

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 10, 2018
7:00 p.m.

in

Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Janet Green, Member
Andrea A. Hickey, Member
Laura Wernick, Associate Member

Sisia Daglian, Assistant Commissioner

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CASE

I N D E X

PAGE

BZA-007941-2015 -- 269 & 273 Putnam Avenue Original Hearing Date 09/24/2015	5
BZA-015467-2018 -- 130 Spring Street Original Hearing Date 03/22/2018	14
BZA-014099-2017 -- 140-142 Prospect Street Original Hearing Date 11/30/2017	16/87
BZA-015832-2018 -- 10 Dover Street	18/21
BZA-015846-2018 -- 20 Leonard Avenue #1	136
BZA-015973-2018 -- 134 Vassal Lane	157
BZA-016037-2018 -- 354 Pearl Street	178
BZA-016061-2018 -- 12 Dinsmore Court	185
BZA-015998-2018 -- 267 Lakeview Avenue	202
KeywordIndex	

PROCEEDINGS

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(7:05 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

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

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

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

And I wish to inform people that not only one but two recordings are being made. A citizen of the city has left a tape recorder on the front desk. And our stenographer tape records the meeting to assist her when she prepares the transcript of the meeting.

Is there anyone else doing a recording of this meeting?

(No Response.)

CONSTANTINE ALEXANDER: No.

Okay. With that, we'll now turn to our agenda. And as is our custom, we'll start with our continued cases. These are cases that started long ago and for one reason or another we've reached no decision and we've deferred the case now until tonight.

(7:05 p.m.)

(Sitting Members BZA-007941-2015: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The first case I'm going to call is 007941-2015, 269 and 273 Putnam Avenue.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. Do you want to be heard, Mr. Brandon?

MICHAEL BRANDON: Sure. Not as an applicant -- as the applicant.

CONSTANTINE ALEXANDER: Well, the applicant's not

even here. I'm not even going to open the case. So, I mean what do you want to offer?

MICHAEL BRANDON: Well, I was confused about the status of the case because it is so old and whether it was a case heard but not decided?

CONSTANTINE ALEXANDER: No. The case never even came before us. Let me, since you asked, I'll raise it.

MICHAEL BRANDON: Thank you.

CONSTANTINE ALEXANDER: This involves -- it's on Putnam Avenue. It involves that Alive and Kicking Lobster place.

MICHAEL BRANDON: I remember the case.

CONSTANTINE ALEXANDER: And I believe this Sarah Smith filed a complaint with the Inspectional Services Department and there was a back and forth about whether the complaint was well founded or not. In any event, the Alive and Kicking folks came before us and got a Variance -- came before us, we granted a Variance and moved on. We've never heard further -- or the Inspectional Services Department has never heard further from Sarah Smith. We've been writing her and calling

her and trying to get this case -- they want to get the case off their docket.

And so that's the purpose of tonight.

MICHAEL BRANDON: So the case was never called?

CONSTANTINE ALEXANDER: Not before us, no. No, never called before us. It was only at the Inspectional Services Department with Ranjit and his staff and the petitioner or the applicant.

Ma'am.

SARAH SMITH: I'm Sarah Smith. I'm the applicant. Just for the record, the case was never called, but the original complaint --

BRENDAN SULLIVAN: Sarah, could you come up here and speak into the mic, please.

JANET GREEN: Is the mic on?

SARAH SMITH: I didn't intend to speak.

JANET GREEN: See if you can pull it over to you. Thank you.

SARAH SMITH: I didn't intend to speak, but just to clarify, the original complaint was about the use and structures. The Inspectional Services' response was just about the use, telling him to cease and desist

the use.

CONSTANTINE ALEXANDER: Right.

SARAH SMITH: And since that did not address the structures, one of which was a roof that connected to a fence --

CONSTANTINE ALEXANDER: Right.

SARAH SMITH: -- along my property line.

I appealed --

CONSTANTINE ALEXANDER: Right.

SARAH SMITH: -- the action.

And in the meantime Mr. Mastrangelo applied for a Variance which when -- which he was given.

CONSTANTINE ALEXANDER: Right.

SARAH SMITH: Which rendered my appeal moot basically.

I was contacted once and I said I needed to think about it, and I did not hear again from the Board until the letter saying we're going to be hearing the case. Or it was written rehearing, but I guess the case was never actually occurred.

CONSTANTINE ALEXANDER: That's exactly right.

As I understand it, because our Board has not been involved really. It's the Inspectional Services Department has been, with respect to your original complaint. As a matter for you -- we did grant the Variance. I don't recall the specific relief that we granted. But we did grant the relief with the fellow next-door with the Alive and Kicking.

So as I understand it, it's just a desire of the Inspectional Services Department to clean-up their records unless you want to pursue the case.

SARAH SMITH: No, I don't wish to.

CONSTANTINE ALEXANDER: I take it you have no objection to us dismissing this appeal? We're not trying to trap you. I just want to tell you that.

SARAH SMITH: Yeah.

CONSTANTINE ALEXANDER: Okay. All right, then I think we'll -- unless other members of the Board have -- thank you for taking the time to come down by the way.

Other members of the Board have any questions or comments?

(No Response.)

CONSTANTINE ALEXANDER: The Chair moves -- Mr.
Brandon.

MICHAEL BRANDON: I didn't identify myself for the record
before. Michael Brandon. 27 Seven Pines Avenue. I didn't have a
chance to go back and look at the files.

CONSTANTINE ALEXANDER: Yes.

MICHAEL BRANDON: My recollection is that the case was
advertised.

CONSTANTINE ALEXANDER: Okay.

MICHAEL BRANDON: But maybe, you know, that's why I
was confused.

CONSTANTINE ALEXANDER: Okay.

MICHAEL BRANDON: The other thing, just to refresh the
Board, the relief that was granted was a Use Variance for a restaurant.
However, what's actually operating there is a fast food operation that was
never granted relief. That's not before you now --

CONSTANTINE ALEXANDER: That's right.

MICHAEL BRANDON: -- for your information.

CONSTANTINE ALEXANDER: You can talk to Inspectional Services if you want.

MICHAEL BRANDON: Thank you.

CONSTANTINE ALEXANDER: The Chair moves that we dismiss the appeal in this case.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The case is dismissed or the appeal is dismissed.

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

* * * * *

(7:10 p.m.)

(Sitting Members BZA-015467-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The next case I'm going to call is 130 Spring Street, 015467.

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

(No Response.)

CONSTANTINE ALEXANDER: We do have a letter I believe

in the file from Matt Anderton, A-N-D-E-R-T-O-N addressed to Maria Pacheco. (Reading) I am the petitioner for this case. I am writing to inform you that we will not be pursuing the Variance any further and wish to cancel our hearing appointment. Right now we have a hearing scheduled for May 10th.

The Chair moves that we grant the request for withdrawal of the relief in this case.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(7:10 p.m.)

(Sitting Members BZA-014099-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The next case is case number -- I'm not going to call it, I'm just going to identify it. It involves 140-142 Prospect Street. This is a continued case. Despite explicit instructions to the contrary, they never changed the time of the hearing on the notice. They changed the date, and I said you had to do the time. The time on the notice is 7:45 p.m. We cannot hear this case until at least 7:45 p.m.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Sorry.

CONSTANTINE ALEXANDER: So with that, it's only ten after seven, we have to wait until 7:30 to start our regular agenda. So

you have 20 minutes to hang out.

(Whereupon, a short recess was taken.)

* * * * *

(7:30 p.m.)

(Sitting Members BZA-015832-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will open up the regular agenda, and the first case we're going to hear is 105832, 10 Dover Street.

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

ATTORNEY JAMES RAFFERTY: Mr. Chair, my name is James Rafferty with offices at 675 Mass. Avenue in Cambridge. I'm appearing here this evening on behalf of the applicant. Seated next to me is an attorney Bennet Heart. He represents an abutter, the abutter is in the other room. And we were putting the finishing touches on an agreement. And unfortunately we need about five minutes to conclude that. And I know you have a 7:45 case.

CONSTANTINE ALEXANDER: That's the next case. Actually I can -- no, I can't do that. Take your time. Finalize what you have to finalize and we'll wait around till 7:45 and pick up at 7:45 case.

ATTORNEY JAMES RAFFERTY: Okay.

CONSTANTINE ALEXANDER: And as soon as you're ready

let us know.

ATTORNEY JAMES RAFFERTY: We could be done before
7:45 frankly.

CONSTANTINE ALEXANDER: If you're done, we'll start.

ATTORNEY JAMES RAFFERTY: And I apologize because.
This is going to give you a 15 minute lull.

CONSTANTINE ALEXANDER: We've already got a 20
minute lull.

ATTORNEY JAMES RAFFERTY: Oh, I wish I brought a
book for you.

JANET GREEN: Next time.

(Whereupon, a short recess was taken.)

* * * * *

(7:40 p.m.)

(Sitting Members BZA-015832-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: Okay, we will resume our hearing, and the Chair will call once again case No. 015832, 10 Dover Street.

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

ATTORNEY JAMES RAFFERTY: Thank you, again. For the record, James Rafferty on behalf of the applicant. Muireann Glenmullen (phonetic), seated to my right, the manager of the LLC known

as Palmerstone Park, the owner of the property. And the project architect Kelly Speakman of Boyes-Watson Architects.

So, Mr. Chair, this is an application for a number of Special Permits associated with renovations at a currently two-family dwelling at 10 Dover Street. 10 Dover Street is the lot located one lot in from Massachusetts Avenue and it's located in the Business A-2 Zoning District. Ms. Glenmullen purchased the property a while ago, and her proposal is to make renovations to the property that would allow -- that would create six dwelling units in the building. There's actually only a modest amount of new construction being created here. It involves two dormers into the building. Both of the dormers are conforming, but the --

CONSTANTINE ALEXANDER: Conforming in what regard? That's one of the questions I was going to ask you. What do you mean by "conforming."

ATTORNEY JAMES RAFFERTY: Conforming in terms of GFA.

CONSTANTINE ALEXANDER: Oh, but the structure. It's not the dormers. The whole building is -- with the new dormers is going

to comply with the requirements of our Ordinance?

ATTORNEY JAMES RAFFERTY: Right. But the GFA that's sought for the dormers --

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: -- is within the FAR allowed for the site.

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY JAMES RAFFERTY: But it represents an increase in GFA since the property first became non-conforming.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: But it's less than 25 percent. So I'm identifying those dormers as the first of the series of Special Permits we're applying for. So the 8.22.2 Special Permit --

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: -- that seeks to allow new construction, less than 25 percent --

CONSTANTINE ALEXANDER: It's a conforming addition, your dormer --

ATTORNEY JAMES RAFFERTY: It's a conforming addition.

That's what I meant when I said the dormers --

CONSTANTINE ALEXANDER: Right. I was thinking the dormer guidelines, that doesn't make any sense.

ATTORNEY JAMES RAFFERTY: Oh, no. It's the GFA in those dormers, it's relatively modest. I think it's around 50 --

KELLY SPEAKMAN: It's about 180 square feet total with the two dormers.

ATTORNEY JAMES RAFFERTY: Combined with the two dormers.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: So that 180 square feet is within the allowable FAR for the lot, but it's more than -- it's additional GFA since the property first became non-conforming.

CONSTANTINE ALEXANDER: Got it.

ATTORNEY JAMES RAFFERTY: So that's the first Special Permit on the dimensional side with regard to the building.

There is a number of locations, three in particular, where

openings are being added to non-conforming walls, and the Special Permit provision is being sought to allow for a door into the basement and a window on the non-conforming wall under that provision of the Special Permit.

The third Special Permit involves the use of the basement GFA in the building -- well, I shouldn't say the use. It seeks a Special Permit to allow for a portion, about 450 square feet?

KELLY SPEAKMAN: 263 square feet.

ATTORNEY JAMES RAFFERTY: Thank you. 260 square feet of the basement exceeds the allowable FAR, but there's a provision, I'm sure the Board is familiar with this, you've seen cases like this before, where portions of basement space can be excluded upon the issuance of a Special Permit. So the overall basement size is close to?

KELLY SPEAKMAN: The overall basement size is close to 900 square feet.

ATTORNEY JAMES RAFFERTY: Okay.

KELLY SPEAKMAN: If we added this additional 263 square feet, we would be over our 25 percent addition and require a Variance.

CONSTANTINE ALEXANDER: And this basement space you're seeking relief for, is it going to be used for a separate dwelling unit?

KELLY SPEAKMAN: Yes.

ATTORNEY JAMES RAFFERTY: Well, the basement will contain two dwelling units. One dwelling unit will be part of a duplex unit that will have living space on the first floor with internal stairway to the basement.

The second basement dwelling unit is a self-contained basement dwelling unit. So the two, the 200 square feet or 230 --

KELLY SPEAKMAN: 263.

ATTORNEY JAMES RAFFERTY: Thank you. That square footage is noted here. That would put us over the 25 percent and require a Variance. So the criteria for that Special Permit, and admittedly it's rather light in the language, the Ordinance, it appears in the definition section, and it talks about if it's consistent with the character of the neighborhood. So, the practical impact of not having it is they probably would have to raise a portion, 200 square feet of that basement would have to be raised and be limited to storage. So it's really --

CONSTANTINE ALEXANDER: And you lose one dwelling unit?

ATTORNEY JAMES RAFFERTY: Well, not necessarily. I mean, right, it's 200 --

KELLY SPEAKMAN: You lose one bedroom of a dwelling unit.

ATTORNEY JAMES RAFFERTY: You lose a bedroom. Because the dwelling units total far more than -- there's 700 square feet. So it doesn't impact.

The lot area per dwelling unit is fine, because what's allowed here in the Business A-2 District is actually eight units on a lot of this size, and we're only proposing six.

And then the remaining of the Special Permits involve setback requirements associated with parking and the driveway. So one of the conditions about the driveway currently, it's longstanding driveway. It's -- and what we were talking about with our neighbors is the abutting commercial property along Massachusetts Avenue, all of those stores have a rear door onto that driveway. That building, if you had an

opportunity to see the site plan, is located perhaps within the foot of the property line. But that property has the benefit of an easement on this property that allows for the use of the driveway to pass, to pass -- the language in the easement talks about for purposes for which private ways are used within the City of Cambridge.

CONSTANTINE ALEXANDER: Okay, you're losing me.

The back doors on the businesses on Mass. Ave --

ATTORNEY JAMES RAFFERTY: Yeah.

CONSTANTINE ALEXANDER: -- they have an easement to use what, I guess the driveway that's there right now?

ATTORNEY JAMES RAFFERTY: Yeah, the whole property has the benefit of a ten-foot wide or an eight-foot wide?

KELLY SPEAKMAN: Yeah.

ATTORNEY JAMES RAFFERTY: An eight-foot wide easement.

KELLY SPEAKMAN: So this is the building on Mass. Ave. --

CONSTANTINE ALEXANDER: Right.

KELLY SPEAKMAN: -- here. Our property line is two and a

half feet from the back of that building.

CONSTANTINE ALEXANDER: Yeah.

KELLY SPEAKMAN: And there's currently an eight-foot easement from their back of their brick wall onto our property so that they can get out of their back doors and out onto Dover Street.

ATTORNEY JAMES RAFFERTY: So the fee interest in the driveway is owned by 10 Dover.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: The easement allows, as Kelly noted, the other properties to use the driveway, to -- they get loading, for a variety -- typical driveway uses.

That easement has existed since 1922. So the driveway has existed since that time as well. There is contained within Article 6 adopted in 1961, a requirement that driveways have a setback off the adjoining property of five feet. This driveway does not have it. It's a pre-existing non-conforming longstanding condition.

The conclusion by the Building Department, the Commissioner, was because the use of the property at 10 Dover will be

changing from a two-family to six dwelling units, that the grandfathering of the non-conforming driveway only applies to the two-family house. So we have sought a Special Permit under the provisions at Article 6 that say that five-foot setback can be waived upon the issuance of a Special Permit. And one of the criteria in Article 6 say if conditions warrant it. So in our case we have this shared driveway, which we operate amicably with our abutters, and we memorialized the cordial nature of our relationship within the last few minutes, and that will allow for the continued mutual easement in -- as part of the -- not part of the permit, of course, but as part of the construction activity with regard to repaving of the lot and things like that. There's some mutual consideration. So that's the first of the parking related Special Permits. A pre-existing driveway does not have the benefit of the five-foot setback requirement. So we're asking for a Special Permit suggesting that the five-foot setback is physically impossible and it's a longstanding condition, and our abutter doesn't have an objection. In fact, has provided us with a letter of support this evening with regard to the application.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: The other two issues, other two Special Permits related to parking involve -- there's a new layout of the -- there's a new parking layout. And we are proposing at least one space is going to be located within five feet of a window. And once again the Article 6 provides an opportunity to waive that.

CONSTANTINE ALEXANDER: This window is a window of one of the six dwelling units that are going to be --

ATTORNEY JAMES RAFFERTY: In the basement, right. Now, it's actually I think in a common stairway.

KELLY SPEAKMAN: It's this window here on this wall and it's this car is within five feet away.

ATTORNEY JAMES RAFFERTY: The other way to address it would be to eliminate the window. And the feeling is that the window provides beneficial light and air and that the condition here would be --

CONSTANTINE ALEXANDER: The window -- I'm sorry to interrupt you. I apologize. The window is up on a stairway?

KELLY SPEAKMAN: There's a window at the first floor and a window in the basement at this location. The first floor one is existing and

the basement one will likely get enlarged depending if this becomes a bedroom or not on our hearing.

CONSTANTINE ALEXANDER: I'm sorry, I'm losing my sense of --

KELLY SPEAKMAN: The window is --

CONSTANTINE ALEXANDER: No, no, the abutter, the residential abutter on Dover Street where is their?

ATTORNEY JAMES RAFFERTY: Oh, they're on -- it doesn't affect them. They're on the far side.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: They're over here.

CONSTANTINE ALEXANDER: So this is only going to affect only the people --

ATTORNEY JAMES RAFFERTY: Yes, it affects a --

KELLY SPEAKMAN: It affects this window.

ATTORNEY JAMES RAFFERTY: It's that parking space and it's within -- currently there isn't a parking space in that location. So that parking space is located within five feet of windows on both the first floor

and the lower level of 10 Dover. So we've elected to place the parking space there and seek the Special Permit in order to not have to close the window on the first floor and be prevented from adding the -- a window in the lower level.

CONSTANTINE ALEXANDER: And you think it's essential that they have these five, six parking spaces on the lot?

ATTORNEY JAMES RAFFERTY: Well, the Ordinance requires it.

CONSTANTINE ALEXANDER: Yes, but you've applied for relief others, too, to reduce the amount of required parking because the City's current policy is not to push for off-street parking and to encourage people to use other means of transportation.

ATTORNEY JAMES RAFFERTY: I agree. And I'm not certain that this wouldn't be a candidate for such relief, but in our experience in talking with neighbors and abutters, there was a high preference for having the one parking per dwelling unit. But to bear that out, Ms. Glenmullen currently leases the property it's a two-unit dwelling and there are I think you said three in one unit and three in another, and

between the six occupants there's only a single car.

CONSTANTINE ALEXANDER: Yeah. And I noticed three of your six cars in the parking lot are only for compact cars.

ATTORNEY JAMES RAFFERTY: As allowed under the Ordinance up to -- under 50 percent.

CONSTANTINE ALEXANDER: As a practical matter, if you have people with full size cars, more than -- these spaces are not going to be adequate for all six dwelling units possibly, depending upon who rents the units and what kind of cars they own.

ATTORNEY JAMES RAFFERTY: Well, that's potentially true, but that's a function of the language of the Ordinance.

CONSTANTINE ALEXANDER: True.

ATTORNEY JAMES RAFFERTY: The Ordinance provides for that. The layout -- I mean, the number of spaces are compliant. So we -- I was running out of room on the line for Special Permits, so I thought we'd just stop and not ask for another one.

CONSTANTINE ALEXANDER: What I'm trying to fumble toward is you could have asked for -- rather than the Special Permit so

you could have six parking spaces, you could have asked for I guess what would have been a Variance to have four parking spaces.

ATTORNEY JAMES RAFFERTY: No, that would be a Special Permit as well.

CONSTANTINE ALEXANDER: A Special Permit, too?

ATTORNEY JAMES RAFFERTY: Yeah.

CONSTANTINE ALEXANDER: And you wouldn't have to worry about the window issue. You choose this one.

ATTORNEY JAMES RAFFERTY: Right. So if we sought the Special Permit for reduction in parking, we wouldn't, we wouldn't park in that location and we wouldn't need the Special Permit for the window.

CONSTANTINE ALEXANDER: So you want to be able to advertise as the landlord that you have a parking space?

ATTORNEY JAMES RAFFERTY: No, we want to comply with the Ordinance.

ANDREA HICKEY: Or to be able to sell six units each with a parking space.

ATTORNEY JAMES RAFFERTY: Well, this is a rental

property. I don't think there's any expectation for sale here. But there's been a -- there's been a lot of discussion all over the city with regard to reduction of the required amount of parking.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: And in certain areas of the city the Ordinance has been changed, particularly in the Kendall Square area to reduce it. The lowest -- 0.75 in Kendall Square and elsewhere. I have found that the policy thinking on that and the neighborhood thinking are not particularly aligned. In that issues that attract -- you saw it in that Masse case you had.

CONSTANTINE ALEXANDER: Which case?

ATTORNEY JAMES RAFFERTY: Masse's. The corner of Walden and Garden Street, where people have very strong opinions about parking. And they criticize -- in some neighborhoods they criticize that it's only one. And you go there and they say and everyone has a visitor and everybody one has this, and we don't have enough parking. So it's -- so there was an opportunity here to meet the quantity requirement and still have the windows. I think the unit will be more liveable and a better unit

having the window, but with -- right, there was an election made to pursue the Special Permit to get the parking space in that location.

CONSTANTINE ALEXANDER: As Andrea was alluding to, I think that -- and there's nothing wrong with it, the decision was driven by economics. The units are more valuable as a rental if you can offer a parking space.

ATTORNEY JAMES RAFFERTY: Well, I mean I suppose that's a reasonable, you know consequence of that.

CONSTANTINE ALEXANDER: I didn't say it was wrong. I just said --

ATTORNEY JAMES RAFFERTY: No, but that's somewhat speculative.

CONSTANTINE ALEXANDER: To be sure.

ATTORNEY JAMES RAFFERTY: But I'm not saying that it's, you know, not fact based. I think -- I would say this: I mean I think that the location of the parking space was examined closely to see whether or not what impact it would have on the dwelling space itself. The reality is in lots of these properties, and particularly this neighborhood, the current

condition on the parking lot is -- there is a garage there that no one parks in because it's practically falling down. There are cars -- the one car that's there, parks in this location now. I mean, the porch isn't there. So there is parking occurring just because of the way that the place is paved. So it's -- it was a decision that we could make it conforming parking. I don't even know whether parking is included in the rent or whether --

MUIREANN GLENMULLEN: No, it's not. No.

CONSTANTINE ALEXANDER: So you're going to pay separate -- charge the tenants separate -- additional rent for the parking space?

MUIREANN GLENMULLEN: That tends to be what people want now. Because they say I don't want to be paying for parking, can you bring the rent down this much? And that is much more typical in my experience the last five years than otherwise.

JANET GREEN: Is there parking on the street? Is there a lot of parking around that area?

MUIREANN GLENMULLEN: There is parking on the street.

ATTORNEY JAMES RAFFERTY: Yeah. There's resident

parking.

JANET GREEN: Some places the resident parking's been removed in some places.

ATTORNEY JAMES RAFFERTY: Right. The one thing about that location is within a block you're into Somerville. So while there is -- so on Dover Street you say well, it's a good long block. It runs into Davis Square. I'm trying to remember, I guess it's Orchard Street. Orchard Street cuts across.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY JAMES RAFFERTY: And in that location it's probably even before Orchard Street that you're into Somerville. So you couldn't get a Somerville resident sticker if you lived in this location.

CONSTANTINE ALEXANDER: But the commercial uses, as Mr. Rafferty points out on Mass. Ave., and if people want to patronize the business, they might go on Dover Street to park. And take their chances if they don't have a residential parking sticker. It's a very tight area from a parking point of view. And I don't see -- with the relief you're seeking it's going to make it any better. I'm not sure it's going to make it any worse

either, except for the people living in the building, having a car within five feet of the window. That's going to be their choice when they rent the apartment.

ATTORNEY JAMES RAFFERTY: Right. I mean, I think people will go into that knowingly. But, you know, the Ordinance I think -- I think the requirement around the parking space obviously has to do with -- you know, ironically, that restriction exempts one, two and three-family houses.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: So you think well, if it's about the health and welfare of the occupant, we seem to have a different standard for occupants of one and two and three-family houses can have vehicles parked next to them.

CONSTANTINE ALEXANDER: That's the recognition of the age of the City Cambridge and the age of one, two, and three-family structures. They were there before the zoning came in, and to subject them to this, will probably cause a lot of issues for the people who own those buildings or when they go to sell them, so that's my guess.

ATTORNEY JAMES RAFFERTY: Well, not really. Because any structure built before 1961 wouldn't be subject to it anyhow.

CONSTANTINE ALEXANDER: No.

ATTORNEY JAMES RAFFERTY: So if you were to build a three-family house --

CONSTANTINE ALEXANDER: Oh, build a three-family house, you're absolutely right.

ATTORNEY JAMES RAFFERTY: Yeah.

CONSTANTINE ALEXANDER: I think with most cases, you know, people who have a three-family house, a triple decker that they've had for years, and then -- anyway, we're all set.

ATTORNEY JAMES RAFFERTY: Anyway, I understand. But there is that, there is that thing.

CONSTANTINE ALEXANDER: And the third parking relief?

ATTORNEY JAMES RAFFERTY: I said there were three. So it's the location of the driveway. It's the location of that parking space.

CONSTANTINE ALEXANDER: The window.

ATTORNEY JAMES RAFFERTY: The window. But on

parking we did A, B, and G. Let me see why. Why we did G.

CONSTANTINE ALEXANDER: Driveway within five feet of the side property.

ATTORNEY JAMES RAFFERTY: Oh, that's the third one. Okay. Yes, that's what it is.

So it's three under Article 6, two related to parking, one related to the driveway.

So we could walk you through the plans if you're interested. Identify the locations of the dormers. As I said the dormers are --

CONSTANTINE ALEXANDER: The dormers, I think, it's up to other members of the Board. I don't need to see the dormers.

ATTORNEY JAMES RAFFERTY: Okay.

CONSTANTINE ALEXANDER: I take it your dimensional form speaks for itself.

ATTORNEY JAMES RAFFERTY: Right.

CONSTANTINE ALEXANDER: And you're not going to go over the 25 percent.

ATTORNEY JAMES RAFFERTY: Right. We did take some

photos of the --

CONSTANTINE ALEXANDER: Anyway, do other members
of the Board want to --

ANDREA HICKEY: No.

CONSTANTINE ALEXANDER: I guess not.

ATTORNEY JAMES RAFFERTY: It may be of value,
because if you look at the language of the criteria in Article 2 with regard
to this basement Special Permit, if I may be permitted to just reference it.
It says --

CONSTANTINE ALEXANDER: I have it right here.

ATTORNEY JAMES RAFFERTY: There's a sentence. It's
the second sentence under that.

CONSTANTINE ALEXANDER: Provided the permit granting
authority finds that the uses occupying such exempted GFA support the
character of the neighborhood or district in which the applicable lot is
located.

ATTORNEY JAMES RAFFERTY: Right.

CONSTANTINE ALEXANDER: That's it.

ATTORNEY JAMES RAFFERTY: These are the properties across the street from us, the residential properties, that are similar density of ours. I mean ours is in the Residence B. We have commercial abutters. This is -- the point being that there are multi-family buildings all around us. And there's a lot of -- this is on the other side of our fence. This is the commercial lot at 7-Eleven. You can see -- and so, so it's a very mixed use district. We're in a business district. We're located within a business district. The other residential structures in the business district are multi-family type structures. So it comes down to this additional 450 square feet. And if you look at the floor plans, we can see -- the result would mean a smaller unit as noted by Ms. Speakman. The effect would be the loss of a bedroom.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: And it seemed impractical. And this is the relationship along the right of way that we're showing. So it's not the most domesticated driveway that one would encounter. So I think that speaks to the relationship, the setback issue, as well as the fact that the -- what's that line they use?

CONSTANTINE ALEXANDER: You looking for the language --

ATTORNEY JAMES RAFFERTY: The character of the neighborhood in which the lot is located. So the neighborhood is mixed. The immediate surroundings are quite commercial, and multi-family in orientation. So it's for those reasons we would suggest that the applicant meets the criteria in the Ordinance to justify the issuance of the Special Permit. And then there are the typical Special Permit, the so-called generic findings, which essentially as we know is the impact on surrounding uses and the compatibility of that.

CONSTANTINE ALEXANDER: Right.

Well, regard to the GFA, I mean personally speaking, this is not the most desirable development project I've seen on this Board. And it's, and it's in a tough neighborhood in terms of the area, and this is not going to help things. But if we were to deny relief on the GFA, all we would do is cause one bedroom to be lost.

ATTORNEY JAMES RAFFERTY: And an apartment would become a studio.

CONSTANTINE ALEXANDER: Right. That's not going to make things any better in the neighborhood I don't think. So speaking for myself, I don't have a problem with the Special Permit with regard to the GFA.

ATTORNEY JAMES RAFFERTY: Thank you.

Well, I think that covers the issue and hopefully we've provided supporting rationale for the relief we're seeking both under the criteria in Section 2 as well as the criteria under Article 6 with regard to the parking.

CONSTANTINE ALEXANDER: Questions from members of the Board?

JANET GREEN: I have no questions.

ANDREA HICKEY: No.

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

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

Mr. Brandon. He's behind me. He always wants to go last, Mr. Rafferty.

So if he wants to speak, Mr. Brandon would defer to this other gentleman.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Is this in relation to the property on Dover Street?

ATTORNEY JAMES RAFFERTY: Yes. She's asking if this case is about Dover Street.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I just happened to come in late from work. I'm actually the next house over from that.

ATTORNEY JAMES RAFFERTY: Okay.

CONSTANTINE ALEXANDER: Sir, if you give your name and address to the stenographer if you're going to speak.

ATTORNEY BENNET HEART: Hi. I'm Bennet Heart, attorney, at Noble, Wickersham, and Heart on Mount Auburn Street here in Cambridge. I'm here on behalf of -- excuse me, Gap Cambridge Investments, LLC. And what I'd like to do is just read a letter of support that we wrote today with regard to this project. Actually, the letter -- I apologize.

CONSTANTINE ALEXANDER: I have the letter. I can read it into the record if you want.

ATTORNEY BENNET HEART: I'll read it.

CONSTANTINE ALEXANDER: It's up to you.

ATTORNEY BENNET HEART: Since I'm standing up.

CONSTANTINE ALEXANDER: You're going to have to
pronounce correctly the name of the manager --

ATTORNEY BENNET HEART: I'll do my best.

CONSTANTINE ALEXANDER: Athanasia Papademetriou.

ATTORNEY BENNET HEART: So here's our letter. And
this is from Gap Cambridge Investments, LLC. (Reading) Dear Board
Members, Gap Cambridge Investments, LLC owns property abutting the
subject property. We own the commercial building at 2255-2267
Massachusetts Avenue. We have reviewed the Special Permit
application and discussed the project with the project owner and counsel.
We write to formally support the project and request that the Board grant
the applicant's request for a Special Permit for the reasons set forth in the
applicant's application. Sincerely, Athanasia Papademetriou.

CONSTANTINE ALEXANDER: Thank you. Anyone else
before Mr. Brandon speaks?

MEGON BARROW ZELLINO: I guess.

CONSTANTINE ALEXANDER: Ma'am, yes.

MEGON BARROW ZELLINO: This is all new to me. So
bear with me, I don't know --

CONSTANTINE ALEXANDER: Sure. But you have to
come forward and give your name and address to the stenographer,
please.

MEGON BARROW ZELLINO: Sure, sure.

CONSTANTINE ALEXANDER: And you don't have to
apologize this being all new to you. It's most people.

MEGON BARROW ZELLINO: New home owner. It's
Megon, M-E-G-O-N.

CONSTANTINE ALEXANDER: Just speak up a little bit.
Get to the mic.

JANET GREEN: And you have to put it right up to your
mouth.

MEGON BARROW ZELLINO: Oh, good lord.

JANET GREEN: You'll hear it.

MEGON BARROW ZELLINO: So it's Megon Barrow,
B-A-R-R-O-W Zellino, Z-E-L-L-I-N-O, I'm just mesmerized at the fact that
she's typing.

So, yeah, we're the neighbor right next-door to 10 Dover
Street. Oh, I know you. Yeah.

And so, we -- my only concern, the only reason I felt like I
needed to be here is because at one point there was work being done on
the third floor, they were creating like a --

MUIREANN GLENMULLEN: Yes, dormer.

MEGON BARROW ZELLINO: Yes, dormer. And prior to
that there was pieces of ceiling that was falling off, slate that was falling
off, and we had no one to complain to about it because it falls directly into
our driveway. And at that time I was pregnant, and I had my baby since,
and it was scary because I was afraid to even pass by there. And that
was our main route from the backyard out to the front, that a slate is
gonna fall down and hit us on the head. Directly after that there was work
being done on the dormer, no one contacted us as far as I knew. No one
gave us any notice that there was work being done. And our driveway

was blocked for a couple of days with workmen with their ladders in our driveway. No, no notice of any kind. No consideration that we should be told in advance. So I was really, you know, perturbed by this obviously. And my husband and I thought well, you know, we should at least find out what's going on now that we saw that there's more work planning to be done. And until now I've just received a letter in the mail stating that we can call and talk to the person in charge of the project. But I would like to know more about how that's going to impact our driveway. Because it's directly over our driveway that --

CONSTANTINE ALEXANDER: Were you able to hear Mr. Rafferty's presentation for the driveway?

MEGON BARROW ZELLINO: I'm sorry, no, I might have been out.

MUIREANN GLENMULLEN: I think you're on the other driveway. She's on the other side.

MEGON BARROW ZELLINO: On the opposite side. I think he's talking about the side of the 7-Eleven?

MUIREANN GLENMULLEN: No, Mass. Ave. Side.

MEGON BARROW ZELLINO: Yeah, that's my main concern is that if there is major work gonna be done based on the description that's posted outside, we would like to know directly how that's going to affect our property and our access to our driveway.

CONSTANTINE ALEXANDER: That's not strictly part of this zoning case, but it would behoove you to let --

MUIREANN GLENMULLEN: No question. And I'm terribly sorry. I left it with the contractor. I was away. The contractor was supposed to be in touch with everybody.

MEGON BARROW ZELLINO: Yeah. The contractor spoke very little English, and whoever was there had no idea. I had such a hard time communicating to them, that please, you cannot block the driveway. And to find someone to move the truck was another issue, because the men who were there were up on the ladder all hooked up and spoke no English.

CONSTANTINE ALEXANDER: Do you know how to get in touch with her?

MUIREANN GLENMULLEN: Well, we will.

MEGON BARROW ZELLINO: Yes, we will need to exchange --

CONSTANTINE ALEXANDER: And if you're having problems and you're not getting to your satisfaction, you should contact the Inspectional Services Department and they will do what they can do about this. But that's not strictly part of our zoning case as you understand. But as a neighbor, you're entitled to be treated decently.

MUIREANN GLENMULLEN: Yeah, absolutely. I mean, I did drop letters to all of your mailboxes that I was requesting this. Did you -- your name doesn't -- so it was three condos.

MEGON BARROW ZELLINO: Yeah.

MUIREANN GLENMULLEN: To talk about this. I offered to meet and discuss the plans. But if you --

JANET GREEN: I don't think other people can hear you at all.

MUIREANN GLENMULLEN: I did drop letters off --

CONSTANTINE ALEXANDER: Speak closer to the mic.

MUIREANN GLENMULLEN: I did drop letters off to each of

the units next-door suggesting that we get together and I didn't hear back.

On the dormer that was done, all I can do is apologize and promise nothing like that will happen again. And I will go over the plans and give you the names and work out a protocol for managing things safely and properly.

MEGON BARROW ZELLINO: That would be lovely, yeah.

MUIREANN GLENMULLEN: That's essentially it. I'm sorry.

MEGON BARROW ZELLINO: The dormer goes like -- looks directly into our bedroom. I mean that has nothing to do with all of this. But I would have liked to have known in advance that was happening.

MUIREANN GLENMULLEN: Well, I really apologize. I never intentionally -- I'm sorry, and we'll improve.

