

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 10 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair
Constantine Alexander
Andrea A. Hickey
Wendy Leiserson
Matina Williams

City Employees
Olivia Ratay, Zoning and Building Associate



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I N D E X

	PAGE
CONTINUED CASES:	
BZA-149721 -- 54 PARK AVENUE Original Hearing Date: 11/18/21	6
BZA-151499 -- 152 PEARL STREET Original Hearing Date: 12/16/21	28
BZA-151512 -- 38 CAMERON AVENUE Original Hearing Date: 12/16/21	69
REGULAR CASES:	
BZA-157695 -- 10 FUCETT STREET	73
BZA-158753 -- 14 ARROW STREET	90
BZA-159164 -- 100 CONCORD AVENUE	99
BZA-157204 -- 55 WENDELL STREET	104
BZA-154757 -- 32 MT. PLEASANT STREET #1	163
BZA-159246 -- 30 FAIRMONT AVENUE	170
BZA-158423 -- 4 HOLLIS PARK	190

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

2 * * * * *

3 (6:00 p.m.)

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

7 BRENDAN SULLIVAN: Welcome to the February 10,
8 2022 meeting of the Cambridge Board of Zoning Appeals. My
9 name is Brendan Sullivan, I am the Chair for this meeting.

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

19 This meeting is being video and audio recorded,
20 and it is broadcast on cable television Channel 22 within
21 Cambridge. There will also be a transcript of the
22 proceedings.

1 All Board Members, applicants, and members of the
2 public will please state their name before speaking. All
3 votes will be taken by roll call.

4 Members of the public will be kept on mute until
5 it's time for public comment. I will give instructions for
6 public comment at that time, and you will also find
7 instructions on the City's webpage for remote BZA meetings.
8 Generally, you will have up to three minutes to speak, but
9 that may change based on the number of speakers.

10 I'll start by asking Staff to take Board Members
11 attendance and verify that all Members are audible.

12 OLIVIA RATAY: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde is present.

14 OLIVIA RATAY: Andrea Hickey?

15 ANDREA HICKEY: Andrea Hickey present.

16 OLIVIA RATAY: Wendy Leiserson?

17 WENDY LEISERSON: Wendy Leiserson present.

18 OLIVIA RATAY: Matina Williams?

19 BRENDAN SULLIVAN: On this one here, it's Mr.
20 Alexander, Mr. Sullivan, Andrea, Wendy and Jim Monteverde.

21 OLIVIA RATAY: Okay. Gus Alexander?

22 CONSTANTINE ALEXANDER: I'm present.

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WENDY LEISERSON: And Brendan Sullivan?

BRENDAN SULLIVAN: Brendan Sullivan present and
audible.

1 * * * * *

2 (6:06 p.m.)

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

6 BRENDAN SULLIVAN: First case we will call
7 tonight; a continued case, BZA No. 149721 -- 54 Park Avenue.
8 Sarah?

9 SARAH RHATIGAN: Good evening. Sarah Rhatigan
10 from Trilogy Law, 12 Marshall Street in Boston. And I'm
11 here representing the petitioners, Rothfuchs Development and
12 it's William and David Rothfuchs, who've brought this
13 petition to you this evening.

14 So thank you. This is a continued case. We were
15 before this Board in November.

16 And just a quick reminder of what this case is
17 about -- this is a property 54 Park Avenue. And it consists
18 now of a two-family home that's in significant disrepair.
19 And for reasons that we described in some detail at our last
20 hearing, it requires a complete demolition. It's not going
21 to be safe to rebuild or -- I'm sorry, to renovate the
22 building.

1 The plans that you have before you are for a
2 single-family, replacement two-family with a single-family
3 home that will be slightly smaller in terms of the FAR, and
4 more -- the site will be more conforming, although not
5 entirely conforming, which is the reason for our petition
6 today, for our continued request for some zoning relief.

7 After the last hearing, the central concerns that
8 we came away with were largely brought by our neighbor, who
9 lives to the right of the property, as you're looking at the
10 property from the street.

11 The address there is -- I'm sorry, let's see we
12 are 54 -- the address next door is 56-58 Park Ave to the
13 right. And the concerns related to the request that we had
14 to continue to have a driveway that's the existing driveway
15 that runs up to the lot line with that neighbor, with no
16 setback, as will be required with zoning.

17 After the concerns that were raised at that
18 hearing and discussion and suggestions from the Board, the
19 Rothfuchs went back to the sort of drawing table in terms of
20 looking at the site and what the options were, and went
21 through a careful process of speaking to their neighbors on
22 both sides -- so both the neighbors to the right as well as

1 the neighbors to the left of the property -- and were able
2 to reach an agreement with both sides to accommodate the
3 concerns of the neighbor on the right in terms of a five-
4 foot setback for the driveway and for the garage, and to get
5 the -- essentially the assent and permission of the neighbor
6 to the left to rebuild the structure in the existing
7 location, which is within the left side setback.

8 Originally, we had proposed to shift the new
9 structure over to provide a full, seven-and-a-half-foot side
10 yard on that side.

11 But with the limited width that we were dealing
12 with and trying to provide a setback on the right, it was,
13 you know, realized that we could -- if we maintained the
14 house in its existing location, that we could kind of
15 accommodate both interests.

16 I'm not sure who's running the slide deck, but if
17 somebody could help me by loading up the slides -- Olivia,
18 thanks -- if you could start, I know this file is kind of
19 full of documents here, what I am looking for is the site
20 plan. Because most of the interest -- yeah, that's perfect.

21 So let's see, is this the proposed? Nope. This
22 is from the original application. So we want the revised

1 information that was recently filed. Yeah. Thank you.

2 Number 2 should be it.

3 Okay, so this -- so if you don't mind, go back to
4 the first -- go back to Number 2. Great. So this is the
5 existing site plan.

6 And just, again, a reminder of the site conditions
7 here. The existing driveway is right up to the property
8 line on the right, which is on the bottom of the page right
9 there, thank you.

10 There's a garage, you know, preexisting,
11 nonconforming garage that's right up to the property line on
12 the right, and this site plan is showing a very small
13 encroachment on the back, which is actually city-owned
14 property. It's the bike path.

15 And as you can see, the structure -- the existing
16 structure is 3.4 feet from the left setback.

17 Next page, please?

18 So after the work that we were describing of, you
19 know, just talking with the neighbors and trying to come up
20 with a resolution to the -- sort of the narrow geometry we
21 were dealing with, this is the proposed new site plan.

22 So we have a full 10-foot-wide driveway that's

1 being proposed, and with the full, five-foot setback on the
2 right boundary line, providing the setback that was
3 requested by our neighbor to the right.

4 And in fact, what we've done with the garage is
5 we've reduced the size of the garage to pull it five feet
6 off the boundary line with our right neighbor, and also, to
7 remove the encroachment on the City property, but to provide
8 a functioning garage.

9 And then, as I described, the proposal is to keep
10 or to build the new structure in the same footprint as the
11 current -- as the current structure with just, like, a few
12 inches -- it's a few inches narrower than the existing
13 structure.

14 But it's still within -- so it's keeping the same,
15 it's maintaining the same setback violation on the left
16 side, the 3.4.

17 If you could advance to slide number 5 as well?
18 Okay, thank you.

19 The other element of relief that we needed to
20 request, or that we are requesting of you, is the driveway
21 will be located a little closer to the structure, to our
22 structure, and to the extent that the ordinance requires

1 that parking not occur within five feet of a structure, of a
2 single-family structure.

3 There are a few -- I'm sorry, that contains
4 windows into habitable space. There are a few windows on
5 the elevation that's shown on the right elevation, which is
6 right where Olivia has the cursor. There are a few windows
7 that could potentially be impacted a bit by this rule.

8 I say, "a bit" because if you think of -- we'll go
9 back to the site plan so you can see this, but with the
10 width of the driveway and then the width of the distance
11 between the driveway and the structure, it looks like we
12 might see a car parked within about four feet of the windows
13 that are located at the back of the house, so to the right
14 side.

15 There's a basement window or two basement windows
16 impacted and some skinny, vertical windows that are in a
17 family room that might be impacted by this rule. And we've
18 requested relief from that provision as well.

19 So this is just a reminder in terms of zoning
20 relief that we're requesting. This is both a variance as
21 well as a special permit. And, you know, we'd be happy to
22 answer questions.

1 And then I know we spent quite a bit of time last
2 time talking about the basis for the hardship, and we hope
3 that with -- especially with the letters that were submitted
4 showing that our next-door neighbors are in support of our
5 new plan, we're hoping that the Board will be supportive of
6 both the variance and the special permit being requested.

7 BRENDAN SULLIVAN: Sarah, if you could pull up the
8 site plan -- maybe it's the landscaping plan -- that would
9 be the new one.

10 SARAH RHATIGAN: Sure. So we did not actually --
11 let's see, which is this. Oh, the plan that you have up on
12 the page is actually an attachment to the neighbor's letter.
13 Happy to look at that. But we did not actually have a
14 revised version of the colorful, hand drawn landscape plan
15 prepared. Our apologies.

16 But we do have the information from the site plan
17 to refer to, and we can also -- this, I believe, is also a
18 sketch that was provided to the neighbor and was sort of
19 signed on to, which we can look to for reference as well.
20 But this doesn't have -- you know, it's not overlaid with
21 the survey.

22 And then of course here's the survey.

1 BRENDAN SULLIVAN: The area between the driveway
2 and the next-door neighbor's house is going to be
3 landscaped?

4 SARAH RHATIGAN: Mm-hm.

5 BRENDAN SULLIVAN: Yes? And --

6 SARAH RHATIGAN: --

7 BRENDAN SULLIVAN: -- grade at that point? At one
8 point I think they were talking about putting a six- or
9 eight-foot fence in there, which we sort of cut it at. But
10 I guess what would be the agreement be for the grade from
11 your driveway to the adjoining say walkway from the other
12 neighbor's house?

13 I know it's going to be landscaped with bushes
14 and what have you, but are you not anticipating a curb? A
15 high curb or a fence along that area there? Just to get it
16 off --

17 SARAH RHATIGAN: I can ask my clients to weigh in
18 on that, but I don't recall that there was a -- you know, a
19 firm plan on landscaping for that five-foot buffer. But
20 they will certainly be communicating with their neighbor to
21 the right on any details of that.

22 BRENDAN SULLIVAN: And flipping to the left side

1 of the house, we notice that you have concrete retaining
2 wall along the next-door neighbor to the left. And how high
3 is that retaining wall?

4 SARAH RHATIGAN: I am going to ask Billy. Billy,
5 could you answer that question? Billy Rothfuchs is
6 available. And there was an agreement with the neighbor to
7 the left as to the requirement of, you know, rebuilding that
8 and improving that concrete retaining wall significantly.

9 BILL ROTHFUCHS: Yes. Can you hear me? This is
10 Bill Rothfuchs.

11 BRENDAN SULLIVAN: Yes.

12 BILL ROTHFUCHS: That retaining wall starts on the
13 left side. It's approximately one foot tall at the
14 beginning on the street side, and then goes down and
15 slightly raises to about two and a half feet to the end of
16 the house.

17 BRENDAN SULLIVAN: Okay.

18 BILL ROTHFUCHS: Because the grade changes from --
19 the grade on that side starts from 0 to about three feet
20 down.

21 BRENDAN SULLIVAN: So I have a better
22 understanding on that. That's the only question that I

1 have. Let me open it up to the Board. Mr. Alexander, any
2 questions?

3 CONSTANTINE ALEXANDER: I have one question. It's
4 basically, well, unless we rescreen.

5 SARAH RHATIGAN: Could I -- I'm sorry to interrupt
6 you, but I don't know if others are having trouble, but the
7 sound is -- from your microphone is not very good.

8 BRENDAN SULLIVAN: Okay.

9 CONSTANTINE ALEXANDER: Is that any better?

10 COLLECTIVE: Yes.

11 BRENDAN SULLIVAN: Yes.

12 SARAH RHATIGAN: Yes, much better.

13 CONSTANTINE ALEXANDER: All right.

14 SARAH RHATIGAN: Thank you.

15 CONSTANTINE ALEXANDER: My only question is, the
16 revised plans that you're seeking approval of tonight, are
17 they -- is the zoning relief that's going to be needed for
18 that sufficiently covered by your advertisement? I couldn't
19 follow all that. We only have a summary description of the
20 original application.

21 So did a special permit with regard to the
22 driveway, and the -- is that sufficiently covered by your

1 plans?

2 SARAH RHATIGAN: It is. And I will say that after
3 submitting the revisions to the Commissioner in advance, we
4 carefully went over the publication the way the description
5 of the project was described, and each of the sections that
6 are referenced in the application, to make sure that Mr.
7 Singanayagam agreed that the advertising for the application
8 was accurate and was complete.

9 CONSTANTINE ALEXANDER: Okay, thank you.

10 SARAH RHATIGAN: You're welcome.

11 BRENDAN SULLIVAN: Andrea Hickey any questions?

12 ANDREA HICKEY: Yes. If I could just ask Counsel,
13 can you share the screen, Counsel? I wanted to know if you
14 could point to where the windows are on the side where the
15 driveway is?

16 SARAH RHATIGAN: Oh, sure.

17 ANDREA HICKEY: The windows that will be four feet
18 approximately from the parking area?

19 SARAH RHATIGAN: Okay, sure. Olivia's helping me
20 out here. She's reading my mind. So right where her cursor
21 is --

22 ANDREA HICKEY: Uh-huh.

1 SARAH RHATIGAN: That lower there, that square
2 window?

3 ANDREA HICKEY: Okay.

4 SARAH RHATIGAN: That is a window to a basement
5 space that's for an office. And that window would be
6 impacted by -- again, so this is -- if someone were to park
7 in the driveway and they were to park, you know, on the left
8 side of the driveway, essentially, then they could come
9 within approximately four feet, as opposed to the full five
10 feet width.

11 And then the double, the sort of the high windows
12 -- that window right there, yep -- that's a high window
13 that's for, you know, for light down to the basement. But
14 not a -- I don't believe that's an operable window. And
15 then the two vertical -- skinny, vertical windows that are
16 on the first floor there --

17 ANDREA HICKEY: Right.

18 SARAH RHATIGAN: -- those are windows that provide
19 light to a sitting room that's at the rear of the house.
20 And those windows might be impacted. And that's if a car
21 were parking on that portion of the driveway.

22 ANDREA HICKEY: All right. So of those four

1 window, the two skinny ones and then the two that are sort
2 of in the lower part of the structure, which ones open and
3 which ones are inoperable -- in -- you know, fixed?

4 SARAH RHATIGAN: So the high -- the basement level
5 left window, the double window, that one my understanding is
6 that's inoperable. And then Billy, you're going to shout if
7 I'm getting this wrong: The one to the right, the intention
8 was to have that --

9 BILL ROTHFUCHS: That's an egress window.

10 SARAH RHATIGAN: -- that's an egress window?

11 BILL ROTHFUCHS: Yes.

12 ANDREA HICKEY: All right. So it has to be --
13 that one has to be operable? Yep.

14 SARAH RHATIGAN: That one has to be operable,
15 yeah, exactly.

16 ANDREA HICKEY: Yeah. My only concern when
17 there's parking too close to an operable window is sort of
18 exhaust and the health dangerous associated with that. But
19 we don't have that issue with the smaller window.

20 But if that larger on the at the lower level has
21 to be operable, then I just would -- I need to live with
22 that.

1 Are the two tall, skinny windows also operable?

2 SARAH RHATIGAN: That was the plan, was to have
3 them operable. Yes.

4 ANDREA HICKEY: Okay. I have no further
5 questions. I just wanted a better understanding of that.

6 SARAH RHATIGAN: Mm-hm.

7 ANDREA HICKEY: Thank you, Counsel.

8 ANDREA HICKEY: You're welcome.

9 BRENDAN SULLIVAN: If there was an exemption for
10 one- and two-families, they'd be able to park within five
11 feet of the principal residence, but I can't put my hands on
12 it at the moment.

13 Wendy, any questions at all?

14 WENDY LEISERSON: Wendy Leiserson no questions.

15 BRENDAN SULLIVAN: Jim, any questions?

16 JIM MONTEVERDE: Jim Monteverde no questions.

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

21 If you are calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6, and

1 you will have up to three minutes to speak.

2 [Pause]

3 BRENDAN SULLIVAN: There appears to be nobody
4 calling in. We are in receipt of correspondence in receipt
5 of correspondence -- a letter of support from Joan Welch,
6 Andrew Jones of 48-50 Park Avenue, referencing David and
7 William Rothfuchs Development. There's a letter of support
8 from Joan Welch, Anne Welch, Andrew Jones. They're in favor
9 of the project.

10 There is also correspondence from Mr. Chris Tolles, who
11 lives at 58-56 Park Avenue, and he would like to show, of
12 course, his support for the new plan. That is the sum and
13 substance of correspondence. I will close the public comment
14 part.

15 Sarah, any parting words?

16 SARAH RHATIGAN: No. Thank you, though.

17 BRENDAN SULLIVAN: Okay. The -- for you on the
18 Board, Mr. Alexander, what is your -- I'm in favor of
19 granting relief.

20 BRENDAN SULLIVAN: Okay. Andrea?

21 ANDREA HICKEY: Yes, I'm in favor.

22 BRENDAN SULLIVAN: Wendy?

1 WENDY LEISERSON: Yes, I'm in favor.

2 BRENDAN SULLIVAN: And Jim?

3 JIM MONTEVERDE: Assuming there is no other agency
4 or Board that needs to review this, you know, Historical
5 Conservation, any Neighborhood District, then if there's no
6 comment or no jurisdiction there, then I'm going to be in
7 favor of it.

8 BRENDAN SULLIVAN: Okay. The building is more
9 than 50 years old, so I think that the Historical will have
10 to chime in on it.

11 SARAH RHATIGAN: If I may, Mr. Chairman, the
12 Historical Commission signed off administratively on the
13 request for demolition of the structure.

14 BRENDAN SULLIVAN: Good.

15 SARAH RHATIGAN: And that signoff, I believe, is
16 deep in the application file with the Board.

17 BRENDAN SULLIVAN: I'm sure it's here somewhere,
18 so that's fine.

19 SARAH RHATIGAN: Yeah.

20 BRENDAN SULLIVAN: But, so with that out of the
21 way, let me make the motion. This will be on the variance.
22 Let me make a motion, then, to grant the relief requested as

1 per the new submittals dated January 7, 2022, initialed by
2 the Chair.

3 The Board finds that a literal enforcement of the
4 provisions of the ordinance would involve a substantial
5 hardship to the petitioner.

6 The Board finds that upon presentation and
7 documents submitted, that the existing preexisting,
8 nonconforming two-family dwelling is structurally
9 compromised, due to soil conditions and settlement.

10 The Board is referencing the Geological Engineers'
11 Report from Miller Engineering and Testing submitted with
12 the application that sets forth findings from subsurface
13 investigations and significant structural deficiencies of
14 the existing structure.

15 The Board finds that the cost of rectifying the
16 existing structural conditions would be excessive, and quite
17 onerous for a house of this age.

18 The Board finds that the hardship criteria has
19 been met for met for the above reasons. The Board finds
20 that the hardship is owing to circumstances relating to the
21 soil conditions, shape or topography of such land,
22 especially affecting the land and structures, but not

1 generally the zoning district or soil conditions as outlined
2 in detail.

3 The geotechnical report of Miller includes layers
4 of fill and organic material -- peat. They have caused the
5 dwelling to settle substantially over time, resulting in
6 large cracks throughout the basement walls and slabs,
7 rendering the residential structure unsafe.

8 The Board finds that the lot size and the
9 dimensions are also quite constrained, and that the
10 structure and the location is encumbered by the existing
11 ordinance -- existing structure was built through the
12 enactment of the existing ordinance.

13 The Board finds that desirable relief may be
14 granted without substantial detriment to the public good.

15 The Board finds that the construction of a new
16 replacement single-family dwelling, which is also more
17 dimensionally conforming to zoning than the existing
18 structure, it reduced FAR and increases the yard area, is an
19 improvement and a substantial benefit to the public and to
20 the neighborhood.

21 Desirable relief may be granted without
22 substantial detriment to the public good, or nullifying or

1 substantially derogating from the intent and the purpose of
2 the ordinance.

3 The Board finds that the rehabilitation of an
4 existing structure, which is seriously compromised, will
5 benefit the adjoining properties and the neighborhood and
6 city at large by providing quality housing for the
7 occupants.

8 On the motion, then, to grant the variance, Mr.
9 Alexander?

10 CONSTANTINE ALEXANDER: I vote in favor.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: Andrea Hickey yes in favor.

13 BRENDAN SULLIVAN: Wendy Leiserson?

14 WENDY LEISERSON: Wendy Leiserson yes in favor.

15 BRENDAN SULLIVAN: And Jim Monteverde?

16 JIM MONTEVERDE: Jim Monteverde, I vote in favor
17 of the variance request.

18 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

19 [All vote YES]

20 BRENDAN SULLIVAN: Affirmative vote of five
21 Members of the Board: The variance is granted.
22

1 The special permit, Sarah would you just run
2 (sic) that again now, that the redesign plan basically puts
3 the driveway closer to the building? What else is the
4 violation?

5 SARAH RHATIGAN: The -- that is the special
6 permit.

7 BRENDAN SULLIVAN: Special permit?

8 SARAH RHATIGAN: Yep, it is. Yes. It's just the
9 driveway, the parking within five feet of building wall with
10 windows.

11 BRENDAN SULLIVAN: Okay. Let me make a motion,
12 then, to grant the special permit. The Board finds that the
13 requirements of the ordinance can be met, that the
14 preexisting, nonconforming driveway is located in an area
15 that was less than one foot from the right lot line.

16 The new plan improves the location of that,
17 pulling it further away from the adjoining property.
18 However, in doing so, it creates a condition where it is
19 closest to the new structure.

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

1 character.

2 The Board also finds that continued operation of
3 or development of adjacent uses, as permitted in the zoning
4 ordinance, would not be adversely affected by the nature of
5 the proposed use.

6 The Board also notes that the new plan and the
7 landscaping between the properties on either side is a
8 benefit to the adjoining properties, and a benefit to the
9 streetscape and the neighborhood at large for aesthetic
10 reasons, and also for safety reasons between the two
11 adjoining properties.

12 The Board finds that the proposed use would not
13 impair the integrity of the district or adjoining districts,
14 or derogate from the intent and purpose of the ordinance.

15 On the motion to grant the special permit, Mr.
16 Alexander?

17 CONSTANTINE ALEXANDER: We have to make the motion
18 subject to compliance with the plans.

19 BRENDAN SULLIVAN: And --

20 CONSTANTINE ALEXANDER: Did they do that with the
21 variance that they get? I don't think we did.

22 BRENDAN SULLIVAN: Yes. Initialed by the Chair.

1 Yes, so anyhow, thank you very much. And that the work
2 comply with the revised schedule, dimensional schedule --
3 also the narrative and the plans dated January 27, 2022 and
4 initialed by the Chair.

5 CONSTANTINE ALEXANDER: As initialed by the Chair.

6 BRENDAN SULLIVAN: Right, which the Chair will
7 initial. Right. On the vote on the special permit?

8 CONSTANTINE ALEXANDER: I vote in favor.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: Andrea Hickey yes in favor.

11 BRENDAN SULLIVAN: Wendy on the special permit?

12 WENDY LEISERSON: Wendy Leiserson yes in favor.

13 BRENDAN SULLIVAN: And Jim on the special permit?

14 JIM MONTEVERDE: Jim Monteverde yes in favor of
15 the special permit.

16 BRENDAN SULLIVAN: Sullivan in favor of granting
17 the special permit.

18 [All vote YES]

19 On the vote of five affirmative Members, the
20 special permit is granted. Thank you, Sarah.

21 SARAH RHATIGAN: Thank you very much.

22 UNIDENTIFIED SPEAKER: Thank you very much.

1 * * * * *

2 (6:33 p.m.)

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

6 BRENDAN SULLIVAN: The next case The Board will
7 hear is No. 151499 -- #152 Pearl Street. Mr. Glassman? Or
8 whoever's presenting it? Mr. Boyd?

9 ADAM GLASSMAN: Hello. Did I miss the
10 introduction there?

11 BRENDAN SULLIVAN: Yes.

12 JIM MONTEVERDE: Yep.

13 ADAM GLASSMAN: Oh, sorry. Okay. So this is Adam
14 Glassman with GCD Architects representing Paul Boyd and
15 Justin Chen, who reside at 152 Pearl Street. We're here
16 petitioning relief in the form of a variance for a new or
17 reconstructed and expanded roof deck.

18 Whoever is -- is Olivia doing the slideshow
19 tonight?

20 CONSTANTINE ALEXANDER: Yes.

21 ADAM GLASSMAN: This first slide is the site plan,
22 and you can see the red envelope, the red dashed line in the

1 middle plan. That is our setback envelope.

2 Due to the small size of the lot and the large size
3 of the building, this is an existing, nonconforming lot.
4 And there is no way to utilize the rights to their roof deck
5 without zoning relief from the Board.

6 On the left side, where you see on the right side
7 where it says, "proposed roof deck" that's actually an
8 existing roof deck area. We don't believe it was ever
9 permitted. It was there when they bought their unit, and
10 their unit has the full roof rights in the back portion of
11 the building.

12 So it's an area they've been using. They've been
13 using it quietly and considerately. But it is in disrepair
14 and needs upgrades.

15 BRENDAN SULLIVAN: Adam, can we -- can anybody
16 determine when that deck was created?

17 ADAM GLASSMAN: Well, Justin, how long have you
18 lived there?

19 JUSTIN CHEN: We've been here for three years. And
20 I think it's been in sort of property listings for up to 20
21 years? Yeah. The previous owner had it, and the owner
22 before that had it. So it's changed hands at least twice.

1 BRENDAN SULLIVAN: In its current form?

2 JUSTIN CHEN: Correct.

3 PAUL BOYD: That's correct.

4 BRENDAN SULLIVAN: Absent --

5 ADAM GLASSMAN: Okay. Next slide, please?

6 BRENDAN SULLIVAN: I guess the reason why I bring
7 that up is that if an item -- this is a different item --
8 which is in violation of the zoning, i.e., the stair, has
9 been in existence for more than 10 years, then under the
10 amended state regulation, it self-corrects. So that it in
11 fact -- even though it was never officially sanctioned, can
12 be allowed.

13 And the proper word is, "grandfathered in" but it
14 can be allowed without having to receive the zoning
15 approval, because it self-corrects. So that, in effect,
16 what we're being asked for tonight, even though it's an
17 amended deck, is a railing, which goes around it.

18 So anyhow, that being said, I know you have a full
19 presentation, Adam, so you can continue.

20 ADAM GLASSMAN: Okay. Well, thank you for that,
21 Brendan. I guess if we're looking at the next slide, the
22 area where it says, "proposed deck to the right of the

1 stair" that's the existing utilized space. To the left of
2 the stair, where it says, "proposed deck and planters that
3 would be an extension. That area is not currently used as
4 the side on the right. So I know they would like to expand
5 the existing deck somewhat to utilize the roof space.

6 BRENDAN SULLIVAN: So the deck -- as we're facing
7 it, the deck on the left side of the stairs is in existence,
8 and the proposed deck is not. And it's an extension of --

9 ADAM GLASSMAN: Well, the side on the left of the
10 stair would be new. Where you see the planters, that area
11 would be new.

12 BRENDAN SULLIVAN: That's new?

13 ADAM GLASSMAN: Yep.

14 BRENDAN SULLIVAN: Okay. So the deck on the right
15 is existing?

16 ADAM GLASSMAN: Is existing, that's correct.

17 BRENDAN SULLIVAN: Okay. I know there's a deck up
18 there, but I just saw it. So I just want to get reoriented
19 here. So okay. All right.

20 ADAM GLASSMAN: Next?

21 BRENDAN SULLIVAN: Continue.

22 ADAM GLASSMAN: Okay. So where the new extension

1 is "eight ten" off the stair, that's the size that our left
2 side abutter agreed to when we reviewed the plans with him
3 and had extensive back and forth.

4 So that's -- given that he's the only one really
5 impacted by this work, you know, we believe that was a
6 reasonable accommodation to him.

7 Next slide, please?

8 Photos of the existing space. You can see beyond
9 the furniture built into planters, which were rotting, and
10 this rope guardrail, which recently had to be removed as it
11 was falling down. So safety up here became a big concern.
12 And that's one of the main reasons for the reconstruction.

13 Next slide, please?

14 Neither the existing deck nor the proposed
15 extension is visible in any meaningful way from this section
16 of Pearl Street, either from the left of the building, the
17 front of the building or the right of the building.

18 Next slide?

19 Views from the deck show you how far away it is
20 from the right and the rear abutters.

21 And the photo below on the left, existing property
22 views from Valentine Street, show you how minimal the view

1 is, where it is most exposed to Valentine Street.

2 Next slide?

3 Again, comparisons of the existing conditions,
4 which you see on the left, and the proposed conditions on
5 the right. And we're actually proposing to reduce the size
6 of the existing deck.

7 Currently, the planters, the railings, all went out
8 extending eve beyond the face of the building. We're
9 proposing, as you can see on the right side, to pull it back
10 to align with the exterior walls, which reduces its
11 visibility even more.

12 Next slide?

13 Paul and Justin have a private connection to the
14 roof deck. It is not in any way accessible to the rest of
15 the building.

16 Next slide?

17 Enlarged version of our proposal -- a deck 8' 10"
18 on the left, 16' 3" on the right. Part of the variance
19 relief is due to an FAR increase that is minimal, one-tenth
20 of one percent, going from a 2.13 to a 2.23.

21 We are adding useable open space -- something that
22 the lot has none of for any of its occupants at this time.

1 And although it's not a common roof deck, at least
2 these owners will have some outdoor space, which they badly
3 need, as everyone knows working from home during a pandemic
4 to at-home professionals make something like this a
5 necessity to keep sane on the third floor.

6 Next slide, please?

7 Elevations, just to compare the railing system that
8 was there recently removed. The railing system that we're
9 proposing very little difference from this view.

10 And actually, from this street view, it's important
11 to note in a 2-D, you can see the railings when who present
12 it in a two-dimensional elevation. But in reality, at the
13 street level you cannot see either the existing railings or
14 the proposed.

15 Next slide, please?

16 Another comparison. Views from the rear -- also
17 very hard to see anywhere from the street. We'd be
18 correcting and improving the existing conditions on the left
19 with something more stable, more suitable for the context of
20 the neighborhood -- something a little bit tidier.

21 Next slide?

22 More elevations showing the same. Our existing

1 conditions on the left with the rope guardrail, the
2 planters, and on the right just a simple, traditional
3 guardrail.

4 Next slide, please?

5 On the left, existing conditions. On the right,
6 the addition of a guardrail.

7 Next slide, please?

8 More views from the street to show you how low
9 impact this proposal is. Here, you know, again even looking
10 between the homes on the left and their building on the
11 right, you can see none of this.

12 Next slide, please?

13 More views. Nothing to see, as far as the new work
14 goes.

15 Next view?

16 On the corner of Pearl and Valentine, you can see
17 the existing or recently existing planters and guardrail.

18 Next slide?

19 And again, the view from Valentine Street of what
20 is there now or was recently there.

21 Next slide?

22 For comparison -- again, the view from Valentine

1 Street -- the guardrails that were there and the guardrails
2 that we're proposing, with planters behind them.

3 Next slide, please?

4 I think that's it. Oh, our corrected FAR form, or
5 our corrected dimensional sheet, I don't think we have to go
6 through it. We're not changing the building height. Our
7 FAR goes up very minimally -- no change to parking
8 conditions. No increase in the units.

9 And I believe that is it. I'll let Paul and Justin
10 say a little bit about themselves, and then we'll open it up
11 to questions.

12 PAUL BOYD: Thanks so much, Adam. So my name is
13 Paul Boyd, and this is Justin.

14 We bought the house -- the unit -- about three
15 years ago, and at the time outdoor space was super important
16 to us. And that was certainly before COVID, and that
17 changed our working from home and, you know, being able to
18 access outside is certainly a huge help.

19 We've been using the space -- you know, our
20 neighbors are completely unaware when we're up there. It's
21 very sort of quiet usage -- you know, just sort of enjoying
22 the sunsets type of thing.

1 And in fact, the unit owners, or the other unit
2 owners in the buildings were the ones who sort of suggested
3 we explore properly building out that space to increase the
4 safety and sort of robustness of that space.

5 In fact, we've struggled to find master insurance
6 that wasn't exorbitantly expensive. So the railings we feel
7 are good for the building, as much as it is for us.

8 And as Adam I think very nicely said, there's just
9 no other outdoor space around the building. And so this is
10 our -- sort of our opportunity to get there.

11 And, you know, we were married during COVID. And
12 we're starting to build a family here. And so we really are
13 looking for some safety around the home. We're certainly --
14 you know, well into our careers and not in any way expecting
15 to throw any parties up there.

16 So, you know, thanks, you know, very much for
17 listening to our petition.

18 BRENDAN SULLIVAN: Great. Thank you. Let me ask
19 the Board. Mr. Alexander, any questions?

20 CONSTANTINE ALEXANDER: Yes. I find this case
21 very troubling. We are talking about effectively elevating
22 the size of the building to 38 or 39 feet, and our zoning

1 law says 35 -- no more than 35.

2 If -- but there is, as Brendan has quoted, there
3 is an inspection in the state law saying with something has
4 been built in violation of the zoning bylaw -- and I'm
5 paraphrasing -- and it's been there for at least 10 years
6 without any objection from the authorities, that it's --
7 grandfathered, it's okay now.

8 That's not necessarily true of what is being
9 before us tonight. You're talking about a fencing that's
10 much more visible than the fencing that currently exists.
11 You're talking about adding planters to the top of the
12 building.

13 I'm having a lot of trouble finding that we should
14 grant the relief being sought for these reasons, because I
15 don't think you otherwise meet the requirements for a
16 variance, the standard, three-part definition. So I'm
17 troubled. I'm not sure I'm going to vote in favor of this.

18 ADAM GLASSMAN: Could I address the Chair's
19 concerns?

20 BRENDAN SULLIVAN: Yep.

21 ADAM GLASSMAN: We're not actually raising the
22 building height. It's the rooflines of the front porch and

1 the building are well above the deck and the railings.
2 That's not changing. The existing stair in the back is not
3 changing; that's always been there and that's taller than
4 the location of the deck or the railings.

5 The railings we are putting in would be recessed
6 back from the edge of the roof, and would therefore be less
7 visible from the street from the Valentine view than the
8 existing rope railings. The planters we're proposing are
9 behind the railing.

10 Again, there have been existing planters there
11 now, and they really don't -- they'd be invisible to the
12 public. So I -- we're not really creating new building
13 heights or new, you know, anything new to see from the
14 street that doesn't already exist. In fact, what we're
15 proposing is an improvement.

16 CONSTANTINE ALEXANDER: If I can continue. It's
17 not a question of an -- well, I know it's an improvement
18 from a safety point of view. The fact of the matter is
19 that from a visual point of view, that building is going to
20 get higher with the fencing that it proposed. And that is
21 the problem.

22 ADAM GLASSMAN: But how is that -- I just don't

1 see how that's true, where we're replacing --

2 CONSTANTINE ALEXANDER: I have the plans that you
3 submitted. I've got them -- if you look at the drawings,
4 particularly in comparison --

5 ADAM GLASSMAN: Can we go to the rendering that --
6 the last slide? So on the left, you can see the tall
7 guardrails, and you can see the planters.

8 What we're proposing is no taller than what's
9 there now. And because it's recessed back from the edge of
10 the roof, it'll appear shorter than the existing guardrails.

11 CONSTANTINE ALEXANDER: But even if it shorter in
12 appearance, it's still too tall for purposes of our
13 ordinance. That's the problem. And if you were just doing
14 the same thing you had before, I would have no problem
15 granting relief.

16 That's not what you're doing -- for good reason,
17 I'm not being critical -- but I'm in trouble. I'm going to
18 ruminate here with my other Board Members on how I'm going
19 to vote. And I can't say right this moment I'm in favor.

20 BRENDAN SULLIVAN: Andrea, any comments?

21 ANDREA HICKEY: Yeah. I share Gus's concerns.
22 And I'm at the moment not on board with what's being

1 requested. If this was coming to us in its first instance,
2 and if there was not a deck up there already, personally
3 there's no way I would approve this in its first instance.

4 I think from a safety perspective, I agree 100
5 percent that what is there now is troubling.

6 But I think the visual of what you're adding in
7 terms of something that would provide a safety rail, it
8 really sort of changes the view. And in my opinion, it does
9 make the building taller than what it is now.

10 Could I ask Mr. Glassman to remind me why this
11 case was continued?

12 ADAM GLASSMAN: This case was continued because
13 our left-side abutter had concerns about his sense of
14 privacy, and possibly shadows. So we -- he suggested to us
15 a size that he felt he could support, and that's the size of
16 the deck on the left we are proposing. And --

17 ANDREA HICKEY: And was that Mr. Ellsworth?

18 ADAM GLASSMAN: That's Mr. Ellsworth, right.

19 ANDREA HICKEY: Okay.

20 ADAM GLASSMAN: But I would like to --

21 ANDREA HICKEY: So --

22 ADAM GLASSMAN: -- say one thing about -- I mean,

1 the aesthetics we can definitely work on. We could put in a
2 -- something that almost disappears up in the skies --
3 something like the steel cable rail system, and not have the
4 planters, and then there would be very little to see from
5 Valentine Street.

6 ANDREA HICKEY: Can you step it back?

7 ADAM GLASSMAN: We can step it back more, sure.

8 ANDREA HICKEY: I'd have an easier time if you
9 could. So is Mr. Ellsworth, I know -- I don't know whether
10 he's on the call, but in your negotiations, I guess, with
11 him, this is a -- what you're proposing tonight is something
12 that he said he could live with?

13 ADAM GLASSMAN: Yes. And in our -- there should
14 be in the packet a letter which he e-mailed to us --

15 ANDREA HICKEY: Mm-hm.

16 ADAM GLASSMAN: His support is highlighted in red,
17 and it's also attached -- should be in that e-mail -- what
18 his suggestion was for us.

19 ANDREA HICKEY: Okay.

20 ADAM GLASSMAN: And the one that he really cared
21 about was the left side, and bringing it to "eight ten" off
22 the stair was his suggestion.

1 ANDREA HICKEY: All right. Now, in your original
2 submission, you did have an approval of the condo
3 association. Do you have an updated approval because you're
4 concept now has changed?

5 CONSTANTINE ALEXANDER: [Laughter]

6 ADAM GLASSMAN: We have voted within the HOA, and
7 it has been approved, according to HOA policy.

8 ANDREA HICKEY: And is that in our file? It's
9 required to be in a written format. I didn't see it. All I
10 saw was the original approval, which doesn't really apply.

11 ADAM GLASSMAN: Oh. We can certainly get a new
12 one. We assumed that because it was a smaller roof deck, we
13 wouldn't need to resupply it. But we could certainly do
14 that.

15 ANDREA HICKEY: Yeah. It's a change, so in my
16 opinion --

17 ADAM GLASSMAN: Okay.

18 ANDREA HICKEY: -- and I'll also defer to my
19 fellow Board Members. But if you're proposing something
20 different, I think that an approval of that difference is
21 necessary to document our file.

22 ADAM GLASSMAN: Yep.

1 ANDREA HICKEY: All right. And I'll ask -- I just
2 have one final question, Mr. Glassman. In Mr. Ellsworth's
3 original objection to the first submission, he raised the
4 issue of including the square -- the area for the stairs in
5 your calculations.

6 ADAM GLASSMAN: Yes, we --

7 ANDREA HICKEY: Could we just --

8 ADAM GLASSMAN: -- we resubmitted and revised, and
9 his -- so the FAR is included in the calculation, which is
10 on I believe Slide 8.

11 And in addition to that, to address his concerns,
12 we included a condition in response to him, which says that
13 neither the footprint of the deck proposed here or the
14 design of the railings -- the height of the railings --
15 could change without going back to the BZA, that we would
16 not be enclosing space, that what we're presenting is what
17 would remain unless we came back to the Zoning Board, or a
18 future owner came back to the Zoning Board.

19 ANDREA HICKEY: Great. I think it's important to
20 have that in our record tonight. And so this rendering,
21 A1.3 "Proposed deck 281 square feet" that area, again, does
22 include the stairs?

1 ADAM GLASSMAN: The stairs is included in the GFA
2 of the entire building.

3 ANDREA HICKEY: Okay.

4 ADAM GLASSMAN: And the deck is what is
5 additional.

6 ANDREA HICKEY: Okay. So the proposed deck, then,
7 is 281. And what was the area, if you would just remind me
8 of the deck as it exists now?

9 ADAM GLASSMAN: Let me see. I can tell you that
10 in a second, if -- give me a moment.

11 [Pause]

12 While I'm pulling this up, does anyone else want
13 to comment, and I'll definitely answer this question in a
14 moment?

