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Volume III  
Pages 1-147

Brookline Zoning Board of Appeals Hearing  
455 Harvard Street  
Comprehensive Permit Application  
Harvard Danesh 455, LLC  
May 15, 2017, at 7:00 p.m.  
Brookline Town Hall  
333 Washington Street, 6th Floor  
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 Board Members:</p> <p>3 Kate Poverman, Chair</p> <p>4 Lark Palermo</p> <p>5 Christopher Hussey</p> <p>6</p> <p>7 Town Staff:</p> <p>8 Alison Steinfeld, Planning Director</p> <p>9 Karen Martin, Planner</p> <p>10 Polly Selkoe, Assistant Director for Regional</p> <p>11 Planning</p> <p>12</p> <p>13 Environmental Peer Reviewer:</p> <p>14 John Chambers, PG, LSP, Senior Vice President,</p> <p>15 Fuss &amp; O'Neill, Inc.</p> <p>16</p> <p>17 Urban Design Peer Reviewer:</p> <p>18 Clifford J. Boehmer, AIA, President &amp; Principal,</p> <p>19 Davis Square Architects</p> <p>20</p> <p>21 Applicant:</p> <p>22 David Danesh, Harvard Danesh 455, LLC</p> <p>23 Danny Danesh Harvard Danesh 455, LLC</p> <p>24 Geoff Engler, Vice President, SEB, LLC</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS:</p> <p>2 7:04 p.m.</p> <p>3 MS. POVERMAN: We're going to begin and</p> <p>4 reconvene the 40B hearing on the comprehensive</p> <p>5 permit application for 455 Harvard Street.</p> <p>6 If people could not talk while I'm talking,</p> <p>7 that would be fabulous.</p> <p>8 As you may recall, this is an application</p> <p>9 to construct 17 residential units, including four</p> <p>10 affordable units and about 17,000 square feet of</p> <p>11 retail space.</p> <p>12 MR. DAVID DANESH: 1,700.</p> <p>13 MS. POVERMAN: Okay. 1,700 square feet of</p> <p>14 retail space.</p> <p>15 There was an initial presentation by the</p> <p>16 developer at the first hearing, and at the second</p> <p>17 one, we heard some comments by the planning board</p> <p>18 and the preservation commission and took some public</p> <p>19 testimony. There was also a site visit made on</p> <p>20 April 19th. The applicant was asked to provide</p> <p>21 additional materials, and tonight the developer's</p> <p>22 team will present those.</p> <p>23 After that, we're going to get a report by</p> <p>24 Cliff Boehmer, who is the design peer reviewer for</p>
<p style="text-align: right;">Page 3</p> <p>1 Nick Griffin, CUBE 3 Studio, LLC</p> <p>2 Fred Lebow, FSL Associates</p> <p>3</p> <p>4 Members of the Public:</p> <p>5 Dan Hill, Esquire</p> <p>6 Janet Echelman, 64 Coolidge Street</p> <p>7 Sue Housman, 46 Columbia</p> <p>8 Bob Lepson, Thorndike Street, Town Meeting Member,</p> <p>9 Precinct 9</p> <p>10 Sloat Shaw, 88 Thorndike Street</p> <p>11 James Campbell, 78 Thorndike Street</p> <p>12 Judith Vanderkay, 16 Columbia Street, Town Meeting</p> <p>13 Member, Precinct 9</p> <p>14 Tom Schlatter, 121 Thorndike Street</p> <p>15 Fred Pinches</p> <p>16 Mark Rosen, Thorndike Street</p> <p>17 George Abbot White, 143 Winchester Street, Town</p> <p>18 Meeting Member, Precinct 9</p> <p>19 Anna Kolodner, 26 Columbia Street</p> <p>20 Joanna Gallimore, 11 Russell Street</p> <p>21 Caroline Buckley, 45 Coolidge Street</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p>1 the town. We are also going to get a report from</p> <p>2 John Chambers, the environmental peer reviewer, and</p> <p>3 Polly Selkoe, who is the assistant director for</p> <p>4 regional planning. She is sitting to my left, and I</p> <p>5 will introduce the rest of us in just one minute.</p> <p>6 Who else are we going to hear?</p> <p>7 Polly will be summarizing memos from the</p> <p>8 town's director of engineering and traffic, Peter</p> <p>9 Ditto, on the drainage plan, and from Pat Maloney,</p> <p>10 public health, on the trash plan.</p> <p>11 I'm Kate Poverman. I'm chairing tonight's</p> <p>12 hearing. With me are Lark Palermo and Christopher</p> <p>13 Hussey, as is Polly Selkoe, as I mentioned, and</p> <p>14 Karen Martin, who is one of our planners.</p> <p>15 Tonight's proceedings are being transcribed</p> <p>16 by Kristen Krakofsky, as well as taped, so you can</p> <p>17 also watch them at home and I guess pull them up</p> <p>18 and -- I guess they're preserved for -- whatever.</p> <p>19 But you can pull the transcripts up about two weeks</p> <p>20 after the proceedings take place on the website,</p> <p>21 which is on the town's website.</p> <p>22 Okay. So I think that is all the</p> <p>23 administrative things we have right now to take care</p> <p>24 of, so if we could first get the presentation of</p>

Page 6

1 additional information from the developer, that  
 2 would be fantastic.  
 3 MR. ENGLER: For the record, my name is  
 4 Geoff Engler from SEB, affordable housing  
 5 consultant for the applicant. Thank you to the  
 6 board.  
 7 I'll be brief. Since the last meeting,  
 8 we've had a neighborhood meeting. I think it was  
 9 May 3rd -- May 3rd or 4th, about two weeks ago on  
 10 the first floor of this building.  
 11 Tonight we're going to be presenting an  
 12 updated presentation of the architectural based on,  
 13 largely, the April 7th memo we received from the  
 14 planning department that asked to see additional  
 15 information. We're also going to have -- and Nick  
 16 Griffin from CUBE 3 will be presenting that this  
 17 evening. Peter Bartash, who you are customarily  
 18 used to seeing could not be with us tonight, but  
 19 Nick knows this design equally well.  
 20 And then we're going to hear from Fred  
 21 Lebow as well from FSL Associates. He's going to  
 22 comment on the environmental memo that was issued  
 23 last week relative to the peer review findings on  
 24 the environmental situation on the site.

Page 7

1 And then I think you indicated that we've  
 2 heard public testimony on this application, but I  
 3 don't believe we have.  
 4 MS. POVERMAN: I think we heard some, but  
 5 we'll hear some more tonight.  
 6 MR. ENGLER: Right. So we look forward to  
 7 that, although this board should note that we heard  
 8 loud and clear some of the concerns a couple weeks  
 9 ago, and we're working and looking at some of those  
 10 very intimately, some of the very specific technical  
 11 questions. Admittedly, there were more general  
 12 questions as well or comments. So we look forward  
 13 to presenting and hearing your comments. Thank you.  
 14 MR. GRIFFIN: For the record, my name is  
 15 Nick Griffin with CUBE 3 Studio. I apologize Peter  
 16 can't be here.  
 17 So I'm going to bring up the presentation  
 18 and go through the new information that we've  
 19 provided since the last one.  
 20 So I'm going to quickly walk through the  
 21 information that you guys have seen on this date.  
 22 None of this information has changed.  
 23 So the first new slide here we have, we  
 24 were asked to clarify some of the setbacks at the

Page 8

1 street and the adjacent buildings. So you'll see  
 2 here we have our proposed building surrounded by the  
 3 property line dashed in blue. If we start at the  
 4 street along Harvard Street there's a zero lot line,  
 5 so it is up against the property line along Harvard  
 6 Street.  
 7 As you turn the corner to Thorndike, we  
 8 start in the corner, again, right up against the  
 9 property line. The property line curves as it goes  
 10 back towards Thorndike. The building is straight.  
 11 It doesn't follow the curve exactly, so you get to  
 12 about 1 foot 6 when you get towards the back. That  
 13 gives you about 7 foot 8 to Thorndike Street from  
 14 our building.  
 15 Adjacent back to 78 Thorndike, the building  
 16 is about 11 foot 9 feet (sic) from our proposed  
 17 building with the property line falling in between  
 18 about 5 foot 1 off of our project and 6 foot 8 off  
 19 the main proportion of 78 Thorndike.  
 20 There's a bay window and a staircase at the  
 21 bottom floor that sticks out about 3 feet from that  
 22 building, which leaves about 3 foot 7 to the  
 23 property line.  
 24 So that's, again, the setbacks along the

Page 9

1 street and the adjacent building.  
 2 This is all the same.  
 3 We were also asked to revise street  
 4 elevations. So this top one is along Harvard Street  
 5 looking north. You'll see our proposed building in  
 6 the center. To the left is the parking and the  
 7 retail building along Harvard Street. To the right  
 8 you have Thorndike Street cutting through this  
 9 section and the gas station and retail in the  
 10 foreground with the first building on Thorndike  
 11 Street and Coolidge in the back.  
 12 The next section below is the opposite side  
 13 of Thorndike -- or, sorry, opposite side of Harvard  
 14 Street looking south. This is a larger scale. It  
 15 goes from Babcock all the way to Commonwealth. In  
 16 the center you'll see a blue square that represents  
 17 our proposed building. That would be behind you in  
 18 this section, but we wanted to add it in to show how  
 19 it fits into the surrounding scale and context.  
 20 If we go 90 degrees, this is a section  
 21 through Thorndike to show the elevation along that  
 22 looking west and our proposed building here to the  
 23 right of the center or cut through Harvard Street,  
 24 the neighbors on Thorndike Street on the right, and

Page 10

1 across Harvard Street to the left.

2 We were also asked to provide a site

3 section, so this is running parallel to Harvard

4 Street just to the north. So our proposed building

5 is in the center. To the left, again, is the

6 parking, the retail. Thorndike cuts through the

7 center to the right, the gas station to the right,

8 cut through with the elevation of 77 Thorndike and

9 Coolidge to the right.

10 We were also asked to provide a lighting

11 plan, so this was generated to show the proposed

12 lighting on the site. So the shapes are the cast

13 direct light from each fixture. The numbers that

14 surround, which are hard to read, but show the foot

15 candles that are ambient light from these lights.

16 So we've marked out the max direct light along

17 Harvard Street with the max ambient light being

18 close to the corner, and we have our minimum direct

19 light in the back along 78 Thorndike with the

20 minimum ambient light being off of that at point

21 from foot candles.

22 And lastly, we were asked to clarify our

23 parking, which is enclosed at the ground level. So

24 you see you enter off Thorndike Street, and then

Page 11

1 there's thirteen total spaces. Eleven of those are

2 made up in stackers, so the three to the right and

3 two to the left are stacking cars over each other,

4 which you get a total of eleven spaces. And then

5 there's a single standard space and a single

6 accessible space.

7 And that's it for the new information that

8 we provided. The rest of this presentation is,

9 again, exactly like it was previously.

10 MS. POVERMAN: Lark, do you have any

11 questions on the presentation at this time?

12 MS. PALERMO: No.

13 MS. POVERMAN: Chris?

14 MR. HUSSEY: So there's no changes made yet

15 relative to the -- you said you had a meeting with

16 the neighbors?

17 MR. ENGLER: Nick didn't attend that

18 meeting. Peter did. But I think I know where

19 you're going with this question.

20 But consistent with every 40B application

21 that's been before this board over the last two

22 years, we communicated to the planning department

23 that we would like the benefit of Mr. Boehmer's

24 formal peer review prior to making changes, because

Page 12

1 then we're just chasing things. So we'll obviously

2 have that tonight, both verbal testimony and in

3 writing, presumably. And then after that I think

4 it's more consistent with previous applications that

5 you'll start to see some changes in the actual

6 design.

7 MR. HUSSEY: Okay. That's what I

8 suspected, but I just wanted to clarify to make sure

9 that was the case. Thank you.

10 MS. POVERMAN: I don't have any questions

11 at this time either.

12 Then I think we will proceed at this time

13 to the peer review from Mr. Boehmer.

14 And I'm assuming, Cliff, that this takes

15 into account the new presentation as well as

16 comments on the old, since they're really --

17 MS. PALERMO: I think he references in his

18 report --

19 MS. POVERMAN: Oh, that's right. Yeah, I

20 do remember that.

21 MS. SELKOE: Mr. Boehmer is going to use

22 some of the slides from the development team to

23 illustrate what he's saying.

24 MS. POVERMAN: Great.

Page 13

1 MR. BOEHMER: I'm Cliff Boehmer. I'm the

2 peer reviewer for the zoning board of appeals.

3 I think tonight what I'd like to do -- the

4 zoning board has received my written comments. And

5 I think, because I've been the peer reviewer for a

6 number of other developments, particularly on

7 Harvard Street, what I'd like to do is take

8 selective comments, really kind of hone in right on

9 this site as opposed to looking all the way up and

10 down Harvard Street that I've done in previous

11 presentations.

12 Certainly, if anybody has any broader

13 questions about how this development -- or how I

14 feel this development fits into a larger urban

15 context going the entire length of Harvard Street

16 all the way across Harvard Avenue, I'm happy to talk

17 about that. But I thought maybe for the sake of

18 expediency, I didn't need to necessarily drone all

19 the way from one end to the other.

20 MS. POVERMAN: But it is contained in your

21 written report?

22 MR. BOEHMER: It's totally in the written

23 report for reference.

24 Similarly, I think because the slides -- I

Page 14

1 did base my review on this current slide show. That  
 2 included those new exhibits. So I think what I'll  
 3 really try to do is focus in on some specific design  
 4 comments.

5 MS. SELKOE: Just for the sake of the  
 6 audience, Mr. Boehmer's report is on the town  
 7 website, put on today, and so you'll have a chance  
 8 to go over it yourself if you'd like.

9 MR. BOEHMER: And then I'm very happy to  
 10 answer any questions. But if I might cut to the  
 11 chase, if I could get detailed a little more quickly  
 12 than some of the other presentations I've made.

13 So I'll start by saying that I did review a  
 14 large number of materials. They're all on the  
 15 website. Everything I reviewed is on the website.  
 16 I'll make a few comments about most of them. I will  
 17 say one of the most important -- or certainly, as a  
 18 design professional, one of the most important  
 19 documents was the planning board comments, and many  
 20 of my comments really concur with the comments of  
 21 the planning board, and I'll get to the details of  
 22 that.

23 I will point out, though, for -- I'll take  
 24 selective parts. Again, this is a seven-page

Page 15

1 report, and you can refer to the website or ask me  
 2 questions. I think there were 19 or 20 letters from  
 3 the community, and I'm sure the zoning board is  
 4 aware of that and has read them. I believe every  
 5 one of the letters was in opposition to the project.  
 6 And I did sort through all of those to see what the  
 7 architectural and urban design issues were as far as  
 8 their comments, and they were mainly related to  
 9 density issues on the site, parking, the height of  
 10 the building, and also, there was at least one  
 11 letter that was concerned about the demolition of  
 12 the existing gas station on the site. But as I  
 13 said, there were 19 or 20 letters.

14 And for anyone who hasn't walked around the  
 15 site recently, there are -- when I did my  
 16 walk-through on the 28th -- April 28th -- there are  
 17 some marks on the site that show you where the  
 18 corners of the building are. You kind of have to  
 19 look in there, look for orange paint. But they are  
 20 there for anyone who wants to get an up-close look  
 21 at where the location of the building is.

22 Focusing in on Harvard Street, Harvard  
 23 Avenue -- again, I won't walk through every block,  
 24 as I've done for this board a number of times. It

Page 16

1 is about a two-mile stretch, really nicely coherent  
 2 for many parts of the stretch along Harvard Avenue.

3 But focusing in on the area that we're  
 4 talking about, the area along Harvard that frames  
 5 the proposed development includes the gas station  
 6 immediately across Thorndike Street that is followed  
 7 by single-story commercial uses that are tight to  
 8 the sidewalk all the way up to Naples Road.

9 In the other direction, it's away from  
 10 Coolidge Corner, the subject site abuts a parking  
 11 lot for a small commercial development that includes  
 12 a Starbucks and several single-story commercial uses  
 13 up to the sidewalk, and there's a large parking area  
 14 open to the sidewalk that serves T.J. Maxx. So what  
 15 you see when you're moving generally in that  
 16 direction on Harvard Street is kind of a dissolution  
 17 of the coherence of the consistency of the  
 18 architecture. There are many broken spots or  
 19 missing teeth along Harvard Street. But compared to  
 20 other stretches of Harvard, as you're moving towards  
 21 Boston -- the Boston end of it, it falls apart a  
 22 little bit for a ways.

23 Directly across Harvard Street is another  
 24 gas station -- from the subject site -- is another

Page 17

1 gas station followed by several blocks of  
 2 single-story commercial to the sidewalk on the way  
 3 towards Coolidge Corner. Again, this is a more  
 4 coherent direction of the architecture all the way  
 5 to the large temple structure that we know is  
 6 undergoing some renovation in a future 40B  
 7 development at the corner of Williams Street.

8 Going towards Boston on the other side of  
 9 Harvard, virtually all of the development is set far  
 10 back from the street punctuated with parking areas  
 11 until you're across from the T.J. Maxx and then some  
 12 residential apartment buildings start again.

13 So, you know, by today's urban planning  
 14 standards, when I talk about dissolution, it's  
 15 really that the kind of more intense  
 16 pedestrian-friendly environment dissipates a bit as  
 17 you move towards Boston.

18 This site is -- a lot of the study -- or a  
 19 lot of the interest of this site, you know, from a  
 20 technical perspective is -- and an impact  
 21 perspective -- this is a place very close to a place  
 22 where there's a bend in the road where Harvard takes  
 23 a northerly -- more northwest direction. And that  
 24 is important for shadow impact in particular, but

Page 18

1 also for a couple other reasons that are due to  
 2 solar exposure, unlike the stretch closer to -- as  
 3 you move closer to Coolidge Corner, it gets more  
 4 westerly as opposed to -- the road flattens out a  
 5 bit. But it is a significant thing.  
 6 I think as far as where this site is, I  
 7 think the -- in the general sense, that the idea of  
 8 restoring another piece of Harvard Street or  
 9 bringing more commercial activity closer to the  
 10 street -- more activity closer to the street -- is a  
 11 good idea. I think it really is a beneficial impact  
 12 on the town. There are other issues we'll get to  
 13 about this particular expression.  
 14 I think the surprising thing about this  
 15 site -- because of where it is and because of that  
 16 kind of diminution of density as you move closer to  
 17 the Allston end is that it's a very exposed site,  
 18 which is really interesting. There's a gas station  
 19 towards Coolidge Corner, so there's an open view  
 20 once you're at the Daily Catch -- you know, looking  
 21 at the view past the Daily Catch. It's very exposed  
 22 for a good distance up Thorndike. And obviously,  
 23 it's very -- this view here is very exposed,  
 24 virtually right across the street.

