BOARD OF ZONING APPEAL FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, DECEMBER 13, 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 Jim Monteverde, Associate Member Laura Wernick Associate Member

Maria Pacheco, Zoning Secretary

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INDEX

CASE	<u>PAGE</u>	
BZA-017018-2018 1500 Cambridge Stree Original Hearing Date: 10/25/18	t	7
BZA-016976-2018 36 Follen Street Original Hearing Date: 09/27/18		5
BZA-017014-2018 1923-1925 Massachus Original Hearing Date: 10/25/18	etts Av	enue 12
BZA-017037-2018 120 Magazine Street Original Hearing Date: 11/29/18		118
BZA-017033-2018 64 Chestnut Street		24
BZA-017038-2018 354 Pearl Street		38
BZA-017039-2018 122 Auburn Street		44
BZA-017041-2018 17-R Acorn Street		50
BZA-017043-2018 60 Porter Road	72	
BZA-017040-2018 99 Reed Street	94	
BZA-017044-2018 74 Oxford Street		114
BZA-017045-2018 15 Cottage Street		127
KeyWordIndex		

PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Jim Monteverde, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom we will start with continued cases. These are cases that were started at an earlier date and for some reason or another were continued until this evening and perhaps will be further continued. We will see. Before I start and open the meeting I want to 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.

I guess I'm only going to inform is you. The meeting is being

recorded. Our stenographer records the meetings to assist her when she prepares a transcript of the meeting.

Do you have any recording devices?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I do not.

CONSTANTINE ALEXANDER: Okay. Let's turn to our continued case agenda and we've got a couple of quick further continuances. Let me get them out of the way.

(7:00 p.m.)

(Sitting Members Case No. BZA-016976-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Jim Monteverde, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 016976, 36 Follen Street.

I know there was no one is here. This is a case that has been continued. There are two cases. This was the original case.

They had problems with their application. We asked them to re-advertise.

They did. And that re-advertised case has been heard and is being continued until January 10th. So we have to continue this case until January 10th as well, although we'll never take action on it. It will be on

the other case.

Anyway, the Chair moves that we continue this case until seven p.m. on January 10th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

* * * * *

(7:00 p.m.)

(Sitting Members Case No. BZA-017018-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Jim Monteverde, Laura Wernick.)

CONSTANTINE ALEXANDER: The chair will call case No. 017018, 1500 Cambridge Street.

either. We have a letter from counsel, Sarah Rhatigan, R-H-A-T-I-G-A-N.

And the letter reads as follows -- Addressed to this Board. (Reading)

This application for Variance and Special Permit was heard by this Board on October 25, 2018. After opening the hearing and discussion of this matter, the Petitioner requested a continuance of the matter until

December 13, 2018. At this time the Petitioner's continuing to work with the architectural design team in order to evaluate possible revisions to the plans that have been submitted in order to address concerns of this Board but has not yet finalized a revised proposal. Accordingly, on behalf of the Petitioner, we hereby request that the Board grant a further continuance of

this matter for an additional two week period or until the next available hearing of the Board at which the necessary board members will be present.

That will be January 10th, right, Maria? And do we have room on January 10th?

MARIA PACHECO: We do not.

CONSTANTINE ALEXANDER: Do not. Okay. What's the next one?

MARIA PACHECO: And the 31st no Brendan, no Janet.

CONSTANTINE ALEXANDER: Okay. When's the next

one?

MARIA PACHECO: 2/14.

CONSTANTINE ALEXANDER: Are you here?

BRENDAN SULLIVAN: I am here.

CONSTANTINE ALEXANDER: You'll be here. It's not

March.

JANET GREEN: Of March?

CONSTANTINE ALEXANDER: I said it's not March.

JANET GREEN: I think I am here. Maria, didn't I tell you?

Yeah, I'm here.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we continue this case as a case heard until seven p.m. on February 14th, Valentine's Day, subject to the following conditions:

One, that the petitioner sign a waiver of time for decision.

And has already done so in connection with the earlier case, so that's been satisfied.

Second, that the posting sign be modified to reflect the new date and the new time, particularly the new time.

And that further, that the sign be maintained for the 14 days required under our Ordinance.

And lastly, that to the extent that there are revised plans, dimensional forms and the like, and it seems like there may be, they need to be in our file by no later than five p.m. on the Monday before the hearing date.

All those in favor of continuing the case on this basis say

"Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

CONSTANTINE ALEXANDER: Now we had a neighbor who was opposed and I think we checked the last time around that they could make it tonight. I don't see them here now. Anyway, if they can't make it on that date, they're out of luck.

* * * * *

(7:05 p.m.)

(Sitting Members Case No. BZA-017014-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Jim Monteverde, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will now call case
No. 017014, 1923-1925 Massachusetts Avenue.

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

ATTORNEY ADAM BRAILLARD: Thank you, Mr. Chairman, members of the Board. My name is Adam Braillard. I work for a law firm in Boston called Prince, Lobel, Tye. We're at 100 Cambridge -- sorry, we're at One International Place in Boston. We used to be at 100 Cambridge Street a long time ago. I'm here in connection with the Applicant and for the Applicant T-Mobile Northeast, LLC, in connection with the Special Permit to modify an existing wireless communications facility on the property located at 12 -- sorry -- 1923-1925 Massachusetts Avenue. It's located in the Business C Zoning District.

So the proposal for the modifications is to simply exchange

four antennas with four very similar antennas.

CONSTANTINE ALEXANDER: Am I correct the external appearance will not change at all?

ATTORNEY ADAM BRAILLARD: That's right. External appearance --

CONSTANTINE ALEXANDER: What you see today is what you'll see if we grant you relief?

ATTORNEY ADAM BRAILLARD: That's correct. Right.

The difference in the change technically less than an inch on all height and width and depth.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY ADAM BRAILLARD: Yeah.

CONSTANTINE ALEXANDER: Anything more?

ATTORNEY ADAM BRAILLARD: No, that's it. Less is

more.

CONSTANTINE ALEXANDER: Questions from members of the Board?

JIM MONTEVERDE: No.

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

Andrea, do you have any comments?

ANDREA HICKEY: None.

CONSTANTINE ALEXANDER: Okay. I'll close pubic testimony.

Did you appear before the Planning board? There's nothing in the file. Your client anyway.

ATTORNEY ADAM BRAILLARD: Yeah, the Planning Board heard -- they took the matter up and I did get an e-mail from Liza.

CONSTANTINE ALEXANDER: You did? I don't know if it's in our file. I didn't see it. Could I have this?

ATTORNEY ADAM BRAILLARD: Sure.

CONSTANTINE ALEXANDER: We have a letter from the Planning Board or e-mail, Liza Paden addressed to counsel. (Reading)

While the Planning Board has not asked to review the application, staff has suggestions on the installation. The antennas should be finished in a matte finish that matches the color of the facade but do not include the

brick patterning shown on the application.

Do you have any problem with complying with that?

ATTORNEY ADAM BRAILLARD: We do not. That would include just for the interest of clarity, not only changing the existing antennas -- sorry, the new antennas, but also the existing ones so that they're consistent. So currently up there it's painted the brick and mortar, and I think what the Planning Board's looking to do is just paint it plain the maroon and that's what we do for all antennas.

CONSTANTINE ALEXANDER: And that's fine?

ATTORNEY ADAM BRAILLARD: It is.

CONSTANTINE ALEXANDER: Okay. Ready for a vote,

Board members?

The Chair moves that we make the following findings with regard to the Petitioner's application:

That the general requirements for a Special Permit, which is what you're seeking, that the requirements of this Ordinance cannot be met unless we grant you the relief you're seeking tonight.

That traffic generated or patterns of access or egress resulting

from what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard all that the Petitioner's doing is making some internal changes to antennas mounted on the top of the building in a business area that otherwise has a lot of traffic, but that this won't cause any congestion or hazard.

That the continued operation or development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is being proposed. And that's self-evident from the fact that there are antennas there now, and it seems to have no impact on the shopping center or any of the businesses nearby.

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.

Furthermore the Board also finds that the modification of its existing telecommunications facility at the site proposed by the petitioner, does not substantially change the physical dimensions of the existing

wireless tower or base station at such facility within the meaning of Section 6409(a) of The Middle Class Tax Relief and Job Creation Act of 2012 also known as The Spectrum Act.

Based on these findings, the Chair moves that the Petitioner be granted the Special Permit it is seeking subject to the following conditions:

One, that the work proceed in accordance with the plans submitted by the Petitioner and initialled by the Chair.

Two, that upon completion of the work, the physical appearance and visual impact of the proposed work will be consistent with the photo simulations submitted by the Petitioner and initialled by the Chair.

Three, that the petitioner shall at all times maintain the proposed work so that its physical appearance and visual impact will remain consistent with the photo simulations previously referred to.

Four, that should the Petitioner cease to utilize the equipment approved tonight for a continuous period of six months or more, it shall promptly thereafter remove such equipment and restore the building on

which it is located to its prior condition and appearance to the extent reasonably practicable.

Five, that the Petitioner is in compliance with and will continue to comply with in all respects the conditions imposed by this Board with regard to previous Special Permits granted to the Petitioner.

And the next condition is that the Petitioner comply with the letter from Liza Paden addressed to the Petitioner's counsel dated October 10, 2018.

So, and then further statement -- you've been before us before. You know the conditions. That I can put in as we've done before?

ATTORNEY ADAM BRAILLARD: Absolutely.

CONSTANTINE ALEXANDER: (Inasmuch as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

One, the petitioner shall file with the Inspectional Services

Department each report it files with the federal authorities regarding

electromagnetic energy waves emissions emanating from all of the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

Two, in the event that at any time federal authorities notify the petitioner that its equipment on the site, including but not limited to the equipment permitted by the Special Permit granted tonight, fails to comply with requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner within ten business days of receipt of notification of such failure shall file with the Inspectional Services Department a report disclosing in reasonable detail that such failure has occurred and the basis for such claimed failure, and sixty calendar days after receipt by the petitioner of such notification of failure, the Special Permit granted tonight shall ipso facto terminate.

Three, to the extent that a Special Permit has terminated

pursuant to the foregoing paragraphs 1 and 2, the petitioner may apply to this Board for a new Special Permit, provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special permit pursuant to paragraphs 1 and 2 above.)

CONSTANTINE ALEXANDER: So based upon all of this, the Chair moves we grant the Special Permit as requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

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

ATTORNEY ADAM BRAILLARD: Thank you very much.

(7:30 p.m.)

(Sitting Members Case No. BZA-017033-2018: Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will now call -- we'll turn to our regular agenda and the first case I'm going to call is

case No. 017033, 64 Chestnut Street.

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

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes.

CONSTANTINE ALEXANDER: Name and address to the stenographer, please. And I'm not sitting on this case. Mr. Sullivan will chair this case.

ALEX SLIVE: My name is Alex Slive, S-L-I-V-E, 23 Florence Street in Cambridge.

EDWARD SULLIVAN: Edward Sullivan, 63 South Street in Kingston, Massachusetts.

JANET GREEN: Can you hear?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I can, yes, thanks.

BRENDAN SULLIVAN: Okay.

ALEX SLIVE: Okay, we're here on behalf of Doctor Taylor who is sitting over here, who lives at 64 Chestnut Street. It's a condo building. Two-unit condo building. He lives on the first floor in the basement. And we're here to hopefully get a Special Permit to enlarge

two windows on the left side of the building. And there's two basement windows on the left side of the building.

And do you have the photographs? Should I --

BRENDAN SULLIVAN: Yes, we do.

ALEX SLIVE: We have extra copies if anybody else would like them.

LAURA WERNICK: Sure.

BRENDAN SULLIVAN: And the purpose for what you want to do?

ALEX SLIVE: The purpose is to get more light and ventilation into a finished basement where Doctor Taylor and his wife Emily Harris have two kids and they have a family room downstairs, and they just would like to get some more light into these windows which we could show you how small they are in a photograph. But I'd like you, if you could turn to this photograph right here.

BRENDAN SULLIVAN: Yeah.

ALEX SLIVE: We're -- there are two of these windows -- there's four in the picture, but two of them we're proposing to

set down 18 inches.

EDWARD SULLIVAN: One foot, eight. 20 inches.

ALEX SLIVE: 20 inches below grade. Keep the same height of the window, and create a timber window well and with an aluminum grate. So people can still use the -- walk through the alley and it won't affect that use.

If you turn to this photo, you can see how small the windows are and why the desire to make them bigger makes sense, to get more light into this room.

BRENDAN SULLIVAN: So that would be in room 1 and 2 as denoted on the plan?

ALEX SLIVE: Correct.

BRENDAN SULLIVAN: And those potential bedrooms and obviously you need access out of the bedrooms.

ALEX SLIVE: Right, yeah.

BRENDAN SULLIVAN: And so the purpose of the windows is code compliant?

ALEX SLIVE: Correct.

BRENDAN SULLIVAN: Okay.

You understand the confusion that was on the --

ALEX SLIVE: Absolutely. That was -- there was also an error in the dimensional page which we corrected with Ranjit today.

BRENDAN SULLIVAN: Right. Okay.

I sort of saw that and I questioned it.

ALEX SLIVE: Yes.

BRENDAN SULLIVAN: It was a question of how could they do that? And he said well, no -- well, that's not what the plan shows.

That's what triggered that whole conversation.

ALEX SLIVE: Yes, yes.

BRENDAN SULLIVAN: Okay. So the --

ALEX SLIVE: The intention is shown on SK1 which shows that we're keeping the grade at the same height and not dropping it down. You are correct.

BRENDAN SULLIVAN: There is a new policy, for the Board's edification, there was a somewhat of a clarification of a policy of the Board that area wells, if they are within the side yard setback, of which this is,

23

that there was a minimum dimension and it has to maintain that minimal

dimension, but it has to be covered with a grate. If it's covered with a

grate, then it could be a Special Permit. And if they were basically to

connect these two windows with a drop down and sort of a flat, then it

triggers a Variance.

ALEX SLIVE: Understood.

BRENDAN SULLIVAN: And because of the wall that it's on is

in the side yard setback, that also then would trigger, but the policy now of

the department is reflective in their new plan that's been in the file, which

basically is just for a Special Permit.

ALEX SLIVE: Correct.

BRENDAN SULLIVAN: Okay.

And the purpose of it is basically for code compliance to allow

those rooms to be used as bedrooms and it's a safety factor just to be able

to get out of it.

ALEX SLIVE: Can I ask -- it's hypothetical, but would it

trigger the Variance because of the building height or because the

setback?

BRENDAN SULLIVAN: It's because of the setback.

ALEX SLIVE: Because of the setback?

BRENDAN SULLIVAN: Correct. But once you do drop

down and connect it, then you also --

ALEX SLIVE: Affect the building.

BRENDAN SULLIVAN: Affect the height.

ALEX SLIVE: Correct.

BRENDAN SULLIVAN: So it's sort of two violations.

ALEX SLIVE: Got it.

BRENDAN SULLIVAN: But the main one is really the side

yard setback.

ALEX SLIVE: Right, okay.

I also just want to say there's letters --

BRENDAN SULLIVAN: Only because --

ALEX SLIVE: I'm sorry.

BRENDAN SULLIVAN: -- Alex, just to expand on that

explanation because you're claiming in the file that the height of the

building is exactly at five feet. If it were say at 32 feet, 33 feet and you

were to drop it down, it would not trigger the height. But because you're right at the limit now, any drop down connecting those would trigger a --

ALEX SLIVE: There's also letters of support from their neighbors including the immediate abutter most affected.

BRENDAN SULLIVAN: There's only one letter that we have in the file which is the co-condo owner.

EDWARD SULLIVAN: That was actually in the packet that I just handed out. We didn't have those letters at the time of submission.

BRENDAN SULLIVAN: Okay.

All right, that's the presentation?

ALEX SLIVE: Yes.

BRENDAN SULLIVAN: Let me open it -- any questions by the Board?

JIM MONTEVERDE: No.

LAURA WERNICK: No.

BRENDAN SULLIVAN: I'll open it up to public comment.

Is there anybody here who would like to comment on the

proposal for 64 Chestnut Street?

(No Response.)

BRENDAN SULLIVAN: I see none. There are some letters in the file.

There was a letter from a co-condo owner, Dixit, D-I-X-I-T. Is that the last name? Dixit. Vaishali. Vaishali is the first name. I'm sorry. V-A-I-S-H-A-L-I D-I-X-I-T. A letter from the Petitioner notifying them that the work is possibly going to start, asking for their permission, and Vaishali Dixit replies: (Reading) Hi, Jake, sounds good to us. Please go ahead with the work as planned.

There's a letter in the file from Peter Dourmashkin,

D-O-U-R-M-A-S-H-K-I-N, Dorothea Cargol, C-A-R-G-O-L. (Reading) We are the adjacent neighbors on the southeast side of 64-66 Chestnut

Street. We are aware of Jacob Taylor and Emily Harris plan to put in large windows at the basement level on the left side of their house, the side that abuts our property. Probably our -- we are in support of them doing so.

There is a letter: (Reading) Hi, Emily. 70 Chestnut Street.

Walter and I support you for this important permit for your windows.

There is a letter in the file from Carolyn Canina, C-A-N-I-N-A.

(Reading) I am writing as the Executive Director of Cambridgeport

Children's Center located directly across the street from Emily Harris and

Jake Taylor in support of their Special Permit request.

Sum substance of neighbors in support.

Anything else to say?

EDWARD SULLIVAN: No, that's it.

BRENDAN SULLIVAN: Okay.

Any comments from members of the Board?

JIM MONTEVERDE: No.

ANDREA HICKEY: No.

JANET GREEN: No.

now.

BRENDAN SULLIVAN: It's probably hardly ever going to be seen either because you're only four feet from the property line.

ALEX SLIVE: Visually it's going to be the way it looks right

BRENDAN SULLIVAN: Okay, let me make a Motion, then, to grant the relief requested. It's a Special Permit.

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

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

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

There would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or to the citizens of the city. In fact, the proposed alteration to the windows and the areaways would in fact enhance the safety of the occupants of the building as a safe and more accessible way of exiting of the basement area.

And that the proposed use would not impair the integrity of the district or adjoining district otherwise it would not derogate from the intent and purpose of the Ordinance.

The Board grant the requested relief provided that the work is

in compliance with the drawing, initialled by the Chair, and dated August

6th. Is that right, Alex? Is that the one we're going by, August 6, 2018?

EDWARD SULLIVAN: August 6th, right.

BRENDAN SULLIVAN: And initialled by the Chair.

All those in favor?

(Aye.)

BRENDAN SULLIVAN: Five in favor.

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

(7:45 p.m.)

(Sitting Members Case No. BZA-017038-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will now call case

No. 017038, 354 Pearl Street.

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

Name and address for the stenographer, please.

ANTHONY BORAL: Anthony Boral, 354 Pearl Street,

Cambridge. B-O-R-A-L.

LEAH RUGEN: Leah Rugen, 354 Pearl. R-U-G-E-N.

WILLIAM BOEHM: Bill Boehm, B-O-E-H-M. Architect, 18 Laurel Street.

CONSTANTINE ALEXANDER: Floor is yours.

WILLIAM BOEHM: Okay, thank you.

So we're back again for this project that some of you saw one time, and this time we're back for a side yard setback Variance.

CONSTANTINE ALEXANDER: What relief did we gave you before? I don't remember the case.

WILLIAM BOEHM: So the case last time was basically what you're looking at, except that -- and we asked for side windows in a side yard setback --

CONSTANTINE ALEXANDER: Right.

WILLIAM BOEHM: -- which you gave us. I had not analyzed the setbacks correctly, so I didn't ask for a Variance on the deck at that time.

CONSTANTINE ALEXANDER: Okay.

WILLIAM BOEHM: So that's what we're doing this time.

We've designed a deck very carefully in collaboration with a landscape

architect. It has jigs and jogs for various reasons. It extends into the very large side yard setback which is calculated at 16-and-a-half feet leaving really only a sliver of area that's legally buildable for this deck. So we're requesting that we're allowed to build this.

CONSTANTINE ALEXANDER: And this deck is on the ground level?

WILLIAM BOEHM: Yes. Well, it's 24 inches off grade.

CONSTANTINE ALEXANDER: Okay. It's not a second

floor deck?

WILLIAM BOEHM: No.

CONSTANTINE ALEXANDER: And the purpose of the

deck?

LEAH RUGEN: Just to enjoy the outside space.

CONSTANTINE ALEXANDER: I'm sorry?

LEAH RUGEN: To enjoy our outside space.

CONSTANTINE ALEXANDER: Fair enough.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I guess not.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. So I'll close public testimony.

The deck is pretty straightforward. It's in these plans right here. It's a side yard setback issue as you've pointed out.

Ready for a motion?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Okay. This is a case for a 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 being is that the petitioner -- that this structure is on a small lot and, therefore, there's a need for outdoor -- usable outdoor space, and this deck will supply that and would be not just for you or anybody who occupied the property.

That the hardship is owing to the shape of the lot. It is a -- and the size of the lot.

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

So on the basis of these findings, the Chair moves that we grant you the Variance requested on the condition that the work proceed in accordance with two pages of plans which you have submitted and which I have initialled as part of the file.

You're not going to be changing these? If you do you have to come back.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Deck's granted.

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

LEAH RUGEN: Thank you.

* * * * *

(8:00 p.m.)

(Sitting Members Case No. BZA-017039-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will now call case No. 017039, 122 Auburn Street.

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

Name and address for the stenographer, please.

ROBERT BUCKLEY: Robert Buckley, 122 Auburn Street.

CONSTANTINE ALEXANDER: And tell us about the case.

ROBERT BUCKLEY: Oh. I'm asking to install two skylights into my second floor bathroom. Right now there are no windows or skylights so there's no fresh air or sunlight into that area which is certainly not ideal. I was here before you 15 years ago to remodel the house

which was in terrible condition and I was a first time homeowner, and with limited money and it was kind of the biggest mistake that I made. So 15 years later I'm in a position to hopefully rectify that.

CONSTANTINE ALEXANDER: I assume your skylight, if we allow you to put it in, and you're in the bathroom or whatever it is, you look up to the sky?

ROBERT BUCKLEY: Yes. We're selecting the dimensions of the skylights and the positioning such that I won't be able to touch it if I reach up. So it will be -- the lowest point of the skylight will be well over anybody's head because we don't want to look at any adjoining house and they don't want to look --

CONSTANTINE ALEXANDER: That's the question.

ROBERT BUCKLEY: Yes.

CONSTANTINE ALEXANDER: So no privacy issues here at

all?

ROBERT BUCKLEY: There are no privacy issues.

BRENDAN SULLIVAN: Other than the plane flying

overhead.

JANET GREEN: Or the drone.

JIM MONTEVERDE: You can buy the shades if that's an

issue.

ROBERT BUCKLEY: Right, correct.

CONSTANTINE ALEXANDER: Questions from members of

the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: No.

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 have no letters in the file. I think we're ready to grant you a Special Permit.

The Chair moves that we make the following findings with regard to this Special Permit that you are seeking:

That the requirements of the Ordinance cannot be met unless we grant you the Special Permit.

That traffic generated or patterns of access or egress resulting

from these skylights will not cause congestion, hazard, or substantial change in established neighborhood character. And I think the work itself speaks for itself in this regard.

It's not a window. It's a skylight. And it's by virtue of its positioning, it doesn't trigger any of the concerns that our Ordinance seems to worry about.

That the continued operation or development of adjacent uses as permitted by this Ordinance will not be adversely affected by what is proposed. Again, same is true or regarding the fact that this is a skylight facing to the sky.

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

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

So on the basis of these findings, the Chair moves that we grant you the Special Permit that you're requesting on the condition that the work proceed accordance with these plans that you've submitted and

which I've initialled.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Thank you.

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

ROBERT BUCKLEY: Have a good evening.

* * * * *

(8:15 p.m.)

(Sitting Members Case No. BZA-017041-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will now call case

No. 017041, 17-R Acorn Street.

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

Name and address to the stenographer, please.

DAVID WHITNEY: I'm David Whitney from Arlington,

Massachusetts. I'm an architect working with Margery and Bridgett on the house.

BRIDGETT SHERIDAN: Bridgett Sheridan and I live at the residence, S-H-E-R-I-D-A-N.

MARGERY ADAMS: And Margery, M-A-R-G-E-R-Y, Adams. I'm the owner of the property.

CONSTANTINE ALEXANDER: The floor is yours. What's up?

DAVID WHITNEY: Bridgett and Margery have a beautiful old house on a ridiculous lot. It violates zoning in about every way it can.

The lot is too small. It's completely interior. It has no frontage on any street whatsoever. We are trying to renovate the house and make it work better for Margery and Bridgett and their growing family while being respectful as much as we possibly can given the ridiculous existing conditions.

We're not expanding the footprint at all. We're not expanding

the height at all. We're adding a modest dormer. The dormer complies with the dormer guidelines in every way. But obviously because the lot is so silly, we're here for this process.

CONSTANTINE ALEXANDER: Okay. And the purpose for the additional space?

DAVID WHITNEY: There's an existing office, which is being generous, on the third floor that we're turning into a bedroom for their daughter. It's funny, the house was renovated I think in the 70's. Just some fanfare, there's articles in the Globe about it. But it violates Building Code in all kinds of different ways. The room is too small. The stairs that lead to it are illegal. We're trying to fix all that and make it all work.

CONSTANTINE ALEXANDER: So you have illegal stairs now and now they will be legal.

DAVID WHITNEY: Yes. And the room is too small to serve as a bedroom. And it will now with the dormer be the right size.

CONSTANTINE ALEXANDER: Anybody have any questions for the Petitioner?

JIM MONTEVERDE: No. Very nice dormer. Exactly to the

guidelines, to the tee.

CONSTANTINE ALEXANDER: You don't often see that.

JIM MONTEVERDE: Exactly. Nice job.

DAVID WHITNEY: Thank you very much.

I should note we're changing a couple of windows on one wall as well.

CONSTANTINE ALEXANDER: But it doesn't require zoning relief.

DAVID WHITNEY: They're within the setback because everything's in the setback. I failed to note that in the application, but we're not trying to hide anything.

CONSTANTINE ALEXANDER: Well, usually -- I'm sorry, what did you note the windows in the setback?

DAVID WHITNEY: We're changing windows, existing -- we're changing windows on a facade that protrudes into the required setback.

CONSTANTINE ALEXANDER: Did you check with Inspectional Services to see whether you needed a Special Permit?

DAVID WHITNEY: No. They didn't bring it up. That's been the case on projects -- other projects done in the past which is why I mention it now.

CONSTANTINE ALEXANDER: Is it on the side that you're seeking your Variance?

DAVID WHITNEY: No. It's on the drawing, east side, the left side as you look at the plans.

CONSTANTINE ALEXANDER: I'm surprised that they didn't require you to get a Special Permit. I hope they don't do it when you go for your final building permit you'll be back to see us again.

DAVID WHITNEY: I was hoping we could discuss it here if that helps at all.

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: I'll close public testimony.

We do have letters in the file that I'll read into the record.

We have an e-mail from Courtney Wilson who lives at 276 Pearl Street, unit J. (Reading) I write to offer my unqualified support of the above-referenced Variance sought by my neighbors at 17-R Acorn Street, Margery Adams and Bridgett Sheridan. I have been a Cambridge resident for nearly two decades and have lived at 276 Pearl Street for over 15 years. My townhouse complex, Putnam Village, abuts Margery and Bridgett's home and I can see their house directly from both my front door and my second floor window. Bridgett and Margery have discussed their plans and the need for the Variance with me at length and I understand the changes proposed. I believe the overall impact on Putnam Village will be minimal as there will be no exterior changes to the size of the house visible to our complex. While there will likely be some noise associated with the construction, I note that there have been several renovations in my complex over the past few years, all of which went on long passed the schedule of days of completion and were much more extensive than the minor changes Bridgett and Margery are proposing. Despite the many, many months of noise and disruption generated by that construction and the related personnel, not to mention the constant maintenance being

done at our complex, Bridgett and Margery have never complained and have remained gracious, caring neighbors. Given the constant turnover of residents in our highly desired neighborhood and the recent influx of Airbnb tenants, I welcome any changes that will enable property owners to remain invested in the neighborhood. Margery and Bridgett are seeking this Variance to allow their daughter, a student of th Cambridge Public Schools and a sweetheart whom I have known since she was born, to have usable space in their home. This is absolutely the type of positive change that we need for our neighborhood and city to thrive. I urge you to grant the Variance as requested.

And we also have an e-mail from Mark Sullivan. I don't see if he has an address here. I am writing to register my full support for the Petitioner, Margery Adams. Margery and Bridgett Sheridan have been my good neighbors directly across from my home on Acorn Street since Margery bought the house in 1991. They are great people, helpful, and kind. They have a six-year-old daughter, a vibrant and energetic child whose current bedroom is an alcove of their living room. Their planned renovation would most of all reconfigure space to provide that bedroom as

well as improve other aspects of the basic usability of their home.

Margery has walked me through their plan and architect's drawings. I understand the project and certainly see it both inside and out as entirely consistent with our neighborhood. We are all "tight for space" here on Pearl and Acorn Street near Putnam. And I know from talking with them over time, I know that Margery and Bridgett are totally mindful of their neighbors, avoiding noise or activity that will unreasonably impinge on others. Their architect has worked with the builder on several projects so I would expect the work to be well planned and efficiently carried out with minimal disruption to abutters and neighbors. The Board approved my own renovation in late 2016, so I understand the facts you set must be weighed. In Margery's case I feel that she and her family need and will greatly benefit from your approval of their Petition for this reasonable scale improvement in their family home.