15 [Pause]

16 No?

17 ADAM GLASSMAN: I'm sorry, while I'm pulling this
18 up -- I don't have it handy, but I will in a moment -- does
19 the next Board Member want to pick up, or --

20 BRENDAN SULLIVAN: Do you want to --

21 ADAM GLASSMAN: Just give -- I just need another
22 minute here. But if you -- I'm just having trouble opening

1 this file.

2 JIM MONTEVERDE: Hold on a second --

3 ADAM GLASSMAN: Oh, here we go.

4 JIM MONTEVERDE: -- I can do it quicker.

5 ADAM GLASSMAN: Yeah, hold on. I have it here.

6 So the existing roof deck -- okay. The existing roof deck,
7 because it goes to the extent of the roof eave, we're
8 actually reducing that.

9 All right. The existing roof deck is 233 square
10 feet.

11 ANDREA HICKEY: And you're asking now for 281?

12 ADAM GLASSMAN: Yes.

13 ANDREA HICKEY: I have a problem with that. I
14 will sort of yield to the next Board Member and see if
15 something might come out that will make me feel differently.
16 That's all I have at the moment.

17 BRENDAN SULLIVAN: Okay. We'll come back to you,
18 Andrea.

19 ANDREA HICKEY: Thank you.

20 BRENDAN SULLIVAN: Wendy, any questions?

21 WENDY LEISERSON: I have no other questions than
22 those that have been raised by my other Board Members.

1 BRENDAN SULLIVAN: Thank you, Wendy. Jim, any
2 questions?

3 JIM MONTEVERDE: My only concern, which I share
4 with Gus's comments, is about the character of the rail
5 itself and how it kind of imposes on the, or gives the
6 appearance of being so much taller, at least in the rendered
7 view.

8 The assembly on the -- or configuration on the
9 right-hand side that's there I take no exception to. It's
10 pretty much what was there before. On the left, the
11 extension -- you know, that to me is a question as the -- is
12 it -- why?

13 But my greatest is just the character of the rail
14 itself. That's all. Thank you.

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

20 If you are calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by pressing *6, and
22 you will have up to three minutes to speak.

1 OLIVIA RATAY: Campbell Ellsworth?

2 BRENDAN SULLIVAN: Campbell?

3 CAMPBELL ELLSWORTH: Good evening. I'm happy to -
4 - well, yes. I wish I had my 11-year-old who could help me
5 with this technology. But I was going to put -- I was going
6 to get a video on, I'm not sure how to do that, but here I
7 am.

8 Yes, I'm Campbell Ellsworth. I am building -- I
9 own and build, I'm building and will live at the house just
10 to the left of the structure at 146-148 Pearl Street. I'm
11 sure that you've seen my letter that I wrote to the Board
12 December 13 with my concerns. I'll go through a couple of
13 those.

14 And yes, I do want to articulate that on -- as is
15 in the petitioner's package on December 14, I did write to
16 them and I said that if they were willing to basically pull
17 that deck back to about half the proposed size that I would
18 be okay with that.

19 That structure, that deck the way it's proposed,
20 that's a nonconforming setback on that property line by
21 about -- you know, to about five and a half feet. I'm just
22 another seven and a half feet conforming beyond that, and

1 I've got children's bedrooms and all.

2 And I discussed that with Paul. Paul has seen my
3 house, and I've seen -- you know, obviously lived there and
4 worked. And so their -- their willingness to pull that back
5 is terrific. And I can support this.

6 I did want to articulate, as is written in that
7 December 13 letter, that I do have other concerns. I think
8 that they have been somewhat articulated by the Board.

9 I can't -- the interpretation of the weather
10 [1:00:31 audio unclear] has been in existence for more than
11 10 years. It's a -- it's worthy of discussion, to be sure.

12 My concern is that effectively what's happening
13 here is that new habitable square footage and construction
14 is occurring, as Mr. Alexander said, above the height limit
15 of the zone.

16 As an architect, and as a frequent visitor to the
17 Board of Zoning Appeals representing clients, my concern
18 would be that this might open up a lot of people wanting to
19 build above their allowable height.

20 Now, that having been said, I support the
21 petitioners in creating usable space. COVID, et cetera, has
22 made us all absolutely nuts. And having a safe --

1 BRENDAN SULLIVAN: 30 seconds. 30 seconds.

2 CAMPBELL ELLSWORTH: Okay. Having safe refuge is
3 a great place to do it. I would just -- and I hear -- I
4 hear some objection, and I don't want to interpret what the
5 Board is saying, but there might be a solution to -- again -
6 - scale this back, and to allow them to have what they want,
7 without shooting the whole thing down.

8 But I support it, but I have those concerns. And
9 they have met my general concern about pulling it back.

10 BRENDAN SULLIVAN: Great.

11 CAMPBELL ELLSWORTH: And I thank them very much.

12 BRENDAN SULLIVAN: Thank you. Thank you,
13 Campbell.

14 The Board is in receipt of correspondence from
15 Carol Aplin on 52 Pearl Street, Unit 3.

16 "I am the owner of 152 Pearl Street, one of the
17 three owner-occupied units in our building. Paul Boyd and
18 Justin Chen have reviewed with me their plans for a proposed
19 rear fourth-story roof deck, and I've also had the
20 opportunity to read the letter of support provided by Andrew
21 Robertson.

22 "I wish to add my full support to the plans and my

1 voice in urging the BZA to grant Paul and Justin the zoning
2 relief to make the roof space to which they have exclusive
3 easement, a safe and livable amenity.

4 "This work is needed to put in place correctly
5 safety measures, in particular guardrails and property --
6 properly graded decking to prevent falls and to prevent the
7 vulnerable roof membrane."

8 There is also correspondence from Mr. Andrew
9 Robertson. He's the owner of 152 Pearl Unit 2, one of the
10 three owners.

11 "We approve these plans, and urge the BZA to grant
12 Justin and Paul the zoning relief they need to correct the
13 existing structural and life-safety efficiencies, which are
14 required to make their current rooftop space a safe
15 amenity."

16 And he mentions about there is an issue,
17 obviously, with getting insurance in the building. And the
18 proposed work he finds as tasteful, modest and reasonable
19 solution to the existing roof, life safety and structural
20 issues facing the building.

21 And that is the sum and substance of the
22 correspondence.

1 And also, a letter and some detailed information
2 from Mr. Ellsworth, which he elaborated on.

3 I will close public comment.

4 OLIVIA RATAY: There's someone else.

5 BRENDAN SULLIVAN: Oh, sorry.

6 OLIVIA RATAY: There's one more.

7 BRENDAN SULLIVAN: There's another call in.

8 OLIVIA RATAY: Michael Brandon.

9 BRENDAN SULLIVAN: Michael, up to three minutes.

10 MICHAEL BRANDON: Thank you, Mr. Chair. It's
11 Michael Brandon, 27 Seven Pines Avenue. I had a few quick
12 comments, having seen this presentation and discussion.

13 One is on the issue of this 10-year period, after
14 which the nonconformity is apparently -- becomes legal, it
15 would be helpful if the Board could cite the specific
16 statute that's being referenced.

17 I'm aware, I believe, that a building permit
18 cannot be challenged after 10 years, and I don't know if
19 that's the provision or perhaps something else.

20 I agree with the Board Members' comments about the
21 obtrusiveness of the guardrail that's proposed. I thought
22 maybe if it were white, rather than black, it would be less

1 obtrusive.

2 And I believe the architect suggested that there
3 are different systems -- you know, steel wire system -- that
4 might be more acceptable to the Board. And it does sound as
5 though this is going to -- the case is going to be continued
6 and come back.

7 Regarding the planters, I just had a question as
8 far as the weight of those, and what impacts that might have
9 on the rooftop. Also, I wonder if the planters were
10 continuous, if they might serve as -- essentially as a
11 guardrail, depending on how high they were.

12 And I think the only other comment I would have is
13 that I would -- if the Board does grant this relief, then
14 include a condition that there be no grilling or barbecuing
15 or fire pits on this rooftop, for safety reasons.

16 Thank you very much for considering my comments.

17 BRENDAN SULLIVAN: Thank you very much, Michael.

18 OLIVIA RATAY: Dianne Haas?

19 DIANNE HAAS: Can you hear me?

20 BRENDAN SULLIVAN: Yes.

21 DIANNE HAAS: Okay. I'm -- I own Unit #3 in the
22 building. I do not live there. I was the original

1 developer of the building in 2004. And I'm not opposing the
2 roof deck -- I want you to know that, but I do need to clear
3 up something.

4 When I developed the building, I was -- I did
5 check with neighbors. I did not apply for a variance, and I
6 made sure that that roof deck was not a real roof deck. I
7 did allow -- well, not me but the first buyer asked if they
8 could put some planters up there.

9 And as the condo association allowed her to do
10 that, what I think was shown as a guardrail was not attached
11 to the roof in any way. It was attached to the planters.
12 So she was allowed to plant. She wasn't supposed to have
13 any furniture up there.

14 I don't recall know what was going on, but I just
15 wanted the Board to know that it was not a true roof deck.
16 We allowed her to do a roof garden, to garden up there.

17 BRENDAN SULLIVAN: Thank you, Dianne.

18 DIANNE HAAS: Again, I'm not -- you know, I'm not
19 saying I'm opposed, I just want -- I wanted to clear that
20 up. And it was in 2004 that I developed it.

21 BRENDAN SULLIVAN: Thank you.

22 OLIVIA RATAY: Phone number ending in 8311.

1 HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley
2 Street. Since Michael Brandon raised the question about
3 whether the Board was properly citing the law, I wanted to
4 say that that is my understanding: If you build something
5 with a building permit, after six years whatever you built
6 is okay. And if you build without one, after 10 years then
7 for zoning purposes, if not for any other purposes, it's
8 also okay.

9 And now you have a question as to when it might
10 possibly become actually a used deck. And I hope you get an
11 appropriate answer to it. Thanks.

12 BRENDAN SULLIVAN: Thank you for calling in,
13 Heather. And that is the sum and substance of anybody
14 calling in. So I will close the public comment part of
15 this.

16 Adam?

17 ADAM GLASSMAN: Sure. First of all, just so no
18 one gets the wrong idea, we were never coming here saying
19 that this was a previously permitted deck. That is not at
20 all what we're saying.

21 And I appreciate you, Brendan, bringing that point
22 to us as, you know, as information. Our assumption was that

1 we needed relief to do everything here. It sounds like we
2 probably still do. So I think we were correct there.

3 I think we'd like to ask for a continuance. And
4 I'd also like a little bit more direction from the Board. I
5 think we'd be happy to do with the steel cable railing
6 system.

7 I can't tell if the Board is pro-planter or anti-
8 planter. I think your suggestion would be helpful there.
9 If we could go with a more transparent-style railing, then
10 whatever behind it is more visible. That was part of the
11 reason for our design was to create something that from the
12 street the view really wouldn't change -- the railing, the
13 planters, you would never really see what was behind that.

14 But we can definitely go to a more transparent-
15 style railing, and we can do fewer planters. We can keep
16 the planters we have; whatever you think is appropriate.

17 BRENDAN SULLIVAN: Okay. Thank you. I have not
18 opined, listening to my other Board Members. And I value
19 their input and their intellect greater than mine.

20 On this particular proposal, I am in favor of it
21 in the fact that it is an existing deck that's been in use
22 for a number of years, and that what is proposed is an

1 improvement to an existing condition.

2 That it is being pulled in a little bit on the
3 sides to align with the edge of the building -- before it
4 was sort of hanging out almost to the gutter line -- and I
5 think in deference to Mr. Ellsworth's concern that the
6 petitioner has pulled it back considerably to respect his
7 wishes, his privacy, and has now given his support with
8 conditions, I think, that it can be potentially improved
9 upon.

10 Listening to my fellow Board Members, I hear them,
11 and I respect their opinion, and probably right on point
12 that maybe it needs to be redone. I think, Andrea, you had
13 mentioned that if this was a de novo, it would be a
14 nonstarter from the beginning, and that would be my
15 viewpoint also.

16 And so I would not support it if it was coming
17 down before us as a new beginning. But it is existing. The
18 petitioners have used it. There have not been any
19 complaints, outcry from adjoining properties over these last
20 many years, and that the presentation shows that it is their
21 only outdoor space.

22 And I think, you know, however those condo deeds

1 are set up, that this is an amenity I think that is
2 exclusive to the third-floor unit. And I don't see any
3 adverse effect of it. Can it be improved? Potentially. So
4 that's my thought on this.

5 So going back to Mr. Glassman's suggestion of
6 continuing the matter, let me poll the Board again. Mr.
7 Alexander, your thought on how it can be improved, or your -
8 -

9 CONSTANTINE ALEXANDER: I'm always reluctant to
10 help design. We're not here to design. We're asked about a
11 design being presented to us by the homeowner or the
12 property owner and his architect and counsel, if he has one.
13 So I think there were a lot of comments made, and I think
14 Mr. Glassman, you have a sense of what the issues are. And
15 so I would not propose to say anything more.

16 BRENDAN SULLIVAN: Okay. Andrea, your thoughts to
17 possibly nudge the petitioner to a better design, or --

18 ANDREA HICKEY: Well --

19 BRENDAN SULLIVAN: -- as possible?

20 ANDREA HICKEY: -- right. After hearing from Ms.
21 Haas, the original developer, I now -- frankly -- have a
22 question as to whether what is there now is an existing

1 deck? It begs the question for me, "What is a deck?" if
2 you put a chair up on a tar roof and put a planter on the
3 edge, does that make it a deck?"

4 ADAM GLASSMAN: Well --

5 ANDREA HICKEY: I'm struggling with that question
6 now, as to sort of when it became a deck, if it ever did.
7 Because if we are going to rely on the fact that there's
8 been a deck there for 10 years, what constitutes a deck for
9 that purpose? Putting one piece of furniture up there?
10 Putting one planter up there? I am struggling with that.

11 And I'm open to hearing from the petitioners or
12 Mr. Glassman or anyone as to how I can resolve that issue.

13 ADAM GLASSMAN: I guess I would say a deck, a
14 rooftop deck is a defined area for safe habitation and use,
15 and it has been used accordingly. The deck space that was
16 there when Paul and Justin bought their unit and moved in
17 and started enjoying it included protective, heavy-duty mats
18 over the roof membrane. It included built-in planters all
19 around the perimeter. It included a guardrail.

20 All those elements put together, it's not one
21 planter, it's not -- you know, one piece of protective
22 covering, it's not -- you know, just a section of railing,

1 it was really -- it had all the components of a safe,
2 occupiable rooftop area with a history of use.

3 ANDREA HICKEY: When you say, "built-in" planters,
4 what are they built into? Are they connected to the roof
5 somehow?

6 ADAM GLASSMAN: Well, I guess they were so -- the
7 size of them, the weight of them, how they were more or less
8 attached to the railing system, all of these things -- I
9 mean, the railing was attached to the roof, the planters
10 were -- I believe, more or less attached to the railing
11 system.

12 They were big, wooden boxes and we have photos of
13 them. They weren't small, plastic pots you could just, you
14 know, buy from the store.

15 ANDREA HICKEY: Right. They don't look to me like
16 they're built in or attached. But I'm --

17 ADAM GLASSMAN: I guess given the extent of them;
18 they did serve as an additional barrier. They continued to
19 have the same extent across the edge of the space, just as
20 the railings did. And I would say --

21 ANDREA HICKEY: Do you know when those planters
22 went up there?

1 PAUL BOYD: This is what we said earlier: It was
2 at least two owners before us. And then just to add a bit
3 more color to that, the rope which constituted the railing
4 was attached to the head house.

5 And then through the wooden spikes that connected
6 to these hundred-pound, multi-hundred-pound planters that
7 created a space, the furniture up there was there
8 permanently, it wasn't like a folding chair that, you know,
9 it was like that furniture stayed up and in fact was quite
10 difficult to get down.

11 So it really did form a space. The rubber, the
12 thick, heavy membrane that Adam mentioned was glued to the
13 rubber membrane. So, you, it wasn't just the furniture
14 sitting on the rubber membrane. So there was real effort to
15 create a space in there. That space was in the listing for
16 the unit. And so, you know, I think through usage and by --
17 this was not a temporary measure, this was affixed to the
18 building, either through weight or through cables.

19 ANDREA HICKEY: Thank you. I have concerns around
20 whether what is there is a deck. I'll leave it at that for
21 now.

22 ADAM GLASSMAN: Could I just -- I'd like to take a

1 step back for a moment and just say that, you know, as we
2 all know, the Board issues variances for all kinds of zoning
3 issues every two weeks. Sometimes it's a setback, sometimes
4 it's far. Sometimes it's building height.

5 In this case, I'm not sure why the building height
6 raises such objection, given that we're talking about 42-
7 inch rails to replace rails that have been there.

8 You know, the hardship here is real. And if we,
9 you know, step out of the zoning box for a minute, this
10 proposed deck and the deck that was there, the space that
11 was used before -- again, there were no complaints, there is
12 no detriment to the community, to abutters, to the building.

13 And zoning relief would allow these gentleman to
14 enjoy their roof deck as they have been, without any real
15 change to the character or the livability of the
16 neighborhood. No one's experience will be changed from this
17 neighborhood by granting relief for their hardship.

18 BRENDAN SULLIVAN: Andrea, would you be open,
19 amenable to a redo again on this? A re -- possibly a
20 redesign and to another look at it?

21 ANDREA HICKEY: I'm 100 percent open to a
22 continuance. I -- it will give me some time to think

1 further. And I would be in favor of a continuance.

2 And if I were inclined to approve a proposal, I'd
3 like to see the area no bigger than what is there now, in
4 terms of I believe it was 233 square feet. And if I were to
5 approve something like this, I'd want to see it pulled back
6 from the edge more.

7 BRENDAN SULLIVAN: Right.

8 ANDREA HICKEY: Thank you.

9 ADAM GLASSMAN: So how --

10 BRENDAN SULLIVAN: Wendy, any further thoughts
11 from you at all on this, and would you be amenable to a
12 redo?

13 ANDREA HICKEY: I would like to see a continuance
14 and a redo, yes.

15 BRENDAN SULLIVAN: Okay. Jim? Your thoughts?

16 JIM MONTEVERDE: As I stated before, my only
17 concern was the character of the rail itself. I have no
18 objection to the planting up there, no objection to the
19 extent, to the addition of it. Strictly just the character
20 of the rail itself.

21 BRENDAN SULLIVAN: And any suggestions, Jim, as to
22 --

1 JIM MONTEVERDE: No, I think Adam started to run
2 down the usual list of suspects, right? It's either glass,
3 it's either wire, it's cable, it's --

4 BRENDAN SULLIVAN: Okay.

5 JIM MONTEVERDE: -- I'm scratching my head just
6 looking at the diagram if legally or technically code wise
7 you really need a guardrail? Because the planter stops
8 someone from getting to the edge. But it's probably a good
9 idea. You know, could it be an OSHA rail? You know, just
10 top rail, middle rail, bottom rail? And pipe stock?

11 Any of those things that are more transparent,
12 more open I think, Adam, you're well versed in what all
13 those options may be.

14 ADAM GLASSMAN: Yeah, I think building code they
15 may require something at least 42 inches. Now, whether or
16 not the planters would act -- I don't know, that's a
17 Building Inspector --

18 JIM MONTEVERDE: Yeah. I'll leave that to Mr.
19 Glassman.

20 ADAM GLASSMAN: Thank you.

21 BRENDAN SULLIVAN: Well, I think if you've heard
22 the sentiment of the Board, I tend to agree with Andrea on

1 the size of the deck being bigger square footage wise than
2 what's there now. So how you pull it in in order to satisfy
3 Mr. Ellsworth, and then --

4 ADAM GLASSMAN: Sure.

5 BRENDAN SULLIVAN: -- from there 200 and --

6 ADAM GLASSMAN: Sure.

7 BRENDAN SULLIVAN: -- proceed there?

8 ADAM GLASSMAN: Sure.

9 BRENDAN SULLIVAN: But anyhow, that would be one
10 suggestion that I would have. If you continue this matter,
11 the earliest would be May 5. Because we have a full
12 schedule for March and April. So the earliest we could get
13 you on would be May 5.

14 ADAM GLASSMAN: Okay.

15 BRENDAN SULLIVAN: And Mr. Alexander, you'll be
16 here on May 5?

17 CONSTANTINE ALEXANDER: Yes.

18 BRENDAN SULLIVAN: Andrea, we're going to keep --
19 we're not going to let you go. Are you still here on May 5?

20 ANDREA HICKEY: Yes, I am.

21 BRENDAN SULLIVAN: Wendy, will you be available on
22 the May 5?

1 WENDY LEISERSON: Yes.

2 BRENDAN SULLIVAN: And Jim?

3 JIM MONTEVERDE: I am available. Thank you.

4 BRENDAN SULLIVAN: Okay. And I'm not going
5 anywhere. All right. Let me make a motion, then, to
6 continue this matter.

7 CONSTANTINE ALEXANDER: Brendan, before you make
8 the motion, I think we should require the petitioner to
9 deliver consent from the condo association, which they
10 didn't do. That should be in our files before May 5.

11 BRENDAN SULLIVAN: Yeah. Thank you. What I was
12 going to suggest was something along that line anyhow; that
13 -- let me make a motion, then, to continue this matter until
14 May 5, 2022 at 6:00 p.m. on the condition that the
15 petitioner -- we already signed a waiver to the statutory
16 requirement for a hearing and a decision -- change the
17 posting sign to reflect the new date of May 5 and the new
18 time of 6:00 p.m.

19 Further, that if there be any changes to the
20 current plan, that they be in the file no later than 5:00
21 p.m. on the Monday prior to May 5, 2022. If there are any
22 said changes, that the other owners of the condo association

1 be shown those and voice their opinion as to those changes,
2 either in support or not.

3 CONSTANTINE ALEXANDER: Yeah, the only things
4 that's being waived for a time for a decision, a week from
5 Monday. You didn't mention that.

6 BRENDAN SULLIVAN: This has already been
7 continued. So yes.

8 CONSTANTINE ALEXANDER: I'm sorry?

9 BRENDAN SULLIVAN: This matter has already been
10 continued, so you've already signed a waiver, right? Is
11 that right, Adam?

12 ADAM GLASSMAN: That's correct.

13 BRENDAN SULLIVAN: Yes, okay.

14 CONSTANTINE ALEXANDER: Okay, we're good. Thank
15 you. Understood.

16 BRENDAN SULLIVAN: All right any other? Okay.
17 Then, on the motion, then, to continue this matter to May 5,
18 Mr. Alexander?

19 CONSTANTINE ALEXANDER: I vote in favor?

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: Yes, in favor.

22 BRENDAN SULLIVAN: Wendy?

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WENDY LEISERSON: Yes, in favor.

BRENDAN SULLIVAN: Jim.

JIM MONTEVERDE: Yes, in favor.

BRENDAN SULLIVAN: Brendan Sullivan yes on the motion.

[All vote YES]

BRENDAN SULLIVAN: This matter is continued until May 5, 2022.

ADAM GLASSMAN: Thank you.

1 * * * * *

2 (7:25 p.m.)

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

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 151512 -- 38 Cameron Ave. Is there anybody on the line to
8 speak on this matter?

9 KIRIN KACHROO-LEVINE: Hello.

10 BRENDAN SULLIVAN: Mr. Richards? Yes.

11 KIRIN KACHROO-LEVINE: Hi. I'm here representing
12 Meter Parts.

13 BRENDAN SULLIVAN: Okay. And if you could
14 introduce yourself for the record.

15 KIRIN KACHROO-LEVINE: My name is Kirin Kachroo-
16 Levine.

17 BRENDAN SULLIVAN: Okay.

18 KIRIN KACHROO-LEVINE: So we are requesting a
19 continuance to the next continued cases hearing. And we
20 advised Olivia in advance, and she said we needed to come to
21 request it in person.

22 So at our original date in December, we received

1 some feedback from neighbors on the day of the hearing.
2 Subsequently, we scheduled a neighborhood meeting to get
3 feedback from more neighbors. They raised a number of
4 questions and concerns.

5 And so our intention is to have a subsequent
6 neighborhood meeting where we have a chance to present
7 revised plans and respond prior to appearing at the Board.

8 BRENDAN SULLIVAN: Great. This is a case not
9 heard, so any five Members can sit on it. The earliest date
10 would be May 5.

11 CONSTANTINE ALEXANDER: April 28?

12 BRENDAN SULLIVAN: Well, we should have given that
13 to Mr. Glassman. All right. So May 5. On the motion,
14 then, to continue this matter to May 5, 2022, on the
15 condition the petitioner change the posting sign to reflect
16 the new date, May 5, 2022 and the new time at 6:00 p.m.?

17 That any new submittals, different from what's in
18 the file already be in the file by 5:00 p.m. on the Monday
19 prior to the May 5 date.

20 That a correspondence also attach such changes to
21 any submittals. Anything else to add? So the waiver of
22 statutory requirement has been signed.

1 On the motion, then, to continue, Andrea are you
2 still on this, or --

3 ANDREA HICKEY: I'm here if you need me, either
4 way.

5 BRENDAN SULLIVAN: All right. Mr. Alexander, on
6 the motion to continue?

7 CONSTANTINE ALEXANDER: I vote in favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Wendy?

11 WENDY LEISERSON: Yes, in favor.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: I vote in favor.

14 BRENDAN SULLIVAN: Brendan Sullivan in favor, so
15 the matter is continued until May 5, 2022 at 6:00 p.m.

16 ANDREA HICKEY: Mr. Chair, if we could just
17 confirm for the record that it's continued as a case not
18 heard?

19 BRENDAN SULLIVAN: A case not heard, correct.

20 JIM MONTEVERDE: Right.

21 ANDREA HICKEY: Thank you.

22 KIRIN KACHROO-LEVINE: All right. Thank you.

1 BRENDAN SULLIVAN: Thank you, sir. Andrea, are
2 you here for the remaining evening, or --

3 ANDREA HICKEY: I had not planned to be, so my
4 plans have changed. So if I'm needed, I can stay. If I am
5 not needed. I will bow out.

6 BRENDAN SULLIVAN: Always needed. Always needed.
7 Goes without saying. Thank you.

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2 (7:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Matina Williams, Wendy Leiserson and Jim
5 Monteverde

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 157695 -- 10 Fawcett Street. Oh, Andrea?

8 ANDREA HICKEY: Yes.

9 BRENDAN SULLIVAN: Matina Williams was actually
10 scheduled for this evening, so if you wish to go on about
11 your other stuff.

12 ANDREA HICKEY: All right. Great. Then I will
13 log off, but if I am needed for any reason, if a conflict
14 develops, someone could just phone me and I'll be back on.

15 BRENDAN SULLIVAN: Great. Okay.

16 ANDREA HICKEY: Thank you.

17 BRENDAN SULLIVAN: Thank you. All right.

18 ANDREA HICKEY: Goodnight.

19 JIM MONTEVERDE: Goodnight.

20 CONSTANTINE ALEXANDER: Matina's supposed to be
21 on, but so far, she's not on.

22 BRENDAN SULLIVAN: We're waiting for the other

1 Member. They're having some technical difficulties.

2 [Pause]

3 She's in. Okay, we have five Members. Welcome,
4 Matina. All right. The Board will hear Case No. 157695.
5 Adam? Mr. Braillard?

6 ADAM BRAILLARD: Sorry. Thank you, Mr. Chair and
7 Members of the Board. Adam Braillard, Prince Lobel Tye.
8 We're at One International Place in Boston, Massachusetts.
9 I think I had two other applications in front of the Board
10 tonight, totaling three here. So I'll try to be as
11 efficient as possible.

12 This application --

13 BRENDAN SULLIVAN: I'm sorry to interrupt here.
14 You're aware of the Planning Board comments on 10 Fawcett
15 Street, and have you had a chance to review that?

16 ADAM BRAILLARD: We have.

17 BRENDAN SULLIVAN: And there were some suggestions
18 by Community Development, and have those suggestions been
19 incorporated into the plan at all? I'm not sure how it
20 could be, because this came out on Tuesday.

21 ADAM BRAILLARD: Right.

22 BRENDAN SULLIVAN: So anyhow, what is the status

1 of -- actually Fawcett Street and then of course it would be
2 Arrow Street, as far as the application that is before us?

3 ADAM BRAILLARD: Correct. And we've -- we'll talk
4 about Arrow Street, but we did receive the memo Monday
5 night, Tuesday met with the Planning Staff -- I'm sorry,
6 Planning Board on Tuesday and discussed the challenges for
7 some of those suggestions, and effectively they kept them in
8 the Memo, and asked that we meet with the Board of Zoning
9 Appeals.

10 So I do have some comments that I'd like to run
11 through with the Board if that's okay, in connection with
12 those Memos specific to each case.

13 BRENDAN SULLIVAN: The only thing is that as far
14 as your discussions with them, I would like for those to be,
15 you know, put in a submittal form, which we don't have.

16 And I guess where I'm going is whether or not we
17 should not continue this particular case, and also, Arrow
18 Street, in order for you to address the issues that were
19 raised by Community Development/Planning Board, incorporate
20 those into a revised application, and then come back before
21 us?

22 ADAM BRAILLARD: Well, I'd like to get some more

1 direction, I think, from the Board, if that's possible. We
2 filed this application under special permit requirements, as
3 well as the Section 6409 of the Middle Class Tax Relief and
4 Job Creation Act of 2012.

5 And we believe that we conform with Section 6409
6 in that this is an Eligible Facilities request. But we
7 understand that the Board has a process to review those.

8 My concern is that, you know, we did file this --
9 there is a timeline associated with an Eligible Facilities
10 Request. And I don't think the process would conform to
11 those if we're continued substantially. It looks like that
12 won't be until May. So that's one of the concerns.

13 We did prepare to discuss some of these for all of
14 these -- all of the information in the Memos to the Board.
15 But I -- if we could, it would be helpful and, I guess on my
16 end to discuss those.

17 CONSTANTINE ALEXANDER: Mr. Chairman, can I --

18 BRENDAN SULLIVAN: Yeah. No, I know in your
19 pleadings you have raised the issue that you feel that your
20 position is that you should under 6904 is just submit an
21 application for a building permit, and that it should be
22 issued.

1 And where I summarize, you're asking the Board
2 whether or not that we would concur with that conclusion and
3 basically not have to come before the Board.

4 My retort on that would be that we go by the
5 commissioner's decision, and obviously he is based upon
6 advice from Legal -- Law Department --

7 ADAM BRAILLARD: Mm-hm.

8 BRENDAN SULLIVAN: -- that a special permit is
9 required. Absent of your filing a building permit and the -
10 - without going before the Zoning Board, and the
11 Commissioner says no, you need to go get a special permit,
12 that you obviously have a right to appeal that decision of
13 the Commissioner, which then would be a formal appeal to us.

14 Absent of that formal appeal, then I rely upon the
15 Commission's determination that you need a special permit,
16 and will not opine as to your position that you don't need
17 one. And just 6409 would give you the right to just being
18 issued a building permit.

19 Mr. Alexander?

20 CONSTANTINE ALEXANDER: You covered some of what I
21 was going to point out. If we continue this case, you'll
22 have a continuance until the end of May, given our Docket

1 and I'm sure that's not acceptable or desirable for the
2 petitioner. So I'm trying to think of a way we can try to
3 get this case resolved one way or another, earlier than
4 that.

5 And one possibility -- I don't know if it works --
6 is that we grant the, given we do want to grant the special
7 permit, subject to the condition that the work proceed in
8 accordance with the plans in all material respects that are
9 as outlined in the Planning Board, unless the -- well, do it
10 that way.

11 And see if the petitioner can persuade -- if they
12 can comply with the Planning Board, they can persuade the
13 Building Commissioner to nevertheless allow the project to
14 go through. Again, assuming that we vote in favor tonight.

15 It's a little bit of a dilemma, because it's a
16 long continuance. I can understand why the petitioner would
17 not want to continue until sometime late in May.

18 BRENDAN SULLIVAN: Any other Member of the Board
19 have any opinion on -- Matina, any comments at all, any
20 thoughts?

21 MATINA WILLIAMS: Not at this time.

22 BRENDAN SULLIVAN: Okay. Wendy, you got any

1 comments or thoughts on the issue before us?

2 WENDY LEISERSON: No.

3 BRENDAN SULLIVAN: Jim?

4 JIM MONTEVERDE: I concur with Gus's comments.

5 That seems to be a reasonable way to at least move forward.

6 BRENDAN SULLIVAN: Okay. So Adam, on the -- on
7 Fawcett Street, I don't want to take away your presentation,
8 your thunder, but Community Development basically has said
9 the installation] has been before the Planning Board on
10 several occasions and is utilized by multiple carriers.

11 Due to the building's massing and design, the
12 installation appears relatively unobtrusive and well-
13 accommodated. And while the new mounting brackets are
14 better concealed -- placements -- the following are
15 suggested design improvements.

16 The antennas should be moved several inches down
17 the façade, so they do not appear to break the parapet line.
18 Can that be accomplished?

19 ADAM BRAILLARD: So that's a challenge in this
20 particular case, because there is existing obstacles in
21 vents and doorways not -- on the parapet that prevent us
22 from lowering some of the antennas. There's also clutter in

1 structures on the rooftop that are in front of the antennas,
2 and we do not want to lower, so that the radiofrequency
3 propagation would propagate into those. So that's another
4 concern.

5 And we have -- our installation does have
6 cabinets. They're out of view, but they are in front of
7 other antennas that would block the radiofrequency signal if
8 we lowered the antennas.

9 I would note that the --

10 BRENDAN SULLIVAN: There's a degree of difficulty
11 with that?

12 ADAM BRAILLARD: Correct.

13 BRENDAN SULLIVAN: Okay. Since the -- two, since
14 the replacement antennas are shorter, if feasible, consider
15 utilizing antenna covers, so that the new antenna are
16 similar length to the other antennas. What they're looking
17 for is some continuity there.

18 ADAM BRAILLARD: Sure.

19 BRENDAN SULLIVAN: Is that possible?

20 ADAM BRAILLARD: Sure. So quick answer, and let
21 me just go forward. The rest of the suggestions are agreed
22 to. There's challenges with the first one. The second one

1 there's also challenges here.

2 The quick answer is it's not feasible. I spoke
3 with the engineers of record, because I hadn't heard of the
4 carrier actually extending the power with a foe or stealth
5 structure to make it look longer. And the reason is because
6 mechanically attaching it to the antenna, there just isn't a
7 place to do it. So there would be a concern of maintenance.

8 The only other way to do it would be to wrap the
9 entire antenna, and then install that against the façade of
10 the penthouse, but the property owner has stated that they
11 are not willing to allow for any additional penetration into
12 that penthouse.

13 So we're kind of stuck here as well. The quick
14 answer is it wouldn't be feasible to extend that antenna.

15 The proposal is to remove one antenna and this --
16 the proposal is to remove two antennas and replace them with
17 two like-kind antennas, but they're smaller. And that's the
18 reason for the note from the Planning Board, the Planning
19 Staff.

20 BRENDAN SULLIVAN: Okay. And I think some of the
21 other ones are nice, but "Remove unused mounting brackets"
22 the one that you control, obviously, the antennas can be

1 positioned a little bit. And again, I think that's an
2 engineering thing. "All painting materials should be a
3 matte finish," which is our normal. "Encourage changes to
4 the other carriers" is not your purview, and maybe down the
5 road we can help with that one there.

6 So I think Mr. Alexander, maybe we could go
7 forward. Okay. All right. Is there anything else you want
8 to add, or have we gone through it all?

9 ADAM BRAILLARD: That's it. Thank you very much,
10 Mr. Chair.

11 BRENDAN SULLIVAN: All right. Any questions by
12 any Members of the Board?

13 JIM MONTEVERDE: No.

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

18 If you are calling in by phone, you can raise your
19 hand by pressing *9 and unmute by pressing *6. There is
20 nobody calling in. Let me just go through. So I will close
21 the public comment part. Adam, you have no other comments?

22 ADAM BRAILLARD: That's correct. No other

1 comments. Thank you, Mr. Chair.

2 BRENDAN SULLIVAN: Ready for a motion?

3 CONSTANTINE ALEXANDER: I'm ready.

4 BRENDAN SULLIVAN: In reviewing a special permit
5 application for mobile communication facilities, the Board
6 shall consider the following: the scope or limitations
7 imposed by any license secured from any state or federal
8 agency. And you have no limitations, and you have submitted
9 the required documentation.

10 The extent to which the visual impact of the
11 various elements of the proposed facility is minimized, and
12 the submission is that it will be a matte finish to somewhat
13 replicate the background of the antennas. Is that correct?

14 ADAM BRAILLARD: That's correct, Mr. Chair, if
15 that was addressed to me.

16 BRENDAN SULLIVAN: Also, the Special Permit
17 Criteria: It appears that the requirements of the ordinance
18 can be met with the granting of the special permit, if the
19 Board finds that traffic generated or patterns of access or
20 egress would not cause congestion, hazard, or substantial
21 change in established neighborhood character.

22 The Board notes that it is an existing telecom

1 facility already on the building.

2 The continued operation of or development of
3 adjacent uses, as permitted in the zoning ordinance, would
4 not be adversely affected by what is being proposed use.

5 That there would not be any nuisance or hazard
6 created to the detriment of the health, safety, welfare of
7 the occupant of the proposed use, or to the citizens of the
8 city. In fact, with the upgrade in equipment, it would be
9 an enhancement and a benefit to the citizens of the city.

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

14 The Board also incorporates into this decision any
15 previous conditions that were imposed on the communications
16 facility by the applicant at this address.

17 The Chair further moves that based upon the
18 information that the Board grant the request as described in
19 the petitioner's submittal material as signed and initialed
20 by the Chair, and the evidence before the Board.

21 That the work proceed in accordance with the plans
22 submitted by the petitioner, initialed by the Chair. And

1 upon completion of the work, the physical appearance and
2 visual impact of the proposed work will be consistent with
3 the photo simulations submitted by the petitioner and
4 initialed by the Chair, with the exceptions as noted by --
5 in an attempt to comply with or address the issues raised by
6 -- in the correspondence on the Community Development
7 Department to the extent possible.

8 That the petitioner at all times maintain the
9 proposed work, so that its physical appearance and visual
10 impact remains consistent with the photo simulations
11 previously referred to.

12 Should the petitioner cease to utilize the
13 equipment approved tonight for a continuous period of six
14 months or more, it promptly thereafter remove such equipment
15 and restore the building on which it is located to its prior
16 condition and appearance, to the extent reasonably
17 practicable.

18 That the petitioner continue to comply with the
19 conditions imposed by the Board with respect to the previous
20 special permits granted to the petitioner, with regard to
21 the site in question.

22 That in as much as the health effects of the

1 transmission of electromagnetic energy waves is a matter of
2 ongoing societal concern and scientific study, the special
3 permit is also subject to the following conditions:

4 a) That the petitioner shall file with the
5 Inspectional Services Department each report it files with
6 the federal authorities regarding electromagnetic energy
7 wave emissions emanating from all of the petitioner's
8 equipment on the site.

9 Each such report shall be filed with the
10 Inspectional Services Department no later than 10 business
11 days after the report has been filed with the federal
12 authorities.

13 Failure to timely file any such report with
14 Inspectional Services shall ipso facto terminate the special
15 permit granted tonight.

16 b) That in the event that at any time federal
17 authorities notify the petitioner that its equipment on the
18 site, included but not limited to the special permit granted
19 tonight, fail to comply with the requirements of law, or
20 governmental regulations -- whether with regard to the
21 emissions of electromagnetic energy waves or otherwise --
22 the petitioner, within 10 business days of receipt of such

1 notification of such failure, shall file with the
2 Inspectional Services Department a report disclosing in
3 reasonable detail that such failure has occurred, and the
4 basis for such claimed failure.

5 The special permit shall ipso facto terminate if
6 any of the petitioner's federal licenses are suspended,
7 revoked or terminated.

8 c) That in the event that a special permit has
9 terminated, pursuant to the foregoing paragraphs a) and b),
10 the petitioner may apply through this Board for a new
11 special permit, provided that the public notice containing
12 such application discloses in reasonable detail that the
13 application has been filed because of the termination of the
14 special permit pursuant to paragraphs a) or b) above.

15 Any such new application shall not be deemed a
16 repetitive petition, and therefore will not be subject to
17 the two-year period during which repetitive petitions may
18 not be filed.

19 d) That within 10 business days after receipt of a
20 building permit for the installation of equipment subject to
21 this petition, the petitioner shall file with the
22 Inspectional Services Department a sworn affidavit of the

1 person in charge of the installation of equipment by the
2 petitioner of the geographical area that includes Cambridge
3 stating that:

4 a) he or she has such responsibility, and

5 b) that the equipment being installed pursuant to
6 the special permit will comply with all federal safety
7 rules, and will be situated and maintained in locations with
8 appropriate barricades and other protections, such that
9 individuals, including nearby residents and occupants of
10 nearby structures, will be sufficiently protected from
11 excessive radiofrequency radiation under federal law.