MEGON BARROW ZELLINO: And that's it.

CONSTANTINE ALEXANDER: Well, thank you for taking the time to come down. And hopefully things will be better going forward.

MEGON BARROW ZELLINO: Thanks for listening. Yes.

CONSTANTINE ALEXANDER: And again, there is recourse, not to this Board but there is to the Inspectional Services Department and

to other city agencies. But I think the petitioner would be responsible now.

ATTORNEY JAMES RAFFERTY: We'll give you information tonight. We won't hold up the hearing.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard on this matter?

Mr. Brandon.

MICHAEL BRANDON: Good evening. I'm Michael Brandon, 27 Seven Pines Avenue. I'm the clerk for the North Cambridge Stabilization Committee, the neighborhood organization. And unfortunately we didn't have a chance to have the project presented to our group, but I did review the plans on-line and had a few comments that I shared with Mr. Rafferty by e-mail.

One concern was there are a couple of mature trees at the back of the property and we were concerned that they be protected during the demolition and preserved when the parking lot is created, and he assured me that indeed is the case, that the trees will remain and be guarded. So -- just so that's reflected in the record.

The --

CONSTANTINE ALEXANDER: Well, it won't be part of our decision. If you have your own private agreement with the petitioner, that's fine.

MICHAEL BRANDON: Well, I think the plans -- as I interpret the plans, it shows the tree canopy area --

CONSTANTINE ALEXANDER: If we grant relief, it will be based on the plans.

MICHAEL BRANDON: Based on what's shown there.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: Not to interrupt, but just a point of factual accuracy. What I said was, I checked with Ms. Glenmullen, there are no mature trees being disturbed because the mature tree that appears in the photo is on the abutting property. It is not on this property. So obviously we're not going to be doing anything -- the applicant will not be doing anything to that tree.

Here's the rear photos. I'm assuming you're referring to that tree. We don't have any mature trees.

MICHAEL BRANDON: I wonder if I was looking at the -- what I looked at -- maybe I was looking at the wrong side of the street?

ATTORNEY JAMES RAFFERTY: That wouldn't be the first time, Michael.

MICHAEL BRANDON: No. We both make mistakes. But, anyway, what I thought was a lot of foliage in a Google overshoot.

ATTORNEY JAMES RAFFERTY: In fairness, you do see it between the properties. But my point is it's on that property and not ours.

MICHAEL BRANDON: Okay. And I thought there were two kind of shown nearby. Perhaps not on the lot, but as long as no trees --

MEGON BARROW ZELLINO: Can I see the photo of that?

MICHAEL BRANDON: Sure.

(Discussion held at the table.)

MEGON BARROW ZELLINO: Yeah, there are two trees over there. There's one actually on the fence line that I can assume was the parking garage or something on your property. It's on your side, yeah, yeah. This one is. That one is ours.

MUIREANN GLENMULLEN: I see.

MICHAEL BRANDON: Has the garage been taken down yet?

MUIREANN GLENMULLEN: No.

MEGON BARROW ZELLINO: It's attached to the garage.

CONSTANTINE ALEXANDER: Please, no colloquy. Finish your comments, Mr. Brandon.

MICHAEL BRANDON: Sorry.

So that's just it, that if the plans showed the trees remaining, that indeed that you make sure that they're not damaged. You know, and that would be the roots, too, if you're excavating to put pavement down.

MUIREANN GLENMULLEN: Right.

MICHAEL BRANDON: Another question that I had looking at the plans was what provisions are being made for bicycle parking?

CONSTANTINE ALEXANDER: Well, let me ask Mr. Rafferty, do you have any requirement to provide bicycle parking under the Zoning Ordinance? If you do, and they don't have bicycle parking, you can file a complaint.

ATTORNEY JAMES RAFFERTY: Well, we won't get the building permit without it. I'm trying to recollect what the trigger is on bicycle parking in terms of number of units.

KELLY SPEAKMAN: I believe it's three.

ATTORNEY JAMES RAFFERTY: Okay.

KELLY SPEAKMAN: I think.

ATTORNEY JAMES RAFFERTY: So we probably do need to accommodate for bicycles.

CONSTANTINE ALEXANDER: Anyway, we can't resolve that tonight. If you do need relief, that's another hearing, not tonight, because you haven't advertised it.

ATTORNEY JAMES RAFFERTY: Right, right, and we wouldn't seek it. We'd find a place to locate the bicycles.

CONSTANTINE ALEXANDER: It's for another day that's all I'm saying.

ATTORNEY JAMES RAFFERTY: That's a good point. So we should follow up.

MICHAEL BRANDON: And I guess I would suggest that you

consider continuing --

CONSTANTINE ALEXANDER: No, no, no. I'm not going to continue the case for this. That's a whole new issue. We can't continue -- he hasn't advertised -- if he needs a relief regarding bike --

MICHAEL BRANDON: Well, it would be re-advertise -- I guess you can do it separately, but I don't know why the Board would approve what --

CONSTANTINE ALEXANDER: That's their problem, not ours. If we approve it and they need further zoning relief, they'll have to file another petition.

MICHAEL BRANDON: Okay.

CONSTANTINE ALEXANDER: Period, end of story.

MICHAEL BRANDON: And possibly change what you're approving?

CONSTANTINE ALEXANDER: They'll have to come back.

MICHAEL BRANDON: Okay. And I would just say generally that my sense is that -- I mean, part -- the BA-2 Zone directly abuts a Residence B Zone. So the nature of the adjoining neighborhood,

you know, although it's a different set of regulations, you know, I think the Board in reviewing the criteria, could factor that in. And in my view, this is proposing too dense of a property at that location and especially the parking lot plan is too cramped, and they're seeking relief under so many provisions that you're gonna have more cars going in and out. You know, so I understand that the, you know, it's pre-existing, but it wasn't pre-existing as a six-unit with a narrow driveway and loading needing to be done on one side. So those are my comments.

CONSTANTINE ALEXANDER: Okay.

MICHAEL BRANDON: Thank you for your consideration.

CONSTANTINE ALEXANDER: Thank you, Mr. Brandon, as always.

Anyone else wishes to be heard in this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We have no written correspondence other than what you summarized or read to us in your comments, sir.

Any final demands?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: I'll close public testimony.

We've all heard there's various forms of relief being sought, all of which are Special Permits; three relating to parking, one relating to the excavation of the basement area, and the last one being adding of dormers which have been described as conforming dormers, basically a conforming addition to a non-conforming structure.

ATTORNEY JAMES RAFFERTY: Just to be clear, it doesn't involve excavation. The basement area is already there.

CONSTANTINE ALEXANDER: Okay, thank you.

ATTORNEY JAMES RAFFERTY: This would be the classification of it.

CONSTANTINE ALEXANDER: The classification of it as not being a gross floor area.

ATTORNEY JAMES RAFFERTY: 450 square feet of it being excluded from the definition of GFA.

CONSTANTINE ALEXANDER: Right.

Any thoughts? People have comments? All right, I can just

make a motion for relief.

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: Brendan, you look like you're ready to say something.

BRENDAN SULLIVAN: Well, my only comment is if it was a residential district it has a different light on it of a different color, but it isn't. And consequently the bar is a lot higher, it's wider, and it allows for this. And I think, yeah, the backyard is unfortunate that it's packed but it's a Business A.

CONSTANTINE ALEXANDER: In that sort of sense it's another version of my comment, too. To me it's not the most desirable project in the world, but the relief is being sought. And given the fact how it's zoned and the nature of surrounding area, I'm prepared to support granting relief. Anybody else?

Now the fun part is try to frame a motion or motions.

Okay. The Chair moves that with regard to the various relief being sought -- let me start with the so-called Barrett Amendment issue. The computation of gross floor area.

The Chair moves that we grant the Special Permit to allow the excavation of the basement as identified --

KELLY SPEAKMAN: Just for clarification, the basement's not being excavated, but it's a two-family now, but when you convert now to more than a two-family, you're required to count the basement as GFA. So we're counting a portion of it and we're looking to get the part that's over the 25 percent.

CONSTANTINE ALEXANDER: I've been blowing this all night, but you're right.

KELLY SPEAKMAN: (Inaudible.)

ATTORNEY JAMES RAFFERTY: The point is, in its current configuration as a two-family house, the basement is excluded from the definition of GFA.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: So the Special Permit, because it's -- that as-of-right exclusion only applies to one and two-family houses. So since this is more than a two-family house, we need the Special Permit for -- to allow for 450 square feet of an existing basement

to remain as exempted from GFA.

CONSTANTINE ALEXANDER: And the section of the Ordinance that allows us to make that finding?

ATTORNEY JAMES RAFFERTY: It's only expressed in the definition in Article 2.

CONSTANTINE ALEXANDER: Right, which I have in front of me. I don't see any -- I'm looking for the one and two-family. It says any basement or cellar living space in any other type of structure with the issuance of --

ATTORNEY JAMES RAFFERTY: Read 15.

CONSTANTINE ALEXANDER: Okay. That says -- I get it now. 15 is it's now excluded.

ATTORNEY JAMES RAFFERTY: It's currently excluded because it's a two-family.

CONSTANTINE ALEXANDER: You want to broad --

ATTORNEY JAMES RAFFERTY: No, we want to continue the exclusion.

CONSTANTINE ALEXANDER: I know. Okay, you want to

continue the exclusion. But you're not relying on 16?

ATTORNEY JAMES RAFFERTY: Yes, we are for 450 square feet.

CONSTANTINE ALEXANDER: We're going ships passing in the night. That's what I meant to say. Okay.

ATTORNEY JAMES RAFFERTY: Okay. I think we're saying the same thing.

CONSTANTINE ALEXANDER: Okay, with regard to that, we have to make a finding that what -- the uses occupying such exempted GFA, which is going to be the additional space in the basement, support the character of the neighborhood or district in which the applicable lot is located.

I move that we make that finding. We have to make further findings generally with regard to a Special Permit. But get this one out of the way. I move we make that finding.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. That's been

done.

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

CONSTANTINE ALEXANDER: Okay, now we have -- we're going to have -- I'm going to have one omnibus dealing with, as you point, the general Special Permit rules, I'm going to apply to all of the varied Special Permits we've been granting. I don't want to do it five, six times over.

So the second is regard with the dormer which is basically a conforming addition to a non-conforming structure. That the petitioner satisfies the criteria of the Special Permit which they're entitled to seek for the reasons I will get to in a short while.

Everybody in favor of that?

(All Members of the Board in Agreement.)

CONSTANTINE ALEXANDER: And then with regard to the parking, Mr. Rafferty identified three different parking relief, all Special Permit. Location close to a window, the driveway, and the -- anyway, the third one that's in the application. Rear parking within ten feet of a building wall containing windows, that's one.

Allow for a driveway within five feet of the side property line.

And those are the Special Permits with regard to parking.

ATTORNEY JAMES RAFFERTY: Correct.

CONSTANTINE ALEXANDER: Okay, so on the basis -- now, we've got to make general findings under our Ordinance with regard to the Special Permit, all of these Special Permit reliefs being sought.

And the first finding is that requirements of the Ordinance cannot be met without the Special Permits, plural, that are being sought.

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

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

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

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

So on the basis of all of these findings, the Chair moves that we grant the Special Permits requested on the condition that the work proceed in accordance with plans prepared by Boyes-Watson Architects, dated February 23, 2018, the first page of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(8:25 p.m.)

(Sitting Members BZA-015846-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case number -- this is a continued case that has been deferred until now and then I'll get to the rest of the regular agenda. Case No. 014099, 140-142 Prospect Street.

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

You're seeking a Variance to replace a two-family wood

structure with five units of townhouse.

PETER MARTIN: Correct.

THE STENOGRAPHER: Your name?

PETER MARTIN: I'm sorry. Peter Martin.

CONSTANTINE ALEXANDER: Before we get to the nature of the five units that you want to build, let's talk about the legal requirements for a Variance. You have to satisfy three requirements. The first -- and let me get out the statute. The first is that without relief, a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

The second is the hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting them, but not affecting generally the zoning district in which it is located. Tell me why you think you satisfy those requirements.

PETER MARTIN: Well, I think that the -- it's a unique site.

CONSTANTINE ALEXANDER: It's a two-family house on there right now.

PETER MARTIN: Okay. It's unique site on the very busy

road. It has a public right of way on the side and a right of way on the rear. It's overshadowed by a large structure that (inaudible).

CONSTANTINE ALEXANDER: Yeah, all of which is true.

It's descriptive. It doesn't explain there's a substantial hardship. What's the hardship? People have been living in those two-family structures on this busy street with the shading and all that for God knows how long.

PETER MARTIN: Well, I think Prospect Street has changed quite a bit since 1844 --

CONSTANTINE ALEXANDER: Yes.

PETER MARTIN: -- and continues to do so -- and I also think that the density in the area is probably a higher level than on that side.

CONSTANTINE ALEXANDER: Isn't this case about the property would be more valuable to you or your clients if there are five dwelling units on the property rather than the two that are there right now?

PETER MARTIN: I don't own the property. It's owned by the Islamic Society of Boston, and I'm an architect. And the reason for the development I'm told is that they are looking to have a source of income to help sustain --

CONSTANTINE ALEXANDER: Exactly.

PETER MARTIN: -- the mosque.

CONSTANTINE ALEXANDER: Understood. That's the financial hardship. But that's not one that qualifies for a Variance. That's my point. The law is abundantly clear in Massachusetts. That is not a financial hardship that justifies a granting of a Variance. It's got a hardship that runs with the land. That anybody that owns that land would have that hardship. And let me, and let me just read -- it's not just me talking. Let me give you an example. We had a case before us, the Fanning case, where a person wanted a Variance. We denied the Variance. This person took an appeal to the Land Court. The Land Court reversed our decision. The city appealed to the Appeals Court. The Appeals Court reversed the Land Court decision. And in the Fanning case, I'm going to read to you that decision. (Reading) It is well settled that hardship stemming from an owner's personal, financial, and even health difficulties rather than factors which affect the land itself are not valid bases for a Variance.

And they cite several cases.

Continuing...(reading) an inability to maximize if the theoretical potential of a parcel of land is not a hardship within the meaning of the zoning law.

And more cases are cited.

That's this case. And you're right in the middle of the law of Massachusetts that says you're not entitled to it -- not you, your client. Not entitled to a Variance. I don't -- to me it's an open and shut case without getting into the merits of the design or the like. But I don't know if other members of the Board feel the way that I do. But I don't see how we can grant relief. You just don't meet the requirements of a Variance. Legal requirements.

PETER MARTIN: Well, we've been through quite an extensive process with meeting with neighbors; Planning Board meetings, working with the Historic Commission.

CONSTANTINE ALEXANDER: I understand that.

PETER MARTIN: We're preserving the existing house that's in poor state of repair. So I think -- I would say that the city benefits -- I would say that the city would benefit from the development. One, that

we're preserving the house that's rundown or even proposing to rebuild a porch that was demolished. We're providing five usable homes which the existing building is not really up to what I would say modern day Building Code. The top floor in fact has ceilings that are under six-foot-six. So we're providing five homes in the town, in the city, and I'm saying that I think that from a broader perspective that would benefit Cambridge. And I think, again, at a much broader perspective, the mosque has a congregation I'm told of about 1500 people, 60 percent of which come from the Cambridge area. So it's a way of helping preserve an important institution in the city.

CONSTANTINE ALEXANDER: I'm not going to deny that creating additional living units is beneficial to the city, but that's for the City Council to decide when they draw up their Ordinance. And what they allow and what they don't allow. They've told us that you can't have these five -- it's a two-family now. You own the two-family. You fix it up if it's rundown, or you improve it. But you don't tear it down and build a five-unit apartment.

PETER MARTIN: We're not tearing it down. We're restoring

the existing house and building three town homes. We worked with the neighbors who are architects, Bruner-Cott I believe. They sent a letter of support.

We've worked with the Historic Commission. They were very supportive of what we were doing.

I understand what you're saying, but I think, you know, a member of the Planning Board made a comment the other night saying that sometimes the architect is wrong and sometimes the zoning is wrong. And I think from my professional standpoint, and I know it's self-serving, I think the zoning is probably not necessarily the best zoning for that site. Around the corner, but we have Saint Mary's gym, which is the large Victorian building. We have the Area 4 Youth Center, which is a larger structure. We have the eight stories with the J.F.K. building. And then we have the Saint Mary's school and Prospect Hill School, all of which are very large structures. This building is really an orphan, this building site. And I think that's why I say that I would say those things are -- as an urban designer and architect, I would say those are hardships. And I think that the zoning maybe could have been -- I see what you're saying. It could

have been more finely tuned to the existing sums. I believe the property that's next-door, which is affordable housing, they don't need relief I believe because it's affordable, but they -- I believe are overly density requirements of the zoning and setbacks. So I think it's probably the most Zoning Ordinances were developed in the 1840s which is what started planning acts as public health issues. If it's fine there, I think it's laudable that we build, you know, we give some relief for affordable housing. But I think --

CONSTANTINE ALEXANDER: This is not going to be affordable housing.

PETER MARTIN: Well, I say they rented but one unit. The one on the end will be used for the Imam and --

CONSTANTINE ALEXANDER: I'm sorry, the what?

PETER MARTIN: He's like the priest or the rabbi.

CONSTANTINE ALEXANDER: Oh, okay.

PETER MARTIN: So it's -- I would say it's important, building for the community. I understand what you're saying, but I think it's a unique situation. And I came in having attended a public meeting I think

for that design that you have in front of you, and I was asked after expressing great concerns, to help the Islamic Society come up with a scheme that would be more palatable to you. And then also more palatable to the community. So what you have is the project on your right. Not that one.

BRENDAN SULLIVAN: But you know, Peter, how is your presentation any different than anybody who owns a two-family house and comes down before us and says I would like to add to this, provide additional units so that I can provide additional income to myself or sell off some of the units so that I can enrich myself? You know, in simple terms. And so from where we sit, you know, and we say, well, that contradicts the zoning. And, you know --

PETER MARTIN: I understand. But I am saying it's -- I assume they're a non-profit organization, the mosque. And they're an important community asset. They're certainly important in our community. And they're not selling them off for profit. They're using at least four of them as income to help sustain, sustain the running of the mosque in the neighborhood.

CONSTANTINE ALEXANDER: It seems to me you're before the wrong body. Go to City Council and get the zoning changed, and get the zoning changed and then you don't need a Variance. But we have to deal with the Variance -- the Zoning Ordinance that the City Council has given us. And right now -- and it can only vary it, i.e. a Variance, if you meet the criterion I just read to you from. And I, again I'm only speaking for myself, I don't even see you being close to meeting the criterion.

I don't deny all the positives about it, about what's being proposed. And, you know, if I were the king and I could decide on my own without having to be guided by any laws, I might be persuaded. But I have to apply -- again, speaking for myself, I've got to apply the law that the state has given us and the city has given us. And to me they don't say you get a Variance. Well, I'm -- I don't mean to -- we should go on, because I'm only one of five votes. You need four out of five to get relief. Again, that's what the state law says. It's not a simple majority, it's a super majority.

PETER MARTIN: Okay.

CONSTANTINE ALEXANDER: By the way, why don't

you -- I'm sorry, why don't you go on and briefly perhaps go through the project you want to seek relief for.

BRENDAN SULLIVAN: Can I see the folder, Gus? The dimensional form more so than anything else. The dimensional folder if you would.

CONSTANTINE ALEXANDER: I'll give you the whole file, how's that?

PETER MARTIN: Well, as I said, I came in as a member of the community with a ten-unit, it then became an eight-unit, and I felt like it was responding to the conditions on the site or to the community, to what the community desired. I then, I having been asked to get involved, I finally did and instigated meetings with the immediate neighbor Bruner-Cott. I also then studied the seven units, six units. And much to the chagrin of the clients, I realized that ultimately to get decent accommodations and to keep parking out of its site, that five units would work, and five units would be what would be allowed by-right. But mainly with Bruner-Cott, they were concerned with the views from their offices. In fact, Bruner and Cott have just moved their non-profit offices

overlooking this site. So I had various schemes where I brought parking in and under and I felt that it was wrecking the site.

And so talking with them, I developed the project that you see now. And also working with Charlie Sullivan and Sarah Burkes at the Historic Commission, we decided that we would preserve the existing Greek Revival home, which is actually a very small scale home. It doesn't have the porch. It was ripped off, we don't know when. I did propose taking off the rear addition which was the part that was substandard. The floor levels are all over the place. And I say the ceiling -- the stairways up to the top floor you hit your head, it's under six feet. And the headroom and the ceilings are around 6.5 or 6.6. So the project was to keep the existing home facing the street, rebuild the porch. And proposing closing the porch because I don't think Prospect Street is a great street to sit out in your rocking chair saying hi to the neighbors. I enclosed that, which is customary often and given a near classical treatment.

And then at the back of the site I did the -- I didn't do the kind of extrusion that you had in the previous schemes. I did a gable screen

with gables facing Bruner-Cott in order to give them views through, and I also kept the bulk of the building down. And I believe compared to the Just-A-Start development, which is pretty successful, I think -- the bulk of this is actually looks successful in terms of keeping the scale down. So you're seeing the Greek Revival has a ten-foot addition on the back, which I refer to as a kind of a life support unit in order to get the stairs in. And the bathrooms, you had to go in there. They had to go in there. And then we start with 18-foot wide townhouses that stagger up the site in conformance with the fact that the site is not exactly 90 degrees.

The parking at the rear is where the parking is now.

Currently they're parking six cars. We have five cars parking on the back, on the Scouting Way. Scouting Way as everybody may or may know, that backs onto the park, onto the basketball court and Sennott Park. This project, I did a modified plan for the city urban design. I don't know whether you have this. The urban designer who asked for a number of things.

CONSTANTINE ALEXANDER: If it's been filed, we have it.

PETER MARTIN: Well, I put these in a week ago as well.

CONSTANTINE ALEXANDER: It must be in the files.

PETER MARTIN: So, anyway, they wanted to know what was going on. So relocating AC units. Bruner-Cott were interested in that. Trash cans, we can even put bike racks on here, I'm sure. And then also delineating where there would be some open space. It doesn't meet the 15-by-15 requirement, but actually these could be used for somebody to go out and have a meal. And in fact, those garden areas open out onto the 15-foot rights of way part of which used to belong to this property apparently in 1902.

So then we have two-and-a-half story townhouses on the back. One, two, three.

CONSTANTINE ALEXANDER: Let me say I think the plans that you're presenting tonight are far superior than the plans that were submitted originally.

PETER MARTIN: Well, it makes --

CONSTANTINE ALEXANDER: I congratulate you.

PETER MARTIN: Yeah.

CONSTANTINE ALEXANDER: But, again --

PETER MARTIN: But, again, this is the view of Bruner-Cott where we modified and manipulated and massaged the roof lines to give Leland, Cott, and Bruner views.

CONSTANTINE ALEXANDER: Right now the zoning, floor area ratio which is an important measure or density, not supposed to be more than 0.75.

PETER MARTIN: I understand.

CONSTANTINE ALEXANDER: Today it's a two-family is 0.47, in conformity. Your plans will bring it up to 1.243, which is 50 percent over what our Ordinance says is permitted. And then you have setback issues and other issues, open space.

PETER MARTIN: I understand. As I said, I think, if I were to -- if you asked me about -- of course, I'm biased. I think it's great. No, but if the, if one were to say is this going to be to the detriment as all of the neighborhood, I would argue strongly that no, because the building next-door is longer, it's higher. The Just-A-Start development, they don't really have defying -- they may statistically meet the open space requirements, but there's a public right of way. They don't have a lot of

designated space. And also we do have -- with the reference to that part of the zoning, is we have a partner by -- I think the bulk is handled, you know, quite well. And I live nearby and walk by and I think generally this would be less intrusive than the development that Just-A-Start put there I know 13 years ago. I mean, I understand what you're saying. I'm saying, if you ask me -- you say if you were the king, if I was God or President these days, and I can be both. But it's, it's -- I think this benefits, it would benefit community. We're not supporting an event, it's not a developer, but it's for community use. It's sustaining a very important and growing religious institution. And I know that that's outside of the law, although try telling the people giving parking tickets. They seem to not give tickets to people from the mosque or the synagogue on that street. But we're providing five, three-bedroom homes. And that's, that's I think significant. I read. I'm a planner. And I look at the news. There's a great shortage of decent homes.

CONSTANTINE ALEXANDER: No question.

PETER MARTIN: And I think that this -- I know what you're saying about changing the rules or the law, but that's, you know, that's not

why I'm here.

BRENDAN SULLIVAN: Let me get into the nature of it. So you're providing five, three-bedroom units?

PETER MARTIN: Yes.

BRENDAN SULLIVAN: Now, are these going to be condos or they going to be rentals?

PETER MARTIN: Rentals. Excuse me, one would be for the Imam.

BRENDAN SULLIVAN: I'm looking for a public benefit here other than your opening statement which, you know, that it would be a source of income. So they will be rentals. Market rate?

PETER MARTIN: I'm not in charge of the rentals.

BRENDAN SULLIVAN: Now see those are kind of key questions I would like the answer to. I think it puts a different light on it if it was going to be affordable housing.

CONSTANTINE ALEXANDER: That's different.

BRENDAN SULLIVAN: Then market rate --

CONSTANTINE ALEXANDER: But we've heard they're

looking to produce income. So, therefore, it's not likely to be affordable housing which would be a reduced rate.

ANDREA HICKEY: Right, but they are family-size units which we in the city are in need of, whether affordable or not.

PETER MARTIN: I think one will be for the Imam. I don't think there will be income coming from that.

CONSTANTINE ALEXANDER: No, not from that property.

Further comments at this point?

JANET GREEN: I have a comment. You know, I do think that -- you know, one of the reasons that we have the Zoning Board, the committee for people to come and seek a Variance for something that's outside what the regulations are, and then it comes to the job of this Board to decide whether we think there are situations that override the letter of the Ordinance. We have to look at the kinds of things that we can say are reasons for giving a Variance. But I do feel that this area has changed quite a bit and that the, the nature of the street is such that I think the comment was -- that was made at the Planning Board was that maybe the -- maybe the city hasn't quite caught up with where it is.

CONSTANTINE ALEXANDER: Right.

JANET GREEN: But this is a benefit to the city, I think, to have this building be in support actually and be an opportunity to support an institution in the city that I think is beneficial for the city. I think it has the support of the neighbors. I think it has the support of the Historic Commission for the kind of project that they're thinking of doing. So I guess I think it's a community asset in a way that we really should pay extra attention to.

CONSTANTINE ALEXANDER: My only view on that is, and I think we do pay attention to generally. There's got to be something to hang your hat on. It's just not the public policy, this is a good thing for the city. That's not our job as a Zoning Board. Planning Boards make those decisions. Historical and other boards. But we have to deal with the Ordinance that the City Council has given to us and we've got to deal with the legal standard that the Commonwealth of Massachusetts and the City in this Ordinance, have said this is the only way you can change the Ordinance. And I don't see it. I mean, there's a substantial amount of departure from our zoning that's being requested, and at the end of the

day it's to create five units, three bedroom to be sure. But, you know, if we granted zoning relief every time someone wants to add some more dwelling units, that may be a good thing for the city, but the City Council has got to change the Ordinance. We're not here to change the Ordinance. We enforce the Ordinance that is given to us by the City Council. What they do all the time, frankly, and this is on the record, is they punt. They don't want to change the Ordinance, and they expect us to bend the law, ignore the law, to grant relief. And I, I for one can't do that. But I'm only one of five.

LAURA WERNICK: So what is the pathway for the City Council to change the -- can they change a specific lot zoning --

CONSTANTINE ALEXANDER: Well, it's tricky because it's called spot zoning.

LAURA WERNICK: Spot zoning.

CONSTANTINE ALEXANDER: But there are ways of changing -- all of Prospect Street would be rezoning, and this wouldn't be spot zoning. They could do more than just this one lot in question I would think.

ANDREA HICKEY: Yeah. My comment was going to be that I agree with everything that Mrs. Green said, but I come back to hardship which we really must find. It's not optional. We must find hardship. And I'm very much willing and interested to hear the petitioner if there's anything else you could offer to sort of help us on that part of what we need to have to show here.

PETER MARTIN: I would say the hardship is that Prospect Street has changed. It's a major thoroughfare. And there's a very active public park at the back of the building. And there's also a very large -- there's one side of this house maybe gets sun, you know, it's obscured by surrounding buildings. And I don't -- yeah, those, I would say were hardships. It's a public right of way. A public -- people don't realize that people put that on the other side. These people can construe as hardships. But the main one for me is Prospect Street is not a country, a cow path is a term they use here. It's a major thoroughfare, and there's traffic rumbling by, you know, nonstop until probably eleven, twelve o'clock at night. So the zoning is almost what I would -- it's almost like suburban zoning. And I think I -- as I said, I feel that this site is

unique as was shown by Just-A-Start. They didn't conform, and as I said earlier, if there's no hardship there, then I know there's a benefit, which is, you know, affordable housing which is great. But I would say here there's also a benefit to the community. Just a different community. So that's what I --

LAURA WERNICK: The hardship is the current zoning.

PETER MARTIN: Well --

LAURA WERNICK: I don't mean to be --

PETER MARTIN: Facetious?

LAURA WERNICK: -- facetious about it. But in a sense the zoning --

PETER MARTIN: It is, they made an argument and drew a line on the map. And it seems to me that if you have a site that's next to a 65-foot brick building that's been there for 100 years, somebody should have figured -- I mean I have a written Zoning Ordinances in other cities, and you probably would think it would be considered. It's -- it's not -- the public process is not brilliant I found over the years in Cambridge having been to meetings and people are not aware of what's going on when these

public meetings are called, that are created to change the zoning. And obviously this owner wouldn't have had a clue in any case about that. So the hardship I think is just that it's not a suburban site. It's very dense -- and I walk to get the bus to go where I teach, and I walk on Essex Street on the way back. And I look at the view on Essex Street, it's very, very dense, with the school, Area 4 Youth Center, the J.F.K. buildings. And you go around the corner on Scouting Way and suddenly you have this delapidated Greek Revival house. It's not even a fine scale. I mean it's tough to do much with that Greek Revival house without adding to it. And my approach was to kind of to keep the scale down.

LAURA WERNICK: So I wonder, I mean it's kind of a -- if there is a hardship in that it is a historic house that the city would prefer to have preserved, and by that -- trying to preserve that existing historic home sets a hardship on-site.

ANDREA HICKEY: But it can be preserved as a two-unit structure.

CONSTANTINE ALEXANDER: Yeah. They want a five-unit structure.

PETER MARTIN: It's question of cost effectiveness. I mean the kind of restoration we're talking about here, is we could just do the redo the vinyl siding and not bother with the porch. But we're looking to recreate the Greek Revival detail. Obviously we would work with the Historic Commission. I would classify that as a hardship, in fact. And I think it's a great benefit to the city along that street to have a house that's, that has some amount of preservation to it. And that's going to cost them money to do, or it would cost anybody to do. And I don't mean to imply in any way people are blackmailing anybody. I think they would want to do that anyway. They would want to do the right thing. They want to do the right thing to preserve that. They want to do the right thing to sustain the mosque, and do the right thing to provide housing. There's a major shortage. You know, my son is coming back from Japan after five years with his family in about a week and a half, and there's no way there are even houses for sale in this town. And I think that we will have -- we all have a responsibility to build -- to try and build when it's -- when things are well designed. And, again, that sounds arrogant. There are plenty of designers that can do great design, but I think as I say, it's the zoning

that --

CONSTANTINE ALEXANDER: That's the hardship.

LAURA WERNICK: Well, I mean you can say it's -- there's no hardship for it to be a two-family home, but to take advantage of the property and the full FAR of the property would require tearing down that historic building.

PETER MARTIN: Yeah.

LAURA WERNICK: And that's, that would be the hardship. You can't take advantage of the full potential of zoning on that house, because in order to save a valuable property, you know, in Cambridge, it puts a hardship on the owner.

PETER MARTIN: I think it would be a shame to lose the house. I think.

CONSTANTINE ALEXANDER: Let me open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?
Come forward and give your name and address to the stenographer,
please.

MARJORIE JACOBS: 11 Tremont Street, Cambridge.

CONSTANTINE ALEXANDER: I'm sorry, I didn't catch your name.

MARJORIE JACOBS: Marjorie Jacobs.

CONSTANTINE ALEXANDER: Marjorie Jacobs? Thank you.

MARJORIE JACOBS: Do I just stand here?

CONSTANTINE ALEXANDER: No, you can sit right there and take the mic, too.

JANET GREEN: Take the mic so everybody can hear. You have to get close.

MARJORIE JACOBS: I'm used to talking in a mic. Well, I'm a little shocked by what I'm hearing, I just want to let you know. Because I always thought the Planning Board considered the people and the neighbors, and we have a mission in Cambridge to be inclusive and diverse. And our neighborhood met with the mosque several months ago and he was there. And he questioned the ten-unit development, and the neighbors all thought it was fantastic because they thought it's housing for

families. But it really wasn't the way it was designed, and there was -- I was against it because there was no parking. There wasn't enough parking for the units. And then they wanted to put a parking garage underneath. And which shocked me was that our neighbors in hearing that the Planning Board supported him, his design and the mosque, and the Historical Commission, and I know that there have been a lot of meetings, that the neighbors didn't even show up tonight and they would have come out in full force, everyone thought that because they had gotten the support of Planning Department and the Historical Commission, that you all would definitely agree to it because the process has been really, really long and taken many, many months. And if it wasn't legal and it was against what you do, why make somebody go through all of this? You know, if the law is the law, I think if Cambridge is flexible and thinking of the community, too, because who could afford to restore this Greek Revival? I saw pictures of it. I went on-line and I saw what it used to look like. It wasn't particularly nice. And now we're trying to make it -- you know, he's trying to make it better for the neighborhood. And who could afford to do that? The mosque is going to try to get

money, you know, not profit. A lot of people want to support the mosque and a lot of people are going to have to donate to make this a reality.

CONSTANTINE ALEXANDER: Well, we haven't taken a vote yet.

MARJORIE JACOBS: You haven't. But you have been strong.

CONSTANTINE ALEXANDER: I'm only speaking for myself.

MARJORIE JACOBS: Super strong. And, you know, I didn't think it was fair you were using your power. I don't know. I'm just a neighbor, but I also work for the city. I'm one of the founders of the community learning center so I have very deep ties to the City of Cambridge, and have been to a thousand diversity trainings. And I know that the city welcomes the mosque. And the mosque, the people who go to the mosque, the devotees, they don't tend to be rich people. I see them coming up and down Broadway. They park on our street. Most of them, seems a lot of people are driving cabs. And the mosque listens to the neighbors. When we say we're not happy with all the cars, they really have worked with the neighbors, and the synagogue and the Lutheran

church. And I think that area is a hardship, because the -- because I go to that park everyday with my dogs. First of all, there's a park and there are endless activities in warm weather in that park and it's loud. I hear it and I'm halfway down Tremont. And then there's also the church, Saint Bart's, they're there. And, you know, so the parking is a major thing. The fact that they're providing parking is good. And then there's the youth center, which is also noisy and lots of kids are congregating in the park and selling drugs. I don't know if the mosque knows that. It's a crime area, too. It's not really safe at night. So the fact that the mosque is trying to do something for the neighborhood, we support it. And I'm really sad and I'm sad that I'm the only one that showed up. Everyone thought it was a sure win and that you wouldn't be tough, that you would be reasonable, and think about the neighborhood. That's all I have to say.

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

MARJORIE JACOBS: You're welcome.

CONSTANTINE ALEXANDER: Anyone else wishes to be

heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We do have, as we indicated already, a letter from the Planning Board in our files, a letter in support of the petition.

And there was a letter from -- if I can find it. From Shoreline, the Shoreline Corporation.

PETER MARTIN: That's Bruner-Cott.

CONSTANTINE ALEXANDER: I'm sorry?

PETER MARTIN: Simeon Bruner and Leland Cott's non-profit.

CONSTANTINE ALEXANDER: Oh, okay. And they say we are -- voice our strong support for what is being proposed.

And I think that's it in terms of correspondence. No letters in opposition or -- no, no letters in opposition.

Okay, I will close public testimony. Discussion? Vote?
What's people's pleasure?

LAURA WERNICK: Well, I would still reiterate that the

house, which presumably, I don't know if this is on, which the Historic Commission I believe supports that it would be a hardship to the owner. The hardship is that the site cannot be developed to the potential of the zoning with the existing historic home on it, and that creates a hardship for anyone trying to develop the property.

CONSTANTINE ALEXANDER: Okay.

