

January 7, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 7, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Laura Wernick

Alison Hammer

Jason Marshall

City Employees

Ranjit Singanayagam

Sisia Daglian



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I N D E X

CASE	PAGE
6:00 P.M. CASE: BZA-91137 -- 57 PLEASANT STREET Original Hearing Date: 12/12/20	10
6:00 P.M. CASE: BZA-97200 -- 74 LARCH ROAD Original Hearing Date: 12/10/20	18
6:00 P.M. CASE: BZA-98136 -- 9 SHADY HILL SQUARE Original Hearing Date: 12/10/20	72
NOT HEARD	
6:00 P.M. CASE: BZA-017326-2020 -- 2072 MASS AVENUE Original Hearing Date: 12/10/20	80

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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea Hickey, Jim Monteverde, Laura Wernick, Alison Hammer, and Jason Marshall

CONSTANTINE ALEXANDER: Welcome to the January 7 meeting of the Cambridge Board of Zoning Appeals. My name is Gus Alexander, and I am the Chair.

This meeting is being held remotely, due to statewide emergency orders limiting the size of public gatherings in response to COVID-19, and in accordance with Governor Charles Baker's Executive Order of March 12, 2020, temporarily amending certain requirements of the Open Meeting Law, as well as the City of Cambridge temporary emergency restrictions on city meetings, city events, and city permitted events, due to COVID-19, dated May 27, 2020.

This meeting is being video and audio recorded, and is broadcast on cable television Channel 22, within Cambridge. There will also be a transcript of the public proceedings in due course.

All Board members, applicants, and members of the

1 public will state their name before speaking. All votes
2 will be taken by roll call.

3 Members of the public will be kept on mute until
4 it is time for public comment. I will give instructions for
5 public comment at that time, and you can also find
6 instructions on the city's webpage for remote BZA meetings.

7 How much time you'll have to speak will depend on
8 the case; typically three minutes. It shouldn't be tight,
9 but if there's a lot of people who wish to speak, we may cut
10 that time back, as we did the last meeting we had, with
11 regard to the 2072 Massachusetts Avenue case. You'll have
12 up to three minutes to speak.

13 I'll start by asking the Staff to take Board
14 member attendance and verify that all members are audible.

15 SISIA DAGLIAN: Alison?

16 ALISON HAMMER: Hi, this is Alison Hammer, I'm
17 here.

18 SISIA DAGLIAN: Jason?

19 JASON MARSHALL: Jason Marshall, I'm here.

20 SISIA DAGLAN: Jim?

21 CONSTANTINE ALEXANDER: You need Jim, right?

22 SISIA DAGLIAN: Yeah. Jim's not here.

1 SISIA DAGLIAN: Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan, present and
3 audible.

4 CONSTANTINE ALEXANDER: And I'm present, of
5 course. We have to wait before Jim gets on the phone before
6 we can turn to our first case.

7 ANDREA HICKEY: Can we skip the first case and go
8 to the second, since they're both at 6:00?

9 BRENDAN SULLIVAN: Jim's on that one too.

10 ANDREA HICKEY: Oh, is he?

11 CONSTANTINE ALEXANDER: Yeah, Jim's on that one as
12 well.

13 ANDREA HICKEY: What about the third, not heard?

14 CONSTANTINE ALEXANDER: We're going to continue
15 that case. We can do that one.

16 ANDREA HICKEY: [Laughter] Okay.

17 CONSTANTINE ALEXANDER: I'm not sure -- well, I
18 don't think we'll save that much time if we do it out of
19 order.

20 ANDREA HICKEY: Right.

21 JASON MARSHALL: I thought I saw him logged in a
22 few minutes ago.

1 BRENDAN SULLIVAN: Yeah, he was just --

2 JASON MARSHALL: Maybe he just -- yeah.

3 CONSTANTINE ALEXANDER: We're trying to track him
4 down remotely.

5 LAURA WERNICK: So my -- I'm needed for the
6 continuing -- but not the other two? I think I am.

7 BRENDAN SULLIVAN: Laura's on the Larch Road.

8 ANDREA HICKEY: Yeah, Laura, you're on Larch Road
9 and then I think the last Mass Ave is continuing, so.

10 LAURA WERNICK: Okay, but no one called my name
11 for the roll call.

12 CONSTANTINE ALEXANDER: Jim, where are you?

13 SISIA DAGLIAN: He's on there, just --.

14 ANDREA HICKEY: Laura, I didn't get called for the
15 roll call either. Sisia, do you want --

16 SUSAN AGGER: Okay, Andrea.

17 ANDREA HICKEY: Andrea Hickey here, and --

18 SISIA DAGLIAN: Laura.

19 LAURA WERNICK: Yeah, Laura Wernick here.

20 ANDREA HICKEY: All right. Just trying to eat up
21 time, Sisia.

22 CONSTANTINE ALEXANDER: But Andrea, you'll just be

1 a member of the audience for the first case?

2 ANDREA HICKEY: Correct, yes.

3 CONSTANTINE ALEXANDER: Feel free to give
4 comments, if you like.

5 SISIA DAGLIAN: No, I'm fine, I'm sure.

6 CONSTANTINE ALEXANDER: Sisia's trying to track
7 down Jim right now, so we're waiting to see what happens.

8 BRENDAN SULLIVAN: Here's Jim.

9 JIM MONTEVERDE: Yeah.

10 CONSTANTINE ALEXANDER: Jim, are you on?

11 BRENDAN SULLIVAN: He's showing up, but --

12 CONSTANTINE ALEXANDER: Trying to put him on the
13 screen, but -- not my screen, but. Oh, for the good old
14 days when we had in-person meetings.

15 BRENDAN SULLIVAN: Are the transcripts in here --

16 CONSTANTINE ALEXANDER: No, we have no
17 transcripts.

18 BRENDAN SULLIVAN: -- that have been prepared for
19 Pleasant Street?

20 CONSTANTINE ALEXANDER: Well, I'm surprised you
21 saw that. Is Jim still on?

22 BRENDAN SULLIVAN: He's showing like he's logged

1 on, but he's not tuned in.

2 SISIA DAGLIAN: Just give him a minute.

3 CONSTANTINE ALEXANDER: Okay.

4 SISIA DAGLIAN: Jim, can you hear us?

5 ANDREA HICKEY: Sisia, have you been able to reach
6 him by phone?

7 JIM MONTEVERDE: I'm there.

8 SISIA DAGLIAN: Yeah, here it is.

9 CONSTANTINE ALEXANDER: I heard Jim.

10 ANDREA HICKEY: Ok.

11 JIM MONTEVERDE: I'm there.

12 SISIA DAGLIAN: Yeah, he's having technical
13 difficulties.

14 JIM MONTEVERDE: Can you hear me?

15 CONSTANTINE ALEXANDER: You're in?

16 SISIA DAGLIAN: Yes.

17 CONSTANTINE ALEXANDER: Okay.

18 JIM MONTEVERDE: I just showed up. Can you hear
19 me?

20 CONSTANTINE ALEXANDER: Yes, we can. Can you hear
21 us?

22 JIM MONTEVERDE: So really for that. I'm back.

1 CONSTANTINE ALEXANDER: Okay. I think now that I
2 have all five members on the call, we can move to the cases.

3 The cases tonight, as probably everyone realizes,
4 are all continued cases.

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(6:10 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, and Jason
Marshall

CONSTANTINE ALEXANDER: The first case I'm going
to call is Case Number 91137 -- 57 Pleasant Street. Anyone
here wishing to be heard on this matter? Is the petitioner
on for that?

MONTE FRENCH: This is Monte French; I'm
representing the project for the Order.

CONSTANTINE ALEXANDER: Okay. All right. The
floor is yours.

MONTE FRENCH: As discussed last time, this is a
continuation. I believe in our last hearing, the issue that
we had was that the plans were not in hand for the Board, or
for the community to review. The contact was based on the
overage on area of the addition, or the volume, rather, and
the windows on the left side.

Since then, we -- prior to the last hearing, we
reduced the volume to meet the 10 percent requirement. And
that is reflected in the set that you show. And then we're

1 asking for relief on the windows.

2 CONSTANTINE ALEXANDER: You're not asking for the
3 special permit? Now --

4 MONTE FRENCH: Yes.

5 CONSTANTINE ALEXANDER: -- the reason we initiate
6 -- not the reason, but a reason for continuing the case
7 originally was because of strong objections from a neighbor.

8 MONTE FRENCH: Yes.

9 CONSTANTINE ALEXANDER: I think you represented to
10 us at the last hearing that a neighbor -- you had met with
11 the neighbor, and the neighbor was satisfied --

12 MONTE FRENCH: Correct.

13 CONSTANTINE ALEXANDER: -- and we heard your case
14 the last time; it was very late in the evening because of
15 the earlier case, and that neighbor was no longer available.
16 Do you know if he's -- he plans to be on the call today,
17 tonight?

18 MONTE FRENCH: I don't think he was able to make
19 the call. I think he was on the last call, but for some
20 reason he was not able to be heard. We've actually engaged
21 with him and set up a rodent control plan to pay for -- it
22 is my understanding by the owner. He is in full support;

1 we've had good conversations back and forth. We shared the
2 plans, walked him through everything; it's been a very good
3 process.

4 CONSTANTINE ALEXANDER: Let me go out of order
5 with the way we usually run these meetings, and ask if that
6 neighbor is present, and planning to speak? It would be
7 good. Now is the time to do it. Let me give the rules for
8 doing that.

9 Any members of the public who wish to speak should
10 now click the icon at the bottom of your Zoom screen that
11 says, "Raise hand." If you're calling in by phone, you can
12 raise your hand by pressing *9 and unmute or mute by
13 pressing *6. So, is there anyone wishing to speak on this
14 matter?

15 SISIA DAGLIAN: Colin Morgan?

16 COLIN MORGAN: Hi. I just need to -- I -- is this
17 for all -- is this for just this matter, or did you want
18 anyone who wanted to speak tonight to do that?

19 CONSTANTINE ALEXANDER: No, no, just for this
20 matter.

21 COLIN MORGAN: Oh, okay, I thought -- sorry, I'm a
22 few cases forward, so.

1 CONSTANTINE ALEXANDER: Anyone? No one?

2 SISIA DAGLIAN: I can't tell. Pam Winters, did
3 you want to speak? Pam Winters?

4 CONSTANTINE ALEXANDER: Okay, Pam?

5 PAM WINTERS: Can you hear me?

6 CONSTANTINE ALEXANDER: Yes.

7 PAM WINTERS: Okay. I just have a quick question.
8 Is the 2072 Mass Ave case, has that been -- is that --

9 CONSTANTINE ALEXANDER: That's now how -- I'm
10 sorry, I just answered this question for someone else. We
11 haven't called that case yet.

12 PAM WINTERS: Oh. Is it going to be called
13 tonight? That was my question. I'm sorry.

14 CONSTANTINE ALEXANDER: Okay, thank you.

15 SISIA DAGLIAN: Okay, I don't think anyone else is
16 --

17 CONSTANTINE ALEXANDER: All right. Apparently, no
18 one is -- this neighbor is not going to speak tonight, and
19 the representation that's made by the petitioner -- the
20 petitioner's representative -- is that this neighbor has
21 been consulted, has been shown the plans, and is in support
22 of the relief being sought.

1 Is that correct?

2 COLIN MORGAN: Correct.

3 CONSTANTINE ALEXANDER: Questions from members of
4 the Board?

5 BRENDAN SULLIVAN: Brendan Sullivan, I have no
6 questions.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde, no questions.

9 CONSTANTINE ALEXANDER: Alison?

10 ALISON HAMMER: Alison Hammer, no questions.

11 CONSTANTINE ALEXANDER: And?

12 JASON MARSHALL: Jason Marshall.

13 CONSTANTINE ALEXANDER: Jason, Jason.

14 JASON MARSHALL: Jason Marshall, no questions Mr.
15 Chair.

16 CONSTANTINE ALEXANDER: Thank you, Jason. I'm
17 going to close public testimony. I'm -- I think the plans
18 are self-evident. We're talking about a special permit,
19 which is a lesser standard in terms of needing to be
20 satisfied of a variance. And so, I suggest we can make a --
21 proceed to a vote, unless anybody feels otherwise.

22 [Pause]

1 Okay. I'm going to assume nobody feels otherwise.

2 JIM MONTEVERDE: Agreed, agreed.

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

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

8 That traffic generated or patterns of access or
9 egress resulting from what the relief being sought will not
10 cause congestion, hazard, or substantial change in
11 established neighborhood character.

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

15 I should say that in connection with this and the
16 preceding point, we're talking about modest relief; it's
17 basically relocation of windows, that has only an immediate
18 impact on the neighbors and it's been reported, a
19 representative, was that these neighbors have no objection -
20 - have seen what is being proposed and have no objection.

21 Continuing, there's no nuisance or hazard will be
22 created to the detriment of the health, safety and/or

1 welfare of the occupant of the proposed use, or the citizens
2 of the city.

3 And again, the nature of what is being done does
4 not rise to the level of affecting the health, safety and/or
5 welfare of the occupant or the citizens of the city.

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

10 So on the basis of all of these findings, the
11 Chair moves that we grant the special permit requested on
12 the condition that the work proceed in accordance with plans
13 prepared by --

14 COLIN MORGAN: MFDS.

15 CONSTANTINE ALEXANDER: MFDS A+P dated 11/23,
16 November 23, 2020, the first page of which has been
17 initialed by the Chair. Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan, yes to
19 granting the special permit.

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

22 ALISON HAMMER: Alison Hammer, yes to granting the

1 special permit.

2 CONSTANTINE ALEXANDER: Jason?

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

5 CONSTANTINE ALEXANDER: Okay. And the Chair votes
6 yes as well.

7 [All vote YES]

8 So it's unanimous. Relief granted. Case over.
9 Thank you.

10 SISIA DAGLIAN: I need a minute.

11 CONSTANTINE ALEXANDER: I'm sorry?

12 SISIA DAGLIAN: I need a minute, because I have an
13 issue. I just need a minute.

14 CONSTANTINE ALEXANDER: Okay. We're taking a
15 brief break because we have some technical issues on this
16 end of the call.

17 JASON MARSHALL: Mr. Chairman -- Jason Marshall; I
18 think that was the only case I was on, so I'm going to log
19 off.

20 CONSTANTINE ALEXANDER: Good. Thank you, Jason,
21 for taking the time.

22 JASON MARSHALL: See you all.

1 * * * * *

2 (6:19 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Wernick, and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: Everybody else is on the
7 call -- myself, Brendan, Jim, Andrea and Laura. So the
8 Chair will now call Case Number 97200 -- 74 Larch Road.
9 Anyone here wishing to be heard on this matter?

10 SHIPPEN PAGE: Thank you, Mr. Chairman. Shippen
11 Page of PAGE & POWELL, 174 Lakeview Avenue, Cambridge, for
12 the petitioners, Shahid and Nadia Azim for 74 Larch Road.
13 Let me provide a little context for this, Mr. Chairman.

14 This is -- as was the other case -- a continuance
15 from December 10. And the petitioners were asked to
16 continue it to resolve some of the outstanding issues with
17 the neighbors regarding the encroachment of the side yard
18 setback off of Larch Road; another setback violation into
19 the rear yard -- left yard setback, forgive me -- and then
20 the design of the project.

21 I have only today read the letters in opposition
22 to the project, and I hope that those in opposition have

1 been able to review the revised plans, which Mike Fields of
2 Sam Kachmar Associates submitted to the city on Monday, but
3 apparently there was some problem getting them uploaded into
4 the system.

5 And so, those would clearly reflect some of the
6 changes, which would address the opponent's concerns.

7 Further, my clients have been reaching out to
8 their nearest neighbors, and they will have an opportunity
9 to comment on this.

10 The major points that we wish to raise are that
11 they have removed the encroachment of the 10-foot side yard
12 setback off of Larch Road, and they've extended the building
13 by eight feet, as I mentioned in my letter to the Board, and
14 they've eliminated the trash area to the rear of the
15 building, eliminating that.

16 The only remaining source of nonconformity coming
17 out of this project is increasing the FAR to 0.53, where 0.5
18 is allowed.

19 The project -- the land area is 237 square feet
20 short of the 6000 square feet requirement for the district,
21 presumably because it's an odd-shaped lot on the corner of
22 Larch Road and Fresh Pond Parkway, which -- had it been

1 conforming -- it would have had another 118 square feet to
2 play with.

3 But as it stands, this is the design that has been
4 modified to meet the objections. And if I may, I'd like to
5 take the -- ask their architects to take you through the
6 redesign, and they may do the whole presentation, members of
7 the Board, but off the focus on those areas where they've
8 made the changes. Mike?

9 CONSTANTINE ALEXANDER: Excuse me, Mr. Page and
10 the -- let me interject with something else. And then we'll
11 go on to the presentation.

12 SHIPPEN PAGE: Please.

13 CONSTANTINE ALEXANDER: As you may recall, at the
14 last hearing, when it was continued, some of my fellow Board
15 members raised some legal issues about the relief being
16 sought.

17 SHIPPEN PAGE: Sure.

18 CONSTANTINE ALEXANDER: In your submission, this
19 time -- the new submission --

20 SHIPPEN PAGE: Yep.

21 CONSTANTINE ALEXANDER: -- you state that the only
22 relief the petitioner is seeking is the de minimis 0.3

1 average in the allowable FAR to accommodate the -- your
2 client's growing family.

3 SHIPPEN PAGE: Yep.

4 CONSTANTINE ALEXANDER: That's not true.

5 SHIPPEN PAGE: It is true.

6 CONSTANTINE ALEXANDER: Excuse me, let me just
7 finish. There is a second element of relief you're seeking.
8 Not only do you need to get the FAR -- relief for the FAR,
9 which is going, as you point out, from 0.5 -- the
10 requirements of the ordinance of 0.5 --

11 SHIPPEN PAGE: Yep.

12 CONSTANTINE ALEXANDER: -- and you will be at
13 0.53. But you also need relief for total gross floor area.
14 It's a second form of relief. The ordinance says you can't
15 be more than 2882 feet, according to your filing, and your
16 total -- as proposed, the total gross floor area will be
17 3059.

18 SHIPPEN PAGE: Correct.

19 CONSTANTINE ALEXANDER: Okay. My question, and
20 it's a question you're going to have to deal with the
21 Building Department on, is I'm not sure what the answer is.
22 But I think there's a good likelihood that you need a

1 variance, besides a special permit, because of the two --
2 because of the gross floor area issue, in addition to the
3 FAR. That's for Mr. Singanayagam to decide initially, and
4 of course there's always a recourse to our Board by anyone
5 who's unhappy with the decision.

6 So I just want to be clear that this case may not
7 -- I don't know if it will be -- may not be over once -- if
8 we grant relief tonight.

9 SHIPPEN PAGE: Thank you for that clarification,
10 Mr. Chairman. I've got two questions in response to your
11 concerns. One is structural. And that is that with COVID,
12 it's been extremely difficult to have any kind of dialogue
13 with the members of the ISD to spare the Board having to go
14 through these issues at this hearing.

15 The second is it seems to me as a matter of logic,
16 that if I'm asking to go beyond the allowable FAR, it's
17 because I'm exceeding the amount of square footage that's
18 being requested. How can these be two different issues?
19 I'm confused.

20 CONSTANTINE ALEXANDER: I'm not saying you're
21 wrong with your logic. I'm just simply alerting you and
22 your client that the Legal Department -- the Building

1 Department may have a different analysis.

2 And if you're -- they don't give you the answer
3 you want, accept the argument you just presented, you're
4 going to have to come back, or you and your client are going
5 to have to come back before our Board. And you'll be having
6 to come back under a much stiffer legal requirement -- i.e.,
7 a variance, as opposed to a special permit.

8 Frankly, in my observation, if this case were a
9 variance case, I would not be in support --

10 SHIPPEN PAGE: All right.

11 CONSTANTINE ALEXANDER: -- for any relief, simply
12 because there is no hardship here.

13 SHIPPEN PAGE: I --

14 CONSTANTINE ALEXANDER: Just people want to have a
15 bigger house. That's not the hardship that our zoning laws
16 -- the Commonwealth laws -- are meant to deal with. It's a
17 different type of hardship, and especially given the size of
18 the house that you want to, or your clients want to -- have
19 should we grant relief.

20 I'm just -- the purpose of this is just to alert
21 you, and I'm going to alert Mr. Singanayagam, it is an issue
22 that's got to be decided by him initially, and we'll go from

1 there. So I just didn't want anybody to think this case is
2 necessarily over tonight, assuming we grant the relief
3 you're seeking.

4 SHIPPEN PAGE: So Mr. Chairman, this is very
5 edifying to me.

6 CONSTANTINE ALEXANDER: I'm sorry?

7 SHIPPEN PAGE: You and I and the Board have been
8 at this -- you know, a number of times over the past two
9 years, and I think one of the areas of concern is that this
10 crucial Bellalta case has never been codified by the City of
11 Cambridge, and so, part of the time we're forced to deal
12 with parallel realities.

13 What is the law that governs these kinds of
14 projects? And I would argue in my letter that because the
15 language of the case is so different from what's requires in
16 the ordinance, that I have to get some guidance, because I
17 don't want to have debate with the Board, I respect their
18 time, and want to be sure that I'm dealing in a clear
19 fashion with what I believe to be the applicable law.

20 And so, I'll be happy to talk to Mr. Singanayam at
21 any time, but I want to make sure that I'm being efficient
22 with my client's time and money to make sure that we can get

1 to a whatever the goal is, whether we get there or not -- in
2 the fewest number of steps.

3 CONSTANTINE ALEXANDER: I acknowledge your point,
4 and I -- I wish that the city would make a determination as
5 to what are we supposed to determine; enforce the ordinance
6 as it's written, or are we supposed to take into account the
7 case law that suggests that our ordinance as now written is
8 not consistent with Massachusetts law. That's not something
9 that this Board can decide, or not tonight anyway.

10 SHIPPEN PAGE: But I call the --

11 CONSTANTINE ALEXANDER: So that's the only point.
12 I'm not arguing with you. I'm just alerting you --

13 SHIPPEN PAGE: That's fine.

14 CONSTANTINE ALEXANDER: -- that there may be a
15 lurking issue here, even after this case is over -- the case
16 tonight is over.

17 SHIPPEN PAGE: Very well taken. Thank you, Mr.
18 Chairman. I will certainly take that under consideration,
19 and if we can proceed with the -- I'm sure -- I don't want
20 to drag this case out, because I think there are probably
21 some neighbors on the line that would like to speak to this.

