduced the area and height of the porch in response to their concerns.

We've submitted 15 letters of support from residence of the immediate neighborhood, including Ann and Chris.

The proposed porch is at the rear of the property and



generally will not be seen by the public.

I'd be happy to answer questions and provide additional detail on any aspect the project. Thank you for your time.

BRENDAN SULLIVAN: The net add is 100 and?

FRANK DILL: 176 square feet is the net add.

BRENDAN SULLIVAN: Okay.

Currently the zone at Residence B allows 0.50. Currently the house is a 0.61. You're bumping that up to a 0.647; is that correct?

FRANK DILL: That's correct.

BRENDAN SULLIVAN: And the reason you're here is because the setback's from the front, the right, and the height of the building. So it's fair to say a non-conforming building?

FRANK DILL: That's right.

BRENDAN SULLIVAN: Okay.

Any questions by anybody? Slater?

JIM MONTEVERDE: No.

JANET GREEN: I have none.

BRENDAN SULLIVAN: Let me open it to public comment.

This thing isn't working.

Let me open it to public comment. Is there anybody here who would like to speak on the matter at 22 Haskell Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

There is communication in the file from MaryAnn Kenny from 11 Haskell Street. (Reading) I have been made aware of the plans to reconstruct and renovate the porch on the back at 20 and 22 Haskell. I heartily support the plan to approve both the dining and the recreational use of the back porch.

There is a letter in the file from William Daly who lives at 81 Rindge Avenue. He has reviewed the plans. They have been very thoughtful neighbors, and he fully supports their application.

And there is also, I think that was here. There's a letter in the file from Chris Chan and Ann Mark who are the owners currently at 16-18 Haskell. (Reading) My neighbors at 20-22 Haskell that has been recently and presented their drawings for the construction of the screen porch of approximately 230 square feet at the rear of the existing. I have no

objection to the construction of the proposed screen porch.

There's a letter in the file from Michael Morrissey who lives at 24-26 Haskell. He has reviewed the plans. He has no objection.

There is also a letter in the file from H-O-N-G W-I-N-G-L-I, lives at 51 Rindge Avenue and they have no objection.

There's a letter from Maureen O'Sullivan and she lives at 67 Rindge Avenue and she has seen the plan and she has no objection.

So, it seems like everybody is in support.

I will close public comment at this point.

Do you have anything further to add?

FRANK DILL: No.

BRENDAN SULLIVAN: Make a motion?

JIM MONTEVERDE: Yeah, please.

BRENDAN SULLIVAN: Let me make a motion to grant the relief requested as per the application form and the drawings contained therein.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner

because it would preclude the petitioner from adding this much needed space to the side of the house, to allow them to use the gardening area during at least three seasons. It's an extended family, and that the family uses the outdoor space quite a bit. And that this will enhance the liveability of their property.

The Board finds that the hardship is owing to the fact that the house was built prior to the enactment of the existing zoning, and that it encumbers the property so that any slight addition such as this would require some relief from the Board.

The Board finds that desirable relief may be granted without substantial detriment to the public good.

The Board notes the letters of support for the project, and the Board finds that the granting of this relief is fair and reasonable and that it would not nullify or substantially derogate from the intent and purpose of the Ordinance.

The Board grants the relief requested on the condition that the work comply with the specifications and the plans for the addition as contained and submitted to the Board.

All those in favor of granting the relief?

(Aye.)

BRENDAN SULLIVAN: Five in favor. Good luck.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

FRANK DILL: Thank you.

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(8:30 p.m.)

(Sitting Members Case No. BZA-016243-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016243, 55 Park Avenue.

Perry.

PERRY NEUBAUER: My name is Perry Neubauer. I live at 108 Holworthy Street in Cambridge, and this is my neighbor Mike Salguero, S-A-L-G-U-E-R-O.

And they engaged me to work on a two-family house. They want to convert it to a one-family house due to their size of their family. And Mike has a couple of remarks to make I think.

MICHAEL SALGUERO: Yeah, sure. Just to keep it brief, we're looking to extend about six feet on the south side of the house. It's -- it has a very large yard. We have three kids, identical twin girls. We want a lot of space for them to run around. I think in terms of the neighborhood, we have one of the larger yards and we want to keep it that way. So we're not really asking for much in terms of yard -- or in terms of add on. We're here because the north side does not conform. Not

because we're changing it, but because it's a pre-existing condition.

PERRY NEUBAUER: Here's a view of the north side. It's a real beauty. This is the south side, and that's where we're popping out an addition to it; living room will have a two-story space. It will be fantastic.

So the issue before us I guess is that the house was built in the twenties and before the zoning setbacks were established, and because of that we are too close to the front. It's -- we're 10.4 feet from the front and we should have 15. And on the right side --

SLATER ANDERSON: Can you use the mic?

PERRY NEUBAUER: Oh, sorry.

There we go.

ANDREA HICKEY: That's good.

PERRY NEUBAUER: On the left side we're -- well, on the front, I should start with the front, it's or 10.4 feet away, we should have 15. And on the north side, as Mike has pointed out, there's this required setback of 7.5 feet and we've only got 6.5. The addition, of course, doesn't change really anything at all. We have plenty of land, and floor area ratio doesn't, isn't affected.

So we're pleading that you give us a go ahead on this job so that we can proceed. I mean I think that this -- well, I don't know, I said all that I need to say: I could go on a bit but I don't need to.

BRENDAN SULLIVAN: Thank you.

The whole idea of the addition -- I can understand enclosing the back area because it's sort of a wasted space, and I think it can be utilized better by enclosing it underneath the second floor.

PERRY NEUBAUER: Of course.

BRENDAN SULLIVAN: The one along the side, the purpose of that is to expand the dining room is it? Living room?

MICHAEL SALGUERO: Yes, both. So they both combine so it's a living room/dining room expansion.

BRENDAN SULLIVAN: Then what happens on the second level?

PERRY NEUBAUER: It's a two-story space. So the second floor is open so it pulls the house together in a way that you couldn't do if it were just, just flat floors on both sides. It really makes it more of a familial space, if you will.



MICHAEL SALGUERO: We actually got the idea from Perry's house. So Perry has a house on Holworthy that we loved. We had been a neighbor for about five years. And we went to Perry and said, hey, who did your house? And it turns out it's he a well-known architect and he did it himself. So -- and that was approved a couple years ago by you guys. But the -- it's, you know, it will provide a lot of light for my wife and daughters who like light. And we're trying to keep it within the kind of the specifications of the neighborhood, not do anything ostentatious, not do anything crazy. Obviously strawberry hill is changing a lot and we want to keep it the way that it's been.

We have several letters from neighbors who are in approval of the project, including the neighbors who are directly next to us.

BRENDAN SULLIVAN: So part of that space is actually clear story, but also a bedroom on the second level?

PERRY NEUBAUER: Yes, it's open to the second level.

BRENDAN SULLIVAN: Okay.

Any questions? Jim?

JIM MONTEVERDE: No, thank you.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: No.

JANET GREEN: That floor space for the bedroom on the second level, or it is floor space for the bedroom on the second level? Or it's, no -- it's open all the way.

PERRY NEUBAUER: No. The living room just goes up to the roof actually.

SLATER ANDERSON: But there is some -- there's something labelled a kid's bedroom --

MICHAEL SALGUERO: Yes.

SLATER ANDERSON: -- that also extends into that space.

PERRY NEUBAUER: Well, the bedrooms are all upstairs. And it's just that we were able to work around those bedrooms in order to create this wonderful two-story space.

MICHAEL SALGUERO: Yeah, but the kids' bedroom will be within that six -- and I have three daughters who I'm trying to stick into that one room, so the extra six feet will definitely help. I don't think it's going to work. My wife is convinced that it will.

BRENDAN SULLIVAN: Okay. Anything else?

JANET GREEN: No.

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me open it up to public comment.

Is there anybody here who would like to speak on the matter?

(No Response.)

BRENDAN SULLIVAN: At 55 Park?

(No Response.)

BRENDAN SULLIVAN: No?

There are some letters in the file.

MARILEE MEYER: Point of information?

BRENDAN SULLIVAN: Oh, I'm sorry. Yes.

MARILEE MEYER: Why is that --

JANET GREEN: Your name?

MARILEE MEYER: Marilee Meyer, 10 Dana Street. Why is this project here? Did it go before the Historical Commission and the Planning Board?

PERRY NEUBAUER: It's non-conforming. Because the

zoning setbacks were established after the house was built and the house was too close to the side and the front.

MARILEE MEYER: I mean, being, you know, -- I mean I'm cold to this, absolutely cold. But my questions are about from proportion and proper design for the neighborhood and, you know, if it's non-conforming, how much more non-conforming is it? And what's the context like? I mean they may be totally inappropriate questions, but that's -- I was curious on why it was here and whether -- and how nonconforming. And adding on to it how that disrupts the context of the neighborhood?

BRENDAN SULLIVAN: Well, to answer the question No. 1, when it went before the Planning Board. Planning Board reviews all of our cases anyhow and they either comment or they decide not to comment.

The area on Park Avenue is not in an historic district so there's no review of that.

As far as non-conforming, currently the house is non-conforming. A B Zone is sort of split. It's 0.50 of the first 5,000

square feet and then 0.35 of the remaining square footage above 5,000 square feet of lot area. Right now they're at a 0.61 and they're going to a 0.66. So is it more non-conforming? It will increase that number. So it does mean more, more volume, more non-conforming, yes. But I think that the presentation here is because it's on a corner lot and there is a tremendous amount of area, it's almost like double lot that --

MARILEE MEYER: So it is here because it didn't get approval at the Planning Board?

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: No. It's here because it's a non-conforming structure and they're adding on to a non-conforming structure. That's basically what it is.

MARILEE MEYER: Okay.

BRENDAN SULLIVAN: Is there anybody else who would like to comment on it?

(No Response.)

BRENDAN SULLIVAN: I'm in receipt of some correspondence. Rebecca Pond at 82 Park Avenue. (Reading) I wish to

express my support of Mike and Karlene Salguero's plan to build an addition to their property at 55-57 Park Avenue. Please feel free to contact me.

There's correspondence from Paul Creedon, C-R-E-E-D-O-N.

(Reading) I write in full support of Mike and Karlene's application to build an addition. I live adjacent to the property at 77 Park Avenue. We had the opportunity to review the plans and see no reason to object to their application.

There is correspondence from Chris Tolles, T-O-L-L-E-S. He is the homeowner at 56-58 Park Avenue. He is, he's across the street and he is in full support.

I think there's also correspondence from a neighbor at 68 Park Avenue who has reviewed the plans and is in full support.

That's it.

Okay, anything else to add?

(No Response.)

BRENDAN SULLIVAN: Any questions by the Board at all?

JIM MONTEVERDE: No.

JANET GREEN: No.

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief sought.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from adding on to the structure to make more compatible for a growing family. The increase in space will allow the house to be more liveable. It would be fair and reasonable use of the property.

The Board finds that the addition somewhat de minimus and is fair and reasonable relief.

The Board finds that the addition on the back is to incorporate a space which is otherwise of no value and would greatly enhance the liveability of the house.

The Board finds that the hardship is owing to the fact that the house built prior to the enactment of the current zoning is incumbered and hampered by the Ordinance, and that any addition of this nature, of this

size, would require relief from this Board.

The Board finds that desirable relief may be granted without substantial detriment to the public good.

The Board notices the letters of support, especially neighbors, those most effected, who are in support of this project.

And the Board finds that the granting of this relief would not nullify or substantially derogate from the intent and purpose of the Ordinance to enhance the liveability of the property and fair and reasonable use of that property.

The Board finds that the granting of this relief is intended upon the application conforming to the drawings that are submitted and also to the application dimensional form.

All those in favor of granting the relief?

(Aye.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

\* \* \* \* \*



(8:45 p.m.)

(Sitting Members Case No. BZA-016194-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016194, 955 Massachusetts Avenue.

If you would please introduce yourself for the record with your name and address and anybody else who wishes to speak will do the same.

ATTORNEY ADAM WEISENBERG: Okay. Thank you very much. My name is Adam Weisenberg. I live at 51 Martin Street in Cambridge. I'm a lawyer with the firm Sullivan and Worcester. I'm here tonight on the 955 Mass. Ave. item on the agenda. With me are Jeff Longnecker, L-O-N-G-N-E-C-K-E-R of DivcoWest, the building owner. And Joel Bargmann who is our project architect.

What I'd like to do if it meets with your approval, is just start us

off briefly on the zoning aspects and then turn it over to Jeff to talk about the project and its goals and Joel can present the design.

BRENDAN SULLIVAN: Yeah, before we get into the merits of the case. In the correspondence, and I think if you look behind you, there's an awful lot of people that have very strong views on what you're asking for. And I guess the question is have you had any communication especially with the condo association next to you? Because they have written in letters that are strenuously opposed to what you're asking for. What I'm trying to avoid, and members of the Board can chime in and either concur or say no, let's go forward, is I really don't want to spend an hour, hour and a half on this, slogging it out back and forth and so on and so forth, and then if you can read the tea leaves and then all of a sudden ask for a continuance to have some dialogue, some community input in your application --

ATTORNEY ADAM WEISENBERG: Sure.

BRENDAN SULLIVAN: -- as a -- again, I'm one member of the Board, as Mr. Alexander always says. What you're asking for is a lot. And especially in the uses of what you're asking for. And at the courts

Mendoza, if you want to go through it, have found that even though the granting of a Variance is an exceptional granting of relief, a Use Variance is the most exceptional because it basically strikes at the heart of premise of zoning. And when zoning first came in, it was the use variances or the use of a particular area or a lot that came in. All the dimensional stuff came later. So it's a, the bar is high for a Variance having to establish hardship, No. 1. And a use Variance, the bar is even much higher. That's just my opinion in reading through the case and a number of correspondence.

ATTORNEY ADAM WEISENBERG: Let me -- I understand. We met with -- we've met some of the people and so forth. I understand there are a lot of people who did not have -- who did not have copies of the correspondence. We have not seen that. I understand that there is a concern about the breadth of the request that we made with respect to uses, which I can explain in a moment. But it seems the null of it is that these neighbors are upset at the concept that it -- that it could be a restaurant or a bar or a nightclub or something where alcohol was served. We are not expressly looking for that. We simply are looking to have the

same ability to have retail that other businesses, other locations on Mass. Ave. have. We'd have to go in for a liquor license if we want to do that. We're perfectly happy to come back to the Board on zoning if it's, if that's what the issue is. But right now the background on this building is that there's a very limited set of retail uses that are permitted.

The building was built back in 1970 when it was an office zone. And it received a Variance because they couldn't lease up the first two floors of the building. They got a Variance in 1987 for retail uses, and there's a limited list of retail uses that was approved by this Board back in 1987. But if you look at what the list is, you can tell 30 years have passed because the list is -- if you'll allow me to read it: Florist or plant store, barber or beauty shop, drugstore, shoe repair store, photography studio, printing, copying shop, bookstore, card stationary store, hardware store, small fitness center, and commercial art gallery.

With all due respect, times have changed, and there are very few of those uses that are actually where there are tenants and so forth that are available. So our request, just to put it in perspective, was to broaden the list of retail uses to include stores and various other things.

We're not looking to get the ability to put anything in that's going to be offensive to anybody, but my belief is that there is a happy medium of uses in our list that would be acceptable to our neighbors.

BRENDAN SULLIVAN: And that's sort of the point is that --

ATTORNEY ADAM WEISENBERG: And with respect to the remainders, we can come back.

BRENDAN SULLIVAN: -- again, I will allow the Board to chime in on this. I don't want this to be the forum for you to pair down that list. I thought you would have had these meetings, that you would have had discussions, and come back to us and say rather than -- and, again, what you're asking for is relief under 4.35. A, C, D, E, F, G, I, K, L, M, Q, R. So that's, you know, what you're saying is you would like to broaden it. This is like everything. And everything that is there is not permitted. And I'm reading this thing, establish -- one thing that really -- the problem is that if we do continue it, you're going to have to come back with the same five people which could be a problem schedule wise.

JANET GREEN: So is it open? Is this case open now?

BRENDAN SULLIVAN: Well --

ATTORNEY ADAM WEISENBERG: I guess what --

BRENDAN SULLIVAN: Again, we have this -- you're asking for, under F, establishments where alcohol beverages are sold and consumed where no dancing or entertainment is provided.

So you're asking for relief from that.

Then under G, a bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dancing hall or similar place of entertainment.

So, you know, at some point --

ATTORNEY ADAM WEISENBERG: Mr. Chairman.

BRENDAN SULLIVAN: -- this list should have been paired down so that you come in with something that is acceptable to the community and also acceptable to us. Because we will spend two hours --

ATTORNEY ADAM WEISENBERG: I think we can shorten this dramatically. We will be happy to withdraw the request with respect to uses, and we'd like to continue with the remainder of it and we'll come

back on the use question, case by case as we have tenants if that's the will of the Board.

BRENDAN SULLIVAN: Well, but it isn't, isn't one of your -- well, your premise here is that the building is under some financial or otherwise disadvantage because of the constraints that were imposed on the original Variance?

ATTORNEY ADAM WEISENBERG: No. The hardship with the building is it was built 48 years ago. It has an arcade. It does not -- part of the building does come out to the front, the middle part does. The left and the right do not. And that is not consistent with current city planning or with tenant's expectations and customer's expectations of how a building relates to the street and it also doesn't -- it interferes with having active street and active ground level at the street which is, likewise, something that people desire nowadays. So that is -- that is the specifics of what uses are there is part of that, but that's not all of it by any means.

BRENDAN SULLIVAN: Well, so, I guess my question is shall we go forward then?

ATTORNEY ADAM WEISENBERG: If you will allow us to

withdraw the portion, the request with respect to uses, then we'll be happy to continue with the remainder.

BRENDAN SULLIVAN: I mean....

JANET GREEN: And then they would come back one at a time for the different uses as they come in?

ATTORNEY ADAM WEISENBERG: Well, that was --

JANET GREEN: Or they wouldn't have discussed it with the neighbors? It seems to me like it doesn't give the opportunity for community involvement in the discussion.

ATTORNEY ADAM WEISENBERG: We'll be, we'll be -- well, we'll be happy to have those discussions but we don't want to -- we want to get moving with the remainder of the physical work. And we'll be happy to deal with the issue of cases. We don't know what uses we're going to have, that is why we brought this in here. Because Jeff has to go lease the space, and he has to make the building beautiful in order to lease the space. So we don't know whether it is a store or a restaurant or anything else, and that was why we put the request in basically saying



treat this as though it is a retail area where the same as you treat other retail within the city. Understanding that there's a sensitivity, which I believe from what I've heard, is not related to the idea of retail across the Board. But is related to specific retail that might be of a concern. It seems to me that we'll be happy to, if we hit those issues, we will be happy to talk with the neighbors and come back in on a-one-by-one basis. Because I can understand that you all are not in a frame of mind to allow us to get sort of a broad retail use, at least not in advance of us not having those discussions with our neighbors, which we've not had the opportunity to do.

BRENDAN SULLIVAN: It's, I think it's difficult for me to disturb the original Variance and the restrictions that were put on it at the time.

ATTORNEY ADAM WEISENBERG: It's 30 years old, sir.

JANET GREEN: You've posted.

BRENDAN SULLIVAN: What's that?

JANET GREEN: They've posted this.

ATTORNEY ADAM WEISENBERG: No, the 30-year-old

Variance is what you're talking about, sir.

BRENDAN SULLIVAN: Yes, without some real good reason to do so.

ATTORNEY ADAM WEISENBERG: Right.

BRENDAN SULLIVAN: So, any -- Jim, any thoughts?

JIM MONTEVERDE: Well, I was going to ask if in fact you can parse the issues. Once it's been advertised, can we in fact separate?

ATTORNEY ADAM WEISENBERG: We can withdraw a portion of our request.

JIM MONTEVERDE: Without withdrawing in full re-advertising to come back solely for the issues you want to discuss.

ATTORNEY ADAM WEISENBERG: A lesser included --

JIM MONTEVERDE: Cut out the -- but I'm saying not tonight. You would withdraw in full. That's what I said. You would withdraw the request in full because that's -- what you've advertised is all of this. Can we in fact parse it and only discuss part of it and table the balance of it? Can we do that as a Board?

BRENDAN SULLIVAN: We can if they wish to withdraw a

portion of their application, yes.

JIM MONTEVERDE: Okay.

ANDREA HICKEY: But we'd have to assent to that withdrawal. And frankly I think it's extremely inefficient and a lot to ask of us to allow you to come back use by use.

ATTORNEY ADAM WEISENBERG: I'm sorry, that was why we originally asked for the broad grants so that we wouldn't have to come back every time. So we're happy to do it whichever way pleases you.

We are here at your --

ANDREA HICKEY: Speaking as one member --

ATTORNEY ADAM WEISENBERG: Okay.

ANDREA HICKEY: -- if you are to go forward, I frankly would like to see you take some time to narrow that list down now.

BRENDAN SULLIVAN: Correct.

ANDREA HICKEY: If you are to move forward.

ATTORNEY ADAM WEISENBERG: I believe that would not be a long conversation based on the little bit of conversation that I had in the hallway.

ANDREA HICKEY: And could I ask why you've not met with the neighbors? Perhaps called a community meeting before tonight?

ATTORNEY ADAM WEISENBERG: We -- there were notices sent. This is a condominium building --

ANDREA HICKEY: Right.

ATTORNEY ADAM WEISENBERG: -- there's sort of no -- how do you know which --

ANDREA HICKEY: You find out who the management company is, see if they have a website or some way to contact the residents or occupants.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Or a Board.

ATTORNEY ADAM WEISENBERG: Well, we're certainly happen to do that.

JEFFREY LONGNECKER: I reached out to Fritz Donovan of the Mid Cambridge Association and didn't do further outreach. Frankly, we had not perceived the resistance that we're getting. And we're happy to rescind the Use Variance at this point and come back with specific

targeted use ideas.

BRENDAN SULLIVAN: You know, again, I think Andrea's correct. You guys are very savvy developers. You've been at this for 20 years and you have a presence here; San Francisco, Boston, Cambridge, so on and so forth. And I'm a little bit perplexed as to why you didn't have a more coherent presentation rather than coming in and asking for all of these use variances or all of these potential users to the building. You say, well, we have no intentions of... you know, and yet you've included it.

ATTORNEY ADAM WEISENBERG: I didn't say we have no intent -- excuse me, I didn't say we have no intentions. What I said was we don't know what the specifics.

BRENDAN SULLIVAN: Right. So then what Andrea is saying, okay, fine, what you're also asking for is a Variance to enclose certain sections of the building, move windows, a Special Permit. There is a request to reduce parking, was it one space or something? Is it one space or something? All right. And then there's that use part of the building. And I don't know if you go through this whole exercise and say we were to grant you relief and then you have a perspective tenant who

wants to do X, and you and I have to look and say well, no, we have to come back to the Board for that. Or I don't know how you would even market it unless you knew exactly what you could put in there.

ATTORNEY ADAM WEISENBERG: No, that's --

BRENDAN SULLIVAN: And, you know, that's your business. I'm not going to run your business for you, but it seems like what Andrea is saying, is it almost seems like then you're going to keep coming back and coming back and coming back. And you're going to have a tenant that's going to rent a space for you. And you're going to say we're going to go back to the Board for that. And that could be three to four months before you come back here to us. And then we're going to bring all these people back out again and it's just --

ANDREA HICKEY: And depending on the number of spaces, it could be three or four separate cases. And it's sort of natural to me to hear both parts of this case together, but the use is just way too broad.

ATTORNEY ADAM WEISENBERG: May I ask, would the Board -- if we had a narrowed down list of what these -- we got rid of the

ones that were objectionable to the neighbors. Which my understanding is what's objectionable to the neighbors is alcohol. There's other things, I'm happy to hear what they are. But if you look at this list of items, there's I think there are two of them that involve alcohol. We're happy to get rid of anything that is an objection of that nature. And if it's the Board's wish that we do that, we'll be happy to -- happy to comply, get rid of that piece of it. If you'd like to grant the remainder of the uses, that's fine. If you want us to withdraw all of the uses, that's fine, too. We're happy to do whatever it is. But we would like to be able to -- be able to go forward with the improvement to the building and, you know, bring that street edge out and so forth so that we can get on with leasing the building.

JANET GREEN: I don't think --

ATTORNEY ADAM WEISENBERG: I'm sorry.

JANET GREEN: I don't think that our reason here tonight is to sort of have the essence of a community meeting trying to hear what people are saying in the audience and then trying to sort out what you already advertised for. I don't think that part really works.

SLATER ANDERSON: And there's a down side for you going forward if we were inclined to do that. Given the -- my reading of the room here, you may not get approved on the other part that you are asking to go forward with which would require you to make changes on that and come back again. The problem is you're saying you want to be agreeable and flexible and -- but you haven't met with the community and talked to them and your neighbors about what is a plan that might be reasonable to present to us for approval. And without the neighborhood, and we're not going to legislate this here tonight, that's not our role. I think you need to go back, have a community meeting, talk about your plans, communicate to them what your ideas are and come up with something that they're comfortable with.

BRENDAN SULLIVAN: Yeah, I mean I would like to see the bottom line.

JEFFREY LONGNECKER: But we don't know that we need a Use Variance. We know that we need to improve the aesthetics of the building and that's our primary goal in coming tonight.

BRENDAN SULLIVAN: But this is going to keep going round



and round.

JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: Even -- anything, any relief, I would dare say that an awful lot of the people in attendance are not even really sure of exactly what you want. And, again, I think absent or void of a community meeting, this is going to be like Judge Baker's guidance center here tonight, and I don't want to go down that road. It's going to need some tweaking, some changing. I would like you to do that tweaking, changing of the application. Post a meeting to get the sense of what the community wants, not that they have a veto over what we do, but we really respect their input and they have to live with it. And so I think you really need to have that. You need to pair it down and go through those Table of Uses and say this is what we would like or this is what we will throw out, and then delete it, rather than having us go through it piece by piece.

That's my sense.

Jim.

JIM MONTEVERDE: I agree. That's why I asked the question that I asked. I mean, my sense is -- yes, I agree.

BRENDAN SULLIVAN: Okay. You can have it -- you can start off in the back room there for a community meeting and, you know, we won't shut the lights off. But I think you need to have that. I think these people deserve it. Okay.

ATTORNEY ADAM WEISENBERG: Sure. No, we have no objection whatsoever.

BRENDAN SULLIVAN: Okay. So why don't we say, then, that it is a case not heard because we didn't really get into the merits of all of what you want. So that you could assemble either this Board or new members and it's not constrained by that.

ATTORNEY ADAM WEISENBERG: Okay.

BRENDAN SULLIVAN: Now, when would you want to come back?

ATTORNEY ADAM WEISENBERG: I think we'd like to come back as soon as possible. We'd love to meet with the people and do that at the earliest opportunity.

BRENDAN SULLIVAN: Are we back into the July and August?

SISIA DAGLIAN: No. We have July 12th has two cases.

July 26th there's only one case.

BRENDAN SULLIVAN: So, July --

SISIA DAGLIAN: And even June 28th I think there's only two cases. One of them got six-month extension.

BRENDAN SULLIVAN: I would not do June 28th.

SISIA DAGLIAN: So it could be the 12th or the 26th of July.

BRENDAN SULLIVAN: 12th or 26th, July.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I have a question. Are we allowed to speak from the community now?

SLATER ANDERSON: No.

BRENDAN SULLIVAN: No, we're going to --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I just wanted to make it clear because we have people here who are looking at me saying why are you not speaking? And I wanted to make sure we understood we are not to speak.

BRENDAN SULLIVAN: It's a procedural thing where we can't really open up the case because then it becomes a case heard. We

would have to assemble the same five of us and that may be problematical.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I understand that.

SLATER ANDERSON: You are welcome to speak with them afterwards in the next-door if you'd like.

UNIDENTIFIED MEMBER from THE AUDIENCE: Even if it's just the timing of the meeting so we have time to discuss between us.

SLATER ANDERSON: Yeah, we're working on that.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Just the timing of the next meeting, because we need time to discuss. The neighborhood needs to discuss between us what we want to do. So I want to mention that.

ANDREA HICKEY: All right.

SISIA DAGLIAN: August 9th?

ANDREA HICKEY: Would you like to propose one of those three available dates?

ATTORNEY ADAM WEISENBERG: I'm sorry, just to be

clear, the dates were July 12th.

SISIA DAGLIAN: July 12th, July 26th, August 9th, August 23rd.

ATTORNEY ADAM WEISENBERG: July 26th, please.

BRENDAN SULLIVAN: Okay.

The Board is going to -- let me make a motion, then, to continue this matter until July 26th at seven p.m. on the condition that the petitioner change, first of all, sign a waiver to the statutory requirement for a decision, if you would.

And also that the posting sign be changed to reflect the new date of July 26th, and the time of seven p.m.

JANET GREEN: Not heard. Case not heard.

BRENDAN SULLIVAN: And it is a case not heard.

One question, yeah.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm just, I'm really impacted by this. And I know you're not letting people talk but in case -- I mean, like what about maybe not everyone can get back here on that date.

SLATER ANDERSON: You can submit something in writing.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I can?

JIM MONTEVERDE: Yes.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I met you guys before, but I'm directly across from you guys.

BRENDAN SULLIVAN: I would encourage the petitioner to meet with the community. That the community have input.

JIM MONTEVERDE: Absolutely.

BRENDAN SULLIVAN: And that if you cannot make it to the hearing on July 26th, that you can write in correspondence. You can e-mail. And your comments will be duly noted and taken into consideration.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Thank you.

JANET GREEN: And you can certainly get the names of the people who are here tonight.

JIM MONTEVERDE: Absolutely.

BRENDAN SULLIVAN: On the motion, then, to continue this

matter to July 26th, all in favor?

(Aye.)

(Sullivan, Green, Hickey, Anderson, Monteverde.)

\* \* \* \* \*

(9:10 p.m.)

(Sitting Members Case No. BZA-016276-2018: Brendan Sullivan, Janet

Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No.

016276, 189 Charles Street.

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm here tonight on behalf of the petitioner, 189 Charles Street, LLC. This is an application requesting a Special Permit to add windows within the setback.

This is a non-conforming building. It's a three-unit building and it will stay three units. But like many buildings in East Cambridge, the side yard setbacks are less than six feet. The front yard setback is very minimal. So that any exchanges to the exterior would need relief.

There's a series of five windows. There are two enlargements on the first floor. There are two skylights. There is also a rear egress that a new doorway to a mechanical room in the basement. Those are the changes primarily. This is a gut renovation and so the interior layout is being changed and so the windows are being added or enlarged to add light and air into the structure. Outside of that, there are no other dimensional changes. Although they are close setbacks, the new windows will not impact negatively any privacy. The windows are



structured such that they're not going to be negatively impacting the adjacent structure.

This is a multi-family district, and this is going to stay a multi-family. So this is a structure that is -- hasn't been updated in recent history, and there is actually probably very little correspondence in the file because the construction is already ongoing. So they're already working on the building, and these are just the windows that will help improve the interior layout and the functionality of the structure.

SLATER ANDERSON: Three windows? Is that what I see?

ATTORNEY SEAN HOPE: So there are two enlargements on the first floor. There are two skylights on the third floor.

SLATER ANDERSON: There we go.

ATTORNEY SEAN HOPE: There's also the basement access to the mechanical room. And the basement is under seven feet, and there's not any new unit or anything proposed there. It's just an access there.

SLATER ANDERSON: Okay.

BRENDAN SULLIVAN: Are there any windows on the left

side? Which I'm not sure....

ATTORNEY SEAN HOPE: So on the east elevation is the front. West is the rear. And those are two -- they're bubbled, two in the back. The front ones don't need relief. The skylights on the north. And on the south elevation they're replacing the windows with the same size except where noted.

BRENDAN SULLIVAN: The left side is what part of the compass?

SLATER ANDERSON: Left is going to be the west side.

ATTORNEY SEAN HOPE: So the west would be the rear.

BRENDAN SULLIVAN: I guess my point is it's one foot, seven to the --

ATTORNEY SEAN HOPE: Yes, exactly.

BRENDAN SULLIVAN: -- to the lot line.

ATTORNEY SEAN HOPE: So the west would be the south.

BRENDAN SULLIVAN: I don't know how close the nearest structure is, but it may be a Building Code issue at that point.

ATTORNEY SEAN HOPE: That's right. I thought the same

thing that I know that openings within five feet of a property line often make time with the Variance of the Building Code. And so I know that the owner did look at that, and so you might be right, but I do believe it's the adjacency to the property abutting.

BRENDAN SULLIVAN: Okay.

ATTORNEY SEAN HOPE: I did think the same thing.

BRENDAN SULLIVAN: So this may not be the last stop, but anyhow.

Okay, any questions?

JANET GREEN: No.

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: Let me open it public comment.

Is there anybody here who would like to speak at the proposal at 189 Charles Street?

(No Response.)

BRENDAN SULLIVAN: There is nobody in attendance.

There are no letters in the file. Nobody is for or against.

Okay.

Any comment? Shall I make a motion? It is a Special Permit. The Board finds -- let me make a motion, then, to grant the relief requested to install new windows as proposed. A drawing by Peter Quinn, Architect, entitled, "Renovation of a three-family building." There's no date on it.

The Board finds that the requirements of the Ordinance can be met.

The Board finds that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

The Board finds that there would not be any congestion, change in the establishment by the adding of these windows. It is really a realignment of the windows to reflect an interior change of the rooms.

The Board finds that the continued operation of development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected.

The Board finds that the abutting properties have not expressed any opinion adverse to the proposal.

And that it appears by the drawings and by the existence of existing windows that there would not be any loss of privacy to the adjoining properties.

The Board finds that there would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use or to the citizens of the city.

That the addition of these windows, the changing of these windows, would actually be an asset to the occupants of the proposed use as it would better align with the interior design and flow of the house, and would add much needed light and air in to the interior of the house.

The Board finds that the proposed use would not impair the integrity of the district or adjoining district. And is consistent with the intent --

And the Board finds that the proposed proposal before us is consistent with the intent of the Ordinance by allowing for the renovation and weatherization of an existing older building to bring it up to more a contemporary standards.

Anything else to add?

JIM MONTEVERDE: No.

JANET GREEN: No.

BRENDAN SULLIVAN: The Bard finds that on that basis and the initialing of the plan, that the work conform to the drawings as submitted.

The Board finds --

ATTORNEY SEAN HOPE: And there is a date. It's really small. It's January --

JIM MONTEVERDE: January, 2018.

BRENDAN SULLIVAN: The plans dated 02, January 2018, and initialled by the Chair.

All those in favor of granting the Special Permit?

(Aye.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

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(9:25 p.m.)

(Sitting Members Case No. BZA-016277-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016277, 1556 Cambridge Street.

Introduce yourself for the record.

MICHAEL LAGASSE: I'm Michael Lagasse, owner of 1556 Cambridge Street looking to do two things:

One is a Variance to add a deck in the rear. This was motivated after a renovation revealed that we couldn't get appliances up the back. So I had significant damages to my fridge after the renovation.

JANET GREEN: I can't really hear you too well myself.

Could you just put it a little closer.

MICHAEL LAGASSE: Is that better?

JANET GREEN: Better.

MICHAEL LAGASSE: The deck is motivated by the fact that after the renovation, we found we couldn't get appliances into the building without significant damage. That was a surprise.

The rear stairs, I know there'S a lot of bad stairways in Cambridge. This has four pizza stairs followed by three straight stairs followed by four more pizza stairs, which is a very big elevation drop in a short distance. They really struggled with getting the fridge up. We did get it up with significant damage. I went to zoning and talked to Ranjit as well. They suggested trying to get a Variance to correct that. It's not good egress or access.

We were a little bit over FAR. It's a 0.75 district. We're a 0.95, and we would bring it to about 0.96. So a little more than one percent increase in FAR.

The deck also would be in a setback by a foot or so that's shown on the plan. Okay. So that's, that's the deck.



There's also windows that we would like to enlarge some, add some. There's about four or five windows in question. So that would be the Special Permit part of this.

BRENDAN SULLIVAN: What is the house used for now?

MICHAEL LAGASSE: It will be rental. It's renovation. It's under renovation. It's unoccupied. It has been unoccupied since September. There was a tenant, and when I bought it, and they wanted to stay through the winter. That's why I've been here more than once. We renovated unit 2 first. When unit 1 moved out, we started renovating that.

BRENDAN SULLIVAN: The second floor, according to Mr. Ellsworth's drawings, the second and third floor is one apartment?

MICHAEL LAGASSE: Correct.

BRENDAN SULLIVAN: I count an office. You have a living room, dining room. There's a bedroom. And then there is one bathroom, two bathrooms, three bathrooms. On the top floor there is bedroom, bedroom, bedroom, bedroom and another bathroom. So there's one, two, three, four, five bedrooms and one, two, three

bathrooms.

MICHAEL LAGASSE: Three-and-a-half bathrooms, correct.

BRENDAN SULLIVAN: And when did those bathrooms go in?

MICHAEL LAGASSE: During the second floor renovation. I was here in front of the Board during that part of the construction.

BRENDAN SULLIVAN: And what's the purpose of all the bathrooms?

MICHAEL LAGASSE: Just more -- I mean, we had all that space. Just to -- more bathrooms. There was space available so we put them in.

BRENDAN SULLIVAN: The other -- and on the drawing it shows this is the rear staircase existing.

MICHAEL LAGASSE: Correct.

BRENDAN SULLIVAN: And it shows that it's going to stay.

MICHAEL LAGASSE: Right.

BRENDAN SULLIVAN: So you're going to have the rear staircase and the addition to the back?

MICHAEL LAGASSE: The staircase, the rear staircase goes to the utility room.

BRENDAN SULLIVAN: That's going downstairs. What about on the --

MICHAEL LAGASSE: That's a common staircase that goes to the utility room in the basement.

BRENDAN SULLIVAN: All right. I'm not a big fan of taking -- and, you know, the area there is so tight that at one point I think the property, the house is right up to the lot line, is it not?

MICHAEL LAGASSE: Where the bay window protrudes out it's actually on the lot line.

BRENDAN SULLIVAN: And all this does is -- we've seen this in the past where people want to take the rear staircase egress and push it to the outside. Basically taking what is interior space and then moving it to the outside and then capturing that space where there was egress stairway and creating, you know, another bedroom or some more space. And all that does is it just adds mass and bulk beyond the building to what it should be. I mean, I'm not a big fan of it but it's up to the other

members of the Board how they feel.

MICHAEL LAGASSE: I took a picture of the existing stairways.

BRENDAN SULLIVAN: And it's not untypical of -- you know, I have a three-family and the stairway is the same as that. It's not code compliant, but it doesn't mean that I should have to now reinvent the wheel by pushing, you know, interior space to the outside and basically impacting the open space and the massing of a structure to the outside. You know, the house is built in 1864 and there's been a lot of people going up and down those staircases ever since, Michael. And, you know, the other issue there is this is the third time in what six months that you've come here asking for relief as, you know, on the house. And so it's sort of like a little piece at a time here.

MICHAEL LAGASSE: This is because what we found when we did the renovation, we couldn't get the thing up. When I went to Cambridge, they said you can use cranes, and I mean that would be a tough thing to do on our property.

BRENDAN SULLIVAN: To do what?

MICHAEL LAGASSE: To use cranes to get refrigerators up.

BRENDAN SULLIVAN: Well, how did they do that since?

MICHAEL LAGASSE: I'm not sure. I mean, we couldn't fit it up the front at all. And the back we had to go up those stairs. And I witnessed the whole thing, and it was pretty frightening. And that really gave us an awareness of those stairs how bad they are. I know there's worse. I've seen worse, but they're pretty bad. Four pizzas in a row and followed by three straights and four more pizzas.

The original Variance was to raise the roof on the sunroom.

SLATER ANDERSON: And then the second one?

MICHAEL LAGASSE: The second was Special Permit for windows, no Variance.

So we had an unanimous decision when we raised the roof. That was kind of an obvious thing when we started the renovation. The thing that wasn't obvious was the --

BRENDAN SULLIVAN: Is there a basement apartment?

MICHAEL LAGASSE: Not a basement apartment. We're going to incorporate the basement as part of unit 1.

BRENDAN SULLIVAN: So it will remain as a two-family?

MICHAEL LAGASSE: Correct.

So the Variance for the --

BRENDAN SULLIVAN: I just think that your explanation for having four bathrooms in a unit is --

JANET GREEN: Four bathrooms in the second unit?

MICHAEL LAGASSE: In the second floor, yes.

JANET GREEN: So in one unit there's four bathrooms?

MICHAEL LAGASSE: Yeah, there was a lot of space. So we bought that -- when we bought it, it was a five bedroom, one bath.

JANET GREEN: Right.

MICHAEL LAGASSE: The guy Anthony had lived there his whole life.

JANET GREEN: And how many bedrooms are there?

MICHAEL LAGASSE: It was five bedrooms then, it was five bedrooms now.

JANET GREEN: So it's four bathrooms for five bedrooms?

MICHAEL LAGASSE: Yeah. One has a half bathroom.

JANET GREEN: And on the first floor what is there?

MICHAEL LAGASSE: We're gonna have three and a half  
bathrooms in that unit as well.

JANET GREEN: And how many bedrooms?

MICHAEL LAGASSE: Five.

JANET GREEN: On the first floor.

MICHAEL LAGASSE: The first unit, correct?

JANET GREEN: The first unit.

MICHAEL LAGASSE: Yeah.

SLATER ANDERSON: Do you plan to live here?

MICHAEL LAGASSE: My wife and I retired here. We both  
lived in Cambridge. I've lived there six years.

SLATER ANDERSON: This.

MICHAEL LAGASSE: We will retire here. We don't live  
here now.

SLATER ANDERSON: Okay.

MICHAEL LAGASSE: We've been looking to buy something  
in this area for sometime. My wife lived in Cambridge more than ten

years. I've lived in Cambridge six years.

BRENDAN SULLIVAN: Well, I don't know. Jim, any questions?

JIM MONTEVERDE: No I'm just -- so you're keeping the existing porches in the back?

MICHAEL LAGASSE: Yes.

JIM MONTEVERDE: Right, to serve as a ground floor?

BRENDAN SULLIVAN: Well, right now there is just a porch.

MICHAEL LAGASSE: There's no porch. Oh, there's a porch at unit one level like three feet off the ground. There's no --

JIM MONTEVERDE: This one here. I'm sorry, this deck.

MICHAEL LAGASSE: Correct.

JIM MONTEVERDE: So you're leaving the deck that's on the first floor.

MICHAEL LAGASSE: Yes.

JIM MONTEVERDE: That gets you up to the ground floor.

MICHAEL LAGASSE: Yep.

JIM MONTEVERDE: And you're adding the new store and



its deck around it, correct?

MICHAEL LAGASSE: Correct. Yeah, we looked at other -- Campbell looked in detail at other designs and they always cross windows or, you know, they didn't look good.

JIM MONTEVERDE: Yep.

And the sole purpose for that stair and deck is to get appliances up and down?

MICHAEL LAGASSE: Right. And better access to the yard. I mean, to me it's not pleasant walking down those stairs. There is a very big altitude drop on the first floor -- you know, it's one of these cases where the stairs are sloped, because it's a sloped porch. And then four pizzas in a row.

JIM MONTEVERDE: No, no, I get it. I get it. No, I understand it.

MICHAEL LAGASSE: But it's not the sole purpose. There's also, you know, if there was egress emergency or something.

JIM MONTEVERDE: Right. So did you consider removing that stair and either modifying it or enlarging it?

MICHAEL LAGASSE: There's no room to bring that stair up to code.

JIM MONTEVERDE: Enlarging it? One way or another use that, make that stair more usable for you.

MICHAEL LAGASSE: We didn't look at it. But Campbell pointed out, you know, how much a modern stair has to span. It's, you know, it's -- takes up a lot more space than that.

JIM MONTEVERDE: Okay.

BRENDAN SULLIVAN: Any questions or thoughts?

ANDREA HICKEY: Well, again, sort of the piecemeal applications always sort of trouble me. It's inefficient for us.

MICHAEL LAGASSE: Yeah, and I apologize for that. I'm not a professional developer. I've never been to the Zoning Board before. So this is a project beyond what we've done. You know, Campbell's been involved. I'm trying to do as much as I can on my own and it's making things go slowly.

JANET GREEN: And you plan to rent this until you --

MICHAEL LAGASSE: We will be renting it until my kids are

done with school.

JANET GREEN: You'll be renting it as a two-family.

MICHAEL LAGASSE: Yes, and then we will be retiring here.

This is where we want to be.

BRENDAN SULLIVAN: Jim, any other questions?

JIM MONTEVERDE: No.

SLATER ANDERSON: No.

ANDREA HICKEY: Yeah, I mean I just wonder are there better ways to accomplish what you want to do. And without having Mr. Ellsworth here, I'm not sure -- I have the knowledge to explore those. I mean, Brendan's point is well taken. It seems as if this is a scheme to move the stairways outside and recapture more space inside. Whether it's a hardship that you can't easily get a refrigerator into the property, that's something I guess we have to decide.

Are you able to talk about any of the other sort of possibilities that Mr. Ellsworth might have explored that could work?

MICHAEL LAGASSE: So the, you know, the staircases have to be three feet wide, no exceptions. A rise of I think it's eight and a half

inches.