Anyone else wishes to --

BRENDAN SULLIVAN: Well, I think that sometimes the Ordinance can be blind to a particular block, a particular section, and I think your point is that it's a three-bedroom is a huge plus for the project that is rentals. And there is a lack of three bedrooms unless you go into some very high condos. I think the rentals, to whomever they rent it to, market rate, I would probably prefer if it was affordable. I think there would be much more of a public benefit. So I sort of turn this around, if Just-A-Start were sitting here instead of Peter and proposing the same project, would we be more amenable to it?

CONSTANTINE ALEXANDER: Well, we would have to be because legally it's a much easier standard for them.

BRENDAN SULLIVAN: Right, okay. And yet they're next-door. And so I think, you know, what is the effect of this?

I think it's preferable to preserve the house because of the streetscape, and I think it adds to the flavor of it all. And I think the three bedrooms are much needed. Again, I would prefer it if it was an affordable. It would be much more of a public benefit. But in Article 1 it says that we shall encourage housing to all individuals and families and what have you, and I think that does this to this.

LAURA WERNICK: One unit is affordable.

BRENDAN SULLIVAN: What?

LAURA WERNICK: One unit is affordable.

BRENDAN SULLIVAN: Well, it may not be income producing. Right? It may go with the job. That's fine. That's okay.

And I think that reading the Planning Board report to me makes sense. Yes, I did ask some tough questions because I like to elicit a response, that's all. But the questions may not indicate exactly where I'm leading anyhow. I just like to ask the questions.

So I will support it.

CONSTANTINE ALEXANDER: Okay.

JANET GREEN: I'm in support.

CONSTANTINE ALEXANDER: Andrea, you want to -- you don't have to speak.

ANDREA HICKEY: I am persuaded by the historical aspect of the property being a hardship and the benefit to sort of preserve a historical structure. It takes money, and I see hardship in that. So I'd be inclined to support the petition.

CONSTANTINE ALEXANDER: Okay. I think we're ready for a motion then.

Okay, the Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that the historical nature of the structure that is there now will not be preserved, and that the property, given its -- well, I'll just stop right there.

That the hardship is owing to the fact of the -- the location of the structure on Prospect Street, a very busy street, and the structure

that's there now was built long before it was a busy street with much automobile traffic. And it's something that affects this lot and not with regard to residential purposes, and not other structures on the street.

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

In this regard, the relief if we grant it, would result in the creation of five, three-bedroom units, something that's desirable for the City of Cambridge.

That there's neighborhood support as represented by one person, but I'm sure it's right. That there's support of the Planning Board and the Historical Commission.

So on the basis of all of these findings, the Chair moves we grant the Variance requested on the condition that the work proceed in accordance with the plans prepared by Peter Martin. They're multiple in length. The first page of which has been initialled by the Chair.

PETER MARTIN: There were supplemental drawings as well.

CONSTANTINE ALEXANDER: Supplemental?

PETER MARTIN: Well, no, clarification drawing. That's fine.

CONSTANTINE ALEXANDER: This is only to allow the Inspectional Services Department to make sure that what you build is what you told us you're going to build.

PETER MARTIN: Okay.

CONSTANTINE ALEXANDER: So I've initialled those.

PETER MARTIN: Okay.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Sullivan, Green, Hickey, Wernick.)

CONSTANTINE ALEXANDER: One opposed.

(Alexander.)

CONSTANTINE ALEXANDER: Variance is granted. Good luck.

* * * * *

(9:05 p.m.)

(Sitting Members BZA-015846-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015846, 20 Leonard Avenue, No. 1.

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

Sir. Name and address to the stenographer, please.

ANN HIRSH: Yes. Hi. My name is Ann Hirsh, A-N-N H-I-R-S-H. We have Jeremy Angier, and we are the co-owners of 20 Leonard Ave. Jeremy Angier, J-E-R-E-M-Y A-N-G-I-E-R and our architects are with us as and Mary Ann Thompson Architects, Kait Kurs is here K-A-I-T K-U-R-S.

CONSTANTINE ALEXANDER: Okay.

ANN HIRSH: Thank you very much for hearing us.

As I said, we are the co-owners of 20 Leonard Ave., and we have our -- we have submitted our plans of course. We have a larger example here as well as existing conditions.

CONSTANTINE ALEXANDER: Can you speak up just a little bit, please.

ANN HIRSH: Sorry.

JANET GREEN: And right up against the mic.

ANN HIRSH: I'm sorry.

CONSTANTINE ALEXANDER: That's all right.

JANET GREEN: That's good.

ANN HIRSH: Makes me nervous. Sorry.

So just as an overview of what we're talking about. We are the owners of a one -- a two-bedroom condo in a two-condo unit association and which has some non-conforming aspects. As I said, we have a -- we have two bedrooms currently and we are currently using one of those bedrooms as a Home Office. In addition to being a couple, we're

a design partnership which focuses on public art, and specifically using community engagement processes with work locally and nationally, and we, as time has gone on, we've increasingly relied on our Home Office for work as well as for storage. In addition to the use of our second bedroom as a Home Office, we have a delapidated garage. The delapidated garage is about 18-and-a-half feet by 11 feet 9 inches, and the garage is in such a condition that is, it's become hazardous. The roof is starting to cave in. It has all sorts of things growing on it. And in fact, it's not a viable parking space because it -- according to the dimensional requirements of a parking space, it's actually too short and it would be difficult to get a car in there given the opening of the garage.

CONSTANTINE ALEXANDER: So you and the other condo owner park in the driveway before the garage I take it?

ANN HIRSH: Yeah.

JANET GREEN: It's just the other condo owner, though, isn't it?

ANN HIRSH: We have -- yes, it's ourselves and the other condo owner --

JANET GREEN: Oh, you both can park there?

CONSTANTINE ALEXANDER: Yeah.

JANET GREEN: I thought you had the 18 feet out from the garage.

ANN HIRSH: That's correct, we do. But we don't use it as a parking space. There are three -- I think three viable parking spaces in the driveway. Two -- I think technically there are two associated with the condo trust. And between us we have two cars. We tend to park on the street without problems strangely in our neighborhood. Sorry for that confusion. That's understandable.

JANET GREEN: Yeah.

ANN HIRSH: In addition to the garage, we have aging parents and relatives, specifically my mother is who is going to be 80 soon, and we'd very much like to provide a space for her to live in, which we currently don't have because the second bedroom is a Home Office.

CONSTANTINE ALEXANDER: Will she be living in one of the two-bedroom units that are in there right now?

ANN HIRSH: She's -- yes, we hope that she could be there.

CONSTANTINE ALEXANDER: You mentioned something in your submission about you might use the garage now to be an office to -- as a bedroom as well?

ANN HIRSH: No, storage space and Home Office and sort of design studio.

CONSTANTINE ALEXANDER: Oh. I saw something about an occasional guest or something.

JANET GREEN: It did say that.

ANN HIRSH: It's something that is a possibility, but it certainly isn't a primary function by any means. It's just an outside possibility. And it should be clarified that according to our condo documents, we're actually prohibited from ever renting the space even if we wanted to. We've made it very clear that this is in now way something that we would do anything with for that purpose. It's for our use.

CONSTANTINE ALEXANDER: You're going to tear the existing garage down and build your Home Office should we grant you relief. Are the dimensions going to be the same? You're not moving any -- making it any bigger or --

KAIT KURS: Exact footprint of the existing garage.

CONSTANTINE ALEXANDER: You're adding a bit of windows, not surprisingly.

Since you're right on the corner of the lot, it could be privacy issues for your neighbors. Have any neighbors expressed any concerns about that?

ANN HIRSH: No, they haven't. In fact, we've gotten excellent support from all of our neighbors. Some of whom who've said the current structure is an eyesore.

CONSTANTINE ALEXANDER: I went by and I this I would agree with that.

ANN HIRSH: Yeah. So -- but that's -- we've gotten a lot of support. And our upstairs neighbors are very excited to see the project move forward. Our neighbors across the street who really are the only ones that have a good view of the project, aside from the ones at No. 18, have said that they don't mind what we do. That's Mary MacKinnon.

And of course No. 18 is occupied by the Well Met Project, which is a transitional home for people looking for group housing with

mental illnesses. And I think we have 10 to 12 clients living next-door.

So the owner is not on the premises.

CONSTANTINE ALEXANDER: Are you going to have any employees?

ANN HIRSH: No, sir.

CONSTANTINE ALEXANDER: I ask some of these questions because obviously you're in a dense neighborhood, and we ant to be -- thinking if we grant relief, and I think we will, there might be some conditions we should impose, because who knows who's gonna -- you're going to move on maybe someplace else, and someone else comes in and says oh, hi, I have an office here, I can sell merchandise from there. And that might cause traffic issues for the neighborhood that the neighbors don't expect.

You going to put up any signs up identifying --

ANN HIRSH: No.

CONSTANTINE ALEXANDER: No. Your successor might. When we get to making a motion, when I get to make a motion, I'm going to suggest to my fellow board members certain conditions. But I want to

make sure before I suggest them that you have no problem with them.

And you said no -- no employees, no merchandise or stock or the like in there? And no signs?

ANN HIRSH: No.

CONSTANTINE ALEXANDER: So it will be unobtrusive to the neighborhood is what I'm getting at. Okay.

Are these the plans, by the way, this one page?

ANN HIRSH: Yes.

CONSTANTINE ALEXANDER: Because when we grant relief, we say it has to be done in accordance with the plans -- these plans, which I will initial. So that if you ever a change your mind and you want to redesign this, you're going to have to come back before us. So I want to make sure you understand this is the final or -- it doesn't have to be, but it means you have to come back for further relief if you decide to change it.

ANN HIRSH: We understand.

CONSTANTINE ALEXANDER: You understand that?

Okay.

Questions from members of the Board?

BRENDAN SULLIVAN: Can I see the drawing there?

CONSTANTINE ALEXANDER: Sure.

I'm sorry, you have anything further in your presentation? I didn't mean to cut you off.

ANN HIRSH: Only that I mean if it matters, that we will be -- the 18 square feet, I mean 18 feet in front of the garage, we'd like to turn and give -- install permeable paving on so we have more green space. I think that would add about 250 square feet of green space to the property.

CONSTANTINE ALEXANDER: For purposes of granting you the relief you're seeking tonight, no, it doesn't -- it's not relevant. You have to be sure, though, and you have to talk to the Inspectional Services Department, you have to have a minimum amount of open space on your lot.

ANN HIRSH: Okay.

CONSTANTINE ALEXANDER: I don't know how this would be characterized by the Inspectional Services Department or whether that

would cause any legal issues. If it does, it would mean you have to come back for another -- for further relief, assuming we grant you the relief tonight that you're soaking.

ANN HIRSH: Okay, thank you.

BRENDAN SULLIVAN: Now, my only thought is that at first glance it looked rather tall.

CONSTANTINE ALEXANDER: Yeah, I think they're increasing the height from what is -- of the garage, but not over the legal requirements as far as I know.

BRENDAN SULLIVAN: All right. But anyhow.

CONSTANTINE ALEXANDER: I'll look at the dimensional form.

It's ten feet now high.

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: And it's going to 20 feet. So it's going to double the height.

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: That would be an issue I

think for neighbors, again, because of the location on the lot. And I know you've said that the neighbors don't seem to have a problem with a 20-foot Home Office or structure.

ANN HIRSH: No.

ANDREA HICKEY: Can I see the floor plan for a minute?

CONSTANTINE ALEXANDER: This plan?

ANDREA HICKEY: Yeah.

CONSTANTINE ALEXANDER: This is it.

I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

Apparently no letters in the file of support. There's a letter from your condominium association dealing with what you're seeking to do but that's it.

So I'll close public testimony.

Discussion from members of the Board? As I mentioned when I make the motion, I'm going to suggest conditions. Feel free to say

no, it's a dumb idea or modify them or whatever.

ANDREA HICKEY: I agree with your conditions. And I in fact would take them a little further to say that no bedroom use should be allowed.

CONSTANTINE ALEXANDER: To answer the question of whether you can use this for an Airbnb, which legally you can in the city now provided you comply with the Ordinance.

Let me ask you a question: Is there going to be any bathroom facilities in the --

ANDREA HICKEY: Yeah, there is.

CONSTANTINE ALEXANDER: There is. Okay. I didn't see that.

ANN HIRSH: We have one -- can I speak?

CONSTANTINE ALEXANDER: Sorry?

ANN HIRSH: Can I speak?

CONSTANTINE ALEXANDER: Yeah.

ANN HIRSH: We have one bathroom in the house, and we want to kind of keep or work professional life separate. So that was the

idea behind that.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: Yeah, I'm not opposed to the bathroom or to Home Office use. I would be opposed to the use of this structure as an additional bedroom.

CONSTANTINE ALEXANDER: The only thing I would just point out, and it's fine, and I can go along with it, but the city now has recognized short-term rentals provided you comply with the Ordinance. So people can have, you know, can use, create an Airbnb in their own structure. What would be the adverse -- what's the adverse effect of doing it in the Home Office, formerly known as a garage?

BRENDAN SULLIVAN: Well, that's not what is presented to us tonight at the presentation is not --

ANDREA HICKEY: Right.

BRENDAN SULLIVAN: And that the use of a bedroom is contrary to the condo documents which condo documents can be changed.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: So that I would just align with the existing condo documents as a condition.

CONSTANTINE ALEXANDER: Okay. If that's what people want.

ANDREA HICKEY: Yeah, I also think that had -- perhaps, had neighbors known that this could be kind of an independent little residential studio, it wasn't really advertised as that. It was advertised in my mind as a Home Office. That the use should really be limited to what the petition requested and not anything else.

CONSTANTINE ALEXANDER: Okay.

So you would -- the condition would be that this could not be used for --

ANDREA HICKEY: Sleeping quarters.

CONSTANTINE ALEXANDER: -- sleeping quarters? Okay.

You understand what we're talking about?

ANN HIRSH: Absolutely.

CONSTANTINE ALEXANDER: Okay. All right. Shall I make a motion? Are you ready for a vote?

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the petitioner right now is frankly saddled with a delapidated garage that's not usable and is in danger of having further damage.

That the hardship is owing to the shape of the lot, particularly where the location of the now garage, perhaps future Home Office is located in the -- right in the corner of the lot not respecting setbacks.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance. What is being proposed is to basically allow the petitioner, the current petitioner, to use this building for constructive purposes in terms of the business they conduct. And with the conditions we're going to impose, will not cause adverse impact on the neighborhood.

So on the basis of all of these conditions, the Chair moves that we grant the Variance requested on the condition -- subject -- well, on

the condition that the work proceed accordance with plans -- plan singular, submitted by the petitioner and initialled by the Chair and subject to the following conditions:

That the only person or persons who can perform services at this Home Office is or are full-time residents at 20 Leonard Avenue.

That no stock in trade or other commodities shall be maintained at the Home Office or sold to customers of the Home Office.

That there shall be no exterior signs identifying the Home Office.

And lastly, that the Home Office shall not be used for sleeping quarters, overnight sleeping quarters. You could take a nap there. But overnight sleeping quarters.

Anything else? Does it catch it all?

Okay, all those in favor of granting the Variance on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, Variance granted. Good luck.

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

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(9:25 a.m.)

(Sitting Members BZA-015973-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015973, 134 Vassal Lane.

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

Good evening.

THOMAS DOWNER: Good evening. My name is Thomas Downer, D-O-W-N-E-R. I'm the architect for the project. And this is Chandra Miduturo who is one of the homeowners. His wife couldn't be here tonight. She's taking care of their daughters.

This is currently a two-unit condominium that was created out

of a two-family house. The clients are living on the second floor and they have the third floor attic. The attic is currently finished, but it has no dormers or anything. It's got a small bathroom which has minimal -- not even minimal headroom in parts of the space. I think on the third floor is like seven-and-a-half feet from five-foot line to the five-foot line. So somebody like myself could only stand up in the middle five feet of that space.

They currently have two bedrooms on the second floor. They have two daughters. They and Vasu, his wife, needs a Home Office. So they're looking to add a bedroom in the attic space. And the only way to get the headroom in there is to create a dormer. And having been before this Board before with about the limitations on dormers, I explained that the 15 foot was a dimension that we were trying to keep to. And we looked very hard to try to make the 15 feet dormer work, and it just didn't for their purposes.

CONSTANTINE ALEXANDER: Why doesn't it work, because you don't get as much living space as you want to get?

THOMAS DOWNER: Because they're looking for two beds

in a bedroom, and in order to get two beds with a side table and a door and also have -- right now the shower does not have really standup headroom in it, and so we wanted to create a headroom in the shower. And so in order to get the shower headroom and the headroom that was necessary for the two beds in the bedroom, 15 feet was just --

CONSTANTINE ALEXANDER: You can't reconfigure the rest of the attic floor, the third floor?

THOMAS DOWNER: They looked at a number of options; looking -- using space across the way, etcetera. It's such a low slope, you know, the slope isn't so low, but the ridge is already so low that it's extremely tight space up there. And so I -- again, I looked for a number of different options, because I explained to them, you know, that the Board liked to keep it at 15 feet.

CONSTANTINE ALEXANDER: More than like. We, we do waive it for compelling reasons, but we expect people to abide by the no more than 15 feet.

THOMAS DOWNER: And I -- the -- I guess my offer is that the, another requirement on that is the guidelines was 50 percent or less.

And so in this case we are less than the 50 percent -- still less than the 50 percent. You know, we're I think at least 19.6 and the total roof now is 44 feet I think it is. And so we would be less than the 50 percent. We are stepping the exterior wall parallels, the side, back slightly, and we looked at trying to keep the ridge down. But, again, because the ridge is already so low, we're almost having a flat roof if we dropped any lower. So I do intend to get the rafters to go to that ridge.

And I think, understand that the 15 feet is also part of the Zoning Ordinance but the guidelines which you're referring to --

CONSTANTINE ALEXANDER: It's not part of the Ordinance. It's a guideline from the Community Development.

THOMAS DOWNER: And I think this meets the intent of those guidelines in terms of having, you know, a dormer that does not, you know, basically try and oversize the existing --

CONSTANTINE ALEXANDER: Well, no, I'm not trying to be difficult. But you are, we very rarely approve a 19-foot -- 19-and-a-half foot dormer, long dormer. Sometimes, sometimes 15 feet, six inches. 16 feet perhaps. And there's good reason. We -- it's a guideline after all

and we say okay. But this is troubling. I'm going to welcome the comments of one of my colleagues, Mr. Sullivan, who is more experienced in this than I am. But I -- that's it, I just want to be persuaded why it has to be 19 feet, six inches.

THOMAS DOWNER: Well, as I said, in order to get two beds, a side table or a side -- yeah, side table, and a doorway in there and still have access to move around in there, it requires certain minimum dimension. And then as I said, we were trying to get --

CONSTANTINE ALEXANDER: The shower.

THOMAS DOWNER: The code required headroom in the shower as well. So we're starting from a point over here to get across that space.

CONSTANTINE ALEXANDER: The family room could have a bed in it, for example. It may not have a family room any longer, but that would solve at least the problem of the two beds in the master bedroom.

THOMAS DOWNER: Well, as I said, I think this is indicating where the -- that indicates where the five-foot height of that space is.

CONSTANTINE ALEXANDER: Right.

THOMAS DOWNER: Or five feet there. So it's, again, extremely minimal space in that third floor.

BRENDAN SULLIVAN: You've got two bedrooms on the second floor?

THOMAS DOWNER: Currently, yes. One I think doesn't have a closet in it.

BRENDAN SULLIVAN: And they will be, continue as bedrooms?

THOMAS DOWNER: Well, one will be his wife's office. She needs a Home Office.

BRENDAN SULLIVAN: And why doesn't the office go upstairs?

THOMAS DOWNER: Well, again, with a bathroom up there, it seemed to make sense to have the bedrooms, you know, near the bathroom.

LAURA WERNICK: It's also the bathroom shower that's causing your additional four feet?

THOMAS DOWNER: Essentially, yeah.

LAURA WERNICK: So if you just had a toilet without a shower and the office up there, then -- and keep the bathroom downstairs in your current office.

CHANDRASEKHAR MIDUTURO: Can I add one thing? So one thing with having an extra bathroom with two growing girls, I'm the only sole male person in this house. I mean, my wife is absolutely happy to have two bathrooms, especially with two girls at home. I totally support that. And that's one of the reasons why we want to have an extra bathroom on the third floor. And then going back to the point of having two beds in this, in the bedroom, being two girls, I think they can perfectly share the bedroom. And we thought having a bigger bedroom upstairs where they both can share that with the extra closet space would be perfect.

CONSTANTINE ALEXANDER: Do they need the extra shower height if it's going to be your two children living in those?

CHANDRASEKHAR MIDUTURO: Currently they're eight and three, but they're going to be growing.

CONSTANTINE ALEXANDER: I understand that.

BRENDAN SULLIVAN: You've got a four-foot walk in closet, too, which is --

THOMAS DOWNER: The closet is basically what's left after you -- after we provide the headroom for the shower and the bedroom space. I mean that -- it goes to the outside wall. There's roughly a foot from the face of the shower, a little more than a foot, maybe 18 inches, from the edge of the shower back in order again, so that you have room to go in and out of the shower without banging your head. You know, and as I said right now, there's -- that five-foot line runs down through sort of basically the middle of that bathroom. So that, you know, it works for the toilet. It doesn't really work for the sink which is why we rotated the sink.

BRENDAN SULLIVAN: We sit here Thursday night after Thursday night, people come down with 18-foot dormers, 19-foot -- and we have a continued case now 19, 20-foot dormers, and they all have very good reasons why they have to have it. Sometimes we push back, they go back, they redesign it, and they come back and it works somehow. I mean, I think this is probably a first glance and this is a wish and this

would work for us. But it may not work for us.

CONSTANTINE ALEXANDER: That's us, right.

BRENDAN SULLIVAN: So, anyhow. And I just think it can be -- the space can be refigured so that you come in a heck of a lot closer to that 15-foot guideline.

CONSTANTINE ALEXANDER: I think part of it you got to rethink maybe how you use the second floor. I mean, you're just focusing on the third floor. Maybe if you rethink how you organize the second floor, and that would solve the dormer length problem that we have on the third floor.

CHANDRASEKHAR MIDUTURO: I can add a little bit to the second floor comments. The bedroom size currently in the second floor cannot have two beds like this. So they can absolutely not share a bedroom. So currently we -- me and my wife use a bedroom and the kids actually are using currently the other bedroom which absolutely doesn't have closet space.

CONSTANTINE ALEXANDER: But you're going to have a family room with this project, and you have a Home Office already I think

you said. Right?

CHANDRASEKHAR MIDUTURO: Currently, it's a very small, yes, it's in the front, yeah. Study essentially, yeah.

THOMAS DOWNER: The family room is, as I said literally, the existing room right now, where, you know, the only space there's headroom for someone like myself is the middle five feet.

CONSTANTINE ALEXANDER: But the daughters are going to sleep in there.

THOMAS DOWNER: Well, again, I don't know how we would enclose that so that it could be a room and still have -- meet legal requirements for a bedroom or another habitable space. I mean, it would be an open room essentially.

CONSTANTINE ALEXANDER: I'll defer to other board members.

THOMAS DOWNER: The other issue is obviously -- it's additional FAR I think we're going from 80 --

CONSTANTINE ALEXANDER: That's why you need relief, yeah. You're here not because of the dormer per se, you're here

because you're adding more FAR by creating the dormer.

THOMAS DOWNER: That's correct.

CONSTANTINE ALEXANDER: We understand that.

Brendan, do you have any further reactions? We can go back and ask them to rethink this.

BRENDAN SULLIVAN: Well, it may not be as grandiose as you want, but that, you know, it's just hard for us to justify a 19-foot dormer when so many other people come down and ask for the same thing and we sort of push back. Otherwise, you know, the 15 becomes 16, the 16 becomes 18 becomes 19 becomes 20 and, you know, when do we stop? It's easy to say yes, but when do we say no? And we have tried to corral the dormers to that 15 foot.

THOMAS DOWNER: That's what I explained to the clients.

BRENDAN SULLIVAN: And historically as for many years people have made it work. And one of the main reasons why they need an extended dormer is because of a staircase coming up.

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: And because of headroom problem.

That's not the case here. And, you know, I know this is a wish -- this works for us. This is what we would like. But it conflicts. It goes right up against our guidelines and what we normally will accept. That's my thought anyhow until persuaded otherwise.

CONSTANTINE ALEXANDER: I think Brendan is, and I certainly am, pushing towards is maybe we've got to continue this case and you rethink the whole project and see if you come up with a solution. You know, you're getting a lot of resistance as you --

THOMAS DOWNEY: I can see that.

CONSTANTINE ALEXANDER: No news to you. And see if you can rethink the whole project. Second floor and third floor, and can you make -- come up with something that works better, i.e. a dormer that's 15 feet or less and accomplishes what you want. If you want to come back and say no, it's he only this -- well, we may vote yes, we may vote no, I don't know. I think it's worth another try.

BRENDAN SULLIVAN: I would be interested in what --

CONSTANTINE ALEXANDER: Yeah, sure.

BRENDAN SULLIVAN: -- the ladies have to say.

ANDREA HICKEY: Yeah, I think it's too long. I think from my perspective, it can be reworked. It may not be perfect, but from our perspective it would be better. If you need something slightly over 15, I could be persuaded of that, but this goes beyond what we typically would allow.

THOMAS DOWNER: Right, then I guess I would request a continuation then.

CONSTANTINE ALEXANDER: Okay. We'd have to continue -- we call this a case heard since we've gone into the merits. So we would have to reconvene this Board on a date when all five of us can be present. So first of all, when would you like to continue the case to? How much time do you need?

THOMAS DOWNER: You're here, what, twice a month?

CONSTANTINE ALEXANDER: Twice a month. I can tell you the first hearing in June, which is June 10th I think? Am I right, Sisia?

SISIA DAGLIAN: 14th.

CONSTANTINE ALEXANDER: 14th. I can't be here. So

that date -- you can proceed if you want to do it with just four people. But you've got to get a unanimous vote. Most people don't want to do that. They'd rather have five. So you can get with dissenter like I was in the Islamic case and still get relief. That's your call.

The 14th you said?

SISIA DAGLIAN: Yes. The 31st is already full.

CONSTANTINE ALEXANDER: It's already full.

THOMAS DOWNER: That's May 31st, you said?

CONSTANTINE ALEXANDER: Yeah.

SISIA DAGLIAN: Yeah.

THOMAS DOWNER: The hearing after the --

SISIA DAGLIAN: June 28th.

CONSTANTINE ALEXANDER: Does it work for everybody else?

LAURA WERNICK: Yeah.

ANDREA HICKEY: Yeah.

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

CONSTANTINE ALEXANDER: Okay. The chair moves that

we continue this case as a case heard until seven p.m. Make sure it's seven -- well, we'll get to that. Seven p.m. on June 28th subject to the following conditions:

That you sign a waiver of time for decision. That just required, otherwise we would have to turn you down tonight. And Sisia will give you the form to sign, it's a standard form.

Two, that the posting sign that you have up there right now, you have to modify it yourself with a magic marker; put a new date, June 28th. And a new time, seven p.m. Otherwise you're going to be stuck to later on. And maintain that sign as modified for the 14 days before the 28th just as you've done tonight for tonight's hearing.

And lastly, and this is probably relevant, to the extent that you're going to come back with new plans, modified plans or dimensional form, they have to be in our files no later than five p.m. on the Monday before June 28th. That's to allow our Board in that time to review the plans, and also citizens of the city, too. So those are the three conditions.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The case will be continued. Good luck. Hopefully we'll come up with a solution on the 28th.

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

CONSTANTINE ALEXANDER: Before you leave make sure you sign that form.

* * * * *

(9:40 p.m.)

(Sitting Members BZA-016037-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call the case 016037, 354 Pearl Street.

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

BILL BOEHM: Good evening. I'm Bill Boehm. I'm architect for this project. It's the renovation of the home for Andy Rugen -- or Andy Boral and Leah Rugen, sorry.

THE STENOGRAPHER: Can you spell those names for me,

please?

BILL BOEHM: Sure. It's Rugen, R-U-G-E-N. It was Leah, L-E-A-H Andy Boral, B-O-R-A-L.

CONSTANTINE ALEXANDER: Okay, you want a Special Permit to alter windows in a setback?

BILL BOEHM: Yes.

CONSTANTINE ALEXANDER: That's a case we hear all the time.

BILL BOEHM: What's that?

CONSTANTINE ALEXANDER: It's a case we hear all the time.

BILL BOEHM: Oh, okay.

CONSTANTINE ALEXANDER: It's not a unique case.

BILL BOEHM: So we're doing primarily an interior renovation, and the house is within an existing side yard setback. There are two large windows in the kitchen/dining area that are lower than is what we would prefer. We're raising them for better light and a little better privacy. So we're raising them by about I think it's a foot. So that's all

we're asking for.

CONSTANTINE ALEXANDER: Okay. Pretty simple.

BILL BOEHM: Yeah.

CONSTANTINE ALEXANDER: Comments from members of
the Board or questions?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I will close
public testimony.

We do have a letter in our files from Mike Park, P-A-R-K.

(Reading) As the owner of the house that abuts their property, I am in
complete support of the proposed renovation at 354 Pearl Street,
Cambridge. As Leah Rugen, R-U-G-E-N and Andy Boral's neighbor,
B-O-R-A-L, I am happy for their project to move forward. I have no
reservations.

And I think that's it.

No, we do have a letter from Jake and Katherine with a K, Kaufmann, with two N's, K-A-U-F-M-A-N-N, who reside at 352 Pearl Street. (Reading) We are in complete support of the proposed renovation at 354 Pearl Street. As Leah Rugen and Andy Boral's neighbors, we could not be happier for their project to move forward. We have no reservations.

Ring in endorsement. And that's it.

I'm going to close public comment. Ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the Special Permit that's being sought:

That the requirements of the Ordinance cannot be satisfied without the Special Permit.

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

In this regard the Chair would note that the relief is very modest in nature in terms of the window alterations.

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is proposed. And in this regard I would refer to the letters of support from neighbors.

That no nuisance or hazard will be created to the detriment of the health, safety, and or welfare of the occupant of the proposed use or the citizens of the city. Again, the relief is very modest in terms of the window alterations.

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

So on the basis of all of these findings, the Chair moves that we grant the Special Permit on the condition that the work proceed in accordance with plans submitted by the petitioner. There are three pages, all of which have been initialled by the Chair.

And these are the finals. If you change them, you've got to

come back to see us. You can do better things with your time than to
come back and see us.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief
granted. Good luck.

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

* * * * *

(9:45 p.m.)

(Sitting Members BZA-016061-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 016061, 12 Dinsmore Court.

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

Mr. Hope.

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, Sean Hope, Hope Legal Law Offices in Cambridge. I'm appearing here tonight on behalf of the petitioner. We have here Mr. Gus Souki.

Can you spell your name for the record?

GUS SOUKI: Gus, G-U-S. Last name S-O-U-K-I.

ATTORNEY SEAN HOPE: And we also have Kelly Speakman from Boyes-Watson Architects as well.

So this is an application requesting zoning relief where -- to construct a rear addition, a rear and side yard addition as well as to add

windows and openings that are within the side yard setback for a Special Permit. Just to give the Board some brief background, 12 Dinsmore Court is part of a private way of sorts, and these were workers' cottages that were built in the late 19th century. And so these are two-story, two-family dwellings. They're modest in size. Almost all of lots are non-conforming. So this particular lot is 2100 square feet. And as workers' cottages, each unit was about 875 square feet.

This property and this district is in the Half Crown Marsh Neighborhood District. So we had to go to the Half Crown and get a Certificate of Appropriateness. One of the charges of the Half Crown is to keep the historic nature of the street and of these cottages in place. So as part of the Certificate of Appropriateness, we had to talk about the different design materials.

One of the interesting pieces was part of the proposal is to convert the property from a two-family into a single-family, but they are requiring that we keep the two front doors. So part of this is really to keep the existing two-family look even though the inside is going to be converted into a single-family dwelling. Because of the side yard

setbacks and the narrowness of the lot, all three sides of the property except for the front are -- violate setbacks. So the structure is non-conforming and so is the lot. That's significant because any changes to those -- to the three sides except for the front would require zoning relief.

The structure itself is kind of jogged so that there's the back right corner is left empty. And so the proposal is to square off the back right corner to create a two-story addition. So the ground floor is going to be the primary living area as an open plan, and there's going to be three bedrooms on the top floor and they'll also living space in the lower dwelling.

As part from a zoning perspective, just to give the Board some context, we are requiring a Variance for setbacks but we're below the allowed height, we're below the allowed FAR, and you could actually have eight dwelling units by the zoning. Now because the half -- in transparency because of the Half Crown requirement, you would never get that many units. But just in terms of density we are well below that.

In terms of the privacy for the Special Permit, Mr. Souki has

reached out to his direct abutters and there's a series of letters of support. But in addition to the letters that were sent out by the city, he sent out 120 letters to all of the abutters in the neighborhood, not even just the abutters, all the members of the neighborhood. So the outreach has been robust. The discussion about the materials has been surprisingly robust, and that was shown in the detailed plan at the Half Crown Neighborhood Commission. This is going to be a much more family-friendly dwelling.

The two, two-family size at 875 square feet, it's modest in nature but it's definitely not family friendly. We're reducing the density. It is a private way. And so the idea of reducing it from a two to a one is something that's kind of -- it's existing, and I think the adjacent property is -- to the right is also a single but has much the same look of the two doors and the two-unit cottage.

So we believe that the proposal is appropriate from the -- in terms of the design and the character of the neighborhood, but also modest. I think the addition, the total additional square footage is about 285 square feet. So it's, you know, it's allowed within the density and it also practically speaking it kind of lays out the appropriate for the ground

floor and the upper floors.

CONSTANTINE ALEXANDER: Technical question for you, the Special Permit for the window relocation, are all those in the area where the addition, the Variance is going to be covered?

ATTORNEY SEAN HOPE: No. And so we -- at a previous hearing --

CONSTANTINE ALEXANDER: Okay. You had a Variance. You didn't need a Special Permit.

ATTORNEY SEAN HOPE: That's right. But there is that -- the right side of the property is already covered by a Variance because we're in setback for the building. But there are special -- there are windows being added on the other side --

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: -- and we actually brought an illustration.

CONSTANTINE ALEXANDER: I just want to make sure.

ATTORNEY SEAN HOPE: But, yeah, it's not just that side. That we have windows on the other sides that require --

KELLY SPEAKMAN: And there's windows at the rear as well that are not in the addition that are new.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of letters as you've indicated. We have a letter from Cecile Toupin, T-O-U-P-I-N who resides at 8-10 Dinsmore Court. (Reading) I am writing in support of Mr. Gus Souki's plans to renovate 12-14 Dinsmore Court, turning it into a single-family home. We are the family owners of 8-10 Dinsmore and have the been the neighbors and abutters of 12-14 Dinsmore Court since the late 1980s. We have long shared a property dividing fence with our neighbors there. Mr. Gus Souki has taken great pains on his own initiative from Day 1 to reach out to me and my family to

share his thoughtful renovation plans for 12-14 Dinsmore in great detail, and with other of his new neighbors at Dinsmore Court who share our enthusiasm. We are not -- we not only wholly endorse, but are excited and enthused about Mr. Souki's plans for renovating and reviving 12-14 Dinsmore Court in keeping with this historically, unique, family-friendly neighborhood enclave of tiny row houses between Brattle Street and the River Charles. I attended the Cambridge Historical Commission's meeting in support of Mr. Souki's intended plans for 12-14 Dinsmore which will require a Variance from the Zoning Board of Appeals.

We have a note from Amanda Rodrigues. (Reading) My name is Amanda Rodrigues, and I live at 27 Willard Street in Cambridge, and I am writing to you -- I am writing you to say that I have seen the plans for the proposed renovation of 12 Dinsmore Court by Boyes-Watson Architects and I am in support of it. I believe that Boyes-Watson also did the plans for the renovation of No. 9 Dinsmore Court.

They did.

(Reading) And I think they did a great job with it.

Furthermore, I believe that it will be good for the neighborhood, because it

is one of the only remaining houses in the area yet to be renovated.

