## BOARD OF ZONING APPEAL FOR THE <br> CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 26, 2013
7:00 p.m.
in
Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Timothy Hughes, Acting Chair
Brendan Sullivan, Member
Janet Green, Member
Douglas Myers, Associate Member
Andrea A. Hickey, Associate Member

Sean O'Grady, Zoning Specialist

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I N D E X

## CASE

PAGE

| $10477--288$ Norfolk Street | 3 |
| :--- | :---: | :---: |
| $10488--22$ Murdock Street | 75 |
| $10490--3$ Jefferson Street | 136 |
| $10503--23$ Sidney Street (University |  |
| Park) |  |

10504 -- 820 Mass. Avenue 192
10505 -- 42 Sacramento Street 208

10506 -- 406 Franklin Street 214
10507 -- 1 Broadway 235
10508 -- 555 Cambridge Street, Unit C-1 (Formerly 535 Cambridge Street) 257

10509 -- 2322A Mass. Avenue 274
10510 -- 63 Foster Street 289
KeyWord Index

# PROCEEDINGS <br> (7:00 p.m.) <br> (Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea Hickey.) 

TIMOTHY HUGHES: The Chair will call case No. 10477, 288 Norfolk Street. You know the drill. She's probably identified you in the record already.

ATTORNEY SUSAN ROBERTS: Good
evening. My name is Susan Roberts. I'm from Anderson and Kreiger, attorney for AT\&T. With me is David Ford from Centerline Communications, and we also have with us members from AT\&T, members of the RF group at AT\&T. And we have Deepak Rathore, MD, and if necessary we can present another witness but it doesn't seem like that will be necessary for tonight. I'm not sure if anybody will be showing up to oppose our request for a Special

Permit.
You may recall that we were last here on August 29th and we were asked to continue the matter until tonight because there had been a neighbor who had, who had come on August 15th and come on August 29th but was unable to stay late on August 29th and so the Board asked us to reconvene for today so that if she wanted to be present, she could be. Just looking around it seems as if she may not be here right now.

In any case, to start at the beginning, we filed our application on June 12, 2013. We were referred to the Planning Board on July 9th. As a result of our meeting with the Planning Board, we met with planning staff and with historic preservation staff, Charles Sullivan, to come up with a design that was -- other than what we had first
submitted because there was an issue with the proliferation of white cannisters and they wanted us to try to do something else on the roof. The Planning Board, when they looked at the site originally, liked the facade-mounted antennas. We have three facade-mounted antennas that are on the penthouse. And those are painted the brick color to match the penthouse. Additionally we have eight other antennas that we originally proposed to go in eight cannisters on the roof that matched the one existing cannister that is there from another carrier's wireless facility. But the Planning Board felt there were too many white cannisters. So what we did was we redesigned the facility and we presented to staff other design -- two other designs, plus the existing design that we had. And staff chose
the one that you're seeing tonight which is the one with four cannisters, four white cannisters that match the existing cannister of another carrier which I believe is T-Mobile. Each of those white cannisters has in them two antennas. So we have a total of 11 antennas. Additionally we have equipment in the basement and we have cabling running down the side of the building and that cabling is housed in a tray that's painted to match the building as well. Those are all depicted on the photo sims that you see. What we've done is we've submitted photo sims that show the original design that we submitted on the 12 th of June and then the design that ultimately was chosen by planning staff for us to submit to you. And that, and those are dated August 26th. So I hope it's not too confusing, but you can definitely
compare what we originally proposed to what we're now proposing so you can see the reduction in the number of cannisters on the roof.

## TIMOTHY HUGHES: Can you identify

 the page numbers?ATTORNEY SUSAN ROBERTS: Yes. So we're going to look at page 5 which shows the existing -- I'm sorry, which shows the proposed configuration that we would like you to consider tonight. So that would be on page 5. And that would be on page 8. DAVID FORD: Each photo view has been broken down to $A, B$, and $C . A$ is the actual, $B$ is the original submitted design, and $C$ is the design that planning staff chose. It's 1A, B, C, $2 A, B, C, 3 A, B, C$. It's probably an easier way to explain it.

ATTORNEY SUSAN ROBERTS: And then
the last one is 13, page 13. You can't see the cannisters on page 10. You can see the facade-mounted.

TIMOTHY HUGHES: So this --
ATTORNEY SUSAN ROBERTS: Antennas.
TIMOTHY HUGHES: -- this view that only has an $A$ and a B is irrelevant because you can't see of your new stuff?

DAVID FORD: Correct.
ATTORNEY SUSAN ROBERTS: Correct.
So the point of this page 10 was simply
to show the facade mounted. We didn't change that.

TIMOTHY HUGHES: Okay.
ATTORNEY SUSAN ROBERTS: And to show the cable tray as well. You can see the cable tray.

TIMOTHY HUGHES: Are there any
questions from the Board?

BRENDAN SULLIVAN: Well, in
reviewing it, and I agreed that there was a proliferation of the white cannisters which is starting to look kind of junky and crowded on there, and the question I asked myself is why white?

DAVID FORD: We actually -- we went to the planning staff and they chose white. They thought, you know, it would match the surrounding basically.

BRENDAN SULLIVAN: Clouds?
DAVID FORD: Or the clouds of -- the cannisters are also white up there. There's two existing cannisters from Verizon and they had actually said we should be consistent with what's up there. Go white. It's up there.

BRENDAN SULLIVAN: We're
propagating an error. I guess my thought is
why not just paint them dark?
TIMOTHY HUGHES: And I think we actually suggested that to Verizon and they never did it. We suggested to them that they paint it a dark color.

ATTORNEY SUSAN ROBERTS: Really?
We did come up with two different flue-like cannisters and one was painted dark and one was painted the white. Actually, let me see if I have a copy of the other ones that we submitted as well.

BRENDAN SULLIVAN: It sort of
reminds me of the buildings down at MIT with all these vent stacks all over the place which you're getting -- I guess what I would like to do is get to being stealthy and really not see them. I mean, we all use them and, you know, everybody likes them, but doesn't want to see them.

DAVID FORD: We can pass these around.

BRENDAN SULLIVAN: I think that the white just makes them more prominent.

DAVID FORD: So the three designs we presented to the Planning Board, one was faux chimneys that were painted dark which are shown there. One is the faux penthouse which is the third page, and the third is the design you have in front of you. And they chose the design that's in front of you right now. So painting dark is kind of the direct scheme that's shown on the chimneys right there.

ATTORNEY SUSAN ROBERTS: Does anyone else --

BRENDAN SULLIVAN: I mean, the proposed -- the stealth penthouse is getting kind of bulky.

ATTORNEY SUSAN ROBERTS: So yeah, we
had a --
BRENDAN SULLIVAN: I just think being white just draws more attention to them.

DAVID FORD: They can definitely be painted whatever color --

BRENDAN SULLIVAN: Whatever color you want.

DAVID FORD: Basically. BRENDAN SULLIVAN: We'll paint them pink if you want.

ATTORNEY SUSAN ROBERTS: Or the brick. We submitted brick color.

BRENDAN SULLIVAN: I mean, not brick color, but whatever the background, the prominent between of the brick is sort of a brown but not too dark of a brown or something.

DAVID FORD: I think what led the
planning staff to the white color is, you know, most days, whether it's winter or summer, it might be a little cloudy, overcast, that's why they chose the white. We mentioned that blue was an option, but they decided that the white was a better choice. Not to say it can't be blue, black, grey, whatever color you want, but the reason why we ended up with the color shown was $A$, to match Verizon's existing cannisters. And B, to just go with what was chosen during that meeting and match the overcast and sky, etcetera.

TIMOTHY HUGHES: The planning
staff, are you talking about the Planning
Board or are you talking about your internal plans?

DAVID FORD: We had a Planning Board Board meeting, they told us to have an
internal outside meeting with Liza Paden and Historical and --

ATTORNEY SUSAN ROBERTS: And
Charles Sullivan.
DAVID FORD: -- yeah, Charles

Sullivan. So we met with both of them, showed the three designs in front of you, faux chimneys, faux penthouse, and the cannisters and that's what they chose.

ATTORNEY SUSAN ROBERTS: My
recollection was that Charles Sullivan
thought that the white would be better because somehow or other it related better to the neighboring sites. He actually gave us a view from Hampshire Street that was dated -- it's an old photo of what the building used to look like.

BRENDAN SULLIVAN: So we're talking cannisters that are inches round and maxes at
nine feet high; is that correct?
TIMOTHY HUGHES: They didn't
communicate that to us.
DAVID FORD: Say that again?
BRENDAN SULLIVAN: The three foot round, 36 inches round -DAVID FORD: Correct. BRENDAN SULLIVAN: -- and they're nine feet high?

DAVID FORD: Correct, yes.
Consistent with the existing cannisters in the roofs that are ten feet tall.

TIMOTHY HUGHES: Yeah, yeah, you can stop say consistent with the existing cannisters for two reasons. One, we didn't like them and we asked them to change the color on them, you know? And they never did it.

BRENDAN SULLIVAN: I think we're
propagating any --
TIMOTHY HUGHES: Yes, it doesn't do you any favors to keep mentioning that.

ATTORNEY SUSAN ROBERTS: Do you prefer the chimney style? To have them look at the chimneys instead of cannisters or do you like the round --

TIMOTHY HUGHES: That's a good question. That's a very good question.

ATTORNEY SUSAN ROBERTS: You like that question. Okay.

TIMOTHY HUGHES: I'm not sure. DAVID FORD: Charles Sullivan said he didn't like the proposed chimneys because the original building back in the day didn't have chimneys on the roof.

ATTORNEY SUSAN ROBERTS: Oh, that was it.

DAVID FORD: So he wanted us to stay
away from --
ANDREA HICKEY: They didn't have cannisters either?

DAVID FORD: He wanted to keep it in the Historical nature I guess. That's what he told us. At least he's just going off that.

ATTORNEY SUSAN ROBERTS: This is what he gave us way back when.

TIMOTHY HUGHES: Can you just build an extra floor on the top and fake screening that looks like an extra floor on the building and screen everything that way?

BRENDAN SULLIVAN: No matter what we do, it's going to be incongruence --

DAVID FORD: There's three existing carriers, so it's pretty difficult to make it work, but we did.
you propose the same dimensions as the one cannister that's there now?

DAVID FORD: There's two cannisters there now, and no. The cannisters are two feet wide. Ours are three feet wide in order to fit the proposed amount of antennas within them.

DOUGLAS MYERS: That's approximately 50 percent more by bulk than what's there now?

DAVID FORD: Well, one foot one.
So....
DOUGLAS MYERS: I mean, just as I look at, for example, photo 4C it just seems to me that the cannisters you propose are like three times as big as the cannister that's there, that's all.

DAVID FORD: Yeah, I mean we had originally proposed the smaller cannisters
and they decided to take less number of cannisters and that's shown in 4B. TIMOTHY HUGHES: Photo B. DAVID FORD: $4 B$ is the same exact -- they're the same exact dimensions on $4 B$.

DOUGLAS MYERS: Right. But so it's not only three or four additional cannisters, but cannisters that at least to me look to be like at least three times as big. It's a real proliferation of cannisters.

TIMOTHY HUGHES: Now, when it comes to size maybe you should reference the other cannisters but not color. DAVID FORD: Right.

TIMOTHY HUGHES: Because, you know, there's a, a vast difference in your photo sim between the size of what you want to put in and what was existing.

DOUGLAS MYERS: I assume that you've exhausted all possibilities to install them on the side of the billing.

DAVID FORD: We cannot do it on the side. The landlord's completely against that. As you can see, the Nextel is on the facade mount there. And they -- the landlord's completely against that. He thinks it looks terrible having them on the side of the brickface. And basically we had to do it on the top.

ATTORNEY SUSAN ROBERTS: I mean, personally I think the chimneys look pretty good. Did you want to look at those again? JANET GREEN: I thought the chimneys look better than the white cannisters. But I understand what Historical's saying. They're saying that it is a modern adaptation and just put it on as to what it is and don't
try to make it look like the old way which it doesn't.

DAVID FORD: Right.
ATTORNEY SUSAN ROBERTS: But it
actually does --
JANET GREEN: But I think it blends more. I think it looks a lot better.

BRENDAN SULLIVAN: Has the question been asked, what is the reporting six foot tall antenna on the side of the building?

DAVID FORD: On the elevator shaft.
BRENDAN SULLIVAN: On the elevator shaft.

DAVID FORD: Yes.
BRENDAN SULLIVAN: Are those the same antenna that's going in the cannisters?

ATTORNEY SUSAN ROBERTS: Yes.
DAVID FORD: Yes.
BRENDAN SULLIVAN: Why are the
cannisters nine feet high?
DAVID FORD: Deepak can speak more about this. But the reason they're nine feet tall, they're ten feet setbacks from the roof edge. So in order to clear the roof edge, not to be shooting directly into the roof, the cannisters have to be nine feet tall. And the landlord even made a statement about this. He wanted the cannisters as short as possible. We were originally at ten feet and we dropped a foot to accommodate that request. And nine feet is the smallest we can go in order to, you know, to reach the edge of the roof and clear it. Because if they're any shorter, basically the antennas are shooting directly into the roof and it doesn't do anyone any good.

BRENDAN SULLIVAN: So the further back they go, the higher it has to be or you
run into an obstruction?
DAVID FORD: Exactly. Per the Ordinance we have to be ten feet back from the roof edge. In order to do so and not be too close to the edge we need to be nine feet.

TIMOTHY HUGHES: Any other questions?

BRENDAN SULLIVAN: Well, I
suspected Nynex -- is Nynex the other one that's on the building? No, Verizon.

JANET GREEN: Verizon.
DAVID FORD: There's Verizon, T-Mobile, and Sprint. There are three carriers that are up there.

BRENDAN SULLIVAN: When they come back before us, we're going to have to get them to change their stuff to conform. I think you're going to have to set the new trend here.

ATTORNEY SUSAN ROBERTS: Of
chimneys?
BRENDAN SULLIVAN: No. Maybe the cannisters I think painted white makes them more pronounced.

DAVID FORD: So more of a brown-reddish?

BRENDAN SULLIVAN: Yes, the building color.

ATTORNEY SUSAN ROBERTS: We can do that.

BRENDAN SULLIVAN: Whatever the brown is. That's my view. I don't know about anybody else.

TIMOTHY HUGHES: Well, let me open it up to public testimony and we can get back to hammering this.

Does anyone want to be heard on this matter?
(No Response.)
TIMOTHY HUGHES: Seeing no one, I'll close public testimony.

I'll read into the record the Planning Board -- I have one communication from the Planning Board that I could find which doesn't say anything. Oh, yes, that's right, it was the planning staff that came up with white. Charles Sullivan who has never actually been in my kitchen and looked out the window to see that view. That's what I see when I look out my kitchen window. Fortunately your stuff is not in this view.

The Planning Board said: (Reading) The Planning Board reviewed the Special Permit application for cellular communications equipment. Since the previous presentation to the Planning Board, the applicant consulted with Community Development

Department staff and Cambridge Historical Commission staff to consider design options. The current proposal used for ballast-mounted stealth cannisters appears to provide the best result that can be obtained given the feasible options.

A glowing endorsement.
ANDREA HICKEY: And nothing about white?

TIMOTHY HUGHES: Nothing about white. That was their conversation with the staff afterwards. All right.

DAVID FORD: We're definitely more than open to taking color suggestions.

TIMOTHY HUGHES: Yes, I forget what mine was. Black I think was my suggestion. It didn't go over that big. And that was for the one that I can see, the one cannister.

You know, I'm more concerned about the
size. I would almost rather see a uniform size and more cannisters than to see these real bulky things that look like grain silos on top of the building. Maybe we should do a New York City thing and do it as a faux water tank.

JANET GREEN: Does it look different? You don't like the chimneys either?

TIMOTHY HUGHES: Well, the chimneys, you know, they are what they are. They don't look like chimneys.

DAVID FORD: Just to explain.
There are existing chimneys up there. There are existing pipes as well. There are both designs already up on the roof.

ANDREA HICKEY: Are there nine foot chimneys on that roof?

DAVID FORD: Yep, yes. Actually, I
believe they're ten feet. They're on the back view. If you look at photo 3A, page 9, there's two faux chimneys already up there. It's left to the penthouse.

ANDREA HICKEY: Got it.
TIMOTHY HUGHES: Yes.

DAVID FORD: You can see the second cannister up there on the left as well. It's a very crowded rooftop.

TIMOTHY HUGHES: It is indeed.
DOUGLAS MYERS: Have you considered the other criteria of the Ordinance with respect to the neighborhood around the proposed site?

ATTORNEY SUSAN ROBERTS: So this is
a commercial building in a residential neighborhood. It's a building that already houses other carriers as we've said. So the Board has previously found, as it's required
to do, that the non-residential uses predominate in the vicinity of the facility. So, but in terms of the visual impact around the adjacent properties, because we tried to blend as best as possible with the building itself, we believe that it does in fact go with and fit in with the character of the neighborhood.

TIMOTHY HUGHES: Any further
comments?
BRENDAN SULLIVAN: No.
TIMOTHY HUGHES: Do we want to -- do we have an opinion, a consensus opinion about color? Or size?

JANET GREEN: Well, I would think the white really stands out very starkly.

ATTORNEY SUSAN ROBERTS: If we had taken it on a cloudy day, what would you -- do you think you would feel differently? I'm
just asking.
JANET GREEN: I guess I don't have an answer to that.

ATTORNEY SUSAN ROBERTS: Yeah.
DAVID FORD: Just for reference, these were taken on April 9th.

JANET GREEN: I remember it well.
TIMOTHY HUGHES: So these are made out of fiberglass; is that correct?

DAVID FORD: Yes.
TIMOTHY HUGHES: Metallic is out of the question. Metallic finish on fiberglass, mylar type thing.

ATTORNEY SUSAN ROBERTS: Well, we can do grey.

DEEPAK RATHORE: Metallic doesn't go well.

TIMOTHY HUGHES: Something that would reflect the color of the sky on any
given day, you know? I'm not talking about metallic.

DEEPAK RATHORE: Color-wise I'm not sure what we can do about painting that color. DOUGLAS MYERS: May I speak? It's still discussion with the applicants, and the applicant is certainly welcome to respond to anything that I say. And I don't know whether what I say would be of interest to other Board members or not. But I listened to what counsel said regarding the previous decision of this Board with regard to this building, and I while we're not precedential body, I accept the value of adhering to what this Board previously founded regarding the building. Because I have to say after careful walk through the area I find, I found myself not at all satisfied that the basic criteria were met in terms of the prevalence
of mechanical systems and equipment on the roof of nearby buildings, about non-residential uses predominating in the vicinity and so on. But I accept, I'll accept the previous decision of this Board, but bearing those things in mind, nonetheless, bearing them in mind, and bearing in mind other criteria which counsel has referred to about the visual impact and adverse effect on adjacent uses, I'm troubled by the visual impact of so many cannisters and I'm troubled by their bulk. And I really do think there's an adverse effect in this neighborhood where roofs in general, where -- which is replete with residential buildings; they go up Norfolk Street and extend both directions on the other side, Hampshire Street, which are even on the same block with this building is on this side of

Hampshire Street there are residential uses all around it, and this is the only building that has any commercial route that is in any way going to be cluttered to the extent you propose. So rather than jumping into discussion for the types of color, I would prefer -- I just want to express my position that I'm troubled by just meeting the basic discretionary requirements of adverse impact, visual impact and adverse effect under the Ordinance.

DAVID FORD: I'm not sure if you saw this during your walk, but the DPW building right next store actually shares similar characteristics of this rooftop. There's existing whip antennas and actually the tower on that rooftop. DOUGLAS MYERS: At the same height? DAVID FORD: Well, the building
itself isn't the same height, but the tower on the roof is the DPW is at least 40 feet tall.

DOUGLAS MYERS: At least?
DAVID FORD: 40 feet. Yeah, it's a big, large whip antenna tower, guide wire tower. It's smack dab in the middle of the DPW building.

DOUGLAS MYERS: My honest response to that is I hear you, and 40 feet is significant, but we're talking about increasing dense nine foot objects by a power of ten on this building. And to me that's a, that's a quantum leap in clutter. I'm just, I'm just not prepared to close my eyes to that and saying the only issue is color.

ATTORNEY SUSAN ROBERTS: Would you, I mean, again, I think perhaps the chimney idea might be a more appealing to you where
it would be fewer items?
DOUGLAS MYERS: Given the choice, yes. But still I mean, I'd feel better, but I'd still have my reservations definitely. ATTORNEY SUSAN ROBERTS: Right.

Honestly, I can't imagine any site where people don't have some reservations about, you know, what's going on there. It's always going to look different unless you're actually duplicating, you know, what's there because of another site. Another carrier has left the building and AT\&T is taking over. And we definitely have some of those, including one that we filed today. But for the most part nothing's ever gonna be without some reservation. But I would hope that the chimneys perhaps might address your concerns. I don't know. I know that not everybody shares that.

BRENDAN SULLIVAN: I think your comments are 100 percent valid. I think those are my underlying feelings. What I was trying to do was maybe put some lipstick on the thing.

DOUGLAS MYERS: Well, you struck oil.

BRENDAN SULLIVAN: And maybe I had resigned myself to oh, God, we're just getting crowded and messy looking. And, you know, I think you're as usual right on the mark with the -- my sentiments anyhow which is just, you know, if I'm going to accept it, how can we tone it down? And I thought maybe the color aspect was one way of toning it down. But I think that your sentiments are quite valid.

DOUGLAS MYERS: I mean, I'm not
proud of that. I mean that's just the way I
feel. I walked through this neighborhood a lot and looked at it from a lot of different places.

BRENDAN SULLIVAN: It's getting messy and there's a lot of carriers up there and it's going to get messier. And we're walking down a path that I think that is not a good path, which is it's just going to get more crowded.

DOUGLAS MYERS: And we're taking a giant step toward that tonight.

BRENDAN SULLIVAN: Well, that's exactly correct.

DOUGLAS MYERS: A really giant step. ATTORNEY SUSAN ROBERTS: Well, if I might make a point, a couple of points. That's it on carriers. We'll all be up there once we go up there. So on this particular building there's obviously some reason that
this particular building is working for everyone.

TIMOTHY HUGHES: What is that particular reason?

DAVID FORD: I thought she already mentioned that.

ATTORNEY SUSAN ROBERTS: It has to do with what else is in the area which is nothing basically. And, you know, that it works from an RF point of view. And if you'd like to hear more about that, Deepak can talk to you about that.

TIMOTHY HUGHES: No, I can see there's nothing else in the area.

ATTORNEY SUSAN ROBERTS: So, you know, to -- I don't want to have a -- at least I hope the Board would be sensitive to a situation where everyone else is up there and we're not. So I'm hoping that we'll be able
to figure out a way for AT\&T to be there as well in a, you know, in a design that is as pleasing as we all can make it, I guess, given the constraints of the roof itself.

TIMOTHY HUGHES: Well, we've heard the opinion of the Board members. There's at least two people that are -- don't like, you know, the color. There's one person that thinks that there's no grounds for there to be any antennas on this building because it doesn't fit the criteria of being -- of non- residential uses predominating in this neighborhood. At the very least I think you're going to have to come back with some more photo sim options in terms of design to try and persuade four members of this Board to pass this thing at this time.

So I would suggest a further continuance.

JANET GREEN: Well, let me just ask the question about that. I mean, where would we be asking them to go? I mean, what are other things --

ANDREA HICKEY: Well, what about exploring again some surface mounts? Just because the landlord doesn't like it, doesn't mean it's not possible and it doesn't mean that maybe that's the only way we're going to be able to deal with this.

DAVID FORD: Just to add to that. In order for the antennas to be surface mounted, see how close they are to the existing windows?

ANDREA HICKEY: I do.
DAVID FORD: In the inside of the building there's a new tenant. It's actually an office -- some sort of office up there. There's actually RF barriers on the
inside of the windows now. So that's one of the reasons the landlord wants to stay away from that. Because, you know, these antennas are so close to the windows and it's a working environment, that was one of the main concerns as well. They're renting this space out to some sort of office -- some sort of business and they want to, you know, to be able to be consistent and not have barriers all over the place. Which is kind of --

ANDREA HICKEY: Yes, I guess he needs to take that into consideration then when he choses his tenants as well. DOUGLAS MYERS: And maybe a combination of a couple and, you know, it's a business decision for you what enticements to offer the landlord, but maybe a couple of wall mounts and then --

DAVID FORD: Well, we do have a
couple already in the back.
DOUGLAS MYERS: You do? Okay.
ATTORNEY SUSAN ROBERTS: We have three that are mounted to the elevator shaft.

DAVID FORD: We have three already. DOUGLAS MYERS: Additional?

DAVID FORD: So you'd rather see
facade-mounted antennas then -- on top of the roof? We always thought that, you know, they would look better just on top of the roof and not hanging crudely on the side.

DOUGLAS MYERS: I found the side mounts, I'm speaking for myself only, less objectionable than the --

BRENDAN SULLIVAN: The side mounts
always have to be vertical?
DAVID FORD: Right.
BRENDAN SULLIVAN: They always have to be vertical?

DAVID FORD: Yes.
BRENDAN SULLIVAN: They can never be horizontal?

DAVID FORD: No.
TIMOTHY HUGHES: I think what I
would like to see is an alternative that would allow you to make the cannisters the size of the cannisters that are there if you're going to stick with the cannister thing, which means you'll have to pull some of those antennas and put them someplace else, possibly on the, you know, the facade rather than increasing the number of cannisters. And the other thing I'd like to see is why not photo sims with different colors besides white?

ATTORNEY SUSAN ROBERTS: Well, this was what was chosen by the Board.

TIMOTHY HUGHES: I like going to the
paint store and picking out the paint chips and deciding stuff like that.

ATTORNEY SUSAN ROBERTS: Nobody
likes the chimneys?
TIMOTHY HUGHES: Well, the chimneys
always look so cheesy. You know, if you could do a good chimney, that would be one thing. But so far none of you carriers have been able to accomplish that. You know?

ATTORNEY SUSAN ROBERTS: All right.
So chimneys are out. Yes?
TIMOTHY HUGHES: Not necessarily,
no. I think I said raise the bar here, you know, in terms of style.

DOUGLAS MYERS: There is an option.
I mean, as far as I'm concerned, I'd look at a chimney option, fewer chimneys. As few as possible.

DAVID FORD: We only actually have
one -- two chimneys proposed.
JANET GREEN: And does that take care of all those cannisters that we see on the other option?

DAVID FORD: Yes.
JANET GREEN: There are only two chimneys.

DAVID FORD: Yeah.
ATTORNEY SUSAN ROBERTS: Because those could be wider.

JANET GREEN: So that instead. Well, there were only two chimneys in that picture on page 6 of -- that is circled. So those two are taken care of by those chimneys, right?

DAVID FORD: Correct.
JANET GREEN: And are there other cannisters, though?

DAVID FORD: No, no. Not
consistent with the chimney.
ATTORNEY SUSAN ROBERTS: We kept the design consistent. So if we did cannisters, we did cannisters. If it was chimneys, we did chimneys.

TIMOTHY HUGHES: I understand that. But it might be time to think about combination of things.

ATTORNEY SUSAN ROBERTS: Honestly we're open to anything. If you provide us some guidance that would be really helpful. So --

JANET GREEN: So, can I just -- would you just look at page 10?

ATTORNEY SUSAN ROBERTS: Of the one that we submitted to you for today?

JANET GREEN: Yes. I think it is. DAVID FORD: I have the version you're talking about.

JANET GREEN: Okay. I'm looking at all those white cannisters up there. Three fat ones.

DAVID FORD: Four fat ones.
JANET GREEN: Maybe four fat ones and the thin one.

DAVID FORD: Correct.
JANET GREEN: So you're the four fat ones?

DAVID FORD: Correct. The other thin one is on the other side of the roof that's existing.

JANET GREEN: And that's somebody
else?
DAVID FORD: Correct.
JANET GREEN: Okay. So this would add these four white cannisters?

DAVID FORD: That's it.
JANET GREEN: Or if you went to
chimneys, it would just be these two chimneys?

DAVID FORD: For that face.
JANET GREEN: On page 9.
DAVID FORD: For that face. Right.
And then the two on the back of the penthouse it shows as well. See where it says stealth penthouse?

JANET GREEN: Okay. So it would be two chimneys.

DAVID FORD: And a stealth penthouse, yes. Or it could be two chimneys on one side and two on the other, making it a total of four. The chimneys are placed in the cannisters that's all.

JANET GREEN: But they're four cannisters and four chimneys?

TIMOTHY HUGHES: In addition to two chimneys that are already there?

JANET GREEN: And two cannisters. DAVID FORD: So it's tricky. TIMOTHY HUGHES: Yeah, yeah. BRENDAN SULLIVAN: David, did you have the original with the chimney? I don't have that in this. Is that extra?

ATTORNEY SUSAN ROBERTS: Is that page 9?

DAVID FORD: No, he doesn't have it. There are two versions.

ANDREA HICKEY: I don't have that one.

TIMOTHY HUGHES: I probably have all of it here.

ATTORNEY SUSAN ROBERTS: That is this one? The ones we gave to the Planning Board.

ANDREA HICKEY: Sorry, I might have switched with you.

DAVID FORD: So the options are chimneys, cannisters, or penthouse. TIMOTHY HUGHES: Chimneys, cannisters, penthouse or any combination thereof.

DAVID FORD: Or any combination of the two.

TIMOTHY HUGHES: Nobody said it was going to be easy.

ATTORNEY SUSAN ROBERTS: I'll
submit it to the Planning Board also.
JANET GREEN: Can you go to page 10?
DAVID FORD: She's looking at the copy. It's different than the one you have I think.

TIMOTHY HUGHES: It might be.
ATTORNEY SUSAN ROBERTS: The one that I just gave Ms. Hickey is the one that we submitted for consideration by the

Planning Board and Historical.
TIMOTHY HUGHES: I have one that says actual view. DOUGLAS MYERS: Do all of your Planning Board staff, revised the latest versions, do all of them that have chimneys include a penthouse?

DAVID FORD: What's shown on there is one penthouse, two chimneys. We just mixed it just to give them options. So any combination of the two can be made. DOUGLAS MYERS: But your present proposals, those that have chimneys, additional chimney, new chimneys, also include a penthouse?

DAVID FORD: On that design. Not saying they have to. DOUGLAS MYERS: Right, right. On this proposal.

DAVID FORD: What you're looking at there, yes. You can have two sets of chimneys, one set of penthouse. One set of chimneys, one cannister. One chimney, one penthouse. You can mix and match whatever you'd like.

TIMOTHY HUGHES: Yes. What are you calling the penthouse? Is that a continuation of the elevator shaft?

DAVID FORD: No, no. Look at their drawings.

TIMOTHY HUGHES: I have.
DAVID FORD: It's different that what you have.

BRENDAN SULLIVAN: This photo sim here.

ATTORNEY SUSAN ROBERTS: Yes.
DAVID FORD: That's it.
ANDREA HICKEY: That's page 15 of
16. There are actually three different.

JANET GREEN: You can see it on page
5, too.
ATTORNEY SUSAN ROBERTS: The one I gave you for sure I know is.

DAVID FORD: Four out of five.
BRENDAN SULLIVAN: What is the height?

DAVID FORD: The height is again
nine feet.
BRENDAN SULLIVAN: Of that penthouse is nine feet.

DAVID FORD: Everything is the same height; chimneys, cannisters, and penthouse are the same height.

TIMOTHY HUGHES: That goes up to 11. I don't have that one. I have the 16. I have two of these.

ATTORNEY SUSAN ROBERTS: So do you
like the penthouse? Anybody?
TIMOTHY HUGHES: Actually, I don't mind the penthouse.

BRENDAN SULLIVAN: I just don't like these cannisters.

ATTORNEY SUSAN ROBERTS: Nobody
likes the cannisters.
ANDREA HICKEY: I don't like the cannisters.

DAVID FORD: What about one penthouse, one set of chimneys?

ATTORNEY SUSAN ROBERTS: The Chair is the only one who likes the cannisters. He wants them darker.

TIMOTHY HUGHES: No. That was my suggestion when there was only one or two up there. Now that they're going to be all over the place, I'm not even sure that darker is a better move. I bet you Charles Sullivan
doesn't like the penthouse. I bet you that. That's not my problem necessarily, is it? Anyway, I think you need to throw together some more options and then let us look at them again.

DAVID FORD: I mean, out of those three combinations there could be 30 different -- you know what I mean?

TIMOTHY HUGHES: Yes, I know I could do the algorithm on that.

JANET GREEN: Is it just going to be moving them around? I mean, moving -- is it going to be that same number of cannisters, the same number of -- I mean, it's the same number of antennas that they have to hide someplace.

TIMOTHY HUGHES: Exactly. It's
going to be the same number of antennas. If they can pull some off the roof and put them
on the facade, then the antennas on the roof wouldn't have to be these bulkier containers that don't match what's there now. Color-wise it matches, all right, but it doesn't match in any other respect. It's taller and it's bigger around. So if there was a combination where you can slip these things around where it doesn't -- you know, you don't have to put all your eggs in one basket here. You have to make it look good. DAVID FORD: Well, again, varying heights is impossible. We can't have one ten feet below the other.

TIMOTHY HUGHES: I'm not talking about varying heights. I'm talking about changing the location.

ANDREA HICKEY: Style and location. TIMOTHY HUGHES: Right. BRENDAN SULLIVAN: Is this, is this
you guys here?
DAVID FORD: No, that's Nextel.
BRENDAN SULLIVAN: That's Nextel.
Okay.
DAVID FORD: And in regards to
location, because of the crowding on the roof, what's shown, the location that we have shown, that's it.

ATTORNEY SUSAN ROBERTS: That's it.
ANDREA HICKEY: Other than a facade mount?

DAVID FORD: Exactly, right.
If we move location at all, we'll be blocking existing carriers which on the site which we can't do.

TIMOTHY HUGHES: Wow. Rock, hard place.

DAVID FORD: Yeah.
TIMOTHY HUGHES: So what's the
pleasure of the Board? Do you want to see more stuff?

DOUGLAS MYERS: I think you stated it accurately. I mean, I'm sorry that we're not being more helpful to you, but you've heard, the Board members have expressed really quite a range of opinions. I do think the Chair expressed the consensus which is less. Fewer objects on the roof, a sense of less clutter, and move to the side of the building if possible.

ANDREA HICKEY: And get away from the white cannisters.

DOUGLAS MYERS: That's speaking for me.

ANDREA HICKEY: I agree with that.
JANET GREEN: I think everybody is against the white cannisters.

ANDREA HICKEY: Yes. I just think
they stand out too much. They call attention to the clutter, you know? They don't blend in.

DAVID FORD: You advise us to bring back a whole bunch of options and then go from there?

TIMOTHY HUGHES: That's my advice. DOUGLAS MYERS: Along the lines of what's been suggested.

TIMOTHY HUGHES: Right. What we talked about, yes. You don't have to bring back pictures of the same things that we don't like except --

ATTORNEY SUSAN ROBERTS: Here's a thought.

TIMOTHY HUGHES: -- a good before and after.

ATTORNEY SUSAN ROBERTS: So here's a thought, as you know, we've had other sites
before you including one last -- or the last time we met which was on Concord Avenue where you asked us to speak with someone. We asked Sean who that someone should be. My thought was to go back to Liza Paden and Charles Sullivan again and ask their opinions. I do feel that it would be helpful to have somebody on staff that could serve as a guide, because what I'm afraid of is coming in with lots of photo sims with no drawings. We can't provide, you know, six or seven designs for you which, I'm happy to do, plus the Zoning drawings. That's kind of prohibitive. We'll do, you know, our sense is that we'll do the zoning drawings once a design is landed upon. If you want to serve as the sounding board and have us not go to staff, I'm happy to do that and we can come back with different designs for you to decide. I mean, you are
after all ones who are making the decision. So, you know, here was an example of, you know, where we were told to go to staff and did and you're not appreciative of the design that's being selected.

JANET GREEN: Right.
ATTORNEY SUSAN ROBERTS: I, I don't, you know, we're trying to give something --

JANET GREEN: It's only the unanimous thing that we've had.

TIMOTHY HUGHES: It's the only thing we agree on.

BRENDAN SULLIVAN: And maybe I can answer --

ATTORNEY SUSAN ROBERTS: About the process wise.

BRENDAN SULLIVAN: -- your query. I was going to initiate conversation with Charlie Sullivan on this, anyhow, first No.

1, to see if it's proper and engage him on conversation on this and have a little back and forth. No. 1, to get away from the white cannisters and to have a dark color. But then also our proliferation of cannisters. So I was going to have conversation with him.

ATTORNEY SUSAN ROBERTS: About this site?

BRENDAN SULLIVAN: About the site. Which then may pave the way for you as a follow up or something, so that he can start thinking a little bit more of it, too.

ATTORNEY SUSAN ROBERTS: Okay. So we can go back to them, then, and can use them as our guides if you will.

BRENDAN SULLIVAN: If you want to mark this up as a month from now I would think that would be enough I would think.

DAVID FORD: More than enough time.

ATTORNEY SUSAN ROBERTS: Okay.
DAVID FORD: I would just hate for us to bring you guys 30 designs and flipping through.

BRENDAN SULLIVAN: It's going to be difficult -- and I appreciate that you can't keep up with the design with photo sims. I mean, you know, it's kind of a --

DOUGLAS MYERS: On the one hand we can't give you an advisory opinion. On the other hand we shouldn't play a guessing game. We should try to give you --

BRENDAN SULLIVAN: I think we just need to nudge it towards a better solution. ATTORNEY SUSAN ROBERTS: So, okay, we'll try to figure out some way of presenting to you what we feel. I mean, it may be that we only present photo sims to you next time and then once something is chosen, we will
submit drawings. I don't know if that -- if we do it that way whether we would have to come back again, but maybe we can figure out something process wise.

BRENDAN SULLIVAN: I for one hold his opinion in very high regard because he's very sensitive to I think what we're trying to get to, too, is that it blends in. That it's stealthy. So I value Charlie's input. But I think maybe he didn't have the time to focus in on it a little bit more than he needs to do now.

ATTORNEY SUSAN ROBERTS: Okay.
I appreciate your thoughts and concerns and we'll make an appointment with Charlie Sullivan and Liza Paden, come up with some different designs and hopefully they will be ones that you will appreciate more than tonight's.

Thank you.
TIMOTHY HUGHES: What do we have for a date?

SEAN O'GRADY: We've got either October 10th or November 14th.

DOUGLAS MYERS: I'm very sorry to be the fly in the wind. I have an absolute conflict on the 10th. I just can't do it.

SEAN O'GRADY: November 14th.
ATTORNEY SUSAN ROBERTS: November
14th?

DAVID FORD: Seven p.m.?
TIMOTHY HUGHES: That's correct.
DAVID FORD: Change the sign yet again.

ATTORNEY SUSAN ROBERTS: No, I think our sign -- oh, yeah.

TIMOTHY HUGHES: Just the date.
You have to change the date.

DAVID FORD: Yeah, that's fine.
JANET GREEN: Wait a minute.
ATTORNEY SUSAN ROBERTS: Is
everyone going to be here on the 14th?
JANET GREEN: I can't.
SEAN O'GRADY: December 5th.
JANET GREEN: I think it's something that I maybe can change.

DOUGLAS MYERS: Maybe you're better off going on the 10th without me. I have no vested interest one way or the other but that's okay. My feelings won't be hurt in terms of future cases if you want to do that. If the alternative is December, I mean maybe you should consider it.

TIMOTHY HUGHES: The 10th is only two weeks. Is that enough turnaround town to get a sit down with Charlie?

ATTORNEY SUSAN ROBERTS: What's up
between the 10th and the 14th of November? SEAN O'GRADY: There's nothing available.

ATTORNEY SUSAN ROBERTS: If
something drops off, can we be on a waiting list?

SEAN O'GRADY: No such thing.
TIMOTHY HUGHES: That doesn't exist.

DAVID FORD: So our options right are still the 10 th and the 14 th?

JANET GREEN: I can't do the 14th. ANDREA HICKEY: I'm free either date.

TIMOTHY HUGHES: The 14th is out.
ATTORNEY SUSAN ROBERTS: Okay. Can
David and I have a word?
TIMOTHY HUGHES: Sure. You
understand, of course, if there's four
sitting members, you need a unanimous decision.

ATTORNEY SUSAN ROBERTS: What I'm also thinking is that we're not going to have a vote on the 10th of October anyway.

DOUGLAS MYERS: That's because I can't be here.

ATTORNEY SUSAN ROBERTS: Right.
So, which would then put us over to the 14 th. Ms. Green's not going to be there. I think we do need to have a meeting before December and then I guess we could gauge -- this is hard to figure. I think we should come back on either the 10th or the 14th.

TIMOTHY HUGHES: With just four members.

ATTORNEY SUSAN ROBERTS: We -- yes, with four members.

DAVID FORD: Just to get input from
the design.
ATTORNEY SUSAN ROBERTS: Yeah.
SEAN O'GRADY: You can't have
members popping in and out.
ATTORNEY SUSAN ROBERTS: I
understand.
DOUGLAS MYERS: Yes, once we're out we can't come back.

ATTORNEY SUSAN ROBERTS: Oh, you can't come back. Okay.

DOUGLAS MYERS: Any given member is out, they can't come back.

ANDREA HICKEY: So then you've necessarily reduced the size of the panel going forward if you choose that option as I understand it.

ATTORNEY SUSAN ROBERTS: So if we meet on the 10th or the 14th when one of you will not be here, I'm left with the four
remaining?
TIMOTHY HUGHES: Correct.
DAVID FORD: So December 5th?
ATTORNEY SUSAN ROBERTS: So
December 5th we would have a vote, but what does that mean? Does that mean only I am left with a four person panel on December 5th as well?

DOUGLAS MYERS: The person who falls out falls out forever.

DAVID FORD: But December 5th
everyone is going to be here?
TIMOTHY HUGHES: Correct. I think you're just going to have to go with it. I know what you want to do. You want to know that the votes are -- you got a good design and get the feedback and the votes are in place and you want to draw your Zoning plans and then bring them back on the 5th to get a
final vote on it. But --
DOUGLAS MYERS: What about if you came in on the 5th, could you present your plans on the 19th?

DAVID FORD: Yes.
TIMOTHY HUGHES: In terms of
location of antennas, you know, the stealth part of it, whether it's a cannister or a chimney or stuff, is not going to change necessarily the placement on the roof. The only placement that would change is the -- so you would have a design, you know, a Zoning drawing for that one, right? Which you already have. The only other two that would change the placement of anything would be one that's on a facade, and it wouldn't change the placement of anything on the roof, it would just, it would just -- it's, you know, deduct an antenna or so from that placement. Or, or
the faux penthouse. So you're really only talking about two other Zoning drawing to go along with these other things you're showing us.

ATTORNEY SUSAN ROBERTS: Okay.
Yes, we can maybe figure something out for the plans.

JANET GREEN: I could be here on the 14th.

TIMOTHY HUGHES: You can be her on the 14 th?

JANET GREEN: I can be here on the 14th. I just texted.

TIMOTHY HUGHES: After I said all that stuff?

JANET GREEN: I know, you did a really nice job, too.

TIMOTHY HUGHES: You still only need two more drawings but you could have it all
ready on the 14th and we can vote on it. ATTORNEY SUSAN ROBERTS: Okay, November 14th. Thank you so much. Very appreciative and look at that technology and how it works. We love those.

JANET GREEN: I know. All the way to Colorado to get the information.

TIMOTHY HUGHES: Are you on AT\&T?
BRENDAN SULLIVAN: Thanks to
Verizon.
TIMOTHY HUGHES: Yes, thanks to Verizon. Exactly.

JANET GREEN: That's really true.
ATTORNEY SUSAN ROBERTS: Okay. So we're all set?

BRENDAN SULLIVAN: Well, there should be a motion.

TIMOTHY HUGHES: The Chair moves that we continue this case until seven p.m.
on November 14th on the condition that you change the date on the sign. You've already signed a waiver. The time already says seven p.m. so just change the date on the sign.

All those in favor?
(Show of hands.)
TIMOTHY HUGHES: Five in favor.
(Hughes, Sullivan, Green, Myers,
Hickey.)

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(7:55 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10488, 22 Murdock Street. Please identify yourselves. DAVID BLUMSACK: David Blumsack. CHRISTOPHER BLAKE: Christopher Blake.

TIMOTHY HUGHES: Go ahead.
CHRISTOPHER BLAKE: So we have, we're coming back after the last meeting a month ago where the sign wasn't quite posted and clearly enough and we wanted to make sure that it was the Board's feeling that there wasn't enough proper notification, so we reposted the sign and had a community meeting a couple of days after the -- and took care
of everybody's -- heard everybody's concerns and had a chance to look through the overall design and most of the concerns were about during the construction process, where cars were going to go. The usual things that neighbors are most concerned about which is the sort of day-in and day-out process of building the building. We seem to have addressed most of them. There were a couple of the neighbors here this evening, so we'll probably get to that afterwards.

The desire here on the -- for the actual renovation of the house is that it's a, it's a house that's only 1,025 square feet. It's on a double wide lot that's half as deep as all the others. So it's sort of a unique set of circumstances in terms of the property line and it -- what results once you apply the setbacks, is that there's only about 20
percent, a little box over the house that you can build by right within the setback. Everything about the existing house is inside the, inside the setback.

So, in the process of renovating and trying to improve the house and bring it up to meet the sort of desired living house standard of 1500 square feet, we needed to, we proposed a small addition, two-story addition on the wide side of the property and are taking the roof off and putting in a larger attic space, studio space up on the top. The current house is only 26 feet tall and we're building up to 34 and a half feet at the top and rearranging the inside. The house needs a lot of TLC. And we feel like we've done -- I tried to strike a nice balance with making some more living space, making the house more workable on the inside, and
staying in the scale vernacular of the private way of Murdock Street.

I'm sure you've had the chance to look at the site plan which -- I'm sorry, somehow I thought there were more booklets.

TIMOTHY HUGHES: Those nice
booklets? Yes, there should have been more. CHRISTOPHER BLAKE: So anyway, you can see the setback, the shape of that little flag on the inside is -- overlaps everything. The hatch, the lighter hatch is what the existing house is. The darker hatch is what's being proposed. We're setting the -- we're taking some non-conforming issues out of the house. Currently there is a wall that is in front of the front entrance. It's actually on Murdock Street outside of the property line. We're going to move that and move the entrance to the side so that
you're no longer stepping into the private way and into the traffic. And by setting that back we're also able to sort of improve the street frontage and how it sits on the street, so it too sort of ties in better with the overall streetscape and scale.

We've kept the front elevation. We've only raised that six feet to give it a better peak and make it a slightly nicer profile towards the street. And then towards the back we are using -- made a shed roof more of a gambrel roof towards the sunny side of the house which allows us to have a studio on the third floor in the attic space using half of the current floor plan.

So, would you like me to walk through the outside or the inside? Which would you prefer? We'll stick to the outside for the time being.

TIMOTHY HUGHES: Yes, the outside is what really concerns us.

CHRISTOPHER BLAKE: Yes, of course.
So, the red line in this particular set is where the house sits now -- is what the profile of the house is now. It's, the red line is the current size. So on this, on the front face we've raised the peak and we 've put a small bay to sort of collect the elevation and then we're entering from the side and up into the house. So it's a sort of a side -- a side entrance but very much connected to the suite side.

Side elevation is bedroom and kitchen down below and entrance, a little deck with a pair of sliders off the back on the back side on the sunny side of the house, and then the house pops up so that there is a nice room on the third floor, a nice studio space on the
third floor.
Done this way, it's all facing towards the south. And by creating this kind of profile, we actually reduce any sort of shadow. We don't increase the shadowing issues on the Murdock Street itself. This is also next to a site that is actually entered from the other side of the -- I don't know. DAVID BLUMSACK: From Tremont Street.

CHRISTOPHER BLAKE: From Tremont Street. So it's a backyard that's never going to be built on. It's got a towering tree next to it. So this is a view that you're not going to see from the street.

Back elevation is groupings of just a window wall that goes up the back towards the sun, back side.

And then the wall that's basically on
the property line because we don't, we can't afford to sprinkle the side. We have 144 square inches of window just at the stairwell as you come down, but basically it's a blank facade next to an open backyard. It's actually similar to what's already there. So the street from -- the street view coming up from the -- because it's a wide lot where you would pull into the parking, you see that there's a simple, this simple two-story addition. And I mean it's a very, it's a very modest change to the house. I mean it's -- it was a small house and now it's a little bit, it's bigger, but it's very much in keeping with the character of the street and --

JANET GREEN: What's the new square footage?
feet.
TIMOTHY HUGHES: I have 1680 on your dimensional form.

CHRISTOPHER BLAKE: 1680, yes,
right.
So, and this is seen from the back from a backyard.

And this is a view from the coming the other direction on Murdock but there's a huge tree and it's very close, you actually only see the facade. Sorry.

DOUGLAS MYERS: Would you go back just the -- one of the very first elevations you showed us from the street?

CHRISTOPHER BLAKE: Sure.
DOUGLAS MYERS: It may have been even the very first. CHRISTOPHER BLAKE: Okay. DOUGLAS MYERS: Is it referenced in
some way, A3 or something? It doesn't -- all right, it doesn't. The street elevation north. Maybe I'm just having trouble reading the plans, but why if you show a hatched area, I'll turn it around and show it to you. You show a hatched area which evidently means a change in the property, correct? That's going to be an addition? CHRISTOPHER BLAKE: Well, there are two boxes. There's a small box that's attached to the side and that roof is actually -- the edge of that upper edge of that hatch is all the way at the back at the back elevation.

DOUGLAS MYERS: My question is, is this the way, I mean maybe I misunderstand, I may not be understanding elevation right, but is this the way the house is going to look from the street?

CHRISTOPHER BLAKE: No, because there are a series of prisms. They're actually angled surfaces.

DOUGLAS MYERS: Even though this change is shown on this particular elevation --

CHRISTOPHER BLAKE: It's way in the back.

DOUGLAS MYERS: What's going to be visible from the street is just this gable?

CHRISTOPHER BLAKE: That's correct.
TIMOTHY HUGHES: Are there other questions from the Board?

DOUGLAS MYERS: And nothing above that gable is going to be visible?

ANDREA HICKEY: This might help. CHRISTOPHER BLAKE: That's correct.

It's receding. And --
JANET GREEN: And what does the back
look out on to?
CHRISTOPHER BLAKE: On to the back yard of the houses that face on Tremont Street.