And that's it. Very nice letters of support. You should be proud of it.

MARGERY ADAMS: Thank you.

CONSTANTINE ALEXANDER: Any questions from

members of the Board?

BRENDAN SULLIVAN: No. Just a comment. One of the drawings and being in the business, these are drawings that contractors appreciate. Everything is there except for dimensions. One thing we like to do, and I went hunting for it, because I had -- I couldn't find any dimensions on the dormer.

CONSTANTINE ALEXANDER: I thought I saw them.

Really?

BRENDAN SULLIVAN: You know, and so I had to go hunting, figure it might be there someplace.

ANDREA HICKEY: I thought there was a scale.

DAVID WHITNEY: It's to scale. I've got dimensions on the third floor plan, A1.3. There aren't many -- typically I put just enough dimensions to tell the contractor where to put the wall, mostly to avoid contradiction.

BRENDAN SULLIVAN: Yeah. I'm sorry, where are the dimensions?

JIM MONTEVERDE: Did you say A1.3?

DAVID WHITNEY: Yeah.

But most of them are to existing walls. You're right in that I don't specifically say the dormer is this big.

BRENDAN SULLIVAN: Well, when you're coming down before us, we like to see that the dormer doesn't exceed 15 feet.

CONSTANTINE ALEXANDER: Particularly with the dormer guidelines.

JIM MONTEVERDE: You can't figure out across.

CONSTANTINE ALEXANDER: You're right.

But it's your representation to us that you are complying with the dormer guidelines?

DAVID WHITNEY: Yes.

BRENDAN SULLIVAN: So in the future for us, on that particular sheet is to show the parameters of the dimensions just so that when we review it, we can see that it complies right off the bat. So that's --

DAVID WHITNEY: Understood.

CONSTANTINE ALEXANDER: I'll open the matter up to

public -- I did open the matter up to public testimony. So I'll close public testimony. Ready for a vote?

JIM MONTEVERDE: Yes.

CONSTANTINE ALEXANDER: Or discussion first? No discussion. Okay.

The Chair moves that we make the following finding --

JANET GREEN: Gus, I don't mean to interrupt.

CONSTANTINE ALEXANDER: Oh, sure.

JANET GREEN: I just want to ask what the procedure is about the windows that are in the setback?

CONSTANTINE ALEXANDER: Well, I --

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: Well, nothing we can do tonight because they haven't advertised it.

JANET GREEN: Right.

CONSTANTINE ALEXANDER: But I'm a little puzzled because I think you may need a Special Permit, in which case we could have done all tonight if you had requested it. But if you haven't, you'll

have to come back. But you'll have to speak to Inspectional Services.

JANET GREEN: Yeah.

DAVID WHITNEY: Okay.

do.

JANET GREEN: Just a recommendation of what you need to

DAVID WHITNEY: We'll keep our fingers crossed.

BRENDAN SULLIVAN: BUT you're changing windows in the existing opening; is that correct, or you're adding --

CONSTANTINE ALEXANDER: They're relocating windows, moving them up or down.

DAVID WHITNEY: We're replacing one window with a door. We're adding two more windows.

BRENDAN SULLIVAN: That's a different type of relief.

CONSTANTINE ALEXANDER: Yeah. Well, as I said, I think you may have a problem to the extent you're going to have to come back and see us again.

BRIDGETT SHERIDAN: And when would we -- when would that come up, the problem?

CONSTANTINE ALEXANDER: Well, it probably would have been spotted when you go for a building permit from Inspectional Services. They might miss it. But if they didn't miss it, they would say, they would say, yeah, you need a Special Permit because of what you want to do with the windows and the door. And they would not grant you the Special Permit until you came back before the Board, just like tonight, seeking a Special Permit for the window changes.

DAVID WHITNEY: It doesn't have to affect the overall construction. We can talk more.

BRIDGETT SHERIDAN: Okay.

CONSTANTINE ALEXANDER: Generally it's a very uncontroversial request --

BRIDGETT SHERIDAN: Okay.

CONSTANTINE ALEXANDER: -- but it's slow, it slows down the project, that's all.

BRIDGETT SHERIDAN: Okay.

JANET GREEN: So but the timing would be -- I mean just to think about what the options are, would be for them to go now to

Inspectional Services to ask about it because otherwise the decision that we reach here you don't get it right away. You know, it has to go through a process of being on public file for anybody who has a complaint that hadn't had a chance to, etcetera. So if there were a case where you would need to do another application for something, you might want to have that started sooner -- you might want to know that sooner rather than later.

BRIDGETT SHERIDAN: Right.

DAVID WHITNEY: Got it.

CONSTANTINE ALEXANDER: Or you count on luck and hopefully Inspectional Services doesn't pick it up. I think that's very good advice you're getting from Janet.

DAVID WHITNEY: Thank you.

CONSTANTINE ALEXANDER: The process will be, you won't be able to -- with regards to the relief you're seeking tonight, it will be three months, two or three months before it will be final. Because we have to, a written decision has to be written up, then that -- I sign it and submit it to the city clerk. Then notice is sent out to all of your abutters

and there's an appeal period. Somebody can go to court later, they have 20 days or 30 days. So you add a couple of weeks and a couple of weeks. By the end of the process it's two, three months from tonight.

DAVID WHITNEY: Understood.

CONSTANTINE ALEXANDER: So it's a good idea to get that either cleared up --

JANET GREEN: Find out one way or another what you've got.

DAVID WHITNEY: Thank you.

JANET GREEN: Sorry.

BRIDGETT SHERIDAN: No, thanks. I'd rather know about it than not.

MARGERY ADAMS: Yeah.

CONSTANTINE ALEXANDER: Okay, I think we're ready for a vote.

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 it's an older structure that needs a lot of improvement inside and modifications. This is not only true for you, but for anyone who in the future who will occupies the structure.

That the hardship is owing to the fact that this is a non-conforming structure, and any modification, exterior modification, requires zoning relief.

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 Chair would note that you have, at least those who expressed an opinion, unanimous neighborhood support. And one of the benefits of the project as I understand it, is that you will now take a staircase that is non-conforming to the state Building Code and will be conforming. So you're improving the quality of the structure and safety of the structure not only for yourselves but anybody who again succeeds you. I say all of this with regard to that is to get substantial hardship, which is a requirement for the Variance, the hardship has got to run with

the land. It's not just for you. It's for anybody who would be living in that structure.

So, on the basis of all of these findings, the Chair moves that we grant the Special Permit -- the Variance as I've indicated on the condition that the work proceed in accordance with the plans prepared by David Whitney Architect, the first page of which has bin initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance is granted.

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

DAVID WHITNEY: Thank you very much.

* * * * *

(8:30 p.m.)

(Sitting Members Case No. BZA-017043-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017043, 60 Porter Road.

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

ATTORNEY SEAN HOPE: Good evening.

Good evening, Mr. Chair, members of the Board. For the

record, attorney Sean Hope, Hope Legal Law Offices. I'm here tonight on behalf of the Petitioner. We have Mr. Niall Hanley, he's the owner of 60 Porter Road, he and his wife Kerri Hanley.

This is an application requesting Variance relief for the open space requirement. The ultimate goal is to have a curb cut be allowed, and one of the requirements is that this lot is short of the open space close to approximately eleven square feet, so we're right there. This is a Res. B District and it requires 40 percent and so we're at 39 percent.

Initially in our application we also, we had a 20-foot driveway which for two cars, but that was bringing us in close proximity to the crosswalk. So our initial application we requested a Special Permit to locate within the 15 feet. We are mindful that the Board is always concerned about safety any time you have curb cuts. So we actually met with Traffic and Parking Department. They suggested that we narrow the curb cut to 12 feet. They thought it was sufficient, and we showed them an auto turn, but would also pull us within the requisite distance of the curb cut. So we're no longer requesting the Special Permit.

CONSTANTINE ALEXANDER: So you're withdrawing your

request?

ATTORNEY SEAN HOPE: I'm withdrawing.

CONSTANTINE ALEXANDER: The record should reflect that as well.

ATTORNEY SEAN HOPE: But we also wanted to make sure even if the Board didn't approve the open space, I run into cases where Traffic and Parking may say you don't meet our maneuverability standards. So we wanted to make sure, we went upstream to make sure that they would approve that. And we have an e-mail in the file to that end. We still would have to have DPW and ISD approval. But we made sure that the Traffic and Parking were satisfied due to the proximity of the parking space.

So this is a non-conforming lot in a non-conforming structure.

So it's a little bit small for what's required and the house is larger than what would be allowed. That has impact because, again, we're just short of the open space. These are going to be family units, and we believe that part of the hardship is the fact that these would be three plus bedrooms for each unit, and there would be no parking on-site. I would

note that there is a series of similar shaped lots. This is one of the larger lots that actually has room for a driveway and a curb cut, but yet doesn't have one.

Lastly, and Mr. Hanley can explain better than I.

This -- Porter Road is a U. So it comes from Mass. Ave. and it loops around to, it's by the new hotel. So this is actually the property, and I can show you on the map, it's actually adjacent to where the U starts. And so if you want to look at it for the Board, you have Mass. Ave. at the top, this is the U that I was mentioning. And this is the structure. So when you have a car parked right in front of here, it makes it very difficult for trucks to turn. And Mr. Hanley's been there doing development, also. His wife has lived there for a long time. She grew up there. So that actually by having a curb cut here, it actually eliminates parking in front of this structure which actually makes it easier to turn. It's not part of the 40-A requirements, but it is another benefit. This is also why we had full letters of support, or at least a petition of support from all of the abutters. And they also, they signed the abutter approval form that's also in the file.

CONSTANTINE ALEXANDER: You also have a letter of

opposition. You're aware of that?

ATTORNEY SEAN HOPE: I am not aware of that.

CONSTANTINE ALEXANDER: Yeah, that was submitted actually in connection with the first time you came before us and you decided to re-advertise.

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: We'll get to it. There's one letter of opposition, I don't know if anyone's here. We'll find out. And then as you say several letters of support.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: But anyway, so the guts of the matter is that you want to reduce minimum open space from 40 percent to 39 percent. A very slight decrease. And that's it.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

JANET GREEN: I have a question but it's not directly about that. But don't curb cuts have to go to the City Council?

CONSTANTINE ALEXANDER: Oh, yeah. We don't approve the curb cut. The City Council does.

JANET GREEN: Okay. So we're not actually approving a curb cut in this?

ATTORNEY SEAN HOPE: No. That's just the rationale for why. So we would -- you could approve to have two parking spaces which limit the open space, but then we'd have to go to the City Council --

JANET GREEN: After we do what we do?

ATTORNEY SEAN HOPE: That's right.

JANET GREEN: Then you go there?

ATTORNEY SEAN HOPE: That's right.

JANET GREEN: Just wanted to know that.

JIM MONTEVERDE: Is there any parking? There's no

parking?

ATTORNEY SEAN HOPE: There's no parking.

JIM MONTEVERDE: So you need the two spaces as

opposed to one?

CONSTANTINE ALEXANDER: It's a two-family house.

JIM MONTEVERDE: So it's one for each unit?

ATTORNEY SEAN HOPE: That's right.

NIALL HANLEY: Actually, the house that we have, it's actually the biggest lot, the biggest area. And all the rest of the house all have driveways. The rest of the smaller houses. And we're the biggest house with, not the biggest house, biggest area. And so there was no work done there for a long, long, long time. It was just derelict.

CONSTANTINE ALEXANDER: Any other?

ANDREA HICKEY: So, the request is for relief for open space. But the parking spaces are close to the structure and close to the side yard lot line. Isn't relief needed for that?

CONSTANTINE ALEXANDER: Not according to the Petition.

I checked it out.

ANDREA HICKEY: I'm looking at where the parking space are. And one is 1.6 feet from the structure. The other is like basically on the lot line.

CONSTANTINE ALEXANDER: That's a good point.

ATTORNEY SEAN HOPE: So I know that the -- so the

parking space can be within five feet of the structure. So that doesn't, that doesn't require relief. But you do have a point on this --

CONSTANTINE ALEXANDER: You do have a setback requirement for parking from the -- it's very small. It's not as much as for a structure.

ATTORNEY SEAN HOPE: Yes. Right. So this -- so the structure -- adjacent to the structure is fine. On this -- the open space would be, would be key. I do think, though, if we -- I would have to check to see if this would be this five foot setback of the second parking space.

NIALL HANLEY: ISD, when I spoke to them --

ANDREA HICKEY: From the side yard, Counsel?

NIALL HANLEY: It wasn't required.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: What I'm concerned about,

Andrea has heightened my awareness, I think you might need zoning
relief because you're too close to the lot line for the parking. It looks like
you're virtually on the lot line.

ANDREA HICKEY: And I still think too close to the structure.

Unless I'm not --

ATTORNEY SEAN HOPE: So one, Article 6.44 allows you to be within an existing one, two, or three family. So you can park within five feet. So that's in the Ordinance, so that's allowed.

This five feet within the setback, this is not something that came up when we reviewed this with ISD, but I would ask you that you could still approve our application for open space because we didn't necessarily have to have two parking spaces. We are applying for two parking spaces. But if we didn't only have one, if that does hold true, it wouldn't change the nature of the relief, we would just have one versus two parking spaces.

CONSTANTINE ALEXANDER: Is that what you want? I mean, you're right, all we would -- if we grant approval tonight is for the open space. But the question then is when you get to ISD after this hearing and they look at it and say wait a minute, you're too close to the lot line. Either you get rid of one of your parking spaces or you got to get relief. That's the question.

JIM MONTEVERDE: And you don't have enough depth to do

a tandem.

ATTORNEY SEAN HOPE: No, we don't have tandem. And we ultimately have two units and we want two parking spaces. That's what we ultimately want.

CONSTANTINE ALEXANDER: Well, there's nothing you can do about that tonight. It wasn't advertised. But I'm -- I got to tell you, I'm going to alert ISD about the decision.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: Maria, can we make sure that Sean and Ranjit know about, do they need relief for the parking being too close to the lot line, the driveway?

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: Thank you. Thank you, Andrea.

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 do have letters in our file. I'll start, as I mentioned before, there is a letter of opposition. It's from Eva Alpert, A-L-P-E-R-T, 28 Regent Street, unit 2. (Reading) I am writing to express my objections to relief being sought at 60 Porter Road. The property has sufficient yard area to support parking spaces on the plot. There is no need to rezone any part of the frontage, street, or sidewalk. Doing so will cause difficulty for pedestrians, especially parents using strollers or people requiring mobility devices such as wheelchairs or walkers. In addition, it will be a safety hazard for anyone passing the property on foot or on a bike. And she said, I would attend the hearing which is -- she wrote this letter in connection with your original application, not tonight. Except at nine p.m. I need to be home with my child. I think the same applies tonight.

There's also a letter in our files from -- that's your letter. I saw them. I know what you're referring to. Do you have copies with you?

ATTORNEY SEAN HOPE: I do.

CONSTANTINE ALEXANDER: I did see them when I read the file.

ATTORNEY SEAN HOPE: Which letter are you referring to?

CONSTANTINE ALEXANDER: You said you have letters of

support.

ATTORNEY SEAN HOPE: We do. We have a petition of

support.

CONSTANTINE ALEXANDER: Just give those to me.

We are in receipt of a petition in support of the relief being sought. It looks like it's signed by 12 different individuals. And it reads:

The undersigned neighbors support the zoning variance application to redevelop the site as two condominiums and parking.

A letter from Stephen and Patricia Capuccio,

C-A-P-U-C-C-I-O, 66-68 Porter Road. Nearby. (Reading) We are writing this letter to express our support for Kerri and Niall Hanley's request for a curb cut at 60 Porter Road. That's not actually the issue now. The curb cut has been withdrawn.

ATTORNEY SEAN HOPE: No. So we weren't coming to you for a curb cut, but it was --

CONSTANTINE ALEXANDER: You're right.

ATTORNEY SEAN HOPE: But I understand.

CONSTANTINE ALEXANDER: I'm sorry, you're right. I'll continue the letter.

(Reading) The curb cut, the reason to accommodate parking, they have recently renovated the property and have been very supportive of their neighbors. We support the curb cut within 15 inches of the crosswalk. Please let us know.

The letter from Chin Ho, C-H-I-N H-O. (Reading) I own 62-64 Porter Road which is adjacent to 60 Porter Road in Cambridge. I am in support of installing a driveway at 60 Porter Road. I think that a driveway there would be beneficial for the neighborhood. There's a lot of traffic on the street. When cars have to turn up the street, they often have to back up in order to make the turn if there's a car parked in front of the house where the driveway will be located. Also, I would assume that the curb cut will take only one parking spot from the street but I have been told two cars will be able to fit in the driveway. I support the request for the driveway.

And that's it. This is your applications for the curb cut.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: That's it for public testimony.

So I'll close public testimony.

Discussion from members of the Board beyond Andrea's comment?

(No Response.)

CONSTANTINE ALEXANDER: I guess not. I guess we're ready for a vote. And we're voting only on the Variance. They requested the Special Permit having been withdrawn.

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

That Variance being to depart from the required minimum of 40 percent of open space.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that this is a narrow and peculiarly designed street, which the safety of which is improved if there's a driveway, off-street parking. And the purpose of the reducing required open space is to provide that parking and that applies to

whoever would own the structure.

The hardship is owing to the fact that this is a, again, a small lot, shape, shaped lot and that any modification or reduction of open space requires zoning relief.

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

So on the basis of these findings, the Chair moves that we grant the Variance being sought knowing that there is almost unanimous neighborhood support. But on the condition that the work proceed in accordance with the plans submitted by the Petitioner, prepared by Francke French Architects. Francke is spelled F-R-A-N-C-K-E, and initialled by the Chair.

All those in favor please say "Aye."

ANDREA HICKEY: Could I back up for a second?

CONSTANTINE ALEXANDER: Sure.

ANDREA HICKEY: I think you might want to state that we're not sanctioning the two spaces that are shown on the plan.

CONSTANTINE ALEXANDER: Well, it's only -- remember it's only open space.

ANDREA HICKEY: Well, it says to accommodate parking.

CONSTANTINE ALEXANDER: Yeah, but that's -- okay. I'll be happy to do that. But I think that's just informative. The legal issue is producing open space.

ANDREA HICKEY: Right, but there are two spaces shown on that plan. I'm thinking if we're incorporating the plan as shown into your findings.

CONSTANTINE ALEXANDER: Okay, fair enough.

I'm going to modify that condition provided that's, however, the two spaces are shown on your plan that we've approved is not part of the relief we're granting tonight.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

ATTORNEY SEAN HOPE: I'll clarify this with ISD on

Monday.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: Thank you.

* * * * *

(Sitting Members Case No. BZA-017040-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017040, 99 Reed Street. Name and address for the stenographer, please.

FULTON HARLEY: Yes. My name is Fulton Harley. And I'm here today about 99 Reed Street. And I'm here with -- I'm the architect working with Katie and Sebastian Stockman, S-T-O-C-K-M-A-N.

Yes, we're here today about the property at 99 Reed Street and we're proposing sort of -- there's two parts to this. There's a front entryway. There's just --

CONSTANTINE ALEXANDER: You can come forward and sit up here if you like.

FULTON HARLEY: A new front porch. There is an existing landing and steps down there that has a small projected roof down there. We're proposing a covered entry.

And then on the back a two-story addition that consists of on the first floor a dining space, a new code compliant stair down to existing,

to a basement. The existing stair down to the basement is very narrow, very steep. And then on the second floor the -- currently there's an eight-by-eight bedroom that we're gonna go -- that once you put a bed in it it's really -- you can't move around to it. So we're converting that into a bathroom hallway and a new bedroom and a closet in the new addition.

I'll let Katie tell you a little bit about the family.

KATIE STOCKMAN: Sure. We moved to Cambridge in 2007 when we were engaged. Had both of our children on Cedar Street, and looked for a long time and found a house a block, literally behind our old condo on Reed Street. We love, love the neighborhood. We love Reed Street. We -- our children are both at the Peabody School. I've been involved there and, you know, we feel, we just feel so blessed to be where we are and really want to be able to stay. We've done our best to sort of just open up our home to the community. We've been part of hosting neighborhood Easter egg hunt. We have the Girl Scout show in our backyard every year. We are part of a community civil action group that we are part of with our, with neighbors. And, you know, hosting that and being a part of the community is really important. I think the other

piece that's really important to me is that I'm the oldest woman in my, in my family. My mom died 15 years ago and we have -- and so I'm the one who hosts all the holidays. I'm the -- you know, and I really want to be able to continue to do that in a little bit of a more comfortable way for my siblings and their families.

CONSTANTINE ALEXANDER: My only observation is that the relief you're seeking is a substantial departure from our Ordinance. You're, right now your FAR is compliant, at 0.47 in a 0.5 district. You're going to 0.75. You're going to be 50 percent over what our Ordinance says. And you're virtually doubling, you're increasing the size of the house by more than 50 percent.

FULTON HARLEY: That's correct.

CONSTANTINE ALEXANDER: That's a lot. That's a big ask. It doesn't mean you're going to get it. It's a big ask.

FULTON HARLEY: I understand.

CONSTANTINE ALEXANDER: Have you thought about maybe scaling back the additional house you're adding?

KATIE STOCKMAN: Can I just speak to one thing quickly?

FULTON HARLEY: Yeah.

KATIE STOCKMAN: There was a covered porch there that was a three season porch that we anticipated being able to use as house space.

CONSTANTINE ALEXANDER: Right.

KATIE STOCKMAN: We move in and find all sorts of structural issues with the house in many, many, many ways, including this three season porch that clearly had to come down for safety reasons.

And but it was -- so I mean, say whatever you're going to say. But the house shrank by 25 percent the day we moved in.

FULTON HARLEY: There's a picture of that.

CONSTANTINE ALEXANDER: I got to tell you and I'm not being difficult.

KATIE STOCKMAN: Yeah.

CONSTANTINE ALEXANDER: It's not relevant.

KATIE STOCKMAN: Okay. There you go.

CONSTANTINE ALEXANDER: It's not relevant. You took it down, you took it down. Now you're dealing with the house you got.

FULTON HARLEY: That's true. But it is -- the footprint is where the existing deck is now.

CONSTANTINE ALEXANDER: I understand.

FULTON HARLEY: That is true. I think on the FAR, we included a FAR study and it's, you know, within that street, it's well, you know, within -- I mean, it's on the upper end of the average but it's very close to average. And even, you know, the property on the end right there is much, much larger. So I think given the kind of context in community it stays, you know, it is a big ask --

CONSTANTINE ALEXANDER: The house may be much larger, but maybe it's a bigger lot. I don't know.

FULTON HARLEY: No, but I mean the FAR is much greater.

CONSTANTINE ALEXANDER: Oh, okay.

FULTON HARLEY: So it is a bigger lot, but it's a much bigger structure. So I'm just -- the only thing I was offering and relative to your point, was that it stays within very closely to the average of that street. And, you know, again, I'm basing that on the tax records which don't really include anything about the basement so I don't know. So, you

know, in fact, we could be well below relief depending on how the basements go. So that's included in it. And that's what I was just trying to say. I think given the community context, even though it's a big ask, I think we're staying, you know, within the context of the community.

In the addition itself, you know, there's the main house. It steps down. It's designed to look like a story and a half. I mean, it's a two-story addition, but it's designed to look like a story and a half. We kept the major openings to the back yard where there's still a substantial back yard. So the large door, the large windows face the backyard. The windows that face the neighbors are small awning windows. And they tend to serve more utility spaces; bathrooms, closets, those kind of things. And I think overall the house, you know, over the years it's been, you know, covered in vinyl. And a lot of the detail has been sort of taken away. And we're working it also to bring some of that back. I think the front porch adds a little bit of scale to the front, a transition space, and then a gable covering to, you know, kind of mark the door. The materials are, you know, we're going to do cedar clapboards and Azek corner boards, Andersen windows with a grill. So that it's sort of just everything now has been replaced by one over one. And we really like to sort of return the house. We're trying to be careful, even though it is a big ask, we're trying to be careful about how to ask the design and how it fits in with the community. I think both in terms of scale --

CONSTANTINE ALEXANDER: You said big house, actually it's not. It's 1400 feet right now.

FULTON HARLEY: Oh, yeah. Not -- you described it as a big ask. And I was just saying even though it's a big ask we're trying to be careful how we do that, how we approach it.

CONSTANTINE ALEXANDER: Okay.

Any other board members wanted to comment on this? I just wanted to bring it to the attention of the Board, that's all.

(No Response.)

CONSTANTINE ALEXANDER: Okay, moving on. Okay, I think I interrupted your presentation. Maybe you're all done, I don't know.

FULTON HARLEY: I think I'm done. Yeah. I mean I was going to go FAR, but I think I'm done.

CONSTANTINE ALEXANDER: Okay. Any questions or

comments from the board members?

BRENDAN SULLIVAN: I think your observation is correct, and that was my first glance is that well, it's a lot. Then, you know, scaling back and then I guess I sort of played architect in how would I scale it back to make all of this worthwhile and functional? And I couldn't come up with an answer as to how do you scale this back.

JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: Spend all of this resources, time and dollars, and you know, is it going to make a big difference? It will make a big difference in the number, but really not really worth the while.

CONSTANTINE ALEXANDER: Well, the illustration the numbers don't always tell the whole story. That's what it comes down to.

BRENDAN SULLIVAN: That's right. I couldn't come up with a logical alternative.

JIM MONTEVERDE: Yeah, I agree. I did the same exercise when I looked at the plans earlier. And, you know, maybe it's a foot here. But it's in the end it's, it is what it is, and it gives you a bedroom and it gives you a dining room that you don't have, and it all made sense as a

house. So there really wasn't much that you could push or pull to make a difference.

BRENDAN SULLIVAN: Right. There's nothing -- the number is big, but there's nothing exorbitant. There's nothing glitzy about it. Anyhow, that was my thought.

CONSTANTINE ALEXANDER: Okay, good.

JIM MONTEVERDE: Agreed.

CONSTANTINE ALEXANDER: Any other comments from members of the Board before I open it up to public testimony?

(No Response.)

CONSTANTINE ALEXANDER: The Chair will open the matter up to public testimony. Is there anyone here wishing to be heard on this matter? Two, three. You go first, please. Give your name and address to the stenographer. Could you come a little closer, do you mind?

FRANCIS BOLDUC SHIMAKAGE: I have a cold. So I might not sound --

CONSTANTINE ALEXANDER: We have a microphone.

FRANCIS BOLDUC SHIMAKAGE: My name is Francis Bolduc B-O-L-D-U-C Shimakage S-H-I-M-A-K-A-G-E. And I live at 101 Reed Street. So right next-door to Katie. And Katie has been a great neighbor. Her whole family has been wonderful. Our kids have done play dates together and, yeah, they're just such a wonderful family. And I totally have no objections to, you know, whatever, you know, she wants to do with her property in regards to what you allow. I'm totally fine with that. I was just coming here, and I talked to Katie a little bit about the meeting when it would start and, you know, it will impact our house in some ways, so when it would start and how long it would be? And what materials might be used? I know she has young kids so I'm sure there will be safe materials within the air and in the environment in that respect. So those were my thoughts for this evening in regards to that.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down and support your neighbor.

Ma'am, you wanted to speak?

CAROLYN HOFFMAN: My name is Carolyn Hoffman. I live at 100 Reed Street across the street from this house. I don't know if I

understand the concepts without pictures, but all my concern is, because I live across the street, their driveway let's the morning sun into my yard.

So if anything blocks that sun, I would object. Otherwise I'm okay.

Because I can't get anything to grow.

CONSTANTINE ALEXANDER: Do you want to comment on that?

FULTON HARLEY: It stays within the existing -- it's not wider than the house. The space is the same. It's within the existing width.

CAROLYN HOFFMAN: Okay.

CONSTANTINE ALEXANDER: Does that answer your question?

CAROLYN HOFFMAN: I guess so. If the porch is just coming -- the front of the house, it's not going over the driveway.

CONSTANTINE ALEXANDER: Right.

FULTON HARLEY: Correct.

The driveway doesn't change, and that space next to it doesn't change.

CAROLYN HOFFMAN: Okay.

CONSTANTINE ALEXANDER: Anyone else wishes to be

heard?

(No Response.)

CONSTANTINE ALEXANDER: I guess not.

We do have letters in our file all in support. They're identical letters. The letter says: We are writing to express our support for neighbors Sebastian and Katherine Stockman in their plans to expand their house at 99 Reed Street. They shared their expansion plans with us, including architectural drawings and we support their application for a Special Permit.

Special Permit? It's a Variance.

KATIE STOCKMAN: That would be my mistake, sorry.

CONSTANTINE ALEXANDER: It's a Variance.

And the letter is signed by the occupant at 114 Reed Street, 95 Reed Street. I'm not giving the names, because they're -- well, I do have the names. I'm sorry, I can do that.

Alice Curtis, 114 Reed Street.

Sam Jensen, J-E-N-S-E-N, 95 Reed Street.

William W. Erickson, 102 Reed Street.

An address I can't read or -- I'm sorry, a signature I can't read who resides at Reed Street Terrace.

From Rachel Rubin at 107 Reed Street.

From Leslie Ditrani, D-I-T-R-A-N-I, 114 Reed Street.

