

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 29, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair  
Brendan Sullivan, Vice Chair

Andrea A. Hickey

Wendy Leiserson

Jim Monteverde

Matina Williams

Jason Marshall

City Employees

Rangit Singanayagam, Commissioner

Sisia Daglian, Assistant Buiding Commissioner



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## I N D E X

CONTINUED CASES	Page
6:00 P.M. CASE: BZA-109394	
Original Hearing Date: 04/08/21 -- 118 SPRING STREET	6
6:00 P.M. CASE: BZA-116393	
Original Hearing Date: 06/10/21 -- 14 BIGELOW STREET	
REED SHEA	12
6:00 P.M. CASE: BZA-119365	
Original Hearing Date: 06/24/21 -- 39 HUBBARD AVENUE	16
6:00 P.M. CASE: BZA-017219-2019	
Original Hearing Date: 01/09/20 & 07/23/21 NOT HEARD --	
544 MASS AVENUE	32
 CASE	
6:30 P.M. CASE NO. BZA-120369 -- 35 BERKSHIRE STREET	38
6:45 P.M. CASE NO. BZA-124207 -- 63 CHILTON STREET	51
7:00 P.M. CASE NO. BZA-124307 -- 364R THIRD STREET	87
7:15 P.M. CASE NO. BZA-116964 -- 11 UNION STREET	109
7:30 P.M. CASE NO. BZA-125588 -- 128 CHERRY STREET #1	110
7:45 P.M. CASE NO. BZA-125807 -- 145 CONCORD AVENUE	116
8:00 P.M. CASE NO. BZA-126732 -- 62 FULKERSON STREET	128
8:15 P.M. CASE NO. BZA-122612 -- 58 GRANVILLE ROAD	139

1 P R O C E E D I N G S

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3 (6:01 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Andrea A. Hickey, Wendy Leiserson, Jim  
6 Monteverde, Matina Williams and Jason  
7 Marshall

8 CONSTANTINE ALEXANDER: Welcome to the July 29,  
9 2021 meeting of the Cambridge Board of Zoning Appeals. My  
10 name is Gus Alexander, and I am the Chair, and I apologize  
11 for the late start.

12 This meeting is being held remotely, due to  
13 statewide emergency orders limiting the size of public  
14 gatherings in response to COVID-19, and in accordance with  
15 Governor Charles D. Baker's Executive Order of March 12,  
16 2020, temporarily amending certain requirements of the Open  
17 Meeting Law; as well as the City of Cambridge's temporary  
18 emergency restrictions on city public meetings, city events,  
19 and city permitted events, due to COVID-19, dated May 27,  
20 2020.

21 This meeting is being video and audio recorded,  
22 and is broadcast on cable television Channel 22 within

1 Cambridge. There will also be a transcript of the meetings  
2 in due course.

3 All Board members, applicants, and members of the  
4 public will state their name before speaking. All votes  
5 will be taken by roll call.

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

10 Generally, you will have up to three minutes to  
11 speak. That might change based on the number of speakers.

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

14 SISIA DAGLIAN: Jim Monteverde?

15 JIM MONTEVERDE: Jim Monteverde is present.

16 SISIA DAGLIAN: Andrea Hickey?

17 ANDREA HICKEY: Present.

18 SISIA DAGLIAN: Matina Williams?

19 MATINA WILLIAMS: Present.

20 SISIA DAGLIAN: Wendy Leiserson?

21 [Pause]

22 JIM MONTEVERDE: Wendy, you're on mute.

1           WENDY LEISERSON: Present.

2           SISIA DAGLIAN: And Jason I think is not on yet,  
3 but he doesn't need to be.

4           JASON MARSHALL: I'm on, Sisia. I'm on for the --

5           SISIA DAGLIAN: Oh, you are? Okay.

6           JASON MARSHALL: Yep.

7           CONSTANTINE ALEXANDER: We've got all five.

8           SISIA DAGLIAN: Yes.

9           CONSTANTINE ALEXANDER: Okay. We still have -- we  
10 have a full corps of Board members. So let's start. We  
11 start tonight with four continued cases. These are cases  
12 that started once before, but for one reason or another have  
13 been continued until tonight.

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(6:05 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde,  
and Matina Williams

CONSTANTINE ALEXANDER: The first case I'm going  
to call -- continued case -- is Case Number 109394 -- 118  
Spring Street. I will report that I don't -- in my view,  
we're not going to hear this case tonight, simply because  
there's no sign posted, as required by our ordinance, and it  
was specifically instructed when we continue this case.

So given that, we're going to have to further  
continue the case.

SIDDARTH GEHLOT: I would like to object (sic)  
that. This is Sid Gehlot. I'm the owner of the property.  
I personally picked up right after last meeting -- I  
personally picked up the board given by the Maria over  
there, and I personally went and noted the new one, because  
you asked us to get a new one, and I did that.

CONSTANTINE ALEXANDER: I know, but sir --

SIDDARTH GEHLOT: And it was posted all --

CONSTANTINE ALEXANDER: -- sir you got -- it has

1 to be up there for 14 days.

2 SIDDARTH GEHLOT: Yes. More than 14 days. It's  
3 been there for months.

4 CONSTANTINE ALEXANDER: I was there yesterday.  
5 There is no sign posted. I just don't know how long it  
6 hasn't been posted, but there's no sign. For that reason,  
7 we're going to have to continue the case.

8 Your responsibility, sir, is to check the posting  
9 maybe every other day or several times during the two-week  
10 period, because sometimes signs get taken down. But I don't  
11 know when this sign --

12 SIDDARTH GEHLOT: No, and who would take it down?

13 MEGAN KEMP: Mr. Chair, I appreciate that that's  
14 an issue. I will make sure that a new -- sorry, this is  
15 Megan Kemp from Adam Dash & Associates.

16 CONSTANTINE ALEXANDER: All right, so who is this  
17 speaking, please?

18 MEGAN KEMP: Sorry. This is Megan Kemp, from Adam  
19 Dash & Associates, newly retained representation for the  
20 owner.

21 I will make sure that that gets taken care of. My  
22 understanding -- again, was that the sign was up and it has

1 been up since being picked up after the last meeting.

2 SIDDARTH GEHLOT: Yep.

3 MEGAN KEMP: But I will make sure that that is  
4 regularly attended to, and we take photographs of where on  
5 the property it's posted.

6 CONSTANTINE ALEXANDER: Okay. Thank you. Well,  
7 the next time we can hear this case will be the first -- if  
8 we have room -- the first meeting in September. Sisia?

9 SISIA DAGLIAN: That would be the second. We do  
10 have room, actually.

11 CONSTANTINE ALEXANDER: What day?

12 SISIA DAGLIAN: September 2.

13 CONSTANTINE ALEXANDER: September 2. The Chair  
14 moves that we continue this case as a case heard -- it's  
15 continued again -- subject to the following conditions:  
16 One, that the petitioner has already signed a waiver of time  
17 for a decision in connection with the prior continuances.  
18 So we're all set there.

19 Two -- back to the sign -- a new sign, or I guess  
20 it will have to be a new sign, since the old one's gone -- a  
21 new sign must be posted on the property and maintained for  
22 14 days prior to the September 2 hearing. You can get a new



1 sign from the Building Department.

2 And lastly, same thing as before, to the extent --  
3 and there is now new plans or modified plans in the file --  
4 if there are going to be further changes to those plans,  
5 modifications, additions, those must be in our files no  
6 later than 5:00 p.m. on the Monday before September 2. Is  
7 that Labor Day by any chance?

8 SISIA DAGLIAN: It's right before, I think. I  
9 think it's right before that weekend.

10 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey  
11 speaking. Could we ask the Board members who are sitting on  
12 that case whether they're all available that day?

13 CONSTANTINE ALEXANDER: That's what I'm getting  
14 to, Andrea, thank you.

15 SISIA DAGLIAN: Thank you.

16 CONSTANTINE ALEXANDER: I know I'm available.  
17 Brendan, would you be available?

18 BRENDAN SULLIVAN: [Brendan Sullivan] Yes,  
19 available.

20 CONSTANTINE ALEXANDER: Andrea?

21 ANDREA HICKEY: Yes, I'm available.

22 JASON MARSHALL: Jason?

1           SISIA DAGLIAN: I think it's Jim on that one.

2           CONSTANTINE ALEXANDER: I'm sorry, Jim. I  
3 apologize. Jim?

4           JIM MONTEVERDE: [Jim Monteverde] Yes, I'm  
5 available.

6           CONSTANTINE ALEXANDER: Matina?

7           MATINA WILLIAMS: What day is that again?

8           SISIA DAGLIAN: It's --

9           CONSTANTINE ALEXANDER: Say it again, please? I'm  
10 sorry.

11          SISIA DAGLIAN: -- September 2. It's the Thursday  
12 before Labor Day weekend.

13          CONSTANTINE ALEXANDER: Are you going to be  
14 available, Matina?

15          MATINA WILLIAMS: I'm available.

16          CONSTANTINE ALEXANDER: Good. Okay. So we're  
17 going to continue this case until -- well, any modified new  
18 plans, drawn specs, what have you, must be in our files no  
19 later than 5:00 p.m. on the Monday before September 2.

20                 If that is not the case, we will once again  
21 continue this case, although further continuances are  
22 starting to get much more iffy. This case has been

1 continued several times already.

2 So Brendan?

3 BRENDAN SULLIVAN: Brendan Sullivan yes to  
4 continuing the matter.

5 CONSTANTINE ALEXANDER: Matina?

6 MATINA WILLIAMS: Matina Williams yes to the  
7 continuance.

8 CONSTANTINE ALEXANDER: Jason?

9 BRENDAN SULLIVAN: Not Jason, Jim.

10 CONSTANTINE ALEXANDER: I'm sorry, I keep saying,  
11 "Jason." Jim? I'm sorry. Jim?

12 JIM MONTEVERDE: Jim Monteverde yes to continuing.

13 CONSTANTINE ALEXANDER: Okay. Andrea?

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

16 CONSTANTINE ALEXANDER: And the Chair says yes as  
17 well. This case is continued until September 2.

18 [All vote YES]

19 Thank you.

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2 (6:10 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde,  
5 and Matina Williams

6 CONSTANTINE ALEXANDER: Moving onto the next case  
7 is -- I wrote it down -- Case Number 116393 -- 14 Bigelow  
8 Street. The Chair will report that we are in receipt of a  
9 letter, if I can find it, from the petitioner --

10 BRENDAN SULLIVAN: Okay --

11 CONSTANTINE ALEXANDER: -- Reed Shea, S-h-e-a.  
12 It's a letter addressed to Maria Pacheco, our secretary.  
13 "Per our conversation, I'd like to request a continuance of  
14 our proposal to the BZA until sometime late this fall --  
15 September or October."

16 What have we got for availability?

17 SISIA DAGLIAN: Any of those dates are fine.  
18 They're all available. September --

19 CONSTANTINE ALEXANDER: Late?

20 SISIA DAGLIAN: -- 23, October 7, October 21.

21 CONSTANTINE ALEXANDER: Let's try October 7.

22 SISIA DAGLIAN: Okay.

1           CONSTANTINE ALEXANDER: So they're available?

2           SISIA DAGLIAN: Yes.

3           CONSTANTINE ALEXANDER: Brendan's nodding he's  
4 available. Andrea?

5           ANDREA HICKEY: Yes, I'm available.

6           CONSTANTINE ALEXANDER: Jim?

7           JIM MONTEVERDE: [Jim Monteverde] Yes, I'm  
8 available.

9           CONSTANTINE ALEXANDER: Matina?

10          MATINA WILLIAMS: Yes, I'm available.

11          CONSTANTINE ALEXANDER: The Chair is available as  
12 well. So this case will be continued until October 7. And  
13 I guess we need the usual motion. It's continued as a case  
14 not heard, until --

15          SISIA DAGLIAN: No, it's been heard.

16          CONSTANTINE ALEXANDER: -- 6:00 p.m. on --

17          SISIA DAGLIAN: It's been heard. I think it's  
18 been heard.

19          CONSTANTINE ALEXANDER: -- it's been heard?

20          SISIA DAGLIAN: Yeah.

21          CONSTANTINE ALEXANDER: Okay.

22          JIM MONTEVERDE: Yeah.

1           CONSTANTINE ALEXANDER: We'll change that anyway.  
2     It's a case heard until 7:00 p.m. -- I'm sorry, 6:00 p.m.  
3     on October 7 subject to the following conditions:

4           One, that the petitioner sign a waiver of time for  
5     decision, and he has done that already in connection with  
6     this continuance until tonight, so that's okay.

7           Second, the petitioner must file a new or modified  
8     sign -- modified in the sense that you can take a magic  
9     marker and change the date and time to the new date and  
10    time. And that sign must be maintained until for the 14  
11    days prior to October 7.

12           And lastly, to the extent the petitioner is going  
13    to file new, modified plans, specs, what have you: They  
14    must be in our files no later than 5:00 p.m. on the Monday  
15    before October 7.

16           Brendan?

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

19           CONSTANTINE ALEXANDER: Matina?

20           MATINA WILLIAMS: Matina Williams yes to the  
21    continuance.

22           CONSTANTINE ALEXANDER: Andrea?

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ANDREA HICKEY: Andrea Hickey yes to the  
continuance.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Jim Monteverde yes to the  
continuance.

CONSTANTINE ALEXANDER: And the Chair votes yes  
for the continuance as well. Case continued until October  
7. Okay.

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(6:14 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, Matina  
Williams and Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number #119365 -- 39 Hubbard Avenue. Anyone here  
wishing to be heard on this matter?

SAYEM KHAN: Good evening, how are you doing?

CONSTANTINE ALEXANDER: Hello? Who am I -- who  
are we speaking to?

SAYEM KHAN: My name is Sayem Khan. I'm the  
architect for the project.

CONSTANTINE ALEXANDER: Before we get any further,  
let's -- we have a problem. Tonight's the night for  
problems.

As you know -- certainly know, and we talked a  
little bit about it at the last hearing -- this house is  
owned jointly by a husband and wife. The wife is all for  
the addition -- the relief you're seeking -- the husband is  
not.

And in fact not only did he not sign the petition,



1 he wrote a letter generally in opposition to us granting  
2 relief.

3 It's been brought to our attention by the Building  
4 Department that it may meet -- legally we may not be able to  
5 -- may -- not be able to hear this case unless the husband  
6 changes his mind and supports the relief being sought by the  
7 wife.

8 We have to get a legal opinion, or try to get a  
9 legal opinion, from the City's Legal Department. But until  
10 then, it seems that we can't hear this case. Sorry, but  
11 that's how it is.

12 How much time would you -- petitioner, how much  
13 time would you like to have to try to resolve this domestic  
14 squabble?

15 SAYEM KHAN: Well, we're not here to talk about  
16 domestic squabbles; we're here to talk about the project.  
17 The project is --

18 CONSTANTINE ALEXANDER: Not going to go into the  
19 project. You didn't hear me. We're not going to get into  
20 the project. We have -- we don't know whether we have a  
21 case yet. So we want to know what date you would like us to  
22 continue this case to?

1           If you have no opinion, then we will just pick a  
2           date ourselves.

3           SAYEM KHAN: I believe that I will defer that to  
4           the project owner. She's available right now. She wants to  
5           speak on that. Or, we can just -- Toni --

6           TONI CLEAVER-GIBSON: Did -- was my letter -- was  
7           my letter read? This is -- I'm Toni Cleaver-Gibson. Hello?

8           CONSTANTINE ALEXANDER: Hello, I'm --

9           TONI CLEAVER-GIBSON: Can you hear me? Okay. Can  
10          you hear me?

11          CONSTANTINE ALEXANDER: Who's speaking?

12          SISIA DAGLIAN: Yes, we can hear you.

13          TONI CLEAVER-GIBSON: Okay. My name is Toni  
14          Cleaver-Gibson. And I did write a letter to explain what is  
15          happening with my husband. Was that letter read?

16          CONSTANTINE ALEXANDER: Yes, it was.

17          TONI CLEAVER-GIBSON: And did that not make --

18          CONSTANTINE ALEXANDER: I think -- I don't know if  
19          it was read into the record, but it certainly was read by  
20          this Board. And --

21          TONI CLEAVER-GIBSON: Did that make any -- was --

22          CONSTANTINE ALEXANDER: I don't think so. That's

1 the problem. Well, we don't know. But legally, you may not  
2 be able to proceed with this case if your husband takes the  
3 position, or continues to take, the position that he took.

4 TONI CLEAVER-GIBSON: But I thought this --

5 CONSTANTINE ALEXANDER: And we have to get a legal  
6 opinion from the City's Legal Office. And until we get  
7 that, we're not ready to proceed with case.

8 TONI CLEAVER-GIBSON: Okay. But can I just ask a  
9 question, please? Was it -- is it -- I'm confused. Because  
10 I thought that this meeting had to do with the zoning issue.

11 CONSTANTINE ALEXANDER: It does have to do with  
12 the zoning issue.

13 TONI CLEAVER-GIBSON: Not --

14 CONSTANTINE ALEXANDER: Whether we can hear this  
15 zoning case tonight. We speculated a little bit about that  
16 at the last hearing, that we continued until tonight. But  
17 the -- there's more and more sentiment in the Building  
18 Department is that we're not sure about that.

19 TONI CLEAVER-GIBSON: But could --

20 CONSTANTINE ALEXANDER: And therefore we need to  
21 get a legal opinion. Until we get that legal opinion, we're  
22 not going to proceed with this case.

1           TONI CLEAVER-GIBSON: Okay. But can I just say  
2 one thing, okay? I just want to say one thing: Is that my  
3 husband will be able to deal with this if he talks to the --  
4 you know, if the building permit... It seems that to me that  
5 his issue has to do with the building of the room, not the  
6 zoning issue.

7           CONSTANTINE ALEXANDER: Let me try again. We  
8 believe, or we think that we cannot even begin the case  
9 unless both of the legal owners of the property have signed  
10 the petition seeking the relief. You have, certainly. Your  
11 husband so far has not.

12           Now, it may be the Legal Department will say it's  
13 good enough just to have one of the two owners sign the  
14 petition. And if that's the case, we will hear the case  
15 when we -- the date we continue this case to.

16           TONI CLEAVER-GIBSON: [Hmpf!]

17           CONSTANTINE ALEXANDER: If not, they say, "No, we  
18 can't hear this case unless the husband -- [your husband,  
19 I'm sorry --] signs the petition." If that's the case, here  
20 we are. It's not a question of what we want tonight, it's a  
21 question what the law requires.

22           TONI CLEAVER-GIBSON: So you're saying that for

1 zoning, that the law requires that?

2           CONSTANTINE ALEXANDER: It's -- it is a legal  
3 question under the zoning, the building laws of our common -  
4 - we, for things like this, we look to the City's Legal  
5 Department for advice. And that's what we're going to do  
6 tonight, after tonight, once we continue this case.

7           TONI CLEAVER-GIBSON: Is it possible -- [Oh my  
8 God.]

9           CONSTANTINE ALEXANDER: I'm sorry?

10          TONI CLEAVER-GIBSON: Oh, I don't know --

11          CONSTANTINE ALEXANDER: Either that or we get your  
12 husband to sign the petition --

13          TONI CLEAVER-GIBSON: But he has a problem.

14          CONSTANTINE ALEXANDER: -- we don't need to get a  
15 legal opinion. But tonight, we don't have --

16          TONI CLEAVER-GIBSON: He doesn't have a problem  
17 with zoning, he only has a problem with the room itself, and  
18 how it's being built. Not the zoning.

19          SAYEM KHAN: So what she's saying is that once --  
20 if we are able to get it passed through inspection and get a  
21 confirmation that, you know, it's okay, then he will be okay  
22 with that. He will be on board with it. That's what the --

1           CONSTANTINE ALEXANDER: We're all -- I'm not going  
2 to repeat myself one more time.

3           JASON MARSHALL: Can I try, Mr. Chairman?

4           CONSTANTINE ALEXANDER: I'm going to make a motion  
5 to continue this case.

6           JASON MARSHALL: Okay.

7           CONSTANTINE ALEXANDER: Jason, do you want to say  
8 something?

9           JASON MARSHALL: I think you covered it well, and  
10 covered it -- you know, a number of times. Maybe I can just  
11 add to complement what you said: The question is legally  
12 whether we can even hear your application.

13           CONSTANTINE ALEXANDER: Exactly.

14           JASON MARSHALL: So that's where the zoning  
15 petition comes in. There's some potential -- there's core  
16 precedent that calls into question whether if a house like  
17 yours is co-owned by two people and only one of the people  
18 files an application, whether we can even hear it. And as  
19 the Chair said in this case, we actually have an active  
20 opponent to the application as the other co-owner.

21           So it's: Lawfully we have a question of whether  
22 we can even hear the application. And that's where we're

1 going to try to run down and get that answer.

2           CONSTANTINE ALEXANDER: Thank you very much,  
3 Jason.

4           TONI CLEAVER-GIBSON: How -- when will we know?

5           BRENDAN SULLIVAN: [This is Brendan Sullivan.] I  
6 think that the two words that come into my mind is a  
7 procedural defect --

8           JASON MARSHALL: Yes.

9           BRENDAN SULLIVAN: -- in the application.

10           CONSTANTINE ALEXANDER: I'm going to make a motion  
11 that we continue this case. I'll give the petitioner -- you  
12 have a date you would like to continue it to, when you think  
13 you can get this resolved, assuming -- assuming, I'm not  
14 sure -- assuming the Legal Department says, "Your husband,  
15 ma'am, has to sign the petition."

16           JASON MARSHALL: Mr. Chairman, I am loathe to add  
17 an --

18           TONI CLEAVER-GIBSON: Even if he's irrational?

19           JASON MARSHALL: -- let me just finish here,  
20 because I'm loathe to add an impediment, but just like the  
21 last hearing I was on, I have conflicts on Thursdays  
22 beginning in September. So I will be unlikely to hear this

1 case if it's continued from the September to December  
2 timeframe.

3 I could hear it at the next August meeting, if  
4 we're able to do that in time. Otherwise, you know, there  
5 could be four members hearing it. We can wait until January  
6 or --

7 CONSTANTINE ALEXANDER: Trouble is, is I can't  
8 make an August hearing. So we can go forward with four  
9 people, if the petitioner wants to do that, assuming we get  
10 our legal opinion in time.

11 SAYEM KHAN: So when is the next date?

12 CONSTANTINE ALEXANDER: I'm -- I would suggest,  
13 given particularly this month coming with August and the  
14 Legal Department like everybody else in this world has got  
15 to have summer vacations and the like -- I would suggest we  
16 continue it until a date in September. Jason, I understand  
17 you won't be able to attend.

18 And if the petitioner wants to go forward with the  
19 four of us who will attend, we'll hear the case, assuming --  
20 again, assuming the Legal Department says this case can  
21 proceed without the consent of the husband.

22 SAYEM KHAN: So in regards to the Legal



1 Department, is that something that we need to talk to the  
2 Legal Department, or is that something you will speak to the  
3 Legal Department -- you will consult with the Legal  
4 Department yourself?

5 CONSTANTINE ALEXANDER: I'm sorry, sir. I had  
6 trouble understanding what you said. Could you just repeat  
7 it more slowly?

8 SAYEM KHAN: Sorry. Are you talking to the Legal  
9 Department, or do we have to talk to the Legal Department,  
10 or does the owner have to talk to the Legal Department?

11 CONSTANTINE ALEXANDER: No, we -- I will write a  
12 letter on behalf of the Board through the Legal Department  
13 asking for advice, what's the answer? And they will render  
14 a letter back to us.

15 SAYEM KHAN: Okay.

16 CONSTANTINE ALEXANDER: And that will be the basis  
17 for our decision.

18 SAYEM KHAN: Okay. Understood.

19 CONSTANTINE ALEXANDER: Okay. What's their dates  
20 in September?

21 SISIA DAGLIAN: Well, there's the second and the  
22 twenty-third.

1           CONSTANTINE ALEXANDER: Twenty-third?

2           SISIA DAGLIAN: Mm-hm. Both are available. The  
3 ninth is --

4           CONSTANTINE ALEXANDER: So the Chair moves that we  
5 continue this case once again until 6:00 p.m. on September  
6 23, subject to the following conditions:

7           One, that the petitioner sign a waiver of time for  
8 decision, and she has done that in connection with tonight's  
9 hearing, so that's been taken care of.

10          Second, that a new posting sign reflecting the new  
11 date -- or a modified sign -- reflecting the date, September  
12 23 and the time both -- 6:00 p.m. -- be posted and  
13 maintained for the 14 days prior to September 23.

14          That can be done by taking the existing sign if  
15 it's in good condition and just with a magic marker or what  
16 have you just modify the date and time. Anyway, that sign  
17 new or modified must be maintained for the 14 days before  
18 September 23.

19          And lastly, to the extent that new plans or  
20 modified plans -- specs, what have you -- are going to  
21 result from what's going to happen between now and September  
22 23, those modifications must be in our files, or the

1 Building Department's files, no later than 5:00 p.m. on the  
2 Monday before September 23.

3 Brendan, how do you vote?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
5 continuance. Let me have just another word.

6 Ms. Gibson, as soon as we get an answer back from  
7 the Law Department, I would advocate that the secretary  
8 forward that information onto you, even if it's prior to our  
9 next meeting.

10 TONI CLEAVER-GIBSON: I would appreciate that.

11 CONSTANTINE ALEXANDER: I'm not sure that we have  
12 a right -- we should at released to the outside world the  
13 legal opinion that we get from the Legal Department.

14 BRENDAN SULLIVAN: Oh. Well, provided it's  
15 proper.

16 CONSTANTINE ALEXANDER: Okay. And I will ask the  
17 Legal Department if we have its consent --

18 BRENDAN SULLIVAN: Correct.

19 CONSTANTINE ALEXANDER: -- to release the opinion,  
20 whatever --

21 BRENDAN SULLIVAN: Correct. Yeah, if it's proper.

22 CONSTANTINE ALEXANDER: If it's possible.

1           BRENDAN SULLIVAN: Only, Chair, so that they can  
2 then prepare.

3           CONSTANTINE ALEXANDER: Sure.

4           BRENDAN SULLIVAN: one way or the other for the  
5 next meeting.

6           CONSTANTINE ALEXANDER: But it sounds to me that  
7 if the Legal Department says no, then we've earned a little  
8 preparation.

9           BRENDAN SULLIVAN: Well, I think that --

10          CONSTANTINE ALEXANDER: But anyway. Okay, it's --  
11 fair enough. Jason, since you're on the screen, how do you  
12 vote?

13          JASON MARSHALL: Jason Marshall yes to the  
14 continuance.

15          CONSTANTINE ALEXANDER: And you're not going to --  
16 you have to vote tonight, or you won't be here --

17          JASON MARSHALL: Right.

18          CONSTANTINE ALEXANDER: -- September 24.

19          JASON MARSHALL: I support the continuance, Mr.  
20 Chairman.

21          CONSTANTINE ALEXANDER: Okay. Andrea?

22          ANDREA HICKEY: Yes. I'm in favor of the

1 continuance.

2 CONSTANTINE ALEXANDER: Matina?

3 MATINA WILLIAMS: Yes in favor of the continuance.

4 CONSTANTINE ALEXANDER: And the Chair votes yes as  
5 well. This case is now continued --

6 WENDY LEISERSON: And so do I, chair -- Wendy  
7 Leiserson -- vote in favor.

8 SISIA DAGLIAN: She just went on.

9 CONSTANTINE ALEXANDER: Are you sitting on this  
10 case, Wendy?

11 SISIA DAGLIAN: Yeah.

12 WENDY LEISERSON: Yes.

13 CONSTANTINE ALEXANDER: I'm sorry. I didn't -- I  
14 wasn't --

15 WENDY LEISERSON: That's okay.

16 CONSTANTINE ALEXANDER: -- told you were on the  
17 case.

18 WENDY LEISERSON: That's okay.

19 CONSTANTINE ALEXANDER: I apologize. I do this to  
20 you --

21 WENDY LEISERSON: No problem.

22 CONSTANTINE ALEXANDER: -- all the time.

1 WENDY LEISERSON: Okay.

2 CONSTANTINE ALEXANDER: I really do want you to be  
3 on our cases.

4 WENDY LEISERSON: Oh, well, thank you. And I  
5 agree with the vote, so.

6 CONSTANTINE ALEXANDER: She votes yes and I vote  
7 yes as well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: So this case is continued  
10 until September 23. Last with the continued cases --

11 JASON MARSHALL: I'm going to sign off as a  
12 panelist.

13 CONSTANTINE ALEXANDER: Okay.

14 JASON MARSHALL: All right.

15 CONSTANTINE ALEXANDER: Thank you, Jason.

16 SISIA DAGLIAN: Thanks.

17 CONSTANTINE ALEXANDER: Who's on the last one?

18 SISIA DAGLIAN: It is --

19 CONSTANTINE ALEXANDER: Wendy? Brendan?

20 SISIA DAGLIAN: It was not heard. So it's Wendy,  
21 Matina, Andrea.

22 CONSTANTINE ALEXANDER: Got it. And Brason (sic).

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SISIA DAGLIAN: Yeah.

CONSTANTINE ALEXANDER: Jason [laughter], Brendan.

1 \* \* \* \* \*

2 (6:27 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number #017219 -- 544 Massachusetts Avenue. Anyone  
8 here wishing to be heard on this matter?

9 CLIFFORD SCHORER: Yes, this is Cliff Schorer.

10 CONSTANTINE ALEXANDER: I'm sorry. I'm having  
11 trouble hearing you. Could you speak up, please?

12 CLIFFORD SCHORER: Yes. This is Clifford Schorer.

13 CONSTANTINE ALEXANDER: Okay.

14 CLIFFORD SCHORER: Can you hear me, Mr. Chair?

15 CONSTANTINE ALEXANDER: Yes. It's a little  
16 better. Not great, but better.

17 CLIFFORD SCHORER: Okay. So as you know, this is  
18 a case that's been continued for a while. It is before the  
19 Planning Board as well and has responded to a 45-question,  
20 six-page letter from the Planning Board in the last 12 days.

21 The Planning Board has stated that they are  
22 hopeful that the Zoning Board of Appeals -- or the BZA --



1 will defer their decision until such time as they have had a  
2 time to rule on the full application, as we've discussed  
3 before.

4 And I am at the Chair's discretion as to whether I  
5 present the zoning -- the very specific zoning issue that we  
6 wish to address, or whether you defer me again until the  
7 Planning Board has finished.

8 CONSTANTINE ALEXANDER: I think we need to  
9 continue this case further. We should make a decision in  
10 the context of the final decision from the Planning Board,  
11 because their views are important to us.

12 I don't want to decide the case without having the  
13 full input from the Planning Board. So though I'm loathe to  
14 keep continuing cases, I don't think we should -- I think we  
15 should continue this case.

16 CLIFFORD SCHORER: I appreciate that, Mr.  
17 Chairman. If I could just add a small point of order, the  
18 code in Cambridge does speak to the fact that these cases  
19 are supposed to be continued in tandem between the Planning  
20 and the Zoning Board.

21 So we've been put in this position of asking you  
22 for these continuances, and we apologize for that, but we

1 have had 10 months of deferral on the Planning Board side  
2 working with them on details of the plan.

3 So just so that you're aware, it was not our  
4 intention to clog up your agenda for 10 months.

5 CONSTANTINE ALEXANDER: Oh, we understand that.  
6 No apologies necessary.

7 CLIFFORD SCHORER: Thank you.

8 CONSTANTINE ALEXANDER: But thank you for making -  
9 - for advising us of such. Do you have a date you would  
10 like to continue this case to?

11 CLIFFORD SCHORER: I suppose the best thing to do  
12 would be be safe, and let's defer this to November to give  
13 the Planning Board as much time as they need.

14 CONSTANTINE ALEXANDER: I think being safe is the  
15 wisest decision. September did you say, or November?

16 CLIFFORD SCHORER: November. The Planning Board  
17 will hear us again in September. So November.

18 CONSTANTINE ALEXANDER: So November. What are our  
19 dates in November?

20 SISIA DAGLIAN: November 4 and the eighteenth.

21 CONSTANTINE ALEXANDER: Well, we don't need --  
22 this is a case not heard, so we're okay in membership.

1 November 4 work for you, sir?

2 CLIFFORD SCHORER: Would the eighteenth be  
3 acceptable?

4 CONSTANTINE ALEXANDER: You want the eighteenth?

5 CLIFFORD SCHORER: Yes, please.

6 CONSTANTINE ALEXANDER: Sure. It's a long way  
7 off, so we can -- it's pretty easy to say, "Sure."

8 CLIFFORD SCHORER: Okay. Thank you very much.

9 CONSTANTINE ALEXANDER: The Chair moves that we  
10 continue this case until 6:00 p.m. on November 18, subject  
11 to the following conditions, the first of which has already  
12 been satisfied: Namely, the signing of a waiver of time for  
13 decision.

14 The second is that yet another sign be posted,  
15 either a modified version of whatever is up there now or a  
16 new sign reflecting the new date, November 18, and the new  
17 time, 6:00 p.m.

18 And that the sign be maintained for the 14 days  
19 before November 18.

20 And lastly, to the extent that there are new,  
21 modified plans, specs, what have you -- that are not in our  
22 files today but result from your discussions with the

1 Planning Board or otherwise, those plans, et cetera., must  
2 be in our files no later than 5:00 p.m. on the Monday before  
3 November 18.

4 Brendan, how do you vote?

5 BRENDAN SULLIVAN: Yeah. Brendan Sullivan yes to  
6 the continuance.

7 CONSTANTINE ALEXANDER: Matina?

8 MATINA WILLIAMS: Matina Williams yes to the  
9 continuance.

10 CONSTANTINE ALEXANDER: Andrea?

11 ANDREA HICKEY: Andrea Hickey yes to the  
12 continuance.

13 CONSTANTINE ALEXANDER: And Wendy, I apologize for  
14 making you last, but Wendy, how do you vote?

15 WENDY LEISERSON: [Wendy Leiserson] I vote yes for  
16 the continuance.

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

19 [All vote YES].

20 CONSTANTINE ALEXANDER: Case continued until  
21 November 18.

22 CLIFFORD SCHORER: Thank you.

1           CONSTANTINE ALEXANDER: Thank you. All right.

2           Turning now to our regular agenda, just -- it's 6:31, that's  
3           right --

4           JIM MONTEVERDE: Mr. Chair, this is Jim  
5           Monteverde. I don't think I'm on the regular cases, so I'm  
6           going to sign off here.

7           CONSTANTINE ALEXANDER: Thank you, Jim.

8           JIM MONTEVERDE: So, nice to see you all.

9           CONSTANTINE ALEXANDER: Nice to see you.

10          JIM MONTEVERDE: Take care.

11          CONSTANTINE ALEXANDER: Take care. Okay. And  
12          who's replacing Jim? No, Jim's -- we're all set. We're all  
13          set.

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2 (6:31 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number #120360 -- 35 Berkshire Street. Anyone here  
8 wishing to be heard on this matter?

9 SISIA DAGLIAN: I don't know why it's not --

10 JAMES RAFFERTY: Good evening, Mr. Chair. James  
11 Rafferty on behalf of the applicant.

12 CONSTANTINE ALEXANDER: Good evening, Mr.  
13 Rafferty.

14 JAMES RAFFERTY: Thank you. This is an  
15 application that seeks to allow for the construction of  
16 three decks on the rear of a three-family structure that's  
17 being currently rebuilt, or built. It was destroyed by fire  
18 in the Berkshire Street fire of a few years ago that  
19 resulted in the destruction of many homes.

20 The site itself contains very little as in almost  
21 zero open space. And what's being proposed here, as  
22 reflected in the plan, is to create three rear decks. The

1 deck on the third floor does not have a roof on it. So it  
2 doesn't have a GFA implication. The second-floor deck is  
3 covered by the roof of the third-floor deck. So the added  
4 GFA is contained on that deck, and also, on the first floor.

5 Similarly, the first-floor deck isn't much of a  
6 deck at all. It really is just a covering over the front  
7 door, and also a covering over a set of stairs into the  
8 basement.

9 At any rate, I uploaded to the application some  
10 photographs of the surrounding conditions, which I see Ms.  
11 Daglian is now, if she could be so kind as to start with the  
12 second one there, the one below the green -- that one right  
13 there.

14 So this is a view from the rear of the house. It  
15 overlooks a surface parking lot for a multifamily housing  
16 complex next door. In the far distance, you can see what  
17 amounts for the vernacular in this neighborhood a three-  
18 decker with three porches at the rear.

19 I know the Board pays particular attention in  
20 cases around rear decks about impacts on privacy; if we can  
21 go to the next photo, Ms. Daglian, you would see that the  
22 right-side abutter here -- the multifamily house -- has a

1 communal deck on its third floor that overlooks this  
2 structure.

3 So I think those typical privacy concerns may not  
4 be as prominent or present in this case, in that surrounding  
5 structures have decks, and these decks are of a size typical  
6 for structures of this type. And it will provide a  
7 residential or an open space amenity for the units.

8 The units -- the first-floor unit you may have  
9 noticed on the plan is a handicap accessible unit and on  
10 grade. And the units themselves are being built in a  
11 neighborhood where these units were lost to fires.

12 So the applicant during the course of construction  
13 has thought that it would be appealing and amenable to have  
14 these decks.

15 The hardship really is related to the fact that  
16 the site contains little if any open space. The rear  
17 abutter is surface parking lot. So there really doesn't  
18 exist much space for anyone even to sit out, read a book or  
19 enjoy some fresh air.

20 So it benefits the health and safety of the  
21 occupants of the building, and the request is based on that  
22 desire and need.



1           CONSTANTINE ALEXANDER: Okay. Thank you. As you  
2 know, as you've already I think mentioned, this Board  
3 typically -- but not certainly universally -- typically  
4 looks a little bit askance at terraces or decks off  
5 buildings, especially two or three-story buildings.

6           But as you point out again, I think, or if not the  
7 file reveals, the departure from our ordinance with these  
8 terrace decks is relatively minor.

9           And you've made a good case, I think -- in my  
10 opinion, anyway -- for why this is a situation where we  
11 should allow a deck or a terrace, or however you want to  
12 rephrase it; decks.

13           So that's my view, my comment. I'll open it up to  
14 some questions from other members of the Board; other  
15 comments.

