

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 14, 2017  
7:10 p.m.

in

Senior Center  
806 Massachusetts Avenue  
First Floor  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair  
Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

Patrick Tedesco, Member

Jim Monteverde, Associate Member

Maria Pacheco, Zoning Secretary

Sisia Daglian, Assistant Commissioner

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I N D E X

CASE

PAGE

6:30 p.m. - EXECUTIVE SESSION BZA CASE #BZA-010111-2016 22 WATER STREET

TO DISCUSS STRATEGY RELATED TO PENDING LITIGATION (MONOGRAM RESIDENTIAL  
 22 WATER STREET  
 PROJECT OWNER, LLC v BZA,  
 Land Court DOCKET NO. 16 MISC 000631)

BZA-013173-2017 -- 273 First Street Original Hearing Date: 07/27/17	5
BZA-014122-2017 -- 32 Vassar Street	36
BZA-013923-2017 -- 43 Essex Street	95
BZA-013941-2017 -- 201 Brookline Street #5	149
BZA-013972-2017 -- 22-26 Fairmont Avenue	162
BZA-014026-2017 -- 6 Verdun Street	180
BZA-013985-2017 -- 2615 Mass. Avenue	171
BZA-014106-2017 -- 66 Antrim Street	176
BZA-014138-2017 -- 1 Gold Star Road Ct.	195

KeyWordIndex

P R O C E E D I N G S

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(7:10 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: We are now going to turn to continued cases. These are cases that started at an earlier date and for one reason or another was continued to tonight. We only have one continued case. But before we turn to that case let me make a statement:

That after notifying the Chair, any person may make a video or audio recording of our open sessions or may transmit the meeting through any medium subject through reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as to not to interfere with the conduct of the meeting. At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made.

And I wish to advise that a recording is being made, actually two. Our stenographer records the meeting,

tape records the meeting to assist her in preparing the minutes. And further, a citizen of the city is also recording the meeting. His tape recorder is right there. So be advised that you're on record.

With that, I'm going to turn to the continued case agenda. And as I mentioned we only have one case.

\* \* \* \* \*

(7:10 p.m.)

(Sitting Members Case BZA-013173-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: Case No. 013173, 273 First Street.

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

ATTORNEY ARTHUR KREIGER: Thank you, Mr. Chairman, members of the Board, my name is Art Kreiger from Anderson and Kreiger representing AT&T. I've been before you on these matters. It's been awhile. It's nice to be back and it's particularly nice to be back on an application as amended, as you'll see, that I think presents fewer issues than some of the others that I've been here on.

This is in an office zone. It's in an 03A District, so it's not a residential district like some of the others. On the Viola Cogen plant at that address that you mentioned.

The application was -- I'm sorry?

JANET GREEN: I was just asking the people in the audience, can you hear?

JOHN HAWKINSON: Not very well.

ATTORNEY ARTHUR KREIGER: Okay.

JANET GREEN: You have to get --

CONSTANTINE ALEXANDER: Try the switch on the mic.

JANET GREEN: And then you have to --

CONSTANTINE ALEXANDER: Take it off the stand.

ATTORNEY ARTHUR KREIGER: Okay.

JANET GREEN: And just hold it -- it has to go  
like this.

ATTORNEY ARTHUR KREIGER: Is it on?

JANET GREEN: No.

ATTORNEY ARTHUR KREIGER: I had to press the mute  
button to be on. Okay. Should I start over?

JANET GREEN: Yes.

ANDREA HICKEY: Yes.

ATTORNEY ARTHUR KREIGER: Art Kreiger from  
Anderson and Kreiger representing AT&T with an application  
for a telecom facility at the address that you mentioned.

This is in an office district. Office and PUD  
district, not residential. And it is a replacement facility  
for the Antheneum, one on the Antheneum building at 215  
First Street where the landlord and for tenant reasons is

not renewing the lease. So this is a replacement to provide coverage in East Cambridge. You had the RF, the radio frequency maps as exhibit 6, the usual package that we've submitted. And I don't need to go into RF in any detail, although we have our RF engineer here this evening if you have any questions. And this would just replace that coverage. And I believe it will also upgrade the equipment at the same time. Although I don't have the details on that.

CONSTANTINE ALEXANDER: This case was continued because you went to the Planning Board with prior plans --

ATTORNEY ARTHUR KREIGER: Correct.

CONSTANTINE ALEXANDER: -- and they gave you comments?

ATTORNEY ARTHUR KREIGER: Correct.

CONSTANTINE ALEXANDER: I assume in response to those you modified --

ATTORNEY ARTHUR KREIGER: We have modified in

response to those comments.

CONSTANTINE ALEXANDER: Keep going, but you haven't shown the new comments to the Planning Board yet.

ATTORNEY ARTHUR KREIGER: The new plans have not gone to the Planning Board, that's correct.

CONSTANTINE ALEXANDER: Understood. I know the end of the summer problems with getting Planning Board meetings. Are these -- in your judgment, are these plans responsive to the comments of the Planning Board?

ATTORNEY ARTHUR KREIGER: Absolutely. I think they meet their concerns entirely.

CONSTANTINE ALEXANDER: So there's nothing in here that's different than what the Planning Board wanted you to do?

ATTORNEY ARTHUR KREIGER: Correct. And I'll walk you through that. And you have the Planning Board letter I know in the file, and I assume you've seen the Planning Board letter.



ANDREA HICKEY: Could I have one your handouts there?

ATTORNEY ARTHUR KREIGER: Sure, I was going to distribute them when we got to that point. Hold on a second.

I'm submitting the new plans and the new photo simulations to each member.

ANDREA HICKEY: Thank you.

ATTORNEY ARTHUR KREIGER: Obviously you're prepared to cut to the chase so I did do that. The old photo simulations -- let me just work off the plan because I have that here rather than make you dig through the papers. This is the original plan, sheet Z2. This shows the equipment shelter on the roof in front of the stair tower. And from there the cable tray ran up the side of that stair tower. Those are the two features that the Planning Board didn't like. They thought that this equipment shelter, which was visible from the east side from First Street from

the river, was offensive to the facade of the building. And they thought the cable trees which were visible from the south side were, again, interfered with the aesthetic of that building. The new photo sims, if you turn to page -- so first of all, we provided an additional set of photo simulations so I'll walk through that. The first location is one to four, the same as the original, and we also have number five. So the key one is photo 2A and 2B. That's the view that showed.

CONSTANTINE ALEXANDER: I don't have a numbering that's --

ANDREA HICKEY: Here.

ATTORNEY ARTHUR KREIGER: Bottom left. Bottom left. So as you recall, these are pairs, actual and proposed, from each of the five locations. So 2A is the current actual from this particular location from location 2 and then 2B is proposed.

So 2B shows the four antennas on the top of the

stair tower. Keep going, keep going in your set,  
Mr. Tedesco. On the bottom left it will say 2A and it will  
say 1A and 1B and then 2A --

PATRICK TEDESCO: Mine's got a 12. I'm sorry, I  
see it, yeah, sorry. I see it.

ATTORNEY ARTHUR KREIGER: Go to 2A and 2B. The  
only change from that location which was the view  
essentially the Planning Board was concerned about, you see  
the four antennas up on the stair tower. Before we even  
went to the Planning Board, the planning staff had a concern  
about the spacing of those antennas. They had been grouped  
over to the right and they thought the asymmetry was -- it  
didn't work well at the windows. So in what was, what we  
went to the Planning Board with, they were spread out as you  
see here. And then, you don't see the equipment shelter and  
you don't see the cable tray running up the building. The  
reason is that AT&T, when they went back, was able to locate  
the equipment shelter on the roof in a place that's not

visible from any public way. And then so the equipment shelter you can see it -- you can't see the shelter at all. You can see the cable tray running down from the very top of that roof a few feet to the antennas in photo 2B.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY ARTHUR KREIGER: That's obviously unavoidable if you have to connect to the antennas. They didn't like the old equipment shelter not only because of the view from the street but because it blocked that bottom window in the stair tower as you can see. It wasn't right up against the stair tower, but it was lined up in front of it. So that's gone. That's up on the roof. And the reason AT&T was able to do that was that it's a new type of equipment shelter that's smaller. It's 6.5 feet square, 6',8" inches square. So they were able to go back and find a spot on the roof that they haven't been able to find initially.

But in any case, they were able to meet the

Planning Board's concerns. The other areas, if we can just walk through those. If you turn back to 1A and 1B, we're now getting -- these were not views or perspectives that the Planning Board expressed any concern about. But for completeness, you can see the antennas and of course on each of these B photographs from each location there's a little box pointing to what you can see.

CONSTANTINE ALEXANDER: On 1B, because it's a little bit unclear, I take it that the, the antenna on the left does not break the roof line?

ATTORNEY ARTHUR KREIGER: That's not an antenna on the left on 1B, that's just a cable tray.

CONSTANTINE ALEXANDER: Cable tray. All right.

ATTORNEY ARTHUR KREIGER: Well, it runs up and across the top of the roof and then down.

CONSTANTINE ALEXANDER: Yeah, but it doesn't go above the roof.

ATTORNEY ARTHUR KREIGER: Just by the thickness of

the cable tray I assume. The cable tray is couple inches thick.

DAN BILEZIKIAN: Probably four inches thick.

ATTORNEY ARTHUR KREIGER: But it doesn't stick up like an antenna.

CONSTANTINE ALEXANDER: Right.

ATTORNEY ARTHUR KREIGER: And so from the ground that's what you would see on either side of that, that roof tower.

So the other facade, the alpha antennas are over on the right-hand side in the background there to the right of the stack. The smokestack. 2A and 2B is what we walked through a moment ago, and the only things you can see are the four antennas with the cable tray running up to the rooftop.

BRENDAN SULLIVAN: What is behind -- I'm referring to 2B, what is behind those antenna for building?

ATTORNEY ARTHUR KREIGER: On the wall?

BRENDAN SULLIVAN: Well, yeah, on the interior, is that a stairwell?

ATTORNEY ARTHUR KREIGER: That's a stair tower I believe.

DAN BILEZIKIAN: Beta?

ATTORNEY ARTHUR KREIGER: Yes.

DAN BILEZIKIAN: Yes.

ATTORNEY ARTHUR KREIGER: Yeah, that's -- the tallest element is a stair tower and I assume it's taller than the rest of the roof because it must have an exit out onto the roof. I don't know that.

DAN BILEZIKIAN: It does.

ATTORNEY ARTHUR KREIGER: It does, Dan?

DAN BILEZIKIAN: Yes.

BRENDAN SULLIVAN: I'm thinking in a perfect world that, you know, we ought to have -- well, anyhow it doesn't matter. Coming in from the inside so that we don't have that, you know, electrical line going up or something like

that. But getting kind of fussy on that now. Okay.

ATTORNEY ARTHUR KREIGER: Well, we have permission from the landlord to do what you see.

BRENDAN SULLIVAN: He doesn't want you to penetrate the wall obviously.

ATTORNEY ARTHUR KREIGER: I can't imagine he would want that.

BRENDAN SULLIVAN: Yeah, because then you have to penetrate the roof, too, to get up to the equipment.

ATTORNEY ARTHUR KREIGER: You'd have to penetrate the wall twice, one into the stairwell and one on the other side.

BRENDAN SULLIVAN: Yeah.

ATTORNEY ARTHUR KREIGER: 3A and 3B, and again you can, this is looking from essentially from the top of the canal. And, again, the locations were given back on page 2 of 12, the second photograph. And looking at the top of the canal you can see the gamma antennas, you can see the



equipment sort of behind the existing tower, at the existing pole there.

4A and 4B are at -- they're from Kendall Street. So from the northwest really from the west of the facility you can see the set of antennas from the facade.

And then 5 is the new set you didn't have with the application, essentially from the middle of the canal across it. And you can see a couple of different aspects of it although one of them is boxes says "Not visible." So the new roof mounted equipment that we were able to tuck out of sight on the roof is back there, but it's not visible in this photograph.

So that's it. The Planning Board's two concerns. They have the one-page letter said it was the equipment shelter on the roof, it was the cable tray running all the way up next to the windows. We got rid of both of those except for the cable tray that you see here. And so I believe we have fully responded to the Planning Board's and

staff's concerns.

CONSTANTINE ALEXANDER: Interestingly enough the Planning Board letter is not as specific as you suggest that it is. It's very general.

ATTORNEY ARTHUR KREIGER: I read it just a few minutes ago.

CONSTANTINE ALEXANDER: July 26th.

ATTORNEY ARTHUR KREIGER: Yeah. It talks about the, I think --

CONSTANTINE ALEXANDER: Well, the very bottom, their conclusion talks about -- I'll read it into the file, don't worry.

ATTORNEY ARTHUR KREIGER: Okay. I don't -- I thought I was characterizing it accurately on those two aspects.

In any event, I can walk through the plans but that's really all the other criteria amidst the usual facility in terms of the traffic, pollution, noise,

etcetera. You've got all the supporting exhibits. So I don't want to belabor it unless you have questions.

CONSTANTINE ALEXANDER: Questions from members of the Board?

JANET GREEN: I don't have any.

CONSTANTINE ALEXANDER: I have none myself.

ANDREA HICKEY: Nothing, no.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are, as we've talked already, in receipt of a letter from the -- a memo from the Planning Board dated July 26th. So these were commenting on a -- not the plans before us tonight but a prior version. And so I'm not going to read the whole -- it's not that it's that long, it's not that

altogether relevant to what we have to consider tonight given the fact that commenting on a different set of plans. But the -- I'll summarize. The Planning Board was concerned about the impact of the installation, what is being proposed, on a historically significant and iconic building which is highly visible from Broad Canal, First Street, and Land Boulevard. And then they make some comments on an earlier version of what you're doing which you've corrected as you've pointed out. Corrected or you changed is a better word.

And the memo concludes that the Planning Board strongly recommends that a redesign of the installation be undertaken to improve its visual appearance and to address how the antennas can better complement the architecture of the building or that an alternative site for the installation should be considered. That's not before us tonight obviously.

So that's the only comment we have and you've, as

you've explained in full detail, sought to address the Planning Board's comments.

ATTORNEY ARTHUR KREIGER: Mr. Chairman, the whole letter is it in the record?

CONSTANTINE ALEXANDER: You want me to read it into the record?

ATTORNEY ARTHUR KREIGER: No. But the letter itself is part of the record, right?

CONSTANTINE ALEXANDER: Yeah, it's part of the record. I will say that although I did not read it, you should consider the letter in its entirety as part of the record.

ATTORNEY ARTHUR KREIGER: So we're adding to the record tonight the plans that we had submitted the other day and distributed now, a set of --

CONSTANTINE ALEXANDER: For tonight we're going to take a vote, it's going to be that you will, if we grant you relief, and I'll be more specific, there will be, what

you're going to do will be consistent with the photo simulations. The ones you just reviewed with us.

ATTORNEY ARTHUR KREIGER: Correct.

CONSTANTINE ALEXANDER: And that they -- consistent with the plans that were submitted, the new plans which reflect what's on the photo simulations.

ATTORNEY ARTHUR KREIGER: Correct. And the plans -- let me just identify them specifically.

CONSTANTINE ALEXANDER: The plans that I have and what were in our file are plans -- I'm looking for a date. I don't see a date.

ATTORNEY ARTHUR KREIGER: Well, if you go to Z1, the second sheet, it says 9/11/17 is the top line of the zoning drawings. These are plans dated 9/11/17.

CONSTANTINE ALEXANDER: I don't see the date, but I'll take your word for it.

ATTORNEY ARTHUR KREIGER: Right above the stamp on the right-hand side there, there's a box with zoning drawing

and dates.

CONSTANTINE ALEXANDER: I don't see a date on here.

ANDREA HICKEY: I see a lot of dates.

ATTORNEY ARTHUR KREIGER: There's a lot of dates, exactly.

CONSTANTINE ALEXANDER: These are the plans that you submitted?

ATTORNEY ARTHUR KREIGER: They're in order, yes. 9/11/17 is the latest revision.

JANET GREEN: The latest revision is --

CONSTANTINE ALEXANDER: 9/11.

JANET GREEN: October 9th? Oh, no. September 11th. Okay, got it. And then the tenth one not the tenth month.

ATTORNEY ARTHUR KREIGER: Correct.

And then the photo sims are not dated, but it's the set of 12 to distinguish them from the original set

which was only ten because it didn't have one of these locations. So I just wanted to describe what I was submitting for the record.

CONSTANTINE ALEXANDER: Well, let me just show you, these are the plans that we would tie our relief to. And these are the photo simulations. Do you have any problems with those?

ATTORNEY ARTHUR KREIGER: The ones we just distributed. Yeah, no, that's right.

CONSTANTINE ALEXANDER: No, you didn't distribute the plans?

ATTORNEY ARTHUR KREIGER: Yes. Correct.

CONSTANTINE ALEXANDER: Okay.

Discussion or we ready for a vote?

JANET GREEN: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we make the following



findings with regard to the relief being sought:

That the requirements of this Ordinance cannot be met without the Special Permit that's being requested.

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

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

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

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

So based on these findings, the Chair moves that

the petitioner be granted the Special Permit it is seeking subject to the following conditions:

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

And these are the ones that we just talked about.

ATTORNEY ARTHUR KREIGER: Okay.

CONSTANTINE ALEXANDER: That upon completion of the work, the physical appearance and visual impact of the proposed work will be consistent with the photo simulations submitted by the petitioner and initialled by the Chair.

ATTORNEY ARTHUR KREIGER: Submitted tonight, correct.

CONSTANTINE ALEXANDER: Okay.

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

Four, that should the petitioner cease to utilize the equipment approved tonight for a continuous period of six months or more, it shall promptly thereafter remove such equipment and restore the building on which it is located to its prior condition and appearance to the extent reasonably practicable.

And that -- next one does not apply.

We have further conditions that we impose on all of our telecom cases which I will read, they're a little bit long, you've heard them before I believe.

ATTORNEY ARTHUR KREIGER: Yes.

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

A, that the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy

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

B, that in the event at any time federal authorities notify the petitioner that its equipment on the site, included to but not limited to the Special Permit granted tonight, fails to comply with requirements of law or governmental regulation, whether with regard to the admissions of electromagnetic energy waves or otherwise, the petitioner, within ten business days of receipt of such notification of such failure, shall file with the Inspectional Services Department a report exposing in reasonable detail that such failure has occurred and the basis for such claimed failure. The Special Permit granted

tonight shall ipso facto terminate if any of the petitioner's federal licenses are suspended, revoked, or terminated.

C, that to the extent a Special Permit has terminated pursuant to the foregoing paragraphs A and B, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraphs A or B above. Any such new application shall not be deemed a repetitive petition, and therefore will not be subject to the two-year period during which repetitive petitions shall not be filed.

And D, that within ten business days after receipt of a Building Permit for the installation of the equipment subject to this petition, the petitioner file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the

petitioner with a geographical area that includes Cambridge stating that A, he or she has such responsibility, and B, that the equipment being installed pursuant to the Special Permit we are granting tonight will comply with all federal safety rules and will be situated and maintained in locations with appropriate barricades and other protections. Such individuals, including nearby residents and occupants of nearby structures, will be sufficiently protected from excessive radio frequency radiation under federal law.

So on the basis of these findings the Chair moves that we grant the Special -- I've already said that -- Special Permit subject to the conditions that I've just enumerated.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

ATTORNEY ARTHUR KREIGER: Thank you very much.

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

\* \* \* \* \*

(7:35 p.m.)

(Sitting Members Case BZA-014122-2017: Brendan Sullivan,  
Janet Green, Andrea A. Hickey, Patrick Tedesco, Jim  
Monteverde.)

BRENDAN SULLIVAN: The Board will hear case No.  
014122-2017, 32 Vassar Street.

Please introduce yourself for the record with your  
name and your address.

KELLEY BROWN: My name is Kelley Brown. I'm a  
senior campus planner for MIT, 77 Mass. Ave.

BRENDAN SULLIVAN: Okay.

KELLEY BROWN: I got a --

JANET GREEN: You have to just move it over closer  
and it -- perfect.

KELLEY BROWN: I put together my own little package.

So we come to you tonight specifically to obtain a Special Permit for our parking garage because we wish to have a valet service, we call it attendant assist service in the Stata garage that is at 32 Vassar Street. And the Zoning Ordinance prohibits blocking in any vehicle in your layout of your parking lot or parking garage, and -- but does allow in 6.43.5a to allow for such valet parking with -- under the conditions of the Special Permit. So we are doing this because we're taking out a lot of parking over the next few months. We've already taken out about 100 spaces because we're building a -- actually exhibit B here in your package is probably the best. It's actually sort of towards the back, it's the map. So what you see actually it's, yeah, 152 spaces that are being taken out for the construction of the central utility plant, including some lay down space. And then we're also going to demolish the



west garage on -- also on Vassar Street west of Mass. Ave. which is 372 parking spaces. So altogether it's 524 spaces. And we are not gonna get any new spaces back until the Kendall Garage, which is currently under construction, the academic side of MIT will get 500 spaces in that garage which is gonna be a net loss, but it will be more than we have today.

BRENDAN SULLIVAN: What do the 384 people do when they lose those spaces?

KELLEY BROWN: Well, that's actually exactly what we're here to talk about. They're gonna have this valet parking system that will provide what they need sort of campus-wide. We looked into other alternatives, but we decided that this is probably the easiest and cheapest and most convenient.

JANET GREEN: This is temporary?

KELLEY BROWN: I think it will be. I mean, I cannot -- we haven't really made a determination that it

will be, but because it costs money and we are building a garage alternatively at great expense, I expect that we will stop the service, yeah.

JANET GREEN: So net, how many parking spaces are lost?

KELLEY BROWN: Well, if you include --

JANET GREEN: (Inaudible).

KELLEY BROWN: Yeah, I know it's confusing. If you take away the 524, but in my discussions with the city officials, they want, they suggest that these 136 spaces kind of count as parking spaces. So, okay, we end up with 388 net loss, you know, in this current round. In the future as I say, we'll get back, we'll get back those spaces.

BRENDAN SULLIVAN: That's my question, so what do those 388 do now when they lose their spaces that you're adding -- you're taking away, you're adding to this garage and then --

KELLEY BROWN: Right. We're doing a couple of things. No. 1, we're running our garages at higher occupancy. The existing facilities, we're taking storage out of some of the garages and to use them for parking instead of storage. We're using garages that really hadn't been used very effectively at all previously.

BRENDAN SULLIVAN: Something.

KELLEY BROWN: And that's really the nature of it. It's better use of existing resources. But one of the -- one of the difficulties is the location of this parking that we're losing in the west garage and in the north of campus is very proximate to the central campus and where most people want to be. When we distribute them, they're not gonna be very happy if we send them a mile away to park. So we decided that it was worth the money and it made sense to run this attendant assist service in order to kind of concentrate people exactly where they'd like to be.

BRENDAN SULLIVAN: I notice in your presentation

you said that the Stata -- is that correct?

KELLEY BROWN: Stata.

BRENDAN SULLIVAN: Stata. -- garage has sort of a peak/off peak which is different than the surrounding areas. And so just touch on that very briefly as to who uses it and why we all don't, they all don't rush in at eight o'clock in the morning I guess.

KELLEY BROWN: Right.

JANET GREEN: They leave at six.

KELLEY BROWN: Well, some do and some don't.

And so if you look at C, exhibit C, it's actually gone -- the print is a little tricky, but what we're looking at there is entries. Up the top it is kind of the overall count in the garage. So what you see is it slowly climbs until about, what is that? About one o'clock. It kind of peaks, peaks out. And what you see there below is the entries in the morning and then the exits in the evening. And I don't actually have, I don't have the comparison to

most commercial garages, but in all our traffic work, what we find is our peak hours are much lower than the typical commercial operator I think because some people come in, you know, professor X comes in to teach his class at ten. He is not there at eight o'clock in the morning. And students -- well, students are not really relevant here. But even the staff have pretty staggered hours. So that --

BRENDAN SULLIVAN: Okay, so your presentation basically says that it will not conflict with other comings and goings in the surrounding area?

KELLEY BROWN: Right. There's about 12,000 cars average daily traffic.

BRENDAN SULLIVAN: Yeah, to the best of your --

KELLEY BROWN: 636 spaces.

BRENDAN SULLIVAN: Yeah.

KELLEY BROWN: I was -- I do contain some reference to comparison to the Kendall traffic study which is adding 1100 spaces and several thousand trips and finds

that even with that, the nearest intersection continues to operate at exactly the same level of service. So this is de minimus in relation to that.

BRENDAN SULLIVAN: Okay. Anything else to add?

KELLEY BROWN: No.

BRENDAN SULLIVAN: Any questions?

JIM MONTEVERDE: Just one.

On the parking spaces that you lose in total, in sum total, are any of those spaces that you lose either handicapped spaces or electric vehicle or otherwise preferred location vehicles?

KELLEY BROWN: Sure. Every parking lot has -- certainly has handicapped spaces. And I cannot say for certain that we had electric vehicle spaces in the west garage. We may have, I'm not sure. So it's possible we've lost a couple of those.

JIM MONTEVERDE: Do you think you will lose any of those, or handicap spaces, did you lose any of those?

KELLEY BROWN: Well, you, you have handicapped spaces when you have the parking, right? So when the parking goes away, you don't have the handicapped spaces either. The handicapped spaces are available wherever there is parking, you know, constructed and operated.

JIM MONTEVERDE: I guess what I'm asking is in the -- when you add the additional assisted valet, are there a percentage of those that will be either handicapped or electric vehicle?

KELLEY BROWN: Well, the Stata garage has, I can't quote you exactly how many, I know that they have several electrical vehicles stations.

JIM MONTEVERDE: No, I see those.

KELLEY BROWN: Yeah. And oh, yeah, they're marked on the plan, aren't they? So as well as you'll see on the plan the handicapped spaces available. What we find is that typically most handicapped spaces are under subscribed. So we find that we can accommodate pretty much everyone who

needs, needs that. And if there is special conditions, which, you know, because we're making a lot of changes and moving people's parking assignments around, there is some people who come to us and say hey, you know, I have this special need and we accommodate that special need.

JIM MONTEVERDE: Thanks.

BRENDAN SULLIVAN: Patrick, any questions?

PATRICK TEDESCO: No.

BRENDAN SULLIVAN: Andrea?

ANDREA HICKEY: I have a couple of questions.

So of the 524 spaces there now, are they assigned to someone specific? How is that parking utilized now by either the faculty, staff, is it open parking where you have a pass and you come in? Is it assigned parking?

KELLEY BROWN: Right. It's -- you're sort of assigned by region to create a certain amount of flexibility. So two or three parking lots or garages may be clumped together as the north or the west, and you have a



pass on your car that says you're eligible to park in one of those areas, and then you use your identification card to swipe in and go into the lot.

ANDREA HICKEY: So what's the utilization rate just in general?

KELLEY BROWN: Sure.

ANDREA HICKEY: Can you speak to that of the spaces as they exist now?

KELLEY BROWN: Yeah. We've been running 83 percent, 85 percent campus-wide, some places a little higher and some a little lower. And we're gonna be moving that up to about 90 percent, which is a little high by commercial standards, but we think it's sustainable.

ANDREA HICKEY: Yeah, I mean I for one I'm really concerned about the impact on the neighborhood of the loss of so many spaces, and impatient people waiting for a valet to come and park their cars, circling the block trying to find a place to park. It concerns me --

KELLEY BROWN: Sure.

ANDREA HICKEY: -- the number of spaces that are being lost. It's significant. And I think that the impact on the neighborhood could be significant. Could you speak to that a little?

KELLEY BROWN: Sure. Well, I would -- I think I can say with some assurance that well before anybody saw someone circling the block in the neighborhood, we would have heard a lot about it from internal complaints. So we can't, we can't have a situation like that either. And I think what we're, what we're anticipating is that the number of folks that are assigned to the area can be well accommodated by this, this additional service.

ANDREA HICKEY: Do you use this type of service anywhere else on campus, this assisted parking?

KELLEY BROWN: Yeah. We've used it in one of the commercial facilities at One Broadway. And they used it as part of a construction period. They lost a substantial

section of their garage from construction.

ANDREA HICKEY: But not as a permanent solution to the loss of a --

KELLEY BROWN: No, that was a construction period effort. And we have not used it before previously on campus. It's pretty standard practice, though, with commercial operators, people who are running the service for us as people are, are run a similar service all over the place.

ANDREA HICKEY: Would the valets be outsourced or will they be employees of MIT?

KELLEY BROWN: No. They will be -- all the parking employees are already outsourced as you say to SP Plus. That's a contract that's been in place for decades.

ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: Janet, any questions?

JANET GREEN: I do. I'm concerned with the question that Patrick raised that there doesn't seem to be a

specific plan for the handicap spaces or for people with handicaps coming to the garages. And I feel that this plan doesn't seem to address that. And the fact that you feel that they will find a space, I'm very happy about that, but where? And how? And how many do you have now? And what will you have later isn't included in this plan?

KELLEY BROWN: Well, the garage, it is, you know, additional -- there's already 600 and 60 some spaces in the garage, I'm not sure, I didn't count. And maybe we can look here if you'd like how many total handicapped spaces there are. I don't know. I would have to actually look. I'm not, I would have to actually study it to know what the exact occupancy of the spaces is and are they full? You know, do they fill on a daily or any time during the year? My understanding is that they do not, and anyone who had difficulty finding a space, we would definitely accommodate elsewhere and as close to their facility as we could. We do that on a regular basis with people who, you know, are

temporarily disabled and need spaces right next to their facility. It's quite possible that Stata is not an appropriate place for that person. So we do a pretty good job with every individual.

JANET GREEN: I understand what you're saying about you feel that this will happen, but I would think that this proposal would include specifically a section on how you'll deal with handicapped parking, and I feel that it's inadequate as it stands because it does not have that.

KELLEY BROWN: Well, I guess, I guess I'm thinking about the exact service that's available, anyone who actually needs the -- uses the valet service -- I mean, the way that it works is that you just -- you are, if the garage was full and let's say you needed a handicap space and every single handicap space out of the, you know, 600 total spaces there was not available, you'd still be able to just pull up and park your car in the aisle just as the -- as is demonstrated in the floor plans there, and anyone

handicapped or not would do that and just give their keys to someone to do it. And then they would be able to leave at the end of the day the exact same way. So there really would be no obstacle to a handicap person. They wouldn't need that handicap spot in effect because they just be handing their keys to the valet.

PATRICK TEDESCO: Janet, if I could, the Mass. Access Board requires a certain percentage of any structure or surface lot to be handicapped. I forget, Jim, if it's five percent.

JIM MONTEVERDE: That's what I --

KELLEY BROWN: Yeah, I'm sorry. Yeah, I was trying to remember myself what we have.

PATRICK TEDESCO: So if you're reducing at the end of the day your total inventory of structure and surface parking, then you may well be reducing the number of accessible spaces accordingly. But any new parking, certainly the 500-car garage that MITIMCo's building would

absolutely have to have the bare minimum. And as far as the parking assist, in my experience I don't think valet parking attendants are allowed to block accessible spaces, at least I don't believe they should or do. Because a person in a special vehicle that needs the space to get in and out has to be able to access. Obviously if they did block an ADA space, the valet would be there to move the car.

KELLEY BROWN: Right.

PATRICK TEDESCO: But typically at least in the valet experiences I've had downtown, the accessible spaces at the end of the aisles or near the elevators should be left clear by valet. Now you may have an excess capacity of accessible spaces, I don't know, I'm not sure why you necessarily would unless there were special needs requested for some facilities, but whatever you build new will certainly have the bare minimum required by access --

JANET GREEN: You feel, Patrick, that the, the valet or assisted parking satisfies the needs of person with

a handicap?

PATRICK TEDESCO: I don't think the access board governs accessibility --

JIM MONTEVERDE: No.

PATRICK TEDESCO: -- for valet parking.

JIM MONTEVERDE: Yeah. Just looking at the configuration, I would assume if a an assisted vehicle -- or a person who is parked by valet assist is blocking an accessible space, the valet assist has the keys for that vehicle. They can move it. So someone can get in and out of that accessible spot. And I think just by doing the quick arithmetic, which was kind of what I was searching for before in my question, if in fact if you're deleting 687 spaces and assuming that five percent of those currently are accessible, that's like 30 spaces. And if what you're putting back is 136 spaces, five percent of those should be accessible which is five. I think as long as you can satisfy us that those numbers are complied with, that's



really the answer to the question, is that yes, you will meet the minimum code requirement for, once you redo the arithmetic of the total number of parking spaces in the garage, self-park plus assist, that you're compliant for handicapped accessible. And I think the handicapped accessible also has to be placed in a certain location. If you notice your plan, they're all clustered around the elevator. So you may have to reconfigure one or two slots to make sure that they're not only accessible but close to your elevator. The fact that they may be undersubscribed is kind of a moot point. It's just regulation says you have to have it. So I think by the arithmetic it suggests they'll actually have it. So I really don't think it's really going to be an issue as long as you're aware of it.

KELLEY BROWN: Okay.

JANET GREEN: Thank you.

BRENDAN SULLIVAN: Anything else?

JANET GREEN: I'm good.

JIM MONTEVERDE: I'm good.

BRENDAN SULLIVAN: Jim? No.

Let me open it to public comment. Is there anyone here who would like to speak on the matter at 32 Vassar Street?

Yes, come forward, give your name and your address for the record.

STEVE FINBERG: I'm Steve Finberg, F-I-N-B-E-R-G, and I'm at Post Office Box 82, 397082, Cambridge. I'm concerned with the effects of losing this many spaces at west campus and events held on Briggs field open to the public. Often the only parking for those is in the west garage, and removing 500 paces is going to leave a big hole for where the athletes and things like children's marathon -- or children's triathlon rather, will be able to park on the day of their event.

BRENDAN SULLIVAN: Okay.

STEVE FINBERG: And I'm somewhat curious if the

Stata garage is going to be open to them? In the past  
Stata's only been open to MIT card person.

Thank you.

BRENDAN SULLIVAN: Thank you.

Is there anybody else who would like to comment?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

There is no correspondence in the file other than  
from representative.

Let me close public comment.

Did you want to respond to the gentleman's query?

KELLEY BROWN: Sure, Mr. Chairman.

We're around, you know, events people that campus  
particularly, the athletics folks, we've been working with  
closely for this interim period. We are going to be making  
more extensive use of the Albany garage than we have before,  
which is sort of around the corner, around the block, just  
in the next street from Stata. And it will, it will not be

as convenient as the west garage was for them, that's right next to the student center and the athletic facility, but we feel that we can more than accommodate their needs. Their needs are generally on nights and weekends, and so we have several surface lots available on the west side of Vassar Street to provide service for those folks. We're also going to be making greater use of the east campus garage at Sloan for events that take place at the media lab or at Sloan itself or at Walker Memorial. So we, we think, we think we'll be able to handle all of the traffic that we get for special events that way.

BRENDAN SULLIVAN: Okay.

STEVE FINBERG: I have very mixed emotions holding another event in the Albany garage which is every year for the last three conflicted with the particular children's triathlon, where they park in the west garage and we use the Albany garage for our event.

BRENDAN SULLIVAN: Okay. Well, this conflicts

right? Okay.

JANET GREEN: I would just say that was this in your proposal, this information about how you plan to handle MIT's sports events, attendees, and that sort of thing?

KELLEY BROWN: Well, no, no, it was not. The Stata garage will not and this service will not be available for those events in any -- regardless. So it really wasn't part of our service plan for. There was a feeling that the security situation was, wouldn't permit us to use that facility.

BRENDAN SULLIVAN: All right. I'm going to close public comment part of it. And you're through with your presentation? You can stay there. You can stay there and hear the slings and arrows if you will.

My take on this is that this is a temporary solution and this is an initial salvo of the power plant. And my understanding is the power plant is going to disrupt obviously the garage, the taking of it, and as such, that

has to be dispersed somewhere. Stata garage Stata is going to absorb some of that, and other vehicles, others will be dispersed and throughout all of your events you're going to be sensitive to No. 1, the needs of people who need accessible spots. And as far as the other events, that you will absorb that somewhere, somehow to the best of your ability. And, again, I'm correct that this is a temporary process that you have to go through because of the power plant, which we were aware of and we approved basically. So there is going to be some disruption of it.

ANDREA HICKEY: Right. But as I understand the application, it's not seeking a temporary solution. It's permanent should we vote in favor and should they choose to utilize it on a permanent basis.

BRENDAN SULLIVAN: Yeah, I mean it, what is temporary what is permanent, permanent is forever. Temporary may be that once the, again, you can jump in here if I'm not correct, is that once the power plant is up and

operating and everything sort of settles, I'm not sure if anything is ever going to settle in the Kendall Square area because it's constantly moving, constantly evolving, that maybe this procedure, this operation tends to work and that you do keep it. So you may be correct, that what we are approving may be temporary or not. And I read it as it's temporary, and if they really feel long term, then it tends to work, I don't have a problem with continuing it.

ANDREA HICKEY: Do I understand correctly that at the end of the day after all construction is done, that the net loss, 366 parking spaces; is that correct? 388, I'm sorry, is that what you said?

KELLEY BROWN: That's right. These are not the only sort of moving pieces on the campus, right? There's going to be, there's other parking lots, other things that are gonna happen. And we're doing a couple of things.

We're putting together a kind of our own long range strategy for exactly as you say, how do we make sure

we have enough parking, but I'm sure you're aware that city policy is to reduce parking as much as possible. And one of the ways that we've sought to do that so that we don't kind of feel that we must replace on a one-for-one basis each space that might be lost to construction or other activity, we have a new program called access MIT where every employee gets a free T pass for a subway and bus and a deeply discounted commuter rail pass as well. And we've switched to a daily parking charge rather than like a yearlong pass, that's how it was always done, in order that everyone who kind of wakes up in the morning and says, how can I best get to MIT today will reflect on those choices and say do I want to pay ten dollars or do I want to go for free? Now, many people cannot --

JANET GREEN: Ten dollars? Where's that?

KELLEY BROWN: That's what we charge on a daily basis. So, yeah, the employees don't see it like you do, but it is ten dollars. But in any event we're reducing the



demand that way. We've already reduced it and the program's been in place for a year, we've reduced demand by five percent. Our academic over lords tell us there will be another five percent reduction if we continue the program this year. So we're looking forward to trying to, you know, reduce the overall number of parking spaces we need.

After the Kendall garage opens, though, and we build on a few more parking lots, we will need to build new parking facility. We're still trying to figure out exactly how much. We'd like to push that as far into the future as we can. We think there's a lot of changes in the way that people commute, autonomous vehicles, ride sharing, I mean a lot of things are changing that may affect parking very deeply. And it's an extremely expensive endeavor. MIT would unlikely to build any above ground facility again. So these underground facilities are, you know, 125 to 175,000 dollars a space, and that's not money that we prefer to spend if, you know, compared to other things. So that's

kind of a long range plan.

ANDREA HICKEY: Yeah, I just remain concerned with the neighborhood and there not being adequate parking at the end of the day. I don't suggest that it has to be one-for-one, but the numbers you're asking for really concern me.

KELLEY BROWN: Should I respond?

ANDREA HICKEY: You can if you like.

KELLEY BROWN: Oh, okay. I mean, I think first of all, people -- the, when you think about where the residential neighbors are, they're at quite some distance. And I don't think very many people would care to park in those areas. And there's really very little alternative parking on a commercial basis available. Nothing's, nothing's going to be less expensive than this that's for sure. And if we genuinely don't have enough parking where people want to drive to campus, they pay their money, and they don't have space, that's gonna be an catastrophe

internally. As I say, long before it affects neighbors. We will have to correct that. So balancing this supply and demand is of utmost concern to us so that we don't have that problem, and it will avoid damaging the neighborhood in any way as well.

BRENDAN SULLIVAN: Janet, anything else to add?

JANET GREEN: No, I'm still uncomfortable with it. I understand you've got a lot of moving parts, but I feel like you've come to us and a lot of them are so moving that it's a little hard to figure out exactly where it is. I appreciate the fact that you're thinking that this will be temporary, but maybe it will be permanent. It turns out it isn't temporary. It doesn't have an end date that you're looking forward to. It doesn't have, it doesn't have a lot of concrete information. I mean 365 is a lot of spaces. And I'm all for the city reducing the emphasis on driving. I mean, I think all of us care about that. And I think five percent reduction this year and maybe five percent next year

is really good, but those people who are impacted by that are often going to look for places outside the norm and that's what pushes them into the neighborhoods I think. I just am concerned that I don't feel like I have a good handle that this is thought through. I think it's variable depending on MIT's needs, more than its variable depending on the needs of the neighborhood.

KELLEY BROWN: I'm sorry.

BRENDAN SULLIVAN: Are you -- how to phrase this. Are you comfortable to vote on it or do you need not to vote on it and step back and reflect on the Board?

JANET GREEN: I think what I would do is listen to what others say on the Board. I mean, I took Patrick and Jim's comments about handicapped parking seriously and that impacted my thinking about that.

BRENDAN SULLIVAN: Andrea, I ask you the same question, too?

ANDREA HICKEY: If I were forced to vote on what's

in front of me, I can't support it. Just the sheer number is troubling to me, and to say that that won't impact the neighborhoods and the community in a negative way, I think is just, I can't agree with that with a straight face. So if I had to vote on this, I would not support it.

BRENDAN SULLIVAN: And --

ANDREA HICKEY: The number of spaces lost --

BRENDAN SULLIVAN: And what would --

ANDREA HICKEY: The number of spaces lost is what is most troubling to me. I'm confident that MIT could handle issues regarding handicap parking, accessible parking. They have a good history with that. I'm comfortable that they would do the right thing and that there are other sort of city boards that would make sure that happens. My issue is the sheer number of spaces is a big number and I can't --

BRENDAN SULLIVAN: So you would need more information as to where those 388 go?

ANDREA HICKEY: Yes.

And I would want to know whether this valet tandem system is proposed as temporary or permanent.

JIM MONTEVERDE: I reread it for the third time and I don't see the word temporary anywhere here. As I read the description, it seems to be what I'm reading is it's just asking for the -- for us to allow them to change. It doesn't say temporarily. And it says that the reason for it is because you're removing 524 as they build a central plant, period. Meaning they're not coming back. And whether they're accommodated elsewhere, that's the part, you know, to your question, I don't know. I don't see anything in here that says those, the intent is for those assisted spaces to go away.

KELLEY BROWN: I mean we, I think we only said that because we hadn't really thought that this would be, you know, a big concern, but I think that it would be perfectly fine and certainly within the Board's, you know,

purview to restrict the time that you'd want to allow for this. I think from our point of view having this available until like the end of 2020, which is when the Kendall garage is supposed to open sometime in 2020. It's under construction now. I don't think that would be a big -- I don't think that would be a problem for us if you think it's important to terminate it. I think, you know, what I'm anticipating frankly is do we find that we don't use it very much and that there will be a lot of eagerness to get rid of the service because it's expensive, as soon as possible. But regardless, the alternative, just so you understand it, those spaces def -- they're going, right? It isn't like that's gonna change whether you approve this or not.

ANDREA HICKEY: They're going in those locations, but perhaps you need to look harder to find replacements at a number that is reasonable.

KELLEY BROWN: Right. Well, those won't happen now. What would happen is the alternative for us would be,

we would lease spaces in Tech Square and some of the other commercial garages which would be more expensive and less convenient because we wouldn't have another alternative.

BRENDAN SULLIVAN: So the bottom line is those 500 spaces are going away and that what is before us is an attempt to absorb a hundred and, whatever it is, of those spaces?

KELLEY BROWN: That's right, Mr. Chairman.

JANET GREEN: And it's not our decision about whether those go away or not? They're just -- they've decided they're going away and they're here to get our approval for --

BRENDAN SULLIVAN: Absorbing them into this location.