JIM MONTEVERDE: Right. I think it was said correctly, when I asked the question about could you modify or not even staying within that existing stairwell, if you had to add to it to make, you know, you have the stair there. Get rid of it and put in a new stair. I think you said it correctly, you make the stair, once you touch it and you replace it, and what you replace it with has to be code compliant.

ANDREA HICKEY: I understand that.

JIM MONTEVERDE: Which means it has to be wider and it will be bigger.

MICHAEL LAGASSE: It has to be bigger.

JIM MONTEVERDE: I'm not sure that that wouldn't be a, I'll say a better solution, cleaner, more elegant solution. But certainly if you don't want to touch that and do that amount of work, this would be, this is an alternative.

MICHAEL LAGASSE: Right, it's very expensive you're doing demo and structural work.

BRENDAN SULLIVAN: I just, I cannot connect the dots

where you say you have, you have so much extra room that you decided to put in four bathrooms and yet you can't get a refrigerator into the house. That, with all of this extra room that you could have realigned the interior partitions, opened up a wider door, and get the appliances in and out of there and kitchen cabinets.

MICHAEL LAGASSE: It's the stairwells that are the issue.

It's not the doors. It's --

BRENDAN SULLIVAN: Well, it's a door. It's a door in and out. And upstairs. And, again, with all this extra room, you're putting in four bathrooms. It just -- I can't connect the dots on it at all.

Let me open it up to public comment here. Is there anybody here who would like to speak on the matter at 1556 Cambridge Street?

(No Response.)

BRENDAN SULLIVAN: There is nobody here. There is no correspondence in the file in support. Did you talk to your neighbors next-door?

MICHAEL LAGASSE: Yes, I reached out by e-mail and I talked to them. Two of the immediate abutters are renovating their

properties as well, and they said, you know, they didn't -- I encouraged them and asked them to e-mail Maria. They did not, but they did comment, that we know you're doing a lot of the improvements, we're getting all the letters. They didn't have time to do an e-mail. I could have gone there with a form letter and said could you sign this, but, you know.

BRENDAN SULLIVAN: It's a very narrow lot and very close to the adjoining house. And by putting the structure, which is ten feet by what is it? The back of the house is -- what's the width of the back of the house?

MICHAEL LAGASSE: I think the back of the house is like 20-something.

BRENDAN SULLIVAN: 29 feet?

MICHAEL LAGASSE: No, less.

BRENDAN SULLIVAN: No?

MICHAEL LAGASSE: In the back. It's 21 maybe.

BRENDAN SULLIVAN: You know, this cube that's going to be 10 by whatever it is, 21 and stuck in the back of the house, is just to me

just adds to bulk and mass, and I think it's very sensitive to the open space to air and light and I think that.

JIM MONTEVERDE: I don't disagree.

BRENDAN SULLIVAN: What's that?

JIM MONTEVERDE: I don't disagree.

BRENDAN SULLIVAN: You know, since 18-something people have lived there and that they have gotten appliances in and out of there. And we think again going back to your original statement that you had all this extra room to put in all these extra bathrooms, that interior petitioned stairways could have been adjusted, corrected, built.

MICHAEL LAGASSE: It's a lot of structural work. There was no structural work.

BRENDAN SULLIVAN: The house is a wreck to begin with.

MICHAEL LAGASSE: Right, but for me to do the stairs, it's very expensive. We spent a good --

BRENDAN SULLIVAN: It's --

MICHAEL LAGASSE: We spent a good percentage of our savings. We didn't do like a house flipping loan for this.

BRENDAN SULLIVAN: Well, again, I think what it is it's an attempt to put the interior space outside and capture some of that space inside. I'm -- we get this a lot, and I am not in support of it. So that would be my view of it.

Jim, what is your --

JIM MONTEVERDE: No, I would agree. It's unfortunate there is -- you can't present at least to see graphically so you can demonstrate the hardship of actually updating one of the stairs to make it easier for you to get up and down. I have to assume that there's a method to rig an appliance to get it to that second floor if you would need it. I can't imagine you would be without appliances until you are able to build the stair or something like it.

MICHAEL LAGASSE: Well, we did get the fridge in it just has significant damage.

JIM MONTEVERDE: No, no, I get it. I get it. No, no, I understand. So I think it's just too bad there isn't at least an exploration of a way to modify the stairs that you have, the space that you have within the house to accomplish what you're trying to do without having to do that



as large of an addition up to the back.

BRENDAN SULLIVAN: Is this going to be short-term rental?

MICHAEL LAGASSE: No.

BRENDAN SULLIVAN: Not at all?

MICHAEL LAGASSE: No.

BRENDAN SULLIVAN: I just don't understand why you put the bathrooms in there. Just, I can't get over that part of it. Okay.

SLATER ANDERSON: I mean the footprint of this seems large. That even if you had to put it on the outside like that, it just seems like you've built it around that first floor deck which pushes it out further. And beyond the first floor deck it had to be outside. It just seems like you could have, it's just twice as big as the probably needs to be.

JIM MONTEVERDE: Right.

MICHAEL LAGASSE: We, if you don't hit -- if you don't wrap it around the deck, I think the issue was you wouldn't have enough -- big enough land. Or you have to wind it some other way.

SLATER ANDERSON: You can come up, you have a landing that's double width. I mean, you've gone triple width here to go

around the first floor deck. Like it's, it's nine probably what, ten feet wide.

If I can find the exact dimension here.

MICHAEL LAGASSE: Yeah, it does go out ten feet.

SLATER ANDERSON: So you've got three, three, three. If you went up three, you have a landing, you switch back, you go up three. You know, you're six feet or six and a half feet wide including railing.

MICHAEL LAGASSE: Campbell had a hard time hitting that existing landing, so we, you know, we could have looked at moving doors and we were trying to avoid that expense.

JANET GREEN: I'm uncomfortable with the size of the piece outside and the fact that there was so much inside, that you could put as Brendan mentioned, four bathrooms and yet couldn't find some other way to accommodate this. Now that it's done and now you say it's a hardship, that's a little hard to backfill of that.

MICHAEL LAGASSE: If I had thought of this before, you know, it might be a different discussion, but we literally finished and then the appliances arrived and you know.

BRENDAN SULLIVAN: Well, what are your thoughts?

JIM MONTEVERDE: But the appliances are in, so that's solved.

MICHAEL LAGASSE: They're in, they're damaged. If they ever die --

SLATER ANDERSON: Come back in 30 years.

JIM MONTEVERDE: Yeah, exactly.

JANET GREEN: I just don't see it.

BRENDAN SULLIVAN: Right. Okay. Neither do I. So it appears that --

ANDREA HICKEY: I don't see it either.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: No, I just agree that it's kind of a daily way to, you know to do it, I would assume Mr. Ellsworth could figure out what amounts to a fire escape off the rear of the building if that's what it amounts to and, you know, not so either a large an addition.

BRENDAN SULLIVAN: All right, there's two prongs here. There's the Variance for the rear porch and stairway. And the other one is to alter and add side windows in the side setback. And where are

they? Does or do the windows affect or are they affected by the porch, and if you did not do the porch?

MICHAEL LAGASSE: No.

BRENDAN SULLIVAN: They were totally separate?

MICHAEL LAGASSE: Correct.

BRENDAN SULLIVAN: And you still wish to pursue that?

MICHAEL LAGASSE: Yes. I circled all the changes for Historical. So some of them are making the windows smaller. But so Historical needed to know that.

BRENDAN SULLIVAN: And Mid Cambridge said because it's not viewed from the public way?

MICHAEL LAGASSE: Well, they said it was appropriate. And part of it, they -- in the first Variance when we got the approval to raise the roof of the sunroom, they wanted me to make the window aligned. So you're seeing that change on the top floor.

JIM MONTEVERDE: This one?

MICHAEL LAGASSE: Yeah. And plus the same level as the windows up front, correct.

JIM MONTEVERDE: Yep.

MICHAEL LAGASSE: So that was their comment.

BRENDAN SULLIVAN: Okay. Well let me make a motion, then, to grant the relief requested for the -- to construct the rear porch and stairway as per the plan on a non-conforming dwelling to improve egress and access.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude him from building said stairway and a porch to aid in the -- facilitate the egress and entrance into the property.

The Board finds that the hardship is owing to the size of the lot which is non-conforming. The size of the structure on the lot which predates the existing Ordinance, and as such any alterations would require some relief from this Board.

The Board finds that there would not be any substantial change in the public good for the addition of these porches and stairway.

And that relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance to

allow for a safe and reasonable entrance and exit from a structure.

We'll leave it at that. All those in favor of granting the relief as per the plan submitted say "Aye."

(No Response.)

BRENDAN SULLIVAN: All those opposed?

(Show of hands.)

(Sullivan, Green, Hickey, Anderson, Monteverde.)

BRENDAN SULLIVAN: The Board finds that the petitioner has not demonstrated a statutory climate of hardship.

Has not demonstrated an alternative to the proposal that is before us, one that would be less impacting of the adjoining properties and of the open space and the rear yard.

The Board finds that the hardship is not demonstrated relating to soil, shape, or topography of the lot.

The Board finds that it in its judgment, that an alternative would be possibly more preferable. There would be substantial detriment to the public good to allow this massing of a stairway and porches in the back of the building.

Hence the petition for the Variance is denied.

Regarding the Special Permit, the Board finds that the changing or changing of the windows, not adding windows, changing them, right?

MICHAEL LAGASSE: I'm adding.

BRENDAN SULLIVAN: Adding some and changing?

MICHAEL LAGASSE: Yeah.

BRENDAN SULLIVAN: That the requirements of the Ordinance will be met.

The Board finds that there would not be any traffic generated or patterns of access or egress to cause congestion, hazard, or substantial change in the established neighborhood character.

That windows do not affect same.

Continued operation of or development of adjacent uses as permitted in the Ordinance would not be adversely affected.

That there would not be any loss of privacy to the adjoining properties. No adjoining property owner/occupant has voiced any objection to the proposal.

There would not be any nuisance or hazard created to the detriment of the health, safety, and welfare of the occupants.

The addition of these windows and changing of the windows would add much needed light and air into the property which would be beneficial.

And that the proposed use would not impair the integrity of the district or adjoining district by adding these proposed windows.

The Board grants the Special Permit on the condition that the work proceed in accordance with the plan as submitted regarding the windows only and initialled by the Chair.

All those in favor of granting the Special Permit?

(Aye.)

BRENDAN SULLIVAN: Five in favor of the Special Permit for the windows.

MICHAEL LAGASSE: Thank you.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

\* \* \* \* \*

(9:50 p.m.)



(Sitting Members Case No. BZA-016336-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016336, 10 Soden Street.

JOEL BARGMANN: My name is Joel Bargmann and I'm an architect with Bargmann --

BRENDAN SULLIVAN: Really close.

JOEL BARGMANN: Joel Bargmann. Nine Channel Center Street, Boston, architect.

LOUIS FERRARO: Louis Ferraro, 10 Soden Street, Cambridge.

BRENDAN SULLIVAN: Okay. And what would you like to do?

JOEL BARGMANN: Can I use the boards and walk you through the presentation?

BRENDAN SULLIVAN: Yeah.

JOEL BARGMANN: The property was on 10 Soden Street. It was constructed in 1968 or '69. The Ferraro property purchased the

property in 1970. It's not unlike any other properties that we've renovated in Central Square. The plumbing is eroded. There's some issue with water and the piping in the 70s and 60s when these buildings were built have seen (inaudible) streets. And manning apartments for example. And that's caused this building to undergo a proposed major renovation where the inside should be renovated with new plumbing, new electrical, new air conditioning. The old air conditioning is through the wall units, very inefficient. The windows are the original windows that are inefficient. The walls not insulated. So the building prompted by these failures of the electrical and plumbing systems has the opportunity to be renewed.

When the first issue for the Special Permit has to do with the windows, and while we were renovating the windows, the thought was the existing windows are three-foot, nine inches in height and we could lower the windowsill so that they were now five-foot, nine inches in height. Quite a nicer window on the street and on the inside of the building. So that the impact is to increase the size of the windows. The issue on that is the front of the building encroaches on the setback by four inches. And each side yard encroaches on the setback by two inches. So we're here

for that issue putting new windows in the wall within the setback. On the side elevations it's a similar issue. The encroachment's two inches and these bedroom windows would be enlarged. The windows that are in the stair would stay the same way. This window exists. We're not changing that. That's the access door to the stair. So that's issue 1.

What you see here is part and parcel of the second request.

The second request has to do with reducing the number of parking spaces in the existing lot from 45 to 32. That's prompted by a number of issues.

I pointed out the new entry. The building is set down four feet from Soden Street. So to make the entry accessible to those who may have physical disabilities, the owners are proposing to insert a new ramp that will have the required pitch to it and make this front entry accessible to the disabled user, physical disabled user. And the same thing in the back is to modify the rear entry which is also below the graded parking lot.

Now, why do those ramps impact things? The existing green space is shown on this drawing, existing open space. When we put the new accessible ramps in, it significantly reduces the amount of open space because the resultant area between the ramp and the building is

narrower and is allowed to be classified as open space by the zoning code. And the thought was the existing lot, which Mr. Ferraro can talk to if you like, is currently significantly underparked. It has fewer than 50 percent. It's typically less than --

JANET GREEN: Can you hold the microphone up a little bit more?

JOEL BARGMANN: Yeah.

Typically less than 55 percent parked. And the thought was to take a noncompliant parking that's in the dogleg of the parking lot, convert that to green space, open space, that would replace the open space lost on the front. So that we don't have -- the choice was either to ask for a Variance for open space or a Variance for the parking. The thought was the parking was the better request because it cleaned up this corner of the site and made, we thought, a better condition not only for Soden Street but for the neighbors. But also allowed the addition of 19 bicycle spaces on the outside, and there's additional new bike spaces going on the inside. We're also adding accessible parking spaces to the lot which has an impact of reducing the number of spaces in the parking

lot as well. And the parking area that's being taken -- proposed to be taken out of service is this -- it doesn't, it's a noncompliant lot, and the drive aisles are not of the right dimension.

Here's the accessible parking in the front, at the front of the lot at the rear of the building, and then you come in an accessible ramp into the building. So the requests are those, are those two issues.

BRENDAN SULLIVAN: You say that the use of the parking area is underutilized, that only 55 percent of the parking is used now by tenants.

LOUIS FERRARO: Of the 55 percent, about half of that is used by the current tenants. The other half is leased the people of the neighborhood. Or commuters as well.

BRENDAN SULLIVAN: And historically there has not been a demand by the tenants for the parking spaces; is that correct?

LOUIS FERRARO: No.

BRENDAN SULLIVAN: Do you charge for the parking?

LOUIS FERRARO: We do charge for the parking, but a reasonable fee. And --

BRENDAN SULLIVAN: So are there --

LOUIS FERRARO: More than half of -- let me just finish.

BRENDAN SULLIVAN: Okay. The next question would be of the tenants who have cars who do not use the parking space, do they park on the street?

LOUIS FERRARO: I imagine some may, but there's, less than half the tenants that we have have cars to start with.

BRENDAN SULLIVAN: Okay.

LOUIS FERRARO: There's been a big demand by tenants for bicycle parking, that's one of the reasons why we added the bicycle parking in that space where we would be removing the parking spaces.

BRENDAN SULLIVAN: And you feel that the trend going forward would be that there would be less demand for the parking spaces?

LOUIS FERRARO: That's my sense, correct.

BRENDAN SULLIVAN: Okay. Continue if you wish, yeah.

JOEL BARGMANN: We had submitted a report, a letter of report from Par Engineering and their observations. And I want to make

one other point. We're not changing the number of units in the building.

There's one for one renovation. It's just an upgrade of what's in the building today.

JIM MONTEVERDE: How many units is that?

JOEL BARGMANN: It's 48 units.

JANET GREEN: Can you get a little bit closer? There are people behind you who are trying to hear you.

JOEL BARGMANN: Thank you.

BRENDAN SULLIVAN: Okay.

Jim, any other questions at this time?

JIM MONTEVERDE: No, thank you.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: No.

BRENDAN SULLIVAN: Andrea?

ANDREA HICKEY: So the handicap ramp then will make the building fully accessible?

JOEL BARGMANN: Yes, the building is going to have a refurbished larger elevator than it has today and then the group 2 units are

going to be --

JANET GREEN: Pull it to you. We can't hear you.

JOEL BARGMANN: The units are being designed to be group 1 and group 2 according to the ADA code.

JANET GREEN: So can I understand the parking a little bit better? You have a number of spaces. How many of those are rented to outside people? Yeah, what was that number?

LOUIS FERRARO: We have --

JANET GREEN: You have to get close to the microphone.

LOUIS FERRARO: We have 45 spaces currently and say about 12 to 15 depending on the time of the year.

JANET GREEN: So you have 45 spaces and 12 to 15 of them are rented to either neighbors or perhaps commuters?

LOUIS FERRARO: Correct.

JANET GREEN: Is that correct?

BRENDAN SULLIVAN: So what happens to those guys if you take away those spaces? I'm just wondering of the impact of reducing the parking? Obviously you're saying that there is a benefit by



capturing some of those spaces for the use which would be more beneficial to the occupant. Is that basically --

JOEL BARGMANN: It's more beneficial to the occupants and it replaces the open space. It's lost by virtue of making a front and rear entry accessible.

ANDREA HICKEY: Are all of the spaces rented at present and historically have you rented them all?

LOUIS FERRARO: We have not for many, many years have we had a full parking lot.

BRENDAN SULLIVAN: Okay. Yeah, anything else to add?

JOEL BARGMANN: I was going to point out in the report that when the engineers were there in the afternoons and morning hours, morning hour's chosen because that's when the parking lot's typically most full on a residential building, they had 26 unoccupied spaces.

BRENDAN SULLIVAN: Okay. Anything else?

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody here who would like to speak on the

proposal at 10 Soden Street?

Yes, if you sort of come forward and talk into the mic, give your name and address.

JAMES ANTELONE: Yeah, my name is James Antelone (phonetic). I live on Western Ave., 127 Western Ave. Parking is a disaster over there. The building was built with a condition that they provide parking spaces with each unit, okay? It has gotten garbled over the years. Since then they put in five more units in the basement. Okay? But you go over there, I have a car towed about once a month from in front of my driveway because it's such a disaster. And there's no other parking around there. Okay? Everybody wants to get in and around there. Why they're not filled, I don't know. Okay. But I do know they went with the units originally and that changed sometime when his father bought the place, and then after that he added four or five units into the basement. They took out storage and this and that. But it's a nightmare over there. I mean, you know, you can't find any parking at all. It's clearing out now because the building's being emptied. Okay. So it's made a big difference. You can actually find parking spaces on Soden

Street. But before that, you can't. It's almost impossible.

And as far as, you know, taking all of this stuff away, you put an elevator in the back and have people go up and down the handicap elevator out in back, but not take the green -- it doesn't benefit me, the green space. And people are so busy they don't have time for it at this stage of the game. They haven't got time to say hello. I've been living there over 60 years. So I mean, I really see what's going on and how it's going on and how it's changing the neighborhood.

So my feeling is as far as the windows and the upgrade, you know, everybody has their own way about doing renovations. And so they've got, you know, so the building was built somewhere in '69 to '70, something like that. His father took it over, I knew his father. And it's gone from there. But it's, it's a problem. Parking is a problem. And to take any of it away is crazy at this stage of the game.

BRENDAN SULLIVAN: Okay, thank you.

Anybody else like to speak on the matter?

CHRISTINA STEELE: I would. I'm Christina Steele. I live at 16 Soden Street. I would like to reiterate how much a problem the

parking is on that street. In wintertime it is God awful. I can't even begin to tell you. There are -- if we have a bad winter like we had several years ago, there are literally ruts down the middle of the road. And you can get maybe six or seven cars on there, but that's it. And if you're a single female, as I am, having to come home late from something and try to find parking on that street is very difficult. The idea of giving up 13 spaces is really scary to me.

The other question I would have is with the renovations to the building, do you expect to have higher rents? If you have higher rent, does that mean you have individuals who are very different from the people who live there now, which includes a lot of students, which is where the bikes come in. If you have that and you have people commuting out of the city, then it means that we're going to have more cars. We're more likely to have two people having cars. So for me the idea of giving up literally almost a third of the spaces is very concerning.

Thank you.

BRENDAN SULLIVAN: Thank you.

Anybody else like to speak on the matter? Yes.

ROBERT FREED: My name is Robert Freed. I've lived at 16 Soden Street for 22 years. Parking, parking is an issue. And Lou's father, the owner of 10 Soden den Street signed a petition along with all of the other -- most every resident of Soden Street in order to stop a curb cut to which the abutting property at 14R Soden Place, Soden Street and between that property and 16. And that was successful. We stopped the curb cut which would have reduced the parking on Soden Street by one space, one space. And the owners of 10 Soden Street supported that petition to stop the curb cut that would reduce one space in the neighborhood.

BRENDAN SULLIVAN: Okay, thank you.

Anybody else like to -- yes.

RAJID MIKILVANI: Good evening. My name is Rajid Mikilvani (phonetic). I live at 36 Kinnaird Street. I can see the petitioner's property from all of the windows of my unit. I live there with my wife and three children. We recently purchased that property a year ago, but have been property owners in Cambridge since 1998.

I have a comment on the request to change the windows that

specifically face Kinnaird Street, but I understand now having reviewed it, that all the windows or most of the windows would be expanded vertically. My concern is that the current facade of the building includes through-wall air conditioning units, and that the proposed documents submitted appear to contain roof air conditioning units with potentially with the -- my assumption is with the understanding that the -- all of the units in the building would get central air conditioning. My concern is primarily around noise from the roof air conditioning units. Today with the through-wall units the noise is dispersed through all of those AC units on the wall. And my concern is if there are roof units, what does that do to the noise that the neighbors and the neighborhood would have to endure? Is there any plans or any proposal for screens on those roof units to direct the noise upwards? There don't appear to be so on the document that is were submitted.

BRENDAN SULLIVAN: Okay, thank you. We'll get an answer for you.

Is there anybody else who would like to speak? Yes, Ma'am.

SUSAN BUETI HILL: I'm Susan. Do you mind if I just use

my voice?

BRENDAN SULLIVAN: Well, that's fine, yes.

SUSAN BUETI HILL: So I live at 14 Soden Street which is an abutting structure. I think it's this side, right?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes.

SUSAN BUETI HILL: I'm okay with the enlarged windows. I think it's going to look nice. That's all I had to say.

BRENDAN SULLIVAN: Is there anybody else who would like to speak on the matter?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

There is correspondence in the file from Aletta

K-L-E-T-A-C-A-N-E. (Reading) I could not be at the hearing on June 14th so I'm writing to you instead. Before you grant the Special Permit to reduce the number of parking spaces from 45 to 32, I hope you will consider some of the issues that trouble the building abutters and neighbors. The owners report that currently he's not renting out the spaces and therefore does not need them. That is true only for the

present. No one can predict that the parking needs for the building will be for the future. The owner said he is planning improvements to the units that suggest higher rents, but the spaces -- that may well be a future call for the extra spaces from the new renters. But the spaces will be gone. Also please consider that since the redo reduced parking spaces on Western Avenue, those cars now routinely park on Kinnaird Street, making it a much tighter situation for residents. Once the 10 Soden parking spaces are gone, they will not return. The owner of 10 Soden is proposing green space and bike parking in their instead. While this is commendable, making the parking situation worse on the street is not a situation that should occur without consideration of the residents on Kinnaird Street.

There's a letter in the file from Adam Shulman, S-H-U-L-M-A-N, Cambridge Traffic and Parking, a letter to Ranjit and Maria Pacheco for the 10 Soden Street BZA case. (Reading) Based on the applicant's BZA application, which states that their parking lot is underutilized, only 12 out of 45 spaces are used by building tenants. The Traffic, Parking and Transportation Department supports the request to



reduce the parking lot from 45 to 32 and add bicycle parking spaces.

However, the BZA application also states the rest of the spaces are rented to commuters and neighborhood residents. This may be a violation of the City's commercial parking space Ordinance 10.16 because 10 Soden is not a commercial parking facility. Let me know if this e-mail to you is sufficient for the BZA or if you would like a memo.

Okay. I believe that's the sum substance.

There is a submittal from Pare Corporation. (Reading)

P-A-R-E Corporation has performed a parking assessment of the existing five-story apartment building consisting of 48 apartments located at Soden Street. Basically it's a parking analysis of the inventory on May 18th and May 21st. As can be seen from our inventory even with the parking lot of 45 spaces, this lot is vastly underutilized. There's many spaces over 55 percent of the spaces were observed to be not in use.

Based on our observation of the parking area and the surrounding area, it is felt that a reduction of parking on the site to the proposed 32 spaces is feasible. Based on our observation in this area, is a pedestrian bicyclist driven, no pun intended, neighborhood. A request

from the Board to reduce parking is believed to be feasible. Our belief that a Special Permit for a lesser amount of parking may be granted is based on the fact that the requirements and the Ordinance with the reduction of parking will be met. It will not cause excessive congestion. It will not endanger public safety. It will not substantially reduce parking availability for other areas. Will not adversely impact the neighborhood, but will provide positive environmental affects to the users of the lot.

Sincerely, John Shevlen, S-H-E-V-L-E-N, Senior Vice President.

Okay, that's the --

SLATER ANDERSON: Can I ask a question on this parking inventory observed activity letter? How many units were vacant in May of this year?

LOUIS FERRARO: I believe we only had two units vacant in May.

JOEL BARGMANN: Can I answer the question about air conditioning?

BRENDAN SULLIVAN: Yes, you can if you want. Yeah.

JOEL BARGMANN: The air conditioning system is central

system. It's what's called a VRF system. It's chosen because it's highly efficient system. It will reduce the energy consumption of the building. Users on the heating and cooling side by 35 percent. And far -- is much less than Cambridge Noise Ordinance.

JOHN HAWKINSON: You're fading.

JOEL BARGMANN: And actually it has to comply with the noise ordinance at the property lines, and this will be far below that noise threshold.

BRENDAN SULLIVAN: Which is what 50 decibels or something like that?

JOEL BARGMANN: Yes.

BRENDAN SULLIVAN: Does that answer your question or concern about the air conditioning?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm still curious why the diagrams do not show screening of those AC units to screen the noise directly.

BRENDAN SULLIVAN: Well, that's not before us. That's a Building Code issue more so than a Zoning Board. That's why it's not

before us tonight anyhow.

Okay. Anything else to add?

JOEL BARGMANN: No.

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: What are your thoughts?

ANDREA HICKEY: Well, my thoughts are how to incorporate the comment about the current use of the parking being rented to non-occupants of the building. And if we were to incline, inclined to approve the request, are we able to condition that upon those spaces only being used in compliance with the parking regulations?

BRENDAN SULLIVAN: Or they would have to come down and get relief from us and then also Licensing for a commercial parking lot basically.

ANDREA HICKEY: Right.

BRENDAN SULLIVAN: To service the neighborhood basically.

JANET GREEN: Of the parking spaces that you rent, how many of them are rented to people who live in the neighborhood?

LOUIS FERRARO: I think it's in a range of about varying times of years probably five to ten spaces.

JANET GREEN: So presumably those would go out on tooth street?

LOUIS FERRARO: I would expect so.

JANET GREEN: Yeah.

BRENDAN SULLIVAN: Jim, any thoughts?

JIM MONTEVERDE: No, I'm fine.

BRENDAN SULLIVAN: Any thoughts?

SLATER ANDERSON: No.

BRENDAN SULLIVAN: It's sort of a tough one only because we're trying to predict the future. What is, you know, what is it -- today it's a snapshot in time where it's underutilized. Yes, there is some vacancies. I'd like to see it in the middle of winter when the snow is on the ground and, you know, it's premium for parking. I don't --

JIM MONTEVERDE: But I think what they're proposing -- I mean, just what I see in my work.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Can't

hear you.

JIM MONTEVERDE: Sorry. Does this work? This works.

Just what, you know, from what I see in my work professionally, for an urban location close to mass transit, the percentage of parking relative to units is dropping, and it's something that a lot of times is negotiated with the local authority. So that what you're talking about here in terms of ratio, you know, number of apartments, number of parking spaces, doesn't sound unusual with a reduced number being that close to transit, increasing the bikes storage. We've seen the same thing, huge demand for bike groups. We could have a complex of 600 apartments, have 600 bike racks, and they need more. So I think everything they're doing seems to be, I mean parking and bicycles, seems to be what we're seeing professionally is the car trend. And the future seems to be reducing it even more with ride sharing and elsewhere. Less parking, more bikes, and so it all seems to be in that sense applicable. I think where most of that marketplace is. So I don't, I don't have the same concerns about the number of parking spaces. It sounds like the parking spaces they'll have will suit what they use for the -- what they need for the apartments. And I

think they have a different issue to deal with with the Traffic Department about whether they can rent those spaces to others.

SLATER ANDERSON: My initial reaction before hearing from the neighbors was I thought it was a well conceived plan taking that parking out of that area that was sort of behind some houses and, you know, getting the exhaust and light out of that zone there would be a benefit to the neighbors and consolidating that green space into that area and adding the park -- the bike parking. I do agree with Jim. I mean I do see some of this one-to-one parking ratio is underutilized in, you know, transit-oriented areas. So I'm not -- one of my struggles is balancing neighbors' concerns about parking which I think is a systemic problem in the neighborhood, not a specific problem. You know, that this property may exacerbate, you know, with the requirements, requirements are. So I'm just -- I don't know.

BRENDAN SULLIVAN: Well, the other flip of the coin is that you cannot expect a property owner with available parking to provide parking for the neighborhood.

JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: That he provides it for his tenants and that's what the code is for, that's what the ordinance says. If there is the availability to rent it to neighborhoods that take a car off the street, so on and so forth, that's a plus, that's a bonus. But yet you can't compel that property owner to make it available to the public.

JIM MONTEVERDE: Yeah, agreed. And I think the trade or what you mentioned before is you have one of two issues:

You either have to reduce your parking to get the open space or you have to come back and ask for relief in the open space. So -- and getting the open space because you're putting in the ramps to make the entrances handicapped accessible, you're doing the right thing. I hate to penalize you because you're doing the right thing. So I see -- I think the components they put in the design, the package, making the building accessible, therefore needing the open space. Using some of the parking spaces that look the most unmaneuverable on the lot, taking those out. It seems like you're within the proportion of the parking you need for the building. You have a separate entrance to deal with if you want to rent spaces for the commuter, everything else around it seems like it works.



BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: I have nothing further.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the Special Permit.

There is sort of a two-prong part of this. Is Special Permit to reduce the number of off-street parking spaces from 45 to 32. To enlarge the windows in the setback. And Article 6.35.1 is the parking and 6.36.1 is also the scheduled parking requirements. And it's a non-conforming structure that comes under 8.22.2.C.

Let me make a motion, then, to grant the relief requested to reduce the number of parking spaces from 45 to 32.

The Board finds that any minimal requirement around parking may be reduced only upon the issuance of a Special Permit for the Board of Zoning Appeal.

Special Permit should be granted only if the Board cites evidence that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other users that otherwise would adversely impact the

neighborhood. Or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units.

In making such a determination the Board shall also consider whether or not less off-street parking is reasonable in light of the following:

The availability of surplus off-street parking in the vicinity of the use being served.

And/or the proximity of an MBTA transit station.

The availability of public or commercial parking facility in the vicinity of the use being served provided the requirement of Section 6.23 are satisfied.

Shared use of off-street parking spaces serving other uses having peak user demands at different times. That's not -- that's sort of if you were a commercial building, a doctor's office and then tie into a residential, so they have different demands basically.

The age of other occupancy restrictions which are likely to result in a lower level of auto usages, for the Cambridge Housing

Authority.

The impact of the parking requirement on the physical environment of the affected lot or the adjacent lots, including the reduction of green spaces. What you're doing is adding green spaces. The provision of required parking for developments containing affordable housing units not applicable.

So let me, the requirements that the Ordinance appears to be met.

The proposed enlargement of first of all, on the window issue -- the proposed enlargement of windows on the three non-conforming facade is consistent with the existing residential use and will not result in any enlargement of the existing structure or further encroachment on the side and front yard setback.

Regarding the parking. Proposed reduction of parking spaces is consistent with the goals of a positive environmental impact and preservation of open space as defined in the Ordinance for the following reasons:

Reduction in parking will allow for the addition of bike parking

on the side of which there is currently none. This will create a more evenly mix of accommodations for residents who use different modes of transportation.

In addition, the building site benefits for its close proximity to public transportation. It is within 0.3 miles of the Central Square MBTA station and 500 feet of multiple bus lines.

Parking reduction allows for access in which there are current -- I'm sorry, will allow for the addition of accessible parking spaces at accessible ramps for building access of which currently there are none. These are accessible improvements are required by Massachusetts Code. Open space that will be taken up by the ramps can be gained back by removing some vehicular parking.

The Board finds the reduction of surface parking decreases the total impervious area on the site decreasing storm water runoff and reducing heat island effect.

Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood good.

The parking spaces will be reduced.

Traffic will not increase to the additional cars.

The parking lot in its current state is underutilized and does not reach full capacity.

Patterns of access or egress would, would remain consistent as the parking configuration would be largely unchanged.

The continued operation of development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

The proposed enlargement of windows would not have any adverse effect on the neighborhood as an aesthetic improvement and energy related improvement and energy conservation improvement to the property.

The proposed reduction of parking will not alter the existing multi-family residential use.

There would not be any nuisance or hazard created to the detriment of the health, safety, and or welfare of the occupants of the proposed use or to the citizens of the city.

All those in favor --

JANET GREEN: Are we doing both at the same time? One at a time?

BRENDAN SULLIVAN: We're doing the Special Permit for the reduction of parking.

JANET GREEN: Okay. And then we'll do the windows.

BRENDAN SULLIVAN: And then we'll do the windows.

So all those in favor of granting the Special Permit and for the reduction of parking, the addition of the handicap ramps as per the plan presented.

(Show of hands.)

BRENDAN SULLIVAN: Four in favor.

(Sullivan, Hickey, Anderson, Monteverde.)

BRENDAN SULLIVAN: The Special Permit is granted.

(Green Opposed.)

BRENDAN SULLIVAN: Regarding the alterations of the windows as per the plans submitted and announced.

All those in favor granting the Special Permit for the windows?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor of that.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

BRENDAN SULLIVAN: Both applications are approved.

JOEL BARGMANN: Thank you.

\* \* \* \* \*

(10:30 p.m.)

(Sitting Members Case No. BZA-016500-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No. 016500, 14 Hubbard Avenue.

MAGGIE BOOZ: Hello. Hi, my name is Maggie Booz, B-O-O-Z. I'm the architect for Melody and Josh Komyerov who are sitting here, the owners of 14 Hubbard Ave.

And we're here to request permission to exceed the 25 percent Special Permit rule. That's why we're asking for a Variance, on a -- to add on to a non-conforming building.

We have a building that -- or is this what we should be proceeding with? Should we -- I thought I was -- I thought you were going to tell me we needed to withdraw something first?

BRENDAN SULLIVAN: At the end. At the end we'll hear



this one and then you can withdraw the other one.

MAGGIE BOOZ: Okay. Okay.

So we're requesting permission to build a dormer on the third floor and we're requesting permission to build an addition on the rear of the building. We have a building that consists right now of about 1724 square feet of floor area which includes enclosed porches that are on the rear of the building. Those porches were built in 1958. We -- though we do count them as part of the floor area ratio when we calculate the floor area ratio of the building, we aren't allowed to count them as part of the square footage of which we would take -- of which we would be allowed to add 10 percent or 25 percent by Special Permit.

So, we're in a position where we're requesting more than 25 percent of the original square footage of the building which is about 1580 square feet is the original square footage. And we're requesting permission for a completely conforming addition on the rear, and as well a dormer that conforms to the, to less than the maximum recommended size of a dormer by the City of Cambridge dormer guidelines.

The third floor of the house that Melody and Josh purchased

at the end of 2017, December?

MELODY KOMYEROV: January 11th.

MAGGIE BOOZ: Of 2018. Was finished. It's a finished third floor. It has two bedrooms up there and a stair, original stair that went all the way up to the third floor. Goes all the way up to the third floor. We realized that they had -- that the original builders, and now that we've demolished a lot of the interior, we can see that the plaster lath lines go right across the bottom of the roof sheathing. So they cut away a rafter at some -- I think on construction of the house because the stair's original and it goes, with its balusters goes all the way up to the third floor. They, they sliced out a rafter, put the sheathing across the stair for the headroom, and then just plastered, you know, with lath and plaster on the bottom of the sheathing. There's no roof structure at all. There's no thickness to the roof. It's literally an inch and a half thick between the interior of the stairwell and the exterior world.

So we're requesting permission to put a dormer on that portion of the stair that we need headroom in, and also extend it over on the third floor in order to get a bathroom on the third floor.

Melody and Josh have three children. The two boys will be on the third floor and hopefully will have a bathroom.

On the first floor of the building -- so there are these second -- there are these two-story porches on the rear of the building. And they were being used as bedroom space and living space when the previous occupants of the house were there. And it's been abandoned for a couple years?

JOSH KOMYEROV: Five years. Five to eight.

MAGGIE BOOZ: Oh, that long? Okay, so five to eight years it's been empty. But they were clearly living spaces. And so at first we were going to renovate them, but the structure of them is just horrendous. I mean, it's just really rickety and really inadequate. We're discussing how to do this project, and then thought, okay, let's request permission to put an addition on that's actually on a foundation. That's actually properly built, that has a roof that will shed snow and rain and it will be properly insulated. And that's why we're here.

That addition is gonna correct a nonconformity. So even though that, even though that two-story portion was permitted in 1958

without a Variance, so it was considered conforming at the time, we have this rule of thumb in Cambridge that we can only accept the original square footage of the building as having been post-war, post- -- yeah, I guess post-World War II. So, though, I would argue that that, that those porches were conforming when they were built because they violate side yard setback and yet we're not -- and yet there's a building permit for them, and yet we're not required to rebuild with the Variance. We can't count them. So what we're trying to do with the addition is build something that is conforming to all the current zoning.

So we've got -- currently we have a 0.8 foot setback on the left side, on the south side of the building. Sorry, on the east side of the building. And the porches right now also, and the rear, also violate that setback by a small amount. Or they're at about -- let me get this right. They're at about six and a half feet I think from the east property line. We're -- we've designed an addition that conforms to the seven and a half, to the required seven and a half foot side yard setback on that side.

Then we've pushed the addition over so that it's contiguous with the west wall of the building. So on which side we are not

non-conforming. And then further conforming aspects of the addition are present as well.

In other words, we don't violate the side yard setback. I mean, the rear yard setback.

The house doesn't violate the front yard setback.

We don't violate the floor area ratio.

We don't violate the open space requirement. And I think that's, I think that's it.

BRENDAN SULLIVAN: Okay. The house is in need of something.

MELODY KOMYEROV: Thanks.

MAGGIE BOOZ: A few things.

BRENDAN SULLIVAN: Is the back second floor still propped up?

MAGGIE BOOZ: It's propped up.

BRENDAN SULLIVAN: It's still gone. I saw the hole in the ground.

MAGGIE BOOZ: Yeah.

BRENDAN SULLIVAN: Okay.

Any questions?

(No Response.)

BRENDAN SULLIVAN: Is there anybody here -- let me open it up to public comment.

Is there anybody here who wishes to comment on the project at 14 Hubbard Avenue?

(No Response.)

BRENDAN SULLIVAN: Now, there's correspondence in the file from Emily Belz, B-E-L-Z at 17 Hubbard Avenue. (Reading) I am writing in support for the Variance request, 14 Hubbard Avenue. My husband Christopher and I live at 17 with our seven-year-old son directly across the street. We lived there since 2002. We are thrilled that the Komyerov?

MELODY KOMYEROV: Komyerov.

JOSH KOMYEROV: Komyerov.

BRENDAN SULLIVAN: -- family will be joining our -- if it's not Irish, I have difficulty with it. Komyerov will be joining our neighborhood

community on Hubbard Avenue. I'm very supportive of their plans to improve the property.

A letter from Marjorie Prager, P-R-A-G-E-R, 101 Walden Street, writing in support of the Variance. (Reading) I believe that the plans will improve the property, will not impinge in any way on us or other near neighbors, and that the overall impact of their improvement will benefit the neighborhood.

There was a letter from Robert Hornstein, H-O-R-N-S-T-E-I-N, 39 Hubbard Avenue. (Reading) My family lived 30 Hubbard for 13 years and we are very supportive of the Variance that the Komyerv family is seeking. Their story is similar. They wanted a house that would fit the family needs and be part of a great community and so they're very sympathetic.

There is also a correspondence that I gave you. And I don't know if you had a chance to see it.

JOSH KOMYEROV: We did look at it.

MELODY KOMYEROV: I'm not sure you got this as well.

These are the neighbors at 12 Hubbard right next to us on the other side.

BRENDAN SULLIVAN: Correspondence from John Wakeley, W-A-K-E-L-E-Y. They live next-door to 12 Hubbard. They support the petition for a Variance specifically to replace the current two-story rear addition with a larger one and a shed dormer.

Okay. Now, what is the issue with the tree? There is correspondence from Sue Howard at 111 Walden Street regarding the above Special Permit and Variance applications. (Reading) I reside in the rear of 14 Hubbard Avenue at 111 Walden. My neighbors and I have been concerned for sometime about the dead tree at 1400 Avenue shown in the picture attached. The next-door apartment building owner's management company and I have been trimming our trees and overhanging branches from the 14 Hubbard Street to keep them from falling on adjacent properties. They would welcome a more responsive owner at 14 Hubbard who can remove this large tree for the safety of all in the area. It could fall on other properties. I do not see this tree in the plans, though. The nearby utility pole is noted. I respectfully request that the removal of this dead tree at the apartment building property line prior to construction be made a condition of the Special Permit or



Variance.

Have you talked to them about it at all?

MELODY KOMYEROV: We haven't talked to anybody about the dead tree except for our contractor who is getting us quotes on removing the tree.

BRENDAN SULLIVAN: Okay.

MAGGIE BOOZ: We already discussed how to get the tree around the wires, how to get the tree down. There are wires coming down that side of the house.

BRENDAN SULLIVAN: So you're looking for two things:

You're looking for a Variance to remove the two-story addition and replace with a larger two-story addition and construct a 14-foot dormer.

And the Special Permit is to install new windows.

Okay. Any comments? Jim or Slater?

JIM MONTEVERDE: As the unofficial architectural critic of the Zoning Board, I'd like to commend you for -- your designs are always thoughtfully done. Very tasteful. Very well done.

MAGGIE BOOZ: Thank you.

BRENDAN SULLIVAN: Slater.

SLATER ANDERSON: The City will not miss that two-story addition in the back.

BRENDAN SULLIVAN: Well, it's a nice house. It's just that it needs, you know, a lot of blood, sweat, and tears.

ANDREA HICKEY: I have no comments.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief. I'm sorry, Janet, any --

JANET GREEN: No, I'm good.

BRENDAN SULLIVAN: I make a motion to grant the relief requested, the Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from building, replacing a delapidated structure and replacing it with a modern structure more conducive to family living.

The Board finds that the hardship is owing to the size and

shape of the lot. The size of the existing house which renders the house pre-existing non-conforming, and that in addition of this and in addition with the dormer would require some relief from the Board.

The Board finds that the request is fair and reasonable.

The Board notes that the FAR is within the Ordinance requirement.

The Board finds that the dormer complies with the dormer guidelines in most all respects, and as such, the relief being requested is a fair and reasonable one.

The Board finds that desirable relief may be granted without either substantial detriment to the public good.

The Board notes the letters of support from the abutters who are in favor of this, and would benefit greatly -- the entire streetscape would benefit greatly from a much improved renovated structure.

That the granting of this relief would not nullify or substantially derogate from the intent and purpose of the Ordinance to allow the people -- to allow the homeowner a fair and reasonable use of the property and an upgrading to contemporary standards for the comfort of

family life.

The Board finds that the granting of the Variance on the condition that the work will proceed in compliance with the provisions of the dimensional form and also of the drawings which will be initialled by the Chair.

All those in favor of granting the Variance for the relief?

(Show of hands.)

BRENDAN SULLIVAN: Sorry, the construction of the dormer and the addition in the back.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

BRENDAN SULLIVAN: Regarding the windows, it is on the -- is it the left side, Maggie?

MAGGIE BOOZ: It is, yeah.

BRENDAN SULLIVAN: Which is pretty close to the lot line.

MAGGIE BOOZ: It's very, very close.

BRENDAN SULLIVAN: But there is a driveway separating the house.

The Board finds -- regarding the installation of the windows,

changing of the windows, the Board finds that it appears that the requirements of the Ordinance can be met.

The Board finds that the traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in the established neighborhood character.

The addition of the windows will be compatible with the established neighborhood character. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the addition of these windows.

There would not be any nuisance, hazard, created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use. In fact, it would improve greatly the availability of light and air into the structure which will be a beneficial attribute to the residents of the house.

The Board finds that the proposed use would not -- the proposal to add windows would not impair the integrity of the district, or otherwise derogate from the intent and purpose of the Ordinance.

And, again, the Board notes the letters in support of the

granting of this relief.

All those in favor of granting the relief for the Special Permit for the windows?

(Aye.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

BRENDAN SULLIVAN: And you'll take care of the tree?

JOSH KOMYEROV: Yes.

SISIA DAGLIAN: Do you want to withdraw the other one?

BRENDAN SULLIVAN: Oh, also the withdrawal. Regarding the matter -- it was a Special Permit to construct a shed dormer and the Variance for that.