16           CONSTANTINE ALEXANDER: Matina?

17           MATINA WILLIAMS: Matina Williams no questions.

18           CONSTANTINE ALEXANDER: Wendy?

19           WENDY LEISERSON: I just have a couple of  
20 technical questions, which I'm sure --

21           CONSTANTINE ALEXANDER: Go right ahead.

22           WENDY LEISERSON: -- Mr. Rafferty --

1           CONSTANTINE ALEXANDER: Go ahead.

2           WENDY LEISERSON: -- is able to ask, answer. One  
3 is, so your hardship -- if you could show me the view? You  
4 said that there's no open space behind -- between the  
5 parking lot who's the rear neighbors, and --

6           JAMES RAFFERTY: Right.

7           WENDY LEISERSON: -- so -- yep?

8           JAMES RAFFERTY: So if we were to go to the site  
9 plan, Ms. Daglian, you'll see that behind -- the site plan  
10 is I think above that? Yes. You'll see -- so there's the  
11 structure. Behind the structure is -- exists the parking,  
12 which was preexisting, and then the property line.

13           And on the other side of the property line is the  
14 surface parking lot of the abutting apartment building.

15           WENDY LEISERSON: Gotcha. Okay. Thank you for  
16 that look. And then -- okay. I think that satisfies my  
17 curiosity. Thank you.

18           CONSTANTINE ALEXANDER: Thank you, Wendy. Andrea?  
19 I've asked you.

20           WENDY LEISERSON: I have no real objection to the  
21 deck or decks, but I'm looking at the plan. And Mr.  
22 Rafferty, are these three tandem parking spaces?

1           JAMES RAFFERTY: Well, that's what it says: There  
2 are three dwelling units. I think that was done in error.

3           The reality here, Ms. Hickey, is this house is  
4 being rebuilt on the footprint of the prior home, and this  
5 was the prior existing condition for parking. So there are  
6 -- it's an asphalted rear with parking. So there isn't  
7 relief being asked for the parking.

8           So to the extent the tandem parking isn't  
9 permitted, then that would be -- the owner would have to  
10 live with that.

11          ANDREA HICKEY: All right. Well, I mean, I can  
12 endorse the petition, but I can't -- I know you're not  
13 asking for endorsement of tandem parking, but where it's  
14 shown on the plan, I just want to put into the record that I  
15 am not sort of endorsing the plan, even though we're not  
16 being asked to look at parking. Thank you.

17          JAMES RAFFERTY: Understood, understood. And as  
18 you correctly note, there is no request for it. I think the  
19 surveyor, as you know, saw the existing condition and the  
20 plan reflects what is the existing condition.

21          But I do think the reference to the two parking  
22 spaces was perhaps inappropriate.

1           So understood fully. Fully understand nothing  
2 contained in the relief being sought here would authorize  
3 parking that would not otherwise be permitted.

4           ANDREA HICKEY: Thank you.

5           WENDY LEISERSON: Chair, I--

6           CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty.

7           WENDY LEISERSON: -- Chair, may I just ask -- this  
8 is Wendy Leiserson -- may I ask a follow-up question, just  
9 for clarification?

10          CONSTANTINE ALEXANDER: Go right ahead.

11          WENDY LEISERSON: So, Mr. Rafferty the proposed --  
12 the open space... I did notice in your table that the open  
13 space was being decreased, even though your argument about  
14 hardship is that, you know, the occupants need to have  
15 access to outdoor space.

16          But I think what you mean is access to exclusive  
17 outdoor space, is that correct?

18          JAMES RAFFERTY: Well, yeah, approximate outdoor  
19 space. I think the reduction is because the porches extend  
20 the structure into what -- what was not -- what was  
21 technically open space. So that's the only place where the  
22 reduction is occurring.

1 I heard the deck now projects into an area that  
2 didn't have structure before.

3 WENDY LEISERSON: I see. And in reducing the open  
4 space, which as you said is very underprovided anyway  
5 because of the nature of the lot -- and this is a three-  
6 family structure but with six parking spaces taking up the  
7 potential open space, is that correct?

8 JAMES RAFFERTY: I don't know that it's six  
9 spaces, no. I see a reference to that in the plan, but you  
10 are correct it is a three-family dwelling.

11 WENDY LEISERSON: So my only concern is, you know,  
12 I understand the neighborhood and the pictures you showed,  
13 but my only concern is -- under 1031c about decreasing open  
14 space, I'm not sure if that meets the criteria for 1031c,  
15 given that there's potential here to not decrease the open  
16 space if you adjusted the parking.

17 JAMES RAFFERTY: Well, I'm not certain that would  
18 be the case, only because the open space has a minimum  
19 dimension of 15 x 15 feet in any direction.

20 So, and given -- I'm just not certain when you do  
21 what the dimension -- the parking space needs to be 18 feet  
22 in length and eight and a half feet in width.

1           So I don't know why this plan says two parking  
2 spaces, because I'm looking at the lot itself, the width of  
3 the lot. I think -- I don't think you could get two  
4 vehicles in those spaces if you wanted to.

5           WENDY LEISERSON: Yeah. I guess I am not an  
6 expert at reading these kinds of plans, which is why I'm  
7 asking the questions. But I just see in your table, your  
8 dimensional information, that you're reducing the ratio of  
9 useable open space. And it's already nonconforming.

10          JAMES RAFFERTY: Right.

11          WENDY LEISERSON: So I just wondered if there was  
12 a way to provide the occupants with even more open space,  
13 and protect the public's interest in not decreasing open  
14 space generally in the city?

15          But I'll leave it to the discussion of the Board.

16          CONSTANTINE ALEXANDER: All set? And last, I have  
17 no comments on this case, beyond those I've already made.  
18 So I will open this matter now up to public testimony.

19          Any members of the public who wish to speak should  
20 now click the icon at the bottom of your Zoom screen that  
21 says, "Raise hand."

22          If you're calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6. Take  
2 a few moments to see if anyone does wish to speak.

3 [Pause]

4 I'm advised that no one has expressed a desire to  
5 speak. So I will now close public testimony. And then you  
6 can just have further discussion among Board members, or I  
7 can make a motion.

8 I would suggest I will make a motion to grant  
9 relief. And then we can have any discussion over in  
10 connection with that motion. Any objections? If anybody  
11 objects to that way of proceeding, just let me know.

12 BRENDAN SULLIVAN: So moved.

13 CONSTANTINE ALEXANDER: Okay. I have one person  
14 that says, "So moved."

15 ANDREA HICKEY: No objection.

16 CONSTANTINE ALEXANDER: So that's -- I'm sorry?

17 ANDREA HICKEY: No objection.

18 CONSTANTINE ALEXANDER: Okay, thank you. The  
19 Chair moves that we make the following findings with regard  
20 to the relief that's being sought:

21 That a literal enforcement of the provisions of  
22 the ordinance would involve a substantial hardship, such

1 hardship being is that this is a -- this whole project  
2 starts as a result of a serious fire the city suffered in  
3 this neighborhood, and the original building, or the  
4 previous building, was destroyed.

5 And so a new building had to be built, and that  
6 leads to other issues -- zoning issues and the like.

7 But there is a need for parking. It's a densely  
8 populated area, and since it's going to be a three-family  
9 house, or a three-dwelling unit house, there's a need for at  
10 least three parking spaces.

11 Second, that the hardship is owing to the fact  
12 that it's the shape of the lot and the size of the lot. It  
13 doesn't affect the district generally.

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

18 So on the basis of all of these findings, the  
19 Chair moves that we grant the relief requested on the  
20 condition that the work proceed in accordance with the plans  
21 and plot plan submitted by the petitioner.

22 The plans were prepared by -- it would appear --



1 Bourque, B-o-u-r-q-u-e Design, the first page of which has  
2 been initialed by the Chair.

3 Brendan, how do you -- do you want to discuss this  
4 vote?

5 BRENDAN SULLIVAN: I would vote in -- I will vote  
6 in favor of the variance. I will also note that we are not  
7 accepting parking plan as shown, and as-of-right. And note  
8 that no relief is being requested for the parking plan.

9 CONSTANTINE ALEXANDER: I think Mr. Rafferty's  
10 already made that point.

11 BRENDAN SULLIVAN: So yes to the granting of the  
12 variance.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: Yes to granting of the variance  
15 and reiterating Mr. Sullivan's comments with respect to  
16 parking.

17 CONSTANTINE ALEXANDER: Okay. Wendy?

18 WENDY LEISERSON: Hi. Yes with respect to  
19 granting the variance with the same qualifications that  
20 Brendan offered, and subject to some concerns about the loss  
21 of green space.

22 CONSTANTINE ALEXANDER: Thank you. Matina?

1           MATINA WILLIAMS:  Matina Williams yes to granting  
2 the variance.

3           CONSTANTINE ALEXANDER:  And the Chair votes yes to  
4 granting the variance.

5           [All vote YES]

6           CONSTANTINE ALEXANDER:  It's unanimous.  Variance  
7 granted.  Thank you.

8           JAMES RAFFERTY:  Thank you.  Good evening.

9           CONSTANTINE ALEXANDER:  Don't go far, Mr.  
10 Rafferty.

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2 (6:47 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay. The Chair will now  
7 call Case Number #124207 -- 63 Chilton Street. Anyone here  
8 wishing to be heard on this matter?

9 JAMES RAFFERTY: Yes. Good evening again, Mr.  
10 Chairman and members of the Board. James Rafferty on behalf  
11 of the applicant.

12 Present with me are the property owners, Dr. Vikas  
13 Saini and his wife. And I apologize, I'm struggling with  
14 Mrs. Saini is not Mrs. Saini, she is --

15 JULIE CROSTON: Julie Croston.

16 JAMES RAFFERTY: -- I apologize, Ms. Croston;  
17 Julie Croston, who I don't think I've had the pleasure of  
18 meeting, other than her husband, Dr. Saini.

19 This is a home on Chilton Street. It's the  
20 stretch of Chilton Street between Huron and Vassal Lane.  
21 It's outside of the locals call Huron Village. This has  
22 been the Saini's home now for seven or eight years is my

1 understanding. They are raising their daughter here.

2 And it is somewhat unique in a couple of respects.  
3 The home is at the end of Chilton Street closest to Vassal  
4 Lane. It's one of the few single-family homes on the  
5 street, apparently. And it's set back from the street, and  
6 there's a wide, private way in front of the house.

7 So this actually -- this house has, if you go to  
8 the site plan, Ms. Daglian, if that's okay -- the -- yeah,  
9 the -- that one, right there. Thank you very much.

10 For Board members that may not have seen it, so  
11 you can see the unique nature of this lot. The house sits  
12 behind another house.

13 Actually the house it sits behind is a former two-  
14 family residence that's served for the last few decades as  
15 the home of Chilton House, which is a hospice that had  
16 operated in the neighborhood for many years. They closed  
17 within the last year.

18 But Board members may be familiar with the block  
19 due to that use. So at any rate, this single-family home  
20 was built probably in the '60s, and it's got a split-level  
21 configuration.

22 And what the homeowners are seeking to do is to

1 provide some additional living space for themselves, but  
2 also to create at the first floor, the ground floor, an in-  
3 law or accessory apartment for Dr. Saini's mother.

4 And if you look at the floor plans, you'll see  
5 that really the additional GFA being sought by the  
6 application is actually slightly less than we had originally  
7 indicated.

8 We made a change, and we can see the dimensional  
9 form -- Sisia, if that's possible -- the architect pointed  
10 our recently that based on some calculation refinements,  
11 that actually the amount of GFA being requested here is 185  
12 square feet.

13 It's of some relevance that the property today  
14 contains a garage. And if we could -- Sisia, if it's  
15 possible to A-2, which contains the basement and first  
16 floor? So the floor plans are split floor plans. Each  
17 floor plan shows two levels.

18 So here's the case of the -- first-floor plan is  
19 the area shaded in yellow. And the bottom in white is the  
20 basement. This area in yellow is -- the front portion of it  
21 is currently a garage. And as a result, the garage which is  
22 approximately 200 square feet, is not counted in the GFA of

1 the structure.

2 But by converting this garage and the area behind  
3 it into a dwelling unit, a dwelling unit that's below 900  
4 square feet, which is the limitation on accessory  
5 apartments, that GFA gets counted.

6 In many ways, in thinking about the application,  
7 the additional 185 square feet being sought here deals with  
8 that issue. There are throughout the house a series of  
9 other additions if you look at the other floor plans. So  
10 the next few floors tell the story.

11 You'll see the additions themselves are uniquely  
12 proportioned of a certain geometric symmetry and provide  
13 some additional living space in the house itself.

14 So what you're seeing here now is the second and  
15 third floor. The areas where you see these triangle-type  
16 items, they represent additions. At the front entry there's  
17 a slight addition.

18 The house is significantly below the allowed GFA  
19 now. So there's about 80 percent of what's being proposed  
20 here from a GFA perspective is permissible.

21 And then if you go to the next page, you'll see  
22 where there's a new creation on what's entitled the fourth

1 floor. Yeah. So there's -- you'll see there's a room on  
2 the fourth floor, which is accessed through a spiral  
3 staircase. It's called the fourth floor, but given the  
4 split-level nature of the house.

5 And if you look at it in profile, if you look at -  
6 - Ms. Daglian, if we could look at one of the subsequent  
7 images, you can see the massing here really is within the  
8 35-foot height limit. It does have some unique, modern  
9 features to it.

10 But at any rate, at the end of the day, from a GFA  
11 perspective, what's being requested here is an additional  
12 185 square feet that will allow for the conversion of the  
13 garage to the accessory apartment.

14 The site plan also would show that there's a --  
15 there's existing parking, long prior to the Saini's purchase  
16 of the home that's occurring in the front setback.

17 [I don't know, Ms. Daglian, if we could -- yeah,  
18 perfect. Thank you.]

19 So that pink, or that orange-colored area there is  
20 where the parking occurs now. When I reviewed the case with  
21 the property owners, and went through the files, I couldn't  
22 find any authorization for the parking in that location.

1 But it's long-standing.

2 And theoretically I suspect that given the  
3 provisions of 40A that recognize the statute of limitations  
4 on the zoning enforcement, it might be said that thought  
5 could continue.

6 But since we were before the Board, I thought it  
7 was the appropriate opportunity to request a variance for  
8 parking in the front setback. And I didn't do so, likely  
9 because I'm well aware of the Planning reservation to count  
10 such things.

11 But it is the case with this house that this front  
12 setback is very different from other front setbacks, because  
13 it's -- as we noted earlier -- it's a house behind a house.

14 And the Land Use rationale offered for restricting the  
15 parking of the front setback really has to do with the  
16 experience -- the pedestrian experience upon the sidewalks,  
17 as people walk down the street, the area between the front  
18 face of the house and the street should [1:04:31 audio  
19 unclear -- person coughing -- not?] contain parking. We  
20 recognize that Land Use Policy. And I know the Board is  
21 reluctant to grant it.

22 But in this case, I think there are two



1 circumstances that warrant the relief being sought:

2 First is the long-standing practice of parking in  
3 this location, a practice that was inherited by the current  
4 owner.

5 And secondly the nature of this front yard  
6 setback; that it is not visible from the street, it is  
7 really -- doesn't have the traditional characteristics of a  
8 front yard.

9 The third interesting characteristic here is that  
10 the area that is the private way people park on. So it is  
11 not unusual often that the property owners park there,  
12 because there's not much competition for that parking and  
13 particularly even more so now that the hospice is not in  
14 operation.

15 So it's a private way. The only -- this house and  
16 the hospice house have rights in the private way. So I  
17 think there's also a mitigating factor as to why the Board  
18 should consider the granting of the variance in this case to  
19 legalize a practice in a setting that is unique for most  
20 front yards. That is essentially our case. That is the  
21 relief we are seeking.

22 So it's -- it's a special permit for the accessory

1 apartment, it's a GFA variance for the additional 185 square  
2 feet, and it's a variance for the parking in the front yard  
3 setback.

4 CONSTANTINE ALEXANDER: You want to go through the  
5 requirements for that accessory apartment and point out why  
6 you meet them?

7 JAMES RAFFERTY: Surely. The accessory apartment  
8 requirements are Article 4.22 allows for accessory  
9 apartments when the existing structure exceeds 1800 square  
10 feet of floor area. The unit does not exceed 9000 square  
11 feet or 35 percent of the structure.

12 It's often the case that the accessory apartment  
13 provision special permit is relied upon to allow for a  
14 dwelling unit in zoning districts where either the lot area  
15 per dwelling unit has been already maximized or in Residence  
16 A districts where second dwelling units are not permitted.

17 This is not the case here. This lot, its size of  
18 greater than 7000 square feet in a Res B district can  
19 accommodate two dwelling units. It's an allowed use. The  
20 lot area per dwelling unit requires it.

21 What the accessory unit in this case does, it does  
22 not require accessory units under this special permit, do

1 not require parking.

2 And the occupant of this apartment is going to be  
3 an elderly woman, and her -- she doesn't -- I believe at the  
4 moment Dr. Saini tells me she does have a vehicle; uses it  
5 infrequently, and is going to be less likely to use it.

6 So we sought the special permit because of the  
7 size of the unit and the fact that it fit within the  
8 requirements of 4.22, given the size of the house and the  
9 size of the proposed building.

10 CONSTANTINE ALEXANDER: Okay. And as you know,  
11 under 4.22.4, we have to make a finding or be assured that  
12 any alterations that are visible from the exterior of the  
13 building shall be compatible with the appearance and  
14 character of the neighborhood and are minimally necessary to  
15 enable the creation of the accessory apartment.

16 Do you want to just speak to why you meet that  
17 requirement as well?

18 JAMES RAFFERTY: Sure. Because the principal  
19 change to the apartment is the removal of an overhead garage  
20 door and the replacement of it with conventional  
21 fenestration. Similarly, the addition to the right is  
22 compatible with the proposed additions in the rest of the

1 dwelling.

2           So it's -- again, it's a house behind a house.  
3 These additions wouldn't be visible from the street, but  
4 they are in keeping with residential additions. It's a  
5 ground-floor apartment, and that is a one-story projecting  
6 mass at the ground level.

7           CONSTANTINE ALEXANDER: Thank you. Questions from  
8 members of the Board? Brendan?

9           BRENDAN SULLIVAN: Well, I'm not sure if I have a  
10 question. It would be more of a statement. I think I'm a  
11 little bit more comfortable with the proposal because I was  
12 having a little bit of difficulty before when the request  
13 was for an accessory apartment, 900 square feet, which then  
14 rendered the existing structure sort of inadequate and too  
15 small for their needs, so hence the need to add 1000 square  
16 feet.

17           And I was having a little difficulty connecting  
18 those dots and the hardship associated with -- the legal  
19 hardship associated with that.

20           The fact that there has been a rethink and a  
21 revision to it, and it's only 185 square feet as opposed to  
22 1000 I think gives me a little bit more comfort that what is

1 proposed is okay, in a word.

2           The short-term -- I'm sorry, the rental of the  
3 accessory apartment may be another issue as we get further  
4 into the discussions, but right now those would be my  
5 comments.

6           CONSTANTINE ALEXANDER: Thank you. Andrea?

7           ANDREA HICKEY: Yeah, I just had a question for  
8 Attorney Rafferty. The lot owners are homeowners that share  
9 the private way that would be most affected by the parking.  
10 Were they consulted? Did they have any objection?

11           JAMES RAFFERTY: My understanding is the building  
12 continues to be owned by the entity that operated the  
13 hospice. And Dr. Saini, I'm not aware that they had any  
14 objection at all, but Dr. Saini may be able to speak  
15 directly to that.

16           DR. SAINI: No. I'm not aware of any objections  
17 either. To be honest, the reality is since, I don't know  
18 March or so, they have really not been present; the place is  
19 empty.

20           So I'm not sure what their plans are, and I'm not  
21 sure, you know, where they would land on any of this,  
22 because my understanding is their main goal is now to sell

1 the property, though I've not seen any, "For Sale" signs or  
2 anything.

3           CONSTANTINE ALEXANDER: I'm just going to check  
4 the files, see if anything came in. Now, we have a letter  
5 from the owners of 60 Chilton -- an abutter. We have a  
6 letter from -- I don't know what the address for these folks  
7 are, but from Vikas -- V-i-k-a-s Saini, S-a-i-n-i, and --

8           JAMES RAFFERTY: Those are the petitioners, Mr.  
9 Chair.

10           CONSTANTINE ALEXANDER: I'm sorry?

11           JAMES RAFFERTY: Those are the petitioners, the  
12 property --

13           CONSTANTINE ALEXANDER: Oh, yeah. Thank you. I  
14 just realized that as I was saying it. Wait a minute, that  
15 was the letter to neighbors, I'm sorry. Thank you, Mr.  
16 Rafferty.

17           So we have a letter from the owner at 51 Chilton  
18 Street, a letter from the 60 Chilton Street #2, and again no  
19 I think that would raise an issue with regard to the  
20 question that Andrea has raised.

21           ANDREA HICKEY: Right. And I see that the owners  
22 of 65 Chilton, the VNA Care Hospice, are first on the notice

1 list. So presumably if they had an objection, they had an  
2 opportunity to raise it. That's all I have. Thank you.

3 CONSTANTINE ALEXANDER: Thank you. Wendy, any  
4 questions at this point?

5 [Pause]

6 CONSTANTINE ALEXANDER: Wendy?

7 WENDY LEISERSON: Not at this time.

8 CONSTANTINE ALEXANDER: Okay. There may not be  
9 another time forth case, anyway. And Matina?

10 MATINA WILLIAMS: Matina Williams no questions.

11 CONSTANTINE ALEXANDER: And the Chair has no  
12 questions as well. As I have hinted at, we have a number of  
13 letters in the neighborhood all in support of the relief,  
14 but with some qualifications, and more than one.

15 The concern is that the creation of the accessory  
16 apartment could lead to short-term occupation of this  
17 apartment by various tenants -- i.e., maybe Airbnb but not  
18 necessarily Airbnb, just short-term and that is a concern  
19 that that might impact the neighborhood.

20 I personally share that concern. But I think  
21 there's a way of dealing with it. And that is I'm going to  
22 propose with the consent or approval of my fellow Board

1 members to propose that the accessory apartment which I  
2 would propose be allowed cannot have rentals for less than a  
3 period of 10 months.

4 In other words, no -- if anybody wants to occupy  
5 that apartment, they have to agree to occupy it legally  
6 anyway for at least 10 months.

7 JAMES RAFFERTY: Mr. Chair, can I be heard on that  
8 matter?

9 CONSTANTINE ALEXANDER: Sure, go ahead.

10 JAMES RAFFERTY: The Board may be familiar with  
11 the series of correspondence in the file. An abutter across  
12 the street raised a similar concern and suggested a  
13 limitation on rental.

14 And the homeowner responded and indicated that she  
15 felt it was unfair that in a district containing two --  
16 because the letter writer made a reference to a condition  
17 that the Board placed on a case recently on Brewster Street  
18 in a Residence A district, and in that case, where the only  
19 way a second dwelling unit could be realized was through an  
20 accessory apartment, the Board apparently put a restriction  
21 in that case against short-term rentals.

22 A decision as I understand it hasn't been reduced



1 to writing, so I haven't had the benefit of reviewing it.

2 But in that case, the city defines a short-term  
3 rental. And the short-term rental provision in Article 4  
4 allows owner-occupied two-family and three-family houses to  
5 engage in rentals for less than 30 days, provided they  
6 register with the city.

7 And in an effort to be responsive to their  
8 neighbors' concern, the proponents have indicated that they  
9 would accept a condition that they would not be able to  
10 avail themselves of the provisions of Article 4 associated  
11 with short-term rentals -- which every other house on  
12 Chilton Street, many of which are two- and three-family  
13 houses in a Residence B district, is not similarly  
14 constrained.

15 So we've got a lot here that can easily  
16 accommodate two dwelling units, and candidly it feels a bit  
17 onerous and of questionable enforceability as to how a  
18 building inspector is going to be determining leases and  
19 length of leases.

20 And I know the Board generally shies away from  
21 restrictions that are not easily reviewable or enforceable  
22 by the Building Department.

1           The short-term rental provision is the only place  
2 in the ordinance where short-term is defined. There is no  
3 long-term rental. There's no provision of any other house  
4 in the city where you have to rent for a minimum of 10  
5 months. This is a smaller than usual apartment on a lot  
6 that can easily accommodate two-family dwellings.

7           And candidly, a 10-month limitation is simply  
8 burdensome and feels quite arbitrary, given the size of the  
9 lot, and the first thing the only reason the accessory  
10 apartment has applicability here is because of the parking  
11 situation. And whether it's a short-term rental or not,  
12 that wouldn't change the parking situation.

13           So with all due respect, the property owner has  
14 made an attempt to be responsive on the question of short-  
15 term so-called Airbnb by addressing the short-term rental  
16 term as that term is defined in the ordinance.

17           I would respectfully suggest to the Board that  
18 that is adequate -- an adequate condition to safeguard  
19 against Airbnb type use here.

20           CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty.  
21 I hear you. I don't -- personally, I'm only one member of  
22 the Board -- I simply don't agree with you.

1           We have a neighborhood that has spoken out -- more  
2 than one person -- about the concerns of the short-term  
3 rentals, and in fact that it may have an adverse impact on  
4 the neighborhood.

5           One neighbor has I think suggested six months, and  
6 we have done this before as a Board. Not a unique situation  
7 for your client.

8           JAMES RAFFERTY: Well, with all due respect, Mr.  
9 Chair, I believe it to be unique in a district where a two-  
10 family is an allowed use in a lot that can accommodate a  
11 two-family house -- apartment.

12           CONSTANTINE ALEXANDER: I will say no more. I'll  
13 leave it up to my fellow Board members. I will make a  
14 motion that we put in a requirement that we'll allow the  
15 accessory apartment, but that the rentals for that apartment  
16 cannot be short-term if less than 10 months.

17           Let's see how the rest of the Board members feel  
18 about it. That's just my opinion. That's how I'm going to  
19 start the case off, and we'll take it from there.

20           Anyone --

21           JAMES RAFFERTY: Mr. Chair, I don't mean to  
22 interrupt, but does the Board -- does the Chair not have

1 concern about the enforceability of such a provision, and  
2 how the Building Department would be expected to monitor  
3 that?

4           CONSTANTINE ALEXANDER: Of course I have concern  
5 about that, sir? We have that issue -- we have the issue in  
6 every case where we put a limitation on period of time, as  
7 we did at least once, as you told us. Nobody (sic)  
8 concerned about that.

9           Again, you've made your case. Let's see what the  
10 Board members say.

11           JAMES RAFFERTY: Understood. Thank you.

12           BRENDAN SULLIVAN: Public comment?

13           CONSTANTINE ALEXANDER: I'm sorry?

14           BRENDAN SULLIVAN: Public comment?

15           CONSTANTINE ALEXANDER: Yeah. I'll now open the  
16 matter up to public comment. Any members of the public who  
17 wish to speak should now click the icon at the bottom of  
18 your Zoom screen that says, "Raise hand."

19           If you're calling in by phone, you can raise your  
20 hand by pressing \*9 and unmute or mute by pressing \*6.

21 We'll take a few moments to see if anyone wishes to speak.

22           SISIA DAGLIAN: Jason Marshall?

1 JASON MARSHALL: Okay. Hello, can you hear me?

2 SISIA DAGLIAN: Yeah.

3 CONSTANTINE ALEXANDER: Yes.

4 JASON MARSHALL: Hi, Mr. Chairman. Jason Marshall  
5 and Alison Marshall. We live at 60 Chilton Street. We're  
6 the abutter across the street. The letter that we sent in  
7 was referenced earlier in the meeting. I just want to say  
8 it's a privilege to have great neighbors.

9 And Vikas and Julie heard our concerns about the  
10 potential for short-term housing, we had positive  
11 conversations, and they responded to those concerns.

12 As Mr. Rafferty noted, you know, they're proposing  
13 a limitation or they would accept the condition as we heard  
14 it that would tie the restriction to short-term rentals  
15 under Section 4.60.

16 We're just one abutter, but just speaking for us,  
17 we are comfortable with that level of restriction. So  
18 really just wanted to pass that along, and to express our  
19 thanks. I don't know if -- my wife Alison is here as well;  
20 I don't know if she wants to say anything.

21 ALISON MARSHALL: We would welcome the opportunity  
22 to have our neighbors' mom move in. They have a lovely

1 property, and we appreciate all of the thought that they  
2 have put into a clearly delightful plan. So thank you very  
3 much and we appreciate your time.

4 JASON MARSHALL: Thanks again, Mr. Chair, and  
5 members of the Board.

6 CONSTANTINE ALEXANDER: Thank you. But I'm not  
7 quite sure I heard all of your comment. Are you saying that  
8 you would -- you don't need any restriction on the length of  
9 the lease, you're satisfied now? Or are you saying that  
10 some sort of restriction -- I had suggested 10 months,  
11 perhaps it could go to six months -- that's what you would  
12 prefer?

13 JASON MARSHALL: Yeah. Thank you for the  
14 opportunity to clarify. We would prefer a restriction, and  
15 our understanding is that the applicants are accepting of a  
16 condition of granting approval for the accessory unit that  
17 would restrict their ability to engage in any kind of a  
18 short-term rental, i.e., 30 days or less, as defined in the  
19 zoning ordinance in Section 4.60.

20 That level of restriction we are comfortable with.  
21 The least has one abutter.

22 CONSTANTINE ALEXANDER: Okay. Does anyone --

1 thank you sir, and ma'am for taking the time to speak to us.

2 Anyone else?

3 SISIA DAGLIAN: Yes. Jessica Bryant?

4 JESSICA BRYANT: Hi. Can everyone hear me?

5 CONSTANTINE ALEXANDER: Yes.

6 JESSICA BRYANT: Okay, great. So hi. Jessica  
7 Bryant, and my partner, John Carol, is here. We're abutters  
8 on the right side of the property at 55 Chilton Street.  
9 First off, I'd say we're comfortable with no restrictions  
10 for short-term rentals on the auxiliary property. That's  
11 fine with us to no restrictions.

12 And then secondly, I had a question about the  
13 property survey that was shown earlier. There was a red  
14 line on our property; I was just curious what that was. I'm  
15 not familiar with survey terminology.

16 JAMES RAFFERTY: Would it be appropriate to have  
17 Ms. Daglian put that up, or would we wait to respond? I'm  
18 not exactly certain either.

19 CONSTANTINE ALEXANDER: I'm not either. To add  
20 some clarification?

21 JESSICA BRYANT: Sorry, it would be easier I think  
22 if it was possible to put it back up. The term next to the

1 red line said, "proposed over survey." So it was a red line  
2 that said, "proposed over survey" and it was going through  
3 our property.

4 [Pause]

5 JESSICA BRYANT: Okay. I'm just curious.

6 [Pause]

7 JESSICA BRYANT: There we go. Yeah, it's that --  
8 it's just got the number 1 right there.

9 JAMES RAFFERTY: I'm not sure what it means, but I  
10 don't believe it to have any impact on your property. I  
11 think it's just a place where the surveyor is describing  
12 something. But there certainly isn't -- I don't see  
13 anything in the plan here, and I know Ms. Hickey is well  
14 versed in reviewing plans like this -- I don't believe that  
15 to have any consequence to the property it's written on.

16 I think it is written because that's an area on  
17 the plan where there was space to make a notation. And  
18 candidly, I don't quite understand what that notation means.

19 JESSICA BRYANT: Okay. Thanks for the  
20 clarification.

21 CONSTANTINE ALEXANDER: Thank you for calling.  
22 Anyone else, Sisia? There's no further persons who wish to



1 speak, so I'm going to close public testimony. Discussion  
2 we have two, as I've indicated, and of course we all know.

3 There are two pieces of relief being sought here:  
4 A variance and a special permit. It's a special permit  
5 basically relating to the accessory apartment.

6 JAMES RAFFERTY: Mr. --

7 CONSTANTINE ALEXANDER: And also the continued use  
8 of a parking space that does not conform to the location  
9 requirements of Article 6. So --

10 JAMES RAFFERTY: Mr. Chair, if it is of assistance  
11 to the Board in its deliberation, I want to make clear that  
12 the petitioner is prepared to accept a restriction on the  
13 special permit authorizing the accessory apartment, that the  
14 apartment could not rely upon the provisions of Section  
15 4.60, which would otherwise allow for a short-term rental in  
16 an owner-occupied dwelling.

17 CONSTANTINE ALEXANDER: I would -- myself, subject  
18 to the rest of the Board members -- I would rather we have a  
19 little hard and fast time period. And I -- maybe 10 months  
20 is way too aggressive.

21 But I think at least a 30-day, no -- I would  
22 prefer something that says, "no rentals for a period of less

1 than 30 days."

2 JAMES RAFFERTY: Well, that's what Section 4.60  
3 would allow.

4 CONSTANTINE ALEXANDER: I'm still trying to get  
5 there, Mr. Rafferty. Give me a chance. I'm turning the  
6 pages of my book. I haven't looked at this for a while.

7 BRENDAN SULLIVAN: This is Brendan Sullivan. So  
8 you're saying that the approval of the accessory apartment  
9 would be governed by 4.60 -- is that right, Mr. Rafferty?

10 JAMES RAFFERTY: Well, not governed; it would be  
11 specifically excluded from exercising the rights contained  
12 in 4.60 might be a more accurate way of saying it. So 4.60  
13 you'll see is a regulation around short-term rentals, and  
14 under certain situations -- and this house would qualify --  
15 an owner-occupied house or an adjacent house, could be --  
16 could engage in the business of short-term rentals, provided  
17 they registered with the Inspectional Services Department.

18 The owner has no intention of operating a short-  
19 term rental as that -- unless they're happy and they did so  
20 in direct response to the concern expressed by the neighbors  
21 across the street.

22 And I think it's very gracious that those abutters

1 tonight have indicated that the response provided by the  
2 petitioner they deem to be appropriate and adequate.

3 And I would hope the Board would recognize that  
4 level of dialogue and exchange that occurred between two  
5 abutters -- between an abutter and a property owner, and  
6 affirm the condition being proposed by the owner, which is  
7 now acceptable to the abutter, who requested a longer length  
8 of restriction.

9 ANDREA HICKEY: This is Andrea Hickey speaking.  
10 Councillor, I want to make sure that I understand. So are  
11 the petitioners willing to not rent the property for a  
12 period of less than 30 days?

13 JAMES RAFFERTY: Yes.

14 ANDREA HICKEY: Is that what I'm understanding?

15 JAMES RAFFERTY: Yes.

16 ANDREA HICKEY: Okay. I'm in support of that. I  
17 frankly think to put a restriction of 10 months is onerous.  
18 If the petitioners are agreeing not to use the accessory  
19 apartment for short-term rental purposes as defined by the  
20 city's short-term rental ordinance, then I would be in  
21 support of the restriction. Thank you.

22 CONSTANTINE ALEXANDER: Thank you, Andrea. Well,

1 let me -- let's see. Matina, do you want to weigh in?  
2 Anything you want to add?

3 MATINA WILLIAMS: No. I'm agreeing with Andrea  
4 that the ordinance that's there suffices.

5 SISIA DAGLIAN: Mm-hm.

6 CONSTANTINE ALEXANDER: Thank you. Wendy?

7 WENDY LEISERSON: Just another point of  
8 clarification, which only came to mind as we were doing this  
9 discussion on short-term rentals. In the Dimensional  
10 Information Table that you provide, Attorney Rafferty?

11 JAMES RAFFERTY: Yeah.

12 WENDY LEISERSON: It says that you are splitting  
13 the lot area of each dwelling unit basically into two, which  
14 I would have thought that if it were an accessory -- if you  
15 go down to the lot area of each dwelling unit, the first  
16 column is 7410 and the second column requested condition is  
17 3705, which I would have thought would be appropriate if you  
18 were seeking a two-family status. But I'm not sure.

19 Could you just clarify that number for me, please?

20 JAMES RAFFERTY: I think it's a relevant  
21 dimension. It is going to be a dwelling unit. It's -- so  
22 it's accurate information. It happens to be, however, that

1 accessory apartments are not constrained by the lot area per  
2 dwelling unit.

3           So in this case, they're -- and I was attempting  
4 to make that point area (sic) this happens to be a lot that  
5 can easily accommodate a second dwelling unit.

6           So I think the information that's asked for is  
7 accurate, but you're quite correct, it is not seeking relief  
8 from this. So -- but I felt the need to -- it's going to  
9 have two dwelling units, right?

10           So one of them' s accessory, one's a principal  
11 unit. It's -- I guess to your point, it's not a  
12 particularly relevant dimensional criteria when you're  
13 dealing with an accessory apartment, but I felt it was  
14 information that was warranted to be included.

15           WENDY LEISERSON: Okay, thank you. And then on  
16 the issue of the short-term rental, I tend to agree with  
17 Andrea and Matina just on that point. Thank you. But I did  
18 also just have another question on the parking. I see that  
19 on the plan there's a screen of a botanical matter between  
20 the two properties.

21           And I would just suggest, Mr. Chair, that since  
22 the abutting neighbor did not have notice that a variance

1 for parking per se was going to be requested.

2 JAMES RAFFERTY: Excuse me, excuse me, I don't  
3 mean to interrupt. That is not accurate. He would have got  
4 the full -- it's a single application. The legal notice  
5 calls for both the parking relief, the GFA and the  
6 apartment.

7 So I don't mean to interrupt, but it would be  
8 inaccurate to say that that abutter didn't have notice of  
9 that issue. It's contained in the application.

10 WENDY LEISERSON: I'm sorry, Mr. Rafferty. I said  
11 about the parking, because I thought you said at the outset  
12 that you were now requesting a variance for the parking,  
13 because you were not sure?

14 JAMES RAFFERTY: No.

15 WENDY LEISERSON: Can you clarify that for me?

16 JAMES RAFFERTY: No, ma'am. No, ma'am. It is in  
17 the application. If you look at the cover sheet of the  
18 application, parking -- Section 6.41, "Parking in the front  
19 setback is requested." It's one of the variance provisions  
20 in the application.

21 WENDY LEISERSON: Okay. Then I must have  
22 misunderstood what you said when you were talking about you

1 thought the statute of limitations applied, and you had  
2 realized after reviewing the matter that there was nothing  
3 previously allowing for it. So I misunderstood what you  
4 said at the outset if that's --

5 JAMES RAFFERTY: No, I apologize if I wasn't  
6 clear. What I noted is that the -- this particular parking  
7 space in this location predates my client's ownership, but  
8 yet my review of the file, couldn't find any authority for  
9 how that was occurring.

10 So I chose this opportunity to seek relief to  
11 legalize what has been a long-standing practice without  
12 apparent authority.

13 WENDY LEISERSON: Okay. Well thank you for that  
14 clarification. And then can you just also confirm that, as  
15 written on the plans, there is going to be a botanical  
16 screen there?

17 JAMES RAFFERTY: Yes. And maybe Dr. Saini can  
18 confirm? It may already be there. I think this -- I'm not  
19 certain.