Page 19

1 And then I think the most surprising thing  
 2 is the view that you get looking across the parking  
 3 lot from that commercial development towards the  
 4 Allston -- or maybe it's Brighton. It is Brighton  
 5 or Allston? It's Boston.  
 6 MS. POVERMAN: Allston/Brighton.  
 7 MR. BOEHMER: It is Allston. Okay.  
 8 So, actually, that will come up several  
 9 times, probably, repetitiously in my report, but it  
 10 turns out that that's a very important view of the  
 11 building.  
 12 One of the areas that I am charged with  
 13 looking at is the orientation of the buildings in  
 14 relation to each other and to the streets, parking  
 15 areas, open space. And maybe for the benefit of  
 16 some of the people who weren't here, I should go --  
 17 I thought maybe there would be a more detailed  
 18 description, but you passed over your previous  
 19 description, so I'll quickly go through the  
 20 fundamentals of the project.  
 21 MS. POVERMAN: Sure. I think that would be  
 22 helpful. That's fine.  
 23 MR. BOEHMER: So the proposal is a  
 24 building -- a new four-story, mixed-used building

Page 20

1 that covers most of the site with the building  
 2 footprint. Included in the program are 17  
 3 residential units. It's a preponderance of  
 4 one-bedroom and two-bedroom units with 12 ones, 3  
 5 twos, and 1 three; 13 spaces, 11 of which are the  
 6 mechanized spaces within the building footprint;  
 7 about 17- -- I saw 1,735 square feet of commercial  
 8 space accessed at the corner of Thorndike and  
 9 Harvard Street. So the access is right over there.  
 10 And there's our mixed-use piece. The 1,735 square  
 11 feet is in this area. At this end of the building  
 12 is the residential entry to the building.  
 13 The building height along Harvard Street is  
 14 approximately 47 feet. The grade isn't perfectly  
 15 flat, but I think the maximum height from grade is  
 16 47 feet. It occurs at this face of the building.  
 17 It steps down to 35 feet near the abutting property.  
 18 So you can just catch one little look, and we'll  
 19 look at these other perspectives shortly. It steps  
 20 down to 35 feet as you get close to the abutting  
 21 property on Thorndike.  
 22 The site plan indicates a proposed loading  
 23 zone on Harvard Street in the area of where there is  
 24 an existing curb cut. For all of you who probably

Page 21

1 know this site, given its former use, there are  
 2 extensive curb cuts going around the corner. There  
 3 is a proposal in the plans for a loading zone. I'm  
 4 not the right reviewer to comment on that, but  
 5 that's roughly where it is to provide access for  
 6 deliveries for the commercial space and for the  
 7 residential use.  
 8 The open space in this -- we saw this in  
 9 the plan slides. The open space on the site is  
 10 limited to 5-foot setbacks to the Thorndike Street  
 11 neighbor and the commercial parking area on Harvard  
 12 Street. The setback is adequate for a concrete  
 13 sidewalk and a potential narrow planting strip. The  
 14 property line along Thorndike Street, so this line,  
 15 follows a gentle curve. You saw that in the plan.  
 16 That does result in a narrowing of the sidewalk  
 17 planting strip as one approaches Harvard Street, so  
 18 it gets a little broader. The building stays in a  
 19 straight line, but the road kind of bows out away  
 20 from the building.  
 21 The building, as proposed, has limited  
 22 interior amenities. It pretty much has an entry  
 23 lobby, a mail area, and some bicycle storage, so  
 24 pretty basic amenities. It is only a 17-apartment

Page 22

1 building. That's not kind of surprising for this  
 2 scale, but that's what is proposed.  
 3       Due to the orientation of the building and  
 4 the fact that it's a corner site open on three sides  
 5 including the parking lot to the northwest, three  
 6 elevations will have very good access to sunlight  
 7 virtually year-round. I saw a quick run-through of  
 8 the shadow studies. I can talk about that more.  
 9 The project architecture is probably better suited  
 10 for that.  
 11       The north-facing elevation facing the  
 12 Thorndike Street neighbor will receive limited  
 13 morning light during the summer months. That's  
 14 because the building is cranked around. So in the  
 15 morning, actually, sunlight will hit the elevation  
 16 of this building on the Thorndike Street side.  
 17       There are shadow studies included in the  
 18 application materials and, not unexpectedly, have  
 19 indicated that most of the impact will be on Harvard  
 20 Street in the parking area to the north in the  
 21 morning and on the Thorndike neighbor and Thorndike  
 22 Street during the afternoon hours. Shadows are  
 23 minimized in the summer and are maximum in the  
 24 winter.

Page 23

1       While cutting back on building massing near  
 2 the neighbor -- and we can talk in more detail about  
 3 that. While cutting back on building massing near  
 4 the neighbor is effective in increasing the sky  
 5 view -- so when you talk about the sunlight, it's  
 6 important to distinguish, you know, just bright  
 7 light that you get from the sky versus direct  
 8 sunlight. They both are worthy of discussion. But  
 9 in this particular building, cutting back the  
 10 building massing would be effective at increasing  
 11 the sky views. But in spite of that fact, there  
 12 will unquestionably be a significant change to the  
 13 southern exposure for the neighbor -- for this one  
 14 neighbor in particular on Thorndike Street, given  
 15 the small scale of the existing building and large  
 16 setback of the existing building.  
 17       But moving on, I'll get on to the building  
 18 design.  
 19       Are there any questions so far about urban  
 20 context?  
 21       MS. POVERMAN: I think, in general, what  
 22 we're going to do is allow the board to have the  
 23 prerogative of asking questions now. But everybody  
 24 in the audience will have plenty of time to ask

Page 24

1 questions if their questions aren't answered in the  
 2 course of the presentation. So just hold on to your  
 3 questions. You'll have a chance.  
 4       MR. BOEHMER: All right. And I'll keep  
 5 moving.  
 6       MS. POVERMAN: Thank you.  
 7       MR. BOEHMER: Most of the buildings similar  
 8 to other proposed -- or recently proposed mixed-use  
 9 structures on Harvard Street employ a traditional  
 10 tripartite vertical proportioning system of base,  
 11 body, and cap that you can read pretty clearly here:  
 12 base, body, cap.  
 13       The renderings indicate a strong masonry  
 14 first-floor language very similar in scale,  
 15 articulation, and materials palette to the existing  
 16 one-story commercial uses along Harvard Street.  
 17       The two-story body of the building is clad  
 18 in brick on three elevations that are prominently  
 19 visible. And quickly look at those, that Thorndike  
 20 view towards Harvard, and that's the view coming  
 21 from Allston/Brighton. So you're looking at brick  
 22 in all of those elevations, masonry, unspecified  
 23 masonry material at that level, and a combination of  
 24 glass and cementitious siding up at that level.

Page 25

1       The top floor is set back from the body  
 2 along Thorndike and Harvard Street. That's this  
 3 piece here, the top story. It's set back what  
 4 appears to be about a foot. I couldn't really tell,  
 5 but it appears to be about a foot. Along the  
 6 parking lot to the north, it isn't clear what the  
 7 setback may be. I just couldn't tell from the  
 8 drawings. That's what I'm talking about, right  
 9 along there.  
 10       The main body of the top floor is set back  
 11 between approximately 18 to 22 feet from the second  
 12 and third floors at the abutting property on  
 13 Thorndike. So when I said before that the building  
 14 steps back, the neighbor's home is right in there,  
 15 and that's a step down. At this end of the  
 16 building, it's approximately 35 feet tall. And  
 17 that's -- I already told you the top floor material.  
 18       So the only abutting structure is the  
 19 neighboring home on Thorndike Street. It's 2.5  
 20 stories with its first floor about 3 feet off grade,  
 21 a very domered hip roof that appears to contain  
 22 potentially habitable third-floor space. I don't  
 23 know if that's occupied.  
 24       There are two bays on the first floor of

Page 26

1 the structure that face the subject property and are  
 2 quite close to the property line. As we learned  
 3 tonight, it's 3 1/2 feet; is that right?  
 4 MR. GRIFFIN: Yeah.  
 5 MR. BOEHMER: Okay. The Thorndike Street  
 6 elevation contained in the May 15th presentation  
 7 materials indicate that the ridge height of the home  
 8 is approximately equal to the height of the flat  
 9 roof of the proposed new structure, and we saw that  
 10 in that street elevation. And this is possible,  
 11 particularly given that it is a very steep, tall,  
 12 hip roof on that neighbor's building, and Thorndike  
 13 Street does slope upwards as you go away from  
 14 Harvard Street, whereas, obviously, the flat roof  
 15 stays flat.  
 16 Generally, as depicted in the project  
 17 renderings, the Harvard Street elevation is the most  
 18 successful material selection, and its deployment is  
 19 appropriate. For example, using brick, both for its  
 20 permanence and to follow the curved corner -- brick  
 21 is a very good material for going around corners --  
 22 the use of awnings to enhance the pedestrian  
 23 experience, contrasting window patterns at the attic  
 24 level -- that helps with breaking down the reading

Page 27

1 of the height as opposed to just carrying the same  
 2 pattern all the way up.  
 3 But I do have recommendations for  
 4 additional study. If you can bear with me, I'm  
 5 going to go through them now and maybe do a very  
 6 quick repeat at the end to help refocus.  
 7 So where the building rounds the corner,  
 8 the dimension of the masonry bands between the  
 9 floors is greatly diminished. So as you notice  
 10 here, there's a very large band of what we call  
 11 punched openings. Masonry band diminishes  
 12 significantly at the corner.  
 13 My comment is that it seems that the corner  
 14 should either be recessed for its full height with  
 15 greater differentiation of materials and  
 16 articulation, or the masonry band should continue  
 17 around the corner at the same dimension as the  
 18 abutting elevations to ensure a sense of solidity.  
 19 And the main point I'm making is that it's  
 20 kind of neither here nor there in this corner. And  
 21 some of the comments later get into a lack of  
 22 articulation in the building. And the corner is,  
 23 you know, traditionally a good place to create  
 24 articulation and interest, and at the moment it's --

Page 28

1 you can't really tell what's going on, whether the  
 2 brick is supposed to carry around or whether the  
 3 bays are supposed to win and create interest in the  
 4 building. So strictly a tectonic comment.  
 5 As was noted in the letter from the  
 6 planning board, consideration should be given to  
 7 relocating the fourth-floor cornice to the top of  
 8 the third floor, most likely retaining a smaller  
 9 scale cornice at the top of the building. And what  
 10 the planning board said, and I agreed with them, is  
 11 that if your goal is to intensify the reading of a  
 12 three-story building as opposed to a four-story  
 13 building and perhaps even relate more to the scale  
 14 as you move up Thorndike Street, the largest roof  
 15 statement or cornice should happen at this level,  
 16 not at that level. So a small comment, but it could  
 17 make a very big difference in the perception of the  
 18 height of the building. Obviously it doesn't change  
 19 the height of the building.  
 20 Increasing the setback along Harvard Street  
 21 could increase the usefulness of the sidewalk space.  
 22 For example, creating enough space for outdoor  
 23 dining. It would also address planning board  
 24 concerns regarding the sight line down Harvard

Page 29

1 Street.  
 2 Remember, from the planning board, they  
 3 didn't actually mention setting it back further for  
 4 the use of potentially populating the sidewalk,  
 5 which I think is a -- could be a very good thing to  
 6 look at, and I know Brookline does have some  
 7 standards about sidewalk dining dimensions. But it  
 8 also -- because Thorndike doesn't hit Harvard at a  
 9 90-degree angle, it's a little tricky looking around  
 10 the corner towards the Boston side, so pulling the  
 11 building back -- again, this is not my expertise,  
 12 but it certainly is just logical that the building  
 13 pulled back further would only enable you to see  
 14 further down Harvard Street and negotiate the street  
 15 more safely.  
 16 So I'm going to move on to the other  
 17 elevations. Two other elevations of the building  
 18 are very visible when approaching on Harvard Street  
 19 from either direction. Perhaps the most prominent  
 20 elevation is seen when approaching the site from  
 21 Boston, which, frankly, was a little surprising to  
 22 me. This elevation requires the most additional  
 23 study, in this reviewer's opinion, as it contains a  
 24 variety of elements that currently are what I call



Page 30

1 disassociated, creating a lack of coherent  
 2 elevation. Included in the visible elements are  
 3 service entries, the end of the heavy commercial  
 4 band, a truncated top floor, an exterior balcony,  
 5 rooftop mechanical equipment, and a large, flat  
 6 masonry face that actually has limitations by  
 7 building code of how -- the amount of openings that  
 8 you can have. So, in short, it's a tough problem.  
 9 MS. POVERMAN: I'm sorry to jump in.  
 10 I understand limitations when facing  
 11 another building, but why are there limitations for  
 12 this side?  
 13 MR. BOEHMER: It's the distance to the  
 14 property line.  
 15 MR. HUSSEY: The assumption is there's  
 16 going to be another building there some day.  
 17 MS. POVERMAN: Okay, thanks.  
 18 MR. BOEHMER: It's not -- anyway, it's  
 19 there as an issue. Or it's a constraint and a  
 20 challenge from an architectural perspective.  
 21 But my main point was that this is a really  
 22 visible elevation and really important to make this  
 23 make you very happy to be entering Brookline. The  
 24 town line is just a little ways behind us here.

Page 31

1 So what I meant is there's this element  
 2 here that wraps around. And I will repeat that I  
 3 think this -- the base -- especially when you've  
 4 looked at the detailing of the commercial buildings  
 5 further up, it works really well, actually. We need  
 6 more detail on what the materials are that we don't  
 7 know, but, as I said, there's a balcony up here,  
 8 service doors along at this level, the truncated top  
 9 floor. It's just a lot of pieces to pull together.  
 10 So that, to me, is why that is the one that has a  
 11 lot of issues that need to be dealt with.  
 12 I outline a small point. It's also  
 13 possible that as the design develops, that there may  
 14 be a number of penetrations in this facade that are  
 15 necessitated by mechanical equipment. I'm not clear  
 16 on what all the mechanical equipment may be, but  
 17 these are all the things that need to be worked into  
 18 the design.  
 19 While it isn't possible to know the future  
 20 of the parking area along this elevation, for now,  
 21 this will be the first major structure encountered  
 22 in Brookline when entering the town from Harvard  
 23 Avenue, which makes it critical to resolve this  
 24 perspective of the proposed project.

Page 32

1 Note that relative to this elevation, the  
 2 planning board has recommended a deeper setback to  
 3 allow for a vegetative buffer to screen the view,  
 4 which as an architect, my first instinct isn't to  
 5 hide the building. It's to make the building  
 6 better -- to look better. So I think the idea of  
 7 having some space to screen could be worked into the  
 8 study of this elevation.  
 9 Given the intense western exposure, perhaps  
 10 sun shading could be considered too, because this  
 11 facade will get an awful lot of afternoon light.  
 12 Moving around to another -- when  
 13 approaching from Coolidge Corner, because of the  
 14 open-to-corner gas station next to the Daily Catch,  
 15 most of the Thorndike Street elevation is visible.  
 16 And I think this perspective -- I might be wrong,  
 17 but I think this perspective may be somewhat wrong.  
 18 I tried to get this view and couldn't get it. It  
 19 kind of compresses that space where the gas station  
 20 is, so I think you actually see more of this  
 21 building -- of your building from there. But,  
 22 anyway, some considerations for this elevation I  
 23 think are important.  
 24 I think while the window sizes and

Page 33

1 proportions are suitable, the elevation lacks  
 2 articulation and it's very stark, particularly when  
 3 contrasted with the smaller-scale residential  
 4 neighbors on Thorndike. More movement, increased  
 5 top-floor setback, brick detailing, etc., could  
 6 greatly improve this elevation. The plainness of  
 7 the elevation is exacerbated by the minimal setback  
 8 on Thorndike that precludes any softening with  
 9 landscape materials. The sidewalk is very cramped.  
 10 And, in fact, the planning board has also  
 11 recommended increasing the setbacks to align with  
 12 the average setback of the home on Thorndike.  
 13 I'm personally not convinced, for this use  
 14 and this site, that it needs to be set back as far  
 15 as the neighboring buildings, but I think looking at  
 16 more setback is important.  
 17 Use of bays above the ground level may be a  
 18 way to enhance the pedestrian experience and not  
 19 lose as much square footage upstairs, so there could  
 20 be some ground gained by recessing the bottom floor.  
 21 It's not clear in the materials if a garage door is  
 22 proposed to block pedestrian views into the parking  
 23 garage as well as noise that may be generated from  
 24 the automated parking system. That was something

Page 34

1 that came up in some of the letters, was concern  
 2 about noise. I don't know that system well enough,  
 3 and we do have a peer reviewer who's reviewing that,  
 4 I think.  
 5 Also on that elevation, it's not clear what  
 6 function or what the aesthetics -- the developed  
 7 aesthetics of the metal mesh infill panels are, and  
 8 I can show you those. They're better just to see  
 9 them on the drawings.  
 10 So here we are on Thorndike Street.  
 11 There's the parking area where I'm asking whether  
 12 there's a garage door, and these are metal mesh  
 13 infill panels. They're interesting because I don't  
 14 believe that this is going to be an open-air parking  
 15 garage. But from what I can tell from the drawings,  
 16 I think it's going to be conditioned space, which  
 17 means that you don't really need to ventilate.  
 18 Also, if it were open, I think having an answer  
 19 about the noise issue would be particularly  
 20 important if that is an open mesh. So basically,  
 21 there just isn't enough materials for me to make  
 22 much of a --  
 23 MR. HUSSEY: Mr. Boehmer, if those metal  
 24 mesh panels were eliminated, then you'd have to have

Page 35

1 mechanical ventilation from the garage, wouldn't  
 2 you?  
 3 MR. BOEHMER: That's right. That's exactly  
 4 right. And the point I was making is from my  
 5 review -- and I'm not the architect, so I didn't do  
 6 the arithmetic. But my quick review, it doesn't  
 7 look like there's enough available open space to  
 8 create a naturally ventilated parking garage.  
 9 MS. POVERMAN: Mr. Griffin, do you know  
 10 what the ventilation is for the parking aspect of  
 11 the building?  
 12 MR. DAVID DANESH: Peter has the  
 13 calculations, so unfortunately --  
 14 MS. POVERMAN: But do you know what those  
 15 mesh infills are for? Are they to allow  
 16 ventilation, or are they for some other purpose?  
 17 MR. DAVID DANESH: I don't want to tell you  
 18 something that's not 100 percent accurate, so I'd  
 19 rather just ask the question for Peter, and he can  
 20 shoot you an email with the exact answer.  
 21 MS. POVERMAN: Okay.  
 22 MR. DAVID DANESH: Just to be fair.  
 23 MR. BOEHMER: All right. Now we're going  
 24 to get to the elevation that other people were

Page 36

1 talking about, I think.  
 2 So the elevation that's mostly screened  
 3 from the public view -- it's the only one that's  
 4 really screened from public view -- faces the  
 5 neighboring structure on Thorndike Street. We're  
 6 looking at it here. The intent of the proposed  
 7 massing is to drop the scale of the building down to  
 8 three stories for most of the footprint where it's  
 9 closest to the neighbors. So in this area here and  
 10 here, it's dropped down to 35 feet and set back.  
 11 We're looking at -- I forget how many feet.  
 12 Something like 18 feet further back. Something like  
 13 that. And then after that it increases to the full  
 14 four-story height as you get closer to Harvard  
 15 Street.  
 16 While the strategy makes sense as far as  
 17 making the transition from the commercial zone to  
 18 the existing residential zone -- which the existing  
 19 commercial zone actually does allow for 40-foot tall  
 20 buildings in the base zoning -- this reviewer  
 21 believes that several improvements could be made to  
 22 this elevation, starting with the recommendation  
 23 that the planning board made, which is increasing  
 24 the setback at the ground level, which will increase

Page 37

1 the view of the sky from the neighboring home.  
 2 And what I mean by that is, as I stated  
 3 before, this area of the building that's a  
 4 three-story piece is about 5 feet from the property  
 5 line. It's set -- the dimensions are set because of  
 6 a requirement for the service doors that include a  
 7 stairwell and various other uses. I'm not sure what  
 8 all the other service doors are for. But there's  
 9 basically a sidewalk on this side. The sidewalk  
 10 continues around the other side and goes out to  
 11 Harvard Street.  
 12 What controls the view of the sky is  
 13 actually this line. And when you look at that  
 14 street section that they provided for tonight's  
 15 presentation, you can see that even looking at the  
 16 upper-story windows, this is really the biggest  
 17 determinate of how much sky you see. Again, shadows  
 18 are different from sky view, and as I said earlier,  
 19 the shadow impact is there. It's real. And moving  
 20 this is not really going to change that -- not  
 21 change the shadow impact. So anyway, that's --  
 22 MS. POVERMAN: Wait. Moving what is not  
 23 going to change the shadow impact?  
 24 MR. BOEHMER: Moving this -- creating a

Page 38

1 bigger setback there certainly is going to have a  
 2 minimal impact on the shadow. It has more impact on  
 3 just being able to look up at the sky. Whether the  
 4 sun is right there -- it actually wouldn't be there  
 5 for most of the year.

