BOARD OF ZONING APPEAL FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, NOVEMBER 5, 2020
6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair Brendan Sullivan, Vice Chair Andrea A. Hickey Jim Monteverde Jason Marshall

> City Employees Ranjit Singanayagam Sisia Daglian



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I N D E X

CASE	P.	AGE
6:00 P.M.	CASE NO. BZA-92108 293 RINDGE AVENUE	9
6:15 P.M.	CASE NO. BZA-93262 11 VAN NORDEN STREET	18
6:30 P.M.	CASE NO. BZA-89477 96 HAMMOND STREET	31
6:45 P.M.	CASE NO. BZA-92914 23 TRAYMORE STREET	39
7:00 P.M.	CASE NO. BZA-017307 362 BROADWAY	46
7:00 P.M.	CASE NO. BZA-01729 544 MASS AVENUE	72
7:00 P.M.	CASE NO. BZA-017318 - 11 MAGNOLIA AVENUE	78
7:30 P.M.	CASE NO. BZA-91223 2571 MASS AVENUE	107
7:45 P.M.	CASE NO. BZA-93291 344 WALDEN STREET	129
8:00 P.M.	CASE NO. BZA-93167 6 BOND STREET #4	146
8:15 P.M.	BZA-92098 3 SAVILLE STREET	160

1 PROCEEDINGS 2 3 (6:00 p.m.)4 Sitting Members: Constantine Alexander, Brendan Sullivan, 5 Andrea A. Hickey, Jim Monteverde, and Jason Marshall 6 7 CONSTANTINE ALEXANDER: To the audience out there, 8 whoever you may be, welcome to the November 5, 2020 meeting of the Cambridge Board of Zoning Appeals. My name 9 10 is Gus Alexander, and I am the Chair. 11 This meeting is being held remotely, due to statewide emergency actions limiting the size of public 12 gatherings in response to COVID-19, and in accordance with 13 Governor Charles D. Baker's Executive Order of March 12, 14 15 2020, temporarily amending certain requirements to the Open Meeting Law; as well as the City of Cambridge temporary 16 17 emergency restrictions on city public meetings, city events, 18 and city permitted events, due to COVID-19, dated May 27, 19 2020. 20 This meeting is being video and audio recorded, and is broadcast on cable television Channel 22, within 21 22 Cambridge. There will also be in due course a transcript of

1 the proceedings. 2 All Board members, applicants, and members of the 3 public will state their name before speaking. All votes will be taken by roll call. Members of the public will be 4 kept on mute until it is time for public comment. I will 5 6 give instructions for public comment at that time, and you can also find instructions on the city's webpage for remote 7 8 BZA meetings. 9 Generally, you will have up to three minutes to 10 speak, but that might change based on the number of speakers. I'll start by asking the Staff to take Board 11 12 member attendance, and verify that all members are audible. SISIA DAGLIAN: Matina? 13 BRENDAN SULLIVAN: She's on at 7:00. 14 15 SISIA DAGLIAN: Okay. Andrea Hickey? 16 ANDREA HICKEY: Present. 17 SISIA DAGLIAN: Jim Monteverde? Jim? Jason? 18 CONSTANTINE ALEXANDER: Jason's on. 19 JASON MARSHALL: Jason Marshall, I'm here. 20 SISIA DAGLIAN: Brendan? 21 BRENDAN SULLIVAN: Brendan Sullivan, present.

SISIA DAGLIAN: And Gus?

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1
               CONSTANTINE ALEXANDER: I'm here. So who are we
    missing, besides Jim?
2
 3
               SISIA DAGLIAN: Jim, okay.
               CONSTANTINE ALEXANDER: Jim's here.
 4
 5
               SISIA DAGLIAN: It's hard to hear you, Jim.
              CONSTANTINE ALEXANDER: Yeah. Jim?
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7
               JIM MONTEVERDE: Yep. Jim Monteverde is here.
8
               SISIA DAGLIAN: He's --
9
              CONSTANTINE ALEXANDER: Yeah, I just can't hear
10
    him, though.
11
               SISIA DAGLIAN: Jim, do you want to log off and
12
    try coming back in?
13
               [Pause]
              ANDREA HICKEY: Should someone try to call him,
14
15
    maybe?
16
              CONSTANTINE ALEXANDER: We heard him very softly a
17
    minute or two ago.
               SISIA DAGLIAN: Jim? We think your microphone's
18
19
    not connected. The symbol's not showing up. So if you
20
    could call in by phone, or try logging back in, or using
    another device?
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22
              ANDREA HICKEY: Sisia, are you able to call him?
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1
     I don't have his number -- I'd be happy to call, but I do
2
    not have it.
 3
               SISIA DAGLIAN: Yeah, I'll call him.
 4
               SEAN O'GRADY: Okay.
 5
               ANDREA HICKEY: Gus, are we able to go to the next
 6
    case until that -- we get Jim in the loop for Broadway?
7
               CONSTANTINE ALEXANDER: Well, no. Broadway we
    can't hear until 7:00.
8
9
              ANDREA HICKEY: Oh, all right.
10
               CONSTANTINE ALEXANDER: The first case on the
11
     regular agenda is going to be continued.
12
               ANDREA HICKEY: Okay.
13
               CONSTANTINE ALEXANDER: So we have plenty of time.
     Sisia is trying to reach Jim right now by phone.
14
15
              ANDREA HICKEY: Right. My mistake. I am
16
    defaulting to the continued list first. I have to --
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               CONSTANTINE ALEXANDER: I do that all the time.
18
              ANDREA HICKEY: Yeah.
19
               SISIA DAGLIAN: He's going to call in.
20
               CONSTANTINE ALEXANDER: Okay. For the benefit of
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    those out there in public radio land, we're having trouble
22
    getting the fifth member on board on our video sources.
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1
     until we get him, we can't start the hearing. But that
2
     should hopefully be satisfied in a couple of minutes.
 3
               [Pause]
               JIM MONTEVERDE: Hello, can you hear me?
 4
 5
               CONSTANTINE ALEXANDER: Now we can. Can you hear
 6
    us, Jim?
7
               JIM MONTEVERDE: Yeah. I can hear you. I can't
     see you, but I'm joining by phone.
8
9
              CONSTANTINE ALEXANDER: Okay. You won't be able
10
    to look at plans or the like; is that okay with you?
11
               JIM MONTEVERDE: That's fine, yep. Let's do what
12
     I can do. Okay.
13
               SISIA DAGLIAN: Jim, you can also just log in like
14
     you were before, but use the phone -- so you can see it
15
    visually, but use the phone to speak when you have to.
16
              CONSTANTINE ALEXANDER: All right. I guess we'll
17
     try to start. And we're going to start with our regular
18
     agenda. Just a note, for those of you who are here, we have
    continued cases as well. These are cases that started at an
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20
    earlier date, and for one reason or another were continued.
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               Those cases are scheduled to start -- and there's
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    only three tonight on the agenda -- they're scheduled to
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start at 7:00, 7:00 p.m. So when we get close to 7:00 p.m.,
 1
     I will recess this meeting, we'll go to our continued cases,
 2
     and then we'll come back and finish up our regular agenda
 3
     for tonight.
 4
 5
               Okay. With that in hand --
               SEAN O'GRADY: I need the regular agenda. Just
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 7
    give me that.
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1 2 (6:00 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall 6 CONSTANTINE ALEXANDER: The Chair will call Case Number 92108 -- 293 Rindge Avenue. Anyone here wishing to 7 8 be heard on this case? Apparently not. The Chair --SEAN O'GRADY: Gus, there's no --9 10 CONSTANTINE ALEXANDER: I'm sorry? 11 SEAN O'GRADY: There's nobody here for that. 12 CONSTANTINE ALEXANDER: Okay. Thanks, Sean. 13 Chair would advise the Board that we have a letter in the 14 file from a Michele M. Herrata (phonetic), Esquire [so it 15 must be an attorney]. 16 "I represent the petitioner and owner in the above 17 zoning relief petition -- " that's 293 Rindge Avenue "--18 and on behalf of the petitioner, filed the above captioned 19 application. We are requesting a continuance on our petition, so that we may rework the dormers in our plans to 20 better comply with Cambridge building codes." 21 22 You better! I see so you have so far observed

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1
     that the plans that were submitted were so far out of
2
     compliance with the dormer guidelines that this case was
 3
     going to go nowhere.
 4
               But, with that commentary, they didn't request a
     date. What's our schedule like, Sisia?
 5
               SISIA DAGLIAN: Well, we're full through the end
 6
7
     of this year. We have January 14.
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               CONSTANTINE ALEXANDER: January 14?
9
               SISIA DAGLIAN: Yep. Or the twenty-eighth.
10
               CONSTANTINE ALEXANDER: Okay. Let's try the
     fourteenth.
11
12
               SISIA DAGLIAN: Okay.
               CONSTANTINE ALEXANDER: Okay. The Chair moves
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     that we continue this case as a case not heard, which means
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15
     any five members of the Board can sit on the case, until
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     7:00 p.m. on January 14, subject to the following
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    conditions:
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                   That the petitioner sign a waiver of time for
19
     decision, and that is a form that the city provides.
     you -- the petitioner is advised that if this form as signed
20
    has not been delivered to the Inspectional Services
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22
    Department by 5:00 p.m. on Monday a week from today, 5:00
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1 p.m. a week from today, this case will be dismissed. 2 So I urge the petitioner if they want to proceed 3 with this case, that they have to in the next week get that waiver of time for decision form to be signed. It can be 4 obtained from Maria Pacheco at the Inspectional Services 5 Department. That's the first condition. 6 7 The second condition is that a new sign advising 8 of the new time, January 14 -- the new date January 14 --9 the new time, 7:00 p.m., be posted for the 14 days prior to 10 January 14, as was the case for the hearing tonight. 11 And lastly, to the extent that will be new plans, dimensional forms and the like, and there will be, those 12 must be in our files no later than 5:00 p.m. on the Monday 13 before January 14. If this does not occur, we will not hear 14 15 the case on January 14. 16 SEAN O'GRADY: Gus? This is Sean speaking. 17 CONSTANTINE ALEXANDER: Yeah. 18 SEAN O'GRADY: James Williamson is asking to 19 speak. Did you want to hear him? 20 CONSTANTINE ALEXANDER: Who? I'm sorry, who wants 21 to be heard from? 22 SEAN O'GRADY: James Williamson is asking to

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1
     speak.
               CONSTANTINE ALEXANDER: Is she (sic) an abutter?
 2
     Well, let's let her speak. She can speak. Go ahead.
 3
 4
    Hello?
 5
               JAMES WILLIAMSON: Hello. Hello?
               CONSTANTINE ALEXANDER: Yes.
 6
 7
               SEAN O'GRADY: Just put his hand down.
 8
               CONSTANTINE ALEXANDER: What?
 9
               SEAN O'GRADY: He's putting his hand up again.
10
    Hang on.
11
               CONSTANTINE ALEXANDER: Okay. I -- we -- I don't
12
     see the hands going up on this end on my screen, so --
13
               SEAN O'GRADY: Yep. Hang on one second. James,
    are you there?
14
15
               JAMES WILLIAMSON: Yeah, I think -- can you hear
16
    me now?
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               CONSTANTINE ALEXANDER: [James Williamson.] Yes,
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    we can hear you, James.
19
               JAMES WILLIAMSON: Thank you. Appreciate the
20
     opportunity to just ask a question. Because I was
     interested in this case, which I'm just now learning is
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22
    going to be continued.
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I also had an interest in another case that I also learned only today would probably be continued -- that's the 544 Mass Ave case.

And I just wonder if there could be -- I'd appreciate the opportunity to ask about this now -- if there could be some clarification, the way that these hearings are being done now seems different, and it's quite confusing that the continued cases, which typically would be heard first in the past now being scheduled for 7:00 and the regular cases being scheduled for 6:00, and it was not clear at all that that -- that at 7:00 there would be a transition to the continued cases.

I wonder just if there could be some clarification of what's going on with that, and if it could be made --

CONSTANTINE ALEXANDER: I think there should be --

JAMES WILLIAMSON: -- clear.

CONSTANTINE ALEXANDER: -- I think there should be, James, and I'm not the person to be able to provide it. I don't know why the schedules are such now that the continued cases are at 7:00 and the regular agenda starts at 6:00 and then we break it up with the continued cases. Sisia, do you know why they're doing this?

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               SISIA DAGLIAN: No, I don't.
               CONSTANTINE ALEXANDER: I'll ask Maria, James, or
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 3
    you can ask her as well.
 4
               JAMES WILLIAMSON: Well, I appreciate -- at least
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    hopefully that could be clarified, and then -- so it would
    be less confusing in the future. And I appreciate the
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7
    opportunity to ask about it.
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               CONSTANTINE ALEXANDER: No, I think your point is
    well-taken. We have cases with a 6:00, 7:00 dichotomy going
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10
     into January. So it might be a while before we get back to
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12
               JAMES WILLIAMSON: Okay.
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               CONSTANTINE ALEXANDER: -- a more rational --
14
               JAMES WILLIAMSON: Okay.
15
              CONSTANTINE ALEXANDER: -- more rational way of
16
    doing it.
17
               JAMES WILLIAMSON: Well, it's been a pleasure to
18
     see both of you up there on the podium.
19
               BRENDAN SULLIVAN: Jim, this is Brendan Sullivan.
     I think what happened is that when we could not meet, and we
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21
    basically had to continue all the cases that were in line,
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    that we continued them to 7:00, which was our normal
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1 procedure.

When we started to come back and have live hearings -- current hearings -- it was suggested that we might do it a little bit earlier, at 6:00, because of some of the inconsistencies with the -- you know, doing it by Zoom and all that other stuff, and that it would make for a much longer night.

So would it be okay if we started at 6:00 instead of 7:00? And the Board members -- and I think some of the other people who chimed in said yes, 6:00 made more sense, so that we weren't here after midnight. And, however those 7:00 slots that were for the continued cases as per before, sort of stayed there.

So what that did is it created a situation where we were starting at 6:00. The other ones had already been advertised for 7:00, the continued ones, and let's stay with the 6:00 for the regular agenda, and then at 7:00 or thereabouts after 7:00 break, and then pick up the continued.

So that's really what the uneven is, and that's how it occurred.

CONSTANTINE ALEXANDER: Yeah, but that was -- and

that's true. That's the way we had to do it when we first started reconvening our hearings back in the summer.

But now that we have worked through the cases that have been continued at 7:00, I think we should -- and I'll speak with Maria -- going back to an approach that you mentioned, James, in which we had used prior to the pandemic.

And that is we start at 6:00 -- we'll start at 6:00, not 7:00 -- 6:00 with continued cases, and then immediately follow with the regular agenda. I'll see what we can do about that. But it'll be a while before that gets implemented.

JAMES WILLIAMSON: All right, well thanks for looking into it and for explaining it, and I'm going to say good neighbor with the understanding that the 544 Mass Ave case, which is a continued case -- it's my understanding that it's my understanding that they're going to be requesting a continuance?

CONSTANTINE ALEXANDER: Yeah, you are correct.

And we will take that case up -- actually as the next case.

But that case is going to be continued.

JAMES WILLIAMSON: Okay, well thank you. Thanks,

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1
     thanks very much.
2
               CONSTANTINE ALEXANDER: Thank you, James.
 3
               JAMES WILLIAMSON: Take care, everybody.
               CONSTANTINE ALEXANDER: Okay. Should we take the
 4
    vote on the -- since I talked to Jim -- Okay, that I had
 5
    made a motion about continuing this case until January 14,
 6
7
    and imposing the various conditions to that. We need to
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     take a vote to approve that. Brendan?
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               BRENDAN SULLIVAN: Brendan Sullivan yes to the
10
    continuance.
11
              ANDREA HICKEY: Andrea Hickey --
12
               JIM MONTEVERDE: Jim Monte --
13
              ANDREA HICKEY: -- yes. Andrea Hickey yes to the
    continuance.
14
15
               JIM MONTEVERDE: And Jim Monteverde yes to the
    continuance.
16
17
               JASON MARSHALL: Jason Marshall yes to the
    continuance.
18
19
               CONSTANTINE ALEXANDER: And the Chair votes yes as
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    well. So the case is continued until the fourteenth of
21
    January. 544 Mass Ave...
22
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1 2 (6:18 p.m.) 3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall CONSTANTINE ALEXANDER: The Chair will now call 6 7 Case Number -- wait, this is a 7:00 case. 8 SISIA DAGLIAN: It's 7:00. 9 CONSTANTINE ALEXANDER: Yeah, I know. We're --10 there's confusion here. The Chair will now call Case Number 93262, 11 Van Norden Street. Anyone here wishing to be 11 12 heard on this matter? 13 SEAN O'GRADY: My mistake. CONSTANTINE ALEXANDER: Adam? Go ahead. 14 15 ADAM GLASSMAN: Okay, good evening, Board. here with the owners Tim Brennan and John Brennan seeking 16 17 relief to in the form -- excuse me? 18 THE REPORTER: Could you state your name for the record, please? 19 20 ADAM GLASSMAN: Adam Glassman, GCD Architects -- 2 21 Worthington Street, Cambridge. So I'm here with owners Tim 22 Brennan and John Brennan seeking relief in the form of a

1 special permit for three modifications to the existing twofamily structure, which is existing, nonconforming due to 2 3 just barely nonconforming with regard to FAR and 4 nonconforming with regard to the front setback. 5 Am I sharing my screen, or do you have the 6 drawings in front of you? 7 SISIA DAGLIAN: Let me share my screen now. 8 ADAM GLASSMAN: I think I recall. Sisia, do you run through these, or how do we do it? 9 10 ANDREA HICKEY: Yeah, Sisia will share the screen, 11 Adam. I don't think you can share your screen the way we 12 have it set up. 13 ADAM GLASSMAN: Okay, that's fine. So we can start where we are with the cover page and the photos. 14 15 Front street view, there's no proposed work there. 16 Down the lower left-hand corner street view front left we're 17 proposing a 15-foot dormer, which conforms to the dormer 18 quidelines. It is outside of the setbacks, and it requires relief for the modest amount of FAR we're adding. 19 20 Upper right photo, street view right, there's an 21 existing right side gable roof. The headroom underneath is 22 quite low, it makes the existing bedroom almost

nonfunctional, so we're seeking relief to raise or reduce
the pitch of the roof and raise those ends of it, so we can
get a little bit more headroom.

And the third piece of work requesting relief, the rear view we're proposing to put a covered farmer's porch of the rear, and that covered porch counts as FAR for the zoning code. So all together, these three moves bring us from a 0.51 to a 0.53 FAR.

Next page?

The site plan shows that the dormer is outside of the setbacks, the proposed dormer is outside of the setbacks, the rear farmer's porch is outside of the setbacks, and the gabled roof to be raised is also outside of the setbacks.

Next page?

Existing plans: The first-floor unit, none of the work is related to this.

Next page?

On the -- or actually, I'm sorry go back one? The farmer's porch is off the rear of the first floor, and you'll see that in the proposed plans.

22 Next page?

Second unit, second floor and third floor the dormer would be going in the bedroom towards the front, and the raised gable is in the bedroom in the rear. The red line is what we -- is our existing FAR.

Next page?

The demo elevations show the upper left right side elevation; that's the existing gable to be raised. And that work would also include the removal of the odd little dormer that you see in the rear elevation.

On the gable, lower right left side elevation is the area -- the new 15-foot shed roof dormer.

Next page?

Here in the proposed plans, the rear farmer's porch off the first-floor unit provides a more comfortable and enjoyable connection to the outdoors, and creates no detriment to the community.

Next page?

The areas that you see noted in red, the 15-foot dormer on the left set back from the side walls and also down from the ridge, per the dormer guidelines.

And the work upstairs actually does not create new rooms, and we have existing three bedrooms up there

existing, but we're actually taking one of them out and just creating two more comfortable bedrooms.

Next slide, or next page?

Upper left, right side elevation in the red box you can see noted the gable end to be raised. On the right, you can see the side view of the same roof profile. And we kept it below the ridge of the main house, treating it as though it were a dormer.

Also, in that rear elevation the side view of the left side shed roof dormer, conforming to the dormer guidelines, and then the proposed farmer's porch in the rear.

And these other slides just show the same views, or same work from other angles, conforming dormers, raised gable roof.

Next slide?

The two photos on the left are the interior -this is interior shots of the bedroom, where we're proposing
to raise the gable roof. You can see it's very low and
tight, and not comfortable, safe and functional. And the
last photo on the right is the area for the 15-foot dormer.

Are there any more slides? More pages, or is that

1 it? 2 SISIA DAGLIAN: No, that's it. ADAM GLASSMAN: Think that's it? 3 4 SISIA DAGLIAN: Yes. 5 ADAM GLASSMAN: So the work maintains the character and scale of the neighborhood. No new shadows 6 7 cast on adjacent properties; no additional light or noise 8 pollution, no reduction in off-street parking. This work poses no detriment to the community or the neighborhood. 9 10 So we ask the Board to grant special relief. 11 CONSTANTINE ALEXANDER: Thank you. Just to get in the record, the work that's being proposed is approximately 12 13 149 feet, and it increases the FAR from point -- as Mr. Glassman has pointed out -- from 0.51 to 0.53 in a district 14 15 where it's supposed to be no more than 0.5. So as slight 16 increase in the nonconformance. 17 With that, I'll ask members of the Board if they 18 have any questions. Brendan? 19 BRENDAN SULLIVAN: Brendan Sullivan, no questions. 20 CONSTANTINE ALEXANDER: I'm sorry? Brendan said 21 he had no --22 JIM MONTEVERDE: Jim Monteverde.

1 CONSTANTINE ALEXANDER: Yes. 2 JIM MONTEVERDE: No questions. 3 ANDREA HICKEY: Andrea Hickey, no questions. 4 JASON MARSHALL: Jason Marshall, just a 5 clarification. And Mr. Glassman, that was a really helpful 6 presentation. Just to confirm -- and this follows on the 7 Chair's question -- there's no new nonconformities created 8 through this petition, is that correct? 9 ADAM GLASSMAN: That is correct. 10 JASON MARSHALL: You're really -- you're just 11 increasing the nonconformance from -- the FAR from 0.51 to 12 0.53? ADAM GLASSMAN: That is correct. 13 14 JASON MARSHALL: Okay, thanks. 15 CONSTANTINE ALEXANDER: The Chair has no comments 16 to make at this point, either. So we'll now open the matter 17 up to public testimony. 18 Any member of the public who wishes to speak 19 should now click the icon at the bottom of your Zoom screen 20 that says, "Raise hand." If you're calling in by phone, you 21 can raise your hand by pressing *9 and unmute or mute by 22 pressing *6. I'll wait a few moments to see if anyone

1 wishes to speak. 2 SEAN O'GRADY: No speakers. 3 CONSTANTINE ALEXANDER: No speakers, okay. then close public testimony. We have no letters or other 4 written communications in our file. Discussion, or are 5 6 members ready for a vote? BRENDAN SULLIVAN: Brendan Sullivan, ready for a 7 8 vote. 9 JIM MONTEVERDE: Jim Monteverde, ready for a vote. 10 ANDREA HICKEY: Andrea Hickey, ready for a vote. 11 JASON MARSHALL: Mr. Chairman, Jason Marshall. I 12 just -- if I can make one -- try to make it a brief point, because I know we have a full agenda. 13 CONSTANTINE ALEXANDER: Go ahead. 14 15 JASON MARSHALL: So I see that the application 16 sites to Mass General Law 40A Section 6 and to me it's a 17 really helpful reference to see in application like this, 18 because -- and this follows the Chair's question on the almost de minimis FAR increase. 19 20 To me, this seems like exactly the kind of project 21 that was discussed in the SJC's BELLALTA case, where the 22 court explained in the situation where we were talking about one or two-family homes, the intensification of an existing nonconforming structure -- the Board has authorization to approve that if it's found to not be more substantially detriment to the neighborhood than the existing nonconformity. And to me that's the controlling standard in cases like this one.

The BELLALTA case also talks about the ability of the Board to find that small skills changes might not even be material enough in the first case to rise to the level of intensification.

And I think, you know, here the Board could credibly find that the circumstances of this project -- we were talking about a 0.2 increase over FAR -- that also might not even constitute an intensification consistent with the language in that SJC case.

So, you know, just wanted to make that point. In the future when I view applications like this dealing with one - or two-family homes, I'm going to go back to that case quite often.

So Mr. Chairman, I appreciate you indulging me on those points, and I'm ready for a vote.

CONSTANTINE ALEXANDER: Okay. Let me just

elaborate on your comments for a second, and then we'll take that vote. Actually what is being proposed is inconsistent with our zoning ordinance. The SJC case you cited said that the standard for a case like this is much less than what our ordinance proposes.

The ordinance -- our ordinance has not been amended, but the practice with the -- I think the blessing of the Legal Department is that we're going to apply the standard that was applied in the case's name -- I forget right now -- and that's how we get here. It's a special permit case, not a variance case, despite what our ordinance may say.

Okay, with that, the Chair will make the following motion: The Chair proposes that we make the following findings with regard to the relief being sought: That the requirements of the ordinance -- or our ordinance -- cannot be met without relief.

That traffic generated or patterns of access or egress resulting from what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character. Mr. Glassman's already touched on this, and there is no impact in terms of creating

congestion, hazard or substantial change from the relief being sought.

That the continued operation of or development of adjacent uses, as permitted in the ordinance, will not be adversely affected by what is proposed. The relief in fact is modest in nature, and it has no impact on the neighborhood. And I think it's in part witnessed by the fact that we have received no letters of opposition from the neighborhood or anybody else with regard to the relief being sought.

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

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

In short, what is being proposed is just to modernize, if you will, and make more useable the structure involved here, and with no impact on the neighborhood or the city itself.

So on the basis of all of these findings, the

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1
     Chair moves that we grant the special permit requested on
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     the condition that the work proceed in accordance with plans
 3
    prepared by GS -- GCD, I'm sorry -- GCD Architects dated
 4
     September -- the cover page of which is dated September 22,
 5
     2020, and the first page of which, or the cover page of
 6
    which has been initialed by the Chair.
7
               Brendan, how do you vote?
8
               BRENDAN SULLIVAN: Brendan Sullivan, yes to
9
    granting the special permit.
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               CONSTANTINE ALEXANDER: Jim?
11
               JIM MONTEVERDE: Jim Monteverde, yes to the
12
     special permit.
13
               ANDREA HICKEY: Andrea Hickey. I vote in favor of
14
    granting the special permit.
15
               JASON MARSHALL: Jason Marshall, yes.
16
               CONSTANTINE ALEXANDER: The Chair votes yes as
17
    well.
18
               [All vote YES]
19
               Special permit granted. Good luck.
20
               JASON MARSHALL: Thank you.
21
               BRENDAN SULLIVAN: Jason, this is Brendan
22
    Sullivan. Just as an aside, I appreciate your comments, and
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bringing that to the Board's attention. It was well brought
 1
 2
     out.
 3
               JASON MARSHALL: I appreciate that, Mr. Vice
 4
     Chair.
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1 2 (6:33 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, and 4 5 Jason Marshall CONSTANTINE ALEXANDER: The Chair will now call 6 Case Number 89477 -- 96 Hammond Street. Anyone here wishing 7 8 to be heard on this matter? 9 SEAN O'GRADY: I don't see him speaking. 10 JOHN TITTMAN: I would like to -- I would like --11 I'm presenting it, I'm John Tittman, Architect. 12 CONSTANTINE ALEXANDER: Go ahead. 13 JOHN TITTMAN: Okay. So is -- can someone open 14 the drawings, and I can direct you to the -- there's a lot 15 of documents in this file, and I can direct us to the key 16 ones for explaining the situation? 17 SISIA DAGLIAN: Sorry, I'm seeing that. 18 JOHN TITTMAN: So if you could start with page 19 19 on the nineteenth page, thank you. Oop, that's not -- wait 20 a minute, that's not my 19. What's going on here? Go up to 21 16, please. There's some extra pages there. So if you 22 could zoom in on the lower left drawing, thank you.

This is the existing conditions of 96 Hammond Street. It's a three-unit building, three apartments.

At some point, you can see there was a very large dormer that probably doesn't conform with the current dormer rules, but there it is. We are making no changes to the footprint or the FAR in this project, it's entirely an interior renovation project.

The zoning issue that we're bumped up against is that this façade here, which faces east, is about five feet from the lot line. And so, therefore, the location of this façade is nonconforming. We would like to amend the windows on the third floor.

And if you could scroll up a few pages to I think

11, if I've done the math right, and scroll down to the

drawing below? No, sorry. It's just that for some reason

the numbers are missed.

SEAN O'GRADY: There you go. Number 5.

JOHN TITTMAN: Thank you very much. So what you can see on the right, on the third -- so the only changes that are being proposed are we're moving the window that's scooched up to the very north end of the dormer on the right and moving it so that it's spaced evenly.

And the window that's the second from the left on the third floor, which right now is a small window like the two units below, we're proposing to make it a single-unit, a double hung unit to match.

So we're basically -- we're asking for these -- an enlargement of that second window and a moving of the rightmost window. That is the only change we are asking for, and because it's within the zoning narrow setback that's preexisting, we need to come before you for permission.

And there's one other overlay which I'd like to add, which is that because this is a three-family unit, it also -- we have a fire code issue, because the building façade is too close to the lot line.

And we have a separate issue which we are dealing with the Building Department on, but it's a little bit of a cart and horse problem. We don't know -- we think that this is the horse; that is that we need permission from the zoning to do the windows, and then second, we're going to get -- we have to tangle with the fire rules.

We have a strategy for that, which I can explain if you're interested in, which we then will present to the Building Department and Inspectional Services to get their

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1
     approval of that. And if -- but we need first the ability
2
     to do it from zoning.
 3
               CONSTANTINE ALEXANDER: Okay, thank you. Brendan,
 4
    any questions?
 5
               BRENDAN SULLIVAN: No questions, Brendan Sullivan.
 6
               CONSTANTINE ALEXANDER: No questions from Brendan.
7
     Jim?
               JIM MONTEVERDE: No questions.
8
               CONSTANTINE ALEXANDER: Andrea?
9
10
               ANDREA HICKEY: Nothing at the moment.
11
               CONSTANTINE ALEXANDER: Okay, Jason.
12
               JASON MARSHALL: Jason Marshall, no questions.
13
               CONSTANTINE ALEXANDER: The Chair has no questions
    as well. So I will open the matter up to public testimony.
14
15
    And again, let me read the instructions.
16
               Any members of the public who wish to speak should
17
    now click the icon at the bottom of your Zoom screen that
18
     says, "Raise hand." If you're calling in by phone, you can
     raise your hand by pressing *9 and unmute or mute by
19
20
    pressing *6.
                So I'll wait a few minutes for -- to see if we
21
22
    have anybody who wishes to speak.
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1
               SEAN O'GRADY: No speakers, Gus.
 2
               CONSTANTINE ALEXANDER: Thank you, Sean.
     close public testimony. We are in receipt of three letters,
 3
     all of which are in support of the project that's being
 4
     proposed. I don't propose to read the letters, but I will
 5
     identify the person to take the time to write a letter.
 6
 7
               There's a letter from a Diana H. Barlow, B-a-r-l-
 8
     o-w, who resides at 101 Hammond Street, across from 96
 9
     Hammond. We have a letter of support from Sydney, S-y-d-n-
10
     e-y and Eric Fisher who reside at 100 Hammond Street. And
     last a letter from Eleanor Andrews, who lives next door at
11
     98 Hammond Street. So all those are in support.
12
13
               I will close public testimony. Discussion, or are
14
     we ready for a vote?
15
               BRENDAN SULLIVAN: I'm ready for a vote.
16
               CONSTANTINE ALEXANDER: I'll proceed to a vote,
17
     unless any of the other members of the Board want to have a
     discussion.
18
19
               ANDREA HICKEY: Proceed, please?
20
               JIM MONTEVERDE: Yep, Jim Monteverde, I'm ready to
21
     vote.
22
               CONSTANTINE ALEXANDER:
                                       Okay.
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JASON MARSHALL: Jason Marshall, ready to vote.

CONSTANTINE ALEXANDER: All right. The Chair moves that we make the following findings with regard to the relief being sought: That the requirements of the ordinance cannot be met without the special permit that's been applied for.

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

And as the petitioner's architect has pointed out, we're talking about new, relocated windows on the top third floor of the structure.

That the continued operation of or development of adjacent uses, as permitted in the ordinance, will not be adversely affected by the nature of the proposed use. And again, we have received no objections to the operation of other property with regard to the relief being sought.

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

And generally, what is being proposed will not

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1
     impair the integrity of the district or adjoining district,
     or otherwise derogate from the intent and purpose of this
2
 3
     ordinance. Again, this is what is being proposed here.
 4
     There's modest relief as far as the windows and having, it
     would appear, no impact on any neighboring properties.
 5
               So on the basis of all of these findings, the
 6
7
     Chair moves that we grant the special permit on the
8
     condition that the work proceed in accordance with plans
    prepared by Albert Righter, R-i-g-h-t-e-r and Tittman, T-i-
9
10
     t-t-m-a-n-n, Architects, the first page of which has been is
     there a date on here? Yes, there is -- dated 09/14/2020,
11
12
     the first page of which has been initialed by the Chair.
13
    Brendan?
14
               BRENDAN SULLIVAN: Brendan Sullivan, yes to
15
     granting the special permit.
16
          JIM MONTEVERDE: Jim Monteverde, yes for granting the
17
     special permit.
18
               ANDREA HICKEY: Andrea Hickey, yes in favor of
19
     granting the special permit.
20
               JASON MARSHALL: Jason Marshall, yes to the
21
     special permit.
22
               CONSTANTINE ALEXANDER: The Chair votes yes as
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well. [All vote YES] With all that noise in the background, the special permit has been granted. Congratulations and good luck on the project. JOHN TITTMAN: Thank you very much. CONSTANTINE ALEXANDER: You're welcome. COLLECTIVE: Thank you. CONSTANTINE ALEXANDER: The next case is scheduled for 6:45 p.m., and it's not quite that yet. We've got a couple of minutes. So everybody can take a breather and we'll start again at 6:45.

1 2 (6:45 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde and 5 Matina Williams CONSTANTINE ALEXANDER: The Chair will now call 6 7 Case Number 92914 -- 23 Traymore Street. Anyone here 8 wishing to be heard on this matter? ARCH HORST: Mr. Chairman? 9 10 CONSTANTINE ALEXANDER: Yes. 11 ARCH HORST: This is Arch Horst representing the 12 owners of 23 Traymore Street. 13 CONSTANTINE ALEXANDER: Okay. Proceed. ARCH HORST: Thank you very much. Similar to the 14 15 case that just preceded us, this is a case referring or 16 relating to reconfiguring us some windows and adding a 17 window on one façade that is within the side yard setback, 18 and thank you, Cecilia (sic). 19 On these drawings, it's windows on the first and 20 second floor on the left elevation. 21 If you go to the slide Number 2, you can see --22 thank you -- this is an old plot plan, and the rear wood

deck no longer exists. You can see how it -- on this -this is the elevation on the right with the dotted windows
you can see -- thank you -- are the existing windows, and
the new windows are shown as new.

The transom windows are on the second floor, replacing three regular double hung windows, a new double hung window where there had been a door at one time, and a new window that's a different shape than an existing window.

The net effect of these windows -- these new windows -- is that there's virtually no change in the amount of glass facing in this direction.

And then in the rear there are three new windows, but they're actually not in the setback. Although it appears to be a rear yard setback, that rear section is a side yard, because the house is on a corner lot, and it has two front yards and two side yards and no rear yard. So that's the sum total of what we're planning to do.

CONSTANTINE ALEXANDER: Okay.

ARCH HORST: Questions?

CONSTANTINE ALEXANDER: I'm going to ask members of the Board if they have any questions. Brendan?

BRENDAN SULLIVAN: I have -- Brendan Sullivan, no

1 questions. 2 CONSTANTINE ALEXANDER: Jim? 3 JIM MONTEVERDE: Jim Monteverde, no questions. CONSTANTINE ALEXANDER: Andrea? 4 5 ANDREA HICKEY: Andrea Hickey, no questions. CONSTANTINE ALEXANDER: 6 Jason? 7 JASON MARSHALL: Jason Marshall, no questions. 8 CONSTANTINE ALEXANDER: The Chair has no questions 9 as well. So we will close public testimony and open the 10 matter up to public discussion. Again, any members of the 11 public who wish to speak should now click the icon at the 12 bottom of your Zoom screen that says, "Raise hand." If you 13 are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. 14 15 I'll wait a few minutes to see if anyone wishes to 16 speak. 17 SEAN O'GRADY: No speakers. 18 CONSTANTINE ALEXANDER: Thank you, Sean. 19 Board is in receipt of a number of written communications 20 from neighbors and abutters, all of which are in support of the relief being sought. I don't propose to read the 21 22 letters again, but I will identify the person who took the

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1
     time to write. There's e-mail from Sarah Schwartz
2
     (phonetic).
               We have a communication from Johanna -- I don't
 3
     see a last name -- she does send her warm regards. We have
 4
 5
     a communication from Rosanna Babitch, one from Robert
 6
    McCarthy, and one from Peter Bristol [all names phonetic].
7
               More: We have one from -- we have Rosetta Babitch
     I've identified already -- some of these are duplicates.
8
9
     Okay. As you can see, there are numerous letters of
10
     support, no letters of opposition. I will now close public
11
     testimony. Excuse me.
12
               Brendan, any comments or questions?
13
              BRENDAN SULLIVAN: No, I'm ready for a vote.
14
    have no questions.
15
               CONSTANTINE ALEXANDER: Ready for a vote? Okay.
16
               JIM MONTEVERDE: And Jim Monteverde, ready for a
17
    vote.
18
              ANDREA HICKEY: Andrea Hickey, ready for a vote.
19
               JASON MARSHALL: Jason Marshall, ready for a vote.
20
               CONSTANTINE ALEXANDER: And the Chair is ready as
21
    well. Okay, the Chair -- this is a special permit case. So
22
    the Chair moves that we make the following findings: That
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the requirements of the ordinance cannot be met without the relief being sought.