20 DR. VIKAS SAINI: Yeah. It is well-screened. It  
21 is -- you know, we have ideas for how to do some further  
22 landscaping. It's one of the pieces that makes this

1 property of value to us, so we have no intention of removing  
2 the screen.

3 WENDY LEISERSON: Okay. Thank you for making that  
4 clear.

5 CONSTANTINE ALEXANDER: Thank you, Wendy.  
6 Brendan?

7 BRENDAN SULLIVAN: No, I think [-- Brendan  
8 Sullivan --] I think that the short-term rental issue  
9 probably has been satisfied at the ruling to not get  
10 protection under 4.60, which they're entitled to, and  
11 instead to waive that and to not having less than 30-day  
12 rentals.

13 So I would agree with Andrea and the other Board  
14 members. Wendy had expressed support for that also. So I  
15 think I'm okay with it.

16 CONSTANTINE ALEXANDER: Thank you, Brendan. I'm  
17 ready to support an approach that was suggested by Andrea,  
18 and basically in the short-term rentals to not less than 30  
19 days, and otherwise not asking for the benefits of 4.60.

20 So let me make a motion -- we've got two motions,  
21 as I indicated earlier. Let's start with the variance.

22 The Chair moves that we make the following



1 findings with regard to the variance being sought: [Let me  
2 pull up the provisions of the ordinance.]

3 That a literal enforcement of the provisions of  
4 the ordinance would involve a substantial hardship, such  
5 hardship being is that -- we're talking about, again, the  
6 variance, which does involve the--quote, unquote-- "short-  
7 term rental -- the variance, there's a need for additional  
8 living space.

9 And that need is not only for the current  
10 occupants of the structure, but for all future occupants as  
11 well. There's a need to get more living space in the  
12 building.

13 That the hardship is owing to the shape of the lot  
14 and the topography of such lot.

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

18 So on the basis of all of these findings, the  
19 Chair moves that we grant the variance on the condition that  
20 the work proceeds in accordance with plans prepared by  
21 Amacher, A-m-a-c-h-e-r and Associates, Architects, dated  
22 July 24, 2021.

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Brendan, how do you vote?

BRENDAN SULLIVAN: Brendan Sullivan yes to granting the variance for the relief requested.

CONSTANTINE ALEXANDER: Wendy?

WENDY LEISERSON: Yes to granting the variance for the relief requested, noting that I believe it's under 6.44.1c, not 6.41c as listed on the application.

CONSTANTINE ALEXANDER: I'm sorry, I didn't -- you had your head down, I didn't catch exactly what you said.

WENDY LEISERSON: Sorry. I was just clarifying that I think the applicable Section was 6.44.1c, not 6.41c. So I was just saying, but yes under that provision.

CONSTANTINE ALEXANDER: Thank you. Andrea?

ANDREA HICKEY: Yes, in favor.

CONSTANTINE ALEXANDER: Matina?

MATINA WILLIAMS: Matina Williams, yes in favor of voting for the variance.

CONSTANTINE ALEXANDER: Thank you. And the Chair votes yes in support of the variance as well.

[All vote YES]

So the variance is granted.

1           Moving onto the special permit, the Chair moves  
2 that we make the following findings with regard to the  
3 special permit:

4           That the requirements of the ordinance cannot be  
5 met unless we grant the special permit.

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

10           And that in turn depends, or is subject to the  
11 condition that we've been discussing, in which I will impose  
12 as part of this decision with regard to the special permit.

13           That the continued operation of or development of  
14 adjacent uses, as permitted in the zoning ordinance, will  
15 not be adversely affected by the nature of what is being  
16 proposed for special permit. And again, and with more  
17 emphasis, this relates back to the condition that we've been  
18 talking about.

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

22           And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,  
2 or otherwise derogate from the intent and purpose of this  
3 ordinance.

4 So on the basis of all of these findings, the  
5 Chair moves that we grant the special permit subject to the  
6 following conditions:

7 One, that the work proceed in accordance with the  
8 plans referred to with regard to the variance we just  
9 granted.

10 And two, that with regard to the accessory  
11 apartment that will be resulting should we grant the relief  
12 being sought, that the -- it will not -- the petitioner will  
13 not avail themselves for the benefits of Section -- got to  
14 find it again -- 6 --

15 BRENDAN SULLIVAN: 4.60.

16 CONSTANTINE ALEXANDER: 4.60, thank you.

17 JAMES RAFFERTY: 4.60, yeah.

18 CONSTANTINE ALEXANDER: Thank you; 4.60. And then  
19 in particular that any rental of this accessory apartment  
20 will not be for a term shorter than 30 days.

21 Brendan?

22 BRENDAN SULLIVAN: Brendan Sullivan yes to

1 granting the special permit.

2 CONSTANTINE ALEXANDER: Andrea?

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

5 CONSTANTINE ALEXANDER: Wendy?

6 WENDY LEISERSON: Wendy Leiserson yes in favor of  
7 granting the special permit.

8 CONSTANTINE ALEXANDER: Matina?

9 MATINA WILLIAMS: Matina Williams yes in favor of  
10 granting the special permit.

11 CONSTANTINE ALEXANDER: And the Chair votes in  
12 favor of granting the special permit as well.

13 [All vote YES]

14 CONSTANTINE ALEXANDER: Special permit granted.

15 Case over. Thank you.

16 JAMES RAFFERTY: Thank you very much. Have a good  
17 evening.

18 CONSTANTINE ALEXANDER: Good evening.

19 SISIA DAGLIAN: I need a minute.

20 CONSTANTINE ALEXANDER: I'm sorry?

21 SISIA DAGLIAN: I need a minute to get people on.

22 I need a minute to move people over to the next case. I

1 need a minute to get people over --

2           CONSTANTINE ALEXANDER: Okay. We're going to take  
3 a brief, informal recess on this side. Don't go away.  
4 We're just trying to straighten out some technical issues on  
5 our side on the screen. So when that is done, we will  
6 proceed with the next case.

7           [BREAK]

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2 (7:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay, the Chair is now  
7 ready to call the next case, Case Number #124307 -- 364R  
8 Third Street. Excuse me. Anyone here wishing to be heard  
9 on this case/this matter?

10 SALVATORE ZINNO: Yes. This is Sal Zinno from  
11 BioMed. I guess I'll be presenting.

12 CONSTANTINE ALEXANDER: Go right ahead.

13 SALVATORE ZINNO: All right. Thank you very much.  
14 Thank you, members of the Board, for hearing us tonight,  
15 hearing our request.

16 So this project is actually one that I've been  
17 working on; the relocation of this existing Eversource gas  
18 transfer facility, the GTS as we call it, which is really  
19 one of the last remaining remnants of Kendall's industrial  
20 past.

21 It sits on Third Street between Athenaeum and  
22 Kendall. I've been working with Eversource for the better

1 part of I'd say five or six years to relocate this facility.  
2 The challenging aspect of moving something like this was  
3 finding an optimal location to move it to.

4 We know that the location on Third Street is not  
5 optimal. There's been a desire to move it for decades. And  
6 what we have today is -- I think as I've already said, you  
7 know, a once in a lifetime opportunity or, you know, I think  
8 the stars have aligned.

9 You know, there's a combination of factors that  
10 allow us to relocate it:

11 One, the City's approval for the rezoning of the  
12 gas transfer station site, and also, the adjacent site 585  
13 Third, previously known as the Constellation Center Site.

14 The fact that the facility is at the end of its  
15 useful life, which has created an incentive for Eversource  
16 to work with us to relocate it. We're actually funding the  
17 relocation to take it off of Third Street.

18 And then the third piece is that we've been able  
19 to secure an option for a relocation site on the vicinity  
20 plant, which is the steam plant a few hundred yards away  
21 behind 500 Kendall.

22 So what the relocation of this facility will do



1 will allow us to, you know, really finish the -- you know,  
2 the Third Street Corridor.

3 This has been, you know, a bit of a missing tooth  
4 and impediment to finishing that corridor. It was a very  
5 narrow sidewalk in front of the site. The station itself is  
6 rather unsightly, as mentioned. I think, you know, the best  
7 way to describe it is a remnant of Kendall's industrial  
8 past.

9 We, as part of this project, as I mentioned, we  
10 went through a rezoning, which was approved unanimously by  
11 the City Council in December of last year.

12 We actually had a 9-0 vote from the City Council  
13 for this project -- votes shall incorporate a significant  
14 performing arts center and a 15,000 square feet ground-floor  
15 public space.

16 We have an abundance of community support for that  
17 project, and also especially a lot of support from the arts  
18 community. We know that that's -- you know, it's been a  
19 rough time for them leading up to the pandemic, and  
20 obviously even more difficult throughout the pandemic.

21 So a lot of people are look forward to the  
22 delivery of this public space and the feeder site. And this

1 is really the last step that we need to facilitate that  
2 relocation.

3 So if we could just, you know, quickly flip  
4 through the slides here, if we could flip to the second one,  
5 please.

6 So on the right, you're looking at a view of the  
7 gas transfer station. This is standing north of the station  
8 on Third Street. [And I should have brought these up  
9 earlier; apologies there.]

10 And then the photo on the right there -- excuse me  
11 on the left -- the aerial shows the Genzyme building to the  
12 west. To the left: the public ice-skating rink. To the  
13 south: Third Street. To the right, or to the east: Parcel  
14 C is the gravel lot that was once slated to be the  
15 Constellation Center, and the GTS site is the Eversource gas  
16 transfer station on Third Street.

17 You can just flip to the next slide, please?  
18 Thank you.

19 So I mentioned, you know, there is a lot of  
20 support for this. This has been something I have actually  
21 letters from -- you know, the late '90s when Dennis Carlone  
22 was a consultant for the city, he was encouraging the

1 developer at the time to figure out how to relocate this  
2 facility, and the only problem was that the -- you know,  
3 again, the stars weren't aligned.

4 It wasn't end of life. It was extremely costly at  
5 the time, and obviously with the real estate values  
6 increasing in Kendall Square, we're finally at a point in  
7 time where we have the ability to fund the relocation.

8 Just flip to the next slide, please? Thank you.

9 And so you can hear from a few members of our team  
10 today. Eversource is technically the petitioner, so  
11 ultimately this will be their facility, and they will hold  
12 the -- you know, the easement for the relocation site.

13 Kendall infrastructure: that's BioMed Realty,  
14 that's me. TRI-Mont Engineering is the Design Engineer for  
15 the relocation for the actual new GTS. You're going to hear  
16 from David, from Anderson Creek, our attorney. And then we  
17 have a few members of the team from Red Kit (phonetic) as  
18 well; Todd and Lisa.

19 So if we can just move to the next slide, thank  
20 you.

21 So as I mentioned, you know, we've been working  
22 through the rezoning. We are prepared to finalize our

1 special permit application for the building, hopefully soon.  
2 And the hope is that if we -- you know, if we're able to  
3 secure the last pieces of this permitting that allow us into  
4 the GETS that we could start that work in the fall and have  
5 that facility relocated by fall of next year.

6 We'll just go to the next one. Thank you.

7 So it's just -- I'm going to let David go into  
8 this in more detail, but, you know, a quick little review of  
9 the requests that we have on the table for tonight.

10 One is to allow the actual use -- the gas  
11 transfer. The industrial use is not one that's technically  
12 currently allowed, although we are consolidating the utility  
13 uses. You know, a gas transfer station seems like the  
14 appropriate location for it is next to a steam plant.

15 And then the other piece is for relief from the  
16 minimum yard setbacks. Actually proposing to put the gas  
17 transfer station closer to the rear of BioMed's 500 Kendall  
18 building, the Genzyme building.

19 And just the next slide, please?

20 So this is just -- again, you know, an overall  
21 view. I think, you know, for those of you who aren't  
22 familiar with the site, it's a little better context. The

1 large site to the left of the circle there is the Volpe  
2 site.

3 And the next slide, please?

4 And so this is actually a view -- again, you're  
5 looking at the gas transfer station and Third Street on the  
6 left -- 585 Third, the gravel lot in the middle.

7 And if you can see to the right, there's that  
8 round tank with the sort of rust-colored top. The gas  
9 transfer station is actually going to tuck in right to the  
10 left of that, between the tank and the rear of the 500  
11 Kendall.

12 And then just the last slide, please? The next  
13 slide, please?

14 So now I'm going to turn it over to Ken from TRI-  
15 Mont to offer a little bit more detail on what's surrounding  
16 the relocation and how we're approaching it. Ken?

17 KENNETH STANLEY: Thank you, Sal --

18 SALVATORE ZINNO: Thank you.

19 KENNETH STANLEY: -- and the Board. Can everyone  
20 hear me okay?

21 CONSTANTINE ALEXANDER: Yes.

22 SALVATORE ZINNO: Thank you again and good

1 evening. I'm Ken Stanley from TRI-Mont Engineering.

2 As you can see in this plan view, the area located  
3 that says, "Existing Gas transfer station." There's an  
4 existing facility that has been there for many, many decades  
5 and services a large portion of this area of Cambridge.

6 What's unique about -- what's interesting about  
7 the station, it's fed by a main gas pipeline feed that goes  
8 into the station, and then regulates gas down to useable  
9 pressures to actually seven different customers on this  
10 line. So it's a very important station for Eversource. It  
11 services many customers, and has been there for a very long  
12 time.

13 So our strategy for choosing the site that we  
14 chose was to be able to do two things: Take the existing  
15 facility with -- that has two buildings and numerous piping  
16 facilities in it, reconfigure them into a configuration that  
17 would fit in a smaller footprint.

18 We're actually able to take a two-building  
19 scenario and create a one-structure scenario with two  
20 levels. And we're able to do that on a site that is  
21 conducive to public utilities and power generation and steam  
22 and so on.

1           Again, another interesting fact about the location  
2 that we chose: Of the seven pipes that leave the existing  
3 station, two of those endpoints are actually on the Kendall  
4 power plant station itself. So we actually made that  
5 connection a lot easier, a lot smoother.

6           So but we do have five pipes leaving this station,  
7 and we found a corridor, we found a means to do that to  
8 reconnect those existing pipes to service existing customers  
9 in this area.

10           So again, the strategy was take a larger, spread-  
11 out area of piping and utility, reconfigure it using new  
12 technology and existing operations and maintenance  
13 procedures, and locate it on a facility that's shared with  
14 other utilities -- power generation, steam generation, and  
15 natural gas usage. So that's why this area was chosen.

16           If we can go to the next slide? Any questions on  
17 that slide, first of all? Okay.

18           So from an existing conditions perspective, you  
19 can see the existing Kendall power plant station. The  
20 relief we are looking for is the sideline setback. The  
21 proposed site is very close to the western boundary line  
22 adjacent to oil tank number 5 -- I'm sorry, number 35.

1           But on the site itself, there are numerous  
2 ancillary buildings that have piping equipment, storage and  
3 so on that are equally close to the property lines.

4           As you can see in this slide on the upper left-  
5 hand corner, we have an equipment storage area that's very  
6 close to the property line. And I believe it's about 2.2  
7 feet off the property line in that location.

8           And then if you looked at the other side of the  
9 property on the upper right-hand corner, there are existing  
10 Eversource buildings along the sidelines and front lines  
11 that are about eight feet and/or four feet off the property  
12 lines.

13           So we chose this location for -- again, two  
14 reasons. One, accessibility. And actually, we can jump to  
15 the next slide I think will be a better way to show this.

16           So we've zoomed in to the site. We have our fuel  
17 tank -- fuel oil tank #35. We have an open area at the back  
18 corner. We have -- accessibility was very key to this  
19 location.

20           As you can see, the walk -- the driveway between  
21 500 Kendall and 450 Kendall is an active  
22 roadway/alleyway/passageway to the existing Kendall



1 property. We maintained access through this area from an  
2 emergency perspective. There's a double gate that allows  
3 the vicinity to access its own property, to which we would  
4 have the same access along that fence line.

5 Then, if you follow the alleyway, the area  
6 adjacent to the property and the buildings in a Z shape as  
7 we head north, you go down the alley, and then that alleyway  
8 exits out onto Athenaeum Street.

9 So Athenaeum Street: This is an existing  
10 passageway between 500 Kendall and the power plant. So this  
11 is an existing driveway, to which we would create a new  
12 fence opening for Eversource to use on a daily basis, so it  
13 can take its maintenance vans into the site, and then easily  
14 maintain accessibility to the equipment for rental  
15 operations.

16 So we have two accesses to this location: One  
17 being a larger area that's at the existing passageway to the  
18 Kendall property, as well as a day-to-day or weekly access  
19 or monthly access, via the alleyway. So this was very  
20 important that we provide that level of access.

21 We also brought it a little closer to the property  
22 line to ensure that we can get around the facility from one

1 access point to the other, and have a clear driveway  
2 passageway, as well as for emergency vehicles as well.

3 If we can go to the next slide?

4 And again, we took advantage of a more efficient  
5 design with regard to how much area and space we would need.  
6 So this structure is a two-level structure where we can  
7 accommodate the equipment that was on the original site that  
8 fronted on Third Street, house it here, and be able to  
9 accommodate the equipment necessary in a two-level  
10 environment.

11 And I think that's what I have. Thank you very  
12 much.

13 CONSTANTINE ALEXANDER: Thank you.

14 DAVID WIENER: Thanks. Thank you, Ken. It's --  
15 Mr. Chairman and members of the Board, David Wiener. I  
16 represent the applicant here. Next slide, if you could,  
17 please, Ms. Daglian?

18 So the specific relief we're requesting given that  
19 background is a variance from the side yard setback on the  
20 left-hand side of the property, and a special permit for the  
21 use of the property as a gas regulator station.

22 With respect to the variance, this location, as

1 Ken described, is the only sort of -- is the only  
2 economically feasible location on the property, given the  
3 unique shape of the lot, on which Eversource can safely  
4 operate this facility.

5 There's no other location on the lot where that  
6 can be done safely and provide access, and sort of sliding  
7 down -- you know, the GTS facility closer to that storage  
8 tank to minimize the intrusion into the setback just doesn't  
9 allow us -- doesn't allow Eversource to safely operate the  
10 facility. I guess Ken said he's accessed it on three sides.

11 You know, as Sal pointed out, we believe that the  
12 relocation to this site will be the opposite of a  
13 substantial detriment to the zoning district. You know,  
14 this lot, the vicinity property's the only lot in the  
15 district that's used exclusively for utility uses.

16 We're moving sort of industrial utility use off of  
17 the heavily traveled, mixed-use residential office  
18 environment to one in which it's more suited and  
19 appropriately suited.

20 So we think it's consistent with -- actually  
21 consistent with the planning direction of the city, and is  
22 the opposite of substantial detriment to the zoning

1 district.

2 With that, I'm happy to answer any questions, as  
3 is the rest of the team.

4 CONSTANTINE ALEXANDER: I have no questions.  
5 Other members of the Board have any questions? Apparently  
6 not. Thank you, sir, for your presentation.

7 DAVID WIENER: You're welcome. Thank you.

8 KENNETH STANLEY: Thank you.

9 CONSTANTINE ALEXANDER: Any further comments on  
10 behalf of the applicant, or are you ready for -- or are you  
11 completed your presentation?

12 DAVID WIENER: Well, I would just like to -- maybe  
13 I'd like to add and reiterate what Sal said; that, you know,  
14 the stars we think are aligned here.

15 We think this is truly a win-win situation for the  
16 city, for the applicant and for the neighborhood in terms of  
17 all interested parties and the abutters -- all interested  
18 parties. And this seems to be this is a win-win.

19 CONSTANTINE ALEXANDER: Okay. Thank you.  
20 Questions from members of the Board? Brendan? He's nodding  
21 no. No questions. Matina? Any questions?

22 MATINA WILLIAMS: No questions right now.

1           CONSTANTINE ALEXANDER: Thank you. Wendy?

2           WENDY LEISERSON: No questions.

3           CONSTANTINE ALEXANDER: And -- who have I left  
4 out?

5           ANDREA HICKEY: Me - Andrea.

6           CONSTANTINE ALEXANDER: I'm sorry, Andrea.

7           ANDREA HICKEY: All right.

8           CONSTANTINE ALEXANDER: Any questions?

9           ANDREA HICKEY: No questions, thank you.

10          CONSTANTINE ALEXANDER: Thank you. I have no  
11 questions as well. I'll open the matter up to public  
12 testimony. Any members of the public who wish to speak  
13 should now click the icon at the bottom of your Zoom screen  
14 that says, "Raise hand."

15                 If you're calling in by phone, you can raise your  
16 hand by pressing \*9 and unmute or mute by pressing \*6.  
17 We'll take a few moments to see if anyone wishes to speak.

18          SISIA DAGLIAN: Charles Hinds?

19          CHARLES HINDS: Hi. My name is Charles Hinds. I  
20 live at 207 Charles Street in East Cambridge. I'm the  
21 current President of the East Cambridge Planning Team. And  
22 I'm here speaking on behalf -- I'll try to make this brief;

1 I know the meeting is very long.

2 Basically, on behalf of the East Cambridge  
3 Planning Team, I'd like to express our support for the move  
4 of the gas transfer station that's located on Third Street.  
5 The application is before you.

6 CONSTANTINE ALEXANDER: Thank you. We already  
7 have a letter from your organization. It's under your  
8 signature supporting it, so we're aware of that support.  
9 Thanks.

10 CHARLES HINDS: Yeah, we --

11 CONSTANTINE ALEXANDER: Anyone else wishes to  
12 speak?

13 SISIA DAGLIAN: No.

14 CONSTANTINE ALEXANDER: That's it for public  
15 comment. As I have partially indicated, we have letters of  
16 support. We have strong support from the Planning Board,  
17 and in strong support from the Planning Board; support as  
18 I've just mentioned from the East Cambridge Planning Team,  
19 and support from individual counselors of the city.

20 I have no letters that I can recall in opposition  
21 or questioning the relief being sought.

22 So with that, we will close public commentary and

1 move to consideration. We have two -- as indicated, we have  
2 two forms of relief being sought: A variance and a special  
3 permit.

4 I'm -- as I've done before, I'm going to start  
5 with a motion to grant one by one the variance and special  
6 permit, and then the applicant -- if people have questions  
7 or comments, people being members of our Board, we can take  
8 them up at that point.

9 So with regard to the variance, the Chair moves  
10 that a literal enforcement of the provisions of the  
11 ordinance would involve a substantial hardship, such  
12 hardship being that this is a -- if you will not a public  
13 facility, but a facility that serves the public.

14 And this is -- in this area, this is the only  
15 site. I mean, the structure there now is, as the petitioner  
16 has put it, on its -- more or less -- on its last legs.

17 You will need to replace it, and this is the site  
18 to replace it to.

19 The hardship is owing to nature of the area.  
20 It's, as someone just mentioned, a densely and heavily used  
21 urban/business area, and there are not many sites available  
22 to relocate -- I'm looking for the right words -- to

1 relocate the gas regulator station.

2 And that relief may be granted without substantial  
3 detriment to the public good, or nullifying or substantially  
4 derogating from the intent or purpose of this ordinance. In  
5 this regard, just the opposite is true.

6 There's no detriment, at least as testified to by  
7 members of the governing community of the City of Cambridge  
8 -- the Planning Board, the Council -- (Councillors, not the  
9 Council itself) -- and a prominent neighborhood  
10 organization, namely the East Cambridge Planning Team.

11 So on the basis of all of these findings, the  
12 Chair moves that we grant the variance on the condition that  
13 the work proceeds in accordance with plans submitted by the  
14 petitioner entitled, "Eversource Third Street Station  
15 Relocation Project," the first page of which has been  
16 initialed by the Chair.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan yes. I must  
19 add that I think it was a very, very professional  
20 presentation by the team, and also, the correspondence that  
21 we received really left no doubt that it was the proper  
22 thing to do.



1           So I would support the variance.

2           CONSTANTINE ALEXANDER: Thank you. Andrea?

3           ANDREA HICKEY: Yes. I support the variance, and  
4 I second Mr. Sullivan's comments regarding the  
5 professionalism of the presentation. Thank you.

6           CONSTANTINE ALEXANDER: Thank you. Matina?

7           MATINA WILLIAMS: [Matina] I'm in support of the  
8 variance as well.

9           CONSTANTINE ALEXANDER: Thank you. Wendy?

10          WENDY LEISERSON: [Wendy Leiserson] I'm in support,  
11 and I concur with Brendan's comments.

12          CONSTANTINE ALEXANDER: Okay. And the Chair will  
13 be accused of, "me too" ism. I also am in support of  
14 granting relief and congratulate the petitioners on a very  
15 thoughtful and professional presentation.

16                   [All vote YES]

17          CONSTANTINE ALEXANDER: So the variance has been  
18 granted.

19                   Turning to the special permit, to relocate the gas  
20 regulator station, the Chair moves that we make the  
21 following findings:

22                   That the requirements of the ordinance cannot be

1 met without the relief that's being sought.

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

6 It's quite consistent with where this portion of  
7 East Cambridge is and is going, and it will facilitate that  
8 development, which is in the best interest of the city.

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

12 Again, we have received no letters of opposition,  
13 and the petitioner has made a convincing case, in my  
14 judgment at least, that there is no impact on the operation  
15 or development of adjacent uses.

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

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

1           In fact, as I've indicated, and other members of  
2 the Board have indicated, it would be the opposite of  
3 impairing the integrity of the district; it furthers the  
4 interest of the district.

5           So on the basis of all of these findings, the  
6 Chair moves that we grant the special permit requested --  
7 again on the condition that the work proceed in accordance  
8 with the submission by the petitioner that we've referred to  
9 with regard to the granting of the variance.

10           BRENDAN SULLIVAN: Brendan Sullivan yes to  
11 granting the special permit.

12           CONSTANTINE ALEXANDER: Andrea?

13           ANDREA HICKEY: Andrea Hickey yes to granting the  
14 special permit.

15           CONSTANTINE ALEXANDER: Matina?

16           MATINA WILLIAMS: Matina yes in favor of granting  
17 the special permit.

18           CONSTANTINE ALEXANDER: Wendy?

19           WENDY LEISERSON: Wendy yes in favor of granting  
20 the special permit.

21           CONSTANTINE ALEXANDER: The Chair votes yes as  
22 well.

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[All vote YES]

CONSTANTINE ALEXANDER: Special permit has been granted. Case over. Thank you very much.

COLLECTIVE: Thank you very much, Mr. Chairman and members of the Board. Thank you. Thank you very much.

CONSTANTINE ALEXANDER: We're going to check, let's see it's -- let me see the time, it is 7:55. We're going to take a five-minute break and reconvene at 8:00.

[BREAK]

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(8:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, and  
Matina Williams

CONSTANTINE ALEXANDER: It now being 8:00, we're  
going to resume our hearing. And The Chair will now call  
Case Number #116964 -- 11 Union Street. And I wish to  
report that the petitioner in this case has withdrawn his  
petition. Specifically, I am reading from his letter from  
Andrew Jawa, J-a-w-a.

"I am withdrawing the application originally  
scheduled to be heard on July 29." That's tonight. So this  
case is gone, and we can move on to the next case.

1 \* \* \* \* \*

2 (8:01 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number #125588 -- 128 Cherry Street #1. Anyone here  
8 wishing to be heard on this matter?

9 [Pause]

10 CONSTANTINE ALEXANDER: Petitioner, are you there?

11 RICHARD MEADE: Richard Meade, Medford  
12 Engineering. I was -- I'm here as a -- for backup about the  
13 survey and what's being proposed. It's on 128 Cherry Street  
14 in Cambridge. The structure has a previous ZBA approval,  
15 based on the floor plans that were presented at the time.

16 There's a small section -- a 5 x 6 basically  
17 section of a three-story open porch that the petitioner  
18 wants to enclose the first floor to make that, you know,  
19 useable living space. And they'd like to modify -- that  
20 that would be the modification to the previous ZBA approval  
21 of the site.

22 CONSTANTINE ALEXANDER: Okay. Thank you.

1 Anything more? Is that the finish of your presentation?

2 Hello?

3 RICHARD MEADE: Yeah, unless the petitioner has  
4 anything to add to that. That's basically what the proposal  
5 is.

6 CONSTANTINE ALEXANDER: Okay, thank you.

7 Questions from members of the Board?

8 BRENDAN SULLIVAN: Brendan Sullivan no questions.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: I have no questions.

11 CONSTANTINE ALEXANDER: Wendy?

12 WENDY LEISERSON: Wendy no questions.

13 CONSTANTINE ALEXANDER: Matina?

14 MATINA WILLIAMS: Matina no questions.

15 CONSTANTINE ALEXANDER: The Chair has no questions  
16 as well. So I'll open the matter up to public testimony.

17 Any member of the public who wishes to speak should now  
18 click the icon at the bottom of your Zoom screen that says,  
19 "Raise hand."

20 If you're calling in by phone, you can raise your  
21 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
22 take a moment to see if anyone wishes to speak.

1 [Pause]

2 SISIA DAGLIAN: Naidong Ye, please speak.

3 NAIDONG YE: Hi. My name is Naidong Ye. I am the  
4 owner of apartment #2 of the building directly above the  
5 petitioner unit. And I am here to express my support for  
6 the petition. Thank you.

7 CONSTANTINE ALEXANDER: Thank you for taking the  
8 time. Anyone else wish to speak?

9 SISIA DAGLIAN: No.

10 CONSTANTINE ALEXANDER: I guess that's it. So  
11 we're going to close public testimony. I don't see any --

12 SISIA DAGLIAN: Oh!

13 CONSTANTINE ALEXANDER: -- written communications  
14 from neighbors or the like in our file. So I will make a  
15 motion, and then we can discuss the case with the Board in  
16 the context of this motion.

17 Just give me a second to get my act together.  
18 We're talking about a variance to enclose its existing open  
19 porch.

20 SISIA DAGLIAN: There is somebody whose hand is  
21 raised, yeah.

22 CONSTANTINE ALEXANDER: I'm sorry, we do have



1 someone else who wishes to speak. So go ahead.

2 SISIA DAGLIAN: Gita Manaktala?

3 GITA MANAKTALA: Hello, I'm Gita Manaktala. I'm  
4 the owner of Unit 3 in the same building. This is a three-  
5 unit condo building. And I'm also here to express my  
6 support for the petitioner. Thank you.

7 CONSTANTINE ALEXANDER: Thank you for being a good  
8 neighbor. Anyone else? That's it.

9 SISIA DAGLIAN: That's it.

10 CONSTANTINE ALEXANDER: That's it. Okay. The  
11 Chair moves that we make the following findings with regard  
12 to the variance being sought, and as indicated, this is a  
13 modification of a variance that was granted previously.

14 And I believe that all of the conditions and the  
15 reasons for granting the variance that were expressed in our  
16 written decision then apply equally here, with respect to  
17 the relief being sought. So I don't propose to go back over  
18 them.

19 So on the -- so with that, I'm going to make a  
20 motion. The motion is to grant the variance being sought on  
21 the condition that the work proceed in accordance with plans  
22 submitted by the petitioner and initialed by the Chair.

1 Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan yes to  
3 granting the variance.

4 CONSTANTINE ALEXANDER: Matina?

5 MATINA WILLIAMS: Matina Williams yes to granting  
6 the variance.

7 CONSTANTINE ALEXANDER: Wendy?

8 WENDY LEISERSON: Wendy Leiserson yes to granting  
9 the variance.

10 CONSTANTINE ALEXANDER: Andrea?

11 ANDREA HICKEY: Andrea Hickey yes in favor of  
12 granting the variance.

13 CONSTANTINE ALEXANDER: The Chair doesn't want to  
14 be a skunk at the garden party, so he will vote yes as well.

15 [All vote YES]

16 CONSTANTINE ALEXANDER: Variance granted. Thank  
17 you.

18 RICHARD MEADE: Thank you very much.

19 WENDY LEISERSON: Mr. Chair?

20 CONSTANTINE ALEXANDER: Yes, ma'am.

21 WENDY LEISERSON: Wendy Leiserson. I just wanted  
22 to make a disclosure before we proceed to the next case.

1           CONSTANTINE ALEXANDER: Go right ahead.

2           WENDY LEISERSON: So my disclosure is that  
3 Attorney Michael Wiggins is my personal attorney in other  
4 matters not related to the case that we are about to hear,  
5 and therefore I'm confident that I can remain objective and  
6 proceed accordingly, but I wanted that put on the record.

7           CONSTANTINE ALEXANDER: Thank you for the  
8 disclosure. That's very proper. I don't think -- from what  
9 I hear, anyway, there's any reason for you not to sit on  
10 this case, in my personal opinion. Okay. So we'll move on.  
11 Thanks again.

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2 (8:06 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number #125807 -- 145 Concord Avenue. Anyone here  
8 wishing to be heard on this matter?

9 [Pause]

10 MICHAEL WIGGINS: Mr. Chairman, Michael Wiggins.

11 CONSTANTINE ALEXANDER: Yes, sir.

12 MICHAEL WIGGINS: I'm sorry, could you say the  
13 name again? I just want to be sure I'm on the right case.  
14 Go ahead.

15 CONSTANTINE ALEXANDER: Could I say what, I'm  
16 sorry?

17 MICHAEL WIGGINS: Did you say --

18 CONSTANTINE ALEXANDER: 145 Concord Avenue.

19 MICHAEL WIGGINS: Good, good. I just wanted to be  
20 sure I heard you correctly. Good evening, Mr. Chairman.  
21 Michael Wiggins from the firm from Weston Patrick. I  
22 represent Margaret McKenna and Margaret McConnell.

1           They have owned the property for a number of  
2 years. They have two small children who are growing very  
3 quickly and they're running out of space. And so they're  
4 proposing a very small reconfiguration of the dormer -- a  
5 rebuilding of the dormer on the third floor.

6           Nothing's happening on the first floor, the  
7 basement or the second floor. And this is going to provide  
8 them some vital needed living space. I think Margaret  
9 McConnell can maybe speak to that later about what it's  
10 going to afford them.

11           So that's their objective. This expansion, it's a  
12 prior nonconforming use in that it's slightly above the FAR,  
13 and this will only be a very small addition to that. I  
14 think it goes from 0.764 to 0.798.

15           CONSTANTINE ALEXANDER: Does this modified dormer,  
16 the relief you're seeking, still comply with the dormer  
17 guidelines? And if not, to what extent does it not?

18           MICHAEL WIGGINS: I think it does. And I -- Mr.  
19 Axel Palacio-Ramirez, or I'm sorry Ramirez-Palacio, our  
20 architect, is going to walk through that and address those  
21 guidelines --

22           CONSTANTINE ALEXANDER: Okay.

1           MICHAEL WIGGINS:  -- as he does it.

2           CONSTANTINE ALEXANDER:  We'll wait to hear from  
3 him, sir.

4           MICHAEL WIGGINS:  Yeah.  I think that that's what  
5 I'll do now if Axel is with us.  Axel, why don't you go  
6 ahead and walk the Board through the submission, and as you  
7 do that, explain how we're complying with the dormer  
8 guidelines?

9           CONSTANTINE ALEXANDER:  Okay.  Mr. Architect,  
10 you're on the line?

11          ALEX RAMIREZ-PALACIO:  Hello?  Can you hear me?

12          CONSTANTINE ALEXANDER:  Yep.  We can hear you,  
13 yes.

14          ALEX RAMIREZ-PALACIO:  Oh, okay.  Good evening,  
15 members of the Board.  My name is Alex Ramirez.  I'm  
16 representing Sam Kachmar Architects.  Yes.  I would like to  
17 present our project, 145 Concord Avenue, as --

18                 Next sheet, please?

19                 Yes.  On this sheet on the top right you can see  
20 our site plan, where we're showing the projection of the  
21 setback lines -- areas of relief.

22                 We are looking to enlarge existing dormer, and

1 part of the dormer is the work of the dormer needs to be in  
2 the setback lines, as the addition of two skylights.

3 On the bottom part of this, you can see our FAR  
4 calculations, where we're going from 0.76 to 0.79. That  
5 shows 0.03 percent; that's a dwelling to 86 square feet.

6 Next sheet, please?

7 Here is the aerial view. On the left side is the  
8 aerial view with existing condition on the small dormer.  
9 That is larger on the right side, and two skylights on the  
10 roof proposed.

11 Next, please?

12 This is an existing street view from Concord  
13 Avenue. That's the main façade. You can see we have no  
14 intention of any alteration on this elevation.

15 Next one, please?

16 This is another existing street view from the end  
17 of Concord and Madison. And in this view, you can  
18 appreciate the enlarged dormer on the Madison side.

19 Next, please?

20 This is another street view from Madison Street.  
21 When you saw here's the enlarged dormer.

22 Next, please?

1           Last, a street view from Concord Avenue. And you  
2 can see the alteration on the dormer is not visible from  
3 this side.

4           Next, please?

5           This is our site elevation. On the top left, you  
6 can see our existing elevation. On the top right is a  
7 picture of the existing elevation. Bottom left is our  
8 proposed render (sic). On the right side, we have our  
9 proposed elevation. We can see the line; the setback line  
10 is part of the elevation.

11          Next, please?

12          This is the east elevation on the top left,  
13 existing condition elevations. Top right is a picture of  
14 existing condition. Bottom right is the proposed render  
15 (sic).

16          On the right side, we have our proposed elevation  
17 that shows the enlarged dormers that is put in the design --  
18 Cambridge design dormers guide; less than 15 feet wide, away  
19 from each corner more than three and a half feet; more than  
20 50 percent fenestration with the front wall.

21          Next, please?

22          This is the north elevation. Top left: Existing



1 condition elevation. Top right: Picture of the existing  
2 condition. Bottom right is the proposed render (sic). And  
3 on the right side we have our proposed elevations.

4 Next, please?

5 This is Level 0. No work in this level.

6 Next, please?

7 Level 1: No work on this level.

8 Next, please? Once again, no work on this level.

9 Next, please?

10 This is Level 3. You can notice here the  
11 projection of the setback lines; areas of relief on the  
12 increase on the square footage on the FAR, and those gray  
13 rectangles.

14 Next, please?

15 CONSTANTINE ALEXANDER: Before we go onto the  
16 next, just this is an appropriate place to talk about the  
17 dormer guidelines.

18 It would appear, if I'm reading these plans right,  
19 that in terms of the length of the new dormer, it will, you  
20 know, be bigger than what's there now, and it will comply  
21 with our dormer guidelines. Do you agree?