Jeffrey Melnick, 107 Reed Street. Melnick is M-E-L-N-I-C-K.

And that's it. So you have unanimous neighborhood support for your project it would appear. At least people who wanted to express their opinion.

I'll close public testimony. Ready for a vote or want to have a discussion?

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Ready for a vote, 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 is that this structure in its current configuration is undersized, and for -- whether for

85

this Petitioner or any subsequent Petitioner needs additional or more living space and more appropriate interior design that goes with the additional space.

That the hardship is owing to the fact that this is a structure that already doesn't comply with our Zoning Ordinance and therefore any modification requires relief.

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.

On the basis of all of these findings, the Chair moves we grant the Variance being sought on the condition that the work proceed in accordance with the plans prepared by, FLH, did I get it right? FLH Architects, each page is initialled by the Chair.

I just want to make it clear since -- if you modify these plans, you're going to have to come back before us.

FULTON HARLEY: Right.

CONSTANTINE ALEXANDER: These are the final plans?

FULTON HARLEY: Yeah.

CONSTANTINE ALEXANDER: Okay.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

(9:05 p.m.)

(Sitting Members Case No. BZA-017044-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017044, 74 Oxford Street.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair would report we have a letter in the file from William Senne, S-E-N-N-E with an accent over the E, on behalf of 74 Oxford Street, LLC. (Reading) Please accept this request to continue the above referenced case, which is this case, to February 14, 2018, (sic) allowing for continued discussions with

neighbors, abutters, and the Historical Commission. We apologize for this late request but there were recent developments in the permitting process that necessitated the need for additional time prior to being heard by the Board of Zoning Appeal.

Do we have room on the 14th?

MARIA PACHECO: Yes, we do.

CONSTANTINE ALEXANDER: We continue this case as a case not heard until seven p.m. on February 14th subject to the following conditions:

That the petitioner sign a waiver of time for a decision. And we don't have that yet. The relief that's being requested will be denied by failure to sign. Either they sign the waiver of notice or we're going to turn the case down. And in fact they requested the continuance on their own.

Second, that the posting sign that's up be modified to reflect the new date, February 14th, and the new time, seven p.m. And that the sign be maintained for the 14 days required by our Ordinance. But I'm going to put additional condition on that. The sign that's there now is on Wendell Street, down the street. It's not on Oxford Street. And you have

to search to find it. So I'm going to ask, although they may not be technically required, that they put two signs up --

MARIA PACHECO: Okay.

CONSTANTINE ALEXANDER: -- the one on Oxford and they should modify the one on Wendell.

And lastly to the extent that the Petitioner is going to modify the plans, dimensional forms, or the like, these new or modified plans must be in our files no later than five p.m. on the Monday before February 14th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

* * * * *

(9:15 p.m.)

(Sitting Members Case No. BZA-017037-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No.

017037, 120 Magazine Street.

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

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Thank you. Good evening, Mr. Chair. And, again, apologies for my appearance, but I was going to be --

CONSTANTINE ALEXANDER: No apologies necessary.

ATTORNEY JAMES RAFFERTY: No, no. I was going to go home and get changed for my 9:15 case, and then when I realized my 9:15 case needed to get continued. It's a request for a continuance because of a late misunderstanding around the proposed dormers on a building. So we have to go back to the Historic Commission. They meet the first Thursdays of the month. So we're hoping to go there January 3rd, show them these dormers, see if it's consistent with what they thought were approved. So we're hoping we might come here right after that the following week?

CONSTANTINE ALEXANDER: January is filled up, right?

MARIA PACHECO: We have five continued cases.

CONSTANTINE ALEXANDER: No.

ATTORNEY JAMES RAFFERTY: On which day?

MARIA PACHECO: The 10th.

ATTORNEY JAMES RAFFERTY: And then?

MARIA PACHECO: The 31st.

BRENDAN SULLIVAN: I will not be here on the 31st.

MARIA PACHECO: It's a case not heard.

ATTORNEY JAMES RAFFERTY: It's a case not heard, though.

CONSTANTINE ALEXANDER: I know that. If you wanted to make sure Mr. Sullivan was sitting on your case, that date doesn't work. That's the only point I'm giving to you. Maybe you don't want him on the case.

BRENDAN SULLIVAN: No, you can't sit on it.

ATTORNEY JAMES RAFFERTY: Well, I wouldn't want to --

CONSTANTINE ALEXANDER: Oh, I forgot about that.

Thank you. I forgot about that. It's and S&H Construction. I can't sit on the case either.

ATTORNEY JAMES RAFFERTY: Okay.

CONSTANTINE ALEXANDER: I'm going to recuse myself.

So we've got three regulars -- well, we've only got -- we've got to get from the bullpen, we have to get the associate members.

MARIA PACHECO: Well, on the 10th we have the 60 Porter that we just had. So they're going to withdraw, right?

CONSTANTINE ALEXANDER: Yes.

MARIA PACHECO: We have two 36 Follen. One's going to withdraw.

CONSTANTINE ALEXANDER: Yeah, but the other one might take a little bit of time. So one real case so far.

MARIA PACHECO: Yes.

And then we have a J.F.K., which that one's going to withdraw because they reapplied for a new one.

CONSTANTINE ALEXANDER: They what?

MARIA PACHECO: They reapplied for a new case which is scheduled on the regular agenda on the 10th.

ATTORNEY JAMES RAFFERTY: I would be so bold to suggest that there's widespread support for this. There's a bit of a time hardship because --

CONSTANTINE ALEXANDER: No, I think we've got, it looks like a cluttered continued schedule but it's not really is what I'm hearing.

ATTORNEY JAMES RAFFERTY: Yeah, I heard at least two or three of the five may not be hearing?

CONSTANTINE ALEXANDER: That's what I'm hearing, too.

Therefore, I think we can squeeze you in.

ATTORNEY JAMES RAFFERTY: That would be most appreciated.

CONSTANTINE ALEXANDER: Although, I'm speaking on behalf of the --

BRENDAN SULLIVAN: Well, my thought is to go on the 10th because I think that the -- being sensitive to the homeowners that the sooner that this gets disposed of --

ATTORNEY JAMES RAFFERTY: Without question.

BRENDAN SULLIVAN: -- would be far better. They have gone through an awful lot. So I would squeeze it in however we can on the 10th otherwise it gets kicked over to February 14th.

ATTORNEY JAMES RAFFERTY: And the public commentary at the Historic Commission which was unanimous in favor of allowing them to proceed spoke directly to the notion of the existing conditions which is a hole in the ground or an -- the longer that goes on, it's just a lose/lose for everybody, for the neighbors, for the property

owners.

CONSTANTINE ALEXANDER: I'm not sitting on the case.

ATTORNEY JAMES RAFFERTY: Understood. I'm just saying to the notion of the continuance, there is a little bit of an -- I know everybody always wants to get heard in a hurry. This one even has some extraordinary circumstances.

CONSTANTINE ALEXANDER: Real reasons to be heard early rather than impatience. Okay, January 10th it would be?

BRENDAN SULLIVAN: I would go for the 10th.

CONSTANTINE ALEXANDER: The Chair moves that we further continue this case as a case not heard until seven p.m. on January 10th subject to the following conditions:

That a waiver of time for decision be filed. And that's already been done, so that's okay.

Second, that the posting sign be modified to reflect the new date, January 10th and the --

ATTORNEY JAMES RAFFERTY: And the new time.

CONSTANTINE ALEXANDER: And the new time.

ATTORNEY JAMES RAFFERTY: Learned that the hard way, yes.

CONSTANTINE ALEXANDER: Seven p.m. And that the sign as modified be maintained for the 14 days required by our Ordinance.

And lastly, to the extent that there are new plans, drawings, dimensional forms, that these new forms or modified forms must be in our files no later than five p.m. on the Monday before. You know the drill.

ATTORNEY JAMES RAFFERTY: Yeah.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Continuance.

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

* * * * *

(9:20 p.m.)

evening.

(Sitting Members Case No. BZA-017045-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call the last case on our agenda, case No. 017045, 15 Cottage Street.

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

ATTORNEY SARAH LIKE RHATIGAN: Yes, hello.

CONSTANTINE ALEXANDER: Good evening, good

ATTORNEY SARAH LIKE RHATIGAN: Good evening. Do we not need the microphone now that the air machine is not too loud?

CONSTANTINE ALEXANDER: It's a small audience here.

ATTORNEY SARAH LIKE RHATIGAN: Good evening. I'm

Sarah Rhatigan from Trilogy Law, LLC, and I'm here with the owners of the property.

ANNE BUNN: Hi, I'm Anne Bunn of 15 Cottage.

SAMUEL THOMPSON: Sam Thompson of 15 Cottage

Street.

THOMAS MURDOUGH: I'm Tom Murdough,

M-U-R-D-O-U-G-H. I'm the architect.

CONSTANTINE ALEXANDER: Okay. You're seeking both a Variance and a Special Permit tonight.

ATTORNEY SARAH LIKE RHATIGAN: Yes, we are.

And we have some large plans that we can flip through as we need, but what I wanted to do --

CONSTANTINE ALEXANDER: These are the same of what we have in our files?

ATTORNEY SARAH LIKE RHATIGAN: Yes, exactly. Just a large version for illustration purposes.

I wanted to just describe the renovation project that's being proposed by the owners of the property. They bought the property in

2003 and have lived there happily ever since with, I don't know if your children were born at the time, but children have grown and they're getting bigger. The house is a historic home on a sort of a historic section of Cottage Street. The renovation plans have been reviewed by the Historic Commission. Charles Sullivan signed off on the -- not requiring a demolition permit for the work that's going to be done. And the homeowners have a real sensitivity to the historic aspects of the home and the neighborhood that, you know, they've lived in for a long time with a lot of neighbors that are a pretty close knit group. There's also a sensitivity to kind of the consistency with other additions and renovations that have happened in the neighborhood to the houses that are of a similar style. So I have a few photos of neighboring houses just to give some context.

But the driving force for the renovation are -- well, maybe three things is what I would say:

One, it's to have some increased space on the first and second floors of the home that are essentially expanding out over what is now a rear porch area. So kind of in the same line as what's now the rear

porch. That's going to make a big improvement to the inside of the house which I'll describe which is unique as sometimes these historic homes that have been added on to are. Also a much needed improvement to make the, make some storage space in the attic level of home that could actually be accessed by real stairs that are code compliant that you can't, you know, smack your head on the beams as you kind of crawl up the rickety stairs. Because there is some real water, groundwater in the basement issues. So that the space that is in the basement, the owners are trying to improve this with some, you know, French drains and I'm sure some other, you know, fancy construction. But the water level in this area is notoriously a problem in this part of East Cambridge, and they don't expect that, you know, the storage conditions are gonna be great in the basement. So anything that, anything that they're concerned about being wet or moldy has to go up to the attic. And at this point there's not really any way to do that kind of safely.

So the attic dormers, both sides of the house, 15-foot dormers, at the attic level are again to create a central storage, you know, attic room that can be accessed.

CONSTANTINE ALEXANDER: Those dormers, 15 feet obviously complies with our dormer guidelines. What about the ridge line and the --

ATTORNEY SARAH LIKE RHATIGAN: So Tom can help us describe the reasons for this. They were wanting to comply with all the dormer guidelines, but the ridge line, for example --

CONSTANTINE ALEXANDER: Often that happens. It's not the first time that we've seen that.

THOMAS MURDOUGH: Yeah, the ridge is the same. The dormers are matching to the existing ridge.

ATTORNEY SARAH LIKE RHATIGAN: Right, but they're not set down from the ridge, right? So the dormer guidelines would like to have them step down.

THOMAS MURDOUGH: Oh, I see, right. The issue is that we have a -- there's a head clearance issue in terms of routing a stair up to that level.

CONSTANTINE ALEXANDER: Right.

THOMAS MURDOUGH: There's just no way to -- we can't

do a code compliant stair.

BRENDAN SULLIVAN: What is the floor to ceiling at the

windows?

ATTORNEY SARAH LIKE RHATIGAN: At the --

BRENDAN SULLIVAN: In the dormers?

THOMAS MURDOUGH: It's -- is it seven, six?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Likes

six, eight.

THOMAS MURDOUGH: At the stair, it's six eight.

BRENDAN SULLIVAN: No, at the front wall of the dormer?

It's a pretty flat roof.

THOMAS MURDOUGH: It is a flat roof.

ATTORNEY SARAH LIKE RHATIGAN: Yeah.

THOMAS MURDOUGH: And, again, that's because of

the -- because of the head height clearance.

ATTORNEY SARAH LIKE RHATIGAN: And just one thing to point out is that the -- as you're facing the house, the left dormer, that height is needed in order to have the stairs come up because that's where

the stairs come up to the third level.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH LIKE RHATIGAN: And the one on the right is, you know, for the additional space. That becomes important to the extent that the left dormer does have windows on it that face, that are close to the lot line that requires Special Permit relief which we'll get to next. But the good news from the neighbor's perspective is that it's not so much a privacy concern, because those are windows that, you know, somebody will only pass as they walk up the stairs.

The other thing I wanted to point out about the dormers is that they are set back from the front of the house. I did -- I had wanted to give the Board a sense of what the neighboring homes looked like, and I'll submit these. I didn't submit them with the application. I just took these recently.

This is the next-door home, 13 Cottage Street. And actually the folks who live at 13 Cottage Street are here in the audience today.

This is two doors away. So this is, this is an example of a home. I believe there was a Variance case by this Board that predates

everyone who is here.

CONSTANTINE ALEXANDER: The dormer guidelines certainly were not in effect.

ATTORNEY SARAH LIKE RHATIGAN: The dormer guidelines were not in effect. It's a very large dormer.

CONSTANTINE ALEXANDER: Very large.

ATTORNEY SARAH LIKE RHATIGAN: If you look at the home, the grey picture there, what's interesting is that they also put in a chimney. So these folks are going to put a chimney up. In this case their dormer is going to be behind that chimney. This one, you know, they went way out to the front. So I think in terms of -- this is not so much a zoning issue as an aesthetic, dormer guideline issue --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH LIKE RHATIGAN: -- it's going to look much, much better and those dormers are going to be smaller in size.

Just a few other pictures. Again, I want to give you a sense of -- this is the view if you are at the rear of the house and you're looking straight back at the neighbor at the back in terms of -- to the extent that

the addition at the back is, would impact the backyard neighbors more than the people on street, there's only one window on this house. You had conversations --

SAMUEL THOMPSON: There's a stairwell.

ATTORNEY SARAH LIKE RHATIGAN: And this is a stairwell within this person's house. And you actually spoke to that owner --

SAMUEL THOMPSON: Yeah.

ATTORNEY SARAH LIKE RHATIGAN: -- in advance?

So there's been some community outreach. I believe you have some letters in the file.

CONSTANTINE ALEXANDER: We do.

THOMAS MURDOUGH: Mr. Sullivan, it is about six, eight at the ceiling height. Basically the dormers match on both sides.

BRENDAN SULLIVAN: So you're six, eight at the front wall of the dormer?

THOMAS MURDOUGH: Yes.

BRENDAN SULLIVAN: And then at the ridge?

THOMAS MURDOUGH: Is seven feet. So it's -- I mean,

we're basically --

BRENDAN SULLIVAN: Code calls for average height of -- it's going to be tight.

THOMAS MURDOUGH: Yeah, that's -- in terms of --

BRENDAN SULLIVAN: Well, the code requires a certain minimum or the average height of that room. I'm not sure exactly what it is.

THOMAS MURDOUGH: Well seven, six is a habitable room.

This is attic space. Storage.

BRENDAN SULLIVAN: Yeah, but it's still -- I'm not sure what the new, international residential code -- Massachusetts code might be different. Never mind. It's okay. I mean, the building inspector is going to have to --

CONSTANTINE ALEXANDER: Right. The warning is that you might have a problem with the building permit. ISD might think you're not --

BRENDAN SULLIVAN: We can approve it.

CONSTANTINE ALEXANDER: Yeah, right. It may not be

the final say.

BRENDAN SULLIVAN: Building Code is something else.

THOMAS MURDOUGH: Your concern is --

ATTORNEY SARAH LIKE RHATIGAN: Yeah. And just to

be clear for this attic space -- I'm not a Building Code expert so --

CONSTANTINE ALEXANDER: Neither am I.

ATTORNEY SARAH LIKE RHATIGAN: -- so code compliance. I'm assuming that from the zoning perspective we want to ask for your permission to create the space.

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY SARAH LIKE RHATIGAN: Whether or not we can characterize it as certain liveable space may be a Building Code issue.

CONSTANTINE ALEXANDER: What I'm trying to say is we can approve it from a zoning point of view --

ATTORNEY SARAH LIKE RHATIGAN: Right.

CONSTANTINE ALEXANDER: -- ISD, looking at the state building laws may say it doesn't work, you're going to have to redesign.

And if you redesign, you'll be back before us.

THOMAS MURDOUGH: And then just what is the point if it doesn't work so I'm clear? Because it's, it is an attic space?

BRENDAN SULLIVAN: It doesn't matter if you're creating a room up there, all right, and expanding a room, the code basically says you have to have an average floor to ceiling height.

THOMAS MURDOUGH: Right. And so typically, you know, for a habitable room -- well, that's the thing about bedrooms, but you need like the five -- basically, well I'm thinking about the square footage or the floor area. Anything above five feet is considered floor area. I don't, I'd have to look into it I guess.

BRENDAN SULLIVAN: Correct, right. Yeah. I just -ATTORNEY SARAH LIKE RHATIGAN: Something to keep in mind.

BRENDAN SULLIVAN: I wouldn't leave -- you might want to quietly check it out.

CONSTANTINE ALEXANDER: It's not going to affect our decision tonight.

BRENDAN SULLIVAN: The reason I raise that up is we're in the business, we've done plenty of dormers and there's been a couple of times when we have just made it, you know, an inch or two over the minimum. So anyhow.

THOMAS MURDOUGH: Okay, thank you.

BRENDAN SULLIVAN: And, again, same issue is very -- floor to ridge and we're just trying to get some pitch in the roof, you know, so on and so forth. But anyhow, so just double check on that.

THOMAS MURDOUGH: Okay. Yep.

ATTORNEY SARAH LIKE RHATIGAN: And just so I can get all of my photos to you now, this is three doors down. This actually is multi-family, but I think that it was originally a similar house, but you can see just the expansion that they've done there.

CONSTANTINE ALEXANDER: And the purpose of showing this to us is?

ATTORNEY SARAH LIKE RHATIGAN: I wanted to give a sense to the Board of the relative floor areas in the immediate vicinity of houses that I think were originally all probably the same just for a sense of

context of what we're talking about.

The pictures, there were a few pictures that were in the application file, but I wasn't sure if you all, you know, walked into the backyard, I'm sure you didn't. This is a view from the backyard so that you can see the existing rear portion of the house that's gonna be removed. So you can see it's sort of smaller. And the new structure is gonna be within the footprint of the outside edge of what's now a covered porch. It will be smaller than the front portion of the house, but it will obviously be bigger than the L that's there now.

And then, again, this is a picture of -- as you're facing the house, this is the, this is the left side of the house that as you see is very close to the lot line. And in fact the neighbor's shed we discovered encroaches. We don't care. Just so that you'll see that shed on the neighbor's lot is over our line a bit. There's a big tree there with some foliage.

There are some window changes on this side of the house that I'll mention when we discuss the Special Permit.

So, I'm sorry, let me just look at my notes here. So in terms

of the relief that's required in this case, we are requesting floor area relief because we are increasing the gross floor area approximately just under 400 square feet above the maximum that would be allowed.

CONSTANTINE ALEXANDER: Refresh my memory, what is the existing FAR for the structure?

ATTORNEY SARAH LIKE RHATIGAN: The existing FAR right now is 0.55. We are in a C --

CONSTANTINE ALEXANDER: In a 0.5 district?

ATTORNEY SARAH LIKE RHATIGAN: We are in a C district so it's 0.6.

CONSTANTINE ALEXANDER: Okay, so you're compliant now with the FAR?

ATTORNEY SARAH LIKE RHATIGAN: We're compliant and we're requesting to go noncompliant at 0.7. Okay?

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH LIKE RHATIGAN: And as I mentioned, in just trying to get a sense of floor area for the neighboring houses, I did a rough calculation, assuming the Assessor's office is correct, and we've got

a 0.94 next to us. We've got one that's 0.67, so just under what we're requesting. And then two homes that look like they're 0.7 or quite a bit higher than 0.7.

CONSTANTINE ALEXANDER: I appreciate you bringing that to our attention, but I'm not sure it's dispositive. Just because others are noncompliant --

ATTORNEY SARAH LIKE RHATIGAN: No, certainly. I understand.

CONSTANTINE ALEXANDER: -- doesn't mean we'll increase it.

ATTORNEY SARAH LIKE RHATIGAN: I wanted to just do that by way of as you know sometimes when people, you know, when their ask is too big, the ask in this case I think is kind of -- it is, we understand it's noncompliant but it's, we think quite minimal considering kind of what has naturally occurred in the neighborhood.

The other aspects of this that require some relief is any time we touch the left side of the house because we're so close to the lot line, any of those changes require a Variance. So to the extent that that rear

portion is being built within that side lot, we do require a Variance for that.

We're otherwise okay in terms of we still have plenty of backyard area,

open space. My apologies, let me just check here.

CONSTANTINE ALEXANDER: Height's okay?

ATTORNEY SARAH LIKE RHATIGAN: Height is fine.

We're low, you know, we're well below the required height. We're obviously a non -- pre-existing, non-conforming small, narrow, somewhat deep lot for Cambridge. So it does have a nice little backyard area which means that the addition that's being rebuilt in the back is not right up next to the neighbors, so there is a fair amount of distance to the neighbors which in terms of impact should be helpful.

So, again, the reasons for the Variance in terms of the hardship, there's some internal structure issues in the house that you wouldn't necessarily see from the outside, but the first floor to the basement is accessed by a spiral staircase down which I'm sure is very uncode compliant and tricky to get down to the basement.

On the second floor rear portion of the house, again, this is in that addition, there's a step down from the main part of the house into

the -- what's your bedroom. In order to move from the bedroom and then out of the house or down the stairs to the first floor, the parents have to walk through either the bedroom with -- the children's bedroom or they have to walk through the bathroom to get to the hallway. I mean this is not uncommon in sort of older homes that have been modified. But part of this renovation process is gonna be to really improve that. So they actually have a proper, they have a proper bedroom that can egress out to a stairwell. No change to the number of bedrooms. It's still for them and their two kids. There's a small little den in the front that's not really changing. The first floor improvements, there's currently now a pretty cramped kitchen that's got a big -- I think there's a chimney or sone kind of. Or there's some -- maybe it's just the location of appliances, but it's a pretty small kitchen with a little pantry. And this is just going to be, you know, creating a more typical larger kitchen. And making some real improvements for this family, for any family who wants to move in and live in kind of reasonable conditions.

And then the basement access will be by a door and then stairs up into the yard.

The -- so in terms of the reasons for hardship, we've got the size of the lot, undersized lot, narrow lot with the house being situated on the far left side of the lot such that anything that we do on one side of the house is already noncompliant.

CONSTANTINE ALEXANDER: Well, for the hardship that goes to the second condition about nature of the lot. But the what's the -- just for the record, what's the substantial hardship that runs --

ATTORNEY SARAH LIKE RHATIGAN: In terms of the hardship to the owners of the home.

CONSTANTINE ALEXANDER: Yeah, whoever owns that home -- the hardship I guess is you have a noncode compliant stair for the attic.

ATTORNEY SARAH LIKE RHATIGAN: There's no --

JANET GREEN: And a wet basement.

ATTORNEY SARAH LIKE RHATIGAN: And the wet basement is a significant one.

JIM MONTEVERDE: The basement you can't circumvent.

CONSTANTINE ALEXANDER: Again, I just want to get it on

the record.

ATTORNEY SARAH LIKE RHATIGAN: Yeah. And so in terms of the source of the hardship I think we talked about all those things. The internal structure of the home. The other thing that sometimes I think should qualify as a source of hardship is when the structure is historic and so the limitations on what one wants to do to a historic front portion of the house. There are some options that they could have chosen to expand the house to the right because there is some side depth to the right of the house. But the down sides to that, one, I don't know that the Historic Commission would appreciate it. They might not have jurisdiction to prevent it from happening --

CONSTANTINE ALEXANDER: When was the house built?

THOMAS MURDOUGH: 1873.

CONSTANTINE ALEXANDER: 1870?

THOMAS MURDOUGH: 1873.

ATTORNEY SARAH LIKE RHATIGAN: Not 1700s but it's

historic.

And additionally you'd lose the parking, the parking that's on

the site and also some landscaped area. So the kind of restraints on where they can build are to the back.

I think that that's it.

CONSTANTINE ALEXANDER: You want to speak to the Special Permit?

ATTORNEY SARAH LIKE RHATIGAN: Yes.

So for the Special Permit we have some altered window locations and some new windows on the wall, the left wall of the home. So the plans showed the different locations of the windows, but the windows are not really enlarged as much as shifted over because of the interior room changes. They just need to --

CONSTANTINE ALEXANDER: You're adding more windows, though, too, aren't you?

ATTORNEY SARAH LIKE RHATIGAN: There's a shifting of existing windows on this wall and then the additional windows are the ones in the dormer.

THOMAS MURDOUGH: And also one in the main wall of the body.

ATTORNEY SARAH LIKE RHATIGAN: I'm sorry, I missed that.

THOMAS MURDOUGH: There's two existing windows.

There's one -- there's a total of three in that wall and then there's also the dormers.

CONSTANTINE ALEXANDER: Any issues with your neighbors who will be affected by that, these new windows? You know, like in terms of privacy and the like? Have you spoken to them?

ANNE BUNN: Yes, and we have a letter of support.

ATTORNEY SARAH LIKE RHATIGAN: So I'm sorry. Which one is new? This one is new.

THOMAS MURDOUGH: And these existing locations and they're shifting over to the side a little bit.

Can you all see that okay?

CONSTANTINE ALEXANDER: Yeah. We have it over here.

ATTORNEY SARAH LIKE RHATIGAN: And that's the new one and then the window dormers here. So is that this for them?

So then letters of support. So this is -- yeah, she says that she's from 19 Cottage Street. And then we have a second letter, but we think this may have been sent to you directly.

CONSTANTINE ALEXANDER: By the way, go ahead.

ATTORNEY SARAH LIKE RHATIGAN: And in terms of the Special Permit standard, the -- in terms of --

CONSTANTINE ALEXANDER: Basically it's privacy, congestion.

ATTORNEY SARAH LIKE RHATIGAN: Yeah. There's no impact to traffic or congestion or no change of use. There's no -- there wouldn't be any negative impact on neighboring uses.

CONSTANTINE ALEXANDER: The only possible one would be the privacy of more windows, but we have the neighbor saying that's not a problem.

ATTORNEY SARAH LIKE RHATIGAN: Yeah. And there's also -- there's some mitigation if you would. I mean, there's a tree that's there bordering the two and the neighbor's home is, is pretty far off the lot line on that side, so there is some distance in terms of, you know, not

affecting privacy.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH LIKE RHATIGAN: Yeah.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY SARAH LIKE RHATIGAN: Thanks.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll open the matter up to public testimony.

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

JOHN WOFFORD: Yeah. My name is John Wofford, W-O-F-F-O-R-D. And I have lived at 13 Cottage Street since 1988. So we're the immediate next-door neighbors to these splendid people. And we are delighted that by expanding their living space and changing the arrangements, they're able to stay in the neighborhood. Michael and I live together there. We're two people, and we understand the constraints

that they face with four people in the house, including two kids. And it seems to us that the changes they are proposing are compatible with the neighborhood and that they make total sense in terms of the living arrangement of the family. We do experience a bedroom that is accessible only either through a bathroom or through what we use as a library, but for them it's one of their kids' rooms so we understand personally what that situation is like.

We also have the very narrow captain's stairs up to the third floor. I went up there to put a Christmas single light in the window tonight, and I have to hold both sides and take each step with two feet one at a time. It's very precarious and that's the way they built houses in those days. It's my understanding that our house, which was built in 1868, was built by the same house right that built 11, Chris Afflec's house and 15. And originally they look remarkably the same. On No. 11 the Afflec house, they've made some changes to the roof line in particular that's most evident. And we appreciate their pulling back the dormer shed roof behind the chimney rather than so close to the street so that it isn't looming over the street the way No. 11 does.

We have maintained our house as the purest of the three.

So, if you want to see what an historic house looked like back in the day when it was built, look at No. 13. We've tried to keep it that way. We respect the historic integrity of the house and love living in it and seeing it from the outside as well.

We also have no objection to the expansion of the living space in the rear of the house because there's been this porch with a roof over it which I think you saw a photograph of. So we're very accustomed to that as part of their existing living space, and we've had a very cordial sit down with our good friends looking over the plans and we have absolutely no objection to what they're proposing to do. So we hope you will approve the requests in this situation.

CONSTANTINE ALEXANDER: Thank you. Thank you for taking the time to come down. I didn't catch your name again, sir.

JOHN WOFFORD: John Wofford, W-O-F-F-O-R-D. And my partner Michael Lucido, L-U-C-I-D-O.

CONSTANTINE ALEXANDER: Again, thank you for taking the time to come down to support your neighbors.

JOHN WOFFORD: If you have any questions, I'll be here.

Thank you.