That traffic generated or patterns of access or egress resulting from what is proposed will not cause congestion, hazard, or substantial change in established neighborhood character. These changes really have no impact on the street, and impact, if any, would be on neighbors, and as I have indicated, we have no neighbors expressing any objections to what is proposed.

That the continued operation of or development of adjacent uses, as permitted in the zoning ordinance, will not be adversely affected by the nature of the proposed use. And again, I refer back to the letters of support and the lack of any letters of opposition.

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

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

Again, this is a case like others we've already

heard tonight, and we hear many other times where we're talking about modest modifications to a structure in a residential district to make the house more habitable, and without impacting the neighborhood or the city in any material way.

So on the basis of all these findings, the Chair moves that we grant the special permit requested -- I'm looking for the plans -- on the conditions that the work proceed in accordance with the plans submitted by the petitioner, the first page of which has been initialed by Barry R. Nelson and Associates, Architect, the pages of which are in the file and have been initialed by the Chair.

Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes to granting of the relief.

JIM MONTEVERDE: Jim Monteverde, yes to granting the special permit.

ANDREA HICKEY: Andrea Hickey, yes in favor of granting the special permit.

JASON MARSHALL: Jason Marshall, yes to the special permit.

CONSTANTINE ALEXANDER: And the Chair makes it

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unanimous. I'm in favor.
 1
 2
               [All vote YES]
               Special permit granted. Good luck.
 3
 4
               COLLECTIVE: Thank you.
               CONSTANTINE ALEXANDER: Okay, it's now 6:52. Our
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 6
     next regular case is not scheduled until 7:30, and starting
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     at 7:00 we're going to start -- we're going to hear three
 8
     continued cases from a prior time. And then we'll come back
 9
     to this meeting again at -- the regular meeting at 7:30 p.m.
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               [BREAK]
11
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1 2 (6:59 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Matina Williams 6 CONSTANTINE ALEXANDER: Okay, it's now 7:00, so we 7 are going to turn to our continued case agenda. We have 8 three cases, and then we return to our regular agenda at 9 7:30 p.m. -- no earlier than 7:30 p.m., after we have 10 disposed of or dealt with the continued cases. So the first 11 continued case I'm going to call is Case Number --12 SISIA DAGLIAN: Gus? 13 CONSTANTINE ALEXANDER: Yes? Yes? First case I'm 14 going to call is Case Number 017307 -- 362 Broadway. Anyone 15 here wishing to be heard on this matter? 16 DUNCAN MACARTHUR: Yes, I would. I'm Duncan 17 MacArthur. 18 CONSTANTINE ALEXANDER: Okay, Mr. MacArthur. Proceed. So this is a continuation of 362 Broadway, which 19 is a home we're building on Broadway for a foundation to run 20 a center out of. We previously got a variance to -- and 21 22 some special permits to demolish the existing house and

basically put it back as it was.

We then came back to you to ask if we could install some extra windows on the east side of the property, as along with a dormer on the east side of the property and some windows on the south side of the property.

The case was continued because there was a concerned neighbor -- and I'm sure he'll speak to this -- and we decided to see if we could come up with a compromise. And I think that compromise is that we would like to eliminate two of the windows on the east side of the property, keep the dormer -- the windows in the dormer -- and the windows on the south side, with the provision that --

CONSTANTINE ALEXANDER: This is what you were -I'm sorry, this is what you identify as, "Option 2" on the
form?

DUNCAN MACARTHUR: It is, yep.

CONSTANTINE ALEXANDER: Okay, thank you. Go ahead.

DUNCAN MACARTHUR: So that's basically it, as we presented before. I think we just sort of xd out the windows that we're eliminating, and I think the -- Mr. Witt will

want to make sure that the windows that we're installing on the east side in the dormer in the stairwell are okay and translucent, and nonoperable.

[Pause]

Right, correct. So the two that are scratched out, we will eliminate, but the ones in the dormer in the bubble we will keep.

[Pause]

And then on the south side -- and add dormers, actually we were asking permission for that dormer; we realized that we needed a dormer there to accommodate the stairwell. We sort of made a drafting error, or a planning error for how that was built.

CONSTANTINE ALEXANDER: The dormers you propose -I'm sorry, the windows in the dormers you're proposing on
the east elevation, I take it they will be transparent
windows and can be open and shut?

DUNCAN MACARTHUR: No. In the future down the road, if they sort of figure out what they're going to do the neighbors are concerned because they either want to build something on that lot or something behind the house.

So as of now, they would prefer those to be nonoperable, and

not totally transparent, for privacy.

CONSTANTINE ALEXANDER: Well, if we grant relief tonight, with regard to these dormers, we have to make it as part of our decision tonight. We just can't say, "Well, we'll defer it to a future time."

So either you are going to have those windows as normal -- what I'm going to call, "normal" windows or we're good going to have these windows be not transparent and not openable.

DUNCAN MACARTHUR: Well, then I guess I would like that they would be openable, and I would ask that they can be nontransparent, but operable. You know, they're in a stairwell, they're going to be kind of hard to get to, but not that they're going to want to open them a lot, but I think they want to for window cleaning.

And because they're so close to the property line, regardless we have to have a head above them for fire reasons. But I would prefer them to be operable.

CONSTANTINE ALEXANDER: You want them operable?

DUNCAN MACARTHUR: Sure.

CONSTANTINE ALEXANDER: But you agree they should not -- they will not be transparent?

1 DUNCAN MACARTHUR: Correct. 2 CONSTANTINE ALEXANDER: Okay. I just want to 3 clarify so we know --4 DUNCAN MACARTHUR: Yep. 5 CONSTANTINE ALEXANDER: -- get to a vote, what is 6 it we're voting on, and also, that your neighbor, who I 7 assume is going to speak, is clear about what's going on, 8 and whether he approves or disapproves, or whatever. 9 I'm sorry to interrupt you. Keep going, sir. 10 DUNCAN MACARTHUR: Well, you pretty much wrapped 11 it up. So yes, you're correct in your assessment there. 12 CONSTANTINE ALEXANDER: Okay. Questions? 13 DUNCAN MACARTHUR: And then if you want -- on the windows on the south side, those will be totally 14 15 transparent. 16 CONSTANTINE ALEXANDER: Right. 17 DUNCAN MACARTHUR: Right. 18 CONSTANTINE ALEXANDER: Questions from members of 19 the Board? 20 BRENDAN SULLIVAN: Brendan Sullivan, no questions. 21 JIM MONTEVERDE: Jim Monteverde, no questions. 22 ANDREA HICKEY: Andrea Hickey, no questions.

1 BRENDAN SULLIVAN: Brendan, no questions. 2 MATINA WILLIAMS: Matina, no questions. 3 CONSTANTINE ALEXANDER: Okay. And the Chair has 4 no questions beyond the ones I've already asked. With that, I will close the matter up to public testimony and allow 5 6 members of the community to participate. 7 And again, any members of the public who wish to 8 speak should now click the icon at the bottom of your Zoom 9 screen that says, "Raise hand." If you're calling in by 10 phone, you can raise your hand by pressing *9 and unmute or 11 mute by pressing *6. 12 Okay, with that, Sean I'll wait a few minutes, and see if we've anyone who wishes to speak. 13 SEAN O'GRADY: You have the neighbor Mike With 14 15 that here. 16 CONSTANTINE ALEXANDER: I assumed we would hear 17 from him. Mr. Witt? Mr. Witt? 18 MIKE WITT: Hi, can you hear me? 19 CONSTANTINE ALEXANDER: Now I can, yes. 20 MIKE WITT: So my -- I have been advised that --21 THE REPORTER: Can you spell your name and 22 address, please, for the record?

MIKE WITT: Oh yes, sorry. Mike Witt. I am the abutter of 358 and 360. I have been advised that once there are windows built on my lot side of the building, that it further constrains any options that I would have for building -- both an issue of privacy and location of my home on that lot.

I have proposed and willing to compromise that they be granted the dormer as long as they are nonoperable, translucent with safety glass, which would mitigate any issue of privacy and the location of the building. It would provide me more options for building on that lot.

CONSTANTINE ALEXANDER: The petitioner has already said he will make these two -- these dormer windows not transparent. The only issue is he wishes to have them operable, and you're saying you wish them not to be operable?

MIKE WITT: Right. Because it is an issue -- it is a fire issue, and we're asking that the windows have safety glass --

CONSTANTINE ALEXANDER: Okay.

MIKE WITT: -- nonoperable and translucent to mitigate any potential issues of privacy and safety for a

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1
     structure that is fairly close to the structure they're
 2
     building.
 3
               CONSTANTINE ALEXANDER: And then this -- I'm going
     to make an observation, and probably my fellow Board members
 4
     are not going to support it, but I have trouble denying
 5
     relief based upon something you may build. Who knows what
 6
     you will build? And what it will be like --
 7
 8
               MIKE WITT:
                           That --
               CONSTANTINE ALEXANDER: -- well let me finish.
 9
10
               MIKE WITT: Okay.
11
               CONSTANTINE ALEXANDER: And whether you'll give
     whatever zoning relief you're going to need. So it's a
12
     little bit of a -- I'm troubled by what you're --
13
               MIKE WITT: I under -- yeah, I understand, but why
14
15
     should the burden -- further burden be placed on me, when
16
     this is being granted as a special permit? I thought the
17
     whole idea is that when someone is going before the Board,
18
     that they are considering how it affects the abutter? And
19
     it has significant effect.
20
               I have been willing just to further discuss what
21
     has transpired. I have been willing and have had multiple
22
     conversations with Duncan that we would concentrate on
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trying to build our home behind them on the 358 lot, but we wanted them to support that, and then we would be willing to have the windows at a later date become operable if they so choose, as long as we were granted the variance.

But if we -- it is my understanding -- I've been advised by an attorney and zoning consultant that once windows on that side are granted, it changes and diminishes my options for building.

CONSTANTINE ALEXANDER: I don't know whether that's right or not. I suspect it is, but I guess I go back to my basic point, and it is I have trouble denying specific relief that I consider personally modest for a structure that you don't even have plans for yet.

You may not go forward; you may not get the zoning relief you would need to build what you want to build.

So it strikes me as an imbalance here. But I will keep -- that's the last I'm going to say about this.

But we're talking about right now the only issue - so I want to make it clear -- is the issue of the windows
in the dormer, whether they'll have safety clasps -- there's
no objection to that -- whether they will be nontransparent,
and that's been agreed to, but whether they will be

operable, with the petitioner saying he wishes them to be operable.

And you're saying you wish them not (sic) to be nonoperable, because it may in fact -- the structure that you may build someday.

Did I catch it right? Did I summarize it correctly?

MIKE WITT: Right. But the issue becomes is that once the windows become operable, whether they have safety glass or not, it changes -- it doesn't --

CONSTANTINE ALEXANDER: I know, sir, but the point is, is that it changes something that you haven't even done yet! This is a -- what you want to build is a gleam in your eye! And should we deny relief to this person, who is already working on -- has got plans for something that may happen?

MIKE WITT: I think yes, because I have been -- I have tried -- if I had -- I have been consistently before the zoning hearing. I was at -- attended the zoning hearing when the house was granted.

And I feel like I have been fully supportive and have compromised along the way, and that I had stated my

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1
     opinion that I would fully support the structure when the
2
     dormer was set back. And now the dormer is no longer set
    back.
 3
               And so it's -- not only we're asking for a change
 4
     in the dormer, which is no longer set back, which would not
 5
    have been an issue. And now the dormer has come to the side
 6
    of the building, and with an operable -- I mean, and it's
7
8
    not even that it's -- it's a window that is above a stair.
9
               So my understanding was that it was more of an
10
     issue of light -- putting light into the stairwell. And a
11
     translucent window will do that.
12
               CONSTANTINE ALEXANDER: Mr. MacArthur, you still
    want to have the dormer windows operable?
13
               DUNCAN MACARTHUR: Well, [1:22:26 audio unclear
14
15
    back would like]
16
               CONSTANTINE ALEXANDER: I'm sorry. You've gone
17
     silent. Can you hear us or me?
18
               [Pause]
19
               Now, where are we? Hello? Now what?
20
               SILVANA SAWAYA: Hi, is it possible -- this is the
21
    architect, Silvana Sawaya. I'm the architect working with
22
    Duncan MacArthur.
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While his video comes back, I may be able to clarify one thing about the need for making the windows operable. And I'll be very short. The reason that we were thinking that it would be necessary is --

DUNCAN MACARTHUR: Can you hear me now? I'm sorry, I lost connection, I had to dial back in.

ANDREA HICKEY: Yes, you're back.

DUNCAN MACARTHUR: Okay, sorry about that.

CONSTANTINE ALEXANDER: No problem. Let's just go back since we had a little interruption. I just had a question -- I just want to ask a simple question. You still want these windows to be operable? And if so, why? Just so the record is clear.

DUNCAN MACARTHUR: The main reason being so that you can wash these windows without having to get a ladder and go up 35 feet to clean them. You have the ability to --

MIKE WITT: Well --

DUNCAN MACARTHUR: -- open them and clean them from the inside. And it would be nice at some point to have ventilation if, you know, cross ventilation up on the third floor. And I don't really think it's going to be a privacy issue. There isn't a house there.

If they do something down the road, you know, there's going to be a big discussion with the owners of that of what that's going to look like if they go for their variance.

You know, they're going to want some sort of privacy too. They're going to ask I'm sure for the building to be offset from their building enough so that, you know, it's not interrupting the foundation that was just put in, et cetera.

You know, it's going to be a challenging build site. So, you know, if it's a matter of me not getting approval, then I would give up on the nonoperable part. But I think we're being very reasonable in giving up the other two windows that are there that I -- you know, this window's very high up. I don't really see how it's going to be that much of a privacy concern.

The other two lower windows, which -- once again,

I was saying that, you know, there were windows in the

existing building that we took down, and we're willing to

let those go, you know, for now.

I mean, the discussion I've had with Mr. Witt going back and forth is he wanted us to sign a letter

1 basically saying that we would support what he wants to do 2 out back, which in general we would do. But, you know, we haven't seen any drawings, we don't know what it's going to 3 be like, there's a narrative as to what he wants to do. 4 5 But, you know, he wanted the letter to be aligned -- you know, a legal, binding letter that we weren't 6 7 comfortable signing, or that the stakeholders weren't. 8 So, you know, they're not going to try to -they're going to try to work with him, but it's just a 9 matter of everyone trying to be reasonable. 10 11 And I think their compromise was we'll let go of the two windows that are lower that maybe I could see being 12 a privacy issue, but I just do not see this window being 13 14 that high up really being a privacy issue. 15 And I don't --16 CONSTANTINE ALEXANDER: Thank you. 17 DUNCAN MACARTHUR: -- see --18 CONSTANTINE ALEXANDER: Thank you, Mr. MacArthur. 19 DUNCAN MACARTHUR: -- I don't see how it's going 20 to block it, block them from what they want to do in the future. 21 22 JIM MONTEVERDE: Mr. Chair, this is Jim

Monteverde, can I ask you a question?

CONSTANTINE ALEXANDER: By all means. I was going to ask if you had any questions. Go ahead.

JIM MONTEVERDE: Yeah, just for Mr. MacArthur. If the goal is to get light into that staircase, could you do that -- and assuming you need the dormer for the head height -- when you get to the top of the stair, could you get light into that stair by a skylight on top of the dormer, in lieu of the windows on the face of the side wall?

DUNCAN MACARTHUR: We could. You know, that's an option that we considered. You know, the unfortunate -- I mean, and its nice, skylights are sort of a modern feel, it's a very traditional building.

And skylights on a third floor can let in a tremendous amount of heat. So it's not our favorite option, but it is one that could get light into the stairwell.

JIM MONTEVERDE: Okay. And then can I ask a question of the other gentleman who spoke? I'm just trying to understand -- I don't understand the definition of, "safety glass." I don't know of anything called, "safety glass." There's tempered glass, there's laminated glass, there's heat-treated glass.

1 DUNCAN MACARTHUR: Fire. 2 JIM MONTEVERDE: What are you asking for? 3 DUNCAN MACARTHUR: Okay, fire-rated glass. 4 JIM MONTEVERDE: And why is that? 5 DUNCAN MACARTHUR: Because when a building is within three feet of a structure, it's required. 6 7 ANDREA HICKEY: But there isn't --8 JIM MONTEVERDE: Well --ANDREA HICKEY: -- a structure. 9 10 DUNCAN MACARTHUR: Right. What I'm trying to do 11 is I'm trying to create a situation which I am not adding 12 further constraints to a lot that already has quite a few. 13 ARCH HORST: Can I say something to that? You 14 know, we're required in order -- because we don't have the 15 setback that we would need to the property line, we have to 16 have a dry head sprinkler head, you know, above this window 17 -- an exterior --18 DUNCAN MACARTHUR: Correct. 19 ARCH HORST: -- window head. So fire-rated safety block is like glass block, you know? And I don't think our 20 21 intention was to -- you know, we were trying to make these 22 windows match the rest of the building. So I don't know if

```
1
     I can get a conventional window that has fire glass in it.
2
     I just doesn't exist.
               MIKE WITT: It does exist.
 3
               JIM MONTEVERDE: Jim Monteverde, just to throw my
 4
 5
     two cents in again: The -- what Mr. MacArthur is talking
 6
     about is certainly the typical way to deal with a window on
7
     the -- that close to the lot line, which is in fact I
8
    understand to be code-compliant. And it would be a more
    rare instance where an exterior window would actually be
9
10
    driven to need fire-rated glass.
11
               So I think if you're doing -- Mr. MacArthur, if
12
     you're doing the dry head outside or inside the window, then
     it's -- you've got the protection you need to meet code for
13
     that window in that location, I believe, correct?
14
15
               DUNCAN MACARTHUR: Correct.
16
               JIM MONTEVERDE: Yeah, you've satisfied that
17
     requirement. Okay, thank you.
18
               ANDREA HICKEY: Mr. Chair, it's Andrea Hickey.
19
    Could I ask a question, please?
20
               CONSTANTINE ALEXANDER: Go right ahead.
21
               ANDREA HICKEY: Mr. MacArthur, the two windows on
22
    the lower level that you've "given up" --quote, unquote--
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```
1
    were those operable windows to your knowledge when they were
     in place?
2
 3
               DUNCAN MACARTHUR: I don't know. You know, they
 4
    were very old windows, because the building was built -- you
    know, back in the early 1800s. So the building was in very
 5
    poor condition. There had been a fire, you know. And the
 6
7
    building next door was taken down, so it -- I honestly
8
    couldn't answer that.
9
              ANDREA HICKEY: Thank you. I appreciate your
10
    honesty.
11
              DUNCAN MACARTHUR: Yeah.
12
              ANDREA HICKEY: Nothing further, Mr. Chair.
13
              CONSTANTINE ALEXANDER: Thank you, Andrea. Any
    other members want to ask questions? Brendan?
14
15
              BRENDAN SULLIVAN: No. No question, Brendan
16
    Sullivan.
17
              CONSTANTINE ALEXANDER: Jason? Oh no, not Jason.
18
              BRENDAN SULLIVAN: Matina.
19
              CONSTANTINE ALEXANDER: I'm sorry. Matina? My
    apologies.
20
21
               JASON MARSHALL: Matina.
22
              MATINA WILLIAMS: I don't have any questions at
```

1 this time. 2 CONSTANTINE ALEXANDER: Okay. 3 MIKE WITT: If -- could I speak again? 4 CONSTANTINE ALEXANDER: Say it again, please? 5 MIKE WITT: Is it possible for me to speak again? CONSTANTINE ALEXANDER: This is Mr. Witt? 6 7 MIKE WITT: Yes. This is Mike Witt, yes. 8 CONSTANTINE ALEXANDER: What's -- is it that 9 important? Because we want to move on with this case, and I 10 think you've --11 MIKE WITT: Right. So I would say -- so I guess 12 what I'm saying is that as -- if people generally feel that 13 this is not going to have a great effect on what I am potentially going to do there, then I would be willing to 14 15 compromise. 16 I'm not asking you guys to weigh in on any future 17 development or variance, but if the Board in general feels 18 like this is not a huge hindrance for me moving forward, then I would be willing to compromise and have operable 19 20 windows, as long as the glass is translucent and the 21 sprinkler is there in place. 22 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey

1 again, if I may? CONSTANTINE ALEXANDER: Go ahead. 2 3 ANDREA HICKEY: I don't think that we can give any 4 indication, slight leaning or otherwise, to what Mr. Witt 5 may propose in the future. 6 So respectfully Mr. Witt, I don't think you're 7 sort of reading what we're able to say or not say regarding 8 what you might or might not propose. I'll ask my fellow Board members maybe to be more articulate than I. 9 10 CONSTANTINE ALEXANDER: No, I think your argument -- I'm the Chairman, I'll go first -- I think you are 11 12 articulate. I think that was the point I was trying -- I maybe inarticularly was trying to drive home earlier in the 13 presentation. 14 15 I have a great deal of trouble turning --16 fashioning relief for this project based upon something that 17 might be built, which has not even been designed yet -- or if it has been, it hasn't been shown to anybody. 18 19 MIKE WITT: Okay, I understand. So I would say then I am fine if the windows are translucent. I accept 20 21 what you're saying. 22 CONSTANTINE ALEXANDER: So what you're saying now

```
1
     -- so then let's see if we have an agreement -- the windows
2
     can be nontransparent, but they can be -- and nonoperable,
 3
     and with safety glass -- I don't know what that is, but I
 4
    assume --
 5
               JIM MONTEVERDE: No.
 6
              MIKE WITT: No, what I'm saying is I would -- I
    will say as long as -- the window can be operable, as long
7
8
    as the glass is translucent.
9
               CONSTANTINE ALEXANDER: Okay.
10
               MIKE WITT: I would be fine with that.
11
               CONSTANTINE ALEXANDER: Okay. Other comments or
     questions from members of the Board?
12
13
               BRENDAN SULLIVAN: No questions, comments.
14
               JIM MONTEVERDE: Jim Monteverde, no other
15
    questions.
16
               ANDREA HICKEY: Andrea Hickey, I'm ready to
17
    proceed with a vote.
18
               CONSTANTINE ALEXANDER: Matina, anything you want
19
    to add?
20
               MATINA WILLIAMS: No, no further questions.
21
               CONSTANTINE ALEXANDER: Okay. All right. I don't
22
    think there's -- Sean, is there anyone who wishes to speak
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1 on this matter? 2 SEAN O'GRADY: No more speakers. 3 CONSTANTINE ALEXANDER: No more speakers? And 4 we're not in receipt of any -- I'm sorry, we're not in 5 recent of any written communications. So I can close public 6 testimony, and I think we're ready for a vote. We've had a 7 discussion, but Brendan is nodding his head yes. 8 assume everybody else is doing the same? 9 JIM MONTEVERDE: Jim Monteverde, yes. 10 CONSTANTINE ALEXANDER: Okay. 11 ANDREA HICKEY: Andrea Hickey, yes, of course. 12 MATINA WILLIAMS: Matina Williams, yes. 13 CONSTANTINE ALEXANDER: All right. All right I'm going to make a motion, then. I'm going to probably need 14 15 some help from my fellow Board members, but let me try. The 16 Chair moves that we make the following findings with regard 17 to the variance that's being sought... 18 And I think the findings that we made when we 19 granted the variance and special permit the first time this came before us apply equally now. There's no change that I 20 21 can see, or can conceive that requires separate address.

So I think we can incorporate what we did before,

22

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1
     with regard to the justification for a variance, and for the
2
     special permit as well.
               So with regard to the variance first, the Chair
 4
    moves that we find that the petitioner satisfies the
 5
     requirements for a variance, as he did the last time around,
     on the condition that the work proceed in accordance with
 6
7
    plans, two pages of which have been initialed by the Chair.
8
     There's an inked caption on the top, Option 2.
               Subject to the condition that the -- I hope that's
 9
10
     right -- that the windows in the dormer on the side of the
11
    house facing the east side facing 360 Broadway be -- can be
12
     operable, but they may not be transparent.
13
               They may -- they must be translucent or in some
14
     fashion, so that the safety or the -- you know, privacy of
15
     neighboring property will not be disturbed by these windows.
16
     Did I get it right, Jim? Or anybody else?
17
               JIM MONTEVERDE: Yeah, I would just say
     "translucent" and end it at that.
18
19
               CONSTANTINE ALEXANDER: Okay, all right, all those
20
               JIM MONTEVERDE: "Translucent glass."
21
22
               CONSTANTINE ALEXANDER: Well tinted glass.
                                                            Is
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1
     that what you said?
2
              ANDREA HICKEY: Translucent.
              JIM MONTEVERDE: Translucent glass.
 3
 4
              CONSTANTINE ALEXANDER: Translucent, I'm sorry.
 5
               JIM MONTEVERDE: Translucent glass.
 6
              CONSTANTINE ALEXANDER: Translucent glass -- "that
    the windows be of translucent -- have translucent glass and
7
8
    not be transparent." All those in favor? Brendan?
9
               BRENDAN SULLIVAN: Brendan Sullivan, yes to
10
    granting the variance.
11
               JIM MONTEVERDE: Jim Monteverde, yes for granting
    the variance.
12
13
              ANDREA HICKEY: Andrea Hickey, yes in favor of
14
    granting the variance.
15
              MATINA WILLIAMS: Matina Williams in favor of
16
    granting the variance.
17
              CONSTANTINE ALEXANDER: The Chair is in favor as
18
    well, so the variance is granted. We should turn to the
    special permit that's also been requested for the windows,
19
20
    and let me turn to that.
21
               The Chair moves that we make the following
22
    findings with regard to the windows that are being proposed
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by the petitioner:

That the requirements of the ordinance cannot be met without the special permit.

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

Again, the windows are translucent. [I think "translucent" was the word we used.] And except for the windows that are on the east side of the building facing 360 Broadway have no impact on neighboring properties.

That continued operation of or development of adjacent uses, as permitted by the ordinance, will not be adversely affected by what is proposed. And again, that is the purpose of the condition regarding the translucent nature of the windows in the dormer.

No nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use.

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

1 ordinance. So on the basis of these findings, the Chair moves that we grant the special permit requested, subject to 2 3 the condition regarding translucent windows that we proposed -- that we implemented with regard to the variance we just 4 5 granted. 6 Brendan? 7 BRENDAN SULLIVAN: Brendan Sullivan, yes to 8 granting the special permit. 9 JIM MONTEVERDE: And Jim Monteverde yes for the 10 special permit. 11 ANDREA HICKEY: Andrea Hickey yes for the special 12 permit. 13 MATINA WILLIAMS: Matina Williams, yes for the 14 special permit. CONSTANTINE ALEXANDER: And the Chair votes yes 15 16 for the special permit as well. 17 [All vote YES] 18 Special permit granted as well. Thank you. 19 DUNCAN MACARTHUR: Thank you all for your time. 20 CONSTANTINE ALEXANDER: Thank you. 21 22

1 2 (7:28 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, Matina 5 and Jason Marshall 6 CONSTANTINE ALEXANDER: Okay, the Chair will now 7 call Case Number 544 Massachusetts Avenue, Number 017219. 8 Anyone here wishing to be heard on this matter? Apparently not. 9 10 We are in receipt of a letter, which I will read into the record requesting a continuance. This letter is 11 12 from the petitioner, Cliff Schorer, S-c-h-o-r-e-r. He --I'm going to just summarize his letter. He would like to 13 request a continuance to continue the hearing into early to 14 15 mid-January, to allow sufficient -- and the words got cut 16 off. 17 So anyway, the proposal is to continue this case until -- what's the second one in January? 18 19 SISIA DAGLIAN: The twenty-eighth. Twenty-eighth? 20 CONSTANTINE ALEXANDER: Before I 21 propose a motion, I want to make a statement. And this --22 I'm speaking for myself and this does not represent the

views of the Board, and perhaps my comments are not appropriate at this point.

I don't understand why a petition -- that we have this petition before us. This is not a zoning case. We've had -- this will be the fourth continuance we've given.

This case started in January 9, 2020, so if we continue the case it will have gone for a year.

The reason I say this is not a zoning case is that in no way is the petitioner in my judgment -- and it is a personal judgment -- entitled to zoning relief. The standards for a variance are dramatically different from what you're proposing.

You don't meet the requirements for substantial hardship. You certainly don't meet the requirements for soil conditions and the like.

What needs to be done here, with regard to the project -- and by the way, I'm not opposed to the project, per se -- but what needs to be done is the city has to create an overlay district for Micro Studio Apartments.

And that will say where in the city they can be built and where not. It can lay down ground rules for how big or how small the apartments can be, and whether there's

any parking requirements or anything else that seems material to the drafters of this.

And that way we'll have a framework for the city.

Now, if we were to -- if, if and I underscore "if" we were

to grant the zoning relief that's being sought come January

after one year, how do we handle other cases involving micro

studio apartment buildings? If we grant the relief here, we

have to grant it there!

I just think this case is just misconceived and should not be before our Board. And I've said my peace, and I'll now make a motion to continue this case until 7:00 p.m. on January [28?] --

SISIA DAGLIAN: Yes.

CONSTANTINE ALEXANDER: -- January 28, subject to the following conditions, and these conditions are known very well to the petitioner, since he's continued this case, as I said, three more -- three times previously.

One, that the petitioner has to sign a waiver of time for decision, and he did so with regard to the earlier continuances. So that's been satisfied.

Two, a posting sign has to be erected and maintained for the fourteen days prior to January 28, as

required by our ordinance. I would note that no sign up there right now for tonight's hearing.

And lastly, that to the extent that there are new plans, revised plans, dimensional forms and the like, all of which must be in our files no later than 5:00 p.m. on the Monday before January 28. That's the motion.

Brendan?

BRENDAN SULLIVAN: Brendan Sullivan. Reluctantly,
I will continue to vote to continue this thing one more
time. I really was almost of the mind of not wanting this
to continue, because it has started back in January 9, it
has gone until February. It has also been heard in July,
and now tonight in November.

It appears that the petitioner is not ready for this proposal to come before us, and that there are conflicting circumstances here in what he wants to do at this particular location, and I don't think he has really a good faith effort to try and resolve that, and that -- again, this thing goes back 11 months. And I would not vote -- I would not -- I was prepared not to vote to continue this matter.

However, in deference, I will vote to continue

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1
     this matter until January 28 for one more time, and if it is
2
    not heard on that particular night, then I would make the
 3
    motion to deny the petition before us. So yes to the
 4
    continuance.
 5
               CONSTANTINE ALEXANDER: Andrea and Jim?
 6
               JIM MONTEVERDE: And Jim Monteverde, yes to the
7
     continuance?
8
              CONSTANTINE ALEXANDER: Andrea?
 9
              ANDREA HICKEY: Yes, Andrea Hickey, I endorse Mr.
10
     Sullivan's sentiments, and it seems this case has been
11
     kicking around for long enough. So I agree that we give
12
     them one last time to be ready to proceed. So yes, in favor
    of the continuance.
13
14
              CONSTANTINE ALEXANDER: Okay. Matina?
              BRENDAN SULLIVAN: No, this will be --
15
16
               JASON MARSHALL: Actually, it's me, Mr. Chairman.
17
               CONSTANTINE ALEXANDER: Oh, that's right.
     sorry. Go ahead. You continue.
18
19
               JASON MARSHALL: So I'm new to this case, but I
20
     just -- I think you made a really important point, Mr.
21
    Chairman, and this does seem to present a larger policy
22
    issue around Micro units that, you know, really the BZA
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1
     doesn't appear to be the proper form for those kinds of
 2
    policy changes. And, you know, we're obviously constrained
    by the requirements of the Massachusetts General Laws and
 3
     our zoning ordinance.
 4
 5
               But I'm inclined to support the continuance, and
     so, I would vote to do that.
 6
 7
               CONSTANTINE ALEXANDER: Thank you. And as I've
 8
     indicated before, with a great deal of reluctance I am
     supporting the continuance one more time.
 9
10
               With that, the case is continued until 7:00 p.m.
11
    on January 28.
12
               BRENDAN SULLIVAN: Twentieth.
13
               CONSTANTINE ALEXANDER: Twentieth? I thought --
               SISIA DAGLIAN: 28.
14
15
               CONSTANTINE ALEXANDER:
                                       What?
16
               SISIA DAGLIAN: 28.
17
               BILL ARDINGER: 28.
18
               BRENDAN SULLIVAN: Oh, 28, sorry.
19
               CONSTANTINE ALEXANDER: Thanks. Okay. Case is
20
    over -- for now. Moving on.
21
22
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1 2 (7:34 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall CONSTANTINE ALEXANDER: The Chair will now call 6 7 Case Number 017318 -- 11 Magnolia Avenue. Anyone here 8 wishing to be heard on this matter? 9 ARCH HORST: Yes, Mr. Chairman, this is Arch 10 Horst, Black River Architects, representing the owner of 11 11 Magnolia Avenue. 12 This is a continued case, as you probably noted -case not heard originally. We have come back with a greatly 13 14 reduced set of dormers, and Sisia, do you have them to put 15 up on the screen? 16 [Pause] 17 Thank you. So the dormers are shown on this 18 drawing here in plan, and they're also shown on the 19 elevation. The dormer on the left, the major part of it is 20 10 feet, and then there's a much smaller dormer tucked up 21 next to it for the bathroom that's 5.5 feet, and on the 22 right it's 13 feet.

If you go to the elevations, please, Sisia, right?

Thank you.

That's the -- this house sits on Magnolia, but it has a side street, and this lowered elevation shows the side street elevation of a private way called, "Lamont Avenue."

And the dormer is in the rear section of this house. There are three or four of them that were built at the same time and have similar rooves. The house on either side of this one already have dormers -- much larger, actually than the ones we're proposing.

You can see from the front those dormers look like they're right hanging over the front, but they're in fact well to the back of the house.

And if you got to the drawing below -- Sisia, please? Thank you.

This is the elevation. Up above is the rear elevation, and the elevation down below is the 13-foot dormer facing 9 Magnolia.

And in front there's a cutout for a roof deck, which is actually not a zoning issue. And the garage is getting a roof deck, which is also not a zoning issue.

So it's basically the dormers. It's a window

