

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY NOVEMBER 17, 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair
Andrea A. Hickey
Laura Wernick
Jason Marshall

City Employees
Olivia Ratay, Zoning and Building Associate



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I N D E X

CASE	PAGE
CONTINUED CASES	
BZA-155115 -- 35 WEBSTER AVENUE Original Hearing Date: 01/27/22	6
BZA-155116 -- 35 WEBSTER AVENUE Original Hearing Date: 01/27/22	18
BZA-168852 -- 35 WEBSTER AVENUE Original Hearing Date: 05/05/22	27
BZA-188958 -- 24 UNION STREET Original Hearing Date: 10/06/22	30
REGULAR AGENDA	
BZA-196028 -- 48 INMAN STREET - UNIT 44	61
BZA-196029 -- 48 INMAN STREET - UNIT 42	70
BZA-196373 -- 100 HENRY STREET	76
BZA-197312 -- 48 FRESH POND LANE	85
BZA-197887 -- 47 EIGHTH STREET	120
BZA-196705 -- 415 BROADWAY	123

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

2 * * * * *

3 (6:01 p.m.)

4 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
5 Monteverde, Laura Wernick, and Jason
6 Marshall

7 BRENDAN SULLIVAN: Welcome to the November 17,
8 2022 meeting of the Cambridge Board of Zoning Appeal. My
9 name is Brendan Sullivan, and I am the Chair for tonight's
10 meeting.

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

20 This meeting is being video and audio recorded and
21 is broadcast on Cambridge television Channel 22 within
22 Cambridge.

1 There will also be a transcript of the
2 proceedings.

3 All Board members, applicants, and members of the
4 public will please state their name before speaking. All
5 votes 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, but that may change based on the number of speakers,
12 and at the discretion of the Chair.

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

15 OLIVIA RATAY: Jim Monteverde?

16 JIM MONTEVERDE: Here.

17 OLIVIA RATAY: Laura Wernick?

18 LAURA WERNICK: Here.

19 OLIVIA RATAY: Andrea Hickey?

20 ANDREA HICKEY: Present.

21 OLIVIA RATAY: Jason Marshall?

22 JASON MARSHALL: Present.

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OLIVIA RATAY: And Brendan Sullivan.

BRENDAN SULLIVAN: Present and audible.

1 * * * * *

2 (6:03 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The first case I'll call
7 tonight will be Case No. 155115 -- 35 Webster Avenue.

8 DAN ANDERSON: Good evening, Mr. Chair. Dan
9 Anderson, Partner at Anderson Porter Design here to present
10 the amended special permit applications for 35 Webster Ave.

11 BRENDAN SULLIVAN: Dan, before you start, I just
12 want to make a statement that Mr. Alexander had sat on this
13 case originally. He has recused himself from further
14 matters from the Board, and as such Andrea Hickey is going
15 to be the fifth member hearing this case tonight. And the
16 Board has invoked the Mullin Rule to allow Ms. Hickey to sit
17 on the matter.

18 Chapter 39 Section 23D of the Massachusetts
19 General Law, known as the Mullin Rule provides that members
20 of municipal Boards or Commissions who are absent from no
21 more than one session of an adjudicatory hearing may still
22 act on the matter at a future session, provided that the

1 municipality accepts the section of the law, and that the
2 absent member reviews a transcript or video of audio
3 recordings of this hearing, and certifies that they have
4 done so. The statute is known as the Mullin Rule.

5 We are in receipt of correspondence dated November
6 17 to -- regarding 35 Webster, Cambridge, MA BZA 155115 and
7 BZA 155116:

8 "Dear Chairperson Sullivan, this is to certify
9 that I have reviewed the Cambridge Board of Zoning Appeals
10 files with respect to the above caption -- the above-
11 referenced cases, which files include without limitation the
12 transcripts of prior proceedings, application plans and
13 correspondence.

14 "Respectfully,

15 "Andrea Hickey."

16 So I will make the motion, then, that we accept
17 Andrea Hickey as a duly appointed and has met that
18 requirement of the Mullin Rule.

19 I would ask for other members of the Board to
20 agree to that motion. Jim Monteverde?

21 JIM MONTEVERDE: I agree.

22 BRENDAN SULLIVAN: Laura Wernick?

1 LAURA WERNICK: Agrees.

2 BRENDAN SULLIVAN: Jason Marshall?

3 JASON MARSHALL: Agrees.

4 BRENDAN SULLIVAN: And Brendan Sullivan, I also
5 agree. So Ms. Hickey is duly appointed to sit on this case.
6 Now, you may go ahead, Dan.

7 DAN ANDERSON: Much appreciated. We appreciate
8 the accommodation on that, and Ms. Hickey thank you for
9 stepping in and participating.

10 So as you may recall, we asked for a continuance
11 on this matter. This is a special permit around a non-
12 conforming, single-family structure - non-conforming in
13 respect to a side yard and front yard setback.

14 So we're here asking for relief on modifications
15 of a modest increase in the height of the structure within
16 that side yard setback, new window openings within that
17 elevation, and a new set of steps and porch in the front
18 yard setback.

19 We'd ask for the continuance on the last
20 presentation to work out these design refinements with the
21 abutter at 41 Webster, and which we have done so over the
22 past number of weeks, and I believe in record have their

1 support for that.

2 So we made modifications to the rooflines, the
3 shadow cast with respect to their landscape and visibility,
4 and also to height as well as window openings.

5 So at your pleasure, I can walk you through this.
6 I'm not sure whether, Olivia, you want to present, or should
7 I take over and run through the particulars?

8 BRENDAN SULLIVAN: So what you're referencing is a
9 letter to the Board dated November 14 from Mr. Parvizi
10 summarizing the correspondence back and forth with the
11 abutters, and that you accounted for the neighbors'
12 feedback, and they have -- you have adopted the proposed
13 flat roof design, shared shadow studies, modified the flat
14 roof design to maintain the sloped roof in the front
15 northwest corner of the home in order to reduce the shadow
16 impact.

17 You have modified the flat roof design to cut off
18 a segment in the back northeast corner in order to reduce
19 the shadow impact at 41 Webster, and you have removed the
20 proposed bedroom window frosting proposed bathroom window,
21 and reduced size of the proposed living room window on the
22 north elevation.

1 There was no proposed window on the north
2 elevation that has line of sight to 41 Webster, either
3 because it is frosted or above the head height.

4 And so, I think that fairly summarizes the status
5 of 35-37 Webster, is that correct?

6 DAN ANDERSON: That's correct.

7 BRENDAN SULLIVAN: Is there anything else to add
8 to that that --

9 DAN ANDERSON: No, I think that's the sum total of
10 the modifications that we made in order to --

11 BRENDAN SULLIVAN: Okay.

12 DAN ANDERSON: -- accommodate --

13 BRENDAN SULLIVAN: All right.

14 DAN ANDERSON: -- the requests.

15 BRENDAN SULLIVAN: Okay.

16 DAN ANDERSON: So --

17 BRENDAN SULLIVAN: I don't think we need to go
18 into any further detail, unless the members of the Board
19 wish to do so. Let me turn it back over, then, to the Board
20 if they have any questions.

21 Jim Monteverde, any further questions?

22 JIM MONTEVERDE: No questions.

1 BRENDAN SULLIVAN: Laura Wernick?

2 LAURA WERNICK: I have no questions.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: No questions.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: I have no questions.

7 BRENDAN SULLIVAN: Okay. Let me open it to public
8 comment. Any member of the public who wishes to speak
9 should now click the button that says, "Participants," and
10 then click the button that says, "Raise hand."

11 If you are calling in by phone, you can raise your
12 hand by pressing *9 and unmute or mute by pressing *6, and
13 you will have up to three minutes in which to comment.

14 OLIVIA RATAY: Lin Yang?

15 LIN YANG: Hi. I'm Lin. I'm the owner of 41
16 Webster. And as the applicant has said, overall we are
17 supportive of the new design of the 35 Webster. However, we
18 just reviewed the new design specification, and have some
19 very minor comments.

20 So there are two numbers that we have been
21 discussing -- one is keeping the eave northwest eave (sic)
22 elevation at 33.7 foot. The other one is cut off the second

1 in the back -- corner, that 1.7 foot.

2 These changes are essential for our support, and
3 they are discussed and agreed in the e-mail communications.
4 But in the submitted plan, I don't see these two numbers
5 being specified on the drawings on page 8, 2.1. Maybe I
6 missed something.

7 But if they are -- so we -- the thing we are
8 asking is -- asked Dan and the full team to ensure these
9 numbers are marked and specified on the new design, so there
10 wouldn't be any ambiguities in future interpretations.
11 Thank you.

12 BRENDAN SULLIVAN: Thank you. That is the sum and
13 substance of any call-in, and also what is in some
14 communication which actually addresses early concerns. It's
15 all part of the record.

16 I will now close the public comment part, send it
17 back to Dan on anything further.

18 DAN ANDERSON: Thank you very much. So to Mr.
19 Lin's point, those are the heights to which this proposal is
20 made, and we're willing to so stipulate. I thought those
21 dimensions were specifically called out, because those were
22 addressing his concerns.

1 But the Board will accept in the transcript that
2 we are stipulating that those are in fact the heights there,
3 and those will be represented on the plans at an appropriate
4 time. I'm not sure how else to address that, other than
5 assuring Mr. Lin that those are the heights that he
6 requested and that we agreed to.

7 BRENDAN SULLIVAN: Okay. Back to the Board. Jim
8 Monteverde, any questions, comments?

9 LAURA WERNICK: You're on mute, Jim. Jim, did you
10 say something?

11 JIM MONTEVERDE: Sorry. I didn't realize I muted
12 myself. I have no questions. Thank you.

13 BRENDAN SULLIVAN: Okay. Laura Wernick, any
14 questions or comments you'd like to make?

15 LAURA WERNICK: No. Laura Wernick no questions.

16 BRENDAN SULLIVAN: Jason Marshall, any questions
17 or comments?

18 JASON MARSHALL: Nothing at this time.

19 BRENDAN SULLIVAN: Okay. Andrea Hickey, any
20 questions or comments?

21 ANDREA HICKEY: No, Mr. Chair. Not at this time.

22 BRENDAN SULLIVAN: Okay. Ready for a motion?

1 ANDREA HICKEY: Ready.

2 JIM MONTEVERDE: Ready.

3 BRENDAN SULLIVAN: They are seeking a special
4 permit to increase the height of the building, which
5 violated the setback in the addition and the openings. They
6 have amended the plans, the latest drawing plans submitted.

7 I suspect, Dan, that the updated dimensional form
8 is contained therein, or a new one provided?

9 DAN ANDERSON: It is contained there.

10 BRENDAN SULLIVAN: Okay. And Section 5 -- 5.31,
11 88.22.-c, which is a non-conforming structure, let me make a
12 motion, then, to grant the relief requested as per the plans
13 submitted dated and stamped at November -- I'm sorry, the
14 plans are dated 2022-11-03 -- November 3, 2022 -- and
15 stamped in the Department November 14, entitled, "35 Webster
16 Avenue, by Anderson Porter Design." And the dimensional
17 form supporting statement is contained therein.

18 The Board finds that it may grant a special
19 permit." In a resident's district, the Board may grant a
20 special permit for the alteration or enlargement of a non-
21 conforming structure not otherwise permitted in 8.22.1, but
22 not the alteration or enlargement of a non-conforming use.

1 Provided any enlargement or alteration of such
2 non-conforming structure is not further in violation of the
3 dimensional requirements or the off-street parking and
4 loading requirements in Article 6 in which such structure is
5 located.

6 And provided such non-conforming structure will
7 not be increased in area or volume by more than 25 percent,
8 which it is not, is that correct?

9 DAN ANDERSON: That is also correct.

10 BRENDAN SULLIVAN: Okay. So -- and then under the
11 criteria for granting a special permit, it appears that the
12 requirements of the Ordinance can be met through the
13 granting of a special permit.

14 The Board finds that traffic generated or patterns
15 of access or egress would not cause congestion, hazard, or
16 substantial change in the established neighborhood
17 character.

18 The Board finds that continued operation of or
19 development of adjacent uses, as permitted in the Zoning
20 Ordinance, would not be adversely affected by the nature of
21 the proposed use.

22 The Board notes that earlier designs could

1 potentially have somewhat of an adverse effect on adjoining
2 properties; that the petitioner has changed/amended/reduced
3 the project to ameliorate the vast majority of those
4 concerns.

5 The Board finds that there would not be any
6 nuisance or hazard created to the detriment of the health,
7 safety, and/or welfare of the occupant of the proposed use,
8 or to the citizens of the City.

9 The Board finds that the proposed use would not
10 impair the integrity of the district or adjoining district,
11 or otherwise derogate from the intent and purpose of the
12 ordinance.

13 The intent and purpose of the ordinance is to
14 allow homeowners to update their structure with modern
15 mechanical systems; also energy conservation equipment, new
16 windows, the exterior cladding; that the proposal will have
17 a benefit to the entire neighborhood and to the city as an
18 updated structure.

19 On the motion, then, to grant the relief
20 requested, the special permit, as per the application and
21 initialed by the Chair. That the work to conform to the
22 drawings as initialed? Jim Monteverde?

1 JIM MONTEVERDE: In favor of the special permit.

2 BRENDAN SULLIVAN: Laura Wernick?

3 LAURA WERNICK: In favor.

4 BRENDAN SULLIVAN: Jason Marshall?

5 JASON MARSHALL: In favor.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: In favor.

8 BRENDAN SULLIVAN: Brendan Sullivan.

9 [All vote YES]

10 BRENDAN SULLIVAN: On the five affirmative votes,
11 members of the Board, the special permit 155115 is granted.

12 DAN ANDERSON: Thank you very much.

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2 (6:17 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 Number No. 155116 -- 35 Webster Avenue. And again, for the
8 record, the Board is complying with the requirements of the
9 Mullin Rule and the same statement that was -- that I read
10 for the previous case, should the -- we'd ask that it be
11 incorporated as part of the record for this particular case,
12 allowing Ms. Hickey to sit on this case.

13 Okay, Dan?

14 DAN ANDERSON: Great. And just to be clear, Ms.
15 Hickey, thank you. And the Board has agreed to hear this
16 case as well?

17 BRENDAN SULLIVAN: I'm sorry, that the Board has
18 --

19 DAN ANDERSON: You made a motion previously to
20 allow her to hear the previous case. Is that carried
21 through to this case as well?

22 BRENDAN SULLIVAN: Yes.

1 DAN ANDERSON: Very good. Thank you.

2 So the presentation here is for a variance to an
3 otherwise conforming single-family structure. It's what was
4 previously called, "37 Webster" at the rear, Case No.
5 155116.

6 And the variance at hand is to request a guardrail
7 at the areaway access to the lower level of that structure.
8 That areaway extends three and a half feet beyond the
9 allowable setback.

10 But because the areaway is a stair and deeper than
11 30 inches, it requires a guardrail by code.

12 The current proposal is that there be a grate
13 would cover that that would be removable. The request is
14 that a guardrail -- open guardrail with no more than four-
15 inch openings be constructed in its place within that
16 allowable three-and-a-half-foot incursion into the setback.

17 We presented previously. We'd want to reiterate
18 that the hardship presented was that on this lot there was
19 no other location for said areaway, and that adjusting the
20 footprint or removing the structure in a more narrow way or
21 otherwise volumetrically to meet the client's program and
22 other site requirements would have created more massing --

1 less footprint on the ground level, which was a -- would
2 have been an unfortunate thing for the program. But for the
3 shadow impact and visual impact of the neighbors, it would
4 have forced the volume to be on the third floor to be
5 pressed more to the south and create more impact on
6 abutters, which was clearly not the intention.

7 So I'm hoping that there is some positive
8 discussion about this, but that is the sum of the request is
9 to replace that grade with a simple guardrail.

10 BRENDAN SULLIVAN: Okay. I guess the discussion
11 -- and I guess my initial reluctance on this is that you're
12 basically starting off with a blank piece of paper. And,
13 you know, why you couldn't build it as-of-right.

14 And I think my preference would have been that the
15 building be sort of shortened and sort of pulled in so that
16 you would not need relief from this Board by way of a
17 special permit for the entry into the basement.

18 But then I realized that I guess sort of like a
19 balloon, if you squeeze it in under two sides, it's got to
20 pop up somewhere, and that you could as-of-right, then,
21 increase the height of the building; is that correct, Dan,
22 what is proposed?

1 And so, -- I think you're on mute, Dan?

2 DAN ANDERSON: Yes.

3 BRENDAN SULLIVAN: Okay.

4 DAN ANDERSON: That is correct.

5 BRENDAN SULLIVAN: Right. And so, then the -- and
6 it's not necessarily a tradeoff, just that the reality of
7 the situation is that to reduce the height of the building,
8 which affects obviously the shadow and lessens the shadow --
9 lessens the impact -- is that we then go basically out to
10 the left and through the entryway into the basement you can
11 do, and the grate issue then becomes what is the best
12 solution to access and egress the basement?

13 And reading your correspondence dated November 14,
14 that you're basically saying that a guardrail with an open
15 stairway down into the basement is probably the better
16 solution for any occupant of the building -- anybody using
17 the building, especially in inclement weather.

18 And so, I think that I would tend to agree with
19 your analysis of that; that a grate having some experience
20 with that, can be problematic from now -- this time of the
21 year until maybe the fifteenth of April or something like
22 that -- something.

1 So does that tend to be your thesis on this
2 situation?

3 DAN ANDERSON: That is accurate.

4 BRENDAN SULLIVAN: Okay. Okay. Let me open it
5 back up to the Board again. Jim Monteverde?

6 JIM MONTEVERDE: No questions.

7 BRENDAN SULLIVAN: Laura Wernick?

8 LAURA WERNICK: No questions.

9 BRENDAN SULLIVAN: Jason Marshall, any questions?

10 JASON MARSHALL: Mr. Chair, I think you
11 articulated well the dynamic at play in this particular
12 case. I don't have any questions. Thank you.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: No questions, Mr. Chair.

15 BRENDAN SULLIVAN: Let me open it to public
16 comment. Any member of the public who wishes to speak
17 should now click the button that says, "Participants," and
18 then click the button that says, "Raise hand."

19 If you are calling in by phone, you can raise your
20 hand by pressing *9 and unmute or mute by pressing *6, and
21 you'll have up to three minutes in which to comment.

22 There appears to be nobody calling in, and I don't

1 think we have any other further correspondence. No. Okay.
2 Let me just, all right, send it back to you, Dan. Anything,
3 or are we ready for a motion, Board?

4 DAN ANDERSON: Just one comment. This is just
5 kind of an anomaly of the way in which the code is written
6 around this, which is that if there were an exit stair --
7 exit steps in that location, which would be incurring three-
8 and-a-half feet into that space plus the guardrail -- the
9 exit steps being let's say three-and-a-half to or less than
10 four feet in height and guardrail around that, that typical
11 is not considered specifically excluded from a requirement
12 for relief in any way.

13 So I just point that out in this, it's one of
14 those oddities that we face in creating designs like this
15 that an arguably much less impactful change requires relief
16 from the ordinance, where, you know, a set of steps and
17 stoops and other things that otherwise would be excluded
18 under the Ordinance.

19 So just --

20 BRENDAN SULLIVAN: Yeah.

21 DAN ANDERSON: -- just a minor observation.

22 BRENDAN SULLIVAN: No, you're correct. You're --

1 those, I think, are thoughts that the Board has had too is
2 that that's the way it's written, and that's the way it's
3 interpreted by the Department and there's an awful lot of
4 somewhat contradictions in this book.

5 You can do one thing, not the other, and yet they
6 basically do the same thing and have the same effect. But
7 --

8 DAN ANDERSON: Yeah, we have -- I appreciate your
9 judgment on that. Thank you.

10 BRENDAN SULLIVAN: All right. All right. Let me
11 make a motion, then, to grant the relief requested. It is
12 for a variance under Article 55.31, and 10.10.30 (sic).

13 The Board finds that a literal enforcement of the
14 provisions of the Ordinance would involve a substantial
15 hardship to the petitioner.

16 The Board finds that the hardship is owing to the
17 shape of the lot containing two other structures. That the
18 vast majority of this building can be built as-of-right.
19 That the entrance and exit from the basement area requires
20 either a grate or a stairway with the railing around it.

21 The Board agrees with the petitioner that the
22 railing, of which this is the subject of this variance,

1 would be the preferable solution, because it would greatly
2 aid in anybody entering or exiting the building, especially
3 in an emergency and especially during inclement weather.

4 The Board finds that the hardship, again, owing to
5 the shape, and that the alternative would have a more
6 impactful effect on the abutting properties -- and as such,
7 the solution and the variance request is a lesser grant, and
8 a fair and reasonable one.

9 The Board finds that desirable relief may be
10 granted without substantial detriment to the public good --
11 in fact the lessening of the height will have a lessening
12 impact on the neighborhood.

13 And that it would not nullify or substantially
14 derogate from the intent and purpose of the ordinance to
15 allow homeowners to have a fair and reasonable use of the
16 property -- the proper entry and exit, even though it may
17 infringe upon side yard setback.

18 And that the Board finds that the solution at hand
19 and nature of this variance is de minimis in nature.

20 On the motion, then, to grant the relief
21 requested, Jim Monteverde?

22 JIM MONTEVERDE: In favor of the variance.

1 BRENDAN SULLIVAN: Laura Wernick?

2 LAURA WERNICK: In favor.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: In favor.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Yes, in favor.

7 BRENDAN SULLIVAN: Brendan Sullivan in favor.

8 [All vote YES]

9 BRENDAN SULLIVAN: I might add that the variance
10 is granted on the condition that the work comply with the
11 drawings provided and initialed by the Chair, and with the
12 supporting statements and the dimensional form incorporated
13 by reference.

14 On five affirmative votes, the variance is
15 granted.

16 DAN ANDERSON: Thank you very much.

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2 (6:29 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: Now, one other matter would be
7 168852, which is the appeal.

8 DAN ANDERSON: Yes, thank you. So Dan Anderson,
9 Anderson Porter Design. We've requested a continuance of
10 that appeal.

11 BRENDAN SULLIVAN: And -- okay. On the motion,
12 then, to continue, we are in receipt of correspondence from
13 Trilogy Law -- Sarah Rhatigan -- dated November 15.

14 "Dear members of the Board,

15 On behalf of the petitioner, we respectfully
16 request a continuance of the hearing of this appeal
17 currently established for November 17. Thank you for your
18 consideration."

19 Any particular date, Dan, or any -- for the date?

20 DAN ANDERSON: I'm happy at your earliest
21 convenience.

22 PARVIZ PARVIZI: Dan, I would suggest if there's a

1 date in 2023 in February or so, that might be best.

2 THE REPORTER: Could you identify yourself for the
3 record, please?

4 PARVIZ PARVIZI: Yes. This is Parviz Parvizi,
5 owner of 33-35 Webster.

6 BRENDAN SULLIVAN: Parviz, I'm sorry, what was
7 that date?

8 PARVIZ PARVIZI: Are there any dates in 2023 in
9 February?

10 BRENDAN SULLIVAN: February?

11 PARVIZ PARVIZI: Yeah, or later even, like late
12 February?

13 BRENDAN SULLIVAN: February 9 or February 23?

14 PARVIZ PARVIZI: 23 would be great. Thank you.

15 BRENDAN SULLIVAN: February 23.

16 PARVIZ PARVIZI: Yep. Thank you very much.

17 BRENDAN SULLIVAN: All right. It is a case not
18 heard. So on the motion, then, to continue Case No. 168852
19 -- 35 Webster Avenue until February 23, 2023, on the
20 condition that the petitioner change the posting sign to
21 reflect the new date of February 23, 2023 at and 6:00 p.m.

22 That the sign may not be posted but must be

1 maintained at least 14 days prior to the February 23, 2023
2 meeting.

3 That any new material not currently in the file be
4 submitted by 5:00 p.m. on the Monday prior to the February
5 23, 2023 hearing.

6 And we have a waiver in the file.

7 On the motion, then, to continue this matter, Jim
8 Monteverde?

9 JIM MONTEVERDE: In favor of the continuance.

10 BRENDAN SULLIVAN: Laura Wernick?

11 LAURA WERNICK: In favor of the continuance.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: In favor.

14 BRENDAN SULLIVAN: Andrea Hickey?

15 ANDREA HICKEY: In favor.

16 BRENDAN SULLIVAN: And Brendan Sullivan yes.

17 [All vote YES]

18 Five affirmative votes; the matter is continued
19 until February 23, 2023 at 6:00 p.m. Thank you.

20 DAN ANDERSON: Very good. Thank you to the Board
21 and you, Mr. Chair. Have a good evening.

22 BRENDAN SULLIVAN: Goodnight.

1 * * * * *

2 (6:32 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 Number No. 188958 -- 24 Union Street. Mr. Luna, are you on?

8 JOSEPH LUNA: Yes, I am. Okay, thank you, members
9 of the Board. My name is Joseph Luna. I am the Principal
10 of Luna Design Group Architects from Danvers, and I'm
11 speaking on behalf of my client, Ms. Lin Lin, who's also
12 here today.

13 The project in question is 24 Union Street, which
14 is a two-story hip roof townhouse with unfinished attic and
15 basement. At the rear of the building are single-story
16 smaller blocks that house existing bedroom and bathroom, and
17 the property preliminary has no on-street parking.

18 Ms. Lin lives in Unit 24 and rents the other two
19 units. The building is non-conforming to current Cambridge
20 Zoning bylaws for parking and side yard setback.

21 Ms. Lin wishes to renovate and add to the building
22 and has currently pulled a building permit for Phase 1,

1 Interior Building Renovations. It requires zoning relief to
2 add to the property, because of existing non-conformities
3 and additional non-conformities as a result of this
4 addition.

5 As part of the current Phase 1 renovation, a new
6 fire alarm and sprinkler system are being installed. The
7 system is designed to accommodate the proposed addition if
8 the requested zoning relief is granted.

9 Specifically, Ms. Lin wishes to build on top of
10 the existing single-story rear elements to add additional
11 living space upstairs, completely rebuild the roof to create
12 a usable attic and connect the attic over the proposed
13 second-floor additions.

14 As part of the roof rebuild, the roof would
15 eliminate this and change it to a primary gable at the rear,
16 and then individual shed dormers with bookend gables at the
17 front of each unit.

18 There will be no change in the height of the
19 primary roof or change in its roof pitch. Care was taken
20 not to overwhelm the front façade and the scale of the
21 dormer during contact with the neighborhood, and we believe
22 provide an attractive design, while gaining much-needed

1 attic living space.

2 Ms. Lin also plans on making cosmetic improvements
3 by eliminating the unattractive asphalt shingles to the
4 front façade and residing the house.

5 She is also seeking a special permit. As I
6 mentioned before, the property has no off-street parking.
7 She is allowed by right to put a single curb cut in;
8 however, there is no side yard to get a driveway to any rear
9 parking.

10 In order to get her some amount of off-street
11 parking, we are requesting to provide two 10-foot-wide curb
12 cuts at the east and west corners of the property. And then
13 there would be tandem parking along the front. As necessary
14 to do this, the existing stair stoops will be pushed into
15 the building.

16 There are two trees that will be affected by this,
17 and Ms. Lin is planning on replacing those trees. One could
18 be considered a significant tree; the other doesn't meet
19 that requirement, but she would put at least the major tree
20 back toward the center of the property.

21 We were asked too at the last meeting to present
22 shadow studies. We submitted a series of studies for the

1 project that shows the extent of the shadows at both
2 equinoxes. And each study shows one hour after sunrise
3 midday and one hour before sunset. And we did studies for
4 both the winter and summer equinox.

5 If you've had a chance to review these studies, we
6 do not see any substantial increase in the amount of shadows
7 being cast on the adjacent properties.

8 The two-story element that's added off the back
9 will cast a shadow, but since there's no increase of height
10 of the building, any increases in shadow casting is
11 negligible. I'd be happy to answer any questions the Board
12 may have on this project, and Ms. Lin is also here to answer
13 any questions as well.

14 BRENDAN SULLIVAN: Okay. With the Board's
15 indulgence, I think I would like to walk through the
16 existing and what is proposed. I could have Ms. Ratay pull
17 up EC1.01, which is the existing first-floor plan.

18 JOSEPH LUNA: There you go.

19 BRENDAN SULLIVAN: So a typical -- I think each
20 unit is a mirror image of the other one. Is that correct?

21 JOSEPH LUNA: That's correct. They're townhouse-
22 style units.

1 BRENDAN SULLIVAN: Okay. So a typical unit has a
2 bedroom, living room, dining room. There's a deck, there's
3 a kitchen, there's a bath off of the kitchen, and there's a
4 laundry area. And that is sort of typical.