22 So if I can just ask Mike Fields to briefly go

1 through those areas where he's made the changes, because I
2 don't think it's too much to assume that the Board may
3 remember the general sense of this property, and then I'll
4 be happy to address any issues the Board or members of the
5 Board may have.

6 Mike, is that okay Mr. Chairman?

7 CONSTANTINE ALEXANDER: That's fine.

8 SHIPPEN PAGE: Mike, do you want to take it on,
9 please?

10 MIKE FIELDS: All right, yeah. Hello, my name is
11 Mike Fields. I'm here with Sam Kachmar, and I think we can
12 just skip into the presentation here.

13 Okay, next slide?

14 So here we see the massing of the existing counts.

15 Next slide?

16 Here is the house with the proposed addition. As
17 noted, we have pulled everything within the required
18 setbacks for this property, and have rejiggered it so that
19 that all works.

20 Next slide?

21 This is the view from Fresh Pond, largely behind
22 the fence.

1 Next slide?

2 This is the view from Larch Street, in which we
3 have pulled the addition away from the street -- road -- and
4 it has gotten slightly longer, but we have stepped the
5 height of the building down from the existing. It's about a
6 little less than 25 feet at its highest point.

7 Next slide?

8 Here in the site plan, you can see the existing
9 nonconforming condition along the western setback. Nothing
10 on that side, that side will remain unchanged. And then we
11 have pulled the addition within the other setback lines.

12 Next slide?

13 In the sun study, we're not casting outside above
14 the property any more than the existing structure does.

15 Next slide?

16 BRENDAN SULLIVAN: No, underneath.

17 MIKE FIELDS: There we go. This is the site plan
18 of the existing with the covered porch to be removed where
19 the new addition would go.

20 Next slide? Here we see the roof plan with the
21 addition within the setbacks.

22 Next slide?

1 This is the floor plan, basements slightly lower
2 than the existing in order to get adequate head height and a
3 sump pump to a rain garden.

4 Next slide?

5 Here we see the reconfigured addition and its
6 relationship to the existing house.

7 Next slide?

8 Part of the point of the addition is to try and
9 get one of the bedrooms out of the basement so that
10 everyone's up on the second floor, with access to bathrooms.

11 Next slide?

12 Here on the third floor, we are converting the
13 unfinished attic space into an office and a play space for
14 the children.

15 Next slide?

16 And here we just see the roof plan. In the lower
17 left-hand corner, you have a rendering which shows the
18 house's relationship to Fresh Pond Road. I just wanted to
19 point out the distance between the house and the
20 intersection, which it is substantially back from that
21 point.

22 Next slide?

1 Here we see the addition on the Larch Road side.
2 We have also added some additional windows along the first
3 floor. Then in order to help articulate the façade and
4 break up the mass, we've made some of windows larger, so
5 that it is trying to address some of the concerns that the
6 neighbors have had.

7 Next slide?

8 This is the view from the north.

9 Next slide?

10 Here on the existing nonconforming side, we've
11 removed three windows on the second floor to provide some
12 additional privacy to the abutters.

13 Next slide?

14 And then this is the view from Fresh Pond on the
15 south, just showing the family's living area out front.

16 Next slide?

17 Again, thank you for your time, and this is a link
18 to a video render showing the exterior. The following
19 slides are views of the existing house, and then the next
20 one is the context of the neighborhood along Larch Street.
21 And then finally we have the site plan.

22 Thank you for your time. I think that -- I think

1 that is it.

2 SHIPPEN PAGE: Thank you, Mike, that's great. Mr.
3 Chairman, if I might, I just wanted to anticipate a concern
4 of some of the people in opposition -- folks in opposition,
5 the neighbors, who said that the house is already big
6 enough.

7 And I looked at the square footage of this house,
8 it's less than 2000 square feet on an 8---, on a 6000
9 roughly square feet lot, and they're asking to go to 3000
10 square feet more or less.

11 And I think about the comparative houses on --
12 that I've been familiar with and it doesn't seem
13 unreasonable to have a 3000 square foot house on a 6000
14 square feet lot, with due respect to the fact that this is a
15 very old house that hasn't had a great deal of exterior work
16 or additions done to it in nearly 100 years.

17 So I can understand that it's jarring, but I don't
18 think relatively speaking it's an unreasonable request,
19 considering the FAR in the district is 0.5.

20 And I would want to have Mr. Azim and Mrs. Azim to
21 come on if they would just to explain to the Board the
22 efforts, they've made with their neighbors to explain the

1 design changes and to accommodate their concerns. Shahid,
2 are you on the call?

3 SHAHID AZIM: Yes.

4 SHIPPEN PAGE: Would you just take the Board
5 through a little bit of the process of trying to share with
6 your neighbors what you want to do?

7 SHAHID AZIM: Absolutely. So I assume you guys
8 can hear me? So my name is Shahid Azim. I and my wife
9 Nadia, we've been residents of Cambridge since 2001 and
10 residents of 74 Larch Road for the last almost six years
11 now.

12 Since last meeting, the BZA meeting, we took the
13 feedback in a very sort of positive note. We reached out to
14 folks that had concerns, and spoke to our architects, who
15 have been very creative in presenting a solution that works
16 for our needs, and takes into account the neighborhood's
17 concern.

18 So, you know, from our standpoint, we -- you know,
19 like I said it's been a work in progress. We have been very
20 flexible reaching out to the neighborhood and getting their
21 input, making sure people are comfortable with the design
22 and -- not so much the design, but also, you know, the

1 structure.

2 So I don't know if you want me to highlight
3 anything specific, but that's kind of been what we've done
4 over the last two to three weeks.

5 SHIPPEN PAGE: No, I think that's very helpful,
6 Shahid. I think that the neighbors will speak for
7 themselves, of course, but I certainly wanted to reassure
8 the Board that we are not indifferent to the neighbor's
9 concerns, and have gone to some length to make sure that
10 while it may not be perfect, it is also more in line with
11 addressing their concerns.

12 So I'll close our part now, Mr. Chairman,
13 reserving any opportunity to --

14 CONSTANTINE ALEXANDER: Mr. Page, I'd like to see
15 you address the statute. To get the special permit you're
16 requesting, you have to deal with -- in Section 10.43 --
17 various items, and you haven't identified those.

18 SHIPPEN PAGE: Well --

19 CONSTANTINE ALEXANDER: Just to complete the
20 record.

21 SHIPPEN PAGE: Oh, I'm sorry, Mr. Chairman. But
22 if I may just quote one section from this Bellalta case for

1 the record, it reads this: [Bear with me for just a moment.]

2 CONSTANTINE ALEXANDER: Sure.

3 SHIPPEN PAGE: "A municipality's bylaw may not
4 afford fewer protections to preexisting, nonconforming
5 structures or uses than does the governing statute." And
6 that is as interpreted by the Supreme Judicial Court.

7 I want that to be in the record, because I
8 certainly want to spare my client an appeal from a Board's
9 decision that's based on an ordinance that clearly does not
10 comply with the interpretation afforded by the Supreme Court
11 in Bellalta. And that's the nub of the question.

12 I'll be very happy to read into the record the
13 requirements for the special permit, because I understand
14 those are legal elements, but I do want to emphasize the
15 overarching view that all of us appreciate.

16 So with that being said, Mr. Chairman, let me go
17 and read into the record. So the requirements of the
18 ordinance can or will be met, but this is a proposed
19 addition to a single-family residence that was built in
20 1913, and acquired by the applicants in 2015. It's
21 preexisting and nonconforming because the lot is undersized
22 by 237 square feet, and the left yard setback is 4.2 feet,

1 where 10 feet are required.

2 The scope of the work will increase the FAR from
3 existing 0.32 and proposed 0.53, thus exceeding the allowed
4 FAR by 0.003 -- .03.

5 The use will continue to be as a single-family
6 residence by this family with two young children,
7 modernizing the dwelling to modern standards will benefit
8 the neighborhood and will not be to the detriment of the
9 public interest.

10 Traffic generated or patterns of access or egress
11 would not cause congestion, hazard, or substantial change in
12 established neighborhood character for the following
13 reasons: Because the use of the dwelling will continue to
14 be as a single-family residence, there will be no change to
15 the extent of traffic generated, or in the patterns of
16 access or egress. As such, there will be no congestion
17 hazard or substantial change in the established neighborhood
18 character.

19 The continued operation of or development of
20 adjacent uses, as permitted in the zoning ordinance, would
21 not be adversely affected by what is being proposed use, for
22 the following reasons: Because the building -- I'm sorry,

1 because the use of the dwelling -- will continue to be as a
2 single-family residence, the continued operation of or the
3 development of adjacent uses, all of which are single-family
4 residences, will not be adversely affected.

5 d) Nuisance or hazard would not be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city
8 for the following reasons:

9 The proposed addition to this 1913 single-family
10 residence will be an improvement to the neighborhood, and
11 will not create a nuisance or hazard to the detriment of the
12 health, safety and/or welfare of the occupant or of the
13 proposed use to the citizens of Cambridge.

14 For other reasons, the proposed use will not
15 impair the integrity of the district or adjoining district,
16 or otherwise derogate the intent or purpose of this
17 ordinance for the following reasons:

18 As stated previously, this is an upgrade to a 1913
19 single-family dwelling that advances the interest of the
20 city and having a strong stock of residential dwellings, and
21 thus this proposal would not impair the integrity of the
22 district or adjoining district, and otherwise derogate from

1 the intent or purpose of the ordinance.

2 Thank you, Mr. Chairman.

3 CONSTANTINE ALEXANDER: Thank you. And now the
4 case that you've referred to -- and I'm familiar with, but
5 it's been a while since I've read it -- that says the
6 provisions of the case, in effect the provisions of the
7 Cambridge zoning ordinance are not consistent with state
8 law.

9 As I recall, that was a standard that the SJC said
10 would have to be satisfied. What was that -- just briefly,
11 what's it that standard?

12 SHIPPEN PAGE: Sure.

13 CONSTANTINE ALEXANDER: And how do you satisfy it?

14 SHAHID AZIM: Sure. As I wrote in the letter, the
15 standard is 1) does what you do intensify the nonconformity
16 of the nonconforming dwelling? Preexisting nonconforming
17 dwelling? If it does not, as my friend Mr. Rafferty has
18 pointed out, the applicant is entitled to a building permit.

19 If, however, it results in a -- intensification of
20 the nonconformity, or results in a new nonconformity, the
21 question before the Board becomes, would this be a
22 substantial detriment to the neighborhood?

1 What constitutes a substantial detriment to the
2 neighborhood? Well, this is where the law and the facts are
3 clearly up to a good deal of discretion.

4 And so, this is where it's a double-edged sword,
5 it seems to me. It gives the applicant a lower standard,
6 it's not as -- it's not a hardship, as you rightly pointed
7 out earlier -- but by the same token, it gives the Board
8 some discretion, not unlimited, but some discretion in
9 determining what constitutes a--quote, unquote--
10 "substantial detriment.

11 CONSTANTINE ALEXANDER: Thank you. We'll hear if
12 the neighbors who are in opposition who are on the call,
13 we'll shortly hear from them as to why they think, or why we
14 should find that there is a substantial detriment, which
15 you've presented the case well as to why there is not a
16 substantial detriment resulting from the relief being
17 sought.

18 SHIPPEN PAGE: If I may, Mr. Chairman, add one
19 more comment?

20 CONSTANTINE ALEXANDER: Go ahead, I'm sorry.

21 SHIPPEN PAGE: I mean, in all the cases over the
22 years that I've listened to and participated in before the

1 Board, the question of design often comes up. And the Board
2 is clear that the design per se, up to a point, is not
3 within the jurisdiction of the Board.

4 But I've listened to many cases where the design
5 is not at all favored by the neighbors, and the Board takes
6 those into consideration.

7 So that's something which I think we need to
8 consider very carefully as we review this case.

9 CONSTANTINE ALEXANDER: Your point is well taken
10 and it is correct. We are not an architectural review
11 board, we're a zoning board. And we apply the zoning laws
12 of the City of Cambridge and of the Commonwealth of
13 Massachusetts. And we do not get -- we should not get
14 involved in architectural design questions. That is --

15 SHIPPEN PAGE: Thank you.

16 CONSTANTINE ALEXANDER: -- your point's well
17 taken.

18 SHIPPEN PAGE: Thank you.

19 CONSTANTINE ALEXANDER: Okay, questions for
20 members of the Board at this point? Brendan?

21 BRENDAN SULLIVAN: Brendan Sullivan, I don't have
22 any questions at this point, but I will sort of disagree I

1 think with Mr. Page's analysis of the vehicle that you have
2 to come under. Shippen, you're claiming protection to grant
3 -- to obtain a special permit under 8.222 c), I assume?

4 SHIPPEN PAGE: Mm-hm.

5 BRENDAN SULLIVAN: And the case that you had cited
6 is whether or not a continuing nonconformity, an expansion
7 of an existing nonconformity, is more detrimental? I also
8 think if you read that, it also says provided it does not
9 create any new nonconformities. And yet you're creating new
10 nonconformities.

11 SHIPPEN PAGE: Well, I'm --

12 BRENDAN SULLIVAN: And under -- and so, if you're
13 asking for protection under 8.22 c), it clearly states that
14 you can get a special permit with the proviso that it does
15 not increase the volume by more than 25 percent, which this
16 is --

17 SHIPPEN PAGE: Correct.

18 BRENDAN SULLIVAN: -- and that you're also not
19 creating any new nonconformities --

20 SHIPPEN PAGE: Right.

21 BRENDAN SULLIVAN: -- which, in fact, you are.

22 SHIPPEN PAGE: That's --

1 BRENDAN SULLIVAN: So.

2 SHIPPEN PAGE: -- so Mr. Sullivan, I take your PO
3 intake, and I think the problem is that because the city's
4 not codified, the reasoning or the language of this case
5 that I'm forced to come before you as I did on Follen
6 Street, with the same predicament.

7 I've got to find a vehicle to find jurisdiction
8 for this case, and yet the ordinance does not provide me
9 with an accurate portal under existing case law, which
10 defines what the city can do.

11 So that's where I certainly understand your point.

12 BRENDAN SULLIVAN: I'm just having a clear reading
13 of the language, that's all. So -- again, and I will defer
14 back to what the Chair said, the opening remarks about that
15 it may very well not be the last step here, which, if it's
16 not, it's really going to delay your project substantially,
17 I would think.

18 But anyhow, so that's my comment at this point.
19 I'll let other members of the Board chime in or not, and
20 I'll listen.

21 SHIPPEN PAGE: Thank you.

22 CONSTANTINE ALEXANDER: Thank you, Brendan.

1 Laura, do you have any questions or comments?

2 LAURA WERNICK: Not at this time, no.

3 CONSTANTINE ALEXANDER: Okay. Jim?

4 JIM MONTEVERDE: This is Jim. No, I don't have
5 any additional questions.

6 CONSTANTINE ALEXANDER: And Andrea?

7 ANDREA HICKEY: Yeah. So I'm struggling a bit
8 with our authority to sort of lean on the Bellalta case more
9 than on the ordinance as written. That's my struggle,
10 Attorney Page.

11 SHIPPEN PAGE: All right.

12 ANDREA HICKEY: Can you talk me through why
13 Bellalta should be what we focus on, when the ordinance
14 perhaps doesn't allow us to do that?

15 CONSTANTINE ALEXANDER: That's the point I've been
16 trying to make as well, Andrea. I agree.

17 SHIPPEN PAGE: Attorney Hickey, as -- I don't mean
18 to be histrionic, but I'm going to make a very extreme
19 analogy to make a point.

20 Brown versus Board of Education was decided by the
21 United States Supreme Court, and a black family takes their
22 child to school and the school says, "You're not allowed."

1 And they say, "But the Supreme Court of the United States
2 says what you're doing is not legal." And they say, "Well,
3 look, we have to follow our rules."

4 And the child says, "But you're depriving me of
5 rights that I've been given by the United States Supreme
6 Court." And I have to question two years nearly since this
7 case was handed down. The city has not even raised this as
8 an issue.

9 And I've called the City Manager to ask him
10 because I understand the Law Department won't speak to me,
11 but I find it very puzzling that I'm trying to figure out
12 how to get simple relief, and it's very clear from the
13 Bellalta case that one in two family dwellings are handled
14 very differently from other structures -- a destination with
15 the Cambridge zoning ordinance does not make.

16 And so, that I'm required to conform to a statute
17 what has now been overruled, in as much as it applies to my
18 case. And if I am told that I've got to apply for a
19 variance, which the Chairman rightly points out, this does
20 not constitute a hardship. This is a modest increase in the
21 FAR.

22 If I'm forced -- if you deny this, and I'm forced

1 to appeal this, it puts my client at a decided disadvantage.

2 The irony is that my client could build this if we
3 took away the 177 square feet, he could build this as of
4 right. All he's asking for is the city's permission under
5 the applicable case law to build an addition which is simply
6 appropriate to this property, irrespective of the neighbor's
7 concerns about designs. It is what the property can hold.

8 So I am certainly willing, Attorney Hickey, to --
9 I'll try to persuade you, but we can all see the dilemma in
10 what I'm trying to explain, and I don't have a rabbit that I
11 can pull out of a hat, all I'm looking for is to explain
12 that this is a very awkward position for myself and any
13 other applicant that comes before the Board that says, "We
14 got a parallel universe here."

15 CONSTANTINE ALEXANDER: And it's an awkward
16 position for this Board as well, which is the point I've
17 been trying to make.

18 SHIPPEN PAGE: Yeah.

19 CONSTANTINE ALEXANDER: And the City hasn't helped
20 us out with regard to dealing with their ordinance as
21 compared to the court decision you referred to. But, you
22 know, we're going to go back to the point. You could just

1 reduce the size of this project by 177 feet, and the issues
2 would be over. I mean, it's your call, and I'm not
3 suggesting you have to do that.

4 SHIPPEN PAGE: That is --

5 CONSTANTINE ALEXANDER: But that --

6 SHIPPEN PAGE: -- that is true, Mr. Chairman, but
7 if I can just propose a hypothetical to you for the purposes
8 of argument, if I were to say to you that if you will be
9 overturned on appeal -- I don't mean this to be in an
10 argumentative sense, but I think the Board would be
11 definitely overturned on appeal; I can't even predict what a
12 court's going to do, no lawyer could ever do so.

13 But if the governing law is as I suggest, and the
14 city is forced to go on appeal and loses, it's a waste of
15 city resources, and I think you'd be well within your rights
16 as the Chairman to say, 'I need -- " as I've heard you say
17 to Attorney Rafferty "-- this person is entitled to a
18 special permit.

19 And Mr. Sullivan has obviously a point in question
20 as to whether or not this is a new nonconformity covered by
21 the case, but I don't think you're at risk by saying, "We
22 understand that this is not just the ordinance, but the

1 ordinance as it has been interpreted by the highest court in
2 Massachusetts."

3 BRENDAN SULLIVAN: [Brendan Sullivan.] Andrea, you
4 still have the floor. Do you have any more questions?

5 ANDREA HICKEY: So I'd like to go back to Attorney
6 Page just for a second to perhaps speak to Mr. Sullivan's
7 concerns. Attorney Page, can you talk a little bit about
8 your view of this project as sort of a perhaps increase of
9 an existing nonconformity is what's being presented, versus
10 a new nonconformity? Because I think that distinction is
11 really important.

12 SHIPPEN PAGE: I agree with you. I think it is --
13 as I read this case, Attorney Hickey, I see it as allowing -
14 a - the city has to determine whether or not there is an
15 intensification of an existing nonconformity, which there's
16 none; we were not going further into the side yard setback,
17 whatever, or a new nonconformity.

18 If there's a new nonconformity, I think this is
19 the spirit of this case that says you've got all these
20 properties throughout Massachusetts, all of whom were built,
21 or many of which were built before zoning even came into
22 being.

1 And to force a homeowner to justify an addition
2 under the guise of a hardship -- and I've watched this Board
3 over many, many years deal with that very complicated issue
4 -- they are saying, "We're going to have a lesser standard
5 that's going to apply to these."

6 And the Board's judgment is going to be whether or
7 not this whatever it is constitutes a substantial -- not any
8 detriment, a substantial detriment to the community, giving
9 the leeway to the homeowner to do things that in the Board's
10 judgment are reasonable, that aren't just crazy like these
11 houses in Gloucester that are -- you know, these McMansions
12 that are being built -- but something that is within the
13 purview of the community; people who had constituted jury,
14 as you guys do, to say, "This makes sense."

15 Now, the Chairman has indicated it's too big. And
16 that's a judgment call, which I respect. But it does fall
17 within a substantial detriment, rather than a hardship. I'm
18 not arguing hardship here, this isn't that case. So that's
19 how I'd address your concern.

20 ANDREA HICKEY: Thank you, Councillor. I'll yield
21 to Mr. Sullivan or whoever is next.

22 SHIPPEN PAGE: Thank you.

1 CONSTANTINE ALEXANDER: Just a slight
2 clarification, Mr. Page. The special permit requirement is
3 a substantial change in established neighborhood character.

4 And the question, I guess, for the purpose of the
5 special permit putting aside this complication of the
6 Supreme Court decision in the lack of response by the City
7 of Cambridge in its ordinance is whether you -- whether for
8 purposes of a special permit what is being proposed will
9 constitute a substantial change in established neighborhood
10 character.

11 SHIPPEN PAGE: Right, so.

12 SAM KACHMAR: Mr. --

13 SHIPPEN PAGE: Okay, let me address that, Sam, and
14 then I'll cede the floor to you. I think, Mr. Chairman,
15 this is a really interesting questioning for the city of
16 Cambridge. If I were to say, "What constitutes the
17 neighborhood?"

18 I would look at Strawberry Hill, I'd look at
19 Grozier Road, I'd look at not just the six or seven houses
20 around this particular section, I'd look at where the old
21 Russell School, where those buildings were put up, and I'd
22 see that there was some considerable imagination and

1 diversity in architectural styles that have sprung up in the
2 last 30 years, as design changes, as tastes have changed,
3 the diversity of the population has changed.

4 So I think that one has to weigh what constitutes
5 the neighborhood, and I would suggest that one might be more
6 than just the surrounding houses. I'm sorry Sam, go ahead.

7 SAM KACHMAR: No, I was going to say that, you
8 know, we reviewed a lot of the homes on Larch Road and tried
9 to consider how some are contemporary, some were traditional
10 and some were mixed in between as we worked through the
11 design for our client.

12 And if I may just make a quick comment, we were
13 actually inspired by a lot of beautiful new homes in the
14 neighborhood. So the argument that we're the only ones who
15 want to build or sort of remodel the house I think is a
16 little bit of a moot point.