JANET GREEN: -- how to absorb 136 of them. So it's this plan that we're looking at. For those 136 --

BRENDAN SULLIVAN: Correct.

JANET GREEN: -- we're not commenting on what



they're losing?

BRENDAN SULLIVAN: I --

PATRICK TEDESCO: As I understand it, the relief that's required --

BRENDAN SULLIVAN: That's hanging out there.

However, what is before us is to absorb 138 of those in this garage.

ANDREA HICKEY: But in a different style of space. Tandem being allowed, not dedicated space.

BRENDAN SULLIVAN: Right.

And, again, just, you know, I mean you all know this, but anyhow, Section 6.43.5 allows the BZA to grant a Special Permit to modify the layout provisions of 6.43.2 where there is a valet parking arrangement for an off-street parking facility. So if we do have it in our purview to grant and the framers of this basically of allowing us, our discretion to grant the Special Permit.

ANDREA HICKEY: Right, as long as we don't find

that there would be negative impact, congestion, hazard,  
and --

BRENDAN SULLIVAN: As to the requirements of the  
Special Permit, correct, yeah.

ANDREA HICKEY: Right. And valet parking to me  
where you're waiting for someone and cars backed up. It's  
problematic to me.

BRENDAN SULLIVAN: But I mean, and again, I'm not  
trying to -- just being the devil's advocate here a little  
bit. If we were not to approve this, then we have 500 some  
odd spaces that have to accommodate -- this is asking us to  
accommodate 138 of them.

ANDREA HICKEY: In valet style.

BRENDAN SULLIVAN: In valet style is really what  
this is before us. It was a larger picture, this is a first  
step of that larger picture. But those 500 something are  
going away.

ANDREA HICKEY: I understand that. I just think

that there maybe should be more thought to what to do in the interim.

BRENDAN SULLIVAN: Yep.

PATRICK TEDESCO: Could I just make two comments.

And I'm pleased to hear that the valet if it's approved or if it goes forward, will be managed by professional company. Because that's key. And anyone who has used valet spaces in most garages downtown, knows that's a key to the success. And actually I think in well run valet facilities, you're in and out much faster. It's easier to drop your car off and leave your keys than to circle around and look for remaining spaces so there tends to not be a backup.

And if the garage is well laid out, I've never been in the Stata Center garage, but I'm hoping it's more rational than the building that sits above it. It seems to be in the plan. So if that's the case, than valet can actually get people in and out.

If you're saying your alternative is to lease

spaces in commercial garages in Kendall Square, then it seems to me it's taking MIT's parking problem, dispersing it even further around the city which only adds to the traffic. So keeping, even though there's a loss of parking, and I share your concern about what that means, but keeping the inventory and the demand close to the core of the campus, is better than sending them down to Broadway and Binney Street and Cambridge Street and wherever else, to find parking in Kendall. So that's why I'm, I am worried about the loss of cars, but the loss of spaces, but the loss of cars driving into Cambridge is a good thing as is the reduction of surface lots, which you're doing, all in the service of a new efficient power plant that we saw a few months ago. So collectively the reason for this -- if it were just to build say another academic building where the parking was going to go away, you didn't want to spend the money to put it underground, I'd have a concern about it. But if this is a temporary condition that ultimately gets absorbed with the

Kendall Square garage, then I don't have an issue with either the valet service or the near term interim loss of supply I guess.

ANDREA HICKEY: What about valet service indefinitely?

PATRICK TEDESCO: Well, that to me addresses the concerns that many of us share about fewer parking spaces. If they said well, if we get the valet, we're not going to build the garage. Then I would be concerned with that. Because I don't think valet is a perfect solution.

ANDREA HICKEY: I don't either.

PATRICK TEDESCO: But if it helps take the edge off of people looking for parking and it gets people in and out of garages quicker, I'm okay with it. If it encourages more people to drive into Cambridge and not use the free parking -- or the T pass, that's a bigger question. That's a planning question about your overall supply and demand. I can't, can't really answer that.

JANET GREEN: Don't you think if MIT, though, your concern was that MIT would then rent the space and take up other garage spaces, don't you think these cars, these 360 cars are going to be going around looking for every public space that's available in Kendall Square?

ANDREA HICKEY: That's exactly my concern.

JANET GREEN: Yeah. They're going to go somewhere.

PATRICK TEDESCO: Well, if I assume you have more parking spaces than you have spaces available?

KELLEY BROWN: That's correct.

PATRICK TEDESCO: So it's already -- BU is like that, I'm sure Harvard is like that. If people can't find parking, they're going to take the T, they're going to find other means.

ANDREA HICKEY: Or park in the neighborhoods and walk back and then risk getting a ticket, and once out of every five times you're going to get one. You're not going

to get towed and that's the game that parkers play.

PATRICK TEDESCO: Yeah, I don't know. Parking in East -- you know, I worked -- I have a resident sticker and at least near Harvard Square, you, you got a ticket every day if you parked without a resident pass. I don't know about East Cambridge. So anyway, I don't know enough about the overall supply and demand to know what the loss means, but as an interim measure, I can certainly support it. And I think valet parking is a creative means to help.

JANET GREEN: I have no problem with valet parking. I have no problem with it. Lots of buildings now are going to that as a permanent solution, right, from the get-go. The day they go into service it's valet parking. It's the loss of parking spaces. So....

BRENDAN SULLIVAN: Jim, do you have enough information or would you like more information to vote on this?

JIM MONTEVERDE: I have enough info. But just to

clarify for the other members. Again, as I read this again.

JANET GREEN: Yeah.

JIM MONTEVERDE: You know, we keep saying valet.

It's not valet. Valet to me or just in terms of terminology, valet is I stop at the front gate, I turn over the keys, and they dense pack vehicles, you know, someone who is hired drives that vehicle and I do not take it into the garage. That's not what this is.

This is, and if you look at the diagram and I think read the description, just so that we're all clear, the parking, the attendant assist is you are going to drive your car. They're going to tell you where it goes. They'll take your keys. So that if someone is in the space you've just blocked ed, they'll take it. If you look at the diagram, it's impossible to get any car out of that garage without the attendant moving that vehicle that you just parked in the drive lane. So it's not, it's not valet, it's not really a dense back. It's kind of an in between. As



long as we understand that. Otherwise I got all my questions answered. I have all the info I need.

BRENDAN SULLIVAN: Do you need any more information?

PATRICK TEDESCO: No, I think that's how I understand it, Jim, as well. In those situations the assistant does move the cars, or he'll queue up people and you leave your keys and he parks them for you. So there's a little more efficiency. It's not front door valet, I understand that.

JIM MONTEVERDE: Correct, yeah.

KELLEY BROWN: That's why we called it attendant assist. It's kind of -- it's a little bit different and valet gives kind of a misimpression.

JIM MONTEVERDE: As long as we've agreed that it's a temporary to some date or interim.

BRENDAN SULLIVAN: Shall I make a motion? Shall I make a motion then or --

JANET GREEN: I think what Jim just said that as long as it's agreed that what was that?

JIM MONTEVERDE: It's an interim step. It's a temporary. There's kind of a date certain that it ends. And it goes back, these spaces get replaced elsewhere or accommodated elsewhere --

ANDREA HICKEY: Or you come back and ask us to renew it.

JIM MONTEVERDE: Well, correct. But this is an attendant assist system. You know, sunsets goes away. And if it's 2020 is a date, right? I think that's, although it's not written here that's what we're talking about.

KELLEY BROWN: We would be fine with that.

BRENDAN SULLIVAN: We can, as one of the conditions we can set a date.

ANDREA HICKEY: I would go along with that.

BRENDAN SULLIVAN: Okay. Let me make a motion.

The Board finds that Special Permits will normally

being granted where specific provisions of the Ordinance are met, except where particulars of the location or use are generally through the district or uses permitted in it would cause the granting of such permit to be a detriment to the public interest.

It appears that the requirements of the Ordinance can be met.

The Board finds that Section 6.43.5a allows the BZA to grant a Special Permit to modify the layout provision of Section 6.43.2 where there is a valet parking arrangement for an off-street parking facility.

The Board acknowledges that this will be an attendant-assist arrangement.

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

The parking requirements of the Ordinance are

satisfied through a campus-wide inventory of parking spaces established as per Section 6.22-1a which provides parking according to the minimum standards the Ordinance sets for each building on campus.

The complete parking inventory and a report demonstrating the satisfaction of the parking requirement of the Ordinance are provided annually.

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

The Board finds that the proposed addition of 136 parking spaces at the Stata?

KELLEY BROWN: Stata.

BRENDAN SULLIVAN: Stata. You say Stata, I say Stata.

At the Stata garage will not cause congestion, hazard, or substantial change. MIT is removing 525 parking spaces in the vicinity of the Stata garage through the

demolition of the west garage and the construction of the new central utility plant on existing surface parking lots.

MIT is planning to use an attendant-assisted parking system to recover these 136 spaces.

Traffic impact study for the nearby MIT Kendall project with nearly 1,000 net new parking spaces will absorb most of these lost parking spaces.

The Board finds that the operation or development of adjacent existing commercial and institutional uses in Residence C-3B and Industry B Districts will not be adversely affected by the addition of parked vehicles at this location.

And the Board finds that there be no visible change to the property.

The Board finds that there will not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use or to the citizens of the city.

The Stata garage has operated since 2004 without creating any nuisance or hazard.

And there has not been any evidence of any detriment of the health, safety, and/or welfare to members of the MIT or to the larger Cambridge community.

The addition of 136 parking spaces should not change this successful operation.

The Board finds that the level of entries and exits at that Stata garage is considerably less in its a.m. and p.m. peak hours than the peaks seen at nearby commercial offices and laboratory building.

In addition the peak hour morning entries at the Stata garage is between nine and ten a.m., Later than the eight to nine a.m. peak hours that is typical around the MIT and Kendall Square area.

The Board grants the requested relief on the condition that the Special Permit shall run for a period of -- until -- the magic number?

KELLEY BROWN: December 31, 2020.

BRENDAN SULLIVAN: September 31, 2020.

ANDREA HICKEY: Did you say December?

KELLEY BROWN: December.

BRENDAN SULLIVAN: I'm sorry December. December  
31?

KELLEY BROWN: Yeah, they better finish the garage  
by then. They say they will.

BRENDAN SULLIVAN: December 31, 2020.

Any other conditions?

All those in favor granting the Special Permit?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

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

KELLEY BROWN: Thank you very much.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-013923-2017: Constantine  
Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,  
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case



No. 013923, 43 Essex Street.

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

CHRISTOPHER SHACHOY: Good evening, Mr. Chairman.

CONSTANTINE ALEXANDER: Good evening. Name and address to the stenographer.

CHRISTOPHER SHACHOY: My name is Christopher Shachoy, and I live at 120 Brattle Street, Cambridge, Massachusetts. I have been a builder and developer of residential properties in Cambridge for about 25 years and I'm here --

CONSTANTINE ALEXANDER: Just your name and address.

JANET GREEN: Can you hear? People in the back can you hear?

CHRISTOPHER SHACHOY: I'm sorry, I'm here with Steven Hiserodt of Boyes-Watson Architects.

STEVEN HISERODT: H-I-S-E-R-O-D-T.

CONSTANTINE ALEXANDER: Before we start and get into the merits of the case and I think you know what I'm about to say.

CHRISTOPHER SHACHOY: Yes, sir.

CONSTANTINE ALEXANDER: It seems to me last session or maybe the one before that we had a parking case that raises a lot of the similar issues, not the same issues, right around the corner, 43 -- Essex Place. I forget the number.

CHRISTOPHER SHACHOY: 38 Essex.

CONSTANTINE ALEXANDER: 38, thank you.

CHRISTOPHER SHACHOY: At the intersection of Percy Place.

CONSTANTINE ALEXANDER: And there was a lot of back and forth, there was a lot of neighborhood interest in the case and pros and cons, and the case was continued until October 26th to allow the petitioner and the neighbors to talk more and to see if they can refine their proposal.

What I came to learn at least at that hearing was that parking is a big issue. It's a very tight area. And it's an active issue with the neighborhood.

CHRISTOPHER SHACHOY: Yes, sir.

CONSTANTINE ALEXANDER: It seems to me that it makes most sense for this Board not to hear your case tonight, but to hear it on October 26th on the same night we hear the Essex Place case.

CHRISTOPHER SHACHOY: Okay.

CONSTANTINE ALEXANDER: And in fact that the same five members who are going to sit on Essex Place will sit on your case on that night. And that way we'll get a consistent philosophy and resolution for the neighborhood and not have a situation where we can have, you know, two different results. And I'm going to suggest that to the Board is that we continue this case until that night.

RICHARD COLE: Excuse me, can I ask a question, please?

CONSTANTINE ALEXANDER: Sure. Your name and address, please.

RICHARD COLE: I am here because Mr. Shachoy has seriously --

JANET GREEN: You need to give your name and address, sir.

RICHARD COLE: My name is Richard Cole. I live at 98 and 100 Prospect Street. And this contractor has seriously impacted the liveability --

CONSTANTINE ALEXANDER: Sir, sir, this is not, that's not relevant to tonight. You may have some problems, but it's not in order to hear that tonight.

Thank you for your comment.

RICHARD COLE: You're not gonna hear it tonight?

CONSTANTINE ALEXANDER: Well, I'm not going to hear comments about what Mr. Shachoy did somewhere else that you said impacted the --

RICHARD COLE: I abut the property at 43 Essex

Street and his conduct has been deplorable.

CONSTANTINE ALEXANDER: Okay, sir, all I am suggesting, and I have -- the other members of the Board may not agree with me, is that we should do this on a global basis. We should know what we're going to do on Essex Place, we should know what we're going to do here, we should try to make a coherent philosophy and approach for the neighborhood. That's the reason, that's the only thing I'm suggesting tonight. Rather than hearing one case tonight and reaching one result and then maybe something else when we hear Essex Place on October 26th. That's my only suggestion.

I don't know what other members of the Board feel about this.

PATRICK TEDESCO: I don't think I sat on that case.

CONSTANTINE ALEXANDER: Okay, you think we might have the approach -- do you agree with the approach that we

should try to hear -- we can hear this case tonight if people want. I don't think it's a good idea. But I defer to other members of the Board.

JANET GREEN: Are there any significant differences between this case or differences --

CONSTANTINE ALEXANDER: Well, I haven't studied it carefully. I mean this is a multi -- this property is a -- it's a multiple -- a number of tenants in the building, right? It's an apartment house.

CHRISTOPHER SHACHOY: It actually was a school or a daycare center previously. It's a 7600 square foot GFA building and we're looking to convert to housing within the existing envelope of the building, and we just want to make the parking on-site conform.

CONSTANTINE ALEXANDER: You want relief from the distance to the buildings, that's what the other persons want in their petition. Theirs they're parking in yards, front yards as defined. Here you're not parking in any

yard, but you

are --

STEVEN HISERODT: We are parking in a side yard and rear yard.

CONSTANTINE ALEXANDER: You're parking in a side yard.

STEVEN HISERODT: Yeah.

CONSTANTINE ALEXANDER: So it's a lot of the same issues it seems to me. That's why I think it makes sense not to hear the case tonight but to wait until then. Again, I said it three times, I won't say it anymore. The Board -- what's the Board's --

PATRICK TEDESCO: Again, I didn't sit on that other case so I don't know the specifics of it. But my only comment would be that the abutters were notified, and if people had issue with this case as it sounds like they did with the other case, then presumably they would be here tonight to -- you know, I don't know. To get a lot of

people who are maybe rallied up about one case here against another property owner, may not necessarily be the fairest thing. But that's -- I don't know the nature of the other case so I can't really comment on it.

CONSTANTINE ALEXANDER: Brendan, you were here for the other case.

BRENDAN SULLIVAN: Yeah. I know every case is supposed to be on its own, however, I think that it is really a neighborhood and neighbor-wide issue and I hate then doing this little piecemeal stuff.

CONSTANTINE ALEXANDER: That's my view.

BRENDAN SULLIVAN: And I think your tact is correct. If the petitioner could delay this until next month, I think it would, it may be the better thing to do. Just to get a sense of exactly where we're going with the whole thing.

ANDREA HICKEY: I'd like to leave it up to the petitioner to decide whether they'd like to move forward



tonight or whether you'd be amenable to another date. I agree with Patrick's comment that notice was given. So to hold these petitioners up in a separate case that we really procedurally should be looking at in a vacuum, I'm not sure that that's fair to the petitioners. If they were inclined to agree to continue their case not heard, that's certainly -- is their prerogative. But I don't think we should force them to be heard on another night if they're prepared to proceed tonight and if proper notice has been given.

CONSTANTINE ALEXANDER: Janet, do you have any views?

JANET GREEN: I would agree about having -- I don't know how many of the people who are here tonight are here to -- because of the notice about this case, but there were quite a lot coming before for the other case. It may be that the neighborhood perceives it completely differently.

CONSTANTINE ALEXANDER: By a show of hands, show of hands who's here for this case tonight? You are, sir, I know that. Anyone else? One more. So there are two people here tonight on this case, for this case. That's the information we have.

CHRISTOPHER SHACHOY: Respectfully through the Chair.

CONSTANTINE ALEXANDER: Yes.

CHRISTOPHER SHACHOY: When I heard about this yesterday, I was a little bit concerned because we've obviously been waiting for this date for sometime as you guys know the process better than I do, and we were concerned that, you know, now we're in the middle of September, we're being asked to postpone it for almost another 45 days I think it was out to the end --

CONSTANTINE ALEXANDER: October 26th.

CHRISTOPHER SHACHOY: To the end of October.

CONSTANTINE ALEXANDER: Almost a month.

CHRISTOPHER SHACHOY: A month and a bit. Five weeks. And, you know, that's a lot of time. And in my business we live and die on the short term. So, the other issue is that I went out and spoke to folks last night for several hours and visited all the houses on Percy Place. I spoke to the Kings at 40 Essex. And as I understand the proponent's, petitioners or the Peoples at 38 Essex, and I think there are some significant differences. We have a private way where there are four houses in back and there are two frontage houses. I mean some of you are probably intimately familiar with this. The long of the short is I got the impression with talking with folks that they had reached some sort of a settlement already amongst the neighbors, and the original request for two spaces has been reduced to one, and apparently they're all going to come back with a kumbaya moment on the 26th. So that being the case, I said well, you know, maybe we should go in and at least talk to you guys and decide whether the case should be

heard or not. And I guess --

CONSTANTINE ALEXANDER: Okay. Well I think the --

CHRISTOPHER SHACHOY: I don't really know what to do to be honest with you, it's sort of a prisoner's dilemma if you will.

CONSTANTINE ALEXANDER: I'm hearing you want to go forward tonight and the majority of the board members would prefer we go forward tonight. Am I characterizing at least the first part correctly that you would prefer to go forward tonight?

CHRISTOPHER SHACHOY: All things being equal, yes.

CONSTANTINE ALEXANDER: Things are never all equal.

BRENDAN SULLIVAN: Yeah. I mean....

CONSTANTINE ALEXANDER: Okay, we'll go forward.

CHRISTOPHER SHACHOY: So I guess. Here we are.

CONSTANTINE ALEXANDER: Here we are.

STEVEN HISERODT: I have larger boards.

CONSTANTINE ALEXANDER: I'm sorry.

STEVEN HISERODT: I have larger boards, but I only have two of these copies.

CONSTANTINE ALEXANDER: I have a file copy.

STEVEN HISERODT: As Chris said before, we're converting an existing school or a daycare use to a four-unit residential project. Previous occupant --

BRENDAN SULLIVAN: If you could talk into the mic and move that down. And talk into it like you would a telephone.

STEVEN HISERODT: The previous occupant had, I guess, temporary or maybe permanent use of the front of the driveway for I think six spaces. So there were a larger number of cars. The setback was zero as well. In addition, drop off constantly during the day and night. So the project will now have a pretty significant reduction in the overall traffic.

The relief we're asking for is really, has been

caused by the narrowness of the lot. It's less than 50 feet, which does not allow for parking space backup and setbacks.

The depth between the existing rear facade and the rear property line is only 43 feet, which does not allow for parking space setback and backup aisle. So we've spent a lot of time trying to sort of push and pull and adjust and it just does not, does not fit conveniently without either seriously impacting open space or adjusting to the setback or to narrow the setback. We've tried to keep a buffer along the right-hand side property line as you're going up the driveway to create the possibility for some great space between this driveway and the neighboring parking lot.

Other than that I think we've, I guess come up with a scheme that has very little impact on neighbors. Most of the impact is on the abutting parking lot to the right-hand side and I think that -- is there any other issues?

CHRISTOPHER SHACHOY: I think that's what we're

here to talk about.

CONSTANTINE ALEXANDER: I just want to be specific so we understand what we're voting on. One issue you have with what you want to do, you're going to park within five feet of the, of a property line.

STEVEN HISERODT: Yes.

CONSTANTINE ALEXANDER: You want relief from that. How far from the property line will you be if we were to grant you the relief you're seeking?

STEVEN HISERODT: The current scheme asks for right on the property line.

CONSTANTINE ALEXANDER: Say it again.

STEVEN HISERODT: Right on the property line. A zero setback.

CONSTANTINE ALEXANDER: So there will be setback at all?

STEVEN HISERODT: Yeah.

CONSTANTINE ALEXANDER: And that property line is

on the street. Front yard?

STEVEN HISERODT: No, it's rear and right side.

CONSTANTINE ALEXANDER: Rear and right side.

Okay.

STEVEN HISERODT: And we have nothing in the front yard.

CONSTANTINE ALEXANDER: And the other relief? I thought the number of spaces. Just that.

STEVEN HISERODT: Yeah.

CONSTANTINE ALEXANDER: Okay, I misunderstood what you wanted.

JANET GREEN: And what side is the parking lot? Is that how you --

STEVEN HISERODT: The adjacent parking lot? Is I guess if you're looking up the driveway, it's --

JANET GREEN: This driveway.

STEVEN HISERODT: Yes, it's that one.

JANET GREEN: So this is the adjacent parking lot?



STEVEN HISERODT: Yeah.

ANDREA HICKEY: So what would the setback be from the rear line? I see you're saying it's zero from the side line.

STEVEN HISERODT: It's zero at the rear lot line.

ANDREA HICKEY: What about the rear lot line?

STEVEN HISERODT: It's zero now as we've shown it. We have the ability to pull it back I think up to three feet before we squeeze ourselves too tight to the rear of the existing.

BRENDAN SULLIVAN: So really what you need on sheet A100; is that right, is that you need some maneuverability for this car?

STEVEN HISERODT: For that car, yes.

BRENDAN SULLIVAN: To get in and out. Sort of the further it comes this way, then it reduces that, it squeezes that.

STEVEN HISERODT: Yeah.

PATRICK TEDESCO: You said it was a, I thought you said it was a four unit building.

STEVEN HISERODT: It is four unit.

PATRICK TEDESCO: But you're only seeking -- you only have three spaces.

STEVEN HISERODT: No, we have one up in the front.

PATRICK TEDESCO: Oh, three in the back and one in the front. There are only two cars drawn in the back that's why.

STEVEN HISERODT: Yeah.

CONSTANTINE ALEXANDER: Where's the front yard one?

PATRICK TEDESCO: Right here. 1, 2, 3. Where's the fourth?

JANET GREEN: It's right there.

CONSTANTINE ALEXANDER: Invisible car.

JANET GREEN: It's the car of the future.

STEVEN HISERODT: (Inaudible).

CONSTANTINE ALEXANDER: Okay.

And you would just drive right out? Or  
this -- what's back here?

STEVEN HISERODT: No, that's a property line and  
adjacent property.

ANDREA HICKEY: It would be kind of tricky getting  
out of these spaces once you pull in straight.

CONSTANTINE ALEXANDER: Yeah.

ANDREA HICKEY: If all three cars are parked  
there --

CONSTANTINE ALEXANDER: The one farthest near the  
bottom.

STEVEN HISERODT: Yeah, it's not perfect.

ANDREA HICKEY: So what are the sizes of these  
spaces?

STEVEN HISERODT: There's eight-and-a-half feet  
wide by 18 feet deep. They are --

ANDREA HICKEY: The dimensions aren't shown on

this.

STEVEN HISERODT: They're standard size.

ANDREA HICKEY: Is there someplace where the dimensions are shown?

STEVEN HISERODT: I have a board that clarifies that.

ANDREA HICKEY: Yeah, could you bring that up?

STEVEN HISERODT: I'll get that.

This one has one car shown actually. But we have 8',6", 8',6". I can move it closer if you want. These three 8',6" wide by 18 feet and it shows the 22 feet backup in that zone.

And this one is 18 by 8',6"

CONSTANTINE ALEXANDER: So on the parking spaces farthest up right there, if the person in the lane next to it doesn't park all the way to the rear, he or she, that car will not be able to get out?

STEVEN HISERODT: I don't think it's that

critical, but it would make it more difficult. I think they would still be able to navigate their way through.

CONSTANTINE ALEXANDER: No matter what? No matter where that middle lane car is.

STEVEN HISERODT: Unless they parked outside the zone of the actual parking space it's hard to control.

CONSTANTINE ALEXANDER: Less than ideal.

STEVEN HISERODT: Not. I mean, given that we have the required backup space and the required dimensional parking space, it's not -- it's not any different than in a standard parking lot if somebody doesn't park in the right location or if they park outside the boundaries of their parking space, it's going to be difficult for anybody around them to get out. But provided everybody stays within their prescribed zone.

CONSTANTINE ALEXANDER: Right. Is this building going to be rental property or condo?

CHRISTOPHER SHACHOY: It will either be rental or

condominium. We haven't fully determined either way, but one or the other for sure.

PATRICK TEDESCO: I have a question. This just might be the draftsman's choice, but on this drawing the car furthest over, is oriented as such that it had backed in or that it had driven in and then turned around -- the assumption you're going to have to back out of this driveway, right? There's not enough room to do a three-point turn, because I presume from the edge of the stair over is grass.

STEVEN HISERODT: Yeah. For, I think it would be more like a five-point turn to get totally turned around.

PATRICK TEDESCO: I mean, so the other two cars weren't there.

STEVEN HISERODT: These two could probably do that relatively easily. This one would be more difficult. We originally started working with it and moving in this direction, but it eats up open space, creates a barrier

between the back of the house, and also technically I should put it ten feet away, in which case it just eats more and more open space.

CONSTANTINE ALEXANDER: I'm sorry, just go back. What was this building used for before you came along?

CHRISTOPHER SHACHOY: Yeah, so this building was owned by an organization called Nurtury that operates Head Start and early childhood.

CONSTANTINE ALEXANDER: It wasn't residential?

CHRISTOPHER SHACHOY: Prior to that it was -- I'm going back to the sixties and prior to that it was a residential building.

CONSTANTINE ALEXANDER: And what kind of, the previous owner, what type of on-site parking did it offer?

CHRISTOPHER SHACHOY: Well --

CONSTANTINE ALEXANDER: This kind of --

CHRISTOPHER SHACHOY: We have a photograph of the way that it was parked prior to our purchase of it. They

had multiple cars all parked in the driveway in tandem, and a lot of dropping off on the street and it was a fairly hectic arrangement I would say.

STEVEN HISERODT: Six cars typically, three in a row in two lanes, all --

CHRISTOPHER SHACHOY: And a lot of the faculty parked on Essex Street as well from what we were able to garner.

CONSTANTINE ALEXANDER: I suppose you could have the same problem if it's rental property. A tenant has got two cars or the occupants of one of the units and they park tandem, and you're going to have this same arrangement. Same mess.

CHRISTOPHER SHACHOY: Well the zoning's only going to allow these spaces.

CONSTANTINE ALEXANDER: I know zoning's going to allow. But after we, should we grant you relief, then the world moves on and you lease to someone a couple and they've



got two cars.

CHRISTOPHER SHACHOY: We would be deed restricted so it couldn't be done if that was the Board's requirement because I don't think that's in anybody's interest to turn it into a giant parking lot.

CONSTANTINE ALEXANDER: Other questions from members of the Board at this point or do we want to open it public testimony and come back?

BRENDAN SULLIVAN: How many units are going in there?

CONSTANTINE ALEXANDER: Four.

CHRISTOPHER SHACHOY: Four and 465 feet of GFA.

BRENDAN SULLIVAN: I'm all set.

ANDREA HICKEY: I have one question.

CONSTANTINE ALEXANDER: Sure.

ANDREA HICKEY: So if you were to reorient the spaces going this way and comply with the 10 feet back from this edge of the building, could you fit three spaces there?

STEVEN HISERODT: There would be a setback violation on at least one side because it's less than 50 feet.

THE STENOGRAPHER: You have to speak up, please.

STEVEN HISERODT: There would be a setback violation on at least one of the side property lines and we need a Variance for open space.

CONSTANTINE ALEXANDER: So you would need more zoning relief?

STEVEN HISERODT: Yeah.

JANET GREEN: So you want to put them on the parking lot side more than the --

STEVEN HISERODT: Yeah.

ANDREA HICKEY: I'm just thinking about the safety of pulling in and out, and we don't want to encourage someone to back up all the way down the driveway if they're sort of blocked in. So what configuration would make it most safe to pull out?

STEVEN HISERODT: I suppose if there were a zone here that was suitable for a person to --

ANDREA HICKEY: Like a turnaround?

STEVEN HISERODT: A turnaround. But that again would impact our open space, and I'm not certain that we would get --

CONSTANTINE ALEXANDER: You're looking for zoning relief in any event. So the question is maybe more zoning relief might be desirable from our point of view because it improves the safety issues.

STEVEN HISERODT: Yeah, but then we run across the hardship argument if we go to Variance.

CONSTANTINE ALEXANDER: You clearly have to do that.

STEVEN HISERODT: Whether or not -- it's a much more difficult criteria.

CONSTANTINE ALEXANDER: You don't have to show hardship here because this is a Special Permit case.

STEVEN HISERODT: Right. And I truly don't believe, though it's not an easy parking arrangement, I don't think that it is unnavigable.

JANET GREEN: I do think that it's different looking that someplace people go and park everyday than it is when you're going to an unfamiliar place. You get used to how it works.

STEVEN HISERODT: Yeah. I mean we could take this space and angle it this way and maintain about the same amount of open space, have the backup this way, but it would still require backing down the driveway. But any, any space quite honestly from here back would require the same driving in and driving out.

PATRICK TEDESCO: How wide is the driveway itself?

STEVEN HISERODT: Ten feet.

PATRICK TEDESCO: And the distance between the fence and the house is more or less?

STEVEN HISERODT: 17', 6".

PATRICK TEDESCO: 17', 6'.

CONSTANTINE ALEXANDER: Seven feet.

STEVEN HISERODT: 17 feet.

PATRICK TEDESCO: 17 feet, right. So there was a curb cut we granted a few months ago I think on Ash Street or Jay Street for -- to allow two -- it's an elderly couple that wanted to park in the backyard.

CONSTANTINE ALEXANDER: Oh, yeah, yeah.

PATRICK TEDESCO: And that was a very, that was like 12 feet just barely wide enough for somebody to drive through and they were, they had a similar condition.

CONSTANTINE ALEXANDER: Yes.

PATRICK TEDESCO: They had to bend around the house and back up.

CONSTANTINE ALEXANDER: We did allow them to do that.

PATRICK TEDESCO: This seems that even though the driveway is ten feet, backing out of a space where you've

got three or four feet on your side-view mirrors is different than, you know --

STEVEN HISERODT: This is a little bit easier.

PATRICK TEDESCO: Right, yeah. It's not perfect. It's a long house.

STEVEN HISERODT: We also have a 20-foot curb cut. So if you miss, you still have room.

CONSTANTINE ALEXANDER: Well, should we, and should we turn you down, what are your -- tonight, what are your options? You're not going to be able to have four parking spaces on the premises. So then what? You, I guess you've got to come back and seek a Variance for some, with some other solution that will allow you to park four cars on the lot.

STEVEN HISERODT: Yeah. And without, without sort of -- I mean, there have been options of sort of excavating out and trying to get one in the first floor there, but it's not practical maneuver.

CHRISTOPHER SHACHOY: You're basically taking a chain saw to a 100-year-old beautiful, you know, brick house and take a chunk out of it.

CONSTANTINE ALEXANDER: Whatever we're looking at is not going to be a happy solution it seems to me, or a happy situation.

CHRISTOPHER SHACHOY: I've seen a lot worse in Cambridge.

CONSTANTINE ALEXANDER: But our job here is to not increase the number of worse.

I'm going to open the matter up to public testimony. Thank you for your comments. And while we're thinking we'll hear from the neighbors.

Sir, you wanted to speak. You have to come forward, please, if you would. Would you mind coming forward and speaking into the microphone?

RICHARD COLE: Yes. My name is Richard Cole and I own the property at 98 and 100 Prospect Street. And

Mr. Shachoy has been waking me up every morning since the beginning of January. I would say probably four to five hundred times, because when I would try to go back to sleep, I can't because he'd have his Bobcat out there. Now, what he did was he was operating a Bobcat within three feet of my foundation. It's a brick foundation on my house. And anybody in construction or engineering knows, and I was an engineer for a lot of years and I dealt with an awful lot of contractors, and I know you don't run a Bobcat near a foundation. If I remember correctly, the basic weight is about 7500 pounds for a Bobcat, but you can add all kinds of additions to it, front buckets and all the rest. Running it back and forth.

CONSTANTINE ALEXANDER: Did you complain at all to the Inspectional Services Department or the Traffic Department?

RICHARD COLE: Oh, when I finally did, I was told essentially that I had no rights whatsoever.



CONSTANTINE ALEXANDER: You were told by whom?

What department?

RICHARD COLE: Inspectional Services. I could give you the name of the man.

CONSTANTINE ALEXANDER: That's not necessary.

RICHARD COLE: I have negative things to say about him.

CONSTANTINE ALEXANDER: Okay.

RICHARD COLE: When I went to see him, the project had been going on for a number of months, and he told me, he admitted he hadn't even been out to the job site yet. He had other things to do.

CONSTANTINE ALEXANDER: Let's try to confine your comments to the merits of this case.

RICHARD COLE: The problem is I have lived in that house since 1950 and there has not been any parking near the house. Now, Shachoy here wants to park cars right in back of my house. In the back of the house it's one foot off the

property line. You have two bedrooms and a bathroom upstairs, two bedrooms and a bathroom downstairs. There has never been any parking by any owner of that house and that backyard since 1950. I was there. There was an old garage in back of 43 Essex Street, which was never used because as a kid, would -- the neighborhood kids would, we'd play there and it was a very narrow garage and nobody ever parked in it. When Associated Daycare Center moved in, and we were not notified about that, we were never told about a hearing, and we even got a letter saying that the man who ran Associated paid off City Hall.

CONSTANTINE ALEXANDER: Please, sir, let's not go there.

RICHARD COLE: That's what we were told.

CONSTANTINE ALEXANDER: It's not relevant to what we're going to do tonight. Whether you were told or not, is not relevant. Let's stick to the merits of this case.

RICHARD COLE: The problem is this: There has not

been any parking there. During the period of construction for five months almost every single day he was running the Bobcat, and what he would do is bang the bucket down, run it in reverse, scraping. I'm pretty sure that he was bringing in materials from other, other sites because the guy in Inspectional Services said it doesn't make sense to have a Bobcat in the backyard operating for five months consecutively everyday waking me up.

CONSTANTINE ALEXANDER: Let's go back to the merits of this case.

RICHARD COLE: Parking will wake me up, too. What he wants to do, here is my house.

CONSTANTINE ALEXANDER: That's what I want to know, yeah.

RICHARD COLE: He wants to park right up here. Car alarms.

CONSTANTINE ALEXANDER: I'm sorry.

RICHARD COLE: Slamming doors.

CONSTANTINE ALEXANDER: He's going to park to the lot line and you're one foot off the lot line on the other side, is that what you're saying?

RICHARD COLE: Yes, one foot off the lot line. That's -- here's the lot line. Here's my house.

ANDREA HICKEY: Would you maybe want to show us on this --

CONSTANTINE ALEXANDER: Yes, thank you.

ANDREA HICKEY: -- map where your house is?

RICHARD COLE: Well, this could -- I have a pen here. If this is the street out here, Essex Street, and this is the Kennedy apartments. My house is right here.

STEVEN HISERODT: It's actually about half that size though.

ANDREA HICKEY: Right. That's very helpful, thank you.

CONSTANTINE ALEXANDER: Let's see. We'll try to do it on this map here.

ANDREA HICKEY: So cars pulling in with headlights would be shining in your windows?

RICHARD COLE: Yes. Slamming doors, car alarms. And if somebody makes a mistake and hits the accelerator instead of the brake, I'll end up with a car in my basement. When you talk to lawyers, they will tell you that property owners, including renters, have the right to the peaceful enjoyment of their property and that's what Mr. Shachoy here is trying to violate.

Like I said, since 1950 there has not been anybody associated with the property of 43 Essex Street who was parked in that yard. And could I, could I have that map back again? I'll draw something else. And about 1973 when Associated Daycare Center moved in to this property, one of the first things they did was they demolished -- I mentioned the two car garage, it was never used because as kids we used to play around there and climb on it. They demolished that and took it out of there. And what they did was they

built a shed approximately here.

PATRICK TEDESCO: It shows up here on this photograph.

RICHARD COLE: And they had a wall here with a gate, right here. And since 1973 no cars could even get closer than that to my house. Now this is a major change in the use of the property, and I was not notified about this. And the fellow at Inspectional Services essentially with him it's okay, he doesn't care. He doesn't really care.

CONSTANTINE ALEXANDER: Okay.

RICHARD COLE: And I believe that if they park in back of my house, what they do is destroy 100 percent the liveability of my property, because the front of my house out here towards the street here is Prospect Street, is a very, very loud, noisy, busy street. The city has never maintained the street properly, and we get a lot of shaking and vibration there to which Mr. Shachoy for five months with his Bobcat added. He also did things like -- I can't

understand this. They had a pile of stones like -- you remember the old --

CONSTANTINE ALEXANDER: Can we, can we, sir, we're getting off the subject a little bit.

RICHARD COLE: Well, this is all part of it.

CONSTANTINE ALEXANDER: I think you made your point effectively already.

RICHARD COLE: He came out and these workmen would come out and every three minutes and drop a stone which is five feet off my house and right below my bedroom window and wake me up. I was awakened hundreds of time because of him.

CONSTANTINE ALEXANDER: You told us that before. Thank you, thank you for your comments. Could we have that plan back, please, too?

RICHARD COLE: Certainly.

CONSTANTINE ALEXANDER: Is there anyone else wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I would just point out to everybody, including the Board, the relief being sought is for a Special Permit pursuant to Sections 6.44.1b and g. B says that no on grade open parking space for a driveway shall be located within five feet of any side or rear property line, and that's why you're here tonight. But g is interesting. G says the Board of Zoning Appeal may grant a Special Permit to allow for modification of the requirements of a or b, and we're talking about b, if site specific factors favor such modification. I haven't heard anybody address what the site specific factors are such that favors such modification. What I'm hearing is it's a hardship effectively. A hardship that we need to have four spaces to have four residential units in the property, and the only way we can get it is to do -- or the easiest way to get it is what you have here.

STEVEN HISERODT: Yeah.

CONSTANTINE ALEXANDER: What are the site specific



factors?

CHRISTOPHER SHACHOY: Well, I wonder whether we just want to based on what we heard from Mr. Cole, I've attempted to get in touch with Mr. Cole on a number of occasions.

CONSTANTINE ALEXANDER: That's not -- thank you.

CHRISTOPHER SHACHOY: I'm just wondering if we want to continue the case and try to work something out with Mr. Cole --

CONSTANTINE ALEXANDER: If you want to continue the case --

CHRISTOPHER SHACHOY: -- and come back and see you another time.

CONSTANTINE ALEXANDER: We have that date on --

JANET GREEN: Look at a fence or something.

CONSTANTINE ALEXANDER: Yeah. I think you need personally --

CHRISTOPHER SHACHOY: It's not my interest to --

CONSTANTINE ALEXANDER: This case is not going anywhere from your point of view.

CHRISTOPHER SHACHOY: Yeah. I could see that already, the writing's is on the wall.

CONSTANTINE ALEXANDER: And we have a date -- what is the date we had, October?

MARIA PACHECO: 26th.

CONSTANTINE ALEXANDER: 26th?

BRENDAN SULLIVAN: Did 45 minutes ago somebody suggest to continue this until October 26th? But it's okay. You needed to flush out whatever issue there are.

CHRISTOPHER SHACHOY: Yeah, well we, frankly, we haven't been able to find any opposition until tonight.

CONSTANTINE ALEXANDER: Okay. It is October 26th?

ANDREA HICKEY: I just have to check my calendar.

CONSTANTINE ALEXANDER: Oh, yeah, check your calendar. It's got to be the five of us.

ANDREA HICKEY: Am I on that other case?

MARIA PACHECO: No.

CONSTANTINE ALEXANDER: You probably know as an experienced builder.

CHRISTOPHER SHACHOY: We have to have the same Board.

CONSTANTINE ALEXANDER: Same Board.

JANET GREEN: September or October?

CONSTANTINE ALEXANDER: October 26th.

So is October -- if we continue this case so you could have conversations, and we hear the case again on October 26th, can you make that? Is that a date that's available to you?

RICHARD COLE: Say yes.

CONSTANTINE ALEXANDER: I want to find out. I don't want to pick a date and find out.

RICHARD COLE: That's okay with me.

CONSTANTINE ALEXANDER: October 26th.

RICHARD COLE: What time would that be?

CONSTANTINE ALEXANDER: What time?

BRENDAN SULLIVAN: Seven.

CONSTANTINE ALEXANDER: Well, around seven.

RICHARD COLE: 7:30 like tonight?

CONSTANTINE ALEXANDER: I can't promise. If a case is called before yours and it drags on, it could go on. I would try to make it the -- if you would prefer, make it the first case of the night in which case it would be at seven o'clock.

RICHARD COLE: Seven o'clock, that would be good. What day of the week is this?

CONSTANTINE ALEXANDER: Thursday. It's got to be a Thursday.

RICHARD COLE: It has to be a Thursday. Okay, I think it would be good.

JANET GREEN: It works.

CONSTANTINE ALEXANDER: Okay, so you understand what we're doing, sir, we're going to continue -- and you

know. We're going to continue the case to give you and Mr. Shachoy and his architect time to talk about things and come to some hopefully satisfactory resolution that will meet with your approval.

So, the Chair moves that we continue this case as a case heard until seven p.m. on October 26th subject to the following conditions:

One, that you sign a waiver of time for a decision. You know about that. And Maria has something for you right now to sign.

Two, that the posting sign that you have up there, it's got to be maintained for the 14 days prior to October 26th just like you did now.

And three, and this may be the most important, and I think you know this anyway, to the extent that you're going to submit new plans, modified plans or modified dimensional form, they must be in our files no later than five p.m. on the Monday before October 26th.

STEVEN HISERODT: Right.

CONSTANTINE ALEXANDER: If you miss that date,  
we're not going to hear the case on October 26th. Okay?

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(9:10 p.m.)

(Sitting Members Case BZA-013941-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013941, 201 Brookline Street No. 5.

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

BHUPESH PATEL: Bhupesh Patel, DesignTank, Inc.

GARTH GOLDSTEIN: Garth Goldstein, G Goldstein Studio.

ADAM BARD: Adam Bard. I'm the owner.

CONSTANTINE ALEXANDER: This is the third time we're hearing a case on this property. When is it going to come to the end?

BHUPESH PATEL: This will be the final time.

Prior to this hearing we came to have this project approved and there was two non-conforming issues at the front setback and the FAR. Basically it's only allowed 60 percent. It's at 78 percent and we were asking for 82.

JANET GREEN: Can you hear? People in the back can you hear?

CONSTANTINE ALEXANDER: Yeah, speak into the mic.

BHUPESH PATEL: Okay.