5 JOSEPH LUNA: That's correct.

6 BRENDAN SULLIVAN: So the first floor -- and then
7 we go to EC1.02. The --

8 JOSEPH LUNA: You can see the roof; right.

9 BRENDAN SULLIVAN: And again --

10 JOSEPH LUNA: You can see the roof of the one-
11 story element in the back.

12 BRENDAN SULLIVAN: Right. There is a bedroom,
13 bedroom, a study, and an office.

14 JOSEPH LUNA: Correct.

15 BRENDAN SULLIVAN: And then there is no three
16 (sic), because that's what you're requesting, basically:
17 Change the roofline so that you can access and make use of
18 the attic space?

19 JOSEPH LUNA: Yes.

20 BRENDAN SULLIVAN: Now, if I would ask Ms. Ratay
21 to go to what is proposed, which would be A1.02?

22 JOSEPH LUNA: A1.01 to A1.03.

1 BRENDAN SULLIVAN: Right. And basically, you're
2 leaving the -- as an unfinished basement?

3 JOSEPH LUNA: Yes.

4 BRENDAN SULLIVAN: Okay.

5 JOSEPH LUNA: The existing basement is old masonry
6 construction. We're doing necessary structural reinforcing,
7 but it's not great space down there.

8 BRENDAN SULLIVAN: What is the floor to ceiling
9 height now? Do you know?

10 JOSEPH LUNA: Off the top of my head I couldn't
11 tell you. I believe it's around 7' -- 7'4".

12 BRENDAN SULLIVAN: Okay.

13 JOSEPH LUNA: I can get that information, but I
14 don't have it on these drawings right now.

15 BRENDAN SULLIVAN: All right. But there's no
16 desire or you feel --

17 JOSEPH LUNA: There's no desire or --

18 BRENDAN SULLIVAN: -- or worthwhile to even use
19 the basement? Okay. So on A1.01, first floor, what you're
20 proposing is -- again, a kitchen, a living room, a full
21 bathroom, dining room --

22 JOSEPH LUNA: Correct.

1 BRENDAN SULLIVAN: -- deck off of that, a bedroom

2 --

3 JOSEPH LUNA: Bathroom in the back -- the bathroom
4 in the back was preexisting; that will stay.

5 BRENDAN SULLIVAN: Okay. Let me just run through
6 it --

7 JOSEPH LUNA: Okay.

8 BRENDAN SULLIVAN: -- Joe, and you'll have a
9 chance to speak at the end. I just interrupt my thoughts
10 and I lose -- which may very well be pertinent. So again, a
11 typical unit: Living room, full bathroom, dining room, and
12 a deck off of that.

13 And then there's a bedroom, full bath off of that
14 and then a kitchen?

15 JOSEPH LUNA: Yep.

16 BRENDAN SULLIVAN: Going to 1.02, there is a
17 bedroom, full bath and a study, then a laundry and a wet
18 bar, which I would characterize as a kitchenette, and a
19 bedroom in the back with a full bath.

20 JOSEPH LUNA: Right.

21 BRENDAN SULLIVAN: And again, typical of those
22 units. Third floor: A study, full bath, a playroom and a

1 TV room.

2 I guess my impression on this is it's a big ask
3 because you're asking each unit would be a kitchen and --
4 again a kitchenette or a web bar, however -- five bathrooms
5 and one powder room, two study rooms, a playroom, and two
6 studies.

7 So you're asking for 13 rooms plus a living room,
8 a dining room and a sitting room brings it up to 16 rooms
9 per unit in the building. 16 rooms x three is 48 -- 48
10 rooms in what is a three-family structure.

11 To me it's a big ask. I think that it is
12 maximizing the property to the fullest extent. The parking
13 in the front to me is a nonstarter. Absolutely parking in
14 the front yard setback requesting two curb cuts is to me
15 just a nonstarter.

16 So those are my thoughts. Let me turn it back
17 over to the Board.

18 Jim Monteverde, your thoughts, comments?

19 JIM MONTEVERDE: I had the same response you did
20 regarding the parking in the front yard. I would not be in
21 favor of that. And beside the overall amount of the new
22 development being significant -- perhaps too significant to

1 the lot or for the building.

2 I was also curious about: I didn't find -- I
3 couldn't scale dimensions for the dormers and understand how
4 this complied or didn't comply with the Dormer Guidelines.
5 That was just one question I had.

6 And just from the visual appearance of it, it
7 appeared the dormers were significantly beyond the Dormer
8 Guidelines. So those are my three concerns in particular.

9 BRENDAN SULLIVAN: Okay. And I guess the ultimate
10 question, which I know one of the members of the Board will
11 bring up, is the hardship, and why is it a hardship for such
12 a -- more than just a renovation or repurposing of the
13 building, but a -- quite an expansion of the living space.
14 That's the other thought that I would have.

15 Laura Wernick, your thoughts at this time,
16 questions?

17 LAURA WERNICK: Yeah. I don't have much in
18 addition to what's been said to date. I did have a question
19 on the second-floor plan. I just had a question of your --
20 of the Chair's description. Because I thought it was -- is
21 it a -- it has a wet bar; I thought it was a laundry.

22 JOSEPH LUNA: It is a laundry with a refrigerator

1 wet bar inside. It's a shared space.

2 LAURA WERNICK: Okay. Yeah, no, it does seem like
3 a large quantity of space for this -- given the parking,
4 given the situation and the non-conforming use. So I think
5 I would disagree with the issues that have been raised to
6 date.

7 BRENDAN SULLIVAN: Okay. Jason Marshall? Your
8 thoughts, comments, questions?

9 JASON MARSHALL: Yeah. I mean, I think I
10 generally adopt the questions and concerns that have been
11 raised so far. It does strike me as quite an oversized ask
12 in terms of an exemption from the Zoning bylaws. It's
13 several thousand square feet over the allowable GFA.

14 And then to the Chair's point about hardship, it's
15 -- I'm not persuaded by the narrative in the application
16 that it meets the hardship standard -- this type of an
17 extension renovation. Those are my early thoughts.

18 BRENDAN SULLIVAN: Okay thank you. Andrea Hickey?
19 Questions? Thoughts? Comments?

20 ANDREA HICKEY: Yes. Mr. Chair, you've sort of
21 hit on all the points that are important to me, the first
22 being parking. The parking as proposed in the front of the

1 house from my perspective is not acceptable. It's too close
2 to the house.

3 The two curb cuts, if I'm recalling correctly,
4 were an issue with a neighbor or an abutter, and I just --
5 the parking is, as you said, a nonstarter, and I'm in
6 agreement with that.

7 Secondly, the hardship I would invite and
8 encourage the petitioner's representative to speak more to
9 that issue, because I've not really heard anything that's
10 convincing on the issue of hardship. I turn it back to you,
11 Mr. Chair.

12 BRENDAN SULLIVAN: Thank you. Let me open it to
13 public comment. And Joe, you'll have a chance to rebut any
14 comments or add to them in a moment. Let me open it to
15 public comment.

16 Any member of the public who wishes to speak
17 should now click the button that says, "Participants," and
18 then click the button that says, "Raise hand."

19 If you are calling in by phone, you can raise your
20 hand by pressing *9 and unmute or mute by pressing *6, and
21 you'll have up to three minutes in which to comment.

22 OLIVIA RATAY: Cooper McDonald?

1 COOPER MCDONALD: Hello. Cooper McDonald from 26
2 Union Street. I'm the owner and resident at 26 Union
3 Street.

4 I would like to object to basically the entire
5 plans. I have objections to the increase in the height of
6 the single square portions at the rear of the house, the
7 massive increase in FAR, the change of the roofline and also
8 the curb cuts. And I believe those are City trees in front
9 of the house. They're within the sidewalk.

10 With respect to the increase in the number of
11 stories at the rear of the property, the architect confirmed
12 to me that this increase in height would decrease the
13 available sun in my yard, and also at the back of my house.

14 As sunlight is a premium in an urban environment,
15 I object to this increase in height and increase in shading.
16 The addition of more windows directly aligned to overlook my
17 yard also raises privacy concerns for me. The increase in
18 height is also not needed to increase living space in the
19 unit.

20 My neighbor has requested use of the attic as
21 living space. This should be sufficient for any increase
22 needed. That said, the plan is to increase -- far exceed

1 the FAR for this neighborhood going from 0.65 to 1.14,
2 nearly doubling.

3 I object because all this does is create three-
4 bedroom units with six bathrooms, two kitchens and multiple
5 studies. I understand that improvements are desired, but
6 considerable improvements can be made in a smaller space.

7 With respect to the change in roofline, I may be
8 amenable to a change in style, however the windows in the
9 gable ends abutting at least my property, they're very close
10 to the property line and this -- however incrementally --
11 increases the risk of fire.

12 And then finally, I don't know how much I need to
13 say about the parking. I just don't think it's workable,
14 because it's -- there's gas meters on the front of the
15 house. It's too close to the sidewalk. It will end up
16 blocking the sidewalk. Thank you.

17 BRENDAN SULLIVAN: Thank you.

18 OLIVIA RATAY: Alice Flaherty?

19 ALICE FLAHERTY: Alice Flaherty. I'm at 22 Union
20 Street, the south side of the proposed buildings. My
21 objections are primarily the ones that were in my letter
22 that I sent, which is that it changes very much the

1 character of the back yards that stand.

2 Like right now I can see six or seven yards from
3 my roof deck, and we've often interacted with neighbors that
4 way. That's how we met people in the next door.

5 What that's going to do for the three-story
6 addition is, like, in the kitchen addition is put a big wall
7 that shuts off my view of a bunch of trees, and there will
8 no longer be the opportunity to talk to neighbors in that
9 way.

10 BRENDAN SULLIVAN: Thank you for calling in.

11 OLIVIA RATAY: Marcia Hern-Lacey?

12 MARCIA HERN-LACEY: I wrote an initial appeal, and
13 then I wrote an additional e-mail --

14 THE REPORTER: Can you give your name and address,
15 please?

16 MARCIA HERN-LACEY: Sure. My name is Marcia Hern-
17 Lacey, and I live at 30 Union Street, Apartment 2. I am the
18 third house after this proposed property. I had sent an e-
19 mail earlier today, and just because I was unsure if I'd
20 make the meeting.

21 But I am sharing the concerns of Alice and Cooper
22 in particular. I'm against the expansion of the rear

1 addition that is currently the kitchen up to the third
2 floor, basically due to light, due to privacy, due to view.

3 And again, it's just, as was pointed out already,
4 we're still a three-bedroom. We're still three units with a
5 three-bedroom, just with a ton of extras that I question
6 whether are needed.

7 And I did question the parking, and I think we are
8 all in agreement and concerned that it would just block the
9 sidewalk and be unattainable.

10 So that's all I have to say. Thank you for
11 listening.

12 BRENDAN SULLIVAN: Thank you. The sum and
13 substance of anybody calling in. We are in receipt of
14 correspondence. Marcia Hern-Lacey sent it a letter and
15 spoke. It was dated actually today, November 17. And she
16 also sent in one previous.

17 There is correspondence from Eric Wahl -- W-a-h-l,
18 27 Union Street; Nathaniel Haduch -- H-a-d-u-c-h, and he
19 lives at 28 Union Street. There is, again, correspondence
20 from Mr. McDonald, who spoke. There is correspondence to
21 the Board of Zoning Appeal.

22 "Dear Committee, my name is --" and it's filled in

1 with the resident residing at 25 Union Street.

2 Other people who signed are 359 Windsor Street,
3 107 Hampshire Street; 30 Union Street, Apartment 1, 37 Union
4 Street, 109 Hampshire Street; 18 Union Street, 330 Windsor,
5 371 Windsor; 18 Union Apartment 1, 55 Union, 362 Windsor,
6 371 Windsor, 315 Windsor.

7 Basically, they are saying that they find the
8 design attractive and compatible with scale and context of
9 the surrounding homes. "We believe that the proposed design
10 will have no adverse effect on our property or the
11 neighborhood as a whole." Therefore, the following addresses
12 of people offer their support of the project for the
13 requested variances.

14 And that is the sum and substance of any
15 communication. I will close the public comment part and
16 send it back to you, Mr. Luna, for comments and thoughts.

17 JOSEPH LUNA: Okay. My client, Ms. Lin, is here.
18 As far as the number of rooms, I think she would be -- would
19 like to speak as far as why she's asking what she's asking.
20 She could raise her hand and be allowed to speak, and then I
21 can address that afterwards.

22 BRENDAN SULLIVAN: Okay.

1 JOSEPH LUNA: Lin, you can raise your hand.

2 LIN LIN: Oh, hi. Oh, yeah, sorry. One second.
3 Give me one second.

4 BRENDAN SULLIVAN: Okay, Lin Lin, if you could
5 just - again, just state, restate your name and your address
6 for the record.

7 LIN LIN: Yeah. My name is Lin Lin, and my
8 address is 24 Union Street. So thank you so much for
9 everyone coming to the hearing for my property line.

10 But I want to say something after I hear all my
11 neighbors say everything, because I live in this area -- I
12 live in 24 Union Street over six years. And I know
13 everything about this area.

14 And before I did this plan and reached my
15 architect, we took a visit around all the buildings,
16 [unclear]. And I can answer all the questions now.

17 So for firstly, for 26, Cooper: Cooper, he did
18 the same job last year. He [unclear] more room on the roof
19 at his house, and the shadows go to the 28 Union Street.

20 So but he did everything, same my job. But he
21 never say anything. He did a letter, but he disagree. I do
22 everything same thing. So that's probably feels a little

1 bit unfair. That's very unfair.

2 Because I'm not an American citizen, but I'm also
3 pay the six years' public taxes and the income taxes to
4 Americans. I think I need to have the same rights. I have
5 to get the same rights. So I feel maybe a little bit
6 unfair.

7 Because he did the same. When I do -- I'm next to
8 his house. When he do this, I never say anything, and also
9 neighbor 28, he told me the same. His shadow also goes to
10 his house. He built the same last year and this year when I
11 do, he disagrees. I'm feeling very, very unfair. That's how
12 it feel on this.

13 And 22 Union Street: Yes, my house is next to her
14 house. And yes, when I build my house a little bit, we are
15 changing a little bit of the [unclear] of the side. Of
16 course. But 70 or 97 -- I went to 97 I went to 97 house
17 yesterday. 97 is next to his yard, it's the same. 97 built
18 the same job. He did the same job. They built the same in
19 the back way.

20 The building, the third floor, they built a really
21 tall fence. The fence is higher than me. My house never
22 had any fence. But the Cooper did -- fence is higher than

1 me. So every of my neighbors did the same job.

2 But when I planned this and -- because of my roof
3 is very, very old, this is the house built in 1996. And the
4 roof almost -- done the work, and now I have to change. So
5 then I just -- the same time, I just make a bid a little
6 bit.

7 And also, my basement, the basement is a bare wall
8 [phonetic], it's crashed. It's unsafe for living. So just
9 to use this, I just made the same time for change a little
10 bit, and make each unit be more comfortable a little bit.

11 Because for -- after the pandemic, so every people
12 need that to almost 80 percent of the people work at home.
13 For me, I'm at work at home every day. And every people
14 need a bedroom with a bathroom, with a TV room for their --
15 for example about now, we're meeting; the same.

16 Before, we can just have a one bedroom each
17 person. For example, a family has three people.

18 BRENDAN SULLIVAN: Okay.

19 LIN LIN: Mostly people work at home. We need one
20 study room or one room for the office. We need this space.

21 BRENDAN SULLIVAN: Okay.

22 LIN LIN: I think that's very normal.

1 BRENDAN SULLIVAN: Good.

2 LIN LIN: And all my life I did the same job. I
3 feel -- I really feel unfair. I feel a little bit worried
4 about this, and also, they -- for the parking, I think
5 that's not a parking. But we can say it's the parking. But
6 I think it's not the parking. Only it's that I drive my car
7 into my property.

8 Because all my neighbors, they don't say parking,
9 but they did a fence like this, and they drive the car in,
10 and they get the fence closed.

11 So my property no fence. I just say this is
12 parking. But we can say not a parking. I can just same,
13 get a fence and drive my car inside, close --

14 BRENDAN SULLIVAN: Okay.

15 LIN LIN: -- my fence -- only drive my car into my
16 parking.

17 BRENDAN SULLIVAN: Okay. All right, all right. I
18 think we understand what you're trying to say.

19 LIN LIN: All my life is the same.

20 BRENDAN SULLIVAN: Okay.

21 LIN LIN: Yeah. I really feel I'm taking the fall
22 for all the neighbors. This is the 97 Hampshire Street.

1 This is next to 22, Alice's house.

2 BRENDAN SULLIVAN: Okay. All right.

3 LIN LIN: Are you saying --

4 BRENDAN SULLIVAN: All right.

5 LIN LIN: -- and also please --

6 BRENDAN SULLIVAN: Okay.

7 JOSEPH LUNA: Okay, Lin Lin.

8 BRENDAN SULLIVAN: Thank you.

9 LIN LIN: -- also, all my neighbors --

10 JOSEPH LUNA: Lin.

11 BRENDAN SULLIVAN: Thank you, thank you.

12 LIN LIN: Yeah.

13 BRENDAN SULLIVAN: Okay.

14 JOSEPH LUNA: Okay.

15 BRENDAN SULLIVAN: One question I have to answer,
16 Mr. Monteverde, if Olivia could pull up A4.04, which is the
17 front of the structure and the length of those dormers. Do
18 you have those off the top of your -- it was difficult in
19 the plan to --

20 JOSEPH LUNA: I don't have -- I'm only looking at
21 11 by 17. I don't have the spare drawings --

22 BRENDAN SULLIVAN: Okay.

1 JOSEPH LUNA: -- in front of me. Essentially,
2 what we did with the dormers, we held them two feet from
3 each end of the party walls and the end walls. The dormers
4 were designed, we did not want to have a continuance shed
5 dormer go around like a giant thumb up on the roof.

6 BRENDAN SULLIVAN: You wouldn't be allowed to.

7 JOSEPH LUNA: Yeah. Yeah. Yeah.

8 BRENDAN SULLIVAN: It wouldn't --

9 JOSEPH LUNA: We broke --

10 BRENDAN SULLIVAN: It's not a question of whether
11 you want to or not.

12 JOSEPH LUNA: We broke --

13 BRENDAN SULLIVAN: You're not allowed to.

14 JOSEPH LUNA: -- we broke the dormer -- nor did we
15 do individual sheds. We broke the dormers into sheds, but
16 then did the bookend doghouse dormers tied into that. So
17 feel it is, you know, in context. We're trying to maximize
18 area up in the roof.

19 Obviously, the shed dormer provides the solution,
20 but we -- and, you know, these -- if you look at the roof
21 plan, the roof rims on this is quite complicated to make all
22 these dormers work.

1 But we tried to really make a major effort along
2 the front façade to break down the scale of the dormer by
3 doing individual dormers at each one of the townhouses, and
4 then doing the bookends.

5 The parking -- with respect to the parking, this
6 is the only remote solution that can get any off-street
7 parking on this. There's -- as I mentioned before, there's
8 no space between the property line and the building in order
9 to get a driveway to park in back.

10 The stoops have to be pushed back and we knew,
11 honesty, it was going to be able to a big ask. But this is
12 the only workable solution that can work for parking and run
13 short of just backing your car up, and having it stick onto
14 the sidewalk.

15 So -- well, it's not an ideal solution, but it is
16 really the only solution to provide off-street parking. And
17 there's no net effect on losing parking spaces with the two
18 curb cuts, because there's no parking on that side of the
19 street.

20 BRENDAN SULLIVAN: All right. And again, I go
21 back to the purpose of the ordinance, which is 1.30, which
22 shall be the purpose of the ordinance to lessen the

1 congestion in the street and serve the health to secure fire
2 and secure safety from prior flood panic and other dangers,
3 to provide adequate light and to prevent overcrowding of
4 land to avoid undue concentration of population, and to
5 encourage housing or persons of all income levels.

6 But also, I think the purpose of the ordinance is
7 to alleviate unwarranted overdevelopment. I think that this
8 is way overdevelopment of this particular structure. And I
9 can't get my head around all of the number of bathrooms and
10 bedrooms that you're proposing.

11 I would be opposed to the proposal that is before
12 us. I think you've heard from members of the Board. You
13 have to get four affirmative votes, and I don't think we
14 have them right now, so that there are two options -- either
15 we take it to a vote, and if it was not a favorable vote to
16 you, that you would be precluded for two years coming back
17 with the same or similar proposal, but you would have to if
18 it was in two years.

19 There's somewhat of a couple of bureaucratic
20 hurdles that has to go before the Planning Board, and they
21 would have to determine whether it was a similar or
22 dissimilar proposal.

1 If it was ruled similar, then that ends it; you
2 have to wait two years. If they said that it was materially
3 different, it then comes back to us to decide whether or not
4 it is -- that we concur with them that it is a materially
5 different proposal.

6 And then you would then have to file for a review
7 by this Board. That eats up weeks and eats up months.

8 The other option would be to consider what the
9 Board has said, letters in the file from neighbors of
10 adjoining properties, and to come back with a different
11 proposal; keep this proposal alive by continuing it and come
12 back with something that is something similar -- I'm sorry,
13 say something different, something possibly scaled back.

14 JOSEPH LUNA: We do not want to take it to the
15 vote tonight. Nor do I want to withdraw the application
16 without prejudice. I respectfully request the Board for a
17 continuance, so I can sit down with my client, see if we can
18 find a more workable solution and have another dialogue with
19 the neighbors.

20 I will say my client has been very diligent about
21 talking to the neighbors. You saw the letters of support.
22 Although there were objections, she did make a conscientious

1 effort to speak with the neighbors.

2 That being said, we'd like to see if we could come
3 back with a retooled plan and see if we can come to some
4 compromise with the neighbors.

5 I understand that the issue with the front
6 driveway based on everything I'm hearing, and there's no
7 other solutions would be a nonstarter, but perhaps with the
8 expansion of the attic, we can come to some meeting of the
9 minds and find an acceptable solution to the immediate
10 neighbors.

11 BRENDAN SULLIVAN: Yeah. You know, and again it's
12 -- each five bedrooms and, you know, the kitchen,
13 kitchenette, you know, powder room, playroom, study, sitting
14 area -- it's just -- it's -- you're asking for an awful lot.
15 Anyhow, that's my thought. Any other member of the Board
16 would like to chime in at all?

17 JIM MONTEVERDE: I think we've covered it all.

18 BRENDAN SULLIVAN: Okay. Thank you.

19 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
20 speaking. I would just ask that the petitioner and her
21 representative at the continued case really be prepared to
22 address hardship. It -- you're -- there just is no evidence

1 that I've heard so far regarding hardship. So if you'd be
2 sure to address that when you're before us.

3 BRENDAN SULLIVAN: That is an excellent point,
4 Andrea. And I think Joe, you will pay attention to that.

5 JOSEPH LUNA: Yeah. I mean, it's not -- with all
6 due respect, Chairman Sullivan, the property is
7 underutilized. Ms. Lin is trying to maximize her investment
8 in this property.

9 The property is adequate in many, many ways.
10 She's trying to do the right thing. She is willing, you
11 know -- she is bringing up the life safety, but she needs to
12 make this more financially viable for her. The investment
13 it's going to take in doing all of this work, to be able to
14 provide the necessary spaces and areas that she can increase
15 the value of the building. So.

16 BRENDAN SULLIVAN: Okay. I'm going to go to
17 January 12.

18 JOSEPH LUNA: That's too soon.

19 BRENDAN SULLIVAN: Too soon?

20 JOSEPH LUNA: Too soon.

21 BRENDAN SULLIVAN: Okay. Fine. So --

22 JOSEPH LUNA: I would like to push it into

1 February.

2 BRENDAN SULLIVAN: Yeah. Okay.

3 JOSEPH LUNA: Because it's the end of the
4 holidays, and --

5 BRENDAN SULLIVAN: Then because of my being away,
6 this is a case heard. So we have to empanel the same five
7 members February 23.

8 JOSEPH LUNA: That would be acceptable.

9 BRENDAN SULLIVAN: Okay. Of the members of the
10 Board, Jim Monteverde February 23?

11 JIM MONTEVERDE: That's fine.

12 JASON MARSHALL: Mr. Chair, I cannot do that date.

13 BRENDAN SULLIVAN: The next date after that would
14 be March 9. Jim Monteverde, March 9?

15 JIM MONTEVERDE: That's fine.

16 BRENDAN SULLIVAN: Laura Wernick, March 9?
17 Andrea, March 9, and Jason?

18 LAURA WERNICK: Hold on a second.

19 BRENDAN SULLIVAN: I'm sorry, yes, Laura.

20 LAURA WERNICK: I'm just trying to check --

21 BRENDAN SULLIVAN: Okay.

22 JOSEPH LUNA: We're not going to get the two years

1 on the availability, are we?

2 BRENDAN SULLIVAN: Yeah.

3 LAURA WERNICK: I think March 9 is okay --

4 BRENDAN SULLIVAN: Okay.

5 LAURA WERNICK: -- for me.

6 BRENDAN SULLIVAN: Andrea, March 9?

7 ANDREA HICKEY: Yes. That looks fine, Mr. Chair.

8 BRENDAN SULLIVAN: Okay, Jason?

9 JASON MARSHALL: Yep. Good here.

10 BRENDAN SULLIVAN: Okay. So March 9, 2023 at 6:00
11 p.m. On the motion, then, to continue this matter to March
12 9, 2023 --

13 JOSEPH LUNA: Right. That will give us time to
14 talk to the neighbors about the new design.

15 BRENDAN SULLIVAN: All right. Okay. I'm going to
16 make a motion, then, to continue this matter to March 9,
17 2023 on the condition that the petitioner change the posting
18 sign to reflect the new date of March 9, 2023.

19 The posting sign must be maintained at least 14
20 days prior to the March 9 meeting, and change the time to
21 6:00 p.m.

22 JOSEPH LUNA: Okay.

1 BRENDAN SULLIVAN: That any new submittals not
2 currently in the file be submitted by 5:00 p.m. on the
3 Monday prior to the March 9 meeting.

4 That also the Board would request an updated
5 supporting statement addressing the nature of the legal
6 standard for granting a variance; also any new dimensional
7 forms reflecting any new drawings to be submitted prior to
8 the March 9 -- sorry, must be submitted by 5:00 p.m. on the
9 Monday prior to the march 9 meeting.

10 On the motion, then, to continue this matter until
11 March 9, 2023, Jim Monteverde?

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Laura Wernick?

14 LAURA WERNICK: In favor.

15 BRENDAN SULLIVAN: Jason Marshall?

16 JASON MARSHALL: In favor.

17 BRENDAN SULLIVAN: Andrea Hickey?

18 ANDREA HICKEY: Yes, in favor.

19 BRENDAN SULLIVAN: Brendan Sullivan yes.

20 [All vote YES]

21 BRENDAN SULLIVAN: So on the five affirmative
22 votes, this matter is continued to March 9, 2023. Thank

1 you, Joe.

2 JOSEPH LUNA: All right. Thank you. Good luck.

3 Have a good evening.

4 BRENDAN SULLIVAN: See you then.

5 JOSEPH LUNA: And Happy Thanksgiving.

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2 (7:09 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: Okay. Going to the Regular
7 Agenda, the Board will hear Case No. 196028 -- 48 Inman
8 Street, Unit 44. Mr. Lacy, you're on.

9 ETHAN LACY: Thank you. Sorry, I had an Internet
10 connection hiccup there. So this proposal is -- we're
11 seeking relief to rebuild two decks. So this is actually
12 two separate proposals. There's a -- it's a four-unit condo
13 building, and it is comprised of two separate buildings,
14 each of which has two townhouses.

15 So one side of the condo, the two neighbors have
16 teamed up and they've decided that they would like to
17 rebuild their existing decks. And in redesigning this, we
18 came to the realization that the goals would be met for what
19 they want if we could have relief from the 10-foot limit to
20 make them 14 feet.

21 And so, it might help to -- I don't know if it
22 would help to go through the visuals while I explain the

1 project, or should I explain that in the arguments?

2 BRENDAN SULLIVAN: No, Olivia can pull it up.

3 Yep.

4 ETHAN LACY: Great. So -- so basically, the
5 reason we came to the conclusion that 14 feet would work
6 much better for this is really on two fronts. One has to do
7 with useable open space and the other has to do with safety.
8 And it might actually be helpful to go quickly to the
9 existing conditions and review that first.

10 BRENDAN SULLIVAN: 2 -- A2.10, does that work?

11 A2.10, Olivia?

12 Does that help in your explanation?

13 ETHAN LACY: That's actually proposed. It might
14 even just help to go to the photographs, which I believe are
15 towards the end. Yeah. Right.

16 So basically, the way these decks were built, I
17 think probably -- you know, because of this ruling they
18 basically are along -- there's a long stair that goes down
19 to the grade.