12 On the motion to grant the special permit for 10
13 Fawcett Street, Mr. Alexander?

14 CONSTANTINE ALEXANDER: I vote in favor.

15 BRENDAN SULLIVAN: Jim Monteverde?

16 JIM MONTEVERDE: Jim Monteverde in favor.

17 BRENDAN SULLIVAN: Matina Williams?

18 MATINA WILLIAMS: Matina Williams in favor.

19 BRENDAN SULLIVAN: Wendy?

20 WENDY LEISERSON: Wendy Leiserson in favor.

21 BRENDAN SULLIVAN: Brendan Sullivan in favor.

22 [All vote YES]

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BRENDAN SULLIVAN: Five affirmative votes. The special permit is granted at 10 Fawcett Street is granted.

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2 (7:50 p.m.)

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

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 158753 -- 14 Arrow Street. Mr. Brailard?

8 ADAM BRAILLARD: Thank you, Mr. Chair. For the
9 record, Members of the Board my name is Adam Brailard with
10 Prince Lobel Tye.

11 We're located at One International Place in
12 Boston, Massachusetts here on behalf of T-Mobile to modify
13 an existing wireless communications facility pursuant to a
14 special permit and Eligible Facilities request under Section
15 6409 of the Middle Class Tax Relief and Job Creation Act of
16 2012, and also pursuant to the City's Ordinance Section 10-
17 43.

18 The proposal here is to modify -- like I said,
19 modify an existing facility by replacing the six current
20 panel antennas that are there with six new antennas, and
21 also, replacing remote radio heads and adding some
22 additional equipment in the Equipment Room, which would be -

1 - which is inside the facility and out of view.

2 The Planning Staff and Planning Board had some
3 comments -- a Memo from Monday, Tuesday of this week that we
4 think we are in a position to discuss, if that pleases the
5 Board?

6 BRENDAN SULLIVAN: Yes. Let me just read the
7 Planning Board Report dated February 9. The Board discussed
8 concerns about the visual impact of the proposed replacement
9 antennas and assigned equipment on the architecture of the
10 building and the smokestack, which is visible from any
11 vantage point.

12 While the Board noted that the current
13 installation is not the only visibly disruptive element,
14 Board Members raised concerns about the installation's
15 ungainly appearance on top of the historically significant
16 building.

17 The Board recommends that the BZA consider the
18 suggestions provided in the Community Development
19 Department's Memo to reduce the visual impacts of the
20 installation.

21 The proposal involves modification of the existing
22 T-Mobile antenna installation on the rooftop of 14 Arrow,

1 the Reversible Collar company building. [A little bit of
2 history.] The site is quite visible, and is located within
3 the Harvard Square Conservation District, and the Harvard
4 Square National Register of Historic Places.

5 Six panel antennas currently installed in the
6 façade of the existing smokestack will be replaced with six
7 new antennas, and three remote radio units will be replaced
8 with six new radio remote units. All antennas and
9 supporting equipment will be painted to match the
10 smokestack.

11 While this is an existing installation, the
12 replacement antennas are getting longer, wider and deeper.
13 And the new radio -- remote radio units add additional
14 clutter.

15 The larger antennas appear to project more
16 prominently from the smokestacks' face, which gives the
17 stack a top-heavy appearance due to its tapered form and
18 draws further attention to the installation.

19 Some improvements have been made with the removal
20 of the cable trays on the north face of the smokestack.
21 However, the proposed cabling and mounts could be better
22 concealed and organized.

1 It would also be helpful if existing and proposed
2 elevations each smokestack face were provided to understand
3 the full extent of changes for following our specific
4 suggestions to help reduce the visual impacts of the
5 installation.

6 The antennas -- the RRUs -- remote radio units --
7 and other equipment should be moved down the façade of the
8 smokestack to achieve a 45-degree setback plane, so the
9 antennas do not interrupt view lines of the smokestack
10 ground.

11 Adam, can you comment on that?

12 ADAM BRAILLARD: Yes. Sorry, Mr. Chair. Yes. I
13 discussed this with the radiofrequency team of the
14 applicant, and the applicant is agreeable to that 45-degree
15 setback plane.

16 BRENDAN SULLIVAN: If feasible, consider placing
17 the RRUs and all cable in the interior of the smokestack, if
18 it is no longer in use.

19 ADAM BRAILLARD: Yeah. Quick answer there: Not
20 feasible. The smokestack is currently in use. We confirmed
21 that with the landlord yesterday.

22 BRENDAN SULLIVAN: Okay. Usually in this case a

1 brick color pattern treatment may be more appropriate, as
2 there is a range of hues and tones present. And the solid
3 colors shown in the photo simulations appear to call more
4 attention to the antenna.

5 ADAM BRAILLARD: Agreeable. The challenge there,
6 I think, from the Staff was generally these are requests
7 that we paint it a solid matte color. But in this
8 particular case, the Staff felt that it would be preferable
9 to paint basically the break pattern, which the applicant
10 agrees with.

11 BRENDAN SULLIVAN: My only comment on that is that
12 I have seen that, and that's why we're getting away from it,
13 because whoever used to get up there and do it, it was
14 awful. But if you have agreed to do that, and hopefully we
15 will critique it after it's done, then whether or not it's
16 the way to go forward.

17 Tidy up and ensure all exposed cables and wires
18 are tightly fixed to the façade.

19 ADAM BRAILLARD: Agree too.

20 BRENDAN SULLIVAN: That should be an easy one.
21 Remove all unused pipe mounts and cable trays where
22 possible.

1 ADAM BRAILLARD: Yes.

2 BRENDAN SULLIVAN: And that should be an easy one.

3 ADAM BRAILLARD: Correct.

4 BRENDAN SULLIVAN: Utilize the smallest mounting
5 brackets available so that the antennas can be mounted as
6 close as possible to the façade surface.

7 ADAM BRAILLARD: Yeah, so confirmed with the
8 Engineering team that the proposal is using the smallest
9 available -- smallest brackets available for the
10 installation.

11 BRENDAN SULLIVAN: Okay, good. All right. We
12 setback in -- going down the right road. Let me open it to
13 Members of the Board. Mr. Alexander, your thoughts on the
14 proposal?

15 CONSTANTINE ALEXANDER: I have no further comment.

16 BRENDAN SULLIVAN: Matina, any questions or
17 concerns?

18 MATINA WILLIAMS: No, not at this time.

19 BRENDAN SULLIVAN: Okay. Wendy, any questions or
20 concerns on this proposal?

21 MATINA WILLIAMS: No.

22 BRENDAN SULLIVAN: Jim?

1 JIM MONTEVERDE: No. I'm fine, thank you.

2 BRENDAN SULLIVAN: Okay. And I have no questions,
3 now that I'm audible. May I open it to public? Any member
4 of the public who wishes to speak should now click the
5 button that says, "Participants," and then click the button
6 that says, "Raise hand."

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

10 There is nobody calling in. We are in (sic), I
11 believe, correspondence from the Cambridge Historical
12 Commission, which is a Certificate of Non-Applicability at
13 14 Arrow Street.

14 T-Mobile Cambridge Historical Commission hereby
15 certifies pursuant to Chapter 2.78, Article 3 of the Code of
16 the City of Cambridge, an order establishing the Harvard
17 Square Conservation District that the work described below
18 does not involve any activity requiring issuance of a
19 Certificate of Appropriateness or hardship, dated January
20 13.

21 That is the sum and substance of correspondence.

22 I will close the public comment portion of the

1 hearing. And Adam, any other comments?

2 ADAM BRAILLARD: Mr. Chair, no, thank you.

3 BRENDAN SULLIVAN: All right. Let me make a
4 motion, then, to grant the relief requested. Any other
5 Members of the Board wish to comment?

6 CONSTANTINE ALEXANDER: Do you want to just --
7 it'll be the same thing we did before, we should incorporate
8 it by reference?

9 BRENDAN SULLIVAN: I would like to, because I'm
10 just going to keep repeating myself. We could have recorded
11 it and just pressed a button.

12 If the Board will allow. I'm just going to repeat
13 exactly what I said for the prior case -- incorporate that
14 language by reference into a motion to grant the special
15 permit for this application at 14 Arrow Street.

16 On the motion to incorporate the previous
17 dialogue, Mr. Alexander?

18 CONSTANTINE ALEXANDER: I wholeheartedly vote in
19 favor.

20 BRENDAN SULLIVAN: Matina?

21 MATINA WILLIAMS: Matina Williams in favor.

22 BRENDAN SULLIVAN: Okay. Wendy?

1 WENDY LEISERSON: Wendy Leiserson in favor.

2 BRENDAN SULLIVAN: Jim?

3 JIM MONTEVERDE: Jim Monteverde in favor.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes.

5 [All vote YES]

6 Geez, now that I have my voice back, nobody wants
7 to listen to it.

8 BRENDAN SULLIVAN: On the five affirmative votes,
9 the special permit has been granted for the installation at
10 14 Arrow Street, as per the application and, I might add,
11 the agreement by the petitioner on certain aspects of the
12 letter from the Community Development where possible, and
13 the others where it becomes impractical.

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2 (8:02 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: The next case, BZA No. 159164
7 -- 100 Concord Avenue. Adam?

8 ADAM BRAILLARD: Thank you, Mr. Chair. Adam
9 Braillard for the record of Prince Lobel Tye. We're at 100
10 International Place in Boston, Massachusetts.

11 We're here on behalf of the applicant, T-Mobile,
12 to modify an existing wireless communications facility.
13 It's located inside the steeple of an existing church that's
14 located at 100 Concord Ave, located in the residential C-1
15 Zoning district.

16 Pursuant to the Section 10.43 of the ordinance,
17 web that this conforms to the special permit requirements,
18 and also believe that this is considered an Eligible
19 Facilities request, and we comply with the Section 6409(a)
20 of the Middle Class Tax Relief and Job Creation Act of 2012.

21 The proposal is to -- like I said, this is a fully
22 enclosed or concealed installation. So there's no part of

1 the proposal or the existing or proposed installation that
2 can be seen from the public.

3 The proposal would be to replace the existing
4 eight-panel antennas with eight like-kind new panel antennas
5 inside the steeple, as well as add remote radio heads to the
6 inside of the steeple and add ancillary cabinet -- equipment
7 cabinets that would be also inside the church.

8 There was no comments -- I don't believe there
9 were any comments from the Planning Staff or Planning Board
10 in connection with this application, I believe because
11 there's no -- the visibility is de minimis or nonexistent
12 with respect to the existing installation in any proposal,
13 or the modification of the installation as well.

14 BRENDAN SULLIVAN: All right, thank you. Note
15 that it is in a Residence C-1 zone, and the telecom
16 ordinance was proposed to erect such a facility in any
17 residential zoning district, the extent to which there is a
18 demonstrable public need for the facility, the existence of
19 an alternative functional, suitable sites and nonresidential
20 locations, the character, the prevailing uses and the area.

21 The Board has addressed this issue before in the
22 granting of the original telecommunications facility at this

1 site, and the Board found that the Board can grant the
2 special permit and that it complies with that section of the
3 ordinance.

4 The Board finds, as previous Boards have found,
5 that residential use does not necessary predominate the
6 area. There is on the grounds of there are many schools in
7 the area. Across the street is a Harvard Geological -- I'm
8 sorry, the Harvard Astrophysical Observatory. And so even
9 though there are some residential areas around it, that it -
10 - we find that we can comply with that section of the
11 ordinance; that it does not predominate.

12 So any other questions by Members of the Board on
13 this? Let me open it to public comment. Any members of the
14 public who wish to speak should now click the button that
15 says, "Participants," and then click the button that says,
16 "Raise hand."

17 If you are calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6.
19 There's nobody calling in. There was no correspondence in
20 the file from the Planning Board or any interested citizen;
21 I will close the public comment part of the hearing.

22 I must note that I'm not sure if anybody even

1 realizes that there is a telecommunication facility at this
2 location, because if there ever was a stealth location, this
3 is it. Totally enclosed, and totally blind to the -- any
4 passersby.

5 So on the motion, then, to grant the special
6 permit as per the application, and it's the will of the
7 Board that I incorporate the lengthy previous dialogue from
8 the previous case, the telecommunication facility by
9 reference and the motion be the same, to grant the special
10 permit.

11 Mr. Alexander?

12 CONSTANTINE ALEXANDER: I vote in favor.

13 BRENDAN SULLIVAN: Matina, on the motion to grant
14 the special permit?

15 MATINA WILLIAMS: I vote in favor to grant the
16 special permit.

17 BRENDAN SULLIVAN: Wendy? Thank you, Matina.
18 Wendy?

19 WENDY LEISERSON: [Wendy Leiserson], I vote in
20 favor.

21 JIM MONTEVERDE: [Jim Monteverde], I vote in favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan voting in

1 favor on the motion, carried by five Members -- five
2 affirmative votes of Members of the Board.

3 [All vote YES]

4 BRENDAN SULLIVAN: The special permit for the
5 modifications at 100 Concord Avenue is granted. Thank you,
6 Adam.

7 ADAM BRAILLARD: Thank you, Mr. Chair and Members
8 of the Board. Have a good night.

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2 (8:08 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: The next case the Board will
7 hear is No. 157204 -- 55 Wendell Street. Mr. Linn?

8 ROBERT LINN: Hi. My name is Robert Linn, and I
9 am the architect for this project, and I'm representing Eden
10 Steinberg and Peter Muz, who I believe will be joining the
11 meeting as well.

12 And my colleague, Sarah Carlisle, may chime in if
13 there's some additional questions. She'll have the
14 dimensional information at hand.

15 We are proposing to make a number of changes to
16 really a charming, existing two-family home in a C-1
17 district on Wendell Street, on the corner of Wendell and
18 Gorham.

19 And our objectives -- the objectives that we've
20 been dealing with on this project are really three-fold. We
21 wanted to create a home that would work for the owners as
22 something that they could imagine aging in place; that it

1 would accommodate them today for their current situation,
2 but that would also accommodate them as they're older and
3 they have accessibility issues. So that's a big piece of
4 this.

5 The second component is creating a more useable
6 and accessible and functional second unit. So when we go
7 through the drawings, we can see that the existing second
8 unit happens on the second floor.

9 It's a relatively small studio, it doesn't have a
10 lot of functionality, and we're moving it to the basement,
11 where it can actually be a more accessible and usable second
12 unit, and more separate from their living space, but would
13 also allow them to free up that second floor space to
14 accommodate some other needs that they've realized are
15 important for them to be able to live in this home with.

16 As I'm sure you've heard from many of the
17 applicants over the last few years, people have started to
18 use their homes in different ways, where it isn't just the
19 place you come to after work, you're -- they're working
20 there, they're -- you know -- practicing their different
21 crafts in the home, and the home has really become this
22 multi-use sanctuary, which is what we're trying to help them

1 to create in this particular case.

2 Because it's a charming home, and because it has a
3 lot of sort of characteristics that we're trying to
4 maintain, we wanted to do this in a way that would maintain
5 the existing character.

6 So our approach was very surgical. You'll see
7 that while we're only adding -- in the end we're only asking
8 for an additional I think it's 200 and -- a little over 200
9 -- 285 square feet additional GFA, we're achieving that by
10 taking some away.

11 We're removing a bay on one side, removing a
12 dormer, we're adding a new dormer, we're changing a bay on
13 the front, we're adding a bay under an existing porch on the
14 front, we're adding a piece to the back.

15 So we're touching all aspects of this project, and
16 it's all pretty much existing, nonconforming. So because
17 it's in this very dense, C-1 district, the setbacks in the
18 existing GFA are essentially nonconforming on two sides
19 primarily; the setbacks on two sides.

20 And then of course the GFA, the current GFA is
21 0.8, we're asking for 0.87.

22 So if we want to walk through the plans, yep, I

1 can start to kind of explain in more detail how we're
2 achieving this.

3 So this is -- the view you're seeing now is the
4 proposed finished view, and the changes to the front would
5 be reworking the garage so that it feels more in character
6 with the rest of the house, adding the roof deck to the
7 garage, and changing one of those two top bays.

8 One currently is a faceted bay, the one on the
9 right is a square bay. So we're making the two match and
10 adding a bump out underneath that existing porch, but
11 maintaining the character and the detail of the porch and
12 kind of the woodwork and the other components, which we
13 think help the house to sort of, you know, feel like it's go
14 to maintain the character that we all like and that we're
15 wanting to maintain.

16 If we move the next view, I'll just quickly to
17 through this is the existing basement, which is only
18 partially finished. The center section is finished, some of
19 it's used for mechanical, and some of it is unfinished and
20 unused currently.

21 The next floor is the existing first floor, and
22 you can see that there's a ramp in the back currently that

1 leads up to back door access. That is the access to the
2 second unit on the -- which is on the second floor.

3 And then the first floor, like most homes of this
4 era, is relatively chopped up. And you'll see that in our
5 proposal, we're working to open up that first floor and have
6 more of a -- kind of an open floor plan with the living,
7 dining and kitchen are all sort of more or less in the same
8 spot, and then incorporating an elevator, which was an
9 important part of this project, to allow for that idea of
10 future accessibility.

11 And if you go -- this is the second floor, also
12 relatively chopped up, partly -- mostly because the second
13 unit is that zone in the back. And it has its second means
14 of egress, which is a, you know, a balcony that leads to a
15 spiral staircase that drops you off at the base of that
16 ramp.

17 And so we're going to clean up -- we're proposing
18 to clean up the whole back of that and rework the access and
19 have the two means of egress work differently for the
20 basement unit that we're proposing for the second unit. And
21 then three smallish bedrooms on that level.

22 And then on the third floor, there's currently the

1 primary suite, which opens up to a roof deck on the back.

2 And this primary suite is, you know, relatively -
3 - you know, relatively small for an area where you're having
4 to live and work and sort of do all the things I need to do.
5 And I can -- once we get to the proposed plan, I'll show you
6 why and we'll talk a little bit about how we're proposing to
7 change this one as well.

8 If you just go through, this is the existing front
9 façade, and it shows the two different bays that are
10 currently the squared off bay and the faceted bay.

11 The next view is the view from Gorham Street. And
12 you can see that while it is charming, there's a kind of ad
13 hoc quality to the existing home that you'll see in our
14 proposal that we're working to clean up a bit. It feels a
15 little bit like this façade was designed from the inside
16 out.

17 Windows happened where they needed to happen for
18 the functionality from the interior. And we tried to come
19 up with a design that would balance what's happening on the
20 inside and give some order to the exterior.

21 This is the rear façade that shows the second
22 means of egress from the second unit, and it shows the ramp

1 and the roof deck that opens up from the third-floor primary
2 unit. And we're planning to clean this up as well and to
3 modify and organize this façade in a way that feels more
4 architectural.

5 And then this is the façade that's really not
6 visible from anyone except for their neighbor because of the
7 proximity next door. It's very tight to the existing lot
8 line, these two -- the garage and the back addition.

9 And there's a bay popping into this courtyard, but
10 what the owners have found is that this courtyard has really
11 become their sort of primary go-to exterior space.

12 Because it's such a dense site, and because
13 there's really nowhere to be outside that isn't very public,
14 very displayed, this little courtyard area, which feels like
15 a courtyard because of the way it's positioned on the site,
16 has become very important to the way they live. And so our
17 proposal really accentuates that.

18 And we've removed this bay -- the faceted bay
19 that's popping in there -- to give a little bit more
20 exterior -- little more square footage to that exterior
21 footprint, and then traded that off with adding FAR in other
22 places.

1 So you can see this is the existing footprint.
2 You know, because it's a C-1 district, it's not as
3 straightforward in terms of calculating setbacks, but the
4 garage is currently a 0.1. It's essentially on the lot
5 line. And the -- there's a piece that's kind of the wing at
6 the back is 2.4 feet from the lot line.

7 And our proposal is maintaining all of these
8 setbacks. We're not going to add any additional component
9 that goes beyond what's here, other than filling in between
10 the existing garage and the existing house, in that little
11 slot between the two, so that they can have some
12 accessibility between the house and the garage. And that's
13 becomes the second means of egress from the basement
14 apartment.

15 You know, I won't go into these calculations, but
16 this is how we went through the C-1 district calculating,
17 you know the height and the length and coming up with the
18 existing setbacks.

19 And this is our diagrams explaining how we
20 calculated the existing FAR. So as I mentioned before,
21 existing FAR is 0.8, and our proposed is 0.87.

22 So this is when we've added all of the different

1 components that we're really talking about, and then
2 recalculated all of the setbacks.

3 The red dotted line is the -- even though we're
4 not changing any of the dimensional setbacks, there's
5 nothing about what we're doing that actually makes it any
6 closer to the lot lines, because of the way that you
7 calculate the setbacks.

8 And because it's an existing, nonconforming
9 structure, we're violating the setback -- you know, we're
10 exacerbating -- not violating, but exacerbating on the
11 inside courtyard and on the back façade the allowable
12 setback calculations. Because it just becomes more narrow
13 as you add more volume.

14 And this is our calculations. We don't need to go
15 through that. This is our current proposed FAR
16 calculations. Again, we don't need to go through it, but we
17 tried to do this very carefully. In our open space
18 calculations, which in fact we're increasing open space,
19 because we're proposing additional roof deck on top of the
20 garage.

21 So one of the things that we're, you know, really,
22 we're sensitive to was that because of the density and the

1 proximity, you can see how close we are to the house to the
2 left, and actually how close we are to the three-family
3 structure behind us.

4 We went to great lengths to talk to all of the
5 neighbors individually and show them -- propose what we were
6 doing, and throughout this process, we actually have been
7 modifying and working with them to make sure that there was
8 nothing that we were doing that was going to change the way
9 they would experience their house in terms of light or
10 views, or at least in ways that they would accept.

11 And so I can talk that a little bit more. But the
12 resulting piece that we're showing here is a collaborated
13 effort between us and these neighbors, who are the primary
14 stakeholders.

15 This is the -- those are the views. Yeah, sorry
16 that's -- I don't need to go through, but you can see that
17 there's just a general density to the neighborhood. Most of
18 the structures are relatively large and multi -- many of
19 them are multifamily.

20 We can go quickly through these, but in talking to
21 all of our neighbors, the -- and then you go to the next --
22 you go to the next --

1 In talking to all of the neighbors, you know, we
2 wanted to show them shadow studies. This is how it would be
3 in winter solstice, how it -- with the existing, how
4 proposed how it would be in the summer solstice.

5 You know, kind of working through all of these
6 different things. We showed them how they would be
7 impacted, and then reworked the design as we were, you know,
8 in the negotiation with them.

9 So you can just kind of quickly move through these
10 shadow studies. If any -- we can come back to them, but the
11 next three or four pages are all showing proposed existing
12 shadows, how it would impact everyone, and in particular
13 that bigger unit behind us we realize would have more --
14 there would be more impact, because we're to their south.

15 So this is the proposed new -- or not the new
16 second unit, but the relocated second unit. And there's
17 currently access from the Gorham Street side, which we would
18 continued as primary access to the unit.

19 And we would be reworking much of the foundation
20 and creating something that would feel habitable for most of
21 the space, other than maybe about a fourth of it that would
22 happen right there at the front of the house, and would have

1 access to that second means of egress, which we're adding
2 between -- or we're proposing to add between the garage
3 footprint and the existing house, which is a little over
4 three feet, fortunately.

5 And so this is the proposed first floor. You can
6 see that we've -- we're showing an open roof deck -- not
7 roof deck, but sort of open deck at the back of the -- at
8 the back of the structure. We've added that bump out
9 underneath the existing front porch, which doesn't increase
10 the existing FAR or GFA.

11 And then we've added the stairs that come up
12 between the garage and the structure as a second means. And
13 then we've removed the bay within that courtyard, which
14 we'll say a new deck area. But that courtyard space sort of
15 between the sort of C to the left, and that gave us a little
16 bit more area in that space.

17 And then we've put the living room toward the
18 front of the house, and then have glass that will open up --
19 big sliders to open up the dining room, let them flow right
20 into the kitchen.

21 So as I mentioned before, that zone, that sort of
22 inside/outside zone which the clients realized was really

1 important to them now becomes the centerpiece of this house
2 and our design.

3 And then the whole first floor is far more open,
4 and as you can see, we're adding -- we're proposing to add
5 an elevator, which also I didn't mention, but it goes down
6 to the basement as well.

7 But an elevator -- a residential elevator that
8 opens up that sort of powder room and the kind of organizing
9 space at the back of the house.

10 But there's much more of a separation now between
11 the apartment unit, or the second unit and the main living
12 space. And in making all this happen, we've had to
13 reorganize the stair location. So as I mentioned before,
14 we're touching almost every aspect of the house.

15 So on the second floor, because we had the
16 opportunity to -- or we're proposing to move the second unit
17 to the basement, it's given us more opportunity to add this
18 live/work kind of spaces that I was describing before.

19 So you can see to the front of the house we're
20 showing two offices, so that both of the owners could have
21 home offices in the front, which would open out to that roof
22 deck over the garage, to allow them to go outside and, you

1 know, take breaks or whatever from their work that they do,
2 and where they're at home.

3 And then have that to be able to close the door
4 and separate it out from other sleeping spaces. They have
5 two sons who are both sort of older and in transitional
6 spaces where they're -- you know, finishing -- finished high
7 school or they're moving out starting new jobs. But they
8 were still at home at the moment or they need to have their
9 own bedrooms and their own space. So they each have their
10 own area.

11 And then we're proposing a Zendo, because one of
12 our -- one of the clients, Eden, is -- she's both a Chaplain
13 at Beth Israel Hospital, but she's also just recently been
14 certified to teach Zen meditation. She could speak to this
15 better than I could.

16 But having that Zendo is an important component
17 to -- you know, her ability to do and practice the work that
18 she, you know, she needs to -- she needs the space to be
19 able to do what she does.

20 If you go to the next level -- and then as I
21 mentioned before, the current primary bedroom is more or
22 less one bigger space with a little kind of office or

1 storage area -- not storage, but more or less unused space
2 towards the front.

3 And this is a little bit unusual, but we're
4 proposing in this case two -- or one big sort of space that
5 can be broken down into two primary bedrooms. And part of
6 this is Eden's work as Chaplain in the hospital. She
7 occasionally is on call at night, and I don't know actually
8 how often -- maybe more than occasionally, but on call at
9 night and has to get up or comes back at different times of
10 the night.

11 And so they wanted the ability to be able to close
12 that off and have two separate places where, you know, they
13 could both sleep separately, but then also be able to have
14 the one room, if they wanted to come and be in the same
15 space together.

16 And so we've -- in order to achieve this, we are
17 adding a dormer to the -- both behind the bed and the dormer
18 to allow for the primary bathroom space that's happening up
19 there, and then adding the elevator.

20 BRENDAN SULLIVAN: Well, what's the length of that
21 dormer?

22 ROBERT LINN: It is -- I thought -- I knew you

1 were going to ask, it's 12 feet on one side and an 11 --
2 like an 11 feet 10, I think? Slightly -- just slightly
3 different on the other side.

4 EDEN STEINBERG: This is Eden, one of the
5 homeowners. I'm the one who's the hospital Chaplain. I'm
6 on call at least one night a week from 6:00 p.m. to 8:00
7 a.m., often more frequently than that.

8 ROBERT LINN: Thank you. Thanks, Eden. So --

9 EDEN STEINBERG: Okay.

10 ROBERT LINN: -- that is the -- I think that's --
11 sorry --

12 BRENDAN SULLIVAN: There seems to be an awful lot
13 going on.

14 ROBERT LINN: Yes, yes.

15 BRENDAN SULLIVAN: Right now, the basement is
16 unoccupied?

17 ROBERT LINN: It's actually partially finished
18 currently. There is a -- sort of like a rec room currently
19 in the basement, and then mechanical storage, that sort of
20 thing.

21 BRENDAN SULLIVAN: Okay. And Eden and Peter
22 occupy first floor, second floor?

1 ROBERT LINN: First floor, second floor. And
2 currently they're not renting, but they're on the second
3 floor. It is a second unit. This is a two-family
4 structure.

5 BRENDAN SULLIVAN: Okay. So there is another
6 unit, but it's not rented? So --

7 ROBERT LINN: Currently not rented.

8 BRENDAN SULLIVAN: So it's a two-family?

9 EDEN STEINBERG: That's right.

10 BRENDAN SULLIVAN: Okay. Because so their -- over
11 the whole house. Now, the -- so what they're doing is
12 creating a unit in the basement. So that will be a
13 certifiable, separate unit to the other unit, and so that
14 Eden and Peter will then occupy the first floor, second
15 floor and the third floor?

16 ROBERT LINN: Correct.

17 BRENDAN SULLIVAN: Correct?

18 ROBERT LINN: That's correct.

19 BRENDAN SULLIVAN: And the elevator that's in the
20 basement goes all the way up to the third floor?

21 ROBERT LINN: Correct. All the way up and down --
22 you know, only to allow for -- you know, depending on maybe

1 their -- would have a relative living there or, you know,
2 they don't know exactly how they'll use that second unit.
3 So there may be -- they may actually need some, you know, a
4 nurse or something living there.

5 You never -- so they just -- we just wanted to,
6 like, not build it so that we couldn't have an accessible
7 access to the basement.

8 BRENDAN SULLIVAN: Okay.

9 ROBERT LINN: But we can close it off, I'm sure.
10 They would want to close it off if the -- it was being
11 rented to someone who wasn't associated with their family.

12 BRENDAN SULLIVAN: All right. And the additions
13 that you're putting in is on -- you could show that?
14 Basically you're asking for relief, the addition of a home
15 office area and more accessible second dwelling unit. And
16 you're asking for relief under Table of Dimensional
17 Requirements.

18 JIM MONTEVERDE: Mr. Chair, we can't hear you.

19 BRENDAN SULLIVAN: Sorry. You're asking for
20 relief under Section -- under Article 5, which is the Table
21 of Dimensional Requirements -- and then Article 8, Section
22 8.223, which is a nonconforming structure.

1 I mean, there's an awful lot going on here. I
2 think one of the things that I sort of hesitate about are
3 the number of decks, and how they may impact the adjoining
4 property.

5 And the one over the garage I guess is the more
6 prominent to me, because it's pretty close to the --
7 obviously the front of the house, but also the -- right out
8 on the street, in a sense -- set back a little bit, but
9 still it's very common there.

10 It just seems like there's an awful lot going on
11 here. But then of course there is the deck along the side
12 also.

13 So there's an awful lot, it seems, of decks going
14 in, which to me is an extension of the anterior living
15 space, and does impact, I think, people's -- you know,
16 adjoining properties. Could be their privacy and also, you
17 know, I won't say "noise" but other people pretty close to
18 their property -- anyhow, whatever activity that goes on in
19 the decks.

20 ROBERT LINN: Mm-hm.

21 BRENDAN SULLIVAN: Anyhow, let me ask a Member of
22 the Board. Mr. Alexander, your thoughts and comments?

1 CONSTANTINE ALEXANDER: No, I think I share what
2 you just said about the decks. That's a matter of concern
3 for me.

4 JIM MONTEVERDE: Jim, any thoughts on the initial
5 presentation?

6 CONSTANTINE ALEXANDER: I had the same concern
7 about just the number and the number of decks --
8 specifically the one over the garage. I get the one that's
9 adjacent to the dining room; it's kind of a natural. And
10 then the one off the back in addition to it, given that
11 we're in New England and these are, you know, partially used
12 parts -- only parts of the year.

13 The other question -- that's one, the other
14 question I had was is there any neighborhood group --
15 Conservation Commission, Historic Commission review of
16 anything here?

17 COLLECTIVE: No.

18 JIM MONTEVERDE: Okay. Thank you.

19 BRENDAN SULLIVAN: Wendy, any comments or thoughts
20 in the initial presentation?

21 WENDY LEISERSON: I also share the concern about
22 the deck over the garage, just because of the proximity to

1 the neighbor. I like to support open, you know, air access
2 when I can. But I would be concerned about the privacy
3 issue there.

4 BRENDAN SULLIVAN: All right, thank you. Matina,
5 any comments? Thoughts?

6 MATINA WILLIAMS: Yes. I must agree with everyone
7 else. The deck over the garage, I think it would infringe o
8 people's personal space. So that's one of my major
9 concerns. And the deck, and the porch, the front porch,
10 where you're bumping out a little bit --

11 ROBERT LINN: Mm-hm.

12 MATINA WILLIAMS: What's the footage in between
13 the bump out and the railing?

14 ROBERT LINN: Sarah do you -- do you know how
15 that, on the -- from the model --

16 SARAH CARLISLE: Yes. It is --

17 JIM MONTEVERDE: I have the drawing. It's going
18 to be like a foot and a half. It can't be more than a foot
19 and a half.

20 ROBERT LINN: Yeah, it certainly wouldn't be --

21 JIM MONTEVERDE: Clear.

22 SARAH CARLISLE: It's a foot and a half, yes.

1 Just shy of a foot and a half.

2 JIM MONTEVERDE: Yeah.

3 ROBERT LINN: We were not thinking of that as
4 being so much usable space as just preserving the character
5 of the, you know, the porch.

6 MATINA WILLIAMS: Yeah, exactly.

7 ROBERT LINN: It's an aesthetic component.

8 MATINA WILLIAMS: Mm-hm. Okay. That was my
9 concern.

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

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

17 OLIVIA RATAY: Brady Rogers (phonetic)?

18 [Pause]

19 OLIVIA RATAY: Brady Rogers?

20 BRENDAN SULLIVAN: Hello? Is somebody calling in?

21 BRADY ROGERS: I'm wondering if 116 Norfolk Street
22 is on tonight's Agenda?

1 CONSTANTINE ALEXANDER: No.

2 BRENDAN SULLIVAN: No, it is not. Does that
3 answer your question? Okay. Anybody else calling in?

4 OLIVIA RATAY: Name BW?

5 BW: Excuse me? Can everybody hear me? I have my
6 hand up.

7 OLIVIA RATAY: We can hear you.

8 BW: Yes. So I was sent a Neighborhood Notice
9 about 116.

10 No. I'm not -- I don't need to do that. I was
11 sent a notice in -- about the modernization of 116 Norfolk
12 Street. It was a public meeting at 6:00. This was the link
13 that was given.

14 I'm listening to all these people for two and a
15 half hours go on about just trying to have a deck or
16 renovate their house. Meanwhile, I'm sitting here looking
17 at a notice that 62 units are going in -- 62 units in a
18 densely populated neighborhood --

19 BRENDAN SULLIVAN: That's not --

20 BW: -- on Norfolk Street.

21 JIM MONTEVERDE: That's not here. Not here. Not
22 this meeting.

1 CONSTANTINE ALEXANDER: Wrong case.

2 BW: Well, I received a Notice from Cambridge
3 Housing Authority that it was this meeting, it was this day
4 at this time, starting at 6:00 p.m.

5 BRENDAN SULLIVAN: That didn't --

6 BW: I've been sitting here for two and a half
7 hours.

8 JIM MONTEVERDE: Hold on. Yeah?

9 BRENDAN SULLIVAN: All right, we get it, but
10 that's not on our Agenda, and this is not the venue for it.
11 That's erroneous.

12 BW: Okay, then who sent this Notice that told me
13 and all my neighbors to come to this meeting?

14 BRENDAN SULLIVAN: I'm not aware of the Notice.

15 BW: It's come --

16 BRENDAN SULLIVAN: So I can't tell you who sent
17 it.

18 BW: It's from Cambridge Housing Authority.

19 JIM MONTEVERDE: It's not us.

20 BRENDAN SULLIVAN: You have to talk to them. I'm
21 totally unaware of the --

22 BW: Okay, well, I've been --

1 BRENDAN SULLIVAN: I'm sorry that we can't help
2 you.

3 BW: -- I received a Notice that an SRO of 100
4 units are going in at 116 Norfolk Street.

5 BRENDAN SULLIVAN: That's not before us.

6 JIM MONTEVERDE: Yeah.

7 BRENDAN SULLIVAN: We can't discuss it. I mean,
8 I'm sorry, but we cannot just discuss it because it's not
9 before us.

10 BW: Waste -- all right, I just --

11 BRENDAN SULLIVAN: Right.

12 BW: -- you wasted my whole evening. Thank you.

13 BRENDAN SULLIVAN: Thank you.

14 CONSTANTINE ALEXANDER: Thank you.

15 JIM MONTEVERDE: That's it.

16 OLIVIA RATAY: I think that's it.

17 BRENDAN SULLIVAN: That's it. Okay. So there's
18 nobody else calling in, and there's no correspondence. You
19 did not receive any letters of support, Eden or Peter, from
20 any of the neighbors at all?

21 EDEN STEINBERG: We've met with all the immediate
22 neighbors, as Robert, as Mr. Linn described, where we spoke

1 in-depth with the, you know, triple-decker behind us and our
2 neighbors next to us, and had quite a lengthy conversation,
3 and actually made modifications based on their feedback.
4 And they all verbally told us that they were fine with the -
5 - this design that you see before you.

6 BRENDAN SULLIVAN: Okay.

7 EDEN STEINBERG: I didn't know that we should have
8 gathered letters of support. But then after we met with the
9 immediate neighbors, we met on Zoom with a wider group of,
10 like, neighbors, who were not in a position to be
11 immediately impacted, but live -- say across our dead-end
12 street. And they all had positive feedback for us.

13 BRENDAN SULLIVAN: Okay. Thank you.

14 EDEN STEINBERG: Yes, that was important to us.
15 We've lived in this neighborhood for a long time, and have
16 good relationships with our neighbors, and it's been
17 important to us to get their input and let them know about
18 this project. So we've been communicating a lot.

19 BRENDAN SULLIVAN: Great, thank you. Rob, what
20 were the changes that you made after the discussion with the
21 neighbors?

22 ROBERT LINN: Yeah, so you can see in this

1 particular drawing, it's in the background. But that
2 addition that we're adding kind of between grid line 6 and
3 1, it -- before it went all the way out to the end. It's
4 matched up with the existing deny that's below it.

5 And in talking to both the neighbors and one of
6 the triple-deckers and the neighbors to the left, they both
7 told us things that we wouldn't have known without speaking
8 to them.

9 One, they -- you know, they tend to -- the guy who
10 works in the third floor, the triple-decker, likes to look
11 out the window and see all the way out to Wendell Street.
12 So we pulled that back, not just for him, but also for the
13 neighbors to the left, because that façade abutted their
14 kitchen window and they look looking up and seeing the sky.

15 And so we did renderings and showed them by
16 pulling this back, that it would satisfy both of their --
17 both of their concerns. And they both told us that they
18 were completely fine with it, and actually appreciated the
19 change.

20 BRENDAN SULLIVAN: Okay. I think what you heard
21 is some concern, or reservations about the deck over the
22 garage.

1 ROBERT LINN: Mm-hm.

2 BRENDAN SULLIVAN: And that it just sort of maybe
3 starts to pull things a little bit more forward than need
4 be. How crucial is that deck over the garage in the scheme
5 of things?

6 ROBERT LINN: No, I think that's --

7 BRENDAN SULLIVAN: How do you append it?

8 ROBERT LINN: That's a question for Eden and
9 Peter. I think architecturally it's not incredibly
10 critical, but I don't want to speak to (sic) them.

11 EDEN STEINBERG: My question would be would the --
12 would it be equally problematic if the garage were pulled --
13 I mean if the roof deck was not as large, and just a small
14 area so that we could have fresh air in our office space to
15 open up, you know, say French doors and have, like, a small
16 access to the outdoors there? Would that be --

17 BRENDAN SULLIVAN: Well, the question is how, you
18 know, your idea of "small" and --

19 COLLECTIVE: [Laughter]

20 PETER MUZ: Well, I would just like to -- if I may
21 just add one thing regarding the deck. It doesn't --
22 there's no window, it just -- that side of the garage just

1 basically looks at siding, wood siding. There's no window.
2 There is no opportunity to view anything other than on the
3 wall for those neighbors. So I don't share the view that it
4 would infringe on privacy.

5 BRENDAN SULLIVAN: Can we bring up over there the
6 second-floor existing plan? I'm not sure what slide that
7 would be.

8 ROBERT LINN: Yeah, if you go -- this is the
9 second-floor existing plan. It just doesn't -- it doesn't
10 show the garage here. And what Peter's saying is that if
11 you step out on the roof deck and you look to your neighbors
12 to the left, it's just looking at a clapboard or, you know,
13 just the siding. They don't have any fenestration looking
14 on that deck.

15 WENDY LEISERSON: Mr. Chair, I think on the plan
16 with all of the photos of the neighbors, I think it's marked
17 A0.9, you can see where the garage is. That one you can see
18 where the garage is adjacent to its neighbor. And that does
19 show that there's siding there.

20 However, privacy is more than just being able to
21 peep in, it's also -- I mean, you're right there against the
22 house for noise and other things.

1 JIM MONTEVERDE: Yeah. Just to go back to a
2 comment or a question that was just raised by one of the
3 proponents, I believe, about -- you know, it appears to be
4 right now there's sliding glass doors that -- out to this,
5 you know, what size the deck would be may be more
6 appropriate.

7 If you would think of it as a -- if a balcony
8 would be sufficient, something of that order of magnitude,
9 potentially I could support something like that, as opposed
10 to using the entire roof of the garage as an outdoor space.