So the FAR basically was increased by four percent. Nothing has actually changed dimensionally on the FAR, however, there is an additional 34 square feet that's



being requested. The exact reason for that is basically the structural engineer who originally designed the structure for the building backtracked on their recommendation for the structure and said not only can it not support the building as we thought it could, but it can't support the snow load even without the addition. So they would actually have to restructure the steel from one edge to the other underneath this whole portion.

CONSTANTINE ALEXANDER: So you redesigned the second floor addition. Because I looked at what we have here compared to what we approved the last time, it's quite a bit different.

GARTH GOLDSTEIN: Well, the engineer that originally did the condo conversion in 2005, we retained them because they had everything on file. We sent them the drawings. They said this looks fine. And then in March I got an e-mail that said, I have some bad news, it looks like existing steel and coming in with large members were

designed with no reserved capacity and can't even support the code prescribed snow loads. So I started over. And, you know, we basically came up with this, a method to at least restructure the slab and the steel with a minimum amount of work so that it wouldn't make it financially impossible, and that meant we just had to adjust some of the exterior walls on the addition at the same time.

CONSTANTINE ALEXANDER: You raised the height a little bit by a couple of feet.

GARTH GOLDSTEIN: Well, we added a --

BHUPESH PATEL: A skylight.

GARTH GOLDSTEIN: -- monitor in which we could add PV's and a skylight.

CONSTANTINE ALEXANDER: And the last time when we approved the project, we, we changed the setback from the edge of the -- in response to a comment from an abutter or a neighbor.

BHUPESH PATEL: That's right.

CONSTANTINE ALEXANDER: That's not going to change?

BHUPESH PATEL: That's not going to change, right. That agreement was still solid.

CONSTANTINE ALEXANDER: That's still the same line that we approved the last time?

BHUPESH PATEL: That's correct. Which is the diminishing of the deck.

So basically the lines have just been straightened out to literally sit on the new structure, that's been installed below the actual addition.

CONSTANTINE ALEXANDER: Okay.

BHUPESH PATEL: And actually to be more specific, yes, there is a height change, but again it's still falls --

CONSTANTINE ALEXANDER: It's still within -- it's not a Variance for the height.

BHUPESH PATEL: Correct. But the front setback, again, is what we're asking for a waiver on and the FAR.

CONSTANTINE ALEXANDER: And the findings we made the last time when we granted the Variance are going to apply equally here. In terms of hardship and inspectional conditions --

BHUPESH PATEL: That's correct.

CONSTANTINE ALEXANDER: -- and all that.

BHUPESH PATEL: Right.

CONSTANTINE ALEXANDER: There's no need to go into that again. What we found before we can find again.

BHUPESH PATEL: Correct.

CONSTANTINE ALEXANDER: Almost incorporate it by reference at least in my judgment.

BHUPESH PATEL: Correct. As far as problematically the hardship is relative to having no basement and the layout and two parents and two kids. Correct.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board at this point?

PATRICK TEDESCO: I just have one clarification.

So you're the owner of unit five?

ADAM BARD: Yes.

PATRICK TEDESCO: I'm sorry. The structural issue applies to the entire building I would presume?

GARTH GOLDSTEIN: Well, the engineer only analyzed this particular unit. So -- and the original building was at, you know, was all just -- it was a steel grid. And then when they converted it to condos to get the open space requirement, they cut this. And so there was a lot of work done. And when we sent the plans over originally, they had everything on file. They took a look at it and said, you're fine. And then when we, you know, got the CDs and said okay, here we go, this is exactly what we're doing. Then they said, oh, there's a problem. So it's only -- technically their finding is only for this particular unit, but it is reasonable to assume that the other units as well might be suffering from the same issue.

CONSTANTINE ALEXANDER: Well, at one point the next unit, No. 4 wanted to build an addition to the roof.

BHUPESH PATEL: Yes.

CONSTANTINE ALEXANDER: I'm not sure they changed their mind along the way I guess.

BHUPESH PATEL: Yes, they changed their mind along the way.

PATRICK TEDESCO: So the structural modifications that you're making to repair the condition don't impact the structure becomes independent of the rest of the structures?

GARTH GOLDSTEIN: Yeah. The structure in this direction actually -- the steel in this direction is fine. It's the steel in this direction and largely it had to do the fact that it had to be cut at these points.

PATRICK TEDESCO: Because of the opening.

GARTH GOLDSTEIN: Yeah.

PATRICK TEDESCO: That makes sense.

BHUPESH PATEL: So luckily we can fix the

structure that's below that apartment and appease the structural requirements that they have asked us to appease relative to -- the structural engineer wrote a very structurally specific letter that's included in the application, and on the drawing packet, that's about that particular apartment, but that's exactly why G read the e-mail, which is a little more forthright with their responsibility for the project. So we wanted to make sure it was clear. And we'd add that e-mail to the record. But yeah, the letter that's in the file, is much more surgically specific about and doesn't necessarily say --

CONSTANTINE ALEXANDER: A letter in our file. Not that it's relevant.

GARTH GOLDSTEIN: It's on the first page.

BHUPESH PATEL: It's on the first page of the drawings that I passed out.

CONSTANTINE ALEXANDER: Okay. Unless there's questions, I don't think there were any.

I'm going to open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. There are no letters in our file other than a letter from the member of the condominium association saying that they approve the proposed addition which is good to have. It's always an issue for us.

So I'm gonna close public testimony. Any discussion? Ready for a vote?

JANET GREEN: I'm ready.

ANDREA HICKEY: Ready.

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

That a literal enforcement of -- the findings, I'm going to shortcut this a little bit. I propose that the



findings we made the last time when we approved this for this project be incorporated by reference to this. Nothing has changed. The findings that applied there have to apply here.

And so on the -- based on the fact that we -- the findings we made the last time would apply, the Chair moves that we grant the Variance requested tonight on the condition that the deck on the roof will not be, will be as approved the last time, not be changed in any way.

And further that the work proceed in accordance with the plans submitted by the petitioner, the first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

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

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

\* \* \* \* \*

(9:20 p.m.)

(Sitting Members Case BZA-013972-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013972, 22-26 Fairmont Avenue.

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices in Cambridge. I am here tonight on behalf of Fairmont Properties, LLC. We have one of the managers Mr. Campbell Ellsworth. This is an application requesting Special Permit to locate windows within the setback. This, for zoning purposes, is one lot with two structures on it. They are two single-families, and prior to for zoning purposes, they had separate deeds although they had the same owner.

In this case, the windows are on the edges of the property within the setback, and they are part of a renovation.

Just brief background, these are properties that were in the significant state of disrepair and part of the

renovation included these windows. The windows are primarily for stairwells. There's also window for a powder bathroom on the first floor. And there's also a window for access to a basement walkout or actually an egress window that also --

CONSTANTINE ALEXANDER: Have you talked to the neighbors who are most affected by these windows in terms of privacy?

CAMPBELL ELLSWORTH: Absolutely. You should have -- Campbell Ellsworth. You should have one e-mail at least --

CONSTANTINE ALEXANDER: We have one from the owner/occupiers of 20 Fairmont.

CAMPBELL ELLSWORTH: Correct.

CONSTANTINE ALEXANDER: They are the ones most affected by the windows.

CAMPBELL ELLSWORTH: That is correct.

And also -- well, let me point out also --

CONSTANTINE ALEXANDER: Yeah, sorry.

CAMPBELL ELLSWORTH: And those -- so this is, this is Fairmont Ave. This is No. 22. This is No. 26. The folks who own -- who wrote that live right here.

CONSTANTINE ALEXANDER: Right.

CAMPBELL ELLSWORTH: At 20. But we've been also in touch with this gentleman. He said he would write, but he also could not be here tonight. A gentleman named Rick Drost, D-R-O-S --

CONSTANTINE ALEXANDER: We got an e-mail from him.

CAMPBELL ELLSWORTH: Oh, you did? Okay, terrific. Yeah.

So we -- those are the two. So the modifications we're intending are windows on this edge affecting 20. That would affect 20.

CONSTANTINE ALEXANDER: Right.

CAMPBELL ELLSWORTH: And then windows on this edge affecting them. And these two houses are interesting.

They're almost mirror images. And the way the plans have worked out also mirror images.

CONSTANTINE ALEXANDER: Questions or comments from members of the Board?

ANDREA HICKEY: Are these condos or are they separately owned single-family?

ATTORNEY SEAN HOPE: So, yeah, so when they're sold, I believe they're going to be sold, they would be condos because it's one lot. We have to subdivide them in order for them not to --

CONSTANTINE ALEXANDER: Two-unit condo?

ATTORNEY SEAN HOPE: Two-unit condo.

ANDREA HICKEY: Understood.

CONSTANTINE ALEXANDER: Anything else?

I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of two letters. One from Rob Johnson and Richard Gosselin, G-O-S-S-E-L-I-N. (Reading) We are the owner/occupiers of 20 Fairmont Avenue directly abutting 22 Fairmont Avenue. We have reviewed the plans for the proposed new windows on the east elevation abutting our property and have no objections to the proposed new windows.

And the second is from Rick Drost, D-R-O-S-T, who apparently resides at 28 Fairmont Ave. (Reading) Regarding the Special Permit request for 26 Fairmont Avenue, we have been in contact with the owners, have reviewed the proposed windows, and support their efforts to rehabilitate the houses.

And that's it.

I'll close public testimony.

Any final comments?

ATTORNEY SEAN HOPE: No.

CONSTANTINE ALEXANDER: Ready for a vote?

BRENDAN SULLIVAN: Yep.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with regard to the Special Permit being requested.

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

That traffic generated or patterns of access or egress will not cause congestion, hazard, or established change in -- or substantial change in established neighborhood character. In this regard what is proposed is just -- is the location -- the relocation of these windows or location of these windows does not have any impact on -- does not create a hazard or congestion or substantial change.

The continued operation of development -- or the development of adjacent uses will not be adversely affected by the nature of the proposed use.

In this regard we have the letters from two



abutters who would be most affected and they are in support.

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

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

So on the basis of these findings, the Chair moves we grant the Special Permit requested on the condition that the work proceed in accordance with the plans submitted by the petitioner, they're four pages, each of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

\* \* \* \* \*

(9:25 p.m.)

(Sitting Members Case BZA-013985-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013985, 2615 Massachusetts Avenue.

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

You're not a petitioner. The petitioner is not here. We are in receipt of a letter from James J. Rafferty. (Reading) Please accept this correspondence as a request to continue this case for Thursday -- to Thursday, October 12th, or the next available date thereafter.

Maria, what do we have for dates?

MARIA PACHECO: October 12th is available.

CONSTANTINE ALEXANDER: Any problem for you my, Mr. Brandon on October 12th?

MICHAEL BRANDON: No. I'm Michael Brandon, 27 Seven Pines Avenue. I'm the clerk for the North Cambridge Stabilization Committee which is the neighborhood association, and I just let the Board know that the proponents had been to our last two meetings to present and

discuss their proposal. At last night's meeting it became clear that the outreach by the proponents directly to the abutters had not been adequate, and one of the immediate abutters, trustee for the condo association, came and voiced some strong objections. I believe there's already a letter in the file. And the consensus was and as suggested by the proponents that they delay coming before the Board to allow an opportunity for there to be more discussion and see if perhaps some tweaking was --

CONSTANTINE ALEXANDER: I assumed that was the case. Thank you.

MICHAEL BRANDON: Pardon me?

CONSTANTINE ALEXANDER: I assumed that was the reason for the request for a.

MICHAEL BRANDON: Yeah, I noticed the notice didn't say that.

CONSTANTINE ALEXANDER: No.

MICHAEL BRANDON: But I wanted to find out when

the case will be rescheduled because there are also some --

CONSTANTINE ALEXANDER: Sure.

MICHAEL BRANDON: -- additional abutters that we want to make sure --

CONSTANTINE ALEXANDER: It's going to be October 12th as I mentioned.

MICHAEL BRANDON: It will be? Okay.

CONSTANTINE ALEXANDER: We have room on our agenda that night so it will be October 12th.

MICHAEL BRANDON: Okay, thank you very much.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we continue this case as a case not heard until seven p.m. on October 12th subject to the following conditions:

One, that the petitioner sign a waiver of time for decision. Have they done that?

MARIA PACHECO: I think they did.

CONSTANTINE ALEXANDER: It's already been done.

Two, that the posting sign that's there now be

maintained for the 14 days prior to October 12th, making sure that the new date is -- the sign reflects the new date and the new time, October 12th, seven p.m.

And lastly to the extent that there are new plans or other visual materials, the petitioner must have these in our files no later than five p.m. on the Monday before October 12th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

\* \* \* \* \*

(9:30 p.m.)

(Sitting Members Case BZA-014106-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: I'm going to call the case. The Chair will call case No. 014106, 66 Antrim Street. There is no one here.

Let me report to the Board apparently what's going on and why this case is going to continue. The petitioner submitted plans. It's a construction case. And then on the next, on Tuesday, the day before yesterday, he submitted different plans, modified plans, which were too late, but the original plans had been already, if you will, superseded by the two late plans. So the file's in complete confusion as to what plans we're going to approve. And so the purpose

of the continuance is to allow the petitioner to get plans in timely, within our rules, five p.m. on the Monday before so that we have, we know exactly what we're voting on and so will the neighbors who take an interest in this case.

So on this basis the Chair moves that this case be continued as a case not heard until, what date?

MARIA PACHECO: October 12th.

CONSTANTINE ALEXANDER: October 12th as well.

Until seven p.m. on October 12th subject to the following conditions:

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

Has he done that yet?

MARIA PACHECO: No.

CONSTANTINE ALEXANDER: Okay. He has to do that.

If he fails to do that in time, then the petition will deemed denied tonight.

So we're going to continue on the basis that he



gives us a waiver of time for decision.

Two, that the posting sign be modified to reflect the new date, October 12th, the new time, seven p.m., and that the sign be maintained for the 14 days required under our Ordinance.

And lastly, to the extent that there are going to be new plans or the final plans, these must be in our file no -- and any modification to the dimensional form, all of those must be in our file no later than five p.m. on the Monday before October 12th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

\* \* \* \* \*

(9:30 p.m.)

(Sitting Members Case BZA-014026-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 014026, 6 Verdun Street.

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

MICHAEL DRISCOLL: Good evening.

CONSTANTINE ALEXANDER: Good evening.

As you probably know by now, name and address for the stenographer.

MICHAEL DRISCOLL: Sure. It's Michael Driscoll, 6 Verdun Street in Cambridge.

CONSTANTINE ALEXANDER: Why you here and why should we --

JANET GREEN: Pull the mic over to you.

MICHAEL DRISCOLL: Sure. Let me get -- sorry, they're a little big.

CONSTANTINE ALEXANDER: That's okay.

MICHAEL DRISCOLL: All right. So, again, as I

mentioned, my name is Michael Driscoll, 6 Verdun Street.

And the reason that I am here is I currently own this residence and there is a small little bump out here off of the back of the kitchen. I want to make sure that everyone can see. And the objective of this evening is to extend it a total of 28 square feet.

CONSTANTINE ALEXANDER: What -- why did your advertisement say 44 feet?

MICHAEL DRISCOLL: I think the 44 represents the whole, the whole thing.

CONSTANTINE ALEXANDER: Okay.

MICHAEL DRISCOLL: So that's the objective is to basically just bring it down a little bit. Like I said, it's a total of 27 square feet, I'm sorry. Basically bringing the house from 1566 square feet total to 1583. So the reason for this or the reason that I'm here this evening is the way that the kitchen is laid out, it's really, it's a very small house as it is, but the way that the kitchen is

laid out, it really is not suitable for a family, even a family of four. So believe it or not, this small little bump out is going to make a huge difference.

As far as the neighbors, I've spoken to them all.

CONSTANTINE ALEXANDER: Just for the record, and the reason you need zoning relief, you can't -- is because with the bump out you would be a little closer to 15 feet to the garage?

MICHAEL DRISCOLL: Yes.

CONSTANTINE ALEXANDER: Because otherwise your FAR is fine.

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: Your other, your setbacks, property line setbacks are fine.

MICHAEL DRISCOLL: Yep.

CONSTANTINE ALEXANDER: Just a little too close to the garage and you're looking for 27, 30-something feet.

MICHAEL DRISCOLL: Right, 27. Yeah, as described

in the application, the hardship is due to an undersized lot. So basically there's a garage. Basically there's a garage -- it's hard to picture, but there's a garage -- if this is the bump out, there's a small little garage right here. So that's why I'm here this evening. But as I was mentioning, I've spoken to the neighbors, it's really to be quite honest with you, a no brainer, because it really looks --

CONSTANTINE ALEXANDER: That's for us to decide.

MICHAEL DRISCOLL: That is true. That is very much true. So it just looks a little awkward I guess from a, you know, perspective of looking at it as well. So I'm open to, this is clearly my first time doing this, so I'm open to any questions or whatever the case may be.

CONSTANTINE ALEXANDER: All right. You have to address -- I'll address it in my motion when we get there. To get a Variance that you're seeking there are three, as you know from the form --

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: -- three conditions that you have to satisfy.

That a literal enforcement of the Ordinance would involve a substantial hardship. The hardship is owing to certain circumstances.

And that we can grant relief without substantial detriment to the public good.

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: And now the hardship that you have here is the fact that you have a house that needs additional living space to -- just to be habitable. I mean, if you want to have more than one or two persons in the house, you need to increase the size of the condition. That would apply not only to you, but to anybody who occupies this house. I say that because the hardship can't be special to you.

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: It's got to, if you will, run with the land.

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: So that's the first basis.

The second is that the hardship is owing to the fact that this is a non-conforming lot in a lot of ways in terms of -- and an odd shaped lot.

MICHAEL DRISCOLL: It is.

CONSTANTINE ALEXANDER: And the shape of the lot is such that that's what requires the need for the zoning relief.

And that relief may be granted without substantial detriment to the public good. You have neighborhood support apparently. Although no one has written a letter, but you've represented to us --

MICHAEL DRISCOLL: Right.

CONSTANTINE ALEXANDER: -- that you've talked to the neighbors --



MICHAEL DRISCOLL: I have.

CONSTANTINE ALEXANDER: -- and everybody's on Board.

MICHAEL DRISCOLL: Absolutely.

CONSTANTINE ALEXANDER: And it will improve the housing stock of the city.

MICHAEL DRISCOLL: This may, this may give you, actually both sides will give you a better idea. But as you can see, I'll hold it up. So as you can see, right now essentially this area right here is the kitchen with the existing little bump out.

CONSTANTINE ALEXANDER: All right.

MICHAEL DRISCOLL: So this sort of just squares it off a little bit.

CONSTANTINE ALEXANDER: Fill it out.

MICHAEL DRISCOLL: Right.

And this even gives you a better idea. So there's basically the bump out now and this is what it will look

like with the full bump out.

CONSTANTINE ALEXANDER: How close to the garage will you be should we grant you the relief your seeking? Do you know? It's on the plans.

MICHAEL DRISCOLL: So the exact basically property has large areas of open space, although not 15 in both directions. Right now my understanding is that -- well, the existing condition ratio of usable open land is 56 and it will now be 55.

CONSTANTINE ALEXANDER: The other important thing about this case and I think it's in your favor, is that the 15-foot requirement between at least -- between two buildings on the lot is for safety purposes. To allow fire equipment to go in --

MICHAEL DRISCOLL: Right, right.

CONSTANTINE ALEXANDER: -- if there's a fire. You're basically on a corner lot and access to all areas.

MICHAEL DRISCOLL: I am.

CONSTANTINE ALEXANDER: So that the general concerns about safety don't apply in your lot.

MICHAEL DRISCOLL: Right. So basically if you know Verdun Street, exactly, the street is set up like this and I'm right on that corner.

CONSTANTINE ALEXANDER: Questions from members of the Board?

ANDREA HICKEY: No.

JANET GREEN: No questions.

PATRICK TEDESCO: The dormers do not require relief?

CONSTANTINE ALEXANDER: No dormers.

PATRICK TEDESCO: On the elevations there were showing.

MICHAEL DRISCOLL: The dormers did not, no.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

PATRICK TEDESCO: I just want to make sure. There's no FAR.

CONSTANTINE ALEXANDER: No FAR issue. No setback issue other than the 15 feet.

Brendan, I'll give you more time to look --

BRENDAN SULLIVAN: No, I'm all set.

CONSTANTINE ALEXANDER: All set?

Anyone -- I'm going to open it to public testimony. Is there anyone wishing to be heard in this matter?

(No Response. )

CONSTANTINE ALEXANDER: Apparently not. We're not in receipt of any letters pro or con from neighbors.

You said that you have talked to neighbors and you have heard nothing negative?

MICHAEL DRISCOLL: I have. I have. No, they're all, they're all absolutely for it. It'll actually make the back of the house, assuming you approve, it will actually make the house look sort of like it should look versus an awkward bump out which is on the side of the street.

CONSTANTINE ALEXANDER: Okay. Close public testimony.

Any discussion or ready for a vote?

ANDREA HICKEY: Ready.

JANET GREEN: Ready.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being this is an older structure with an inadequate size kitchen, and therefore whoever occupies the structure needs additional space for the kitchen.

That the hardship is owing to the shape of the lot. As a corner lot with an odd configuration in terms of where the building is located on the lot -- buildings are located on the lot.

And that relief may be granted without substantial

detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Ordinance.

In this regard the Chair would note that the relief being sought is very modest.

It apparently has neighborhood support.

It would increase the quality of the housing of the City of Cambridge by improving the quality of this house.

So on the basis of all of these conditions, the Chair moves that we grant the Variance you're requesting on the condition, and you should make sure you understand this, that the work proceed in accordance with these plans your architect submitted. If he changes them, you're going to have to come back before us.

MICHAEL DRISCOLL: Not going to change a thing.

CONSTANTINE ALEXANDER: We've had this problem before with this architect.

So on the basis -- I'm sorry, I lost where I was.

We grant the Variance on the condition that the work proceed in accordance with plans prepared by Black River Architects, the first page of which has been initialled by the Chair.

All those in favor, please say "Aye."

(Aye.)

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

MICHAEL DRISCOLL: Thank you very much.

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

\* \* \* \* \*

(9:45 p.m.)

(Sitting Members Case BZA-014138-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 014138, 1 Gold Star Road Court.

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

WAIMAN CHAN: My name is Waiman Chan.

W-A-I-M-A-N. Last name Chan C-H-A-N. I'm the architect.

JERRY LUI: My name is Jerry Lui. Jerry, J-E-R-R-Y. Last name is L-U-I. I'm the project manager of this project.

SAMUEL KAHSAI: My name is Samuel Kahsai. I'm the owner.

CONSTANTINE ALEXANDER: Okay. Floor is yours. Why are you here and what do you want from us?



SAMUEL KAHSAI: We are here today to request an approval of our requested zoning application.

JANET GREEN: You have to speak right into the microphone.

SAMUEL KAHSAI: Okay. To request the zoning approval in the two dormers and front entrance and extending the flat line, the roof line about nine feet to make it a gabled roof. And I have copies and letters from the neighbors for you to review.

CONSTANTINE ALEXANDER: That's the same as in our file right now?

SAMUEL KAHSAI: It's the same.

CONSTANTINE ALEXANDER: You can give it to these folks. I have the file.

SAMUEL KAHSAI: Maybe I can give you the letter.

CONSTANTINE ALEXANDER: These are letters of support?

SAMUEL KAHSAI: Yes.

CONSTANTINE ALEXANDER: Thank you.

For starters, you're seeking under our Zoning Ordinance a lot of relief. It's a small lot, small structure. Right now the FAR is 1.07 in a district that's supposed to be no more than 0.5. So you're twice what's permitted.

SAMUEL KAHSAI: That's correct.

CONSTANTINE ALEXANDER: And you want to go to 1.22. I understand why you want to do it. But you've got to start with the fact that that's a lot of relief from our Board. That doesn't mean we're not going to grant you relief. But you should address why, why under these circumstances we should grant the relief that you're seeking.

SAMUEL KAHSAI: Okay. We are requesting the relief because the hardship on the stairs, the existing stairs from second floor to the third floor, they are too narrow, steep, and unsafe. So we're moving the stairs

against the wall where the dormer is going to be, and we'll have, you know, safe suitable house that will satisfy to our family. The house was, was not in good condition house where we could raise our kids and also to move into our house. So doing these modifications we must be able to enjoy the house safely and --

CONSTANTINE ALEXANDER: Do I also understand from your application is that you have family, parents who are going to move into that house?

SAMUEL KAHSAI: Yes, they will.

CONSTANTINE ALEXANDER: And part of the reason for the expansion of the house is to provide living space for the parents?

SAMUEL KAHSAI: That's true.

WAIMAN CHAN: May I add something? The existing roof there was a two parts. One is a pitched roof and the other part it's a flat roof. And Sam would like to extend that pitched roof and cover that to flat roof. And because

of that also have add to the FAR by one point.

JERRY LUI: 0.15.

WAIMAN CHAN: And the existing attic that has two rooms and now a single room.

JERRY LUI: Single room and one bathroom.

WAIMAN CHAN: Yeah. And the other thing would be the dormer over there. The setback, because of the stair and planning, layout of the attic and the second floor and had to be at that location otherwise it would be a lot of contortion destroying the layout. Because of that result in setback, it will be greatly enhanced with the setback have to give you a little headroom to get to the stairway.

CONSTANTINE ALEXANDER: Are you, will you be complying with our dormer guidelines?

WAIMAN CHAN: No. This is why. And apply for the Variance --

CONSTANTINE ALEXANDER: And to what extent are you not complying? Are they more than 15 feet wide?

SAMUEL KAHSAI: No, it's about 37 percent, it's only about 13 feet. It's modest size. Not big dormer.

CONSTANTINE ALEXANDER: But the dormer guidelines --

THE STENOGRAPHER: All right, we need to speak one at a time, please.

CONSTANTINE ALEXANDER: I just want to understand why -- again, I'm going to get to the why in a second. The dormer guidelines you're not too big.

JERRY LUI: Not too big.

CONSTANTINE ALEXANDER: Are you down from the ridge line?

JERRY LUI: Both of them.

CONSTANTINE ALEXANDER: Just the fact that you're too close --

JERRY LUI: The setback.

CONSTANTINE ALEXANDER: And the reason --

PATRICK TEDESCO: On one dormer not the other as I

understand it?

JERRY LUI: Correct.

PATRICK TEDESCO: For the stairwell?

CONSTANTINE ALEXANDER: And then the reason for your inability to comply with the dormer guidelines is because of the stair issues?

JERRY LUI: Okay.

CONSTANTINE ALEXANDER: I wanted to get that on the record.

WAIMAN CHAN: There's another part besides the roof line, so there's a front entryway existing. We would like to extend it two more feet to -- is this correct?

JERRY LUI: Yeah, to cover the landing.

WAIMAN CHAN: To cover the landing. Also extend the landing two feet.

CONSTANTINE ALEXANDER: That's the relief we often -- people often seek from us and we invariably grant. I mean, understand you don't want to be standing in the rain

or the snow, the elements. You want a little shelter as you want to get into your home.

WAIMAN CHAN: Right.

CONSTANTINE ALEXANDER: So that's, you're covering the dormers, the main entrance, and extending the roof line to cover the remaining section. That's the nature of the relief.

BRENDAN SULLIVAN: Well, one of the dormers, too, one of the requirements is at least 50 percent be glass.

CONSTANTINE ALEXANDER: I know. We'll get to that. It's not 100 percent compliant. Why only -- the dormer guidelines say you're supposed to have two windows in the dormers.

SAMUEL KAHSAI: We have three actually.

JERRY LUI: We have one side for 50 percent but the other side because it's the bathroom, so we can put a window right in front of the bathtub that's why we don't have one window there.

CONSTANTINE ALEXANDER: Okay.

WAIMAN CHAN: Sam, you have your neighbors.

CONSTANTINE ALEXANDER: We have letters which you have given to us which I'm going to assume are in support which I'll read in a second. And we may have people here, I assume they're here, to speak in this case. We'll hear from them as well.

Is there anything else you want to say at this juncture? Remember you have to meet the requirements for a Variance. As you heard in the previous case, substantial hardship that runs with the land, not just your hardship and which is why you need a Variance.

And that the hardship is owing to soil condition, shape, or topography of the land. And that we grant relief without substantial detriment to the public good.

So the hardship being you need additional living space for anyone in this structure with the additional living space. The house is not that small in terms of



square feet. It's 2,334 square feet. We've had houses before us that are almost half that size and there are people who want to expand and we're somewhat sympathetic. You want to add about almost 300 -- you want to increase the size by maybe 15 percent.

WAIMAN CHAN: Existing flat roof and extending to the pitched roof to cover and make it the more aesthetic in terms of the gaining the square footage, and that is a double benefit in a way to make it outside more compatible with your neighborhood.

And, Sam, would you like to show some of the your neighbors and pictures?

SAMUEL KAHSAI: If I may.

WAIMAN CHAN: Yeah.

Because the flat roof is completely awful. I don't know how to design that.

SAMUEL KAHSAI: These are the pictures I took on our neighborhood on Gold Star Road. The houses have dormers

on both sides. And in fact almost all of them, they have dormers that start on the ridge line. And our point is not to increase the square footage of the house. There is the -- we plan to extend the roof line for two reasons:

No. 1, to prevent from weather damage which the previous owners before we had them there with problems to solve that one. And trying to be compatible with our neighbors. So the intent is not to get in and we will still use our footprints of the -- of our property.

CONSTANTINE ALEXANDER: Okay.

JERRY LUI: Because the footprint, the gross floor area gain major is because we extend roof to the back, yet the roof is only the storage area is not really for the living space. So the reason why because the existing flat roof they have a leaking problem and a lot of, heavy snow --

CONSTANTINE ALEXANDER: I'm not sure which way that cuts. I mean, if you're extending the roof line not for additional living space, for storage space, that's not a

compelling case to allow you to extend the roof line.

JERRY LUI: Oh, okay, I see.

SAMUEL KAHSAI: But we, I mean, if I further explain the process. What we have tried to complete is if we see the plans, our bedrooms are really small and we, we're not trying to find more space. Had that been the case we have designed -- the attic --

THE STENOGRAPHER: I'm sorry, can you speak a little slower?

SAMUEL KAHSAI: No, we not trying to find more space. What we're trying to do is we, in the design process we talked about, although I said just, you know, putting the master bedroom on the third floor. We said the kids and us are going to stay on the same floor with small bedrooms. We don't care about the space. And our really concern was the steep narrow stair and the extent of the house.

CONSTANTINE ALEXANDER: I could see all the arguments about the stair and the need for not -- your

dormer's got to deal with that. And we've often granted relief from the dormer guidelines for those types of situations. It's the rest of what goes on is a little troublesome to me. I mean, the other additional space. How much of this, of the additional FAR is attributable to the landing over the front door? Not much I wouldn't think?

JERRY LUI: You mean the landing area?

CONSTANTINE ALEXANDER: If you weren't doing that theoretically, what would your FAR be?

JERRY LUI: Straight. How many square foot on the front entrance?

JANET GREEN: Yeah, how many square feet is there just in that front part where you have the landing? Because that adds some of your FAR.

SAMUEL KAHSAI: The front.

JERRY LUI: Only two foot for the FAR over there.

BRENDAN SULLIVAN: Two square feet.

JERRY LUI: Two square feet, yes.

CONSTANTINE ALEXANDER: Okay, so not that much.

JERRY LUI: Yeah, not that much. But the thing is on the third floor, everything is happening on the third floor because we pitched the roof a little bit higher, that's why the area also get a little bit more because of the combination of the five foot (inaudible). Because we raised the ridge a little bit higher, the ridge a little bit higher (inaudible).

WAIMAN CHAN: The steeper pitch.

JERRY LUI: That's why the area we get more.

WAIMAN CHAN: The calculation.

PATRICK TEDESCO: How many square feet attributed to the overhang? How many square feet attributed to back, the attic extension. The flat roof.

SAMUEL KAHSAI: It's nine feet. The roof itself is only nine feet. The flat one is only nine feet. It's not really space.

PATRICK TEDESCO: By the width of the house. I'm

just trying to get a square footage.

JANET GREEN: It's a peaked roof.

SAMUEL KAHSAI: Yeah.

JANET GREEN: Not this amount. Not all the way over to here, but just this amount. How many square feet is that?

JERRY LUI: I can't --

CONSTANTINE ALEXANDER: Approximately.

SAMUEL KAHSAI: That's nine feet by....

JERRY LUI: 12.

SAMUEL KAHSAI: Nine times twelve.

CONSTANTINE ALEXANDER: I'm sorry?

SAMUEL KAHSAI: Nine times twelve.

CONSTANTINE ALEXANDER: 108.

JERRY LUI: About 10 by 12.

PATRICK TEDESCO: And the -- your intent is that the attic space will be for your in-laws? Your parents?

SAMUEL KAHSAI: That's correct.

ANDREA HICKEY: Is that space used for living area now?

SAMUEL KAHSAI: It was two bedrooms, yeah.

JERRY LUI: Plus very low headroom.

SAMUEL KAHSAI: Two bedrooms in the attic. So we turn into one bedroom, one bath and extension of the --

CONSTANTINE ALEXANDER: So by my calculation about one third of the additional FAR is being created, is attributable to either covering the front step or the extension of the roof.

SAMUEL KAHSAI: Yes.

CONSTANTINE ALEXANDER: Additional living space is about 200 of the 300 feet that you're proposing to add to the structure. Am I right? Am I in the ballpark?

JERRY LUI: Yeah. Yeah.

PATRICK TEDESCO: But that 200, embedded in that 200 is the stair?

CONSTANTINE ALEXANDER: That's true. Correct.

Thank you, you're right.

WAIMAN CHAN: Yes. Actually, we change also the dormer on the other side from the -- it was flush, normally it was designed flush with the wall. Now it's further set back and we lost about a foot and a half further inside.

CONSTANTINE ALEXANDER: Members of the Board have any questions at this point?

(No Response.)

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

BRENDAN SULLIVAN: Yeah, I'm all set.

CONSTANTINE ALEXANDER: Okay.

The Chair will open this matter up to public testimony. Is there anyone here wishing to be heard on this matter?

Sir, please give your name and address to the stenographer.

BILL HUBNER: Bill Hubner, 55 Gold Star Road. And



I just want to say I've been living next-door to this house for the past 30 years. I did see the previous owner on many occasions have to get out on that roof and have to shovel it off. It is an odd condition to have a flat roof adjacent to the gable. And so I can't speak to the hardship case much, but I certainly can say as far as affecting the character of the neighborhood, there is nothing in the plan that Sam and Helen are proposing that would, that would influence it at all in the bad way of the neighborhood. I've been a neighbor for 30 years, the house is certainly modest size at best is the description, and the majority of the houses in our neighborhood. So they are larger. A majority of them do have dormers. Larger, at least 15 feet. And the vast majority of them with ridges up at the ridge line. So they've done I think a lot -- I've seen the plans obviously. They've done a lot in their plan to try to mitigate the effect to try to make the home more functional and usable for a family of four with extended family coming to visit,

whatever. So just, you have a letter from me.

CONSTANTINE ALEXANDER: Yes, I do. I saw it. And thank you for taking the time to come down and staying at this late hour.

BILL HUBNER: Thank you. That's a hardship right there.

CONSTANTINE ALEXANDER: Is there anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of three letters. One letter is Mr. Hubner so we don't need to read that.

We have a letter from Nelson P. Oliveira O-L-I-V-E-I-R-A, who resides at Three Gold Star Road Court. That's right next-door.

SAMUEL KAHSAI: My neighbor.

CONSTANTINE ALEXANDER: (Reading) I am writing in full sort of Samuel Kahsai's planned hearing in the upcoming

Board meeting for approval of the submitted proposal located at One Gold Star Road Court. I do not have any objections against the construction of dormers, roof extension, and covered entrance.

And the other letter is from Ann A-N-N, no E, T. McCarthy who resides at 61 Gold Star Road. (Reading) Please accept my letter of support on the proposed construction of dormers, covered entrance, and roof extension on the property located and One Gold Star Road that Samuel Kahsai has submitted for your approval. And that's it.

Any final comments you want to make at this point before we close testimony and we consider this case? Speak now or forever hold your peace as they say.

Okay, I'm going to close public testimony.

Discussion from members of the Board?

Though the relief being sought is dramatic from our perspective, from a zoning perspective, I think there are compelling considerations here that would allow me to

vote in favor of granting the relief, so I'm in favor.

JANET GREEN: I'm in favor.

ANDREA HICKEY: Yeah, I think when you look at the stairs and the overhang and the dormers all together, it, it's acceptable.

CONSTANTINE ALEXANDER: Anyone else want to speak or I'll make a motion. We'll see how the vote goes. I think we're ready for a vote.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being this is an older home that's oddly configured and in need of some modification, particularly with regard to stairs and the front entranceway.

That the hardship is owing to the fact that there's a -- this is a non-conforming structure and the shape of the lot is such that requires relief.

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

In this regard the Chair would note that the proposed project has the support of the neighborhood.

That it will improve the housing stock of the city.

And that it will -- well, just that.

So on the basis of all of these findings, the Chair moves that we grant the Variances requested on the condition that the work proceed in accordance with plans submitted by the petitioner and which have been initialled by the Chair. They have been prepared by Jesse Design Build.

Let me make a -- before we take a vote. These have to be the final plans. If you in going forward you decide you want to modify them, you're going to have to come back before us. So you understand this is it? Okay?

SAMUEL KAHSAI: Yeah.

CONSTANTINE ALEXANDER: All those in favor of granting the Variance -- well, I don't think I made the condition. We grant the Variance on the condition that the work proceed in accordance with these plans.

All those in favor please say "Aye."

(Aye.)

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

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

(Whereupon, at 10:05 p.m., the Zoning Board of Appeals Adjourned.)

\* \* \* \* \*

**ERRATA SHEET AND SIGNATURE INSTRUCTIONS**

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

**INSTRUCTIONS**

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

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

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, 2017.

---

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

My Commission Expires:  
April 29, 2022

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## REPORTER.