20 And it creates a pretty unusual space, because
21 you're constantly sort of at risk of kind of falling off
22 this deck. And what they wanted to do is create a space

1 where they can eat with the families, and then a small kind
2 of seating area.

3 And so, basically, by making it 14 feet wide,
4 we're increasing the usable open space of the deck, because
5 -- you know, essentially the little strip of land at the
6 bottom of the wide stair doesn't really create a space that
7 can be used.

8 And so, you know, from the perspective of safety,
9 what we decided is to make actually a guardrail all along
10 the long side of there -- standard, you know, four-foot-wide
11 stair with a proper guardrail and handrail that goes down to
12 grade off the side of each one.

13 So now I think now would be -- you could go back
14 to the sort of proposal page.

15 BRENDAN SULLIVAN: Okay. Olivia, could you pull
16 up A3.12 maybe, with a little bit of a perspective on it?

17 ETHAN LACY: All right. So - so basically, what
18 we would do is put these together in one - sort of one
19 continuous deck with a fence for privacy - build a guardrail
20 all along the side.

21 And that gives us just enough room and beyond that
22 to actually enhance the existing vegetative screen between

1 this property and the adjoining property, and it also gives
2 enough space, as you can see in this sort of red dashed
3 line, whereby, you know, someone who's egressing from the
4 house would have enough clearance from furniture to safely
5 sort of get off of the deck.

6 So we think that -- yeah, by not having this
7 continuous stair, but rather having a guardrail, you know,
8 both of them have young children or are expecting young
9 children, feel that it would greatly enhance the safety of
10 -- and useability of these, you know, fairly modest size
11 yards.

12 BRENDAN SULLIVAN: Great. Okay. Any questions by
13 members of the Board? Jim Monteverde?

14 JIM MONTEVERDE: No questions.

15 BRENDAN SULLIVAN: Laura Wernick?

16 [Pause]

17 Laura's on mute.

18 LAURA WERNICK: No questions at this time.

19 BRENDAN SULLIVAN: Andrea Hickey?

20 ANDREA HICKEY: No questions, Mr. Chair.

21 BRENDAN SULLIVAN: Jason Marshall?

22 JASON MARSHALL: No questions.

1 BRENDAN SULLIVAN: Okay. Let me open it to public
2 comment. Any member of the public who wishes to speak
3 should click the button that says, "Participants," and then
4 click the button that says, "Raise hand."

5 If you are calling in by phone, you can raise your
6 hand by pressing *9 and unmute or mute by pressing *6, and
7 you'll have up to three minutes in which to comment.

8 OLIVIA RATAY: Agustin Rayo Fierro?

9 AGUSTIN RAYO FIERRO: Hello. Agustin Rayo. I'm
10 one of the owners. I just wanted to say thank you for
11 considering this. My wife Carmen and I have a 6-year-old.
12 We want to spend time outdoors.

13 And, as Ethan said, it's kind of hard because --
14 just the deck really is small, and wherever you are, you're
15 pretty close to those steps. So, you know, when we put a
16 table there, we're, you know, really at the edge. And we
17 just think that this would mean spending a lot of time
18 outdoors with our family safely.

19 Thanks very much.

20 BRENDAN SULLIVAN: Thank you. That's the sum and
21 substance of any comments. We are in receipt of
22 correspondence to the Cambridge Board of Zoning Appeal,

1 dated 09/23:

2 "This is to confirm that the Inman Court
3 Condominium Trust supports renovations to the back yards, 46
4 Inman Street Unit 1 and 2, as outlined in the attached
5 documents."

6 "Sincerely,

7 "The Trustees at 46 Inman Street, Unit 1, 46 Inman
8 Street, Unit 2, 48 Inman Street, Unit 1, and 48 Inman
9 Street, Unit 2."

10 We are in receipt of correspondence from the Mid
11 Cambridge Neighborhood Conservation District:

12 "The Mid Cambridge Neighborhood Conservation
13 District hereby certifies for the property at 48 Inman
14 Street, Units 42 and 44, pursuant to Chapter 2.78 of the
15 Code of the City of Cambridge and the order establishing
16 said district that the work described below does not involve
17 any activity requiring issuance of a Certificate of
18 Appropriateness or Hardship.

19 "This Certificate of Non-Applicability is to alter
20 the decks that are not original to the building and its
21 permit #196928 and #196029. Date of Certificate: October 6,
22 2022."

1 And that is the sum and substance of any
2 correspondence. I will close public comment.

3 Anything else to add, Mr. Lacy, at all? You don't
4 have to. And nothing to refute?

5 ETHAN LACY: No, nothing -- nothing to add. Thank
6 you.

7 BRENDAN SULLIVAN: Thank you. Let me -- members
8 of the Board, or ready -- any comments, questions or ready
9 for a vote?

10 JIM MONTEVERDE: Ready for a vote.

11 JASON MARSHALL: Ready.

12 ANDREA HICKEY: Ready.

13 BRENDAN SULLIVAN: Okay.

14 LAURA WERNICK: Ready. Yes.

15 BRENDAN SULLIVAN: I think what is before us
16 actually is a good use of the property. I think that the
17 way it was built before obviously -- you know, probably
18 would have triggered some kind of relief or something like
19 that that the developers probably didn't want to go down.

20 I think that what is before us is a fair and
21 reasonable use of the property, and greatly enhances the
22 livability of the project and of the structure.

1 And I think in today's society has changed the way
2 we do a lot of things outdoors. And this would help greatly
3 to enhance that.

4 So let me make a motion, then, to grant the relief
5 requested.

6 The Board finds that a literal enforcement of the
7 provisions of the Ordinance would involve a substantial
8 hardship to the petitioner.

9 The hardship is owing to the shape of the lot, the
10 siting of the structure thereon, the fact that the existing
11 decks are quite inadequate.

12 The proposal before us will greatly enhance the
13 safety of occupants of the building, and also add to the
14 health factor allowing a more usable outdoor space for the
15 unit.

16 The Board finds that desirable relief may be
17 granted without substantial detriment to the public good, in
18 fact it would be enhanced, and it would not nullify or
19 substantially derogating from the intent and purpose of this
20 ordinance to allow homeowners to improve their property to
21 update it to address certain societal trends, especially in
22 the era of COVID-19, where outdoor space is greatly

1 desirable and used in a far greater fashion than in the
2 past.

3 On the motion, then, to grant the relief
4 requested, that the work comply with the drawings as
5 submitted dated September 2, 2022 entitled, "42-48 Inman
6 Street Decks" initialed by the Chair, with the supporting
7 statements and the dimensional form that the work conform to
8 those drawings.

9 On the motion to grant, Jim Monteverde?

10 JIM MONTEVERDE: In favor.

11 BRENDAN SULLIVAN: Laura Wernick?

12 LAURA WERNICK: Laura Wernick in favor.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Jason Marshall?

16 JASON MARSHALL: In favor.

17 BRENDAN SULLIVAN: And Brendan Sullivan yes.

18 [All vote YES]

19 BRENDAN SULLIVAN: Five affirmative votes; the
20 variance is granted.

21 ETHAN LACY: Thanks very much.
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2 (7:21 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: And now the Board will hear
7 Case No. 196029, which is 48 Inman Street, Unit 42. And Mr.
8 Rayo, in case and care of Mr. Lacy. So you're going to
9 repeat yourself for the cases, as before?

10 AGUSTIN RAYO FIERRO: Exactly.

11 ETHAN LACY: I mean, I'm happy to. But for the
12 sake of everybody, I think maybe -- maybe we ought to just
13 --

14 BRENDAN SULLIVAN: Okay, so we will take your
15 comments for the previous case by -- into the record by
16 reference. The facts are the same.

17 ETHAN LACY: The facts are the same. It's -- you
18 know, one property is actually on the street, and the other
19 is kind of behind it.

20 BRENDAN SULLIVAN: Okay.

21 ETHAN LACY: It's literally the same.

22 BRENDAN SULLIVAN: Yeah, okay. Jim Monteverde any

1 questions or comments?

2 JIM MONTEVERDE: No.

3 BRENDAN SULLIVAN: Laura Wernick, any questions or
4 comments?

5 LAURA WERNICK: No questions or comments.

6 BRENDAN SULLIVAN: Andrea Hickey, any questions or
7 comments?

8 ANDREA HICKEY: No, thank you, Mr. Chair.

9 BRENDAN SULLIVAN: Jason Marshall?

10 JASON MARSHALL: No questions or comments.

11 BRENDAN SULLIVAN: Okay. Let me open it to public
12 comment. Any member of the public who wishes to speak
13 should now click the button that says, "Participants," and
14 then click the button 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, and
17 you'll have up to three minutes in which to comment.

18 There's nobody calling in. The Board is in receipt of
19 correspondence September 23:

20 "Cambridge Board of Zoning Appeal,

21 "This is to confirm that the Inman Court

22 Condominium Trust supports the renovations to the backyards

1 of 46 Inman Street, Units 1 and 2, as outlined in the
2 attached documents.

3 "Sincerely,

4 "The Trustees, 46 Inman, Unit 1, 46 Inman, Unit 2,
5 48 Inman, Unit 1, 48 Inman Street, Unit 2."

6 Also, there is correspondence from the Mid
7 Cambridge Neighborhood Conservation District and Certificate
8 of Non-Applicability regarding 48 Inman Street, Units 42 and
9 44. 42 is the case at hand.

10 "The Mid Cambridge Neighborhood Conservation
11 District certifies pursuant to Chapter 278 of the Code of
12 the City of Cambridge and the order establishing said
13 district that the work described below does not involve any
14 activity requiring issuance of a Certificate of
15 Appropriateness or of Hardship to alter the decks that are
16 not original to the building. Permit #196928 and #196029.
17 Date of certificate: October 6, 2022."

18 And that is the sum and substance of any
19 correspondence. I will close the public comment part.

20 Mr. Lacy, nothing to add?

21 ETHAN LACY: Nothing to add. Thank you.

22 BRENDAN SULLIVAN: Okay. We'll take it to the --

1 ready for a vote, members of the Board?

2 JIM MONTEVERDE: Ready.

3 ANDREA HICKEY: Ready.

4 BRENDAN SULLIVAN: On the motion then to grant the
5 relief requested to join two different decks to rebuild and
6 enlarge the existing deck at 48 Inman, Unit 2, the Board
7 finds that a literal enforcement of the provisions of the
8 Ordinance would involve a substantial hardship to the
9 petitioner.

10 And, the hardship is owing to the shape of the
11 lot, siting of the structure thereon so that any alteration
12 of these decks would require some relief from the Board.

13 I forget what I previously said here, but anyway
14 the desirable relief may be granted without substantial
15 detriment to the public good; in fact, it would be enhanced,
16 and it would not nullify or substantially derogate from the
17 intent and purpose of the Ordinance.

18 The Ordinance allows this Board to grant variances
19 to allow people to update their property to enhance their
20 outdoor space, which address concerns -- societal concerns
21 regarding better use of their outdoor space, especially in
22 light of the current climate of COVID-19 and the

1 desirability of using outdoor space to a greater extent.

2 And the proposal before us goes to that purpose
3 and meets those ends to enhance the safety and also the
4 health of the occupant or the citizens of the city who use
5 that particular property.

6 On the motion, then, to grant the relief
7 requested, Jim Monteverde?

8 JIM MONTEVERDE: In favor.

9 BRENDAN SULLIVAN: Laura Wernick?

10 LAURA WERNICK: In favor.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: Yes, in favor.

13 BRENDAN SULLIVAN: Jason Marshall?

14 JASON MARSHALL: In favor.

15 BRENDAN SULLIVAN: And Brendan Sullivan yes.

16 [All vote YES]

17 BRENDAN SULLIVAN: The variance is granted on the
18 condition that the work comply with the drawings entitled,
19 "42-48 Inman Street" dated -- I'm not sure what the date is
20 -- September 2, 2022 -- initialed by the Chair, also
21 incorporating the supporting statements and dimensional form
22 and that the work conform to said drawings.

1 On five affirmative votes, the variance is
2 granted. Good luck.

3 ETHAN LACY: Great. Thank you very much. Thanks,
4 everyone for your time.

5 BRENDAN SULLIVAN: Yep.

6 ETHAN LACY: Appreciate it.

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2 (7:27 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 196373 -- 100 Henry Street. Mr. Rafferty?

8 JAMES RAFFERTY: Thank you. Good evening, Mr.
9 Chair, and members of the Board. For the record, my name is
10 James Rafferty. I'm an attorney with offices located at 907
11 Massachusetts Avenue in Cambridge.

12 I'm appearing this evening on behalf of the
13 applicant, John Mahoney, who's the manager of 100 Henry
14 Street, the subject property.

15 The applicant is seeking a special permit to allow
16 additional GFA at the property. The property itself is
17 currently a two-family home located in the Cambridgeport
18 neighborhood. It's a handsome Victorian home, but candidly,
19 has endured decades of deferred maintenance.

20 The plan is essentially to renovate the entire
21 property, entire home, and the zoning issue presented this
22 evening involves the addition of 207 square feet --

1 additional square feet, all of which is located on a covered
2 porch -- a proposed covered porch on the first floor.

3 That's the full extent of the GFA increase.

4 Because the structure currently exceeds the
5 allowable FAR, the property owner has applied for a special
6 permit pursuant to 8.22.2.d, since this non-conformity is
7 already preexisting and there are no other new non-
8 conformities created with the application.

9 The area where the new GFA is located is best
10 depicted on Sheet A-12. If it might be possible to go to
11 sheet A-12 you'll see what's depicted right there. The area
12 in green represents a newly constructed exterior porch. The
13 area in green will have a roof over it.

14 As the Board members know, the covering over that
15 roof has the effect of making the floor area underneath it
16 counted in gross floor area. The balance of that porch is
17 depicted in red. That is going to be unroofed.

18 So obviously, there is no GFA impact for that, nor
19 does -- is there relief needed. So the relief here really
20 relates to the ability to install or construct a roof over a
21 portion of the new porch.

22 As I noted before, the home is currently a two-

1 family. The applicant intends to convert it to a single-
2 family.

3 There's one other change to the profile of the
4 home, and that's depicted in Sheet A-20, just to make clear.
5 Just if we go just a little bit lower on A-20, you'll see in
6 the left-hand corner of the second-floor, you'll see a
7 sloped roof depicted.

8 And as part of the renovation, the plan is to
9 straighten out that roof. It becomes a flat roof. It
10 doesn't represent any change in GFA, setback or any other
11 dimensional issue.

12 So while it's technically not something that is --
13 requires Zoning approval, I wanted to point out that there
14 was a slight change in the profile of that roof.

15 As I noted, the application itself conforms with
16 the requirements of 8.22.2.d. It is a modest change for a
17 porch. The home currently has a porch, and the porches are
18 customary features on structures like this. And it's an
19 open porch. It has a railing, and the extended porch is in
20 the same vernacular as the existing front porch.

21 Present with us this evening is the Project
22 Architect, who's available for questions, as is Mr. Mahoney,

1 the owner of the property.

2 BRENDAN SULLIVAN: Great. Thank you. I have no
3 questions. I think the drawings and the supporting
4 statements, and the dimensional form are quite clear to me.
5 Let me open it to the Board.

6 Mr. Jim Monteverde, any questions or comments at
7 this time?

8 JIM MONTEVERDE: No questions. Thank you.

9 BRENDAN SULLIVAN: Laura Wernick, any questions or
10 comments?

11 LAURA WERNICK: No questions or comments. Thank
12 you.

13 BRENDAN SULLIVAN: Andrea Hickey, any questions or
14 comments?

15 ANDREA HICKEY: None at the moment, thank you.

16 BRENDAN SULLIVAN: Jason Marshall?

17 JASON MARSHALL: No questions, Mr. Chair.

18 BRENDAN SULLIVAN: Let me open it to public
19 comment. Any member of the public who wishes to speak
20 should now click the button that says, "Participants," and
21 then click the button that says, "Raise hand."

22 If you are calling in by phone, you can raise your

1 hand by pressing *9 and unmute or mute by pressing *6, and
2 you'll have up to three minutes in which to comment.

3 [Pause]

4 There appears to be nobody calling in. We are in
5 receipt of correspondence dated today, Thursday, November 17
6 from Philip Luedi -- L-u-e-d-i, and it's regarding
7 correspondence and a subsequent correspondence to its
8 previous, regarding the removal of asbestos siding that
9 happened during the summer.

10 And that is really a -- there was also some
11 supporting documentation from the petitioner, the
12 petitioner's contractor, regarding the removal of the
13 asbestos, but which clarified the issue for the Board
14 members, but it is not a Zoning issue.

15 And it is really an administrative issue with the
16 Department -- with Inspectional Services -- issue -- and in
17 reading it, it may be at this point a nonissue, but
18 nonetheless it's not an issue that the Board can consider,
19 and whether we granted relief or not.

20 So that is the sum and substance of any
21 correspondence. I'm sorry, there was other correspondence
22 but, again, having to do with, I think, the removing of the

1 siding again. So let me close public comment, send it back
2 to Mr. Rafferty for the additional input.

3 JAMES RAFFERTY: Thank you, Mr. Chair. That
4 covers everything from our end; appreciate your
5 consideration.

6 BRENDAN SULLIVAN: Thank you. Any member of the
7 Board wish to speak, or shall I make a motion?

8 JIM MONTEVERDE: Motion please.

9 BRENDAN SULLIVAN: Okay. The petitioner is
10 seeking relief to construct a single-story addition, which
11 is the extent -- an existing covered porch, modify the slope
12 of the porch, the second-floor roof.

13 That's in a preexisting two-family, and the
14 petitioner wishes to add windows to a non-conforming wall,
15 and also including an enlarged basement with the conversion
16 of the structure to a single-family dwelling.

17 Relief under 5.31 under Dimensional Requirements
18 and 8.22.d and 8.22.c and seeking relief from 10.40 special
19 permit. Let me make a motion, then, to grant the relief
20 requested as per the drawings submitted entitled, "100-102
21 Henry Street," and dated 09/20/2022, initialed by the Chair,
22 and also contained by reference is the dimensional form and

1 supporting statements.

2 And let me make a motion, then, to grant the
3 special permit, provided that the work being sought is in
4 compliance with said drawings, dimensional form and
5 supporting statements.

6 And the Board finds that it may grant a special
7 permit for the alteration or enlargement of a preexisting
8 dimensionally non-conforming, detached single-family
9 dwelling or two-family not otherwise permitted in 8.22.1,
10 but not the alteration or enlargement of a preexisting, non-
11 conforming use.

12 Provided that there is no change in use, and that
13 any enlargement or alteration of such preexisting, non-
14 conforming detached single-family or two-family may only
15 increase a preexisting dimensional non-conformity but does
16 not create a new dimensional non-conformity.

17 In order to grant the special permit, the Board of
18 Zoning Appeal is required to find -- and does make such
19 finding -- that the alteration or enlargement shall not be
20 substantially more detrimental than the existing non-
21 conforming structure to the neighborhood, and that the
22 alteration or enlargement satisfies the criteria in Section

1 10.43.

2 Under 10.43, it appears that the requirements of
3 the Ordinance can be met with the granting of the special
4 permit.

5 Traffic generated, or patterns of access or egress
6 would not cause congestion, hazard, or substantial change in
7 the established neighborhood character.

8 The Board finds that continued operation of or
9 development of adjacent uses, as permitted in the Zoning
10 Ordinance, would not be adversely affected by the nature of
11 the proposed use, or of the application of the extension of
12 the porch and the roof over that is before us.

13 The Board finds that there would not be any
14 nuisance or hazard created to the detriment of the health,
15 safety, and/or welfare of the occupants of the proposed use,
16 or to the citizens of the City.

17 And that the proposed use would not impair the
18 integrity of the district or adjoining district, or
19 otherwise derogate from the intent and purpose of the
20 ordinance to allow the homeowners improve their structure,
21 bring it up to date. The existing structure has fallen into
22 great disrepair.

1 The proposal before us is a small part of a much
2 larger renovation and repurposing of the building to a
3 single-family home and have immediate and greatly enhanced
4 benefits to the immediate neighborhood.

5 And that the Board grants the special permit as
6 per the drawings attached. Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Laura Wernick?

9 LAURA WERNICK: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: In favor.

14 BRENDAN SULLIVAN: Brendan Sullivan, yes.

15 [All vote YES]

16 Five affirmative votes; the special permit as per
17 the application is granted.

18 JAMES RAFFERTY: Thank you, Mr. Chairman, and
19 thank you, members of the Board.
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(7:38 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Laura Wernick, and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
No. 197312 -- 48 Fresh Pond Lane.

SRAVYA KOMMINENI: Good evening, everyone. I'm
Sravya, and this is my husband, Prabhav, and we're the
owners of 48 Fresh Pond Lane. Our petition in front of you
is for the construction of a larger dormer.

It's basically the third floor doesn't have enough
of height for us to use it as living space. So we propose
that the City give us permission for construction of a
larger dormer on the third floor.

BRENDAN SULLIVAN: Okay. I'm going to ask Olivia
if you would pull up Sheet A-104. And it shows that the
existing dormer -- I'm sorry, this is the proposed --
Olivia, I'm sorry, if you could go back to where the
existing dormer is. I should have that here. Okay, right
there.

OLIVIA RATAY: Yes.

1 BRENDAN SULLIVAN: Yes. Just scroll up a bit
2 right there.

3 OLIVIA RATAY: Yes.

4 BRENDAN SULLIVAN: It shows that the existing
5 dormer is 225 inches.

6 SRAVYA KOMMINENI: Yes.

7 BRENDAN SULLIVAN: We usually sort of like to get
8 feet and inches, because it means we have to do some
9 arithmetic. But anyhow, the existing dormer is 225 inches,
10 which is 18.75 feet.

11 Now, Olivia, if you would go to Sheet A-104. And
12 the proposal is for a dormer that is at 380.5 inches, which
13 is 31.71 feet. So you're asking for 12.96 lineal feet of
14 additional dormer.

15 I'm wondering if you had consulted or thought of
16 the Dormer Guidelines, which basically says that the dormers
17 should not be any more than 15 feet.

18 SRAVYA KOMMINENI: So I believe the dormer
19 currently is at 66, and then we're proposing to make it 78.

20 PRABHAV POTLURI: I think our architect is on the
21 line, but I don't think he has the petitioner's --

22 OLIVIA RATAY: He's not been promoted to be a

1 panelist.

2 PHILLIP MILLER: Unmute, there I am. So --

3 BRENDAN SULLIVAN: Okay, if you could introduce
4 yourself in your address for the record, please?

5 PHILLIP MILLER: Sure. My name is Phillip Miller.
6 I'm the owner of America Dural, and I'm the designer on the
7 project.

8 BRENDAN SULLIVAN: Yep.

9 PHILLIP MILLER: We are requesting relief to
10 expand the dormer. We're adding roughly nine linear feet to
11 the dormer; as I have it currently the dormer is -- the
12 existing dormer -- sorry about that -- is closer to 17 feet.
13 Yes, I have it.

14 BRENDAN SULLIVAN: Well, one of the drawings shows
15 it 225 inches, or 18.75 feet. If you go back --

16 PHILLIP MILLER: Oh, with the eave, yeah. And
17 I've got it in front of me. Oh, I see. Yes. So with the
18 overhang, we would be at 380. So the issue is to make the
19 third floor more usable.

20 But with respect to your question regarding the
21 length of the dormer, we're asking for relief to extend it
22 on the back side. We don't have any dormers on the front of

1 the building.

2 BRENDAN SULLIVAN: No, I understand that. The
3 Dormer Guidelines doesn't make distinction between whether
4 it's on the front or the back. It just says, "A dormer on a
5 roofline shall -- should not extend more than 15 feet." So
6 that -- what is proposed before us is contrary to the Dormer
7 Guidelines.

8 Now, they are guidelines, but we do pay strict
9 attention to them, we try to adhere to them. A number of
10 people have come down before us seeking larger dormers than
11 the dormer guideline, and we have always tried to justify
12 why they're seeking a much larger one, and whether or not it
13 should vary from the Dormer Guidelines, and everybody -- if
14 a person says, "Well the reason for the extended dormer
15 construction is because they -- it's a better use of space";
16 they need more space.

17 So that's the consistent argument, or thesis as to
18 why a larger dormer should be constructed. But we still
19 look toward the Dormer Guidelines as sort of the yardstick
20 --

21 PHILLIP MILLER: Yes.

22 BRENDAN SULLIVAN: -- on this, even though the

1 existing one is extending -- it is an existing house. But
2 again, the existing dormer, by pulling figures off the
3 drawing is 18 feet, you're asking for one that's 31 feet.
4 So I want to say just sort of looking for a good answer as
5 to why.

6 And again, the argument of, "Well, we would like
7 more space, or a better use of the space" is one that we
8 hear all the time but may not be totally convincing.

9 PHILLIP MILLER: Well, the height of the dormer,
10 which doesn't address the length, but the height of the
11 dormer in the back is 66". And so, there's a bathroom on
12 the third floor that's not really usable.

13 So we're -- you know, firstly looking to raise
14 that height to -- from 66" to 78". And the ceilings on the
15 third floor are very low, and we're looking to make those
16 spaces more usable, because of the pitch of the roof and the
17 dormer.

18 So we're looking to create, you know, a home
19 office on the -- in one of the bedrooms, and the other
20 bedroom just to increase the headroom along the back of the
21 space.

22 BRENDAN SULLIVAN: Those are knee walls now?

1 PHILLIP MILLER: There are knee walls, and there
2 are currently 56", I think. And we're hoping to increase it
3 to, as I said, 78".

4 BRENDAN SULLIVAN: So that the bedroom becomes a
5 larger bedroom, and that the what is now the front -- well,
6 the bedroom on the left becomes a sitting room; is that
7 correct?

8 PHILLIP MILLER: Yes.

9 BRENDAN SULLIVAN: Yeah.

10 PHILLIP MILLER: And it's difficult, because if
11 you put a -- there's not a lot of space to put a bed in the
12 bedroom. So if you stand to go to bed, you kind of have to
13 tilt over in order to get into the side of a double or queen
14 size bed at the window.

15 So it's just a difficult space to navigate,
16 because of the pitch of the roof and the low knee walls. So
17 we really did the minimum to make those rooms usable.

18 And the architecture -- it's my understanding that
19 as-of-right, that you can ask for a dormer -- you know, you
20 can have 15 feet on each side. And doing so on the front of
21 the building I think would negatively impact the
22 architecture of the house.

1 So we're trying to keep the front of the house as
2 is and make those bedrooms more usable, and the bathroom, of
3 course, more usable. You cannot stand in that tub and take
4 a shower, because of the height of the existing dormer.

5 BRENDAN SULLIVAN: Okay. All right. Let me open
6 it up to members of the Board for further comments or
7 questions. Jim Monteverde, any comments or questions?

8 JIM MONTEVERDE: I don't have any questions. I
9 just, at the moment I don't feel I can support the
10 application, however.

11 BRENDAN SULLIVAN: Okay. Laura Wernick?

12 LAURA WERNICK: I just want to go over the
13 discussion not having -- making the bedrooms larger by
14 adding two separate dormers; a dormer for each bedroom
15 facing the front of the building.

16 So if you had a dormer -- slightly higher dormer
17 that would allow that bathroom in the back, limit it to 15
18 feet, so you do put a new dormer in the back of the
19 bathroom, but then have two dormers, one on each side, and
20 over -- in each bedroom, you would at least get some
21 additional height in the bedrooms.

22 And, I think, if it was done properly, could look

1 good with that house. Maybe it doesn't give you enough
2 room. Have you looked at that option carefully?

3 PHILLIP MILLER: Are you proposing to have a
4 different type of dormer apart from the bathroom? To have
5 separate -- three separate dormers?

6 LAURA WERNICK: Three separate dormers, yeah.

7 PHILLIP MILLER: That would work just as well. So
8 you're saying, like, maybe have three doghouse dormers out
9 across the back?

10 LAURA WERNICK: You can -- well, that's not what I
11 was saying, but that's a possibility two -- have three
12 separate dormers across the back, so they're not continuous.

13 PHILLIP MILLER: Yeah.

14 LAURA WERNICK: It's not continuous.

15 PHILLIP MILLER: Yeah.

16 LAURA WERNICK: It's not a contiguous --
17 continuous.

18 PHILLIP MILLER: That would work just as well. I
19 thought this was the most unobtrusive -- and again, you
20 don't have a lot of ridge above to, -- you know, there's not
21 a lot of roof above the dormer as we drew it. So you'd have
22 a very low pitch that wouldn't match the pitch of the house.

1 This seemed like the simplest solution to give
2 headroom in those bedrooms. The highest point in the
3 bedroom, I think, is 78". The ceiling height's not very
4 high. So that's the challenge. But, you know, it's really
5 just to create a little more room to walk around the bed.