So the petitioner has requested withdrawal of case No.

015619-2018, 14 Hubbard.

All those in favor of accepting the withdrawal?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Hickey, Anderson, Monteverde.)

(Whereupon, at 10:50 p.m., the  
Zoning Board of 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.

<b>PAGE</b>	<b>LINE</b>	
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____

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 25th day of July, 2018.

---

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

My Commission Expires:  
April 29, 2022

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'69 [2] - 189:2, 202:14

'70 [1] - 202:14

## 0

**0.3** [1] - 226:1

**0.35** [1] - 106:10

**0.50** [2] - 90:17, 106:9

**0.61** [2] - 90:17,  
106:12

**0.647** [1] - 90:18

**0.66** [1] - 106:12

**0.75** [1] - 154:18

**0.8** [1] - 237:7

**0.95** [1] - 154:18

**0.96** [1] - 155:1

**015619-2018**

[1] - 250:18

**016192** [1] - 81:6

**016194** [1] - 112:6

**016224** [1] - 88:6

**016243** [1] - 97:6

**016276** [1] - 143:6

**016277** [1] - 153:6

**016336** [1] - 188:6

**016355** [1] - 5:6

**016500** [1] - 231:6

**02** [1] - 152:2

**02139** [1] - 1:7

## 1

**1** [6] - 106:1, 115:4,  
155:18, 162:4,  
191:3, 197:16

**10** [24] - 2:3, 2:10, 5:6,

6:7, 6:12, 12:17,

34:7, 34:18, 55:15,

79:6, 89:6, 104:17,

174:4, 188:6,

188:12, 189:1,

200:8, 204:18,

205:8, 209:11,

209:12, 210:3,

210:14, 232:17

**10,000** [7] - 7:9, 7:14,

35:3, 35:9, 35:11,

48:8, 57:6

**10.16** [1] - 210:14

**10.4** [2] - 99:2, 99:10

**100** [2] - 55:16, 90:11

**101** [1] - 240:12

**108** [1] - 97:9

**10:30** <sup>[1]</sup> - 231:1  
**10:50** <sup>[1]</sup> - 251:8  
**11** <sup>[1]</sup> - 92:1  
**111** <sup>[2]</sup> - 242:5, 242:7  
**112** <sup>[1]</sup> - 2:7  
**117** <sup>[1]</sup> - 82:17  
**11th** <sup>[2]</sup> - 63:6, 233:12  
**12** <sup>[6]</sup> - 89:6, 198:8,  
 198:11, 210:5,  
 241:13, 241:17  
**121** <sup>[6]</sup> - 2:4, 81:6,  
 81:9, 81:11, 82:13,  
 83:8  
**127** <sup>[2]</sup> - 83:6, 200:12  
**12th** <sup>[5]</sup> - 136:18,  
 137:8, 137:10,  
 139:10, 139:11  
**13** <sup>[2]</sup> - 203:15, 241:2  
**14** <sup>[13]</sup> - 1:4, 2:11, 3:8,  
 79:17, 207:15,  
 231:6, 231:10,  
 239:11, 239:16,  
 242:7, 242:13,  
 242:15, 250:18  
**14-foot** <sup>[1]</sup> - 244:2  
**1400** <sup>[1]</sup> - 242:9  
**143** <sup>[1]</sup> - 2:8  
**147703** <sup>[1]</sup> - 253:12  
**14R** <sup>[1]</sup> - 205:3  
**14th** <sup>[2]</sup> - 62:17,  
 208:11  
**15** <sup>[11]</sup> - 34:8, 34:18,  
 55:9, 55:10, 55:15,  
 57:11, 90:2, 99:3,  
 99:11, 198:8,  
 198:11  
**153** <sup>[1]</sup> - 2:9  
**1556** <sup>[4]</sup> - 2:9, 153:6,  
 153:9, 172:10  
**1580** <sup>[1]</sup> - 233:4  
**16** <sup>[3]</sup> - 203:4, 204:16,  
 205:5  
**16-18** <sup>[2]</sup> - 89:16,  
 92:14  
**17** <sup>[2]</sup> - 239:15,  
 239:18  
**1724** <sup>[1]</sup> - 232:9  
**176** <sup>[1]</sup> - 90:13  
**18-something**  
<sup>[1]</sup> - 174:13  
**185** <sup>[1]</sup> - 88:8  
**1864** <sup>[1]</sup> - 159:18  
**188** <sup>[1]</sup> - 2:10  
**189** <sup>[4]</sup> - 2:8, 143:6,

143:11, 148:9  
**1891** [1] - 88:15  
**18th** [1] - 211:8  
**19** [1] - 193:8  
**1930** [1] - 28:12  
**1930s** [1] - 29:3  
**1932** [4] - 6:13, 20:14,  
 71:1, 79:9  
**1943** [1] - 50:7  
**1958** [2] - 232:12,  
 236:10  
**1967** [1] - 64:12  
**1968** [1] - 189:2  
**1970** [2] - 116:12,  
 189:4  
**1987** [2] - 116:16,  
 116:18  
**1990** [1] - 88:18  
**1990s** [1] - 22:18  
**1991** [5] - 6:17, 45:7,  
 46:6, 47:13, 48:17  
**1993** [5] - 7:1, 8:14,  
 69:2, 69:14, 69:18  
**1995** [1] - 56:15  
**1998** [1] - 206:2

## 2

**2** [4] - 76:14, 155:18,  
 197:11, 197:16  
**20** [2] - 92:4, 128:16  
**20-22** [2] - 88:9, 92:15  
**20-something**  
 [1] - 173:15  
**2002** [1] - 240:1  
**2003** [5] - 7:10, 8:14,  
 45:10, 48:5, 55:10  
**2009** [1] - 60:1  
**2015** [3] - 60:3, 72:18,  
 73:2  
**2016** [3] - 7:12, 7:13,  
 48:9  
**2017** [6] - 7:18, 26:15,  
 64:18, 66:17, 68:17,  
 233:11  
**2018** [9] - 1:4, 3:8,  
 63:2, 63:14, 79:17,  
 152:1, 152:3,  
 233:13, 253:8  
**2022** [1] - 253:13  
**21** [3] - 63:2, 174:1,  
 174:4  
**21st** [1] - 211:8  
**22** [5] - 2:5, 88:6,

91:15, 92:4, 204:16

**230** [1] - 92:18

**231** [1] - 2:11

**23rd** [1] - 139:12

**24-26** [1] - 93:4

**24/7** [1] - 36:6

**25** [6] - 12:6, 34:11,  
35:5, 231:12,

232:17, 233:2

**25th** [1] - 253:8

**26** [1] - 200:2

**26th** [9] - 137:1,

137:9, 137:10,

139:11, 139:13,

139:18, 140:5,

141:11, 142:3

**28th** [2] - 137:3, 137:7

**29** [2] - 173:16,

253:13

### 3

**30** [4] - 117:1, 124:8,

180:4, 241:2

**30-year-old**

[1] - 124:14

**32** [6] - 191:7, 208:14,

210:9, 211:16,

221:17, 222:7

**35** [1] - 213:11

**36** [1] - 205:14

**39** [1] - 241:1

**3G** [1] - 30:13

### 4

**4** [2] - 56:14, 63:18

**4.30** [1] - 63:18

**4.35** [1] - 118:11

**40-A** [2] - 65:12, 68:2

**400** [1] - 58:8

**42** [1] - 59:6

**45** [9] - 191:7, 198:7,

198:10, 208:13,

210:6, 210:9, 211:9,

221:17, 222:7

**47** [2] - 53:3, 53:8

**48** [3] - 121:1, 196:14,

211:5

**4G** [2] - 30:13, 53:16

### 5

**5** [2] - 2:3, 63:14

**5,000** [2] - 106:9,

106:11

**50** <sup>[2]</sup> - 192:10,  
 213:18  
**500** <sup>[2]</sup> - 58:9, 226:2  
**51** <sup>[2]</sup> - 93:7, 112:13  
**53** <sup>[1]</sup> - 55:11  
**55** <sup>[7]</sup> - 2:6, 97:6,  
 104:9, 192:15,  
 194:7, 194:8,  
 211:11  
**55-57** <sup>[1]</sup> - 107:16  
**56-58** <sup>[1]</sup> - 108:9  
**5G** <sup>[5]</sup> - 30:18, 53:13,  
 53:14, 53:16, 54:3  
**5G's** <sup>[1]</sup> - 54:4

## 6

**6** <sup>[1]</sup> - 65:12  
**6.23** <sup>[1]</sup> - 223:16  
**6.35.1** <sup>[1]</sup> - 222:1  
**6.36.1** <sup>[1]</sup> - 222:1  
**6.5** <sup>[1]</sup> - 99:13  
**60** <sup>[1]</sup> - 202:6  
**600** <sup>[2]</sup> - 217:15,  
 217:16  
**60s** <sup>[1]</sup> - 189:7  
**617.786.7783/617.63**  
**9.0396** <sup>[1]</sup> - 1:16  
**67** <sup>[1]</sup> - 93:10  
**68** <sup>[1]</sup> - 108:12

## 7

**7.5** <sup>[1]</sup> - 99:12  
**70s** <sup>[1]</sup> - 189:7  
**77** <sup>[1]</sup> - 108:3  
**7:15** <sup>[3]</sup> - 1:4, 3:3, 5:1

## 8

**8** <sup>[2]</sup> - 84:6, 84:11  
**8,000** <sup>[1]</sup> - 6:18  
**8.22** <sup>[1]</sup> - 65:12  
**8.22.2.C** <sup>[1]</sup> - 222:4  
**8.22.2c** <sup>[2]</sup> - 84:6,  
 84:11  
**80** <sup>[1]</sup> - 35:8  
**806** <sup>[1]</sup> - 1:6  
**81** <sup>[2]</sup> - 2:4, 92:8  
**82** <sup>[1]</sup> - 107:13  
**88** <sup>[1]</sup> - 2:5  
**8:20** <sup>[1]</sup> - 81:1  
**8:25** <sup>[1]</sup> - 88:1  
**8:30** <sup>[1]</sup> - 97:1  
**8:45** <sup>[1]</sup> - 112:1

## 9

**90s** [2] - 23:16, 46:8

**955** [3] - 2:7, 112:6,  
112:15

**97** [1] - 2:6

**9:10** [1] - 143:1

**9:25** [1] - 153:1

**9:50** [1] - 188:1

**9th** [2] - 139:6, 139:12

## A

**a-one-by-one**

[1] - 123:16

**a.m** [2] - 35:16, 36:5

**abandoned** [6] - 8:15,  
9:17, 45:12, 45:16,  
47:11, 235:10

**ability** [4] - 22:17,  
61:2, 116:3, 117:14

**able** [9] - 31:13,  
38:16, 76:4, 103:10,  
132:6, 170:1,  
176:10, 215:4

**above-referenced**

[1] - 63:5

**absent** [2] - 72:5,  
134:12

**absolutely** [9] - 30:7,  
30:8, 31:7, 41:1,  
51:17, 82:18, 105:8,  
141:9, 142:1

**abutters** [3] - 172:18,  
208:15, 246:14

**abutting** [4] - 147:15,  
150:1, 205:3,  
207:16

**AC** [2] - 206:18, 214:7

**academic** [1] - 13:18

**accept** [1] - 236:13

**acceptable**

[3] - 117:18, 120:3,  
120:4

**accepting** [1] - 251:1

**access** [17] - 14:18,  
36:6, 36:9, 84:16,  
145:16, 146:1,  
149:7, 154:16,  
166:15, 182:16,  
186:2, 191:3, 226:3,  
226:6, 226:16,  
227:7, 248:15

**accessible**

[13] - 191:10,

191:14, 192:3,  
 193:11, 193:18,  
 194:2, 197:8, 199:7,  
 220:17, 221:3,  
 226:5, 226:6, 226:7

**accessory** <sup>[17]</sup> - 9:5,  
 9:17, 22:11, 27:18,  
 28:8, 28:9, 28:10,  
 28:14, 29:15, 29:16,  
 30:5, 44:17, 45:5,  
 47:16, 49:1, 71:3

**accommodate**

<sup>[1]</sup> - 179:9

**accommodations**

<sup>[1]</sup> - 225:15

**accomplish**

<sup>[2]</sup> - 169:10, 176:18

**accordance**

<sup>[2]</sup> - 65:11, 187:7

**according** <sup>[5]</sup> - 17:12,

50:3, 59:10, 156:3,  
 197:16

**accurate** <sup>[2]</sup> - 252:16,

253:6

**acknowledge**

<sup>[1]</sup> - 3:14

**acknowledged**

<sup>[2]</sup> - 46:12, 64:3

**Acting** <sup>[1]</sup> - 1:8

**action** <sup>[1]</sup> - 16:11

**active** <sup>[2]</sup> - 121:9

**actively** <sup>[1]</sup> - 40:1

**activity** <sup>[3]</sup> - 74:1,

74:5, 212:16

**actual** <sup>[3]</sup> - 29:7, 44:9,

67:4

**ADA** <sup>[1]</sup> - 197:17

**ADAM** <sup>[31]</sup> - 112:11,

114:7, 115:8, 118:3,

119:5, 119:18,

120:6, 120:18,

121:17, 122:7,

122:13, 124:8,

124:13, 124:18,

125:6, 125:11,

126:9, 126:15,

127:4, 127:11,

127:15, 128:5,

129:7, 130:8, 131:8,

132:11, 136:1,

136:9, 136:12,

139:9, 139:13

**Adam** <sup>[2]</sup> - 112:12,

209:18



**add** <sup>[23]</sup> - 18:15,  
 43:17, 75:12, 90:11,  
 90:14, 93:16, 98:8,  
 108:15, 143:13,  
 144:10, 150:17,  
 151:10, 153:11,  
 155:7, 170:11,  
 181:2, 186:18,  
 199:14, 210:9,  
 214:13, 231:14,  
 232:17, 249:14

**added** <sup>[4]</sup> - 3:16,  
 144:9, 195:15,  
 201:8

**adding** <sup>[15]</sup> - 64:14,  
 86:10, 94:10,  
 105:15, 107:6,  
 109:10, 149:12,  
 166:5, 185:11,  
 185:13, 185:14,  
 187:5, 193:11,  
 219:3, 224:12

**addition** <sup>[41]</sup> - 64:7,  
 64:13, 89:9, 95:2,  
 95:15, 98:14, 99:13,  
 100:5, 107:15,  
 108:3, 109:15,  
 109:18, 110:8,  
 150:13, 157:16,  
 177:2, 180:16,  
 183:14, 186:17,  
 193:8, 225:13,  
 225:17, 226:5,  
 229:1, 232:7, 233:6,  
 236:4, 236:8, 237:4,  
 237:15, 237:18,  
 238:4, 242:1, 244:1,  
 244:2, 244:15,  
 245:17, 245:18,  
 247:16, 248:18,  
 249:5

**additional** <sup>[3]</sup> - 90:9,  
 193:10, 227:4

**address** <sup>[5]</sup> - 5:10,  
 39:9, 52:18, 112:8,  
 200:10

**adds** <sup>[2]</sup> - 159:4,  
 174:6

**adequate** <sup>[2]</sup> - 70:3,  
 86:12

**adjacency**  
<sup>[1]</sup> - 147:15

**adjacent** <sup>[11]</sup> - 85:1,  
 85:9, 89:15, 108:3,

144:16, 149:16,  
 186:8, 224:11,  
 227:11, 242:14,  
 249:3

**adjectives** <sup>[1]</sup> - 52:6

**adjoining** <sup>[7]</sup> - 150:6,  
 151:3, 173:10,  
 184:15, 186:11,  
 186:12, 187:4

**Adjourned** <sup>[1]</sup> - 251:9

**adjusted** <sup>[1]</sup> - 174:18

**administrative**  
<sup>[2]</sup> - 77:6, 77:9

**admit** <sup>[1]</sup> - 39:16

**adoption** <sup>[1]</sup> - 50:5

**advance** <sup>[1]</sup> - 124:1

**advanced** <sup>[1]</sup> - 31:1

**advancement**  
<sup>[1]</sup> - 11:15

**adverse** <sup>[2]</sup> - 150:2,  
 227:15

**adversely** <sup>[7]</sup> - 85:2,  
 149:18, 186:9,  
 212:9, 222:17,  
 227:12, 249:4

**advertised**  
<sup>[3]</sup> - 125:5, 125:17,  
 132:16

**advertising**  
<sup>[1]</sup> - 125:9

**aesthetic** <sup>[1]</sup> - 227:16

**aesthetics** <sup>[1]</sup> - 134:3

**affect** <sup>[3]</sup> - 85:8,  
 181:4, 186:6

**affected** <sup>[8]</sup> - 85:2,  
 99:16, 149:18,  
 181:4, 186:9,  
 224:10, 227:12,  
 249:4

**affects** <sup>[1]</sup> - 212:11

**affirms** <sup>[1]</sup> - 79:18

**affordable** <sup>[3]</sup> - 14:7,  
 223:5, 224:14

**afternoons**  
<sup>[1]</sup> - 199:17

**afterwards**  
<sup>[1]</sup> - 138:11

**age** <sup>[1]</sup> - 224:6

**agenda** <sup>[1]</sup> - 112:16

**agent** <sup>[1]</sup> - 19:6

**ages** <sup>[1]</sup> - 89:11

**aggressive** <sup>[1]</sup> - 14:1

**ago** <sup>[10]</sup> - 9:10, 15:4,  
 45:8, 55:9, 55:10,

79:1, 101:13, 121:2,  
203:9, 205:18

**agree** <sup>[6]</sup> - 74:10,  
135:10, 135:12,  
176:2, 180:11,  
219:4

**agreeable** <sup>[1]</sup> - 133:7

**agreed** <sup>[1]</sup> - 220:9

**agreement** <sup>[2]</sup> - 16:9,  
79:3

**ahead** <sup>[2]</sup> - 30:8,  
99:18

**aid** <sup>[1]</sup> - 183:3

**air** <sup>[17]</sup> - 83:14, 83:15,  
86:12, 144:10,  
150:18, 174:7,  
187:1, 189:12,  
189:13, 206:9,  
206:11, 206:14,  
206:15, 213:3,  
213:6, 214:4,  
249:10

**aisles** <sup>[1]</sup> - 193:16

**alcohol** <sup>[4]</sup> - 116:1,  
119:9, 131:13,  
131:16

**alcoholic** <sup>[1]</sup> - 119:13

**Aletta** <sup>[1]</sup> - 208:10

**Alexander** <sup>[1]</sup> - 114:9

**align** <sup>[1]</sup> - 150:16

**aligned** <sup>[2]</sup> - 11:17,  
182:4

**Alley** <sup>[35]</sup> - 8:2, 8:7,  
10:5, 11:8, 12:12,  
13:1, 13:15, 14:5,  
16:5, 16:7, 17:4,  
18:13, 18:14, 19:5,  
19:6, 19:15, 19:16,  
20:1, 23:8, 30:17,  
34:10, 35:18, 36:2,  
36:3, 36:7, 39:15,  
40:2, 41:16, 42:2,  
49:6, 58:5, 61:18,  
62:8, 70:5, 73:4

**alley** <sup>[2]</sup> - 16:8, 40:3

**Alley's** <sup>[2]</sup> - 17:6,  
18:16

**allow** <sup>[19]</sup> - 13:6,  
31:13, 32:4, 50:9,  
52:11, 89:10, 94:11,  
109:12, 117:2,  
118:5, 121:18,  
123:18, 126:8,  
183:17, 185:5,

225:12, 226:4,  
247:2, 247:3

**allowed** <sup>[14]</sup> - 9:7,  
23:14, 23:15, 37:1,  
46:17, 47:2, 63:16,  
64:12, 66:12,  
137:12, 192:6,  
193:8, 232:15,  
232:17

**allowed-like** <sup>[1]</sup> - 37:1

**allowing** <sup>[4]</sup> - 7:2,  
7:14, 46:9, 151:7

**allows** <sup>[2]</sup> - 90:16,  
226:3

**almost** <sup>[7]</sup> - 20:8,  
57:7, 57:15, 106:18,  
130:12, 201:16,  
204:9

**alter** <sup>[2]</sup> - 181:2, 228:2

**alteration** <sup>[4]</sup> - 84:10,  
84:12, 84:15, 85:15

**alterations** <sup>[5]</sup> - 7:2,  
46:9, 69:4, 183:10,  
229:10

**alternative**  
<sup>[3]</sup> - 171:7, 184:13,  
185:3

**altitude** <sup>[1]</sup> - 166:17

**Amendment**  
<sup>[1]</sup> - 68:2

**amount** <sup>[12]</sup> - 7:8,  
23:18, 55:13, 55:14,  
106:17, 171:6,  
192:4, 212:3,  
222:13, 222:18,  
237:12

**amounts** <sup>[2]</sup> - 180:14,  
180:15

**analogy** <sup>[1]</sup> - 47:6

**analysis** <sup>[3]</sup> - 23:13,  
47:4, 211:7

**AND** <sup>[1]</sup> - 252:1

**AND/OR** <sup>[1]</sup> - 253:15

**ANDERSON**  
<sup>[49]</sup> - 32:13, 32:18,  
33:5, 33:8, 33:12,  
33:15, 34:1, 34:5,  
34:9, 34:14, 34:17,  
35:2, 35:9, 36:2,  
36:17, 37:12, 38:17,  
40:11, 41:3, 72:13,  
73:6, 73:16, 99:4,  
102:15, 103:4,  
103:7, 132:18,

137:14, 138:10,  
 138:16, 140:16,  
 145:9, 145:14,  
 146:2, 146:14,  
 161:10, 164:7,  
 164:12, 164:15,  
 169:8, 177:11,  
 178:6, 178:14,  
 180:4, 197:5,  
 212:15, 216:8,  
 218:14, 244:14

**Anderson** <sup>[24]</sup> - 1:9,

3:5, 5:4, 80:8, 81:4,  
 87:1, 88:4, 96:4,  
 97:4, 111:12, 112:4,  
 142:6, 143:4, 152:8,  
 153:4, 184:8,  
 187:16, 188:4,  
 229:5, 229:16,  
 231:4, 247:18,  
 250:6, 251:5

**ANDREA** <sup>[47]</sup> - 19:2,

19:8, 19:13, 19:15,  
 19:18, 20:5, 44:14,  
 46:17, 48:2, 48:6,  
 48:10, 48:13, 48:18,  
 49:4, 49:7, 51:1,  
 53:5, 59:1, 74:10,  
 78:3, 78:10, 82:8,  
 84:3, 99:7, 104:3,  
 109:3, 126:5,  
 126:14, 126:16,  
 127:2, 127:8,  
 127:14, 127:17,  
 131:3, 139:5, 139:7,  
 168:5, 169:9,  
 170:17, 180:9,  
 197:7, 199:8, 200:4,  
 214:18, 215:10,  
 221:12, 245:1

**Andrea** <sup>[16]</sup> - 1:9, 3:5,

5:3, 44:12, 74:9,  
 81:3, 88:3, 97:3,  
 112:3, 129:12,  
 130:11, 143:3,  
 153:3, 188:3, 197:6,  
 231:3

**Andrea's** <sup>[1]</sup> - 128:15

**Ann** <sup>[3]</sup> - 89:15, 90:4,

92:14

**announcements**

<sup>[1]</sup> - 3:9

**annunciated**

<sup>[1]</sup> - 229:11

**answer** <sup>[8]</sup> - 29:6,  
 77:5, 77:11, 90:8,  
 105:18, 207:8,  
 213:2, 214:3

**ANTELONE**  
<sup>[1]</sup> - 200:11

**Antelone** <sup>[1]</sup> - 200:12

**Anthony** <sup>[1]</sup> - 163:4

**anticipate** <sup>[1]</sup> - 44:9

**ANY** <sup>[2]</sup> - 253:15,  
 253:15

**anyhow** <sup>[3]</sup> - 106:3,  
 148:2, 214:12

**anyway** <sup>[2]</sup> - 55:12,  
 79:2

**apartment** <sup>[6]</sup> - 156:4,  
 162:1, 162:3, 211:5,  
 242:11, 243:3

**apartments**  
<sup>[5]</sup> - 189:9, 211:6,  
 217:11, 217:16,  
 218:10

**apologize** <sup>[1]</sup> - 168:8

**APPEAL** <sup>[1]</sup> - 1:1

**appeal** <sup>[10]</sup> - 6:11,  
 31:11, 31:17, 42:18,  
 59:4, 63:8, 69:2,  
 74:15, 80:2, 80:7

**Appeal** <sup>[3]</sup> - 3:8, 63:1,  
 222:11

**Appeals** <sup>[3]</sup> - 251:9,  
 252:6, 252:15

**appear** <sup>[2]</sup> - 206:10,  
 207:5

**appliance** <sup>[1]</sup> - 176:8

**appliances**  
<sup>[8]</sup> - 153:13, 154:5,  
 166:13, 171:17,  
 174:14, 176:10,  
 179:15, 179:18

**applicable** <sup>[2]</sup> - 218:5,  
 224:15

**applicant** <sup>[3]</sup> - 65:1,  
 65:6, 67:1

**applicant's** <sup>[1]</sup> - 210:4

**application**  
<sup>[14]</sup> - 24:3, 83:7,  
 92:11, 94:4, 108:2,  
 108:6, 111:5, 111:7,  
 114:6, 126:3,  
 134:17, 143:12,  
 210:4, 210:10

**applications**  
<sup>[3]</sup> - 168:6, 229:18,

242:6

**APPLY** [1] - 253:15

**appreciate**

[2] - 77:15, 80:11

**approach** [1] - 8:10

**appropriate**

[3] - 70:3, 76:13,  
182:1

**appropriately**

[1] - 67:4

**approval** [6] - 60:4,

102:4, 107:2, 113:3,  
133:10, 182:2

**approve** [3] - 74:7,

92:5, 215:4

**approved** [7] - 66:8,

74:17, 79:14,  
101:12, 116:17,  
133:3, 230:1

**April** [1] - 63:6

**april** [1] - 253:13

**arcade** [1] - 121:2

**Architect** [1] - 149:1

**architect** [6] - 88:9,

101:11, 113:1,  
188:8, 188:11,  
231:8

**architectural**

[1] - 244:8

**area** [28] - 43:10,

56:4, 57:18, 89:18,  
94:12, 99:15, 100:6,  
106:5, 106:11,  
106:17, 115:1,  
123:7, 158:8,  
164:17, 192:5,  
193:14, 194:6,  
211:14, 211:17,  
218:17, 219:3,  
226:13, 232:9,  
232:13, 232:14,  
238:9, 242:17

**areas** [2] - 212:9,

219:7

**argue** [1] - 236:16

**argument** [2] - 54:7,

54:8

**arguments** [2] - 53:8,

53:10

**arrangement**

[2] - 17:2, 70:5

**arrived** [1] - 179:15

**art** [1] - 117:7

**Article** [4] - 63:18,

84:6, 84:11, 221:18  
**aside** [1] - 24:12  
**aspect** [1] - 90:9  
**aspects** [2] - 113:4,  
 238:4  
**assemble** [2] - 136:6,  
 138:6  
**assent** [1] - 126:5  
**assessment**  
 [1] - 211:4  
**asset** [1] - 150:15  
**Assistant** [1] - 1:11  
**assisting** [1] - 223:4  
**Associate** [2] - 1:9,  
 1:10  
**association**  
 [1] - 113:14  
**Association**  
 [1] - 128:8  
**associations**  
 [1] - 14:11  
**assume** [2] - 176:7,  
 180:13  
**assumed** [1] - 25:10  
**assuming** [1] - 65:18  
**assumption**  
 [1] - 206:12  
**AT&T** [1] - 17:10  
**attached** [1] - 242:10  
**attempt** [2] - 26:13,  
 175:14  
**attendance**  
 [2] - 134:10, 148:12  
**attendees** [1] - 4:11  
**attention** [2] - 10:12,  
 40:13  
**ATTORNEY**  
 [88] - 5:16, 17:15,  
 18:6, 21:4, 21:15,  
 24:4, 25:13, 25:17,  
 27:7, 29:2, 29:11,  
 30:7, 31:15, 32:8,  
 32:16, 33:2, 33:6,  
 33:10, 33:13, 33:17,  
 34:3, 35:17, 36:4,  
 37:6, 37:13, 39:8,  
 40:12, 41:11, 41:14,  
 42:11, 42:16, 43:16,  
 45:6, 47:3, 48:5,  
 48:8, 48:11, 48:14,  
 49:2, 49:5, 49:9,  
 51:4, 67:12, 75:14,  
 77:12, 78:6, 80:10,  
 112:11, 114:7,



115:8, 118:3, 119:5,  
 119:18, 120:6,  
 120:18, 121:17,  
 122:7, 122:13,  
 124:8, 124:13,  
 124:18, 125:6,  
 125:11, 126:9,  
 126:15, 127:4,  
 127:11, 127:15,  
 128:5, 129:7, 130:8,  
 131:8, 132:11,  
 136:1, 136:9,  
 136:12, 139:9,  
 139:13, 143:7,  
 145:11, 145:15,  
 146:5, 146:16,  
 147:2, 147:4, 147:9,  
 147:17, 151:17

**attorney** <sup>[4]</sup> - 5:18,  
 63:2, 63:6, 143:9

**attribute** <sup>[1]</sup> - 249:11

**Auburn** <sup>[1]</sup> - 2:4

**AUDIENCE**

<sup>[14]</sup> - 49:18, 128:3,  
 137:11, 137:16,  
 138:8, 138:13,  
 138:18, 140:11,  
 140:18, 141:3,  
 141:15, 207:18,  
 214:5, 217:1

**audience** <sup>[3]</sup> - 14:12,  
 18:17, 132:15

**audio** <sup>[2]</sup> - 4:5, 4:14

**augment** <sup>[1]</sup> - 12:11

**August** <sup>[4]</sup> - 136:17,  
 139:6, 139:12

**authority** <sup>[2]</sup> - 78:14,  
 217:9

**Authority** <sup>[1]</sup> - 224:8

**auto** <sup>[1]</sup> - 224:8

**autonomous**

<sup>[1]</sup> - 12:10

**availability**

<sup>[6]</sup> - 212:8, 220:4,  
 222:16, 223:10,  
 223:14, 249:10

**available** <sup>[5]</sup> - 117:11,  
 139:8, 157:7,  
 219:16, 220:7

**Ave** <sup>[5]</sup> - 112:15,

116:5, 200:12,  
 200:13, 231:10

**Avenue** <sup>[24]</sup> - 1:6, 2:6,  
 2:7, 2:11, 92:8,

93:7, 93:10, 97:6,  
106:5, 107:13,  
107:16, 108:4,  
108:9, 108:12,  
112:6, 209:8, 231:6,  
239:11, 239:15,  
239:17, 240:8,  
241:1, 242:7, 242:9

**avoid** [2] - 113:17,  
179:4

**aware** [2] - 43:14,  
92:2

**awareness** [1] - 161:4

**awful** [3] - 113:10,  
134:9, 203:7

**Aye** [10] - 80:4, 80:5,  
86:16, 96:1, 111:10,  
142:5, 152:6, 184:4,  
187:12, 250:4

## B

**B-A-D-E-R** [1] - 83:5

**B-O-O-Z** [1] - 231:8

**backfill** [1] - 179:11

**background**

[1] - 116:9

**bad** [8] - 51:11, 58:18,  
59:9, 154:8, 161:4,  
161:6, 176:16,  
203:8

**Bader** [1] - 83:5

**Baker's** [1] - 134:13

**balance** [1] - 126:1

**balancing** [1] - 219:8

**balusters** [1] - 234:6

**bar** [4] - 115:2, 115:4,  
115:18, 119:12

**barber** [1] - 117:3

**Bard** [1] - 151:13

**barely** [1] - 85:18

**BARGMANN**

[18] - 188:7, 188:10,  
188:16, 189:1,  
192:14, 196:6,  
196:14, 196:18,  
197:9, 197:15,  
199:4, 199:15,  
213:2, 213:6,  
213:14, 214:2,  
214:14, 230:2

**Bargmann**

[4] - 112:18, 188:7,  
188:8, 188:10

**based** <sup>[10]</sup> - 19:12,  
64:18, 65:9, 66:18,  
67:4, 79:16, 127:5,  
211:13, 211:16,  
212:3

**Based** <sup>[1]</sup> - 210:3

**basement** <sup>[9]</sup> - 144:7,  
145:16, 145:17,  
158:6, 161:18,  
162:2, 162:4,  
200:17, 201:9

**basis** <sup>[3]</sup> - 18:18,  
123:16, 151:14

**bath** <sup>[1]</sup> - 163:2

**bathroom** <sup>[5]</sup> - 156:8,  
156:11, 163:13,  
234:18, 235:4

**bathrooms**  
<sup>[17]</sup> - 156:9, 156:13,  
156:15, 156:17,  
157:4, 157:6,  
162:10, 162:12,  
162:17, 163:10,  
163:17, 171:13,  
172:6, 174:17,  
177:9, 179:8

**bay** <sup>[1]</sup> - 158:12

**bearing** <sup>[1]</sup> - 51:17

**beautiful** <sup>[1]</sup> - 123:3

**beauty** <sup>[2]</sup> - 98:12,  
117:3

**became** <sup>[1]</sup> - 21:2

**become** <sup>[1]</sup> - 61:8

**becomes** <sup>[1]</sup> - 138:5

**bed** <sup>[3]</sup> - 8:3, 10:8,  
72:1

**bedroom** <sup>[14]</sup> - 102:7,  
102:17, 102:18,  
103:5, 103:14,  
156:8, 156:10,  
159:3, 163:2,  
190:17, 235:8

**bedrooms** <sup>[9]</sup> - 103:9,  
103:11, 156:12,  
163:6, 163:8, 163:9,  
163:11, 163:18,  
233:14

**began** <sup>[2]</sup> - 23:1, 46:6

**begin** <sup>[2]</sup> - 175:5,  
203:7

**beginning** <sup>[2]</sup> - 4:10,  
45:7

**behalf** <sup>[4]</sup> - 6:2, 11:10,  
63:3, 143:10

**behavior** <sup>[1]</sup> - 51:10  
**behaviorial** <sup>[1]</sup> - 52:14  
**behind** <sup>[4]</sup> - 57:9,  
 113:9, 196:16,  
 218:17  
**belief** <sup>[2]</sup> - 117:16,  
 212:2  
**below** <sup>[2]</sup> - 191:16,  
 213:16  
**Belz** <sup>[1]</sup> - 239:14  
**BELZ** <sup>[1]</sup> - 239:15  
**beneficial** <sup>[4]</sup> - 187:2,  
 199:2, 199:4,  
 249:11  
**benefit** <sup>[6]</sup> - 199:1,  
 202:3, 219:1,  
 240:17, 246:15,  
 246:16  
**benefits** <sup>[4]</sup> - 14:8,  
 223:2, 223:4,  
 225:17  
**best** <sup>[2]</sup> - 22:17, 60:16  
**better** <sup>[14]</sup> - 3:17,  
 19:9, 40:8, 40:14,  
 100:8, 150:16,  
 154:1, 154:2,  
 166:14, 169:10,  
 171:4, 193:5, 193:6,  
 198:1  
**between** <sup>[9]</sup> - 8:14,  
 11:13, 46:15, 59:7,  
 138:15, 139:3,  
 192:5, 205:4,  
 234:13  
**beverage** <sup>[1]</sup> - 14:13  
**beverages**  
<sup>[2]</sup> - 119:9, 119:13  
**beyond** <sup>[4]</sup> - 54:6,  
 159:4, 168:11,  
 177:15  
**bicycle** <sup>[4]</sup> - 193:9,  
 195:14, 195:15,  
 210:9  
**bicycles** <sup>[2]</sup> - 15:1,  
 217:18  
**bicyclist** <sup>[1]</sup> - 211:17  
**big** <sup>[11]</sup> - 32:13,  
 33:11, 54:16,  
 154:10, 158:8,  
 159:5, 166:17,  
 177:17, 178:4,  
 195:13, 201:14  
**bigger** <sup>[3]</sup> - 81:18,  
 171:1, 171:2

**bike** <sup>[8]</sup> - 14:16, 56:2,  
193:10, 209:13,  
217:14, 217:16,  
219:4, 225:13

**bikes** <sup>[6]</sup> - 38:15,  
41:9, 43:6, 204:5,  
217:13, 218:4

**Bikes** <sup>[1]</sup> - 14:16

**biking** <sup>[1]</sup> - 44:5

**bit** <sup>[19]</sup> - 6:10, 10:4,  
10:15, 10:16, 27:12,  
29:14, 36:15, 44:15,  
45:1, 54:3, 58:14,  
94:14, 100:2, 127:6,  
129:1, 154:17,  
192:13, 196:15,  
198:1

**block** <sup>[1]</sup> - 57:17

**blood** <sup>[1]</sup> - 244:18

**Blue** <sup>[1]</sup> - 14:16

**BOARD** <sup>[1]</sup> - 1:1

**Board** <sup>[131]</sup> - 3:8,  
3:12, 3:16, 3:17,  
6:4, 6:11, 8:9, 9:2,  
9:3, 9:10, 10:1,  
10:11, 16:3, 27:10,  
27:14, 32:4, 62:18,  
63:7, 63:8, 67:1,  
67:6, 69:17, 72:11,  
73:9, 75:2, 75:16,  
75:18, 76:2, 76:4,  
77:2, 77:3, 77:12,  
79:6, 79:17, 81:5,  
81:8, 82:7, 84:8,  
85:10, 89:13, 94:6,  
94:16, 95:3, 95:4,  
95:7, 95:8, 95:13,  
95:16, 97:5, 105:2,  
106:2, 107:2,  
108:18, 109:6,  
109:15, 109:18,  
110:4, 110:9,  
110:10, 110:13,  
110:16, 111:4,  
112:5, 113:17,  
114:9, 116:7,  
116:18, 118:6,  
120:12, 123:12,  
126:1, 128:4, 130:5,  
130:16, 131:9,  
136:7, 139:16,  
143:5, 143:8,  
148:16, 149:4,  
149:6, 149:10,

149:15, 150:1,  
 150:8, 151:1, 151:5,  
 151:16, 153:5,  
 157:1, 159:6,  
 168:10, 182:17,  
 183:6, 183:11,  
 183:12, 184:10,  
 184:17, 185:2,  
 185:9, 186:1, 187:6,  
 188:5, 212:1,  
 214:11, 222:8,  
 222:11, 222:13,  
 223:6, 226:12,  
 231:5, 244:8, 245:7,  
 245:14, 246:1,  
 246:2, 246:4, 246:6,  
 246:10, 246:13,  
 247:7, 248:10,  
 248:12, 248:14,  
 249:13, 249:18,  
 251:9, 252:6,  
 252:15

**Board's** <sup>[3]</sup> - 75:17,  
 76:5, 131:18

**boards** <sup>[1]</sup> - 188:16

**bonus** <sup>[1]</sup> - 220:6

**bookstore** <sup>[1]</sup> - 117:5

**BOOZ** <sup>[11]</sup> - 231:7,  
 232:4, 233:13,  
 235:14, 238:16,  
 239:1, 239:4,  
 243:12, 244:12,  
 248:4, 248:7

**Booz** <sup>[1]</sup> - 231:8

**Boston** <sup>[4]</sup> - 6:1,  
 12:14, 128:17,  
 188:11

**bottom** <sup>[4]</sup> - 62:3,  
 133:18, 234:3,  
 234:10

**bought** <sup>[4]</sup> - 155:15,  
 163:1, 201:7

**boys** <sup>[1]</sup> - 235:3

**Branch** <sup>[1]</sup> - 77:15

**branch** <sup>[1]</sup> - 77:17

**branches** <sup>[2]</sup> - 77:6,  
 242:13

**breadth** <sup>[1]</sup> - 115:14

**BRENDAN** <sup>[254]</sup> - 3:7,  
 4:3, 5:5, 16:5,  
 16:12, 16:16, 17:1,  
 17:4, 17:9, 18:5,  
 20:6, 20:11, 21:6,  
 24:2, 24:7, 27:4,

28:5, 31:7, 32:11,  
35:13, 36:3, 36:10,  
36:16, 44:12, 49:10,  
50:17, 51:2, 51:5,  
56:5, 58:16, 59:2,  
59:12, 60:12, 61:13,  
62:10, 62:14, 72:3,  
73:7, 74:9, 77:5,  
77:18, 78:8, 78:16,  
79:5, 80:6, 81:5,  
81:12, 82:6, 82:10,  
82:15, 83:14, 83:17,  
84:4, 86:17, 88:5,  
90:11, 90:15, 91:2,  
91:7, 91:11, 91:17,  
93:18, 94:2, 96:2,  
97:5, 100:4, 100:11,  
100:17, 102:6,  
102:11, 102:14,  
104:1, 104:4, 104:9,  
104:11, 104:14,  
105:18, 107:4,  
107:9, 107:12,  
108:17, 109:4,  
111:11, 112:5,  
113:7, 114:8, 118:1,  
118:5, 119:4, 119:7,  
120:1, 120:13,  
121:15, 122:3,  
124:4, 124:11,  
124:16, 125:1,  
126:2, 127:1,  
128:14, 129:11,  
130:9, 133:17,  
134:5, 134:8,  
135:13, 136:3,  
136:10, 136:16,  
137:2, 137:6,  
137:10, 137:15,  
138:3, 139:15,  
140:8, 141:6,  
141:10, 142:2,  
143:5, 146:3,  
146:12, 146:18,  
147:3, 147:6,  
147:16, 148:1,  
148:6, 148:11,  
151:13, 152:2,  
152:7, 153:5,  
155:10, 156:2,  
156:6, 156:16,  
157:3, 157:8,  
157:12, 157:15,  
158:2, 158:7,

158:14, 159:10,  
 160:12, 160:15,  
 161:18, 162:5,  
 162:9, 165:2, 165:9,  
 168:3, 169:5,  
 171:10, 172:3,  
 172:12, 173:9,  
 173:16, 173:18,  
 174:3, 174:10,  
 174:12, 175:4,  
 175:9, 175:13,  
 177:3, 177:6, 177:8,  
 179:16, 180:7,  
 180:10, 180:17,  
 181:7, 181:10,  
 181:16, 182:12,  
 184:6, 184:10,  
 185:14, 185:17,  
 187:13, 188:5,  
 188:9, 188:14,  
 188:18, 194:5,  
 194:12, 194:16,  
 195:2, 195:5,  
 195:12, 195:18,  
 196:4, 197:1, 197:4,  
 197:6, 198:15,  
 199:13, 200:3,  
 200:5, 203:1,  
 204:12, 205:11,  
 207:7, 207:13,  
 208:5, 208:8, 213:4,  
 213:18, 214:3,  
 214:9, 214:16,  
 215:7, 215:11,  
 216:5, 216:7, 216:9,  
 219:14, 220:1,  
 221:11, 221:13,  
 228:11, 228:15,  
 229:4, 229:6, 229:9,  
 229:15, 229:18,  
 231:5, 232:1,  
 238:13, 238:17,  
 239:2, 239:5, 239:8,  
 239:13, 240:5,  
 241:15, 243:11,  
 243:16, 244:13,  
 244:16, 245:2,  
 245:6, 247:15,  
 248:2, 248:5, 248:8,  
 250:5, 250:8,  
 250:13, 251:4

**Brendan** <sup>[13]</sup> - 1:8,  
 3:4, 5:3, 20:9, 81:3,  
 88:3, 97:3, 112:3,



143:3, 153:3, 179:7,  
188:3, 231:3

**Brendan's**

[1] - 169:13

**Brewster** [1] - 6:1

**bridge** [1] - 11:13

**brief** [2] - 67:13,  
97:18

**briefly** [2] - 53:1,  
113:3

**bring** [6] - 55:4,  
131:1, 132:8, 151:9,  
154:18, 167:12

**bringing** [1] - 73:10

**BRISTOL** [1] - 253:3

**broad** [3] - 124:1,  
126:10, 131:7

**broaden** [2] - 117:12,  
118:13

**broadly** [1] - 29:4

**brought** [2] - 27:16,  
123:1

**bubbled** [1] - 146:7

**BUETI** [3] - 207:11,  
207:15, 208:2

**build** [11] - 11:2,  
11:13, 16:1, 30:17,  
38:10, 107:15,  
108:2, 176:10,  
232:5, 232:7, 237:5

**builders** [1] - 233:18

**building** [121] - 6:7,  
6:14, 7:2, 7:7, 7:13,  
7:16, 8:7, 9:13,  
15:7, 15:11, 18:1,  
21:18, 22:1, 22:3,  
22:6, 22:7, 22:8,  
23:2, 25:5, 26:1,  
28:11, 28:12, 30:3,  
30:15, 32:14, 32:17,  
33:1, 34:6, 35:14,  
35:18, 36:9, 46:7,  
46:9, 51:10, 53:18,  
56:3, 58:13, 59:7,  
60:2, 60:10, 68:8,  
68:10, 69:5, 70:7,  
70:15, 70:16, 73:12,  
91:4, 91:5, 112:17,  
116:9, 116:12,  
116:15, 120:15,  
121:1, 121:3, 121:7,  
123:3, 127:13,  
129:4, 129:14,  
129:18, 132:7,