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#BZA-010111-2016

[1] - 2:3

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0.15 [1] - 199:11

0.5 [1] - 197:10

000631 [1] - 2:5

013173 [1] - 5:5

013923 [1] - 95:6

013941 [1] - 149:6

013972 [1] - 162:6

013985 [1] - 171:6

014026 [1] - 180:6

014106 [1] - 176:6

014122-2017

[1] - 36:6

014138 [1] - 195:6

02139 [1] - 1:7

03A [1] - 6:1

07/27/17 [1] - 2:6

## 1

1 [6] - 2:15, 40:6,

63:11, 115:15,

195:6, 206:13

1,000 [1] - 91:4

1.07 [1] - 197:8

1.22 [1] - 197:13

10 [2] - 124:4, 212:1

100 [5] - 37:12, 99:2,

131:3, 139:2,

203:10

100-year-old

[1] - 130:3

108 [1] - 211:18

10:05 [1] - 221:4

1100 [1] - 43:18

11th [1] - 27:1

12 [6] - 12:12, 19:6,

27:5, 128:7, 211:14,

212:1

12,000 [1] - 43:11

120 [1] - 95:14

125 [1] - 68:2

12th [14] - 171:13,

171:16, 172:1,

173:16, 174:1,

174:6, 174:15,

174:17, 175:3,

177:8, 177:9,

177:10, 178:4,

178:12  
**13** [1] - 200:14  
**136** [7] - 39:14, 57:3,  
 76:6, 76:8, 90:7,  
 91:2, 92:7  
**138** [2] - 76:17, 78:8  
**14** [4] - 1:4, 147:1,  
 174:14, 178:6  
**147703** [1] - 223:14  
**149** [1] - 2:10  
**15** [6] - 182:16, 188:8,  
 190:8, 200:12,  
 205:10, 215:9  
**15-foot** [1] - 188:14  
**152** [1] - 37:16  
**1566** [1] - 182:2  
**1583** [1] - 182:2  
**16** [1] - 2:5  
**162** [1] - 2:11  
**17** [4] - 127:14,  
 127:15, 127:17,  
 127:18  
**171** [1] - 2:13  
**175,000** [1] - 68:3  
**176** [1] - 2:14  
**18** [3] - 117:2, 117:16,  
 117:18  
**180** [1] - 2:12  
**195** [1] - 2:15  
**1950** [3] - 133:7,  
 133:15, 137:12  
**1973** [2] - 137:16,  
 138:10  
**1A** [2] - 12:10, 14:17  
**1B** [4] - 12:10, 14:17,  
 15:6, 15:11

## 2

**2** [3] - 12:5, 19:6,  
 115:15  
**2,334** [1] - 205:5  
**20** [5] - 164:1, 164:14,  
 165:7, 166:18  
**20-foot** [1] - 129:5  
**200** [3] - 213:3, 213:7,  
 213:8  
**2004** [1] - 92:1  
**2005** [1] - 151:12  
**201** [2] - 2:9, 149:6  
**2017** [2] - 1:4, 223:8  
**2020** [6] - 74:7, 74:9,  
 87:15, 93:4, 93:5,  
 93:12

**2022** <sup>[1]</sup> - 223:16  
**215** <sup>[1]</sup> - 7:14  
**22** <sup>[5]</sup> - 2:3, 2:4,  
 117:17, 164:10,  
 167:1  
**22-26** <sup>[2]</sup> - 2:11, 162:6  
**25** <sup>[1]</sup> - 95:17  
**26** <sup>[2]</sup> - 164:11, 167:8  
**2615** <sup>[2]</sup> - 2:13, 171:6  
**26th** <sup>[18]</sup> - 21:1,  
 22:12, 97:6, 97:17,  
 100:10, 106:9,  
 107:13, 143:8,  
 143:9, 143:12,  
 143:18, 144:13,  
 144:16, 145:4,  
 146:14, 147:2,  
 147:8, 147:12  
**27** <sup>[4]</sup> - 172:3, 181:18,  
 183:8, 183:10  
**273** <sup>[2]</sup> - 2:6, 5:6  
**27th** <sup>[1]</sup> - 223:8  
**28** <sup>[2]</sup> - 167:6, 181:10  
**29** <sup>[1]</sup> - 223:16  
**2A** <sup>[6]</sup> - 11:14, 12:4,  
 12:10, 12:11, 12:14,  
 16:15  
**2B** <sup>[7]</sup> - 11:14, 12:5,  
 12:7, 12:15, 13:16,  
 16:15, 17:2

### 3

**3** <sup>[1]</sup> - 115:15  
**30** <sup>[3]</sup> - 57:2, 214:12,  
 215:4  
**30-something**  
<sup>[1]</sup> - 183:9  
**300** <sup>[2]</sup> - 205:9, 213:3  
**31** <sup>[4]</sup> - 93:4, 93:5,  
 93:9, 93:12  
**32** <sup>[4]</sup> - 2:7, 36:6,  
 37:4, 58:15  
**34** <sup>[1]</sup> - 150:15  
**36** <sup>[1]</sup> - 2:7  
**360** <sup>[1]</sup> - 82:12  
**365** <sup>[1]</sup> - 70:8  
**366** <sup>[1]</sup> - 65:5  
**37** <sup>[1]</sup> - 200:13  
**372** <sup>[1]</sup> - 38:3  
**38** <sup>[3]</sup> - 96:16, 96:17,  
 107:2  
**384** <sup>[1]</sup> - 38:9  
**388** <sup>[4]</sup> - 39:15, 40:2,

65:6, 72:18

**397082**<sup>[1]</sup> - 59:2

**3A**<sup>[1]</sup> - 19:3

**3B**<sup>[1]</sup> - 19:3

## 4

**4**<sup>[1]</sup> - 156:13

**40**<sup>[1]</sup> - 107:1

**43**<sup>[7]</sup> - 2:8, 95:6,

96:15, 99:15,

110:11, 133:16,

137:13

**44**<sup>[2]</sup> - 181:12,

181:13

**45**<sup>[2]</sup> - 106:7, 143:10

**465**<sup>[1]</sup> - 123:15

**4A**<sup>[1]</sup> - 19:11

**4B**<sup>[1]</sup> - 19:11

## 5

**5**<sup>[4]</sup> - 2:6, 2:9, 19:15,

149:6

**50**<sup>[4]</sup> - 110:8, 124:8,

203:8, 203:14

**500**<sup>[5]</sup> - 38:7, 59:6,

75:13, 78:6, 78:13

**500-car**<sup>[1]</sup> - 54:17

**524**<sup>[4]</sup> - 38:3, 39:12,

47:4, 73:11

**525**<sup>[1]</sup> - 90:13

**55**<sup>[2]</sup> - 188:11,

214:10

**56**<sup>[1]</sup> - 188:10

## 6

**6**<sup>[5]</sup> - 2:12, 7:18,

180:6, 180:14,

181:4

**6"**<sup>[1]</sup> - 127:14

**6'**<sup>[1]</sup> - 127:15

**6',8**<sup>[1]</sup> - 14:11

**6.22-1a**<sup>[1]</sup> - 89:12

**6.43.2**<sup>[2]</sup> - 77:7, 89:1

**6.43.5**<sup>[1]</sup> - 77:5

**6.43.5a**<sup>[2]</sup> - 37:7,

88:17

**6.44.1b**<sup>[1]</sup> - 140:15

**6.5**<sup>[1]</sup> - 14:10

**60**<sup>[2]</sup> - 51:15, 150:5

**600**<sup>[2]</sup> - 51:14, 53:11

**61**<sup>[1]</sup> - 217:4

**617.786.7783/617.63**

**9.0396**<sup>[1]</sup> - 1:17

**636** [1] - 43:14  
**66** [2] - 2:14, 176:7  
**687** [1] - 56:18  
**6:30** [1] - 2:2

## 7

**7500** [1] - 131:17  
**7600** [1] - 101:13  
**77** [1] - 36:10  
**78** [1] - 150:6  
**7:10** [3] - 1:4, 3:3, 5:1  
**7:30** [1] - 145:10  
**7:35** [1] - 36:1

## 8

**8',6** [3] - 117:15,  
 117:16, 117:18  
**8',6"** [1] - 117:15  
**806** [1] - 1:6  
**82** [2] - 59:1, 150:6  
**83** [1] - 48:5  
**85** [1] - 48:5  
**8:30** [1] - 95:1

## 9

**9/11** [1] - 26:17  
**9/11/17** [3] - 25:17,  
 26:1, 26:15  
**90** [1] - 48:7  
**95** [1] - 2:8  
**98** [2] - 99:2, 131:3  
**9:10** [1] - 149:1  
**9:20** [1] - 162:1  
**9:25** [1] - 171:1  
**9:30** [2] - 176:1, 180:1  
**9:45** [1] - 195:1  
**9th** [1] - 26:18

## A

**a.m** [3] - 92:11, 92:15,  
 92:16  
**A100** [1] - 114:13  
**ability** [2] - 63:14,  
 114:9  
**able** [17] - 13:10, 14:8,  
 14:11, 14:13, 14:14,  
 20:2, 53:12, 53:17,  
 55:6, 59:9, 61:11,  
 118:4, 118:8, 122:9,  
 129:10, 143:15,  
 198:12  
**absolutely** [5] - 9:12,  
 54:18, 163:15,

187:4, 191:5

**absorb** [6] - 63:8,  
63:13, 75:14, 76:6,  
76:16, 91:5

**absorbed** [1] - 81:4

**absorbing** [1] - 76:4

**abut** [1] - 99:15

**abutter** [1] - 152:18

**abutters** [5] - 103:1,  
169:1, 172:10,  
172:11, 173:13

**abutting** [3] - 111:7,  
167:1, 167:3

**academic** [3] - 38:6,  
67:4, 80:18

**accelerator**

[1] - 137:6

**accept** [2] - 171:11,  
217:5

**acceptable** [1] - 218:7

**access** [11] - 28:14,  
54:5, 55:6, 56:1,  
56:6, 66:4, 89:7,  
90:2, 163:10, 168:6,  
189:3

**accessibility**

[1] - 56:6

**accessible**

[13] - 54:15, 55:3,  
55:12, 55:14, 56:12,  
56:15, 57:2, 57:4,  
57:12, 57:13, 57:17,  
63:11, 72:11

**accommodate**

[6] - 46:7, 46:13,  
52:7, 61:2, 78:7,  
78:8

**accommodated**

[3] - 49:12, 73:14,  
87:10

**accordance**

[7] - 29:15, 160:12,  
169:14, 193:8,  
193:18, 220:1,  
220:15

**according** [1] - 89:13

**accordingly**

[1] - 54:16

**accurate** [2] - 222:16,  
223:7

**accurately** [1] - 21:8

**acknowledges**

[1] - 89:4

**active** [1] - 97:11

**activity** <sup>[1]</sup> - 66:3  
**actual** <sup>[4]</sup> - 12:3, 12:4,  
 118:13, 153:12  
**ADA** <sup>[1]</sup> - 55:7  
**ADAM** <sup>[2]</sup> - 149:14,  
 155:10  
**Adam** <sup>[1]</sup> - 149:14  
**add** <sup>[10]</sup> - 44:6, 45:12,  
 69:15, 131:17,  
 152:14, 158:6,  
 199:5, 199:10,  
 205:9, 213:4  
**added** <sup>[2]</sup> - 139:9,  
 152:11  
**adding** <sup>[4]</sup> - 24:13,  
 40:3, 40:4, 43:18  
**addition** <sup>[11]</sup> - 90:7,  
 91:11, 92:7, 92:14,  
 110:2, 151:4, 151:8,  
 152:7, 153:13,  
 156:14, 159:7  
**additional**  
<sup>[15]</sup> - 11:11, 45:12,  
 49:12, 51:14,  
 150:15, 173:13,  
 185:8, 192:6, 205:2,  
 205:4, 207:11,  
 209:2, 209:3,  
 212:15, 213:2  
**additions** <sup>[1]</sup> - 131:18  
**address** <sup>[18]</sup> - 6:3,  
 7:10, 23:13, 24:2,  
 36:8, 51:8, 58:17,  
 95:12, 96:1, 98:14,  
 98:18, 141:6, 149:8,  
 180:12, 184:11,  
 197:17, 214:8  
**addresses** <sup>[1]</sup> - 81:11  
**adds** <sup>[2]</sup> - 80:3,  
 209:13  
**adequate** <sup>[2]</sup> - 68:9,  
 172:10  
**adjacent** <sup>[7]</sup> - 28:18,  
 91:8, 113:11,  
 113:16, 116:7,  
 168:15, 214:16  
**adjoining** <sup>[2]</sup> - 29:8,  
 169:9  
**Adjourned** <sup>[1]</sup> - 221:5  
**adjust** <sup>[2]</sup> - 110:15,  
 152:6  
**adjusting** <sup>[1]</sup> - 110:17  
**admissions**  
<sup>[1]</sup> - 32:16

**admitted** <sup>[1]</sup> - 133:1  
**adversely** <sup>[3]</sup> - 29:1,  
 91:10, 168:16  
**advertisement**  
<sup>[1]</sup> - 181:12  
**advise** <sup>[1]</sup> - 4:5  
**advised** <sup>[1]</sup> - 4:11  
**advocate** <sup>[1]</sup> - 78:5  
**aesthetic** <sup>[2]</sup> - 11:8,  
 205:13  
**affect** <sup>[2]</sup> - 67:17,  
 165:7  
**affected** <sup>[6]</sup> - 29:1,  
 91:10, 163:13,  
 164:4, 168:16,  
 169:1  
**affecting** <sup>[3]</sup> - 165:7,  
 165:10, 214:18  
**affects** <sup>[1]</sup> - 69:8  
**Affidavit** <sup>[1]</sup> - 34:8  
**agenda** <sup>[2]</sup> - 4:13,  
 174:1  
**ago** <sup>[5]</sup> - 16:15, 20:18,  
 80:16, 128:1,  
 143:10  
**agree** <sup>[6]</sup> - 72:2,  
 100:1, 100:17,  
 104:8, 104:13,  
 105:3  
**agreed** <sup>[2]</sup> - 87:1,  
 87:6  
**agreement** <sup>[1]</sup> - 153:5  
**aisle** <sup>[2]</sup> - 53:13,  
 110:13  
**aisles** <sup>[1]</sup> - 55:12  
**alarms** <sup>[2]</sup> - 135:13,  
 137:5  
**Albany** <sup>[3]</sup> - 60:14,  
 61:15, 62:1  
**Alexander** <sup>[18]</sup> - 1:8,  
 3:4, 5:3, 35:14,  
 95:3, 147:17, 149:3,  
 161:1, 162:3, 170:3,  
 171:3, 175:8, 176:3,  
 178:17, 180:3,  
 194:8, 195:3, 221:2  
**ALEXANDER**  
<sup>[282]</sup> - 3:7, 5:5, 6:10,  
 6:13, 8:8, 8:12,  
 8:15, 9:1, 9:7, 9:14,  
 11:16, 13:17, 15:6,  
 15:13, 15:17, 16:8,  
 20:13, 21:1, 21:4,  
 21:16, 22:1, 22:4,



22:9, 24:5, 24:9,  
24:17, 25:6, 25:13,  
26:2, 26:7, 26:12,  
26:17, 27:10, 27:17,  
28:2, 28:6, 30:3,  
30:10, 31:11, 35:10,  
95:5, 95:11, 95:18,  
96:7, 96:11, 96:17,  
97:2, 97:14, 98:2,  
98:13, 99:5, 99:12,  
99:17, 100:16,  
101:6, 101:17,  
102:7, 102:10,  
103:10, 103:17,  
105:1, 105:10,  
105:18, 106:9,  
106:12, 107:18,  
108:5, 108:13,  
108:16, 109:2,  
109:4, 109:7,  
111:12, 111:18,  
112:7, 112:10,  
112:13, 112:17,  
113:3, 113:7,  
115:13, 115:18,  
116:3, 116:11,  
116:14, 118:1,  
118:10, 118:15,  
119:8, 120:18,  
121:7, 121:12,  
121:16, 122:10,  
122:18, 123:9,  
123:14, 124:1,  
124:15, 125:15,  
126:5, 126:9,  
127:16, 128:5,  
128:10, 128:13,  
129:7, 130:5,  
130:10, 132:2,  
132:8, 132:12,  
132:16, 133:4,  
134:6, 134:9, 135:6,  
135:10, 135:14,  
135:16, 136:7,  
136:18, 138:17,  
139:12, 139:16,  
140:5, 140:9,  
140:12, 141:15,  
142:3, 142:8,  
142:12, 142:16,  
143:2, 143:6, 143:9,  
143:17, 144:3,  
144:7, 144:11,  
144:13, 145:1,

145:4, 145:6, 145:8,  
145:11, 145:18,  
146:5, 147:10,  
147:16, 149:5,  
149:15, 150:9,  
151:7, 152:9,  
152:15, 153:2,  
153:6, 153:14,  
153:18, 154:5,  
154:10, 154:12,  
154:16, 155:5,  
156:12, 156:16,  
158:10, 158:15,  
159:3, 159:13,  
160:17, 162:5,  
163:12, 163:18,  
164:3, 164:8,  
164:13, 165:1,  
165:8, 165:14,  
166:5, 166:8,  
166:14, 167:16,  
167:18, 170:1,  
171:5, 171:18,  
173:1, 173:4, 173:8,  
173:12, 173:15,  
173:18, 174:4,  
174:11, 175:6,  
176:5, 177:9,  
177:16, 178:15,  
180:5, 180:10,  
180:15, 181:2,  
181:11, 181:15,  
182:13, 183:1,  
183:4, 183:7, 184:2,  
184:10, 184:16,  
185:6, 185:16,  
186:1, 186:8,  
186:17, 187:2,  
187:5, 187:13,  
187:16, 188:3,  
188:12, 189:1,  
189:5, 189:11,  
189:17, 190:4,  
190:7, 190:12,  
190:17, 191:11,  
191:16, 193:13,  
194:5, 195:5,  
195:17, 196:13,  
196:16, 197:2,  
197:5, 197:12,  
198:14, 199:1,  
200:6, 200:10,  
200:16, 201:2,  
201:7, 201:10,

201:13, 201:18,  
 202:4, 202:13,  
 203:2, 203:9, 204:1,  
 204:4, 207:1, 207:9,  
 208:14, 209:7,  
 210:1, 211:12,  
 211:16, 211:18,  
 212:14, 213:2,  
 213:9, 213:16,  
 214:1, 214:4,  
 215:17, 216:4,  
 216:7, 216:14,  
 218:8, 220:11,  
 220:18  
**allow** <sup>[18]</sup> - 37:7, 73:9,  
 74:5, 97:6, 110:8,  
 110:12, 122:17,  
 123:1, 128:3,  
 128:13, 129:13,  
 141:3, 172:16,  
 176:18, 188:16,  
 207:13, 218:2  
**allowed** <sup>[3]</sup> - 55:2,  
 77:1, 150:5  
**allowing** <sup>[1]</sup> - 77:11  
**allows** <sup>[2]</sup> - 77:5,  
 88:18  
**almost** <sup>[8]</sup> - 106:7,  
 106:12, 134:15,  
 154:16, 165:11,  
 205:7, 205:9, 206:8  
**alpha** <sup>[1]</sup> - 16:12  
**alternative**  
<sup>[6]</sup> - 23:15, 69:1,  
 74:17, 75:7, 75:11,  
 79:17  
**alternatively**  
<sup>[1]</sup> - 39:5  
**alternatives**  
<sup>[1]</sup> - 38:15  
**altogether** <sup>[2]</sup> - 22:16,  
 38:3  
**amenable** <sup>[1]</sup> - 104:8  
**amended** <sup>[1]</sup> - 5:15  
**amidst** <sup>[1]</sup> - 21:12  
**amount** <sup>[5]</sup> - 47:11,  
 127:4, 152:4, 211:8,  
 211:9  
**analyzed** <sup>[1]</sup> - 155:15  
**AND** <sup>[1]</sup> - 222:1  
**AND/OR** <sup>[1]</sup> - 223:18  
**Anderson** <sup>[2]</sup> - 5:11,  
 7:8  
**Andrea** <sup>[13]</sup> - 1:9, 3:5,

5:4, 36:3, 47:1,  
71:13, 95:4, 149:4,  
162:4, 171:4, 176:4,  
180:4, 195:4

**ANDREA** <sup>[63]</sup> - 7:6,  
10:3, 10:10, 11:18,  
22:3, 26:9, 28:5,  
47:2, 47:17, 48:2,  
48:10, 48:17, 49:14,  
50:4, 50:13, 51:1,  
64:1, 65:3, 68:7,  
68:13, 71:15, 72:5,  
72:8, 73:1, 75:3,  
76:18, 77:13, 77:18,  
78:9, 78:14, 81:8,  
81:17, 82:15, 83:9,  
87:11, 88:4, 93:6,  
104:5, 114:1, 114:6,  
116:8, 116:12,  
116:17, 117:4,  
117:7, 117:11,  
123:18, 124:2,  
125:3, 125:11,  
136:5, 136:8,  
136:16, 137:2,  
144:1, 144:5,  
159:12, 165:16,  
166:7, 189:13,  
191:14, 212:6,  
218:5

**angle** <sup>[1]</sup> - 127:3

**Ann** <sup>[1]</sup> - 217:3

**ANN** <sup>[1]</sup> - 217:3

**annually** <sup>[1]</sup> - 90:1

**answer** <sup>[2]</sup> - 57:7,  
82:7

**answered** <sup>[1]</sup> - 86:3

**antenna** <sup>[4]</sup> - 15:8,  
15:11, 16:7, 17:2

**antennas** <sup>[11]</sup> - 12:7,  
12:17, 13:2, 13:16,  
14:2, 15:2, 16:12,  
16:17, 19:8, 19:14,  
23:13

**Anthenaeum**

<sup>[2]</sup> - 7:13, 7:14

**anticipating**

<sup>[2]</sup> - 49:10, 74:13

**Antrim** <sup>[2]</sup> - 2:14,

176:7

**ANY** <sup>[2]</sup> - 223:17,

223:18

**anyhow** <sup>[2]</sup> - 18:4,

77:5

**anyway** [2] - 84:1,  
147:4

**apartment**  
[3] - 101:10, 157:15,  
158:3

**apartments**  
[1] - 136:12

**APPEAL** [1] - 1:1

**Appeal** [1] - 141:2

**Appeals** [3] - 221:5,  
222:6, 222:15

**appearance**  
[4] - 23:13, 30:4,  
30:13, 31:3

**appease** [2] - 157:15,  
157:17

**application**  
[13] - 5:15, 6:4, 7:9,  
19:16, 33:12, 33:14,  
33:17, 64:2, 158:1,  
162:13, 183:11,  
196:4, 198:15

**applied** [1] - 160:3

**applies** [1] - 155:12

**apply** [8] - 31:5,  
33:10, 154:7, 160:4,  
160:7, 185:12,  
189:6, 200:9

**APPLY** [1] - 223:17

**appreciate** [1] - 70:2

**approach** [3] - 100:5,  
100:17, 100:18

**appropriate**  
[2] - 34:16, 52:12

**approval** [6] - 76:3,  
146:11, 196:3,  
196:8, 216:17,  
217:9

**approve** [5] - 75:2,  
78:6, 159:6, 176:17,  
191:7

**approved** [9] - 30:17,  
63:17, 79:2, 150:3,  
151:9, 152:16,  
153:7, 160:1, 160:9

**approving** [1] - 64:17

**april** [1] - 223:16

**architect** [4] - 146:9,  
193:9, 193:14,  
195:11

**Architects** [2] - 96:5,  
194:1

**architecture**  
[1] - 23:14

**area** <sup>[13]</sup> - 34:10,  
 43:9, 49:11, 64:13,  
 92:18, 97:11,  
 187:11, 207:3,  
 207:5, 209:6, 210:6,  
 210:12, 212:7

**areas** <sup>[6]</sup> - 14:15,  
 41:15, 47:15, 68:18,  
 188:7, 189:3

**argument** <sup>[1]</sup> - 126:3

**arguments**  
<sup>[1]</sup> - 208:15

**arithmetic** <sup>[3]</sup> - 56:16,  
 57:9, 58:3

**arrangement**  
<sup>[6]</sup> - 77:8, 89:2, 89:5,  
 122:4, 122:15,  
 126:14

**arrows** <sup>[1]</sup> - 63:1

**Art** <sup>[1]</sup> - 5:11

**art** <sup>[1]</sup> - 7:7

**ARTHUR** <sup>[50]</sup> - 5:9,  
 6:8, 6:15, 6:18, 7:2,  
 7:7, 8:11, 8:14,  
 8:17, 9:4, 9:12,  
 9:17, 10:5, 10:11,  
 12:1, 12:14, 13:18,  
 15:10, 15:15, 16:1,  
 16:6, 16:9, 17:4,  
 17:7, 17:10, 17:12,  
 17:18, 18:8, 18:12,  
 18:17, 19:3, 20:17,  
 21:2, 21:7, 24:3,  
 24:7, 24:13, 25:5,  
 25:10, 25:16, 26:4,  
 26:10, 26:14, 27:3,  
 27:15, 28:1, 30:2,  
 30:8, 31:10, 35:12

**Ash** <sup>[1]</sup> - 128:2

**aspects** <sup>[2]</sup> - 19:18,  
 21:9

**assigned** <sup>[4]</sup> - 47:5,  
 47:8, 47:10, 49:11

**assignments**  
<sup>[1]</sup> - 46:11

**assist** <sup>[11]</sup> - 4:8, 37:3,  
 41:6, 55:1, 56:12,  
 56:13, 57:11, 85:11,  
 86:16, 87:14, 89:5

**Assistant** <sup>[1]</sup> - 1:12

**assistant** <sup>[1]</sup> - 86:9

**assisted** <sup>[6]</sup> - 45:12,  
 49:15, 56:3, 56:11,  
 73:17, 91:1

**Associate** <sup>[1]</sup> - 1:10

**Associated**

<sup>[3]</sup> - 134:2, 134:5,  
137:17

**associated**

<sup>[1]</sup> - 137:13

**association**

<sup>[3]</sup> - 159:6, 172:5,  
172:12

**assume** <sup>[9]</sup> - 8:15,

10:2, 16:2, 17:13,  
56:10, 83:1, 156:10,  
204:6, 204:7

**assumed** <sup>[2]</sup> - 173:1,

173:4

**assuming** <sup>[2]</sup> - 56:18,

191:7

**assumption**

<sup>[1]</sup> - 120:1

**assurance** <sup>[1]</sup> - 49:5

**asymmetry** <sup>[1]</sup> - 13:4

**AT&T** <sup>[4]</sup> - 5:12, 7:8,

13:9, 14:8

**athletes** <sup>[1]</sup> - 59:7

**athletic** <sup>[1]</sup> - 61:1

**athletics** <sup>[1]</sup> - 60:11

**attempt** <sup>[1]</sup> - 75:14

**attempted** <sup>[1]</sup> - 142:1

**attendant** <sup>[8]</sup> - 37:3,

41:6, 85:10, 85:17,  
86:16, 87:14, 89:5,  
91:1

**attendant-assist**

<sup>[1]</sup> - 89:5

**attendant-assisted**

<sup>[1]</sup> - 91:1

**attendants** <sup>[1]</sup> - 55:2

**attendees** <sup>[2]</sup> - 4:3,

62:7

**attic** <sup>[6]</sup> - 199:12,

199:18, 208:2,  
210:17, 212:3,  
212:12

**attorney** <sup>[1]</sup> - 162:9

**ATTORNEY** <sup>[54]</sup> - 5:9,

6:8, 6:15, 6:18, 7:2,  
7:7, 8:11, 8:14,  
8:17, 9:4, 9:12,  
9:17, 10:5, 10:11,  
12:1, 12:14, 13:18,  
15:10, 15:15, 16:1,  
16:6, 16:9, 17:4,  
17:7, 17:10, 17:12,  
17:18, 18:8, 18:12,

18:17, 19:3, 20:17,  
 21:2, 21:7, 24:3,  
 24:7, 24:13, 25:5,  
 25:10, 25:16, 26:4,  
 26:10, 26:14, 27:3,  
 27:15, 28:1, 30:2,  
 30:8, 31:10, 35:12,  
 162:7, 165:18,  
 166:6, 167:15

**attributable**

[2] - 209:4, 212:16

**attributed**

[2] - 210:16, 210:17

**audience** [1] - 6:6

**audio** [1] - 3:14

**authorities**

[3] - 31:18, 32:6,  
 32:11

**autonomous**

[1] - 67:15

**available** [13] - 45:9,

46:5, 53:6, 53:12,  
 61:5, 62:10, 69:2,  
 74:7, 82:14, 83:3,  
 144:17, 171:14,  
 171:17

**Ave** [4] - 36:11, 38:2,

164:10, 167:7

**Avenue** [9] - 1:6,

2:11, 2:13, 162:6,  
 166:18, 167:1,  
 167:8, 171:6, 172:3

**average** [1] - 43:11

**avoid** [1] - 69:12

**awakened** [1] - 140:4

**aware** [3] - 58:6,

63:17, 65:16

**awful** [2] - 131:14,

206:4

**awhile** [1] - 5:13

**awkward** [2] - 184:6,

191:9

**Aye** [16] - 35:8, 35:9,

147:14, 147:15,  
 160:15, 160:16,  
 169:17, 169:18,  
 175:4, 175:5,  
 178:13, 178:14,  
 194:3, 194:4,  
 220:16, 220:17

**B**

**backed** [2] - 78:2,



119:17

**background**

[2] - 16:13, 163:4

**backing** [2] - 127:6,  
128:16

**backtracked**

[1] - 150:18

**backup** [6] - 79:10,  
110:9, 110:13,  
117:17, 118:17,  
127:5

**backyard** [3] - 128:4,  
133:14, 135:4

**bad** [2] - 151:16,  
215:3

**balancing** [1] - 69:9

**ballpark** [1] - 213:5

**bang** [1] - 134:17

**BARD** [2] - 149:14,  
155:10

**Bard** [1] - 149:14

**bare** [2] - 54:18, 55:18

**barely** [1] - 128:7

**barricades** [1] - 34:16

**barrier** [1] - 120:14

**based** [3] - 29:11,  
141:18, 160:5

**basement** [3] - 137:7,  
155:3, 163:10

**basic** [1] - 131:16

**basis** [16] - 33:4, 35:4,  
52:9, 64:5, 66:2,  
66:17, 69:2, 100:2,  
147:14, 169:11,  
177:5, 178:1, 186:2,  
193:4, 193:15,  
219:16

**bath** [1] - 212:12

**bathroom**

[5] - 133:12, 163:9,  
199:14, 203:16

**bathub** [1] - 203:17

**beautiful** [1] - 130:3

**became** [1] - 172:9

**becomes** [1] - 157:4

**bedroom** [3] - 140:3,  
208:8, 212:12

**bedrooms**

[6] - 133:11, 133:12,  
207:17, 208:11,  
212:8, 212:11

**beginning** [2] - 4:2,  
131:5

**behalf** [1] - 162:11

**behind** <sup>[3]</sup> - 17:1,  
17:2, 19:9

**belabor** <sup>[1]</sup> - 21:15

**below** <sup>[4]</sup> - 42:12,  
140:3, 153:12,  
157:15

**bend** <sup>[1]</sup> - 128:11

**benefit** <sup>[1]</sup> - 205:14

**best** <sup>[5]</sup> - 37:14,  
43:12, 63:13, 66:11,  
215:5

**beta** <sup>[1]</sup> - 17:9

**better** <sup>[9]</sup> - 23:9,  
23:14, 40:15, 80:7,  
93:10, 104:3, 106:5,  
187:9, 187:18

**between** <sup>[9]</sup> - 86:2,  
92:15, 101:5,  
110:10, 111:3,  
120:14, 127:13,  
188:15

**BHUPESH**  
<sup>[17]</sup> - 149:10,  
149:18, 150:11,  
152:12, 153:1,  
153:4, 153:8,  
153:15, 154:2,  
154:9, 154:11,  
154:15, 155:1,  
156:15, 156:18,  
157:14, 158:13

**Bhupesh** <sup>[1]</sup> - 149:10

**big** <sup>[9]</sup> - 59:7, 72:16,  
74:2, 74:10, 97:10,  
181:1, 200:15,  
201:5, 201:6

**bigger** <sup>[1]</sup> - 82:5

**BILEZIKIAN**  
<sup>[5]</sup> - 16:4, 17:9,  
17:11, 17:17, 18:1

**BILL** <sup>[2]</sup> - 214:10,  
216:2

**Bill** <sup>[1]</sup> - 214:10

**Binney** <sup>[1]</sup> - 80:8

**bit** <sup>[17]</sup> - 15:7, 31:8,  
78:5, 86:17, 106:2,  
106:13, 129:1,  
139:13, 151:10,  
152:10, 159:18,  
181:18, 187:15,  
210:6, 210:7, 210:9,  
210:10

**Black** <sup>[1]</sup> - 194:1

**block** <sup>[5]</sup> - 48:14,

49:6, 55:3, 55:7,  
60:16

**blocked** [3] - 14:4,  
85:14, 125:6

**blocking** [2] - 37:5,  
56:12

**board** [3] - 56:6,  
108:7, 117:9

**BOARD** [1] - 1:1

**Board** [60] - 5:10, 8:9,  
9:3, 9:5, 9:9, 9:11,  
9:16, 10:1, 10:2,  
11:2, 12:16, 13:1,  
13:6, 15:1, 20:14,  
21:17, 22:11, 23:1,  
23:11, 33:11, 36:5,  
54:5, 71:7, 71:9,  
88:8, 88:17, 89:4,  
89:6, 90:6, 91:7,  
91:12, 91:14, 92:9,  
93:1, 97:15, 98:9,  
100:1, 100:13,  
101:3, 102:14,  
123:10, 140:14,  
141:2, 144:10,  
144:11, 155:6,  
162:8, 165:15,  
172:6, 172:16,  
176:8, 187:3,  
189:12, 197:15,  
213:17, 216:16,  
217:16, 221:5,  
222:6, 222:15

**Board's** [7] - 14:15,  
20:5, 20:12, 24:2,  
74:4, 102:15, 123:6

**boards** [3] - 72:14,  
109:3, 109:5

**Bobcat** [7] - 131:9,  
131:10, 131:15,  
131:17, 134:16,  
135:3, 139:8

**bottom** [7] - 12:1,  
12:2, 12:9, 14:4,  
21:5, 75:12, 116:15

**Boulevard** [1] - 23:5

**boundaries**  
[1] - 119:3

**box** [2] - 15:4, 26:5

**Box** [1] - 59:1

**boxes** [1] - 20:1

**Boyes** [1] - 96:5

**Boyes-Watson**  
[1] - 96:5

**brainer** [1] - 184:1

**brake** [1] - 137:6

**brandon** [1] - 172:1

**BRANDON**

[7] - 172:2, 173:3,  
173:6, 173:9,  
173:13, 173:17,  
174:2

**Brandon** [1] - 172:3

**Brattle** [1] - 95:14

**break** [1] - 15:8

**Brendan** [13] - 1:8,

3:4, 5:3, 36:2, 95:3,  
103:10, 149:3,  
162:3, 171:3, 176:3,  
180:3, 190:9, 195:3

**BRENDAN** [71] - 17:1,

17:5, 18:2, 18:10,  
18:14, 19:2, 36:5,  
36:12, 38:9, 40:1,  
40:13, 41:9, 41:13,  
43:6, 43:12, 43:15,  
44:5, 44:8, 46:16,  
47:1, 51:2, 58:9,  
58:12, 59:11, 59:17,  
60:3, 61:13, 62:2,  
62:15, 64:6, 69:14,  
71:4, 71:13, 72:4,  
72:7, 72:17, 75:12,  
76:4, 76:9, 76:12,  
76:15, 77:3, 77:16,  
78:3, 78:10, 78:17,  
84:12, 86:5, 87:3,  
88:2, 88:6, 90:9,  
93:5, 93:8, 93:12,  
93:17, 103:12,  
103:18, 108:15,  
109:13, 114:12,  
114:16, 123:12,  
123:17, 143:10,  
145:7, 167:17,  
190:11, 203:6,  
209:17, 214:3

**brick** [2] - 130:4,

131:11

**brief** [1] - 163:4

**briefly** [1] - 41:16

**Briggs** [1] - 59:4

**bring** [2] - 117:11,

181:17

**bringing** [2] - 135:1,

182:1

**BRISTOL** [1] - 223:3

**Broad** [1] - 23:5

**Broadway** [2] - 49:18,  
80:8

**Brookline** [2] - 2:9,  
149:6

**BROWN** [51] - 36:9,  
36:13, 36:16, 38:11,  
39:1, 39:9, 39:11,  
40:5, 40:14, 41:12,  
42:1, 42:3, 43:10,  
43:14, 43:16, 44:7,  
44:14, 45:5, 45:15,  
46:2, 47:9, 48:1,  
48:4, 48:16, 49:4,  
49:17, 50:6, 50:15,  
51:13, 53:4, 54:10,  
55:9, 58:7, 60:9,  
62:8, 65:8, 66:16,  
68:12, 68:14, 71:3,  
73:18, 75:6, 75:16,  
83:4, 86:15, 87:18,  
90:8, 93:4, 93:7,  
93:10, 94:2

**Brown** [1] - 36:9

**BU** [1] - 83:5

**bucket** [1] - 134:17

**buckets** [1] - 131:18

**buffer** [1] - 110:18

**build** [8] - 55:18,  
67:10, 67:11, 68:1,  
73:12, 80:17, 81:13,  
156:13

**Build** [1] - 220:4

**builder** [2] - 95:16,  
144:8

**Building** [1] - 34:4

**building** [29] - 7:14,  
11:6, 11:9, 13:9,  
17:3, 23:4, 23:15,  
31:2, 37:12, 39:4,  
54:17, 79:13, 80:18,  
89:14, 92:13, 101:9,  
101:13, 101:15,  
115:3, 119:9, 121:1,  
121:4, 121:11,  
124:5, 150:18,  
151:2, 155:12,  
155:16, 192:9

**buildings** [4] - 84:8,  
101:18, 188:15,  
192:10

**built** [1] - 138:5

**bump** [8] - 181:7,  
182:9, 182:15,  
183:15, 187:12,

188:1, 188:2, 191:9

**bus** <sup>[1]</sup> - 66:5

**business** <sup>[4]</sup> - 32:5,  
32:17, 34:3, 106:15

**busy** <sup>[1]</sup> - 139:5

**button** <sup>[1]</sup> - 7:3

**by...** <sup>[1]</sup> - 211:13

**BZA** <sup>[4]</sup> - 2:2, 2:4,  
77:6, 88:18

**BZA-013173-2017**

<sup>[2]</sup> - 2:6, 5:2

**BZA-013923-2017**

<sup>[2]</sup> - 2:8, 95:2

**BZA-013941-2017**

<sup>[2]</sup> - 2:9, 149:2

**BZA-013972-2017**

<sup>[2]</sup> - 2:11, 162:2

**BZA-013985-2017**

<sup>[2]</sup> - 2:13, 171:2

**BZA-014026-2017**

<sup>[2]</sup> - 2:12, 180:2

**BZA-014106-2017**

<sup>[2]</sup> - 2:14, 176:2

**BZA-014122-2017**

<sup>[2]</sup> - 2:7, 36:2

**BZA-014138-2017**

<sup>[2]</sup> - 2:15, 195:2

## C

**C-3B** <sup>[1]</sup> - 91:9

**C-H-A-N** <sup>[1]</sup> - 195:10

**cable** <sup>[11]</sup> - 10:18,  
11:6, 13:8, 13:14,  
15:11, 15:13, 16:2,  
16:17, 20:8, 20:10

**calculation**

<sup>[2]</sup> - 210:14, 212:15

**calendar** <sup>[2]</sup> - 144:2,  
144:4

**CAMBRIDGE** <sup>[1]</sup> - 1:2

**Cambridge** <sup>[16]</sup> - 1:7,

7:17, 34:10, 59:2,

80:9, 80:13, 82:4,

84:1, 92:6, 95:15,

95:17, 130:9,

162:10, 172:4,

180:14, 193:2

**Campbell**

<sup>[2]</sup> - 162:12, 163:16

**CAMPBELL**

<sup>[7]</sup> - 163:15, 164:2,

164:5, 164:9,

164:14, 165:3,

165:9

**campus** <sup>[15]</sup> - 36:10,  
38:14, 41:1, 48:5,  
49:15, 50:8, 59:3,  
60:11, 61:7, 65:9,  
69:6, 80:7, 89:11,  
89:15

**campus-wide**

<sup>[3]</sup> - 38:14, 48:5,  
89:11

**Canal** <sup>[1]</sup> - 23:5

**canal** <sup>[3]</sup> - 19:5, 19:8,  
19:17

**cannot** <sup>[5]</sup> - 28:11,

39:2, 44:16, 66:14,  
168:4

**capacity** <sup>[2]</sup> - 55:14,

151:18

**CAPTURING**

<sup>[1]</sup> - 1:16

**car** <sup>[18]</sup> - 47:14,

53:13, 55:8, 79:8,  
85:11, 85:16,  
114:14, 114:15,  
115:18, 116:1,  
117:14, 118:4,  
118:11, 119:16,  
135:13, 137:4,  
137:7, 138:1

**card** <sup>[2]</sup> - 47:16, 59:14

**care** <sup>[5]</sup> - 68:18,

70:10, 138:15,  
138:16, 208:11

**carefully** <sup>[1]</sup> - 101:7

**cars** <sup>[20]</sup> - 43:11,

48:14, 78:1, 80:11,  
80:12, 82:12, 86:9,  
110:1, 115:10,  
116:12, 120:9,  
122:1, 122:5,  
122:12, 123:3,  
129:14, 133:9,  
137:2, 138:10

**CASE** <sup>[2]</sup> - 2:1, 2:2

**case** <sup>[87]</sup> - 3:11, 3:12,

4:13, 4:14, 5:5, 8:8,  
14:14, 36:6, 79:15,  
95:6, 96:8, 96:13,  
97:4, 97:5, 97:16,  
97:18, 98:4, 98:9,  
100:8, 100:15,  
101:1, 101:5,  
102:12, 102:17,  
103:2, 103:3, 103:6,

103:9, 103:11,  
 103:13, 104:10,  
 104:14, 105:6,  
 105:7, 105:11,  
 105:14, 107:14,  
 107:16, 120:16,  
 126:11, 133:5,  
 134:12, 135:7,  
 142:6, 142:9, 143:2,  
 144:5, 144:14,  
 144:16, 145:12,  
 145:14, 145:15,  
 146:8, 146:13,  
 147:11, 147:13,  
 149:6, 149:16,  
 162:6, 163:1, 171:6,  
 171:12, 173:2,  
 173:10, 174:5,  
 175:7, 176:6, 176:9,  
 176:11, 177:4,  
 177:6, 178:16,  
 180:6, 184:9,  
 188:13, 195:6,  
 204:8, 204:13,  
 207:12, 208:1,  
 214:17, 217:13

**Case** <sup>[9]</sup> - 5:2, 36:2,  
 95:2, 149:2, 162:2,  
 171:2, 176:2, 180:2,  
 195:2

**cases** <sup>[3]</sup> - 3:8, 31:7

**catastrophe** <sup>[1]</sup> - 69:7

**Catherine** <sup>[2]</sup> - 223:4,  
 223:13

**caused** <sup>[1]</sup> - 110:7

**CDs** <sup>[1]</sup> - 156:5

**cease** <sup>[1]</sup> - 30:16

**center** <sup>[2]</sup> - 61:1,  
 101:12

**Center** <sup>[4]</sup> - 1:5,  
 79:12, 134:2,  
 137:17

**central** <sup>[4]</sup> - 37:17,  
 41:1, 73:12, 90:16

**certain** <sup>[7]</sup> - 44:16,  
 47:10, 54:5, 57:13,  
 87:8, 125:14, 185:2

**certainly** <sup>[9]</sup> - 44:15,  
 54:16, 55:18, 74:4,  
 84:4, 104:14, 140:8,  
 214:17, 215:5

**CERTIFICATION**

<sup>[1]</sup> - 223:17

**Certified** <sup>[2]</sup> - 223:4,



223:14  
**certify** <sup>[1]</sup> - 223:5  
**CERTIFYING**  
<sup>[1]</sup> - 223:18  
**chain** <sup>[1]</sup> - 130:3  
**Chair** <sup>[36]</sup> - 1:8, 1:8,  
3:13, 3:17, 4:3,  
28:7, 29:11, 29:17,  
30:7, 35:5, 95:5,  
105:17, 146:12,  
149:5, 159:13,  
160:7, 160:14,  
162:5, 167:18,  
169:12, 169:16,  
171:5, 174:4, 176:6,  
177:5, 180:5,  
191:16, 192:16,  
193:5, 194:2, 195:5,  
214:5, 218:11,  
219:10, 219:17,  
220:3  
**Chairman** <sup>[6]</sup> - 5:10,  
24:3, 60:9, 75:17,  
95:10, 162:8  
**CHAN** <sup>[14]</sup> - 195:9,  
199:5, 199:12,  
199:15, 200:8,  
202:6, 202:11,  
203:1, 204:2,  
205:11, 206:2,  
210:11, 210:14,  
213:11  
**Chan** <sup>[2]</sup> - 195:9,  
195:10  
**CHANGE** <sup>[6]</sup> - 222:8,  
222:9, 222:10,  
222:11, 222:12,  
222:13  
**change** <sup>[19]</sup> - 12:15,  
28:16, 73:9, 75:1,  
89:8, 90:4, 90:12,  
91:13, 92:8, 138:12,  
153:3, 153:5,  
153:16, 168:7,  
168:8, 168:13,  
193:11, 213:11,  
222:6  
**changed** <sup>[7]</sup> - 23:9,  
150:13, 152:16,  
156:17, 156:18,  
160:3, 160:10  
**changes** <sup>[4]</sup> - 46:10,  
67:14, 193:9,  
222:16

**changing** <sup>[1]</sup> - 67:16  
**character** <sup>[5]</sup> - 28:16,  
 89:9, 90:5, 168:9,  
 214:18  
**characterizing**  
<sup>[2]</sup> - 21:8, 108:8  
**charge** <sup>[3]</sup> - 34:8,  
 66:7, 66:16  
**chase** <sup>[1]</sup> - 10:12  
**cheapest** <sup>[1]</sup> - 38:16  
**check** <sup>[2]</sup> - 144:1,  
 144:3  
**childhood** <sup>[1]</sup> - 121:6  
**children's** <sup>[3]</sup> - 59:8,  
 61:17  
**choice** <sup>[1]</sup> - 119:15  
**choices** <sup>[1]</sup> - 66:12  
**choose** <sup>[1]</sup> - 64:4  
**Chris** <sup>[1]</sup> - 109:9  
**CHRISTOPHER**  
<sup>[35]</sup> - 95:9, 95:13,  
 96:4, 96:10, 96:16,  
 96:18, 97:13, 98:1,  
 101:11, 105:16,  
 106:1, 106:10,  
 106:13, 108:2,  
 108:11, 108:18,  
 111:10, 119:10,  
 121:3, 121:9,  
 121:15, 121:17,  
 122:7, 122:16,  
 123:4, 123:15,  
 130:2, 130:8,  
 141:17, 142:5,  
 142:10, 142:18,  
 143:4, 143:14,  
 144:9  
**Christopher**  
<sup>[1]</sup> - 95:14  
**chunk** <sup>[1]</sup> - 130:4  
**circle** <sup>[1]</sup> - 79:9  
**circling** <sup>[2]</sup> - 48:14,  
 49:6  
**circumstances**  
<sup>[2]</sup> - 185:2, 197:18  
**citizen** <sup>[1]</sup> - 4:9  
**citizens** <sup>[3]</sup> - 29:6,  
 91:17, 169:6  
**CITY** <sup>[1]</sup> - 1:2  
**City** <sup>[2]</sup> - 134:5, 193:2  
**city** <sup>[12]</sup> - 4:9, 29:6,  
 39:13, 65:16, 70:9,  
 72:14, 80:3, 91:18,  
 139:5, 169:6, 187:6,

219:14  
**claimed** <sup>[1]</sup> - 33:4  
**clarification**  
<sup>[1]</sup> - 155:9  
**clarifies** <sup>[1]</sup> - 117:10  
**clarify** <sup>[1]</sup> - 84:16  
**class** <sup>[1]</sup> - 43:1  
**clear** <sup>[4]</sup> - 55:13,  
85:10, 158:6, 172:9  
**clearly** <sup>[2]</sup> - 126:5,  
184:8  
**clerk** <sup>[1]</sup> - 172:3  
**climb** <sup>[1]</sup> - 138:3  
**climbs** <sup>[1]</sup> - 42:9  
**close** <sup>[13]</sup> - 52:7,  
57:17, 60:6, 62:16,  
80:7, 159:9, 167:13,  
183:8, 188:3,  
191:11, 201:11,  
217:12, 217:15  
**closely** <sup>[1]</sup> - 60:12  
**closer** <sup>[4]</sup> - 36:15,  
117:15, 138:11,  
182:16  
**clumped** <sup>[1]</sup> - 47:12  
**clustered** <sup>[1]</sup> - 57:15  
**code** <sup>[2]</sup> - 57:8, 152:1  
**Cogen** <sup>[1]</sup> - 6:2  
**coherent** <sup>[1]</sup> - 100:5  
**COLE** <sup>[30]</sup> - 98:11,  
98:15, 99:1, 99:10,  
99:15, 131:2, 132:5,  
132:10, 132:14,  
132:17, 133:6,  
134:8, 134:13,  
135:8, 135:12,  
135:15, 136:2,  
136:10, 137:4,  
138:9, 138:18,  
139:14, 139:18,  
140:8, 144:18,  
145:3, 145:5,  
145:10, 145:16,  
146:2  
**Cole** <sup>[5]</sup> - 99:1, 131:3,  
142:1, 142:2, 142:7  
**collectively**  
<sup>[1]</sup> - 80:16  
**combination**  
<sup>[1]</sup> - 210:8  
**comfortable**  
<sup>[2]</sup> - 71:5, 72:12  
**coming** <sup>[8]</sup> - 18:4,  
51:7, 73:13, 105:7,