17 We only have to walk not only down our street, but
18 sort of -- you know, any of the side streets in the Huron
19 Village sort of area, you're going to find multiple homes
20 that have been updated and are no different than what we're
21 proposing.

22 So from the existing homeowner's standpoint, we

1 feel a little perplexed, frankly, that we not only have
2 changed our plans -- our original plans that were proposed a
3 few weeks ago, we've been extremely flexible.

4 We want to absolutely be respectful of the
5 neighborhood. You know, I've been in Cambridge for 20 years
6 -- five on this street. So we're lifers for Cambridge.

7 And so, what I want to understand is really we
8 want to absolutely do the right thing. But to me I'm a
9 little perplexed. I think it's -- in many ways this is a
10 very simple decision. We can make it complex, but it can be
11 very simple.

12 I think Shippen has rightly pointed out that there
13 is a -- you know, there are certain bylaws that we're
14 compliant with, and so from my standpoint, you know, we
15 proposed something that is very much in the spirit of the
16 neighborhood.

17 CONSTANTINE ALEXANDER: Thank you. I'll now open
18 the matter up to public --

19 BRENDAN SULLIVAN: Did Jim chime in?

20 CONSTANTINE ALEXANDER: I'm sorry?

21 BRENDAN SULLIVAN: Did Jim Monteverde chime in?

22 CONSTANTINE ALEXANDER: He didn't really comment.

1 BRENDAN SULLIVAN: Okay.

2 CONSTANTINE ALEXANDER: Jim, am I correct, that
3 you had no comments?

4 JIM MONTEVERDE: That's correct.

5 CONSTANTINE ALEXANDER: No questions?

6 JIM MONTEVERDE: No, that's correct. Thank you.

7 CONSTANTINE ALEXANDER: Okay. I'm looking for my
8 instructions. Okay. So as I said, we're going to open this
9 matter up to public testimony. Any member of the public who
10 wishes to speak should now click the icon at the bottom of
11 your Zoom screen that says, "Raise hand."

12 If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6. So
14 with that, we'll take a few moments to see if anyone wishes
15 to speak. We have four -- several people who wish to speak.
16 Go ahead.

17 COLIN MORGAN: Can you hear me?

18 SISIA DAGLIAN: Coral intake? Yes.

19 COLIN MORGAN: Hi, my name is Colin Morgan. I'm
20 an abutter at 67 Larch Road, right across the street,
21 speaking on behalf of myself and my mother, Dr. Alison
22 (phonetic) Morgan, who is also an abutter.

1 I have a number of concerns, but I just wanted to
2 correct a few things you said, Mr. Page. To begin with, the
3 house had work done in the past 100 years. It's an
4 incorrect date. I don't know where you got that
5 information.

6 We were close friends with the last people that
7 lived there, and having lived there my whole life, I'd seen
8 work on the outside of that house happen, even before these
9 close friends of mine lived there. So that's one thing I
10 just wanted to clear up real quick.

11 And then something else I wanted to clear up, my
12 mother and I, we live right across the street. She works on
13 a very fixed schedule. She's a neurologist, the only
14 neurologist at one of the main COVID centers in Boston. So
15 she comes and goes pretty -- you know, you can see when
16 she's coming and going. We haven't been contacted by you.
17 No one's contacted us. We've had to get this information
18 from other neighbors, and we're your direct neighbor across
19 the street.

20 We would have really appreciated it if you had
21 reached out to us, and it would have made us feel like you
22 were doing this more in the spirit of the neighborhood, like

1 you were talking about in the design just now. And just to
2 get to that real quick, I agree.

3 I think this should be -- this can be a very
4 simple matter; just reduce the size by the 177 feet as you
5 were talking about, and we won't have to waste any more of
6 your money, Mr. Page; we won't have to waste any more of
7 this Board's time, and of the Council's time, and we won't
8 have to waste any of our time.

9 We're talking about two children; we're not
10 talking about a five or six children household. People have
11 lived there in the past 100 years who have had many more
12 than two children. But the last people that lived there had
13 three children that are close friends of ours, as I said.

14 The person who lived there before this was an
15 architect as well. So, you know, if need be, the Council
16 can get that information from her.

17 And the last thing I'd just like to say -- and I'd
18 like to say I appreciate your time as well -- on a personal
19 note, when I was a child, you might be familiar with
20 Migdalia Y. Penalvert Square, the little girl who died on
21 the corner of Fresh Pond Parkway and Huron Ave right down
22 the street from Larch Road up there.

1 SHIPPEN PAGE: Certainly do.

2 COLIN MORGAN: That was a very sad day for the
3 neighborhood. I asked you in this meeting last time to come
4 to us and to ask the City of Cambridge to ask the proper
5 people if this was going to impact traffic on either Larch
6 Road or Fresh Pond Parkway. You've done none of that.

7 I asked you last time to come to us with a plan
8 for rodent control. As you know, the City of Cambridge has
9 a big rodent problem. When construction occurs, they tend
10 to scatter around the neighborhood. You said you would come
11 to me with a plan for rodent control; you have not.

12 I just feel there are a number of smaller issues
13 you need to look at before you even get to the fact that
14 those other houses you were talking about in Cambridge that
15 have a similar modern design; they fit in the FAR. That's
16 why they're there, that's why it's okay.

17 So, you know, if you want to just reduce the size
18 and go ahead and do that, I think it would just make it a
19 lot easier for all of us, and I appreciate everyone's time.
20 Have a nice day and stay healthy in COVID.

21 SHAHID AZIM: If I may just quickly --

22 CONSTANTINE ALEXANDER: No, sir, sir, it's not

1 your time to speak. I want to hear from the other
2 neighbors. You'll have at the end time to speak; I don't
3 want to break up the dialogue. Sisia, who's next?

4 SISIA DAGLIAN: Kate Clearly?

5 KATE CLEARLY: Hi, I live at 83 Larch Road, and I
6 just saw the plans probably about 10 minutes before. I too
7 have not been contacted, and I am an abutter.

8 I went on the website on Tuesday to find out, and
9 I actually e-mailed Maria to find out when the plans were
10 supposed to be in. And I just saw them probably 10 minutes
11 before the meeting started. So that doesn't give me a lot
12 of time.

13 I don't think that the issue necessarily is the
14 design of the project, it's the scale of the project in
15 proportion to the lot and the way the lot is situated. It
16 just is massive. To Colin's point, it just needs to be
17 smaller.

18 And more importantly, in the last meeting I asked
19 about a landscape plan, which I think is an extremely
20 important issue here, because according to those plans that
21 we're seeing, a lot of maples are coming down, and it's my
22 understanding that the City of Cambridge has put a stop to

1 taking down healthy trees, and that's a huge concern because
2 that -- those trees protect our neighborhood, whether it's
3 in the environment from all the traffic on Fresh Pond
4 Parkway, our noise level --

5 So there's a lot of things that need to be taken
6 into consideration here that -- you know, I asked for those
7 landscape plans, and I'm sure people in my neighborhood are
8 very concerned about the fact that as well.

9 CONSTANTINE ALEXANDER: Thank you.

10 KATE CLEARY: That's all I have to say.

11 CONSTANTINE ALEXANDER: Sisia, next person?

12 SISIA DAGLIAN: Robert Kegan?

13 ROBERT KEGAN: Can you hear me now?

14 CONSTANTINE ALEXANDER: Yes.

15 ROBERT KEGAN: Thank you, Mr. Chairman. Robert
16 Kegan, with my wife, co-owner of 71 Larch Road, directly
17 across the street father the Azim's property. I do
18 appreciate the Azim's have been in contact, and I appreciate
19 that they -- if I understand correctly, have agreed to set
20 the wall that will be directly facing our house further back
21 from the street, which I appreciate.

22 You never really know what all this is going to

1 feel like, of course, until something is built, despite --
2 you know, what you can see in architectural plans.

3 I appreciate that -- so my initial concern, my
4 main concern was that it would feel too encroaching, too
5 close, too monolithic, and leave our house feeling too
6 closed in. The setback is an improvement on that.

7 I also appreciate that they've begun to break up
8 that kind of -- that monolith by putting in some windows.
9 Myself, I would love to see more windows.

10 I have a kind of question, which is, if this is
11 approved, does, are they -- does it then -- are they
12 required, kind of, to follow the window plan or, I mean, is
13 that as binding so to speak to the plan as the setback
14 issue?

15 CONSTANTINE ALEXANDER: Let me answer that
16 question. When we -- if -- when we approve a petition for a
17 change to a structure, we qualify that approval by saying
18 that the project has to proceed in accordance with the plans
19 that were filed with the petition.

20 And it sometimes happen the petitioner decides, or
21 his architect or a builder, they want to or need to make
22 some changes to what they presented to us. We have to have

1 another hearing with the new proposal.

2 So it's not a matter of -- tonight we will, if we
3 approve it, it'll be based on the plans that have been
4 submitted. And those plans are it, unless the petitioner
5 comes back and seeks different relief or new relief, based
6 upon new plans.

7 ROBERT KEGAN: Thank you. Thank you, Mr.
8 Chairman.

9 CONSTANTINE ALEXANDER: Okay. Anybody else?

10 SISIA DAGLIAN: John Hawkinson?

11 JOHN HAWKINSON: Hi Mr. Chair, [John Hawkinson.]
12 I just wanted to make sure that you and Attorney Page were
13 aware, because it sounded like you were not, that the Law
14 Department has in fact proposed a codification of the
15 Bellalta case of the Cambridge zoning ordinance, and that
16 appeared on the City Council agenda this past Monday.

17 And I don't mean to suggest that that language is
18 in effect now, and it may not be the language that Ranjit
19 considers exactly when he considers these questions, but it
20 might be helpful to you in thinking through what might
21 happen and recognizing that although it's certainly not a
22 certainty that the Council will adopt the proposed language

1 from the Law Department, it's fairly likely. So if this
2 case were to instead have been heard in April or May of this
3 year, it would be pretty clear what the standards were.

4 And so it might be helpful to think about
5 potentially applying the standard that the Law Department
6 has recommended. Thanks.

7 CONSTANTINE ALEXANDER: Thank you, John. I was
8 not aware of that, and thinking only for myself, I don't
9 think -- it's nice, it's helpful to know that they're
10 changing the standard, but we've got to deal with the
11 standard that's in the ordinance right now, anyway -- in the
12 ordinance, and we also have to deal with the court decision
13 that Mr. Page correctly has referred to.

14 But thank you again. Anybody else?

15 SISIA DAGLIAN: Yeah. A phone number ending,
16 4248.

17 JOHN RIELY: Yes, hello. My name is John Riely.
18 I'm from 77 Larch Road, and I'm here with my wife, Dr.
19 Margaret Gayden. Can you hear me?

20 SISIA DAGLIAN: Yes.

21 JOHN RIELY: Okay, thank you. So recently we were
22 asked to write a letter about our comments pertaining to

1 this special permit, which we did. And in the letter, we
2 highlighted some of the concerns that we had, similar to
3 some of our neighbors who spoke tonight -- namely our nearby
4 neighbors Kate Cleary and Bob Kegan.

5 Mainly we were concerned about the monolithic wall
6 and its proximity to the street sidewalk and since that's
7 been changed -- you know, our letter addressed that. And so,
8 we feel more comfortable with it that it's within the
9 setback rules.

10 Also that it does have windows on that first floor
11 of the wall, and it seems a little bit more in keeping with
12 the rest of the neighborhood, and seems less like a -- sort
13 of like a side wall, when it really fronts the street.

14 So those are two of the concerns that we felt have
15 been addressed by the changes by the applicant.

16 I think with our neighbors in general, this part
17 of the street has been a very close community. We go to
18 people's Christmas parties, we go to ball games together, we
19 have barbecues, and this case really is upsetting, because
20 it sort of breaks that spirit ideal.

21 I really feel bad about this in that way, because
22 the house and it's design in the presentation of this seemed

1 to be very offensive. And I think a lot of people felt that
2 way.

3 But in terms of how this is in -- I guess the
4 application of this -- I feel with some of my neighbors, I
5 do feel for them and I want to support them in the fact that
6 if the house seems too large for them, they're closer to
7 that house than I am, because they would front that addition
8 and I wouldn't. So I'm concerned about that.

9 And I did ask the applicant to address that. I
10 asked that we have a plan for what the landscaping would
11 look like to better define that side of their addition, and
12 also, add some definition so it would break up that wall
13 even further.

14 What they said was that it would come. And I am
15 concerned about that. I feel that we should know better
16 about what we should expect there, and I'm in support of my
17 neighbor's comments in reference to that.

18 In reference to Colin's earlier comment with his
19 Mom about the size of the house, you know, I can understand
20 that there's a concern there, and that's something I think
21 the Board addresses better than the neighbors. I think we
22 can add our comments about that one, but I think that you

1 know what the law is, and I think that you need to pursue
2 that.

3 My wife may have other comments. Can she talk
4 too?

5 CONSTANTINE ALEXANDER: Thank you.

6 SISIA DAGLIAN: No, his wife wants to talk.

7 CONSTANTINE ALEXANDER: Oh, okay.

8 SISIA DAGLIAN: Yes.

9 CONSTANTINE ALEXANDER: Go ahead.

10 MARGARET GAYDEN: Yes, I just -- in support of
11 John -- what John said, as well as Bob Kegan, Colin Morgan
12 and Kate Cleary. I really have to take issue with a couple
13 of items that Mr. Page stated.

14 Number 1, the houses that are in the middle of the
15 street are there because the school used to be there, and
16 they were brought in as a cluster. They all are somewhat
17 modern, but not nearly as jarring or fortress like as this
18 particular one.

19 They blend in from a color perspective, with --
20 and a landscaping perspective -- with the rest of the
21 street, and they're a very distinct -- I don't know anybody,
22 they're -- I do not agree. Of course Mr. Page would say

1 that the neighborhood is larger, that's his argument, he's
2 an attorney, who's much more skilled with language than am
3 I.

4 Nevertheless, our neighborhood and one of the
5 comfortable feelings of living where we are is that there
6 are five or six houses that have a very warm, historical
7 sense, and that's where we live. And no, we're not happy to
8 see this new modern looking, fortress-like structure.

9 If -- we do see that it would be a substantial
10 detriment to the neighborhood, and we do -- our concern is
11 that it will decrease the value of our houses. So I really
12 take issue with those two points, Mr. Page, and I want that
13 noted in the record.

14 I also want to support what Kate said about the
15 trees. Those 100-year-old sugar maples, and they add beauty
16 in the fall, and there is a moratorium on taking down
17 healthy trees.

18 So I can't see how those can be taken down, and I
19 don't see how you could put that addition and not take them
20 down. So I think that needs to be taken into consideration.
21 Thank you very much for your time.

22 CONSTANTINE ALEXANDER: And thank you for taking

1 the time to participate. Anyone else? Yes?

2 SISIA DAGLIAN: Yes. Phone number ending 9213.

3 [You don't have to cut the trees.]

4 Hello? Can everyone hear me?

5 SISIA DAGLIAN: Yes.

6 CONSTANTINE ALEXANDER: Yes.

7 ALISON MORGAN: This is Alison Morgan. I live
8 across the street from I live across the street from the
9 house we're discussing today.

10 CONSTANTINE ALEXANDER: How many people -- excuse
11 me, how many people live across the street? You're about
12 the third or fourth person who said they live across the
13 street. I'm sorry, that's -- go ahead.

14 ALISON MORGAN: Who's questioning where I'm -- who
15 was the person who said that, I'm sorry? Hello?

16 CONSTANTINE ALEXANDER: Hello?

17 ALISON MORGAN: Yes, the person who made the
18 comment about me living across the street, I am the person
19 who lives across the street.

20 CONSTANTINE ALEXANDER: Okay, I should have bit my
21 tongue. Proceed with what you want to say, let's forget
22 about who lives across the street and who doesn't.

1 ALISON MORGAN: Well, I live at 67 Larch Road.

2 CONSTANTINE ALEXANDER: Okay, thank you.

3 ALISON MORGAN: My son talked earlier. My name is
4 Alison Morgan, and I've lived here for 27 years. I want to
5 talk about everything that everyone has said, but of course
6 there's not enough time.

7 I want to thank my other neighbors for being so
8 kind to me for what has been going on. I haven't had the
9 chance, as you guys know, to be -- you know, involved,
10 because of the situation of the pandemic.

11 I was only alerted to this new proposal, this
12 restructuring of the architectural plans, by -- I happened
13 to be on my computer on the Internet and it popped up, and
14 it had only been there -- put there on Monday. I don't have
15 enough time to go over those. I think in my circumstance
16 being right across the street from this house, I need more
17 time to -- and I said this in my letter that I sent to the
18 Board, I hope it was received: I need more time, I need to
19 talk with an architect, talk with a lawyer regarding what's
20 happening.

21 I am the one who will be most impacted in this
22 whole scenario, and I will ask the Zoning Board to please

1 give me time to seek the help that I need to decide on how
2 to proceed with this.

3 And it's just been quite a shock. The house is
4 very large. I'm going to ask, was the basement taken into
5 account -- I did write this in my letter -- when the square
6 footage of the house was calculated? Hello?

7 CONSTANTINE ALEXANDER: Hello? Yes. Do you want
8 --

9 ALISON MORGAN: It was?

10 CONSTANTINE ALEXANDER: Is that a question to the
11 petitioner?

12 ALISON HAMMER: I'm asking whether -- I don't know
13 -- I'm asking whether the basement has been taken into
14 account when all of this was calculated, because --

15 CONSTANTINE ALEXANDER: I don't know the answer.

16 ALISON MORGAN: -- as I said in my letter --

17 CONSTANTINE ALEXANDER: I don't know the answer to
18 that, but I'm not sure the answer is relevant to the case
19 tonight. The city --

20 ALISON MORGAN: Well, you were saying that the --
21 wait a minute, they were saying that they needed more room.
22 So I'm asking if that was considered. Because if the

1 basement has been completely done -- I wrote this in my
2 letter -- I mean, the basement has completely, an au pair
3 suite and a lot of useable space.

4 So I'm just asking, the idea behind making this
5 house bigger is hardship or whatever you want to say, the
6 people need more room. So I'm asking whether this is not
7 considered part of it? It's a question.

8 CONSTANTINE ALEXANDER: All I can say is that
9 whether the basement is finished or not or useable is not
10 germane to the question we have to decide tonight. They say
11 --

12 ALISON HAMMER: Okay.

13 CONSTANTINE ALEXANDER: -- they believe they need
14 more space, and -- but that raises some zoning issues, which
15 is what we're trying to hash out tonight. So I don't want
16 to go down that road, it's just not, frankly, relevant to
17 what the legal issues we have to decide.

18 ALISON HAMMER: Well, it was discussed earlier,
19 that's the only reason I'm bringing it up.

20 And also, the size of the house is of concern, and
21 I do have concerns regarding light -- how it will affect
22 light and noise. As I said in my letter, I am not an

1 architect, so I don't really know how it would affect it,
2 and I would need to have the time to discuss with someone
3 all of these issues.

4 Let's see, what else? Change in established
5 neighborhood character, this was brought up tonight, and I
6 think it's very important that -- and I agree with Margaret,
7 and thank you for bringing up that point -- we need to have
8 this house be fitting in with the rest of the neighborhood.
9 It's sticking out like a sore thumb if the proposed
10 architectural style and design is allowed. And I think it
11 is important.

12 And so, I would prefer that, you know, somehow,
13 it's modified, made smaller, and also, somehow or the other
14 the style is made more in keeping with the neighborhood.

15 I'm really quite concerned about how much it's
16 going to take, you know, the time -- length of time, the
17 duration of this project.

18 ALISON MORGAN: Hello?

19 CONSTANTINE ALEXANDER: Hello? You said -- I
20 thought you made a comment, I'm sorry.

21 CONSTANTINE ALEXANDER: No. No, I was talking to
22 my -- one of my fellow Board members. I'm sorry, I didn't

1 --

2 ALISON MORGAN: Okay.

3 CONSTANTINE ALEXANDER: -- mean to interrupt you.
4 Go ahead, continue.

5 ALISON MORGAN: Alright. And so, basically, I
6 want to support what the rest of the neighbors have said,
7 and I want to state that the impact on my property and my
8 property value, and also, the encroachment, as Bob has said,
9 the feeling of claustrophobia where this house -- such a
10 size of house would project upon my house and needs is of
11 concern.

12 So I don't want to waste a lot of time, because
13 I'm sure we have a lot of neighbors waiting to speak. But
14 that would be my two cents there.

15 And again, to reiterate, I hope you received my
16 letter, because the details are in there, which I wouldn't
17 have time to state tonight. Thank you.

18 CONSTANTINE ALEXANDER: Thank you for taking the
19 time to speak. Anyone else, Sisia? If that's it's, we're
20 going to close public testimony. I will give -- Mr. Page,
21 I'll give you and your client the opportunity to give final
22 remarks before we hear the case. But let me make a personal

1 observation. You obviously have neighborhood opposition.
2 And the opposition is tied to the fact that it's too big, in
3 the neighbors' opinion, too big.

4 And because it's too big, you need zoning relief.
5 If you would just cut the size of the addition back a bit,
6 you could avoid the need to get any legal relief, and I
7 suspect you would make amends with your neighbors, who are
8 not going to be happy, should we grant the relief you're
9 seeking, and should you build -- make the changes that
10 you're proposing.

11 It's just a practical answer. And I wish you
12 would consider that. It would make life easier for you, in
13 my opinion, and all around for the city. With that --

14 SHIPPEN PAGE: Mr. Chairman --

15 CONSTANTINE ALEXANDER: Mr. Page?

16 SHIPPEN PAGE: I certainly appreciate your
17 practicality; I've listened to the neighbors with clearly
18 some serious attention. I understand my clients want to be
19 in this neighborhood for a good long time, and they, of
20 course -- my assumption is they don't want to put their
21 finger in a hornet's nest.

22 If I were at the Senior Center, I'd ask for a

1 brief recess so I could talk about it with them, because
2 they could either go for a vote and possibly given the tenor
3 of the neighbors and the composition of the Board, I
4 wouldn't want to predict, because I wouldn't want to put my
5 foot in my mouth, but I would make sure that --

6 So if I can go on mute for two minutes, call my
7 client and see what they want to do, I'd appreciate it.
8 Because I -- they may want to withdraw. They may say, "No,
9 this is not worth it." Or they may say, "We'll take a shot."
10 But I've heard the same things everybody else has heard, and
11 this is why you all get paid the big dollars." So --

12 CONSTANTINE ALEXANDER: I was being happy to
13 recess this case. Let me explain. We have a -- next case
14 is a case we're going to continue, because the person didn't
15 post the sign. So it's not going to take very long to deal
16 with that case.