22 ALEX RAMIREZ-PALACIO: Yes.

1           CONSTANTINE ALEXANDER: How about the other  
2 requirements of our Dormer Guidelines?

3           ALEX RAMIREZ-PALACIO: What do you mean?

4           CONSTANTINE ALEXANDER: Well, you've got the  
5 setback from the edge --

6           ALEX RAMIREZ-PALACIO: Yes, yes. From the corner  
7 of the house, you have a minimum of three and a half feet.  
8 We have more than that. We have more than ten - nine feet  
9 10 and a quarter. So that's another --

10          CONSTANTINE ALEXANDER: So it is your  
11 representation to this Board that the proposed dormer will  
12 comply with the dormer guidelines in all respects?

13          ALEX RAMIREZ-PALACIO: Yes.

14          CONSTANTINE ALEXANDER: Correct?

15          MICHAEL WIGGINS: Yes.

16          ALEX RAMIREZ-PALACIO: Yes, that's correct.

17          CONSTANTINE ALEXANDER: Thank you. You can move  
18 on with your presentation.

19          ALEX RAMIREZ-PALACIO: All right. Next sheet,  
20 please?

21                 This is the roof plan, where you can see areas of  
22 relief within setback lines to a skylight unit and part of

1 the roof of the enlarged new dormer.

2 Next, please?

3 This is the QR code that -- with a video rendering  
4 of the exterior that you can access with your cell phone.

5 And following to this is more documentation  
6 requested by the business -- the certified plot plan, and  
7 more existing condition pictures of the property. That's  
8 the end of the presentation.

9 CONSTANTINE ALEXANDER: Thank you. Questions from  
10 members of the Board? Brendan?

11 BRENDAN SULLIVAN: Brendan Sullivan no questions.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: No questions.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: Wendy no questions.

16 CONSTANTINE ALEXANDER: Matina?

17 MATINA WILLIAMS: Matina Williams no questions.

18 CONSTANTINE ALEXANDER: The Chair has no questions  
19 as well, other than the one I've asked. So we will open the  
20 matter up to public testimony at this point. I would  
21 disclose that -- not disclose, but -- I would mention that  
22 we have in our files letters of support for what is

1 proposed; no letters of opposition.

2           Okay, now for public comment. Any members of the  
3 public who wish to speak should now click the icon at the  
4 bottom of your Zoom screen that says, "Raise hand."

5           If you're calling in by phone, you can raise your  
6 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
7 take a moment to see if there's anyone who wishes to speak.

8           [Pause]

9           CONSTANTINE ALEXANDER: No? No one wishes to  
10 comment, so I will now close public testimony. I'm going to  
11 turn to the merits. As before, I'm going to make a motion  
12 to grant the relief and hear what people have to say to  
13 that.

14           So the Chair moves that with regard to the special  
15 permit that's being sought: That the requirements of the  
16 ordinance cannot be met unless we grant the special permit.

17           That traffic generated or patterns of access or  
18 egress resulting from what is being proposed will not cause  
19 congestion, hazard, or substantial change in established  
20 neighborhood -- as pointed out in the presentation, what  
21 we're talking about here is an upper floor dormer that  
22 complies with our dormer guidelines and has no other impact

1 on the established neighborhood character.

2 That the continued operation of or development of  
3 adjacent uses, as permitted in the zoning ordinance, will  
4 not be adversely affected by the nature what is being  
5 proposed.

6 I think the dormer speaks for itself with respect  
7 to the lack of adverse effect on the neighborhood. And this  
8 is confirmed I believe by the fact that no neighbor has  
9 taken the time to write a letter in opposition or speak in  
10 opposition.

11 No nuisance or hazard will be created to the  
12 detriment of the health, safety and/or welfare of the  
13 occupant of the proposed use, or the citizens of the city.  
14 Again, we're talking about a dormer.

15 And lastly, that the proposed use will not impair  
16 the integrity of the district or adjoining district, or  
17 otherwise derogate from the intent and purpose of this  
18 ordinance.

19 So on the basis of all these findings, the Chair  
20 moves that we grant the special permit requested on the  
21 condition that the work proceed in accordance with  
22 voluminous plans submitted by Sam Kachmar Associates, the

1 first page of which, or the cover page of which, has been  
2 initialed by the Chair.

3 Brendan?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to  
5 granting the special permit.

6 CONSTANTINE ALEXANDER: Andrea?

7 ANDREA HICKEY: Andrea Hickey yes to granting the  
8 special permit.

9 CONSTANTINE ALEXANDER: Matina?

10 MATINA WILLIAMS: Matina Williams yes to granting  
11 the special permit.

12 CONSTANTINE ALEXANDER: Wendy?

13 WENDY LEISERSON: Wendy Leiserson yes to granting  
14 the special permit.

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

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Special permit granted.  
19 Thank you.

20 MICHAEL WIGGINS: Thank you, Mr. Chairman.

21 ALEX RAMIREZ-PALACIO: Thank you very much.

22 UNIDENTIFIED SPEAKER: Thank you. Thank you,

1 Michaels.

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2 (8:19 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Wendy Leiserson, and  
5 Matina Williams

6 CONSTANTINE ALEXANDER: Okay. The Chair will now  
7 call Case Number #126732 -- 62 Fulkerson Street. Anyone  
8 here wishing to be heard on this matter?

9 CAROLINE LOWENTHAL: Should we start?

10 CONSTANTINE ALEXANDER: Yes, you're on.

11 CAROLINE LOWENTHAL: Okay. Hi. I'm Caroline  
12 Lowenthal, and I'm here with my husband, Sam Ribnick. We've  
13 lived in Cambridge for about 20 years now, and we're raising  
14 our three kids here. We have lived in East Cambridge for  
15 quite a while now, and love living in the neighborhood.

16 We were so excited to be able to finally be able  
17 to buy a house in the neighborhood; it's close to our kids'  
18 school, it's close to the library and pool. And we have  
19 such a wonderful community of friends in the neighborhood.

20 We want to do this project that we've proposed so  
21 that we can stay in this house basically for the rest of our  
22 lives. We are so excited to be living in this neighborhood.



1 Thank you.

2 CONSTANTINE ALEXANDER: Thank you for the nice  
3 presentation. Questions from members of the Board?

4 BRENDAN SULLIVAN: No. If Staff can sort of pull  
5 up the plan? Okay.

6 CONSTANTINE ALEXANDER: Well, we're having a  
7 little technical difficulties on our end here.

8 BRENDAN SULLIVAN: Okay. I have no questions at  
9 this time.

10 CONSTANTINE ALEXANDER: Okay. Thank you. Andrea?

11 ANDREA HICKEY: I have no questions. Thank you.

12 CONSTANTINE ALEXANDER: Go ahead.

13 ANDREA HICKEY: I have no questions.

14 CONSTANTINE ALEXANDER: Oh, no questions. Okay.

15 ANDREA HICKEY: Thank you.

16 CONSTANTINE ALEXANDER: You're welcome. Matina?

17 MATINA WILLIAMS: I have no questions at this  
18 time.

19 CONSTANTINE ALEXANDER: Wendy?

20 WENDY LEISERSON: Wendy no questions.

21 CONSTANTINE ALEXANDER: Thank you. The Chair  
22 doesn't have a question, but really a comment. The plans in

1 my view -- and I'm not an architect -- are bare bones. I  
2 mean, they're barely enough to make, for us to make an  
3 informed decision. I'm very disappointed in the plans.

4 It's not the criticism of the petitioners, it's  
5 their architect who I think could have done a better job.

6 But in any event, as other members of the Board  
7 feel so, I'm willing to proceed on the basis of the plans  
8 that we do have.

9 BRENDAN SULLIVAN: Um--

10 CONSTANTINE ALEXANDER: Brendan?

11 BRENDAN SULLIVAN: Yeah, well it -- yeah, it could  
12 have been essentially a lot more as to exactly existing and  
13 --

14 CONSTANTINE ALEXANDER: Yes. In particular that.

15 BRENDAN SULLIVAN: -- proposed, to make it a lot  
16 clearer to us. I think if anybody -- the building  
17 inspectors are very professional, very learned and what have  
18 you -- they would sort of look at it and say, "What's going  
19 on?"

20 So, I mean, you go by the dimensional form and I  
21 can sort of understand and see what's happening, only by  
22 going through such a search and discovery type of mission.

1 But anyhow.

2 SAMUEL RIBNICK: We do have our architect, or  
3 someone from the architecture firm here with us. We could  
4 explain more about the plans, if that would be helpful.

5 CONSTANTINE ALEXANDER: It would be better if we  
6 had the actual plans. It's not so much my opinion, it's  
7 explaining it. You've explained it in your application, but  
8 with the plans we ought to see the specifics, and see the  
9 visual impact. And that we can't get from the -- I can't  
10 get, at least -- from the plans that we've gotten.

11 But I'm willing to go ahead and decide this case  
12 on the basis of what we have.

13 BRENDAN SULLIVAN: I mean, basically you're  
14 bumping out the back of the house a bit, is that correct?

15 SAMUEL RIBNICK: Yeah, just to the depth where  
16 there's currently porch we're bringing out the whole back of  
17 the house to that same depth of six feet, and the neighbors  
18 have all been very supportive of that, since we're not going  
19 out any farther than the existing porch.

20 BRENDAN SULLIVAN: All right. Yeah, all right.  
21 I'm all right with it.

22 CONSTANTINE ALEXANDER: Okay. Any other members

1 of the Board have any questions or comments regarding the  
2 plans, or not? If not, we will continue the case.

3 [Pause]

4 CONSTANTINE ALEXANDER: The silence is deafening,  
5 so I think we're okay. I would also report, as the  
6 petitioner has, that we do have a number of letters of  
7 support for the relief being sought. I don't see any  
8 letters of opposition.

9 So I will close -- open the matter up to public  
10 testimony, I'm sorry. It's been a long night. Any members  
11 of the public who wish to speak should now click the icon at  
12 the bottom of your Zoom screen that says, "Raise hand."

13 If you're calling in by phone, you can raise your  
14 hand by pressing \*9 and unmute or mute by pressing \*6.  
15 We'll I'll take a moment to see if anyone wishes to speak.

16 [Pause]

17 CONSTANTINE ALEXANDER: We have some go ahead.

18 SISIA DAGLIAN: Joanne Nelson?

19 JOANNE NELSON: Can you hear me?

20 SISIA DAGLIAN: Yep.

21 CONSTANTINE ALEXANDER: Yep, we can hear you.

22 JOANNE NELSON: Okay. Yes, I fully support the

1 plan. My husband and I live at 58 Fulkerson Street, so we  
2 definitely support the variance, so we're 100 percent in  
3 favor.

4 CONSTANTINE ALEXANDER: Good. Thank you for  
5 taking the time to speak to us on this, and also, to support  
6 your neighbor.

7 JOANNE NELSON: Thank you.

8 CONSTANTINE ALEXANDER: Anyone else wishes to  
9 speak?

10 SISIA DAGLIAN: Mm-hm. Bobby Trevers?

11 BOBBY TREVERS: Thank you, Mr. Chairman. My name  
12 is Bobby Trevers. I reside at 54 Fulkerson Street, and my  
13 family owns 64 Fulkerson Street directly next to the  
14 petitioners, and I'm just calling to support their  
15 application, and I also did send a letter of support into  
16 the file. Thank you.

17 CONSTANTINE ALEXANDER: Thank you. Anyone else?

18 SISIA DAGLIAN: Kelly Sherman? Hello, my name is  
19 Kelly Sherman. And I'm a homeowner at 71 Fulkerson Street,  
20 which is catty-corner to 62. And I've known Sam and  
21 Caroline since they moved to East Cambridge, and they've  
22 been long-term renters who've been really searching and

1 searching for a home that will be a long-term fit. So I  
2 just want to voice my support and thank you.

3 CONSTANTINE ALEXANDER: Thank you. And I think  
4 the petitioners should be heartened by the fact that you  
5 have supportive neighbors. We don't always see that.

6 All right. With that, I will close public  
7 testimony. I'll make a motion, unless the Board feels  
8 otherwise.

9 The motion is that we're talking about both a  
10 variance and a special permit. The special permit relates  
11 to the installation of new windows on a nonconforming side.  
12 Unfortunately, I can't find where those windows are, given  
13 the inadequacy of the plans.

14 But nevertheless, with regard to the variance, the  
15 Chair moves that we make the following findings: that a  
16 literal enforcement of the provisions of the ordinance would  
17 involve a substantial hardship, such hardship being this is  
18 an older building in a densely populated neighborhood with  
19 houses side-by-side, very little -- certainly no side yards.

20 And therefore there is a need for some outdoor  
21 relief to the rear of the structure, as proposed by the  
22 petitioners.

1           The hardship is owing to the shape of the  
2 structure itself. Again, snuggled in between two buildings  
3 with no side yard.

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

8           So on the basis of all these findings, the Chair  
9 moves that we grant the variance requested on the condition  
10 that the work proceeds in accordance with plans prepared by  
11 Kraus -- K-r-a-u-s -- Associates, and dated July 23,2021.

12           Brendan?

13           BRENDAN SULLIVAN: Brendan Sullivan yes to  
14 granting the variance.

15           CONSTANTINE ALEXANDER: Andrea?

16           ANDREA HICKEY: Andrea Hickey yes in favor of  
17 granting the variance.

18           CONSTANTINE ALEXANDER: Wendy?

19           WENDY LEISERSON: Wendy Leiserson yes in favor of  
20 granting the variance.

21           CONSTANTINE ALEXANDER: Matina?

22           MATINA WILLIAMS: Matina Williams yes in favor of

1 granting the variance.

2           CONSTANTINE ALEXANDER: And the Chair votes in  
3 favor of granting the variance as well.

4           [All vote YES]

5           CONSTANTINE ALEXANDER: So now let's turn to the  
6 special permit. With regard to the installation of new  
7 windows on a nonconforming side.

8           That the requirements of the ordinance cannot be  
9 met unless we grant the special permit.

10           That traffic generated or patterns of access or  
11 egress resulting from what is being proposed -- the  
12 installation of these windows -- will not cause congestion,  
13 hazard, or substantial change in established neighborhood  
14 character.

15           I think it speaks for itself that the windows in  
16 these sides, where there's no side yard, has little impact  
17 on the streetscape or the other properties in the  
18 neighborhood. And as we've learned, there is no opposition  
19 from those abutters where the windows will face.

20           That the continued operation of or development of  
21 adjacent uses, as permitted in the zoning ordinance, will  
22 not be adversely affected by these additional windows.



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

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

8           The district and adjoining district will not be  
9           affected by what is being proposed with regard to the  
10          addition of these windows.

11          So on the basis of these findings, the Chair moves  
12          that we grant the special permit requested, again on the  
13          condition that the work proceed in accordance with plans  
14          that we referred to with regard to the variance we just  
15          granted.

16                Brendan?

17                BRENDAN SULLIVAN: Yes to granting the special  
18                permit.

19                CONSTANTINE ALEXANDER: Matina?

20                MATINA WILLIAMS: Matina yes to granting the  
21                special permit.

22                CONSTANTINE ALEXANDER: Wendy?

1           WENDY LEISERSON: Wendy yes to granting the  
2 special permit.

3           CONSTANTINE ALEXANDER: Andrea?

4           ANDREA HICKEY: Andrea Hickey yes to granting the  
5 special permit.

6           CONSTANTINE ALEXANDER: And the Chair will make it  
7 unanimous by voting to grant the special permit as well.

8           [All vote YES]

9           Relief granted. Good luck.

10          CAROLINE LOWENTHAL: Thank you very much.

11          SAMUEL RIBNICK: Thank you so much. And thank you  
12 to our neighbors.

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(8:31 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Wendy Leiserson, and  
Matina Williams

CONSTANTINE ALEXANDER: The Chair will now call  
the last case on our agenda, Case Number #122612 -- 58  
Granville Road. Anyone here wishing to be heard on this  
matter?

LAUREN MARETT: Yes. Hi. Hello, can you hear us?  
Great.

CONSTANTINE ALEXANDER: The floor is yours.

LAUREN MARETT: Okay, great.

CONSTANTINE ALEXANDER: The screen is yours, I  
should say.

LAUREN MARETT: Thank you. Good evening, Chairman  
and members of the Board. Thank you for taking the time to  
hear our request this evening. My name is Lauren Marett,  
and this is my partner, Adam Munnelly. We are the property  
owners, and we just wanted to take a very brief moment to  
introduce ourselves.

Adam's from Ireland and moved to the States about

1 20 years ago. He works as a General Contractor now, and he  
2 has two wonderful kids.

3 I'm from the Boston area, and I now own fitness  
4 studios, one of which is located in Harvard Square. Both my  
5 parents as well as my brother and sister-in-law have lived  
6 in Cambridge, so I've spent lots of time in Cambridge over  
7 the years. It's always had a special place in my heart.

8 So when it came time for us to start looking for a  
9 place to put down roots, Cambridge was an obvious choice for  
10 us.

11 So as I mentioned, Adam has two kids, and we're  
12 hoping to add to our family. So we're very much hoping that  
13 we'll be able to maximize the space we have within the  
14 house, and make it our home for many years to come. Thank  
15 you.

16 ADAM MUNNELLY: Thank you.

17 CONSTANTINE ALEXANDER: Thank you. Let me ask you  
18 one question, and you may have heard us refer to the dormer  
19 guidelines that our city has that are guidelines.

20 ADAM MUNNELLY: Yes.

21 CONSTANTINE ALEXANDER: They are prepared by or  
22 promulgated by the Community Development. And they're not a

1 requirement, but our Board pays close attention to it.

2 Are you in a position to comment on the extent  
3 that you will be complying with the dormer guidelines, with  
4 regard to the dormer -- excuse me, the dormer relief you're  
5 seeking?

6 STEPHEN HISERODT: Mr. Chair, this is Steve  
7 Hiserodt, the architect.

8 CONSTANTINE ALEXANDER: I'm sorry. I didn't hear  
9 who you are.

10 STEPHEN HISERODT: Steve Hiserodt, the architect.

11 CONSTANTINE ALEXANDER: Okay, thank you.

12 STEPHEN HISERODT: I can speak to all of that --  
13 all of those issues. I guess I'd like to just start by  
14 going over the requests, the first request being an increase  
15 in non-conforming GFA.

16 We are in a B zone currently, which allows 0.5  
17 GFA. The neighborhood itself is primarily two and three-  
18 family structures that are nonconforming for the vast  
19 majority, ranging in FARs from 0.6 to 1.0. Most are over  
20 the allowable FAR.

21 The FAR that we're adding is 0.035. It is about  
22 160 square feet, a relatively small amount of floor area

1 added. It's all being added on the third floor, with the  
2 addition of the dormer.

3 If we could go to --

4 CONSTANTINE ALEXANDER: Can you speak to the  
5 dormer guidelines, sir?

6 STEPHEN HISERODT: The dormer on the right-hand  
7 side, the shed dormer, which can be seen on -- let's see,  
8 sheet A2.3 or A23 -- meets the dormer guidelines in most  
9 respects. It sits back one foot six inches from the main  
10 wall that it is above.

11 It is proper distance away from the eave lines, and  
12 it sits a little bit tight to the ridge, but that could be  
13 adjusted by lowering the slope of the roof. And it is 13  
14 feet wide.

15 If we go to the other side, A22?

16 The existing dormer, which is in the middle, does  
17 not meet with respect to ridgeline or its distance off the  
18 front of the main face of the façade. But it meets --

19 CONSTANTINE ALEXANDER: How about the size? The  
20 dormer guidelines size? Are you more than 15 feet?

21 STEPHEN HISERODT: The existing dormer is this,  
22 the central dormer that is above the bay. And it is a sole

1 dormer. We've added the dormer to the left of that, which  
2 is identical size. And we've added a shed dormer in between  
3 them to connect them.

4 But it sits back quite a bit off the face, just to  
5 be -- say, secondary to the primary pair.

6 The dormer on the left does not meet with respect  
7 to its relationship to the exterior wall, or the edge of the  
8 roofline.

9 And they both do not meet the setback away from  
10 the primary façade. But that was an issue of trying to keep  
11 them an equal pair.

12 CONSTANTINE ALEXANDER: How big is the existing  
13 dormer on the side?

14 STEPHEN HISERODT: 10 feet.

15 CONSTANTINE ALEXANDER: I'm sorry?

16 STEPHEN HISERODT: 10 feet.

17 CONSTANTINE ALEXANDER: 10 feet?

18 STEPHEN HISERODT: Yeah.

19 CONSTANTINE ALEXANDER: So you're going to have 20  
20 feet of dormer on this side?

21 STEPHEN HISERODT: On this side of the roof. Yes.

22 CONSTANTINE ALEXANDER: Is there any way you can

1 reduce the size of that dormer, so the combined dormer front  
2 is 15 feet or less?

3           STEPHEN HISERODT: I mean yes. There's always --  
4 there's always a way that we could do that. We couldn't do  
5 it in -- I mean, they would lose their symmetry. They  
6 wouldn't be the identical dormers. We can't reduce the size  
7 of the original dormer, because it won't support a bedroom  
8 in that case.

9           Honestly, I think it will appear more complete and  
10 honest if it stays similar to the way it is.

11           BRENDAN SULLIVAN: This is Brendan Sullivan. Let  
12 me just -- the existing dormer, as we're looking at it now  
13 on the left is --

14           STEPHEN HISERODT: The existing dormer is on the  
15 right in the center.

16           BRENDAN SULLIVAN: -- okay, the one on the -- the  
17 existing dormer is what, on the left or the right?

18           STEPHEN HISERODT: On the right-hand side. It is  
19 above the bay below.

20           BRENDAN SULLIVAN: Okay. And that's 10-foot-11,  
21 is that correct?

22           STEPHEN HISERODT: Yes. That's correct.



1 BRENDAN SULLIVAN: Okay. And then you're adding a  
2 9-foot-10 section in between?

3 STEPHEN HISERODT: It is roughly that. The --  
4 yeah.

5 BRENDAN SULLIVAN: And then the one on the left is  
6 also going to be --

7 STEPHEN HISERODT: Yes.

8 BRENDAN SULLIVAN: -- 10 feet?

9 STEPHEN HISERODT: And we can easily lose that  
10 connection in the middle.

11 BRENDAN SULLIVAN: So you're basically going to  
12 wind up with 30 feet of dormer.

13 STEPHEN HISERODT: Yes. It is roughly 30 feet of  
14 dormer.

15 BRENDAN SULLIVAN: All right. The dormer  
16 guidelines call for no more than 15 feet on any one side.  
17 And that also includes an existing dormer.

18 STEPHEN HISERODT: Um--.

19 BRENDAN SULLIVAN: So you're basically double what  
20 the dormer guidelines really call for.

21 CONSTANTINE ALEXANDER: We have -- this Board in  
22 the past on occasion has allowed dormers that are bigger

1 than the 15 feet, and individually are combined. But you're  
2 going much farther beyond what our dormer guidelines  
3 provide. I --

4           STEPHEN HISERODT: How about if we lose the  
5 connection in the middle?

6           CONSTANTINE ALEXANDER: I'm sorry?

7           STEPHEN HISERODT: We could lose the connecting  
8 piece in the middle without impacting the plan at all.

9           BRENDAN SULLIVAN: Yeah. I mean, the dormer on --  
10 this is Brendan Sullivan -- the dormer on the left, as we  
11 look, actually services the staircase.

12           STEPHEN HISERODT: Yeah.

13           BRENDAN SULLIVAN: So that really is non-movable.  
14 That's very functional, and the dormer -- the connecting  
15 piece, what does that give you on the inside?

16           STEPHEN HISERODT: It really just adds light to  
17 that corridor area between --

18           BRENDAN SULLIVAN: Is it a washer and dryer in  
19 there?

20           STEPHEN HISERODT: Yeah.

21           BRENDAN SULLIVAN: The walk-in?

22           STEPHEN HISERODT: Yeah.

1           BRENDAN SULLIVAN: So it's -- you got a laundry  
2 room there, and --

3           STEPHEN HISERODT: That doesn't need to be there.

4           BRENDAN SULLIVAN: I mean, it adds some height,  
5 obviously, to that room too.

6           STEPHEN HISERODT: Yes. But there's enough height  
7 for a laundry in there. So that could be sacrificed. In  
8 which case we'd have essentially two 10- or 11-foot dormers.

9           But I think they're both fairly vital to  
10 successful use of that upper story, and the effort to  
11 provide ample bedroom space for the kids was the primary  
12 goal.

13           BRENDAN SULLIVAN: Can we -- while we're there can  
14 we pull up the floor plans showing the third floor, which is  
15 sheet A13 on your submittal?

16           [Pause]

17           BRENDAN SULLIVAN: Okay.

18           STEPHEN HISERODT: So the roof slope is a nine and  
19 12. But the roof joists sit right on the floor. So there's  
20 a vast area of space that is lower than five feet and lower  
21 than useful space.

22           BRENDAN SULLIVAN: And what you're trying to

1 achieve is an extra bedroom, is that --

2           STEPHEN HISERODT: Yes.

3           BRENDAN SULLIVAN: -- is that correct? So up  
4 there now there is a study area, you've got that dormer over  
5 the stairway. There is a closet, obviously the existing --  
6 the bath -- the two baths will be created with the dormer on  
7 the other side of the house?

8           STEPHEN HISERODT: Yes.

9           BRENDAN SULLIVAN: And by expanding and putting in  
10 that dormer to the right, then you can basically gain  
11 another bedroom?

12           STEPHEN HISERODT: Yes, yes.

13           BRENDAN SULLIVAN: So you're basically only going  
14 to have two bedrooms and sort of a study area?

15           STEPHEN HISERODT: Yeah.

16           BRENDAN SULLIVAN: But right now you only have --

17           STEPHEN HISERODT: Right now, there is a bedroom  
18 and a half.

19           BRENDAN SULLIVAN: Yeah. I don't know. The plan  
20 works.

21           CONSTANTINE ALEXANDER: Well, does it work from a  
22 zoning point of view?

1           BRENDAN SULLIVAN: No. Well, nothing works from  
2 the zoning point of view. I mean, the only thing is that  
3 you would have to sacrifice that study and create a bedroom  
4 there. But then that leaves you void of any open gathering  
5 space, I guess, other than the second floor.

6           STEPHEN HISERODT: Yeah. That space was desirable  
7 for, you know, children to hang out.

8           BRENDAN SULLIVAN: Yeah. That's their gathering  
9 area.

10          STEPHEN HISERODT: Yeah.

11          BRENDAN SULLIVAN: Can sell some stuff.

12          STEPHEN HISERODT: [Laughter] There's a possibility  
13 that I could reduce the size of the dormer on the left-hand  
14 side where the stair is, and only shift it over as tight as  
15 possible until I have head clearance issues, which I think I  
16 could probably take four feet out of it. But it would lose  
17 the balance.

18          BRENDAN SULLIVAN: I don't know. I -- I mean, it  
19 works from a logical standpoint of view from the -- do you  
20 only occupy the second-floor unit, is that correct?

21          ADAM MUNNELLY: Yes.

22          LAUREN MARETT: Yes.

1           BRENDAN SULLIVAN: Yeah. So it's a condo? You  
2 have --

3           ADAM MUNNELLY: Yes.

4           BRENDAN SULLIVAN: -- people on the first floor,  
5 and then you're on the second and third floor, is that  
6 correct?

7           ADAM MUNNELLY: Yes.

8           BRENDAN SULLIVAN: Yeah. Yeah. It's, I mean the  
9 plan works. But it goes against everything that we do, or  
10 espouse. I'd be interested in how other members of the  
11 Board feel.

12           CONSTANTINE ALEXANDER: Well, is there a  
13 possibility we just continue this case and let the architect  
14 work on this, come up with another solution, or you think  
15 there's no solution other than what is being proposed to us?

16           BRENDAN SULLIVAN: Yeah, I don't know. Andrea,  
17 your thoughts?

18           ANDREA HICKEY: Yeah. So I'm looking at this, and  
19 Brendan, if they were to lose that connection between the  
20 two dormers, do you feel better about it then?

21           BRENDAN SULLIVAN: Well it's -- you know, it does  
22 work. I mean, to be honest with you I think that you have

1 the two dormers up there, it -- this connecting link  
2 actually basically ties it together a little bit. So there  
3 is a form to that.

4 And as opposed to having two little dormers --  
5 they're not little, but -- two dormers that are just plunked  
6 on the roof, which sort of almost look from an architectural  
7 standpoint a missing link. And that -- so that does, there  
8 is that form of sort of a connecting link.

9 The function of that form is I think very  
10 beneficial on the inside, because then you can get a  
11 functioning laundry room, washer/dryer and, you know, maybe  
12 above it a little bit of storage area to put stuff that you  
13 put in laundry rooms. And also, you get some natural light  
14 into that room.

15 So from a functioning standpoint, the plan that's  
16 before us I think works.

17 ANDREA HICKEY: Yeah. I get that.

18 BRENDAN SULLIVAN: Now, suppose --

19 ANDREA HICKEY: But I just -- the way I'm seeing  
20 this, it makes one big, giant dormer.

21 BRENDAN SULLIVAN: Well, that's unfortunately --  
22 that's what it is, correct.

1           ANDREA HICKEY: That's the result. And if it is  
2 in fact one big, giant dormer, it is so far outside of our  
3 Dormer Guidelines that it makes it tough for me to consider  
4 in a positive way.

5           BRENDAN SULLIVAN: Right. Because every -- you  
6 know, every night that we sit here and people, you know,  
7 again rightfully so come down before us and want to really  
8 stretch that 15 feet to, you know, 16 feet to 18 feet to 20,  
9 21 -- and again, for all the right reasons.

10           And, you know, we always say, "No, we have these  
11 guidelines, and we really want to pull back and conform to  
12 those guidelines." And we do that I think consistently, and  
13 we try to do it very well.

14           And yet this flies in the face of all of the  
15 guidelines and all our efforts to comply with the  
16 guidelines. So --

17           CONSTANTINE ALEXANDER: Aren't we in a position  
18 that we have a pact that we can't approve these plans, this  
19 -- we can't grant the relief being sought tonight because of  
20 the dormer issue that they have to go back to the drawing  
21 boards and see if they come up with another solution that  
22 either if it doesn't comply with the dormer guidelines, it's



1 much closer to what they require?

2 And that's it. It's unfortunate, but I don't -- I  
3 have a problem, like Andrea and I think Brendan's wrestling  
4 with as well: We do have dormer guidelines.

5 ANDREA HICKEY: Mm-hm.

6 CONSTANTINE ALEXANDER: Like we have other  
7 requirements. And this is not a requirement, but something  
8 that we treat as a requirement. And, you know, we have to  
9 follow them, as much as we might be sympathetic to what the  
10 petitioners want to do.

11 BRENDAN SULLIVAN: Yeah. [Brendan Sullivan  
12 again.] And again, once we start chipping away at that, and  
13 in this case blowing up that whole dormer guidelines, I  
14 don't think it's fair to all the other people who have come  
15 down before us that we have pulled back within that  
16 envelope, and also future people coming down who we will --  
17 again, try to corral into those dormer guidelines.

18 So I think it's --

19 STEPHEN HISERODT: Can I ask we --

20 BRENDAN SULLIVAN: -- it's probably a redo at this  
21 point.

22 CONSTANTINE ALEXANDER: I'm going to make a motion

1 that we continue this case. We'll give the petitioner and  
2 their architect time to reflect on what they've heard and  
3 what the Dormer Guidelines require, and come up with a  
4 different plan -- a plan much closer to compliance, if not  
5 complying, with the Dormer Guidelines.

6 As others have said, we do -- we're not rigid with  
7 required compliance with the Dormer Guidelines, but we like  
8 to see most compliance -- mostly compliant, and a good  
9 reason why they can't all the way comply.

10 So unless other members of the Board object, I'm  
11 going to make a motion to continue this case. Any  
12 objections to that?

13 [Pause]

14 CONSTANTINE ALEXANDER: Apparently not. I assume  
15 no. All right. Then the Chair moves that we continue this  
16 case as a case heard until -- that heard means we have to  
17 have the same five people who were on the call tonight be  
18 available for that continued case.

19 How much time, petitioners and your architect, do  
20 you think you need to go back and reflect on this and come  
21 back with hopefully new plans, or modified plans?

22 STEPHEN HISERODT: No time at all.

1           CONSTANTINE ALEXANDER: I'm sorry.

2           STEPHEN HISERODT: I could be ready tomorrow if  
3 you could.

4           BRENDAN SULLIVAN: Any time, if I can work the  
5 second date.

6           CONSTANTINE ALEXANDER: Do you do it in September?

7           STEPHEN HISERODT: Is there any chance we could do  
8 it in the August hearing?

9           SISIA DAGLIAN: No, we're not doing continued  
10 cases that day. August we're not, we don't have room.

11          CONSTANTINE ALEXANDER: I'm not available.

12          SISIA DAGLIAN: Yeah. September 2, right? Is  
13 your hearing.

14          CONSTANTINE ALEXANDER: Are you ready, can you be  
15 ready by September 2?

16          STEPHEN HISERODT: Yes, definitely.

17          CONSTANTINE ALEXANDER: Okay. All right. Let me  
18 make a motion. The Chair moves that we continue this case  
19 as a case heard until 6:00 p.m. on September 2, subject to  
20 the following conditions:

21                 One, that the petitioner sign a waiver of time for  
22 decision. Because by law, otherwise relief would be

1 automatically granted, which would mean we would  
2 automatically deny relief tonight. It's a very simple  
3 standard form that we've used -- the City uses forever.

4 That form must be signed no later than 5:00 p.m.  
5 on a week from Monday. If you don't do that, we are going  
6 to dismiss the case.

7 So you have to go to the Building Department and  
8 you get a copy of the form and have them e-mail it to you.  
9 That's the first condition.

10 The second condition is that a new posting sign,  
11 or a modified posting sign be erected and maintained for the  
12 14 days prior to September 2, just as you've done with  
13 regard to the case tonight.

14 And third, to the extent that there are --  
15 presumably there will be -- new plans, specs, modifications,  
16 what have you, they must be in our files, the Building  
17 Department files, no later than 5:00 p.m. on the Monday  
18 before September 2.

19 If they are not, we will not hear the case on  
20 September 2, or we'll deny relief, which I think you can  
21 tell we don't want to do, but we need to give you a better -  
22 - another shot at complying with our -- the legal

1 requirements of our city.

2 So on the basis of all of these, that's the motion  
3 I am making.

4 Brendan, how do you vote?

5 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
6 continuance.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey yes to the  
9 continuance.

10 CONSTANTINE ALEXANDER: Wendy?

11 WENDY LEISERSON: Wendy Leiserson yes to the  
12 continuance.

13 CONSTANTINE ALEXANDER: Matina?

14 MATINA WILLIAMS: Matina Williams yes to the  
15 continuance.

16 CONSTANTINE ALEXANDER: The Chair votes yes to the  
17 continuance.

18 [All vote YES]

19 So the case is continued until 6:00 p.m. --

20 SISIA DAGLIAN: [Whispered] September 2.

21 CONSTANTINE ALEXANDER: On September 2. Thank  
22 you. The case -- that's it for the end of the cases

1 tonight.

2 ADAM MUNNELLY: Thank you.

3 CONSTANTINE ALEXANDER: Hopefully you will have a  
4 better result on September 2.

5 LAUREN MARETT: Thank you.

6 ADAM MUNNELLY: Thank you very much.

7 CONSTANTINE ALEXANDER: And that's it. Goodnight.

8 BRENDAN SULLIVAN: Okay. Goodnight, ladies.

9 WENDY LEISERSON: Goodnight.

10 ANDREA HICKEY: Thank you, everyone. Stay well.

11 MATINA WILLIAMS: You as well.

12 [08:53 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.

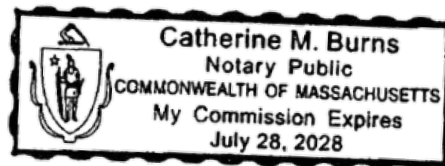
In witness whereof, I have hereunto set my hand this 11th day of August, 2021.