130:18, 151:17,  
172:16, 215:15

**comings** <sup>[1]</sup> - 43:8

**comment** <sup>[10]</sup> - 23:18,  
58:13, 60:1, 60:6,  
62:16, 99:9, 102:18,  
103:9, 104:9,  
152:18

**commenting**  
<sup>[3]</sup> - 22:12, 22:17,  
76:10

**comments** <sup>[15]</sup> - 8:13,  
8:18, 9:2, 9:11,  
23:6, 24:2, 71:10,  
79:1, 99:13, 130:13,  
133:5, 140:6,  
165:15, 167:14,  
217:11

**commercial**  
<sup>[10]</sup> - 42:15, 42:17,  
48:8, 49:18, 50:9,  
69:2, 75:9, 79:18,  
91:8, 92:12

**Commission**  
<sup>[1]</sup> - 223:15

**Commissioner**  
<sup>[1]</sup> - 1:12

**Committee** <sup>[1]</sup> - 172:4

**COMMONWEALTH**  
<sup>[1]</sup> - 223:3

**community** <sup>[2]</sup> - 72:1,  
92:6

**commute** <sup>[1]</sup> - 67:15

**commuter** <sup>[1]</sup> - 66:6

**company** <sup>[1]</sup> - 79:3

**compared** <sup>[2]</sup> - 68:4,  
151:9

**comparison**  
<sup>[2]</sup> - 42:14, 43:17

**compatible**  
<sup>[2]</sup> - 205:15, 206:16

**compelling**  
<sup>[2]</sup> - 207:12, 218:1

**complain** <sup>[1]</sup> - 132:2

**complaints** <sup>[1]</sup> - 49:8

**complement**  
<sup>[1]</sup> - 23:14

**complete** <sup>[3]</sup> - 89:16,  
176:16, 207:17

**completely**  
<sup>[2]</sup> - 105:8, 206:3

**completeness**  
<sup>[1]</sup> - 15:2

**completion** <sup>[1]</sup> - 30:4

**compliant** [2] - 57:11,  
203:10

**complied** [1] - 57:6

**comply** [4] - 32:14,  
34:14, 124:3, 202:1

**complying**  
[2] - 200:7, 200:11

**con** [1] - 190:18

**concentrate** [1] - 41:7

**concern** [11] - 13:1,  
15:1, 31:13, 68:11,  
69:10, 74:2, 80:5,  
81:2, 82:10, 82:16,  
208:12

**concerned**  
[10] - 12:17, 23:1,  
48:11, 51:3, 59:2,  
68:8, 70:16, 81:14,  
106:2, 106:5

**concerning**  
[1] - 33:12

**concerns** [7] - 9:13,  
14:15, 20:6, 20:12,  
48:15, 81:11, 189:6

**concludes** [1] - 23:10

**conclusion** [1] - 21:5

**concrete** [1] - 70:7

**condition** [17] - 31:3,  
81:3, 93:2, 128:9,  
157:4, 160:8,  
169:13, 185:12,  
188:10, 193:6,  
193:17, 198:10,  
204:17, 214:15,  
219:18, 220:13,  
220:14

**conditions**  
[14] - 29:14, 31:6,  
31:15, 35:7, 37:9,  
46:9, 88:3, 93:13,  
146:14, 154:8,  
174:7, 177:11,  
184:17, 193:5

**condo** [5] - 119:9,  
151:12, 166:5,  
166:6, 172:12

**condominium**  
[2] - 119:11, 159:5

**condos** [3] - 155:18,  
165:16, 166:2

**conduct** [2] - 4:1,  
99:16

**confident** [1] - 72:9

**configuration**

[3] - 56:10, 125:7,  
192:9

**configured**

[1] - 218:17

**confine** [1] - 133:5

**conflict** [1] - 43:8

**conflicted** [1] - 61:17

**conflicts** [1] - 62:3

**conform** [1] - 101:16

**conforming**

[3] - 150:4, 186:4,  
219:3

**confusing** [1] - 39:12

**confusion**

[1] - 176:16

**congestion**

[7] - 28:15, 77:15,  
89:8, 90:3, 90:12,  
168:6, 168:13

**connect** [1] - 14:1

**cons** [1] - 97:5

**consecutively**

[1] - 135:4

**consensus**

[1] - 172:14

**consider** [3] - 22:17,

24:11, 217:13

**considerably**

[1] - 92:10

**considerations**

[1] - 218:2

**considered**

[1] - 23:16

**consistent** [5] - 25:3,

25:7, 30:6, 30:14,  
98:5

**CONSTANTINE**

[282] - 3:7, 5:5, 6:10,  
6:13, 8:8, 8:12,  
8:15, 9:1, 9:7, 9:14,  
11:16, 13:17, 15:6,  
15:13, 15:17, 16:8,  
20:13, 21:1, 21:4,  
21:16, 22:1, 22:4,  
22:9, 24:5, 24:9,  
24:17, 25:6, 25:13,  
26:2, 26:7, 26:12,  
26:17, 27:10, 27:17,  
28:2, 28:6, 30:3,  
30:10, 31:11, 35:10,  
95:5, 95:11, 95:18,  
96:7, 96:11, 96:17,  
97:2, 97:14, 98:2,  
98:13, 99:5, 99:12,

99:17, 100:16,  
101:6, 101:17,  
102:7, 102:10,  
103:10, 103:17,  
105:1, 105:10,  
105:18, 106:9,  
106:12, 107:18,  
108:5, 108:13,  
108:16, 109:2,  
109:4, 109:7,  
111:12, 111:18,  
112:7, 112:10,  
112:13, 112:17,  
113:3, 113:7,  
115:13, 115:18,  
116:3, 116:11,  
116:14, 118:1,  
118:10, 118:15,  
119:8, 120:18,  
121:7, 121:12,  
121:16, 122:10,  
122:18, 123:9,  
123:14, 124:1,  
124:15, 125:15,  
126:5, 126:9,  
127:16, 128:5,  
128:10, 128:13,  
129:7, 130:5,  
130:10, 132:2,  
132:8, 132:12,  
132:16, 133:4,  
134:6, 134:9, 135:6,  
135:10, 135:14,  
135:16, 136:7,  
136:18, 138:17,  
139:12, 139:16,  
140:5, 140:9,  
140:12, 141:15,  
142:3, 142:8,  
142:12, 142:16,  
143:2, 143:6, 143:9,  
143:17, 144:3,  
144:7, 144:11,  
144:13, 145:1,  
145:4, 145:6, 145:8,  
145:11, 145:18,  
146:5, 147:10,  
147:16, 149:5,  
149:15, 150:9,  
151:7, 152:9,  
152:15, 153:2,  
153:6, 153:14,  
153:18, 154:5,  
154:10, 154:12,

154:16, 155:5,  
156:12, 156:16,  
158:10, 158:15,  
159:3, 159:13,  
160:17, 162:5,  
163:12, 163:18,  
164:3, 164:8,  
164:13, 165:1,  
165:8, 165:14,  
166:5, 166:8,  
166:14, 167:16,  
167:18, 170:1,  
171:5, 171:18,  
173:1, 173:4, 173:8,  
173:12, 173:15,  
173:18, 174:4,  
174:11, 175:6,  
176:5, 177:9,  
177:16, 178:15,  
180:5, 180:10,  
180:15, 181:2,  
181:11, 181:15,  
182:13, 183:1,  
183:4, 183:7, 184:2,  
184:10, 184:16,  
185:6, 185:16,  
186:1, 186:8,  
186:17, 187:2,  
187:5, 187:13,  
187:16, 188:3,  
188:12, 189:1,  
189:5, 189:11,  
189:17, 190:4,  
190:7, 190:12,  
190:17, 191:11,  
191:16, 193:13,  
194:5, 195:5,  
195:17, 196:13,  
196:16, 197:2,  
197:5, 197:12,  
198:14, 199:1,  
200:6, 200:10,  
200:16, 201:2,  
201:7, 201:10,  
201:13, 201:18,  
202:4, 202:13,  
203:2, 203:9, 204:1,  
204:4, 207:1, 207:9,  
208:14, 209:7,  
210:1, 211:12,  
211:16, 211:18,  
212:14, 213:2,  
213:9, 213:16,  
214:1, 214:4,



215:17, 216:4,  
216:7, 216:14,  
218:8, 220:11,  
220:18

**Constantine** <sup>[9]</sup> - 1:8,  
3:4, 5:3, 95:3,  
149:3, 162:3, 171:3,  
180:3, 195:3

**constantine**

<sup>[1]</sup> - 176:3

**constantly**

<sup>[3]</sup> - 64:13, 64:14,  
110:3

**constructed**

<sup>[1]</sup> - 45:10

**construction**

<sup>[14]</sup> - 37:17, 38:6,  
50:1, 50:3, 50:7,  
65:4, 66:3, 74:9,  
90:15, 131:12,  
134:15, 176:11,  
217:1, 217:6

**contact** <sup>[1]</sup> - 167:9

**contain** <sup>[1]</sup> - 43:16

**continuance**

<sup>[1]</sup> - 176:18

**continue** <sup>[14]</sup> - 67:6,

98:9, 104:13, 142:6,  
142:9, 143:11,  
144:14, 146:7,  
146:8, 146:12,  
171:12, 174:5,  
176:10, 178:1

**continued** <sup>[11]</sup> - 3:8,

3:10, 3:11, 4:13,  
8:9, 28:17, 97:5,  
168:14, 175:7,  
177:6, 178:16

**continues** <sup>[1]</sup> - 44:2

**continuing** <sup>[2]</sup> - 65:2,

147:13

**continuous**

<sup>[1]</sup> - 30:18

**contortion** <sup>[1]</sup> - 200:2

**contract** <sup>[1]</sup> - 50:17

**contractor** <sup>[1]</sup> - 99:3

**contractors**

<sup>[1]</sup> - 131:14

**CONTROL**

<sup>[1]</sup> - 223:18

**control** <sup>[1]</sup> - 118:14

**convenient**

<sup>[3]</sup> - 38:17, 60:17,  
75:10

**conveniently**

[1] - 110:16

**conversations**

[1] - 144:15

**conversion**

[1] - 151:12

**convert** [1] - 101:14**converted**

[1] - 155:18

**converting**

[1] - 109:10

**copies** [2] - 109:6,

196:11

**copy** [1] - 109:8**core** [1] - 80:7**corner** [5] - 60:15,

96:15, 189:2,

189:10, 192:8

**correct** [34] - 8:11,

8:14, 9:6, 9:17,

25:5, 25:10, 27:3,

28:1, 30:9, 41:11,

63:14, 64:9, 64:16,

65:6, 69:9, 76:9,

77:17, 83:4, 86:14,

87:13, 104:1, 153:8,

154:2, 154:9,

154:15, 155:1,

155:4, 164:2, 164:5,

197:11, 201:16,

202:9, 212:5,

213:10

**corrected** [2] - 23:8**correction** [1] - 222:7**corrections**

[1] - 222:16

**correctly** [3] - 65:3,

108:9, 131:16

**correspondence**

[2] - 60:4, 171:12

**costs** [1] - 39:4**count** [3] - 39:14,

42:8, 51:16

**couple** [9] - 16:3,

19:17, 40:6, 45:1,

47:2, 65:12, 123:3,

128:3, 152:10

**course** [1] - 15:3**Court** [4] - 2:5, 195:6,

216:12, 216:18

**cover** [5] - 199:9,

202:10, 202:11,

203:4, 205:12

**coverage** [2] - 7:17,

8:5

**covered** [2] - 217:2,  
217:7

**covering** [2] - 203:3,  
212:17

**create** [3] - 47:10,  
111:2, 168:12

**created** [4] - 29:4,  
91:15, 169:4,  
212:16

**creates** [1] - 120:14

**creating** [1] - 92:2

**creative** [1] - 84:5

**criteria** [2] - 21:11,  
126:8

**critical** [1] - 118:7

**Ct** [1] - 2:15

**curb** [2] - 128:1,  
129:6

**curious** [1] - 59:12

**current** [3] - 12:4,  
39:16, 112:5

**cut** [5] - 10:12, 128:1,  
129:6, 156:1,  
157:10

**cuts** [1] - 207:10

## D

**Daglian** [1] - 1:12

**daily** [4] - 43:11, 52:4,  
66:7, 66:17

**damage** [1] - 206:13

**damaging** [1] - 69:12

**DAN** [5] - 16:4, 17:9,  
17:11, 17:17, 18:1

**Dan** [1] - 17:18

**Date** [1] - 2:6

**date** [24] - 3:9, 25:15,  
26:3, 26:8, 70:6,  
87:2, 87:8, 87:15,  
88:3, 104:8, 106:4,  
142:12, 143:7,  
144:17, 145:2,  
147:11, 171:14,  
174:15, 174:16,  
177:7, 178:4, 222:7

**dated** [3] - 22:12,  
26:1, 27:4

**dates** [4] - 26:6, 26:9,  
26:11, 171:15

**daycare** [2] - 101:12,  
109:10

**Daycare** [2] - 134:2,

137:17  
**days** [7] - 32:5, 32:18,  
 34:3, 106:8, 147:2,  
 174:14, 178:6  
**de** [1] - 44:3  
**deal** [2] - 52:18,  
 208:16  
**dealt** [1] - 131:14  
**decades** [1] - 50:18  
**December** [6] - 93:4,  
 93:6, 93:7, 93:8,  
 93:9, 93:12  
**decide** [4] - 104:6,  
 107:16, 184:3,  
 220:7  
**decided** [3] - 38:15,  
 41:5, 76:2  
**decision** [5] - 75:18,  
 146:16, 174:9,  
 177:13, 178:2  
**deck** [2] - 153:9,  
 160:8  
**dedicated** [1] - 77:1  
**deed** [1] - 123:4  
**deeds** [1] - 162:17  
**deemed** [2] - 33:17,  
 177:18  
**deep** [1] - 117:2  
**deeply** [2] - 66:6,  
 67:17  
**def** [1] - 74:18  
**defer** [1] - 101:2  
**defined** [1] - 102:2  
**definitely** [1] - 52:7  
**delay** [2] - 104:1,  
 172:15  
**deleting** [1] - 56:18  
**delivered** [1] - 222:3  
**demand** [6] - 67:1,  
 67:3, 69:10, 80:6,  
 82:7, 84:2  
**demolish** [1] - 38:1  
**demolished**  
 [2] - 138:1, 138:4  
**demolition** [1] - 90:14  
**demonstrated**  
 [1] - 53:14  
**demonstrating**  
 [1] - 89:17  
**denied** [1] - 177:18  
**dense** [2] - 85:4, 86:1  
**Department**  
 [8] - 31:17, 32:4,  
 32:8, 33:2, 34:7,

132:3, 132:4, 222:4

**department**

[1] - 132:9

**deplorable** [1] - 99:16

**depth** [1] - 110:10

**derogate** [2] - 29:9,

169:9

**derogating**

[2] - 192:14, 219:8

**describe** [1] - 27:8

**described**

[1] - 183:11

**description** [3] - 73:7,

85:9, 215:6

**design** [2] - 206:4,

208:7

**Design** [1] - 220:3

**designed**

[4] - 150:17, 151:18,

208:2, 213:13

**DesignTank**

[1] - 149:11

**desirable** [1] - 125:17

**destroy** [1] - 139:1

**destroying** [1] - 200:2

**detail** [4] - 8:2, 24:1,

33:3, 33:13

**details** [1] - 8:7

**determination**

[1] - 39:3

**determined**

[1] - 119:12

**detriment** [10] - 29:4,

88:14, 91:15, 92:4,

169:4, 185:4,

186:12, 192:13,

205:1, 219:7

**developer** [1] - 95:16

**development**

[4] - 28:18, 91:8,

168:14, 168:15

**devil's** [1] - 78:4

**diagram** [2] - 85:8,

85:15

**die** [1] - 106:15

**difference**

[1] - 182:10

**differences**

[3] - 101:5, 107:4

**different** [12] - 9:15,

19:18, 22:18, 41:14,

76:18, 86:17, 98:8,

119:1, 126:17,

128:18, 151:10,

176:13  
**differently** <sup>[1]</sup> - 105:9  
**difficult** <sup>[4]</sup> - 118:7,  
 119:5, 120:12,  
 126:8  
**difficulties** <sup>[1]</sup> - 40:17  
**difficulty** <sup>[1]</sup> - 52:6  
**dig** <sup>[1]</sup> - 10:15  
**dilemma** <sup>[1]</sup> - 108:4  
**dimensional**  
<sup>[3]</sup> - 118:18, 147:6,  
 178:10  
**dimensionally**  
<sup>[1]</sup> - 150:14  
**dimensions**  
<sup>[2]</sup> - 117:4, 117:8  
**diminishing**  
<sup>[1]</sup> - 153:9  
**DIRECT** <sup>[1]</sup> - 223:18  
**direction** <sup>[4]</sup> - 120:13,  
 157:7, 157:8, 157:9  
**DIRECTION**  
<sup>[1]</sup> - 223:18  
**directions** <sup>[1]</sup> - 188:8  
**directly** <sup>[2]</sup> - 166:18,  
 172:10  
**disabled** <sup>[1]</sup> - 52:10  
**discloses** <sup>[1]</sup> - 33:13  
**discounted** <sup>[1]</sup> - 66:6  
**discretion** <sup>[1]</sup> - 77:11  
**DISCUSS** <sup>[1]</sup> - 2:3  
**discuss** <sup>[1]</sup> - 172:7  
**discussion** <sup>[5]</sup> - 28:3,  
 159:10, 172:17,  
 191:13, 217:16  
**discussions**  
<sup>[1]</sup> - 39:13  
**dispersed** <sup>[2]</sup> - 63:7,  
 63:9  
**dispersing** <sup>[1]</sup> - 80:2  
**disrepair** <sup>[1]</sup> - 163:6  
**disrupt** <sup>[1]</sup> - 63:5  
**disruption** <sup>[1]</sup> - 63:18  
**distance** <sup>[3]</sup> - 68:17,  
 101:18, 127:12  
**distinguish** <sup>[1]</sup> - 27:5  
**distribute** <sup>[3]</sup> - 10:6,  
 27:18, 41:3  
**distributed**  
<sup>[2]</sup> - 24:15, 27:16  
**District** <sup>[1]</sup> - 6:1  
**district** <sup>[9]</sup> - 6:1, 7:11,  
 7:12, 29:8, 29:9,  
 88:12, 169:8, 169:9,

197:9

**Districts** <sup>[1]</sup> - 91:10

**DOCKET** <sup>[1]</sup> - 2:5

**DOES** <sup>[1]</sup> - 223:17

**dollars** <sup>[4]</sup> - 66:12,  
66:15, 66:18, 68:3

**done** <sup>[9]</sup> - 65:5, 66:9,  
123:5, 156:2, 174:9,  
174:12, 177:14,  
215:11, 215:12

**door** <sup>[4]</sup> - 86:12,  
209:4, 214:12,  
216:12

**doors** <sup>[2]</sup> - 135:15,  
137:4

**dormer** <sup>[11]</sup> - 198:7,  
199:16, 200:7,  
200:15, 200:16,  
201:4, 201:14,  
202:2, 203:11,  
208:17, 213:12

**dormer's** <sup>[1]</sup> - 208:16

**dormers**  
<sup>[13]</sup> - 189:15,  
189:17, 190:2,  
196:8, 203:3, 203:7,  
203:12, 206:7,  
206:8, 215:8, 217:1,  
217:6, 218:7

**double** <sup>[1]</sup> - 205:14

**down** <sup>[12]</sup> - 13:15,  
15:16, 37:18, 80:8,  
109:14, 125:6,  
127:6, 129:8,  
134:17, 181:17,  
201:7, 216:1

**downstairs**

<sup>[1]</sup> - 133:13

**downtown**

<sup>[2]</sup> - 55:11, 79:5

**draftsman's**

<sup>[1]</sup> - 119:15

**drags** <sup>[1]</sup> - 145:12

**dramatic** <sup>[1]</sup> - 217:18

**draw** <sup>[1]</sup> - 137:16

**drawing** <sup>[3]</sup> - 26:6,  
119:16, 158:2

**drawings** <sup>[3]</sup> - 25:18,  
151:14, 158:14

**drawn** <sup>[1]</sup> - 115:11

**DRISCOLL**

<sup>[30]</sup> - 180:9, 180:13,  
180:18, 181:3,  
181:13, 181:16,

182:18, 183:3,  
 183:6, 183:10,  
 184:4, 184:15,  
 185:5, 185:15,  
 185:18, 186:7,  
 186:16, 187:1,  
 187:4, 187:7,  
 187:14, 187:17,  
 188:6, 188:18,  
 189:4, 189:8, 190:2,  
 191:4, 193:11,  
 194:7

**Driscoll** [2] - 180:14,  
 181:4

**drive** [6] - 69:5, 82:4,  
 85:11, 85:18, 116:4,  
 128:8

**driven** [1] - 119:18

**drives** [1] - 85:6

**driveway**

[12] - 109:18, 111:2,  
 111:3, 113:13,  
 113:14, 120:2,  
 122:2, 125:6, 127:6,  
 127:10, 128:16,  
 140:17

**driving** [4] - 70:10,  
 80:12, 127:8

**drop** [3] - 79:8, 110:2,  
 140:2

**dropping** [1] - 122:3

**DROS** [1] - 164:18

**DROST** [1] - 167:6

**Drost** [2] - 164:17,  
 167:5

**due** [1] - 183:11

**during** [4] - 34:1,  
 52:4, 110:3, 134:14

## E

**e-mail** [5] - 151:15,  
 158:4, 158:7,  
 163:17, 165:1

**eagerness** [1] - 74:15

**early** [1] - 121:5

**easier** [2] - 79:8,  
 129:2

**easiest** [2] - 38:16,  
 141:12

**easily** [1] - 120:11

**East** [3] - 7:17, 83:15,  
 84:1

**east** [3] - 11:4, 61:7,



167:3

**easy** <sup>[1]</sup> - 126:13

**eats** <sup>[2]</sup> - 120:14,  
120:17

**ed** <sup>[1]</sup> - 85:14

**edge** <sup>[7]</sup> - 82:1, 120:4,  
124:4, 151:6,  
152:17, 165:7,  
165:10

**edges** <sup>[1]</sup> - 163:2

**effect** <sup>[2]</sup> - 54:2,  
215:13

**effectively** <sup>[3]</sup> - 40:11,  
139:17, 141:9

**effects** <sup>[1]</sup> - 59:3

**efficiency** <sup>[1]</sup> - 86:12

**efficient** <sup>[1]</sup> - 80:15

**effort** <sup>[1]</sup> - 50:7

**efforts** <sup>[1]</sup> - 167:10

**egress** <sup>[5]</sup> - 28:14,  
89:7, 90:3, 163:11,  
168:6

**eight** <sup>[4]</sup> - 41:17, 43:2,  
92:16, 117:2

**eight-and-a-half**  
<sup>[1]</sup> - 117:2

**either** <sup>[12]</sup> - 16:10,  
44:12, 45:8, 45:14,  
47:6, 49:9, 81:5,  
81:17, 110:16,  
119:10, 119:12,  
212:16

**elderly** <sup>[1]</sup> - 128:3

**electric** <sup>[3]</sup> - 44:12,  
44:16, 45:14

**electrical** <sup>[2]</sup> - 18:6,  
45:17

**electromagnetic**  
<sup>[3]</sup> - 31:12, 32:1,  
32:16

**element** <sup>[1]</sup> - 17:13

**elements** <sup>[1]</sup> - 202:17

**elevation** <sup>[1]</sup> - 167:3

**elevations**  
<sup>[1]</sup> - 189:18

**elevator** <sup>[2]</sup> - 57:15,  
57:18

**elevators** <sup>[1]</sup> - 55:13

**eligible** <sup>[1]</sup> - 47:14

**Ellsworth**  
<sup>[2]</sup> - 162:12, 163:16

**ELLSWORTH**  
<sup>[7]</sup> - 163:15, 164:2,  
164:5, 164:9,

164:14, 165:3,  
165:9

**elsewhere** <sup>[4]</sup> - 52:7,  
73:14, 87:10

**emanating** <sup>[1]</sup> - 32:1

**embedded** <sup>[1]</sup> - 213:7

**emissions** <sup>[1]</sup> - 32:1

**emotions** <sup>[1]</sup> - 61:15

**emphasis** <sup>[1]</sup> - 70:9

**employee** <sup>[1]</sup> - 66:4

**employees**  
<sup>[3]</sup> - 50:14, 50:16,  
66:17

**encourage** <sup>[1]</sup> - 125:5

**encourages** <sup>[1]</sup> - 82:3

**end** <sup>[13]</sup> - 9:8, 39:15,  
53:17, 54:13, 55:12,  
65:4, 68:9, 70:6,  
74:7, 106:8, 106:10,  
137:6, 149:17

**endeavor** <sup>[1]</sup> - 67:18

**ends** <sup>[1]</sup> - 87:9

**energy** <sup>[3]</sup> - 31:12,  
32:1, 32:16

**enforcement**  
<sup>[4]</sup> - 159:16, 184:18,  
192:1, 218:14

**engineer** <sup>[6]</sup> - 8:3,  
131:13, 150:17,  
151:11, 155:14,  
157:18

**engineering**  
<sup>[1]</sup> - 131:12

**enhanced** <sup>[1]</sup> - 200:4

**enjoy** <sup>[1]</sup> - 198:12

**enjoyment**  
<sup>[1]</sup> - 137:10

**entire** <sup>[1]</sup> - 155:12

**entirely** <sup>[1]</sup> - 9:13

**entirety** <sup>[1]</sup> - 24:12

**entrance** <sup>[5]</sup> - 196:9,  
203:3, 209:10,  
217:2, 217:7

**entranceway**  
<sup>[1]</sup> - 219:1

**entries** <sup>[4]</sup> - 42:7,  
42:12, 92:9, 92:14

**entryway** <sup>[1]</sup> - 202:8

**enumerated** <sup>[1]</sup> - 35:7

**envelope** <sup>[1]</sup> - 101:15

**equal** <sup>[2]</sup> - 108:12,  
108:14

**equally** <sup>[1]</sup> - 154:7

**equipment** <sup>[21]</sup> - 3:18,

8:6, 10:17, 11:3,  
 13:7, 13:10, 13:12,  
 14:2, 14:9, 18:16,  
 19:9, 20:2, 20:7,  
 30:17, 31:1, 32:2,  
 32:12, 34:5, 34:9,  
 34:12, 188:17

**ERRATA** <sup>[1]</sup> - 222:1

**Errata** <sup>[2]</sup> - 222:2,  
 222:7

**essentially**

<sup>[6]</sup> - 12:16, 19:4,  
 19:16, 132:6,  
 138:14, 187:10

**Essex** <sup>[15]</sup> - 2:8, 95:6,  
 96:15, 96:16, 97:17,  
 98:4, 99:16, 100:3,  
 100:9, 107:1, 107:3,  
 122:8, 133:16,  
 136:12, 137:14

**established**

<sup>[6]</sup> - 28:16, 89:9,  
 89:12, 90:4, 168:7,  
 168:8

**etcetera** <sup>[1]</sup> - 21:13

**evening** <sup>[11]</sup> - 8:3,  
 42:13, 95:9, 95:11,  
 162:7, 180:9,  
 180:10, 181:9,  
 182:4, 183:16,  
 195:8

**event** <sup>[7]</sup> - 21:10,

32:10, 59:10, 61:15,  
 62:1, 67:1, 125:16

**events** <sup>[8]</sup> - 59:4,

60:10, 61:8, 61:12,  
 62:6, 62:10, 63:10,  
 63:12

**everyday** <sup>[2]</sup> - 126:18,

135:5

**evidence** <sup>[1]</sup> - 92:3

**evolving** <sup>[1]</sup> - 64:14

**exact** <sup>[5]</sup> - 52:2, 53:5,

53:18, 150:16,  
 188:6

**exactly** <sup>[14]</sup> - 26:11,

38:12, 41:7, 44:3,  
 45:16, 65:14, 67:12,  
 70:2, 82:15, 104:4,  
 156:6, 158:3, 177:3,  
 189:9

**excavating**

<sup>[1]</sup> - 129:17

**except** <sup>[3]</sup> - 20:9,

88:10, 222:15  
**excess** <sup>[1]</sup> - 55:14  
**excessive** <sup>[1]</sup> - 35:2  
**excuse** <sup>[1]</sup> - 98:11  
**EXECUTIVE** <sup>[1]</sup> - 2:2  
**exhibit** <sup>[3]</sup> - 7:18,  
37:13, 42:5  
**exhibits** <sup>[1]</sup> - 21:14  
**exist** <sup>[1]</sup> - 48:3  
**existing** <sup>[19]</sup> - 19:9,  
19:10, 40:7, 40:15,  
90:16, 91:8, 101:14,  
109:10, 110:10,  
114:11, 151:17,  
187:12, 188:9,  
198:4, 199:6,  
199:12, 202:8,  
205:11, 207:6  
**exit** <sup>[1]</sup> - 17:15  
**exits** <sup>[2]</sup> - 42:13,  
92:10  
**expand** <sup>[1]</sup> - 205:8  
**expansion** <sup>[1]</sup> - 199:2  
**expect** <sup>[1]</sup> - 39:5  
**expense** <sup>[1]</sup> - 39:5  
**expensive** <sup>[4]</sup> - 67:18,  
69:3, 74:16, 75:10  
**experience** <sup>[1]</sup> - 55:1  
**experienced**  
<sup>[1]</sup> - 144:8  
**experiences**  
<sup>[1]</sup> - 55:11  
**Expires** <sup>[1]</sup> - 223:15  
**explain** <sup>[1]</sup> - 207:16  
**explained** <sup>[1]</sup> - 24:1  
**exposing** <sup>[1]</sup> - 33:2  
**expressed** <sup>[1]</sup> - 15:1  
**extend** <sup>[7]</sup> - 181:10,  
199:8, 202:8,  
202:12, 206:11,  
207:3, 207:13  
**extended** <sup>[1]</sup> - 215:15  
**extending** <sup>[4]</sup> - 196:9,  
203:4, 205:12,  
207:10  
**extension**  
<sup>[5]</sup> - 210:17, 212:13,  
212:17, 217:2,  
217:7  
**extensive** <sup>[1]</sup> - 60:13  
**extent** <sup>[7]</sup> - 31:3, 33:8,  
147:5, 174:18,  
178:7, 200:11,  
208:13

**exterior** <sup>[1]</sup> - 152:7  
**extremely** <sup>[1]</sup> - 67:18

## F

**facade** <sup>[4]</sup> - 11:5,  
 16:12, 19:14,  
 110:11  
**face** <sup>[1]</sup> - 72:2  
**facilities** <sup>[5]</sup> - 40:8,  
 49:18, 55:17, 68:2,  
 79:7  
**facility** <sup>[12]</sup> - 7:9,  
 7:13, 19:13, 21:12,  
 52:8, 52:11, 61:1,  
 62:14, 67:11, 68:1,  
 77:9, 89:3  
**fact** <sup>[14]</sup> - 22:17, 51:8,  
 56:18, 57:18, 70:3,  
 98:2, 157:9, 160:5,  
 185:7, 186:4,  
 197:14, 201:10,  
 206:7, 219:2  
**facto** <sup>[2]</sup> - 32:8, 33:5  
**factors** <sup>[3]</sup> - 141:5,  
 141:7, 141:16  
**faculty** <sup>[2]</sup> - 47:6,  
 122:8  
**fails** <sup>[2]</sup> - 32:14,  
 177:17  
**failure** <sup>[4]</sup> - 32:6,  
 33:1, 33:3, 33:4  
**fair** <sup>[1]</sup> - 104:12  
**fairest** <sup>[1]</sup> - 103:7  
**fairly** <sup>[1]</sup> - 122:3  
**Fairmont** <sup>[9]</sup> - 2:11,  
 162:6, 162:11,  
 164:1, 164:10,  
 166:18, 167:1,  
 167:6, 167:8  
**falls** <sup>[1]</sup> - 153:17  
**familiar** <sup>[1]</sup> - 107:7  
**families** <sup>[1]</sup> - 162:16  
**family** <sup>[7]</sup> - 165:17,  
 182:7, 182:8, 198:9,  
 198:16, 215:14,  
 215:15  
**FAR** <sup>[14]</sup> - 150:5,  
 150:12, 150:14,  
 154:4, 183:2, 190:6,  
 190:7, 197:8,  
 199:10, 209:3,  
 209:8, 209:13,  
 209:15, 212:15

**far** [7] - 55:1, 63:12,  
67:13, 112:2, 155:1,  
182:11, 214:18

**farthest** [2] - 116:14,  
118:2

**faster** [1] - 79:7

**favor** [25] - 35:8,  
35:10, 64:4, 93:14,  
93:17, 141:5,  
147:13, 147:16,  
160:15, 160:17,  
169:17, 170:1,  
175:4, 175:6,  
178:13, 178:15,  
188:14, 194:3,  
194:5, 218:3, 218:4,  
220:12, 220:16,  
220:18

**favours** [1] - 141:8

**Fax** [1] - 1:17

**features** [1] - 11:2

**federal** [6] - 31:18,  
32:6, 32:10, 33:6,  
34:14, 35:2

**feet** [52] - 13:16,  
14:10, 110:8,  
110:12, 111:15,  
114:10, 117:2,  
117:16, 117:17,  
120:16, 123:15,  
124:4, 124:8,  
127:11, 127:16,  
127:17, 127:18,  
128:7, 128:16,  
128:17, 131:10,  
140:2, 140:17,  
150:15, 152:10,  
181:10, 181:12,  
182:1, 182:2,  
182:16, 183:9,  
190:8, 196:10,  
200:12, 200:14,  
202:9, 202:12,  
205:5, 205:6,  
209:11, 209:17,  
209:18, 210:15,  
210:16, 211:1,  
211:2, 211:3,  
211:10, 211:13,  
213:3, 215:9

**fellow** [1] - 138:14

**fence** [2] - 127:13,  
142:14

**few** [6] - 13:15, 20:18,

37:11, 67:10, 80:16,  
128:1

**fewer** [2] - 5:16, 81:12

**field** [1] - 59:4

**figure** [2] - 67:12,  
70:2

**file** [19] - 10:1, 21:6,  
25:14, 31:16, 32:7,  
33:1, 34:6, 60:4,  
109:7, 151:14,  
156:3, 158:8,  
158:11, 159:4,  
172:14, 178:9,  
178:11, 196:14,  
196:17

**file's** [1] - 176:16

**filed** [4] - 32:3, 32:5,  
33:14, 34:2

**files** [3] - 31:18,  
147:7, 175:2

**fill** [2] - 52:4, 187:16

**final** [5] - 149:18,  
167:14, 178:8,  
217:11, 220:6

**finally** [1] - 132:5

**financially** [1] - 152:5

**FINBERG** [4] - 58:18,  
59:1, 59:12, 61:14

**Finberg** [1] - 58:18

**findings** [14] - 28:8,  
29:11, 35:4, 154:5,  
159:14, 159:17,  
159:18, 160:3,  
160:6, 168:1,  
169:11, 191:17,  
218:12, 219:16

**fine** [7] - 74:3, 87:18,  
151:15, 156:4,  
157:8, 183:2, 183:5

**finish** [1] - 93:10

**fire** [2] - 188:16, 189:2

**first** [15] - 11:10,  
11:12, 68:15, 78:12,  
108:8, 129:18,  
137:18, 145:14,  
158:12, 158:13,  
160:13, 163:9,  
184:8, 186:2, 194:1

**First** [6] - 1:6, 2:6,  
5:6, 7:14, 11:4, 23:5

**fit** [2] - 110:15, 124:5

**five** [37] - 11:14, 12:3,  
35:10, 54:7, 57:1,  
57:3, 57:4, 67:3,

67:5, 70:11, 70:12,  
 83:11, 93:17, 98:3,  
 106:14, 111:15,  
 120:6, 131:6,  
 134:15, 135:4,  
 139:8, 140:2,  
 140:17, 144:4,  
 147:7, 147:16,  
 155:9, 160:17,  
 170:1, 175:3, 175:6,  
 177:1, 178:11,  
 178:15, 194:5,  
 210:8, 220:18

**five-point** <sup>[1]</sup> - 120:6

**fix** <sup>[1]</sup> - 157:14

**flat** <sup>[9]</sup> - 196:9, 199:7,  
 199:9, 205:11,  
 206:3, 207:6,  
 210:18, 211:2,  
 214:15

**flexibility** <sup>[1]</sup> - 47:11

**floor** <sup>[13]</sup> - 53:14,  
 129:18, 151:8,  
 163:9, 195:17,  
 198:4, 198:5,  
 199:18, 207:3,  
 208:9, 208:10,  
 210:4, 210:5

**Floor** <sup>[1]</sup> - 1:6

**flush** <sup>[3]</sup> - 143:12,  
 213:13

**folks** <sup>[7]</sup> - 49:11,  
 60:11, 61:6, 106:17,  
 107:9, 164:11,  
 196:17

**following** <sup>[10]</sup> - 28:8,  
 29:13, 31:14,  
 146:14, 159:14,  
 168:1, 174:7,  
 177:11, 191:17,  
 218:12

**foot** <sup>[8]</sup> - 101:13,  
 133:10, 135:17,  
 136:2, 209:10,  
 209:15, 210:8,  
 213:15

**footage** <sup>[3]</sup> - 205:14,  
 206:10, 211:5

**footprint** <sup>[1]</sup> - 207:2

**footprints**  
<sup>[1]</sup> - 206:18

**FOR** <sup>[1]</sup> - 1:1

**force** <sup>[1]</sup> - 104:15

**forced** <sup>[1]</sup> - 71:15



**FOREGOING**

[1] - 223:17

**foregoing** [2] - 33:9,  
222:15

**forever** [2] - 64:8,  
217:13

**forget** [2] - 54:7,  
96:15

**form** [3] - 147:6,  
178:10, 184:14

**forth** [3] - 97:3, 132:1,  
223:6

**forthright** [1] - 158:4

**forward** [12] - 58:16,  
67:7, 70:6, 79:2,  
104:7, 108:6, 108:7,  
108:10, 108:17,  
130:17, 130:18,  
220:7

**foundation**

[3] - 131:11, 131:15

**four** [22] - 11:12, 12:7,  
12:17, 16:4, 16:16,  
30:16, 107:5,  
109:11, 115:3,  
115:4, 123:14,  
123:15, 128:17,  
129:10, 129:14,  
131:6, 141:10,  
150:13, 169:15,  
182:8, 215:15

**four-unit** [1] - 109:11

**fourth** [1] - 115:16

**framers** [1] - 77:10

**frankly** [2] - 74:13,  
143:15

**free** [3] - 66:5, 66:13,  
82:4

**frequency** [2] - 7:18,  
35:2

**front** [25] - 10:17,  
14:7, 71:16, 85:4,  
86:12, 102:2,  
109:18, 112:14,  
113:2, 115:8,  
115:10, 115:13,  
131:18, 139:3,  
150:4, 154:2, 196:8,  
202:7, 203:16,  
209:4, 209:10,  
209:12, 209:14,  
212:17, 219:1

**frontage** [1] - 107:6

**full** [5] - 24:1, 52:3,

53:9, 188:2, 216:15

**fully** [2] - 20:11,  
119:11

**functional**  
[1] - 215:14

**furthest** [1] - 119:16

**fussy** [1] - 18:7

**future** [3] - 39:17,  
67:13, 116:1

## G

**G-O-S-S-E-L-I-N**

[1] - 166:17

**gable** [1] - 214:16

**gabled** [1] - 196:10

**gain** [1] - 207:3

**gaining** [1] - 205:13

**game** [1] - 83:13

**gamma** [1] - 19:8

**garage** [56] - 37:1,  
37:3, 37:7, 38:1,  
38:7, 39:4, 40:4,  
40:18, 41:13, 42:9,  
44:17, 45:15, 50:3,  
51:13, 51:15, 53:8,  
54:17, 57:10, 59:6,  
59:13, 60:14, 60:18,  
61:8, 61:16, 61:18,  
62:1, 62:9, 63:6,  
63:7, 67:9, 74:8,  
76:17, 79:11, 79:12,  
81:5, 81:14, 82:11,  
85:7, 85:16, 90:11,  
90:14, 90:15, 92:1,  
92:10, 92:15, 93:11,  
133:15, 134:1,  
138:2, 182:17,  
183:8, 183:13,  
183:14, 183:15,  
188:4

**Garage** [1] - 38:5

**garages** [10] - 40:7,  
40:9, 40:10, 42:15,  
47:12, 51:7, 75:9,  
79:5, 79:18, 82:2

**garner** [1] - 122:9

**GARTH** [8] - 149:12,

151:11, 152:11,

152:13, 155:14,

157:6, 157:12,

158:12

**Garth** [1] - 149:12

**gate** [2] - 85:4, 138:10

**GENERAL** <sup>[1]</sup> - 1:3  
**general** <sup>[3]</sup> - 20:16,  
 47:18, 189:6  
**generally** <sup>[3]</sup> - 61:3,  
 88:11, 169:7  
**generated** <sup>[4]</sup> - 28:13,  
 89:6, 90:2, 168:5  
**gentleman**  
<sup>[2]</sup> - 164:15, 164:17  
**gentleman's**  
<sup>[1]</sup> - 60:8  
**genuinely** <sup>[1]</sup> - 69:4  
**geographical**  
<sup>[1]</sup> - 34:10  
**get-go** <sup>[1]</sup> - 84:9  
**GFA** <sup>[2]</sup> - 101:13,  
 123:16  
**giant** <sup>[1]</sup> - 123:7  
**given** <sup>[6]</sup> - 19:6,  
 22:17, 104:9,  
 104:18, 118:16,  
 204:5  
**glass** <sup>[1]</sup> - 203:8  
**global** <sup>[1]</sup> - 100:2  
**goings** <sup>[1]</sup> - 43:8  
**Gold** <sup>[8]</sup> - 2:15, 195:6,  
 206:6, 214:10,  
 216:11, 216:18,  
 217:4, 217:8  
**GOLDSTEIN**  
<sup>[8]</sup> - 149:12, 151:11,  
 152:11, 152:13,  
 155:14, 157:6,  
 157:12, 158:12  
**Goldstein**  
<sup>[2]</sup> - 149:12, 149:13  
**gonna** <sup>[10]</sup> - 38:4,  
 38:7, 38:13, 41:3,  
 48:7, 65:11, 69:7,  
 75:1, 99:10, 159:9  
**Gosselin** <sup>[1]</sup> - 166:16  
**governmental**  
<sup>[1]</sup> - 32:15  
**governs** <sup>[1]</sup> - 56:6  
**grade** <sup>[1]</sup> - 140:16  
**grant** <sup>[21]</sup> - 25:1, 35:5,  
 77:6, 77:10, 77:11,  
 88:18, 112:3, 123:1,  
 141:2, 160:7,  
 169:12, 185:3,  
 188:4, 193:5,  
 193:17, 197:16,  
 197:18, 202:15,  
 204:18, 219:17,