17 SHIPPEN PAGE: Okay.

18 CONSTANTINE ALEXANDER: And then the last case is
19 2072 Massachusetts Avenue --

20 SHIPPEN PAGE: No, no, no.

21 CONSTANTINE ALEXANDER: That case is not going to
22 go on for a long time, in my opinion, but I'll probably be

1 dead wrong, and the reason for that is the case is going to
2 be continued.

3 But, with that I will recess this case, get on the
4 phone with your client, when you're ready to speak with us,
5 come back on and hopefully by that time we'll have time to
6 hear what you want to say.

7 SHIPPEN PAGE: This won't take long, Mr. Chairman,
8 thanks for that indulgence.

9 CONSTANTINE ALEXANDER: All right. We'll do the
10 next case. Check back in with us. If you're not ready,
11 then we're going to go on to the 2072 Massachusetts Avenue,
12 which I hope and believe will not be -- take a long time to
13 deal with.

14 SHIPPEN PAGE: Thank you very much.

15 CONSTANTINE ALEXANDER: Okay. So we're going to
16 recess this case, and I'm going to move on to the next case.
17 Okay?

18 SHIPPEN PAGE: Yes, thank you.

19 COLLECTIVE: Thank you.
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1 * * * * *

2 (7:21 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Wernick, and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 98136 -- 9 Shady Hill Square. Anyone here
8 wishing to be heard on this matter?

9 SISIA DAGLIAN: No.

10 CONSTANTINE ALEXANDER: No?

11 SISIA DAGLIAN: [I don't see.]

12 CONSTANTINE ALEXANDER: The petitioner -- no one's
13 going to speak tonight. This is a case we're going to have
14 to continue. The petitioner failed to post a sign
15 advertising this case tonight, and as a result we can't hear
16 the case.

17 We did this once before, but that failure to
18 participate was understandable, because the case wasn't
19 going to come up until close to midnight because of the next
20 case we're going to hear tonight.

21 So, I don't think we need --

22 SISIA DAGLIAN: They wanted -- it hasn't been

1 heard, but they wanted to get January 28.

2 CONSTANTINE ALEXANDER: When do we have room?
3 Next? Keeping him on, we need at least two weeks for him,
4 for the petitioner to advertise.

5 SISIA DAGLIAN: Yeah, the twenty-eighth.

6 CONSTANTINE ALEXANDER: Twenty-eighth?

7 SISIA DAGLIAN: Yeah.

8 CONSTANTINE ALEXANDER: That gives -- today is the
9 --

10 BRENDAN SULLIVAN: Seventh?

11 CONSTANTINE ALEXANDER: -- seventh --

12 SISIA DAGLIAN: Yeah.

13 CONSTANTINE ALEXANDER: -- yeah, that's plenty of
14 time. Okay. The Chair moves that we continue this case as
15 a case not heard until 6:00 p.m. on February 28.

16 SISIA DAGLIAN: No, January.

17 CONSTANTINE ALEXANDER: I'm sorry, January, thank
18 you. January 28, subject to the following conditions:

19 One, that the petitioner signs a waiver of time
20 for decision.

21 SISIA DAGLIAN: They've already done that.

22 CONSTANTINE ALEXANDER: And that has already been

1 done, so that condition has been satisfied.

2 Two, that the petitioner this time has to post a
3 sign advertising the new time, the twenty-eighth of January,
4 and the new 6:00 p.m., and the time and date, 6:00 p.m. on
5 the twenty-eighth of January.

6 And that the sign must be maintained for the 14
7 days prior to the twenty-eights, as required by our
8 ordinance.

9 And lastly, to the extent that the petitioner
10 wishes with regard to the case we'll hear on the twenty-
11 eight, make any changes or additions to the plans,
12 specifications or the like with regard to this case, the
13 petitioner must have these in our -- or the Building
14 Department's files, no later than 5:00 p.m. on the Monday
15 before the twenty-eighth.

16 All those in favor? Brendan?

17 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
18 continuance.

19 CONSTANTINE ALEXANDER: Okay. Jim?

20 JIM MONTEVERDE: Jim Monteverde, yes to the
21 continuance.

22 CONSTANTINE ALEXANDER: Laura?

1 LAURA WERNICK: Laura Wernick, yes to the
2 continuance.

3 CONSTANTINE ALEXANDER: And Andrea?

4 ANDREA HICKEY: Andrea Hickey, yes to the
5 continuance.

6 CONSTANTINE ALEXANDER: And the Chair votes yes
7 for the continuance as well.

8 [All vote YES]

9 So this case will be continued until 6:00 p.m. on
10 January 28, provided that the conditions that I've just
11 dictated are satisfied.

12 Okay. Have we heard back from --

13 SISIA DAGLIAN: Well, we have to unmute them, see
14 what they say.

15 CONSTANTINE ALEXANDER: All right, I'm going to
16 move on to the next case, then. They'll have to wait until
17 we finish.

18 SISIA DAGLIAN: Do you want to unmute them and
19 ask?

20 CONSTANTINE ALEXANDER: Say it again

21 SISIA DAGLIAN: We can unmute them and ask. I can
22 unmute them and ask?

1 CONSTANTINE ALEXANDER: Yeah, please do that.

2 SISIA DAGLIAN: Shippen?

3 SHIPPEN PAGE: Sisia, hi.

4 SISIA DAGLIAN: Yeah, do you -- are you ready, or
5 do you want to wait until --

6 SHIPPEN PAGE: I can't reach Sam Kachmar. I've
7 tried to reach -- my clients are available, but I haven't
8 reached Sam. And so, I think, you know, I can certainly
9 hang in there during the 27 too, but -- and I can come back.
10 But I think it's going to take a little bit more processing
11 than 30 seconds, so I don't want to hold up the Board.

12 CONSTANTINE ALEXANDER: Well we have another case,
13 the 2072 Massachusetts Avenue. I'm hopeful it's not going
14 to take a very long time, because it's an -- they're going
15 to make a motion to continue. I can check back with you
16 after we finish that case, and then we can make our final
17 decision. Is that all right with you, Mr. Page?

18 SISIA DAGLIAN: Oops, I moved him out. Sorry.

19 CONSTANTINE ALEXANDER: Mr. Page?

20 SISIA DAGLIAN: I moved him. I moved him out.
21 Sorry.

22 BRENDAN SULLIVAN: He'll call back when he's

1 ready.

2 CONSTANTINE ALEXANDER: Yeah, he'll call back.

3 Okay, let's move on to the next case. Where's the file?

4 SISIA DAGLIAN: Shippen? Yeah, it's here.

5 CONSTANTINE ALEXANDER: There might be the letter
6 requesting we continue.

7 SHIPPEN PAGE: Sisia?

8 SISIA DAGLIAN: Yeah, Shippen?

9 SHIPPEN PAGE: Yeah, yeah, yeah.

10 SISIA DAGLIAN: So we're -- are you there?

11 SHIPPEN PAGE: Sisia, are you there? Hi, Mr.

12 Chairman?

13 CONSTANTINE ALEXANDER: I can barely hear you, Mr.

14 Page.

15 SHIPPEN PAGE: Hold on. Hi.

16 SAM KACHMAR: Are you there?

17 SHIPPEN PAGE: Can you hear me now?

18 SAM KACHMAR: Yeah, I'm here.

19 CONSTANTINE ALEXANDER: It's a little bit better,
20 but it's still not great.

21 SHIPPEN PAGE: I've got -- Mr. Chairman, I'm

22 sorry. I just got through to the architects and my client

1 but -- and they're just freaked that they're going to have
2 to wait until the end of the affordable housing project.

3 But if I can come back at the end and give a
4 report as to whether that -- and the Board's willing to
5 indulge me, I'd prefer to have a little bit more time than
6 just the 45 seconds, because I understand --

7 CONSTANTINE ALEXANDER: No, no, that's fine.
8 We're not trying to rush you; we're just trying to be --
9 make sure you know all the facts.

10 SHIPPEN PAGE: No, I --

11 CONSTANTINE ALEXANDER: We will call you back --
12 we will plug you back in after we hear -- we finish the
13 affordable housing case on Mass Ave.

14 SHIPPEN PAGE: That's fine.

15 CONSTANTINE ALEXANDER: But again, I just want to
16 warn you that it's not going to be like the last time where
17 we'll be hearing -- I hope -- we're hearing this case for
18 hours and hours and hours tonight. Those hours and hours
19 and hours are going to come in the future, I think.

20 SHIPPEN PAGE: I think as a citizen, I'll be
21 watching that case in any event, but it'll give me an
22 opportunity to review this with the architects and my

1 clients. Thanks, Mr. Chairman.

2 SHIPPEN PAGE: Thank you, Mr. Page.

3 SISIA DAGLIAN: Okay.

4 CONSTANTINE ALEXANDER: Okay, ready?

5 SISIA DAGLIAN: No, I'm not ready. Sorry. Okay.

6 I've been doing some -- Sean? Okay.

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2 (7:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Wernick, and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017326 -- 2020, 2072 Massachusetts Avenue.
8 Anyone here wishing to be heard on this matter?

9 SEAN HOPE: Yes, good evening Madam Chair and
10 members of the Board.

11 CONSTANTINE ALEXANDER: Good evening, Mr. Hope.

12 SEAN HOPE: Yes, good evening. On behalf of CC
13 HRE Mass Ave Tenant LLC we thank you for having us tonight.
14 In advance of this hearing, we submitted a continuance
15 request into the file. We also submitted an explanation for
16 the reason for the continuance.

17 CONSTANTINE ALEXANDER: Yes.

18 SEAN HOPE: Namely, there were renderings that did
19 not accurately depict an important part of our submission.
20 Due to the strong public interest and the fact that this
21 really is a -- there's public funds, we thought it was
22 appropriate to request the continuance, so that we could

1 share the appropriate corrected renderings with the
2 community.

3 Also, there are certain city departments that it
4 would be appropriate, namely the Planning Board, to go and
5 to present and to allow feedback, that might also end up
6 with the Board, as well as to make sure that this process is
7 not rushed at all.

8 We looked at the BZA agenda. We also looked at
9 the Planning Board's agenda. And so, we're requesting a
10 date in early March that would be appropriate for the Board,
11 and we believe that would give us enough time not only to
12 address the community, but also to follow up with any city
13 departments that may have comments on the proposal that
14 we're presenting.

15 CONSTANTINE ALEXANDER: Okay. Thank you. What
16 I'm going to do, given the fact that this is a very --
17 there's a lot notoriety to this case, I want to read into
18 the record and for the benefit of those on the phone or on
19 Zoom, your letter requesting -- explaining why you need or
20 want the continuance, so everyone is on the same page. I
21 don't want any mystery here.

22 So with that, I'm going to -- the letter we have

1 received from Mr. Hope, and which he's referred to, and he
2 has highlighted very accurately, is as follows:

3 "We are writing to request a continuance for the
4 above referenced BZA case. On January 5, 2021, we held a
5 Zoom community meeting to present the 8 six-story
6 alternative proposal that we submitted to the BZA on January
7 24, 2021.

8 "At the community meeting, at least one
9 participant challenged the depiction of the abutting Russell
10 Apartments as being out of scale in our architects'
11 renderings.

12 "After the meeting, our architect, Jason Forney
13 from Bruner Cott Associates, reexamined his renderings and
14 discovered that the Russell Apartments height was in fact
15 incorrect in several of the drawings."

16 [And then you have a, "Please see the attached
17 memo from Mr. Forney that provides more information."]

18 "We have worked to ensure that the 2072 Mass Ave
19 permitting process has been robust and transparent with the
20 community. We believe that this error requires us to
21 distribute the corrected plans and renderings to the
22 community and city staff for us to schedule another

1 community meeting to solicit additional feedback prior to
2 presenting any further plans to the BZA.

3 "It is of utmost importance to us that the plans
4 we present to the community, city staff and the BZA are
5 accurate to the best of our ability. Therefore, we believe
6 this continuance is paramount to ensuring the permitting
7 process's integrity is not diminished. We look forward to
8 presenting our corrected plans to the BZA in the near
9 future."

10 The only thing I would comment on that letter,
11 there's no mention here of the Planning Board. But I think
12 you said you're planning to go back to the Planning Board
13 with the new plans, am I correct?

14 SEAN HOPE: That's correct.

15 CONSTANTINE ALEXANDER: Good. I think that's
16 important, because I would like to hear -- I think this
17 Board would like to hear from the Planning Board with regard
18 to the current plans, which are now in process.

19 So, I think it's time for a motion. We have --
20 before I make the motion, what date do we have in March,
21 early March?

22 SISIA DAGLIAN: Well, March 4 is --

1 CONSTANTINE ALEXANDER: It's supposed to be a day
2 that --

3 SISIA DAGLIAN: Right.

4 CONSTANTINE ALEXANDER: -- no other case is going
5 to be heard.

6 SISIA DAGLIAN: March 4 and 18 are the two dates
7 in March, the two Thursdays in March where there are not
8 other BZA cases.

9 CONSTANTINE ALEXANDER: So if we did it at the
10 seventh of -- I mean, seven plus --

11 SISIA DAGLIAN: Plus four.

12 CONSTANTINE ALEXANDER: -- plus four, the eleventh
13 of March?

14 SISIA DAGLIAN: That's another -- that's a BZA
15 date.

16 CONSTANTINE ALEXANDER: That is another? Oh, I'm
17 sorry, I got it wrong. I got it backwards.

18 SISIA DAGLIAN: Granted, there's probably nothing
19 scheduled for that yet.

20 CONSTANTINE ALEXANDER: Right. I want to do it on
21 a date we'd ordinarily have it. Would March 4 work for you,
22 Mr. Hope?

1 SEAN HOPE: I'm looking at my calendar and my
2 other team members. Yeah. Both will take that date.

3 CONSTANTINE ALEXANDER: So that's okay with you,
4 March 4?

5 SEAN HOPE: Yes.

6 CONSTANTINE ALEXANDER: And let me check with
7 other Board members, because we need the same -- as you
8 know, the same five members for that to hear the case on
9 that date. Brendan, will you be available March 4?

10 BRENDAN SULLIVAN: I'm not going anywhere,
11 unfortunately. Yes. I will be available.

12 CONSTANTINE ALEXANDER: I'm sorry

13 BRENDAN SULLIVAN: I will be available, yes.

14 CONSTANTINE ALEXANDER: Oh, good, you'll be
15 available. Keep going around. Jim?

16 JIM MONTEVERDE: Jim Monteverde, I will be
17 available.

18 CONSTANTINE ALEXANDER: Okay, Laura?

19 LAURA WERNICK: [Laura Wernick], I will be
20 available.

21 CONSTANTINE ALEXANDER: I'm sorry?

22 LAURA WERNICK: I will be, yes.

1 CONSTANTINE ALEXANDER: Good, thank you, I'm
2 sorry. And Andrea?

3 ANDREA HICKEY: Yes, I'm available, thank you.

4 CONSTANTINE ALEXANDER: And I'm available on the
5 fourth as well. So we will continue this case -- I'll make
6 a formal motion in the procedures that Mr. Hope knows better
7 than I, actually -- to continue this case until March 4.

8 So, the Chair moves that this case be continued as
9 a case heard, until 6:00 p.m. on March 4, subject to the
10 following conditions:

11 One, that the petitioner sign a waiver of time for
12 decision, and he's already done that in connection with
13 the case we're hearing tonight.

14 Second, that a new posting sign with the new date,
15 March 4, same time, 6:00 p.m. be posted and maintained for
16 the 14 days prior to the March 4 hearing, as required by our
17 zoning ordinance.

18 And lastly, to the extent there are new or changed
19 plans specifications, details and the like, as the
20 petitioner has done in the past, those must be in our files
21 no later than 5:00 p.m. on the Monday before March 4. And I
22 would advise those members of the community who are on this

1 call tonight or have learned about it, that you have --
2 that's when any new changes will be available. And so, you
3 should go to the city's website and inspect them, should you
4 wish to.

5 So, with that, all in favor? Brendan?

6 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
7 continuance.

8 JIM MONTEVERDE: Jim Monteverde, yes to the
9 continuance.

10 CONSTANTINE ALEXANDER: Laura?

11 LAURA WERNICK: Laura Wernick, yes to the
12 continuance.

13 CONSTANTINE ALEXANDER: And Andrea?

14 ANDREA HICKEY: Andrea Hickey, yes to the
15 continuance.

16 CONSTANTINE ALEXANDER: And the Chair votes yes as
17 well.

18 [All vote YES]

19 CONSTANTINE ALEXANDER: So this case will be
20 continued until March 4 at 6:00 p.m.

21 BRENDAN SULLIVAN: Can I just ask one question?

22 CONSTANTINE ALEXANDER: Go ahead.

1 BRENDAN SULLIVAN: [Brendan Sullivan] Sean, you
2 guys also have a website that the general public can follow
3 along, is that correct? Other -- in addition to the City
4 website?

5 SEAN HOPE: Yes.

6 BRENDAN SULLIVAN: For any submissions? Okay.

7 SEAN HOPE: And just to --

8 BRENDAN SULLIVAN: Because your submits to us may
9 very well come in on that Monday night, but it may be
10 advisable for the citizens that they could follow along, I
11 guess whatever -- I know that you have continuing dialogue
12 and much more concurrent than the city one has. So any
13 advice to the general citizenry that they could follow along
14 on your website?

15 SEAN HOPE: Yes, and just to make the comment,
16 we've made a practice of trying to post things when they're
17 ready on the website, regardless of when they're due to the
18 city. And again, for the public benefit we'll try to do
19 that as well.

20 CONSTANTINE ALEXANDER: Thank you, Mr. Hope. So,
21 this case is continued, so the case is over for tonight,
22 anyway.

1 SEAN HOPE: Thank you.

2 CONSTANTINE ALEXANDER: Thank you, Mr. Hope.

3 SHIPPEN PAGE: Okay.

4 CONSTANTINE ALEXANDER: Okay, before we finally
5 adjourn, we should go back to --

6 SISIA DAGLIAN: Yeah, I have to switch --

7 CONSTANTINE ALEXANDER: -- our case with Mr. Page.

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(7:40 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and Andrea
Hickey

SHIPPEN PAGE: I'm here, Mr. Chairman.

CONSTANTINE ALEXANDER: Oh, you're here. Good,
thank you. Do you -- are you ready, or do you need --

SHIPPEN PAGE: No, we're ready, Mr. Chairman. I
think my clients are eager to put this matter to a vote of
the Board, and hope that we've satisfied or at least
addressed the concerns of the Board, and we certainly heard
the concerns of the neighbors.

CONSTANTINE ALEXANDER: I'm sorry, I had trouble
understanding what you were saying. You're not on the
screen this time, and so, the sound's a little bit blurred.

SHIPPEN PAGE: Yeah, no, I went off --

CONSTANTINE ALEXANDER: Could you -- I'm sorry?

SHIPPEN PAGE: I went off the screen. I couldn't
-- I'm blank now, for some reason. But in any event, my
clients are eager to have the Board vote on this matter.

CONSTANTINE ALEXANDER: So you want to vote

1 tonight?

2 SISIA DAGLIAN: Then I'm going to check it out --

3 CONSTANTINE ALEXANDER: Is that right? We seem to
4 have lost you. Yes.

5 SHIPPEN PAGE: Correct.

6 SISIA DAGLIAN: Now you're on mute. Shippen,
7 you're on mute.

8 SHIPPEN PAGE: Sorry. Thank you. Whoever's
9 helping me technologically, thank you.

10 CONSTANTINE ALEXANDER: Oh, finally you're back on
11 the screen.

12 SHIPPEN PAGE: Yeah, it's good to be back. The --
13 my clients would like to go for a vote, and they have --
14 they hope they've addressed your concerns, and they've
15 certainly heard the neighbors, and they'd like to see how
16 the Board has received their application.

17 CONSTANTINE ALEXANDER: Okay, and you -- of course
18 they appreciate that if the vote doesn't go with them?
19 You'll have -- relief is denied, and of course there's
20 appeal rights, and I'm going to take a long time to get the
21 case resolved, if it gets to the courts.

22 SHIPPEN PAGE: Exactly, so -- and then if they --

1 if the Board should deny them, they would be prepared to
2 alter their thing, but they'd like to get this --

3 CONSTANTINE ALEXANDER: Got it.

4 SHIPPEN PAGE: -- they'd love to have this
5 approved, and, but they could go to the city without
6 prejudice if they just conformed with the zoning ordinance.
7 So --

8 CONSTANTINE ALEXANDER: Okay, that's fine.

9 SHIPPEN PAGE: -- this is what they'd like to do.

10 CONSTANTINE ALEXANDER: We -- did you have any
11 comments you wanted to make with regard to the neighbor's
12 comments that presented, or to give you a chance to deal
13 with this?

14 SHIPPEN PAGE: Yes. That's helpful.

15 SHAHID AZIM: If I may?

16 SHIPPEN PAGE: I would like to speak to that. I
17 would like to speak to Mr. Morgan's comments. I didn't mean
18 to imply that there's been no work done on that house. My
19 understanding was there hasn't been any additional exterior
20 additions to the house in my understanding. He could
21 clarify that for me, but that was my understanding. I don't
22 have the imminent knowledge that he does.

1 I certainly understand the tree issues, and that's
2 something we're going to have to address.

3 SHAHID AZIM: Mm-hm.

4 SHIPPEN PAGE: I wasn't aware that I was supposed
5 to provide him with a detailed rodent control plan, because
6 this plan hasn't been approved, and I'm not going to go to
7 the lengths to do that, although clearly that's a legitimate
8 concern.

9 I don't believe that the addition is going to
10 create any more traffic from this area, and so, I certainly
11 was a resident of this area when that child was killed at
12 the corner of Fresh Pond Parkway and Alewife and Huron
13 Avenue -- a disaster.

14 But I don't see how that's relevant to a
15 construction of a single-family house with the existing
16 occupants.

17 With respect to how can somebody -- the family has
18 raised five children, four children, three children, how can
19 this -- this family has two in-laws who come for extended
20 periods of time, both of these couples have worked from home
21 as many of them do, and I think those work environments are
22 going to change indefinitely in the future, and they'd like

1 to they'd like to be prepared for that, and I think that's
2 it. Anything else that I've missed?

3 SHAHID AZIM: If I may, I can say a few words.

4 SHIPPEN PAGE: Please?

5 CONSTANTINE ALEXANDER: Go right ahead. Now, now.
6 Not before, but now we can do it.

7 SHIPPEN PAGE: So firstly, thank you. I want to
8 thank the committee for being so patient with us, and
9 certainly the neighborhood and the neighbors. And we
10 certainly do appreciate the neighborhood sort of barbecues
11 and the hangouts. And we'll continue to do that. However,
12 I think there's a few things that I would like to highlight,
13 as I conclude.