Notary Public

My commission expires:

July 28, 2028



<b>A</b>	<b>accessory</b> 53:3 54:4 55:13 57:22 58:5,7,8 58:12,21,22 59:15 60:13 61:3 63:15 64:1,20 66:9 67:15 70:16 73:5,13 74:8 75:18 76:14 77:1,10,13 84:10,19	<b>additional</b> 53:1 53:5 54:7,13 55:11 58:1 81:7 136:22 <b>additions</b> 9:5 54:9,11,16 59:22 60:3,4 <b>address</b> 33:6 62:6 117:20 <b>addressed</b> 12:12 <b>addressing</b> 66:15 <b>adds</b> 146:16 147:4 <b>adequate</b> 66:18 66:18 75:2 <b>adjacent</b> 74:15 83:14 88:12 95:22 97:6 106:10,15 125:3 136:21 <b>adjoining</b> 84:1 106:20 125:16 137:5,8 <b>adjusted</b> 45:16 142:13 <b>advantage</b> 98:4 <b>adverse</b> 67:3 125:7 <b>adversely</b> 83:15 106:11 125:4 136:22 <b>advice</b> 21:5 25:13 <b>advised</b> 47:4 <b>advising</b> 34:9 <b>advocate</b> 27:7 <b>aerial</b> 90:11 119:7,8 <b>affect</b> 48:13 <b>affirm</b> 75:6 <b>afford</b> 117:10 <b>agenda</b> 34:4 37:2 139:7 <b>aggressive</b> 73:20 <b>ago</b> 38:18 140:1 <b>agree</b> 30:5 64:5 66:22 77:16	80:13 121:21 <b>agreeing</b> 75:18 76:3 <b>ahead</b> 41:21 42:1 44:10 64:9 87:12 113:1 115:1 116:14 118:6 129:12 131:11 132:17 <b>air</b> 40:19 <b>Airbnb</b> 63:17,18 66:15,19 <b>Alex</b> 118:11,14 118:15 121:22 122:3,6,13,16 122:19 126:21 <b>Alexander</b> 1:7 3:4,8,10 5:7,9 6:3,6,20,22 7:4 7:16 8:6,11,13 9:13,16,20 10:2,6,9,13,16 11:5,8,10,13 11:16 12:3,6 12:11,19,21 13:1,3,6,9,11 13:16,19,21 14:1,19,22 15:3,6 16:3,6 16:10,14 17:18 18:8,11,16,18 18:22 19:5,11 19:14,20 20:7 20:17 21:2,9 21:11,14 22:1 22:4,7,13 23:2 23:10 24:7,12 25:5,11,16,19 26:1,4 27:11 27:16,19,22 28:3,6,10,15 28:18,21 29:2 29:4,9,13,16 29:19,22 30:2 30:6,9,13,15 30:17,19,22 31:2 32:3,6,10	32:13,15 33:8 34:5,8,14,18 34:21 35:4,6,9 36:7,10,13,17 36:20 37:1,7,9 37:11 38:3,6 38:12 41:1,16 41:18,21 42:1 42:18 44:6,10 46:16 47:13,16 47:18 49:9,13 49:17,22 50:3 50:6,9 51:3,6 58:4 59:10 60:7 61:6 62:3 62:10,13 63:3 63:6,8,11 64:9 66:20 67:12 68:4,13,15 69:3 70:6,22 71:5,19 72:21 73:7,17 74:4 75:22 76:6 80:5,16 82:5,9 82:14,16,19 84:16,18 85:2 85:5,8,11,14 85:18,20 86:2 87:3,6,12 93:21 98:13 100:4,9,19 101:1,3,6,8,10 102:6,11,14 105:2,6,9,12 105:17 107:12 107:15,18,21 108:2,6 109:3 109:6 110:3,6 110:10,22 111:6,9,11,13 111:15 112:7 112:10,13,22 113:7,10 114:4 114:7,10,13,16 114:20 115:1,7 116:3,6,11,15 116:18 117:15 117:22 118:2,9
<b>A-2</b> 53:15	<b>accommodate</b> 58:19 65:16 66:6 67:10 77:5 98:7,9 <b>accurate</b> 74:12 76:22 77:7 78:3 <b>accused</b> 105:13 <b>achieve</b> 148:1 <b>act</b> 112:17 <b>action</b> 159:9,11 <b>active</b> 22:19 96:21 <b>actual</b> 91:15 92:10 131:6 <b>Adam</b> 7:15,18 139:19 140:11 140:16,20 149:21 150:3,7 158:2,6 <b>Adam's</b> 139:22 <b>add</b> 22:11 23:16 23:20 33:17 60:15 71:19 76:2 100:13 104:19 111:4 140:12 <b>added</b> 39:3 142:1,1 143:1 143:2 <b>adding</b> 141:21 145:1 <b>addition</b> 16:20 54:17 59:21 117:13 119:2 137:10 142:2	<b>agreed</b> 121:21 <b>agreeing</b> 75:18 76:3 <b>ahead</b> 41:21 42:1 44:10 64:9 87:12 113:1 115:1 116:14 118:6 129:12 131:11 132:17 <b>air</b> 40:19 <b>Airbnb</b> 63:17,18 66:15,19 <b>Alex</b> 118:11,14 118:15 121:22 122:3,6,13,16 122:19 126:21 <b>Alexander</b> 1:7 3:4,8,10 5:7,9 6:3,6,20,22 7:4 7:16 8:6,11,13 9:13,16,20 10:2,6,9,13,16 11:5,8,10,13 11:16 12:3,6 12:11,19,21 13:1,3,6,9,11 13:16,19,21 14:1,19,22 15:3,6 16:3,6 16:10,14 17:18 18:8,11,16,18 18:22 19:5,11 19:14,20 20:7 20:17 21:2,9 21:11,14 22:1 22:4,7,13 23:2 23:10 24:7,12 25:5,11,16,19 26:1,4 27:11 27:16,19,22 28:3,6,10,15 28:18,21 29:2 29:4,9,13,16 29:19,22 30:2 30:6,9,13,15 30:17,19,22 31:2 32:3,6,10	32:13,15 33:8 34:5,8,14,18 34:21 35:4,6,9 36:7,10,13,17 36:20 37:1,7,9 37:11 38:3,6 38:12 41:1,16 41:18,21 42:1 42:18 44:6,10 46:16 47:13,16 47:18 49:9,13 49:17,22 50:3 50:6,9 51:3,6 58:4 59:10 60:7 61:6 62:3 62:10,13 63:3 63:6,8,11 64:9 66:20 67:12 68:4,13,15 69:3 70:6,22 71:5,19 72:21 73:7,17 74:4 75:22 76:6 80:5,16 82:5,9 82:14,16,19 84:16,18 85:2 85:5,8,11,14 85:18,20 86:2 87:3,6,12 93:21 98:13 100:4,9,19 101:1,3,6,8,10 102:6,11,14 105:2,6,9,12 105:17 107:12 107:15,18,21 108:2,6 109:3 109:6 110:3,6 110:10,22 111:6,9,11,13 111:15 112:7 112:10,13,22 113:7,10 114:4 114:7,10,13,16 114:20 115:1,7 116:3,6,11,15 116:18 117:15 117:22 118:2,9	
<b>A13</b> 147:15	<b>ability</b> 70:17 91:7 159:7 <b>able</b> 17:4,5 19:2 20:3 21:20 24:4,17 42:2 61:14 65:9 88:18 92:2 94:14,18,20 98:8 128:16,16 140:13 <b>abundance</b> 89:16 <b>abutter</b> 39:22 40:17 62:5 64:11 69:6,16 70:21 75:5,7 78:8 <b>abutters</b> 71:7 74:22 75:5 100:17 136:19 <b>abutting</b> 42:14 77:22 <b>accept</b> 65:9 69:13 73:12 <b>acceptable</b> 35:3 75:7 <b>accepting</b> 49:7 70:15 <b>access</b> 44:15,16 83:6 97:1,3,4 97:18,19,20 98:1 99:6 106:2 123:4 124:17 136:10 <b>accessed</b> 55:2 99:10 <b>accesses</b> 97:16 <b>accessibility</b> 96:14,18 97:14 <b>accessible</b> 40:9	<b>address</b> 33:6 62:6 117:20 <b>addressed</b> 12:12 <b>addressing</b> 66:15 <b>adds</b> 146:16 147:4 <b>adequate</b> 66:18 66:18 75:2 <b>adjacent</b> 74:15 83:14 88:12 95:22 97:6 106:10,15 125:3 136:21 <b>adjoining</b> 84:1 106:20 125:16 137:5,8 <b>adjusted</b> 45:16 142:13 <b>advantage</b> 98:4 <b>adverse</b> 67:3 125:7 <b>adversely</b> 83:15 106:11 125:4 136:22 <b>advice</b> 21:5 25:13 <b>advised</b> 47:4 <b>advising</b> 34:9 <b>advocate</b> 27:7 <b>aerial</b> 90:11 119:7,8 <b>affect</b> 48:13 <b>affirm</b> 75:6 <b>afford</b> 117:10 <b>agenda</b> 34:4 37:2 139:7 <b>aggressive</b> 73:20 <b>ago</b> 38:18 140:1 <b>agree</b> 30:5 64:5 66:22 77:16	32:13,15 33:8 34:5,8,14,18 34:21 35:4,6,9 36:7,10,13,17 36:20 37:1,7,9 37:11 38:3,6 38:12 41:1,16 41:18,21 42:1 42:18 44:6,10 46:16 47:13,16 47:18 49:9,13 49:17,22 50:3 50:6,9 51:3,6 58:4 59:10 60:7 61:6 62:3 62:10,13 63:3 63:6,8,11 64:9 66:20 67:12 68:4,13,15 69:3 70:6,22 71:5,19 72:21 73:7,17 74:4 75:22 76:6 80:5,16 82:5,9 82:14,16,19 84:16,18 85:2 85:5,8,11,14 85:18,20 86:2 87:3,6,12 93:21 98:13 100:4,9,19 101:1,3,6,8,10 102:6,11,14 105:2,6,9,12 105:17 107:12 107:15,18,21 108:2,6 109:3 109:6 110:3,6 110:10,22 111:6,9,11,13 111:15 112:7 112:10,13,22 113:7,10 114:4 114:7,10,13,16 114:20 115:1,7 116:3,6,11,15 116:18 117:15 117:22 118:2,9	



118:12 121:15 122:1,4,10,14 122:17 123:9 123:12,14,16 123:18 124:9 126:6,9,12,15 126:18 128:3,6 128:10 129:2,6 129:10,12,14 129:16,19,21 130:10,14 131:5,22 132:4 132:17,21 133:4,8,17 134:3 135:15 135:18,21 136:2,5 137:19 137:22 138:3,6 139:3,6,12,14 140:17,21 141:8,11 142:4 142:19 143:12 143:15,17,19 143:22 145:21 146:6 148:21 150:12 152:17 153:6,22 154:14 155:1,6 155:11,14,17 157:7,10,13,16 157:21 158:3,7 <b>aligned</b> 88:8 91:3 100:14 <b>Alison</b> 69:5,19 69:21 <b>alley</b> 97:7 <b>alleyway</b> 97:5,7 97:19 <b>allow</b> 38:15 41:11 55:12 58:13 67:14 73:15 74:3 88:10 89:1 92:3,10 99:9,9 <b>allowable</b> 141:20 <b>allowed</b> 54:18 58:19 64:2	67:10 92:12 145:22 <b>allowing</b> 79:3 <b>allows</b> 58:8 65:4 97:2 141:16 <b>alteration</b> 119:14 120:2 <b>alterations</b> 59:12 <b>Amacher</b> 81:21 <b>amenable</b> 40:13 <b>amending</b> 3:16 <b>amenity</b> 40:7 <b>amount</b> 53:11 141:22 <b>amounts</b> 39:17 <b>ample</b> 147:11 <b>ancillary</b> 96:2 <b>and/or</b> 83:20 96:11 106:17 125:12 137:2 <b>Anderson</b> 91:16 <b>Andrea</b> 1:8 3:5 4:16,17 6:4 9:10,10,14,20 9:21 11:13,14 11:14 12:4 13:4,5 14:22 15:1,1 16:4 28:21,22 30:21 32:4 36:10,11 36:11 38:4 42:18 43:11 44:4 47:15,17 49:13,14 51:4 61:6,7 62:20 62:21 75:9,9 75:14,16,22 76:3 77:17 80:13,17 82:14 82:15 85:2,3,3 87:4 101:5,5,6 101:7,9 105:2 105:3 107:12 107:13,13 109:4 110:4 111:9,10 114:10,11,11	116:4 123:12 123:13 126:6,7 126:7 128:4 129:10,11,13 129:15 135:15 135:16,16 138:3,4,4 139:4 150:16 150:18 151:17 151:19 152:1 153:3,5 157:7 157:8,8 158:10 <b>Andrew</b> 109:11 <b>answer</b> 23:1 25:13 27:6 42:2 100:2 <b>anybody</b> 47:10 64:4 130:16 <b>anyway</b> 14:1 26:16 28:10 41:10 45:4 63:9 64:6 115:9 <b>apartment</b> 42:14 53:3 55:13 58:1,5,7 58:12 59:2,15 59:19 60:5,13 61:3 63:16,17 64:1,5,20 66:5 66:10 67:11,15 67:15 73:5,13 73:14 74:8 75:19 77:13 78:6 84:11,19 112:4 <b>apartments</b> 54:5 58:9 77:1 <b>apologies</b> 34:6 90:9 <b>apologize</b> 3:10 10:3 29:19 33:22 36:13 51:13,16 79:5 <b>apparent</b> 79:12 <b>apparently</b> 52:5 64:20 100:5 154:14	<b>APPEAL</b> 1:1 <b>appealing</b> 40:13 <b>Appeals</b> 3:9 32:22 <b>appear</b> 48:22 121:18 144:9 <b>appearance</b> 59:13 <b>applicability</b> 66:10 <b>applicable</b> 82:12 <b>applicant</b> 38:11 40:12 51:11 98:16 100:10 100:16 103:6 <b>applicants</b> 4:3 70:15 <b>application</b> 22:12,18,20,22 23:9 33:2 38:15 39:9 53:6 54:6 78:4 78:9,17,18,20 82:8 92:1 102:5 109:12 131:7 133:15 <b>applied</b> 79:1 <b>apply</b> 113:16 <b>appreciate</b> 7:13 27:10 33:16 70:1,3 119:18 <b>approach</b> 80:17 <b>approaching</b> 93:16 <b>appropriate</b> 56:7 71:16 75:2 76:17 92:14 121:16 <b>appropriately</b> 99:19 <b>approval</b> 63:22 70:16 74:8 88:11 110:14 110:20 <b>approve</b> 152:18 <b>approved</b> 89:10 <b>approximate</b> 44:18	<b>approximately</b> 53:22 <b>arbitrary</b> 66:8 <b>architect</b> 16:13 53:9 117:20 118:9 130:1,5 131:2 141:7,10 150:13 154:2 154:19 <b>Architects</b> 81:21 118:16 <b>architectural</b> 151:6 <b>architecture</b> 131:3 <b>area</b> 45:1 48:8 53:19,20 54:2 55:19 56:17 57:10 58:10,14 58:20 72:16 76:13,15 77:1 77:4 94:2,5 95:9,11,15 96:5,17 97:1,5 97:17 98:5 103:14,19,21 140:3 141:22 146:17 147:20 148:4,14 149:9 151:12 <b>areas</b> 54:15 118:21 121:11 122:21 <b>aren't</b> 92:21 <b>argument</b> 44:13 <b>Article</b> 58:8 65:3,10 73:9 <b>arts</b> 89:14,17 <b>as-of-right</b> 49:7 <b>askance</b> 41:4 <b>asked</b> 6:19 42:19 43:7,16 77:6 123:19 <b>asking</b> 4:12 25:13 33:21 43:13 46:7 80:19 <b>aspect</b> 88:2
---	---	--	--	--

<b>asphalted</b> 43:6	18:4 26:2	84:4 97:12	<b>BioMed's</b> 92:17	<b>botanical</b> 77:19
<b>assistance</b> 73:10	103:21 154:18	104:11 107:5	<b>bit</b> 16:18 19:15	79:15
<b>Assistant</b> 1:14	155:11	125:19 130:7	41:4 60:11,12	<b>bottom</b> 46:20
<b>associated</b> 60:18	<b>Avenue</b> 1:6 2:6	131:12 135:8	60:22 65:16	53:19 68:17
60:19 65:10	2:8,15 16:7	137:11 157:2	89:3 93:15	101:13 111:18
<b>Associates</b> 7:15	32:7 116:7,18	<b>bath</b> 148:6	131:14 142:12	119:3 120:7,14
7:19 81:21	118:17 119:13	<b>baths</b> 148:6	143:4 151:2,12	121:2 124:4
125:22 135:11	120:1	<b>bay</b> 142:22	<b>block</b> 52:18	132:12
<b>assume</b> 154:14	<b>aware</b> 34:3 56:9	144:19	<b>blowing</b> 153:13	<b>boundary</b> 95:21
<b>assuming</b> 23:13	61:13,16 102:8	<b>bedroom</b> 144:7	<b>board</b> 1:1 3:9	<b>Bourque</b> 49:1
23:13,14 24:9	<b>Axel</b> 117:19	147:11 148:1	4:3,12 5:10	<b>Brason</b> 30:22
24:19,20	118:5,5	148:11,17	6:17 9:11	<b>break</b> 86:7
<b>assured</b> 59:11		149:3	18:20 21:22	108:8,9
<b>Athenaeum</b>	<b>B</b>	<b>bedrooms</b>	25:12 32:19,20	<b>Brendan</b> 1:8 3:4
87:21 97:8,9	<b>B</b> 58:18 65:13	148:14	32:21,22 33:7	6:3 9:17,18,18
<b>attempt</b> 66:14	141:16	<b>beginning</b> 23:22	33:10,13,20	11:2,3,3,9 12:3
<b>attempting</b> 77:3	<b>B-o-u-r-q-u-e</b>	<b>behalf</b> 25:12	34:1,13,16	12:10 14:16,17
<b>attend</b> 24:17,19	49:1	38:11 51:10	36:1 39:19	14:17 16:3
<b>attendance</b> 4:13	<b>back</b> 8:19 25:14	100:10 101:22	41:2,14 46:15	23:5,5,9 27:3,4
<b>attended</b> 8:4	27:6 52:5	102:2	47:6 51:10	27:4,14,18,21
<b>attention</b> 17:3	71:22 83:17	<b>believe</b> 18:3	52:10,18 56:6	28:1,4,9 30:19
39:19 141:1	96:17 113:17	20:8 59:3 67:9	56:20 57:17	31:2 32:3 36:4
<b>attorney</b> 61:8	131:14,16	72:10,14 82:7	60:8 63:22	36:5,5 38:3
76:10 91:16	142:9 143:4	96:6 99:11	64:10,17,20	47:12 49:3,5
115:3,3	152:11,20	113:14 125:8	65:20 66:17,22	49:11,20 51:3
<b>audible</b> 4:13	153:15 154:20	<b>beneficial</b>	67:6,13,17,22	60:8,9 68:12
<b>audio</b> 3:21 56:18	154:21	151:10	68:10 70:5	68:14 74:7,7
<b>August</b> 24:3,8	<b>background</b>	<b>benefit</b> 65:1	73:11,18 75:3	80:6,7,7,16
24:13 155:8,10	98:19	<b>benefits</b> 40:20	80:13 87:14	82:2,3,3 84:15
<b>authority</b> 79:8	<b>backup</b> 110:12	80:19 84:13	93:19 98:15	84:21,22,22
79:12	<b>Baker's</b> 3:15	<b>Berkshire</b> 2:10	100:5,20	87:3 100:20
<b>authorization</b>	<b>balance</b> 149:17	38:7,18	102:16,17	104:17,18,18
55:22	<b>bare</b> 130:1	<b>best</b> 34:11 89:6	103:7 104:8	107:10,10
<b>authorize</b> 44:2	<b>barely</b> 130:2	106:8 159:6	107:2 108:5	109:3 110:3
<b>authorizing</b>	<b>based</b> 4:11	<b>better</b> 32:16,16	111:7 112:15	111:8,8 114:1
73:13	40:21 53:10	87:22 92:22	118:6,15	114:2,2 116:3
<b>automatically</b>	110:15	96:15 130:5	122:11 123:10	123:10,11,11
156:1,2	<b>basement</b> 39:8	131:5 150:20	129:3 130:6	126:3,4,4
<b>auxiliary</b> 71:10	53:15,20 117:7	156:21 158:4	132:1 134:7	128:3 129:4,8
<b>avail</b> 65:10	<b>basically</b> 73:5	<b>beyond</b> 46:17	139:17 141:1	130:9,10,11,15
84:13	76:13 80:18	146:2	145:21 150:11	131:13,20
<b>availability</b>	102:2 110:16	<b>big</b> 143:12	154:10	135:12,13,13
12:16	111:4 128:21	151:20 152:2	<b>boards</b> 152:21	137:16,17
<b>available</b> 9:12	131:13 145:11	<b>Bigelow</b> 2:4 12:7	<b>Bobby</b> 133:10	139:3 144:11
9:16,17,19,21	145:19 148:10	<b>bigger</b> 121:20	133:11,12	144:11,16,20
10:5,14,15	148:13 151:2	145:22	<b>bones</b> 130:1	145:1,5,8,11
12:18 13:1,4,5	<b>basis</b> 25:16	<b>BioMed</b> 87:11	<b>book</b> 40:18 74:6	145:15,19
13:8,10,11	48:18 81:18	91:13	<b>Boston</b> 140:3	146:9,10,13,18

<p>146:21 147:1,4 147:13,17,22 148:3,9,13,16 148:19 149:1,8 149:11,18 150:1,4,8,16 150:19,21 151:18,21 152:5 153:11 153:11,20 155:4 157:4,5 157:5 158:8 <b>Brendan's</b> 13:3 105:11 153:3 <b>Brewster</b> 64:17 <b>brief</b> 86:3 101:22 139:20 <b>bringing</b> 131:16 <b>broadcast</b> 3:22 <b>brother</b> 140:5 <b>brought</b> 17:3 90:8 97:21 <b>Bryant</b> 71:3,4,6 71:7,21 72:5,7 72:19 <b>building</b> 1:14 9:1 17:3 19:17 20:4,5 21:3 27:1 40:21 42:14 48:3,4,5 59:9,13 61:11 65:18,22 68:2 81:12 90:11 92:1,18,18 112:4 113:4,5 130:16 134:18 156:7,16 <b>buildings</b> 41:5,5 94:15 96:2,10 97:6 135:2 <b>built</b> 21:18 38:17 40:10 48:5 52:20 <b>bumping</b> 131:14 <b>burdensome</b> 66:8 <b>Burns</b> 159:4 <b>business</b> 74:16</p>	<p>123:6 <b>buy</b> 128:17 <b>BZA</b> 4:9 12:14 32:22 <b>BZA-017219-...</b> 2:7 <b>BZA-109394</b> 2:2 <b>BZA-116393</b> 2:4 <b>BZA-116964</b> 2:13 <b>BZA-119365</b> 2:6 <b>BZA-120369</b> 2:10 <b>BZA-122612</b> 2:17 <b>BZA-124207</b> 2:11 <b>BZA-124307</b> 2:12 <b>BZA-125588</b> 2:14 <b>BZA-125807</b> 2:15 <b>BZA-126732</b> 2:16</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 3:1 90:14 <b>cable</b> 3:22 <b>calculation</b> 53:10 <b>calculations</b> 119:4 <b>call</b> 4:5 6:7 16:6 32:6 38:6 51:7 51:21 87:7,18 109:7 110:6 116:6 128:7 139:6 145:16 145:20 154:17 <b>called</b> 55:3 <b>calling</b> 46:22 68:19 72:21 101:15 111:20 124:5 132:13 133:14 <b>calls</b> 22:16 78:5 <b>Cambridge</b> 1:2</p>	<p>1:6 3:9 4:1 33:18 94:5 101:20,21 102:2,18 104:7 104:10 106:7 110:14 120:18 128:13,14 133:21 140:6,6 140:9 <b>Cambridge's</b> 3:17 <b>candidly</b> 65:16 66:7 72:18 <b>care</b> 7:21 26:9 37:10,11 62:22 <b>Carlone</b> 90:21 <b>Carol</b> 71:7 <b>Caroline</b> 128:9 128:11,11 133:21 138:10 <b>case</b> 2:2,4,6,7,9 2:10,11,12,13 2:14,15,16,17 6:6,7,7,9,11,13 7:7 8:7,14,14 9:12 10:17,20 10:21,22 11:17 12:6,7 13:12 13:13 14:2 15:7 16:7 17:5 17:10,21,22 19:2,7,15,22 20:8,14,14,15 20:18,19 21:6 22:5,19 23:11 24:1,19,20 26:5 29:5,10 29:17 30:9 32:7,18 33:9 33:12,15 34:10 34:22 35:10 36:20 38:7 40:4 41:9 45:18 46:17 51:7 53:18 55:20 56:11,22 57:18,20 58:12 58:17,21 63:9</p>	<p>64:17,18,21 65:2 67:19 68:6,9 77:3 85:15,22 86:6 87:7,7 106:13 108:3 109:8,9 109:14,14 110:7 112:15 114:22 115:4 115:10 116:7 116:13 128:7 131:11 132:2 139:7,7 144:8 147:8 150:13 153:13 154:1 154:11,16,16 154:18 155:18 155:19 156:6 156:13,19 157:19,22 <b>case/this</b> 87:9 <b>cases</b> 2:2 5:11 5:11 30:3,10 33:14,18 37:5 39:20 155:10 157:22 <b>catch</b> 82:10 <b>Catherine</b> 159:4 <b>catty-corner</b> 133:20 <b>cause</b> 83:7 106:3 124:18 136:12 <b>cell</b> 123:4 <b>center</b> 88:13 89:14 90:15 144:15 <b>central</b> 142:22 <b>certain</b> 3:16 45:17,20 54:12 71:18 74:14 79:19 <b>certainly</b> 16:17 18:19 20:10 41:3 72:12 134:19 <b>CERTIFICA...</b> 159:1 <b>certified</b> 123:6</p>	<p><b>certify</b> 159:5,8 <b>cetera</b> 36:1 <b>chair</b> 1:7,8 3:10 7:13 8:13 9:10 11:16 12:8 13:11 15:6 16:6 22:19 26:4 28:1 29:4 29:6 32:6,14 35:9 36:17 37:4 38:6,10 44:5,7 47:19 48:19 49:2 50:3 51:6 62:9 63:11 64:7 67:9,21,22 70:4 73:10 77:21 80:22 81:19 82:19 83:1 84:5 85:11 87:6 103:9 104:12 104:16 105:12 105:20 107:6 107:21 109:7 110:6 111:15 113:11,22 114:13,19 116:6 123:18 124:14 125:19 126:2,15 128:6 129:21 134:15 135:8 136:2 137:11 138:6 139:6 141:6 154:15 155:18 157:16 <b>Chair's</b> 33:4 <b>Chairman</b> 22:3 23:16 28:20 33:17 51:10 69:4 98:15 108:4 116:10 116:20 126:20 133:11 139:16 <b>challenging</b> 88:2 <b>chance</b> 9:7 74:5 155:7</p>
--	--	---	--	---

<b>change</b> 4:11 14:1,9 53:8 59:19 66:12 83:8 106:4 124:19 136:13	100:16 102:19 104:7 106:8,18 125:13 137:3 140:19 156:3 157:1	<b>closer</b> 92:17 97:21 99:7 153:1 154:4	<b>communal</b> 40:1	104:12 107:7
<b>changes</b> 9:4 17:6	<b>city's</b> 4:9 17:9	<b>closest</b> 52:3	<b>communicatio...</b> 112:13	113:21 119:8
<b>Channel</b> 3:22	19:6 21:4	<b>closet</b> 148:5	<b>community</b> 89:16,18 104:7	120:13,14
<b>character</b> 59:14	75:20 88:11	<b>co-owned</b> 22:17	128:19 140:22	121:1,2 123:7
83:9 106:5	<b>clarification</b>	<b>co-owner</b> 22:20	<b>compatible</b> 59:13,22	125:21 135:9
125:1 136:14	44:9 71:20	<b>code</b> 33:18	<b>competition</b> 57:12	137:13 156:9
<b>characteristic</b> 57:9	72:20 76:8	123:3	<b>complement</b> 22:11	156:10
<b>characteristics</b> 57:7	79:14	<b>COLLECTIVE</b> 108:4	<b>complete</b> 144:9	<b>conditions</b> 8:15
<b>Charles</b> 3:15	<b>clarify</b> 70:14	<b>column</b> 76:16,16	<b>completed</b> 100:11	14:3 26:6
101:18,19,19	76:19 78:15	<b>combination</b> 88:9	<b>complex</b> 39:16	35:11 39:10
101:20 102:10	<b>clarifying</b> 82:11	<b>combined</b> 144:1	<b>compliance</b> 154:4,7,8	84:6 95:18
<b>check</b> 7:8 62:3	<b>clear</b> 73:11 79:6	146:1	<b>compliant</b> 154:8	113:14 155:20
108:6	80:4 98:1	<b>come</b> 23:6	<b>complies</b> 124:22	<b>condo</b> 113:5
<b>Cherry</b> 2:14	<b>clearance</b> 149:15	140:14 150:14	<b>comply</b> 117:16	150:1
110:7,13	<b>clearer</b> 130:16	152:7,21	121:20 122:12	<b>conductive</b> 94:21
<b>children</b> 117:2	<b>clearly</b> 70:2	153:14 154:3	152:15,22	<b>confident</b> 115:5
149:7	<b>Cleaver-Gibson</b>	154:20	154:9	<b>configuration</b> 52:21 94:16
<b>Chilton</b> 2:11	18:6,7,9,13,14	<b>comes</b> 22:15	<b>concern</b> 45:11	<b>confirm</b> 79:14
51:7,19,20	18:17,21 19:4	<b>comfort</b> 60:22	45:13 63:15,18	79:18
52:3,15 62:5	19:8,13,19	<b>comfortable</b> 60:11 69:17	63:20 64:12	<b>confirmation</b> 21:21
62:17,18,22	20:1,16,22	70:20 71:9	65:8 68:1,4	<b>confirmed</b> 125:8
65:12 69:5	21:7,10,13,16	<b>coming</b> 24:13	74:20	<b>conflicts</b> 23:21
71:8	23:4,18 27:10	153:16	<b>concerned</b> 68:8	<b>conform</b> 73:8
<b>chipping</b> 153:12	<b>click</b> 46:20	<b>comment</b> 4:7,8	49:20 67:2	152:11
<b>choice</b> 140:9	68:17 101:13	41:13 68:12,14	69:9,11	<b>confused</b> 19:9
<b>choosing</b> 94:13	111:18 124:3	68:16 70:7	<b>Concord</b> 2:15	<b>congestion</b> 83:8
<b>chose</b> 79:10	132:11	102:15 124:2	116:7,18	106:4 124:19
94:14 95:2	<b>client</b> 67:7	124:10 129:22	118:17 119:12	136:12
96:13	<b>client's</b> 79:7	141:2	119:17 120:1	<b>congratulate</b> 105:14
<b>chosen</b> 95:15	<b>Cliff</b> 32:9	<b>commentary</b> 102:22	<b>concerns</b> 40:3	<b>connect</b> 143:3
<b>circle</b> 93:1	<b>Clifford</b> 32:9,12	<b>comments</b> 41:15	49:20 67:2	<b>connecting</b> 60:17 146:7,14
<b>circumstances</b> 57:1	32:12,14,17	46:17 49:15	69:9,11	151:1,8
<b>citizens</b> 83:21	33:16 34:7,11	61:5 100:9	<b>Concord</b> 2:15	<b>connection</b> 8:17
106:18 125:13	34:16 35:2,5,8	103:7 105:4,11	116:7,18	14:5 26:8
137:3	36:22	132:1	118:17 119:12	47:10 95:5
<b>city</b> 1:2,12 3:17	<b>clog</b> 34:4	<b>commission</b> 159:17	119:17 120:1	145:10 146:5
3:18,18,19	<b>close</b> 47:5 73:1	<b>Commissioner</b> 1:13,14	<b>concur</b> 105:11	150:19
46:14 48:2	95:21 96:3,6	<b>common</b> 21:3	<b>condition</b> 26:15	<b>consent</b> 24:21
65:2,6 66:4	102:22 112:11	<b>Commonwealth</b> 159:2,5	43:5,19,20	27:17 63:22
83:21 89:11,12	124:10 128:17		48:20 64:16	<b>consequence</b> 72:15
90:22 99:21	128:18 132:9		65:9 66:18	<b>consider</b> 57:18
	134:6 141:1		69:13 70:16	152:3
	<b>closed</b> 52:16		75:6 76:16	<b>consideration</b>
			81:19 83:11,17	

<p>103:1  <b>consistent</b> 99:20            99:21 106:6  <b>consistently</b>            152:12  <b>consolidating</b>            92:12  <b>Constantine</b> 1:7            3:4,8 5:7,9 6:3            6:6,20,22 7:4            7:16 8:6,11,13            9:13,16,20            10:2,6,9,13,16            11:5,8,10,13            11:16 12:3,6            12:11,19,21            13:1,3,6,9,11            13:16,19,21            14:1,19,22            15:3,6 16:3,6            16:10,14 17:18            18:8,11,16,18            18:22 19:5,11            19:14,20 20:7            20:17 21:2,9            21:11,14 22:1            22:4,7,13 23:2            23:10 24:7,12            25:5,11,16,19            26:1,4 27:11            27:16,19,22            28:3,6,10,15            28:18,21 29:2            29:4,9,13,16            29:19,22 30:2            30:6,9,13,15            30:17,19,22            31:2 32:3,6,10            32:13,15 33:8            34:5,8,14,18            34:21 35:4,6,9            36:7,10,13,17            36:20 37:1,7,9            37:11 38:3,6            38:12 41:1,16            41:18,21 42:1            42:18 44:6,10            46:16 47:13,16</p>	<p>47:18 49:9,13            49:17,22 50:3            50:6,9 51:3,6            58:4 59:10            60:7 61:6 62:3            62:10,13 63:3            63:6,8,11 64:9            66:20 67:12            68:4,13,15            69:3 70:6,22            71:5,19 72:21            73:7,17 74:4            75:22 76:6            80:5,16 82:5,9            82:14,16,19            84:16,18 85:2            85:5,8,11,14            85:18,20 86:2            87:3,6,12            93:21 98:13            100:4,9,19            101:1,3,6,8,10            102:6,11,14            105:2,6,9,12            105:17 107:12            107:15,18,21            108:2,6 109:3            109:6 110:3,6            110:10,22            111:6,9,11,13            111:15 112:7            112:10,13,22            113:7,10 114:4            114:7,10,13,16            114:20 115:1,7            116:3,6,11,15            116:18 117:15            117:22 118:2,9            118:12 121:15            122:1,4,10,14            122:17 123:9            123:12,14,16            123:18 124:9            126:6,9,12,15            126:18 128:3,6            128:10 129:2,6            129:10,12,14            129:16,19,21</p>	<p>130:10,14            131:5,22 132:4            132:17,21            133:4,8,17            134:3 135:15            135:18,21            136:2,5 137:19            137:22 138:3,6            139:3,6,12,14            140:17,21            141:8,11 142:4            142:19 143:12            143:15,17,19            143:22 145:21            146:6 148:21            150:12 152:17            153:6,22            154:14 155:1,6            155:11,14,17            157:7,10,13,16            157:21 158:3,7  <b>Constellation</b>            88:13 90:15  <b>constrained</b>            65:14 77:1  <b>construction</b>            38:15 40:12  <b>consult</b> 25:3  <b>consultant</b>            90:22  <b>consulted</b> 61:10  <b>contain</b> 56:19  <b>contained</b> 39:4            44:2 74:11            78:9  <b>containing</b>            64:15  <b>contains</b> 38:20            40:16 53:14,15  <b>context</b> 33:10            92:22 112:16  <b>continuance</b>            11:7,15 12:13            14:6,18,21            15:2,5,7 27:5            28:14,19 29:1            29:3 36:6,9,12            36:16 157:6,9</p>	<p>157:12,15,17  <b>continuances</b>            8:17 10:21            33:22  <b>continue</b> 6:11,13            7:7 8:14 10:17            10:21 17:22            20:15 21:6            22:5 23:11,12            24:16 26:5            33:9,15 34:10            35:10 56:5            132:2 150:13            154:1,11,15            155:18  <b>continued</b> 2:2            5:11,13 6:7            8:15 11:1,17            13:12,13 15:7            19:16 24:1            29:5 30:9,10            32:18 33:19            36:20 73:7            83:13 106:9            125:2 136:20            154:18 155:9            157:19  <b>continues</b> 19:3            61:12  <b>continuing</b> 11:4            11:12 33:14  <b>Contractor</b>            140:1  <b>conventional</b>            59:20  <b>conversation</b>            12:13  <b>conversations</b>            69:11  <b>conversion</b>            55:12  <b>converting</b> 54:2  <b>convincing</b>            106:13  <b>copy</b> 156:8  <b>core</b> 22:15  <b>corner</b> 96:5,9,18            120:19 122:6</p>	<p><b>corps</b> 5:10  <b>corral</b> 153:17  <b>correct</b> 27:18,21            44:17 45:7,10            77:7 122:14,16            131:14 144:21            144:22 148:3            149:20 150:6            151:22  <b>correctly</b> 43:18            116:20  <b>correspondence</b>            64:11 104:20  <b>corridor</b> 89:2,4            95:7 146:17  <b>costly</b> 91:4  <b>coughing</b> 56:19  <b>Council</b> 89:11            89:12 104:8,9  <b>Councillor</b>            75:10  <b>Councillors</b>            104:8  <b>counsel</b> 159:9  <b>counselors</b>            102:19  <b>count</b> 56:9  <b>counted</b> 53:22            54:5  <b>couple</b> 41:19            52:2  <b>course</b> 4:2 40:12            68:4 73:2  <b>cover</b> 78:17            126:1  <b>covered</b> 22:9,10            39:3  <b>covering</b> 39:6,7  <b>COVID-19</b> 3:14            3:19  <b>create</b> 38:22            53:2 94:19            97:11 149:3  <b>created</b> 83:19            88:15 106:16            125:11 137:1            148:6  <b>creation</b> 54:22</p>
---	---	---	--	--

<p><b>Creek</b> 91:16  <b>criteria</b> 45:14  77:12  <b>criticism</b> 130:4  <b>Croston</b> 51:15  51:15,16,17  <b>curiosity</b> 42:17  <b>curious</b> 71:14  72:5  <b>current</b> 57:3  81:9 101:21  <b>currently</b> 38:17  53:21 92:12  131:16 141:16  <b>customers</b> 94:9  94:11 95:8</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 2:1 3:1,15  <b>Daglian</b> 1:14  4:14,16,18,20  5:2,5,8 8:9,12  9:8,15 10:1,8  10:11 12:17,20  12:22 13:2,15  13:17,20 18:12  25:21 26:2  29:8,11 30:16  30:18,20 31:1  34:20 38:9  39:11,21 42:9  52:8 55:6,17  68:22 69:2  71:3,17 76:5  85:19,21 98:17  101:18 102:13  112:2,9,12,20  113:2,9 132:18  132:20 133:10  133:18 155:9  155:12 157:20  <b>daily</b> 97:12  <b>Dash</b> 7:15,19  <b>date</b> 2:3,4,6,8  14:9,9 17:21  18:2 20:15  23:12 24:11,16  26:11,11,16</p>	<p>34:9 35:16  155:5  <b>dated</b> 3:19 81:21  135:11  <b>dates</b> 12:17  25:19 34:19  <b>daughter</b> 52:1  <b>David</b> 91:16  92:7 98:14,15  100:7,12  <b>day</b> 7:9 8:11 9:7  9:12 10:7,12  55:10 155:10  159:13  <b>day-to-day</b>  97:18  <b>days</b> 7:1,2 8:22  14:11 26:13,17  32:20 35:18  65:5 70:18  74:1 75:12  80:19 84:20  156:12  <b>deafening</b> 132:4  <b>deal</b> 20:3  <b>dealing</b> 63:21  77:13  <b>deals</b> 54:7  <b>decades</b> 52:14  88:5 94:4  <b>December</b> 24:1  89:11  <b>decide</b> 33:12  131:11  <b>decision</b> 8:17  14:5 25:17  26:8 33:1,9,10  34:15 35:13  64:22 83:12  113:16 130:3  155:22  <b>deck</b> 39:1,2,3,4  39:5,6 40:1  41:11 42:21  45:1  <b>decker</b> 39:18  <b>decks</b> 38:16,22  39:20 40:5,5</p>	<p>40:14 41:4,8  41:12 42:21  <b>decrease</b> 45:15  <b>decreased</b> 44:13  <b>decreasing</b>  45:13 46:13  <b>deem</b> 75:2  <b>defect</b> 23:7  <b>defer</b> 18:3 33:1  33:6 34:12  <b>deferral</b> 34:1  <b>defined</b> 66:2,16  70:18 75:19  <b>defines</b> 65:2  <b>definitely</b> 133:2  155:16  <b>deliberation</b>  73:11  <b>delightful</b> 70:2  <b>delivery</b> 89:22  <b>Dennis</b> 90:21  <b>densely</b> 48:7  103:20 134:18  <b>deny</b> 156:2,20  <b>Department</b> 9:1  17:4,9 19:18  20:12 21:5  23:14 24:14,20  25:1,2,3,4,9,9  25:10,12 27:7  27:13,17 28:7  65:22 68:2  74:17 156:7,17  <b>Department's</b>  27:1  <b>departure</b> 41:7  <b>depends</b> 83:10  <b>depth</b> 131:15,17  <b>derogate</b> 84:2  106:21 125:17  137:6  <b>derogating</b>  48:16 81:17  104:4 135:6  <b>describe</b> 89:7  <b>described</b> 99:1  <b>describing</b>  72:11</p>	<p><b>design</b> 49:1  91:14 98:5  120:17,18  <b>desirable</b> 48:14  135:4 149:6  <b>desire</b> 40:22  47:4 88:5  <b>destroyed</b> 38:17  48:4  <b>destruction</b>  38:19  <b>detail</b> 92:8 93:15  <b>details</b> 34:2  <b>determining</b>  65:18  <b>detriment</b> 48:15  81:16 83:20  99:13,22 104:3  104:6 106:17  125:12 135:5  137:2  <b>developer</b> 91:1  <b>development</b>  83:13 106:8,9  106:15 125:2  136:20 140:22  <b>dialogue</b> 75:4  <b>different</b> 56:12  94:9 154:4  <b>difficult</b> 89:20  <b>difficulties</b>  129:7  <b>difficulty</b> 60:12  60:17  <b>dimension</b> 45:19  45:21 76:21  <b>dimensional</b>  46:8 53:8 76:9  77:12 130:20  <b>direct</b> 74:20  <b>direction</b> 45:19  99:21  <b>directly</b> 61:15  112:4 133:13  <b>disappointed</b>  130:3  <b>disclose</b> 123:21  123:21</p>	<p><b>disclosure</b>  114:22 115:2,8  <b>discovery</b>  130:22  <b>discretion</b> 33:4  <b>discuss</b> 49:3  112:15  <b>discussed</b> 33:2  <b>discussing</b> 83:11  <b>discussion</b> 46:15  47:6,9 73:1  76:9  <b>discussions</b>  35:22 61:4  <b>dismiss</b> 156:6  <b>distance</b> 39:16  142:11,17  <b>district</b> 48:13  58:18 64:15,18  65:13 67:9  84:1,1 99:13  99:15 100:1  106:20,21  107:3,4 125:16  125:16 137:5,6  137:8,8  <b>districts</b> 58:14  58:16  <b>documentation</b>  123:5  <b>doing</b> 16:9 76:8  155:9  <b>domestic</b> 17:13  17:16  <b>door</b> 39:7,16  59:20  <b>dormer</b> 117:4,5  117:15,16  118:7,22 119:1  119:1,8,18,21  120:2 121:17  121:19,21  122:2,11,12  123:1 124:21  124:22 125:6  125:14 140:18  141:3,4,4  142:2,5,6,7,8</p>
--	---	---	---	--