```
1
     relocation with some additional windows, which are special
2
    permits.
 3
               And if you go to the dimensional form, one
 4
     interesting thing you see is we're actually, based on the
    way the zoning ordinance is written, we're actually reducing
 5
     the size of the floor area, because that outside deck
 6
    doesn't count as floor area.
7
8
               And the goal here is that lot's very small and
9
    we're trying to get as much outdoor space as possible on the
10
     lot.
11
               Oh, and by the way the dormer guidelines meet --
12
     the dormers meet all the dormer guidelines in terms of the
     relationship to the ridge, the ends of the building and the
13
     side wall of the building.
14
15
               CONSTANTINE ALEXANDER:
                                       Thank you.
16
               ARCH HORST: Yep.
17
               CONSTANTINE ALEXANDER: Anything else?
18
               ARCH HORST: Um--
19
               CONSTANTINE ALEXANDER: You don't have to say
     anything else, I'm just --
20
21
               ARCH HORST: No, no I just -- I'm looking at my
22
    notes. We're adding 18 square feet under the dormers, and
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```
1
     then taking away much more than that. That's why the FAR
2
    goes down.
 3
              CONSTANTINE ALEXANDER: And the only issue is --
 4
     from a zoning point of view -- is the FAR? You're not
 5
    violating any setbacks or any other requirements of our
    statute, am I right?
 6
              ARCH HORST: No, that's not true. The dormers are
7
8
    within the setbacks as well.
9
              CONSTANTINE ALEXANDER: Oh, that's right. I'm
10
    sorry.
11
              ARCH HORST: Yeah.
12
              CONSTANTINE ALEXANDER: You did point that out. My
13
    mistake.
              ARCH HORST: Yep.
14
15
               CONSTANTINE ALEXANDER: I will --
16
              BRENDAN SULLIVAN: Brendan Sullivan --
17
              CONSTANTINE ALEXANDER: Brendan, any questions?
18
              BRENDAN SULLIVAN: No questions.
19
              CONSTANTINE ALEXANDER: Or comments? Jim?
20
               JIM MONTEVERDE: Jim Monteverde. Yes, I have a
21
    question, please. If you go to -- I'm just trying to relate
22
    the -- I think it's, Sisia it's the Sheet 3 and the Sheet 2
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```
1
     -- if you go to Sheet 2, I'm trying to understand the extent
2
     I guess and plan of the 15-foot long dormer. And I --
 3
              ARCH HORST: Yeah.
 4
               JIM MONTEVERDE: -- am I reading the plan
     correctly that the bedroom itself is not 15 -- there's kind
 5
 6
    of a step in that? What you're proposing is a dormer, is
7
    that correct?
8
              ARCH HORST: That is absolutely correct. And you
    can see that on the elevation --
9
10
               JIM MONTEVERDE: Elevation?
11
              ARCH HORST: Yep.
12
               JIM MONTEVERDE: Right, okay. And then on --
13
              ARCH HORST: Yep.
14
               JIM MONTEVERDE: -- your sheet A104, are you
15
     adding a deck or a screen wall on top of the garage?
16
              ARCH HORST: A deck on the part of the garage,
17
    correct.
              Open deck, yep.
18
               JIM MONTEVERDE: Right.
19
              ARCH HORST: No roof.
20
               JIM MONTEVERDE: And all of that is as-of-right, I
    assume and there's no issue with it?
21
              ARCH HORST: It's all setback. This lot is one of
22
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1
     the lots that's less than the required width. So you take
     30 percent of the lot and it becomes your side yards. But
 2
 3
     your side yard cannot be less than seven and a half feet.
     So we're setting --
 4
 5
               JIM MONTEVERDE: Right.
               ARCH HORST: -- the deck back seven and a half
 6
 7
     feet from the two side yards and --
 8
               JIM MONTEVERDE: Right, I can see that, yeah.
     Yeah.
 9
10
               ARCH HORST: So that's --
11
               JIM MONTEVERDE: So that's all --
               ARCH HORST: Yeah.
12
13
               JIM MONTEVERDE: Yeah.
               ARCH HORST: That's all within the setback.
14
15
               JIM MONTEVERDE: So there's no -- right,
    understood. Okay, thank you.
16
17
               ARCH HORST: Sure.
18
               CONSTANTINE ALEXANDER: You -- I -- it's been
19
    pointed -- this is the Chair again -- it's been pointed out
20
     to me by a member of the Inspectional Services Department
21
     that the deck you're proposing on top of the garage --
22
               ARCH HORST: Yep.
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```
1
               CONSTANTINE ALEXANDER: -- requires zoning relief,
2
     and you haven't applied for it.
 3
               ARCH HORST: I don't believe it does. Why?
 4
    What's their reasoning?
 5
               SISIA DAGLIAN: You're connecting two structures.
 6
               CONSTANTINE ALEXANDER: Yeah, you're connecting
7
     two tall -- you're connecting two structures. Sisia, have I
8
    got it right?
9
               SISIA DAGLIAN: Yeah, typically when this has been
10
    done before, the area under the stair has been FAR, and
11
     you're extend -- you're essentially, they're two separate
12
     structures now, and they've become connected.
13
               CONSTANTINE ALEXANDER: Let me make a suggestion
    about this.
14
15
               ARCH HORST: Sisia, excuse me --
16
               SISIA DAGLIAN: Yes.
17
               ARCH HORST: I think this is allowed under the
18
    very -- what is the section, it's page 8-2, Sub note F,
19
     "Confirming additions under Article 5 to a structure not
20
     conforming to the requirements of Article 5, provided that
21
    no nonconforming element or aspect is nonconforming."
22
               So we're making these all -- the deck itself is
```

```
1
     conforming.
2
               Now, the bit about the stairs, I wouldn't have
 3
     thought that was FAR, because they're open. They're not
 4
     shedding water. I mean, they are --
 5
               CONSTANTINE ALEXANDER: Let me --
 6
               ARCH HORST: Yeah.
7
               CONSTANTINE ALEXANDER: This is the Chair.
                                                           Let me
8
     suggest something.
9
              ARCH HORST: Yeah.
10
               CONSTANTINE ALEXANDER: This is a discussion
11
     you're going to have to have with the Inspectional Services
12
    Department.
13
              ARCH HORST: Yeah.
               CONSTANTINE ALEXANDER: Where you're going to
14
15
    persuade them that you don't need further relief --
16
              ARCH HORST: Yes.
17
               CONSTANTINE ALEXANDER: -- or they'll persuade you
     that you do need further relief.
18
19
               ARCH HORST: Yes.
20
               CONSTANTINE ALEXANDER: That's for them to decide,
    and if you do need further relief, you're going to have to
21
22
    come back before us. But that doesn't prevent us from
```

```
1
     ruling on the case that's now before us. It doesn't involve
 2
     any relief for the deck over the garage.
 3
               ARCH HORST: True.
               CONSTANTINE ALEXANDER: Members of the Board
 4
 5
     agree?
               BRENDAN SULLIVAN: Brendan Sullivan. No, I agree.
 6
     No relief has been requested; no relief can be granted.
 7
 8
               CONSTANTINE ALEXANDER: Right.
 9
               JIM MONTEVERDE: Right. Yeah, exactly.
10
               BRENDAN SULLIVAN: And so, I think what is before
     us are the dormers, and we can rule on that. If the garage
11
12
     deck becomes another issue, that can be handled at another
13
     time.
14
               BRENDAN SULLIVAN: Yeah. That's my point as well.
15
               ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
16
     here. If we're approving plans, and the plans show
17
     something that may not be allowed, I think we need to be
18
     careful perhaps to carve out your framing of the motion that
19
     we are not making any decision with respect to the garage or
20
     the deck.
21
               Because we're approving plans that show that.
22
               JASON MARSHALL: Yeah. This is Jason Marshall.
```

```
1
     agree with that statement, and I appreciate it.
2
               CONSTANTINE ALEXANDER: And I agree as well, it's
 3
     a good point. When I frame the motion, I will try to do
    what you've suggested, Andrea, and if I don't get it right,
 4
     you'll correct me, or Jason -- either one of you.
 5
 6
               ANDREA HICKEY: Thank you, Mr. Chair.
               CONSTANTINE ALEXANDER: With that, ready for a
7
    motion?
8
               BRENDAN SULLIVAN: Open to public comment?
9
10
               CONSTANTINE ALEXANDER: Oh, I'm sorry, I didn't do
11
    public comment -- Sean, can you open this matter up to
12
    public comment, so we first read the statement?
13
               Any members of the public who wish to speak should
    now click the icon at the bottom of your Zoom screen that
14
15
     says, "Raise hand." If you're calling in by phone, you can
16
     raise your hand by pressing *9 and unmute or mute by
17
    pressing *6.
               I'll wait a few moments to see if there's anyone
18
19
     else who wishes to speak on this matter.
20
               SEAN O'GRADY: Ed Sennott, would you like to
21
     speak?
22
              MARTHA AND ED SENNOTT: Yes, we'd like to speak.
```

1 This is Martha and Ed Sennott at 34 Roberts Road. 2 CONSTANTINE ALEXANDER: Okay. MARTHA SENNOTT: We're just a little bit confused 3 4 how Arch can say that they're not getting any square footage, when they're adding one 15-foot dormer on one side 5 and one 13-foot dormer on the other side, and there is no 6 dormer up there right now on the third floor. That's one of 7 8 our concerns. How can you say that you're not adding square 9 footage to the house? 10 ARCH HORST: I said we were adding 98 square feet 11 under the dormers, but because of the way the zoning 12 ordinance reads, making a deck on the third floor no longer counts as square footage, so that's being subtracted. 13 14 MARTHA SENNOTT: It just -- it doesn't make sense 15 to us. 16 ED SENNOTT: I'm not good enough in math to 17 understand that. 18 MARTHA SENNOTT: Yeah. I mean, I'd have to write that down, but now how many square feet is there going to be 19 20 in the house itself? 21 And I'm talking about the cellar. Because you're 22 digging out the cellar right now, and we're getting

```
1
     bombarded by the smell. It's just like overtaken us, but
     that's another issue.
 2
 3
               But counting from the cellar to the third floor,
 4
     if you could please tell us how much square footage is
     there? And tell us right now.
 5
 6
               ARCH HORST: I can only --
 7
               MARTHA SENNOTT: What are we going to end up with
     as opposed to what we have right now?
 8
                            I can only guess at how much the
 9
               ARCH HORST:
10
     cellar is. It's about 1000 square feet. That's not counted
11
     as part of the square footage --
12
               ED SENNOTT:
                            Okav.
13
               MARTHA SENNOTT: Okay.
14
               ARCH HORST: -- per the zoning ordinance.
15
               ED SENNOTT: All right, so scrap that.
16
               MARTHA SENNOTT: Okay. That's fine. So tell me
17
     the first, second and third floor, how much square footage
18
     you're going to be in -- how much do you have right now in
19
     that house, and how much you're going to have when you're
20
     done?
21
               So you're saying putting two dormers on is only
22
     going to give you 98 square feet, like?
```

```
1
               ARCH HORST: That's correct.
 2
               BRENDAN SULLIVAN: That's absolutely correct.
     [Brendan Sullivan] Sisia, could you pull up the dimensional
 3
 4
     form?
 5
               MARTHA SENNOTT: Right. If you just tell me how
     much square footage is in the house right now, and then
 6
 7
     you're going to -- when you're done with the house, how much
 8
     square footage is going to be there? But it's still the
 9
     same square footage.
10
               CONSTANTINE ALEXANDER: According to their piling,
11
     they're going to add 34 square feet --
12
               MARTHA SENNOT: And that doesn't --
13
               CONSTANTINE ALEXANDER: -- in total gross floor
     area. Right now, there is 2193 feet. If we grant the relief
14
15
     that's being sought tonight, forgetting about the garage,
16
     there will be 2227 square feet.
17
               BRENDAN SULLIVAN: Right.
18
               MARTHA SENNOTT: Okay. That just doesn't make
19
     sense to me when you're --
20
               ED SENNOTT: That's okay.
21
               MARTHA SENNOTT: -- putting two dormers. But that
22
```

```
1
              ED SENNOTT: That's all right. We leave it.
              MARTHA SENNOTT: Okay, all right. Another thing
2
 3
     is the deck over the garage. You're not being fair to us
 4
     neighbors, and especially the neighbors that's on Lamont Ave
    with the deck over the garage. It is way too close to that
 5
 6
     family.
7
               CONSTANTINE ALEXANDER: Excuse me ma'am. As I've
     said before, we're not passing on the deck over the garage.
8
9
               ED SENNOTT: We know, we're just --
10
              MARTHA SENNOTT: We know that, but -- worried
11
     about that -- we --
12
               CONSTANTINE ALEXANDER: Let me finish.
13
     finish.
              MARTHA SENNOTT: Where do they go from here about
14
     -- where do they go from here about the deck over the
15
16
    garage?
17
               CONSTANTINE ALEXANDER: They will -- they have to
18
     go to the Inspectional Services Department and eventually
19
     submit plans saying they can put the deck over the garage
20
     and they don't need zoning relief.
21
               The Inspectional Services Department will then
22
    decide whether they agree with that. If they do agree with
```

```
1
     it, there will be no further case. If they don't agree with
2
     it -- they decide that relief is required -- then the
 3
    petitioner will have to file a new petition just relating to
 4
     the garage, and we'll have another hearing like we're having
 5
     tonight.
               ED SENNOT: So there's a chance we'll have another
 6
    hearing with you guys? Because I'm really see you're doing
7
8
    a good job --
9
               MARTHA SENNOTT: Yeah.
10
               ED SENNOTT: I'm just worried about other issues -
11
     - you know, other apartments, you know?
12
               MARTHA SENNOTT: Yeah, that are coming up.
     okay, so if Inspectional Services agree to the deck over the
13
14
     garage, then they still have to come back to you?
15
               BRENDAN SULLIVAN:
16
               CONSTANTINE ALEXANDER:
17
               ED SENNOTT: No.
18
               MARTHA SENNOTT: Oh.
19
              CONSTANTINE ALEXANDER: If they say -- there's two
            If they say -- the issue will be with the deck over
20
21
     the garage, do they need zoning relief or not? If they say
22
     -- they being ISD -- that no relief is required, then no
```

```
1
     relief will be required, unless you or some other neighbor
2
     take an appeal from that decision. If they do, we'll have a
 3
    hearing related to the appeal, and whether the ISD --
 4
               MARTHA SENNOTT: Oh.
 5
               CONSTANTINE ALEXANDER: Has correctly interpreted
 6
    our zoning ordinance.
7
               MARTHA SENNOTT: So I --
8
               CONSTANTINE ALEXANDER: Let me finish.
9
              MARTHA SENNOTT: Okay.
10
               ED SENNOTT: I'm sorry, I --
11
               CONSTANTINE ALEXANDER: On the other hand, if they
    decide that relief is required, we'll go through the same
12
    process we're doing tonight. In other words, they'll have
13
14
     to file a new petition that will be just limited to the
15
     garage and the deck over the garage, and we'll take it from
16
     there.
17
               ED SENNOTT: I don't appreciate being yelled at.
18
               MARTHA SENNOTT: Okay. So either way, so if they
19
     approve it, then they're going to have to come back? I'm
20
     really confused about that.
21
               CONSTANTINE ALEXANDER: Let me try it one more
22
     thing.
```

```
1
              MARTHA SENNOTT: All right.
2
               CONSTANTINE ALEXANDER: If we approve tonight --
 3
              MARTHA SENNOTT: Yeah?
 4
              CONSTANTINE ALEXANDER: Nothing we approve tonight
 5
 6
              MARTHA SENNOTT: You're not going to approve the
7
    garage? You're not going to approve anything --
              CONSTANTINE ALEXANDER: That's right. Now the
8
9
    garage is out.
10
              MARTHA SENNOTT: Right.
11
               CONSTANTINE ALEXANDER: Then the next issue will
12
    be at some point the petitioner will have to apply for a
13
    building permit --
14
              MARTHA SENNOTT: Right.
15
              CONSTANTINE ALEXANDER: -- to do the work that
16
    they propose to do. That building permit will presumably
17
     include the garage.
18
              MARTHA SENNOTT: Mm-hm.
19
              CONSTANTINE ALEXANDER: The Inspectional Services
    Department will say one of two things: They say, "Fine,
20
    you're all set, go ahead." Or, they will say, "No, wait a
21
22
    minute, you -- this deck over the garage, that required
```

```
1
     zoning relief but you didn't get it. So we're not going to
2
     approve anything with regard to the garage unless you go
 3
    back to the Zoning Board and get relief to do what you want
 4
     to do. And hopefully that makes it clear.
 5
               MARTHA SENNOTT: Okay, all right. So we'll be
    notified --
 6
7
               ED SENNOTT: I think it's clear.
               MARTHA SENNOTT: -- how will be notified of that?
8
    Or will we be notified?
9
10
               CONSTANTINE ALEXANDER: If they apply -- I
11
    believe, and I'm going to defer to ISD -- if someone applies
     for a building permit, there's no notice sent out, is there?
12
13
    No. There's no notice sent out. You can -- what I would
14
     suggest, you can contact Inspectional Services and say that
15
    you would like to be notified --
16
              ED SENNOTT: Mm-hm.
17
              MARTHA SENNOTT: Okay.
18
               CONSTANTINE ALEXANDER: -- if, when the building
19
    permit is applied for, so that you can review the plans to
20
    be sure that they have all the zoning relief that they need
21
    to have.
22
              MARTHA SENNOTT: Okay. Because I don't see how
```

```
1
     that they can ever approve that deck over the garage.
2
               ED SENNOT: We don't know, we don't know.
 3
               MARTHA SENNOTT: It's not fair for anybody in the
 4
    neighborhood, but it's especially not fair for Lamont Ave.
 5
               CONSTANTINE ALEXANDER: You've made that point
 6
    already, several times.
7
               MARTHA SENNOTT: They --
8
               CONSTANTINE ALEXANDER: Let's move on.
9
              MARTHA SENNOTT: Thank you.
10
              ED SENNOTT: Goodbye. He's done.
11
               CONSTANTINE ALEXANDER: Anyone else wish to speak?
12
     Sean, anybody else on the line?
13
               SEAN O'GRADY: No more speakers.
14
               CONSTANTINE ALEXANDER:
                                       Thank you. Okay, we'll
15
     close public testimony. Hold on, let me see if there's any
16
     letters in the file.
17
               MARTHA SENNOTT: I want to speak about the letter.
               CONSTANTINE ALEXANDER: There is a letter of --
18
19
    wait, there is a letter of support; no, no, I'm reading from
20
    the wrong file, sorry.
21
               MARTHA SENNOTT: There are --
22
              ED SENNOTT: There's letters.
```

```
1
               MARTHA SENNOTT: -- there are letters of support,
    but those --
 2
 3
               ED SENNOTT: He said he was reading the wrong
 4
     file.
 5
               MARTHA SENNOTT: But there are letters of support,
 6
     but unfortunately --
 7
               ED SENNOTT: I'm not saying that, I'm just saying,
 8
     you know.
 9
               MARTHA SENNOTT: -- those letters of support, half
10
     of them are absentee landlords. I'm going to tell them that
11
     too.
               ED SENNOTT: Go ahead.
12
13
               CONSTANTINE ALEXANDER: We do have a letter.
14
     me -- we have letters in our file from all in support from
15
     several people. I'm going to read the names -- at least
16
     six, seven letters of support.
17
               MARTHA SENNOTT: That just tells me that --
18
               CONSTANTINE ALEXANDER: No one has raised an issue
19
     -- not that it's necessarily relevant -- no one has raised
     an issue about the garage. So again, we're not deciding
20
21
     anything tonight with regard to the garage. That's a call
22
     that has to be made in the first instance by Inspectional
```

```
1
     Services.
2
               Ready for a vote?
 3
               BRENDAN SULLIVAN: We will terminate public
 4
     comment, yes.
 5
               CONSTANTINE ALEXANDER: All right. Then that's
    all the public comment?
 6
7
               BRENDAN SULLIVAN: Yeah, okay.
8
               CONSTANTINE ALEXANDER: And I've read the letter.
               BRENDAN SULLIVAN: Right.
9
10
              CONSTANTINE ALEXANDER: Referred to the letters of
11
     support.
12
               BRENDAN SULLIVAN: All right. Mr. Horst has
13
    nothing else to add?
14
              ARCH HORST: No. But I understand the issue of
15
    the garage, and we'll take it up with Inspectional Services.
16
    Thank you.
17
               BRENDAN SULLIVAN: Okay.
18
               CONSTANTINE ALEXANDER: All right.
19
               BRENDAN SULLIVAN: Brendan Sullivan, I have no
20
     further questions at all. Ready for a vote.
               JIM MONTEVERDE: Jim Monteverde, ready for a vote.
21
22
              ANDREA HICKEY: Andrea Hickey, ready for a vote.
```

```
1
               JASON MARSHALL: Jason Marshall, ready for a vote.
               CONSTANTINE ALEXANDER: And so is the Chair.
2
 3
    Okay. We're going to deal first with the variance.
               SEAN O'GRADY: Gus?
 4
 5
               CONSTANTINE ALEXANDER: Yes.
               SEAN O'GRADY: It's Sean. You have Ed Sennott
 6
7
     asking to speak again.
8
               CONSTANTINE ALEXANDER: Who asks to speak again?
9
               SEAN O'GRADY: The people who just spoke.
10
               CONSTANTINE ALEXANDER: Only if they have
     something new to add. But we want to move on with our
11
12
     agenda. All right. Put them on.
13
              MARTHA SENNOTT: It's -- on the letters of
14
     support, I appreciate the people writing in the letters of
15
     support. But unfortunately, three of those individuals are
16
     absentee landlords, so they're not even in the neighborhood.
17
               CONSTANTINE ALEXANDER: People can write letters
18
     of support, whether they're in the neighborhood or not, as
     long as they're citizens of the city of Cambridge. We take
19
20
     into --
21
              MARTHA SENNOTT: I know that --
22
              CONSTANTINE ALEXANDER: -- we take into account --
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we take into account where the person who writes the letter
is from, and -- at least I do -- give more weight to letters
from people in the neighborhood than people outside the
neighborhood.
```

MARTHA SENNOTT: Well, I just want to let that be known -- that they're not even -- they're absentee landlords.

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

BRENDAN SULLIVAN: Yeah, okay.

CONSTANTINE ALEXANDER: Okay. I have to make the motion. The Chair moves that we make the following findings with regard to the variance that's being sought:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being as that we're talking about a relatively small structure in a small lot, and there's a need for further living space, and actually a reconfiguration internally.

Because as I understand it, the property is going to go from a two-family house to a single-family house if the relief is granted.

That the hardship is owing to the fact that this is an older structure with a small lot, the shape of the lot, and therefore requires zoning relief to make the modifications that are being proposed. And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the ordinance. So on the basis of these findings, the Chair moves that we grant the variance requested on the condition that the work proceed in accordance with plans prepared by Black River Architects, Inc. dated October 21, 2020 -- each page of which has been initialed by the Chair. Brendan, how do you vote? BRENDAN SULLIVAN: Yes to granting the relief for the variance. JIM MONTEVERDE: Jim Monteverde and Jim Monteverde, yes for the variance. ANDREA HICKEY: Andrea Hickey, yes in favor of the variance.

Jason Marshall, yes.

CONSTANTINE ALEXANDER: And the Chair votes yes as

JASON MARSHALL:

1

2

4

5

6

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8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

well.

1 [All vote YES] 2 So the variance has been granted. 3 ARCH HORST: Thank you. 4 CONSTANTINE ALEXANDER: Let's turn now to the 5 special permit for the windows in the setback. Is there 6 anything more you want to add with regard to this, Mr. 7 Horst? 8 ARCH HORST: Well, it's been pointed out to us that we may need to address the issues of the rating of some 9 10 of those windows because of the relationship to the property 11 line. 12 But I don't believe -- that's a building code 13 issue and not a zoning issue, and we will take it up with the Building Department. 14 15 CONSTANTINE ALEXANDER: Okay. I didn't see any 16 letters in the file objecting to the windows, the special 17 permit for the windows. I will close -- any questions from members of the Board? 18 19 BRENDAN SULLIVAN: Yeah, no questions. 20 CONSTANTINE ALEXANDER: Brendan has no questions. Jim? 21 22 JIM MONTEVERDE: Jim Monteverde, no questions.

```
1
               ANDREA HICKEY: Andrea Hickey, no questions.
 2
               JASON MARSHALL: Jason Marshall, no questions.
 3
               CONSTANTINE ALEXANDER: The Chair has no questions
     as well. So I'll open this matter up to public testimony.
 4
     Again, I'll read the instructions for public comment.
 5
 6
               That any members of the public who wish to speak
 7
     should now click the icon at the bottom of your Zoom screen
 8
     that says, "Raise hand." If you're calling in by phone, you
 9
     can raise your hand by pressing *9 and unmute or mute by
10
     pressing *6. I'll wait a moment or two to see if anyone
11
     wishes to speak on the special permit.
12
               SEAN O'GRADY: No speakers, Gus.
13
               CONSTANTINE ALEXANDER: Thank you, Sean. Okay. I
     think we'll close public testimony, and further discussion,
14
15
     or are we ready for a vote?
16
               BRENDAN SULLIVAN: Ready for a vote.
17
               CONSTANTINE ALEXANDER: I assume everybody else is
18
     ready for a vote?
19
               ANDREA HICKEY: Ready.
20
               CONSTANTINE ALEXANDER:
                                       Okay.
21
               JIM MONTEVERDE: Jim Monteverde, ready for a vote.
22
               CONSTANTINE ALEXANDER:
                                       Okay.
```

1 JASON MARSHALL: Jason Marshall, ready.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with regard to the special permit that's being sought:

That the requirements of the ordinance cannot be met unless we do so -- grant the special permit, that is.

That traffic generated or patterns of access or egress resulting from the special permit will not cause congestion, hazard, or substantial change in established neighborhood character.

And again, I think the facts speak for themselves in terms of the plans and the public testimony we have -- we've had -- regarding the impact of dealing with congestion, hazard or substantial change -- substantial change -- in established neighborhood correct.

That the continued operation of or development of adjacent uses, as permitted in the ordinance, will not be adversely affected by what is proposed.

And again, I rely -- I think the Board needs to rely on the letters of support and the lack of any letters of objection to the special permit.

No nuisance or hazard will be created to the

```
1
     detriment of the health, safety and/or welfare of the
     occupant of the proposed use, or the citizens of the city.
2
 3
               And generally, what is being proposed will not
 4
     impair the integrity of the district or adjoining district,
 5
    or otherwise derogate from the intent and purpose of this
    ordinance. So on the basis of these findings, the Chair
 6
    moves that we grant the special permit requested -- again on
7
8
    the condition that the work proceed in accordance with the
9
    plans referred to with regard to the variance we just
10
    granted.
11
               BRENDAN SULLIVAN: Brendan Sullivan, yes to
     granting the special permit.
12
13
               CONSTANTINE ALEXANDER: Jim?
14
               JIM MONTEVERDE: Jim Monteverde, yes for the
15
     special permit.
16
               ANDREA HICKEY: Andrea Hickey, yes in favor of the
17
     special permit.
18
               JASON MARSHALL: Jason Marshall, yes to the
19
     special permit.
20
               CONSTANTINE ALEXANDER: And the Chairman votes yes
21
    as well.
22
               [All vote YES]
```

1 2 (8:00 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall CONSTANTINE ALEXANDER: The Chair will now call 6 Case Number 91223 -- 2571 Massachusetts Avenue. Anyone here 7 8 wishing to be heard on this matter? 9 JOHN LODGE: Hi, I'm John Lodge, of John Lodge 10 Architects, 56 Aberdeen Avenue in Cambridge. 11 CONSTANTINE ALEXANDER: Okay. JOHN LODGE: And the owner is --12 13 PETTER VELLUCCI: How are you doing? This is 14 Petter Vellucci. I've got my son right here, little Petter, 15 and my wife Assimina (phonetic). We're -- I'm a lifelong 16 Cambridge resident, third generation. I'm very fortunate to 17 grow up here, and I want to give my son the same 18 opportunity. 19 We love Cambridge, and we were able to buy the two-family from a family friend, and her parents help us a 20 21 lot with the baby. So we're changing it to a single and 22 hoping to create a little bit more room.

And John is our amazing architect, who can answer all your technical questions.

CONSTANTINE ALEXANDER: Okay.

JOHN LODGE: All right. So what we're proposing to do is we're proposing to add a new dormer on the south façade of the two-family. The two-family is on a corner lot, on a corner of Mass Ave and Newman Street, and so, the new proposed dormer location is facing Newman Street.

Currently, there is a small gable on the northeast corner of the building -- a third floor gable, which we're demolishing. There's also a head house to the bulkhead to the basement, which you can see sort of where it says ENT.

And so, we're going to -- the stairs down don't meet code and they're dangerous, obviously. So we're proposing to take that down and then add a new areaway down to the basement, also sort of on the south yard.

Because we're taking off the bulkhead and the gable, those two add up to 54 square feet. The proposed gable that we're adding is 66 square feet. So we're talking about a net addition of 12 square feet.

So the two things we're asking for relief on are the fact that the new areaway impinges on the 15-foot front

```
1
     yard setback on the Newman Street side, and the gable
2
     obviously is going to increase the FAR pretty slightly. But
 3
     it's going to increase the FAR.
 4
               BRENDAN SULLIVAN: Sisia, could you pull up the
     dimensional form? I'm sorry, this is Brendan Sullivan
 5
 6
     speaking. John, what are the ratios?
               JOHN LODGE: The current FAR is -- well, let's
7
8
     round it up to 0.65. It's 0.6497. And the proposed is 0.64
     -- sorry, 0.65 --
9
10
               BRENDAN SULLIVAN: Okay, okay.
               JOHN LODGE: -- 28, so --
11
12
               BRENDAN SULLIVAN: Yep, okay. Thank you.
13
               CONSTANTINE ALEXANDER: Any other questions from
    members of the Board at this point?
14
15
               JIM MONTEVERDE: Yeah, this is Jim Monteverde. I
16
    have one question.
17
               Sisia, if you go to the Slide 9, I believe is the
18
    photo in front of the house?
19
               JOHN LODGE: Yeah.
20
               JIM MONTEVERDE: Do I understand the drawings
21
    correctly that you propose to infill half of that front
22
    porch?
```

```
1
               JOHN LODGE: Yes.
2
               JIM MONTEVERDE: And do you propose any
 3
    modifications up on the upper floor above that porch roof?
 4
               JOHN LODGE: I'm sorry, in terms of --
 5
               JIM MONTEVERDE: Will the building mass be altered
 6
    at all, or is that profile -- is that exterior profile to
7
    remain?
               JOHN LODGE: No, the exterior profile is going to
8
9
    remain.
10
               JIM MONTEVERDE: So the only change on that
11
     elevation is infilling the ground floor porch?
12
               JOHN LODGE: Correct, correct, yes.
13
               JIM MONTEVERDE: Mm-hm.
14
               JOHN LODGE: Basically turning it into sort of a
15
    big bay.
16
               JIM MONTEVERDE: Yep. So -- yeah, Mr. Chair?
17
               CONSTANTINE ALEXANDER: Yes.
18
               JIM MONTEVERDE: I just have a question for the
    other members. I think we've seen some before where covered
19
    porches are enclosed. I have concerns when they face the
20
21
    front street of that modification, how it affects the
22
    street, how the house reads as, you know, as a neighbor
```

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1
     along that street and in that neighborhood.
 2.
               So is there any ordinance or exception or
     allowance? I understand it doesn't count as FAR because
 3
     it's already counted as FAR because it has a roof over it,
 4
 5
    correct?
 6
               CONSTANTINE ALEXANDER: I believe that's right.
 7
               JIM MONTEVERDE: Yeah. Is there any other
 8
     limitation or concern about -- is it as-of-right to be able
    to fill that in?
 9
10
               BRENDAN SULLIVAN: This is Brendan Sullivan. It
    may -- the only thing that I think that would trigger it
11
12
    might be within the front yard setback.
               ANDREA HICKEY: Right, but it's already -- it's
13
     already in the front yard setback. It's not -- it's not
14
15
     coming into it more.
16
               CONSTANTINE ALEXANDER: Yeah.
17
               BRENDAN SULLIVAN: Well, the existing --
18
               JIM MONTEVERDE: Right.
19
               BRENDAN SULLIVAN: -- porch is there, but if
20
     you're --
21
               JIM MONTEVERDE: Right.
22
               BRENDAN SULLIVAN: -- well actually if you're
```

```
1
     adding a window, that faces the street. So that doesn't
     cover it either.
2
 3
               ANDREA HICKEY: Right. The footprint is the same
 4
 5
               BRENDAN SULLIVAN: The footprint is the same.
 6
               ANDREA HICKEY: -- is that correct, Mr. Lodge?
7
               BRENDAN SULLIVAN: Yeah.
8
               JOHN LODGE: Yeah, the footprint is the same.
9
               BRENDAN SULLIVAN: Yeah, so you may get a buy on
10
     it.
11
               JOHN LODGE: And the windows are in the front
12
    yard, so I don't think they need a special permit.
13
               BRENDAN SULLIVAN: Right. Yeah, no, you --
14
               JIM MONTEVERDE: Yep. Understood. I'm just
15
    voicing my concern about we've seen a couple cases similar
16
     to this or frankly more aggressive than this where there's a
17
    porch particularly facing the street.
18
               I just think it has a significant impact on how
19
     the building, the house presents itself to the neighborhood
20
     really affects the character of not just the house itself
    but the neighborhood itself.
21
22
               So I don't know if there's any grounds to object,
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1
    but I have a concern.
2
               CONSTANTINE ALEXANDER: Okay.
 3
               JIM MONTEVERDE: No other questions. Thank you.
 4
               CONSTANTINE ALEXANDER: Okay, now I guess I'll
     state the obvious if your concerns can lead to a vote
 5
 6
     against, if you wish to do that. but that's up to you.
7
               JOHN LODGE: Yep, thank you.
8
               CONSTANTINE ALEXANDER: Andrea?
               ANDREA HICKEY: I'm all set for the moment.
9
10
               CONSTANTINE ALEXANDER: Okay, Jason?
11
               JASON MARSHALL: No questions at this time, Mr.
12
    Chair.
13
               CONSTANTINE ALEXANDER: Okay. I don't have any
     questions at this time either. I'm going to open the matter
14
15
    up to public testimony. And again, any members of the
16
    public who wish to speak should now click the icon at the
17
    bottom of your Zoom screen that says, "Raise hand." If
18
    you're calling in by phone, you can raise your hand by
19
    pressing *9 and unmute or mute by pressing *6.
20
               I'll take a moment to see if anyone wishes to
21
     speak.
22
               SEAN O'GRADY: No speakers, Gus.
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CONSTANTINE ALEXANDER: Thank you, Sean. in receipt of a written communication from the neighbors. I can't read their handwriting, it's a signature, but they reside at 15 Newman Street, 2561 Mass Ave Number 2, 11 Newman Street, and again 11 Newman Street. And the letter says, "We are neighbors of Petter and Mina Vellucci, who live at 2571 Massachusetts Avenue. We understand that they are renovating their house to accommodate the changing needs of their growing family. have reviewed the design plans for the proposed renovations, and we fully support them. "We feel that the proposed renovations compliment the exist house and are in character with the neighborhood. We hope the Zoning Board of Appeals will grant them the variance they're seeking and help keep them in the neighborhood for the long term." And that's it. Okay. I'll close all public testimony. Discussion, or are we ready for a vote?

BRENDAN SULLIVAN: Brendan Sullivan, yes ready for

CONSTANTINE ALEXANDER: Jim, ready for a vote?

JIM MONTEVERDE: Yeah. I don't know how to vote,

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20

21

22

a vote.

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1
     but ready for a vote.
 2
               ANDREA HICKEY: Andrea Hickey --
 3
               CONSTANTINE ALEXANDER:
                                       I'll give you some more
     time to think about it. Andrea? Okay, you're ready for a
 4
     vote, Andrea?
 5
 6
               ANDREA HICKEY: I am ready, thank you.
 7
               CONSTANTINE ALEXANDER: And Jason? I'm sorry.
 8
               JASON MARSHALL: Yep, Jason Marshall. Ready for a
 9
     vote.
10
               CONSTANTINE ALEXANDER: Okay. Need more time,
11
     Jim?
12
               JIM MONTEVERDE: No, I'm --
13
               CONSTANTINE ALEXANDER: I'm kidding you. All
14
     right.
15
               JIM MONTEVERDE: No, no.
16
               CONSTANTINE ALEXANDER: The Chair moves that we
17
     make the following findings with regard to the variance
18
     that's being sought:
19
               That a literal enforcement of the provisions of
20
     the ordinance would involve a substantial hardship, such
21
     hardship being that there is a need for additional living
22
     situation in the structure, whether by the current occupants
```

or future occupants.

That the hardship is owing to the shape of the lot. It's a corner lot, and it especially affects this structure and not the structures generally in the area.

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

Again, the relief being sought here -- and at least in the Chair's opinion -- is modest in nature, and it is something that many young families in Cambridge need in terms of additional living space.

So on the basis of all of these findings, the Chair moves that we grant the variance requested on the condition that the work proceeds in accordance with plans prepared by John Lodge Architects dated 09/15/20, all pages of which have been initialed by the Chair.

Brendan, how do you vote?

BRENDAN SULLIVAN: Brendan Sullivan. I concur with Jim Monteverde; I don't like the element of bringing that front wall forward, enclosing the porch. However, it appears that it can be done as-of-right, and need not be

faithful to the rest of the project which is really before
us. So I will go to support the granting of the variance.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Yeah, Jim Monteverde. I will

vote to support the variance, although if you'll allow me a

brief speech? I do appreciate and really applaud the family

for undertaking this endeavor, and they're third-generation

Cambridgeites, that's terrific. And I have no objection to

But I still have concern with infilling the porch, and it is a matter I'd like to figure out how amongst the Board or amongst other city agencies how to pursue this further. But again, I would support this variance.

the dormer or to the areaway.

CONSTANTINE ALEXANDER: I think, if I may comment,
I think the answer is changing the ordinance -- is to deal
with the issue you in my mind, correctly raised. But as I
think the ordinance has now drafted, the concerns are
entirely cosmetic or aesthetic, and that's not the basis for
us, I think, in denying relief.

But a good point, and a fair point. Jason? I mean Andrea?