6 MS. POVERMAN: Okay.

7 MR. BOEHMER: So anyway, that's one.

8 At a minimum, setback should be adequate  
 9 for an effective vegetative buffer, which is also  
 10 something the planning board recommended. The  
 11 planning board went on to recommend setting back far  
 12 enough for creation of usable open space for the  
 13 residents of 455.

14 Personally, I think that is really -- does  
 15 not -- I think that has a lot of down sides. It's a  
 16 very small building. It's in an urban environment.  
 17 I think having usable open space in the back might  
 18 impact the neighbor negatively by having people  
 19 hanging out back there. So my own opinion, as a  
 20 planner and architect, is that that doesn't help the  
 21 project very much.

22 Next comment is the rear stairwell should  
 23 be integrated -- and I talked a little bit with  
 24 Peter about this -- sort of had a minor cow about

Page 39

1 it, but I think it's doable. The rear stairwell  
 2 should be integrated into the main body of the  
 3 building, as opposed to a free-standing approach  
 4 that's currently depicted. And again, it's the  
 5 three-story facade closest to the neighbors that  
 6 controls the view to the sky, so the setback would  
 7 help that.

8 So here's the stairwell that I'm talking  
 9 about. The way the plan works is it's a  
 10 double-loaded corridor that goes from this stairwell  
 11 up to another stairwell closer to the front of the  
 12 building. For planning purposes, on the first  
 13 floor, this stairwell is placed on the rear wall,  
 14 and so the stair continues up, creating the egress  
 15 path for the fourth floor.

16 So my point is -- and I think I mentioned  
 17 the planning board made the same point -- if this  
 18 stair could be integrated into the main four-story  
 19 body of the building, then it would help on that  
 20 view of the sky from the Thorndike Street neighbors.

21 The next point is the placement of the  
 22 fenestration in the new units should take existing  
 23 window locations in the neighboring existing home  
 24 into consideration in order to maximize privacy.

Page 40

1 So there's -- at this stage of this design,  
 2 there's a lot of flexibility about exactly where  
 3 these windows are, so I think that it would be  
 4 prudent to locate these windows in a way so you're  
 5 not staring directly across over into the neighbors'  
 6 windows across the way. There aren't tons of  
 7 windows in that building, so I think it would be  
 8 very easy to, you know, titrate (phonetic) the  
 9 location of these windows to help out the neighbors.

10 MS. POVERMAN: Do you have a picture of  
 11 what somebody would see coming down Thorndike?

12 MR. BOEHMER: Yeah. There's a perspective.  
 13 Thanks for reminding me. Yeah, that's important  
 14 perspective. And this is -- remember, this is the  
 15 elevation that we talked about already, and I think  
 16 this is one that I think needs more articulation and  
 17 study.

18 I'll keep going in the report. I'll get to  
 19 some of the bigger conclusions at the end.

20 UNIDENTIFIED AUDIENCE MEMBER: Is there an  
 21 elevation of the loading zone on Harvard?

22 MR. BOEHMER: I think it's just -- all it  
 23 is -- what it is is taking parking spaces, I'm  
 24 guessing for limited hours during the day. There's

Page 41

1 an existing curb cut.

2 MR. ENGLER: Geoff Engler from SEB.

3 I don't think what you're looking for is an  
 4 elevation, per se, of the loading zone. I think  
 5 you're looking for, really, a two-dimensional plan,  
 6 as it's flat, so there's nothing -- there's no  
 7 elevation to look at. It's basically pavement.

8 UNIDENTIFIED AUDIENCE MEMBER: Pavement  
 9 that goes to a door?

10 MR. ENGLER: No.

11 MR. BOEHMER: No. It's just paintings on  
 12 the street.

13 MR. ENGLER: So one of the things that was  
 14 requested by the town and submitted, I think, a  
 15 couple weeks ago -- Polly would know better than I  
 16 would, but we submitted a fully detailed loading  
 17 zone plan, which included dimensions and whatnot,  
 18 and that's part of the record.

19 MS. POVERMAN: Actually, one of the things  
 20 I wanted to clarify about is it was proposed that  
 21 the loading zone times be 5:00 a.m. to 9:00 a.m.  
 22 I'm assuming that does not comport with town  
 23 guidelines about when loading zones can actually be  
 24 used, which I'm sure is way after 5:00 in the

Page 42

1 morning.

2 MR. ENGLER: I think my client is flexible

3 on the time. But I think it's also important to

4 note that the loading zone is proposed not

5 specifically for this project, but other commercial

6 uses in the area, and so it's not specific to this

7 proposal.

8 And, frankly, some other projects, recently

9 approved 40Bs, have no loading zones, some have

10 loading zones on the property, some have loading

11 zones off the property. So it's been quite

12 inconsistent relative to what's been approved.

13 Our suggestion here is to have the loading

14 zone common to -- because of the way the curb cut

15 works now, it seems like it would work, and my

16 client's flexible relative to the time and use of

17 that proposal.

18 MS. POVERMAN: I just didn't want people to

19 have heart attacks if they saw 5:00 a.m. written

20 down somewhere.

21 MS. SELKOE: The traffic peer reviewer will

22 also be commenting on the loading zone.

23 MR. ENGLER: And maybe the confusion is

24 actually -- it's not a loading dock. Sometimes you

Page 43

1 hear where -- you know, actually, like, maybe a

2 distribution warehouse where trucks are actually

3 pulling up at a raised level. This is where, you

4 know, a truck would pull up and -- it's effectively

5 a parking spot, but it's designated as bigger and

6 it's designated for that particular use during

7 certain points of the day.

8 MR. DANNY DANESH: My name is Danny Danesh.

9 This is going where it's currently a curb

10 cut, and it's not, you know, a dock where there's

11 going to be any kind of, you know, big forklifts

12 going in. It's just turning the curb cuts that are

13 now used to go in and out of the restaurant into two

14 parking spaces that are meters for the town. And

15 like Geoff said, we're flexible on hours. Thank

16 you.

17 MS. POVERMAN: Mr. Boehmer?

18 MR. BOEHMER: Okay. So one more comment

19 about this. I want to make it clear I think -- as I

20 said, three of the elevations are clad in brick.

21 This elevation is -- the proposal is to do a

22 clapboard siding. I think it would be a

23 cementitious clapboard, but it's a lap siding. I

24 think that's a good idea. I think it's a material

Page 44

1 that is a little more friendly to the neighboring

2 structures. Most of the buildings on the street are

3 shingles or clapboards.

4 My comment, though, was that while the

5 material change from brick to lap siding is

6 appropriate, care should be taken to provide a

7 suitable level of detail and to create an attractive

8 facade consistent with the homes on Thorndike

9 Street.

10 So moving on, the next category -- I'm

11 going to not say much at all about vehicle

12 circulation, since you do have a specialist coming

13 in on that.

14 MS. POVERMAN: That's fine.

15 MR. BOEHMER: I'll just say a few things

16 about pedestrian access. Pedestrian access appears

17 to be -- pedestrian access to the building appears

18 to be limited to the primary residential entry on

19 the northwest corner of Harvard Street. So that's

20 where residents enter the building. They have their

21 own designated zone at that corner, as well as

22 egress along the Thorndike Street abutting property

23 line. We talked about that. That's that stairwell.

24 Various other service doors open up onto the north

Page 45

1 and east perimeters of the building within that

2 5-foot setback. Generally speaking, it's noted

3 elsewhere, the pedestrian experience would be

4 enhanced with increased setbacks both on Thorndike

5 and Harvard Street.

6 The next thing I'll touch on briefly, then

7 we can zoom to the end here, is the integration of

8 the building and site, essentially -- including but

9 not limited to preservation of existing street tree

10 cover.

11 The current site is fully occupied by

12 commercial use, including parking directly on

13 Harvard Street, a small paved dining area on

14 Harvard, and paving fully covering the remainder of

15 the open site. The proposed structure eliminates

16 visible parking and much of the existing large curb

17 cuts on Harvard Street and Thorndike, and the

18 proposed use extends the active commercial use along

19 Harvard. And that goes back to what I was saying at

20 the beginning. The notion of continuing that more

21 coherent approach to the development on Harvard

22 Street compared to what happens when you're on this

23 side of the building is, I think, a sound idea from

24 an urban planning perspective.

Page 46

1 It appears that an existing street tree  
 2 will have to be removed to accommodate the new  
 3 structure, as well as a fire hydrant and a utility  
 4 pole. It doesn't appear that there are any other  
 5 existing trees on the site, and it's not clear from  
 6 the drawings if there are any trees proposed in the  
 7 new plan. And I make a comment later about getting  
 8 a landscape plan.

9 A few other comments: We saw there was a  
 10 lighting plan that was submitted in response to the  
 11 planning board.

12 I'll move on to other design-related  
 13 considerations. The floor plans in the submission  
 14 include relatively detailed, so-called conceptual --  
 15 you can get a very good idea of the unit layouts  
 16 from it. It seems likely that the units are able to  
 17 conform with accessibility codes. Note that the  
 18 building does have fewer than 20 rental units, which  
 19 exempts it from Group 2 requirements, so this  
 20 building is not required to have fully accessible  
 21 units.

22 However, it is an elevator building in a  
 23 rental property, and all units are required to meet  
 24 Group 1 level of accessibility. And my review of

Page 47

1 the plans certainly -- they indicate that there's  
 2 enough dimension that they'll be able to do that.

3 A couple of questions are -- I wasn't able  
 4 to tell how trash would be handled.

5 Another point is the rooftop elevator  
 6 extension, penthouses, mechanical equipment  
 7 screening, etc. are minimally depicted in the  
 8 submitted drawings. These will be visible and  
 9 should be detailed.

10 A couple other points we always talk about  
 11 are construction management plans. A question about  
 12 will there be a ground-mounted transformer, I don't  
 13 know if you're at the level of knowing that at this  
 14 point.

15 MS. POVERMAN: If we have future  
 16 elevations, it would be great not to put obstructive  
 17 and nonexistent trees in the way.

18 MR. BOEHMER: Well, I don't know if that  
 19 tree is there.

20 MR. DAVID DANESH: I have a photograph on  
 21 my phone I can show you.

22 MS. POVERMAN: I've said my piece. I think  
 23 the developer knows what I mean.

24 MR. BOEHMER: So I'm going to move very

Page 48

1 quickly to sort of my summary of the points that  
 2 really, to me, are the most important. It may not  
 3 be completely thorough.

4 But I say that, from the architect's  
 5 perspective, the more detail and articulation of the  
 6 primary building elevations, particularly Thorndike  
 7 Street and the exposed north-facing elevation  
 8 fronting the adjacent parking lot, basically  
 9 treating and really understanding the degree to  
 10 which those are part of the public realm. And I've  
 11 already outlined some of the strategies before.

12 Details of several specific elevation  
 13 components I think we need to know. I mentioned  
 14 many already: the garage door, the metal screening,  
 15 exactly what is this material that's called out as  
 16 masonry in the drawings.

17 Increased setback on Thorndike Street to  
 18 tie the building into the residential neighborhood  
 19 and enhance the pedestrian experience that's along  
 20 here.

21 Increased ground level setback to the  
 22 neighbor on Thorndike Street. And I'll repeat  
 23 again, this reviewer doesn't believe that the  
 24 creation of usable outdoor space is necessary or

Page 49

1 particularly beneficial.

2 Next is a landscape plan that includes an  
 3 appropriate level of screening, location of street  
 4 trees, placement of transformer, normal things that  
 5 you learn in design development.

6 Consideration of increasing usable sidewalk  
 7 space on Harvard Street. And I think that argument  
 8 is also -- well, we already talked about the safety  
 9 concerns, but I think, also, increasing the variety  
 10 of potential tenants for the building by creating a  
 11 potentially habitable sidewalk space is a good  
 12 thing.

13 Details of screening strategy of visible  
 14 mechanical equipment, and that, I'll reemphasize.  
 15 Again, it is quite surprising how visible this  
 16 building actually is. And I think the first  
 17 experience coming from Boston is you don't want to  
 18 see all the mechanical equipment up on the roof.

19 I mention again quickly the integration of  
 20 the rear stairwell.

21 And two other things: careful design of  
 22 the elevation facing Thorndike -- the Thorndike  
 23 neighbor. That includes placement of windows,  
 24 details of any buffering that the neighbor might

Page 50

1 want or that the proponent believes is necessary,  
 2 and developing the architectural detailing with that  
 3 kind of language that's more consistent with the  
 4 homes on Thorndike Street.  
 5       And then one last comment is, which you've  
 6 heard before, which is ensuring that the floor-to-  
 7 floor height is minimized. This -- I think it's  
 8 quite reasonable. In this building they're showing  
 9 10 foot 8 for these residential floors, but the top  
 10 floor jumped up to, I think, 11 foot something. I  
 11 didn't know why exactly.  
 12       MR. DAVID DANESH: (Inaudible.)  
 13       MS. POVERMAN: Could you say that -- I'm  
 14 sure the --  
 15       MR. BOEHMER: I think what he's saying is  
 16 the roof is -- has thickness and probably some taper  
 17 to it so the ceiling heights were consistent.  
 18       MR. DAVID DANESH: It's 9 feet inside,  
 19 floor to floor.  
 20       MR. BOEHMER: Okay. My comment stands. I  
 21 think, in general -- I don't think it's really in  
 22 your interest to really have the greatest floor-to-  
 23 floor height. Obviously there are reasons for  
 24 making the units more marketable to have generous

Page 51

1 ceiling heights, so that's the tradeoff.  
 2       MS. POVERMAN: Thank you.  
 3       Lark?  
 4       MS. PALERMO: Thank you. I do have a few  
 5 questions.  
 6       First of all, thank you, Mr. Boehmer. Once  
 7 again you have given us a very thorough and  
 8 insightful analysis of the design of this particular  
 9 building and the setting in which it is potentially  
 10 going to be located.  
 11       I did want to zero in on a couple of  
 12 things, and I'll start with the last thing you  
 13 mention, which is the floor-to-floor height. And is  
 14 it -- I take from that -- and correct me if this is  
 15 wrong -- that you have some concerns about the  
 16 height of the building itself.  
 17       MR. BOEHMER: Well, not really. I mean,  
 18 not in the big picture. I mean, not the way it  
 19 relates to Harvard Street, and, you know, given  
 20 where it is and given other developments and looking  
 21 ahead to future development on Harvard Street.  
 22       I think my point is that I don't think  
 23 there's any value in it being any bigger than it has  
 24 to be, I think. You know, 10 years down the road,

Page 52

1 if most -- maybe 20 years down the road, if most  
 2 buildings are 45, 48, 50 feet tall, it might not  
 3 even come up. But I will say, I guess, like the  
 4 planning board, I don't think the height of the  
 5 building, per se, is an issue. And, again, we've  
 6 reviewed together many other developments on  
 7 Harvard -- or several other developments on Harvard  
 8 Street.  
 9       MS. PALERMO: You have. I know.  
 10       Okay. So as we think about what the  
 11 ultimate usable square footage is going to be in the  
 12 building, you recognize at some point in your report  
 13 that if a setback from both Harvard Street and  
 14 Thorndike Street -- more than is currently planned,  
 15 which is none -- is required for the project, that  
 16 that will reduce the amount of usable square footage  
 17 in the building.  
 18       MR. BOEHMER: It would. And I should say  
 19 that in my mind, I would prioritize the setback. I  
 20 think of the two setbacks, knowing that they each  
 21 could -- or would impact the square footage in the  
 22 building, I think the Thorndike Street setback is  
 23 more important than the Harvard Street setback.  
 24       I think there are other architectural ways

Page 53

1 to deal with it. In fact, the plans already show  
 2 some pretty substantial recessed openings -- at  
 3 least that's my reading of the plans -- that  
 4 could -- that may already be adequate for small cafe  
 5 tables, for example.  
 6       But for me, think it's the -- the Thorndike  
 7 Street side I think is the one that needs the most  
 8 attention, and that has more to do with the -- you  
 9 know, with a smoother transition into that  
 10 residential neighborhood.  
 11       MS. PALERMO: Okay. Before I ask my next  
 12 question, I will say I'm disappointed Peter can't be  
 13 here tonight. And, Nick, I'm assuming you weren't  
 14 involved in the actual design that we're seeing now.  
 15 You're substituting -- the person reporting on the  
 16 project?  
 17       MR. GRIFFIN: I've been a little bit  
 18 involved, but not as much as Peter.  
 19       MS. PALERMO: Well, I'm going to ask you to  
 20 take copious notes, because we just heard a couple  
 21 of things that, I think, I want to be reassured are  
 22 going to be conveyed to the architect who is doing  
 23 the design. As I said, it's disappointing that he's  
 24 not here tonight, especially for this presentation,

Page 54

1 because this is his opportunity to hear from the  
 2 peer reviewer while we're all here and from the  
 3 board and from the neighbors. And I hope you take  
 4 copious notes.  
 5 MR. ENGLER: May I?  
 6 MS. PALERMO: Well, I'm actually still  
 7 asking Mr. Boehmer questions.  
 8 MR. ENGLER: I just want to comment on  
 9 that. We made it very clear to the town that Peter  
 10 could not attend tonight, and we were investigating  
 11 other dates. And the town and we agreed that we'll  
 12 move forward.  
 13 I would also suggest that this is a long  
 14 process. Peter and Mr. Boehmer -- it's not a  
 15 one-shot deal. We're going to have to revise the  
 16 plans. Mr. Boehmer is going to have another chance  
 17 to look at them. There's all sorts of collaboration  
 18 and communication that goes on in a go-forward basis  
 19 from tonight, so it's not like -- Peter, first of  
 20 all, will have the benefit of Mr. Boehmer's written  
 21 response, but then he's going to have the benefit of  
 22 my interpretation, of Nick's interpretation. The  
 23 planning department typically sends out a summary.  
 24 Believe me when I say the comments that

Page 55

1 Mr. Boehmer has communicated tonight are heard loud  
 2 and clear amongst my client and others, so I don't  
 3 think the board should be concerned that Peter's  
 4 absence is going to in any way negatively impact the  
 5 seriousness that we take the comments or ability to  
 6 listen to those.  
 7 MS. PALERMO: Thank you for your  
 8 reassurance. That's what I need to hear.  
 9 MS. POVERMAN: There is also the  
 10 transcript.  
 11 MS. PALERMO: As Geoff said, it's an  
 12 interactive process, and watching is not the whole  
 13 thing. But in any event, I've made my point.  
 14 Nobody asked me what I thought about Peter not being  
 15 here, but I don't represent the town. I'm just the  
 16 ZBA.  
 17 So in any event, moving on. So you've  
 18 given priority to the setbacks as opposed to the  
 19 height. And as far as setbacks go, your priority is  
 20 the setback on Thorndike Street as opposed to  
 21 Harvard. But, obviously, ideally there would be a  
 22 setback on both.  
 23 You also noted that there is no landscaping  
 24 plan, but you specifically said that they need to

Page 56

1 produce one that would include an appropriate level  
 2 of screening, location of street trees, and  
 3 placement of a transformer, if required. But then  
 4 you said that you saw no benefit to any open space  
 5 beyond that.  
 6 MR. BOEHMER: Usable -- just usable open  
 7 space.  
 8 MS. SELKOE: The definition for usable open  
 9 space in our zoning bylaw is you have to have  
 10 minimum dimensions of at least 15 feet by 15 feet.  
 11 MS. PALERMO: Okay. So basically your  
 12 opinion is there would be no benefit to creating a  
 13 15 foot by 15 foot usable open space for this  
 14 project.  
 15 MR. BOEHMER: And that's based on where the  
 16 building is, the number of units in the building,  
 17 the proximity of lots of public open space. So, you  
 18 know, it's complicated.  
 19 But to the other point, the other  
 20 landscaping that's used for screening, the reason  
 21 that -- in my opinion, that study should be tied in  
 22 to the elevation studies. Because, as I was saying  
 23 before, the elevation along -- the planning board  
 24 made the point about that elevation. What they

Page 57

1 thought is that that should be pulled back and plant  
 2 buffer, plant trees there.  
 3 MS. POVERMAN: I'm sorry. What should be  
 4 pulled back?  
 5 MR. BOEHMER: That the building should be  
 6 pulled back.  
 7 MS. PALERMO: That's where they're looking  
 8 for a setback, and you prioritized Thorndike, not  
 9 that.  
 10 MR. BOEHMER: Absolutely. And the reason  
 11 is that -- and it doesn't mean that I don't think it  
 12 could be or that the building wouldn't benefit from  
 13 plantings. For example, it is a west-facing  
 14 elevation. Planting deciduous trees is a great way  
 15 to deal with solar gain. So there are reasons to  
 16 put trees there. And there may be parts of the  
 17 elevation that you would want to screen and other  
 18 parts that, because they have an adequate level of  
 19 detailing and interest, you wouldn't screen them.  
 20 So to me it's an integrated package.  
 21 What I've addressed tonight is mainly  
 22 the -- you know, the building elevations, setbacks.  
 23 But I think that it's a combined discussion.  
 24 They're not found independently.