142:16,20,21 142:22 143:1,1 143:2,6,13,20 144:1,1,7,12 144:14,17 145:12,14,15 145:17,20 146:2,9,10,14 148:4,6,10 149:13 151:20 152:2,3,20,22 153:4,13,17 154:3,5,7 <b>dormers</b> 120:17 120:18 144:6 145:22 147:8 150:20 151:1,4 151:5 <b>dots</b> 60:18 <b>double</b> 97:2 145:19 <b>doubt</b> 104:21 <b>Dr</b> 51:12,18 53:3 59:4 61:13,14,16 79:17,20 <b>drawing</b> 152:20 <b>drawn</b> 10:18 <b>driveway</b> 96:20 97:11 98:1 <b>dryer</b> 146:18 <b>due</b> 3:12,19 4:2 52:19 66:13 67:8 <b>dwelling</b> 43:2 45:10 54:3,3 58:14,15,16,19 58:20 60:1 64:19 65:16 73:16 76:13,15 76:21 77:2,5,9 119:5 <b>dwellings</b> 66:6	69:7 71:13 80:21 90:9 <b>earned</b> 28:7 <b>easement</b> 91:12 <b>easier</b> 71:21 95:5 <b>easily</b> 65:15,21 66:6 77:5 97:13 145:9 <b>east</b> 90:13 101:20,21 102:2,18 104:10 106:7 120:12 128:14 133:21 <b>easy</b> 35:7 <b>economically</b> 99:2 <b>edge</b> 122:5 143:7 <b>effect</b> 125:7 <b>efficient</b> 98:4 <b>effort</b> 65:7 147:10 <b>efforts</b> 152:15 <b>egress</b> 83:7 106:3 124:18 136:11 <b>eight</b> 45:22 51:22 96:11 <b>eighteenth</b> 34:20 35:2,4 <b>either</b> 21:11 35:15 58:14 61:17 71:18,19 152:22 <b>elderly</b> 59:3 <b>elevation</b> 119:14 120:5,6,7,9,10 120:12,16,22 121:1 <b>elevations</b> 120:13 121:3 <b>emergency</b> 3:13 3:18 97:2 98:2 <b>emphasis</b> 83:17 <b>employed</b> 159:9 <b>Employees</b> 1:12	<b>empty</b> 61:19 <b>enable</b> 59:15 <b>enclose</b> 110:18 112:18 <b>encouraging</b> 90:22 <b>endorse</b> 43:12 <b>endorsement</b> 43:13 <b>endorsing</b> 43:15 <b>endpoints</b> 95:3 <b>enforceability</b> 65:17 68:1 <b>enforceable</b> 65:21 <b>enforcement</b> 47:21 56:4 81:3 103:10 134:16 <b>engage</b> 65:5 70:17 74:16 <b>Engineer</b> 91:14 <b>Engineering</b> 91:14 94:1 110:12 <b>enjoy</b> 40:19 <b>enlarge</b> 118:22 <b>enlarged</b> 119:18 119:21 120:17 123:1 <b>ensure</b> 97:22 <b>entitled</b> 54:22 80:10 104:14 <b>entity</b> 61:12 <b>entry</b> 54:16 <b>envelope</b> 153:16 <b>environment</b> 98:10 99:18 <b>equal</b> 143:11 <b>equally</b> 96:3 113:16 <b>equipment</b> 96:2 96:5 97:14 98:7,9 <b>erected</b> 156:11 <b>error</b> 43:2 <b>especially</b> 41:5 89:17	<b>espouse</b> 150:10 <b>essentially</b> 57:20 130:12 147:8 <b>established</b> 83:8 106:4 124:19 125:1 136:13 <b>estate</b> 91:5 <b>et</b> 36:1 <b>eve</b> 142:11 <b>evening</b> 16:9 38:10,12 50:8 51:9 85:17,18 94:1 116:20 118:14 139:16 139:18 <b>event</b> 130:6 <b>events</b> 3:18,19 <b>Eversource</b> 87:17,22 88:15 90:15 91:10 94:10 96:10 97:12 99:3,9 104:14 <b>everybody</b> 24:14 <b>exactly</b> 22:13 71:18 82:10 130:12 <b>exceed</b> 58:10 <b>exceeds</b> 58:9 <b>exchange</b> 75:4 <b>excited</b> 128:16 128:22 <b>excluded</b> 74:11 <b>exclusive</b> 44:16 <b>exclusively</b> 99:15 <b>excuse</b> 78:2,2 87:8 90:10 141:4 <b>Executive</b> 3:15 <b>exercising</b> 74:11 <b>exist</b> 40:18 <b>existing</b> 26:14 43:5,19,20 55:15 58:9 60:14 87:17 94:3,4,14 95:2	95:8,8,12,18 95:19 96:9,22 97:9,11,17 112:18 118:22 119:8,12,16 120:6,7,13,14 120:22 121:1 123:7 130:12 131:19 142:16 142:21 143:12 144:12,14,17 145:17 148:5 <b>exists</b> 42:11 <b>exits</b> 97:8 <b>expanding</b> 148:9 <b>expansion</b> 117:11 <b>expected</b> 68:2 <b>experience</b> 56:16,16 <b>expert</b> 46:6 <b>expires</b> 159:17 <b>explain</b> 18:14 118:7 131:4 <b>explained</b> 131:7 <b>explaining</b> 131:7 <b>express</b> 69:18 102:3 112:5 113:5 <b>expressed</b> 47:4 74:20 80:14 113:15 <b>extend</b> 44:19 <b>extent</b> 9:2 14:12 26:19 35:20 43:8 117:17 141:2 156:14 <b>exterior</b> 59:12 123:4 143:7 <b>extra</b> 148:1 <b>extremely</b> 91:4
<b>E</b>				<b>F</b>
<b>E</b> 2:1 3:1,1 <b>e-mail</b> 156:8 <b>earlier</b> 56:13				<b>façade</b> 119:13 142:18 143:10 <b>face</b> 56:18

136:19 142:18 143:4 152:14 <b>facilitate</b> 90:1 106:7 <b>facilities</b> 94:16 <b>facility</b> 87:18 88:1,14,22 91:2,11 92:5 94:4,15 95:13 97:22 99:4,7 99:10 103:13 103:13 <b>fact</b> 16:22 33:18 40:15 48:11 59:7 60:20 67:3 88:14 95:1 107:1 125:8 134:4 152:2 <b>factor</b> 57:17 <b>factors</b> 88:9 <b>fair</b> 28:11 153:14 <b>fairly</b> 147:9 <b>fall</b> 12:14 92:4,5 <b>familiar</b> 52:18 64:10 71:15 92:22 <b>family</b> 45:6 52:14 67:10 133:13 140:12 141:18 <b>far</b> 20:11 39:16 50:9 117:12 119:3 121:12 141:20,21 152:2 <b>FARs</b> 141:19 <b>farther</b> 131:19 146:2 <b>fast</b> 73:19 <b>favor</b> 28:22 29:3 29:7 49:6 82:15,17 85:3 85:6,9,12 107:16,19 114:11 133:3 135:16,19,22	136:3 <b>feasible</b> 99:2 <b>features</b> 55:9 <b>fed</b> 94:7 <b>feed</b> 94:7 <b>feeder</b> 89:22 <b>feel</b> 67:17 130:7 150:11,20 <b>feels</b> 65:16 66:8 134:7 <b>feet</b> 45:19,21,22 53:12,22 54:4 54:7 55:12 58:2,10,11,18 60:13,16,21 89:14 96:7,11 96:11 119:5 120:18,19 122:7,8 131:17 141:22 142:14 142:20 143:14 143:16,17,20 144:2 145:8,12 145:13,16 146:1 147:20 149:16 152:8,8 152:8 <b>fellow</b> 63:22 67:13 <b>felt</b> 64:15 77:8 77:13 <b>fence</b> 97:4,12 <b>fenestration</b> 59:21 120:20 <b>figure</b> 91:1 <b>file</b> 9:3 14:7,13 41:7 64:11 79:8 112:14 133:16 <b>files</b> 9:5 10:18 14:14 22:18 26:22 27:1 35:22 36:2 55:21 62:4 123:22 156:16 156:17 <b>final</b> 33:10 <b>finalize</b> 91:22	<b>finally</b> 91:6 128:16 <b>financially</b> 159:10 <b>find</b> 4:8 12:9 55:22 79:8 84:14 134:12 <b>finding</b> 59:11 88:3 <b>findings</b> 47:19 48:18 81:1,18 83:2 84:4 104:11 105:21 107:5 113:11 125:19 134:15 135:8 137:11 <b>fine</b> 12:17 71:11 <b>finish</b> 23:19 89:1 111:1 <b>finished</b> 33:7 <b>finishing</b> 89:4 <b>fire</b> 38:17,18 48:2 <b>fires</b> 40:11 <b>firm</b> 116:21 131:3 <b>first</b> 6:6 8:7,8 35:11 39:4 49:1 53:2,15 57:2 62:22 66:9 71:9 76:15 95:17 104:15 110:18 117:6 126:1 141:14 150:4 156:9 <b>first-floor</b> 39:5 40:8 53:18 <b>fit</b> 59:7 94:17 134:1 <b>fitness</b> 140:3 <b>five</b> 5:7 88:1 95:6 147:20 154:17 <b>five-minute</b> 108:8 <b>flies</b> 152:14 <b>flip</b> 90:3,4,17	91:8 <b>floor</b> 39:1,4 40:1 53:2,2,4,16,16 53:16,17 54:9 54:15 55:1,2,3 58:10 110:15 110:18 117:5,6 117:7 124:21 139:12 141:22 142:1 147:14 147:14,19 149:5 150:4,5 <b>floors</b> 54:10 <b>folks</b> 62:6 <b>follow</b> 97:5 153:9 <b>follow-up</b> 44:8 <b>following</b> 8:15 14:3 26:6 35:11 47:19 80:22 83:2 84:6 105:21 113:11 123:5 134:15 155:20 <b>foot</b> 142:9 <b>footage</b> 121:12 <b>footprint</b> 43:4 94:17 <b>forever</b> 156:3 <b>form</b> 53:9 130:20 151:3,8 151:9 156:3,4 156:8 <b>former</b> 52:13 <b>forms</b> 103:2 <b>forth</b> 63:9 <b>forward</b> 24:8,18 27:8 89:21 <b>found</b> 95:7,7 <b>four</b> 5:11 24:5,8 24:19 96:11 149:16 <b>fourth</b> 54:22 55:2,3 <b>frankly</b> 75:17 <b>fresh</b> 40:19 <b>friends</b> 128:19 <b>front</b> 39:6 52:6	53:20 54:16 55:16 56:8,11 56:12,15,17 57:5,8,20 58:2 78:18 89:5 96:10 120:20 142:18 144:1 <b>fronted</b> 98:8 <b>fuel</b> 96:16,17 <b>Fulkerson</b> 2:16 128:7 133:1,12 133:13,19 <b>full</b> 5:10 33:2,13 78:4 <b>fully</b> 44:1,1 132:22 <b>function</b> 151:9 <b>functional</b> 146:14 <b>functioning</b> 151:11,15 <b>fund</b> 91:7 <b>funding</b> 88:16 <b>further</b> 6:12 9:4 10:21 16:14 33:9 47:6 61:3 72:22 79:21 100:9 159:8 <b>further</b> 107:3 <b>future</b> 81:10 153:16 <hr/> <b>G</b> <hr/> <b>G</b> 3:1 <b>gain</b> 148:10 <b>garage</b> 53:14,21 53:21 54:2 55:13 59:19 <b>garden</b> 114:14 <b>gas</b> 87:17 88:12 90:7,15 92:10 92:13,16 93:5 93:8 94:3,7,8 95:15 98:21 102:4 104:1 105:19 <b>gate</b> 97:2 <b>gathering</b> 149:4
---	---	--	--	--



149:8	97:7 98:3	118:14 133:4	<b>gray</b> 121:12	<b>happen</b> 26:21
<b>gatherings</b> 3:14	113:1,17 115:1	135:5 138:9	<b>great</b> 32:16 69:8	<b>happening</b>
<b>Gehlot</b> 6:14,15	116:14 118:5	139:16 154:8	71:6 139:11,13	18:15 117:6
6:21 7:2,12 8:2	121:15 129:12	<b>Goodnight</b>	<b>greater</b> 58:18	130:21
<b>General</b> 1:3	130:20 131:11	158:7,8,9	<b>green</b> 39:12	<b>happens</b> 76:22
140:1	132:17 142:3	<b>Gotcha</b> 42:15	49:21	77:4
<b>generally</b> 4:10	142:15 152:20	<b>gotten</b> 131:10	<b>ground</b> 53:2	<b>happy</b> 74:19
17:1 46:14	154:20 156:7	<b>governed</b> 74:9	60:6	100:2
48:13 65:20	<b>goal</b> 61:22	74:10	<b>ground-floor</b>	<b>hard</b> 73:19
83:22 106:19	147:12	<b>governing</b> 104:7	60:5 89:14	<b>hardship</b> 40:15
137:4	<b>God</b> 21:8	<b>Governor</b> 3:15	<b>growing</b> 117:2	42:3 44:14
<b>generated</b> 83:6	<b>goes</b> 94:7 117:14	<b>gracious</b> 74:22	<b>GTS</b> 87:18	47:22 48:1,11
106:2 124:17	150:9	<b>grade</b> 40:10	90:15 91:15	60:18,19 81:4
136:10	<b>going</b> 6:6,9,12	<b>grant</b> 47:8 48:19	99:7	81:5,13 103:11
<b>generation</b>	7:7 9:4 10:13	56:21 81:19	<b>guess</b> 8:19 13:13	103:12,19
94:21 95:14,14	10:17 14:12	83:5 84:5,11	46:5 77:11	134:17,17
<b>Genzyme</b> 90:11	17:18,19 19:22	103:5 104:12	87:11 99:10	135:1
92:18	21:5 22:1,4	107:6 113:20	112:10 141:13	<b>Harvard</b> 140:4
<b>geometric</b> 54:12	23:1,10 26:20	124:12,16	149:5	<b>hazard</b> 83:8,19
<b>getting</b> 9:13	26:21 28:15	125:20 135:9	<b>guide</b> 120:18	106:4,16
<b>GFA</b> 39:2,4 53:5	30:11 37:6	136:9 137:12	<b>guidelines</b>	124:19 125:11
53:11,22 54:5	48:8 59:2,5	138:7 152:19	117:17,21	136:13 137:1
54:18,20 55:10	62:3 63:21	<b>granted</b> 48:14	118:8 121:17	<b>head</b> 82:10 97:7
58:1 78:5	65:18 67:18	50:7 81:15	121:21 122:2	149:15
141:15,17	72:2 73:1	82:22 84:9	122:12 124:22	<b>health</b> 40:20
<b>giant</b> 151:20	76:21 77:8	85:14 104:2	140:19,19	83:20 106:17
152:2	78:1 79:15	105:18 108:3	141:3 142:5,8	125:12 137:2
<b>Gibson</b> 27:6	86:2 91:15	113:13 114:16	142:20 145:16	<b>hear</b> 6:9 8:7
<b>Gita</b> 113:2,3,3	92:7 93:9,14	126:18 135:4	145:20 146:2	17:5,10,19
<b>give</b> 4:7 23:11	103:4 106:7	137:15 138:9	152:3,11,12,15	18:9,10,12
34:12 74:5	108:6,8 109:7	156:1	152:16,22	19:14 20:14,18
112:17 146:15	112:11 113:19	<b>granting</b> 17:1	153:4,13,17	22:12,18,22
154:1 156:21	117:7,10,20	49:11,14,19	154:3,5,7	23:22 24:3,19
<b>given</b> 6:12,17	119:4 124:10	50:1,4 57:18	<b>Gus</b> 3:10	32:14 34:17
24:13 45:15,20	124:11 130:18	70:16 82:4,6		66:21 69:1
55:3 56:2 59:8	130:22 131:18	85:1,4,7,10,12	<b>H</b>	71:4 91:9,15
66:8 98:18	141:14 143:19	105:14 107:9	<b>half</b> 45:22	93:20 115:4,9
99:2 134:12	145:6,11 146:2	107:11,13,16	120:19 122:7	118:2,11,12
<b>gives</b> 60:22	148:13 153:22	107:19 113:15	148:18	124:12 132:19
<b>go</b> 17:18 24:8,18	154:11 156:5	114:3,5,8,12	<b>hand</b> 46:21 47:1	132:21 139:10
39:21 41:21	<b>good</b> 10:16 16:9	126:5,7,10,13	68:18,20 96:5	139:18 141:8
42:1,8 44:10	20:13 26:15	135:14,17,20	101:14,16	156:19
50:9 52:7	38:10,12 41:9	136:1,3 137:17	111:19,21	<b>heard</b> 2:8 8:14
54:21 58:4	48:15 50:8	137:20 138:1,4	112:20 124:4,6	13:14,15,17,18
64:9 70:11	51:9 81:16	<b>Granville</b> 2:17	132:12,14	13:19 14:2
72:7 76:15	85:16,18 93:22	139:8	159:12	16:8 30:20
86:3 87:12	104:3 113:7	<b>gravel</b> 90:14	<b>handicap</b> 40:9	32:8 34:22
92:6,7 95:16	116:19,19,20	93:6	<b>hang</b> 149:7	38:8 45:1 51:8

64:7 69:9,13 70:7 87:8 109:13 110:8 116:8,20 128:8 139:8 140:18 154:2,16,16 155:19 <b>hearing</b> 1:3 2:3 2:4,6,8 8:22 16:18 19:16 23:21 24:5,8 26:9 32:11 87:14,15 109:7 155:8,13 <b>heart</b> 140:7 <b>heartened</b> 134:4 <b>heavily</b> 99:17 103:20 <b>height</b> 55:8 147:4,6 <b>held</b> 3:12 <b>Hello</b> 16:10 18:7 18:8 69:1 111:2 113:3 118:11 133:18 139:10 <b>helpful</b> 131:4 <b>hereunto</b> 159:12 <b>hi</b> 49:18 69:4 71:4,6 101:19 112:3 128:11 139:10 <b>Hickey</b> 1:8 3:5 4:16,17 6:4 9:10,10,21 11:14,14 12:4 13:5 15:1,1 16:4 28:22 32:4 36:11,11 38:4 43:3,11 44:4 47:15,17 49:14 51:4 61:7 62:21 72:13 75:9,9 75:14,16 82:15 85:3,3 87:4 101:5,7,9 105:3 107:13	107:13 109:4 110:4 111:10 114:11,11 116:4 123:13 126:7,7 128:4 129:11,13,15 135:16,16 138:4,4 139:4 150:18 151:17 151:19 152:1 153:5 157:8,8 158:10 <b>Hinds</b> 101:18,19 101:19 102:10 <b>hinted</b> 63:12 <b>Hiserodt</b> 141:6 141:7,10,10,12 142:6,21 143:14,16,18 143:21 144:3 144:14,18,22 145:3,7,9,13 145:18 146:4,7 146:12,16,20 146:22 147:3,6 147:18 148:2,8 148:12,15,17 149:6,10,12 153:19 154:22 155:2,7,16 <b>Hmpf</b> 20:16 <b>hold</b> 91:11 <b>home</b> 43:4 51:19 51:22 52:3,15 52:19 55:16 134:1 140:14 <b>homeowner</b> 64:14 133:19 <b>homeowners</b> 52:22 61:8 <b>homes</b> 38:19 52:4 <b>honest</b> 61:17 144:10 150:22 <b>Honestly</b> 144:9 <b>hope</b> 75:3 92:2 <b>hopeful</b> 32:22 <b>hopefully</b> 92:1	154:21 158:3 <b>hoping</b> 140:12 140:12 <b>hospice</b> 52:15 57:13,16 61:13 62:22 <b>house</b> 16:18 22:16 39:14,22 43:3 48:9,9 52:6,7,11,12 52:13,15 54:8 54:13,18 55:4 56:11,13,13,18 57:15,16 59:8 60:2,2 65:11 66:3 67:11 74:14,15,15 98:8 122:7 128:17,21 131:14,17 140:14 148:7 <b>houses</b> 65:4,13 134:19 <b>housing</b> 39:15 69:10 <b>Hubbard</b> 2:6 16:7 <b>hundred</b> 88:20 <b>Huron</b> 51:20,21 <b>husband</b> 16:19 16:20 17:5 18:15 19:2 20:3,11,18,18 21:12 23:14 24:21 51:18 128:12 133:1	<b>iffy</b> 10:22 <b>images</b> 55:7 <b>impact</b> 63:19 67:3 72:10 106:14 124:22 131:9 136:16 <b>impacting</b> 146:8 <b>impacts</b> 39:20 <b>impair</b> 84:1 125:15 137:5 <b>impairing</b> 107:3 <b>impediment</b> 23:20 89:4 <b>implication</b> 39:2 <b>important</b> 33:11 94:10 97:20 <b>impose</b> 83:11 106:20 <b>in-</b> 53:2 <b>inaccurate</b> 78:8 <b>inadequacy</b> 134:13 <b>inadequate</b> 60:14 <b>inappropriate</b> 43:22 <b>incentive</b> 88:15 <b>inches</b> 142:9 <b>included</b> 77:14 <b>includes</b> 145:17 <b>incorporate</b> 89:13 <b>increase</b> 121:12 141:14 <b>increasing</b> 91:6 <b>indicated</b> 53:7 64:14 65:8 73:2 75:1 80:21 102:15 103:1 107:1,2 113:12 <b>individual</b> 102:19 <b>individually</b> 146:1 <b>industrial</b> 87:19 89:7 92:11 99:16	<b>informal</b> 86:3 <b>information</b> 27:8 46:8 76:10,22 77:6 77:14 <b>informed</b> 130:3 <b>infrastructure</b> 91:13 <b>infrequently</b> 59:5 <b>inherited</b> 57:3 <b>initialed</b> 49:2 104:16 113:22 126:2 <b>input</b> 33:13 <b>inside</b> 146:15 151:10 <b>inspection</b> 21:20 <b>Inspectional</b> 74:17 <b>inspector</b> 65:18 <b>inspectors</b> 130:17 <b>installation</b> 134:11 136:6 136:12 <b>instructed</b> 6:11 <b>instructions</b> 4:7 4:9 <b>integrity</b> 84:1 106:20 107:3 125:16 137:5 <b>intent</b> 48:16 81:17 84:2 104:4 106:21 125:17 135:6 137:6 <b>intention</b> 34:4 74:18 80:1 119:14 <b>interest</b> 46:13 106:8 107:4 <b>interested</b> 100:17,17 150:10 159:10 <b>interesting</b> 57:9 94:6 95:1 <b>interrupt</b> 67:22
<b>I</b>				
		<b>I--</b> 44:5 <b>i.e</b> 63:17 70:18 <b>ice-skating</b> 90:12 <b>icon</b> 46:20 68:17 101:13 111:18 124:3 132:11 <b>ideas</b> 79:21 <b>identical</b> 143:2 144:6		

78:3,7	30:11,14,15	88:21 91:6,13	121:20 148:19	<b>leaving</b> 95:6
<b>introduce</b>	31:2 68:22	92:17 93:11	149:7,18	<b>left</b> 90:11,12
139:21	69:1,4,4 70:4	95:3,19 96:21	150:16,21	93:1,6,10
<b>intrusion</b> 99:8	70:13	96:21,22 97:10	151:11 152:6,6	101:3 104:21
<b>involve</b> 47:22	<b>Jawa</b> 109:11	97:18	152:8,10 153:8	119:7 120:5,7
81:4,6 103:11	<b>Jessica</b> 71:3,4,6	<b>Kendall's</b> 87:19	<b>known</b> 88:13	120:12,22
134:17	71:6,21 72:5,7	89:7	133:20	143:1,6 144:13
<b>Ireland</b> 139:22	72:19	<b>KENNETH</b>	<b>Kraus</b> 135:11	144:17 145:5
<b>irrational</b> 23:18	<b>Jim</b> 1:9 3:5 4:14	93:17,19 100:8	<hr/>	146:10
<b>ism</b> 105:13	4:15,15,22 6:4	<b>kept</b> 4:6	<b>L</b>	<b>left-</b> 96:4
<b>issue</b> 7:14 19:10	10:1,2,3,4,4	<b>key</b> 96:18	<b>Labor</b> 9:7 10:12	<b>left-hand</b> 98:20
19:12 20:5,6	11:9,11,11,12	<b>Khan</b> 16:9,12,12	<b>lack</b> 125:7	149:13
33:5 54:8 61:3	11:12 12:4	17:15 18:3	<b>ladies</b> 158:8	<b>legal</b> 17:8,9,9
62:19 68:5,5	13:6,7,7,22	21:19 24:11,22	<b>land</b> 56:14,20	19:5,6,21,21
77:16 78:9	15:3,4,4 37:4,4	25:8,15,18	61:21	20:9,12 21:2,4
80:8 143:10	37:7,8,10,12	<b>kids</b> 128:14	<b>landscaping</b>	21:15 23:14
152:20	<b>Jim's</b> 37:12	140:2,11	79:22	24:10,14,20,22
<b>issues</b> 48:6,6	<b>Joanne</b> 132:18	147:11	<b>Lane</b> 51:20 52:4	25:2,3,3,8,9,10
86:4 141:13	132:19,22	<b>kids'</b> 128:17	<b>large</b> 93:1 94:5	25:12 27:13,13
149:15	133:7	<b>kind</b> 39:11	<b>larger</b> 95:10	27:17 28:7
<b>items</b> 54:16	<b>job</b> 130:5	70:17	97:17 119:9	60:18 78:4
<hr/>	<b>John</b> 71:7	<b>kinds</b> 46:6	<b>lastly</b> 9:2 14:12	156:22
<b>J</b>	<b>jointly</b> 16:19	<b>Kit</b> 91:17	26:19 35:20	<b>legalize</b> 57:19
<b>J-a-w-a</b> 109:11	<b>joists</b> 147:19	<b>know</b> 6:20 7:5	125:15	79:11
<b>James</b> 38:10,10	<b>judgment</b>	7:11 9:16	<b>late</b> 3:11 12:14	<b>legally</b> 17:4 19:1
38:14 42:6,8	106:14	16:17,17 17:20	12:19 90:21	22:11 64:5
43:1,17 44:18	<b>Julie</b> 51:15,15	17:21 18:18	<b>laughter</b> 31:2	<b>legs</b> 103:16
45:8,17 46:10	51:17 69:9	19:1 20:4	149:12	<b>Leiserson</b> 1:9
50:8 51:9,10	<b>July</b> 1:4 3:8	21:10,21 22:10	<b>laundry</b> 147:1,7	3:5 4:20 5:1
51:16 58:7	81:22 109:13	23:4 24:4	151:11,13	16:4 29:6,7,12
59:18 61:11	135:11 159:18	32:17 38:9	<b>Lauren</b> 139:10	29:15,18,21
62:8,11 64:7	<b>jump</b> 96:14	39:19 41:2	139:13,16,18	30:1,4 32:4
64:10 67:8,21	<hr/>	43:12,19 44:14	149:22 158:5	36:15,15 38:4
68:11 71:16	<b>K</b>	45:8,11 46:1	<b>law</b> 3:17 20:21	41:19,22 42:2
72:9 73:6,10	<b>K-r-a-u-s</b>	47:11 55:17	21:1 27:7 53:3	42:7,15,20
74:2,10 75:13	135:11	56:20 59:10	155:22	44:5,7,8,11
75:15 76:11,20	<b>Kachmar</b>	61:17,21 62:6	<b>Lawfully</b> 22:21	45:3,11 46:5
78:2,14,16	118:16 125:22	65:20 69:12,19	<b>laws</b> 21:3	46:11 49:18
79:5,17 84:17	<b>keep</b> 11:10	69:20 72:13	<b>lead</b> 63:16	51:4 63:7 76:7
85:16	33:14 143:10	73:2 79:21	<b>leading</b> 89:19	76:12 77:15
<b>January</b> 24:5	<b>keeping</b> 60:4	88:4,7,7,9 89:1	<b>leads</b> 48:6	78:10,15,21
<b>Jason</b> 1:10 3:6	<b>Kelly</b> 133:18,19	89:1,3,6,18,18	<b>learned</b> 130:17	79:13 80:3
5:2,4,6 9:22,22	<b>Kemp</b> 7:13,15	90:3,19,21	136:18	82:6,11 85:6,6
11:8,9,11 16:5	7:18,18 8:3	91:2,12,21	<b>lease</b> 70:9	87:4 101:2
22:3,6,7,9,14	<b>Ken</b> 93:14,16	92:2,8,13,20	<b>leases</b> 65:18,19	105:10,10
23:3,8,16,19	94:1 98:14	92:21 99:7,11	<b>leave</b> 46:15	107:19 109:4
24:16 28:11,13	99:1,10	99:13 100:13	67:13 95:2	110:4 111:12
28:13,17,19	<b>Kendall</b> 87:22	102:1 110:18	<b>leaves</b> 149:4	114:8,8,19,21

114:21 115:2 116:4 123:15 126:13,13 128:4 129:20 135:19,19 138:1 139:4 157:11,11 158:9 <b>length</b> 45:22 65:19 70:8 75:7 121:19 <b>let's</b> 5:10 12:21 16:15 34:12 67:17 68:9 76:1 80:21 108:7 136:5 142:7 <b>letter</b> 12:9,12 17:1 18:6,7,14 18:15 25:12,14 32:20 62:4,6 62:15,17,18 64:16 69:6 102:7 109:10 125:9 133:15 <b>letters</b> 63:13 90:21 102:15 102:20 106:12 123:22 124:1 132:6,8 <b>level</b> 60:6 69:17 70:20 75:4 97:20 121:5,5 121:7,7,8,10 <b>levels</b> 53:17 94:20 <b>library</b> 128:18 <b>life</b> 88:15 91:4 <b>lifetime</b> 88:7 <b>light</b> 146:16 151:13 <b>limit</b> 55:8 <b>limitation</b> 54:4 64:13 66:7 68:6 69:13 <b>limitations</b> 56:3 79:1 <b>limiting</b> 3:13	<b>line</b> 42:12,13 71:14 72:1,1 94:10 95:21 96:6,7 97:4,22 118:10 120:9,9 <b>lines</b> 96:3,10,12 118:21 119:2 121:11 122:22 142:11 <b>link</b> 151:1,7,8 <b>Lisa</b> 91:18 <b>list</b> 63:1 <b>listed</b> 82:8 <b>literal</b> 47:21 81:3 103:10 134:16 <b>little</b> 16:18 19:15 28:7 32:15 38:20 40:16 41:4 60:11,12,17,22 73:19 92:8,22 93:15 97:21 129:7 134:19 136:16 142:12 151:2,4,5,12 <b>live</b> 43:10 69:5 101:20 133:1 <b>lived</b> 128:13,14 140:5 <b>lives</b> 128:22 <b>living</b> 53:1 54:13 81:8,11 110:19 117:8 128:15 128:22 <b>loathe</b> 23:16,20 33:13 <b>locals</b> 51:21 <b>locate</b> 95:13 <b>located</b> 94:2 102:4 140:4 <b>location</b> 55:22 57:3 73:8 79:7 88:3,4 92:14 95:1 96:7,13 96:19 97:16 98:22 99:2,5 <b>logical</b> 149:19	<b>long</b> 7:5 35:6 55:15 94:11 102:1 132:10 <b>long-standing</b> 56:1 57:2 79:11 <b>long-term</b> 66:3 133:22 134:1 <b>longer</b> 75:7 <b>look</b> 21:4 42:16 43:16 53:4 54:9 55:5,5,6 78:17 89:21 130:18 146:11 151:6 <b>looked</b> 74:6 96:8 <b>looking</b> 42:21 46:2 90:6 93:5 95:20 103:22 118:22 140:8 144:12 150:18 <b>looks</b> 41:4 <b>lose</b> 144:5 145:9 146:4,7 149:16 150:19 <b>loss</b> 49:20 <b>lost</b> 40:11 <b>lot</b> 39:15 40:17 42:5,14 45:5 46:2,3 48:12 48:12 52:11 58:14,17,20 61:8 65:15 66:5,9 67:10 76:13,15 77:1 77:4 81:13,14 89:17,21 90:14 90:19 93:6 95:5,5 99:3,5 99:14,14 130:12,15 <b>lots</b> 140:6 <b>love</b> 128:15 <b>lovely</b> 69:22 <b>Lowenthal</b> 128:9,11,12 138:10 <b>lower</b> 147:20,20	<b>lowering</b> 142:13 <b>luck</b> 138:9 <hr/> <b>M</b> <hr/> <b>ma'am</b> 23:15 71:1 78:16,16 114:20 <b>Madison</b> 119:17 119:18,20 <b>magic</b> 14:8 26:15 <b>main</b> 61:22 94:7 119:13 142:9 142:18 <b>maintain</b> 97:14 <b>maintained</b> 8:21 14:10 26:13,17 35:18 97:1 156:11 <b>maintenance</b> 95:12 97:13 <b>majority</b> 141:19 <b>making</b> 34:8 36:14 80:3 157:3 <b>Manaktala</b> 113:2,3,3 <b>March</b> 3:15 61:18 <b>Marett</b> 139:10 139:13,16,18 149:22 158:5 <b>Margaret</b> 116:22,22 117:8 <b>Maria</b> 6:17 12:12 <b>marker</b> 14:9 26:15 <b>Marshall</b> 1:10 3:7 5:4,6 9:22 16:5 22:3,6,9 22:14 23:8,16 23:19 28:13,13 28:17,19 30:11 30:14 68:22 69:1,4,4,5,21 70:4,13	<b>mass</b> 2:8 60:6 <b>Massachusetts</b> 1:6,6 32:7 159:2,5 <b>massing</b> 55:7 <b>Matina</b> 1:10 3:6 4:18,19 6:5 10:6,7,14,15 11:5,6,6 12:5 13:9,10 14:19 14:20,20 16:4 29:2,3 30:21 32:5 36:7,8,8 38:5 41:16,17 41:17 49:22 50:1,1 51:5 63:9,10,10 76:1,3 77:17 82:16,17,17 85:8,9,9 87:5 100:21,22 105:6,7,7 107:15,16,16 109:5 110:5 111:13,14,14 114:4,5,5 116:5 123:16 123:17,17 126:9,10,10 128:5 129:16 129:17 135:21 135:22,22 137:19,20,20 139:5 157:13 157:14,14 158:11 <b>matter</b> 11:4 16:8 32:8 38:8 46:18 51:8 64:8 68:16 77:19 79:2 87:9 101:11 110:8 111:16 116:8 123:20 128:8 132:9 139:9 <b>matters</b> 115:4 <b>maximize</b>
---	---	---	--	---