ANDREA HICKEY: Thank you. Before I make my final

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1
     decision, I wanted to ask Mr. Lodge one question if I could?
2
               CONSTANTINE ALEXANDER: Go ahead.
 3
              ANDREA HICKEY: As I look at the plans, I see on
     the second story at the rear of the house, is there a deck
 4
    being added there?
 5
 6
               JOHN LODGE: On top of the second story?
7
               ANDREA HICKEY: Yeah.
8
               JOHN LODGE: Yeah, we're taking down the gable on
    the third floor and adding a deck.
9
10
               ANDREA HICKEY: And is that part of the relief
11
    you're requesting?
12
               JOHN LODGE: No, that's as-of-right.
13
              ANDREA HICKEY: A second-story deck?
               JOHN LODGE: Yeah.
14
15
              ANDREA HICKEY: Anybody else have an issue with
16
    that?
17
               CONSTANTINE ALEXANDER: How big is the deck, Mr.
18
    Lodge?
19
               JOHN LODGE: It's -- hold on -- it's 15 x 9.
20
               ANDREA HICKEY: Well, I'll ask my colleagues, does
21
    anybody else find that problematic?
22
              CONSTANTINE ALEXANDER: I do. I forgot to mention
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1
     it earlier. But I think -- it depends on the dimensions and
2
     the purpose of the deck.
 3
               But I think it's a bit problematic in my mind.
 4
    Because we've been very vigilant on decks throughout -- I'm
 5
     sorry, in the last several years, and are loathe to allow
 6
    very large decks because of the disruption of the privacy of
7
     the neighbors.
8
               I will note, though, the neighbors seem to have no
9
     objection. Maybe they don't appreciate this deck -- the
10
     consequences of the deck, but it's a fair point.
11
               JOHN LODGE: Could I --
12
               CONSTANTINE ALEXANDER: Mr. Lodge, how big is the
    deck going to be, in terms of square footage.
13
               JOHN LODGE: Well it's 9 x 15 so what's that?
14
15
     That's --
16
               BRENDAN SULLIVAN: 135.
17
               JOHN LODGE: Yeah, 135.
18
               CONSTANTINE ALEXANDER: That's a large -- to my
    mind, anyway, a large deck. And what is it, off the master
19
20
    bedroom?
21
               JOHN LODGE: So the point of the deck is to --
22
    what we were trying to do is create sort of the third floor
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1
     as a place where the in-laws can sort of call their own.
2
    And so, that's off of -- yeah, that's off of what we call
 3
     the -- you know, their -- their space within the house.
 4
               I will also point out that it faces -- because of
 5
     the way the lot's laid out, there's a 20-foot garage, and
 6
     then a little bit of space between it -- a 20-foot garage
7
     and about a 10-foot space between the garage and the house.
     So in terms of how far away it is from the neighbors, you're
8
9
    pretty far away just because of the layout of the garage on
10
     the lot.
11
               CONSTANTINE ALEXANDER: And again, off what room
12
     do you access the deck?
               JOHN LODGE: So it's -- well, it's called the TV
13
14
     room. It's sort of, you know, the grandparents' living.
15
     You know, it's --
16
               PETTER VELLUCCI: Sorry. If I -- if I may
17
     interrupt, Mr. Chairman, that third-floor bedroom is for my
18
     in-laws. The room that attached to it, it's basically like
19
     a kids' room because they help us watch the children a lot.
    And that little deck area is just a walkout to go on.
20
21
               All the neighbors in the area, they all came by.
22
    A couple of them walked through, they were ecstatic. They
```

really like the house.

Before it was kind of the eyesore of the neighborhood. It's mostly single-families that all abutted down Newman Street. On Mass Ave there's a two-family, and on the other side there's three condos.

The house was originally a single-family. We wanted a single for our family. So if there's any questions, I can try to answer them as best as possible, I'm sorry.

CONSTANTINE ALEXANDER: Okay, thank you.

ANDREA HICKEY: Mr. Chair, it's Andrea Hickey again. Are we able to get any sort of technical advice on whether that deck is allowed as a matter of right?

CONSTANTINE ALEXANDER: Well, I think the technical advice you get is from the Inspectional Services Department.

BRENDAN SULLIVAN: Anything above the second -- I'm sorry, this is Brendan Sullivan. Anything above the second floor would require relief.

ANDREA HICKEY: I think so too. And relief is not being requested for that deck. I'm not sure that the neighbors would have contemplated that deck if it wasn't

```
1
     advertised for relief, and the deck concerns me. If we
2
     approve the plans and it shows a deck and relief was not
 3
     requested for that deck and it's required, I think we may
    have an issue.
 4
 5
               CONSTANTINE ALEXANDER: Well, we do have an issue.
 6
               JOHN LODGE: Sean, are you sure that it requires
7
    relief for a deck on top of a second-floor roof?
8
               SEAN O'GRADY: This is Sean speaking.
9
               JOHN LODGE: Yeah, Sean.
10
               SEAN O'GRADY: The deck over the second story has
11
    to meet setbacks.
12
               JOHN LODGE: It does. If you look at the --
13
               SEAN O'GRADY: Then it would be an as-of-right
14
    deck if that's true.
15
               JOHN LODGE: -- if you look at the -- yeah, yeah,
16
     if you look at -- if you look at the third-floor plan,
17
     there's a dashed line, which is the seven and a half foot
18
     setback.
19
               SEAN O'GRADY: All right. Assuming that that's
     true, that would be a conforming deck then.
20
21
               JOHN LODGE: Sir, and we submitted --
22
               SEAN O'GRADY: I actually -- I asked Ranjit about
```

```
1
     this at -- when we were first submitting the drawings.
2
               JOHN LODGE: Yeah, we submitted it, we gave all
 3
     the surveying information because we didn't want to have any
     issues with it. So we met specifically with Ranj to discuss
 4
 5
     that, and he reviewed it.
 6
               JIM MONTEVERDE: Related to -- sorry, this is Jim
7
    Monteverde again -- and related to it, so below the deck,
8
     there's an extension to the kitchen. I'm looking at the
9
     dimensional form, and I'm just trying to understand that the
10
     extension to the kitchen itself looks like it's nominally 11
11
     foot by 11 and a half feet, something like that?
12
               JOHN LODGE: Right, because that's under -- that
    was under -- there's a -- the original house had sort of a
13
14
     second-floor piece that was --
15
               JIM MONTEVERDE: Correct.
16
               JOHN LODGE: -- by pollen, so it's -- it's --
17
               JOSEPH OKPAKU: Yeah.
18
               JOHN LODGE: -- you know, it's infill, basically.
               JIM MONTEVERDE: It's infill. So you can see it
19
20
     in the photograph. But in your dimensional form, somehow
21
     you only gain 12 square feet?
22
               JOHN LODGE: Again, that's because it's under the
```

```
1
     second floor. It was already part of the FAR.
2
               JIM MONTEVERDE: Even though it was in essence
 3
     open yard space?
 4
               JOHN LODGE: Well, at one point I think there was
 5
    a deck, and then the deck got taken down, but --
 6
               JIM MONTEVERDE: Well, it's not there now --
               JOHN LODGE: There's a --
7
8
               JIM MONTEVERDE: -- yeah, look at the photo.
9
               JOHN LODGE: No, I know, I mean --
10
               JIM MONTEVERDE: There's a photo.
11
               JOHN LODGE: Oh, a long time ago.
12
               JIM MONTEVERDE: Yeah.
13
               JOHN LODGE: I'm not --
14
               JIM MONTEVERDE: Look at the photo now in terms of
15
    the condition now.
16
               JOHN LODGE: Yes. So the -- that was a concrete
17
    slab underneath that deck.
18
               JIM MONTEVERDE: There you go. So it's -- yeah,
19
     Slide 11. So you're not accounting -- are you accounting
20
    for that area under that that second-floor overhang as part
21
    of the new floor area, or have you discounted that?
22
               JOHN LODGE: Well, I mean the way I interpreted
```

```
1
     the zoning ordinance is that that was already part of the
 2
     FAR.
 3
               JIM MONTEVERDE: Sean, is that correct?
 4
               SEAN O'GRADY: Yes. That's how we would interpret
 5
     that.
 6
               JIM MONTEVERDE: Okay. Okay. No further
 7
     questions.
 8
               CONSTANTINE ALEXANDER: Okay. Andrea, do you have
     any further questions?
 9
10
              ANDREA HICKEY: Mr. Chair, Andrea Hickey: No, I
11
     have no further questions.
12
               CONSTANTINE ALEXANDER: Jason?
13
               JASON MARSHALL: Yeah, Jason Marshall. Sorry, I
     had an interruption when I think Sean spoke about the deck.
14
15
     Is zoning relief being sought in connection with the deck?
16
               JOHN LODGE: No, it's not. It's my understanding
17
     that the deck is as-of-right.
18
               JASON MARSHALL: Okay. So we would not be voting
19
     on the deck, then?
20
               JOHN LODGE: Correct.
21
               JIM MONTEVERDE: Correct.
22
              ANDREA HICKEY: Correct. It's not before us, but
```

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1
     I raised it because it's on the plans that we're being asked
2
    to approve.
 3
               JASON MARSHALL: You see -- yes, I appreciate
 4
     that. It seems like a similar situation to what we had
 5
    maybe case or two ago.
 6
              ANDREA HICKEY: Correct.
7
               JASON MARSHALL: We wouldn't be taking a vote on
8
     that. I appreciate you raising that, Andrea, thank you. I
9
    have no questions.
10
              CONSTANTINE ALEXANDER: The Chair has no further
11
    questions. Ready for a vote?
12
              BRENDAN SULLIVAN: Yes.
13
              ANDREA HICKEY: Yes.
14
              CONSTANTINE ALEXANDER: Okay.
15
               JIM MONTEVERDE: Yes.
16
              JASON MARSHALL: Yes.
17
              CONSTANTINE ALEXANDER: Let's see.
18
              BRENDAN SULLIVAN: Actually, I thought we were
19
    halfway through the motion.
20
               CONSTANTINE ALEXANDER: Hm?
21
              ANDREA HICKEY: We were.
22
              BRENDAN SULLIVAN: We were halfway through the
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1
    motion.
              CONSTANTINE ALEXANDER: Yeah.
2
 3
               JOHN LODGE: Yeah.
 4
               BRENDAN SULLIVAN: And you had made the motion,
 5
    and you asked my vote, and then I sort of went off on --
 6
              CONSTANTINE ALEXANDER: Right. We have already
7
    made the motion.
8
              BRENDAN SULLIVAN: Right, yeah so --
9
               JIM MONTEVERDE: Right.
10
              BRENDAN SULLIVAN: Anyhow, Brendan Sullivan. I
11
    will reiterate yes to the variance.
12
              CONSTANTINE ALEXANDER: One vote in favor. Okay,
13
    moving on to Jim.
              JIM MONTEVERDE: Jim Monteverde, yes to the
14
15
    variance.
16
              ANDREA HICKEY: Andrea Hickey, yes in favor of the
17
    variance.
18
               JASON MARSHALL: Jason Marshall, yes to the
19
    variance.
20
              CONSTANTINE ALEXANDER: And the Chair votes yes as
    well.
21
22
              [All vote YES]
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Variance granted. Good luck, folks. COLLECTIVE: Thank you very much. JOHN LODGE: We really appreciate it.

1 2 (8:22 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall CONSTANTINE ALEXANDER: The Chair will now call 6 7 Case Number 93291 -- 344 Walden Street. Anyone here wishing 8 to be heard on this matter? 9 KELLY BOUCHER: Yes, I'm here wishing to be heard. 10 My name is Kelly Boucher, B-o-u-c-h-e-r, and I'm at 561 11 Lexington Street in Waltham, Massachusetts. 12 CONSTANTINE ALEXANDER: Okay. Proceed. 13 KELLY BOUCHER: So the existing property is a twofamily house located on Walden Street in a Res B 14 15 neighborhood. 16 The homeowners who purchased the house are a young 17 couple that are engaged to be married and this is going to 18 be their first -- actually Jenny, one of the homeowners grew 19 up on Donnell Street, in fact. 20 And her parents are an abutter to this property, 21 so when they saw this was for sale, they saw it as a unique 22 opportunity to stay in their neighborhood, continue being

right near their family.

So they purchased the house with the intent of living there for a long time and raising their own family in there. And the units are -- it's a typical one over one two-family that you have on Walden Street.

So the third floor has kind of got a not very -it has a roof pitch that doesn't allow code-complying head
room or adequate light or evaluation up in that room, which
was finished and used as a bedroom before.

And the variance proposal that we're coming to you with today requests to add a dormer on each side of the roof. Each dormer does conform individually to the dormer guidelines, but together they're more than 15 feet cumulative (sic).

We are also asking for permission to add a few square feet at the rear of the property to create a mudroom. Now there is a two-story open air deck back there that the homeowners would like to convert to mudrooms so that when they come in from the yard, they have a place where they can put their stuff and unload as they come in to the property.

And we also had originally asked for a special permit to lower the basement door on a nonconforming side

setback. But while the homeowners were meeting with their neighbors, the abutter on that side expressed that he was not in favor of this special permit.

And so, Chad and Jenny went back, looked at their proposal and found a workaround so that they moved the door to the back where no relief is required, and then have omitted that from the ask.

So originally, we asked for a special permit, but that's no longer on the table.

CONSTANTINE ALEXANDER: I'm sorry, I'm not quite sure I followed the last point. Are you withdrawing your request for the special permit? Because you've moved --

KELLY BOUCHER: Yeah. We no longer need it.

We've changed our plan and updated in time to remove that request from our application in order to help work with the neighbors to get a project that everybody feels comfortable with.

CONSTANTINE ALEXANDER: Okay. So what you're seeking tonight is just a variance?

KELLY BOUCHER: Only the variance, which is for dormers of the third floor --

CONSTANTINE ALEXANDER: Right.

KELLY BOUCHER: -- and 100 square feet additional square footage to the back to enclose a mudroom and enlarge by about two feet in each direction.

CONSTANTINE ALEXANDER: Okay. So the record should show that the petitioner withdrew the request for a special permit. Because they're now -- the plans that are being presented tonight incorporate what the special -- the objection to the special permit involved. Okay. Anything else?

KELLY BOUCHER: Nope. The existing house I would just like to say is on a Res B lot. The required GFA for the lot would be a 0.46. The lot is a little bit above the 5000 square feet. So it's under the allowable threshold for where we have to step down.

So we would be allowed a 0.46. The existing house is a 0.49 as existing, and we're looking to bump up to a 0.53 GFA.

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

BRENDAN SULLIVAN: Brendan Sullivan. I just would have one. Why the difference in the design of the dormers?

I was just trying to think why did the -- what was the

thinking on the one on the right side? Driveway side?

KELLY BOUCHER: So the dormer on the right side, which is in the bedroom section of the third floor, is a sort of a more historic dormer. There are a few others on the street that look like this that the homeowner liked and was trying to emulate that are in the neighborhood in abutting properties.

It gives a little bit more visual interest to the bedroom than just a plain shed dormer. The dormer on the other side of the property is in a bathroom, where it's actually slightly more complicated to fit the tub and fixtures in, with sort of a bunch of roof shapes.

So we've gone with the simpler form on the shed side, or the bathroom -- the one that you're looking at on the screen.

BRENDAN SULLIVAN: All right, no. All right, thank you. I'm just wondering when I saw that, you know, what the thinking behind it was. So it's --

KELLY BOUCHER: Yeah. They liked to the dormer, but they didn't think it was very appropriate for a bathroom space, and therefore did something a little bit more simple, just based on the functions of the room inside is the

1 answer. 2 BRENDAN SULLIVAN: Thank you. 3 CONSTANTINE ALEXANDER: Anyone else? Jim? JIM MONTEVERDE: Yeah, this is Jim Monteverde. I 4 have double the concern on this one as we did for the -- as 5 6 I did for the prior one, where really the entire front space 7 of the building just pushes right out to the limit of the 8 existing porches. So this is another one that's just -- so it's more 9 10 so than the previous one. This one I just object to all the infill. 11 Again, the rest of it, the dormers, I agree with -12 - I was curious and I'm glad Brendan asked the question why 13 the two dormers are different. If I had my druthers, they'd 14 15 be -- you know, they'd be similar. 16 But the rest of it I don't have an objection too, 17 but including all of that space in the front I do. And this 18 one I would have -- I would not be able to support. 19 KELLY BOUCHER: Just to be clear, all of that front enclosure is allowed as of right, and we're infilling 20

floor that's already GFA and we're not proposing any windows

21

22

that don't face the street.

```
1
               JIM MONTEVERDE: Understood.
 2
               KELLY BOUCHER: I know -- I hear what you're
 3
     saying, but it's not part of our variance request tonight
 4
     also.
 5
               JIM MONTEVERDE: Yeah, Sean can you direct me to
     the exception that allows you to do that? That doesn't --
 6
     that allows it to be permanently enclosed?
 7
 8
               SEAN O'GRADY: Um--
 9
               JIM MONTEVERDE: I'm not talking about FAR.
                                                            I'm
10
     talking about --
11
               SEAN O'GRADY: This is Sean.
12
               JIM MONTEVERDE: -- enclosing it.
13
               SEAN O'GRADY: Sorry, this is Sean talking. We
     have interpreted our way into that position.
14
15
               JIM MONTEVERDE: Yeah, I understand that.
16
               SEAN O'GRADY: Okay, I just --
17
               JIM MONTEVERDE: So I think the representation
18
     that it's as-of-right is not correct. It's actually been an
     interpretation that it's in fact allowed. I'm suggesting as
19
20
     strongly as I can tonight that that should be really a
     consideration for the Board to make, and for a request it
21
22
     should need to be either by variance or otherwise requested.
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Page 136

And I take exception to the fact that there's such an alteration to the structure like this facing the street, facing the public way that totally changes the character of it, and really has an effect on the neighborhood.

I have no further questions.

CONSTANTINE ALEXANDER: Okay. Thank you, Jim.

Andrea?

ANDREA HICKEY: Well, I have the same concerns that Mr. Monteverde has, but I'm struggling with interpreting whether this is as-of-right or not. It does really increase the massing on the front of the house, and looking at it correctly, it's two stories that was once pretty much open space.

KELLY BOUCHER: It is a two-story porch now, and it has a roof over the second floor, pretty much at the same eave line as is proposed. Volume wise, it's the same existing as proposed, it's just to put -- right now there's, instead there's no railing, there's a wall that goes up to about three and a half feet. And we're just taking that wall plane up.

But I understand your concerns, but it's not something that we would normally bring to the Board of

```
1
     Zoning Appeals. If the dormers weren't involved, it would
2
    be a straightforward permit to get that built through the
3
    city.
4
               ANDREA HICKEY: Right. I -- yeah, I -- I
5
    understand.
              KELLY BOUCHER: Yeah, and I understand what you're
6
    -- I understand where you are also coming from too.
7
8
               ANDREA HICKEY: And in terms of the dormers, I'd
    like them to match, but we're not a Design Review Committee,
9
10
    so my desires in that respect are really sort of not founded
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CONSTANTINE ALEXANDER: Jason?

11

12

13

14

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in the zoning code. So I have no further questions.

JASON MARSHALL: Thank you, Mr. Chair. You know, it sounds like there's probably a larger issue that this Board may want to take up at some point. I feel a little hard pressed in not approving this, when we approved the last application. And I'm inclined to support. I think it meets the standard for a variance.

No other questions at this time.

CONSTANTINE ALEXANDER: Okay. As the Chair, I'm going to make the same comment that other members of the Board have made regarding the dormers; the lack of symmetry

```
1
     and the design of the larger dormer. And I notice that an
     abutter also criticized the design of that dormer. But
 2
 3
     we're not a Design Review Board, I suppose.
 4
               And so, I would not -- I don't feel that I could
 5
     object to the relief based on the design of the dormer. But
     I do think it's sort of inappropriate.
 6
 7
               Okay, with that I think I'll close public
     testimony.
 8
               BRENDAN SULLIVAN: No, you have to open it.
 9
10
               CONSTANTINE ALEXANDER: I'm going to open the
     public, I'm not --
11
12
               BRENDAN SULLIVAN: Yeah.
13
               CONSTANTINE ALEXANDER: -- yeah, I'm going to open
14
     it up to -- I meant close the questions and open the matter
15
     up to public testimony. Any members of the public who wish
16
     to speak should now click the icon at the bottom of your
17
     Zoom screen that says, "Raise hand." If you're calling in
18
     by phone, you can raise your hand by pressing *9 and unmute
     or mute by pressing *6. *6, if I didn't get that.
19
20
               So I'll wait a few minutes to see if Sean gets any
21
     calls.
22
               [Pause]
```

```
1
               SEAN O'GRADY: No takers, Gus.
2
               CONSTANTINE ALEXANDER: Okay. So I'll close
 3
    public testimony.
 4
               We do have some letters in our file, one a
 5
    handwritten note from someone who supports the project. I
 6
     can't read the -- the signature. Mary -- oh, here it is.
    Mary Maher, M-a-h-e-r, who resides at 348-350 Walden Street
7
8
     in support.
               And there is a letter from the abutter at 338-340
9
10
    Walden Street with some comments; the main one being the
11
     location of the base of an egress door, which the petitioner
12
    has dealt with by concurring or making a change to the
     original proposal that generated the comment that was made.
13
               The rest is more of, in my opinion, design or
14
15
     aesthetic issues.
16
               With that, I will now close public testimony.
17
    Discussion, or are we ready for a vote?
18
               BRENDAN SULLIVAN: Brendan Sullivan, ready for a
19
    vote.
20
               CONSTANTINE ALEXANDER: Are there --
21
               JIM MONTEVERDE: Jim Monteverde, ready for a vote.
22
               CONSTANTINE ALEXANDER:
                                       Okay.
```

ANDREA HICKEY: Andrea Hickey, ready for a vote.

JASON MARSHALL: Jason Marshall, ready for a vote.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the variance being sought:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being as that this building, an older building, is in need of some design relief and some additional living space in terms of the dormers.

That the hardship is owing to circumstances relating to the current shape of the structure and its siting on the lot itself.

And that relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of this ordinance. As indicated, this proposal has generated little neighborhood comment. What there is, is either supportive or you might describe as neutral -- certainly not in opposition.

So on the basis of all of these findings, the Chair moves that we grant the variance requested on the

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1
     condition that the work proceed in accordance with plans
2
    prepared by Kelly Boucher, B-o-u-c-h-e-r dated 10/30/20, the
 3
     first page of which has been initialed by the Chair.
 4
               BRENDAN SULLIVAN: Brendan Sullivan, yes to
 5
    granting of the variance.
 6
               JIM MONTEVERDE: And Jim Monteverde no to granting
7
    the variance.
8
               ANDREA HICKEY: Andrea Hickey, yes to granting the
9
    variance.
10
               JASON MARSHALL: Jason Marshall, yes to the
11
    variance.
12
               CONSTANTINE ALEXANDER: And the Chair votes yes to
13
    the variance.
14
               [Jim Monteverde votes no]
               So there are sufficient votes to grant the
15
    variance. Variance granted. Thank you.
16
17
               KELLY BOUCHER: Thank you.
18
               BRENDAN SULLIVAN: Jim, Andrea, this is Brendan.
19
     I think that possibly a memo going to the Planning Board to
20
    address this issue, where porches are enclosed facing the
21
    public way would probably be proper.
22
               I don't know how we do it, but what I think
```

Page 142

started this is that rear porches -- and a lot of times people didn't use their rear porches, they became into a lot of disrepair, and so then they decide, "Well, if we're going to enclose it, either we can enclose it and make a three-season room out of it or whatever." That was probably okay.

But then once you allow that, that the area underneath a covered area, porch, is included in existing FAR: That then translated to the front of the house where people said, "Oh, we can push out the living room and get more FAR, more floor area there."

JIM MONTEVERDE: Yeah, exactly. Exactly. Yeah.

BRENDAN SULLIVAN: But that is an absolute sacrilegious thing to do on a very traditional house. And it looks awful, and it's become rampant, so.

JIM MONTEVERDE: Yeah, I mean that's why -- that's the only reason I felt compelled to bring it up this evening if we've seen some -- frankly the ones that really hurt, because there are some rather beautiful historic houses that have taken some -- you know, very nicely wood-turned side entrances and enclosed them for exactly this reason, because it counts as FAR.

BRENDAN SULLIVAN: Yeah.

Page 143

JIM MONTEVERDE: And it just -- I find it extremely problematic. So I would be happy to carry this one to the Planning Board or whatever other agency or entity it should go to just to -- and I'd be happy to draft up some language to that effect.

But I think it's just used, or the interpretation is just way too broad, and too many folks have used that opportunity to frankly -- you know, take every last square inch.

And we've seen any number of additions proposed over the past couple months that are just, you know, in terms of what they do to the character of the structure, the street, the neighborhood are just -- they're very unfortunate.

So I'd be happy to follow that one up.

BRENDAN SULLIVAN: Yeah. No, it's --

constantine Alexander: I'm going to take you up on that, if I may, Jim. I think the comments and the concerns are valid, and I think someone needs to bring it to the attention of the Planning Board. What the Planning Board will do with it is another question, but that's nothing we can control.

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1
               But I -- and please, go ahead and do --
 2
               JIM MONTEVERDE: Yeah.
 3
               CONSTANTINE ALEXANDER: -- do the draft of that
    proposal.
 4
 5
               ANDREA HICKEY: Thank you and --
               JIM MONTEVERDE: Okay, will do.
 6
 7
               ANDREA HICKEY: -- and Andrea Hickey here. Jim,
 8
     if you wanted a second signature on that or some help with
     drafting, I'd be happy to do that. I agree that this is an
 9
10
     issue.
11
               I think the impact of this sort of filling in the
    back of a house versus the front of the house is completely
12
    different, and I think it's a problem. I just feel sort of
13
14
     constrained by it being interpreted to be as-of-right.
15
               So Jim, I'm happy to help you in any way I can,
16
     and I'm happy to sign off as an additional sort of
17
    petitioner --
18
               JIM MONTEVERDE: Okay.
               ANDREA HICKEY: -- Planning Board.
19
20
               JIM MONTEVERDE: Great. I will reach out to you.
21
     Thank you.
22
               CONSTANTINE ALEXANDER: Jason, anything you want
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1
    to add?
2
               JASON MARSHALL: Thank you, Mr. Chair. Thank you.
 3
              CONSTANTINE ALEXANDER: Okay. And I'm in support
 4
    as well, but sharing the concerns that have been expressed
    by the other Board members. So time for a motion.
 5
    Chair moves that we make the following findings with regard
 6
7
    to the variance being sought: That a literal enforcement of
8
    the provisions of the ordinance would involve a --
              ANDREA HICKEY: Excuse --
9
10
              CONSTANTINE ALEXANDER: -- substantial hardship --
11
              ANDREA HICKEY: -- excuse me, Mr. Chair, didn't we
12
    already vote?
13
              BRENDAN SULLIVAN: Yeah, we did that.
              CONSTANTINE ALEXANDER: Have we voted?
14
15
              BRENDAN SULLIVAN: Yep.
16
              CONSTANTINE ALEXANDER: I got lost in the
17
    discussion. I'm sorry.
18
              BRENDAN SULLIVAN: Yep, we're on Vonn Street.
19
               CONSTANTINE ALEXANDER: We've read the -- okay,
    we're onto Vonn Street. Sorry.
20
21
              ANDREA HICKEY: No worries.
22
```

1 2 (8:40 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde and Jason 5 Marshall 6 CONSTANTINE ALEXANDER: All right. The Chair will now call Case Number 93167 -- 6 Bond Street, #4. Anyone 7 8 here wishing to be heard on this matter? 9 SHIPPEN PAGE: Yes, Mr. Chair, please. Shippen 10 Page for the petitioners Jason and Zoie (phonetic) Keller. I mean -- forgive me, Travis and Zoie Keller. 11 TRAVIS KELLER: Hi, Mr. Chair and -- oh, there's 12 13 Shippen. Great. Mr. Chair and members of the Board, my name is Travis. This is my wife Zoie. 14 15 ZOIE KELLER: Hi. 16 TRAVIS KELLER: We have lived in Boston for the 17 last 15 years, and we are excited to be moving to Cambridge. 18 Our daughter's in school there, and we are excited to move 19 our family. 20 We are also embarking on a project to try and make 21 this house slightly more livable for our family and hope to 22 be in the neighborhood for a long time. So we really

Page 147

appreciate your consideration this evening.

CONSTANTINE ALEXANDER: Thank you. Mr. Page, and if you want to go on to the presentation from a legal point of view?

SHIPPEN PAGE: Mr. Chairman, if I may -- thank you for this. Shippen Page of PAGE & POWELL, 174 Lakeview Avenue, Cambridge.

Mr. Chairman, this case comes before us because this is a preexisting nonconforming structure too close to the rear lot line, and the petitioners seek to add a side patio, some windows and a door in the kitchen, enclose a mudroom.

And I'm highly sensitive to Mr. Monteverde's criticisms about the infill in the front, but this is a very small side entry, which is well set back from the street, which they seek to enclose into a mudroom, and then add a window well in the side for a basement means of egress.

They'll add approximately 60 square feet, and they seek a special permit. They have substantial support from the neighborhood, and the immediate abutter, Harrison More (phonetic), who owns an apartment building to the rear of the structure.

I'm prepared to turn it over to Mr. Hoheb from Sam Kachmar Associates to take you through the architectural renderings. And I'd be happy to answer any questions and reserve time at the end of Mr. Hoheb's presentation to answer any questions the Board might have. Thank you.

STEVEN HOHEB: Okay, thank you, Shippen. I'm

STEVEN HOHEB: Okay, thank you, Shippen. I'm
Steve Hoheb from Sam Kachmar Architects.

[2:53:52 indiscernible proper name introducing herself]

STEVEN HOHEB: Here on the screen we have 6 Bond Street. It's #4 on a three-condominium unit. On the left side of the screen, you'll see the front entries of the carriage house. On the left you'll see the -- I'm sorry, on the right you'll see the proposed perspective, showing the mudroom infill on the right side of the house.

Next slide, please?

On the bottom left here, you'll see in red the carriage house, and how it sits on the rear lot of the condominium. On the right, you will see a plot plan, which is also available as [2:54:35 indiscernible] at the end of the presentation.

Next slide, please?

On the bottom right in red, you'll see the area which we're requesting relief along the existing rear wall and side entry. On the top right, you'll see the FAR calculations, showing the FAR increase from 0.359 to 0.62 -- less than a 0.01 percent increase of FAR.

Next slide, please?

This sheet shows the solar side of the house during the winter and summer solstice. As you can see, the mudroom infill casts very little shadow on the surrounding buildings.

Next slide, please?

On this page, you'll see the existing axonometric of the house. On the right, you will see the existing side entry, which we're proposing to infill.

Next slide, please?

On this page, you'll see the proposed axonometric of the house showing the proposed window well, be it for egress and the mudroom infill. The mudroom is being expanded, and is 18 inches closer to the side yard setback, which leaves about five feet remaining in the side yard setback.

Next slide, please? On this page, you'll see the

1 street perspective from Bond Street. Unless you were sitting inside of the condominium lot, you wouldn't be able 2 3 to see the -- you would hardly be able to see the infill on 4 the back lot of the house. 5 Next slide, please? 6 This is the proposed perspective from Concord Ave. Again, you can hardly see the mudroom infill from the 7 8 street. 9 Next slide, please? 10 On the bottom right, you will see the proposed 11 basement plan. In red shows the proposed window well 12 immediate for egress. 13 Next slide, please? 14 On the bottom right, you will see the proposed 15 level 1 and mudroom infill. In red you'll also see the 16 windows being added to the existing wall and the mudroom 17 infill. 18 Next slide, please? 19 This sheet shows the front elevation of the house. On the bottom right you will see in red the proposed mudroom 20 infill. 21 22 Next slide, please?

This sheet shows the right side elevation. On the bottom right you'll see in red the mudroom infill and the proposed egress window -- window well, I'm sorry.

Next slide, please?

This sheet shows the rear elevation of the house.

Again, you'll see the proposed mudroom infill as well as the windows being added to the existing wall.

Next slide, please?

This sheet shows the left side elevation. Again, in red you'll see the proposed windows which we're adding to the existing wall.

Next slide, please?

This is the end of the presentation. You can scan the QR code using your phone's camera to walk throughout the house. You can also find drawings on this page if you have any further questions. I believe we have about seven letters of support that have been submitted to the city. So thank you for your time.

SHIPPEN PAGE: Thank you, Steve, very many. Mr. Chairman, if I may, the petitioners have made special pains to -- and this is in support of the fellow condominium owners as well as the surrounding neighbors and other folks

```
1
     from -- but not within the immediate area.
               And this is a condominium that was created in
2
 3
     2013, with an existing auxiliary building which the then
 4
     developer converted into a residential space. And this is a
     family that has a 1-year-old and a 4-year-old. They intend
 5
 6
     to be in Cambridge for indefinitely, and this would make the
     residents that much more livable for a family of this size.
7
8
               And again, I'd be happy to answer any questions
9
    and provide the additional supporting criteria, if it's --
10
     if the Chairman would like me to do so.
11
               CONSTANTINE ALEXANDER: Brendan's nodding his head
12
    no.
13
               BRENDAN SULLIVAN: No, I'm all set.
14
               CONSTANTINE ALEXANDER: He's all set.
15
               BRENDAN SULLIVAN: I'm Brendan Sullivan, I'm all
16
     set.
17
               CONSTANTINE ALEXANDER:
                                       Jim?
18
               JIM MONTEVERDE: Jim Monteverde, no questions.
19
               CONSTANTINE ALEXANDER: Andrea?
20
               ANDREA HICKEY: I have no questions.
               CONSTANTINE ALEXANDER: Jason?
21
22
               JASON MARSHALL: Jason Marshall, no questions
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right now.

CONSTANTINE ALEXANDER: The Chair has no questions as well. So with that, I'll open the matter up to public testimony. Again, any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

So with that, Sean, anybody wishes to speak?

SEAN O'GRADY: No speakers, questions.

CONSTANTINE ALEXANDER: Thank you. We are in recent of some written communications, as indicated by Mr. Page. There are a number of letters of support. I'd like to identify who writes them, and so, I'll do it -- well, there's quite a few. But I'll do it anyway.

We have a letter of support from Daniel Chu, C-h-u, who resides at 597 Putnam Avenue -- it's not exactly in the neighborhood. A letter of support from Kate and Jason Cincotta, C-i-n-c-o-t-t-a, who reside at 17 Vineyard Street.

A letter of support from Frederick Ruben and Diana something -- Montif (phonetic) it looks like -- Ruben, who reside at 6 Bond Street Unit #1.

```
1
               A letter from Grace Carle, C-a-r-l-e, who reside
 2
     at 89 Norfolk Street, Apartment #1.
 3
               And let's see, this one's a letter from -- I can't
     read the signature, but it's from a person who resides in 8
 4
     -- I can't read the street either. And that was in support.
 5
 6
               TRAVIS KELLER: I would assume that they --
 7
               CONSTANTINE ALEXANDER: Can you tell who it is?
 8
               TRAVIS KELLER: It is Kim Henry, Mr. Chair. And
 9
     I'm trying to pull up her street address here, but it's --
10
               CONSTANTINE ALEXANDER: Oh, yes, it is Kim. Now I
11
     can --
12
               TRAVIS KELLER: It's hard to read.
13
               CONSTANTINE ALEXANDER: And the address?
14
               TRAVIS KELLER: I'm trying to pull that up right
15
     now, but it's --
16
               CONSTANTINE ALEXANDER: Yeah, I can see the Kim
17
     Henry.
18
               TRAVIS KELLER: Yeah, I'm also struggling.
19
               SHIPPEN PAGE: I may have it as well, Travis.
20
     Just a sec.
21
               CONSTANTINE ALEXANDER: Well it's not essential.
22
    We don't have to go to great lengths to find it. But it
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1
    would be good to -- people take their time to write letters
2
     to our Board, I think we owe it to them to acknowledge that
 3
    we got the letters, and that we considered it. That's the
 4
     reason I try to identify those who write letters.
 5
               TRAVIS KELLER: I can't see --
 6
              CONSTANTINE ALEXANDER: Well, we have Kim Henry.
     That's -- the name is more important than the address, I
7
8
     think.
9
               TRAVIS KELLER: And Mr. Chair, the address is 8
10
    Trail Street --
11
               CONSTANTINE ALEXANDER: Okay.
12
              TRAVIS KELLER: -- in Cambridge.
              CONSTANTINE ALEXANDER: Thank you.
13
14
               SHIPPEN PAGE: Yes, correct, correct.
15
              CONSTANTINE ALEXANDER: All right. I will close
16
    public testimony. Discussion, for members of the Board?
17
               BRENDAN SULLIVAN: Brendan Sullivan. Brendan
18
     Sullivan, I'm ready for a vote.
19
               SHIPPEN PAGE: Mr. Chairman, if I may?
20
              CONSTANTINE ALEXANDER: Yes.
21
               SHIPPEN PAGE: There's also a letter of support
22
    from Maryellen Winn. It's important. She's also a member I
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1
    think of that condominium association.
              CONSTANTINE ALEXANDER: I don't see the letters.
2
 3
    Maybe I missed it. Hold on.
               SHIPPEN PAGE: I sent it to Maria this afternoon,
 4
 5
    she acknowledged receipt of.
 6
              CONSTANTINE ALEXANDER: And it didn't -- maybe
7
    it's buried here underneath some other stuff.
8
               SHIPPEN PAGE: Okay. It's Maryellen Winn.
9
              CONSTANTINE ALEXANDER: Yes, we do have it.
                                                           We
10
    do.
11
               SHIPPEN PAGE: Good.
12
              CONSTANTINE ALEXANDER: Thank you. It was buried
13
    beyond other pages. It was separated from the other
14
    letters.
15
               SHIPPEN PAGE: Right. I just wanted the record to
16
    reflect her support. Okay.
17
              CONSTANTINE ALEXANDER: And also, from a Leonard
18
    Sussman. We have those.
19
              SHIPPEN PAGE: And Harrison More, Mr. Chairman.
20
              CONSTANTINE ALEXANDER: Yes. And I notice that
    letter as well. So we have all the letters that have been
21
22
    identified, at least I see. All right. We're back to the
```

1 vote. 2 JIM MONTEVERDE: Yep. Jim Monteverde, ready for a vote. 3 4 CONSTANTINE ALEXANDER: Okay. BRENDAN SULLIVAN: Make a motion? 5 6 ANDREA HICKEY: Andrea Hickey, ready. 7 JASON MARSHALL: Jason Marshall, ready for a vote. 8 CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the 9 10 special permit that's being sought: 11 That the requirements of our ordinance cannot be 12 met unless we grant the special permit. 13 That traffic generated or patterns of access or 14 egress resulting from what is being proposed will not cause 15 congestion, hazard, or substantial change in established 16 neighborhood character, as presented by the petitioner. 17 The relief in terms of an impact to the 18 neighborhood is modest if any, and particularly since the property itself is set back a good distance from the street 19 20 and eliminates the risks of congestion, hazard or substantial change in established neighborhood character. 21

That the continued operation of or development of

22

adjacent uses, as permitted by our ordinance, will not be adversely affected by what is being proposed. And again, the people who are most affected -- the adjacent uses -- are all in support of the relief being sought.