6 LAURA WERNICK: Mm-hm.

7 PHILLIP MILLER: So they could be separated, but
8 again, I -- my understanding was that there was a
9 restriction as to how far to the edge of the roof the dormer
10 could go. So if I'm -- I'm currently I think 42 inches from
11 the edge of the roof.

12 So this just seemed like the simplest solution to
13 create -- make those rooms more usable. But it's just going
14 to give a little more headroom so you can get around the
15 bed.

16 And then in the back side -- because everything's
17 sloping -- there's a chimney between the two windows, and
18 I'm trying to create a desk space. There just isn't a --

19 LAURA WERNICK: I don't think we need to work
20 through the solution. I think we have to go back and --

21 PHILLIP MILLER: Mm-hm.

22 LAURA WERNICK: -- figure out. I think the 15'

1 limit -- and I feel maybe the Board would go a little bit
2 either way -- but think of extends that 15-foot guideline as
3 it's currently shown.

4 PHILLIP MILLER: Mm-hm.

5 LAURA WERNICK: -- a lot. So is there a way to
6 get some additional headroom and stay nearer to the 15 --
7 you know, doing maybe multiple dormers?

8 PHILLIP MILLER: Mm-hm.

9 LAURA WERNICK: I think we just have to go back
10 and see what makes sense.

11 BRENDAN SULLIVAN: But Laura, are you saying,
12 then, that whether it be two dormers or two individual
13 dormers, that the length total would not exceed 15 feet?

14 LAURA WERNICK: I thought it was each of the
15 individual dormers couldn't exceed 15 feet?

16 JIM MONTEVERDE: No.

17 LAURA WERNICK: Am I wrong?

18 BRENDAN SULLIVAN: No. No, it's on --

19 LAURA WERNICK: Okay.

20 BRENDAN SULLIVAN: -- 15 feet on any one side.

21 LAURA WERNICK: Well yeah, then you -- to do --

22 BRENDAN SULLIVAN: So they'd be better off to just

1 leave what they have? They would get more dormer by leaving

2 --

3 JIM MONTEVERDE: Yeah, right.

4 BRENDAN SULLIVAN: -- what they have.

5 LAURA WERNICK: Yeah. Okay. Sorry.

6 BRENDAN SULLIVAN: Yeah. Okay.

7 PHILLIP MILLER: I appreciate it. I appreciate
8 that.

9 BRENDAN SULLIVAN: Anything else?

10 LAURA WERNICK: I still think there's another
11 solution here, so.

12 PHILLIP MILLER: The bathroom is 10 feet long, so
13 that would only leave us 30 inches in each bedroom for a
14 dormer. I mean, the bedrooms aren't that large.

15 BRENDAN SULLIVAN: Are the bedrooms -- right now
16 there's three bedrooms on the second level, correct?

17 PHILLIP MILLER: Correct. Yes.

18 SRAVYA KOMMINENI: Yeah.

19 BRENDAN SULLIVAN: All right. And --

20 PHILLIP MILLER: I mean, there are four that are
21 going to become three, yeah.

22 BRENDAN SULLIVAN: Okay. So there's three on the

1 second level, and then on the third level in question here,
2 there are two bedrooms currently?

3 SRAVYA KOMMINENI: Yes.

4 PHILLIP MILLER: Yes.

5 BRENDAN SULLIVAN: All right. And you're going to
6 basically a bedroom in a sitting room? Who would --

7 SRAVYA KOMMINENI: Yeah, a bedroom and an office,
8 yes.

9 BRENDAN SULLIVAN: Sort of a younger person would
10 --

11 SRAVYA KOMMINENI: Yes, it would be our kid.

12 BRENDAN SULLIVAN: Okay. The sitting room would
13 be for --

14 SRAVYA KOMMINENI: It would be --

15 BRENDAN SULLIVAN: It could be anything. They
16 have -- that's where they study, that's where they --

17 SRAVYA KOMMINENI: yeah.

18 BRENDAN SULLIVAN: -- do whatever they do in the
19 sitting room? Okay. All right. Laura, anything else at
20 this time?

21 LAURA WERNICK: You can still do 15 feet across
22 the back and do two 7.5' dormers across the front, if that

1 works.

2 PHILLIP MILLER: Well, the issue --

3 BRENDAN SULLIVAN: Yeah.

4 SRAVYA KOMMINENI: Okay.

5 BRENDAN SULLIVAN: And then -- but that takes
6 away, then, from the bathroom.

7 PHILLIP MILLER: Right. So the issue is you could
8 see here --

9 LAURA WERNICK: You're not 15 feet.

10 PHILLIP MILLER: Right, the bath -- the proposed
11 bathroom, in order to get a shower, a door, a toilet, a
12 sink; to line that up as we have it proposed would take up
13 11 -- would be an 11' dormer without an overhang. So --

14 LAURA WERNICK: Which is allowable.

15 PHILLIP MILLER: Mm-hm. Mm-hm.

16 LAURA WERNICK: And then if you had going back to
17 the other side of the other roof, the other -- move the
18 basement the other way -- you could still do 7.5' -- two
19 7.5' dormers on the others side, so you get a little bit of
20 extra headroom on the other side. You have --

21 PHILLIP MILLER: You propose --

22 LAURA WERNICK: -- three dormers total.

1 PHILLIP MILLER: Are you proposing for the front
2 of the house the other two dormers?

3 SRAVYA KOMMINENI: Yes.

4 LAURA WERNICK: That's what I was thinking.

5 PHILLIP MILLER: Yep. That would work, I just
6 think the house is so charming, I think it would be such a
7 shame. The façade of the house is so nice it would
8 completely change the nature of the architecture. That's
9 why we put everything on the back.

10 I mean, it's -- the house is -- you know, similar
11 to other houses in the neighborhood. There are a lot of
12 houses in the neighborhood with shed dormers across the
13 back. The people behind them have a shed the length of --
14 almost the length of the house in the back.

15 And I just feel like it would be detrimental to
16 the architecture to put two big dormers on the front of the
17 house.

18 So I feel like we could achieve what we want to
19 achieve by putting dormers in front of the house, but it
20 would -- you know, if we put two 7.5 dormers in front of the
21 house, I think it would be a very negative effect to the
22 architecture, and sort of the feeling of the neighborhood.

1 And I tried to keep, you know, the front of the
2 house as is. I just -- you know, so that's kind of what's
3 driving one dormer across the back.

4 It would solve our problem. And I appreciate the
5 recommendation in terms of function to have dormers on the
6 front of the house, but I just hate to change that
7 architecture, you know; and we're giving up space on the
8 first floor behind the house.

9 Again, I'm not a zoning attorney. I really can't
10 make the case well, but I just think the architecture is so
11 characteristic of the neighborhood -- so lovely, and I would
12 hate to change that. And that was my motivation in keeping
13 everything behind the house.

14 And there's precedent for it. As is, the house
15 behind has a contiguous shed dormer. Am I correct, Sravya?
16 I think it's contiguous.

17 SRAVYA KOMMINENI: Yes, yes.

18 PHILLIP MILLER: So the exact same condition
19 exists behind them. We met with the neighbors behind them.
20 They shared their concerns about privacy. So we changed
21 some of the windows to shutters. But we're basically
22 duplicating what the house behind them has, and what many of

1 the houses in the neighborhood already have.

2 I think it would be a shame to change that on the
3 front façade. And I feel like this preserves the
4 architecture. And I just want to be thoughtful about, you
5 know, not just pure function. You know, this is for
6 themselves. It's not a developer. And we're trying to keep
7 the house beautiful and functional for them, because they
8 really need the extra space.

9 BRENDAN SULLIVAN: Okay. Andrea, any comments or
10 questions at this time?

11 ANDREA HICKEY: Yes. So I do think that according
12 to the Dormer Guidelines, ideally a dormer should be placed
13 at the rear or on the less public side of the house. Our
14 guidelines do say that.

15 But our Guidelines also give us 15 feet as, you
16 know, something that we can be comfortable with. I agree
17 with the petitioner's representative that putting dormers on
18 the front of this house really would be a shame.

19 So I'd like to see some sort of a proposal to make
20 the dormers on the back of the house smaller. So that's
21 really all I have to say at this time.

22 BRENDAN SULLIVAN: Okay, thank you.

1 Jason Marshall, any questions or comments at this
2 time?

3 JASON MARSHALL: Yeah. I have, I think, just a
4 clarifying question. Olivia, if you could pull up the
5 dimensional form? Okay, thank you. So this petition is
6 seeking relief under what it is 8.22.d?

7 BRENDAN SULLIVAN: D, yes.

8 JASON MARSHALL: So there would be an existing
9 non-conformity that you'd be looking to increase here. I
10 don't think -- that's not jumping out to me. So if you can
11 maybe point me to where that is.

12 PHILLIP MILLER: I didn't fill out the
13 application.

14 JASON MARSHALL: Okay. Because it looks like
15 you're not going over GFA?

16 PHILLIP MILLER: No. We're --

17 LAURA WERNICK: Yeah.

18 JASON MARSHALL: It's fine. I mean, it looks like
19 it's non-conforming maybe in the rear stepback?

20 PHILLIP MILLER: That I can't -- unfortunately I
21 can't answer to that.

22 BRENDAN SULLIVAN: Yeah, yeah, but they're not

1 changing that.

2 PHILLIP MILLER: We're actually -- we're removing
3 a porch -- I don't know if that helps, and forgive me if I'm
4 being -- if it's not pertinent to what you're asking, but
5 we're taking away square footage and a covered porch in the
6 back, because we're trying to create as much back yard as
7 possible.

8 And please keep in mind that once you have enough
9 space for a bathroom with a usable shower, you're at 11
10 feet. So there really -- extending it to 15 feet really
11 doesn't accomplish anything useful. The -- and the biggest
12 problem is in the bedroom because it's very hard to get
13 around the bed, as is, because the highest point of the
14 ceiling now is about -- it's a little over six feet, maybe
15 six-six." So that's the challenges.

16 The only way to make it function would be to put
17 dormers on the front of the house and meet the dormer
18 requirements, or restrictions.

19 JASON MARSHALL: Yeah. I mean, I -- I appreciate
20 your answer. That's -- I mean, that's beyond really what I
21 was asking. From looking at this form, I don't think you're
22 seeking relief under 8.22.2.d. I think it probably is c.

1 You know, either way, though, and subject to
2 hearing public comment and others' thoughts, I mean it still
3 is a similar standard in terms of is this substantially more
4 detrimental to the neighborhood.

5 If I'm crediting your testimony that the house
6 adjacent and other houses in the area have similar sized
7 dormers, even though it's exceeding the Guidelines, I would
8 have a hard time finding that allowing this would be
9 substantially more detrimental.

10 So that's -- I might have a different perspective
11 than my colleagues, but that's where I am right now.

12 BRENDAN SULLIVAN: Yeah. Jason, under 8.22.2.d,
13 there would have to be increasing or creating a new non-
14 conformity. And they are not. Right now, they -- they're
15 not --

16 JASON MARSHALL: They would have to increase --
17 increase an existing non-conformity. And I agree with you,
18 Mr. Chair, it doesn't appear that that's what's taking place
19 here.

20 BRENDAN SULLIVAN: Right. So they're not
21 increasing any new non-conformity. So they can seek
22 protection under 8.22.2.d or something like that. So

1 anyhow, okay.

2 JASON MARSHALL: All right.

3 BRENDAN SULLIVAN: I think there's -- in
4 furtherance of your comment, Jason, you know, I sort of
5 walked around the property and I will concur that everybody
6 has sort of backloaded their dormers on the third floor, and
7 that it is very heavily treed, bushed very high on the back
8 of their property to the house in the back -- which I'm not
9 sure if it's Brattle Street or Fresh Pond Parkway, but
10 there's the road beyond that or something like that.

11 So the only one really affected by this is the
12 immediate neighbor to the rear. And they have something
13 very, very similar. I didn't actually take a tape to it by
14 any means, but the view from one house to the other in back
15 -- because of so heavily overgrown with vegetation -- trees,
16 bushes -- is actually I think somewhat minimal. But I think
17 you said that there was some concern expressed by that
18 neighbor, and so, you have ameliorated the privacy issue.

19 SRAVYA KOMMINENI: Yes.

20 BRENDAN SULLIVAN: Is that correct?

21 SRAVYA KOMMINENI: Yes.

22 BRENDAN SULLIVAN: Okay.

1 PHILLIP MILLER: Yes.

2 SRAVYA KOMMINENI: Yeah. So we had them come over
3 to the property and we shared the plans as well, and they
4 said to rearrange the windows because of the privacy issue.
5 So that's why on the left-hand side of the property -- of
6 the dormer, you don't see any windows on the bathroom or the
7 sitting room. We've put skylights just so that we don't
8 encroach on their privacy. And there are just windows only
9 on the right side of the dormer.

10 BRENDAN SULLIVAN: Okay.

11 SRAVYA KOMMINENI: Yeah. And we've received --
12 like yeah, they were -- after we changed the plans according
13 to their wishes, they said --

14 PHILLIP MILLER: Right.

15 SRAVYA KOMMINENI: -- "This works for us, and
16 we're on board." Yeah.

17 BRENDAN SULLIVAN: And that's reflected in the
18 current drawings?

19 PHILLIP MILLER: Yes.

20 SRAVYA KOMMINENI: Yes, yes.

21 PHILLIP MILLER: Okay. Is that the one with the
22 -- we have the drawings you submitted?

1 SRAVYA KOMMINENI: Yes, yes.

2 PHILLIP MILLER: Yes.

3 SRAVYA KOMMINENI: Yes.

4 PHILLIP MILLER: Looks like this? Okay, great.

5 Great.

6 BRENDAN SULLIVAN: All right. Let me open it to
7 public comment. Any member of the public who wishes to
8 speak should now click the button that says, "Participants,"
9 and then click the button that says, "Raise hand."

10 If you are calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6, and
12 you'll have up to three minutes in which to comment.

13 [Pause]

14 There appears to be nobody calling in and we are
15 -- have no correspondence in the file from anyone. I will
16 close public comment and send it back for any further
17 comments before the Board, discuss it and take it to a vote.
18 Anything else to add?

19 PHILLIP MILLER: I would say that they submitted
20 the plans for all of their neighbors, and there was no
21 resistance --

22 SRAVYA KOMMINENI: Yeah.

1 PHILLIP MILLER: -- at all. As I say, it is a --
2 it's characteristic of the other houses in the neighborhood.

3 SRAVYA KOMMINENI: Yes.

4 BRENDAN SULLIVAN: Okay. Okay.

5 SRAVYA KOMMINENI: Yeah, we've shared -- yeah,
6 we've spoken in person with all of our neighbors -- the
7 rear, the neighbors in front of us, the next five houses.
8 We've shared -- we've met them in person, and they said this
9 is something that they're on board with; they support it.
10 They support our petition.

11 So all of the neighbors are on board with this,
12 with this proposal.

13 BRENDAN SULLIVAN: Okay. Okay. Let me send it
14 back to the Board.

15 Any further comments by any member of the Board,
16 or shall I make a motion to grant? Or what are your
17 thoughts on the -- there's an existing 18-foot dormer and
18 they want to go to 31-foot dormer.

19 JIM MONTEVERDE: Ready for a motion.

20 JASON MARSHALL: Mr. Chair, I'm comfortable with
21 granting the request. And I appreciate, as always, your
22 reconnaissance, which I think confirms the testimony we

1 heard earlier that this is not dissimilar to other
2 properties nearby. And in my mind, I think it meets our
3 standards. So I would be comfortable voting yes.

4 BRENDAN SULLIVAN: Great. Okay, thanks.

5 Any other member wish to comment.

6 LAURA WERNICK: I am just -- I mean, again, as
7 Jason said, I think your reconnaissance is very helpful to
8 me. I was wondering -- I'm still wondering if anyone feels
9 a sense of precedent? You know, how do we -- how do we
10 maintain our 15' kind of guideline when we're granting
11 dormers that are 30' long? Is it a precedent that we would
12 be concerned with?

13 BRENDAN SULLIVAN: Right. No, I'm -- thank you,
14 Laura. I'm very cognizant of that. And again, it's easy to
15 say yes, and when do you say no? And is that fair, I guess.
16 And the Board has said no in the past or made people to
17 reduce them.

18 This is a -- if obviously there was no dormer
19 there, and this was coming down de novo, we would send and
20 say no to a 31-foot dormer but the -- there is an existing
21 18'- almost 19'- dormer there. Of the 12'6" on -- 6' on
22 either side tip the scale, you know, in relationship to the

1 neighborhood to the adjoining properties, and to the abutter
2 in the back. So I guess that's the balancing act that we
3 have to weigh. So -- but I appreciate your comments.

4 Jim Monteverde, what are your thoughts?

5 JIM MONTEVERDE: I think just to Laura, it's
6 really about context. I think, you know, this is just a
7 different kind of neighborhood -- immediate neighborhood
8 than some of the other ones or a lot of the other ones that
9 we see there trying to do larger dormers than the Guidelines
10 suggest.

11 So at the moment, and given, Mr. Chair, your
12 observation on site and of the neighborhood, and some of the
13 other Board members' discussion, I could support this one
14 and feel comfortable it doesn't set a precedent.

15 BRENDAN SULLIVAN: Okay. Andrea, shall I take it
16 to a vote, or how are you tilting?

17 ANDREA HICKEY: I am sort of on the edge with
18 this.

19 BRENDAN SULLIVAN: Do you --

20 ANDREA HICKEY: Attorney Marshall's kind of
21 calling to my attention some issues I hadn't really thought
22 of before is bringing me back to center on this. My

1 immediate reaction was, "Way too long." But I like the fact
2 that it's at the rear of the house.

3 So I am sort of on the fence at the moment, Mr.
4 Chair. If you have anything to add, it might sway me, so.

5 BRENDAN SULLIVAN: Well, I -- I'm torn between
6 actually Laura's comment, which obviously I respect greatly
7 that, you know, we're sort of bending quite a bit on this
8 one vis-à-vis other dormer people that have come down before
9 us.

10 Jason's comments are on point too that in the
11 context of the neighborhood, and that and Jim saying, you
12 know, again, looking at the neighborhood and the effect of
13 this dormer. If it was on the front of the house, again it
14 would be a nonstarter. It's in the back. I did walk it.

15 And I think it really -- if you added six feet to
16 either side of this, to the existing dormer, would anybody
17 know? And again, because of its location and the effect on
18 really nobody other than the neighbor in the back and if
19 they could have ameliorated any concerns that that neighbor
20 had.

21 So I'm sort of torn by how we have consistently --
22 tried to consistently -- judged dormers in the past, how we

1 have ruled in the past, and yet its context and the siting
2 it is in the neighborhood.

3 So -- and if I were to say, "Well, you've got an
4 existing dormer that exceeds the Guidelines of 18', you
5 know, what does -- how much would be acceptable? You know,
6 3', 4', does that -- you know, make any difference? It
7 makes a huge difference to the homeowner. Doesn't make much
8 difference to us.

9 And I think its location, context may affect on
10 the adjoining properties -- I think tilts the balance that I
11 would support granting of the special permit on this one.
12 So --

13 ANDREA HICKEY: Thank you. My only fear is that
14 now every other person coming before us who says their
15 neighbor has a similar dormer is going to set a precedent.
16 And that really is my primary concern at the moment.

17 BRENDAN SULLIVAN: Yeah. And we have in the past
18 where neighbors have come down and said -- you know, down
19 the street or across the street or next door has a similar
20 dormer and what have you. But that's a far more congested
21 area, and I think the close proximity to other properties
22 sort of gives us pause to say, "Well, just because they have

1 it, then I guess it's okay."

2 And, you know, I always go back to what I heard a
3 long, long time ago where somebody says, "Well, because the
4 guy next door did it, I should do it. And because it exists
5 already in the neighborhood, then I should be allowed to do
6 it. Also, I'm not introducing anything new."

7 And, you know, you keep going on and on and on and
8 on. Eventually, you wind up with downtown Manhattan, where
9 nary there's a blade of grass or a tree shall grow, because
10 somebody started it, and said, "Well, okay, he did it, so
11 it's okay for us." And so, you have to be wary of that.

12 And Laura's comment about the precedent weighs
13 very heavily. And I think this Board has been very fair in
14 the past, and really on point with what we have granted, and
15 what we have exceeded at times, and the reasons for it.

16 And I think it's been for the right reasons at
17 that time, whether we granted it or we trimmed it back or
18 denied it.

19 PHILLIP MILLER: May I ask --

20 BRENDAN SULLIVAN: I'm sorry?

21 PHILLIP MILLER: Oh, excuse me. I'm so sorry.
22 I'm sorry. I didn't want to interrupt.

1 BRENDAN SULLIVAN: Yeah, no. So I guess the
2 option is either to take it to a vote and see how that goes,
3 or the alternative would be to ask the petitioner to come
4 back with a -- having considered the comments, they could
5 come back with a revised plan that pulls this in a little
6 bit. And --

7 SRAVYA KOMMINENI: May I?

8 BRENDAN SULLIVAN: And so, I guess I would support
9 what is before us anyhow. I think Jason said he would, and
10 Jim. So it's really to the two esteemed ladies on the
11 Board, Laura and Andrea if you wish for the petitioner to
12 come back. I would defer to that.

13 SRAVYA KOMMINENI: I mean, we would really
14 appreciate it if you could.

15 BRENDAN SULLIVAN: Well, no, this is between the
16 members of the Board now.

17 SRAVYA KOMMINENI: Right.

18 BRENDAN SULLIVAN: So.

19 PHILLIP MILLER: May I ask a question?

20 BRENDAN SULLIVAN: Very briefly. You may not get
21 an answer, but you can ask the question okay.

22 PHILLIP MILLER: I just want to point out that

1 we're forgoing as-of-right the front dormers in the interest
2 of the neighborhood and preserving the architecture that --
3 I understand and I appreciate what your member is saying
4 about keeping a 15' dormer, but the tradeoff -- you know,
5 again, I think it -- this is a much better solution than
6 having a 15' dormer in the front and a 15' dormer in the
7 back.

8 BRENDAN SULLIVAN: Great. Okay, thank you. So
9 Laura and Andrea, if -- shall we ask the petitioner to
10 reconsider the back?

11 LAURA WERNICK: Whoo! Huh. I'm just thinking,
12 okay, if it was a -- if we made the dormer four feet longer,
13 rather than -- would that give them enough room to do
14 anything, you know, adding two feet on each side?

15 And I just don't know where the line is. I'm a
16 little bit -- again, it just -- I'm very sympathetic to what
17 they're trying to do. I think the approach is, you know,
18 the general approach is appropriate. It's -- I mean, I'm
19 just concerned for the long term for the Board's
20 credibility, and that's the only thing I'm weighing. So.

21 BRENDAN SULLIVAN: Yeah, no I get that you're --

22 LAURA WERNICK: I'd love to let them have this --

1 BRENDAN SULLIVAN: Yeah, but you're uncomfortable
2 with what is before us.

3 LAURA WERNICK: I think that, yeah.

4 BRENDAN SULLIVAN: Would that be a fair
5 characterization?

6 LAURA WERNICK: Yeah. That's a fair
7 characterization.

8 BRENDAN SULLIVAN: For a variety of reasons?
9 Okay, Andrea, shall we continue and ask the petitioner to
10 reconsider and come back?

11 ANDREA HICKEY: Yeah. I think so.

12 BRENDAN SULLIVAN: All right. That's fine.
13 That's fine. Jim and Jason, will you concur with that?

14 JASON MARSHALL: I could support a continuance,
15 yes.

16 JIM MONTEVERDE: Yeah, I agree.

17 BRENDAN SULLIVAN: Okay. So let me make a motion,
18 then, to continue this matter. It can be -- let's see, we
19 already -- we're getting filled up. January 12, 2023 would
20 be the next available date. After that, then we are into
21 February. So January 12?

22 SRAVYA KOMMINENI: What's the date in February?

1 BRENDAN SULLIVAN: Would that be okay; would that
2 give you enough time, January 12?

3 PHILLIP MILLER: It would give me enough time.

4 BRENDAN SULLIVAN: Okay. And the petitioner is
5 available?

6 SRAVYA KOMMINENI: Yes.

7 BRENDAN SULLIVAN: Okay. And Jason, you're
8 available? Laura, are you available on January 12?

9 JASON MARSHALL: I am, Mr. Chair. Yes.

10 BRENDAN SULLIVAN: Okay. And Jim, you're
11 available?

12 JIM MONTEVERDE: Yes.

13 BRENDAN SULLIVAN: Andrea, are you available on
14 January 12?

15 ANDREA HICKEY: Yes, I am.

16 BRENDAN SULLIVAN: And Laura?

17 LAURA WERNICK: I believe so, yes.

18 BRENDAN SULLIVAN: Okay. Let me make a motion,
19 then, to continue this matter to January 12, 2023 on the
20 condition that the petitioner change the posting sign to
21 reflect the new date of January 12 2023, and the new time at
22 6:00 p.m.

1 Also in furtherance that the petitioner sign a
2 waiver to the statutory requirement for a hearing. Said
3 waiver can be obtained by Maria Pacheco or Olivia Ratay with
4 the Inspectional Services. Ask that you sign it and return
5 it to us by a week from this coming Monday.

6 Failure to do so will de facto cause this Board to
7 give an adverse ruling on this particular case. We would
8 ask that you sign it and get it back to us. This will allow
9 us to hear the case on January 12.

10 Also that if there is any new submittals --
11 changes to the drawings, which it appears that there will be
12 -- that those would be in the file by 5:00 p.m. on the
13 Monday prior to the January 12, 2023 hearing.

14 And also if there's any changes that the
15 dimensional form and potentially any supporting statement
16 also be changed and submitted along with the new documents.

17 On the motion, then, to continue this matter until
18 January 12, Jim Monteverde?

19 JIM MONTEVERDE: In favor.

20 BRENDAN SULLIVAN: Laura Wernick?

21 LAURA WERNICK: In favor.

22 BRENDAN SULLIVAN: Andrea Hickey?

1 ANDREA HICKEY: In favor.

2 BRENDAN SULLIVAN: And Jason Marshall?

3 JASON MARSHALL: In favor.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes.

5 [All vote YES]

6 BRENDAN SULLIVAN: A total of five affirmative
7 votes; this matter is continued to January 12. I guess in
8 clarification, if you -- when you get a transcript of the
9 hearing tonight -- is to take into consideration what the
10 Board members have said and come back with what you think is
11 workable. And you may come back with the same plan. You
12 know, or slightly different or whatever. And that's fine.

13 You may come back -- even though we'd like to
14 consider one plan, you may come back with an alternate plan,
15 two plans or something. But if you have any questions, you
16 can talk to Maria or Olivia at Inspectional Services to get
17 further guidance, if you will. But if you would get back
18 that waiver form, that would be huge and appreciated.

19 So this matter is continued until January 12,
20 2023.

21 PHILLIP MILLER: Thank you.

22 SRAVYA KOMMINENI: Yeah. Thank you so much.

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PHILLIP MILLER: Thank you.

1 * * * * *

2 (8:21 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 197887 -- 47 Eighth Street.

8 JAMES RAFFERTY: Good evening, Mr. Chair, and
9 members of the Board. James Rafferty, again, on behalf of
10 the applicant. We have filed with the Board a request to
11 continue the case, due to the unavailability of the Project
12 Architect. We would appreciate the case scheduled as soon
13 as it's convenient for the Board.

14 BRENDAN SULLIVAN: There is -- Olivia, well
15 there's January 12. We're filled up for December 1 and for
16 December 15. We're filled up because of 10 cases on the
17 fifteenth. So January 12, 2023, does that work, Mr.
18 Rafferty?

19 JAMES RAFFERTY: Yes, if that's the soonest
20 available, we will be back at that time.

21 BRENDAN SULLIVAN: Yeah. All right. So let me
22 make a motion, then, as a case not heard that this matter is

1 continued to January 12, 2023 at 6:00 p.m. on the condition
2 that the petitioner change the posting sign to reflect the
3 new date of January 12, 2023 and the time at 6:00 p.m.

4 Any new submittals not currently in the file be
5 submitted by 5:00 p.m. on the Monday prior to January 12,
6 2023 hearing.

7 That the petitioner has signed the waiver of
8 statutory requirement for a hearing that is in the file;
9 that any new submittals, which changes the application, that
10 a dimensional form -- new dimensional form -- be
11 incorporated and submitted, and any new supporting
12 statements also be submitted by 5:00 p.m. on the Monday
13 prior to January 12.

14 On the motion, then, to continue this matter: Jim
15 Monteverde?

16 JIM MONTEVERDE: In favor.

17 BRENDAN SULLIVAN: Laura Wernick?

18 LAURA WERNICK: In favor.

19 BRENDAN SULLIVAN: Andrea Hickey?

20 ANDREA HICKEY: Yes, in favor.

21 BRENDAN SULLIVAN: And Jason Marshall?

22 JASON MARSHALL: In favor.

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BRENDAN SULLIVAN: Brendan Sullivan.