140:13 <b>maximized</b> 58:15 <b>McConnell</b> 116:22 117:9 <b>McKenna</b> 116:22 <b>Meade</b> 110:11 110:11 111:3 114:18 <b>mean</b> 43:11 44:16 67:21 78:3,7 103:15 122:3 130:2,20 131:13 144:3,5 146:9 147:4 149:2,18 150:8 150:22 156:1 <b>means</b> 72:9,18 95:7 154:16 <b>Medford</b> 110:11 <b>meet</b> 17:4 58:6 59:16 142:17 143:6,9 <b>meeting</b> 1:5 3:9 3:12,17,21 6:16 8:1,8 19:10 24:3 27:9 28:5 51:18 69:7 102:1 <b>meetings</b> 3:18 4:1,9 <b>meets</b> 45:14 142:8,18 <b>Megan</b> 7:13,15 7:18,18 8:3 <b>member</b> 4:13 66:21 111:17 <b>members</b> 3:4 4:3,3,6,13 5:10 6:3 9:11 12:3 16:3 24:5 32:3 38:3 41:14 46:19 47:6 51:3,10 52:10 52:18 60:8 64:1 67:13,17	68:10,16 70:5 73:18 80:14 87:3,14 91:9 91:17 98:15 100:5,20 101:12 103:7 104:7 107:1 108:5 109:3 110:3 111:7 116:3 118:15 123:10 124:2 128:3 129:3 130:6 131:22 132:10 139:3 139:17 150:10 154:10 <b>membership</b> 34:22 <b>mention</b> 123:21 <b>mentioned</b> 41:2 89:6,9 90:19 91:21 102:18 103:20 140:11 <b>merits</b> 124:11 <b>met</b> 83:5 106:1 124:16 136:9 <b>Michael</b> 115:3 116:10,10,12 116:17,19,21 117:18 118:1,4 122:15 126:20 <b>Michaels</b> 127:1 <b>middle</b> 93:6 142:16 145:10 146:5,8 <b>Middlesex</b> 159:3 <b>mind</b> 17:6 23:6 76:8 <b>minimally</b> 59:14 <b>minimize</b> 99:8 <b>minimum</b> 45:18 66:4 92:16 122:7 <b>minor</b> 41:8 <b>minute</b> 62:14 85:19,21,22 86:1 <b>minutes</b> 4:10	<b>missing</b> 89:3 151:7 <b>mission</b> 130:22 <b>misunderstood</b> 78:22 79:3 <b>mitigating</b> 57:17 <b>mixed-use</b> 99:17 <b>Mm-hm</b> 26:2 76:5 133:10 153:5 <b>modern</b> 55:8 <b>modification</b> 110:20 113:13 <b>modifications</b> 9:5 26:22 156:15 <b>modified</b> 9:3 10:17 14:7,8 14:13 26:11,17 26:20 35:15,21 117:15 154:21 156:11 <b>modify</b> 26:16 110:19 <b>mom</b> 69:22 <b>moment</b> 59:4 111:22 124:7 132:15 139:20 <b>moments</b> 47:2 68:21 101:17 <b>Monday</b> 9:6 10:19 14:14 27:2 36:2 156:5,17 <b>monitor</b> 68:2 <b>Mont</b> 93:15 <b>Monteverde</b> 1:9 3:6 4:14,15,15 4:22 6:4 10:4,4 11:12,12 12:4 13:7,7,22 15:4 15:4 37:4,5,8 37:10 <b>month</b> 24:13 <b>monthly</b> 97:19 <b>months</b> 7:3 34:1 34:4 64:3,6 66:5 67:5,16	70:10,11 73:19 75:17 <b>mother</b> 53:3 <b>motion</b> 13:13 22:4 23:10 47:7,8,10 67:14 80:20 103:5 112:15 112:16 113:20 113:20 124:11 134:7,9 153:22 154:11 155:18 157:2 <b>motions</b> 80:20 <b>move</b> 69:22 85:22 88:3,5 91:19 102:3 103:1 109:14 115:10 122:17 <b>moved</b> 47:12,14 133:21 139:22 <b>moves</b> 8:14 26:4 35:9 47:19 48:19 80:22 81:19 83:1 84:5 103:9 104:12 105:20 107:6 113:11 124:14 125:20 134:15 135:9 137:11 154:15 155:18 <b>moving</b> 12:6 83:1 88:2 99:16 <b>multifamily</b> 39:15,22 <b>Munnely</b> 139:19 140:16 140:20 149:21 150:3,7 158:2 158:6 <b>mute</b> 4:6,22 47:1 68:20 101:16 111:21 124:6 132:14	<b>N</b> 2:1 3:1 <b>Naidong</b> 112:2,3 112:3 <b>name</b> 3:10 4:4 16:12 18:13 101:19 112:3 116:13 118:15 133:11,18 139:18 <b>narrow</b> 89:5 <b>natural</b> 95:15 151:13 <b>nature</b> 45:5 52:11 55:4 57:5 83:15 103:19 125:4 <b>necessarily</b> 63:18 <b>necessary</b> 34:6 59:14 98:9 <b>need</b> 5:3 13:13 19:20 21:14 25:1 33:8 34:13,21 40:22 44:14 48:7,9 60:15 70:8 77:8 81:7,9,11 85:19,21,22 86:1 90:1 98:5 103:17 134:20 147:3 154:20 156:21 <b>needed</b> 117:8 <b>needs</b> 45:21 60:15 119:1 <b>neighbor</b> 67:5 77:22 113:8 125:8 133:6 <b>neighborhood</b> 39:17 40:11 45:12 48:3 52:16 59:14 63:13,19 67:1 67:4 83:9 100:16 104:9 106:5 124:20 125:1,7 128:15 128:17,19,22
--	--	--	--	--

<p>136:18 141:17  <b>neighbors</b> 42:5          62:15 69:8          74:20 112:14          131:17 134:5          138:12  <b>neighbors'</b> 65:8          69:22  <b>neither</b> 159:8  <b>Nelson</b> 132:18          132:19,22          133:7  <b>nevertheless</b>          134:14  <b>new</b> 6:18,19          7:14 8:19,20          8:21,22 9:3          10:17 14:7,9          14:13 26:10,10          26:17,19 35:16          35:16,16,20          48:5 54:22          91:15 95:11          97:11 121:19          123:1 134:11          136:6 154:21          156:10,15  <b>newly</b> 7:19  <b>nice</b> 37:8,9          129:2  <b>night</b> 16:15          132:10 152:6  <b>nine</b> 122:8          147:18  <b>ninth</b> 26:3  <b>nodding</b> 13:3          100:20  <b>non-conforming</b>          141:15  <b>non-movable</b>          146:13  <b>nonconforming</b>          46:9 117:12          134:11 136:7          141:18  <b>north</b> 90:7 97:7          120:22  <b>Notary</b> 159:4,16</p>	<p><b>notation</b> 72:17          72:18  <b>note</b> 43:18 49:6          49:7  <b>noted</b> 6:18 56:13          69:12 79:6  <b>Nothing's</b> 117:6  <b>notice</b> 44:12          62:22 77:22          78:4,8 121:10  <b>noticed</b> 40:9  <b>noting</b> 82:7  <b>November</b>          34:12,15,16,17          34:18,19,20          35:1,10,16,19          36:3,21  <b>nuisance</b> 83:19          106:16 125:11          137:1  <b>nullifying</b> 48:15          81:16 104:3          135:5  <b>number</b> 4:11 6:7          12:7 16:7          22:10 32:7          38:7 51:7          63:12 72:8          76:19 87:7          95:22,22 109:8          110:7 116:7          117:1 128:7          132:6 139:7  <b>numerous</b> 94:15          96:1</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b> 3:1  <b>object</b> 6:14          154:10  <b>objection</b> 42:20          47:15,17 61:10          61:14 63:1  <b>objections</b> 47:10          61:16 154:12  <b>objective</b> 115:5          117:11  <b>objects</b> 47:11</p>	<p><b>obvious</b> 140:9  <b>obviously</b> 89:20          91:5 147:5          148:5  <b>occasion</b> 145:22  <b>occupant</b> 59:2          83:21 106:18          125:13 137:3  <b>occupants</b> 40:21          44:14 46:12          81:10,10  <b>occupation</b>          63:16  <b>occupy</b> 64:4,5          149:20  <b>occurred</b> 75:4  <b>occurring</b> 44:22          55:16 79:9  <b>occurs</b> 55:20  <b>October</b> 12:15          12:20,20,21          13:12 14:3,11          14:15 15:7  <b>offer</b> 93:15  <b>offered</b> 49:20          56:14  <b>office</b> 19:6 99:17  <b>Oh</b> 5:5 21:7,10          27:14 30:4          34:5 62:13          112:12 118:14          129:14  <b>oil</b> 95:22 96:17  <b>okay</b> 5:5,9 8:6          10:16 11:13          12:10,22 13:21          14:6 15:8 18:9          18:13 19:8          20:1,2 21:21          21:21 22:6          25:15,18,19          27:16 28:10,21          29:15,18 30:1          30:13 32:13,17          34:22 35:8          37:11 41:1          42:15,16 47:13          47:18 49:17</p>	<p>51:6 52:8          59:10 61:1          63:8 69:1          70:22 71:6          72:5,19 75:16          77:15 78:21          79:13 80:3,15          86:2 87:6          93:20 95:17          100:19 105:12          110:22 111:6          113:10 115:10          117:22 118:9          118:14 124:2          128:6,11 129:5          129:8,10,14          131:22 132:5          132:22 139:13          141:11 144:16          144:20 145:1          147:17 155:17          158:8  <b>old</b> 8:20  <b>older</b> 134:18  <b>once</b> 5:12 10:20          21:6,19 26:5          68:7 88:7          90:14 121:8          153:12  <b>one's</b> 8:20 77:10  <b>one-story</b> 60:5  <b>one-structure</b>          94:19  <b>onerous</b> 65:17          75:17  <b>open</b> 3:16 38:21          40:7,16 41:13          42:4 44:12,12          44:21 45:3,7          45:13,15,18          46:9,12,13,18          68:15 96:17          101:11 110:17          111:16 112:18          123:19 132:9          149:4  <b>opening</b> 97:12  <b>operate</b> 99:4,9</p>	<p><b>operated</b> 52:16          61:12  <b>operating</b> 74:18  <b>operation</b> 57:14          83:13 106:9,14          125:2 136:20  <b>operations</b>          95:12 97:15  <b>opinion</b> 17:8,9          18:1 19:6,21          19:21 21:15          24:10 27:13,19          41:10 67:18          115:10 131:6  <b>opponent</b> 22:20  <b>opportunity</b>          56:7 63:2          69:21 70:14          79:10 88:7  <b>opposed</b> 60:21          151:4  <b>opposite</b> 99:12          99:22 104:5          107:2  <b>opposition</b> 17:1          102:20 106:12          124:1 125:9,10          132:8 136:18  <b>optimal</b> 88:3,5  <b>option</b> 88:19  <b>orange-colored</b>          55:19  <b>order</b> 3:15 33:17  <b>orders</b> 3:13  <b>ordinance</b> 6:10          41:7 47:22          48:17 66:2,16          70:19 75:20          76:4 81:2,4,17          83:4,14 84:3          103:11 104:4          105:22 106:10          106:22 124:16          125:3,18          134:16 135:7          136:8,21 137:7  <b>organization</b>          102:7 104:10</p>
--	---	--	--	---

<p><b>original</b> 2:3,4,6 2:8 48:3 98:7 144:7 <b>originally</b> 53:6 109:12 <b>ought</b> 131:8 <b>outcome</b> 159:10 <b>outdoor</b> 44:15 44:17,18 134:20 <b>outset</b> 78:11 79:4 <b>outside</b> 27:12 51:21 152:2 <b>overall</b> 92:20 <b>overhead</b> 59:19 <b>overlooks</b> 39:15 40:1 <b>owing</b> 48:11 81:13 103:19 135:1 <b>owned</b> 16:19 61:12 117:1 <b>owner</b> 6:15 7:20 18:4 25:10 43:9 57:4 62:17 66:13 74:18 75:5,6 112:4 113:4 <b>owner-occupied</b> 65:4 73:16 74:15 <b>owners</b> 20:9,13 51:12 55:21 57:11 61:8 62:5,21 139:20 <b>ownership</b> 79:7 <b>owns</b> 133:13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P</b> 3:1 <b>p.m</b> 1:4 2:2,4,6,7 2:10,11,12,13 2:14,15,16,17 3:3 6:2 9:6 10:19 12:2 13:16 14:2,2 14:14 16:2</p>	<p>26:5,12 27:1 32:2 35:10,17 36:2 38:2 51:2 87:2 109:2 110:2 116:2 128:2 139:2 155:19 156:4 156:17 157:19 158:12 <b>Pacheco</b> 12:12 <b>pact</b> 152:18 <b>page</b> 2:2 49:1 54:21 104:15 126:1,1 <b>pages</b> 74:6 <b>pair</b> 143:5,11 <b>Palacio-Rami...</b> 117:19 <b>pandemic</b> 89:19 89:20 <b>panelist</b> 30:12 <b>Parcel</b> 90:13 <b>parents</b> 140:5 <b>park</b> 57:10,11 <b>parking</b> 39:15 40:17 42:5,11 42:14,22 43:5 43:6,7,8,13,16 43:21 44:3 45:6,16,21 46:1 48:7,10 49:7,8,16 55:15,20,22 56:8,15,19 57:2,12 58:2 59:1 61:9 66:10,12 73:8 77:18 78:1,5 78:11,12,18,18 79:6 <b>part</b> 83:12 88:1 89:9 119:1,3 120:10 122:22 <b>partially</b> 102:15 <b>particular</b> 39:19 79:6 84:19 130:14 <b>particularly</b></p>	<p>24:13 57:13 77:12 <b>parties</b> 100:17 100:18 159:9 <b>partner</b> 71:7 139:19 <b>party</b> 114:14 <b>pass</b> 69:18 <b>passageway</b> 97:10,17 98:2 <b>passed</b> 21:20 <b>Patrick</b> 116:21 <b>patterns</b> 83:6 106:2 124:17 136:10 <b>Pause</b> 4:21 47:3 63:5 72:4,6 110:9 112:1 116:9 124:8 132:3,16 147:16 154:13 <b>pays</b> 39:19 141:1 <b>pedestrian</b> 56:16 <b>people</b> 22:17,17 24:9 56:17 57:10 85:21,22 86:1 89:21 103:6,7 124:12 150:4 152:6 153:14,16 154:17 <b>percent</b> 54:19 58:11 119:5 120:20 133:2 <b>perfect</b> 55:18 <b>performing</b> 89:14 <b>period</b> 7:10 64:3 68:6 73:19,22 75:12 <b>permissible</b> 54:20 <b>permit</b> 20:4 57:22 58:13,22 59:6 73:4,4,13 83:1,3,5,12,16</p>	<p>84:5 85:1,4,7 85:10,12,14 92:1 98:20 103:3,6 105:19 107:6,11,14,17 107:20 108:2 124:15,16 125:20 126:5,8 126:11,14,18 134:10,10 136:6,9 137:12 137:18,21 138:2,5,7 <b>permitted</b> 3:19 43:9 44:3 58:16 83:14 106:10 125:3 136:21 <b>permitting</b> 92:3 <b>person</b> 47:13 56:19 67:2 <b>personal</b> 115:3 115:10 <b>personally</b> 6:16 6:17,18 63:20 66:21 <b>persons</b> 72:22 <b>perspective</b> 54:20 55:11 95:18 97:2 <b>petition</b> 16:22 20:10,14,19 21:12 22:15 23:15 43:12 109:10 112:6 <b>petitioner</b> 8:16 12:9 14:4,7,12 17:12 23:11 24:9,18 26:7 48:21 73:12 75:2 84:12 91:10 103:15 104:14 106:13 107:8 109:9 110:10,17 111:3 112:5 113:6,22 132:6 154:1 155:21</p>	<p><b>petitioners</b> 62:8 62:11 75:11,18 105:14 130:4 133:14 134:4 134:22 153:10 154:19 <b>phone</b> 46:22 68:19 101:15 111:20 123:4 124:5 132:13 <b>phonetic</b> 91:17 <b>photo</b> 39:21 90:10 <b>photographs</b> 8:4 39:10 <b>pick</b> 18:1 <b>picked</b> 6:16,17 8:1 <b>picture</b> 120:7,13 121:1 <b>pictures</b> 45:12 123:7 <b>piece</b> 88:18 92:15 146:8,15 <b>pieces</b> 73:3 79:22 92:3 <b>pink</b> 55:19 <b>pipeline</b> 94:7 <b>pipes</b> 95:2,6,8 <b>pipng</b> 94:15 95:11 96:2 <b>place</b> 44:21 61:18 66:1 72:11 121:16 140:7,9 <b>placed</b> 64:17 <b>plan</b> 34:2 38:22 40:9 42:9,9,21 43:14,15,20 45:9 46:1 48:21 49:7,8 52:8 53:17,18 55:14 70:2 72:13,17 77:19 94:2 118:20 122:21 123:6 129:5 133:1 146:8 148:19</p>
---	--	---	--	--

<p>150:9 151:15 154:4,4 <b>planning</b> 32:19 32:20,21 33:7 33:10,13,19 34:1,13,16 36:1 56:9 99:21 101:21 102:3,16,17,18 104:8,10 <b>plans</b> 9:3,3,4 10:18 14:13 26:19,20 35:21 36:1 46:6 48:20,22 53:4 53:16,16 54:9 61:20 72:14 79:15 81:20 84:8 104:13 110:15 113:21 121:18 125:22 129:22 130:3,7 131:4,6,8,10 132:2 134:13 135:10 137:13 147:14 152:18 154:21,21 156:15 <b>plant</b> 88:20,20 92:14 95:4,19 97:10 <b>please</b> 7:17 10:9 19:9 32:11 35:5 76:19 90:5,17 91:8 92:19 93:3,12 93:13 98:17 112:2 118:18 119:6,11,15,19 119:22 120:4 120:11,21 121:4,6,8,9,14 122:20 123:2 <b>pleasure</b> 51:17 <b>plot</b> 48:21 123:6 <b>plunked</b> 151:5 <b>point</b> 33:17 41:6 49:10 58:5</p>	<p>63:4 76:7 77:4 77:11,17 91:6 98:1 103:8 123:20 148:22 149:2 153:21 <b>pointed</b> 53:9 99:11 124:20 <b>Policy</b> 56:20 <b>pool</b> 128:18 <b>populated</b> 48:8 134:18 <b>porch</b> 110:17 112:19 131:16 131:19 <b>porches</b> 39:18 44:19 <b>portion</b> 53:20 94:5 106:6 <b>position</b> 19:3,3 33:21 141:2 152:17 <b>positive</b> 69:10 152:4 <b>possibility</b> 149:12 150:13 <b>possible</b> 21:7 27:22 53:9,15 71:22 149:15 <b>posted</b> 6:10,21 7:5,6 8:5,21 26:12 35:14 <b>posting</b> 7:8 26:10 156:10 156:11 <b>potential</b> 22:15 45:7,15 69:10 <b>power</b> 94:21 95:4,14,19 97:10 <b>practice</b> 57:2,3 57:19 79:11 <b>precedent</b> 22:16 <b>predates</b> 79:7 <b>preexisting</b> 42:12 <b>prefer</b> 70:12,14 73:22 <b>preparation</b></p>	<p>28:8 <b>prepare</b> 28:2 <b>prepared</b> 48:22 73:12 81:20 91:22 135:10 140:21 <b>present</b> 4:15,17 4:19 5:1 33:5 40:4 51:12 61:18 118:17 <b>presentation</b> 100:6,11 104:20 105:5 105:15 111:1 122:18 123:8 124:20 129:3 <b>presented</b> 110:15 <b>presenting</b> 87:11 <b>President</b> 101:21 <b>pressing</b> 47:1,1 68:20,20 101:16,16 111:21,21 124:6,6 132:14 132:14 <b>pressures</b> 94:9 <b>presumably</b> 63:1 156:15 <b>pretty</b> 35:7 <b>previous</b> 48:4 110:14,20 <b>previously</b> 79:3 88:13 113:13 <b>primarily</b> 141:17 <b>primary</b> 143:5 143:10 147:11 <b>principal</b> 59:18 77:10 <b>prior</b> 8:17,22 14:11 26:13 27:8 43:4,5 55:15 117:12 156:12 <b>privacy</b> 39:20</p>	<p>40:3 <b>private</b> 52:6 57:10,15,16 61:9 <b>privilege</b> 69:8 <b>probably</b> 52:20 80:9 149:16 153:20 <b>problem</b> 16:15 19:1 21:13,16 21:17 29:21 91:2 153:3 <b>problems</b> 16:16 <b>procedural</b> 23:7 <b>procedures</b> 95:13 <b>proceed</b> 19:2,7 19:22 24:21 48:20 84:7 86:6 107:7 113:21 114:22 115:6 125:21 130:7 137:13 <b>proceeding</b> 47:11 <b>proceedings</b> 158:12 159:7 <b>proceeds</b> 81:20 104:13 135:10 <b>professional</b> 104:19 105:15 130:17 <b>professionalism</b> 105:5 <b>profile</b> 55:5 <b>project</b> 16:13 17:16,17,19,20 18:4 48:1 87:16 89:9,13 89:17 104:15 118:17 128:20 <b>projecting</b> 60:5 <b>projection</b> 118:20 121:11 <b>projects</b> 45:1 <b>prominent</b> 40:4 104:9 <b>promulgated</b></p>	<p>140:22 <b>proper</b> 27:15,21 104:21 115:8 142:11 <b>properties</b> 77:20 136:17 <b>property</b> 6:15 8:5,21 20:9 42:12,13 51:12 53:13 55:21 57:11 62:1,12 66:13 70:1 71:8,10,13,14 72:3,10,15 75:5,11 80:1 96:3,6,7,9,11 97:1,3,6,18,21 98:20,21 99:2 117:1 123:7 139:19 <b>property's</b> 99:14 <b>proponents</b> 65:8 <b>proportioned</b> 54:12 <b>proposal</b> 12:14 60:11 111:4 <b>propose</b> 63:22 64:1,2 113:17 <b>proposed</b> 38:21 44:11 54:19 59:9,22 61:1 72:1,2 75:6 83:7,16,21,22 95:21 106:3,11 106:18,19 110:13 119:10 120:8,9,14,16 121:2,3 122:11 124:1,18 125:5 125:13,15 128:20 130:15 134:21 136:11 137:3,4,9 150:15 <b>proposing</b> 69:12 92:16 117:4 <b>protect</b> 46:13</p>
---	--	---	--	---



<p><b>protection</b> 80:10  <b>provide</b> 40:6  46:12 53:1  54:12 76:10  97:20 99:6  117:7 146:3  147:11  <b>provided</b> 27:14  65:5 74:16  75:1  <b>provision</b> 58:13  65:3 66:1,3  68:1 82:13  <b>provisions</b> 47:21  56:3 65:10  73:14 78:19  81:2,3 103:10  134:16  <b>public</b> 3:13,18  4:4,6,7,8 46:18  46:19 47:5  48:15 68:12,14  68:16,16 73:1  81:16 89:15,22  90:12 94:21  101:11,12  102:14,22  103:12,13  104:3 111:16  111:17 112:11  123:20 124:2,3  124:10 132:9  132:11 134:6  135:5 159:4,16  <b>public's</b> 46:13  <b>pull</b> 81:2 129:4  147:14 152:11  <b>pulled</b> 153:15  <b>purchase</b> 55:15  <b>purpose</b> 48:16  81:17 84:2  104:4 106:21  125:17 135:6  137:6  <b>purposes</b> 75:19  <b>put</b> 33:21 43:14  64:20 67:14  68:6 70:2</p>	<p>71:17,22 75:17  92:16 103:16  115:6 120:17  140:9 151:12  151:13  <b>putting</b> 148:9</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>QR</b> 123:3  <b>qualifications</b>  49:19 63:14  <b>qualify</b> 74:14  <b>quarter</b> 122:9  <b>question</b> 19:9  20:20,21 21:3  22:11,16,21  44:8 60:10  61:7 62:20  66:14 71:12  77:18 129:22  140:18  <b>questionable</b>  65:17  <b>questioning</b>  102:21  <b>questions</b> 41:14  41:17,20 46:7  60:7 63:4,10  63:12 95:16  100:2,4,5,20  100:21,21,22  101:2,8,9,11  103:6 111:7,8  111:10,12,14  111:15 123:9  123:11,13,15  123:17,18  129:3,8,11,13  129:14,17,20  132:1  <b>quick</b> 92:8  <b>quickly</b> 90:3  117:3  <b>quite</b> 66:8 70:7  72:18 77:7  106:6 128:15  143:4</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/>	<p><b>R</b> 3:1  <b>Rafferty</b> 38:10  38:11,13,14  41:22 42:6,8  42:22 43:1,17  44:6,11,18  45:8,17 46:10  50:8,10 51:9  51:10,16 58:7  59:18 61:8,11  62:8,11,16  64:7,10 66:20  67:8,21 68:11  69:12 71:16  72:9 73:6,10  74:2,5,9,10  75:13,15 76:10  76:11,20 78:2  78:10,14,16  79:5,17 84:17  85:16  <b>Rafferty's</b> 49:9  <b>raise</b> 46:21,22  62:19 63:2  68:18,19  101:14,15  111:19,20  124:4,5 132:12  132:13  <b>raised</b> 62:20  64:12 112:21  <b>raising</b> 52:1  128:13  <b>Ramirez</b> 118:15  <b>Ramirez-Pala...</b>  117:19 118:11  118:14 121:22  122:3,6,13,16  122:19 126:21  <b>ranging</b> 141:19  <b>Ranjit</b> 1:13  <b>rate</b> 39:9 52:19  55:10  <b>ratio</b> 46:8  <b>rationale</b> 56:14  <b>read</b> 18:7,15,19  18:19 40:18  <b>reading</b> 46:6</p>	<p>109:10 121:18  <b>ready</b> 19:7  80:17 87:7  100:10 155:2  155:14,15  <b>real</b> 42:20 91:5  <b>reality</b> 43:3  61:17  <b>realized</b> 62:14  64:19 79:2  <b>really</b> 30:2 39:6  40:15,17 53:5  55:7 56:15  57:7 61:18  69:18 87:18  89:1 90:1  104:21 129:22  133:22 145:20  146:13,16  152:7,11  <b>Realty</b> 91:13  <b>rear</b> 38:16,22  39:14,18,20  40:16 42:5  43:6 92:17  93:10 134:21  <b>reason</b> 5:12 7:6  66:9 115:9  154:9  <b>reasons</b> 96:14  113:15 152:9  <b>rebuilding</b>  117:5  <b>rebuilt</b> 38:17  43:4  <b>recall</b> 102:20  <b>receipt</b> 12:8  <b>received</b> 104:21  106:12  <b>recess</b> 86:3  <b>recognize</b> 56:3  56:20 75:3  <b>reconfiguration</b>  117:4  <b>reconfigure</b>  94:16 95:11  <b>reconnect</b> 95:8  <b>reconvene</b> 108:8</p>	<p><b>record</b> 18:19  43:14 115:6  159:6  <b>recorded</b> 3:21  <b>rectangles</b>  121:13  <b>red</b> 71:13 72:1,1  91:17  <b>redo</b> 153:20  <b>reduce</b> 144:1,6  149:13  <b>reduced</b> 64:22  <b>reducing</b> 45:3  46:8  <b>reduction</b> 44:19  44:22  <b>Reed</b> 2:5 12:11  <b>refer</b> 140:18  <b>reference</b> 43:21  45:9 64:16  <b>referenced</b> 69:7  <b>referred</b> 84:8  107:8 137:14  <b>refinements</b>  53:10  <b>reflect</b> 154:2,20  <b>reflected</b> 38:22  <b>reflecting</b> 26:10  26:11 35:16  <b>reflects</b> 43:20  <b>regard</b> 47:19  62:19 81:1  83:2,12 84:8  84:10 98:5  103:9 104:5  107:9 113:11  124:14 134:14  136:6 137:9,14  141:4 156:13  <b>regarding</b> 105:4  132:1  <b>regards</b> 24:22  <b>register</b> 65:6  <b>registered</b> 74:17  <b>regular</b> 37:2,5  <b>regularly</b> 8:4  <b>regulates</b> 94:8  <b>regulation</b> 74:13</p>
---	---	--	--	--

<p><b>regulator</b> 98:21 104:1 105:20 <b>reiterate</b> 100:13 <b>reiterating</b> 49:15 <b>related</b> 40:15 115:4 159:8 <b>relates</b> 83:17 134:10 <b>relating</b> 73:5 <b>relationship</b> 143:7 <b>relatively</b> 41:8 141:22 <b>release</b> 27:19 <b>released</b> 27:12 <b>relevance</b> 53:13 <b>relevant</b> 76:20 77:12 <b>relied</b> 58:13 <b>relief</b> 16:20 17:2 17:6 20:10 43:7 44:2 47:9 47:20 48:14,19 49:8 57:1,21 63:13 73:3 77:7 78:5 79:10 81:15 82:4,7 84:11 92:15 95:20 98:18 102:21 103:2 104:2 105:14 106:1 113:17 117:16 118:21 121:11 122:22 124:12 132:7 134:21 135:4 138:9 141:4 152:19 155:22 156:2 156:20 <b>relocate</b> 88:1,10 88:16 91:1 103:22 104:1 105:19 <b>relocated</b> 92:5 <b>relocation</b> 87:17 88:17,19,22</p>	<p>90:2 91:7,12 91:15 93:16 99:12 104:15 <b>reluctant</b> 56:21 <b>rely</b> 73:14 <b>remain</b> 115:5 <b>remaining</b> 87:19 <b>remnant</b> 89:7 <b>remnants</b> 87:19 <b>remote</b> 1:5 4:9 <b>remotely</b> 3:12 <b>removal</b> 59:19 <b>removing</b> 80:1 <b>render</b> 25:13 120:8,14 121:2 <b>rendered</b> 60:14 <b>rendering</b> 123:3 <b>rent</b> 66:4 75:11 <b>rental</b> 61:2 64:13 65:3,3 66:1,3,11,15 70:18 73:15 74:19 75:19,20 77:16 80:8 81:7 84:19 97:14 <b>rentals</b> 64:2,21 65:5,11 67:3 67:15 69:14 71:10 73:22 74:13,16 76:9 80:12,18 <b>renters</b> 133:22 <b>repeat</b> 22:2 25:6 <b>rephrase</b> 41:12 <b>replace</b> 103:17 103:18 <b>replacement</b> 59:20 <b>replacing</b> 37:12 <b>report</b> 6:8 12:8 109:9 132:5 <b>represent</b> 54:16 98:16 116:22 <b>representation</b> 7:19 122:11 <b>representing</b> 118:16</p>	<p><b>request</b> 12:13 40:21 43:18 56:7 60:12 87:15 139:18 141:14 <b>requested</b> 48:19 49:8 53:11 55:11 75:7 76:16 78:1,19 82:4,7 107:6 123:6 125:20 135:9 137:12 <b>requesting</b> 78:12 98:18 <b>requests</b> 92:9 141:14 <b>require</b> 58:22 59:1 153:1 154:3 <b>required</b> 6:10 154:7 <b>requirement</b> 59:17 67:14 141:1 153:7,8 <b>requirements</b> 3:16 58:5,8 59:8 73:9 83:4 105:22 122:2 124:15 136:8 153:7 157:1 <b>requires</b> 20:21 21:1 58:20 <b>Res</b> 58:18 <b>reservation</b> 56:9 <b>reside</b> 133:12 <b>residence</b> 52:14 58:15 64:18 65:13 <b>residential</b> 40:7 60:4 99:17 <b>resolve</b> 17:13 <b>resolved</b> 23:13 <b>respect</b> 49:15,18 66:13 67:8 98:22 113:16 125:6 142:17 143:6 <b>respectfully</b></p>	<p>66:17 <b>respects</b> 52:2 122:12 142:9 <b>respond</b> 71:17 <b>responded</b> 32:19 64:14 69:11 <b>response</b> 3:14 74:20 75:1 <b>responsibility</b> 7:8 <b>responsive</b> 65:7 66:14 <b>rest</b> 59:22 67:17 73:18 100:3 128:21 <b>restrict</b> 70:17 <b>restricting</b> 56:14 <b>restriction</b> 64:20 69:14,17 70:8,10,14,20 73:12 75:8,17 75:21 <b>restrictions</b> 3:18 65:21 71:9,11 <b>result</b> 26:21 35:22 48:2 53:21 152:1 158:4 <b>resulted</b> 38:19 <b>resulting</b> 83:7 84:11 106:3 124:18 136:11 <b>resume</b> 109:7 <b>retained</b> 7:19 <b>rethink</b> 60:20 <b>reveals</b> 41:7 <b>review</b> 79:8 92:8 <b>reviewable</b> 65:21 <b>reviewed</b> 55:20 <b>reviewing</b> 65:1 72:14 79:2 <b>revision</b> 60:21 <b>rezoning</b> 88:11 89:10 91:22 <b>Ribnick</b> 128:12</p>	<p>131:2,15 138:11 <b>Richard</b> 110:11 110:11 111:3 114:18 <b>ridge</b> 142:12 <b>ridgeline</b> 142:17 <b>right</b> 6:16 7:16 9:8,9 18:4 27:12 28:17 30:14 37:1,3 39:12 41:21 42:6 43:11 44:10 46:10 52:9 59:21 61:4 62:21 71:8 72:8 74:9 77:9 87:12,13 90:6,10,13 93:7,9 100:22 101:7 103:22 115:1 116:13 118:19 119:9 120:6,8,13,14 120:16 121:1,2 121:3,18 122:19 131:20 131:20,21 134:6 144:15 144:17 145:15 147:19 148:10 148:16,17 152:5,9 154:15 155:12,17 <b>right-hand</b> 96:9 142:6 144:18 <b>right-side</b> 39:22 <b>rightfully</b> 152:7 <b>rights</b> 57:16 74:11 <b>rigid</b> 154:6 <b>rink</b> 90:12 <b>Road</b> 2:17 139:8 <b>roadway/alley...</b> 96:22 <b>roll</b> 4:5 <b>roof</b> 39:1,3 119:10 122:21</p>
---	--	--	--	--

123:1 142:13 143:21 147:18 147:19 151:6 <b>roofline</b> 143:8 <b>room</b> 8:8,10 20:5 21:17 55:1 147:2,5 151:11,14 155:10 <b>rooms</b> 151:13 <b>roots</b> 140:9 <b>rough</b> 89:19 <b>roughly</b> 145:3 145:13 <b>round</b> 93:8 <b>rule</b> 33:2 <b>ruling</b> 80:9 <b>run</b> 23:1 <b>running</b> 117:3 <b>rust-colored</b> 93:8	133:20 <b>SAMUEL</b> 131:2 131:15 138:11 <b>satisfied</b> 35:12 70:9 80:9 <b>satisfies</b> 42:16 <b>saw</b> 43:19 119:21 <b>Sayem</b> 16:9,12 16:12 17:15 18:3 21:19 24:11,22 25:8 25:15,18 <b>saying</b> 11:10 20:22 21:19 62:14 70:7,9 74:8,12 82:13 <b>says</b> 11:16 23:14 24:20 28:7 43:1 46:1,21 47:14 68:18 73:22 76:12 94:3 101:14 111:18 124:4 132:12 <b>scenario</b> 94:19 94:19 <b>scheduled</b> 109:13 <b>school</b> 128:18 <b>Schorer</b> 32:9,9 32:12,12,14,17 33:16 34:7,11 34:16 35:2,5,8 36:22 <b>screen</b> 28:11 46:20 68:18 77:19 79:16 80:2 86:5 101:13 111:18 124:4 132:12 139:14 <b>se</b> 78:1 <b>search</b> 130:22 <b>searching</b> 133:22 134:1 <b>second</b> 8:9 14:7 25:21 26:10	35:14 39:12 48:11 54:14 58:16 64:19 76:16 77:5 90:4 105:4 112:17 117:7 149:5 150:5 155:5 156:10 <b>second-floor</b> 39:2 149:20 <b>secondary</b> 143:5 <b>secondly</b> 57:5 71:12 <b>secretary</b> 12:12 27:7 <b>section</b> 69:15 70:19 73:14 74:2 78:18 82:12 84:13 110:16,17 145:2 <b>secure</b> 88:19 92:3 <b>see</b> 37:8,9 39:10 39:16,21 42:9 42:10 45:3,9 46:7 47:2 52:11 53:4,8 54:11,15,21 55:1,7 62:4,21 67:17 68:9,21 72:12 74:13 76:1 77:18 93:7 94:2 95:19 96:4,20 101:17 108:7,7 111:22 112:11 118:19 119:3 119:13 120:2,6 120:9 122:21 124:7 130:21 131:8,8 132:7 132:15 134:5 142:7 152:21 154:8 <b>seeing</b> 54:14 151:19 <b>seek</b> 79:10	<b>seeking</b> 16:20 20:10 52:22 57:21 76:18 77:7 117:16 141:5 <b>seeks</b> 38:15 <b>seen</b> 52:10 62:1 142:7 <b>sell</b> 61:22 149:11 <b>send</b> 133:15 <b>sense</b> 14:8 <b>sent</b> 69:6 <b>sentiment</b> 19:17 <b>September</b> 8:8 8:12,13,22 9:6 10:11,19 11:17 12:15,18 23:22 24:1,16 25:20 26:5,11,13,18 26:21 27:2 28:18 30:10 34:15,17 155:6 155:12,15,19 156:12,18,20 157:20,21 158:4 <b>series</b> 54:8 64:11 <b>serious</b> 48:2 <b>served</b> 52:14 <b>serves</b> 103:13 <b>service</b> 95:8 <b>services</b> 74:17 94:5,11 146:11 <b>set</b> 8:18 37:12 37:13 39:7 46:16 52:5 159:12 <b>setback</b> 55:16 56:8,12,15 57:6 58:3 78:19 95:20 98:19 99:8 118:21 119:2 120:9 121:11 122:5,22 143:9 <b>setbacks</b> 56:12 92:16 <b>setting</b> 57:19	<b>seven</b> 51:22 94:9 95:2 <b>shaded</b> 53:19 <b>shape</b> 48:12 81:13 97:6 99:3 135:1 <b>share</b> 61:8 63:20 <b>shared</b> 95:13 <b>Shea</b> 2:5 12:11 <b>shed</b> 142:7 143:2 <b>sheet</b> 78:17 118:18,19 119:6 122:19 142:8 147:15 <b>Sherman</b> 133:18 133:19 <b>shies</b> 65:20 <b>shift</b> 149:14 <b>short-</b> 66:14 74:18 81:6 <b>short-term</b> 61:2 63:16,18 64:21 65:2,3,11 66:1 66:2,11,15 67:2,16 69:10 69:14 70:18 71:10 73:15 74:13,16 75:19 75:20 76:9 77:16 80:8,18 <b>shorter</b> 84:20 <b>shot</b> 156:22 <b>show</b> 42:3 55:14 96:15 <b>showed</b> 45:12 <b>showing</b> 118:20 147:14 <b>shown</b> 43:14 49:7 71:13 <b>shows</b> 53:17 90:11 119:5 120:17 <b>sic</b> 6:14 30:22 68:7 77:4 106:20 120:8 120:15 121:2 <b>Sid</b> 6:15
<b>S</b>				
s 3:1 77:10 <b>S-a-i-n-i</b> 62:7 <b>S-h-e-a</b> 12:11 <b>sacrifice</b> 149:3 <b>sacrificed</b> 147:7 <b>safe</b> 34:12,14 <b>safeguard</b> 66:18 <b>safely</b> 99:3,6,9 <b>safety</b> 40:20 83:20 106:17 125:12 137:2 <b>Saini</b> 51:13,14 51:14,18 59:4 61:13,14,16 62:7 79:17,20 <b>Saini's</b> 51:22 53:3 55:15 <b>Sal</b> 87:10 93:17 99:11 100:13 <b>Sale</b> 62:1 <b>SALVATORE</b> 87:10,13 93:18 93:22 <b>Sam</b> 118:16 125:22 128:12				