132:9, 134:3,  
 143:14, 143:15,  
 145:5, 149:2, 151:8,  
 154:5, 159:4,  
 180:15, 183:3,  
 185:6, 189:10,  
 189:17, 190:9,  
 190:11, 191:9,  
 192:5, 194:2, 194:3,  
 196:10, 196:12,  
 197:8, 197:9, 200:2,  
 200:14, 202:13,  
 203:18, 206:8,  
 206:13, 208:15,  
 209:1, 210:6, 211:5,  
 213:10, 215:3,  
 221:3, 221:8, 224:3,  
 225:17, 226:6,  
 231:14, 231:15,  
 232:8, 232:11,  
 232:14, 233:3,  
 235:5, 235:7,  
 236:14, 237:1,  
 237:9, 237:10,  
 238:2, 242:11,  
 243:3, 245:11

**Building** <sup>[11]</sup> - 23:17,  
 25:7, 28:8, 69:1,  
 69:7, 76:6, 76:17,  
 79:12, 147:8,  
 147:12, 214:10

**building's** <sup>[2]</sup> - 59:7,  
 201:13

**buildings** <sup>[3]</sup> - 86:13,  
 143:16, 189:7

**built** <sup>[18]</sup> - 13:5, 14:5,  
 20:15, 94:17, 98:17,  
 105:5, 110:5,  
 116:12, 121:1,  
 159:18, 175:1,  
 177:14, 189:8,  
 200:14, 202:13,  
 232:11, 236:5,  
 236:18

**bulk** <sup>[2]</sup> - 159:4, 174:6

**bumping** <sup>[1]</sup> - 90:18

**bus** <sup>[2]</sup> - 43:7, 226:2

**business** <sup>[8]</sup> - 5:12,  
 14:10, 18:4, 19:5,  
 55:18, 56:2, 130:10,  
 130:11

**businesses** <sup>[2]</sup> - 12:7,  
 116:4

**busses** <sup>[1]</sup> - 41:8

**busy** <sup>[1]</sup> - 202:4

**buy** <sup>[1]</sup> - 164:17

**BZA** <sup>[4]</sup> - 210:3,  
210:4, 210:10,  
210:16

**BZA-016192-2018**

<sup>[2]</sup> - 2:4, 81:2

**BZA-016194-2018**

<sup>[2]</sup> - 2:7, 112:2

**BZA-016224-2018**

<sup>[2]</sup> - 2:5, 88:2

**BZA-016243-2018**

<sup>[2]</sup> - 2:6, 97:2

**BZA-016276-2018**

<sup>[2]</sup> - 2:8, 143:2

**BZA-016277-2018**

<sup>[2]</sup> - 2:9, 153:2

**BZA-016336-2018**

<sup>[2]</sup> - 2:10, 188:2

**BZA-016355-2018**

<sup>[2]</sup> - 2:3, 5:2

**BZA-016500-2018**

<sup>[2]</sup> - 2:11, 231:2

## C

**C-1** <sup>[8]</sup> - 52:11, 63:12,  
63:17, 65:16, 66:13,  
79:7, 79:10, 80:2

**C-R-E-E-D-O-N**

<sup>[1]</sup> - 108:1

**cabinets** <sup>[1]</sup> - 171:18

**cable** <sup>[1]</sup> - 54:1

**cages** <sup>[1]</sup> - 33:11

**calculate** <sup>[1]</sup> - 232:13

**CALEB** <sup>[2]</sup> - 56:10,  
58:17

**Caleb** <sup>[1]</sup> - 56:10

**Caleb's** <sup>[1]</sup> - 61:17

**CAMBRIDGE** <sup>[1]</sup> - 1:2

**Cambridge** <sup>[39]</sup> - 1:7,  
2:9, 9:12, 11:6,  
12:8, 13:9, 13:16,  
14:8, 15:14, 27:17,  
44:7, 46:5, 64:1,  
68:1, 71:11, 71:18,  
73:10, 97:10,  
112:13, 128:8,  
128:18, 143:10,  
143:17, 153:6,  
153:9, 154:8, 160:9,  
164:10, 164:18,  
165:1, 172:10,  
181:16, 188:13,

206:1, 210:1,  
 213:12, 224:8,  
 233:9, 236:13

**Campbell** <sup>[3]</sup> - 166:8,  
 167:17, 179:1

**Campbell's**  
<sup>[1]</sup> - 168:12

**candidly** <sup>[1]</sup> - 45:17

**cannot** <sup>[6]</sup> - 36:9,  
 51:14, 65:14,  
 141:10, 171:10,  
 219:15

**capable** <sup>[1]</sup> - 61:9

**capacity** <sup>[2]</sup> - 18:2,  
 227:6

**captive** <sup>[1]</sup> - 14:12

**capture** <sup>[2]</sup> - 18:17,  
 175:15

**capturing** <sup>[2]</sup> - 159:1,  
 199:1

**CAPTURING**  
<sup>[1]</sup> - 1:16

**car** <sup>[4]</sup> - 57:13,  
 200:18, 218:1,  
 220:5

**card** <sup>[2]</sup> - 5:12, 117:5

**care** <sup>[2]</sup> - 53:18, 250:8

**carries** <sup>[1]</sup> - 47:12

**carry** <sup>[1]</sup> - 55:3

**cars** <sup>[8]</sup> - 57:10,  
 195:6, 195:11,  
 203:11, 204:7,  
 204:8, 209:8, 227:4

**CASE** <sup>[1]</sup> - 2:2

**Case** <sup>[9]</sup> - 5:2, 81:2,  
 88:2, 97:2, 112:2,  
 143:2, 153:2, 188:2,  
 231:2

**case** <sup>[32]</sup> - 5:6, 13:5,  
 20:12, 22:11, 26:10,  
 42:14, 45:17, 47:5,  
 70:3, 81:6, 88:5,  
 97:6, 112:6, 113:8,  
 115:6, 119:3,  
 120:10, 120:11,  
 131:6, 136:4, 137:1,  
 138:4, 138:5, 140:7,  
 140:8, 140:14,  
 143:6, 153:6, 188:6,  
 210:3, 231:6,  
 250:18

**cases** <sup>[7]</sup> - 30:18,  
 106:2, 122:18,  
 131:5, 137:1, 137:4,

166:18  
**categorize** [1] - 52:7  
**Catherine** [2] - 253:4,  
 253:10  
**Cathy** [3] - 4:13, 5:11,  
 5:13  
**caused** [1] - 189:10  
**CD** [1] - 67:10  
**cease** [4] - 6:5, 31:17,  
 42:18, 76:7  
**ceased** [1] - 48:3  
**Celtics** [2] - 12:15,  
 71:17  
**Center** [2] - 1:5,  
 188:11  
**center** [2] - 117:7,  
 134:13  
**central** [3] - 61:5,  
 206:14, 213:7  
**Central** [2] - 189:5,  
 226:1  
**cents** [1] - 73:8  
**certain** [4] - 21:13,  
 27:4, 46:4, 129:13  
**certainly** [4] - 26:4,  
 128:6, 141:17,  
 171:5  
**Certificate** [9] - 7:17,  
 23:17, 25:8, 64:17,  
 65:4, 66:17, 68:16,  
 69:8, 79:12  
**CERTIFICATION**  
 [1] - 253:14  
**Certified** [2] - 253:4,  
 253:11  
**certify** [1] - 253:5  
**CERTIFYING**  
 [1] - 253:16  
**Chair** [7] - 1:8, 4:4,  
 4:7, 4:11, 152:3,  
 187:9, 247:11  
**Chairman** [3] - 81:7,  
 119:18, 143:8  
**Chan** [2] - 89:15,  
 92:13  
**chance** [3] - 51:3,  
 74:16, 241:9  
**CHANGE** [6] - 252:8,  
 252:9, 252:10,  
 252:11, 252:12,  
 252:13  
**change** [22] - 7:4,  
 29:17, 37:8, 46:11,  
 69:6, 75:3, 81:13,

81:14, 85:5, 85:7,  
 99:14, 140:1, 149:8,  
 149:11, 149:14,  
 182:4, 183:13,  
 186:4, 206:3,  
 226:18, 248:17,  
 252:6

**changed** <sup>[4]</sup> - 117:8,  
 140:4, 144:9, 201:7

**changes** <sup>[6]</sup> - 59:15,  
 133:5, 144:7,  
 144:12, 181:13,  
 252:16

**changing** <sup>[16]</sup> - 60:10,  
 83:11, 98:9, 102:1,  
 134:16, 134:17,  
 150:14, 185:10,  
 185:11, 185:15,  
 186:18, 191:2,  
 196:9, 202:8,  
 248:11

**Channel** <sup>[1]</sup> - 188:11

**Chapter** <sup>[3]</sup> - 65:12,  
 68:2

**character** <sup>[5]</sup> - 86:8,  
 149:9, 186:5,  
 248:17, 249:2

**characterized**  
<sup>[1]</sup> - 27:2

**charge** <sup>[2]</sup> - 194:16,  
 194:18

**Charles** <sup>[4]</sup> - 2:8,  
 143:6, 143:11,  
 148:9

**check** <sup>[1]</sup> - 58:4

**children** <sup>[2]</sup> - 205:17,  
 235:2

**chime** <sup>[2]</sup> - 113:17,  
 118:6

**choice** <sup>[1]</sup> - 193:2

**choosing** <sup>[1]</sup> - 12:7

**chose** <sup>[1]</sup> - 13:15

**chosen** <sup>[2]</sup> - 199:18,  
 213:8

**Chris** <sup>[4]</sup> - 89:15,  
 90:4, 92:13, 108:7

**CHRISTINA**

<sup>[1]</sup> - 203:3

**Christina** <sup>[1]</sup> - 203:4

**Christopher**

<sup>[1]</sup> - 239:17

**chronology**

<sup>[1]</sup> - 45:13

**circled** <sup>[1]</sup> - 181:12

**cite** <sup>[1]</sup> - 24:8  
**cites** <sup>[1]</sup> - 222:13  
**cities** <sup>[1]</sup> - 70:13  
**citizens** <sup>[4]</sup> - 85:13,  
86:2, 150:11, 228:7  
**CITY** <sup>[1]</sup> - 1:2  
**City** <sup>[8]</sup> - 11:6, 23:16,  
25:18, 26:14, 69:1,  
71:18, 233:8,  
244:14  
**city** <sup>[19]</sup> - 7:1, 7:13,  
14:2, 15:2, 16:1,  
25:6, 26:8, 46:8,  
59:17, 60:4, 69:15,  
73:15, 85:14, 86:2,  
121:6, 123:9,  
150:12, 204:6,  
228:7  
**City's** <sup>[2]</sup> - 59:18,  
210:13  
**claimed** <sup>[1]</sup> - 67:16  
**claims** <sup>[1]</sup> - 66:5  
**clarify** <sup>[1]</sup> - 67:14  
**class** <sup>[1]</sup> - 13:18  
**classified** <sup>[1]</sup> - 192:6  
**classroom**  
<sup>[2]</sup> - 54:11, 67:17  
**Clay** <sup>[6]</sup> - 2:4, 81:6,  
81:9, 81:11, 82:13,  
83:6  
**clean** <sup>[2]</sup> - 12:10,  
58:13  
**clean-up** <sup>[1]</sup> - 58:13  
**cleaned** <sup>[2]</sup> - 15:9,  
193:5  
**cleaner** <sup>[1]</sup> - 171:5  
**clear** <sup>[11]</sup> - 11:10,  
14:2, 25:14, 25:15,  
26:13, 39:10, 45:13,  
69:10, 102:7,  
137:17, 139:10  
**clearing** <sup>[1]</sup> - 201:12  
**clearly** <sup>[3]</sup> - 5:10,  
65:9, 235:16  
**clerk** <sup>[1]</sup> - 24:16  
**client** <sup>[1]</sup> - 63:3  
**clients** <sup>[1]</sup> - 78:11  
**climate** <sup>[1]</sup> - 184:12  
**close** <sup>[18]</sup> - 6:17,  
13:17, 62:15, 72:10,  
83:18, 93:14, 99:1,  
105:6, 144:12,  
147:6, 173:10,  
188:9, 198:5, 217:6,

217:13, 225:18,  
248:5, 248:7

**closely** <sup>[1]</sup> - 17:13

**closer** <sup>[5]</sup> - 10:15,  
10:16, 45:17,  
153:18, 196:16

**closest** <sup>[1]</sup> - 89:16

**CLTX** <sup>[2]</sup> - 12:15,  
60:16

**co** <sup>[16]</sup> - 8:2, 8:12,  
10:5, 11:2, 11:9,  
11:10, 18:3, 18:7,  
18:11, 19:3, 19:10,  
22:5, 28:3, 42:5,  
44:11, 66:10

**co-work** <sup>[6]</sup> - 18:3,  
19:3, 19:10, 22:5,  
28:3, 42:5

**co-working** <sup>[10]</sup> - 8:2,  
8:12, 10:5, 11:2,  
11:9, 11:10, 18:7,  
18:11, 44:11, 66:10

**code** <sup>[6]</sup> - 159:12,  
167:12, 170:16,  
192:7, 197:17,  
220:2

**Code** <sup>[5]</sup> - 28:8,  
147:8, 147:12,  
214:10, 226:8

**coexist** <sup>[1]</sup> - 15:15

**coherent** <sup>[1]</sup> - 129:2

**coin** <sup>[1]</sup> - 219:15

**cold** <sup>[2]</sup> - 105:8

**collaborate** <sup>[1]</sup> - 13:7

**collaborative**  
<sup>[1]</sup> - 12:1

**colleague** <sup>[1]</sup> - 25:4

**colleagues** <sup>[1]</sup> - 79:4

**collection** <sup>[1]</sup> - 72:5

**color** <sup>[1]</sup> - 43:4

**combine** <sup>[1]</sup> - 100:15

**comfort** <sup>[1]</sup> - 247:5

**comfortable**  
<sup>[2]</sup> - 77:3, 133:16

**coming** <sup>[9]</sup> - 32:3,  
40:4, 44:6, 129:2,  
130:13, 130:14,  
134:4, 243:14

**commend** <sup>[1]</sup> - 244:9

**commendable**  
<sup>[1]</sup> - 209:14

**comment** <sup>[22]</sup> - 51:3,  
52:12, 62:15, 82:11,  
83:18, 91:12, 91:13,



93:14, 104:5, 106:3,  
106:4, 107:10,  
148:7, 148:15,  
172:8, 173:4,  
182:11, 200:6,  
206:3, 215:1, 239:9,  
239:11

**comments**

[9] - 42:17, 52:13,  
59:10, 70:8, 72:12,  
79:4, 141:13, 244:6,  
245:1

**commercial**

[8] - 24:15, 37:3,  
117:7, 210:13,  
210:15, 215:9,  
223:14, 224:3

**Commission**

[2] - 105:1, 253:13

**COMMISSIONER**

[2] - 49:13, 50:2

**Commissioner**

[11] - 1:11, 6:6,  
49:11, 51:8, 52:9,  
62:17, 67:11, 68:17,  
69:12, 76:6, 79:17

**Commissioner's**

[2] - 76:18, 79:18

**committed** [1] - 89:8

**common** [1] - 158:4

**COMMONWEALTH**

[1] - 253:2

**communicate**

[1] - 133:14

**communication**

[2] - 91:18, 113:13

**communications**

[2] - 15:12, 20:14

**communities**

[3] - 11:3, 11:5,  
11:11

**community**

[35] - 10:11, 11:9,  
13:17, 15:5, 15:14,  
16:3, 19:12, 27:15,  
30:16, 38:2, 38:4,  
38:8, 38:9, 38:10,  
38:18, 44:4, 71:11,  
75:3, 76:2, 114:5,  
120:3, 122:12,  
127:10, 132:14,  
133:8, 133:13,  
134:12, 134:18,  
135:15, 137:13,

141:7, 141:8, 240:8,  
241:6

**commuter** <sup>[1]</sup> - 221:9

**commuters**

<sup>[3]</sup> - 194:11, 198:12,  
210:11

**commuting**

<sup>[1]</sup> - 204:6

**companies**

<sup>[6]</sup> - 11:14, 12:6,  
13:7, 34:12, 35:6,  
66:11

**company** <sup>[7]</sup> - 18:1,

18:11, 51:13, 66:4,  
127:18, 242:11

**compass** <sup>[1]</sup> - 146:13

**compatible**

<sup>[2]</sup> - 109:11, 249:1

**compel** <sup>[1]</sup> - 220:7

**compete** <sup>[1]</sup> - 61:2

**competing** <sup>[1]</sup> - 61:4

**complete** <sup>[2]</sup> - 75:17,

79:3

**completely**

<sup>[2]</sup> - 39:15, 233:5

**complex** <sup>[1]</sup> - 217:15

**compliance**

<sup>[2]</sup> - 215:6, 247:9

**compliant**

<sup>[2]</sup> - 159:13, 170:16

**complies** <sup>[2]</sup> - 84:10,

246:6

**comply** <sup>[3]</sup> - 95:14,

132:1, 213:15

**components**

<sup>[1]</sup> - 221:1

**con** <sup>[1]</sup> - 75:5

**conceived**

<sup>[1]</sup> - 218:16

**concept** <sup>[1]</sup> - 115:17

**concern** <sup>[6]</sup> - 115:13,

123:13, 206:7,

206:14, 206:18,

214:4

**concerned** <sup>[2]</sup> - 58:2,

242:8

**concerning** <sup>[2]</sup> - 67:5,

204:10

**concerns** <sup>[3]</sup> - 90:1,

218:7, 219:8

**concur** <sup>[2]</sup> - 73:16,

113:18

**condition** <sup>[10]</sup> - 78:14,

95:14, 98:10,

139:18, 187:7,  
193:7, 200:14,  
215:5, 243:4, 247:8

**conditioning**

[9] - 189:13, 206:9,  
206:11, 206:14,  
206:16, 213:3,  
213:6, 214:4

**conditions** [1] - 84:11

**condo** [1] - 113:13

**condolences**

[1] - 3:15

**condominium**

[1] - 127:12

**condominiums**

[1] - 56:13

**conductive**

[1] - 245:13

**conduct** [1] - 4:10

**confident** [1] - 83:1

**configuration**

[1] - 227:8

**confined** [1] - 61:1

**confirmed** [2] - 59:17,

64:10

**conform** [2] - 98:9,

151:15

**conforming**

[40] - 9:16, 45:2,  
46:1, 47:8, 47:18,  
49:14, 50:4, 67:8,  
70:1, 72:4, 72:6,  
79:15, 81:18, 84:7,  
84:12, 88:15, 91:5,  
105:3, 105:11,  
106:7, 106:8,  
106:13, 106:15,  
107:5, 107:6, 111:6,  
143:14, 182:15,  
183:8, 222:3, 225:2,  
231:14, 233:6,  
236:12, 236:17,  
237:5, 238:3,  
245:17

**conforms** [2] - 233:7,

237:15

**congestion**

[7] - 149:8, 149:11,  
186:3, 212:6,  
222:14, 226:17,  
248:16

**connect** [4] - 17:11,

24:17, 171:11,

172:6

**connected** <sup>[3]</sup> - 23:8,  
69:18, 73:5

**connection** <sup>[4]</sup> - 30:5,  
31:4, 44:18, 61:2

**connects** <sup>[1]</sup> - 17:5

**conservation**  
<sup>[1]</sup> - 227:17

**conserve** <sup>[1]</sup> - 86:13

**consider** <sup>[4]</sup> - 167:9,  
208:14, 209:7,  
223:7

**consideration**  
<sup>[2]</sup> - 141:14, 209:16

**considered** <sup>[3]</sup> - 26:6,  
62:8, 236:11

**considering** <sup>[1]</sup> - 73:3

**consistent** <sup>[10]</sup> - 8:15,  
45:14, 86:7, 86:11,  
121:5, 151:3, 151:6,  
225:3, 225:8, 227:8

**consistently**  
<sup>[2]</sup> - 8:18, 49:3

**consisting** <sup>[1]</sup> - 211:5

**consists** <sup>[1]</sup> - 232:8

**consolidating**  
<sup>[1]</sup> - 219:2

**constrained**  
<sup>[1]</sup> - 136:7

**constraints**  
<sup>[1]</sup> - 120:16

**construct** <sup>[4]</sup> - 88:12,  
182:14, 244:2,  
250:15

**constructed**  
<sup>[4]</sup> - 6:12, 6:14,  
88:14, 189:2

**construction**  
<sup>[8]</sup> - 40:15, 92:17,  
93:2, 145:4, 157:2,  
234:4, 243:4,  
247:16

**consumed** <sup>[4]</sup> - 20:7,  
20:12, 119:9,  
119:14

**consumption**  
<sup>[1]</sup> - 213:10

**contact** <sup>[2]</sup> - 107:17,  
128:1

**contain** <sup>[1]</sup> - 206:10

**contained** <sup>[2]</sup> - 94:4,  
95:16

**containing**  
<sup>[1]</sup> - 224:14

**contemporary**

[2] - 151:9, 247:5  
**context** [3] - 32:9,  
 105:12, 105:16  
**contiguous**  
 [1] - 238:1  
**continuance**  
 [1] - 114:5  
**continuation**  
 [2] - 25:10, 30:13  
**continue** [10] - 15:18,  
 38:16, 41:1, 74:5,  
 118:17, 120:9,  
 122:2, 139:17,  
 142:3, 196:4  
**continued** [9] - 7:6,  
 7:11, 23:6, 45:10,  
 84:18, 149:15,  
 186:7, 227:10,  
 249:2  
**continues** [2] - 47:10,  
 61:10  
**continuously**  
 [2] - 48:15  
**contractor** [1] - 243:9  
**contractually**  
 [1] - 20:4  
**contrary** [1] - 65:5  
**contribute** [1] - 15:18  
**contributing**  
 [1] - 14:3  
**CONTROL**  
 [1] - 253:15  
**conventional**  
 [1] - 10:5  
**conversation**  
 [2] - 127:5, 127:6  
**convert** [2] - 97:13,  
 192:18  
**converted** [1] - 44:1  
**convinced**  
 [1] - 103:18  
**cool** [2] - 58:11  
**cooling** [1] - 213:11  
**copies** [1] - 115:12  
**copying** [1] - 117:5  
**corner** [3] - 4:16,  
 106:16, 193:6  
**corporate** [4] - 17:17,  
 28:15, 28:16  
**Corporation**  
 [2] - 211:3  
**correct** [27] - 17:3,  
 17:7, 25:3, 34:4,  
 34:16, 35:12, 83:13,

90:18, 91:1, 127:1,  
 128:15, 154:15,  
 156:5, 156:15,  
 157:11, 162:7,  
 164:4, 165:16,  
 166:6, 166:7, 181:9,  
 182:8, 194:14,  
 196:3, 198:13,  
 198:14, 236:8

**corrected** <sup>[1]</sup> - 175:1

**correction** <sup>[1]</sup> - 252:7

**corrections**

<sup>[1]</sup> - 252:16

**correctly** <sup>[5]</sup> - 26:10,

29:1, 52:9, 170:9,  
 170:14

**correspondence**

<sup>[16]</sup> - 82:16, 107:13,

107:18, 108:7,

108:11, 113:9,

115:7, 115:12,

141:12, 145:3,

172:13, 208:9,

239:14, 241:8,

241:15, 242:4

**cost** <sup>[1]</sup> - 58:8

**couches** <sup>[1]</sup> - 38:7

**count** <sup>[4]</sup> - 156:6,

232:12, 232:15,

237:3

**couple** <sup>[7]</sup> - 15:3,

54:18, 56:16, 67:14,

97:15, 101:12,

235:11

**course** <sup>[3]</sup> - 18:10,

99:13, 100:10

**court** <sup>[1]</sup> - 76:8

**courts** <sup>[1]</sup> - 114:12

**Craig's** <sup>[1]</sup> - 43:13

**cramped** <sup>[1]</sup> - 70:17

**cranes** <sup>[2]</sup> - 160:10,

160:13

**crazy** <sup>[2]</sup> - 101:18,

202:18

**create** <sup>[3]</sup> - 86:1,

103:11, 225:14

**created** <sup>[5]</sup> - 85:11,

150:9, 186:15,

228:5, 249:7

**creating** <sup>[1]</sup> - 159:2

**creative** <sup>[1]</sup> - 43:11

**Creedon** <sup>[1]</sup> - 107:18

**creeping** <sup>[1]</sup> - 55:18

**crept** <sup>[1]</sup> - 21:7

**Crescent** <sup>[1]</sup> - 88:8  
**critic** <sup>[1]</sup> - 244:8  
**cross** <sup>[3]</sup> - 30:5, 30:6,  
 166:9  
**cross-connection**  
<sup>[1]</sup> - 30:5  
**cross-fertilization**  
<sup>[1]</sup> - 30:6  
**crossed** <sup>[1]</sup> - 26:9  
**cube** <sup>[1]</sup> - 174:3  
**culture** <sup>[1]</sup> - 14:1  
**curate** <sup>[1]</sup> - 11:9  
**curb** <sup>[3]</sup> - 205:3,  
 205:6, 205:9  
**curious** <sup>[2]</sup> - 105:14,  
 214:6  
**current** <sup>[15]</sup> - 8:11,  
 44:10, 67:3, 79:11,  
 86:7, 89:2, 110:6,  
 121:5, 194:9, 206:8,  
 215:1, 226:4, 227:5,  
 237:6, 241:18  
**customarily**  
<sup>[2]</sup> - 22:13, 29:16  
**customer's**  
<sup>[1]</sup> - 121:7  
**cut** <sup>[6]</sup> - 57:18,  
 125:13, 205:3,  
 205:6, 205:9, 234:3

## D

**D.C** <sup>[1]</sup> - 11:6  
**DAGLIAN**  
<sup>[6]</sup> - 136:18, 137:3,  
 137:8, 139:6,  
 139:11, 250:11  
**Daglin** <sup>[1]</sup> - 1:11  
**daily** <sup>[1]</sup> - 180:12  
**Daly** <sup>[1]</sup> - 92:8  
**damage** <sup>[3]</sup> - 154:6,  
 154:13, 176:13  
**damaged** <sup>[1]</sup> - 180:3  
**damages** <sup>[1]</sup> - 153:14  
**Dana** <sup>[1]</sup> - 104:17  
**dancing** <sup>[3]</sup> - 119:10,  
 119:14, 119:15  
**dare** <sup>[1]</sup> - 134:9  
**data** <sup>[1]</sup> - 15:12  
**date** <sup>[5]</sup> - 140:5,  
 140:15, 149:3,  
 151:17, 252:7  
**dated** <sup>[4]</sup> - 62:17,  
 63:6, 79:17, 152:2

**dates** [2] - 139:8,  
 139:10  
**daughters**  
 [2] - 101:15, 103:15  
**de** [1] - 109:16  
**dead** [3] - 242:9,  
 243:2, 243:8  
**deal** [3] - 122:17,  
 218:11, 221:8  
**dealing** [1] - 40:14  
**dear** [1] - 62:18  
**December**  
 [1] - 233:11  
**decibels** [1] - 214:1  
**decide** [4] - 72:9,  
 78:9, 106:3, 169:18  
**decided** [3] - 54:13,  
 58:7, 171:12  
**decision** [9] - 14:4,  
 20:2, 75:7, 77:10,  
 77:13, 78:13, 78:14,  
 140:2, 161:14  
**deck** [12] - 153:11,  
 154:3, 155:3, 155:5,  
 165:15, 165:18,  
 166:6, 166:13,  
 177:14, 177:16,  
 178:3, 178:9  
**decorative** [1] - 15:8  
**decreases**  
 [1] - 226:13  
**decreasing**  
 [1] - 226:14  
**dedicated** [1] - 22:8  
**defined** [1] - 225:10  
**definitely** [2] - 39:3,  
 103:16  
**definition** [4] - 28:8,  
 28:9, 49:16, 50:6  
**degree** [1] - 42:6  
**delete** [1] - 135:7  
**deliberate** [2] - 25:15,  
 26:13  
**deliberations**  
 [1] - 75:17  
**delipidated**  
 [1] - 245:11  
**deliver** [2] - 53:16  
**delivered** [1] - 252:3  
**delivering** [1] - 53:14  
**demand** [4] - 194:13,  
 195:13, 196:2,  
 217:14  
**demands** [2] - 224:1,



224:5

**demo** [1] - 171:9

**demolished**

[1] - 234:1

**demonstrate**

[1] - 176:4

**demonstrated**

[3] - 184:11, 184:13,  
184:18

**den** [1] - 204:18

**denied** [4] - 31:17,  
80:2, 80:7, 185:8

**deny** [1] - 63:8

**department**

[7] - 21:10, 21:11,  
25:1, 26:1, 78:17,  
78:18

**Department**

[5] - 25:7, 64:8,  
210:8, 218:12,  
252:4

**derogate** [4] - 95:11,

110:18, 247:1,  
249:16

**derogating**

[1] - 183:16

**describe** [3] - 33:4,

33:7, 46:16

**describing**

[2] - 28:13, 38:3

**description** [1] - 69:3

**deserve** [1] - 135:17

**design** [4] - 105:10,

113:6, 150:16,  
221:2

**designed**

[2] - 197:16, 237:15

**designs** [2] - 166:9,

244:9

**desirable** [4] - 14:7,

95:4, 110:10,  
246:10

**desire** [2] - 14:2,

121:11

**desist** [4] - 6:5, 31:18,

42:18, 76:7

**detail** [2] - 90:9, 166:8

**determination**

[6] - 63:9, 67:3, 67:7,  
79:18, 223:6

**detriment** [9] - 85:11,

95:5, 110:11, 150:9,  
185:4, 186:15,  
228:5, 246:11,

249:7

**detrimental**

[1] - 83:10

**develop** [3] - 12:3,

13:7, 30:18

**developed** [1] - 25:12

**developer** [1] - 168:9

**developers**

[1] - 128:16

**development**

[9] - 11:13, 13:13,

30:12, 71:4, 84:18,

149:16, 186:7,

227:10, 249:3

**developments**

[1] - 224:14

**device** [1] - 4:16

**diagrams** [1] - 214:6

**dialogue** [1] - 114:5

**die** [1] - 180:3

**difference**

[1] - 201:14

**different** [10] - 70:13,

75:13, 77:2, 122:5,

179:13, 204:3,

218:11, 224:2,

224:5, 225:16

**difficult** [2] - 124:5,

203:14

**difficulty** [1] - 240:7

**DILL** [6] - 88:7, 90:13,

91:1, 91:6, 93:17,

96:6

**Dill** [1] - 88:7

**dimension**

[2] - 178:11, 193:17

**dimensional**

[4] - 111:7, 115:2,

144:12, 247:10

**dining** [3] - 92:5,

100:12, 156:7

**direct** [2] - 31:3,

207:5

**DIRECT** [1] - 253:15

**DIRECTION**

[1] - 253:16

**directly** [7] - 12:4,

14:12, 14:16, 102:5,

141:4, 214:8,

239:18

**disabilities**

[1] - 191:11

**disabled** [2] - 191:14,

191:15

**disadvantage**

[1] - 120:16

**disagree** [2] - 174:9,  
174:11

**disaster** [2] - 200:13,  
201:2

**discern** [1] - 22:17

**discuss** [6] - 72:11,  
125:10, 125:18,  
138:15, 139:2,  
139:3

**discussed**

[2] - 122:10, 243:12

**discussing**

[1] - 236:2

**discussion**

[2] - 122:12, 179:14

**discussions**

[3] - 118:9, 122:15,  
124:2

**dispersed**

[1] - 206:17

**disputed** [1] - 68:16

**disrupts** [1] - 105:16

**distance** [1] - 154:11

**distances** [1] - 61:4

**district** [12] - 9:9,

67:10, 86:4, 86:8,

106:6, 144:17,

151:2, 151:3,

154:18, 187:4,

187:5, 249:15

**District** [5] - 63:12,

63:17, 65:16, 66:13,

79:8

**disturb** [1] - 124:5

**DivcoWest**

[1] - 112:17

**diversity** [1] - 14:1

**doctor's** [1] - 224:3

**document** [1] - 207:6

**documents**

[2] - 21:16, 206:10

**DOES** [1] - 253:15

**dog** [1] - 21:2

**dogleg** [1] - 192:17

**dollars** [1] - 15:6

**done** [9] - 38:8, 70:13,

72:14, 83:1, 168:11,

168:18, 179:10,

244:10, 244:11

**Donovan** [1] - 128:8

**door** [10] - 53:3,

56:14, 138:11,

171:16, 172:3,  
 172:4, 172:15,  
 191:3, 241:16,  
 242:10

**doors** [2] - 172:2,  
 179:3

**doorway** [1] - 144:6

**dormer** [12] - 232:6,  
 233:7, 233:8, 233:9,  
 234:16, 242:2,  
 244:3, 245:18,  
 246:6, 246:7,  
 247:16, 250:15

**dots** [4] - 23:9, 69:18,  
 171:11, 172:7

**dotted** [1] - 26:9

**double** [2] - 106:18,  
 178:7

**Dover** [1] - 68:2

**down** [20] - 53:5,  
 71:13, 75:8, 118:7,  
 120:2, 126:18,  
 131:9, 132:18,  
 134:14, 135:4,  
 160:1, 166:13,  
 166:16, 176:7,  
 191:9, 202:1, 203:9,  
 215:8, 243:14

**downstairs**  
 [1] - 158:3

**dramatically**  
 [1] - 120:7

**draw** [1] - 14:14

**drawing** [3] - 149:1,  
 157:9, 192:2

**drawings** [7] - 92:17,  
 94:4, 111:6, 150:4,  
 151:15, 156:3,  
 247:10

**drive** [3] - 43:9, 44:8,  
 193:16

**driven** [1] - 211:17

**driveway** [2] - 201:1,  
 248:9

**driving** [2] - 44:2,  
 58:1

**drop** [2] - 154:11,  
 166:17

**dropping** [1] - 217:7

**drugstore** [1] - 117:4

**due** [4] - 60:9, 82:1,  
 97:14, 117:8

**duly** [1] - 141:13

**during** [7] - 36:11,

36:12, 37:8, 68:9,  
94:12, 156:18,  
157:2

**Durkin** [6] - 24:8,  
24:13, 47:5, 47:9,  
78:17

**dwelling** [2] - 88:18,  
182:16

**dynamic** [1] - 11:14

## E

**e-mail** [5] - 141:12,  
172:17, 173:3,  
173:6, 210:16

**e-sport** [1] - 60:18

**e-sports** [3] - 12:11,  
12:15, 61:10

**earliest** [1] - 136:15

**early** [2] - 22:18, 46:8

**easier** [4] - 5:11, 5:12,  
9:3, 176:6

**easily** [2] - 45:4,  
169:17

**East** [1] - 143:16

**east** [3] - 146:5,  
237:9, 237:14

**easy** [1] - 27:14

**economics** [1] - 55:7

**ecosystem** [1] - 11:12

**edge** [1] - 132:8

**education** [2] - 12:9,  
55:6

**educational**

[12] - 23:3, 54:9,  
58:7, 62:4, 62:7,  
62:8, 66:7, 67:17,  
67:18, 68:4, 68:5,  
68:13

**effect** [5] - 32:1,  
83:10, 86:1, 226:15,  
227:15

**effected** [1] - 110:14

**effectively** [1] - 15:16

**efficient** [2] - 15:10,  
213:9

**egress** [13] - 84:17,  
144:5, 149:7,  
154:16, 158:16,  
159:2, 167:7,  
182:16, 183:4,  
186:3, 226:17,  
227:7, 248:15

**eight** [4] - 35:7, 170:6,

235:13, 235:15  
**either** <sup>[15]</sup> - 9:15,  
 9:16, 37:10, 37:17,  
 71:13, 106:3,  
 113:18, 136:6,  
 167:9, 180:9,  
 180:16, 193:2,  
 198:11, 220:12,  
 246:11  
**ELANA** <sup>[1]</sup> - 81:10  
**Elana** <sup>[2]</sup> - 81:10, 83:8  
**electrical** <sup>[2]</sup> - 189:12,  
 189:18  
**elegant** <sup>[1]</sup> - 171:5  
**elevation** <sup>[3]</sup> - 146:6,  
 146:10, 154:11  
**elevations**  
<sup>[1]</sup> - 190:16  
**elevator** <sup>[3]</sup> - 197:10,  
 201:18, 202:2  
**Ellsworth**  
<sup>[3]</sup> - 169:11, 170:2,  
 180:13  
**ellsworth's** <sup>[1]</sup> - 156:3  
**elsewhere** <sup>[1]</sup> - 218:3  
**emergency**  
<sup>[1]</sup> - 167:7  
**Emily** <sup>[1]</sup> - 239:14  
**employees** <sup>[8]</sup> - 7:11,  
 8:16, 23:7, 34:2,  
 34:6, 37:18, 42:1,  
 44:6  
**emptied** <sup>[1]</sup> - 201:13  
**empty** <sup>[1]</sup> - 235:15  
**enabling** <sup>[1]</sup> - 9:10  
**enacted** <sup>[1]</sup> - 49:16  
**enactment**  
<sup>[2]</sup> - 94:18, 110:6  
**enclose** <sup>[1]</sup> - 129:13  
**enclosed** <sup>[1]</sup> - 232:10  
**enclosing** <sup>[2]</sup> - 100:6,  
 100:8  
**encourage** <sup>[1]</sup> - 141:6  
**encouraged**  
<sup>[1]</sup> - 173:2  
**encroaches**  
<sup>[2]</sup> - 190:11, 190:13  
**encroachment**  
<sup>[1]</sup> - 225:5  
**encroachment's**  
<sup>[1]</sup> - 190:17  
**encumbers** <sup>[1]</sup> - 95:1  
**end** <sup>[6]</sup> - 53:6, 71:14,  
 74:14, 232:1, 232:2,

233:11

**endanger** [2] - 212:7,  
222:15

**endure** [1] - 207:3

**energy** [5] - 12:10,  
15:10, 213:9,  
227:16, 227:17

**Enforcement**

[1] - 76:7

**enforcement**

[5] - 76:17, 94:7,  
109:7, 182:18,  
245:8

**engaged** [1] - 97:12

**engagement**

[2] - 38:4, 40:17

**engaging** [1] - 38:9

**Engineering**

[1] - 196:7

**engineers**

[1] - 199:16

**England** [2] - 6:2,

63:4

**enhance** [4] - 85:15,

94:15, 110:2, 111:1

**enjoy** [3] - 14:14,

46:3, 89:4

**enlarge** [3] - 84:5,

155:7, 221:18

**enlarged** [3] - 144:10,

190:18, 208:3

**enlargement**

[4] - 224:18, 225:1,

225:4, 227:14

**enlargements**

[2] - 144:4, 145:12

**enlarging**

[2] - 167:10, 167:13

**enterprise** [1] - 73:18

**entertain** [1] - 51:14

**entertainment**

[3] - 119:10, 119:14,

119:16

**entire** [1] - 246:15

**entirely** [1] - 40:2

**entirety** [1] - 39:2

**entities** [3] - 16:17,

17:14, 17:17

**entitled** [1] - 149:1

**entrance** [3] - 183:4,

183:18, 221:8

**entrances**

[1] - 220:16

**entrepreneurial**

[1] - 15:18

**entrepreneurs**  
 [6] - 13:3, 14:6,  
 36:14, 40:4, 54:3,  
 71:16

**entry** [5] - 191:8,  
 191:10, 191:14,  
 191:16, 199:7

**environment**  
 [1] - 224:10

**environmental**  
 [3] - 212:11, 223:1,  
 225:9

**environments**  
 [1] - 12:18

**equipment** [8] - 4:9,  
 20:16, 28:13, 33:11,  
 39:14, 64:5, 64:14,  
 72:17

**eroded** [1] - 189:6

**ERRATA** [1] - 252:1

**Errata** [2] - 252:2,  
 252:7

**erroneous** [2] - 24:15,  
 66:18

**erroneously**  
 [1] - 68:17

**error** [3] - 65:4, 66:16,  
 67:2

**escape** [1] - 180:14

**especially** [4] - 26:7,  
 110:14, 113:13,  
 114:11

**essence** [1] - 132:14

**essentially** [2] - 8:9,  
 61:9

**establish** [3] - 69:18,  
 115:3, 118:16

**established**  
 [9] - 8:13, 19:18,  
 98:18, 105:4, 149:9,  
 186:4, 226:18,  
 248:17, 249:1

**establishment**  
 [2] - 119:13, 149:11

**establishments**  
 [1] - 119:8

**estate** [4] - 16:11,  
 21:10, 25:1, 78:18

**evening** [4] - 10:10,  
 40:5, 143:7, 205:13

**evenings** [1] - 36:15

**evenly** [1] - 225:15

**events** [2] - 14:9, 27:5



**everyday** <sup>[1]</sup> - 56:18  
**evidence** <sup>[1]</sup> - 222:13  
**evolution** <sup>[1]</sup> - 26:4  
**evolved** <sup>[2]</sup> - 29:12,  
 71:2  
**evolves** <sup>[1]</sup> - 29:17  
**exacerbate**  
<sup>[1]</sup> - 219:11  
**exact** <sup>[1]</sup> - 178:10  
**exactly** <sup>[5]</sup> - 16:18,  
 130:6, 134:11,  
 147:2, 180:5  
**example** <sup>[4]</sup> - 12:12,  
 37:4, 43:13, 189:9  
**exceed** <sup>[1]</sup> - 231:12  
**exceeds** <sup>[1]</sup> - 77:18  
**except** <sup>[3]</sup> - 146:11,  
 243:8, 252:15  
**exceptional**  
<sup>[2]</sup> - 114:14, 114:15  
**exceptions**  
<sup>[1]</sup> - 170:6  
**excessive** <sup>[3]</sup> - 59:16,  
 212:6, 222:14  
**exchanges** <sup>[1]</sup> - 144:1  
**exclusive** <sup>[1]</sup> - 13:2  
**exclusively**  
<sup>[1]</sup> - 14:14  
**excuse** <sup>[1]</sup> - 129:8  
**executive** <sup>[2]</sup> - 77:8,  
 77:9  
**Executive** <sup>[1]</sup> - 77:14  
**exempt** <sup>[10]</sup> - 23:4,  
 46:7, 46:18, 47:8,  
 48:1, 49:12, 50:12,  
 62:3, 62:7, 68:5  
**exemption** <sup>[1]</sup> - 68:1  
**exemptions** <sup>[1]</sup> - 46:4  
**exercise** <sup>[1]</sup> - 130:1  
**exhaust** <sup>[1]</sup> - 218:18  
**Exhibit** <sup>[1]</sup> - 69:2  
**exist** <sup>[1]</sup> - 53:13  
**existence** <sup>[1]</sup> - 150:5  
**existing** <sup>[42]</sup> - 7:3,  
 9:16, 45:2, 45:18,  
 47:18, 50:4, 65:7,  
 65:14, 66:3, 67:8,  
 69:4, 69:5, 70:1,  
 72:4, 72:6, 72:16,  
 79:14, 85:15, 86:6,  
 88:14, 93:1, 94:18,  
 98:10, 150:5, 151:8,  
 157:10, 159:9,  
 165:5, 170:11,

179:2, 183:9, 190:5,  
 191:7, 192:1, 192:2,  
 192:8, 211:4, 225:3,  
 225:5, 228:2,  
 245:16, 245:17  
**exists** <sup>[1]</sup> - 191:2  
**exit** <sup>[1]</sup> - 183:18  
**expand** <sup>[2]</sup> - 61:11,  
 100:12  
**expanded** <sup>[1]</sup> - 206:7  
**expanding** <sup>[1]</sup> - 61:9  
**expansion**  
<sup>[1]</sup> - 100:16  
**expect** <sup>[3]</sup> - 203:18,  
 216:3, 219:15  
**expectations**  
<sup>[2]</sup> - 121:6, 121:7  
**expense** <sup>[1]</sup> - 179:4  
**expensive** <sup>[2]</sup> - 171:9,  
 175:7  
**experience** <sup>[1]</sup> - 59:9  
**expert** <sup>[1]</sup> - 74:3  
**expertise** <sup>[1]</sup> - 18:12  
**Expires** <sup>[1]</sup> - 253:13  
**explain** <sup>[4]</sup> - 8:6, 10:4,  
 63:7, 115:15  
**explained** <sup>[3]</sup> - 63:15,  
 65:3, 70:12  
**explanation**  
<sup>[1]</sup> - 162:10  
**explicitly** <sup>[1]</sup> - 9:7  
**exploration**  
<sup>[1]</sup> - 176:16  
**explore** <sup>[2]</sup> - 61:7,  
 169:13  
**explored** <sup>[1]</sup> - 170:3  
**exponentially**  
<sup>[1]</sup> - 61:11  
**express** <sup>[1]</sup> - 107:14  
**expressed** <sup>[1]</sup> - 150:2  
**expressly** <sup>[1]</sup> - 116:2  
**extend** <sup>[2]</sup> - 97:18,  
 234:17  
**extended** <sup>[2]</sup> - 89:2,  
 94:13  
**extends** <sup>[1]</sup> - 103:7  
**extension** <sup>[3]</sup> - 27:18,  
 68:3, 137:5  
**extent** <sup>[4]</sup> - 38:1, 43:1,  
 43:18, 45:11  
**exterior** <sup>[2]</sup> - 144:1,  
 234:14  
**extra** <sup>[7]</sup> - 103:16,  
 171:12, 171:15,