[All vote YES]

BRENDAN SULLIVAN: On the five affirmative votes,
the matter is continued until January 12. See you then.

JAMES RAFFERTY: Thank you, and good evening.

BRENDAN SULLIVAN: Yes.

1 * * * * *

2 (8:23 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 196705 -- 415 Broadway.

8 Mr. Okun, or somebody from 415 Broadway?

9 VIVEK VENKATACHALAM: Hi. I think my architect,
10 Doug Okun, was planning on presenting. I'm just making sure
11 that he's available.

12 JIM MONTEVERDE: He's just connecting.

13 BRENDAN SULLIVAN: Okay. Okay.

14 JIM MONTEVERDE: He's muted at the moment.

15 BRENDAN SULLIVAN: Doug? You're on. You're on
16 mute.

17 JIM MONTEVERDE: No, I think he's good now.

18 BRENDAN SULLIVAN: Okay. You're, okay?

19 JIM MONTEVERDE: He's just got to talk.

20 BRENDAN SULLIVAN: Okay. Doug, you're on.

21 [Pause]

22 No. You're on mute.

1 BRENDAN SULLIVAN: You're on mute somehow.

2 JIM MONTEVERDE: Or we can't hear you. Get
3 closest to the microphone.

4 BRENDAN SULLIVAN: Talk up to the microphone or
5 something, Doug.

6 JASON MARSHALL: I'm not showing you as muted.
7 You -- maybe your computer volume?

8 [Pause]

9 JIM MONTEVERDE: This could be our first
10 pantomime.

11 BRENDAN SULLIVAN: Yeah.

12 ANDREA HICKEY: Perhaps he could call in by phone
13 so we could hear him that way?

14 BRENDAN SULLIVAN: Can't hear you, Doug. Can you
15 hear us? Okay. Something's not on.

16 DOUGLAS OKUN: Joe?

17 BRENDAN SULLIVAN: Okay. Sound is coming through.

18 DOUGLAS OKUN: Okay. Can you hear me?

19 BRENDAN SULLIVAN: All right. Yes, you're on now.
20 Good.

21 DOUGLAS OKUN: Good. That's my technical staff
22 here.

1 BRENDAN SULLIVAN: All right. Good. All right.
2 Introduce yourself for the record, if you would, Mr. Okun.

3 DOUGLAS OKUN: I'm Douglas Okun. I'm the
4 architect for the project at 415 Broadway in Cambridge.

5 BRENDAN SULLIVAN: And what would you like to do?

6 DOUGLAS OKUN: Well, the -- original building was
7 built around maybe 1870 or something like that. And then
8 there was a more recent addition probably in the 20th
9 century.

10 And between the two, there's a little notch. And
11 we would like to just fill that notch in so that we can flow
12 through the apartment. And you could fit into the little
13 notch. It's only 6 by 8.

14 And there's a freehand sketch that I did. Perhaps
15 you can see that sketch? That -- so this is the effect that
16 we're trying to get, so.

17 BRENDAN SULLIVAN: By filling in on the left side,
18 is that correct?

19 DOUGLAS OKUN: Yes.

20 BRENDAN SULLIVAN: Okay.

21 DOUGLAS OKUN: Yeah. So you have this.

22 BRENDAN SULLIVAN: Okay.

1 DOUGLAS OKUN: So this little fill-in is in the
2 back of the building. It's not really even seen from the
3 alleyway because it's so set back. And so, it doesn't
4 derogate from the public interest or the public -- or
5 anything like that.

6 BRENDAN SULLIVAN: Olivia, can you pull up A1?
7 That's it right there. So that stairway, which goes down
8 into the basement -- is that only for the use of this
9 particular unit, or --

10 DOUGLAS OKUN: The whole building is one unit now.

11 BRENDAN SULLIVAN: So it's basically a townhouse
12 structure?

13 DOUGLAS OKUN: It's a townhouse.

14 BRENDAN SULLIVAN: But it is a standalone entity?

15 DOUGLAS OKUN: That's correct. It's not in --

16 BRENDAN SULLIVAN: Okay.

17 DOUGLAS OKUN: -- common with anything.

18 BRENDAN SULLIVAN: But so that those steps going
19 down services the basement area just to this unit?

20 DOUGLAS OKUN: Yes, correct.

21 BRENDAN SULLIVAN: Okay. So that the overfilling
22 of it or the filling in or something like that has no

1 deleterious effect on the adjoining neighbor to --

2 DOUGLAS OKUN: Exactly.

3 BRENDAN SULLIVAN: -- access the basement or even
4 it doesn't impede the availability of the current owner to
5 access the basement or egress the basement?

6 DOUGLAS OKUN: Correct.

7 BRENDAN SULLIVAN: Okay. All right. I think the
8 plans and the dimensional form, supporting statements are
9 somewhat self-explanatory. Let me open it to public comment
10 or let me ask any member of the Board if you have any
11 questions. Jim, any questions at this time or comments?

12 JIM MONTEVERDE: No questions.

13 BRENDAN SULLIVAN: Laura Wernick?

14 LAURA WERNICK: No questions. Thank you.

15 BRENDAN SULLIVAN: Andrea Hickey?

16 ANDREA HICKEY: No questions.

17 BRENDAN SULLIVAN: And Jason Marshall?

18 JASON MARSHALL: No questions.

19 BRENDAN SULLIVAN: Let me open it to public
20 comment. Any members of the public who wish to speak should
21 now click the button that says, "Participants," and then
22 click the button that says, "Raise hand."

1 If you're calling in by phone, you can raise your
2 hand by pressing *9 and unmute or mute by pressing *6, and
3 you'll have up to three minutes to comment.

4 [Pause]

5 There's nobody calling in. We are in receipt of
6 correspondence from the Mid Cambridge Neighborhood
7 Conservation District Commission, dated October 19.
8 Certificate of Non-Applicability. The property is at 415
9 Broadway. The applicant was Doug Okun.

10 "The Mid-Cambridge Neighborhood Conservation
11 District Commission hereby certifies pursuant to Chapter
12 2.78 of the Code of the City of Cambridge and the order of
13 established link of said district that the work described
14 below does not involve any activity requiring issuance of a
15 Certificate of Appropriateness or Hardship to construct the
16 addition in the rear of the building, which is not visible
17 from the public way, Permit #196705."

18 That is the sum and substance of any
19 correspondence. And I will close the public comment phase
20 of the hearing. And anything else to add, Mr. Okun?

21 DOUGLAS OKUN: No.

22 BRENDAN SULLIVAN: Okay. Let me take it back to

1 the Board. Ready for a motion or any comments at this time?

2 JIM MONTEVERDE: Ready for a motion.

3 BRENDAN SULLIVAN: Okay. Seeking relief under

4 Article 8.22.3, which is non-conforming structure, and

5 Section 10.30, the criteria for granting a variance.

6 8.22.3. 22.3? I don't see that. I think it's 22.2 -- 22

7 -- no, sorry.

8 Any alteration or enlargement of a nonconforming

9 structure or of a non-conforming use not otherwise permitted

10 in 8.22 -- on 8.22.2 above, shall be a variance. Okay, so

11 that tells us the relief that is required. Let me make a

12 motion, then, to grant the relief requested.

13 The Board finds that a literal enforcement of the

14 provisions of the Ordinance would involve a substantial

15 hardship to the petitioner. The hardship is owing to the

16 shape of the lot, which is very narrow and is comprising of

17 a townhouse-style structure, which is unique to this

18 particular neighborhood.

19 The hardship is owing to the unique shape of the

20 lot -- very long, very narrow, which -- and also that the

21 petitioner is encumbered by the existing ordinance, which

22 prevents any minor or any extension of the existing

1 structure, which is a stand-alone entity, and that it
2 particularly affects this particular structure.

3 And that the Board finds that desirable relief may
4 be granted without substantial detriment to the public good,
5 and that this particular application as per the Certificate
6 of Non-Applicability is not visible from the public way, and
7 as per the Mid Cambridge Neighborhood Conservation District
8 ruling.

9 Also that the granting of this variance would not
10 nullify or substantially derogate from the intent and
11 purpose of the Ordinance, which will be to allow homeowners
12 to improve their structure.

13 This particular application will greatly improve
14 the internal circulation of the building, which currently is
15 impeded by the niche in the building, the wall which has
16 access into the basement. This will greatly alleviate and
17 add to the livability of the structure and add greatly to
18 the quality of life in such structure.

19 On the motion, then, to grant the relief
20 requested, Jim Monteverde?

21 JIM MONTEVERDE: In favor.

22 BRENDAN SULLIVAN: Jason Marshall?

1 JASON MARSHALL: In favor.

2 BRENDAN SULLIVAN: Andrea Hickey?

3 ANDREA HICKEY: Yes, in favor.

4 BRENDAN SULLIVAN: Laura Wernick?

5 LAURA WERNICK: In favor.

6 BRENDAN SULLIVAN: Brendan Sullivan yes.

7 [All vote YES]

8 BRENDAN SULLIVAN: On the five affirmative votes,
9 the variance is granted.

10 DOUGLAS OKUN: Thank you.

11 BRENDAN SULLIVAN: Thank you. Yep, thanks Doug.

12 Also, I should add before I close out the previous case that
13 the work is granted, and the variance is granted on the
14 condition that the work conform to the drawings as submitted
15 entitled, "The proposal for 415 Broadway, as prepared by
16 Douglas Okun and Associates" and initialed by the Chair.

17 And that concludes the case. Okay, granted.

18 Thank you.

19 DOUGLAS OKUN: Thank you. Bye-bye.

20 BRENDAN SULLIVAN: And that concludes tonight's
21 agenda. Thank you all.

22 COLLECTIVE: Thank you, Mr. Chair. Goodnight,

1 everybody. Happy Thanksgiving, everybody.

2 BRENDAN SULLIVAN: As usual, you were excellent.

3 So goodnight, everybody. Stay well.

4 COLLECTIVE: Goodnight.

5 [08:37 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.

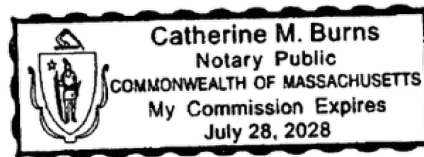
In witness whereof, I have hereunto set my hand this ec day of December, 2022.



Notary Public

My commission expires:

July 28, 2028



A				
A-104 85:17 86:11	add 10:7 26:9 30:21 31:2,10 40:14 67:3,5	administrative 80:15	130:11	Andrea 1:8 3:4 4:19,20 6:3,14
A-12 77:10,11	68:13 72:20,21	adopt 39:10	allowable 19:9 19:16 39:13	7:15,17 11:5,6
A-20 78:4,5	81:14 106:18	adopted 9:12	77:5 97:14	13:19,21 14:1
A1 126:6	110:4 128:20	adverse 16:1 45:10 117:7	allowed 32:7 45:20 51:6,13	17:6,7 18:3
A1.01 34:22 35:19	130:17,17 131:12	adversely 15:20 83:10	112:5	22:13,14 26:5
A1.02 34:21	added 33:8 110:15	affect 111:9	allowing 18:12 68:14 103:8	26:6 27:3
A1.03 34:22	adding 87:10 91:14 114:14	affirmative 17:10 26:14	allows 73:18	29:14,15 30:3
A2.10 62:10,11	addition 14:5 31:4,7 38:18	29:18 53:13	alter 66:19 72:15	39:18,20 55:19
A3.12 63:16	41:16 43:6,6	59:21 69:19	alteration 14:20 14:22 15:1	55:19 56:4
A4.04 50:16	44:1 76:22	75:1 84:16	73:11 82:7,10	57:17 58:6,7
ability 77:20 133:7	81:10 125:8 128:16	118:6 122:3 131:8	82:13,19,22 129:8	59:17,18 61:3
able 52:11 56:13	additional 31:3 31:10 43:13	agenda 2:11 61:7 131:21	alternate 118:14	64:19,20 67:12
above- 7:10	76:16 77:1	ago 112:3	alternative 25:5 113:3	69:13,14 70:3
absent 6:20 7:2	81:2 86:14	agree 7:20,21 8:5 21:18	ambiguities 12:10	71:6,8 73:3
Absolutely 37:13	91:21 94:6	100:16 103:17 115:16	ameliorate 16:3	74:11,12 76:3
abutter 8:21 40:4 109:1	additions 31:13	agreed 12:3 13:6 18:15	ameliorated 104:18 110:19	79:13,15 84:10
abutters 9:11 20:6	address 13:4 43:14 45:21	44:8	amenable 42:8	84:11 85:3
abutting 25:6 42:9	46:5,8 55:22	agrees 8:1,3 24:21	amended 6:10 14:6	100:9,11
accept 7:16 13:1	56:2 68:21	Agustin 65:8,9,9 70:10	amending 3:15	109:15,17,20
acceptable 40:1 55:9 57:8 111:5	73:20 87:4 89:10	ahead 8:6	America 87:6	111:13 113:11
accepts 7:1	addresses 12:14 45:11	aid 25:2	American 47:2	114:9 115:9,11
access 15:15 19:7 21:12 34:17 83:5 127:3,5 130:16	addressing 12:22 59:5	alarm 31:6	Americans 47:4	116:13,15
accommodate 10:12 31:7	adequate 53:3 56:9	Alexander 6:12	amount 32:10 33:6 37:21	117:22 118:1
accommodation 8:8	adhere 88:9	Alice 42:18,19 42:19 43:21	analysis 21:19	120:3 121:19
accomplish 102:11	adjacent 15:19 33:7 83:9 103:6	Alice's 50:1	and-a-half 23:8	121:20 123:3
accounted 9:11	adjoining 16:1 16:10 54:10	aligned 41:16	and/or 16:7 83:15	124:12 127:15
accurate 22:3	64:1 83:18	alive 54:11	Anderson 6:8,9 6:9 8:7 10:6,9	127:16 131:2,3
achieve 98:18,19	109:1 111:10	alleviate 53:7 130:16	10:12,14,16 12:18 14:9,16	anomaly 23:5
act 6:22 109:2	127:1	alleyway 126:3	15:9 17:12	answer 33:11,12 46:16 50:15
action 133:9,11	adjudicatory 6:21	allow 6:16 16:14 18:20 25:15	18:14,19 19:1 21:2,4 22:3	89:4 101:21
activity 66:17 72:14 128:14	adjusting 19:19	68:20 73:19	23:4,21 24:8	102:20 113:21
		76:15 83:20	26:16 27:8,8,9	anybody 21:16 25:2 44:13 110:16
		91:17 117:8	27:20 29:20	anyway 73:13
				apart 92:4
				apartment 43:17 45:3,5 125:12
				appeal 1:1 3:8 27:7,10,16 43:12 44:21 65:22 71:20 82:18
				Appeals 7:9
				appear 103:18

appearance 38:6	98:16,22 99:7 99:10 100:4 114:2	99:9 109:20	114:10 115:10 117:8 118:10 118:11,13,14 118:17 120:20 126:2,3 128:22	beautiful 100:7 bed 90:11,12,14 93:5,15 102:13
appeared 38:7	area 15:7 24:19 34:4 46:11,13 51:18 55:14 63:2 77:9,11 77:13,15,16 103:6 111:21 126:19	attractive 31:22 45:8	backing 52:13 backloaded 104:6	bedroom 9:20 30:16 34:2,12 34:13 36:1,13 36:17,19 42:4 48:14,16 89:20 90:4,5,6,12 91:14,20 93:3 95:13 96:6,7 102:12
appearing 76:12	areas 56:14	audible 4:14 5:2	backyards 71:22	bedrooms 53:10 55:12 89:19 91:2,13,21 93:2 95:14,15 95:16 96:2
appears 15:11 22:22 80:4 83:2 106:14 117:11	areaway 19:7,8 19:10,19	audio 3:20 7:2	Baker's 3:14	behalf 27:15 30:11 76:12 120:9
applicant 11:16 76:13,15 78:1 120:10 128:9	aren't 95:14	availability 58:1 127:4	balance 77:16 111:10	believe 8:22 31:21 35:11 41:8 45:9 62:14 86:18 116:17
applicants 4:3	arguably 23:15	available 41:13 78:22 115:20 116:5,8,8,11 116:13 120:20 123:11	balancing 109:2	balloon 20:19
application 7:12 16:20 39:15 54:15 77:8 78:15 83:11 84:17 91:10 101:13 121:9 130:5,13	argument 88:17 89:6	Ave 6:10	bar 36:18 37:4 38:21 39:1	bar 36:18 37:4 38:21 39:1
applications 6:10	arguments 62:1	Avenue 1:5 2:5 2:6,8 6:7 14:16 18:7 28:19 76:11	bare 48:7	based 4:11 55:6
applied 77:5	arithmetic 86:9	avoid 53:4	basement 20:17 21:10,12,15 24:19 30:15 35:2,5,19 48:7 48:7 81:15 97:18 126:8,19 127:3,5,5 130:16	basement 20:17 21:10,12,15 24:19 30:15 35:2,5,19 48:7 48:7 81:15 97:18 126:8,19 127:3,5,5 130:16
appointed 7:17 8:5	Article 15:4 24:12 129:4	awful 24:3 55:14	basically 20:12 21:9,14 24:6 34:16 35:1 41:4 44:2 45:7 62:4,16,18 63:3,17 85:12 86:16 96:6 99:21 126:11	best 21:11 28:1 77:9 133:6
appreciate 8:7 24:8 75:6 81:4 95:7,7 99:4 102:19 107:21 109:3 113:14 114:3 120:12	articulated 22:11	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	bath 34:3 36:13 36:17,19,22 97:10	better 21:15 62:6 73:21 88:15 89:7 94:22 114:5
appreciated 8:7 118:18	as-of-right 20:13,20 24:18 90:19 114:1	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	bathroom 9:20 30:16 35:21 36:3,3,11 48:14 89:11 91:2,17,19 92:4 95:12 97:6,11 102:9 105:6	beyond 19:8 38:7 63:21 102:20 104:10
approach 114:17,18	asbestos 80:8,13	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	basically 20:12 21:9,14 24:6 34:16 35:1 41:4 44:2 45:7 62:4,16,18 63:3,17 85:12 86:16 96:6 99:21 126:11	bid 48:5
appropriate 13:3 114:18	asked 8:10 12:8 32:21	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	big 37:2,11 43:6 52:11 98:16
Appropriaten... 66:18 72:15 128:15	asking 4:13 8:14 12:8 37:3,7 45:19,19 55:14 86:13 87:21 89:3 102:4,21	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	biggest 102:11
approval 78:13	asphalt 32:3	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	bit 47:1,5,14,15 48:6,10,10 49:3 63:16 78:5 86:1 94:1 97:19 110:7 113:6 114:16
April 21:21	Associates 131:16	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	blade 112:9
architect 41:11 46:15 78:22 86:20 120:12 123:9 125:4	assuring 13:5	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	
Architects 30:10	attached 66:4 72:2 84:6	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	
architecture 90:18,22 98:8	attendance 4:14	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	
	attention 56:4 88:9 109:21	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	
	attic 30:14 31:12 31:12 32:1 34:18 41:20 55:8	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	
	attorney 76:10	back 9:10,18 10:19 12:1,17 13:7 22:5 23:2 32:20 33:8 34:11 36:3,4 36:19 37:16 40:10 41:13 43:1 45:16 47:19 52:9,10 52:21 53:16 54:3,10,12,13 55:3 63:13 66:3 81:1 85:19 87:15,22 88:4 89:11,20 91:17,18 92:9 92:12 93:16,20 94:9 96:22 97:16 98:9,13 98:14 99:3 100:20 102:6,6 104:7,8,14 106:16 107:14 109:2,22 110:14,18 112:2,17 113:4 113:5,12 114:7	best 21:11 28:1 77:9 133:6	

blank 20:12	bookends 52:4	67:13,15 69:11	126:11,14,16	bushed 104:7
block 44:8	bottom 63:6	69:13,15,17,17	126:18,21	bushes 104:16
blocking 42:16	Brattle 104:9	69:19 70:3,6	127:3,7,13,15	button 11:9,10
blocks 30:16	break 52:2	70:14,20,22	127:17,19	22:17,18 40:17
board 1:1 3:8	Brendan 1:7 3:4	71:3,6,9,11	128:22 129:3	40:18 65:3,4
4:3,13 6:14,16	3:7,9 5:1,2 6:3	72:22 73:4	130:22 131:2,4	71:13,14 79:20
7:9,19 9:9	6:6,11 7:22 8:2	74:9,11,13,15	131:6,6,8,11	79:21 106:8,9
10:18,19 13:1	8:4,4 9:8 10:7	74:15,17 75:5	131:20 132:2	127:21,22
13:7 14:18,19	10:11,13,15,17	76:3,6 79:2,9	briefly 113:20	Bye-bye 131:19
15:14,18,22	11:1,3,5,7	79:13,16,18	bring 38:11	bylaws 30:20
16:5,9 17:11	12:12 13:7,13	81:6,9 84:8,10	83:21	39:12
18:6,8,15,17	13:16,19,22	84:12,14,14	bringing 56:11	BZA 4:9 7:6,7
20:16 22:5	14:3,10 15:10	85:3,6,16 86:1	109:22	BZA-155115 2:5
23:3 24:1,13	17:2,4,6,8,8,10	86:4,7 87:3,8	brings 37:8	BZA-155116 2:6
24:16,21 25:4	18:3,6,17,22	87:14 88:2,22	broadcast 3:21	BZA-168852 2:8
25:9,18 27:14	20:10 21:3,5	89:22 90:4,9	Broadway 2:17	BZA-188958 2:9
29:20 30:6,9	22:4,7,9,13,15	91:5,11 94:11	123:7,8 125:4	BZA-196028
33:11 37:17	23:20,22 24:10	94:18,20,22	128:9 131:15	2:12
38:10 44:21	26:1,3,5,7,7,9	95:4,6,9,15,19	broke 51:9,12	BZA-196029
53:12,20 54:7	27:3,6,11 28:6	95:22 96:5,9	51:14,15	2:13
54:9,16 55:15	28:10,13,15,17	96:12,15,18	build 20:13 31:9	BZA-196373
57:10 59:4	29:10,12,14,16	97:3,5 100:9	47:14 63:19	2:14
61:7 64:13	29:16,22 30:3	100:22 101:7	building 14:4	BZA-196705
65:22 67:8	30:6 33:14,19	101:22 103:12	20:15,21 21:7	2:17
68:6,16 70:6	34:1,6,9,12,15	103:20 104:3	21:16,17 24:18	BZA-197312
71:18,20 73:1	34:20 35:1,4,8	104:20,22	25:2 30:15,19	2:15
73:6,12,18	35:12,15,18	105:10,17	30:21,22 31:1	BZA-197887
76:6,9 77:14	36:1,5,8,16,21	106:6 107:4,13	32:15 33:10	2:16
79:5 80:13,18	38:9 39:7,18	108:4,13	37:9 38:1,13	
81:7 82:6,17	40:12 42:17	109:15,19	47:20 52:8	C
83:8,13 84:5	43:10 44:12	110:5 111:17	56:15 61:13	c 3:1 102:22
84:19 85:6	45:22 46:4	112:20 113:1,8	66:20 68:13	call 4:5 6:6
91:6 94:1	48:18,21 49:1	113:15,18,20	72:16 84:2	124:12
105:16 106:17	49:14,17,20	114:8,21 115:1	88:1 90:21	call-in 12:13
107:9,11,14,15	50:2,4,6,8,11	115:4,8,12,17	91:15 125:6	called 12:21
108:16 109:13	50:13,15,22	116:1,4,7,10	126:2,10	19:4
112:13 113:11	51:6,8,10,13	116:13,16,18	128:16 130:14	calling 11:11
113:16 117:6	52:20 55:11,18	117:20,22	130:15	22:19,22 40:19
118:10 120:6,9	56:3,16,19,21	118:2,4,4,6	buildings 42:20	43:10 44:13
120:10,13	57:2,5,9,13,16	120:3,6,14,21	46:15 61:13	65:5 71:15,18
123:6 127:10	57:19,21 58:2	121:17,19,21	built 24:18	79:22 80:4
129:1,13 130:3	58:4,6,8,10,15	122:1,1,3,6	47:10,17,18,20	106:10,14
Board's 33:14	59:1,13,15,17	123:3,6,13,15	48:3 62:16	109:21 128:1,5
114:19	59:19,19,21	123:18,20	67:17 125:7	Cambridge 1:2
Boards 6:20	60:4 61:3,6	124:1,4,11,14	bunch 43:7	1:6 3:8,16,21
book 24:4	62:2,10 63:15	124:17,19	bureaucratic	3:22 7:6,9
bookend 31:16	64:12,15,19,21	125:1,5,17,20	53:19	30:19 65:22
51:16	65:1,20 67:7	125:22 126:6	Burns 133:4	66:11,12,15