JANET GREEN: And the windows are they close to their property line?

CHRISTOPHER BLAKE: No. They're actually to Tremont Street. Because of the uniqueness of this property, which is along this way, all the others are deep as they reach Tremont and all the houses are set on the street at Tremont. So there's the actual space between the back of the house and the back of the neighbor's house is about 50 feet. You know, it's a good yard distance. And the idea is not to make it so that we're not interested in creating views into the back. There are stairs on the back. They tend to actually be fairly opaque back because it's
the north side of their house where ours is the south side.

JANET GREEN: Is it, were they part, when you said you met with people and you talked with them about the plans, were the people on Tremont Street behind you in that group?

CHRISTOPHER BLAKE: I don't know how many -- David may be able to answer this better than I can. But most of the people that showed real interest were on Murdock Street proper.

JANET GREEN: Sure.
CHRISTOPHER BLAKE: All the people
around the house were notified. And some people came from Tremont Street.

DAVID BLUMSACK: We did get some people from Tremont. The house right behind us.

JANET GREEN: The house right behind you, those people did come?

DAVID BLUMSACK: Yes. And a couple other neighbors on the other side of Tremont, yes.

JANET GREEN: Because that's a big, it's sort of like a big area that kind of looks out on their house.

DAVID BLUMSACK: Yeah. But like Chris said, there is a lot of space.

JANET GREEN: But it seems like there's a lot of space.

DAVID BLUMSACK: I wouldn't want someone looking straight into the house and there are usually porches in the back of the house but it's a good point though.

TIMOTHY HUGHES: Any other questions from the Board?

BRENDAN SULLIVAN: Well, maybe just
an observation but you used two words, small and modest to describe the proposed work. I would use mass and bulk not small and modest by any means. So I'm really troubled by it because I think it changes that whole thing quite a bit.

JANET GREEN: It's half a guess as much, right?

CHRISTOPHER BLAKE: Right. It doesn't exceed the FAR. It fits in the allowable FAR. If someone was to put a triple decker on there, a three-story box, then I think you would have as many of the end streets have done, they've done flat roofed, you know, big blocks and put three stories there.

JANET GREEN: Right.
CHRISTOPHER BLAKE: We weren't
interested in doing that. It's not changing
use. It's still a single-family house. And David's desire was to have a house that felt like the rest of the street facing it. So when I say, when I say small, modest, I'm really talking about how much of a change at the street level. I understand that we have added square footage. And I understand that we have added a mass to the side that's -BRENDAN SULLIVAN: Right, that's
it.
CHRISTOPHER BLAKE: -- and we tried to make it so it would fit a kitchen and a bedroom. We tried different configurations and made it longer, shorter and still
maintained our 30 percent open space from the outside. And by the time we were done, it's twelve feet by nine four.

BRENDAN SULLIVAN: The house works as it is. It's been there since 1850? 1854
it's been there. So it is has functioned for many years as a single-family home. Well, anyhow I'm not convinced yet.

TIMOTHY HUGHES: Any other questions?

ANDREA HICKEY: I just had a question about the front door then moves to the side?

CHRISTOPHER BLAKE: Yes, it moves to the side. So that this little trellised opening and come through. There's a telephone pole and a tree that remain and that we just sort of come around.

ANDREA HICKEY: And right now if that wall sort of along the front, that stone wall came down, would the house be sort of right on the front lot line, like, on the line?

CHRISTOPHER BLAKE: Well, we're
thinking of putting a fence, we're going to continue a fence because we'd like to deal -- we have trash and other things. The idea is that it's no longer over the property line and in the street. It's going to make it so the street is going to be a foot and a half wider in that point. It shouldn't have been there to begin with. So we're trying to take that, that problem away.

ANDREA HICKEY: So the fence would be within your lot line?

CHRISTOPHER BLAKE: Correct. And it would be three feet basically in front of the main wall that runs across just underneath the windows.

ANDREA HICKEY: Right.
TIMOTHY HUGHES: Other questions? DOUGLAS MYERS: Well, I just -- it's not a question, but I'll ask for your comment.

But also what about lot area per unit?
You're compliant -- the building is compliant with the lot area per unit requirements of the Ordinance, but would be noncompliant afterwards.

CHRISTOPHER BLAKE: How? DOUGLAS MYERS: Well, now it's -- allowable lot area is 1500 square feet for a dwelling unit such as this. CHRISTOPHER BLAKE: That's considered a minimum. That's the minimum amount is 1500. Right now it's not compliant. It's a -- it's only 1,025. DOUGLAS MYERS: And it will be 1680? CHRISTOPHER BLAKE: Correct.

That's more of a function of math. By the time we take everything that's in the attic that's five feet above. When you do the calculation for FAR to figure out, that's

FAR's relationship. I wouldn't say that every one of those 1680 feet are completely usable, but I do think that they're all part of the math that's required to show that we've --

DOUGLAS MYERS: That would be more than the minimum, wouldn't it? If you said --

CHRISTOPHER BLAKE: Yes, it's 190 square feet larger than the minimum, yes.

TIMOTHY HUGHES: Any other questions?

I'm going to open it up to public testimony. Is there anyone who wants to be heard on this matter? Can you approach and we'll need your name and address for the record.

TONY IRROBIONO: I'm Tony Irrobino, I-r-r-o-b-i-n-o, 19 Murdock Street.

So, you know the neighbors did come to a meeting on September 4th David invited people to. I think the main sense was people were comfortable with the design. They felt that the design was -- tended to be compatible as viewed from at least from Murdock Street. We weren't viewing it from Tremont. There were -- and the main concerns that people expressed at the meeting were around parking, whether the street would be open during trash collections on Thursday. Whether, when people come back from their jobs, would there be a space to park? So it was a little bit about during the day. David stated that they would have a dumpster actually in the lot which certainly is better for us than having a dumpster in the street, you know, during the dismantling. And also there was some thought of a request on our part that parking
could be inside the lot as much as possible for the people working.

TIMOTHY HUGHES: You're talking about during the construction process?

TONY IRROBINO: During the construction, right. There was one concern about they mentioned removing the wall which is now over the property line, but assuming you all mentioned that you would keep the same parking, you know, access contiguous to the property that we now have, so there's a place for a car right in front of the house of the main entrance and then there's another place. So there was concern that that be kept, and I think that they will keep it. But so in that sense the main concern was around the conditions as it's being worked on.

TIMOTHY HUGHES: And, Tony, these remarks are -- obviously the meeting happened
after the letter you submitted for the file? TONY IRROBINO: That's right. TIMOTHY HUGHES: Is there anything relevant in that that I should read into the record? The people that you were concerned about have not been contacted? Were they contacted?

TONY IRROBINO: They were contacted and they came. The people across the street they were contacted. And the concern expressed was parking. There was substantial concern will I be able to park when this is happening? I think there was concern also about the noise and stuff around the construction. So, you know, that's, that's life in the modern world.

TIMOTHY HUGHES: Right, the nature of the beast. There are city ordinances. There are work times.

TONY IRROBINO: In terms of doing, and I think if what you said about the parking afterwards could be a part of it, that would be I think helpful. And also on, I don't know if you put something in about the construction during the --

TIMOTHY HUGHES: It's not really our purview. Right?

TONY IRROBINO: Okay.
TIMOTHY HUGHES: That really is a matter of neighborliness and city requirements on work times and noise ordinances and stuff like that.

TONY IRROBOINO: So I think the one is that the parking remain, the general parking in the street remain the same as it has been.

TIMOTHY HUGHES: After
construction. After the building is done
that there would be no disruption to the parking on the street.

TONY IRROBINO: That's right.
TIMOTHY HUGHES: There hasn't been a request for any change. I mean, it's a private way. So there's no -- there's no reason for me to think that anything's going to change.

CHRISTOPHER BLAKE: There's a zero sum change at the end. I mean, we're keeping the two spaces that are on the site now are going to be there at the other end. And in fact --

TONY IRROBINO: What was that? I'm sorry, is there a change in terms of where they are?

CHRISTOPHER BLAKE: No. They're all exactly in the same spot. In fact, the only the thing that changes is the positive
change which is that it's taking the narrowness with that wall, once it's away, it actually improved the same parking situation. It's not a --

TIMOTHY HUGHES: Street parking
would have more access for passenger?
CHRISTOPHER BLAKE: It actually has better passage for the trash guys as they're moving -- tearing mirrors off.

DAVID BLUMSACK: The parking is all grass. We're actually going to put in pavers or something so it's going to be legitimate parking spaces, not just pulled all over. It's going to look like little parking space. TONY IRROBINO: Not the parking in the lot?

DAVID BLUMSACK: Exactly.
JANET GREEN: I have a question.
TIMOTHY HUGHES: You have a question
before Tony sits down.
TONY IRROBINO: Thank you.
JANET GREEN: So --
TIMOTHY HUGHES: We've got another one.

TUESDAY THOMAS: Hi. My name is
Tuesday Thomas, T-h-o-m-a-s and I live at 12 Murdock Street and I just wanted to say that I support these guys. I think the design, as long as it's within the Ordinance of the city, is fine with me as a neighbor. I'd like to reinforce the neighbor's concerns about the parking issues. But I think as long as you're cognizant, that needs to be addressed. I think it's fine design.

Thank you.
CHRISTOPHER BLAKE: Thank you. DAVID BLUMSACK: Thank you.

TIMOTHY HUGHES: Anyone from the
public that wants to be heard on this?
(No Response.)
TIMOTHY HUGHES: I'll close public testimony.

There was a letter in the file which has been superceded. It was issued by Anthony Irrobino and his remarks and his testimony have said that I don't need to read that.

So comments and questions from the Board?

JANET GREEN: I do have a question about, you know, because basically the reason that you're here is because there's an Ordinance that you want to have a Variance from. I mean, the Ordinance says you can't do this and so you're coming to us asking us to see that you can do it. And the reason that we're supposed to look at for a Variance is the hardship. And that it creates
hardship for you not to be able to do this plan that you're bringing to us. What would you say your hardship is?

CHRISTOPHER BLAKE: Well, when I met with Ranjit and we started talking about the overlapping of all the setbacks, any work that we were going to do to improve this house fell into -- would require us to come and talk to you. So, it was the house is in difficult shape and it's, and it's a very -- it's a small house that can -- with small modifications, we were able to make it a better, make it a better house. So, that was -- it would, but just to start with, just to do any work, the hardship was the fact that every site. On every direction it over -- these setbacks overlapped what's going on. That's what brings us here. DAVID BLUMSACK: It's a double lot,
but it's just the way it's designed makes it fall within the hardship part. It's just difficult to kind of belong as is.

BRENDAN SULLIVAN: What are your plans for the house? You just bought it. DAVID BLUMSACK: Yeah.

BRENDAN SULLIVAN: So obviously. DAVID BLUMSACK: So I live in

Somerville now. So now the question is do me and my girlfriend debating if we move to Cambridge or do we stay in Somerville. That's up for discussion right now.

TIMOTHY HUGHES: It just seems like a no brainer to me.

DAVID BLUMSACK: No, it could be a great house. And I just -- it depends on what --

DOUGLAS MYERS: Typically though when we're faced with petitions for people
who want to upgrade houses and Variances are required because it's an old house and it's in the setback and anything you do is going to require a Variance, typically the people are occupants of the house. And typically what the hardship is, as you've said, the house is old, the lot is narrow, the setbacks was there at the time of the Zoning Ordinance and the setbacks have a recent impact on the way the people living there want to use the house and that puts the hardship into focus for us. That element seems to be lacking here. Not that it's a necessary element. I don't want to use the wrong word, but that aspect of the case which is very, very typical of all the hardship cases we hear seems to be lacking. Can you say anything in compensation as another way of addressing hardship?

CHRISTOPHER BLAKE: Well, I think in order to -- in going through the process of looking at the house -- we would like to do whatever changes, because of the systems and the things that are going on, we want to make the house better so it's better for David and his girlfriend to live in. The -- the changes that we're, in order to put a proper kitchen in and to put the things that are, yes, it's been there a long time and, yes, it has been used as a single-family house. We're not changing its use. But the way that the plan worked just did not fit the way that he and his girlfriend would like to live in the house. So because -- if there had been a way -- if all the setbacks had stopped at the edge of the building and we were trying to fix the house without -- and we could have done it by right, we would have been
addressing that particular process. But because everything about this site overlapped the house and that any work that we were going to do we were going to come to you, David would like the best possible house to live in rather than one that is only minor fixes along the way and that's required, looking at okay, in the best case scenario, what are the things that we could work on in the house that are lacking at this point, and where is the hardship? Well, we can't fit a proper kitchen inside and we can't -- the entrance now steps out into the street. We don't want this -- you know, how as the design works, it's always a series of a narrative conversation to get to, to get to the points that we're at now. And in order for him to live in it, he felt that this was, after a series of plans, yeah, we're expanding the
house some and we're trying to use it more fully, we still have to -- no matter what we do we have to come here because of the hardship because there's no -- there's no place -- there's no way around coming to the Board to just fix the house. Had we done that, we most probably -- had that been a real option, I think we would have tried that avenue, too.

BRENDAN SULLIVAN: But, you know, I sit here and say okay, you just bought the house. And now you're saying I just bought a house that's totally inadequate for our needs.

CHRISTOPHER BLAKE: It's a location
issue. I mean, people move places because --

BRENDAN SULLIVAN: So when you buy a house, what you pay for it is your cost. What
you can do with it as of right is the true value of it. So that, you know, to buy a house and say, yeah, we, you know, like the location, it's got a nice lot, so on and so forth. However, really what we need because it's -- it doesn't really suit our needs, our lifestyle going forward, so now we need to bump this out here, go up here, and so on and so forth. That's an awful assumption because then now you're saying now we have to come done and ask the Zoning Board to sort of set aside the Ordinance a bit for us.

And we see it, and I've sat here for many years, where, and again, I'm not questioning your motives at all, but we hear some of the same dialogue and nine months to a year from now I ride by and there's a for sale sign on the front lawn because somebody has said oh, I can make more money by selling this now and
then taking that bag of money and going on to the next thing. So, again, I'm not questioning your motives at all.

DAVID BLUMSACK: I know what you're saying.

BRENDAN SULLIVAN: But to buy a house and all of a sudden it's -- it doesn't suit our needs, it's inadequate for it, so consequentially now we have to come down and get relief to either justify our buying it or to justify this exercise and the house that we really want. You know. You bought a house in a certain condition in a certain shape for a certain dollar amount and you bought it that way. So --

DAVID BLUMSACK: And I agree. I agree with that. There's also when you buy something, you have that hope that you want to improve on it. And you look at the lot and
it's a fantastic -- it's a great little space. It's calling out -- it's a great space. It's just -- it has two rooms on the first floor. It has a kitchen and one other room. It's like, you can't -- you can live there. I understand you can. But you need that ex -- you need another room. It needs that space just to have a kitchen, an actual decent size kitchen and maybe a little living room and one other room. I mean, I understand what you're saying. I just feel like the hardship is that it's -- I think it's adequate for some people. I just think that for these standards, even the minimum is 15. I just think it's -- it would really suit the space, and I think the neighbors are satisfied with the design of it. I think it really fits into the neighborhood. So it will be a big improvement.

TIMOTHY HUGHES: I disagree with my colleague a little bit on this one. I understand what Brendan is saying about massing of this thing on the site, but in terms of the Ordinance, it's not, it's not overly massive because you are allowed 0.75 in this district and you're staying under the FAR for that. It is really just about setbacks and the odd shape of the lot. And the odd shape of the lot and having to do any kind of repairs on this thing, because of the shape of the lot, as far as I'm concerned, fits the legal standard of hardship. And I think Doug's right about typically we do see single-family people come before us with the idea that they're building this stuff to live there. And your architect has represented to us that you're building it to the standard that you would want to live in even though you
have not made the commitment to enjoy the owner/occupier tax break and the city schools and everything else that goes along with it.

CHRISTOPHER BLAKE: Come on down. Make it your own.

TIMOTHY HUGHES: But, you know, those are --

CHRISTOPHER BLAKE: So would it have been easier if he had lived it in for a year and then come to ask?

TIMOTHY HUGHES: I'm not sure it makes a difference to me.

ANDREA HICKEY: There are different types of hardships, too.

TIMOTHY HUGHES: But there is that
legal standard of hardship which has to deal with the soil and topography of the lot and the situation of the building on that lot, which I think this clearly fits. Because,
you know, that building got put on a lot in 1853. You know, there was no Zoning back then. And it is a really interestingly shaped lot. So, you know, the personal hardship part of it is I don't know, maybe it's not there, maybe it is. But the legal standard I think is being met here. So I come down on that side for that one. I also feel like at least the design, from the design aspect that you received from the street I think it's, it's not overbuilt. I think the studio on the back some people might think it is, you know, the way it kind of shoots up in the air. Did you build that one behind my brother-in-law's house in Somerville?

CHRISTOPHER BLAKE: Where's that?
TIMOTHY HUGHES: They're on Morgan
Street. It's the next block over.
In any event, you know, I could support
the petition. But, you know, I'm not the one you need to win over at this point.

Comments, questions, observations?
JANET GREEN: You know, I think that your comments about the shape of the lot are really relevant. It's not over the (inaudible). It's underneath that which is the important a very important fact. The hardship to me what I would have said was that when you move that wall and move in two feet, you literally would be coming right out on to the street, you know? You have no front door at that point. And part of what your design is about is moving the front door. To me that -- having to step out in the street when you come out with snow's plowed there and everything, I think that is a hardship. And you won't have that brick wall keeping that snow out of the street.

ANDREA HICKEY: I'm struggling a little bit with the back. The sort of boxiness of the back. Were there any other kind of designs that you thought about to sort of not have it be a sheer sort of wall of three stories square box in the back?

CHRISTOPHER BLAKE: Well, yeah, we looked at other ways of dealing with the back. The -- all of them once we started looking at more shaped roofs and to more prisms and stuff, it ended up making it so that the -- it felt more sort of scrunched down attic, squeezed and confined and gave less room to actually sort of use upstairs. And also the southern exposure from being on that site, it's, it's actually the only place you get a view between the houses above the, you know, through the trees. There are a few places where the trees are and you can see out. And
the distances from the other houses and the fact that on the back of the site there are, there are a series of other buildings that are three-story triple deckers. It's, when you, it's not like it's a Doctor Jekyll and Mr. Hyde thing where it goes from being a little sort of picture of a house on one side and then comes the other. The idea is that it's in keeping with the vernacular of the neighborhood both from a -- it's not a flat roofed box which we felt was -- would be just a -- all you would feel is the massiveness of the structure. This way it's a profile and it's -- it just ended up feeling for -- yes, we looked at other things, but when we came at the end of the day, it just felt like it was a good balance between the two things and the distances from the other houses. It didn't feel like we were being voyeuristic on
them. Most of them have second means of egresses on the back. You know, very small decks, things of that sort. I think it's more about his curtaining on his side than his view across the way.

ANDREA HICKEY: Thank you. Thanks. DOUGLAS MYERS: I would like to respond to other Board members. This is the only time we can discuss the case so I appreciate your contribution about hardship and I wanted to talk some more about the massing and the size.

I mean, I understand that within the GFA and the FAR, you know, within the applicable limits permitted by the Ordinance in terms of lot area per dwelling unit, they are taking the lot from compliant to non-compliant and exceeding it by 10 percent. But also I think -- I mean I just, I think there's a lot
of addition of -- the volume of this building is being increased by 50 percent. And I do think that even though it's within the GFA and the FAR, nonetheless, it's all happening within setbacks. It's all happening within the discretion of this Board. And it really seems to me, especially the part of Murdock Street immediately approximate to this street is a very congested area. And I just think that it's an awful lot of additional house for that part of Murdock Street. And to me the overall effect is going to be out of scale with the neighborhood. And if not congestion, because I understand it's going to be built on the back, it's going to be out of scale. It's creating at least one non-compliance. And I remain troubled about approving the application as it exists. CHRISTOPHER BLAKE: I don't
understand where we've created the non-compliance, because we worked very hard to make sure that we were staying inside everything. The 1500 describes a minimum, not a maximum.

DOUGLAS MYERS: If I misunderstood, correct me.

BRENDAN SULLIVAN: The entry there is not correct. The entry in the dimensional form is not correct which can lead to the impression that it's not -DOUGLAS MYERS: If I've misread it --

CHRISTOPHER BLAKE: We're working very hard to bring the house --

BRENDAN SULLIVAN: Sean, could you maybe show Doug where that is.

DOUGLAS MYERS: For present purposes --

TIMOTHY HUGHES: I think the square footage of the house got transferred down here and that's not the number that should be there.

DAVID BLUMSACK: I think the house across the street is, is a pretty big two, two kind of double townhouse kind of thing that's pretty big. And the one on the corner is a four-story or a five-story kind of box there, you know.

DOUGLAS MYERS: I'm sorry.
DAVID BLUMSACK: No problem.
DOUGLAS MYERS: The record should reflect that the dimensional sheet was inaccurate hence my statements were inaccurate. Sorry. I've spoken my -- that's fine.

TIMOTHY HUGHES: The only part of what you were saying is inaccurate, you still
feel there's too much massing going on. DOUGLAS MYERS: Too much house.

Too much massing.
CHRISTOPHER BLAKE: But on Murdock Street and I understand --

DOUGLAS MYERS: Scale to the neighborhood.

CHRISTOPHER BLAKE: Yeah, but actually we were trying very hard to make sure that we were within the scale of the neighborhood, because the front elevation itself, the face that's on Murdock Street directly across from its neighbors, is only

29 feet tall. It's the back that becomes 34 and a half and that is another 30 feet away from the street beyond the building. And cone of vision wise you actually can't see it.

All the streets, all the houses that have been on that side of the street are that size.

There's a missing piece directly adjacent to it which is the open backyard of the house from Tremont Street, but that's got a tree that's larger than the front elevation of this house. It's a 40-foot tree. And then it comes down to there's an old garage and then it comes back up to the same relative height in the upper 20s through here. So it was really -- we weren't trying to make a canyon out of that street by building up high on the street edge. We were very, very deliberate about that, to address that kind of scaling issue because we like the private way. It's not like it's sitting next to houses on Tremont Street where you have facades that go straight up to the 35 and it's a street face. I mean we were really quite, quite sensitive to that part of the private way. So, I'm not -- I understand it's an
impression, but I -- and maybe it's my fault for not having drawn the entire street and showing you that it's in scale with everything else. But it's, it's very much about keeping, being a good neighbor.

DAVID BLUMSACK: And we had almost every neighbor on that street show up at that meeting. I think mostly everybody. And there was no complaint of the design. And they were very happy with the look of it. I think the scale of it. It was pretty in touch with the street.

TIMOTHY HUGHES: Would, you know, I don't know how a vote would go but I have a feeling that you're not convincing everybody on this Board about this particular design. So I would query the Board as to whether or not they entertain a continuance for a redesign?

JANET GREEN: Was that what everybody -- is that a feeling you're getting from the Board?

BRENDAN SULLIVAN: I tend to agree with Doug.

TIMOTHY HUGHES: I mean, that's the feeling I was getting.

BRENDAN SULLIVAN: I'm quite hesitant to give it an affirmative vote.

DOUGLAS MYERS: If you're asking me, that's okay. I mean, I stand by what I -- it's too much house. That doesn't mean no under all circumstances at all. I just feel that.

TIMOTHY HUGHES: So you wouldn't be opposed to offering a continuance with the idea of them redesigning. DOUGLAS MYERS: No, not at all. CHRISTOPHER BLAKE: So could I have
a little clarification on what too much house means? Just so I can understand what the -- because I -- without --

TIMOTHY HUGHES: Don't ask me. I
live in a house with two rooms on the first floor, a kitchen and another room, so you're not getting any sympathy on that front. Although I do like the design.

CHRISTOPHER BLAKE: So I mean we've done a lot of work over the past 30 years in Cambridge. So we've come to this Board with an understanding that scale and vernacular is very important. And so we feel in many ways we've taken our -- it's not that I've thrown all my eggs in one basket and there aren't a thousand other answers if you change one piece of the criteria, but I'm trying to understand what that too much house suggests in terms of what we're -- is it two feet
difference or is it 100 feet -- I mean, or is it a -- because the -- there are certain plan moves that get telescoped up. The reason we made the side box is only two and a half with the very small addition because we wanted to break down the mass. We were very clear about how and try and nestle this house in on the property. So I'm just, I'm trying to address and if there's a way for us to come to some sort of consensus, I'd like to know -- we'd like to be able to move forward with this. So I'm trying to understand.

ANDREA HICKEY: Could we have that pack?

CHRISTOPHER BLAKE: Certainly.
TIMOTHY HUGHES: I think you heard part of that from Andrea about the back -ANDREA HICKEY: I'd like to see another proposal regarding what I say the
boxiness of the back.
CHRISTOPHER BLAKE: Okay.
ANDREA HICKEY: I sort of like the front. I like that the wall is coming down. I like the entrance now will be on the side. I think, you know. But the back part of it is still -- the third floor part of the back. CHRISTOPHER BLAKE: Okay. No, I know.

TIMOTHY HUGHES: I think the back is kind of odd looking, but, you know, only from the back. You know. But I do understand that --

ANDREA HICKEY: People are looking at that, though. I don't care if it's from their back stairways --

TIMOTHY HUGHES: I mean the southern exposure, the light's going to come through there who wouldn't want it.

CHRISTOPHER BLAKE: I agree with you it's a three-story elevation in the back. And if it was a triple decker, it would be a three-story elevation in the back as well.

ANDREA HICKEY: But it's not a triple decker.

BRENDAN SULLIVAN: But they can't build a triple decker there. Take that out of the discussion. Don't come back and say to us but they could do this. Or, you know, our alternative is much better than a three decker. They can't build a three decker there so don't keep going down that road.

ANDREA HICKEY: That could be just me, though. I don't know whether other people kind of --

DAVID BLUMSACK: I mean, again, that box -- I just want to make sure the dimensions of that box are only --

CHRISTOPHER BLAKE: We're actually not talking about the side box.

DAVID BLUMSACK: Oh, okay.
CHRISTOPHER BLAKE: The issue is about how --

DAVID BLUMSACK: Oh, okay. You're okay with the side.

CHRISTOPHER BLAKE: The issue is how it meets the sky.

ANDREA HICKEY: That's my issue.
DAVID BLUMSACK: Is that
everybody's issue?
JANET GREEN: It's not mine.
TIMOTHY HUGHES: It's not yours. Well, I already told you how I feel. DOUGLAS MYERS: The rear.

DAVID BLUMSACK: Just the back?
DOUGLAS MYERS: The rear more than the side, yes.

ANDREA HICKEY: Does this help you at all?

BRENDAN SULLIVAN: I'm looking at in the context of this.

CHRISTOPHER BLAKE: I knew I should have put the tree in. See, if I put the tree in, I could have disguised --

ANDREA HICKEY: The tree may not be there tomorrow.

CHRISTOPHER BLAKE: The tree is -- we're not interested in removing the vegetation. So it's....

TIMOTHY HUGHES: Do you need some more time, Brendan?

BRENDAN SULLIVAN: Yes, I just think with the attic it was just an overkill. But anyhow.

TIMOTHY HUGHES: So we're going to make a motion to continue this case and give
you some time to think about a redesign.
CHRISTOPHER BLAKE: Okay.
TIMOTHY HUGHES: This is yours.
CHRISTOPHER BLAKE: Thank you.
TIMOTHY HUGHES: The Chair would
move that we continue this case to the next available date.

SEAN O'GRADY: October 10th. DOUGLAS MYERS: I'm not here, I'm sorry.

ANDREA HICKEY: Can we go to the date that we continued the other one?

SEAN O'GRADY: November 14th.
DOUGLAS MYERS: It has to be the same
five members that started.
SEAN O'GRADY: November 14th.
TIMOTHY HUGHES: Continue the case to seven p.m. on $11 / 14$ and it's a case heard, on the condition that you change the posting
sign to reflect the new time and date and that you sign a letter of a waiver for time of decision.

SEAN O'GRADY: They probably did that.

TIMOTHY HUGHES: Oh, that's right. This was already a continuance?

SEAN O'GRADY: Yes.
TIMOTHY HUGHES: It's already in. You just need to change the posting sign to the new time and new date to seven p.m. on 11/14.

SEAN O'GRADY: The changes by Monday.

TIMOTHY HUGHES: Any changes have to be in -- that's correct. Any changes in the plans, which I expect there will be on a redesign, have to be in the file on the Monday prior to the hearing date.

CHRISTOPHER BLAKE: Okay.
BRENDAN SULLIVAN: I would also like to see what the fence that you're proposing along the front would look like. And the reason why I say what about the fence? Well, we have not focussed on that in the past and then people have come down with who put in six foot fences to have a walled-in area which I would be totally opposed to. And so I don't -- I want to address the issue on the fence as part of a -- the whole concept of what's going on here.

TIMOTHY HUGHES: Okay?
CHRISTOPHER BLAKE: Okay.
TIMOTHY HUGHES: All those in favor of the continuance?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers,
Hickey.)

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(8:45 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10490, 3 Jefferson Street.

Please identify yourself for the record.

MARC TRUANT: My name is Marc
Truant. I live at 32 Warren Street, Cambridge.

TIMOTHY HUGHES: Marc, before we get started, I would like you to address -- Brendan went by the site and there was no sign up and then Sean had gone by the site on Monday and again there was no sign up. MARC TRUANT: Right. I noticed -- I realized that happened, the timing. I noticed it on Sunday it wasn't completely down, it was like this. And I had to take my
daughter back to school. But on the first thing Monday morning, I told my super to get the sign taped back up. And apparently didn't do it until either end of the day, Monday, or first thing Tuesday. So I think it was, you know, it was cockeyed a little bit over the weekend and probably down on Monday. So I apologize for that. But I had changed the -- right after the meeting last time I had changed the date and time and taped it up there and I think it really was in place until just this past weekend. And it and the super did eventually tape it back up.

TIMOTHY HUGHES: Is there anyone on the Board feels like the circumstances being thus that it would preclude us from hearing this case tonight?

JANET GREEN: No. BRENDAN SULLIVAN: No.

ANDREA HICKEY: No.
DOUGLAS MYERS: No.
TIMOTHY HUGHES: Carry on.
MARC TRUANT: Okay. So there's a couple of issues with this building. It's a three-family building. We were trying to renovate the second floor. The building inspector said that before we did any more work in the building, renovate the third floor, that we needed to take care of a ramp shackle second means of egress. And so our first approach to this was to design a new exterior egress way of metal, and we went through the whole process and it's hard to fit it in here. We didn't want to put it out in this zone because it would overlook my neighbor's yard. And when we tucked it back in here and found a way to tuck it back in there, and then I talked to the three women
that own the condominiums that fronts on Warren Street, they were very concerned about because their decks are right here. Their decks. So they were very concerned for security reasons that climbing up these steps that perhaps somebody could jump over on to the balconies and so forth. And this is back in a -- it's back in sort of a -- you know, it's not exposed to the street. Not many people can see that area back there. So taking that into consideration, I tried to figure out what could we do? And there's an exemption in the Code for buildings under three stories, that three units or less, that you have a fully sprinkled, you could have one means of egress as long as you meet other certain conditions (inaudible), and a variety of things. So what happened -- and at any rate, but it went, it went through and
did this design and worked really closely with the neighbors. And we spent, you know, one Sunday there, you know, this window kind of got moved over. So, you know, there's a little more glass here. The view, the privacy was actually greater here because of moving this window. But at any rate, so we came to terms on this design. But then I really wanted to verify this Code issue and that's why actually it got continued not heard last time. And I got a Code consultant and it's actually fairly involved. It's not sort of just a simple exemption or whatever. But after going through all the Code review and talking to the fire department and the plan review and so forth. This plan that we've come up with actually fits all of the -- meets all of the requirements and so I'm back here tonight to present this which
again goes with the single means of egress except for the first floor apartment. We left this rear door in small steps which existed, exists now. So I don't need to -- that's part of the thing is that you really don't want to get -- have, you don't want to with Article 34, you don't want to decrease the thing, things that are there to help people get out.

So, we're here -- I am because this is in the setback. You know, I worked back here and the setback requires a Variance -- any work back here requires a setback. And then the, and then the other part of the issue here is that there's a low ceiling right now in the third floor apartment (inaudible) has a very shallow roof structure, and the roof structure cannot be insulated because if it was insulated, then the snow would melt.

Right now just all of the heat leaks up into the roof, melts the snow, and so there's no snow load on the roof. So the under structure roof as designed, you know, 100 some years ago, can stay. But, you know, the roof is shot and the apartment without insulation of the roof is virtually unrentable and the head height is also problematic.

So I'm requesting definitely under the 35, I can't tell exactly how far, how much would be under the 35 because to do all the final design and pitch and so forth, but I would only be looking for the minimum code, the seven, six in the unit. I wouldn't be looking to, you know, maximize the height of the -- I wouldn't be trying to create an interior height dimension in the unit that go to the maximum that I can achieve given the

35-foot height limit because it's just going to cost more money frankly. But I'm looking for relief because some of this roof is in the setback zones as well. So that's why I need a Variance to raise the roof. I'm not increasing any FAR, and I think that's the story.

TIMOTHY HUGHES: So it's all setback stuff?

MARC TRUANT: It's really all setback, I believe, except for the window openings.

TIMOTHY HUGHES: That's a Special
Permit. I'm talking about the Variance aspect of this because of the setbacks. And on the Special Permit the way it reads here is to relocate and enlarge window and door openings on the rear elevation of the existing non-conforming three-family
dwelling to allow for reconfigured and rebuild exterior fire egress stair. Now you're reconfiguring and rebuilding the old fire egress stair but you're not providing a new one because everything you just explained. MARC TRUANT: Yes, and I had submitted, you know, on the Monday before the case not heard hearing, I submitted these new plans that -- but -- so the wording of the Variance would not be to create a new exterior egress stair, it would be -- aside from the roof or it would be to build in the non-conforming zone two balconies. One at the second level and one at the third level.

BRENDAN SULLIVAN: Actually all you
have to do is cross out the word stair.
MARC TRUANT: Probably do that,
yeah. I don't have that in front of me. But
it sounds just from how you read it.
TIMOTHY HUGHES: Reconfigure and rebuilt exterior.

BRENDAN SULLIVAN: Egress and
that's it, period.
MARC TRUANT: Egress.

JANET GREEN: There's no egress.
There is no egress, though.
MARC TRUANT: Exterior.
BRENDAN SULLIVAN: Well, coming out
of that third floor there is a --
TIMOTHY HUGHES: There are doors there.

JANET GREEN: There are doors but it's only open onto --

TIMOTHY HUGHES: They don't go to the ground I guess.

MARC TRUANT: You could -- and it's not really. After learning all of this Code,
it's not technically egress ways either. Although it, more or less, it helps to serve a similar purpose. But it's not -- maybe rebuild exterior -- I mean, this whole thing was a fire escape but there was also sort of a landing there, balconies, and so it's almost to rebuild.
brendan sullivan: But in a fully
sprinkled building you're allowed to have -- you have your primary stairway -MARC TRUANT: Yes.

BRENDAN SULLIVAN: -- to the apartment. You're also allowed an exit way? MARC TRUANT: You, it's a. It's kind of complicated. In some situations you also need like an egress window or egress way. BRENDAN SULLIVAN: Correct. MARC TRUANT: My understanding -BRENDAN SULLIVAN: On to a platform
is my understanding.
MARC TRUANT: On to a platform,
exactly. And my code consultant claims that in this one we actually don't need the egress ways, but he said that -- he said that we -- that he would not advise me -- he said he can't -- you can't kind of pull back from things that sort of degrade any potential way of people getting out is sort of how he put that. And that was more like an Article 34. So that's why I'm, I'm actually keeping those, because he -- his analysis and so forth which, you know, we can talk about with the fire department and so forth, includes not eliminating those rear, those existing rear ways to get out. And they were -- the fire department was happy, you know, agreed with that.

JANET GREEN: The fire department
agreed with -- what is it -- what are the other things besides the sprinkling in it that you have to do if you're not going to have two exits?

MARC TRUANT: The distance like from the far corner like around to the single egress and then down the stairs and out the front has to be under 125 feet. And so there are some dimensional internal things. The rating of the stairwell and so forth. Or -- and a number of things that you -- you know, the paragraph for the exemption is this one little paragraph, and then you've got to go to like five other places to kind of tease out all these other little things that you've got to make sure that you comply with.

JANET GREEN: It sort of deals with one building in the area where you can't put the stairs because the other buildings are so
close.
MARC TRUANT: Yeah. There was a lot of trouble trying to get those stairs in there. But I thought we'd solved it but my neighbors, you know, they are our neighbors for a long time and I think -- you know, the concerns were valid so we tried to rework it. TIMOTHY HUGHES: Any other questions from the Board?

The way I read this is that this Special Permit really just applies to the relocation and enlargement of the window and door openings for whatever the reason is. We could issue a Special Permit even if there was not to accommodate the egress. I mean the rebuilding of the deck is part of the Variance.

MARC TRUANT: Right, right. When I originally wrote that --

TIMOTHY HUGHES: SO the second half of this section, $I$ don't even see that it needs to be in there, and I'll phrase the motion on that.

MARC TRUANT: Yeah, because before -- I'm sorry. When I originally submitted it and that doorway was to get on to the egress stairs, yeah.

TIMOTHY HUGHES: Is there anyone who wants to be heard on this matter? I'll open this up to public testimony.
(No Response.)
TIMOTHY HUGHES: I don't see anyone.
There is some correspondence in the file. Let's start with the easy ones.
(Reading) Marc, thank you for
forwarding the updated plans for proposed work at 3 Jefferson. On behalf of Just-A-Start, as owner of 5 Jefferson Street
unit of the 5-7 Jefferson Street condominium, we have no objection to this work but cannot speak for other unit owners. That's Lauren Kerry, Just-A-Start Corporation, 1035

Cambridge Street, Cambridge.
And there's correspondence from three occupants at 33 Warren Street. (Reading) We have worked with Marc over the passed week on a solution that we're comfortable with. The design illustrated in a set of drawings drafted by Truant Construction Managers and dated August 26th -- that's what we're looking at there -- shows the north side elevation which most impacts our property. He proposes two narrow balconies on the third floor at a length of 10-foot, five and a width of two and a half feet, and on the second floor the width of 9.5 and a width two and a half feet. Marc worked with us to address the
concerns for safety and privacy that we had with the original proposed porches. In addition, he has provided us with a construction schedule aimed at mitigating construction noise and plan to mitigate any debris that falls in our yard and minimize other disturbances. We are satisfied with what he has proposed. Signed by Anastasia Endicki (phonetic), Kate Corchori (phonetic) and Louisa Olivera. And they identify themselves as secretary, treasurer, and president respectively of the Warren Street Condo Trust at 33 Warren Street.

And then I have another letter here that's got illustrations attached. It is written by -- I can't read the signature. It's Paul.

ANDREA HICKEY: No.
MARC TRUANT: We tried to find out who he was and where he lived.

TIMOTHY HUGHES: (Reading) I'm not able to make the meeting at the senior center on the 29th.

I don't know, he didn't identify himself tonight.

I am all in favor of the improvements on buildings, however, Truant Company seems to have a lot of unfinished buildings in the area and the following, if I'm correct, covers just the buildings near 3 Jefferson. And then he goes on to list four or five different, four addresses. And then he goes on to explain what's undone about all of them. But the upshot is that this relates to some of your other work, Marc, but it doesn't relate to the building that we're talking
about. So the relevance of it, if I limit it to the relevance for this project, it says I'm all in favor of the improvements on this building. So that's where I'm going to leave it.

Close public testimony.
Are there other questions or comments from the Board members?

ANDREA HICKEY: I just had one question. Is 33 Warren in the second picture to the right that sort of yellow? No, way to the right. Is that 33 Warren that yellowy looking?

MARC TRUANT: Yes. This is the edge of their porches. It's the leading edge.

Their yard is down here. And it's enclosed. It's sort of trapped by the other buildings. It's surrounded by the other buildings.

ANDREA HICKEY: And on the third
floor where the -- exactly right where you were, is that a sliding glass -MARC TRUANT: It is a slider. ANDREA HICKEY: -- kind of thing? And the neighbors at 33 Warren are aware of that?

MARC TRUANT: Yes.
ANDREA HICKEY: Because that's
going to look right on to their back decks. There's a door on there now. But that's a lot of glass.

MARC TRUANT: Yeah, they are fully aware of it. We were there on Sunday, they even came -- you know we were up on -- Louise's deck is actually higher in elevation. This building, their building is at least 35 feet high and probably higher. Her deck is actually higher. So she actually kind of looks back down into that third floor.

ANDREA HICKEY: Okay.
MARC TRUANT: So we -- she was on her deck. We were inside. It was at this window. And we made it -- and the other thing that occurs is that this wall here internally runs through the apartment. So it's not as if you can sort of be here looking back here. You're kind of in here looking more that way. So that's the other architectural aspect of the interior that starts to mitigate.

ANDREA HICKEY: And why a slider versus a door to match the other doors? MARC TRUANT: Well, I --it's, you know, that whole back of the house as you can see is dark zone so I wanted something that would sort of kill two birds with one stone.

TIMOTHY HUGHES: Any other
comments? Are we ready for a motion?

Are these the final plans that I have in here, this August 26th permit set?

MARC TRUANT: Yes.
All right, we'll start with the
Variance. The Chair would move that a Variance be granted to reconfigure and rebuild the exterior fire egress stair and the egress way from the basement of an existing non-conforming three-family dwelling at 3 Jefferson Street.

A literal enforcement of the provisions of the Ordinance would involve a substantial hardship financial or otherwise to the Petitioner for the following reason:

The existing exterior fire egress does not conform to code for fire and safety. And that the developer has gone through great lengths to establish a fire exit scheme that would work with an interior single egress.

The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of the land of the structures, and especially affecting such land and structures but not affecting generally the Zoning District in which it's located.

The building's constructed prior to the establishment of modern Zoning Ordinances. It's secondary egress is presently located in the rear setback. And, in fact, a portion of it lies over the property line, so doing away with that would bring this into closer conformance with the Ordinance.

So the existing structure is not insulated, and presently the structure would collapse under snow loads if it was, so that speaks specifically to the hardship of needing to raise the roof but that's, you
know, the raising of the roof is really not a violation of height but it is a violation of the setback. And the portions of the roof are in the setback.

Desired relief may be granted without either substantial detriment to the public good.

If the requested relief is granted, it will not cause substantial detriment to the public good because the proposed changes don't substantially alter the present conditions, but I mean with the exception of making the house more compliant and safer.

Relief may be granted without
nullifying or substantially derogating from the intent or purpose of the Ordinance.
It's a minimal relief. It doesn't
change to the FAR. It doesn't change any of the setbacks. It does make the house a safer
and more compliant in terms of Building Codes, and it does make it -- the ceiling height and the third floor and the ability to insulate the structure more environmentally friendly.

All those in -- this is where that water would come in really handy. I'm going to mention that to the powers that be.

The Variance would be granted on the condition that the work be done in substantial conformity to the plans dated August 2nd and Truant Construction Managers, initialled by the Chair and dated with today's date, the 26th of September.

All those in favor of granting the Variance.
(Show of hands.)
TIMOTHY HUGHES: That's four in
favor.
(Hughes, Sullivan, Myers, Hickey.)
TIMOTHY HUGHES: All those opposed? (Green.)

TIMOTHY HUGHES: The Variance
carries.
Did you want to make any comments?
JANET GREEN: No.
TIMOTHY HUGHES: The Chair would move that a Special Permit be granted for the relocation of an enlargement of window and door openings on a non-conforming wall. The requirements of the Ordinance can be met for the following reasons:

Where applying for a Special Permit to address the areas related to Article 8.22 in the Zoning Ordinance.

Traffic generated or patterns of access or egress would not cause congestion, hazard or substantial change in the established
neighborhood character for the following reasons:

No additional traffic will be created by the proposed changes. The new egress internal will actually minimize some of the traffic in the offending setback area.

The continued operation or the development of the adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

The proposed fire egress stair is contained within its property limits, therefore, it will not affect the adjacent properties or their uses.

Nuisance and hazard would not be created to the detriment of the health, safety, and welfare of the occupants or the proposed use of the citizens of the City of

Cambridge for following reason:
The proposed changes would actually increase the safety aspect of this building, and the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

All the proposed changes remain fully within property limits with minimal visual and access alterations affecting the adjacent properties within the district.

All those in favor of -- oh, and there's -- the Special Permit would be granted on the condition that, again, it be in substantial conformity to the plans marked 3 Jefferson Street renovation by Truant Construction Managers dated August 6th, which have been previously initialed by the Chair in the Variance.

All those in favor of the Special Permit say "Aye."
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers, Hickey.)

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(9:10 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)
case No. 10503, 23 Sidney.
You want to identify yourself for the record, please? Name and address.

ROBIN LAPIDUS: I'm Robin Lapidus. I'm the executive director of the Central Square Business Association and I'm here to talk about a farmer's market at 23 Sidney Street. Should I continue?

TIMOTHY HUGHES: Yes, sure. ROBIN LAPIDUS: Okay. So we asked for a Variance to use the space for a summer and fall farmer's market. And we used the space for a farmer's market that was a very small group who has since decided that it was volunteer run, it wasn't the best managed group, and they kind of fell apart. So we would still like to look for a group of farmers who are part of a market to use the space. I've reached out to people,
including David Gibbs from the winter
farmer's market to see if they might be interested. It would be someone who runs an existing farmer's market well to use the space. So at the moment there is not a farmer's market operating at 23 Sidney.

TIMOTHY HUGHES: Does it make any difference to us whether there's somebody running it at this point? I mean, would it make it easier for you to find somebody to run the farmer's market if there was a Variance in place that says you're allowed to do it. ROBIN LAPIDUS: Absolutely. TIMOTHY HUGHES: I guess we can proceed. You are the Petitioner, right? ROBIN LAPIDUS: I am.

I am, and I want to work with a community group who brings community people to that gorgeous space which is underused by the
community. And it seemed as we were going through the K2-C2 process of which I sat on the Advisory Committee, that that was one of the uses we thought would be great for University Park. People love food. Farmer's markets are really wonderful opportunities for people to come with -- to a destination and interact with each other. And it's a beautiful green space that can accommodate a lot of farmer's market stalls and look attractive and loading in and out is easy.

DOUGLAS MYERS: What is your relationship to the land itself? I mean, are you -- is the business association, are you authorized by the city to seek farmer's markets for it?

ROBIN LAPIDUS: Well, the mission of the business association of the Central

Square Business Association is to activate Central Square with business and foot traffic. So I think in the, in that vain, we've looked at different locations throughout Central Square for different active uses that attract people. And, you know, some, some things -- I wouldn't really try to put a farmer's market on the lawn of City Hall. Although I might put some other, you know, a band there once in a while. So I think of all the spaces, this seemed, it seemed like a good use of the space. I would be the person who would promote it and make sure it was working and represented to the city and to the property owner. That's really the relationship.

TIMOTHY HUGHES: Who is the property
owner?
ROBIN LAPIDUS: It's Forest City.

## TIMOTHY HUGHES: Forest City

 doesn't hold title to the property, though, does it?ROBIN LAPIDUS: MIT would be the -- Forest City has a long lease with MIT who owns the property. Both of them -- both -- I have a representative of Forest City and of MIT on my Board of Directors. So, you know, when we discuss things like is this a good use of my time, you know, they would weigh in as well as my boss who's George Metzger who, you know, from HMFH Architects. So I -- I have a 18 member board who review these kind of good or not good uses of my time.

BRENDAN SULLIVAN: So Michael
Farley is associated with MIT?
ROBIN LAPIDUS: He's from Forest
City.

BRENDAN SULLIVAN: Okay. The record title of the property is in the name of MIT and they're in collaboration or in conjunction with Forest City?

ROBIN LAPIDUS: Yes.
BRENDAN SULLIVAN: Is that right?
Commercial management, Inc.
ROBIN LAPIDUS: Yes.
BRENDAN SULLIVAN: And so Michael
Farley is with the Forest City which is the management entities?

ROBIN LAPIDUS: Yes.
BRENDAN SULLIVAN: Okay.
TIMOTHY HUGHES: It's a long term
lease for development relationship that they have.

ROBIN LAPIDUS: I think it's a 75
year lease.
TIMOTHY HUGHES: And so we, so where
did the name Michael Farley -- I see. They signed off as being the --

BRENDAN SULLIVAN: Yes.
TIMOTHY HUGHES: So we take this piece of paper as evidence that they're going along with this?

BRENDAN SULLIVAN: They have given
their imprimado --
TIMOTHY HUGHES: Okay.
BRENDAN SULLIVAN: -- by nature of their signature.

TIMOTHY HUGHES: That's what I was looking for.

ANDREA HICKEY: Who is the applicant though?

TIMOTHY HUGHES: The applicant?
That's a good question. The Central Square Business Association.

ANDREA HICKEY: Do they have
standings sort of?
TIMOTHY HUGHES: That's a good question. I don't know.

Do you have an office in Central Square? ROBIN LAPIDUS: I do.

ANDREA HICKEY: I mean relative to the property kind of a legal connection. As an owner or licensee or lessee or something?

ROBIN LAPIDUS: We -- it's a good question. We, we did ask how to fill out this paperwork, and that was the way it was suggested to us by Community Development Department that we fill out the -- that we make the application this way. I think that, you know, we -- we would work in concert with Forest City to find a responsible farmer's market entity that's local and, you know, there are -- there is a demand for farmer's markets. There's a wonderful one in Central

Square. We didn't want to compete with them. If -- if they wanted to do another day in this location, we would see if they're interested in doing it. But I don't know how else to make it -- we would have made the application.

BRENDAN SULLIVAN: What I take out of that is --

ROBIN LAPIDUS: Sure.
BRENDAN SULLIVAN: -- is that Forest
City is not going to run a farmer's market. MIT is not going to run it. So they are authorizing Central Square Business Association to occupy and run a farmer's market on their land.

TIMOTHY HUGHES: It's represented here as 45/75 Sidney Street. I don't know what that means. I mean 23 Sidney is actually --

ANDREA HICKEY: That's the LLC.
TIMOTHY HUGHES: Oh, okay. There isn't -- one of the problems that I have is that, you know, although there's no description of where they're allowing them to have this farmer's market. And this piece of paper that says that they're allowing them to have a farmer's market. Usually there's a piece of land.