We have a letter from Ryan and Dena, D-E-N-A Enos, E-N-O-S who reside at 11 Dinsmore Court. (Reading) This letter comes to you from Ryan and Dena Enos at 11 Dinsmore Court. We are writing to express our support of Mr. Gus Souki's plans to renovate 12-14 Dinsmore Court, and to turn it from a two-family house to a single-family home. Mr. Souki shared his building plans with us, including information about the addition/in-fill to the back of the house which will require a Variance from the Board of Zoning Appeals. This addition will square off the house and create a more comfortable living arrangement for our future new neighbors which we support. The property is currently in very poor condition inside and out. We believe that the renovation of 12-14 Dinsmore as shown in the plans will add to the character of the neighborhood and will keep with the existing spirit and the historical nature of the Half Crown Marsh Conservation District. Mr. Souki assured us that he will do a tasteful renovation keeping in the spirit of our court. We are also assured by the fact that he's using a well known Cambridge architect who has done similar projects in this district, including our house, to

support his renovation efforts.

And then I think we have one last letter from a Laura Cohen.

Yes. (Reading) I am writing today regarding Zoning Board of Appeal case, blah, blah, blah. For the past 12 years I have owned 5 Brewer Street, No. 6 and been the trustee of the six-unit building at 5 Brewer Street, Cambridge, which is two blocks from Dinsmore Court and also in the Half Crown Marsh Conservation District. Although I am not a direct abutter -- I'm not going to read the rest of the letter. It's in support obviously. It goes on for a couple of pages. And as the author of the letter notes, she's not a direct abutter. So to me I find less significance to her very complementary letter. I don't mean to diminish it. I don't think it's worth the time to read it unless other members of the Board would like to hear me read.

JANET GREEN: No.

CONSTANTINE ALEXANDER: I will close public testimony.

We need two votes, one for the Variance and one for the Special Permit.

Okay. With regard to the Variance the Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship this is a unique area, very small houses, and that to maintain -- to enhance the liveability of these residential structures, additional living space is required.

That the hardship is owing to the nature -- the shape of the lot. It's a very narrow lot which causes setback issues in terms of the -- on the size in particular.

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

In this regard the Chair would note, and will be part of our decision, that the relief being sought will improve the appearance and liveability of an historically significant area of Cambridge.

On the basis of all of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by Boyes-Watson Architects, the first page of which is initialled by the Chair, and they're dated April 27, 2018.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

CONSTANTINE ALEXANDER: Turning to the Special Permit, the Chair moves that we make the following findings with regard to the Special Permit:

That the requirements of the Ordinance cannot be met unless we grant you the Special Permit for the relief you're seeking.

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

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

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

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

With regard to all of these, in fact, what is being proposed will not derogate from the intent and purpose of the Ordinance but enhance it. It will carry out its goals in a more meaningful way. It will allow improved living space in this historically significant area.

So on the basis of all of these findings the Chair moves that we grant the Special Permit on the condition that the work proceed in accordance with the plans identified in connection with the Variance we just granted.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

(10:00 p.m.)

(Sitting Members BZA-015998-2018: Constantine Alexander, Brendan

Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015998, 267 Lakeview Avenue.

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

PETER GEARHART: I'm Peter Gearhart, G-E-A-R-H-A-R-T. And I'm the agent for William Edgerly who is the owner of a single-family house at 267 Lakeview Ave. And we are planning an approximately 500 square foot addition, including a kitchen bump out and a garage that requires relief under I think it's 8.22.3.

CONSTANTINE ALEXANDER: C I think it is. 3 maybe.

PETER GEARHART: I think it's 3.

We're over the 25 percent increase. So we're requesting a Variance and feel that the hardship created by the shape of the lot should be....

CONSTANTINE ALEXANDER: And the substantial hardship because you need to make the house more liveable for whoever lives there, you need to reconfigure and add to --

PETER GEARHART: Yeah, you can't really, you know,

create the traditional elements that you like. Like a garage, for example, and things like that without relief.

CONSTANTINE ALEXANDER: Okay.

Wait a minute, I'm thinking -- you're right. You're at the very end of Lakeview with an odd shaped lot.

PETER GEARHART: We are. We have the Vassal Lane and Lakeview kind of intersect in a kind of a triangle. So there were a series of lots that are kind of trapezoidal. They were done down there that were actually created by the City of Cambridge in 1949 for kind of a form of affordable housing for soldiers.

CONSTANTINE ALEXANDER: Really?

PETER GEARHART: Yeah, they were --

BRENDAN SULLIVAN: Returning veterans.

PETER GEARHART: -- fairly modest. And all of those trapezoidal lots have the same kind of issue there. Atypical of the district further up Lakeview.

CONSTANTINE ALEXANDER: Okay.

By the way, I say at the end -- like the beginning of Lakeview.

Get it right.

You said you were going to make a -- sir? You haven't done that.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: No.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We'll close public testimony. We are in receipt of one letter.

PETER GEARHART: Yeah, we had a letter from the direct abutters I think also.

CONSTANTINE ALEXANDER: Yeah, it's one letter but signed by three abutters, right.

(Reading) As direct abutters and property owners, we are

writing in support of the proposed addition at 267 Lakeview Avenue. We feel the proposal is in keeping with the residential character of the street and relief by the Board will not have a detrimental affect on the neighborhood. And the letter has been signed by Margaret Dejudan (phonetic), 261 Lakeview Avenue; John G. McKernan, M-C-K-E-R-N-A-N, 275-275 Lakeview Avenue; and Margaret P. Richardson who resides at 196 Vassal lane.

So ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: The Chair moves we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that this lot, like many other lots, requires a garage and garage space and surrounding addition. And that would be true whether it's these folks who are going to occupy the structure or anyone else.

That the hardship is owing to the shape of the lot. Clearly, as you say, it's trapezoidal in nature and it causes setback issues given how

the lot lines are drawn.

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

In this regard the Chair would note that there is unanimous, apparently, neighborhood support.

That the relief being sought is rather modest, and that's that.

So on the basis of these findings, the Chair moves we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner, the first page of which has been initialled by the Chair.

These are the final plans?

PETER GEARHART: Yeah.

CONSTANTINE ALEXANDER: If you change them, you got to come back.

PETER GEARHART: Correct.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted. Good luck.

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

(Whereupon, at 10:05 p.m., the

Board of Zoning Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

PAGE	LINE	
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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of May, 2018.

 Catherine L. Zelinski
 Notary Public
 Certified Shorthand Reporter

License No. 147703

My Commission Expires:
April 29, 2022

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0.47 ^[1] - 107:1
0.75 ^[2] - 41:14,
 106:16
007941-2015 ^[1] - 5:6
014099 ^[1] - 87:8
015467 ^[1] - 14:6
015832 ^[1] - 21:7
015846 ^[1] - 136:6
015973 ^[1] - 157:6
015998 ^[1] - 202:6
016037 ^[1] - 178:6
016061 ^[1] - 185:6
02139 ^[1] - 1:7
03/22/2018 ^[1] - 2:5
09/24/2015 ^[1] - 2:4

1

1 ^[4] - 2:9, 130:15,
 136:6, 193:7
1.243 ^[1] - 107:2
10 ^[11] - 1:4, 2:8, 18:7,
 21:7, 22:2, 31:14,
 32:11, 37:2, 59:18,
 143:13
100 ^[1] - 117:10
105832 ^[1] - 18:7
10:00 ^[1] - 202:1
10:05 ^[1] - 208:16
10th ^[2] - 14:17, 174:9
11 ^[4] - 122:2, 138:12,
 195:2, 195:4
11/30/2017 ^[1] - 2:7
12 ^[6] - 2:12, 143:13,
 185:6, 186:7, 194:9,
 196:13
12-14 ^[7] - 192:18,
 193:3, 193:8,
 193:14, 194:1,
 195:6, 195:17
120 ^[1] - 189:6
13 ^[1] - 108:4
130 ^[2] - 2:5, 14:6
134 ^[2] - 2:10, 157:6
136 ^[1] - 2:9
14 ^[2] - 2:5, 176:14
140-142 ^[3] - 2:6,
 16:7, 87:9
147703 ^[1] - 210:12
14th ^[3] - 174:10,
 174:11, 175:1
15 ^[14] - 19:15, 80:12,

80:14, 158:17,
 159:1, 159:14,
 160:8, 160:12,
 161:10, 162:5,
 171:2, 171:6,
 172:15, 173:11

15-by-15^[1] - 105:10

15-foot^[2] - 105:13,
 168:2

1500^[1] - 94:2

157^[1] - 2:10

16^[4] - 81:5, 162:6,
 171:2

16/87^[1] - 2:7

178^[1] - 2:11

18^[7] - 139:14, 143:8,
 143:10, 146:15,
 146:16, 166:14,
 171:2

18-and-a-half

^[1] - 138:12

18-foot^[2] - 104:4,
 167:8

18/21^[1] - 2:8

180^[2] - 24:17, 25:4

1840s^[1] - 96:15

1844^[1] - 89:14

185^[1] - 2:12

19^[3] - 162:12, 167:9,
 171:3

19-and-a-half

^[1] - 162:4

19-foot^[3] - 162:4,
 167:8, 170:17

19.6^[1] - 161:1

1902^[1] - 105:15

1922^[1] - 32:2

1949^[1] - 204:4

196^[1] - 206:9

1961^[2] - 32:5, 48:5

1980s^[1] - 193:4

19th^[1] - 186:10

2

2^[3] - 51:2, 55:5, 80:6

20^[9] - 2:9, 17:1,
 19:18, 136:6,
 136:13, 137:2,
 148:13, 155:14,
 171:3

20-foot^[2] - 149:1,
 167:9

200^[3] - 27:13, 28:7,

28:13
2018 ^[4] - 1:4, 85:15,
 199:6, 210:8
202 ^[1] - 2:13
2022 ^[1] - 210:14
2100 ^[1] - 186:13
2255-2267 ^[1] - 58:2
23 ^[1] - 85:15
230 ^[1] - 27:13
25 ^[7] - 23:16, 24:4,
 27:1, 27:17, 50:11,
 79:4, 203:1
250 ^[1] - 147:1
260 ^[1] - 26:6
261 ^[1] - 206:6
263 ^[3] - 26:5, 26:18,
 27:14
267 ^[4] - 2:13, 202:6,
 202:12, 206:1
269 ^[2] - 2:3, 5:6
27 ^[4] - 11:9, 67:5,
 194:6, 199:6
273 ^[2] - 2:3, 5:6
275-275 ^[1] - 206:7
285 ^[1] - 190:10
28th ^[6] - 175:11,
 176:3, 176:12,
 176:15, 177:4,
 177:13
29 ^[1] - 210:14

3

3 ^[2] - 202:17, 202:18
31st ^[3] - 175:2,
 175:6, 210:8
352 ^[1] - 181:7
354 ^[4] - 2:11, 178:6,
 180:18, 181:9

4

4 ^[2] - 95:16, 118:7
44 ^[1] - 161:2
450 ^[5] - 26:4, 52:12,
 77:3, 79:18, 81:7

5

5 ^[3] - 2:4, 196:14,
 196:15
50 ^[7] - 24:16, 38:15,
 107:2, 160:16,
 160:17, 160:18,
 161:3
500 ^[1] - 202:13

6

6 ^[7] - 32:4, 32:16,
 32:18, 34:9, 49:16,
 55:6, 196:14
6.5 ^[1] - 102:18
6.6 ^[1] - 102:18
60 ^[1] - 94:2
617.786.7783/617.63
9.0396 ^[1] - 1:15
65-foot ^[1] - 117:9
675 ^[1] - 18:11

7

7-Eleven ^[2] - 52:6,
 62:7
700 ^[1] - 28:18
7:00 ^[1] - 1:4
7:05 ^[2] - 3:3, 5:1
7:10 ^[2] - 14:1, 16:1
7:30 ^[2] - 17:1, 18:1
7:40 ^[1] - 21:1
7:45 ^[6] - 16:13,
 16:14, 19:1, 19:5,
 19:6, 19:11

8

8-10 ^[2] - 192:16,
 193:2
8.22.2 ^[1] - 23:18
8.22.3 ^[1] - 202:15
80 ^[2] - 140:10, 170:4
806 ^[1] - 1:6
875 ^[2] - 186:14,
 189:15
8:25 ^[1] - 87:1

9

9 ^[2] - 138:12, 194:12
90 ^[1] - 104:6
900 ^[1] - 26:15
9:05 ^[1] - 136:1
9:25 ^[1] - 157:1
9:40 ^[1] - 178:1
9:45 ^[1] - 185:1

A

A-2 ^[2] - 22:4, 29:3
a.m ^[1] - 157:1
abide ^[1] - 160:12
able ^[3] - 40:16, 41:2,
 61:16
absolutely

[6] - 48:11, 64:7,
153:14, 165:7,
168:13, 168:17

abundantly

[1] - 90:17

abuts [2] - 74:9,
180:16

abutter [7] - 18:15,
33:16, 36:2, 197:1,
197:4

abutters [10] - 33:3,
38:3, 52:2, 189:4,
189:7, 189:8, 193:3,
205:14, 205:16,
205:17

abutting [3] - 29:11,
58:1, 69:1

AC [1] - 105:6

accept [1] - 172:1

access [5] - 62:15,
84:13, 162:17,
182:5, 200:4

accommodate

[1] - 72:9

accommodations

[1] - 101:14

accomplishes

[1] - 172:15

accordance

[8] - 85:14, 134:5,
145:15, 155:9,
183:12, 199:4,
201:11, 208:1

according

[2] - 138:17, 141:14

accuracy [1] - 68:15

accurate [2] - 209:16,
210:6

action [1] - 9:1

active [1] - 115:12

activities [1] - 126:8

activity [1] - 33:8

acts [1] - 96:16

add [9] - 98:8, 113:15,
146:18, 158:13,
165:3, 168:10,
186:5, 195:18,
203:8

added [3] - 25:13,
26:17, 191:10

adding [5] - 37:5,
76:8, 118:12, 142:8,
170:8

addition [21] - 24:7,

24:9, 27:1, 76:10,
 83:1, 102:13,
 103:18, 138:3,
 138:9, 140:8, 186:4,
 188:5, 189:5, 190:9,
 190:18, 192:3,
 195:12, 202:13,
 206:1, 207:1

addition/in

[1] - 195:10

addition/in-fill

[1] - 195:10

additional [13] - 25:6,
 26:18, 44:14, 52:12,
 81:16, 94:7, 98:9,
 98:10, 151:12,
 164:15, 170:3,
 190:10, 198:4

address [6] - 8:13,
 35:3, 56:10, 59:1,
 122:1, 136:9

addressed [1] - 14:12

adds [1] - 130:12

adequate [1] - 39:1

adjacent [4] - 84:18,
 182:13, 190:2,
 200:9

adjoining [5] - 32:6,
 74:10, 85:9, 183:6,
 200:18

Adjourned

[1] - 208:17

admittedly [1] - 28:1

adopted [1] - 32:4

advance [2] - 61:5,
 65:18

advantage

[2] - 121:4, 121:9

adverse [3] - 152:1,
 155:4

adversely [3] - 85:1,
 182:14, 200:10

advertise [2] - 40:16,
 73:11

advertised

[5] - 11:13, 72:13,
 73:8, 153:2, 153:3

affect [5] - 36:5,
 36:11, 62:14, 91:16,
 206:4

affected [3] - 85:1,
 182:14, 200:10

affecting [2] - 88:12

affects [3] - 36:13,

36:14, 133:5

afford ^[2] - 124:8,
124:14

affordable

^[13] - 96:10, 96:12,
97:1, 97:3, 110:9,
110:14, 110:18,
116:14, 129:17,
130:14, 131:1,
131:3, 204:5

afraid ^[1] - 60:13

age ^[2] - 47:16, 47:17

agencies ^[1] - 66:14

agenda ^[4] - 4:14,

17:1, 18:6, 87:8

agent ^[1] - 202:10

aging ^[1] - 140:9

ago ^[5] - 4:16, 22:6,
105:2, 108:5, 123:3

agree ^[5] - 37:18,
115:2, 124:2, 143:1,
150:5

agreement

^[2] - 18:17, 68:4

Agreement ^[1] - 83:7

air ^[1] - 35:5

Airbnb ^[2] - 150:11,
151:18

alexander ^[1] - 135:9

ALEXANDER

^[314] - 3:7, 4:12, 5:5,
5:11, 5:15, 6:4, 6:8,
6:12, 7:9, 8:11,
8:15, 8:18, 9:5,
9:14, 10:11, 10:16,
11:5, 11:11, 11:14,
11:17, 12:6, 12:9,
12:12, 12:16, 14:5,
14:10, 15:4, 16:5,
16:17, 18:5, 19:2,
19:8, 19:12, 19:17,
21:5, 22:13, 23:1,
23:7, 23:10, 23:14,
24:2, 24:6, 24:11,
25:3, 25:8, 27:2,
28:10, 30:5, 30:10,
31:3, 31:7, 31:15,
34:2, 34:11, 35:7,
35:16, 36:1, 36:7,
36:10, 37:7, 37:12,
38:11, 38:16, 39:7,
39:14, 40:4, 40:7,
40:15, 41:10, 42:1,
42:16, 43:6, 43:10,

44:12, 46:1, 46:7,
47:9, 47:15, 48:7,
48:10, 48:13, 49:2,
49:8, 49:12, 50:3,
50:7, 50:10, 50:14,
50:17, 51:5, 51:9,
51:15, 52:17, 53:7,
54:3, 54:14, 55:7,
55:11, 56:9, 57:2,
57:6, 57:9, 57:13,
58:11, 58:14, 58:17,
59:3, 59:8, 61:16,
62:16, 63:13, 63:18,
65:1, 66:6, 66:11,
67:1, 68:2, 68:9,
68:13, 71:2, 71:14,
72:10, 72:17, 73:5,
73:14, 74:1, 74:5,
75:6, 75:9, 75:14,
76:2, 76:15, 76:18,
77:5, 77:9, 77:18,
79:5, 79:12, 80:2,
80:7, 80:13, 80:17,
81:3, 81:8, 81:13,
82:7, 82:11, 83:8,
84:3, 86:1, 87:5,
87:18, 88:18, 89:7,
89:15, 90:2, 90:12,
90:14, 93:2, 94:6,
97:2, 97:7, 97:11,
99:6, 100:13, 101:2,
104:17, 105:3,
105:18, 106:5,
106:8, 106:13,
106:18, 109:4,
110:10, 110:12,
111:4, 112:4,
112:15, 114:11,
114:14, 119:5,
120:18, 121:15,
122:4, 122:7,
122:10, 125:1,
125:5, 127:8,
127:12, 127:15,
128:5, 128:8, 129:7,
130:4, 131:14,
131:16, 132:6,
134:10, 134:13,
134:18, 135:3,
135:6, 135:8,
135:10, 136:5,
136:17, 137:6,
137:12, 139:3,
139:13, 140:14,

141:1, 141:7, 142:1,
 142:8, 142:18,
 143:16, 144:1,
 144:15, 145:7,
 145:13, 146:6,
 146:11, 147:3,
 147:10, 148:2,
 148:8, 148:12,
 148:15, 149:5,
 149:7, 149:13,
 150:9, 150:16,
 151:1, 151:3, 151:8,
 151:13, 152:11,
 152:15, 153:7,
 153:11, 153:15,
 156:10, 157:5,
 159:4, 159:16,
 160:10, 161:13,
 162:2, 163:2, 163:7,
 163:15, 165:17,
 166:5, 167:16,
 168:3, 168:18,
 169:11, 169:18,
 170:5, 170:10,
 171:13, 172:4,
 172:11, 173:4,
 173:16, 174:7,
 174:11, 175:4,
 175:8, 175:12,
 175:18, 177:10,
 177:16, 178:5,
 178:18, 179:3,
 179:6, 179:9, 180:1,
 180:4, 180:7,
 180:12, 181:17,
 184:3, 185:5,
 190:15, 191:4,
 191:12, 191:15,
 192:5, 192:8,
 192:13, 197:11,
 199:10, 199:14,
 201:15, 202:5,
 202:16, 203:5,
 203:13, 204:6,
 204:13, 205:2,
 205:5, 205:10,
 205:15, 206:12,
 208:6, 208:9,
 208:12

Alexander ^[23] - 1:8,

3:4, 5:3, 12:18,
 14:3, 15:6, 16:3,
 18:3, 21:3, 82:9,
 86:2, 87:3, 136:3,

156:12, 157:3,
 177:14, 178:3,
 184:5, 185:3,
 199:12, 201:17,
 202:3, 208:14
align ^[1] - 152:13
aligned ^[1] - 41:17
Alive ^[3] - 6:9, 6:16,
 10:5
allow ^[15] - 22:7, 24:4,
 25:15, 26:4, 33:5,
 78:14, 79:17, 83:16,
 94:10, 94:11,
 134:14, 154:17,
 173:13, 177:4,
 201:6
allowable ^[2] - 25:5,
 26:7
allowed ^[8] - 23:9,
 29:3, 38:14, 101:17,
 150:8, 188:13,
 190:11
allows ^[4] - 29:18,
 31:17, 77:15, 80:3
alluding ^[1] - 42:17
almost ^[4] - 116:8,
 161:7, 186:12
alter ^[1] - 179:1
alterations
^[2] - 182:11, 183:4
Amanda ^[2] - 194:4,
 194:5
amenable ^[1] - 130:3
Amendment
^[1] - 78:11
amicably ^[1] - 33:2
amount ^[6] - 22:9,
 37:14, 41:9, 113:10,
 119:16, 147:8
AND ^[1] - 209:1
AND/OR ^[1] - 210:16
Anderton ^[1] - 14:11
ANDERTON
^[1] - 14:12
Andrea ^[15] - 1:9, 3:5,
 5:3, 14:3, 16:3,
 18:3, 21:3, 42:16,
 87:3, 131:16, 136:3,
 157:3, 178:3, 185:3,
 202:3
ANDREA ^[17] - 41:2,
 50:16, 55:10,
 110:16, 115:1,
 119:3, 131:18,

149:3, 149:6, 150:5,
150:15, 151:9,
152:7, 152:17,
153:10, 173:7,
175:15

Andy ^[5] - 178:11,
178:16, 181:1,
181:10

ANGIER ^[1] - 136:14

Angier ^[2] - 136:12,
136:14

ANN ^[28] - 136:11,
136:12, 136:18,
137:8, 137:11,
137:14, 139:6,
139:9, 139:16,
140:8, 140:17,
141:5, 141:10,
142:14, 143:2,
143:18, 144:14,
145:6, 145:12,
146:5, 146:14,
147:9, 147:17,
149:2, 150:18,
151:2, 151:4,
153:14

Ann ^[2] - 136:11,
136:15

answer ^[2] - 110:7,
150:9

ant ^[1] - 144:3

ANY ^[2] - 210:15,
210:16

anyhow ^[5] - 48:6,
131:11, 148:7,
167:17, 172:2

anyway ^[8] - 48:16,
48:17, 50:14, 69:14,
72:10, 83:12, 105:5,
120:3

apartment ^[3] - 47:1,
54:13, 94:15

apologize ^[6] - 19:14,
35:8, 57:1, 59:4,
65:7, 66:3

APPEAL ^[1] - 1:1

appeal ^[5] - 9:6,
10:12, 12:13, 12:17,
91:8

Appeal ^[1] - 196:12

appealed ^[2] - 8:17,
91:10

Appeals ^[8] - 3:8,
91:10, 91:11, 194:3,

195:12, 208:17,
209:6, 209:15

appearance
[1] - 198:16

appearing [2] - 18:12,
185:12

applicable [2] - 51:13,
81:18

applicant [8] - 5:14,
7:13, 7:16, 18:13,
21:12, 53:14, 69:3

applicant's [3] - 5:16,
58:7, 58:9

application
[6] - 21:17, 34:1,
58:4, 58:9, 83:13,
186:2

applied [2] - 9:3,
37:13

applies [2] - 32:14,
79:15

APPLY [1] - 210:15

apply [3] - 82:14,
100:3, 100:4

applying [1] - 23:18

appointment
[1] - 14:16

appreciate [1] - 127:9

approach [1] - 118:13

appropriate
[2] - 190:7, 190:13

Appropriateness
[2] - 187:1, 187:4

approve [3] - 73:12,
73:15, 162:4

approving [1] - 74:4

April [1] - 199:6

april [1] - 210:14

architect [7] - 21:15,
90:9, 95:9, 96:5,
157:11, 178:10,
196:7

architects [2] - 95:1,
136:15

Architects [6] - 21:16,
85:15, 136:16,
185:18, 194:9,
199:5

Area [2] - 95:16,
118:7

area [24] - 29:2,
41:13, 45:5, 46:13,
54:8, 68:8, 76:7,
76:14, 77:2, 78:5,

78:12, 89:18, 94:3,
 106:14, 111:17,
 126:5, 126:17,
 179:14, 188:7,
 190:17, 194:17,
 198:2, 198:17,
 201:7
areas ^[2] - 41:12,
 105:13
argue ^[1] - 107:11
argument ^[1] - 117:7
arrangement
^[1] - 195:14
arrogant ^[1] - 120:14
art ^[1] - 138:5
Article ^[9] - 32:4,
 32:16, 32:18, 34:9,
 49:16, 51:2, 55:6,
 80:6, 130:15
as-of-right ^[1] - 79:14
aside ^[1] - 143:7
aspect ^[1] - 132:1
aspects ^[1] - 137:18
asset ^[2] - 98:18,
 112:13
assist ^[1] - 4:7
Assistant ^[1] - 1:11
Associate ^[1] - 1:10
associated
^[3] - 21:18, 29:7,
 140:2
association
^[2] - 137:17, 149:16
assume ^[2] - 70:10,
 98:16
assuming ^[2] - 69:5,
 147:15
assured ^[3] - 67:16,
 196:4, 196:6
Athanasia ^[2] - 57:13,
 58:9
attached ^[1] - 70:18
attended ^[2] - 97:15,
 193:17
attendees ^[1] - 4:1
attention ^[2] - 112:14,
 112:16
attic ^[4] - 158:1,
 158:13, 159:17
ATTORNEY
^[108] - 18:10, 19:7,
 19:10, 19:14, 20:1,
 21:10, 22:17, 23:5,
 23:8, 23:11, 23:15,

24:3, 24:8, 24:14,
 25:1, 25:4, 25:9,
 26:6, 26:16, 27:6,
 27:15, 28:12, 28:16,
 30:9, 30:13, 30:17,
 31:13, 31:16, 34:3,
 34:14, 35:2, 36:4,
 36:8, 36:12, 36:15,
 37:10, 37:18, 38:14,
 39:4, 39:8, 40:2,
 40:6, 40:10, 40:18,
 41:4, 41:11, 42:2,
 43:3, 43:8, 43:11,
 45:8, 45:12, 46:2,
 47:2, 47:10, 48:4,
 48:8, 48:12, 48:17,
 49:4, 49:9, 49:14,
 50:6, 50:9, 50:12,
 50:18, 51:7, 51:14,
 51:16, 52:18, 53:9,
 54:12, 55:1, 56:3,
 56:8, 56:12, 57:5,
 57:7, 57:12, 57:15,
 66:16, 68:14, 69:11,
 69:16, 72:1, 72:6,
 72:8, 72:14, 73:1,
 76:1, 76:12, 76:16,
 77:3, 79:8, 79:13,
 80:5, 80:12, 80:15,
 81:1, 81:6, 81:11,
 84:2, 185:9, 185:17,
 191:2, 191:6,
 191:13, 191:17

attorney^[2] - 18:14,
 56:13

attract^[1] - 41:18

atypical^[1] - 204:11

Auburn^[1] - 56:14

AUDIENCE

^[4] - 16:15, 55:18,
 56:5, 204:18

audio^[1] - 3:12

author^[1] - 197:3

authority^[1] - 51:10

automobile

^[1] - 133:4

Ave^[7] - 30:8, 31:2,
 46:9, 62:8, 136:13,
 137:3, 202:12

Avenue^[18] - 1:6, 2:3,
 2:9, 2:13, 5:7, 6:9,
 11:9, 18:12, 22:3,
 29:12, 58:3, 67:5,
 136:6, 155:14,

202:6, 206:1, 206:6,
206:8

aware ^[1] - 117:16

Aye ^[21] - 12:14,
12:15, 15:2, 15:3,
82:5, 85:17, 85:18,
135:4, 135:5, 156:8,
156:9, 177:8, 177:9,
184:1, 184:2, 199:8,
199:9, 201:13,
201:14, 208:10,
208:11

B

B-O-R-A-L

^[1] - 178:17

BA-2 ^[1] - 74:9

baby ^[1] - 60:12

background

^[1] - 186:7

backs ^[1] - 104:12

backyard ^[2] - 60:15,
77:16

banging ^[1] - 166:17

bar ^[1] - 77:14

Barrett ^[1] - 78:11

BARROW

^[21] - 58:13, 58:15,
59:2, 59:6, 59:12,
59:14, 59:15, 60:7,
62:1, 62:5, 62:10,
63:5, 63:16, 64:11,
65:11, 65:15, 66:5,
66:9, 70:4, 70:8,
70:18

Barrow ^[1] - 59:15

Bart's ^[1] - 126:11

based ^[4] - 43:12,
62:12, 68:10, 68:11

basement

^[24] - 25:16, 26:2,
26:7, 26:10, 26:12,
26:14, 27:2, 27:7,
27:10, 27:11, 27:12,
28:7, 34:15, 35:11,
35:13, 51:3, 76:7,
76:14, 78:14, 79:2,
79:10, 79:18, 80:10,
81:16

basement's

^[1] - 78:17

bases ^[1] - 91:17

basis ^[10] - 84:4,

85:11, 134:2, 155:5,
156:8, 177:8, 183:9,
199:1, 201:8,
207:17

basketball

[1] - 104:13

bathroom

[11] - 150:14, 151:4,
151:10, 158:3,
164:12, 164:13,
164:14, 165:1,
165:5, 165:10,
167:2

bathrooms

[2] - 104:2, 165:7

be... [1] - 203:4

bear [2] - 38:5, 58:16

became [3] - 23:13,
25:7, 101:6

become [2] - 54:13,
138:14

becomes [5] - 35:14,
171:2, 171:3

bed [1] - 163:8

bedroom [32] - 28:14,
28:17, 35:14, 52:16,
54:11, 65:16,
108:18, 109:11,
113:13, 129:12,
133:14, 137:17,
138:10, 140:13,
140:15, 141:3,
150:7, 151:12,
152:9, 158:13,
159:8, 159:14,
163:11, 165:12,
165:14, 166:11,
168:12, 168:14,
168:15, 168:16,
169:16

bedrooms

[9] - 129:14, 130:13,
138:1, 138:2,
158:10, 164:2,
164:6, 164:13,
188:8

beds [7] - 159:8,
159:9, 159:14,
162:15, 163:10,
165:12, 168:13

beginning [2] - 3:18,
204:15

behalf [4] - 18:13,
21:11, 56:15,

185:12
behind ^[2] - 55:14,
 151:7
behoove ^[1] - 62:18
belong ^[1] - 105:14
below ^[3] - 188:12,
 188:13, 188:18
bend ^[1] - 114:5
beneficial ^[3] - 35:5,
 94:8, 112:9
benefit ^[14] - 29:17,
 30:14, 33:12, 93:8,
 93:18, 108:9,
 109:18, 112:5,
 116:13, 116:15,
 119:15, 129:18,
 130:15, 132:2
benefits ^[2] - 93:7,
 108:9
Bennet ^[2] - 18:14,
 56:12
BENNET ^[5] - 56:12,
 57:5, 57:7, 57:12,
 57:15
best ^[2] - 57:12, 95:13
better ^[10] - 42:12,
 46:15, 54:15, 66:8,
 124:13, 172:14,
 173:10, 179:16,
 183:17
between ^[4] - 38:9,
 69:17, 140:3,
 193:16
beyond ^[1] - 173:12
biased ^[1] - 107:8
bicycle ^[4] - 71:13,
 71:16, 71:18, 72:3
bicycles ^[2] - 72:9,
 72:16
bigger ^[2] - 142:5,
 165:14
bike ^[2] - 73:9, 105:8
BILL ^[7] - 178:9,
 178:15, 179:2,
 179:5, 179:8,
 179:11, 180:3
Bill ^[1] - 178:9
bit ^[6] - 59:9, 89:14,
 111:17, 137:7,
 142:9, 168:11
blackmailing
^[1] - 120:2
blah ^[3] - 196:13
blind ^[1] - 129:10

block ^[4] - 45:13,
45:16, 63:9, 129:11

blocked ^[1] - 61:2

blocks ^[1] - 196:16

blowing ^[1] - 79:5

BOARD ^[1] - 1:1

Board ^[49] - 3:8, 9:10,
9:16, 10:18, 11:2,
12:1, 26:8, 50:4,
50:15, 54:7, 55:8,
57:17, 58:6, 66:12,
73:12, 74:12, 83:7,
92:12, 92:18, 95:7,
111:9, 111:12,
112:2, 113:2,
122:17, 123:12,
127:17, 131:8,
134:1, 146:8, 150:1,
158:16, 160:8,
174:1, 177:4, 180:5,
185:10, 186:7,
188:11, 192:6,
194:3, 195:12,
196:12, 197:8,
205:3, 206:3,
208:17, 209:6,
209:15

board ^[2] - 144:18,
170:1

Boards ^[1] - 113:2

boards ^[1] - 113:3

body ^[1] - 99:7

BOEHM ^[7] - 178:9,
178:15, 179:2,
179:5, 179:8,
179:11, 180:3

Boehm ^[1] - 178:10

book ^[1] - 20:2

Boral ^[2] - 178:12,
178:16

BORAL ^[1] - 181:1

Boral's ^[2] - 181:1,
181:10

Boston ^[1] - 90:8

bother ^[1] - 119:10

Boyes ^[6] - 21:16,
85:14, 185:18,
194:9, 194:11,
199:4

Boyes-Watson
^[6] - 21:16, 85:14,
185:18, 194:9,
194:11, 199:4

Brandon ^[10] - 5:12,

11:6, 11:8, 55:14,
55:16, 58:12, 67:3,
67:5, 71:3, 75:10

BRANDON

[27] - 5:13, 6:1, 6:7,
6:11, 7:7, 11:7,
11:12, 11:15, 11:18,
12:7, 12:11, 67:4,
68:6, 68:11, 69:8,
69:13, 70:1, 70:6,
70:15, 71:4, 71:11,
73:3, 73:10, 73:18,
74:3, 74:7, 75:7

Brattle [1] - 193:17

Brendan [16] - 1:8,
3:4, 5:3, 14:3, 16:3,
18:3, 21:3, 77:9,
87:3, 136:3, 157:3,
170:12, 172:4,
178:3, 185:3, 202:3

BRENDAN [35] - 7:18,
77:8, 77:11, 98:5,
100:17, 109:9,
109:13, 109:17,
110:6, 110:11,
129:9, 130:7, 131:2,
131:4, 146:9,
147:18, 148:6,
148:11, 148:14,
152:4, 152:8,
152:12, 164:1,
164:5, 164:9, 166:7,
167:6, 167:17,
170:15, 171:9,
171:14, 173:2,
173:5, 175:16,
204:8

Brewer [2] - 196:14,
196:15

brick [2] - 31:10,
117:9

brief [1] - 186:7

briefly [1] - 100:15

brilliant [1] - 117:14

bring [2] - 44:17,
107:2

BRISTOL [1] - 210:3

broad [1] - 80:18

broader [2] - 93:17,
94:1

Broadway

[1] - 125:17

brought [3] - 20:2,
102:3, 191:14

Bruner ^[10] - 95:1,
 101:11, 101:17,
 102:1, 103:11,
 105:7, 106:10,
 106:12, 128:4,
 128:6

Bruner-Cott

^[7] - 95:1, 101:11,
 101:17, 103:11,
 105:7, 106:10,
 128:4

build ^[10] - 48:9,
 48:10, 88:2, 94:15,
 96:18, 120:12,
 120:13, 134:15,
 134:16, 142:2

building ^[29] - 22:8,
 22:11, 23:3, 25:11,
 26:2, 29:14, 31:1,
 31:6, 46:17, 58:2,
 72:2, 83:14, 93:12,
 94:17, 95:15, 95:18,
 96:2, 96:3, 97:13,
 103:13, 107:12,
 112:6, 115:13,
 117:9, 121:6, 155:1,
 191:9, 195:9,
 196:15