That no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, or the citizens of the city, and generally, what is being proposed will not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this ordinance.

In short, what is being proposed are mainly cosmetic and minor structural changes that improve the "inhability" (sic) of the structure, be it for the current occupants or future occupants.

So on the basis of all of these findings, the Chair moves that we grant the special permit requested on the condition that the work proceed in accordance with plans prepared by Sam Kachmar -- K-a-c-h-m-a-r Architects dated 11/02/20, the first page of which has been initialed by the Chair.

BRENDAN SULLIVAN: Brendan Sullivan, yes to

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granting the special permit.
 1
 2
               JIM MONTEVERDE: And Jim Monteverde yes for the
     special permit.
 3
 4
               ANDREA HICKEY: Andrea Hickey, I vote yes in favor
 5
     of granting the special permit.
 6
               JASON MARSHALL: Jason Marshall, yes to the
 7
     special permit.
 8
               CONSTANTINE ALEXANDER: And the Chairman will make
 9
     it unanimous. I vote in favor as well.
10
               [All vote YES]
11
               Special permit granted.
12
               SHIPPEN PAGE: Thank you, Mr. Chairman, very much,
     and thank you members of the Board.
13
14
               COLLECTIVE: Thank you.
15
16
17
18
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1 2 (8:55 p.m.)3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Andrea A. Hickey, Jim Monteverde, and 5 Jason Marshall 6 CONSTANTINE ALEXANDER: Okay. Our last case is 7 Case Number 92098, 3 Saville Street. I don't know if I 8 pronounced that right. S-a-v-i-l-l-e. 9 BRENDAN SULLIVAN: Saville. 10 JIM MONTEVERDE: Saville. 11 CONSTANTINE ALEXANDER: Saville? 12 JIM MONTEVERDE: Saville. 13 CONSTANTINE ALEXANDER: Thank you. Anyone here wishing to be heard on this matter? 14 15 SHIPPEN PAGE: Please, Mr. Chairman. Shippen Page 16 of PAGE & POWELL, 174 Lakeview Avenue appearing for the 17 petitioners John Campbell and Heather Levy. This is a 18 preexisting nonconforming structure insofar as it violates certain side setback requirements, and it also exceeds the 19 20 existing FAR. 21 What the petitioners seek to do is to modify some 22 windows in the side yard setback and add a dormer on the