BRENDAN SULLIVAN: Usually we're given a, you know, piece of land.

ROBIN LAPIDUS: Sure.
TIMOTHY HUGHES: I mean we know where the park is. But, you know, there's no direct paper trail connection between the site, the operator of the site, the owner of the site, and you that says you can make a -- you can put a farmer's market there.

SEAN O'GRADY: That's going to be
the technical location. That is what the address is.

BRENDAN SULLIVAN: I guess what we're looking for is something that defines a space at University Park to allow you to occupy it. And, you know, I see the hours are Wednesday 10:00 to 8:30. What I'm looking for is you say a summer and fall market. I don't know if it's from June 1st until November 1st or on Wednesdays.

ROBIN LAPIDUS: Sure.
BRENDAN SULLIVAN: I would like to sort of narrow down the focus a little bit. It's a little bit broad.

TIMOTHY HUGHES: I do have a sheet in the file that I didn't get to read that it says it would be Wednesdays from June to December but it doesn't say whether it's the first of June to the end of December or the end of June
to the first of December.
BRENDAN SULLIVAN: Only because
ultimately what we give you is a legal
document and we need to fill in some blanks. ROBIN LAPIDUS: Okay.

JANET GREEN: There are some things that we would ask, too, like when the people are making the deliveries, where are they going to park? Where are they going to take their trucks? And how long is the delivery plan going to happen?

TIMOTHY HUGHES: There is some of that here once again, but it's very sketchy. It's not specific in terms of dates. It's not specific in terms of times. Vendors will pull on the curb on Sidney Street.

ROBIN LAPIDUS: Right.
TIMOTHY HUGHES: It's not the kind of explanation for where the vendors are
going to load and unload that we like to see.
ROBIN LAPIDUS: I think that having gotten a temporary permit to have the farmer's market we now have more experience about how it works.

TIMOTHY HUGHES: Okay.
ROBIN LAPIDUS: So, I think I would be able to fill in those blanks and dot the I's and the T's.

TIMOTHY HUGHES: Well, we're going to give you a second chance to do that because I don't think we have enough information here to make a ruling on this case tonight.

ROBIN LAPIDUS: That's fine. Are there other issues that I should address for you?

SEAN O'GRADY: I would suggest that you get a signature from MIT so that we don't -- that's something that's really
easily challenged if it's not there.
ROBIN LAPIDUS: Okay. So from like MIT real estate company?

SEAN O'GRADY: It has to be from the agent of the legal owner.

ROBIN LAPIDUS: From MIT agent of legal owner.

SEAN O'GRADY: It has to be the legal owner of the property. MIT has a bunch of different entities and so you have to get to the right entity.

ROBIN LAPIDUS: Got you.
TIMOTHY HUGHES: Right.
And I would like to see that piece of paper specifically reference at least the City's plot plan numbers, you know, or lot number if there's no agreed upon address for that corner. Which I don't think there is, is there?

SEAN O'GRADY: We actually -- I
mean, that address returns on the MIS that box that's in the center of all those arrows. And those arrows are pointing at. It does define it. And there is a map and lot number that can be gotten that will address that exact lot.

TIMOTHY HUGHES: Actually, this lot that's circled here is a building. It's not an empty lot. 23 Sidney is --

ROBIN LAPIDUS: 23 is a building.
TIMOTHY HUGHES: That sits there.
SEAN O'GRADY: Oh, I'm sorry. I thought that's where it was going.

TIMOTHY HUGHES: That's where it's going to go. I don't know how to reference that because there's six numbers on this tiny little spot.

SEAN O'GRADY: That brings up
another issue. And if this is not the lot, then the notice is completely wrong.

TIMOTHY HUGHES: Okay.
JANET GREEN: Like how many vendors do you think there's going to be placed in the park? And how many trash receptacles and who takes that trash away?

TIMOTHY HUGHES: I spent 14 months working on this building that's why I noticed it.

SEAN O'GRADY: That's, this is a re-advertisement. This is from the ground up.

TIMOTHY HUGHES: I don't know if you're understanding what we just talked about. But let me show you this when you get back to the file.

ROBIN LAPIDUS: Sure.
TIMOTHY HUGHES: This is what they
circled as being the location of the farmer's market which isn't. It's here. By shifting this that's means that, you know, people that have to be notified or in this whole line of people across Mass. Ave. here that didn't get notices of this as a public hearing. ROBIN LAPIDUS: But it's not there. I mean, it's the green space is the common so it's there.

TIMOTHY HUGHES: It's down here? ROBIN LAPIDUS: Right. It's in -- this is, this is University Park Common. TIMOTHY HUGHES: Well, that still changes everything in terms of who has to be notified. Because then you have to go further in this direction to notify all these people of the public hearing. ROBIN LAPIDUS: Okay, yes.

TIMOTHY HUGHES: It's the green
space in front of the --
ROBIN LAPIDUS: I believe that
building is 20 -- no, that building is --
TIMOTHY HUGHES: This is 23 right here.

ROBIN LAPIDUS: Okay, so that's the residential building.

TIMOTHY HUGHES: Between Franklin and Green. This is the one with the copper clad building lofts.

ROBIN LAPIDUS: I was under the impression that was 23.

TIMOTHY HUGHES: That's not. This
is. That's 65. But anyway, you'll have to come into the office and see Sean and re-advertise this case.

ROBIN LAPIDUS: Okay.
TIMOTHY HUGHES: And then the file needs to contain all of the details we were
asking for, you know, for the new case.
ROBIN LAPIDUS: So you want a
complete logistic plan?
ANDREA HICKEY: I want to know about the trucks. Once they drop stuff off, where are they going to go? When do they come back?

ROBIN LAPIDUS: Right. They
are -- they have a private way and they were willing to accommodate the trucks in on private property. But you want a full plan?

ANDREA HICKEY: Yes.
ROBIN LAPIDUS: Okay.
BRENDAN SULLIVAN: We'll keep this
one alive anyhow.
ANDREA HICKEY: Yes, it's a good
idea.
ROBIN LAPIDUS: Thank you.
TIMOTHY HUGHES: We'll continue this one.

ROBIN LAPIDUS: So my process is I go see Sean?

TIMOTHY HUGHES: Yes. DOUGLAS MYERS: For specificity about the dates, more specificity about when you start and when you end.

ROBIN LAPIDUS: Okay. SEAN O'GRADY: I'll talk to you in the hall.

ROBIN LAPIDUS: It is a little complicated with not having a market operator at the moment, but we'll do some more work on this and come back to you.

TIMOTHY HUGHES: Do we need to consider this a case heard? It's probably never going to get heard because she's re-filing anyway. I mean, we didn't really -- there wasn't enough here to get into any substantive stuff. We called it
procedural stuff.
SEAN O'GRADY: It's going to die in the vine anyway. I would call it heard to be procedurally correct.

TIMOTHY HUGHES: The Chair would make the motion that we continue this case to the next available date which is what? We should continue it down the road so the re-advertised case is down the road.

SEAN O'GRADY: You have to do the case over and you may want to have time to, I mean, you're not planning to have this until June. You might want to give yourself sometime.

ROBIN LAPIDUS: I think maybe. I think we'd like to start in May. SEAN O'GRADY: Start the -ROBIN LAPIDUS: Farmer's market in

May.

SEAN O'GRADY: I would suggest you continue this out until the last hearing of the year.

TIMOTHY HUGHES: What's the last hearing you have scheduled?

SEAN O'GRADY: 12/19.
ROBIN LAPIDUS: Okay, thank you.
SEAN O'GRADY: And what we're doing is just keeping this case alive so you don't have a problem with what we call repetitive petition.

TIMOTHY HUGHES: The Chair would move that we continue this case to seven p.m. on $12 / 19$, December 19th, on the condition that you sign a letter of waiver for a decision and that you change the posting sign to reflect the new time and date of seven p.m. on $12 / 19$.

And that any new plans or new materials
would be in the file by five p.m. on the Monday before the hearing date. Okay? Did you get all that?

DOUGLAS MYERS: Case heard?
TIMOTHY HUGHES: It's a case heard.
BRENDAN SULLIVAN: Now on the posting --

ROBIN LAPIDUS: Can I ask one more question? So if I do engage -- let's say that we know that David Gibbs from the community center is going to -- his staff will operate this market, would you like them to come back as well with me?

TIMOTHY HUGHES: If you think that would be helpful to have the person who is actually going to run the market to iron out all the details, I think that would be helpful to us.

JANET GREEN: And he's already
answered the questions for the farmer's market that he's done so we'll have an idea of what's going on.

ROBIN LAPIDUS: That's great. I don't know that he'll be the person but that's my hope.

TIMOTHY HUGHES: If you do have a person lined up, have them come to the meeting as well.

ROBIN LAPIDUS: And Forest City, would you like them to come, too?

TIMOTHY HUGHES: No, just a piece of paper establishing ownership.

BRENDAN SULLIVAN: They won't. TIMOTHY HUGHES: We just need to know that the owners of the property are allowing you to use that property for this purpose.

ROBIN LAPIDUS: Right.

TIMOTHY HUGHES: A litter from the will be fine.

BRENDAN SULLIVAN: Regarding the posting sign, the one that's there now only has to be up for 14 days prior to the December hearing. So it doesn't have to be there because it's going to be problematical the next two or three months. You're going to have to re-file, so eventually you're going to wind up with two signs there. But they should be there, again, 14 days prior to the hearing.

ROBIN LAPIDUS: So I keep, we keep the sign that we have?

BRENDAN SULLIVAN: Yes. But you
can --

ROBIN LAPIDUS: But put it up 14 days and we'll get a new sign, too?

BRENDAN SULLIVAN: You're going to
end up with a new sign. You're going to lose that existing sign anyhow for the next two months. In other words, you can take it down but mark your calendar on the 13th or 14 th of December, put it back up.

ROBIN LAPIDUS: Thank you. I think I got that. Thanks.

TIMOTHY HUGHES: Well, Sean will
walk you through it again.
BRENDAN SULLIVAN: I'm sorry, not the 13th or 14th. 14 days prior to the 19th.

TIMOTHY HUGHES: All those in favor of the motion?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers,
Hickey.)
ROBIN LAPIDUS: Thank you.

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(9:30 p.m.) (Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10504, 820 Massachusetts Avenue.

## Please identify yourself for the

 record.JASON PARILLO: Good evening. I'm Jason Parillo with Back Bay sign company. NANCY O'BRIEN: Nancy O'Brien with Cambridge YMCA.

JASON PARILLO: So we're here this evening to ask permission to put two signs up at the $Y$ building next-door above the second floor sill line. We worked closely with the Historical Commission. On this design originally we were going to propose two illuminated -- internally illuminated sign boxes. These are brushed aluminum flat metal logos that we'd have an external up lighting. There's a number of reasons why we want to put these signs where we've proposed them.

One of the main reasons is that there's
already some electrical conduit on that shelf so it's really fit -- it fit our design of having some up lighting on the sign that would be shielded for pedestrians so that at night when you're looking up, you would really just see the glow on the building and not see that direct light source. Also, with -- the signs are positioned underneath that sill line, there's a fire alarm on the right side that would have to be relocated. The signs being above that so no one would be able to tamper with them up there. And also just the fact that these -- having the signs up above that sill line would have a little bit more of a visual impact, would fit the, you know, the architecture of the building and we feel we'd give the Y a little bit more visual prominence than they have right now. Right now the only sign there is the lettering that's engraved
above the door which has been there since like 1925 or something like that. So they really need some a signage solution that will identify the building and give it a little bit more of a visual prominence in Central Square.

TIMOTHY HUGHES: Questions?
BRENDAN SULLIVAN: No. I just, I guess the Planning Board, are you aware of the Planning Board report?

TIMOTHY HUGHES: He sort of anticipated some of that in his remarks. You want me to read that now?

BRENDAN SULLIVAN: Yes. TIMOTHY HUGHES: (Reading) The

Planning Board reviewed the submittal fort he sign variance at the Central Square YMCA. The Planning Board suggests that the Board of Zoning Appeal explore the options for a
conforming sign and how signs on the first floor would work.

Now, one of your comments was about the fire alarm. And are there other reasons why you think they wouldn't work below the mantle and the flank in the doors?

JASON PARILLO: The, I've -- there's two main reasons. One is that we'd love to be able to take advantage of that shelf, of that sill line to put the up lighting.

TIMOTHY HUGHES: I see.
JASON PARILLO: I think that would work better. I think it would be more subtle than -- if the signs are on that lower part, we'd have to use some sort of down lighting or something like that and then you see the light source. If the signs are up there, we can put a shielded low profile lighting fixture so that you wouldn't even see the
source of the light, you would just see that wash up on the building. And these are brushed aluminum plate logos. So it's a flat brushed aluminum finish, not a glossy finish or anything like that.

And then one of the other reasons is that there's a lot of kids coming in and out of the building and the signs are at that lower level, they could be tampered with. So that's one of the other reasons.

TIMOTHY HUGHES: Any other questions from the Board?

DOUGLAS MYERS: How high are your signs located above the maximum permitted by the Ordinance?

JASON PARILLO: They're actually -- the Ordinance reads that they can't be above 20 feet. We're actually right at that 20 feet level. But the Ordinance
also states you can't be above the second floor sill line. And clearly we're above the second floor sill line. So that's why we're here. The signs conform in every other way. TIMOTHY HUGHES: Further comments? DOUGLAS MYERS: Hours of

## illumination?

NANCY O'BRIEN: We're open from, you know, 5:30 in the morning until 10:00 at night. So the lights would probably go out a little after ten o'clock. We previously had a sign that had been up since the 1960s and it was an eyesore. Some of the lights worked, some didn't. And we took it down when the building was re-pointed a year and a half ago. And we haven't had a sign since. DOUGLAS MYERS: So did you say the lights would go off at ten o'clock at night or on at ten o'clock at night?

NANCY O'BRIEN: No, they would go off. Yes.

TIMOTHY HUGHES: Shortly after
closing.
NANCY O'BRIEN: Shortly after
closing, and we close at ten.
DOUGLAS MYERS: Okay.
TIMOTHY HUGHES: Comments?
I'll open this to public testimony. Anyone wants to be heard on this? Step forward, please, and identify yourself for the record.

TED JAMES: My name is Ted James, 1020 Mass. Ave. I'm a resident of the YMCA. And I'm just not clear how the sign would affect the residents. The people who live in the front of the building.

TIMOTHY HUGHES: That's a good question. Have you seen the picture of where
the signs are suggested to be?
TED JAMES: No.
TIMOTHY HUGHES: What's the
estimated wattage of the lights that you would use to illuminate those signs?

JASON PARILLO: We could certainly use something very low wattage. We could use even LED, very low profile. We could use something very subtle if that would please the Board.

TIMOTHY HUGHES: And are those windows that are closest to the sign residents' windows, windows in residences?

TED JAMES: I'm on this, on this side it's residents. It's starting from the center window here. People live on in this point over.

TIMOTHY HUGHES: Okay.
TED JAMES: Now, one of the things I
don't know, she said it would shut off at ten o'clock which if there was illumination question, that would be good. I don't know if you can require that.

TIMOTHY HUGHES: Oh, yes, we can.
TED JAMES: Okay. And then the other thing is this sign person here can say, does this -- is this like a neon sign? Is this going to make noise or anything like that?

JASON PARILLO: No, this is
half-inch thick aluminum. That's all it is. It's not directly into the building.

TED JAMES: So you wouldn't hear the signs?

JASON PARILLO: Absolutely not.
It's flat.
ANDREA HICKEY: But the lighting,
would there be a hum sometimes you hear --

JASON PARILLO: No, absolutely not.
ANDREA HICKEY: -- from certain
types of bulbs?
JASON PARILLO: Not if we use LED. It makes no noise at all.

TIMOTHY HUGHES: It's not
fluorescent, it's not halogen.
TED JAMES: That was my concern.
TIMOTHY HUGHES: Okay. Thanks for bringing that up.

NANCY O'BRIEN: Thank you.
DOUGLAS MYERS: Can we impose a
condition that it be LED lighting?
TIMOTHY HUGHES: I think we can.
ANDREA HICKEY: I think we should.
DOUGLAS MYERS: I think for your
residents.
TIMOTHY HUGHES: Does anyone else want to be heard on this matter?
(No Response.)
TIMOTHY HUGHES: Seeing no one, I'll close public testimony.

I already read into the record the Planning Board's comments. We heard your testimony.

Any other comments? Are we ready for a vote?

The Chair would move that a Variance be granted 820 Massachusetts Avenue, the YMCA, to install two signs above the second floor sill height, externally illuminated signs above the second floor sill light.

A literal enforcement of the provision of the Ordinance would involve a substantial hardship.

The ideal placement for the proposed two new signs for the YMCA is above the second floor sill line. If the signes are located
below the sill line, there is a concern that people can reach up and touch the signs from the stairs. And there are financial hardship issues with the signs below the second floor sill line because of the fire siren, the call box strobe that would need to be relocated. Also it would be a financial burden to reroute the already existing electrical conduit that sits on the top of the sill.

The hardship is owing to the following circumstances relating to soil conditions, shape or topography of such land or structures. And especially affecting such land or structures but not affecting generally the Zoning District in which it is located.

The YMCA currently only has the engraved Young Men's Christian Association
lettering above the door which may date back to as early as 1925. This older style of signage makes identification a challenge due to visual competition factors.

The large building would benefit from these two modestly sized signs and revitalize the presence of the Y in Cambridge. And I would say that it may be time for a logo that doesn't discriminate on the basis of gender.

And desirable relief may be granted without either substantial detriment to the public good for the following reasons:

The Y offers the community a wide variety of opportunities to enrich the mind, body, and spirit.

The sign will help attract new members of the community, and also give the YMCA and the building enhanced identification.

And relief maybe granted without
nullifying or derogating from the intent and purpose of the Ordinance.

The proposed two wall signs are positioned at the lowest position on the building that would not affect the architectural integrity of the building.

The top of the signs would be under the 20-foot mark which is designated by the Ordinance.

And the signs are unobtrusive, half-inch thick aluminum and will be illuminated by LED lighting, right?

All those in favor of granting the Variance on those conditions say "Aye." DOUGLAS MYERS: Just as a final one point is, I think we should also again the proximity of residences, we should specify a time by which the lights should be turned off at night.

TIMOTHY HUGHES: Okay.
DOUGLAS MYERS: Either whatever is agreeable -- whatever is consistent with the way you run your operation $10: 15,10: 30$.

TIMOTHY HUGHES: The building
closes at 10:00. What's the typical time the employees would be out of the building?

NANCY O'BRIEN: They're usually out by $10: 45$, but I could say $10: 30$.

TIMOTHY HUGHES: On the further condition that the lights are extinguished by 10:30 in the evening.

ANDREA HICKEY: And the type of
light.
TIMOTHY HUGHES: And it would
illuminated with an LED light. Something that doesn't create any noise or undue glare. NANCY O'BRIEN: Yes.

TIMOTHY HUGHES: All those in favor?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.

> NANCY O'BRIEN: Thank you very much. (Hughes, Sullivan, Green, Myers, Hickey.)

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(9:40 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)
case No. 10505, 42 Sacramento Street.
Please identify yourself for the record.

SHIRIN PHILIPP: I'm Shirin
Philipp, the homeowner.
STEVEN HART: I'm Steven Hart, Hart Associates Architects.

TIMOTHY HUGHES: Go ahead.
STEVEN HART: We are here to request permission to put three skylights on the west side of the roof of three-story residential property on Sacramento Street. The side yard setback is seven feet, six inches and we are requesting permission to put two skylights. Closest point of the skylight being four feet, ten inches from the side yard property line. And a third skylight as close to three feet, eight inches to the property line. We are anticipating a renovation of
the third floor and the skylights farther down the roof bring more light into the bedroom and allow a view to the sky rather than more of a view to the horizon rather than straight up.

Thank you.
TIMOTHY HUGHES: Any questions?
DOUGLAS MYERS: Have you addressed any privacy concerns on the part of the property owners who are nearest to the skylights?

STEVEN HART: The house to the west of 42 is a two-story house, and the -- this is 42. This is the house we're working on. And the neighbor to the west is a two-story house, and the skylights go right out over the roof. Right out over the adjacent roof.

TIMOTHY HUGHES: Any further questions?

I'm going to open it up to public testimony.

Anybody want to be heard on this?
(No Response.)
TIMOTHY HUGHES: Seeing no one, I'll read into the record the Planning Board's -- (reading) The Planning Board's review of the above case in this Special Permit case will left to the determination of the Zoning Board of Appeals. Botta bing.

Close public testimony.
Any questions? Comments? Ready for a vote? Cool. I like it when it goes this quickly.

The Chair would move that the Special Permit would be granted for the installation of three skylights within a setback. The requirements of the Ordinance can and will be met for the following reasons:

Scope is limited to installing three new skylights on a third floor roof and removing one existing conforming skylight. No change of use, no impact on neighboring two-story house, and no change in volume.

The traffic generated -- this is the $B$ part of the Special Permit statement and I probably read it a thousand times already. There isn't any traffic generated by skylights.

All right, scope is limited to
installing -- well, you rewrote the same thing in every single line. There's no traffic generated, so you can't cause any problems. So the continued operation of or the development of adjacent uses as permitted to the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

They're skylights. And they're not visually prominent from the ground.

The nuisance or hazard cannot be created to the detriment of the health, safety or the welfare of the occupants of the proposed use or the citizens of the City of Cambridge.

Once again, as long as these skylights are installed properly and kept in good proper working order, they can cause no hazard or detriment to the health and safety or welfare of the occupants.

The proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance for the following reasons:

There is no change of use. No impact on the neighborhood. Once again, they're
skylights.
All those in favor of granting the relief as long as it's in substantial conformance with this plan submitted by Hart Associates with the Philipp Higgins residence at 42 Sacramento Street and dated 9th of August and initialled by the Chair and dated with today's date.

All those in favor?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers, Hickey.)

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(9:50 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea
A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10506, 406 Franklin Street. Please identify yourself for the record.

CATHERINE ALEXANDROV: I'm Catherine Alexandrov.

KIRIL ALEXANDROV: And Kiril
Alexandrov, K-i-r-i-l.
TIMOTHY HUGHES: Tell us what you want to do and why you need our help.

CATHERINE ALEXANDROV: Well, we've lived in Cambridge for many years now. Kiril 25 years. And we bought this house so we could raise our family. We have two little boys. And we wanted a single-family house which had a little bit of a yard at least for them to run around and kick the ball. And so we're requesting a variance to raise a small portion of the roof in the back of the house
which is currently unsafe. And I'll let Kiril talk a little built more about that. KIRIL ALEXANDROV: Yeah, we bought this house from Ben Corey before it went on the market. We felt we were pretty lucky because we lost about four bidding wars. Back in January it's taken us a while to try to figure out what the right thing to do is with this house. So the main thing that we're here for is when you're standing in the middle room on the attic, this is what you're faced with.

TIMOTHY HUGHES: I particularly
liked that picture.
KIRIL ALEXANDROV: We call this the
Franklin Street fun house because anything else would be unprintable. So there's a storage room right here. And if you do the math, it's 12-by-17. So it's about less than
a quarter of the total length of the house. So what we like to do is this is me standing in there. It's roughly five, nine with the pitch. There's a view of it from the back. You can kind of see the slider part right here. And here's the view over top of it. And this building is taller than us. This one's taller. Apartment building. The next one next to us is the same height. CATHERINE ALEXANDROV: Senior housing is taller. Almost all the buildings around us are taller than us. KIRIL ALEXANDROV: Yeah, the immediate neighbor is the only house that is not taller than us. What we'd like to do is just lift it six feet, two inches so that it matches the existing roof line which would solve the safety issues, the water intrusion issues.

As it turns out we have to -- which we didn't know any of this until recently, we have to kind of frame the whole inside of the -- reframe the inside of the house. And then we came across a lot of basement issues because this used to be a house that Mr. Corey rented out to mostly students since he bought it in 1977. So if you look at the Cambridge records, it's listed at seven bedrooms. So we're actually reducing the bedrooms from seven to five. And don't forget this is kind of a common sense way to solve a number of problems and turn a storage room into a real room.

## CATHERINE ALEXANDROV: Either way

it's going to require a bit of work because of the extent of fire damage that we've had on the inside. And we'd like to just be able to connect this, just raise the roof by a few
feet to make it a feasible space as a bedroom. My mother-in-law who is a widow now often comes to visit us for long periods of time. And so it would be extra space for her to have her own room and not to have to sleep on the couch which she's currently doing in our apartment. And then a part of it is just the ability to utilize that kind of unsafe space right now that I'm sure my boys would love to sneak in there and play. But we do have signed support of all of our neighbors as well, I'm sure you seen all of that. Actually one of them was here but she's come back.

> KIRIL ALEXANDROV: She, I'm sorry,
it's gone over about 150,000 over budget once it got gutted and we realized the extent of the work that needs to be done. It's so extensive that it's just incrementally more
to get that roof lifted and matched to the other roof. Because every floor has to be reframed. We have to put steel in the basement due to the buckling. The basement was formerly finished. Actually he had a second kitchen in there so I mean, there's all kinds of people living there. So once we ripped all the walls down, we discovered, you know, a lot of stuff.

TIMOTHY HUGHES: Raising the height is not a violation. You're still going to be under the 35 feet. But is that what is causing the that third floor then will cause some of the increase in your FAR and then extending it back? Is that where the rest of the FAR comes from?

CATHERINE ALEXANDROV: Because that's not all used as --
area is going to increase by . 10 .
KIRIL ALEXANDROV: Yeah, so the interesting thing is that on the city site, it's listed as gross area of 3370. Now we're reducing the deck that was formerly there. So that's going actually to reduce some of it. But when you do the math, because it's actually 17 feet by 47 feet. The gross area after we're done is gonna be almost exactly the same as what's already here because it's 3370. It will end up being 3400. So it's only an increase of really 30 feet.

JANET GREEN: Why is that again?
KIRIL ALEXANDROV: That's a great question.

CATHERINE ALEXANDROV: That's how the city listed it in the reallocation of space so that there's a deck outside right now which we actually removed in order to enable
us to have another parking space to get cars off the street. So that deck is part of the FAR which we're hoping to --

KIRIL ALEXANDROV: Part of the deck was part of FAR. If you look at the gross area according to the city calculations, it's $809,148,646,168,627,809,164$. So you get 3370. But the spaces is really 47-by-17 after we are done with it if you allow the Variance. So that back area is 17-by-12 and we're just lifting it six feet. So if you do the 47-by-17 you end up -- actually I did it, added an extra foot and I got like 340 of gross area. Of course, it's going to be slanted so it's not going to be --

CATHERINE ALEXANDROV: Right, exactly. Like usable.

KIRIL ALEXANDROV: Usable one of the --

TIMOTHY HUGHES: Okay. Any
questions? That was clear as milk.
KIRIL ALEXANDROV: I was confused.
BRENDAN SULLIVAN: The city numbers are not reliable.

TIMOTHY HUGHES: No, they're not. BRENDAN SULLIVAN: No. 1.

TIMOTHY HUGHES: They're not reflected here on the dimensional form anyway. None of those numbers line up here. It says you're going to increase your floor area by 300 square feet.

CATHERINE ALEXANDROV: Technically but because of the pitch the usable --

TIMOTHY HUGHES: Well, that would be usable.

ANDREA HICKEY: That's different.
KIRIL ALEXANDROV: 17-by-12.

TIMOTHY HUGHES: So you're going
from 0.87 to 0.97 in a 0.75 district. My question was is that mostly or all because of just bringing up that roof and levelling and making it in plane with the existing house?

KIRIL ALEXANDROV: It's not all because of that. Because we're also doing these things by right. And this is the part of the deck that we're excising.

CATHERINE ALEXANDROV: Well, actually there's also a code. I remember the code about raising (inaudible).

KIRIL ALEXANDROV: It doesn't apply to this.

TIMOTHY HUGHES: And there's also setback problems, right? Those are the violations, that's what you need relief for, correct?

KIRIL ALEXANDROV: No, I don't think there's a setback issue.

TIMOTHY HUGHES: You're not
building in the setback?
SEAN O'GRADY: I'm sure you must be.
TIMOTHY HUGHES: I get -- you know.
CATHERINE ALEXANDROV: Because the house is already -- the underneath part of the house is already within the --

KIRIL ALEXANDROV: I think it's 34 feet in the backyard. So there's no --

SEAN O'GRADY: Side setback.
TIMOTHY HUGHES: What about the side yard? The right side setback, it says there's nothing here. It says it's like 0.8 to 1.2 feet.

KIRIL ALEXANDROV: Right.
TIMOTHY HUGHES: I mean, the setback requirement is nine feet so you're in the setback.

SEAN O'GRADY: You're raising the
roof in the setback.
TIMOTHY HUGHES: You're raising the roof in the setback. So that's what you need relief for that. That's part of it, too. KIRIL ALEXANDROV: Okay.

BRENDAN SULLIVAN: You're not changing the footprint?

CATHERINE ALEXANDROV: No, no, we're not changing the footprint.

BRENDAN SULLIVAN: You're going
straight up.
KIRIL ALEXANDROV: We feel we're making the house look better. We think.

TIMOTHY HUGHES: You know --
KIRIL ALEXANDROV: It's got three
layers of siding on here.
TIMOTHY HUGHES: You probably don't need two of those.

KIRIL ALEXANDROV: I recognize one
of them because in the Historical Society there's a picture, a 1970s picture of it with a souped up Chevelle parked right in front of it. It's weird.

TIMOTHY HUGHES: That would have made the house look better, too just the Chevelle.

Any questions?
I'm going to open it up to public testimony.

Is there anyone here that wants to be heard on this matter?
(No Response.)
TIMOTHY HUGHES: Seeing no one, I
will read into the record some correspondence in the file. And it looks like this was signed by your neighbors.
(Reading) Dear Variance Committee and to Whom It May Concern, that must be you and
you. We, the abutting neighbors and nearby neighbors at 406 Franklin Street, are wholly in favor of the Alexandrov family to raise the roof of the small back section of their house to safely match up with the main roof line of their house. Sincerely. Signed by Louis Ferraro (phonetic) at 400 Franklin Street; Mary Collins at 411 Franklin Street; Judith Amendola. And I only know how to pronounce that because of a recent Patriots game that I was watching. That's 410 Franklin Street; Daniel Palen, I'm guessing, 52 Kinnaird; Laura Mur (phonetic) at 52 Kinnaird; and Shirley Graham at 48 Kinnaird Street.

There's a further letter also from Judy and somebody named Jim Thomas talking about the flooding issues with I guess not just your house but their house also. And consequentially we can -- I'm just going to
read the last paragraph. It says:
Consequentially we can vouch and approve of your need for additional space and raising the roof line, the back additional section of the house. This basement area can't be counted on as reliable space for storage or living.

And then just one more, Louis Ferraro again.

CATHERINE ALEXANDROV: That's Judy, one of our neighbors actually.

TIMOTHY HUGHES: Judy, do you want to speak?

JUDY AMENDOLA: Yeah.
TIMOTHY HUGHES: Identify yourself.
JUDY AMENDOLA: Sure. My name is
Judy Amendola. I'm the abutter to the right of the building at 406 and I live at 410 .

TIMOTHY HUGHES: And you're in favor
of this, otherwise you wouldn't have spent the time to write any of this stuff down. JUDY AMENDOLA: Yeah. I know how ridiculous the situation is and I won't go into detail, but none of us like more density at least I don't, but, you know, it needs to happen so I'm fine with it.

TIMOTHY HUGHES: Okay, great.
Thank you.
JUDY AMENDOLA: You're welcome.
KIRIL ALEXANDROV: Are you related
to the Patriot player?
JUDY AMENDOLA: No.
TIMOTHY HUGHES: Okay, with that I'll close public testimony.

Any comments? Questions from the Board before we put this to a vote?

I guess that's a no. I'll take the silence as a no.

JUDY AMENDOLA; can I just ask if the Board had any other comments that I need to hear? Were there any comments at all?

TIMOTHY HUGHES: No, there weren't any.

JUDY AMENDOLA: It is after all ten o'clock.

TIMOTHY HUGHES: The Chair would move that a Variance be granted to the property at 406 Franklin Street to raise the roof line in the back third of the house a few feet to convert to a storage room to a more functional living space. I'm going to go with living space.

A literal enforcement of the provisions of the Ordinance would involve a substantial hardship financial or otherwise to the Petitioner for the following reasons:

The salvaging the -- oh, I'm not sure
what that says. It looks like saliva, but I'm going to say salvaging. Saving the roof misalignment issue. Or solving, there it is. Solving the roof misalignment issue in any other way will take away usable space from the existing house while propagating safety and water intrusion issues which would ultimately be caused by terms of finance as well as well-being.

The hardship is owing to the following circumstances relating to the soil conditions and the shape and the topography of such land or structures.

The soil, as far as a soil and topography is concerned, this part of Franklin Street pools a lot of water due to topography and soil type as well as having only one city drain in the area which doesn't match the existing grade of the street. It
makes the -- it was in a letter from a neighbor, makes the basement unusable for additional living space or usable living space.

Structure of the house is inherent roof misalignment which has created water intrusion and safety issues and that needs to be corrected.

Substantial detriment to the public good for the following -- desired relief may be granted without substantial detriment to the public good for the following reasons:

The fixing up the house which will
improve the neighborhood, increase the values of the property nearby, and changes will hardly be even seen by the public since it is visible mostly in the backyard.

Relief may be granted without nullifying or substantially derogating from
the intent or purpose of this Ordinance. The room already exists and is in use but lifting the room increases the utility of the room by also solving multiple problems such as water intrusion, safety issues etcetera, etcetera. I have a plan here?

The Board would move that a Variance be granted as long as the work is done in substantial conformance to the plan listed as 406 Franklin Street and that clients Kiril Stefan Alexandrov by architects Khalsa Design, Incorporated and dated 7/16/2013.

This is the plan you'll be working from?
KIRIL ALEXANDROV: Yes.
TIMOTHY HUGHES: This is the final
plan? Initialled by the Chair and dated with today's date.

All those in favor of granting the Variance say "Aye."
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor. Variance is granted.
(Hughes, Sullivan, Green, Myers,
Hickey.)

*     *         *             *                 * 

(10:10 p.m.)
(Sitting Members: Timothy Hughes, Brendan
Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10507, 1 Broadway.

BARRY PENN: And I'm Barry Penn and my partner.

JAY BLACKER: Jay blacker.
TIMOTHY HUGHES: Tell us what you want to do.

BARRY PENN: What we want to do is open up another Al's house. We're operators of Al's Harvard Square Cafe located in Holyoke Center. We opened that up in March of 2011. As a result of how well we've done at that location, we were fortunate enough to find another location, and that building that's owned by MIT. The interesting thing is that MIT wanted a local business not a chain operation. They wanted a low cost, high quality food operation which if anybody's been to Al's at Harvard Square or there's one in State Street and South Street, you'll know that the food quantities are
tremendous. The service is amazing. And the prices are just incredible. The only, there are some differences between the one in Harvard Square and the one in Kendall Square that we're going to propose. My partner can describe to you what we're going to do which is slightly different. But we're going to be serving the same food.

JAY BLACKER: It's, you know, we've had discussions with MIT in terms of the neighborhood, in terms of the types of design. And it's going to be more upscale, a little bit more sophisticated in terms of the design elements. There's a patio seating. Again, MIT has a mission to transform Kendall Square into a day/night environment and we're sort of committed to that. We are committed to that mission, and we're going to, you know, add some elements
to the particular location and we're going to be consistent with their vision and transformation in that particular area.

BRENDAN SULLIVAN: What is lacking food offering in Kendall Square/Broadway area that you will bring to the table literally and figuratively?

JAY BLACKER: Well, if you're familiar with Al's, Al's really is a low cost very fast transaction type excellent value. It's a high volume operation. And in terms of value, it's probably the most value-driven business probably food service operation probably in Harvard Square and maybe clearly in Kendall Square.

BRENDAN SULLIVAN: How will it differ from what's there now menu wise? What distinguishes you from some of the other operations there?

BARRY PENN: Well, there are not too many low cost food operations in Kendall Square. There are a lot of restaurants as you may know and they tend to be quite expensive. So what distinguishes us is the fact that we're providing low cost food. I mean, incredible subs. I don't know if there are other places that provide subs. I mean, there may be a Subway somewhere nearby, I'm not even sure. I mean there's one in Harvard Square. In addition to subs --

BRENDAN SULLIVAN: Okay. And from what I read here you have a grill. There's going to be hamburgers and kebobs, which does not appear to be an offering there now.

BARRY PENN: That's correct.
TIMOTHY HUGHES: Any other
questions from the Board?
BARRY PENN: In addition, I'd like
to submit this letter we received from -- I received from the Kendall Square Association in support of our application if I may.

TIMOTHY HUGHES: Great. I got a question. I'm a little confused. I got this is a Variance application?

SEAN O'GRADY: Yes. Special Permits -- I don't know why they --

TIMOTHY HUGHES: Because I have basically two applications. I have a Variance -- a supporting statement for a Variance and I have a supporting statement for a Special Permit.

SEAN O'GRADY: Yes, I think
that -- well, in fact for doing that most of the questions about fast food are --

TIMOTHY HUGHES: Are answered in the Special Permit application.

SEAN O'GRADY: Right. For some reason in office districts they decide to make fast foods not a Special Permit.

TIMOTHY HUGHES: Oh, okay.
SEAN O'GRADY: It defies logic but that's the rule.

TIMOTHY HUGHES: Right, okay. So basically the only thing I need to add to this whole Special Permit list of stuff of fast food is to read the hardship clause.

SEAN O'GRADY: Yes. I mean, the Special Permit stuff is informational. The legal standard is still going to be the fast food, the hardship stuff.

TIMOTHY HUGHES: Okay. Any other questions from the Board? I'm going to open this up to public testimony? Is there anyone that wanted to be heard on this matter?
(No Response.)
TIMOTHY HUGHES: Seeing no one, I will read into the record the letter you just handed me.

BARRY PENN: Thank you.
TIMOTHY HUGHES: The Board of Zoning Appeal, this is from the Kendall Square Association. (Reading) I am writing to you on behalf of the Kendall Square Association in support of Al's Kendall Square Cafe's request for a Special Permit Variance, and as we just established, to open on the ground floor of space of 1 Broadway. The KSA is an association of over 150 member businesses and organizations with a mission to promote, protect, and improve Kendall Square. I can say that Al's Kendall Square Cafe's presence would add to the character of the square and their business philosophy embodies that
mission. Al's is a local and affordable restaurant focusing on quality food, excellent customer service, and family values and would add to the diversity making Kendall Square a restaurant destination. Thank you for your consideration. Sincerely, Alexandra Lee, Deputy Director. And that is the sum total of the correspondence. Closing public testimony. Do you have anything else that you want to add?

BARRY PENN: I think there was a letter also in support from Denise Gilson from the Harvard Square Business Association.

TIMOTHY HUGHES: Oh, you know I do remember seeing something about that but I probably ignored it because it was Harvard Square. No, here it is.

BARRY PENN: I won't tell her you said that.

TIMOTHY HUGHES: And also she addressed it to the chairperson and since I'm the vice chair, I took umbrage.

Please accept the letter of endorsement for Al's Kendall Square Cafe. As you know, Al's has a Harvard Square location and is an active and valued member of the Harvard Square Business Association. And they're kind and generous community partners, always willing to contribute when asked. They're well known and loved for their great food and service, heralded for their quality and pricing and respected for their hard work and dedication to moving their lunch time line quickly. Al's will make a wonderful addition to Kendall Square. We hope you will affirmatively grant their application.

Thank you for consideration, Denise Gilson, Executive Director of the Harvard Square Business Association.

Thanks for pointing that out.
DOUGLAS MYERS: You mentioned the physical design of the property. Have you worked with what agencies in determining your color pattern and signage and things like that?

JAY BLACKER: Well, we've just initiated the design process. We've hired an architect, a very quality architect who's working with us and as well as MIT. I met with them this morning and going over the design elements. And they want us to, you know, incorporate in terms of our design. I'm very convinced we're going to have a terrific looking store.
you're going to have outdoor eating area, patio?

JAY BLACKER: Patio seating, correct.

DOUGLAS MYERS: What provisions are you going to make with regard to waste disposal in that outdoor area?

BARRY PENN: Well, I think the existing operations, there's Firebrand Saints and Dunkin' Donuts that's the space that we're taking over. There are trash receptacles, and plus of course we're going to make sure that our employees go out there and remove any trays or glasses that may be there. That's all I can say at this point in time.

The key thing for the outdoor area is the -- as Jay mentioned, is the design part of it. I mean, MIT's very concerned that it
has a certain look that's consistent with the other business operations there. And that it would be open primarily from April until October throughout the year. But it will be a first class looking operation. And of course awning or signage will have to be approved. That has not yet been designed or submitted yet for approval.

DOUGLAS MYERS: Do you anticipate having wooden outdoor signs of the folded type that stand on the sidewalk?

BARRY PENN: I -- no. I don't see any there now and that's not the look that we want.

DOUGLAS MYERS: No more questions.
TIMOTHY HUGHES: Any other questions?

ANDREA HICKEY: Hours of operation proposed?

BARRY PENN: They want us to be open seven days a week. Currently we're open until ten o'clock at night in Harvard Square. We'll probably be open until nine o'clock at Kendall Square because it is a little bit slower at night without a question.

TIMOTHY HUGHES: That's because everybody closes at nine o'clock. Stay open later and it won't be slower. BARRY PENN: Did I say nine o'clock? And on the weekends. And probably close earlier on Sunday night like we do at Harvard Square. We close at eight o'clock, for example, on Sunday night. So it's going to be very similar to that.

ANDREA HICKEY: And the outdoor dining, is that table service or are people coming out with trays and paper products and stuff like that?

BARRY PENN: People coming out with trays. We will bus it but we won't be bringing food out to them if that's where they want to sit.

DOUGLAS MYERS: So specifically
what's your working estimate with regard to your opening and closing hours?

BARRY PENN: UM.
JAY BLACKER: Say 10:30, 11:00 to 9:00 p.m.

DOUGLAS MYERS: Same on weekends?

JAY BLACKER: Weekends the same
except Sundays probably 12:00 to 8:00. DOUGLAS MYERS: 12:00 to 8:00. BARRY PENN: Yes.

TIMOTHY HUGHES: Is that similar to
the hours that you run in Harvard Square?
BARRY PENN: Yes.
TIMOTHY HUGHES: Any other
questions?
This is for a Special Permit. Am I granting a Special Permit? No, not really. Do I have to read through this, too? All right, I will.

In consideration, applications for Special Permit or fast order food --

BRENDAN SULLIVAN: For relief.
TIMOTHY HUGHES: For relief. For fast order establishments, the Board of Zoning Appeals shall find in addition to other criteria specified in section -- I won't mention because it's a Special Permit. That the following requirements are met:

The operation of the establishment
shall not create traffic problems, reduce available parking. It's not going to reduce available parking, right? Because there's no parking.

BARRY PENN: No parking.
TIMOTHY HUGHES: Threaten the public safety in the streets or sidewalks. You obviously won't be allowed to put any more chairs up in the capacity of the lounge, but Licensing, so I think that's covered.

It won't encourage or produce double parking to adjacent public streets. Will it?

BARRY PENN: No.
TIMOTHY HUGHES: I don't think so. Anybody that stops there for more than five seconds is going to be get a horn.

The physical design including
color -- see Doug asked about a couple of these. The physical design, including colors and use of materials of the establishment shall be compatible with and sensitive to the visual and physical
characteristics of the building's public spaces and uses in a particular location. I think, you know, you already mentioned that MIT is going to have something to say about that.

BARRY PENN: A lot to say actually. TIMOTHY HUGHES: Yes.

The establishment fulfills a need. Speaks to Brendan's question for such a service in the neighborhood or in the city. Even if you were specifically serving the same kind of food, there's another establishment in Kendall Square. Kendall Square does not have enough eating establishments. It doesn't have enough eating establishments of a buy it and go kind of, you know, reasonably priced stuff as you before. So I think you got that one covered. The establishment will attract patrons
primarily from a walk-in trade.
BARRY PENN: Ear yes.
TIMOTHY HUGHES: That's true.
Establishment shall be to the greatest extent feasible utilize biodegradable materials in packaging the food and utensils and other items provided for the consumption.

BARRY PENN: That's what we'll be doing.

TIMOTHY HUGHES: That's a practice you already have in place in Harvard Square?

BARRY PENN: Yes.
TIMOTHY HUGHES: Establishment
shall provide convenient, suitable, and well marked waste receptacles. We already talked about that.

And establishment complies with all state and local requirements applicable to ingress, egress, and use of facilities on the
premises for handicapped and disabled persons. This is on the ground floor so this is a roll in and roll out.

Okay, thanks.
The Chair would move that a Variance be granted for Al's Kendall Square Cafe to allow a change in use from the Dunkin' Donuts fast food operation that is presently at this address at 1 Broadway.

A literal enforcement of the provisions of this Ordinance would involve a substantial equal hardship.

A literal enforcement of the provisions of this Ordinance would prevent the Petitioner from being able to operate its business in this location.

The hardship is owing to the following circumstances related actually to the structure itself:

So the hardship is owing to the building being located in an office 3 A Zoning District. And 1986 the Board of Zoning Appeals found such a hardship to be sufficient to grant a Variance for the Variance that it's -- at the location there now. Which is where the Dunkin' Donuts I assume. Maybe that wasn't this one. But then again in March of 2002 a Variance was granted for fast food operation then.

The Variance actually seems to be in conflict with the stated purpose of not only the Kendall Square Association but the city as a whole that there should be a lively streetscape that includes, you know, ground floor retail and eating establishments. And Kendall Square is in dire need of that. That's just a personal opinion. Desirable relief may be granted without
substantial detriment to the public good for the following reasons:

Granting of this Variance would allow much needed amenity for the occupants of this building, the surrounding buildings, and the residential units in this area. Which, you know, are becoming more and more.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance for the following reason:

This is consistent with the intent of Article 11.31 insofar as it will fulfill a public need to attract customers from nearby offices as walk-ins. Use biodegradable materials and comply with all applicable accessibility requirements.

All those in favor of granting the Variance?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers,
Hickey.)

*     *         *             *                 * 

(10:25 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea
A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10508, 555 Cambridge Street. Formerly 535 Cambridge Street.

Identify yourselves, please, for the record.

KENT LEUNG: My name is Kent Leung from Boston Dog Company, Petitioner.

CHRISTINE YOUNG: And I'm Christine young.

TIMOTHY HUGHES: Go ahead, tell us what you want.

KENT LEUNG: Okay. So they had previously granted us a Special Permit to operate a dog day care and they told us to come back in two years.

TIMOTHY HUGHES: So your time ran out or it hasn't run out yet?

KENT LEUNG: It has not ran out yet.
It's about to. So we're here to extend
passed the two year limit. The Boston Dog Company provides dog day care services mainly to local Cambridge residents as well as having a small retail shop that sells items made in the U.S., Canada, and Sweden. We also provide free dog training to our dogs that make it through our evaluation process. And I actually started, I founded the organization after my dog was malled at dog day care on his first day. So we don't accept any aggressive dogs or anything. And we help to ensure that the dogs in our day care are properly vaccinated. And as a result, there are a lot more dogs in Cambridge that have vaccinations as well as city license. And we also help clean-up the Ward Park.

DOUGLAS MYERS: Can you repeat that?
KENT LEUNG: We also help clean-up
Ward Park. Unfortunately not all residents
pick up after their dogs, and we hire our staff to go out there and to, you know, clean-up waste that they leave.

CHRISTINE YOUNG: There's been a big improvement all around the community of dog owners and handling. And a lot of dogs that were previously off leash during times when they shouldn't be, we are there as a presence as well in the community to kind of help along and, you know, offer our service and say, you know, this is a good time to have your dog on a leash and, you know, we offer free training to those in the neighborhood.

KENT LEUNG: We also help
save -- just in the last three months alone we saved seven dogs that were off leash that were just, you know, running through the street. And also pulled a possum from the street.

CHRISTINE YOUNG: One of the dogs that we actually brought back to its owner, we were able to, you know, find its owner, was actually a therapy dog. It was a Husky, and it was for an owner who was actually deaf. And so the dog meant the world to her. And being there, being able to reunite a dog with its owner in such a way was very special to us as well.

KENT LEUNG: So one of the main reasons why we exist after my dog was injured at a dog day care -- actually he was injured at a so-called pet resort. The issue was that it wasn't full transparency. So our location is a retail location where everything is made of glass. Exterior walls have glass. Interior walls have glass. All the doors have glass. So the dogs can be visible from the street and every angle,
inside the store and outside the store to keep full accountability to ensure the dogs are safe.

TIMOTHY HUGHES: So since the Variance was granted the first time, are there any physical changes to the site, to the property --

KENT LEUNG: No.
TIMOTHY HUGHES: -- that you're using?

And other than what you described as the additions to your program, are there any other, any changes to the way you're started operation?

KENT LEUNG: No.
CHRISTINE YOUNG: No.
TIMOTHY HUGHES: So basically
you're asking for a continuation on this. Are you asking for another specific time
limit?
KENT LEUNG: I hope I would prefer if there was no time limit.

TIMOTHY HUGHES: Okay. Any comments from the Board?

ANDREA HICKEY: Is there a reason why there was a time limit?

TIMOTHY HUGHES: Maybe because it was new, a new thing and we just wanted to see how it was going to go.

KENT LEUNG: There was a time limit. So arguably our next-door neighbor has a children's day care and they have a time limit on theirs. And also today someone came by and said they had a two year time limit on their linen shop.

TIMOTHY HUGHES: I don't understand the linen shop, I really don't. DOUGLAS MYERS: Did the time limit
have anything to do with the fact that the dogs might be offensive to someone or further doubts by the neighbors?

KENT LEUNG: They said it was a new usage. They said, you know, they never had this type of usage in that area. And it was to be honest with you a lot of it was unrelated to us. I guess that was a very contested space because Subway sandwich shop wanted to go in there, but we had nothing to do with Subway sandwich shop. We're just renting from the landlord.

TIMOTHY HUGHES: Okay. DOUGLAS MYERS: What is the length of your lease, duration of your lease?

KENT LEUNG: So we have a three year lease and we have the option of purchase. This is a commercial condo.

TIMOTHY HUGHES: Oh.

KENT LEUNG: But I didn't want to purchase without having the permits in place. DOUGLAS MYERS: But your present lease is three years?