172:5, 174:16,

174:17, 209:5

**extremely** <sup>[1]</sup> - 126:7

**eyesore** <sup>[1]</sup> - 15:5

## F

**facade** <sup>[3]</sup> - 15:8,

206:8, 225:2

**face** <sup>[1]</sup> - 206:4

**facilitate** <sup>[2]</sup> - 71:4,

183:4

**facility** <sup>[8]</sup> - 12:14,

13:13, 14:18, 15:4,

20:15, 31:14,

210:15, 223:15

**fact** <sup>[12]</sup> - 9:12, 47:13,

68:7, 94:17, 110:5,

125:4, 125:5,

125:17, 154:4,

179:6, 212:4, 249:9

**factors** <sup>[1]</sup> - 14:4

**facts** <sup>[3]</sup> - 47:4, 65:9,

67:4

**fading** <sup>[1]</sup> - 213:13

**failures** <sup>[1]</sup> - 189:17

**fair** <sup>[8]</sup> - 91:5, 95:9,

109:13, 109:16,

111:2, 246:2, 246:8,

247:3

**fall** <sup>[2]</sup> - 60:3, 242:17

**falling** <sup>[1]</sup> - 242:14

**familial** <sup>[1]</sup> - 101:5

**familiar** <sup>[1]</sup> - 73:2

**family** <sup>[25]</sup> - 3:15,

88:17, 89:2, 89:6,

89:7, 89:11, 94:13,

97:13, 97:14, 97:15,

109:11, 144:17,

144:18, 149:2,

159:11, 162:6,

169:2, 228:2, 240:5,

241:2, 241:4, 241:6,

245:13, 247:6

**family's** <sup>[1]</sup> - 89:8

**fan** <sup>[2]</sup> - 158:8, 159:5

**fantastic** <sup>[1]</sup> - 98:15

**FAR** <sup>[5]</sup> - 88:12,

88:16, 154:17,

155:2, 246:4

**far** <sup>[6]</sup> - 57:13, 106:7,

201:17, 202:10,

213:11, 213:16

**father** <sup>[4]</sup> - 201:7,

202:15, 204:17

**favor** <sup>[25]</sup> - 80:3, 80:6,  
86:15, 86:17, 95:17,  
96:2, 111:8, 111:11,  
142:4, 152:4, 152:7,  
184:3, 187:10,  
187:13, 228:8,  
228:17, 229:4,  
229:12, 229:15,  
246:14, 247:12,  
250:2, 250:5, 251:1,  
251:4

**Fax** <sup>[1]</sup> - 1:16

**feasible** <sup>[2]</sup> - 211:16,  
212:2

**February** <sup>[2]</sup> - 63:2,  
63:14

**Federal** <sup>[1]</sup> - 24:11

**fee** <sup>[1]</sup> - 195:1

**feet** <sup>[34]</sup> - 6:18, 7:9,  
7:14, 35:3, 35:10,  
35:12, 48:9, 57:6,  
82:1, 90:13, 92:18,  
98:1, 99:2, 99:10,  
99:12, 103:16,  
106:9, 106:11,  
143:18, 145:17,  
147:11, 165:12,  
170:5, 173:11,  
173:16, 178:10,  
178:13, 178:17,  
191:9, 226:2, 232:9,  
233:4, 237:13

**felt** <sup>[1]</sup> - 211:14

**female** <sup>[1]</sup> - 203:12

**Ferraro** <sup>[3]</sup> - 188:12,  
189:3, 192:8

**FERRARO**

<sup>[15]</sup> - 188:12, 194:8,  
194:15, 194:18,  
195:3, 195:9,  
195:13, 196:3,  
198:4, 198:7,  
198:13, 199:11,  
212:18, 215:16,  
216:3

**fertilization** <sup>[1]</sup> - 30:6

**few** <sup>[4]</sup> - 12:11, 43:9,  
117:9, 238:16

**fewer** <sup>[1]</sup> - 192:10

**Fi** <sup>[3]</sup> - 53:14, 53:17,  
53:18

**fiberoptic** <sup>[1]</sup> - 54:2

**figure** <sup>[2]</sup> - 62:2,

180:13  
**figured** <sup>[1]</sup> - 78:7  
**file** <sup>[17]</sup> - 52:2, 76:8,  
76:18, 82:4, 83:4,  
91:18, 92:7, 92:13,  
93:3, 93:6, 104:12,  
145:3, 148:13,  
172:13, 208:9,  
209:18, 239:14  
**files** <sup>[1]</sup> - 39:2  
**filing** <sup>[1]</sup> - 32:3  
**filled** <sup>[1]</sup> - 201:5  
**filling** <sup>[1]</sup> - 55:15  
**final** <sup>[1]</sup> - 57:15  
**financial** <sup>[1]</sup> - 120:15  
**financially** <sup>[1]</sup> - 16:6  
**fine** <sup>[5]</sup> - 129:12,  
132:3, 132:4,  
207:13, 216:6  
**finish** <sup>[1]</sup> - 195:4  
**finished** <sup>[3]</sup> - 179:14,  
233:13, 233:14  
**fire** <sup>[1]</sup> - 180:14  
**firm** <sup>[1]</sup> - 112:14  
**first** <sup>[35]</sup> - 3:11, 5:5,  
7:16, 8:11, 12:18,  
22:1, 39:16, 45:1,  
53:11, 54:5, 54:6,  
54:7, 65:17, 106:9,  
114:17, 116:14,  
140:1, 144:4,  
145:12, 155:18,  
163:14, 164:2,  
164:3, 164:5,  
165:18, 166:17,  
177:14, 177:16,  
178:9, 182:2, 190:2,  
224:18, 231:18,  
235:5, 235:16  
**First** <sup>[2]</sup> - 1:6, 49:14  
**fit** <sup>[2]</sup> - 160:18, 241:5  
**fitness** <sup>[1]</sup> - 117:6  
**five** <sup>[31]</sup> - 57:10, 80:6,  
82:1, 86:17, 96:2,  
101:9, 111:11,  
118:18, 138:6,  
144:3, 147:11,  
152:7, 155:8,  
156:12, 163:2,  
163:8, 163:9,  
163:11, 164:1,  
187:13, 190:7,  
200:17, 201:8,  
211:5, 215:17,

229:15, 235:12,  
 235:15, 250:5,  
 251:4  
**five-foot** [1] - 190:7  
**five-story** [1] - 211:5  
**fixed** [2] - 60:6, 60:7  
**fixtures** [1] - 15:8  
**flat** [1] - 101:4  
**flexible** [1] - 133:7  
**flip** [1] - 219:14  
**flipping** [1] - 175:12  
**Floor** [1] - 1:6  
**floor** [47] - 6:18, 7:7,  
 7:16, 22:3, 32:14,  
 32:17, 42:5, 69:5,  
 99:15, 100:9, 101:2,  
 102:16, 102:17,  
 144:4, 145:12,  
 145:13, 156:2,  
 156:4, 156:9,  
 156:18, 162:14,  
 163:14, 164:2,  
 165:8, 165:18,  
 166:3, 166:17,  
 176:8, 177:14,  
 177:16, 178:9,  
 182:5, 232:6, 232:9,  
 232:13, 232:14,  
 233:10, 233:14,  
 233:16, 233:17,  
 234:7, 234:18,  
 235:1, 235:3, 235:5,  
 238:9, 238:18  
**floors** [2] - 101:4,  
 116:15  
**florist** [1] - 117:3  
**flow** [1] - 150:17  
**flows** [2] - 19:6, 19:17  
**folks** [3] - 19:2, 70:11,  
 71:17  
**follow** [1] - 50:14  
**followed** [3] - 154:9,  
 161:6  
**following** [3] - 85:3,  
 223:9, 225:11  
**food** [2] - 14:13,  
 58:10  
**foot** [6] - 147:1,  
 155:4, 190:5, 190:7,  
 237:8, 237:17  
**footage** [5] - 106:10,  
 232:16, 233:3,  
 233:4, 236:14  
**footprint** [2] - 22:6,

177:11

**FOR** <sup>[1]</sup> - 1:1

**forcing** <sup>[1]</sup> - 71:13

**foregoing** <sup>[1]</sup> - 252:15

**FOREGOING**

<sup>[1]</sup> - 253:14

**form** <sup>[5]</sup> - 26:2, 94:4,  
111:7, 173:7,  
247:10

**forth** <sup>[11]</sup> - 24:12,  
24:16, 60:17, 114:2,  
114:3, 115:10,  
117:10, 128:18,  
132:8, 220:5, 253:6

**forum** <sup>[1]</sup> - 118:7

**forums** <sup>[1]</sup> - 14:11

**forward** <sup>[16]</sup> - 14:1,  
15:17, 31:16, 41:2,  
47:12, 47:17, 48:7,  
113:18, 121:16,  
126:17, 127:3,  
132:6, 133:1, 133:4,  
196:1, 200:9

**fostering** <sup>[2]</sup> - 27:16,  
70:4

**foundation** <sup>[1]</sup> - 236:4

**four** <sup>[24]</sup> - 41:17,  
41:18, 57:10, 89:3,  
130:17, 131:4,  
154:8, 154:10,  
155:7, 156:12,  
161:6, 161:7,  
162:10, 162:12,  
162:16, 163:10,  
167:2, 171:13,  
172:6, 179:8,  
190:12, 191:9,  
201:8, 229:4

**Fourth** <sup>[1]</sup> - 13:8

**frame** <sup>[3]</sup> - 26:16,  
73:3, 123:18

**Francisco**  
<sup>[1]</sup> - 128:17

**FRANK** <sup>[6]</sup> - 88:7,  
90:13, 91:1, 91:6,  
93:17, 96:6

**Frank** <sup>[1]</sup> - 88:7

**frankly** <sup>[5]</sup> - 75:8,  
78:13, 126:6,  
126:17, 128:9

**free** <sup>[2]</sup> - 58:10,  
107:17

**FREED** <sup>[1]</sup> - 204:15

**Freed** <sup>[1]</sup> - 204:15

**frequent** <sup>[1]</sup> - 89:6

**fridge** <sup>[3]</sup> - 153:14,  
154:12, 176:13

**frightening**

<sup>[1]</sup> - 161:3

**Fritz** <sup>[1]</sup> - 128:8

**FROM** <sup>[13]</sup> - 49:18,  
128:3, 137:11,  
137:16, 138:8,  
138:18, 140:11,  
140:18, 141:3,  
141:15, 207:18,  
214:5, 217:1

**front** <sup>[24]</sup> - 56:2,

88:16, 91:3, 99:1,  
99:2, 99:9, 99:10,  
105:6, 121:3,  
143:18, 146:6,  
146:8, 157:1,  
160:18, 182:8,  
190:11, 191:13,  
193:1, 194:1, 199:6,  
201:1, 225:6, 238:7

**fuel** <sup>[1]</sup> - 11:15

**full** <sup>[10]</sup> - 52:18,  
108:1, 108:10,  
108:13, 125:9,  
125:14, 125:16,  
199:12, 200:1,  
227:6

**fully** <sup>[4]</sup> - 20:16, 36:8,  
92:10, 197:8

**function** <sup>[2]</sup> - 30:1,  
42:3

**functional** <sup>[1]</sup> - 57:17

**functionality**

<sup>[1]</sup> - 145:7

**functions** <sup>[2]</sup> - 9:11,  
70:7

**funded** <sup>[1]</sup> - 14:16

**future** <sup>[8]</sup> - 11:18,  
13:4, 16:1, 209:2,  
209:5, 216:11,  
218:2

## G

**gained** <sup>[1]</sup> - 226:10

**gallery** <sup>[1]</sup> - 117:7

**Gallogly** <sup>[1]</sup> - 63:3

**game** <sup>[2]</sup> - 202:5,  
202:18

**Gaming** <sup>[2]</sup> - 12:16,  
60:16



**gaming** <sup>[1]</sup> - 71:17  
**garages** <sup>[1]</sup> - 43:10  
**garbled** <sup>[1]</sup> - 200:16  
**gardening** <sup>[1]</sup> - 94:12  
**gate** <sup>[3]</sup> - 57:16,  
 57:17, 58:2  
**gatherings** <sup>[1]</sup> - 89:6  
**gear** <sup>[2]</sup> - 66:3, 68:8  
**GENERAL** <sup>[1]</sup> - 1:3  
**General** <sup>[1]</sup> - 65:11  
**general** <sup>[2]</sup> - 39:12,  
 86:9  
**generally** <sup>[4]</sup> - 26:6,  
 44:4, 86:7, 90:6  
**generated** <sup>[4]</sup> - 149:6,  
 186:2, 226:16,  
 248:15  
**generating** <sup>[1]</sup> - 44:10  
**generation** <sup>[4]</sup> - 8:4,  
 12:16, 15:11, 30:10  
**generations** <sup>[1]</sup> - 89:3  
**gentleman**  
<sup>[2]</sup> - 53:12, 55:13  
**giant** <sup>[2]</sup> - 33:3  
**girls** <sup>[1]</sup> - 98:3  
**given** <sup>[2]</sup> - 24:14,  
 133:2  
**global** <sup>[1]</sup> - 11:13  
**glove** <sup>[1]</sup> - 70:5  
**goal** <sup>[2]</sup> - 28:15, 134:4  
**goals** <sup>[2]</sup> - 113:5,  
 225:9  
**God** <sup>[1]</sup> - 203:7  
**gonna** <sup>[5]</sup> - 53:16,  
 53:17, 163:16,  
 236:8  
**government** <sup>[1]</sup> - 77:7  
**Government**  
<sup>[1]</sup> - 24:11  
**graded** <sup>[1]</sup> - 191:17  
**gradually** <sup>[1]</sup> - 7:8  
**grandfathered**  
<sup>[3]</sup> - 66:12, 67:8,  
 70:2  
**grant** <sup>[14]</sup> - 10:1,  
 23:16, 86:14, 94:3,  
 109:5, 130:2, 132:2,  
 148:17, 182:13,  
 208:12, 221:14,  
 222:5, 245:3, 245:7  
**granted** <sup>[12]</sup> - 9:10,  
 27:3, 28:17, 68:16,  
 69:8, 95:5, 110:11,  
 183:15, 212:3,

222:12, 229:7,  
246:11

**granting** <sup>[19]</sup> - 26:14,  
84:8, 95:9, 95:17,  
110:16, 111:4,  
111:8, 114:14,  
152:4, 184:3,  
187:10, 228:17,  
229:12, 246:18,  
247:7, 247:12,  
250:1, 250:2

**grants** <sup>[3]</sup> - 95:13,  
126:11, 187:6

**graphically**

<sup>[1]</sup> - 176:4

**great** <sup>[8]</sup> - 10:18,  
38:8, 56:5, 58:5,  
73:14, 73:15, 75:11,  
241:6

**greater** <sup>[1]</sup> - 44:9

**greatly** <sup>[5]</sup> - 77:15,  
110:2, 246:15,  
246:16, 249:9

**GREEN** <sup>[52]</sup> - 5:14,  
10:14, 10:18, 41:4,  
42:13, 53:4, 79:3,  
82:9, 91:10, 102:16,  
104:2, 104:16,  
109:2, 119:2, 122:4,  
122:9, 124:10,  
124:12, 132:10,  
132:12, 140:7,  
141:17, 148:4,  
151:12, 153:16,  
154:2, 162:12,  
162:16, 163:3,  
163:6, 163:10,  
163:14, 163:18,  
164:2, 164:5,  
168:15, 169:1,  
179:5, 180:6,  
192:12, 196:15,  
197:13, 197:18,  
198:5, 198:10,  
198:14, 215:13,  
216:1, 216:4, 228:9,  
228:13, 245:5

**Green** <sup>[24]</sup> - 1:8, 3:4,  
5:3, 80:8, 81:3,  
87:1, 88:3, 96:4,  
97:3, 111:12, 112:3,  
142:6, 143:3, 152:8,  
153:3, 184:8,  
187:16, 188:3,

229:8, 229:16,  
 231:3, 247:18,  
 250:6, 251:5  
**green** <sup>[8]</sup> - 192:1,  
 192:18, 202:2,  
 202:3, 209:12,  
 219:2, 224:12  
**ground** <sup>[10]</sup> - 6:18,  
 7:7, 42:5, 69:5,  
 121:10, 165:8,  
 165:13, 166:3,  
 216:15, 239:3  
**group** <sup>[4]</sup> - 50:13,  
 197:11, 197:16  
**groups** <sup>[2]</sup> - 14:10,  
 217:15  
**grow** <sup>[1]</sup> - 61:11  
**growing** <sup>[1]</sup> - 109:11  
**growth** <sup>[1]</sup> - 11:15  
**grumpy** <sup>[1]</sup> - 55:11  
**guess** <sup>[11]</sup> - 20:6,  
 27:5, 29:18, 58:13,  
 98:16, 113:12,  
 119:5, 121:15,  
 146:18, 169:18,  
 236:15  
**guessing** <sup>[1]</sup> - 28:11  
**guests** <sup>[1]</sup> - 14:18  
**guidance** <sup>[1]</sup> - 134:13  
**guidelines**  
<sup>[2]</sup> - 233:9, 246:7  
**gut** <sup>[1]</sup> - 144:8  
**guy** <sup>[1]</sup> - 163:4  
**guys** <sup>[6]</sup> - 60:15,  
 101:13, 128:15,  
 141:4, 141:5,  
 198:16

## H

**half** <sup>[16]</sup> - 60:5, 60:8,  
 114:2, 156:14,  
 163:12, 163:17,  
 170:7, 178:17,  
 194:9, 194:10,  
 195:3, 195:10,  
 234:13, 237:13,  
 237:16, 237:17  
**hall** <sup>[1]</sup> - 119:15  
**hallway** <sup>[1]</sup> - 127:7  
**hampered** <sup>[1]</sup> - 110:7  
**hand** <sup>[5]</sup> - 26:8, 70:5,  
 77:10, 77:13, 253:8  
**handicap** <sup>[3]</sup> - 197:7,

202:1, 229:1

**handicapped**

[1] - 220:16

**handled** [1] - 39:18

**hands** [5] - 184:7,

229:3, 229:14,

247:14, 251:3

**hang** [1] - 68:15

**happy** [20] - 16:2,

39:5, 43:1, 60:7,

90:8, 116:7, 117:16,

120:7, 122:1,

122:14, 122:17,

123:14, 123:15,

126:12, 128:11,

131:14, 131:16,

132:1, 132:5

**hard** [2] - 179:1,

179:11

**hardship** [15] - 94:8,

94:16, 109:8, 110:4,

115:4, 121:1,

169:16, 176:5,

179:10, 183:1,

183:6, 184:12,

184:17, 245:9,

245:14

**hardware** [1] - 117:6

**Harvard** [31] - 7:1,

7:7, 7:9, 8:17, 22:4,

23:1, 37:5, 37:6,

37:8, 38:9, 45:9,

46:3, 46:6, 46:14,

46:15, 47:15, 48:3,

49:12, 50:10, 50:13,

54:8, 54:13, 57:1,

57:4, 62:3, 66:5,

67:15, 68:6, 69:9,

71:10

**Harvard's** [4] - 8:14,

23:14, 45:18

**Harvey** [4] - 88:10,

88:17, 89:8

**Haskell** [10] - 2:5,

88:6, 88:10, 89:17,

91:15, 92:1, 92:4,

92:15, 93:4

**hate** [1] - 220:17

**hats** [1] - 68:15

**HAWKINSON**

[2] - 20:9, 213:13

**hazard** [9] - 85:11,

149:8, 150:9, 186:3,

186:14, 226:17,

228:4, 248:16,  
249:6

**head** <sup>[1]</sup> - 21:9

**headroom** <sup>[2]</sup> - 234:9,  
234:17

**health** <sup>[5]</sup> - 85:12,  
150:10, 186:15,  
228:5, 249:7

**hear** <sup>[22]</sup> - 5:17,  
10:17, 20:10, 53:4,  
59:12, 75:6, 81:5,  
88:5, 97:5, 112:5,  
131:6, 131:14,  
132:14, 143:5,  
153:5, 153:16,  
188:5, 196:17,  
197:14, 217:2,  
231:5, 232:2

**heard** <sup>[8]</sup> - 71:6,  
71:17, 123:11,  
136:4, 138:5, 140:7,  
140:9

**HEARING** <sup>[1]</sup> - 1:3

**hearing** <sup>[8]</sup> - 3:10,  
40:18, 77:4, 80:11,  
141:11, 208:11,  
218:15, 253:6

**hearings** <sup>[1]</sup> - 76:10

**heart** <sup>[1]</sup> - 114:16

**heartily** <sup>[1]</sup> - 92:4

**heat** <sup>[1]</sup> - 226:15

**heating** <sup>[1]</sup> - 213:11

**heavy** <sup>[1]</sup> - 57:12

**height** <sup>[4]</sup> - 89:18,  
91:4, 190:6, 190:7

**hello** <sup>[2]</sup> - 202:6,  
231:7

**help** <sup>[3]</sup> - 4:14,  
103:17, 145:6

**helpful** <sup>[1]</sup> - 49:8

**HEMBRO** <sup>[3]</sup> - 53:2,  
53:7, 54:16

**Hembro** <sup>[2]</sup> - 53:2,  
53:8

**hence** <sup>[1]</sup> - 185:7

**hereby** <sup>[1]</sup> - 252:16

**herein** <sup>[1]</sup> - 253:6

**hereunto** <sup>[1]</sup> - 253:7

**hi** <sup>[3]</sup> - 56:10, 61:16,  
231:7

**HICKEY** <sup>[47]</sup> - 19:2,  
19:8, 19:13, 19:15,  
19:18, 20:5, 44:14,  
46:17, 48:2, 48:6,

48:10, 48:13, 48:18,  
 49:4, 49:7, 51:1,  
 53:5, 59:1, 74:10,  
 78:3, 78:10, 82:8,  
 84:3, 99:7, 104:3,  
 109:3, 126:5,  
 126:14, 126:16,  
 127:2, 127:8,  
 127:14, 127:17,  
 131:3, 139:5, 139:7,  
 168:5, 169:9,  
 170:17, 180:9,  
 197:7, 199:8, 200:4,  
 214:18, 215:10,  
 221:12, 245:1

**hickey** <sup>[1]</sup> - 1:9

**Hickey** <sup>[23]</sup> - 3:5, 5:3,  
 80:8, 81:3, 87:1,  
 88:3, 96:4, 97:3,  
 111:12, 112:3,  
 142:6, 143:3, 152:8,  
 153:3, 184:8,  
 187:16, 188:3,  
 229:5, 229:16,  
 231:3, 247:18,  
 250:6, 251:5

**high** <sup>[1]</sup> - 115:3

**higher** <sup>[4]</sup> - 115:5,  
 204:1, 209:4

**highly** <sup>[1]</sup> - 213:8

**hill** <sup>[1]</sup> - 102:1

**HILL** <sup>[3]</sup> - 207:11,  
 207:15, 208:2

**himself** <sup>[1]</sup> - 101:12

**Hirsch** <sup>[1]</sup> - 82:17

**historic** <sup>[3]</sup> - 15:7,  
 79:11, 106:6

**Historical** <sup>[3]</sup> - 105:1,  
 181:13, 181:14

**historically** <sup>[3]</sup> - 68:6,  
 194:12, 199:9

**history** <sup>[5]</sup> - 6:9,  
 25:12, 27:11, 69:13,  
 145:2

**hit** <sup>[2]</sup> - 123:14, 178:2

**hitting** <sup>[1]</sup> - 179:2

**Hoefgen** <sup>[3]</sup> - 88:11,  
 88:17, 89:8

**Hoefgen-Harvey**

<sup>[2]</sup> - 88:17, 89:8

**hold** <sup>[1]</sup> - 192:12

**hole** <sup>[1]</sup> - 239:3

**Holworthy** <sup>[2]</sup> - 97:9,  
 101:8

**home** <sup>[5]</sup> - 54:1, 54:2,  
89:9, 89:11, 203:13

**homeowner**  
<sup>[2]</sup> - 108:8, 247:3

**HONG** <sup>[1]</sup> - 93:7

**HOPE** <sup>[10]</sup> - 143:7,  
145:11, 145:15,  
146:5, 146:16,  
147:2, 147:4, 147:9,  
147:17, 151:17

**hope** <sup>[1]</sup> - 208:14

**Hope** <sup>[2]</sup> - 143:9

**hopefully** <sup>[1]</sup> - 235:3

**Hornstein**

<sup>[1]</sup> - 240:18

**HORNSTEIN**

<sup>[1]</sup> - 241:1

**horrendous**

<sup>[1]</sup> - 235:18

**hot** <sup>[1]</sup> - 72:1

**hour** <sup>[2]</sup> - 114:1

**hour's** <sup>[1]</sup> - 199:18

**hours** <sup>[3]</sup> - 35:13,  
120:5, 199:17

**house** <sup>[46]</sup> - 20:15,  
86:6, 90:17, 94:11,  
94:17, 97:13, 97:14,  
98:1, 98:17, 101:2,  
101:7, 101:10,  
105:5, 106:8,  
109:12, 110:3,  
110:5, 150:17,  
150:18, 155:10,  
158:10, 159:17,  
160:5, 171:14,  
173:10, 173:12,  
173:13, 173:15,  
174:5, 175:4,  
175:12, 176:18,  
233:10, 234:5,  
235:10, 238:7,  
238:13, 241:5,  
243:15, 244:17,  
245:16, 248:9,  
249:12

**housed** <sup>[2]</sup> - 6:14,  
64:5

**houses** <sup>[2]</sup> - 8:1,  
218:18

**housing** <sup>[2]</sup> - 223:5,  
224:14

**Housing** <sup>[1]</sup> - 224:8

**hovering** <sup>[1]</sup> - 75:12

**Howard** <sup>[1]</sup> - 242:4

**hub** <sup>[1]</sup> - 38:5  
**Hubbard** <sup>[15]</sup> - 2:11,  
 231:6, 231:10,  
 239:11, 239:15,  
 239:17, 240:8,  
 241:1, 241:2,  
 241:14, 241:17,  
 242:7, 242:13,  
 242:15, 250:18  
**Hudson** <sup>[1]</sup> - 64:2  
**huge** <sup>[1]</sup> - 217:14  
**hunky** <sup>[1]</sup> - 54:16  
**HUNTINGTON**  
<sup>[3]</sup> - 56:10, 58:17,  
 61:16  
**Huntington**  
<sup>[2]</sup> - 56:11, 61:17  
**husband** <sup>[1]</sup> - 239:17  
**HVAC** <sup>[3]</sup> - 60:4,  
 60:11, 72:14  
**HVC** <sup>[1]</sup> - 72:14

## I

**I'** <sup>[1]</sup> - 33:6  
**I's** <sup>[1]</sup> - 26:9  
**idea** <sup>[5]</sup> - 100:5,  
 101:7, 123:11,  
 203:15, 204:9  
**ideas** <sup>[2]</sup> - 128:13,  
 133:15  
**identical** <sup>[2]</sup> - 47:4,  
 98:3  
**identify** <sup>[3]</sup> - 5:9,  
 52:17, 56:9  
**II** <sup>[1]</sup> - 236:16  
**imagine** <sup>[2]</sup> - 176:9,  
 195:9  
**immaterial** <sup>[1]</sup> - 51:16  
**immediate** <sup>[4]</sup> - 39:3,  
 40:14, 90:3, 172:18  
**immediately**  
<sup>[2]</sup> - 8:17, 32:1  
**immensely** <sup>[1]</sup> - 8:1  
**immune** <sup>[1]</sup> - 24:11  
**impact** <sup>[18]</sup> - 38:13,  
 40:3, 41:5, 41:10,  
 59:15, 60:9, 83:2,  
 84:16, 144:13,  
 190:9, 191:18,  
 193:12, 198:17,  
 212:9, 222:17,  
 224:9, 225:9,  
 240:16



**impacted** <sup>[1]</sup> - 140:12

**impacting**

<sup>[3]</sup> - 144:16, 159:16,  
184:15

**impair** <sup>[4]</sup> - 86:4,

151:2, 187:4,  
249:15

**impervious**

<sup>[1]</sup> - 226:13

**impinge** <sup>[1]</sup> - 240:15

**important** <sup>[2]</sup> - 27:14,  
31:2

**impose** <sup>[1]</sup> - 4:8

**imposed** <sup>[1]</sup> - 120:17

**impossible**

<sup>[1]</sup> - 201:16

**improve** <sup>[8]</sup> - 41:1,

60:11, 134:3, 145:6,  
182:16, 240:9,  
240:14, 249:9

**improved** <sup>[3]</sup> - 61:8,

69:3, 246:16

**improvement**

<sup>[5]</sup> - 132:7, 227:16,  
227:17, 240:17

**improvements**

<sup>[3]</sup> - 173:5, 209:3,  
226:8

**IN** <sup>[2]</sup> - 253:7, 253:15

**inadequate**

<sup>[1]</sup> - 236:1

**inappropriate**

<sup>[1]</sup> - 105:13

**inaudible** <sup>[2]</sup> - 50:14,

189:8

**INC** <sup>[1]</sup> - 1:15

**inch** <sup>[1]</sup> - 234:12

**inches** <sup>[6]</sup> - 170:7,

190:5, 190:7,  
190:12, 190:13,  
190:17

**incident** <sup>[2]</sup> - 22:13,

29:16

**incidental** <sup>[1]</sup> - 20:17

**incline** <sup>[1]</sup> - 215:3

**inclined** <sup>[3]</sup> - 77:13,

133:1, 215:4

**include** <sup>[1]</sup> - 117:13

**included** <sup>[2]</sup> - 125:12,  
129:6

**includes** <sup>[3]</sup> - 204:4,

206:8, 232:10

**including** <sup>[6]</sup> - 11:5,

90:4, 102:4, 178:18,

223:3, 224:11

**incorporate**  
 [3] - 110:1, 162:3,  
 215:1

**increase** [5] - 106:13,  
 109:12, 155:2,  
 190:10, 227:3

**increasing** [2] - 7:9,  
 217:13

**incubation** [1] - 13:12

**incubator** [3] - 10:8,  
 66:11, 70:4

**incumbered**  
 [1] - 110:6

**indeed** [3] - 56:17,  
 67:2, 68:11

**independent**  
 [1] - 48:16

**independently**  
 [1] - 18:9

**indicated** [2] - 63:13,  
 66:4

**indicates** [1] - 65:10

**indifferent** [1] - 51:11

**individuals**  
 [2] - 11:14, 204:2

**Industrial** [1] - 13:8

**industries** [1] - 12:9

**industry** [1] - 61:10

**inefficient** [4] - 126:7,  
 168:7, 189:14,  
 189:16

**inform** [1] - 4:11

**information**  
 [5] - 24:15, 42:14,  
 43:2, 68:10, 104:13

**informed** [1] - 64:1

**infrastructure**  
 [1] - 15:10

**initial** [1] - 218:14

**initialing** [1] - 151:14

**initialled** [3] - 152:3,  
 187:9, 247:11

**innovation** [4] - 11:3,  
 11:12, 12:1, 72:1

**innovative** [1] - 14:3

**innovators** [1] - 12:2

**input** [3] - 114:6,  
 135:2, 141:8

**insects** [1] - 89:5

**insensitivity**  
 [1] - 52:5

**insert** [1] - 191:12

**inside** [7] - 12:2,

169:16, 175:16,  
 179:7, 189:11,  
 190:9, 193:10

**inspected** <sup>[1]</sup> - 64:9

**inspection** <sup>[1]</sup> - 25:8

**Inspectional** <sup>[3]</sup> - 6:6,  
 64:8, 252:3

**inspector** <sup>[1]</sup> - 26:1

**inspectors** <sup>[1]</sup> - 64:8

**install** <sup>[2]</sup> - 148:18,  
 244:4

**installation**  
<sup>[3]</sup> - 30:14, 73:2,  
 248:11

**installed** <sup>[1]</sup> - 73:1

**installing** <sup>[3]</sup> - 12:16,  
 15:10, 30:10

**instead** <sup>[3]</sup> - 82:2,  
 208:12, 209:13

**institution** <sup>[5]</sup> - 23:3,  
 46:18, 50:12, 62:4,  
 62:8

**institutional**  
<sup>[7]</sup> - 37:1, 37:4,  
 37:10, 37:11, 37:14,  
 67:18, 68:4

**institutions**  
<sup>[1]</sup> - 13:18

**INSTRUCTIONS**  
<sup>[2]</sup> - 252:1, 252:5

**insulated**  
<sup>[2]</sup> - 189:16, 236:7

**integrity** <sup>[4]</sup> - 86:4,  
 151:2, 187:4,  
 249:15

**intended** <sup>[2]</sup> - 111:5,  
 211:18

**intent** <sup>[11]</sup> - 11:10,  
 25:15, 30:14, 95:11,  
 110:18, 129:8,  
 151:4, 151:6,  
 183:17, 247:2,  
 249:16

**intentions** <sup>[2]</sup> - 129:5,  
 129:9

**interact** <sup>[3]</sup> - 12:4,  
 18:18, 30:15

**interchangeably**  
<sup>[1]</sup> - 47:10

**interested** <sup>[1]</sup> - 13:11

**interesting** <sup>[1]</sup> - 62:1

**interface** <sup>[1]</sup> - 38:12

**interfere** <sup>[1]</sup> - 4:9

**interferes** <sup>[1]</sup> - 121:9

**interior** <sup>[15]</sup> - 7:2,  
 46:9, 69:4, 144:8,  
 145:7, 149:13,  
 150:16, 150:18,  
 158:18, 159:15,  
 171:16, 174:17,  
 175:14, 234:1,  
 234:13

**interpretation**  
<sup>[1]</sup> - 52:10

**interruption**  
<sup>[2]</sup> - 45:11, 47:14

**intervals** <sup>[1]</sup> - 64:9

**intervening** <sup>[2]</sup> - 37:8,  
 46:3

**introduce** <sup>[2]</sup> - 112:7,  
 153:7

**inventory** <sup>[3]</sup> - 211:7,  
 211:9, 212:16

**invest** <sup>[1]</sup> - 11:16

**invested** <sup>[2]</sup> - 15:5,  
 76:14

**investment**  
<sup>[1]</sup> - 13:10

**invited** <sup>[1]</sup> - 12:2

**involve** <sup>[6]</sup> - 77:16,  
 94:8, 109:8, 131:16,  
 183:1, 245:9

**involved** <sup>[2]</sup> - 39:4,  
 168:12

**involvement**  
<sup>[1]</sup> - 122:12

**Irish** <sup>[1]</sup> - 240:6

**irrelevant** <sup>[2]</sup> - 58:1,  
 58:3

**irrespective**  
<sup>[1]</sup> - 39:15

**ISD** <sup>[6]</sup> - 65:1, 66:8,  
 66:17, 67:1, 74:3,  
 74:6

**ISDA** <sup>[1]</sup> - 74:6

**ish** <sup>[1]</sup> - 81:16

**island** <sup>[1]</sup> - 226:15

**issuance** <sup>[1]</sup> - 222:10

**issue** <sup>[33]</sup> - 15:17,  
 37:2, 39:7, 40:7,  
 51:8, 52:3, 52:14,  
 56:8, 58:16, 60:2,  
 60:14, 61:15, 73:18,  
 76:6, 79:2, 98:16,  
 116:8, 122:17,  
 147:8, 160:2, 172:2,  
 178:4, 189:6, 190:2,  
 190:10, 190:14,

190:16, 191:3,  
 204:17, 214:10,  
 218:11, 225:1,  
 242:3  
**issued** <sup>[9]</sup> - 6:5, 7:1,  
 7:13, 7:17, 31:18,  
 46:8, 64:18, 65:4,  
 69:1  
**issues** <sup>[8]</sup> - 58:15,  
 123:15, 125:4,  
 125:10, 191:8,  
 194:4, 208:14,  
 220:11  
**issuing** <sup>[1]</sup> - 66:17  
**item** <sup>[1]</sup> - 112:15  
**items** <sup>[1]</sup> - 131:15

## J

**JACK** <sup>[3]</sup> - 53:2, 53:7,  
 54:16  
**jack** <sup>[1]</sup> - 53:2  
**Jack** <sup>[1]</sup> - 53:8  
**JAMES** <sup>[1]</sup> - 200:11  
**James** <sup>[1]</sup> - 200:11  
**Jan** <sup>[1]</sup> - 88:10  
**JANE** <sup>[1]</sup> - 10:18  
**Janet** <sup>[13]</sup> - 1:8, 3:4,  
 5:3, 79:2, 81:3,  
 88:3, 97:3, 112:3,  
 143:3, 153:3, 188:3,  
 231:3, 245:3  
**JANET** <sup>[51]</sup> - 5:14,  
 10:14, 41:4, 42:13,  
 53:4, 79:3, 82:9,  
 91:10, 102:16,  
 104:2, 104:16,  
 109:2, 119:2, 122:4,  
 122:9, 124:10,  
 124:12, 132:10,  
 132:12, 140:7,  
 141:17, 148:4,  
 151:12, 153:16,  
 154:2, 162:12,  
 162:16, 163:3,  
 163:6, 163:10,  
 163:14, 163:18,  
 164:2, 164:5,  
 168:15, 169:1,  
 179:5, 180:6,  
 192:12, 196:15,  
 197:13, 197:18,  
 198:5, 198:10,  
 198:14, 215:13,

216:1, 216:4, 228:9,  
228:13, 245:5

**January** <sup>[4]</sup> - 151:18,  
152:1, 152:3,  
233:12

**Jeff** <sup>[3]</sup> - 112:16,  
113:4, 123:2

**JEFFREY** <sup>[2]</sup> - 128:7,  
134:1

**JIM** <sup>[60]</sup> - 28:7, 29:10,  
29:18, 31:5, 31:9,  
32:7, 32:10, 54:15,  
73:8, 91:9, 94:1,  
102:13, 107:3,  
109:1, 125:3, 125:8,  
125:13, 126:4,  
134:7, 135:10,  
141:2, 141:9, 142:1,  
148:5, 151:11,  
152:1, 165:4, 165:7,  
165:14, 165:17,  
166:2, 166:5,  
166:11, 167:3,  
167:8, 167:13,  
168:2, 169:7, 170:8,  
170:18, 171:3,  
174:9, 174:11,  
176:2, 176:14,  
178:1, 179:18,  
180:5, 180:11,  
182:6, 182:9,  
196:13, 197:3,  
214:15, 216:6,  
216:17, 217:3,  
219:18, 220:9,  
244:7

**Jim** <sup>[25]</sup> - 1:10, 3:5,  
5:4, 31:8, 54:15,  
73:7, 81:4, 88:4,  
97:4, 102:12, 112:4,  
125:1, 135:9, 143:4,  
153:4, 165:3, 169:5,  
176:1, 180:10,  
188:4, 197:2, 216:5,  
219:4, 231:4, 244:6

**job** <sup>[3]</sup> - 38:8, 40:14,  
99:18

**JOEL** <sup>[18]</sup> - 188:7,  
188:10, 188:16,  
189:1, 192:14,  
196:6, 196:14,  
196:18, 197:9,  
197:15, 199:4,  
199:15, 213:2,

213:6, 213:14,  
214:2, 214:14,  
230:2

**Joel** <sup>[4]</sup> - 112:18,  
113:5, 188:7,  
188:10

**JOHANNA** <sup>[47]</sup> - 5:16,  
17:15, 18:6, 21:4,  
21:15, 24:4, 25:13,  
25:17, 27:7, 29:2,  
29:11, 30:7, 31:15,  
32:8, 32:16, 33:2,  
33:6, 33:10, 33:13,  
33:17, 34:3, 35:17,  
36:4, 37:6, 37:13,  
39:8, 40:12, 41:11,  
41:14, 42:11, 42:16,  
43:16, 45:6, 47:3,  
48:5, 48:8, 48:11,  
48:14, 49:2, 49:5,  
49:9, 51:4, 67:12,  
75:14, 77:12, 78:6,  
80:10

**Johanna** <sup>[1]</sup> - 5:18

**John** <sup>[2]</sup> - 212:12,  
241:16

**JOHN** <sup>[2]</sup> - 20:9,  
213:13

**joining** <sup>[3]</sup> - 58:6,  
240:6, 240:7

**joint** <sup>[2]</sup> - 16:10, 34:9

**Josh** <sup>[3]</sup> - 231:9,  
233:11, 235:2

**JOSH** <sup>[4]</sup> - 235:12,  
240:4, 241:11,  
250:10

**Juan** <sup>[1]</sup> - 60:15

**JUAN** <sup>[1]</sup> - 60:15

**judge** <sup>[1]</sup> - 78:12

**Judge** <sup>[1]</sup> - 134:13

**judgment** <sup>[1]</sup> - 185:2

**judicial** <sup>[3]</sup> - 32:2,  
77:8, 77:16

**July** <sup>[15]</sup> - 136:17,  
136:18, 137:1,  
137:2, 137:9,  
137:10, 139:10,  
139:11, 139:13,  
139:17, 140:5,  
141:11, 142:3,  
253:8

**June** <sup>[8]</sup> - 3:8, 62:17,  
64:18, 66:17, 79:17,  
137:3, 137:6,

208:11

**JUNE** <sup>[1]</sup> - 1:4

**jurisdiction** <sup>[2]</sup> - 74:1,  
76:5

## K

**K-L-E-T-A-C-A-N-E**

<sup>[1]</sup> - 208:10

**Karlene** <sup>[1]</sup> - 107:15

**Karlene's** <sup>[1]</sup> - 108:2

**keep** <sup>[9]</sup> - 52:6, 78:16,  
97:18, 98:6, 101:16,  
102:2, 130:13,  
134:6, 242:13

**keeping** <sup>[1]</sup> - 165:5

**keeps** <sup>[1]</sup> - 21:9

**Kenneth** <sup>[1]</sup> - 83:5

**Kenny** <sup>[1]</sup> - 92:1

**key** <sup>[1]</sup> - 72:4

**KeyWordIndex**

<sup>[1]</sup> - 2:12

**kid's** <sup>[1]</sup> - 103:5

**kids** <sup>[2]</sup> - 98:2, 168:18

**kids'** <sup>[1]</sup> - 103:13

**kind** <sup>[7]</sup> - 38:4, 38:15,  
47:11, 74:18,  
101:16, 161:15,  
180:12

**Kinnaird** <sup>[4]</sup> - 205:15,

206:4, 209:9,

209:17

**kitchen** <sup>[7]</sup> - 38:6,

81:15, 83:16, 84:6,

85:17, 86:10,

171:18

**KLEIGER** <sup>[2]</sup> - 59:5,

59:14

**Kleiger** <sup>[1]</sup> - 59:6

**knowledge**

<sup>[1]</sup> - 169:12

**known** <sup>[2]</sup> - 66:8,

101:11

**knows** <sup>[1]</sup> - 23:12

**KOMYEROV**

<sup>[9]</sup> - 233:12, 235:12,

238:15, 240:3,

240:4, 241:11,

241:12, 243:7,

250:10

**Komyerov** <sup>[5]</sup> - 231:9,

240:2, 240:3, 240:4,

240:7

**Komyerv** <sup>[1]</sup> - 241:4



**L****labelled** <sup>[1]</sup> - 103:5**labelling** <sup>[1]</sup> - 57:11**lack** <sup>[1]</sup> - 19:8**LAGASSE**<sup>[73]</sup> - 153:8, 154:1,

154:3, 155:12,

156:5, 156:14,

156:18, 157:5,

157:11, 157:14,

157:18, 158:4,

158:12, 159:8,

160:7, 160:13,

160:17, 161:12,

162:2, 162:7,

162:14, 162:18,

163:4, 163:8,

163:12, 163:16,

164:1, 164:3, 164:6,

164:9, 164:13,

164:16, 165:6,

165:11, 165:16,

166:1, 166:4, 166:7,

166:14, 167:5,

167:11, 167:16,

168:8, 168:17,

169:3, 170:4, 171:2,

171:8, 172:1,

172:16, 173:14,

173:17, 174:1,

175:2, 175:6,

175:10, 176:12,

177:5, 177:7, 178:2,

178:12, 179:1,

179:12, 180:2,

181:6, 181:9,

181:12, 181:18,

182:7, 182:10,

185:13, 185:16,

187:15

**Lagasse** <sup>[1]</sup> - 153:8**land** <sup>[2]</sup> - 99:15, 178:5**landing** <sup>[3]</sup> - 178:7,

178:16, 179:2

**lands** <sup>[1]</sup> - 86:13**landscape** <sup>[1]</sup> - 15:9**large** <sup>[7]</sup> - 17:17, 89:5,

98:2, 177:2, 177:12,

180:16, 242:16

**largely** <sup>[2]</sup> - 27:8,

227:9

**larger** <sup>[4]</sup> - 98:5,

197:10, 242:1,  
244:1

**last** [6] - 3:13, 3:18,  
20:13, 60:7, 69:16,  
148:2

**lasted** [1] - 7:12

**late** [1] - 203:13

**lately** [1] - 57:7

**lath** [2] - 234:2,  
234:10

**launched** [1] - 11:7

**launching** [1] - 70:14

**Law** [2] - 65:11, 143:9

**lawful** [2] - 65:7,  
65:13

**Lawson** [1] - 253:4

**lawyer** [1] - 112:14

**layout** [2] - 144:8,  
145:7

**layperson** [1] - 33:7

**lead** [1] - 11:1

**leaders** [1] - 12:5

**leadership** [1] - 19:1

**lease** [6] - 7:6, 45:10,  
46:18, 116:14,  
123:2, 123:4

**leased** [3] - 6:17,  
45:9, 194:10

**leases** [1] - 46:15

**leasing** [2] - 23:1,  
132:9

**least** [11] - 24:13,  
24:16, 42:17, 57:3,  
61:1, 64:7, 65:11,  
94:12, 124:1, 176:4,  
176:16

**leave** [1] - 184:2

**leaves** [1] - 114:4

**leaving** [1] - 165:17

**left** [7] - 99:8, 121:4,  
146:4, 146:12,  
146:14, 237:8,  
248:3

**legacy** [1] - 26:2

**Legal** [1] - 143:9

**legal** [6] - 21:11,  
24:18, 52:8, 73:12,  
74:4, 78:17

**legalese** [1] - 62:2

**legally** [3] - 72:6,  
72:8, 74:3

**legislate** [1] - 133:12

**legislative** [1] - 77:7

**legitimate** [1] - 26:7

**less** <sup>[13]</sup> - 21:3, 58:3,  
143:17, 173:17,  
184:15, 192:11,  
192:15, 195:10,  
196:2, 213:12,  
218:3, 223:7, 233:7