11 EDEN STEINBERG: Yeah. That's the word I was
12 looking for, "balcony."

13 ROBERT LINN: Yeah, that's great.

14 JIM MONTEVERDE: Yeah. If you look at the other
15 view, that photo -- you know, 55 Wendell back, there's a
16 second floor, there's a balcony. There's a deck. There's a
17 -- yeah, there, top, second floor. Right? That's more of a
18 yes, you want to step out there, a breath of fresh air,
19 there's a -- big enough for a seat maybe, but -- and that's
20 it.

21 BRENDAN SULLIVAN: Mm-hm.

22 JIM MONTEVERDE: You know, it potentially gets rid

1 of all the railing along the -- that's facing the street
2 that gives it a totally different feel.

3 BRENDAN SULLIVAN: Mm-hm. I was thinking more of,
4 like a French balcony, you know, that -- you know, rather
5 than something to step out on there, you could open up the
6 doors, obviously, to get fresh air. But --

7 JIM MONTEVERDE: Right. A Juliet balcony.

8 BRENDAN SULLIVAN: Yeah, right. That might be --

9 JIM MONTEVERDE: The door is there, there's a rail
10 outside, the door --

11 BRENDAN SULLIVAN: Yeah.

12 JIM MONTEVERDE: Yeah. That would certainly be
13 the easiest in terms of the comments you've gotten about
14 using it as a roof deck.

15 BRENDAN SULLIVAN: Yeah. And again, you know,
16 Eden and Peter, we look at these, you know, you're very nice
17 people and I'm sure that you would go out there and be very
18 quiet and, you know, whatever you want to do: Sit, stretch
19 your legs, whatever it may be, put some potted plants out
20 there or something like that.

21 But it'll be there forever. And so we're thinking
22 of possibly the next occupants many years from now of that,

1 and have use of that. And it is so close to the next-door
2 neighbor.

3 And so, you know, we look at, you know, the relief
4 you're granting that we're granting to you, but also that
5 the Zoning Ordinance also is in place to protect neighboring
6 properties, the adjoining properties -- from encroachment,
7 and I think that a deck on that location does have
8 encroachment, taking anterior space and moving it outside.

9 And so that's my thought on it. So

10 EDEN STEINBERG: Thank you for -- thanks for
11 explaining your reasoning.

12 BRENDAN SULLIVAN: So anyhow, getting back to the
13 Board, Mr. Alexander, your thoughts on --

14 CONSTANTINE ALEXANDER: No, I just agree with -- I
15 agree with you and Jim Monteverde about the deck on top of
16 the garage. It's too much.

17 BRENDAN SULLIVAN: Okay. So if we eliminated the
18 deck on the garage, say allow for a Juliet balcony type
19 thing, Rob and Eden and Peter, does that do it?

20 EDEN STEINBERG: I would personally love to be
21 able to have just a chair out there to have a phone call.

22 ROBERT LINN: What if --

1 EDEN STEINBERG: Yeah, that was one of my images
2 of having that space off of our office space. So that would
3 be my -- at least my hope.

4 ROBERT LINN: What if the proposed deck was just
5 over the infill piece where we're connecting the garage and
6 the --

7 JIM MONTEVERDE: Yeah. Agreed. That's what I was
8 looking at. That's more in the balcony scale of things, and
9 it gives you the opportunity for a seat --

10 BRENDAN SULLIVAN: Which is a little bit less than
11 four feet. It's -- you're going to get three and a half
12 feet of --

13 JIM MONTEVERDE: Yeah. Yeah. And the rail is
14 pulled back from the face of the house and face of the
15 garage, really. So I think that's a --

16 BRENDAN SULLIVAN: Well, it's just --

17 JIM MONTEVERDE: -- that to me is a strong --
18 that's a good compromise.

19 BRENDAN SULLIVAN: Okay. Matina, are you on board
20 with that proposal?

21 MATINA WILLIAMS: Yes, I am.

22 BRENDAN SULLIVAN: Okay. Wendy, are you on board

1 with that? That would be just a deck, a vending squad, if
2 you will --

3 MATINA WILLIAMS: Okay.

4 BRENDAN SULLIVAN: -- that would be just the
5 infill.

6 JIM MONTEVERDE: Yeah. Sisia, if you're
7 controlling the screen, if you can go back to the plan A1.2?

8 WENDY LEISERSON: Yes, I'm looking at it. It's a
9 little hard to imagine.

10 JIM MONTEVERDE: No, I'm just -- I was going to
11 suggest Sisia just outline it with her cursor.

12 WENDY LEISERSON: Yeah.

13 JIM MONTEVERDE: Here you go. Here you go.

14 Cursor. Sisia, right where you are -- where you were with
15 your hand, just go down -- yeah, go down to -- there, there,
16 go up. Stop. Go up. Stop against the outside wall of to
17 house. Okay, go to the left, go to the left, to the level
18 at -- go up, up, up --

19 BRENDAN SULLIVAN: Outside wall, yeah.

20 JIM MONTEVERDE: Up, up, no not all the way to the
21 end, but then out to the -- you know, however, the depth of
22 the office, the depth of the doors, there's your balcony.

1 MATINA WILLIAMS: Mm-hm, Mm-hm.

2 JIM MONTEVERDE: Does that make more sense, Wendy?

3 WENDY LEISERSON: Yes, thank you, Jim.

4 JIM MONTEVERDE: Sorry. Not being able to draw
5 over it.

6 COLLECTIVE: [Laughter]

7 MATINA WILLIAMS: I think that makes more sense
8 than the full deck. I know you want to have a conversation
9 outside. But there are still two windows out there that
10 we'll now have conversations if their windows are open that
11 they normally do not have.

12 BRENDAN SULLIVAN: Jim, are you saying that it
13 would just incorporate Office 1 or part of Office 1 and the
14 shared bath?

15 JIM MONTEVERDE: No, I'm trying to keep it as
16 minimal as possible. So Office 1, you know, in essence the
17 -- from the edge of the door to the traveling down to the
18 sliding door to the edge of the balcony, to the edge of the
19 inset at the garage, and then that same dimension up top.
20 So I'm trying to confine it to approximately Office 1.

21 BRENDAN SULLIVAN: Okay.

22 JIM MONTEVERDE: Once you've done that, it could

1 be -- I could be amenable to variations on a theme. But my
2 first thought was just confine it to -- you know, something
3 just approximately the width of the opening that you've got,
4 the new opening, and then the depth of that little slot
5 between the garage and the house.

6 BRENDAN SULLIVAN: I'm going to mark up Sheet A1.
7 2, which is the second floor. And I'm going to mark up that
8 area as the proposed deck. Okay. Any other comments on the
9 rest of the project? Wendy?

10 WENDY LEISERSON: Yes. I just wanted to -- I was
11 just -- it's been a long conversation. So I just wanted to
12 go back to the existing, just so I'm clear on what we're
13 adding, so -- in terms of decks. Can you just quickly
14 clarify it out for me, please?

15 So we've talked about the garage one, I don't need
16 to talk about that. But what is existing in terms of
17 outside deck space, and what is being added, please?

18 ROBERT LINN: So on the third floor, existing
19 third floor, it steps out onto -- that area on the back is
20 all deck, existing deck. And we're essentially taking that
21 and just shifting it, because of where we've positioned the
22 elevator and the egress to the deck. It just made more

1 sense to shift it over as we added that piece to the left of
2 that.

3 So I don't know that we've actually increased any
4 of the area of the deck. In fact, we've lowered -- we're
5 going to lower the -- now you have to step up to this deck.
6 And we're going to lower it, so that it's at the same level
7 as the third floor. So there's no additional deck there.

8 And we're proposing, obviously, the deck over the
9 garage that didn't exist before. And in the courtyard
10 space, we're just talking about decking that's just sitting
11 at grade. Nothing, you know, that's not the structure, just
12 something at grade.

13 WENDY LEISERSON: Okay, thank you.

14 BRENDAN SULLIVAN: Okay, Matina any other comments
15 or?

16 MATINA WILLIAMS: No. I think I'm good. Thank
17 you.

18 BRENDAN SULLIVAN: Okay. With that clarification,
19 and with the changes to the roof deck, outside Office 1 and
20 over the garage in place, ready for a motion, are we?

21 CONSTANTINE ALEXANDER: Yeah.

22 BRENDAN SULLIVAN: Okay. Let me make a motion,

1 then, to grant relief requested, as per the plans submitted
2 to bring statements and the dimensional -- revised
3 dimensional form, stamped in on January 25 with Inspectional
4 Services with the following notion on Sheet A1.2, second
5 floor plan, changed to the size of the proposed roof deck,
6 and location is outside of Office 1.

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

10 The Board finds that the existing structure, built
11 prior to the current zoning is enamored -- I'm sorry,
12 encumbered by existing zoning for that particular area, so
13 that any addition would require some relief from this Board.

14 The Board finds that the additions as proposed, a
15 fair and reasonable request, will allow the petitioner to
16 have a fair and reasonable use of the property, consistent
17 with their work habits, which in current circumstances
18 society has changed how they basically live and work, and
19 this will allow the petitioner to work from home, and the
20 much more compatible space.

21 It will allow for the second dwelling unit,
22 located in the basement, in a more compatible and

1 contemporary style and upgraded facilities.

2 The Board finds that the hardship is owing to the
3 size and shape of the structure on the lot, which -- again --
4 -- predates the existing ordinance, and the fact that it is
5 encumbered by the existing ordinance.

6 The Board finds that the desirable relief may be
7 granted without substantial detriment to the public good, or
8 nullifying or substantially derogating from the intent and
9 purpose of this ordinance, and desirable relief may be
10 granted without substantial detriment to the public good, or
11 nullifying or substantially derogating from the intent and
12 purpose of this ordinance, which will allow the current
13 occupant -- long-term residents -- to be able to remain in
14 their property and to use it in a fair and reasonable
15 fashion.

16 Any other -- and the Board also notes the -- one
17 change to the plan as submitted.

18 On the motion, then, to grant the variance, Mr.
19 Alexander?

20 CONSTANTINE ALEXANDER: I move to grant the
21 variance.

22 BRENDAN SULLIVAN: Matina Williams?

1 MATINA WILLIAMS: We should grant the variance.

2 BRENDAN SULLIVAN: Wendy?

3 WENDY LEISERSON: Wendy Leiserson yes to granting
4 the variance.

5 BRENDAN SULLIVAN: Jim Monteverde to grant the
6 variance?

7 JIM MONTEVERDE: Jim Monteverde in favor of the
8 variance.

9 BRENDAN SULLIVAN: And Brendan Sullivan to grant
10 the variance.

11 [All vote YES]

12 On the motion of five affirmative votes, the
13 variance is granted.

14 COLLECTIVE: Thank you very much, thank you.

15 BRENDAN SULLIVAN: Good luck.

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(8:56 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Wendy Leiserson, Jim Monteverde, and
Matina Williams

BRENDAN SULLIVAN: The Board will now hear Case No. 158423.
Mr. Lodge?

[Pause]

BRENDAN SULLIVAN: John?

JOHN LODGE: Hi. I think my client -- or one of
the clients, Pam Pecchio, is also waiting to join. Oh, is
she on there?

PAMELA PECCHIO: Hello.

JOHN LODGE: Hi. Sorry. So my name -- for the
record, my name is John Lodge. I'm the architect for the
project at 4 Hollis Park.

And what we are before the Board tonight for is a
special permit. We're doing a substantial renovation to
that house. And then we're proposing new windows within one
setback, and a new dormer to create a new stair that meets
the building code to get to the third floor.

If you'd like, Pam can just sort of run through

1 how the house works now, and how we're proposing to change
2 it.

3 PAMELA PECCHIO: Thanks, John. Hi, everyone. My
4 name is Pam Pecchio, and I am one of the owners of 4 Hollis
5 Park. So we have been in North Cambridge for five years.
6 And we rented for a few years a few blocks away and bought
7 this house two years ago. It's a two-family. We rent out
8 one of the apartments currently.

9 We have two young children, and we plan to stay
10 here in Cambridge in this house long-term -- as long as we
11 possibly can. Our house is in need of updates. Our primary
12 concern is safety.

13 The staircase to the third floor, which is where
14 our children sleep, is not very -- it's like -- much less
15 than optimal. The ceiling at one point is very low. You
16 have to sort of stoop over to the side to not hit your head
17 going up and down.

18 And there is also at the top a sunken landing that
19 if there were, you know, some sort of emergency, it would be
20 pretty dangerous in the dark for the children to be heading
21 toward the stairs, because it kind of sneaks up on you.

22 So in our proposed plan, we want to move the

1 staircase to the center of the house and add a dormer that
2 accommodates just that staircase.

3 While we're at it, we want to also update the
4 electric and plumbing, which have been hodgepodged over the
5 years. A lot of it was DIY by the previous owner, and we
6 kind of need it all to be up to code and safe.

7 And then while we're at that, we're hoping to also
8 insulate the house and update systems to make them function,
9 effectively and sustainably.

10 And so that's kind of our basic, current situation
11 and why we want to -- why we are applying for a special
12 permit. Is that what it is? I --

13 JOHN LODGE: Yeah.

14 PAMELA PECCHIO: -- get a little confused with
15 the terms, yeah. So I'll turn it back over to John. But
16 I'm here for questions.

17 JOHN LODGE: If you'd like, I can just sort of
18 walk you through the drawings.

19 BRENDAN SULLIVAN: If -- yeah, briefly, you can --
20 we are all familiar with it. But if you want to just do it
21 briefly to explain?

22 JOHN LODGE: Sure, sure.

1 CONSTANTINE ALEXANDER: While you're doing that,
2 let's comment on the dormer and to the extent it complies
3 with the Dormer Guidelines?

4 JOHN LODGE: Yes. The dormer does conform with
5 all the Dormer Guidelines, yes.

6 CONSTANTINE ALEXANDER: I'm sorry, say that again?

7 JIM MONTEVERDE: Say --

8 JOHN LODGE: Sorry. I'm sorry?

9 CONSTANTINE ALEXANDER: I didn't --

10 JIM MONTEVERDE: Could you repeat that?

11 CONSTANTINE ALEXANDER: I didn't hear what you
12 said.

13 JOHN LODGE: Oh, yes, the dormer does conform with
14 the Dormer Guidelines.

15 CONSTANTINE ALEXANDER: Thank you.

16 JOHN LODGE: Yep. All right so it's an odd-shaped
17 lot, and a fair amount of the house is within the setbacks,
18 as it currently exists. Most of the northwest façade, which
19 is to the top of the page here -- well, actually all of the
20 northwest façade, is within the setback. However, it's also
21 the side that has the most breathing space and sort of the
22 longest views.

1 If you -- there's a sheet that's labeled, "The
2 Neighborhood Plan." Keep going, I think. There. No, keep
3 going. Are those all the sheets? I thought there was a --
4 basically I just -- it's just a .pdf of the GIS map.

5 In any event, so if you go to photograph 10, so
6 this is a view of that northwest façade from the parking lot
7 of the adjacent lot on the next street over, which is Right
8 (phonetic) Street.

9 So you can see that this is the side of the house
10 that has the most breathing space. The two closest houses
11 on this -- or the backs of the two closest houses on this
12 side are about 75 feet away, whereas the -- on Hollis Park
13 itself, the house is -- you know, it's fairly close to its
14 neighbors.

15 So if you go back to -- yeah, if you go back to
16 Z1, so yeah, so basically what we're proposing is a dormer
17 and sort of an extensive rejiggering -- well, extensive
18 rejiggering of all the windows on the northwest façade, new
19 windows on the southwest façade, which is facing the back
20 yard, which don't require a special permit, and then on the
21 southeast façade, which is at the bottom of the page here,
22 we're proposing a new areaway.

1 There is -- as the house is currently laid out, if
2 you go to the next sheet, the next plans, Z2 --

3 So as the house is currently laid out, it's sort
4 of a classic Cambridge two-family. There's one apartment on
5 the first floor, and then a two -- the second and third
6 floor is the other apartment.

7 So what we're proposing to do is to move the
8 first-floor apartment into the basement. So it will have an
9 entrance through a new areaway, sort of at the back of the
10 parking space. And it will share a second means of egress
11 in the new central stair, which comes out to the northwest
12 side.

13 As, so if you sort of scroll down through the
14 plans, you can see that the central stair comes up to the
15 second floor, and then comes up into the dormer to access
16 the space in the attic here exactly.

17 So I -- I mean, I think it's a pretty
18 straightforward -- but if you want to keep going, I can show
19 you the elevations, which I think are more germane.

20 So this is the revised front of the house, the
21 northeast elevation, which is in the front yard setback. So
22 that's pretty much as-of-right. Although on the northeast

1 side and on the southeast side, we're proposing new windows
2 within existing openings anyways.

3 So -- and if you look at the proposed southwest
4 elevation, you can see a vertical dotted line that shows the
5 extent of that façade that's actually in the setback.

6 So we are proposing sort of a different layout for
7 windows and doors to the back yard. But they're -- because
8 of the odd shape of the lot, the setback line just clips the
9 corner.

10 So then if you continue down -- so these are,
11 yeah, these are the existing elevations, so you can sort of
12 get a sense of how those change.

13 So this is the -- this is the new northwest
14 elevation. And basically, it's all new windows -- pretty
15 much in all new openings. And then you can see the dormer
16 sort of topping the sort of stair tower in the middle here.

17 And the dormer -- the dormer adds roughly 40
18 square feet to the existing FAR. The existing FAR I think
19 is at 70.78, and this takes us to 0.79. But it's -- because,
20 you know, because it's basically sloping down just to
21 accommodate the head room and the stair, it doesn't -- you
22 know, it doesn't actually end up adding much.

1 BRENDAN SULLIVAN: Run that again. The existing
2 FAR is what, 0.7?

3 ROBERT LINN: If you go back to Z1, the worksheet
4 -- I should know this right off the top of my head -- so the
5 existing FAR is -- there you go, so I'm sorry -- yeah, the
6 existing is 0.74, and the proposed is 0.75.

7 BRENDAN SULLIVAN: Okay. Now, if while we're on
8 the dimensional form --

9 ROBERT LINN: Yeah.

10 BRENDAN SULLIVAN: If we have the height --

11 ROBERT LINN: Yeah, oh the --

12 BRENDAN SULLIVAN: -- right now --

13 ROBERT LINN: Yeah.

14 BRENDAN SULLIVAN: -- right now is at 32.2 --

15 ROBERT LINN: Yeah, no, the 36 feet, what happens
16 is because -- if I measure from the bottom of the areaway to
17 the top of the ridge, you know, I'm -- I mean technically I
18 -- which I think technically is the way we have to do it --
19 but from, you know, the ridge doesn't -- from grade to the
20 ridge doesn't change.

21 The reason the height changes is because we're
22 adding a new stair down to the basement. So I'm measuring -

1 - so that 36 is measuring from the bottom of the areaway to
2 the ridge.

3 BRENDAN SULLIVAN: All right. You're asking for a
4 special permit under 8.22.2 d), is that correct?

5 ROBERT LINN: Yeah, yeah.

6 BRENDAN SULLIVAN: Let me read the language of the
7 ordinance. "In all districts, the Board of Zoning Appeal
8 may grant a special permit for the alteration or enlargement
9 of a preexisting, dimensionally nonconforming, detached
10 single-family dwelling or two-family dwelling, not otherwise
11 permitted in Section 8.22.1 above, but not the alteration or
12 enlargement of a preexisting, nonconforming use.

13 "Provided that there is no change in use, and that
14 any enlargement or alteration of such preexisting,
15 nonconforming, detached single-family dwelling or two-family
16 dwelling may only increase a preexisting dimensional
17 nonconformity, but does not create a new dimensional
18 nonconformity -- "

19 You're creating a new dimensional nonconformity.
20 You're in conformance with the height now, and you are going
21 out of conformity by a foot, so that you cannot ask for a
22 special permit under the section. You would have to get a

1 variance.

2 ROBERT LINN: Aha. Well, it's funny because I --
3 originally, I applied for a variance, and then I talked to
4 Ranjit about it, and so I was applying for a variance for
5 the areaway as well as for the dormer, because I didn't
6 realize that there had been a change to Section 8 this
7 summer.

8 So our original application was for a variance,
9 which would have covered that as well. I mean, I know this
10 doesn't really sort of change what you guys have to go on.

11 BRENDAN SULLIVAN: Well, it's just that we're
12 aware of it, and we cannot grant relief unless it's legally
13 tenable, and that somebody could -- well, anyhow, we just
14 can't do it, for a variety of --

15 ROBERT LINN: I'll tell you what: How about if we
16 just take out the areaway now and come back, so we divide it
17 into two, basically?

18 BRENDAN SULLIVAN: Well, that's sort of coming in
19 the back door type of thing. And I think if you're
20 eventually going to do that, then --

21 ROBERT LINN: Yeah, I mean we -- no, we would
22 definitely be coming back to you for the variance.

1 BRENDAN SULLIVAN: I don't know. I would not be
2 in favor of that.

3 CONSTANTINE ALEXANDER: Nor would I. I think our
4 practice is if we're going to grant relief, we're not going
5 to do it --

6 ROBERT LINN: Yeah, no, I completely understand.
7 All right.

8 CONSTANTINE ALEXANDER: I think the case cannot be
9 decided tonight.

10 BRENDAN SULLIVAN: Do you need that foot in the
11 areaway? Can you not raise it by a foot, or not?

12 ROBERT LINN: Well, it -- no, because you know,
13 you want the areaway to be -- you want the areaway to be
14 lower than the basement floor, so that we have drainage.

15 BRENDAN SULLIVAN: Correct. So the answer to that
16 is no?

17 ROBERT LINN: Yeah.

18 BRENDAN SULLIVAN: We can't adjust the areaway. I
19 think we need to reapply for a variance. And unless -- I
20 don't know what, you know, again, the Commission is thinking
21 -- I'm, either he, well I don't know -- I don't know why he
22 would have other than the areaway in a new dimensional,

1 nonconformity precludes us from granting relief under 8.222
2 d).

3 So I think what we need to do is to continue this
4 matter, and then have you refile.

5 ROBERT LINN: All right. If we were to refile,
6 you don't have a sense of when we could next get on the
7 Agenda?

8 BRENDAN SULLIVAN: If you refiled, you may get
9 heard sooner, and -- this being continued.

10 ROBERT LINN: Right.

11 BRENDAN SULLIVAN: Because of the way the Agenda
12 is set up that we only want so many continued cases on the
13 --

14 ROBERT LINN: Right, yeah, yeah. Yeah, I
15 understand.

16 BRENDAN SULLIVAN: But we can adjust for regular
17 cases, and this, you know, probably would be a regular case
18 that may be heard sooner. I mean, I would have to take this
19 off until May.

20 We will continue this matter until May, but your
21 new filing could be sooner to be heard, and that come May 5
22 or whenever it may be, if this was still on the Agenda, it

1 could be withdrawn, should you be successful with the other
2 one.

3 ROBERT LINN: All right.

4 BRENDAN SULLIVAN: Basically, it keeps the
5 petition alive, as opposed to a withdrawal or whatever, so
6 at least it --

7 ROBERT LINN: Right. It sounds to me like it
8 makes -- and Pam, you should weigh in too, but it sounds to
9 me like we're probably better off just refiling.

10 BRENDAN SULLIVAN: Let me continue this matter,
11 until -- what are we, May 11?

12 CONSTANTINE ALEXANDER: Pick one, right?

13 BRENDAN SULLIVAN: May 5. We're going to continue
14 this matter until May 5, and --

15 ROBERT LINN: Oh, so that stays open, and then if
16 I refiled, then it just --

17 BRENDAN SULLIVAN: And then come May 5, if you're
18 successful on the other one and -- or if the Commissioner
19 says no, that you can come under -- it's a different
20 criteria.

21 ROBERT LINN: Yeah. No. I understand.

22 BRENDAN SULLIVAN: You know, a different standard,

1 so that if the Commissioner in reviewing this says no that
2 we can -- I mean, I'd be interested how he determines that -
3 that at least you have the May 5 that you can fall back on,
4 something like this.

5 ROBERT LINN: Right.

6 BRENDAN SULLIVAN: Anyhow --

7 CONSTANTINE ALEXANDER: This is Gus Alexander, one
8 of the Members of the Board. I would just note that we
9 don't grant variances for height very frequently. So your
10 odds of getting relief on that is not great. I think you're
11 better off trying to resign this so you get your height down
12 to 35 feet or less.

13 But I think you may be stuck. You go for a
14 variance and I can't say you won't -- and you don't get
15 relief, then where are you?

16 ROBERT LINN: Yeah, yeah.

17 CONSTANTINE ALEXANDER: Why don't you continue
18 this case, re -- go back and rethink it, see if you can come
19 up with a design and a result that meets the height
20 requirements, and you're going to -- I think your chances of
21 success are much greater.

22 ROBERT LINN: But if we continue, so what's the

1 earliest continuance?

2 BRENDAN SULLIVAN: May 5. John, the other thing
3 too is that you have measured, you said, from the areaway
4 up. But it -- that has to be -- you need to take the
5 average grade.

6 CONSTANTINE ALEXANDER: That's the average.

7 BRENDAN SULLIVAN: -- which --

8 ROBERT LINN: Well, if it's the average grade,
9 then we're probably fine.

10 JIM MONTEVERDE: Yeah. I think if you do the
11 calculation, you're probably fine.

12 BRENDAN SULLIVAN: Right. Yeah. Okay. So we're
13 thinking of this on the fly here, but I think --

14 ROBERT LINN: How about if we did this, how about
15 if we -- you know, made it contingent on making sure the
16 average grade conformed?

17 JIM MONTEVERDE: Hmm.

18 BRENDAN SULLIVAN: I think we really need an exact
19 number.

20 ROBERT LINN: All right. Um--

21 BRENDAN SULLIVAN: Because, again, it's a document
22 -- it's a legal document. So it has --

1 ROBERT LINN: Yeah, no, no, I understand.

2 BRENDAN SULLIVAN: -- to be correct.

3 ROBERT LINN: So again, so, you know, just in
4 terms of getting heard sooner, it sounds -- I guess we would
5 -- if we're basically just going for a -- still going for a
6 special permit and we're just doing the calculations on the
7 average grade, would that have to be a continuance, or could
8 we reapply? I'm just trying to figure out the way to get --

9 BRENDAN SULLIVAN: No, if --

10 ROBERT LINN: -- heard the soonest.

11 BRENDAN SULLIVAN: If you can comply, then it has
12 to be with this case here. And --

13 ROBERT LINN: Okay.

14 BRENDAN SULLIVAN: -- again, so that's -- it's May
15 5.

16 ROBERT LINN: All right.

17 JIM MONTEVERDE: Mr. Chair, could we allow the
18 proponent to break away -- we have two more cases -- come
19 back at the end of our Agenda? And if you think in that
20 time, you could recalculate the grade, for the average
21 grade, because if that issues goes away, it's a whole
22 different story.

1 ROBERT LINN: Oh, all right.

2 JIM MONTEVERDE: Right?

3 ROBERT LINN: Well, yeah. Yeah, we can -- yeah,
4 we can absolutely --

5 JIM MONTEVERDE: Do you think you can do it in
6 that timeframe, and basically, you know, show us something
7 on -- well, I don't know how you show us something, but --

8 CONSTANTINE ALEXANDER: Remember that you'll have
9 to convince the Commissioner, the Building Department your
10 calculation that the grade is not over 35 feet is correct.

11 JIM MONTEVERDE: Yeah.

12 ROBERT LINN: All right. Yeah.

13 JIM MONTEVERDE: Yeah.

14 ROBERT LINN: Well that's -- I mean -- yeah. I
15 mean, I'm pretty comfortable that it's not and that, you
16 know, given that we're talking about an eight-foot areaway
17 and, you know, we're -- the, you know, it's basically a flat
18 site.

19 So we're sort of -- you know, we're at 32.2 all
20 the way around. So if you have 10 feet that's -- you know,
21 that's down a foot below, then we're -- you know, just
22 looking at it --

1 BRENDAN SULLIVAN: All right, Jim that's a good
2 suggestion. I tell you what, John, why don't we put a hold
3 on this case. We will hear the next two cases, let you go
4 with your calculator, come back to us at the end of the --
5 our regular Agenda, see what you can come up with, and then
6 we'll deal with it then?

7 ROBERT LINN: All right. That sounds like a good
8 idea.

9 BRENDAN SULLIVAN: Okay. So on the motion, then,
10 to continue this matter to allow the petitioner some time to
11 recalculate. All those --

12 CONSTANTINE ALEXANDER: We're not going to
13 continue it, we're going to --

14 BRENDAN SULLIVAN: We're going to recess?

15 JIM MONTEVERDE: We don't have to vote. We're
16 just going to give him a break.

17 ROBERT LINN: No, you don't have to vote, your
18 just --

19 BRENDAN SULLIVAN: Yeah, okay. So let's recess
20 it, then, until you're --

21 JIM MONTEVERDE: Recess, there you go.

22 BRENDAN SULLIVAN: Ready.

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ROBERT LINN: All right.
BRENDAN SULLIVAN: Okay.
JIM MONTEVERDE: Right.
BRENDAN SULLIVAN: Thank you.
ROBERT LINN: All right, thanks.

1 * * * * *

2 (9:17 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 154757 -- 32 Mount Pleasant Street #1. Mr. Richard?

8 KEVIN RICHARD: Yes, hi. My name is Kevin
9 Richard, Cambridge Craftsman. I represent Henry Leitner at
10 32-34 Mount Pleasant Street, who has hired me to design and
11 build a portico three feet deep and 16 feet wide.

12 There was originally one on the house, which was
13 torn off in around 1920 or somewhere around there. It
14 wasn't really clear in the records.

15 And the lack of entryway canopy has caused
16 foundational damage. I had to rebuild the porch. And so we
17 would like to create some watershed on the front of the
18 structure of the building.

19 BRENDAN SULLIVAN: Okay. Note for the file that
20 we've made some changes to the original initial submissions,
21 which are acceptable to the Board, and let me turn it over
22 to the Board any questions.

1 Mr. Alexander, any questions on the application?

2 CONSTANTINE ALEXANDER: No, it seems to be very
3 clear, the relief is modest. I think they are certainly
4 entitled to relief, and I support the position.

5 BRENDAN SULLIVAN: All right. Matina, any
6 questions or comments on the petition?

7 MATINA WILLIAMS: No, not at this time.

8 BRENDAN SULLIVAN: Okay. Jim Monteverde, any
9 questions or --

10 JIM MONTEVERDE: No questions. I am
11 wholeheartedly in support of what you're proposing here.
12 The building looks naked without the canopy.

13 ROBERT LINN: Every neighbor is hoping for a
14 positive outcome tonight.

15 JIM MONTEVERDE: Yeah. I'm sure.

16 BRENDAN SULLIVAN: Wendy Leiserson, any comments?

17 WENDY LEISERSON: No. Wendy Leiserson, a
18 neighbor, also in support.

19 KEVIN RICHARD: Thank you, Wendy.

20 BRENDAN SULLIVAN: All right. Any -- then I'll
21 open it up to public comment. Any member of the public who
22 wishes to speak should now click the button that says,

1 "Participants," and then click the button that says, "Raise
2 hand."

3 If you are calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6.

5 OLIVIA RATAY: BW?

6 [Pause]

7 JIM MONTEVERDE: I think that's a left over from
8 the Cambridge Housing Authority.

9 COLLECTIVE: [Laughter]

10 JIM MONTEVERDE: That was the same initials from before.
11 They're still looking. They're hoping. They're really not
12 going to be happy now.

13 COLLECTIVE: [Laughter]

14 BRENDAN SULLIVAN: You're not building 100 units,
15 are you, Henry? No?

16 CONSTANTINE ALEXANDER: Behind the portico.

17 BRENDAN SULLIVAN: Okay. There's nobody calling
18 in. We are in receipt of two letters.

19 "I am writing in enthusiastic support of our
20 neighbors' request for a variance to add a portico for their
21 front doors. I live next door at 30 Mount Pleasant Street.
22 Their house is the only one on the street that does not have

1 a portico. Adding one will improve the appearance of the
2 house and bring it into keeping with the rest of the street
3 of Victorian houses.

4 "Sincerely,

5 Lear Williams

6 30 Mt. Pleasant Street."

7 There is correspondence in the file, Lance Drane,
8 D-r-a-n-e and Elizabeth Wylde, W-y-l-d-e.

9 "We live directly across the street from 32 Mount
10 Pleasant Street. We wholeheartedly recommend that the Board
11 approve this application to add a portico over the front
12 doors. "

13 And that is the sum and substance of any
14 correspondence. I'll close the public comment aspect of
15 this and make a motion. Any final comments, Mr. Richard at
16 all, or no?

17 KEVIN RICHARD: No.

18 BRENDAN SULLIVAN: No?

19 KEVIN RICHARD: Thank you.

20 BRENDAN SULLIVAN: Not at all?

21 KEVIN RICHARD: Thank you to the Board.

22 BRENDAN SULLIVAN: Let me make a motion, then, to

1 grant the relief requested as per the application. The
2 dimensional form, also the drawings that are attached
3 thereof with the dimensions.

4 The Board finds that a literal enforcement of the
5 provisions of the ordinance would involve a substantial
6 hardship to the petitioner, because it would preclude the
7 petitioner from adding a portico over their front porch,
8 which is a very necessary element to keep out weather,
9 especially snow or ice, and it is actually a safety issue.

10 It provides some protection then also to the front
11 of the façade, which can be challenging to maintain
12 regarding the weather.

13 The porch structure, the original porch structure,
14 was torn down and has not been replaced. So the Board finds
15 that we are basically restoring a feature that was part of
16 the original structure, and the Board finds that the relief
17 of the existing house is encumbered by the existing
18 ordinance built prior to the ordinance, and that any
19 addition of this nature would require some relief from the
20 Board.

21 The Board finds that the hardship is owing, again,
22 to the size and shape of the building and the lot, which

1 predates the existing ordinance, and is encumbered as such.

2 The Board finds that desirable relief may be
3 granted without substantial detriment to the public good.

4 And the Board finds that the porch roof will only
5 extend partially over the porch, and will have no detriment
6 to the public good and actually be consistent with the
7 adjoining houses in the neighborhood.

8 The Board finds that desirable relief may be
9 granted without nullifying or substantially derogating from
10 the intent and purpose of the ordinance, and will allow for
11 a more livable and a better protection of the elements to
12 the front of the building.

13 On the motion to grant the variance, Mr.
14 Alexander?

15 CONSTANTINE ALEXANDER: I approve.

16 BRENDAN SULLIVAN: Wendy Leiserson?

17 WENDY LEISERSON: Wendy Leiserson approve.

18 BRENDAN SULLIVAN: Wendy? Matina?

19 MATINA WILLIAMS: Matina Williams: Approve.

20 BRENDAN SULLIVAN: Jim?

21 JIM MONTEVERDE: [Jim Monteverde] I vote in favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

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[All vote YES]

BRENDAN SULLIVAN: Affirmative vote of five
Members. The variance is granted for the portico. Good
luck.

COLLECTIVE: Thank you.

1 * * * * *

2 (9:25 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: Now the Board will hear Case
7 No. 159246 -- 30 Fairmont Avenue. Mr. Glassman?

8 ADAM GLASSMAN: Good evening, Board. This is
9 Adam Glassman for the record with GCD Architects at 2
10 Worthington Street in Cambridge, here representing the
11 owner, Janice Ye, of 30 Fairmont Ave in Cambridge.

12 We're here tonight to seek both a special permit
13 and a variance for three pieces of this project, a special
14 permit for a new door opening in the rear elevation, which
15 is within the rear setback, a special permit to exclude the
16 basement as FAR from the building, and a variance to
17 install a stairwell with a vertical guardrail, the vertical
18 guardrail being within the left side setback requires a
19 variance.

20 Olivia, can you bring up the plans?

21 On their upper left, the rear view, there's a red
22 box. Actually, that red box indicates a -- the location of

1 the -- yeah, you can zoom out. That's the location of the
2 door we'd like to install.

3 The "Y" indicates stairs to be removed, and they
4 will be replicated at the new door opening on the rear side.
5 The box around the -- and these are boxes, because of a .pdf
6 glitch, they're really -- they were meant to be letters.

7 The bulkhead, which is existing, would be
8 converted into a stairwell, a below-grade stairwell, with a
9 vertical guardrail.

10 The left side setback, or the bulkhead is within
11 the left side setback, and therefore the stair well would be
12 within the left side setback as well.

13 Lower left is a front view of the building. None
14 of this work is visible either from the right view of the
15 front, or the left view of the front.

16 Lower right-hand side, you can see the lot is
17 small. The building for the size of the lot is large, and
18 that is why it's the nonconforming lot.

19 Next slide, please?

20 Seeking relief for exclusion of the basement would
21 result in a net gain of 0 FAR. Otherwise, without
22 exclusion, we'd be increasing already nonconforming FAR,

1 going to a 1.42 from a 1.9. With the exclusion of the
2 basement we can remain at the 1.19.

3 Next slide?

4 The existing basement on the left half of the
5 building, which I should say is a five-unit building falls
6 under the commercial code. The left side is continually all
7 unfinished.

8 The right side, which is existing and remains
9 mostly added scope of work, has two finished areas which are
10 duplexed with the units above.

11 Our proposed left side basement with duplex, the
12 new living space, with the unit above to make the unit more
13 comfortable and more functional.

14 Off the back of the proposed basement, you can see
15 the proposed stairwell extending the bulkhead well (sic)
16 further towards the back of the house.

17 Next slide, please?

18 Our first-floor existing plans on the left, we
19 have a first-floor bedroom, a dining room in the middle and
20 a kitchen in the back, and stairs in the far rear, which
21 would be removed to create a new code-compliant internal
22 connection from the first floor to the basement in the form

1 of a spiral staircase.

2 The rest of the first floor would remain
3 unchanged, with the exception of a new rear egress off the
4 back of the rear wall, adjacent to the spiral stair.

5 Next slide, please?

6 Second-floor plan, there's really no work here to
7 talk about, as far as this application, just to show the
8 existing plans. We've got a five-unit building, two units
9 on the first floor, or -- I'm sorry, three units on the
10 first floor and two units on the second floor, duplex on the
11 third floor.

12 Next slide?

13 More descriptive photos and elevations: On the
14 lower left, the rear elevation as it exists, and on the
15 right the same elevation with the new door cut into the
16 wall, which is within the rear setback.

17 Photos that show the location of the rear wall
18 relative to the rear lot line, which is the fence, and a
19 side view showing, again, the stair to be removed and the
20 location of the bulkhead and the proximity of the proposed
21 work, relative to the fence.

22 And again, there's really no impact here. This

1 work has no impact on the right-side abutter.

2 Next slide?

3 Another photo calling out the bulkhead to be
4 reused and converted. Door and steps to be removed. The
5 associated elevations, the existing door would be converted
6 into a window, and the side view shows the new stair, which
7 would be visible, which would be four steps.

8 Next slide?

9 The exterior work, or I should say all the work,
10 includes creation of additional permeable space, enhanced
11 landscaping -- all work which is by right, but the -- these
12 improvements go hand in hand with the application that we're
13 seeking.

14 Next slide?

15 Just the surveyed site plan. Might be hard to
16 see, but the setback envelope goes right through the
17 building on all sides. It runs through the bulkhead and
18 would run -- this stair would be about 12 inches over the
19 left side setback, which is where the bulkhead is now.

20 And that is it. And I'm open to questions.

21 BRENDAN SULLIVAN: Thank you. Any questions by
22 Members of the Board? Mr. Alexander?

1 CONSTANTINE ALEXANDER: No questions.

2 BRENDAN SULLIVAN: And Matina, any questions?

3 MATINA WILLIAMS: No questions.

4 BRENDAN SULLIVAN: Wendy Leiserson, any questions?

5 WENDY LEISERSON: No questions.

6 BRENDAN SULLIVAN: Jim Monteverde, any questions?

7 JIM MONTEVERDE: I'm just -- yes, the one question
8 I have is I'm trying to understand why I should look
9 favorably on excluding this new basement living space.

10 ADAM GLASSMAN: Sure.

11 JIM MONTEVERDE: And obviously, I can see from the
12 dimensional form that if you don't exclude it, you're, you
13 know, you're suspiciously over the FAR --

14 ADAM GLASSMAN: Sure.

15 JIM MONTEVERDE: Why should we exclude it?

16 ADAM GLASSMAN: Well, special permit -- for you to
17 grant a special permit, you need to be convinced that the
18 proposed use is consistent with the similar uses of the
19 similar spaces on the street, that it has no impact on the
20 continued uses of the existing structures on the street, and
21 that there is no detriment to the community or the
22 neighborhood or the city.

1 And that is why we do not need to show a hardship

2 --

3 JIM MONTEVERDE: No, no, I understand that. Yeah,
4 I understand the no hardship.

5 ADAM GLASSMAN: So I think you should look
6 favorably because we're causing no kind of harm or detriment
7 or negative impact whatsoever to our abutters, who support
8 the project.

9 JIM MONTEVERDE: Okay. So there's no issue of
10 increasing the density, increasing the use and the --

11 ADAM GLASSMAN: No, we're not adding any parking
12 pressure, we're not asking relief for parking, we are not
13 increasing the height of the structure to become
14 nonconforming. This is a non-impact proposal.