Building ^[2] - 32:9,
 93:13

buildings ^[4] - 48:2,
 52:3, 115:16, 118:8

built ^[3] - 48:5, 133:3,
 186:9

bulk ^[3] - 103:12,
 103:15, 108:1

bump ^[1] - 202:14

Burkes ^[1] - 102:8

bus ^[1] - 118:4

Business ^[3] - 22:4,
 29:3, 77:17

business ^[5] - 46:10,
 52:8, 52:9, 52:10,
 155:2

businesses ^[1] - 30:7

busy ^[4] - 89:3, 89:11,
 133:2, 133:4

by-right ^[1] - 101:17

BZA-007941-2015

^[2] - 2:3, 5:2

BZA-014099-2017

^[2] - 2:6, 16:2

BZA-015467-2018

^[2] - 2:5, 14:2

BZA-015832-2018

[3] - 2:8, 18:2, 21:2

BZA-015846-2017

[1] - 87:2

BZA-015846-2018

[2] - 2:9, 136:2

BZA-015973-2018

[2] - 2:10, 157:2

BZA-015998-2018

[2] - 2:13, 202:2

BZA-016037-2018

[2] - 2:11, 178:2

BZA-016061-2018

[2] - 2:12, 185:2

C**cabs** [1] - 126:1**CAMBRIDGE** [1] - 1:2**Cambridge** [26] - 1:7,

18:12, 30:4, 47:16,

56:14, 56:15, 57:16,

57:18, 67:6, 93:18,

94:3, 117:15,

121:12, 122:3,

123:1, 124:7,

125:12, 133:15,

180:18, 185:12,

193:18, 194:6,

196:7, 196:16,

198:18, 204:4

cancel [1] - 14:16**candidate** [1] - 38:1**cannot** [7] - 16:13,

63:8, 84:9, 129:3,

168:12, 182:3,

200:1

canopy [1] - 68:8**cans** [1] - 105:7**CAPTURING**

[1] - 1:15

car [5] - 34:18, 38:10,

44:4, 46:17, 139:1

care [1] - 157:14**carry** [1] - 201:5**cars** [10] - 38:12,

38:13, 38:17, 39:3,

44:3, 74:18, 104:9,

104:10, 126:3,

140:3

CASE [1] - 2:2**case** [68] - 4:18, 5:5,

5:17, 6:2, 6:3, 6:4,

6:11, 7:5, 7:7, 7:16,

9:11, 9:12, 10:9,
 11:13, 12:13, 12:17,
 14:5, 14:13, 15:1,
 15:5, 16:5, 16:6,
 16:8, 16:13, 18:6,
 19:1, 19:3, 19:6,
 21:7, 33:1, 41:18,
 42:1, 56:4, 62:17,
 64:5, 67:17, 73:6,
 87:6, 87:8, 90:2,
 91:6, 91:7, 91:12,
 92:6, 92:10, 118:1,
 136:6, 157:6,
 160:17, 167:9,
 171:15, 172:6,
 173:17, 174:3,
 174:17, 176:1,
 177:8, 177:11,
 178:6, 179:3, 179:6,
 179:10, 185:6,
 196:12, 202:6
cases ^[6] - 4:15, 26:9,
 48:14, 91:18, 92:5
catch ^[2] - 122:5,
 156:6
Catherine ^[2] - 210:4,
 210:11
caught ^[1] - 112:3
causes ^[2] - 198:8,
 207:6
causing ^[1] - 164:15
cave ^[1] - 138:14
cease ^[1] - 8:10
Cecile ^[1] - 192:15
ceiling ^[2] - 60:8,
 102:16
ceilings ^[2] - 93:14,
 102:18
cellar ^[1] - 80:10
Center ^[3] - 1:5,
 95:16, 118:7
center ^[2] - 125:11,
 126:14
century ^[1] - 186:10
certain ^[4] - 38:1,
 41:11, 144:18,
 162:18
certainly ^[3] - 98:18,
 141:11, 172:5
Certificate
^[2] - 186:18, 187:4
CERTIFICATION
^[1] - 210:15
Certified ^[2] - 210:4,

210:12
certify ^[1] - 210:5
CERTIFYING
^[1] - 210:16
chagrin ^[1] - 101:13
chair ^[3] - 21:17,
103:5, 175:18
Chair ^[42] - 1:8, 1:8,
3:7, 3:11, 3:15,
3:18, 11:5, 12:12,
14:18, 18:5, 18:10,
21:6, 78:9, 78:13,
85:12, 85:16, 87:5,
132:8, 134:3, 134:7,
136:5, 153:17,
155:6, 155:10,
157:5, 178:5,
181:17, 182:9,
183:10, 183:14,
185:5, 197:15,
198:14, 199:2,
199:6, 199:15,
201:9, 202:5,
206:12, 207:12,
207:18, 208:3
Chairman ^[1] - 185:10
chance ^[2] - 11:9,
67:8
chances ^[1] - 46:11
Chandra ^[1] - 157:12
CHANDRASEKHAR
^[4] - 165:3, 166:2,
168:10, 169:4
CHANGE ^[6] - 209:8,
209:9, 209:10,
209:11, 209:12,
209:13
change ^[16] - 74:3,
84:15, 113:9,
113:17, 113:18,
114:4, 114:9,
114:10, 117:18,
145:16, 146:4,
182:7, 183:15,
200:6, 208:6, 209:6
changed ^[9] - 16:10,
16:11, 41:12, 89:14,
99:8, 99:9, 111:17,
115:11, 152:10
changes ^[2] - 187:18,
209:16
changing ^[3] - 32:11,
109:6, 114:15
character ^[10] - 28:4,

51:11, 53:9, 81:17,
84:16, 182:8, 190:8,
195:18, 200:7,
206:3

characterized

^[1] - 147:11

charge ^[3] - 44:13,
61:12, 110:4

charges ^[1] - 187:1

Charles ^[1] - 193:17

Charlie ^[1] - 102:8

checked ^[1] - 68:16

children ^[1] - 166:1

choice ^[1] - 47:1

choose ^[1] - 40:8

church ^[2] - 126:5,
126:11

circumstances

^[1] - 88:10

cite ^[1] - 91:18

cited ^[1] - 92:5

cities ^[1] - 117:12

citizen ^[1] - 4:4

citizens ^[4] - 85:6,
177:5, 183:2,
200:15

City ^[13] - 30:3, 47:16,
94:8, 99:7, 99:11,
113:5, 113:7,
113:16, 114:1,
114:9, 125:12,
133:15, 204:4

CITY ^[1] - 1:2

city ^[30] - 4:5, 41:8,
41:12, 66:14, 85:6,
91:10, 93:6, 93:7,
93:16, 94:5, 94:8,
100:5, 104:14,
110:17, 112:3,
112:6, 112:8, 112:9,
113:1, 113:16,
118:17, 119:15,
125:10, 125:14,
150:11, 151:15,
177:5, 183:2, 189:6,
200:15

City's ^[1] - 37:14

clarification

^[2] - 78:16, 134:11

clarified ^[1] - 141:13

clarify ^[1] - 8:7

classical ^[1] - 103:7

classification

^[2] - 76:17, 77:1

classify ^[1] - 119:13
clean ^[1] - 10:8
clean-up ^[1] - 10:8
clear ^[3] - 76:13,
 90:17, 141:16
clearly ^[1] - 207:5
clerk ^[1] - 67:6
client ^[1] - 92:9
clients ^[5] - 90:4,
 101:13, 143:13,
 157:18, 171:8
close ^[13] - 26:12,
 26:15, 37:4, 76:2,
 83:11, 99:15,
 122:13, 128:14,
 149:18, 180:13,
 181:14, 197:11,
 205:11
closely ^[1] - 43:15
closer ^[2] - 65:1,
 168:2
closet ^[5] - 164:4,
 165:16, 166:8,
 166:9, 168:17
closing ^[1] - 103:3
clue ^[1] - 118:1
co ^[2] - 136:13, 137:2
co-owners
^[2] - 136:13, 137:2
Code ^[1] - 93:13
code ^[1] - 163:3
Cohen ^[1] - 196:11
colleagues
^[1] - 162:10
colloquy ^[1] - 71:3
color ^[1] - 77:13
combined ^[1] - 25:1
comfortable
^[1] - 195:14
coming ^[4] - 111:3,
 120:8, 125:17,
 171:12
comment ^[8] - 77:11,
 78:1, 95:8, 111:7,
 112:1, 115:1,
 181:14, 205:6
comments ^[10] - 11:3,
 67:10, 71:3, 75:5,
 75:16, 77:6, 111:6,
 162:9, 168:11,
 180:4
commercial
^[6] - 29:12, 46:8,
 52:2, 52:6, 53:12,

58:2

Commission

[11] - 93:1, 95:4,
102:9, 112:11,
119:13, 123:14,
124:1, 129:1, 134:1,
189:13, 210:13

Commission's

[1] - 193:18

Commissioner

[2] - 1:11, 32:10

committee

[1] - 111:10

Committee [1] - 67:7

commodities

[1] - 155:16

common [1] - 34:16

COMMONWEALTH

[1] - 210:2

Commonwealth

[1] - 113:7

communicating

[1] - 63:8

Community

[1] - 161:15

community

[15] - 97:13, 98:3,
98:18, 99:1, 101:5,
101:8, 108:10,
108:11, 112:13,
116:15, 116:16,
124:8, 125:11,
138:5

compact [1] - 38:13

compared

[1] - 103:13

compatibility

[1] - 54:2

compelling

[1] - 160:11

complain [1] - 60:10

complaint [6] - 6:13,

6:15, 7:17, 8:7,
10:1, 71:18

complementary

[1] - 197:6

complete

[2] - 180:17, 181:8

compliant [1] - 39:10

comply [4] - 23:4,

41:1, 150:12,
151:16

computation

[1] - 78:12

concern ^[3] - 60:2,
62:11, 67:12

concerned
^[2] - 67:14, 101:18

concerns ^[2] - 97:18,
142:13

conclude ^[1] - 18:18

conclusion ^[1] - 32:9

condition ^[16] - 32:8,
33:16, 35:5, 44:1,
85:13, 134:4,
138:13, 152:14,
153:8, 155:7, 155:8,
183:11, 195:16,
199:3, 201:10,
208:1

conditions ^[14] - 29:9,
33:1, 88:10, 101:7,
137:5, 144:5,
144:18, 150:3,
150:6, 155:3, 155:6,
155:11, 176:4,
177:6

condo ^[10] - 137:17,
139:4, 139:7,
139:10, 140:2,
141:14, 152:9,
152:10, 152:13

condominium
^[2] - 149:15, 157:16

condos ^[3] - 64:10,
109:14, 129:15

conduct ^[2] - 3:17,
155:2

configuration
^[1] - 79:9

conflicts ^[1] - 171:18

conform ^[1] - 116:11

conformance
^[1] - 104:5

conforming
^[21] - 22:12, 22:13,
22:16, 22:17, 23:13,
24:6, 24:9, 25:7,
25:14, 25:17, 32:8,
32:13, 44:8, 76:9,
76:10, 83:1, 83:2,
137:18, 186:12,
187:16

conformity ^[1] - 107:1

confused ^[2] - 6:1,
11:16

confusion ^[1] - 140:5

congestion

[3] - 84:14, 182:6,
200:5

congratulate

[1] - 106:5

congregating

[1] - 126:15

congregation

[1] - 94:2

connected [1] - 8:14

connection

[1] - 201:12

consequence

[1] - 43:4

consequently

[1] - 77:14

Conservation

[2] - 196:3, 196:18

consider [1] - 73:4

consideration

[3] - 33:10, 61:4,
75:8

considered

[2] - 117:13, 122:17

consistent [1] - 28:4

CONSTANTINE

[314] - 3:7, 4:12, 5:5,
5:11, 5:15, 6:4, 6:8,
6:12, 7:9, 8:11,
8:15, 8:18, 9:5,
9:14, 10:11, 10:16,
11:5, 11:11, 11:14,
11:17, 12:6, 12:9,
12:12, 12:16, 14:5,
14:10, 15:4, 16:5,
16:17, 18:5, 19:2,
19:8, 19:12, 19:17,
21:5, 22:13, 23:1,
23:7, 23:10, 23:14,
24:2, 24:6, 24:11,
25:3, 25:8, 27:2,
28:10, 30:5, 30:10,
31:3, 31:7, 31:15,
34:2, 34:11, 35:7,
35:16, 36:1, 36:7,
36:10, 37:7, 37:12,
38:11, 38:16, 39:7,
39:14, 40:4, 40:7,
40:15, 41:10, 42:1,
42:16, 43:6, 43:10,
44:12, 46:1, 46:7,
47:9, 47:15, 48:7,
48:10, 48:13, 49:2,
49:8, 49:12, 50:3,
50:7, 50:10, 50:14,

50:17, 51:5, 51:9,
51:15, 52:17, 53:7,
54:3, 54:14, 55:7,
55:11, 56:9, 57:2,
57:6, 57:9, 57:13,
58:11, 58:14, 58:17,
59:3, 59:8, 61:16,
62:16, 63:13, 63:18,
65:1, 66:6, 66:11,
67:1, 68:2, 68:9,
68:13, 71:2, 71:14,
72:10, 72:17, 73:5,
73:14, 74:1, 74:5,
75:6, 75:9, 75:14,
76:2, 76:15, 76:18,
77:5, 77:9, 77:18,
79:5, 79:12, 80:2,
80:7, 80:13, 80:17,
81:3, 81:8, 81:13,
82:7, 82:11, 83:8,
84:3, 86:1, 87:5,
87:18, 88:18, 89:7,
89:15, 90:2, 90:12,
90:14, 93:2, 94:6,
97:2, 97:7, 97:11,
99:6, 100:13, 101:2,
104:17, 105:3,
105:18, 106:5,
106:8, 106:13,
106:18, 109:4,
110:10, 110:12,
111:4, 112:4,
112:15, 114:11,
114:14, 119:5,
120:18, 121:15,
122:4, 122:7,
122:10, 125:1,
125:5, 127:8,
127:12, 127:15,
128:5, 128:8, 129:7,
130:4, 131:14,
131:16, 132:6,
134:10, 134:13,
134:18, 135:3,
135:6, 135:8,
135:10, 136:5,
136:17, 137:6,
137:12, 139:3,
139:13, 140:14,
141:1, 141:7, 142:1,
142:8, 142:18,
143:16, 144:1,
144:15, 145:7,
145:13, 146:6,

146:11, 147:3,
 147:10, 148:2,
 148:8, 148:12,
 148:15, 149:5,
 149:7, 149:13,
 150:9, 150:16,
 151:1, 151:3, 151:8,
 151:13, 152:11,
 152:15, 153:7,
 153:11, 153:15,
 156:10, 157:5,
 159:4, 159:16,
 160:10, 161:13,
 162:2, 163:2, 163:7,
 163:15, 165:17,
 166:5, 167:16,
 168:3, 168:18,
 169:11, 169:18,
 170:5, 170:10,
 171:13, 172:4,
 172:11, 173:4,
 173:16, 174:7,
 174:11, 175:4,
 175:8, 175:12,
 175:18, 177:10,
 177:16, 178:5,
 178:18, 179:3,
 179:6, 179:9, 180:1,
 180:4, 180:7,
 180:12, 181:17,
 184:3, 185:5,
 190:15, 191:4,
 191:12, 191:15,
 192:5, 192:8,
 192:13, 197:11,
 199:10, 199:14,
 201:15, 202:5,
 202:16, 203:5,
 203:13, 204:6,
 204:13, 205:2,
 205:5, 205:10,
 205:15, 206:12,
 208:6, 208:9,
 208:12

Constantine

[13] - 1:8, 3:4, 5:2,
 14:2, 16:2, 18:2,
 21:2, 87:2, 136:2,
 157:2, 178:2, 185:2,
 202:2

construct [1] - 186:3

construction

[3] - 22:10, 24:4,
 33:8

constructive

[1] - 155:1

construe [1] - 116:2**contact** [1] - 64:2**contacted** [2] - 9:8,
60:18**contain** [1] - 27:7**contained** [2] - 27:12,
32:4**containing** [1] - 83:14**context** [1] - 188:11**continuation**

[1] - 173:15

continue [9] - 73:6,
73:7, 81:2, 81:4,
164:6, 172:6,
173:17, 174:3,
176:1**continued** [9] - 4:15,
16:8, 33:6, 84:17,
87:6, 167:9, 177:11,
182:12, 200:8**continues** [1] - 89:16**continuing** [2] - 73:4,
177:8**continuing...(reading**
g [1] - 92:1**contractor** [3] - 63:3,
63:6**contradicts**

[1] - 98:13

contrary [2] - 16:9,
152:9**CONTROL**

[1] - 210:16

convert [2] - 78:18,
187:7**converted**

[1] - 187:12

cordial [1] - 33:4**corner** [7] - 42:3,
95:14, 118:8,
142:10, 154:11,
188:3, 188:5**Corporation**

[1] - 128:3

corral [1] - 171:5**correct** [5] - 84:2,
87:15, 139:16,
170:9, 208:8**correction** [1] - 209:7**corrections**

[1] - 209:16

correctly [1] - 57:10

correspondence

[2] - 75:15, 128:12

cost [3] - 119:7,
119:17, 119:18

Cott [9] - 95:1,
101:11, 101:17,
102:1, 103:11,
105:7, 106:10,
106:12, 128:4

Cott's [1] - 128:7

cottage [1] - 190:5

cottages [3] - 186:9,
186:14, 187:3

Council [7] - 94:9,
99:7, 99:11, 113:5,
113:17, 114:2,
114:9

counsel [1] - 58:5

count [1] - 79:1

counting [1] - 79:2

country [1] - 116:4

couple [4] - 61:2,
67:12, 138:3, 197:3

course [4] - 33:7,
107:8, 137:4,
143:10

Court [19] - 2:12,
91:9, 91:11, 185:6,
186:8, 192:16,
192:18, 193:3,
193:10, 193:14,
194:9, 194:12,
195:3, 195:4, 195:6,
196:17

court [2] - 104:13,
196:5

covered [2] - 191:1,
191:8

covers [1] - 55:2

cow [1] - 116:4

cramped [1] - 74:16

create [8] - 22:8,
113:12, 151:18,
158:15, 159:12,
188:5, 195:13,
203:10

created [9] - 22:10,
67:16, 85:4, 117:17,
157:17, 182:18,
200:13, 203:3,
204:3

creates [1] - 129:5

creating [3] - 60:5,
94:7, 170:8

creation ^[1] - 133:13

crime ^[1] - 126:17

criteria ^[8] - 27:18,
32:18, 51:2, 53:15,
55:4, 55:5, 74:13,
83:3

criterion ^[2] - 99:13,
99:16

criticize ^[2] - 42:5,
42:6

Crown ^[7] - 186:17,
186:18, 187:2,
188:16, 189:12,
196:3, 196:17

current ^[7] - 37:15,
43:18, 79:9, 116:18,
142:16, 154:18,
165:2

custom ^[1] - 4:14

customary ^[1] - 103:6

customers
^[1] - 155:17

cut ^[1] - 146:13

cuts ^[1] - 45:18

D

D-O-W-N-E-R

^[1] - 157:11

DAGLIAN

^[4] - 174:10, 175:2,
175:9, 175:11

Daglian ^[1] - 1:11

damage ^[1] - 154:7

damaged ^[1] - 71:7

danger ^[1] - 154:7

date ^[5] - 16:11,
174:1, 174:12,
176:11, 209:7

Date ^[3] - 2:4, 2:5, 2:7

dated ^[2] - 85:15,
199:6

daughters

^[3] - 157:15, 158:11,
169:11

Davis ^[1] - 45:16

days ^[3] - 61:2, 108:8,
176:14

deal ^[3] - 99:10,
113:4, 113:6

dealing ^[2] - 82:13,
149:16

Dear ^[1] - 57:17

decent ^[2] - 101:14,

109:3
decently ^[1] - 64:6
decide ^[4] - 94:9,
 100:1, 111:13,
 146:3
decided ^[2] - 6:3,
 102:9
decision ^[9] - 4:17,
 42:18, 44:7, 68:3,
 91:10, 91:12, 91:13,
 176:6, 198:15
decisions ^[1] - 113:3
decker ^[1] - 48:15
deep ^[1] - 125:12
defer ^[2] - 55:16,
 169:18
deferred ^[2] - 4:17,
 87:7
definitely ^[2] - 124:2,
 189:16
definition ^[4] - 28:3,
 77:4, 79:11, 80:6
defying ^[1] - 107:14
degrees ^[1] - 104:6
Dejodan ^[1] - 206:6
delineating
^[1] - 105:9
delipidated
^[4] - 118:10, 138:11,
 154:6
delivered ^[1] - 209:3
demands ^[1] - 75:18
demolished
^[1] - 93:10
demolition ^[1] - 67:15
Dena ^[2] - 195:1,
 195:4
DENA ^[1] - 195:2
denied ^[1] - 91:8
dense ^[4] - 74:14,
 118:3, 118:6, 144:3
density ^[7] - 51:18,
 89:17, 96:13,
 106:15, 188:18,
 189:17, 190:12
deny ^[3] - 54:9, 94:7,
 99:17
Department
^[13] - 6:14, 7:2, 7:11,
 9:18, 10:7, 32:10,
 64:3, 66:13, 123:18,
 134:14, 147:7,
 147:12, 209:4
departure ^[1] - 113:11

derogate ^[4] - 85:9,
183:7, 200:18,
201:3

derogating
^[4] - 133:10, 154:15,
198:12, 207:10

described ^[1] - 76:9

description
^[1] - 62:12

descriptive ^[1] - 89:8

design ^[9] - 92:11,
97:16, 104:14,
120:16, 123:13,
138:4, 141:6, 187:5,
190:7

designated
^[1] - 107:16

designed
^[2] - 120:14, 123:7

designer ^[2] - 96:5,
104:16

designers
^[1] - 120:15

desirable ^[3] - 54:6,
78:2, 133:14

desire ^[1] - 10:6

desired ^[1] - 101:8

desist ^[1] - 8:10

desk ^[1] - 4:6

despite ^[1] - 16:9

detail ^[2] - 119:12,
193:9

detailed ^[1] - 189:12

detriment ^[8] - 85:4,
107:10, 133:9,
154:14, 182:18,
198:11, 200:13,
207:9

detrimental
^[1] - 206:4

develop ^[1] - 129:6

developed
^[3] - 96:15, 102:6,
129:3

developer
^[1] - 108:11

development
^[10] - 54:6, 84:18,
90:10, 93:8, 103:14,
107:13, 108:4,
123:4, 182:13,
200:9

Development
^[1] - 161:15

devotees ^[1] - 125:16

different ^[11] - 47:12,
74:11, 77:13, 83:10,
98:6, 110:8, 110:10,
116:16, 160:7,
187:5

difficult ^[2] - 139:1,
162:3

difficulties ^[1] - 91:15

dimension
^[2] - 158:18, 162:18

dimensional
^[7] - 25:10, 50:8,
100:18, 101:1,
138:17, 148:9,
177:2

dimensions
^[1] - 142:4

diminish ^[1] - 197:6

Dinsmore ^[18] - 2:12,
185:6, 186:8,
192:16, 192:18,
193:2, 193:3, 193:9,
193:10, 193:14,
194:2, 194:9,
194:12, 195:2,
195:4, 195:6,
195:17, 196:16

DIRECT ^[1] - 210:16

direct ^[5] - 189:3,
197:1, 197:4,
205:14, 205:17

DIRECTION
^[1] - 210:16

directly ^[6] - 60:11,
60:16, 61:14, 62:13,
65:16, 74:9

discuss ^[1] - 64:13

discussed ^[1] - 58:4

discussion ^[5] - 41:7,
70:7, 128:15, 150:1,
189:10

dismiss ^[1] - 12:13

dismissed ^[2] - 12:17

dismissing
^[1] - 10:12

dissenter ^[1] - 174:16

district ^[17] - 51:12,
52:7, 52:8, 52:9,
52:10, 77:12, 81:18,
85:8, 85:9, 88:13,
183:6, 183:7,
186:16, 196:8,
200:17, 200:18,

204:11

District ^[5] - 22:4,
29:4, 186:17, 196:3,
196:18

disturbed ^[1] - 68:17

diverse ^[1] - 123:1

diversity ^[1] - 125:13

dividing ^[1] - 193:4

docket ^[1] - 7:6

documents
^[4] - 141:14, 152:9,
152:10, 152:13

DOES ^[1] - 210:15

dogs ^[1] - 126:7

domesticated
^[1] - 53:3

donate ^[1] - 124:17

done ^[15] - 19:11,
19:12, 60:4, 60:17,
61:1, 61:9, 62:12,
65:6, 75:4, 82:8,
145:14, 176:15,
196:7, 204:3,
204:17

door ^[10] - 10:4,
25:15, 29:13, 59:18,
65:4, 96:10, 107:12,
130:8, 143:14,
159:9

doors ^[4] - 30:7,
31:11, 187:9, 190:4

doorway ^[1] - 162:16

dormer ^[19] - 24:7,
24:12, 60:6, 60:7,
60:17, 65:6, 65:15,
82:18, 158:15,
159:2, 161:18,
162:5, 168:8, 170:7,
170:8, 170:17,
171:12, 172:15

dormers ^[21] - 22:11,
23:2, 23:3, 23:6,
23:17, 24:10, 24:15,
24:18, 25:2, 50:2,
50:3, 50:5, 76:8,
76:9, 158:2, 158:17,
167:8, 167:9, 171:5

double ^[1] - 148:13

Dover ^[15] - 2:8, 18:7,
21:7, 22:2, 31:11,
31:14, 32:11, 36:2,
37:2, 45:15, 46:10,
56:1, 56:4, 59:18

down ^[25] - 11:1,

44:3, 44:18, 52:11,
 60:16, 66:7, 70:16,
 71:9, 94:15, 94:16,
 98:8, 103:13,
 103:17, 118:14,
 121:6, 125:17,
 126:10, 127:9,
 142:2, 161:5, 167:1,
 167:7, 170:18,
 176:7, 204:3

DOWNER

[23] - 157:10, 159:7,
 160:1, 160:14,
 161:16, 162:14,
 163:3, 163:12,
 163:16, 164:3,
 164:7, 164:11,
 164:16, 166:9,
 169:7, 169:13,
 170:2, 170:9, 171:7,
 173:14, 174:5,
 175:6, 175:10

Downer [1] - 157:11

DOWNEY [1] - 172:10

downstairs

[1] - 165:1

draw [1] - 94:9

drawing [2] - 134:12,
 146:9

drawings [1] - 134:9

drawn [1] - 207:7

drew [1] - 117:7

driven [1] - 42:18

driveway [32] - 29:8,
 29:9, 29:10, 29:14,
 30:1, 30:11, 31:14,
 31:18, 32:1, 32:3,
 32:7, 32:13, 33:2,
 33:12, 49:6, 49:12,
 49:17, 53:3, 60:11,
 61:2, 61:3, 61:14,
 61:15, 61:18, 62:4,
 62:15, 63:9, 75:3,
 83:12, 83:16, 139:4,
 140:1

driveways [1] - 32:5

driving [1] - 126:1

drop [3] - 64:8, 64:17,
 65:3

dropped [1] - 161:7

drugs [1] - 126:16

dumb [1] - 150:4

duplex [1] - 27:8

during [1] - 67:14

dwelling ^[23] - 22:1,
 22:8, 27:4, 27:7,
 27:8, 27:11, 27:12,
 28:11, 28:15, 28:17,
 29:2, 32:12, 34:12,
 38:5, 38:7, 39:1,
 43:16, 90:4, 113:15,
 187:12, 188:9,
 188:14, 189:14
dwellings ^[1] - 186:11

E

e-mail ^[1] - 67:11
easement ^[8] - 29:17,
 30:2, 30:11, 30:18,
 31:9, 31:16, 32:2,
 33:6
easier ^[1] - 130:5
easy ^[1] - 171:4
economics ^[1] - 43:1
edge ^[1] - 166:15
Edgerly ^[1] - 202:11
effect ^[3] - 52:15,
 130:9, 152:2
effectiveness
^[1] - 119:8
efforts ^[1] - 196:9
egress ^[3] - 84:13,
 182:5, 200:4
eight ^[8] - 29:4, 30:15,
 30:17, 31:9, 95:17,
 101:6, 166:3,
 188:14
eight-foot ^[3] - 30:15,
 30:17, 31:9
eight-unit ^[1] - 101:6
either ^[1] - 46:16
elected ^[1] - 37:2
election ^[1] - 42:13
elements ^[1] - 203:10
eleven ^[1] - 116:7
elicit ^[1] - 131:9
eliminate ^[1] - 35:3
elsewhere ^[1] - 41:15
employees
^[2] - 143:17, 145:3
empty ^[1] - 188:3
enclave ^[1] - 193:16
enclose ^[1] - 169:14
enclosed ^[1] - 103:6
encounter ^[1] - 53:4
encourage
^[2] - 37:16, 130:16

end ^[5] - 74:1, 97:5,
113:12, 203:15,
204:14

endless ^[1] - 126:8

endorse ^[1] - 193:12

endorsement
^[1] - 181:13

enforce ^[1] - 113:18

enforcement
^[5] - 88:6, 132:11,
154:2, 197:17,
206:15

engagement
^[1] - 138:6

English ^[2] - 63:6,
63:12

enhance ^[2] - 198:3,
201:4

enlarged ^[1] - 35:13

Enos ^[2] - 195:2,
195:4

ENOS ^[1] - 195:2

enrich ^[1] - 98:11

enthused ^[1] - 193:12

enthusiasm
^[1] - 193:11

entitled ^[4] - 64:6,
83:4, 92:8, 92:9

equipment ^[1] - 3:16

ERRATA ^[1] - 209:1

Errata ^[2] - 209:2,
209:7

especially ^[3] - 74:15,
88:12, 165:8

essential ^[1] - 37:8

essentially
^[5] - 53:18, 65:13,
164:16, 169:6,
169:17

Essex ^[2] - 118:5,
118:6

established
^[3] - 84:15, 182:7,
200:6

etcetera ^[1] - 160:3

evening ^[7] - 18:13,
33:18, 67:4, 157:9,
157:10, 178:9,
185:9

event ^[2] - 6:16,
108:10

everyday ^[1] - 126:6

exact ^[1] - 142:6

exactly ^[4] - 9:14,

90:12, 104:6,
131:11
examined ^[1] - 43:14
example ^[4] - 91:6,
137:5, 163:8,
203:11
excavated ^[1] - 78:17
excavating ^[1] - 71:9
excavation ^[3] - 76:7,
76:13, 78:14
exceeds ^[1] - 26:7
excellent ^[1] - 142:15
except ^[4] - 46:16,
187:15, 187:18,
209:15
exchange ^[1] - 63:17
excited ^[2] - 143:4,
193:12
excluded ^[5] - 26:11,
77:4, 79:10, 80:14,
80:16
exclusion ^[3] - 79:15,
81:2, 81:4
excuse ^[2] - 56:15,
109:15
exempted ^[3] - 51:11,
80:1, 81:15
exempts ^[1] - 47:7
existed ^[2] - 32:2,
32:3
existing ^[24] - 32:7,
33:11, 35:12, 75:2,
79:18, 93:5, 93:12,
94:17, 96:9, 102:10,
103:1, 119:1, 129:4,
137:5, 142:2, 142:7,
152:13, 162:1,
169:8, 179:13,
187:10, 190:2,
196:2
expect ^[3] - 114:4,
144:11, 160:12
expectation ^[1] - 41:6
experience ^[2] - 38:2,
45:1
experienced
^[1] - 162:10
Expires ^[1] - 210:13
explain ^[1] - 89:9
explained
^[3] - 158:17, 160:7,
171:7
explicit ^[1] - 16:9
express ^[1] - 195:5

expressed ^[2] - 80:6,
142:12
expressing
^[1] - 97:18
extended ^[1] - 171:11
extensive ^[1] - 92:17
extent ^[1] - 176:18
exterior ^[2] - 155:18,
161:4
extra ^[5] - 112:14,
165:4, 165:10,
165:16, 165:18
extremely ^[2] - 160:5,
163:17
extrusion ^[1] - 103:9
eyesore ^[1] - 142:17

F

face ^[1] - 166:13
facetious ^[2] - 117:3,
117:4
facilities ^[1] - 150:14
facing ^[2] - 103:2,
103:11
fact ^[18] - 33:17,
43:12, 53:6, 59:16,
78:4, 93:14, 102:1,
104:6, 105:12,
119:14, 126:12,
126:18, 132:18,
138:16, 142:14,
150:6, 196:6, 201:2
factor ^[1] - 74:13
factors ^[1] - 91:16
factual ^[1] - 68:15
fair ^[1] - 125:8
fairly ^[1] - 204:9
fairness ^[1] - 69:16
fall ^[1] - 60:16
falling ^[3] - 44:3, 60:9
falls ^[1] - 60:11
familiar ^[1] - 26:9
families ^[2] - 123:6,
130:17
family ^[49] - 22:1,
32:12, 32:14, 47:7,
47:13, 47:17, 48:9,
48:11, 48:14, 52:3,
52:11, 53:13, 78:18,
79:1, 79:9, 79:15,
79:16, 80:9, 80:16,
87:13, 88:18, 89:11,
94:12, 94:13, 98:7,

107:1, 110:17,
 120:9, 121:4,
 157:17, 163:7,
 163:9, 169:1, 169:7,
 186:11, 187:8,
 187:11, 187:12,
 189:14, 189:15,
 189:17, 193:1,
 193:7, 193:15,
 195:7, 195:8,
 202:11

family-friendly

[2] - 189:14, 193:15

family-size

[1] - 110:17

Fanning [2] - 91:6,

91:12

fantastic [1] - 123:5

far [5] - 28:17, 36:5,

60:18, 106:2, 148:5

FAR [7] - 23:9, 25:5,

26:8, 121:5, 170:3,

170:8, 188:13

fast [1] - 12:3

favor [23] - 12:14,

12:16, 15:2, 15:4,

82:5, 82:7, 83:6,

85:17, 86:1, 135:4,

135:6, 156:7,

156:10, 177:7,

177:10, 184:1,

184:3, 199:7,

199:10, 201:13,

201:15, 208:10,

208:12

Fax [1] - 1:15

February [1] - 85:15

fee [1] - 31:13

feet [51] - 24:18, 25:5,

26:4, 26:5, 26:7,

26:15, 26:18, 27:13,

28:7, 28:18, 31:5,

32:6, 34:8, 34:18,

36:18, 46:18, 49:13,

52:12, 77:3, 79:18,

81:7, 83:13, 83:16,

102:17, 138:12,

139:15, 146:15,

146:16, 147:1,

148:10, 148:13,

158:6, 158:8, 159:1,

159:15, 160:9,

160:13, 161:2,

161:10, 162:6,

162:12, 163:16,
 164:15, 169:10,
 172:15, 186:13,
 186:15, 189:16,
 190:11
fellow ^[2] - 10:4,
 144:18
felt ^[3] - 60:3, 101:6,
 102:4
fence ^[4] - 8:14, 52:5,
 70:10, 193:5
few ^[2] - 33:5, 67:10
figured ^[1] - 117:10
file ^[5] - 14:11, 71:18,
 73:16, 101:3,
 149:14
filed ^[2] - 6:13, 104:18
files ^[5] - 11:10,
 105:4, 127:17,
 177:2, 180:14
fill ^[1] - 195:10
final ^[3] - 75:18,
 146:1, 208:4
finalize ^[2] - 19:4,
 19:5
finally ^[1] - 101:10
finals ^[1] - 183:15
financial ^[3] - 90:15,
 90:18, 91:15
findings ^[15] - 53:18,
 82:2, 84:4, 85:11,
 132:9, 134:2,
 153:18, 181:18,
 183:9, 197:15,
 199:1, 199:16,
 201:8, 206:13,
 207:17
fine ^[7] - 29:2, 68:5,
 96:17, 118:11,
 131:6, 134:12,
 151:14
finely ^[1] - 96:9
finish ^[1] - 71:3
finished ^[1] - 158:2
finishing ^[1] - 18:16
first ^[25] - 5:5, 18:6,
 23:13, 23:17, 25:7,
 25:10, 27:9, 33:10,
 35:11, 35:12, 37:1,
 37:5, 69:12, 84:8,
 85:15, 88:4, 88:5,
 126:7, 134:6, 148:1,
 167:14, 174:2,
 174:8, 199:5, 208:2

First ^[1] - 1:6

five ^[53] - 12:16, 15:4,
18:17, 32:6, 32:16,
33:13, 33:15, 34:8,
34:18, 36:18, 37:8,
45:1, 46:18, 49:13,
82:7, 82:16, 83:16,
86:1, 87:13, 88:1,
90:4, 93:11, 93:15,
94:12, 94:15, 100:8,
100:9, 101:15,
101:16, 104:10,
108:18, 109:10,
113:12, 114:7,
119:6, 120:8,
133:13, 156:10,
158:6, 158:7, 158:8,
163:14, 163:16,
167:1, 169:10,
174:1, 174:15,
177:3, 177:10,
184:3, 199:10,
201:15, 208:12

five-foot ^[7] - 32:16,
33:13, 33:15, 158:6,
158:7, 163:14,
167:1

five-unit ^[2] - 94:15,
119:6

fix ^[1] - 94:13

flat ^[1] - 161:7

flavor ^[1] - 130:12

flexible ^[1] - 124:7

floor ^[34] - 27:9,
35:11, 35:12, 37:1,
37:5, 52:13, 60:5,
77:1, 78:12, 93:14,
102:14, 102:16,
106:14, 149:3,
157:18, 158:1,
158:5, 158:11,
159:17, 159:18,
163:18, 164:2,
165:11, 168:5,
168:6, 168:7, 168:9,
168:11, 168:12,
172:13, 188:6,
188:8, 190:13