**lesser** <sup>[4]</sup> - 125:11,  
212:3, 222:13,  
222:18

**letter** <sup>[17]</sup> - 62:16,  
63:1, 64:12, 79:16,  
83:4, 92:7, 92:13,  
93:3, 93:6, 93:9,  
173:7, 196:7,  
209:18, 210:2,  
212:16, 240:11,  
240:18

**letters** <sup>[11]</sup> - 52:2,  
90:2, 95:7, 102:3,  
104:12, 110:13,  
113:15, 148:13,  
173:5, 246:13,  
249:18

**letting** <sup>[1]</sup> - 140:13

**level** <sup>[9]</sup> - 100:18,  
102:8, 102:10,  
102:17, 102:18,  
121:10, 165:12,  
182:8, 224:7

**license** <sup>[1]</sup> - 116:6

**License** <sup>[1]</sup> - 253:12

**Licensing** <sup>[1]</sup> - 215:9

**life** <sup>[2]</sup> - 163:5, 247:6

**light** <sup>[15]</sup> - 15:8,  
83:14, 83:15, 85:16,  
86:10, 86:12,  
101:14, 101:15,  
144:10, 150:18,  
174:7, 187:1, 219:1,  
223:8, 249:10

**lights** <sup>[1]</sup> - 135:16

**likely** <sup>[3]</sup> - 44:8,  
204:8, 224:7

**likewise** <sup>[1]</sup> - 121:10

**limit** <sup>[1]</sup> - 52:13

**limited** <sup>[2]</sup> - 116:10,  
116:16

**line** <sup>[10]</sup> - 62:3, 78:1,  
133:18, 147:3,  
147:11, 158:10,  
158:13, 237:14,  
243:3, 248:6

**LINE** <sup>[1]</sup> - 252:8

**lines** <sup>[3]</sup> - 213:16,

226:2, 234:2

**linked** <sup>[4]</sup> - 16:6,  
17:14, 20:1, 20:3

**liquor** <sup>[1]</sup> - 116:5

**List** <sup>[1]</sup> - 43:13

**list** <sup>[10]</sup> - 116:17,  
117:1, 117:2,  
117:12, 117:17,  
118:7, 120:1,  
126:18, 131:9,  
131:15

**literal** <sup>[4]</sup> - 94:6,  
109:6, 182:17,  
245:8

**literally** <sup>[4]</sup> - 179:14,  
203:9, 204:9,  
234:12

**live** <sup>[20]</sup> - 53:2, 59:6,  
81:9, 81:10, 89:15,  
97:9, 108:3, 112:13,  
135:2, 164:7,  
164:14, 200:12,  
203:4, 204:3,  
205:14, 205:17,  
207:15, 215:15,  
239:18, 241:16

**liveability** <sup>[3]</sup> - 94:15,  
110:3, 111:1

**liveable** <sup>[1]</sup> - 109:13

**lived** <sup>[10]</sup> - 56:13,  
163:5, 164:10,  
164:18, 165:1,  
174:13, 204:16,  
240:1, 241:2

**lives** <sup>[5]</sup> - 82:17, 92:8,  
93:4, 93:7, 93:10

**LiVigne** <sup>[33]</sup> - 6:3,  
10:10, 10:13, 10:16,  
11:1, 16:8, 16:14,  
16:18, 17:3, 17:7,  
18:15, 19:4, 19:11,  
19:14, 19:16, 20:3,  
25:4, 25:16, 30:9,  
34:4, 34:7, 34:11,  
34:16, 35:1, 35:5,  
35:11, 35:15, 36:5,  
36:13, 41:13, 42:10,  
43:3, 72:18

**living** <sup>[9]</sup> - 98:14,  
100:13, 100:15,  
103:2, 156:7, 202:6,  
235:9, 235:16,  
245:13

**LLC** <sup>[1]</sup> - 143:11

**loan** <sup>[1]</sup> - 175:12  
**local** <sup>[9]</sup> - 11:11, 13:2,  
 14:10, 14:13, 14:14,  
 43:12, 44:4, 66:11,  
 217:8  
**locate** <sup>[3]</sup> - 12:7,  
 13:15, 14:4  
**located** <sup>[4]</sup> - 9:8, 14:8,  
 67:11, 211:6  
**location** <sup>[6]</sup> - 28:18,  
 31:14, 73:4, 76:13,  
 217:5  
**locations** <sup>[2]</sup> - 11:3,  
 116:4  
**logistics** <sup>[1]</sup> - 61:3  
**London** <sup>[1]</sup> - 11:7  
**Longnecker**  
<sup>[1]</sup> - 112:16  
**LONGNECKER**  
<sup>[3]</sup> - 112:17, 128:7,  
 134:1  
**look** <sup>[12]</sup> - 9:4, 15:17,  
 113:9, 116:18,  
 130:4, 131:14,  
 147:13, 166:10,  
 167:16, 208:3,  
 221:5, 241:11  
**looked** <sup>[3]</sup> - 166:8,  
 179:3  
**looking** <sup>[13]</sup> - 18:17,  
 27:10, 33:8, 81:16,  
 97:18, 116:2, 116:3,  
 117:14, 137:18,  
 153:9, 164:16,  
 243:16, 243:18  
**losing** <sup>[1]</sup> - 71:12  
**loss** <sup>[3]</sup> - 38:1, 150:6,  
 186:10  
**lost** <sup>[3]</sup> - 3:12, 193:1,  
 199:6  
**lot's** <sup>[1]</sup> - 200:1  
**Lou's** <sup>[1]</sup> - 204:17  
**LOUIS** <sup>[15]</sup> - 188:12,  
 194:8, 194:15,  
 194:18, 195:3,  
 195:9, 195:13,  
 196:3, 198:4, 198:7,  
 198:13, 199:11,  
 212:18, 215:16,  
 216:3  
**louis** <sup>[1]</sup> - 188:12  
**love** <sup>[2]</sup> - 15:13,  
 136:13  
**loved** <sup>[1]</sup> - 101:8

**low** <sup>[2]</sup> - 38:13, 40:3

**lower** <sup>[2]</sup> - 190:6,  
224:7

**luck** <sup>[2]</sup> - 86:18, 96:3

**Lynn** <sup>[1]</sup> - 88:11

## M

**Ma'am** <sup>[1]</sup> - 207:10

**machinations**

<sup>[1]</sup> - 24:10

**MAGGIE** <sup>[11]</sup> - 231:7,

232:4, 233:13,

235:14, 238:16,

239:1, 239:4,

243:12, 244:12,

248:4, 248:7

**Maggie** <sup>[2]</sup> - 231:8,

248:3

**mail** <sup>[5]</sup> - 141:12,

172:17, 173:3,

173:6, 210:16

**main** <sup>[2]</sup> - 28:1, 29:16

**maintain** <sup>[3]</sup> - 9:11,

39:13, 68:7

**major** <sup>[2]</sup> - 14:3,

189:10

**majority** <sup>[2]</sup> - 22:8,

43:8

**man** <sup>[1]</sup> - 55:11

**manage** <sup>[1]</sup> - 20:18

**management**

<sup>[3]</sup> - 16:9, 127:18,

242:11

**managing** <sup>[3]</sup> - 19:6,

33:16, 34:15

**mandate** <sup>[1]</sup> - 11:16

**manning** <sup>[1]</sup> - 189:9

**manpower** <sup>[1]</sup> - 18:12

**map** <sup>[1]</sup> - 50:8

**Maria** <sup>[2]</sup> - 173:3,

210:2

**MARILEE**

<sup>[6]</sup> - 104:13, 104:15,

104:17, 105:7,

107:1, 107:8

**Marilee** <sup>[1]</sup> - 104:17

**Marjorie** <sup>[1]</sup> - 240:11

**Mark** <sup>[1]</sup> - 92:14

**market** <sup>[2]</sup> - 70:15,

130:6

**marketplace**

<sup>[1]</sup> - 218:6

**marking** <sup>[1]</sup> - 38:14

**Martin** <sup>[1]</sup> - 112:13  
**MaryAnn** <sup>[1]</sup> - 92:1  
**Mass** <sup>[3]</sup> - 2:7,  
 112:15, 116:5  
**mass** <sup>[3]</sup> - 159:4,  
 174:6, 217:6  
**Massachusetts**  
<sup>[4]</sup> - 1:6, 1:7, 112:6,  
 226:8  
**MASSACHUSETTS**  
<sup>[1]</sup> - 253:2  
**massing** <sup>[2]</sup> - 159:16,  
 185:5  
**matter** <sup>[11]</sup> - 5:6,  
 82:13, 91:15, 104:7,  
 139:17, 142:3,  
 172:10, 203:2,  
 204:13, 208:6,  
 250:14  
**Maureen** <sup>[1]</sup> - 93:9  
**maximum** <sup>[2]</sup> - 88:12,  
 233:8  
**MBTA** <sup>[2]</sup> - 223:12,  
 226:1  
**mean** <sup>[36]</sup> - 21:17,  
 29:5, 36:18, 41:8,  
 47:8, 53:15, 54:2,  
 54:12, 55:10, 74:10,  
 99:18, 105:7, 105:8,  
 105:12, 106:14,  
 133:17, 135:11,  
 140:14, 157:5,  
 159:5, 159:13,  
 160:10, 160:17,  
 166:15, 169:9,  
 169:13, 177:11,  
 178:7, 201:11,  
 202:7, 204:2,  
 216:18, 217:18,  
 219:4, 235:18,  
 238:6  
**mean...** <sup>[1]</sup> - 122:3  
**means** <sup>[4]</sup> - 29:12,  
 121:14, 170:18,  
 204:6  
**meant** <sup>[1]</sup> - 46:11  
**mechanical**  
<sup>[2]</sup> - 144:6, 145:16  
**mechanism**  
<sup>[2]</sup> - 76:12, 76:17  
**medium** <sup>[2]</sup> - 4:6,  
 117:17  
**meet** <sup>[5]</sup> - 14:10,  
 15:13, 56:12,

136:14, 141:7  
**meet-up** <sup>[1]</sup> - 14:10  
**meeting** <sup>[12]</sup> - 4:6,  
 4:10, 4:11, 4:12,  
 127:10, 132:14,  
 133:14, 134:12,  
 134:17, 135:15,  
 138:14, 139:1  
**meetings** <sup>[1]</sup> - 118:8  
**meets** <sup>[1]</sup> - 113:2  
**MELODY** <sup>[5]</sup> - 233:12,  
 238:15, 240:3,  
 241:12, 243:7  
**Melody** <sup>[2]</sup> - 231:9,  
 233:10  
**melody** <sup>[1]</sup> - 235:2  
**MEMBER** <sup>[14]</sup> - 49:18,  
 128:3, 137:11,  
 137:16, 138:8,  
 138:13, 138:18,  
 140:11, 140:18,  
 141:3, 141:15,  
 207:18, 214:5,  
 217:1  
**member** <sup>[8]</sup> - 3:12,  
 4:15, 12:6, 13:6,  
 34:11, 35:5, 114:9,  
 126:14  
**Member** <sup>[4]</sup> - 1:8, 1:9,  
 1:9, 1:10  
**members** <sup>[21]</sup> - 10:10,  
 10:11, 12:8, 14:14,  
 14:17, 15:14, 16:3,  
 17:6, 36:6, 42:7,  
 43:5, 43:9, 62:18,  
 71:9, 81:8, 89:1,  
 89:7, 113:17, 136:7,  
 143:8, 159:6  
**Members** <sup>[10]</sup> - 3:4,  
 5:2, 81:2, 88:2,  
 97:2, 112:2, 143:2,  
 153:2, 188:2, 231:2  
**membership**  
<sup>[1]</sup> - 19:12  
**membership-based**  
<sup>[1]</sup> - 19:12  
**memo** <sup>[1]</sup> - 210:17  
**memory** <sup>[1]</sup> - 48:3  
**Mendoza** <sup>[1]</sup> - 114:12  
**mention** <sup>[3]</sup> - 56:15,  
 57:5, 139:4  
**mentioned** <sup>[4]</sup> - 30:9,  
 41:4, 179:8, 220:10  
**merits** <sup>[3]</sup> - 59:4,



113:8, 136:5

**met** <sup>[12]</sup> - 63:14,  
84:10, 115:9, 127:9,  
133:8, 141:4, 149:5,  
185:18, 212:6,  
224:17, 248:13

**method** <sup>[1]</sup> - 176:7

**MEYER** <sup>[6]</sup> - 104:13,  
104:15, 104:17,  
105:7, 107:1, 107:8

**Meyer** <sup>[1]</sup> - 104:17

**mic** <sup>[3]</sup> - 31:8, 99:4,  
200:10

**MICHAEL**

<sup>[79]</sup> - 60:15, 97:17,  
100:14, 101:6,  
103:6, 103:13,  
153:8, 154:1, 154:3,  
155:12, 156:5,  
156:14, 156:18,  
157:5, 157:11,  
157:14, 157:18,  
158:4, 158:12,  
159:8, 160:7,  
160:13, 160:17,  
161:12, 162:2,  
162:7, 162:14,  
162:18, 163:4,  
163:8, 163:12,  
163:16, 164:1,  
164:3, 164:6, 164:9,  
164:13, 164:16,  
165:6, 165:11,  
165:16, 166:1,  
166:4, 166:7,  
166:14, 167:5,  
167:11, 167:16,  
168:8, 168:17,  
169:3, 170:4, 171:2,  
171:8, 172:1,  
172:16, 173:14,  
173:17, 174:1,  
175:2, 175:6,  
175:10, 176:12,  
177:5, 177:7, 178:2,  
178:12, 179:1,  
179:12, 180:2,  
181:6, 181:9,  
181:12, 181:18,  
182:7, 182:10,  
185:13, 185:16,  
187:15

**Michael** <sup>[4]</sup> - 60:15,  
93:3, 153:8, 160:2

**microphone**

[4] - 5:15, 53:5,  
192:12, 198:6

**Mid** [2] - 128:8,

181:16

**mid-90s** [1] - 26:17**middle** [3] - 121:4,

203:10, 216:14

**might** [8] - 5:12,

71:14, 77:3, 123:13,

133:9, 147:14,

170:3, 179:13

**Mike** [7] - 64:2, 82:16,

97:10, 97:15, 99:11,

107:14, 108:2

**MIKILVANI**

[1] - 205:13

**Mikilvani** [1] - 205:14**miles** [1] - 226:1**million** [1] - 76:14**millions** [1] - 15:6**mind** [3] - 45:3,

123:18, 207:12

**mine** [1] - 25:5**minimal** [2] - 144:1,

222:8

**minus** [1] - 109:16**misbehavior**

[1] - 51:10

**mislead** [1] - 25:18**misrepresent**

[1] - 25:18

**misrepresentation**

[1] - 26:18

**miss** [1] - 244:14**missed** [2] - 42:15,

71:15

**misunderstanding**

[1] - 69:12

**MIT** [1] - 38:10**mix** [1] - 225:15**Mock** [1] - 89:15**mode** [1] - 43:8**model** [1] - 18:4**modern** [2] - 167:18,

245:12

**modes** [1] - 225:16**modify** [3] - 170:10,

176:17, 191:16

**modifying** [1] - 167:9**moment** [5] - 8:5,

39:9, 51:1, 61:1,

115:16

**money** [5] - 13:10,

19:6, 28:3, 74:14,  
78:12

### **MONTEVERDE**

[60] - 28:7, 29:10,  
29:18, 31:5, 31:9,  
32:7, 32:10, 54:15,  
73:8, 91:9, 94:1,  
102:13, 107:3,  
109:1, 125:3, 125:8,  
125:13, 126:4,  
134:7, 135:10,  
141:2, 141:9, 142:1,  
148:5, 151:11,  
152:1, 165:4, 165:7,  
165:14, 165:17,  
166:2, 166:5,  
166:11, 167:3,  
167:8, 167:13,  
168:2, 169:7, 170:8,  
170:18, 171:3,  
174:9, 174:11,  
176:2, 176:14,  
178:1, 179:18,  
180:5, 180:11,  
182:6, 182:9,  
196:13, 197:3,  
214:15, 216:6,  
216:17, 217:3,  
219:18, 220:9,  
244:7

### **Monteverde**

[24] - 1:10, 3:6, 5:4,  
80:9, 81:4, 87:2,  
88:4, 96:5, 97:4,  
111:13, 112:4,  
142:7, 143:4, 152:9,  
153:4, 184:9,  
187:17, 188:4,  
229:5, 229:17,  
231:4, 248:1, 250:7,  
251:6

### **month** [4] - 58:9,

60:7, 137:5, 201:1

### **months** [2] - 130:17,

160:3

### **morning** [2] - 199:17

### **Morrissey** [1] - 93:4

### **most** [10] - 39:17,

52:2, 110:14,  
114:15, 200:1,  
205:1, 206:6, 218:5,  
221:5, 246:7

### **motion** [17] - 79:6,

80:4, 84:4, 86:14,

93:18, 94:2, 109:4,  
139:17, 142:2,  
148:15, 148:17,  
182:13, 221:14,  
222:5, 245:2, 245:6

**motivated**

[2] - 153:12, 154:3

**move** [3] - 127:2,

129:14, 169:14

**moved** [2] - 8:16,

155:18

**moving** [4] - 56:1,

122:16, 158:18,

179:3

**multi** [4] - 22:3,

144:17, 144:18,

228:2

**multi-family**

[3] - 144:17, 144:18,

228:2

**multi-floor** [1] - 22:3

**multimodal**

[1] - 14:15

**multiple** [1] - 226:2

**murky** [1] - 27:12

**N**

**name** [20] - 5:9, 5:17,

10:12, 12:11, 52:18,

54:14, 59:5, 61:16,

81:8, 88:7, 97:8,

104:16, 112:8,

112:12, 188:7,

200:10, 200:11,

204:15, 205:13,

231:7

**names** [1] - 141:18

**narrative** [1] - 6:10

**narrow** [5] - 51:7,

60:14, 60:17,

126:18, 173:9

**narrowed** [1] - 131:9

**narrower** [1] - 192:6

**natural** [3] - 85:16,

86:10, 131:5

**nature** [6] - 36:12,

85:3, 110:8, 131:18,

227:13, 249:5

**near** [1] - 240:15

**nearby** [1] - 243:1

**nearest** [1] - 147:7

**need** [23] - 6:11,

10:14, 55:16, 77:17,

100:2, 100:3,  
 133:13, 134:2,  
 134:3, 134:15,  
 135:3, 135:4,  
 135:16, 139:2,  
 144:2, 146:8, 176:9,  
 208:17, 217:16,  
 218:10, 221:7,  
 234:16, 238:14

**needed** <sup>[5]</sup> - 94:10,  
 150:17, 181:15,  
 186:18, 231:18

**needing** <sup>[1]</sup> - 221:3

**needs** <sup>[6]</sup> - 39:13,  
 139:2, 177:18,  
 209:1, 241:6,  
 244:17

**negatively**  
<sup>[2]</sup> - 144:14, 144:16

**negotiated** <sup>[1]</sup> - 217:8

**neighbor** <sup>[8]</sup> - 43:12,  
 51:15, 82:3, 83:2,  
 97:10, 101:8,  
 108:12

**neighborhood**  
<sup>[40]</sup> - 15:16, 38:2,  
 41:5, 55:17, 55:18,  
 71:7, 71:11, 73:12,  
 83:3, 83:10, 86:9,  
 89:9, 90:3, 98:5,  
 101:17, 105:10,  
 105:17, 133:11,  
 139:2, 149:9, 186:5,  
 194:11, 202:9,  
 205:10, 207:2,  
 210:12, 211:18,  
 212:10, 215:12,  
 215:15, 219:10,  
 219:17, 222:18,  
 223:3, 227:1,  
 227:15, 240:8,  
 240:17, 248:17,  
 249:1

**neighborhoods**  
<sup>[1]</sup> - 220:4

**neighbors** <sup>[32]</sup> - 39:3,  
 40:1, 40:7, 40:15,  
 56:13, 58:10, 71:6,  
 89:14, 92:10, 92:15,  
 102:3, 102:5,  
 110:14, 115:17,  
 117:18, 122:10,  
 123:16, 124:2,  
 127:9, 131:11,

131:13, 133:9,  
 172:14, 193:8,  
 198:11, 207:2,  
 208:15, 218:15,  
 219:2, 240:16,  
 241:13, 242:8  
**neighbors'** <sup>[1]</sup> - 219:8  
**net** <sup>[2]</sup> - 90:11, 90:13  
**network** <sup>[5]</sup> - 11:14,  
 12:3, 15:12, 38:11,  
 61:4  
**networking** <sup>[1]</sup> - 38:5  
**NEUBAUER**  
<sup>[10]</sup> - 97:8, 98:11,  
 99:5, 99:8, 100:10,  
 101:1, 102:9, 103:2,  
 103:9, 105:3  
**Neubauer** <sup>[1]</sup> - 97:9  
**never** <sup>[6]</sup> - 8:15, 9:17,  
 60:1, 65:7, 79:13,  
 168:10  
**New** <sup>[3]</sup> - 6:2, 11:6,  
 63:4  
**new** <sup>[25]</sup> - 12:14,  
 27:16, 28:10, 39:10,  
 70:15, 70:16, 86:5,  
 136:7, 140:5, 144:6,  
 144:13, 145:18,  
 148:18, 166:6,  
 170:13, 189:12,  
 190:14, 191:8,  
 191:12, 192:3,  
 193:10, 209:5,  
 244:4  
**newest** <sup>[1]</sup> - 8:4  
**next** <sup>[13]</sup> - 12:16,  
 15:11, 30:10, 53:3,  
 56:14, 102:5,  
 113:14, 138:11,  
 139:1, 172:15,  
 195:5, 241:16,  
 242:10  
**next-door** <sup>[6]</sup> - 53:3,  
 56:14, 138:11,  
 172:15, 241:16,  
 242:10  
**nexus** <sup>[1]</sup> - 72:7  
**nice** <sup>[6]</sup> - 38:3, 38:12,  
 58:5, 58:9, 208:4,  
 244:16  
**nicer** <sup>[1]</sup> - 190:8  
**NICHOLAS**  
<sup>[31]</sup> - 10:10, 10:16,  
 11:1, 16:8, 16:14,

16:18, 17:3, 17:7,  
 18:15, 19:4, 19:11,  
 19:14, 19:16, 20:3,  
 25:4, 25:16, 30:9,  
 34:4, 34:7, 34:11,  
 34:16, 35:1, 35:5,  
 35:11, 35:15, 36:5,  
 36:13, 41:13, 42:10,  
 43:3, 72:18

**Nick** <sup>[7]</sup> - 6:3, 8:5,  
 10:3, 10:12, 38:2,  
 39:11, 42:8

**night** <sup>[4]</sup> - 36:12,  
 36:14, 40:6, 51:18

**nightclub** <sup>[1]</sup> - 116:1

**nightmare**

<sup>[1]</sup> - 201:10

**NINA** <sup>[1]</sup> - 61:16

**Nina** <sup>[1]</sup> - 61:16

**nine** <sup>[6]</sup> - 35:16, 36:5,  
 178:9, 188:10,  
 190:5, 190:7

**nobody** <sup>[9]</sup> - 21:14,  
 23:8, 62:14, 82:15,  
 91:17, 148:11,  
 148:13, 172:12,  
 208:8

**nobody's** <sup>[1]</sup> - 38:13

**noise** <sup>[11]</sup> - 59:16,  
 59:17, 60:2, 60:6,  
 206:15, 206:17,  
 207:1, 207:5,  
 213:15, 213:16,  
 214:7

**Noise** <sup>[2]</sup> - 59:18,  
 213:12

**non** <sup>[36]</sup> - 9:16, 37:4,  
 45:2, 46:1, 47:8,  
 47:18, 49:14, 50:4,  
 67:8, 70:1, 72:4,  
 72:6, 79:15, 81:18,  
 84:7, 84:12, 88:15,  
 91:5, 105:3, 105:11,  
 106:7, 106:8,  
 106:13, 106:15,  
 107:5, 107:6,  
 143:14, 182:15,  
 183:8, 215:2, 222:3,  
 225:2, 231:14,  
 238:3, 245:17

**non-conforming**

<sup>[34]</sup> - 9:16, 45:2,  
 46:1, 47:8, 47:18,  
 49:14, 50:4, 67:8,

70:1, 72:4, 72:6,  
 79:15, 81:18, 84:7,  
 84:12, 88:15, 91:5,  
 105:3, 105:11,  
 106:7, 106:8,  
 106:13, 106:15,  
 107:5, 107:6,  
 143:14, 182:15,  
 183:8, 222:3, 225:2,  
 231:14, 238:3,  
 245:17

**non-institutional**

[1] - 37:4

**non-occupants**

[1] - 215:2

**noncompliant**

[2] - 192:16, 193:16

**nonconforming**

[1] - 105:15

**nonconformity**

[1] - 236:9

**none** [3] - 91:10,

225:14, 226:7

**north** [5] - 35:8, 98:8,

98:12, 99:11, 146:9

**NOT** [1] - 253:15

**Notary** [2] - 253:4,

253:11

**note** [4] - 23:15,

37:18, 69:5, 252:6

**noted** [6] - 7:3, 46:10,

141:13, 146:11,

243:1, 252:16

**notes** [4] - 95:7,

246:4, 246:13,

249:18

**nothing** [3] - 41:3,

42:1, 221:12

**notice** [1] - 57:1

**notices** [2] - 110:13,

127:12

**notifying** [1] - 4:4

**noting** [1] - 15:3

**notion** [1] - 23:3

**nowadays**

[1] - 121:11

**nuisance** [6] - 85:11,

86:1, 150:9, 186:14,

228:4, 249:6

**null** [1] - 115:16

**nullify** [3] - 95:10,

110:17, 247:1

**nullifying** [1] - 183:16

**number** [19] - 4:8,



43:6, 52:1, 106:14,  
115:6, 131:4, 191:6,  
191:8, 193:13,  
196:9, 198:1, 198:3,  
208:13, 217:10,  
217:11, 217:12,  
218:7, 221:16,  
222:6

## O

**O'Sullivan** <sup>[1]</sup> - 93:9

**object** <sup>[1]</sup> - 108:5

**objection** <sup>[8]</sup> - 82:18,  
93:1, 93:5, 93:8,  
93:11, 131:17,  
136:2, 186:13

**objectionable**

<sup>[2]</sup> - 131:11, 131:12

**observation**

<sup>[3]</sup> - 57:15, 211:13,  
211:16

**observations**

<sup>[2]</sup> - 56:16, 196:8

**observed**

<sup>[2]</sup> - 211:12, 212:16

**obtaining** <sup>[1]</sup> - 65:17

**obvious** <sup>[2]</sup> - 161:15,  
161:17

**obviously** <sup>[9]</sup> - 17:16,

21:10, 21:11, 22:13,  
29:13, 36:7, 46:3,  
101:18, 198:18

**occasionally**

<sup>[1]</sup> - 57:11

**Occupancy** <sup>[9]</sup> - 7:17,

23:17, 25:8, 64:17,  
65:4, 66:18, 68:16,  
69:8, 79:13

**occupancy** <sup>[3]</sup> - 26:4,

50:11, 224:6

**occupant** <sup>[3]</sup> - 51:12,

85:13, 199:3

**occupant's**

<sup>[1]</sup> - 50:15

**occupants** <sup>[10]</sup> - 89:2,

128:2, 150:11,  
150:15, 186:16,  
199:5, 215:2, 228:6,  
235:9, 249:8

**occupied** <sup>[2]</sup> - 7:5,

89:1

**occupies** <sup>[1]</sup> - 22:5

**occur** <sup>[1]</sup> - 209:16

**occurred** [1] - 69:12  
**OF** [6] - 1:1, 1:2,  
 253:2, 253:14,  
 253:15, 253:16  
**of..** [1] - 129:5  
**off-street** [4] - 221:17,  
 223:8, 223:10,  
 223:18  
**offensive** [1] - 117:15  
**office** [78] - 6:8, 6:15,  
 7:1, 7:3, 7:5, 7:6,  
 7:10, 7:11, 7:15,  
 8:12, 8:15, 8:18,  
 9:5, 10:6, 18:2,  
 20:17, 21:3, 21:7,  
 22:4, 22:11, 22:16,  
 23:2, 23:18, 24:5,  
 26:5, 27:2, 27:3,  
 27:13, 31:13, 32:4,  
 37:3, 41:7, 44:1,  
 45:9, 45:14, 46:6,  
 46:10, 46:12, 46:13,  
 46:14, 46:16, 47:13,  
 48:4, 48:10, 48:11,  
 48:15, 49:1, 49:3,  
 50:9, 51:9, 52:11,  
 54:9, 55:5, 55:8,  
 57:2, 57:8, 62:5,  
 62:6, 63:10, 63:16,  
 64:15, 65:2, 65:6,  
 65:13, 65:15, 66:2,  
 67:7, 68:10, 68:12,  
 69:4, 79:9, 79:12,  
 79:13, 80:1, 116:13,  
 156:6, 224:3  
**offices** [2] - 50:13,  
 57:6  
**Offices** [1] - 143:10  
**official** [1] - 12:14  
**OFFICIAL** [1] - 1:16  
**often** [1] - 147:11  
**old** [6] - 28:12, 50:11,  
 55:11, 124:9,  
 189:13, 239:18  
**older** [1] - 151:8  
**on-site** [1] - 41:16  
**once** [7] - 26:7, 73:13,  
 125:4, 155:17,  
 170:14, 201:1,  
 209:10  
**one** [66] - 9:15, 12:17,  
 21:12, 31:5, 32:14,  
 39:9, 53:6, 56:17,  
 57:3, 57:7, 97:14,

98:5, 100:11,  
 103:16, 114:9,  
 118:16, 120:14,  
 122:5, 123:16,  
 126:14, 129:16,  
 137:1, 137:4, 139:8,  
 140:10, 147:1,  
 153:11, 155:1,  
 156:4, 156:8,  
 156:11, 156:12,  
 158:9, 161:11,  
 162:16, 163:2,  
 163:12, 165:12,  
 165:14, 166:18,  
 167:13, 176:5,  
 181:1, 182:6,  
 184:14, 195:14,  
 196:8, 196:10,  
 205:7, 205:10,  
 208:18, 216:10,  
 219:5, 219:7,  
 220:11, 228:10,  
 232:2, 232:3, 242:1,  
 246:9, 250:12

**one-family** <sup>[1]</sup> - 97:14

**one-to-one** <sup>[1]</sup> - 219:5

**ones** <sup>[2]</sup> - 131:10,  
 146:8

**ongoing** <sup>[1]</sup> - 145:4

**onward** <sup>[1]</sup> - 30:13

**open** <sup>[35]</sup> - 4:5, 35:14,  
 51:2, 52:12, 82:10,  
 91:11, 91:13, 101:2,  
 102:9, 103:1, 104:4,  
 119:2, 119:3, 138:4,  
 148:6, 159:16,  
 172:8, 174:7,  
 184:16, 192:2,  
 192:4, 192:6,  
 192:18, 193:1,  
 193:3, 199:5, 200:5,  
 220:13, 220:14,  
 220:15, 221:3,  
 225:10, 226:9,  
 238:10, 239:9

**opened** <sup>[1]</sup> - 171:16

**opening** <sup>[1]</sup> - 44:16

**openings** <sup>[1]</sup> - 147:10

**operate** <sup>[4]</sup> - 11:2,  
 17:5, 18:2, 18:13

**operated** <sup>[3]</sup> - 8:2,  
 9:9, 68:10

**operating** <sup>[8]</sup> - 11:5,  
 21:13, 22:16, 23:1,

33:18, 41:12, 42:5,  
60:18

**operation** <sup>[10]</sup> - 4:8,  
6:15, 34:15, 34:18,  
39:7, 84:18, 149:16,  
186:7, 227:10,  
249:2

**operations**  
<sup>[6]</sup> - 39:12, 42:2,  
46:6, 46:7, 48:3,  
85:5

**operator** <sup>[2]</sup> - 11:9,  
18:14

**opinion** <sup>[3]</sup> - 74:8,  
115:5, 150:2

**opportunity**  
<sup>[11]</sup> - 13:2, 15:13,  
58:12, 71:15, 73:14,  
75:4, 108:4, 122:11,  
124:3, 136:15,  
190:1

**opposed** <sup>[4]</sup> - 28:3,  
44:3, 113:15, 184:6

**Opposed** <sup>[1]</sup> - 229:8

**option** <sup>[1]</sup> - 78:4

**order** <sup>[11]</sup> - 3:7, 6:5,  
18:7, 31:18, 42:18,  
74:17, 76:18,  
103:11, 123:3,  
205:2, 234:18

**ordinance**  
<sup>[2]</sup> - 213:15, 220:3

**Ordinance**  
<sup>[38]</sup> - 49:15, 49:17,  
50:3, 50:6, 50:15,  
52:10, 59:18, 64:1,  
65:13, 84:10, 84:14,  
85:2, 86:11, 94:7,  
95:12, 109:7, 110:7,  
111:1, 149:5,  
149:17, 151:7,  
182:18, 183:9,  
183:17, 185:18,  
186:8, 210:14,  
212:5, 213:12,  
224:17, 225:11,  
227:12, 245:9,  
246:5, 247:2,  
248:13, 249:4,  
249:17

**oriented** <sup>[1]</sup> - 219:6

**original** <sup>[13]</sup> - 66:16,  
120:17, 124:5,  
161:8, 174:15,

189:15, 233:2,  
 233:4, 233:15,  
 233:18, 234:5,  
 236:14, 252:2

**originally** <sup>[4]</sup> - 6:12,  
 22:10, 126:10,  
 201:6

**ostentatious**  
<sup>[1]</sup> - 101:18

**otherwise** <sup>[5]</sup> - 73:13,  
 110:1, 120:16,  
 222:17, 249:16

**outdoor** <sup>[1]</sup> - 94:14

**outdoors** <sup>[1]</sup> - 89:4

**outreach** <sup>[2]</sup> - 11:12,  
 128:9

**outside** <sup>[15]</sup> - 17:6,  
 17:11, 44:7, 144:11,  
 158:17, 158:18,  
 159:15, 159:17,  
 169:15, 175:15,  
 177:13, 177:16,  
 179:6, 193:9, 198:3

**overall** <sup>[4]</sup> - 36:1,  
 41:17, 71:12,  
 240:16

**overhanging**  
<sup>[1]</sup> - 242:12

**overlay** <sup>[1]</sup> - 37:11

**overrule** <sup>[1]</sup> - 74:6

**overturn** <sup>[1]</sup> - 6:4

**owing** <sup>[4]</sup> - 94:17,  
 110:5, 183:7,  
 245:15

**owls** <sup>[2]</sup> - 36:14, 40:6

**own** <sup>[4]</sup> - 54:13,  
 54:17, 168:13,  
 202:12

**owned** <sup>[3]</sup> - 6:13,  
 16:12, 16:13

**owner** <sup>[10]</sup> - 83:6,  
 112:18, 147:13,  
 153:9, 204:18,  
 209:2, 209:12,  
 219:16, 220:7,  
 242:15

**owner's** <sup>[1]</sup> - 242:11

**owner/occupant**  
<sup>[1]</sup> - 186:12

**owners** <sup>[9]</sup> - 83:8,  
 88:9, 89:13, 92:14,  
 191:11, 205:8,  
 206:1, 208:16,  
 231:10

## P

**p.m** <sup>[16]</sup> - 1:4, 3:3,  
 5:1, 35:16, 36:5,  
 81:1, 88:1, 97:1,  
 112:1, 139:18,  
 140:6, 143:1, 153:1,  
 188:1, 231:1, 251:8  
**Pacheco** <sup>[1]</sup> - 210:2  
**package** <sup>[1]</sup> - 221:2  
**PAGE** <sup>[2]</sup> - 2:2, 252:8  
**pair** <sup>[2]</sup> - 118:7, 135:4  
**paired** <sup>[1]</sup> - 120:2  
**Par** <sup>[1]</sup> - 196:7  
**paradigms** <sup>[1]</sup> - 9:15  
**parameters**  
<sup>[1]</sup> - 60:17  
**parcel** <sup>[1]</sup> - 191:4  
**Pare** <sup>[1]</sup> - 211:2  
**PARE** <sup>[1]</sup> - 211:3  
**Park** <sup>[9]</sup> - 2:6, 97:6,  
 104:9, 106:5,  
 107:13, 107:16,  
 108:4, 108:9,  
 108:12  
**park** <sup>[4]</sup> - 43:10,  
 195:7, 209:9, 219:3  
**parked** <sup>[1]</sup> - 192:15  
**parking** <sup>[119]</sup> - 38:13,  
 41:5, 41:10, 41:15,  
 41:17, 41:18, 43:2,  
 43:10, 43:12, 43:14,  
 56:18, 57:7, 57:9,  
 57:18, 129:15,  
 191:6, 191:17,  
 192:17, 193:4,  
 193:11, 193:13,  
 193:14, 193:18,  
 194:6, 194:7,  
 194:14, 194:17,  
 195:1, 195:7,  
 195:14, 195:15,  
 195:16, 196:2,  
 198:1, 198:18,  
 199:12, 199:18,  
 200:13, 200:15,  
 201:3, 201:12,  
 201:15, 202:17,  
 203:6, 203:14,  
 204:17, 205:7,  
 208:13, 209:1,  
 209:8, 209:11,  
 209:13, 209:14,

210:5, 210:9,  
 210:13, 210:15,  
 211:4, 211:7, 211:9,  
 211:13, 211:15,  
 212:1, 212:3, 212:5,  
 212:8, 212:16,  
 215:2, 215:6, 215:9,  
 215:13, 216:15,  
 217:6, 217:11,  
 217:18, 218:4,  
 218:7, 218:8,  
 218:16, 219:4,  
 219:5, 219:8,  
 219:16, 220:12,  
 221:4, 221:7,  
 221:17, 222:1,  
 222:2, 222:6, 222:9,  
 222:14, 222:16,  
 223:1, 223:8,  
 223:11, 223:15,  
 223:18, 224:9,  
 224:13, 225:7,  
 225:8, 225:12,  
 225:13, 226:3,  
 226:5, 226:11,  
 226:13, 227:2,  
 227:5, 227:8, 228:1,  
 228:12, 228:18

**Parking** [2] - 210:2,  
 210:7

**parse** [2] - 125:4,  
 125:17

**part** [27] - 9:13, 17:17,  
 30:12, 38:7, 39:10,  
 39:12, 72:11, 84:1,  
 102:6, 121:3, 121:4,  
 121:13, 125:18,  
 129:18, 132:17,  
 133:3, 146:13,  
 155:9, 157:2, 162:4,  
 177:10, 182:1,  
 191:4, 221:15,  
 232:12, 232:15,  
 241:6

**partially** [1] - 16:13

**particular** [3] - 28:17,  
 57:4, 115:1

**partly** [1] - 56:12

**partner** [2] - 13:5,  
 20:2

**partnered** [1] - 11:8

**partnerships**  
 [1] - 30:18

**parts** [3] - 15:2, 46:5,

131:6

**passed** <sup>[3]</sup> - 3:13,

3:18, 117:1

**past** <sup>[2]</sup> - 76:15,

158:15

**path** <sup>[5]</sup> - 31:10,

31:16, 71:14, 74:4,  
74:7

**pathways** <sup>[1]</sup> - 27:10

**Patrick** <sup>[3]</sup> - 3:12,

3:15, 4:1

**patterns** <sup>[6]</sup> - 84:16,

149:7, 186:2,  
226:16, 227:7,  
248:15

**Paul** <sup>[1]</sup> - 107:18

**Pause** <sup>[1]</sup> - 4:2

**pay** <sup>[4]</sup> - 16:8, 19:3,

19:15, 19:16

**paying** <sup>[1]</sup> - 16:7

**peak** <sup>[1]</sup> - 224:1

**pedestrian**

<sup>[1]</sup> - 211:17

**penalize** <sup>[1]</sup> - 220:18

**pending** <sup>[1]</sup> - 32:2

**penumbra** <sup>[1]</sup> - 68:12

**people** <sup>[45]</sup> - 10:15,

10:17, 19:9, 20:17,  
30:16, 33:15, 33:16,  
33:18, 34:12, 34:15,  
35:2, 35:4, 36:11,  
38:7, 41:9, 44:2,  
53:4, 55:15, 58:11,  
113:10, 115:10,  
115:11, 119:1,  
121:11, 131:1,  
132:15, 134:10,  
135:17, 136:14,  
137:18, 140:13,  
141:18, 158:15,  
159:18, 174:13,  
194:10, 196:16,  
198:3, 202:1, 202:4,  
204:3, 204:6, 204:8,  
215:14, 247:3

**per** <sup>[5]</sup> - 94:3, 182:15,

184:3, 229:1,  
229:10

**perceived**

<sup>[1]</sup> - 128:10

**percent** <sup>[11]</sup> - 155:2,

192:10, 192:15,  
194:7, 194:8,  
211:11, 213:11,



231:12, 232:17,  
233:2

**percentage**  
[2] - 175:11, 217:6

**perfectly** [1] - 116:6

**performed** [1] - 211:4

**perhaps** [3] - 76:1,  
127:9, 198:12

**period** [1] - 21:8

**periodically**  
[1] - 39:13

**permissible**  
[2] - 63:11, 65:16

**permission** [8] - 74:5,  
74:12, 231:11,  
232:5, 232:7, 233:5,  
234:15, 236:3

**permit** [6] - 7:2, 7:13,  
46:9, 50:11, 50:16,  
237:2

**Permit** [37] - 9:10,  
23:17, 24:14, 31:12,  
69:1, 69:7, 84:5,  
84:9, 86:15, 129:15,  
143:12, 148:16,  
152:5, 155:9,  
161:13, 185:9,  
187:6, 187:11,  
187:14, 190:3,  
208:12, 212:2,  
221:14, 221:16,  
222:10, 222:12,  
228:12, 228:18,  
229:6, 229:13,  
231:12, 232:18,  
242:6, 243:5, 244:4,  
250:3, 250:15

**Permits** [1] - 79:12

**permits** [6] - 26:8,  
26:14, 26:15, 26:16,  
27:2, 76:15

**permitted** [16] - 29:3,  
46:16, 51:9, 64:15,  
67:10, 74:4, 79:10,  
80:1, 85:1, 116:11,  
118:15, 149:17,  
186:8, 227:11,  
236:10, 249:3

**permitting** [1] - 27:12

**perplexed** [1] - 129:1

**Perry** [4] - 97:7, 97:8,  
101:7, 101:9

**PERRY** [10] - 97:8,  
98:11, 99:5, 99:8,

100:10, 101:1,  
102:9, 103:2, 103:9,  
105:3

**Perry's** <sup>[1]</sup> - 101:7

**person** <sup>[2]</sup> - 4:4, 35:7

**personally** <sup>[1]</sup> - 70:9

**perspective**

<sup>[2]</sup> - 117:12, 130:3

**Peter** <sup>[1]</sup> - 149:1

**petition** <sup>[5]</sup> - 50:11,  
185:7, 205:1, 205:9,  
241:17

**petitioned**

<sup>[1]</sup> - 174:18

**petitioner** <sup>[12]</sup> - 94:9,

94:10, 109:9,  
109:10, 140:1,  
141:7, 143:11,  
183:2, 184:11,  
245:10, 245:11,  
250:17

**petitioner's**

<sup>[1]</sup> - 205:15

**petitions** <sup>[1]</sup> - 171:16

**phenomenal**

<sup>[1]</sup> - 73:11

**phone** <sup>[9]</sup> - 54:12,

55:2, 55:3, 55:5,  
57:2, 57:3, 62:5,  
62:6

**phonetic**

<sup>[2]</sup> - 200:12, 205:14

**photography**

<sup>[1]</sup> - 117:4

**physical** <sup>[4]</sup> - 122:16,

191:11, 191:14,  
224:10

**picture** <sup>[2]</sup> - 159:8,

242:10

**piece** <sup>[6]</sup> - 21:17,

132:2, 135:8, 160:6,  
179:6

**piecemeal** <sup>[1]</sup> - 168:6

**piggyback** <sup>[1]</sup> - 47:1

**piggybacking**

<sup>[1]</sup> - 47:15

**pinning** <sup>[1]</sup> - 61:3

**pipng** <sup>[1]</sup> - 189:7

**pitch** <sup>[1]</sup> - 191:13

**pizza** <sup>[2]</sup> - 154:8,

154:10

**pizzas** <sup>[3]</sup> - 161:6,

161:7, 167:2

**Place** <sup>[2]</sup> - 56:14,

205:4

**place** <sup>[5]</sup> - 40:9, 74:2,  
75:13, 119:15,  
201:8

**placement** <sup>[1]</sup> - 4:8

**plan** <sup>[13]</sup> - 92:4,  
93:11, 107:15,  
133:9, 151:14,  
155:4, 164:7,  
168:15, 182:15,  
184:3, 187:8,  
218:16, 229:2