15 JIM MONTEVERDE: So it's really the one -- and it
16 is Unit #1?

17 ADAM GLASSMAN: Correct.

18 JIM MONTEVERDE: It gets improved, and adds some
19 square footage to it?

20 ADAM GLASSMAN: Exactly.

21 JIM MONTEVERDE: And it's a one-bedroom now, and
22 it's a one-bedroom then?

1 ADAM GLASSMAN: It is.

2 JIM MONTEVERDE: Right so in that sense, it's
3 really kind of the same animal, or is in the improvement?

4 ADAM GLASSMAN: Exactly.

5 JIM MONTEVERDE: Yeah, okay. All right. Thank
6 you.

7 BRENDAN SULLIVAN: Under 8.222 c), in residential
8 districts, the Board may grant a special permit for the
9 alteration or enlargement of a nonconforming structure not
10 otherwise permitted in Section 8.21, but not the alteration
11 or enlargement of a nonconforming use, provided any
12 enlargement or alteration of such nonconforming structure is
13 not in further violation of the dimensional requirements, so
14 that -- and that the increase in area or volume will not
15 increase the area or volume by more than 25 percent since it
16 first became nonconforming.

17 And so the addition of the basement is not
18 increasing the area by 25 percent, is that correct?

19 ADAM GLASSMAN: That's correct.

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

1 then click the button that says, "Raise hand."

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

5 OLIVIA RATAY: BW:

6 JIM MONTEVERDE: Those are the same folks still
7 hanging around for the Cambridge Housing Authority.

8 BW: Hello, hello?

9 JIM MONTEVERDE: Yep.

10 BW: Can you hear me?

11 BRENDAN SULLIVAN: Yes.

12 BW: Can you hear me?

13 Oh, wonderful. I'm so sorry that it wasn't
14 working, Zoom. I've been trying to get through, because
15 you asked for public comment on the 55 Wendell matter, and
16 I have -- I -- they said that they talked to the neighbors.
17 I am the person across the street, and they did not talk to
18 me.

19 JIM MONTEVERDE: Mm-hm.

20 BW: And I was deeply concerned about it. So I
21 recognize that you've now granted the variance, but you
22 recognized me, and then the other woman called in and talked

1 over me. And you never let me talk!

2 BRENDAN SULLIVAN: Well, I'm sorry that we missed
3 the call, and -- but we have settled that case, and we
4 granted the relief requested.

5 BW: Yes, but I did what I was supposed to do. I
6 called it and I -- you recognized me, and then you let that
7 other person talk over me. So I never get a chance to say
8 what needed to be said.

9 BRENDAN SULLIVAN: Well, again, I apologize for
10 the disconnect somehow, that we weren't able to get through
11 to you, or you get through to us, but we have resolved that
12 case. We have granted the relief, and that's -- you know,
13 the end of the matter.

14 BW: That's unfortunate. I did what I was
15 supposed to do. I called in, I --

16 BRENDAN SULLIVAN: I understand that.

17 BW: -- raised my hand.

18 BRENDAN SULLIVAN: I understand that, ma'am, and
19 I'm sorry that there was a disconnect. We didn't do it
20 intentionally, it was -- however it happened, it happened,
21 I'm sorry.

22 BW: But I'm the one that gets stuck with this

1 problem of this monstrosity that they're building across the
2 street.

3 It clearly did work eventually, because I did it
4 twice, and the first two times I did it, it didn't work,
5 and this is the third round where I've stayed on the line
6 trying to get through.

7 So I understand you granted the variance. I'm
8 literally in a cab on my way to City Hall, it was that
9 important. So I don't understand what's wrong with your
10 technology that it didn't work, but I did my part. I did
11 what I was supposed to do. Is there any way to rescind that
12 grant, so that I can at least be heard?

13 BRENDAN SULLIVAN: No. The matter is resolved,
14 basically, on our end. So you do have a right to appeal our
15 decision if you wish, and you can -- you know, talk to the
16 Commissioner on the appeal process or something, but I'm not
17 going to reopen the case at this point. It's been settled.

18 BW: Oh my God. So here I will call the
19 Commissioner. I'm so sorry, it wasn't my fault.

20 BRENDAN SULLIVAN: Okay.

21 BW: I did what I was supposed to do.

22 BRENDAN SULLIVAN: I understand.

1 BW: Thank you.

2 BRENDAN SULLIVAN: Yep.

3 BW: Thanks.

4 BRENDAN SULLIVAN: Thanks. There are no called in
5 -- we are in receipt of two, three letters, one from Mr.
6 Sean Hope.

7 "Please accept this e-mail as my strong support
8 for the zoning relief requested at 30 Fairmont Avenue. I'm
9 an abutter at 30 Fairmont and reside at 22 Fairmont. I have
10 spoken with Ms. Z and her architect about the plans and the
11 requested relief. Fully support the application. Despite
12 the fact that the property is nonconforming, the relief
13 requested is modest in nature, and tailored to make the
14 property more functional.

15 "The need for additional housing in Cambridge is
16 clear in this proposal and will add to Cambridge's housing
17 stock of renovated properties. For these reasons, I
18 recommend the BCZ approve this request for a special permit
19 and variance without conditions."

20 We are in receipt of correspondence from Richard
21 Drost, 28 Fairmont.

22 "I'm writing in support of the petition to grant

1 the zoning relief for the converted basement, new below-
2 grade exterior stairwell, and the new first-floor rear
3 egress door at 30 Fairmont."

4 Correspondence from John Ward at 33 Andrew Street.
5 "I'm writing to support the petition for -- to grant the
6 zoning relief in the converted basement." He has reviewed
7 the plans and the proposed work is extremely modest in
8 keeping with the existing uses and character of the abutting
9 properties, and has absolutely no negative impact whatsoever
10 on our neighborhood.

11 And that is the sum and substance of the
12 correspondence.

13 Okay, Mr. Glassman anything further?

14 ADAM GLASSMAN: Nope. Please vote in our favor.

15 BRENDAN SULLIVAN: Let me make the motion on the
16 --

17 WENDY LEISERSON: Excuse me, Mr. Chair, this is
18 Wendy Leiserson.

19 BRENDAN SULLIVAN: Oh yes, sorry.

20 WENDY LEISERSON: I did just have one more
21 question.

22 BRENDAN SULLIVAN: Go ahead.

1 WENDY LEISERSON: Just thinking about the matter
2 that Jim raised regarding, you know, why we should -- you
3 know, not include the square footage in the basement in the
4 FAR.

5 And I do want to note that there -- I mean, it
6 looks like there's a basement -- in the basement, it's going
7 to be lovely -- with a bath and a wet bar and a
8 washer/dryer, which indicates to me that there is going to
9 be gas probably down there as well.

10 And I just want to note that this -- given the
11 congestion, at the moment I have no concerns. But I would
12 be concerned because it does seem to have all the facilities
13 available for a future additional unit. And I just wonder
14 if there's any condition that we might grant the relief
15 requested, with the understanding that this would not be
16 convertible in the future?

17 BRENDAN SULLIVAN: Mr. Glassman, do you want to --

18 ADAM GLASSMAN: I mean, we have no issue with
19 that. This is not a proposal for a unit. A unit would
20 require coming back to the ZBA asking for relief.

21 WENDY LEISERSON: Thank you.

22 BRENDAN SULLIVAN: Any change, other than what is

1 proposed, they'd have to come back, Wendy --

2 JIM MONTEVERDE: Right.

3 BRENDAN SULLIVAN: -- would be my take on it.

4 WENDY LEISERSON: Great. Okay. Thank you for
5 clarifying that.

6 ADAM GLASSMAN: Can we just say, "Change in use"?

7 BRENDAN SULLIVAN: Okay. Any other questions by
8 Members of the Board? Let me make a motion, then, to grant
9 the relief requested -- the variance as per the application,
10 the supporting statements, dimensional form, and the
11 drawings as submitted.

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

15 The Board finds that the hardship is -- would -- a
16 literal enforcement would prevent the owners from converting
17 the obsolete bulkhead into a safe and convenient, below
18 grade access stair, to serve the new habitable space in the
19 basement; would provide for a code-compliant entry and also
20 exit from the basement area.

21 The hardship is owing to the size and shape of the
22 structure and of the lot and on the lot, which predates the

1 current zoning.

2 The Board finds that the current property is
3 encumbered by the ordinance, and that any changes --
4 petitions of this nature would require some relief from the
5 Board.

6 The Board finds that desirable relief may be
7 granted without substantial detriment to the public good.

8 The Board finds that the relief being requested is
9 fair and modest, and that the guardrail is in a location
10 that is appropriate, and that any other location would also
11 require some relief from this Board, and that the Board
12 finds that the relief is fair and reasonable.

13 Desirable relief may be granted without nullifying
14 or substantially derogating from the intent and purpose of
15 the ordinance. The purpose of the proposed stairway and the
16 guardrail is to provide safe and convenient access and
17 egress to and from the newly created basement living space
18 on duplex Unit #1.

19 There will be no increase in the neighborhood
20 density, no new noise or light pollution created, no loss of
21 open space, no nuisance of any kind will result from this
22 very modest proposal, which is keeping with the use and

1 character of the property, the neighborhood in general, and
2 this modest work maintains the intent of the ordinance to
3 provide safe and code-compliant access and egress from a
4 habitable space.

5 All those in favor of granting the variance?

6 CONSTANTINE ALEXANDER: Subject to --

7 BRENDAN SULLIVAN: Subject to the submissions and
8 the drawings submitted, and initialed by the Chair.

9 CONSTANTINE ALEXANDER: I vote in favor.

10 BRENDAN SULLIVAN: Mr. Alexander votes in favor.
11 Wendy?

12 WENDY LEISERSON: I vote in favor.

13 BRENDAN SULLIVAN: In favor, Wendy Leiserson.
14 Matina Williams? I'm sorry, Wendy Leiserson?

15 WENDY LEISERSON: Yes, in favor.

16 BRENDAN SULLIVAN: Jim Monteverde?

17 JIM MONTEVERDE: Yes, in favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes in
19 favor. So that would be --

20 MATINA WILLIAMS: Matina Williams yes in favor.

21 [All vote YES]

22 JIM MONTEVERDE: There you go.

1 BRENDAN SULLIVAN: Sorry. It's been a long night,
2 I've been talking too much.

3 MATINA WILLIAMS: I hear you.

4 BRENDAN SULLIVAN: Thank you. The variance, with
5 an affirmative vote of five Members, the variance is
6 granted. On the special permit, with the exclusion of the
7 converted basement area from the existing nonconforming FAR?

8 The Board finds that the requirements of the
9 ordinance can be met. That neither the modest exclusion of
10 the new basement habitable space nor the rear wall door
11 opening will have any negative impact on the abutters or the
12 character of the neighborhood.

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

17 The Board finds that continued operation of or
18 development of adjacent uses, as permitted in the zoning
19 ordinance, will not be adversely affected by what is being
20 proposed use.

21 The Board also references the letters of support
22 from abutters to the proposal.

1 The Board finds that there would not be any
2 nuisance or hazard created to the detriment of the health,
3 safety and/or welfare of the occupant of the proposed use,
4 and in fact it would be an enhancement to provide a safe and
5 code-compliant entry and exit from the basement area.

6 The Board finds that the proposed use would not
7 impair the integrity of the district or adjoining district,
8 or derogate from the intent and purpose of the ordinance to
9 provide safe, reliable and updated, habitable space.

10 On the motion to grant a special permit, Mr.
11 Alexander?

12 CONSTANTINE ALEXANDER: I vote in favor.

13 BRENDAN SULLIVAN: Matina Williams on the special
14 permit?

15 MATINA WILLIAMS: I vote in favor.

16 BRENDAN SULLIVAN: Thank you. Wendy Leiserson on
17 the special permit?

18 WENDY LEISERSON: I vote in favor.

19 BRENDAN SULLIVAN: Jim Monteverde?

20 JIM MONTEVERDE: I vote in favor.

21 BRENDAN SULLIVAN: And Brendan Sullivan yes to
22 granting the special permit.

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[All vote YES]

BRENDAN SULLIVAN: On the vote of five Members of the Board, special permit is granted.

ADAM GLASSMAN: Thank you.

CONSTANTINE ALEXANDER: Thank you.

1 * * * * *

2 (9:46 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: Back to Case No. 158423. Mr.
7 Lodge?

8 JOHN LODGE: I put on my thinking cap and I did
9 the math, and the proposed mean grade is going to be 33.004.

10 BRENDAN SULLIVAN: Okay. So that you will be
11 again --

12 JOHN LODGE: Which is --

13 BRENDAN SULLIVAN: -- in --

14 JOHN LODGE: -- yeah, so we'll be -- so we will --
15 we will --

16 BRENDAN SULLIVAN: In compliance.

17 JOHN LODGE: -- we will be in compliance.

18 BRENDAN SULLIVAN: Okay. What I would ask, John,
19 is that you resubmit a new dimensional form --

20 JOHN LODGE: Okay.

21 BRENDAN SULLIVAN: -- reflecting that, before I
22 sign off on the granting of the relief, so that we can

1 incorporate that as part of the relief.

2 JOHN LODGE: Sure.

3 BRENDAN SULLIVAN: Subject to that. All right.
4 Have we talked this one out?

5 JOHN LODGE: Yep.

6 BRENDAN SULLIVAN: We're all set. All right. Let
7 me make a motion, and Jim Monteverde thank you very much for
8 that suggestion. It was --

9 JOHN LODGE: Yeah, Jim, thank you very much for
10 that suggestion.

11 BRENDAN SULLIVAN: -- right on point.

12 JIM MONTEVERDE: Yeah. I was going to -- yeah.
13 It was too easy of a --

14 BRENDAN SULLIVAN: Well.

15 JIM MONTEVERDE: -- fix there.

16 BRENDAN SULLIVAN: And Pam thanks you too, I'm
17 sure. So on the special permit, with the addition of a new
18 dormer and areaway and the installation of the new windows
19 in the setback, the Board finds -- the Board finds
20 something. The Board will find --

21 JIM MONTEVERDE: We can't hear you, Mr. Chair.

22 BRENDAN SULLIVAN: I'm mumbling again.

1 JIM MONTEVERDE: No.

2 BRENDAN SULLIVAN: -- the Board finds that -- it
3 appears that the requirements of the ordinance can be met.
4 Traffic generated or patterns of access or egress would not
5 cause congestion, hazard, or substantial change in
6 established neighborhood.

7 The Board finds that continued operation of or
8 development of adjacent uses, as permitted in the zoning
9 ordinance, would not be adversely affected by what is being
10 proposed use.

11 That there would not be any nuisance or hazard
12 created to the detriment of the health, safety and/or
13 welfare of the occupant of the proposed use.

14 That the proposed use would not impair the
15 integrity of the district or adjoining district, or
16 otherwise derogate from the intent and purpose of the
17 ordinance.

18 The Board also finds that under Section 8.222 d)
19 that the Board is empowered to grant special permits for the
20 alteration or enlargement of a preexisting, dimensionally
21 nonconforming detached single-family dwelling, two-family
22 dwelling, not otherwise permitted in Section 8.22.1 above,

1 but not the alteration or enlargement of the existing
2 nonconforming use.

3 Provided there is no change in use, and that any
4 enlargement or alteration of such preexisting, nonconforming
5 detached single-family dwelling or two-family dwelling may
6 only increase a preexisting, dimensional nonconforming, but
7 does not create a new dimensional nonconforming.

8 In order to grant the special permit, the Board is
9 required to find that the alteration or enlargement shall
10 not be substantially more detrimental to the existing
11 nonconforming structure, or to the neighborhood.

12 And that the alteration or enlargement satisfy the
13 criteria in Section 10.43. This relief is granted on the
14 acceptance of the drawings as submitted, the dimensional
15 form, which will be changed to reflect the new height,
16 dimension and also the supporting statement and initialed by
17 the Chair.

18 On the motion to grant the special permit, Mr.
19 Alexander?

20 CONSTANTINE ALEXANDER: I vote in favor.

21 BRENDAN SULLIVAN: Matina Williams to grant the
22 special permit?

1 MATINA WILLIAMS: In favor of granting the special
2 permit.

3 BRENDAN SULLIVAN: Wendy Leiserson to grant the
4 special permit?

5 WENDY LEISERSON: Yes, in favor.

6 BRENDAN SULLIVAN: Jim Monteverde?

7 JIM MONTEVERDE: Yes, in favor.

8 BRENDAN SULLIVAN: And Brendan Sullivan yes to
9 grant.

10 [All vote YES]

11 BRENDAN SULLIVAN: On the affirmative vote of five
12 Members, the special permit is granted. Goodnight and good
13 luck.

14 COLLECTIVE: Thank you.

15 JIM MONTEVERDE: Okay.

16 BRENDAN SULLIVAN: And that is our meeting for
17 tonight.

18 JIM MONTEVERDE: Class dismissed.

19 BRENDAN SULLIVAN: Thank you all.

20 WENDY LEISERSON: Thank you, Brendan.

21 JIM MONTEVERDE: All right, thank you all.

22 Goodnight.

1 BRENDAN SULLIVAN: Stay well.

2 MATINA WILLIAMS: Thank you, goodnight.

3 JIM MONTEVERDE: Bye-bye.

4 [9:51 p.m. End of Proceedings]

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ERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

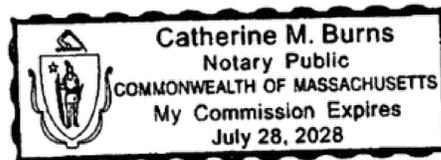
In witness whereof, I have hereunto set my hand this 18th day of February, 2022.



Notary Public

My commission expires:

July 28, 2028



A				
a.m 119:7	accessible 33:14	80:18,20 82:9	140:7 174:10	194:11
A0.9 132:17	105:6,11 121:6	82:21,22 83:14	181:15 183:13	affixed 61:17
A1 139:6	121:15	90:8,9 93:11	additions	age 22:17
A1.2 137:7	accommodate	93:12,19 94:5	121:12 141:14	agency 21:3
141:4	8:2,15 105:1,2	94:19 95:1,3,7	address 7:11,12	83:8
A1.3 44:21	105:14 150:21	97:1,2 99:7,8,8	38:18 44:11	Agenda 125:22
ability 117:17	accommodated	103:6,7 170:8	75:18 84:16	127:10 155:7
118:11 196:7	79:13	170:8 175:10	85:5	155:11,22
able 8:1 19:10	accommodates	175:14,16	addressed 83:15	159:19 161:5
36:17 105:15	146:2	176:5,11,17,20	100:21	aging 104:22
117:3,19	accommodation	177:1,4,19	adds 150:17	ago 36:15 145:7
118:11,13	32:6	182:14 183:18	176:18	agree 41:4 52:20
132:20 135:21	accomplished	184:6 189:4	adjacent 26:3	64:22 94:19
138:4 142:13	79:18	add 50:22 61:2	84:3 123:9	124:6 135:14
179:10	accurate 16:8	70:21 82:8	132:18 148:7	135:15
Absent 30:4	achieve 93:8	92:13 98:10	173:4 187:18	agreeable 93:14
77:9,14	118:16	100:5,6 111:8	192:8	94:5
absolutely 49:22	achieving 106:9	112:13 115:2	adjoining 13:11	agreed 16:7 32:2
160:4 182:9	107:2	116:4,17	24:5 25:17	80:21 94:14
abutted 130:13	act 64:16 76:4	131:21 146:1	26:8,11,13	136:7
abutter 32:2	90:15 99:20	165:20 166:11	57:19 84:11	agreement 8:2
41:13 174:1	action 196:9,11	181:16	122:3,16 135:6	13:10 14:6
181:9	activity 96:18	added 111:22	168:7 188:7	98:11
abutters 32:20	122:18	115:8,11	192:15	agrees 94:10
62:12 176:7	ad 109:12	139:17 140:1	adjust 154:18	Aha 153:2
187:11,22	Adam 28:9,13	172:9	155:16	ahead 182:22
abutting 182:9	28:13,21 29:15	adding 33:21	administrativ...	air 124:1 131:14
accentuates	29:17 30:5,19	38:11 41:6	21:12	133:18 134:6
110:17	30:20 31:9,13	90:21 106:7,12	advance 10:17	Alexander 1:8
accept 113:10	31:16,20,22	106:13,14	16:3 69:20	3:4 4:20,21,22
181:7	36:12 37:8	107:6,10	adverse 58:3	6:3 15:1,3,9,13
acceptable 53:4	38:18,21 39:22	110:21 115:1	adversely 26:4	15:15 16:9
78:1 163:21	40:5 41:12,18	116:4 118:17	84:4 187:19	20:18 24:9,10
acceptance	41:20,22 42:7	118:19 130:2	192:9	26:16,17,20
193:14	42:13,16,20	139:13 150:22	advertisement	27:5,8 28:3,20
access 25:21	43:6,11,17,22	151:22 166:1	15:18	37:19,20 39:16
36:18 83:19	44:6,8 45:1,4,9	167:7 176:11	advertising 16:7	40:2,11 43:5
108:1,1,18	45:17,21 46:3	addition 35:6	advice 77:6	49:14 58:7,9
114:17,18	46:5,12 55:16	44:11 63:19	advised 69:20	65:15,17 66:7
115:1 121:7	55:17 59:4,13	110:8 121:14	aesthetic 26:9	67:3,8,14,18
124:1 131:16	60:6,17 61:12	123:10 130:2	125:7	67:19 69:3
149:15 184:18	61:22 63:9	141:13 167:19	aesthetics 42:1	70:11 71:5,7
185:16 186:3	64:1,12,14,20	177:17 191:17	affidavit 87:22	73:3,20 76:17
187:14 192:4	65:4,6,8,14	additional 45:5	affirmative	77:19,20 82:6
accessibility	67:11,12 68:9	60:18 81:11	24:20 27:17	83:3 88:13,14
105:3 108:10	74:5,6,7,16,21	90:22 92:13	89:1 98:8	90:3 95:13,15
111:12	75:3,22 77:7	104:13 106:8,9	103:2 143:12	97:6,17,18
	79:6,19 80:12	111:8 112:19	169:3 187:5	99:3 102:11,12

104:3 122:22 123:1,6 126:1 127:1 128:14 135:13,14 140:21 142:19 142:20 144:3 147:1,6,9,11 147:15 154:3,8 156:12 157:7,7 157:17 158:6 160:8 161:12 163:3 164:1,2 165:16 168:14 168:15 170:3 174:22 175:1 186:6,9,10 188:11,12 189:5 190:3 193:19,20 align 33:10 57:3 alive 156:5 allow 50:6 54:7 62:13 78:13 81:11 97:12 105:13 108:9 116:22 118:18 120:22 135:18 141:15,19,21 142:12 159:17 161:10 168:10 allowable 49:19 112:11 allowed 30:12 30:14 54:9,12 54:16 alteration 152:8 152:11,14 177:9,10,12 192:20 193:1,4 193:9,12 alternative 100:19 amenable 62:19 63:11 139:1 amended 30:10 30:17 amending 3:14 amenity 51:3,15	58:1 amount 147:17 ancillary 100:6 and/or 188:3 192:12 Andrea 1:9 3:5 4:14,15,15,20 6:4 16:11,12 16:17,22 17:3 17:17,22 18:12 18:16 19:4,7,8 20:20,21 24:11 24:12,12 27:9 27:10,10 28:4 40:20,21 41:17 41:19,21 42:6 42:8,15,19 43:1,8,15,18 44:1,7,19 45:3 45:6 46:11,13 46:18,19 57:12 58:16,18,20 59:5 60:3,15 60:21 61:19 62:18,21 63:8 63:13 64:22 65:18,20 67:20 67:21 69:4 71:1,3,8,9,16 71:21 72:1,3 73:7,8,12,16 73:18 90:4 Andrew 20:6,8 50:20 51:8 182:4 animal 177:3 Anne 20:8 answer 11:22 14:5 45:13 55:11 80:20 81:2,14 93:19 126:3 154:15 antenna 80:15 80:15 81:6,9 81:14,15 91:22 94:4 antennas 79:16 79:22 80:1,7,8	80:14,16 81:16 81:17,22 83:13 90:20,20 91:9 92:5,7,8,12,15 93:6,9 95:5 100:4,4 anterior 122:14 135:8 anti- 56:7 anticipating 13:14 anybody 29:15 55:13 69:7 101:22 126:3 anyways 150:2 apartment 111:14 116:11 149:4,6,8 apartments 145:8 Aplin 50:15 apologies 12:15 apologize 179:9 apparently 52:14 appeal 1:1 77:12 77:13,14 152:7 180:14,16 Appeals 3:8 49:17 75:9 appear 40:10 79:17 92:15 94:3 appearance 40:12 47:6 85:1,9,16 91:15 92:17 166:1 appearing 70:7 appears 20:3 79:12 83:17 133:3 192:3 append 131:7 applicant 84:16 93:14,14 94:9 99:11 applicants 4:1 105:17	application 8:22 15:20 16:6,7 21:16 22:12 74:12 75:2,20 76:2,21 83:5 87:12,13,15 97:15 98:10 100:10 102:6 153:8 164:1 166:11 167:1 173:7 174:12 181:11 184:9 applications 74:9 applied 153:3 apply 43:10 54:5 87:10 applying 146:11 153:4 appreciate 55:21 appreciated 130:18 approach 106:6 appropriate 55:11 56:16 88:8 94:1 133:6 185:10 Appropriaten... 96:19 approval 15:16 30:15 43:2,3 43:10,20 approve 41:3 51:11 63:2,5 166:11 168:15 168:17,19 181:18 approved 43:7 85:13 approximately 14:13 16:18 17:9 138:20 139:3 April 65:12 70:11 architect 49:16 53:2 58:12	104:9 144:15 181:10 Architects 28:14 170:9 architectural 110:4 architecturally 131:9 architecture 91:9 area 13:1,15 16:18 23:18 25:14 29:8,12 30:22 31:3,10 44:4,21 45:7 59:14 60:2 63:3 88:2 100:20 101:6,7 109:3 110:14 115:14,16 117:10 118:1 121:15 131:14 139:8,19 140:4 141:12 177:14 177:15,18 184:20 187:7 188:5 areas 101:9 172:9 areaway 148:22 149:9 151:16 152:1 153:5,16 154:11,13,13 154:18,22 158:3 160:16 191:18 Arrow 2:10 75:2 75:4,17 90:7 91:22 96:13 97:15 98:10 Article 96:15 121:20,21 articulate 48:14 49:6 articulated 49:8 as-of-right 149:22 asked 30:16
---	---	---	---	---

54:7 58:10	127:18 165:8	135:12 136:14	187:7,10 188:5	benefit 23:19
75:8 178:15	178:7	137:7 139:12	basic 146:10	24:5 26:8,8
asking 4:10	available 14:6	139:19 146:15	basically 15:4	84:9
46:11 77:1	65:21 66:3	148:15,15,19	25:2 48:16	best 196:6
106:7,21	95:5,9,9	149:9 150:7	77:3 79:8 94:9	Beth 117:13
121:14,16,19	183:13	151:3 153:16	121:14 132:1	better 14:21
152:3 176:12	Ave 7:12 69:7	153:19,22	141:18 148:4	15:9,12 19:5
183:20	99:14 170:11	157:3,18	148:16 150:14	58:17 79:14
aspect 116:14	Avenue 1:6 2:4	159:19 161:4	150:20 153:17	92:21 117:15
166:14	2:8,11,17 6:7	172:14,16,20	156:4 159:5	156:9 157:11
aspects 98:11	6:17 20:6,11	173:4 183:20	160:6,17	168:11
106:15	52:11 99:7	184:1 190:6	167:15 180:14	beyond 32:8
assembly 47:8	103:5 170:7	background	basis 12:2 87:4	33:8 48:22
assent 8:5	181:8	83:13 130:1	bath 138:14	111:9
assigned 91:9	average 158:5,6	backs 148:11	183:7	big 32:11 60:12
Assistant 1:13	158:8,16 159:7	badly 34:2	bathroom	105:3 115:19
associated 18:18	159:20	Baker's 3:13	118:18	118:4 133:19
76:9 121:11	aware 52:17	balance 109:19	bay 106:11,12	bigger 63:3 65:1
174:5	74:14 127:14	balcony 108:14	106:13 107:8,9	114:13 117:22
association 43:3	153:12	133:7,12,16	109:10,10	bike 9:14
54:9 66:9,22	awful 94:14	134:4,7 135:18	110:9,18,18	Bill 14:9,10,12
assumed 43:12	119:12 122:1	136:8 137:22	115:13	14:18 18:9,11
assuming 21:3	122:10,13	138:18	bays 107:7	Billy 14:4,4,5
78:14		bar 183:7	109:9	18:6
assumption	B	barbecuing	BCZ 181:18	bit 11:7,8 12:1
55:22	b 86:16 87:9,14	53:14	bed 118:17	34:20 36:10
Astrophysical	88:5	barricades 88:8	bedroom 117:21	56:4 57:2 61:2
101:8	back 7:19 9:3,4	barrier 60:18	172:19	78:15 82:1
at-home 34:4	9:13 11:9,13	base 108:15	bedrooms 49:1	92:1 109:6,14
attach 70:20	29:10 32:3	based 4:9 77:5	108:21 117:9	109:15 110:19
attached 42:17	33:9 39:2,6	84:17 129:3	118:5	113:11 115:16
54:10,11 60:8	40:9 42:6,7	basement 11:15	beginning 14:14	118:3 122:8
60:9,10,16	44:15,17,18	11:15 17:4,13	57:14,17	124:10 131:3
61:4 167:2	46:17 48:17	18:4 23:6	begs 59:1	136:10
attaching 81:6	49:4 50:6,9	105:10 107:17	behalf 90:12	black 52:22
attachment	53:6 57:6 58:5	108:20 111:13	99:11	blind 102:3
12:12	62:1 63:5	116:6,17	believe 12:17	block 80:7
attempt 85:5	73:14 75:20	119:15,19	17:14 21:15	blocks 145:6
attendance 4:11	98:6 106:14	120:12,20	29:8 32:5 36:9	board 1:1 3:8
attention 92:18	107:22 108:1	121:7 141:22	44:10 52:17	4:1,10 6:15
94:4	108:13,18	149:8 151:22	53:2 60:10	7:18 12:5 15:1
attic 149:16	109:1 110:8	154:14 170:16	63:4 76:5	20:18 21:4,16
audible 4:11 5:3	111:6 112:11	171:20 172:2,4	96:11 99:18	22:3,6,10,15
96:3	114:10 115:7,8	172:11,14,22	100:8,10	22:18,19 23:8
audio 3:19 49:10	116:9 118:9	175:9 177:17	104:10 133:3	23:13,15 24:3
authorities 38:6	122:8 123:10	182:1,6 183:3	below- 182:1	24:21 25:12,20
86:6,12,17	130:12,16	183:6,6 184:19	below-grade	26:2,6,12 28:6
Authority 127:3	133:1,15	184:20 185:17	171:8	29:5 37:19

40:18,22 43:19	74:8 90:12	20:20,22 21:2	102:13,17,22	174:21 175:2,4
44:17,18 45:19	99:10	21:8,14,17,20	102:22 103:4	175:6 177:7,20
46:14,22 48:11	bottom 9:8	24:11,13,15,18	104:3,6 118:20	178:11,13
49:8,17 50:5	64:10 148:21	24:18,20 25:7	119:12,15,21	179:2,9,16,18
50:14 52:15,20	151:16 152:1	25:11 26:19,22	120:5,8,10,17	180:13,20,22
53:4,13 54:15	bought 29:9	27:6,9,11,13	120:19 121:8	181:2,4 182:15
55:3 56:4,7,18	36:14 59:16	27:16 28:3,6	121:12,19	182:19,22
57:10 58:6	145:6	28:11 29:15	122:21 123:19	183:17,22
62:2 64:22	boundary 10:2,6	30:1,4,6,21	124:4 125:10	184:3,7 186:7
69:6 70:7 73:6	bow 72:5	31:6,12,14,17	125:20 126:2	186:10,13,16
74:4,7,9,14	box 62:9 170:22	31:21 37:18	126:19 127:5,9	186:18,18
75:6,8,11,19	170:22 171:5	38:2,20 40:20	127:14,16,20	187:1,4 188:13
76:1,7,14 77:1	boxes 60:12	45:20 46:17,20	128:1,5,7,11	188:16,19,21
77:3,10 78:9	171:5	47:1,15 48:2	128:13,17	188:21 189:2
78:12,18 79:9	Boyd 28:8,14	50:1,10,12	129:6,13,19	190:3,6,10,13
81:18 82:12	30:3 36:12,13	52:5,7,9 53:17	130:20 131:2,7	190:16,18,21
83:5,19,22	50:17 61:1	53:20 54:17,21	131:17 132:5	191:3,6,11,14
84:10,14,18,20	brackets 79:13	55:12,21 56:17	133:21 134:3,8	191:16,22
85:19 87:10	81:21 95:5,9	58:16,19 62:18	134:11,15	192:2 193:21
90:6,9 91:2,5,7	Brady 125:17,19	63:7,10,15,21	135:12,17	194:3,6,8,8,11
91:7,12,14,17	125:21	64:4,21 65:5,7	136:10,16,19	194:16,19,20
95:13 97:5,12	Brailard 74:5,6	65:9,15,18,21	136:22 137:4	195:1
100:9,21 101:1	74:7,16,21	66:2,4,7,11	137:19 138:12	brick 94:1
101:1,4,12,20	75:3,22 77:7	67:6,9,13,16	138:21 139:6	briefly 146:19
102:7 103:2,8	79:19 80:12,18	67:20,22 68:2	140:14,18,22	146:21
104:6 122:22	80:20 82:9,22	68:4,4,7 69:3,6	142:22 143:2,5	bring 30:6 132:5
135:13 136:19	83:14 90:7,8,9	69:10,13,17	143:9,9,15	141:2 166:2
136:22 141:7	93:12,19 94:5	70:8,12 71:5,8	144:3,6,9	170:20
141:10,13,14	94:19 95:1,3,7	71:10,12,14,14	146:19 151:1,7	bringing 42:21
142:2,6,16	97:2 99:8,9	71:19 72:1,6	151:10,12,14	55:21
144:6,17 152:7	103:7	73:3,6,9,15,17	152:3,6 153:11	broadcast 3:20
157:8 163:6,21	Brandon 52:8	73:22 74:13,17	153:18 154:1	broken 118:5
163:22 166:10	52:10,11 55:2	74:22 75:13	154:10,15,18	brought 6:12
166:21 167:4	break 79:17	76:18 77:8	155:8,11,16	7:8
167:14,16,20	94:9 159:18	78:18,22 79:3	156:4,10,13,17	buffer 13:19
167:21 168:2,4	161:16	79:6 80:10,13	156:22 157:6	build 10:10
168:8 170:6,8	breaks 117:1	80:19 81:20	158:2,7,12,18	37:12 48:9
174:22 177:8	breath 133:18	82:11,14 83:2	158:21 159:2,9	49:19 55:4,6
184:8,12,15	breathing	83:4,16 88:15	159:11,14	121:6 163:11
185:2,5,6,8,11	147:21 148:10	88:17,19,21,21	161:1,9,14,19	building 1:13
185:11 187:8	Brendan 1:7 3:4	89:1 90:3,6	161:22 162:2,4	6:22 21:8 25:3
187:13,17,21	3:7,9 4:19 5:1	91:6 93:16,22	163:3,6,19	25:9 29:3,11
188:1,6 189:3	5:2,2 6:3,6	94:11,20 95:2	164:5,8,16,20	32:16,17,17
191:19,19,20	12:7 13:1,5,7	95:4,11,16,19	165:14,17	33:8,15 35:10
192:2,7,18,19	13:22 14:11,17	95:22 96:2	166:18,20,22	36:6 37:3,7,9
193:8	14:21 15:8,11	97:3,9,20,22	168:16,18,20	37:22 38:12,22
Boards 101:4	16:11 19:9,15	98:2,4,4,8 99:3	168:22,22	39:1,12,19
Boston 6:10	19:17 20:3,17	99:6 100:14	169:3 170:3,6	41:9 45:2 48:8

48:9 50:17 51:17,20 52:17 53:22 54:1,4 55:5 57:3 61:18 62:4,5 62:12 64:14,17 76:21 77:9,18 78:13 84:1 85:15 87:20 91:10,16 92:1 144:21 160:9 163:18 164:12 165:14 167:22 168:12 170:16 171:13,17 172:5,5 173:8 174:17 180:1 building's 79:11 buildings 37:2 built 23:11 32:9 38:4 55:5 60:4 60:16 141:10 167:18 built-in 59:18 60:3 bulkhead 171:7 171:10 172:15 173:20 174:3 174:17,19 184:17 bump 107:10 115:8 124:13 bumping 124:10 Burns 196:4 bushes 13:13 business 86:10 86:22 87:19 button 19:19,20 47:17,18 82:16 82:17 96:5,5 97:11 101:14 101:15 125:12 125:13 164:22 165:1 177:22 178:1 buy 60:14 buyer 54:7 BW 126:4,5,8,20	127:2,6,12,15 127:18,22 128:3,10,12 165:5 178:5,8 178:10,12,20 179:5,14,17,22 180:18,21 181:1,3 Bye-bye 195:3 bylaw 38:4 BZA 4:7 6:7 44:15 51:1,11 91:17 99:6 BZA-149721 2:3 BZA-151499 2:5 BZA-151512 2:7 BZA-154757 2:15 BZA-157204 2:12 BZA-157695 2:9 BZA-158423 2:13 BZA-158753 2:10 BZA-159164 2:11 BZA-159246 2:17 <hr/> C c 3:1 87:8 115:15 177:7 C-1 99:14 100:15 104:16 106:17 111:2 111:16 cab 180:8 cabinet 100:6 cabinets 80:6 100:7 cable 3:20 42:3 56:5 64:3 92:20 93:17 94:21 cables 61:18 94:17 cabling 92:21	calculate 112:7 calculated 111:20 calculating 111:3,16 calculation 44:9 158:11 160:10 calculations 44:5 111:15 112:12,14,16 112:18 159:6 calculator 161:4 call 4:3 6:6 42:10 52:7 94:3 118:7,8 119:6 135:21 179:3 180:18 called 178:22 179:6,15 181:4 calling 19:21 20:4 47:20 55:12,14 82:18 82:20 96:7,10 101:17,19 125:14,20 126:3 128:18 165:3,17 174:3 178:2 Cambridge 1:2 1:6 3:8,15,21 88:2 96:11,14 96:16 127:2,18 145:5,10 149:4 163:9 165:8 170:10,11 178:7 181:15 Cambridge's 181:16 Cameron 2:8 69:7 Campbell 48:1,2 48:3,8 50:2,11 50:13 canopy 163:15 164:12 cap 190:8 car 11:12 17:20 cared 42:20	careers 37:14 careful 7:21 carefully 16:4 112:17 Carlisle 104:12 124:16,22 Carol 50:15 carried 103:1 carrier 81:4 carriers 79:10 82:4 case 2:2 6:6,7,14 6:16 28:6 37:20 41:11,12 53:5 62:5 69:6 70:8 71:17,19 73:6 74:4 75:12,17 77:21 78:3 79:20 90:6 93:22 94:8 97:13 99:6 102:8 104:6 106:1 118:4 127:1 144:6 154:8 155:17 157:18 159:12 161:3 163:6 170:6 179:3,12 180:17 190:6 cases 69:19 155:12,17 159:18 161:3 Catherine 196:4 cause 25:21 83:20 187:14 192:5 caused 23:4 163:15 causing 176:6 cease 85:12 ceiling 145:15 center 107:18 146:1 centerpiece 116:1 central 7:7 149:11,14	certain 3:14 98:11 certainly 13:20 36:16,18 37:13 43:11,13 124:20 134:12 164:3 certifiable 120:13 Certificate 96:12,19 certified 117:14 certifies 96:15 certify 196:5,8 cetera 49:21 chair 1:7,8 3:9 22:2 26:22 27:4,5,6 52:10 59:2 61:8 71:16 74:6 82:10 83:1,14 84:17,20,22 85:4 90:8 93:12 97:2 99:8 103:7 121:18 132:15 135:21 159:17 182:17 186:8 191:21 193:17 Chair's 38:18 Chairman 21:11 76:17 challenge 79:19 94:5 challenged 52:18 challenges 75:6 80:22 81:1 challenging 167:11 chance 70:6 74:15 179:7 chances 157:20 change 4:9 25:22 36:7 43:15 44:15 56:12 62:15 66:16 70:15
--	--	--	---	---