Floor ^[1] - 1:6

floors ^[1] - 190:14

focuses ^[1] - 138:4

focusing ^[1] - 168:5

folder ^[2] - 100:17,
101:1

foliage ^[1] - 69:15
folks ^[2] - 6:17, 207:2
follow ^[1] - 73:2
following ^[8] - 132:9,
 153:18, 155:11,
 176:4, 181:18,
 197:15, 199:16,
 206:13
food ^[1] - 12:3
foot ^[22] - 29:16,
 30:14, 30:15, 30:17,
 31:9, 32:16, 33:13,
 33:15, 93:15,
 103:18, 158:6,
 158:7, 158:17,
 162:4, 163:14,
 166:7, 166:13,
 166:14, 167:1,
 171:6, 179:17,
 202:13
footage ^[2] - 27:16,
 190:10
footprint ^[1] - 142:6
FOR ^[1] - 1:1
force ^[1] - 123:17
foregoing ^[1] - 209:15
FOREGOING
^[1] - 210:15
form ^[8] - 50:8,
 100:18, 148:9,
 176:8, 177:2,
 177:17, 204:4
formally ^[1] - 58:5
formerly ^[1] - 152:2
forms ^[1] - 76:4
forth ^[3] - 6:15, 58:8,
 210:6
forward ^[6] - 58:18,
 66:8, 121:18, 143:5,
 181:2, 181:11
founded ^[1] - 6:16
founders ^[1] - 125:11
four ^[7] - 40:1, 99:3,
 100:9, 135:6,
 164:15, 166:7,
 174:13
four-foot ^[1] - 166:7
frame ^[1] - 78:7
frankly ^[3] - 19:11,
 114:2, 154:5
free ^[1] - 150:3
friendly ^[3] - 189:14,
 189:17, 193:15
FROM ^[4] - 16:15,

55:18, 56:5, 204:18

front ^[9] - 4:5, 60:15,
80:8, 97:17, 146:16,
169:5, 187:9,
187:15, 188:1

full ^[7] - 38:17, 121:5,
121:10, 123:16,
155:14, 175:3,
175:5

full-time ^[1] - 155:14

fumble ^[1] - 39:15

fun ^[1] - 78:7

function ^[2] - 39:5,
141:12

furthermore

^[1] - 194:15

future ^[2] - 154:10,
195:14

G

G-E-A-R-H-A-R-T

^[1] - 202:10

G-U-S ^[1] - 185:15

gable ^[1] - 103:10

gables ^[1] - 103:11

Gap ^[3] - 56:15,

57:16, 57:18

garage ^[24] - 44:2,

70:11, 70:15, 71:1,

123:10, 138:11,

138:13, 139:2,

139:5, 139:15,

140:8, 141:3, 142:2,

142:7, 146:16,

148:4, 152:3, 154:6,

154:10, 202:14,

203:11, 206:18,

207:1

garden ^[1] - 105:13

Garden ^[1] - 42:3

GEARHART

^[9] - 202:9, 202:18,

203:9, 203:17,

204:7, 204:9,

205:13, 208:5,

208:8

Gearhart ^[1] - 202:9

general ^[2] - 82:13,

84:4

GENERAL ^[1] - 1:3

generally ^[7] - 74:8,

82:2, 85:7, 88:13,

108:3, 112:17,

200:16
generated ^[3] - 84:12,
 182:4, 200:3
generic ^[1] - 53:18
gentleman ^[1] - 55:17
GFA ^[15] - 22:18,
 23:6, 23:12, 24:15,
 25:6, 26:2, 51:11,
 54:4, 54:10, 54:18,
 77:4, 79:2, 79:11,
 80:1, 81:15
girls ^[3] - 165:5,
 165:8, 165:13
given ^[11] - 9:4, 78:3,
 99:11, 100:5, 100:6,
 103:6, 113:5, 114:1,
 132:16, 139:2,
 207:7
glance ^[2] - 148:1,
 167:14
GLENMULEN
^[2] - 63:15, 64:12
GLENMULLEN
^[15] - 44:11, 44:15,
 45:6, 60:6, 62:3,
 62:8, 63:1, 64:7,
 64:17, 65:3, 65:13,
 66:2, 70:14, 70:17,
 71:10
Glenmullen
^[4] - 21:12, 22:5,
 38:6, 68:16
goals ^[1] - 201:5
God ^[2] - 89:12, 108:7
gonna ^[4] - 60:15,
 62:11, 74:18, 144:6
Google ^[1] - 69:15
grandfathering
^[1] - 32:13
grandiose
^[1] - 170:16
grant ^[21] - 10:2, 10:4,
 14:18, 58:7, 68:9,
 78:13, 85:12, 92:13,
 114:5, 133:12,
 134:3, 142:3, 144:4,
 145:14, 147:15,
 155:6, 183:10,
 199:2, 200:1, 201:9,
 207:18
granted ^[16] - 6:18,
 10:3, 12:1, 12:4,
 113:14, 133:8,
 135:11, 154:13,

156:11, 184:4,
 198:10, 199:11,
 201:12, 201:16,
 207:8, 208:13
granting ^[9] - 51:10,
 78:6, 82:16, 91:1,
 135:4, 147:4, 156:7,
 177:7, 199:7
great ^[10] - 97:18,
 103:4, 107:8, 109:2,
 116:14, 119:14,
 120:15, 193:6,
 193:9, 194:14
Greek ^[6] - 102:10,
 103:17, 118:10,
 118:12, 119:11,
 124:9
GREEN ^[23] - 8:2, 8:4,
 20:3, 45:3, 45:10,
 55:9, 59:10, 59:13,
 64:15, 111:7, 112:5,
 122:12, 131:15,
 137:9, 137:13,
 139:7, 139:11,
 139:14, 140:7,
 141:9, 181:16,
 197:10, 206:11
Green ^[24] - 1:9, 3:5,
 5:3, 12:18, 14:3,
 15:6, 16:3, 18:3,
 21:3, 82:9, 86:2,
 87:3, 135:7, 136:3,
 156:12, 157:3,
 177:14, 178:3,
 184:5, 185:3,
 199:12, 201:17,
 202:3, 208:14
green ^[3] - 115:3,
 146:18, 147:1
gross ^[2] - 77:1,
 78:12
ground ^[2] - 188:6,
 190:13
group ^[2] - 67:9,
 143:12
growing ^[4] - 108:12,
 138:15, 165:5,
 166:4
guarded ^[1] - 67:17
guess ^[12] - 9:12,
 30:11, 39:18, 45:17,
 48:3, 50:17, 58:13,
 73:3, 73:11, 112:13,
 160:14, 173:14

guest ^[1] - 141:8

guided ^[1] - 100:2

guideline

^[3] - 161:14, 162:7,
168:2

guidelines

^[5] - 24:12, 160:16,
161:12, 161:17,
172:1

GUS ^[1] - 185:15

Gus ^[6] - 100:18,

185:13, 185:15,

192:17, 193:5,

195:5

gym ^[1] - 95:14

H

H-I-R-S-H ^[1] - 136:12

habitable ^[1] - 169:16

half ^[5] - 31:5, 105:16,

120:9, 158:6,

188:15

Half ^[7] - 186:17,

186:18, 187:2,

188:16, 189:12,

196:3, 196:17

halfway ^[1] - 126:10

hand ^[1] - 210:8

handled ^[1] - 108:1

hands ^[1] - 82:6

hang ^[2] - 17:2,

112:17

happier ^[1] - 181:11

happy ^[3] - 126:2,

165:7, 181:2

hard ^[3] - 63:7, 159:1,

170:17

hardship ^[43] - 88:7,

88:9, 89:9, 89:10,

90:15, 90:18, 91:2,

91:4, 91:14, 92:3,

115:3, 115:5,

115:10, 116:12,

116:17, 118:2,

118:16, 119:1,

119:14, 121:1,

121:3, 121:9,

121:12, 126:5,

129:2, 129:5, 132:2,

132:4, 132:13,

132:18, 154:4,

154:8, 198:1, 198:6,

203:3, 203:6,

206:17, 207:4
hardships ^[3] - 96:6,
 115:17, 116:2
hat ^[1] - 112:18
hazard ^[6] - 84:14,
 85:3, 182:6, 182:17,
 200:5, 200:12
hazardous
^[1] - 138:14
head ^[3] - 60:16,
 102:17, 166:17
headroom
^[11] - 102:18, 158:4,
 158:14, 159:11,
 159:12, 159:13,
 163:4, 166:11,
 169:9, 171:15
health ^[6] - 47:11,
 85:4, 91:15, 96:16,
 182:18, 200:13
hear ^[14] - 9:9, 16:13,
 18:7, 18:12, 59:13,
 61:17, 64:16, 65:5,
 115:6, 122:13,
 126:9, 179:4, 179:7,
 197:9
heard ^[27] - 5:8, 5:12,
 6:3, 7:1, 7:3, 14:7,
 18:8, 21:8, 55:13,
 67:2, 75:11, 76:4,
 87:10, 110:12,
 121:17, 127:13,
 136:7, 149:10,
 157:7, 173:17,
 176:1, 178:7, 180:9,
 185:7, 192:10,
 202:7, 205:7
hearing ^[16] - 9:11,
 14:16, 14:17, 16:10,
 21:6, 35:15, 66:18,
 72:12, 122:16,
 123:12, 137:1,
 174:8, 175:10,
 176:16, 191:3,
 210:6
HEARING ^[1] - 1:3
Hearing ^[3] - 2:4, 2:5,
 2:7
Heart ^[3] - 18:14,
 56:13
HEART ^[5] - 56:12,
 57:5, 57:7, 57:12,
 57:15
heck ^[1] - 168:1

height ^[5] - 148:3,
 148:13, 163:14,
 165:18, 188:13

held ^[1] - 70:7

help ^[5] - 54:9, 90:11,
 97:18, 99:3, 115:7

helping ^[1] - 94:4

hereby ^[1] - 209:16

herein ^[1] - 210:6

hereunto ^[1] - 210:7

Hi ^[1] - 136:11

hi ^[3] - 56:12, 103:5,
 144:8

Hickey ^[22] - 3:5, 5:4,
 12:18, 15:6, 16:4,
 18:4, 21:4, 82:9,
 86:2, 87:4, 135:7,
 136:4, 156:12,
 157:4, 177:14,
 178:4, 184:5, 185:4,
 199:12, 201:17,
 202:4, 208:14

hickey ^[2] - 1:9, 14:4

HICKEY ^[17] - 41:2,
 50:16, 55:10,
 110:16, 115:1,
 119:3, 131:18,
 149:3, 149:6, 150:5,
 150:15, 151:9,
 152:7, 152:17,
 153:10, 173:7,
 175:15

high ^[3] - 38:3,
 129:15, 148:10

higher ^[3] - 77:15,
 89:18, 107:12

Hill ^[1] - 96:1

HIRSH ^[27] - 136:11,
 136:18, 137:8,
 137:11, 137:14,
 139:6, 139:9,
 139:16, 140:8,
 140:17, 141:5,
 141:10, 142:14,
 143:2, 143:18,
 144:14, 145:6,
 145:12, 146:5,
 146:14, 147:9,
 147:17, 149:2,
 150:18, 151:2,
 151:4, 153:14

Hirsh ^[1] - 136:12

historic ^[5] - 118:17,
 119:1, 121:6, 129:4,

187:2

Historic ^[6] - 93:1,
95:3, 102:8, 112:11,
119:13, 128:18

historical ^[4] - 132:1,
132:3, 132:14,
196:2

Historical ^[5] - 113:3,
123:13, 124:1,
134:1, 193:18

historically
^[4] - 171:9, 193:15,
198:17, 201:7

hit ^[2] - 60:16, 102:17

hold ^[1] - 66:17

Home ^[19] - 138:3,
138:8, 138:10,
140:13, 141:5,
142:2, 149:1,
151:10, 152:2,
153:3, 154:10,
155:13, 155:16,
155:17, 156:1,
156:2, 158:12,
164:8, 169:2

home ^[12] - 59:6,
102:10, 102:11,
103:1, 119:1, 121:4,
129:4, 143:11,
165:8, 178:11,
193:1, 195:8

homeowners
^[1] - 157:13

homes ^[5] - 93:11,
93:15, 94:18,
108:18, 109:3

hooked ^[1] - 63:11

HOPE ^[6] - 185:9,
185:17, 191:2,
191:6, 191:13,
191:17

hope ^[2] - 140:17,
185:8

Hope ^[2] - 185:11

hopefully ^[3] - 55:3,
66:7, 177:12

house ^[32] - 32:14,
48:9, 48:11, 48:15,
56:7, 79:10, 79:17,
89:1, 93:5, 93:9,
94:17, 98:7, 115:15,
118:10, 118:12,
118:17, 119:16,
121:10, 121:14,

128:17, 130:11,
151:5, 157:17,
165:6, 179:12,
180:16, 195:7,
195:11, 195:13,
196:9, 202:11,
203:7

houses ^[7] - 47:8,
47:14, 79:16,
120:10, 193:16,
194:17, 198:2

housing ^[11] - 96:11,
97:1, 97:3, 110:9,
110:15, 116:14,
120:7, 123:6,
130:16, 143:12,
204:5

huge ^[1] - 129:13

husband ^[1] - 61:7

I

i.e ^[2] - 99:12, 172:14

idea ^[4] - 63:7, 150:4,
151:6, 189:18

identified ^[3] - 78:15,
83:9, 201:11

identify ^[3] - 11:7,
16:7, 50:1

identifying
^[3] - 23:16, 144:13,
156:1

ignore ^[1] - 114:5

illnesses ^[1] - 143:13

illustration
^[1] - 191:14

Imam ^[3] - 97:6,
109:16, 111:2

immediate
^[2] - 53:11, 101:11

impact ^[6] - 28:5,
29:1, 43:15, 54:1,
61:13, 155:4

impair ^[3] - 85:8,
183:6, 200:17

imply ^[1] - 120:1

important ^[6] - 94:4,
97:13, 98:18, 99:1,
106:14, 108:12

impose ^[3] - 3:15,
144:5, 155:3

impossible
^[1] - 33:15

impractical ^[1] - 53:1

improve ^[3] - 66:4,
 94:14, 198:16
improved ^[1] - 201:6
IN ^[2] - 210:7, 210:15
inability ^[1] - 92:1
inaudible ^[1] - 79:7
inaudible) ^[1] - 89:6
INC ^[1] - 1:14
inches ^[4] - 138:12,
 162:6, 162:13,
 166:15
inclined ^[1] - 132:4
included ^[1] - 44:9
including ^[3] - 195:9,
 196:8, 202:13
inclusive ^[1] - 123:1
income ^[7] - 90:11,
 98:10, 99:3, 110:2,
 110:13, 111:2,
 131:5
increase ^[2] - 23:12,
 203:1
increasing ^[1] - 148:3
increasingly
^[1] - 138:8
indeed ^[2] - 67:16,
 71:6
independent
^[1] - 153:1
indicate ^[1] - 131:11
indicated
^[2] - 127:16, 192:14
indicates ^[1] - 163:13
indicating
^[1] - 163:13
individuals
^[1] - 130:17
inform ^[3] - 4:1, 4:3,
 14:14
information
^[3] - 12:8, 66:17,
 195:9
initial ^[1] - 145:16
initialed ^[1] - 85:16
initialled ^[6] - 134:7,
 135:1, 155:10,
 183:14, 199:5,
 208:3
initiative ^[1] - 193:6
inside ^[2] - 187:11,
 195:16
Inspectional
^[13] - 6:14, 7:2, 7:11,
 8:8, 9:17, 10:7,

12:10, 64:2, 66:13,
134:14, 147:7,
147:11, 209:3

install ^[1] - 146:17

instead ^[1] - 130:2

instigated

^[1] - 101:10

institution ^[3] - 94:5,

108:13, 112:8

INSTRUCTIONS

^[2] - 209:1, 209:5

instructions ^[1] - 16:9

integrity ^[3] - 85:8,

183:6, 200:17

intend ^[3] - 8:3, 8:6,

161:8

intended ^[1] - 194:1

intent ^[9] - 85:10,

133:11, 154:16,

161:17, 183:7,

198:12, 201:1,

201:4, 207:11

intentionally

^[1] - 66:3

interest ^[1] - 31:14

interested ^[4] - 50:1,

105:7, 115:6, 173:2

interesting ^[1] - 187:6

interfere ^[1] - 3:17

interior ^[1] - 179:12

internal ^[1] - 27:10

interpret ^[1] - 68:7

interrupt ^[2] - 35:8,

68:15

intersect ^[1] - 203:18

intrusive ^[1] - 108:3

Investments

^[3] - 56:16, 57:17,

57:18

involve ^[8] - 29:7,

34:5, 76:13, 88:7,

132:12, 154:3,

197:18, 206:16

involved ^[2] - 9:17,

101:9

involves ^[5] - 6:8, 6:9,

16:7, 22:10, 26:1

ironically ^[1] - 47:6

Islamic ^[3] - 90:8,

97:18, 174:17

issuance ^[4] - 26:11,

32:17, 53:16, 80:11

issue ^[9] - 40:8, 53:5,

55:2, 63:10, 73:7,

78:11, 148:16,
 170:2, 204:11
issues ^[11] - 34:4,
 41:17, 48:2, 96:17,
 107:4, 142:11,
 144:10, 147:13,
 198:8, 207:7
itself ^[4] - 43:16, 50:8,
 91:16, 188:2

J

J.F.K ^[2] - 95:18,
 118:7
JACOBS ^[7] - 122:2,
 122:6, 122:9,
 122:14, 125:3,
 125:7, 127:11
Jacobs ^[2] - 122:6,
 122:7
Jake ^[1] - 181:5
JAMES ^[97] - 18:10,
 19:7, 19:10, 19:14,
 20:1, 21:10, 22:17,
 23:5, 23:8, 23:11,
 23:15, 24:3, 24:8,
 24:14, 25:1, 25:4,
 25:9, 26:6, 26:16,
 27:6, 27:15, 28:12,
 28:16, 30:9, 30:13,
 30:17, 31:13, 31:16,
 34:3, 34:14, 35:2,
 36:4, 36:8, 36:12,
 36:15, 37:10, 37:18,
 38:14, 39:4, 39:8,
 40:2, 40:6, 40:10,
 40:18, 41:4, 41:11,
 42:2, 43:3, 43:8,
 43:11, 45:8, 45:12,
 46:2, 47:2, 47:10,
 48:4, 48:8, 48:12,
 48:17, 49:4, 49:9,
 49:14, 50:6, 50:9,
 50:12, 50:18, 51:7,
 51:14, 51:16, 52:18,
 53:9, 54:12, 55:1,
 56:3, 56:8, 66:16,
 68:14, 69:11, 69:16,
 72:1, 72:6, 72:8,
 72:14, 73:1, 76:1,
 76:12, 76:16, 77:3,
 79:8, 79:13, 80:5,
 80:12, 80:15, 81:1,
 81:6, 81:11, 84:2

James ^[2] - 18:11,
21:11

JANET ^[23] - 8:2, 8:4,
20:3, 45:3, 45:10,
55:9, 59:10, 59:13,
64:15, 111:7, 112:5,
122:12, 131:15,
137:9, 137:13,
139:7, 139:11,
139:14, 140:7,
141:9, 181:16,
197:10, 206:11

Janet ^[13] - 1:9, 3:5,
5:3, 14:3, 16:3,
18:3, 21:3, 87:3,
136:3, 157:3, 178:3,
185:3, 202:3

Japan ^[1] - 120:8

JEREMY ^[1] - 136:14

Jeremy ^[2] - 136:12,
136:14

job ^[4] - 111:12,
113:2, 131:6,
194:15

jogged ^[1] - 188:2

John ^[1] - 206:7

June ^[6] - 174:8,
174:9, 175:11,
176:3, 176:12,
177:3

Just-A-Start
^[5] - 103:14, 107:13,
108:4, 116:11,
130:1

justifies ^[1] - 91:1

justify ^[2] - 53:15,
170:17

K

K-U-R-S ^[1] - 136:16

Kait ^[1] - 136:16

KAIT ^[2] - 136:16,
142:6

Katherine ^[1] - 181:6

Kaufmann ^[1] - 181:6

KAUFMANN

^[1] - 181:7

keep ^[12] - 101:15,
103:1, 118:13,
151:5, 158:18,
160:8, 161:5, 165:1,
187:2, 187:9,
187:10, 196:1

keeping ^[4] - 103:16,
193:14, 196:5,
206:2

KELLY ^[20] - 24:17,
26:5, 26:14, 26:17,
27:5, 27:14, 28:14,
30:16, 31:1, 31:4,
31:8, 34:17, 35:10,
35:18, 36:14, 72:5,
72:7, 78:16, 79:7,
192:2

Kelly ^[3] - 21:15,
31:17, 185:18

Kendall ^[2] - 41:13,
41:14

kept ^[1] - 103:12

key ^[1] - 110:7

KeywordIndex
^[1] - 2:14

Kicking ^[3] - 6:10,
6:17, 10:5

kids ^[2] - 126:15,
168:15

kind ^[20] - 39:2, 61:4,
70:2, 103:9, 104:1,
110:6, 112:11,
118:13, 118:16,
119:8, 151:5, 153:1,
188:2, 190:1,
190:12, 203:18,
204:1, 204:2, 204:4,
204:10

kinds ^[1] - 111:15

king ^[2] - 100:1, 108:7

kitchen ^[1] - 202:14

kitchen/dining
^[1] - 179:14

knowingly ^[1] - 47:3

known ^[5] - 21:14,
65:18, 152:3,
152:18, 196:7

knows ^[3] - 89:12,
126:16, 144:6

KURS ^[1] - 142:6

Kurs ^[1] - 136:16

L

lack ^[1] - 129:14

ladder ^[1] - 63:11

ladders ^[1] - 61:3

ladies ^[1] - 173:5

Lakeview ^[10] - 2:13,
202:6, 202:12,

203:15, 203:18,
 204:12, 204:15,
 206:1, 206:6, 206:8
land ^[5] - 88:11, 91:2,
 91:3, 91:16, 92:3
Land ^[3] - 91:9, 91:11
landlord ^[1] - 40:16
Lane ^[3] - 2:10, 157:6,
 203:18
lane ^[1] - 206:9
language ^[5] - 28:2,
 30:1, 39:6, 51:1,
 53:8
large ^[5] - 89:5, 95:15,
 96:2, 115:14,
 179:13
larger ^[2] - 95:16,
 137:4
last ^[6] - 33:5, 45:1,
 55:15, 76:8, 185:15,
 196:10
lastly ^[2] - 156:2,
 176:17
late ^[3] - 56:6, 186:10,
 193:3
laudable ^[1] - 96:18
Laura ^[14] - 1:10, 3:5,
 5:4, 14:4, 16:4,
 18:4, 21:4, 87:4,
 136:4, 157:4, 178:4,
 185:4, 196:11,
 202:4
LAURA ^[14] - 114:8,
 114:13, 116:17,
 117:2, 117:4,
 118:15, 121:2,
 121:8, 128:16,
 131:1, 131:3,
 164:14, 164:17,
 175:14
Law ^[1] - 185:11
law ^[11] - 90:17, 92:4,
 92:7, 100:4, 100:10,
 108:14, 109:7,
 114:5, 124:6
laws ^[1] - 100:2
Lawson ^[1] - 210:4
layout ^[3] - 34:5, 34:6,
 39:9
lays ^[1] - 190:13
leading ^[1] - 131:11
Leah ^[4] - 178:12,
 178:16, 180:18,
 181:9

LEAH ^[1] - 178:16
learning ^[1] - 125:11
leases ^[1] - 38:6
least ^[6] - 16:14, 34:7,
 61:8, 99:3, 161:1,
 163:10
leave ^[1] - 177:16
left ^[4] - 4:5, 63:2,
 166:10, 188:3
legal ^[7] - 88:2, 92:15,
 113:6, 124:4,
 147:13, 148:4,
 169:15
Legal ^[1] - 185:11
legally ^[2] - 130:5,
 150:11
Leland ^[2] - 106:12,
 128:6
length ^[2] - 134:6,
 168:8
Leonard ^[5] - 2:9,
 136:6, 136:13,
 137:3, 155:14
less ^[9] - 23:15, 24:4,
 108:3, 160:16,
 160:17, 160:18,
 161:2, 172:15,
 197:5
letter ^[27] - 9:10,
 14:11, 33:18, 56:17,
 57:1, 57:3, 57:16,
 61:10, 95:2, 111:14,
 127:16, 127:17,
 128:1, 149:15,
 180:14, 181:5,
 192:15, 195:1,
 195:3, 196:10,
 197:2, 197:4, 197:6,
 205:12, 205:13,
 205:16, 206:5
letters ^[11] - 64:8,
 64:17, 65:3, 128:12,
 128:13, 149:14,
 182:16, 189:4,
 189:5, 189:7,
 192:14
level ^[3] - 37:2, 37:6,
 89:18
levels ^[1] - 102:15
License ^[1] - 210:12
life ^[2] - 104:1, 151:6
light ^[5] - 28:1, 35:5,
 77:13, 110:8,
 179:16

likely ^[2] - 35:13,
110:14

limitations
^[1] - 158:16

limited ^[2] - 28:8,
153:4

LINE ^[1] - 209:8

line ^[13] - 8:16, 29:16,
31:5, 39:11, 53:6,
67:10, 70:10, 83:17,
117:7, 124:10,
158:6, 158:7, 167:1

lines ^[2] - 106:11,
207:7

listening ^[1] - 66:10

listens ^[1] - 126:1

literal ^[5] - 88:6,
132:11, 154:2,
197:17, 206:15

literally ^[1] - 169:8

live ^[3] - 108:2,
140:11, 194:5

liveability ^[2] - 198:3,
198:17

liveable ^[2] - 42:12,
203:7

lived ^[1] - 46:5

lives ^[1] - 203:7

living ^[15] - 27:9,
46:17, 80:10, 89:10,
94:7, 140:15,
143:14, 157:18,
159:5, 166:1, 188:7,
188:9, 195:14,
198:4, 201:6

LLC ^[4] - 21:14,
56:16, 57:17, 57:18

loading ^[2] - 31:18,
75:3

Lobster ^[1] - 6:10

locally ^[1] - 138:6

locate ^[1] - 72:16

located ^[11] - 22:3,
22:4, 29:15, 34:8,
36:18, 51:13, 52:8,
53:10, 81:18, 88:14,
154:11

location ^[16] - 35:12,
36:17, 40:13, 42:15,
43:14, 44:4, 45:13,
46:3, 46:6, 49:5,
49:6, 74:15, 83:11,
133:1, 148:17,
154:9

locations ^[2] - 25:12,
50:1

longstanding
^[3] - 29:10, 32:8,
33:16

look ^[11] - 11:10,
51:1, 52:13, 77:9,
109:2, 111:15,
118:5, 124:11,
148:8, 187:11,
190:4

looked ^[6] - 69:9,
148:1, 159:1, 160:1,
160:6, 161:5

looking ^[14] - 53:7,
69:9, 69:10, 71:12,
79:3, 80:9, 90:10,
109:17, 110:13,
119:11, 143:12,
158:13, 159:7,
160:2

looks ^[2] - 65:16,
103:16

lord ^[1] - 59:12

lose ^[4] - 28:10,
28:14, 28:16,
121:14

losing ^[2] - 30:6,
35:17

loss ^[1] - 52:15

lost ^[1] - 54:11

loud ^[1] - 126:9

lovely ^[1] - 65:12

low ^[3] - 160:3, 160:4,
160:5

lower ^[5] - 37:1, 37:6,
161:8, 179:14,
188:9

lowest ^[1] - 41:14

luck ^[5] - 135:11,
156:11, 177:11,
184:4, 208:13

lull ^[2] - 19:16, 19:18

Lutheran ^[1] - 126:4

M

M-E-G-O-N ^[1] - 59:7

Ma'am ^[2] - 7:14,
58:14

MacKinnon
^[1] - 143:9

magic ^[1] - 176:11

mail ^[2] - 61:10, 67:11

mailboxes ^[1] - 64:9

main ^[4] - 60:14,
62:11, 116:3,
171:11

maintain ^[2] - 176:14,
198:3

maintained
^[1] - 155:16

major ^[5] - 62:11,
115:12, 116:5,
120:7, 126:12

majority ^[2] - 100:11

male ^[1] - 165:6

manager ^[2] - 21:13,
57:11

managing ^[1] - 65:10

manipulated
^[1] - 106:11

map ^[1] - 117:7

Margaret ^[2] - 206:6,
206:8

Maria ^[1] - 14:12

MARJORIE
^[7] - 122:2, 122:6,
122:9, 122:14,
125:3, 125:7,
127:11

Marjorie ^[2] - 122:6,
122:7

marker ^[1] - 176:11

market ^[3] - 110:3,
110:11, 129:16

Marsh ^[3] - 186:17,
196:3, 196:17

MARTIN ^[42] - 87:15,
87:17, 88:16, 89:2,
89:13, 89:16, 90:7,
90:13, 92:16, 93:4,
94:16, 97:4, 97:9,
97:12, 98:15,
100:12, 101:4,
105:1, 105:5, 106:4,
106:7, 106:9,
106:17, 107:6,
109:5, 109:12,
109:15, 110:4,
111:1, 115:10,
117:1, 117:3, 117:6,
119:7, 121:7,
121:13, 128:4,
128:6, 134:8,
134:11, 134:17,
135:2

Martin ^[2] - 87:17,

134:6

Mary ^[2] - 136:15,
143:9

Mary's ^[2] - 95:14,
96:1

Mass ^[5] - 18:11,
30:7, 31:2, 46:9,
62:8

Massachusetts
^[8] - 1:6, 1:7, 22:3,
29:12, 58:2, 90:18,
92:7, 113:7

MASSACHUSETTS
^[1] - 210:2

massaged
^[1] - 106:11

Masse ^[1] - 41:18

Masse's ^[1] - 42:2

master ^[1] - 163:11

Mastrangelo ^[1] - 9:2

materials ^[2] - 187:5,
189:10

Matt ^[1] - 14:11

matter ^[27] - 5:9, 10:1,
14:8, 18:9, 21:9,
38:17, 55:12, 55:14,
67:2, 75:12, 87:11,
121:16, 121:18,
127:13, 136:8,
149:8, 149:11,
157:8, 178:8, 180:8,
180:10, 185:8,
192:9, 192:11,
202:8, 205:6, 205:8

matters ^[1] - 146:15

mature ^[4] - 67:13,
68:17, 68:18, 69:7

maximize ^[1] - 92:2

MAY ^[1] - 1:4

McKernan ^[1] - 206:7

MCKERNAN
^[1] - 206:7

meal ^[1] - 105:12

mean ^[34] - 5:17,
22:15, 28:13, 39:9,
43:3, 43:13, 44:5,
47:2, 52:1, 52:14,
54:4, 64:8, 65:16,
74:8, 100:7, 108:5,
113:10, 117:2,
117:10, 118:11,
118:15, 119:8,
120:1, 121:2,
146:13, 146:14,

146:16, 147:13,
 165:6, 166:12,
 167:13, 168:5,
 169:17, 197:6

meaning ^[1] - 92:3

meaningful

^[1] - 201:6

means ^[3] - 37:17,

141:12, 146:2

meant ^[2] - 24:9, 81:9

meantime ^[1] - 9:2

measure ^[1] - 106:15

medium ^[1] - 3:14

meet ^[7] - 42:10,

64:13, 92:14, 99:13,

105:10, 107:14,

169:15

meeting ^[12] - 3:8,

3:13, 3:17, 3:18,

4:1, 4:7, 4:8, 4:10,

92:17, 97:16, 99:16,

193:18

meetings ^[5] - 92:18,

101:10, 117:15,

117:17, 123:15

meets ^[2] - 53:14,

161:16

MEGON ^[20] - 58:13,

58:15, 59:2, 59:6,

59:12, 59:14, 60:7,

62:1, 62:5, 62:10,

63:5, 63:16, 64:11,

65:11, 65:15, 66:5,

66:9, 70:4, 70:8,

70:18

Megon ^[2] - 59:7,

59:14

member ^[2] - 95:7,

101:5

Member ^[3] - 1:9, 1:9,

1:10

MEMBER ^[4] - 16:15,

55:18, 56:5, 204:18

members ^[16] - 10:17,

11:2, 50:4, 50:15,

55:8, 92:12, 144:18,

146:8, 150:1, 170:1,

180:5, 185:10,

189:9, 192:6, 197:8,

205:3

Members ^[14] - 3:4,

5:2, 14:2, 16:2,

18:2, 21:2, 57:17,

83:7, 87:2, 136:2,

157:2, 178:2, 185:2,
202:2

memorialized

[1] - 33:3

men [1] - 63:10

mental [1] - 143:12

mentioned

[2] - 141:1, 150:2

merchandise

[2] - 144:9, 145:4

merits [2] - 92:11,
173:18

mesmerized

[1] - 59:16

Met [1] - 143:11

met [3] - 84:9, 123:2,
200:1

mic [8] - 8:1, 8:2,
59:9, 65:2, 122:11,
122:12, 122:15,
137:10

Michael [2] - 67:5,
69:12

MICHAEL [27] - 5:13,
6:1, 6:7, 6:11, 7:7,
11:7, 11:12, 11:15,
11:18, 12:7, 12:11,
67:4, 68:6, 68:11,
69:8, 69:13, 70:1,
70:6, 70:15, 71:4,
71:11, 73:3, 73:10,
73:18, 74:3, 74:7,
75:7

michael [1] - 11:8

middle [4] - 92:7,
158:8, 167:2,
169:10

Miduturo [1] - 157:12

MIDUTURO

[4] - 165:3, 166:2,
168:10, 169:4

might [7] - 46:10,
62:2, 100:2, 141:2,
144:5, 144:10,
144:16

Mike [1] - 180:15

mind [3] - 143:8,
145:17, 153:3

minimal [3] - 158:4,
163:17

minimum [2] - 147:8,
162:18

minute [4] - 19:15,
19:18, 149:4,

203:14
minutes ^[3] - 17:2,
 18:18, 33:5
mission ^[1] - 122:18
mistakes ^[1] - 69:14
mixed ^[2] - 52:7,
 53:11
modern ^[1] - 93:13
modest ^[9] - 22:9,
 24:15, 182:10,
 183:3, 186:11,
 189:16, 190:9,
 204:9, 207:16
modified ^[4] - 104:14,
 106:10, 176:14,
 177:1
modify ^[2] - 150:4,
 176:10
Monday ^[1] - 177:3
money ^[3] - 119:18,
 124:15, 132:3
month ^[2] - 174:6,
 174:7
months ^[2] - 123:3,
 124:4
moot ^[1] - 9:7
mosque ^[16] - 90:13,
 94:1, 98:17, 99:4,
 108:16, 120:6,
 123:2, 123:13,
 124:14, 124:16,
 125:14, 125:15,
 126:1, 126:16,
 126:18
most ^[8] - 48:13, 53:3,
 54:5, 59:5, 78:2,
 96:14, 125:18,
 174:14
mother ^[1] - 140:10
motion ^[7] - 77:7,
 78:7, 132:7, 144:16,
 144:17, 150:2,
 153:16
motions ^[1] - 78:8
Mount ^[1] - 56:14
mouth ^[1] - 59:11
move ^[8] - 63:9, 82:1,
 82:4, 143:5, 144:7,
 162:17, 181:2,
 181:11
moved ^[2] - 7:1, 102:2
moves ^[19] - 11:6,
 12:12, 14:18, 78:9,
 78:13, 85:12, 132:8,

134:3, 153:17,
 155:6, 176:1,
 181:18, 183:10,
 197:15, 199:2,
 199:15, 201:9,
 206:12, 207:18

moving ^[1] - 142:5

MUIREANN

^[17] - 44:11, 44:15,
 45:6, 60:6, 62:3,
 62:8, 63:1, 63:15,
 64:7, 64:12, 64:17,
 65:3, 65:13, 66:2,
 70:14, 70:17, 71:10