CONSTANTINE ALEXANDER: Thank you for coming down.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We have letters in our files which I will read into the record.

We have a letter from Saul Tannenbaum and Genevieve Berumen,
B-E-R-U-M-E-N, who reside at 16 Cottage Street, across the street.

(Reading) We write as across the street abutters to Samuel Thompson and Anne Bunn's home at 15 Cottage. We support for their request for a Zoning Variance and Special Permit without qualification. Cottage Street is a street of primarily older houses designed around the needs of the times when they were built but lifestyles change. With that homeowners should be able to adapt their properties to meet these changed needs. If we don't allow that, families like Anne's and Sam's would have to move which would be a loss to our block, neighborhood, and Cambridge. The BZA should grant this modest request, one that doesn't change the

essential nature of the house but does provide for more flexible living space. We urge you to do this promptly and with a minimum of friction.

We have a letter from Jane M. Williams who resides at 19

Cottage Street. (Reading) My name is Jane M. Williams and I own the property located at 19 Cottage Street which is right next-door to 15

Cottage Street. I have spoken to Anne Bunn and Sam Thompson and reviewed their plans for the renovation and expansion of their house. I have no objections. They have been careful to preserve the exterior of the new house very much like the existing one and in keeping with the neighborhood and I fully support them in this project.

We also have --

ATTORNEY SARAH LIKE RHATIGAN: Could I just mention just for orientation, 19 Cottage is the direct abutter to the left.

CONSTANTINE ALEXANDER: Okay.

We also have a letter from Cambridge City Councillor Alanna Mallon, M-A-L-L-O-N. (Reading) I am writing in support of this case to rebuild a large rear portion of their house as well as construct two, 15-foot dormers on an already non-conforming structure. This reconstruction is

necessary for Samuel and Anne to add space to their home and ensure that they have enough room to live comfortably with their family. These improvements will be beneficial to the residents while also enhancing the look and character of their home. I encourage the Board to grant this appeal.

And that's it. So there are no letters of opposition, clearly.

Only letters of support.

BRENDAN SULLIVAN: Tell the Councillor in her future communication not to use the word "large" rather it should be "modest." But she is new.

ANDREA HICKEY: Or reasonable.

SAMUEL THOMPSON: She's new.

CONSTANTINE ALEXANDER: Discussion or ready for a vote? We have two votes obviously, Variance and a Special Permit.

JANET GREEN: Ready.

JIM MONTEVERDE: Yeah, ready.

CONSTANTINE ALEXANDER: Let's start with the Variance.

The Chair moves that we make the following findings with

regard to the Variance requested:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship is that structure in its current form has got water problems in the basement, noncode compliant stair to the attic, and is in therefore need as an older home built in the 19th century, and in need of modification.

That the hardship is owing to the fact that it's already a non-conforming structure. So any modification requires zoning relief.

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

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans prepared by Murdough Design dated

November 13th and initialled by the Chair. First page of which is initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

CONSTANTINE ALEXANDER: Turning to the Special

Permit. There are a number -- the Chair moves we make the following findings:

First, that the requirements of the Ordinance cannot be satisfied unless we grant you the Special Permit.

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

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is proposed. And with regard to this, we have letters by the abutters who are in support of the project and, therefore, provide testimony that they will not be at any adverse affect.

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

So on the basis of all of these findings the Chair moves that we grant you the Special Permit that you request, again, on the condition that the work proceed in accordance with the plans referred to with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

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

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

(Whereupon, at 9:50 p.m., the

Zoning Board of Appeals Adjourned.)

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ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

INSTRUCTIONS

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

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

CERTIFICATE

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 7th day of January, 2019.

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

My Commission Expires: April 29, 2022

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0.67 [1] - 146:16 **0.7** [3] - 146:9, 146:18 **0.75** [1] - 97:11 **0.94** [1] - 146:15 **016976** [1] - 5:6 017014 [1] - 12:6 **017018** [1] - 7:6 **017033** [1] - 24:8 **017037** [1] - 118:6 017038[1] - 38:6 017039 [1] - 44:6 017040 [1] - 94:6 017041 [1] - 50:6 **017043** [1] - 72:6 017044 [1] - 114:6 **017045** [1] - 127:7 **02139** [1] - 1:7 **09/27/18** [1] - 2:5 1 **1** [3] - 23:1, 23:7, 27:13 **1.6** [1] - 80:10 **10** [1] - 20:13 **10/25/18** [2] - 2:3, 2:6 **100** [3] - 12:13, 12:15, 108:4 **101** [1] - 106:17 **102** [1] - 110:15 **107** [2] - 111:1, 111:4 10th [14] - 5:13, 5:14, 5:18, 8:10, 8:11, 119:15, 121:5, 122:3, 123:4, 123:11, 124:12, 124:14, 124:17, 125:5 **11** [3] - 159:13, 159:15, 160:3 11/29/18 [1] - 2:8 **114** [4] - 2:15, 110:10, 110:13, 111:2 **118** [1] - 2:8 **12** [4] - 2:6, 13:3, 73:15, 86:17 **120** [2] - 2:7, 118:6 **122** [3] - 2:11, 44:6, 44:11 **127** [1] - 2:16 **13** [6] - 1:4, 7:16, 136:2, 136:3, 158:5, 160:7 13th [1] - 167:1

14 [4] - 10:6, 114:16, 116:3, 125:13 **1400** [1] - 103:3 **147703** [1] - 171:12 14th [6] - 9:14, 115:5, 115:9, 116:2, 116:18, 123:12 **15** [15] - 2:16, 45:2, 45:6, 55:18, 61:11, 73:11, 88:2, 97:2, 127:7, 128:5, 128:7, 132:8, 159:14, 162:9, 163:10 15-foot [2] - 132:5, 164:9 **1500** [2] - 2:3, 7:6 **16**[1] - 162:6 16-and-a-half [1] - 40:2 17-R [3] - 2:12, 50:6, 55:15 1700s [1] - 153:10 **18** [2] - 26:17, 38:15 **1868** [1] - 159:12 **1870** [1] - 153:8 **1873** [2] - 153:7, 153:9 **19** [4] - 156:4, 163:7, 163:9, 164:2 **1923-1925** [3] - 2:6, 12:6, 13:3 **1988** [1] - 158:6 **1991** [1] - 58:5 19th [1] - 166:6 2 **2** [4] - 23:1, 23:7, 27:13, 85:2 **2/14** [1] - 9:1 **20** [3] - 27:1, 27:3, 67:15 20-foot [1] - 73:7 **2003** [1] - 129:8 **2007** [1] - 96:1 **2012** [1] - 18:15 **2016** [1] - 59:8 2018 [6] - 1:4, 7:13, 7:16, 20:13, 37:11, 114:16

 [1] - 171:8 [1] - 171:13 [1] - 24:17 [2] - 2:9, 40:8 **25** [2] - 7:13, 99:1 276 [2] - 55:12, 55:17 **28** [1] - 85:2 **29** [1] - 171:13 3 **30** [1] - 67:15 31st [3] - 8:15, 119:17, 120:1 **32** [1] - 32:2 **33** [1] - 32:2 **354** [4] - 2:10, 38:6, 38:10, 38:12 **36** [3] - 2:4, 5:6, 121:9 **38** [1] - 2:10 **39** [2] - 73:5, 77:15 3rd [1] - 119:5 4 **40** [3] - 73:5, 77:15, 89:17 40-A [1] - 76:11 **400** [1] - 145:12 **44** [1] - 2:11 5 **5** [1] - 2:5 **50** [3] - 2:12, 97:12, 97:14 6 6 [1] - 37:11 **6.44** [1] - 82:8 60 [8] - 2:13, 72:6, 72:14, 85:4, 87:7, 88:5, 88:6, 121:6 617.786.7783/617.63 9.0396 [1] - 1:17

62-64 [1] - 88:4

63 [1] - 24:18

64 [4] - 2:9, 24:8,

25:8, 33:7

64-66 [1] - 34:5

6409(a [1] - 18:14

66-68 [1] - 87:4

6th [2] - 37:10, 37:12

7

7 [1] - 2:3

70 [1] - 34:13

70's [1] - 52:6

72 [1] - 2:13

74 [3] - 2:15, 114:6,

114:13 **7:00** [4] - 1:4, 3:3, 5:1, 7:1 7:05 [1] - 12:1 **7:30** [1] - 24:1 7:45 [1] - 38:1 7th [1] - 171:8 8 **806** [1] - 1:6 8:00 [1] - 44:1 8:15 [1] - 50:1 8:30 [1] - 72:1 8:45 [1] - 94:1 9 **94** [1] - 2:14 **95** [2] - 110:10, 110:14 99 [5] - 2:14, 94:6, 94:9, 94:14, 110:1 9:05 [1] - 114:1 **9:15** [3] - 118:1, 118:16, 118:17 **9:20** [1] - 127:1 9:50 [1] - 169:10 Α **A1.3** [2] - 60:16, 61:4 able [9] - 30:11, 45:14, 67:7, 88:15, 96:9, 97:4, 98:11, 158:10, 162:14 above-referenced [1] - 55:14 absolutely [4] - 20:17, 28:7, 57:13, 160:18 abuts [2] - 34:9, 56:1 abutter [3] - 32:8, 76:15, 164:3 abutters [6] - 59:7, 67:13, 76:14,

114:17, 162:8, 168:6

accent [1] - 114:12 accept [1] - 114:14 access [6] - 17:2, 27:16, 36:5, 47:15, 150:17, 167:16 accessed [3] - 131:5, 132:7, 149:4 accessible [2] - 37:2,

158:18 accommodate [2] - 87:17, 91:17 accordance [8] - 19:3, 43:1, 49:4, 70:13, 91:3, 113:2, 166:18, 169:2 according [1] - 80:7 accordingly [1] - 8:4 accurate [2] - 170:16, 171:6 accustomed [1] - 160:15 Acorn [5] - 2:12, 50:6, 55:15, 58:4, 58:17 Act [2] - 18:15, 18:16 action [2] - 5:15, 96:14 activity [1] - 59:2 ADAM [11] - 12:10, 13:10, 13:14, 14:1, 14:3, 14:16, 15:4, 15:16, 16:8, 20:17, 23:17 Adam [1] - 12:12 ADAMS [3] - 50:15, 59:16, 68:9 Adams [3] - 50:16, 55:15, 58:2 adapt [1] - 162:15 add [2] - 67:15, 164:11 added [1] - 131:2 adding [5] - 51:14, 64:7, 64:11, 98:5, 154:9 addition [8] - 85:11, 95:5, 95:15, 101:10, 101:13, 137:14, 148:14, 149:8 additional [9] - 8:7, 52:1, 98:4, 112:6, 112:8, 115:3, 116:4, 135:3, 154:13 additionally [1] - 153:12 **additions** [1] - 130:5 address [10] - 8:2, 24:13, 38:8, 44:9, 50:8, 57:18, 94:7, 106:9, 110:16, addressed [3] - 7:11, 15:7, 20:12

adds [1] - 102:7
adjacent [8] - 17:12,
34:5, 36:9, 48:7,
75:18, 81:6, 88:5,
168:3
adjoining [5] - 18:5,
37:4, 45:17, 48:17,
168:14
Adjourned
[1] - 169:11
advance [1] - 138:6
advarice [1] - 168:8
adversely [4] - 17:13,
36:11, 48:8, 168:4
advertise [2] - 5:11,
77:6
advertised [3] - 5:12,
63:8, 84:2
advice [1] - 67:3
aesthetic [1] - 137:4
affect [6] - 27:7, 31:3,
31:4, 65:13, 142:12,
168:8
affected [6] - 17:13,
32:8, 36:11, 48:8,
155:5, 168:4
affecting [1] - 157:9
Afflec [1] - 159:15
Afflec's [1] - 159:13
agenda [4] - 4:16,
24:6, 122:2, 127:6
ago [3] - 12:16, 45:2,
97:2
agree [1] - 105:5
agreed [1] - 105:18
ahead [2] - 34:1,
ahead [2] - 34:1, 156:8
156:8 air [3] - 44:18, 107:14, 127:16
156:8 air [3] - 44:18, 107:14,
156:8 air [3] - 44:18, 107:14, 127:16
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12, 30:18, 31:3, 31:5,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12, 30:18, 31:3, 31:5,
156:8 air [3] - 44:18, 107:14, 127:16 Airbnb [1] - 57:6 Alanna [1] - 164:6 alcove [1] - 58:8 alert [1] - 84:3 ALEX [25] - 24:16, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12, 30:18, 31:3, 31:5, 31:8, 31:11, 31:15,

Alexander [24] - 1:8, 3:4, 5:3, 7:3, 10:17, 12:3, 23:15, 38:3, 43:10, 44:3, 49:10, 50:3, 71:2, 72:3, 92:18, 94:3, 113:17, 114:3, 117:5, 118:3, 126:7, 127:3, 167:7, 169:8 ALEXANDER [230] - 3:7, 4:15, 5:5, 6:3, 7:5, 8:13, 8:17, 9:2, 9:4, 9:7, 9:11, 10:16, 11:1, 12:5, 13:8, 13:12, 13:18, 14:2, 14:5, 14:8, 14:12, 15:1, 15:5, 16:7, 16:9, 20:18, 23:8, 23:13, 24:5, 24:13, 38:5, 38:16,

39:3, 39:9, 39:14, 40:6, 40:10, 40:13, 40:17, 41:1, 41:4, 41:8, 41:15, 43:8, 44:5, 44:13, 45:8, 46:1, 46:4, 46:14, 46:17, 47:5, 49:8, 50:5, 50:18, 51:18, 52:12, 52:17, 53:3, 53:9, 53:15, 54:3, 54:10, 54:15, 55:4, 55:8, 59:17, 60:8, 61:12, 61:16, 62:8, 62:13, 63:1, 63:5, 63:7, 63:11, 64:8, 64:15, 65:3, 65:16, 66:1, 67:1, 67:6, 68:1, 68:10, 70:18, 72:5, 74:2, 74:5, 76:17, 77:3, 77:8, 77:13, 77:18, 78:5, 79:7, 80:2, 80:7, 80:13, 81:2, 81:18, 83:4, 83:18, 84:5, 84:10, 84:16, 86:5, 86:9, 86:13, 87:12, 87:14, 89:3, 89:9, 91:10, 91:14, 91:18, 92:8, 92:16, 93:4, 94:5, 94:17, 97:7, 97:17, 98:3, 98:12, 99:4, 99:7, 99:10, 99:16, 100:8, 100:13, 103:2,

- 103:9, 103:14, 104:2, 104:18,
- 105:17, 106:1,
- 106:5, 106:13,
- 107:17, 108:12,
- 109:1, 109:6,
- 109:11, 109:14,
- 110:8, 111:13,
- 113:9, 113:12,
- 113:15, 114:5,
- 114:10, 115:7,
- 116:12, 117:3,
- 118:5, 118:13,
- 119:9, 119:13,
- 120:5, 120:14,
- 121:1, 121:8,
- 121:11, 121:18,
- 122:8, 122:14,
- 123:1, 124:3,
- 124:10, 124:15,
- 125:8, 125:11,
- 126:2, 126:5, 127:5,
- 127:12, 127:17,
- 128:11, 129:1,
- 132:8, 132:15,
- 133:11, 135:1,
- 136:9, 136:14,
- 137:6, 138:9,
- 139:15, 140:1, 140:9, 140:14,
- 140:18, 141:4,
- 142:11, 143:13,
- 145:14, 146:1,
- 146:5, 146:10, 147:1, 147:7, 148:7,
- 151:7, 151:14,
- 152:6, 153:5, 153:8,
- 153:17, 154:9,
- 155:4, 155:16,
- 156:7, 156:12,
- 156:18, 157:10,
- 157:12, 157:14,
- 157:17, 161:4, 161:10, 161:16,
- 162:2, 164:4, 165:8,
- 165:13, 167:6,
- 167:9, 169:6
- alexander [1] 6:5
- Alice [1] 110:13 alley[1] - 27:7
- allow [5] 30:9, 45:9,
- 57:9, 107:6, 162:16
- allowed [5] 40:5,
- 73:1, 75:3, 82:11,

145:13
allowing [2] - 114:16,
123:15
allows [1] - 82:9
almost [1] - 91:1
Alpert [1] - 85:1
ALPERT [1] - 85:2
alteration [1] - 36:17
altered [1] - 154:3
alternative [1] - 105:4
aluminum [1] - 27:5
amount [1] - 148:16
analyzed [1] - 39:11
AND [1] - 170:1
AND/OR [1] - 171:15
Andersen [1] - 102:12
ANDREA [12] - 14:11,
35:10, 60:13, 80:3,
80:9, 81:14, 82:6,
91:8, 91:11, 91:16,
92:4, 165:6
Andrea [13] - 1:9,
14:10, 24:3, 38:4,
44:4, 50:4, 72:4,
82:1, 84:11, 94:4,
114:4, 118:4, 127:4
Andrea's [1] - 89:7
Andrea's [1] - 89:7 ANNE [2] - 128:5,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 anticipated [1] - 98:11
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16, 142:17, 143:4
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16, 142:17, 143:4 anyway [4] - 5:17,
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16, 142:17, 143:4 anyway [4] - 5:17, 11:4, 14:15, 77:13
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16, 142:17, 143:4 anyway [4] - 5:17, 11:4, 14:15, 77:13 apologies
Andrea's [1] - 89:7 ANNE [2] - 128:5, 155:8 Anne [4] - 128:5, 162:8, 163:11, 164:11 Anne's [1] - 162:17 answer [2] - 104:10, 109:1 antennas [8] - 13:6, 13:7, 15:10, 16:1, 16:6, 17:7, 17:15 ANTHONY [1] - 38:10 Anthony [1] - 38:10 anticipated [1] - 98:11 ANY [2] - 171:15, 171:15 anyhow [3] - 105:16, 142:17, 143:4 anyway [4] - 5:17, 11:4, 14:15, 77:13 apologies [3] - 118:11, 118:13,

164:17

Appeal [1] - 115:4
APPEAL [1] - 1:1
Appeals [4] - 3:8,
169:11, 170:6,
170:15
appear [2] - 14:14,
111:8
appearance
[6] - 13:9, 13:11,
19:7, 19:13, 20:3,
118:12
appliances
[1] - 150:10
Applicant [2] - 12:17
application
[18] - 5:10, 7:12,
15:9, 15:13, 16:13,
23:4, 23:5, 53:13,
66:13, 72:16, 73:6,
73:9, 82:15, 85:15,
87:1, 110:4, 135:18,
144:4
applications
[1] - 88:18
applies [2] - 85:17,
90:7
apply [1] - 23:1
APPLY [1] - 171:15
applying [1] - 82:17
appreciate [4] - 60:3,
147:1, 153:2,
159:18
appreciated
[1] - 122:18
approach [1] - 103:8
appropriate
[1] - 112:7
approval [4] - 59:11,
74:15, 76:15, 83:6
approve [8] - 74:8,
74:13, 78:6, 78:12,
82:15, 139:18,
141:1, 161:2
approved [4] - 19:17,
59:8, 92:12, 119:7
approving [1] - 78:9
april [1] - 171:13
Architect [1] - 70:14
architect [7] - 38:15,
39:18, 50:11, 59:4,
94:10, 104:8,
128:10
architect's [1] - 58:13
Architects [2] - 91:5,

113:3 architectural [2] - 7:18, 110:3 area [18] - 17:8, 29:8, 37:2, 40:3, 45:1, 79:14, 79:17, 85:5, 130:16, 131:14, 142:2, 142:3, 145:11, 145:12, 146:13, 148:5, 148:13, 153:14 areas [1] - 143:17 areaways [1] - 36:18 **Arlington** [1] - 50:11 arrangement [1] - 158:17 arrangements [1] - 158:9 Article [1] - 82:8 articles [1] - 52:7 aspects [3] - 58:11, 130:1, 147:16 Assessor's [1] - 146:14 assist [1] - 4:10 associate [1] - 121:4 Associate [2] - 1:10, 1:10 associated [1] - 56:10 assume [2] - 45:8, 88:13 assuming [2] - 140:11, 146:14 attend [1] - 85:13 attendees [1] - 4:6 attention [2] - 103:12, 147:2 attic [10] - 131:4, 132:2, 132:4, 132:5, 132:7, 139:9, 140:7, 141:10, 151:16, 166:5 attorney [1] - 72:11 **ATTORNEY** [99] - 12:10, 13:10, 13:14, 14:1, 14:3, 14:16, 15:4, 15:16, 16:8, 20:17, 23:17, 72:9, 74:4, 74:7, 77:1, 77:7, 77:12, 77:17, 78:10, 78:16, 78:18, 79:4, 79:11, 80:15, 81:5, 81:17, 82:8, 83:14, 84:4,

86:4, 86:7, 86:11,
87:10, 87:13, 89:2,
93:2, 93:5, 118:10,
118:15, 119:14,
119:16, 120:3,
120:12, 120:18,
122:4, 122:11,
122:17, 123:7,
123:13, 124:5,
125:6, 125:9, 126:1,
127:10, 127:14,
128:1, 128:14,
129:3, 132:11,
133:3, 133:16,
134:9, 134:13,
135:2, 136:11,
136:15, 137:7,
138:1, 138:5, 140:6,
140:10, 140:15,
141:3, 142:7, 143:7,
143:15, 145:17,
146:3, 146:7,
146:11, 147:5,
147:9, 148:8,
151:12, 151:17,
152:2, 152:8,
153:10, 154:1,
154:11, 154:17,
155:10, 155:18,
156:9, 156:14,
157:3, 157:11,
157:13, 164:1
Auburn [3] - 2:11,
44:6, 44:12
audience [2] - 127:18,
136:4
AUDIENCE [4] - 4:13,
24:11, 25:3, 134:2
audio [1] - 3:17
August [2] - 37:10,
37:11
august [1] - 37:12
authorities [3] - 21:8,
21:14, 22:1
auto [1] - 73:16
available [1] - 8:8
Ave [1] - 76:2
ave [1] - 75:15
Avenue [4] - 1:6, 2:6,
12:7, 13:3
average [6] - 100:3,
100:18, 139:1,
139:6, 141:14

avoid [1] - 61:1

avoiding [1] - 59:2 aware [3] - 34:6, 76:18, 77:1 awareness [1] - 82:2 awful [1] - 123:10 awning [1] - 101:18 Aye [26] - 6:1, 6:2, 10:14, 10:15, 23:11, 23:12, 37:16, 43:6, 43:7, 49:6, 49:7, 70:16, 70:17, 91:7, 92:14, 92:15, 113:13, 113:14, 117:1, 117:2, 126:3, 126:4, 167:4, 167:5, 169:4, 169:5 Azek [1] - 102:11 В **B-O-E-H-M** [1] - 38:14 B-O-R-A-L [1] - 38:11 backyard [7] - 96:13, 101:17, 137:15, 144:6, 144:7, 148:5, 148:13 base [1] - 18:12 based [2] - 18:17, 23:8 basement [18] - 25:10, 25:13, 26:6, 34:8, 37:2, 95:8, 95:9, 101:2, 131:10, 131:11, 131:17, 149:4, 149:6, 150:17, 152:1, 152:3, 152:4, 166:4 basements [1] - 101:5 basic [1] - 58:11 basing [1] - 101:1 basis [9] - 10:14, 22:12, 42:16, 49:1, 70:9, 90:17, 112:17, 166:15, 168:17 bat [1] - 62:6 bathroom [5] - 44:17, 45:10, 95:14, 149:15, 159:1 bathrooms [1] - 102:2 beams [1] - 131:7 beautiful [1] - 51:3 becomes [1] - 135:4

bed [1] - 95:12
bedroom [13] - 52:4,
52:15, 58:8, 58:10,
95:11, 95:14, 105:9,
149:10, 149:11,
149:13, 149:14,
150:2, 158:18
bedrooms [6] - 27:16,
27:17, 30:10, 75:7,
141:17, 150:3
beginning [1] - 4:5
behalf [5] - 8:4, 25:6,
72:12, 114:13,
123:2
behind [3] - 96:4,
137:1, 160:1
below [3] - 27:3,
101:4, 148:9
beneficial [2] - 88:8,
164:14
benefit [2] - 59:11,
76:12
benefits [1] - 69:15
Berumen [1] - 162:5
BERUMEN [1] - 162:5
best [1] - 96:10
better [4] - 51:8,
75:13, 123:10,
137:8
beyond [1] - 89:7
-
big [16] - 61:8, 97:18,
98:1, 100:7, 101:8,
102:16, 103:2,
103:6, 103:7,
104:15, 104:16,
105:14, 130:18,
145:4, 147:11,
150:8
bigger [6] - 27:10,
100:9, 100:14,
100:15, 129:12,
144:14
biggest [6] - 45:5,
79:13, 79:14, 79:16,
79:17
_
bike [1] - 85:12
Bill [1] - 38:14
bin [1] - 70:15
bit [11] - 75:1, 95:16,
97:5, 102:7, 107:8,
121:12, 122:6,
124:7, 145:3,
146:18, 155:14
blessed [1] - 96:8

block [2] - 96:3,
162:18
blocks [1] - 108:9
board [4] - 8:9, 14:14,
103:10, 104:3
Board [43] - 3:8, 7:11,
7:13, 8:3, 8:5, 8:8,
12:11, 14:6, 14:17,
15:6, 15:8, 16:10,
18:8, 20:8, 23:2,
29:7, 33:1, 35:8,
36:2, 36:8, 37:7,
41:2, 46:15, 59:7,
59:18, 65:11, 72:11,
73:11, 74:8, 76:1,
78:1, 89:6, 103:12,
106:2, 115:4,
135:16, 136:7,
143:16, 157:15,
164:16, 169:11,
170:6, 170:15
BOARD [1] - 1:1
Board's [2] - 16:4,
29:6
boards [1] - 102:11
body [1] - 154:16
BOEHM [7] - 38:14,
38:17, 39:5, 39:10,
39:15, 40:8, 40:12
Boehm [1] - 38:14
bold [1] - 122:5
BOLDUC [3] - 106:11,
106:15, 106:16
Bolduc [1] - 106:16
BORAL [1] - 38:10
Boral [1] - 38:10
bordering [1] - 157:6
born [2] - 57:12,
129:10
Boston [2] - 12:12,
12:15
bought [2] - 58:5,
•
129:8
BRAILLARD
[11] - 12:10, 13:10,
13:14, 14:1, 14:3,
14:16, 15:4, 15:16,
16:8, 20:17, 23:17
Braillard [1] - 12:12
Brendan [15] - 1:8,

3:4, 5:3, 7:3, 8:15, 12:3, 24:3, 38:3, 44:3, 50:3, 72:3, 94:3, 114:3, 118:3,

127:3 BRENDAN [66] - 9:3, 25:5, 25:17, 26:3, 26:14, 27:12, 27:15, 28:1, 28:4, 28:10, 28:13, 28:18, 29:5, 29:18, 30:7, 30:16, 31:1, 31:4, 31:6, 31:9, 31:14, 31:16, 32:9, 32:15, 32:18, 33:4, 33:9, 35:7, 35:12, 35:17, 37:13, 37:17, 41:14, 46:8, 60:1, 60:10, 61:2, 61:9, 62:2, 64:5, 64:13, 104:4, 104:13, 105:3, 105:13, 119:18, 120:10, 123:3, 123:9, 124:13, 133:14, 133:17, 134:6, 138:13, 138:16, 139:1, 139:5, 139:10, 139:18, 140:3, 141:11, 142:5, 142:9, 142:13, 143:1, 165:2 brick [2] - 15:12, 16:3 Bridgett [11] - 50:12, 50:13, 51:2, 51:8, 55:15, 56:3, 56:15, 57:2, 57:9, 58:2, 59:1 **BRIDGETT** [7] - 50:13, 65:1, 65:15, 65:18, 66:3, 66:17, 68:7 Bridgett's [1] - 56:1 102:6, 103:11 147:2

bring [3] - 54:6, 102:6, 103:11 bringing [2] - 73:8, 147:2 BRISTOL [1] - 171:3 BUCKLEY [7] - 44:11, 44:15, 45:12, 46:3, 46:6, 46:13, 49:12 Buckley [1] - 44:11 build [2] - 40:5, 153:15 buildable [1] - 40:4 builder [1] - 59:4 building [16] - 17:8, 20:2, 25:9, 25:12,

25:14, 30:14, 31:3, 32:1, 37:1, 54:18, 65:5, 119:2, 139:14, 139:17, 141:5 Building [5] - 52:8, 69:17, 140:3, 140:8, 140:17 built [9] - 148:2, 153:6, 159:10, 159:12, 159:13, 160:7, 162:13, 166:6 bullpen [1] - 121:4 **BUNN** [2] - 128:5, 155:8 Bunn [2] - 128:5, 163:11 Bunn's [1] - 162:8 Business [1] - 13:4 business [5] - 17:8, 21:13, 22:8, 60:2, 142:14 businesses [1] - 17:17 **BUT** [1] - 64:5 buy [1] - 46:11 BZA [1] - 163:1 BZA-016976-2018 [2] - 2:4, 5:2 BZA-017014-2018