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west side of the third floor, adding 73 square feet of living space and increasing the FAR from 0.55 to 0.57.
```

This is a family with a young child. It is a two-unit condominium complex on the corner of Appleton and Saville. As the previous applicant, they've gone to particular pains to consult with the parties that would be most affected — those at 9 Saville and across the street on Appleton Street and they have enlisted the support of their neighbors, who've submitted letters of support.

Axel Ramirez from Sam Kachmar Associates will take you through the architectural renderings, and I would welcome questions and then reserve the time after the presentation to provide additional information if you should need it. Thank you.

CONSTANTINE ALEXANDER: Before we turn to Mr. Kachmar's group, the dormer: Comply with the dormer guidelines?

CONSTANTINE ALEXANDER:

SHIPPEN PAGE: It does, it does, Mr. Chairman.

Thank you.

AXEL RAMIREZ: Thank you, Shippen. We live in it.

My name is Axel Ramirez Palacio (phonetic) and I'm here with

my colleague, Tara Nuqul. Yeah. And yeah, we're here to

present a really camber resident project.

It's located at 3 Saville -- 3 Saville, Cambridge. It's Residential District B, and our project is involved at renovation as a single-family on a condominium lot. And we're looking for a special permit on relief. We have the minimal situation of FAR and working with the setback lines.

On this sheet we can see on the left side our FAR calculations, and we have the existing FAR, the 0.55. We're proposing the minimal increase of 0.57. The maximum ordinance in this residence district is 0.5.

Right side, you can see our floor plan when we have our setback line in red. And you can see part of the building, it's within setback -- the rear setback line.

Next sheet, please?

Here we have an aerial view on the existing versus proposed, where you can see the proposed dormer, and working on the concept. And we're changing from L shaped across that, or that straight room, to maximize the area on the property.

Next, please?

Here is the existing street view from Saville Street. You can see in this elevation besides the front

steps we're doing just cosmetic improvements on the house, replacement windows, et cetera. -- painting, and improving the two-meter roof on the front of the house.

Next, please?

This is another street view from Appleton Street.

This side of the house is the elevation that has more exterior work in our project. You can see a skylight and removal of the chimney, and the combination of new windows with new replacement -- small deck, and a new side door.

Next, please?

We have another street view from Appleton, showing the back of the house. This elevation, we are just going to add a new window on the level 3, and then the rest of the window on the replacement interior painting -- no more work.

Next, please? This is another street view from Saville Street. And I just want to clarify that the -- we don't have any intention to remove or replace any trees.

The tree on the left bottom rendering is still was reduced just for visibility reasons. So we can see the proposed dormer on the back of the house, and you can see as well the new front step of the house.

Next, please?

This is the south dimension of front elevation.

You can see our proposed elevation on the bottom right. You can see on the right elevation the setback line, it's away from the house. In the front just the change in the front steps.

Next, please?

This is, again, the side of the house with more work. You can see we can note vertical lines that represent the setback line, the front and the back of the house. So that in level 1 and level 2 of the back of the house is where we're looking for relief or we need work for the windows. Level 1 window is at 4.1 inches from the back of the setback line, and the second floor just seven inches. Then the rest is just pretty much cosmetic work.

Next, please?

This is our elevation or back elevation. Beside the new window on Level 3 is replacement, very cosmetic improvement of the elevation.

Next, please?

This is the west elevation, when we have the proposed dormer that is just between the City of Cambridge Dormer Design Guide. That's 15 feet wide; more than 50

percent on front elevation. 3.5 that way from the corner of the house, and one foot from the top ridge.

Next, please?

Here is level 0. We don't have any work on this elevation, in this floor plan, excuse me.

Next please?

Here is level 1. You can see the relief area on the top right of the floor plan. That is the window that is between the setback line. Other than that, in the front it looks close, but it is a setback line that's probably just three inches away from the property.

Next, please?

This is level 2 -- a similar situation on level 1 relief area, but smaller and a smaller size. It's just seven inches between the setback line.

Next, please?

On level 3, we can notice the proposed dormer when we have -- you know, 2 feet 4 inches within the setback line, and then the rest is the aerial relief on the increment and the FAR. Total increment in the FAR and the square footing (sic) is 17 square feet.

Next, please?

1 This is the roofline. You can notice just the 2 roof on the new dormer. 3 Next? 4 This is our scanned QR code. You can scan using 5 your phone camera. And we have supplemental pages following this that will be existing conditions and stamped and 6 certified plot plan. Get back to you, Shippen, please. 7 8 SHIPPEN PAGE: Thank you very much, Axel. Very 9 clear presentation and I certainly welcome comments from the 10 board. I would -- as I said before, Mr. Chairman, I'd be 11 happy to recite the ordinance requirements for obtaining a 12 special permit if that's your pleasure? 13 CONSTANTINE ALEXANDER: Okay. Comments? Questions from members of the Board? 14 15 BRENDAN SULLIVAN: Brendan Sullivan, no questions. 16

JIM MONTEVERDE: Jim Monteverde, just one question. I'm looking at your level 3 plan, and I just -- I'm trying to understand the rationale for the dormer that I think on the elevation it calls out is just under 15 foot long, and it's the upper zone of it I think is intruding in the back yard setback, right? That's what you just mentioned?

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1
              AXEL RAMIREZ: That is correct, yes.
2
               JIM MONTEVERDE: Yeah. So is there any reason why
 3
    not to reduce that dormer to at least stay out of the rear
 4
    yard setback?
 5
               SHIPPEN PAGE: Axel, I'll turn that to you.
 6
               AXEL RAMIREZ: Yes, when we -- this is the floor
7
    plan, built as exactly the master bedroom. And we thought
8
     about moving the -- you know, the location that we had
9
    moving the dormer a little down, so it's that way with the
10
    FAR as well.
11
               But it's the -- it's really now intruding, going
12
     to the master closet, so it will be a little harder at the
    time to locate furniture, the bed.
13
14
               JIM MONTEVERDE: I understand the master closet.
     It's really at the upper end of the plan where you're --
15
16
     that's where you're stepping into the rear yard setback,
17
    correct?
18
               AXEL RAMIREZ: Correct.
19
               JIM MONTEVERDE: It's the area where you show the
     chair in the corner of the master bedroom.
20
21
              AXEL RAMIREZ: Correct.
22
               JIM MONTEVERDE: Right? You're not -- so you
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1
     don't want to pull that dormer in a bit, just to stay out of
 2
     the back -- rear yard setback, correct? That's why you're
 3
     asking the relief for it?
 4
               AXEL RAMIREZ: Exactly, yes. That is just a
     little over two feet.
 5
 6
               JIM MONTEVERDE: Mm-hm. Okay. No further
     questions.
 7
 8
               CONSTANTINE ALEXANDER: Andrea?
 9
               ANDREA HICKEY: I have no questions, Mr. Chairman.
10
               CONSTANTINE ALEXANDER: Jason?
               JASON MARSHALL: Jason Marshall, no questions at
11
     this time.
12
13
               CONSTANTINE ALEXANDER: And the Chair has no
14
     questions as well. So we will now open the matter up to
15
     public testimony, and as always, any members of the public
     who wish to speak should now click the icon at the bottom of
16
17
     your Zoom screen that says, "Raise hand." If you are
18
     calling in by phone, you can raise your hand by pressing *9
19
     and unmute or mute by pressing *6.
20
               So see if Sean gets any calls.
21
               SEAN O'GRADY: No speakers, Gus.
22
              CONSTANTINE ALEXANDER: Thank you. All right.
                                                               So
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1
     we'll close public testimony. Comments or are we ready for
 2
     a vote?
 3
               BRENDAN SULLIVAN: Brendan Sullivan, ready for a
 4
     vote.
 5
               JIM MONTEVERDE: Jim Monteverde, ready for a vote.
 6
               ANDREA HICKEY: Andrea Hickey, ready for a vote.
 7
               JASON MARSHALL: Jason Marshall, ready for a vote.
 8
               CONSTANTINE ALEXANDER: And the Chair is ready as
 9
     well. Okay. This is a petition for a special permit.
10
               SHIPPEN PAGE: Mr. Chairman?
11
               CONSTANTINE ALEXANDER: Yeah, I'm sorry?
12
               SHIPPEN PAGE: Mr. Chairman, if I may, could we
     read the letters of support into the record just --
13
14
               CONSTANTINE ALEXANDER: Oh, I'm sorry. Well, I
15
     should have done that.
16
               SHIPPEN PAGE: Thanks so much.
17
               CONSTANTINE ALEXANDER: There are quite a few.
18
     I'm not going to read them. I'll identify who wrote them.
19
               SHIPPEN PAGE: That would be great.
20
               CONSTANTINE ALEXANDER: We have a letter from
21
     Kenny Likis, L-i-k-i-s and Lori Likus, who reside at 9
22
     Saville Street -- Saville Street; a letter from Anastasia
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1
     and Jorge Saledo (phonetic), who reside at 196 Appleton
2
     Street. A letter from Michael Hodess, H-o-d-e-s-s and Sarah
 3
    Affel, A-f-f-e-1, who reside at 203 Appleton Street. A
 4
     letter from Katherine and Benjamin Miller, who reside at 200
 5
    Appleton Street.
 6
               A letter from Katherine Milmoe, M-i-l-m-o-e, who
     reside at 3R Saville Street. A letter from Angela Pendleton
7
8
     (phonetic) who resides at 10 Saville Street -- Saville
9
     Street, I'm sorry. And that's it. I think I got all the
10
     letters, those that I have, anyway.
11
               SHIPPEN PAGE: Thank you. And may the record show
     that Katherine Milmoe is the other condominium owner on that
12
    -- at that condominium.
13
14
               CONSTANTINE ALEXANDER: Okay.
15
               SHIPPEN PAGE:
                              Thank you.
16
               CONSTANTINE ALEXANDER: I take it the condominium
17
    has approved of this project?
18
               SHIPPEN PAGE: That's why I brought Ms. Milmoe's
19
     letter to your attention, Mr. Chair. Yeah.
20
               CONSTANTINE ALEXANDER: Brendan?
21
               BRENDAN SULLIVAN: Do we have a motion?
22
              CONSTANTINE ALEXANDER: Oh, I -- damn I keep
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Page 171

forgetting. Ha! Okay, the Chair moves that we make the following findings.

BRENDAN SULLIVAN: Just trying to keep you honest, that's all.

CONSTANTINE ALEXANDER: I appreciate it. So many papers I've got to move around. Anyway, make the following findings with regard to the special permit being sought:

That the requirements of the ordinance cannot be met without the special permit.

That traffic generated or patterns of access or egress resulting from what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard, I think the work speaks for itself. It doesn't have the kinds of impact that would result in congestion hazard or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses, as permitted by our ordinance, will not be adversely affected by what the nature of the proposed use.

Again, the nature of the work being proposed speaks for itself and there is substantial neighborhood support -- so all of which speaks to the fact that there is not a belief

Page 172

1 that there would be an adverse effect on the continued 2 operation of or development or adjacent uses. That no nuisance or hazard will be created to the 3 4 detriment of the health, safety and/or welfare of the 5 occupant of the proposed use, or the citizens of the city. 6 And generally, what is being proposed will not 7 impair the integrity of the district or adjoining district, 8 or otherwise derogate from the intent and purpose of this ordinance. 9 10 So on the basis of these findings, the Chair moves 11 that we grant the special permit request on the condition that the work proceed in accordance with plans prepared by 12 13 Sam Kachmar -- K-a-c-h-m-a-r Architects, dated 10/30/20, the 14 first page of which has been initialed by the Chair. 15 BRENDAN SULLIVAN: Brendan Sullivan, yes to 16 granting of the special permit. 17 JIM MONTEVERDE: Jim Monteverde, yes for the 18 special permit. 19 ANDREA HICKEY: Andrea Hickey, yes in favor of 20 granting the special permit. 21 JASON MARSHALL: Jason Marshall, yes to the 22 special permit.

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CONSTANTINE ALEXANDER: And the Chair is in favor
 1
     of granting the special permit as well.
 2
               [All vote YES]
 3
               So it's unanimous; special permit granted.
 4
 5
     you.
               SHIPPEN PAGE: Thank you very much Mr. Chair and
 6
 7
    members of the Board. Thank you for your consideration.
               COLLECTIVE: Thank you.
 8
               CONSTANTINE ALEXANDER: Meeting is over.
 9
10
               COLLECTIVE: Goodnight.
     [09:14 p.m. End of Proceedings]
11
12
13
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1	CERTIFICATE
2	Commonwealth of Massachusetts
3	Middlesex, ss.
4	I, Catherine Burns, Notary Public in and for the
5	Commonwealth of Massachusetts, do hereby certify that the
6	above transcript is a true record, to the best of my
7	ability, of the proceedings.
8	I further certify that I am neither related to nor
9	employed by any of the parties in or counsel to this action,
10	nor am I financially interested in the outcome of this
11	action.
12	In witness whereof, I have hereunto set my hand this
13	
14	
15	
16	Notary Public
17	My commission expires:
18	August 6, 2021
19	CATHERINE M. BURNS
20	COMMONWEALTH OF MASSACHUSETTS My Commission Expires August 6, 2021
21	
22	

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A	98:13 99:11	51:20 52:2	17:2,4,19 18:3	94:4,8,11,15
A-f-f-e-l 170:3	102:6 108:5,15	54:6	18:6,9,14	94:19 95:10,18
A104 82:14	108:18 130:11	advising 11:7	23:11,20 24:1	96:5,8,11,14
Aberdeen	130:15 145:1	aerial 162:15	24:15 25:3,14	96:18 97:13,18
107:10	147:10,16,18	165:19	26:22 29:10,16	98:5,8,10,18
ability 26:7 34:1	160:22 163:13	aesthetic 117:18	31:3,6,12 34:3	99:2,5,8,10,17
57:16 174:7	added 118:5	139:15	34:6,9,11,13	99:22 100:8,11
able 5:22 6:5 7:9	150:16 151:7	Affel 170:3	35:2,16,22	101:21 102:4
13:18 57:1	adding 19:19	afternoon 156:4	36:2 37:22	102:15,20
65:7 107:19	39:16 61:11	agencies 117:12	38:7,9 39:3,6	103:3,13,17,20
111:8 121:12	80:22 82:15	agency 143:3	39:10,13 40:18	103:22 104:2
134:18 150:2,3	88:5,8,10	agenda 6:11	40:20 41:2,4,6	105:13,20
absentee 97:10	108:19 112:1	7:18,22 8:3,6	41:8,18 42:15	107:3,6,11
99:16 100:6	118:9 151:10	13:20 15:17	42:20 44:22	108:3 109:13
absolute 142:12	161:1	16:10 25:13	45:5 46:3,6,13	110:17 111:6
absolutely 82:8	addition 108:20	46:7,8 99:12	46:18 47:14,18	111:16 113:2,4
90:2	additional 23:7	aggressive	48:14 49:2,19	113:8,10,13
abutted 121:3	80:1 115:21	112:16	49:21 50:2,5	114:1,21 115:3
abutter 12:2	116:12 132:1	ago 5:17 124:11	50:12,16,18	115:7,10,13,16
52:2 53:18	140:9 144:16	126:5	51:3,16,19	117:3,14 118:2
129:20 131:2	152:9 161:13	agree 49:21	52:12,20 53:3	118:17,22
138:2 139:9	additions 84:19	76:11 86:5,6	53:9,11 54:9	119:12,18
147:20	143:10	87:1,2 91:22	55:11 56:12,16	120:11 121:10
abutters 41:20	address 51:22	91:22 92:1,13	57:9 59:16,18	121:14 122:5
abutting 133:7	67:21 102:9	134:12 144:9	60:2 62:20	125:8,12
accept 65:20	141:20 154:9	agreed 54:22	63:13,17,19	126:10,14,17
access 27:18	154:13 155:7,9	agreement 66:1	64:2,4,6,8 65:2	126:20 127:2,6
36:7 43:3 70:4	adequate 130:8	ahead 12:3	65:10,22 66:9	127:12,20
104:7 120:12	adjacent 23:7	18:14 25:14	66:11,18,21	129:3,6,12
157:13 171:10	28:4 36:15	31:12 47:19	67:3,10,13	131:10,18,22
accommodate	43:11 70:13	60:3 62:20	68:19,22 69:4	132:4,18 134:3
48:11 114:9	104:17 158:1,3	65:2 76:18	69:6,17 71:15	136:6 137:12
account 99:22	171:18 172:2	94:21 97:12	71:20 72:3,6	137:20 138:10
100:1	adjoining 28:15	118:2 144:1	72:20 74:14	138:13 139:2
accounting	37:1 43:19	air 130:17	76:5,8,14,17	139:20,22
124:19,19	70:21 105:4	Albert 37:9	77:7,13,15,19	140:3 141:12
acknowledge	158:9 172:7	Alexander 1:7	78:3,6 80:15	143:17 144:3
155:2	adverse 172:1	3:4,7,10 4:18	80:17,19 81:3	144:22 145:3
acknowledged	adversely 28:5	5:1,4,6,9,16	81:9,12,15,17	145:10,14,16
156:5	36:16 43:12	6:7,10,13,17	81:19 83:18	145:19 146:3,6
action 174:9,11	70:14 104:18	6:20 7:5,9,16	84:1,6,13 85:5	147:2 152:11
actions 3:12	158:2 171:19	9:3,6,10,12	85:7,10,14,17	152:14,17,19
Adam 18:14,15	advertised	10:8,10,13	85:20 86:4,8	152:21 153:2
18:20,20 19:8	15:16 122:1	11:17,20 12:2	87:2,7,10 88:2	153:11 154:7
19:11,13 23:3	advice 121:12	12:6,8,11,17	90:10,13 91:7	154:10,13,16
23:5 24:9,13	121:15	13:15,17 14:2	91:12,17 92:16	154:21 155:6
add 33:11 48:9	advise 9:13	14:8,13,15	92:19 93:5,8	155:11,13,15
66:19 90:11	advised 10:20	15:22 16:19	93:11,21 94:2	155:20 156:2,6

				1490 170
156:9,12,17,20	44:18 46:4	118:15,21	annragah 16:5	90:14 116:4
157:4,8 159:8	50:22,22 57:7	153:9	approach 16:5 appropriate	120:20,21
160:3,6,11,13	61:7,9 62:18	anyway 72:17	73:2 133:20	124:20,21
161:15,19	62:18,21 63:9	119:19 153:15	approval 34:1	142:6,7,10
166:13 168:8	63:12,13 64:22	170:19 133.13	58:12	149:1 152:1
168:10,13,22	64:22 65:3		approve 17:8	162:18 165:7
169:8,11,14,17	66:16,16 67:11	apartment 74:7 147:21 154:2	26:3 93:19	165:14 167:19
169:20 170:14	,		94:2,4,6,7 95:2	areas 21:18
	67:11 69:2,13	apartments 32:2 73:19,22 92:11	, , ,	
170:16,20,22	69:13 71:11,11	,	96:1 122:2 126:2	areaway 108:15
171:5 173:1,9	72:4 76:5,8,9,9	apologies 63:20		108:22 117:9
aligned 59:5	78:4 86:15,15	Apparently 9:8	approved	argument 65:10
allow 51:5 72:15	87:4,6 98:22	72:8	137:16 170:17	Article 84:19,20
117:5 119:5	98:22 101:18	appeal 1:1 93:2	approves 50:8	articulate 65:9
130:7 142:6	101:18 103:1,1	93:3	approving 86:16	65:12
allowable	103:19 105:16	Appeals 3:9	86:21 137:16	as-of-right
132:13	105:16 107:4	114:14 137:1	approximately	82:20 111:8
allowance 111:3	111:13 112:3,6	appear 37:5	23:12 147:18	116:22 118:12
allowed 84:17	113:8,9 115:2	77:1	Arch 39:9,11,11	122:13 125:17
86:17 121:13	115:2,4,5,6	appearing	39:14 40:19	135:18 136:10
132:15 134:20	117:21,22	160:16	61:13,19 78:9	144:14
135:19	118:3,7,10,13	appears 40:14	78:9 80:16,18	aside 29:22
allows 135:6,7	118:15,20	75:14 116:22	80:21 81:7,11	asked 51:4
alteration 136:2	121:11,11,20	applaud 117:6	81:14 82:3,8	122:22 126:1
altered 110:5	125:8,10,10,22	Appleton 161:4	82:11,13,16,19	127:5 130:21
amazing 108:1	126:6,8,13,21	161:8 163:5,11	82:22 83:6,10	131:8 134:13
amend 32:11	127:16,16	170:1,3,5	83:12,14,17,22	asking 4:11
amended 27:7	129:4 136:7,8	applicant 161:5	84:3,15,17	11:18,22 33:5
amending 3:15	137:4,8 140:1	applicants 4:2	85:6,9,13,16	33:7 48:10
amount 19:19	140:1 141:8,8	application 9:19	85:19 86:3	52:18 56:4
40:10 60:15	141:18 144:5,7	25:15,17	88:4,10 89:6,9	61:2 64:16
Anastasia	144:7,19 145:9	131:15 137:17	89:14 90:1	99:7 108:21
169:22	145:11,21	applications	98:14 102:3,8	130:15 168:3
and/or 28:12	146:4 152:19	26:17	106:2	asks 99:8
36:20 43:16	152:20 157:6,6	applied 27:9	architect 31:11	aspect 84:21
70:18 105:1	159:4,4 160:4	36:5 84:2	36:11 44:11	assessment
158:6 172:4	168:8,9 169:6	95:19	56:21,21 108:1	50:11
Andrea 1:8 3:5	169:6 172:19	applies 95:11	Architects 18:20	Assimina
4:15,16 5:14	172:19	apply 27:8 67:20	29:3 37:10	107:15
5:22 6:5,9,12	Andrews 35:11	94:12 95:10	78:10 101:11	Associates 44:11
6:15,18 9:4	Angela 170:7	appreciate	107:10 116:16	148:2 161:10
17:11,11,13,13	angles 22:14	12:19 13:5	148:7 158:19	association
18:4 19:10	answer 63:8	14:4,6 26:20	172:13	156:1
24:3,3 25:10	108:1 117:15	29:22 30:3	architectural	assume 50:7
25:10 29:13,13	121:8 134:1	63:9 87:1	148:2 161:11	66:4 67:8
31:4 34:9,10	148:3,5 152:8	93:17 99:14	ARDINGER	82:21 103:17
35:19 37:18,18	anybody 28:9	117:6 119:9	77:17	154:6
39:4 41:4,5,5	34:22 65:18	126:3,8 128:3	area 21:11 22:21	assumed 51:16
42:18,18 44:18	68:16 96:3,12	147:1 171:5	80:6,7 84:10	assuming 60:6

122:19	47:1,2 54:10	21:2,3 22:18	86:4 95:3	34:3,5,5,6
attached 120:18	56:2,3,5,15	82:5 119:20	102:18 104:19	35:15 37:13,14
attendance 4:12	57:1,6,7,10	120:17 130:9	109:14 114:14	37:14 39:3
attended 55:19	58:22 59:2	133:3,9 167:7	117:12 132:19	40:21,22,22
attention 30:1	63:5 75:11,19	167:20	135:21 136:22	42:12,13 44:13
143:20 170:19	78:13 79:13	bedrooms 21:22	137:15,22	44:14,14 46:3
attorney 9:15	83:6 85:22	22:2	137:13,22	50:20,20 51:1
54:6	92:14 93:19	behalf 9:18	143:3,20,21	51:1 63:14,15
audible 4:12	95:3 130:17	belief 171:22	144:19 145:5	63:15,18 66:13
audience 3:7	131:4,6 132:2	believe 62:14	146:13 148:5	67:7 69:8,9,9
audio 3:20 56:14	144:12 147:15	84:3 95:11	155:2,16	71:6,7,7 72:3
August 174:18	150:4 156:22	102:12 109:17	159:13 166:10	75:7,8,8 76:15
authorization	157:19 163:12	111:6 151:16	166:14 173:7	77:12,18 78:3
26:2	163:20 164:9	BELLALTA	Board's 30:1	
-	164:10,12,16	25:21 26:7	bombarded	81:16,16,17,18 86:6,6,10,14
auxiliary 152:3				
available 148:20	166:7,21 168:2	benefit 6:20	89:1 Pand 2:12 146:7	87:9 90:2,3,17
Ave 13:3 16:15	background	Benjamin 170:4	Bond 2:12 146:7	92:15 98:3,7,9
17:21 91:4	38:3 Baker's 3:14	best 121:8 174:6	148:10 150:1	98:12,17,19,19
96:4 108:7		better 9:21,22	153:22 Parts = 146:16	100:10 101:13
114:4 121:4	barely 19:3	beyond 51:4	Boston 146:16	101:14 102:19
150:6	Barlow 35:7	156:13	bottom 24:19	102:20 103:16
Avenue 1:6 2:3	Barry 44:11	big 58:2 73:22	34:17 41:12	105:11,11
2:8,9,10 9:7,17	base 139:11	110:15 118:17	51:8 87:14	107:3 109:4,5
72:7 78:7,11	based 4:10 53:6	119:12	103:7 113:17	109:10,12
79:5 107:7,10	65:16 80:4	BILL 77:17	138:16 148:17	111:10,10,17
114:7 147:7	133:22 138:5	binding 59:6	149:1 150:10	111:19,22
153:17 160:16	basement	bit 15:4 20:3	150:14,20	112:5,7,9,13
awful 142:14	108:12,16	33:15 53:13	151:2 153:5	114:19,19
Axel 161:10,20	130:22 147:17	85:2 88:3	163:18 164:2	116:18,19,19
161:21 166:8	150:11	107:22 119:3	168:16	119:16 121:17
167:1,5,6,18	basic 54:11	120:6 132:12	Boucher 129:9	121:18 126:12
167:21 168:4	basically 14:21	133:8,21 168:1	129:10,13	126:18,22
axonometric	33:5 47:1,20	Black 78:10	131:13,20	127:4,8,10,10
149:12,16	59:1 79:22	101:10	132:1,10 133:2	129:3 132:20
B	110:14 120:18	blessing 27:7	133:19 134:19	132:20 133:16
B 129:14 132:11	123:18 hasis 28:22 27:6	block 59:20,20	135:2 136:14	134:2,13 138:9
162:3	basis 28:22 37:6	61:20,20	137:6 141:2,17	138:12 139:18
B-a-r-l- 35:7	44:6 71:1	board 1:1 3:9	box 22:4	139:18 141:4,4
B-o-u-c-h-e-r	101:8 105:6	4:2,11 6:22	break 13:21	141:18,18
129:10 141:2	116:13 117:18	9:13 10:15	15:18 45:10	142:12,22
Babitch 42:5,7	140:21 158:16	15:9 18:15	breather 38:11	143:16 145:13
baby 107:21	172:10	23:10,17 26:2	Brendan 1:8 3:4	145:15,18
back 5:12,20 8:3	bathroom 78:21	26:8,11 35:17	4:14,20,21,21	146:3 152:13
14:10 15:2	133:10,14,20	40:21 41:19	9:3 14:19,19	152:15,15
16:2,5 20:19	bay 110:15	50:19 53:4,17	17:8,9,9 18:3	155:17,17,17
21:19 26:18	beautiful 142:18	64:17 65:9	23:18,19,19,20	157:5 158:22
43:13 45:8	bed 167:13	66:12 67:15	25:7,7 29:7,8,8	158:22 160:3,9
73.13 73.0	bedroom 19:22	73:1 74:10	29:21,21 31:3	166:15,15

73:21 79:7	103:8 113:18	64:9 72:7,17	31:6 34:13	challenging
63:4 65:17	51:9 87:15	46:14 47:6	29:1,6,16 30:4	169:10,12
built 48:13 52:3	34:18 41:13	46:7,11,11,13	24:15 27:13,14	166:10 168:9
149:10	calling 24:20	43:22 45:6	17:19 18:6,10	160:15 161:18
buildings 74:7	79:5 120:13	39:15,15 42:21	9:6,8,13 10:13	159:8,12
152:3 162:13	called 60:20	31:7 38:9 39:7	chair 1:7,8 3:10	155:19 156:19
140:8,8 147:21	146:7	27:3,4,11,11	Chad 131:4	151:20 152:10
112:19 134:7	120:1,2 129:6	26:7,9,15,18	163:2	120:17 147:5,8
108:10 110:5	97:21 107:6	18:10 25:21	cetera 58:9	78:9 105:20
102:12,14	72:7 78:6	17:6,20 18:7,7	certify 174:5,8	65:11 76:16,21
94:16 95:12,18	46:11,14 49:7	16:16,20,20,21	certified 166:7	26:20 39:9
80:13,14 94:13	31:6 39:6	13:1,3 16:16	174:1	Chairman 25:11
63:4,5,7 70:10	9:6 18:6,10	11:10,15 12:21	CERTIFICA	25:18 116:10
60:13 61:5,22	5:22 6:1,3,19	10:15 11:1,3	166:9	Chair's 24:7
58:6,7,19	call 4:4 5:14,20	9:8 10:2,14,14	73:14 140:19	172:14 173:1,6
53:2 54:8 56:7	149:4 162:8	2:12 6:6,10 9:6	certainly 62:6	171:1 172:10
52:3,5,10,11	calculations	2:7,8,9,10,11	160:19	169:8 170:19
33:22 46:20	cable 3:21	case 2:2,3,4,5,6	certain 3:15	167:20 168:13
32:2 33:12,15	153:19	carve 86:18	cents 62:5	158:17,21
building 9:21	C-i-n-c-o-t-t-a	cart 33:16	center 46:21	155:9 157:8
58:10	C-h- 153:16	carry 143:2	89:3,10	153:2 154:8
54:15 55:5,13	C-a-r-l-e 154:1	148:18	cellar 88:21,22	146:12,13
53:7 54:1,15	C 3:1	carriage 148:13	Cecilia 39:18	145:11 146:6,9
build 48:21 53:6	$\frac{\mathbf{C}}{\mathbf{C}^{2}}$	Carle 154:1	171:11	141:12 145:2,6
bubble 48:7		careful 86:18	104:8 157:14	140:3,22 141:3
170:18	BZA-93291 2:11	care 17:3	43:4 70:5	137:13,20
brought 30:1	BZA-93262 2:4	captioned 9:18	cause 27:19 36:8	127:20 129:6
70:11	BZA-93167 2:12	caption 68:8	Catherine 174:4	125:10 126:10
46:20 68:11	BZA-92914 2:6	160:17	catch 55:6	116:17 121:11
6:6,7 46:14,19	BZA-92108 2:3	Campbell	casts 149:9	115:16 116:14
Broadway 2:7	BZA-92098 2:13	166:5	cast 23:7	110:16 113:12
broadcast 3:21	BZA-91223 2:10	camera 151:14	74:6 112:15	105:6 107:6
broad 143:7	BZA-89477 2:5	117:8	45:8 46:8,10	103:3 104:2
Bristol 42:6	BZA-0173182:9	Cambridgeites	16:3,9 26:6	101:12,21
116:20	BZA-017307 2:7	164:21	14:21 15:12	100:12 101:8
bringing 30:1	BZA-01729 2:8	155:12 162:2	13:20,21 14:9	87:6 99:2
143:19	BZA 4:8 76:22	147:7 152:6	8:2 13:8,10,12	85:7 86:15
136:22 142:16	112:9	116:11 146:17	cases 7:19,19,21	78:6 83:19
bring 20:7	buy 107:19	107:16,19	case's 27:9	71:15 72:6
117:6	Burns 174:4	99:19 107:10	160:6,7	69:17,21 71:1
brief 25:12	buried 156:7,12	9:21 18:21	146:7 147:8	67:16 68:3,7
18:16,22,22	burden 53:15,15	1:6 3:9,16,22	126:5 129:7	63:12 64:22
Brennan 18:16	bunch 133:12	Cambridge 1:2	106:1 107:7	59:22 62:18
152:11	bumped 32:8	camber 162:1	86:1 92:1	44:22 51:3
Brendan's	bump 132:16	166:19 168:20	78:7,12,13	42:22 44:6,12
172:15,15	108:11,17	calls 138:21	76:19 77:10,19	41:8 42:20,21
	bulkhead	168:18	74:11,16 76:10	37:22 39:6
170:21 171:3	1 11 1 1	1.00 10	74 11 16 76 10	27 22 20 6

				1490 173
58:10	10:19 28:13,21	code-complying	42:3,5 114:2	105:8 116:15
chance 92:6	36:21 43:17	130:7	communicatio	124:15 141:1
change 4:10	44:4 73:18,20	codes 9:21	25:5 41:19	158:18 172:11
27:20 28:1	74:3 99:19	colleague	67:5 153:12	conditions 10:17
33:7 36:9	105:2 117:12	161:22	community	17:7 32:1 44:8
40:10 43:5	137:3 151:17	colleagues	21:16 23:9	73:15 74:15,15
56:4 67:20	158:7 164:21	118:20	51:6	166:6
70:6 104:9,14	172:5	COLLECTIVE	compelled	condominium
104:15 110:10	city's 4:7	38:8 45:4	142:16	148:19 150:2
139:12 157:15	clarification	128:2 159:14	completely	151:21 152:2
157:21 164:4	13:6,13 24:5	173:8,10	144:12	156:1 161:4
171:12,15	clarified 14:5	combination	complex 161:4	162:4 170:12
changed 131:14	clarify 50:3 57:2	163:8	compliance 10:2	170:13,16
changes 26:8	163:16	come 8:3 15:2	complicated	condos 121:5
32:5,19 43:6	clasps 54:20	33:9 45:8 47:8	133:11	confirm 24:6
54:7 55:10,12	clean 57:16,18	56:6 74:5	compliment	Confirming
77:2 136:3	cleaning 49:15	75:15 78:13	114:12	84:19
158:13	clear 13:10,16	85:22 92:14	comply 9:21	conflicting
changing 107:21	50:7 54:19	93:19 130:19	161:16	75:16
114:9 117:15	57:13 95:4,7	130:20	compromise	conform 32:4
162:17	134:19 166:9	comes 57:1	47:8,9 52:7	130:12
Channel 3:21	click 24:19	147:8	59:11 64:15,19	conforming
character 23:6	34:17 41:11	comfortable	compromised	22:10,14 84:20
27:21 36:10	51:8 87:14	21:14 22:2,20	55:22	85:1 122:20
43:6 70:7	103:7 113:16	59:7 131:16	conceive 67:21	conforms 19:17
104:10 112:20	138:16 153:5	coming 5:12	concentrate	confused 88:3
114:13 136:3	168:16	92:12 111:15	53:22	93:20
143:12 157:16	Cliff 72:12	130:10 137:7	concept 162:17	confusing 13:7
157:21 171:13	close 8:1 25:4	comment 4:5,6	concern 58:16	14:6
171:16	33:13 35:3,13	87:9,11,12	111:8 112:15	confusion 18:10
Charles 3:14	41:9 42:10	98:4,6 103:5	113:1 117:10	congestion
child 161:3	49:16 51:5	117:14 137:21	134:5	27:20 28:1
children 120:19	53:1 62:7 67:5	139:13 140:18	concerned 47:7	36:9 43:5 70:6
chimed 15:10	91:5 96:15	commentary	48:20	104:9,14
chimney 163:8	102:17 103:14	10:4	concerns 88:8	157:15,20
choose 54:4	114:17 138:7	comments 24:15	110:20 113:5	171:12,15
Chu 153:16	138:14 139:2	27:1 29:22	117:17 122:1	Congratulatio
Cincotta 153:19	139:16 147:9	42:12 66:11,13	136:8,21	38:4
circumstances	155:15 165:10	73:1 81:19	143:19 145:4	connected 5:19
26:12 75:16	169:1	139:10 143:18	Concord 150:6	84:12
140:11	closer 149:19	166:9,13 169:1	concrete 124:16	connecting 84:5
cited 27:3	closet 167:12,14	commission	concur 116:19	84:6,7
citizens 28:13	code 20:7 33:12	174:17	concurring	connection
36:21 43:17	62:13 102:12	Committee	139:12	21:15 57:6
99:19 105:2	108:14 137:11	137:9	condition 11:6,7	125:15
158:7 172:5	151:14 166:4	Commonwealth	29:2 37:8 63:6	consequences
city 1:2,10 3:16	code-compliant	174:2,5	68:6,9 70:15	119:10
3:17,17,18	62:8	communication	71:3 101:9	consider 54:12

	i	i	•	
consideration	64:2,4,6,8 65:2	126:20 127:2,6	77:9	123:15 125:3
135:21 147:1	65:10,22 66:9	127:12,20	continuances	125:20,21,22
173:7	66:11,18,21	129:3,6,12	74:20	126:6 135:18
considered	67:3,10,13	131:10,18,22	continuation	155:14,14
60:11 155:3	68:19,22 69:4	132:4,18 134:3	46:19	167:1,17,18,21
considering	69:6,17 71:15	136:6 137:12	continue 10:14	168:2
53:18	71:20 72:3,6	137:20 138:10	14:21 72:14,17	correctly 55:7
consistent 26:14	72:20 74:14	138:13 139:2	73:6 74:11	82:5 93:5
consistently	76:5,8,14,17	139:20,22	75:9,9,11,20	109:21 117:16
55:18	77:7,13,15,19	140:3 141:12	75:22 76:18	136:12
Constantine 1:7	78:3,6 80:15	143:17 144:3	129:22	cosmetic 117:18
3:4,7 4:18 5:1	80:17,19 81:3	144:22 145:3	continued 6:11	158:13 163:1
5:4,6,9,16 6:7	81:9,12,15,17	145:10,14,16	6:16 7:19,20	164:14,17
6:10,13,17,20	81:19 83:18	145:19 146:3,6	8:2 12:22 13:2	counsel 174:9
7:5,9,16 9:3,6	84:1,6,13 85:5	147:2 152:11	13:8,12,20,21	count 80:7 111:3
9:10,12 10:8	85:7,10,14,17	152:14,17,19	14:22 15:12,16	counted 89:10
10:10,13 11:17	85:20 86:4,8	152:21 153:2	15:19 16:4,9	111:4
11:20 12:2,6,8	87:2,7,10 88:2	153:11 154:7	16:16,21 17:20	counting 89:3
12:11,17 13:15	90:10,13 91:7	154:10,13,16	28:3 36:14	counts 20:6
13:17 14:2,8	91:12,17 92:16	154:21 155:6	43:10 45:8	88:13 142:21
14:13,15 15:22	92:19 93:5,8	155:11,13,15	46:7,10,11	couple 7:2 38:11
16:19 17:2,4	93:11,21 94:2	155:20 156:2,6	47:6 70:12	112:15 120:22
17:19 18:3,6,9	94:4,8,11,15	156:9,12,17,20	74:16 77:10	129:17 143:11
18:14 23:11,20	94:19 95:10,18	157:4,8 159:8	78:12 104:16	course 3:22
24:1,15 25:3	96:5,8,11,14	160:3,6,11,13	157:22 171:17	67:11
25:14 26:22	96:18 97:13,18	161:15,19	172:1	court 25:22
29:10,16 31:3	98:5,8,10,18	166:13 168:8	continuing 17:6	cover 19:14 29:4
31:6,12 34:3,6	99:2,5,8,10,17	168:10,13,22	control 143:22	29:5 112:2
34:9,11,13	99:22 100:8,11	169:8,11,14,17	controlling 26:5	covered 20:5,6
35:2,16,22	101:21 102:4	169:20 170:14	conventional	110:19 142:7
36:2 37:22	102:15,20	170:16,20,22	62:1	COVID-19 3:13
38:7,9 39:3,6	103:3,13,17,20	171:5 173:1,9	conversations	3:18
39:10,13 40:18	103:22 104:2	constitute 26:14	53:22	create 21:21
40:20 41:2,4,6	105:13,20	constrained	convert 130:18	61:11 73:19
41:8,18 42:15	107:3,6,11	77:2 144:14	converted 152:4	107:22 119:22
42:20 44:22	108:3 109:13	constrains 52:4	corner 19:16	130:16
45:5 46:3,6,13	110:17 111:6	constraints	40:15 108:6,7	created 15:14
46:18 47:14,18	111:16 113:2,4	61:12	108:10 116:3	24:7 28:11
48:14 49:2,19	113:8,10,13	consult 161:6	161:4 165:1	36:19 43:15
49:21 50:2,5	114:1,21 115:3	consultant 54:6	167:20	70:17 104:22
50:12,16,18	115:7,10,13,16	contact 95:14	correct 16:19	152:2 158:5
51:3,16,19	117:3,14 118:2	contemplated	24:8,9,13 48:5	172:3
52:12,20 53:3	118:17,22	121:22	50:1,11 61:18	creates 21:15
53:9,11 54:9	119:12,18	continuance	62:14,15 82:7	creating 22:2
55:11 56:12,16	120:11 121:10	9:19 16:18	82:8,17 87:5	27:22
57:9 59:16,18	121:14 122:5	17:10,14,16,18	90:1,2 104:15	credibly 26:12
60:2 62:20	125:8,12	72:11,14 73:5	110:12,12	criteria 152:9
63:13,17,19	126:10,14,17	76:4,7,13 77:5	111:5 112:6	criticisms
		•	•	•

147:14	33:14 104:13	83:20 85:12	11:12 75:4	147:11 163:9
criticized 138:2	dealt 46:10	91:18,21 94:20	80:3 90:3	dormer 10:2
cross 57:20	139:12	102:14 121:16	109:5 123:9,20	19:17,17 20:10
cumulative	decide 85:20	depends 119:1	dimensions	20:11 21:2,8
130:14	91:22 92:2	derogate 28:16	119:1	21:11,19,20
curious 134:13	93:12 142:3	37:2 43:20	diminishes 54:7	22:8,10,10,21
current 15:3	decided 47:8	70:22 105:5	direct 31:14,15	32:4,4,21 47:4
32:4 109:7	deciding 97:20	158:10 172:8	135:5	47:11,11 48:2
115:22 140:12	decision 10:19	derogating	direction 40:11	48:6,10,11
158:14	11:4 49:4	101:7 116:7	132:3	52:8,13 54:20
Currently 108:9	74:19 86:19	140:16	disapproves	56:2,2,5,6,13
cut 72:15	93:2 118:1	describe 140:19	50:8	60:6,8 68:10
cutout 79:19	deck 40:1 79:19	design 114:10	discounted	70:16 78:19,20
	79:21 80:6	132:21 137:9	124:21	79:6,18 80:11
D	82:15,16,17	138:1,2,3,5	discuss 53:20	80:12 82:2,6
D 2:1 3:1,14	83:6,21 84:22	139:14 140:9	123:4	88:5,6,7 108:5
Daglian 1:11	86:2,12,20	164:22	discussed 25:21	108:8 117:9
4:13,15,17,20	88:12 91:3,5,8	designed 65:17	discussion 25:5	130:11,12,12
4:22 5:3,5,8,11	91:15,19 92:13	desirable 116:5	35:13,18 41:10	133:2,4,9,9,19