Page 58

1 MS. PALERMO: And what about the wall that  
 2 is facing the neighbor? Do you recommend any  
 3 setback of that wall?  
 4 MR. BOEHMER: Well, actually, in my  
 5 prioritized setbacks, this is actually number two.  
 6 So I put this one in front of the Harvard Street one  
 7 because, again, I think a lot of the appeal and  
 8 usefulness of the Harvard Street elevation --  
 9 there's plenty of other buildings that are already  
 10 at essentially a zero setback on Harvard Street.  
 11 So, you know, the Harvard Street, I think, is  
 12 working quite well. I think it could work better.  
 13 And I'm not talking about safety, in particular.  
 14 I'm more about function. This elevation I would  
 15 definitely put in front of the Harvard Street, for  
 16 no other reason, to provide screening. This might  
 17 be an elevation that would be perceived as  
 18 beneficial to both the proponent and the neighbor,  
 19 to provide landscaping there. And right now there  
 20 really isn't enough space. It's like 5 foot 1 on  
 21 that side.  
 22 MS. PALERMO: One more question. You  
 23 mentioned in your report that there might be an  
 24 opportunity to use bays above the ground level to

Page 59

1 not lose as much square footage in the unit, but to  
 2 enhance the pedestrian experience.  
 3 Where would you suggest bays could  
 4 potentially be located if the developer --  
 5 MR. BOEHMER: Thank you. This is the one  
 6 that I think, probably for a lot of people, is the  
 7 most stark-looking elevation, particularly when you  
 8 look in the foreground and you see the high level of  
 9 detail in the existing, you know, smaller-scale,  
 10 wood-framed buildings.  
 11 UNIDENTIFIED AUDIENCE MEMBER: What's a  
 12 bay?  
 13 MS. PALERMO: A bay window, a protruding  
 14 window. Sort of classic Victorian --  
 15 MR. BOEHMER: And I think that --  
 16 MS. POVERMAN: Is that clear? Do you  
 17 understand now what a bay window is?  
 18 UNIDENTIFIED AUDIENCE MEMBER: Yes.  
 19 MR. BOEHMER: So what I was saying, and,  
 20 again, this is -- you know, I'm not the architect.  
 21 But if I were studying ways to create interest in  
 22 this elevation, there would be a number of things I  
 23 would look at. And I think I mention most of them  
 24 in the report, which is -- what I'm saying is

Page 60

1 bays -- it's possible that you could create -- these  
 2 can even stay where they are in that plane, but it  
 3 backs up from there.  
 4 And, you know, the things that I'm not  
 5 responsible for, but these guys are, is, well, what  
 6 does that do to the parking plan? I mean, there are  
 7 lots of things that that impacts, which is why I  
 8 propose it as something to study.  
 9 My opinion is this elevation needs help,  
 10 and there are a number of ways to do that. And bays  
 11 would be a very easy way to create a nice pattern,  
 12 create a scale that's similar to the smaller-scale  
 13 residential. There are other ways. There are --  
 14 you know, there are datum lines. You know, the  
 15 cornice lines of a lot of the buildings on that  
 16 street are pretty consistent, actually, so carrying  
 17 some of that detailing across at that level can  
 18 help.  
 19 You know, essentially, both between the  
 20 setback and increased detailing and sensitivity to  
 21 the scale of the detailing, that's about tying it in  
 22 to the neighborhood. There are no buildings this  
 23 big in the neighborhood, so really the gain is to  
 24 really make a nice transition.

Page 61

1 MS. POVERMAN: Anything else, Lark?  
 2 MS. PALERMO: No. Thank you very much. As  
 3 always, very helpful.  
 4 MS. POVERMAN: Chris?  
 5 MR. HUSSEY: I think you've done a good  
 6 job, Cliff. I tend to agree about the cornice at  
 7 the top. Dropping that down to the top of the third  
 8 level makes some sense, and also reducing the floor-  
 9 to-floor height. I don't think marketing is really  
 10 a big issue in this small building. They'll rent.  
 11 So I'd like to see a reduction in the floor-to-floor  
 12 height to get some reduction of the building  
 13 overall.  
 14 And as far as the setbacks are concerned, I  
 15 think I agree with you that the setback -- the rear,  
 16 adjacent to the residential building, is much more  
 17 important than any setback along Harvard Street. I  
 18 think the Harvard Street elevation is fine.  
 19 I was wondering about the possibility of a  
 20 setback at the Thorndike Street elevation only at  
 21 the first-floor level. Would that be possible is  
 22 the question for the architect, and do you think  
 23 that would be useful?  
 24 MR. BOEHMER: It could be. I was almost



Page 62

1 thinking the other way, but that -- you know,  
 2 pushing back and letting the upper part stand out a  
 3 little bit.  
 4 But, you know, I think the most useful  
 5 thing -- getting back to that landscape plan, I  
 6 think the way you can understand the transition into  
 7 the neighborhood is as soon as you get past this  
 8 site, all the neighbors have front yards, so there  
 9 is yard space. So understanding -- I'm not saying  
 10 in any way -- and I think I made this clear -- that  
 11 that building does not need to set back to that  
 12 level. It's not a single-family home. So that  
 13 doesn't make a lot of sense to me.  
 14 On the other hand, tying it -- you know,  
 15 creating some continuity with some of the benefits  
 16 of that green space that those front yards provide.  
 17 And that's actually through the landscape plan that  
 18 you can show that, much like the JCHE development.  
 19 I don't know if you remember the long tie-in along  
 20 the entire stretch of Harvard Street just a little  
 21 ways up from this project. It's really important.  
 22 And that was actually tied together with the  
 23 landscape plan.  
 24 MR. HUSSEY: Thank you. That's it.

Page 63

1 MS. POVERMAN: To tie into your comment,  
 2 Chris -- so one of the issues I have had and a lot  
 3 of us have commented on is the stark nature of the  
 4 building. So if you have an overhang Chris, how  
 5 would that affect the stark/institutional nature of  
 6 the building? How would it soften it, other than  
 7 giving up more room on Thorndike, although that has  
 8 value in and of itself?  
 9 MR. HUSSEY: I think that's all it would  
 10 do.  
 11 MS. POVERMAN: Cliff, do you think it would  
 12 have any softening value?  
 13 MR. BOEHMER: To do which?  
 14 MS. POVERMAN: To have the setback on the  
 15 first floor but not on any other floor.  
 16 MR. BOEHMER: I think it's worth looking  
 17 at. I mean, I think that -- I think most of the  
 18 issue could actually be solved by just pulling the  
 19 whole thing back a little ways and just making  
 20 better articulation of the facade.  
 21 I mean, you see they're already -- if you  
 22 read the -- I'm sure you have, but the materials  
 23 point out that a lot of kind of traditional  
 24 detailing -- they're talking about cast stone on the

Page 64

1 windows. It's not designed like a sleek modern  
 2 building. They are trying to make an updated  
 3 version of a very traditional masonry -- idea of  
 4 masonry with an attic story.  
 5 I think that -- and especially because it's  
 6 not -- especially, there's only two stories of  
 7 masonry. There's a tremendous amount, just sort of  
 8 detailing of the masonry. And they do have a  
 9 soldier course. And there are -- they started doing  
 10 this, I think. It just isn't adequate, in my  
 11 opinion. There's a -- this is, I think, meant to be  
 12 a soldier course.  
 13 MS. POVERMAN: I don't know what that  
 14 means.  
 15 MR. BOEHMER: Rather than brick running the  
 16 long way, they run vertically. So it's a way to  
 17 create visual interest in a -- and there are all  
 18 kinds of corbeling and other brick detailing that  
 19 are very affordable but very effective ways of  
 20 really livening up a brick facade.  
 21 MS. POVERMAN: So some of my comments just  
 22 repeat what people have said. My view is that the  
 23 setbacks are a very big problem on Thorndike, and  
 24 part of that does have to do with just the safety of

Page 65

1 it. As you pointed out, the angle coming out, and  
 2 it is a small sidewalk, and it's just too small in  
 3 terms of getting squished -- a squished feeling, if  
 4 nothing else. And the setback, I think, with the  
 5 neighbor on Thorndike is also something that needs  
 6 relief.  
 7 And so, as the planning board and my other  
 8 members -- I think this is two of the most critical  
 9 elements in terms of actual -- well, two of the  
 10 critical elements that really need to be addressed  
 11 stylistically.  
 12 And I agree with just about every comment  
 13 that's been made here. I think there are some  
 14 really positive things about the building that you  
 15 detailed, and with tweaking, I think it could be  
 16 made into a very nice building. And I was really  
 17 struck by what you said -- because I hadn't noticed  
 18 it -- about the impact that the building has coming  
 19 from just about every direction. And that, I think,  
 20 makes it sort of especially important, the  
 21 opportunity you have to make a really, really nice  
 22 building here. And I know you guys take that  
 23 seriously, because of the steps you've already  
 24 taken.

Page 66

1 In terms of facing the Starbucks side, I  
 2 think that we're going to be getting into some  
 3 details environmentally which may affect what's  
 4 going on there, although we don't have to deal with  
 5 that now.  
 6 So I'm not -- like I said, I agree with the  
 7 architectural -- I have nothing to add  
 8 architecturally to what's been said, but let me just  
 9 look for a second and see if there's anything else I  
 10 have to add, and my colleagues can see if they have  
 11 anything as well.  
 12 I think that's it for this. I'm going to  
 13 take about a two-minute break before we continue.  
 14 It's going to be a pretty long evening because we're  
 15 going to go into environmental, so if people want to  
 16 talk about building, they have to wait through  
 17 environmental and then comment. Unless I have  
 18 another -- do you prefer to get the building  
 19 comments in?  
 20 MS. PALERMO: I think we need all the  
 21 reports in.  
 22 MS. POVERMAN: All right. We are going to  
 23 adjourn for a few minutes. People can get water or  
 24 whatever they want. We are off the record.

Page 67

1 (Recess taken from 8:29 p.m. to 8:38 p.m.)  
 2 MS. POVERMAN: All right we are  
 3 reassembling. The fun is over. We are reconvening  
 4 the hearing.  
 5 We are now going to hear from John  
 6 Chambers, the environmental peer reviewer. If you  
 7 could please come up and introduce yourself.  
 8 MR. CHAMBERS: My name is John Chambers.  
 9 I'm with Fuss & O'Neill Consulting Engineers out of  
 10 Boston, and I'm a licensed site professional in  
 11 Massachusetts.  
 12 Do you just want an overview of our  
 13 findings, basically?  
 14 MS. POVERMAN: Yes. And then we'll ask you  
 15 5,000 questions.  
 16 MR. CHAMBERS: All right. That sounds  
 17 great.  
 18 So basically -- we basically looked at the  
 19 site to determine if the environmental conditions of  
 20 the site would impact the development, and we're  
 21 going to break into really two parts: on the  
 22 property at 455 Harvard Street, and then the  
 23 neighboring property where Christo's dry cleaner  
 24 sits.

Page 68

1 On the property, basically it was a gas  
 2 station from the 1930s to 2006. The gas tanks and  
 3 the gas station have been removed. It does not look  
 4 like there's substantial contamination left on the  
 5 property. The previous consultant characterized it  
 6 as background, which would indicate that there's no  
 7 requirement to clean it up, even though there is low  
 8 levels of contamination there. The contamination  
 9 really -- I don't see it posing a risk to the  
 10 occupants of the site with what's on the site. And  
 11 the only issue you would see in that is if you move  
 12 background material to another site, it becomes  
 13 regulated, and so there's some kind of soil  
 14 management of it as a low-level contaminate soil.  
 15 That's really the only issue to the on-site soil  
 16 that we saw.  
 17 The other issue, though, is one that's kind  
 18 of an evolving issue with the Christo's dry cleaners  
 19 at the neighboring property. So there was a solvent  
 20 release at that property that is currently being  
 21 treated on that site. In the last decade or so,  
 22 releases of solvents have become more of an issue  
 23 for the Department of Environmental Protection in  
 24 that they can create vapors and get sucked into

Page 69

1 neighboring buildings.  
 2 And so we basically recommend -- we did not  
 3 do a deep-dive on the neighboring property, but we  
 4 would recommend the developer look at that issue and  
 5 really assess if the change in use to the  
 6 residential is going to pose an exposure risk of  
 7 sucking in the vapors from the neighboring property.  
 8 There's several ways that someone could do  
 9 that. They could look at the existing data that's  
 10 been done on the neighboring property and then have  
 11 a -- you know, an expert rule out that there's an  
 12 issue of migration to the property. There's also  
 13 some fairly cost-effective things they can do on  
 14 their own building to just prevent it without  
 15 worrying about what's happening next door. But  
 16 that's basically what we recommend as the issue,  
 17 just to protect users and occupants of the building.  
 18 MS. PALERMO: Can I just ask you where  
 19 exactly the Christo's dry cleaning is located?  
 20 MR. CHAMBERS: Yeah. It's right behind the  
 21 Starbucks that's right next door on Harvard Street.  
 22 MS. SELKOE: It's not a dry cleaners  
 23 currently.  
 24 MS. POVERMAN: Yes, it is.

Page 70

1 MS. PALERMO: So it's in the same building  
 2 as Starbucks?  
 3 MR. CHAMBERS: Facing from Harvard Street,  
 4 it's the property to the left.  
 5 MS. PALERMO: Okay.  
 6 MR. CHAMBERS: I can go into more detail if  
 7 you want. That's basically our report, is that, you  
 8 know, those issues are -- they're really -- you  
 9 know, technically, I presume that the owners of  
 10 455 Harvard don't have liability for the neighboring  
 11 property, you know, unless there's something that's  
 12 not obvious here, so the neighbor has to clean that  
 13 up.  
 14 But because those vapors exist there -- it  
 15 appears they exist there -- a large building next  
 16 door, very close to it, due to the heating systems,  
 17 basically -- when a heating system kicks in, it  
 18 reduces the pressure inside the building and it can  
 19 draw vapors in from the ground. So if I was the  
 20 developer of the building, I would make sure there's  
 21 some mechanism to prevent that from happening, is  
 22 effectively what I'm saying.  
 23 MS. POVERMAN: So I have more detailed  
 24 questions, so you may want to get into more detail

Page 71

1 before we do that. I'm going to let my colleagues  
 2 go first.  
 3 But you do make two recommendations in your  
 4 paper, one of which is to have a management plan to  
 5 manage contaminated soil, and you don't go into any  
 6 details here about what that consists of, so if you  
 7 could address that.  
 8 MR. CHAMBERS: I can address that, yeah.  
 9 So, effectively, the contamination on the  
 10 site, on the property at 455 Harvard Street, is kind  
 11 of low level. It's basically polyaromatic  
 12 hydrocarbons. It's materials that you ingest in a  
 13 lot of soil over the long term that can cause health  
 14 effects. So when you build on that and you cap  
 15 it -- like, this entire site would be capped with  
 16 either landscaping or building or foundation or  
 17 sidewalk or things like that -- it really poses no  
 18 risk to the users.  
 19 The only risk is really in what you do with  
 20 the soil. So if they are going to move it around  
 21 the site and cap it and, at the end of the day, be  
 22 done with it, it won't pose a risk to any users of  
 23 the site. If they take that background material  
 24 off-site and move it somewhere else, it does have

Page 72

1 low-level contamination in it. So it's not a risk,  
 2 necessarily, to the town. It's a risk to the  
 3 developer in that in moving that soil somewhere,  
 4 you're moving contaminated material, even though  
 5 it's referred to as background in the investigations  
 6 that have been done to date there.  
 7 MS. PALERMO: So it increases their  
 8 disposal cost.  
 9 MR. CHAMBERS: Exactly.  
 10 MS. POVERMAN: What about the neighbors?  
 11 Is there a risk to the neighbors as it's taken out?  
 12 MR. CHAMBERS: No. Not really. I mean,  
 13 you know, if you let it sit in a soil pile on the  
 14 site for a long period of time, it could pose a  
 15 risk. But, again, you actually have to ingest it.  
 16 They have to eat the dirt over a long period of time  
 17 to have a health effect.  
 18 The DEP has put in these background  
 19 regulations basically because a lot of urban soil  
 20 throughout Massachusetts and other northeast states  
 21 have some -- you know, coal ash that was dumped all  
 22 over the place have these contaminants in it, former  
 23 gas stations have these low levels. So it's a very  
 24 ubiquitous contaminate. But the methods that they

Page 73

1 usually use to treat it is exactly what they're  
 2 doing on the property: capping it and covering it  
 3 so that people can't dig into it and eat it.  
 4 And the question of what environmental  
 5 conditions impact the development, it's really, as  
 6 your colleague said, an issue of disposal. It's an  
 7 issue of whatever soil comes out of that site  
 8 shouldn't be trucked off as clean fill somewhere  
 9 else. It should be disposed of in a licensed  
 10 facility.  
 11 MS. POVERMAN: Lark, do you have questions?  
 12 MS. PALERMO: Well, as I said, I wanted to  
 13 know where the dry cleaner was located, and you  
 14 answered that for me.  
 15 You read the file on the release of VOCs by  
 16 the dry cleaner?  
 17 MR. CHAMBERS: Yes.  
 18 MS. PALERMO: And is there any potential of  
 19 those VOCs migrating onto this property?  
 20 MR. CHAMBERS: The risk is a migration in  
 21 air. So the contaminate that's released there is a  
 22 chlorinated solvent. In the old days, when you  
 23 walked by a dry cleaner, you could smell that kind  
 24 of sweet smell. That's the contaminate going into

Page 74

1 the air.