KENT LEUNG: Yes.
TIMOTHY HUGHES: Any other
questions?
I'm going to open this up to public testimony.

Does anyone want to be heard on this matter? Can you step forward and identify yourself? You don't have to step forward if you can talk loud enough but identify yourself for the record. CARL CAMILLA: I speak loudly enough. My name is Carl Camilla. I'm here to represent the landlord, and I also own the property across the street. And I think that -- I think that this business is great.

They've done a very nice job. They're good service to the community. They run a clean shop. And owning the property across the street, I see no problems with what goes on over there and I think they provide a good service and I'd like to see them stay.

TIMOTHY HUGHES: Thank you.
Anyone else?
(No Response.)
TIMOTHY HUGHES: There's
communication from the Planning Board that says that they don't have an opinion. I like reading that.

KENT LEUNG: The Chair of the Board
came in and said they approved our business.
So I don't know.
TIMOTHY HUGHES: I don't know what that means. It just says they don't have any comments or recommendations.

All right, I'm going to close public testimony.

Any other comments or questions from the Board?

DOUGLAS MYERS: The only question I see is whether we just say no more conditions or whether we impose additional probationary period. But I don't see the need for it. I think they went through probation --

BRENDAN SULLIVAN: I sat on the
original case and it was a new concept, new business in the area. There was some concern expressed by some of the people in the neighborhood because somewhat of a fear of the unknown. I think they came down with a good business model. They seemed to have a good business plan, and I think that they, over the last two years, have proved themselves that they are a good viable much
necessary business. Good citizens. And probably should, you know, be allowed to continue.

DOUGLAS MYERS: Without conditions. BRENDAN SULLIVAN: Infinitum. ANDREA HICKEY: I agree. JANET GREEN: I agree.

TIMOTHY HUGHES: I don't like dogs. ANDREA HICKEY: I don't either, but I agree.

TIMOTHY HUGHES: I'm teasing.
DOUGLAS MYERS: How do you deal with a possible, of any possible problem of barking dogs?

KENT LEUNG: Well, it's
actually -- this might sound peculiar but we have -- we heavily screen them. Because of what happened to my dog, we have what we consider the strictest evaluation anywhere.

So we have a three-stage third year evaluation. Dogs are measured on a gamut of tests. For example, during the initial evaluation, you can't have the initial evaluation without having the proper vaccination. We require actually the most vaccinations for any dog day care almost anywhere. In addition to that, during the initial evaluation we ask the owner questions to understand the background behind the dog. Also we test the dog to test if there are any additional aggressions that we can see. During the secondary evaluation we check for head, neck, torso, back, tail posture during play. We check for treat water, heat water resource aggression, leash aggression. And actually one of the only dog day cares in New England that walks the dogs outside every two to three hours.

Something that happened at the first dog day care my dog attended, besides the fact that my dog was injured because of having aggressive dogs in their day care, I realize they don't walk dogs outside. As a result, it creates a danger to the animals because dogs just go to the bathroom inside. And I mean every day care allows dogs to go inside, and I mean every day care allows dogs to go to the bathroom inside which is counterproductive for the training process for dogs. When you test for all of these elements and we constantly evaluate by professional such as, you know, certified dog trainers by animal behavior college behaviorists as well as people in the industry that have a lot of experience, that really helps eliminate issues. For example, we've never had a single attack. And because
the process of getting in so strict because of our mission, most dog day cares to be honest with you, they accept every dog. Oh, you have money, they'll take your dog. And that's really an unfortunate situation because my dog was malled because he was attacked by two aggressive dogs when he was only three months old. So by running the gamut --

DOUGLAS MYERS: This prevents or discloses barking dogs --

KENT LEUNG: Absolutely. DOUGLAS MYERS: -- or dogs that have
a tendency to bark?
KENT LEUNG: We actually, PBS said we have the quietest day care in New England.

CHRISTINE YOUNG: We've been
featured on PBS as well as other web episodes. We have a lot of interest by people who are
flabbergasted by what we do. And we always tell folks every dog is different but everything's really conditioning and making sure that they're okay. One of the biggest reasons why dogs bark is because they need to go to the bathroom or they're in distress, and we take them out every two hours. We do it in a timely manner so they actually know when they're going out.

KENT LEUNG: And I mean if I was dog and no one let me out, I would bark, too. I mean that's the truth. I mean, there are a lot of reasons that dogs need to go outside. They need to -- it's okay to decline a dog. When you decline a dog, we try to explain to people that it's not that the dog is a bad dog, it's just not a good fit for our program right now and we recommend additional training. You know, so it's -- this is not my main line
of work. I'm actually in the education business mainly, but it just based upon the unfortunate circumstance that what happened to my dog.

DOUGLAS MYERS: (Inaudible).
KENT LEUNG: Half the time it's more difficult dealing with the people than the dogs to be honest with you.

JANET GREEN: Not surprised. DOUGLAS MYERS: Fine. I'm ready. TIMOTHY HUGHES: You ready?

The Chair would move that a Special Permit be granted to the Boston Dog Company to continue doing what they've been doing for the last two years. It has been represented that the conditions of the original Variance or substantially still in effect, and I would move that we grant the same Variance with the exception that there is no time limit, two
year time limit attached to it.
All those in favor of granting the
Special Permit?
(Show of hands.)
TIMOTHY HUGHES: I did say Variance.
I met Special Permit.
That's five in favor.
(Hughes, Sullivan, Green, Myers, Hickey.)

(10:40 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea
A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10509, 2322A Massachusetts Avenue, Click 'N' Treat Training.

ATTORNEY DONNA TURLEY: Mr. Chairman, I'm a little concerned you don't like dogs.

TIMOTHY HUGHES: I was teasing. Not all dogs I don't like.

BRENDAN SULLIVAN: He needs a properly trained one.

ATTORNEY DONNA TURLEY: My name is Donna Turley and I represent the Petitioners in this matter. Why don't you guys each state your names.

JILL HORHAN: My name is Jill Horan. ANDREA CARLSON: I'm Andrea

Carlson.
ATTORNEY DONNA TURLEY: And under
the name of Click 'N' Treat Training, LLC which is Andrea's business we're proposing to get a Special Permit for what used to be Quinn Insurance and call it the Pets Depot of Cambridge. And it's somewhat of an unusual retail business in that it's just going to be for dog training. So there will be anywhere from five to ten dogs, we hope, if they're lucky, who are in there with trainers and their owners for 60 to 90 minutes at a time. The plan is to have a number of different trainers in there but under the auspices of Click 'N' Treat Training. In addition to the ancillary office work that we mentioned is for running the pack which is Jill's business, and thus it's the largest New England or in the country?

JILL HORHAN: (Inaudible).
ATTORNEY DONNA TURLEY: Dog walking
business.
TIMOTHY HUGHES: Can you describe a little bit more about what you're going to do on a daily basis?

ATTORNEY DONNA TURLEY: Yes. The anticipated time will be probably no earlier than eight a.m. and be no later than nine a.m. It will not be open not even 24/7. It wouldn't be open full time I don't think. Nine p.m., excuse me.

You're not planning to have hours there. It's just an establishment where when there's a class, they'll open the door and the people can come in. There will be a small, we want to leave the option open for having a small retail part to sell food or treats or dog training tools. But it's not going to be a pet supply store.

TIMOTHY HUGHES: Any questions from
the Board members?
DOUGLAS MYERS: Typically when you walk dogs, what is your venue, your location where you walk the dogs? Is it within Cambridge or do you take them outside of Cambridge?

JILL HORHAN: My company services are in Boston and the Metrowest. Cambridge is one of our largest areas and we do all in-home services. So my dogs come directly from their owner's home, do a walk session, and then return directly back to the home.

ATTORNEY DONNA TURLEY: So this
location will be not used, will not be used for dog walking. It's going to be used for the office function, the phone function, secretary.

TIMOTHY HUGHES: Any other
questions?

I'm going to open it to public testimony.

Does anyone want to be heard on this matter? Can you come forward or stand up. CHRISTINA RYAN: Christina Ryan.

I'm a resident of Cambridge and we're one of the Running the Packs customer and we can attest that they're a fantastic company and really take care of us and most professionals. And that's really it.

ATTORNEY DONNA TURLEY: Thank you. TIMOTHY HUGHES: Anyone else?
(No Response.)
TIMOTHY HUGHES: Seeing no one
I'll -- I have a pile of letters here, fortunately they're all the same letter so I only have to read it once and then I'll read the names of the people who signed it.
(Reading) To Whom It May Concern: I'm
a resident of Cambridge and a dog owner. I benefit from our beautiful city everyday with its walkability that my dog and I can enjoy its parks which include off leash areas in Danehy and Fresh Pond among others. And its dog friendly boutiques and cafes, my dog gets to be a member of our community almost as much as I do. There are a couple of good options of dog training classes in Cambridge, but because they rent space from other businesses they're limited in scope and the class times they can offer. The idea of a center for dog activities right in the heart of North Cambridge is very exciting. The possibility of classes to help my dog be responsive off leash, walk on leash as a polite Cantabrigian should and enjoy new canine sports is appealing. Dog related events and educational seminars would be welcome to help
bring our Cambridge dog community together and better educate owners as to appropriate dog behavior and play. There's much potential that such a facility brings that I would urge you to strongly consider supporting this petition for a permit to enhance our city and continue to make it a hub of education and enrichment that it constantly strives to be.

This is signed by Lindsay McHindu (phonetic) McHindo (phonetic) and Wendy Holiday, 11 Salem Street, Cambridge.

This one's signed, same letter, Thomas Leonard, 3 Gold Star Court.

This one is signed by a name that I can't read. It looks like Phoebe Russell and there's no address.

This is signed by... what's your best guess?

ANDREA HICKEY: Dave and Barbara
Travers.
TIMOTHY HUGHES: Of course. Dave and Barbara Travers. No address. There's a return address here. Norfolk Street. My neighbors. Norfolk Street in Cambridge.

This one's signed by Matthew Catania (phonetic) it looks like. Castania (phonetic), at 6 Gibson Terrace.

Kathleen O'Donnell, 15 Boardman
Street. These are all Cambridge addresses by the way.

Christine Ryan. I think she spoke. And Patrick Finley at 502 Green Street. And Nancy Tang at 11 Willard Street. And I'm not even going to try. Irene something. No address.

ANDREA HICKEY: Eileen G. A
something.

TIMOTHY HUGHES: And Amy Krause
(phonetic) at -- or Amy Graves at 32 Linnaean
Street. All right, that's the sum total of the correspondence.

BRENDAN SULLIVAN: Can I see the folder there?

TIMOTHY HUGHES: And I'll close
public testimony.
Comments or questions, Doug? DOUGLAS MYERS: Sorry.

BRENDAN SULLIVAN: You've spoken to the owners at Frank's?

JILL HORHAN: Yes.
ATTORNEY DONNA TURLEY: I
understand he was very warm to my clients and welcoming. And the landlord is upstairs.

BRENDAN SULLIVAN: The French club. DOUGLAS MYERS: The reference to Frank's meaning the steakhouse?

ATTORNEY DONNA TURLEY: Yes, right next-door to the steakhouse.

BRENDAN SULLIVAN: Oh, okay. As long as Billy is -- he would have -- if he had a problem, we would know about it.

ATTORNEY DONNA TURLEY: I'm so glad he doesn't have a problem.

BRENDAN SULLIVAN: Right. I mean he's very reasonable, very nice man. It's just that he would, if he had a problem, he would voice that opposition.

ATTORNEY DONNA TURLEY: I don't
think this will have a huge impact on parking, traffic or anything like that for this business. These are responsible business owners.

BRENDAN SULLIVAN: Yes.
TIMOTHY HUGHES: All set?
BRENDAN SULLIVAN: Yes.

TIMOTHY HUGHES: The Chair would move that a Special Permit be granted to Click 'N' Treat Training, LLC doing business as Pets Republic of Cambridge at 2322A Massachusetts Avenue.

The requirements of the Ordinance can and will be met for the following reasons: It says please see information previously provided. Do you have that sheet?

ATTORNEY DONNA TURLEY: I think we're talking about A, B, C and D above. TIMOTHY HUGHES: Oh, here it is.

This is proposed use on-site, this has probably you're referencing I suppose. Proposed change of use will comply with the restriction of Business $A$ and $B$ zones that all animals will be kept indoors and that no noise or odors will be perceptible from adjoining
lots.
No dogs will stay on the premises overnight. Further no change to the building and surrounding areas plan.

Traffic generated and patterns of
access and egress would not cause congestion, hazard, or substantial change in established neighborhood character for the following reason:

There's no anticipated change from the amount of traffic generated by people walking their dogs to Pets Republic.

Access and egress will only be through the existing front door. People already walk dogs on the sidewalks of Massachusetts Avenue and in the area.

The planned use is entirely consistent with the current character of the neighborhood. Classes will usually be held
in the evenings or on weekends and dogs will be on the premises no earlier than eight a.m. and no later than nine p.m.

The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of proposed use for the following reason:

The continued operation of adjacent uses will -- the project is located on Mass. Avenue Porter Square near other businesses and residential uses. Since Pets Republic business activities will be conducted entirely indoors and will not result in any outside activities, this project is anticipated to have little or no impact on adjacent uses.

We will note that nobody weighed in. None of the neighboring businesses weighed in
and have a problem with this business going in here.

Nuisance or hazard would not be created to the detriment of the health and safety and welfare of the occupant of the proposed use or the citizens of the city for the following reasons:

The project will be operated in compliance with all applicable health standards given the small class sizes and the fact that the dog trainings will occur indoors with owners present.

There is no risk to safety, health, or welfare.

In fact, Pets Republic anticipates indirect benefit to the health, safety, and welfare of the citizens of Cambridge because its business activities will improve the behavior of area dogs.

All those in favor of granting the use, Special Permit use for the operation of a dog training school and associated office space, say "Aye."
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers, Hickey.)

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* * * * *
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(10:50 p.m.)
(Sitting Members: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The Chair will call case No. 10510, 63 Foster Street.

SETH BRUDER: My name is Seth
Bruder. I live at 63 Foster Street.
TATIANA SANDINO: And my name is
Tatiana Sandino, wife of the Petitioner Seth Bruder.

SETH BRUDER: Who also lives at 63 Foster Street.

So, we live -- this pertains to our basement. We want to deepen the basement from its current height of approximately six feet, eight inches to approximately eight feet. And it's -- our house already exceeds the floor area ratio for the lot somewhat based on at least on the Assessor's square
footage for our house. And this would cause it to further exceed the gross floor area ratio. So that's what -- sorry, the floor area ratio. So we're asking for relief from that. And we have a three-year-old son. I work from home at least presently, but I, you know, I expect to do that quite a bit in any case, and we want to have a separate place. The idea is to have a place for me to work like a study, and it would be a lot nicer to do that with a higher ceiling and a proper space. And we also want a place for like a nonliving area, you know, like a concrete floored area for doing projects and things with our son. But anyway, so that's our primary reason.

And another reason, this kind of -- we had to dig up our basement floor for a plumbing issue. We had some water
accumulating near a clean out and so there was a trap or something that needed to be removed. Anyway, we wound up replacing the sewer there so the basement floor is already currently broken, and there was also standing water when it was raining. Once we had taken up the floor there, so you know, it has some -- we're a little bit concerned about that. And so the recommendation that we have is to put in a perimeter drain, you know, basically to redo the floor. So, you know, a literal enforcement of the Ordinance would mean we get less utility from that expenditure because our maximum would be seven feet and we would like it a lot more. We think it would be much more useful to be eight feet. The house is a -- currently 1331 square feet, again, according to the Assessors. Maybe if you actually measure the interior it
seems like it's a little less. But -- and the basement area, the entire basement area is about 527 square feet less the chimney. It's 514 square feet. So that's kind of the area where we want, that we want to lower. There might be some places that we don't lower. This is shown in the diagram. In the application, there's -- in particular there's a landing for the stairs that we will have if we do this. And that, you know, so that wouldn't be lower. But basically the upper bound on the number of square feet that we would -- for which would now become greater than seven feet would be 514 additional square feet. And that also, just to be clear, that contains, you know, the boiler and the water heater, the gas meter, the breakers, the washer/dryer, as well as the, you know, it's broken up by the presence
of the chimney and stairs. So it's not, maybe it's a little different than if somebody was adding, you know, a new room or something of the same volume. And it's important also to understand I would say that while the number of the floor area ratio seems like a very large increase, the volume that we're actually adding to the house is modest and there's no change to the, you know, it's eight foot cubed or whatever. But like I say, over that, we're adding one foot that would otherwise be added if that means anything.

And let's see. We're not making any change to the outside of the house. So in terms of the historical character of the neighborhood, it's got a -- so our house is in a -- it doesn't have any frontage. It's basically -- you can think of a square with
one house at each corner. So four houses. One edge of that square is on Foster Street. Our house is not one of the corners on that edge. It's one on the other edge. And we share an easement that takes up part of our property area but also allows us access. So it's, a distinctive -- a distinctive lot. Obviously the house predates the Ordinance. It was built in 1922 based on the permitted information that I could find. And so any kind of expansion of the house, as I understand, it would really require Zoning relief.

You know, there's very little outdoor space. And it would affect, if we were to expand it some other way, it would certainly affect the -- there would be historical consideration because there's a definite look to the area and so forth.

BRENDAN SULLIVAN: How do you access the basement from the outside?

SETH BRUDER: So there's two means of access, one is there's interior stairs that go down, and the other is there's a bulkhead.

BRENDAN SULLIVAN: And the bulkhead is not changing?

SETH BRUDER: The bulkhead is not changing, correct.

BRENDAN SULLIVAN: All right.
That's it.
So all the changes are out of public
view?
SETH BRUDER: Right. There are no changes that are visible from the outside. It's all -- and, you know, and so here is the current, the current view. And then here is the proposed.

BRENDAN SULLIVAN: Do you have to underpin all of the footings and everything?

SETH BRUDER: That's the main expense of doing it is that we have to underpin the -- if we were just doing the floor, then, you know, we wouldn't -- but we do have to underpin the foundations, yeah. That's correct.

BRENDAN SULLIVAN: Your house is on what used to be the Charles River years ago.

SETH BRUDER: Yeah, maybe a long time ago, yeah. The marsh area.

BRENDAN SULLIVAN: That was all
filled in.
SETH BRUDER: Well, that could
explain some of the water that we --
BRENDAN SULLIVAN: Very high water
table.
SETH BRUDER: Yeah. I mean, it was
basically -- I mean it's a great house, it's very well built. It's a concrete foundation and we like it a lot. But this would, this would help us use it better.

BRENDAN SULLIVAN: It's premier neighborhood.

JANET GREEN: And do you have yard?
SETH BRUDER: We have, we have some small areas around the sides. So we have, we have -- there's actually a picture I took for the purposes of just showing that we had, that we put up a sign, you know, the notice. It's not a great picture of the house.

JANET GREEN: That's a good idea. SETH BRUDER: So it's not a great
picture of the house, but it does show kind of there's a nine-foot wide area there. It's kind of -- there's a lot of -- there's a pathway that goes through it, so it's not
clear and it's kind of grown up right now in terms of plants. We need to reform the plants there. So it's not a very wide area.

JANET GREEN: And so this is a driveway that goes like this?

SETH BRUDER: And there's a driveway in front of it. So there's gravel in front. There's a small like hedge right in front of the house and there's gravel in front of that. Around the side, on the east side there's that little yard area that we were just talking about. And like I said, there's five feet wide of plants and a few feet of path. And on the other side there's a path going around the other side of the house. And in the back of the house there's really just a small walk area. Just a few feet of setback from the back.

JANET GREEN: You don't really have
a lot of yard?
SETH BRUDER: So we do not have a lot of yard. And the easement also eats into the -- in other words, in order to have driving access -- so our kid literally plays in the, you know, which we try to discourage. But he's playing in the gravel in front. So, you know, that would be a good reason for this.

TIMOTHY HUGHES: Any other questions?

DOUGLAS MYERS: I don't see any plans -- in your plans I don't see any indication of a bathroom being constructed.

SETH BRUDER: That's correct. We don't plan to have a bathroom there. I mean, we don't have any plan. So it's a one bathroom house and we don't want to use the square footage. I mean, the one thing one of
our neighbors did was put a half bath on the first floor or something. But we don't have any plans to do that at this time and that's certainly not part of this.

TIMOTHY HUGHES: Any other questions?

Opening it up to public testimony.
(No Response.)
TIMOTHY HUGHES: Seeing no one, I'll close public testimony.

There are letters in the file. They're all similarly written except the addresses have been customized and the pronouns. You did this, didn't you, and then you just handed them to sign?

SETH BRUDER: This is correct.
ANDREA HICKEY: The people before did that.

JANET GREEN: Everybody does that.

TIMOTHY HUGHES: I know, but this one he changed the addresses and their situation as to how they relate to his property.

ANDREA HICKEY: That's good.
TIMOTHY HUGHES: And I instead of a we knowing if it's just a single person in the house.

SETH BRUDER: Well, it wasn't an attempt to make it look anything more than a form. We wanted to make it as easy for our neighbors as possible.

ANDREA HICKEY: It's good attention to detail.

TIMOTHY HUGHES: I'm going to read one and then I'm just --

BRENDAN SULLIVAN: They all concur.
TIMOTHY HUGHES: They're all pretty much the same except for the address and where
it situates itself to the property that we're talking about.

BRENDAN SULLIVAN: You obviously weren't taking any chances.

SETH BRUDER: Well, being new to the process. I wanted to --

TIMOTHY HUGHES: Anyway, the letter goes something like this: (Reading) Dear Members of the Board: We own the property at -- in this case, 61 Foster Street. Our home is situated directly east of 63 Foster Street. This letter is to let you know that we support Seth Bruder and Tatiana Sandino's application for a Variance to enable them to improve their basement. We understand that their proposal involves deepening their basement, increasing the living area of their house further in excess of Zoning requirements. We have had the opportunity
to discuss their plans with them and believe that they are reasonable and will not have a negative impact on the neighborhood. We support and hope that you will grant their petition. Thank you for your consideration.

This is signed by Daniel Bower and Jill Desiminey (phonetic), 65 Foster Street.

Signed by Whitney Allen and Christopher Bingham, 59 Foster Street.

Signed by Carol Fishman abutter. 61 Foster Street I already did. Is that just -SETH BRUDER: There should be a total of three, that's correct.

TIMOTHY HUGHES: All right, and these are just copies. So that was it. Three letters of correspondence.

And that's that. Anything else from the Board?

BRENDAN SULLIVAN: No, I think these
are very lovely houses but they are very limited outdoor space and the outdoor space as the Petitioner said, is somewhat hazardous to children because they're playing basically in the driveway. And it's very hard to have an enclosed area to allow the Petitioner to have some recreation space, private space for the family basically. It seems like the right thing to do.

TIMOTHY HUGHES: Any other comments?

The Chair would move that a Variance be granted to increase the gross floor area by the digging down into the basement of 63 Foster Street.

A literal enforcement of the provisions of this Ordinance would involve a substantial hardship because repairs have to be made to the basement anyway not to allow the space to
be redone in a way that would make it liveable and usable space would just pile an expense onto an expense for no good reason.

The hardship is owing to the following circumstances: I'm going to say relating to the soil conditions, the high water table, and that substantial improvements need to be made to the basement just to keep the water out. So it seems like the appropriate time to add the gross floor area needed for living space.

Substantial detriment to the public good -- desirable relief may be granted without substantial detriment to the public good for the following reason:

That all of the improvements to the house are internal. It doesn't change the footprint. It doesn't change the outside living space. It doesn't change any open
space. It's not visible from the public way unless you peek into a basement window.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

Consistent with the intent and purpose of the Ordinance, the relief sought maintains the character of the neighborhood with no exterior changes and maintains as the feasible use of the property that of a modest single family home.

All those in favor of granting the Variance?
(Show of hands.)
TIMOTHY HUGHES: That's five in
favor.
(Hughes, Sullivan, Green, Myers, Hickey.)
(Whereupon, at 11:05 p.m., the Zoning Board of Appeals

## Adjourned.)

## ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of October 2013.

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0.75 [2] - 112:5, $223: 5$
0.8 [1] - 224:17
0.87 [1] - 223:5
0.97 [1] - 223:5

02139 [1] - 1:7
09/26/13 [1] - 309:1

## 1

1 [7] - 2:10, 62:3, 62:5, 222:11, 235:6, 241:19, 253:13 1,025 [2] - 76:14, 93:12
1.2 [1] - 224:18 10 [6] - 8:3, 8:12,

46:15, 50:13,
118:18, 220:5
10-foot [1] - 151:19

100 [3] - 36:3, 127:2,
142:6
1020 [1] - 198:19
1035 [1] - 151:7
10477 [2]-2:3, 3:7
10488 [2] - 2:4, 75:6
10490 [2] - 2:5, 136:6
10503 [2] - 2:6, 165:6
10504 [2] - 2:7, 192:6
10505 [2] - 2:8, 208:6
10506 [2] - 2:9, 214:6
10507 [2] - 2:10, 235:6
10508 [2] - 2:11, 257:6
10509 [2] - 2:13, 274:6
10510 [2] - 2:14, 289:6
10:00 [3] - 175:11,
197:14, 206:11
10:10 [1] - 235:1
10:15 [1] - 206:9
10:25 [1] - 257:1
10:30 [4] - 206:9,
206:14, 206:17, 248:14
10:40 [1] - 274:1
10:45 [1] - 206:14
10:50 [1] - 289:1
10th [10] - 65:7, 65:10, 66:12, 66:18, 67:3,

67:12, 68:6, 68:15, 69:19, 132:9 11 [4]-6:8, 53:17, 280:15, 281:17 11.31 [1] - 255:17 11/14 [2] - 132:19, 133:13 11:00 [1] - 248:14 11:05 [1] - 307:1 11th [1] - 310:11 12 [2] - 4:14, 101:6 12-by-17 [1] - 216:4 12/19 [3] - 186:12, 187:1, 187:5 125 [1] - 148:11 12:00 [2] - 248:18, 248:19
12th [1] - 6:16
13 [2] - 8:2
1331 [1] - 291:18
136 [1] - 2:5
13th [2] - 190:10,
190:17
14 [5] - 180:13,
189:11, 189:17,
190:4, 190:17
144 [1] - 82:2
147703 [1] - $310: 15$
148 [1] - 221:11
14th [21] - 65:7, 65:11,
65:13, 66:6, 67:3,
67:12, 67:13, 67:16,
68:10, 68:15, 69:19,
72:9, 72:11, 72:13,
73:1, 73:3, 74:1,
132:14, 132:17,
190:10, 190:17
15 [3]-53:1, 111:14,
281:13
150 [1] - 242:1
150,000 [1] - 219:1
1500 [4] - 77:8, 93:7,
93:11, 120:5
15th [1] - 4:7
16 [2] - 53:2, 53:18
164 [1] - 221:11
165 [1] - 2:6
1660 [1] - 82:19
168 [1] - 221:11
1680 [4] - 83:2, 83:4,
93:13, 94:1
17 [1] - 220:12
17-by-12 [2] - 221:14,

```
223:3
```

18 [1] - 169:17
$1850[1]$ - 90:18
1853 [1] - 114:1
1854 [1] - 90:18
19 [1] - 94:17
190 [1] - 94:7
192 [1] - 2:7
1922 [1] - 294:10
1925 [2] - 194:7, 204:7
1960s [1] - 197:17
1970s [1] - 226:6
1977 [1] - 217:12
1986[1]-254:7
19th [3] - 71:4, 187:1,
190:17
1A [1] - 7:18
1st [2] - 175:13,
175:14

## 2

20 [4] - 77:1, 182:8, 197:4
20-foot [1] - 205:13
2002[1]-254:13
2011 [1] - 235:16
2013 [3] - 1:5, 4:14,
310:11
2015[1] - 310:16
$208[1]-2: 8$
20s [1] - 123:9
214 [1] - 2:9
22 [2] - 2:4, 75:6
23 [10] - 2:6, 165:6,
165:12, 166:11,
174:3, 179:15,
179:16, 182:9,
182:17, 310:16
2322A [3] - 2:13,
274:6, 284:6
$235[1]-2: 10$
24/7 [1] - 276:11
25 [1] - 214:17
257 [1] - 2:12
$26[2]-1: 5,77: 13$
26th [4]-6:19, 151:15,
157:7, 160:19
274 [1] - 2:13
288[2] - 2:3, 3:7
289 [1] - 2:14
29 [1] - 122:15
29th [4]-4:4, 4:7, 4:8,
153:10

## 3

3 [8] - 2:3, 2:5, 136:6,
151:2, 153:17,
157:15, 164:2,
280:17
30 [6] - 55:8, 63:5,
90:14, 122:16,
126:11, 220:16
300 [1] - 222:16
308 [1] - 309:7
$32[2]-136: 10,282: 4$
33 [5] - 151:10,
152:16, 154:14,
154:16, 155:9
3370 [3] - 220:8,
220:15, 221:12 34 [5] - 77:14, 122:15, 141:9, 147:13, 224:12
$340[1]-221: 17$
3400 [1] - 220:15
35 [5] - 123:17,
142:13, 142:14, 156:2, 219:16
35-foot [1] - 143:3
$36[1]-15: 7$
3A [3] - 7:18, 28:3, 254:6

## 4

40 [3] - 34:3, 34:6,
34:11
40-foot [1] - 123:6
$400[1]-227: 11$
406 [6] - 2:9, 214:6,
227:6, 229:4,
230:15, 233:15
410 [2] - 227:15, 229:4
411 [1] - 227:12
42 [5] - 2:8, 208:6,
209:17, 209:18,
213:10
45/75 [1] - 174:2
47 [1] - 220:12
47-by-17 [2] - 221:12, 221:16
48 [1] - 227:18
4B [3] - 19:3, 19:5,
19:6
$4 C_{[1]}-18: 15$

## 5

5 [4] - 7:9, 7:13, 53:4, 151:3

```
5-7[1]-151:4
```

$50[3]-18: 10,86: 14$,
119:2
502 [1] - 281:16
514 [2] - 292:5, 292:15
52 [2] - 227:17
527 [1] - 292:4
535 [2] - 2:12, 257:7
555 [2] - 2:11, 257:6
59 [1] - 303:10
5:30 [1] - 197:14
5th [7] - 66:8, 70:4,
70:6, 70:8, 70:11,
70:19, 71:3
6
6 [2] - 45:14, 281:12
$60[1]-275: 13$
61 [2] - 302:11, 303:11
617.786.7783/617.63
$9.0396[1]-1: 16$
$627[1]-221: 11$
63 [6] - 2:14, 289:6,
289:8, 289:12,
302:12, 304:14
646 [1] - 221:11
65 [2] - 182:19, 303:8
6th [1] - 164:3
7
7/16/2013 [1] - 233:17
75 [2] - 2:4, 171:1
7:00 [2] - 1:5, 3:2
7:55 [1] - 75:1
8
$8[1]-7: 13$
$8.22{ }_{[1]}-162: 1$
$806[1]-1: 7$
$809[2]-221: 11$
820 [3] - 2:7, 192:6,
202:15
8:00 [2] - 248:18,
248:19
8:30 [1] - 175:11
8:45[1] - 136:1

```
9.5[1]-152:2
```

$90[1]-275: 13$
9:00 [1] - 248:15
9:10 [1] - 165:1
9:30 [1] - 192:1
9:40[1]-208:1
9:50[1] - 214:1
9th [3] - 4:16, 30:7,
213:10

## A

a.m [3] - 276:10, 276:11, 286:3 A3 [1] - 84:1 ability [3] - 160:8, 218:12, 310:10 able [18] - 39:2, 40:11, 41:10, 44:10, 79:3, 87:9, 97:11, 103:1, 103:12, 127:12, 153:9, 177:12, 193:17, 195:14, 218:3, 253:19, 260:7, 260:11
absolute [1]-65:9
absolutely
[4] - 166:19, 201:2,
201:6, 270:15
abutter [2] - 229:3,
303:11
abutting $[1]-227: 5$
accept $[7]-31: 16$,
32:6, 32:7, 36:14,
243:11, 258:15,
270:6
access [10] - 96:8,
100:5, 162:3,
163:15, 285:7,
285:14, 294:7,
295:2, 295:5, 299:6
accessibility
[1] - 256:2
accommodate
[4]-22:11, 149:18,
167:15, 183:15
accomplish
[1] - 44:10
according
[2] - 221:10, 291:19
accountability
[1] - 261:6

## accumulating

[1] - 291:2
accurate [2] - 309:16, 310:9
accurately [1] - 58:5
achieve [1] - 143:2
Acting [1]-1:8
activate [1] - 168:6
active [2] - 168:11, 243:14
activities [4] - 279:16, 286:14, 286:16, 287:19
actual [5] - 7:16, 51:4, 76:13, 86:12, 111:7 adaptation [1] - 20:18 add [8] - 40:12, 47:18 237:6, 240:14, 242:5, 242:10, 242:17, 305:10 added [4] - 90:7, 90:8, 221:17, 293:13 adding [3] - 293:4, 293:9, 293:12 addition [14] - 48:19, 77:9, 77:10, 82:11, 84:8, 119:1, 127:6, 152:6, 238:17, 239:6, 244:3, 249:16, 268:10, 275:16 additional [12] - 19:8, 42:7, 51:15, 119:11, 162:8, 228:8, 228:9, 232:8, 266:10,
268:14, 272:3,
292:15
additionally [2] - 5:10,
6:8
additions [1] - 261:16 address [20] - 35:18, 94:14, 123:13,
127:10, 134:11,
136:13, 152:4,
162:1, 165:8, 175:6,
178:1, 179:3, 179:7,
179:11, 253:13,
281:1, 281:7, 281:8,
281:19, 302:1
addressed [4] - 76:9,
101:14, 209:12,
243:9
addresses
[4] - 153:19, 281:14, 300:13, 301:3

## addressing

[2] - 105:18, 107:1 adequate [1] - 111:12 adhering [1] - 31:16 adjacent [12] - 29:5, 32:12, 123:3,
162:13, 162:19,
163:15, 210:2,
212:1, 250:13,
286:6, 286:10,
286:18
adjoining [3] - 163:10, 212:18, 285:2
Adjourned [1] - 307:2 advantage
[1] - 195:14
adverse [4] - 32:12, 32:15, 33:11, 33:12
adversely
[3] - 162:15, 212:3, 286:7
advertise [1] - 183:2
advertised
[1] - 185:15 advertisement
[1] - 180:17
advice [1] - 59:8
advise [2] - 59:5,
147:9
advisory [1] - 63:12
Advisory [1] - 167:9
affect [5] - 162:19,
199:2, 205:10,
294:16, 294:18
affected [3] - 162:15,
212:3, 286:8
affecting [5] - 158:9,
158:10, 163:15,
203:19, 204:1
affirmatively
[1] - 244:5
afford [1] - 82:2
affordable [1] - 242:7
afraid [1] - 60:10
afterwards [4] - 26:13,
76:11, 93:4, 98:2
agencies [1] - 244:12
agent [2] - 178:10,
178:11
aggression
[2] - 268:19

## aggressions

[1]-268:15
aggressive
[3] - 258:15, 269:7, 270:10
ago [5] - 75:14, 142:7,
198:2, 296:11,
296:13
agree [9] - 58:17,
61:14, 110:15,
110:16, 125:5,
129:2, 267:9,
267:10, 267:13
agreeable [1] - 206:8
agreed [4] - 9:3,
148:1, 148:4, 179:3
ahead [3] - 75:11,
208:13, 257:14
aimed [1] - 152:7
air ${ }_{[1]}-114: 13$
Al's [12] - 235:13,
235:14, 236:4,
237:15, 241:16,
242:4, 242:7,
243:12, 243:13,
244:3, 253:10
alarm [2] - 193:14,
195:9
Alexandra
[1] - 242:12
ALEXANDROV
[34]-214:9, 214:11, 214:15, 215:7,
215:19, 216:14,
216:17, 217:19,
218:19, 220:2,
220:6, 220:18,
221:1, 221:8, 222:1,
222:3, 222:7,
222:17, 223:3,
223:9, 223:13,
223:16, 224:3,
224:9, 224:12,
224:19, 225:9,
225:12, 225:16,
225:19, 226:4,
228:15, 229:16,
234:1
Alexandrov
[4]-214:10, 214:12, 227:7, 233:16
algorithm [1] - 55:11
alive [2] - 184:1,
allowed [6] - 112:5,
146:11, 146:15,
166:17, 250:9,
267:5
allowing [3] - 174:9,
174:11, 189:4
allows [4] - 79:13,
269:11, 269:12,
294:7
almost [7] - 27:2,
124:7, 146:9,
216:15, 220:13,
268:10, 279:10
alone [1] - 260:1
alter [1]-159:16
alterations
[1] - 163:15
alternative $[3]-43: 7$,
66:16, 129:12
aluminum [5]-193:1,
196:8, 196:9,
200:17, 205:16
amazing [1] - 236:7
Amendola
[2] - 227:13, 229:3
AMENDOLA
[7]-228:19, 229:2,
229:8, 229:15,
229:18, 230:6,
230:11
amenity [1] - 255:8
amount [4]-18:7,
93:11, 110:13,
285:12
Amy [2]-282:3, 282:4
analysis [1] - 147:15
Anastasia [1] - 152:12
ancillary [1] - 275:17
AND [2] - 308:1,
308:16
AND/OR [1] - 310:19
Anderson [1]-3:12
Andrea [14]-1:10,
3:4, 75:3, 127:18,

136:3, 165:3, 192:3, 208:3, 214:3, 235:3, 257:3, 274:3, 275:2, 289:3
ANDREA [68] - 17:3, 26:9, 27:18, 28:6, 40:6, 40:16, 41:12, 49:12, 49:19, 53:1, 54:9, 56:18, 57:11, 58:13, 58:17, 59:1, 67:14, 69:14, 85:16, 91:5, 91:13, 92:9, 92:15, 113:12, 116:1, 118:6, 127:14, 127:19, 128:4, 128:15, 129:6, 129:15, 130:11, 131:2, 131:9, 132:12, 138:3, 153:3, 153:5, 154:13, 155:4, 155:8, 155:12, 156:6, 156:17, 171:17, 172:3, 172:10, 174:5, 183:9, 183:17, 184:2, 201:4, 201:7, 202:1, 206:18, 223:2, 247:4, 248:2, 262:9, 267:9, 267:12, 275:2, 281:4, 282:1, 300:18, 301:6, 301:14
Andrea's [1] - 275:5
angle [1] - 261:4
angled [1] - 85:3
animal [1] - 269:18
animals [2] - 269:9,
284:19
answer [3] - 30:4, 61:16, 87:9 answered [2] - 188:7, 240:5 answers [1] - 126:17 antenna [4]-21:10, 21:16, 34:7, 71:19 antennas [18] - 5:7, $5: 8,5: 11,6: 7,6: 8$, 8:6, 18:7, 22:15, 33:17, 39:11, 40:13, 41:4, 42:9, 43:12, 55:16, 55:19, 56:2,

```
71:7
```

Anthony [1] - 102:6
anticipate [1] - 246:14
anticipated
[4]-194:17, 276:9,
285:11, 286:17
anticipates
[1] - 287:16
anticipating
[1] - 209:5
ANY [2] - 310:18,
310:18
anyhow [6] - 36:13,
62:2, 91:2, 131:18,
184:1, 190:8
anyway [11] - 55:4,
68:6, 78:8, 182:19,
185:4, 185:9,
222:14, 290:16,
291:4, 302:8,
304:19
apart [1] - 166:2
apartment [7] - 141:4
141:18, 142:8,
146:15, 156:11,
216:12, 218:11
apologize [1] - 137:9
Appeal [2] - 195:5,
241:13
APPEAL [1] - 1:2
appealing [2] $-35: 1$,
280:2
Appeals [7]-210:14,
249:16, 254:8,
307:2, 308:11,
309:4, 309:15
APPEALS [1] - 309:1
appear [1] - 239:2
applicable
[4] - 118:15, 253:3,
256:1, 287:10
applicant [4]-25:19,
31:9, 171:17,
171:19
applicants [1] - $31: 8$
application
[11]-4:14, 25:17,
119:19, 172:18,
173:10, 239:9,
239:13, 240:6,
244:5, 292:9,
302:15
applications
[2] - 239:17, 249:11
applies [1] - 149:14
APPLY [1] - 310:18
apply [2] - 76:19,
223:16
applying [1] - 161:19
appointment
[1]-64:17
appreciate [4] - 63:8,
64:16, 65:1, 118:10
appreciative
[2] - 61:6, 73:4
approach [2] - 94:13, 138:14
appropriate
[2] - 280:6, 305:9
approval [1] - 246:13
approve [1] - 228:7
approved [2] - 246:12,
265:18
approving
[1] - 119:19
approximate
[1] - 119:9
April [2] - 30:7, $246: 8$
april [1] - 310:16
architect [3] - 112:16, 244:17

## Architects

[2] - 169:16, 208:12
architects [1] - 233:16
architectural
[2] - 156:15, 205:11
architecture
[1] - 194:2
area [55] - 31:19, 38:9,
38:15, 84:5, 84:6,
88:7, 92:19, 93:2,
93:7, 118:16,
119:10, 134:9,
139:12, 149:2,
153:16, 162:11,
220:5, 220:8,
220:12, 221:10,
221:14, 221:18,
222:16, 228:10,
232:4, 237:9,
237:11, 245:6,
245:12, 246:3,
255:10, 263:9,
266:15, 285:17,
288:1, 289:19,
290:3, 290:5,

290:14, 290:15,
292:3, 292:6, 293:7, 294:7, 295:1, 296:13, 297:18, 298:4, 298:12, 298:18, 302:18, 304:7, 304:13, 305:10 areas [5] - 162:1, 277:12, 279:7, 285:5, 297:10 arguably [1] - 262:15 arrows [2] - 179:8, 179:9
Article [4] - 141:9,
147:13, 162:1,
255:17
aside [2] - 109:11,
144:14
aspect [6] - 36:16,
105:15, 114:9,
143:17, 156:15,
163:8
Assessor's [1] - 290:1
Assessors
[1] - 291:19
Associate [2] - 1:10, 1:10

## associated

[2] - 170:1, 288:4

## Associates

[2] - 208:12, 213:9
Association
[12] - 165:11, 168:6, 172:2, 173:18, 204:5, 239:8, 241:14, 241:15, 243:1, 243:15, 244:8, 254:17

## association

[3] - 168:1, 168:5, 242:1
assume [2] - 20:1,
254:12
assuming [1] - 96:6
assumption
[1] - 109:8
AT\&T [6] - 3:12, 3:15,
3:16, 35:13, 39:2,
73:8
ATTACH [1] - 309:1
attached [3] - 84:11, 152:19, 273:5

```
attack [1] - 270:3
```

attacked [1] - 270:10
attempt [1] - 301:11
attended [1] - 269:5
attention [3] - 12:5,
59:2, 301:14
attest [1] - 278:11
attic [6]-77:12, 79:14,
93:16, 116:13,
131:17, 215:15
ATTORNEY
[86] - 3:10, 7:8, 8:1,
8:6, 8:11, 8:16, 10:7,
$11: 16,12: 2,12: 14$,
14:4, 14:11, 16:5,
$16: 11,16: 18,17: 9$,
20:12, 21:4, 21:17,
24:2, 24:11, 28:16,
29:18, 30:5, 30:15,
34:18, 35:6, 37:16,
$38: 8,38: 16,42: 4$,
43:18, 44:4, 44:11,
45:10, 46:3, 46:10,
46:16, 49:8, 49:16,
50:11, 50:18, 52:18,
53:5, 54:1, 54:7,
54:13, 57:10, 59:15,
59:19, 61:9, 61:17,
62:9, 62:15, 63:3,
63:17, 64:15, 65:12,
65:18, 66:5, 67:2,
67:6, 67:17, 68:4,
68:9, 68:18, 69:3,
69:6, 69:10, 69:18,
70:5, 72:5, 73:2,
73:14, 274:8,
274:15, 275:3,
276:3, 276:8,
277:16, 278:14,
282:16, 283:3,
283:8, 283:14,
284:12
attorney [1] - 3:12
attract [4]-168:11,
205:2, 252:4,
255:18
attractive [1] - 167:17
August [10] - 4:4, 4:7,
4:8, 6:19, 151:15,
157:7, 160:17,
164:3, 213:11
auspices [1] - 275:15
authorized [1] - 168:2

## authorizing

[1] - 173:17
available [5] - 67:5,
132:8, 185:13,
250:3, 250:4
Ave [2] - 181:10,
198:19
Avenue [10] - 1:7, 2:7,
2:13, 60:3, 192:6,
202:15, 274:6,
284:7, 285:16,
286:12
avenue [1] - 108:9
aware [3] - 155:9,
155:17, 194:14
awful [2] - 109:8,
119:11
awning [1] - 246:11
Aye [4] - 164:7,
205:19, 234:6,
288:5

## B

## background

[2] - 12:17, 268:13
backyard [6] - 81:12,
82:5, 83:7, 123:3,
224:13, 233:3
bad [1] - 272:1
bag [1] - 109:19
balance [2] - 77:18,
117:17
balconies [4] - 139:9,
144:16, 146:8,
151:18
ball [1] - 215:2
ballast [1] - 26:4
ballast-mounted
[1] - 26:4
band [1] - 168:15
bar [1] - 44:14
Barbara [2] - 281:4,
281:7
bark [3] - 270:17,
271:9, 271:15
barking [2] - 267:17,
270:14
barriers [2] - 41:1,
41:10
BARRY [22] - 235:7,
235:12, 238:7,
239:3, 239:6,
241:11, 242:18,

243:6, 245:13,
246:17, 247:6, 247:15, 248:6, 248:13, 249:1, 249:4, 250:6, 250:14, 251:10, 252:6, 252:12,
252:16
Barry [1] - 235:7
based [3] - 272:6,
290:1, 294:10
basement [20] - 6:9,
157:13, 217:9,
219:8, 228:10,
232:7, 289:15,
290:19, 291:5,
292:3, 295:3,
302:16, 302:18,
304:14, 304:19,
305:8, 306:2
basic [2]-32:1, 33:10
basis [2] - 204:14, 276:7
basket [2] - 56:11,
126:16
bath [1] - 300:2
bathroom
[6] - 269:10, 269:13, 271:10, 299:15, 299:17, 299:19 bay [1] - 80:9
Bay [1] - 192:10
bearing [3] - 32:8,
32:9, 32:10
beast [1] - 97:17
beautiful [2] - 167:15, 279:5
become [1] - 292:14
becomes [1] - 122:15
becoming [1] - 255:11
bedroom [4] - 80:14, 90:12, 209:7, 218:6 bedrooms
[2] - 217:13, 217:14
begin [1] - 92:7
beginning [1] - 4:13
behalf [2] - 151:2,
241:15
behavior [3] - 269:18,
280:6, 288:1
behaviorists
[1] - 269:19
behind [5] - 87:6,

87:18, 88:1, 114:14, 268:13 belong [1] - 104:3 below [5] - 56:14, 80:15, 195:10, 203:6, 203:10
Ben [1] - 215:8
benefit [3] - 204:10, 279:5, 287:17
best [7] - 26:6, 29:6,
107:5, 107:8, 166:1, 281:2, 310:10
bet [2] - 55:1, 55:2
better [25] - 13:8,
14:13, 14:14, 20:16,
21:7, 35:4, 42:11,
55:1, 63:16, 66:11,
79:5, 79:8, 87:10,
95:14, 100:7,
103:13, 106:6,
129:12, 195:18,
225:17, 226:10,
280:5, 297:5
between [9] - 12:18,
19:18, 67:3, 86:13,
116:17, 117:18,
174:19, 182:13,
236:9
beyond [1] - 122:17
bidding [1] - 215:10
big [11] - 18:17, 19:10,
26:18, 34:7, 88:6,
88:7, 89:15, 111:18,
121:7, 121:9, 259:9
bigger [2] - 56:7,
82:14
biggest [1] - 271:8
billing [1] - 20:3
Billy [1] - 283:6
bing [1] - 210:14
Bingham [1] - 303:10

## biodegradable

[2] - 252:9, 255:19
birds [1] - 157:3
bit [21] - 62:14, 64:13,
82:14, 89:6, 95:12,
109:11, 112:1,
116:2, 137:8,
175:17, 175:18,
194:1, 194:3,
194:10, 215:1,
218:1, 236:19,
247:10, 276:6,

290:8, $291: 9$
black [2] - 13:9, 26:17
BLACKER [7] - 235:9,
236:15, 237:14,
244:15, 245:8,
248:14, 248:17
blacker [1] - 235:9
BLAKE [58] - 75:9,
75:12, 78:8, 80:3,
81:11, 82:19, 83:4,
83:15, 83:18, 84:9,
85:1, 85:7, 85:11,
85:17, 86:2, 86:7,
87:8, 87:14, 89:9,
89:18, 90:10, 91:8,
91:18, 92:11, 93:5,
93:9, 93:14, 94:7,
99:8, 99:16, 100:6,
101:16, 103:4,
106:1, 108:15,
113:3, 113:7,
114:16, 116:7,
120:1, 120:15,
122:5, 122:9, 126:1,
126:10, 127:16,
128:3, 128:9, 129:2,
130:2, 130:5, 130:9,
131:6, 131:11,
132:3, 132:5, 134:2,
134:15
Blake [1] - 75:10
blank [1] - 82:4
blanks [2] - 176:8,
177:12
blend [2] - 29:6, 59:3
blends [2] - 21:6,
64:10
block [2] - 33:1,
114:18
blocking [1] - 57:15
blocks [1] - 89:15
blood [1] - 310:6
blue [2] - 13:7, 13:9

## BLUMSACK

[23] - 75:8, 81:9, 87:17, 88:3, 88:9, 88:13, 100:9,
100:16, 101:17, 103:19, 104:6, 104:8, 104:15, 110:3, 110:15,
121:6, 121:13, 124:7, 129:18,
169:12, 194:14,
194:15, 195:2,
195:4, 196:17,
199:15, 210:13,
230:2, 230:7,
233:12, 239:5,
241:3, 241:12,
249:15, 254:7,
262:8, 265:14,
265:17, 266:7,
277:4, 302:10,
303:19, 307:2,
308:11, 309:4,
309:15
board [2] - 60:18,
169:17
BOARD [2] - 1:2,
309:1
Board's [4] - 75:16,
202:10, 210:10,
210:11
Boardman
[1] - 281:13
body [2]-31:16,
205:1
boiler [1] - 292:17
booklets [2] - 78:5,
78:7
boss [1] - 169:15
Boston [4]-257:11,
258:5, 272:17,
277:11
botta [1] - 210:14