5:18 6:3,19	92:20 93:15	desires 137:10	58:2,21 67:7	138:1,2,5
7:13 10:6,9,12	94:22 96:1	despite 27:11	85:10 103:14	160:22 161:16
14:1 18:8 19:7	118:4,9,13,17	detriment 21:16	114:18 139:17	161:16 162:16
23:2,4 31:17	119:2,9,10,13	23:9 26:4	145:17 155:16	163:20 164:21
46:12 72:19	119:19,21	28:12 36:20	dismissed 11:1	164:22 165:17
74:13 77:14,16	120:12,20	43:16 70:18	disposed 46:10	166:2,18 167:3
84:5,9,16	121:13,21,22	101:6 105:1	disrepair 142:3	167:9 168:1
damn 170:22	122:1,2,3,7,10	116:6 140:15	disruption	dormers 9:20
dangerous	122:14,20	158:6 172:4	119:6	22:14 48:9,14
108:14	123:7 124:5,5	developer 152:4	distance 157:19	48:15 49:3
Daniel 153:16	124:17 125:14	development	district 23:14	78:14,17 79:9
dashed 122:17 date 7:20 10:5	125:15,17,19	28:3 36:14	28:15,15 37:1	79:11,22 80:12
11:8 37:11	130:17 163:9	43:10 64:17	37:1 43:19,19	80:22 81:7
54:3	decks 119:4,6	70:12 104:16	44:3 70:21,21	86:11 88:11
dated 3:18 29:3	defaulting 6:16	157:22 171:17	73:19 105:4,4	89:21 90:21
29:4 37:11	defer 49:5 95:11	172:2	158:9,9 162:3	131:21 132:21
101:11 116:16	deference 75:22	device 5:21	162:10 172:7,7	134:12,14
141:2 158:19	definition 60:19	dial 57:6	disturbed 68:15	137:1,8,22
172:13	delivered 10:21	Diana 35:7	documents	140:10
daughter's	demo 21:6	153:20	31:15	dotted 40:2
146:18	demolish 46:22	dichotomy 14:9	doing 13:22	double 33:4 40:6
day 174:13	demolishing	difference 132:21	14:16 15:5	40:6 134:5
days 11:9 74:22	108:11 deny 55:14 76:3	different 13:7	62:11,12 67:8 92:7 93:13	draft 143:4 144:3
de 25:19	denying 53:5	40:8 73:11	107:13 163:1	drafted 117:17
deal 62:6 65:15	54:11 117:19	134:14 144:13	Donnell 129:19	drafters 74:2
77:8 99:3	Department	digging 88:22	door 35:11 40:7	drafting 48:12
117:15	10:22 11:6	dimension 164:1	63:7 130:22	144:9
dealing 26:17	27:8 33:15,22	dimension 104.1	131:5 139:11	dramatically
	27.0 33.13,22	William Signature	151.5 157.11	ar arratically
	I	l		l

	I	İ	Ī	ı
73:11	97:7,12 99:6	Employees 1:10	104:9,15	expires 174:17
drawing 31:22	effect 40:9 53:19	emulate 133:6	157:15,21	explain 33:20
32:15 78:18	64:13 136:4	enclose 132:2	171:12,16	explained 25:22
79:14	143:5 172:1	142:4,4 147:11	et 58:9 163:2	explaining
drawings 19:6	effort 75:18	147:16	evaluation	16:14 31:16
31:14 39:19	egress 27:19	enclosed 110:20	130:8	expressed 131:2
59:3 109:20	36:8 43:4 70:5	135:7 141:20	evening 18:15	145:4
123:1 151:15	104:8 139:11	142:20	142:16 147:1	expressing 43:8
drive 65:13	147:17 149:18	enclosing	evenly 32:22	extend 84:11
driven 62:10	150:12 151:3	116:21 135:12	events 3:17,18	extension 123:8
Driveway 133:1	157:14 171:11	enclosure	eventually 91:18	123:10
druthers 134:14	either 24:16	134:20	everybody 17:3	extent 11:11
dry 61:16 62:12	48:20 49:6	endeavor 117:7	38:11 67:8	75:3 82:1
due 3:11,18,22	79:8 87:5	endorse 76:9	103:17 131:16	exterior 61:17
19:2	93:18 112:2	ends 20:2 80:13	exactly 25:20	62:9 110:6,8
Duncan 46:16	113:14 135:22	enforcement	86:9 142:11,11	163:7
46:16 47:17,20	140:18 142:4	100:14 115:19	142:20 153:17	extra 31:21 47:3
48:18 49:10,20	154:5	140:6 145:7	167:7 168:4	extremely 143:2
50:1,4,10,13	elaborate 27:1	engaged 129:17	exceeds 160:19	eye 55:14
50:17 53:22	Eleanor 35:11	enjoyable 21:15	exception 111:2	eyesore 121:2
56:14,22 57:5	element 84:21	enlarge 132:2	135:6 136:1	
57:8,14,18	116:20	enlargement	excited 146:17	F
59:17,19 60:10	elevation 21:7,9	33:6	146:18	F 84:18
61:1,3,5,10,18	21:10 22:4,9	enlisted 161:8	excuse 18:17	façade 32:9,11
62:15 63:3,11	39:20 40:2	ENT 108:12	42:11 84:15	33:13 39:17
71:19	48:16 78:19	entire 134:6	91:7 145:9,11	108:6
duplicates 42:8	79:4,5,16,17	entirely 32:6	165:5	face 60:9 110:20
	79:17 82:9,10	117:18	Executive 3:14	134:22
E	110:11 150:19	entitled 73:10	exist 62:2,3	faces 32:9 112:1
E 2:1 3:1,1	151:1,5,9	entity 143:3	114:13	120:4
e-mail 42:1	162:22 163:6	entrances	existing 19:1,2	facing 40:11
e-y 35:10	163:12 164:1,2	142:20	19:21,22 20:16	68:11,11 70:10
earlier 7:20 15:4	164:3,16,16,18	entries 148:12	21:4,7,22 22:1	79:18 108:8
46:9 65:13	164:20 165:1,5	entry 147:15	26:1,4 32:1	112:17 136:2,3
74:19 119:1	166:19	149:3,14	40:3,8 46:22	141:20
early 63:5 72:14	elevations 21:6	equally 67:20	58:19 111:17	fact 28:5,8 55:4
east 32:9 47:3,4	79:1	erected 74:21	129:13 132:10	62:7 79:12
47:10 48:2,16	eliminate 47:10	Eric 35:10	132:15,16	101:1 108:22
68:11 70:10	48:6	error 48:12,13	134:8 136:17	129:19 135:19
eave 136:16	eliminates	especially 91:4	142:7 149:2,12	136:1 171:22
ecstatic 120:22	157:20	96:4 116:3	149:13 150:16	facts 104:11
Ed 87:20,22	eliminating	Esquire 9:14	151:7,11 152:3	fair 91:3 96:3,4
88:1,16 89:12	47:22	essence 124:2	160:20 162:8	117:20 119:10
89:15 90:20	embarking	essential 154:21	162:15,21	fairly 53:1
91:1,9 92:6,10	146:20	essentially 84:11	166:6	faith 75:18
92:17 93:10,17	emergency 3:12	established	exists 40:1	faithful 117:1
95:7,16 96:2	3:17	27:20 36:9	expanded	families 116:11
96:10,22 97:3	employed 174:9	43:5 70:6	149:19	family 19:2 91:6
	•	•	•	•

				1490 100
117:6 121:7	89:22 90:11,14	91:12,13 93:8	27:13,14 36:3	framework 74:3
129:14 130:1,3	90:16 108:18	finished 130:9	42:22 67:16	framing 86:18
146:19,21	108:19,20	fire 33:12,19	69:21 74:15	frankly 112:16
152:5,7 161:3	123:11,21	49:17 52:18	100:12 104:3	142:17 143:8
far 9:22 10:1	130:13,16	61:1 62:1 63:6	115:17 140:4	Frederick
19:3,19 20:6,8	132:1,3,13	fire-rated 61:3	145:6 157:9	153:20
21:4 23:13	136:19 147:18	61:19 62:10	166:5 171:2,6	friend 107:20
24:11 25:19	149:20 161:1	first 6:10,16	follows 24:6	front 19:4,6,15
26:13 32:6	164:22 165:18	11:6 13:9 16:1	25:18	19:16 21:2
37:4 81:1,4	165:21 168:5	20:20 26:9	foot 122:17	40:16 79:11,12
84:10 85:3	fellow 53:4 65:8	29:5 34:1	123:11 165:2	79:19 108:22
109:2,3,7	67:15 151:21	37:10,12 39:19	166:19	109:18,21
111:3,4 120:8	felt 142:16	44:10 46:10,13	footage 88:5,9	110:21 111:12
120:9 124:1	fifth 6:22	65:11 67:19	88:13 89:4,11	111:14 112:11
125:2 135:9	figure 48:19	68:3 87:12	89:17 90:6,8,9	116:21 134:6
142:8,10,21	117:11	89:17 97:22	119:13 132:2	134:17,20
149:3,4,5	file 9:14 25:5	99:3 123:1	footing 165:21	136:11 142:8
160:20 161:2	31:15 44:12	129:18 141:3	footprint 32:6	144:12 147:14
162:6,7,8	92:3 93:14	158:20 172:14	112:3,5,8	148:12 150:19
165:20,20	96:16,20 97:4	first-floor 20:16	forget 27:9	162:22 163:3
167:10	97:14 102:16	21:14	forgetting 90:15	163:21 164:1,4
farmer's 20:5,12	139:4	Fisher 35:10	171:1	164:4,9 165:1
20:20 21:13	filed 9:18	fit 133:11	forgive 146:11	165:9
22:11	files 11:13 75:5	five 10:15 32:9	forgot 118:22	full 10:6 25:13
fashion 68:14	fill 111:9	149:20	form 10:19,20	fully 55:21 56:1
fashioning	filling 144:11	fixtures 133:12	11:4 18:17,22	114:11
65:16	final 117:22	floor 20:20 21:1	47:16 77:1	functional 22:20
favor 29:13	financially	21:1 32:12	80:3 90:4	functions
37:18 44:18	174:10	33:2 36:13	109:5 123:9,20	133:22
45:1 69:8,13	find 4:7 26:8,12	39:20 40:5	133:13	furniture
69:15,17 76:12	68:4 118:21	57:21 60:14	forms 11:12	167:13
101:18 105:16	143:1 151:15	80:6,7 88:7,12	75:4	further 52:4
127:12,16	154:22	89:3,17 90:13	forth 58:22	
· ·	10		1 101 111 20.7.7.	L 53:15.20 61:12
1 131:3 159:4.9	findings 27:15	· · · · · · · · · · · · · · · · · · ·		53:15,20 61:12 63:12 66:20
131:3 159:4,9 172:19 173:1	findings 27:15 28:22 36:3	108:10 110:3	fortunate	63:12 66:20
172:19 173:1	28:22 36:3	108:10 110:3 110:11 118:9	fortunate 107:16	63:12 66:20 85:15,18,21
172:19 173:1 favorite 60:15	28:22 36:3 37:6 42:22	108:10 110:3 110:11 118:9 119:22 121:19	fortunate 107:16 forward 54:14	63:12 66:20 85:15,18,21 92:1 98:20
172:19 173:1 favorite 60:15 February 75:12	28:22 36:3 37:6 42:22 44:6 67:16,18	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6	fortunate 107:16 forward 54:14 64:18 116:21	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16 feet 23:13 32:9	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16 171:2,7 172:10	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1 143:7 151:22	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7 fourteen 74:22	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6 26:17 48:18
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16 feet 23:13 32:9 57:16 61:6	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16 171:2,7 172:10 fine 7:11 19:13	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1 143:7 151:22 follow 16:10	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7 fourteen 74:22 fourteenth	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6 26:17 48:18 49:5 59:21
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16 feet 23:13 32:9 57:16 61:6 78:20,21,22	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16 171:2,7 172:10 fine 7:11 19:13 65:20 66:10	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1 143:7 151:22 follow 16:10 143:15	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7 fourteen 74:22 fourteenth 10:11 17:20	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6 26:17 48:18 49:5 59:21 64:16 65:5
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16 feet 23:13 32:9 57:16 61:6 78:20,21,22 80:22 83:3,7	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16 171:2,7 172:10 fine 7:11 19:13 65:20 66:10 89:16 94:20	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1 143:7 151:22 follow 16:10 143:15 followed 131:11	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7 fourteen 74:22 fourteenth 10:11 17:20 fourth 73:5	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6 26:17 48:18 49:5 59:21
172:19 173:1 favorite 60:15 February 75:12 feel 55:21 60:12 64:12 114:12 137:15 138:4 144:13 feels 64:17 131:16 feet 23:13 32:9 57:16 61:6 78:20,21,22	28:22 36:3 37:6 42:22 44:6 67:16,18 69:22 71:1 100:12 101:8 104:3 105:6 115:17 116:13 140:4,21 145:6 157:9 158:16 171:2,7 172:10 fine 7:11 19:13 65:20 66:10	108:10 110:3 110:11 118:9 119:22 121:19 124:1,21 130:6 131:21 133:3 134:21 136:15 142:10 161:1 162:11 164:13 165:5,8 167:6 folks 128:1 143:7 151:22 follow 16:10 143:15	fortunate 107:16 forward 54:14 64:18 116:21 found 26:3 131:5 foundation 46:20 58:8 founded 137:10 four 79:7 fourteen 74:22 fourteenth 10:11 17:20	63:12 66:20 85:15,18,21 92:1 98:20 100:18 103:14 117:13 125:6,9 125:11 126:10 136:5 137:11 151:16 168:6 174:8 future 14:6 26:17 48:18 49:5 59:21 64:16 65:5

G	65:3 76:11	12:12,22 13:14	71:2 74:5,7,8	22:11 80:11,12
$\frac{\mathbf{G}}{\mathbf{G}3:1}$	89:22 100:2	14:9 16:5,14	90:14 101:9	130:13 161:17
	107:17 115:3	16:17,21 21:2	104:6 105:7	Gus 3:10 4:22
gable 19:21 21:3 21:7,10 22:5	given 62:22 73:5	26:18 27:8	114:14 116:14	6:5 9:9 11:16
22:15,19 108:9	gives 133:8	31:20 33:18	140:22 141:15	35:1 46:12
108:10,18,19	giving 58:13	40:20 45:7,7	157:12 158:17	99:4 103:12
109:1 118:8	glad 134:13	46:7,11,14	172:11	106:2 113:22
gabled 20:13	glass 40:11 52:9	48:19 49:6,7,8	granted 29:19	139:1 168:21
gain 123:21	52:19 55:10	49:13,14 50:7	38:4 45:3 52:8	guys 64:16 92:7
gam 123.21 garage 79:20	60:20,21,21,21	50:7,9 53:3,5	53:16 54:4,7	
82:15,16 83:21	60:22 61:3,20	53:12,17 54:17	55:20 67:19	H
86:2,11,19	62:1,10 64:20	57:21 58:2,3,5	69:18 71:5,18	H 35:7
90:15 91:3,5,8	66:3,8 68:21	58:6,10,15,22	86:7 100:22	H-o-d-e-s-s
91:16,19 92:4	68:22 69:3,5,6	59:3,8,9,19	101:5 102:2	170:2
92:14,21 93:15	69:7	60:2 64:13,14	105:10 106:1	Ha 171:1
93:15 94:7,9	Glassman 18:15	67:14,14 72:13	116:5 128:1	habitable 44:3
94:17,22 95:2	18:20,20 19:8	85:11,14,21	140:14 141:16	half 83:3,6 97:9
96:1 97:20,21	19:13 23:3,5	88:19 89:7,18	159:11 173:4	109:21 122:17
98:15 120:5,6	23:14 24:5,9	89:19,22 90:7	granting 29:9,14	123:11 136:19
120:7,9	24:13	90:8,11 93:19	37:15,16,19	halfway 126:19
gatherings 3:13	Glassman's	94:6,7 95:1,11	44:15,16,19	126:22
GCD 18:20 29:3	27:21	97:10,15 99:3	69:10,11,14,16	Hammond 2:5
29:3	gleam 55:13	100:20 108:13	71:8 101:14	31:7 32:1 35:8
general 1:3	go 6:5 8:2 10:3	109:2,3 110:8	105:12 117:2	35:9,10,12
25:16 59:2	12:3 18:14	113:14 119:13	141:5,6,8	hand 8:5 12:7,9
64:17 77:3	20:19 25:14	129:17 137:21	159:1,5 172:16	24:20,21 34:18
generally 4:9	26:18 31:12,20	138:10,13	172:20 173:2	34:19 41:12,13
28:14 36:22	32:17 39:21	141:19 142:3	great 64:13	51:9,10 87:15
43:18 64:12	47:18 54:10,14	143:17 163:12	65:15 77:8	87:16 93:11
70:20 105:3	57:9,16 58:3	167:11 169:18	144:20 146:13	103:8,9 113:17
116:4 158:8	58:20 59:11	good 16:15	154:22 169:19	113:18 138:17
172:6	60:3 62:20	18:15 29:19	greatly 78:13	138:18 153:6,7
generated 27:18	65:2,11 76:18	38:4 45:3 49:8	grew 129:18	168:17,18
36:7 43:3 70:4	79:1 80:3	75:18 87:3	gross 90:13	174:12
104:7 139:13	81:21 82:1	88:16 92:8	ground 73:21	handle 74:6
140:17 157:13	91:14,15,18	101:6 116:6	110:11	handled 86:12
171:10	93:12 94:21	117:20 128:1	grounds 112:22	hands 12:12
generation	95:2 97:12	140:15 155:1	group 161:16	handwriting
107:16	100:21 109:17	156:11 157:19	grow 107:17	114:3
gentleman	117:2 118:2	Goodbye 96:10	growing 114:9	handwritten
60:18	120:20 124:18	Goodnight	GS 29:3	139:5
getting 6:22	143:4 144:1	173:10	guess 7:16 49:10	Hang 12:10,13
58:11 79:21	147:3 154:22	Governor 3:14	54:10 64:11	hanging 79:12
88:4,22	goal 60:5 80:8	Grace 154:1	82:2 89:9	happen 55:16
GFA 132:11,17	goes 75:19 81:2	grandparents'	113:4	happened 14:20
134:21	136:18	120:14	Guide 164:22	happy 6:1 143:2
give 4:6 8:7	going 6:11,19	grant 23:10 29:1	guidelines 10:2	143:4,15 144:9
53:11 58:12	7:17 10:3	37:7 44:7 49:2	19:18 21:20	144:15,16

				Tage 100
148:3 152:8	160:14	71:11 72:4	honestly 63:7	163:6,12,20,21
166:11	hearing 1:3 7:1	76:9,9 78:4	honesty 63:10	164:4,7,9,10
hard 5:5 49:13	11:10 55:19,19	86:15,15 87:6	hope 68:9	165:2
137:16 154:12	72:14 75:2	98:22,22	114:14 146:21	houses 142:18
harder 167:12	92:4,7 93:3	101:18,18	hopefully 7:2	huge 64:18
hardship 73:14	hearings 13:6	103:1,1,19	14:5 95:4	hung 33:4 40:6
100:15,16	15:3,3 16:2	105:16,16	hoping 107:22	40:7
101:1 115:20	heat 60:15	107:4 111:13	horse 33:16,17	hurt 142:17
115:21 116:2	heat-treated	112:3,6 113:9	Horst 39:9,11	
140:7,8,11	60:22	115:2,2,6	39:11,14 40:19	I
145:10	Heather 160:17	117:22 118:3,7	61:13,19 78:9	icon 24:19 34:17
Harrison 147:20	height 60:6	118:10,13,15	78:10 80:16,18	41:11 51:8
156:19	held 3:11	118:20 121:11	80:21 81:7,11	87:14 103:7
haven't 84:2	Hello 7:4 12:4,5	121:11,20	81:14 82:3,8	113:16 138:16
hazard 27:20	12:5 56:19	125:10,10,22	82:11,13,16,19	153:5 168:16
28:1,11 36:9	help 67:15	126:6,13,21	82:22 83:6,10	idea 53:17
36:19 43:5,15	107:20 114:15	127:16,16	83:12,14,17,22	identified 42:8
70:6,17 104:9	120:19 131:15	129:4 136:8	84:3,15,17	156:22
104:14,22	144:8,15	137:4,8 140:1	85:6,9,13,16	identify 35:6
157:15,20	helpful 24:5	140:1 141:8,8	85:19 86:3	41:22 47:15
158:5 171:12	25:17	144:5,7,7,19	88:10 89:6,9	153:14 155:4
171:15 172:3	Henry 154:8,17	145:9,11,21	89:14 90:1	169:18
he'll 47:7	155:6	146:4 152:20	98:12,14 102:3	imbalance 54:16
head 49:17 60:6	hereunto 174:12	157:6,6 159:4	102:7,8 106:2	immediate
61:16,16,19	Herrata 9:14	159:4 160:4	house 22:7	147:20 150:12
62:12 67:7	Hi 51:18 56:20	168:9 169:6,6	40:15 44:3	152:1
108:11 130:7	107:9 146:12	172:19,19	46:22 48:21	immediately
152:11	146:15	high 58:15 59:14	55:20 57:22	16:10
headroom 19:21	Hickey 1:8 3:5	highly 147:13	68:11 79:3,7,8	impact 27:22
20:3	4:15,16 5:14	hindrance 64:18	79:13 88:9,20	28:6,20 37:5
health 28:12	5:22 6:5,9,12	historic 133:4	89:19 90:6,7	43:6,7 70:11
36:20 43:16	6:15,18 9:4	142:18	100:21,21	104:13 112:18
70:18 105:1	17:11,11,13,13	Hm 126:20	108:11 109:18	144:11 157:17
158:6 172:4	18:4 19:10	Hodess 170:2	110:22 112:19	171:14
hear 5:5,9 6:8	24:3,3 25:10	Hoheb 148:1,6,7	112:20 114:8	impacting 44:4
7:4,5,7 11:14	25:10 29:13,13	148:10	114:13 118:4	impair 28:15
11:19 12:15,18	31:4 34:10	Hoheb's 148:4	120:3,7 121:1	37:1 43:19
44:1 45:7	35:19 37:18,18	hold 96:15	121:6 123:13	70:21 105:4
51:16,18 56:17	39:4 41:5,5	118:19 156:3	129:14,16	158:8 172:7
57:5 135:2	42:18,18 44:18	home 46:20 52:5	130:2 132:10	impinges 108:22
heard 5:16 9:8	44:18 46:4	54:1 65:13	132:15 136:11	implemented
10:14 11:21	50:22,22 57:7	homeowner	142:8,13	16:12 71:4
13:8 18:12	61:7,9 62:18	133:5	144:12,12	important 64:9
31:8 39:8 44:1	62:18,21 63:9	homeowners	146:21 148:13	76:20 155:7,22
46:15 72:8	63:12 64:22,22	129:16,18	148:15,18	imposing 17:7
75:12 76:2	65:3 66:16,16	130:18 131:1	149:7,13,17	improve 158:13
78:8,13 107:8	67:11,11 69:2	homes 26:1,18	150:4,19 151:5	improvement
129:8,9 146:8	69:13,13 71:11	honest 171:3	151:15 163:1,3	164:18
1	•	1	•	•

				rage ree
impuovoments	infill 109:21	130:2 140:16	82:21 86:12	112.10.11
improvements 163:1	123:18,19	158:10 172:8	89:2 92:20	113:10,11 115:7,8,8
	134:11 147:14			117:20 125:12
improving 163:2	148:15 149:9	intention 61:21 163:17	94:11 97:18,20 98:14 102:13	125:13,13,18
				· · · · · · · · · · · · · · · · · · ·
in-laws 120:1,18	149:14,18	interest 13:1	102:13 117:16	126:3,7,16
inappropriate	150:3,7,15,17	133:8	118:15 122:4,5	127:18,18
138:6	150:21 151:2,6	interested 12:21	137:14 141:20	129:5 137:12
inarticularly	infilling 110:11	33:21 174:10	144:10	137:13 140:2,2
65:13	117:10 134:20	interesting 80:4	issues 52:22	141:10,10
inch 143:9	information	interior 22:17	92:10 102:9	144:22 145:2
inches 149:19	123:3 161:13	22:18 32:7	123:4 139:15	146:4,10
164:12,13	inhability	163:14	it'll 16:11	152:21,22,22
165:11,15,18	158:14	internally	-	153:18 157:7,7
inclined 77:5	initialed 29:6	100:19		159:6,6 160:5
137:17	37:12 44:10,12	interpret 125:4	James 11:18,22	168:10,11,11
include 21:8	68:7 101:12	interpretation	12:5,13,15,17	169:7,7 172:21
94:17	116:17 141:3	135:19 143:6	12:18,19 13:16	172:21
included 142:7	158:20 172:14	interpreted 93:5	13:18 14:2,4	Jason's 4:18
including	inked 68:8	124:22 135:14	14:12,14,17	Jenny 129:18
134:17	inside 57:19	144:14	16:6,13,22	131:4
inconsistencies	62:12 133:22	interpreting	17:2,3	Jim 1:9 3:5 4:17
15:5	150:2	136:10	January 10:7,8	4:17 5:2,3,5,6
inconsistent	insofar 160:18	interrupt 50:9	10:16 11:8,8	5:7,7,11,18 6:6
27:2	Inspectional	120:17	11:10,14,15	6:14 7:4,6,7,11
incorporate	10:21 11:5	interrupting	14:10 17:6,21	7:13 9:4 14:19
67:22 132:7	33:22 83:20	58:8	72:18 73:6	17:5,12,12,15
increase 23:16	85:11 91:18,21	interruption	74:5,12,14,22	17:15 18:4
25:19 26:13	92:13 94:19	57:10 125:14	75:6,11 76:1	23:22,22 24:2
109:2,3 136:11	95:14 97:22	introducing	77:11	25:9,9 29:10
149:4,5 162:9	98:15 121:15	148:8	Jason 1:9 3:6	29:11,11 31:4
increases 23:13	install 47:3	intruding	4:17,19,19 9:5	34:7,8 35:20
increasing 24:11	installing 48:1	166:20 167:11	17:17,17 18:5	35:20 37:16,16
161:2	instance 62:9	involve 86:1	24:4,4,10,14	39:4 41:2,3,3
increment	97:22	100:15 115:20	25:11,11,15	42:16,16 44:16
165:20,20	instructions 4:6	140:7 145:8	29:15,15,20,21	44:16 46:4
indefinitely	4:7 34:15	involved 28:20	30:3 31:5	50:21,21 59:22
152:6	103:5	132:8 137:1	34:11,12,12	59:22 60:4,17
indicated 43:8	integrity 28:15	162:3	36:1,1 37:20	61:2,4,8 62:4,4
77:8 140:17	37:1 43:19	involving 74:6	37:20 41:6,7,7	62:16 66:5,14
153:12	70:21 105:4	ISD 92:22 93:3	42:19,19 44:20	66:14 67:9,9
indication 65:4	158:9 172:7	95:11	44:20 63:17,17	68:16,17,21
indiscernible	intend 152:5	issue 32:8 33:12	63:21 72:5	69:3,5,11,11
148:8,20	intensification	33:14 52:5,10	76:16,19 78:5	71:9,9 72:4
individually	26:1,10,14	52:14,17,18	86:22,22 87:5	76:5,6,6 78:4
130:12	intent 28:16	54:18,19 55:8	99:1,1 101:20	81:19,20,20
individuals	37:2 43:20	56:6,10 57:22	101:20 103:2,2	82:4,10,12,14
99:15	70:22 101:7	59:13,14 76:22	104:1,1 105:18	82:18,20 83:5
indulging 26:20	105:5 116:7	79:20,21 81:3	105:18 107:5	83:8,11,13,15
Ī	ĺ	I		

				1490 107
	l	l	l ————	l
86:9 98:21,21	110:1,4,8,12	133:19 134:19	L	12:3 15:16
101:16,16,16	110:14 112:8	135:2 136:14	L 162:17	57:9 66:1 96:8
102:21,22,22	112:11 113:7	137:6 141:2,17	L-i-k-i-s 169:21	102:4 109:7
103:21,21	116:16 118:6,8	Kenny 169:21	174 160:16	126:17 154:3
105:13,14,14	118:12,14,19	kept 4:5 22:7	lack 43:14	letter 9:13 35:6
107:4 109:15	119:11,14,17	key 31:15	104:20 137:22	35:7,9,11
109:15,20	119:21 120:13	kicking 76:11	ladder 57:15	58:22 59:5,6
110:2,5,10,13	122:6,9,12,15	kidding 115:13	laid 120:5	72:10,11,13
110:16,18	122:21 123:2	kids' 120:19	Lakeview 147:6	96:17,18,19
111:7,18,21	123:12,16,18	Kim 154:8,10,16	160:16	97:13 98:8
112:14 113:3	123:22 124:4,7	155:6	laminated 60:21	100:1 114:6
114:21,22	124:9,11,13,16	kind 25:20	Lamont 79:5	139:9 153:16
115:11,12,15	124:22 125:16	49:13 82:5	91:4 96:4	153:18,20
116:20 117:3,4	125:20 127:3	121:2 130:6	land 6:21	154:1,3 155:21
117:4 123:6,6	128:3 160:17	kinds 77:1	landlords 97:10	156:21 169:20
123:15,19	joining 7:8	171:14	99:16 100:7	169:22 170:2,4
124:2,6,8,10	Jorge 170:1	kitchen 123:8,10	language 26:15	170:6,7,19
124:12,14,18	JOSEPH 123:17	147:11	143:5	letters 25:4 28:8
125:3,6,21	judgment 73:9	know 13:19,22	large 32:3 119:6	35:3,5 41:22
126:15 127:9	73:10	15:5 18:9	119:18,19	42:9,10 43:13
127:13,14,14	July 75:12	25:13 26:11,16	larger 76:21	43:14 96:16,22
129:4 134:3,4	justification	33:16 49:12	79:9 137:14	97:1,5,9,14,16
134:4 135:1,5	68:1	50:3 54:9	138:1	98:10 99:13,14
135:9,12,15,17		55:11 57:20	lastly 11:11 75:3	99:17 100:2
136:6 139:21	K	58:1,5,7,10,11	Law 3:16 25:16	102:16 104:20
139:21 141:6,6	K-a-c-h-m-a-r	58:14,18,20	Laws 77:3	104:20 139:4
141:14,18	158:19 172:13	59:2,3,5,6,8	lay 73:21	151:17 153:13
142:11,15	Kachmar 148:2	60:10,11,20	layout 120:9	155:1,3,4
143:1,18 144:2	148:7 158:19	61:14,16,20,21	lead 113:5	156:2,14,21
144:6,7,15,18	161:10 172:13	61:22 63:3,3,5	leaning 65:4	161:9 169:13
144:20 146:4	Kachmar's	63:6 66:3	learned 13:2	170:10
152:17,18,18	161:16	68:14 76:22	learning 12:21	level 26:9 62:22
157:2,2 159:2	Kate 153:18	77:2 91:9,10	leave 91:1	150:15 163:13
159:2 160:4,10	Katherine 170:4	92:11,11 96:2	leaves 149:20	164:10,10,12
160:12 166:16	170:6,12	96:2 97:8	left 19:16 21:6	164:17 165:4,7
166:16 167:2	keep 47:11 48:7	99:21 110:22	21:10,19 22:4	165:13,13,17
167:14,19,22	50:9 54:17	112:22 114:22	22:10,17 31:22	166:17
168:6 169:5,5	114:15 170:22	120:3,14,15	33:1 39:20	Levy 160:17
172:17,17	171:3	123:18 124:9	78:19 148:11	Lexington
Jim's 5:4	Keller 146:10,11	133:17 134:15	148:13,17	129:11
job 92:8	146:12,15,16	135:2 137:13	151:9 162:7	lieu 60:8
Johanna 42:3	154:6,8,12,14	141:22 142:19	163:18	lifelong 107:15
John 18:16,22	154:18 155:5,9	143:8,11 160:7	left-hand 19:16	light 23:7 56:10
31:10,11,13,18	155:12	165:18 167:8	legal 27:8 59:6	56:10 60:5,7
32:18 38:6	Kelly 129:9,10	knowledge 63:1	147:3	60:16 130:8
107:9,9,9,12	129:13 131:13	known 74:15	lengths 154:22	liked 133:5,19
108:1,4 109:6	131:20 132:1	100:6	Leonard 156:17	Likis 169:21
109:7,11,19	132:10 133:2	knows 53:6	let's 7:11 10:10	Likus 169:21

				1490 100
limit 134:7	107:12 108:4	33:13 40:15	139:10	91:2,10,14
limitation 111:8	107.12 108.4	48:21 49:14	maintained	92:9,12,18
limited 93:14	110:1,4,8,12	52:3,6,11 54:1	74:22	93:4,7,9,18
limiting 3:12	110:1, 4,0,12	61:12 62:7	maintains 23:5	94:1,3,6,10,14
line 14:21 21:4	112:11 113:7	80:10 82:22	major 78:19	94:18 95:5,8
32:10 33:13	116:16 118:1,6	83:2 100:17	making 32:5	95:17,22 96:3
49:16 61:15	118:8,12,14,18	101:2,3 107:21	57:2 84:22	96:7,9,17,21
62:7 96:12	118:19 119:11	108:7 116:3,3	86:19 88:12	97:1,5,9,17
102:11 122:17	119:12,14,17	120:10,19	139:12	99:13,21 100:5
136:16 147:10	119:21 120:13	132:11,12,12	March 3:14	Mary 139:6,7
162:12,13	122:6,9,12,15	140:13 142:1,2	Maria 11:5 14:2	Maryellen
164:3,9,13	122:21 123:2	147:10 148:18	16:5 156:4	155:22 156:8
165:9,10,15,19	123:12,16,18	150:2,4 162:4	married 129:17	mass 2:8,10 13:3
lines 162:6	123:22 124:4,7	lot's 80:8 120:5	Marshall 1:9 3:6	16:15 17:21
164:8	124:9,11,13,16	lots 83:1	4:19,19 9:5	25:16 108:7
list 6:16	124:22 125:16	love 107:19	17:17,17 18:5	110:5 114:4
literal 100:14	125:20 127:3	low 19:22 22:19	24:4,4,10,14	121:4
115:19 140:6	128:3	lower 19:16	25:11,11,15	Massachusetts
145:7	log 5:11 7:13	21:10 31:22	29:15,15,20	1:6,6 72:7 77:3
little 15:4 20:3	logging 5:20	58:17 59:12	30:3 31:5	107:7 114:7
21:8 33:15	long 52:8 54:4	62:22 130:22	34:12,12 36:1	129:11 174:2,5
53:13 57:10	64:20 66:7,7	lowered 79:4	36:1 37:20,20	massing 136:11
88:3 107:14,22	76:11 82:2	luck 29:19 38:4	41:7,7 42:19	master 119:19
120:6,20	99:19 114:16	45:3 128:1	42:19 44:20,20	167:7,12,14,20
132:12 133:8	124:11 130:3		63:21 72:5	match 33:4
133:21 137:15	146:22 166:20	M	76:16,19 78:5	61:22 137:9
140:17 149:9	longer 15:7 40:1	M 9:14	86:22,22 99:1	material 26:9
167:9,12 168:5	56:2,5 88:12	M-a-h-e-r 139:7	99:1 101:20,20	44:5 74:2
livable 146:21	131:9,13	M-i-l-m-o-e	103:2,2 104:1	math 32:14
152:7	look 7:10 58:3	170:6	104:1 105:18	88:16
live 15:2 114:7	79:11 118:3	ma'am 91:7	105:18 107:5	Matina 4:13
161:20	122:12,15,16	MacArthur	113:11 115:8,8	39:5 46:5 51:2
lived 146:16	122:16 124:8	46:16,17,18	125:13,13,18	51:2 63:18,19
lives 35:11	124:14 133:5	47:17,20 48:18	126:3,7,16	63:21,22 66:18
living 100:18	looked 131:4	49:10,20 50:1	127:18,18	66:20 67:12,12
115:21 116:12	looking 16:14	50:4,10,13,17	129:5 137:13	69:15,15 71:13
120:14 130:3	44:8 80:21	56:12,14,22	140:2,2 141:10	71:13 72:4
140:9 142:9	123:8 132:16	57:5,8,14,18 59:17,18,19	141:10 145:2	76:14
161:2	133:14 136:12	60:4,10 61:1,3	146:5 152:22	matter 18:12
loathe 119:5	162:5 164:11	61:5,10,18	152:22 157:7,7	24:16 31:8
locate 167:13	166:17	62:5,11,15,21	159:6,6 160:5	34:14 39:8
located 129:14	looks 123:10	63:3,11,71:19	168:11,11	41:10 46:15
162:2	142:14 153:21	Magnolia 2:9	169:7,7 172:21	51:5 58:11
location 32:10	165:10	78:7,11 79:3	172:21 Martha 87:22	59:10 67:1
52:5,10 62:14 75:17 108:8	loop 6:6 Lori 169:21	79:18		72:8 75:21 76:1 78:8
139:11 167:8	lost 57:6 145:16	Maher 139:7	88:1,3,14,18 89:7,13,16	87:11,19 103:4
Lodge 107:9,9,9	lot 31:14 32:10	main 22:7 57:14	90:5,12,18,21	107:8 113:14
Louge 107.9,9,9	101 31.17 32.10		70.3,12,10,21	107.0113.14
	l		l	

				Tage 107
117:11 121:13	132:19 137:21	41:15 51:12	62:4,4,16 66:5	months 75:19
129:8 138:14	138:15 145:5	138:20	66:14,14 67:9	143:11
146:8 153:3	146:3,13	misconceived	67:9 68:17,21	Montif 153:21
160:14 168:14	155:16 159:13	74:9	69:3,5,11,11	motion 17:6
maximize	160:3 166:14	missed 32:16	71:9,9 72:4	27:14 67:14
162:18	168:15 173:7	156:3	76:6,6 78:4	72:21 74:11
maximum 162:9	memo 141:19	missing 5:2	81:20,20 82:4	75:6 76:3
McCarthy 42:6	mention 118:22	mistake 6:15	82:10,12,14,18	86:18 87:3,8
mean 56:7 58:21	mentioned 16:6	18:13 81:13	82:20 83:5,8	100:12 126:19
60:12 85:4	166:22	mitigate 52:9,22	83:11,13,15	127:1,4,7
88:18 117:21	met 27:17 36:5	Mm-hm 94:18	86:9 98:21,21	145:5 157:5
124:9,22	43:1 70:3	95:16 110:13	101:16,16,17	170:21
142:15 146:11	104:6 123:4	168:6	102:22,22	move 64:9 96:8
means 10:14	157:12 171:9	modern 60:12	103:21,21	99:11 146:18
60:2 147:17	Michael 170:2	modernize	105:14,14	171:6
meant 138:14	Michele 9:14	28:19	107:4 109:15	moved 131:5,12
meet 14:20	micro 73:19	modest 19:19	109:15,20	moves 10:13
62:13 73:13,14	74:6 76:22	28:6 37:4 44:2	110:2,5,10,13	20:7 29:1 36:3
80:11,12	microphone's	54:12 116:10	110:16,18	37:7 42:22
108:14 122:11	5:18	157:18	111:7,18,21	44:7 67:16
meeting 1:5 3:9	mid-January	modification	112:14 113:3	68:4 69:21
3:11,16,20 8:2	72:15	110:21	114:22 115:12	71:2 100:12
45:9,9 131:1	Middlesex 174:3	modifications	115:15 116:20	101:8 104:2
173:9	midnight 15:11	19:1 44:2	117:4,4 123:6	105:7 115:16
meetings 3:17	Mike 51:14,18	101:4 110:3	123:7,15,19	116:14 140:3
4:8	51:20 52:1,1	modify 160:21	124:2,6,8,10	140:22 145:6
meets 137:18	52:17,21 53:8	moment 34:10	124:12,14,18	157:8 158:17
member 4:12	53:10,14 55:8	103:10 113:9	125:3,6,21	171:1 172:10
6:22 24:18	55:17 57:17	113:20	126:15 127:9	moving 32:20,22
83:20 153:4	62:3 64:3,5,7,7	moments 24:22	127:14,14	33:6 64:18
155:22	64:11 65:19	87:18	129:4 134:4,4	77:20 127:13
members 3:4	66:6,10	Monday 10:22	135:1,5,9,12	146:17 167:8,9
4:2,2,4,12 9:3	Miller 170:4	11:13 75:6	135:15,17	mudroom
10:15 15:9	Milmoe 170:6	Monte 17:12	136:9 139:21	130:16 132:2
18:3 23:17	170:12	Monteverde 1:9	139:21 141:6,6	147:12,16
25:6 31:3	Milmoe's	3:5 4:17 5:7,7	141:14 142:11	148:15 149:9
34:16 35:17	170:18	7:4,7,11 9:4	142:15 143:1	149:18,18
39:3 40:20	Mina 114:7	17:12,15,15	144:2,6,18,20	150:7,15,16,20
41:10 46:3	mind 75:10	18:4 23:22,22	146:4 152:18	151:2,6
50:18 51:6,7	117:16 119:3	24:2 25:9,9	152:18 157:2,2	mudrooms
53:4 63:14	119:19	29:11,11 31:4	159:2,2 160:4	130:18
65:9 66:12	minimal 162:6,9	34:8 35:20,20	160:10,12	multiple 53:21
67:15 72:3	minimis 25:19	37:16,16 39:4	166:16,16	mute 4:5 24:21
78:3 86:4	minor 158:13	41:3,3 42:16	167:2,14,19,22	34:19 41:14
87:13 102:18	minute 5:17	42:16 44:16,16	168:6 169:5,5	51:11 87:16
103:6 107:3	31:20 94:22	46:4 50:21,21	172:17,17	103:9 113:19
109:14 110:19	minutes 4:9 7:2	59:22 60:1,4	Monteverde's	138:19 153:8
113:15 129:3	34:21 38:11	60:17 61:2,4,8	147:13	168:19

	96:4 99:16,18	noise 23:7 38:3	70:17 104:22	53:4
N N 2 1 2 1	100:3,4 104:10	nominally	158:5 172:3	observed 9:22
N 2:1 3:1	104:15 111:1	123:10	nullifying 101:6	obtained 11:5
name 3:9 4:3	112:19,21	nonconforma	116:6 140:15	obtaining
18:18 27:9	114:13,16	23:16 24:11	number 4:10 6:1	166:11
42:4 51:21	121:3 129:15	nonconforming	9:7 18:7,10	obvious 113:5
129:10 146:14	129:22 133:6	19:2,3,4 26:2	31:7 32:17	obviously 77:2
148:8 155:7	136:4 140:17	32:11 84:21,21	39:7,21 41:19	108:14 109:2
161:21	143:13 146:22	130:22 147:9	46:11,14 72:7	occupant 28:13
names 42:6	147:20 153:18	160:18	72:7 78:7	36:21 43:17
97:15	157:16,18,21	nonconformiti	107:7 114:4	70:19 105:2
narrative 59:4	171:13,16,21	24:7	129:7 143:10	158:7 172:5
narrow 33:8	neighboring	nonconformity	146:7 153:13	occupants
nature 28:6	37:5 68:15	26:5	160:7	115:22 116:1
36:16 43:12	70:11	nonfunctional	numbers 32:16	158:15,15
70:16 116:10	neighbors 41:20	20:1	numerous 42:9	occur 11:14
171:19,20	43:7,8 48:20	nonoperable	Nuqul 161:22	occurred 15:21
near 130:1	91:4,4 114:2,6	48:3,22 52:8	11uqui 101.22	October 101:11
necessarily	119:7,8 120:8	52:21 55:4	0	odd 21:8
97:19	120:21 121:22	58:12 66:2	$\overline{\mathbf{O}}$ 3:1	off-street 23:8
necessary 57:4	131:2,16	nontransparent	O'GRADY 6:4	offset 58:7
need 8:6 17:7	151:22 161:9	49:12 54:21	8:6 9:9,11	oh 6:9 52:1
33:9,17 34:1	neither 174:8	66:2	11:16,18,22	63:17 76:17
53:12 54:15	Nelson 44:11	Nope 132:10	12:7,9,13	77:18 80:11
57:2 60:6	net 40:9 108:20	Norden 2:4	18:13 25:2	81:9 87:10
61:15 62:10,13	neutral 140:19	18:11	31:9 32:17	92:18 93:4
67:14 85:15,18	new 11:7,8,8,9	Norfolk 154:2	35:1 41:17	124:11 139:6
85:21 86:17	11:11 21:11,21	normal 14:22	51:14 67:2	142:9 146:12
91:20 92:21	23:6 24:7	49:7,7	87:20 96:13	154:10 169:14
95:20 100:17	36:12 40:4,4,6	normally 136:22	99:4,6,9	170:22
102:9 112:12	40:8,9,12 75:3	north 32:21	103:12 113:22	okay 4:15 5:3
115:10,21	76:19 92:3	northeast 108:9	122:8,10,13,19	6:4,12,20 7:9
116:11,22	93:14 99:11	Notary 174:4,16	122:22 125:4	7:10,12 8:5
131:13 135:22	108:5,8,15,22	note 7:18 75:1	135:8,11,13,16	9:12 10:10,12
140:9 161:14	124:21 163:8,9	84:18 119:8	139:1 153:10	10:13 12:11
164:11	163:9,13,21	139:5 164:8	168:21	14:12,14 15:8
needed 48:11	164:17 166:2	noted 21:18 22:5	o-w 35:8	16:22 17:4,5
needs 73:16,18	Newman 108:7	78:12	object 112:22	18:15 19:13
104:19 114:9	108:8 109:1	notes 80:22	134:10 138:5	24:14,14 25:3
143:19	114:4,5,5	notice 95:12,13	objecting	26:22 27:13
neighbor 16:15	121:4	138:1 156:20	102:16	31:13 34:3,11
47:7 50:6	nice 57:19 60:12	165:17 166:1	objection 54:21	35:22 39:13
51:14 93:1	nicely 142:19	notified 95:6,8,9	104:21 117:8	40:18 42:9,15
110:22	night 15:7 76:2	95:15	119:9 132:8	42:21 45:5
neighborhood	nineteenth	November 1:4	134:16	46:6,18 47:18
23:6,9 26:4	31:19	3:8 75:13	objections 36:17	48:2 50:2,12
27:21 28:7,9		nuisance 28:11	43:9	51:3,12 52:20
28:20 36:10	nodding 67:7 152:11	36:19 43:15	observation	53:10 57:8
43:6 44:4 70:7	132.11	30.19 43:13		33.10 37.8
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

				1490 131
60:17 61:3	142:17	70:2,13 71:1	11:13 18:2	part 28:7 49:4
62:17 64:2	Oop 31:19	75:1 77:4 80:5	31:2 38:10	58:12 78:19
65:19 66:9,11	open 3:15 24:16	88:12 89:14	39:2 45:9 46:2	82:16 89:11
66:21 67:10	31:13 34:14	93:6 100:15	46:9,9 72:2	118:10 124:1
68:19 72:6	41:9 48:17	101:7 104:5,17	74:11 75:5	124:20 125:1
76:14 77:19	49:14 57:18	105:6 111:2	77:10 78:2	135:3 162:12
82:12 83:16	82:17 85:3	115:20 116:8	107:2 129:2	participate 51:6
88:2 89:12,13	87:9,11 103:4	117:15,17	146:2 160:2	particular 75:17
89:16 90:18,20	113:14 124:3	125:1 140:7,16	173:11	76:2 161:6
91:2 92:13	130:17 136:13	145:8 157:11	Pacheco 11:5	particularly
93:9,18 95:5	138:9,10,13,14	158:1,11	page 2:2 19:14	112:17 157:18
95:17,22 96:14	153:3 168:14	162:10 166:11	20:9,15,18,22	parties 161:6
98:7,17 99:3	openable 49:9	171:8,18 172:9	21:5,12,17	174:9
100:10,11	49:11	original 123:13	22:3 29:4,5,5	passing 91:8
102:15 103:13	operable 49:12	139:13	31:18,19 37:10	patio 147:11
103:20,22	49:18,19 52:15	originally 78:13	37:12 44:10	patterns 27:18
107:11 108:3	52:16 54:3	121:6 130:21	84:18 101:11	36:7 43:3 70:4
109:10,10,12	55:1,2,9 56:7	131:8	141:3 146:9,10	104:7 157:13
113:2,4,10,13	56:13 57:3,12	outcome 174:10	147:2,5,6,6	171:10
114:17 115:4	63:1 64:19	outdoor 80:9	149:12,16,22	Pause 5:13 7:3
115:10 121:10	66:7 68:12	outdoors 21:15	151:15,19	48:4,8 56:18
125:6,6,8,18	operation 28:3	outside 19:18	153:13 154:19	78:16 138:22
126:14 127:12	36:14,17 43:10	20:10,11,12,13	155:14,19,21	peace 74:10
129:12 131:18	70:12 104:16	62:12 80:6	156:4,8,11,15	Pendleton 170:7
132:4,8,18	157:22 171:17	100:3	156:19 158:20	people 15:10
135:16 136:6	172:2	overhang	159:12 160:15	64:12 97:15
137:20 138:7	opinion 56:1	124:20	160:15,16	99:9,14,17
139:2,22 140:3	116:10 139:14	overlay 33:10	161:18 166:8	100:3,3 142:2
142:5 144:6,18	opportunity	73:19	167:5 169:10	142:9 155:1
145:3,19 148:6	12:20 13:5	overtaken 89:1	169:12,16,19	158:3
155:11 156:8	14:7 107:18	owe 155:2	170:11,15,18	percent 83:2
156:16 157:4,8	129:22 143:8	owing 101:1	172:14 173:6	149:5 165:1
160:6 166:13	opposed 73:17	116:2 140:11	pages 22:22	permanently
168:6 169:9	89:8	owner 9:16	31:21 32:13	135:7
170:14 171:1	opposition 28:8	78:10 107:12	44:11 68:7	permission 33:9
OKPAKU	42:10 43:14	170:12	116:16 156:13	33:17 48:10
123:17	140:19	owners 18:16,21	166:5	130:15
old 39:22 63:4	option 47:15	39:12 58:2	pains 151:20	permit 19:1
older 101:2	60:11,15 68:8	151:22	161:6	27:11 29:1,9
140:8	options 52:4,11	owns 147:21	painting 163:2	29:12,14,19
omitted 131:7	54:8		163:14	36:5 37:7,15
once 52:2 54:6	order 3:14 61:14	P	Palacio 161:21	37:17,19,21
55:9 58:17	131:15	P 3:1	pandemic 16:7	38:4 42:21
136:12 142:6	ordinance 27:3	p.m 1:4 2:3,4,5,6	papers 171:6	44:7,17,19,21
one's 154:3	27:5,6,6,11,16	2:7,8,9,10,11	parents 107:20	45:3 53:16
ones 15:15,16	27:16 28:4,17	2:12,13 3:3 8:1	129:20	67:19 68:2
31:16 48:6	36:4,15 37:3	8:1 9:2 10:16	parking 23:8	69:19 70:3
51:4 79:10	43:1,11,21	10:22 11:1,9	74:1	71:2,8,10,12
	ı	ı	ı	1