[2] - 2:6, 12:2

BZA-017018-2018

[2] - 2:3, 7:2

BZA-017033-2018

[2] - 2:9, 24:2

BZA-017037-2018

[2] - 2:7, 118:2

BZA-017038-2018

[2] - 2:10, 38:2

BZA-017039-2018

[2] - 2:11, 44:2

BZA-017040-2018

[2] - 2:14, 94:2

BZA-017041-2018

[2] - 2:12, 50:2

BZA-017043-2018

[2] - 2:13, 72:2

BZA-017044-2018

[2] - 2:15, 114:2

BZA-017045-2018

[2] - 2:16, 127:2

C

C-A-N-I-N-A [1] - 34:16

C-A-R-G-O-L

[1] - 34:4

calculated [1] - 40:2

calculation

[1] - 146:14

calendar [1] - 22:13

CAMBRIDGE [1] - 1:2

Cambridge [15] - 1:7,

2:3, 7:6, 12:14,

12:15, 24:17, 38:11,

55:16, 57:10, 88:5, 96:1, 131:15,

148:12, 163:1,

164:5

Cambridgeport

[1] - 34:18

Canina [1] - 34:16

cannot [3] - 16:16,

47:12, 167:13

captain's [1] - 159:5

CAPTURING

[1] - 1:16

Capuccio [1] - 87:4

CAPUCCIO [1] - 87:4

car [2] - 76:4, 88:11

care [1] - 145:2

careful [4] - 102:15,

102:17, 103:8,

163:14

carefully [1] - 39:17

Cargol [1] - 34:4

caring [1] - 57:3

Carolyn [2] - 34:16,

108:3

CAROLYN

[4] - 108:3, 108:18,

109:3, 109:10

carried [1] - 59:6

cars [3] - 73:7, 88:9,

88:15

case [60] - 4:16, 5:6, 5:8, 5:9, 5:12, 5:14,

5:16, 5:18, 6:4, 7:6,

7:8, 9:13, 9:18,

10:13, 12:6, 24:7,

24:15, 38:6, 39:4,

39:5, 41:16, 44:6,

44:14, 50:6, 54:7,

59:10, 63:13, 66:12,

72:6, 94:6, 114:6,

114:15, 115:8,

115:15, 117:4,

440.0.440.47
118:6, 118:17,
120:2, 120:3, 120:7,
120:9, 120:17,
121:13, 122:2,
124:4, 124:16,
127:6, 136:7, 137:1,
145:10, 147:12,
164:7
CASE [1] - 2:2
Case [12] - 5:2, 7:2,
12:2, 24:2, 38:2, 44:2, 50:2, 72:2,
94:2, 114:2, 118:2,
127:2
cases [5] - 3:10, 5:9, 74:9, 119:12
catch [1] - 161:6
Catherine [2] - 171:4,
171:10
cease [1] - 19:16
cedar [1] - 102:11
Cedar [1] - 102.11 Cedar [1] - 96:2
ceiling [3] - 133:15,
138:11, 141:14
Center [2] - 1:5, 34:18
center [1] - 17:16
central [1] - 132:6
century [1] - 166:6
certain [2] - 139:6,
140:16
certainly [4] - 45:1,
58:14, 136:10,
147:6
CERTIFICATION
[1] - 171:14
Certified [2] - 171:4,
171:11
certify [1] - 171:5
CERTIFYING
[1] - 171:16
Chair [50] - 1:8, 1:8,
3:7, 3:16, 4:2, 4:5,
5:5, 5:17, 9:12,
12:5, 16:11, 18:17,
19:5, 19:10, 23:9,
24:5, 37:9, 37:14,
38:5, 41:17, 42:17,
44:5, 47:8, 49:2,
50:5, 62:15, 68:12,
60.10 70.10 70.15
69:12, 70:10, 70:15,
72:5, 89:13, 90:18,

111:15, 112:18, 113:4, 114:5,

114:10, 118:5,
124:15, 127:5,
165:15, 166:16,
167:2, 167:3,
167:10, 168:18
chair [4] - 7:5, 24:15,
72:10, 118:11
Chairman [1] - 12:11
chance [1] - 66:11
CHANGE [6] - 170:8,
170:9, 170:10,
170:11, 170:12,
170:13
change [16] - 13:9,
13:15, 17:4, 18:11,
36:6, 47:17, 57:13,
83:1, 109:8, 109:9,
150:3, 156:16,
162:14, 163:2,
167:18, 170:6
changed [2] - 118:16,
162:15
changes [12] - 17:7,
56:6, 56:8, 56:15,
57:7, 65:12, 145:5,
148:1, 154:8,
158:15, 159:16,
170:16
changing [8] - 15:18,
43:4, 53:7, 53:18,
54:1, 64:5, 150:6,
158:9
character [5] - 17:5,
36:7, 47:17, 164:15,
168:1
characterize
[1] - 140:16
Charles [1] - 129:15
check [5] - 54:3, 81:9,
142:10, 143:4,
148:6
checked [2] - 11:2,
80:8
Chestnut [6] - 2:9,
24:8, 25:8, 33:7,
34:6, 34:13
child [2] - 58:7, 85:16
children [4] - 96:2,
96:6, 129:10,
129:11
children's
[1] - 149:14
Children's [1] - 34:18
chimney [5] - 136:17,

```
136:18, 137:2,
 150:8, 160:1
Chin [1] - 88:3
CHIN [1] - 88:3
chosen [1] - 152:16
Chris [1] - 159:13
Christmas [1] - 159:7
circumstances
 [1] - 124:9
circumvent
 [1] - 152:5
citizens [4] - 18:3,
 36:16, 48:14,
 168:11
City [4] - 78:4, 78:6,
 78:14, 164:5
CITY [1] - 1:2
city [6] - 18:3, 36:16,
 48:15, 57:14, 67:12,
 168:12
civil [1] - 96:14
claimed [1] - 22:12
claiming [1] - 31:18
clapboards
 [1] - 102:11
clarification [1] - 29:7
clarify [1] - 93:2
clarity [1] - 15:18
Class [1] - 18:14
clear [3] - 113:5,
 140:7, 141:9
clearance [2] - 133:9,
 134:12
cleared [1] - 68:2
clearly [2] - 98:16,
 165:1
clerk [1] - 67:12
client [1] - 14:15
close [20] - 14:12,
 41:9, 55:8, 62:10,
 73:2, 73:8, 80:5,
 82:3, 82:7, 83:9,
 84:7, 89:4, 100:3,
 111:10, 130:3,
 135:6, 144:18,
 147:18, 160:1
closely[1] - 100:17
closer [1] - 106:10
closet [1] - 95:15
closets [1] - 102:2
cluttered [1] - 122:9
co [2] - 32:11, 33:11
co-condo [2] - 32:11,
```

33:11

Code [5] - 52:8,	
69:17, 140:3, 140:8,	
140:17	
code [11] - 28:2, 30:9,	
95:7, 131:6, 133:13,	
139:1, 139:5,	
139:12, 140:10,	
141:13	
cold [1] - 106:11	
collaboration	
[1] - 39:17	
color [1] - 15:11	
comfortable [1] - 97:5	
comfortably	
[1] - 164:13	
coming [5] - 61:10,	
87:11, 107:7, 109:4,	
161:17	
comment [6] - 33:5,	
33:7, 60:1, 89:7,	
103:10, 108:13	
commentary	
[1] - 123:14	
comments	
[5] - 14:10, 35:8,	
104:3, 106:2,	
157:14	
Commission	
Commission	
[6] - 114:18, 119:3,	
[6] - 114:18, 119:3, 123:14, 129:15,	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14,	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7,	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 complaint [1] - 66:11	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 completely [1] - 51:5	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 completely [1] - 51:5 completion [2] - 19:6,	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complainted [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completion [2] - 19:6, 56:14	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complainted [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completion [2] - 19:6, 56:14 complex [4] - 55:18,	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completely [1] - 51:5 completely [1] - 51:5 completely [1] - 55:18, 56:14	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completion [2] - 19:6, 56:14 complex [4] - 55:18, 56:9, 56:12, 57:2 compliance	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completely [1] - 51:5 completely [1] - 51:5 completely [1] - 55:18, 56:14	
[6] - 114:18, 119:3, 123:14, 129:15, 153:2, 171:13 COMMONWEALTH [1] - 171:2 communication [1] - 165:3 communications [1] - 13:2 community [8] - 96:11, 96:14, 96:17, 100:6, 101:7, 101:9, 102:18, 138:7 compatible [1] - 158:15 complained [1] - 57:3 complaint [1] - 66:11 completely [1] - 51:5 completion [2] - 19:6, 56:14 complex [4] - 55:18, 56:9, 56:12, 57:2 compliance	

compliant [10] - 28:2, 95:7, 97:10, 131:6, 133:13, 146:6, 146:8, 149:6, 151:16, 166:4 complies [3] - 51:14, 62:5, 132:9 comply [5] - 20:6, 20:11, 22:4, 112:11, 132:13 complying [2] - 15:14, 61:18 concepts [1] - 108:6 concern [4] - 21:3, 108:7, 135:10, 140:5 concerned [3] - 73:12, 82:1, 131:18 **concerning** [1] - 23:3 concerns [2] - 8:2, 48:4 condition [13] - 20:3, 20:10, 42:18, 45:3, 49:3, 70:12, 91:2, 92:10, 113:1, 116:5, 151:8, 166:17, 169:1 **conditions** [11] - 9:15, 19:2, 20:7, 20:15, 21:5, 51:11, 115:10, 123:17, 124:18, 131:17, 150:16 condo [5] - 25:8, 25:9, 32:11, 33:11, 96:4 condominiums [1] - 87:2 conduct [1] - 4:4 configuration [1] - 112:3 conforming [8] - 69:5, 69:17, 69:18, 74:18, 75:1, 148:11, 164:10, 166:9 **confusion** [1] - 28:5 congestion [7] - 17:3, 17:10, 36:6, 47:16, 156:13, 156:15, 167:17 connect [2] - 29:14, 31:2

connecting [1] - 32:5

connection [6] - 7:8, 9:18, 12:16, 12:18, 77:4, 85:14 considered [1] - 142:2 considering [1] - 147:14 consistency [1] - 130:5 consistent [5] - 16:2, 19:8, 19:14, 58:15, 119:6 consists [1] - 95:6 constant [2] - 57:1, **CONSTANTINE** [230] - 3:7, 4:15, 5:5, 6:3, 7:5, 8:13, 8:17, 9:2, 9:4, 9:7, 9:11, 10:16, 11:1, 12:5, 13:8, 13:12, 13:18, 14:2, 14:5, 14:8, 14:12, 15:1, 15:5, 16:7, 16:9, 20:18, 23:8, 23:13, 24:5, 24:13, 38:5, 38:16, 39:3, 39:9, 39:14, 40:6, 40:10, 40:13, 40:17, 41:1, 41:4, 41:8, 41:15, 43:8, 44:5, 44:13, 45:8, 46:1, 46:4, 46:14, 46:17, 47:5, 49:8, 50:5, 50:18, 51:18, 52:12, 52:17, 53:3, 53:9, 53:15, 54:3, 54:10, 54:15, 55:4, 55:8, 59:17, 60:8, 61:12, 61:16, 62:8, 62:13, 63:1, 63:5, 63:7, 63:11, 64:8, 64:15, 65:3, 65:16, 66:1, 67:1, 67:6, 68:1, 68:10, 70:18, 72:5, 74:2, 74:5, 76:17, 77:3, 77:8, 77:13, 77:18, 78:5, 79:7, 80:2, 80:7, 80:13, 81:2, 81:18, 83:4, 83:18, 84:5, 84:10, 84:16, 86:5, 86:9, 86:13, 87:12, 87:14, 89:3, 89:9, 91:10, 91:14, 91:18,

- 92:8, 92:16, 93:4,
- 94:5, 94:17, 97:7,
- 97:17, 98:3, 98:12,
- 99:4, 99:7, 99:10,
- 99:16, 100:8,
- 100:13, 103:2,
- 103:9, 103:14,
- 104:2, 104:18,
- 105:17, 106:1,
- 106:5, 106:13,
- 107:17, 108:12,
- 109:1, 109:6,
- 109:11, 109:14,
- 110:8, 111:13,
- 113:9, 113:12,
- 113:15, 114:5,
- 114:10, 115:7,
- 116:12, 117:3,
- 118:5, 118:13,
- 119:9, 119:13,
- 120:5, 120:14,
- 121:1, 121:8,
- 121:11, 121:18,
- 122:8, 122:14,
- 123:1, 124:3,
- 124:10, 124:15,
- 125:8, 125:11,
- 126:2, 126:5, 127:5,
- 127:12, 127:17,
- 128:11, 129:1,
- 132:8, 132:15,
- 133:11, 135:1,
- 136:9, 136:14,
- 137:6, 138:9,
- 139:15, 140:1,
- 140:9, 140:14,
- 140:18, 141:4,
- 142:11, 143:13,
- 145:14, 146:1,
- 146:5, 146:10,
- 147:1, 147:7, 148:7,
- 151:7, 151:14,
- 152:6, 153:5, 153:8,
- 153:17, 154:9,
- 155:4, 155:16,
- 156:7, 156:12,
- 156:18, 157:10,
- 157:12, 157:14, 157:17, 161:4,
- 161:10, 161:16,
- 162:2, 164:4, 165:8,
- 165:13, 167:6,
- 167:9, 169:6 Constantine

[13] - 1:8, 3:4, 5:3,
7:3, 12:3, 38:3,
44:3, 50:3, 72:3,
94:3, 114:3, 118:3,
127:3
constraints
[1] - 158:12
construct [1] - 164:9
Construction
[1] - 120:16
construction
[4] - 56:11, 56:18,
65:14, 131:13
context [5] - 100:6,
101:7, 101:9, 130:9,
144:1
continuance
[6] - 7:15, 8:6,
115:16, 119:1,
124:6, 126:6
continuances
[1] - 4:17
continue [9] - 5:14,
5:17, 9:12, 20:6,
87:15, 97:4, 114:14,
115:7, 124:16
continued [16] - 3:10,
3:12, 3:13, 4:16,
5:8, 5:13, 6:4,
17:11, 36:8, 48:6,
114:16, 117:4,
118:18, 119:11,
122:9, 168:2
continuing [2] - 7:17,
10:13
continuous
[1] - 19:18
contractor [1] - 60:18
contractors [1] - 60:3
contradiction
[1] - 61:1
CONTROL
[1] - 171:15
conversation
[1] - 28:16
conversations
[1] - 137:17
converting [1] - 95:13
copies [2] - 25:18,
86:2
cordial [1] - 160:17
corner [1] - 102:11
correct [15] - 13:8,
13:14, 27:14, 28:3,

29:4, 30:6, 31:1, 31:5, 46:13, 64:6, 97:16, 104:5, 109:7, 142:5, 146:15 corrected [1] - 28:9 correction [1] - 170:7 corrections [1] - 170:16 correctly [1] - 39:11 cottage [1] - 162:11 Cottage [15] - 2:16, 127:7, 128:6, 128:8, 129:13, 136:2, 136:4, 156:4, 158:6, 162:6, 162:9, 163:7, 163:9, 163:10, 164:2 Council [3] - 78:4, 78:6, 78:14 Councillor [2] - 164:6, 165:2 counsel [3] - 7:9, 15:7, 20:12 Counsel [1] - 81:15 count [1] - 67:1 couple [5] - 4:17, 53:7, 67:15, 67:16, 142:15 court [1] - 67:14 Courtney [1] - 55:11 covered [6] - 29:11, 29:12, 95:4, 98:9, 102:4, 144:12 covering [1] - 102:9 cramped [1] - 150:7 crawl [1] - 131:8 create [3] - 27:4, 132:6, 140:13 created [4] - 18:1, 36:14, 48:12, 168:10 creating [2] - 141:12, 150:12 Creation [1] - 18:15 crossed [1] - 64:4 crosswalk [2] - 73:9, 88:2 curb [16] - 72:18, 73:12, 73:15, 73:18, 75:11, 76:8, 78:3, 78:6, 78:9, 87:7, 87:8, 87:11, 87:16, 88:1, 88:13, 89:1

current [3] - 58:8,

112:3, 166:3 Curtis [1] - 110:13 **custom** [1] - 3:9 cut [14] - 72:18, 73:15, 73:18, 75:11, 76:9, 78:6, 78:9, 87:7, 87:8, 87:11, 87:16, 88:1, 88:13, 89:1 cuts [2] - 73:13, 78:3 **D-I-X-I-T** [2] - 33:12, 33:14 Date [4] - 2:3, 2:5, 2:6, 2:8 date [8] - 3:11, 10:3, 10:12, 11:5, 116:1, 120:7, 125:5, 170:7 dated [3] - 20:12, 37:9, 167:1 dates [1] - 107:2 daughter [3] - 52:5, 57:10, 58:7 **DAVID** [23] - 50:10, 51:2, 52:2, 52:14, 53:6, 53:11, 53:18, 54:6, 54:12, 55:2, 60:15, 61:5, 62:1, 62:7, 63:18, 64:3, 64:10, 65:13, 66:18, 67:5, 67:18, 68:5, 71:4 David [2] - 50:10, 70:13 days [10] - 10:6, 21:13, 22:8, 22:13, 56:14, 67:15, 116:3, 125:13, 159:11 dealing [1] - 99:12 decades [1] - 55:17 **DECEMBER** [1] - 1:4 **December** [1] - 7:16 decided [1] - 77:5 decision [7] - 9:17, 66:8, 67:10, 84:3, 115:12, 125:1, 142:12 deck [9] - 39:12, 39:16, 40:4, 40:6, 40:11, 40:14, 41:10, 42:7, 99:14 deck's [1] - 43:9

decrease [1] - 77:16
deep [1] - 148:12
delighted [1] - 158:8
delivered [1] - 170:3
demolition
[1] - 129:16
den [1] - 150:5
denied [1] - 115:13
denoted [1] - 27:13
depart [1] - 89:16
Department
[6] - 21:7, 21:12,
21:16, 22:10, 73:14,
170:4
department [1] - 30:3
departure [1] - 97:9
depth [3] - 13:17,
83:13, 152:18
derelict [1] - 80:1
derogate [4] - 18:6,
37:5, 48:17, 168:15
derogating
[5] - 42:14, 69:10,
90:15, 112:15,
166:13
describe [3] - 129:6,
131:1, 132:12
described [1] - 103:6
design [3] - 7:18,
102:17, 112:7
Design [1] - 167:1
designed [5] - 39:16,
90:3, 101:11,
101:13, 162:12
desire [1] - 27:9
desired [1] - 57:5
despite [1] - 56:16
detail [3] - 22:11,
23:4, 102:5
detriment [9] - 18:1,
36:14, 42:13, 48:13,
69:9, 90:14, 112:14,
166:12, 168:10
development
[5] - 17:12, 36:9,
48:7, 76:6, 168:3
developments
[1] - 115:1
devices [2] - 4:12,
85:10
died [1] - 97:2
difference [4] - 13:15,
104:15, 104:16,
105:12

different [5] - 52:8,
64:13, 86:17,
139:13, 154:5
difficult [2] - 76:5,
99:5
difficulty [1] - 85:8
dimension
[2] - 29:10, 29:11
dimensional
[4] - 10:9, 28:8,
116:16, 125:15
dimensions
[8] - 18:12, 45:13,
60:4, 60:6, 60:16,
60:18, 61:3, 62:4
dining [2] - 95:6,
105:9
direct [1] - 164:3
DIRECT [1] - 171:15
DIRECTION
[1] - 171:16
directly [6] - 34:18,
56:2, 58:3, 78:3,
123:16, 156:6
Director [1] - 34:17
discloses [1] - 23:4
disclosing [1] - 22:11
discovered
[1] - 145:1
discuss [2] - 55:3,
145:7
discussed [1] - 56:4
discussion [6] - 7:14,
62:13, 62:14, 89:6,
111:11, 165:8
discussions
[1] - 114:17
disposed [1] - 123:6
dispositive
[1] - 147:3
disruption [2] - 56:17,
59:7
distance [3] - 73:18,
148:16, 157:8
District [2] - 13:4,
73:4
district [11] - 18:5,
18:6, 37:4, 37:5,
48:16, 48:17, 97:11,
146:2, 146:4,
168:14
Ditrani [1] - 111:2
DITRANI [1] - 111:2
Dixit (3) - 33:12

33:17
Doctor [2] - 25:7, 26:7
DOES [1] - 171:15
dollars [1] - 104:14
done [15] - 9:17,
20:16, 54:8, 57:1,
63:13, 79:18, 96:9,
103:16, 103:17,
104:1, 107:2, 125:2,
129:17, 142:14,
143:12
door [10] - 56:3,
64:11, 65:9, 101:16,
102:10, 106:18,
136:2, 150:18,
158:7, 163:10
doors [2] - 136:5,
143:9
dormer [24] - 51:14,
51:15, 52:16, 53:1,
60:7, 61:8, 61:11,
61:13, 61:18, 132:9,
132:13, 133:5,
134:7, 134:15,
135:5, 136:9,
136:11, 136:13,
137:1, 137:5,
138:14, 154:14,
159:18
dormers [14] - 119:2,
119:6, 132:4, 132:5,
132:8, 133:1,
133:17, 135:14,
137:8, 138:12,
142:15, 155:3,
156:1, 164:9
Dorothea [1] - 34:3
double [1] - 143:4
doubling [1] - 97:13
Dourmashkin
[1] - 34:3
DOURMASHKIN
[1] - 34:3
down [33] - 26:17,
29:3, 29:15, 31:2,
32:2, 32:4, 61:10,
64:9, 66:2, 95:2,
95:3, 95:7, 95:8,
98:16, 99:11,
101:11, 105:2,
107:18, 115:15,
116:6, 133:4, 133:6,
143:9, 149:5, 149:6,
149:9, 149:12,

153:1, 160:17, 161:5, 161:11, 161:17 downstairs [1] - 26:9 **DPW** [1] - 74:15 drains [1] - 131:12 drawing [2] - 37:9, 54:12 drawings [5] - 58:13, 60:2, 60:3, 110:3, 125:15 drill [1] - 125:18 driveway [12] - 73:7, 75:11, 84:8, 88:6, 88:7, 88:12, 88:16, 88:17, 90:5, 108:8, 109:5, 109:8 driveways [1] - 79:15 driving [1] - 130:10 drone [1] - 46:10 drop [4] - 29:15, 31:2, 32:2, 32:4 dropping [1] - 29:3 due [1] - 74:16 Ε e-mail [5] - 14:18, 15:6, 55:11, 57:17, 74:13 early [1] - 124:11 easier [1] - 76:10 east [1] - 54:13 East [1] - 131:15 Easter [1] - 96:12 edge [1] - 144:11 edification [1] - 29:6 **EDWARD** [5] - 24:18, 27:1, 32:12, 35:6, 37:12 Edward [1] - 24:18 effect [2] - 136:10, 136:12 effects [1] - 21:1 efficiently [1] - 59:6 egg [1] - 96:12 egress [5] - 17:2, 36:5, 47:15, 150:2, 167:16 eight [7] - 27:1, 95:11, 134:3, 134:5, 138:11, 138:13 eight-by-eight [1] - 95:11

either [8] - 7:8, 35:13,
68:2, 83:10, 115:14,
120:17, 149:13,
159:1
electromagnetic
[3] - 21:2, 21:9, 22:7
eleven [1] - 73:3
eliminates [1] - 76:9
emanating [1] - 21:9
Emily [4] - 26:7, 34:7,
34:12, 35:1
emissions [2] - 21:9,
22:6
enable [1] - 57:7
encourage
[1] - 164:16
encroaches
[1] - 145:1
end [5] - 67:16, 74:14,
100:2, 100:4, 105:8
energetic [1] - 58:7
energy [3] - 21:2, 21:9, 22:7
enforcement
[5] - 42:2, 68:15,
89:18, 111:18,
165:18
engaged [1] - 96:1
enhance [1] - 36:18
enhancing
[1] - 164:15
enjoy [2] - 40:15,
40:18
enlarge [1] - 25:11
enlarged [1] - 154:6
ensure [1] - 164:12
entirely [1] - 58:15
entry [1] - 95:4
entryway [1] - 94:16
environment
[1] - 107:14
equipment [6] - 4:3,
19:17, 20:1, 21:10,
22:2, 22:3
Erickson [1] - 110:15
ERRATA [1] - 170:1
Errata [2] - 170:2,
170:7
error [1] - 28:8
especially [1] - 85:8
essential [1] - 163:2
essentially
[1] - 130:15
established

[4] - 17:4, 36:7,
47:17, 167:18
etcetera [1] - 66:12
Eva [1] - 85:1
evaluate [1] - 7:18
evening [11] - 3:12,
49:12, 72:8, 72:9,
72:10, 107:16,
118:11, 127:12,
127:13, 127:15,
128:2
event [1] - 21:18
evident [2] - 17:14,
159:17
exactly [5] - 32:1, 53:2, 53:5, 129:4,
139:7
example [2] - 132:14,
136:6
exceed [1] - 61:11
except [4] - 39:6,
60:4, 85:15, 170:15
exchange [1] - 13:6
Executive [1] - 34:17
exercise [1] - 105:6
existing [28] - 13:1,
15:18, 16:2, 18:9,
18:12, 51:10, 52:2,
54:1, 61:6, 64:6,
82:9, 95:2, 95:8,
99:14, 108:15,
108:16, 123:16, 133:1, 144:8,
145:15, 145:18,
148:11, 154:12,
155:1, 155:12,
160:16, 163:15
exiting [1] - 37:2
exorbitant
[1] - 105:15
expand [3] - 31:17,
110:1, 152:17
expanding
[5] - 51:12, 51:13,
130:15, 141:13,
158:8
expansion
[4] - 110:2, 143:11,
160:12, 163:12
expect [2] - 59:5, 131:16
experience
[1] - 158:18
expert [1] - 140:8

Expires [1] - 171:13 explain [1] - 75:13 explanation [1] - 31:17 express [4] - 85:3, 87:6, 109:17, 111:8 expressed [1] - 69:13 extends [1] - 40:1 extensive [1] - 56:15 extent [9] - 10:8, 20:3, 22:17, 64:17, 116:14, 125:14, 135:4, 137:14, 148:2 exterior [3] - 56:8, 69:6, 163:14 external [2] - 13:9, 13:11 extra [1] - 25:18 extraordinary [1] - 124:9 F facade [2] - 15:12, face [4] - 101:17, 101:18, 135:6, 158:13 facility [3] - 13:2, 18:10, 18:13 facing [3] - 48:10, 134:15, 144:16 fact [12] - 17:15, 36:16, 36:18, 48:10, 69:4, 75:6, 90:9, 101:3, 112:9, 115:16, 144:18, 166:8 facto [2] - 21:16, 22:16 factor [1] - 30:10 facts [1] - 59:9 failed [1] - 53:13 fails [1] - 22:4 Failure [1] - 21:14 failure [5] - 22:9, 22:11, 22:13, 22:14, 115:14 fair [3] - 41:1, 92:8, 148:16 families [2] - 97:6, 162:16 family [16] - 26:8,

51:9, 59:10, 59:13, 75:5, 79:7, 82:10, 95:17, 97:1, 107:1, 107:4, 143:9, 150:14, 158:17, 164:13 fancy [1] - 131:13 fanfare [1] - 52:6 FAR [8] - 97:10, 99:18, 100:11, 103:18, 145:15, 145:18, 146:6 far [4] - 121:13, 123:9, 151:4, 157:7 favor [28] - 6:1, 6:3, 10:13, 10:16, 23:11, 23:13, 37:15, 37:17, 43:6, 43:8, 49:6, 49:8, 70:16, 70:18, 91:7, 92:14, 92:16, 113:13, 113:15, 117:1, 117:3, 123:15, 126:3, 126:5, 167:4, 167:6, 169:4, 169:6 Fax [1] - 1:17 February [6] - 9:13, 114:15, 115:9, 116:1, 116:18, 123:12 federal [3] - 21:8, 21:14, 22:1 feet [19] - 32:1, 32:2, 35:14, 40:3, 61:11, 73:3, 73:11, 73:15, 80:10, 80:17, 82:10, 82:12, 103:3, 132:9, 138:17, 142:2, 145:13, 159:9 few [4] - 56:12, 130:8, 137:10, 144:3 figure [2] - 60:11, 61:14 file [24] - 10:11, 14:15, 15:2, 21:6, 21:15, 22:9, 30:4, 31:18, 32:10, 33:10, 34:2, 34:15, 43:3, 47:6, 55:9, 66:10, 74:14, 76:16, 84:17, 86:6, 109:15, 114:11, 138:8, 144:4 filed [4] - 21:11, 21:13, 23:5, 125:2

```
files [6] - 21:8, 85:18,
 116:17, 125:17,
 129:2, 162:3
filled [1] - 119:9
final [4] - 54:18,
 67:10, 113:10,
 140:2
finalized [1] - 8:3
findings [17] - 16:12,
 18:17, 41:18, 42:16,
 47:9, 49:1, 68:13,
 70:10, 89:14, 90:17,
 92:7, 111:16,
 112:17, 165:16,
 166:15, 167:11,
 168:17
fine [4] - 16:7, 81:7,
 107:7, 148:9
fingers [1] - 64:3
finish [1] - 15:11
finished [2] - 15:10,
 26:6
firm [1] - 12:12
first [18] - 24:7, 25:10,
 33:13, 45:4, 62:14,
 70:14, 77:4, 95:6,
 104:5, 106:8, 119:4,
 130:14, 132:16,
 149:3, 149:12,
 150:6, 167:2,
 167:12
First [1] - 1:6
fit [1] - 88:15
fits [1] - 102:18
five [26] - 6:3, 10:11,
 10:16, 20:5, 23:13,
 32:1, 37:17, 43:8,
 49:8, 70:18, 80:16,
 81:10, 82:10, 82:12,
 92:16, 113:15,
 116:18, 117:3,
 119:11, 122:12,
 125:17, 126:5,
 141:18, 142:2,
 167:6, 169:6
fix [1] - 52:10
flat [3] - 29:15, 134:7,
 134:8
flexible [1] - 163:4
FLH [2] - 113:2, 113:3
flip [1] - 128:17
floor [24] - 25:10,
 38:16, 40:11, 44:16,
 50:18, 52:4, 56:3,
```