2 So what can happen is when it's in the

3 ground, in groundwater or soil, it can -- it

4 volatilizes into the air and in the ground. And

5 buildings can -- a building system -- they call it a

6 "chimney effect" -- can basically depressurize the

7 building's interior air relative to the ground. And

8 if there's cracks in the foundation, it can go into

9 the interior air.

10 And so that's something that environmental

11 protection agencies have become much more aware of

12 over the last decade, and typically, there's things

13 you can do to prevent that exposure. You can

14 either, you know, study it and make sure it's not

15 migrating there, which is kind of a science project,

16 or you can put things on the building; like a vapor

17 barrier, for instance, on the building. It's

18 something people often do nowadays to mitigate that

19 issue. And to me it's a best management practice if

20 you're that close to a solvent release site.

21 MS. PALERMO: So you, as a best management

22 practice, would recommend a vapor barrier?

23 MR. CHAMBERS: What I recommend -- I didn't

24 want to design it for them, but what I recommended

Page 75

1 is that they come back to you with some answer as to

2 how they were going to address that.

3 Maybe they want to do a deep dive into the

4 neighboring investigation that's been done and come

5 back and have a licensed site professional, you

6 know, say -- have enough study to say it's not

7 migrating there.

8 We couldn't tell from reading the file if

9 they had closed that area. It appears that they're

10 still looking at that.

11 And then on the alternative, if you don't

12 want to go that way, is some kind of -- there's

13 multiple building systems. The simplest one is a

14 vapor barrier, but there's other ones too that they

15 can choose from. And my recommendation would be,

16 you know, to make sure that is dealt with so that

17 the occupants of the building are not exposed to

18 that, if it exists.

19 MS. PALERMO: Okay. Thank you.

20 MS. POVERMAN: Chris?

21 MR. HUSSEY: No questions.

22 MS. POVERMAN: I have some questions. I do

23 not have the beginning knowledge that Lark has.

24 MR. CHAMBERS: Okay.

Page 76

1 MS. POVERMAN: Okay. So your summary

2 starts out by saying that the site is next to a

3 site -- so the Christo's site -- at which there had

4 been subsurface soil groundwater and soil gas

5 contamination by volatile organic compounds. So

6 that's the --

7 MR. CHAMBERS: That's the chlorinated

8 solvent.

9 MS. POVERMAN: Okay. So you say that it's

10 not currently a disposal site. But based on your

11 review, "soil management in construction may be

12 subject to additional regulation." What do you mean

13 by that? You say "regulation" rather than

14 "management."

15 MR. CHAMBERS: Which section?

16 MS. POVERMAN: Sure. The second page.

17 It's the top paragraph.

18 MR. CHAMBERS: Okay. Page 2, the top --

19 okay. So the site is 455 Harvard Street. That is

20 not currently a listed DEP site. So basically, when

21 the tanks were pulled, the LSP at the time concluded

22 that the materials left were background, and

23 therefore no additional regulation was necessary.

24 MS. POVERMAN: So when you say, however,

Page 77

1 based on your -- "soil managed in construction may

2 be subject to additional regulation," what do you

3 mean?

4 MR. CHAMBERS: Basically, what I mean is

5 when -- currently on the site the LSP came to the

6 conclusion that --

7 MS. POVERMAN: Excuse me. Could you please

8 be quiet. Thank you.

9 Okay.

10 MR. CHAMBERS: The previous consultant

11 concluded that the soil on the site was not

12 required, under the Massachusetts contingency plan,

13 which is the law regulating whether you have to

14 investigate and remediate this. Under that set of

15 regulations, there's no work required currently for

16 the site.

17 However, when the site changes use in

18 construction, that background material -- so

19 background is basically a category under the state

20 regulations that if you find low-level contaminates

21 that are typically of what would be around there

22 anyway from kind of the urban fill that's there, you

23 can claim it's background and not have to do

24 anything with it there.

Page 78

1           However, it you take that low-level  
2 contamination and put it on another site, it's no  
3 longer background. Now it's regulated as release  
4 because you're taking contaminated material and  
5 depositing it somewhere else. So that's -- what I  
6 mean is that's where it becomes regulated. And so  
7 basically, you know, good environmental practice  
8 will require them to manage that soil as a  
9 contaminant, not as clean soil.

10           MS. POVERMAN: Okay. So you're referring  
11 to what Lark --

12           MR. CHAMBERS: Yeah, that's basically what  
13 I'm referring to in that.

14           MS. POVERMAN: Okay. Now, in your report  
15 you say that the -- I guess the statement was  
16 looking into whether or not parcels nearby Christo's  
17 had been affected by -- what is the word -- vapor  
18 migration --

19           MR. CHAMBERS: Correct.

20           MS. POVERMAN: -- on Thorndike. Do you  
21 know what's happened to those properties?

22           MR. CHAMBERS: I don't. This is kind of  
23 the nature -- we could certainly dig much deeper  
24 into it, but my understanding is -- I mean, it's

Page 79

1 kind of an evolution of -- there's something  
2 referred to as a "vapor intrusion issue" related to  
3 any volatile compounds. So gasoline is a volatile  
4 compound which, released in high levels, it can  
5 volatilize, and that's what you smell at the pump.  
6 And chlorinated solvents is another category of  
7 compounds that dry cleaners use that have similar  
8 properties that can volatilize and get into air.

9           So over the, you know, 10, 15 years, that  
10 has become a much more aware issue where -- you  
11 know, 20 years ago when I started in this business,  
12 people weren't too worried about it. Now they're  
13 much more concerned.

14           It looks to me like the state has decided  
15 that there is a solvent release at Christo's that is  
16 existing there, and they're saying, we'd like to  
17 take a harder look at the neighboring properties.  
18 It does not appear they've completed that work yet.  
19 And that's why from perspective, reviewing it, I  
20 can't tell you whether there's really a vapor issue  
21 in the neighborhood or not.

22           But what I can say is that when you put a  
23 building like this on a property with the HVAC  
24 systems and pressurizing the internal air, it can

Page 80

1 actually change the profile where it's more likely  
2 that things would get sucked into the air. So maybe  
3 right now there's a solvent that's only at  
4 Christo's, but this could change that, potentially,  
5 and cause it to go into the air and have people  
6 exposed to it.

7           So that's where -- you know, someone in my  
8 field would go look into that, and you can either  
9 take the assessment route and try and determine  
10 how -- is that problem really there, or you can take  
11 the remediation route and just address it like it is  
12 there, whether it's there or not, and eliminate the  
13 risk.

14           MS. POVERMAN: So assuming someone took the  
15 proactive route and just said, okay, we'll see  
16 what's going to happen and take care of it, what  
17 possible risk would there be to surrounding  
18 properties if, say, soil -- or digging occurred,  
19 which might increase the vapor migration risk to  
20 neighbors?

21           MR. CHAMBERS: The issue is not -- so at  
22 Christo's, the chlorinated solvent releases into the  
23 ground. Twenty years ago, our assessments were very  
24 good at how far it went in groundwater, how far it

Page 81

1 went to soil. I'm confident that part has been  
2 addressed.

3           What they've been finding is that in the  
4 vapor phase, it migrates in kind of odd ways at  
5 times. So that appears to me about -- is the issue  
6 that's being looked at at that site right now, and  
7 it appears to me they haven't completed their  
8 assessment as to whether that site really would pose  
9 an issue or not.

10           MS. PALERMO: In other words, digging on  
11 our site is not an issue with respect to the VOCs  
12 that are --

13           MR. CHAMBERS: In the soil and groundwater  
14 samples that were taken on 455 Harvard Street, there  
15 was -- you know, there was not a lot of looking for  
16 the chlorinated solvents, but in the couple samples  
17 they did look for it, they did not find it. So it  
18 doesn't appear that this material is sitting in the  
19 soil groundwater.

20           It appears as though that -- you know, is  
21 it a potential that, you know, putting a building  
22 there could cause vapors to migrate from that site  
23 or not? It appears that the DEP is already looking  
24 at that. They're already looking at neighboring

Page 82

1 houses to sample to see if that's an issue so, you  
 2 know -- and they typically target residences for  
 3 that kind of thing. So this becoming a residential  
 4 property and being so close to the release, I think  
 5 it's prudent to address that issue one way or  
 6 another: either rule it out that it hasn't  
 7 migrated, which may well be true, or eliminate the  
 8 potential for it to migrate in there at all.

9 MS. POVERMAN: Right. As you might expect,  
 10 this is the first time I've dealt with this issue.

11 MR. CHAMBERS: It's definitely an evolving  
 12 issue.

13 MS. POVERMAN: Okay. Relating to  
 14 groundwater samples, there was a comment that in  
 15 2003, five soil samples and one groundwater sample  
 16 were done by FSL -- which I assume was the owner's  
 17 environmental --

18 MS. PALERMO: -- LSP.

19 MR. CHAMBERS: Yeah. That was the  
 20 consultant when they pulled the tanks out in 2006, I  
 21 believe.

22 MS. POVERMAN: -- for laboratory analysis,  
 23 and they were tested. And -- let's see. I'm trying  
 24 to figure out -- my question came down to whether or

Page 83

1 not it was necessary to do more groundwater sampling  
 2 at the site to determine whether or not there was  
 3 contamination from either the Christo's site or  
 4 elsewhere, because it wasn't necessarily clear to  
 5 me.

6 In reading your memo -- we're talking about  
 7 page 3 and PAH levels -- which I'll ask you to  
 8 explain what they are -- whether or not the tested  
 9 levels in 2003 would still be acceptable now and  
 10 whether or not further tests need to be done to  
 11 determine whether or not they're acceptable now.  
 12 Does that question make sense?

13 MR. CHAMBERS: Yes, absolutely.

14 MS. POVERMAN: Okay.

15 MR. CHAMBERS: So currently there's no --  
 16 so the way the Massachusetts contingency plan is set  
 17 up is when you identify a release -- and oftentimes  
 18 that happens in a tank pull. When you're pulling  
 19 out the tanks from a gas station, there's leaks and  
 20 things associated with it. And so presumably, these  
 21 studies were done related to pulling out the tanks  
 22 and closing out the gas station.

23 The levels that I saw in these different  
 24 compounds -- so the PAHs are polyaromatic

Page 84

1 hydrocarbons. They're kind of a heavier hydrocarbon  
 2 that does not go to the air. It's more -- you know,  
 3 it's the charred stuff on your hamburger. It's a  
 4 very -- you have a lot of coal ashes in a lot of  
 5 urban areas just from the wide use of coal in the  
 6 area. The levels are not very high. You know, you  
 7 could debate whether they're background or not, you  
 8 know, if I really want to quibble on the technical  
 9 review of the previous opinion. But regardless, I  
 10 don't see those posing a risk to the site use at  
 11 all.

12 They also found very low levels in the  
 13 groundwater of a couple gasoline compounds. They  
 14 were very, very low, though. They would not really  
 15 trigger anything under today's regulations. So I  
 16 really don't see -- other than the vapor intrusion  
 17 issue, I don't see anything in the existing data,  
 18 and there's currently no regulatory requirement to  
 19 do any further testing on 455.

20 And, in fact, it's likely the  
 21 responsibility -- the way the Massachusetts  
 22 contingency plan is written is, whoever is the  
 23 responsible party for creating the release on  
 24 Christo's is really the one responsible for

Page 85

1 protecting any impacts from that release, even if  
 2 they cross into other properties.

3 What makes this one a little unique and why  
 4 we recommend that the developer deal with it is the  
 5 developer is changing the use of the property to  
 6 residential and putting a larger building that has  
 7 the potential to draw things in. And I think the  
 8 prudent thing is to look at that, even though it's  
 9 not necessarily their, you know, responsibility as a  
 10 property owner.

11 MR. BOEHMER: Kate, can I ask a question?

12 MS. POVERMAN: Sure.

13 Cliff Boehmer is now asking a question.

14 MR. BOEHMER: So the no testing -- you did  
 15 say that they would probably have to categorize soil  
 16 that they would take off the site?

17 MR. CHAMBERS: Soil that goes off-site is  
 18 documented to have low levels of PAHs and low level  
 19 gasoline compounds. You know, it was a  
 20 closure-level assessment. There may be some low  
 21 levels of contamination there that -- where that  
 22 goes to be used makes a big difference. You don't  
 23 want to use it as topsoil in a daycare, for  
 24 instance. And so in that regard, it's not regulated

Page 86

1 where it sits right now because it's in an area --  
 2 it's not posing a risk to anybody where it sits  
 3 right now.  
 4 MR. BOEHMER: Okay. Understood.  
 5 MR. CHAMBERS: The whole basis of the  
 6 current Massachusetts environmental regulations are  
 7 about the risk different types of contaminates pose  
 8 to people's health and the environment.  
 9 When I started this business, everything  
 10 was supposed to be cleaned up and pristine, and we  
 11 just found we couldn't do that, so now the  
 12 regulations are much more tailored to, you know,  
 13 addressing the risks. And I'm really not seeing big  
 14 risks to what's on-site, other than the management  
 15 of soil that goes off-site. The only real risk I  
 16 see is that neighboring property vapor migration.  
 17 MS. POVERMAN: So your recommendation  
 18 basically would be either an assessment and  
 19 remediation or proactive addressing?  
 20 MR. CHAMBERS: Yeah. Basically do enough  
 21 assessment which, you know, if they come -- you're  
 22 either going to need a professional opinion that you  
 23 trust saying there's enough assessment out there  
 24 that there's no chance of vapor migrating into the

Page 87

1 building -- I suspect if I was working for the  
 2 developer, my recommendation would be just, you  
 3 know, eliminate it from happening, rather than  
 4 paying for the science project. But that's their  
 5 choice, I would imagine.  
 6 MS. POVERMAN: Okay. Thank you. I don't  
 7 have any further questions.  
 8 Yes, Geoff.  
 9 MR. ENGLER: The applicant in this case  
 10 brought their LCP tonight to respond to the analysis  
 11 that was just delivered.  
 12 MS. PALERMO: LSP.  
 13 MR. ENGLER: LSP.  
 14 MS. PALERMO: Licensed site professional.  
 15 But I don't know that there's any need to --  
 16 MS. POVERMAN: What would your LSP like  
 17 to --  
 18 MR. LEBOW: I just want to respond. My  
 19 name is Fred Lebow, L-E-B-O-W.  
 20 MS. POVERMAN: If you can tell us  
 21 succinctly what you would like to tell us, that  
 22 would be great.  
 23 MR. LEBOW: Fred Lebow, president of FSL  
 24 Associates. We're the fellows that pulled the

Page 88

1 tanks. Actually, I've done a lot of work for the  
 2 town. I've been an advisory committee member for 23  
 3 years, saved the town hundreds of thousands of  
 4 dollars. I also wrote the bylaw and I also wrote  
 5 the Phase 2 stormwater management system for the  
 6 town, which the town got an award which never  
 7 mentioned my name.  
 8 MS. POVERMAN: Okay. This is not relevant.  
 9 MR. LEBOW: Just giving a little  
 10 background.  
 11 So anyway, I'll take the second part first.  
 12 All soil that gets transported are under 310 CMR 30.  
 13 There's rules, regulations. And that's the  
 14 transportation of contaminated soil. And whether  
 15 it's low level or high level or whatever, that's  
 16 what you use.  
 17 If there is a good enough component of --  
 18 petroleum component, you can have it go to a  
 19 recycling plant. If there is no petroleum  
 20 component, then it'll either go to a lined or an  
 21 unlined landfill. In this case, I would suspect it  
 22 would go to an unlined landfill.  
 23 For every 500 cubic yards, which is 750  
 24 tons, you have to go through a myriad of tests, like

Page 89

1 116 chemicals. Not just chlorinates, but all kinds  
 2 of heavy metals, all kinds of tests before a  
 3 landfill will take it, whether it be recycling or  
 4 not recycling. So that test -- nobody will take it  
 5 unless you do those tests, so that's a reality. It  
 6 gets signed off for a bill of lading by an LSP, and  
 7 that gets transported.  
 8 There's no issue there. That's what the  
 9 law is. It's not optional. That's what it is.  
 10 So we'll go to the next thing: the vapors.  
 11 First of all, when we pulled the tanks, there were  
 12 three 6,000-gallon fiberglass tanks, double walled.  
 13 Fiberglass tanks typically don't leak, and these  
 14 didn't, so we found no contamination that was  
 15 reportable to DEP.  
 16 There was -- we did a fair amount of  
 17 testing. A lot of people don't even keep tank  
 18 closure reports. We always did. If there was no  
 19 contamination, they never even wrote up a report.  
 20 We just kept it for our records, which I'm glad we  
 21 did. So the tanks didn't leak, we didn't find any  
 22 contamination, so it wasn't reported to the DEP.  
 23 Turns out it was slightly upgraded from the dry  
 24 cleaner.