## bought [8] - 104:5,

108:11, 108:12,
110:11, 110:14,
214:17, 215:7,
217:11
bound [1] - 292:13
boutiques [1] - 279:9
Bower [1] - 303:7
box [12]-77:1, 84:10, 89:12, 116:6,
117:11, 121:10,
127:5, 129:19,
130:1, 130:3, 179:8, 203:11
boxes [2] - 84:10, 193:1 boxiness [2] - 116:3, 128:2 boys [2] - 214:19, 218:13
brainer [1] - 104:14
break [2] - 113:1, 127:7
breakers [1] - 292:19
Brendan [15] - 1:9,
3:3, 75:2, 112:2,
131:15, 136:2,
136:14, 165:2,
192:2, 208:2, 214:2,
235:2, 257:2, 274:2,
289:2
BRENDAN [125] - 9:2,
9:12, 9:19, 10:13,
11:4, 11:18, 12:4,
12:9, 12:12, 12:16,
14:19, 15:6, 15:9,
16:1, 17:15, 21:8,
21:12, 21:15, 21:19,
22:18, 23:9, 23:16,
24:4, 24:9, 24:13,
29:12, 36:2, 36:9,
37:5, 37:13, 42:16,
42:19, 43:3, 49:5,
52:16, 53:8, 53:12,
54:5, 57:1, 57:4,
61:15, 61:19, 62:11,
62:18, 63:7, 63:15,
64:7, 73:9, 73:16,
88:19, 90:9, 90:17,
104:4, 104:7,
108:10, 108:17,
110:5, 120:9,
120:17, 125:5,

## 125:9, 129:8, 131:4,

 131:16, 134:3, 138:2, 144:18, 145:6, 145:12, 146:10, 146:14, 147:1, 147:3, 169:19, 170:4, 170:9, 170:12, 170:16, 171:6, 171:10, 171:13, 173:11, 173:14, 174:14, 175:7, 175:16, 176:6, 183:19, 187:12, 189:1, 189:9, 190:2, 190:6, 190:16, 194:13, 194:19, 222:8, 222:11, 225:10, 225:14, 237:10, 238:3, 238:18, 249:13, 266:13, 267:8, 274:13, 282:7, 282:13, 282:19, 283:5, 283:10, 283:19, 284:2, 295:2, 295:8, 295:12, 296:2, 296:10, 296:14, 296:18, 297:6, 301:18, 302:4, 304:1
## Brendan's

[1] - 251:13
brick [6] - 5:9, 12:15, 12:16, 12:18,
115:18
brickface [1] - 20:10
bring [10] - 59:5,
59:12, 63:5, 70:19, 77:6, 120:16, 158:18, 209:7, 237:12, 280:4 bringing [4] - 103:2, 201:15, 223:7, 248:8
brings [4] - 103:18, 167:5, 180:5, 280:8
BRISTOL [1] - 310:3
broad [1] - 175:18
Broadway [4] - 2:10,
235:6, 241:19,
253:13
broken [3] - 7:15, 291:6, 293:1
brother [1] - 114:14

## brother-in-law's

[1] - 114:14
brought [1] - 260:6
brown [4] - 12:19,
24:8, 24:14
brown-reddish
[1] - 24:8
BRUDER [18] - 289:7,
289:12, 295:4,
295:10, 295:16,
296:4, 296:12,
296:16, 297:1,
297:9, 297:16,
298:7, 299:3,
299:16, 300:17,
301:10, 302:6,
303:13
Bruder [3] - 289:8,
289:11, 302:14
brushed [3] - 193:1,
196:8, 196:9
buckling [1] - 219:8
budget [1] - 219:1
build [6] - 17:11, 77:2,
114:13, 129:9,
129:13, 144:15
Building [1] - 160:6
building [80] - 6:10,
$6: 12,14: 17,16: 16$,
17:14, 21:10, 23:11,
24:9, 27:5, 28:17,
28:18, 29:6, 31:15,
31:18, 33:2, 33:4,
33:14, 34:1, 34:9,
34:14, 35:13, 38:1,
38:2, 39:11, 40:18,
58:12, 76:8, 77:14,
93:1, 98:18, 106:17,
112:15, 112:17,
113:17, 113:19,
119:2, 122:17,
123:12, 138:7,
138:8, 138:9,
138:11, 146:11,
149:2, 154:4, 154:8,
156:1, 163:8,
179:14, 179:16,
180:14, 182:8,
182:12, 182:15,
192:15, 193:11,

```
194:2, 194:10,
```

196:7, 196:13,
198:1, 199:3,
200:18, 204:10,
205:4, 205:10,
205:11, 206:10,
206:12, 216:11,
216:12, 224:5,
229:4, 235:18,
254:6, 255:9, 285:4
building's
[2] - 158:13, 251:5
buildings [13] - 10:14,
32:4, 32:17, 117:4,
139:15, 149:3,
153:14, 153:15,
153:17, 155:2,
155:3, 216:15,
255:9
built [5] - 81:13,
119:16, 215:6,
294:10, 297:3
bulbs [1] - 201:8
bulk [3] - 18:10, 32:14,
89:3
bulkhead [3] - 295:7,
295:8, 295:10
bulkier [1] - 56:3
bulky [2] - 12:1, 27:4
bump [1] - 109:7
bunch [2] - 59:6,
178:14
burden [1] - 203:13
bus [1] - $248: 7$
Business [8] - 165:11,
168:6, 172:2,
173:17, 243:1,
243:15, 244:8,
284:18
business [27] - 41:9,
41:17, 168:1, 168:5,
168:7, 236:1,
237:19, 242:6,
246:7, 254:1, 265:3,
265:18, 266:15,
266:19, 267:1,
267:4, 272:6, 275:5,
275:9, 275:19,
276:4, 283:17,
283:18, 284:5,
286:14, 287:2,
287:19
businesses
[4] - 242:1, 279:14, 286:12, 287:1 buy [5] - 108:17, 109:1, 110:5, 110:16, 252:1
buying [1] - 110:9
BY [1] - 310:18
by.. [1] - 281:2

## C

C-1 [1] - 2:11
cable [2] - 8:17, 8:18
cabling [2] - 6:9, 6:11 Cafe [3]-235:14, 243:12, 253:10 Cafe's [2] - 241:16, 242:4
cafes [1] - 279:9
calculation $[1]$ - 93:17

## calculations

[1] - 221:10
calendar $[1]$ - 190:10
CAMBRIDGE ${ }_{[1]}-1: 3$
Cambridge [33] - $1: 7$,
2:11, 2:12, 26:2,
104:11, 126:12,
136:11, 151:8,
163:6, 192:12,
204:12, 212:11,
214:16, 217:12,
257:6, 257:7, 258:7,
258:19, 275:8,
277:8, 277:9,
277:11, 278:9,
279:4, 279:12,
279:17, 280:4,
280:15, 281:9,
281:14, 284:6,
287:18
CAMILLA $_{[1]}$ - 264:18
Camilla [1] - 264:19
Canada [1] - 258:9
canine [1] - 280:2
cannister [99 - 5:14,
6:4, 18:3, 18:17, 26:19, 28:9, 43:10, 52:5, 71:8
$17: 4,18: 1,18: 4$,
$18: 5,18: 16,19: 1$,
19:3, 19:8, 19:9, 19:11, 19:14, 20:16, 21:16, 22:1, 22:7, 22:9, 24:5, 26:5, 27:3, 32:13, 43:8, 43:9, 43:15, 45:4, 45:19, 46:4, 46:5, 47:3, 47:18, 48:16, 48:18, 49:2, 50:3, 50:5, 53:15, 54:6, 54:8, 54:10, 54:14, 55:14, 58:14, 58:19, 62:6, 62:7 cannot [4] - 20:4, 142:1, 151:5, 212:7

## Cantabrigian

[1] - 280:1
canyon [1] - 123:11
capacity [1] - 250:10

## CAPTURING

[1]-1:15
car [1] - 96:10
care [18] - 45:4, 45:15,
75:19, 128:16,
138:12, 257:18,
258:6, 258:14,
258:17, 260:16,
262:16, 268:10,
269:5, 269:7,
269:11, 269:12,
270:19, 278:12
careful [1] - 31:19
cares [2] - 269:1,
270:5
CARL [1] - 264:18
Carl [1] - 264:19
CARLSON [1] - 275:2
Carlson [1] - 275:2
Carol [1] - 303:11
carrier [2] - 6:5, 35:12
carrier's [1] - 5:15
carriers [7] - 17:18,
23:15, 28:19, 37:6, 37:18, 44:9, 57:15
carries [1] - 161:10
carry [1] - 138:5
cars [2]-76:4, 221:6
case [38] - 3:7, 4:13,
73:19, 75:6, 105:15,
107:8, 118:9, 132:1,
132:7, 132:18,

132:19, 136:6,
137:19, 144:11,
165:6, 177:18,
183:2, 183:6, 185:2,
185:12, 185:15,
185:17, 186:15,
186:19, 187:10,
187:11, 192:6,
208:6, 210:12,
214:6, 235:6, 257:6, 266:14, 274:6, 289:6, 290:9, 302:11
CASE [1] - 2:2
cases [2] - 66:15,
105:16
Castania [1] - 281:11
Catania [1] - 281:10

## CATHERINE

[12] - 214:9, 214:15, 216:14, 217:19, 220:2, 221:1, 222:1, 222:17, 223:13, 224:9, 225:12, 228:15 Catherine [3] - 214:9, 310:4, 310:13
caused [1] - 231:13
causing [1] - 219:17
CAZ [1] - 309:2
ceiling [3] - 141:17,
160:7, 290:12
cellular [1] - 25:17
Center [2]-1:6,
235:15
center [5] - 153:9,
179:8, 187:17,
200:2, 279:16
Centerline [1] - 3:13
Central [10] - 165:10,
168:5, 168:7,
168:10, 172:1,
172:7, 173:4,
173:17, 194:11,
195:3
certain [7] - 110:12,
110:13, 127:3,
139:19, 201:7,
246:6
certainly [6] - 31:9,
95:14, 127:16,
199:11, 294:17,
300:5

## CERTIFICATION

## [1] - 310:17

Certified [2] - 310:4, 310:14
certified [1] - 269:17
certify [2] - 310:5,
310:8
CERTIFYING
[1] - 310:19
chain [1]-236:2
chair [1] - 243:10
Chair [32]-1:8, 3:6,
54:13, 58:9, 73:18,
75:5, 132:6, 136:5,
157:10, 160:18,
161:13, 164:4,
165:5, 185:11,
186:18, 192:5,
202:14, 208:5,
210:19, 213:11,
214:5, 230:13,
234:3, 235:5, 253:9,
257:5, 265:17,
272:16, 274:5,
284:3, 289:5,
304:12
Chairman [1] - 274:9
chairperson
[1] - 243:9
chairs [1]-250:10
challenge [1] - 204:8
challenged [1] - 178:6
chance [3] - 76:2,
78:3, 177:15
chances [1] - 302:5
CHANGE [5] - 309:9,
309:10, 309:11,
309:12, 309:13
change [42] - 8:13,
15:17, 23:18, 65:16,
66:2, 66:10, 71:9,
71:11, 71:15, 71:16,
74:2, 74:4, 82:12,
84:7, 85:5, 90:5,
99:4, 99:7, 99:9,
99:14, 99:18,
126:17, 133:1,
133:11, 160:4,
162:5, 187:3, 211:8,
211:9, 213:3,
253:11, 284:17,
285:4, 285:8,
285:11, 293:10,

293:16, 305:17,
305:18, 305:19, 309:4 changed [3] - 137:10, 137:11, 301:3 changes [20] - 89:5, 99:18, 106:4, 106:8, 133:14, 133:16, 133:17, 159:15, 162:9, 163:7, 163:13, 181:19, 233:1, 261:10, 261:17, 295:14, 295:17, 306:10, 308:12, 309:16 changing $[7]-56: 17$, 89:19, 106:12, 225:11, 225:13, 295:9, 295:11 character [8] - 29:8, 82:15, 162:6, 242:5, 285:9, 285:19, 293:17, 306:9 characteristics
[2] - 33:16, 251:4 Charles [9] - 4:19, 14:4, 14:6, 14:12, 16:14, 25:10, 55:1, 60:6, 296:11
Charlie [3] - 62:2,
64:17, 67:1
Charlie's [1] - 64:11
check [2]-268:16,
268:18
cheesy [1] - 44:7
Chevelle [2] - 226:7, 226:11
children [1] - 304:5
children's [1] - 262:16
chimney [11] - 16:6,
$34: 19,44: 8,44: 18$, 46:2, 49:6, 51:15, 52:5, 71:9, 292:4, 293:2
chimneys [43] - 11:8, 11:14, 14:9, 16:7,
16:15, 16:17, 20:13,
20:15, 24:3, 27:9,
27:11, 27:13, 27:15, 27:19, 28:4, 35:18, 44:5, 44:6, 44:12,
44:18, 45:2, 45:8,
$45: 13,45: 16,46: 5$,

46:6, 48:2, 48:3,
48:11, 48:13, 48:15, $48: 18,49: 1,50: 3$, 50:4, 51:7, 51:10, 51:14, 51:15, 52:4, 52:5, 53:15, 54:12
chips [1] - 44:2
choice [2] - 13:9, 35:3
choose [1] - 69:16
chose [6] - 6:1, 7:18,
9:9, 11:12, 13:6,
14:10
chosen [4]-6:17,
13:13, 43:19, 64:2
choses [1] - 41:14
Chris [1] - 88:10
Christian [1] - 204:5

## CHRISTINA

[1] - 278:8
Christina [1] - 278:8

## CHRISTINE

[5] - 257:12, 259:9, 260:5, 262:1, 271:1 Christine [2] - 257:12, 281:15 CHRISTOPHER
[58] - 75:9, 75:12,
78:8, 80:3, 81:11, 82:19, 83:4, 83:15, 83:18, 84:9, 85:1, 85:7, 85:11, 85:17, 86:2, 86:7, 87:8, 87:14, 89:9, 89:18, 90:10, 91:8, 91:18, 92:11, 93:5, 93:9, 93:14, 94:7, 99:8, 99:16, 100:6, 101:16, 103:4, 106:1, 108:15, 113:3, 113:7, 114:16, 116:7, 120:1, 120:15, 122:5, 122:9, 126:1, 126:10, 127:16, 128:3, 128:9, 129:2, 130:2, 130:5, 130:9, 131:6, 131:11, 132:3, 132:5, 134:2, 134:15 Christopher [2] - 75:9, 303:9 circled [3] - 45:14, 179:14, 181:6

## circumstance

[1] - 272:7
circumstances
[8] - 76:17, 125:14,
137:17, 158:7,
203:17, 231:16,
254:3, 305:5
citizens [5] - 163:5,
212:10, 267:4,
287:7, 287:18
city [17]-97:17,
98:10, 101:10,
113:1, 168:2, 169:1,
220:7, 221:2,
221:10, 222:8,
232:4, 251:14,
254:17, 259:1,
279:5, 280:10,
287:7
CITY $_{[1]}-1: 3$
City [14]-27:6, 163:5,
168:14, 169:5,
169:6, 169:9,
169:11, 170:3,
170:7, 170:13,
173:1, 173:15,
188:16, 212:10
City's [1] - 179:2
clad [1] - 182:15
claims [1] - 147:6
clarification
[1] - 126:2
class [4]-246:10,
276:16, 279:15,
287:11
classes [3] - 279:12,
279:18, 286:1
clause [1] - 240:16
clean [5] - 259:1,
259:4, 259:8, 265:5,
291:2
clean-up [3] - 259:1,
259:4, 259:8
clear [7]-22:5, 22:14,
127:7, 199:1, 222:6,
292:17, 298:2
clearly [4] - 75:15,
113:18, 197:7,
238:1
Click [4] - 274:7,
275:4, 275:16,
284:5
clients [2] - 233:15,

```
closely [2] - 140:3,
```

    192:16
    closer [1] - 158:19
closes [2] - 206:10,
247:13
closest [2] - 199:17,
209:1
closing [4] - 198:9,
198:11, 242:15,
248:12
clouds [2] - 9:12, 9:13
cloudy [2] - 13:5,
29:19
club [1] - 282:19
clutter [3]-34:15,
58:11, 59:3
cluttered [1] - 33:6
cockeyed [1] - 137:7
code [5]-142:16,
147:6, 158:2,
223:14, 223:15
Code [5] - 139:15,
140:11, 140:13,
140:16, 146:2
Codes [1] - 160:7
cognizant [1] - 101:13
collaboration
[1] - 170:6
collapse [1] - 159:3
colleague [1] - 112:1
collect [1] - 80:9
collections [1] - 95:9
college [1] - 269:18
Collins [1] - 227:12
color [25] - 5:10, 10:6,
12:8, 12:9, 12:15,
12:17, 13:3, 13:10,
13:11, 15:18, 19:14,
24:10, 26:15, 29:15,
31:1, 31:4, $31: 6$,
33:8, 34:17, 36:16,
39:9, 56:5, 62:6,

244:13, 250:18
color-wise [2] - 31:4,
56:5
Colorado [1] - 73:7
colors [2] - 43:17,
251:1
combination
[6] - 41:16, 46:9,
50:5, 50:7, 51:12,
56:8
combinations
[1] - 55:8
comfortable
[2] - 95:2, 151:12
coming [12] - 60:10,
$75: 13,82: 8,83: 8$,
102:16, 108:6,
115:11, 128:5,
145:12, 196:12,
248:4, 248:6
comment [1] - 92:19

## comments

[22] - 29:11, 36:3,
102:9, 115:3, 115:5,
154:11, 157:4,
161:11, 195:8,
197:10, 198:13,
202:10, 202:12,
210:16, 230:2,
230:7, 230:8, 262:7,
266:3, 266:6,
282:11, 304:11
commercial
[4] - 28:17, 33:5,
170:10, 264:2
Commission
[3]-26:3, 192:17, 310:16
commitment
[1] - 112:19
committed [2] - 237:4
Committee
[2] - 167:9, 227:3
common [2] - 181:13,
217:16
Common [1] - 181:17
COMMONWEALTH
[1] - 310:2
communicate
[1]-15:4
communication
[2] - 25:6, 265:14
competition
[1] - 204:9
complaint [1] - 124:10
complete [1] - 183:8
completed [1] - 308:5
COMPLETED
[1] - 308:16
completely [5] - 20:5,
20:8, 94:1, 136:19,
180:7
compliance
[3] - 119:18, 120:3,
287:10
compliant [7] - 93:1,
93:2, 93:12, 118:17,
118:18, 159:18,
160:6
complicated
[2] - 146:17, 184:17
complies [1] - 253:2
comply $[3]$ - 148:19,
256:1, 284:17
concept [2] - 134:12,
266:14
Concern [2] - 227:4,
279:3
concern [9] - 96:4,
96:12, 96:14, 97:9,
97:11, 97:12,

201:13, 203:7,
266:15
concerned [11] - 27:1, 44:17, 76:6, 97:4, 112:11, 139:4, 139:6, 232:1, 246:5, 274:9, 291:9
concerns [11] - 35:18,
41:7, 64:16, 76:1,
76:3, 80:2, 95:6,
101:11, 149:10,
152:4, 209:13
concert [1] - 172:19
Concord [1] - 60:3
concrete [2] - 290:15, 297:3
concur [1] - 301:18
condition [8] - 74:1,
110:12, 133:1,
160:15, 163:19,
187:1, 201:18,
206:16
conditioning
[1] - 271:7
conditions
[11]-96:15, 139:19,
158:8, 159:17,
203:17, 205:19,
231:16, 266:9,
267:7, 273:1, 305:6
Condo [1] - 152:16
condo [1] - 264:2
condominium
[1] - 151:4
condominiums
[1] - 139:3
conducted
[1] - 286:14
conduit [2] - 193:6,
203:14
cone [1] - 122:18
configuration
[1]-7:11
configurations
[1] - 90:12
confined [1] - 116:13
conflict [2] - 65:10,
254:16
conform [3] - 23:18,
158:2, 197:9
conformance
[3] - 158:19, 213:8, 233:14

## conformino

[7] - 78:14, 144:2, 144:16, 157:14, 161:16, 195:6, 211:7 conformity [2] - 160:16, 164:1 confused [2] - 222:7, 239:12
confusing [1] - 7:1 congested
[1] - 119:10
congestion
[3] - 119:15, 162:4, 285:7
conjunction
[1] - 170:7
connect [1] - 218:4
connected [1] - 80:13
connection
[2] - 172:11, 174:19
consensus
[3] - 29:14, 58:9, 127:11
consequentially
[3]-110:8, 228:5, 228:7
consider [6] - 7:12, 26:3, 66:17, 185:2, 268:2, 280:9 consideration [8] - 41:13, 51:1, 139:13, 242:12, 244:6, 249:11, 294:19, 303:6 considered [2] - 28:12, 93:10 consistent [12] - 9:16,
15:12, 15:15, 41:10,
46:1, 46:4, 206:8,
237:7, 246:6,
255:16, 285:18,
306:7

## constantly

[2] - 269:16, 280:12
constraints [1] - 39:5

## constructed

[2] - 158:13, 299:15
construction
[8] - 76:4, 96:2, 96:4, 97:14, 98:5, 98:17,
152:7, 152:8
Construction
[3] - 151:14, 160:17, 164:3 consultant
[2] - 140:13, 147:6
consulted [1] - 26:1

## consumption

[1] - 252:11
contacted [4] - 97:5,
97:6, 97:7, 97:9
contain [1] - 183:5
contained [1] - 162:18
containers [1] - 56:3
contains [1] - 292:17
contested [1] - 263:12
context [1] - 131:5
contiguous [1] - $96: 8$
continuance
[5] - 40:1, 124:19,
125:17, 133:8,
134:17
continuation
[2] - 52:10, 262:3
continue [15] - 4:4,
73:19, 92:1, 132:1,
132:7, 132:18,
165:13, 184:5,
185:12, 185:14,
186:8, 186:19,
267:6, 272:18,
280:10
continued
[6] - 132:13, 140:12,
162:12, 211:19,
286:5, 286:10
contribute
[1] - 243:17
contribution
[1] - 118:10
CONTROL
[1] - 310:19
convenient
[1] - 252:18

## conversation

[5] - 26:12, 62:1, 62:4, 62:8, 107:16 convert [1] - 230:17 convinced [2] - 91:2, 245:3
convincing
[1] - 124:16
cool [1] - 210:17
copies [1] - 303:16
copper [1] - 182:14

```
copy [3] - 10:11
```

50:15, 308:5
Corchori [1] - 152:13
Corey ${ }_{[1]}$ - 215:8
corey [1] - 217:10
corner [4] - 121:9,
148:9, 179:4, 294:2
corners [1] - 294:4
Corporation
[1] - 151:7
correct [34] - 8:10,
8:11, 15:2, 15:8,
15:11, 30:10, 37:14,
45:17, 47:8, 47:11,
47:16, 65:15, 70:3,
70:13, 84:7, 85:11,
85:17, 92:11, 93:14,
120:8, 120:10,
120:11, 133:17,
147:1, 153:16,
185:10, 224:2,
239:3, 245:9,
295:11, 296:9,
299:16, 300:17,
303:14
corrected [1] - 232:13
correction [1] - 309:5
corrections
[2] - 308:11, 309:16
correspondence
[6] - 150:17, 151:9,
226:19, 242:15,
282:6, 303:17
cost [6] - 108:18,
143:4, 236:2,
237:15, 238:8,
238:12
couch [1] - 218:10
counsel [2] - 31:13,
32:10
counted [1] - 228:11
counterproductive
[1] - 269:14
country [1] - 276:1
couple [10] - 37:17,
41:16, 41:18, 42:2,
75:19, 76:9, 88:3,
138:7, 250:19,
279:11
course [6] - 68:1,
80:3, 221:18,
245:17, 246:11,
281:6

Court [1] - 280:17
covered [2] - 250:11, 252:3
covers [1] - 153:17
create [4] - 142:19,
144:13, 207:3,
250:2
created [6] - 120:2,
162:8, 163:3, 212:8,
232:11, 287:4
creates [2]-102:19, 269:9
creating [3] - 81:3,
86:17, 119:17
criteria [6] - 28:13,
32:2, 32:10, 39:12,
126:18, 249:17
cross [1] - 144:19
crowded [4] - 9:5,
28:10, 36:11, 37:10
crowding [1] - 57:7
crudely [1] - 42:12
cubed [1] - 293:11
curb [1] - 177:1
current [8]-26:4,
77:13, 79:15, 80:7, 285:19, 289:16,
295:19
curtaining [1] - 118:4 customer [2] - 242:9,
278:10
customers
[1] - 255:18
customized
[1] - 300:14

## D

dab [1] - $34: 8$
daily [1] - 276:7
damage [1] - 218:2
Danehy [1] - 279:8
danger [1] - 269:9
Daniel [2]-227:16,
303:7
dark [8] - 10:2, 10:6,
10:9, 11:8, 11:13,
12:19, 62:6, 157:2
darker [3] - 54:15,
54:19, 78:12
DATE [1]-309:1
date [20]-65:5, 66:1,
66:2, 67:15, 74:2,
74:4, 132:8, 132:13,

## dated [10] - 6:19,

14:16, 151:15,
160:16, 160:18,
164:3, 213:10,
213:11, 233:17,
234:3
dates [2] - 176:18,
184:11
daughter ${ }_{[1]}$ - 137:2 Dave [2]-281:4,

## 281:6

DAVID [119] - 7:14,
8:10, 9:8, 9:13, 11:2,
11:6, 12:7, 12:11,
13:2, 13:19, 14:6,
15:5, 15:8, 15:11,
16:14, 17:1, 17:5,
17:17, 18:4, 18:12,
18:19, 19:5, 19:15,
20:4, 21:3, 21:11,
21:14, 21:18, 22:2,
23:2, 23:13, 24:7,
26:14, 27:14, 28:1,
28:8, 30:6, 30:11,
33:13, 34:1, 34:6,
38:6, 40:12, 40:17,
42:1, 42:6, 42:8,
42:18, 43:2, 43:5,
45:1, 45:6, 45:9,
45:17, 46:1, 46:19,
47:5, 47:8, 47:11,
47:16, 47:19, 48:4,
48:6, 48:12, 49:3,
49:10, 50:2, 50:7,
50:14, 51:9, 51:17,
52:2, 52:11, 52:14,
52:19, 53:7, 53:10,
53:14, 54:11, 55:7,
56:12, 57:3, 57:6,
57:13, 57:19, 59:5,
63:2, 63:4, 65:14,
65:16, 66:3, 67:11,
69:1, 70:4, 70:11,
71:5, 75:8, 81:9,
87:17, 88:3, 88:9,
88:13, 100:9,
100:16, 101:17,

103:19, 104:6, 104:8, 104:15, 110:3, 110:15, 121:6, 121:13, 124:7, 129:18, 130:4, 130:7, 130:12, 130:18 David [11] - 3:13, 49:5, 67:18, 75:8, 87:9, 94:19, 95:12, 106:6, 107:5, 166:6, 187:16 David's [1] - 90:2
day-in [1] - 76:7
day-out [1] - 76:7
day/night [1] - 237:3
days $[7]-13: 4,75: 19$,
189:11, 189:17,
190:5, 190:17,
247:7
deaf [1] - 260:10
deal [4] - 40:11, 92:1,
113:15, 267:15
dealing [2] - 116:8,
272:11
deals [1] - 149:1
Dear [2] - 227:3, 302:9
debating [1] - 104:10
debris [1] - 152:9
December [13] - 66:8,
66:16, 68:12, 70:4,
70:5, 70:8, 70:11,
176:3, 176:4, 176:5,
187:1, 189:12,
190:11
decent [1] - 111:8
decide [2] - 61:2,
240:8
decided [3] - 13:8,
19:2, 165:19
deciding [1] - 44:3
decision [7] - 31:14,
32:7, 41:17, 61:3,
68:3, 133:4, 187:3
deck [10] - 80:15,
149:19, 155:19,
156:3, 156:8, 220:9,
221:3, 221:6, 221:8,
223:12
decker [6] - 89:12,
129:4, 129:7, 129:9,
129:13
deckers [1] - 117:5

## decks [4] - 118:3,

139:5, 139:6,
155:13

```
decline [2]-271:18,
```

271:19
decrease [1] - 141:9
dedication [1] - 244:2
deduct [1] - 71:19
deep [2] - 76:16, 86:10
Deepak [3] - 3:16,
22:2, 38:12
DEEPAK [2] - 30:17,
31:4
deepen [1] - 289:15
deepening
[1] - 302:17
defies [1] - 240:11
define [1] - 179:10
defines [1] - 175:8
definite [1] - 294:19
definitely [6] - 7:1,
12:7, 26:14, 35:5,
35:14, 142:12
degrade [1] - 147:11
deliberate [1] - 123:13
delivered [4] - 308:3,
308:6, 308:7, 308:9
deliveries [1] - 176:12
delivery $[1]$ - 176:14
demand [1] - 173:3
Denise [2]-242:19,
244:6
dense [1] - 34:13
density [1] - 229:10
Department [2] - 26:2,
172:17
department
[4] - 140:17, 147:17,
148:1, 148:3
depicted [1] - 6:13
Depot [1] - 275:7
Deputy ${ }_{[1]}$ - 242:13
derogate [2]-163:11,
212:19
derogating
[5] - 160:1, 205:6,
233:5, 255:13,
306:4
describe [3] - 89:2,
236:12, 276:5
described [1] - 261:15
describes [1] - 120:5
description

```
[1]-174:9
```

design [49] - 4:19,
5:19, 6:1, 6:15, 6:17,
$7: 16,7: 17,11: 11$,
11:12, 26:3, 39:3,
39:16, 46:4, 51:17,
60:17, 61:6, 63:9,
69:2, 70:16, 71:12,
76:3, 95:2, 95:3,
101:8, 101:14,
107:15, 111:16,
114:8, 114:9,
115:14, 124:10,
124:17, 126:9,
138:14, 140:3,
140:10, 142:15,
151:13, 192:17,
193:7, 236:18,
237:1, 244:11,
244:16, 245:1,
245:2, 246:4,
250:18, 251:1
Design [1] - 233:17 designated
[1] - 205:13
designed [3] - 104:1,
142:6, 246:12
designs [9] - 5:19,
11:6, 14:8, 27:17, 60:13, 61:1, 63:5, 64:19, 116:4
Desiminey [1] - 303:8
desirable [3] - 204:15,
255:4, 305:13
desire [2] - 76:12,
90:2
desired [3] - 77:7,
159:10, 232:15
destination
[2] - 167:13, 242:11
detail [2] - 229:10,
301:15
details [2] - 183:5,
188:4
determination
[1] - 210:13
determining
[1] - 244:12
detriment
[12] - 159:11, 159:14, 163:3, 204:16,
212:8, 212:15,
232:14, 232:16,

```
255:5, 287:5,
```

305:12, 305:14
developer [1] - 158:3
development
[4]-162:13, 170:18,
212:1, 286:6
Development
[2]-26:1, 172:16
diagram [1] - 292:8
dialogue $[1]$ - 109:15
die [1] - 185:8
differ $[1]$ - 238:4
difference [4] - 19:17,
113:11, 127:2,
166:13
differences [1]-236:9
different [22] - 10:8,
27:9, 35:10, 37:3,
43:16, 50:15, 52:14,
53:2, 55:9, 61:1,
64:19, 90:12,
113:12, 153:19,
168:9, 168:10,
178:15, 223:2,
236:13, 271:6,
275:14, 293:3
differently $[1]$ - 30:1
difficult [5] - 17:18,
63:8, 103:10, 104:3,
272:11
dig ${ }_{[1]}$ - 290:19
digging ${ }_{[1]}$ - 304:14
dimension [1] - 143:1
dimensional
[5] - 83:3, 120:10,
121:15, 148:12,
222:13
dimensions [3] - 18:2,
19:6, 130:1
dining ${ }_{[1]}-248: 3$
dire [1] - 255:2
DIRECT $_{[1]}-310: 19$
direct [3] - 11:13,
174:19, 193:12
DIRECTION
[1] - 310:19
direction [3] - 83:9,
103:16, 182:2
directions [1] - 32:19
directly [8] - 22:6,
22:16, 122:14,
123:2, 200:18,
277:13, 277:15,
discovered
[1] - 219:12
discretion [1] - 119:6
discretionary
[1] - 33:10
discriminate
[1] - 204:14
discuss [3]-118:9,
169:13, 303:2
discussion [4]-31:8,
33:7, 104:12,
129:10
discussions
[1] - 236:16
disguised [1] - 131:8
dismantling
[1] - 95:16
disposal [1] - 245:12
disruption [1] - 98:19
distance [2] - 86:15,
148:8
distances [2] - 117:1,
117:18
distinctive [2] - 294:8
distinguishes
[2] - 238:5, 238:11
distress [1] - 271:10
distribution
[1] - 309:8
District [3] - 158:11,
204:2, 254:7
district [7] - 112:6,
163:10, 163:11,
163:16, 212:18,
212:19, 223:5
districts [1] - 240:8
disturbances
[1] - 152:10
diversity [1] - 242:10
DO [1] - 309:5
Doctor [1] - 117:6
document [1] - 176:8
DOES [1] - 310:18
Dog [3] - 257:11,

276:3, 276:8, 277:16, 278:14, 282:16, 283:3, 283:8, 283:14, 284:12
Donna [1] - 274:16
Donuts [3] - 245:15, 253:11, 254:11 door [16] - 91:6, 115:13, 115:15, 141:5, 143:19, 149:16, 155:14, 156:18, 161:16, 192:15, 194:6, 204:6, 262:15, 276:16, 283:4, 285:15 doors [5] - 145:14,
145:16, 156:18,
195:11, 261:3
doorway [1] - 150:10
dot [1] - 177:12
double [4] - 76:15,
103:19, 121:8,
250:12
doubts [1] - 263:6
Doug [4] - 120:18,
125:6, 250:19,
282:11
Doug's [1] - 112:13
Douglas [12] - 1:10,
3:4, 75:3, 136:3,
165:3, 192:3, 208:3,
214:3, 235:3, 257:3, 274:3, 289:3
DOUGLAS [96] - 18:1, 18:9, 18:14, 19:7, 20:1, 28:12, 31:7, 33:19, 34:5, 34:10, 35:3, 36:7, 36:19, 37:11, 37:15, 41:15, 42:3, 42:7, 42:13, 44:16, 51:5, 51:13, 51:19, 58:4, 58:15, 59:9, 63:11, 65:8, 66:11, 68:7, 69:8, 69:12, 70:9, 71:2, 83:12, 83:16, 83:19, 84:15, 85:4, 85:9, 85:14, 92:17, 93:6, 93:13, 94:4, 104:18, 118:7, 120:7, 120:13, 120:19,

121:12, 121:14, 122:3, 122:7, 125:11, 125:19, 130:17, 130:19, 132:10, 132:15, 138:4, 167:18, 184:10, 187:10, 196:18, 197:11, 198:3, 198:12, 201:17, 202:2, 206:1, 206:7, 209:12, 244:10, 245:5, 245:10, 246:14, 247:1, 248:10, 248:16, 248:19, 259:3, 263:3, 263:17, 264:6, 266:8, 267:7, 267:15, 270:13, 270:16, 272:9, 272:14, 277:5, 282:12, 283:1, 299:13
down [39] - 6:10, 7:15, 10:14, 36:15, 36:17, 37:8, 67:1, 80:15, 82:4, 91:15, 100:19, 110:8, 113:3, 114:7, 116:13, 121:3, 123:7, 127:7, 128:5, 129:14, 134:8, 137:1, 137:8, 148:10, 155:1, 156:4, 175:17, 181:15, 185:14, 185:15, 190:9, 196:1, 197:19, 209:6, 219:12, 229:7, 266:18, 295:6, 304:14 DPW [3] - 33:14, 34:3, 34:9 drafted [1] - 151:14 drain [2] - 232:4, 291:11
draw [1] - 70:18
drawing [2] - 71:13, 72:2
drawings $[7]-52: 12$, 60:11, 60:14, 60:16, 64:3, 72:19, 151:13
drawn [1] - 124:3
draws [1] - 12:5

```
drill [1] - 3:8
```

driven [1] - 237:18
driveway [3] - 298:6,
298:7, 304:6
driving [1] - 299:6
drop [1] - 183:10
dropped [1] - 22:11
drops [1] - 67:7
due [3] - 204:8, 219:8
232:2
dumpster [2] - 95:13,
95:15
Dunkin' [3] - 245:15,
253:11, 254:11
duplicating [1] - 35:11
duration [1] - 263:18
during [14] - 13:13,
33:14, 76:4, 95:9,
95:12, 95:16, 96:2,
96:3, 98:5, 259:12,
268:6, 268:11,
268:15, 268:17
dwelling [4] - 93:8,
118:16, 144:2,
157:14

## E

ear [1] - 252:6
early [1] - 204:7
easement [2] - 294:6,
299:4
easier [3] - 7:19,
113:8, 166:15
easily [1] - 178:6
east [2] - 298:11,
302:12
easy [4] - 50:10,
150:18, 167:17,
301:12
eating [4]-245:6,
251:18, 252:1,
255:1
eats [1] - 299:4
edge [14] - 22:5,
22:14, 23:4, 23:5,
84:12, 106:17,
123:12, 154:18,
154:19, 294:3,
294:5
educate [1] - 280:5
education [2] - 272:6,
280:11
educational
[1] - 280:3 effect [5] - 32:12,

32:15, 33:12,
119:13, 273:2
eggs [2] - 56:10,
126:16
egress [29] - 138:13,
138:15, 139:18,
141:3, 144:4, 144:6,
144:14, 145:6,
145:8, 145:9,
145:10, 146:3,
146:18, 147:7,
148:10, 149:18,
150:10, 157:12,
157:13, 158:1,
158:5, 158:15,
162:4, 162:9,
162:17, 253:4,
285:7, 285:14
egresses [1] - 118:2
eight [10] - 5:11, 5:12,
209:4, 247:18,
276:10, 286:3,
289:17, 291:17,
293:11
Eileen [1] - 282:1
either [13]-17:4,
27:10, 65:6, 67:14,
68:15, 110:9, 137:5,
146:3, 159:11,
204:16, 206:7,
217:19, 267:12
electrical [2] - 193:6,
203:14
element [2] - 105:12,
105:13
elements [4] - 237:1,
237:6, 245:1,
269:16
elevation [15] - 79:7,
80:10, 80:14, 81:16,
84:2, 84:14, 84:17,
85:6, 122:12, 123:5,
129:3, 129:5, 144:1, 151:17, 156:1
elevations [1] - 83:13
elevator [4]-21:11, 21:12, 42:5, 52:10 eliminate [1] - 270:2
eliminating
[1] - 147:18
embodies [1] - 242:6

## employees

[2] - 206:12, 245:18
empty [1] - 179:15
enable [2] - 221:5,
302:15
enclosed [2] - 155:1,
304:7
encourage
[1] - 250:12
end [11] - 89:14, 99:9,
99:11, 117:16,
137:5, 176:4, 176:5,
184:12, 190:7,
220:15, 221:16
ended [3]-13:11,
116:11, 117:14
Endicki [1] - 152:12
endorsement
[2] - 26:8, 243:11
enforcement
[7]-157:16, 202:19,
231:1, 253:14,
253:17, 291:13,
304:16
engage [2] - 62:3,
187:15
England [3] - 269:1,
270:19, $276: 1$
engraved [2] - 194:6,
204:5
enhance [1] - 280:10
enhanced [1] - 205:4
enjoy [3] - 112:19,
279:6, 280:1
enlarge [1] - 143:19
enlargement
[2] - 149:15, 161:15
enrich [1] - 204:19
enrichment
[1] - 280:11
ensure [2] - 258:16,
261:6
entered [1] - 81:7
entering [1] - 80:10
entertain [1] - 124:19
enticements
[1] - 41:17
entire [2] - 124:3,
292:3
entirely [2] - 285:18,
286:15
entities [2] - 170:14,
178:15

```
entity [2] - 173:2,
```

    178:16
    entrance [7]-78:16,
78:19, 80:12, 80:15,
96:11, 107:13,
128:6
entry [2] - 120:9,
120:10
environment
[2] - 41:6, 237:3
environmentally
[1] - 160:9
episodes [1] - 271:3
equal $[1]$ - 253:16
equipment $[3]-6: 8$,
25:18, 32:3
ERRATA [3] - 308:1,
308:16, 309:3
errata [1] - 309:6
Errata [4] - 308:2,
308:4, 308:12,
309:7
error ${ }_{[1]}$ - 10:1
escape $[1]$ - 146:7
especially [3] - 119:7,
158:9, 203:19
establish [1] - 158:4
established
[3] - 162:5, 241:18,
285:8
establishing
[1] - 188:19
establishment
[10] - 158:14, 250:1,
251:2, 251:12,
251:17, 252:4,
252:8, 252:17,
253:2, 276:15
establishments
[4]-249:15, 251:19,
252:1, 255:1
estate [1] - 178:8
estimate [1] - 248:11
estimated [1] - 199:9
etcetera [3] - 13:15,
233:10
evaluate [1] - 269:16
evaluation
[7]-258:11, 268:3,
268:4, 268:6, 268:7,
268:11, 268:16
evening [5] - 3:11,
76:10, 192:9,

```
192:14, 206:17
```

evenings [1] - 286:2
event [1] - 114:19
events [1] - 280:3
eventually
[2] - 137:14, 189:15
everyday [1] - 279:5
evidence [1] - 171:8
evidently [1] - 84:6
ex [1] - 111:6
exact $[3]-19: 5,19: 6$,
179:12
exactly [11] - 23:2,
37:14, 55:18, 57:13,
99:17, 100:16,
142:13, 147:6,
155:5, 220:13,
222:2
Exactly [1] - 73:12
example [5] - 18:15,
61:4, 247:19, 268:6,
270:2
exceed [2] - 89:10,
290:3
exceeding
[1] - 118:18
exceeds [1] - 289:18
excellent [2] - 237:16,
242:9
except $[7]-59: 14$,
141:4, 143:13,
248:18, 300:13,
302:1, 309:15
exception
[2] - 159:17, 273:4
excess [1] - 302:19
excising [1] - 223:12
exciting [1] - 279:17
excuse [1] - 276:13
executive [1] - 165:10
Executive [1] - $244: 7$
exemption
[3] - 139:15, 140:15,
148:15
exercise [1] - 110:10
exhausted [1] - 20:2
exist [2] - 67:10,
260:15
existed [1] - 141:6
existing [33] - 5:13,
6:1, 6:4, 7:10, 9:15,
13:12, 15:12, 15:15,
17:17, 19:19, 27:15,

27:16, 33:17, 40:15, 47:13, 57:15, 77:3, 78:12, 144:2, 147:18, 157:14, 158:1, 159:1, 166:8, 190:8, 203:14, 211:7, 217:3, 223:8, 231:11, 232:5, 245:14, 285:15 exists [3] - 119:19, 141:6, 233:7 exit [2] - 146:15, 158:4
exits [1] - 148:7
expand [1] - 294:17
expanding [1] - 108:1
expansion
[1] - 294:12
expect [2] - 133:18,
290:8
expenditure
[1] - 291:14
expense [3] - 296:5,
305:3
expensive
[1] - 238:11
experience
[2] - 177:8, 270:1
Expires [1] - 310:16
explain [5]-7:19,
27:14, 154:1,
271:19, 296:17
explained [1] - 144:8
explanation
[1] - 177:4
explore [1] - 195:5
exploring [1] - 40:7
exposed [1] - 139:11
exposure [2] - 116:15,
128:19
express [1] - 33:9
expressed [5] - 58:7,
58:9, 95:7, 97:10,
266:16
extend [2] - 32:18,
258:4
extending [1] - 219:19
extensive [1] - 219:4
extent [4] - 33:6,
218:2, 219:2, 252:8
exterior [10] - 138:15,
144:4, 144:14,
145:5, 145:11,
146:6, 157:12,

158:1, 261:1, 306:10 external [1] - 193:2 externally [1] - 202:17 extinguished [1] - 206:16 extra [5] - 17:12, 17:13, 49:7, 218:8, 221:17
eyes [1] - 34:16
eyesore [1] - 197:18

## F

facade [12] - 5:7, 5:8, 8:4, 8:13, 20:7, 42:9, 43:13, 56:2, 57:11, 71:16, 82:5, 83:11 facade-mounted [4] - 5:7, 5:8, 8:4, 42:9 facades [1] - 123:17 face [6] - 48:4, 48:6, 80:8, 86:3, 122:13, 123:18 faced [2] - 104:19, 215:16
facilities [1] - 253:4 facility $[4]-5: 15,5: 18$, 29:3, 280:7 facing [2] - 81:2, 90:3 fact [14]-29:7, 99:12, 99:17, 103:15, 115:8, 117:2, 158:16, 193:18, 238:12, 240:3, 263:4, 269:6, 287:12, 287:16 factors [1] - 204:9 fairly [2] - 86:19, 140:14
fake $[1]-17: 12$
fall [3]-104:2, 165:17, 175:12
falls [3] - 70:9, 70:10, 152:9 familiar ${ }_{[1]}$ - 237:15 family $[13]-90: 1$, 91:1, 106:11, 112:14, 138:8, 144:2, 157:14, 214:18, 214:19, 227:7, 242:9, 304:9, 306:12

```
fantastic [2] - 110:19,
```

278:11
FAR [12]-89:10,
89:11, 93:18, 112:7,
118:14, 119:4,
143:8, 160:4,
219:18, 220:1,
221:7, 221:9
far [6] - 44:9, 44:17,
112:11, 142:13,
148:9, 231:19
FAR's [1] - 93:18
Farley [3]-169:19,
170:13, 171:4
farmer's [22] - 165:12,
165:17, 165:18,
166:6, 166:8,
166:10, 166:16,
167:11, 167:16,
168:2, 168:13,
173:1, 173:3,
173:15, 173:18,
174:10, 174:12,
175:3, 177:8, 181:6,
186:5, 188:7
farmers [1]-166:4
fast $[9]$ - 237:16,
240:4, 240:9,
240:16, 240:19,
249:12, 249:15,
253:11, 254:14
fat $[4]-47: 4,47: 5$,
47:6, 47:9
fault [1] - 124:3
faux $[7]-11: 7,11: 9$,
14:9, 27:6, 28:4,
72:1
favor [31] - 74:5, 74:7,
134:16, 135:1,
153:13, 154:7,
161:1, 161:5,
163:17, 164:6,
164:10, 190:18,
191:3, 205:18,
207:5, 207:8, 213:6,
213:13, 213:16,
227:7, 229:5, 234:5,
234:9, 256:3, 256:7,
273:6, 273:11,
288:2, 288:8,
306:13, 306:17
favors [1] - 16:4
$\operatorname{Fax}_{[1]}-1: 16$
fear [1] - 266:17
feasible [4] - 26:7,
218:5, 252:9,
306:11
featured [1] - 271:2
feedback [1] - 70:17
feelings [2] - 36:4,
66:14
feet [72] - 15:2, 15:10,
15:13, 18:6, 22:1,
22:3, 22:4, 22:7,
22:10, 22:12, 23:3,
23:6, 28:2, 34:3,
34:6, 34:11, 53:11,
53:13, 56:14, 76:15,
77:8, 77:13, 77:14,
$79: 8,83: 1,86: 15$,
90:16, 92:12, 93:7,
93:17, 94:1, 94:8,
115:11, 122:15,
122:16, 127:1,
127:2, 148:11,
152:1, 152:3, 156:2,
197:4, 197:5,
208:18, 209:2,
209:4, 217:2, 218:5,
219:16, 220:12,
220:16, 221:15,
222:16, 224:13,
224:18, 225:2,
230:17, 289:17,
289:18, 291:15,
291:17, 291:19,
292:4, 292:5,
292:13, 292:15,
292:16, 298:14,
298:18
fell [2] - 103:8, 166:2
felt [8] - 5:16, 90:2,
95:2, 107:18,
116:12, 117:11,
117:17, 215:9
fence [6] - 91:19, 92:1,
92:9, 134:4, 134:6,
134:12
fences [1] - 134:9
Ferraro [2] - 227:11, 228:13
few [6] - 44:18,
116:18, 218:4,
230:17, 298:14,
298:18
fewer [3] - 35:2, 44:18,
figure [8] - 39:2,
63:18, 64:6, 68:14,
72:6, 93:18, 139:14, 215:12
file [11] - 96:19, 102:4, 133:19, 150:17,
176:1, 181:3, 183:4, 187:7, 189:15,
227:1, 300:12 filed [2] - 4:14, 35:15 filing ${ }_{[1]}-185: 4$ fill [4]-172:14, 172:17, 176:8, 177:12
filled [1] - 296:15
final $[5]$ - 71:1, 142:15,
157:6, 206:1, 234:2
finance $[1]$ - 231:13
financial [4]-157:18, 203:9, 203:13, 231:3
fine [8]-66:3, 101:10, 101:14, 121:18, 177:19, 189:8, 229:12, 272:14 finish [3] - 30:13, 196:9
finished [1] - 219:9
Finley [1] - 281:16
fire [16] - 140:17,
144:4, 144:6, 146:7,
147:17, 148:1,
148:3, 157:12,
158:1, 158:2, 158:4, 162:17, 193:14, 195:9, 203:11, 218:2
Firebrand [1] - 245:14 first [18] - 5:1, 62:2, 83:13, 83:17, 111:3, 126:6, 137:2, 137:6, 138:14, 141:4,
176:4, 176:5, 195:6, 246:10, 258:14, 261:9, 269:4, 300:3 Fishman [1] - 303:11 fit [11] - 18:7, 29:8, 39:12, 90:11,

106:13, 107:11, 138:17, 193:7, 194:1, 272:2 fits [5]-89:10, 111:17, 112:12, 113:18, 140:19