60:16, 95:6, 95:10,
133:14, 141:14,
142:1, 142:3, 143:2,
143:17, 145:10,
145:12, 146:12,
149:4, 149:7,
149:12, 150:6,
159:6
Floor [1] - 1:6
loors [1] - 130:14
Florence [1] - 24:17
lying [1] - 46:9
oliage [1] - 145:4
folks [2] - 136:3,
136:18
Follen [3] - 2:4, 5:6,
121:9
following [15] - 9:14,
16:12, 19:1, 21:5,
41:18, 47:9, 62:16,
68:12, 89:14,
111:16, 115:9,
119:8, 124:18,
165:16, 167:11
ollows [1] - 7:10
oot [4] - 27:1, 81:10,
85:12, 105:7
ootage [1] - 142:1
ootprint [3] - 51:12,
99:14, 144:11
FOR [1] - 1:1
orce [1] - 130:10
FOREGOING
[1] - 171:14
foregoing [2] - 22:18,
170:15
forgot [2] - 120:14,
120:15
form [2] - 76:16,
166:3
forms [5] - 10:9,
116:16, 125:15,
125:16
orth [2] - 143:4,
171:6
orward [1] - 94:18
four [6] - 13:6, 19:16,
26:16, 35:14,
158:13
FRANCIS
[2] - 106:11, 106:15
Francis [1] - 106:16
Francke [2] - 91:4,
91:5

FRANCKE [1] - 91:6
French [2] - 91:5,
131:12
fresh [1] - 44:18
friction [1] - 163:5
friends [1] - 160:17
FROM [4] - 4:13,
24:11, 25:3, 134:2
front [16] - 56:3, 76:4,
76:9, 88:12, 94:15,
95:1, 102:7, 102:8,
109:4, 134:6,
135:15, 137:3,
138:14, 144:12,
150:5, 152:15
frontage [2] - 51:6,
85:7
full [2] - 58:1, 76:13
fully [1] - 163:16
FULTON [16] - 94:8,
95:1, 97:16, 98:2,
98:8, 99:2, 99:13,
99:17, 100:11,
100:14, 103:5,
103:17, 108:14,
109:7, 113:8,
113:11
Fulton [1] - 94:8
functional [1] - 104:9
funny [1] - 52:5
furthermore [1] - 18:8
future [3] - 62:2, 69:3,
165:3
G
gable [1] - 102:9
general [1] - 16:14
GENERAL [1] - 1:3
generally [4] - 18:4,
48:15, 65:16,
168:12
generated [5] - 17:1,
36:4, 47:14, 56:17,
167:15
generous [1] - 52:3
Genevieve [1] - 162:5
Girl [1] - 96:12
given [4] - 51:10,
57:4, 100:5, 101:7
,,

glance [1] - 104:6 glitzy [1] - 105:15 Globe [1] - 52:7 goal [1] - 72:18

```
gonna [5] - 95:11,
 131:17, 144:8,
 144:10, 149:18
governmental
 [1] - 22:5
gracious [1] - 57:3
grade [3] - 27:3, 29:2,
grant [21] - 8:6, 13:13,
 16:17, 23:9, 35:18,
 37:7, 42:17, 47:7,
 47:12, 49:2, 57:15,
 65:10, 70:10, 83:6,
 90:18, 112:18,
 163:1, 164:16,
 166:16, 167:13,
 168:18
granted [16] - 18:18,
 20:9, 21:17, 22:4,
 22:15, 23:14, 42:12,
 43:9, 69:8, 71:1,
 90:13, 92:17,
 112:13, 113:16,
 166:11, 169:7
granting [1] - 92:13
grate [3] - 27:5, 29:12
great [3] - 58:5,
 107:1, 131:17
greater [1] - 100:12
greatly [1] - 59:11
Green [27] - 1:9, 3:5,
 5:4, 6:5, 7:4, 10:17,
 12:4, 23:15, 24:3,
 37:18, 38:4, 43:10,
 44:4, 49:10, 50:4,
 71:2, 72:4, 92:18,
 94:4, 113:17, 114:4,
 117:5, 118:4, 126:7,
 127:4, 167:7, 169:8
GREEN [23] - 9:6, 9:9,
 25:2, 35:11, 46:10,
 46:16, 62:17, 63:2,
 63:6, 63:10, 63:17,
 64:1, 66:4, 68:3,
 68:6, 78:2, 78:8,
 78:15, 78:17, 79:1,
 111:12, 152:1,
 165:11
grew [1] - 76:8
grey [1] - 136:16
grill [1] - 102:12
gross [1] - 145:11
ground [2] - 40:7,
 123:17
```

groundwater [1] - 131:9 group [2] - 96:14, 130:4 grow [1] - 108:11 growing [1] - 51:8 grown [1] - 129:11 guess [9] - 4:8, 41:4, 89:9, 89:10, 104:7, 109:3, 109:14, 142:4, 151:15 **guideline** [1] - 137:5 guidelines [9] - 51:15, 53:2, 61:13, 61:18, 132:10, 132:13, 133:5, 136:10, 136:12 Gus [1] - 62:17 guts [1] - 77:14 Н **H-O**[1] - 88:3 habitable [2] - 139:9, 141:16 half [2] - 101:12, 101:14 hallway [2] - 95:14, 149:15 hand [1] - 171:8 handed [1] - 32:13 HANLEY [3] - 79:12, 81:12, 81:16 Hanley [3] - 72:13, 72:15, 75:13 Hanley's [1] - 87:6 hanley's [1] - 76:6 happily[1] - 129:9 happy [1] - 92:1 hard [1] - 125:10 hardly [1] - 35:12 hardship [27] - 42:4, 42:10, 68:17, 69:4, 70:4, 70:6, 75:6, 90:2, 90:9, 112:2, 112:9, 122:6, 149:1, 151:2, 151:8, 151:10, 151:13, 151:15, 152:9, 152:13, 166:2, 166:8 HARLEY [16] - 94:8, 95:1, 97:16, 98:2,

98:8, 99:2, 99:13,
99:17, 100:11,
100:14, 103:5,
103:17, 108:14,
109:7, 113:8,
113:11
Harley [1] - 94:9
Harris [3] - 26:7, 34:7,
35:1
nazard [10] - 17:3,
17:10, 17:18, 36:6,
36:13, 47:16, 48:12,
85:11, 167:18,
168:9
nead [4] - 45:16,
131:7, 133:8,
134:11
nealth [5] - 18:1, 21:1,
36:14, 48:13,
168:10
near [1] - 25:2
neard [29] - 5:12,
7:13, 9:13, 12:8,
14:17, 24:9, 38:7,
41:5, 44:7, 47:2,
50:7, 55:6, 72:7,
84:14, 106:7,
109:12, 114:7,
115:3, 115:8, 118:7,
120:2, 120:4,
122:11, 124:8,
124:11, 124:17,
127:8, 158:1,
161:18
HEARING [1] - 1:3
nearing [9] - 7:14,
8:8, 10:12, 83:8,
85:13, 122:10,
122:13, 122:15,
171:6
learing [4] - 2:3, 2:5,
2:6, 2:8
neight [16] - 13:16,
27:4, 29:3, 30:14,
31:4, 31:18, 32:3,
51:13, 134:11,
134:15, 138:11,
139:2, 139:6,
141:14, 148:8,
148:10
neight's [1] - 148:7
neightened [1] - 82:1
nello [1] - 127:11
nelp [1] - 132:12

helpful [2] - 58:6,
148:17
helps [1] - 55:3
hereby [2] - 8:5,
170:16
herein [1] - 171:6
hereunto [1] - 171:7
Hi [3] - 33:18, 34:12,
128:5
Hickey [20] - 1:9,
24:3, 37:18, 38:4,
43:10, 44:4, 49:10,
50:4, 71:2, 72:4,
92:18, 94:4, 113:17,
114:4, 117:5, 118:4,
126:7, 127:4, 167:7,
169:8
HICKEY [12] - 14:11,
35:10, 60:13, 80:3,
80:9, 81:14, 82:6,
91:8, 91:11, 91:16,
92:4, 165:6
hide [1] - 53:14
higher [1] - 146:18
highly [1] - 57:5
historic [9] - 129:12,
129:13, 130:1,
131:2, 152:13,
152:15, 153:11,
160:6, 160:8
Historic [4] - 119:3,
123:14, 129:15,
153:2
Historical [1] - 114:18
Ho [1] - 88:3
HOFFMAN
[4] - 108:3, 108:18,
109:3, 109:10
Hoffman [1] - 108:4
hold [2] - 83:1, 159:8
hole [1] - 123:17
holidays [1] - 97:3
home [24] - 56:1,
57:12, 58:4, 58:12,
59:13, 85:16, 96:10,
118:16, 129:12,
130:1, 130:14,
131:5, 136:2, 136:6,
136:16, 151:13,
151:15, 152:11,
154:4, 157:6, 162:8,
164:12, 164:16, 166:6
100.0

homeowner [1] - 45:4

homeowners

[3] - 123:5, 129:18,

162:14

homes [4] - 131:2,

135:17, 146:17,

149:16

HOPE [26] - 72:9,

74:4, 74:7, 77:1,

77:7, 77:12, 77:17,

78:10, 78:16, 78:18,

79:4, 79:11, 80:15,

81:5, 81:17, 82:8,

83:14, 84:4, 86:4,

86:7, 86:11, 87:10,

87:13, 89:2, 93:2,

93:5

- - -

hope [2] - 54:17,

161:2

Hope [2] - 72:11

hopefully [3] - 25:11,

45:6, 67:2

hoping [3] - 55:2,

119:5, 119:7

hosting [2] - 96:11,

96:16

hosts [1] - 97:3

hotel [1] - 75:16

house [73] - 34:9,

45:3, 45:18, 50:12,

51:3, 51:7, 52:5,

56:2, 56:9, 58:5,

75:2, 79:8, 79:12,

79:14, 79:16, 79:17,

88:12, 96:3, 97:14,

98:4, 98:11, 98:14,

98:18, 99:12, 100:8,

101:11, 102:3,

102:15, 103:3,

105:11, 107:10,

108:5, 108:15,

109:4, 110:1,

129:12, 130:18,

132:5, 134:15,

135:15, 137:12,

137:17, 138:2,

143:11, 144:8,

144:13, 144:16,

144:17, 145:6, 147:18, 149:2,

149:8, 149:9,

149:11, 151:3,

151:5, 152:15,

152:17, 152:18,

153:6, 158:13,

159:12, 159:13, 159:14, 159:15, 160:4, 160:6, 160:9, 160:13, 163:3, 163:13, 163:14, 164:8 houses [7] - 79:15, 130:7, 130:9, 143:17, 146:13, 159:10, 162:12 hunt [1] - 96:12 hunting [2] - 60:5, 60:11 hurry [1] - 124:8 hypothetical [1] - 30:13 idea [1] - 68:2 ideal [1] - 45:1 identical [1] - 109:16 illegal [2] - 52:10, 52:13 illustration [2] - 105:1, 129:4 immediate [3] - 32:8, 143:17, 158:7 impact [10] - 17:16, 19:7, 19:13, 56:7, 75:3, 107:10, 137:15, 148:17, 156:15, 156:17 impair [4] - 18:4, 37:4, 48:16, 168:13 impatience [1] - 124:11 impinge [1] - 59:3 important [4] - 34:14, 96:17, 96:18, 135:4 impose [1] - 4:2 imposed [1] - 20:7 improve [3] - 58:11, 131:11, 149:18 $\textbf{improved} \, [\textbf{1}] \, \textbf{-} \, 90 \textbf{:} 4$ improvement [4] - 59:13, 69:1, 130:18, 131:3 improvements [3] - 150:6, 150:14, 164:14 improving [1] - 69:18 **IN** [2] - 171:7, 171:15 Inasmuch [1] - 20:18

INC [1] - 1:16
inch [2] - 13:16,
142:17
inches [5] - 26:18,
27:2, 27:3, 40:9,
88:2
include [3] - 15:12,
15:17, 101:2
included [2] - 99:18,
101:5
including [5] - 22:2,
32:7, 98:15, 110:3,
158:14
incorporating
[1] - 92:6
increase [1] - 147:8
increased
[1] - 130:13
increasing
[2] - 97:14, 145:11
indicated [1] - 70:11
individuals
[1] - 86:17
influx [1] - 57:6
inform [2] - 4:6, 4:8
informative [1] - 92:2
initial [1] - 73:9
initialled [11] - 19:5,
19:10, 37:9, 37:13,
43:2, 49:5, 70:15,
91:6, 113:4, 167:1,
167:2
inside [3] - 58:15,
69:1, 130:18
Inspectional
[10] - 21:7, 21:12,
21:15, 22:10, 54:4,
63:16, 65:5, 66:6,
67:2, 170:3
inspector [1] - 139:14
install [1] - 44:16
installation
[1] - 15:10
installing [1] - 88:6
INSTRUCTIONS
[2] - 170:1, 170:5
integrity [5] - 18:5,
37:4, 48:16, 160:9,
168:13
intent [9] - 18:6, 37:6,
42:15, 48:18, 69:11,
90:16, 112:16,
166:14, 168:15

intention [1] - 29:1

interest [1] - 15:17 interesting [1] - 136:17 interfere [1] - 4:4 interior [3] - 51:5, 112:7, 154:7 internal [3] - 17:6, 149:1, 152:10 international [1] - 139:11 International [1] - 12:14 interrupt [1] - 62:18 interrupted [1] - 103:15 invested [1] - 57:8 involve [5] - 42:3, 68:16, 90:1, 112:1, 166:1 involved [1] - 96:7 ipso [2] - 21:16, 22:15 ISD [8] - 74:15, 81:12, 82:14, 83:7, 84:3, 93:3, 139:17, 141:4 issue [10] - 41:12, 46:12, 87:8, 92:2, 133:8, 133:9, 137:4, 137:5, 140:17, 143:1 issues [6] - 46:5, 46:7, 98:14, 131:10, 149:2, 155:4 itself [3] - 47:18, 101:10 J.F.K [1] - 121:15 **Jacob** [1] - 34:6 Jake [2] - 33:18, 35:1 **JAMES** [16] - 118:10, 118:15, 119:14, 119:16, 120:3, 120:12, 120:18, 122:4, 122:11, 122:17, 123:7, 123:13, 124:5, 125:6, 125:9, 126:1 Jane [2] - 163:6, 163:8 **JANET** [23] - 9:6, 9:9, 25:2, 35:11, 46:10, 46:16, 62:17, 63:2, 63:6, 63:10, 63:17,

64:1, 66:4, 68:3, 68:6, 78:2, 78:8, 78:15, 78:17, 79:1, 111:12, 152:1, 165:11 Janet [16] - 1:9, 3:5, 5:3, 7:3, 8:16, 12:3, 24:3, 38:3, 44:3, 50:3, 67:4, 72:3, 94:3, 114:3, 118:3, 127:3 January [11] - 5:13, 5:14, 5:18, 8:10, 8:11, 119:5, 119:9, 124:12, 124:17, 125:5, 171:8 Jeffrey [1] - 111:4 Jensen [1] - 110:14 **JENSEN** [1] - 110:14 jigs [1] - 39:18 JIM [18] - 14:7, 33:2, 35:9, 46:11, 53:1, 53:5, 61:4, 61:14, 62:12, 79:2, 79:5, 79:9, 83:12, 104:12, 105:5, 105:18, 152:4, 165:12 Jim [14] - 1:10, 3:5, 5:4, 7:4, 12:4, 24:4, 38:4, 44:4, 50:4, 72:4, 94:4, 114:4, 118:4, 127:4 Job [1] - 18:15 **job** [1] - 53:5 jogs [1] - 39:18 **JOHN** [3] - 158:4, 161:7, 161:13 John [2] - 158:4, 161:7

Κ

jurisdiction [1] - 153:3

Katherine [1] - 109:18 Katie [5] - 94:11, 95:16, 106:18, 107:8 KATIE [7] - 95:18, 98:6, 98:9, 98:13, 99:6, 99:9, 110:6 keep [4] - 27:3, 64:3, 142:8, 160:8 keeping [2] - 29:2,

163:15
kept [1] - 101:14
-
Kerri [2] - 72:15, 87:6
key [1] - 81:8
KeyWordIndex
[1] - 2:17
kicked [1] - 123:12
kids [5] - 26:8, 107:2,
107:13, 150:4,
158:14
kids' [1] - 159:3
kind [14] - 45:5, 58:6,
100:6, 102:2, 102:9,
130:4, 130:16,
131:8, 132:3,
147:12, 147:14,
150:8, 150:15,
153:14
kinds [1] - 52:8
Kingston [1] - 25:1
kitchen [3] - 150:7,
150:11, 150:13
knit [1] - 130:4
knowing [1] - 91:1
known [2] - 18:15,
E7.44
57:11
_
L
_
L
L L-U-C-I-D-O
L L-U-C-I-D-O [1] - 161:9
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landing [1] - 95:2 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 large [5] - 75:2,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 large [5] - 75:2, 75:10, 100:5, 100:9,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8, 75:13, 116:14,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8, 75:13, 116:14, 125:14
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8, 75:13, 116:14,
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8, 75:13, 116:14, 125:14 late [3] - 59:8, 115:1, 119:1
L L-U-C-I-D-O [1] - 161:9 land [1] - 70:6 landscape [1] - 39:17 landscaped [1] - 153:14 large [10] - 34:7, 40:1, 101:16, 101:17, 128:16, 129:4, 136:12, 136:14, 164:8, 165:4 larger [5] - 75:2, 75:10, 100:5, 100:9, 150:13 last [4] - 11:3, 33:12, 39:5, 127:6 lastly [4] - 10:8, 75:13, 116:14, 125:14 late [3] - 59:8, 115:1,

LAURA [2] - 26:2,

33:3 Laurel [1] - 38:15 Law [2] - 72:12, 128:2 law [2] - 12:12, 22:5 laws [1] - 141:5 Lawson [1] - 171:4 lead [1] - 52:9 **LEAH** [4] - 38:12, 40:15, 40:18, 43:12 Leah [1] - 38:12 learned [1] - 125:9 least [4] - 69:13, 76:13, 111:8, 122:12 leave [1] - 142:9 leaving [1] - 40:3 left [11] - 25:12, 25:13, 34:8, 54:13, 134:15, 135:5, 144:17, 147:17, 151:4, 154:4, 164:3 **Legal** [1] - 72:12 legal [2] - 52:13, 92:2 legally [1] - 40:4 length [1] - 56:5 Leslie [1] - 111:2 less [2] - 13:16, 14:4 letter [29] - 7:9, 7:10, 15:5, 20:11, 32:10, 33:11, 33:14, 34:2, 34:12, 34:15, 76:18, 77:9, 84:18, 85:14, 85:18, 86:1, 86:7, 87:3, 87:5, 87:15, 88:3, 109:16, 110:9, 114:11, 155:8, 156:5, 162:4, 163:6, 164:5 letters [19] - 31:13, 32:6, 32:14, 33:10, 47:6, 55:9, 59:14, 76:13, 77:11, 84:17, 86:10, 109:15, 109:16, 138:8, 156:3, 162:3, 164:18, 165:1, 168:6 level [7] - 34:8, 40:7, 131:4, 131:14, 132:5, 133:10, 134:18

library [1] - 159:2 License [1] - 171:12 lifestyles [1] - 162:13

light [4] - 26:6, 26:10,
27:10, 159:7
LIKE [46] - 127:10,
127:14, 128:1,
128:14, 129:3,
132:11, 133:3,
133:16, 134:9,
134:13, 135:2,
136:11, 136:15,
137:7, 138:1, 138:5,
140:6, 140:10,
140:15, 141:3, 142:7, 143:7,
143:15, 145:17,
146:3, 146:7,
146:11, 147:5,
147:9, 148:8,
151:12, 151:17,
152:2, 152:8,
153:10, 154:1,
154:11, 154:17,
155:10, 155:18,
156:9, 156:14,
157:3, 157:11,
157:13, 164:1
likely [1] - 56:10
limit [2] - 32:4, 78:12
limitations
41 150:14
[1] - 152:14
limited [2] - 22:3, 45:4
limited [2] - 22:3, 45:4 LINE [1] - 170:8
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16 lived [5] - 55:17, 76:7,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16 lived [6] - 55:17, 76:7, 129:9, 130:2, 158:5
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16 lived [5] - 55:17, 76:7, 129:9, 130:2, 158:5 lives [3] - 25:8, 25:9,
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16 lived [5] - 55:17, 76:7, 129:9, 130:2, 158:5 lives [3] - 25:8, 25:9, 55:12
limited [2] - 22:3, 45:4 LINE [1] - 170:8 line [16] - 35:14, 80:6, 80:12, 82:3, 82:5, 83:9, 84:8, 130:16, 132:10, 132:14, 135:6, 144:18, 145:3, 147:18, 157:7, 159:16 literal [5] - 42:2, 68:15, 89:18, 111:18, 165:18 literally [1] - 96:3 live [8] - 50:14, 106:17, 108:4, 108:7, 136:3, 150:15, 158:11, 164:13 liveable [1] - 140:16 lived [5] - 55:17, 76:7, 129:9, 130:2, 158:5 lives [3] - 25:8, 25:9,

158:17, 160:9, 160:12, 160:16, 163:4 Liza [3] - 14:18, 15:6, 20:11 **LLC** [3] - 12:18, 114:13, 128:3 Lobel [1] - 12:13 locate [1] - 73:10 located [6] - 13:2, 13:4, 20:2, 34:18, 88:13, 163:9 location [1] - 150:10 locations [3] - 154:3, 154:5, 155:13 logical [1] - 105:4 look [16] - 45:11, 45:17, 45:18, 54:13, 76:1, 83:8, 101:12, 101:13, 136:16, 137:8, 142:3, 145:8, 146:17, 159:14, 160:7, 164:15 looked [4] - 96:2, 105:6, 135:17, 160:6 looking [6] - 16:5, 39:6, 80:9, 137:12, 141:4, 160:17 looks [4] - 35:16, 82:4, 86:16, 122:9 looming [1] - 160:2 loops [1] - 75:15 lose [1] - 153:12 lose/lose [1] - 123:18 loss [1] - 162:18 loud [1] - 127:16 love [4] - 96:4, 96:5, 160:9 low [1] - 148:9 lowest [1] - 45:15 Lucido [1] - 161:8 luck [3] - 11:6, 67:2, 169:7

M

M-A-L-L-O-N
[1] - 164:6
M-E-L-N-I-C-K
[1] - 111:5
M-U-R-D-O-U-G-H
[1] - 128:10

Ma'am [1] - 108:2

machine (4) 127:16
machine [1] - 127:16 Magazine [2] - 2:7,
118:6
mail [5] - 14:18, 15:6,
55:11, 57:17, 74:13
main [4] - 31:9,
101:11, 149:9,
154:16
maintain [2] - 19:12,
29:10
maintained [4] - 10:6,
116:3, 125:12,
160:4
maintenance
[1] - 57:1
major [1] - 101:14 Mallon [1] - 164:6
maneuverability [1] - 74:11
map [1] - 75:17
March [3] - 9:5, 9:6,
9:8
Margery [15] - 50:12,
50:15, 51:2, 51:8,
55:15, 56:1, 56:4,
56:16, 57:2, 57:8,
58:2, 58:4, 58:12,
59:1
MARGERY
[4] - 50:15, 50:16,
59:16, 68:9
Margery's [1] - 59:10
MARIA [14] - 8:12,
8:15, 9:1, 84:9,
115:6, 116:11,
119:11, 119:15,
119:17, 120:2,
121:5, 121:9,
121:14, 122:1
Maria [4] - 1:11, 8:10,
9:9, 84:5
mark [1] - 102:9
Mark [1] - 57:17
maroon [1] - 16:5
Mass [2] - 75:15, 76:1
Massachusetts
[8] - 1:6, 1:7, 2:6,
12:6, 13:3, 25:1,
50:11, 139:12
MASSACHUSETTS
[1] - 171:2
match [1] - 138:12
matches [1] - 15:11
matching [1] - 133:1
3 [1]

materials [3] - 102:10, 107:12, 107:13 matte [1] - 15:11 matter [30] - 7:15, 7:16, 8:6, 12:9, 14:9, 14:17, 21:2, 24:10, 38:8, 41:6, 44:8, 46:18, 47:3, 50:8, 55:5, 55:6, 62:9, 72:8, 77:14, 84:12, 84:14, 106:6, 106:7, 114:8, 118:8, 127:9, 141:11, 157:18, 158:2 maximum [1] - 145:13 mean [14] - 62:17, 66:5, 83:5, 97:18, 98:17, 100:2, 100:11, 101:12, 103:18, 138:18, 139:13, 147:7, 149:16, 157:5 meaning [1] - 18:13 means [1] - 148:13 medium [1] - 4:1 meet [3] - 74:10, 119:4, 162:15 meeting [9] - 3:8, 3:14, 3:18, 4:4, 4:5, 4:6, 4:9, 4:11, 107:9 meetings [1] - 4:10 Melnick [2] - 111:4, 111:5 **MEMBER** [4] - 4:13, 24:11, 25:3, 134:2 Member [4] - 1:9, 1:9, 1:10, 1:10 Members [13] - 3:4, 5:2, 7:2, 12:2, 24:2, 38:2, 44:2, 50:2, 72:2, 94:2, 114:2, 118:2, 127:2 members [16] - 8:9, 12:11, 14:6, 16:10, 35:8, 41:2, 46:15, 59:18, 72:10, 78:1, 89:6, 103:10, 104:3, 106:2, 121:4, 157:15 memory [1] - 145:15 mention [4] - 54:8,

57:1, 145:6, 164:2

mentioned [2] - 84:18, 146:12 mentioning [1] - 76:3 met [4] - 16:17, 36:3, 47:12, 73:13 Michael [2] - 158:11, 161:8 microphone [2] - 106:14, 127:15 Middle [1] - 18:14 might [15] - 60:11, 65:6, 66:14, 66:15, 82:2, 91:11, 106:12, 107:12, 119:7, 121:12, 139:12, 139:16, 139:17, 142:10, 153:3 mind [3] - 106:10, 139:13, 142:8 mindful [2] - 59:1, 73:11 minimal [4] - 29:11, 56:7, 59:6, 147:14 minimum [6] - 29:10, 77:15, 89:17, 139:6, 142:17, 163:5 minor [1] - 56:15 minute [1] - 83:9 miss [2] - 65:6 missed [1] - 154:18 mistake [2] - 45:5, 110:7 misunderstanding [1] - 119:1 mitigation [1] - 157:4 **Mobile** [1] - 12:17 mobility [1] - 85:10 modest [3] - 51:14, 163:1, 165:4 modification [7] - 18:9, 69:6, 90:11, 112:12, 166:7, 166:10 modifications [2] - 13:5, 69:1 modified [7] - 10:2, 116:1, 116:17, 125:4, 125:12, 125:16, 149:17 modify [5] - 13:1, 92:10, 113:6, 116:13, 116:15 moldy [1] - 132:1 mom [1] - 97:1

Monday [4] - 10:12, 93:3, 116:18, 125:17 money [1] - 45:4 Monteverde [27] - 1:10, 3:5, 5:4, 6:5, 7:4, 10:17, 12:4, 23:15, 24:4, 37:18, 38:4, 43:11, 44:4, 49:11, 50:4, 71:3, 72:4, 93:1, 94:4, 113:18, 114:4, 117:6, 118:4, 126:8, 127:4, 167:8, 169:9 **MONTEVERDE** [18] - 14:7, 33:2, 35:9, 46:11, 53:1, 53:5, 61:4, 61:14, 62:12, 79:2, 79:5, 79:9, 83:12, 104:12, 105:5, 105:18, 152:4, 165:12 month [1] - 119:4 months [5] - 19:18, 56:17, 67:9, 67:17 morning [1] - 108:8 mortar [1] - 16:4 most [5] - 32:8, 58:9, 61:6, 122:18, 159:17 mostly [1] - 61:1 motion [1] - 41:13 Motion [1] - 35:18 mounted [1] - 17:7 move [5] - 95:13, 98:13, 149:10, 150:15, 162:17 moved [2] - 95:18, 99:1 moves [21] - 5:17, 9:12, 16:11, 18:17, 23:9, 41:17, 42:17, 47:8, 49:2, 62:15, 68:12, 70:10, 89:13, 90:18, 111:15, 112:18, 124:15, 165:15, 166:16, 167:11, 168:18 moving [2] - 64:9, 103:14 multi [1] - 143:9 multi-family [1] - 143:9