71:20 72:7,10 72:12 76:11 125:4 128:6,12 130:7 Cambridgeport 76:17 candidly 76:18 caption 7:10 car 49:6,9,13,15 52:13 care 31:19 70:8 carefully 92:2 Carmen 65:11 carried 18:20 case 2:2 6:6,7,13 6:15 8:5 18:6 18:10,11,12,16 18:20,21 19:4 22:12 28:17,18 30:6 33:7 55:21 57:6 61:7 70:7,8,15 72:9 76:6 85:6 99:10 117:7,9 120:6,11,12,22 123:6 131:12 131:17 cases 2:4 7:11 70:9 120:16 cast 9:3 33:9 casting 33:10 Catherine 133:4 cause 15:15 83:6 117:6 ceiling 35:8 93:3 102:14 ceilings 89:14 center 32:20 109:22 century 125:9 certain 3:15 68:21 certificate 66:17 66:19,21 72:7 72:14,17 128:8 128:15 130:5 133:1 certifies 7:3	66:13 72:11 128:11 certify 7:8 133:5 133:8 Chair 1:7,7 3:9 4:12 6:8 13:21 16:21 22:10,14 26:11 29:21 39:20 40:11 55:19 57:12 58:7 64:20 69:6 71:8 74:20 76:9 79:17 81:3,21 103:18 107:20 109:11 110:4 116:9 120:8 131:16,22 Chair's 38:20 39:14 Chairman 56:6 84:18 Chairperson 7:8 challenge 93:4 challenges 102:15 chance 33:5 36:9 40:13 change 4:11 15:16 23:15 28:20 31:15,18 31:19 34:17 41:7 42:7,8 48:4,9 58:17 58:20 78:3,10 78:14,16 82:12 83:6 98:8 99:6 99:12 100:2 116:20 121:2 changed 68:1 99:20 105:12 117:16 changed/ame... 16:2 changes 12:2 42:22 117:11 117:14 121:9 changing 47:15	102:1 Channel 3:21 Chapter 6:18 66:14 72:11 128:11 character 15:17 43:1 83:7 characteristic 99:11 107:2 characterizati... 115:5,7 characterize 36:18 Charles 3:14 charming 98:6 check 57:20 children 64:8,9 chime 55:16 chimney 93:17 circulation 130:14 citizen 47:2 citizens 16:8 74:4 83:16 city 1:2,10 3:16 3:17,17,18 16:8,17 41:8 66:15 72:12 74:4 83:16 85:14 128:12 City's 4:9 cladding 16:16 clarification 118:8 clarified 80:13 clarifying 101:4 clear 18:14 78:4 79:4 clearance 64:4 clearly 20:6 click 11:9,10 22:17,18 40:17 40:18 65:3,4 71:13,14 79:20 79:21 106:8,9 127:21,22 client 30:11 45:17 54:17,20	client's 19:21 climate 73:22 close 12:16 40:1 42:9,15 45:15 49:13 65:15 67:2 72:19 81:1 106:16 111:21 128:19 131:12 closed 49:10 closer 87:12 closest 124:3 code 19:11 23:5 66:15 72:11 128:12 cognizant 108:14 colleagues 103:11 COLLECTIVE 131:22 132:4 come 54:10,11 55:2,3,8 88:10 105:2 110:8 111:18 113:3,5 113:12 115:10 118:10,11,13 118:14 comes 54:3 comfortable 48:10 100:16 107:20 108:3 109:14 coming 46:9 53:16 108:19 111:14 117:5 124:17 comment 4:7,8 11:8,13 12:16 22:16,21 23:4 40:13,15,21 45:15 65:2,7 67:2 71:12,17 72:19 79:19 80:2 81:1 103:2 104:4 106:7,12,16 108:5 110:6	112:12 127:9 127:20 128:3 128:19 comments 11:19 13:8,14,17,20 37:18 39:8,19 40:14 45:16 65:21 67:8 70:15 71:1,4,5 71:7,10 79:6 79:10,11,14 91:6,7 100:9 101:1 106:17 107:15 109:3 110:10 113:4 127:11 129:1 commission 128:7,11 133:17 Commissions 6:20 Committee 44:22 common 126:17 Commonwealth 133:2,5 communication 12:14 45:15 communicatio... 12:3 compatible 45:8 completely 31:11 98:8 compliance 82:4 complicated 51:21 complied 38:4 comply 26:10 38:4 69:4 74:18 complying 18:8 comprised 61:13 comprising 129:16 compromise 55:4 computer 124:7
--	---	--	---	--

concentration 53:4	123:12	115:14	7:5,13 9:10	current 19:12
concern 104:17	connection 61:10	continue 27:12	21:13 23:1	30:19 31:5
111:16	conscientious 54:22	28:18 29:7	27:12 44:14,17	73:22 105:18
concerned 44:8	conservation 16:15 66:11,12	58:11,16 59:10	44:19,20 65:22	127:4
108:12 114:19	72:7,10 128:7	115:9,18	66:10 67:2	currently 27:17
concerns 12:14	128:10 130:7	116:19 117:17	71:19 72:6,19	29:3 30:22
12:22 16:4	consider 54:8	120:11 121:14	80:5,7,7,21,21	44:1 59:2
38:8 39:10	80:18 118:14	continued 2:4	106:15 128:6	76:17 77:4,22
41:17 43:21	considerable 42:6	15:18 29:18	128:19	78:17 86:19
73:20,20 99:20	consideration 27:18 81:5	55:21 59:22	cosmetic 32:2	87:11 90:2
110:19	118:9	83:8 118:7,19	counsel 133:9	93:10 94:3
concludes 131:17,20	considered 23:11 32:18	121:1 122:4	counted 77:16	96:2 121:4
conclusion 62:5	113:4	continuing 54:11	couple 53:19	130:14
concur 54:4	considering 65:11	continuous 63:19 64:7	course 47:16	customary 78:18
104:5 115:13	consistent 88:17	92:12,14,17	91:3	cut 9:17 11:22
condition 26:10	consistently 110:21,22	contractor 80:12	Court 66:2	32:7
28:20 58:17	constantly 62:21	contradictions 24:4	71:21	cuts 32:12 37:14
74:18 99:18	construct 77:20	contrary 88:6	cover 19:13	40:3 41:8
116:20 121:1	81:10 128:15	convenience 27:21	covered 55:17	52:18
131:14	constructed 19:15 77:12	conversion 81:15	77:1,2 81:11	
conditions 62:9	88:18	convert 78:1	102:5	D
condo 61:12,15	construction 35:6 85:11,14	convincing 40:10 89:8	covering 77:14	D 2:1 3:1,14
Condominium 66:3 71:22	88:15	Cooper 40:22	covers 81:4	101:7
confirm 66:2	consulted 86:15	41:1,1 43:21	COVID-19 3:13	Dan 6:8,8,11 8:6
71:21	contact 31:21	46:17,17 47:22	3:18 68:22	8:7 10:6,9,12
confirmed 41:11	contained 14:8,9	corner 9:15,18	73:22	10:14,16 12:8
confirms 107:22	14:17 81:22	12:1 78:6	crashed 48:8	12:17,18 14:7
conform 16:21	containing 24:17	corners 32:12	create 20:5	14:9 15:9
69:7 74:22	context 45:8	correct 10:5,6	31:11 42:3	17:12 18:13,14
131:14	51:17 109:6	15:8,9 20:21	62:22 63:6	18:19 19:1
conforming 8:12 14:21	110:11 111:1,9	21:4 23:22	82:16 89:18	20:21 21:1,2,4
19:3 82:11,21	contiguous 92:16 99:15,16	33:20,21 34:5	93:5,13,18	22:3 23:2,4,21
conformities 77:8	continuance 8:10,19 27:9	34:14 35:22	102:6	24:8 26:16
conformity 103:14	27:16 29:9,11	90:7 95:16,17	created 16:6	27:8,8,19,20
conforms 78:15	51:4 54:17	99:15 104:20	19:22 77:8	27:22 29:20
congested 111:20		125:18 126:15	83:14	dangers 53:2
congestion 15:15 53:1		126:20 127:6	creates 62:20	Danvers 30:10
83:6		correctly 40:3	creating 23:14	dashed 64:2
connect 31:12		correspondence	103:13	date 2:5,7,8,10
connecting			credibility 114:20	27:19,19 28:1
			crediting 103:5	28:7,21 38:18
			criteria 15:11	39:6 57:12,13
			82:22 129:5	58:18 66:21
			curb 32:7,11	72:17 74:19
			37:14 40:3	83:21 115:20
			41:8 52:18	115:22 116:21
			curious 38:2	121:3

dated 3:18 7:5 9:9 14:13,14 21:13 27:13 44:15 66:1 69:5 74:19 80:5 81:21 128:7	68:19 described 66:16 72:13 128:13 description 38:20 design 6:9 8:20 9:13,14,17 11:17,18 12:9 14:16 27:9 30:10 31:22 45:8,9 58:14 designed 31:7 51:4 designer 87:6 designs 15:22 23:14 desirability 74:1 desirable 25:9 68:16 69:1 73:14 130:3 desire 35:16,17 desired 42:5 desk 93:18 detached 82:8 82:14 detail 10:18 determine 53:21 detriment 16:6 25:10 68:17 73:15 83:14 130:4 detrimental 82:20 98:15 103:4,9 developer 100:6 developers 67:19 development 15:19 37:22 83:9 dialogue 54:18 difference 111:6 111:7,8 different 54:3,5 54:10,13 73:5 92:4 103:10 109:7 118:12 difficult 50:18	90:10,15 diligent 54:20 dimensional 14:7,16 15:3 26:12 59:6 69:7 74:21 78:11 79:4 81:17,22 82:4 82:15,16 101:5 117:15 121:10 121:10 127:8 dimensionally 82:8 dimensions 12:21 38:3 dining 34:2 35:21 36:11 37:8 directly 41:16 disagree 39:5 46:21 disagrees 47:11 discretion 4:12 discuss 106:17 discussed 12:3 discussing 11:21 discussion 20:8 20:10 91:13 109:13 disrepair 83:22 dissimilar 53:22 108:1 distinction 88:3 district 14:19 16:10,10 66:11 66:13,16 72:7 72:11,13 83:18 83:18 128:7,11 128:13 130:7 documentation 80:11 documents 66:5 72:2 117:16 doesn't 88:3 doghouse 51:16 92:8 doing 35:6 52:3 52:4 56:13	90:20 94:7 door 43:4 97:11 111:19 112:4 dormer 31:21 38:4,7 51:5,14 51:19 52:2 85:11,15,18,20 86:5,9,12,14 86:16,18 87:10 87:11,11,12,21 88:3,4,6,11,13 88:14,18,19 89:2,9,11,17 90:19 91:4,14 91:16,16,18 92:4,21 93:9 95:1,14 97:13 99:3,15 100:12 100:12 102:17 105:6,9 107:17 107:18 108:18 108:20,21 110:8,13,16 111:4,15,20 114:4,6,6,12 dormers 31:16 38:3,7 50:17 51:2,3,15,16 51:22 52:3 86:16 87:22 88:10 91:14,19 92:5,6,8,12 94:7,12,13,15 96:22 97:19,22 98:2,12,16,19 98:20 99:5 100:17,20 102:17 103:7 104:6 108:11 109:9 110:22 114:1 double 90:13 doubling 42:2 Doug 123:10,15 123:20 124:5 124:14 128:9 131:11 Douglas 124:16	124:18,21 125:3,3,6,19 125:21 126:1 126:10,13,15 126:17,20 127:2,6 128:21 131:10,16,19 downtown 112:8 drawing 14:6 89:3 drawings 12:5 16:22 26:11 35:14 50:21 59:7 69:4,8 74:18,22 79:3 81:20 82:4 84:6 87:14 105:18,22 117:11 131:14 drew 92:21 drive 49:6,9,13 49:15 driveway 32:8 52:9 55:6 driving 99:3 due 3:11,18 44:2 44:2,2 56:6 120:11 duly 7:17 8:5 duplicating 99:22 Dural 87:6 dwelling 81:16 82:9 dynamic 22:11
E				
E 2:1 3:1,1 e- 43:18 e-mail 12:3 43:13 earlier 15:22 43:19 108:1 earliest 27:20 early 12:14 39:17 east 32:12 easy 108:14				

eat 63:1	enforcement	Ethan 61:9 62:4	86:4,9 87:12	facing 91:15
eats 54:7,7	24:13 68:6	62:13 63:17	89:1,1,2 91:4	fact 13:2 25:11
eave 11:21,21	73:7 129:13	65:13 67:5	101:8 103:17	68:10,18 73:15
87:16	enhance 63:22	69:21 70:11,17	107:17 108:20	110:1
EC1.01 33:17	64:9 68:3,12	70:21 72:21	110:16 111:4	facto 117:6
EC1.02 34:7	73:19 74:3	75:3,6	129:21,22	factor 68:14
edge 65:16 93:9	enhanced 68:18	evening 6:8	exists 99:19	facts 70:16,17
93:11 109:17	73:15 84:3	29:21 60:3	112:4	Failure 117:6
effect 16:1 24:6	enhances 67:21	76:8,12,22	exit 23:6,7,9	fair 25:8,15
25:6 45:10	enlarge 73:6	78:21 85:8	24:19 25:16	67:20 108:15
52:17 77:15	enlarged 81:15	120:8 122:5	exiting 25:2	112:13 115:4,6
98:21 110:12	enlargement	events 3:17,18	expand 87:10	fairly 10:4 64:10
110:17 125:15	14:20,22 15:1	Eventually	expansion 38:13	fall 49:21
127:1	82:7,10,13,19	112:8	43:22 55:8	fallen 83:21
effort 52:1 55:1	82:22 129:8	everybody	expecting 64:8	falling 62:21
egress 15:15	ensure 12:8	70:12 88:13	experience	families 63:1
21:12 83:5	entering 25:2	104:5 132:1,1	21:19	family 48:17
127:5	entire 16:17	132:3	expires 133:17	65:18 78:1,2
egressing 64:3	41:4 76:20,21	everything's	explain 61:22	far 39:11 41:7
Eighth 2:16	entitled 14:15	93:16	62:1	41:22 42:1
120:7	69:5 74:18	evidence 55:22	explanation	45:18,19 56:1
either 10:2	81:20 131:15	exact 99:18	62:12	69:1 77:5 93:9
24:20 53:14	entity 126:14	Exactly 70:10	expressed	111:20
94:2 103:1	130:1	127:2	104:17	fashion 69:1
108:22 110:16	entrance 24:19	example 48:15	extend 87:21	favor 17:1,3,5,7
113:2	entry 20:17	48:17	88:5	25:22 26:2,4,6
element 33:8	25:16	exceed 41:22	extended 78:19	26:7 29:9,11
34:11	entryway 21:10	94:13,15	88:14	29:13,15 37:21
elements 31:10	environment	exceeded 112:15	extending 89:1	59:12,14,16,18
elevation 8:17	41:14	exceeding 103:7	102:10	69:10,12,14,16
9:22 10:2	equinox 33:4	exceeds 77:4	extends 19:8	74:8,10,12,14
11:22	equinoxes 33:2	111:4	94:2	84:7,9,11,13
eliminate 31:15	equipment	excellent 56:3	extension 39:17	117:19,21
eliminating 32:3	16:15	132:2	83:11 129:22	118:1,3 121:16
emergency 3:12	era 68:22	excluded 23:11	extent 33:1	121:18,20,22
3:17 25:3	Eric 44:17	23:17	37:12 74:1	130:21 131:1,3
empanel 57:6	especially 21:17	excuse 112:21	77:3 81:11	131:5
employed 133:9	25:2,3 68:21	Executive 3:14	exterior 16:16	favorable 53:15
Employees 1:10	73:21	exemption	77:12	fear 111:13
encourage 40:8	essential 12:2	39:12	extra 97:20	features 78:18
53:5	essentially 51:1	existing 30:16	100:8	February 28:1,9
encroach 105:8	63:5 76:20	31:2,10 32:14	extras 44:5	28:10,12,13,13
encumbered	established	33:16,17 35:5		28:15,19,21
129:21	15:16 27:17	61:17 62:9	F	29:1,4,19 57:1
ends 42:9 54:1	83:7 128:13	63:22 68:10	façade 31:20	57:7,10 115:21
74:3	establishing	73:6 78:20	32:4 52:2 98:7	115:22
endured 76:19	66:15 72:12	81:11 82:20	100:3	feedback 9:12
energy 16:15	esteemed 113:10	83:21 85:18,20	face 23:14	feel 35:16 47:5

47:12 49:3,3,3 49:21 51:17 64:9 91:9 94:1 98:15,18 100:3 109:14 feeling 47:11 98:22 feels 46:22 108:8 feet 19:8 23:8,10 39:13 51:2 61:20 62:5 63:3 76:22 77:1 86:8,10 86:13,13,17 87:10,12,15 88:5 89:3,3 90:20 91:18 94:13,15,20 95:12 96:21 97:9 100:15 102:10,10,14 110:15 114:12 114:14 fence 47:21,21 47:22,22 49:9 49:10,11,13,15 63:19 110:3 Fierro 65:8,9 70:10 fifteenth 21:21 120:17 fifth 6:15 figure 93:22 figures 89:2 file 29:3,6 54:6,9 59:2 106:15 117:12 121:4,8 filed 120:10 files 7:10,11 fill 101:12 125:11 fill-in 126:1 filled 44:22 115:19 120:15 120:16 filling 125:17 126:22 finally 42:12	financially 56:12 133:10 find 4:8 38:2 45:7 54:18 55:9 82:18 finding 82:19 103:8 finds 14:18 15:14,18 16:5 16:9 24:13,16 25:4,9,18 68:6 68:16 73:7 82:6 83:8,13 129:13 130:3 fine 56:21 57:11 57:15 58:7 101:18 115:12 115:13 118:12 fire 31:6 42:11 53:1 first 6:6 34:6 35:19 39:21 62:9 77:2 99:8 124:9 first-floor 33:17 firstly 46:17 89:13 fit 125:12 five 17:10 26:14 29:18 37:4 55:12 57:6 59:21 69:19 75:1 84:16 107:7 118:6 122:3 131:8 Flaherty 42:18 42:19,19 flat 9:13,13,17 78:9 flood 53:2 floor 20:4 34:6 35:8,19 36:22 44:2 47:20 77:2,15,16 85:12,15 87:19 89:12,15 99:8 104:6 flow 125:11	following 45:11 foot 11:22 12:1 footage 102:5 footprint 19:20 20:1 forced 20:4 forget 73:13 forgive 102:3 forgoing 114:1 form 14:7,17 26:12 69:7 74:21 79:4 81:22 82:4 101:5 102:21 117:15 118:18 121:10,10 127:8 forms 59:7 forth 9:10 four 23:10 53:13 95:20 114:12 four- 19:14 four-foot-wide 63:10 four-unit 61:12 freehand 125:14 Fresh 2:15 85:7 85:10 104:9 front 8:13,17 9:14 31:17,20 32:4,13 37:13 37:14,20 39:22 41:8 42:14 50:17 51:1 52:2 55:5 78:20 85:10 87:17,22 88:4 90:5,20 91:1 91:15 96:22 98:1,16,19,20 99:1,6 100:3 100:18 102:17 107:7 110:13 114:1,6 fronts 62:6 frosted 10:3 frosting 9:20 full 12:8 35:20	36:11,13,17,19 36:22 77:3 fullest 37:12 function 99:5 100:5 102:16 functional 100:7 furniture 64:4 further 6:13 10:18,21 12:17 15:2 23:1 91:6 106:16 107:15 118:17 133:8 furtherance 104:4 117:1 future 6:22 12:10 <hr/> G <hr/> G 3:1 gable 42:9 gables 31:16 gaining 31:22 gas 42:14 gate 31:15 gatherings 3:13 general 1:3 6:19 114:18 generally 4:10 39:10 generated 15:14 83:5 getting 115:19 GFA 39:13 76:16 77:3,9 77:18 78:10 101:15 giant 51:5 give 4:7 43:14 46:3 58:13 85:14 92:1 93:1,14 100:15 114:13 116:2,3 117:7 given 39:3,4 109:11 gives 63:21 64:1 111:22 giving 99:7	go 8:6 10:17 21:9 33:18 34:7,21 46:19 51:5 52:20 53:20 56:16 61:22 62:8,14 63:13 67:19 77:10 78:5 85:19 86:11 87:15 90:12 91:12 93:10,20 94:1,9 107:18 112:2 goals 61:18 goes 47:9 62:18 63:11 74:2 113:2 126:7 going 6:14 36:16 42:1 43:5 52:11 56:13,16 57:22 58:15 61:6 70:8 77:17 85:16 93:13 95:21 96:5 97:16 101:15 111:15 112:7 126:18 good 6:8 19:1 25:10 29:20,21 49:1 58:9 60:2 60:3 67:16 68:17 73:15 75:2 76:8 85:8 89:4 92:1 120:8 122:5 123:17 124:20 124:21 125:1 130:4 goodnight 29:22 131:22 132:3,4 Governor 3:14 grade 20:9 62:19 63:12 grant 14:12,18 14:19 16:19 24:11 25:7,20 68:4 69:3,9 73:4,18 74:6
---	--	--	--	--

81:19 82:2,6 82:17 107:16 129:12 130:19 granted 17:11 25:10 26:10,15 31:8 68:17 69:20 73:14 74:17 75:2 80:19 84:17 112:14,17 130:4 131:9,13 131:13,17 granting 15:11 15:13 59:6 83:3 107:21 108:10 111:11 129:5 130:9 grants 84:5 grass 112:9 grate 19:12 21:11,19 24:20 great 18:14 28:14 35:7 62:4 64:12 75:3 79:2 83:22 106:4,5 108:4 114:8 greater 69:1 74:1 greatly 25:1 64:9 67:21 68:2,12,22 84:3 110:6 130:13,16,17 green 77:12,13 gross 77:16 ground 20:1 Group 30:10 grow 112:9 guardrail 19:6 19:11,14,14 20:9 21:14 23:8,10 63:9 63:11,19 64:7 guess 20:10,11 20:18 37:2 38:9 108:15 109:2 112:1	113:1,8 118:7 guidance 118:17 guideline 88:11 94:2 108:10 guidelines 38:4 38:8 86:16 88:3,7,8,13,19 100:12,14,15 103:7 109:9 111:4 guy 112:4 <hr/> H <hr/> H-a-d-u-c-h 44:18 Haduch 44:18 half 19:8 Hampshire 45:3 45:4 49:22 hand 11:10,12 19:6 22:18,20 25:18 40:18,20 45:20 46:1 65:4,6 71:14 71:16 72:9 79:21 80:1 106:9,11 127:22 128:2 133:12 handrail 63:11 handsome 76:18 happened 80:9 happy 27:20 33:11 60:5 70:11 132:1 hard 65:13 102:12 103:8 hardship 19:18 24:15,16 25:4 38:11,11 39:14 39:16 40:7,10 55:22 56:1 66:18 68:8,9 72:15 73:8,10 128:15 129:15 129:15,19 hate 99:6,12 hazard 15:15	16:6 83:6,14 head 10:3 35:10 53:9 headroom 89:20 93:2,14 94:6 97:20 health 16:6 53:1 68:14 74:4 83:14 hear 18:6,15,20 30:6 46:10 61:7 70:6 76:6 85:6 89:8 117:9 120:6 123:6 124:2,13 124:14,15,18 heard 28:18 40:9 53:12 56:1 57:6 108:1 112:2 120:22 hearing 1:3 2:5 2:7,8,10 6:15 6:21 7:3 27:16 29:5 46:9 55:6 103:2 117:2,13 118:9 121:6,8 128:20 heavily 104:7,15 112:13 height 8:15 9:4 10:3 14:4 20:21 21:7 23:10 25:11 31:18 33:9 35:9 41:5,12 41:15,18 85:13 89:9,10,14 91:4,21 height's 93:3 heights 12:19 13:2,5 held 3:11 51:2 Hello 41:1 65:9 help 61:21,22 62:12,14 68:2 helpful 62:8 108:7	helps 102:3 Henry 2:14 76:7 76:13 81:21 hereunto 133:12 Hern- 43:16 Hern-Lacey 43:11,12,16 44:14 hi 11:15 46:2 123:9 hiccup 61:10 Hickey 1:8 3:4 4:19,20 6:3,14 6:16 7:15,17 8:5,8 11:5,6 13:19,21 14:1 17:6,7 18:3,12 18:15 22:13,14 26:5,6 27:3 29:14,15 30:3 39:18,20 55:19 55:19 58:7 59:17,18 61:3 64:19,20 67:12 69:13,14 70:3 71:6,8 73:3 74:11,12 76:3 79:13,15 84:10 84:11 85:3 100:11 109:17 109:20 111:13 115:11 116:15 117:22 118:1 120:3 121:19 121:20 123:3 124:12 127:15 127:16 131:2,3 high 93:4 104:7 higher 47:21,22 91:16 highest 93:2 102:13 hip 30:14 hit 39:21 Hold 57:18 holidays 57:4 home 9:15 48:12 48:13,19 76:17	76:18,21 77:22 78:4,17 84:3 89:18 homeowner 111:7 homeowners 16:14 25:15 68:20 83:20 130:11 homes 45:9 honesty 52:11 hoping 20:7 90:2 hour 33:2,3 house 30:16 32:4 40:1,2 41:6,9,13 42:15 43:18 46:19 47:8,10 47:13,14,14,16 47:21 48:3 50:1 64:4 89:1 90:22 91:1 92:1,22 98:2,6 98:7,10,14,17 98:19,21 99:2 99:6,8,13,14 99:22 100:7,13 100:18,20 102:17 103:5 104:8,14 110:2 110:13 houses 98:11,12 100:1 103:6 107:2,7 housing 53:5 huge 111:7 118:18 Huh 114:11 hurdles 53:20 husband 85:9 <hr/> I <hr/> ideal 52:15 ideally 100:12 identify 28:2 image 33:20 immediate 55:9
--	---	--	---	--

84:3,4 104:12 109:7 110:1 impact 9:16,19 20:3,3,5 21:9 25:12 77:18 90:21 impactful 23:15 25:6 impair 16:10 83:17 impede 127:4 impeded 130:15 important 39:21 impression 37:2 improve 68:20 83:20 130:12 130:13 improvements 32:2 42:5,6 inadequate 68:11 inch 19:15 inches 19:11 86:5,8,9,12 87:15 93:10 95:13 inclement 21:17 25:3 include 7:11 including 81:15 income 47:3 53:5 incorporated 18:11 26:12 121:11 incorporating 74:21 increase 8:15 14:4 20:21 33:6,9 41:5,7 41:10,12,15,15 41:17,18,21,22 56:14 77:3 82:15 89:20 90:2 101:9 103:16,17 increased 15:7 increases 33:10	42:11 increasing 63:4 103:13,21 incrementally 42:10 incurring 23:7 incursion 19:16 individual 31:16 51:15 52:3 94:12,15 indulgence 33:15 information 35:13 infringe 25:17 initial 20:11 43:12 initialed 16:21 16:22 26:11 69:6 74:20 81:21 131:16 Inman 2:12,13 61:7 66:2,4,7,7 66:8,8,13 69:5 70:7 71:21 72:1,4,4,5,5,8 73:6 74:19 input 81:2 inside 39:1 49:13 Inspectional 80:16 117:4 118:16 install 77:20 installed 31:6 instructions 4:7 4:9 integrity 16:10 83:18 intends 78:1 intent 16:11,13 25:14 68:19 73:17 83:19 130:10 intention 20:6 interacted 43:3 interest 114:1 126:4	interested 133:10 Interior 31:1 internal 130:14 Internet 61:9 interpretations 12:10 interpreted 24:3 interrupt 36:9 112:22 introduce 87:3 125:2 introducing 112:6 investment 56:7 56:12 invite 40:7 invoked 6:16 involve 24:14 66:16 68:7 72:13 73:8 128:14 129:14 involves 76:22 issuance 66:17 72:14 128:14 issue 21:11 40:4 40:9,10 55:5 76:21 78:11 80:13,14,15,16 80:18 87:18 97:2,7 104:18 105:4 issues 39:5 109:21 it's 23:13	121:1,3,5,13 122:4 Jason 1:9 3:5 4:21,22 6:4 8:2 8:3 11:3,4 13:16,18 17:4 17:5 18:4 22:9 22:10 26:3,4 27:4 29:12,13 30:4 39:7,9 57:12,17 58:8 58:9 59:15,16 61:4 64:21,22 67:11 69:15,16 70:4 71:9,10 74:13,14 76:4 79:16,17 84:12 84:13 85:4 101:1,3,8,14 101:18 102:19 103:12,16 104:2,4 107:20 108:7 113:9 115:13,14 116:7,9 118:2 118:3 120:4 121:21,22 123:4 124:6 127:17,18 130:22 131:1 Jason's 110:10 Jim 1:7 3:4 4:15 4:16 6:3 7:20 7:21 10:21,22 13:7,9,9,11 14:2 16:22 17:1 18:3 22:5 22:6 25:21,22 27:3 29:7,9 30:3 37:18,19 55:17 57:10,11 57:14,15 59:11 59:12 61:3 64:13,14 67:10 69:9,10 70:3 70:22 71:2 73:2 74:7,8 76:3 79:6,8	81:8 84:6,7 85:3 91:7,8 94:16 95:3 107:19 109:4,5 110:11 113:10 115:13,16 116:10,12 117:18,19 120:3 121:14 121:16 123:3 123:12,14,17 123:19 124:2,9 127:11,12 129:2 130:20 130:21 job 46:18,20 47:18,18 48:1 49:2 Joe 36:8 40:13 56:4 60:1 124:16 John 76:13 join 73:5 Joseph 30:8,9 33:18,21 34:5 34:8,10,14,19 34:22 35:3,5 35:10,13,17,22 36:3,7,15,20 38:22 45:17 46:1 50:7,10 50:14,20 51:1 51:7,9,12,14 54:14 56:5,18 56:20,22 57:3 57:8,22 58:13 58:22 60:2,5 judged 110:22 judgment 24:9 July 133:18 jumping 101:10 justify 88:11
J				
James 76:8,10 81:3 84:18 120:8,9,19 122:5 January 56:17 115:19,21 116:2,8,14,19 116:21 117:9 117:13,18 118:7,19 120:15,17				
K				
keep 54:11 91:1 99:1 100:6 102:8 112:7 keeping 11:21				