Page 90

1 Now, I've done a lot of groundwater  
 2 modeling. And groundwater can flow a lot faster  
 3 than contaminated groundwater, so I suspect that  
 4 this plume, whatever it is, will probably move  
 5 somewhere around an inch a year, so none of us are  
 6 going to be here by the time it reaches that  
 7 property -- if it can go up hill.  
 8 The requirement under 310 CMR 40.1004  
 9 Section 3 says that any spill that's reported to the  
 10 DEP, you have to determine what the plume is  
 11 vertically and horizontally. We're not -- that  
 12 plume isn't even close to our property, so --  
 13 MS. POVERMAN: What plume are you talking  
 14 about?  
 15 MR. LEBOW: The chlorinated spill.  
 16 MS. PALERMO: He's talking about Christo's.  
 17 MR. LEBOW: From the dry cleaners.  
 18 MS. POVERMAN: Okay.  
 19 MR. LEBOW: We don't have any issue. But  
 20 however --  
 21 MS. POVERMAN: When was there a chlorinated  
 22 spill there?  
 23 MR. LEBOW: I forgot the year.  
 24 MS. PALERMO: He's talking about the report

Page 91

1 that we just got from our LSP saying that there  
 2 is --  
 3 MS. POVERMAN: That was the event?  
 4 MS. PALERMO: Yes.  
 5 MR. LEBOW: It has nothing to do with us.  
 6 But, first of all, the DEP doesn't do the  
 7 investigation. Somebody did a Phase 1 report on  
 8 environmental assessment, and they found that there  
 9 was a spill. Usually a bank usually requires --  
 10 when there's a dry cleaner, it raises the red flag.  
 11 They make you do -- drill wells, and they found a  
 12 chlorinated spill. So then they're required to now  
 13 check the neighborhood. The owner is required to  
 14 check the neighborhood to find out if there's any  
 15 vapor intrusion. We're not even close to that site.  
 16 Nobody has contacted, and I don't expect anybody  
 17 will.  
 18 However, I was more concerned about the gas  
 19 station that's only 15 feet away. If they had a  
 20 truck and they had a spill or something like that,  
 21 that could cause vapors in the building. So I  
 22 recommended to my client to put an HDPE, which is a  
 23 a membrane, 40 mills thick, for the vapor barrier.  
 24 The state building code only requires 6, but this is

Page 92

1 40 mills. It comes out -- it's pretty thick. You  
 2 lay it in. It's not very expensive. And that will  
 3 cover anything.  
 4 MS. PALERMO: So just to sort of cut to the  
 5 chase here, you have already recommended to the  
 6 developer --  
 7 MR. LEBOW: Absolutely.  
 8 MS. PALERMO: -- to install a vapor barrier  
 9 and not worry about trying --  
 10 MR. LEBOW: Not worry about a thing.  
 11 MS. PALERMO: -- whether this does or does  
 12 not create vapor problems for the building as  
 13 constructed, which is what I had asked, and that's  
 14 really what we need to know.  
 15 MS. POVERMAN: But where is the barrier put  
 16 in?  
 17 MS. PALERMO: It's put in when you  
 18 construct the building. It's part of the  
 19 construction.  
 20 MR. HUSSEY: Under the slab, under the  
 21 concrete slab.  
 22 MS. PALERMO: It's very much a -- in many  
 23 respects -- potentially unnecessary protection, but  
 24 it's a good thing to do, as our LSP suggested. So

Page 93

1 this is perfectly reasonable. And thank you.  
 2 That's really all I need to know.  
 3 MR. LEBOW: And by the way, let's assume --  
 4 just for the sake of assumption, let's assume there  
 5 was a spill on the property from a neighbor, whether  
 6 it be the gas station or some other place, even an  
 7 oil tanker got loose from a neighbor behind the  
 8 building, they would file a downgraded property  
 9 status under 310 CMR 40.0180.  
 10 The only obligation they have under that  
 11 provision is to allow people to work on their  
 12 property if it's affected their property. So they  
 13 have to allow them to get on. They have to do an  
 14 imminent hazard elevation. And that's pretty much  
 15 what they -- I mean, those are the key things that  
 16 they have to do, and that's about it.  
 17 So I don't see -- this is petty -- this is  
 18 probably one of the safest sites in the city. I  
 19 mean, the town has had more contamination than this  
 20 site.  
 21 MS. POVERMAN: Does that barrier cover the  
 22 whole of the --  
 23 MS. PALERMO: Yes.  
 24 MS. POVERMAN: Excuse me, Lark.



Page 94

1 Does that barrier cover the whole of the --

2 MS. PALERMO: He's made a recommendation --

3 MS. POVERMAN: Lark, I'm asking --

4 MS. PALERMO: He's made a recommendation to

5 the developer that they install a vapor barrier.

6 That's what we need to know. We don't need to know

7 the engineering associated with it until they get

8 their design further along.

9 MS. POVERMAN: But I have a question, so

10 please let me ask it.

11 This barrier you're talking about, does it

12 cover the whole of the property that they --

13 MR. LEBOW: It only covers under the

14 building.

15 MS. POVERMAN: The current building?

16 MR. LEBOW: No, no. When they put a new

17 building in, they put this in and that's it.

18 MS. POVERMAN: Okay. Thank you very much.

19 Polly.

20 MS. SELKOE: A drainage report was also

21 submitted by the development team. It was prepared

22 by Allen & Major, and it has been reviewed by the

23 director of transportation and engineering, Peter

24 Ditto.

Page 95

1 The conclusion of the drainage report was

2 that the proposed site development reduces the

3 amount of impervious area within the watershed area,

4 and the roof stormwater is collected and discharged

5 via a roof leader to a proposed draining manhole

6 over the 12-inch municipal drainage pipe in Harvard

7 Street.

8 The remaining site impervious area sheet

9 flows towards Harvard Street at Thorndike. All site

10 stormwater will continue to discharge through the

11 12-inch drainage line at the intersection of Harvard

12 and Thorndike as it does now.

13 Peter Ditto reviewed the entire drainage

14 report, over 48 pages, and he concluded that it is

15 an adequate report. And his only request is that

16 when there is a final site and drainage plan, that

17 it be submitted to him for his final review.

18 MS. POVERMAN: Thank you.

19 Any questions?

20 MR. HUSSEY: No.

21 MS. SELKOE: There was also a trash

22 management plan submitted by the development team,

23 and that was reviewed by the public health

24 department, Pat Maloney.

Page 96

1 Basically, the trash plan is to have a

2 trash room in the building, to have both recycling

3 and trash containers in the building, and to use a

4 private contractor to pick up the trash. When the

5 truck comes, the trash will be -- the truck will

6 park in the loading area, which, as we've explained

7 previously, is just two parking spaces in front of

8 the building. The trash will be collected and then

9 the private contractor will wheel the containers

10 back into the trash room.

11 Pat Maloney had no problem with the

12 proposed trash plan, although he did say that once

13 the building is occupied, he would like to

14 reevaluate it to see that it's working effectively.

15 MS. POVERMAN: Anything else on the trash

16 plan?

17 MS. SELKOE: That was it.

18 MS. POVERMAN: Mr. Hussey, do you have any

19 questions?

20 MR. HUSSEY: No, no questions.

21 MS. POVERMAN: Ms. Palermo?

22 MS. PALERMO: No.

23 MS. POVERMAN: Okay. Then I think this is

24 the point in the proceedings where we will allow

Page 97

1 public comment. But I believe there is an attorney

2 representing some of the neighbors, so, Mr. Hill, if

3 you would like to come up, that would be great.

4 MR. HILL: For the record, my name is Dan

5 Hill. I'm a land use attorney based out of

6 Cambridge. I do a lot of work on 40Bs, and I

7 represent some other neighborhood groups in

8 Brookline on 40B matters.

9 MS. POVERMAN: Could you speak into the

10 microphone and talk a little more slowly.

11 MR. HILL: Sure. So I wanted to make a few

12 comments about some of the jurisdictional and

13 substantive issues that are raised by the project.

14 I want to start with the comment that was made

15 earlier about the architect not being here, and I

16 want to thank the member for raising that point.

17 Frankly, I think that's a major blunder on the part

18 of the applicant, not having Peter here to hear

19 Mr. Boehmer's comments.

20 And the comment was that -- from

21 Mr. Engler -- that he communicated with the town

22 that Mr. Bartash could not be here. Frankly, I

23 think those communications should be made with the

24 zoning board, not with planning staff. If the

Page 98

1 zoning board wants Mr. Bartash here, that should be  
 2 the prerogative of the zoning board.  
 3 And I think it speaks to this greater issue  
 4 we have in Brookline. And what's really unfortunate  
 5 is that we have a gold rush of 40B applications in  
 6 Brookline right now. And unfortunately the state,  
 7 DHCD, has put this town in a very uncomfortable  
 8 position of having to deal with all of these 40B  
 9 applications at once. And I don't blame the town at  
 10 all. It's really the state that's put us in this  
 11 position of having to be susceptible to all these  
 12 predatory 40B projects all at once, and I think  
 13 that's shameful on the state's part. I just want to  
 14 make that point up front.  
 15 I want to move on now to the jurisdictional  
 16 issues. One issue that we flagged --  
 17 MS. POVERMAN: I do want to point out, this  
 18 is not a legal argument, so if you could be really  
 19 quick through these issues, that would be fantastic.  
 20 MR. HILL: Sure. So the first issue is  
 21 this issue with site control. It's a prerequisite  
 22 of 40B. The applicant stated in their application  
 23 that there's a lease on the property. This lease --  
 24 the applicant claims that the lease is in breach by

Page 99

1 the tenant. MassHousing has required that the  
 2 applicant produce evidence that the lease has been  
 3 terminated.  
 4 So I guess I have a question. It doesn't  
 5 have to be answered right now, but I want to make a  
 6 point and basically ask the board to ask the  
 7 applicant to provide proof that this lease is, in  
 8 fact, terminated. I guess I would ask if the tenant  
 9 shares the same sentiment as the applicant, that the  
 10 tenant is, in fact, in breach of that lease.  
 11 Because if it's not, then that's a major problem and  
 12 this applicant truly doesn't have standing to even  
 13 apply for a 40B permit if there is inadequate site  
 14 control due to a lease.  
 15 MS. SELKOE: They got a PEL.  
 16 MR. HILL: The other jurisdictional  
 17 question I have is on the affordability of ratio.  
 18 Are we still at 17 units with this project?  
 19 MS. POVERMAN: Yes.  
 20 MR. HILL: Yeah. So MassHousing requires  
 21 there to be 25 percent of the units be affordable.  
 22 My math says that that's five not four. So this  
 23 project, I believe, is proposing four affordable  
 24 units. Four divided by seventeen is greater than --

Page 100

1 it's less than 25 percent.  
 2 MS. POVERMAN: Well, we can determine later  
 3 whether you round up, but that's a good point.  
 4 MR. HILL: Yeah. I'm not expecting answers  
 5 right now. I just want to raise some points.  
 6 With respect to some of the substantive  
 7 issues that are facing this project, I know traffic  
 8 isn't on the agenda for tonight, but I wanted to  
 9 raise it so that at least the applicant can have  
 10 advanced notice of these issues.  
 11 We feel there's still some significant  
 12 sight-distance issues here with the project. I know  
 13 they attempted to address some of these. We feel  
 14 there's an issue with the intersection of Thorndike  
 15 and Harvard, with the garage, and the sidewalk and  
 16 garage on Thorndike Street.  
 17 To illustrate the Thorndike at Harvard  
 18 intersection, the issue here is they're measuring  
 19 sight distance from a point in Thorndike Street  
 20 that's on the other side of that crosswalk. So you  
 21 can see from this diagram that the stop bar is  
 22 located to the right by several feet from where that  
 23 sight line -- where the sight distance is measured.  
 24 That's not the correct way to measure sight

Page 101

1 distance. This is the correct way to measure sight  
 2 distance: the black line from where the bar is. In  
 3 fact, it's not where the bar is. It's several feet  
 4 behind the bar. That's where the driver sees the  
 5 traffic.  
 6 MS. POVERMAN: I think it would be better  
 7 to bring this up when we're talking about traffic,  
 8 so this is -- you have an absolute right to address  
 9 this, but better at the time that the topic is being  
 10 addressed. So I don't want to --  
 11 MS. SELKOE: And if you get me your  
 12 comments, I can get them to our peer reviewer.  
 13 MR. HILL: Okay. We'll bring it up then.  
 14 MS. POVERMAN: Noise, as well, is something  
 15 that we will address.  
 16 MR. HILL: You don't want to talk about  
 17 noise?  
 18 MS. SELKOE: Not as it applies to the  
 19 lifts.  
 20 MR. HILL: Okay. That's your prerogative.  
 21 Shadows: A shadow study was submitted by  
 22 the applicant. I think this is within the scope of  
 23 tonight's hearing. This project would be casting  
 24 shadows basically all year long on 78 Thorndike

Page 102

1 Street. It was interesting, there was a lot of  
 2 emphasis on Harvard Street being shadowed. And that  
 3 is correct. But the impacts on this direct abutter  
 4 are quite shocking.

5 I want to talk about the loading zone  
 6 briefly, since that was brought up. It seems to me  
 7 that what the applicant is proposing here is to ask  
 8 the Town of Brookline to basically give them a  
 9 license to use a portion of the right of way, the  
 10 public way --

11 MS. SELKOE: You know, again, Peter Ditto  
 12 will be present June 7th when we're discussing the  
 13 traffic issues, and he's the one --

14 MS. POVERMAN: Polly, I actually find this  
 15 helpful if it's brought up. So if it's just raised,  
 16 that's fine and then moved on.

17 MS. PALERMO: Except the issue is being  
 18 represented in a very odd way. Based on what we  
 19 were told, there is no request on the part of the  
 20 developer to establish an easement for the use of  
 21 the space as a loading zone. They're simply saying  
 22 it could be a location that is a shared loading  
 23 zone. So I agree. I think we need Peter Ditto.

24 MS. POVERMAN: Yeah. If it's raised as an

Page 103

1 issue, then we can move on. Thank you.

2 MR. HILL: Thank you.

3 MS. POVERMAN: And density, that's fine.

4 MR. HILL: I guess I'm confused what's in  
 5 the scope and what's not.

6 MS. POVERMAN: Site design is absolutely in  
 7 the scope. I can understand your frustration.

8 MR. HILL: All right. So, you know,  
 9 frankly, we feel that the issues that were raised by  
 10 the planning board, the issues raised by the board  
 11 of selectmen, the preservation committee were all  
 12 germane. This project is ultimately just too dense  
 13 for the site. There was talk tonight about the  
 14 height being okay. I think I heard Mr. Boehmer say  
 15 he wasn't concerned about the height.

16 I think the neighbors and folks who live in  
 17 this area and visit this area would say it needs to  
 18 be seen in context. The height needs to be seen  
 19 holistically with the other dimensional  
 20 nonconformities, specifically the setbacks. A  
 21 height of four stories might be acceptable on a  
 22 property that's much larger where there's open space  
 23 and where there is more setbacks to the street.  
 24 This property provides essentially zero setbacks,

Page 104

1 very minimal setbacks on Thorndike and Harvard  
 2 Street and a very minimal setback to the abutter at  
 3 78 Thorndike Street. So we feel that the board of  
 4 selectmen and the planning board got it right, that  
 5 this project is far too intense and dense for this  
 6 specific property.

7 And even the Davis Square peer reviewer  
 8 stated some of these concerns. Although he wasn't  
 9 concerned about the height, he was concerned about  
 10 setbacks, he was concerned about mechanical  
 11 equipment not being fully delineated and all the  
 12 impacts being fully characterized. So we do  
 13 support, you know, those comments by the peer  
 14 reviewer.

15 I want to go back to the -- well, I have a  
 16 comment about the commercial use. Maybe that's not  
 17 appropriate.

18 MS. POVERMAN: You mean the retail use?

19 MR. HILL: Yeah, the retail use. This is  
 20 chapter 40B. This is a statute that's intended to  
 21 provide zoning relief for affordable housing, not  
 22 for commercial uses. And I question how appropriate  
 23 it is for the applicant to be seeking significant  
 24 zoning relief for a project that includes a

Page 105

1 first-floor retail space that otherwise would have  
 2 to comply with Brookline's zoning requirements,  
 3 design review requirements, parking requirements,  
 4 loading requirements. It strikes me that that -- I  
 5 think the board should get some legal advice on that  
 6 specific issue. You don't have to take my advice,  
 7 but this strikes me as being outside the scope of  
 8 the zoning board's authority to be granting these  
 9 kind of waivers to this extent for a commercial use  
 10 on a 40B.

11 MS. POVERMAN: Okay. Thank you very much.

12 What I will ask you to do -- we will now  
 13 hear people from the neighborhood. What I would  
 14 like to ask is that the developer please not talk  
 15 amongst himself.

16 Mr. Danesh, Mr. Danesh, if you have  
 17 something to say, would you please say it outside of  
 18 the hearing room. Thank you.

19 If you would like to say something, please  
 20 come up to the microphone, identify yourself. Line  
 21 up. That would be great. Identify yourself.  
 22 Please address the issues we discussed today. If  
 23 you agree with something that was said before, just  
 24 say, I agree with Ms. or Mr. X. It's getting late,

Page 106

1 so brevity would be appreciated. And again, please  
 2 try to address the issues at hand. Thank you.  
 3 MS. ECHELMAN: My name is Janet Echelman.  
 4 I am a visiting professor in the department of  
 5 architecture at MIT and a resident and owner at  
 6 64 Coolidge Street.  
 7 I took these photos today. This is the  
 8 view from where I eat dinner every night with my  
 9 family, and this is the impact of the shadow and  
 10 blocking the view of this proposed lack of setbacks  
 11 on Harvard Street.  
 12 MS. POVERMAN: I'm not sure what we're  
 13 looking at. I'm sorry.  
 14 MS. ECHELMAN: Okay. So this is looking --  
 15 this is Shimon's gas station, and this, the white  
 16 picket fence.  
 17 MS. POVERMAN: Why don't you bring it up?  
 18 MS. ECHELMAN: I'll bring it up.  
 19 The white picket fence -- okay. So here we  
 20 are looking at Shimon's gas station and the white  
 21 picket fence. Here's the before and after. So this  
 22 white picket fence, and I'll show people, is the  
 23 Shan-A-Punjab. This is the property we're  
 24 discussing, and this is the same.

Page 107

1 With no setback on Harvard Street and going  
 2 up to this height, it effectively completely  
 3 obliterates any kind -- I don't even need to say  
 4 anything more, but I guess it's being transcribed,  
 5 so I'll say it obliterates the view. The lack of a  
 6 setback and the lack of additional setbacks at each  
 7 level make not only for an ugly view on Harvard  
 8 Street, but also a lack of sunlight. And this is --  
 9 this is the view in the morning. I think that this  
 10 height and this lack of setback should not be  
 11 allowed and is unconscionable.  
 12 MS. POVERMAN: Thank you.  
 13 MS. HOUSMAN: Sue Housman, 46 Columbia.  
 14 I'm encouraged by the comments both from  
 15 the podium and from the town about increasing  
 16 setbacks, and I want to support as vigorous an  
 17 attempt as possible on the setbacks on all sides of  
 18 the property, especially in view of line of sight,  
 19 which I understand belongs to the traffic.  
 20 The other very quick comment I wanted to  
 21 make was that the slide of Thorndike Street, I  
 22 think, is extremely misrepresentative of the real  
 23 feel being out there in the neighborhood. It  
 24 doesn't look remotely like that, and I would

Page 108

1 encourage people to go out to the site and take a  
 2 look at it. That's it.  
 3 MS. POVERMAN: Thank you very much.  
 4 MR. LEPSON: Hi. My name is Bob Lepson.  
 5 I'm a new town meeting member in Precinct 9. I live  
 6 on Thorndike Street.  
 7 First the comment I'd like to make -- as I  
 8 was sitting here watching what just transpired over  
 9 the last five minutes while Mr. Hill was talking, I  
 10 was dismayed and very, very upset at how Mr. Hill  
 11 was treated. He is -- this is part of the public  
 12 comment, and his comments were dismissed one, after  
 13 another, after another. And I think that was highly  
 14 inappropriate, and I don't feel that that was the  
 15 way that the public should be treated. That's  
 16 number one, and I want to put that on record.  
 17 I also want to just comment about the  
 18 setbacks, for sure. It is too large of a building  
 19 for too small of a space. And it's been said time  
 20 and time again, hearing after hearing. That cannot  
 21 be emphasized more than that.  
 22 I think, also, the height of the building  
 23 is out of control. It is way too big. When you  
 24 come up from Allston going into Brookline, the

Page 109

1 height is -- it's just an overwhelming building that  
 2 is not in context with the neighborhood. And, in  
 3 fact, the development absolutely disrespects the  
 4 town and the neighborhood by having the size and the  
 5 scope that it is.  
 6 And I think, Ms. Poverman, you also used  
 7 the term "the building is stark and institutional"  
 8 earlier in the evening, and I would agree  
 9 100 percent that the architectural nature of that  
 10 is. So if there's something that's going to be  
 11 there and it has to be there because of 40B, it  
 12 should not be stark and institutional, and those are  
 13 two of the items that I'd like to talk about.  
 14 MS. POVERMAN: Thank you.  
 15 MS. SHAW: Hi. I'm Sloat Shaw,  
 16 88 Thorndike Street.  
 17 I actually wanted to mirror what Mr. Lepson  
 18 just said, that it just seemed really inappropriate  
 19 to cut off Mr. Hill, who was making some really good  
 20 points. And I was kind of shocked because this is  
 21 an open forum.  
 22 MS. POVERMAN: Actually, you're right, and  
 23 I apologize for that. That should not have  
 24 happened.