83:21 109:7 113:8 130:19 142:17 145:1 150:12 151:20 152:13 153:6 153:10 183:22 184:6 187:15 192:5 193:3 changed 29:22 36:17 43:4 62:16 72:4 141:5,18 193:15 changes 14:18 41:8 66:19,22 67:1 70:20 82:3 93:3 104:15 107:4 129:20 140:19 151:21 163:20 185:3 changing 36:6 39:2,3 106:12 107:7 112:4 Channel 3:20 Chaplain 117:12 118:6 119:5 Chapter 96:15 character 26:1 47:4,13 62:15 63:17,19 83:21 100:20 106:5 107:5,11,14 125:4 182:8 186:1 187:12 187:16 characteristics 106:3 charge 88:1 Charles 3:13 charming 104:16 106:2 109:12 check 54:5 Chen 28:15 29:19 30:2 50:18	children 145:9 145:14,20 children's 49:1 chime 21:10 104:12 chopped 108:4 108:12 Chris 20:10 church 99:13 100:7 circumstances 22:20 141:17 cite 52:15 citing 55:3 citizen 101:20 citizens 84:7,9 city 1:2,12 3:15 3:16,16,17 10:7 24:6 84:8 84:9 96:16 175:22 180:8 City's 4:7 90:16 city-owned 9:13 claimed 87:4 clipboard 132:12 clarification 140:18 clarify 139:14 clarifying 184:5 Class 76:3 90:15 99:20 194:18 classic 149:4 clean 108:17,18 109:14 110:2 clear 54:2,19 124:21 139:12 163:14 164:3 181:16 clearly 180:3 click 19:19,20 47:17,18 82:16 82:17 96:4,5 101:14,15 125:12,13 164:22 165:1 177:22 178:1 client 144:10	clients 13:17 49:17 115:22 117:12 144:11 clips 150:8 close 18:17 20:13 52:3 55:14 82:20 95:6 96:22 101:21 113:1,2 117:3 118:11 121:9,10 122:6 122:17 135:1 148:13 166:14 closer 10:21 25:3 112:6 closest 25:19 148:10,11 clutter 79:22 92:14 code 64:6,14 96:15 144:21 146:6 172:6 code-compliant 172:21 184:19 186:3 188:5 collaborated 113:12 Collar 92:1 colleague 104:12 COLLECTIVE 15:10 123:17 131:19 138:6 143:14 165:9 165:13 169:6 194:14 color 61:3 94:1 94:7 colorful 12:14 colors 94:3 come 9:19 17:8 46:15,17 53:6 69:20 75:20 77:3 105:19 109:18 114:10 115:11 118:14 127:13,15 153:16 155:21	156:17,19 157:18 159:18 161:4,5 184:1 comes 118:9 149:11,14,15 comfortable 160:15 172:13 coming 41:1 55:18 57:16 111:17 153:18 153:22 183:20 comment 4:5,6 19:18 20:13 21:6 45:13 47:16 52:3 53:12 55:14 82:15,21 93:11 94:11 95:15 96:22 97:5 101:13,21 125:11,16 133:2 147:2 164:21 166:14 177:21 178:15 comments 40:20 47:4 52:12,20 53:16 58:13 74:14 75:10 78:19 79:1,4 82:21 83:1 91:3 97:1 100:8,9 122:22 123:19 124:5 134:13 139:8 140:14 164:6 164:16 166:15 commercial 172:6 commission 21:12 96:12,14 123:15,15 154:20 196:17 Commission's 77:15 Commissioner 1:13 16:3 77:11,13 78:13 156:18 157:1	160:9 180:16 180:19 commissioner's 77:5 common 34:1 122:9 Commonwealth 196:2,5 communicating 13:20 129:18 communication 83:5 communicatio... 84:15 90:13 99:12 community 62:12 74:18 75:19 79:8 85:6 91:18 98:12 175:21 company 92:1 compare 34:7 comparison 34:16 35:22 40:4 comparisons 33:3 compatible 141:20,22 complaints 57:19 62:11 complete 6:20 16:8 completely 36:20 130:18 154:6 completion 85:1 compliance 26:18 190:16 190:17 complies 101:2 147:2 comply 27:2 78:12 85:5,18 86:19 88:6 99:19 101:10 159:11 component
--	--	--	--	---

105:5 111:8 117:16 125:7 components 60:1 107:12 112:1 compromise 136:18 compromised 22:9 24:4 concealed 79:14 92:22 99:22 concept 43:4 concern 18:16 32:11 47:3 49:12,17 50:9 57:5 63:17 76:8 80:4 81:7 86:2 123:2,6 123:21 125:9 130:21 145:12 concerned 124:2 178:20 183:12 concerns 7:7,13 7:17 8:3 38:19 40:21 41:13 44:11 48:12 49:7 50:8 61:19 70:4 76:12 91:8,14 95:17,20 124:9 130:17 183:11 conclusion 77:2 Concord 2:11 99:7,14 103:5 concrete 14:1,8 concur 77:2 79:4 condition 25:18 44:12 53:14 57:1 66:14 70:15 78:7 85:16 183:14 conditions 9:6 22:9,16,21 23:1 33:3,4 34:18 35:1,5 36:8 57:8 84:15 85:19	86:3 181:19 condo 43:2 54:9 57:22 66:9,22 configuration 47:8 confine 138:20 139:2 confirm 71:17 confirmed 93:20 95:7 conflict 73:13 conform 76:5,10 147:4,13 conformance 152:20 conformed 158:16 conforming 7:4 7:5 23:17 48:22 conformity 152:21 conforms 99:17 confused 146:14 congestion 25:21 83:20 183:11 187:14 192:5 connected 60:4 61:5 connecting 136:5 connection 33:13 75:11 100:10 172:22 consent 66:9 Conservation 21:5 92:3 96:17 123:15 consider 80:14 83:6 91:17 93:16 considerably 57:6 considerately 29:13 considered 99:18	considering 53:16 consistent 85:2 85:10 141:16 168:6 175:18 consists 6:17 Constantine 1:8 3:4 4:22 6:3 15:3,9,13,15 16:9 24:10 26:17,20 27:5 27:8 28:3,20 37:20 39:16 40:2,11 43:5 58:9 65:17 66:7 67:3,8,14 67:19 69:3 70:11 71:7 73:3,20 76:17 77:20 83:3 88:14 90:3 95:15 97:6,18 99:3 102:12 104:3 123:1,6 126:1 127:1 128:14 135:14 140:21 142:20 144:3 147:1,6 147:9,11,15 154:3,8 156:12 157:7,17 158:6 160:8 161:12 163:3 164:2 165:16 168:15 170:3 175:1 186:6,9 188:12 189:5 190:3 193:20 constituted 61:3 constitutes 59:8 constrained 23:9 construction 23:15 49:13 containing 87:11 contains 11:3 contemporary	142:1 context 34:19 contingent 158:15 continually 172:6 continuance 56:3 62:22 63:1,13 69:19 77:22 78:16 158:1 159:7 continue 7:14 30:19 31:21 39:16 65:10 66:6,13 67:17 70:14 71:1,6 75:17 77:21 78:17 85:18 150:10 155:3 155:20 156:10 156:13 157:17 157:22 161:10 161:13 continued 6:7 6:14 7:6 26:2 41:11,12 53:5 60:18 67:7,10 68:7 69:19 71:15,17 76:11 84:2 114:18 155:9,12 175:20 187:17 192:7 continuing 58:6 continuity 80:17 continuous 53:10 85:13 control 81:22 controlling 137:7 convenient 184:17 185:16 conversation 129:2 138:8 139:11 conversations 138:10 converted 171:8	174:4,5 182:1 182:6 187:7 convertible 183:16 converting 184:16 convince 160:9 convinced 175:17 corner 35:16 104:17 150:9 correct 30:2,3 31:16 51:12 56:2 67:12 71:19 75:3 80:12 82:22 83:13,14 95:3 120:16,17,18 120:21 152:4 154:15 159:2 160:10 176:17 177:18,19 corrected 36:4,5 correcting 34:18 correctly 51:4 correspondence 20:4,5,10,13 50:14 51:8,22 70:20 85:6 96:11,21 101:19 128:18 166:7,14 181:20 182:4 182:12 cost 22:15 counsel 16:12,13 19:7 58:12 196:9 couple 48:12 course 12:22 20:12 75:1 106:20 122:11 courtyard 110:9 110:10,14,15 112:11 115:13 115:14 140:9 covered 15:18 15:22 77:20
---	---	---	--	---

covering 59:22	108:22 109:10	31:5,6,7,8,14	153:22	designed 109:15
covers 80:15	111:4 114:17	31:17 32:14,19	definition 38:16	desirable 23:13
COVID 36:16	119:18,18	33:6,14,17	degree 80:10	23:21 78:1
37:11 49:21	120:2,7 145:8	34:1 39:1,4	deliver 66:9	142:6,9 168:2
COVID-19 3:12	147:18 149:1,3	41:2,16 43:12	demolition 6:20	168:8 185:6,13
3:17	cursor 11:6	44:13,21 45:4	21:13	Despite 181:11
cracks 23:6	16:20 137:11	45:6,8 46:6,6,9	demonstrable	detached 152:9
crafts 105:21	137:14	48:17,19 50:19	100:18	152:15 192:21
Craftsman	cut 13:9 173:15	54:2,6,6,15	dense 106:17	193:5
163:9		55:10,19 56:21	110:12	detail 6:19 23:2
create 56:11	D	59:1,1,3,6,8,8	densely 126:18	87:3,12 107:1
61:15 104:21	d 2:1 3:1,13	59:13,14,15	density 112:22	107:11
106:1 144:20	87:19 152:4	61:20 62:10,10	113:17 176:10	detailed 52:1
152:17 163:17	155:2 192:18	62:14 65:1	185:20	details 13:21
172:21 193:7	D-r-a-n-e 166:8	107:6 109:1	deny 130:4	determination
created 29:16	Daglian 1:13	110:1 112:19	Department	77:15
61:7 84:6	damage 163:16	115:6,7,7,14	77:6 85:7 86:5	determine 29:16
185:17,20	dangerous	116:22 122:11	86:10 87:2,22	determines
188:2 192:12	18:18 145:20	123:22 124:7,9	160:9	157:2
creates 25:18	dark 145:20	126:15 130:21	Department's	detriment 23:14
creating 39:12	dashed 28:22	131:4,13,21	91:19	23:22 62:12
49:21 105:5	date 2:4,6,8	132:11,14	depending	84:6 142:7,10
114:20 120:12	66:17 69:22	133:5,16	53:11 120:22	168:3,5 175:21
152:19	70:9,16,19	134:14 135:7	depth 137:21,22	176:6 185:7
creation 76:4	dated 3:17 22:1	135:15,18	139:4	188:2 192:12
90:15 99:20	27:3 91:7	136:4 137:1	derogate 26:14	detrimental
174:10	96:19	138:8 139:8,17	84:12 188:8	193:10
criteria 22:18	David 6:12 20:6	139:20,20,22	192:16	developed 54:4
83:17 156:20	day 70:1 127:3	140:4,5,7,8,19	derogating 24:1	54:20
193:13	196:13	141:5	142:8,11 168:9	developer 54:1
critical 40:17	days 86:11,22	decking 51:6	185:14	58:21
131:10	87:19	140:10	described 6:19	development
critique 94:15	de 57:13 100:11	decks 122:3,13	10:9 16:5	6:11 20:7 26:3
crucial 131:4	dead-end	122:19 123:2,7	84:18 96:17	74:18 79:8
curb 13:14,15	129:11	139:13	128:22	84:2 85:6
current 10:11	deal 161:6	deeds 57:22	describing 9:18	91:18 98:12
10:11 30:1	dealing 8:11	deemed 87:15	116:18	187:18 192:8
51:14 66:20	9:21 104:20	deep 21:16	description	Development/...
90:19 91:12	December 48:12	163:11	15:19 16:4	75:19
105:1 106:20	48:15 49:7	deeper 92:12	descriptive	develops 73:14
112:15 117:21	69:22	deeply 178:20	173:13	diagram 64:6
141:11,17	decided 154:9	defer 43:18	design 44:14	diagrams
142:12 146:10	decision 66:16	deference 57:5	56:11 58:10,10	111:19
185:1,2	67:4 77:5,12	deficiencies	58:11,17 79:11	dialogue 97:17
currently 31:3	84:14 180:15	22:13	79:15 109:19	102:7
33:7 38:10	deck 8:16 28:17	defined 59:14	114:7 116:2	Dianne 53:18,19
92:5 93:20	29:4,7,8,16	definitely 42:1	129:5 157:19	53:21 54:17,18
107:8,20,22	30:17,22 31:2	45:13 56:14	163:10	difference 34:9

43:20 different 30:7 43:20 53:3 70:17 105:18 105:20 109:9 111:22 114:6 118:9 119:3 134:2 150:6 156:19,22 159:22 differently 46:15 108:19 difficult 61:10 difficulties 74:1 difficulty 80:10 dilemma 78:15 dimension 138:19 193:16 dimensional 27:2 36:5 104:14 112:4 121:16,21 141:2,3 151:8 152:16,17,19 154:22 167:2 175:12 177:13 184:10 190:19 193:6,7,14 dimensionally 23:17 152:9 192:20 dimensions 23:9 167:3 dining 108:7 115:19 123:9 172:19 direction 56:4 76:1 directly 166:9 disappears 42:2 discloses 87:12 disclosing 87:2 disconnect 179:10,19 discuss 76:13,16 91:4 128:7,8 discussed 49:2 75:6 91:7	93:13 discussion 7:18 49:11 52:12 129:20 discussions 75:14 dismissed 194:18 displayed 110:14 disrepair 6:18 29:13 disruptive 91:13 distance 11:10 district 21:5 23:1 26:13 84:11,11 92:3 96:17 99:15 100:17 104:17 106:17 111:2 111:16 188:7,7 192:15,15 districts 26:13 152:7 177:8 divide 153:16 DIY 146:5 Docket 77:22 document 43:21 158:21,22 documentation 83:9 documents 8:19 22:7 doing 25:18 28:18 40:13,16 112:5 113:6,8 120:11 144:18 147:1 159:6 door 7:12 108:1 110:7 117:3 134:9,10 138:17,18 153:19 165:21 170:14 171:2,4 173:15 174:4,5 182:3 187:10 doors 131:15 133:4 134:6	137:22 150:7 165:21 166:12 doorways 79:21 dormer 106:12 106:12 118:17 118:17,21 144:20 146:1 147:2,3,4,5,13 147:14 148:16 149:15 150:15 150:17,17 153:5 191:18 dotted 112:3 150:4 double 17:11 18:5 drainage 154:14 Drane 166:7 draw 138:4 drawing 7:19 124:17 130:1 drawings 40:3 105:7 146:18 167:2 184:11 186:8 193:14 drawn 12:14 draws 92:18 driveway 7:14 7:14 8:4 9:7,22 10:20 11:10,11 13:1,11 15:22 16:15 17:7,8 17:21 25:3,9 25:14 drops 108:15 Drost 181:21 due 3:10,17 22:9 29:2 33:19 79:11 92:17 duplex 172:11 173:10 185:18 duplexed 172:10 dwelling 22:8 23:5,16 121:15 141:21 152:10 152:10,15,16 192:21,22 193:5,5	E E 2:1 3:1,1 e-mail 42:17 181:7 e-mailed 42:14 earlier 61:1 78:3 earliest 65:11,12 70:9 158:1 easement 51:3 easier 42:8 easiest 134:13 easy 94:20 95:2 191:13 eave 46:7 Eden 104:10 117:12 119:4,4 119:8,9,21 120:9,14 128:19,21 129:7,14 131:8 131:11 133:11 134:16 135:10 135:19,20 136:1 Eden's 118:6 edge 39:6 40:9 57:3 59:3 60:19 63:6 64:8 138:17,18 138:18 effect 30:15 58:3 effectively 37:21 49:12 75:7 146:9 effects 85:22 efficiencies 51:13 efficient 74:11 effort 61:14 113:13 egress 18:9,10 25:21 83:20 108:14,19 109:22 111:13 115:1 139:22 149:10 173:3 182:3 185:17 186:3 187:14	192:4 eight 32:1 42:21 100:4 eight-foot 13:9 160:16 eight-panel 100:4 either 26:7 32:16 34:13 61:18 64:2,3 67:2 71:3 154:21 171:14 elaborated 52:2 electric 146:4 electromagnetic 86:1,6,21 element 10:19 91:13 167:8 elements 59:20 83:11 168:11 elevating 37:21 elevation 11:5,5 34:12 149:21 150:4,14 170:14 173:14 173:15 elevations 34:7 34:22 93:2 149:19 150:11 173:13 174:5 elevator 108:8 116:5,7,7 118:19 120:19 139:22 Eligible 76:6,9 90:14 99:18 eliminated 135:17 Elizabeth 166:8 Ellsworth 41:17 41:18 42:9 48:1,3,8 50:2 50:11 52:2 65:3 Ellsworth's 44:2 57:5 emanating 86:7 emergency 3:11
--	--	---	--	---

3:16 145:19	enthusiastic	eventually	51:19 56:21	168:5
emissions 86:7	165:19	153:20 180:3	57:1,17 58:22	extending 33:8
86:21	entire 45:2 81:9	everybody	79:20 83:22	81:4 172:15
employed 196:9	133:10	126:5	90:13,19 91:21	extension 31:3,8
Employees 1:12	entirely 7:5	evidence 84:20	92:6,11 93:1	31:22 32:15
empowered	entitled 164:4	exacerbating	99:12,13 100:1	47:11 122:14
192:19	entrance 149:9	112:10,10	100:3,12	extensive 32:3
enactment	entry 184:19	exact 158:18	104:16 105:7	148:17,17
23:12	188:5	exactly 18:15	106:5,13,16,18	extent 10:22
enamored	entryway	97:13 121:2	107:10,17,21	46:7 60:17,19
141:11	163:15	125:6 149:16	109:8,13 110:7	63:19 83:10
enclosed 99:22	envelope 28:22	176:20 177:4	111:1,10,10,18	85:7,16 93:3
102:3	29:1 174:16	exception 47:9	111:20,21	100:17 147:2
enclosing 44:16	equally 131:12	173:3	112:8 114:3,11	150:5
Encourage 82:3	equipment 84:8	exceptions 85:4	115:3,9,10	exterior 33:10
encroachment	85:13,14 86:8	excessive 22:16	130:4 132:6,9	109:20 110:11
9:13 10:7	86:17 87:20	88:11	139:12,16,18	110:20,20
135:6,8	88:1,5 90:22	exclude 170:15	139:20 141:10	174:9 182:2
encumbered	90:22 91:9	175:12,15	141:12 142:4,5	extremely 182:7
23:10 141:12	92:9 93:7	excluding 175:9	150:2,11,18,18	
142:5 167:17	100:6	exclusion	151:1,5,6	F
168:1 185:3	era 108:4	171:20,22	167:17,17	façade 79:17
energy 86:1,6,21	erect 100:16	172:1 187:6,9	168:1 171:7	81:9 92:6 93:7
enforcement	erroneous	exclusive 51:2	172:4,8,18	94:18 95:6
22:3 141:7	127:11	58:2	173:8 174:5	109:9,15,21
167:4 184:12	ERTIFICATE	Excuse 126:5	175:20 182:8	110:3,5 112:11
184:16	196:1	182:17	187:7 193:1,10	130:13 147:18
engineering	especially 12:3	Executive 3:13	exists 38:10 45:8	147:20 148:6
22:11 82:2	22:22 167:9	exemption 19:9	147:18 173:14	148:18,19,21
95:8	essence 138:16	exhaust 18:18	exit 184:20	150:5 167:11
engineers 81:3	essentially 8:5	exist 39:14	188:5	face 33:8 92:16
Engineers'	17:8 53:10	140:9	exorbitantly	92:20 93:2
22:10	106:18 111:4	existence 30:9	37:6	136:14,14
England 123:11	139:20	31:7 49:10	expand 31:4	faceted 107:8
enhanced	established	100:18	expanded 28:17	109:10 110:18
174:10	25:22 83:21	existing 7:14 8:6	expecting 37:14	facilities 76:6,9
enhancement	187:15 192:6	8:14 9:5,7,15	expensive 37:6	83:5 90:14
84:9 188:4	establishing	10:12 22:7,14	experience	99:19 142:1
enjoy 62:14	96:16	22:16 23:10,11	62:16 113:9	183:12
enjoying 36:21	et 49:21	23:12,17 24:4	expires 196:17	facility 83:11
59:17	eve 33:8	29:3,8 31:1,5	explain 107:1	84:1,16 90:13
Enlarged 33:17	evening 6:9,13	31:15,16 32:8	146:21	90:19 91:1
enlargement	48:3 72:2	32:14,21 33:3	explaining	99:12 100:16
152:8,12,14	73:10 128:12	33:6 34:13,18	111:19 135:11	100:18,22
177:9,11,12	170:8	34:22 35:5,17	explore 37:3	102:1,8
192:20 193:1,4	event 86:16 87:8	35:17 39:2,8	exposed 33:1	facing 31:6
193:9,12	148:5	39:10 40:10	94:17	51:20 134:1
ensure 94:17	events 3:16,17	46:6,6,9 51:13	extend 81:14	148:19

fact 10:4 30:11 37:1,5 39:14 39:18 56:21 59:7 61:9 84:8 112:18 140:4 142:4 181:12 188:4	67:19,21 68:1 68:3,6 71:7,9 71:11,13,14 78:14 88:14,16 88:18,20,21 97:19,21 98:1 98:3 102:12,15 102:20,21 103:1 143:7 154:2 168:21 168:22 182:14 186:5,9,10,12 186:13,15,17 186:19,20 188:12,15,18 188:20 193:20 194:1,5,7	115:4 119:1,2 136:11,12 148:12 150:18 151:15 157:12 160:10,20 163:11,11 fellow 43:19 57:10 felt 41:15 94:8 fence 13:9,15 173:18,21 fencing 38:9,10 39:20 fenestration 132:13 fewer 56:15 figure 159:8 file 8:18 21:16 43:8,21 46:1 66:20 70:18,18 76:8 86:4,13 87:1,21 101:20 163:19 166:7 filed 9:1 76:2 86:9,11 87:13 87:18 files 66:10 86:5 filing 77:9 155:21 fill 23:4 filling 111:9 final 44:2 166:15 financially 196:10 find 4:6 37:5,20 101:10 191:20 193:9 finding 38:13 findings 22:12 finds 22:3,6,15 22:18,19 23:8 23:13,15 24:3 25:12,20 26:2 26:12 51:18 83:19 84:10 101:4 141:7,10 141:14 142:2,6	167:4,14,16,21 168:2,4,8 184:12,15 185:2,6,8,12 187:8,13,17 188:1,6 191:19 191:19 192:2,7 192:18 fine 21:18 96:1 129:4 130:18 158:9,11 finish 82:3 83:12 finished 107:4 107:18,18 117:6 119:17 172:9 finishing 117:6 fire 53:15 firm 13:19 first 6:6 9:4 17:16 28:21 41:1,3 44:3 54:7 55:17 80:22 107:21 108:3,5 115:5 116:3 119:22 120:1,14 139:2 149:5 172:22 173:2,9,10 177:16 180:4 first-floor 149:8 172:18,19 182:2 five 10:5 11:1 17:9 19:10 24:19,20 25:9 27:17 48:21 70:9 74:3 89:1 98:8 103:1,1 143:11,12 145:5 169:2,3 187:5 189:1,2 194:10,11 five- 8:3 five-foot 10:1 13:19 five-unit 172:5 173:8	fix 191:15 fixed 18:3 94:18 flat 160:17 flipping 13:22 floor 17:16 34:5 105:8,13 107:21,21 108:2,3,5,6,11 108:22 115:5 116:3,15 119:22,22 120:1,1,3,14 120:15,15,20 130:10 133:16 133:17 139:7 139:18,19 140:7 141:5 144:21 145:13 149:5,6,15 154:14 172:22 173:2,9,10,10 173:11 flow 115:19 fly 158:13 foe 81:4 folding 61:8 folks 178:6 follow 15:19 following 79:14 83:6 86:3 93:3 141:4 foot 8:4 14:13 25:15 124:18 124:18,22 125:1 152:21 154:10,11 160:21 footage 49:13 65:1 110:20 124:12 176:19 183:3 footprint 10:10 44:13 110:21 111:1 115:3 foregoing 87:9 forever 134:21 form 28:16 30:1 36:4 61:11
--	--	--	---	--

75:15 92:17 141:3 151:8 167:2 172:22 175:12 184:10 190:19 193:15 formal 77:13,14 format 43:9 forth 22:12 32:3 fortunately 115:4 forward 79:5 80:21 82:7 94:16 131:3 found 101:1,4 110:10 foundation 114:19 foundational 163:16 four 11:12 16:17 17:9,22 114:11 136:11 174:7 fourth 114:21 fourth-story 50:19 frankly 58:21 free 105:13 French 131:15 134:4 frequent 49:16 frequently 119:7 157:9 fresh 131:14 133:18 134:6 front 32:17 38:22 74:9 80:1,6 106:13 106:14 107:4 109:8 114:22 115:9,18 116:19,21 118:2 122:7 124:9 149:20 149:21 163:17 165:21 166:11 167:7,10 168:12 171:13 171:15,15	full 8:9,19 9:22 10:1 17:9 29:10 30:18 50:22 65:11 93:3 138:8 fully 99:21 181:11 function 146:8 functional 100:19 105:6 172:13 181:14 functionality 105:10 109:18 functioning 10:8 funny 153:2 furniture 32:9 54:13 59:9 61:7,9,13 further 19:4 25:17 63:1,10 66:19 84:17 92:18 95:15 172:16 177:13 182:13 196:8 future 44:18 108:10 183:13 183:16	gathered 129:8 gatherings 3:12 GCD 28:14 170:9 Geez 98:6 general 1:3 50:9 113:17 186:1 generally 4:8 23:1 94:6 generated 25:20 83:19 187:13 192:4 gentleman 62:13 geographical 88:2 Geological 22:10 101:7 geometry 9:20 geotechnical 23:3 germane 149:19 getting 18:7 51:17 64:8 92:12 94:12 135:12 157:10 159:4 GFA 45:1 106:9 106:18,20,20 115:10 GIS 148:4 give 4:5 45:10 45:21 62:22 77:17 109:20 110:19 161:16 given 32:4 57:7 60:17 62:6 70:12 77:22 78:6 116:17 123:10 126:13 160:16 183:10 gives 47:5 92:16 134:2 136:9 glass 64:2 115:18 133:4 Glassman 28:7 28:9,13,14,21 29:17 30:5,20	31:9,13,16,20 31:22 38:18,21 39:22 40:5 41:10,12,18,20 41:22 42:7,13 42:16,20 43:6 43:11,17,22 44:2,6,8 45:1,4 45:9,17,21 46:3,5,12 55:17 58:14 59:4,12,13 60:6,17 61:22 63:9 64:14,19 64:20 65:4,6,8 65:14 67:12 68:9 70:13 170:7,8,8 175:10,14,16 176:5,11,17,20 177:1,4,19 182:13,14 183:17,18 184:6 189:4 Glassman's 58:5 glitch 171:6 glued 61:12 go 9:3,4 11:8 36:5 40:5 46:3 48:12 56:9,14 65:19 73:10 77:4,11 78:14 80:21 82:6,20 94:16 105:6 107:13 108:11 109:8 111:15 112:14,16 113:16,20,21 113:22 116:22 117:20 126:15 132:8 133:1 134:17 137:7 137:13,13,15 137:15,16,16 137:17,17,18 139:12 148:5 148:15,15 149:2 151:3,5	153:10 157:13 157:18 161:3 161:21 174:12 182:22 186:22 go-to 110:11 God 180:18 goes 14:14 30:17 35:14 36:7 46:7 72:7 111:9 116:5 120:20 122:18 159:21 174:16 going 6:20 13:2 13:13 14:4 15:17 18:6 21:6 33:20 38:17 39:19 40:17,18 44:15 48:5,5 53:5,5 54:14 58:5 59:7 65:18,19 66:4,12 75:16 77:10,21 95:12 97:10,12 108:17 111:8 113:8 119:1,13 122:1,10,13 124:17 126:17 128:4 136:11 137:10 139:6,7 140:5,6 145:17 148:2,3 149:18 152:20 153:20 154:4,4 156:13 157:20 159:5,5 161:12,13,14 161:16 165:12 172:1 180:17 183:6,8 190:9 191:12 good 6:9 15:7 21:14 23:14,22 37:7 40:16 48:3 64:8 67:14 95:11 103:8 129:16 136:18 140:16 142:7,10
	G			
	G 3:1 gain 171:21 garage 8:4 9:10 9:11 10:4,5,8 107:5,7 110:8 111:4,10,12 112:20 115:2 115:12 116:22 122:5 123:8,22 124:7 130:22 131:4,12,22 132:10,17,18 133:10 135:16 135:18 136:5 136:15 138:19 139:5,15 140:9 140:20 garden 54:16,16 gas 183:9			

143:15 161:1,7 168:3,6 169:4 170:8 185:7 194:12 goodnight 73:18 73:19 194:12 194:22 195:2 Gorham 104:18 109:11 114:17 gotten 134:13 governmental 86:20 Governor 3:13 grade 13:7,10 14:18,19 140:11,12 151:19 158:5,8 158:16 159:7 159:20,21 160:10 182:2 184:18 190:9 graded 51:6 grandfathered 30:13 38:7 grant 21:22 24:8 25:12 26:15 38:14 51:1,11 53:13 78:6,6 84:18 88:12 97:4,14 101:1 102:5,9,13,15 141:1 142:18 142:20 143:1,5 143:9 152:8 153:12 154:4 157:9 167:1 168:13 175:17 177:8 180:12 181:22 182:6 183:14 184:8 188:10 192:19 193:8,18,21 194:3,9 granted 23:14 23:21 24:21 27:18 85:20 86:15,18 89:2 89:2 98:9	103:5 142:7,10 143:13 168:3,9 169:4 178:21 179:4,12 180:7 185:7,13 187:6 189:3 193:13 194:12 granting 20:19 27:16 40:15 62:17 83:18 100:22 135:4,4 143:3 155:1 186:5 188:22 190:22 194:1 great 9:4 37:18 44:19 50:3,10 70:8 73:12,15 113:4 129:19 133:13 157:10 184:4 greater 56:19 157:21 greatest 47:13 grid 130:2 grilling 53:14 ground 93:10 grounds 101:6 group 123:14 129:9 guardrail 32:10 35:1,3,6,17 52:21 53:11 54:10 59:19 64:7 170:17,18 171:9 185:9,16 guardrails 36:1 36:1 40:7,10 51:5 guess 13:10 30:6 30:21 42:10 59:13 60:6,17 75:16 76:15 122:5 159:4 Guidelines 147:3,5,14 Gus 4:21 157:7 Gus's 40:21 47:4 79:4	gutter 57:4 guy 130:9 guys 153:10 <hr/> H <hr/> Haas 53:18,19 53:21 54:18 58:21 habitable 11:4 49:13 114:20 184:18 186:4 187:10 188:9 habitation 59:14 habits 141:17 half 14:15 48:17 48:21,22 124:18,19,22 125:1 126:15 127:6 136:11 172:4 Hall 180:8 hand 12:14 19:20,22 47:19 47:21 82:17,19 96:6,8 101:16 101:18 104:14 125:13,15 126:6 137:15 165:2,4 174:12 174:12 178:1,3 179:17 196:12 hands 19:11 29:22 handy 45:18 hanging 57:4 178:7 happen 109:17 114:22 116:12 happened 109:17 179:20 179:20 happening 49:12 109:19 118:18 happens 105:8 151:15 happy 11:21 12:13 48:3	56:5 165:12 hard 34:17 137:9 174:15 hardship 12:2 22:5,18,20 62:8,17 96:19 141:9 142:2 167:6,21 176:1 176:4 184:14 184:15,21 harm 176:6 Harvard 92:3,3 96:16 101:7,8 hazard 25:21 83:20 84:5 187:14 188:2 192:5,11 head 61:4 64:5 145:16 150:21 151:4 heading 145:20 heads 90:21 100:5 health 18:18 84:6 85:22 188:2 192:12 hear 14:9 28:7 50:3,4 53:19 57:10 69:6 73:6 74:4 90:6 104:7 121:18 126:5,7 144:6 147:11 161:3 163:6 170:6 178:10,12 187:3 191:21 heard 64:21 70:9 71:18,19 81:3 105:16 130:20 155:9 155:18,21 159:4,10 180:12 hearing 1:3 2:4 2:6,8 6:20 7:7 7:18 58:20 59:11 66:16 69:19 70:1	97:1 101:21 Heather 55:1,1 55:13 heavy 61:12 heavy-duty 59:17 height 36:6 38:22 44:14 49:14,19 62:4 62:5 111:17 151:10,21 152:20 157:9 157:11,19 176:13 193:15 heights 39:13 held 3:10 hello 28:9 69:9 125:20 144:13 178:8,8 help 8:17 36:18 48:4 58:10 82:5 93:4 105:22 107:13 128:1 helpful 52:15 56:8 76:15 93:1 helping 16:19 Henry 163:9 165:15 hereunto 196:12 hesitate 122:2 hi 55:1 69:11 104:8 144:10 144:14 145:3 163:8 Hickey 1:9 3:5 4:14,15,15 6:4 16:11,12,17,22 17:3,17,22 18:12,16 19:4 19:7,8 20:21 24:11,12,12 27:9,10,10 28:4 40:21 41:17,19,21 42:6,8,15,19 43:1,8,15,18
---	---	---	---	--

44:1,7,19 45:3 45:6 46:11,13 46:19 58:18,20 59:5 60:3,15 60:21 61:19 62:21 63:8,13 65:20 67:20,21 69:4 71:3,8,9 71:16,21 72:3 73:8,12,16,18 90:4 high 13:15 14:2 17:11,12 18:4 53:11 117:6 higher 39:20 highlighted 42:16 hired 163:10 Historic 92:4 123:15 Historical 21:4 21:9,12 96:11 96:14 historically 91:15 history 60:2 92:2 hit 145:16 Hmmmm 158:17 HOA 43:6,7 hoc 109:13 hodgepodged 146:4 Hoffman 55:1,1 hold 46:2,5 127:8 161:2 Hollis 2:13 144:16 145:4 148:12 home 6:18 7:3 34:3 36:17 37:13 104:16 104:21 105:15 105:21,21 106:2 109:13 116:21 117:2,8 121:14 141:19	homeowner 58:11 homeowners 119:5 homes 35:10 105:18 108:3 hope 12:2 55:10 136:3 181:6 hopefully 94:14 hoping 12:5 146:7 164:13 165:11 hospital 117:13 118:6 119:5 hours 126:15 127:7 house 8:14 11:13 13:2,12 14:1,16 17:19 22:17 36:14 48:9 49:3 61:4 107:6,13 111:10,12 113:1,9 114:22 115:3,18 116:1 116:9,14,19 120:11 122:7 126:16 132:22 136:14 137:17 139:5 144:19 145:1,7,10,11 146:1,8 147:17 148:9,13 149:1 149:3,20 163:12 165:22 166:2 167:17 172:16 houses 148:10 148:11 166:3 168:7 housing 24:6 127:3,18 165:8 178:7 181:15 181:16 hues 94:2 huge 36:18 hundred-pound 61:6	Hurley 55:1 <hr/> I <hr/> i.e 30:8 ice 167:9 idea 55:18 64:9 108:9 131:18 161:8 images 136:1 imagine 104:22 137:9 immediate 128:21 129:9 immediately 129:11 impact 35:9 83:10 85:2,10 91:8 114:12,14 122:3,15 173:22 174:1 175:19 176:7 182:9 187:11 impacted 11:7 11:16,17 17:6 17:20 32:5 114:7 129:11 impacts 53:8 91:19 93:4 impair 26:13 84:11 188:7 192:14 important 34:10 36:15 44:19 105:15 108:9 110:16 116:1 117:16 129:14 129:17 180:9 imposed 83:7 84:15 85:19 imposes 47:5 impractical 98:13 improve 166:1 improved 57:8 58:3,7 176:18 improvement 23:19 39:15,17 57:1 177:3	improvements 79:15 92:19 174:12 improves 25:16 improving 14:8 34:18 in-depth 129:1 inch 62:7 inches 10:12,12 64:15 79:16 174:18 inclined 63:2 include 44:22 53:14 183:3 included 44:9,12 45:1 59:17,18 59:19 86:18 includes 23:3 88:2 174:10 including 44:4 88:9 incorporate 75:19 97:7,13 97:16 102:7 138:13 191:1 incorporated 74:19 incorporates 84:14 incorporating 108:8 increase 33:19 36:8 37:3 115:9 152:16 177:14,15 185:19 193:6 increased 140:3 increases 23:18 increasing 112:18 171:22 176:10,10,13 177:18 incredibly 131:9 indicates 170:22 171:3 183:8 individually 113:5 individuals 88:9	infill 136:5 137:5 information 9:1 12:16 52:1 55:22 76:14 84:18 104:14 infringe 124:7 132:4 initial 27:7 123:4,20 163:20 initialed 22:1 26:22 27:4,5 84:19,22 85:4 186:8 193:16 initials 165:10 inoperable 18:3 18:6 input 56:19 129:17 inset 138:19 inside 91:1 99:13 100:5,6 100:7 109:15 109:20 112:11 inside/outside 115:22 inspection 38:3 Inspectional 86:5,10,14 87:2,22 141:3 Inspector 64:17 install 81:9 170:16 171:2 installation 79:9 79:12 80:5 87:20 88:1 91:13,20,22 92:11,18 93:5 95:10 98:9 99:22 100:1,12 100:13 191:18 installation's 91:14 installed 88:5 92:5 instance 41:1,3 instructions 4:5
---	--	--	---	--