220:13  
**granted** <sup>[16]</sup> - 29:12,  
 32:9, 32:13, 33:5,  
 35:11, 88:9, 128:1,  
 154:6, 160:18,  
 170:2, 186:11,  
 192:12, 194:6,  
 208:17, 219:6,  
 221:1  
**granting** <sup>[5]</sup> - 34:14,  
 88:13, 93:14, 218:3,  
 220:12  
**grants** <sup>[1]</sup> - 93:1  
**grass** <sup>[1]</sup> - 120:4  
**great** <sup>[2]</sup> - 39:5, 111:3  
**greater** <sup>[1]</sup> - 61:7  
**greatly** <sup>[1]</sup> - 200:3  
**Green** <sup>[20]</sup> - 1:9, 3:5,  
 5:4, 35:14, 36:3,  
 93:18, 95:4, 147:17,  
 149:4, 161:1, 162:4,  
 170:3, 171:4, 175:8,  
 176:4, 178:17,  
 180:4, 194:8, 195:4,  
 221:2  
**GREEN** <sup>[56]</sup> - 6:5, 6:9,  
 6:12, 6:16, 7:1, 7:5,  
 21:18, 26:16, 26:18,  
 28:4, 36:14, 38:18,  
 39:7, 39:10, 42:2,  
 51:3, 52:15, 56:2,  
 58:8, 58:10, 62:4,  
 66:15, 69:16, 71:8,  
 75:18, 76:6, 76:10,  
 82:9, 82:17, 84:6,  
 84:18, 87:5, 96:2,  
 98:17, 101:4, 105:3,  
 113:9, 113:14,  
 113:16, 115:17,  
 116:1, 124:18,  
 126:16, 142:14,  
 144:12, 146:4,  
 150:7, 159:11,  
 180:17, 189:14,  
 191:15, 196:5,  
 209:11, 211:6,  
 211:8, 218:4  
**grid** <sup>[1]</sup> - 155:17  
**gross** <sup>[1]</sup> - 207:3  
**ground** <sup>[2]</sup> - 16:10,  
 68:1  
**grouped** <sup>[1]</sup> - 13:3  
**guess** <sup>[13]</sup> - 41:18,  
 45:11, 53:4, 81:7,

107:17, 108:18,  
109:17, 111:5,  
113:12, 129:11,  
156:17, 184:6

**guidelines**

[6] - 200:7, 200:17,  
201:4, 202:2,  
203:11, 208:18

**guy** [1] - 135:2

**guys** [2] - 106:4,  
107:15

**H**

**H-I-S-E-R-O-D-T**

[1] - 96:6

**habitable** [1] - 185:9

**half** [4] - 117:2,  
136:15, 205:7,  
213:15

**Hall** [1] - 134:5

**hand** [5] - 16:13, 26:5,  
111:1, 111:8, 223:8

**handicap** [8] - 45:3,  
51:6, 53:9, 53:10,  
54:1, 54:2, 56:4,  
72:10

**handicapped**

[15] - 44:12, 44:15,  
45:6, 45:8, 45:9,  
45:14, 46:4, 46:6,  
51:17, 53:1, 53:15,  
54:7, 57:11, 57:12,  
71:11

**handicaps** [1] - 51:6

**handing** [1] - 54:3

**handle** [4] - 61:11,  
62:6, 70:17, 72:10

**handouts** [1] - 10:4

**hands** [3] - 93:16,  
105:11

**hanging** [1] - 76:15

**happy** [4] - 41:3,  
51:10, 130:6, 130:7

**hard** [3] - 70:1,  
118:14, 183:13

**harder** [1] - 75:4

**hardship** [25] - 126:3,  
126:10, 141:9,  
154:8, 155:2,  
183:11, 185:1,  
185:2, 185:7,  
185:14, 186:3,  
192:3, 192:7, 198:3,

204:13, 204:14,  
 204:16, 205:2,  
 214:17, 216:3,  
 218:16, 219:2  
**Harvard** [2] - 83:6,  
 83:16  
**hate** [1] - 103:15  
**HAWKINSON** [1] - 6:7  
**hazard** [11] - 28:15,  
 29:3, 77:15, 89:8,  
 90:3, 90:12, 91:15,  
 92:2, 168:7, 168:13,  
 169:3  
**Head** [1] - 121:5  
**headlights** [1] - 137:3  
**headroom** [2] - 200:5,  
 212:10  
**health** [4] - 29:4,  
 91:16, 92:4, 169:4  
**hear** [22] - 6:6, 36:5,  
 62:18, 79:1, 96:2,  
 96:3, 97:16, 97:17,  
 99:7, 99:10, 99:13,  
 100:9, 100:18,  
 101:1, 102:12,  
 130:14, 144:15,  
 147:11, 150:7,  
 150:8, 204:8  
**heard** [26] - 5:7, 22:6,  
 31:8, 49:7, 95:7,  
 104:14, 104:16,  
 106:1, 107:16,  
 140:10, 141:6,  
 141:18, 146:13,  
 149:7, 159:1,  
 166:11, 171:7,  
 174:6, 177:6, 180:7,  
 190:14, 191:3,  
 195:7, 204:12,  
 214:7, 216:5  
**Hearing** [1] - 2:6  
**HEARING** [1] - 1:3  
**hearing** [9] - 97:10,  
 100:8, 108:5, 134:4,  
 141:8, 149:16,  
 150:2, 216:16,  
 223:6  
**heavy** [1] - 207:7  
**hectic** [1] - 122:4  
**height** [3] - 152:10,  
 153:16, 154:1  
**held** [1] - 59:4  
**Helen** [1] - 215:2  
**help** [1] - 84:5

**helpful** <sup>[1]</sup> - 136:17  
**helps** <sup>[1]</sup> - 81:18  
**hereby** <sup>[1]</sup> - 222:16  
**herein** <sup>[1]</sup> - 223:6  
**hereunto** <sup>[1]</sup> - 223:8  
**hickey** <sup>[6]</sup> - 3:5, 36:3,  
 95:4, 162:4, 171:4,  
 195:4  
**HICKEY** <sup>[63]</sup> - 7:6,  
 10:3, 10:10, 11:18,  
 22:3, 26:9, 28:5,  
 47:2, 47:17, 48:2,  
 48:10, 48:17, 49:14,  
 50:4, 50:13, 51:1,  
 64:1, 65:3, 68:7,  
 68:13, 71:15, 72:5,  
 72:8, 73:1, 75:3,  
 76:18, 77:13, 77:18,  
 78:9, 78:14, 81:8,  
 81:17, 82:15, 83:9,  
 87:11, 88:4, 93:6,  
 104:5, 114:1, 114:6,  
 116:8, 116:12,  
 116:17, 117:4,  
 117:7, 117:11,  
 123:18, 124:2,  
 125:3, 125:11,  
 136:5, 136:8,  
 136:16, 137:2,  
 144:1, 144:5,  
 159:12, 165:16,  
 166:7, 189:13,  
 191:14, 212:6,  
 218:5  
**Hickey** <sup>[14]</sup> - 1:9, 5:4,  
 35:14, 93:18,  
 147:17, 149:4,  
 161:1, 170:3, 175:8,  
 176:4, 178:17,  
 180:4, 194:8, 221:2  
**high** <sup>[1]</sup> - 48:8  
**higher** <sup>[5]</sup> - 40:7,  
 48:6, 210:6, 210:9,  
 210:10  
**highly** <sup>[1]</sup> - 23:4  
**hired** <sup>[1]</sup> - 85:5  
**Hiserodt** <sup>[1]</sup> - 96:5  
**HISERODT**  
<sup>[56]</sup> - 96:6, 102:5,  
 102:9, 109:3, 109:5,  
 109:9, 109:16,  
 111:17, 112:5,  
 112:8, 112:12,  
 112:15, 113:1,

113:6, 113:11,  
 113:15, 113:18,  
 114:4, 114:8,  
 114:15, 115:1,  
 115:4, 115:7,  
 115:12, 116:2,  
 116:6, 116:16,  
 117:1, 117:6, 117:9,  
 117:13, 118:6,  
 118:12, 118:16,  
 120:5, 120:10,  
 122:5, 124:6,  
 124:11, 124:17,  
 125:2, 125:9,  
 125:12, 126:2,  
 126:7, 126:12,  
 127:2, 127:11,  
 127:14, 127:17,  
 129:1, 129:5,  
 129:15, 136:14,  
 141:14, 147:9

**historically** <sup>[1]</sup> - 23:3

**history** <sup>[1]</sup> - 72:12

**hits** <sup>[1]</sup> - 137:5

**hold** <sup>[5]</sup> - 6:16, 10:7,  
 104:9, 187:9,  
 217:13

**holding** <sup>[1]</sup> - 61:15

**hole** <sup>[1]</sup> - 59:7

**home** <sup>[3]</sup> - 202:18,  
 215:14, 218:17

**honest** <sup>[2]</sup> - 108:3,  
 183:18

**honestly** <sup>[1]</sup> - 127:7

**HOPE** <sup>[4]</sup> - 162:7,  
 165:18, 166:6,  
 167:15

**Hope** <sup>[2]</sup> - 162:9

**hopefully** <sup>[1]</sup> - 146:10

**hoping** <sup>[1]</sup> - 79:13

**hour** <sup>[2]</sup> - 92:14,  
 216:1

**hours** <sup>[5]</sup> - 42:16,  
 43:5, 92:11, 92:16,  
 106:17

**house** <sup>[41]</sup> - 101:10,  
 120:15, 127:13,  
 128:12, 129:4,  
 130:4, 131:11,  
 133:7, 133:8,  
 133:10, 133:14,  
 135:9, 136:4, 136:8,  
 136:13, 138:11,  
 139:1, 139:3, 140:2,



182:2, 182:5, 185:8,  
 185:11, 185:13,  
 191:6, 191:8, 193:3,  
 198:8, 198:9,  
 198:10, 198:11,  
 198:13, 198:17,  
 199:2, 205:4,  
 206:10, 208:13,  
 211:5, 214:12,  
 215:5

**houses** <sup>[8]</sup> - 106:18,  
 107:5, 107:6,  
 165:10, 167:11,  
 205:6, 206:7, 215:6

**housing** <sup>[4]</sup> - 101:14,  
 187:6, 193:2,  
 219:13

**HUBNER** <sup>[2]</sup> - 214:10,  
 216:2

**Hubner** <sup>[2]</sup> - 214:10,  
 216:9

**huge** <sup>[1]</sup> - 182:9

**hundred** <sup>[2]</sup> - 75:14,  
 131:7

**hundreds** <sup>[1]</sup> - 140:4

## I

**ible** <sup>[1]</sup> - 212:16

**iconic** <sup>[1]</sup> - 23:4

**idea** <sup>[3]</sup> - 101:2,  
 187:9, 187:18

**ideal** <sup>[1]</sup> - 118:15

**identification**  
<sup>[1]</sup> - 47:15

**identify** <sup>[1]</sup> - 25:11

**images** <sup>[2]</sup> - 165:11,  
 165:13

**imagine** <sup>[1]</sup> - 18:12

**immediate**  
<sup>[1]</sup> - 172:11

**impact** <sup>[13]</sup> - 23:2,  
 30:5, 30:13, 48:11,  
 49:1, 71:18, 77:14,  
 91:3, 111:6, 111:7,  
 125:13, 157:4,  
 168:12

**impacted** <sup>[4]</sup> - 70:13,  
 71:11, 99:3, 99:14

**impacting**  
<sup>[1]</sup> - 110:16

**impair** <sup>[2]</sup> - 29:8,  
 169:8

**impatient** <sup>[1]</sup> - 48:13

**important** [3] - 74:12,  
147:4, 188:13

**impose** [2] - 3:17,  
31:6

**impossible**  
[2] - 85:15, 152:6

**impression**  
[1] - 107:8

**improve** [3] - 23:12,  
187:6, 219:13

**improves** [1] - 125:18

**improving** [1] - 193:2

**IN** [2] - 223:8, 223:17

**in-laws** [1] - 212:3

**inability** [1] - 202:1

**inadequate** [2] - 53:2,  
192:4

**inasmuch** [1] - 31:11

**Inaudible** [2] - 39:10,  
116:2

**inaudible** [2] - 210:8,  
210:10

**Inc** [1] - 149:11

**INC** [1] - 1:16

**inches** [3] - 14:11,  
16:3, 16:4

**inclined** [1] - 104:13

**include** [2] - 39:9,  
52:17

**included** [4] - 32:12,  
51:12, 158:1, 163:6

**includes** [1] - 34:10

**including** [4] - 34:17,  
37:18, 137:9,  
140:13

**incorporate**  
[1] - 154:17

**incorporated**  
[1] - 160:2

**increase** [5] - 130:11,  
185:11, 193:1,  
205:10, 206:10

**increased**  
[1] - 150:12

**indefinitely** [1] - 81:9

**independent**  
[1] - 157:5

**individual** [1] - 52:14

**individuals**  
[1] - 34:17

**Industry** [1] - 91:9

**influence** [1] - 215:3

**info** [2] - 84:15, 86:4

**inform** [1] - 4:3

**information**

[7] - 62:5, 70:8,  
72:18, 84:13, 84:14,  
86:6, 105:15

**initial** [1] - 63:3**initialled** [6] - 29:17,

30:7, 160:14,  
169:16, 194:2,  
220:2

**inside** [2] - 18:5,

213:15

**inspectional**

[1] - 154:8

**Inspectional**

[10] - 31:17, 32:4,  
32:7, 33:1, 34:7,  
132:3, 132:10,  
135:2, 138:14,  
222:3

**installation** [5] - 23:2,

23:12, 23:16, 34:5,  
34:9

**installed** [2] - 34:13,

153:12

**instead** [2] - 40:9,

137:6

**institutional** [1] - 91:9**INSTRUCTIONS**

[2] - 222:1, 222:5

**integrity** [2] - 29:8,

169:8

**intending** [1] - 165:6**intent** [7] - 29:9,

73:16, 169:10,  
192:15, 206:17,  
212:2, 219:8

**interest** [5] - 88:14,

97:4, 123:7, 143:1,  
177:4

**interesting**

[2] - 141:1, 165:11

**interestingly**

[1] - 20:13

**interfere** [1] - 4:1**interfered** [1] - 11:8**interim** [6] - 60:12,

78:16, 81:6, 84:3,  
87:2, 87:7

**interior** [1] - 17:6**internal** [1] - 49:8**internally** [1] - 69:7**intersection**

[2] - 44:2, 96:18

**intimately** [1] - 107:7

**introduce** <sup>[1]</sup> - 36:7

**invariably**

<sup>[1]</sup> - 202:15

**inventory** <sup>[4]</sup> - 54:13,  
80:6, 89:11, 89:16

**invisible** <sup>[1]</sup> - 115:18

**involve** <sup>[3]</sup> - 185:1,  
192:2, 218:15

**ipso** <sup>[2]</sup> - 32:8, 33:5

**issue** <sup>[15]</sup> - 58:5,  
72:15, 81:5, 97:10,  
97:11, 103:1,  
103:15, 106:16,  
111:14, 143:13,  
155:12, 156:11,  
159:8, 190:7, 190:8

**issues** <sup>[9]</sup> - 5:16,  
72:10, 96:14,  
102:11, 111:9,  
126:1, 150:4, 202:2

**it'll** <sup>[1]</sup> - 191:6

**itself** <sup>[4]</sup> - 24:8, 61:9,  
127:10, 211:2

## J

**J-E-R-R-Y**

<sup>[1]</sup> - 195:13

**James** <sup>[1]</sup> - 171:11

**JANET** <sup>[56]</sup> - 6:5, 6:9,  
6:12, 6:16, 7:1, 7:5,  
21:18, 26:16, 26:18,  
28:4, 36:14, 38:18,  
39:7, 39:10, 42:2,  
51:3, 52:15, 56:2,  
58:8, 58:10, 62:4,  
66:15, 69:16, 71:8,  
75:18, 76:6, 76:10,  
82:9, 82:17, 84:6,  
84:18, 87:5, 96:2,  
98:17, 101:4, 105:3,  
113:9, 113:14,  
113:16, 115:17,  
116:1, 124:18,  
126:16, 142:14,  
144:12, 146:4,  
150:7, 159:11,  
180:17, 189:14,  
191:15, 196:5,  
209:11, 211:6,  
211:8, 218:4

**Janet** <sup>[15]</sup> - 1:9, 3:5,  
5:3, 36:3, 51:2,  
54:4, 69:14, 95:3,

105:1, 149:3, 162:3,  
171:3, 176:3, 180:3,  
195:3

**January** <sup>[1]</sup> - 131:6

**Jay** <sup>[1]</sup> - 128:2

**JERRY** <sup>[23]</sup> - 195:12,

199:11, 199:14,

201:6, 201:9,

201:12, 201:16,

202:3, 202:10,

203:14, 207:2,

207:14, 209:6,

209:9, 209:15,

209:18, 210:3,

210:12, 211:11,

211:14, 212:1,

212:10, 213:6

**Jerry** <sup>[2]</sup> - 195:12

**Jesse** <sup>[1]</sup> - 220:3

**Jim** <sup>[8]</sup> - 1:10, 3:6,

36:4, 54:7, 58:12,

84:12, 86:8, 87:5

**JIM** <sup>[16]</sup> - 44:9, 45:2,

45:11, 46:1, 46:15,

54:9, 56:7, 56:9,

58:11, 73:5, 84:15,

85:1, 86:14, 87:1,

87:7, 87:13

**Jim's** <sup>[1]</sup> - 71:10

**job** <sup>[3]</sup> - 52:13,

130:10, 133:2

**JOHN** <sup>[1]</sup> - 6:7

**Johnson** <sup>[1]</sup> - 166:16

**judgment** <sup>[2]</sup> - 9:10,

154:18

**July** <sup>[2]</sup> - 21:1, 22:12

**jump** <sup>[1]</sup> - 64:9

**junction** <sup>[1]</sup> - 204:11

## K

**KAHSAI** <sup>[28]</sup> - 195:15,

196:2, 196:7,

196:15, 196:18,

197:4, 197:11,

198:2, 198:18,

199:4, 200:13,

203:13, 206:1,

206:5, 207:15,

208:5, 209:14,

211:1, 211:7,

211:13, 211:15,

211:17, 212:5,

212:8, 212:11,

213:1, 216:13,  
 220:10  
**Kahsai** [2] - 195:15,  
 217:9  
**Kahsai's** [1] - 216:15  
**keep** [6] - 9:1, 12:8,  
 64:15, 85:1, 110:18  
**keeping** [2] - 80:4,  
 80:6  
**KELLEY** [51] - 36:9,  
 36:13, 36:16, 38:11,  
 39:1, 39:9, 39:11,  
 40:5, 40:14, 41:12,  
 42:1, 42:3, 43:10,  
 43:14, 43:16, 44:7,  
 44:14, 45:5, 45:15,  
 46:2, 47:9, 48:1,  
 48:4, 48:16, 49:4,  
 49:17, 50:6, 50:15,  
 51:13, 53:4, 54:10,  
 55:9, 58:7, 60:9,  
 62:8, 65:8, 66:16,  
 68:12, 68:14, 71:3,  
 73:18, 75:6, 75:16,  
 83:4, 86:15, 87:18,  
 90:8, 93:4, 93:7,  
 93:10, 94:2  
**Kelley** [1] - 36:9  
**Kendall** [12] - 19:11,  
 38:5, 43:17, 64:12,  
 67:9, 74:8, 79:18,  
 80:10, 81:4, 82:14,  
 91:4, 92:17  
**Kennedy** [1] - 136:12  
**key** [3] - 11:14, 79:4,  
 79:5  
**keys** [7] - 53:16, 54:3,  
 56:13, 79:8, 85:4,  
 85:13, 86:10  
**KeyWordIndex**  
 [1] - 2:16  
**kid** [1] - 133:17  
**kids** [5] - 133:17,  
 138:2, 155:4,  
 198:11, 208:9  
**kind** [18] - 18:7,  
 39:14, 41:7, 42:8,  
 42:11, 56:16, 58:1,  
 65:13, 66:1, 66:9,  
 68:5, 86:1, 86:16,  
 86:17, 87:8, 116:8,  
 121:12, 121:16  
**kinds** [1] - 131:18  
**Kings** [1] - 107:1

**kitchen** <sup>[6]</sup> - 181:8,  
 182:4, 182:6,  
 187:11, 192:5,  
 192:6

**knows** <sup>[2]</sup> - 79:5,  
 131:12

**Kreiger** <sup>[4]</sup> - 5:11, 7:7,  
 7:8

**KREIGER** <sup>[50]</sup> - 5:9,  
 6:8, 6:15, 6:18, 7:2,  
 7:7, 8:11, 8:14,  
 8:17, 9:4, 9:12,  
 9:17, 10:5, 10:11,  
 12:1, 12:14, 13:18,  
 15:10, 15:15, 16:1,  
 16:6, 16:9, 17:4,  
 17:7, 17:10, 17:12,  
 17:18, 18:8, 18:12,  
 18:17, 19:3, 20:17,  
 21:2, 21:7, 24:3,  
 24:7, 24:13, 25:5,  
 25:10, 25:16, 26:4,  
 26:10, 26:14, 27:3,  
 27:15, 28:1, 30:2,  
 30:8, 31:10, 35:12

**kumbaya** <sup>[1]</sup> - 107:13

## L

**L-U-I** <sup>[1]</sup> - 195:13

**lab** <sup>[1]</sup> - 61:9

**laboratory** <sup>[1]</sup> - 92:13

**laid** <sup>[3]</sup> - 79:11, 182:4,  
 182:6

**land** <sup>[4]</sup> - 185:17,  
 188:10, 204:14,  
 204:17

**Land** <sup>[2]</sup> - 2:5, 23:5

**landing** <sup>[6]</sup> - 202:10,  
 202:11, 202:12,  
 209:4, 209:6,  
 209:13

**landlord** <sup>[2]</sup> - 7:15,  
 18:9

**lane** <sup>[3]</sup> - 85:18,  
 118:3, 118:11

**lanes** <sup>[1]</sup> - 122:6

**large** <sup>[2]</sup> - 151:17,  
 188:7

**largely** <sup>[1]</sup> - 157:9

**larger** <sup>[8]</sup> - 78:11,  
 78:12, 92:5, 109:3,  
 109:5, 110:1, 215:7,  
 215:8

**last** <sup>[14]</sup> - 61:16,  
 96:12, 106:17,  
 151:10, 152:15,  
 153:7, 154:6, 160:1,  
 160:6, 160:10,  
 172:7, 172:8,  
 195:10, 195:13  
**lastly** <sup>[2]</sup> - 174:18,  
 178:7  
**late** <sup>[3]</sup> - 176:14,  
 176:15, 216:1  
**latest** <sup>[2]</sup> - 26:15,  
 26:16  
**law** <sup>[2]</sup> - 32:14, 35:3  
**Law** <sup>[1]</sup> - 162:9  
**laws** <sup>[1]</sup> - 212:3  
**Lawson** <sup>[1]</sup> - 223:4  
**lawyers** <sup>[1]</sup> - 137:8  
**lay** <sup>[1]</sup> - 37:18  
**layout** <sup>[6]</sup> - 37:6, 77:7,  
 89:1, 155:3, 199:17,  
 200:2  
**leaking** <sup>[1]</sup> - 207:7  
**learn** <sup>[1]</sup> - 97:9  
**lease** <sup>[4]</sup> - 7:16, 75:8,  
 79:18, 123:2  
**least** <sup>[14]</sup> - 55:3,  
 55:10, 83:16, 97:9,  
 107:15, 108:8,  
 124:7, 124:12,  
 152:3, 154:17,  
 163:17, 188:15,  
 203:7, 215:9  
**leave** <sup>[6]</sup> - 42:2,  
 53:17, 59:7, 79:8,  
 86:10, 104:5  
**left** <sup>[6]</sup> - 12:1, 12:2,  
 12:9, 15:8, 15:11,  
 55:13  
**Legal** <sup>[1]</sup> - 162:9  
**less** <sup>[7]</sup> - 69:3, 75:10,  
 92:11, 110:8,  
 118:15, 124:8,  
 127:13  
**letter** <sup>[22]</sup> - 10:1, 10:2,  
 20:6, 20:14, 22:11,  
 24:4, 24:8, 24:11,  
 134:4, 158:1, 158:7,  
 158:10, 159:5,  
 171:10, 172:14,  
 186:14, 197:1,  
 215:16, 216:8,  
 216:10, 217:3,  
 217:5



**letters** [8] - 159:4,  
 166:15, 168:18,  
 190:18, 196:11,  
 197:2, 204:4, 216:8  
**level** [2] - 44:3, 92:9  
**License** [1] - 223:14  
**licenses** [1] - 33:7  
**limited** [1] - 32:13  
**LINE** [1] - 222:8  
**line** [34] - 15:9, 18:6,  
 25:18, 75:12,  
 110:11, 111:1,  
 111:16, 112:2,  
 112:6, 112:9,  
 112:14, 114:2,  
 114:3, 114:5, 114:7,  
 116:7, 133:11,  
 135:17, 135:18,  
 136:3, 140:18,  
 153:7, 183:5, 196:9,  
 196:10, 201:8,  
 202:7, 203:4, 206:9,  
 206:11, 207:11,  
 207:13, 215:10  
**lined** [1] - 14:7  
**lines** [2] - 124:13,  
 153:10  
**listen** [1] - 71:9  
**literal** [4] - 159:16,  
 184:18, 192:1,  
 218:14  
**literally** [1] - 153:11  
**LITIGATION** [1] - 2:3  
**live** [4] - 95:14, 99:2,  
 106:15, 164:12  
**liveability** [2] - 99:4,  
 139:2  
**lived** [1] - 133:7  
**living** [9] - 185:8,  
 199:3, 205:3, 205:4,  
 207:5, 207:11,  
 212:7, 213:2,  
 214:11  
**LLC** [2] - 2:4, 162:11  
**load** [1] - 151:4  
**loads** [1] - 152:1  
**locate** [2] - 13:10,  
 162:14  
**located** [6] - 31:2,  
 140:17, 192:10,  
 216:17, 217:8  
**location** [15] - 11:12,  
 12:5, 12:15, 15:4,  
 40:17, 44:13, 57:14,

76:5, 88:11, 91:11,  
119:3, 168:10,  
168:11, 200:1

**locations** [5] - 12:4,  
19:6, 27:7, 34:16,  
75:4

**look** [15] - 42:5,  
51:16, 52:1, 70:14,  
75:4, 79:9, 85:8,  
85:15, 142:14,  
156:4, 188:2,  
190:10, 191:8,  
218:6

**looked** [2] - 38:15,  
151:8

**looking** [18] - 19:4,  
19:7, 25:15, 42:7,  
56:9, 67:6, 70:6,  
76:7, 82:1, 82:13,  
101:13, 104:11,  
113:12, 125:15,  
126:17, 130:6,  
183:8, 184:7

**looks** [4] - 151:15,  
151:16, 184:1,  
184:5

**lords** [1] - 67:4

**lose** [6] - 38:10, 40:2,  
44:10, 44:12, 45:3,  
45:4

**losing** [3] - 40:18,  
59:3, 76:11

**loss** [12] - 38:8, 39:16,  
48:12, 50:5, 65:5,  
80:4, 80:11, 80:12,  
81:6, 84:3, 84:11

**lost** [10] - 39:8, 44:18,  
48:18, 50:2, 66:2,  
72:6, 72:8, 91:5,  
193:15, 213:14

**loud** [1] - 139:5

**low** [1] - 212:10

**lower** [2] - 42:17, 48:6

**luck** [3] - 160:18,  
194:6, 221:1

**luckily** [1] - 157:14

**LUI** [23] - 195:12,  
199:11, 199:14,  
201:6, 201:9,  
201:12, 201:16,  
202:3, 202:10,  
203:14, 207:2,  
207:14, 209:6,  
209:9, 209:15,

209:18, 210:3,  
210:12, 211:11,  
211:14, 212:1,  
212:10, 213:6

**Lui** <sup>[1]</sup> - 195:12

## **M**

**magic** <sup>[1]</sup> - 93:3

**mail** <sup>[5]</sup> - 151:15,  
158:4, 158:7,  
163:17, 165:1

**main** <sup>[1]</sup> - 203:3

**maintain** <sup>[2]</sup> - 30:12,  
127:4

**maintained**

<sup>[5]</sup> - 34:15, 139:6,  
147:1, 174:14,  
178:5

**major** <sup>[2]</sup> - 138:12,  
207:3

**majority** <sup>[4]</sup> - 108:6,  
215:6, 215:8, 215:9

**man** <sup>[2]</sup> - 132:11,  
134:5

**managed** <sup>[1]</sup> - 79:3

**manager** <sup>[1]</sup> - 195:14

**managers**

<sup>[1]</sup> - 162:12

**maneuver** <sup>[1]</sup> - 130:1

**maneuverability**

<sup>[1]</sup> - 114:14

**map** <sup>[4]</sup> - 37:15,

136:8, 137:1,  
137:15

**maps** <sup>[1]</sup> - 7:18

**marathon** <sup>[1]</sup> - 59:8

**March** <sup>[1]</sup> - 151:15

**MARIA** <sup>[6]</sup> - 143:8,

144:6, 171:16,  
174:10, 177:8,  
177:15

**Maria** <sup>[3]</sup> - 1:11,

146:16, 171:15

**marked** <sup>[1]</sup> - 46:3

**Mass** <sup>[4]</sup> - 2:13,

36:10, 38:2, 54:5

**Massachusetts**

<sup>[4]</sup> - 1:6, 1:7, 95:15,  
171:6

**MASSACHUSETTS**

<sup>[1]</sup> - 223:3

**master** <sup>[1]</sup> - 208:8

**materials** <sup>[2]</sup> - 135:1,

175:1

**matter** [22] - 5:8, 18:4,  
22:5, 22:7, 31:13,  
58:15, 95:8, 118:10,  
118:11, 130:12,  
140:10, 149:8,  
158:17, 159:1,  
166:9, 166:12,  
171:8, 180:8,  
190:15, 195:8,  
214:5, 214:7

**matters** [1] - 5:13

**McCarthy** [1] - 217:4

**mean** [25] - 39:2,  
48:10, 53:7, 64:6,  
67:16, 68:14, 70:8,  
70:10, 71:9, 73:18,  
77:4, 78:3, 101:7,  
107:6, 118:16,  
120:8, 127:2,  
129:16, 185:9,  
197:16, 202:15,  
207:10, 207:15,  
209:2, 209:6

**mean...** [1] - 108:15

**meaning** [1] - 73:12

**means** [4] - 80:6,  
83:8, 84:3, 84:5

**meant** [1] - 152:6

**measure** [1] - 84:4

**media** [1] - 61:9

**medium** [1] - 3:16

**meet** [5] - 9:13, 14:14,  
57:8, 146:11,  
204:11

**meeting** [9] - 3:15,  
4:2, 4:4, 4:7, 4:10,  
172:8, 216:16

**meetings** [2] - 9:9,  
172:7

**Member** [4] - 1:9, 1:9,  
1:10, 1:10

**member** [2] - 10:9,  
159:5

**members** [17] - 5:10,  
21:17, 84:16, 92:5,  
98:3, 99:18, 100:12,  
101:3, 108:7,  
123:10, 151:17,  
155:6, 162:8,  
165:15, 189:12,  
213:16, 217:16

**Members** [10] - 3:4,  
5:2, 36:2, 95:2,

149:2, 162:2, 171:2,  
176:2, 180:2, 195:2

**memo** [2] - 22:11,  
23:10

**Memorial** [1] - 61:10

**mentioned** [6] - 4:13,  
6:3, 7:10, 138:1,  
173:16, 181:4

**mentioning**

[1] - 183:17

**merits** [4] - 96:8,  
133:5, 134:12,  
135:7

**mess** [1] - 122:15

**met** [3] - 28:11, 88:10,  
88:16

**method** [1] - 152:3

**mic** [4] - 6:11, 109:14,  
150:10, 180:17

**MICHAEL**

[37] - 172:2, 173:3,  
173:6, 173:9,  
173:13, 173:17,  
174:2, 180:9,  
180:13, 180:18,  
181:3, 181:13,  
181:16, 182:18,  
183:3, 183:6,  
183:10, 184:4,  
184:15, 185:5,  
185:15, 185:18,  
186:7, 186:16,  
187:1, 187:4, 187:7,  
187:14, 187:17,  
188:6, 188:18,  
189:4, 189:8, 190:2,  
191:4, 193:11,  
194:7

**Michael** [3] - 172:2,  
180:13, 181:4

**microphone**

[2] - 131:1, 196:6

**middle** [3] - 19:16,  
106:6, 118:11

**might** [5] - 66:2,  
100:17, 119:15,  
125:17, 156:10

**mile** [1] - 41:4

**mind** [3] - 130:18,  
156:17, 157:1

**mine's** [1] - 12:12

**minimum** [5] - 54:18,  
55:18, 57:8, 89:13,  
152:4

**minimus** <sup>[1]</sup> - 44:4  
**minutes** <sup>[4]</sup> - 4:8,  
 20:18, 140:1,  
 143:10  
**mirror** <sup>[2]</sup> - 165:11,  
 165:12  
**mirrors** <sup>[1]</sup> - 128:18  
**MISC** <sup>[1]</sup> - 2:5  
**misimpression**  
<sup>[1]</sup> - 86:18  
**miss** <sup>[2]</sup> - 129:6,  
 147:10  
**mistake** <sup>[1]</sup> - 137:5  
**misunderstood**  
<sup>[1]</sup> - 113:8  
**MIT** <sup>[15]</sup> - 36:10, 38:6,  
 50:14, 59:14, 66:4,  
 66:11, 67:18, 72:10,  
 82:9, 82:10, 90:12,  
 90:18, 91:3, 92:5,  
 92:17  
**MIT's** <sup>[3]</sup> - 62:6, 71:1,  
 80:1  
**mitigate** <sup>[1]</sup> - 215:13  
**MITIMCo's** <sup>[1]</sup> - 54:17  
**mixed** <sup>[1]</sup> - 61:14  
**modest** <sup>[3]</sup> - 192:17,  
 200:14, 215:5  
**modification**  
<sup>[5]</sup> - 141:3, 141:6,  
 141:8, 178:9,  
 218:18  
**modifications**  
<sup>[3]</sup> - 157:3, 165:6,  
 198:12  
**modified** <sup>[6]</sup> - 8:16,  
 8:18, 147:6, 176:13,  
 178:3  
**modify** <sup>[3]</sup> - 77:6,  
 89:1, 220:7  
**moment** <sup>[2]</sup> - 16:15,  
 107:13  
**Monday** <sup>[4]</sup> - 147:8,  
 175:3, 177:2,  
 178:11  
**money** <sup>[5]</sup> - 39:4,  
 41:5, 68:3, 69:6,  
 81:1  
**monitor** <sup>[1]</sup> - 152:13  
**MONOGRAM** <sup>[1]</sup> - 2:4  
**MONTEVERDE**  
<sup>[16]</sup> - 44:9, 45:2,  
 45:11, 46:1, 46:15,  
 54:9, 56:7, 56:9,

58:11, 73:5, 84:15,  
85:1, 86:14, 87:1,  
87:7, 87:13

**Monteverde**

[4] - 1:10, 3:6, 36:4,  
94:1

**month** [4] - 27:2,  
104:2, 106:12,  
106:13

**months** [8] - 30:18,  
37:11, 80:16, 128:1,  
133:1, 134:15,  
135:4, 139:8

**moot** [1] - 58:1

**morning** [6] - 41:18,  
42:12, 43:2, 66:10,  
92:14, 131:5

**most** [14] - 38:17,  
41:2, 42:15, 46:6,  
72:9, 79:5, 91:5,  
97:15, 111:6, 125:7,  
147:3, 163:13,  
164:4, 169:1

**Mot** [1] - 20:1

**motion** [5] - 87:3,  
87:4, 88:7, 184:11,  
218:9

**mounted** [1] - 20:2

**move** [9] - 36:14,  
55:8, 56:14, 86:9,  
104:7, 109:14,  
117:15, 198:11,  
198:16

**moved** [2] - 134:2,  
137:17

**moves** [15] - 28:7,  
29:12, 35:5, 123:2,  
146:12, 159:14,  
160:7, 167:18,  
169:12, 174:5,  
177:5, 191:16,  
193:5, 218:11,  
219:17

**moving** [9] - 46:10,  
48:7, 64:13, 65:9,  
69:17, 70:1, 85:17,  
120:13, 198:6

**multi** [1] - 101:7

**multiple** [2] - 101:8,  
122:1

**must** [7] - 17:15, 66:1,  
147:7, 175:2, 178:9,  
178:10, 198:12

**mute** [1] - 7:3

## N

**name** <sup>[21]</sup> - 5:10,

36:8, 36:9, 58:16,  
95:12, 95:13, 95:18,  
98:13, 98:17, 99:1,  
131:2, 132:11,  
149:8, 180:11,  
181:4, 195:9,  
195:10, 195:12,  
195:13, 195:15,  
214:8

**named** <sup>[1]</sup> - 164:17

**narrow** <sup>[4]</sup> - 110:18,  
133:18, 198:5,  
208:12

**narrowness**

<sup>[1]</sup> - 110:7

**nature** <sup>[4]</sup> - 40:15,

103:8, 168:16,  
203:5

**navigate** <sup>[1]</sup> - 118:8

**near** <sup>[6]</sup> - 55:13, 81:6,

83:16, 116:15,  
131:15, 133:8

**nearby** <sup>[4]</sup> - 34:18,

91:3, 92:12

**nearest** <sup>[1]</sup> - 44:2

**nearly** <sup>[1]</sup> - 91:4

**necessarily**

<sup>[3]</sup> - 55:16, 103:7,  
158:9

**necessary**

<sup>[1]</sup> - 132:13

**need** <sup>[31]</sup> - 8:2, 38:14,

46:13, 46:14, 52:10,  
54:2, 63:11, 67:8,  
67:11, 71:6, 72:17,  
75:4, 86:4, 86:5,  
98:17, 114:13,  
114:14, 124:13,  
124:15, 141:10,  
142:17, 154:12,  
182:14, 185:11,  
186:10, 200:18,  
204:15, 205:2,  
208:15, 216:9,  
218:18

**needed** <sup>[2]</sup> - 53:9,

143:12

**needs** <sup>[13]</sup> - 46:8,

53:6, 55:5, 55:16,  
56:4, 61:3, 63:11,



71:1, 71:2, 185:8,  
192:6

**negative** <sup>[4]</sup> - 72:1,  
77:14, 132:14,  
191:3

**neighbor** <sup>[4]</sup> - 103:15,  
152:18, 215:4,  
216:13

**neighbor-wide**  
<sup>[1]</sup> - 103:15

**neighborhood**  
<sup>[26]</sup> - 28:16, 48:12,  
49:1, 49:7, 68:8,  
69:12, 71:2, 89:9,  
90:5, 97:4, 97:12,  
98:6, 100:6, 103:14,  
105:8, 133:17,  
168:8, 172:5,  
186:13, 192:18,  
205:16, 206:6,  
215:1, 215:4, 215:7,  
219:12

**neighborhoods**  
<sup>[3]</sup> - 70:16, 71:18,  
83:10

**neighboring**  
<sup>[1]</sup> - 111:4

**neighbors**  
<sup>[17]</sup> - 68:16, 69:8,  
97:6, 107:10, 111:6,  
130:15, 163:13,  
177:4, 182:11,  
183:18, 186:18,  
191:1, 191:3,  
196:11, 204:3,  
205:18, 206:16

**Nelson** <sup>[1]</sup> - 216:10  
**net** <sup>[5]</sup> - 38:8, 39:7,  
39:16, 65:5, 91:4

**never** <sup>[7]</sup> - 79:12,  
108:13, 133:13,  
133:16, 134:3,  
138:2, 139:6

**new** <sup>[30]</sup> - 9:2, 9:4,  
10:8, 11:9, 14:9,  
19:15, 20:1, 25:8,  
33:11, 33:16, 38:4,  
54:16, 55:18, 66:3,  
67:11, 80:15, 90:15,  
91:4, 147:5, 153:11,  
167:2, 167:4,  
174:15, 174:16,  
175:1, 178:4, 178:8

**news** <sup>[1]</sup> - 151:16

**next** <sup>[14]</sup> - 20:8, 31:5,  
37:11, 52:10, 60:16,  
60:18, 70:12, 104:2,  
118:3, 156:13,  
171:14, 176:11,  
214:12, 216:12

**next-door**

<sup>[2]</sup> - 214:12, 216:12

**nice** <sup>[2]</sup> - 5:13, 5:14

**night** <sup>[8]</sup> - 97:17,

98:4, 98:10, 104:16,

106:17, 110:3,

145:15, 174:1

**night's** <sup>[1]</sup> - 172:8

**nights** <sup>[1]</sup> - 61:3

**nine** <sup>[9]</sup> - 92:15,

92:16, 196:10,

211:1, 211:2, 211:3,

211:13, 211:15,

211:17

**NO** <sup>[1]</sup> - 2:5

**nobody** <sup>[2]</sup> - 60:3,

134:1

**noise** <sup>[1]</sup> - 21:13

**noisy** <sup>[1]</sup> - 139:5

**non** <sup>[3]</sup> - 150:4, 186:4,

219:3

**non-conforming**

<sup>[3]</sup> - 150:4, 186:4,

219:3

**none** <sup>[1]</sup> - 22:1

**norm** <sup>[1]</sup> - 70:15

**normally** <sup>[2]</sup> - 88:9,

213:13

**north** <sup>[2]</sup> - 40:18,

47:13

**North** <sup>[1]</sup> - 172:4

**northwest** <sup>[1]</sup> - 19:12

**NOT** <sup>[1]</sup> - 223:17

**Notary** <sup>[2]</sup> - 223:5,

223:13

**note** <sup>[3]</sup> - 192:16,

219:10, 222:6

**noted** <sup>[1]</sup> - 222:16

**nothing** <sup>[7]</sup> - 9:15,

22:3, 113:1, 150:13,

160:2, 191:3, 215:1

**nothing's** <sup>[2]</sup> - 69:2,

69:3

**notice** <sup>[7]</sup> - 33:12,

41:9, 57:14, 104:9,

104:17, 105:6,

173:7

**noticed** <sup>[1]</sup> - 173:6

**notification**

[1] - 32:18

**notified** [3] - 103:1,  
134:3, 138:13

**notify** [1] - 32:11

**notifying** [1] - 3:13

**nuisance** [4] - 29:3,  
91:15, 92:2, 169:3

**nullifying**

[2] - 192:14, 219:8

**number** [21] - 3:18,  
11:13, 48:17, 49:11,  
54:15, 57:9, 67:8,  
71:17, 72:5, 72:8,  
72:15, 72:16, 75:5,  
93:3, 96:15, 101:8,  
110:1, 113:4,  
130:11, 132:18,  
142:2