## five [24] - 53:7, 74:7,

 93:17, 121:10, 132:16, 134:19, 148:17, 151:19, 153:18, 164:9, 187:7, 191:2, 207:7, 213:15, 216:7, 217:15, 234:8, 250:16, 256:6, 273:11, 275:11, 288:7, 298:14, 306:16
## five-story [1] - 121:10

fix [2] - 106:18, 108:6
fixes [1] - 107:7
fixing [1] - 232:18
fixture [1] - 196:5
flabbergasted
[1] - 271:4
flag [1]-78:10
flank [1] - 195:11
flat [5] - 89:14, 117:11,
193:1, 196:8, 201:3
flipping [1] $-63: 5$
flooding [1] - 228:3
floor [48] - 17:12,
17:13, 79:14, 79:15,
80:19, 81:1, 111:3,
126:7, 128:8, 138:9,
138:12, 141:4,
141:18, 145:13,
151:19, 152:2,
155:5, 156:5, 160:8,
192:16, 195:7,
197:6, 197:8,
202:16, 202:18,
203:5, 203:10,
209:6, 211:6, 219:6,
219:17, 220:4,
222:15, 241:19,
253:6, 255:1,
289:19, 290:3,
290:4, 290:19,
291:5, 291:8,
291:12, 293:7,
296:7, 300:3,
304:13, 305:10

```
floored [1] - 290:15
```

flue [1] - 10:9
flue-like [1] - 10:9
fluorescent
[1] - 201:12
fly ${ }_{[1]}$ - 65:9
focus [3] - 64:13,
105:11, 175:17
focusing [1] - 242:8
focussed [1] - 134:7
folded [1] - 246:15
folder [1] - 282:8
folks [1] - 271:5
follow [1] - 62:13
following
[27] - 153:16, 157:19,
158:6, 161:18,
162:6, 162:16,
163:6, 203:16,
204:17, 211:4,
212:4, 213:2, 231:4,
231:15, 232:15,
232:17, 249:19,
254:2, 255:6,
255:15, 284:9,
285:9, 286:9, 287:7,
305:4, 305:15,
306:6
food [20] - 167:11,
236:3, 236:6,
236:14, 237:11,
237:19, 238:8,
238:12, 240:4,
240:16, 241:1,
242:8, 243:18,
248:8, 249:12,
251:16, 252:10,
253:12, 254:14,
276:19
foods [1] - 240:9
foot $[13]-15: 6,18: 12$,
21:9, 22:11, 27:18,
34:13, 92:5, 134:9,
168:7, 221:17,
293:11, 293:12,
297:18
footage [5] - 82:18,
90:7, 121:3, 290:2,
300:1
footings [1] - 296:3
footprint $[3]-225: 11$,
225:13, 305:18
FOR $_{[1]}-1: 2$

## FOREGOING

[1] - 310:17
foregoing $[1]-309: 15$
Forest [9] - 169:5,
169:9, 169:11,
170:2, 170:7,
170:13, 173:1,
173:14, 188:16

## forest [1] - 169:6

forever [1] - 70:10
forget [2] - 26:16,
217:15
form [4]-83:3,
120:11, 222:13,
301:12
formerly [3] - 219:9,
220:9, 257:7
Formerly [1] - 2:12
fort [1] - 195:2

## forth [11] - 62:5,

109:4, 109:8, 139:9, 140:18, 142:15, 147:16, 147:17, 148:13, 295:1, 310:9 fortunate [1] - 235:17

## fortunately

[2] - 25:14, 278:19
forward [7]-69:16,
109:6, 127:12,
198:16, 264:14,
264:15, 278:7
forwarding [1] - 151:1
Foster [11] - 2:14,
289:6, 289:8,
289:13, 294:3,
302:11, 302:12,
303:8, 303:10,
303:12, 304:15
foundation [1] - 297:3

## foundations

[1] - 296:8
founded [2] - 31:17, 258:12
four [25] - 6:3, 19:8, 39:17, 47:5, 47:6, 47:9, 47:18, 48:15, 48:17, 48:18, 53:7, 68:1, 68:16, 68:19, 70:1, 70:8, 90:16, 121:10, 153:18, 153:19, 161:4, 209:1, 215:10, 294:2
four-story ${ }_{[1]}$ - 121:10 frame [1] - 217:7
Frank's [2]-282:14, 283:2
Franklin [11] - 2:9, 182:13, 214:6, 216:1, 227:6, 227:11, 227:12, 227:16, 230:15, 232:2, 233:15 frankly [1] - 143:4 free [3] - 67:14,
258:10, 259:18
French [1] - 282:19
Fresh [1] - 279:8
friendly [2] - 160:10,
279:9
front [31] - 11:11,

11:12, 14:8, 78:16,
79:7, 80:8, 91:6,
91:14, 91:16, 92:12, 96:10, 109:17,
115:13, 115:14,
122:12, 123:5,
126:8, 128:5, 134:5,
145:2, 148:11,
182:6, 199:3, 226:7,
285:15, 298:8,
298:9, 298:10,
299:8
frontage [2] - 79:4, 293:19
fronts [1] - 139:3
fulfill [1] - 255:17
fulfills [1] - 251:12
full [4] - 183:16,
260:18, 261:6,
276:12
fully [5] - 108:2,
139:17, 146:10,
155:16, 163:13
fun [1] - 216:1
function [3] - 93:15,
277:19
functional [1] - 230:18
functioned [1] - 90:19
future [1] - 66:15
G
gable [2] - 85:10, 85:15
gambrel [1] - 79:12
game [2] - 63:13,
227:15
gamut [2] - 268:5,
270:12
garage [1] - 123:7
gas [1] - 292:18
gauge [1] - 68:13
gender [1] - 204:14
GENERAL [1] - 1:4
general [2] - 32:16,
98:14
generally [2] - 158:11, 204:2
generated [6] - 162:3, 211:10, 211:13, 211:18, 285:6,
285:12
generous [1] - 243:16
George [1] - 169:15

GFA [2] - 118:14, 119:4 giant [2] - 37:12, 37:15
Gibbs [2] - 166:6, 187:16
Gibson [1] - 281:12
Gilson [2] - 242:19,
244:6
girlfriend [3] - 104:10,
106:7, 106:14
given [9] - 26:6, 31:2,
35:3, 39:5, 69:12,
143:2, 171:10,
174:15, 287:11 glad [1] - 283:8
glare [1] - 207:3
glass [7] - 140:7,
155:6, 155:15,
261:1, 261:2, 261:3
glasses [1] - 245:19
glossy [1] - 196:9
glow [1] - 193:11
glowing [1] - 26:8
God [1] - 36:10
Gold [1] - 280:17
gonna [2]-35:16,
220:13
gorgeous [1] - 167:6
grade [1] - 232:5
Graham [1] - 227:18
grain ${ }_{[1]}$ - 27:4
grant [4] - 244:5,
254:9, 273:3, 303:5
granted [27] - 157:11, 159:10, 159:13,
159:19, 160:14,
161:14, 163:19,
202:15, 204:15,
205:5, 211:1,
230:14, 232:16,
233:4, 233:13,
234:9, 253:10,
254:14, 255:4,
255:12, 257:17,
261:9, 272:17,
284:4, 304:13,
305:13, 306:3
granting [10]-161:1, 205:18, 213:6,
234:5, 249:8, 255:7, 256:3, 273:6, 288:2, 306:13

```
grass [1] - 100:10
```

gravel [3] - 298:8,
298:10, 299:8
Graves [1] - 282:4
great [14] - 104:16,
110:19, 111:1,
158:3, 167:10,
188:10, 220:18,
229:13, 239:10,
243:18, 265:3,
297:2, 297:14,
297:16
greater [2] - 140:8,
292:14
greatest [1] - $252: 8$
GREEN [72] - 20:15,
21:6, 23:12, 27:8,
29:16, 30:3, 30:8,
40:2, 45:3, 45:7,
$45: 12,45: 18,46: 14$,
46:18, 47:2, 47:6,
47:9, 47:14, 47:17,
48:1, 48:5, 48:10,
48:17, 49:2, 50:13,
53:3, 55:12, 58:18,
61:8, 61:11, 66:4,
66:7, 66:9, 67:13,
72:8, 72:12, 72:16,
73:6, 73:13, 82:17,
85:19, 86:5, 87:3,
87:13, 88:1, 88:6,
88:11, 89:7, 89:17,
100:17, 101:2,
102:11, 115:4,
125:2, 130:14,
138:1, 145:9,
145:16, 148:3,
149:1, 161:12,
176:10, 180:9,
188:6, 220:17,
267:10, 272:13,
297:8, 297:15,
298:5, 299:1, 301:1
Green [25] - 1:9, 3:4,
74:8, 75:3, 135:2,
136:3, 164:11,
165:3, 182:14,
191:4, 192:3,
207:10, 208:3,
213:17, 214:3,
234:10, 235:3,
256:8, 257:3,
273:12, 274:3,

281:16, 288:9,
289:3, 306:18
green [4] - 161:8,
167:15, 181:13,
182:5
green's [1] - 68:11
grey [2] - 13:10, 30:16
grill [1] - 238:19
gross [8] - 220:4,
220:8, 220:12,
221:9, 221:18,
290:3, 304:13,
305:10
ground [6] - 145:19,
180:17, 212:6,
241:18, 253:6,
254:19
grounds [1] - 39:10
group [6] - 3:15, 87:7,
165:19, 166:2,
166:3, 167:5
groupings [1] - 81:16
grown [1] - 298:2
guess [16] - 10:1,
10:16, 17:6, 30:3,
39:4, 41:12, 68:13,
89:7, 145:19, 167:1,
175:7, 194:14,
228:3, 230:4,
263:11, 281:3
guessing [2] - 63:13,
227:16
guidance [1] - 46:12
guide [2] - 34:7, 60:10
guides [1] - 62:17
gutted [1] - 219:2
guys [5] - 57:2, 63:5,
100:7, 101:8,
274:18
H
half [15]-76:15,
77:14, 79:14, 89:7,
92:5, 122:16, 127:5,
150:4, 152:1, 152:3,
198:2, 200:17,
205:16, 272:10,
300:2
half-inch [2] - 200:17,
205:16
hall [1] - 184:15
Hall ${ }_{[1]}-168: 14$
halogen $[1]-201: 12$

## hamburgers

[1] - 239:1 hammering
[1] - 24:18

## Hampshire

[3]-14:16, 32:19,
33:2
hand [3]-63:11,
63:13, 310:11
handed [2]-241:10, 300:16 handicapped
[1] - 253:5 handling [1] - 259:11 hands [12] - 74:6, 134:18, 161:3, 164:8, 191:1, 207:6, 213:14, 234:7, 256:5, 273:8, 288:6, 306:15
handy [1] - 160:12
hanging [1] - 42:12
happy [4]-60:13,
60:19, 124:11, 148:1
hard [8] - 57:17,
68:14, 120:3,
120:16, 122:10,
138:16, 244:1, 304:6
hardly ${ }_{[1]}$ - 233:2
hardship
[34]-102:19, 103:1, 103:3, 103:15,
104:2, 105:6,
105:11, 105:16,
105:19, 107:11,
108:4, 111:11,
112:12, 113:15,
114:4, 115:9,
115:18, 118:10,
157:18, 158:6,
159:4, 203:2, 203:9,
203:16, 231:3,
231:15, 240:16,
241:1, 253:16,
254:2, 254:5, 254:8,
304:18, 305:4
hardships [1] - 113:13
HART [3] - 208:11,
208:14, 209:16
Hart [3]-208:11,
213:8

```
Harvard [14] - 235:14,
```

    236:4, 236:10,
    238:1, 238:16,
    243:1, 243:4,
    243:13, 243:14,
    244:7, 247:8,
    247:17, 249:3,
    252:15
    hatch [4] - 78:11,
78:12, 84:13
hatched [2] - 84:4,
84:6
hate [1] - 63:4
hazard [6] - 162:4,
163:2, 212:7,
212:15, 285:8,
287:4
hazardous [1] - 304:4
head [2] - 142:10,
268:16
health [7] - 163:3,
212:8, 212:15,
287:5, 287:10,
287:14, 287:17
hear [7] - 34:11,
38:12, 105:16,
109:14, 200:19,
201:5, 230:8
heard [24] - 24:19,
39:6, 58:7, 76:1,
94:13, 101:19,
127:17, 132:19,
140:13, 144:11,
150:13, 185:2,
185:3, 185:9,
187:10, 187:11,
198:15, 202:5,
202:10, 210:7,
226:16, 241:6,
264:13, 278:6
hearing [10] - 134:1,
137:18, 144:11,
181:11, 182:3,
186:8, 186:11,
187:8, 189:12,
189:18
HEARING [1] - 1:4
heart [1] - 279:16
heat [2] - 142:3,
268:18
heater [1] - 292:18
heavily [1] - 268:1
hedge [1] - 298:9
height $[17]-33: 19$,
34:2, 53:9, 53:10, 53:15, 53:16, 123:9, 142:10, 142:18, 143:1, 143:3, 159:7, 160:8, 202:17, 216:13, 219:14, 289:16 heights [2] - 56:13, 56:16
held [1] - 286:1 help [13]-85:16,
131:2, 141:10, 205:2, 214:14, 258:16, 259:1, 259:4, 259:14, 259:19, 279:18, 280:4, 297:5 helpful [6] - 46:12, 58:6, 60:8, 98:3, 188:2, 188:5 helps [2] - 146:4, 270:2
hence [1] - 121:16 heralded [1] - 243:19
hereby ${ }_{[1]}$ - 309:16
hereinbefore
[1] - 310:9
hereunto [1] - 310:11
hesitant $[1]-125: 10$ hi [1] - 101:5
Hickey [18] - 3:5, 50:19, 74:9, 135:3, 136:4, 161:6,
164:12, 165:4,
191:5, 207:11,
213:18, 214:4,
234:11, 256:9,
273:13, 274:4,
288:10, 306:19
HICKEY [67] - 17:3,
26:9, 27:18, 28:6, 40:6, 40:16, 41:12, 49:12, 49:19, 53:1, 54:9, 56:18, 57:11, 58:13, 58:17, 59:1, 67:14, 69:14, 85:16, 91:5, 91:13, 92:9, 92:15, 113:12,
116:1, 118:6,
127:14, 127:19,
128:4, 128:15,
129:6, 129:15,

130:11, 131:2,
131:9, 132:12,
138:3, 153:3, 153:5,
154:13, 155:4,
155:8, 155:12,
156:6, 156:17,
171:17, 172:3,
172:10, 174:5,
183:9, 183:17,
184:2, 201:4, 201:7, 202:1, 206:18,
223:2, 247:4, 248:2, 262:9, 267:9,
267:12, 281:4, 282:1, 300:18, 301:6, 301:14 hickey $[7]-1: 10,75: 4$, 192:4, 208:4, 235:4, 257:4, 289:4 hide [1] - 55:16
Higgins [1] - 213:9
high [11] - 15:2, 15:10,
22:1, 64:8, 123:12,
156:2, 196:18,
236:3, 237:17,
296:18, 305:6
higher [5] - 22:19,
155:19, 156:2,
156:3, 290:12 himself [1] - 153:12
hire [1] - 259:6
hired [1] - 244:16
historic [1] - 4:18
Historical [6] - 14:3,
17:6, 26:2, 51:2,
192:17, 226:5
historical [2] - 293:17, 294:18
Historical's [1] - 20:17
HMFH [1] - 169:16
hold [2] - 64:7, 169:7
Holiday [1] - 280:15
Holyoke [1] - 235:15
home [7] - 91:1,
277:13, 277:14,
277:15, 290:7,
302:11, 306:12

## homeowner

[1] - 208:10
honest [4] - 34:10,
263:10, 270:6,
272:12
honestly [2] - 35:7,

46:10
hope $[9]-6: 19,35: 17$, 38:18, 110:17,
188:12, 244:4, 262:5, 275:11, 303:5
hopefully [1] - 64:19 hoping [2]-39:1, 221:7
Horan [1] - 275:1 HORHAN [4] - 275:1,
276:2, 277:10, 282:15
horizon [1] - 209:9
horizontal [1] - 43:4
horn [1] - 250:17
hours [8] - 175:10,
197:11, 247:4,
248:12, 249:3,
269:3, 271:11,
276:14
house [129] - 76:13,
76:14, 77:1, 77:3,
77:6, 77:7, 77:13,
77:16, 77:19, 78:12,
78:15, 79:13, 80:5,
80:6, 80:11, 80:17,
80:18, 82:12, 82:13,
84:18, 86:13, 86:14,
87:1, 87:15, 87:18,
88:1, 88:8, 88:14,
88:16, 90:1, 90:2,
90:17, 91:15, 96:10,
103:8, 103:9,
103:11, 103:13,
104:5, 104:16,
105:2, 105:5, 105:7,
105:11, 106:3,
106:6, 106:11,
106:15, 106:18,
107:3, 107:5,
107:10, 108:1,
108:6, 108:12,
108:13, 108:18,
109:2, 110:6,
110:10, 110:12,
114:14, 117:8,
119:11, 120:16,
121:3, 121:6, 122:3,
123:4, 123:6,
125:13, 126:2,
126:6, 126:19,
127:8, 157:1,

159:18, 160:5, 209:16, 209:17, 209:18, 210:1, 211:9, 214:17, 214:19, 215:4, 215:8, 215:13, 216:1, 216:5, 216:18, 217:8, 217:10, 223:8, 224:10, 224:11, 225:17, 226:10, 227:9, 227:10, 228:4, 228:10, 230:16, 231:11, 232:10, 232:18, 235:13, 289:18, 290:2, 291:18, 293:9, 293:16, 293:18, 294:2, 294:4, 294:9, 294:12, 296:10, 297:2, 297:14, 297:17, 298:10, 298:16, 298:17, 299:19, 301:9, 302:19, 305:17
housed [1] - 6:11
houses [11] - 28:19,
86:3, 86:11, 105:1,
116:17, 117:1,
117:19, 122:19,
123:16, 294:2,
304:2
housing [1] - 216:15
hub [1] - 280:11
huge [2] - 83:9,
283:15
Hughes [24]-1:8, 3:3,
74:8, 75:2, 135:2,
136:2, 161:6,
164:11, 165:2,
191:4, 192:2,
207:10, 208:2,
213:17, 214:2,
234:10, 235:2,
256:8, 257:2,
273:12, 274:2,
288:9, 289:2,
306:18
HUGHES [330] - 3:6,
7:6, 8:5, 8:7, 8:15,
$8: 19,10: 3,13: 16$,
$15: 3,15: 14,16: 3$,

16:9, 16:13, 17:11, 19:4, 19:12, 19:16, 23:7, 24:16, 25:3, 26:11, 26:16, 27:11, 28:7, 28:11, 29:10, 29:13, 30:9, 30:12, 30:19, 38:4, 38:14, 39:6, 43:6, 44:1, 44:6, 44:13, 46:7, 48:19, 49:4, 49:14, 50:4, 50:9, 50:17, 51:3, 52:8, 52:13, 53:17, 54:3, 54:16, 55:10, 55:18, 56:15, 56:19, 57:17, 58:1, 59:8, 59:11, 59:17, 61:13, 65:4, 65:15, 66:1, 66:18, 67:10, 67:16, 67:19, 68:16, 70:3, 70:13, 71:6, 72:10, 72:14, 72:18, 73:8, 73:11, 73:18, 74:7, 75:5, 75:11, 78:6, 80:1, 83:2, 85:12, 88:17, 91:3, 92:16, 94:9, 96:1, 96:17, 97:2, 97:16, 98:6, 98:9, 98:17, 99:3, 100:4, 100:18, 101:3, 101:18, 102:2, 104:13, 111:19, 113:5, 113:10, 113:14, 114:17, 121:2, 121:19, 124:14, 125:7, 125:16, 126:5, 127:17, 128:11, 128:18, 130:15, 131:14, 131:19, 132:4, 132:6, 132:18, 133:7, 133:10, 133:16, 134:14, 134:16, 134:19, 136:5, 136:12, 137:16, 138:5, 143:10, 143:15, 145:4, 145:14, 145:18, 149:11, 150:4, 150:12, 150:16, 153:4, 153:8, 157:4, 161:4, 161:7, 161:9,

161:13, 164:9, 165:5, 165:14, 166:12, 167:1, 169:3, 169:6, 170:17, 171:3, 171:7, 171:12, 171:15, 171:19, 172:5, 174:1, 174:6, 174:17, 175:19, 176:16, 177:3, 177:10, 177:14, 178:18, 179:13, 179:17, 180:1, 180:8, 180:13, 180:19, 181:5, 181:15, 181:18, 182:5, 182:9, 182:13, 182:18, 183:4, 184:5, 184:9, 185:1, 185:11, 186:10, 186:18, 187:11, 188:1, 188:13, 188:18, 189:2, 189:7, 190:14, 190:18, 191:2, 192:5, 194:12, 194:16, 195:1, 195:16, 196:16, 197:10, 198:8, 198:13, 199:4, 199:8, 199:16, 200:4, 200:10, 201:11, 201:14, 201:19, 202:4, 202:7, 206:6, 206:10, 206:15, 207:1, 207:5, 207:7, 208:5, 208:13, 209:11, 210:3, 210:9, 213:15, 214:5, 214:13, 215:17, 219:14, 220:4, 222:5, 222:10, 222:12, 222:19, 223:4, 223:18, 224:5, 224:8, 224:15, 225:1, 225:6, 225:18, 226:2, 226:9, 226:18, 228:17, 229:1, 229:5, 229:13, 229:19, 230:9,

```
hum [1] - 201:5
```

hurt [1] - 66:14
Husky [1] - 260:8
Hyde [1] - 117:6

## I

I's [1] - 177:13
idea $[11]-35: 1,86: 16$,
92:2, 112:15, 117:9,
125:18, 184:3,
188:8, 279:15,
290:10, 297:15
ideal [1] - 203:3

## identification

 [2] - 204:8, 205:4identified [1] - 3:8
identify [15] - 7:6,
75:7, 136:7, 152:14,

153:11, 165:7,
192:7, 194:9,
198:16, 208:7,
214:7, 229:1, 257:8,
264:14, 264:16
ignored [1] - 243:4
illuminate [1] - 199:10
illuminated
[5] - 192:19, 202:17, 205:17, 207:2
illumination
[2] - 197:12, 200:7
illustrated [1] - 151:13
illustrations
[1] - 152:19
imagine [1] - 35:7
immediate
[1] - 216:18
immediately
[1]-119:8
impact [12] - 29:4,
32:11, 32:13, 33:11,
105:9, 194:1, 211:8,
213:3, 283:15,
286:17, 303:4
impacts [1] - 151:17
impair [2] - 163:9,
212:17
important [4] - 115:8,
126:14, 293:5
impose [2] - 201:17, 266:10 impossible [1] - 56:13 impression
[3] - 120:12, 124:2, 182:17 imprimado
[1]-171:11
improve [8] - 77:6,
79:3, 103:7, 110:18,
232:19, 242:3,
287:19, 302:16
improved [1] - 100:2
improvement
[2] - 111:18, 259:10
improvements
[4] - 153:13, 154:7, 305:7, 305:16
IN [1] - 310:11
in-home [1] - 277:13
inaccurate
[3]-121:16, 121:17, 122:1

## inadequate

[2] - 108:13, 110:7
inaudible [2] - 139:19,
141:18
Inaudible) [1] - 272:9
inaudible) [3] - 115:7,
223:15, 276:2
INC $_{[1]}-1: 15$
Inc [1] - 170:10
inch [2]-200:17,
205:16
inches [8] - 15:1, 15:7, 82:3, 208:18, 209:2, 209:4, 217:2, 289:17 include [3] - 51:8, 51:16, 279:7 includes [2] - 147:17, 254:19 including [5] - 35:15, 60:2, 166:5, 250:18, 251:1
incongruence
[1] - 17:16
incorporate
[1] - 245:2
Incorporated
[1] - 233:17
increase [9]-81:5,
163:8, 219:18,
220:5, 220:16,
222:15, 232:19,
293:8, 304:13
increased [1] - 119:2
increases [1] - 233:8
increasing [4] - 34:13,
43:14, 143:8,
302:18
incredible [2] - 236:8, 238:13 incrementally [1] - 219:4 indeed [1] - 28:11
Index [1] - 2:15
indicate [1] - 308:11
indication [1] - 299:15
indirect [1] - 287:17
indoors [3]-284:19,
286:15, 287:13
industry $[1]$ - 270:1
infinitum [1] - 267:8
information [4] - 73:7,
177:17, 284:10,

## informational

[1] - 240:18
ingress [1] - 253:4 inherent [1] - 232:10 initial [3] - 268:6 268:7, 268:11
initialed [1] - 164:4
initialled [3] - 160:18
213:11, 234:3
initiate [1] - 62:1
initiated [1] - 244:16
injured [3] - 260:15,
260:16, 269:6
input [2] - 64:11, 69:1
inside [19] - 40:17,
41:1, 77:4, 77:15,
77:19, 78:10, 79:17,
95:18, 107:12,
120:4, 156:8, 217:7,
217:8, 218:3, 261:5,
269:10, 269:12,
269:13
insofar [1] - 255:17
Inspectional
[2] - 308:3, 308:7
inspector [1] - 138:10
install [2] - 20:2,
202:16
installation [1] - 211:1
installed [1] - 212:13
installing [2] - 211:5,
211:16
instead [3] - 16:7,
45:12, 301:7
INSTRUCTIONS
[3] - 308:1, 308:10,
309:4
instructions
[1] - 309:8
insulate [1] - 160:9
insulated [3] - 142:1,
142:2, 159:2
insulation [1] - 142:9
Insurance [1] - 275:7
integrity [3] - 163:10,
205:11, 212:18
intent [9] - 160:2,
163:12, 205:6,
213:1, 233:6,
255:14, 255:16,
306:5, 306:7
interact [1] - 167:14

```
interest [4] - 31:11,
```

    66:13, 87:11, 271:3
    interested [6] - 86:17,
89:19, 131:12,
166:7, 173:8, 310:7
interesting
[2] - 220:7, 235:19
interestingly
[1]-114:2
interior [6] - 143:1,
156:15, 158:5,
261:2, 292:1, 295:5
internal [5] - 13:18,
14:2, 148:12,
162:10, 305:17
internally [2] - 156:11
192:19
intrusion [4] - 217:4,
231:12, 232:12,
233:10
invited [1] - 94:19
involve [5] - 157:17,
203:1, 231:2,
253:15, 304:17
involved [1] - 140:14
involves [1] - 302:17
Irene [1] - 281:18
iron [1] - 188:3
irrelevant [1] - 8:8
Irrobino [2] - 94:16,
102:6
IRROBINO
[10] - 94:17, 96:3,
97:1, 97:7, 97:19,
98:8, 99:2, 99:13,
100:14, 101:1
IRROBIONO
[1] - 94:16
IRROBOINO
[1] - 98:13
issue [18] - 5:2, 34:17,
108:16, 123:14,
130:5, 130:9,
130:11, 130:13,
134:11, 140:11,
141:16, 149:17,
180:6, 224:4, 231:8,
231:9, 260:17,
291:1
issued [1] - 102:5
issues [14] - 78:14,
81:6, 101:12, 138:7,
178:1, 203:9, 217:4,

217:9, 228:3 231:12, 232:12, 233:10, 270:2 it's... [1] - 131:13 items [3]-35:2, 252:11, 258:8 itself [10]-29:7, 34:2, 39:5, 81:6, 122:13, 167:19, 254:4, 302:2, 308:13, 309:6

## J

JAMES [7] - 198:18, 199:7, 199:19, 200:5, 200:11, 200:19, 201:13 James [1] - 198:18 Janet [12] - 1:9, 3:4, 75:3, 136:3, 165:3, 192:3, 208:3, 214:3, 235:3, 257:3, 274:3, 289:3
JANET [72] - 20:15,
21:6, 23:12, 27:8,
29:16, 30:3, 30:8,
40:2, 45:3, 45:7,
45:12, 45:18, 46:14,
46:18, 47:2, 47:6,
47:9, 47:14, 47:17,
48:1, 48:5, 48:10,
48:17, 49:2, 50:13,
53:3, 55:12, 58:18,
61:8, 61:11, 66:4,
66:7, 66:9, 67:13,
72:8, 72:12, 72:16,
73:6, 73:13, 82:17,
85:19, 86:5, 87:3,
87:13, 88:1, 88:6,
88:11, 89:7, 89:17,
100:17, 101:2,
102:11, 115:4,
125:2, 130:14,
138:1, 145:9,
145:16, 148:3,
149:1, 161:12,
176:10, 180:9,
188:6, 220:17,
267:10, 272:13,
297:8, 297:15,
298:5, 299:1, 301:1
January [1] - 215:11
JASON [10] - 192:9,

192:13, 195:12, 195:17, 197:2, 199:11, 200:16, 201:2, 201:6, 201:9 Jason [1] - 192:10 Jay [1] - 246:4 JAY [7] - 235:9, 236:15, 237:14, 244:15, 245:8, 248:14, 248:17 jay [1] - 235:9 Jefferson [8] - 2:5, 136:6, 151:2, 151:3, 151:4, 153:17, 157:15, 164:2 Jekyll [1] - 117:6 JILL [4] - 275:1, 276:2, 277:10, 282:15 Jill [2] - 275:1, 303:7
Jill's [1] - 275:18
$\operatorname{Jim}[1]-228: 2$
job [2] - 72:17, 265:4
jobs [1] - 95:11
Judith [1] - 227:13
Judy [4] - 228:1,
228:15, 228:17,
229:3
JUDY [7] - 228:19,
229:2, 229:8,
229:15, 229:18,
230:6, 230:11
July [1] - 4:16
jump [1] - 139:8
jumping [1] - 33:7
June [7]-4:14, 6:16,
175:13, 176:2,
176:4, 176:5,
185:19
junky [1] - 9:5
Just-A-Start
[2] - 151:3, 151:7
justify [2] - 110:9,
110:10

## K

K-i-r-i-I [1] - 214:12
K2-C2 [1] - 167:8
Kate [1] - 152:12
Kathleen [1] - 281:13
kebobs [1] - 239:1
keep [11] - 16:4, 17:5,
63:9, 96:7, 96:13,
129:14, 183:19,

189:19, 261:6, 305:8 keeping [7] - 82:15, 99:9, 115:19, 117:9, 124:6, 147:14, 186:15 Kendall [20] - 236:10, 237:2, 237:11, 238:2, 238:8, 239:8, 241:13, 241:15, 241:16, 242:3, 242:4, 242:10, 243:12, 244:4, 247:10, 251:17, 253:10, 254:17, 255:2 KENT [20] - 257:10, 257:16, 258:3, 259:4, 259:19, 260:14, 261:12, 261:19, 262:5, 262:14, 263:7, 263:19, 264:4, 264:8, 265:17, 267:18, 270:15, 270:18, 271:14, 272:10
Kent [1] - 257:10
kept [5] - 46:3, 79:7, 96:13, 212:13,
284:19
Kerry [1] - 151:7
key [1] - 246:3
KeyWord [1] - 2:15
Khalsa [1] - 233:16
kick [1] - 215:2
kid [1] - 299:6
kids [1] - 196:12
kill [1] - 157:3
kind [43] - 9:5, 11:13,
12:1, 41:11, 60:14,
63:10, 81:3, 88:7, 104:3, 112:10, 114:12, 116:4, 121:8, 121:10, 123:14, 128:12, 129:17, 140:5, 146:17, 147:10, 148:17, 155:8, 156:4, 156:13, 166:2, 169:17, 172:11, 177:3, 216:9, 217:7,

217:15, 218:12,
243:16, 251:16, 252:1, 259:14, 290:18, 292:5, 294:12, 297:17, 297:19, 298:2
kinds [1] - 219:11
Kinnaird [3] - 227:17 227:18
KIRIL [22] - 214:11,
215:7, 215:19,
216:17, 218:19,
220:6, 220:18,
221:8, 222:3, 222:7, 223:3, 223:9, 223:16, 224:3, 224:12, 224:19, 225:9, 225:16, 225:19, 226:4, 229:16, 234:1
Kiril [4] - 214:11,
214:16, 215:6,
233:15
kitchen [11] - 25:11,
25:13, 80:14, 90:11,
106:9, 107:12,
111:3, 111:7, 111:8,
126:7, 219:10
knowing [1] - 301:8
knowledge
[1] - 310:10
known [1] - 243:18
Krause [1] - 282:3
Kreiger [1] - 3:12
KSA [1] - 241:19

L
lacking $[4]-105: 12$,
105:17, 107:10,
237:10
land $[9]$ - 158:8,
158:10, 167:19,
173:19, 174:13,
174:15, 203:18,
204:1, 231:17
landed [1] - 60:17
landing [2] - 146:8,
292:10
landlord [7] - 22:8,
40:8, 41:3, 41:18,
263:15, 265:1,
282:18
landlord's [2] - 20:5,
LAPIDUS [52] - 165:9,
165:15, 166:19,
167:3, 168:4, 169:5,
169:8, 170:2, 170:8,
170:11, 170:15,
171:1, 172:9,
172:13, 173:13,
174:16, 175:15,
176:9, 177:2, 177:6,
177:11, 177:19,
178:7, 178:11,
178:17, 179:16,
181:4, 181:12,
181:16, 182:4,
182:7, 182:11,
182:16, 183:3,
183:7, 183:13,
183:18, 184:4,
184:7, 184:13,
184:16, 186:2,
186:5, 186:13,
187:14, 188:10,
188:16, 189:6,
189:19, 190:4,
190:12, 191:6
Lapidus [1] - 165:9
large [3] - 34:7,
204:10, 293:8
larger [3] - 77:12,
94:8, 123:5
largest [2] - 275:19,
277:12
last [13] - 4:3, 8:2,
60:2, 75:13, 137:10,
140:13, 186:8,
186:10, 228:6,
260:1, 267:2,
272:19
late [1] - 4:8
latest [1] - 51:6
Laura [1] - 227:17
Lauren [1] - 151:6
law [1] - 218:6
law's [1] - 114:14
lawn [2] - 109:17,
168:13
Lawson [1] - 310:4
layers [1] - 226:1
lead [1] - 120:11
leading [1] - 154:19
leaks [1] - 142:3
leap [1] - 34:15

```
learning [1] - 146:2
```

lease [7] - 169:9,
170:18, 171:2,
263:18, 264:1,
264:7
leash [7]-259:12,
259:17, 260:2,
268:19, 279:7,
279:19
least [17] - 17:7, 19:9,
19:10, 34:3, 34:5,
38:18, 39:8, 39:14,
95:4, 114:8, 119:17,
156:2, 179:1, 215:1,
229:11, 290:1,
290:7
leave [3] - 154:8,
259:8, 276:18
led [1] - 13:2
LED [5] - 199:13,
201:9, 201:18,
205:17, 207:2
Lee [1] - 242:13
left $[7]-28: 5,28: 9$,
35:13, 70:1, 70:7,
141:5, 210:13
legal [9]-112:12,
113:15, 114:5,
172:11, 176:7,
178:10, 178:12,
178:14, 240:19
legitimate [1] - 100:11
length [3]-151:19,
216:5, 263:17
lengths [1] - 158:4
Leonard [1] - 280:17
less [11] - 19:2, 42:14,
58:10, 58:11,
116:14, 139:16,
146:4, 216:4,
291:14, 292:2,
292:4
lessee [1] - 172:12
letter [15] - 96:19,
102:4, 133:3,
152:18, 187:2,
228:1, 232:6, 239:7,
241:9, 242:19,
243:11, 278:19,
280:16, 302:8,
302:13
lettering [2] - 194:6,
204:6

## letters [3] - 278:18,

300:12, 303:17
LEUNG [20] - 257:10,
257:16, 258:3,
259:4, 259:19,
260:14, 261:12,
261:19, 262:5,
262:14, 263:7,
263:19, 264:4,
264:8, 265:17,
267:18, 270:15,
270:18, 271:14,
272:10
Leung [1] - 257:10
level [5] - 90:6,
144:17, 196:14, 197:5 levelling [1] - 223:7 License [1] - 310:15 license [1] - 259:1 licensee [1] - 172:12
Licensing [1] - 250:11
lies [1] - 158:17
life [1] - 97:15
lifestyle [1] - 109:6
lift [1] - 217:1
lifted [1] - 219:5
lifting [2] - 221:15,
233:7
light $[7]$ - 193:12,
196:3, 196:6,
202:18, 206:19,
207:2, 209:7
light's [1] - 128:19
lighter [1] - 78:11
lighting [8] - 193:2,
193:8, 195:15,
196:1, 196:4, 201:4, 201:18, 205:17
lights [6] - 197:15, 197:18, 198:4, 199:9, 206:4, 206:16 limit [12] - 143:3, 154:5, 258:5, 262:4, 262:6, 262:10,
262:14, 262:17,
262:18, 263:3,
273:4, 273:5
limited [4] - 211:5,
211:15, 279:14, 304:3
limits [3]-118:15,

162:18, 163:14 Lindsay $[1]$ - 280:13 line $[32]$ - $76: 18$, 78:18, 80:4, 80:7, 82:1, 86:6, 91:16, 91:17, 92:3, 92:10, 96:6, 158:17, 181:9, 192:16, 193:14, 193:19, 195:15, 197:7, 197:8, 203:5, 203:6, 203:10, 209:3, 209:4, 211:17, 217:3, 222:14, 227:10, 228:9, 230:16, 244:2, 272:5 LINE ${ }_{[1]}$ - $309: 9$ lined $[1]$ - 188:14 linen [2] - 262:19, 263:2
lines ${ }_{[1]}$ - 59:9
Linnaean [1] - 282:4
lipstick $[1]$ - $36: 5$
list [3] - 67:8, 153:18,
240:15
listed [4] - 217:13,
220:8, 221:2,
233:14
listened [1] - 31:12
literal [7] - 157:16,
202:19, 231:1,
253:14, 253:17,
291:12, 304:16
literally $[3]$ - 115:11,
237:12, 299:6
litter [1] - 189:7
live [16] - 101:6,
104:8, 106:7,
106:14, 107:6,
107:18, 111:4,
112:15, 112:18,
126:6, 136:10,
199:2, 200:2, 229:4,
289:8, 289:14
liveable [1] - 305:2
lived [3] - 113:8,
153:7, 214:16
lively $[1]$ - 254:18
lives [1] - 289:12
living [13] - 77:7,
77:18, 105:10,
111:8, 219:11,
228:12, 230:18,

230:19, 232:8,
302:18, 305:10,
305:19
Liza [3] - 14:2, 60:6,
64:18
LLC [3] - 174:5, 275:4, 284:5
load [2] - 142:5, 177:5
loading [1] - 167:17
loads [1] - 159:3
local [5] - 173:2
236:1, 242:7, 253:3, 258:7
located [8] - 158:12, 158:16, 196:19, 203:6, 204:3, 235:14, 254:6, 286:11 Iocation [22] - 56:17, 56:18, 57:7, 57:8, 57:14, 71:7, 108:15, 109:3, 173:7, 175:5,
181:6, 235:17,
235:18, 237:7,
243:13, 251:6,
254:1, 254:10,
260:19, 277:6,
277:17
locations [1] - 168:9
lofts [1] - 182:15
logic [1] - 240:11
logistic [1] - 183:8
logo [1] - 204:13
logos [2] - 193:2,
196:8
look [44] - 7:9, 9:5,
14:18, 16:6, 18:15,
19:9, 20:13, 20:14,
20:16, 21:1, 25:13,
27:4, 27:8, 27:13,
28:3, 35:10, 42:11,
44:7, 44:17, 46:15,
52:11, 55:6, 56:11,
73:4, 76:2, 78:3,
84:18, 86:1, 100:13,
102:18, 110:18,
124:11, 134:5,
155:13, 166:3,
167:16, 217:12, 221:9, 225:17,
226:10, 246:6,
246:18, 294:19,
301:11

## looked [6] - 5:5,

25:11, 37:3, 116:8,
117:15, 168:9 looking [25] - 4:11, 36:11, 47:2, 50:14, 52:2, 88:14, 106:3, 107:8, 116:10,
128:12, 128:15,
131:4, 142:16,
142:18, 143:4,
151:16, 154:17,
156:13, 156:14,
171:16, 175:8,
175:12, 193:10,
245:4, 246:10
looks [9]-17:13, 20:9,
21:7, 88:8, 156:4,
227:1, 231:6,
280:19, 281:11
lose [1] - 190:7
lost $[1]-215: 10$
loud [1] - 264:16
loudly [1] - 264:18
Louis [2]-227:11,
228:13
Louisa [1] - 152:13
Louise's [1] - 155:19
lounge [1] - 250:10 love [4]-73:5, 167:11,
195:13, 218:14
loved [1] - 243:18
lovely [1] - 304:2
low [8] - 141:17,
196:4, 199:12,
199:13, 236:2,
237:15, 238:8,
238:12
lower [5] - 195:19,
196:14, 292:6,
292:8, 292:12
lowest [1] - 205:9
lucky [2] - 215:9,
275:12
lunch [1] - 244:2

## M

main [13]-41:6, 92:13, 95:1, 95:6, 96:11, 96:14, 193:5, 195:13, 215:13, 227:9, 260:14, 272:5, 296:4
maintained [1] - 90:14

```
maintains [2] - 306:8,
```

    306:10
    malled [2] - 258:13,
270:9
man [1]-283:11
managed [1] - 166:1
management
[2] - 170:10, 170:14
Managers
[3] - 151:14, 160:17,
164:3
manner [1] - 271:12
mantle [1] - 195:10
$\operatorname{map}_{[1]}$ - 179:10
MARC [25] - 136:9,
136:17, 138:6,
143:12, 144:9,
145:1, 145:8,
145:11, 146:1,
146:13, 146:16,
147:2, 147:5, 148:8,
149:5, 150:2, 150:8,
153:6, 154:18,
155:7, 155:11,
155:16, 156:7,
156:19, 157:8
Marc [5] - 136:9,
150:19, 151:11,
152:3, 154:3
marc [1]-136:12
March [2] - 235:15,
254:13
mark [4] - 36:13,
62:19, 190:10,
205:13
marked [2] - 164:1,
252:18
market [25]-165:12,
165:17, 165:18,
166:4, 166:6, 166:9,
166:10, 166:16,
167:16, 168:13,
173:2, 173:15,
173:19, 174:10,
174:12, 175:3,
175:13, 177:8,
181:7, 184:17,
186:5, 187:18,
188:3, 188:8, 215:9
markets [3] - 167:12,
168:3, 173:4
marks [2]-308:13,
309:6

```
marriage [1] - 310:6
```

marsh [1] - 296:13
Mary [1] - 227:12
mass [3] - 89:3, 90:8,
127:7
Mass [5] - 2:7, 2:13,
181:10, 198:19,
286:11
Massachusetts
[7]-1:7, 1:7, 192:6,
202:15, 274:6,
284:7, 285:16
MASSACHUSETTS
[1] - 310:2
massing $[4]$ - 112:3,
118:12, 122:2,
122:4
massive [1] - 112:5
massiveness
[1] - 117:13
match [12]-5:10, 6:4,
6:12, 9:10, 13:12,
13:14, 52:6, 56:4,
56:6, 156:18, 227:9,
232:5
matched [2] - 5:13,
219:5
matches [2] - 56:5,
217:2
materials [4]-187:6,
251:2, 252:9, 256:1
math [4]-93:15, 94:2,
216:4, 220:11
matter [15] - 4:5,
17:15, 25:1, 94:13,
98:10, 108:3,
150:13, 202:5,
226:16, 241:6,
264:14, 274:17,
278:7, 310:6, 310:7
Matthew [1]-281:10
maxes [1]-15:1
maximize [1] - 142:18
maximum [4]-120:6,
143:2, 196:19,
291:15
McHindo [1] - 280:14
McHindu [1] - 280:13
MD $_{[1]}$ - 3:16
mean [74]-10:18,
11:18, 12:16, 18:14,
18:19, 20:12, 34:19,
35:4, 36:19, 37:1,
118:13, 118:19,
123:18, 125:7,
125:12, 125:13,
126:10, 127:2,
128:18, 129:18,
146:6, 149:18,
159:17, 166:14,
167:19, 172:10,
174:3, 174:17,
179:7, 181:13,
185:4, 185:18,
219:10, 225:1,
238:13, 238:14,
238:16, 240:17,
246:5, 269:11,
269:12, 271:14,
271:16, 283:10,
291:13, 297:1,
297:2, 299:17,
300:1
meaning [1] - 283:2
means [13] - 43:11,
84:6, 89:4, 118:2,
126:3, 138:13,
139:18, 141:3,
174:3, 181:8, 266:2,
293:13, 295:4
MEANS [1] - 310:18
meant [1] - 260:10
measure [1] - 292:1
measured [1] - 268:5
mechanical [1] - 32:3
meet [3] - 69:19, 77:7,
139:18
meeting [15] - 4:16,
$13: 14,14: 1,14: 2$,
33:10, 68:12, 75:13,
75:18, 94:19, 95:7,
96:18, 124:9,
137:10, 153:9,
188:15
meets [2] - 130:10,
141:1
melt [1] - 142:2
melts [1] - 142:4

## member [5] - 69:12

169:17, 242:1,
243:14, 279:10
Member [4] - 1:9, 1:9,
1:10, 1:10
Members [12] - 3:3,
75:2, 136:2, 165:2,
192:2, 208:2, 214:2,
235:2, 257:2, 274:2,
289:2, 302:10
members [15] - 3:15,
31:12, 39:7, 39:17,
58:7, 68:2, 68:17,
68:19, 69:5, 118:8,
132:16, 154:12,
205:2, 277:4
Men's [1] - 204:5
mention [2] - 160:13,
249:18
mentioned [9] - 13:7,
38:7, 96:5, 96:7,
244:10, 245:5,
246:4, 251:8,
275:17
mentioning [1] - 16:4
menu [1] - 238:4
messier [1] - 37:7
messy [2] - 36:11
37:6
met [13]-4:17, 14:7, 32:2, 60:3, 87:4,
103:4, 114:6,
161:17, 211:4,
244:18, 249:19,
273:10, $284: 9$
metal [2] - 138:15,
193:1
metallic [4] - 30:12,
30:13, 30:17, $31: 3$
meter [1] - 292:18
Metrowest
[1]-277:11
Metzger [1] - 169:15
Michael [3] - 169:19,
170:12, 171:4
middle [2] - 34:8,
215:15
might [15] - 13:5, 35:1,
35:18, 37:17, 46:8,
49:19, 50:17, 85:16,
114:12, 166:7,
168:14, 185:19,
263:5, 267:19,
milk [1] - 222:6
mind [5] - 32:8, 32:9,
32:10, 54:4, 204:19
mine [2]-26:17,
130:14
minimal [2] - 160:3,
163:14
minimize [2] - 152:10,
162:10
minimum [7] - 93:10,
94:5, 94:8, 111:13,
120:5, 142:16
minor [1] - 107:6
minute [1] - 66:4
minutes [1] - 275:13
mirrors [1] - 100:8
MIS [1] - 179:7
misalignment
[3]-231:8, 231:9,
232:11
misread [1] - 120:13
missing [1] - 123:2
mission [6] - 168:4,
237:2, 237:5, 242:2,
242:7, 270:5
misunderstand
[1] - 84:16
misunderstood
[1] - 120:7
MIT [17] - 10:14,
169:8, 169:9,
169:12, 170:1,
170:5, 173:16,
178:4, 178:8,
178:11, 178:14,
235:19, 236:1,
236:16, 237:2,
244:18, 251:8
MIT's [1] - 246:5
mitigate [2] - 152:9,
156:16
mitigating [1] - 152:8
mix [1] - 52:6
mixed $[1]$ - 51:11
Mobile [2] - 6:6, 23:14
model [1] - 266:19
modern [3] - 20:18,
97:15, 158:14
modest [6] - 82:12,
89:2, 89:3, 90:4,
293:9, 306:11
modestly [1] - 204:11

## modifications

```
[1]-103:12
```

moment [2] - 166:10,
184:18
Monday [8] - 133:15,
134:1, 136:16,
137:3, 137:6, 137:9,
144:10, 187:8
money [4] - 109:18,
109:19, 143:4,
270:7
month [2] - 62:19,
75:14
months [6] - 109:15,
180:13, 189:14,
190:9, 260:1,
270:11
Morgan [1] - 114:17
morning [3] - 137:3,
197:14, 244:19
most [14] - 13:4,
35:16, 76:3, 76:6,
76:9, 87:10, 108:7,
118:1, 151:17,
237:18, 240:3,
268:9, 270:5,
278:12
mostly [4] - 124:9,
217:11, 223:6,
233:3
mother [1]-218:6
mother-in-law
[1] - 218:6
motion [6] - 73:17,
132:1, 150:7, 157:5,
185:12, 190:19
motives [2] - 109:14,
110:2
mount [2] - 20:7,
57:12
mounted [8]-5:7, 5:8,
8:4, 8:13, 26:4,
40:14, 42:5, 42:9
mounts [4] - 40:7,
41:19, 42:14, 42:16
move [23] - 55:1,
57:14, 58:11, 78:18,
78:19, 104:10,
108:16, 115:10,
127:12, 132:7,
157:10, 161:14,
186:19, 202:14,
210:19, 230:14,

233:12, 253:9, 272:16, 273:3, 284:4, 304:12 moved [1] - 140:6 moves [4] - 73:18, 91:6, 91:8, 127:4 moving [6] - 55:13, 100:8, 115:14, 140:9, 244:2 multiple [1] - $233: 9$ Mur [1] - 227:17 Murdock [14] - 2:4, 75:6, 78:2, 78:17, 81:6, 83:9, 87:11, 94:17, 95:5, 101:7, 119:8, 119:12, 122:5, 122:13 must [2] - 224:7, 227:4
Myers [24] - 1:10, 3:4, 74:8, 75:3, 135:2, 136:3, 161:6,
164:11, 165:3, 191:4, 192:3, 207:10, 208:3, 213:17, 214:3, 234:10, 235:3, 256:8, 257:3, 273:12, 274:3, 288:9, 289:3,
306:18
MYERS [96] - 18:1,
18:9, 18:14, 19:7,
20:1, 28:12, 31:7,
33:19, 34:5, 34:10, 35:3, 36:7, 36:19, 37:11, 37:15, 41:15, 42:3, 42:7, 42:13, 44:16, 51:5, 51:13,
51:19, 58:4, 58:15,
59:9, 63:11, 65:8,
66:11, 68:7, 69:8,
69:12, 70:9, 71:2, 83:12, 83:16, 83:19, 84:15, 85:4, 85:9, 85:14, 92:17, 93:6,
93:13, 94:4, 104:18, 118:7, 120:7,
120:13, 120:19,
121:12, 121:14,
122:3, 122:7,
125:11, 125:19,
130:17, 130:19,