**planned** <sup>[1]</sup> - 59:8

**planning** <sup>[2]</sup> - 121:6,  
209:3

**Planning** <sup>[4]</sup> - 105:1,  
106:1, 106:2, 107:2

**plans** <sup>[15]</sup> - 83:9,  
89:14, 92:2, 92:9,  
93:5, 95:15, 108:5,  
108:13, 133:14,  
152:2, 207:3,  
229:10, 240:9,  
240:14, 242:18

**plant** <sup>[1]</sup> - 117:3

**plaster** <sup>[2]</sup> - 234:2,  
234:10

**plastered** <sup>[1]</sup> - 234:9

**platform** <sup>[5]</sup> - 10:9,  
14:10, 18:8, 53:12,  
70:16

**platforms** <sup>[2]</sup> - 12:3,  
17:8

**plea** <sup>[1]</sup> - 77:4

**pleading** <sup>[1]</sup> - 99:17

**pleasant** <sup>[1]</sup> - 166:16

**pleases** <sup>[1]</sup> - 126:13

**plenty** <sup>[1]</sup> - 99:15

**plumbing** <sup>[3]</sup> - 189:5,  
189:12, 189:18

**plus** <sup>[2]</sup> - 182:7, 220:6

**point** <sup>[21]</sup> - 17:12,  
20:18, 23:12, 46:2,  
47:17, 55:14, 60:3,  
68:14, 78:2, 82:7,  
93:15, 104:13,  
118:2, 119:17,  
128:12, 146:18,  
147:8, 158:9,  
169:13, 196:9,  
199:15

**pointed** <sup>[3]</sup> - 99:11,  
167:17, 191:8

**pole** <sup>[1]</sup> - 243:1

**Pond** <sup>[1]</sup> - 107:13  
**popping** <sup>[1]</sup> - 98:13  
**popular** <sup>[2]</sup> - 8:2,  
 27:15  
**porch** <sup>[19]</sup> - 88:13,  
 89:10, 89:13, 89:16,  
 89:18, 90:5, 92:3,  
 92:6, 92:17, 93:2,  
 165:10, 165:11,  
 165:12, 167:1,  
 181:1, 181:4, 181:5,  
 182:14, 183:3  
**porches** <sup>[8]</sup> - 165:5,  
 183:14, 185:6,  
 232:10, 232:11,  
 235:7, 236:17,  
 237:10  
**portion** <sup>[6]</sup> - 6:7,  
 121:18, 125:7,  
 126:3, 234:16,  
 236:10  
**position** <sup>[4]</sup> - 46:2,  
 56:11, 75:6, 233:1  
**positioned** <sup>[1]</sup> - 18:16  
**positive** <sup>[3]</sup> - 212:10,  
 223:1, 225:9  
**possibilities**  
<sup>[2]</sup> - 61:7, 170:2  
**possible** <sup>[3]</sup> - 13:14,  
 76:3, 136:13  
**possibly** <sup>[4]</sup> - 51:15,  
 52:5, 66:7, 185:3  
**post** <sup>[4]</sup> - 134:17,  
 236:15  
**post-war** <sup>[1]</sup> - 236:15  
**post-World**  
<sup>[1]</sup> - 236:15  
**posted** <sup>[2]</sup> - 124:10,  
 124:12  
**posting** <sup>[1]</sup> - 140:4  
**posture** <sup>[1]</sup> - 77:2  
**potential** <sup>[2]</sup> - 27:9,  
 129:4  
**potentially**  
<sup>[1]</sup> - 206:11  
**power** <sup>[1]</sup> - 78:4  
**Powered** <sup>[4]</sup> - 12:12,  
 13:1, 13:15, 14:5  
**Prager** <sup>[1]</sup> - 240:11  
**PRAGER** <sup>[1]</sup> - 240:12  
**pre** <sup>[14]</sup> - 9:16, 45:2,  
 45:18, 47:18, 50:4,  
 65:7, 65:14, 67:8,  
 70:1, 72:4, 72:6,

79:14, 98:10,  
245:17

**pre-existing**

[14] - 9:16, 45:2,  
45:18, 47:18, 50:4,  
65:7, 65:14, 67:8,  
70:1, 72:4, 72:6,  
79:14, 98:10,  
245:17

**precipitation**

[1] - 89:5

**preclude** [4] - 94:9,

109:9, 183:2,  
245:10

**predates** [1] - 183:9

**predecessor**

[1] - 51:12

**predict** [2] - 209:1,

216:10

**predominant**

[2] - 21:7, 43:7

**predominantly**

[3] - 14:18, 22:2,  
44:7

**preferable** [1] - 185:4

**premise** [3] - 44:18,

114:17, 120:14

**premium** [1] - 216:15

**prepare** [1] - 15:11

**presence** [2] - 3:17,

128:17

**present** [7] - 42:13,

113:6, 133:10,  
176:3, 199:9,  
208:18, 238:4

**presentation**

[8] - 24:2, 32:5, 52:1,  
72:10, 83:18,  
106:16, 129:2,  
188:17

**presented** [5] - 44:15,

75:10, 89:13, 92:16,  
229:2

**preservation**

[1] - 225:10

**President** [1] - 212:13

**presumably**

[1] - 216:1

**pretty** [4] - 29:8,

161:2, 161:6, 248:5

**previous** [1] - 235:9

**previously** [4] - 7:5,

31:18, 64:4, 65:2

**primarily** [2] - 144:7,

206:15

**primary** <sup>[4]</sup> - 22:14,  
40:10, 48:16, 134:4

**principal** <sup>[12]</sup> - 8:13,  
9:5, 47:13, 47:17,  
64:15, 65:3, 65:6,  
66:2, 68:12, 69:9,  
69:14, 80:1

**principle** <sup>[1]</sup> - 67:7

**printing** <sup>[1]</sup> - 117:5

**privacy** <sup>[4]</sup> - 85:9,  
144:14, 150:6,  
186:11

**pro** <sup>[1]</sup> - 75:5

**problem** <sup>[10]</sup> - 22:15,  
60:6, 118:17, 119:1,  
133:6, 202:16,  
202:17, 203:5,  
219:9, 219:10

**problematical**  
<sup>[1]</sup> - 138:7

**procedural**  
<sup>[2]</sup> - 75:15, 138:3

**proceed** <sup>[4]</sup> - 74:13,  
99:18, 187:7, 247:9

**proceeding**  
<sup>[1]</sup> - 231:16

**proceedings**  
<sup>[1]</sup> - 253:6

**process** <sup>[8]</sup> - 15:9,  
25:6, 25:9, 25:12,  
40:13, 40:17, 40:18,  
76:3

**productive** <sup>[1]</sup> - 27:15

**products** <sup>[1]</sup> - 13:3

**professional**  
<sup>[1]</sup> - 168:9

**professionally**  
<sup>[2]</sup> - 217:5, 218:1

**professionals**  
<sup>[1]</sup> - 12:8

**program** <sup>[1]</sup> - 11:16

**programs** <sup>[2]</sup> - 13:6,  
14:9

**progression**  
<sup>[1]</sup> - 61:5

**project** <sup>[11]</sup> - 89:12,  
90:10, 95:8, 102:4,  
104:18, 110:15,  
112:18, 113:5,  
168:11, 236:2,  
239:11

**projects** <sup>[1]</sup> - 40:16

**proliferation**

[1] - 31:2

**prolong** [1] - 51:18

**promote** [1] - 71:4

**promotion** [1] - 28:2

**prompted**

[2] - 189:17, 191:7

**prong** [1] - 221:15

**prongs** [1] - 180:18

**proper** [3] - 74:7,

76:12, 105:9

**properly** [3] - 69:17,

236:5, 236:7

**properties** [8] - 150:2,

150:7, 173:1,

184:15, 186:11,

189:4, 242:14,

242:17

**property** [69] - 9:7,

9:8, 14:17, 49:11,

52:4, 63:5, 63:10,

63:17, 64:4, 64:6,

64:9, 64:11, 64:13,

64:16, 65:2, 65:8,

65:10, 65:14, 65:18,

66:1, 66:2, 66:6,

66:8, 66:9, 66:13,

67:5, 67:9, 79:9,

79:15, 83:6, 85:6,

85:9, 88:13, 88:18,

89:16, 90:6, 94:15,

95:1, 107:16, 108:3,

109:14, 111:2,

111:3, 147:11,

147:15, 158:10,

160:11, 169:17,

183:5, 186:12,

187:1, 189:1, 189:3,

205:3, 205:5,

205:16, 205:18,

206:1, 213:15,

219:11, 219:15,

220:7, 227:18,

237:14, 240:10,

240:14, 243:3,

247:4

**proportion**

[2] - 105:9, 221:7

**proposal** [8] - 148:9,

150:3, 151:6,

184:14, 186:13,

200:8, 207:4,

249:14

**propose** [1] - 139:7

**proposed** [27] - 66:9,

85:3, 85:13, 86:3,  
 90:5, 93:2, 145:18,  
 148:18, 150:11,  
 150:15, 151:1,  
 151:5, 187:3, 187:5,  
 189:10, 193:14,  
 206:10, 211:15,  
 224:18, 225:1,  
 225:7, 227:13,  
 227:14, 228:1,  
 228:6, 249:8,  
 249:13

**proposing**

[3] - 191:12, 209:12,  
 216:18

**propped** [2] - 238:18,  
 239:1

**protected** [2] - 68:4,  
 89:4

**protrudes**

[1] - 158:13

**proud** [1] - 56:3

**provide** [12] - 13:1,  
 14:9, 18:8, 43:1,  
 43:3, 86:12, 90:9,  
 101:14, 200:15,  
 212:10, 219:16,  
 223:1

**provided** [5] - 38:3,  
 41:15, 119:10,  
 119:15, 223:16

**providence**

[1] - 69:14

**provides** [1] - 220:1

**providing** [2] - 29:13,  
 85:16

**provision** [2] - 223:4,  
 224:13

**provisions** [5] - 94:7,  
 109:7, 182:18,  
 245:8, 247:9

**proximity** [4] - 13:18,  
 14:7, 223:12,  
 225:18

**public** [28] - 4:15,  
 12:18, 15:1, 51:3,  
 52:12, 62:15, 82:11,  
 83:18, 90:7, 91:12,  
 91:13, 93:14, 95:6,  
 104:5, 110:12,  
 148:6, 172:8,  
 181:17, 183:13,  
 185:5, 200:6, 212:7,  
 220:8, 222:15,



223:14, 225:18,  
 239:9, 246:12  
**Public** <sup>[2]</sup> - 253:4,  
 253:11  
**publicly** <sup>[1]</sup> - 3:14  
**pull** <sup>[1]</sup> - 197:13  
**pulls** <sup>[1]</sup> - 101:2  
**pun** <sup>[1]</sup> - 211:18  
**purchased**  
<sup>[3]</sup> - 189:3, 205:18,  
 233:11  
**purpose** <sup>[11]</sup> - 64:13,  
 86:11, 95:11,  
 100:12, 110:18,  
 157:3, 166:12,  
 167:6, 183:17,  
 247:2, 249:16  
**purposes** <sup>[2]</sup> - 66:7,  
 70:6  
**pursue** <sup>[2]</sup> - 74:4,  
 181:11  
**push** <sup>[1]</sup> - 158:16  
**pushed** <sup>[1]</sup> - 237:18  
**pushes** <sup>[1]</sup> - 177:15  
**pushing** <sup>[1]</sup> - 159:14  
**put** <sup>[30]</sup> - 37:9, 37:14,  
 43:12, 53:17, 57:16,  
 60:3, 60:17, 74:18,  
 75:13, 117:11,  
 117:15, 123:6,  
 124:6, 130:7,  
 153:17, 157:7,  
 170:13, 171:12,  
 174:16, 175:14,  
 177:9, 177:12,  
 179:7, 192:2,  
 200:17, 201:18,  
 221:2, 234:8,  
 234:15, 236:3  
**putting** <sup>[4]</sup> - 172:5,  
 173:11, 190:14,  
 220:15

## Q

**questions** <sup>[19]</sup> - 16:2,  
 28:6, 32:11, 50:18,  
 82:7, 84:2, 84:3,  
 90:8, 91:8, 102:12,  
 105:9, 105:13,  
 108:17, 148:3,  
 165:3, 168:3, 169:6,  
 197:2, 239:6  
**Quinn** <sup>[1]</sup> - 149:1

**quite** [5] - 29:14, 45:7,  
45:17, 94:14, 190:8

**quote/unquote**  
[1] - 46:10

**quotes** [1] - 243:9

## R

**Rackemann** [1] - 6:1

**racks** [1] - 217:16

**rafter** [2] - 234:4,  
234:7

**railing** [1] - 178:18

**rain** [1] - 236:6

**raise** [3] - 27:9, 161:8,  
182:2

**raised** [1] - 161:15

**RAJID** [1] - 205:13

**Rajid** [1] - 205:14

**ramp** [4] - 191:12,  
192:5, 194:2, 197:7

**ramps** [6] - 191:18,  
192:3, 220:16,  
226:6, 226:9, 229:1

**ran** [1] - 55:9

**range** [1] - 215:16

**Ranjit** [2] - 154:14,  
210:2

**RANJIT** [2] - 49:13,  
50:2

**rather** [6] - 9:5, 10:6,  
77:16, 118:10,  
129:2, 135:7

**ratio** [6] - 99:15,  
217:10, 219:5,  
232:13, 232:14,  
238:9

**RAWSON** [4] - 81:7,  
81:14, 83:13, 83:15

**Rawson** [2] - 81:8,  
83:8

**re** [1] - 125:9

**re-advertising**  
[1] - 125:9

**reach** [1] - 227:6

**reached** [2] - 128:7,  
172:16

**reaction** [2] - 40:17,  
218:14

**reactions** [1] - 71:9

**read** [7] - 24:7, 24:8,  
39:1, 62:16, 114:3,  
117:2, 252:15

**Reading** [10] - 82:17,

83:5, 92:1, 92:15,  
 107:14, 108:1,  
 208:10, 211:3,  
 239:15, 242:6

**reading** [8] - 20:13,  
 115:6, 118:15,  
 133:2, 210:3,  
 240:13, 241:1,  
 252:6

**real** [12] - 12:8, 16:11,  
 21:10, 25:1, 38:10,  
 61:2, 71:15, 75:1,  
 75:6, 78:17, 98:12,  
 124:16

**realigned** [1] - 171:15

**realignment**  
 [1] - 149:13

**reality** [1] - 12:11

**realize** [2] - 74:11,  
 75:16

**realized** [1] - 233:17

**really** [43] - 15:13,  
 15:16, 21:14, 22:3,  
 26:2, 27:17, 28:2,  
 30:2, 38:3, 38:4,  
 39:10, 42:16, 45:14,  
 51:14, 52:13, 56:11,  
 68:18, 72:7, 74:16,  
 75:3, 77:11, 98:6,  
 99:14, 101:4, 114:1,  
 118:16, 132:17,  
 134:10, 135:2,  
 135:3, 136:5, 138:4,  
 140:12, 149:12,  
 151:18, 153:16,  
 154:11, 161:3,  
 188:9, 202:7,  
 203:15, 236:1

**rear** [27] - 88:13, 90:5,  
 92:18, 144:5, 146:6,  
 146:17, 153:12,  
 154:7, 157:9,  
 157:16, 157:18,  
 158:16, 180:14,  
 180:18, 182:14,  
 184:16, 191:16,  
 194:1, 199:6, 232:7,  
 232:11, 233:6,  
 235:7, 237:11,  
 238:6, 242:1, 242:7

**REASON** [6] - 252:9,  
 252:10, 252:11,  
 252:12, 252:13,  
 252:14

**reason** <sup>[6]</sup> - 86:3,  
 91:2, 108:5, 124:17,  
 132:13, 252:7  
**reasonable** <sup>[12]</sup> - 4:7,  
 95:9, 109:13,  
 109:16, 111:2,  
 133:10, 183:18,  
 195:1, 223:8, 246:3,  
 246:9, 247:4  
**reasoning** <sup>[1]</sup> - 63:7  
**reasons** <sup>[4]</sup> - 36:8,  
 85:4, 195:15,  
 225:11  
**Rebecca** <sup>[1]</sup> - 107:13  
**rebuild** <sup>[1]</sup> - 237:3  
**recapture** <sup>[1]</sup> - 169:15  
**receipt** <sup>[1]</sup> - 107:12  
**receive** <sup>[1]</sup> - 37:15  
**received** <sup>[2]</sup> - 74:12,  
 116:13  
**recent** <sup>[3]</sup> - 39:17,  
 69:13, 145:2  
**recently** <sup>[6]</sup> - 3:12,  
 11:7, 23:12, 64:6,  
 92:16, 205:18  
**recognize** <sup>[1]</sup> - 67:3  
**recommendation**  
<sup>[1]</sup> - 77:14  
**recommended**  
<sup>[1]</sup> - 233:8  
**reconstruct** <sup>[1]</sup> - 92:3  
**RECORD** <sup>[1]</sup> - 1:16  
**record** <sup>[7]</sup> - 52:17,  
 62:16, 112:8, 143:9,  
 153:7, 252:16,  
 253:6  
**recording** <sup>[4]</sup> - 4:5,  
 4:12, 4:14, 4:16  
**recordings** <sup>[1]</sup> - 4:13  
**recreational** <sup>[1]</sup> - 92:5  
**redo** <sup>[1]</sup> - 209:7  
**reduce** <sup>[11]</sup> - 129:15,  
 205:9, 208:13,  
 210:8, 212:1, 212:8,  
 213:9, 220:12,  
 221:16, 222:6,  
 222:15  
**reduced** <sup>[6]</sup> - 89:17,  
 205:6, 209:7,  
 217:12, 222:9,  
 227:2  
**reduces** <sup>[1]</sup> - 192:3  
**reducing** <sup>[5]</sup> - 191:6,  
 193:12, 198:17,

218:2, 226:15

**reduction**  
<sup>[10]</sup> - 211:15, 212:5,  
 224:11, 225:8,  
 225:12, 226:3,  
 226:12, 228:1,  
 228:12, 228:18

**refer** <sup>[1]</sup> - 6:11

**referenced** <sup>[3]</sup> - 47:5,  
 63:5, 63:18

**referencing**  
<sup>[1]</sup> - 39:11

**referred** <sup>[1]</sup> - 68:2

**reflect** <sup>[2]</sup> - 140:5,  
 149:13

**refresh** <sup>[1]</sup> - 48:2

**refrigerator**  
<sup>[2]</sup> - 169:17, 171:14

**refrigerators**  
<sup>[1]</sup> - 160:14

**refurbished**  
<sup>[1]</sup> - 197:10

**regarding** <sup>[10]</sup> - 6:6,  
 63:4, 185:9, 187:8,  
 225:7, 229:9, 242:5,  
 248:2, 248:10,  
 250:14

**regular** <sup>[1]</sup> - 18:18

**regulation** <sup>[2]</sup> - 46:4,  
 49:12

**regulations**  
<sup>[1]</sup> - 215:6

**reinvent** <sup>[1]</sup> - 159:14

**reiterate** <sup>[1]</sup> - 203:5

**relate** <sup>[1]</sup> - 52:3

**related** <sup>[4]</sup> - 72:15,  
 123:11, 123:12,  
 227:16

**relates** <sup>[1]</sup> - 121:7

**relating** <sup>[1]</sup> - 184:18

**relationships**  
<sup>[1]</sup> - 41:2

**relative** <sup>[1]</sup> - 217:7

**relatively** <sup>[2]</sup> - 22:6,  
 38:13

**relevant** <sup>[1]</sup> - 57:14

**reliance** <sup>[1]</sup> - 76:15

**relied** <sup>[1]</sup> - 74:12

**relief** <sup>[44]</sup> - 10:1,  
 27:11, 37:16, 65:17,  
 77:4, 88:11, 94:3,  
 95:2, 95:4, 95:9,  
 95:13, 95:18, 109:5,  
 109:17, 110:9,

110:10, 110:17,  
 111:5, 111:9,  
 114:15, 118:11,  
 119:11, 130:2,  
 134:9, 144:2, 146:8,  
 148:17, 160:4,  
 182:13, 183:10,  
 183:15, 184:3,  
 215:8, 220:14,  
 222:6, 245:3, 245:7,  
 246:1, 246:8,  
 246:10, 246:18,  
 247:13, 250:1,  
 250:2

**relocated** <sup>[1]</sup> - 89:17

**reluctantly** <sup>[1]</sup> - 74:11

**rely** <sup>[2]</sup> - 67:2, 71:16

**relying** <sup>[1]</sup> - 25:11

**remain** <sup>[2]</sup> - 162:5,  
 227:8

**remainder** <sup>[4]</sup> - 120:9,

122:2, 122:16,

132:3

**remainders**

<sup>[1]</sup> - 118:4

**remaining**

<sup>[1]</sup> - 106:10

**remarks** <sup>[1]</sup> - 97:15

**remedy** <sup>[3]</sup> - 31:10,

31:11, 32:2

**remember** <sup>[2]</sup> - 4:1,

55:2

**remodelling**

<sup>[1]</sup> - 81:15

**removal** <sup>[1]</sup> - 243:2

**remove** <sup>[2]</sup> - 242:16,

243:18

**removing** <sup>[4]</sup> - 167:9,

195:16, 226:10,

243:9

**renders** <sup>[2]</sup> - 37:9,

245:16

**renewed** <sup>[1]</sup> - 190:1

**renovate** <sup>[2]</sup> - 92:3,

235:17

**renovated**

<sup>[4]</sup> - 155:18, 189:5,

189:11, 246:17

**renovating**

<sup>[3]</sup> - 156:1, 172:18,

190:4

**Renovation**

<sup>[1]</sup> - 149:2

**renovation**

[14] - 7:14, 69:9,  
144:8, 151:7,  
153:12, 153:15,  
154:4, 155:13,  
157:1, 160:8,  
161:16, 189:11,  
196:11

### **renovations**

[2] - 202:12, 203:18

**rent** [9] - 16:7, 16:8,

130:15, 168:15,  
204:1, 215:14,  
218:12, 220:4,  
221:9

**rental** [3] - 56:2,

155:12, 177:4

**rented** [8] - 43:11,

198:2, 198:11,  
199:9, 199:10,  
210:11, 215:2,  
215:14

**renters** [1] - 209:6

**renting** [3] - 168:17,

169:1, 208:16

**rents** [2] - 204:1,

209:4

**repair** [1] - 117:4

**repeatedly** [1] - 59:17

**replace** [5] - 170:15,

193:1, 241:18,  
244:1

**replaces** [1] - 199:5

### **replacing**

[3] - 146:10, 245:11,  
245:12

**report** [4] - 196:7,

199:16, 208:16

### **REPORTER**

[1] - 253:16

**Reporter** [2] - 253:4,

253:11

### **REPORTERS**

[1] - 1:15

**represent** [1] - 12:9

### **representation**

[1] - 66:18

### **representations**

[2] - 64:18, 65:5

### **representative**

[1] - 64:3

### **representatives**

[1] - 63:15

### **representing**

[1] - 88:9

**REPRODUCTION**

[1] - 253:15

**request** [24] - 6:4,  
27:11, 66:15, 67:6,  
115:14, 117:11,  
120:8, 121:18,  
123:6, 125:7,  
125:16, 129:15,  
191:5, 193:5, 206:3,  
210:8, 211:18,  
215:4, 231:11,  
236:3, 239:16,  
243:2, 246:2

**requested** [8] - 94:3,  
95:13, 148:18,  
182:14, 222:6,  
245:7, 246:8,  
250:17

**requesting**  
[7] - 88:11, 143:12,  
232:5, 232:6, 233:2,  
233:5, 234:15

**requests** [3] - 82:18,  
89:14, 194:3

**require** [5] - 95:2,  
110:9, 133:5,  
183:10, 246:1

**required** [7] - 44:1,  
99:12, 191:13,  
224:13, 226:8,  
237:2, 237:16

**requirement**  
[6] - 140:2, 222:9,  
223:16, 224:9,  
238:11, 246:5

**requirements**  
[12] - 4:7, 84:9,  
84:14, 88:12, 149:4,  
185:17, 212:4,  
219:12, 222:2,  
224:16, 248:13

**rescind** [1] - 128:11

**reside** [1] - 242:7

**resided** [1] - 88:17

**residence** [2] - 88:14,  
90:3

**Residence**

[8] - 63:11, 63:16,  
65:16, 79:7, 79:10,  
80:2, 82:2, 90:16

**resident** [1] - 205:2

**residential** [12] - 9:8,  
23:4, 36:18, 50:8,  
55:17, 56:4, 74:2,



79:8, 200:1, 224:4,  
225:3, 228:2

**residents** [7] - 14:2,  
128:1, 209:10,  
209:17, 210:12,  
225:15, 249:12

**resistance**  
[1] - 128:10

**resolve** [1] - 26:12

**resolving** [1] - 15:17

**resources** [1] - 34:8

**RESPECT**  
[1] - 253:15

**respect** [8] - 27:12,  
88:16, 115:15,  
117:8, 118:4, 120:8,  
122:1, 135:2

**respectfully** [3] - 6:4,  
66:15, 243:1

**respects** [1] - 246:7

**Response**  
[13] - 62:13, 82:14,  
91:16, 104:8,  
104:10, 107:11,  
108:16, 148:10,  
172:11, 184:5,  
208:7, 239:7,  
239:12

**response** [6] - 63:1,  
63:5, 63:13, 67:13,  
89:14, 89:18

**responsible** [1] - 25:5

**responsive**  
[1] - 242:15

**rest** [4] - 30:3, 33:1,  
36:9, 210:11

**restaurant**  
[2] - 115:18, 123:5

**restored** [1] - 15:7

**restrictions** [3] - 23:4,  
124:6, 224:6

**result** [4] - 71:14,  
75:7, 224:7, 225:4

**resultant** [1] - 192:4

**retail** [10] - 116:4,  
116:10, 116:16,  
116:17, 117:13,  
123:7, 123:8,  
123:11, 123:13,  
124:1

**retire** [1] - 164:13

**retired** [1] - 164:9

**retiring** [1] - 169:4

**return** [1] - 209:12

**revealed** <sup>[1]</sup> - 153:13  
**review** <sup>[2]</sup> - 106:6,  
 108:4  
**reviewed** <sup>[6]</sup> - 21:16,  
 83:9, 92:9, 93:5,  
 108:12, 206:5  
**reviews** <sup>[1]</sup> - 106:2  
**revitalization**  
<sup>[1]</sup> - 15:6  
**Revolution** <sup>[1]</sup> - 13:8  
**rezoning** <sup>[1]</sup> - 76:11  
**Richard** <sup>[1]</sup> - 63:3  
**richness** <sup>[1]</sup> - 13:17  
**rickety** <sup>[1]</sup> - 236:1  
**rid** <sup>[4]</sup> - 131:10,  
 131:17, 132:2,  
 170:13  
**ride** <sup>[3]</sup> - 41:9, 43:6,  
 218:3  
**rig** <sup>[1]</sup> - 176:8  
**rightly** <sup>[2]</sup> - 40:8, 51:9  
**Rindge** <sup>[3]</sup> - 92:8,  
 93:7, 93:10  
**rise** <sup>[1]</sup> - 170:6  
**road** <sup>[2]</sup> - 134:15,  
 203:10  
**robe** <sup>[1]</sup> - 78:8  
**ROBERT** <sup>[1]</sup> - 204:15  
**Robert** <sup>[2]</sup> - 204:15,  
 240:18  
**role** <sup>[1]</sup> - 133:12  
**roll** <sup>[1]</sup> - 54:4  
**RON** <sup>[2]</sup> - 59:5, 59:14  
**Ron** <sup>[1]</sup> - 59:5  
**roof** <sup>[15]</sup> - 15:7, 60:4,  
 72:15, 103:3, 161:9,  
 161:15, 182:3,  
 206:11, 206:15,  
 207:1, 207:4, 234:3,  
 234:11, 234:12,  
 236:5  
**room** <sup>[20]</sup> - 66:3,  
 98:14, 100:13,  
 100:15, 103:2,  
 103:16, 133:2,  
 135:14, 144:6,  
 145:16, 156:7,  
 158:1, 158:5,  
 167:11, 171:12,  
 171:15, 172:5,  
 174:16  
**room/dining**  
<sup>[1]</sup> - 100:15  
**rooms** <sup>[1]</sup> - 149:14

**roughly** <sup>[1]</sup> - 7:12  
**round** <sup>[3]</sup> - 39:17,  
 134:6  
**router** <sup>[1]</sup> - 53:17  
**router's** <sup>[1]</sup> - 53:17  
**routinely** <sup>[1]</sup> - 209:9  
**row** <sup>[2]</sup> - 161:6, 167:2  
**rule** <sup>[2]</sup> - 231:12,  
 236:12  
**ruled** <sup>[2]</sup> - 51:8, 52:9  
**run** <sup>[7]</sup> - 20:18, 41:8,  
 54:13, 54:17, 55:1,  
 98:4, 130:10  
**runoff** <sup>[1]</sup> - 226:14  
**Ruth** <sup>[1]</sup> - 88:10  
**ruts** <sup>[1]</sup> - 203:9

## S

**S-A-L-G-U-E-R-O**  
<sup>[1]</sup> - 97:11  
**Sacramento** <sup>[1]</sup> - 54:5  
**safe** <sup>[1]</sup> - 183:18  
**safety** <sup>[8]</sup> - 85:12,  
 150:10, 186:15,  
 212:7, 222:15,  
 228:5, 242:16,  
 249:7  
**Salguero** <sup>[1]</sup> - 97:10  
**SALGUERO**  
<sup>[5]</sup> - 97:17, 100:14,  
 101:6, 103:6,  
 103:13  
**Salguero's**  
<sup>[1]</sup> - 107:15  
**SAME** <sup>[1]</sup> - 253:15  
**San** <sup>[1]</sup> - 128:17  
**sanctioned**  
<sup>[2]</sup> - 69:15, 79:14  
**satisfied** <sup>[1]</sup> - 223:17  
**savings** <sup>[1]</sup> - 175:11  
**savvy** <sup>[2]</sup> - 24:18,  
 128:15  
**saw** <sup>[1]</sup> - 239:3  
**Sawyer** <sup>[1]</sup> - 6:1  
**scary** <sup>[1]</sup> - 203:15  
**scenario** <sup>[1]</sup> - 27:4  
**schedule** <sup>[1]</sup> - 119:1  
**scheduled** <sup>[1]</sup> - 222:2  
**scheme** <sup>[1]</sup> - 169:14  
**SCHNEIDER**  
<sup>[47]</sup> - 5:16, 17:15,  
 18:6, 21:4, 21:15,  
 24:4, 25:13, 25:17,

27:7, 29:2, 29:11,  
 30:7, 31:15, 32:8,  
 32:16, 33:2, 33:6,  
 33:10, 33:13, 33:17,  
 34:3, 35:17, 36:4,  
 37:6, 37:13, 39:8,  
 40:12, 41:11, 41:14,  
 42:11, 42:16, 43:16,  
 45:6, 47:3, 48:5,  
 48:8, 48:11, 48:14,  
 49:2, 49:5, 49:9,  
 51:4, 67:12, 75:14,  
 77:12, 78:6, 80:10

**Schneider** <sup>[1]</sup> - 5:18

**school** <sup>[1]</sup> - 168:18

**science** <sup>[1]</sup> - 52:14

**screen** <sup>[6]</sup> - 88:13,  
 89:10, 89:13, 92:17,  
 93:2, 214:7

**screening** <sup>[1]</sup> - 214:7

**screens** <sup>[1]</sup> - 207:4

**SEAN** <sup>[10]</sup> - 143:7,  
 145:11, 145:15,  
 146:5, 146:16,  
 147:2, 147:4, 147:9,  
 147:17, 151:17

**Sean** <sup>[1]</sup> - 143:9

**seasons** <sup>[1]</sup> - 94:12

**seat** <sup>[1]</sup> - 89:6

**second** <sup>[22]</sup> - 4:3, 9:2,  
 54:8, 100:9, 100:18,  
 101:2, 102:8,  
 102:10, 102:17,  
 102:18, 156:2,  
 156:3, 156:18,  
 161:10, 161:12,  
 162:13, 162:14,  
 176:8, 191:5, 235:6,  
 238:17

**secondary** <sup>[1]</sup> - 44:15

**secondly** <sup>[1]</sup> - 50:10

**Section** <sup>[5]</sup> - 63:18,  
 65:12, 84:6, 84:11,  
 223:16

**sections** <sup>[1]</sup> - 129:14

**secured** <sup>[1]</sup> - 25:7

**security** <sup>[1]</sup> - 36:8

**see** <sup>[26]</sup> - 38:18, 39:7,  
 44:2, 62:14, 82:15,  
 91:17, 108:5,  
 126:17, 127:18,  
 133:18, 145:10,  
 176:4, 180:6, 180:9,  
 191:4, 202:7,

205:15, 208:8,  
 216:13, 216:18,  
 217:4, 219:5, 221:1,  
 234:2, 241:10,  
 242:18  
**seeing** [5] - 44:17,  
 55:18, 75:9, 182:4,  
 218:1  
**seek** [2] - 32:1, 32:4  
**seeking** [4] - 10:2,  
 76:1, 89:3, 241:4  
**seem** [1] - 39:4  
**segment** [1] - 38:18  
**segregated** [1] - 36:8  
**Senior** [2] - 1:5,  
 212:12  
**sense** [8] - 27:6, 38:4,  
 75:16, 134:18,  
 135:8, 135:12,  
 196:3, 218:5  
**sensitive** [1] - 174:7  
**sensitively** [1] - 39:18  
**sensitivity**  
 [1] - 123:10  
**sent** [2] - 63:2, 127:12  
**separate** [9] - 16:16,  
 17:14, 17:16, 40:2,  
 125:5, 131:5, 181:8,  
 221:8  
**separating** [1] - 248:9  
**September**  
 [1] - 155:15  
**series** [3] - 46:14,  
 76:9, 144:3  
**serve** [2] - 8:3, 165:7  
**served** [4] - 9:12,  
 116:1, 223:11,  
 223:16  
**servers** [2] - 33:9,  
 33:10  
**service** [2] - 193:15,  
 215:11  
**Services** [3] - 6:6,  
 64:8, 252:3  
**services** [2] - 14:13,  
 29:13  
**serving** [3] - 3:16,  
 38:17, 224:1  
**sessions** [1] - 4:5  
**set** [4] - 116:10,  
 191:9, 253:6, 253:7  
**setback** [18] - 82:1,  
 99:12, 143:13,  
 143:18, 155:3,

181:2, 190:12,  
 190:13, 190:15,  
 221:18, 225:6,  
 236:18, 237:8,  
 237:11, 237:17,  
 238:6, 238:8

**setback's** <sup>[1]</sup> - 91:3

**setbacks** <sup>[5]</sup> - 88:16,  
 98:18, 105:4,  
 143:17, 144:13

**seven** <sup>[9]</sup> - 82:2,  
 139:18, 140:6,  
 145:17, 147:1,  
 203:11, 237:16,  
 239:18

**seven-year-old**  
<sup>[1]</sup> - 239:18

**several** <sup>[2]</sup> - 102:3,  
 203:9

**shall** <sup>[3]</sup> - 121:16,  
 148:15, 223:7

**shame** <sup>[1]</sup> - 75:7

**shape** <sup>[4]</sup> - 26:2, 85:7,  
 184:18, 245:15

**share** <sup>[1]</sup> - 14:16

**shared** <sup>[1]</sup> - 223:18

**sharing** <sup>[1]</sup> - 218:3

**sheathing** <sup>[3]</sup> - 234:3,  
 234:8, 234:10

**shed** <sup>[3]</sup> - 236:6,  
 242:2, 250:15

**SHEET** <sup>[1]</sup> - 252:1

**Sheet** <sup>[2]</sup> - 252:2,  
 252:7

**sheet** <sup>[1]</sup> - 252:7

**Shevlen** <sup>[1]</sup> - 212:12

**SHEVLEN**  
<sup>[1]</sup> - 212:12

**shifted** <sup>[1]</sup> - 29:14

**shoe** <sup>[1]</sup> - 117:4

**shop** <sup>[3]</sup> - 14:12,  
 117:4, 117:5

**short** <sup>[4]</sup> - 77:5,  
 77:11, 154:11,  
 177:4

**short-term** <sup>[1]</sup> - 177:4

**shorten** <sup>[1]</sup> - 120:7

**Shorthand**  
<sup>[2]</sup> - 253:4, 253:11

**show** <sup>[2]</sup> - 45:13,  
 214:6

**Show** <sup>[5]</sup> - 184:7,  
 229:3, 229:14,  
 247:14, 251:3

**shown** [3] - 155:4,  
192:1, 242:10

**shows** [2] - 157:9,  
157:12

**SHULMAN** [1] - 210:1

**Shulman** [1] - 210:1

**shut** [2] - 75:8, 135:16

**shutter** [1] - 71:13

**side** [38] - 82:1, 82:4,  
88:16, 94:11, 98:1,  
98:8, 98:12, 98:13,  
99:3, 99:8, 99:11,  
100:12, 105:6,  
132:18, 143:17,  
146:4, 146:12,  
146:15, 181:2,  
190:12, 190:15,  
207:17, 213:11,  
225:6, 225:13,  
236:18, 237:8,  
237:9, 237:17,  
238:2, 238:5,  
241:14, 243:14,  
248:3

**sidekick** [1] - 58:7

**sides** [2] - 62:1, 101:4

**sign** [4] - 57:2, 140:1,  
140:4, 173:8

**Sign** [1] - 252:7

**SIGNATURE**  
[1] - 252:1

**signed** [1] - 204:18

**significant**  
[4] - 153:14, 154:6,  
154:13, 176:13

**significantly**  
[3] - 85:8, 192:3,  
192:9

**similar** [4] - 17:9,  
119:15, 190:16,  
241:5

**simplified** [1] - 89:17

**simply** [1] - 116:2

**sincerely** [2] - 67:11,  
212:12

**SINGANAYAGAM**  
[2] - 49:13, 50:2

**Singapore** [1] - 11:7

**single** [2] - 35:6,  
203:12

**SISIA** [6] - 136:18,  
137:3, 137:8, 139:6,  
139:11, 250:11

**Sisia** [1] - 1:11

**sit** <sup>[1]</sup> - 27:8  
**site** <sup>[9]</sup> - 40:9, 41:16,  
 41:17, 44:3, 73:4,  
 193:6, 211:15,  
 225:17, 226:14  
**Sitting** <sup>[10]</sup> - 3:4, 5:2,  
 81:2, 88:2, 97:2,  
 112:2, 143:2, 153:2,  
 188:2, 231:2  
**sitting** <sup>[2]</sup> - 55:6,  
 231:9  
**situated** <sup>[2]</sup> - 63:18,  
 66:14  
**situation** <sup>[3]</sup> - 209:10,  
 209:14, 209:15  
**six** <sup>[18]</sup> - 11:4, 35:7,  
 35:16, 36:5, 70:13,  
 82:2, 97:18, 103:14,  
 103:16, 137:5,  
 143:18, 160:3,  
 164:11, 165:1,  
 178:17, 203:11,  
 237:13  
**six-month** <sup>[1]</sup> - 137:5  
**sizable** <sup>[1]</sup> - 23:18  
**size** <sup>[11]</sup> - 85:7, 97:14,  
 110:8, 146:11,  
 179:6, 183:7, 183:8,  
 190:10, 233:8,  
 245:15  
**skimming** <sup>[1]</sup> - 39:1  
**skylights** <sup>[3]</sup> - 144:5,  
 145:13, 146:9  
**slated** <sup>[1]</sup> - 8:3  
**slater** <sup>[5]</sup> - 32:11,  
 91:8, 102:14, 197:4,  
 244:13  
**Slater** <sup>[12]</sup> - 1:9, 3:5,  
 5:4, 81:4, 88:4,  
 97:4, 112:4, 143:4,  
 153:4, 188:4, 231:4,  
 244:6  
**SLATER** <sup>[49]</sup> - 32:13,  
 32:18, 33:5, 33:8,  
 33:12, 33:15, 34:1,  
 34:5, 34:9, 34:14,  
 34:17, 35:2, 35:9,  
 36:2, 36:17, 37:12,  
 38:17, 40:11, 41:3,  
 72:13, 73:6, 73:16,  
 99:4, 102:15, 103:4,  
 103:7, 132:18,  
 137:14, 138:10,  
 138:16, 140:16,



145:9, 145:14,  
 146:2, 146:14,  
 161:10, 164:7,  
 164:12, 164:15,  
 169:8, 177:11,  
 178:6, 178:14,  
 180:4, 197:5,  
 212:15, 216:8,  
 218:14, 244:14  
**sleep** <sup>[1]</sup> - 36:11  
**sliced** <sup>[1]</sup> - 234:7  
**slight** <sup>[1]</sup> - 95:1  
**Slight** <sup>[1]</sup> - 4:2  
**slogging** <sup>[1]</sup> - 114:2  
**sloped** <sup>[2]</sup> - 167:1  
**slowly** <sup>[1]</sup> - 168:14  
**small** <sup>[4]</sup> - 22:6,  
 117:6, 151:18,  
 237:11  
**smaller** <sup>[1]</sup> - 181:14  
**snapshot** <sup>[1]</sup> - 216:12  
**snow** <sup>[2]</sup> - 216:14,  
 236:6  
**so-called** <sup>[1]</sup> - 66:10  
**Soden** <sup>[22]</sup> - 2:10,  
 188:6, 188:12,  
 189:2, 191:9, 193:7,  
 200:8, 201:15,  
 203:4, 204:16,  
 204:18, 205:2,  
 205:4, 205:7, 205:8,  
 207:15, 209:11,  
 209:12, 210:3,  
 210:14, 211:6  
**soil** <sup>[1]</sup> - 184:18  
**sold** <sup>[2]</sup> - 119:9,  
 119:13  
**sole** <sup>[2]</sup> - 166:12,  
 167:5  
**solely** <sup>[1]</sup> - 125:9  
**solution** <sup>[2]</sup> - 171:4,  
 171:5  
**solved** <sup>[1]</sup> - 180:1  
**someone** <sup>[2]</sup> - 23:13,  
 78:8  
**Somerville** <sup>[1]</sup> - 9:14  
**sometime** <sup>[4]</sup> - 45:8,  
 164:17, 201:7,  
 242:9  
**somewhat** <sup>[2]</sup> - 15:4,  
 109:16  
**somewhere**  
<sup>[1]</sup> - 202:14  
**son** <sup>[1]</sup> - 239:18

**soon** <sup>[1]</sup> - 136:13  
**sorry** <sup>[16]</sup> - 20:9, 31:1,  
 31:9, 54:14, 83:3,  
 99:5, 104:14, 126:9,  
 132:11, 139:9,  
 165:15, 217:3,  
 226:4, 237:9, 245:3,  
 247:15  
**sort** <sup>[27]</sup> - 10:6, 27:9,  
 38:12, 40:17, 44:16,  
 48:16, 58:6, 68:3,  
 74:17, 75:2, 100:7,  
 106:8, 118:1,  
 123:18, 127:16,  
 131:5, 132:13,  
 132:16, 160:5,  
 168:5, 168:6, 170:2,  
 200:9, 216:9,  
 218:17, 221:15,  
 224:2  
**sought** <sup>[2]</sup> - 76:11,  
 109:5  
**sound** <sup>[2]</sup> - 58:15,  
 217:12  
**sounds** <sup>[3]</sup> - 73:10,  
 73:17, 218:8  
**south** <sup>[5]</sup> - 98:1,  
 98:13, 146:9, 147:5,  
 237:8  
**space** <sup>[143]</sup> - 6:8,  
 6:16, 6:18, 7:3, 7:4,  
 7:6, 7:8, 7:10, 7:15,  
 8:1, 8:2, 8:8, 8:12,  
 8:16, 8:18, 9:4,  
 10:5, 10:6, 10:8,  
 12:7, 12:13, 14:6,  
 18:3, 18:7, 18:13,  
 18:14, 19:3, 19:10,  
 22:5, 22:16, 23:2,  
 24:1, 25:5, 25:11,  
 27:17, 28:4, 30:2,  
 30:11, 30:17, 35:4,  
 35:18, 36:2, 36:3,  
 36:6, 36:7, 37:5,  
 37:7, 37:17, 38:11,  
 39:6, 41:12, 41:16,  
 42:5, 43:18, 44:2,  
 44:11, 45:8, 46:10,  
 46:11, 46:16, 47:14,  
 48:10, 48:12, 54:10,  
 55:16, 58:5, 60:18,  
 61:7, 66:10, 66:11,  
 68:11, 69:4, 69:9,  
 70:4, 71:9, 71:15,

72:15, 89:3, 94:10,  
 94:14, 98:3, 98:15,  
 100:7, 101:1, 101:5,  
 102:6, 102:16,  
 102:17, 103:8,  
 103:12, 109:12,  
 110:1, 123:2, 123:4,  
 129:16, 130:15,  
 157:6, 157:7,  
 158:18, 159:1,  
 159:3, 159:15,  
 159:16, 163:1,  
 168:1, 169:15,  
 174:7, 175:15,  
 176:17, 184:16,  
 192:1, 192:2, 192:4,  
 192:7, 192:18,  
 193:1, 193:3, 195:7,  
 195:16, 199:5,  
 202:3, 205:7,  
 205:10, 209:13,  
 210:13, 219:3,  
 220:13, 220:14,  
 220:15, 221:4,  
 225:10, 226:9,  
 235:8, 235:9,  
 238:10