Page 110

1 MS. SHAW: So I wanted to bring up when he  
 2 was talking about -- I'm sorry. I forgot your  
 3 name -- but talking about the tanks at the gas  
 4 station. I've been at Thorndike Street since 1981,  
 5 and I remember when Tommy replaced the metal tanks  
 6 because they were leaking. And then he put in  
 7 fiberglass tanks about 10 years before he sold the  
 8 property.  
 9 And I was concerned when that -- there were  
 10 always smells coming into my basement that we  
 11 constantly had to call the fire department about,  
 12 and I wanted the soil tested more than it was  
 13 tested. I don't think that the entire site was  
 14 tested.  
 15 When I called the DEP to ask about the  
 16 testing of the site, they said that the people that  
 17 test the site are the new people who buy the  
 18 building, and that testing is usually confined to  
 19 certain areas. And, also, the town can order  
 20 testing, but not somebody like me right down the  
 21 road.  
 22 And what I asked about the site was there  
 23 was a hoist on the site. Is it a hoist?  
 24 MR. LEBOW: A pneumatic lift.

Page 111

1 MS. SHAW: A pneumatic lift on the site  
 2 where Tommy would pour down antifreeze and things  
 3 like that.  
 4 MR. LEBOW: Hydraulic oil.  
 5 MS. SHAW: There were a lot of toxins that  
 6 he would pour down. And when the place was sold, he  
 7 was walking around saying, I hope -- not to me. I  
 8 didn't find out about this until later. He said, I  
 9 hope they don't locate the lift, where it was. It  
 10 wasn't in the spot with the garage. So that was  
 11 what I was concerned about at the site, so that was  
 12 my comment. I don't think that the site has been  
 13 inspected as well as it need be.  
 14 MS. POVERMAN: Thank you.  
 15 MR. CAMPBELL: My name is James Campbell.  
 16 I live at 78 Thorndike Street, and it's a two-family  
 17 house. The 76 we rent, and we occupy the first  
 18 floor and the third floor, and we bypass the second  
 19 floor through the stairway.  
 20 We never had any problem renting the  
 21 apartment because, as everybody said, it's a nice,  
 22 sunny apartment. If you put up a four-story  
 23 building, it won't be sunny no more and it'll be  
 24 hard to rent. And that's part of my sister's

Page 112

1 income, is the rental from 76 Thorndike Street.  
 2 And another thing, it's only 5 feet from  
 3 the new building that's going up. What if a fire --  
 4 both kitchens on the second floor and on the first  
 5 floor face 455 Harvard Street. In case of a fire,  
 6 where do the firemen get a ladder up and place them  
 7 there or there. You have to go up straight. And I  
 8 think the fire department should be asked about it.  
 9 Thank you.  
 10 MS. POVERMAN: The fire chief will  
 11 absolutely do an analysis. I just want you to rest  
 12 assured of that. Okay. Thank you very much.  
 13 MS. VANDERKAY: Hi. I'm Judith Vanderkay,  
 14 town meeting member, Precinct 9 and homeowner at  
 15 16 Columbia Street, very close to this property.  
 16 I won't go into details because I did write  
 17 you a letter that will be posted tomorrow. And I  
 18 agree with everything that everyone has said so far.  
 19 This is just way too big, way out of proportion,  
 20 perpetrated on our neighborhood with disrespect and  
 21 disingenuousness, and that's the only detail I'm  
 22 going to go into.  
 23 I think it's, well, very disingenuous to  
 24 tell us that building out to the lot lines is a good

Page 113

1 thing, that it will restore some mythical  
 2 streetscape that we don't have now and that we don't  
 3 want. We like our open space. We like to see the  
 4 sun set across the parking lot. We don't want a row  
 5 of monolithic buildings taking away the sky and the  
 6 air and the breezes. We like our little gas  
 7 station -- former gas station building -- and we  
 8 really hope that if something has to replace it,  
 9 that it be something that is much more friendly to  
 10 its context. Thank you.  
 11 MS. POVERMAN: If you could just save your  
 12 applause to the end, that would be great.  
 13 MR. SCHLATTER: Hi. I'm Tom Schlatter.  
 14 I'm a resident at 121 Thorndike Street.  
 15 I apologize. I'm not really clear on the  
 16 whole process that we're going through here as far  
 17 as 40B goes -- allows them to get out of certain,  
 18 you know, zoning requirements or dimensional limits.  
 19 MS. SELKOE: At the next hearing on  
 20 June 7th, we've invited Judi Barrett, our consultant  
 21 on 40B matters, to come speak to you about what the  
 22 parameters of the 40B process are.  
 23 MR. SCHLATTER: Okay. And I'm also a  
 24 little unclear on the aesthetic matters that we've

Page 114

1 covered tonight as well. I think it's great to hear  
 2 about them and that they're in the scope of the  
 3 discussion.  
 4 As far as my comments go, looking at this  
 5 building as precedent for what's going to come next,  
 6 the next building that's going to be a little bit  
 7 bigger, a little bit higher, a little bit more than  
 8 what our standards allow today, and I'm concerned  
 9 about the next developer pointing at this and  
 10 saying, well, that was okay. Why can't I do  
 11 something like that.  
 12 In our neighborhood, we've got tall  
 13 buildings, we've multistory, flat-roofed buildings,  
 14 we've got buildings with no setback. But there's no  
 15 tall, multistory, flat-roofed buildings with no  
 16 setback, and we don't need one in this location.  
 17 I think the aesthetic discussion about the  
 18 presentation of the building coming from Allston  
 19 towards Coolidge Corner on Harvard Street was a  
 20 great one. I think the building makes for a really  
 21 poor gateway to Brookline and to the neighborhood.  
 22 It's not in keeping with its neighbors on Harvard  
 23 Street. I am really concerned about the safety of  
 24 the entrance to the parking on Thorndike Street with

Page 115

1 no setback with poor visibility there.  
 2 That's the end of my comments. Thank you.  
 3 MR. PINCHES: My name is Fred Pinches,  
 4 F-R-E-D, P-I-N-C-H-E-S. Old Brookline resident,  
 5 practically a native of the neighborhood.  
 6 I know that you basically stopped Mr. Hill  
 7 on the question of traffic noise -- not traffic  
 8 noise, but the parking situation down there because  
 9 that's a topic for another night. One noise  
 10 question, which I think also comes under pollution  
 11 over there, would be the HVAC units on the roof.  
 12 Seventeen units, each one with its own unit, plus  
 13 there's probably going to be two or three for common  
 14 areas, retail space, the whole thing, plus possible  
 15 exhaust fans from outside of the building, from a  
 16 potential restaurant or other uses over there. A  
 17 restaurant would pretty much require that. I'm sure  
 18 Pat Maloney can explain all the requirements on  
 19 carbon filters and everything else, food odors, a  
 20 number of other things over there which also would  
 21 be environmental, which seem to be the purview of  
 22 this meeting.  
 23 So I would like to throw in now that you  
 24 possibly let Mr. Hill have another opportunity to

Page 116

1 address some of these, ask questions, or the LSP to  
 2 talk about some of these environmental questions,  
 3 since this is the topic for the meeting.  
 4 The one thing I didn't hear the LSP --  
 5 which I think his analysis of work down there seems  
 6 to be -- you know, technical analysis -- very good.  
 7 One thing I didn't see get mentioned down there was  
 8 the question of radon, which I don't know if it's  
 9 required or basically was requested in your  
 10 contract.  
 11 But in New England geology, radon is a  
 12 potentially serious problem. And when you're  
 13 putting a building like this basically property line  
 14 to property line, which is more than any previous  
 15 use, restaurant, service station, whatever over  
 16 there -- down there, many of the things that he  
 17 mentioned over there possibly concentrating radon,  
 18 which is a gas, basically pulling it out,  
 19 concentrating it out to the property line where it  
 20 would go right into our neighbors down there, 5 feet  
 21 away plus the 3 feet that he now has to the side  
 22 entrance. You know, that is a potential problem.  
 23 So, again, I think that's something that if  
 24 that's not already been looked at, I think should be

Page 117

1 looked at down there. It's an environmental  
 2 question, again, a topic for this meeting. And if  
 3 it wasn't included in this contract, maybe we could  
 4 amend his contract for a few minutes or a few days,  
 5 whatever it takes, because radon is a very serious,  
 6 you know, invisible threat, but it's deadly and the  
 7 end. So that would be another environmental  
 8 question.  
 9 Also, the question just as more of the  
 10 practical things over there, you see the elevations  
 11 to the rear door. Again, the people -- the wall  
 12 that's going to be facing our neighbor's house.  
 13 Clapboard siding sounds nice, but it's still a  
 14 three-story wall that they're going to be looking  
 15 at.  
 16 They refer to a number of service doors.  
 17 Now, exactly what are these service doors going to  
 18 be used for? At the last presentation, they said  
 19 that they were going to have an exit for the trash  
 20 room, or entrance/exit, whatever, down there, a walk  
 21 down to the Starbucks property line, so to speak, to  
 22 the loading zone where the trash would be picked up.  
 23 So what's going to be happening at the rear entrance  
 24 over there? Are they going to be rumbling recycling

Page 118

1 containers out to Thorndike Street for the town?  
 2 Other things going on? Whatever. What's going to  
 3 be happening there?  
 4       And this gets back to the question of noise  
 5 pollution, which is a recognized form of pollution,  
 6 which can seriously affect the quality of life,  
 7 also, which would be even worse, because of the  
 8 small space between the property lines and the fact  
 9 that any noise is going to be basically echoing,  
 10 bouncing all over the place over there.  
 11       At least the existing use of the buildings  
 12 that are there now, pretty much the open space that  
 13 was referred to earlier down there, many of these  
 14 problems, sound and everything else, possible gas  
 15 down there, would be dissipated fairly quickly and  
 16 easily, now may be concentrated by this wall.  
 17       And, again, the wall itself down there  
 18 could become a wind tunnel, which could make it even  
 19 more difficult for somebody even to get into the  
 20 side entrance of the property, which he would like  
 21 to rent, and which he has historically rented, and  
 22 which is very important for them, financially as  
 23 well as other reasons.  
 24       And, I mean, people are going to be trying

Page 119

1 to go in during a windy day, and this 35-foot wall,  
 2 depending on the wind direction -- and I'm sure we  
 3 can get meteorological data for that from the  
 4 weather service -- you're going to have a wind -- a  
 5 wind tunnel. So, I mean, people are going to be  
 6 trying to get into the side entrance over there.  
 7 They're going to be blown out onto Thorndike Street.  
 8       So I know some of these things down there  
 9 may be more on the aesthetic side, the practical  
 10 side, but I think it's all, you know, relevant  
 11 because of the impact of this building, which,  
 12 again, I think is just too big. I mean, I know real  
 13 estate is location, location, location. 40B, it  
 14 seems to be, is always wrong location, wrong  
 15 location, wrong location.  
 16       And I think when you take out all the  
 17 artificial trees, the simulated trees, everything  
 18 else over there that makes everything else look  
 19 nice, and the one view that they show from the  
 20 Harvard Street elevation over there, if you remove  
 21 the mythical tree from the left side over there,  
 22 you're going to be looking at the houses on Lawton  
 23 Street: two-family houses, roughly that same kind  
 24 as Thorndike Street. And, again, I think that will

Page 120

1 show the big disparity in height between the  
 2 surrounding neighborhood, which I think they are  
 3 either intentionally or unintentionally trying to  
 4 obscure to make this thing look -- with the mythical  
 5 tree, everything looks very nice.  
 6       So I think the environmental questions, I  
 7 think, we should be looking at specifically, some of  
 8 the less technical questions, like the wind tunnel,  
 9 the noise, the previous uses over there, the service  
 10 station, which was very nice. They saved the old  
 11 Texaco station. That was something.  
 12       But our neighbors had enough problems over  
 13 there with b.good, with the trash dumpsters, the top  
 14 banging late at night, all the noise from that kind  
 15 of thing. And now we're talking about service doors  
 16 that are going to be right on the property line.  
 17       Again, noise is a recognized form of  
 18 pollution, and I think we should be looking at that.  
 19 And, again, it's an environmental question. I think  
 20 we would hopefully let Mr. Hill, if he is prepared,  
 21 to have another opportunity to address those,  
 22 excluding the traffic and parking.  
 23       MS. POVERMAN: Thank you.  
 24       MR. PINCHES: So those are the questions I

Page 121

1 think we should be looking at.  
 2       MS. POVERMAN: Thank you very much.  
 3       Mr. Rosen.  
 4       MR. ROSEN: I'm only here because I was  
 5 summoned to the microphone. Just kidding, of  
 6 course.  
 7       Hi, everybody. Thanks for letting me have  
 8 a chance to give a few comments about the  
 9 presentation tonight. I want to thank everyone who  
 10 spoke in support of continued setbacks. And I just  
 11 wanted to point out in terms of distances, the  
 12 distance of this 40-foot brick wall to the  
 13 Campbells' house is most likely closer than that  
 14 chair is to that chair where your stenographer is  
 15 sitting right now.  
 16       And if you can imagine being in the  
 17 Campbell house looking out the window trying to  
 18 figure out what the weather's going to be like  
 19 today, all you can see is, humm, looks like it's  
 20 going to be brick wall and partly brick wall, and  
 21 maybe if I look up high enough -- you know, it's  
 22 just a terrible mess. I don't know how you're going  
 23 to design -- pass muster. It's just a horrible  
 24 thing.

Page 122

1 But I did want to mention a couple things  
 2 that nobody brought up. I mean, the architect does  
 3 seem like a talented fellow. I'm sure he could do  
 4 better. You know, I'm not sure why Mr. Boehmer was  
 5 trying to wax eloquent about it. I thought the  
 6 design looks something like a renovated warehouse.  
 7 You really haven't done character to it.  
 8 But I did want to discuss a couple of  
 9 things about the developer's presentation. They  
 10 lack detail. They did discuss the mechanical  
 11 parking system, but there's no forthcoming detail of  
 12 the manufacturer, the model number, and the make.  
 13 In previous meeting with other 40B hearings, we  
 14 found --  
 15 MS. POVERMAN: Actually, it is online.  
 16 MR. ROSEN: Is it?  
 17 MS. SELKOE: It is, and we'll be discussing  
 18 that in greater detail --  
 19 MS. POVERMAN: At the next hearing.  
 20 MR. ROSEN: The other question I have is  
 21 about the lighting, specifically, and how high up in  
 22 the air is the lighting and what is the dispersal of  
 23 the lighting and what is the measurement of the  
 24 lighting in terms of a standard management, which

Page 123

1 is -- ANSI is a standard lighting measurement  
 2 indicator. "ANSI lumens" is what they're called,  
 3 and it gives you an indication of what the light  
 4 outfit is from these lighting instruments that  
 5 they're putting around the building. My concern is  
 6 it's going to change the character in the  
 7 neighborhood by lighting up the neighborhood  
 8 excessively, so I'm concerned about that.  
 9 And, again, I spoke to Mr. Boehmer about  
 10 this earlier. The idea of actually having lanterns  
 11 and green space around the building serves the  
 12 function of not only making the building look nice  
 13 and blending it in with the surrounding area, but it  
 14 also helps to decrease the amount of ambient traffic  
 15 noise that otherwise would be funneled down into  
 16 relatively quiet neighborhoods like Thorndike  
 17 Street. They make it much noisier because it would  
 18 just -- it reflects the surfaces of the building,  
 19 essentially. Stone and glass reflects down. It  
 20 will funnel it down into a quieter neighborhood.  
 21 And so if we have more actual plantings, not  
 22 mythical trees but the real ones, it would really  
 23 help to mitigate that.  
 24 So I think a lot can be done to make this

Page 124

1 project look better and work better and to fit in  
 2 the context not just of Harvard Street -- people did  
 3 talk about, well, there's zero setbacks on Harvard  
 4 Street. Well, what they failed to mention is that  
 5 there's zero setbacks on a one-story building.  
 6 That's a lot different from the zero setback on a  
 7 40-foot brick wall. It's -- you know, emotionally  
 8 and physically in the way it's perceived by the  
 9 pedestrians, a 40-foot brick wall right next to you  
 10 like this is very oppressive. However, if it's set  
 11 back 20 feet, it's not so bad. Maybe you can have a  
 12 little green space. And it provides a quality of  
 13 living, I think, that Brookline is more noted for.  
 14 Mr. Boehmer did mention that the north face  
 15 of the building, when you approach from Allston,  
 16 sends a very negative message about the design  
 17 aesthetic of Brookline and what they're allowed to  
 18 build here and what they support. So I encourage  
 19 your continued effort to really bring this into line  
 20 with the four sides of continuity of this building,  
 21 the residential as well as Harvard Street. Thank  
 22 you.  
 23 And I remember when Tommy had the  
 24 fiberglass tanks taken out, too, because the other

Page 125

1 ones were leaking. So, you know, anyway, that's  
 2 food for thought.  
 3 MR. ABBOTT WHITE: Good evening. My name  
 4 is George Abbot White. I'm another town meeting  
 5 member, Precinct 9. I live at 143 Winchester  
 6 Street, which is a continuous, for 19 months,  
 7 construction site.  
 8 And I'd like to associate myself with my  
 9 neighbors. One level, this is what democracy looks  
 10 likes. But I guess what I want to say, this is not  
 11 what democracy looks like.  
 12 Which I mean by that is that this evening  
 13 and for a number of evenings going forward, people  
 14 are going to present objections. Some of them may  
 15 be of an expert nature, and some of them may be just  
 16 people who have, like me, lived here 40 years and  
 17 who hope, God willing, to have grandchildren that  
 18 are going to be here.  
 19 What I'm concerned about is that this  
 20 community, my community, has felt this need to come  
 21 out late at night, many nights, to make obvious in  
 22 some ways what you as experts should be doing. And  
 23 I want to say that I was appalled. I'll say that.  
 24 I'll repeat that. I was appalled that the counselor



Page 126

1 for the neighbors, someone who had to be secured by  
 2 them, and as we did with the 420 Harvard Street,  
 3 paid for so that they could begin to secure our  
 4 rights as citizens in our town. We're here. We're  
 5 going to stay here, God willing. But the developers  
 6 are going to come, and the developers are going to  
 7 go.

8           And I think what I want to say this evening  
 9 is I'm very disappointed. I think it's your job at  
 10 one level to protect us, not just to sit there and  
 11 mock our counsel, to rush him through an attempt to  
 12 lay out some things. Cut him a little slack, give  
 13 him a little leeway. I was appalled by that, and I  
 14 think in the evenings to come you can do better, in  
 15 the same way that Mr. Rosen and Bob Lepson and some  
 16 of the other people have pointed out I think quite  
 17 clearly.

18           This is a project like so many others that  
 19 is driven by greed. That is the word that I know  
 20 we're living in at the time. And it's entirely out  
 21 of human scale. It is entirely out of human scale.  
 22 It's not very attractive, and it doesn't make any  
 23 attempt to be attractive to the people that, after  
 24 they go, will have to live with it. This isn't your

Page 127

1 neighborhood. You'll be gone. You will be gone,  
 2 and our children and grandchildren will be here and  
 3 they'll have to deal with it.