132:10, 132:15,
138:4, 167:18,
184:10, 187:10,
196:18, 197:11,
198:3, 198:12,
201:17, 202:2,
206:1, 206:7,
209:12, 244:10,
245:5, 245:10,
246:14, 247:1,
248:10, 248:16,
248:19, 259:3,
263:3, 263:17,
264:6, 266:8, 267:7, 267:15, 270:13, 270:16, 272:9, 272:14, 277:5, 282:12, 283:1,
299:13
mylar [1] - 30:14

## N

name [17] - 3:11,
94:14, 101:5, 136:9,
$165: 8,170: 5,171: 4$,
198:18, 229:2,
257:10, 264:19,
274:15, 275:1,
275:4, 280:18,
289:7, 289:9
named [1] - 228:2
names [2] - 274:19,
279:2
NANCY [8] - 192:11, 197:13, 198:6, 198:10, 201:16, 206:13, 207:4, 207:9
Nancy [2] - 192:11,
281:17
narrative [1] - 107:16
narrow [3] - 105:7,
151:18, 175:17

## narrowness

[1] - 99:19
nature [6] - 17:6,
97:16, 162:15,
171:13, 212:3,
286:8
near [3] - 153:17,
286:12, 291:2
nearby [5] - 32:4,
227:5, 233:1,

## 238:15, 255:18

nearest [1] - 209:14

## necessarily

[4] - 44:13, 55:3, 69:15, 71:10 necessary [4] - 3:17, 3:18, 105:13, 267:4 neck [1] - 268:16 need [40] - 23:5, 55:4, 63:16, 68:2, 68:12, 72:18, 94:14, 102:7, 109:4, 109:6, 111:5, 111:6, 115:2, 131:14, 133:11, 141:6, 143:7, 146:18, 147:7, 176:8, 185:1, 189:2, 194:8, 203:12, 214:14, 224:1, 225:7, 226:3, 228:8, 230:7, 240:14, 251:12, 255:2, 255:18, 266:11, 271:9, 271:17, 271:18, 298:3, 305:7
needed [5] - 77:8, 138:12, 255:8, 291:3, 305:10 needing [1] - 159:5 needs [14] - 41:13, 64:14, 77:16, 101:13, 108:14, 109:5, 110:7, 111:6, 150:6, 183:5, 219:3, 229:11, 232:12, 274:13
negative [1] - 303:4
neighbor [8] - 4:6
101:10, 124:6, 124:8, 209:19, 216:18, 232:7, 262:15 neighbor's [3] - 86:14, 101:11, 138:19 neighborhood [24]-28:14, 28:18, 29:9, 32:16, 37:2, 39:14, 111:17, 117:10, 119:14, 122:8, 122:12, 162:6, 213:4, 232:19, 236:17,

251:14, 259:18,
266:17, 285:9,
286:1, 293:18,
297:7, 303:4, 306:9 neighboring
[3] - 14:15, 211:8,
287:1
neighborliness
[1] - 98:10
neighbors [19] - 76:6, 76:10, 88:4, 94:18, 111:15, 122:14,
140:4, 149:8, 155:9,
218:15, 227:2,
227:5, 227:6,
228:16, 263:6,
281:9, 300:2,
301:13
neon [1] - 200:13
nestle [1] - 127:8
never [8] - 10:5,
15:18, 25:10, 43:3,
81:12, 185:3, 263:8, 270:3
New [4] - 27:6, 269:1, 270:19, 275:19
new [30] - 8:9, 23:19,
40:18, 51:15, 82:17, 133:2, 133:12, 138:14, 144:7, 144:11, 144:13, 162:9, 183:6, 187:4, 187:6, 190:5, 190:7, 203:4, 205:2, 211:6, 262:12, 263:7, 266:14, 280:1, 293:4, 302:6
next [17] - 33:15, 64:2,
81:7, 81:14, 82:5,
110:1, 114:18,
123:16, 132:7,
185:13, 189:14,
190:8, 192:15,
216:12, 216:13,
262:15, 283:4
next-door
[3] - 192:15, 262:15, 283:4
Nextel [3] - 20:6, 57:3, 57:4
nice $[8]-72: 17,77: 17$,
78:6, 80:18, 80:19,
109:3, 265:4,
nicer [2] - 79:9, 290:12 night [9] - 193:10, 197:15, 198:4, 198:5, 206:5, 247:8, 247:11, 247:17, 247:19 nine [22] - 15:2, 15:10, 22:1, 22:3, 22:7, 22:12, 23:5, 27:18, 34:13, 53:11, 53:13, 90:16, 109:15,
216:7, 225:2, 247:9, 247:13, 247:15, 276:10, 276:13, 286:4, 297:18 nine-foot [1] - 297:18 nobody [4] - 44:4, 50:9, 54:7, 286:19 noise [7] - 97:13, 98:11, 152:8, 200:14, 201:10, 207:3, 285:1 non [11] - 29:2, 32:5,
39:13, 78:14,
118:18, 119:18,
120:3, 144:2,
144:16, 157:14, 161:16 non-compliance [2] - 119:18, 120:3 non-compliant
[1] - 118:18
non-conforming
[5] - 78:14, 144:2,
144:16, 157:14,
161:16
non-residential
[2] - 29:2, 32:5

## noncompliant

[1] - 93:4
none [4]-44:9,
222:14, 229:10,
287:1

## nonetheless

[2] - 32:9, 119:4
nonliving [1] - 290:14
Norfolk [5] - 2:3, 3:7,
32:18, 281:8, 281:9
north [3]-84:3, 87:1,
151:16
North [1] - 279:17

NOT [3] - 308:13,
309:5, 310:18
Notary [3] - 309:7,
310:5, 310:14
notations [2] - 308:13,
309:6
note [2] - 286:19,
309:4
noted [1] - 309:16
notes [1] - 310:9
nothing [8]-26:9,
26:11, 38:10, 38:15,
67:4, 85:14, 224:17,
263:13
nothing's [1] - 35:16
notice [2] - 180:7,
297:13
noticed [3] - 136:17, 136:19, 180:14
notices [1] - 181:11
notification
[1] - 75:17
notified [3] - 87:15,
181:9, 182:1
notify ${ }_{[1]}$ - 182:2
November [9]-65:7,
65:11, 65:12, 67:3,
73:3, 74:1, 132:14,
132:17, 175:14
nudge [1] - 63:16
nuisance [3]-163:2,
212:7, 287:4
nullifying [5] - 160:1,
205:6, 233:5,
255:13, 306:4
number [16] - 7:4,
19:2, 43:14, 55:14,
55:15, 55:16, 55:19,
121:4, 148:14,
179:3, 179:10,
193:3, 217:16,
275:14, 292:13,
293:6
numbers [5] - 7:7,
179:2, 180:3, 222:8,
222:14
Nynex [2] - 23:10

## 0

O'BRIEN [8] - 192:11, 197:13, 198:6,
198:10, 201:16,
206:13, 207:4,

## 207:9

O'Brien [1] - 192:11
o'clock [10] - 197:16,
198:4, 198:5, 200:7,
230:12, 247:8,
247:9, 247:13,
247:15, 247:18
O'Donnell [1] - 281:13
O'GRADY [35] - 65:6,
65:11, 66:8, 67:4,
67:9, 69:4, 132:9,
132:14, 132:17,
133:5, 133:9,
133:14, 175:4,
178:3, 178:9,
178:13, 179:6,
179:18, 180:5,
180:16, 184:14,
185:8, 185:16,
186:4, 186:7,
186:12, 186:14,
224:7, 224:14,
225:4, 239:14,
240:2, 240:7,
240:11, 240:17
O'Grady [1] - 1:11
objection [1] - 151:5
objectionable
[1] - 42:15
objects [2]-34:13,
58:10
observation [1] - 89:1

## observations

[1] - 115:3
obstruction [1] - 23:1
obtained [1] - 26:6
obviously [6] - 38:1,
96:18, 104:7, 250:9, 294:9, 302:4
occupant [1] - 287:6
occupants [6] - 105:5, 151:10, 163:4,
212:9, 212:16,
255:8
occupy [2] - 173:18, 175:10
occur [1] - 287:12
occurs [1] - 156:10
October [5] - 65:7,
68:6, 132:9, 246:9, 310:11
odd [3] - 112:8, 112:9, 128:12
offer [4] - 41:18,
259:15, 259:17,
279:15
offering [3] - 125:17,
237:11, 239:2
offers [1] - 204:18
office [10] - 40:19
41:8, 172:7, 183:1,
240:8, 254:6,
275:17, 277:19,
288:4
offices [1] - 255:19
OFFICIAL [1] - 1:15
often [1] - 218:7
oil [1] - 36:8
old [8]-14:17, 21:1,
105:2, 105:7, 123:7,
144:6, 270:11,
290:6
older [1] - 204:7
Olivera [1] - 152:13
on-site [1] - 284:15
once [16] - 37:19,
60:16, 64:2, 69:8,
76:18, 100:1, 116:9,
168:15, 176:17,
183:10, 212:12,
213:4, 219:1,
219:11, 279:1,
291:7
one [139]-5:13, 6:2,
6:3, 8:2, 10:9, 10:10,
11:7, 11:9, 15:16,
18:2, 18:12, 23:10,
25:3, 25:6, 26:19,
35:15, 36:16, 39:9,
$41: 2,41: 6,44: 8$,
45:2, 46:16, 47:7,
47:12, 48:14, 49:13,
49:17, 50:15, 50:18,
50:19, 51:3, 51:10,
52:4, 52:5, 53:5,
53:18, 54:11, 54:12,
54:14, 54:17, 56:10,
56:13, 60:2, 63:11,
64:7, 66:13, 69:19,
$71: 13,71: 15,83: 13$, 93:19, 96:4, 98:13, 101:4, 107:6, 111:3, $111: 9,112: 1,114: 7$, 114:14, 115:1, 117:8, 119:17, 121:9, 126:16, 126:17, 132:13, 139:18, 140:4, 144:7, 144:16, 144:17, 147:7, 148:15, 149:2, 154:13, 157:3, 167:10, 173:4, 174:7, 182:14, 184:1, 184:6, 187:14, 189:10, 193:5, 193:16, 195:8, 195:13, 196:11, 196:15, 200:5, 202:7, 206:1, 210:9, 211:7, 216:13, 218:17, 222:3, 226:4, 226:18, 228:13, 228:16, 232:4, 236:5, 236:9, 236:10, 238:16, 241:8, 252:3, 254:12, 260:5, 260:14, 269:1, 271:8, 271:15, 274:14, 277:12, 278:9, 278:17, 280:18, 293:12, 294:2, 294:3, 294:4, 294:5, 295:5, 299:18, 300:1, 300:10, 301:3, 301:17
one's [3] - 216:12,
280:16, 281:10
ones [9] - 10:11, 47:4
47:5, 47:6, 47:10,
49:17, 61:2, 65:1,
150:18
opaque [1] - 86:19
open [29] - 24:16,
26:15, 46:11, 82:5,
90:14, 94:11, 95:9,
123:3, 145:17,
150:13, 197:13,
198:14, 210:5,

226:13, 235:13,
241:4, 241:18,
246:8, 247:6, 247:7,
247:9, 247:13,
264:11, 276:11,
276:12, 276:16,
276:18, 278:4,
305:19
opened [1] - 235:15
opening [3] - 91:10,
248:12, 300:8
openings [4]-143:14,
144:1, 149:16,
161:16
operate [3] - 187:18,
253:19, 257:18
operated [1] - 287:9
operating [1] - 166:11
operation
[16] - 162:12, 206:9, 211:19, 236:2, 236:3, 237:17, 237:19, 246:10,
247:4, 250:1, 253:12, 254:14,
261:18, 286:5,
286:10, 288:3

## operations

[4] - 238:6, 238:8, 245:14, 246:7
operator [2] - 175:1,
184:17
operators [1] - 235:13
opinion [7] - 29:14,
39:7, 63:12, 64:8,
255:3, 265:15
opinions [2] - 58:8,
60:7
opportunities
[2] - 167:12, 204:19
opportunity
[1] - 303:1
oppose [1] - 4:1
opposed [3] - 125:17,
134:10, 161:7

## opposition

[1] - 283:13
option [8] - 13:7,
44:16, 44:18, 45:5,
69:16, 108:8, 264:1,
276:18
options [10] - 26:3,
26:7, 39:16, 50:2,

51:11, 55:5, 59:6,
67:11, 195:5,
279:12
order [13] - 18:6, 22:5,
22:13, 23:4, 40:13,
106:2, 106:8,
107:17, 212:14,
221:4, 249:12,
249:15, 299:5
Ordinance [39] - 23:3, 28:13, 33:12, 93:3, 101:9, 102:14, 102:15, 105:8, 109:11, 112:4, 118:15, 157:17, 158:19, 160:2, 161:17, 162:2, 162:14, 163:12, 197:1, 197:3, 197:5, 203:1, 205:7, 205:14, 211:3, 212:2, 213:1, 231:2, 233:6, 253:15, 253:18, 255:14,
284:8, 286:7,
291:13, 294:9,
304:17, 306:5,
306:8

## Ordinances

[1] - 158:14
ordinances
[2] - 97:17, 98:12
organization
[1] - 258:13
organizations
[1] - 242:2
ORIGINAL [1] - 308:7
original [9]-6:15,
7:16, 16:16, 49:6, 152:5, 266:14, 273:1, 308:2, 308:8 originally [8] - 5:6, 5:12, 7:2, 19:1, 22:10, 150:3, 150:9, 192:18
otherwise
[6] - 157:18, 163:11, 212:19, 229:6, 231:3, 293:13
outcome [1] - 310:7
outdoor [8] - 245:6,
245:12, 246:3,
246:15, 248:2,

## 294:15, 304:3

outside [17] - 14:2, 78:17, 79:17, 79:18, 80:1, 90:15, 221:3, 261:5, 269:2, 269:8, 271:17, 277:8, 286:16, 293:16, 295:3, 295:17, 305:18 overall [3] - 76:2, 79:5, 119:13 overbuilt [1] - 114:10 overcast [2] - 13:6, 13:14 overkill [1] - 131:17 overlapped
[2] - 103:17, 107:2 overlapping
[1] - 103:6
overlaps [1] - 78:10
overlook [1] - 138:18
overly [1] - 112:5
overnight [1] - 285:4
owing [6] - 158:6,
203:16, 231:15,
254:2, 254:5, 305:4
own [5] - 113:4, 139:3,
218:9, 265:1,
302:10

```
owned [1] - 235:19
```

owner [14] - 151:3,
169:1, 169:4,
172:12, 175:1,
178:10, 178:12,
178:14, 260:6,
260:7, 260:9,
260:12, 268:12,
279:4
owner's [1] - 277:14
owner/occupier
[1] - 113:1
owners [9] - 151:6,
189:3, 209:14,
259:11, 275:13,
280:5, 282:14,
283:18, 287:13
ownership
[1] - 188:19
owning [1] - 265:6
owns [1] - 169:10
P
p.m [24] - 1:5, 3:2,

```
65:14, 73:19, 74:4,
```

75:1, 132:19,
133:12, 136:1,
165:1, 186:19,
187:5, 187:7, 192:1,
208:1, 214:1, 235:1,
248:15, 257:1,
274:1, 276:13,
286:4, 289:1, 307:1
pack [2] - 127:15,
275:18
packaging
[1] - 252:10
Packs [1] - 278:10
Paden [3] - 14:2, 60:6,
64:18
PAGE [3] - 2:2,
308:15, 309:9
page [16] - 7:7, 7:9,
7:13, 8:2, 8:3, 8:12,
11:10, 28:3, 45:14,
46:15, 48:5, 49:9,
50:13, 53:1, 53:3
Page [1] - 309:7
paint [5] - 10:2, 10:6,
12:12, 44:2
painted [7] - 5:9, 6:11,
10:9, 10:10, 11:8,
12:8, $24: 5$
painting [2] - 11:13,
31:5
pair [1] - 80:16
Palen [1] - 227:16
panel [2] - 69:15, 70:8
paper [6] - 171:8,
174:11, 174:19,
179:1, 188:19,
248:4
paperwork
[1] - 172:15
paragraph
[3] - 148:15, 148:16,
228:6
PARILLO [10] - 192:9,
192:13, 195:12,
195:17, 197:2,
199:11, 200:16,
201:2, 201:6, 201:9
Parillo [1] - 192:10
park [5] - 95:11,
97:11, 174:18,
176:13, 180:11
Park [6] - 2:6, 167:11,

175:9, 181:17,
259:2, 259:5
parked [1] - 226:7
parking [23] - 82:9,
95:8, 95:18, 96:8,
97:10, 98:2, 98:14,
98:15, 98:19, 100:2,
100:4, 100:9,
100:12, 100:13,
100:14, 101:12,
221:5, 250:3, 250:4,
250:5, 250:6,
250:13, 283:16
parks [1] - 279:7
part [37] - 35:16, 71:8, 87:3, 94:2, 95:18, 98:2, 104:2, 114:4,
115:13, 119:8,
119:12, 121:19,
123:19, 127:18,
128:7, 128:8,
134:12, 141:7,
141:16, 149:19,
166:4, 195:19,
209:13, 211:11,
216:9, 218:11,
221:7, 221:8, 221:9,
223:11, 224:10,
225:8, 232:1, 246:4,
276:19, 294:6,
300:5
particular [11] - 37:19, 38:2, 38:5, 80:4,
85:5, 107:1, 124:17,
237:6, 237:9, 251:6,
292:9
particularly
[1] - 215:17
parties [1] - 310:6
partner [2] - 235:8,
236:11
partners [1] - 243:16
party [1] - 308:6
pass [2] - 11:2, 39:18
passage [1] - 100:7
passed [2] - 151:11,
258:5
passenger [1] - 100:5
past [3]-126:11,
134:7, 137:13
path [4] - 37:8, 37:9,
298:15
pathway [1] - 298:1

```
patio [3] - 237:1,
```

245:7, 245:8
Patrick [1] - 281:16
Patriot [1] - 229:17
Patriots [1] - 227:14
patrons [1] - 252:4
pattern [1] - 244:13
patterns [2]-162:3,
285:6
Paul [1] - 153:2
pave [1] - 62:12
pavers [1] - 100:10
pay [1] - 108:18
PBS [2] - 270:18,
271:2
peak [2] - 79:9, 80:8
peculiar [1]-267:19
pedestrians
[1] - 193:9
peek [1] - 306:2
PENN [22] - 235:7,
235:12, 238:7,
239:3, 239:6,
241:11, 242:18,
243:6, 245:13,
246:17, 247:6,
247:15, 248:6,
248:13, 249:1,
249:4, 250:6,
250:14, 251:10,
252:6, 252:12,
252:16
Penn [1] - 235:7
penthouse [24] - 5:9,
5:10, 11:9, 11:19,
14:9, 28:5, 48:7,
48:9, 48:13, 50:3,
50:5, 51:8, 51:10,
51:16, 52:4, 52:6,
52:9, 53:12, 53:15,
54:2, 54:4, 54:12,
55:2, 72:1
people [54] - 35:8,
39:8, 87:4, 87:6,
87:10, 87:14, 87:16,
87:18, 88:2, 95:1,
95:7, 95:10, 95:19,
97:4, 97:8, 104:19,
105:4, 105:10,
108:16, 111:12,
112:14, 114:11,
128:15, 129:17,
134:8, 139:12,

141:11, 147:12,
166:5, 167:5,
167:11, 167:13,
168:11, 176:11,
181:8, 181:10,
182:3, 199:2, 200:2,
203:7, 219:11,
248:3, 248:6,
266:16, 269:19,
271:4, 272:1,
272:11, 276:17,
279:2, 285:12,
285:15, 300:18
per [4] - 23:2, 92:19, 93:2, 118:16 percent [6] - 18:10, $36: 3,77: 1,90: 14$, 118:18, 119:3 perceptible [1] - 285:1 perhaps [3] - 34:19, 35:18, 139:8
perimeter [1] - 291:11
period [2] - 145:7,
266:11
periods [1] - 218:7
permission
[3] - 192:14, 208:15, 208:19
Permit [30] - 4:2,
25:16, 143:16,
143:18, 149:14,
149:17, 161:14,
161:19, 163:18,
164:7, 210:12,
211:1, 211:11,
240:1, 240:6, 240:9,
240:15, 240:18,
241:17, 249:7,
249:8, 249:12,
249:18, 257:17,
272:17, 273:7,
273:10, 275:6,
284:4, 288:3
permit [3] - 157:7,
177:7, 280:10
Permits [1] - 239:15
permits [1] - 264:5
permitted
[6] - 118:15, 162:13,
196:19, 212:1,
286:6, 294:10
person [9]-39:9,
70:8, 70:9, 168:18,

188:2, 188:11,
188:14, 200:12, 301:8
personal [2] - 114:3, 255:3
personally [1] - 20:13
persons [1] - 253:6
persuade [1] - 39:17
pertains [1] - 289:14
pet [2] - 260:17, 277:2
petition [4]-115:1,
186:17, 280:9,
303:6
Petitioner
[8] - 157:19, 167:2, 231:4, 253:19, 257:11, 289:10, 304:4, 304:7

## Petitioners

[1] - 274:16
petitions [1] - 104:19
Pets [5] - 275:7,
284:6, 285:13,
286:13, 287:16
PHILIPP [1] - 208:9
Philipp [2] - 208:9,
213:9
philosophy [1] - 242:6
Phoebe [1] - 280:19
phone [1] - 277:19
phonetic
[11]-152:12, 152:13,
153:3, 227:11,
227:17, 280:14,
281:11, 281:12,
282:4, 303:8
photo [14]-6:13, 6:14,
7:14, 14:17, 18:15,
19:4, 19:17, 28:3,
39:16, 43:16, 52:16,
60:11, 63:9, 64:1
phrase [1] - 150:6
physical [5] - 244:11,
250:18, 251:1,
251:4, 261:10
pick [1] - 259:6
picking [1] - 44:2
picture [10] - 45:14,
117:7, 154:14,
199:5, 215:18,
226:6, 297:11,
297:14, 297:17
pictures [1] - 59:13
188:18
pile [2] - 278:18, 305:2
pink [1] - 12:13
pipes [1] - 27:16
pitch [3] - 142:15,
216:8, 222:18
place [16] - 10:15,
41:11, 54:19, 57:18,
$70: 18,96: 10,96: 12$,
108:5, 116:16,
137:13, 166:17,
252:15, 264:5,
290:9, 290:10,
290:13
placed [2] - 48:15,
180:10
placement [6] - 71:10,
71:11, 71:15, 71:17,
71:19, 203:3
places [6] - 37:4,
108:16, 116:19,
148:17, 238:14,
292:7
plan [22] - 78:4, 79:15,
103:2, 106:13,
127:3, 140:18,
152:8, 176:15,
179:2, 183:8,
183:16, 213:8,
233:11, 233:14,
233:18, 234:3,
267:1, 275:14,
285:5, 299:17,
299:18
plane [1] - 223:8
planned [1] - 285:18
Planning [24] - 4:15,
$4: 17,5: 5,5: 16,11: 7$,
13:17, 13:19, 25:5,
25:7, 25:15, 25:16,
25:19, 49:17, 50:12,
51:2, 51:6, 194:14,
194:15, 195:2,
195:4, 202:10,
210:10, 210:11,
265:14
planning [9] - 4:17,
$6: 17,7: 17,9: 9,13: 3$,
13:16, 25:9, 185:18,

## 276:14

plans [19] - 13:18, 70:18, 71:4, 72:7, 84:4, 87:5, 104:5, 107:19, 133:18, 144:12, 151:1, 157:6, 160:16, 164:1, 187:6, 299:14, 300:4, 303:2
plants [3] - 298:3, 298:4, 298:14 plate [1] - 196:8
platform [2] - 147:3, 147:5 play [4] - 63:13, 218:14, 268:17, 280:6 player [1] - 229:17 playing [2] - 299:8, 304:5
plays [1] - 299:6
pleasing [1] - 39:4
pleasure [1] - 58:2
plot [1] - 179:2
plowed [1] - 115:17
plumbing [1] - 291:1
plus [3]-5:19, 60:13, 245:17
point [13] - 8:12,
37:17, 38:11, 88:16,
92:6, 107:10, 115:2, 115:13, 166:14, 200:3, 206:2, 209:1, 246:1
pointed [1] - 198:1
pointing [2] - 179:9,
244:9
points [2] - 37:17, 107:17
pole [1] - 91:11
polite [1] - 280:1
Pond [1] - 279:8
pools [1] - 232:2
popping [1] - 69:5
pops [1] - 80:18
porches [3]-88:15,
152:6, 154:19
Porter [1] - 286:12
portion [2] - 158:17,
215:4
portions [1] - 159:8
position [2] - 33:9,

## 205:9

## positioned

[2] - 193:13, 205:9
positive [1] - 99:18
possibilities [1] - 20:2

## possibility

[1] - 279:18
possible [10] - 22:10, 29:6, 40:9, 44:19, 58:12, 95:19, 107:5, 267:16, 301:13
possibly [1] - 43:13
possum [1] - 260:4
posted [1] - 75:14
posting [5] - 133:1,
133:11, 187:3,
187:13, 189:10
posture [1] - 268:17
potential [2] - 147:11,
280:7
power [1] - 34:13
powers [1] - 160:13
practice [1] - 252:14
precedential
[1] - 31:15
preclude [1] - 137:18
predates [1] - 294:9
predominate
[1] - 29:3
predominating
[2] - 32:5, 39:13
prefer $[4]-16: 6,33: 8$,
79:18, 262:5
premier [1] - 297:6
premises [3]-253:5,
285:3, 286:3
prepared [1] - 34:16
presence [4] - 204:12,
242:4, 259:13,
293:1
present [10] - 3:17,
4:10, 51:13, 64:1,
71:3, 120:19, 141:2,
159:16, 264:6,
287:13
presentation
[1] - 25:18
presented [2] - 5:18,
11:7
presenting [1] - 63:19
presently [4]-158:15,
159:2, 253:12,
290:7

## preservation

[1]-4:18
president ${ }_{[1]}-152: 15$ pretty [7] - 17:18,
20:13, 121:7, 121:9,
124:12, 215:9,
301:19
prevalence [1] - 32:2
prevent [1] - 253:18
prevents [1] - 270:13
previous [3]-25:18,
31:13, 32:7
previously [7] - 29:1,
31:17, 164:4,
197:16, 257:17,
259:12, 284:11
priced [1] - 252:2
prices [1] - 236:8
pricing [1] - 244:1
primarily [2] - 246:8,
252:5
primary [2]-146:12,
290:17
prisms [2] - 85:2,
116:11
privacy [3] - 140:8,
152:4, 209:13
private [8] - 78:2,
79:1, 99:5, 123:15,
124:1, 183:14,
183:15, 304:8
probation [1]-266:12
probationary
[1] - 266:10
problem [9] - 55:3,
92:8, 121:13,
186:16, 267:16,
283:7, 283:9,
283:12, 287:2
problematic
[1] - 142:11
problematical
[1] - 189:13
problems [7] - 174:7,
211:19, 217:17,
223:19, 233:9,
250:2, 265:7
procedural [1] - 185:7
procedurally
[1] - 185:10
proceed $[1]$ - 167:2
process [16]-61:18,
64:6, 76:4, 76:7,

77:5, 96:2, 106:2,
107:1, 138:16,
167:8, 184:7,
244:16, 258:11,
269:14, 270:4,
302:7
produce [1] - 250:12
products [1] - 248:4
professional
[1] - 269:17
professionals
[1] - 278:13
profile [6] - 79:9, 80:6,
81:4, 117:14, 196:4, 199:13 program [2]-261:16, 272:2
prohibitive [1]-60:15 project [4] - 154:6,
286:11, 286:16,
287:9
projects [1] - 290:15
proliferation [4]-5:3,
9:4, 19:11, $62: 7$
prominence
[2] - 194:4, 194:11
prominent [3]-11:5,
12:18, 212:6
promote [2]-168:18,
242:2
pronounce
[1] - 227:14
pronounced [1] - 24:6
pronouns [1] - 300:14
propagating
[3] - 9:19, 16:2,
231:11
proper [8] - 62:3,
75:17, 87:12, 106:8,
107:12, 212:14,
268:8, 290:13
properly [3]-212:13,
258:17, 274:14
properties [3] - 29:5,
163:1, 163:16
property [40] - 76:18,
77:10, 78:18, 82:1,
84:7, 86:6, 86:9,
92:3, 96:6, 96:9,
127:9, 151:17,
158:17, 162:18,
163:14, 169:1,
169:3, 169:7,

169:10, 170:5,
172:11, 178:14, 183:16, 189:3, 189:4, 208:17, 209:2, 209:4, 209:14, 230:15, 233:1, 244:11,
261:11, 265:2,
265:6, 294:7, 301:5, 302:2, 302:10, 306:11
proposal [4]-26:4, 52:1, 128:1, 302:17 proposals [1] - 51:14 propose [5] - 18:2, 18:16, 33:6, 192:18, 236:11 proposed [35] - 5:12,
7:2, 7:11, 11:19,
16:15, 18:7, 19:1,
28:15, 45:2, 77:9,
78:13, 89:2, 151:1,
152:5, 152:11,
159:15, 162:9,
162:16, 162:17,
163:5, 163:7, 163:9, 163:13, 193:4,
203:3, 205:8, 212:4, 212:10, 212:17, 247:5, 284:15, 284:17, 286:8, 287:6, 296:1
proposes [1] - 151:18
proposing [3]-7:3,
134:4, 275:5
protect [1] - 242:3
proud [1] - 37:1
proved [1] - 267:2
provide [7] - 26:5,
46:11, 60:12,
238:14, 252:18,
258:10, 265:8
provided [3] - 152:6,
252:11, 284:11
provides [1] - 258:6
providing [2] - 144:7,
238:12
provision [1] - 202:19
provisions
[6] - 157:16, 231:1,
245:10, 253:14,
253:17, 304:16
proximity [1] - 206:3

Public [3] - 309:7, 310:5, 310:14 public [38] - 24:17, 25:4, 94:11, 101:19, 102:2, 150:14, 154:10, 159:11, 159:15, 181:11, 182:3, 198:14, 202:8, 204:17, 210:5, 210:15, 226:13, 230:1, 232:14, 232:17, 233:2, 241:4, 242:15, 250:7, 250:13, 251:5, 255:5, 255:18, 264:11, 266:4, 278:4, 282:10, 295:14, 300:8, 300:11, 305:12, 305:14, 306:1 pull $[5]-43: 11,56: 1$, 82:9, 147:10, 177:1 pulled [2] - 100:12, 260:4 purchase [2]-264:1, 264:5
purpose [11] - 146:5,
160:2, 163:12,
189:5, 205:7, 213:1,
233:6, 254:16,
255:14, 306:5,
306:7
purposes [2]-121:1,
297:12
purview [1] - 98:7
put [38]-19:18, 20:19,
36:5, 43:12, 56:1,
56:10, 68:10, 80:9,
89:11, 89:15, 98:4,
100:10, 106:8,
106:9, 113:19,
131:7, 134:8,
138:17, 147:12,
149:2, 168:13,
168:14, 175:3,
190:4, 190:11,
192:14, 193:4,
195:15, 196:4,
208:15, 208:19,
219:7, 230:3, 250:9,
291:11, 297:13,
300:2

```
puts [1] - 105:11
```

putting [2] - 77:11,
91:19

## Q

quality $[4]-236: 3$, 242:8, 243:19, 244:17 quantities [1] - 236:6 quantum [1] - 34:15 quarter $[1]$ - 216:5 query [2] - $61: 19$,

```
124:18
```

questioning
[2] - 109:14, 110:2
questions [34] - 9:1,
23:8, 85:13, 88:17,
91:4, 92:16, 94:10,
102:9, 115:3,
149:11, 154:11,
188:7, 194:12,
196:16, 209:11,
210:4, 210:16,
222:6, 226:12,
230:2, 239:4, 240:4,
241:3, 247:1, 247:3,
249:6, 264:10,
266:6, 268:12,
277:3, 278:3,
282:11, 299:12,
300:7
quickly $[2]-210: 18$,
244:3
quietest $[1]$ - 270:19
Quinn [1] - 275:7
quite [9] - 36:18, 58:8,
75:14, 89:6, 123:19,
125:9, 238:10,
290:8

## R

raining ${ }_{[1]}-291: 7$
raise [8] - 44:14,
143:7, 159:5,
214:18, 215:3, 218:4, 227:7, 230:15
raised [2] - 79:8, 80:8
raising [6] - 159:6,
219:14, 223:15,
225:4, 225:6, 228:8
ramp [1] - 138:12
ran [2]-258:1, 258:3

```
range [1] - 58:8
Ranjit [1] - 103:5
rate [2] - 140:2, 140:9
rather [7] - 27:2, 33:7,
    42:8, 43:14, 107:6,
    209:8, 209:9
Rathore [1] - 3:16
RATHORE [2] - 30:17,
```

    31:4
    rating [1] - 148:13
ratio [4] - 289:19,
290:4, 290:5, 293:7
re [6] - 180:17, 183:2,
185:4, 185:15,
189:15, 198:1
re-advertise
[1] - 183:2
re-advertised
[1] - 185:15
re-advertisement
[1] - 180:17
re-file [1] - 189:15
re-filing [1] - 185:4
re-pointed [1] - 198:1
reach [3] - 22:13,
86:11, 203:7
reached [1] - 166:5
read [22] - 25:5, 97:3,
102:7, 145:3,
149:13, 153:1,
176:1, 194:18,
202:9, 210:10,
211:12, 226:19,
228:6, 238:19,
240:16, 241:9,
249:9, 279:1,
280:19, 301:16,
309:15
Reading [8] - 150:19,
151:10, 153:8,
195:1, 227:3,
241:14, 279:3,
302:9
reading [6] - 25:15,
84:3, 210:11,
265:16, 308:11,
309:4
reads [2] - 143:18,
197:3
ready [6] - 73:1,
157:5, 202:12,
210:16, 272:14,
272:15

```
real [6] - 19:11, 27:4,
```

87:11, 108:8, 178:8,
217:17
realize [1] - 269:8
realized [2] - 136:18,
219:2
reallocation
[1]-221:2
really [56] - 10:7,
10:18, 29:17, 32:14,
37:15, 46:12, 58:8,
72:1, 72:17, 73:13,
80:2, 89:4, 90:5,
98:6, 98:9, 109:4,
109:5, 110:11,
111:14, 111:17,
112:7, 114:2, 115:6,
119:7, 123:10,
123:19, 137:12,
140:3, 140:11,
141:7, 143:12,
146:2, 149:14,
159:6, 160:12,
167:12, 168:12,
169:2, 178:5, 185:5,
193:7, 193:11,
194:8, 220:16,
221:12, 237:15,
249:8, 263:2, 270:2,
270:8, 271:6,
278:12, 278:13,
294:13, 298:17,
299:1
rear [7] - 130:17,
130:19, 141:5,
144:1, 147:18,
147:19, 158:16
rearranging
[1] - 77:15
reason [23] - 13:10,
22:3, 38:1, 38:5,
99:6, 102:12,
102:17, 127:4,
134:6, 149:16,
157:19, 163:6,
240:8, 255:15,
262:9, 285:10,
286:9, 290:17,
290:18, 299:9,
305:3, 305:15,
309:5
REASON [5] - 309:10,
309:11, 309:12,

309:13, 309:14

## reasonable

[2] - 283:11, 303:3
reasonably ${ }_{[1]}$ - 252:2 reasons [26] - 15:16,
41:3, 139:7, 161:18,
162:7, 162:16,
193:3, 193:5, 195:9,
195:13, 196:11,
196:15, 204:17,
211:4, 212:4, 213:2,
231:4, 232:17,
255:6, 260:15,
271:8, 271:17,
284:9, 287:8, 306:6,
308:12
rebuild [4] - 144:3,
146:6, 146:9,
157:12
rebuilding $[2]$ - 144:5,
149:19
rebuilt ${ }_{[1]}$ - 145:5
receding [1] - 85:18
received [3] - 114:9,
239:7, 239:8
RECEIVED
[1] - 308:17
recent [2] - 105:9,
227:14
recently $[1]$ - 217:6
receptacles
[3] - 180:11, 245:17, 252:19
recognize $[$ [1] - 226:4
recollection
[1] - 14:12
recommend
[1] - 272:3
recommendation
[1] - 291:10 recommendations
[1] - 266:3
reconfigure
[2] - 145:4, 157:11
reconfigured
[1] - 144:3
reconfiguring
[1] - 144:5
reconvene ${ }_{[1]}-4: 9$
record [20] - 3:9, 25:5,
94:15, 97:4, 121:14,
136:8, 165:8, 170:4,
192:8, 198:17,

202:9, 208:8,
210:10, 214:8,
226:19, 241:9,
257:9, 264:17,
308:6, 309:17
RECORD [1] - 1:15
records [1] - 217:13
recreation [1] - 304:8
red [2] - 80:4, 80:6
reddish [1] - 24:8
redesign [3] - 125:1,
132:2, 133:19
redesigned [1] - 5:17
redesigning
[1] - 125:18
redo [1] - 291:12
redone [1] - 305:1
reduce [4] - 81:4,
220:10, 250:2,
250:3
reduced [1] - 69:15
reducing [2] - 217:14,
220:9
reduction [1]-7:4
Refer [1] - 309:7
reference [5] - 19:13,
30:6, 179:1, 180:2,
283:1
referenced [1] - 83:19

## referencing

[1] - 284:16
referred [2] - 4:15,
32:11
reflect [4]-31:1,
121:15, 133:2,
187:4
reflected [1] - 222:13
reform [1] - 298:3
reframe [1] - 217:8
reframed [1] - 219:7
regard [4] - 31:14,
64:8, 245:11,
248:11
regarding [4] - 31:13, 31:17, 128:1, 189:9
regards [1] - 57:6
reinforce [1] - 101:11
relate [2] - 154:4,
301:4
related [6] - 14:14,
162:1, 229:16,
254:3, 280:2, 310:6
relates [1] - 154:2

```
relating[4] - 158:7,
```

203:17, 231:16,
305:5
relationship
[4]-93:19, 167:19,
169:2, 170:18
relative [2] - 123:9,
172:10
relevance [2] - 154:5,
154:6
relevant [2] - 97:3,
115:6
reliable [2] - 222:9,
228:11
relief [22] - 110:9,
143:5, 159:10,
159:13, 159:19,
160:3, 204:15,
205:5, 213:7, 224:1,
225:8, 232:15,
233:4, 249:13,
249:14, 255:4,
255:12, 290:5,
294:14, 305:13,
306:3, 306:8
relocate [1] - 143:19
relocated [2]-193:15,
203:12
relocation
[2] - 149:15, 161:15
remain [5] - 91:11,
98:14, 98:15,
119:18, 163:13
remaining [1] - 70:2
remarks [3] - 96:18,
102:6, 194:17
remember [3] - 30:8,
223:14, 243:3
reminds [1]-10:14
remove ${ }_{[1]}$ - 245:19
removed [2] - 221:4,
291:4
removing [3] - 96:5,
131:12, 211:7
renovate [2] - 138:9,
138:11
renovating [1] - 77:5
renovation
[3] - 76:13, 164:2,
209:5
rent [1]-279:13
rented [1] - 217:10
renting [2] - 41:7,
replete [1] - 32:17
report [1] - 194:15
REPORTER
[1] - 310:19
Reporter [2] - 310:4,
310:14
REPORTERS
[1]-1:15
reporting [1] - 21:9
reposted [1] - 75:18
represent [2] - 265:1, 274:16 representative
[1] - 169:11
represented
[4]-112:16, 168:19,
174:1, 272:19

## REPRODUCTION

[1] - 310:18
Republic [4] - 284:6,
285:13, 286:13, 287:16
request [6] - 4:1, 22:12, 95:17, 99:4, 208:14, 241:17
requested [1] - 159:13 requesting
[3] - 142:12, 208:19, 215:3
require [6] - 103:8,
105:4, 200:9, 218:1, 268:8, 294:13 required [4]-29:1, 94:3, 105:2, 107:7 required) [1] - 309:7 requirement [1] - 225:2 requirements
[11]-33:11, 93:3,
98:11, 141:1,
161:17, 211:3,
249:19, 253:3,
256:2, 284:8, 303:1
requires [2] - 141:14,

141:15

```
reroute [1] - 203:13
```

reservation
[1] - 35:17
reservations
[2] - 35:5, 35:8
residence [1] - 213:9
residences
[2] - 199:18, 206:3
resident [3] - 198:19,
278:9, 279:4
residential
[10] - 28:17, 29:2,
32:5, 32:17, 33:3,
39:13, 182:12,
208:16, 255:10,
286:13
residents [5] - 199:2,
200:1, 202:3, 258:7,
259:5
residents' [1] - 199:18
resigned [1] - 36:10
resort [1] - 260:17
resource [1] - 268:18
respect [2] - 28:14,
56:6
respected [1] - 244:1
respectively
[1] - 152:15
respond [2] - 31:9,
118:8
Response [10] - 25:2,
102:1, 150:15,
202:6, 210:8,
226:17, 241:7,
265:12, 278:16,
300:9
response [1] - 34:10
responsible
[2] - 173:1, 283:17
responsive
[1]-279:19
rest [2] - 90:3, 219:19
restaurant [2] - 242:8,
242:11
restaurants
[1] - 238:9
restriction
[1] - 284:18
result [6] - 4:16, 26:6,
235:16, 258:18,
269:9, 286:15
results [1] - 76:18
retail [5] - 255:1,

258:8, 260:19,
275:9, 276:19
return [2] - 277:15, 281:8
returns [1] - 179:7
reunite [1] - 260:11 review [4] - 140:16, 140:18, 169:17, 210:11 reviewed [2] - 25:16, 195:2

```
reviewing [1] - 9:3
```

revised [1]-51:6
revitalize [1] - 204:11
rework [1] - 149:10
rewrote [1] - 211:16
RF [3]-3:15, 38:11,
41:1
ride [1] - 109:16
ridiculous [1] - 229:9
ripped [1] - 219:12
risk [1] - 287:14
River [1] - 296:11
road [3] - 129:14,
185:14, 185:15
ROBERTS [74] - 3:10,
7:8, 8:1, 8:6, 8:11,
$8: 16,10: 7,11: 16$,
$12: 2,12: 14,14: 4$,
14:11, 16:5, 16:11,
$16: 18,17: 9,20: 12$,
21:4, 21:17, 24:2,
24:11, 28:16, 29:18,
$30: 5,30: 15,34: 18$,
35:6, 37:16, 38:8,
38:16, 42:4, 43:18,
44:4, 44:11, 45:10,
46:3, 46:10, 46:16,
49:8, 49:16, 50:11,
50:18, 52:18, 53:5,
54:1, 54:7, 54:13,
57:10, 59:15, 59:19,
61:9, 61:17, 62:9,
62:15, 63:3, 63:17,
64:15, 65:12, 65:18,
66:5, 67:2, 67:6,
67:17, 68:4, 68:9,
68:18, 69:3, 69:6,
69:10, 69:18, 70:5,
72:5, 73:2, 73:14
Roberts [1] - 3:11
ROBIN [52] - 165:9,
165:15, 166:19,

167:3, 168:4, 169:5, 169:8, 170:2, 170:8, 170:11, 170:15, 171:1, 172:9, 172:13, 173:13, 174:16, 175:15, 176:9, 177:2, 177:6, 177:11, 177:19, 178:7, 178:11, 178:17, 179:16, 181:4, 181:12, 181:16, 182:4, 182:7, 182:11, 182:16, 183:3, 183:7, 183:13, 183:18, 184:4, 184:7, 184:13, 184:16, 186:2, 186:5, 186:13, 187:14, 188:10, 188:16, 189:6, 189:19, 190:4, 190:12, 191:6 Robin [1] - 165:9 rock [1] - 57:17 roll [2] - 253:7
roof [61] - 5:5, 5:13,
$7: 5,16: 17,22: 4$,
22:5, 22:6, 22:14,
22:16, 23:4, 27:17,
27:19, 32:4, 34:3,
39:5, 42:10, 42:11,
47:12, 56:1, 56:2,
57:8, 58:10, 71:10,
71:17, 77:11, 79:11,
79:12, 84:11,
141:19, 142:4,
142:5, 142:6, 142:8,
142:9, 143:5, 143:7,
144:15, 159:5,
159:6, 159:8,
208:16, 209:6,
210:2, 211:6, 215:4, 217:3, 218:4, 219:5, 219:6, 223:7, 225:5, 225:7, 227:8, 227:9,
228:9, 230:16,
231:7, 231:9,
232:10
roofed [2] - 89:15, 117:11
roofs [3] - 15:13,
32:16, 116:10
rooftop [3] - 28:10, 33:16, 33:18
room [17] - 80:18,
111:4, 111:6, 111:9,
116:14, 126:7,
215:15, 216:3,
217:17, 217:18,
218:9, 230:17,
233:7, 233:8, 293:4
rooms [2] - 111:2,
126:6
roughly [1] - 216:7
round [4] - 15:1, 15:7,
16:8
route [1] - 33:5
rule [1] - 240:12
ruling [1] - 177:17
run [12] - 23:1, 166:1,
166:16, 173:15,
173:16, 173:18,
188:3, 206:9, 215:2,
249:3, 258:2, 265:5
running [5] - 6:9,
166:14, 260:3,
270:11, 275:18
Running [1] - 278:10
runs [3] - 92:13,
156:11, 166:8
Russell [1] - 280:19
RYAN [1] - $278: 8$
Ryan [2] - 278:8,
281:15

## S

Sacramento [4]-2:8, 208:6, 208:17, 213:10
safe [1] - 261:7
safely [1] - 227:9
safer [2] - 159:18,
160:5
safety [14] - 152:4,
158:2, 163:4, 163:8,
212:9, 212:15,
217:4, 231:11,
232:12, 233:10,
250:8, 287:5,
287:14, 287:17
Saints [1] - 245:14
sale [1] - 109:17
Salem [1] - 280:15
saliva [1] - 231:6
salvaging [2] - 231:5,

231:7
SAME [1] - 310:18
SANDINO [1] - 289:9
Sandino [1] - 289:10
Sandino's [1] - 302:14
sandwich
[2] - 263:12, 263:14
sat [3] - 109:12, 167:9, 266:13
satisfied [3] - 32:1,
111:16, 152:11
save [1] - 259:19
saved [1] - 260:1
saving [1] - 231:7
saw [1] - 33:13
scale [9] - 78:1, 79:6,
119:13, 119:17,
122:7, 122:11,
124:4, 124:12,
126:13
scaling [1] - 123:14
scenario [1] - 107:8
schedule [1] - 152:7
scheduled
[1] - 186:11
scheme [2]-11:14,
158:4
school [2] - 137:2, 288:4 schools [1]-113:1 scope [3] - 211:5, 211:15, 279:14
screen [2] - 17:14, 268:1
screening [1] - 17:12 scrunched
[1] - 116:12
SEAN [35] - 65:6,
65:11, 66:8, 67:4,
67:9, 69:4, 132:9,
132:14, 132:17,
133:5, 133:9,
133:14, 175:4,
178:3, 178:9,
178:13, 179:6,
179:18, 180:5,
180:16, 184:14,
185:8, 185:16,
186:4, 186:7,
186:12, 186:14,
224:7, 224:14,
225:4, 239:14,
240:2, 240:7,

240:11, 240:17
Sean $[7]-1: 11,60: 5$, 120:17, 136:15, 183:1, 184:8, 190:14 seating [2] - 237:1, 245:8
second [17]-28:8,
118:2, 138:9,
138:13, 144:17,
150:4, 152:2,
154:14, 177:15,
192:15, 197:6,
197:7, 202:16,
202:18, 203:5,
203:10, 219:10

## secondary

[2] - 158:15, 268:16
seconds [1] - 250:17
secretary [2] - 152:14, 278:1
section [4] - 150:5, 227:8, 228:9,
249:17
security [1] - 139:7
see [70] - 6:13, 7:3,
8:2, 8:3, 8:9, 8:17,
10:11, 10:18, 11:1,
20:6, 25:12, 25:13,
26:19, 27:2, 27:3,
28:8, 38:14, 40:14,
42:8, 43:7, 43:16,
45:4, 48:8, 53:3,
58:2, 62:3, 78:9,
81:15, 82:10, 83:11, 102:17, 109:12,
112:13, 116:19,
122:18, 127:19,
131:7, 134:4,
139:12, 150:5,
150:16, 157:2,
166:7, 171:4, 173:7,
175:10, 177:5,
178:19, 183:1,
184:8, 193:11,
193:12, 195:16,
196:2, 196:5, 196:6,
216:9, 246:17,
250:19, 262:13,
265:7, 265:9, 266:9,
266:11, 268:15,
282:7, 284:10,
293:15, 299:13,
seeing [9] - 6:2, 25:3,
202:7, 210:9,
226:18, 241:8,
243:3, 278:17,
300:10
seek [1] - 168:2
seem [2]-3:18, 76:8
selected [1]-61:7
sell [1] - 276:19
selling [1] - 109:18
sells [1] - 258:8
seminars [1] - 280:3
senior [2] - 153:9,
216:14
Senior [1]-1:6
sense [5] - 58:10,
60:15, 95:1, 96:14,
217:16
sensitive [4]-38:18,
64:9, 123:19, 251:3
sentiments
[2] - 36:13, 36:17
separate [1] - 290:9
SEPTEMBER [1] - 1:5
September
[2] - $94: 19,160: 19$
series [4]-85:2,
107:15, 107:19,
117:3
serve [3]-60:9, 60:17,
146:4
service [9]-236:7,
237:19, 242:9,
243:19, 248:3,
251:14, 259:15,
265:5, 265:9
services [3] - 258:6,
277:10, 277:13
Services [2] - 308:3,
308:7
serving [2] - 236:14,
251:15
session [1] - 277:14
set $[14]-23: 19,52: 4$,
54:12, 73:15, 76:17,
80:4, 86:11, 109:10,
151:13, 157:7,
284:1, 310:9,
310:11
setback [26] - 77:3,
77:4, 78:9, 105:3,
141:13, 141:14,