14 Certainly Alison and people who are -- actually,
15 like the Committee, I was surprised at the number of people
16 who are neighbors tonight certainly exceeded what I had
17 coming in to this call. But we did reach out to Alison by
18 e-mail with the updated plans. So a little bit of
19 correction there.

20 We have reached out to Bob, Margaret, who we've
21 been very close with; Hormoz (phonetic) and Lahey who are on
22 the other side, and they gave sort of a good letter of

1 reference for us.

2 And in -- I mean, the reason why we bought the
3 property was actually because of these beautiful mature
4 trees that were on the property; one of the reasons. And
5 so, to suggest that we would take this decision lightly I
6 think is not really appropriate.

7 However, I would say that we've heard the
8 neighbors very carefully and diligently. We -- you know,
9 from our standpoint, all we would say is that, you know,
10 this has been very thoughtfully planned for. We hoped that
11 the Committee gives us a fair shot, and we're -- you know,
12 we're in this for the long haul, in the neighborhood and as
13 well as the city.

14 So all I would say is, like, we are okay to have
15 an opinion, but we're not okay to have alternate facts as
16 far as, you know, what has been done and what hasn't been
17 done to date in terms of reaching out to people and trying
18 to be flexible. So I'll leave it at that.

19 CONSTANTINE ALEXANDER: Thank you. I will now
20 close public testimony discussion by members of the Board,
21 or do you want to go right to a vote? We've had a lot of --
22 spent a lot of time on this.

1 BRENDAN SULLIVAN: This is Brendan Sullivan to
2 fellow Board Member Andrea. We --

3 SHAHID AZIM: Do you want to say --

4 BRENDAN SULLIVAN: -- I'm sort of interested in
5 your thoughts on the Bellalta.

6 ANDREA HICKEY: I listened very carefully to
7 Attorney Page address the two sort of specific questions I
8 had, and notwithstanding Mr. [was it] Williamson?'s
9 educating us that there may be something in the works, I
10 think we can only sort of vote on what we have before us.

11 So my questions have been answered to my
12 satisfaction by Attorney Page, and I'm personally prepared
13 to make a decision based on the Bellalta case,
14 notwithstanding the fact that we've not had sufficient
15 guidance from the city otherwise.

16 CONSTANTINE ALEXANDER: Do I take it that you're
17 planning to vote in favor of granting the relief? Because
18 --

19 ANDREA HICKEY: I am.

20 BRENDAN SULLIVAN: [Brendan Sullivan --] for the
21 stenographer, "Bellalta" is B-e-l-l-a-l-t-a, for the record.
22 Bellalta versus the Board of Appeal of Brookline, and it

1 says that -- and I'm reading from the ordinance request for
2 the referral from the City Council last Monday night --
3 specifically the SJC held that if an alteration or addition
4 to a lawful, preexisting, nonconforming single or two-family
5 includes as an existing dimensional nonconforming, but does
6 not create any new dimensional nonconformities. Obviously,
7 you are.

8 The city is asking to amend -- and again, that's a
9 slippery slope, and we're not going to basically go down
10 that road. It's a question of which two of the three which
11 are triggering a variance that they would change, or
12 possibly all three.

13 I guess, Andrea what I'm reading into, if I read
14 between the lines, and your thought is the key phrase is
15 that the relief that's being requested to an alteration or
16 addition to a lawful, preexisting, nonconforming single or
17 two-family dwelling, will not be more -- will not be
18 substantially more detrimental than the existing,
19 preexisting, nonconforming structure.

20 ANDREA HICKEY: Correct.

21 BRENDAN SULLIVAN: Okay. All right.

22 CONSTANTINE ALEXANDER: How do you wish to vote?

1 BRENDAN SULLIVAN: I would agree with Andrea on
2 that that that is actually the governing standards.

3 CONSTANTINE ALEXANDER: You would vote in favor of
4 granting?

5 BRENDAN SULLIVAN: I would. I would vote in favor
6 of granting the special permit.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: In terms of commentary, you know,
9 I appreciate what the proponent's done in terms of pulling
10 the building in to the property lines on the two sides. I
11 think that was the part of the discussion last time, so
12 thank you for that.

13 You know, I feel like they're at the two-yard
14 line, and the only thing that's my stumbling block is really
15 the additional FAR, because it seems like such a small
16 amount that could easily be accommodated in a reduction --
17 you know, not using the attic, not using something that you
18 could pick up that 100-some odd square feet.

19 And I would be much more comfortable in supporting
20 it if it could be within the FAR and not exceed it. So --

21 CONSTANTINE ALEXANDER: As the case is before us
22 tonight, you're prepared to vote against it?

1 JIM MONTEVERDE: Correct.

2 CONSTANTINE ALEXANDER: -- unless Mr. Page --
3 okay, unless Mr. Page wants to offer something different.

4 JIM MONTEVERDE: Right.

5 CONSTANTINE ALEXANDER: So your vote is a no?

6 JIM MONTEVERDE: Correct. Okay, Laura?

7 LAURA WERNICK: Well, I would actually just take
8 the flip side of what Jim just said, in that I don't think
9 the 100 square feet is going to make any difference to the
10 neighbors. If there is actually 100 square feet removed, it
11 will not change the massing significantly, so it -- the
12 neighbors will not have -- I don't think there will be any
13 noticeable change.

14 And given that, and Mr. Page's commentary, I would
15 vote in favor of this plan.

16 CONSTANTINE ALEXANDER: Thank you. And there's --
17 my vote yes. I am prepared to vote, and will, vote in favor
18 of granting the relief that's being sought. But I would
19 again remind the petitioner that the case may not be over
20 tonight, and depending on the city's lawyers and the
21 building inspector decide.

22 But on the case with regard to the special permit

1 that's requested, special permits, as I may have said
2 earlier, are not a difficult standard to meet, and I believe
3 the petitioner does meet the standards, which I'm going to
4 go through in a second when I make my motion.

5 So I will vote in favor. And that would make four
6 votes out of five, but I need to frame -- I should have done
7 this before -- a formal motion. And I'm not going to
8 resolicit after I make that motion, because you've indicated
9 -- all -- everybody's indicated how they want to vote on it.

10 So, the Chair moves that we make the following
11 findings: That the requirements of the ordinance cannot be
12 met, the ordinance as now written, without the zoning relief
13 that's being requested.

14 That traffic generated or patterns of access or
15 egress resulting from what is being proposed will not cause
16 congestion, hazard, or substantial change in established
17 neighborhood character. In this regard, I think it's quite
18 clear that what is being proposed will not cause congestion
19 or hazard.

20 There has been testimony from the neighbors that
21 there will be a substantial change in established
22 neighborhood character -- that's the words of the ordinance,

1 not the words that they expressed.

2 I for one do not believe that there will be a
3 substantial change in established neighborhood character. I
4 think what is at the heart of this are design issues. I
5 think the neighbors do not like the design of what is being
6 proposed, and find it inconsistent with the neighbor.
7 Whether that's true or not is irrelevant from a zoning point
8 of view; we're not an architectural review Board, we're a
9 zoning Board.

10 That the continued operation of or development of
11 adjacent uses, as permitted by the ordinance, will not be
12 adversely affected by the nature of the proposed use. And
13 again, I don't see any adverse effect, should we grant the
14 relief tonight.

15 No nuisance or hazard will be created to the
16 detriment of the health, safety and/or welfare of the
17 occupant of the proposed use -- and I hope that's true -- or
18 the citizens of the city.

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

1 So on the basis of these findings, the Chair moves
2 that we grant the special permit requested on the condition
3 that the work proceed in accordance with plans submitted --
4 prepared by Sam Kachmar [K-a-c-h-m-a-r] Associates dated, or
5 the cover page at least is dated 01/07/2021, and that cover
6 page has been initialed by the Chair.

7 And as I said, we have four votes in favor, one
8 vote against, and the special permit is granted. Case over.

9 SHIPPEN PAGE: Thank you very much, members of the
10 Board. I appreciate it.

11 CONSTANTINE ALEXANDER: Thank you.

12 ANDREA HICKEY: Thank you, Councillor.

13 COLLECTIVE: Thank you.

14 ANDREA HICKEY: I'm waiting for an official bye-
15 bye.

16 JIM MONTEVERDE: Exactly. We're all hanging here,
17 Mr. Chair.

18 ANDREA HICKEY: Gus, give us a wave.

19 JIM MONTEVERDE: I think the bell rang. I think
20 we're all set to go. All right. Goodnight, all.

21 ANDREA HICKEY: Stay safe, everyone.

22 JIM MONTEVERDE: Bye-bye.

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ANDREA HICKEY: Bye.

[00:00 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

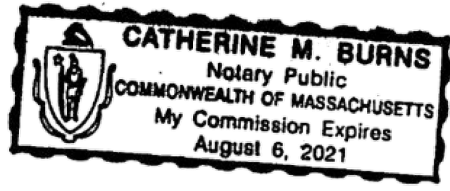
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 22nd day of January, 2021.


Notary Public

My commission expires:
August 6, 2021



A				
a--quote 37:9	74:11 92:20	55:19	70:12,18,21	97:15
A+P 16:15	address 19:6	ahead 37:20	71:9,15 72:3,6	alternate 95:15
ability 83:5	26:4 29:5	48:6 50:16	72:10,12 73:2	alternative 82:6
104:7	32:15 46:19	53:18 61:9	73:6,8,11,13	amend 97:8
able 8:5 11:18	47:13 60:9	63:13 68:4	73:17,22 74:19	amending 3:14
11:20 19:1	81:12 93:2	87:22 94:5	74:22 75:3,6	amends 69:7
absolutely 31:7	96:7	alert 23:20,21	75:15,20 76:1	amount 22:17
49:4,8	addressed 59:7	alerted 64:11	76:12,19 77:2	98:16
abutter 50:20,22	59:15 90:12	alerting 22:21	77:5,13,19	analogy 41:19
54:7	91:14	25:12	78:7,11,15	analysis 23:1
abutters 29:12	addresses 60:21	Alewife 93:12	79:4 80:3,6,11	39:1
abutting 82:9	addressing	Alexander 1:7	80:17 81:15	and/or 15:22
accept 23:3	32:11	3:4,7,9 4:21	83:15 84:1,4,9	16:4 35:6,12
access 15:8	adequate 28:2	5:4,11,14,17	84:12,16,20	101:16
28:10 34:10,16	adjacent 15:13	6:3,12,22 7:3,6	85:3,6,12,14	Andrea 1:8 3:5
100:14	34:20 35:3	7:10,12,16,20	85:18,21 86:1	5:7,10,13,16
accommodate	101:11	8:3,9,15,17,20	86:4 87:10,13	5:20 6:8,14,16
21:1 31:1	adjoining 16:7	9:1 10:3,6,12	87:16,19,22	6:17,17,20,22
accommodated	35:15,22	11:2,5,9,13	88:20 89:2,4,7	7:2 8:5,10 18:7
98:16	101:20	12:4,19 13:1,4	90:3,7,14,18	41:6,7,12,16
account 25:6	adjourn 89:5	13:6,9,14,17	90:22 91:3,10	45:3,5 46:20
31:16 65:5,14	adopt 57:22	14:3,7,9,11,13	91:17 92:3,8	75:3,4,4 86:2,3
accurate 40:9	advance 80:14	14:16 15:3	92:10 94:5	87:13,14,14
83:5	advances 35:19	16:15 17:2,5	95:19 96:16	90:4 96:2,6,19
accurately	adverse 101:13	17:11,14,20	97:22 98:3,7	97:13,20 98:1
80:19 82:2	adversely 15:14	18:3,6 20:9,13	98:21 99:2,5	102:12,14,18
acknowledge	34:21 35:4	20:18,21 21:4	99:16 102:11	102:21 103:1
25:3	101:12	21:6,12,19	Alison 1:10 3:6	answer 21:21
acquired 33:20	advertise 73:4	22:20 23:11,14	4:15,16,16	23:2 56:15
action 104:9,11	advertising	24:6 25:3,11	10:4 14:9,10	65:15,17,18
add 37:18 60:12	72:15 74:3	25:14 26:7	14:10 16:22,22	69:11
60:22 62:15	advice 88:13	32:14,19 33:2	50:21 63:7,7	answered 13:10
added 29:2	advisable 88:10	36:3,13 37:11	63:14,17 64:1	96:11
addition 10:18	advise 86:22	37:20 38:9,16	64:3,4 65:9,12	anticipate 30:3
22:2 26:16	affect 66:21 67:1	38:19 40:22	65:16,20 66:12	anybody 14:21
27:3,11,19,21	afford 33:4	41:3,6,15	66:18 67:18	24:1 57:9
28:5,8 29:1	affordable 78:2	43:15,19 44:5	68:2,5 94:14	58:14 61:21
33:19 35:9	78:13	47:1 49:17,20	94:17	anyway 25:9
43:5 46:1 60:7	afforded 33:10	49:22 50:2,5,7	allow 41:14 81:5	58:11 88:22
60:11 62:19	agenda 57:16	53:22 55:9,11	allowable 21:1	Apartments
69:5 88:3 93:9	81:8,9	55:14 56:15	22:16	82:10,14
97:3,16	AGGER 6:16	57:9 58:7 61:5	allowed 19:18	apparently
additional 29:2	ago 5:22 49:3	61:7,9 62:22	34:3 41:22	13:17 19:3
29:12 41:5	agree 41:16	63:6,10,16,20	67:10	appeal 1:1 33:8
83:1 92:19	45:12 52:2	64:2 65:7,10	allowing 45:13	43:1 44:9,11
98:15	61:22 67:6	65:15,17 66:8	Alright 68:5	44:14 91:20
additions 30:16	98:1	66:13 67:19,21	alter 92:2	96:22
	agreed 15:2,2	68:3,18 69:15	alteration 97:3	Appeals 3:8

<p>appeared 57:16 applicable 24:19 43:5 applicant 36:18 37:5 43:13 59:15 60:9 applicants 3:22 33:20 application 60:4 91:16 applies 42:17 apply 38:11 42:18 46:5 applying 58:5 appreciate 33:15 52:18 53:19 55:18,18 55:21 56:3,7 69:16 70:7 91:18 94:10 98:9 102:10 appreciated 51:20 appropriate 43:6 80:22 81:1,4,10 95:6 approval 56:17 approve 56:16 57:3 approved 56:11 92:5 93:6 April 58:2 architect 52:15 56:21 64:19 67:1 82:12 architects 20:5 31:14 77:22 78:22 architects' 82:10 architectural 38:10,14 48:1 56:2 64:12 67:10 101:8 area 10:18 19:14 19:19 21:13,16 22:2 29:15 48:19 93:10,11</p>	<p>areas 20:7 24:9 26:1 argue 24:14 arguing 25:12 46:18 argument 23:3 44:8 48:14 62:1 argumentative 44:10 articulate 29:3 aside 47:5 asked 18:15 53:3,7 54:18 55:6 58:22 60:10 asking 4:13 11:1 11:2 22:16 30:9 39:13 43:4 65:12,13 65:22 66:4,6 97:8 Assistant 1:15 Associates 19:2 82:13 102:4 assume 15:1 26:2 31:7 39:3 assuming 24:2 assumption 69:20 attached 82:16 attendance 4:14 attention 69:18 attic 28:13 98:17 attorney 41:10 41:17 43:8 44:17 45:5,7 45:13 57:12 62:2 96:7,12 au 66:2 audible 4:14 5:3 audience 7:1 audio 3:18 August 104:18 authority 41:8 available 11:15 76:7 85:9,11 85:13,15,17,20</p>	<p>86:3,4 87:2 Ave 6:9 13:8 52:21 78:13 80:13 82:18 Avenue 1:6 2:18 4:11 18:11 70:19 71:11 76:13 80:7 93:13 average 21:1 avoid 69:6 aware 57:13 58:8 93:4 awkward 43:12 43:15 Azim 18:12 30:20,20 31:3 31:7,8 36:14 53:21 92:15 93:3 94:3 96:3 Azim's 55:17,18</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B-e-l-l-a-l-t-a 96:21 back 4:10 8:22 12:1 23:4,5,6 28:20 40:14 43:22 45:5 55:20 57:5 69:5 71:5,10 75:12 76:9,15 76:22 77:2 78:3,11,12 83:12 89:5 91:10,12 backwards 84:17 bad 59:21 Baker's 3:13 ball 59:18 barbecues 59:19 94:10 barely 77:13 based 10:17 33:9 57:3,5 96:13 basement 28:9</p>	<p>65:4,13 66:1,2 66:9 basements 28:1 basically 15:17 68:5 97:9 basis 16:10 102:1 bathrooms 28:10 Bear 33:1 beautiful 48:13 95:3 beauty 62:15 bedrooms 28:9 begun 56:7 behalf 50:21 80:12 believe 10:15 24:19 66:13 71:12 81:11 82:20 83:5 93:9 100:2 101:2 bell 102:19 Bellalta 24:10 32:22 33:11 41:8,13 42:13 57:15 96:5,13 96:21,22 benefit 34:7 81:18 88:18 best 83:5 104:6 better 60:11,15 60:21 77:19 86:6 beyond 22:16 big 30:5 46:15 53:9 69:2,3,4 70:11 bigger 23:15 66:5 binding 56:13 bit 31:5 41:7 45:7 48:16 59:11 63:20 69:5 76:10 77:19 78:5 90:16 94:18</p>	<p>black 41:21 blank 90:20 blend 61:19 block 98:14 blurred 90:16 board 1:1 3:8,22 4:13 10:16 14:4 19:13 20:7,14 22:4 22:13 23:5 24:7,17 25:9 26:2,4,5 30:21 31:4 32:8 36:21 37:7 38:1,1,3,5,11 38:11,20 40:19 41:20 43:13,16 44:10 46:2 60:21 64:18,22 67:22 70:3 76:11 80:10 81:4,6,10 83:11,12,17,17 85:7 90:11,12 90:21 91:16 92:1 95:20 96:2,22 101:8 101:9 102:10 Board's 33:8 46:6,9 52:7 78:4 81:9 Bob 59:4 61:11 68:8 94:20 Boston 51:14 bottom 12:10 50:10 bought 95:2 break 17:15 29:4 54:3 56:7 60:12 breaks 59:20 Brendan 1:8 3:4 5:1,2,2,9 6:1,7 7:8,11,15,18 7:22 10:3 14:5 14:5 16:17,18 16:18 18:3,7 27:16 38:20,21</p>
--	--	--	--	--

38:21 39:5,12 39:18,21 40:1 40:12,22 45:3 45:3 49:19,21 50:1 72:3 73:10 74:16,17 74:17 76:22 80:3 85:9,10 85:13 87:5,6,6 87:21 88:1,1,6 88:8 90:3 96:1 96:1,4,20,20 97:21 98:1,5 brief 17:15 70:1 briefly 25:22 36:10 bringing 66:19 67:7 broadcast 3:19 Brookline 96:22 brought 61:16 67:5 Brown 41:20 Bruner 82:13 build 43:2,3,5 48:15 69:9 builder 56:21 building 1:15 19:12,15 21:21 22:22 27:5 34:22 36:18 74:13 98:10 99:21 buildings 47:21 built 33:19 45:20,21 46:12 56:1 Burns 104:4 bye 102:15 103:1 bye- 102:14 Bye-bye 102:22 bylaw 33:3 bylaws 49:13 BZA 4:6 31:12 81:8 82:4,6 83:2,4,8 84:8 84:14	BZA-017326-... 2:18 BZA-91137 2:8 BZA-97200 2:11 BZA-98136 2:14 <hr/> C <hr/> c 3:1 39:3,13 cable 3:19 calculated 65:6 65:14 calendar 85:1 call 4:2 6:11,15 9:2 10:7 11:16 11:19,19 17:16 18:7,8 25:10 31:2 37:12 44:2 46:16 70:6 72:6 76:22 77:2 78:11 80:6 87:1 94:17 called 6:10,14 13:11,12 42:9 calling 12:11 50:12 Cambridge 1:2 1:6 3:8,15,20 18:11 24:11 31:9 35:13 36:7 38:12 42:15 47:7,16 49:5,6 53:4,8 53:14 54:22 57:15 carefully 38:8 95:8 96:6 case 2:5,8,11,14 2:18 4:8,11 5:6 5:7,15 7:1 10:6 10:7 11:6,13 11:15 13:8,11 17:8,18 18:8 18:14 22:6 23:8,9 24:1,10 24:15 25:7,15 25:15,20 32:22 36:4,6 37:15	38:8 39:5 40:4 40:8,9 41:8 42:7,13,18 43:5 44:21 45:13,19 46:18 57:15 58:2 59:19 65:18 68:22 70:13,13 70:14,16,18,21 71:1,3,10,16 71:16 72:7,13 72:15,16,18,20 73:14,15 74:10 74:12 75:9,16 76:12,16 77:3 78:13,17,21 80:7 81:17 82:4 84:4 85:8 86:5,7,8,9,13 87:19 88:21,21 89:7 91:21 96:13 98:21 99:19,22 102:8 cases 9:2,3,4 12:22 37:21 38:4 84:8 casting 27:13 Catherine 104:4 cause 15:10 34:11 100:15 100:18 CC 80:12 cede 47:14 Center 69:22 centers 51:14 cents 68:14 certain 3:14 49:13 81:3 certainly 25:18 32:7 33:8 40:11 43:8 53:1 57:21 69:16 76:8 90:12 91:15 93:1,10 94:9 94:10,14,16 certainty 57:22 CERTIFICA...	104:1 certify 104:5,8 Chair 1:7,8 3:9 14:15 15:3 16:11,17 17:5 18:8 40:14 57:11 72:6 73:14 75:6 80:6,9 86:8 87:16 100:10 102:1,6,17 Chairman 17:17 18:10,13 22:10 24:4 25:18 26:6 30:3 32:12,21 33:16 36:2 37:18 42:19 44:6,16 46:15 47:14 55:15 57:8 69:14 71:7 77:12,21 79:1 90:6,9 challenged 82:9 chance 64:9 92:12 change 15:10 34:11,14,17 47:3,9 56:17 67:4 93:22 97:11 99:11,13 100:16,21 101:3 changed 48:2,3 49:2 59:7 86:18 changes 19:6 20:8 26:1 31:1 48:2 56:22 59:15 69:9 74:11 87:2 changing 58:10 Channel 3:19 character 15:11 34:12,18 47:3 47:10 67:5 100:17,22 101:3	Charles 3:13 check 71:10 76:15 85:6 91:2 child 41:22 42:4 52:19 93:11 children 28:14 34:6 52:9,10 52:12,13 93:18 93:18,18 chime 40:19 49:19,21 Christmas 59:18 circumstance 64:15 cited 39:5 citizen 78:20 citizenry 88:13 citizens 16:1,5 35:7,13 88:10 101:18 city 1:2,13 3:15 3:16,16,17 16:2,5 19:2 24:10 25:4 35:7,20 38:12 40:10 42:7,9 43:19 44:14,15 45:14 47:6,15 53:4,8 54:22 57:16 65:19 69:13 81:3,12 82:22 83:4 88:3,12,18 92:5 95:13 96:15 97:2,8 101:18 city's 4:6 40:3 43:4 87:3 99:20 claiming 39:2 clarification 22:9 47:2 clarify 92:21 claustrophobia 68:9 clear 22:6 24:18
---	--	--	--	--