Muireann ^[1] - 21:12

multi ^[3] - 52:3, 52:11,
 53:13

multi-family

^[3] - 52:3, 52:11,
 53:13

multiple ^[1] - 134:6

must ^[3] - 105:3,
 115:4, 115:5

mutual ^[2] - 33:6,
 33:10

N

N's ^[1] - 181:6

name ^[14] - 18:11,
 56:10, 57:10, 58:18,
 64:10, 87:16,
 121:18, 122:5,
 136:9, 136:11,
 157:10, 185:14,
 185:15, 194:5

names ^[2] - 65:9,
 178:14

nap ^[1] - 156:4

narrow ^[2] - 75:3,
 198:8

narrowness

^[1] - 187:14

nationally ^[1] - 138:7

nature ^[13] - 33:4,
 74:10, 78:4, 88:1,
 109:10, 111:18,
 132:14, 182:10,
 187:2, 189:16,
 196:2, 198:7, 207:6

near ^[2] - 103:7,
 164:13

nearby ^[2] - 70:2,
 108:2

necessarily

[2] - 28:13, 95:13

necessary

[1] - 159:14

need [22] - 18:17,

40:13, 50:5, 63:16,

72:9, 72:11, 73:16,

79:17, 96:11, 99:9,

100:9, 110:18,

115:8, 165:17,

170:6, 171:11,

173:10, 174:4,

191:5, 197:12,

203:6, 203:8

needed [3] - 9:8, 60:3,

130:13

needing [1] - 75:4**needs** [3] - 73:8,

158:12, 164:8

neighbor [5] - 59:17,

64:6, 101:11, 125:9,

181:1

Neighborhood

[2] - 186:17, 189:13

neighborhood

[34] - 28:5, 41:16,

43:18, 51:12, 53:10,

53:11, 54:8, 54:16,

67:7, 74:11, 81:17,

84:15, 99:5, 107:10,

123:2, 124:13,

127:1, 127:6,

133:16, 140:5,

144:3, 144:10,

145:8, 155:4, 182:7,

189:8, 189:9, 190:8,

193:16, 194:16,

196:1, 200:6, 206:5,

207:13

neighborhoods

[1] - 42:5

neighbors

[27] - 29:11, 38:3,

92:18, 94:18, 103:5,

112:10, 122:18,

123:4, 123:11,

123:15, 126:2,

126:4, 142:12,

142:16, 143:4,

143:5, 144:11,

148:16, 148:18,

152:18, 181:10,

182:16, 193:2,

193:5, 193:10,

195:15
nervous ^[1] - 137:14
never ^[11] - 6:5, 7:1,
 7:2, 7:7, 7:10, 7:17,
 9:12, 12:4, 16:10,
 66:3, 188:17
new ^[15] - 22:9, 23:3,
 24:4, 34:5, 34:6,
 58:15, 59:4, 59:6,
 73:7, 176:11,
 176:12, 177:1,
 192:4, 193:10,
 195:14
news ^[2] - 109:2,
 172:11
next ^[15] - 10:4, 14:5,
 16:5, 18:13, 19:2,
 20:3, 47:14, 56:7,
 59:18, 65:4, 96:10,
 107:12, 117:8,
 130:8, 143:14
next-door ^[7] - 10:4,
 59:18, 65:4, 96:10,
 107:12, 130:8,
 143:14
nice ^[1] - 124:11
night ^[7] - 79:6, 81:9,
 95:8, 116:7, 126:18,
 167:7
Noble ^[1] - 56:13
noisy ^[1] - 126:14
non ^[14] - 23:13, 25:7,
 25:14, 25:17, 32:8,
 32:13, 76:10, 83:2,
 98:16, 102:2, 128:7,
 137:18, 186:12,
 187:16
non-conforming
^[11] - 23:13, 25:7,
 25:14, 25:17, 32:8,
 32:13, 76:10, 83:2,
 137:18, 186:12,
 187:16
non-profit ^[3] - 98:16,
 102:2, 128:7
nonstop ^[1] - 116:6
normally ^[1] - 172:1
North ^[1] - 67:6
NOT ^[1] - 210:15
Notary ^[2] - 210:4,
 210:11
note ^[5] - 182:9,
 194:4, 198:14,
 207:12, 209:6

noted ^[4] - 27:16,
 31:17, 52:14,
 209:16
notes ^[1] - 197:4
nothing ^[3] - 42:17,
 65:7, 65:17
notice ^[4] - 16:11,
 16:12, 61:1, 61:4
noticed ^[1] - 38:12
notifying ^[1] - 3:11
nuisance ^[3] - 85:3,
 182:17, 200:12
nullifying
^[4] - 133:10, 154:15,
 198:12, 207:10
number ^[10] - 3:15,
 16:6, 21:18, 25:12,
 39:10, 72:4, 87:6,
 104:16, 160:1,
 160:6

O

o'clock ^[1] - 116:7
objection ^[2] - 10:12,
 33:17
obscured ^[1] - 115:16
obviously ^[8] - 47:5,
 61:6, 69:2, 117:18,
 119:12, 144:2,
 170:3, 197:2
occasional ^[1] - 141:8
occupant ^[3] - 47:12,
 183:1, 200:14
occupants ^[2] - 38:9,
 47:13
occupied ^[1] - 143:10
occupy ^[1] - 207:3
occupying
^[2] - 51:11, 81:15
occurred ^[1] - 9:13
occurring ^[1] - 44:6
odd ^[1] - 203:16
OF ^[6] - 1:1, 1:2,
 210:2, 210:15,
 210:15, 210:16
off-street ^[1] - 37:15
offer ^[4] - 5:18, 43:2,
 115:7, 160:15
offered ^[1] - 64:13
Office ^[19] - 138:3,
 138:8, 138:10,
 140:13, 141:6,
 142:3, 149:1,

151:10, 152:2,
 153:4, 154:10,
 155:13, 155:17,
 156:1, 156:2,
 158:12, 164:8,
 169:2
office ^[6] - 141:3,
 144:8, 164:8,
 164:10, 164:18,
 165:2
offices ^[3] - 18:11,
 102:1, 102:2
Offices ^[1] - 185:11
OFFICIAL ^[1] - 1:15
often ^[1] - 103:6
old ^[1] - 6:2
omnibus ^[1] - 82:13
on-line ^[2] - 67:10,
 124:10
on-site ^[1] - 119:2
once ^[3] - 9:8, 21:6,
 34:8
one ^[92] - 4:4, 4:16,
 8:13, 22:3, 22:14,
 27:7, 28:10, 28:14,
 29:8, 32:18, 34:7,
 34:12, 35:12, 35:13,
 38:4, 38:8, 39:13,
 40:9, 42:6, 42:8,
 44:2, 44:4, 45:12,
 47:7, 47:13, 47:17,
 49:15, 49:17, 53:3,
 54:10, 60:4, 60:10,
 60:18, 67:12, 70:9,
 70:12, 75:4, 76:6,
 76:8, 79:15, 80:9,
 82:3, 82:12, 83:12,
 83:15, 90:16, 93:8,
 97:5, 98:4, 100:8,
 105:17, 107:9,
 109:15, 111:1,
 111:8, 114:6,
 114:17, 115:14,
 116:3, 125:10,
 127:3, 131:1, 131:3,
 133:17, 135:8,
 137:16, 138:2,
 140:15, 145:10,
 150:18, 151:4,
 157:13, 162:9,
 164:3, 164:7, 165:3,
 165:4, 165:9,
 171:10, 187:1,
 187:6, 190:1,

194:16, 196:10,
 197:12, 197:13,
 205:12, 205:15
ones ^[2] - 143:6,
 143:7
open ^[17] - 3:12, 5:17,
 18:6, 55:11, 92:10,
 105:10, 105:13,
 107:5, 107:14,
 121:15, 147:8,
 149:8, 169:17,
 180:7, 188:7, 192:8,
 205:5
opening ^[2] - 109:18,
 139:2
openings ^[2] - 25:13,
 186:5
operate ^[1] - 33:2
operating ^[1] - 12:3
operation ^[5] - 3:16,
 12:4, 84:17, 182:12,
 200:8
opinions ^[1] - 42:4
opportunity
^[4] - 29:15, 34:9,
 42:9, 112:7
opposed ^[3] - 135:8,
 151:9, 151:11
opposite ^[1] - 62:5
opposition
^[2] - 128:12, 128:13
optional ^[1] - 115:4
options ^[2] - 160:2,
 160:7
Orchard ^[3] - 45:17,
 46:3
order ^[9] - 3:9, 37:4,
 103:11, 104:2,
 121:11, 159:8,
 159:12, 162:14,
 166:15
Ordinance ^[48] - 23:4,
 28:2, 37:11, 38:15,
 39:6, 39:8, 41:1,
 41:12, 47:4, 53:15,
 71:17, 80:3, 84:5,
 84:9, 85:1, 85:10,
 88:7, 94:10, 99:11,
 107:3, 111:14,
 113:4, 113:8, 113:9,
 113:17, 113:18,
 114:1, 114:4,
 129:10, 132:12,
 133:11, 150:12,

151:17, 154:3,
 154:16, 161:11,
 161:14, 182:2,
 182:14, 183:8,
 197:18, 198:13,
 199:18, 200:10,
 201:1, 201:4,
 206:16, 207:11

Ordinances

[2] - 96:15, 117:11

organization

[2] - 67:7, 98:17

organize [1] - 168:7

orientation [1] - 53:13

Original [3] - 2:4, 2:5,
 2:7

original [4] - 7:17,
 8:7, 10:1, 209:2

originally [1] - 106:3

orphan [1] - 96:3

otherwise [8] - 45:2,
 85:9, 171:1, 172:3,
 176:6, 176:12,
 183:7, 200:18

ourselves

[1] - 139:10

outreach [1] - 189:9

outset [1] - 3:9

outside [5] - 62:13,
 108:14, 111:11,
 141:12, 166:12

overall [2] - 26:12,
 26:14

overlooking

[1] - 102:2

overly [1] - 96:12

overnight [2] - 156:3,
 156:5

override [1] - 111:14

overshadowed

[1] - 89:5

overshot [1] - 69:15

oversize [1] - 162:1

overview [1] - 137:15

owing [5] - 88:9,

132:18, 154:8,
 198:6, 207:4

own [9] - 39:3, 48:2,
 58:1, 68:3, 90:7,
 94:13, 100:1,
 151:18, 193:6

owned [3] - 31:14,
 90:8, 196:14

owner [12] - 21:14,

58:5, 59:6, 117:18,
121:12, 129:2,
139:4, 139:8,
139:10, 143:14,
180:15, 202:11

owner's ^[1] - 91:14

owners ^[5] - 136:13,
137:2, 137:16,
193:1, 205:18

owns ^[3] - 57:18,
91:3, 98:7

P

P-A-R-K ^[1] - 180:15

p.m ^[19] - 1:4, 3:3,
5:1, 14:1, 16:1,
16:13, 16:14, 18:1,
21:1, 87:1, 136:1,
176:2, 176:3,
176:12, 177:3,
178:1, 185:1, 202:1,
208:16

Pacheco ^[1] - 14:12

packed ^[1] - 77:17

PAGE ^[2] - 2:2, 209:8

page ^[5] - 85:16,
134:7, 145:11,
199:5, 208:3

pages ^[2] - 183:13,
197:3

pains ^[1] - 193:6

palatable ^[2] - 98:2

Palmerstone

^[1] - 21:14

Papademetriou

^[2] - 57:14, 58:10

parallels ^[1] - 161:4

parcel ^[1] - 92:2

parents ^[1] - 140:9

park ^[12] - 40:12,
46:10, 104:12,
115:13, 125:17,
126:6, 126:7, 126:9,
126:15, 139:4,
139:11, 140:3

Park ^[3] - 21:14,
104:13, 180:15

parked ^[1] - 47:14

parking ^[70] - 29:8,
33:11, 34:5, 34:6,
36:16, 36:17, 36:18,
37:3, 37:9, 37:14,
37:16, 38:4, 38:12,

39:17, 40:1, 40:12,
 40:17, 41:3, 41:9,
 42:4, 42:9, 42:14,
 43:2, 43:14, 44:1,
 44:6, 44:8, 44:9,
 44:14, 44:17, 45:3,
 45:4, 45:6, 45:9,
 46:12, 46:13, 47:5,
 49:3, 49:6, 49:10,
 49:17, 55:6, 67:15,
 70:10, 71:13, 71:16,
 71:18, 72:4, 74:16,
 76:6, 83:9, 83:10,
 83:13, 84:1, 101:15,
 102:4, 104:7, 104:8,
 104:9, 104:10,
 108:15, 123:8,
 123:9, 123:10,
 126:12, 126:13,
 138:16, 138:18,
 139:17, 139:18
parking's ^[1] - 45:11
parks ^[2] - 44:2, 44:4
part ^[23] - 27:8, 33:6,
 33:7, 62:17, 64:4,
 68:3, 74:9, 78:7,
 79:3, 102:14,
 105:14, 107:18,
 115:8, 161:11,
 161:13, 168:3,
 186:8, 187:4, 187:6,
 187:10, 188:10,
 198:15
particular ^[5] - 25:13,
 129:11, 186:13,
 198:9
particularly
^[5] - 41:13, 41:17,
 43:18, 124:11,
 154:9
partner ^[1] - 107:18
partnership
^[1] - 138:4
parts ^[1] - 158:4
pass ^[3] - 30:1, 60:13
passing ^[1] - 81:9
past ^[1] - 196:13
path ^[1] - 116:4
pathway ^[1] - 114:8
patronize ^[1] - 46:9
patterns ^[3] - 84:12,
 182:4, 200:3
paved ^[1] - 44:7
pavement ^[1] - 71:9

paving ^[1] - 146:17

pay ^[3] - 44:13,
112:14, 112:16

paying ^[1] - 44:17

Pearl ^[5] - 2:11,
178:6, 180:18,
181:7, 181:9

people ^[39] - 4:3,
36:11, 37:16, 38:17,
42:3, 44:16, 46:9,
46:17, 47:3, 48:2,
48:14, 59:5, 64:15,
77:6, 89:10, 94:2,
108:15, 108:16,
111:10, 115:18,
116:1, 116:2,
117:15, 120:1,
122:18, 124:16,
124:17, 125:15,
125:16, 126:1,
143:12, 151:17,
152:16, 160:12,
167:7, 170:18,
171:10, 174:13,
174:14

people's ^[1] - 128:15

per ^[3] - 29:2, 38:4,
170:7

percent ^[14] - 23:16,
24:5, 27:1, 27:17,
38:15, 50:11, 79:4,
94:3, 107:2, 160:16,
160:17, 160:18,
161:3, 203:1

perfect ^[2] - 165:16,
173:9

perfectly ^[1] - 165:13

perform ^[1] - 155:13

perhaps ^[6] - 29:16,
70:2, 100:15,
152:18, 154:10,
162:6

period ^[1] - 74:1

permeable
^[1] - 146:17

Permit ^[46] - 24:1,
25:10, 25:14, 25:18,
26:1, 26:3, 26:12,
28:1, 32:15, 32:17,
33:14, 37:3, 39:16,
40:3, 40:4, 40:11,
40:13, 42:14, 51:3,
53:16, 53:17, 54:18,
58:3, 58:8, 78:14,

79:14, 79:17, 82:3,
 82:14, 83:3, 83:11,
 84:6, 179:1, 182:1,
 182:3, 183:10,
 186:6, 189:3,
 190:16, 191:5,
 197:13, 199:15,
 199:17, 200:2,
 201:9
permit ^[3] - 33:7,
 51:10, 72:2
Permits ^[11] - 21:18,
 23:18, 29:7, 33:11,
 34:4, 39:12, 76:6,
 82:15, 83:18, 84:10,
 85:12
permitted ^[5] - 51:3,
 84:18, 107:3,
 182:13, 200:9
person ^[7] - 3:11,
 61:11, 91:7, 91:8,
 133:17, 155:12,
 165:6
personal ^[1] - 91:15
personally ^[1] - 54:5
persons ^[1] - 155:12
perspective
^[5] - 93:17, 94:1,
 173:8, 173:10,
 188:10
persuaded
^[5] - 100:3, 131:18,
 162:12, 172:2,
 173:11
perturbed ^[1] - 61:6
PETER ^[51] - 87:15,
 87:17, 88:16, 89:2,
 89:13, 89:16, 90:7,
 90:13, 92:16, 93:4,
 94:16, 97:4, 97:9,
 97:12, 98:15,
 100:12, 101:4,
 105:1, 105:5, 106:4,
 106:7, 106:9,
 106:17, 107:6,
 109:5, 109:12,
 109:15, 110:4,
 111:1, 115:10,
 117:1, 117:3, 117:6,
 119:7, 121:7,
 121:13, 128:4,
 128:6, 134:8,
 134:11, 134:17,
 135:2, 202:9,

202:18, 203:9,
 203:17, 204:7,
 204:9, 205:13,
 208:5, 208:8
Peter ^[5] - 87:17,
 98:5, 130:2, 134:5,
 202:9
petition ^[4] - 73:17,
 127:18, 132:5,
 153:5
petitioner ^[14] - 7:12,
 14:13, 66:14, 68:4,
 83:2, 88:8, 115:6,
 154:5, 154:18,
 155:10, 183:13,
 185:13, 208:2
phonetic ^[2] - 21:13,
 206:6
photo ^[2] - 68:18,
 70:5
photos ^[2] - 50:13,
 69:5
physically ^[1] - 33:15
pick ^[1] - 19:5
pictures ^[1] - 124:9
pieces ^[2] - 60:8,
 187:6
Pines ^[2] - 11:9, 67:5
place ^[6] - 6:10, 37:2,
 44:7, 72:15, 102:15,
 187:3
placement ^[1] - 3:15
places ^[2] - 45:10,
 45:11
plan ^[8] - 29:15,
 74:16, 104:14,
 149:3, 149:5, 155:9,
 188:7, 189:12
planner ^[1] - 109:1
Planning ^[10] - 92:18,
 95:7, 112:2, 113:2,
 122:17, 123:12,
 123:18, 127:17,
 131:7, 133:18
planning ^[3] - 61:9,
 96:16, 202:12
plans ^[37] - 49:18,
 52:13, 64:13, 65:8,
 67:10, 68:7, 68:10,
 71:5, 71:12, 85:14,
 106:1, 106:2, 107:1,
 134:5, 137:4,
 145:10, 145:15,
 155:9, 177:1, 177:5,

183:12, 192:17,
 193:8, 193:13,
 194:1, 194:8,
 194:11, 195:6,
 195:9, 195:18,
 199:4, 201:11,
 208:2, 208:4
pleasure ^[1] - 128:15
plenty ^[1] - 120:15
plural ^[1] - 84:10
plus ^[1] - 129:13
point ^[14] - 46:13,
 52:2, 60:4, 68:15,
 69:18, 73:2, 79:8,
 82:13, 90:17, 111:6,
 129:12, 151:14,
 163:5, 165:11
points ^[1] - 46:8
policy ^[3] - 37:15,
 41:15, 112:18
poor ^[2] - 93:5,
 195:16
porch ^[6] - 44:5,
 93:10, 102:12,
 103:2, 103:3,
 119:11
portion ^[3] - 26:4,
 28:7, 79:2
portions ^[1] - 26:10
positives ^[1] - 99:17
possibility
^[2] - 141:11, 141:13
possibly ^[2] - 39:1,
 74:3
posted ^[1] - 62:12
posting ^[1] - 176:9
potential ^[3] - 92:2,
 121:10, 129:3
potentially ^[1] - 39:5
power ^[1] - 125:9
practical ^[2] - 28:5,
 38:16
practically ^[2] - 44:3,
 190:12
pre ^[4] - 32:7, 33:11,
 75:2
pre-existing
^[4] - 32:7, 33:11,
 75:2
prefer ^[4] - 118:17,
 129:17, 130:14,
 179:15
preferable
^[1] - 130:10

preference ^[1] - 38:4
pregnant ^[1] - 60:12
premises ^[1] - 143:15
prepared ^[4] - 78:5,
 85:14, 134:5, 199:4
prepares ^[1] - 4:7
present ^[1] - 174:2
presentation
^[4] - 61:17, 98:6,
 146:13, 152:5
presented ^[2] - 67:9,
 152:5
presenting ^[1] - 106:1
preservation
^[1] - 119:17
preserve ^[6] - 94:4,
 102:9, 118:18,
 120:5, 130:10,
 132:2
preserved ^[4] - 67:15,
 118:18, 119:3,
 132:15
preserving ^[2] - 93:4,
 93:9
President ^[1] - 108:7
presumably
^[1] - 128:17
pretty ^[2] - 103:14,
 180:1
prevented ^[1] - 37:5
previous ^[2] - 103:10,
 191:3
priest ^[1] - 97:9
primarily ^[1] - 179:11
primary ^[2] - 141:11,
 188:6
privacy ^[3] - 142:11,
 179:16, 189:2
private ^[4] - 30:3,
 68:4, 186:8, 189:18
problem ^[7] - 54:17,
 73:15, 145:2,
 148:18, 163:10,
 168:8, 171:15
problems ^[2] - 64:1,
 140:4
proceed ^[8] - 85:13,
 134:4, 155:8,
 174:12, 183:11,
 199:3, 201:10,
 208:1
proceedings
^[1] - 210:6
process ^[3] - 92:17,

117:14, 124:2

processes ^[1] - 138:6

produce ^[1] - 110:13

producing ^[1] - 131:5

professional

^[2] - 95:11, 151:6

profit ^[5] - 98:16,

99:2, 102:2, 124:15,

128:7

prohibited

^[1] - 141:15

Project ^[1] - 143:11

project ^[26] - 21:15,

54:6, 56:18, 58:4,

58:5, 58:6, 61:12,

67:9, 78:2, 98:4,

100:15, 102:7,

103:1, 104:13,

112:12, 129:13,

130:3, 143:4, 143:7,

157:12, 169:1,

172:7, 172:12,

178:10, 181:2,

181:11

projects ^[1] - 196:8

promise ^[1] - 65:7

pronounce ^[1] - 57:10

properly ^[1] - 65:10

properties ^[5] - 31:17,

43:17, 51:17, 51:18,

69:17

property ^[51] - 8:16,

21:15, 22:5, 22:7,

23:12, 25:7, 29:12,

29:16, 29:17, 29:18,

30:14, 31:4, 31:10,

32:6, 32:11, 38:6,

41:5, 49:13, 56:1,

57:18, 58:1, 62:14,

67:13, 69:1, 69:2,

69:18, 70:11, 74:15,

83:17, 90:3, 90:5,

90:7, 96:10, 105:15,

111:5, 121:5,

121:11, 129:6,

132:1, 132:16,

147:2, 180:16,

186:16, 187:7,

187:15, 190:3,

191:7, 193:4,

195:15, 205:17

proposal ^[5] - 22:6,

187:7, 188:4, 190:6,

206:2

propose ^[1] - 102:13

proposed ^[17] - 85:2,

85:5, 85:7, 99:18,

128:10, 154:17,

180:17, 181:9,

182:15, 183:1,

183:5, 194:8,

200:11, 200:14,

200:16, 201:3,

205:18

proposing ^[7] - 29:5,

34:7, 74:14, 93:10,

103:3, 130:2, 182:6

Prospect ^[10] - 2:6,

16:8, 87:9, 89:13,

96:1, 103:4, 114:15,

115:11, 116:3,

133:1

protected ^[1] - 67:14

protocol ^[1] - 65:9

provide ^[6] - 71:16,

98:9, 98:10, 120:7,

140:11, 166:10

provided ^[5] - 33:17,

51:9, 55:3, 150:12,

151:16

provides ^[3] - 34:9,

35:4, 39:9

providing ^[5] - 93:11,

93:15, 108:17,

109:10, 126:13

provision ^[3] - 25:15,

25:17, 26:8

provisions

^[8] - 32:15, 71:12,

74:17, 88:6, 132:12,

154:3, 197:18,

206:16

Public ^[2] - 210:4,

210:11

public ^[31] - 55:12,

76:2, 89:3, 96:16,

97:16, 107:15,

109:18, 112:18,

115:13, 115:18,

117:13, 117:17,

121:16, 128:14,

129:18, 130:15,

133:9, 138:5, 149:8,

149:18, 154:14,

180:8, 180:13,

181:14, 192:9,

197:12, 198:11,

205:6, 205:11,

207:9

pull ^[1] - 8:4

punt ^[1] - 114:3

purchased ^[1] - 22:5

purpose ^[10] - 7:6,

85:10, 133:11,

141:18, 154:16,

183:8, 198:13,

201:1, 201:4,

207:11

purposes ^[5] - 30:2,

133:6, 147:3, 155:1,

159:3

pursue ^[2] - 10:8,

42:14

pursued ^[1] - 84:14

pursuing ^[1] - 14:15

push ^[3] - 37:15,

167:11, 171:1

pushing ^[1] - 172:5

put ^[10] - 27:17,

59:10, 71:9, 105:1,

105:8, 108:4, 116:1,

123:10, 144:12,

176:11

Putnam ^[3] - 2:3, 5:7,

6:9

puts ^[2] - 110:8,

121:12

putting ^[1] - 18:16

Q

qualifies ^[1] - 90:16

quantity ^[1] - 42:10

quarters ^[5] - 153:10,

153:12, 156:3,

156:4, 156:5

questioned

^[1] - 123:3

questions ^[13] - 11:3,

22:14, 55:7, 55:9,

110:7, 131:9,

131:10, 131:12,

144:2, 146:8, 180:5,

192:6, 205:3

quite ^[6] - 53:12,

89:14, 92:17, 108:1,

111:17, 112:3

R

R-U-G-E-N

^[1] - 178:16

rabbi ^[1] - 97:10

racks ^[1] - 105:8

RAFFERTY

^[97] - 18:10, 19:7,
 19:10, 19:14, 20:1,
 21:10, 22:17, 23:5,
 23:8, 23:11, 23:15,
 24:3, 24:8, 24:14,
 25:1, 25:4, 25:9,
 26:6, 26:16, 27:6,
 27:15, 28:12, 28:16,
 30:9, 30:13, 30:17,
 31:13, 31:16, 34:3,
 34:14, 35:2, 36:4,
 36:8, 36:12, 36:15,
 37:10, 37:18, 38:14,
 39:4, 39:8, 40:2,
 40:6, 40:10, 40:18,
 41:4, 41:11, 42:2,
 43:3, 43:8, 43:11,
 45:8, 45:12, 46:2,
 47:2, 47:10, 48:4,
 48:8, 48:12, 48:17,
 49:4, 49:9, 49:14,
 50:6, 50:9, 50:12,
 50:18, 51:7, 51:14,
 51:16, 52:18, 53:9,
 54:12, 55:1, 56:3,
 56:8, 66:16, 68:14,
 69:11, 69:16, 72:1,
 72:6, 72:8, 72:14,
 73:1, 76:1, 76:12,
 76:16, 77:3, 79:8,
 79:13, 80:5, 80:12,
 80:15, 81:1, 81:6,
 81:11, 84:2

Rafferty ^[7] - 18:11,
 21:11, 46:8, 55:15,
 67:11, 71:15, 83:9

Rafferty's ^[1] - 61:17

rafters ^[1] - 161:8

raise ^[2] - 6:6, 28:6

raised ^[1] - 28:8

raising ^[2] - 179:15,
 179:17

Ranjit ^[1] - 7:11

rarely ^[1] - 162:4

rate ^[4] - 110:3,
 110:11, 110:15,
 129:16

rather ^[7] - 28:1,
 39:16, 90:5, 91:16,
 148:1, 174:15,
 207:15

ratio ^[1] - 106:14

rationale ^[1] - 55:3
re ^[1] - 73:11
re-advertise
^[1] - 73:11
reach ^[1] - 193:7
reached ^[2] - 4:17,
 189:3
reactions ^[1] - 170:13
read ^[14] - 3:9, 56:17,
 57:3, 57:5, 75:16,
 80:12, 91:4, 91:13,
 99:13, 109:1, 197:1,
 197:7, 197:9,
 209:15
Reading ^[6] - 91:13,
 180:15, 181:8,
 192:16, 194:14,
 205:17
reading ^[7] - 14:13,
 57:17, 131:7, 194:5,
 195:3, 196:11,
 209:6
ready ^[6] - 19:9,
 77:10, 132:7,
 153:16, 181:14,
 206:10
reality ^[2] - 43:17,
 124:18
realize ^[1] - 116:1
realized ^[1] - 101:13
really ^[24] - 9:17,
 28:9, 48:5, 61:5,
 66:2, 93:12, 96:3,
 107:13, 112:14,
 115:4, 123:6, 124:3,
 126:3, 126:17,
 127:2, 143:6, 153:2,
 153:4, 159:10,
 167:4, 187:10,
 203:9, 204:6
rear ^[9] - 29:13, 69:5,
 83:13, 89:4, 102:13,
 104:7, 186:3, 186:4,
 192:3
REASON ^[6] - 209:9,
 209:10, 209:11,
 209:12, 209:13,
 209:14
reason ^[5] - 4:16,
 60:3, 90:9, 162:7,
 209:7
reasonable ^[3] - 3:14,
 43:4, 127:5
reasons ^[9] - 53:14,

58:8, 83:4, 111:9,
 111:16, 160:11,
 165:9, 167:10,
 171:11
rebuild ^[2] - 93:10,
 103:2
receipt ^[2] - 192:14,
 205:12
received ^[1] - 61:10
recess ^[2] - 17:3, 20:4
recognition
^[1] - 47:16
recognized
^[1] - 151:15
recollect ^[1] - 72:3
recollection
^[1] - 11:12
reconfigure
^[2] - 159:17, 203:8
reconvene ^[1] - 174:1
RECORD ^[1] - 1:15
record ^[10] - 7:16,
 11:8, 21:11, 57:3,
 67:18, 114:3,
 185:11, 185:14,
 209:16, 210:6
recorder ^[1] - 4:5
recording ^[3] - 3:12,
 4:2, 4:9
recordings ^[1] - 4:4
records ^[2] - 4:6, 10:8
recourse ^[1] - 66:12
recreate ^[1] - 119:11
redesign ^[2] - 145:17,
 167:12
redo ^[1] - 119:10
reduce ^[2] - 37:13,
 41:13
reduced ^[1] - 110:15
reducing ^[2] - 189:17,
 189:18
reduction ^[2] - 40:11,
 41:8
refer ^[2] - 104:1,
 182:15
reference ^[2] - 51:4,
 107:17
referring ^[2] - 69:6,
 161:12
refigured ^[1] - 168:1
reflected ^[1] - 67:18
refresh ^[1] - 12:1
regard ^[31] - 22:14,
 25:11, 33:8, 34:1,

41:8, 51:2, 54:4,
 54:18, 55:6, 56:18,
 78:9, 81:13, 82:3,
 82:18, 83:9, 84:1,
 84:5, 132:9, 133:6,
 133:12, 153:18,
 182:1, 182:9,
 182:15, 197:14,
 197:16, 198:14,
 199:16, 201:2,
 206:13, 207:12
regarding ^[2] - 73:9,
 196:12
regular ^[3] - 17:1,
 18:6, 87:8
regulations
^[2] - 74:12, 111:11
rehearing ^[1] - 9:12
reiterate ^[1] - 128:17
related ^[4] - 33:11,
 34:4, 49:17
relating ^[3] - 76:6,
 88:10
relation ^[1] - 56:1
relationship
^[3] - 33:4, 53:1, 53:5
relatively ^[1] - 24:15
relatives ^[1] - 140:9
relevant ^[2] - 147:5,
 176:18
relied ^[1] - 138:8
relief ^[58] - 10:3, 10:4,
 12:1, 12:4, 15:1,
 27:3, 37:13, 38:2,
 46:14, 49:3, 54:10,
 55:4, 68:10, 72:11,
 73:8, 73:16, 74:17,
 76:5, 77:7, 78:3,
 78:6, 78:10, 83:10,
 88:5, 92:14, 96:11,
 97:1, 100:9, 100:16,
 113:14, 114:5,
 133:8, 133:12,
 142:3, 144:4,
 145:14, 146:3,
 147:4, 147:15,
 154:13, 170:6,
 174:17, 182:10,
 183:3, 184:4, 186:3,
 188:1, 198:10,
 198:15, 200:2,
 201:16, 202:15,
 203:12, 206:3,
 207:8, 207:15,

208:13
reliefs ^[1] - 84:6
religious ^[1] - 108:13
relocating ^[1] - 105:6
relocation
^[1] - 190:17
relocations
^[1] - 200:5
relying ^[1] - 81:5
remain ^[2] - 67:17,
80:1
remaining ^[3] - 29:6,
71:6, 194:17
remember ^[2] - 6:11,
45:17
removed ^[1] - 45:11
rendered ^[1] - 9:6
renovate ^[2] - 192:18,
195:6
renovated
^[1] - 194:18
renovating
^[1] - 193:13
renovation
^[10] - 178:11,
179:12, 180:17,
181:9, 193:8, 194:8,
194:12, 195:17,
196:5, 196:9
renovations
^[2] - 22:1, 22:6
rent ^[5] - 44:10,
44:14, 44:18, 47:1,
129:16
rental ^[2] - 41:5, 43:2
rentals ^[7] - 109:14,
109:15, 110:2,
110:5, 129:13,
129:15, 151:16
rented ^[1] - 97:4
renting ^[1] - 141:15
rents ^[1] - 39:2
repair ^[1] - 93:5
repaving ^[1] - 33:8
replace ^[1] - 87:12
report ^[1] - 131:8
REPORTER
^[1] - 210:16
Reporter ^[2] - 210:4,
210:12
REPORTERS
^[1] - 1:14
represented
^[1] - 133:17

represents

[2] - 18:14, 23:12

REPRODUCTION

[1] - 210:15

request [4] - 14:18,
58:6, 58:7, 173:15

requested [7] - 85:13,
113:11, 134:3,
153:5, 155:7, 199:3,
207:18

requesting [3] - 64:9,
186:2, 203:2

require [7] - 27:1,
27:17, 121:6, 188:1,
192:1, 194:2,
195:11

required [6] - 37:14,
41:8, 79:1, 163:3,
176:6, 198:5

requirement

[8] - 32:5, 33:13,
42:10, 47:5, 71:15,
105:11, 160:15,
188:17

requirements

[16] - 3:14, 23:4,
29:7, 84:9, 88:2,
88:4, 88:15, 92:14,
92:15, 96:13,
107:15, 138:18,
148:4, 169:15,
182:2, 199:18

requires [4] - 37:11,
162:17, 202:14,
206:18

requiring [2] - 187:9,
188:11

reservations

[2] - 181:3, 181:12

reside [2] - 181:7,
195:2

Residence [2] - 52:1,
74:9

resident [3] - 45:9,
45:10, 46:5

residential [9] - 36:2,
46:12, 51:18, 52:9,
77:12, 133:6, 153:2,
198:4, 206:2

residents [1] - 155:14

resides [2] - 192:16,
206:9

resistance [1] - 172:9

resolve [1] - 72:11

RESPECT

[1] - 210:16

respect [1] - 9:18

respecting

[1] - 154:12

responding

[1] - 101:7

response [2] - 8:9,

131:10

Response [13] - 4:11,

5:10, 11:4, 14:9,

75:13, 127:14,

149:12, 180:6,

180:11, 192:7,

192:12, 205:4,

205:9

responsibility

[1] - 120:12

responsible

[1] - 66:15

rest [3] - 87:8, 159:17,

197:1

restaurant [1] - 12:2

restoration

[1] - 119:8

restore [1] - 124:9

restoring [1] - 94:17

restriction [1] - 47:7

result [2] - 52:13,

133:13

resulting [3] - 84:13,

182:5, 200:4

resume [1] - 21:6

rethink [5] - 168:4,

168:6, 170:14,

172:6, 172:12

returning [1] - 204:8

reversed [2] - 91:9,

91:11

review [2] - 67:9,

177:5

reviewed [1] - 58:3

reviewing [1] - 74:13

Revival [6] - 102:10,

103:17, 118:10,

118:12, 119:12,

124:9

reviving [1] - 193:13

reworked [1] - 173:9

rezoning [1] - 114:16

rich [1] - 125:16

Richardson

[1] - 206:8

ridge [4] - 160:4,

161:5, 161:6, 161:9

rights ^[1] - 105:14

ringing ^[1] - 181:13

ripped ^[1] - 102:12

River ^[1] - 193:17

road ^[1] - 89:3

robust ^[2] - 189:10,
189:11

rocking ^[1] - 103:5

Rodrigues
^[2] - 194:4, 194:5

roof ^[5] - 8:13,
106:11, 138:14,
161:1, 161:7

room ^[10] - 18:15,
39:11, 163:7, 163:9,
166:16, 169:1,
169:7, 169:8,
169:15, 169:17

roots ^[1] - 71:8

rotated ^[1] - 167:4

roughly ^[1] - 166:13

route ^[1] - 60:14

row ^[1] - 193:16

Rugen ^[5] - 178:11,
178:12, 178:15,
180:18, 181:10

RUGEN ^[1] - 181:1

rules ^[2] - 82:14,
109:6

rumbling ^[1] - 116:6

rundown ^[2] - 93:9,
94:14

running ^[2] - 39:11,
99:4

runs ^[3] - 45:16, 91:2,
167:1

Ryan ^[2] - 195:1,
195:4

S

S-O-U-K-I ^[1] - 185:16

sad ^[2] - 127:2

saddled ^[1] - 154:5

safe ^[1] - 126:18

safely ^[1] - 65:10

safety ^[3] - 85:4,
182:18, 200:13

Saint ^[3] - 95:14,
95:18, 126:11

sale ^[2] - 41:6, 120:10

SAME ^[1] - 210:15

Sarah ^[5] - 6:13, 7:3,

7:15, 7:18, 102:8
SARAH ^[9] - 7:15,
8:3, 8:6, 8:12, 8:16,
9:1, 9:6, 10:10,
10:15
satisfaction ^[1] - 64:2
satisfied ^[1] - 182:3
satisfies ^[1] - 83:3
satisfy ^[2] - 88:3,
88:14
save ^[1] - 121:11
saw ^[5] - 41:18, 61:8,
124:9, 124:10,
141:7
scale ^[4] - 102:11,
103:17, 118:11,
118:13
scary ^[1] - 60:13
scheduled ^[1] - 14:17
scheme ^[1] - 98:1
schemes ^[2] - 102:3,
103:10
school ^[2] - 96:1,
118:7
School ^[1] - 96:1
Scouting ^[2] - 104:11,
118:9
scouting ^[1] - 104:11
screen ^[1] - 103:11
se ^[1] - 170:7
SEAN ^[6] - 185:9,
185:17, 191:2,
191:6, 191:13,
191:17
Sean ^[1] - 185:11
seated ^[2] - 18:13,
21:13
second ^[14] - 27:11,
51:8, 82:18, 88:9,
138:10, 140:13,
157:18, 158:11,
164:2, 168:5, 168:7,
168:11, 168:12,
172:13
section ^[3] - 28:3,
80:2, 129:11
Section ^[1] - 55:5
see ^[30] - 8:4, 29:15,
43:15, 46:14, 49:10,
50:5, 52:6, 52:13,
69:17, 70:4, 70:14,
80:8, 92:13, 96:7,
99:15, 100:17,
102:7, 110:6, 113:9,