				1498 132
71.14 16 19	92:3 94:12	167:15	73:2 76:20	37:9 75:20
71:14,16,18 94:13,16 95:12	132:5 139:11	plane 136:20	81:4,12 86:14	101:10 116:16
95:19 102:5,17	144:17 157:16	plane 130.20 planning 40:17	87:3 94:12	141:2 148:1
103:11 104:4,6	petitioner's	48:12 141:19	96:5 109:14	158:19 172:12
104:8,21 105:7	36:11	143:3,20,20	117:20,20	present 4:16,21
104.8,21 103.7	petitioners	144:19	119:10,21	33:21 76:21
105:12,13,17	146:10 147:10	plans 7:10 9:20	120:4 124:4	162:1
112:12 130:22	151:20 160:17	10:1 11:11	131:11 137:15	
131:3,8,12	160:21	20:16,21 21:13	147:3	presentation 24:6 65:14
131.5,8,12	Petter 107:13,14	29:2 37:8 44:8	pointed 23:14	147:3 148:4,21
147:19 157:10	107:14 114:6	44:9 54:13	36:11 83:19,19	151:13 161:13
157:12 158:17	120:16	55:15 68:7	102:8	166:9
159:1,3,5,7,11	phone 5:20 6:14	75:4,4 86:16	points 26:21	presented 47:21
162:5 166:12	7:8,14,15	86:16,21 91:19	policy 76:21	132:7 157:16
169:9 171:7,9	24:20 34:18	95:19 101:10	77:2	
	41:13 51:10	104:12 105:9	pollen 123:16	presenting 31:11
172:11,16,18			-	
172:20,22	87:15 103:8	114:10 116:15	pollution 23:8	presents 112:19
173:2,4	113:18 138:18	118:3 122:2	poor 63:6	pressed 137:16
permits 46:22 80:2	153:7 166:5	126:1 132:6	porch 20:5,6,12 20:20 21:14	pressing 24:21
	168:18	141:1 158:18		24:22 34:19,20
permitted 3:18	phone's 151:14	172:12	22:11 109:22	41:13,14 51:10
28:4 36:15	phonetic 9:14	please 18:19	110:3,11	51:11 87:16,17
43:11 70:13	42:2,6 107:15	31:21 35:19	111:19 112:17	103:9,10
104:17 158:1	146:10 147:21	51:22 62:19	116:21 117:10	113:19,19
171:18	153:21 161:21	64:4 79:1,15	136:14 142:7	138:18,19
person 13:18 35:6 41:22	170:1,8	81:21 89:4	porches 110:20	153:7,8 168:18
	photo 19:20 22:21 109:18	144:1 146:9	134:8 141:20	168:19
55:14 100:1 154:4	124:8,10,14	148:16,22	142:1,2	presumably 94:16
personal 73:10	, , ,	149:6,11,15,22 150:5,9,13,18	poses 23:9 position 135:14	-
-	photograph 123:20	150:3,9,13,18	position 133.14 possible 56:20	pretty 50:10 109:2 120:9
personally 54:12	photos 19:14	151:12 160:15	64:5 80:9	136:13,15
-	22:17	162:14,20	121:8	164:14
perspective 148:14 150:1,6	pick 15:18	163:4,10,15,22	possibly 141:19	prevent 85:22
persuade 85:15	piece 20:4	164:6,15,19	posted 11:9	previous 134:10
85:17	123:14	165:3,6,12,16	posting 74:21	161:5
Peter 42:6	piling 90:10	165:22 166:7	potential 52:22	previously
petition 9:17,20	pitch 20:2 130:7	pleasure 14:17	potentially	46:21 74:17
24:8 73:3,4	place 63:2 64:21	166:12	64:14	prior 11:9 16:6
76:3 92:3	120:1 130:19	plenty 6:13	POWELL 147:6	45:8 74:22
93:14 169:9	placed 53:15	plot 39:22	160:16	134:6
petitioner 9:16	plain 133:9	148:19 166:7	practice 27:7	privacy 49:1
9:18 10:18,20	plan 20:10 39:22	podium 14:18	preceded 39:15	52:5,10,22
11:2 44:10	78:18 82:2,4	point 14:8 23:13	preceded 39.13 preexisting 33:9	57:21 58:6,16
52:12 55:1	122:16 131:14	24:16 25:12	147:9 160:18	59:13,14 68:14
68:4 70:1	148:19 150:11	26:16 32:3	prefer 48:22	119:6
72:12 73:9	162:11 165:5,8	54:11 55:12	49:18	private 79:5
74:16,18 75:14	166:7,17 167:7	57:19 65:12	prepared 29:3	probably 13:2
/ 7.10,10 / 3.14	100.7,17 107.7	31.17 03.12	prepared 29.3	Probably 13.2
	<u> </u>	<u> </u>	l	<u> </u>

32:4 53:4	165:11	provide 13:18	Putnam 153:17	R
67:14 78:12	proposal 72:17	52:11 152:9	putting 12:9	$\frac{\mathbf{R}}{\mathbf{R} \cdot 3:1 \cdot 44:11}$
137:14 141:21	75:15 130:10	161:13	56:10 89:21	
142:5 165:10	131:5 139:13	provided 84:20	90:21	R-i-g-h-t-e-r
problem 33:16	140:17 144:4	provides 10:19		37:9
57:9 144:13	propose 35:5	21:14	Q	radio 6:21
problematic	41:21 48:14	provision 47:12	QR 151:14	railing 136:18
118:21 119:3	65:5,8 72:21	provisions	166:4	raise 20:1,2
143:2	94:16 109:21	100:14 115:19	question 12:20	22:19 24:20,21
procedure 15:1	110:2	140:6 145:8	24:7 25:18	34:18,19 41:12
proceed 11:2	proposed 19:15	public 3:12,17	57:11,11 60:1	41:13 51:9,10
29:2 35:16,19	20:11,21 21:13	4:3,4,5,6 6:21	60:18 62:19	87:15,16 103:8
37:8 39:13	22:11 23:12	24:17,18 25:4	63:15 81:21	103:9 113:17
44:9 46:19	27:2,19 28:5	34:14,16 35:3	109:16 110:18	113:18 138:17
66:17 68:6	28:13,14,18	35:13 41:9,10	118:1 134:13	138:18 153:6,7
76:12 101:10	32:20 35:5	41:11 42:10	143:21 166:17	168:17,18
105:8 129:12	36:8,16,21,22	51:5,7 67:5	questions 23:18	raised 20:13
141:1 158:18	37:3 43:4,9,12	87:9,11,12,13	23:19 24:2,3	21:3,7 22:5,14
172:12	43:17,18 52:7	96:15 98:3,6	34:4,5,6,8,12	97:18,19 117:16 126:1
proceedings 4:1	69:22 70:5,14	101:6 103:4,5	34:13 40:19,21	
173:11 174:7	70:19,20 71:3	103:6,14	41:1,3,5,7,8	raising 126:8
proceeds 116:15	101:4 104:18	104:12 113:15	42:12,14 50:12	130:3
process 93:13	105:2,3 108:8	113:16 114:17	50:18,20,21,22	Ramirez 161:10
profile 22:6	108:18 109:8	116:6 136:3	51:1,2,4 60:3	161:20,21
110:6,6,8	114:10,12	138:7,11,15,15	63:14,22 66:12	167:1,6,18,21
project 25:20	136:16,17	139:3,16	66:13,15,20	168:4
26:12 32:6,7	143:10 148:14	140:15 141:21	81:17,18 98:20	rampant 142:14
35:4 38:5	149:16,17	153:3,4 155:16	102:17,19,20	Ranj 123:4
65:16 73:17,17	150:6,10,11,14	168:15,15	102:22 103:1,2	Ranjit 1:11
117:1 131:16	150:20 151:3,6	169:1 174:4,16	103:3 108:2	122:22
139:5 146:20	151:10 157:14	pull 90:3 109:4	109:13 113:3	rare 62:9
162:1,3 163:7	158:2,7,8,12	154:9,14 168:1	113:11,14	rating 102:9
170:17	162:16,16	purchased	121:8 125:7,9	rational 14:13 14:15
pronounced	163:20 164:2	129:16 130:2	125:11 126:9	rationale 166:18
160:8	164:21 165:17	purpose 28:16	126:11 132:18	ratios 109:6
proper 77:1	171:11,19,20	37:2 43:20	136:5 137:11	reach 6:14
141:21 148:8	172:5,6	70:15,22 101:7	137:19 138:14	144:20
properties 23:7	proposes 27:5	105:5 116:7	148:3,5 151:16	read 34:15 35:5
37:5 70:11	27:14	119:2 140:16	152:8,18,20,22	41:21 72:10
133:7	proposing 19:17	158:10 172:8	153:2,10	87:12 97:15
property 36:18	20:5 22:18	pursue 117:12	161:12 166:14	98:8 103:5
47:3,4,5,11	33:3 48:15	push 142:9	166:15 168:7,9	114:3 139:6
49:16 61:15	73:12 79:10	pushes 134:7	168:11,14	145:19 154:4,5
68:15 100:20	82:6 83:21	put 12:7 20:5	quite 13:7 19:22	154:12 169:13
102:10 129:13	108:4,5,15	47:1 58:8	26:19 38:10	169:18
129:20 130:16	134:21 149:14	78:14 91:19	61:12 131:10	reading 65:7
130:20 133:10	162:9	99:12 130:20	153:15 169:17	82:4 96:19
157:19 162:19	protection 62:13	136:17	quote 62:22	97:3
				91.3
	I	<u> </u>	I	I

				- 5
reads 88:12	32:15 57:3,14	27:15 28:9	95:1,3,20	135:17
110:22	73:8 142:16,20	36:3,18 49:3	100:22 101:3,5	representing
ready 25:6,7,9	155:4 167:2	67:16 68:1,3	101:14 108:21	39:11 78:10
25:10 26:21	reasonable	69:22 71:4	116:5,9 117:19	request 10:4
35:14,15,20	58:13 59:10	73:16 74:19	118:10 121:19	72:14 131:12
36:1 42:13,15	reasoning 84:4	95:2 97:21	121:20 122:1,2	131:15 132:5
42:16,18,19,20	reasons 49:18	100:13 102:6	122:7 125:15	135:3,21
66:16 67:6	163:19	104:3 105:9	131:6 138:5	172:11
75:14 76:12	recall 19:8	115:17 140:4	140:9,14 149:2	requested 29:1
87:7 98:2,20	receipt 35:3	145:6 157:9	157:17 158:4	44:7 69:19
98:21,22 99:1	41:19 67:4	171:7,13	162:5 164:11	71:2 86:7
100:8 103:15	72:10 114:2	regarding 65:7	165:7,14,19	101:9 105:7
103:16,18,19	156:5	70:15 71:3	168:3	116:14 121:21
103:21 104:1	received 28:8	104:13 137:22	relocated 36:12	122:3 135:22
114:18,19,21	36:17	regardless 49:17	relocation 80:1	140:22 158:17
115:1,4,6,8	recess 8:2	regards 42:4	reluctance 77:8	requesting 9:19
126:11 139:17	recite 166:11	regular 6:11	Reluctantly	16:18 20:4
139:18,21	reconfiguration	7:17 8:3,6	75:8	72:11 118:11
140:1,2 155:18	100:18	13:10,20 15:17	rely 104:19,20	149:2
157:2,6,7	reconfiguring	16:10 40:6	remain 110:7,9	requests 130:11
169:1,3,5,6,7,8	39:16	45:6,9 46:8	remaining	require 121:19
realized 48:11	reconvening	reiterate 127:11	149:20	required 61:6
really 15:20	16:2	relate 81:21	remote 1:5 4:7	61:14 75:1
24:5,10 25:17	record 18:19	related 20:17	remotely 3:11	83:1 92:2,22
43:6 57:21	23:12 51:22	93:3 123:6,7	removal 21:8	93:1,12 94:22
58:15 59:14	57:13 72:11	174:8	163:8	122:3 131:6
75:10,17 76:20	132:4 156:15	relating 39:16	remove 131:14	132:11
76:22 92:7	169:13 170:11	92:3 140:12	163:17	requirement
93:20 100:8	174:6	relationship	rendering	62:17
112:20 117:1,6	recorded 3:20	80:13 102:10	163:18	requirements
121:1 128:3	red 21:3,18 22:4	relatively	renderings	3:15 27:16
134:6 135:20	148:17 149:1	100:16	148:3 161:11	36:4 43:1 68:5
136:4,11	150:11,15,20	relevant 97:19	renovating	70:2 73:13,14
137:10 142:17	151:2,10	relief 9:17 18:17	114:8	74:1 77:3 81:5
146:22 162:1	162:12	18:22 19:19	renovation 32:7	84:20 104:5
167:11,15	reduce 20:1	20:1,4 23:10	162:4	157:11 160:19
rear 20:5,6,12	167:3	27:15,17 28:1	renovations	166:11 171:8
20:20 21:3,9	reduced 78:14	28:5,9 36:4,18	114:10,12	requires 19:18
21:13 22:9,12	163:19	37:4 41:21	replace 163:17	67:21 84:1
39:22 40:12,14	reducing 80:5	43:2 44:15	replacement	101:3 122:6
40:14,16 79:6	reduction 23:8	49:2 53:6,12	163:2,9,14	Res 129:14
79:16 118:4	refer 43:13	54:12,15 55:14	164:17	132:11
130:16 142:1,2	reference 25:17	65:16 73:10	replacing 40:6	reserve 148:4
147:10,21	referred 98:10	74:5,7 84:1	REPORTER	161:12
148:18 149:2	105:9	85:15,18,21	18:18 51:21	reside 35:10
151:5 162:13	referring 39:15	86:2,7,7 90:14	represent 9:16	114:4 153:19
167:3,16 168:2	reflect 156:16	91:20 92:2,21	72:22 164:8	153:22 154:1
reason 7:20	regard 19:3,4	92:22 93:1,12	representation	169:21 170:1,3
	-	•	•	•

				1490 170
170:4,7	68:10,16,19	roof 19:21 20:2	158:19 161:10	41:12 51:9
residence	75:2 76:17	20:13 21:11	172:13	78:15 82:15
162:10	78:22 79:1,12	22:6,10,15,19	Sarah 42:1	87:14 103:7
resident 107:16	81:6,9 82:12	79:19,21 82:19	170:2	113:17 133:15
162:1	82:18 83:5,8	110:3 111:4	satisfied 7:2	138:17 148:10
residential 44:3	83:15 84:8	122:7 130:7,12	62:16 74:20	148:12 153:6
152:4 162:3	86:8,9 87:4	133:12 136:15	satisfies 68:4	168:17
residents 152:7	88:7,22 89:5,8	163:3 166:2	Saville 2:13	scroll 32:13,14
resides 35:8	89:15,18 90:5	roofline 166:1	160:7,9,10,11	se 73:18
139:7 153:17	90:6,14,17	room 107:22	160:12 161:5,7	Sean 6:4 8:6 9:9
154:4 170:8	91:1,2 94:1,8	120:11,14,18	162:2,2,21	9:11,12 11:16
resolve 75:18	94:10,14 95:5	120:19 130:8,8	163:16 169:22	11:16,18,22
respect 86:19	98:5,9,12,18	133:22 142:5,9	169:22 170:7,8	12:7,9,13
137:10	99:12 107:14	162:18	170:8	18:13 25:2
respectfully	108:4 111:6,13	rooms 21:22	saw 129:21,21	31:9 32:17
65:6	111:18,21	rooves 79:8	133:17	35:1,2 41:17
response 3:13	112:3,13	Rosanna 42:5	Sawaya 56:20	41:18 51:12,14
rest 61:22 117:1	115:14 121:13	Rosetta 42:7	56:21	66:22 67:2
134:12,16	122:19 123:12	round 109:8	saying 52:15	87:11,20 96:12
139:14 163:13	127:6,8,9	Ruben 153:20	55:1,3 58:18	96:13 99:4,6,6
164:14 165:19	130:1 131:22	153:21	59:1 64:12	99:9 103:12,13
restrictions 3:17	133:1,2,16,16	rule 86:11	65:21,22 66:6	113:22 114:1
result 171:15	134:7,20	rules 32:5 33:19	89:21 91:19	122:6,8,8,9,10
resulting 27:19	136:17 137:4	73:21	97:7,7 135:3	122:13,19,22
36:8 43:4 70:5	146:6 148:14	ruling 86:1	says 24:20 34:18	125:3,4,14
104:8 157:14	148:15,19	run 19:9 46:20	41:12 51:9	135:5,8,11,11
171:11	149:1,3,13		87:15 103:8	135:13,13,16
return 46:8	150:10,14,20	S	108:12 113:17	138:20 139:1
review 95:19	151:1,2 153:1	S 3:1	114:6 138:17	153:9,10
137:9 138:3	154:14 155:15	S-a-v-i-l-l-e	153:6 168:17	168:20,21
reviewed 114:10	156:15,22	160:8	scale 23:6	season 142:5
123:5	160:8 162:11	S-c-h-o-r-e-r	scan 151:13	sec 154:20
revised 75:4	164:2,3 165:8	72:12	166:4	second 11:7
rework 9:20	166:21 167:22	S-y-d-n- 35:9	scanned 166:4	12:13 21:1,1
ridge 21:20 22:7	168:22	sacrilegious	schedule 10:5	27:1 33:1,6,18
80:13 165:2	right- 33:6	142:13	scheduled 7:21	39:20 40:5
right 6:9,14,15	Righter 37:9	safe 22:20	7:22 13:9,10	72:18 89:17
7:16 16:13	Rindge 2:3 9:7	safety 28:12	38:9 45:6	118:4,6 121:17
19:20,20,21	9:17	36:20 43:16	schedules 13:19	121:19 122:10
21:6,10 22:4,5	rise 26:9	52:9,19,22	school 146:18	124:1 136:15
22:21 27:10	risks 157:20	54:20 55:9	Schorer 72:12	144:8 164:13
32:14,19,21	River 78:10	60:20,20 61:19	Schwartz 42:1	second-floor
33:2 36:2 40:2	101:11	66:3 68:14	scooched 32:21	122:7 123:14
48:5 50:16,17	road 48:19 58:1	70:18 105:1	scrap 89:15	124:20
52:17 54:10,18	88:1	158:6 172:4	scratched 48:5	second-story
55:6,8 61:10	Robert 42:5	sale 129:21	screen 12:12	118:13
62:20 64:11	Roberts 88:1	Saledo 170:1	19:5,7,10,11	section 25:16
66:21 67:13,13	roll 4:4	Sam 148:1,7	24:19 34:17	40:14 79:6
			•	•

		İ		I
84:18 133:3	Sennott 87:20	111:12,14	short 28:18 57:3	signed 10:20
see 7:8,14 9:22	87:22 88:1,3	122:18 131:1	158:12	11:4
12:12 14:18	88:14,16,18	149:19,21	shots 22:18	significant
16:10 20:21	89:7,12,13,15	160:19,22	show 21:6 22:13	53:19 112:18
21:9,18 22:5,6	89:16 90:5,18	162:6,12,13,13	86:16,21 132:5	signing 59:7
22:19 24:22	90:20,21 91:1	164:3,9,13	167:19 170:11	silent 56:17
25:15,17 31:9	91:2,9,10,14	165:9,10,15,18	showing 5:19	Silvana 56:20,21
32:3,19 34:21	92:9,10,12,17	166:21 167:4	148:14 149:4	similar 39:14
39:21 40:1,3	92:18 93:4,7,9	167:16 168:2	149:17 163:11	79:8 112:15
41:15 42:4,9	93:10,17,18	setbacks 19:18	shown 40:4	126:4 134:15
47:8 51:13	94:1,3,6,10,14	20:11,12,13,14	65:18 78:17,18	165:13
58:15 59:12,13	94:18 95:5,7,8	81:5,8 122:11	shows 20:10	simple 57:11
59:17,19 66:1	95:16,17,22	setting 83:4	79:4 122:2	133:21
67:21 79:11	96:3,7,9,10,17	seven 83:3,6	149:7 150:11	simpler 133:13
80:4 82:9 83:8	96:21,22 97:1	97:16 122:17	150:19 151:1,5	Singanayagam
87:18 92:7	97:3,5,7,9,12	151:16 164:13	151:9	1:11
95:22 96:15	97:17 99:6,13	165:15	shut 48:17	single 107:21
102:15 103:10	99:21 100:5	shadow 149:9	sic 12:2 39:18	121:7
108:12 113:20	sense 15:10	shadows 23:6	55:3 130:14	single-families
118:3 123:19	88:14 90:19	shape 40:8	158:14 165:21	121:3
126:3,17	sensitive 147:13	101:2 116:2	side 19:21 21:6	single-family
138:20 148:12	sent 95:12,13	140:12	21:10,19 22:4	100:21 121:6
148:13,14,17	156:4	shaped 162:17	22:6,9,10	162:4
148:19 149:1,3	sentiments	shapes 133:12	39:17 40:15,16	single-unit 33:3
149:8,12,13,16	76:10	share 19:7,10,11	47:3,4,5,10,12	sir 50:9 55:11
149:22 150:3,3	separate 33:14	sharing 19:5	48:2,9 50:14	122:21
150:7,10,14,15	67:21 84:11	145:4	52:3 54:7 56:6	Sisia 1:11 4:13
150:20 151:2,6	separated	shed 21:11	60:9 68:10,11	4:15,17,20,22
151:10 154:3	156:13	22:10 133:9,13	70:10 79:4,4,9	5:3,5,8,11,18
154:16 155:5	September 29:4	shedding 85:4	80:14 83:2,3,7	5:22 6:3,14,19
156:2,22 162:7	29:4	sheet 81:22,22	88:5,6 109:1	7:13 10:5,6,9
162:11,12,16	Services 10:21	82:1,14 149:7	121:5 130:11	10:12 13:22
162:22 163:7	11:5 33:22	150:19 151:1,5	130:22 131:2	14:1 18:8 19:7
163:19,20	83:20 85:11	151:9 162:7,14	133:1,1,2,10	19:8,10 23:2,4
164:2,3,8	91:18,21 92:13	Shippen 146:9,9	133:14 142:19	31:17 46:12
165:7 168:20	94:19 95:14	146:13 147:5,6	147:10,15,17	72:19 74:13
seeing 31:17	98:1,15 121:15	148:6 151:19	148:12,15	77:14,16 78:14
seek 147:10,16	set 19:12 21:19	154:19 155:14	149:3,7,13,19	79:1,14 81:22
147:19 160:21	56:2,2,5 78:14	155:19,21	149:20 151:1,9	84:5,7,9,15,16
seeking 18:16,22	94:21 113:9	156:4,8,11,15	160:19,22	90:3 109:4,17
20:1 114:15	147:15 152:13	156:19 159:12	161:1 162:7,11	sit 10:15
131:19	152:14,16	160:15,15	163:6,9 164:7	site 20:10 58:11
seen 59:3 110:19	157:19 174:12	161:18,20	sign 10:18 11:7	sites 25:16
112:15 142:17	setback 19:4	166:7,8 167:5	58:22 74:18,21	siting 140:13
143:10	33:8 39:17	169:10,12,16	75:1 144:16	sits 79:3 148:18
send 42:4	40:13,14 61:15	169:19 170:11	signature 114:3	sitting 3:4 9:3
SENNOT 90:12	82:22 83:14	170:15,18	139:6 144:8	18:3 31:3 39:3
92:6 96:2	102:5 109:1	173:6	154:4	46:3 72:3 78:3
		•		•

				Tage 177
107:3 129:3	29:3 31:17	136:13 140:10	132:6,7,8	16:8,8 19:14
146:3 150:2	32:15 47:15	152:4 161:2	147:19 151:20	31:18 38:12
160:3	48:15 50:9	spaced 32:22	157:10,12	45:7
situation 15:14	52:1 56:16	spaced 32.22 speak 4:10 7:15	158:17 159:1,3	started 7:19
25:22 31:16	57:6,8 63:19	11:19 12:1,3,3	159:5,7,11	15:2,8 16:2
61:11 115:22	67:4 69:4	16:5 24:18	162:5 166:12	73:6 75:11
126:4 162:6	76:18 77:18	25:1 34:16,22	169:9 171:7,9	142:1
165:13	81:10 87:10	41:11,16 47:7	172:11,16,18	starting 15:15
six 97:16	93:10 96:20	50:7 51:8,13	172:20,22	45:6
size 3:12 80:6	109:5,9 110:4	64:3,5 66:22	173:2,4	starts 13:20
152:7 165:14	115:7 119:5	87:13,19,21,22	specific 54:11	state 4:3 18:18
SJC 26:15 27:3	120:16 121:9	96:11,17 99:7	specifically	113:5
SJC's 25:21	121:18 123:6	99:8 103:6,11	123:4	stated 55:22
skills 26:8	125:13 131:10	104:11 113:16	speech 117:6	statement 72:21
skylight 60:8	135:13 145:17	113:21 138:16	speech 117.0	87:1,12
163:7	145:20 148:13	153:5,9 168:16	spoke 60:18	statewide 3:12
skylights 60:12	151:3 169:11	speakers 4:11	99:9 125:14	statute 81:6
60:14	169:14 170:9	25:2,3 35:1	sprinkler 61:16	statute 31.0
slab 124:17	sort 15:13 47:21	41:17 67:2,3	64:21	129:22 167:3
slide 22:3,16	48:12,19 58:5	96:13 103:12	square 80:22	168:1
39:21 109:17	60:12,15 36.3	113:22 153:10	88:4,8,10,13	stayed 15:13
124:19 148:16	108:12,16	168:21	88:19 89:4,10	step 82:6 132:14
148:22 149:6	110:14 119:22	speaking 4:3	89:11,17,22	163:21
149:11,15,22	120:1,14	11:16 31:9	90:6,8,9,11,16	stepping 167:16
150:5,9,13,18	121:12 123:13	72:22 109:6	108:18,19,20	steps 163:1
150:22 151:4,8	127:5 133:4,12	122:8	119:13 123:21	164:5
151:12	137:10 138:6	speaks 171:14	130:16 132:1,2	Steve 148:7
slides 22:13,22	144:11,13,16	171:20,22	132:13 143:8	151:19
slight 23:15 65:4	sought 27:15	special 19:1	147:18 161:1	STEVEN 148:6
slightly 109:2	28:2,10 36:4	23:10 27:10	165:21,21	148:10
133:11 146:21	36:18 41:21	29:1,9,12,14	ss 174:3	stories 136:12
slots 15:12	43:2 67:17	29:19 36:5	Staff 4:11	story 118:4,6
small 26:8 33:2	74:5 90:15	37:7,15,17,19	stair 56:8 60:7,8	122:10
73:22 80:8	100:13 104:4	37:21 38:3	84:10	straight 162:18
100:17,17	115:18 116:9	42:21 44:7,17	staircase 60:5	straightforward
101:2 108:9	125:15 140:5	44:19,21 45:3	stairs 85:2	137:2
147:15 163:9	145:7 157:10	46:22 53:16	108:13	strategy 33:20
smaller 78:20	158:4 171:7	67:19 68:2	stairwell 48:2,12	street 2:4,5,6,11
165:14,14	sounds 137:14	69:19 70:3	49:13 56:10	2:12,13 18:11
smell 89:1	sources 6:22	71:2,8,10,11	60:16	18:21 19:15,16
softly 5:16	south 47:5,12	71:14,16,18	stakeholders	19:20 31:7
soil 73:15	48:9 50:14	80:1 102:5,16	59:7	32:2 35:8,10
solar 149:7	108:5,16 164:1	103:11 104:3,6	stamped 166:6	35:12 39:7,12
solstice 149:8	space 80:9	104:8,21 105:7	standard 26:5	43:7 79:4,5
someday 55:5	100:18 116:12	105:12,15,17	27:4,9 137:18	108:7,8 109:1
son 107:14,17	120:3,6,7	105:19 106:1	standards 73:11	110:21,22
sorry 9:10 11:20	124:3 133:21	112:12 130:21	start 4:11 7:1,17	111:1 112:1,17
20:19 23:20	134:6,17	131:3,8,12	7:17,21 8:1	114:4,5,5
			•	

121:4 129:7,11	44:9 122:21	86:6,6,10,14	96:19 97:1,5,9	113:20 136:1
129:14,19	123:2 151:17	87:9 90:2,3,17	97:14,16 98:11	137:15 143:8
130:5 133:5	161:9	92:15 98:3,7,9	99:14,15,18	143:17 148:2
134:22 136:2	submitting	98:12,17,19,19	104:20 114:11	155:1 161:10
139:7,10	123:1	100:10 101:14	117:2,5,13	170:16
143:13 145:18	substantial	102:19 103:16	134:18 137:17	taken 4:4 63:7
145:20 146:7	27:20 28:1	105:11,11	139:8 145:3	124:5 142:19
147:15 148:11	36:9 43:5 70:6	107:3 109:4,5	147:19 151:17	takers 139:1
150:1,1,8	73:13 100:15	109:10,12	151:21 153:13	talked 17:5
153:19,22	101:5 104:9,14	111:10,10,17	153:16,18,20	talking 25:22
154:2,5,9	104:14 115:20	111:10,10,17	154:5 155:21	26:13 36:12
155:10 157:19	116:6 140:7,14	112:5,7,9,13	156:16 158:4	44:2 54:18
160:7 161:7,8	145:10 147:19	114:19,19	161:8,9 169:13	62:5 88:21
162:21,22	157:15,21	116:19,19	171:21	100:16 108:19
163:5,5,11,15	171:12,15,21	119:16 121:17	supporting 77:9	135:9,10,13
163:16 169:22	substantially	121:18 126:12	152:9	talks 26:7
169:22 170:2,3	26:3 101:6	126:18,22	supportive	talk 84:7
170:5,7,8,9	116:7 140:15	120.13,22	55:21 140:18	tan 64.7
strikes 54:16	subtracted	129:3 132:20		Tara 161:22
	88:13	132:20 133:16	supports 139:5 suppose 138:3	
strongly 135:20 structural	sufficient 72:15		1 1	technical 108:2
158:13	141:15	134:2 138:9,12 139:18,18	supposed 23:15 sure 47:7 48:1	121:12,15 television 3:21
		,		
structure 19:2	suggest 85:8 95:14	141:4,4,18	49:20 58:6	tell 89:4,5,16
26:2 28:19		142:12,22	83:17 95:20	90:5 97:10
36:13 44:2	suggested 15:3	143:16 145:13	121:21 122:6	154:7
53:1,1 54:12	87:4	145:15,18	131:11	tells 97:17
55:4 56:1 61:6	suggesting	146:3 152:13	surrounding	tempered 60:21
61:9 84:19	135:19	152:15,15	149:9 151:22	temporarily
100:17 101:2	suggestion	155:17,17,18	surveying 123:3	3:15
115:22 116:4	84:13	157:5 158:22	suspect 54:10	temporary 3:16
136:2 140:12	Sullivan 1:8 3:4	158:22 160:3,9	Sussman 156:18	term 114:16
143:12 147:9	4:14,21,21 9:3	166:15,15	Sydney 35:9	terminate 98:3
147:22 158:14	14:19,19 17:9	169:3,3 170:21	symbol's 5:19	terms 27:22
160:18	17:9 18:3	171:3 172:15	symmetry	80:12 104:12
structures 84:5	23:19,19 25:7	172:15	137:22	110:4 116:12
84:7,12 116:4	25:7 29:8,8,21	Sullivan's 76:10	T	119:13 120:8
struggling 136:9	29:22 31:3	sum 40:17	T-i- 37:9	124:14 137:8
154:18	34:5,5 35:15	summarize 55:6	t-t-m-a-n-n	140:10 143:12
studio 73:19	37:14,14 39:3	72:13	37:10	157:17
74:7	40:22,22 42:13	summer 16:2	table 131:9	terrific 117:8
stuff 15:6	44:14,14 46:3	149:8	table 131.9 take 4:11 16:20	testimony 24:17
130:20 156:7	50:20,20 51:1	supplemental		25:4 34:14
Sub 84:18	63:15,16,18	166:5	17:3,4,8 27:1 35:6 38:11	35:3,13 41:9
subject 10:16	66:13 69:9,9	support 35:4,9	48:16 83:1	42:11 51:5
68:9 71:2	71:7,7 72:3	35:12 41:20		67:6 96:15
74:14	75:8,8 76:15	42:10 43:13	93:2,15 98:15	103:4,14
submit 91:19	77:12,18 78:3	53:5 54:2 56:1	99:19,22 100:1 102:13 108:15	104:12 113:15
submitted 10:1	81:16,16,18	59:1 77:5	102.13 108:13	114:18 138:8

				1490 133
138:15 139:3	75:19 80:4	89:3,17 107:16	151:18 155:1	transom 40:5
139:16 153:4	91:2 93:22	108:10 118:9	161:12 167:13	transparent
155:16 168:15	111:11 142:13	119:22 130:6	168:12	48:16 49:1,8
169:1	things 92:20	131:21 133:3	times 44:1 74:17	49:22 50:15
thank 12:19	94:20 108:21	161:1	96:6 142:1	52:14 68:12
16:22 17:2	think 5:18 12:15	third-floor	tinted 68:22	69:8
23:11 29:20	13:15,17 14:8	120:17 122:16	Tittman 31:10	transpired
31:19,22 32:18	14:20 15:9	third-generati	31:11,13,18	53:21
34:3 35:2 38:6	16:4 19:8,11	117:7	32:18 37:9	Travis 146:11
38:8 39:14,18	23:3 26:11	thought 53:16	38:6	146:12,14,16
39:22 40:3	27:7 28:7	77:13 85:3	today 10:22 11:1	154:6,8,12,14
41:18 45:4	32:13 33:16	126:18 167:7	13:2 130:11	154:18,19
47:18 59:16,18	47:9,21,22	three 4:9 7:22	tonight 7:22 8:4	155:5,9,12
62:17 63:9,13	49:15 55:17	19:1 20:7	11:10 44:1	Traymore 2:6
71:18,19,20	57:21 58:13	21:22 32:2	49:3,4 75:13	39:7,12
77:7 78:17	59:11 61:20	35:3 40:6,12	90:15 92:5	treating 22:7
79:2,15 80:15	62:11 64:10	45:7 46:8 61:6	93:13 94:2,4	tree 163:18
83:16 87:6	65:3,6,10,11	74:17,17 79:7	97:21 131:19	trees 163:17
96:9,14 98:16	65:12 66:22	99:15 121:5	132:7 135:3,20	tremendous
102:3 103:13	67:6,18,22	136:19 165:11	tonight's 75:2	60:15
106:1,2 109:12	70:8 74:9	three- 142:4	top 36:12 60:7,8	tried 55:18
113:3,7 114:1	75:17 76:20	three-condom	68:8 82:15	trigger 111:11
115:6 117:22	81:22 84:17	148:11	83:21 118:6	trouble 6:21
121:10 126:8	86:10,17 95:7	three-family	122:7 149:3	53:5 54:11
128:2 133:17	100:8 103:14	33:11	165:2,8	65:15
134:2 136:6	104:11,19	three-unit 32:2	total 40:17	troubled 53:13
137:13 141:16	110:19 111:11	threshold	90:13 165:20	true 16:1 81:7
141:17 144:5	112:12,18	132:13	totally 49:1	86:3 122:14,20
144:21 145:2,2	115:4 117:14	throw 62:4	50:14 136:3	174:6
147:2,5 148:5	117:15,17,19	THURSDAY	touched 27:21	try 5:12,14,20
148:6 151:18	119:1,3 121:14	1:4	traditional	7:17 10:10
151:19 153:11	121:20 122:3	tight 22:20	60:13 142:13	25:12 59:8,9
155:13 156:12	124:4 125:14	Tim 18:16,21	traffic 27:18	67:15 75:18
159:12,13,14	132:22 133:20	time 4:5,6 6:13	36:7 43:3 70:4	87:3 93:21
160:13 161:14	135:17 137:17	6:17 10:18	104:7 157:13	121:8 146:20
161:19,20	138:6,7 141:19	11:4,8,9 35:6	171:10	155:4
166:8 168:22	141:22 143:6	40:7 42:1 45:8	Trail 155:10	trying 6:14 54:1
170:11,15	143:18,19	49:5 64:1	transcript 3:22	59:10 60:18
173:4,6,7,8	144:11,13	67:19 68:5	174:6	61:10,11,21
thanks 9:12	155:2,8 156:1	71:19 74:19	transition 13:11	65:12,13 80:9
16:13,22 17:1	166:19,20	75:10 76:1,12	translated 142:8	81:21 82:1
24:14 77:19	170:9 171:13	77:9 79:8	translucent 48:3	119:22 123:9
169:16	thinking 57:4	86:13 113:11	52:9,21 56:11	132:22 133:6
that's 11:6 33:1	133:1,18	113:14 115:4	64:20 65:20	154:9,14
thereabouts	third 20:4 21:1	115:10 124:11	66:8 68:13,18	166:18 171:3
15:18	32:12,19 33:2	130:3 131:14	68:21 69:2,3,4	tub 133:11
they'd 134:14,15	36:12 57:20	137:19 145:5	69:5,6,7,7 70:8	tucked 78:20
thing 57:2 75:9	60:14 88:7,12	146:22 148:4	70:9,15 71:3	turn 46:7 69:18
g			, . ,	
	l	I	I	I

69:20 102:4	underscore 74:4	use 7:14,15	57:1	173:3
148:1 161:15	understand	28:13 36:16,21	view 19:15,16	voted 145:14
167:5	53:14 60:19,19	43:12,17 70:19	19:20 20:5	votes 4:3 17:19
turning 65:15	62:8 65:19	105:2 142:2	22:6,9 26:17	29:16 37:22
110:14	73:3 82:1	158:7 171:19	81:4 147:4	71:15 101:21
TV 120:13	88:17 98:14	172:5	162:15,21	105:20 127:20
Twentieth 77:12	100:20 109:20	useable 28:19	163:5,11,15	141:12,14,15
77:13	111:3 114:8	uses 28:4 36:15	views 22:13 73:1	voting 50:6
twenty-eighth	123:9 135:15	43:11 70:13	vigilant 119:4	125:18
10:9 72:19,20	136:21 137:5,6	104:17 158:1,3	Vignant 119.4 Vineyard	123.16
two 5:17 22:2,17	137:7 166:18	171:18 172:2	153:19	$\overline{\mathbf{W}}$
33:3 40:16,16	167:14	1/1.10 1/2.2	violates 160:18	wait 18:7 24:22
47:10 48:5	understanding	$\overline{\mathbf{V}}$		31:19 34:21
		valid 143:19	violating 81:5 virtually 40:10	41:15 51:12
52:13 58:14,17	16:15,16,17	Van 2:4 18:11		87:18 94:21
59:12 62:5,21	54:5 56:9	variance 27:11	visibility 163:19	96:19 103:10
68:7 74:21	125:16	46:21 54:4	visual 133:8	138:20
83:7 84:5,7,7	understood	58:4 64:17	visually 7:15	waiver 10:18
84:11 89:21	83:16 112:14	67:17,19 68:1	voicing 112:15	11:4 74:18
90:21 92:19	135:1	68:3,5 69:10	Volume 136:16	Walden 2:11
94:20 103:10	undertaking	69:12,14,16,18	Vonn 145:18,20	129:7,14 130:5
108:18,21	117:7	71:4 73:11	vote 17:5,8 25:6	139:7,10
126:5 132:3	uneven 15:20	99:3 100:13	25:8,9,10	walk 151:14
134:14 136:12	unfortunate	101:9,15,17,19	26:21 27:2	walked 120:22
168:5	60:11 143:14	101.9,13,17,19	29:7,13,18	walkout 120:20
two- 19:1 129:13	unfortunately	114:15 115:17	35:14,15,16,21	wall 60:9 80:14
161:3	97:6 99:15	116:14 117:2,5	36:1 38:2	82:15 116:21
two-family 26:1	unique 129:21	117:13 127:11	42:13,15,17,18	136:18,20
26:18 100:21	unit 20:16 21:1	127:15,17,19	42:19 45:2	149:2 150:16
107:20 108:6,6	21:14 33:4,11	128:1 130:10	50:5 66:17	151:7,11
121:4 130:5	148:11 153:22	131:19,20	67:6 71:17	walls 21:19
two-meter 163:3	161:4	135:3,22	75:9,19,20,22	Waltham
two-story	units 33:3 76:22	137:18 140:5	77:6 98:2,20	129:11
130:17 136:14	130:4	140:22 141:5,7	98:21,22 99:1	want 5:11 11:2
typical 62:6	unload 130:20		100:9 101:13	11:19 35:17
130:4	unmute 24:21	141:9,11,13,16 141:16 145:7	102:1 103:15	
typically 13:8	34:19 41:14		103:16,18,21	48:1,20 49:14
84:9	51:10 87:16	various 17:7 Vellucci 107:13	105:22 113:5	49:15,19 50:2
U	103:9 113:19		114:18,20,21	50:13 54:15,19 55:13 56:13
	138:18 153:7	107:14 114:7	114:22 115:1,5	
u 153:17	168:19	120:16	115:9 116:18	57:11,12 58:5
Um 80:18 135:8	unquote 62:22	ventilation	117:5 126:7,11	59:20 63:14
	updated 131:14	57:20,20	127:5,12,22	64:9 66:18
unanimous 45:1	upper 19:20	verify 4:12	139:17,19,21	72:21 95:3
159:9 173:4	21:6 22:4	versus 144:12	140:1,2 145:12	96:17 99:11
unclear 56:14	110:3 166:20	162:15	155:18 157:1,3	100:5 102:6
underneath	167:15	vertical 164:8	157:7 159:4,9	107:17 123:3
19:21 124:17	upstairs 21:21	Vice 1:8 30:3	159:10 169:2,4	137:15 144:22
142:7 156:7	urge 11:2	video 3:20 6:22	169:5,6,7	147:3 163:16

				1490 201
168:1	67:4,4,6 77:2	59:7 137:1	57:15 58:14,17	58:21 62:3
wanted 26:16	79:10 80:4,5,9	west 161:1	58:18 59:12	64:3,5,6,7,7,11
54:2 58:22	80:22 83:4	164:20	60:9 61:22	65:4,6,19 66:6
59:5 118:1	84:22 86:16,21	whereof 174:12	62:21 63:1,4	66:10
121:7 144:8	88:3,22 91:8,9	who've 161:9	64:20 65:20	wonder 13:4,13
156:15	92:4 93:13	wide 164:22	66:1 68:10,15	wondering
wanting 75:10	95:1 97:20	width 83:1	69:7,19,22	133:17
wants 11:20	99:3 100:8,16	wife 107:15	70:8,10,16	wood 39:22
59:1,4 75:16	107:15,21	146:14	71:3 80:1	wood-turned
warm 42:4	108:4,5,10,13	Williams 39:5	102:5,10,16,17	142:19
wash 57:15	108:14,17,19	46:5 51:2	112:11 134:21	word 70:9
wasn't 121:22	108:19,21	63:22 66:20	147:11 150:16	words 72:15
watch 120:19	118:8 126:1	67:12,12 69:15	151:7,10	93:13
water 85:4	130:10 132:16	69:15 71:13,13	160:22 163:2,8	work 19:15 20:4
way 13:6 14:15	134:20,21	Williamson	164:12	20:17 21:8,21
16:1 19:11	136:19 137:9	11:18,22 12:5	Winn 155:22	22:14 23:5,8
44:5 55:22	138:3 142:3	12:15,17,19	156:8	23:12 29:2
62:6 73:9,17	145:18,20	13:16 14:4,12	winter 149:8	37:8 44:8 59:9
74:3 79:5 80:5	149:2,14	14:14,17 16:13	wise 136:16	68:6 94:15
80:11 88:11	151:10 156:22	16:22 17:3	wish 34:16	101:10 105:8
91:5 93:18	161:22 162:5,8	willing 52:7	41:11 51:7	116:15 131:15
120:5 124:22	162:17 163:1	53:20,21 54:2	52:15 55:3	141:1 158:18
135:14 136:3	164:11	58:19 64:14,19	87:13 96:11	163:7,14 164:8
141:21 143:7	we've 38:10	window 32:20	103:6 113:6,16	164:11,14
144:15 165:1	43:22 51:13	33:1,2,6,7	138:15 168:16	165:4 171:13
167:9	67:6 73:4,5	39:17 40:7,8,8	wishes 24:18	171:20 172:12
we'll 7:16 8:2,3	104:13 110:19	49:15 56:8,11	25:1 34:22	workaround
16:8 24:16	112:15 119:4	59:13 61:16,19	41:15 51:13	131:5
27:1 38:12	131:14 133:13	62:1,6,9,12,14	52:14 55:1	worked 16:3
45:8 49:5	142:17 143:10	66:7 79:22	66:22 87:19	working 55:15
59:11 74:3	145:19	112:1 147:17	103:11 113:20	56:21 162:6,16
92:4,6 93:2,12	webpage 4:7	149:17 150:11	153:4,9	worried 91:10
93:15 95:5	week 10:22 11:1	151:3,3 163:13	wishing 9:7	92:10
96:14 98:15	11:3	163:14 164:12	18:11 31:7	worries 145:21
103:14 169:1	weigh 64:16	164:17 165:8	39:8 46:15	Worthington
we're 6:21 7:17	weight 100:2	window's 58:14	72:8 78:8	18:21
10:6 18:9	welcome 3:8	windows 32:11	107:8 129:7,9	wouldn't 85:2
19:16,19 20:1	38:7 161:12	33:18 36:12	146:8 160:14	126:7 150:2
20:5 22:1,18	166:9	37:4 39:16,19	withdrawing	wrapped 50:10
27:8 32:8,20	welfare 28:12	40:2,3,4,5,6,9	131:11	write 35:6 42:1
33:3,5,5,18	36:20 43:16	40:10,12 47:3	withdrew 132:5	88:18 99:17
36:12 40:17	70:18 105:1	47:5,10,11,12	witness 174:12	155:1,4
44:1 45:7,7	158:6 172:4	47:21 48:1,15	witnessed 28:7	writes 100:1
46:20 47:22	well-taken 14:9	48:17 49:6,7,8	Witt 47:22	153:14
48:1 49:7 50:6	went 127:5	50:14 52:3,13	51:17,17,18,20	writing 99:14
52:18 54:18	131:4	52:18 54:3,7	52:1,1,17,21	written 25:5
56:4 58:13,19	weren't 59:6	54:19 55:9	53:8,10,14	41:19 67:5
61:14 65:7	weren't 15:11	56:13 57:2,12	55:8,17 57:17	80:5 114:2

153:12	135:5,15 137:4	31:22 34:17	32:14 75:19	3:19 29:5 73:6
wrong 96:20	137:6 138:12	41:12 51:8	78:7,10 114:4	101:11 174:13
97:3	138:13 142:11	87:14 103:7	114:5 123:10	2021 174:18
wrote 169:18	142:11,15,22	113:17 138:17	123:11 124:19	2021 174.18 203 170:3
WIOLE 109.16	143:16 144:2	153:5 168:17	11/02/20 158:20	21 101:11
X		133:3 108:17		
$\frac{1}{\mathbf{x} \ 2:1 \ 118:19}$	145:13 154:16	0	12 3:14 108:20	2193 90:14
119:14	154:18 161:22	$\frac{0}{165:4}$	123:21	22 3:21 29:4
xd 47:21	161:22 167:2	0.01 149:5	129 2:11	2227 90:16
AU 47.21	169:11 170:19	0.01 149.3 0.2 26:13	13 78:22	23 2:6 39:7,12
Y	year 10:7 73:7	0.2 20.13 0.359 149:4	13-foot 79:17	2561 114:4
yard 39:17	74:6	0.46 132:12,15	88:6	2571 2:10 107:7
40:14,15,16	years 119:5	0.49 132:16	135 119:16,17	114:7
83:3 108:16	146:17	0.49 132.10 0.5 23:15 162:10	14 10:7,8,16	27 3:18
109:1 111:12	yelled 93:17	0.51 20:8 23:14	11:8,8,9,10,14	28 74:12,14,22
111:14 112:12	yep 5:7 7:11	24:11	11:15 17:6	75:6 76:1
124:3 130:19	10:9 12:13		146 2:12	77:11,14,16,17
149:19,20	35:20 47:17	0.53 20:8 23:14	149 23:13	77:18 109:11
160:22 166:21	50:4 80:16	24:12 132:17	15 82:5 114:4	293 2:3 9:7,17
	81:14 82:11,13	0.55 161:2 162:8	118:19 119:14	3
167:4,16 168:2	82:17 83:22	0.57 161:2 162:9	130:13 146:17	
yards 40:16,16	109:12 110:16	0.62 149:4	164:22 166:19	3 2:13 81:22
83:2,7	112:14 113:7	0.64 109:8	15-foot 19:17	160:7 162:2,2
yeah 5:6,9 6:3	115:8 145:15	0.6497 109:8	21:11,18 22:21	163:13 164:17
6:18 7:7 11:17	145:18 157:2	0.65 109:8,9	82:2 88:5	165:17 166:17
12:15 15:22	young 116:11	017219 72:7	108:22	3.5 165:1
16:19 18:9	129:16 161:3	017307 46:14	16 31:21	30 83:2
19:10 53:14		017318 78:7	160 2:13	31 2:5
60:4 62:16	Z	02139 1:6	17 153:19	338-340 139:9
63:11 68:17	Zoie 146:10,11	09/14/2020	165:21	34 88:1 90:11
81:11 82:3	146:14,15	37:11	174 147:6	344 2:11 129:7
83:8,9,12,13	zone 166:20	09/15/20 116:16	18 2:4 80:22	348-350 139:7
84:6,9 85:6,9	zoning 1:1 3:9	09:14 173:11	149:19	35 57:16
85:13 86:9,14	9:17 20:7 27:3		1800s 63:5	358 52:2 54:1
86:22 88:18	32:8 33:8,18	1	19 31:18,20	360 52:2 68:11
92:9,12 94:3	34:2 43:11	1 10:18 150:15	196 170:1	70:10
98:7 100:10	53:12 54:6,14	153:22 154:2		362 2:7 46:14,19
102:19 109:15	55:19,19 73:4	164:10,12	2	39 2:6
109:19 110:16	73:8,10 74:5	165:7,13	2 18:20 39:21	3R 170:7
111:7,16 112:7	77:4 79:20,21	1-year-old 152:5	47:15 68:8	
112:8,9,13	80:5 81:4 84:1	1:22:26 56:14	81:22 82:1	4
114:22 117:4	88:11 89:14	10 78:20 170:8	114:4 164:10	4 2:12 146:7
118:7,8,14	91:20 92:21	10-foot 120:7	165:13,18	148:11 165:18
119:17 120:2	93:6 95:1,3,20	10/30/20 141:2	2:53:52 148:8	4-year-old 152:5
122:9,15,15	101:3 102:13	172:13	2:54:35 148:20	4.1 164:12
123:2,17 124:8	114:14 125:1	100 35:10 132:1	20-foot 120:5,6	40A 25:16
124:12,18	125:15 137:1	1000 89:10	200 170:4	46 2:7
125:13 127:2,3	137:11	101 35:8	2013 152:3	
127:8 131:13	zoom 15:6 24:19	107 2:10	2020 1:4 3:8,15	5
133:19 134:4		11 2:4,9 18:11		5 1:4 3:8 32:17
		l '	I	l

			Tage 203
04.10.20	7.20.70.0		
84:19,20	7:28 72:2		
5.5 78:21	7:30 2:10 45:6,9		
5:00 10:22,22	46:9,9		
11:13 75:5	7:34 78:2		
50 164:22	7:45 2:11		
5000 132:13	72 2:8		
54 108:18	73 161:1		
544 2:8 13:3	78 2:9		
16:15 17:21			
72:7	8		
56 107:10	8 154:4 155:9		
561 129:10	8-2 84:18		
597 153:17	8:00 2:12 107:2		
	8:15 2:13		
6	8:22 129:2		
6 2:12 24:22	8:40 146:2		
25:16 34:20	8:55 160:2		
41:14 51:11	831 1:6		
87:17 103:10	89 154:2		
113:19 138:19	89477 31:7		
138:19 146:7			
148:10 153:8	9		
153:22 168:19	9 2:3 24:21		
174:18	34:19 41:14		
6:00 2:3 3:3 9:2	51:10 73:6		
13:10,21 14:9	75:11 79:18		
15:4,8,10,15	87:16 103:9		
15:17 16:8,9,9	109:17 113:19		
6:15 2:4	118:19 119:14		
6:18 18:2	138:18 153:7		
6:30 2:5	161:7 168:18		
6:33 31:2	169:21		
6:45 2:6 38:10	91223 107:7		
38:12 39:2	92098 160:7		
6:52 45:5	92108 9:7		
6:59 46:2	92914 39:7		
60 147:18	93167 146:7		
66 108:19	93262 18:11		
	93291 129:7		
7	96 2:5 31:7 32:1		
7:00 1:4 2:7,8,9	35:8		
4:14 6:8 8:1,1	98 35:12 88:10		
8:1 10:16 11:9	89:22		
13:9,11,20	07.22		
14:9,22 15:9			
15:12,16,17,18			
16:4,9 18:7,8			
45:7 46:6			
74:11 77:10			
/4.11 //.10			
L			