38:2 40:12 42:12 51:10,11 58:3 100:18 clearly 19:5 33:9 37:3 39:13 54:4 69:17 93:7 Cleary 54:5 55:10 59:4 61:12 click 12:10 50:10 client 22:22 23:4 33:8 43:1,2 48:11 68:21 70:7 71:4 77:22 client's 21:2 24:22 clients 19:7 23:18 69:18 76:7 79:1 90:10,21 91:13 close 14:17 32:12 51:6,9 52:13 56:5 59:17 68:20 72:19 94:21 95:20 closed 56:6 closer 60:6 cluster 61:16 co-owner 55:16 codification 57:14 codified 24:10 40:4 Colin 12:15,16 12:21 14:2 16:14 50:17,19 50:19 53:2 61:11 Colin's 54:16 60:18 COLLECTIVE 71:19 102:13 color 61:19 come 23:4,5,6	30:21 39:2 40:5 53:3,7,10 60:14 71:5 72:19 76:9 78:3,19 88:9 93:19 comes 38:1 43:13 51:15 57:5 comfortable 31:21 59:8 62:5 98:19 coming 19:16 51:16 54:21 94:17 comment 4:4,5 19:9 37:19 40:18 48:12 49:22 60:18 63:18 67:20 83:10 88:15 commentary 98:8 99:14 comments 7:4 41:1 50:3 58:22 60:17,22 61:3 81:13 92:11,12,17 commission 104:17 Commissioner 1:14,15 committee 94:8 94:15 95:11 Commonwealth 23:16 38:12 104:2,5 community 10:17 46:8,13 59:17 81:2,12 82:5,8,20,22 83:1,4 86:22 comparative 30:11 compared 43:21 complete 32:19 completely 66:1 66:2	complex 49:10 compliant 49:14 complicated 46:3 complication 47:5 comply 33:10 composition 70:3 computer 64:13 concern 24:9 30:3 31:17 46:19 55:1 56:3,4 60:20 62:10 66:20 68:11 93:8 concerned 55:8 59:5 60:8,15 67:15 concerns 19:6 22:11 29:5 31:1,14 32:9 32:11 43:7 45:7 51:1 59:2 59:14 66:21 90:12,13 91:14 conclude 94:13 concurrent 88:12 condition 16:12 27:9 74:1 102:2 conditions 73:18 75:10 86:10 conform 42:16 conformed 92:6 conforming 20:1 confused 22:19 congestion 15:10 34:11,16 100:16,18 connection 15:15 86:12 consider 38:8 48:9 69:12 considerable 47:22	consideration 25:18 38:6 55:6 62:20 considered 65:22 66:7 considering 30:19 considers 57:19 57:19 consistent 25:8 36:7 Constantine 1:7 3:4,7 4:21 5:4 5:11,14,17 6:3 6:12,22 7:3,6 7:10,12,16,20 8:3,9,15,17,20 9:1 10:3,6,12 11:2,5,9,13 12:4,19 13:1,4 13:6,9,14,17 14:3,7,9,11,13 14:16 15:3 16:15 17:2,5 17:11,14,20 18:3,6 20:9,13 20:18,21 21:4 21:6,12,19 22:20 23:11,14 24:6 25:3,11 25:14 26:7 32:14,19 33:2 36:3,13 37:11 37:20 38:9,16 38:19 40:22 41:3,6,15 43:15,19 44:5 47:1 49:17,20 49:22 50:2,5,7 53:22 55:9,11 55:14 56:15 57:9 58:7 61:5 61:7,9 62:22 63:6,10,16,20 64:2 65:7,10 65:15,17 66:8 66:13 67:19,21 68:3,18 69:15	70:12,18,21 71:9,15 72:3,6 72:10,12 73:2 73:6,8,11,13 73:17,22 74:19 74:22 75:3,6 75:15,20 76:1 76:12,19 77:2 77:5,13,19 78:7,11,15 79:4 80:3,6,11 80:17 81:15 83:15 84:1,4,9 84:12,16,20 85:3,6,12,14 85:18,21 86:1 86:4 87:10,13 87:16,19,22 88:20 89:2,4,7 90:3,7,14,18 90:22 91:3,10 91:17 92:3,8 92:10 94:5 95:19 96:16 97:22 98:3,7 98:21 99:2,5 99:16 102:11 constitute 42:20 47:9 constituted 46:13 constitutes 37:1 37:9 46:7 47:16 48:4 construction 53:9 93:15 consulted 13:21 contact 10:17 55:18 contacted 51:16 51:17 54:7 contemporary 48:9 context 18:13 29:20 continuance 18:14 74:18,21 75:2,5,7 80:14
--	---	--	---	---

80:16,22 81:20 82:3 83:6 87:7 87:9,12,15 continuation 10:15 continue 5:14 18:16 34:5,13 35:1 68:4 70:14 72:14 73:14 76:15 77:6 86:5,7 94:11 continued 9:4 15:12 20:14 34:19 35:2 71:2 75:9 86:8 87:20 88:21 101:10 continuing 6:6,9 11:6 15:21 39:6 88:11 control 11:21 53:8,11 93:5 conversations 12:1 converting 28:12 Coral 50:18 corner 19:21 28:17 52:21 93:12 correct 7:2 11:12 14:1,2 21:18 38:10 39:17 50:2,4,6 51:2 83:13,14 88:3 91:5 97:20 99:1,6 corrected 81:1 82:21 83:8 correction 94:19 correctly 55:19 58:13 Cott 82:13 Council 52:15 57:16,22 97:2 Council's 52:7 Councillor	46:20 102:12 counsel 104:9 counts 26:14 couple 61:12 couples 93:20 course 3:21 5:5 22:4 32:7 56:1 61:22 64:5 69:20 91:17,19 court 33:6,10 41:21 42:1,6 43:21 45:1 47:6 58:12 court's 44:12 courts 91:21 cover 102:5,5 covered 27:18 44:20 COVID 22:11 51:14 53:20 COVID-19 3:12 3:17 crazy 46:10 create 35:11 39:9 93:10 97:6 created 15:22 35:5 101:15 creating 39:9,19 creative 31:15 crucial 24:10 current 83:18 cut 4:9 63:3 69:5	73:21 75:13,18 75:21 76:2,4 76:18,20 77:4 77:8,10 79:3,5 83:22 84:3,6 84:11,14,18 89:6 91:2,6 date 2:9,12,15 2:19 51:4 74:4 81:10 83:20 84:15,21 85:2 85:9 86:14 95:17 dated 3:17 16:15 102:4,5 dates 84:6 day 53:2,20 84:1 104:13 days 7:14 74:7 86:16 de 20:22 dead 71:1 deal 21:20 23:16 24:11 30:15 32:16 37:3 46:3 58:10,12 70:15 71:13 92:12 dealing 24:18 43:20 debate 24:17 December 18:15 decide 22:3 25:9 65:1 66:10,17 99:21 decided 23:22 41:20 43:1 decides 56:20 decision 22:5 33:9 43:21 47:6 49:10 58:12 73:20 76:17 86:12 95:5 96:13 decrease 62:11 defer 40:13 define 60:11 defines 40:10	definitely 44:11 definition 60:12 delay 40:16 denied 91:19 deny 42:22 92:1 Department 21:21 22:22 23:1 42:10 57:14 58:1,5 Department's 74:14 departments 81:3,13 depend 4:7 depending 99:20 depict 80:19 depiction 82:9 depriving 42:4 derogate 16:8 35:16,22 101:21 design 18:20 20:3 31:1,21 31:22 38:1,2,4 38:14 48:2,11 52:1 53:15 54:14 59:22 67:10 101:4,5 designs 43:7 despite 56:1 destination 42:14 detailed 93:5 details 68:16 86:19 determination 25:4 determine 25:5 45:14 determining 37:9 detriment 15:22 34:8 35:6,11 36:22 37:1,10 37:14,16 46:8 46:8,17 62:10 101:16	detrimental 39:7 97:18 development 15:12 34:19 35:3 101:10 dialogue 22:12 54:3 88:11 dictated 75:11 died 52:20 difference 99:9 different 22:18 23:1,17 24:15 48:20 57:5 99:3 differently 42:14 difficult 22:12 100:2 difficulties 8:13 dilemma 43:9 diligently 95:8 dimensional 97:5,6 diminished 83:7 direct 51:18 directly 55:16 55:20 disadvantage 43:1 disagree 38:22 disaster 93:13 discovered 82:14 discretion 37:3 37:8,8 discuss 67:2 discussed 10:14 66:18 discussing 63:9 discussion 95:20 98:11 distance 28:19 distinct 61:21 distinction 45:10 distribute 82:21 district 16:7,7 19:20 30:19
--	---	---	--	--

<p>35:15,15,22,22 101:20,21 diversity 48:1,3 doing 12:8 42:2 51:22 79:6 dollars 70:11 double-edged 37:4 Dr 50:21 58:18 drag 25:20 drawings 82:15 due 3:10,17,21 30:14 80:20 88:17 duration 67:17 dwelling 34:7,13 35:1,19 36:16 36:17 97:17 dwellings 35:20 42:13</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:3 3:1,1 e-mail 94:18 e-mailed 54:9 eager 90:10,21 earlier 11:15 37:7 60:18 64:3 66:18 100:2 early 81:10 83:21 easier 53:19 69:12 easily 98:16 eat 6:20 edifying 24:5 educating 96:9 Education 41:20 effect 36:6 57:18 101:13 efficient 24:21 efforts 30:22 egress 15:9 34:10,16 100:15 eight 19:13 74:11</p>	<p>either 6:15 53:5 70:2 element 21:7 elements 33:14 eleventh 84:12 eliminated 19:14 eliminating 19:15 emergency 3:11 3:16 emphasize 33:14 employed 104:9 Employees 1:13 encroaching 56:4 encroachment 18:17 19:11 68:8 enforce 25:5 engaged 11:20 ensure 82:18 ensuring 83:6 entitled 36:18 44:17 environment 55:3 environments 93:21 error 82:20 especially 23:17 established 15:11 34:12,17 47:3,9 67:4 100:16,21 101:3 evening 11:14 80:9,11,12 event 78:21 90:20 events 3:16,17 everybody 18:6 70:10 everybody's 100:9 everyone's 28:10 53:19</p>	<p>exactly 57:19 91:22 102:16 exceed 98:20 exceeded 94:16 exceeding 22:17 34:3 excuse 20:9 21:6 63:10 Executive 3:13 existing 26:14 27:5,8,14,18 28:2,6 29:10 29:19 34:3 39:7 40:9 45:9 45:15 48:22 93:15 97:5,18 expansion 39:6 expect 60:16 expires 104:17 explain 30:21,22 43:10,11 70:13 explaining 81:19 explanation 80:15 expressed 101:1 extended 19:12 93:19 extent 34:15 74:9 86:18 exterior 29:18 30:15 92:19 extreme 41:18 extremely 22:12 49:3 54:19</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>façade 29:3 facing 55:20 fact 30:14 39:21 53:13 55:8 57:14 60:5 69:2 80:20 81:16 82:14 96:14 facts 37:2 78:9 95:15 failed 72:14</p>	<p>failure 72:17 fair 95:11 fairly 58:1 fall 46:16 62:16 familiar 30:12 36:4 52:19 family 21:2 34:6 41:21 42:13 93:17,19 family's 29:15 far 19:17 21:1,8 21:8 22:3,16 30:19 34:2,4 42:21 53:15 95:16 98:15,20 fashion 24:19 father 55:17 favor 74:16 87:5 96:17 98:3,5 99:15,17 100:5 102:7 favored 38:5 February 73:15 feedback 31:13 81:5 83:1 feel 7:3 49:1 51:21 53:12 56:1,4 59:8,21 60:4,5,15 98:13 feeling 56:5 68:9 feelings 62:5 feels 14:21 15:1 feet 19:13,19,20 20:1 21:15 27:6 30:8,9,10 30:14 33:22,22 34:1 43:3 44:1 52:4 98:18 99:9,10 fellow 20:14 67:22 96:2 felt 59:14 60:1 fence 26:22 fewer 33:4 fewest 25:2 Fields 19:1 25:22 26:10,11</p>	<p>27:17 figure 42:11 file 77:3 80:15 filed 56:19 files 74:14 86:20 filing 21:15 final 68:21 76:16 finally 29:21 89:4 91:10 financially 104:10 find 4:5 37:14 40:7,7 42:11 48:19 54:8,9 101:6 findings 15:4 16:10 100:11 102:1 fine 7:5 25:13 26:7 78:7,14 92:8 finger 69:21 finish 21:7 75:17 76:16 78:12 finished 66:9 first 5:6,7 7:1 10:6 16:16 29:2 59:10 firstly 94:7 fit 53:15 fitting 67:8 five 9:2 49:6 52:10 62:6 85:8 93:18 100:6 fixed 51:13 flexible 31:20 49:3 95:18 flip 99:8 floor 10:13 21:13,16 22:2 28:1,10,12 29:3,11 45:4 47:14 59:10 focus 20:7 41:13 folks 30:4 31:14 Follen 40:5</p>
---	--	---	---	--

follow 42:3 56:12 81:12 88:2,10,13 following 15:4 29:18 34:12,22 35:8,17 73:18 86:10 100:10 follows 82:2 foot 30:13 70:5 footage 22:17 30:7 65:6 force 46:1 forced 24:11 40:5 42:22,22 44:14 forget 63:21 forgive 18:19 form 21:14 formal 86:6 100:7 Forney 82:12,17 forth 12:1 fortress 61:17 fortress-like 62:8 forward 12:22 83:7 four 50:15 84:11 84:12 93:18 100:5 102:7 fourth 63:12 86:5 frame 100:6 frankly 23:8 49:1 66:16 freaked 78:1 free 7:3 French 10:10,10 10:14 11:4,8 11:12,18 Fresh 19:22 26:21 28:18 29:14 52:21 53:6 55:3 93:12 friend 36:17 friends 51:6,9 52:13	front 29:15 60:7 fronts 59:13 full 11:22 funds 80:21 further 19:7 45:16 55:20 60:13 83:2 104:8 future 78:19 83:9 93:22	G	G 3:1 games 59:18 garden 28:3 gatherings 3:12 Gayden 58:19 61:10 general 1:3 26:3 59:16 88:2,13 generally 16:6 101:19 generated 15:8 34:10,15 100:14 germane 66:10 getting 19:3 31:20 girl 52:20 give 4:4 7:3 8:2 12:7 23:2 54:11 65:1 68:20,21,21 78:3,21 81:11 92:12 102:18 given 23:17 42:5 70:2 81:16 99:14 gives 37:5,7 73:8 95:11 giving 46:8 Gloucester 46:11 go 5:7 12:4 20:11 22:13,16 23:22 25:22 27:17,19 30:9 33:16 37:20	43:22 44:14 45:5 48:6 50:16 53:18 59:17,18 61:9 63:13 64:15 66:16 68:4 70:2,6,22 71:11 81:4 83:12 87:3,22 89:5 91:13,18 92:5 93:6 94:5 95:21 97:9 100:4 102:20 goal 25:1 goes 51:15 going 5:14 10:6 13:12,18 14:17 15:1 17:18 21:9,20 23:4,4 23:21 40:16 41:18 43:22 44:12 45:16 46:4,5,6 48:7 48:19 50:8 51:16 53:5 55:22 64:8 65:4 67:16 68:20 69:8 70:14,15,21 71:1,11,15,16 72:13,13,19,20 75:15 76:10,13 76:14 78:1,16 78:19 81:16,22 84:4 85:10,15 91:2,20 93:2,6 93:9,22 97:9 99:9 100:3,7 good 7:13 12:1,2 12:7 17:20 21:22 37:3 69:19 80:9,11 80:12 83:15 85:14 86:1 90:7 91:12 94:22 Goodnight 102:20	gotten 27:4 governing 33:5 44:13 98:2 Governor 3:13 governs 24:13 grant 16:11 22:8 23:19 24:2 39:2 69:8 101:13 102:2 granted 17:8 84:18 102:8 granting 16:19 16:20,22 17:3 96:17 98:4,6 99:18 great 30:2,15 77:20 gross 21:13,16 22:2 growing 21:2 Grozier 47:19 guess 47:4 60:3 88:11 97:13 guidance 24:16 96:15 guise 46:2 Gus 3:9 102:18 guys 31:7 46:14 64:9 88:2	H	Hammer 1:10 3:6 4:16,16 10:4 14:10,10 16:22,22 65:12 66:12,18 hand 10:16 12:11,12 50:11 50:13 104:12 handed 42:7 handled 42:13 hang 76:9 hanging 102:16 hangouts 94:11 happen 51:8 56:20 57:21 happened 64:12 happening 64:20 happens 7:7 happy 24:20 26:4 33:12 62:7 69:8 70:12 hardship 23:12 23:15,17 37:6 42:20 46:2,17 46:18 66:5 hash 66:15 hat 43:11 haul 95:12 Hawkinson 57:10,11,11 hazard 15:10,21 34:11,17 35:5 35:11 100:16 100:19 101:15 he'll 76:22 77:2 head 28:2 health 15:22 16:4 35:6,12 101:16 healthy 53:20 55:1 62:17 hear 8:4,14,18 8:20 13:5 31:8 37:11,13 50:17 54:1 55:13 58:19 63:4 68:22 71:6 72:15,20 74:10 77:13,17 78:12 83:16,17 85:8 heard 2:16 5:13 8:9 10:8 11:13 11:20 18:9 44:16 58:2 70:10,10 72:8 73:1,15 75:12 80:8 84:5 86:9 90:12 91:15 95:7 hearing 1:3 2:9 2:12,15,19 10:15,20 11:10 20:14 22:14
--	---	----------	---	---	---	----------	--

<p>57:1 78:17,17 80:14 86:13,16 heart 101:4 height 27:5 28:2 82:14 held 3:10 82:4 97:3 hello 26:10 58:17 63:4,15 63:16 65:6,7 67:18,19 help 29:3 65:1 helped 43:19 helpful 32:5 57:20 58:4,9 92:14 helping 91:9 hereunto 104:12 hi 4:16 12:16 50:19 54:5 57:11 76:3 77:11,15 Hickey 1:8 3:5 5:7,10,13,16 5:20 6:8,14,17 6:17,20 7:2 8:5 8:10 41:7,12 41:17 43:8 45:5,13 46:20 75:4,4 86:3 87:14,14 90:5 96:6,19 97:20 102:12,14,18 102:21 103:1 highest 27:6 45:1 highlight 32:2 94:12 highlighted 59:2 82:2 Hill 2:14 47:18 72:7 historical 62:6 histrionic 41:18 hold 43:7 76:11 77:15 home 93:20 homeowner</p>	<p>46:1,9 homeowner's 48:22 homes 48:8,13 48:19 hope 18:22 64:18 68:15 71:12 78:17 80:9,11,12,18 82:1 83:14 84:22 85:1,5 86:6 88:5,7,15 88:20 89:1,2 90:11 91:14 101:17 hoped 95:10 hopeful 76:13 hopefully 71:5 Hormoz 94:21 hornet's 69:21 hours 78:18,18 78:18,18,18,19 house 23:15,18 26:16 28:6,19 29:19 30:5,7 30:13,15 48:15 51:3,8 55:20 56:5 59:22 60:6,7,19 63:9 64:16 65:3,6 66:5,20 67:8 68:9,10,10 92:18,20 93:15 house's 28:18 household 52:10 houses 30:11 46:11 47:19 48:6 53:14 61:14 62:6,11 housing 78:2,13 HRE 80:13 huge 55:1 Huron 48:18 52:21 93:12 hypothetical 44:7</p> <hr/> <p style="text-align: center;">I</p> <hr/>	<p>i.e 23:6 icon 12:10 50:10 idea 66:4 ideal 59:20 identified 32:17 imagination 47:22 immediate 15:17 imminent 92:22 impact 15:18 53:5 68:7 impacted 64:21 impair 16:7 35:15,21 101:20 imply 92:18 importance 83:3 important 45:11 54:20 67:6,11 80:19 83:16 importantly 54:18 improvement 35:10 56:6 in-laws 93:19 in-person 7:14 includes 97:5 inconsistent 101:6 incorrect 51:4 82:15 increase 34:2 39:15 42:20 45:8 increasing 19:17 indefinitely 93:22 indicated 46:15 100:8,9 indifferent 32:8 indulge 78:5 indulgence 71:8 information 51:5,17 52:16 82:17 initial 56:3 initialed 16:17</p>	<p>102:6 initially 22:3 23:22 initiate 11:5 input 31:21 inspect 87:3 inspector 99:21 inspired 48:13 instructions 4:4 4:6 50:8 intake 40:3 50:18 integrity 16:7 35:15,21 83:7 101:20 intensification 36:19 45:15 intensify 36:15 intent 16:8 35:16 36:1 101:21 interest 34:9 35:19 80:20 interested 96:4 104:10 interesting 47:15 interject 20:10 Internet 64:13 interpretation 33:10 interpreted 33:6 45:1 interrupt 68:3 intersection 28:20 involved 38:14 64:9 irony 43:2 irrelevant 101:7 irrespective 43:6 ISD 22:13 issue 10:15 17:13 22:2 23:21 25:15 42:8 46:3 54:13,20 56:14</p>	<p>61:12 62:12 issues 17:15 18:16 20:15 22:14,18 26:4 44:1 53:12 66:14,17 67:3 93:1 101:4 it'll 57:3 78:21 items 32:17 61:13</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 1:4 3:7 73:1,16,17,18 74:3,5 75:10 82:4,6 jarring 30:17 61:17 Jason 1:10 3:6 4:18,19,19 5:21 6:2 10:4 14:12,12,13,13 14:14,14,16 17:2,3,3,17,17 17:20,22 18:4 72:4 80:4 82:12 Jim 1:9 3:5 4:20 4:21 5:5 6:12 7:7,8,9,10,21 8:4,7,9,11,14 8:18,22 10:4 14:7,8,8 15:2 16:20,20 18:4 18:7 41:3,4,4 49:19,21 50:2 50:4,6 72:4 74:19,20,20 80:4 85:15,16 85:16 87:8,8 90:4 98:7,8 99:1,4,6,8 102:16,19,22 Jim's 4:22 5:9 5:11 John 57:10,11 57:11 58:7,17 58:17,21 61:11</p>
---	--	---	---	--