125:17, 132:3,
 143:4, 146:9, 149:3,
 150:17, 172:7,
 172:10, 172:12,
 183:16, 183:18
seeing ^[1] - 103:17
seek ^[5] - 37:3, 72:15,
 83:4, 100:16,
 111:10
seeking ^[8] - 27:3,
 46:14, 55:4, 74:17,
 87:12, 147:4,
 149:16, 200:2
seeks ^[2] - 24:3, 26:3
seem ^[3] - 47:12,
 108:15, 148:18
self ^[2] - 27:12, 95:12
self-contained
^[1] - 27:12
self-serving
^[1] - 95:12
sell ^[4] - 41:2, 48:3,
 98:10, 144:9
selling ^[2] - 99:2,
 126:16
Senior ^[1] - 1:5
Sennott ^[1] - 104:13
sense ^[7] - 24:13,
 35:17, 74:8, 78:1,
 117:5, 131:8,
 164:12
sent ^[3] - 95:2, 189:6
sentence ^[2] - 51:8
separate ^[4] - 27:4,
 44:13, 151:6
separately ^[1] - 73:11
series ^[3] - 23:17,
 189:4, 204:1
services ^[1] - 155:13
Services ^[12] - 6:14,
 7:2, 7:11, 9:18,
 10:7, 12:10, 64:3,
 66:13, 134:14,
 147:7, 147:12,
 209:3
Services' ^[1] - 8:9
serving ^[1] - 95:12
sessions ^[1] - 3:13
set ^[5] - 48:16, 58:8,
 74:12, 210:6, 210:7
setback ^[13] - 29:7,
 32:5, 32:16, 33:13,
 33:15, 53:5, 107:4,
 179:1, 179:13,

186:6, 191:9, 198:8,
207:6

setbacks ^[5] - 96:13,
154:12, 187:13,
187:16, 188:12

sets ^[1] - 119:1

settled ^[1] - 91:14

Seven ^[2] - 11:9, 67:5

seven ^[7] - 16:18,
101:12, 158:6,
176:2, 176:3,
176:12

seven-and-a-half

^[1] - 158:6

several ^[2] - 91:18,
123:2

shading ^[1] - 89:12

shall ^[5] - 130:16,
153:16, 155:16,
155:18, 156:2

shame ^[1] - 121:14

shape ^[5] - 88:11,
154:8, 198:7, 203:3,
207:4

shaped ^[1] - 203:16

share ^[5] - 165:13,
165:15, 168:14,
193:7, 193:10

shared ^[4] - 33:2,
67:11, 193:4, 195:8

SHEET ^[1] - 209:1

Sheet ^[2] - 209:2,
209:7

sheet ^[1] - 209:7

ships ^[1] - 81:8

shocked ^[2] - 122:15,
123:11

Shoreline ^[2] - 128:2

short ^[5] - 17:3, 20:4,
83:5, 139:1, 151:16

short-term

^[1] - 151:16

shortage ^[2] - 109:2,
120:7

Shorthand

^[2] - 210:4, 210:12

show ^[2] - 115:8,
123:15

Show ^[1] - 82:6

showed ^[2] - 71:6,
127:3

shower ^[12] - 159:10,
159:12, 159:13,
163:2, 163:4,

164:15, 164:18,
 165:18, 166:11,
 166:14, 166:15,
 166:17
showing ^[1] - 53:2
shown ^[5] - 68:11,
 70:2, 116:10,
 189:11, 195:18
shows ^[1] - 68:7
shut ^[1] - 92:10
side ^[28] - 25:10, 36:6,
 49:13, 52:5, 62:4,
 62:6, 62:9, 69:10,
 70:12, 75:4, 83:17,
 89:4, 90:1, 115:14,
 116:2, 159:9, 161:4,
 162:15, 162:16,
 179:13, 186:4,
 186:6, 187:13,
 191:7, 191:11,
 191:18
sides ^[3] - 187:14,
 187:18, 192:1
siding ^[1] - 119:10
Sign ^[1] - 209:7
sign ^[5] - 176:5,
 176:8, 176:9,
 176:14, 177:17
SIGNATURE
^[1] - 209:1
signed ^[2] - 205:16,
 206:5
significance
^[1] - 197:5
significant
^[4] - 109:1, 187:17,
 198:17, 201:7
signs ^[3] - 144:12,
 145:5, 155:18
simeon ^[1] - 128:6
similar ^[2] - 51:18,
 196:8
simple ^[3] - 98:12,
 100:11, 180:2
sincerely ^[1] - 58:9
single ^[7] - 38:9,
 187:8, 187:12,
 190:3, 193:1, 195:8,
 202:11
single-family
^[5] - 187:8, 187:12,
 193:1, 195:8,
 202:11
singular ^[1] - 155:9

sink ^[2] - 167:4, 167:5

Sisia ^[3] - 1:11, 174:9,
176:7

SISIA ^[4] - 174:10,
175:2, 175:9,
175:11

sit ^[4] - 98:13, 103:4,
122:10, 167:6

site ^[18] - 23:9, 29:15,
88:17, 89:2, 95:13,
96:3, 101:7, 101:15,
102:3, 102:5, 103:8,
104:5, 104:6,
116:10, 117:8,
118:3, 119:2, 129:3

sitting ^[1] - 130:2

Sitting ^[12] - 3:4, 5:2,
14:2, 16:2, 18:2,
21:2, 87:2, 136:2,
157:2, 178:2, 185:2,
202:2

situation ^[1] - 97:15

situations
^[1] - 111:13

six ^[20] - 22:8, 29:5,
32:12, 34:12, 37:8,
38:9, 38:12, 39:1,
39:17, 41:2, 75:3,
82:16, 93:15,
101:12, 102:17,
104:9, 162:6,
162:13, 196:15

six-foot-six

^[1] - 93:15

six-unit ^[2] - 75:3,
196:15

size ^[9] - 26:12,
26:15, 29:5, 38:17,
110:17, 168:12,
186:12, 189:15,
198:9

slate ^[2] - 60:9, 60:15

sleep ^[1] - 169:12

sleeping ^[5] - 153:10,
153:11, 156:3,
156:4, 156:5

slightly ^[2] - 161:4,
173:11

slope ^[2] - 160:3,
160:4

slow ^[1] - 161:6

small ^[4] - 102:11,
158:3, 169:5, 198:2

smaller ^[1] - 52:14

Smith ^[3] - 6:13, 7:3,
7:15

SMITH ^[9] - 7:15, 8:3,
8:6, 8:12, 8:16, 9:1,
9:6, 10:10, 10:15

so-called ^[2] - 53:17,
78:11

soaking ^[1] - 147:16

Society ^[2] - 90:8,
98:1

soil ^[1] - 88:10

sold ^[1] - 155:17

soldiers ^[1] - 204:5

sole ^[1] - 165:6

solution ^[2] - 172:8,
177:12

solve ^[2] - 163:10,
168:7

someone ^[4] - 63:9,
113:14, 144:7,
169:10

someplace ^[1] - 144:7

Somerville
^[3] - 45:14, 46:4,
46:5

sometimes ^[6] - 95:9,
129:10, 162:5,
167:11

somewhat ^[1] - 43:9

son ^[1] - 120:8

soon ^[2] - 19:8,
140:10

sorry ^[21] - 16:16,
35:8, 35:16, 62:1,
63:2, 65:14, 66:3,
71:4, 87:17, 97:7,
100:14, 122:4,
128:5, 137:8,
137:11, 137:14,
140:5, 146:12,
151:1, 175:16,
178:12

sort ^[7] - 77:18,
115:7, 130:1, 132:2,
141:6, 167:1, 171:1

sorts ^[2] - 138:15,
186:8

sought ^[16] - 23:6,
25:15, 32:15, 40:11,
76:5, 78:3, 78:10,
84:7, 84:11, 132:10,
154:1, 182:1,
197:16, 198:16,
206:14, 207:15

souki ^[1] - 189:3
Souki ^[4] - 185:13,
 193:5, 195:8, 196:4
SOUKI ^[1] - 185:15
Souki's ^[4] - 192:17,
 193:13, 194:1,
 195:5
sounds ^[1] - 120:14
source ^[2] - 90:11,
 110:2
space ^[51] - 26:10,
 27:3, 27:9, 34:7,
 36:16, 36:17, 36:18,
 37:3, 40:17, 41:3,
 42:15, 43:2, 43:14,
 43:16, 44:14, 47:5,
 49:7, 80:10, 81:16,
 105:10, 107:5,
 107:15, 107:16,
 138:16, 138:18,
 139:17, 140:11,
 141:5, 141:15,
 146:18, 147:1,
 147:8, 158:5, 158:9,
 158:13, 159:5,
 160:2, 160:5, 163:6,
 163:14, 163:17,
 165:16, 166:11,
 167:18, 168:17,
 169:9, 169:16,
 188:9, 198:4, 201:7,
 207:1
spaces ^[6] - 37:9,
 38:18, 39:10, 39:17,
 40:1, 139:18
speaking ^[6] - 54:5,
 54:16, 99:14, 100:4,
 125:5, 190:12
Speakman
^[2] - 21:16, 185:18
SPEAKMAN
^[20] - 24:17, 26:5,
 26:14, 26:17, 27:5,
 27:14, 28:14, 30:16,
 31:1, 31:4, 31:8,
 34:17, 35:10, 35:18,
 36:14, 72:5, 72:7,
 78:16, 79:7, 192:2
speakman ^[1] - 52:15
speaks ^[3] - 50:8,
 53:4, 58:12
Special ^[57] - 21:18,
 23:17, 24:1, 25:10,
 25:14, 25:18, 26:1,

26:3, 26:11, 27:18,
 29:6, 32:15, 32:17,
 33:11, 33:14, 34:4,
 37:3, 39:11, 39:16,
 40:3, 40:4, 40:11,
 40:13, 42:14, 51:3,
 53:16, 53:17, 54:17,
 58:3, 58:7, 76:5,
 78:13, 79:13, 79:17,
 82:3, 82:14, 82:15,
 83:3, 83:10, 83:18,
 84:5, 84:6, 84:10,
 85:12, 179:1, 182:1,
 182:3, 183:10,
 186:6, 189:2,
 190:16, 191:5,
 197:13, 199:15,
 199:16, 200:1,
 201:9
special ^[1] - 191:9
specific ^[2] - 10:3,
 114:10
specifically
^[2] - 138:5, 140:9
speculative ^[1] - 43:9
spell ^[2] - 178:13,
 185:14
spirit ^[2] - 196:2,
 196:5
spot ^[3] - 114:12,
 114:13, 114:16
Spring ^[2] - 2:5, 14:6
square ^[25] - 24:17,
 25:5, 26:4, 26:5,
 26:7, 26:15, 26:18,
 27:13, 27:16, 28:7,
 28:18, 52:12, 77:3,
 79:18, 81:7, 146:15,
 147:1, 186:13,
 186:15, 188:4,
 189:15, 190:10,
 195:13, 202:13
Square ^[3] - 41:13,
 41:14, 45:16
SS ^[1] - 210:3
Stabilization
^[1] - 67:6
staff ^[1] - 7:12
stagger ^[1] - 104:5
staircase ^[1] - 171:12
stairs ^[1] - 104:2
stairway ^[3] - 27:10,
 34:16, 35:9
stairways ^[1] - 102:16

stand ^[2] - 122:9,
158:8

standard ^[4] - 47:12,
113:6, 130:6, 176:8

standing ^[1] - 57:8

standpoint ^[1] - 95:11

standup ^[1] - 159:11

start ^[5] - 4:14, 17:1,
19:13, 78:11, 104:4

Start ^[5] - 103:14,
107:13, 108:4,
116:11, 130:1

started ^[2] - 4:16,
96:16

starting ^[2] - 138:14,
163:5

state ^[3] - 93:5, 100:5,
100:10

statement ^[2] - 3:10,
110:1

statement(s)
^[1] - 209:17

stating ^[1] - 61:11

statistically
^[1] - 107:14

status ^[1] - 6:2

statute ^[1] - 88:5

stemming ^[1] - 91:14

stenographer
^[5] - 4:6, 56:10, 59:1,
122:1, 136:10

STENOGRAPHER
^[2] - 87:16, 178:13

stepping ^[1] - 161:3

sticker ^[2] - 46:5,
46:12

still ^[6] - 42:10,
128:16, 160:18,
162:16, 169:15,
174:17

stock ^[2] - 145:4,
155:15

stop ^[3] - 39:12,
132:16, 171:4

storage ^[3] - 28:8,
138:9, 141:5

stores ^[1] - 29:13

stories ^[1] - 95:17

story ^[4] - 74:2,
105:16, 186:11,
188:5

strangely ^[1] - 140:4

Street ^[40] - 2:5, 2:6,
2:8, 2:11, 14:6,

16:8, 18:7, 21:7,
 22:2, 31:12, 36:2,
 42:3, 45:15, 45:17,
 45:18, 46:3, 46:10,
 56:2, 56:4, 56:14,
 59:18, 87:9, 89:14,
 103:4, 114:15,
 115:11, 116:3,
 118:5, 118:6, 122:2,
 133:2, 178:6,
 180:18, 181:7,
 181:9, 193:17,
 194:6, 196:14,
 196:15

street ^[19] - 37:15,
 45:4, 45:7, 51:17,
 69:10, 89:11, 103:2,
 103:4, 108:17,
 111:18, 119:15,
 125:18, 133:2,
 133:4, 133:7, 140:4,
 143:5, 187:3, 206:3

streetscape

^[1] - 130:11

strictly ^[2] - 62:17,
 64:4

strong ^[4] - 42:4,
 125:4, 125:7, 128:9

strongly ^[1] - 107:11

structure ^[21] - 23:2,
 48:5, 76:11, 80:11,
 83:2, 87:13, 89:5,
 95:17, 119:4, 119:6,
 132:3, 132:14,
 133:1, 133:2,
 142:17, 149:1,
 151:11, 151:18,
 187:16, 188:2,
 207:3

structures ^[10] - 8:8,
 8:13, 47:17, 52:10,
 52:11, 88:11, 89:11,
 96:2, 133:7, 198:4

stuck ^[1] - 176:13

studied ^[1] - 101:12

studio ^[3] - 54:13,
 141:6, 153:2

study ^[1] - 169:6

subject ^[7] - 3:14,
 48:1, 48:6, 58:1,
 155:7, 155:11,
 176:4

submission

^[1] - 141:2

submitted ^[5] - 106:3,
137:4, 155:9,
183:12, 208:2

subscribe
^[1] - 209:16

substandard
^[1] - 102:14

substantial
^[15] - 84:15, 88:7,
89:9, 113:10,
132:13, 133:9,
154:4, 154:14,
182:7, 198:1,
198:11, 200:6,
203:6, 206:17,
207:9

substantially
^[3] - 133:10, 154:15,
207:10

suburban ^[2] - 116:9,
118:3

successful
^[2] - 103:15, 103:16

successor
^[1] - 144:16

suddenly ^[1] - 118:9

suggest ^[5] - 53:14,
73:4, 144:17, 145:1,
150:3

suggesting
^[2] - 33:14, 65:4

SULLIVAN ^[35] - 7:18,
77:8, 77:11, 98:5,
100:17, 109:9,
109:13, 109:17,
110:6, 110:11,
129:9, 130:7, 131:2,
131:4, 146:9,
147:18, 148:6,
148:11, 148:14,
152:4, 152:8,
152:12, 164:1,
164:5, 164:9, 166:7,
167:6, 167:17,
170:15, 171:9,
171:14, 173:2,
173:5, 175:16,
204:8

Sullivan ^[26] - 1:8,
3:5, 5:3, 12:18,
14:3, 15:6, 16:3,
18:3, 21:3, 82:9,
86:2, 87:3, 102:8,
135:7, 136:3,

156:12, 157:3,
 162:10, 177:14,
 178:3, 184:5, 185:3,
 199:12, 201:17,
 202:3, 208:14

summarized

[1] - 75:16

sums [1] - 96:9

sun [1] - 115:15

super [2] - 100:11,
 125:7

superior [1] - 106:2

supplemental

[2] - 134:8, 134:10

support [39] - 33:18,

51:11, 56:17, 58:6,

78:5, 81:17, 95:2,

104:1, 112:7,

112:10, 112:11,

123:18, 124:16,

127:2, 127:18,

128:9, 131:13,

131:15, 132:4,

133:16, 133:18,

142:15, 143:3,

149:15, 165:9,

180:17, 181:8,

182:16, 189:5,

192:17, 194:1,

194:10, 195:5,

195:15, 196:9,

197:2, 205:18,

207:14

supported

[1] - 123:12

supporting [2] - 55:3,

108:10

supportive [1] - 95:4

supports [1] - 129:1

suppose [1] - 43:4

supposed [2] - 63:4,

106:15

surprisingly

[2] - 142:9, 189:11

surrounding

[4] - 54:1, 78:5,

115:16, 207:1

surroundings

[1] - 53:12

sustain [4] - 90:11,

99:3, 99:4, 120:6

sustaining

[1] - 108:12

synagogue

[2] - 108:17, 126:4

T

table [4] - 70:7, 159:9,
162:15, 162:16

talks [2] - 28:3, 30:2

tall [1] - 148:1

tape [2] - 4:5, 4:6

tasteful [1] - 196:4

teach [1] - 118:4

tear [2] - 94:14, 142:2

tearing [2] - 94:16,
121:6

technical [1] - 190:15

technically [1] - 140:1

ten [7] - 16:18, 30:14,
83:13, 101:5,
103:18, 123:4,
148:10

ten-foot [2] - 30:14,
103:18

ten-unit [2] - 101:5,
123:4

tenants [1] - 44:13

tend [2] - 125:16,
140:3

tends [1] - 44:15

term [2] - 116:4,
151:16

terms [14] - 22:18,
54:8, 72:4, 98:12,
103:16, 128:11,
155:1, 161:17,
182:10, 183:3,
188:18, 189:2,
190:7, 198:8

terribly [1] - 63:2

testimony
[11] - 55:12, 76:3,
121:16, 128:14,
149:9, 149:18,
180:8, 180:13,
192:9, 197:12,
205:11

THE [12] - 1:1, 1:15,
16:15, 55:18, 56:5,
87:16, 178:13,
204:18, 210:15,
210:15, 210:16,
210:16

theoretical [1] - 92:2

therefor [1] - 209:7

therefore [1] - 110:14

they've ^[2] - 48:15,
94:11

thinking ^[7] - 24:12,
41:15, 41:16,
112:12, 124:7,
144:3, 203:14

third ^[13] - 26:1, 49:2,
49:15, 60:5, 83:12,
158:1, 158:5,
159:18, 163:18,
165:10, 168:6,
168:9, 172:13

THIS ^[1] - 210:15

THOMAS

^[24] - 157:10, 159:7,
160:1, 160:14,
161:16, 162:14,
163:3, 163:12,
163:16, 164:3,
164:7, 164:11,
164:16, 166:9,
169:7, 169:13,
170:2, 170:9, 171:7,
172:10, 173:14,
174:5, 175:6,
175:10

Thomas ^[1] - 157:11

Thompson

^[1] - 136:15

thoroughfare

^[2] - 115:12, 116:5

thoughtful ^[1] - 193:8

thoughts ^[1] - 77:6

thousand ^[1] - 125:13

three ^[35] - 25:12,
38:8, 38:12, 47:7,
47:13, 47:17, 48:9,
48:11, 48:14, 49:5,
49:16, 64:10, 72:5,
76:6, 83:10, 88:3,
94:18, 105:17,
108:18, 109:11,
113:13, 129:12,
129:14, 130:13,
133:14, 139:18,
166:3, 177:6,
183:13, 187:14,
187:18, 188:8,
205:16

three-bedroom

^[4] - 108:18, 109:11,
129:12, 133:14

three-family

^[6] - 47:7, 47:13,

47:17, 48:9, 48:11,
48:14

THURSDAY ^[1] - 1:4

Thursday ^[2] - 167:6,
167:7

tickets ^[2] - 108:15,
108:16

ties ^[1] - 125:12

tight ^[2] - 46:12,
160:5

tiny ^[1] - 193:16

TO ^[1] - 210:15

today ^[3] - 56:17,
106:18, 196:12

together ^[1] - 65:5

toilet ^[2] - 164:18,
167:3

tonight ^[14] - 4:18,
7:6, 66:17, 72:11,
72:12, 106:1,
123:16, 147:4,
147:15, 152:5,
157:14, 176:7,
176:15, 185:12

tonight's ^[1] - 176:16

took ^[1] - 91:8

top ^[3] - 93:13,
102:16, 188:8

topography
^[1] - 88:11

total ^[4] - 24:18,
28:17, 161:1, 190:9

totally ^[1] - 165:8

touch ^[2] - 63:4,
63:14

touches ^[1] - 18:16

tough ^[4] - 54:7,
118:11, 127:5,
131:9

Toupin ^[1] - 192:15

TOUPIN ^[1] - 192:15

toward ^[1] - 39:15

towards ^[1] - 172:5

town ^[3] - 93:16,
94:18, 120:11

townhouse
^[1] - 87:14

townhouses
^[2] - 104:4, 105:17

trade ^[1] - 155:15

traditional
^[1] - 203:10

traffic ^[6] - 84:12,
116:5, 133:4,

144:10, 182:4,
200:3

trainings ^[1] - 125:13

TRANSCRIPT

^[1] - 210:15

transcript ^[5] - 4:8,
209:2, 209:6,
209:15, 209:16

transitional

^[1] - 143:11

transmit ^[1] - 3:13

transparency

^[1] - 188:16

transportation

^[1] - 37:17

trap ^[1] - 10:13

trapezoidal

^[3] - 204:2, 204:10,
207:6

trash ^[1] - 105:7

treated ^[1] - 64:6

treatment ^[1] - 103:7

tree ^[4] - 68:8, 68:18,
69:4, 69:6

trees ^[7] - 67:13,
67:17, 68:17, 69:7,
70:3, 70:9, 71:6

Tremont ^[2] - 122:2,
126:10

triangle ^[1] - 204:1

tricky ^[1] - 114:11

tried ^[1] - 171:5

trigger ^[1] - 72:3

triple ^[1] - 48:15

troubling ^[1] - 162:8

truck ^[1] - 63:10

true ^[5] - 39:5, 39:7,
89:8, 207:2, 210:6

trust ^[1] - 140:2

trustee ^[1] - 196:14

try ^[7] - 78:7, 108:14,
120:12, 124:15,
159:1, 162:1, 173:1

trying ^[14] - 7:4,
10:13, 39:14, 45:16,
72:2, 118:18,
124:12, 127:1,
129:5, 158:18,
161:5, 162:3, 163:1

tuned ^[1] - 96:9

turn ^[5] - 4:13, 130:1,
146:17, 176:7,
195:7

turning ^[2] - 192:18,

199:14

twelve ^[1] - 116:7

twice ^[2] - 174:5,
174:7

two ^[79] - 4:4, 22:1,
22:10, 24:18, 25:2,
27:7, 27:13, 31:5,
32:12, 32:14, 34:3,
34:4, 38:7, 47:7,
47:13, 47:17, 49:16,
70:2, 70:9, 78:18,
79:1, 79:9, 79:15,
79:16, 80:9, 80:16,
87:13, 88:18, 89:11,
90:5, 94:12, 94:13,
98:7, 105:16,
105:17, 107:1,
119:4, 121:4,
137:17, 138:1,
140:1, 140:2, 140:3,
140:15, 157:16,
157:17, 158:10,
158:11, 159:8,
159:9, 159:14,
162:15, 163:10,
164:1, 165:5, 165:7,
165:8, 165:12,
165:13, 165:18,
168:13, 176:9,
179:13, 181:6,
186:11, 187:8,
187:9, 187:11,
188:5, 189:15,
190:1, 190:4, 190:5,
195:7, 196:16,
197:12

two-and-a-half

^[1] - 105:16

two-bedroom

^[2] - 137:17, 140:15

two-condo

^[1] - 137:17

two-family ^[24] - 22:1,
32:12, 32:14, 78:18,
79:1, 79:9, 79:15,
79:16, 80:9, 80:16,
87:13, 88:18, 89:11,
94:12, 94:13, 98:7,
107:1, 121:4,
157:17, 186:11,
187:8, 187:11,
189:15, 195:7

two-story

^[2] - 186:11, 188:5

two-unit ^[4] - 38:7,
119:4, 157:16,
190:5

type ^[2] - 52:11, 80:10

typical ^[3] - 32:1,
45:1, 53:17

typically ^[1] - 173:12

typing ^[1] - 59:16

U

ultimately

^[1] - 101:14

unanimous

^[2] - 174:14, 207:13

under ^[15] - 25:17,

32:15, 38:15, 49:16,

51:8, 55:4, 55:5,

71:16, 74:17, 84:5,

93:14, 102:4,

102:17, 202:15

UNDER ^[1] - 210:16

underneath

^[1] - 123:10

undersigned

^[1] - 210:4

understandable

^[1] - 140:6

understood

^[1] - 90:14

unfortunate

^[1] - 77:16

unfortunately

^[2] - 18:17, 67:8

UNIDENTIFIED

^[4] - 16:15, 55:18,

56:5, 204:18

unique ^[7] - 88:17,

89:2, 97:15, 116:10,

179:9, 193:15,

198:2

unit ^[30] - 27:4, 27:8,

27:11, 27:12, 28:11,

28:15, 29:2, 38:5,

38:7, 38:8, 42:11,

42:12, 52:14, 75:3,

94:15, 97:5, 101:5,

101:6, 104:1, 119:4,

119:6, 123:4, 131:1,

131:3, 137:17,

157:16, 186:14,

190:5, 196:15

units ^[32] - 22:8, 27:7,

28:17, 29:4, 32:12,

34:12, 39:1, 39:2,
 41:3, 43:1, 65:4,
 72:4, 87:13, 88:1,
 90:4, 94:7, 98:9,
 98:11, 101:12,
 101:15, 101:16,
 105:6, 109:11,
 110:17, 113:13,
 113:15, 123:9,
 133:14, 140:15,
 188:14, 188:17

UNLESS ^[1] - 210:16

unless ^[5] - 10:8,
 10:17, 129:14,
 197:8, 200:1

unobtrusive

^[1] - 145:8

up ^[47] - 8:1, 10:8,
 18:6, 19:6, 35:9,
 38:15, 50:4, 55:12,
 57:6, 57:8, 59:8,
 59:11, 63:11, 66:17,
 73:2, 93:12, 94:9,
 94:13, 98:1, 102:16,
 104:5, 107:2, 112:3,
 121:16, 123:16,
 125:17, 127:3,
 137:6, 137:9,
 144:12, 149:8,
 158:8, 160:5,
 164:12, 164:18,
 171:12, 171:18,
 172:7, 172:14,
 176:10, 177:12,
 180:8, 192:9,
 204:12, 205:6

upper ^[1] - 190:14

upstairs ^[3] - 143:3,
 164:10, 165:15

urban ^[3] - 96:5,
 104:14, 104:15

usable ^[2] - 93:11,
 154:6

uses ^[8] - 32:1, 46:8,
 51:10, 54:1, 81:15,
 84:18, 182:13,
 200:9

V

valid ^[1] - 91:17

valuable ^[3] - 43:1,
 90:3, 121:11

value ^[1] - 51:1

Variance ^[48] - 6:18,
 9:3, 10:2, 12:2,
 14:15, 27:1, 27:18,
 39:18, 87:12, 88:3,
 90:16, 91:1, 91:7,
 91:8, 91:17, 92:9,
 92:15, 99:9, 99:10,
 99:13, 100:7,
 111:10, 111:16,
 132:9, 134:3, 135:4,
 135:10, 153:18,
 155:7, 156:8,
 156:11, 188:12,
 190:18, 191:5,
 191:8, 194:2,
 195:11, 197:13,
 197:14, 197:16,
 199:2, 199:8,
 199:11, 201:12,
 203:2, 206:14,
 207:18

varied ^[1] - 82:15

variety ^[1] - 32:1

various ^[3] - 76:4,
 78:10, 102:3

vary ^[1] - 99:12

Vassal ^[4] - 2:10,
 157:6, 203:18,
 206:9

Vasu ^[1] - 158:12

vehicles ^[1] - 47:14

version ^[1] - 78:1

veterans ^[1] - 204:8

viable ^[2] - 138:16,
 139:18

Vice ^[1] - 1:8

Victorian ^[1] - 95:15

video ^[1] - 3:12

view ^[6] - 46:13,
 74:14, 106:10,
 112:15, 118:6,
 143:7

views ^[3] - 101:18,
 103:12, 106:12

vinyl ^[1] - 119:10

violate ^[1] - 187:15

visitor ^[1] - 42:7

voice ^[1] - 128:9

volume ^[1] - 209:6

vote ^[8] - 125:2,
 128:15, 153:16,
 172:17, 172:18,
 174:14, 181:15,
 206:10

votes ^[2] - 100:8,
197:12

W

wait ^[3] - 16:18, 19:5,
203:14

waive ^[2] - 34:10,
160:11

waived ^[1] - 32:17

waiver ^[1] - 176:5

Walden ^[1] - 42:3

walk ^[5] - 49:18,
108:2, 118:3, 118:4,
166:8

wall ^[6] - 25:17,
31:10, 34:18, 83:14,
161:4, 166:12

walls ^[1] - 25:14

wants ^[3] - 55:15,
55:16, 113:15

warm ^[1] - 126:8

warrant ^[1] - 33:1

Watson ^[6] - 21:16,
85:14, 185:18,
194:9, 194:11,
199:4

ways ^[2] - 30:3,
114:15

weather ^[1] - 126:8

week ^[2] - 105:2,
120:9

welcome ^[2] - 127:11,
162:9

welcomes
^[1] - 125:14

welfare ^[4] - 47:11,
85:5, 183:1, 200:14

WERNICK
^[14] - 114:8, 114:13,
116:17, 117:2,
117:4, 118:15,
121:2, 121:8,
128:16, 131:1,
131:3, 164:14,
164:17, 175:14

Wernick ^[24] - 1:10,
3:6, 5:4, 13:1, 14:4,
15:7, 16:4, 18:4,
21:4, 82:10, 86:3,
87:4, 135:7, 136:4,
156:13, 157:4,
177:15, 178:4,
184:6, 185:4,

199:13, 201:18,
 202:4, 208:15
WHEREOF ^[1] - 210:7
who've ^[1] - 142:16
whole ^[6] - 23:2,
 30:13, 73:7, 101:3,
 172:7, 172:12
wholly ^[1] - 193:11
Wickersham
^[1] - 56:13
wide ^[4] - 30:14,
 30:15, 30:18, 104:4
wider ^[1] - 77:15
wife ^[4] - 157:13,
 158:12, 165:6,
 168:15
wife's ^[1] - 164:8
Willard ^[1] - 194:6
William ^[1] - 202:10
willing ^[1] - 115:5
win ^[1] - 127:4
window ^[26] - 25:16,
 34:8, 34:11, 34:12,
 34:17, 35:3, 35:4,
 35:7, 35:8, 35:10,
 35:11, 35:18, 36:14,
 37:4, 37:6, 40:8,
 40:14, 42:12, 46:18,
 49:8, 49:9, 83:11,
 182:11, 183:3,
 190:17, 200:4
windows ^[10] - 37:1,
 42:11, 83:14, 142:9,
 179:1, 179:14,
 186:5, 191:10,
 191:18, 192:2
wish ^[6] - 4:3, 10:10,
 14:15, 20:1, 167:14,
 171:16
wishes ^[4] - 67:2,
 75:11, 127:13,
 129:8
wishing ^[16] - 5:8,
 14:7, 18:8, 21:8,
 55:13, 87:10,
 121:17, 136:7,
 149:10, 157:7,
 178:7, 180:9, 185:7,
 192:10, 202:7,
 205:7
withdrawal ^[1] - 15:1
withdrawn ^[1] - 15:5
WITNESS ^[1] - 210:7
wonder ^[2] - 69:8,

118:15
wood ^[1] - 87:13
workers' ^[2] - 186:9,
 186:14
workmen ^[1] - 61:3
works ^[4] - 167:3,
 167:12, 171:17,
 172:14
world ^[1] - 78:3
worry ^[1] - 40:8
worse ^[1] - 46:16
worth ^[2] - 172:18,
 197:7
wrecking ^[1] - 102:5
write ^[1] - 58:5
writing ^[8] - 7:4,
 14:14, 192:17,
 194:7, 195:5,
 196:11, 205:18
written ^[3] - 9:11,
 75:15, 117:11
wrote ^[1] - 56:17
www.reportersinc.c
om ^[1] - 1:16

Y

yard ^[4] - 179:13,
 186:4, 186:6,
 187:13
years ^[8] - 45:1,
 48:16, 108:5,
 117:10, 117:14,
 120:9, 171:10,
 196:13
yourself ^[1] - 176:11
Youth ^[2] - 95:16,
 118:7
youth ^[1] - 126:14

Z

Zelinski ^[2] - 210:4,
 210:11
ZELLINO ^[21] - 58:13,
 58:15, 59:2, 59:6,
 59:12, 59:14, 59:15,
 60:7, 62:1, 62:5,
 62:10, 63:5, 63:16,
 64:11, 65:11, 65:15,
 66:5, 66:9, 70:4,
 70:8, 70:18
Zellino ^[1] - 59:15
Zone ^[2] - 74:9, 74:10
zoned ^[1] - 78:4

Zoning ^[15] - 3:8,
22:4, 71:16, 96:14,
99:10, 111:9, 113:2,
117:11, 161:11,
194:3, 195:12,
196:12, 208:17,
209:6, 209:15

zoning ^[34] - 47:18,
62:17, 64:5, 73:16,
88:13, 92:4, 95:10,
95:12, 95:13, 96:7,
96:13, 98:14, 99:8,
106:14, 107:18,
113:11, 113:14,
114:10, 114:12,
114:13, 114:16,
116:7, 116:9,
116:18, 117:5,
117:18, 120:16,
121:10, 129:4,
186:3, 188:1,
188:10, 188:15

ZONING ^[1] - 1:1