**numbering** [1] - 11:17

**numbers** [2] - 57:6,  
68:11

**Nurtury** [1] - 121:5

**O**

**o'clock** [5] - 41:17,  
42:10, 43:2, 145:15,  
145:16

**objections**

[3] - 167:4, 172:13,  
217:1

**objective** [2] - 181:9,  
181:17

**obstacle** [1] - 54:1

**obtain** [1] - 37:1

**obviously** [8] - 10:11,  
14:1, 18:11, 23:17,  
55:6, 63:5, 106:3,  
215:12

**occasions** [2] - 142:2,  
214:13

**occupancy** [2] - 40:7,  
52:2

**occupant** [4] - 29:5,  
109:12, 109:16,  
169:5

**occupants**

[3] - 34:18, 91:17,  
122:13

**occupies** [2] - 185:13,  
192:5

**occurred** [1] - 33:3

**October** [32] - 26:18,

97:5, 97:16, 100:10,  
 106:9, 106:11,  
 143:7, 143:11,  
 143:18, 144:12,  
 144:13, 144:14,  
 144:16, 145:4,  
 146:13, 147:2,  
 147:8, 147:11,  
 171:13, 171:16,  
 172:1, 173:16,  
 174:1, 174:6,  
 174:15, 174:17,  
 175:3, 177:8, 177:9,  
 177:10, 178:4,  
 178:12  
**odd** <sup>[4]</sup> - 78:6, 186:5,  
 192:8, 214:15  
**oddly** <sup>[1]</sup> - 218:17  
**OF** <sup>[6]</sup> - 1:1, 1:2,  
 223:3, 223:17,  
 223:17, 223:18  
**off-street** <sup>[2]</sup> - 77:8,  
 89:3  
**offensive** <sup>[1]</sup> - 11:5  
**offer** <sup>[1]</sup> - 121:14  
**Office** <sup>[1]</sup> - 59:1  
**office** <sup>[3]</sup> - 5:18, 7:11  
**offices** <sup>[1]</sup> - 92:12  
**Offices** <sup>[1]</sup> - 162:10  
**OFFICIAL** <sup>[1]</sup> - 1:16  
**officials** <sup>[1]</sup> - 39:13  
**often** <sup>[5]</sup> - 59:5,  
 70:14, 202:14,  
 208:17  
**old** <sup>[4]</sup> - 10:13, 14:2,  
 133:15, 139:11  
**older** <sup>[2]</sup> - 192:4,  
 218:17  
**Oliveira** <sup>[1]</sup> - 216:10  
**OLIVEIRA**  
<sup>[1]</sup> - 216:11  
**on-site** <sup>[2]</sup> - 101:16,  
 121:13  
**once** <sup>[5]</sup> - 57:8, 64:8,  
 64:10, 83:11, 116:9  
**one** <sup>[87]</sup> - 3:9, 3:11,  
 4:14, 7:13, 10:3,  
 11:12, 11:14, 18:18,  
 19:1, 19:18, 20:6,  
 27:2, 27:7, 29:15,  
 31:5, 40:16, 42:10,  
 44:9, 47:14, 48:10,  
 49:18, 57:16, 65:17,  
 66:2, 68:10, 83:12,

88:2, 96:12, 100:8,  
 103:6, 105:13,  
 107:12, 111:14,  
 113:15, 115:7,  
 115:10, 115:14,  
 116:14, 117:14,  
 117:18, 119:12,  
 120:11, 122:13,  
 123:18, 124:7,  
 124:12, 129:18,  
 133:10, 135:17,  
 136:2, 137:18,  
 146:15, 151:5,  
 155:8, 156:12,  
 162:11, 162:15,  
 163:17, 163:18,  
 166:2, 166:15,  
 172:11, 174:8,  
 176:7, 177:12,  
 185:10, 186:14,  
 199:6, 199:10,  
 199:14, 201:1,  
 201:14, 203:6,  
 203:7, 203:14,  
 203:17, 206:15,  
 211:2, 212:12,  
 212:15, 216:8  
**One** <sup>[3]</sup> - 49:18,  
 216:17, 217:8

**one-for-one**

<sup>[2]</sup> - 66:2, 68:10

**one-page** <sup>[1]</sup> - 20:6

**ones** <sup>[4]</sup> - 25:4, 27:15,  
 29:18, 164:3

**open** <sup>[27]</sup> - 3:15, 22:4,  
 47:7, 58:13, 59:4,  
 59:13, 59:14, 74:8,  
 110:17, 120:14,  
 120:17, 123:11,  
 124:13, 125:13,  
 127:4, 130:12,  
 140:16, 155:18,  
 158:17, 166:9,  
 184:7, 184:8, 188:7,  
 188:10, 190:13,  
 214:1, 214:5

**opening** <sup>[1]</sup> - 157:11

**opens** <sup>[1]</sup> - 67:9

**operate** <sup>[1]</sup> - 44:2

**operated** <sup>[2]</sup> - 45:10,  
 92:1

**operates** <sup>[1]</sup> - 121:5

**operating** <sup>[3]</sup> - 64:10,  
 131:10, 135:4

**operation** [6] - 3:18,  
28:17, 64:15, 91:7,  
92:8, 168:14

**operator** [1] - 42:17

**operators** [1] - 50:10

**opportunity**

[1] - 172:16

**opposition**

[1] - 143:16

**options** [2] - 129:9,

129:17

**order** [5] - 26:15,

41:7, 66:9, 99:7,

166:3

**Ordinance**

[18] - 28:10, 29:1,

29:10, 37:5, 88:10,

88:16, 89:10, 89:14,

89:18, 168:3,

169:10, 178:6,

185:1, 192:2,

192:15, 197:7,

218:15, 219:9

**organization**

[1] - 121:4

**oriented** [1] - 119:16

**Original** [1] - 2:6

**original** [7] - 10:16,

11:13, 27:6, 107:11,

155:16, 176:14,

222:2

**originally**

[4] - 120:12, 150:17,

151:12, 156:3

**otherwise** [7] - 29:9,

32:17, 44:13, 86:3,

169:9, 183:1, 200:1

**ought** [1] - 18:3

**ourselves**

[1] - 114:11

**outreach** [1] - 172:9

**outside** [4] - 70:14,

118:13, 119:3,

205:15

**outsourced**

[2] - 50:14, 50:16

**overall** [5] - 42:8,

67:8, 82:6, 84:2,

110:5

**overhang**

[2] - 210:16, 218:6

**owing** [5] - 185:2,

186:3, 192:7,

204:16, 219:2

**own** <sup>[6]</sup> - 36:16,  
65:13, 103:13,  
131:3, 164:11,  
181:6

**owned** <sup>[2]</sup> - 121:4,  
165:17

**OWNER** <sup>[1]</sup> - 2:4

**owner** <sup>[8]</sup> - 103:7,  
121:13, 133:14,  
149:14, 155:9,  
162:18, 195:16,  
214:13

**owner/occupiers**  
<sup>[2]</sup> - 164:1, 166:18

**owners** <sup>[3]</sup> - 137:8,  
167:9, 206:14

## P

**p.m** <sup>[23]</sup> - 1:4, 2:2,  
3:3, 5:1, 36:1,  
92:11, 95:1, 146:13,  
147:7, 149:1, 162:1,  
171:1, 174:6,  
174:17, 175:3,  
176:1, 177:1,  
177:10, 178:5,  
178:11, 180:1,  
195:1, 221:4

**paces** <sup>[1]</sup> - 59:6

**PACHECO**  
<sup>[6]</sup> - 143:8, 144:6,  
171:16, 174:10,  
177:8, 177:15

**Pacheco** <sup>[1]</sup> - 1:11

**pack** <sup>[1]</sup> - 85:5

**package** <sup>[3]</sup> - 8:1,  
36:17, 37:13

**packet** <sup>[1]</sup> - 158:2

**page** <sup>[7]</sup> - 11:10, 19:6,  
20:6, 158:12,  
158:13, 160:13,  
194:2

**PAGE** <sup>[2]</sup> - 2:1, 222:8

**pages** <sup>[1]</sup> - 169:15

**paid** <sup>[1]</sup> - 134:5

**pairs** <sup>[1]</sup> - 12:2

**papers** <sup>[1]</sup> - 10:15

**paragraphs**  
<sup>[2]</sup> - 33:10, 33:16

**pardon** <sup>[1]</sup> - 173:3

**parents** <sup>[4]</sup> - 155:3,  
198:16, 199:3,  
212:4

**park** <sup>[22]</sup> - 41:4,  
47:14, 48:14, 48:15,  
53:13, 57:10, 59:9,  
61:18, 68:18, 83:9,  
111:15, 118:3,  
119:2, 119:3,  
122:13, 126:18,  
128:4, 129:13,  
133:9, 135:12,  
135:17, 139:1

**parked** <sup>[11]</sup> - 56:11,  
83:18, 85:18, 91:11,  
116:13, 118:12,  
121:18, 122:2,  
122:8, 134:1,  
137:14

**parkers** <sup>[1]</sup> - 83:13

**parking** <sup>[108]</sup> - 37:1,  
37:6, 37:8, 37:11,  
38:3, 38:13, 39:7,  
39:15, 40:9, 40:17,  
44:10, 44:14, 45:6,  
45:7, 45:10, 46:11,  
47:6, 47:7, 47:8,  
47:11, 49:16, 50:16,  
53:1, 54:14, 54:16,  
55:1, 55:2, 56:3,  
56:8, 57:10, 59:5,  
65:5, 65:11, 65:15,  
65:17, 66:7, 67:8,  
67:10, 67:11, 67:17,  
68:9, 69:1, 69:5,  
71:11, 72:11, 77:8,  
77:9, 77:18, 80:2,  
80:5, 80:10, 80:18,  
81:12, 82:1, 82:4,  
83:2, 83:7, 83:15,  
84:5, 84:7, 84:10,  
84:11, 85:10, 89:2,  
89:3, 89:10, 89:12,  
89:13, 89:16, 89:18,  
90:7, 90:13, 90:16,  
91:1, 91:4, 91:5,  
92:7, 96:13, 97:10,  
101:16, 102:2,  
102:3, 102:5, 102:7,  
110:9, 110:12,  
111:4, 111:7,  
113:10, 113:11,  
113:17, 118:1,  
118:13, 118:18,  
119:1, 119:4,  
121:13, 123:8,  
125:1, 126:13,



129:10, 133:8,  
133:13, 134:14,  
135:8, 140:16

**parks** <sup>[1]</sup> - 86:11

**part** <sup>[15]</sup> - 24:8, 24:9,  
24:12, 50:1, 62:11,  
62:16, 73:14, 108:9,  
139:14, 163:3,  
163:6, 199:1, 199:7,  
202:6, 209:12

**particular** <sup>[5]</sup> - 12:5,  
61:17, 155:15,  
156:9, 158:2

**particularly** <sup>[3]</sup> - 5:14,  
60:11, 218:18

**particulars** <sup>[1]</sup> - 88:11

**parts** <sup>[2]</sup> - 69:18,  
199:6

**pass** <sup>[7]</sup> - 47:7, 47:13,  
66:5, 66:6, 66:8,  
82:5, 83:18

**passed** <sup>[1]</sup> - 158:14

**past** <sup>[2]</sup> - 59:14,  
214:12

**PATEL** <sup>[17]</sup> - 149:10,  
149:18, 150:11,  
152:12, 153:1,  
153:4, 153:8,  
153:15, 154:2,  
154:9, 154:11,  
154:15, 155:1,  
156:15, 156:18,  
157:14, 158:13

**Patel** <sup>[1]</sup> - 149:10

**Patrick** <sup>[15]</sup> - 1:10,  
3:5, 5:4, 36:3,  
46:16, 51:4, 56:2,  
71:10, 95:4, 149:4,  
162:4, 171:4, 176:4,  
180:4, 195:4

**PATRICK** <sup>[46]</sup> - 12:12,  
46:18, 54:4, 54:12,  
55:10, 56:5, 56:8,  
76:13, 78:18, 81:10,  
81:18, 83:1, 83:5,  
83:14, 86:7, 100:14,  
102:16, 115:2,  
115:5, 115:9,  
115:15, 119:14,  
120:8, 127:9,  
127:12, 127:15,  
127:18, 128:6,  
128:11, 128:15,  
129:3, 138:7, 155:8,

155:11, 157:2,  
 157:11, 157:13,  
 189:15, 189:18,  
 190:5, 201:14,  
 201:17, 210:15,  
 211:4, 212:2, 213:7  
**Patrick's** <sup>[1]</sup> - 104:8  
**patterns** <sup>[4]</sup> - 28:13,  
 89:7, 90:2, 168:5  
**pay** <sup>[2]</sup> - 66:12, 69:6  
**peace** <sup>[1]</sup> - 217:14  
**peaceful** <sup>[1]</sup> - 137:9  
**peak** <sup>[5]</sup> - 41:14,  
 42:16, 92:11, 92:14,  
 92:16  
**peak/off** <sup>[1]</sup> - 41:14  
**peaked** <sup>[1]</sup> - 211:6  
**peaks** <sup>[3]</sup> - 42:11,  
 92:12  
**pen** <sup>[1]</sup> - 136:11  
**PENDING** <sup>[1]</sup> - 2:3  
**penetrate** <sup>[3]</sup> - 18:11,  
 18:15, 18:18  
**people** <sup>[36]</sup> - 6:6,  
 38:9, 41:2, 41:7,  
 42:18, 46:11, 48:13,  
 50:10, 50:11, 51:6,  
 52:9, 60:10, 63:11,  
 66:13, 67:15, 68:15,  
 68:18, 69:5, 70:13,  
 79:16, 82:1, 82:2,  
 82:3, 83:7, 86:10,  
 96:2, 101:1, 103:1,  
 103:5, 105:4,  
 105:13, 126:17,  
 150:7, 202:14,  
 204:7, 205:7  
**people's** <sup>[1]</sup> - 46:10  
**Peoples** <sup>[1]</sup> - 107:2  
**per** <sup>[1]</sup> - 89:12  
**perceives** <sup>[1]</sup> - 105:8  
**percent** <sup>[19]</sup> - 48:5,  
 48:7, 54:8, 57:1,  
 57:3, 67:4, 67:5,  
 70:11, 70:12, 139:2,  
 150:5, 150:6,  
 150:13, 200:14,  
 203:8, 203:10,  
 203:15, 205:10  
**percentage**  
<sup>[2]</sup> - 45:13, 54:5  
**Percy** <sup>[2]</sup> - 97:1,  
 106:18  
**perfect** <sup>[5]</sup> - 18:3,

36:15, 81:15,  
116:16, 129:4

**perfectly** <sup>[1]</sup> - 74:3

**perhaps** <sup>[2]</sup> - 75:4,  
172:18

**period** <sup>[8]</sup> - 30:18,  
34:1, 50:2, 50:7,  
60:13, 73:12, 93:3,  
134:15

**permanent** <sup>[9]</sup> - 50:4,  
64:3, 64:5, 64:7,  
70:4, 73:4, 84:8,  
109:17

**permission** <sup>[1]</sup> - 18:9

**permit** <sup>[2]</sup> - 62:13,  
88:13

**Permit** <sup>[29]</sup> - 28:11,  
29:13, 31:14, 32:9,  
32:13, 33:5, 33:8,  
33:11, 33:15, 34:4,  
34:13, 35:6, 35:11,  
37:1, 37:9, 77:6,  
77:12, 77:17, 88:18,  
93:2, 93:15, 126:11,  
140:15, 141:3,  
162:13, 167:7,  
168:2, 168:4,  
169:12

**Permits** <sup>[1]</sup> - 88:8

**permitted** <sup>[3]</sup> - 28:18,  
88:12, 197:10

**person** <sup>[10]</sup> - 3:14,  
34:8, 52:13, 54:1,  
55:4, 56:4, 56:11,  
59:15, 118:2,  
125:10

**personally**  
<sup>[1]</sup> - 142:17

**persons** <sup>[2]</sup> - 102:1,  
185:10

**perspective**  
<sup>[3]</sup> - 184:6, 217:18,  
218:1

**perspectives**  
<sup>[1]</sup> - 14:18

**petition** <sup>[4]</sup> - 33:18,  
34:6, 102:1, 177:18

**petitioner**  
<sup>[24]</sup> - 29:12, 29:16,  
30:7, 30:11, 30:16,  
31:16, 32:11, 32:17,  
33:10, 34:6, 34:9,  
97:6, 104:1, 104:6,  
160:13, 169:15,

171:9, 174:8, 175:2,  
176:10, 176:18,  
177:12, 220:2

**petitioner's** <sup>[2]</sup> - 32:2,  
33:6

**petitioners**  
<sup>[3]</sup> - 104:10, 104:12,  
107:2

**petitions** <sup>[1]</sup> - 34:2

**philosophy** <sup>[2]</sup> - 98:5,  
100:5

**photo** <sup>[12]</sup> - 10:9,  
10:13, 11:9, 11:11,  
11:14, 13:16, 25:3,  
25:8, 27:4, 27:12,  
30:6, 30:14

**photograph**  
<sup>[4]</sup> - 19:7, 20:4,  
121:18, 138:8

**photographs**  
<sup>[1]</sup> - 15:3

**phrase** <sup>[1]</sup> - 71:5

**physical** <sup>[2]</sup> - 30:4,  
30:13

**pick** <sup>[1]</sup> - 145:2

**picture** <sup>[3]</sup> - 78:12,  
78:13, 183:14

**pictures** <sup>[2]</sup> - 205:18,  
206:5

**piecemeal**  
<sup>[1]</sup> - 103:16

**pieces** <sup>[1]</sup> - 65:9

**pile** <sup>[1]</sup> - 139:10

**Pines** <sup>[1]</sup> - 172:3

**pitch** <sup>[1]</sup> - 210:11

**pitched** <sup>[4]</sup> - 199:7,  
199:8, 205:12,  
210:5

**place** <sup>[8]</sup> - 13:11,  
48:15, 50:12, 50:18,  
52:12, 61:8, 67:3,  
127:1

**Place** <sup>[7]</sup> - 96:15,  
97:1, 97:17, 98:4,  
100:3, 100:10,  
106:18

**placed** <sup>[1]</sup> - 57:13

**placement** <sup>[1]</sup> - 3:18

**places** <sup>[2]</sup> - 48:5,  
70:14

**plan** <sup>[17]</sup> - 10:14,  
10:16, 46:3, 46:4,  
51:5, 51:7, 51:12,  
57:14, 62:6, 62:12,

68:6, 76:7, 79:14,  
140:7, 206:11,  
215:1, 215:12

**planned** <sup>[1]</sup> - 216:15

**planner** <sup>[1]</sup> - 36:10

**planning** <sup>[4]</sup> - 13:1,  
82:6, 90:18, 199:17

**Planning** <sup>[21]</sup> - 8:9,  
9:3, 9:5, 9:9, 9:11,  
9:16, 10:1, 10:2,  
11:2, 12:16, 13:1,  
13:6, 14:15, 14:18,  
20:5, 20:11, 20:14,  
22:11, 23:1, 23:10,  
24:2

**plans** <sup>[44]</sup> - 8:10, 9:4,  
9:10, 10:8, 21:11,  
22:13, 22:18, 24:14,  
25:7, 25:8, 25:11,  
25:13, 25:14, 25:18,  
26:13, 27:11, 27:18,  
29:16, 53:14, 147:5,  
147:6, 156:2,  
160:12, 165:12,  
167:2, 169:14,  
175:1, 176:10,  
176:13, 176:14,  
176:15, 176:16,  
177:1, 178:8, 188:5,  
193:8, 193:18,  
207:17, 215:11,  
220:1, 220:6,  
220:15

**plant** <sup>[9]</sup> - 6:3, 37:18,  
63:4, 63:5, 63:16,  
64:10, 73:12, 80:15,  
90:16

**play** <sup>[3]</sup> - 83:13,  
133:18, 138:3

**pleased** <sup>[1]</sup> - 79:1

**plus** <sup>[2]</sup> - 57:10,  
212:10

**Plus** <sup>[1]</sup> - 50:17

**point** <sup>[17]</sup> - 10:7, 58:1,  
74:6, 120:3, 120:6,  
123:10, 125:18,  
139:17, 140:13,  
143:3, 155:7,  
156:13, 164:6,  
199:10, 206:9,  
213:17, 217:12

**pointed** <sup>[1]</sup> - 23:8

**pointing** <sup>[1]</sup> - 15:4

**points** <sup>[1]</sup> - 157:10

**pole** <sup>[1]</sup> - 19:10  
**policy** <sup>[1]</sup> - 65:16  
**pollution** <sup>[1]</sup> - 21:13  
**portion** <sup>[1]</sup> - 151:6  
**possibility** <sup>[1]</sup> - 111:2  
**possible** <sup>[4]</sup> - 44:18,  
 52:11, 65:17, 74:17  
**Post** <sup>[1]</sup> - 59:1  
**posting** <sup>[3]</sup> - 146:18,  
 174:13, 178:3  
**postpone** <sup>[1]</sup> - 106:7  
**pounds** <sup>[1]</sup> - 131:17  
**powder** <sup>[1]</sup> - 163:8  
**power** <sup>[5]</sup> - 63:4, 63:5,  
 63:16, 64:10, 80:15  
**practicable** <sup>[1]</sup> - 31:4  
**practical** <sup>[1]</sup> - 130:1  
**practice** <sup>[1]</sup> - 50:9  
**prefer** <sup>[4]</sup> - 68:4,  
 108:7, 108:9,  
 145:14  
**preferred** <sup>[1]</sup> - 44:13  
**premises** <sup>[1]</sup> - 129:11  
**prepared** <sup>[4]</sup> - 10:12,  
 104:17, 194:1,  
 220:3  
**preparing** <sup>[1]</sup> - 4:8  
**prerogative**  
<sup>[1]</sup> - 104:15  
**prescribed**  
<sup>[2]</sup> - 119:7, 152:1  
**present** <sup>[1]</sup> - 172:7  
**presentation**  
<sup>[3]</sup> - 41:10, 43:7,  
 62:17  
**presents** <sup>[1]</sup> - 5:16  
**press** <sup>[1]</sup> - 7:2  
**presumably**  
<sup>[1]</sup> - 103:3  
**presume** <sup>[2]</sup> - 120:3,  
 155:13  
**pretty** <sup>[6]</sup> - 43:4, 46:7,  
 50:8, 52:13, 110:4,  
 134:18  
**prevent** <sup>[1]</sup> - 206:13  
**previous** <sup>[6]</sup> - 109:11,  
 109:16, 121:13,  
 204:13, 206:14,  
 214:13  
**previously**  
<sup>[4]</sup> - 30:14, 40:12,  
 50:8, 101:12  
**primarily** <sup>[1]</sup> - 163:7  
**print** <sup>[1]</sup> - 42:6

**prisoner's** <sup>[1]</sup> - 108:4  
**privacy** <sup>[1]</sup> - 163:14  
**private** <sup>[1]</sup> - 107:4  
**pro** <sup>[1]</sup> - 190:18  
**problem** <sup>[13]</sup> - 65:2,  
69:11, 74:11, 80:2,  
84:6, 84:7, 122:11,  
133:6, 134:13,  
156:7, 171:18,  
193:14, 207:7  
**problematic** <sup>[1]</sup> - 78:2  
**problematically**  
<sup>[1]</sup> - 155:2  
**problems** <sup>[4]</sup> - 9:8,  
27:13, 99:7, 206:15  
**procedurally**  
<sup>[1]</sup> - 104:11  
**procedure** <sup>[1]</sup> - 64:14  
**proceed** <sup>[8]</sup> - 29:15,  
104:17, 160:11,  
169:13, 193:8,  
193:18, 219:18,  
220:14  
**proceedings**  
<sup>[1]</sup> - 223:7  
**process** <sup>[4]</sup> - 63:15,  
106:4, 207:16,  
208:7  
**professional**  
<sup>[1]</sup> - 79:3  
**professor** <sup>[1]</sup> - 43:1  
**program** <sup>[2]</sup> - 66:4,  
67:6  
**program's** <sup>[1]</sup> - 67:2  
**prohibits** <sup>[1]</sup> - 37:5  
**PROJECT** <sup>[1]</sup> - 2:4  
**project** <sup>[11]</sup> - 91:4,  
109:11, 110:4,  
132:18, 150:3,  
152:16, 158:5,  
160:1, 195:13,  
195:14, 219:11  
**promise** <sup>[1]</sup> - 145:11  
**promptly** <sup>[1]</sup> - 31:1  
**proper** <sup>[1]</sup> - 104:17  
**properly** <sup>[1]</sup> - 139:6  
**Properties**  
<sup>[1]</sup> - 162:11  
**properties** <sup>[2]</sup> - 95:16,  
163:5  
**property** <sup>[33]</sup> - 91:13,  
99:15, 101:8, 103:6,  
110:11, 111:1,  
111:16, 112:2,

112:6, 112:8,  
 112:13, 116:6,  
 116:7, 119:9,  
 122:12, 124:13,  
 131:3, 133:11,  
 137:8, 137:10,  
 137:13, 137:18,  
 138:13, 139:2,  
 140:18, 141:11,  
 149:16, 163:2,  
 167:3, 183:5, 188:7,  
 206:18, 217:8

**proponent's**

[1] - 107:2

**proponents**

[3] - 172:6, 172:9,  
 172:15

**proposal** [5] - 52:17,  
 62:5, 97:8, 172:8,  
 216:17

**propose** [1] - 159:18

**proposed** [22] - 12:3,

12:6, 23:3, 28:14,  
 29:2, 29:5, 29:7,  
 30:5, 30:12, 73:3,  
 90:6, 91:17, 159:6,  
 167:2, 167:4,  
 167:10, 168:9,  
 168:16, 169:5,  
 169:7, 217:6,  
 219:11

**proposing** [2] - 213:4,  
 215:2

**pros** [1] - 97:4

**Prospect** [3] - 99:2,  
 131:4, 139:4

**protected** [1] - 35:1

**protections**

[1] - 34:17

**provide** [4] - 7:17,  
 38:14, 61:6, 199:3

**provided** [4] - 11:10,  
 33:11, 89:18, 119:6

**provides** [1] - 89:13

**provision** [1] - 89:1

**provisions** [4] - 77:7,  
 88:9, 192:2, 218:15

**proximate** [1] - 41:1

**public** [25] - 13:12,  
 22:5, 33:12, 58:13,  
 59:5, 60:6, 62:16,  
 82:13, 88:14,  
 123:11, 130:12,  
 158:17, 159:9,



166:9, 167:13,  
 185:4, 186:12,  
 190:13, 191:12,  
 192:13, 205:1,  
 214:2, 214:6,  
 217:15, 219:7

**Public** <sup>[2]</sup> - 223:5,  
 223:13

**PUD** <sup>[1]</sup> - 7:12

**pull** <sup>[6]</sup> - 53:12,  
 110:14, 114:9,  
 116:9, 125:8,  
 180:17

**pulling** <sup>[2]</sup> - 125:4,  
 137:2

**purchase** <sup>[1]</sup> - 122:1

**purpose** <sup>[5]</sup> - 29:10,  
 169:10, 176:17,  
 192:15, 219:9

**purposes**  
<sup>[3]</sup> - 162:15, 162:17,  
 188:16

**pursuant** <sup>[4]</sup> - 33:9,  
 33:15, 34:13,  
 140:15

**purview** <sup>[2]</sup> - 74:4,  
 77:10

**push** <sup>[2]</sup> - 67:13,  
 110:14

**pushes** <sup>[1]</sup> - 70:15

**put** <sup>[5]</sup> - 36:16, 81:2,  
 120:16, 124:18,  
 203:16

**putting** <sup>[3]</sup> - 57:3,  
 65:13, 208:8

**PV's** <sup>[1]</sup> - 152:14

## Q

**quality** <sup>[2]</sup> - 193:1,  
 193:3

**query** <sup>[1]</sup> - 60:8

**questions** <sup>[16]</sup> - 8:4,  
 21:15, 21:16, 44:8,  
 46:17, 47:3, 51:2,  
 86:3, 123:9, 155:6,  
 158:16, 165:14,  
 184:9, 189:11,  
 189:14, 213:17

**queue** <sup>[1]</sup> - 86:10

**quick** <sup>[1]</sup> - 56:16

**quicker** <sup>[1]</sup> - 82:2

**quite** <sup>[6]</sup> - 52:11,  
 68:17, 105:6, 127:7,

151:10, 183:18

**quote** <sup>[1]</sup> - 45:16

## R

**radiation** <sup>[1]</sup> - 35:2

**radio** <sup>[2]</sup> - 7:18, 35:2

**Rafferty** <sup>[1]</sup> - 171:11

**rail** <sup>[1]</sup> - 66:6

**rain** <sup>[1]</sup> - 202:16

**raise** <sup>[1]</sup> - 198:10

**raised** <sup>[3]</sup> - 51:4,

152:9, 210:9

**raises** <sup>[1]</sup> - 96:13

**rallied** <sup>[1]</sup> - 103:5

**ran** <sup>[2]</sup> - 10:18, 134:5

**range** <sup>[2]</sup> - 65:14,

68:5

**rate** <sup>[1]</sup> - 47:18

**rather** <sup>[4]</sup> - 10:14,

59:9, 66:8, 100:7

**ratio** <sup>[1]</sup> - 188:10

**rational** <sup>[1]</sup> - 79:13

**reached** <sup>[1]</sup> - 107:9

**reaching** <sup>[1]</sup> - 100:8

**read** <sup>[14]</sup> - 20:17,

21:5, 22:14, 24:6,

24:11, 31:7, 64:17,

73:7, 84:17, 85:9,

158:3, 204:6, 216:9,

222:15

**Reading** <sup>[5]</sup> - 166:17,

167:7, 171:11,

216:14, 217:5

**reading** <sup>[2]</sup> - 73:8,

222:6

**ready** <sup>[11]</sup> - 28:3,

28:4, 28:5, 159:10,

159:11, 159:12,

167:16, 191:13,

191:14, 191:15,

218:10

**really** <sup>[35]</sup> - 19:12,

21:11, 39:2, 40:10,

40:14, 43:3, 48:11,

53:18, 57:6, 58:4,

58:5, 62:11, 64:18,

68:11, 69:1, 70:12,

74:1, 78:11, 82:7,

86:1, 103:9, 103:14,

104:10, 108:2,

110:6, 114:12,

138:16, 182:5,

182:7, 183:18,

184:1, 207:5,  
 207:18, 208:12,  
 211:3

**rear** <sup>[11]</sup> - 102:6,  
 110:10, 110:11,  
 112:15, 112:17,  
 114:2, 114:4, 114:6,  
 114:11, 118:4,  
 140:18

**reason** <sup>[17]</sup> - 3:9,  
 13:9, 14:8, 73:11,  
 80:16, 100:6,  
 150:16, 173:5,  
 181:5, 182:3,  
 182:14, 199:2,  
 201:13, 202:1,  
 207:6, 222:7

**REASON** <sup>[6]</sup> - 222:9,  
 222:10, 222:11,  
 222:12, 222:13,  
 222:14

**reasonable** <sup>[5]</sup> - 3:16,  
 33:3, 33:13, 75:5,  
 156:9

**reasonably** <sup>[1]</sup> - 31:4

**reasons** <sup>[2]</sup> - 7:15,  
 206:12

**receipt** <sup>[7]</sup> - 22:10,  
 32:18, 34:4, 166:15,  
 171:10, 190:18,  
 216:8

**recommendation**  
<sup>[1]</sup> - 151:1

**recommends**  
<sup>[1]</sup> - 23:11

**reconfigure**  
<sup>[1]</sup> - 57:16

**RECORD** <sup>[1]</sup> - 1:16

**record** <sup>[16]</sup> - 4:11,  
 24:4, 24:6, 24:8,  
 24:10, 24:12, 24:14,  
 27:9, 36:7, 58:17,  
 158:7, 162:9,  
 182:14, 202:5,  
 222:16, 223:7

**recorder** <sup>[1]</sup> - 4:10

**recording** <sup>[4]</sup> - 3:14,  
 4:4, 4:5, 4:9

**records** <sup>[2]</sup> - 4:7

**recover** <sup>[1]</sup> - 91:1

**redesign** <sup>[1]</sup> - 23:11

**redesigned**  
<sup>[1]</sup> - 151:7

**redo** <sup>[1]</sup> - 57:9

**reduce** [2] - 65:16,  
 67:7  
**reduced** [3] - 67:2,  
 67:3, 107:11  
**reduces** [1] - 114:18  
**reducing** [4] - 54:12,  
 54:15, 67:1, 70:9  
**reduction** [4] - 67:5,  
 70:11, 80:13, 110:5  
**reference** [3] - 43:17,  
 154:17, 160:2  
**referred** [1] - 30:15  
**referring** [1] - 17:2  
**refine** [1] - 97:7  
**reflect** [4] - 25:8,  
 66:11, 71:7, 178:4  
**reflects** [1] - 174:16  
**regard** [11] - 28:8,  
 32:15, 159:15,  
 168:1, 168:9,  
 168:18, 191:17,  
 192:16, 218:12,  
 219:1, 219:10  
**Regarding** [1] - 167:7  
**regarding** [2] - 31:18,  
 72:10  
**regardless**  
 [2] - 62:11, 74:17  
**region** [1] - 47:10  
**regular** [1] - 52:9  
**regulation** [2] - 32:15,  
 58:2  
**rehabilitate**  
 [1] - 167:11  
**RELATED** [1] - 2:3  
**relation** [1] - 44:4  
**relative** [2] - 155:2,  
 157:17  
**relatively** [1] - 120:11  
**relevant** [6] - 22:16,  
 43:4, 99:6, 134:9,  
 134:11, 158:11  
**relief** [38] - 25:1,  
 27:12, 28:8, 76:14,  
 93:1, 101:17, 110:6,  
 111:18, 112:3,  
 113:4, 123:2,  
 124:16, 125:16,  
 125:17, 140:14,  
 170:2, 182:14,  
 185:3, 186:10,  
 186:11, 188:4,  
 189:16, 192:12,  
 192:17, 197:7,

197:15, 197:16,  
 197:18, 198:3,  
 202:13, 203:5,  
 204:18, 208:17,  
 217:17, 218:3,  
 219:5, 219:6, 221:1

**relocation**

[1] - 168:10

**remain** [2] - 30:13,  
 68:7

**remaining** [2] - 79:9,  
 203:4

**remember** [4] - 54:11,  
 131:16, 139:11,  
 204:11

**remove** [1] - 31:1

**removing** [3] - 59:6,  
 73:11, 90:13

**renew** [1] - 87:12

**renewing** [1] - 7:16

**renovation**

[2] - 163:3, 163:6

**rent** [1] - 82:10

**rental** [3] - 119:9,  
 119:11, 122:11

**renters** [1] - 137:9

**reorient** [1] - 124:3

**repair** [1] - 157:3

**repetitive** [2] - 33:17,  
 34:1

**replace** [2] - 8:4, 66:1

**replaced** [1] - 87:10

**replacement**

[2] - 7:13, 7:16

**replacements**

[1] - 75:5

**report** [7] - 31:17,  
 32:3, 32:5, 32:7,  
 33:2, 89:17, 176:8

**Reporter** [2] - 223:5,  
 223:14

**REPORTER**

[1] - 223:18

**REPORTERS**

[1] - 1:16

**representative**

[1] - 60:5

**represented**

[1] - 186:15

**representing**

[2] - 5:12, 7:8

**represents**

[1] - 181:14

**REPRODUCTION**

[1] - 223:17  
**request** [6] - 107:11,  
 167:8, 171:12,  
 173:5, 196:3, 196:7  
**requested** [9] - 28:12,  
 55:17, 93:1, 150:15,  
 160:8, 168:2,  
 169:12, 196:3,  
 219:18  
**requesting**  
 [3] - 162:13, 193:6,  
 198:2  
**require** [3] - 127:6,  
 127:7, 189:16  
**required** [5] - 56:1,  
 76:14, 118:17,  
 118:18, 178:6  
**requirement**  
 [5] - 57:8, 89:18,  
 123:6, 156:1,  
 188:14  
**requirements**  
 [11] - 3:17, 28:10,  
 32:14, 77:16, 88:15,  
 89:10, 141:4,  
 157:16, 168:3,  
 203:7, 204:12  
**requires** [3] - 54:5,  
 186:9, 219:5  
**reread** [1] - 73:5  
**rescheduled**  
 [1] - 173:10  
**reserved** [1] - 151:18  
**Residence** [1] - 91:9  
**residence** [1] - 181:6  
**resident** [2] - 83:16,  
 83:18  
**residential** [8] - 6:1,  
 7:12, 68:16, 95:16,  
 109:11, 121:8,  
 121:11, 141:10  
**RESIDENTIAL**  
 [1] - 2:4  
**residents** [1] - 34:18  
**resides** [3] - 167:6,  
 216:11, 217:4  
**resolution** [2] - 98:6,  
 146:10  
**resources** [1] - 40:16  
**RESPECT**  
 [1] - 223:18  
**respectfully**  
 [1] - 105:16  
**respond** [2] - 60:7,

68:12

**responded** [1] - 20:11

**Response** [8] - 22:8,  
60:2, 140:11, 159:2,  
166:13, 190:16,  
213:18, 216:6

**response** [3] - 8:16,  
8:18, 152:17

**responsibility**

[2] - 34:12, 158:5

**responsive** [1] - 9:10

**rest** [4] - 17:14, 132:1,  
157:5, 209:1

**restore** [1] - 31:2

**restrict** [1] - 74:5

**restricted** [1] - 123:5

**restructure**

[2] - 151:5, 152:3

**result** [2] - 100:8,  
200:3

**resulting** [1] - 28:14

**results** [1] - 98:8

**retained** [1] - 151:13

**reverse** [1] - 134:18

**review** [1] - 196:12

**reviewed** [3] - 25:4,  
167:1, 167:9

**revision** [2] - 26:15,  
26:16

**revoked** [1] - 33:7

**RF** [3] - 7:18, 8:2, 8:3

**RICHARD**

[30] - 98:11, 98:15,  
99:1, 99:10, 99:15,  
131:2, 132:5,  
132:10, 132:14,  
132:17, 133:6,  
134:8, 134:13,  
135:8, 135:12,  
135:15, 136:2,  
136:10, 137:4,  
138:9, 138:18,  
139:14, 139:18,  
140:8, 144:18,  
145:3, 145:5,  
145:10, 145:16,  
146:2

**Richard** [3] - 99:1,  
131:2, 166:16

**Rick** [2] - 164:17,  
167:5

**rid** [2] - 20:9, 74:15

**ride** [1] - 67:15

**ridge** [5] - 201:8,

206:9, 210:9,  
 210:10, 215:10  
**ridges** [1] - 215:10  
**right-hand**  
 [4] - 16:13, 26:5,  
 111:1, 111:8  
**rights** [1] - 132:6  
**risk** [1] - 83:10  
**River** [1] - 194:1  
**river** [1] - 11:5  
**Road** [8] - 2:15,  
 195:6, 206:6,  
 214:11, 216:12,  
 216:18, 217:5,  
 217:8  
**Rob** [1] - 166:16  
**roof** [44] - 10:17,  
 13:11, 13:15, 14:8,  
 14:12, 15:8, 15:16,  
 15:18, 16:11, 17:14,  
 17:15, 18:15, 20:1,  
 20:3, 20:7, 156:14,  
 160:9, 196:9,  
 196:10, 199:6,  
 199:7, 199:8, 199:9,  
 202:7, 203:4,  
 205:11, 205:12,  
 206:3, 206:11,  
 207:4, 207:6,  
 207:11, 207:13,  
 210:6, 210:18,  
 211:1, 211:6,  
 212:18, 214:14,  
 214:15, 217:2,  
 217:7  
**rooftop** [1] - 16:18  
**room** [5] - 120:2,  
 129:6, 173:18,  
 199:13, 199:14  
**rooms** [1] - 199:13  
**round** [1] - 39:16  
**row** [1] - 122:6  
**rules** [2] - 34:15,  
 177:1  
**run** [8] - 41:6, 50:11,  
 79:6, 93:2, 126:2,  
 131:15, 134:17,  
 185:17  
**running** [9] - 13:8,  
 13:15, 16:17, 20:8,  
 40:6, 48:4, 50:10,  
 132:1, 134:16  
**runs** [2] - 15:15,  
 204:13



**rush** <sup>[1]</sup> - 41:17

## S

**safe** <sup>[2]</sup> - 125:7, 198:8

**safely** <sup>[1]</sup> - 198:13

**safety** <sup>[9]</sup> - 29:4,

34:15, 91:16, 92:4,  
125:4, 126:1, 169:4,  
188:16, 189:6

**salvo** <sup>[1]</sup> - 63:3

**Sam** <sup>[4]</sup> - 199:8,

204:2, 205:17,  
215:2

**SAME** <sup>[1]</sup> - 223:17

**SAMUEL**

<sup>[28]</sup> - 195:15, 196:2,

196:7, 196:15,

196:18, 197:4,

197:11, 198:2,

198:18, 199:4,

200:13, 203:13,

206:1, 206:5,

207:15, 208:5,

209:14, 211:1,

211:7, 211:13,

211:15, 211:17,

212:5, 212:8,

212:11, 213:1,

216:13, 220:10

**Samuel** <sup>[3]</sup> - 195:15,

216:15, 217:9

**sat** <sup>[1]</sup> - 100:14

**satisfaction**

<sup>[1]</sup> - 89:17

**satisfactory**

<sup>[1]</sup> - 146:10

**satisfied** <sup>[2]</sup> - 89:11,

168:4

**satisfies** <sup>[1]</sup> - 56:3

**satisfy** <sup>[3]</sup> - 57:5,

184:17, 198:9

**saw** <sup>[4]</sup> - 49:6, 80:16,

130:3, 215:17

**scheme** <sup>[2]</sup> - 111:5,

112:5

**school** <sup>[2]</sup> - 101:12,

109:10

**scientific** <sup>[1]</sup> - 31:13

**scraping** <sup>[1]</sup> - 134:18

**SEAN** <sup>[4]</sup> - 162:7,

165:18, 166:6,

167:15

**Sean** <sup>[1]</sup> - 162:9

**searching** <sup>[1]</sup> - 56:17

**second** <sup>[10]</sup> - 10:7,  
19:7, 25:17, 151:8,  
167:5, 186:3, 198:4,  
199:18, 201:4,  
204:7

**Secretary** <sup>[1]</sup> - 1:11

**section** <sup>[3]</sup> - 50:2,  
52:18, 203:5

**Section** <sup>[4]</sup> - 77:5,  
88:17, 89:1, 89:12

**Sections** <sup>[1]</sup> - 140:15

**security** <sup>[1]</sup> - 62:13

**see** <sup>[49]</sup> - 5:15, 12:13,  
12:17, 13:7, 13:8,  
13:13, 13:14, 14:5,  
15:2, 15:5, 16:10,  
16:16, 18:9, 19:8,  
19:13, 19:17, 20:10,  
25:15, 26:2, 26:7,  
26:9, 37:15, 42:9,  
42:11, 46:1, 46:4,  
60:3, 66:17, 73:6,  
73:16, 97:7, 114:2,  
132:17, 136:18,  
142:11, 143:4,  
172:17, 181:9,  
187:9, 187:10,  
207:14, 207:17,  
208:14, 214:13,  
218:9

**seek** <sup>[2]</sup> - 129:12,  
202:14

**seeking** <sup>[8]</sup> - 29:13,  
64:2, 112:4, 115:5,  
184:13, 188:5,  
197:6, 198:1

**seem** <sup>[2]</sup> - 51:5, 51:8

**self** <sup>[1]</sup> - 57:10

**self-park** <sup>[1]</sup> - 57:10

**send** <sup>[1]</sup> - 41:4

**sending** <sup>[1]</sup> - 80:8

**Senior** <sup>[1]</sup> - 1:5

**senior** <sup>[1]</sup> - 36:10

**sense** <sup>[6]</sup> - 41:6,  
97:15, 102:12,  
104:3, 135:3,  
157:13

**sensitive** <sup>[1]</sup> - 63:10

**sent** <sup>[2]</sup> - 151:14,  
156:2

**separate** <sup>[2]</sup> - 104:10,  
162:17

**separately**

[1] - 165:17  
**September** [5] - 27:1,  
93:5, 106:6, 144:12,  
223:8  
**SEPTEMBER** [1] - 1:4  
**seriously** [4] - 71:11,  
98:16, 99:3, 110:16  
**service** [19] - 37:2,  
37:3, 39:6, 41:6,  
44:3, 49:13, 49:15,  
50:10, 50:11, 53:5,  
53:7, 61:6, 62:9,  
62:12, 74:16, 80:15,  
81:6, 81:8, 84:10  
**Services** [10] - 31:17,  
32:4, 32:8, 33:2,  
34:7, 132:3, 132:10,  
135:2, 138:14,  
222:3  
**session** [1] - 96:12  
**SESSION** [1] - 2:2  
**sessions** [1] - 3:15  
**set** [17] - 11:11, 12:9,  
19:13, 19:15, 22:18,  
24:16, 27:5, 27:6,  
88:3, 123:17,  
189:10, 190:11,  
190:12, 213:14,  
214:3, 223:6, 223:8  
**setback** [19] - 110:2,  
110:13, 110:17,  
110:18, 112:9,  
112:11, 114:1,  
124:7, 124:12,  
150:4, 152:17,  
154:3, 162:14,  
163:2, 190:8,  
199:16, 200:3,  
200:4, 201:12  
**setbacks** [3] - 110:9,  
183:5  
**sets** [1] - 89:14  
**settle** [1] - 64:12  
**settlement**  
[1] - 107:10  
**settles** [1] - 64:11  
**Seven** [1] - 172:3  
**seven** [10] - 127:16,  
145:7, 145:9,  
145:15, 145:16,  
146:13, 174:6,  
174:17, 177:10,  
178:5  
**several** [4] - 43:18,