99:12 114:4	97:4 98:3	76:4 79:9,11	levels 53:5	living 9:21 31:11
kept 4:6	99:17 104:19	84:8,9 85:4	life 49:2,19	32:1 34:2
kid 96:11	104:21 105:2	91:11,12 92:6	56:11 130:18	35:20 36:11
kind 23:5 62:21	105:11,15,20	92:10,14,16	light 44:2 53:3	37:7 38:13
63:1 65:13	106:1,3,22	93:6,19,22	73:22	41:18,21 48:8
67:18 70:19	107:3,5 113:7	94:5,9,11,14	limit 61:19	85:13
90:12 99:2	113:13,17	94:17,19,21	91:17 94:1	loading 15:4
108:10 109:7	115:22 116:6	95:5,10 96:19	limitation 7:11	located 15:5
109:20	118:22	96:21 97:9,14	limiting 3:12	76:10,17 77:1
kitchen 34:3,3		97:16,22 98:4	Lin 11:14,15,15	77:9
35:20 36:14	L	101:17 108:6	13:5 30:11,11	location 19:19
37:3 43:6 44:1	L-u-e-d-i 80:6	108:14 109:5	30:18,21 31:9	23:7 110:17
55:12	Lacey 43:17	113:11 114:9	32:2,17 33:12	111:9
kitchenette	Lacy 61:8,9 62:4	114:11,22	45:17 46:1,2,2	long 62:18 63:10
36:18 37:4	62:13 63:17	115:3,6 116:8	46:4,4,7,7,7,7	95:12 108:11
55:13	67:3,5 69:21	116:16,17	48:19,19,22,22	110:1 112:3,3
kitchens 42:4	70:8,11,17,21	117:20,21	49:2,2,15,15	114:19 129:20
knee 89:22 90:1	72:20,21 75:3	120:4 121:17	49:19,19,21,21	longer 43:8
90:16	75:6	121:18 123:4	50:3,3,5,5,7,7	114:12
knew 52:10	ladies 113:10	127:13,14	50:9,9,10,12	look 51:20 88:19
know 20:13	land 53:4 63:5	131:4,5	50:12 56:7	91:22
23:16 35:9	landscape 9:3	Laura's 64:17	Lin's 12:19	looked 92:2
38:10 42:12	Lane 2:15 85:7	110:6 112:12	line 10:2 42:10	looking 50:20
46:12 51:17,20	85:10	law 3:16 6:19	46:9 52:8 64:3	89:4,13,15,18
55:11,12,13	large 39:3 95:14	7:1 27:13	86:21 97:12	101:9 102:21
56:11 61:21	larger 84:2	leave 95:1,13	114:15	110:12
62:17 63:5,8	85:11,15 88:10	leaving 35:2	lineal 86:13	looks 58:7
63:10 64:3,7	88:12,18 90:5	95:1	linear 87:10	101:14,18
64:10 65:15,16	91:13 109:9	left 21:10 90:6	link 128:13	106:4
67:17 70:18	late 28:11	125:17	listening 44:11	lose 36:10
77:14 89:13,18	latest 14:6	left-hand 78:6	literal 24:13	losing 52:17
90:19 92:20	laundry 34:4	105:5	68:6 73:7	lot 19:18 24:3,17
93:4 94:7	36:17 38:21,22	legal 59:5	129:13	38:1 55:14
98:10,20 99:1	Laura 1:8 3:5	length 50:17	literally 70:21	65:17 68:2,9
99:2,7 100:5,5	4:17,18 6:4	87:21 89:10	little 46:22 47:5	73:11 90:11
100:16 102:3	7:22 8:1 11:1,2	94:13 98:13,14	47:14,15 48:5	92:20,21 94:5
103:1 104:4	13:9,13,15,15	lessen 52:22	48:9,10 49:3	98:11 109:8
108:9,22 109:6	17:2,3 18:4	lessening 25:11	63:5,16 78:5	129:16,20
110:7,12,17	22:7,8 26:1,2	25:11	93:5,14 94:1	love 114:22
111:5,5,6,18	27:4 29:10,11	lessens 21:8,9	97:19 102:14	lovely 99:11
112:2,7 114:4	30:4 38:15,17	lesser 25:7	113:5 114:16	low 89:15 90:16
114:14,15,17	39:2 57:16,18	let's 115:18	125:10,12	92:22
118:12	57:19,20 58:3	let's 23:9	126:1	lower 19:7 78:5
known 6:19 7:4	58:5 59:13,14	letter 9:9 42:21	livability 67:22	luck 60:2 75:2
KOMMINENI	61:4 64:15,18	44:14 46:21	130:17	Luedi 80:6
85:8 86:6,18	67:14 69:11,12	letters 54:9,21	live 43:17 46:11	Luna 30:7,8,9
95:18 96:3,7	69:12 70:4	level 19:7 20:1	46:12	30:10 33:18,21
96:11,14,17	71:3,5 74:9,10	95:16 96:1,1	lives 30:18 44:19	34:5,8,10,14

34:19,22 35:3 35:5,10,13,17 35:22 36:3,7 36:15,20 38:22 45:16,17 46:1 50:7,10,14,20 51:1,7,9,12,14 54:14 56:5,18 56:20,22 57:3 57:8,22 58:13 58:22 60:2,5	22:10 26:3,4 27:5 29:12,13 30:5 39:7,9 57:12 58:9 59:15,16 61:5 64:21,22 67:11 69:15,16 70:5 71:9,10 74:13 74:14 76:5 79:16,17 84:12 84:13 85:5 101:1,3,8,14 101:18 102:19 103:16 104:2 107:20 115:14 116:9 118:2,3 120:5 121:21 121:22 123:5 124:6 127:17 127:18 130:22 131:1	44:20 mean 39:9 56:5 65:17 70:11 95:14,20 98:10 101:18 102:19 102:20 103:2 108:6 113:13 114:18 means 86:8 104:14 mechanical 16:15 meet 19:21 32:18 102:17 meeting 1:4 3:8 3:10,11,16,20 29:2 32:21 43:20 48:15 55:8 58:20 59:3,9 meetings 3:17 4:9 meets 39:16 74:3 108:2 member 6:15 7:2 11:8 22:16 40:16 55:15 65:2 71:12 79:19 81:6 106:7 107:15 108:5 114:3 127:10 members 3:4 4:3,3,6,14,14 6:3,19 7:19 10:18 17:11 18:3 27:3,14 30:3,8 38:10 53:12 57:7,9 61:3 64:13 67:7 70:3 73:1 76:3,9 77:14 80:14 84:19 85:3 91:6 113:16 118:10 120:3,9 123:3 127:20 members'	109:13 mentioned 32:6 52:7 met 7:17 15:12 43:4 61:18 83:3 99:19 107:8 meters 42:14 microphone 124:3,4 Mid 66:10,12 72:6,10 128:6 130:7 Mid-Cambrid... 128:10 midday 33:3 Middlesex 133:3 Miller 87:2,5,5,9 87:16 88:21 89:9 90:1,8,10 92:3,7,13,15 92:18 93:7,21 94:4,8 95:7,12 95:17,20 96:4 97:2,7,10,15 97:21 98:1,5 99:18 101:12 101:16,20 102:2 105:1,14 105:19,21 106:2,4,19 107:1 112:19 112:21 113:19 113:22 116:3 118:21 119:1 mind 102:8 108:2 minds 55:9 minimal 104:16 minimis 25:19 minimum 90:17 minor 11:19 23:21 129:22 minutes 4:10 11:13 22:21 40:21 65:7 71:17 80:2 106:12 128:3	mirror 33:20 missed 12:6 Mm-hm 93:6,21 94:4,8 97:15 97:15 modern 16:14 modest 8:15 64:10 78:16 modifications 8:14 9:2 10:10 modified 9:13 9:17 modify 81:11 moment 40:14 79:15 91:9 109:11 110:3 111:16 123:14 Monday 29:4 59:3,9 117:5 117:13 121:5 121:12 Monteverde 1:7 3:5 4:15,16 6:4 7:20,21 10:21 10:22 13:8,11 14:2 16:22 17:1 18:4 22:5 22:6 25:21,22 27:4 29:8,9 30:4 37:18,19 50:16 55:17 57:10,11,14,15 59:11,12 61:4 64:13,14 67:10 69:9,10 70:4 70:22 71:2 73:2 74:7,8 76:4 79:6,8 81:8 84:6,7 85:4 91:7,8 94:16 95:3 107:19 109:4,5 115:16 116:12 117:18,19 120:4 121:15 121:16 123:4 123:12,14,17 123:19 124:2,9
M				
MA 7:6				
Mahoney 76:13 78:22				
mail 43:19				
maintain 9:14 108:10				
maintained 29:1 58:19				
maintenance 76:19				
major 32:19 52:1				
majority 16:3 24:18				
making 32:2 63:3 77:15 91:13 123:10				
manager 76:13				
Manhattan 112:8				
march 3:14 57:14,14,16,17 58:3,6,10,11 58:16,18,20 59:3,8,9,11,22				
Marcia 43:11,12 43:16,16 44:14				
Maria 117:3 118:16				
marked 12:9				
Marshall 1:9 3:6 4:21,22 6:5 8:2 8:3 11:3,4 13:16,18 17:4 17:5 18:5 22:9	Marshall's 109:20			
	masonry 35:5			
	Massachusetts 1:5,6 6:18 76:11 133:2,5			
	massing 19:22			
	massive 41:7			
	match 92:22			
	material 29:3			
	materially 54:2 54:4			
	matter 6:17,22 8:11 27:6 29:7 29:18 58:11,16 59:10,22 115:18 116:19 117:17 118:7 118:19 120:22 121:14 122:4			
	matters 6:14			
	maximize 51:17 56:7			
	maximizing 37:12			
	McDonald 40:22 41:1,1			

127:12 129:2 130:20,21 months 54:7 motion 7:16,20 13:22 14:12 16:19 18:19 23:3 24:11 25:20 27:11 28:18 29:7 58:11,16 59:10 68:4 69:3,9 73:4 74:6 81:7 81:8,19 82:2 107:16,19 115:17 116:18 117:17 120:22 121:14 129:1,2 129:12 130:19 motivation 99:12 move 97:17 much-needed 31:22 Mullin 6:16,19 7:4,18 18:9 multiple 42:4 94:7 municipal 6:20 municipality 7:1 mute 4:6 11:12 13:9 21:1 22:20 40:20 64:17 65:6 71:16 80:1 106:11 123:16 123:22 124:1 128:2 muted 13:11 123:14 124:6	129:16,20 nary 112:9 Nathaniel 44:18 nature 15:20 25:19,19 59:5 83:10 98:8 navigate 90:15 nearby 108:2 nearer 94:6 nearly 42:2 necessarily 21:6 necessary 32:13 35:6 56:14 need 10:17 20:16 42:12 47:4 48:12,14 48:19,20 88:16 93:19 100:8 needed 41:18,22 44:6 77:19 needs 56:11 negative 98:21 negatively 90:21 negligible 33:11 neighbor 40:4 41:20 47:9 104:12,18 110:18,19 111:15 127:1 neighborhood 15:16 16:17 25:12 31:21 42:1 45:11 66:11,12 72:7 72:10 76:18 82:21 83:7 84:4 98:11,12 98:22 99:11 100:1 103:4 107:2 109:1,7 109:7,12 110:11,12 111:2 112:5 114:2 128:6,10 129:18 130:7 neighbors 9:11 20:3 43:3,8 46:11 48:1	49:8,22 50:9 54:9,19,21 55:1,4,10 58:14 61:15 99:19 106:20 107:6,7,11 111:18 neither 133:8 net 52:17 never 46:21 47:8 47:21 new 8:16,17 11:17,18 12:9 14:8 16:15 28:21 29:3 31:5 37:21 58:14,18 59:1 59:6,7 77:7,9 77:21 82:16 91:18 103:13 103:21 112:6 116:21,21 117:10,16 121:3,4,9,10 121:11 newly 77:12 nice 98:7 niche 130:15 nine 87:10 non- 8:11 14:20 77:7 82:10,20 103:13 Non-Applicab... 66:19 72:8 128:8 130:6 non-conforming 8:12 14:11,22 15:2,6 30:19 39:4 81:14 82:8 101:19 129:4,9 non-conformi... 31:2,3 non-conformity 77:6 82:15,16 101:9 103:17 103:21 nonconforming	82:14 129:8 nonissue 80:17 nonstarter 37:13,15 40:5 55:7 110:14 normal 48:22 north 9:22 10:1 northeast 9:18 northwest 9:15 11:21 Notary 133:4,16 notch 125:10,11 125:13 noted 77:22 78:15 notes 15:22 November 1:3 3:7 7:5 9:9 14:13,14,15 21:13 27:13,17 44:15 80:5 novo 108:19 nuisance 16:6 83:14 nullify 25:13 68:18 73:16 130:10 number 4:11 8:22 18:7 30:7 41:10 45:18 53:9 88:9 numbers 11:20 12:4,9	21:16 74:4 occupants 68:13 83:15 October 66:21 72:17 128:7 oddities 23:14 off-street 15:3 32:6,10 52:6 52:16 offer 45:12 office 34:13 48:20 89:19 96:7 offices 76:10 Oh 46:2,2 87:16 87:17 112:21 okay 10:11,15 11:7 13:7,13 13:19,22 14:10 15:10 18:13 20:10 21:3 22:4,4 23:1 27:11 30:8 33:14 34:1 35:4,12,19 36:5,7 38:9 39:2,7,18 45:17,22 46:4 48:18,21 49:14 49:17,20 50:2 50:6,7,13,14 50:22 55:18 56:16,21 57:2 57:9,21 58:3,4 58:8,10,15,22 61:6 63:15 64:12 65:1 67:13 70:14,20 70:22 71:11 72:22 81:9 85:16,20 87:3 91:5,11 94:19 95:5,6,22 96:12,19 97:4 100:9,22 101:5 101:14 104:1 104:22 105:10 105:21 106:4
<hr/> N <hr/> N 2:1 3:1 name 3:9 4:4 30:9 43:14,16 44:22 46:5,7 76:9 87:5 narrative 39:15 narrow 19:20			<hr/> O <hr/> O 3:1 object 41:4,15 42:3 objections 41:5 42:21 54:22 observation 23:21 109:12 obtained 117:3 obviously 21:8 51:19 67:17 77:18 108:18 110:6 occupant 16:7	

107:4,4,13,13 108:4 109:15 112:1,10,11 113:21 114:8 114:12 115:9 115:17 116:1,4 116:7,10,18 123:13,13,18 123:18,20 124:15,17,18 125:20,22 126:16,21 127:7 128:22 129:3,10 131:17 Okun 123:8,10 124:16,18,21 125:2,3,3,6,19 125:21 126:1 126:10,13,15 126:17,20 127:2,6 128:9 128:20,21 131:10,16,19 old 35:5 48:3 Olivia 1:11 4:15 4:17,19,21 5:1 9:6 11:14 40:22 42:18 43:11 50:16 62:2,11 63:15 65:8 85:16,19 85:22 86:3,11 86:22 101:4 117:3 118:16 120:14 126:6 on-street 30:17 once 102:8 one- 34:10 ones 42:21 109:8 109:8 open 3:15 11:7 19:14 21:14 22:4,15 40:12 40:14 62:7 63:4 65:1 71:11 78:19 79:5,18 91:5	106:6 127:9,19 openings 8:16 9:4 14:5 19:15 operation 15:18 83:8 opportunity 43:8 opposed 53:11 option 54:8 92:2 113:2 options 53:14 order 3:14 9:15 9:18 10:10 32:10 52:8 66:15 72:12 82:17 90:13 97:11 128:12 orders 3:12 ordinance 15:12 15:20 16:12,13 23:16,18 24:14 25:14 52:21,22 53:6 68:7,20 73:8,17,18 83:3,10,20 129:14,21 130:11 original 2:5,7,8 2:10 66:20 72:16 125:6 originally 6:13 others' 103:2 ought 70:12 outcome 133:10 outdoor 68:14 68:22 73:20,21 74:1 outdoors 65:12 65:18 68:2 outlined 66:4 72:1 overall 11:16 37:21 overcrowding 53:3 overdevelopm... 53:7,8 overfilling	126:21 overgrown 104:15 overhang 87:18 97:13 overlook 41:16 oversized 39:11 overwhelm 31:20 owing 24:16 25:4 68:9 73:10 129:15 129:19 owner 11:15 28:5 41:2 77:5 79:1 87:6 127:4 owners 65:10 85:10	44:7 49:4,5,5,6 49:8,12,12,16 52:5,5,7,12,16 52:17,18 Parkway 104:9 part 12:15,16 18:11 31:5,14 45:15 72:19 78:8 84:1 Participants 11:9 22:17 40:17 65:3 71:13 79:20 106:8 127:21 participating 8:9 particular 18:11 22:11 27:19 38:8 43:22 53:8 74:5 117:7 126:9 129:18 130:2,5 130:13 particularly 130:2 particulars 9:7 parties 133:9 Partner 6:9 party 51:3 Parviz 27:22 28:4,4,6,8,11 28:14,16 Parvizi 9:9 27:22 28:4,4,8 28:11,14,16 patterns 15:14 83:5 pause 64:16 80:3 106:13 111:22 123:21 124:8 128:4 pay 47:3 56:4 88:8 people 43:4 45:2 45:12 48:11,12 48:13,17,19 73:19 88:10 98:13 108:16	110:8 percent 15:7 48:12 permission 85:14 permit 6:10 8:11 14:4,19,20 15:11,13 16:20 17:1,11 20:17 30:22 32:5 66:21 72:16 76:15 77:6 81:19 82:3,7 82:17 83:4 84:5,16 111:11 128:17 permitted 3:18 14:21 15:19 82:9 83:9 129:9 person 48:17 88:14 96:9 107:6,8 111:14 persons 53:5 perspective 40:1 63:8,16 103:10 persuaded 39:15 pertinent 36:10 102:4 petition 85:10 101:5 107:10 petitioner 16:2 24:15,21 27:15 28:20 55:20 58:17 68:8 73:9 80:11 81:9,14 113:3 113:11 114:9 115:9 116:4,20 117:1 121:2,7 129:15,21 petitioner's 40:8 80:12 86:21 100:17 phase 30:22 31:5 128:19 Philip 80:6
P				
P 3:1				
p.m 1:4 3:3 6:2				
18:2 27:2				
28:21 29:4,19				
30:2 58:11,21				
59:2,8 61:2				
70:2 76:2 85:2				
116:22 117:12				
120:2 121:1,3				
121:5,12 123:2				
132:5				
Pacheco 117:3				
page 2:2 12:5 63:14				
pandemic 48:11				
panelist 87:1				
panic 53:2				
pantomime 124:10				
paper 20:12				
park 52:9				
parking 15:3 30:17,20 32:6 32:9,11,13 37:12,13,20 39:3,22,22 40:5 42:13				

Phillip 87:2,5,5 87:9,16 88:21 89:9 90:1,8,10 92:3,7,13,15 92:18 93:7,21 94:4,8 95:7,12 95:17,20 96:4 97:2,7,10,15 97:21 98:1,5 99:18 101:12 101:16,20 102:2 105:1,14 105:19,21 106:2,4,19 107:1 112:19 112:21 113:19 113:22 116:3 118:21 119:1	127:8 play 22:11 playroom 36:22 37:5 55:13 please 4:4 28:3 43:15 50:5 81:8 87:4 102:8 pleasure 9:5 plus 23:8 37:7 point 12:19 23:13 39:14 56:3 78:13 80:17 93:2 101:11 102:13 110:10 112:14 113:22 pointed 44:3 points 39:21 Pond 2:15 85:7 85:10 104:9 pop 20:20 population 53:4 porch 8:17 77:2 77:2,12,16,21 78:17,17,19,19 78:20 81:11,12 83:12 102:3,5 porches 78:17 Porter 6:9 14:16 27:9 portion 77:21 portions 41:6 positive 20:7 possibility 92:11 possible 77:10 102:7 possibly 54:13 posted 28:22 posting 28:20 58:17,19 116:20 121:2 potentially 16:1 117:15 POTLURI 86:20 powder 37:5 55:13	Prabhav 85:9 86:20 precedent 99:14 108:9,11 109:14 111:15 112:12 precluded 53:16 preexisting 36:4 77:7 81:13 82:7,10,13,15 preferable 25:1 preference 20:14 prejudice 54:16 preliminary 30:17 premium 41:14 prepared 55:21 131:15 present 4:20,22 5:2 6:9 9:6 32:21 78:21 presentation 8:20 19:2 presented 19:17 19:18 76:21 presenting 123:10 preserves 100:3 preserving 114:2 pressed 20:5 pressing 11:12 11:12 22:20,20 40:20,20 65:6 65:6 71:16,16 80:1,1 106:11 106:11 128:2,2 pretty 62:20 65:15 prevent 53:3 prevents 129:22 previous 18:10 18:20 44:16 70:15 80:8 131:12 previously 18:19 19:4,17	73:13 primarily 42:21 primary 31:15 31:19 111:16 Principal 30:9 prior 7:12 29:1 29:4 53:2 58:20 59:3,7,9 117:13 121:5 121:13 privacy 41:17 44:2 63:19 99:20 104:18 105:4,8 probably 21:15 46:22 62:17 67:17,19 102:22 125:8 problem 99:4 102:12 problematic 21:20 proceedings 4:2 7:12 132:5 133:7 profile 78:3,14 program 19:21 20:2 project 16:3 30:13 33:1,12 45:12 62:1 67:22 78:21 87:7 120:11 125:4 promoted 86:22 proper 25:16 63:11 properly 91:22 properties 16:2 25:6 33:7 54:10 108:2 109:1 111:10 111:21 property 25:16 30:17 31:2 32:6,12,20 37:12 41:11 42:9,10 43:18	45:10 46:9 49:7,11 52:8 56:6,8,9 64:1,1 66:13 67:16,21 68:20 70:18 73:19 74:5 76:14,16,16,21 77:5 79:1 104:5,8 105:3 105:5 128:8 proposal 12:19 16:16 19:12 53:11,17,22 54:5,11,11 61:10 63:14 68:12 74:2 84:1 86:12 100:19 107:12 131:15 proposals 61:12 propose 85:13 97:21 proposed 9:12 9:20,20,21 10:1 15:21 16:7,9 20:22 31:7,12 33:16 34:21 39:22 42:20 43:18 45:9 62:13 77:2 83:11,15 83:17 85:18 88:6 97:10,12 proposing 35:20 53:10 86:19 92:3 98:1 protection 103:22 provide 31:22 32:11 52:16 53:3 56:14 provided 6:22 14:8 15:1,6 26:11 82:3,12 provides 6:19 51:19 provisions 24:14 68:7 73:7
---	--	---	---	--

129:14		106:9,10	104:12 107:7	58:18 116:21
proximity	Q	127:22 128:1	110:2 128:16	121:2
111:21	quality 130:18	raised 39:5,11	rearrange 105:4	reflected 105:17
public 3:12,17	quantity 39:3	raises 41:17	reason 62:5	reflecting 59:7
4:4,6,7,8 11:7	queen 90:13	Ratay 1:11 4:15	88:14	refrigerator
11:8 12:16	question 30:13	4:17,19,21 5:1	reasonable 25:8	38:22
22:15,16 25:10	38:5,10,18,19	11:14 33:16	25:15 67:21	refute 67:4
40:13,15,16	44:5,7 50:15	34:20 40:22	reasons 112:15	regarding 7:6
45:15 47:3	51:10 87:20	42:18 43:11	112:16 115:8	37:20 56:1
65:1,2 67:2	96:1 101:4	65:8 85:22	rebuild 31:11,14	72:8 73:21
68:17 71:11,12	113:19,21	86:3,22 117:3	61:11,17 73:5	80:6,8,12
72:19 73:15	questions 10:20	Rayo 65:8,9,9	rebut 40:13	87:20
79:18,19 81:1	10:21,22 11:2	70:8,10	recall 8:10	Regular 2:11
100:13 103:2	11:4,6 13:8,12	reached 46:14	recalling 40:3	61:6
106:7,7,16	13:14,15,16,20	reaction 110:1	receipt 7:5	reinforcing 35:6
126:4,4 127:9	22:6,8,9,12,14	read 18:9	27:12 44:13	reiterate 19:17
127:19,20	33:11,13 38:16	reading 21:13	65:21 66:10	related 133:8
128:17,19	39:8,10,19	80:17	71:18 80:5	relates 77:20
130:4,6 133:4	46:16 64:12,14	ready 13:22	128:5	relationship
133:16	64:18,20,22	14:1,2 23:3	received 105:11	108:22
pull 33:16 50:16	67:8 71:1,3,5,6	67:8,8,10,11	recommenda...	relief 8:14 14:12
62:2 63:15	71:10 78:22	67:12,14 73:1	99:5	16:19 20:16
85:17 101:4	79:3,6,8,9,11	73:2,3 107:19	reconnaissance	23:12,15 24:11
126:6	79:13,17 91:7	129:1,2	107:22 108:7	25:9,20 31:1,8
pulled 20:15	91:7,8 100:10	reality 21:6	reconsider	61:11,19 67:18
30:22	101:1 118:15	realization	114:10 115:10	68:4,16 69:3
pulling 89:2	127:11,11,12	61:18	record 8:22	73:5,12,14
pulls 113:5	127:14,16,18	realize 13:11	12:15 18:8,11	74:6 77:19,19
pure 100:5	quickly 62:8	realized 20:18	28:3 46:6	80:19 81:10,17
purpose 16:11	quite 38:13	really 40:9	70:15 76:9	81:18,19 87:9
16:13 25:14	39:11 51:21	47:20 49:3,21	87:4 125:2	87:21 101:6
52:21,22 53:6	68:11 79:4	52:1,16 55:21	133:6	102:22 129:3
68:19 73:17	110:7	62:6 63:6	recorded 3:20	129:11,12
74:2 83:19		65:14,16 77:19	recordings 7:3	130:3,19
130:11	R	80:10,15 89:12	recused 6:13	reluctance
pursuant 66:14	R 3:1	90:17 93:4	red 64:2 77:17	20:11
72:11 77:6	Rafferty 76:7,8	99:9 100:8,18	redesigning	remote 1:4 4:9
128:11	76:10 81:2,3	100:21 102:10	61:17	52:6
push 56:22	84:18 120:8,9	102:10,20	reduce 9:15,18	remotely 3:11
pushed 32:14	120:18,19	104:11 109:6	21:7 108:17	removable
52:10	122:5	109:21 110:15	reduced 9:21	19:13
put 32:7,19 43:6	railing 24:20,22	110:18 111:16	reference 26:13	removal 80:8,12
63:18 65:15	78:19	112:14 113:10	70:16 81:22	removed 9:19
90:11,11 91:18	raise 11:10,11	113:13 126:2	referenced 7:11	removing 19:20
98:9,16,20	22:18,19 40:18	rear 19:4 30:15	referencing 9:8	80:22 102:2
102:16 105:7	40:19 45:20	31:10,15 32:8	refinements	renovate 30:21
putting 98:19	46:1 65:4,5	41:6,11 43:22	8:20	76:20
100:17	71:14,15 79:21	100:13 101:19	reflect 28:21	renovation 31:5
	79:22 89:13			

38:12 39:17 78:8 84:2 renovations 31:1 66:3 71:22 rents 30:18 repeat 70:9 replace 20:9 replacing 32:17 REPORTER 28:2 43:14 represent 78:10 representative 40:8 55:21 100:17 represented 13:3 represents 77:12 repurposing 38:12 84:2 request 19:6,13 20:8 25:7 27:16 54:16 59:4 107:21 120:10 requested 13:6 14:12 16:20 24:11 25:21 27:9 31:8 41:20 45:13 68:5 69:4 73:5 74:7 81:20 129:12 130:20 requesting 32:11 34:16 37:14 87:9 requests 10:14 require 73:12 required 82:18 129:11 requirement 7:18 23:11 32:19 117:2 121:8 requirements 3:15 15:3,4,12 18:8 19:22	78:16 81:17 83:2 102:18 requires 19:11 23:15 24:19 31:1 78:13 requiring 66:17 72:14 128:14 resident 41:2 45:1 resident's 14:19 residing 32:4 45:1 resistance 106:21 respect 7:10 8:13 9:3 41:10 42:7 52:5 56:6 87:20 110:6 respectfully 7:14 27:15 54:16 response 3:13 37:19 restate 46:5 restriction 93:9 restrictions 3:17 102:18 result 31:3 retooled 55:3 return 117:4 review 33:5 54:6 62:9 reviewed 7:9 11:18 reviews 7:2 revised 113:5 Rhatigan 27:13 ridge 92:20 right 10:13 21:5 23:2 24:10,10 28:17 32:7 34:8,12 35:1 35:14,15 36:20 43:2 49:17,17 50:2,4 52:20 53:14 56:10 58:13,15 60:2 62:15 63:17	77:11 85:20 86:2 91:5 95:3 95:15,19 96:5 96:19 97:7,10 103:11,14,20 104:2 105:9,14 106:6 108:13 112:16 113:17 115:12 120:21 124:19 125:1,1 126:7 127:7 rights 47:4,5 rim 51:21 risk 42:11 62:21 road 104:10 roll 4:5 roof 9:13,14,14 9:17 30:14 31:11,14,14,19 31:19 34:8,10 43:3 46:18 48:2,4 51:5,18 51:20,21 77:13 77:15,20 78:7 78:9,9,14 81:12 83:12 89:16 90:16 92:21 93:9,11 97:17 roofline 34:17 41:7 42:7 88:5 rooflines 9:2 room 9:21 34:2 34:2 35:20,21 36:11,11 37:1 37:5,7,8,8 46:18 48:14,20 48:20 55:13 63:21 90:6 92:2 93:5 96:6 96:12,19 105:7 114:13 rooms 37:5,7,8,9 37:10 45:18 90:17 93:13 roughly 87:10 Rule 6:16,19 7:4 7:18 18:9	ruled 54:1 111:1 ruling 62:17 117:7 130:8 run 9:7 36:5 52:12 <hr/> S <hr/> S 3:1 safely 64:4 65:18 safety 16:7 53:2 56:11 62:7 63:8 64:9 68:13 74:3 83:15 sake 70:12 Sarah 27:13 sat 6:12 satisfies 82:22 saw 54:21 saying 21:14 45:7 50:3 92:8 92:11 94:11 110:11 114:3 says 11:9,10 22:17,18 40:17 40:18 65:3,4 71:13,14 79:20 79:21 86:16 88:4,14 106:8 106:9 111:14 112:3 127:21 127:22 scale 31:20 38:3 45:8 52:2 108:22 scaled 54:13 scheduled 120:12 screen 63:22 scroll 86:1 seating 63:2 second 11:22 46:2,3 57:18 95:16 96:1 second-floor 31:13 38:19 78:6 81:12	Secondly 40:7 section 6:18 7:1 14:10 82:22 129:5 secure 53:1,2 see 12:4 33:6 34:8,10 43:2 54:17 55:2,3 60:4 64:2 77:11 78:5,6 87:17 94:10 97:8 100:19 105:6 109:9 113:2 115:18 122:4 125:15 129:6 seek 103:21 seeking 14:3 32:5 61:11 76:15 81:10,18 88:10,12 101:6 102:22 129:3 seen 126:2 segment 9:18 self-explanatory 127:9 send 12:16 23:2 45:16 81:1 106:16 107:13 108:19 sense 94:10 108:9 sent 42:22 43:18 44:14,16 separate 61:12 61:13 91:14 92:5,5,6,12 separated 93:7 September 69:5 71:19 74:20 series 32:22 serve 53:1 services 80:16 117:4 118:16 126:19 session 6:21,22 set 8:17 23:16 109:14 111:15
---	--	---	---	---