4:7	51:16 52:13	137:6,10,13,20	Justin 28:15	31:4,17 32:5
insulate 146:8	59:12 76:19	138:2,3,4,12	29:17,19 30:2	35:9 36:17,19
insurance 37:5	79:1 100:21	138:15,22	33:13 36:9,13	36:21 37:11,14
51:17	124:3 167:9	143:5,7,7	50:18 51:1,12	37:16,16 39:13
integrity 26:13	176:9 183:18	144:4 147:7,10	59:16	39:17 42:9,9
84:11 188:7	issued 76:22	158:10,17		47:11 48:21
192:15	77:18	159:17 160:2,5	K	49:3 52:18
intellect 56:19	issues 51:20	160:11,13	Kachroo- 69:15	53:3 54:2,14
intent 24:1	58:14 62:2,3	161:1,15,21	KACHROO- ...	54:15,18 55:22
26:14 84:12	75:18 85:5	162:3 163:4	69:9,11,15,18	57:22 59:21,22
142:8,11	105:3 159:21	164:8,10,15	71:22	60:14,21 61:8
168:10 185:14	it'll 40:10 97:7	165:7,10	keep 10:9 34:5	61:16 62:1,2,8
186:2 188:8	134:21	168:20,21,21	56:15 65:18	62:9 64:9,9,16
192:16	item 30:7,7	170:4 175:6,7	97:10 138:15	75:15 76:8,18
intention 18:7		175:11,15	148:2,2 149:18	78:5 105:20
70:5	J	176:3,9,15,18	167:8	107:13 108:14
intentionally	Janice 170:10	176:21 177:2,5	keeping 10:14	109:2,3 111:2
179:20	January 22:1	178:6,9,19	166:2 182:8	111:15,17
interest 8:20	27:3 96:19	183:2 184:2	185:22	112:9,21 114:1
interested	141:3	186:16,17,22	keeps 156:4	114:5,7 117:1
101:20 157:2	Jim 1:8 3:5 4:12	188:19,20	kept 4:4 75:7	117:6,17,18
196:10	4:13,13,20 6:4	190:4 191:7,9	Kevin 163:8,8	118:7,12
interests 8:15	19:15,16,16	191:12,15,21	164:19 166:17	120:22,22
interior 93:17	21:2,3 24:15	192:1 194:6,7	166:19,21	121:1,2,3
109:18	24:16,16 27:13	194:15,18,21	kind 8:14,18	122:15,17
internal 172:21	27:14,14 28:4	195:3	47:5 81:13	123:11 124:1
International	28:12 46:2,4	Joan 20:5,8	107:1,12 108:6	124:14 125:5
74:8 90:11	47:1,3 63:15	Job 76:4 90:15	109:12 111:5	129:1,7,17
99:10	63:16,21 64:1	99:20	114:5,9 116:8	130:9 131:15
interpret 50:4	64:5,18 66:2,3	jobs 117:7	116:18 117:22	131:18 132:12
interpretation	68:2,3 69:4	John 144:9,10	123:9 130:2	133:3,5,15,22
49:9	71:12,13,20	144:14,15	145:21 146:6	134:4,4,15,16
interrupt 15:5	73:4,19 79:3,4	145:3 146:13	146:10 176:6	134:18 135:3,3
74:13 93:9	82:13 88:15,16	146:15,17,22	177:3 185:21	137:21 138:8
introduce 69:14	88:16 90:4	147:4,8,13,16	kinds 62:2	138:16 139:2
introduction	95:22 96:1	158:2 161:2	Kirin 69:9,11,15	140:3,11
28:10	98:2,3,3 99:4	182:4 190:8,12	69:15,18 71:22	145:19 148:13
investigations	102:21,21	190:14,17,18	kitchen 108:7	150:20,22
22:13	104:4 121:18	190:20 191:2,5	115:20 130:14	151:4,17,19
invisible 39:11	123:4,4,18	191:9	172:20	153:9 154:1,12
involve 22:4	124:17,21	join 144:11	knew 118:22	154:20,20,21
96:18 141:8	125:2 126:21	joining 104:10	know 8:13,18	154:21 155:17
167:5 184:13	127:8,19 128:6	Jones 20:6,8	9:10,19 11:21	156:22 158:15
involves 91:21	128:15 133:1	Juliet 134:7	12:1,20 13:13	159:3 160:6,7
ipso 86:14 87:5	133:14,22	135:18	13:18 14:7	160:16,17,17
Israel 117:13	134:7,9,12	July 196:18	15:6 16:13	160:19,20,21
issuance 96:18	135:15 136:7	jurisdiction	17:7,13 18:3	175:13 179:12
issue 18:19 44:4	136:13,17	21:6	21:4 30:18	180:15 183:2,3

known 130:7	41:16 42:21	lengths 113:4	119:10,14,17	livability 62:15
knows 34:3	47:10 48:10	lengthy 102:7	120:1,7,16,18	livable 51:3
	113:2 115:15	129:2	120:21 121:9	168:11
L	130:6,13	let's 7:11 8:21	122:20 124:11	live 18:21 42:12
labeled 148:1	132:12 137:17	12:11 147:2	124:14,20	48:9 53:22
lack 163:15	137:17 140:1	161:19	125:3,7 128:22	105:15 109:4
laid 149:1,3	165:7 170:18	letter 12:12 20:5	129:22 131:1,6	110:16 129:11
Lance 166:7	170:21 171:10	20:7 42:14	131:8 132:8	141:18 165:21
land 22:21,22	171:11,12,13	48:11 49:7	133:13 135:22	166:9
landing 145:18	171:15 172:4,6	50:20 52:1	136:4 139:18	live/work
landlord 93:21	172:11,18	98:12	151:3,9,11,13	116:18
landscape 12:14	173:14 174:19	letters 12:3	151:15 152:5	lived 29:18 49:3
landscaped 13:3	left-side 41:13	128:19 129:8	153:2,15,21	129:15
13:13	legal 52:14 77:6	165:18 171:6	154:6,12,17	lives 7:9 20:11
landscaping	158:22	181:5 187:21	155:5,10,14	living 105:12
12:8 13:19	legally 64:6	level 18:4,20	156:3,7,15,21	108:6 115:17
26:7 174:11	153:12	34:13 108:21	157:5,16,22	116:11 121:1,4
language 97:14	legs 134:19	117:20 137:17	158:8,14,20	122:14 172:12
152:6	Leiserson 1:9	140:6	159:1,3,10,13	175:9 185:17
large 23:6 24:6	3:5 4:16,17,17	Levine 69:16	159:16 160:1,3	loading 8:17
26:9 29:2	5:1 6:4 19:14	license 83:7	160:12,14	Lobel 74:7
113:18 131:13	19:14 21:1	licenses 87:6	161:7,17 162:1	90:10 99:9
171:17	24:13,14,14	life 51:19	162:5 164:13	located 10:21
largely 7:8	27:12,12 28:4	life-safety 51:13	list 64:2	11:13 25:14
larger 18:20	46:21 66:1	light 17:13,19	listen 98:7	85:15 90:11
92:15	68:1 69:4	113:9 185:20	listening 37:17	92:2 99:13,14
late 78:17	71:11 73:4	like-kind 81:17	56:18 57:10	99:14 141:22
Laughter 43:5	79:2 88:20,20	100:4	126:14	location 8:7,14
131:19 138:6	90:4 98:1,1	likes 130:10	listing 61:15	23:10 25:16
165:9,13	99:4 102:19,19	limit 49:14	listings 29:20	39:4 102:2,2
law 3:15 6:10	104:4 123:21	limitations 83:6	literal 22:3	116:13 135:7
38:1,3 55:3	132:15 137:8	83:8	141:7 167:4	141:6 170:22
77:6 86:19	137:12 138:3	limited 8:11	184:12,16	171:1 173:17
88:11	139:10 140:13	86:18	literally 180:8	173:20 185:9
layers 23:3	143:3,3 144:4	limiting 3:11	little 10:21 34:9	185:10
layout 150:6	163:4 164:16	line 7:15 9:8,11	34:20 36:10	locations 88:7
leads 108:1,14	164:17,17	10:2,6 25:15	42:4 56:4 57:2	100:20
Leah 166:5	168:16,17,17	28:22 48:20	78:15 82:1	Lodge 144:7,10
leave 61:20	170:4 175:4,5	57:4 66:12	92:1 106:8	144:14,15
64:18	182:17,18,20	69:7 79:17	109:6,15	146:13,17,22
left 8:1,6,7 9:16	183:1,21 184:4	110:8 111:5,6	110:14,19,20	147:4,8,13,16
10:15 13:22	186:12,13,14	112:3 130:2	111:10 113:11	190:7,8,12,14
14:2,7,13 17:7	186:15 188:16	150:4,8 173:18	115:3,15	190:17,20
18:5 29:6 31:1	188:18 190:4	180:5	117:22 118:3	191:2,5,9
31:7,9 32:1,16	194:3,5,20	lines 93:9 112:6	122:8 124:10	log 73:13
32:21 33:4,18	Leitner 163:9	link 126:12	131:3 136:10	long 29:17 78:16
34:18 35:1,5	length 80:16	Linn 104:7,8,8	137:9 139:4	129:15 139:11
35:10 40:6	111:17 118:20	118:22 119:8	146:14	145:10 187:1

long-term 142:13 145:10	173:14	4:18 73:4,9	108:19 109:22	169:4 170:3
longer 81:5	lowered 80:8	74:4 78:19,21	111:13 115:1	174:22 184:8
92:12 93:18	140:4	88:17,18,18	115:12 149:10	187:5 189:2
longest 147:22	lowering 79:22	90:5 95:16,18	meant 171:6	190:3 194:12
look 12:13,19	luck 143:15	95:21 97:20,21	measure 61:17	Members' 52:20
40:3 60:15	169:5 194:13	97:21 99:4	151:16	membrane 51:7
62:20 81:5	M	102:13,15,17	measured 158:3	59:18 61:12,13
130:10,14	ma'am 179:18	104:4 124:4,6	measures 51:5	61:14
132:11 133:14	magnitude	124:12 125:6,8	measuring	memo 75:4,8
134:16 135:3	133:8	136:19,21	151:22 152:1	91:3,19
150:3 175:8	main 32:12	137:3 138:1,7	mechanical	Memos 75:12
176:5	116:11	140:14,16	107:19 119:19	76:14
looking 7:9,20	maintain 85:8	142:22 143:1	mechanically	mention 67:5
8:19 30:21	106:4,4 107:14	144:4 163:4	81:6	116:5
35:9 37:13	107:15 167:11	164:5,7 168:18	meditation	mentioned
64:6 80:16	maintained 8:13	168:19,19	117:14	57:13 61:12
126:16 130:14	88:7	170:4 175:2,3	meet 38:15 75:8	111:20 115:21
132:12,13	maintaining	186:14,20,20	meeting 1:5 3:8	116:13 117:21
133:12 136:8	10:15 107:11	187:3 188:13	3:9,10,15,19	mentions 51:16
137:8 160:22	111:7	188:15 190:4	70:2,6 104:11	met 22:19,19
165:11	maintains 186:2	193:21 194:1	126:12,22	25:13 50:9
looks 11:11	maintenance	195:2	127:3,13	75:5 83:18
76:11 132:1	81:7	Matina's 73:20	194:16	128:21 129:8,9
164:12 183:6	major 124:8	mats 59:17	meetings 3:16	187:9 192:3
loss 185:20	making 107:9	matte 82:3	4:7	Meter 69:12
lot 7:15 23:8	116:12 158:15	83:12 94:7	meets 144:20	Michael 52:8,9
25:15 29:2,3	map 148:4	matter 39:18	157:19	52:10,11 53:17
33:22 38:13	March 3:13	58:6 65:10	member 19:18	55:2
49:18 58:13	65:12	66:6,13 67:9	45:19 46:14	microphone
105:10 106:3	mark 139:6,7	67:17 68:7	47:16 74:1	15:7
110:7 111:4,6	marked 132:16	69:8 70:14	78:18 96:3	middle 29:1
112:6 119:12	married 37:11	71:15 86:1	122:21 125:11	64:10 76:3
122:1,10,13	Marshall 6:10	123:2 155:4,20	164:21 177:21	90:15 99:20
129:18 142:3	Massachusetts	156:10,14	members 3:4	150:16 172:19
146:5 147:17	1:6,6 74:8	161:10 178:16	4:1,1,4,10,11	Middlesex 196:3
148:6,7 150:8	90:12 99:10	179:13 180:13	6:3 24:21	Miller 22:11
167:22 171:16	196:2,5	183:1	27:18 28:3	23:3
171:17,18	massing 79:11	mean 41:22 60:9	40:18 43:19	mind 9:3 16:20
173:18 184:22	master 37:5	122:1 128:7	46:22 56:18	mine 56:19
184:22	match 92:9	131:13 132:21	57:10 69:3	minimal 32:22
love 135:20	107:9	149:17 151:17	70:9 73:3 74:3	33:19 138:16
lovely 183:7	matched 130:4	153:9,21	74:7 82:12,15	minimally 36:7
low 35:8 145:15	material 23:4	155:18 157:2	90:3,9 91:14	minimis 100:11
lower 17:1 18:2	78:8 84:19	160:14,15	95:13 97:5	minimized
18:20 80:2	materials 82:2	183:5,18 190:9	99:3 101:12,13	83:11
140:5,6 154:13	math 190:9	meaningful	103:1,2,7	minute 45:22
171:13,16	Matina 1:10	32:15	104:3 144:3	62:9
		means 108:13	157:8 163:3	minutes 4:8 20:1

47:22 52:9	73:5,19 79:4	97:16 102:5,9	90:9 104:8	neighbor 7:8,15
96:9 125:16	82:13 88:15,16	102:13 103:1	126:4 144:14	8:3,5 10:3,6
178:4	88:16 90:5	140:20,22	144:15 145:4	12:18 13:20
missed 179:2	96:1 98:3,3	142:18 143:12	163:8	14:2,6 110:6
Mm-hm 13:4	99:4 102:21,21	161:9 166:15	narrative 27:3	124:1 132:18
19:6 42:15	104:4 121:18	166:22 168:13	narrow 9:20	135:2 164:13
77:7 122:20	123:4,18	182:15 184:8	112:12	164:18
124:11 125:8	124:17,21	188:10 191:7	narrower 10:12	neighbor's
131:1 133:21	125:2 126:21	193:18	National 92:4	12:12 13:2,12
134:3 138:1,1	127:8,19 128:6	Mount 163:7,10	natural 123:9	neighborhood
178:19	128:15 133:1	165:21 166:9	nature 26:4	21:5 23:20
mobile 83:5	133:14,22	mounted 95:5	167:19 181:13	24:5 25:22
model 124:15	134:7,9,12	mounting 79:13	185:4	26:9 34:20
modernization	135:15 136:7	81:21 95:4	nearby 88:9,10	62:16,17 70:2
126:11	136:13,17	mounts 92:21	necessarily 38:8	70:6 83:21
modest 51:18	137:6,10,13,20	94:21	necessary 43:21	113:17 123:14
164:3 181:13	138:2,4,15,22	move 79:5	101:5 167:8	126:8,18
182:7 185:9,22	143:5,7,7	107:16 114:9	necessity 34:5	129:15 148:2
186:2 187:9	144:4 147:7,10	116:16 142:20	need 18:21 34:3	168:7 175:22
modification	158:10,17	145:22 149:7	43:13 45:21	182:10 185:19
91:21 100:13	159:17 160:2,5	moved 59:16	51:12 54:2	186:1 187:12
modifications	160:11,13	79:16 93:7	64:7 71:3	187:15 192:6
103:5 129:3	161:15,21	moves 84:17	77:11,15,16	193:11
modify 90:12,18	162:3 163:4	moving 105:10	100:18 109:4	neighboring
90:19 99:12	164:8,10,15	117:7 135:8	112:14,16	135:5
110:3	165:7,10	Mt 2:15 166:6	113:16 117:8	neighbors 7:21
modifying 113:7	168:21,21	multi 113:18	121:3 126:10	7:22 8:1 9:19
moment 19:12	170:4 175:6,7	multi-hundre...	131:3 139:15	12:4 36:20
40:19,22 45:10	175:11,15	61:6	145:11 146:6	54:5 70:1,3
45:14,18 46:16	176:3,9,15,18	multi-use	154:10,19	113:5,13,21
62:1 117:8	176:21 177:2,5	105:22	155:3 158:4,18	114:1 127:13
183:11	178:6,9,19	multifamily	175:17 176:1	128:20,22
Monday 66:21	184:2 186:16	113:19	181:15	129:2,9,10,16
67:5 70:18	186:17,22	multiple 79:10	needed 10:19	129:21 130:5,6
75:4 91:3	188:19,20	mumbling	15:17 51:4	130:13 132:3
monstrosity	190:4 191:7,12	191:22	56:1 69:20	132:11,16
180:1	191:15,21	mute 4:4 19:22	72:4,5,6,6	148:14 178:17
Monteverde 1:8	192:1 194:6,7	47:21 96:8	73:13 109:17	neighbors'
3:6 4:12,13,13	194:15,18,21	101:18 125:15	179:8	165:20
4:20 6:5 19:16	195:3	165:4 178:3	needs 21:4 29:14	neither 32:14
19:16 21:3	months 85:14	Muz 104:10	57:12 105:14	44:13 187:9
24:15,16,16	motion 21:21,22	131:20	117:18,18	196:8
27:14,14 28:5	24:8 25:11		negative 176:7	net 171:21
28:12 46:2,4	26:15,17 66:5		182:9 187:11	never 30:11
47:3 63:16	66:8,13 67:17	N	negotiation	55:18 56:13
64:1,5,18 66:3	68:5 70:13	N 2:1 3:1	114:8	121:5 179:1,7
68:3 69:5	71:1,6 83:2	naked 164:12	negotiations	nevertheless
71:12,13,20	88:12 97:4,14	name 3:9 4:2	42:10	78:13
		36:12 69:15		

new 8:8 9:21 10:10 12:5,9 20:12 22:1 23:15 25:16,19 26:6 28:16 31:10,11,12,22 35:13 39:12,13 39:13 43:11 49:13 57:17 66:17,17 70:16 70:16,17 79:13 80:15 87:10,15 90:20 92:7,8 92:13 100:4 106:12 114:15 114:15 115:14 117:7 123:11 139:4 144:19 144:20,20 148:18,22 149:9,11 150:1 150:13,14,15 151:22 152:17 152:19 154:22 155:21 170:14 171:4 172:12 172:21 173:3 173:15 174:6 175:9 182:1,2 184:18 185:20 187:10 190:19 191:17,18 193:7,15	176:14 nonconforming 9:11 22:8 25:14 29:3 48:20 106:16 106:18 112:8 121:22 152:9 152:12,15 171:18,22 176:14 177:9 177:11,12,16 181:12 187:7 192:21 193:2,4 193:6,7,11 nonconformity 52:14 152:17 152:18,19 155:1 nonexistent 100:11 nonresidential 100:19 nonstarter 57:14 Nope 8:21 182:14 Norfolk 125:21 126:11,20 128:4 normal 82:3 normally 138:11 north 92:20 145:5 northeast 149:21,22 northwest 147:18,20 148:6,18 149:11 150:13 Notary 196:4,16 note 34:11 80:9 81:18 100:14 101:22 157:8 163:19 183:5 183:10 noted 85:4 91:12 notes 26:6 83:22 142:16	notice 14:1 87:11 126:8,11 126:17 127:2 127:12,14 128:3 notification 87:1 notify 86:17 notion 141:4 November 6:15 novo 57:13 nudge 58:17 nuisance 84:5 185:21 188:2 192:11 nullifying 23:22 142:8,11 168:9 185:13 number 4:9 9:2 9:4 10:17 54:22 56:22 69:6 70:3 73:6 74:4 90:6 104:15 122:3 123:7,7 144:7 158:19 163:6 170:7 nurse 121:4 nuts 49:22	occasionally 118:7,8 occasions 79:10 occupant 84:7 142:13 188:3 192:13 occupants 24:7 33:22 88:9 134:22 occupiable 60:2 occupy 119:22 120:14 occur 11:1 occurred 87:3 occurring 49:14 odd 150:8 odd-shaped 147:16 odds 157:10 office 17:5 117:22 121:15 131:14 136:2 137:22 138:13 138:13,16,20 140:19 141:6 offices 116:20 116:21 officially 30:11 oh 12:11 16:16 28:13 36:4 43:11 46:3 52:5 73:7 144:11 147:13 151:11 156:15 160:1 178:13 180:18 182:19 okay 4:21 9:3 10:18 14:17 15:8 16:9,19 17:3 19:4 20:17,20 21:8 25:11 28:13 30:5,20 31:14 31:17,19,22 38:7 41:19 42:19 43:17 45:3,6 46:6,17 47:15 48:18	50:2 53:21 55:6,8 56:17 58:16 63:15 64:4 65:14 66:4 67:13,14 67:16 69:13,17 73:15 74:3 75:11 78:22 79:6 80:13 81:20 82:7,14 93:22 95:11,19 96:2 97:22 119:9,21 120:5 120:10 121:8 123:18 125:8 126:3 127:12 127:22 128:17 129:6,13 130:20 135:17 136:19,22 137:3,17 138:21 139:8 140:13,14,18 140:22 151:7 158:12 159:13 161:9,19 162:2 163:19 164:8 165:17 176:9 177:5,20 180:20 182:13 184:4,7 190:10 190:18,20 194:15 old 21:9 older 105:2 117:5 Olivia 1:14 4:12 4:14,16,18,21 8:17 11:6 28:18 48:1 52:4,6,8 53:18 54:22 69:20 125:17,19 126:4,7 128:16 165:5 170:20 178:5 Olivia's 16:19 once 109:5
		O		
newly 185:17 next-door 12:4 13:2 14:2 135:1 nice 81:21 134:16 nicely 37:8 night 75:5 103:8 118:7,9,10 119:6 187:1 noise 122:17 132:22 185:20 Non-Applicab... 96:12 non-impact		o 3:1 124:7 objection 38:6 44:3 50:4 62:6 63:18,18 objectives 104:19,19 Observatory 101:8 obsolete 184:17 obstacles 79:20 obtrusive 53:1 obtrusiveness 52:21 obviously 49:3 51:17 77:5,12 81:22 122:7 134:6 140:8 175:11		

138:22	opposed 17:9	57:21 133:10	painting 82:2	parties 37:15
one's 62:16	54:19 133:9	outdoors 131:16	Pam 144:11,13	196:9
one- 19:10	156:5	outline 137:11	144:22 145:3,4	parting 20:15
one-bedroom	opposing 54:1	outlined 23:1	146:14 156:8	partly 108:12
176:21,22	optimal 145:15	78:9	191:16	parts 69:12
one-tenth 33:19	options 7:20	outside 36:18	pandemic 34:3	123:12,12
onerous 22:17	64:13	110:13 116:22	panel 90:20 92:5	passersby 102:4
ones 18:1,2,3	order 3:13 65:2	134:10 135:8	100:4	path 9:14
37:2 81:21	75:18 96:16	137:16,19	paragraphs	pattern 94:1,9
ongoing 86:2	109:20 118:16	138:9 139:17	87:9,14	patterns 25:20
open 3:14 15:1	133:8 193:8	140:19 141:6	parapet 79:17	83:19 187:13
18:2 19:17	orders 3:11	overlaid 12:20	79:21	192:4
33:21 36:10	ordinance 10:22	owing 22:20	paraphrasing	Paul 28:14 30:3
47:15 49:18	22:4 23:11,12	142:2 167:21	38:5	33:13 36:9,12
59:11 62:18,21	24:2 25:13	184:21	park 2:4,13 6:7	36:13 49:2,2
64:12 82:14	26:4,14 40:13	owner 29:21,21	6:17 7:12 17:6	50:17 51:1,12
95:12 96:3	83:17 84:3,13	44:18 50:16	17:7 19:10	59:16 61:1
101:13 108:5,6	90:16 99:16	51:9 58:12	20:6,11 144:16	Pause 20:2
112:17,18	100:16 101:3	81:10 146:5	145:5 148:12	45:11,15 74:2
115:6,7,18,19	101:11 135:5	170:10	parked 11:12	125:18 144:8
116:3,21 124:1	141:8 142:4,5	owner-occupied	parking 11:1	165:6
125:10 131:15	142:9,12 152:7	50:17	16:18 17:21	pdf 148:4 171:5
134:5 138:10	167:5,18,18	owners 34:2	18:17 25:9	Pearl 2:6 28:7
156:15 164:21	168:1,10	37:1,2 51:10	36:7 148:6	28:15 32:16
174:20 177:20	184:13 185:3	61:2 66:22	149:10 176:11	35:16 48:10
185:21	185:15 186:2	104:21 110:10	176:12	50:15,16 51:9
opening 45:22	187:9,19 188:8	116:20 145:4	part 18:2 20:14	peat 23:4
139:3,4 170:14	192:3,9,17	184:16	33:18 55:14	Pecchio 144:11
171:4 187:11	organic 23:4		56:10 82:21	144:13 145:3,4
openings 150:2	organize 110:3	P	99:22 101:21	146:14
150:15	organized 92:22	P 3:1	108:9 118:5	peep 132:21
opens 109:1	organizing	p.m 1:4 3:3 6:2	138:13 167:15	penetration
110:1 116:8	116:8	28:2 66:14,18	180:10 191:1	81:11
operable 17:14	original 2:4,6,8	66:21 69:2	partially 107:18	penthouse 81:10
18:13,14,17,21	8:22 15:20	70:16,18 71:15	119:17 123:11	81:12
19:1,3	43:1,10 44:3	73:2 90:2 99:2	168:5	people 49:18
operation 26:2	53:22 58:21	104:2 119:6	Participants	105:17 122:17
84:2 187:17	69:22 100:22	127:4 144:2	19:19 47:18	126:14 134:17
192:7	153:8 163:20	163:2 170:2	82:16 96:5	people's 122:15
opine 77:16	167:13,16	190:2 195:4	101:15 125:12	124:8
opined 56:18	originally 8:8	package 48:15	165:1 177:22	percent 33:20
opinion 41:8	153:3 163:12	packet 42:14	particular 51:5	41:5 62:21
43:16 57:11	OSHA 64:9	page 2:2 9:8,17	56:20 75:17	177:15,18
67:1 78:19	outcome 164:14	12:12 147:19	79:20 94:8	perfect 8:20
opportunity	196:10	148:21	106:1 114:12	perimeter 59:19
37:10 50:20	outcry 57:19	pages 114:11	130:1 141:12	period 52:13
116:16,17	outdoor 34:2	paint 94:7,9	particularly	85:13 87:17
132:2 136:9	36:15 37:9	painted 92:9	40:4	permanently

61:8	persuade 78:11	173:13,17	70:7 72:4 78:8	110:19
permeable	78:12	physical 85:1,9	84:21 106:22	populated
174:10	Peter 104:10	pick 45:19	141:1 149:2,14	126:18
permission 8:5	119:21 120:14	156:12	170:20 172:18	porch 38:22
permit 11:21	128:19 131:9	piece 59:9,21	173:8 181:10	106:13 107:10
12:6 15:21	131:20 134:16	105:3 106:14	182:7	107:11 115:9
25:1,6,7,12	135:19	111:5 113:12	plant 54:12	124:9,9 125:5
26:15 27:7,11	Peter's 132:10	136:5 140:1	planter 56:8	163:16 167:7
27:13,15,17,18	petition 6:13 7:5	pieces 170:13	59:2,10,21	167:13,13
52:17 55:5	37:17 87:16,21	Pines 52:11	64:7	168:4,5
76:2,21 77:8,9	156:5 164:6	pipe 64:10 94:21	planters 31:2,10	portico 163:11
77:11,15,18	181:22 182:5	pits 53:15	32:9 33:7 35:2	165:16,20
78:7 83:4,16	petitioner 22:5	place 50:3 51:4	35:17 36:2	166:1,11 167:7
83:18 86:3,15	57:6 58:17	74:8 81:7	38:11 39:8,10	169:4
86:18 87:5,8	66:8,15 70:15	90:11 99:10	40:7 42:4 53:7	portion 17:21
87:11,14,20	78:2,11,16	104:22 105:19	53:9 54:8,11	29:10 96:22
88:6,12 89:2	84:22 85:3,8	135:5 140:20	56:13,15,16	position 76:20
90:14 97:15	85:12,18,20	placements	59:18 60:3,9	77:16 91:4
98:9 99:17	86:4,17,22	79:14	60:21 61:6	129:10 164:4
101:2 102:6,10	87:10,21 88:2	places 92:4	64:16	positioned 82:1
102:14,16	98:11 141:9,15	110:22 118:12	planting 63:18	110:15 139:21
103:4 144:18	141:19 161:10	placing 93:16	plants 134:19	positive 129:12
146:12 148:20	167:6,7 184:14	plan 8:20 9:5,12	plastic 60:13	164:14
152:4,8,22	petitioner's	9:21 11:9 12:5	pleadings 76:19	possibility 78:5
159:6 170:12	48:15 84:19	12:8,8,11,14	Pleasant 2:15	possible 58:19
170:14,15	86:7 87:6	12:16 13:19	163:7,10	74:11 76:1
175:16,17	petitioners 6:11	19:2 20:12	165:21 166:6	80:19 85:7
177:8 181:18	49:21 57:18	25:2,16 26:6	166:10	94:22 95:6
187:6 188:10	59:11	28:21 29:1	please 4:2 9:17	98:12 138:16
188:14,17,22	petitioning	66:20 74:19	30:5 32:7,13	possibly 41:14
189:3 191:17	28:16	108:6 109:5	34:6,15 35:4,7	55:10 58:17
193:8,18,22	petitions 87:17	132:6,9,15	35:12 36:3	62:19 134:22
194:2,4,12	185:4	137:7 141:5	139:14,17	145:11
permits 85:20	phone 19:21	142:17 145:9	171:19 172:17	posting 66:17
192:19	47:20 54:22	145:22 148:2	173:5 181:7	70:15
permitted 3:17	73:14 82:18	173:6 174:15	182:14	potentially 11:7
26:3 29:9	96:7 101:17	plane 93:8,15	pleases 91:4	57:8 58:3
55:19 84:3	125:14 135:21	planned 72:3	plumbing 146:4	133:9,22
152:11 177:10	165:3 178:2	planning 74:14	point 13:7,8	pots 60:13
187:18 192:8	phonetic 125:17	75:5,6 78:9,12	16:14 39:18,19	potted 134:19
192:22	148:8	79:9 81:18,18	55:21 57:11	powder 116:8
person 69:21	photo 32:21	91:2,2,7 100:9	77:21 91:11	power 81:4
88:1 178:17	85:3,10 94:3	100:9 101:20	145:15 180:17	practicable
179:7	133:15 174:3	110:2	191:11	85:17
personal 124:8	photograph	plans 7:1 15:16	policy 43:7	practice 117:17
personally 41:2	148:5	16:1 26:18	poll 58:6	154:4
135:20	photos 32:8	27:3 32:2 40:2	pollution 185:20	practicing
perspective 41:4	60:12 132:16	50:18,22 51:11	popping 110:9	105:20

precludes 155:1	55:19 85:11	122:6	34:14 39:20	50:20 87:11
predates 142:4 168:1 184:22	primarily 106:19	prominently 92:16	44:13,21 45:6 48:17,19 50:18	91:18 93:2 152:13 177:11
predominate 101:5,11	primary 109:1,2 110:1,11	promptly 85:14	51:18 52:21	193:3
preexisting 9:10 22:7 25:14 152:9,12,14,16 192:20 193:4,6	113:13 114:18 117:21 118:5 118:18 145:11	propagate 80:3	56:22 62:10	provides 167:10
preferable 94:8	Prince 74:7 90:10 99:9	propagation 80:3	83:11 84:4,7 84:10 85:2,9	providing 10:2 24:6
prepare 76:13	principal 19:11	proper 30:13	91:8 92:21	provision 11:18 52:19
prepared 12:15	prior 66:21 70:7 70:19 85:15 97:13 141:11 167:18	properly 37:3 51:6 55:3	93:1 100:1,16 107:4 109:5	provisions 22:4 141:8 167:5 184:13
present 4:13,15 4:17,22 5:2 34:11 70:6 94:2	privacy 41:14 57:7 122:16 124:2 132:4,20	properties 24:5 26:7,8,11 57:19 122:16 135:6,6 181:17 182:9	111:21 112:15 114:4,11,15 115:5 136:4 139:8 141:5,14 145:22 150:3 151:6 172:11 172:14,15 173:20 175:18 182:7 184:1 185:15 187:20 188:3,6 190:9 192:10,13,14	proximity 110:7 113:1 123:22 173:20
presentation 22:6 30:19 52:12 57:20 79:7 123:5,20	private 33:13	property 6:17 7:9,10 8:1 9:7 9:11,14 10:7 25:17 29:20 32:21 48:20 51:5 58:12 81:10 122:4,18 141:16 142:14 181:12,14 185:2 186:1	192:10,13,14	public 3:11,16 4:2,4,5,6 19:17 19:18 20:13 23:14,19,22 39:12 47:16,16 52:3 55:14 82:14,15,21 87:11 96:3,4 96:22 100:2,18 101:13,14,21 110:13 125:11 125:11 126:12 142:7,10 164:21,21 166:14 168:3,6 177:20,21 178:15 185:7 196:4,16
presented 58:11	pro-planter 56:7	proponent 159:18	proposing 33:5 33:9 34:9 36:2 39:8,15 40:8 41:16 42:11 43:19 104:15 108:17,20 109:6 112:19 115:2 116:4,16 117:11 118:4 140:8 144:19 145:1 148:16 148:22 149:7 150:1,6 164:11	publication 16:4
presenting 28:8 44:16	probably 56:2 57:11 64:8 155:17 156:9 158:9,11 183:9	proponents 133:3	proposal 10:9 33:17 35:9 56:20 63:2 81:15,16 90:18 91:21 95:8,14 95:20 99:21 100:1,3,12 108:5 109:14 110:17 111:7 136:20 176:14 181:16 183:19 185:22 187:22	pull 10:5 12:7 33:9 48:16 49:4 65:2 131:3
preserving 125:4	problem 39:21 40:13,14 46:13 180:1	proponent 159:18	proposing 33:5 33:9 34:9 36:2 39:8,15 40:8 41:16 42:11 43:19 104:15 108:17,20 109:6 112:19 115:2 116:4,16 117:11 118:4 140:8 144:19 145:1 148:16 148:22 149:7 150:1,6 164:11	protected 88:10 167:10 168:11
pressed 97:11	problematic 131:12	proposal 10:9 33:17 35:9 56:20 63:2 81:15,16 90:18 91:21 95:8,14 95:20 99:21 100:1,3,12 108:5 109:14 110:17 111:7 136:20 176:14 181:16 183:19 185:22 187:22	protection 167:10 168:11	pulled 57:2,6 63:5 130:12 131:12 136:14
pressing 19:22 19:22 47:21,21 82:19,19 96:8 96:8 101:18,18 125:15,15 165:4,4 178:3 178:3	proceed 65:7 78:7 84:21	proposals 33:17 35:9 56:20 63:2 81:15,16 90:18 91:21 95:8,14 95:20 99:21 100:1,3,12 108:5 109:14 110:17 111:7 136:20 176:14 181:16 183:19 185:22 187:22	protect 135:5 protected 88:10 protection 167:10 168:11 protections 88:8 protective 59:17 59:21 provide 8:9,12 10:7 17:18 41:7 184:19 185:16 186:3 188:4,9	pulling 25:17 45:12,17 50:9 130:16
pressure 176:12	proceedings 3:22 195:4 196:7	propose 58:15 113:5	provided 12:18	purpose 24:1 26:14 59:9 84:12 142:9,12 168:10 185:14
pretty 47:10 106:16 122:6 122:17 145:20 149:17,22 150:14 160:15	process 7:21 76:7,10 113:6 180:16	proposed 8:8,21 9:21 10:1 26:5 26:12 29:7 30:22 31:2,8 32:14 33:4		
prevailing 100:20	professionals 34:4			
prevent 51:6,6 79:21 184:16	project 16:5 20:9 78:13 92:15 104:9,20			
previous 29:21 84:15 85:19 97:16 101:4 102:7,8 146:5	106:15 108:9 129:18 139:9 144:16 170:13 176:8			
previously	prominent			

185:15 188:8 192:16 purposes 40:12 55:7,7 pursuant 87:9 87:14 88:5 90:13,16 96:15 99:16 purview 82:4 put 19:11 42:1 48:5 51:4 54:8 59:2,2,20 75:15 115:17 134:19 161:2 190:8 puts 25:2 putting 13:8 39:5 59:9,10 121:13	80:20 81:2,13 93:19 quicker 46:4 quickly 107:16 113:20 114:9 139:13 quiet 36:21 134:18 quietly 29:13 quite 12:1 22:16 23:9 61:9 92:2 129:2 quoted 38:2	70:3 75:19 76:19 85:5 91:14 133:2 179:17 183:2 raises 14:15 62:6 raising 38:21 ramp 107:22 108:16 109:22 range 94:2 Ranjit 153:4 Ratay 1:14 4:12 4:14,16,18,21 48:1 52:4,6,8 53:18 54:22 125:17,19 126:4,7 128:16 165:5 178:5 reach 8:2 read 50:20 91:6 152:6 reading 16:20 ready 83:2,3 140:20 161:22 real 54:6 61:14 62:8,14 reality 34:12 realize 114:13 153:6 realized 8:13 105:14 115:22 realizes 102:1 really 32:4 37:12 39:11,12 41:8 42:20 43:10 56:12,13 60:1 61:11 64:7 104:16,20 105:21 110:5 110:10,13,17 112:1,21 115:22 136:15 153:10 158:18 163:14 165:11 171:6 173:6,22 176:15 177:3 reapply 154:19 159:8	rear 17:19 32:20 34:16 50:19 109:21 170:14 170:15,21 171:4 172:20 173:3,4,14,16 173:17,18 182:2 187:10 reason 7:5 30:6 40:16 56:11 73:13 81:5,18 151:21 reasonable 32:6 51:18 79:5 87:3,12 141:15 141:16 142:14 185:12 reasonably 85:16 reasoning 135:11 reasons 6:19 22:19 26:10,10 32:12 38:14 53:15 181:17 rebuild 6:21 8:6 163:16 rebuilding 14:7 rec 119:18 recalculate 159:20 161:11 recalculated 112:2 recall 13:18 54:14 receipt 20:4,4 50:14 86:22 87:19 165:18 181:5,20 receive 30:14 75:4 128:19 received 69:22 127:2 128:3 recess 161:14,19 161:21 recessed 39:5 40:9 recognize	178:21 recognized 178:22 179:6 recommend 166:10 181:18 recommends 91:17 reconstructed 28:17 reconstruction 32:12 record 44:20 69:14 71:17 81:3 90:9 99:9 144:15 170:9 196:6 recorded 3:19 97:10 records 163:14 rectifying 22:15 red 28:22,22 42:16 112:3 170:21,22 redesign 25:2 62:20 redo 62:19 63:12,14 redone 57:12 reduce 33:5 91:19 93:4 reduced 10:5 23:18 reduces 33:10 reducing 46:8 refer 12:17 reference 12:19 97:8,14 102:9 referenced 16:6 52:16 references 187:21 referencing 20:6 22:10 referred 85:11 refile 155:4,5 refiled 155:8 156:16 refiling 156:9
Q	R			
quality 24:6 109:13 question 14:5,22 15:3,15 39:17 44:2 45:13 47:11 53:7 55:2,9 58:22 59:1,5 85:21 123:13,14 126:3 131:8,11 131:17 133:2 175:7 182:21 questions 11:22 15:2 16:11 19:5,13,14,15 19:16 36:11 37:19 46:20,21 47:2 70:4 82:11 95:16,19 96:2 101:12 104:13 146:16 163:22 164:1,6 164:9,10 174:20,21 175:1,2,3,4,5,6 184:7 quick 6:16 52:11	Radiation 88:11 radio 90:21 92:7 92:8,13,13 93:6 100:5 radiofrequency 80:2,7 88:11 93:13 rail 41:7 42:3 47:4,13 63:17 63:20 64:9,10 64:10,10 134:9 136:13 railing 30:17 34:7,8 39:9 56:5,9,12,15 59:22 60:8,9 60:10 61:3 124:13 134:1 railings 33:7 34:11,13 37:6 39:1,4,5,8 44:14,14 60:20 rails 62:7,7 raise 19:20,21 47:18,20 82:17 82:18 96:6,7 101:16,17 125:13,14 154:11 165:1,3 178:1,2 raised 7:17 44:3 46:22 55:2			

reflect 66:17 70:15 193:15	168:2,8 171:20 176:12 179:4	126:16	21:22 41:1 97:4 141:1	resolution 9:20
reflecting 190:21	179:12 181:8 181:11,12	renovated 181:17	167:1 179:4 181:8,11,13	resolved 78:3 179:11 180:13
refuge 50:2	182:1,6 183:14 183:20 184:9	renovation 144:18	183:15 184:9 185:8	respect 57:6,11 85:19 100:12
regard 15:21 85:20 86:20	185:4,6,8,11 185:12,13	rent 145:7	requesting 10:20 11:20	respects 78:8
regarding 53:7 86:6 131:21	190:22 191:1 193:13	rented 120:6,7 121:11 145:6	69:18	respond 70:7
167:12 183:2		renting 120:2	requests 94:6	response 3:12 44:12
Register 92:4	relocated 114:16	reopen 180:17	require 64:15 66:8 141:13	responsibility 88:4
regular 155:16 155:17 161:5	reluctant 58:9	reorganize 116:13	148:20 167:19 183:20 185:4	rest 33:14 80:21 107:6 139:9
regulation 30:10	rely 59:7 77:14	reoriented 31:18	185:11	166:2 173:2
regulations 86:20	remain 44:17 142:13 172:2	repeat 97:12 147:10	required 7:16 43:9 51:14	restore 85:15
rehabilitation 24:3	173:2	repeating 97:10	77:9 83:9 193:9	restoring 167:15
rejiggering 148:17,18	remaining 72:2	repetitive 87:16 87:17	requirement 14:7 66:16	restrictions 3:16
related 7:13 196:8	remains 85:10 172:8	replace 62:7 81:16 100:3	70:22	resubmit 190:19
relating 22:20	Remember 160:8	replaced 92:6,7 167:14	requirements 3:14 25:13	resubmitted 44:8
relationships 129:16	remind 41:10 45:7	replacement 7:2 23:16 80:14	38:15 76:2 83:17 86:19	result 157:19 171:21 185:21
relative 121:1 173:18,21	reminder 6:16 9:6 11:19	91:8 92:12	99:17 121:17 121:21 157:20	resulting 23:5 113:12
relatively 79:12 105:9 108:4,12	remote 1:5 4:7 90:21 92:7,8	replacing 40:1 90:19,21	177:13 187:8 192:3	resupply 43:13
109:2,3 113:18	92:13 93:6 100:5	replicate 83:13	requires 6:20 10:22 170:18	retaining 14:1,3 14:8,12
reliable 188:9	remotely 3:10	replicated 171:4	requiring 96:18	rethink 157:18
relief 7:6 10:19 11:18,20 15:17	removal 92:19	report 22:11 23:3 86:5,9,11	rescind 180:11	retort 77:4
20:19 21:22 23:13,21 28:16	remove 10:7 81:15,16,21	86:13 87:2 91:7	rescreen 15:4	reused 174:4
29:5 33:19 38:14 40:15	85:14 94:21	represent 163:9	reservations 130:21	Reversible 92:1
51:2,12 53:13 56:1 62:13,17	removed 32:10 34:8 110:18	representing 6:11 28:14	reside 28:15 181:9	review 21:4 74:15 76:7
76:3 90:15 97:4 99:20	115:13 171:3 172:21 173:19	49:17 69:11 104:9 170:10	residence 19:11 100:15	123:15
121:14,16,20 135:3 141:1,13	174:4	request 7:6,13 10:20 21:13	residential 23:7 99:14 100:17	reviewed 32:2 50:18 182:7
142:6,9 153:12 154:4 155:1	removing 106:11,11	24:17 69:21 76:6,10 84:18	101:5,9 116:7 177:7	reviewing 83:4 157:1
157:10,15 164:3,4 167:1	rendered 47:6	90:14 99:19 141:15 165:20	residents 88:9 142:13	revised 8:22 12:14 15:16
167:16,19	rendering 23:7 40:5 44:20	181:18	resign 157:11	27:2 44:8 70:7 75:20 141:2 149:20
	renderings 130:15	requested 10:3 11:18 12:6		revisions 16:3
	renovate 6:21			revoked 87:7
				rework 108:18 reworked 114:7

reworking 107:5 114:19	124:4 125:10 127:9 128:10 128:11 132:21 133:4,17 134:7 134:8 137:14 147:16 148:7 151:4,12,14 152:3 154:7 155:5,10,14 156:3,7,12 157:5 158:12 158:20 159:16 160:1,2,12 161:1,7 162:1 162:3,5 164:5 164:20 171:14 172:8 173:15 174:11,16 177:2,5 180:14 184:2 191:3,6 191:11 194:21	159:1,3,10,13 159:16 160:1,3 160:12,14 161:7,17 162:1 162:5 164:13	RRUs 93:6,17 rubber 61:11,13 61:14 rule 11:7,17 rules 88:7 ruminare 40:18 run 25:1 64:1 75:10 144:22 151:1 174:18 running 8:16 runs 7:15 174:17	saying 38:3 50:5 54:19 55:18,20 72:7 132:10 138:12 says 19:19,20 29:7 30:22 31:2 38:1 44:12 47:17,18 77:11 82:16,17 96:5,6 101:15 101:15 125:12 125:13 156:19 157:1 164:22 165:1 177:22 178:1 scale 50:6 136:8 schedule 27:2,2 65:12 scheduled 70:2 73:10 scheme 131:4 school 117:7 schools 101:6 scientific 86:2 scope 83:6 172:9 scratching 64:5 screen 16:13 137:7 scroll 149:13 Sean 181:6 seat 133:19 136:9 second 45:10 46:2 80:22 105:5,6,7,8,11 105:13 108:2,2 108:11,12,13 108:20 109:21 109:22 111:13 114:16,16 115:1,12 116:11,15,16 119:22 120:1,2 120:3,14 121:2 121:15 133:16 133:17 139:7 141:4,21 149:5 149:10,15
Rhatigan 6:9,9 12:10 13:4,6 13:17 14:4 15:5,12,14 16:2,10,16,19 17:1,4,18 18:4 18:10,14 19:2 19:6 20:16 21:11,15,19 25:5,8 27:19	160:1,2,12 161:1,7 162:1 162:3,5 164:5 164:20 171:14 172:8 173:15 174:11,16 177:2,5 180:14 184:2 191:3,6 191:11 194:21	Robertson 50:21 51:9 robustness 37:4 Rogers 125:17 125:19,21 roll 4:3 roof 28:17 29:4 29:7,8,10 31:5 33:14 34:1 39:6 40:10 43:12 46:6,6,7 46:9 50:19 51:2,7,19 54:2 54:6,6,11,15 54:16 59:2,18 60:4,9 62:14 107:6 109:1 110:1 112:19 115:6,7 116:21 131:13 132:11 133:10 134:14 140:19 141:5 168:4	<hr/> S <hr/> S 3:1 safe 6:21 49:22 50:2 51:3,14 59:14 60:1 146:6 184:17 185:16 186:3 188:4,9 safety 26:10 32:11 37:4,13 39:18 41:4,7 51:5,19 53:15 84:6 88:6 145:12 167:9 188:3 192:12 sanctioned 30:11 sanctuary 105:22 sane 34:5 Sarah 6:8,9,9 12:7,10 13:4,6 13:17 14:4 15:5,12,14 16:2,10,16,19 17:1,4,18 18:4 18:10,14 19:2 19:6 20:15,16 21:11,15,19 25:1,5,8 27:18 27:19 104:12 124:14,16,22 satisfy 65:2 130:16 193:12 saw 31:18 43:10	
Richard 163:7,8 163:9 164:19 166:15,17,19 166:21 181:20 Richards 69:10 rid 133:22 ridge 151:17,19 151:20 152:2 right 7:9,13,22 8:3,12 9:7,8,8 9:11,12 10:2,3 10:6 11:5,6,13 13:21 15:13 16:20 17:12,17 17:22 18:7,12 25:15 27:6,7 29:6 30:22 31:4,14,19 32:17,20 33:5 33:9,18 35:2,5 35:11 40:19 41:18 43:1 44:1 46:9 57:11 58:20 60:15 63:7 64:2 66:5 67:10,11,16 70:13 71:5,20 71:22 73:12,17 74:4,21 77:12 77:17 82:7,11 95:11,12 97:3 100:14 107:9 114:22 115:19 119:15 120:9 121:12 122:7	right-hand 47:9 171:16 right-side 174:1 rights 29:4,10 road 82:5 95:12 Rob 129:19 135:19 Robert 104:8,8 118:22 119:8 119:10,14,17 120:1,7,16,18 120:21 121:9 122:20 124:11 124:14,20 125:3,7 128:22 129:22 131:1,6 131:8 132:8 133:13 135:22 136:4 139:18 151:3,9,11,13 151:15 152:5 153:2,15,21 154:6,12,17 155:5,10,14 156:3,7,15,21 157:5,16,22 158:8,14,20	rooflines 38:22 rooftop 51:14 53:9,15 59:14 60:2 80:1 91:22 room 11:17 17:19 90:22 115:17,19 116:8 118:14 119:18 123:9 150:21 172:19 rope 32:10 35:1 39:8 61:3 Rothfuchs 6:11 6:12 7:19 14:5 14:9,10,12,18 18:9,11 20:7 rotting 32:9 roughly 150:17 round 180:5		