<b>SIDDARTH</b>	59:21 65:13	98:7 99:12	60:15 110:16	<b>space</b> 38:21 40:7
6:14,21 7:2,12	<b>simple</b> 156:2	103:15,17	117:2,4,13	40:16,18 42:4
8:2	<b>simply</b> 6:9 66:7	110:21 118:20	119:8 141:22	44:12,13,15,17
<b>side</b> 34:1 42:13	66:22	120:5	<b>smaller</b> 66:5	44:19,21 45:4
71:8 86:3,5	<b>Singanayagam</b>	<b>sites</b> 103:21	94:17	45:7,14,16,18
96:8 98:19,20	1:13	<b>sits</b> 52:11,13	<b>smoother</b> 95:5	45:21 46:9,12
119:7,9,18	<b>single</b> 78:4	87:21 142:9,12	<b>snuggled</b> 135:2	46:14 49:21
120:3,8,16	<b>single-family</b>	143:4	<b>so-called</b> 66:15	53:1 54:13
121:3 134:11	52:4,19	<b>sitting</b> 3:4 6:3	<b>sole</b> 142:22	72:17 73:8
134:19 135:3	<b>sir</b> 6:20,22 7:8	9:11 12:3 16:3	<b>solution</b> 150:14	79:7 81:8,11
136:7,16 142:7	25:5 35:1 68:5	29:9 32:3 38:3	150:15 152:21	89:15,22 98:5
142:15 143:13	71:1 100:6	51:3 87:3	<b>somebody</b>	110:19 117:3,8
143:20,21	116:11 118:3	109:3 110:3	112:20	140:13 147:11
144:18 145:16	142:5	116:3 128:3	<b>somewhat</b> 52:2	147:20,21
148:7 149:14	<b>Sisia</b> 1:14 4:14	139:3	<b>soon</b> 27:6 92:1	149:5,6
<b>side-by-side</b>	4:16,18,20 5:2	<b>situation</b> 41:10	<b>sorry</b> 7:14,18	<b>spaces</b> 42:22
134:19	5:4,5,8 8:8,9	66:11,12 67:6	10:2,10 11:10	43:22 45:6,9
<b>sideline</b> 95:20	8:12 9:8,15	100:15	11:11 14:2	46:2,4 48:10
<b>sidelines</b> 96:10	10:1,8,11	<b>situations</b> 74:14	17:10 20:19	<b>speak</b> 4:11 18:5
<b>sides</b> 99:10	12:17,20,22	<b>six</b> 45:6,8 67:5	21:9 25:5,8	25:2 32:11
136:16	13:2,15,17,20	70:11 88:1	29:13 32:10	33:18 46:19
<b>sidewalk</b> 89:5	18:12 25:21	131:17 142:9	47:16 61:2	47:2,5 59:16
<b>sidewalks</b> 56:16	26:2 29:8,11	<b>six-page</b> 32:20	62:10,15 68:13	61:14 68:17,21
<b>sign</b> 6:10 7:5,6	30:16,18,20	<b>size</b> 3:13 40:5	71:21 78:10	71:1 73:1
7:11,22 8:19	31:1 34:20	48:12 58:17	82:9,11 85:20	101:12,17
8:19,20,21 9:1	38:9 53:9,14	59:7,8,9 66:8	95:22 101:6	102:12 111:17
14:4,8,10	68:22 69:2	142:19,20	112:22 116:12	111:22 112:2,8
16:22 20:13	71:3 72:22	143:2 144:1,6	116:16 117:19	113:1 117:9
21:12 23:15	76:5 85:19,21	149:13	132:10 141:8	124:3,7 125:9
26:7,10,11,14	101:18 102:13	<b>skunk</b> 114:14	143:15 146:6	132:11,15
26:16 30:11	112:2,9,12,20	<b>skylight</b> 122:22	155:1	133:5,9 141:12
35:14,16,18	113:2,9 132:18	<b>skylights</b> 119:2	<b>sort</b> 43:15 60:14	142:4
37:6 155:21	132:20 133:10	119:9	70:10 93:8	<b>SPEAKER</b>
156:10,11	133:18 155:9	<b>slated</b> 90:14	99:1,6,16	126:22
<b>signature</b> 102:8	155:12 157:20	<b>slide</b> 90:17 91:8	129:4 130:18	<b>speakers</b> 4:11
<b>signed</b> 8:16 20:9	<b>sister-in-law</b>	91:19 92:19	130:21 148:14	<b>speaking</b> 4:4
156:4	140:5	93:3,12,13	151:6,8	7:17 9:11
<b>significant</b>	<b>sit</b> 40:18 115:9	95:16,17 96:4	<b>sought</b> 17:6 44:2	16:11 18:11
89:13	147:19 152:6	96:15 98:3,16	47:20 53:5	69:16 75:9
<b>significantly</b>	<b>site</b> 38:20 40:16	<b>slides</b> 90:4	54:7 57:1 59:6	101:22
54:18	42:8,9 52:8	<b>sliding</b> 99:6	73:3 81:1	<b>speaks</b> 125:6
<b>signing</b> 35:12	55:14 88:12,12	<b>slight</b> 54:17	84:12 102:21	136:15
<b>signs</b> 7:10 20:19	88:13,19 89:5	<b>slightly</b> 53:6	103:2 106:1	<b>special</b> 57:22
62:1	89:22 90:15	117:12	113:12,17,20	58:13,22 59:6
<b>silence</b> 132:4	91:12 92:22	<b>slope</b> 142:13	124:15 132:7	73:4,4,13 83:1
<b>similar</b> 64:12	93:1,2 94:13	147:18	152:19	83:3,5,12,16
144:10	94:20 95:21	<b>slowly</b> 25:7	<b>sounds</b> 28:6	84:5 85:1,4,7
<b>similarly</b> 39:5	96:1,16 97:13	<b>small</b> 33:17	<b>south</b> 90:13	85:10,12,14

92:1 98:20	<b>standing</b> 90:7	146:22 147:3,6	135:2	16:3 23:5,5,9
103:2,5 105:19	<b>standpoint</b>	147:18 148:2,8	<b>structures</b> 40:5	27:4,4,14,18
107:6,11,14,17	149:19 151:7	148:12,15,17	40:6 141:18	27:21 28:1,4,9
107:20 108:2	151:15	149:6,10,12	<b>struggling</b> 51:13	32:3 36:5,5
124:14,16	<b>Stanley</b> 93:17,19	153:19 154:22	<b>studios</b> 140:4	38:3 47:12
125:20 126:5,8	94:1 100:8	155:2,7,16	<b>study</b> 148:4,14	49:5,11 51:3
126:11,14,18	<b>stars</b> 88:8 91:3	<b>Steve</b> 141:6,10	149:3	60:9 68:12,14
134:10,10	100:14	<b>storage</b> 96:2,5	<b>stuff</b> 149:11	74:7,7 80:7,8
136:6,9 137:12	<b>start</b> 3:11 4:12	99:7 151:12	151:12	82:3,3 84:15
137:17,21	5:10,11 39:11	<b>story</b> 54:10	<b>subject</b> 8:15	84:22,22 87:3
138:2,5,7	67:19 80:21	147:10	14:3 26:6	104:18,18
140:7	92:4 103:4	<b>straighten</b> 86:4	35:10 49:20	107:10,10
<b>specific</b> 33:5	128:9 140:8	<b>strategy</b> 94:13	73:17 83:10	109:3 110:3
98:18	141:13 153:12	95:10	84:5 155:19	111:8,8 114:2
<b>specifically</b> 6:11	<b>started</b> 5:12	<b>street</b> 2:3,4,10	<b>submission</b>	114:2 116:3
74:11 109:10	<b>starting</b> 10:22	2:11,12,13,14	107:8 118:6	123:11,11
<b>specifics</b> 131:8	<b>starts</b> 48:2	2:16 6:8 12:8	<b>submittal</b>	126:4,4 128:3
<b>specs</b> 10:18	<b>state</b> 4:4	38:7,18 51:7	147:15	129:4,8 130:9
14:13 26:20	<b>stated</b> 32:21	51:19,20 52:3	<b>submitted</b> 48:21	130:11,15
35:21 156:15	<b>statement</b> 60:10	52:5,5 56:17	104:13 113:22	131:13,20
<b>speculated</b>	<b>States</b> 139:22	56:18 57:6	125:22	135:13,13
19:15	<b>statewide</b> 3:13	60:3 62:18,18	<b>subsequent</b> 55:6	137:17 139:3
<b>spent</b> 140:6	<b>station</b> 88:12	64:12,17 65:12	<b>substantial</b>	144:11,11,16
<b>spiral</b> 55:2	89:5 90:7,7,16	69:5,6 71:8	47:22 48:15	144:20 145:1,5
<b>split</b> 53:16	92:13,17 93:5	74:21 87:8,21	81:4,15 83:8	145:8,11,15,19
<b>split-level</b> 52:20	93:9 94:3,7,8	88:4,17 89:2	99:13,22	146:9,10,13,18
55:4	94:10 95:3,4,6	90:8,13,16	103:11 104:2	146:21 147:1,4
<b>splitting</b> 76:12	95:19 98:21	93:5 97:8,9	106:4 124:19	147:13,17,22
<b>spoken</b> 67:1	102:4 104:1,14	98:8 101:20	134:17 135:5	148:3,9,13,16
<b>spread-</b> 95:10	105:20	102:4 104:14	136:13	148:19 149:1,8
<b>Spring</b> 2:3 6:8	<b>status</b> 76:18	109:8 110:7,13	<b>substantially</b>	149:11,18
<b>squabble</b> 17:14	<b>statute</b> 56:3 79:1	119:12,16,20	48:16 81:16	150:1,4,8,16
<b>squabbles</b> 17:16	<b>stay</b> 128:21	119:20 120:1	104:3 135:6	150:21 151:18
<b>square</b> 53:12,22	158:10	128:7 133:1,12	<b>successful</b>	151:21 152:5
54:4,7 55:12	<b>stays</b> 144:10	133:13,19	147:10	153:11,11,20
58:1,9,10,18	<b>steam</b> 88:20	<b>streetscape</b>	<b>suffered</b> 48:2	155:4 157:5,5
60:13,15,21	92:14 94:21	136:17	<b>suffices</b> 76:4	158:8
89:14 91:6	95:14	<b>stretch</b> 51:20	<b>suggest</b> 24:12,15	<b>Sullivan's</b> 49:15
119:5 121:12	<b>step</b> 90:1	152:8	47:8 66:17	105:4
140:4 141:22	<b>STEPHEN</b>	<b>strong</b> 102:16	77:21	<b>summer</b> 24:15
<b>ss</b> 159:3	141:6,10,12	102:17	<b>suggested</b> 64:12	<b>support</b> 28:19
<b>Staff</b> 4:12 129:4	142:6,21	<b>structure</b> 38:16	67:5 70:10	63:13 75:16,21
<b>stair</b> 149:14	143:14,16,18	40:2 42:11,11	80:17	80:14,17 82:20
<b>staircase</b> 55:3	143:21 144:3	44:20 45:2,6	<b>suit</b> 99:18,19	89:16,17 90:20
146:11	144:14,18,22	54:1 58:9,11	<b>Sullivan</b> 1:8 3:4	102:3,8,16,16
<b>stairs</b> 39:7	145:3,7,9,13	60:14 81:10	6:3 9:18,18	102:17,17,19
<b>stairway</b> 148:5	145:18 146:4,7	98:6,6 103:15	11:3,3,9 12:3	105:1,3,7,10
<b>standard</b> 156:3	146:12,16,20	110:14 134:21	12:10 14:17,17	105:13 112:5

113:6 123:22 132:7,22 133:2 133:5,14,15 134:2 144:7 <b>supporting</b> 102:8 <b>supportive</b> 131:18 134:5 <b>supports</b> 17:6 <b>suppose</b> 34:11 151:18 <b>supposed</b> 33:19 <b>sure</b> 7:14,21 8:3 19:18 23:14 27:11 28:3 35:6,7 41:20 45:14 59:18 60:9 61:20,21 64:9 70:7 72:9 75:10 76:18 78:13 116:13 116:20 <b>Surely</b> 58:7 <b>surface</b> 39:15 40:17 42:14 <b>surrounding</b> 39:10 40:4 93:15 <b>survey</b> 71:13,15 72:1,2 110:13 <b>surveyor</b> 43:19 72:11 <b>suspect</b> 56:2 <b>symmetry</b> 54:12 144:5 <b>sympathetic</b> 153:9	103:7 108:8 111:22 124:7 132:15 139:20 149:16 <b>taken</b> 4:5 7:10 7:21 26:9 125:9 <b>takes</b> 19:2 <b>talk</b> 17:15,16 25:1,9,10 121:16 <b>talked</b> 16:17 <b>talking</b> 25:8 78:22 81:5 83:18 112:18 124:21 125:14 134:9 <b>talks</b> 20:3 <b>tandem</b> 33:19 42:22 43:8,13 <b>tank</b> 93:8,10 95:22 96:17,17 99:8 <b>team</b> 91:9,17 100:3 101:21 102:3,18 104:10,20 <b>technical</b> 41:20 86:4 129:7 <b>technically</b> 44:21 91:10 92:11 <b>technology</b> 95:12 <b>television</b> 3:22 <b>tell</b> 54:10 156:21 <b>tells</b> 59:4 <b>temporarily</b> 3:16 <b>temporary</b> 3:17 <b>ten</b> 122:8 <b>tenants</b> 63:17 <b>tend</b> 77:16 <b>term</b> 66:15,16 66:16 71:22 74:19 81:7 84:20 <b>terminology</b>	71:15 <b>terms</b> 100:16 121:19 <b>terrace</b> 41:8,11 <b>terraces</b> 41:4 <b>testified</b> 104:6 <b>testimony</b> 46:18 47:5 73:1 101:12 111:16 112:11 123:20 124:10 132:10 134:7 <b>thank</b> 8:6 9:14 9:15 11:19 23:2 30:4,15 34:7,8 35:8 36:22 37:1,7 38:14 41:1 42:15,17,18 43:16 44:4,6 47:18 49:22 50:7,8 52:9 55:18 60:7 61:6 62:13,15 63:2,3 66:20 68:11 70:2,6 70:13 71:1 72:21 75:21,22 76:6 77:15,17 79:13 80:3,5 80:16 82:14,19 84:16,18 85:15 85:16 87:13,14 90:18 91:8,19 92:6 93:17,18 93:22 98:11,13 98:14 100:6,7 100:8,19 101:1 101:9,10 102:6 105:2,5,6,9 108:3,4,5,5 110:22 111:6 112:6,7 113:6 113:7 114:16 114:18 115:7 122:17 123:9 126:19,20,21 126:22,22	129:1,2,10,11 129:15,21 133:4,7,11,16 133:17 134:2,3 138:10,11,11 139:16,17 140:14,16,17 141:11 157:21 158:2,5,6,10 <b>thanks</b> 30:16 69:19 70:4 72:19 98:14 102:9 115:11 <b>that's</b> 55:16 92:11 <b>the--quote</b> 81:6 <b>them'</b> 77:10 <b>theoretically</b> 56:2 <b>they'd</b> 110:19 <b>they've</b> 154:2 <b>thing</b> 9:2 20:2,2 34:11 66:9 104:22 149:2 <b>things</b> 21:4 56:10 94:14 <b>think</b> 5:2 9:8,9 10:1 13:17 18:18,22 20:8 22:9 23:6,12 28:9 33:8,14 33:14 34:14 37:5 40:3 41:2 41:6,9 42:10 42:16 43:2,18 43:21 44:16,19 46:3,3 49:9 51:17 56:22 57:17 60:10,22 62:19 63:20 67:5 71:21 72:11,16 73:21 74:22 75:17 76:20 77:6 79:18 80:7,8 80:15 82:12 88:6,7 89:6 92:21 96:15	98:11 99:20 100:14,15 104:19 115:8 117:8,14,18 118:4 125:6 130:5,16 132:5 134:3 136:15 144:9 147:9 149:15 150:14 150:22 151:9 151:16 152:12 153:3,14,18 154:20 156:20 <b>thinking</b> 54:6 <b>third</b> 2:12 39:1 40:1 54:15 57:9 87:8,21 88:4,13,17,18 89:2 90:8,13 90:16 93:5,6 98:8 102:4 104:14 117:5 142:1 147:14 150:5 156:14 <b>third-floor</b> 39:3 <b>thought</b> 19:4,10 40:13 56:4,6 70:1 76:14,17 78:11 79:1 <b>thoughtful</b> 105:15 <b>thoughts</b> 150:17 <b>three</b> 4:10 38:16 38:22 39:18 42:22 43:2 48:10 99:10 120:19 122:7 128:14 <b>three-</b> 39:17 45:5 113:4 141:17 <b>three-dwelling</b> 48:9 <b>three-family</b> 38:16 45:10 48:8 65:4,12 <b>three-story</b> 41:5 110:17
<b>T</b>				
<b>table</b> 44:12 46:7 76:10 92:9 <b>take</b> 4:12 7:12 8:4 14:8 19:3 37:10,11 47:1 67:19 68:21 86:2 88:17 94:14,18 95:10 97:13 101:17				

<b>Thursday</b> 1:4 10:11	156:13 158:1	<b>two</b> 8:19 20:13 22:17 23:6	<b>understanding</b> 7:22 25:6 52:1	<b>use</b> 52:19 56:14
<b>Thursdays</b> 23:21	<b>tonight's</b> 16:15 26:8	41:5 43:21	61:11,22 70:15	56:20 58:19
<b>tie</b> 69:14	<b>tooth</b> 89:3	46:1,3 53:17	75:14	59:5 66:19
<b>ties</b> 151:2	<b>top</b> 93:8 118:19	56:22 58:19	<b>understood</b>	67:10 73:7
<b>tight</b> 142:12 149:14	120:5,6,12,13	64:15 65:16	25:18 43:17,17	75:18 83:21
<b>time</b> 4:7,8 8:7,16	120:22 121:1	73:2,3 75:4	44:1 68:11	92:10,11 97:12
14:4,9,10	<b>topography</b>	76:13 77:9,20	<b>unfair</b> 64:15	98:21 99:16
17:12,13 22:2	81:14	80:20 84:10	<b>unfortunate</b>	106:18 117:12
24:4,10 26:7	<b>tough</b> 152:3	94:14,15,19	153:2	125:13,15
26:12,16 29:22	<b>traditional</b> 57:7	95:3 96:13	<b>unfortunately</b>	137:3 147:10
33:1,2 34:13	<b>traffic</b> 83:6	97:16 103:1,2	134:12 151:21	<b>useable</b> 46:9
35:12,17 63:7	106:2 124:17	117:2 119:2,9	<b>UNIDENTIFI...</b>	94:8 110:19
63:9 68:6 70:3	136:10	135:2 140:2,11	126:22	<b>useful</b> 88:15
71:1 73:19	<b>transcript</b> 4:1	141:17 147:8	<b>Union</b> 2:13	147:21
89:19 91:1,5,7	159:6	148:6,14	109:8	<b>uses</b> 59:4 83:14
94:12 108:7	<b>transfer</b> 87:18	150:20 151:1,4	<b>unique</b> 52:2,11	92:13 99:15
110:15 112:8	88:12 90:7,16	151:5	55:8 57:19	106:10,15
125:9 129:9,18	92:11,13,17	<b>two-</b> 52:13 65:12	67:6,9 94:6	125:3 136:21
133:5 139:17	93:5,9 94:3	67:9	99:3	156:3
140:6,8 154:2	102:4	<b>two-building</b>	<b>uniquely</b> 54:11	<b>usual</b> 13:13 66:5
154:19,22	<b>traveled</b> 99:17	94:18	<b>unit</b> 40:8,9 48:9	<b>utilities</b> 94:21
155:4,21	<b>treat</b> 153:8	<b>two-family</b> 65:4	54:3,3 58:10	95:14
<b>timeframe</b> 24:2	<b>Trevers</b> 133:10	66:6 67:11	58:14,15,20,21	<b>utility</b> 92:12
<b>times</b> 7:9 11:1	133:11,12	76:18	59:7 64:19	95:11 99:15,16
22:10	<b>TRI-</b> 93:14	<b>two-level</b> 98:6,9	70:16 76:13,15	<hr/> <b>V</b> <hr/>
<b>today</b> 35:22	<b>TRI-Mont</b>	<b>two-week</b> 7:9	76:21 77:2,5	<b>V-i-k-a-s</b> 62:7
53:13 88:6	91:14 94:1	<b>type</b> 40:6 66:19	77:11 112:5	<b>vacations</b> 24:15
91:10	<b>triangle-type</b>	130:22	113:4,5 122:22	<b>value</b> 80:1
<b>Todd</b> 91:18	54:15	<b>typical</b> 40:3,5	149:20	<b>values</b> 91:5
<b>told</b> 29:16 68:7	<b>trouble</b> 24:7	<b>typically</b> 41:3,3	<b>units</b> 40:7,8,10	<b>vans</b> 97:13
<b>tomorrow</b> 155:2	25:6 32:11	<hr/> <b>U</b> <hr/>	40:11 43:2	<b>variance</b> 49:6,12
<b>Toni</b> 18:5,6,7,9	<b>true</b> 104:5 159:6	<b>ultimately</b> 91:11	58:16,19,22	49:14,19 50:2
18:13,13,17,21	<b>truly</b> 100:15	<b>Um--</b> 130:9	65:16 77:9	50:4,6 56:7
19:4,8,13,19	<b>try</b> 12:21 17:8	145:18	<b>universally</b> 41:3	57:18 58:1,2
20:1,16,22	17:13 20:7	<b>unanimous</b> 50:6	<b>unmute</b> 47:1	73:4 77:22
21:7,10,13,16	22:3 23:1	138:7	68:20 101:16	78:12,19 80:21
23:4,18 27:10	101:22 152:13	<b>unanimously</b>	111:21 124:6	81:1,6,7,19
<b>tonight</b> 5:11,13	153:17	89:10	132:14	82:4,6,18,20
6:9 14:6 19:15	<b>trying</b> 74:4 86:4	<b>unclear</b> 56:19	<b>unquote--</b> 81:6	82:22 84:8
19:16 20:20	143:10 147:22	<b>underprovided</b>	<b>unsightly</b> 89:6	98:19,22 103:2
21:6,6,15	<b>tuck</b> 93:9	45:4	<b>unusual</b> 57:11	103:5,9 104:12
28:16 75:1	<b>turn</b> 83:10 93:14	<b>understand</b>	<b>uploaded</b> 39:9	105:1,3,8,17
87:14 92:9	124:11 136:5	24:16 34:5	<b>upper</b> 96:4,9	107:9 112:18
109:13 152:19	<b>turning</b> 37:2	44:1 45:12	124:21 147:10	113:12,13,15
154:17 156:2	74:5 105:19	64:22 72:18	<b>urban/business</b>	113:20 114:3,6
	<b>twenty-third</b>	75:10 130:21	103:21	114:9,12,16
	25:22 26:1		<b>usage</b> 95:15	133:2 134:10

<p>134:14 135:9  135:14,17,20  136:1,3 137:14  <b>various</b> 63:17  <b>Vassal</b> 51:20  52:3  <b>vast</b> 141:18  147:20  <b>vehicle</b> 59:4  <b>vehicles</b> 46:4  98:2  <b>verify</b> 4:13  <b>vernacular</b>  39:17  <b>versed</b> 72:14  <b>version</b> 35:15  <b>Vice</b> 1:8  <b>vicinity</b> 88:19  97:3 99:14  <b>video</b> 3:21 123:3  <b>view</b> 6:8 39:14  41:13 42:3  90:6 92:21  93:4 94:2  119:7,8,12,16  119:17,20  120:1 130:1  148:22 149:2  149:19  <b>views</b> 33:11  <b>Vikas</b> 51:12  62:7 69:9  79:20  <b>Village</b> 51:21  <b>visible</b> 57:6  59:12 60:3  120:2  <b>visual</b> 131:9  <b>vital</b> 117:8 147:9  <b>VNA</b> 62:22  <b>voice</b> 134:2  <b>void</b> 149:4  <b>Volpe</b> 93:1  <b>voluminous</b>  125:22  <b>vote</b> 11:18 27:3  28:12,16 29:7  30:5,6,8 36:4</p>	<p>36:14,15,19  49:4,5,5 50:5  82:2,21 85:13  89:12 105:16  108:1 114:14  114:15 126:17  136:4 138:8  157:4,18  <b>votes</b> 4:4 15:6  29:4 30:6  36:17 50:3  82:20 85:11  89:13 107:21  126:15 136:2  157:16  <b>voting</b> 82:18  138:7</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 24:5 62:14  71:17 118:2  <b>waive</b> 80:11  <b>waiver</b> 8:16 14:4  26:7 35:12  155:21  <b>walk</b> 56:17  96:20 117:20  118:6  <b>walk-in</b> 146:21  <b>wall</b> 120:20  142:10 143:7  <b>want</b> 17:21 20:2  20:20 22:7  30:2 33:12  35:4 41:11  43:14 49:3  58:4 59:16  69:7 73:11  75:10 76:1,2  114:13 116:13  128:20 134:2  152:7,11  153:10 156:21  <b>wanted</b> 46:4  69:18 114:21  115:6 116:19  139:20  <b>wants</b> 18:4 24:9</p>	<p>24:18 64:4  69:20 110:18  <b>warrant</b> 57:1  <b>warranted</b>  77:14  <b>washer</b> 146:18  <b>washer/dryer</b>  151:11  <b>wasn't</b> 29:14  79:5 91:4  <b>way</b> 28:4 35:6  46:12 47:11  52:6 57:10,15  57:16 61:9  63:21 64:19  73:20 74:12  89:7 96:15  143:22 144:4  144:10 151:19  152:4 154:9  <b>ways</b> 54:6  <b>we'll</b> 14:1 24:19  67:14,19 68:21  92:6 101:17  115:10 118:2  132:15 140:13  154:1 156:20  <b>we're</b> 6:9,12 7:7  8:18 10:16  17:15,16,19  19:7,18,21  21:5 22:1,22  24:4 34:22  37:12,12 43:15  69:5,16 71:7,9  81:5 86:2,4  88:16 91:6  92:2 93:16  94:18,20 98:18  99:16 102:8  108:6,7 109:6  112:11,18  118:7,20 119:4  124:21 125:14  128:13 129:6  131:16,18  132:5 133:2  134:9 140:11</p>	<p>140:12 141:21  144:12 147:13  154:6 155:9,10  <b>we've</b> 5:7 28:7  33:2,21 65:15  80:20 83:11,17  88:18 91:21  96:16 107:8  128:12,20  131:10 136:18  143:1,2 156:3  <b>webpage</b> 4:9  <b>week</b> 156:5  <b>weekend</b> 9:9  10:12  <b>weekly</b> 97:18  <b>weigh</b> 76:1  <b>welcome</b> 3:8  69:21 100:7  129:16  <b>welfare</b> 83:20  106:17 125:12  137:2  <b>well-screened</b>  79:20  <b>Wendy</b> 1:9 3:5  4:20,22 5:1  16:4 29:6,6,10  29:12,15,18,21  30:1,4,19,20  32:4 36:13,14  36:15,15 38:4  41:18,19,22  42:2,7,15,18  42:20 44:5,7,8  44:11 45:3,11  46:5,11 49:17  49:18 51:4  63:3,6,7 76:6,7  76:12 77:15  78:10,15,21  79:13 80:3,5  80:14 82:5,6  82:11 85:5,6,6  87:4 101:1,2  105:9,10,10  107:18,19,19  109:4 110:4</p>	<p>111:11,12,12  114:7,8,8,19  114:21,21  115:2 116:4  123:14,15,15  126:12,13,13  128:4 129:19  129:20,20  135:18,19,19  137:22 138:1,1  139:4 157:10  157:11,11  158:9  <b>went</b> 6:18 29:8  55:21 89:10  <b>weren't</b> 91:3  <b>west</b> 90:12  <b>western</b> 95:21  <b>Weston</b> 116:21  <b>whereof</b> 159:12  <b>Whispered</b>  157:20  <b>white</b> 53:19  <b>who've</b> 133:22  <b>wide</b> 52:6  120:18 142:14  <b>width</b> 45:22  46:2  <b>Wiener</b> 98:14,15  100:7,12  <b>wife</b> 16:19,19  17:7 51:13  69:19  <b>Wiggins</b> 115:3  116:10,10,12  116:17,19,21  117:18 118:1,4  122:15 126:20  <b>Williams</b> 1:10  3:6 4:18,19 6:5  10:7,15 11:6,6  12:5 13:10  14:20,20 16:5  29:3 32:5 36:8  36:8 38:5  41:17,17 50:1  50:1 51:5  63:10,10 76:3</p>
--	--	--	---	--



82:17,17 85:9 85:9 87:5 100:22 105:7 107:16 109:5 110:5 111:14 114:5,5 116:5 123:17,17 126:10,10 128:5 129:17 135:22,22 137:20 139:5 157:14,14 158:11 <b>willing</b> 75:11 130:7 131:11 <b>win-win</b> 100:15 100:18 <b>wind</b> 145:12 <b>windows</b> 134:11 134:12 136:7 136:12,15,19 136:22 137:10 <b>wisest</b> 34:15 <b>wish</b> 33:6 46:19 47:2 68:17 72:22 101:12 109:8 112:8 124:3 132:11 <b>wishes</b> 68:21 101:17 102:11 111:17,22 113:1 124:7,9 132:15 133:8 <b>wishing</b> 16:8 32:8 38:8 51:8 87:8 110:8 116:8 128:8 139:8 <b>withdrawing</b> 109:12 <b>withdrawn</b> 109:9 <b>witness</b> 159:12 <b>woman</b> 59:3 <b>wondered</b> 46:11 <b>wonderful</b> 128:19 140:2 <b>word</b> 27:5 61:1	<b>words</b> 23:6 64:4 103:22 <b>work</b> 35:1 48:20 81:20 84:7 88:16 92:4 104:13 107:7 113:21 119:1 121:5,7,8 125:21 135:10 137:13 148:21 150:14,22 155:4 <b>working</b> 34:2 87:17,22 91:21 <b>works</b> 140:1 148:20 149:1 149:19 150:9 151:16 <b>world</b> 24:14 27:12 <b>wouldn't</b> 60:3 144:6 <b>wouldn't</b> 66:12 <b>wrestling</b> 153:3 <b>write</b> 18:14 25:11 125:9 <b>writer</b> 64:16 <b>writing</b> 65:1 <b>written</b> 72:15,16 79:15 112:13 113:16 <b>wrote</b> 12:7 17:1	61:7 62:13 68:15 69:2 70:13 72:7 76:11 79:20 84:17 102:10 111:3 112:21 118:4 130:11 130:11 131:15 131:20 143:18 145:4 146:9,12 146:20,22 148:15,19 149:6,8,10 150:1,8,8,16 150:18 151:17 153:11 155:12 <b>year</b> 52:17 89:11 92:5 <b>years</b> 38:18 51:22 52:16 88:1 117:2 128:13 140:1,7 140:14 <b>yellow</b> 53:19,20 <b>yep</b> 5:6 8:2 42:7 118:12 132:20 132:21 <b>yesterday</b> 7:4	<b>Zoom</b> 46:20 68:18 101:13 111:18 124:4 132:12 <b>zoomed</b> 96:16	<b>116393</b> 12:7 <b>116964</b> 109:8 <b>118</b> 2:3 6:7 <b>119365</b> 16:7 <b>12</b> 2:5 3:15 32:20 147:19 <b>120360</b> 38:7 <b>122612</b> 139:7 <b>124207</b> 51:7 <b>124307</b> 87:7 <b>125588</b> 110:7 <b>125807</b> 116:7 <b>126732</b> 128:7 <b>128</b> 2:14,16 110:7,13 <b>13</b> 142:13 <b>139</b> 2:17 <b>14</b> 2:4 7:1,2 8:22 12:7 14:10 26:13,17 35:18 156:12 <b>145</b> 2:15 116:7 116:18 118:17 <b>15</b> 45:19,19 120:18 142:20 144:2 145:16 146:1 152:8 <b>15,000</b> 89:14 <b>16</b> 2:6 152:8 <b>160</b> 141:22 <b>18</b> 35:10,16,19 36:3,21 45:21 152:8 <b>1800</b> 58:9 <b>185</b> 53:11 54:7 55:12 58:1 60:21
	<b>X</b>			
	<b>x</b> 2:1 45:19 110:16			
	<b>Y</b>			
	<b>yard</b> 57:5,8 58:2 92:16 98:19 135:3 136:16 <b>yards</b> 57:20 88:20 134:19 <b>Ye</b> 112:2,3,3 <b>yeah</b> 13:20,22 27:21 29:11 31:1 36:5 44:18 46:5 52:8 55:1,17	<b>Z</b>	<b>0</b> 121:5 <b>0.03</b> 119:5 <b>0.035</b> 141:21 <b>0.5</b> 141:16 <b>0.6</b> 141:19 <b>0.76</b> 119:4 <b>0.764</b> 117:14 <b>0.79</b> 119:4 <b>0.798</b> 117:14 <b>01/09/20</b> 2:8 <b>017219</b> 32:7 <b>02139</b> 1:6 <b>04/08/21</b> 2:3 <b>06/10/21</b> 2:4 <b>06/24/21</b> 2:6 <b>07/23/21</b> 2:8 <b>08:53</b> 158:12	<b>1</b>
		<b>Z</b> 97:6 <b>ZBA</b> 110:14,20 <b>zero</b> 38:21 <b>Zinno</b> 87:10,10 87:13 93:18,22 <b>zone</b> 141:16 <b>zoning</b> 1:1 3:9 19:10,12,15 20:6 21:1,3,17 21:18 22:14 32:22 33:5,5 33:20 48:6 56:4 58:14 70:19 83:14 99:13,22 106:10 125:3 136:21 148:22 149:2	<b>1</b> 2:14 72:8 110:7 121:7 <b>1.0</b> 141:19 <b>1:04:31</b> 56:18 <b>10</b> 34:1,4 64:3,6 66:4 67:16 70:10 73:19 75:17 122:9 143:14,16,17 145:8 <b>10-</b> 147:8 <b>10-foot-11</b> 144:20 <b>10-month</b> 66:7 <b>100</b> 133:2 <b>1000</b> 60:15,22 <b>1031c</b> 45:13,14 <b>109</b> 2:13 <b>109394</b> 6:7 <b>11</b> 2:13 109:8 <b>11-foot</b> 147:8 <b>110</b> 2:14 <b>116</b> 2:15	<b>2</b>
				<b>2</b> 8:12,13,22 9:6 10:11,19 11:17 62:18 112:4 155:12,15,19 156:12,18,20 157:20,21 158:4 <b>2.2</b> 96:6 <b>20</b> 128:13 140:1

<p>143:19 152:8  <b>200</b> 53:22  <b>2020</b> 3:16,20  <b>2021</b> 1:4 3:9  159:13  <b>2028</b> 159:18  <b>207</b> 101:20  <b>21</b> 12:20 152:9  <b>22</b> 3:22  <b>23</b> 12:20 26:6,12  26:13,18,22  27:2 30:10  <b>23,2021</b> 135:11  <b>24</b> 28:18  <b>24,2021</b> 81:22  <b>27</b> 3:19  <b>28</b> 159:18  <b>29</b> 1:4 3:8  109:13</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 113:4 121:10  <b>30</b> 65:5 70:18  74:1 75:12  80:18 84:20  145:12,13  <b>30-day</b> 73:21  80:11  <b>32</b> 2:8  <b>35</b> 2:10 38:7  58:11 95:22  96:17  <b>35-foot</b> 55:8  <b>364R</b> 2:12 87:7  <b>3705</b> 76:17  <b>38</b> 2:10  <b>39</b> 2:6 16:7</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 34:20 35:1  65:3,10  <b>4.22</b> 58:8 59:8  <b>4.22.4</b> 59:11  <b>4.60</b> 69:15 70:19  73:15 74:2,9  74:12,12 80:10  80:19 84:15,16  84:17,18  <b>40A</b> 56:3</p>	<p><b>45-question</b>  32:19  <b>450</b> 96:21</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 95:22 110:16  <b>5:00</b> 9:6 10:19  14:14 27:1  36:2 156:4,17  <b>50</b> 120:20  <b>500</b> 88:21 92:17  93:10 96:21  97:10  <b>51</b> 2:11 62:17  <b>54</b> 133:12  <b>544</b> 2:8 32:7  <b>55</b> 71:8  <b>58</b> 2:17 133:1  139:7  <b>585</b> 88:12 93:6</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 2:3 47:1 68:20  73:9 84:14  101:16 110:16  111:21 124:6  132:14  <b>6.41</b> 78:18  <b>6.41c</b> 82:8,12  <b>6.44.1c</b> 82:8,12  <b>6:00</b> 1:4 2:2,4,6  2:7 13:16 14:2  26:5,12 35:10  35:17 155:19  157:19  <b>6:01</b> 3:3  <b>6:05</b> 6:2  <b>6:10</b> 12:2  <b>6:14</b> 16:2  <b>6:27</b> 32:2  <b>6:30</b> 2:10  <b>6:31</b> 37:2 38:2  <b>6:45</b> 2:11  <b>6:47</b> 51:2  <b>60</b> 62:5,18 69:5  <b>60s</b> 52:20  <b>62</b> 2:16 128:7  133:20  <b>63</b> 2:11 51:7</p>	<p><b>64</b> 133:13  <b>65</b> 62:22</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 12:20,21 13:12  14:3,11,15  15:8  <b>7:00</b> 2:12 14:2  <b>7:15</b> 2:13  <b>7:29</b> 87:2  <b>7:30</b> 2:14  <b>7:45</b> 2:15  <b>7:55</b> 108:7  <b>7000</b> 58:18  <b>71</b> 133:19  <b>7410</b> 76:16</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8:00</b> 2:16 108:8  109:2,6  <b>8:01</b> 110:2  <b>8:06</b> 116:2  <b>8:15</b> 2:17  <b>8:19</b> 128:2  <b>8:31</b> 139:2  <b>80</b> 54:19  <b>831</b> 1:6  <b>86</b> 119:5  <b>87</b> 2:12</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 47:1 68:20  101:16 111:21  124:6 132:14  <b>9-0</b> 89:12  <b>9-foot-10</b> 145:2  <b>900</b> 54:3 60:13  <b>9000</b> 58:10  <b>90s</b> 90:21</p>		
--	---	--	--	--