126:3 133:12 setback 8:13,16 8:18 14:5 19:9 19:16 25:17 30:20 37:14 78:10 seven 43:2 shading 41:15 shadow 9:3,13 9:15,19 20:3 21:8,8 32:22 33:9,10 47:9 shadows 33:1,6 46:19 shame 98:7 100:2,18 shape 24:17 25:5 68:9 73:10 129:16 129:19 shared 9:13 39:1 99:20 105:3 107:5,8 sharing 43:21 shed 31:16 51:4 51:19 98:12,13 99:15 sheds 51:15,15 sheet 77:10,11 78:4 85:17 86:11 shingles 32:3 short 52:13 shortened 20:15 shower 91:4 97:11 102:9 showing 124:6 shown 94:3 shows 33:1,2 85:17 86:4 87:14 shuts 43:7 shutters 99:21 sic 11:21 24:12 34:16 side 8:13,16 25:17 30:20 32:8 42:20	47:15 52:18 61:15 63:10,12 63:20 87:22 90:13,20 91:19 93:16 94:20 97:17,19,20 100:13 105:5,9 108:22 110:16 114:14 125:17 sides 20:19 sidewalk 41:9 42:15,16 44:9 52:14 siding 80:8 81:1 sight 10:2 sign 28:20,22 58:18,19 116:20 117:1,4 117:8 121:2 signed 45:2 121:7 significant 32:18 37:22,22 significantly 38:7 similar 53:17,21 54:1,12 98:10 103:3,6 104:13 111:15,19 simple 20:9 simplest 93:1,12 Sincerely 66:6 72:3 single 32:7 41:6 single- 78:1 single-family 8:12 19:3 81:16 82:8,14 84:3 single-story 30:15 31:10 81:10 sink 97:12 sit 6:16 8:5 18:12 54:17 site 19:22 109:12 siting 68:10	73:11 111:1 sitting 3:4 6:3 18:3 27:3 30:3 37:8 55:13 61:3 70:3 76:3 85:3 90:6 96:6 96:12,19 105:7 120:3 123:3 situation 21:7 22:2 39:4 six 42:4 43:2 46:12 47:3 102:14 110:15 six-six 102:15 size 3:12 9:21 64:10 90:14 sized 103:6 sketch 125:14 125:15 skylights 105:7 slight 78:14 slightly 91:16 118:12 slope 81:11 sloped 9:14 78:7 sloping 93:17 small 63:1 65:14 84:1 smaller 30:16 42:6 100:20 societal 68:21 73:20 society 68:1 solution 21:12 21:16 25:1,7 25:18 51:19 52:6,12,15,16 54:18 55:9 93:1,12,20 95:11 114:5 solutions 55:7 solve 99:4 somebody 112:3 112:10 123:8 Something's 124:15 somewhat 16:1 24:4 53:19	104:16 127:9 soon 56:18,19 56:20 120:12 soonest 120:19 sorry 13:11 14:13 18:17 28:6 46:2 54:12 57:19 59:8 61:9 80:21 85:18,19 87:12 95:5 112:20,21,22 129:7 sort 20:15,15,18 34:4 39:20 62:21 63:14,18 64:2,5 86:7 88:19 89:4 96:9 98:22 100:19 104:4,6 109:17 110:3,7 110:21 111:22 sought 82:3 Sound 124:17 south 20:5 42:20 space 23:8 31:11 32:1 34:18 35:7 38:13 39:1,3 41:18 41:21 42:6 48:20 52:8 62:7,20,22 63:4,6 64:2 68:14,22 73:20 73:21 74:1 85:13 88:15,16 89:7,7,21 90:11,15 93:18 99:7 100:8 102:9 spaces 52:17 56:14 89:16 spare 50:21 speak 4:11 11:8 22:16 36:9 40:8,16 45:19 45:20 55:1 65:2 71:12	79:19 81:7 106:8 127:20 speakers 4:11 speaking 4:4 30:11 55:20 special 6:10 8:11 14:3,18,20 15:11,13 16:20 17:1,11 20:17 32:5 76:15 77:5 81:18 82:3,6,17 83:3 84:5,16 111:11 specifically 12:21 23:11 31:9 specification 11:18 specified 12:5,9 spend 65:12 spending 65:17 spoke 44:15,20 spoken 107:6 sprinkler 31:6 square 39:13 41:6 76:22 77:1 102:5 squeeze 20:19 Sravya 85:8,9 86:6,18 95:18 96:3,7,11,14 96:17 97:4 98:3 99:15,17 104:19,21 105:2,11,15,20 106:1,3,22 107:3,5 113:7 113:13,17 115:22 116:6 118:22 ss 133:3 staff 4:13 124:21 stair 19:10 23:6 32:14 62:18 63:6,11 64:7 stairway 21:15 24:20 126:7 stamped 14:13
--	---	---	--	--

14:15 stand 43:1 90:12 91:3 stand-alone 130:1 standalone 126:14 standard 39:16 59:6 63:10 103:3 standards 108:3 start 4:13 6:11 started 112:10 starting 20:12 state 4:4 46:5 statement 6:12 14:17 18:9 59:5 117:15 statements 26:12 69:7 74:21 79:4 82:1,5 121:12 127:8 statewide 3:12 status 10:4 statute 7:4 statutory 117:2 121:8 stay 36:4 94:6 132:3 stepback 101:19 stepping 8:9 steps 8:17 23:7,9 23:16 65:15 126:18 stick 52:13 stipulate 12:20 stipulating 13:2 stoops 23:17 32:14 52:10 stories 41:11 story 34:11 straighten 78:9 street 2:9,12,13 2:14,16 30:7 30:13 41:2,3 42:20 43:17 44:18,19 45:1	45:2,3,3,4,4,4 46:8,12,19 47:13 49:22 52:19 53:1 61:8 66:4,7,8,8 66:9,14 69:6 70:7,18 72:1,5 72:8 74:19 76:7,14 81:21 104:9 111:19 111:19 120:7 strict 88:8 strike 39:11 strip 63:5 structural 35:6 structure 8:12 8:15 14:11,21 15:2,4,6 16:14 16:18 19:3,7 19:20 37:10 50:17 53:8 67:22 68:10 73:11 77:4 81:16 82:21 83:20,21 126:12 129:4,9 129:17 130:1,2 130:12,17,18 structures 24:17 78:18 studies 9:13 32:22,22 33:3 33:5 37:6 42:5 study 33:2 34:13 36:17,22 37:5 48:20 55:13 96:16 style 33:22 42:8 subject 24:22 76:14 103:1 submittals 59:1 117:10 121:4,9 submitted 12:4 14:6,13 29:4 32:22 59:2,7,8 69:5 81:20 105:22 106:19 117:16 121:5	121:11,12 131:14 subsequent 80:7 substance 12:13 44:13 45:14 65:21 67:1 72:18 80:20 128:18 substantial 15:16 24:14 25:10 33:6 68:7,17 73:8 73:14 83:6 129:14 130:4 substantially 25:13 68:19 73:16 82:20 103:3,9 130:10 sufficient 41:21 suggest 27:22 109:10 Sullivan 1:7 3:4 3:7,9 5:1,2 6:3 6:6,11 7:8,22 8:2,4,4 9:8 10:7,11,13,15 10:17 11:1,3,5 11:7 12:12 13:7,13,16,19 13:22 14:3,10 15:10 17:2,4,6 17:8,8,10 18:3 18:6,17,22 20:10 21:3,5 22:4,7,9,13,15 23:20,22 24:10 26:1,3,5,7,7,9 27:3,6,11 28:6 28:10,13,15,17 29:10,12,14,16 29:16,22 30:3 30:6 33:14,19 34:1,6,9,12,15 34:20 35:1,4,8 35:12,15,18 36:1,5,8,16,21 38:9 39:7,18 40:12 42:17	43:10 44:12 45:22 46:4 48:18,21 49:1 49:14,17,20 50:2,4,6,8,11 50:13,15,22 51:6,8,10,13 52:20 55:11,18 56:3,6,16,19 56:21 57:2,5,9 57:13,16,19,21 58:2,4,6,8,10 58:15 59:1,13 59:15,17,19,19 59:21 60:4 61:3,6 62:2,10 63:15 64:12,15 64:19,21 65:1 65:20 67:7,13 67:15 69:11,13 69:15,17,17,19 70:3,6,14,20 70:22 71:3,6,9 71:11 72:22 73:4 74:9,11 74:13,15,15,17 75:5 76:3,6 79:2,9,13,16 79:18 81:6,9 84:8,10,12,14 84:14 85:3,6 85:16 86:1,4,7 87:3,8,14 88:2 88:22 89:22 90:4,9 91:5,11 94:11,18,20,22 95:4,6,9,15,19 95:22 96:5,9 96:12,15,18 97:3,5 100:9 100:22 101:7 101:22 103:12 103:20 104:3 104:20,22 105:10,17 106:6 107:4,13 108:4,13 109:15,19	110:5 111:17 112:20 113:1,8 113:15,18,20 114:8,21 115:1 115:4,8,12,17 116:1,4,7,10 116:13,16,18 117:20,22 118:2,4,4,6 120:3,6,14,21 121:17,19,21 122:1,1,3,6 123:3,6,13,15 123:18,20 124:1,4,11,14 124:17,19 125:1,5,17,20 125:22 126:6 126:11,14,16 126:18,21 127:3,7,13,15 127:17,19 128:22 129:3 130:22 131:2,4 131:6,6,8,11 131:20 132:2 sum 10:9 12:12 20:8 44:12 45:14 65:20 67:1 72:18 80:20 128:18 summarizes 10:4 summarizing 9:10 summer 33:4 80:9 sun 41:13 sunlight 41:14 sunrise 33:2 sunset 33:3 support 9:1 12:2 45:12 54:21 91:9 107:9,10 109:13 111:11 113:8 115:14 supporting 14:17 26:12
--	--	--	--	--

59:5 69:6 74:21 79:3 80:11 82:1,5 117:15 121:11 127:8 supportive 11:17 supports 66:3 71:22 sure 9:6 13:4 43:16 56:2 74:19 87:5 104:9 123:10 surrounding 45:9 suspect 14:7 sway 110:4 sympathetic 114:16 system 31:6,7 systems 16:15	tell 35:11 tells 129:11 temporarily 3:15 temporary 3:16 tend 21:18 22:1 term 114:19 terms 39:12 99:5 103:3 testimony 103:5 107:22 thank 8:8 12:11 12:12,18 13:12 17:12 18:15 19:1 22:12 24:9 26:16 27:8,17 28:14 28:16 29:19,20 30:8 39:18 40:12 42:16,17 43:10 44:10,12 46:8 50:8,11 50:11 55:18 59:22 60:2 61:9 65:10,20 67:5,7 71:8 72:21 75:3 76:8 79:2,8,11 79:15 81:3,6 84:18,19 100:22 101:5 108:13 111:13 114:8 118:21 118:22 119:1 122:5 127:14 131:10,11,18 131:19,21,22 thanks 65:19 69:21 75:3 108:4 131:11 Thanksgiving 60:5 132:1 thereon 68:10 73:11 thesis 22:1 88:17 they'd 94:22 thing 12:7 20:2 24:5,6 46:22	56:10 114:20 things 23:17 68:2 think 10:4,9,17 20:14 21:1,18 22:10 23:1 24:1 33:15,19 37:11 39:4,9 42:13 44:7 45:18 47:4 48:22 49:4,6 49:18 53:6,7 53:12,13 55:17 56:4 58:3 62:17 63:13 64:6 65:17 67:15,16,20 68:1 70:12 79:3 80:22 86:20,21 90:2 90:21 91:22 93:3,10,19,20 93:22 94:2,9 95:10 98:6,6 98:21 99:10,16 100:2,11 101:3 101:10 102:21 102:22 104:3 104:16,16 107:22 108:2,7 109:5,6 110:15 111:9,10,21 112:13,16 113:9 114:5,17 115:3,11 118:10 123:9 123:17 127:7 129:6 thinking 98:4 114:11 third 20:4 36:22 43:18 44:1 47:20 85:12,15 87:19 89:12,15 96:1 104:6 thought 12:20 38:14,20,21 55:15 86:15	92:19 94:14 109:21 thoughtful 100:4 thoughts 24:1 36:9 37:16,18 38:15 39:8,17 39:19 45:16 103:2 107:17 109:4 thousand 39:13 three 4:10 11:13 19:8 22:21 34:15 37:9 38:8 40:21 44:4 48:17 65:7 71:17 80:2 92:5,6,8 92:11 95:16,21 95:22 97:22 106:12 128:3 three- 23:7 42:3 three-and-a-h... 23:9 three-and-a-h... 19:16 three-bedroom 44:4,5 three-family 37:10 three-story 43:5 thumb 51:5 Thursday 1:3 80:5 tied 51:16 tilt 90:13 tilting 109:16 tilts 111:10 time 4:7,8 13:4 13:18,21 21:20 38:15 48:5,9 58:13,20 64:18 65:12,17 75:4 79:7 89:8 96:20 100:10 100:21 101:2 103:8 112:3,17 116:2,3,21	120:20 121:3 127:11 129:1 times 112:15 tip 108:22 today 30:12 43:19 44:15 80:5 today's 68:1 toilet 97:11 told 47:9 ton 44:5 tonight 6:7,15 54:15 118:9 tonight's 3:9 131:20 top 31:9 35:10 50:18 torn 110:5,21 total 10:9 94:13 97:22 118:6 totally 89:8 townhouse 30:14 126:11 126:13 townhouse- 33:21 townhouse-style 129:17 townhouses 52:3 61:14 tradeoff 21:6 114:4 traffic 15:14 83:5 transcript 4:1 7:2 13:1 118:8 133:6 transcripts 7:12 tree 32:18,19 112:9 treed 104:7 trees 32:16,17 41:8 43:7 104:15 trends 68:21 tried 52:1 88:11 99:1 110:22 triggered 67:18
T				
table 65:16 take 4:13 9:7 53:15 54:14 56:13 70:14 72:22 91:3 97:12 104:13 106:17 109:15 113:2 118:9 128:22 taken 4:5 31:19 takes 97:5 talk 43:8 58:14 118:16 123:19 124:4 talking 54:21 tall 47:21 tandem 32:13 tape 104:13 taxes 47:3,3 team 12:8 teamed 61:16 technical 124:21 technically 78:12 television 3:21				

Trilogy 27:13	unattractive	42:4 44:4	26:14 59:6	53:13 59:22
trimmed 112:17	32:3	66:14 72:1,8	69:20 74:17	69:19 75:1
true 133:6	unavailability	unmute 11:12	75:1 129:5,10	84:16 118:7
Trust 66:3 71:22	120:11	22:20 40:20	130:9 131:9,13	122:3 131:8
Trustees 66:7	unclear 46:16	65:6 71:16	variances 45:13	voting 108:3
72:4	46:18 47:15	80:1 87:2	73:18	
try 88:9	uncomfortable	106:11 128:2	variety 115:8	W
trying 49:18	115:1	unobtrusive	vary 88:13	W-a-h-l 44:17
51:17 56:7,10	underneath	92:19	vast 16:3 24:18	Wahl 44:17
57:20 91:1	77:15	unroofed 77:17	vegetation	wait 54:2
93:18 100:6	understand 38:3	unsafe 48:8	104:15	waiver 29:6
102:6 109:9	42:5 49:18	unsure 43:19	vegetative 63:22	117:2,3 118:18
114:17 125:16	55:5 88:2	unusual 62:20	VENKATAC...	121:7
tub 91:3	114:3	unwarranted	123:9	walk 9:5 33:15
turn 10:19 37:16	understanding	53:7	verify 4:14	93:5 110:14
40:10	90:18 93:8	update 16:14	vernacular	walked 104:5
TV 37:1 48:14	underutilized	68:21 73:19	78:20	wall 43:6 48:7
two 11:20 12:4	56:7	updated 14:7	viable 56:12	81:14 130:15
20:19 24:17	undue 53:4	16:18 59:4	Vice 1:7	walls 51:3,3
30:18 32:11,16	unfair 47:1,1,6	upstairs 31:11	Victorian 76:18	89:22 90:1,16
37:5,5,14 40:3	47:11 49:3	urban 41:14	video 3:20 7:2	want 6:12 9:6
42:4 51:2	unfinished	usable 31:12	view 43:7 44:2	19:17 46:10
52:17 53:14,16	30:14 35:2	63:4 68:14	104:14	51:4,11 54:14
53:18 54:2	unfortunate	87:19 89:12,16	violated 14:5	54:15 61:19
57:22 61:11,12	20:2	90:17 91:2,3	violation 15:2	65:12 67:19
61:13,14,15	unfortunately	93:13 102:9	vis-à-vis 110:8	89:4 91:12
62:6 73:5	101:20	use 14:22 15:21	visibility 9:3	98:18 100:4
91:14,19 92:11	Union 2:9 30:7	16:7,9 25:15	visible 128:16	107:18 112:22
93:17 94:12,12	30:13 41:2,2	34:17 35:18	130:6	113:22
96:2,22 97:18	42:19 43:17	39:4 41:20	visit 46:15	wanted 62:22
98:2,16,20	44:18,19 45:1	48:9 67:16,21	visual 20:3 38:6	65:10 78:13
113:10 114:14	45:3,3,4,5,5	73:21 74:4	visuals 61:22	wary 112:11
118:15 125:10	46:8,12,19	82:11,12 83:11	VIVEK 123:9	way 19:20 20:16
two- 77:22	47:13	83:15,17 85:13	volume 15:7	23:5,12 24:2,2
two-family	unique 129:17	88:15 89:7	20:4 124:7	43:4,9 47:19
76:17 81:13	129:19	126:8 129:9	volumetrically	53:8 62:16
82:9,14	unit 2:12,13	useability 64:10	19:21	67:17 68:1
two-story 30:14	30:18 31:17	useable 62:7	vote 17:9 26:8	94:2,5 97:18
33:8	33:20 34:1	useful 102:11	29:17 53:15,15	102:16 103:1
type 39:16 92:4	36:11 37:3,9	uses 15:19 83:9	54:15 59:20	110:1 124:13
typical 23:10	41:19 48:10	usual 132:2	67:9,10 69:18	128:17 130:6
33:19 34:1,4	61:8 66:4,7,8,8	usually 86:7	73:1 74:16	ways 56:9
36:11,21	66:9 68:15		84:15 106:17	We'll 72:22
	70:7 72:4,4,5,5	V	109:16 113:2	we're 8:14 12:20
U	73:6 126:9,10	value 56:15	118:5 122:2	35:6 44:4,4
ultimate 38:9	126:19	variance 19:2,6	131:7	48:15 51:17
unattainable	units 30:19	24:12,22 25:7	votes 4:5 17:10	57:22 61:10
44:9	33:22 36:22	25:19,22 26:9	26:14 29:18	63:4 65:16

85:9 86:19 87:10,21 89:13 89:15,18 90:2 91:1 99:7,21 100:6 101:16 102:2,2,5,6 105:16 108:10 110:7 114:1 115:19 120:15 120:16 125:16 we've 27:9 43:3 55:17 105:7,11 107:5,6,8,8 weather 21:17 25:3 web 37:4 webpage 4:9 Webster 2:5,6,8 6:7,10 7:6 8:21 9:19 10:2,5 11:16,17 14:15 18:7 19:4 28:5 28:19 week 117:5 weeks 8:22 54:7 weigh 109:3 weighing 114:20 weights 112:12 Welcome 3:7 welfare 16:7 83:15 went 47:16,16 Wernick 1:8 3:5 4:17,18 6:4 7:22 8:1 11:1,2 13:9,13,15,15 17:2,3 18:4 22:7,8 26:1,2 27:4 29:10,11 30:4 38:15,17 39:2 57:16,18 57:20 58:3,5 59:13,14 61:4 64:15,18 67:14 69:11,12,12 70:4 71:3,5 74:9,10 76:4 79:9,11 84:8,9	85:4 91:11,12 92:6,10,14,16 93:6,19,22 94:5,9,14,17 94:19,21 95:5 95:10 96:21 97:9,14,16,22 98:4 101:17 108:6 114:11 114:22 115:3,6 116:17 117:20 117:21 120:4 121:17,18 123:4 127:13 127:14 131:4,5 west 32:12 wet 36:17 38:21 39:1 whereof 133:12 Who 114:11 wide 63:3,6 wife 65:11 willing 12:20 56:10 wind 112:8 window 8:16 9:4 9:20,20,21 10:1 90:14 windows 16:16 41:16 42:8 81:14 93:17 99:21 105:4,6 105:8 Windsor 45:2,4 45:5,5,6,6 winter 33:4 wish 10:19 81:7 108:5 113:11 127:20 wishes 11:8 22:16 30:21 31:9 40:16 65:2 71:12 79:19 81:14 105:13 106:7 withdraw 54:15 witness 133:12 wondering	86:15 108:8,8 work 8:20 16:21 26:10 48:4,12 48:13,19 51:22 52:12 56:13 62:5,10 66:16 69:4,7 72:13 74:18,22 82:3 92:7,18 93:19 98:5 120:17 128:13 131:13 131:14 workable 42:13 52:12 54:18 118:11 works 97:1 105:15 worried 49:3 worthwhile 35:18 wouldn't 12:10 51:6,8 92:22 written 23:5 24:2 wrong 94:17 wrote 43:12,13 <hr/> X <hr/> x 2:1 37:9 <hr/> Y <hr/> Yang 11:14,15 yard 8:13,13,16 8:18 25:17 30:20 32:8 37:14,20 41:13 41:17 47:17 102:6 yards 43:1,2 64:11 66:3 yardstick 88:19 yeah 23:20 24:8 28:11 38:17 39:2,9 46:2,7 49:21 50:12 51:7,7,7 55:11 56:5 57:2 58:2 62:15 64:6 70:22 87:16	90:9 92:6,13 92:15 94:21 95:3,5,6,18,21 96:7,17 97:3 101:3,17,22,22 102:19 103:12 105:2,11,12,16 106:22 107:5,5 111:17 113:1 114:21 115:1,3 115:6,11,16 118:22 120:21 124:11 125:21 year 21:21 46:18 47:10,10 years 46:12 53:16,18 54:2 57:22 years' 47:3 Yep 28:16 36:15 58:9 62:3 75:5 87:8 98:5 131:11 yesterday 47:17 young 64:8,8 younger 96:9 <hr/> Z <hr/> zoning 1:1 3:8 7:9 15:19 30:20 31:1,8 39:12 44:21 65:22 71:20 76:21 78:13 80:14 82:18 83:9 99:9 <hr/> 0 <hr/> 0.65 42:1 01/27/22 2:5,7 02139 1:6 05/05/22 2:8 08:37 132:5 09/20/2022 81:21 09/23 66:1 <hr/> 1 <hr/> 1 30:22 31:5	45:3,5 66:4,7,8 72:1,4,5 120:15 1.02 36:16 1.14 42:1 1.30 52:21 1.7 12:1 10 95:12 120:16 10-foot 61:19 10-foot-wide 32:11 10.10.30 24:12 10.30 129:5 10.40 81:18 10.43 83:1,2 10/06/22 2:10 100 2:14 76:7,13 100-102 81:20 107 45:3 109 45:4 11 50:21 97:13 102:9 11' 97:13 12 3:14 56:17 115:19,21 116:2,8,14,19 116:21 117:9 117:13,18 118:7,19 120:15,17 121:1,3,5,13 122:4 12.96 86:13 12'6 108:21 120 2:16 123 2:17 13 37:7 14 9:9 14:15 21:13 29:1 58:19 61:20 62:5 63:3 15 27:13 86:17 88:5 90:20 91:17 94:6,13 94:15,20 96:21 97:9 100:15 102:10 120:16 15' 93:22 108:10
--	--	--	---	--

114:4,6,6	74:20 133:13	33-35 28:5	6 2:5 11:12 15:4	8:23 123:2
15-foot 94:2	2022-11-03	33.7 11:22	22:20 40:20	80 48:12
155115 6:7 7:6	14:14	330 45:4	65:6 66:21	831 1:5
17:11	2023 28:1,8,19	35 2:5,6,8 6:7,10	71:16 72:17	85 2:15
155116 7:7 18:7	28:21 29:1,5	7:6 11:17	80:1 106:11	88.22.-c 14:11
19:5	29:19 58:10,12	14:15 18:7	125:13 128:2	
16 37:8,9	58:17,18 59:11	28:19	6' 108:21	<hr/> 9 <hr/>
168852 27:7	59:22 115:19	35-37 10:5	6-year-old 65:11	9 11:12 22:20
28:18	116:19,21	359 45:2	6:00 1:4 28:21	28:13 40:20
17 1:3 3:7 7:6	117:13 118:20	362 45:5	29:19 58:10,21	57:14,14,16,17
27:17 44:15	120:17 121:1,3	37 19:4 45:3	116:22 121:1,3	58:3,6,10,12
50:21 80:5	121:6	371 45:5,6	6:01 3:3	58:16,18,20
87:12	2028 133:18	380 87:18	6:03 6:2	59:3,8,9,11,22
18 2:6 45:4,5	207 76:22	380.5 86:12	6:17 18:2	65:6 71:16
89:3	20th 125:8	39 6:18	6:29 27:2	80:1 106:11
18' 111:4	22 3:21 42:19		6:32 30:2	128:2
18' - 108:21	47:13 50:1	<hr/> 4 <hr/>	61 2:12	907 76:10
18-foot 107:17	129:6	4' 111:6	66 86:19 89:11	97 47:16,16,16
18.75 86:10	22.2 129:6	41 8:21 9:19	89:14	47:17,17 49:22
87:15	22.3 129:6	10:2 11:15		
1870 125:7	225 86:5,9 87:15	415 2:17 123:7,8	<hr/> 7 <hr/>	
188958 30:7	23 28:13,14,15	125:4 128:8	7' 35:11	
19 128:7	28:19,21 29:1	131:15	7'4 35:11	
19' - 108:21	29:5,19 57:7	42 2:13 66:14	7.5 98:20	
196028 61:7	57:10 71:19	70:7 72:8,9	7.5' 96:22 97:18	
196029 66:21	23D 6:18	93:10	97:19	
70:7 72:16	24 2:9 30:7,13	42-48 69:5 74:19	7:09 61:2	
196373 76:7	30:18 46:8,12	44 2:12 61:8	7:21 70:2	
196705 123:7	25 15:7 45:1	66:14 72:9	7:27 76:2	
128:17	26 41:1,2 46:17	46 66:3,7,7 72:1	7:38 85:2	
196928 66:21	27 2:8 3:18	72:4,4	70 2:13 47:16	
72:16	44:18	47 2:16 120:7	76 2:14	
197312 85:7	278 72:11	48 2:12,13,15	78 86:19 89:14	
197887 120:7	28 44:19 46:19	37:9,9 61:7	90:3 93:3	
1996 48:3	47:9 133:18	66:8,8,13 70:7		
		72:5,5,8 73:6	<hr/> 8 <hr/>	
<hr/> 2 <hr/>	<hr/> 3 <hr/>	85:7,10	8 12:5 125:13	
2 43:17 62:10	3 14:14		8.22 129:10	
66:4,8,9 69:5	3' 111:6	<hr/> 5 <hr/>	8.22.1 14:21	
72:1,4,5 73:6	30 2:9 19:11	5 14:10	82:9	
74:20	43:17 45:3	5.31 14:10 81:17	8.22.2 129:10	
2.1 12:5	95:13	5:00 29:4 59:2,8	8.22.2.d 77:6	
2.78 66:14	30' 108:11	117:12 121:5	78:16 102:22	
128:12	31 89:3	121:12	103:12,22	
2020 3:15,19	31-feet 107:18	55 45:5	8.22.3 129:4,6	
2022 1:3 3:8	31-foot 108:20	55.31 24:12	8.22.c 81:18	
14:14 66:22	31.71 86:13	56 90:2	8.22.d 81:18	
69:5 72:17	315 45:6		101:6	
		<hr/> 6 <hr/>	8:21 120:2	