45:17, 61:4, 106:17

**SHACHOY** <sup>[35]</sup> - 95:9,  
95:13, 96:4, 96:10,  
96:16, 96:18, 97:13,  
98:1, 101:11,  
105:16, 106:1,  
106:10, 106:13,  
108:2, 108:11,  
108:18, 111:10,  
119:10, 121:3,  
121:9, 121:15,  
121:17, 122:7,  
122:16, 123:4,  
123:15, 130:2,  
130:8, 141:17,  
142:5, 142:10,  
142:18, 143:4,  
143:14, 144:9

**Shachoy** <sup>[8]</sup> - 95:14,  
98:16, 99:13, 131:4,  
133:8, 137:11,  
139:8, 146:8

**shaking** <sup>[1]</sup> - 139:7

**shall** <sup>[13]</sup> - 30:11,  
30:18, 31:16, 32:3,  
32:8, 33:1, 33:5,  
33:17, 34:2, 87:3,  
87:4, 93:2, 140:17

**shape** <sup>[4]</sup> - 186:8,  
192:7, 204:17,  
219:4

**shaped** <sup>[1]</sup> - 186:5

**share** <sup>[2]</sup> - 80:5, 81:11

**sharing** <sup>[1]</sup> - 67:16

**shed** <sup>[1]</sup> - 138:5

**sheer** <sup>[2]</sup> - 71:17,  
72:15

**sheet** <sup>[4]</sup> - 10:16,  
25:17, 114:13,  
222:7

**SHEET** <sup>[1]</sup> - 222:1

**Sheet** <sup>[2]</sup> - 222:2,  
222:7

**shelter** <sup>[10]</sup> - 10:17,  
11:3, 13:8, 13:11,  
13:13, 13:14, 14:3,  
14:10, 20:7, 202:17

**shining** <sup>[1]</sup> - 137:3

**short** <sup>[2]</sup> - 106:15,  
107:8

**shortcut** <sup>[1]</sup> - 159:17

**Shorthand**

<sup>[2]</sup> - 223:5, 223:14

**shovel** <sup>[1]</sup> - 214:14

**show** <sup>[6]</sup> - 27:11,  
 105:10, 105:11,  
 126:10, 136:6,  
 205:17  
**Show** <sup>[1]</sup> - 93:16  
**showed** <sup>[1]</sup> - 11:15  
**showing** <sup>[1]</sup> - 190:1  
**shown** <sup>[5]</sup> - 9:2,  
 114:9, 117:5, 117:8,  
 117:14  
**shows** <sup>[4]</sup> - 10:16,  
 12:7, 117:17, 138:7  
**side** <sup>[27]</sup> - 11:1, 11:4,  
 11:7, 16:10, 16:13,  
 19:1, 26:5, 38:6,  
 61:5, 102:6, 102:8,  
 111:1, 111:8,  
 112:16, 112:18,  
 113:9, 114:3, 124:7,  
 124:12, 125:1,  
 128:18, 135:18,  
 140:18, 191:9,  
 203:14, 203:15,  
 213:12  
**side-view** <sup>[1]</sup> - 128:18  
**sides** <sup>[2]</sup> - 187:8,  
 206:7  
**sight** <sup>[1]</sup> - 20:3  
**sign** <sup>[9]</sup> - 146:15,  
 146:17, 146:18,  
 174:8, 174:13,  
 174:16, 177:12,  
 178:3, 178:5  
**Sign** <sup>[1]</sup> - 222:7  
**SIGNATURE**  
<sup>[1]</sup> - 222:1  
**significant** <sup>[7]</sup> - 23:3,  
 48:18, 49:2, 101:4,  
 107:3, 110:4, 163:5  
**similar** <sup>[3]</sup> - 50:11,  
 96:13, 128:9  
**sims** <sup>[2]</sup> - 11:9, 27:4  
**simulations**  
<sup>[8]</sup> - 10:9, 10:13,  
 11:11, 25:3, 25:9,  
 27:13, 30:6, 30:14  
**single** <sup>[6]</sup> - 53:10,  
 134:16, 162:16,  
 165:17, 199:13,  
 199:14  
**single-families**  
<sup>[1]</sup> - 162:16  
**single-family**  
<sup>[1]</sup> - 165:17

**Sisia** <sup>[1]</sup> - 1:12  
**sit** <sup>[4]</sup> - 98:3, 98:4,  
 102:16, 153:11  
**site** <sup>[9]</sup> - 23:15, 32:2,  
 32:12, 101:16,  
 121:13, 133:2,  
 141:5, 141:7,  
 141:15  
**sites** <sup>[1]</sup> - 135:1  
**sits** <sup>[1]</sup> - 79:14  
**Sitting** <sup>[10]</sup> - 3:4, 5:2,  
 36:2, 95:2, 149:2,  
 162:2, 171:2, 176:2,  
 180:2, 195:2  
**situated** <sup>[1]</sup> - 34:15  
**situation** <sup>[4]</sup> - 49:9,  
 62:13, 98:7, 130:7  
**situations** <sup>[2]</sup> - 86:9,  
 208:18  
**six** <sup>[4]</sup> - 30:18, 42:2,  
 109:18, 122:5  
**sixties** <sup>[1]</sup> - 121:10  
**size** <sup>[8]</sup> - 117:6,  
 136:15, 185:11,  
 192:4, 200:15,  
 205:7, 205:10,  
 215:5  
**sizes** <sup>[1]</sup> - 116:17  
**skylight** <sup>[2]</sup> - 152:12,  
 152:14  
**slab** <sup>[1]</sup> - 152:4  
**slamming**  
<sup>[2]</sup> - 135:15, 137:4  
**sleep** <sup>[1]</sup> - 131:8  
**slings** <sup>[1]</sup> - 62:18  
**Sloan** <sup>[2]</sup> - 61:8, 61:9  
**slots** <sup>[1]</sup> - 57:16  
**slower** <sup>[1]</sup> - 208:4  
**slowly** <sup>[1]</sup> - 42:9  
**small** <sup>[9]</sup> - 181:7,  
 182:5, 182:8,  
 183:15, 197:7,  
 197:8, 205:5,  
 207:18, 208:10  
**smaller** <sup>[1]</sup> - 14:10  
**smokestack**  
<sup>[1]</sup> - 16:14  
**snow** <sup>[4]</sup> - 151:3,  
 152:1, 202:16,  
 207:8  
**so...** <sup>[1]</sup> - 84:11  
**societal** <sup>[1]</sup> - 31:13  
**soil** <sup>[1]</sup> - 204:16  
**sold** <sup>[2]</sup> - 166:1

**solid** <sup>[1]</sup> - 153:5  
**solution** <sup>[7]</sup> - 50:5,  
 63:3, 64:3, 81:16,  
 84:9, 129:13, 130:6  
**solve** <sup>[1]</sup> - 206:15  
**someone** <sup>[9]</sup> - 47:5,  
 49:6, 53:16, 56:14,  
 78:1, 85:5, 85:13,  
 123:3, 125:5  
**someplace**  
<sup>[2]</sup> - 117:7, 126:17  
**sometime** <sup>[2]</sup> - 74:9,  
 106:4  
**somewhat** <sup>[2]</sup> - 59:12,  
 205:8  
**somewhere**  
<sup>[4]</sup> - 63:7, 63:13,  
 82:18, 99:14  
**soon** <sup>[1]</sup> - 74:16  
**sorry** <sup>[19]</sup> - 6:4, 12:13,  
 54:10, 65:6, 71:3,  
 93:8, 96:4, 109:4,  
 120:18, 135:14,  
 155:11, 164:8,  
 181:1, 182:1, 190:4,  
 193:15, 208:3,  
 211:16  
**sort** <sup>[20]</sup> - 19:9, 37:14,  
 38:14, 41:14, 47:10,  
 60:15, 62:7, 64:11,  
 65:9, 72:14, 107:9,  
 108:3, 110:14,  
 114:17, 125:6,  
 129:16, 129:17,  
 187:14, 191:8,  
 216:15  
**sought** <sup>[9]</sup> - 24:2,  
 28:9, 65:18, 140:14,  
 159:15, 191:18,  
 192:17, 217:17,  
 218:13  
**sounds** <sup>[1]</sup> - 103:2  
**south** <sup>[1]</sup> - 11:7  
**SP** <sup>[1]</sup> - 50:17  
**space** <sup>[51]</sup> - 37:18,  
 51:9, 52:6, 53:10,  
 55:5, 55:7, 56:12,  
 66:2, 68:3, 69:7,  
 77:1, 77:2, 82:11,  
 82:13, 85:14, 110:9,  
 110:12, 110:17,  
 111:3, 118:13,  
 118:17, 118:18,  
 119:4, 120:14,

120:17, 124:14,  
 125:13, 127:3,  
 127:4, 127:7,  
 128:17, 140:16,  
 155:18, 185:8,  
 188:7, 192:6, 199:3,  
 205:3, 205:4, 207:5,  
 207:11, 207:12,  
 208:1, 208:6,  
 208:11, 209:2,  
 211:3, 212:3, 212:6,  
 213:3

**spaces** <sup>[85]</sup> - 37:12,  
 37:16, 38:3, 38:4,  
 38:7, 38:10, 39:8,  
 39:14, 39:15, 39:18,  
 40:3, 43:14, 43:18,  
 44:10, 44:11, 44:12,  
 44:15, 44:17, 45:3,  
 45:6, 45:8, 45:9,  
 46:5, 46:6, 47:4,  
 48:3, 48:12, 48:17,  
 51:6, 51:15, 51:17,  
 52:3, 52:10, 53:11,  
 54:15, 55:3, 55:12,  
 55:15, 56:18, 57:2,  
 57:3, 57:10, 59:3,  
 65:5, 67:8, 70:8,  
 72:5, 72:8, 72:15,  
 73:17, 74:18, 75:8,  
 75:13, 75:15, 78:6,  
 79:4, 79:10, 79:18,  
 80:12, 81:12, 82:11,  
 83:2, 84:11, 87:9,  
 89:12, 90:7, 90:13,  
 91:2, 91:5, 91:6,  
 92:7, 107:11,  
 109:18, 113:4,  
 115:6, 116:9,  
 116:18, 118:2,  
 122:17, 124:3,  
 124:5, 129:10,  
 141:10

**spacing** <sup>[1]</sup> - 13:2

**speaking** <sup>[1]</sup> - 130:18

**Special** <sup>[30]</sup> - 28:11,  
 29:12, 31:14, 32:9,  
 32:13, 33:5, 33:8,  
 33:11, 33:15, 34:13,  
 35:5, 35:6, 35:11,  
 37:1, 37:9, 77:6,  
 77:12, 77:17, 88:8,  
 88:18, 93:2, 93:14,  
 126:10, 140:15,



141:3, 162:13,  
167:7, 168:2, 168:4,  
169:12

**special** [7] - 46:9,  
46:13, 55:5, 55:16,  
61:12, 185:14

**specific** [12] - 20:15,  
25:2, 47:5, 51:5,  
88:9, 111:13, 141:5,  
141:7, 141:16,  
153:16, 157:18,  
158:9

**specifically**  
[3] - 25:12, 36:18,  
52:18

**specifics** [1] - 102:17

**spend** [2] - 68:4, 81:1

**spent** [1] - 110:13

**spoken** [2] - 182:11,  
183:17

**sports** [1] - 62:6

**spot** [3] - 14:12, 54:2,  
56:15

**spots** [1] - 63:11

**spread** [1] - 13:6

**square** [19] - 14:10,  
14:11, 101:13,  
150:15, 181:10,  
182:1, 182:2, 205:5,  
205:6, 205:14,  
206:10, 209:9,  
209:11, 209:17,  
209:18, 210:15,  
210:16, 211:5,  
211:10

**Square** [7] - 64:13,  
75:9, 80:1, 81:4,  
82:14, 83:17, 92:17

**squares** [1] - 187:15

**squeeze** [1] - 114:10

**squeezes** [1] - 114:18

**SS** [1] - 223:3

**Stabilization**

[1] - 172:4

**stack** [1] - 16:14

**staff** [3] - 13:1, 43:4,  
47:7

**staff's** [1] - 20:12

**staggered** [1] - 43:5

**stair** [14] - 10:18,  
11:1, 12:8, 12:18,  
14:5, 14:6, 17:7,  
17:13, 120:4,  
199:17, 202:2,

208:12, 208:15,  
213:8

**stairs** [5] - 198:3,  
198:4, 198:6, 218:6,  
219:1

**stairway** [1] - 200:5

**stairwell** [3] - 17:6,  
18:18, 201:17

**stairwells** [1] - 163:8

**stamp** [1] - 26:5

**stand** [1] - 6:14

**standard** [3] - 50:9,  
117:6, 119:1

**standards** [2] - 48:8,  
89:14

**standing** [1] - 202:16

**stands** [1] - 53:2

**Star** [8] - 2:15, 195:6,  
206:6, 214:10,  
216:11, 216:18,  
217:4, 217:8

**Start** [1] - 121:5

**start** [4] - 7:3, 96:7,  
197:14, 206:8

**started** [3] - 3:9,  
120:12, 152:2

**starters** [1] - 197:6

**Stat** [1] - 90:7

**Stata** [20] - 37:3,  
41:10, 41:12, 41:13,  
45:15, 52:12, 59:13,  
60:16, 62:9, 63:7,  
79:12, 90:8, 90:9,  
90:10, 90:11, 90:14,  
92:1, 92:10, 92:15

**stata** [1] - 63:7

**Stata's** [1] - 59:14

**state** [1] - 163:5

**statement** [1] - 3:12

**statement(s)**  
[1] - 222:17

**stating** [1] - 34:11

**stations** [1] - 45:18

**stay** [3] - 62:17,  
62:18, 208:10

**staying** [1] - 216:1

**stays** [1] - 119:6

**steel** [6] - 151:5,  
151:17, 152:4,  
155:17, 157:7,  
157:8

**steep** [2] - 198:5,  
208:12

**steeper** [1] - 210:11

**STENOGRAPHER**

[3] - 124:9, 200:18,  
208:3

**stenographer**

[5] - 4:6, 95:12,  
149:9, 180:12,  
214:9

**step** [4] - 71:6, 78:12,  
87:7, 212:17

**STEVE** [3] - 58:18,  
59:12, 61:14

**Steve** [1] - 58:18

**Steven** [1] - 96:5

**STEVEN** [56] - 96:6,  
102:5, 102:9, 109:3,  
109:5, 109:9,  
109:16, 111:17,  
112:5, 112:8,  
112:12, 112:15,  
113:1, 113:6,  
113:11, 113:15,  
113:18, 114:4,  
114:8, 114:15,  
115:1, 115:4, 115:7,  
115:12, 116:2,  
116:6, 116:16,  
117:1, 117:6, 117:9,  
117:13, 118:6,  
118:12, 118:16,  
120:5, 120:10,  
122:5, 124:6,  
124:11, 124:17,  
125:2, 125:9,  
125:12, 126:2,  
126:7, 126:12,  
127:2, 127:11,  
127:14, 127:17,  
129:1, 129:5,  
129:15, 136:14,  
141:14, 147:9

**stick** [2] - 16:7,  
134:11

**sticker** [1] - 83:16

**still** [11] - 53:12,  
67:11, 69:16, 118:8,  
127:5, 129:6, 153:5,  
153:6, 153:17,  
153:18, 206:17

**stock** [2] - 187:6,  
219:13

**stone** [1] - 140:2

**stones** [1] - 139:10

**stop** [2] - 39:6, 85:3

**storage** [4] - 40:8,

40:10, 207:5,  
207:12

**straight** <sup>[3]</sup> - 72:2,  
116:10, 209:9

**straightened**  
<sup>[1]</sup> - 153:11

**STRATEGY** <sup>[1]</sup> - 2:3

**strategy** <sup>[1]</sup> - 65:14

**street** <sup>[12]</sup> - 14:4,  
60:16, 77:8, 89:3,  
112:14, 122:3,  
136:11, 139:4,  
139:5, 139:6, 189:9,  
191:10

**STREET** <sup>[2]</sup> - 2:3, 2:4

**Street** <sup>[36]</sup> - 2:6, 2:7,  
2:8, 2:9, 2:12, 2:14,  
5:6, 7:14, 11:4,  
19:12, 23:5, 36:6,  
37:4, 38:2, 58:15,  
61:5, 80:8, 80:9,  
95:6, 95:15, 99:2,  
99:16, 122:8, 128:2,  
131:4, 133:16,  
136:12, 137:14,  
139:4, 149:6, 176:7,  
180:6, 180:14,  
181:5, 189:9

**strong** <sup>[1]</sup> - 172:13

**strongly** <sup>[1]</sup> - 23:11

**structural**  
<sup>[5]</sup> - 150:17, 155:12,  
157:2, 157:16,  
157:17

**structurally**  
<sup>[1]</sup> - 157:18

**structure** <sup>[14]</sup> - 54:6,  
54:14, 150:18,  
151:1, 153:12,  
157:4, 157:6,  
157:15, 192:4,  
192:6, 197:8, 205:3,  
213:4, 219:4

**structures** <sup>[3]</sup> - 35:1,  
157:5, 162:15

**student** <sup>[1]</sup> - 61:1

**students** <sup>[2]</sup> - 43:3

**studied** <sup>[1]</sup> - 101:7

**Studio** <sup>[1]</sup> - 149:13

**study** <sup>[4]</sup> - 31:13,  
43:18, 52:2, 91:3

**stuff** <sup>[1]</sup> - 103:16

**style** <sup>[3]</sup> - 76:18, 78:9,  
78:10

**subdivide** <sup>[1]</sup> - 166:3

**subject** <sup>[10]</sup> - 3:16,  
29:13, 31:14, 33:18,  
34:5, 35:6, 139:13,  
146:14, 174:6,  
177:10

**submit** <sup>[1]</sup> - 147:5

**submitted** <sup>[15]</sup> - 8:1,  
24:15, 25:7, 26:13,  
29:16, 30:6, 30:8,  
160:12, 169:14,  
176:10, 176:12,  
193:9, 216:17,  
217:9, 220:1

**submitting** <sup>[2]</sup> - 10:8,  
27:8

**subscribe**  
<sup>[1]</sup> - 222:16

**subscribed** <sup>[1]</sup> - 46:6

**substantial**  
<sup>[16]</sup> - 28:15, 50:2,  
89:8, 90:4, 90:12,  
168:8, 168:13,  
185:1, 185:4,  
186:12, 192:3,  
192:13, 204:13,  
204:18, 218:16,  
219:7

**substantially**  
<sup>[1]</sup> - 192:14

**subway** <sup>[1]</sup> - 66:5

**success** <sup>[1]</sup> - 79:6

**successful** <sup>[1]</sup> - 92:8

**suffering** <sup>[1]</sup> - 156:11

**sufficiently** <sup>[1]</sup> - 35:1

**suggest** <sup>[5]</sup> - 20:15,  
39:14, 68:10, 98:8,  
143:11

**suggested**  
<sup>[1]</sup> - 172:15

**suggesting**  
<sup>[2]</sup> - 99:18, 100:7

**suggestion**  
<sup>[1]</sup> - 100:11

**suggests** <sup>[1]</sup> - 58:3

**suitable** <sup>[3]</sup> - 125:10,  
182:7, 198:8

**SULLIVAN** <sup>[71]</sup> - 17:1,  
17:5, 18:2, 18:10,  
18:14, 19:2, 36:5,  
36:12, 38:9, 40:1,  
40:13, 41:9, 41:13,  
43:6, 43:12, 43:15,  
44:5, 44:8, 46:16,

47:1, 51:2, 58:9,  
 58:12, 59:11, 59:17,  
 60:3, 61:13, 62:2,  
 62:15, 64:6, 69:14,  
 71:4, 71:13, 72:4,  
 72:7, 72:17, 75:12,  
 76:4, 76:9, 76:12,  
 76:15, 77:3, 77:16,  
 78:3, 78:10, 78:17,  
 84:12, 86:5, 87:3,  
 88:2, 88:6, 90:9,  
 93:5, 93:8, 93:12,  
 93:17, 103:12,  
 103:18, 108:15,  
 109:13, 114:12,  
 114:16, 123:12,  
 123:17, 143:10,  
 145:7, 167:17,  
 190:11, 203:6,  
 209:17, 214:3

**Sullivan** <sup>[20]</sup> - 1:8,  
 3:5, 5:3, 35:14,  
 36:3, 93:18, 95:3,  
 147:17, 149:3,  
 161:1, 162:3, 170:3,  
 171:3, 175:8, 176:3,  
 178:17, 180:3,  
 194:8, 195:3, 221:2

**sum** <sup>[1]</sup> - 44:11

**summarize** <sup>[1]</sup> - 23:1

**summer** <sup>[1]</sup> - 9:8

**sunsets** <sup>[1]</sup> - 87:14

**superseded**

<sup>[1]</sup> - 176:15

**supply** <sup>[4]</sup> - 69:10,

81:7, 82:7, 84:2

**support** <sup>[14]</sup> - 71:16,

72:3, 84:4, 151:2,

151:3, 152:1,

167:10, 169:2,

186:13, 192:18,

197:3, 204:6, 217:6,

219:11

**supporting**

<sup>[1]</sup> - 21:14

**suppose** <sup>[2]</sup> - 122:10,

125:9

**supposed** <sup>[4]</sup> - 74:8,

103:13, 197:9,

203:12

**surface** <sup>[5]</sup> - 54:6,

54:14, 61:4, 80:14,

90:16

**surgically** <sup>[1]</sup> - 158:8

**surrounding**

[2] - 41:15, 43:9

**suspended** [1] - 33:7

**sustainable** [1] - 48:9

**swipe** [1] - 47:16

**switch** [1] - 6:10

**switched** [1] - 66:7

**sworn** [1] - 34:7

**sympathetic**

[1] - 205:8

**system** [4] - 38:13,  
73:3, 87:14, 91:1

**T**

**tact** [1] - 103:18

**talks** [2] - 21:2, 21:5

**taller** [1] - 17:14

**tallest** [1] - 17:13

**tandem** [4] - 73:3,  
77:1, 122:2, 122:14

**tape** [2] - 4:7, 4:10

**teach** [1] - 43:1

**Tech** [1] - 75:8

**technically**

[2] - 120:15, 156:8

**TEDESCO**

[46] - 12:12, 46:18,  
54:4, 54:12, 55:10,  
56:5, 56:8, 76:13,  
78:18, 81:10, 81:18,  
83:1, 83:5, 83:14,  
86:7, 100:14,  
102:16, 115:2,  
115:5, 115:9,  
115:15, 119:14,  
120:8, 127:9,  
127:12, 127:15,  
127:18, 128:6,  
128:11, 128:15,  
129:3, 138:7, 155:8,  
155:11, 157:2,  
157:11, 157:13,  
189:15, 189:18,  
190:5, 201:14,  
201:17, 210:15,  
211:4, 212:2, 213:7

**Tedesco** [21] - 1:10,

3:6, 5:4, 12:9,  
35:15, 36:4, 93:18,  
95:4, 147:18, 149:4,  
161:2, 162:4, 170:4,  
171:4, 175:9, 176:4,  
178:18, 180:4,

194:9, 195:4, 221:3

**telecom** [2] - 7:9, 31:7

**telephone**

[1] - 109:15

**temporarily**

[2] - 52:10, 73:10

**temporary**

[16] - 38:18, 63:3,  
63:15, 64:3, 64:7,  
64:8, 64:17, 64:18,  
70:4, 70:5, 73:3,  
73:6, 81:3, 87:2,  
87:8, 109:17

**ten** [12] - 27:6, 32:5,

32:17, 34:3, 43:1,  
66:12, 66:15, 66:18,  
92:15, 120:16,  
127:11, 128:16

**tenant** [2] - 7:15,

122:12

**tenants** [1] - 101:9

**tends** [3] - 64:15,

65:1, 79:10

**tenth** [2] - 27:2

**term** [3] - 65:1, 81:6,

106:16

**terminate** [3] - 32:8,

33:6, 74:12

**terminated** [2] - 33:7,

33:9

**termination**

[1] - 33:15

**terminology** [1] - 85:3

**terms** [8] - 21:12,

85:3, 154:8, 163:14,  
186:5, 192:9, 205:5,  
205:13

**terrific** [1] - 165:4

**testimony** [13] - 22:5,

123:11, 130:13,  
158:18, 159:9,  
166:10, 167:13,  
190:14, 191:12,  
214:2, 214:6,  
217:12, 217:16

**THE** [9] - 1:1, 1:16,

124:9, 200:18,  
208:3, 223:17,  
223:17, 223:18,  
223:18

**theirs** [1] - 102:1

**theoretically**

[1] - 209:8

**thereafter** [2] - 31:1,



171:14  
**therefor** <sup>[1]</sup> - 222:7  
**therefore** <sup>[2]</sup> - 33:18,  
 192:5  
**they've** <sup>[4]</sup> - 76:2,  
 123:3, 215:10,  
 215:12  
**thick** <sup>[2]</sup> - 16:3, 16:5  
**thickness** <sup>[1]</sup> - 16:2  
**thinking** <sup>[6]</sup> - 18:2,  
 53:5, 70:3, 71:12,  
 125:3, 130:14  
**third** <sup>[7]</sup> - 73:6,  
 149:15, 198:5,  
 208:9, 210:4, 210:5,  
 212:15  
**THIS** <sup>[1]</sup> - 223:17  
**thousand** <sup>[1]</sup> - 44:1  
**three** <sup>[20]</sup> - 30:11,  
 47:11, 61:16,  
 102:13, 114:10,  
 115:6, 115:9,  
 116:12, 117:16,  
 120:3, 122:6, 124:5,  
 128:17, 131:10,  
 140:1, 147:3,  
 184:13, 184:16,  
 203:13, 216:8  
**Three** <sup>[1]</sup> - 216:11  
**three-point**  
<sup>[1]</sup> - 120:3  
**throughout** <sup>[1]</sup> - 63:9  
**Thursday**  
<sup>[5]</sup> - 145:18, 146:1,  
 146:2, 171:13  
**THURSDAY** <sup>[1]</sup> - 1:4  
**ticket** <sup>[2]</sup> - 83:11,  
 83:17  
**tie** <sup>[1]</sup> - 27:11  
**tight** <sup>[2]</sup> - 97:11,  
 114:11  
**timely** <sup>[2]</sup> - 32:6,  
 177:1  
**TO** <sup>[3]</sup> - 2:3, 223:17  
**today** <sup>[3]</sup> - 38:8,  
 66:11, 196:2  
**together** <sup>[4]</sup> - 36:16,  
 47:12, 65:13, 218:7  
**tonight** <sup>[39]</sup> - 3:10,  
 22:13, 22:17, 23:17,  
 24:14, 24:17, 30:9,  
 30:17, 32:9, 32:13,  
 33:5, 34:14, 36:18,  
 97:16, 99:6, 99:8,

99:11, 100:7, 100:8,  
 101:1, 102:12,  
 103:4, 104:7,  
 104:17, 105:5,  
 105:12, 105:14,  
 108:6, 108:8,  
 108:10, 129:9,  
 134:10, 141:1,  
 143:16, 145:10,  
 160:8, 162:10,  
 164:17, 177:18

**took** <sup>[4]</sup> - 71:10,  
 138:4, 156:4, 206:6

**top** <sup>[7]</sup> - 12:7, 13:15,  
 15:16, 19:5, 19:7,  
 25:18, 42:8

**topography**

<sup>[1]</sup> - 204:17

**total** <sup>[9]</sup> - 44:11,  
 51:17, 53:11, 54:13,  
 57:9, 181:10,  
 181:18, 182:2

**totally** <sup>[1]</sup> - 120:7

**touch** <sup>[3]</sup> - 41:15,  
 142:1, 164:15

**towards** <sup>[2]</sup> - 37:14,  
 139:3

**towed** <sup>[1]</sup> - 83:12

**tower** <sup>[10]</sup> - 10:18,  
 11:1, 12:8, 12:18,  
 14:5, 14:6, 16:11,  
 17:8, 17:13, 19:9

**Traffic** <sup>[1]</sup> - 132:4

**traffic** <sup>[12]</sup> - 21:13,  
 28:13, 42:15, 43:11,  
 43:17, 61:11, 80:3,  
 89:6, 90:2, 91:3,  
 110:5, 168:5

**TRANSCRIPT**

<sup>[1]</sup> - 223:17

**transcript** <sup>[4]</sup> - 222:2,  
 222:6, 222:15,  
 222:16

**transmission**

<sup>[1]</sup> - 31:12

**transmit** <sup>[1]</sup> - 3:15

**tray** <sup>[10]</sup> - 10:18, 13:8,  
 13:14, 15:12, 15:13,  
 16:2, 16:3, 16:17,  
 20:8, 20:10

**trees** <sup>[1]</sup> - 11:6

**triathlon** <sup>[2]</sup> - 59:9,  
 61:18

**tricky** <sup>[2]</sup> - 42:6, 116:9

**tried** [2] - 110:18,  
 207:16  
**trips** [1] - 44:1  
**troublesome**  
 [1] - 209:1  
**troubling** [2] - 71:17,  
 72:9  
**true** [5] - 184:4,  
 184:5, 199:4, 213:9,  
 223:6  
**truly** [1] - 126:12  
**trustee** [1] - 172:11  
**try** [10] - 6:10, 100:4,  
 100:18, 131:7,  
 133:4, 137:1, 142:6,  
 145:13, 215:13  
**trying** [13] - 48:14,  
 54:11, 67:7, 67:12,  
 78:4, 110:14,  
 129:17, 137:11,  
 206:16, 207:18,  
 208:5, 208:6, 211:5  
**tuck** [1] - 20:2  
**Tuesday** [1] - 176:12  
**turn** [11] - 3:8, 3:11,  
 4:12, 11:9, 14:16,  
 85:4, 120:3, 120:6,  
 123:7, 129:8,  
 212:12  
**turnaround**  
 [2] - 125:11, 125:12  
**turned** [2] - 119:18,  
 120:7  
**turns** [1] - 70:5  
**tweaking** [1] - 172:18  
**twelve** [2] - 211:15,  
 211:17  
**twice** [2] - 18:18,  
 197:10  
**two** [53] - 4:6, 11:2,  
 20:5, 21:9, 34:1,  
 47:11, 57:16, 78:18,  
 98:7, 105:13, 107:5,  
 107:11, 109:6,  
 115:10, 120:9,  
 120:10, 122:6,  
 122:12, 123:3,  
 128:3, 133:11,  
 133:12, 138:1,  
 146:18, 150:3,  
 155:3, 155:4,  
 162:15, 162:16,  
 165:5, 165:10,  
 166:5, 166:6,

166:15, 169:1,  
 172:7, 174:13,  
 176:15, 178:3,  
 185:10, 188:15,  
 196:8, 199:6,  
 199:13, 202:9,  
 202:12, 203:12,  
 206:11, 209:15,  
 209:17, 209:18,  
 212:8, 212:11

**two-unit** [2] - 166:5,  
 166:6

**two-year** [1] - 34:1

**type** [3] - 14:9, 49:14,  
 121:13

**types** [1] - 208:18

**typical** [2] - 42:17,  
 92:17

**typically** [3] - 46:5,  
 55:10, 122:5

## U

**ultimately** [1] - 81:4

**unavoidable**

[1] - 14:1

**unclear** [1] - 15:7

**uncomfortable**

[1] - 69:16

**UNDER** [1] - 223:18

**under** [8] - 35:2, 37:8,

38:6, 46:6, 74:9,

178:6, 197:6,

197:17

**underground**

[2] - 68:2, 81:2

**underneath**

[1] - 151:6

**undersigned**

[1] - 223:5

**undersized**

[1] - 183:12

**understood** [2] - 9:7,

166:7

**undersubscribed**

[1] - 58:1

**undertaken**

[1] - 23:12

**unfamiliar** [1] - 127:1

**unit** [9] - 109:11,

115:3, 115:4, 155:9,

155:15, 156:9,

156:13, 166:5,

166:6

**units** <sup>[4]</sup> - 122:13,  
 123:12, 141:11,  
 156:10  
**unless** <sup>[4]</sup> - 21:15,  
 55:16, 118:12,  
 158:15  
**UNLESS** <sup>[1]</sup> - 223:18  
**unlikely** <sup>[1]</sup> - 67:18  
**unnavigable**  
<sup>[1]</sup> - 126:15  
**unsafe** <sup>[1]</sup> - 198:6  
**up** <sup>[53]</sup> - 11:1, 12:17,  
 13:9, 14:6, 14:7,  
 14:8, 15:16, 16:7,  
 16:17, 18:6, 18:15,  
 20:8, 22:5, 39:15,  
 42:7, 48:7, 53:12,  
 64:10, 66:10, 78:2,  
 82:11, 86:10, 103:5,  
 104:5, 104:10,  
 111:2, 111:5,  
 113:12, 114:10,  
 115:7, 117:12,  
 118:2, 120:14,  
 124:9, 125:5,  
 128:12, 130:12,  
 131:5, 135:5, 135:8,  
 135:12, 137:6,  
 138:7, 140:3, 147:1,  
 152:3, 158:17,  
 166:9, 187:10,  
 189:10, 214:1,  
 214:5, 215:10  
**upcoming**  
<sup>[1]</sup> - 216:16  
**upgrade** <sup>[1]</sup> - 8:6  
**upstairs** <sup>[1]</sup> - 133:12  
**usable** <sup>[2]</sup> - 188:10,  
 215:14  
**uses** <sup>[6]</sup> - 28:18,  
 41:16, 53:6, 88:12,  
 91:9, 168:15  
**usual** <sup>[2]</sup> - 8:1, 21:12  
**utility** <sup>[2]</sup> - 37:17,  
 90:16  
**utilization** <sup>[1]</sup> - 47:17  
**utilize** <sup>[2]</sup> - 30:17,  
 64:4  
**utilized** <sup>[1]</sup> - 47:6  
**utmost** <sup>[1]</sup> - 69:10

## V

**vacuum** <sup>[1]</sup> - 104:11

**valet** <sup>[39]</sup> - 37:2, 37:8,  
 38:13, 45:13, 48:13,  
 53:7, 54:3, 55:2,  
 55:7, 55:11, 55:13,  
 56:3, 56:8, 56:12,  
 56:13, 73:3, 77:8,  
 77:18, 78:9, 78:10,  
 79:1, 79:4, 79:6,  
 79:15, 81:6, 81:8,  
 81:13, 81:15, 84:5,  
 84:7, 84:10, 85:2,  
 85:3, 86:1, 86:12,  
 86:17, 89:2

**valets** <sup>[1]</sup> - 50:13

**variable** <sup>[2]</sup> - 70:18,  
 71:1

### **Variance**

<sup>[18]</sup> - 124:13, 126:4,  
 129:12, 154:1,  
 154:7, 159:15,  
 160:7, 160:18,  
 184:12, 191:18,  
 193:6, 193:17,  
 194:6, 200:9,  
 204:12, 204:15,  
 220:12, 220:14

### **Variances**

<sup>[2]</sup> - 218:12, 219:17

**Vassar** <sup>[6]</sup> - 2:7, 36:6,  
 37:4, 38:2, 58:15,  
 61:5

**vast** <sup>[1]</sup> - 215:9

**vehicle** <sup>[9]</sup> - 37:5,  
 44:13, 44:17, 45:14,  
 55:5, 56:11, 56:13,  
 85:6, 85:17

**vehicles** <sup>[6]</sup> - 44:13,  
 45:17, 63:8, 67:15,  
 85:5, 91:11

**Verdun** <sup>[5]</sup> - 2:12,  
 180:6, 180:14,  
 181:5, 189:9

**version** <sup>[2]</sup> - 22:14,  
 23:7

**versus** <sup>[1]</sup> - 191:8

**vibration** <sup>[1]</sup> - 139:7

**Vice** <sup>[1]</sup> - 1:8

**vicinity** <sup>[1]</sup> - 90:13

**video** <sup>[1]</sup> - 3:14

**view** <sup>[8]</sup> - 11:15,  
 12:16, 14:3, 74:6,  
 103:17, 125:18,  
 128:18, 143:3

**views** <sup>[2]</sup> - 14:18,

105:2

**Viola** <sup>[1]</sup> - 6:2

**violate** <sup>[1]</sup> - 137:11

**violation** <sup>[2]</sup> - 124:7,  
124:12

**visible** <sup>[7]</sup> - 11:4,  
11:7, 13:11, 20:1,  
20:4, 23:4, 91:13

**visit** <sup>[1]</sup> - 215:15

**visited** <sup>[1]</sup> - 106:18

**visual** <sup>[4]</sup> - 23:12,  
30:5, 30:13, 175:1

**voiced** <sup>[1]</sup> - 172:12

**volume** <sup>[1]</sup> - 222:6

**vote** <sup>[15]</sup> - 24:18,  
28:3, 64:4, 71:5,  
71:6, 71:15, 72:3,  
84:14, 159:10,  
167:16, 191:13,  
218:2, 218:10,  
220:5

**voting** <sup>[2]</sup> - 111:13,  
177:3

## W

**W-A-I-M-A-N**

<sup>[1]</sup> - 195:10

**WAIMAN** <sup>[14]</sup> - 195:9,  
199:5, 199:12,  
199:15, 200:8,  
202:6, 202:11,  
203:1, 204:2,  
205:11, 206:2,  
210:11, 210:14,  
213:11

**Waiman** <sup>[1]</sup> - 195:9

**wait** <sup>[1]</sup> - 102:13

**waiting** <sup>[3]</sup> - 48:13,  
78:1, 106:3

**waiver** <sup>[5]</sup> - 146:15,  
154:3, 174:8,  
177:12, 178:2

**wake** <sup>[2]</sup> - 135:8,  
140:3

**wakes** <sup>[1]</sup> - 66:10

**waking** <sup>[2]</sup> - 131:4,  
135:5

**walk** <sup>[5]</sup> - 9:18, 11:11,  
14:16, 21:10, 83:10

**walked** <sup>[1]</sup> - 16:15

**Walker** <sup>[1]</sup> - 61:9

**walkout** <sup>[1]</sup> - 163:10

**wall** <sup>[7]</sup> - 17:4, 18:11,

18:18, 138:9, 143:5,  
198:7, 213:14

**walls** <sup>[1]</sup> - 152:7

**wants** <sup>[3]</sup> - 133:9,  
135:9, 135:12

**WATER** <sup>[2]</sup> - 2:3, 2:4

**Watson** <sup>[1]</sup> - 96:5

**waves** <sup>[3]</sup> - 31:12,  
32:1, 32:16

**ways** <sup>[2]</sup> - 65:17,  
186:5

**weather** <sup>[1]</sup> - 206:13

**week** <sup>[1]</sup> - 145:17

**weekends** <sup>[1]</sup> - 61:4

**weeks** <sup>[1]</sup> - 106:14

**weight** <sup>[1]</sup> - 131:16

**welfare** <sup>[4]</sup> - 29:5,  
91:16, 92:5, 169:5

**west** <sup>[12]</sup> - 19:13,  
38:1, 38:2, 40:18,  
44:17, 47:13, 59:3,  
59:6, 60:17, 61:5,  
61:18, 90:15

**whatsoever**

<sup>[1]</sup> - 132:7

**WHEREOF** <sup>[1]</sup> - 223:8

**whole** <sup>[6]</sup> - 22:15,  
24:4, 104:4, 151:6,  
181:14

**wide** <sup>[9]</sup> - 38:14, 48:5,  
89:11, 103:15,  
117:2, 117:16,  
127:9, 128:7,  
200:12

**width** <sup>[1]</sup> - 211:4

**window** <sup>[7]</sup> - 14:4,

140:3, 163:8,  
163:10, 163:11,  
203:16, 203:18

**windows** <sup>[17]</sup> - 13:5,

20:9, 137:3, 162:14,  
163:1, 163:7,  
163:14, 164:4,  
165:6, 165:9, 167:2,  
167:4, 167:10,  
168:11, 203:12

**wish** <sup>[2]</sup> - 4:5, 37:2

**wishes** <sup>[1]</sup> - 216:5

**wishing** <sup>[12]</sup> - 5:7,  
22:6, 95:7, 140:10,  
149:7, 158:18,  
166:11, 171:7,  
180:7, 190:14,  
195:7, 214:6



**WITNESS** <sup>[1]</sup> - 223:8  
**wonder** <sup>[1]</sup> - 141:17  
**wondering** <sup>[1]</sup> - 142:5  
**word** <sup>[3]</sup> - 23:9, 26:3,  
 73:6  
**workmen** <sup>[1]</sup> - 140:1  
**works** <sup>[3]</sup> - 53:8,  
 127:1, 146:4  
**world** <sup>[2]</sup> - 18:3, 123:2  
**worried** <sup>[1]</sup> - 80:11  
**worry** <sup>[1]</sup> - 21:6  
**worse** <sup>[2]</sup> - 130:9,  
 130:11  
**worth** <sup>[1]</sup> - 41:5  
**write** <sup>[1]</sup> - 164:16  
**writing** <sup>[1]</sup> - 216:15  
**writing's** <sup>[1]</sup> - 143:5  
**written** <sup>[2]</sup> - 87:16,  
 186:14  
**wrote** <sup>[2]</sup> - 157:18,  
 164:11  
**www.reportersinc.c**  
**om** <sup>[1]</sup> - 1:17

## Y

**yard** <sup>[8]</sup> - 102:3,  
 102:6, 102:8,  
 112:14, 113:2,  
 115:14, 137:14  
**yards** <sup>[2]</sup> - 102:2  
**year** <sup>[7]</sup> - 34:1, 52:4,  
 61:16, 67:3, 67:6,  
 70:12  
**yearlong** <sup>[1]</sup> - 66:8  
**years** <sup>[4]</sup> - 95:17,  
 131:13, 214:12,  
 215:4  
**yesterday** <sup>[2]</sup> - 106:2,  
 176:12  
**yourself** <sup>[1]</sup> - 36:7

## Z

**Z1** <sup>[1]</sup> - 25:17  
**Z2** <sup>[1]</sup> - 10:16  
**Zelinski** <sup>[2]</sup> - 223:4,  
 223:13  
**zero** <sup>[5]</sup> - 110:2,  
 112:9, 114:3, 114:4,  
 114:8  
**zone** <sup>[5]</sup> - 5:18,  
 117:17, 118:13,  
 119:7, 125:10  
**ZONING** <sup>[1]</sup> - 1:1

**zoning** <sup>[12]</sup> - 25:18,  
26:6, 124:16,  
125:16, 125:17,  
162:15, 162:17,  
182:14, 186:10,  
196:3, 196:8,  
217:18  
**Zoning** <sup>[7]</sup> - 1:11,  
37:4, 141:2, 197:7,  
221:5, 222:6,  
222:15  
**zoning's** <sup>[2]</sup> - 122:16,  
122:18