MURDOUGH

[23] - 128:9, 132:18, 133:7, 133:12, 133:18, 134:4, 134:8, 134:10, 138:10, 138:15, 138:17, 139:3, 139:8, 140:5, 141:8, 141:15, 142:18, 143:6, 153:7, 153:9, 154:15, 155:1, 155:12 Murdough [2] - 128:9, 166:18 must [3] - 59:9, 116:17, 125:16 Ν name [17] - 12:11, 24:13, 24:16, 33:12, 33:13, 38:8, 44:9, 50:8, 94:6, 94:8, 106:9, 106:15, 108:3, 158:2, 158:4, 161:6, 163:8 names [2] - 110:11, 110:12 narrow [6] - 73:15, 90:3, 95:9, 148:11, 151:3, 159:5 naturally [1] - 147:15 nature [4] - 36:11, 83:1, 151:9, 163:3 near [1] - 58:17 nearby [2] - 17:17, 87:5 nearly [1] - 55:17 necessarily [2] - 82:16, 149:3 necessary [3] - 8:9, 118:14, 164:11 necessitated [1] - 115:2 need [22] - 10:10, 27:16, 42:6, 56:5, 57:14, 59:11, 63:12, 64:2, 65:7, 66:13, 79:5, 82:2, 84:7, 85:6, 85:16, 115:3, 127:15, 128:17, 141:18, 154:8, 166:5, 166:6 needed [5] - 54:5, 80:6, 118:18, 131:3,

134:16
needs [4] - 68:18,
112:5, 162:12,
162:16
negative [1] - 156:17
neighbor [5] - 11:2,
107:1, 108:1,
137:13, 157:2
neighbor's
[4] - 135:8, 145:1,
145:3, 157:6
neighborhood
[21] - 17:4, 36:7,
47:17, 57:5, 57:8,
57:14, 58:16, 69:14,
88:8, 91:2, 96:5,
96:12, 111:7, 130:1,
130:7, 147:15,
158:10, 158:16,
162:18, 163:16,
168:1
neighboring
[4] - 130:8, 135:16,
146:13, 156:17
neighbors [22] - 32:7,
34:5, 35:4, 55:14,
57:4, 58:3, 59:2,
59:7, 86:18, 88:1,
96:15, 101:18,
109:18, 114:17,
124:1, 130:3,
137:15, 148:15,
148:16, 155:5,
158:7, 161:12
never [3] - 5:15, 57:2,
139:13
new [32] - 10:3, 10:4, 16:1, 23:2, 29:5,
30:3, 75:16, 95:1,
95:7, 95:14, 95:15,
116:1, 116:2,
116:16, 121:17,
122:1, 125:5, 125:6,
125:8, 125:15,
125:16, 139:11,
144:10, 154:3,
155:6, 155:11,
156:1, 163:14,
165:5, 165:7
news [1] - 135:8
next [12] - 8:7, 8:14,
8:18, 20:10, 106:18,
109:9, 135:8, 136:2,
146:15, 148:15,

158:7, 163:10
next-door
[4] - 106:18, 136:2,
158:7, 163:10
NIALL [3] - 79:12,
81:12, 81:16
Niall [2] - 72:13, 87:6
nice [3] - 53:1, 59:14,
148:13
lice [1] - 53:5
nine [1] - 85:16
noise [3] - 56:10,
56:17, 59:2
non [8] - 69:5, 69:17,
74:18, 75:1, 148:10,
148:11, 164:10,
166:9
on-conforming
[7] - 69:5, 69:17,
74.10, 75.1, 140.11,
164:10, 166:9
noncode [2] - 151:16,
166:4
noncompliant
[4] - 146:8, 147:4,
4.47.40.454.0
147:13, 151:6
none [2] - 14:11, 33:9
none [2] - 14:11, 33:9 Northeast [1] - 12:18
None [2] - 14:11, 33:9 Northeast [1] - 12:18
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4,
None [2] - 14:11, 33:9 Northeast [1] - 12:18
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16,
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16, 124:6
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16, 124:6 Notoriously
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16, 124:6 Notoriously [1] - 131:14
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16, 124:6 Notoriously [1] - 131:14 November [1] - 167:1
None [2] - 14:11, 33:9 Northeast [1] - 12:18 NOT [1] - 171:15 Notary [2] - 171:4, 171:11 Note [7] - 53:7, 53:13, 53:16, 56:11, 69:12, 75:9, 170:6 Noted [1] - 170:16 Notes [1] - 145:9 Nothing [6] - 14:15, 63:7, 84:1, 105:14, 105:15 Notice [3] - 23:3, 67:12, 115:15 Notification [2] - 22:9, 22:14 Notify [1] - 22:1 Notifying [2] - 3:16, 33:15 Notion [2] - 123:16, 124:6 Notoriously [1] - 131:14

69:10, 90:15, 112:15, 166:13 number [5] - 4:2, 104:16, 105:14, 150:3, 167:10 numbers [1] - 105:1 object [1] - 108:10 objection [2] - 160:11, 161:1 objections [3] - 85:3, 107:4, 163:13 observation [2] - 97:8, 104:5 obviously [6] - 27:16, 51:16, 132:9, 144:13, 148:10, 165:9 occupant [4] - 18:2, 48:14, 110:9, 168:11 occupants [2] - 36:15, 37:1 occupied [1] - 42:9 occupies [1] - 69:3 occurred [2] - 22:12, 147:15 October [2] - 7:13, 20:13 **OF** [6] - 1:1, 1:2, 171:2, 171:14, 171:15, 171:16 off-street [1] - 90:5 offer [1] - 55:13 offering [1] - 100:16 office [2] - 52:3, 146:14 Offices [1] - 72:12 **OFFICIAL** [1] - 1:16 often [3] - 53:3, 88:10, 132:15 old [3] - 51:3, 58:6, 96:4 older [4] - 68:18, 149:16, 162:12, 166:6 oldest [1] - 97:1 on-site [1] - 75:8 once [2] - 31:1, 95:12 One [2] - 12:14, 21:6 one [59] - 5:7, 8:14, 8:18, 9:16, 19:3,

27:1, 31:9, 32:9, 37:11, 39:1, 53:8, 60:2, 60:4, 64:10, 68:3, 69:14, 73:1, 75:10, 75:12, 77:9, 79:6, 79:9, 80:10, 82:8, 82:9, 82:18, 83:2, 83:10, 88:14, 97:3, 98:6, 102:13, 102:14, 116:12, 116:13, 121:12, 121:13, 121:17, 124:8, 130:13, 134:14, 135:3, 137:2, 137:16, 146:16, 151:5, 152:3, 152:14, 153:1, 154:15, 155:2, 155:11, 156:1, 157:1, 159:2, 159:9, 163:2, 163:15 one's [2] - 121:10, 121:16 ones [2] - 16:2, 154:13 ongoing [1] - 21:3 open [30] - 3:14, 3:17, 14:8, 32:18, 33:4, 46:18, 55:4, 62:8, 62:9, 72:17, 73:2, 74:9, 75:4, 77:15, 78:13, 80:4, 81:7, 82:15, 83:6, 84:12, 89:17, 90:6, 90:11, 91:15, 92:3, 96:10, 106:2, 106:6, 148:5, 157:18 opening [2] - 7:14, 64:6 openings [1] - 101:15 operation [5] - 4:3, 17:11, 36:9, 48:6, 168:2 opinion [2] - 69:14, 111:9 opposed [2] - 11:2, 79:6 opposition [4] - 76:18, 77:9, 85:1, 165:1 options [2] - 66:5, 152:16

order [6] - 3:9, 7:18,

```
8:2, 88:11, 134:16,
 149:10
Ordinance [30] - 10:7,
 16:16, 17:13, 18:7,
 36:3, 36:10, 37:6,
 42:3, 42:15, 47:11,
 48:4, 48:8, 48:18,
 68:16, 69:11, 82:11,
 90:1, 90:16, 97:9,
 97:12, 112:1,
 112:11, 112:16,
 116:4, 125:13,
 166:1, 166:14,
 167:13, 168:4,
 168:16
orientation [1] - 164:2
Original [4] - 2:3, 2:5,
 2:6, 2:8
original [3] - 5:9,
 85:15, 170:2
originally
 [3] - 143:10, 143:18,
 159:14
otherwise [10] - 17:8,
 18:6, 22:7, 37:5,
 48:17, 66:7, 108:10,
 123:12, 148:4,
 168:14
outdoor [2] - 42:7
outreach [1] - 138:7
outside [5] - 40:15,
 40:18, 144:11,
 149:3, 160:10
overall [3] - 56:7,
 65:14, 102:3
overhead [1] - 46:9
owing [5] - 42:10,
 69:4, 90:9, 112:9,
 166:8
own [5] - 59:8, 88:4,
 90:8, 115:17, 163:8
owner [5] - 32:11,
 33:11, 50:16, 72:14,
 138:3
owners [6] - 57:7,
 124:2, 128:3, 129:7,
 131:11, 151:13
owns [1] - 151:15
Oxford [5] - 2:15,
 114:6, 114:13,
 116:7, 116:13
```

P

```
p.m [25] - 1:4, 3:3,
 5:1, 5:18, 7:1, 9:13,
 10:11, 12:1, 24:1,
 38:1, 44:1, 50:1,
 72:1, 85:16, 94:1,
 114:1, 115:8, 116:2,
 116:18, 118:1,
 124:17, 125:11,
 125:17, 127:1,
 169:10
PACHECO [14] - 8:12,
 8:15, 9:1, 84:9,
 115:6, 116:11,
 119:11, 119:15,
 119:17, 120:2,
 121:5, 121:9,
 121:14, 122:1
Pacheco [1] - 1:11
packet [1] - 32:13
Paden [2] - 15:6,
 20:11
PAGE [2] - 2:2, 170:8
page [4] - 28:8, 70:14,
 113:3, 167:2
pages [1] - 43:1
paint [1] - 16:5
painted [1] - 16:3
pantry [1] - 150:11
paragraphs [2] - 23:1,
 23:7
parameters [1] - 62:4
parents [2] - 85:9,
 149:12
park [1] - 82:10
parked [2] - 76:4,
 88:11
Parking [3] - 73:14,
 74:10, 74:16
parking [28] - 74:17,
 75:8, 76:9, 78:12,
 79:2, 79:3, 79:4,
 80:4, 80:10, 80:16,
 81:3, 81:10, 82:4,
 82:17, 83:3, 83:10,
 83:16, 84:7, 85:5,
 87:2, 87:17, 88:14,
 90:5, 90:7, 91:17,
 153:12, 153:13
part [13] - 43:3, 75:6,
 76:11, 85:6, 92:13,
 96:11, 96:14, 96:15,
 96:16, 131:15,
 149:9, 149:17,
 160:15
```

particular [2] - 62:3,
159:17
particularly [2] - 10:4, 61:12
partner [1] - 161:8
parts [1] - 94:15
pass [1] - 135:11
passed [1] - 56:13
passing [1] - 85:12
past [2] - 54:8, 56:12
Patricia [1] - 87:3
patterning [1] - 15:12
patterns [4] - 17:1,
36:5, 47:14, 167:15
Peabody [1] - 96:6
Pearl [7] - 2:10, 38:6,
38:10, 38:12, 55:12,
55:17, 58:17
peculiarly [1] - 90:3
pedestrians [1] - 85:8
people [9] - 27:6,
58:5, 85:9, 111:8,
137:16, 147:11,
158:8, 158:12,
158:13
percent [8] - 73:5,
77:15, 89:17, 97:12,
97:15, 99:1
perhaps [1] - 3:13
period [3] - 8:7,
19:18, 67:14
permission
[2] - 33:17, 140:12
permit [6] - 23:6,
34:14, 54:18, 65:5,
129:16, 139:17
Permit [45] - 7:12,
13:1, 16:15, 18:18,
21:4, 21:17, 22:4,
22:15, 22:18, 23:2,
23:10, 23:14, 25:11,
29:13, 30:5, 35:2,
36:1, 47:7, 47:10,
47:13, 49:2, 54:5,
54:17, 63:13, 65:8,
65:10, 65:12, 70:11,
73:10, 74:1, 89:12,
110:4, 110:5,
128:12, 135:7,
145:7, 153:18,
154:2, 156:10,
162:10, 165:10,
167:10, 167:14,
167:17, 169:1

Permits [1] - 20:8
permitted [5] - 17:12,
22:3, 36:10, 48:7,
168:3
permitting [1] - 115:2
person [1] - 3:16
•
person's [1] - 138:2
personally [1] - 159:3
personnel [1] - 56:18
perspective
[2] - 135:9, 140:12
Peter [1] - 34:2
petition [3] - 76:14,
86:12, 86:15
Petition [2] - 59:12,
80:8
petitioner [10] - 9:16,
18:10, 19:11, 21:6,
22:1, 22:8, 22:14,
23:1, 42:5, 115:11
•
Petitioner [17] - 7:15,
8:5, 18:18, 19:4,
19:9, 19:16, 20:5,
20:9, 20:11, 33:15,
52:18, 58:2, 72:13,
91:4, 112:5, 116:15
petitioner's
[1] - 21:10
Petitioner's [4] - 7:17,
16:13, 17:6, 20:12
photo [3] - 19:8,
19:14, 27:8
photograph
[3] - 26:11, 26:12,
160:14
photographs
[1] - 25:15
photos [2] - 130:8,
143:8
physical [3] - 18:11,
19:7, 19:13
pick [1] - 67:3
picture [4] - 26:16,
99:2, 136:16,
144:15
pictures [4] - 108:6,
137:10, 144:3
piece [1] - 96:18
pitch [1] - 143:3
Place [1] - 12:15
placement [1] - 4:2
plain [1] - 16:5
plan [10] - 27:13,
-
28:15, 30:3, 34:7,

```
58:13, 60:16, 91:13,
 92:5, 92:6, 92:12
plane [1] - 46:8
planned [3] - 34:1,
 58:9, 59:6
Planning [5] - 14:14,
 14:17, 15:6, 15:8,
plans [26] - 8:1, 10:9,
 19:4, 41:11, 43:1,
 49:4, 54:14, 56:4,
 70:13, 91:3, 105:6,
 110:1, 110:2, 113:2,
 113:6, 113:10,
 116:15, 116:17,
 125:15, 128:16,
 129:14, 154:5,
 160:18, 163:12,
 166:18, 169:3
play [1] - 107:2
played [1] - 104:7
plenty [2] - 142:15,
 148:5
plot [1] - 85:6
plus [1] - 75:7
point [11] - 45:15,
 78:1, 80:14, 80:18,
 100:17, 120:8,
 132:2, 134:14,
 135:13, 141:1,
 141:9
pointed [1] - 41:12
policy [3] - 29:5, 29:7,
porch [10] - 95:1,
 98:10, 98:16, 102:7,
 109:4, 130:16,
 130:17, 144:12,
 160:13
Porter [11] - 2:13,
 72:6, 72:14, 75:14,
 85:4, 87:4, 87:7,
 88:4, 88:5, 88:6,
 121:6
portion [6] - 144:8,
 144:13, 148:2,
 149:7, 152:15,
 164:8
position [1] - 45:6
positioning
 [2] - 45:14, 48:3
positive [1] - 57:13
possible [2] - 8:1,
```

156:18

possibly [2] - 33:16,
51:10
posting [3] - 10:2,
115:18, 125:4
potential [1] - 27:15
practicable [1] - 20:4
pre [1] - 148:11
pre-existing [1] - 148:11
precarious [1] - 159:10
predates [1] - 136:7
orepared [4] - 70:13,
91:4, 113:2, 166:18
prepares [1] - 4:11
present [1] - 8:9
presentation
[2] - 32:16, 103:15
preserve [1] - 163:14
pretty [6] - 41:10,
130:3, 134:7, 150:7,
150:10, 157:7
prevent [1] - 153:3
previous [1] - 20:8
previously [1] - 19:14
primarily [1] - 162:12
Prince [1] - 12:13
privacy [7] - 46:4,
46:6, 135:9, 155:7,
156:13, 157:1,
157:9
problem [6] - 15:14,
64:16, 65:2, 131:15,
139:16, 157:2
problems [2] - 5:10,
166:4 procedure [1] - 63:3
proceed [9] - 19:3,
42:18, 49:4, 70:12,
91:3, 113:1, 123:15,
166:17, 169:2
proceedings
[1] - 171:6
process [6] - 51:17,
66:10, 67:6, 67:17,
115:2, 149:18
producing [1] - 92:3
oroject [8] - 38:18,
58:14, 66:2, 69:15,
111:7, 129:7,
163:17, 168:7
projected [1] - 95:3
projects [3] - 54:7,
54:8, 59:5

promptly [2] - 20:1,
163:5
proper [2] - 150:1,
150:2
properties
[1] - 162:15
property [18] - 13:2,
34:9, 35:14, 42:9,
50:17, 57:7, 75:16,
85:4, 85:12, 87:18, 94:13, 100:4, 107:6,
124:2, 128:4, 129:8,
163:8
proposal [3] - 8:4,
13:5, 33:7
proposed [18] - 17:3,
17:14, 18:2, 18:4,
18:10, 19:8, 19:12,
36:11, 36:15, 36:17,
37:3, 48:9, 48:15,
56:6, 119:2, 129:7,
168:5, 168:13
proposing [6] - 26:17,
56:16, 94:14, 95:4,
158:15, 161:1
protrudes [1] - 54:2
proud [1] - 59:15
provide [4] - 58:10, 90:6, 163:3, 168:7
provided [3] - 23:2,
37:8, 92:11
provisions [5] - 42:3,
68:16, 90:1, 112:1,
166:1
proximity [2] - 73:8,
74:17
pubic [1] - 14:13
Public [3] - 57:10,
171:4, 171:11
public [24] - 14:9,
23:3, 33:5, 41:9,
42:13, 46:18, 55:5,
55:8, 62:9, 62:10,
66:10, 69:9, 84:12,
89:4, 90:14, 106:3,
106:6, 111:10, 112:14, 123:13,
157:18, 166:12
oull [2] - 73:17,
105:12
pulling [1] - 159:18
purest [1] - 160:5
purpose [17] - 18:7,
26:3, 26:5, 28:1,

30:8, 37:6, 40:13, 42:15, 48:18, 52:1, 69:11, 90:5, 90:16, 112:16, 143:13, 166:14, 168:15 purposes [1] - 129:5 pursuant [2] - 22:18, **push** [1] - 105:12 put [11] - 20:16, 34:7, 45:9, 60:17, 60:18, 95:12, 116:4, 116:9, 136:17, 136:18, 159:7 Putnam [3] - 56:1, 56:7, 58:17 puzzled [1] - 63:12 qualification [1] - 162:11 **qualify** [1] - 152:12 quality [1] - 70:1 questioned [1] - 28:11 questions [10] - 14:5, 33:1, 41:2, 46:14, 52:18, 59:17, 77:18, 104:3, 157:15, 161:13 quick [1] - 4:17 quickly [1] - 98:7 quietly [1] - 142:10 quite [2] - 146:18, 147:14 R R-H-A-T-I-G-A-N [1] - 7:10 R-U-G-E-N [1] - 38:13 Rachel [1] - 111:1 Rafferty [1] - 118:9 **RAFFERTY** [16] - 118:10, 118:15, 119:14, 119:16, 120:3, 120:12, 120:18, 122:4, 122:11, 122:17, 123:7, 123:13, 124:5,

125:6, 125:9, 126:1 raise [1] - 142:13 Ranjit [2] - 28:9, 84:6

```
rather [5] - 66:16,
 68:8, 124:11, 160:1,
 165:4
rationale [1] - 78:11
re [3] - 5:11, 5:12,
 77:6
re-advertise
 [2] - 5:11, 77:6
re-advertised
 [1] - 5:12
reach [2] - 45:15, 66:8
read [7] - 3:15, 55:10,
 86:6, 110:16,
 110:17, 162:4,
 170:15
Reading [13] - 7:11,
 15:7, 33:18, 34:4,
 34:12, 34:16, 55:12,
 85:2, 87:5, 88:4,
 162:7, 163:7, 164:6
reading [3] - 87:16,
 114:13, 170:6
reads [2] - 7:10, 86:18
ready [12] - 16:9,
 41:13, 47:7, 62:11,
 68:11, 89:10,
 111:10, 111:12,
 111:13, 165:9,
 165:11, 165:12
real [6] - 121:13,
 124:10, 129:18,
 131:5, 131:9,
 150:13
realized [1] - 118:17
really [18] - 31:10,
 40:3, 60:9, 95:12,
 96:9, 96:17, 96:18,
 97:4, 101:2, 102:14,
 104:16, 104:17,
 105:11, 122:10,
 132:2, 149:18,
 150:5, 154:6
reapplied
 [2] - 121:16, 122:1
rear [8] - 130:15,
 130:17, 137:12,
 144:8, 148:2, 149:7,
 160:12, 164:8
REASON [6] - 170:9,
 170:10, 170:11,
 170:12, 170:13,
 170:14
reason [4] - 3:11,
 87:16, 142:13,
```

170:7
reasonable [6] - 4:1,
22:11, 23:4, 59:12,
150:15, 165:6
reasonably [1] - 20:4
reasons [6] - 40:1,
98:17, 124:10,
132:12, 148:18,
151:1
ebuild [1] - 164:7
ebuilt [1] - 148:14
receipt [3] - 22:8,
22:13, 86:15
recent [2] - 57:6,
115:1
recently [2] - 87:17, 136:1
recommendation
[1] - 64:1
econfigure
[1] - 58:10
reconstruction
[1] - 164:10
RECORD [1] - 1:16
record [8] - 55:10,
72:11, 74:5, 151:10,
152:7, 162:4,
170:16, 171:6
recorded [1] - 4:9
recording [3] - 3:17,
4:7, 4:12
records [2] - 4:10,
101:1
rectify [1] - 45:7
ecuse [1] - 121:2
redesign [2] - 141:6,
141:7
redevelop [1] - 87:1
reduce [1] - 77:14
reducing [1] - 90:6
reduction [1] - 90:11
Reed [18] - 2:14, 94:6,
94:9, 94:14, 96:4,
96:5, 106:17, 108:4,
110:1, 110:10,
110:13, 110:14,
110:15, 110:17,
111:1, 111:3, 111:4
referenced
[2] - 55:14, 114:15
referred [2] - 19:15,
169:3
referring [2] - 86:2,
96.9

reflect [4] - 10:3,
74:6, 116:1, 125:5
reflective [1] - 30:3
refresh [1] - 145:14
regard [15] - 16:12,
17:5, 20:8, 22:6,
41:18, 47:9, 48:1,
68:13, 69:12, 70:4,
89:14, 111:16,
165:16, 168:5,
169:3
regarding [2] - 21:8,
48:9
regards [3] - 67:7,
107:6, 107:16
Regent [1] - 85:2
register [1] - 58:1
regular [2] - 24:6,
122:2
regulars [1] - 121:2
egulation [1] - 22:5
related [1] - 56:18
relative [2] - 100:16,
143:16
relevant [2] - 99:8,
99:11
relief [37] - 13:13,
16:17, 35:18, 37:7,
39:3, 42:12, 53:10,
64:14, 67:8, 69:7,
69:8, 72:17, 80:4,
80:6, 80:18, 82:2,
83:2, 83:11, 84:7,
85:3, 86:16, 90:12,
90:13, 92:13, 92:17,
97:8, 101:4, 112:12,
112:13, 115:13,
135:7, 145:9,
145:11, 147:17,
166:10, 166:11,
169:7
Relief [1] - 18:14
relocating [1] - 64:9
remain [2] - 19:13,
57:8
remained [1] - 57:3
emarkably
[1] - 159:15
remember [2] - 39:4, 91:15
91:15 remodel [1] - 45:2
remoder [1] - 45.2 remove [1] - 20:1
removed [1] - 20.1
conoveto (4) 51:7

renovated [2] - 52:5,
87:17
renovation [7] - 58:9,
59:8, 129:6, 129:14,
130:10, 149:18,
163:12
renovations
[2] - 56:12, 130:6
replaced [1] - 102:13
replacing [1] - 64:10
replies [1] - 33:17
report [6] - 21:7,
21:11, 21:13, 21:15,
22:10, 114:11
Reporter [2] - 171:4,
171:11
REPORTER
[1] - 171:16
REPORTERS
[1] - 1:16
representation
[1] - 61:17
REPRODUCTION
[1] - 171:15
request [13] - 8:5,
35:3, 65:17, 74:3,
80:3, 87:7, 88:16,
114:14, 115:1,
118:18, 162:9,
163:2, 169:1
requested [13] - 7:15,
23:10, 35:18, 37:7,
42:18, 57:16, 63:14,
73:10, 89:11,
115:13, 115:16,
165:17, 166:16
requesting [7] - 40:5,
49:3, 72:16, 74:1,
145:10, 146:8,
146:17
requests [1] - 161:2
requests [1] - 161:2 require [6] - 53:10,
•
require [6] - 53:10,
require [6] - 53:10, 54:16, 80:18,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16, 89:17, 90:6, 116:3,
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16, 89:17, 90:6, 116:3, 116:9, 125:13, 145:10, 148:10 requirement
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16, 89:17, 90:6, 116:3, 116:9, 125:13, 145:10, 148:10
require [6] - 53:10, 54:16, 80:18, 147:16, 148:1, 148:3 required [11] - 10:6, 54:2, 75:2, 81:16, 89:17, 90:6, 116:3, 116:9, 125:13, 145:10, 148:10 requirement

[9] - 4:1, 16:14,
16:16, 22:5, 36:3,
47:11, 73:1, 76:11,
167:12
equires [7] - 69:6,
73:4, 90:12, 112:12,
135:7, 139:6,
166:10
equiring [2] - 85:9,
129:16
equisite [1] - 73:17
Res [1] - 73:4
eside [1] - 162:6
esidence [1] - 50:14
esident [1] - 55:16
esidential
[1] - 139:12
esidents [2] - 57:5,
164:14
esides [2] - 110:17,
163:7
esources
[1] - 104:14
RESPECT
[1] - 171:15
respect [2] - 107:15,
160:8
espectful [1] - 51:9
espects [1] - 20:7
Response [13] - 33:8,
41:3, 41:7, 47:4,
55:7, 84:15, 89:8, 103:13, 106:4,
109:13, 114:9,
109.13, 114.9,
157:16 162:1
157:16, 162:1
est [2] - 79:14, 79:15
est [2] - 79:14, 79:15 estore [1] - 20:2
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2,
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13,
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1 ezone [1] - 85:6
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1 ezone [1] - 85:6 RHATIGAN
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1 ezone [1] - 85:6 RHATIGAN [46] - 127:10,
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1 ezone [1] - 85:6 RHATIGAN [46] - 127:10, 127:14, 128:1,
est [2] - 79:14, 79:15 estore [1] - 20:2 estraints [1] - 153:14 esulting [3] - 17:2, 47:15, 167:16 eturn [1] - 102:14 eview [2] - 15:8, 62:5 eviewed [3] - 82:13, 129:14, 163:11 evised [2] - 8:3, 10:9 evisions [1] - 8:1 ezone [1] - 85:6 RHATIGAN [46] - 127:10, 127:14, 128:1, 128:14, 129:3,

136:11, 136:15,
137:7, 138:1, 138:5,
140:6, 140:10,
140:15, 141:3,
142:7, 143:7,
143:15, 145:17,
146:3, 146:7,
146:11, 147:5,
147:9, 148:8,
151:12, 151:17,
152:2, 152:8,
153:10, 154:1,
154:11, 154:17,
155:10, 155:18,
156:9, 156:14,
157:3, 157:11,
157:13, 164:1
Rhatigan [2] - 7:9,
128:2
ickety [1] - 131:8
id [1] - 83:10
idge [7] - 132:10,
132:14, 132:18,
133:2, 133:4,
138:16, 143:2
idiculous [2] - 51:3,
51:10
Road [10] - 2:13, 72:6,
72:14, 75:14, 85:4,
87:4, 87:7, 88:4,
88:5, 88:7
ROBERT [7] - 44:11,
44:15, 45:12, 46:3,
46:6, 46:13, 49:12
Robert [1] - 44:11
oof [7] - 95:3, 134:7,
134:8, 143:3,
159:16, 160:1,
160:13
oom [18] - 8:11, 26:8,
27:11, 27:13, 52:9,
52:14, 58:9, 75:11,
105:10, 115:5,
132:7, 139:7, 139:9,
141:12, 141:13,
141:16, 154:8, 164:12
ooms [2] - 30:9,
159:3
ough [1] - 146:13
outing [1] - 133:9
Rubin [1] - 111:1
RUGEN [4] - 38:12,
40:15, 40:18, 43:12

Rugen [1] - 38:12
run [2] - 70:6, 74:9
runs [1] - 151:11
Tulis [1] = 151.11
S
3
S&H [1] - 120:16
S-H-E-R-I-D-A-N
[1] - 50:14
S-H-I-M-A-K-A-G-E
[1] - 106:17
S-T-O-C-K-M-A-N
[1] - 94:12
safe [2] - 37:1, 107:13
safely [1] - 132:3
safety [11] - 18:1,
30:10, 36:14, 36:18,
48:13, 70:1, 73:12,
85:11, 90:4, 98:17,
168:10
Sam [3] - 110:14,
128:7, 163:11
Sam's [1] - 162:17
SAME [1] - 171:15
Samuel [2] - 162:8,
164:11
SAMUEL [4] - 128:7,
137:18, 138:4,
165:7
sanctioning
[1] - 91:12
Sarah [2] - 7:9, 128:2
SARAH [46] - 127:10,
127:14, 128:1,
128:14, 129:3,
132:11, 133:3,
133:16, 134:9,
134:13, 135:2,
136:11, 136:15,
137:7, 138:1, 138:5,
140:6, 140:10,
140:15, 141:3,
142:7, 143:7,
142:7, 143:7, 143:15, 145:17,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5, 147:9, 148:8,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5, 147:9, 148:8, 151:12, 151:17,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5, 147:9, 148:8, 151:12, 151:17, 152:2, 152:8, 153:10, 154:1,
142:7, 143:7, 143:15, 145:17, 146:3, 146:7, 146:11, 147:5, 147:9, 148:8, 151:12, 151:17, 152:2, 152:8,