61:11 judgment 46:6 46:10,16 Judicial 33:6 jurisdiction 38:3 40:7 jury 46:13 justify 46:1	95:11,16 98:8 98:13,17 knowledge 92:22 knows 86:6	58:1,5 61:1 lawful 97:4,16 laws 23:15,16 38:11 lawyer 44:12 64:19 lawyers 99:20 lean 41:8 learned 87:1 leave 56:5 95:18 leeway 46:9 left 10:19 18:19 33:22 left-hand 28:17 legal 20:15 22:22 23:6 33:14 42:2 66:17 69:6 legitimate 93:7 length 32:9 67:16 lengths 93:7 lesser 14:19 46:4 let's 63:21 67:4 77:3 letter 19:13 24:14 36:14 58:22 59:1,7 64:17 65:5,16 66:2,22 68:16 77:5 81:19,22 83:10 94:22	96:6 little 18:13 27:6 31:5 45:7 48:16 49:1,9 52:20 59:11 76:10 77:19 78:5 90:16 94:18 live 51:12 54:5 62:7 63:7,8,11 63:12 64:1 lived 51:7,7,9 52:11,12,14 64:4 lives 63:19,22 living 29:15 62:5 63:18 LLC 80:13 log 17:18 logged 5:21 7:22 logic 22:15,21 long 69:19 70:15 70:22 71:7,12 76:14 91:20 95:12 longer 11:15 27:4 look 42:3 47:18 47:18,19,20 53:13 60:11 83:7 looked 30:7 81:8 81:8 looking 43:11 50:7 62:8 85:1 loses 44:14 lost 91:4 lot 4:9 19:21 30:9,14 33:21 48:8,13 53:19 54:11,15,15,21 55:5 60:1 66:3 68:12,13 81:17 95:21,22 love 56:9 92:4 lower 28:1,16 37:5 lurking 25:15	M Madam 80:9 main 51:14 56:4 maintained 74:6 86:15 major 19:10 making 31:21 66:4 Manager 42:9 maples 54:21 62:15 march 3:13 81:10 83:20,21 83:22 84:6,7,7 84:13,21 85:4 85:9 86:7,9,15 86:16,21 87:20 Margaret 58:19 61:10 67:6 94:20 Maria 54:9 Marshall 1:10 3:6 4:19,19 5:21 6:2 10:5 14:12,12,14,14 17:3,3,17,17 17:22 18:5 72:5 80:5 mass 2:18 6:9 13:8 29:4 78:13 80:13 82:18 Massachusetts 1:6,6 4:11 25:8 38:13 45:2,20 70:19 71:11 76:13 80:7 104:2,5 massing 26:14 99:11 massive 54:16 matter 10:8 12:14,17,20 18:9 22:15 49:18 50:9 52:4 57:2 72:8 80:8 90:10,21 mature 95:3
K K-a-c-h-m-a-r 102:4 Kachmar 19:2 26:11 47:12 48:7 76:6 77:16,18 102:4 Kate 54:4,5 55:10 59:4 61:12 62:14 Keep 85:15 keeping 59:11 67:14 73:3 Kegan 55:12,13 55:15,16 57:7 59:4 61:11 kept 4:3 key 97:14 killed 93:11 kind 22:12 32:3 56:8,10,12 64:8 kinds 24:13 know 11:16 22:7 24:8 31:18,18 31:22 32:2 43:22 46:11 48:8,18 49:5 49:13,14 51:4 51:15 52:15 53:8,17 55:6 55:22 56:2 58:9 59:7 60:15,19 61:1 61:21 64:9,9 65:12,15,17 67:1,12,16 76:8 78:9 85:8 88:11 95:8,9	L l74 18:11 lack 47:6 Lahey 94:21 Lakeview 18:11 land 19:19 landscape 54:19 55:7 landscaping 60:10 61:20 language 24:15 40:4,13 57:17 57:18,22 62:2 Larch 2:11 6:7,8 18:8,12,18 19:12,22 27:2 29:1,20 31:10 48:8 50:20 52:22 53:5 54:5 55:16 58:18 64:1 large 60:6 65:4 largely 26:21 larger 29:4 62:1 lastly 74:9 86:18 late 11:14 Laughter 5:16 Laura 1:9 3:5 6:5,8,10,14,18 6:19,19 18:4,7 41:1,2 72:4 74:22 75:1,1 80:4 85:18,19 85:19,22 87:10 87:11,11 90:4 99:6,7 Laura's 6:7 law 3:15 24:13 24:19 25:7,8 36:8 37:2 40:9 42:10 43:5 44:13 57:13	line 25:21 32:10 98:14 lines 27:11 97:14 98:10 link 29:17 listen 40:20 listened 37:22 38:4 69:17		

<p>McMansions 46:11 mean 37:21 41:17 44:2,9 56:12 57:17 66:2 68:3 84:10 92:17 95:2 meant 23:16 meet 10:21 20:4 100:2,3 meeting 1:5 3:8 3:10,15,18 4:10 31:12,12 53:3 54:11,18 82:5,8,12 83:1 meetings 3:16 4:6 7:14 12:5 member 4:14 7:1 50:9 96:2 members 3:4,22 3:22 4:3,14 9:2 10:3 12:9 14:3 18:3 20:6,15 22:13 26:4 38:20 40:19 67:22 72:3 80:3,10 85:2,7 85:8 86:22 90:3 95:20 102:9 memo 82:17 mention 83:11 mentioned 19:13 met 11:10 15:7 33:18 100:12 MFDS 16:14,15 middle 61:14 Middlesex 104:3 midnight 72:19 Migdalia 52:20 Mike 19:1 20:8 25:22 26:6,8 26:10,11 27:17 30:2 mine 51:9 minimis 20:22</p>	<p>minute 8:2 17:10,12,13 65:21 minutes 4:8,12 5:22 54:6,10 70:6 missed 94:2 mixed 48:10 Mm-hm 39:4 93:3 modern 34:7 53:15 61:17 62:8 modernizing 34:7 modest 15:16 42:20 modified 20:4 67:13 Mom 60:19 moment 33:1 moments 50:14 Monday 19:2 57:16 64:14 74:14 86:21 88:9 97:2 money 24:22 52:6 monolith 56:8 monolithic 56:5 59:5 Monte 10:10,10 10:14 11:4,8 11:12,18 Monteverde 1:9 3:5 7:9 8:7,11 8:14,18,22 10:4 14:8,8 15:2 16:20,20 18:4 41:4 49:21 50:4,6 72:4 74:20,20 80:4 85:16,16 87:8,8 90:4 98:8 99:1,4,6 102:16,19,22 moot 48:16 moratorium</p>	<p>62:16 Morgan 12:15 12:16,21 14:2 16:14 50:17,19 50:19,22 53:2 61:11 63:7,7 63:14,17 64:1 64:3,4 65:9,16 65:20 67:18 68:2,5 Morgan's 92:17 mother 50:21 51:12 motion 76:15 83:19,20 86:6 100:4,7,8 mouth 70:5 move 9:2 71:16 75:16 77:3 moved 76:18,20 76:20 moves 15:3 16:11 73:14 86:8 100:10 102:1 multiple 48:19 municipality's 33:3 mute 4:3 12:12 50:13 70:6 91:6,7 mystery 81:21</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:3 3:1 Nadia 18:12 31:9 name 3:8 4:1 6:10 26:10 31:8 50:19 58:17 64:3 nature 16:3 101:12 near 83:8 nearby 59:3 nearest 19:8 nearly 30:16 42:6 61:17</p>	<p>necessarily 24:2 54:13 need 4:21 12:16 17:10,12,13 21:8,13,22 38:7 44:16 52:15 53:13 55:5 56:21 61:1 64:16,18 64:18 65:1 66:6,13 67:2,7 69:4,6 72:21 73:3 81:19 85:7 90:8 100:6 needed 6:5 65:21 needing 14:19 needs 31:16 54:16 62:20 68:10 neighbor 11:7 11:10,11,11,15 12:6 13:18,20 51:18 101:6 neighbor's 32:8 43:6 60:17 92:11 neighborhood 15:11 29:20 31:20 34:8,12 34:17 35:10 36:22 37:2 47:3,9,17 48:5 48:14 49:5,16 51:22 53:3,10 55:2,7 59:12 62:1,4,10 67:5 67:8,14 69:1 69:19 94:9,10 95:12 100:17 100:22 101:3 neighborhood's 31:16 neighbors 15:18 15:19 18:17 19:8 25:21 29:6 30:5,22</p>	<p>31:6 32:6 37:12 38:5 51:18 54:2 59:3,4,16 60:4 60:21 64:7 68:6,13 69:7 69:17 70:3 90:13 91:15 94:9,16 95:8 99:10,12 100:20 101:5 neighbors' 69:3 neither 104:8 nest 69:21 neurologist 51:13,14 never 24:10 55:22 Nevertheless 62:4 new 20:19 27:19 36:20 39:9,9 39:19 44:20 45:10,17,18 48:13 57:1,5,6 62:8 64:11 74:3,4 83:13 86:14,14,18 87:2 97:6 nice 53:20 58:9 night 88:9 97:2 noise 55:4 66:22 nonconforming 27:9 29:10 33:4,21 36:16 36:16 97:4,5 97:16,19 nonconformiti... 39:9,10,19 97:6 nonconformity 19:16 36:15,20 36:20 39:6,7 44:20 45:9,10 45:15,17,18 north 29:8 Notary 104:4,16 note 31:13 52:19</p>
--	---	---	--	--

<p>noted 26:17 62:13 noticeable 99:13 notoriety 81:17 notwithstandi... 96:8,14 November 16:16 nub 33:11 nuisance 15:21 35:5,11 101:15 number 10:7 18:8 24:8 25:2 51:1 53:12 58:15 61:14 63:2 72:7 80:7 94:15</p> <hr/> <p style="text-align: center;">O</p> <p>O 3:1 objection 15:19 15:20 objections 11:7 20:4 observation 23:8 69:1 obtain 39:3 obviously 44:19 69:1 97:6 occupant 16:1,5 35:7,12 101:17 occupants 93:16 occurs 53:9 odd 98:18 odd-shaped 19:21 offensive 60:1 offer 99:3 office 28:13 official 102:14 Oh 5:10 7:13 12:21 13:12 32:21 61:7 84:16 85:14 90:7 91:10 Ok 8:10 okay 5:16 6:10 6:16 8:3,17 9:1</p>	<p>10:12 12:21 13:4,7,14,15 15:1,3 17:5,14 21:19 26:6,13 38:19 41:3 47:13 50:1,7,8 53:16 57:9 58:21 61:7 63:20 64:2 66:12 68:2 70:17 71:15,17 73:14 74:19 75:12 77:3 79:3,4,5,6 81:15 85:3,18 88:6 89:3,4 91:17 92:8 95:14,15 97:21 99:3,6 old 7:13 30:15 47:20 once 22:7 72:17 one's 51:17 72:12 ones 48:14 Oops 76:18 open 3:14 49:17 50:8 opening 40:14 operation 15:12 34:19 35:2 101:10 opinion 69:3,13 70:22 95:15 opponent's 19:6 opportunity 19:8 32:13 68:21 78:22 opposed 23:7 opposition 18:21,22 30:4 30:4 37:12 69:1,2 order 3:13 5:19 10:11 12:4 28:2 29:3 orders 3:11 ordinance 15:6</p>	<p>15:13 16:9 21:10,14 24:16 25:5,7 33:9,18 34:20 35:17 36:1,7 40:8 41:9,13 42:15 43:20 44:22 45:1 47:7 57:15 58:11,12 74:8 86:17 92:6 97:1 100:11,12,22 101:11,22 ordinarily 84:21 original 2:9,12 2:15,19 49:2 originally 11:7 outcome 104:10 outside 27:13 51:8 outstanding 18:16 overage 10:18 overarching 33:15 overruled 42:17 overturned 44:9 44:11 owner 11:22</p> <hr/> <p style="text-align: center;">P</p> <p>P 3:1 p.m 1:4 2:8,11 2:14,18 3:3 10:2 18:2 72:2 73:15 74:4,4 74:14 75:9 80:2 86:9,15 86:21 87:20 90:2 103:2 page 2:5 16:16 18:10,11,11 20:9,12,17,20 21:3,5,11,18 22:9 23:10,13 24:4,7 25:10 25:13,17 26:8 30:2 31:4 32:5</p>	<p>32:14,18,21 33:3 36:12 37:18,21 38:15 38:18 39:4,11 39:17,20,22 40:2,21 41:10 41:11,17 43:18 44:4,6 45:6,7 45:12 46:22 47:2,11,13 51:2 52:6 53:1 57:12 58:13 61:13,22 62:12 68:20 69:14,15 69:16 70:17,20 71:7,14,18 76:3,6,17,19 77:7,9,11,14 77:15,17,21 78:10,14,20 79:2,2 81:20 89:3,7 90:6,9 90:17,19 91:5 91:8,12,22 92:4,9,14,16 93:4 94:4,7 96:7,12 99:2,3 102:5,6,9 Page's 39:1 99:14 paid 70:11 pair 66:2 Pam 13:2,3,4,5 13:7,12 pandemic 64:10 parallel 24:12 43:14 paramount 83:6 Parkway 19:22 52:21 53:6 55:4 93:12 part 24:11 28:8 32:12 59:16 66:7 80:19 98:11 participant 82:9 participate 63:1 72:18</p>	<p>participated 37:22 particular 47:20 61:18 parties 59:18 104:9 patient 94:8 patterns 15:8 34:10,15 100:14 Pause 14:22 pay 11:21 Penalvert 52:20 people 4:9 23:14 30:4 31:21 46:13 50:15 51:6 52:10,12 53:5 55:7 60:1 63:10,11 66:6 94:14,15 95:17 people's 59:18 percent 10:21 39:15 perfect 32:10 periods 93:20 permission 43:4 permit 11:3 14:18 15:5,7 16:11,19,21 17:1,4 22:1 23:7 32:15 33:13 36:18 39:3,14 44:18 47:2,5,8 59:1 98:6 99:22 102:2,8 permits 100:1 permitted 3:17 15:13 34:20 101:11 permitting 82:19 83:6 perplexed 49:1 49:9 person 44:17 52:14 55:11 63:12,15,17,18 70:14</p>
---	---	---	--	---

personal 52:18 68:22	57:6 64:12 74:11 82:21	potentially 58:5 POWELL 18:11	problem 19:3 40:3 53:9	101:6,12,17,19
personally 96:12	83:2,3,8,13,18 86:19 94:18	practical 69:11	procedures 86:6	proposing 48:21 69:10
perspective 61:19,20	102:3	practicality 69:17	proceed 14:21 16:12 25:19	protect 55:2
persuade 43:9	play 20:2 28:13	practice 88:16	56:18 63:21	protection 39:2 39:13
pertaining 58:22	Pleasant 2:8 7:19 10:7	preceding 15:16	65:2 102:3	protections 33:4
petition 56:16 56:19	please 20:12 26:9 64:22	predicament 40:6	proceedings 3:21 103:2	provide 18:13 29:11 40:8 93:5
petitioner 10:8 13:19 20:22	76:1 82:16 94:4	predict 44:11 70:4	104:7	provided 39:8 75:10
56:20 57:4	plenty 73:13	preexisting 33:4 33:21 36:16	process 12:3 31:5 81:6	provides 82:17
65:11 72:12,14	plug 78:12	97:4,16,19	82:19 83:18	provisions 36:6 36:6
73:4,19 74:2,9	plus 84:10,11,12	prefer 67:12 78:5	process's 83:7	proviso 39:14
74:13 86:11,20	PO 40:2	prejudice 92:6	processing 76:10	proximity 59:6
99:19 100:3	point 15:16 21:9 25:3,11 27:6	prepared 7:18 16:13 92:1	progress 31:19	public 3:11,20 4:1,3,4,5 12:9
petitioner's 13:20	28:8,19,21	94:1 96:12	project 10:11 18:20,22 19:17	14:17 34:9
petitioners 18:12,15	38:2,9,20,22	98:22 99:17	19:19 40:16	49:18 50:9,9
phone 5:5 8:6 12:11 50:12	40:11,18 41:15	102:4	44:1 45:8	68:20 80:20,21
58:15 63:2	41:19 43:16,22	present 5:2,4 12:6 81:5 82:5	54:14,14 56:18	88:2,18 95:20
71:4 81:18	44:19 48:16	83:4	67:17 68:10	104:4,16
phonetic 50:22 94:21	54:16 67:7 101:7	presentation 20:6,11 26:12	78:2	projects 24:14
phrase 97:14	point's 38:16	59:22	proper 53:4	property 45:20
pick 98:18	pointed 36:18 37:6 49:12	presented 23:3 37:15 45:9	properties 45:20	property 26:3 26:18 27:14
plan 11:21 27:8 27:17,20 28:1	points 19:10 42:19 62:12	56:22 92:12	43:6,7 55:17	68:7,8 95:3,4
28:16 29:21	Pond 19:22 26:21 28:18	presenting 31:15 81:14	98:10	98:10
53:7,11 54:19	29:14 52:21	83:2,8	proponent's 98:9	proportion 54:15
56:12,13 60:10	53:6 55:3 93:12	pressing 12:12 12:13 50:13,13	proposal 35:21 57:1 64:11	proposal 35:21 57:1 64:11
93:5,6 99:15	popped 64:13	presumably 19:21	81:13 82:6	propose 44:7
planned 95:10	population 48:3	pretty 51:15 58:3	proposed 15:14 15:20 16:1,6	proposed 15:14 15:20 16:1,6
planning 12:6 81:4,9 83:11	porch 27:18	privately 29:12	21:16 26:16	21:16 26:16
83:12,12,17	portal 40:9	probably 9:3 25:20 54:6,10	33:18 34:3,21	33:18 34:3,21
96:17	position 43:12 43:16	70:22 84:18	35:7,9,13,14	35:7,9,13,14
plans 10:16 11:16 12:2	positive 31:13		47:8 49:2,15	47:8 49:2,15
13:21 14:17	possibly 70:2 97:12		57:14,22 67:9	57:14,22 67:9
16:12 19:1	post 70:15 72:14 74:2 88:16		100:15,18	100:15,18
49:2,2 54:6,9	posted 86:15			
54:20 55:7	posting 86:14			
56:2,18 57:3,4				
				qualify 56:17

question 13:7,10 13:13 21:19,20 33:11 36:21 38:1 42:6 44:19 47:4 56:10,16 65:10 66:7,10 87:21 97:10	reading 40:12 97:1,13 reads 33:1 ready 71:4,10 76:4 77:1 79:4 79:5 88:17 90:8,9 real 51:10 52:2 realities 24:12 realizes 9:3 really 8:22 40:16 45:11 47:15 49:7,22 51:20 55:22 59:13,19,21 61:12 62:11 67:1,15 80:21 95:6 98:14 rear 18:19 19:14 reason 11:5,6,6 11:20 66:19 71:1 80:16 90:20 95:2 reasonable 46:10 reasoning 40:4 reasons 34:13 34:22 35:8,14 35:17 95:4 reassure 32:7 recall 20:13 36:9 received 64:18 68:15 82:1 91:16 recess 70:1,13 71:3,16 recognizing 57:21 recommended 58:6 reconfigured 28:5 record 32:20 33:1,7,12,17 62:13 81:18 96:21 104:6 recorded 3:18 recourse 22:4	redesign 20:6 reduce 44:1 52:4 53:17 reduced 10:21 reduction 98:16 reexamined 82:13 reference 60:17 60:18 95:1 referenced 82:4 referral 97:2 referred 36:4 43:21 58:13 82:1 reflect 19:5 reflected 10:22 regard 4:11 15:4 43:20 74:10,12 83:17 92:11 99:22 100:17 regarding 18:17 64:19 66:21 regardless 88:17 reiterate 68:15 rejiggered 26:18 related 104:8 relationship 28:6,18 relatively 30:18 relevant 65:18 66:16 93:14 relief 11:1 13:22 15:9,16 17:8 20:15,22 21:7 21:8,13,14 22:8 23:11,19 24:2 37:16 42:12 57:5,5 69:4,6,8 91:19 96:17 97:15 99:18 100:12 101:14 relocation 15:17 remain 27:10 remaining 19:16 remarks 40:14 68:22 remember 26:3	remind 99:19 remodel 48:15 remote 1:5 4:6 remotely 3:10 6:4 removed 19:11 27:18 29:11 99:10 render 29:18 rendering 28:17 renderings 80:18 81:1 82:11,13,21 report 78:4 reported 15:18 representation 13:19 representative 13:20 15:19 represented 11:9 representing 10:11 request 30:18 80:15,22 82:3 97:1 requested 16:11 22:18 97:15 100:1,13 102:2 requesting 32:16 77:6 81:9,19 required 26:17 34:1 42:16 56:12 74:7 86:16 requirement 10:21 19:20 23:6 47:2 requirements 3:14 15:6 21:10 33:13,17 100:11 requires 24:15 82:20 reserving 32:13 residence 33:19 34:6,14 35:2	35:10 residences 35:4 resident 93:11 residential 35:20 residents 31:9 31:10 resolicit 100:8 resolve 18:16 resolved 91:21 resources 44:15 respect 24:17 30:14 46:16 93:17 respectful 49:4 response 3:12 22:10 47:6 rest 59:12 61:20 67:8 68:6 restrictions 3:16 restructuring 64:12 result 72:15 resulting 15:9 37:16 100:15 results 36:19,20 review 10:17 19:1 38:8,10 78:22 101:8 reviewed 48:8 revised 19:1 Riely 58:17,17 58:21 right 4:21 5:20 6:20 7:7 10:12 13:17 23:10 26:10 39:20 41:11 43:4 47:11 49:8 50:20 51:12 52:21 58:11 64:16 71:9 75:15 76:17 84:3,20 91:3 94:5 95:21 97:21 99:4 102:20 rightly 37:6
R				
R 3:1 rabbit 43:10 Rafferty 36:17 44:17 rain 28:3 raise 12:11,12 19:10 50:11,12 raised 20:15 42:7 93:18 raises 66:14 rang 102:19 Ranjit 1:14 57:18 reach 8:5 76:6,7 94:17 reached 31:13 51:21 76:8 94:20 reaching 19:7 31:20 95:17 read 18:21 33:12,17 36:5 39:8 45:13 81:17 97:13				