141:15, 143:6,
143:10, 143:13,
158:16, 159:8,
159:9, 162:11,
208:18, 211:2,
223:19, 224:4,
224:6, 224:14,
224:16, 225:1,
225:3, 225:5, 225:7,
298:19
setbacks [11] - 22:4,
76:19, 103:6,
103:17, 105:7,
105:9, 106:16,
112:8, 119:5,
143:17, 160:5
SETH [18] - 289:7,
289:12, 295:4,
295:10, 295:16,
296:4, 296:12,
296:16, 297:1,
297:9, 297:16,
298:7, 299:3,
299:16, 300:17, 301:10, 302:6, 303:13
Seth [3] - 289:7,
289:10, 302:14
sets [1] - 52:3
setting [2] - 78:13,
79:2
seven [16] - 60:12,
65:14, 73:19, 74:3,
132:19, 133:12,
142:17, 186:19,
187:4, 208:18,
217:13, 217:15,
247:7, 260:2,
291:15, 292:15
sewer [1] - 291:5
shackle [1] - 138:13
shadow [1] - 81:5
shadowing [1] - 81:5
shaft [4] - 21:11,
21:13, 42:5, 52:10
shall [5] - 249:16,
250:2, 251:2, 252:8,
252:17
shallow [1] - 141:19
shape [10] - 78:9,
103:10, 110:13,
112:8, 112:9,
112:11, 115:5,

158:8, 203:18, 231:17 shaped [2] - 114:3, 116:10 share [1] - 294:6 shares [2] - 33:15, 36:1 shed [1] - 79:11
sheer [1] - 116:5
sheet [5] - 121:15, 175:19, 284:11, 309:5, 309:6 SHEET [3] - 308:1, 308:16, 309:3 Sheet [4] - 308:2, 308:4, 308:12, 309:8 shelf [2] - 193:6, 195:14
shielded [2] - 193:9, 196:4 shifting [1] - 181:7 SHIRIN [1] - 208:9
Shirin [1] - 208:9
Shirley [1] - 227:18
shooting [2] - 22:6,
22:16
shoots [1] - 114:13
shop [6] - 258:8,
262:19, 263:2,
263:12, 263:14,
265:6
short [1] - 22:9
shorter [2] - 22:15, 90:13
Shorthand [2] - 310:4, 310:14
shortly [2] - 198:8, 198:10
shot [1] - 142:8
show [11] - $6: 15,8: 13$, 8:16, 84:4, 84:5, 84:6, 94:3, 120:18, 124:8, 181:2, 297:17
Show [12] - 74:6,
134:18, 161:3,
164:8, 191:1, 207:6,
213:14, 234:7,
256:5, 273:8, 288:6, 306:15
showed [3] - 14:8, 83:14, 87:11
showing [4] - 4:1,
72:4, 124:4, 297:12
shown [9] - 11:9,
11:14, 13:11, 19:3,
51:9, 57:8, 57:9,
85:5, 292:8
shows [4] - 7:9, 7:10, 48:8, 151:16
shut [1] - 200:6
side [55] - 6:10, 20:3, 20:5, 20:10, 21:10, 32:19, 33:2, 42:12, 42:13, 42:16, 47:12, 48:14, 58:11, 77:10, 78:19, 79:12, 80:11, 80:12, 80:13, 80:14, 80:16, 80:17, 81:8, 81:18, 82:2, 84:11, 87:1, 87:2, 88:4, 90:8, 91:7, 91:9, 114:7, 117:8, 118:5, 123:1, 127:5, 128:6, 130:3, 130:8, 131:1, 151:16, 193:15, 200:1, 208:16, 208:17, 209:2, 224:14, 224:15, 224:16, 298:11, 298:15, 298:16 sides [1] - 297:10 sidewalk [1] - 246:16 sidewalks [2] - 250:8, 285:16
siding [1] - 226:1
Sidney [8] - 2:6,
165:6, 165:12,
166:11, 174:2,
174:3, 177:1,
179:15
Sign [1] - 309:6
sign [36] - 65:16,
65:19, 74:2, 74:4,
75:14, 75:18,
109:17, 133:2,
133:3, 133:11,
136:15, 136:16,
137:4, 187:2, 187:3, 189:10, 190:1, 190:5, 190:7, 190:8, 192:10, 192:19,
193:8, 194:5, 195:3,
195:6, 197:17,
198:2, 199:1,

199:17, 200:12, 200:13, 205:2, 297:13, 300:16, 308:12
signage [4] - 194:9,
204:8, 244:13,
246:11
SIGNATURE
[1] - 308:1
signature [3] - 153:1,
171:14, 178:4
SIGNED [1] - 308:16
signed [16] - 74:3
152:11, 171:5,
218:15, 227:2,
227:10, 279:2,
280:13, 280:16,
280:18, 281:2,
281:10, 303:7,
303:9, 303:11,
308:5
signes [1] - 203:5
significant [1] - 34:12
signs [25] - 189:16,
192:14, 193:4,
193:13, 193:16,
193:18, 195:6,
195:19, 196:3,
196:13, 196:19,
197:9, 199:6,
199:10, 201:1,
202:16, 202:17,
203:4, 203:8, 203:9,
204:11, 205:8,
205:12, 205:15,
246:15
silence [1] - 230:5
sill [12] - 192:16,
193:14, 193:19,
195:15, 197:6,
197:8, 202:17,
202:18, 203:5,
203:6, 203:10,
203:15
silos [1] - 27:4
$\operatorname{sim}[3]-19: 18,39: 16$,
52:16
similar [5] - 33:15,
82:6, 146:5, 248:1,
249:2
similarly ${ }_{[1]}-300: 13$
simple [3] - 82:10,
140:15

```
simply[1]- 8:12
```

sims [6] - 6:13, 6:14,
43:16, 60:11, 63:9,
64:1
Sincerely [1] - 242:12
sincerely [1] - 227:10
single [12] - 90:1,
91:1, 106:11,
112:14, 141:3,
148:9, 158:5,
211:17, 214:19,
270:3, 301:8,
306:12
single-family
[5] - 90:1, 91:1,
106:11, 112:14,
214:19
siren [1] - 203:11
sit [3]-67:1, 108:11,
248:9
site [23] - 5:6, 28:15,
35:7, 35:12, 57:15,
62:10, 62:11, 78:4,
81:7, 99:10, 103:16,
107:2, 112:3,
116:16, 117:2,
136:14, 136:15,
175:1, 175:2, 220:7,
261:10, 284:15
sites [2] - 14:15, 60:1
sits [5] - 79:4, 80:5,
100:19, 179:17,
203:14
Sitting [11] - 3:3, 75:2,
136:2, 165:2, 192:2,
208:2, 214:2, 235:2,
257:2, 274:2, 289:2
sitting [2] - 68:2,
123:15
situated [1] - 302:12
situates [1] - 302:2
situation [6]-38:19,
100:2, 113:17,
229:9, 270:8, 301:4
situations [1] - 146:17
$\boldsymbol{s i x}[10]-21: 9,60: 12$,
79:8, 134:9, 142:17,
180:3, 208:18,
217:2, 221:15,
289:16
size [11]-19:13,
19:18, 27:2, 27:3,
29:15, 43:9, 69:15,

80:7, 111:8, 118:12, 123:2 sized [1] - 204:11 sizes [1] - 287:11 sketchy [1] - 176:17 skill [1] - 310:10 sky [4] - 13:14, 31:1, 130:10, 209:8 skylight [3] - 209:1, 209:3, 211:7

## skylights

[11]-208:15, 208:19, 209:6, 209:15, 210:1, 211:2, 211:6, 211:14, 212:5, 212:12, 213:5 slanted [1] - 221:19 sleep [1] - 218:9 slider [3] - 155:7, 156:17, 216:9 sliders [1] - 80:16
sliding [1] - 155:6 slightly [2] - 79:9, 236:13
slip [1] - 56:8
slower [2] - 247:11, 247:14
smack [1] - 34:8
small [22] - 77:9, 80:9, 82:13, 84:10, 89:1, 89:3, 90:4, 103:11, 118:3, 127:6, 141:5, 165:19, 215:3, 227:8, 258:8, 276:18, 276:19, 287:11, 297:10, 298:9, 298:18
smaller [1] - 19:1
smallest [1] - 22:12
sneak [1] - 218:14
snow [5] - 115:19,

142:2, 142:4, 142:5, 159:3 snow's [1] - 115:16 SO [1] - 150:4
so-called [1] - 260:17
so... [1] - 18:13
Society [1] - 226:5
soil [8] - 113:16,
158:7, 203:17,
231:16, 231:19,
232:3, 305:6
solution [3]-63:16,

151:12, 194:9
solve [2] - 217:3,
217:16
solved [1] - 149:7
solving [3] - 231:8,
231:9, 233:9
someone [7] - 60:4, 60:5, 88:14, 89:11, 166:8, 262:17, 263:5
someplace
[2] - 43:12, 55:17
Somerville [3] - 104:9,
104:11, 114:15
sometime [1] - 186:1
sometimes [1] - 201:5
somewhat
[4] - 266:17, 275:8, 289:19, 304:4

## somewhere

[1] - 238:15
son [2] - 290:6, 290:16
sophisticated
[1] - 236:19
sorry [16] - 7:10,
49:19, 58:5, 65:8,
78:4, 83:11, 99:14,
121:12, 121:17,
132:11, 150:9,
179:18, 190:16, 218:19, 282:12, 290:4
sort [42] - 10:13,
12:18, 40:19, 41:8,
76:7, 76:16, 77:7,
79:3, 79:5, 80:9,
80:11, 81:4, 88:7,
91:12, 91:14, 91:15,
109:10, 116:2,
116:5, 116:12,
116:14, 117:7,
118:4, 127:11,
128:4, 139:10,
140:15, 146:7,
147:11, 147:12,
149:1, 154:15,
155:2, 156:12,
157:3, 172:4,
175:17, 194:16,
196:1, 237:4
sought [1] - 306:8
sound [1] - 267:19
sounding [1] - 60:18

```
sounds [1] - 145:3
```

souped [1] - 226:7
source [3] - 193:12,
196:3, 196:6
south [2] - 81:3, 87:2
South [1] - 236:5
southern [2] - 116:15,
128:18
space [54] - 41:7,
77:12, 77:18, 79:14,
80:19, 86:13, 88:10,
88:12, $90: 14,95: 11$,
100:13, 111:1,
111:2, 111:7,
111:15, 165:16,
165:18, 166:5,
166:9, 167:6,
167:15, 168:17,
175:9, 181:13,
182:6, 218:5, 218:8,
218:13, 221:3,
221:5, 228:8,
228:11, 230:18,
230:19, 231:10,
232:8, 232:9,
241:19, 245:15,
263:12, 279:13,
288:4, 290:13,
294:16, 304:3,
304:8, 304:19,
305:2, 305:11,
305:19, 306:1
spaces [5] - 99:10,
100:12, 168:16,
221:12, 251:5
speaking [2] - 42:14,
58:15
speaks [2] - 159:4,
251:13
Special [31] - 4:2,
25:16, 143:15,
143:18, 149:14,
149:17, 161:14,
161:19, 163:18,
164:6, 210:12,
210:19, 211:11,
239:14, 240:1,
240:6, 240:9,
240:15, 240:18,
241:17, 249:7,
249:8, 249:12,
249:18, 257:17,
272:16, 273:7,

```
273:10, 275:6,
284:4, 288:3
special [1] - 260:12
Specialist [1] - 1:11
specific [3] - 176:18,
176:19, 262:4
specifically
[4] - 159:4, 179:1,
248:10, 251:15
specificity
[2] - 184:10, 184:11
specified [1] - 249:17
specify [1] - 206:3
spent [3] - 140:4,
    180:13, 229:6
spirit [1] - 205:1
spoken [2] - 121:17,
282:13
sports [1] - 280:2
spot [2] - 99:17, 180:4
sprinkle [1] - 82:2
sprinkled [2] - 139:17,
    146:11
sprinkling [1] - 148:5
Sprint [1] - 23:14
square [21] - 76:14,
77:8, 82:3, 82:17,
82:19, 90:7, 93:7,
94:8, 116:6, 121:2,
222:16, 242:5,
290:1, 291:18,
292:4, 292:5,
292:13, 292:16,
294:1, 294:3, 300:1
Square [44] - 165:11,
    168:6, 168:7,
    168:10, 172:1,
    172:8, 173:5,
    173:17, 194:11,
    195:3, 235:14,
    236:4, 236:10,
    237:3, 238:1, 238:2,
    238:9, 238:17,
    239:8, 241:13,
    241:15, 241:16,
    242:3, 242:4,
    242:11, 243:1,
    243:5, 243:12,
    243:13, 243:15,
    244:4, 244:7, 247:8,
    247:10, 247:18,
    249:3, 251:17,
    251:18, 252:15,
```

253:10, 254:17,
255:2, 286:12
Square/Broadway
[1] - 237:11
squeezed [1] - 116:13
SS [1] - 310:3
stacks [1] - 10:15
staff [19] - 4:18, 5:18,
6:1, 6:18, 7:17, 9:9,
13:3, 13:16, 25:9,
26:2, 26:3, 26:13,
51:6, 60:9, 60:19,
61:5, 187:17, 259:7
stage [1] - 268:4
stair [6] - 144:4,
144:6, 144:14,
144:19, 157:12,
162:17
stairs [9] - 86:18,
148:10, 149:3,
149:6, 150:11,
203:8, 292:10,
293:2, 295:5
stairway [1] - 146:12
stairways [1] - 128:17
stairwell [2] - 82:3,
148:13
stalls [1] - 167:16
stand [4] - 59:2,
125:12, 246:16,
278:7
standard [6] - 77:8,
112:12, 112:17,
113:15, 114:6,
240:19
standards
[2] - 111:13, 287:11
standing [3] - 215:14,
216:6, 291:6
standings [1] - 172:4
stands [1] - 29:17
Star [1] - 280:17
starkly [1] - 29:17
Start [2] - 151:3, 151:7
start [8]-4:13, 62:13,
103:14, 150:18,
157:9, 184:12,
186:3, 186:4
started [6] - 103:5,
116:9, 132:16,
136:13, 258:12,
261:17
starting [2] - 9:5,

200:1
starts [1] - 156:16
State [1] - 236:5
state [2] - 253:3,
274:18
statement [4]-22:8,
211:11, 239:18,
239:19
statements
[2] - 121:16, 309:17
states [1] - 197:5
stay [8] - 4:8, 17:1,
41:3, 104:11, 142:7,
247:13, 265:9,
285:3
staying [3] - 78:1,
112:6, 120:4
steakhouse
[2] - 283:2, 283:4
stealth [5] - 11:19, 26:5, 48:8, 48:12, 71:7
stealthy [2] - 10:17,
64:11
steel [1] - 219:7
Stefan [1] - 233:16
stenographic
[1] - 310:9
step [6] - 37:12, 37:15, 115:15, 198:15, 264:14, 264:15 stepping [1] - 79:1
steps [3] - 107:13, 139:7, 141:5
STEVEN[3] - 208:11, 208:14, 209:16 Steven [1] - 208:11 stick [2] - 43:10, 79:18
still [15] - 31:8, 35:4,
35:5, 67:12, 72:18,
90:1, 90:13, 108:2,
122:1, 128:8, 166:3,
181:18, 219:15,
240:19, 273:2
stone [2]-91:14,
157:3
stop [1] - 15:15
stopped $[1]$ - 106:16
stops $[1]-250: 16$
storage $[4]-216: 3$,
217:17, 228:11, 230:17
store [6] - 33:15, 44:2,

245:4, 261:5, 277:2
stories [3] - 89:16,
116:6, 139:16
story [13] - 77:9,
82:11, 89:12, 117:4,
121:10, 129:3,
129:5, 143:9,
208:16, 209:17,
209:19, 211:9
straight [4]-88:14,
123:17, 209:9,
225:15
Street [83] - 2:3, 2:4,
2:5, 2:6, 2:8, 2:9,
2:11, 2:12, 2:14, 3:7, 14:16, 32:18, 33:1, 33:3, 75:6, 78:2, 78:17, 81:6, 81:10, 81:12, 86:4, 86:8, 87:6, 87:12, 87:16, 94:17, 95:5, 101:7, 114:18, 119:8,
119:12, 122:6,
122:13, 123:4,
123:16, 136:6,
136:10, 139:4,
151:3, 151:4, 151:8,
151:10, 152:16,
152:17, 157:15,
164:2, 165:13,
174:2, 177:1, 208:6,
208:17, 213:10,
214:6, 216:1, 227:6,
227:12, 227:16,
227:19, 230:15,
232:2, 233:15,
236:5, 257:6, 257:7,
280:15, 281:8,
281:9, 281:13,
281:16, 281:17,
282:5, 289:6, 289:8,
289:13, 294:3,
302:11, 302:13,
303:8, 303:10,
303:12, 304:15
street [45] - 79:3, 79:4,
79:10, 81:15, 82:7,
82:16, 83:14, 84:2,
84:19, 85:10, 86:12,
90:3, 90:6, 92:4,
92:5, 95:8, 95:15,
97:8, 98:15, 99:1,
100:4, 107:13,

114:10, 115:12,
115:16, 115:19,
119:9, 121:7,
122:17, 123:1,
123:11, 123:12,
123:18, 124:4,
124:8, 124:13,
139:11, 221:6,
232:5, 260:3, 260:4,
261:4, 265:2, 265:7
streets [4] - 89:14,
122:19, 250:8,
250:13
streetscape [2] - 79:6,
254:19
strict [1] - 270:4
strictest [1] - 268:3
strike [1] - 77:17
strives [1] - 280:12
strobe [1] - 203:11
strongly [1] - 280:8
struck [1] - 36:7
structure [9] - 117:13,
141:19, 142:1,
142:6, 159:1, 159:2,
160:9, 232:10,
254:4
structures [5] - 158:9,
158:10, 203:19,
204:1, 231:18
struggling [1] - 116:1
students [1] - 217:11
studio [4]-77:12,
79:13, 80:19,
114:11
study [1] - 290:11
stuff [22] - 8:9, 23:18,
25:14, 44:3, 58:3,
71:9, 72:15, 97:13,
98:12, 112:15,
116:11, 143:11,
183:10, 185:6,
185:7, 219:13,
229:7, 240:15,
240:18, 241:1,
248:5, 252:2
style [4] - 16:6, 44:15,
56:18, 204:7
submit [4] - 6:18,
50:11, 64:3, 239:7
submittal [1] - 195:2
submitted [14] - 5:2,
$6: 14,6: 16,7: 16$,

10:12, 12:15, 46:17,
51:1, 96:19, 144:10,
144:11, 150:9,
213:8, 246:13
subs [3] - 238:13,
238:14, 238:17
subscribe [1] - 309:16

## substantial

[21] - 97:10, 157:17,
159:11, 159:14,
160:16, 162:5,
164:1, 203:1,
204:16, 213:7,
231:2, 232:14,
232:16, 233:14,
253:15, 255:5,
285:8, 304:17,
305:7, 305:12,
305:14
substantially
[6] - 159:16, 160:1, 233:5, 255:13,
273:2, 306:4

## substantive

[1] - 185:6
subtle [2] - 195:18,
199:14
Subway [3] - 238:15,
263:12, 263:14
sudden [1] - 110:6
sufficient [1] - 254:9
suggest [3] - 39:19,
178:3, 186:7
suggested [5] - 10:4,
10:5, 59:10, 172:16,
199:6
suggestion
[2] - 26:17, 54:17
suggestions
[1] - 26:15
suggests [2] - 126:19, 195:4
suit [3] - 109:5, 110:7, 111:15
suitable [1] - 252:18
suite [1]-80:13

Sullivan [34] - 1:9, 3:4, 4:19, 14:5, 14:7, 14:12, 16:14, 25:10, 55:1, 60:7, 62:2,
64:18, 74:8, 75:3,
135:2, 136:3, 161:6, 164:11, 165:3,

191:4, 192:3,
207:10, 208:3
213:17, 214:3,
234:10, 235:3,
256:8, 257:3,
273:12, 274:3,
288:9, 289:3,
306:18
SULLIV AN $_{\text {[125] }}-9: 2$,
9:12, 9:19, 10:13,
$11: 4,11: 18,12: 4$,
12:9, 12:12, 12:16,
$14: 19,15: 6,15: 9$,
16:1, 17:15, 21:8,
21:12, 21:15, 21:19,
22:18, 23:9, 23:16,
24:4, 24:9, 24:13,
29:12, 36:2, 36:9,
37:5, 37:13, 42:16,
42:19, 43:3, 49:5,
52:16, 53:8, 53:12,
54:5, 57:1, 57:4,
61:15, 61:19, 62:11, 62:18, 63:7, 63:15, 64:7, 73:9, 73:16, 88:19, 90:9, 90:17, 104:4, 104:7, 108:10, 108:17, 110:5, 120:9, 120:17, 125:5, 125:9, 129:8, 131:4, 131:16, 134:3, 138:2, 144:18, 145:6, 145:12, 146:10, 146:14, 147:1, 147:3, 169:19, 170:4, 170:9, 170:12, 170:16, 171:6, 171:10, 171:13, 173:11, 173:14, 174:14, 175:7, 175:16, 176:6, 183:19, 187:12, 189:1, 189:9, 190:2, 190:6, 190:16, 194:13, 194:19, 222:8, 222:11, 225:10, 225:14, 237:10, 238:3, 238:18, 249:13, 266:13, 267:8, 274:13, 282:7,

282:13, 282:19,
283:5, 283:10, 283:19, 284:2, 295:2, 295:8, 295:12, 296:2, 296:10, 296:14, 296:18, 297:6, 301:18, 302:4, 304:1
sum [3] - 99:9, 242:14, 282:5
summer [3] - 13:5,
165:16, 175:12
sun [1] - 81:18
Sunday [5] - 136:19,
140:5, 155:17,
247:17, 247:19
Sundays [1] - 248:18
sunny [2] - 79:12,
80:17
super [2] - 137:3,
137:14
superceded
[1] - 102:5
supplied [1] - 308:12
supply [1] - 277:2
support [8] - 101:8,
114:19, 218:15,
239:9, 241:16,
242:19, 302:14,
303:5
supporting
[3] - 239:18, 239:19, 280:9
suppose [1] - 284:16
supposed [1] - 102:18
surface [2] - 40:7,
40:13
surfaces [1] - 85:3
surprised [1] - 272:13
surrounded
[1] - 155:3
surrounding
[3] - 9:11, 255:9,
285:5
SUSAN [74] - 3:10,
7:8, 8:1, 8:6, 8:11,
$8: 16,10: 7,11: 16$,
$12: 2,12: 14,14: 4$,
14:11, 16:5, 16:11,
16:18, 17:9, 20:12,
21:4, 21:17, 24:2,
24:11, 28:16, 29:18,
$30: 5,30: 15,34: 18$, $35: 6,37: 16,38: 8$, 38:16, 42:4, 43:18, 44:4, 44:11, 45:10, 46:3, 46:10, 46:16, 49:8, 49:16, 50:11, 50:18, 52:18, 53:5, 54:1, 54:7, 54:13, 57:10, 59:15, 59:19, 61:9, 61:17, 62:9, 62:15, 63:3, 63:17, 64:15, 65:12, 65:18, 66:5, 67:2, 67:6, 67:17, 68:4, 68:9, 68:18, 69:3, 69:6, 69:10, 69:18, 70:5, 72:5, 73:2, 73:14 Susan [1] - 3:11
suspected [1] - $23: 9$
Sweden [1] - 258:9
switched [1] - 50:1
sympathy [1] - 126:8
systems [2] - 32:3,
106:4

## T

T's [1] - 177:13 T-Mobile [2] - 6:6, 23:14 table [4] - 237:12, 248:3, 296:19, 305:6 tail [1] - 268:17 tall $[7]-15: 13,21: 10$, 22:4, 22:7, 34:4, 77:13, 122:15 taller [6] - 56:7, 216:11, 216:12, 216:15, 216:16, 216:19
tamper [1] - 193:17
tampered [1] - 196:14
Tang [1] - 281:17
tank [1] - 27:7
tape [1] - 137:14
taped [2] - 137:4,
137:12
TATIANA [1] - 289:9
Tatiana [2] - 289:10, 302:14
$\operatorname{tax}[1]-113: 1$
tearing [1] - 100:8
tease [1] - 148:17

```
teasing [2]-267:14,
    274:11
technical [1] - 175:5
technically
[2] - 146:3, 222:17
```

technology [1] - 73:4
TED [7] - 198:18,
199:7, 199:19,
200:5, 200:11,
200:19, 201:13
Ted [1] - 198:18
telephone [1] - 91:11
telescoped ${ }_{[1]}$ - 127:4
temporary [1]-177:7
ten [16]-15:13, 22:4,
22:10, 23:3, 28:2,
34:14, 56:13,
197:16, 198:4,
198:5, 198:11,
200:6, 209:2,
230:11, 247:8,
275:11
tenant $[1]-40: 18$
tenants [1]-41:14
tend [3]-86:19,
125:5, 238:10
tended [1]-95:3
tendency [1]-270:17
term [1] - 170:17
terms [25]-29:4, 32:2,
39:16, 44:15, 66:15,
71:6, 76:17, 97:19,
99:14, 112:4,
118:16, 127:1,
140:10, 160:6,
176:18, 176:19,
181:19, 231:13,
236:16, 236:17,
236:19, 237:17,
245:2, 293:17,
298:3
Terrace [1] - 281:12
terrible [1] - 20:9
terrific [1]-245:4
test [3] - 268:13,
268:14, 269:15
testimony
[25] - 24:17, 25:4,
94:12, 102:3, 102:7,
150:14, 154:10,
198:14, 202:8,
202:11, 210:6,
210:15, 226:14,

230:1, 241:5,
242:15, 264:12, 266:5, 278:5, 282:10, 300:8, 300:11, 308:12, 309:5, 310:8 tests [1] - 268:5 texted [1] - 72:13 THE [8] - 1:2, 1:15, 308:15, 310:17, 310:18, 310:19
theirs [1]-262:17
themselves
[2] - 152:14, 267:3
therapy [1] - 260:8 therefor [2] - 308:12, 309:5
therefore [1] - 162:19 thereof [2]-50:6, 308:5 they've [3] - 89:14, 265:4, 272:18 thick [2] - 200:17, 205:16
thin [2]-47:7, 47:12
thinking [3]-62:14,
68:5, 91:19
thinks [2] - 20:9,
39:10
third [20] - 11:10, 79:14, 80:19, 81:1,
128:8, 138:11,
141:18, 144:17,
145:13, 151:18,
155:4, 156:4, 160:8, 209:3, 209:5, 211:6, 219:17, 230:16,

268:4
THIS [2] - 308:15,
310:17
THOMAS [2] - 101:5,
101:6
Thomas [3] - 101:6, 228:2, 280:16
thoughts [1] - 64:16
thousand [2] - 126:17, 211:12
threaten [1] - 250:7 three [47] - 5:7, 11:6, 14:8, 15:6, 17:17,
18:6, 18:17, 19:8,
19:10, 23:14, 42:5, 42:6, 47:3, 53:2,

55:8, 89:12, 89:15,
92:12, 116:6, 117:4, 129:3, 129:5, 129:12, 129:13, 138:8, 139:2, 139:16, 144:2, 151:9, 157:14, 189:14, 208:15, 208:16, 209:3, 211:2, 211:5, 225:19, 260:1, 263:19, 264:7, 268:4, 269:3, 270:11, 290:6, 303:14, 303:17 three-family [3] - 138:8, 144:2, 157:14 three-stage
[1] - 268:4
three-story
[5] - 89:12, 117:4, 129:3, 129:5, 208:16
three-year-old
[1] - 290:6 throughout
[2] - 168:10, 246:9 throw [1] - 55:4 thrown [1] - 126:15
Thursday [1] - 95:9
THURSDAY $[1]-1: 5$
ties [1] - 79:5
timely [1] - 271:12
timing [1] - 136:18
Timothy [5] - 1:8,
165:2, 214:2, 257:2, 274:2
timothy [7] - 3:3, 75:2, 136:2, 192:2, 208:2, 235:2, 289:2
TIMOTHY ${ }_{[330]}-3: 6$,
7:6, 8:5, 8:7, 8:15, 8:19, 10:3, 13:16, 15:3, 15:14, 16:3, 16:9, 16:13, 17:11, 19:4, 19:12, 19:16, 23:7, 24:16, 25:3, 26:11, 26:16, 27:11, 28:7, 28:11, 29:10, 29:13, 30:9, 30:12, 30:19, 38:4, 38:14, 39:6, 43:6, 44:1,

44:6, 44:13, 46:7, 48:19, 49:4, 49:14, 50:4, 50:9, 50:17, 51:3, 52:8, 52:13, 53:17, 54:3, 54:16, 55:10, 55:18, 56:15, 56:19, 57:17, 58:1, 59:8, 59:11, 59:17, 61:13, 65:4, 65:15, 66:1, 66:18, 67:10, 67:16, 67:19, 68:16, 70:3, 70:13, 71:6, 72:10, 72:14, 72:18, 73:8, 73:11, 73:18, 74:7, 75:5, 75:11, 78:6, 80:1, 83:2, 85:12, 88:17, 91:3, 92:16, 94:9, 96:1, 96:17, 97:2, 97:16, 98:6, 98:9, 98:17, 99:3, 100:4, 100:18, 101:3, 101:18, 102:2, 104:13, 111:19, 113:5, 113:10, 113:14, 114:17, 121:2, 121:19, 124:14, 125:7, 125:16, 126:5, 127:17, 128:11, 128:18, 130:15, 131:14, 131:19, 132:4, 132:6, 132:18, 133:7, 133:10, 133:16, 134:14, 134:16, 134:19, 136:5, 136:12, 137:16, 138:5, 143:10, 143:15, 145:4, 145:14, 145:18, 149:11, 150:4, 150:12, 150:16, 153:4, 153:8, 157:4, 161:4, 161:7, 161:9, 161:13, 164:9, 165:5, 165:14, 166:12, 167:1, 169:3, 169:6, 170:17, 171:3, 171:7, 171:12, 171:15, 171:19, 172:5, 174:1, 174:6,

174:17, 175:19,
176:16, 177:3,
177:10, 177:14, 178:18, 179:13, 179:17, 180:1, 180:8, 180:13, 180:19, 181:5, 181:15, 181:18, 182:5, 182:9, 182:13, 182:18, 183:4, 184:5, 184:9, 185:1, 185:11, 186:10, 186:18, 187:11, 188:1, 188:13, 188:18, 189:2, 189:7, 190:14, 190:18, 191:2, 192:5, 194:12, 194:16, 195:1, 195:16, 196:16, 197:10, 198:8, 198:13, 199:4, 199:8, 199:16, 200:4, 200:10, 201:11, 201:14, 201:19, 202:4, 202:7, 206:6, 206:10, 206:15, 207:1, 207:5, 207:7, 208:5, 208:13, 209:11, 210:3, 210:9, 213:15, 214:5, 214:13, 215:17, 219:14, 220:4, 222:5, 222:10, 222:12, 222:19, 223:4, 223:18, 224:5, 224:8, 224:15, 225:1, 225:6, 225:18, 226:2, 226:9, 226:18, 228:17, 229:1, 229:5, 229:13, 229:19, 230:9, 230:13, 234:2, 234:8, 235:5, 235:10, 239:4, 239:10, 239:16, 240:5, 240:10, 240:13, 241:2, 241:8, 241:12, 243:2, 243:8, 247:2,

247:12, 249:2, 249:5, 249:14, 250:7, 250:15, 251:11, 252:7, 252:14, 252:17, 256:6, 257:5, 257:14, 258:1, 261:8, 261:13, 262:2, 262:7, 262:11, 263:1, 263:16, 264:3, 264:9, 265:10, 265:13, 266:1, 267:11, 267:14, 272:15, 273:9, 274:5, 274:11, 276:5, 277:3, 278:2, 278:15, 278:17, 281:6, 282:3, 282:9, 284:1, 284:3, 284:14, 288:7, 289:5, 299:11, 300:6, 300:10, 301:2, 301:7, 301:16, 301:19, 302:8, 303:15, 304:11, 306:16
tiny [1] - 180:3
title [2]-169:7, 170:5
TLC ${ }_{[1]}$ - 77:16
TO [2] - 309:1, 310:18
today $[4]-4: 9,35: 15$,
46:17, 262:17
today's [3] - 160:19,
213:12, 234:4
together [2] - 55:5,
280:5
Tomoro [1] - 153:3
tomoro [1] - 153:4
tomorrow [1] - 131:10
tone ${ }_{[1]}-36: 15$
tonight $[9]-3: 19,4: 5$,
6:2, 7:12, 37:12,
137:19, 141:2,
153:12, 177:18
tonight's [1] - 65:2
toning [1] - 36:16
TONY [11] - 94:16,
96:3, 97:1, 97:7,
97:19, 98:8, 98:13,
99:2, 99:13, 100:14,
101:1
Tony [3] - 94:16,

```
96:17, 100:19
```

took [4] - 75:19,
197:19, 243:10,
297:11
tools [1] - 277:1
top [10]-17:12, 20:11,
27:5, 42:9, 42:11,
77:13, 77:15,
203:15, 205:12,
216:10
topography
[6] - 113:16, 158:8,
203:18, 231:17,
232:1, 232:3
torso [1] - 268:17
total $[6]-6: 7,48: 15$,
216:5, 242:14,
282:5, 303:14
totally [2] - 108:13,
134:10
touch [2]-124:13,
203:7
toward [1] - 37:12
towards [6] - 63:16,
79:10, 79:12, 81:2,
81:17
tower [4]-33:17,
34:2, 34:7, 34:8
towering ${ }_{[1]}-81: 13$
town [1]-66:19
townhouse ${ }_{[1]}-121: 8$
trade [1] - 252:5
traffic [12]-79:2,
162:3, 162:8,
162:11, 168:8,
211:10, 211:13,
211:18, 250:2,
283:16, 285:6,
285:12
trail [1]-174:19
trained [1] - 274:14
trainers [3]-269:18,
275:12, 275:15
Training [4]-274:7,
275:4, 275:16,
284:5
training [8]-258:10,
259:18, 269:14,
272:4, 275:10,
277:1, 279:12,
288:4
trainings [1] - 287:12
transaction
[1] - 237:16

## TRANSCRIPT

[2] - 308:15, 310:18 transcript [7] - 308:8, 308:13, 309:4, 309:6, 309:7, 309:15, 309:16 transcription

```
[1] - 310:9
```

transferred [1] - 121:3
transform [1] - 237:2
transformation
[1] - 237:8
transparency
[1] - 260:18
$\operatorname{trap}[1]-291: 3$
trapped [1] - 155:2
trash [6] - 92:2, 95:9,
100:7, 180:11,
180:12, 245:16
Travers [2] - 281:5,
281:7
tray [3]-6:11, 8:17,
8:18
trays [3] - 245:19,
248:4, 248:7
treasurer [1] - 152:15
treat [1] - 268:18
Treat [4] - 274:7
275:4, 275:16,
284:5
treats [1] - 277:1
tree [9]-81:14, 83:10
91:11, 123:5, 123:6
131:7, 131:9,
131:11
trees [2] - 116:18,
116:19
trellised [1] - $91: 9$
tremendous
[1] - 236:7
Tremont [13] - 81:9,
81:11, 86:3, 86:8,
86:11, 86:12, 87:6,
87:16, 87:18, 88:4,
95:6, 123:4, 123:16
trend [1] - 24:1
tricky [1] - 49:3
tried [8] - 29:5, 77:17
90:10, 90:12, 108:9,
139:13, 149:10,
153:6
triple [5] - 89:12,

117:4, 129:4, 129:7, 129:9 trouble [2] - 84:3, 149:6 troubled [5] - 32:12, 32:14, 33:9, 89:4, 119:18
TRUANT [25] - 136:9,
136:17, 138:6,
143:12, 144:9,
145:1, 145:8,
145:11, 146:1,
146:13, 146:16,
147:2, 147:5, 148:8,
149:5, 150:2, 150:8,
153:6, 154:18,
155:7, 155:11,
155:16, 156:7,
156:19, 157:8
Truant [5] - 136:10,
151:14, 153:14,
160:17, 164:2
trucks [3] - 176:14,
183:10, 183:15
true [4]-73:13, 109:1,
252:7, 310:9
Trust [1] - 152:16
truth [1]-271:16
try [11] - 5:4, 20:19,
39:17, 63:14, 63:18,
127:8, 168:13,
215:11, 271:19,
281:18, 299:7
trying [15] - 36:5,
61:10, 64:9, 77:6,
92:7, 106:17, 108:1,
122:10, 123:10,
126:18, 127:9,
127:13, 138:8,
142:19, 149:6
tuck [1] - 139:1
tucked [1] - 138:19
TUESDAY [1] - 101:5
Tuesday [2] - 101:6,
137:6
TURLEY [12] - 274:8, 274:15, 275:3,
276:3, 276:8,
277:16, 278:14,
282:16, 283:3,
283:8, 283:14,
284:12
Turley [1] - 274:16

```
turn [2] - 84:5, 217:17
```

turnaround [1] - 66:19
turned [1] - 206:4
turns [1] - 217:5
twelve [1] - 90:16
two [78] - 5:19, 6:7,
$9: 15,10: 8,15: 16$,
18:4, 18:5, 28:4,
39:8, 45:2, 45:7,
45:13, 45:15, 48:2,
48:7, 48:11, 48:13,
48:14, 48:19, 49:2,
49:11, 50:8, 51:10,
51:12, 52:3, 53:19,
54:17, 66:19, 71:14,
72:2, 72:19, 77:9,
82:11, 84:10, 89:1,
99:10, 111:2,
115:10, 117:18,
121:7, 121:8, 126:6,
127:1, 127:5,
144:16, 148:7,
151:18, 152:1,
152:2, 157:3,
189:14, 189:16,
190:8, 192:14,
192:18, 195:13,
202:16, 203:4,
204:11, 205:8,
208:19, 209:17,
209:19, 211:9,
214:18, 217:2,
226:3, 239:17,
257:19, 258:5,
262:18, 267:2,
269:2, 270:10,
271:11, 272:19,
273:4, 295:4
two-story [5] - 77:9,
82:11, 209:17,
209:19, $211: 9$
type [6] - 30:14,
206:18, 232:3,
237:16, 246:16,
263:9
types [4] - 33:8,
113:13, 201:8,
236:17
typical [2] - 105:16,
206:11
typically [5] - 104:18,
105:4, 105:5,
112:13, 277:5

## U

## U.S [1] - 258:9

 ultimately [3] - 6:17, 176:7, 231:13 UM [1] - 248:13 umbrage $[1]-243: 10$ unable [1] - 4:8 unanimous [2] - 61:12, 68:2 under [14] - 33:12, 112:6, 125:14,139:15, 142:5, 142:12, 142:14, 148:11, 159:3,
182:16, 205:12,
219:16, 275:3,
275:15
UNDER [1] - 310:18
underlying $[1]$ - 36:4
underneath
[4]-92:13, 115:7,
193:13, 224:10
underpin [3] - 296:3,
296:6, 296:8
undersigned
[1] - 310:4
underused [1] - 167:6
undone [1] - 154:1
undue [1] - 207:3
unfinished
[1] - 153:15

## unfortunate

[2] - 270:8, 272:7

## unfortunately

[1] - 259:5
uniform [1]-27:2
unique [1] - 76:17
uniqueness [1]-86:9
Unit ${ }_{[1]}-2: 11$
unit [8] - 93:1, 93:2,
93:8, 118:16,
142:17, 143:1,
151:4, 151:6
units [2] - 139:16,
255:10
University [4] - 2:6,
167:11, 175:9,
181:17
unknown [1] - 266:18
unless [2] - 35:10,
306:2
UNLESS [1] - 310:18

```
unload[1] - 177:5
```

unobtrusive
[1] - 205:15
unprintable
[1] - 216:2
unrelated [1] - 263:11
unrentable
[1] - 142:10
unsafe [2] - 215:5,
218:12
unusable [1] - 232:7
unusual [1] - 275:8
up [105] - 4:1, 4:19,
9:14, 9:17, 10:8,
13:11, 23:15, 24:17,
25:9, 27:15, 27:17,
28:4, 28:9, 32:18,
37:6, 37:18, 37:19,
38:19, 40:19, 47:3,
53:17, 54:17, 62:13,
62:19, 63:9, 64:18,
67:2, 77:6, 77:12,
77:14, 80:11, 80:18,
81:17, 82:8, 94:11,
104:12, 109:7,
114:13, 116:11,
117:14, 123:8,
123:12, 123:17,
124:8, 127:4,
136:15, 136:16,
137:4, 137:12,
137:15, 139:7,
140:19, 142:3,
150:14, 155:18,
180:5, 180:18,
188:14, 189:11,
189:16, 190:4,
190:7, 190:11,
192:14, 193:2,
193:8, 193:10,
193:17, 193:19,
195:15, 196:3,
196:7, 197:17,
201:15, 203:7,
209:9, 210:5,
220:15, 221:16,
222:14, 223:7,
225:15, 226:7,
226:13, 227:9,
232:18, 235:13,
235:15, 241:4,
250:10, 259:1,
259:4, 259:6, 259:8,

```
264:11, 278:7,
```

290:19, 291:4,
291:8, 293:1, 294:6,
297:13, 298:2,
300:8
updated [1] - 151:1
upgrade [1] - 105:1
upper [3] - 84:12,
123:9, 292:12
upscale [1] - 236:18
upshot [1] - 154:2
upstairs [2] - 116:14,
282:18
urge [1] - 280:8
usable [8] - 94:1,
222:2, 222:3,
222:18, 223:1,
231:10, 232:8,
305:2
usage [2] - 263:8,
263:9
useful [1] - 291:17
uses [16] - 29:2, 32:5,
32:12, 33:3, 39:13,
162:13, 163:1,
167:10, 168:11,
169:18, 212:1,
251:5, 286:6,
286:11, 286:13,
286:18
usual ${ }_{[2]}-36: 12,76: 5$
utensils [1] - 252:10
utility [2] - 233:8,
291:14
utilize [2] - 218:12,
252:9

## V

vaccinated
[1] - 258:17
vaccination
[1] - 268:8
vaccinations
[2] - 258:19, 268:9 vain [1] - 168:8 valid $[3]-36: 3,36: 18$, 149:10 value [6] - $31: 16$,
64:11, 109:1,
237:16, 237:18
value-driven
[1] - 237:18
valued [1] - 243:14
values [2] - 232:19,
242:9

## Variance

[41]-102:14, 102:18, 105:4, 141:14, 143:7, 143:16, 144:13, 150:1, 157:10, 157:11, 160:14, 161:2, 161:9, 164:5, 165:16, 166:17, 202:14, 205:19, 221:14, 227:3, 230:14, 233:12, 234:6, 239:12, 239:18, 239:19, 241:17, 253:9, 254:9, 254:10, 254:13, 254:15, 255:7, 256:4, 261:9, 273:1, 273:3, 273:9, 302:15, 304:12, 306:14
variance [3] - 195:3, 215:3, 234:9
Variances [1] - 105:1
variety [2] - 139:19,
204:19
varying [2] - 56:12,
56:16
vast [1] - 19:17
vegetation
[1] - 131:13
vendors [3] - 176:19,
177:4, 180:9
vent [1] - 10:15
venue [1] - 277:6
verify [1] - 140:11
verizon [1] - 23:12
Verizon [6] - 9:15,
10:4, 23:11, 23:13,
73:10, 73:12
Verizon's [1] - 13:12
vernacular [3] - 78:1,
117:10, 126:13
version [1] - 46:19
versions [2] - 49:11,
51:7
versus [1] - 156:18
vertical [2] - 42:17,
43:1
vested [1] - 66:13
viable [1] - 267:3

```
vice [1] - 243:10
```

vicinity [2] - 29:3, 32:6
view [21] - 7:14, 8:7,
14:16, 24:14, 25:12,
25:14, 28:3, 38:11,
51:4, 81:14, 82:7,
83:8, 116:17, 118:5,
140:7, 209:8, 216:8,
216:10, 295:15,
295:19
viewed [1] - 95:4
viewing [1] - 95:5
views [1] - 86:17
vine [1] - 185:9
violation [3] - 159:7,
219:15
violations [1] - 224:1
virtually [1] - 142:9
visible [6] - 85:10,
85:15, 233:3, 261:4,
295:17, 306:1
vision [2] - 122:18,
237:8
visit [1] - 218:7
visual [10] - 29:4,
32:11, 32:13, 33:11,
163:14, 194:1,
194:4, 194:11,
204:9, 251:3
visually [1] - 212:6
voice [1] - 283:13
volume [8] - 119:1,
211:9, 237:17,
293:5, 293:8,
308:11, 308:13,
309:6
volunteer [1] - 166:1
vote [9] - 68:6, 70:6,
71:1, 73:1, 124:15,
125:10, 202:13,
210:17, 230:3
votes [2] - 70:16,
70:17
vouch [1] - 228:7
voyeuristic [1] - 118:1
W
wait [1] - 66:4
waiting [1] - 67:7
waiver [3] - 74:3,
133:3, 187:2
walk [13] - 31:19,
33:14, 79:16,

190:15, 252:5,
255:19, 269:8,
277:6, 277:7,
277:14, 279:19,
285:15, 298:18
walk-in [1] - 252:5
walk-ins [1] - 255:19
walkability [1] - 279:6
walked [1] - 37:2
walking [4] - 37:8,
276:3, 277:18, 285:12
walks [1] - 269:2
wall [16] - 41:19,
78:15, 81:17, 81:19,
91:14, 91:15, 92:13,
96:5, 100:1, 115:10,
115:19, 116:5,
128:5, 156:10,
161:16, 205:8
walled [1] - 134:9
walled-in [1] - 134:9
walls [3] - 219:12,
261:1, 261:2
wants [7]-41:3,
54:15, 94:12,
101:19, 150:13,
198:15, 226:15
Ward [2] - 259:2,
259:5
warm [1] - 282:17
Warren [8] - 136:10,
139:4, 151:10,
152:16, 154:14,
154:16, 155:9
wars [1] - 215:10
wash [1] - 196:7
washer/dryer
[1] - 292:19
waste [3] - 245:11,
252:19, 259:8
watching [1] - 227:15
water [16] - 27:6,
160:12, 217:4,
231:12, 232:2,
232:11, 233:9,
268:18, 291:1,
291:7, 292:18,
296:17, 296:18,
305:6, 305:8
wattage [2] - 199:9,
199:12
ways [5] - 116:8,

```
126:14, 146:3,
```

147:8, 147:19
web [1] - 271:2

## Wednesday

[1] - 175:11

## Wednesdays

[2] - 175:14, 176:2
week [2] - 151:11,
247:7
weekend [2] - 137:8,
137:13
weekends
[4] - 247:16, 248:16, 248:17, 286:2
weeks [1] - 66:19
weigh [1] - 169:14
weighed [2] - 286:19,
287:1
weird [1] - 226:8
welcome [3] - 31:9,
229:15, 280:4
welcoming
[1] - 282:17
welfare [6] - 163:4,
212:9, 212:16,
287:6, 287:15,
287:18
well-being
[1] - 231:14
Wendy [1] - 280:14
west [3] - 208:15,
209:16, 209:19
WHEN [1] - 308:16
WHEREOF
[1] - 310:11
whip [2] - 33:17, 34:7
white [28] - 5:3, 5:16,
6:3, 6:6, 9:4, 9:7,
9:9, 9:14, 9:17,
10:10, 11:5, 12:5,
13:3, 13:6, 13:8,
$14: 13,20: 16,24: 5$,
25:10, 26:10, 26:12,
29:17, 43:17, 47:3,
47:18, 58:14, 58:19,
62:5
Whitney [1] - 303:9
whole [10] - 59:6,
89:5, 134:12,
138:16, 146:6,
157:1, 181:9, 217:7,
240:15, 254:18
wholly [1] - 227:6
wide [9] - 18:6, 76:15,
77:10, 82:8, 204:18,
297:18, 298:4,
298:14
wider [2] - 45:11, 92:6
widow [1] - 218:6
width [3] - 152:1,
152:2
wife [1] - 289:10
Willard [1] - 281:17 willing [2] - 183:14,
243:17
win [1] - 115:2
wind [2] - 65:9, 189:16
window [14] - 25:12,
25:13, 81:17, 82:3,
140:5, 140:9,
143:13, 143:19,
146:18, 149:15,
156:9, 161:15,
200:2, 306:2
windows [8] - 40:15,
41:2, 41:5, 86:5,
92:14, 199:17,
199:18
winter [2] - 13:4,
166:6
wire [1] - 34:7
wireless [1] - 5:15
wise [6] - $31: 4,56: 5$,
61:18, 64:6, 122:18,
238:4
WITH [1] - 308:15
witness [1] - 3:17
WITNESS [1] - 310:11
women [1] - 139:2
wonderful
[3] - 167:12, 173:4, 244:3
wooden [1] - 246:15 word [3] - 67:18, 105:14, 144:19 wording [1] - 144:12 words [3] - 89:1, 190:9, 299:5 workable [1] - 77:19 works [5] - 38:11, 73:5, 90:17, 107:15, 177:9
world [2] - 97:15, 260:10 wound [1] - 291:4
wow [1] - 57:17

```
write [1] - 229:7
```

writing [1] - 241:14
written [2] - 153:1,
300:13
wrote [1] - 150:3
www.reportersinc.c
om [1] - 1:16

## Y

yard [13] - 86:3, 86:15, 138:19, 152:9,
155:1, 208:17, 209:2, 215:1, 224:16, 297:8, 298:12, 299:2, 299:4
year [12] - 109:16, 113:8, 171:2, 186:9, 198:1, 246:9, 258:5, 262:18, 263:19, 268:4, 273:5, 290:6
years [11] - 91:1,
109:13, 126:11,
142:7, 214:16,
214:17, 257:19,
264:7, 267:2,
272:19, 296:11
yellow [1] - 154:15
yellowy [1] - 154:16
YMCA [7] - 192:12,
195:3, 198:19,
202:15, 203:4,
204:4, 205:3
York [1] - 27:6
YOUNG [5] - 257:12,
259:9, 260:5, 262:1,
271:1
Young [1] - 204:5
young [1] - 257:13
yourself [10] - 136:7,
165:7, 185:19,
192:7, 198:16,
208:7, 214:7, 229:1,
264:15, 264:17
yourselves [2] - 75:7,
257:8

## Z

Zelinski [2] - 310:4, 310:13
zero [1]-99:8
zone [3]-138:18,
144:16, 157:2
zones [2] - 143:6, 284:18 zoning ${ }_{[1]}-60: 16$ ZONING [2] - 1:2, 309:1
Zoning [27] - 1:11, 60:14, 70:18, 71:12, 72:2, 105:8, 109:10, 114:1, 158:11, 158:14, 162:2, 162:14, 195:5, 204:2, 210:13, 212:2, 241:12, 249:16, 254:6, 254:7, 286:7, 294:13, 302:19, 307:2, 308:11, 309:4, 309:15