173:10 second-floor 132:6,9 173:6 seconds 50:1,1 section 32:15 59:22 76:3,5 90:14,16 99:16 99:19 101:2,10 107:18 121:20 121:21 152:11 152:22 153:6 177:10 192:18 192:22 193:13 sections 16:5 secured 83:7 see 7:11 8:21 9:15 11:9,12 12:11 28:22 29:6 31:10 32:8 33:4,9 34:11,13,17 35:11,13,16 39:13 40:1,6,7 42:4 43:9 45:9 46:14 56:13 58:2 63:3,5,13 78:11 105:7 106:6 107:22 108:4 109:12 109:13 111:1 113:1,16 115:6 116:4,19 129:5 129:22 130:11 132:17,17 148:9 149:14 150:4,15 157:18 161:5 171:16 172:14 174:16 175:11 seeing 107:3 130:14 seek 170:12 seeking 15:16 171:20 174:13 seen 48:11 49:2 49:3 52:12 94:12 100:2 self-corrects	30:10,15 sense 41:13 58:14 122:8 138:2,7 140:1 150:12 155:6 177:2 sensitive 112:22 sent 126:8,11 127:12,16 sentiment 64:22 separate 105:12 117:4 118:12 120:13 separately 118:13 separation 116:10 seriously 24:4 serve 53:10 60:18 184:18 Services 86:5,10 86:14 87:2,22 141:4 set 58:1 122:8 155:12 191:6 196:12 setback 7:16 8:4 8:7,12 9:16 10:1,2,15 29:1 48:20 62:3 93:8,15 95:12 112:9,12 144:20 147:20 149:21 150:5,8 170:15,18 171:10,11,12 173:16 174:16 174:19 191:19 setbacks 106:17 106:19 111:3,8 111:18 112:2,4 112:7 147:17 sets 22:12 settle 23:5 settled 179:3 180:17 settlement 22:9 seven 48:22	52:11 seven-and-a-h... 8:9 shadow 114:2 114:10 shadows 41:14 114:12 shape 22:21 142:3 150:8 167:22 184:21 share 16:13 40:21 47:3 123:1,21 132:3 149:10 shared 138:14 She'll 104:13 sheet 36:5 139:6 141:4 148:1 149:2 sheets 148:3 shift 8:8 140:1 shifting 139:21 shooting 50:7 shorter 40:10,11 80:14 shout 18:6 show 20:11 32:19,22 35:8 109:5 113:5 114:2 121:13 132:10,19 149:18 160:6,7 173:7,17 176:1 showed 114:6 130:15 showing 9:12 12:4 34:22 113:12 114:11 115:6 116:20 173:19 shown 11:5 54:10 67:1 94:3 shows 57:20 109:9,21,22 150:4 174:6 shy 125:1 sic 25:2 96:10	131:10 172:15 side 8:7,9,10 10:16 11:14 13:22 14:13,14 14:19 16:14 17:8 26:7 29:6 29:6 31:4,7,9 32:2 33:9 42:21 47:9 106:11 114:17 119:1,3 122:11 131:22 145:16 147:21 148:9 148:12 149:12 150:1,1 170:18 171:4,10,11,12 171:16 172:6,8 172:11 173:19 174:6,19 sides 7:22 8:2 57:3 106:18,19 174:17 siding 132:1,1 132:13,19 sign 66:17 70:15 190:22 signal 80:7 signed 12:19 21:12 66:15 67:10 70:22 84:19 significant 6:18 22:13 91:15 significantly 14:8 signoff 21:15 similar 80:16 175:18,19 simple 35:2 simulations 85:3 85:10 94:3 Sincerely 166:4 Singanayagam 16:7 single-family 7:2,2 11:2 23:16 152:10 152:15 192:21	193:5 sir 72:1 Sisia 1:13 137:6 137:11,14 sit 70:9 134:18 site 7:4,20 8:19 9:5,6,12,21 11:9 12:8,16 28:21 85:21 86:8,18 92:2 101:1 110:12 110:15 160:18 174:15 sites 100:19 sitting 3:4 6:3 17:19 28:3 61:14 69:3 73:3 90:3 99:3 104:3 126:16 127:6 140:10 144:3 163:3 170:3 190:3 situated 88:7 situation 105:1 146:10 six 55:5 85:13 90:19,20 92:5 92:6,8 six- 13:8 size 3:11 10:5 23:8 29:2,2 32:1 33:5 37:22 41:15,15 48:17 60:7 65:1 133:5 141:5 142:3 167:22 171:17 184:21 sketch 12:18 skies 42:2 skinny 11:16 17:15 18:1 19:1 sky 130:14 slabs 23:6 sleep 118:13 145:14 sleeping 117:4
---	--	--	---	---

slide 8:16 10:17 28:21 30:5,21 32:7,13,18 33:2,12,16 34:6,15,21 35:4,7,12,18 35:21 36:3 40:6 44:10 132:6 171:19 172:3,17 173:5 173:12 174:2,8 174:14	somebody 8:17 125:20 153:13 somewhat 31:5 49:8 83:12 sons 117:5 sooner 155:9,18 155:21 159:4 soonest 159:10 sorry 6:21 7:11 11:3 15:5 28:13 45:17 52:5 67:8 74:6 74:13 75:5 93:12 101:8 113:15 119:11 121:19 128:1,8 138:4 141:11 144:14 147:6,8 147:8 151:5 173:9 178:13 179:2,19,21 180:19 182:19 186:14 187:1	161:7 south 114:14 southeast 148:21 150:1 southwest 148:19 150:3 space 11:4 17:5 31:1,5 32:8 33:21 34:2 36:15,19 37:3 37:4,9 44:16 49:21 51:2,14 57:21 59:15 60:19 61:7,11 61:15,15 62:10 105:12,13 110:11 112:17 112:18 114:21 115:14,16 116:9,12 117:9 117:18,22 118:1,4,15,18 122:15 124:8 125:4 131:14 133:10 135:8 136:2,2 139:17 140:10 141:20 147:21 148:10 149:10,16 172:12 174:10 175:9 184:18 185:17,21 186:4 187:10 188:9	special 11:21 12:6 15:21 25:1,5,7,12 26:15 27:7,11 27:13,15,17,18 76:2 77:8,11 77:15 78:6 83:4,16,18 85:20 86:2,14 86:18 87:5,8 87:11,14 88:6 88:12 89:2 90:14 97:14 98:9 99:17 101:2 102:5,9 102:14,16 103:4 144:18 146:11 148:20 152:4,8,22 159:6 170:12 170:13,15 175:16,17 177:8 181:18 187:6 188:10 188:13,17,22 189:3 191:17 192:19 193:8 193:18,22 194:1,4,12 specific 52:15 75:12 93:3 specifically 123:8 spent 12:1 spikes 61:5 spiral 108:15 173:1,4 spoke 81:2 128:22 spoken 181:10 spot 108:8 squad 137:1 square 17:1 44:4 44:21 46:9 49:13 63:4 65:1 92:3,4 96:17 106:9 107:9 110:20	150:18 176:19 183:3 squared 109:10 SRO 128:3 ss 196:3 stable 34:19 stack 92:17 Staff 4:10 75:5 81:19 91:2 94:6,8 100:9 stair 30:8 31:1,2 31:10 32:1 39:2 42:22 116:13 144:20 149:11,14 150:16,21 151:22 171:11 173:4,19 174:6 174:18 184:18 staircase 108:15 145:13 146:1,2 173:1 stairs 31:7 44:4 44:22 45:1 115:11 145:21 171:3 172:20 stairway 185:15 stairwell 170:17 171:8,8 172:15 182:2 stakeholders 113:14 stamped 141:3 standard 38:16 156:22 start 4:10 8:18 107:1 started 59:17 64:1 105:17 starting 37:12 117:7 127:4 starts 14:12,19 131:3 state 4:2 30:10 38:3 83:7 stated 63:16 81:10 statement
sliders 115:19 slides 8:17 slideshow 28:18 sliding 133:4 138:18 slightly 7:3 14:15 119:2,2 sloping 150:20 slot 111:11 139:4 small 9:12 29:2 60:13 105:9 109:3 131:13 131:15,18 171:17 smaller 7:3 18:19 43:12 81:17 smallest 95:4,8 95:9 smallish 108:21 smokestack 91:10 92:6,10 92:20 93:2,8,9 93:17,20 smokestacks' 92:16 sneaks 145:21 snow 167:9 societal 86:2 society 141:18 soil 22:9,21 23:1 solid 94:2,7 solstice 114:3,4 solution 50:5 51:19	sort 7:19 9:20 12:18 13:9 17:11 18:1,17 29:20 36:21,21 37:2,4,10 41:8 46:14 57:4 59:6 106:3 107:13 108:7 109:4 110:11 115:7,14,15,21 116:8 117:5 118:4 119:18 119:19 122:2 131:2 144:22 145:16,19 146:17 147:21 148:17 149:3,9 149:13 150:6 150:11,16,16 153:10,18 160:19 sought 38:14 sound 15:7 53:4 sounds 56:1 156:7,8 159:4	spaces 116:18 117:4,6 175:19 speak 4:8 19:18 20:1 47:17,22 69:8 82:15 96:4,9 101:14 117:14 125:12 131:10 164:22 177:21 178:4 SPEAKER 27:20 speakers 4:9 speaking 4:2 7:21 130:7	stated 63:16 81:10 statement	

193:16	32:22 33:1	176:13 177:9	144:18 167:5	28:6,11 29:15
statements	34:10,13,17	177:12 184:22	168:3 184:13	30:1,4,6 31:6
141:2 184:10	35:8,19 36:1	193:11	185:7 187:15	31:12,14,17,21
statewide 3:11	39:7,14 42:5	structures 22:22	192:5	37:18 38:20
stating 88:3	48:10 50:15,16	80:1 88:10	substantially	40:20 45:20
status 74:22	55:2 56:12	113:18 175:20	23:5 24:1	46:17,20 47:1
statute 52:16	73:7 74:15	struggled 37:5	76:11 142:8,11	47:15 48:2
statutory 66:15	75:1,2,4,18	struggling 59:5	168:9 185:14	50:1,10,12
70:22	79:7 88:13	59:10	193:10	52:5,7,9 53:17
stay 72:4 145:9	89:2 90:7	stuck 81:13	subsurface	53:20 54:17,21
195:1	96:13 97:15	157:13 179:22	22:12	55:12 56:17
stayed 61:9	98:10 101:7	studies 114:2,10	success 157:21	58:16,19 62:18
180:5	104:7,17	studio 105:9	successful 156:1	63:7,10,15,21
stays 156:15	109:11 114:17	study 86:2	156:18	64:4,21 65:5,7
stealth 81:4	122:8 125:21	stuff 73:11	sufficient 133:8	65:9,15,18,21
102:2	126:12,20	style 56:15	sufficiently	66:2,4,11 67:6
steel 42:3 53:3	128:4 129:12	142:1	15:18,22 88:10	67:9,13,16,20
56:5	130:11 134:1	subject 26:18	suggest 66:12	67:22 68:2,4,4
steeple 99:13	148:7,8 163:7	78:7 86:3	137:11	68:7 69:3,6,10
100:5,6	163:10 165:21	87:16,20 186:6	suggested 37:2	69:13,17 70:8
Steinberg	165:22 166:2,6	186:7 191:3	41:14 53:2	70:12 71:5,8
104:10 119:4,9	166:9,10 170:9	submission 43:2	79:15	71:10,12,14,14
120:9 128:21	175:19,20	44:3 83:12	suggestion	71:19 72:1,6
129:7,14	178:17 180:2	submissions	42:18,22 56:8	73:3,6,9,15,17
131:11 133:11	182:4	163:20 186:7	58:5 65:10	73:22 74:13,17
135:10,20	streetscape 26:9	submit 76:20	161:2 191:8,10	74:22 75:13
136:1	stretch 134:18	submittal 75:15	suggestions 7:18	76:18 77:8
step 42:6,7 62:1	Strictly 63:19	84:19	63:21 74:17,18	78:18,22 79:3
62:9 132:11	strong 136:17	submittals 22:1	75:7 80:21	79:6 80:10,13
133:18 134:5	181:7	70:17,21	91:18 93:4	80:19 81:20
140:5	structural 22:13	submitted 12:3	suitable 34:19	82:11,14 83:2
steps 139:19	22:16 51:13,19	22:7,11 40:3	100:19	83:4,16 88:15
174:4,7	structurally	83:8 84:22	suite 109:1,2	88:17,19,21,21
stock 64:10	22:8	85:3 141:1	Sullivan 1:7 3:4	89:1 90:3,6
181:17	structure 8:6,9	142:17 184:11	3:7,9 4:19,20	91:6 93:16,22
stoop 145:16	9:15,16 10:10	186:8 193:14	5:1,2,2 6:3,6	94:11,20 95:2
Stop 137:16,16	10:11,13,21,22	submitting 16:3	12:7 13:1,5,7	95:4,11,16,19
stops 64:7	11:1,2,11 18:2	subsequent 70:5	13:22 14:11,17	95:22 96:2
storage 118:1,1	21:13 22:14	Subsequently	14:21 15:8,11	97:3,9,20,22
119:19	23:7,10,11,18	70:2	16:11 19:9,15	98:2,4,4,8 99:3
store 60:14	24:4 25:19	substance 20:13	19:17 20:3,17	99:6 100:14
story 159:22	48:10,19 81:5	51:21 55:13	20:20,22 21:2	102:13,17,22
straightforward	112:9 113:3	96:21 166:13	21:8,14,17,20	102:22 103:4
111:3 149:18	115:8,12 120:4	182:11	24:11,13,15,18	104:3,6 118:20
street 2:6,9,10	121:22 140:11	substantial 22:4	24:18,20 25:7	119:12,15,21
2:12,15 6:10	141:10 142:3	23:14,19,22	25:11 26:19,22	120:5,8,10,17
7:10 14:14	163:18 167:13	25:22 83:20	27:6,9,11,13	120:19 121:8
28:7,15 32:16	167:13,16	141:8 142:7,10	27:16,16 28:3	121:12,19

124:4 125:10	184:3,7 186:7	65:4,6,8 74:19	talking 9:19	63:4 111:3
125:20 126:2	186:10,13,16	78:1 80:18,20	12:2 13:8	113:9 134:13
126:19 127:5,9	186:18,18	101:22 105:16	37:21 38:9,11	139:13,16
127:14,16,20	187:1,4 188:13	113:7 121:9	62:6 112:1	146:15 159:4
128:1,5,7,11	188:16,19,21	132:6 134:17	113:20 114:1	terrific 49:5
128:13,17	188:21 189:2	146:22,22	130:5 140:10	Testing 22:11
129:6,13,19	190:3,6,10,13	158:15 164:15	160:16 187:2	thank 6:14 9:1,9
130:20 131:2,7	190:16,18,21	175:10,14	tall 14:13 19:1	10:18 15:14
131:17 132:5	191:3,6,11,14	191:2,17	40:6,12	16:9 19:7
133:21 134:3,8	191:16,22	surface 95:6	taller 39:3 40:8	20:16 27:1,18
134:11,15	192:2 193:21	surgical 106:6	41:9 47:6	27:19,20 30:20
135:12,17	194:3,6,8,8,11	survey 12:21,22	tapered 92:17	37:18 46:19
136:10,16,19	194:16,19	surveyed 174:15	tar 59:2	47:1,14,15
136:22 137:4	195:1	suspects 64:2	tasteful 51:18	50:11,12,12
137:19 138:12	sum 20:12 51:21	suspended 87:6	Tax 76:3 90:15	52:10 53:16,17
138:21 139:6	55:13 96:21	suspiciously	99:20	54:17,21 55:12
140:14,18,22	166:13 182:11	175:13	teach 117:14	56:17 61:19
142:22 143:2,5	summarize 77:1	sustainably	team 93:13 95:8	63:8 64:20
143:9,9,15	summary 15:19	146:9	technical 74:1	66:3,11 67:14
144:3,6,9	summer 114:4	sworn 87:22	technically 64:6	68:9 71:21,22
146:19 151:1,7	153:7	system 34:7,8	151:17,18	72:1,7 73:16
151:10,12,14	sunken 145:18	42:3 53:3 56:6	technology 48:5	73:17 74:6
152:3,6 153:11	sunsets 36:22	60:8,11	180:10	82:9 83:1 90:8
153:18 154:1	super 36:15	systems 53:3	telecom 83:22	96:1 97:2 99:8
154:10,15,18	support 12:4	146:8	100:15	100:14 102:17
155:8,11,16	20:5,7,12		telecommunic...	103:5,7 119:8
156:4,10,13,17	41:15 42:16	T	102:1,8	123:18 124:4
156:22 157:6	49:5,20 50:8	T-Mobile 90:12	telecommunic...	128:12,13,14
158:2,7,12,18	50:20,22 57:7	91:22 96:14	100:22	129:13,19
158:21 159:2,9	57:16 67:2	99:11	television 3:20	135:10 138:3
159:11,14	124:1 128:19	table 7:19	tell 45:9 56:7	140:13,16
161:1,9,14,19	129:8 133:9	121:16,20	127:16 153:15	143:14,14
161:22 162:2,4	164:4,11,18	tailored 181:13	161:2	147:15 162:4
163:3,6,19	165:19 176:7	take 4:10 47:9	temporarily	164:19 166:19
164:5,8,16,20	181:7,11,22	61:22 79:7	3:14	166:21 169:6
165:14,17	182:5 187:21	117:1 153:16	temporary 3:15	174:21 177:5
166:18,20,22	supporting 92:9	155:18 158:4	61:17	181:1 183:21
168:16,18,20	184:10 193:16	184:3	ten 32:1 42:21	184:4 187:4
168:22,22	supportive 12:5	taken 4:3	tenable 153:13	188:16 189:4,5
169:3 170:3,6	supposed 54:12	takes 150:19	tend 64:22 130:9	191:7,9 194:14
174:21 175:2,4	73:20 179:5,15	talk 75:3 109:6	terminate 86:14	194:19,20,21
175:6 177:7,20	180:11,21	113:4,11	87:5	195:2
178:11,13	sure 8:16 12:10	127:20 139:16	terminated 87:7	thanks 8:18
179:2,9,16,18	16:6,16,19	173:7 178:18	87:9	36:12 37:16
180:13,20,22	21:17 38:17	179:1,7 180:15	termination	55:11 119:8
181:2,4 182:15	42:7 48:6,11	talked 139:15	87:13	135:10 145:3
182:19,22	49:11 54:6	153:3 178:17	terms 7:3,19 8:3	162:5 181:3,4
183:17,22	55:17 62:5	178:22 191:4	11:19 41:7	191:16

that's 7:14 36:4 39:3 52:16,21 56:21 67:4 120:19 150:5	149:19 150:18 151:18 153:19 154:3,8,19 155:3 157:10 157:13,20 158:10,13,18 159:19 160:5 164:3 165:7 176:5	throw 37:15 thunder 79:8 THURSDAY 1:4 tidier 34:20 Tidy 94:17 tight 110:7 tightly 94:18 time 4:5,6 12:1,2 23:5 33:22 36:15 42:8 62:22 66:18 67:4 70:16 78:21 86:16 95:18 127:4 129:15 159:20 161:10 164:7	torn 163:13 167:14 totaling 74:10 totally 102:3,3 127:21 134:2 touching 106:15 116:14 tower 150:16 traded 110:21 traditional 35:2 traffic 25:20 83:19 187:13 192:4 transcript 3:21 196:6 transitional 117:5 transmission 86:1 transparent 64:11 transparent- 56:14 transparent-st... 56:9 traveling 138:17 trays 92:20 94:21 treatment 94:1 tried 109:18 112:17 Trilogy 6:10 triple-decker 129:1 130:10 triple-deckers 130:6 trouble 15:6 38:13 40:17 45:22 troubled 38:17 troubling 37:21 41:5 true 38:8 40:1 54:15 196:6 try 74:10 78:2 trying 8:12 9:19 78:2 105:22 106:3 126:15	138:15,20 157:11 159:8 175:8 178:14 180:5 Tuesday 74:20 75:5,6 91:3 turn 146:15 163:21 twice 29:22 180:4 two 11:15 14:15 17:15 18:1,1 19:1 26:10 61:2 62:3 74:9 80:13 81:16,17 106:18,19 107:7,9 108:19 109:9 110:8 111:11 116:20 117:5 118:4,5 118:12 126:14 127:6 138:9 145:7,9 148:10 148:11 149:5 153:17 159:18 161:3 165:18 172:9 173:8,10 180:4 181:5 two-dimensio... 34:12 two-families 19:10 two-family 6:18 7:2 22:8 104:16 120:3,8 145:7 149:4 152:10,15 192:21 193:5 two-year 87:17 Tye 74:7 90:10 99:9 type 36:22 135:18 153:19
theme 139:1 thereof 167:3 they'd 19:10 39:11 184:1 thick 61:12 thing 36:22 40:14 41:22 50:7 75:13 82:2 97:7 119:20 131:21 135:19 153:19 158:2 things 60:8 64:11 67:3 109:4 112:21 114:6 122:2 130:7 131:3,5 132:22 136:8 think 11:8 13:8 21:9 26:21 29:20 36:4,5 37:8 38:15 41:4,6 43:20 44:19 49:7 53:12 54:10 56:2,3,5,8,16 57:5,8,12,22 58:1,13,13 61:16 62:22 64:1,12,14,21 66:8 74:9 76:1 76:10 78:2 81:20 82:1,6 91:4 94:6 106:8 107:13 119:2,10 122:2 122:15 123:1 124:7 128:16 130:20 131:6,9 132:15,16 133:7 135:7 136:15 138:7 140:16 144:10 148:2 149:17	thinking 125:3 134:3,21 154:20 158:13 183:1 190:8 third 34:5 108:22 120:15 120:20 130:10 139:18,19 140:7 144:21 145:13 149:5 173:11 180:5 third-floor 58:2 110:1 thought 52:21 58:4,7 118:22 135:9 139:2 148:3 thoughts 58:16 63:10,15 78:20 79:1 95:13 122:22 123:4 123:19 124:5 135:13 three 4:8 14:19 20:1 29:19 36:14 47:22 50:17 51:10 52:9 74:10 92:7 96:9 108:21 114:11 115:4 125:16 136:11 163:11 170:13 173:9 178:4 181:5 three-family 113:2 three-fold 104:20 three-part 38:16	throw 37:15 thunder 79:8 THURSDAY 1:4 tidier 34:20 Tidy 94:17 tight 110:7 tightly 94:18 time 4:5,6 12:1,2 23:5 33:22 36:15 42:8 62:22 66:18 67:4 70:16 78:21 86:16 95:18 127:4 129:15 159:20 161:10 164:7 timeframe 160:6 timeline 76:9 timely 86:13 times 85:8 118:9 180:4 today 7:6 105:1 told 127:12 129:4 130:7,17 Tolles 20:10 tones 94:2 tonight 6:7 15:16 28:19 30:16 38:9 42:11 44:20 74:10 78:14 85:13 86:15,19 144:17 154:9 164:14 170:12 194:17 tonight's 125:22 top 38:11 64:10 91:15 107:7 112:19 133:17 135:15 138:19 145:18 147:19 151:4,17 top-heavy 92:17 topography 22:21 topping 150:16	torn 163:13 167:14 totaling 74:10 totally 102:3,3 127:21 134:2 touching 106:15 116:14 tower 150:16 traded 110:21 traditional 35:2 traffic 25:20 83:19 187:13 192:4 transcript 3:21 196:6 transitional 117:5 transmission 86:1 transparent 64:11 transparent- 56:14 transparent-st... 56:9 traveling 138:17 trays 92:20 94:21 treatment 94:1 tried 109:18 112:17 Trilogy 6:10 triple-decker 129:1 130:10 triple-deckers 130:6 trouble 15:6 38:13 40:17 45:22 troubled 38:17 troubling 37:21 41:5 true 38:8 40:1 54:15 196:6 try 74:10 78:2 trying 8:12 9:19 78:2 105:22 106:3 126:15	138:15,20 157:11 159:8 175:8 178:14 180:5 Tuesday 74:20 75:5,6 91:3 turn 146:15 163:21 twice 29:22 180:4 two 11:15 14:15 17:15 18:1,1 19:1 26:10 61:2 62:3 74:9 80:13 81:16,17 106:18,19 107:7,9 108:19 109:9 110:8 111:11 116:20 117:5 118:4,5 118:12 126:14 127:6 138:9 145:7,9 148:10 148:11 149:5 153:17 159:18 161:3 165:18 172:9 173:8,10 180:4 181:5 two-dimensio... 34:12 two-families 19:10 two-family 6:18 7:2 22:8 104:16 120:3,8 145:7 149:4 152:10,15 192:21 193:5 two-year 87:17 Tye 74:7 90:10 99:9 type 36:22 135:18 153:19
				U
				Uh-huh 16:22 Um-- 158:20 unaware 36:20

127:21 unchanged 173:3 unclear 49:10 underneath 107:10 115:9 understand 76:7 78:16 93:2 154:6 155:15 156:21 159:1 175:8 176:3,4 179:16,18 180:7,9,22 understanding 14:22 18:5 19:5 55:4 183:15 Understood 67:15 unfinished 107:19 172:7 unfortunate 179:14 ungainly 91:15 UNIDENTIFL... 27:20 unit 29:9,10 36:14 37:1,1 50:15 51:9 53:21 58:2 59:16 61:16 105:6,8,12 108:2,13,20,20 109:22 110:2 114:13,16,16 114:18 116:11 116:11,16 120:3,6,12,13 120:13 121:2 121:15 141:21 172:12,12 176:16 183:13 183:19,19 185:18 units 36:8 50:17 92:7,8,13 93:6 126:17,17 128:4 165:14	172:10 173:8,9 173:10 unmute 19:22 47:21 82:19 96:8 101:18 125:15 165:4 178:3 unobtrusive 79:12 unoccupied 119:16 unsafe 23:7 unused 81:21 94:21 107:20 118:1 unusual 118:3 update 146:3,8 updated 43:3 188:9 updates 145:11 upgrade 84:8 upgraded 142:1 upgrades 29:14 upper 170:21 urge 51:11 urging 51:1 usable 49:21 105:11 125:4 usage 36:21 61:16 use 26:5,12 56:21 59:14 60:2 84:4,7,10 93:18,20 101:5 105:18 121:2 135:1 141:16 142:14 152:12 152:13 175:18 176:10 177:11 184:6 185:22 187:20 188:3,6 192:10,13,14 193:2,3 useable 33:21 105:5 uses 26:3 84:3 100:20 175:18 175:20 182:8	187:18 192:8 usual 64:2 Usually 93:22 utilize 29:4 31:5 85:12 95:4 utilized 31:1 79:10 utilizing 80:15 <hr/> V <hr/> Valentine 32:22 33:1 35:16,19 35:22 39:7 42:5 value 56:18 vantage 91:11 variance 11:20 12:6 21:21 24:8,17,21 26:21 28:16 33:18 38:16 54:5 142:18,21 143:1,4,6,8,10 143:13 153:1,3 153:4,8,22 154:19 157:14 165:20 168:13 169:4 170:13 170:16,19 178:21 180:7 181:19 184:9 186:5 187:4,5 variances 62:2 157:9 variations 139:1 variety 153:14 various 83:11 vending 137:1 vents 79:21 venue 127:10 verbally 129:4 verify 4:11 versed 64:12 version 12:14 33:17 vertical 11:16 17:15,15 150:4 170:17,17	171:9 Vice 1:8 Victorian 166:3 video 3:19 48:6 view 32:22 34:9 34:10 35:15,19 35:22 39:7,18 39:19 41:8 47:7 56:12 80:6 91:1 93:9 107:3,4,16 109:11,11 132:2,3 133:15 148:6 170:21 171:13,14,15 173:19 174:6 viewpoint 57:15 views 32:19,22 34:16 35:8,13 113:10,15 147:22 violating 112:9 112:10 violation 10:15 25:4 30:8 38:4 177:13 visibility 33:11 100:11 visible 32:15 38:10 39:7 56:10 91:10 92:2 110:6 171:14 174:7 visibly 91:13 visitor 49:16 visual 39:19 41:6 83:10 85:2,9 91:8,19 93:4 voice 51:1 67:1 98:6 volume 112:13 177:14,15 vote 24:10,16,19 24:20 27:7,8 27:17 38:17 40:19 67:19 68:6 71:7,13	78:14 88:14,22 97:18 98:5 102:12,15,19 102:21 103:3 143:11 161:15 161:17 168:21 169:2,3 182:14 186:9,12,21 187:5 188:12 188:15,18,20 189:1,2 193:20 194:10,11 voted 43:6 votes 4:3 89:1 98:8 103:2 143:12 186:10 voting 102:22 vulnerable 51:7 <hr/> W <hr/> W-y-l-d-e 166:8 waiting 73:22 144:11 waiver 66:15 67:10 70:21 waivered 67:4 walk 106:22 146:18 walkway 13:11 wall 14:2,3,8,12 25:9 132:3 137:16,19 173:4,16,17 187:10 walls 23:6 33:10 want 8:22 31:18 45:12,19,20 48:14 49:6 50:4,6 54:2,19 63:5 78:6,17 79:7 80:2 82:7 97:6 106:22 121:10 131:10 133:18 134:18 138:8 145:22 146:3,11,20 149:18 154:13 154:13 155:12
---	---	---	--	---

183:5,10,17 wanted 16:13 19:5 54:15,19 55:3 104:21 106:4 114:2 118:11,14 121:5 139:10 139:11 wanting 49:18 107:15 wants 98:6 washer/dryer 183:8 wasn't 37:6 54:12 61:8,13 121:11 163:14 178:14 180:19 Waste 128:10 wasted 128:12 watershed 163:17 wave 86:7 waves 86:1,21 way 16:4 21:21 29:4 32:15 33:14 37:14 41:3 48:19 54:11 71:4 78:2,3,10 79:5 81:8 94:16 106:4 110:3,15 110:16 112:6 113:8 120:20 120:21 130:3 130:11 137:20 151:18 155:11 159:8 160:20 180:8,11 ways 105:18 113:10 we'll 11:8 36:10 46:17 75:3 109:6 115:14 138:10 161:6 190:14 we're 11:20 12:5 28:15 30:16,21 31:6 33:5,8	34:8 36:2,6,20 37:12,13 38:21 39:8,12,14 40:1,8 44:16 46:7 55:20 58:10,10 62:6 65:18,19 67:14 73:22 74:8 76:11 81:13 90:11 94:12 99:9,11 105:10 105:22 106:3,7 106:7,9,11,12 106:12,13,14 106:15,21 107:1,9,14 108:5,17,17,20 109:6,14 110:2 111:8 112:1,3 112:5,9,9,18 112:19,21,22 113:12 114:14 115:1,2,6 116:4,4,14,16 116:19 117:11 118:3 123:11 130:2 134:21 135:4 136:5 139:12,20 140:4,6,8,10 144:18,19 145:1 146:3,7 146:7 148:16 148:22 149:7 150:1 151:7,21 153:11 154:4,4 156:9,13 158:9 158:12 159:5,6 160:16,17,19 160:19,21 161:12,13,14 161:15 170:12 174:12 176:6 176:11,12 191:6 we've 10:4,5 11:17 29:19 36:19 37:5	75:3 104:19 110:18 111:22 115:6,8,11,13 115:17 116:12 118:16 128:21 129:15,18 139:15,21 140:3,4 163:20 173:8 weather 49:9 167:8,12 web 99:17 webpage 4:7 week 67:4 91:3 119:6 weeks 62:3 weigh 13:17 156:8 weight 53:8 60:7 61:18 Welch 20:5,8,8 welcome 3:7 16:10 19:8 74:3 welfare 84:6 188:3 192:13 well- 79:12 Wendell 2:12 104:7,17,17 130:11 133:15 178:16 Wendy 1:9 3:5 4:16,17,17,20 5:1 6:4 19:13 19:14,14 20:22 21:1 24:13,14 24:14 27:11,12 27:12 28:4 46:20,21 47:1 63:10 65:21 66:1 67:22 68:1 69:4 71:10,11 73:4 78:22 79:2 88:19,20,20 90:4 95:19 97:22 98:1,1 99:4 102:17,18	102:19,19 104:4 123:19 123:21 132:15 136:22 137:8 137:12 138:2,3 139:9,10 140:13 143:2,3 143:3 144:4 163:4 164:16 164:17,17,19 168:16,17,17 168:18 170:4 175:4,5 182:17 182:18,20 183:1,21 184:1 184:4 186:11 186:12,13,14 186:15 188:16 188:18 190:4 194:3,5,20 went 7:19,20 16:4 33:7 60:22 111:16 113:4 130:3 weren't 179:10 weren't 60:13 wet 183:7 whatsoever 176:7 182:10 whereof 196:12 white 52:22 who've 6:12 whoever's 28:8 wholeheartedly 97:18 164:11 166:10 wide 163:11 wider 92:12 129:9 width 8:11 11:10,10 17:10 139:3 William 6:12 20:7 Williams 1:10 4:18 73:4,9 78:21 88:17,18 88:18 90:5	95:18,21 97:21 97:21 99:5 102:15 104:5 124:6,12 125:6 125:8 136:21 137:3 138:1,7 140:16 142:22 143:1 144:5 163:5 164:7 166:5 168:19 168:19 170:5 175:3 186:14 186:20,20 187:3 188:13 188:15 190:5 193:21 194:1 195:2 willing 48:16 81:11 willingness 49:4 window 11:15 17:2,4,5,12,12 17:14 18:1,5,5 18:9,10,17,19 130:11,14 131:22 132:1 174:6 windows 11:4,4 11:6,12,15,16 16:14,17 17:11 17:15,18,20 19:1 25:10 109:17 138:9 138:10 144:19 148:18,19 150:1,7,14 191:18 wing 111:5 winter 114:3 wire 53:3 64:3 wireless 90:13 99:12 wires 94:17 wise 64:6 65:1 wish 48:4 50:22 73:10 82:15 97:5 101:14 180:15
--	--	--	--	---

2.4 111:6		69 2:7		
2.78 96:15		6904 76:20		
20 29:20				
200 65:5 106:8,8	4			
2004 54:1,20	4 2:13 144:16			
2012 76:4 90:16	145:4			
99:20	40 150:17	7		
2020 3:14,18	42 64:15	7 22:1		
2022 1:4 3:8	42- 62:6	7:25 69:2		
22:1 27:3	43 90:17	7:29 73:2		
66:14,21 68:8	45-degree 93:8	7:50 90:2		
70:14,16 71:15	93:14	70.78 150:19		
196:13	48-50 20:6	73 2:9		
2028 196:18		75 148:12		
213 55:1	5			
22 3:20 181:9	5 10:17 65:11,13	8		
233 46:9 63:4	65:16,19,22	8 44:10 121:21		
25 141:3 177:15	66:10,14,17,21	153:6		
177:18	67:17 68:8	8' 33:17		
27 2:5 3:17 27:3	70:10,13,14,16	8.21 177:10		
52:11	70:19 71:15	8.22.1 152:11		
28 70:11 181:21	121:20 155:21	192:22		
196:18	156:13,14,17	8.22.2 152:4		
281 44:21 45:7	157:3 158:2	8.222 155:1		
46:11	159:15	177:7 192:18		
285 106:9	5:00 66:20 70:18	8.223 121:22		
	50 21:9	8:00 119:6		
	52 50:15	8:02 99:2		
	54 2:4 6:7,17	8:08 104:2		
	7:12	8:56 144:2		
	55 2:12 104:7	831 1:6		
	133:15 178:15	8311 54:22		
	56-58 7:12			
	58-56 20:11	9		
		9 19:22 47:21		
3	6	82:19 91:7		
3 33:18 50:15	6 2:3 19:22	96:8 101:18		
53:21 96:15	47:21 82:19	125:15 165:4		
3.4 9:16 10:16	96:8 101:18	178:3		
30 2:17 50:1,1	125:15 130:2	9:17 163:2		
165:21 166:6	165:4 178:3	9:25 170:2		
170:7,10 181:8	6:00 1:4 3:3	9:46 190:2		
181:9 182:3	66:14,18 70:16	9:51 195:4		
32 2:15 163:7	71:15 119:6	90 2:10		
166:9	126:12 127:4	99 2:11		
32-34 163:10	6:06 6:2			
32.2 151:14	6:33 28:2			
160:19	62 126:17,17			
33 182:4	6409 76:3,5			
33.004 190:9	77:17 90:15			
35 38:1,1 157:12	6409(a) 99:19			
160:10				
36 151:15 152:1				
38 2:8 37:22				
69:7				
39 37:22				