42:19 49:12 rights 42:5 44:15 91:20 rise 16:4 risk 44:21 road 2:11 6:7,8 18:8,12,18 19:12,22 27:3 28:18 29:1 31:10 47:19 48:8 50:20 52:22 53:6 54:5 55:16 58:18 64:1 66:16 97:10 Robert 55:12,13 55:15,15 57:7 robust 82:19 rodent 11:21 53:8,9,11 93:5 roll 4:2 6:11,15 roof 27:20 28:16 room 65:21 66:6 73:2 roughly 30:9 rules 12:7 42:3 59:9 run 12:5 rush 78:8 rushed 81:7 Russell 47:21 82:9,14	74:1 75:11 90:11 satisfy 36:13 save 5:18 saw 5:21 7:21 54:6,10 saying 22:20 44:21 46:4 56:17 65:20,21 90:15 says 12:11 21:14 36:5 39:8 41:22 42:2,4 43:13 45:19 50:11 97:1 scale 54:14 82:10 scatter 53:10 scenario 64:22 schedule 51:13 82:22 scheduled 84:19 school 41:22,22 47:21 61:15 scope 34:2 screen 7:13,13 12:10 50:11 90:16,19 91:11 se 38:2 Sean 79:6 80:9 80:12,18 83:14 85:1,5 88:1,5,7 88:15 89:1 second 5:8 21:7 21:14 22:15 28:10 29:11 45:6 86:14 100:4 seconds 76:11 78:6 section 32:16,22 47:20 see 7:7 17:22 26:14 27:8,20 28:5,16 29:1 32:14 43:9 45:13 47:22 50:14 51:15	56:2,9 62:8,9 62:18,19 67:4 70:7 72:11 75:13 82:16 91:15 93:14 101:13 seeing 54:21 seek 65:1 seeking 20:22 21:7 24:3 69:9 seeks 57:5 seen 15:20 51:7 self-evident 14:18 Senior 69:22 sense 26:3 44:10 46:14 62:7 sent 64:17 serious 69:18 set 10:22 11:21 55:19 102:20 104:12 setback 18:18 18:18,19 19:12 27:9,11 33:22 45:16 56:6,13 59:9 setbacks 26:18 27:21 seven 47:19 84:10 seventh 73:10 73:11 84:10 Shady 2:14 72:7 Shahid 18:12 31:1,3,7,8 32:6 36:14 53:21 92:15 93:3 94:3 96:3 share 31:5 81:1 shared 12:1 Shippen 18:10 18:10 20:12,17 20:20 21:3,5 21:11,18 22:9 23:10,13 24:4 24:7 25:10,13 25:17 26:8	30:2 31:4 32:5 32:18,21 33:3 36:12 37:18,21 38:15,18 39:2 39:4,11,17,20 39:22 40:2,21 41:11,17 43:18 44:4,6 45:12 46:22 47:11,13 49:12 53:1 69:14,16 70:17 70:20 71:7,14 71:18 76:2,3,6 77:4,7,8,9,11 77:15,17,21 78:10,14,20 79:2 89:3 90:6 90:9,17,19 91:5,6,8,12,22 92:4,9,14,16 93:4 94:4,7 102:9 shock 65:3 short 19:20 shortly 37:13 shot 70:9 95:11 show 10:22 showed 8:18 showing 7:11,22 29:15,18 shown 13:21 shows 28:17 side 10:19 18:17 19:11 27:10,10 29:1,10 45:16 48:18 59:13 60:11 94:22 99:8 sides 98:10 sidewalk 59:6 sign 70:15 72:14 74:3,6 86:11 86:14 significantly 99:11 signs 73:19 similar 53:15 59:2	simple 42:12 49:10,11 52:4 simply 22:21 23:11 43:5 Singanayagam 1:14 22:3 23:21 Singanayam 24:20 single 97:4,16 single-family 33:19 34:5,14 35:2,3,9,19 93:15 sir 53:22,22 Sisia 1:15 4:15 4:18,20,22 5:1 6:13,15,18,21 7:5 8:2,4,5,8 8:12,16 12:15 13:2,15 17:10 17:12 50:18 54:3,4 55:11 55:12 57:10 58:15,20 61:6 61:8 63:2,5 68:19 72:9,11 72:22 73:5,7 73:12,16,21 75:13,18,21 76:2,3,4,18,20 77:4,7,8,10,11 79:3,5 83:22 84:3,6,11,14 84:18 89:6 91:2,6 Sisia's 7:6 site 27:8,17 29:21 Sitting 3:4 10:3 18:3 72:3 80:3 90:3 situated 54:15 situation 64:10 six 31:10 47:19 52:10 62:6 six-story 82:5 size 3:11 23:17
S				
S 3:1 sad 53:2 safe 102:21 safety 15:22 16:4 35:6,12 101:16 Sam 19:2 26:11 47:12,13 48:6 48:7 76:6,8 77:16,18 102:4 satisfaction 96:12 satisfied 11:11 14:20 36:10				

44:1 52:4 53:17 60:19 66:20 68:10 69:5 SJC 36:9 97:3 skilled 62:2 skip 5:7 26:12 slide 26:13,15 26:20 27:1,7 27:12,15,20,22 28:4,7,11,15 28:22 29:7,9 29:13,16 slides 29:19 slight 47:1 slightly 27:4 28:1 slippery 97:9 slope 97:9 small 98:15 smaller 53:12 54:17 67:13 solicit 83:1 solution 31:15 somebody 93:17 somewhat 61:16 son 64:3 sore 67:9 sorry 12:21 13:10,13 17:11 24:6 32:21 34:22 37:20 48:6 49:20 63:13,15 67:20 67:22 73:17 76:18,21 77:22 79:5 84:17 85:12,21 86:2 90:14,18 91:8 sort 31:13 38:22 41:8 45:8 48:15,18,19 59:12,20 94:10 94:22 96:4,7 96:10 sought 13:22 15:5,9 20:16 37:17 99:18	sound's 90:16 sounded 57:13 source 19:16 south 29:15 space 28:13,13 66:3,14 spare 22:13 33:8 speak 4:7,9,12 12:6,9,13,18 13:3,18 25:21 32:6 42:10 45:6 50:10,15 50:15 54:1,2 56:13 68:13,19 71:4 72:13 92:16,17 speaking 4:1 30:18 50:21 special 11:3 14:18 15:5,7 16:11,19,21 17:1,4 22:1 23:7 32:15 33:13 39:3,14 44:18 47:2,5,8 59:1 98:6 99:22 100:1 102:2,8 specific 32:3 96:7 specifically 97:3 specifications 74:12 86:19 spent 95:22 spirit 45:19 49:15 51:22 59:20 spoke 31:14 59:3 sprung 48:1 square 2:14 19:19,20 20:1 22:17 30:7,8,9 30:10,13,14 33:22 43:3 52:20 65:5 72:7 98:18 99:9,10	ss 104:3 staff 4:13 82:22 83:4 standard 14:19 36:9,11,15 37:5 46:4 58:5 58:10,11 100:2 standards 34:7 58:3 98:2 100:3 standpoint 31:18 48:22 49:14 95:9 stands 20:3 start 4:13 started 54:11 state 4:1 20:21 36:7 68:7,17 stated 35:18 61:13 states 39:13 41:21 42:1,5 statewide 3:11 statute 32:15 33:5 42:16 stay 53:20 102:21 stenographer 96:21 step 40:15 stepped 27:4 steps 25:2 sticking 67:9 stiffer 23:6 stock 35:20 stop 54:22 Strawberry 47:18 street 2:8 7:19 10:7 27:2,3 29:20 40:6 48:17 49:6 50:20 51:12,19 52:22 55:17,21 59:6,13,17 61:15,21 63:8 63:8,11,13,18 63:19,22 64:16	streets 48:18 strong 11:7 35:20 80:20 structural 22:11 structure 27:14 32:1 56:17 62:8 97:19 structures 33:5 42:14 struggle 41:9 struggling 41:7 study 27:13 stumbling 98:14 style 67:10,14 styles 48:1 subject 73:18 86:9 submission 20:18,19 80:19 submissions 88:6 submits 88:8 submitted 19:2 57:4 80:14,15 82:6 102:3 substantial 15:10 34:11,17 36:22 37:1,10 37:14,16 46:7 46:8,17 47:3,9 62:9 100:16,21 101:3 substantially 28:20 40:16 97:18 sufficient 96:14 sugar 62:15 suggest 14:20 44:13 48:5 57:17 95:5 suggesting 44:3 suggests 25:7 suite 66:3 Sullivan 1:8 3:5 5:2,2,9 6:1,7 7:8,11,15,18 7:22 10:3 14:5 14:5 16:18,18	18:3 27:16 38:21,21 39:5 39:12,18,21 40:1,2,12 44:19 45:3,3 46:21 49:19,21 50:1 72:3 73:10 74:17,17 76:22 80:3 85:10,13 87:6 87:6,21 88:1,1 88:6,8 90:3 96:1,1,4,20,20 97:21 98:1,5 Sullivan's 45:6 sump 28:3 sun 27:13 support 11:22 13:21 23:9 60:5,16 61:10 62:14 68:6 supporting 98:19 supposed 25:5,6 54:10 84:1 93:4 Supreme 33:6 33:10 41:21 42:1,5 47:6 sure 5:17 7:5 20:17 21:21 24:18,21,22 25:19 31:21 32:9 33:2 36:12,14 55:7 57:12 65:18 68:13 70:5 78:9 81:6 surprised 7:20 94:15 surrounding 48:6 SUSAN 6:16 suspect 69:7 switch 89:6 sword 37:4 system 19:4
--	--	--	--	--

T	18:10 22:9	49:12 52:3	68:12,17,19	95:4
take 4:13 20:5,5	25:17 29:17,22	53:18 54:13,19	69:19 70:22	tried 48:8 76:7
25:6,18 26:8	30:2 36:2,3	58:4,9 59:16	71:5,5,12	triggering 97:11
31:4 40:2	37:11 38:15,18	60:1,20,21,22	73:14,19 74:2	trouble 90:14
50:14 61:12	40:21,22 46:20	61:1 62:20	74:3,4 76:14	true 21:4,5 44:6
62:12,19 67:16	46:22 49:17	64:15 67:6,10	78:5,16 81:11	101:7,17 104:6
70:9,15 71:7	50:6 55:9,15	72:21 76:8,10	83:19 86:11,15	try 28:8 43:9
71:12 76:10,14	57:7,7 58:7,14	78:19,20 83:11	90:16 91:20	88:18
85:2 91:20	58:21 61:5	83:15,16,19	93:20 95:22	trying 6:3,20 7:6
95:5 96:16	62:21,22 64:2	90:10 93:21	98:11	7:12 29:5 31:5
99:7	64:7 67:7	94:1,12 95:6	times 24:8	41:16 42:11
taken 4:2 25:17	68:17,18 71:14	96:10 98:11	today 11:16	43:10,17 66:15
38:9,17 55:5	71:18,19 73:17	99:8,12 100:17	18:21 63:9	78:8,8 88:16
62:18,20 65:4	79:2 80:13	101:4,5 102:19	73:8	95:17
65:13	81:15 86:1,3	102:19	token 37:7	Tuesday 54:8
takes 31:16 38:5	88:20 89:1,2	thinking 57:20	told 42:18	tuned 8:1
41:21	90:8 91:8,9	58:8	tongue 63:21	turn 5:6
talk 24:20 41:12	94:7,8 95:19	third 5:13 28:12	tonight 9:3	twenty- 74:10
45:7 61:3,6	98:12 99:16	63:12	11:17 12:18	twenty-eighth
64:5,19,19	102:9,11,12,13	thought 5:21	13:13,18 22:8	73:5,6 74:3,5
70:1	thanks 58:6 71:8	12:21 67:20	24:2 25:9,16	74:15
talked 64:3	79:1	80:21 97:14	57:2 59:3	twenty-eights
talking 14:18	that's 33:9	thoughtfully	65:19 66:10,15	74:7
15:16 52:1,5,9	58:11 87:2	95:10	67:5 68:17	two 6:6 22:1,10
52:10 53:14	93:7,14	thoughts 96:5	72:13,15,20	22:18 24:8
67:21	they'd 91:15	three 4:8,12	78:18 80:13	32:4 34:6 42:6
tastes 48:2	92:2,4,9 93:22	29:11 32:4	86:13 87:1	42:13 52:9,12
team 85:2	94:1	52:13 93:18	88:21 91:1	59:14 62:12
technical 8:12	they've 19:14	97:10,12	94:16 98:22	68:14 70:6
17:15	thing 49:8 51:9	thumb 67:9	99:20 101:14	73:3 74:2 84:6
technologically	52:17 83:10	THURSDAY	total 21:13,16	84:7 93:19
91:9	92:2 98:14	1:4	21:16	96:7 97:10
television 3:19	things 46:9 51:2	Thursdays 84:7	track 6:3 7:6	98:10
tell 13:2	55:5 70:10	tied 69:2	traditional 48:9	two-family 97:4
temporarily	88:16 94:12	tight 4:8	traffic 15:8	97:17
3:14	think 5:18 6:6,9	time 4:4,5,7,10	34:10,15 53:5	two-yard 98:13
temporary 3:15	9:1 11:9,18,19	5:18 6:21	55:3 93:10	type 23:17
Tenant 80:13	13:15 14:17	10:14 11:14	100:14	typically 4:8
tend 53:9	17:18 21:22	12:7 17:21	transcript 3:20	
tenor 70:2	24:1,9 25:20	20:19 24:11,18	104:6	U
terms 14:19	26:2,11 29:22	24:21,22 29:17	transcripts 7:15	unanimous 17:8
60:3 95:17	29:22 30:11,18	29:22 41:2	7:17	unchanged
98:8,9	32:5,6 37:13	52:7,7,8,18	transparent	27:10
testimony 14:17	38:7 39:1,8	53:3,7,19 54:1	82:19	underneath
50:9 68:20	40:3,17 44:10	54:2,12 62:21	trash 19:14	27:16
95:20 100:20	44:15,21 45:10	63:1 64:6,15	tree 93:1	undersized
thank 13:14	45:12,18 47:14	64:17,18 65:1	trees 55:1,2	33:21
14:16 17:9,20	48:4,15 49:9	67:2,16,16	62:15,17 63:3	understand

30:17 33:13 40:11 42:10 44:22 49:7 55:19 60:19 69:18 78:6 93:1 understandable 72:18 understanding 11:22 54:22 90:15 92:19,20 92:21 unfinished 28:13 unfortunately 85:11 unhappy 22:5 United 41:21 42:1,5 universe 43:14 unlimited 37:8 unmute 12:12 50:13 75:13,18 75:21,22 unquote-- 37:9 unreasonable 30:13,18 updated 48:20 94:18 upgrade 35:18 uploaded 19:3 upsetting 59:19 use 16:1 34:5,13 34:21 35:1,7 35:13,14 101:12,17 useable 66:3,9 uses 15:13 33:5 34:20 35:3 101:11 usually 12:5 utmost 83:3	various 32:17 vehicle 39:1 40:7 verify 4:14 versus 41:20 45:9 96:22 Vice 1:8 video 3:18 29:18 view 26:21 27:2 29:8,14 33:15 45:8 101:8 views 29:19 Village 48:19 violation 18:18 volume 10:18,21 39:15 vote 14:21 17:7 70:2 75:8 87:18 90:10,21 90:22 91:13,18 95:21 96:10,17 97:22 98:3,5 98:22 99:5,15 99:17,17,17 100:5,9 102:8 votes 4:1 17:5 75:6 87:16 100:6 102:7	48:15 49:4,7,8 53:17 54:1,3 56:21 60:5 62:12,14 63:21 64:4,7 65:7 66:5,15 68:6,7 68:12 69:18,20 70:4,4,7,8 71:6 75:18 76:5,11 78:15 81:17,20 81:21 84:20 90:22 94:7 95:21 96:3 100:9 wanted 12:18 28:18 30:3 32:7 51:1,10 51:11 57:12 72:22 73:1 92:11 wants 61:6 99:3 warm 62:6 warn 78:16 wasn't 72:18 93:4 waste 44:14 52:5 52:6,8 68:12 watched 46:2 watching 78:21 wave 102:18 way 12:5 54:15 59:21 60:2 ways 49:9 we'll 5:18 20:10 23:22 37:11,13 50:14 70:9 71:5,9 74:10 78:17 88:18 94:11 we're 5:14 6:3 7:7 10:22 14:18 15:16 17:14 24:11 27:13 38:11 43:22 46:4 48:14,20 49:6 49:13 50:8 51:18 52:9,9	54:21 62:7 63:9 66:15 68:19 70:14 71:11,15 72:13 72:20 77:10 78:8,8,17 81:9 81:14 86:13 90:9 93:2 95:11,12,15 97:9 101:8,8 102:16,20 we've 11:20 12:1 29:4,10 31:9 32:3 49:3 51:17 58:10 88:16 90:11 94:20 95:7,21 96:14 webpage 4:6 website 54:8 87:3 88:2,4,14 88:17 weeks 32:4 49:3 73:3 weigh 48:4 Welcome 3:7 welfare 16:1,5 35:6,12 101:16 went 54:8 90:17 90:19 Wernick 1:9 3:6 6:5,10,19,19 18:4 41:2 72:4 75:1,1 80:4 85:19,19,22 87:11,11 90:4 99:7 western 27:9 whereof 104:12 Whoever's 91:8 wife 31:8 55:16 58:18 61:3,6 Williamson?'s 96:8 willing 43:8 78:4 window 56:12 windows 10:19 11:1 15:17	29:2,4,11 56:8 56:9 59:10 Winters 13:2,3 13:5,7,12 wish 4:9 12:9 19:10 25:4 50:15 69:11 87:4 97:22 wishes 50:10,14 74:10 wishing 10:8 12:13 18:9 72:8 80:8 withdraw 70:8 witness 104:12 words 94:3 100:22 101:1 work 16:12 30:15 31:19 34:2 51:3,8 84:21 92:18 93:21 102:3 worked 48:10 82:18 93:20 works 26:19 31:15 51:12 96:9 worth 70:9 wouldn't 60:8 68:16 70:4,4 write 58:22 65:5 writing 82:3 written 25:6,7 41:9 100:12 wrong 22:21 71:1 84:17 wrote 36:14 66:1
<hr/> V <hr/> value 62:11 68:8 variance 14:20 22:1 23:7,9 42:19 97:11	<hr/> W <hr/> wait 5:5 65:21 75:16 76:5 78:2 waiting 7:7 68:13 102:14 waiver 73:19 86:11 walk 48:17 walked 12:2 wall 55:20 59:5 59:11,13 60:12 want 6:15 12:17 13:3 22:6 23:3 23:14,18,18 24:1,17,18,21 25:19 26:8 30:20 31:6 32:2 33:7,8,14	<hr/> X <hr/> X 2:3 <hr/> Y <hr/> Y 52:20 yard 18:17,19 18:19 19:11 33:22 45:16 yeah 4:22 5:11 6:1,2,8,19 7:9		

41:7 43:18 58:15 73:5,7 73:12,13 76:1 76:4 77:2,4,8,9 77:9,9,18 85:2 89:6 90:17 91:12 year 58:3 years 24:9 30:16 31:10 37:22 42:6 46:3 48:2 49:5 51:3 52:11 64:4 Yep 20:20 21:3 21:11 yield 46:20 young 34:6	18:15 34:1 54:6,10 10-foot 19:11 10.43 32:16 100 30:16 51:3 52:11 99:9,10 100-some 98:18 100-year-old 62:15 11/23 16:15 118 20:1 12 3:13 12/10/20 2:12,15 2:19 12/12/20 2:9 14 74:6 86:16 177 43:3 44:1 52:4 18 2:11 84:6 1913 33:20 35:9 35:18	3059 21:17	831 1:6
<hr/> Z <hr/>	<hr/> 2 <hr/>	<hr/> 4 <hr/>	<hr/> 9 <hr/>
zoning 1:1 3:8 23:15 34:20 36:7 38:11,11 42:15 45:21 57:15 64:22 66:14 69:4 86:17 92:6 100:12 101:7,9 Zoom 12:10 50:11 81:19 82:5	20 49:5 2000 30:8 2001 31:9 2015 33:20 2020 3:13,17 16:16 80:7 2021 1:4 82:4,7 104:13,18 2072 2:18 4:11 13:8 70:19 71:11 76:13 80:7 82:18 22 3:19 23 16:16 237 19:19 33:22 24 82:7 25 27:6 39:15 27 3:17 64:4 76:9 28 73:1,15,18 75:10 2882 21:15	4 83:22 84:6,21 85:4,9 86:7,9 86:15,16,21 87:20 4.2 33:22 4248 58:16 45 78:6	9 2:14 12:12 50:13 72:7 91137 10:7 9213 63:2 97200 18:8 98136 72:7
<hr/> 0 <hr/>	<hr/> 3 <hr/>	<hr/> 5 <hr/>	<hr/> 6 <hr/>
0.003 34:4 0.3 20:22 0.32 34:3 0.5 19:17 21:9 21:10 30:19 0.53 19:17 21:13 34:3 00:00 103:2 01/07/2021 102:5 017326 80:7 02139 1:6 03 34:4	20 49:5 2000 30:8 2001 31:9 2015 33:20 2020 3:13,17 16:16 80:7 2021 1:4 82:4,7 104:13,18 2072 2:18 4:11 13:8 70:19 71:11 76:13 80:7 82:18 22 3:19 23 16:16 237 19:19 33:22 24 82:7 25 27:6 39:15 27 3:17 64:4 76:9 28 73:1,15,18 75:10 2882 21:15	5 82:4 5:00 74:14 86:21 57 2:8 10:7	6 12:13 50:13 104:18 6:00 2:8,11,14 2:18 3:3 5:8 73:15 74:4,4 75:9 86:9,15 87:20 6:10 10:2 6:19 18:2 6000 19:20 30:8 30:13 67 50:20 64:1
<hr/> 1 <hr/>	<hr/> 3 <hr/>	<hr/> 6 <hr/>	<hr/> 7 <hr/>
1 36:15 61:14 10 2:8 10:21	30 48:2 76:11 3000 30:9,13	7 1:4 3:7 7:00 1:4 7:21 72:2 7:29 80:2 7:40 90:2 71 55:16 72 2:14 74 2:11 18:8,12 31:10 77 58:18	<hr/> 8 <hr/>
		8 82:5 8--- 30:8 8.22 39:13 8.222 39:3 80 2:18 83 54:5	