157:3, 157:11,

157:13, 164:1
satisfied [3] - 10:1,
74:16, 167:13
Saul [1] - 162:4
saw [5] - 28:11, 39:1,
60:8, 86:1, 160:14
scale [7] - 59:12,
60:14, 60:15, 102:8,
103:1, 104:8,
104:11
scaling [2] - 98:4,
104:7
schedule [2] - 56:14,
122:9
scheduled [1] - 122:2
School [1] - 96:6
Schools [1] - 57:11
scientific [1] - 21:3
Scout [1] - 96:13
SEAN [26] - 72:9,
74:4, 74:7, 77:1,
77:7, 77:12, 77:17,
78:10, 78:16, 78:18,
79:4, 79:11, 80:15,
81:5, 81:17, 82:8,
83:14, 84:4, 86:4,
86:7, 86:11, 87:10,
87:13, 89:2, 93:2,
93:5
Sean [2] - 72:11, 84:6
search [1] - 116:7
season [2] - 98:10,
98:16
Sebastian [2] - 94:11,
109:18
second [13] - 10:2,
40:11, 44:16, 56:3,
81:10, 91:9, 95:10,
115:18, 125:4,
130:14, 149:7,
151:8, 156:5
Secretary [1] - 1:11
section [1] - 129:13
Section [1] - 18:14
see [28] - 3:13, 11:4,
13:12, 13:13, 15:2,
27:8, 33:9, 53:4,
54:4, 54:18, 56:2,
57:18, 58:14, 61:10,
62:5, 64:17, 81:9,
86:5, 119:6, 133:7,
143:11, 144:7,
144:9, 144:17,
145.2 149.3

155:15, 160:5
seeing [1] - 160:10
seeking [10] - 16:15,
16:17, 19:1, 47:10,
54:11, 57:9, 65:11,
67:8, 97:8, 128:12
selecting [1] - 45:12
self [1] - 17:14
self-evident
[1] - 17:14
Senior [1] - 1:5
Senne [1] - 114:12
SENNE [1] - 114:12
sense [8] - 27:10,
105:10, 135:16,
137:11, 143:16, 144:1, 146:12,
158:16
sensitive [1] - 123:5
sensitivity
[2] - 129:18, 130:4
sent [2] - 67:12, 156:6
series [1] - 75:9
serve [2] - 52:15,
102:1
Services [10] - 21:7,
21:12, 21:16, 22:10,
54:4, 63:16, 65:5,
66:7, 67:2, 170:3
sessions [1] - 3:18
set [6] - 26:17, 59:9,
133:4, 135:14,
171:6, 171:7
setback [18] - 29:9,
30:1, 30:15, 30:17,
30:18, 31:10, 39:2,
39:8, 40:2, 41:12,
53:12, 53:17, 54:2,
63:4, 81:3, 81:10,
82:12
setbacks [1] - 39:11
seven [9] - 5:18, 9:13,
115:8, 116:2,
124:17, 125:11,
133:18, 138:17,
139:8
several [3] - 56:11,
59:4, 77:11
shades [1] - 46:11
shall [7] - 19:11,
19:18, 21:6, 21:11,
21:16, 22:9, 22:15
shape [2] - 42:10,
90:10

shaped [2] - 75:10,
90:10
shared [1] - 110:2
shed [3] - 145:1,
145:2, 159:18
sheet [2] - 62:3, 170:7
SHEET [1] - 170:1
Sheet [2] - 170:2,
170:7
SHERIDAN
[7] - 50:13, 65:1,
65:15, 65:18, 66:3,
66:17, 68:7
Sheridan [3] - 50:13,
55:16, 58:3
shifted [1] - 154:7
shifting [2] - 154:12,
155:13
SHIMAKAGE
[2] - 106:11, 106:15
Shimakage
[1] - 106:16
shopping [1] - 17:16
short [2] - 73:2, 75:4
Shorthand
[2] - 171:4, 171:11
show [5] - 26:10,
62:3, 75:17, 96:13,
119:5
showed [2] - 73:16,
154:5
showing [1] - 143:14
shown [6] - 15:13,
29:1, 91:13, 92:5,
92:6, 92:12
shows [2] - 28:15,
29:2
shrank [1] - 99:1
siblings [1] - 97:6
sic [1] - 114:16
side [27] - 25:12,
25:13, 29:8, 30:1,
31:10, 34:5, 34:8,
34:9, 39:2, 39:7,
40:1, 41:11, 54:10,
54:13, 80:5, 81:14,
144:17, 145:6,
147:17, 148:3,
151:4, 151:5,
152:18, 155:13,
157:7
sides [4] - 132:4,
138:12, 153:1,
159:8

sidewalk [1] - 85:7
sign [12] - 9:16, 10:2,
10:5, 67:11, 115:11,
115:14, 115:18,
116:3, 116:5, 125:4,
125:12
Sign [1] - 170:7
signature [1] - 110:17
SIGNATURE
[1] - 170:1
signed [4] - 76:15,
86:17, 110:9,
129:15
significant [1] - 152:3
signs [1] - 116:9
silly [1] - 51:16
similar [4] - 13:7,
75:9, 130:7, 143:10
simply [1] - 13:6
simulations
[2] - 19:9, 19:14
single [1] - 159:7
sit [4] - 94:18, 120:10,
120:16, 160:17
site [6] - 18:10, 21:11,
22:2, 75:8, 87:2,
153:13
Sitting [13] - 3:4, 5:2,
7:2, 12:2, 24:2,
38:2, 44:2, 50:2,
72:2, 94:2, 114:2,
118:2, 127:2
sitting [4] - 24:14,
25:7, 120:6, 124:3
situated [1] - 151:4
situation [2] - 159:4,
161:3
six [8] - 19:18, 58:6,
134:1, 134:3, 134:4,
138:11, 138:13,
139:8
six-year-old [1] - 58:6
sixty [1] - 22:13
size [6] - 42:11,
52:16, 56:8, 97:14,
137:9, 151:2
SK1 [1] - 29:2
sky [2] - 45:11, 48:11
skylight [4] - 45:9,
45:16, 48:2, 48:10
skylights [4] - 44:16,
44:18, 45:13, 47:15
slight [1] - 77:16
SLIVE [26] - 24:16,

24:17, 25:6, 25:18, 26:5, 26:15, 27:3, 27:14, 27:18, 28:3, 28:7, 28:12, 28:17, 29:1, 29:17, 30:6, 30:12, 30:18, 31:3, 31:5, 31:8, 31:11, 31:15, 32:6, 32:17, 35:15 Slive [1] - 24:16 sliver [1] - 40:3 **slow** [1] - 66:1 slows [1] - 66:2 smack [1] - 131:7 small [15] - 26:11, 27:9, 42:6, 51:5, 52:9, 52:15, 75:2, 81:4, 90:10, 95:3, 101:18, 127:17, 148:11, 150:5, 150:10 smaller [4] - 79:15, 137:9, 144:9, 144:12 societal [1] - 21:3 **someplace** [1] - 60:12 sometimes [3] - 131:1, 147:10, 152:12 somewhat [2] - 29:6, 148:12 sone [1] - 150:8 sooner [3] - 66:15, 123:5 sorry [16] - 12:14, 13:3, 16:1, 31:15, 33:14, 40:17, 53:16, 61:2, 68:6, 87:14, 110:7, 110:12, 110:16, 145:8, 154:17, 155:11 sort [12] - 28:11, 29:15, 31:6, 94:14, 96:10, 102:5, 102:12, 102:14, 104:7, 129:12, 144:9, 149:16 sorts [1] - 98:14 sought [9] - 42:1, 55:14, 68:14, 85:4, 86:16, 89:15, 91:1, 111:17, 113:1 sound [1] - 106:12

sounds [1] - 33:18

source [2] - 152:9,
152:12
South [1] - 25:1
southeast [1] - 34:5
space [48] - 40:16,
40:18, 42:7, 52:1,
57:12, 58:10, 58:16,
72:17, 73:2, 74:9,
74:17, 75:5, 77:15,
78:13, 80:4, 80:10,
80:16, 81:7, 81:11,
82:15, 83:6, 89:17,
90:6, 90:12, 91:15,
92:3, 95:7, 98:11,
102:8, 108:16,
109:9, 112:6, 112:8,
130:13, 131:4,
131:10, 135:4,
139:9, 140:7,
140:13, 140:17,
141:10, 148:5,
158:9, 160:12,
160:16, 163:4,
164:11
spaces [13] - 78:12,
79:6, 80:4, 82:17,
82:18, 83:3, 83:10,
83:16, 85:5, 91:12,
92:5, 92:11, 102:1
speaking [1] - 123:2
speaks [1] - 47:18
Special [47] - 7:12,
12:18, 16:15, 18:18,
20:8, 21:4, 21:17,
22:3, 22:15, 22:17,
23:2, 23:6, 23:9,
23:14, 25:11, 29:13,
30:5, 35:2, 36:1,
47:7, 47:9, 47:12,
49:2, 54:5, 54:16,
63:12, 65:8, 65:10,
65:12, 70:11, 73:10,
74:1, 89:11, 110:4,
110:5, 128:12,
135:7, 145:7,
153:18, 154:2,
150.10 100.10
156:10, 162:10,
165:10, 167:10,
165:10, 167:10,
165:10, 167:10, 167:14, 167:17,
165:10, 167:10, 167:14, 167:17, 168:18
165:10, 167:10, 167:14, 167:17, 168:18 specifically [1] - 61:7

spiral [1] - 149:4
splendid [1] - 158:7
spoken [2] - 155:7,
163:10
spot [1] - 88:14
spotted [1] - 65:4
square [3] - 73:3,
142:1, 145:12
squeeze [2] - 122:15,
123:11
SS [1] - 171:3
staff [1] - 15:9
stair [7] - 95:7, 95:8,
133:9, 133:13,
134:4, 151:16,
166:4
staircase [2] - 69:16,
149:5
stairs [10] - 52:9,
52:13, 131:6, 131:8,
134:16, 134:17,
135:12, 149:12,
150:18, 159:6
stairwell [3] - 137:18,
138:2, 150:3
standard [1] - 156:10
standards [1] - 74:11
start [7] - 3:9, 3:14,
33:16, 84:18, 107:9,
107:11, 165:13
started [2] - 3:11,
66:14
starts [1] - 75:18
state [3] - 69:17,
91:12, 141:5
statement [2] - 3:15,
20:14
statement(s
[1] - 170:17
station [1] - 18:13
stay [2] - 96:9, 158:10
staying [1] - 101:8
stays [3] - 100:6,
100:17, 108:14
steep [1] - 95:9
stenographer
[8] - 4:9, 24:14, 38:9,
44:9, 50:9, 94:7,
106:9, 158:3
step [3] - 133:6,
149:9, 159:9
Stephen [1] - 87:3
steps [2] - 95:2,
101:11

still [8] - 27:6, 74:14,
82:6, 82:15, 101:15,
139:11, 148:5,
150:4
Stockman [2] - 94:11,
109:18
STOCKMAN
[7] - 95:18, 98:6,
98:9, 98:13, 99:6,
99:9, 110:6
storage [4] - 131:4,
131:16, 132:6,
139:9
story [5] - 95:5,
101:12, 101:13,
101:14, 105:2
straight [1] - 137:13
straightforward
[1] - 41:10
Street [67] - 2:3, 2:4,
2:7, 2:9, 2:10, 2:11,
2:12, 2:14, 2:15,
2:16, 5:6, 7:6,
12:16, 24:8, 24:17,
25:1, 25:8, 33:7,
34:6, 34:13, 38:6,
38:11, 38:15, 44:6,
44:12, 50:6, 55:12,
55:15, 55:18, 58:4,
58:17, 85:2, 94:6,
94:9, 94:14, 96:2,
96:4, 96:5, 106:18,
108:4, 110:2,
110:10, 110:13,
110:14, 110:15,
110:18, 111:1,
111:3, 111:4, 114:6,
114:13, 116:6,
116:7, 118:6, 127:7,
128:8, 129:13,
136:3, 136:4, 156:5,
158:6, 162:6,
162:11, 163:7,
163:9, 163:10
street [19] - 35:1,
51:6, 85:7, 88:9,
88:10, 88:14, 90:3,
90:5, 100:1, 100:18,
108:5, 108:7, 116:6,
137:16, 160:2,
160:3, 162:7,
162:11
strollers [1] - 85:9
structural [1] - 98:14

structure [29] - 42:5, 68:18, 69:3, 69:5, 70:1, 70:2, 70:8, 75:1, 76:3, 76:10, 80:5, 80:11, 80:17, 81:4, 81:6, 81:7, 82:7, 90:8, 100:15, 112:3, 112:10, 144:10, 145:16, 149:2, 152:11, 152:13, 164:10, 166:3, 166:9 student [1] - 57:10 **study** [2] - 21:3, 99:18 style [1] - 130:8 subject [7] - 4:1, 9:14, 19:1, 21:4, 115:9, 124:17, 167:16 submission [1] - 32:14 submit [3] - 67:12, 135:17, 135:18 submitted [7] - 8:2, 19:4, 19:9, 43:2, 49:5, 77:4, 91:4 subscribe [1] - 170:16 subsequent [1] - 112:5 **substance** [1] - 35:4 substantial [18] - 17:4, 36:6, 42:4, 42:13, 47:16, 68:17, 69:9, 70:4, 90:2, 90:14, 97:9, 101:16, 112:2, 112:14, 151:10, 166:2, 166:12, 167:18 substantially [6] - 18:11, 42:14, 69:10, 90:15, 112:15, 166:13 succeeds [1] - 70:3 **sufficient** [2] - 73:16, 85:5 suggest [1] - 122:5 **suggested** [1] - 73:14 suggestions [1] - 15:9 **SULLIVAN** [71] - 9:3, 24:18, 25:5, 25:17, 26:3, 26:14, 27:1, 27:12, 27:15, 28:1,

00.4.00.40.00.40
28:4, 28:10, 28:13,
28:18, 29:5, 29:18,
30:7, 30:16, 31:1,
31:4, 31:6, 31:9,
31:14, 31:16, 32:9,
32:12, 32:15, 32:18,
33:4, 33:9, 35:6,
35:7, 35:12, 35:17,
37:12, 37:13, 37:17,
41:14, 46:8, 60:1,
60:10, 61:2, 61:9,
62:2, 64:5, 64:13,
104:4, 104:13,
105:3, 105:13,
119:18, 120:10,
123:3, 123:9,
124:13, 133:14,
133:17, 134:6,
138:13, 138:16,
139:1, 139:5,
139:10, 139:18,
140:3, 141:11,
142:5, 142:9,
142:13, 143:1,
165:2
Sullivan [33] - 1:8,
3:5, 5:3, 6:5, 7:3,
10:17, 12:3, 23:15,
24:3, 24:15, 24:18,
37:18, 38:3, 43:10,
44:3, 49:10, 50:3,
57:18, 71:2, 72:3,
92:18, 94:3, 113:17,
114:3, 117:5, 118:3,
120:6, 126:7, 127:3,
129:15, 138:10,
167:7, 169:8
sum [1] - 35:4
sun [2] - 108:8, 108:9
sunlight [1] - 44:18
supply [1] - 42:8
support [36] - 32:7,
34:10, 34:13, 35:2,
35:4, 55:13, 58:1,
59:15, 69:14, 76:13,
76:14, 77:11, 85:5,
86:10, 86:12, 86:16,
86:18, 87:6, 88:1,
88:6, 88:16, 91:2,
107:18, 109:16,
109:17, 110:4,
111:7, 122:5, 155:9,
156:3, 161:11,

162:9, 163:16,

164:7, 165:1, 168:6 supportive [1] - 87:18 **surprised** [1] - 54:15 sweetheart [1] - 57:11 Т **T-Mobile** [1] - 12:17 tandem [2] - 83:13, 83:15 **Tannenbaum** [1] - 162:5 **Tax** [1] - 18:14 tax [1] - 101:1 Taylor [4] - 25:7, 26:7, 34:6, 35:2 team [1] - 7:18 technically [2] - 13:15, 116:9 tee [1] - 53:2 telecommunication **s** [1] - 18:9 ten [2] - 21:13, 22:8 tenants [1] - 57:6 tend [1] - 102:1 terminate [2] - 21:16, 22:16 terminated [1] - 22:18 termination [1] - 23:6 terms [17] - 103:1, 133:9, 137:3, 137:14, 139:4, 145:9, 148:4, 148:17, 149:1, 151:1, 151:12, 152:9, 155:6, 156:10, 156:11, 157:8, 158:17 Terrace [1] - 110:18 terrible [1] - 45:3 testimony [16] - 14:9, 14:13, 41:9, 47:1, 55:5, 55:9, 62:10, 62:11, 84:13, 89:4, 89:5, 106:3, 106:6, 111:10, 157:18, 168:7 th [1] - 57:10 THE [10] - 1:1, 1:16, 4:13, 24:11, 25:3, 134:2, 171:14, 171:15, 171:15, 171:16

thereafter [1] - 20:1
therefor [1] - 170:7
therefore [5] - 42:6,
112:11, 122:15,
166:5, 168:7
they've [3] - 130:2,
143:12, 159:16
thinking [2] - 92:5,
142:1
third [4] - 52:3, 60:16,
134:18, 159:6
THIS [1] - 171:14
THOMAS [23] - 128:9,
132:18, 133:7,
133:12, 133:18,
134:4, 134:8,
134:10, 138:10,
138:15, 138:17,
139:3, 139:8, 140:5,
141:8, 141:15,
142:18, 143:6,
153:7, 153:9,
154:15, 155:1,
155:12
THOMPSON
[4] - 128:7, 137:18,
138:4, 165:7
Thompson
Thompson [3] - 128:7, 162:8,
Thompson [3] - 128:7, 162:8, 163:11
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 21:14
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 21:14 timing [1] - 66:4 TO [1] - 171:15
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 21:14 timing [1] - 66:4 TO [1] - 171:15 today [5] - 13:13,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 21:14 timing [1] - 66:4 TO [1] - 171:15
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 27:5 timely [1] - 12:14 timing [1] - 66:4 TO [1] - 171:15 today [5] - 13:13, 28:9, 94:9, 94:13, 136:4
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 21:14 timing [1] - 66:4 TO [1] - 171:15 today [5] - 13:13, 28:9, 94:9, 94:13, 136:4 together [2] - 107:3,
Thompson [3] - 128:7, 162:8, 163:11 thoughts [1] - 107:15 Three [1] - 22:17 three [15] - 19:11, 67:8, 67:9, 67:17, 75:7, 82:10, 98:10, 98:15, 106:8, 121:2, 122:12, 130:11, 143:9, 155:2, 160:5 thrive [1] - 57:15 THURSDAY [1] - 1:4 Thursdays [1] - 119:4 tight [2] - 58:16, 139:2 timber [1] - 27:5 timely [1] - 27:5 timely [1] - 12:14 timing [1] - 66:4 TO [1] - 171:15 today [5] - 13:13, 28:9, 94:9, 94:13, 136:4

tonight [20] - 11:4,
16:18, 19:17, 21:17,
22:4, 22:15, 63:8,
63:14, 65:11, 67:8,
67:17, 72:12, 83:6,
84:1, 85:15, 85:17,
92:13, 128:13,
142:12, 159:8
took [4] - 14:17,
99:11, 136:1
top [2] - 17:7, 76:2
total [2] - 155:2,
158:16
totally [3] - 59:1,
107:4, 107:7
touch [2] - 45:14,
147:17
tower [1] - 18:12
townhouse
[1] - 55:18
traffic [7] - 17:1, 17:9,
36:4, 47:14, 88:9,
156:15, 167:15
Traffic [3] - 73:13,
74:9, 74:16
TRANSCRIPT
[1] - 171:14
transcript [5] - 4:11,
170:2, 170:6,
170:15, 170:16
transition [1] - 102:8
transmission
[1] - 21:1
transmit [1] - 3:18
tree [2] - 145:4, 157:5
tricky [1] - 149:6
•
tried [1] - 160:7
trigger [5] - 30:2,
30:13, 32:3, 32:5,
48:4
triggered [1] - 28:16
triggers [1] - 29:15
Trilogy [1] - 128:2
trucks [1] - 76:5
true [6] - 48:9, 69:2,
83:1, 99:13, 99:17,
171:6
trying [11] - 51:7,
52:10, 53:14, 101:6,
102:15, 102:16,
103:7, 131:11,
140:18, 143:2,
146:12
turn [10] - 4·15 24·6

26:12, 27:8, 73:16, 76:5, 76:11, 88:9, 88:11, 115:15 turning [2] - 52:4, 167:9 turnover [1] - 57:4 Two [1] - 21:18 two [50] - 5:8, 8:7, 19:6, 25:9, 25:11, 25:13, 26:8, 26:15, 26:17, 29:14, 31:6, 43:1, 44:16, 55:17, 64:11, 67:9, 67:17, 73:7, 78:12, 79:5, 79:7, 82:9, 82:16, 82:17, 83:2, 83:15, 83:16, 87:2, 88:15, 91:12, 92:4, 92:11, 94:15, 95:5, 101:13, 106:8, 116:9, 121:9, 122:12, 136:5, 142:17, 146:17, 150:4, 155:1, 157:6, 158:11, 158:14, 159:9, 164:9, 165:9 two-family[1] - 79:7 two-story [2] - 95:5, 101:13 two-unit [1] - 25:9 **Tye** [1] - 12:13 type [2] - 57:13, 64:14 typical [1] - 150:12 typically [2] - 60:17, 141:16 U ultimate [1] - 72:18 ultimately [2] - 83:15, 83:17 unanimous [4] - 69:14, 91:1, 111:6, 123:15 **uncode** [1] - 149:5 uncommon [1] - 149:16 uncontroversial [1] - 65:17 under [3] - 10:6,

145:12, 146:16 UNDER [1] - 171:15 undersigned [2] - 86:18, 171:4

undersized

[2] - 112:4, 151:3
understood
[4] - 29:17, 62:7,
67:18, 124:5
UNIDENTIFIED
[4] - 4:13, 24:11,
25:3, 134:2
unique [1] - 131:1
unit [5] - 25:9, 55:12,
75:8, 79:10, 85:2
units [2] - 75:5, 83:15
unless [4] - 16:17,
47:12, 82:7, 167:13
UNLESS [1] - 171:15
unqualified
[1] - 55:13
unreasonably
[1] - 59:3
up [46] - 14:9, 14:17,
16:3, 33:4, 45:11,
45:15, 46:18, 51:1,
54:7, 55:5, 62:9,
64:9, 65:2, 67:3,
67:11, 68:2, 76:8,
82:13, 84:12, 88:10,
91:8, 94:18, 96:10,
104:10, 105:4,
106:3, 106:6,
115:18, 116:10,
119:10, 131:8,
132:1, 133:9,
134:16, 134:17,
135:11, 136:18,
141:12, 142:14,
148:15, 150:18,
157:18, 159:6
upper [1] - 100:2
upstream [1] - 74:12
urge [2] - 57:15,
163:4
usability [1] - 58:11
usable [2] - 42:7,
57:12
uses [5] - 17:12, 36:9,
48:7, 156:17, 168:3
utility [1] - 102:1
utilize [1] - 19:17
V
V
Vaishali [3] - 33:13,
33:17
VAISHALI [1] - 33:14
Valentine's [1] - 9:14

variance [1] - 87:1
Variance [38] - 7:12,
29:16, 30:13, 39:2,
39:12, 41:16, 41:18,
42:17, 54:11, 55:14,
56:5, 57:9, 57:15,
68:13, 70:5, 70:11,
71:1, 72:17, 89:11,
89:14, 89:16, 90:18,
110:5, 110:8,
111:16, 112:18,
113:16, 128:12,
136:7, 148:1, 148:3,
148:18, 162:10,
165:10, 165:14,
165:16, 166:16,
169:3
various [1] - 39:18
ventilation [1] - 26:6
version [1] - 129:4
versus [1] - 83:2
vibrant [1] - 58:7
Vice [1] - 1:8
vicinity [1] - 143:17
video [1] - 3:17
view [3] - 137:11,
141:2, 144:6
Village [2] - 56:1, 56:7
vinyl [1] - 102:4
violates [2] - 51:4,
52:7
violations [1] - 31:7
virtually [2] - 82:4,
97:13
virtue [1] - 48:3
visible [1] - 56:9
visual [2] - 19:7,
19:13
visually [1] - 35:15
volume [1] - 170:6
vote [7] - 16:10,
62:11, 68:11, 89:10,
111:11, 111:13,
165:9
votes [1] - 165:9
voting [1] - 89:10
W
W-O-F-F-O-R-D

[2] - 158:5, 161:8 wait [1] - 83:9 waiver [4] - 9:16, 115:11, 115:14,

125:1
walk [4] - 27:6,
135:11, 149:13,
149:14
walked [2] - 58:12,
144:5
walkers [1] - 85:10
wall [10] - 30:1, 53:8,
61:1, 134:6, 138:14,
154:4, 154:12,
154:16, 155:3
walls [1] - 61:6
Walter [1] - 34:13
wants [4] - 107:5,
124:8, 150:15,
152:14
warning [1] - 139:16
water [3] - 131:9,
131:14, 166:3
waves [3] - 21:2,
21:9, 22:7
ways [3] - 52:8,
98:15, 107:10
week [2] - 8:7, 119:8
weeks [2] - 67:16
weighed [1] - 59:9
welcome [1] - 57:6
welfare [4] - 18:2,
36:15, 48:14,
168:11
wells [1] - 29:8
Wendell [2] - 116:6,
116:13
WERNICK [2] - 26:2,
33:3
Wernick [10] - 1:10,
3:6, 5:4, 6:6, 7:4, 10:18, 12:4, 23:16,
24:4, 37:18
wet [3] - 132:1, 152:1,
152:3
whatsoever [1] - 51:6
wheelchairs
[1] - 85:10
WHEREOF [1] - 171:7
WHITNEY
[23] - 50:10, 51:2,
52:2. 52:14. 53:6
52:2, 52:14, 53:6, 53:11, 53:18, 54:6,
53:11, 53:18, 54:6,
53:11, 53:18, 54:6, 54:12, 55:2, 60:15,
53:11, 53:18, 54:6,

67:18, 68:5, 71:4

Whitney [2] - 50:10, 70:14
whole [3] - 28:16,
105:2, 107:1
wider [1] - 108:15
widespread
[1] - 122:5
width [2] - 13:16,
108:17
wife [3] - 26:7, 72:14,
76:7
WILLIAM [7] - 38:14,
38:17, 39:5, 39:10,
39:15, 40:8, 40:12
William [2] - 110:15,
114:11
Williams [2] - 163:6,
163:8
Wilson [1] - 55:11
window [11] - 27:4,
27:5, 48:2, 56:3,
64:11, 65:12,
137:17, 145:5,
154:3, 156:1, 159:7
windows [37] - 25:12,
25:13, 26:10, 26:16,
27:9, 28:2, 29:14,
34:7, 34:14, 36:17,
39:7, 44:17, 53:8,
53:16, 53:18, 54:1,
63:3, 64:6, 64:9,
64:12, 65:9, 101:17,
101:18, 102:12,
133:15, 135:5,
135:10, 154:3,
154:6, 154:10,
154:12, 154:13,
155:2, 155:6, 157:1
wireless [2] - 13:1,
18:12
wishes [2] - 109:12,
161:18
wishing [15] - 12:8,
-
24:9, 38:7, 41:5,
44:7, 47:2, 50:7,
55:6, 72:7, 84:13,
106:7, 114:7, 118:7,
127:8, 158:1
withdraw [3] - 121:7,
121:10, 121:16
withdrawing
[2] - 74:3, 74:4
withdrawn [2] - 87:9,

89:12

WITNESS [1] - 171:7 WOFFORD [3] - 158:4, 161:7, 161:13 Wofford [2] - 158:5, 161:7 woman [1] - 97:1 wonderful [2] - 107:2, 107:3 word [1] - 165:3 worry [1] - 48:5 worth [1] - 104:17 worthwhile [1] - 104:9 write [2] - 55:13, 162:7 writing [6] - 34:17, 58:1, 85:3, 87:5, 109:17, 164:7 written [2] - 67:10, 67:11 wrote [1] - 85:14 www.reportersinc.c om [1] - 1:17 Y yard [14] - 29:8, 30:1, 31:10, 39:2, 39:7, 40:2, 41:11, 80:6, 81:14, 85:5, 101:15, 101:16, 108:9, 150:18 year [2] - 58:6, 96:13 years [6] - 45:2, 45:6, 55:18, 56:13, 97:2, 102:3 young [1] - 107:12 yourselves [1] - 70:2 Ζ Zelinski [2] - 171:4, 171:10 **ZONING** [1] - 1:1 zoning [10] - 51:4, 53:10, 69:7, 82:2, 87:1, 90:12, 137:4, 140:11, 141:1, 166:10 **Zoning** [10] - 1:11, 3:8, 13:4, 36:10,

112:11, 115:4, 162:10, 169:11, 170:6, 170:15