**spaces** <sup>[56]</sup> - 38:14,  
 41:17, 41:18, 57:8,  
 131:4, 191:6, 193:9,  
 193:10, 193:11,  
 193:13, 194:14,  
 195:17, 196:2,  
 198:2, 198:7,  
 198:10, 198:16,  
 199:1, 199:8, 200:2,  
 200:15, 201:15,  
 203:15, 204:10,  
 208:13, 208:17,  
 209:4, 209:5, 209:6,  
 209:8, 209:11,  
 210:6, 210:10,  
 210:11, 211:9,  
 211:11, 211:16,  
 215:5, 215:13,  
 215:18, 217:11,  
 218:8, 218:13,  
 221:4, 221:9,  
 221:17, 222:7,  
 223:18, 224:12,  
 224:13, 225:8,  
 226:5, 227:2,  
 235:16

**span** <sup>[2]</sup> - 89:2,

167:18

**speaking** [2] - 126:14,  
138:1

**Special** [34] - 9:9,  
24:14, 31:12, 84:5,  
84:9, 86:14, 129:14,  
143:12, 148:16,  
152:5, 155:9,  
161:12, 185:9,  
187:6, 187:11,  
187:14, 190:2,  
208:12, 212:2,  
221:14, 221:16,  
222:10, 222:12,  
228:12, 228:18,  
229:6, 229:12,  
231:12, 232:18,  
242:5, 243:4, 244:4,  
250:3, 250:15

**specific** [5] - 28:16,  
39:6, 123:12,  
128:12, 219:10

**specifically**  
[9] - 13:16, 30:15,  
31:4, 31:14, 34:12,  
59:16, 206:4, 223:3,  
241:18

**specifications**  
[2] - 95:15, 101:16

**specifics** [2] - 121:12,  
129:10

**spend** [4] - 36:15,  
78:11, 114:1, 120:4

**spent** [2] - 175:7,  
175:10

**spirit** [1] - 16:1

**split** [1] - 106:9

**sport** [1] - 60:18

**sports** [3] - 12:11,  
12:15, 61:10

**spot** [1] - 43:12

**Square** [3] - 71:10,  
189:5, 226:1

**square** [18] - 6:18,  
7:9, 7:14, 35:3,  
35:10, 35:11, 48:9,  
90:13, 92:18, 106:9,  
106:10, 106:11,  
232:9, 232:15,  
233:3, 233:4,  
236:14

**SS** [1] - 253:3

**staff** [3] - 18:13, 65:1,  
67:1

**staffed** [1] - 35:15  
**stage** [2] - 202:5,  
202:18  
**stair** [15] - 166:12,  
167:9, 167:12,  
167:14, 167:18,  
170:12, 170:13,  
170:14, 176:11,  
191:1, 191:3,  
233:15, 234:8,  
234:16  
**stair's** [1] - 234:5  
**staircase** [6] - 157:9,  
157:16, 157:18,  
158:1, 158:5,  
158:16  
**staircases** [2] - 160:1,  
170:5  
**stairs** [11] - 154:7,  
154:9, 154:10,  
161:1, 161:4,  
166:16, 166:18,  
175:7, 176:6,  
176:17  
**stairway** [7] - 159:2,  
159:12, 181:1,  
182:15, 183:3,  
183:14, 185:6  
**stairways** [4] - 154:8,  
159:9, 169:15,  
174:18  
**stairwell** [2] - 170:11,  
234:14  
**stairwells** [1] - 172:1  
**standards** [2] - 151:9,  
247:5  
**start** [4] - 99:9, 113:3,  
135:14, 195:11  
**started** [6] - 21:2,  
40:16, 49:15, 50:5,  
156:1, 161:16  
**startup** [2] - 11:8,  
11:12  
**startups** [3] - 11:17,  
13:2, 14:6  
**state** [1] - 227:5  
**statement**  
[1] - 174:16  
**statement(s)**  
[1] - 252:17  
**States** [1] - 13:1  
**states** [2] - 210:4,  
210:10  
**station** [7] - 14:17,

29:8, 64:5, 71:1,  
71:2, 223:13, 226:2  
**stationary** <sup>[1]</sup> - 117:6  
**statutory** <sup>[2]</sup> - 140:2,  
184:11  
**Stay** <sup>[1]</sup> - 76:6  
**stay** <sup>[9]</sup> - 76:10,  
76:16, 78:15, 89:10,  
143:15, 144:18,  
155:16, 157:13,  
191:1  
**stayed** <sup>[2]</sup> - 32:2,  
76:18  
**staying** <sup>[1]</sup> - 170:10  
**STEELE** <sup>[1]</sup> - 203:3  
**Steele** <sup>[1]</sup> - 203:4  
**stepping** <sup>[1]</sup> - 78:1  
**stick** <sup>[2]</sup> - 60:17,  
103:15  
**still** <sup>[10]</sup> - 17:14,  
21:18, 22:2, 22:8,  
30:12, 68:6, 181:10,  
214:6, 238:18,  
239:2  
**STONE** <sup>[1]</sup> - 81:10  
**Stone** <sup>[2]</sup> - 81:10,  
83:8  
**stop** <sup>[4]</sup> - 52:1, 148:2,  
205:2, 205:9  
**stopped** <sup>[1]</sup> - 205:6  
**storage** <sup>[2]</sup> - 201:9,  
217:13  
**store** <sup>[6]</sup> - 117:3,  
117:4, 117:6, 123:5,  
166:6  
**stores** <sup>[1]</sup> - 117:13  
**storm** <sup>[1]</sup> - 226:14  
**story** <sup>[12]</sup> - 98:14,  
101:1, 102:7,  
103:12, 211:5,  
235:7, 236:10,  
241:4, 242:1, 244:1,  
244:2, 244:15  
**straight** <sup>[1]</sup> - 154:9  
**straights** <sup>[1]</sup> - 161:7  
**strategic** <sup>[1]</sup> - 11:3  
**strategy** <sup>[1]</sup> - 11:2  
**strawberry** <sup>[1]</sup> - 102:1  
**street** <sup>[19]</sup> - 43:14,  
85:18, 108:9, 121:8,  
121:9, 121:10,  
132:8, 190:8, 195:8,  
203:6, 203:14,  
209:15, 216:2,

220:5, 221:17,  
 223:8, 223:10,  
 223:18, 240:1

**Street** <sup>[60]</sup> - 2:3, 2:4,  
 2:5, 2:8, 2:9, 2:10,  
 5:7, 6:7, 6:12,  
 12:17, 53:3, 53:9,  
 59:6, 59:8, 60:1,  
 79:7, 81:6, 81:9,  
 81:11, 82:13, 83:6,  
 88:6, 88:8, 88:10,  
 91:15, 92:1, 97:9,  
 104:18, 112:13,  
 143:6, 143:11,  
 148:9, 153:6, 153:9,  
 172:10, 188:6,  
 188:11, 188:13,  
 189:2, 191:10,  
 193:7, 200:8,  
 201:15, 203:4,  
 204:16, 204:18,  
 205:2, 205:4, 205:7,  
 205:8, 205:15,  
 206:5, 207:16,  
 209:9, 209:17,  
 210:3, 211:6,  
 240:12, 242:5,  
 242:13

**streets** <sup>[1]</sup> - 189:8

**streetscape**  
<sup>[1]</sup> - 246:15

**strenuously**  
<sup>[1]</sup> - 113:15

**stress** <sup>[1]</sup> - 17:13

**strikes** <sup>[1]</sup> - 114:16

**strong** <sup>[1]</sup> - 113:11

**strongly** <sup>[1]</sup> - 76:13

**structural** <sup>[3]</sup> - 171:9,  
 175:3

**structure** <sup>[24]</sup> - 28:16,  
 84:7, 84:13, 107:5,  
 107:6, 109:10,  
 144:11, 144:16,  
 145:1, 145:8, 147:7,  
 159:17, 173:11,  
 183:8, 184:1,  
 207:16, 222:3,  
 225:5, 234:11,  
 235:17, 245:12,  
 245:13, 246:17,  
 249:10

**structured**  
<sup>[1]</sup> - 144:15

**struggle** <sup>[1]</sup> - 75:1

**struggled** <sup>[1]</sup> - 154:12  
**struggles** <sup>[1]</sup> - 219:7  
**struggling** <sup>[2]</sup> - 44:14,  
 60:5  
**stuck** <sup>[1]</sup> - 174:5  
**students** <sup>[1]</sup> - 204:4  
**studio** <sup>[1]</sup> - 117:5  
**stuff** <sup>[4]</sup> - 33:9, 58:10,  
 115:2, 201:18  
**subject** <sup>[1]</sup> - 4:6  
**submit** <sup>[2]</sup> - 6:10,  
 140:16  
**submittal** <sup>[1]</sup> - 211:2  
**submitted** <sup>[11]</sup> - 83:7,  
 90:2, 95:16, 111:6,  
 151:15, 184:4,  
 187:8, 196:6,  
 206:10, 207:6,  
 229:11  
**submitting** <sup>[1]</sup> - 89:12  
**subscribe**  
<sup>[1]</sup> - 252:16  
**subsidy** <sup>[2]</sup> - 16:13,  
 16:15  
**substance** <sup>[1]</sup> - 211:1  
**substantial**  
<sup>[13]</sup> - 94:8, 95:5,  
 109:8, 110:11,  
 149:8, 183:1,  
 183:13, 185:4,  
 186:4, 226:18,  
 245:9, 246:11,  
 248:16  
**substantially**  
<sup>[6]</sup> - 95:10, 110:17,  
 183:16, 212:8,  
 222:15, 247:1  
**subtenants** <sup>[1]</sup> - 19:9  
**success** <sup>[1]</sup> - 11:16  
**successful**  
<sup>[2]</sup> - 31:11, 205:5  
**succinct** <sup>[1]</sup> - 55:12  
**succinctly** <sup>[2]</sup> - 5:10,  
 53:1  
**sudden** <sup>[1]</sup> - 114:4  
**Sue** <sup>[1]</sup> - 242:4  
**sufficient** <sup>[1]</sup> - 210:16  
**suggest** <sup>[1]</sup> - 209:3  
**suggested**  
<sup>[1]</sup> - 154:14  
**suggesting**  
<sup>[1]</sup> - 26:18  
**suit** <sup>[1]</sup> - 218:9  
**Sullivan** <sup>[25]</sup> - 1:8,



3:4, 5:3, 47:5, 80:8,  
 81:3, 87:1, 88:3,  
 96:4, 97:3, 111:12,  
 112:3, 112:14,  
 142:6, 143:3, 152:8,  
 153:3, 184:8, 188:3,  
 229:5, 229:16,  
 231:3, 247:18,  
 250:6, 251:5

**sullivan** <sup>[1]</sup> - 187:16

**SULLIVAN** <sup>[254]</sup> - 3:7,  
 4:3, 5:5, 16:5,  
 16:12, 16:16, 17:1,  
 17:4, 17:9, 18:5,  
 20:6, 20:11, 21:6,  
 24:2, 24:7, 27:4,  
 28:5, 31:7, 32:11,  
 35:13, 36:3, 36:10,  
 36:16, 44:12, 49:10,  
 50:17, 51:2, 51:5,  
 56:5, 58:16, 59:2,  
 59:12, 60:12, 61:13,  
 62:10, 62:14, 72:3,  
 73:7, 74:9, 77:5,  
 77:18, 78:8, 78:16,  
 79:5, 80:6, 81:5,  
 81:12, 82:6, 82:10,  
 82:15, 83:14, 83:17,  
 84:4, 86:17, 88:5,  
 90:11, 90:15, 91:2,  
 91:7, 91:11, 91:17,  
 93:18, 94:2, 96:2,  
 97:5, 100:4, 100:11,  
 100:17, 102:6,  
 102:11, 102:14,  
 104:1, 104:4, 104:9,  
 104:11, 104:14,  
 105:18, 107:4,  
 107:9, 107:12,  
 108:17, 109:4,  
 111:11, 112:5,  
 113:7, 114:8, 118:1,  
 118:5, 119:4, 119:7,  
 120:1, 120:13,  
 121:15, 122:3,  
 124:4, 124:11,  
 124:16, 125:1,  
 126:2, 127:1,  
 128:14, 129:11,  
 130:9, 133:17,  
 134:5, 134:8,  
 135:13, 136:3,  
 136:10, 136:16,  
 137:2, 137:6,

137:10, 137:15,  
138:3, 139:15,  
140:8, 141:6,  
141:10, 142:2,  
143:5, 146:3,  
146:12, 146:18,  
147:3, 147:6,  
147:16, 148:1,  
148:6, 148:11,  
151:13, 152:2,  
152:7, 153:5,  
155:10, 156:2,  
156:6, 156:16,  
157:3, 157:8,  
157:12, 157:15,  
158:2, 158:7,  
158:14, 159:10,  
160:12, 160:15,  
161:18, 162:5,  
162:9, 165:2, 165:9,  
168:3, 169:5,  
171:10, 172:3,  
172:12, 173:9,  
173:16, 173:18,  
174:3, 174:10,  
174:12, 175:4,  
175:9, 175:13,  
177:3, 177:6, 177:8,  
179:16, 180:7,  
180:10, 180:17,  
181:7, 181:10,  
181:16, 182:12,  
184:6, 184:10,  
185:14, 185:17,  
187:13, 188:5,  
188:9, 188:14,  
188:18, 194:5,  
194:12, 194:16,  
195:2, 195:5,  
195:12, 195:18,  
196:4, 197:1, 197:4,  
197:6, 198:15,  
199:13, 200:3,  
200:5, 203:1,  
204:12, 205:11,  
207:7, 207:13,  
208:5, 208:8, 213:4,  
213:18, 214:3,  
214:9, 214:16,  
215:7, 215:11,  
216:5, 216:7, 216:9,  
219:14, 220:1,  
221:11, 221:13,  
228:11, 228:15,

229:4, 229:6, 229:9,  
 229:15, 229:18,  
 231:5, 232:1,  
 238:13, 238:17,  
 239:2, 239:5, 239:8,  
 239:13, 240:5,  
 241:15, 243:11,  
 243:16, 244:13,  
 244:16, 245:2,  
 245:6, 247:15,  
 248:2, 248:5, 248:8,  
 250:5, 250:8,  
 250:13, 251:4

**sum** <sup>[1]</sup> - 210:18

**sun** <sup>[1]</sup> - 89:4

**sunroom** <sup>[2]</sup> - 161:9,  
 182:3

**support** <sup>[26]</sup> - 11:12,  
 14:15, 15:15, 27:14,  
 30:4, 44:18, 78:5,  
 82:3, 83:7, 90:2,  
 92:4, 93:13, 95:7,  
 107:14, 108:1,  
 108:10, 108:13,  
 110:13, 110:15,  
 172:14, 175:17,  
 239:16, 240:13,  
 241:17, 246:13,  
 250:1

**supported** <sup>[2]</sup> - 75:10,  
 205:8

**supportive**  
<sup>[2]</sup> - 240:9, 241:3

**supports** <sup>[2]</sup> - 92:10,  
 210:8

**sure...** <sup>[1]</sup> - 146:4

**surface** <sup>[1]</sup> - 226:12

**surplus** <sup>[1]</sup> - 223:10

**surprise** <sup>[1]</sup> - 154:6

**surrounding**

<sup>[1]</sup> - 211:14

**survey** <sup>[1]</sup> - 43:5

**SUSAN** <sup>[3]</sup> - 207:11,  
 207:15, 208:2

**Susan** <sup>[1]</sup> - 207:11

**suspect** <sup>[1]</sup> - 36:10

**swap** <sup>[3]</sup> - 55:2, 55:3,  
 55:4

**sweat** <sup>[1]</sup> - 244:18

**switch** <sup>[5]</sup> - 54:12,  
 54:14, 55:1, 66:3,  
 178:16

**switchers** <sup>[1]</sup> - 33:5

**switches** <sup>[2]</sup> - 54:16,

54:17  
**switching** [9] - 28:12,  
 29:8, 34:15, 57:2,  
 57:3, 64:4, 68:8,  
 70:18, 71:2  
**sympathetic**  
 [1] - 241:7  
**system** [5] - 60:4,  
 213:7, 213:8, 213:9  
**systemic** [1] - 219:9  
**systems** [2] - 60:11,  
 189:18

## T

**T's** [2] - 26:9, 38:15  
**T-O-L-L-E-S**  
 [1] - 108:8  
**table** [1] - 125:18  
**Table** [1] - 135:5  
**tail** [1] - 21:1  
**tailor** [1] - 42:17  
**tall** [1] - 81:17  
**tape** [1] - 4:17  
**targeted** [1] - 128:12  
**tasteful** [1] - 244:10  
**tea** [1] - 114:4  
**teaching** [1] - 55:7  
**team** [2] - 12:15, 29:6  
**tears** [1] - 244:18  
**tech** [7] - 11:15,  
 11:17, 12:2, 14:1,  
 36:13, 38:9, 40:4  
**technicians** [1] - 55:1  
**technology** [35] - 8:5,  
 8:6, 9:18, 10:7,  
 12:3, 12:10, 12:17,  
 13:12, 14:11, 17:8,  
 18:8, 27:16, 28:2,  
 29:7, 29:9, 29:12,  
 29:17, 30:11, 30:14,  
 31:1, 31:3, 39:4,  
 39:11, 39:17, 53:13,  
 61:8, 68:11, 70:9,  
 70:10, 70:15, 70:16,  
 71:2, 71:5, 72:1  
**Tedesco** [2] - 3:13,  
 3:15  
**telecom** [6] - 18:1,  
 18:11, 39:12, 39:18,  
 40:10, 71:15  
**telecommunication**  
 [6] - 21:3, 34:17,  
 64:5, 64:14, 72:16

**telecommunication'****s** <sup>[1]</sup> - 42:3**telecommunication****s** <sup>[19]</sup> - 6:15, 8:4,  
9:6, 9:11, 9:13,  
9:18, 17:18, 22:2,  
22:9, 22:12, 28:1,  
29:4, 29:13, 33:3,  
37:17, 39:14, 53:12,  
68:7, 70:6**telephone** <sup>[8]</sup> - 20:16,21:10, 24:18, 29:8,  
51:12, 66:4, 70:18,  
71:1**ten** <sup>[5]</sup> - 164:18,173:11, 178:10,  
178:13, 215:18**tenancy** <sup>[2]</sup> - 8:14,

37:9

**tenant** <sup>[5]</sup> - 66:6,68:9, 130:3, 130:14,  
155:15**tenant's** <sup>[1]</sup> - 121:6**tenants** <sup>[10]</sup> - 117:10,120:11, 194:7,  
194:9, 194:13,  
195:6, 195:10,  
195:14, 210:6,  
220:2**tend** <sup>[1]</sup> - 36:14**term** <sup>[1]</sup> - 177:4**terms** <sup>[5]</sup> - 38:9, 98:4,

98:7, 217:10

**terrific** <sup>[1]</sup> - 73:11**test** <sup>[5]</sup> - 8:3, 10:8,

12:18, 13:3, 54:3

**testing** <sup>[1]</sup> - 18:8**text** <sup>[1]</sup> - 241:14**THE** <sup>[20]</sup> - 1:1, 1:16,49:18, 128:3,  
137:11, 137:16,  
138:8, 138:13,  
138:18, 140:11,  
140:18, 141:3,  
141:15, 207:18,  
214:5, 217:1,  
253:14, 253:15,  
253:15, 253:16**theory** <sup>[2]</sup> - 45:1, 45:5**thereafter** <sup>[1]</sup> - 23:8**therefor** <sup>[1]</sup> - 252:7**therefore** <sup>[4]</sup> - 66:9,

67:5, 208:17, 221:3

**therein** <sup>[1]</sup> - 94:5

**they've** <sup>[3]</sup> - 70:13,  
124:12, 202:12

**thick** <sup>[1]</sup> - 234:13

**thickness** <sup>[1]</sup> - 234:12

**third** <sup>[14]</sup> - 57:15,  
145:13, 156:4,  
160:3, 204:9, 232:6,  
233:10, 233:14,  
233:16, 233:17,  
234:7, 234:17,  
234:18, 235:3

**THIS** <sup>[1]</sup> - 253:14

**THOMAS** <sup>[4]</sup> - 81:7,  
81:14, 83:13, 83:15

**Thomas** <sup>[1]</sup> - 83:8

**thoughtful** <sup>[1]</sup> - 92:10

**thoughtfully**  
<sup>[1]</sup> - 244:10

**thoughts** <sup>[9]</sup> - 72:12,  
73:7, 125:2, 168:4,  
179:17, 214:17,  
214:18, 216:5,  
216:7

**three** <sup>[32]</sup> - 20:8,  
20:13, 77:6, 94:12,  
98:2, 103:15,  
130:17, 131:4,  
139:8, 143:15,  
145:9, 149:2, 154:9,  
156:9, 156:11,  
156:12, 156:14,  
159:11, 161:7,  
163:16, 165:12,  
170:5, 178:14,  
178:15, 178:16,  
190:5, 205:17,  
225:2, 235:2

**three-and-a-half**  
<sup>[1]</sup> - 156:14

**three-family**  
<sup>[2]</sup> - 149:2, 159:11

**three-foot** <sup>[1]</sup> - 190:5

**three-unit** <sup>[1]</sup> - 143:15

**threshold** <sup>[1]</sup> - 213:17

**thrilled** <sup>[1]</sup> - 240:2

**through-wall**  
<sup>[2]</sup> - 206:9, 206:16

**throughout** <sup>[5]</sup> - 8:13,  
23:16, 40:5, 70:14,  
86:6

**throw** <sup>[1]</sup> - 135:6

**thumb** <sup>[1]</sup> - 236:13

**THURSDAY** <sup>[1]</sup> - 1:4

**tie** <sup>[1]</sup> - 224:4

**tight** <sup>[1]</sup> - 158:9  
**tighter** <sup>[1]</sup> - 209:10  
**timeline** <sup>[1]</sup> - 73:1  
**timing** <sup>[2]</sup> - 138:14,  
 139:1  
**TO** <sup>[1]</sup> - 253:15  
**today** <sup>[6]</sup> - 27:8, 75:6,  
 196:12, 197:11,  
 206:16, 216:11  
**together** <sup>[5]</sup> - 16:1,  
 21:17, 75:1, 101:3,  
 131:6  
**Tolles** <sup>[1]</sup> - 108:8  
**Tom** <sup>[1]</sup> - 81:8  
**tomorrow** <sup>[2]</sup> - 76:8,  
 77:1  
**tonight** <sup>[19]</sup> - 6:3,  
 22:1, 24:1, 26:11,  
 31:17, 32:6, 38:6,  
 42:17, 52:8, 112:15,  
 125:14, 127:10,  
 132:13, 133:12,  
 134:4, 134:14,  
 141:18, 143:10,  
 214:12  
**took** <sup>[3]</sup> - 159:8,  
 201:9, 202:15  
**tooth** <sup>[1]</sup> - 216:2  
**top** <sup>[2]</sup> - 156:9, 182:5  
**topography**  
<sup>[1]</sup> - 185:1  
**total** <sup>[2]</sup> - 35:7, 226:13  
**totally** <sup>[2]</sup> - 105:13,  
 181:7  
**touch** <sup>[2]</sup> - 170:15,  
 171:6  
**tough** <sup>[3]</sup> - 20:10,  
 160:11, 216:9  
**towards** <sup>[1]</sup> - 61:5  
**towed** <sup>[1]</sup> - 200:18  
**tracing** <sup>[1]</sup> - 69:13  
**tracking** <sup>[1]</sup> - 42:6  
**trade** <sup>[1]</sup> - 220:10  
**Traffic** <sup>[3]</sup> - 210:1,  
 210:7, 218:12  
**traffic** <sup>[8]</sup> - 43:2, 44:9,  
 84:16, 149:6, 186:2,  
 226:16, 227:3,  
 248:14  
**training** <sup>[1]</sup> - 12:14  
**transcript** <sup>[4]</sup> - 252:2,  
 252:6, 252:15,  
 252:16  
**TRANSCRIPT**

[1] - 253:14  
**transcripts** [1] - 4:15  
**transit** [4] - 217:6,  
 217:13, 219:6,  
 223:12  
**transit-oriented**  
 [1] - 219:6  
**transitioning**  
 [1] - 49:6  
**transmit** [1] - 4:6  
**Transportation**  
 [1] - 210:7  
**transportation**  
 [5] - 14:15, 15:1,  
 43:8, 225:16,  
 225:18  
**treat** [2] - 123:7,  
 123:8  
**tree** [10] - 242:4,  
 242:9, 242:16,  
 242:18, 243:2,  
 243:8, 243:10,  
 243:13, 243:14,  
 250:9  
**trees** [1] - 242:12  
**tremendous**  
 [1] - 106:17  
**trend** [2] - 196:1,  
 218:2  
**trial** [3] - 13:5, 30:17  
**trick** [1] - 26:14  
**tried** [2] - 21:17,  
 42:17  
**trimming** [1] - 242:12  
**triple** [1] - 178:8  
**trouble** [2] - 168:6,  
 208:15  
**Trowbridge** [5] - 53:3,  
 53:8, 56:14, 59:6,  
 60:1  
**trucks** [1] - 57:12  
**true** [2] - 208:18,  
 253:6  
**truly** [1] - 70:5  
**try** [2] - 67:13, 203:13  
**trying** [15] - 17:13,  
 62:2, 68:15, 101:15,  
 103:15, 113:16,  
 132:14, 132:16,  
 154:15, 168:12,  
 177:1, 179:4,  
 196:17, 216:10,  
 237:4  
**turn** [3] - 10:3, 81:17,



113:4

**turns** <sup>[1]</sup> - 101:10

**tweaking** <sup>[2]</sup> - 134:15,  
134:16

**twenties** <sup>[1]</sup> - 98:17

**twice** <sup>[1]</sup> - 177:17

**twin** <sup>[1]</sup> - 98:3

**two** <sup>[58]</sup> - 3:9, 4:13,  
8:10, 16:16, 17:14,  
17:15, 17:16, 20:8,  
20:13, 27:9, 47:9,  
53:8, 53:10, 60:5,  
60:8, 64:7, 65:11,  
65:18, 73:8, 97:13,  
98:14, 101:1,  
103:12, 116:15,  
120:4, 131:15,  
137:1, 137:4, 144:4,  
144:5, 145:11,  
145:12, 146:7,  
153:9, 156:8,  
156:11, 156:12,  
162:6, 169:2,  
172:17, 180:17,  
190:13, 190:17,  
194:4, 204:8,  
212:18, 220:11,  
221:15, 233:14,  
235:3, 235:7,  
236:10, 242:1,  
243:17, 244:1,  
244:2, 244:15

**two-family**

<sup>[3]</sup> - 97:13, 162:6,  
169:2

**two-prong**

<sup>[1]</sup> - 221:15

**two-story** <sup>[9]</sup> - 98:14,

101:1, 103:12,  
235:7, 236:10,  
242:1, 244:1, 244:2,  
244:15

**type** <sup>[1]</sup> - 86:5

**types** <sup>[1]</sup> - 29:14

**typical** <sup>[1]</sup> - 35:3

**typically** <sup>[4]</sup> - 57:8,

192:11, 192:15,  
200:1

## U

**unanimous**

<sup>[1]</sup> - 161:14

**unchanged**

[1] - 227:9

**uncomfortable**

[1] - 179:5

**unconvinced**

[1] - 69:17

**under** [17] - 9:9, 9:15,

23:2, 30:12, 41:13,

41:15, 50:14, 68:1,

84:6, 118:11, 119:8,

119:12, 120:15,

145:17, 155:13,

222:3

**UNDER** [1] - 253:15

**undergo** [2] - 76:2,

189:10

**underneath**

[1] - 100:8

**underparked**

[1] - 192:10

**undersigned**

[1] - 253:4

**understood**

[1] - 138:2

**underutilized**

[6] - 194:6, 210:5,

211:10, 216:12,

219:6, 227:6

**unfortunate**

[3] - 27:5, 78:10,

176:3

**unfortunately**

[1] - 3:18

**UNIDENTIFIED**

[14] - 49:18, 128:3,

137:11, 137:16,

138:8, 138:13,

138:18, 140:11,

140:18, 141:3,

141:15, 207:18,

214:5, 217:1

**uniquely** [1] - 18:16

**unit** [14] - 143:15,

145:18, 155:18,

162:4, 162:10,

162:13, 162:16,

163:17, 164:3,

164:5, 165:12,

200:15, 205:16

**United** [1] - 12:18

**units** [26] - 88:18,

143:16, 189:14,

196:10, 196:13,

196:14, 197:11,

197:15, 200:17,

201:6, 201:9, 206:9,  
 206:11, 206:13,  
 206:16, 206:17,  
 206:18, 207:1,  
 207:4, 209:3,  
 212:17, 213:1,  
 214:7, 217:7, 223:5,  
 224:14

**University** <sup>[1]</sup> - 66:6

**unknowable**

<sup>[1]</sup> - 27:8

**UNLESS** <sup>[1]</sup> - 253:15

**unless** <sup>[2]</sup> - 75:12,

130:6

**unlike** <sup>[1]</sup> - 189:4

**unmaneuverable**

<sup>[1]</sup> - 221:5

**unoccupied**

<sup>[3]</sup> - 155:14, 200:2

**unofficial** <sup>[1]</sup> - 244:7

**unravel** <sup>[1]</sup> - 74:18

**untypical** <sup>[1]</sup> - 159:10

**unusual** <sup>[1]</sup> - 217:12

**up** <sup>[52]</sup> - 14:10, 15:9,

36:12, 43:12, 50:1,

52:12, 55:15, 56:8,

57:16, 58:13, 90:18,

103:3, 104:4,

116:14, 133:15,

138:4, 151:9,

153:13, 154:12,

154:13, 158:10,

159:6, 160:1, 160:9,

160:14, 160:18,

161:1, 166:2,

166:13, 167:12,

168:1, 171:16,

172:8, 176:6, 177:2,

178:6, 178:15,

178:16, 182:8,

192:13, 193:5,

202:1, 203:15,

204:9, 226:9,

233:15, 233:16,

233:17, 234:6,

238:18, 239:1,

239:9

**update** <sup>[1]</sup> - 39:14

**updated** <sup>[1]</sup> - 145:1

**updating** <sup>[1]</sup> - 176:5

**upgrade** <sup>[4]</sup> - 39:13,

60:11, 196:11,

202:11

**upgrades** <sup>[1]</sup> - 39:17

**upgrading** <sup>[1]</sup> - 247:4  
**uphold** <sup>[2]</sup> - 63:9,  
 67:6  
**upset** <sup>[1]</sup> - 115:17  
**upstairs** <sup>[2]</sup> - 103:10,  
 172:4  
**upwards** <sup>[1]</sup> - 207:5  
**urban** <sup>[1]</sup> - 217:5  
**usable** <sup>[1]</sup> - 167:14  
**usages** <sup>[1]</sup> - 224:8  
**user** <sup>[3]</sup> - 191:14,  
 191:15, 224:1  
**users** <sup>[6]</sup> - 44:4,  
 129:4, 212:11,  
 213:10, 222:16,  
 223:2  
**uses** <sup>[27]</sup> - 29:15,  
 37:1, 50:12, 67:18,  
 71:3, 85:1, 94:13,  
 114:11, 115:15,  
 116:10, 116:16,  
 116:17, 117:9,  
 117:13, 117:17,  
 120:8, 121:12,  
 122:1, 122:5,  
 122:18, 132:3,  
 132:4, 149:16,  
 186:8, 224:1,  
 227:11, 249:3  
**Uses** <sup>[1]</sup> - 135:5  
**utility** <sup>[3]</sup> - 158:1,  
 158:5, 243:1  
**utilized** <sup>[1]</sup> - 100:8

## V

**vacancies**  
<sup>[1]</sup> - 216:13  
**vacant** <sup>[6]</sup> - 64:7,  
 64:11, 65:10, 65:18,  
 212:17, 213:1  
**vacated** <sup>[2]</sup> - 7:10,  
 8:17  
**value** <sup>[2]</sup> - 86:13,  
 110:2  
**vanguard** <sup>[2]</sup> - 10:6,  
 13:12  
**variable** <sup>[1]</sup> - 34:8  
**Variance** <sup>[43]</sup> - 32:3,  
 32:4, 32:9, 64:12,  
 76:1, 76:11, 77:1,  
 114:14, 114:15,  
 115:3, 115:4,  
 116:14, 116:15,

120:17, 124:5,  
 124:14, 128:11,  
 129:13, 134:2,  
 147:12, 153:11,  
 154:15, 161:8,  
 161:13, 162:8,  
 180:18, 182:2,  
 185:7, 193:3,  
 231:13, 236:11,  
 237:3, 239:16,  
 240:13, 241:3,  
 241:18, 242:6,  
 243:5, 243:18,  
 247:8, 247:13,  
 250:16

**variances**

[2] - 114:18, 129:3

**various** [2] - 64:9,  
 117:13

**varying** [2] - 35:6,  
 215:17

**vast** [2] - 22:7, 43:8

**vastly** [1] - 211:10

**vehicles** [1] - 12:10

**vehicular** [1] - 226:10

**vendors** [1] - 14:15

**venture** [6] - 13:11,  
 16:10, 19:4, 20:2,  
 23:8, 34:9

**Verizon** [77] - 6:2, 6:3,

6:13, 6:17, 7:5, 7:6,  
 7:11, 8:16, 9:9,  
 10:13, 12:13, 13:1,  
 13:6, 13:11, 13:15,  
 13:16, 14:5, 16:6,  
 17:5, 17:18, 18:1,  
 19:5, 19:7, 19:17,  
 20:1, 22:5, 22:15,  
 23:2, 23:7, 29:6,  
 34:1, 34:5, 34:12,  
 37:18, 38:8, 39:5,  
 39:6, 39:13, 39:16,  
 41:18, 42:4, 44:1,  
 44:6, 44:17, 46:13,  
 46:15, 47:16, 48:9,  
 48:18, 51:12, 52:4,  
 54:6, 55:14, 56:15,  
 57:2, 57:7, 57:9,  
 57:10, 57:12, 57:16,  
 57:18, 58:13, 59:7,  
 59:9, 60:2, 61:6,  
 63:4, 63:15, 64:2,  
 65:3, 66:4, 66:5,  
 66:10, 70:4, 70:11

**verizon** <sup>[1]</sup> - 12:16  
**Verizon's** <sup>[7]</sup> - 8:4,  
 9:6, 10:7, 11:17,  
 12:4, 28:1, 63:8  
**vertically** <sup>[1]</sup> - 206:7  
**veto** <sup>[1]</sup> - 135:1  
**via** <sup>[1]</sup> - 14:18  
**Vice** <sup>[1]</sup> - 212:13  
**vicinity** <sup>[2]</sup> - 223:11,  
 223:15  
**video** <sup>[1]</sup> - 4:4  
**view** <sup>[8]</sup> - 8:11, 9:2,  
 9:4, 47:9, 70:17,  
 74:3, 98:11, 175:17  
**viewed** <sup>[1]</sup> - 181:17  
**viewing** <sup>[1]</sup> - 27:17  
**views** <sup>[1]</sup> - 113:11  
**violate** <sup>[6]</sup> - 236:18,  
 237:11, 238:5,  
 238:7, 238:9,  
 238:10  
**violated** <sup>[1]</sup> - 59:18  
**violation** <sup>[2]</sup> - 84:13,  
 210:13  
**virtue** <sup>[1]</sup> - 199:6  
**visibility** <sup>[1]</sup> - 85:8  
**visible** <sup>[1]</sup> - 85:18  
**vision** <sup>[1]</sup> - 11:18  
**vital** <sup>[2]</sup> - 53:11, 54:5  
**voice** <sup>[1]</sup> - 207:12  
**voiced** <sup>[1]</sup> - 186:12  
**void** <sup>[1]</sup> - 134:12  
**volume** <sup>[2]</sup> - 106:14,  
 252:6  
**voluminous**  
<sup>[2]</sup> - 20:14, 39:1  
**vote** <sup>[2]</sup> - 73:9, 73:13  
**votes** <sup>[1]</sup> - 73:9  
**VRF** <sup>[1]</sup> - 213:8

## W

**W-A-K-E-L-E-Y**  
<sup>[1]</sup> - 241:16  
**wagging** <sup>[1]</sup> - 21:2  
**waiver** <sup>[1]</sup> - 140:1  
**Wakeley** <sup>[1]</sup> - 241:16  
**Walden** <sup>[3]</sup> - 240:12,  
 242:5, 242:8  
**walk** <sup>[2]</sup> - 56:17,  
 188:17  
**walking** <sup>[3]</sup> - 15:1,  
 44:5, 166:16  
**walks** <sup>[1]</sup> - 38:15

**wall** <sup>[6]</sup> - 189:14,  
 190:15, 206:9,  
 206:16, 206:18,  
 238:1  
**walls** <sup>[2]</sup> - 12:2,  
 189:16  
**Waltham** <sup>[1]</sup> - 88:8  
**wants** <sup>[5]</sup> - 41:16,  
 50:13, 130:3,  
 134:18, 201:4  
**war** <sup>[1]</sup> - 236:15  
**War** <sup>[1]</sup> - 236:16  
**Ware** <sup>[6]</sup> - 5:6, 6:7,  
 6:12, 12:17, 59:7,  
 79:7  
**Wares** <sup>[1]</sup> - 2:3  
**Washington** <sup>[1]</sup> - 11:6  
**wasted** <sup>[1]</sup> - 100:7  
**water** <sup>[2]</sup> - 189:6,  
 226:14  
**wave** <sup>[1]</sup> - 39:11  
**ways** <sup>[2]</sup> - 8:10,  
 169:10  
**weatherization**  
<sup>[1]</sup> - 151:8  
**website** <sup>[1]</sup> - 127:18  
**week** <sup>[2]</sup> - 3:13, 3:18  
**weeks** <sup>[2]</sup> - 20:8,  
 20:13  
**WEISENBERG**  
<sup>[31]</sup> - 112:11, 114:7,  
 115:8, 118:3, 119:5,  
 119:18, 120:6,  
 120:18, 121:17,  
 122:7, 122:13,  
 124:8, 124:13,  
 124:18, 125:6,  
 125:11, 126:9,  
 126:15, 127:4,  
 127:11, 127:15,  
 128:5, 129:7, 130:8,  
 131:8, 132:11,  
 136:1, 136:9,  
 136:12, 139:9,  
 139:13  
**Weisenberg**  
<sup>[1]</sup> - 112:12  
**welcome** <sup>[4]</sup> - 71:7,  
 71:10, 138:10,  
 242:15  
**welfare** <sup>[5]</sup> - 85:12,  
 150:10, 186:16,  
 228:6, 249:8  
**well-known**

[1] - 101:11  
**well...** [1] - 59:2  
**west** [5] - 146:6,  
 146:15, 146:16,  
 147:4, 238:1  
**Western** [3] - 200:12,  
 200:13, 209:8  
**whatsoever**  
 [1] - 136:2  
**wheel** [1] - 159:14  
**WHEREOF** [1] - 253:7  
**whichever**  
 [1] - 126:12  
**whole** [5] - 32:17,  
 100:5, 130:1, 161:2,  
 163:5  
**wholly** [1] - 16:12  
**Wi** [3] - 53:14, 53:17,  
 53:18  
**Wi-Fi** [3] - 53:14,  
 53:17, 53:18  
**wide** [5] - 81:16,  
 170:5, 178:10,  
 178:17  
**wide-ish** [1] - 81:16  
**widely** [1] - 86:6  
**wider** [2] - 171:1,  
 171:16  
**width** [3] - 173:13,  
 178:7, 178:8  
**wife** [7] - 58:4, 61:17,  
 101:14, 103:17,  
 164:9, 164:17,  
 205:17  
**William** [1] - 92:8  
**wind** [1] - 178:5  
**window** [13] - 81:13,  
 81:15, 81:17, 83:12,  
 84:6, 84:15, 85:8,  
 86:5, 158:12, 182:4,  
 190:8, 191:2, 225:1  
**windows** [63] - 15:8,  
 129:14, 143:13,  
 144:3, 144:9,  
 144:13, 144:14,  
 145:6, 145:9, 146:3,  
 146:10, 148:18,  
 149:12, 149:13,  
 150:5, 150:13,  
 150:14, 155:6,  
 155:8, 161:13,  
 166:9, 181:2, 181:3,  
 181:14, 182:8,  
 185:11, 186:6,



186:17, 186:18,  
 187:5, 187:8,  
 187:14, 189:15,  
 190:3, 190:4, 190:5,  
 190:10, 190:14,  
 190:18, 202:10,  
 205:16, 206:4,  
 206:6, 208:3,  
 221:18, 225:2,  
 227:14, 228:14,  
 228:16, 229:10,  
 229:13, 244:5,  
 248:2, 248:11,  
 248:12, 248:18,  
 249:5, 249:14,  
 250:3

**windowsill** <sup>[1]</sup> - 190:6

**WINGLI** <sup>[1]</sup> - 93:7

**winter** <sup>[3]</sup> - 155:16,  
 203:8, 216:14

**wintertime** <sup>[1]</sup> - 203:6

**wire** <sup>[1]</sup> - 61:2

**wireless** <sup>[4]</sup> - 12:17,  
 30:10, 31:1, 61:8

**wires** <sup>[4]</sup> - 33:14,  
 53:15, 243:13,  
 243:14

**wise** <sup>[1]</sup> - 119:1

**wish** <sup>[5]</sup> - 107:14,  
 126:2, 131:18,  
 181:10, 196:5

**wishes** <sup>[2]</sup> - 112:9,  
 239:10

**withdraw** <sup>[10]</sup> - 120:8,  
 121:18, 125:7,  
 125:14, 125:15,  
 126:3, 132:4,  
 231:18, 232:2,  
 250:11

**withdrawal**  
<sup>[4]</sup> - 126:6, 250:14,  
 250:18, 251:2

**withdrawing**  
<sup>[1]</sup> - 125:8

**withstanding**  
<sup>[2]</sup> - 66:16, 79:11

**WITNESS** <sup>[1]</sup> - 253:7

**witnessed** <sup>[1]</sup> - 161:2

**wonder** <sup>[2]</sup> - 62:9,  
 169:10

**wonderful** <sup>[2]</sup> - 3:16,  
 103:12

**wondering**  
<sup>[1]</sup> - 198:17

**Worcester**

[1] - 112:14

**word** [2] - 19:9, 72:5

**words** [3] - 28:9, 72:6,  
238:5

**works** [3] - 132:17,  
217:4, 221:10

**World** [1] - 236:15

**world** [7] - 11:4,  
13:18, 17:6, 17:11,  
61:12, 70:14,  
234:14

**worse** [3] - 161:5,  
209:15

**worth** [1] - 15:3

**worthwhile**

[1] - 75:18

**worthy** [1] - 73:17

**wrap** [2] - 45:3, 178:3

**wreck** [1] - 175:4

**write** [2] - 108:1,  
141:12

**writing** [6] - 63:1,  
83:7, 140:17,  
208:11, 239:16,  
240:12

**written** [1] - 113:15

**www.reportersinc.c**

**om** [1] - 1:17

**Y**

**yard** [14] - 88:16,  
98:2, 98:7, 143:17,  
143:18, 166:15,  
184:16, 190:12,  
225:6, 236:18,  
237:17, 238:6,  
238:7

**yards** [1] - 98:5

**year** [6] - 41:13,  
41:15, 198:9,  
205:18, 212:17,  
239:18

**years** [33] - 15:4,  
21:1, 26:6, 55:9,  
55:10, 57:1, 60:6,  
60:9, 64:7, 64:10,  
64:11, 65:11, 66:1,  
101:9, 101:13,  
117:1, 121:2, 124:8,  
128:16, 164:11,  
164:18, 165:1,  
180:4, 199:12,

200:16, 202:6,  
 203:9, 204:16,  
 215:17, 235:11,  
 235:12, 235:15,  
 241:2

**York**<sup>[1]</sup> - 11:6

**yourself**<sup>[5]</sup> - 5:9,

52:17, 56:9, 112:7,  
 153:7

## Z

**Zelinski**<sup>[2]</sup> - 253:4,  
 253:10

**zone**<sup>[7]</sup> - 21:13,

36:18, 74:2, 79:8,  
 90:16, 116:13,  
 219:1

**Zone**<sup>[4]</sup> - 52:11,

79:10, 82:2, 106:8

**Zoning**<sup>[22]</sup> - 3:8,

49:16, 50:3, 52:10,  
 62:18, 63:12, 63:17,  
 64:1, 65:16, 66:13,  
 79:7, 85:1, 149:17,  
 168:10, 214:11,  
 222:11, 227:11,  
 244:8, 249:4, 251:9,  
 252:6, 252:15

**ZONING**<sup>[1]</sup> - 1:1

**zoning**<sup>[21]</sup> - 28:7,

37:8, 37:16, 49:12,  
 63:8, 63:9, 65:17,  
 67:3, 67:6, 77:4,  
 94:18, 98:18, 105:4,  
 110:6, 113:4,  
 114:17, 116:7,  
 154:13, 192:7,  
 237:6