4           So I'm going to say it again to this board.  
 5 I think -- and we have a whole bunch of new town  
 6 meeting members in Brookline and they'll be meeting  
 7 very soon. And some of them are already gathering  
 8 in caucus. And I need to tell you, I need to put  
 9 you on notice, this is one of the things they're  
 10 going to be asking questions about: Are you, in  
 11 fact, advocates for us or not? And I have to tell  
 12 you now, the perception is that you are absolutely  
 13 not. Thank you.

14           MS. KOLODNER: My name is Anna Kolodner. I  
 15 live at 26 Columbia Street.

16           So I've listened to some of the experts who  
 17 have talked about precedent as a rationale for the  
 18 development of this building. And as a sociologist  
 19 who has studied urban development, I can tell you  
 20 that precedent is a specious argument for promoting  
 21 another building. If you just look at the urban  
 22 development decay, many of those cities were built  
 23 on one precedent after another precedent. So  
 24 precedent about -- that we have other 40B buildings

Page 128

1 in this neighborhood are not good, and that they  
 2 don't make this building any better whatsoever.

3           I don't remember everybody's name, but the  
 4 gentleman who gave the lengthiest report divided  
 5 Harvard Street into two sections: the section  
 6 facing towards Boston, and the section facing  
 7 towards Brookline. And it was clear that the  
 8 section facing towards Boston is one that's  
 9 diminished. It's diminished in pedestrian traffic,  
 10 it's diminished in site because it doesn't have  
 11 attractive buildings.

12           So why wouldn't this board and the Town of  
 13 Brookline take a leadership role and say that's not  
 14 the direction we want to go in? We want to go in  
 15 the direction towards Beacon Street, which has  
 16 smaller houses, setbacks, green space, where  
 17 essentially -- what you're doing, essentially, is  
 18 setting the precedent for the Boston view of Harvard  
 19 Street to be decimated, because this will be the  
 20 benchmark for what happens in the future.

21           The only other question I have, which is  
 22 relevant to what the previous gentleman just said,  
 23 has to do with -- I've been in Brookline for 25  
 24 years. Can you tell me, in the hierarchy of value,

Page 129

1 what the residents' perspective is? Whose voice do  
 2 you listen to, and what weight do you give to the  
 3 residents of the neighborhood who seem to me to be  
 4 unanimously opposed to this. I have not heard one  
 5 comment in support of this. So what voice do we  
 6 have? How do you view the public's voice, and what  
 7 percentage of input does that have to this decision?  
 8 Thank you.

9           MS. POVERMAN: Actually. Let me answer  
 10 that. It will be helpful if you do come to the  
 11 June 7th meeting when we have our 40B specialist,  
 12 Judi Barrett, who has been retained by the city --  
 13 town -- to help us navigate the difficult waters of  
 14 40B.

15           As board members, we take the input of the  
 16 citizens very seriously. We read your letters. I  
 17 find testimony very helpful. I take it into account  
 18 as additional evidence to be taken into account in  
 19 addition to what the experts say.

20           40B is a very difficult law in some ways.  
 21 It's very complicated, and it requires a lot of  
 22 balancing, and we have to ultimately apply the law.  
 23 And Judi, next time, will help, I hope, explain all  
 24 the various factors that have to be taken into

Page 130

1 account. But I do hope that you and all the  
 2 neighbors do continue to come.

3 MS. KOLODNER: Can I just get one other  
 4 small point? When the gentleman who represents the  
 5 40B, the affordable housing, made his comments about  
 6 the -- that the architect was not here and etc., he  
 7 commented that he would bring all the expert  
 8 testimony back to the architect, but he left out  
 9 that he would bring the public's comment to the  
 10 architect. And I think for me, at least, that's the  
 11 most important. Thank you.

12 MS. POVERMAN: I think we have our last  
 13 person.

14 MS. GALLIMORE: My name is Joanna  
 15 Gallimore. I live at 11 Russell Street. This is  
 16 the second 40B hearing I've attended, so I just felt  
 17 I had to speak. I'm a little nervous. The first  
 18 one was just down the block, and it's virtually  
 19 identical. Neighbors voiced very, very good  
 20 comments, but it will end up with very little  
 21 mitigation of the actual proposed building.

22 But having lived in the area for a long  
 23 time, I'm discouraged that potentially the very  
 24 pleasing aspects of this part of Brookline are

Page 131

1 eventually going to be eliminated, and then we will  
 2 just have an area that people want to pass through  
 3 as opposed to stay and linger, which is what's  
 4 happening now. And so to me, the primary problems  
 5 these buildings are causing is the loss of sunlight  
 6 to this area of Harvard Street, which is diminished;  
 7 the commercial area, no one's going to want to hang  
 8 out and gather in front of stores if there's no  
 9 sunlight.

10 And I disagree with Mr. Boehmer. There is  
 11 quite a vista that goes all the way down Harvard  
 12 Street and is defined by the trees, by the  
 13 buildings. You can just have this beautiful view  
 14 all the way up Harvard Street, which makes the area  
 15 so pleasing. So I'm very dismayed that you see it  
 16 as just something that has potential for a large  
 17 building.

18 MS. POVERMAN: Actually, I'm going to  
 19 interrupt for just one minute. I'm sorry.

20 To give Mr. Boehmer credit, he left out  
 21 part of his analysis, which is on the web, which has  
 22 a large portion of the overall character of Harvard  
 23 Street, which I think you'll appreciate when you see  
 24 it. It does discuss the whole feel of Harvard

Page 132

1 Street. He just abbreviates it a little bit.

2 MS. GALLIMORE: On Sunday, I see countless  
 3 people come up from Boston, a stream of people just  
 4 walking down the area to enjoy the open area of this  
 5 part of Brookline that is quite in contrast with the  
 6 bordering Boston. It's almost as though people  
 7 almost sort of -- psychologically, it's a very nice  
 8 place to be as opposed to being in the street or an  
 9 area of Boston nearby that has just been overbuilt  
 10 or built up with no sense of just a nice place to  
 11 walk, a very walkable area. So I'm afraid that  
 12 that's what I'm seeing, is all these buildings are  
 13 going to basically eliminate that. And that's due  
 14 to the mass of the building, the actual size.

15 So really nothing -- it just has to be  
 16 mitigated in height to some degree. I appreciate  
 17 this building is shorter than the others. It's  
 18 still at least a story too large, and that's just  
 19 the bottom line. And I think that -- so I do think  
 20 this thing should be defeated because it is not  
 21 addressing local needs, it's not -- it's eliminating  
 22 more open space, and it is not in scale to the  
 23 entire neighborhood, which I think are valid  
 24 arguments to deny this design as it stands. So

Page 133

1 thank you.

2 MS. POVERMAN: Thank you.

3 MS. BUCKLEY: Hi. My name is Caroline  
 4 Buckley and I live at 45 Coolidge Street.

5 First, I want to concur with the other  
 6 speakers. The imposing height of the building is  
 7 exacerbated by the lack of setbacks from Harvard and  
 8 Thorndike Street. The minimum setback to the  
 9 abutters results in an absolute loss of light and  
 10 privacy, which is further aggravated by the outdoor  
 11 patio on the fourth floor which looks directly into  
 12 their yard. In my opinion, a larger setback from  
 13 the abutter is needed.

14 Also, a transition zone or a smaller  
 15 setback from Thorndike Street may be considered in  
 16 an effort to mitigate height. This transition zone  
 17 from the public footpath to the private residential  
 18 building would provide a much needed open space.  
 19 The building, as proposed, is depriving JFK Crossing  
 20 of what little open space is left and is playing a  
 21 significant part in generating an urban jungle  
 22 devoid of plantings, greenery, and open space.

23 Finally, the architectural aesthetics of  
 24 the proposed design and its mediocre genericness

Page 134

1 doesn't make any attempt to enhance or excite the  
 2 area. Conversely, the blank brick elevation, devoid  
 3 of fenestration facing the Starbucks parking lot  
 4 lends a fortress-like facade to the street.  
 5         And then just to do with the materials that  
 6 are selected for the building, in my opinion, the  
 7 abrupt change from three elevations of masonry and  
 8 brick to a solitary clapboard elevation is quite  
 9 jarring, and it takes away from a cohesive-looking  
 10 building. And I think that maybe having the  
 11 materials reflected on all four sides of the  
 12 building would create for more of a cohesive  
 13 expression in the building.  
 14         All right. That's all I want to say.  
 15 Thank you.  
 16         MS. POVERMAN: Thank you.  
 17         Okay. We will move to the next stage, but  
 18 first, Mr. Hill, I want to apologize again for the  
 19 discourteous behavior you were shown and my personal  
 20 lack of courtesy. It will not happen again.  
 21         Now I would like to have the three of us  
 22 give a charge to the developer if we agree, which I  
 23 think we do, for the most part, on what we'd like to  
 24 see, taking into account for changes based on what

Page 135

1 Mr. Boehmer has said in terms of working groups,  
 2 which I think has happened in the past quite  
 3 successfully with the developer, members of the  
 4 planning department, and Mr. Boehmer.  
 5         Lark, what would you like to say?  
 6         MS. PALERMO: Well, I also wanted to  
 7 know -- there was a meeting with the neighborhood,  
 8 Polly?  
 9         MS. SELKOE: It was -- the developer held a  
 10 meeting with the neighborhood.  
 11         MS. PALERMO: That didn't involve the  
 12 planning staff?  
 13         MS. SELKOE: That's correct.  
 14         MS. PALERMO: Okay. So we don't know what  
 15 happened at that meeting?  
 16         MS. SELKOE: Well, we've heard about some  
 17 things that happened. We don't know specifically.  
 18         MS. PALERMO: Okay. Well, one of the  
 19 things I would like to see is some meeting that  
 20 incorporates the folks in the neighborhood with the  
 21 developer, if we could have something along those  
 22 lines.  
 23         MS. SELKOE: Well, that's not typically  
 24 what we do, and I think we've heard from the

Page 136

1 neighborhood in this public meeting what their  
 2 concerns are. And we've also accepted written  
 3 comments. So I think we're very well aware of what  
 4 the neighborhood's concerns are.  
 5         MS. PALERMO: So the next meeting you would  
 6 have would just be with the planning board and --  
 7         MS. SELKOE: Planning department staff, the  
 8 development team, and Mr. Boehmer. And that's the  
 9 practice that we've had with the other cases too.  
 10         MS. PALERMO: All right. Well, my  
 11 perspective is much the same as the people in the  
 12 neighborhood have said. We all know the building is  
 13 larger than we want it to be. And I think it would  
 14 be helpful for the developer to recognize that there  
 15 should be some adjustments made; clearly to the  
 16 setbacks, also to the height, which might be  
 17 addressed through reducing the floor-to-floor,  
 18 ceiling-to-floor heights. And the materials, we  
 19 need more specific information about materials,  
 20 about the mechanicals, the location of the  
 21 mechanicals. There's a fair amount of work to be  
 22 done, and I'm hoping when we all get back together,  
 23 we'll see the results of that.  
 24         MS. POVERMAN: Chris, what is your comment?

Page 137

1         MR. HUSSEY: Well, I've basically made  
 2 them. I think dropping the roof cornice is a good  
 3 idea, reducing the floor-to-floor heights, and some  
 4 more setback at Thorndike in the rear.  
 5         But I think what we're going to have to  
 6 decide at some point is whether or not to tell the  
 7 developer he's got to take two floors off. I think  
 8 that's the only thing that will satisfy the  
 9 neighbors. It may or may not result in answers that  
 10 we want to hear, but at some point we probably want  
 11 to make that request. And we could talk more about  
 12 that sort of thing with Judi.  
 13         MS. SELKOE: Well, keep in mind that even  
 14 under current zoning, if it weren't a 40B and it  
 15 were a 40A and it needed to conform to our zoning  
 16 bylaws -- which 40Bs don't have to conform to our  
 17 zoning bylaw, as mandated by the state -- they would  
 18 be allowed to have a 40-foot tall building.  
 19         MS. POVERMAN: Yeah. That's a very good  
 20 point.  
 21         UNIDENTIFIED AUDIENCE MEMBER: Could you  
 22 clarify that?  
 23         MS. POVERMAN: So what Polly is saying is  
 24 under the current zoning, it is a commercial

Page 138

1 district. And even if this weren't a 40B project,  
 2 they could build a 40-foot-high building. However,  
 3 the setbacks would be different.  
 4 UNIDENTIFIED AUDIENCE MEMBER: Polly, could  
 5 you clarify the FAR? If they build a 40-foot  
 6 building, how wide --  
 7 MS. SELKOE: I don't think this is the --  
 8 MS. POVERMAN: I don't know if that's  
 9 something we can look at. But I do not feel  
 10 personally, at this point, ready to agree that a  
 11 substantial drop in height is something I would  
 12 discuss.  
 13 Lark, have you thought about that?  
 14 MS. PALERMO: I have thought about it, and  
 15 I have not come to a conclusion. I'm listening to  
 16 Chris. And as an architect, I -- which he is -- I  
 17 very much respect his opinion.  
 18 What it comes down to is whether this  
 19 project would be feasible economically for the  
 20 developer if we insisted on this. And I'm not  
 21 saying that because I care desperately about whether  
 22 this is economically feasible for the developer,  
 23 because I don't. I'm saying it because if it isn't,  
 24 then they'll overturn our decision and build what

Page 139

1 they want.  
 2 MS. SELKOE: The Housing Appeals Court.  
 3 MS. PALERMO: So we'll just have to be  
 4 mindful of that. But that doesn't mean we can't  
 5 ask, and it doesn't mean that we can't look to the  
 6 developer to consider that and potentially come up  
 7 with a project that is economically viable that is  
 8 at least a floor lower.  
 9 MR. HUSSEY: I'd like to answer the  
 10 question about the zoning, what is it now. Because  
 11 what this basically goes back to, you've got a lot  
 12 of other lots around here besides these 40Bs. The  
 13 zoning now, as has been stated, allows a height of  
 14 40 feet, an FAR of 1. This project is 2.46. The  
 15 setbacks -- the Harvard Street setback is 10 feet  
 16 that's required now, and the Thorndike is 10 feet,  
 17 so the setback are not all that different from what  
 18 you're seeing there.  
 19 What I tell people, if you really want to  
 20 get what you want, you're going to have to change  
 21 the basic zoning in the Town of Brookline through  
 22 your town meeting representative. That's the core  
 23 problem here. This project will come and go,  
 24 however it happens. But as of right, future

Page 140

1 buildings are going to be pretty big and pretty  
 2 tall. There is not much that, as of right --  
 3 MS. SELKOE: Right. Well, you're talking  
 4 about non-40B projects, because a 40B project does  
 5 not have to conform to zoning, and that's mandated  
 6 by the state. It's not something the town had  
 7 mandated.  
 8 MS. POVERMAN: Well, my view, personally,  
 9 is that this is a project which -- well, let me say  
 10 this: I agree that the setbacks on Thorndike and  
 11 with the neighbor need to be increased. I think  
 12 that the look of the project, as Cliff Boehmer has  
 13 set out, can be improved and articulated to be more  
 14 in keeping with the type of neighborhood. I think  
 15 that the architect, the planning department, and  
 16 Mr. Boehmer have the skills and experience to  
 17 develop the bays, the articulations to make it a  
 18 building that fits in much more with the stream  
 19 of -- you know, fill in the architectural detail  
 20 word -- of Harvard Street and Thorndike.  
 21 That is going to entail a fair amount of  
 22 work. I don't mean to minimize that. But I think  
 23 that given the law of 40B, we also have to be quite  
 24 realistic about what we ask. I think that getting

Page 141

1 significant setbacks would be very helpful in terms  
 2 of making the project more palatable.  
 3 As unpleasant as this may be to hear, I  
 4 think that this developer has been -- unlike other  
 5 developers, has not come in high, saying, okay, I  
 6 know they're going to ask me to cut off 20 percent,  
 7 but they come in with what's a relatively reasonable  
 8 ask. And I know that's hard to hear, but based on  
 9 other things we've seen, this is relatively  
 10 reasonable. And that doesn't mean I think we're  
 11 seeing the final amount. It doesn't mean I think  
 12 that it is where we should end up. You know, it may  
 13 have to be a lower number of units to get to a size  
 14 based on bigger setbacks. So I don't mean to say  
 15 that. But we also don't want to punish the  
 16 developer for being reasonable.  
 17 So where I come down is bigger setbacks, at  
 18 least on Thorndike and the neighbor. I'd love to  
 19 see some vegetation on the side facing Starbucks to  
 20 head off all the vapors and also to get some green  
 21 stuff in there.  
 22 So I think we're actually all pretty much  
 23 in agreement, except for the possibility of asking  
 24 for a reduction in the height. So do you guys want

Page 142

1 to draw a line in the sand now?

2 MS. PALERMO: I actually have another

3 question, because you're sitting there with the

4 zoning code.

5 The reason we keep talking about what can

6 the developer do as of right is because what that

7 means is they can just do it without having any

8 public hearings or coming to us. And that as of

9 right is something that is always a threat, and I

10 think that's something to think about as well.

11 Because if they weren't doing a 40B project, I'd

12 like to know what they could do as of right.

13 So it's 40 feet of height --

14 MS. SELKOE: Let me just say that a project

15 of this size would never be as of right; not because

16 of the height, but any projects in Brookline that's

17 four or more units requires a special permit for

18 design review.

19 MS. PALERMO: What about commercial?

20 MS. SELKOE: Any project that's greater

21 than six units requires a special permit for

22 affordable housing.

23 A commercial project would have to meet the

24 parking --

Page 143

1 MS. PALERMO: Well, that was where I was

2 going. Yeah, you could do a commercial project as

3 of right without getting any approvals, provided

4 your height is limited to 40 feet, the setbacks, the

5 FAR is 1.

6 And that was my question: What's the

7 parking requirement?

8 You don't have that in front of you. Okay.

9 MS. SELKOE: The parking requirement is one

10 parking space for every 350 square feet on the

11 ground floor.

12 MS. PALERMO: Okay. Every 350 square feet.

13 MS. SELKOE: On the ground floor.

14 MS. PALERMO: Just on the ground floor. So

15 that's all they're measuring?

16 MS. SELKOE: No. I'm sorry. And then on

17 the upper floors, it's one per 550.

18 MS. PALERMO: Okay. So I was just trying

19 to get a sense of how out of compliance this

20 building would be if it were a commercial building.

21 Because in order to help the neighborhood understand

22 what we struggle with, that is what we struggle

23 with, because that's something that we would have no

24 control over if the developer proposed it.

Page 144

1 So this is our opportunity to try to make

2 it a better building for the neighborhood and for

3 the town and to keep us in compliance with the 40B

4 law which circumvents local zoning bylaws because we

5 don't have 10 percent of our units that are

6 considered to be affordable in the Town of

7 Brookline. So as long as that's the case,

8 developers can do this, and we are the victims or

9 the beneficiaries, whichever way you want to look at

10 it. But that's what I wanted you to understand, and

11 what parking was. So okay, thank you.

12 Yeah, height. I don't know, Chris. What

13 do you think? Do you want to ponder this?

14 MR. HUSSEY: Well, I think we should get

15 all of the peer review through and then have a

16 general discussion at the end that decides whether

17 we start asking for a reduction in the number of

18 floors or not.

19 MS. POVERMAN: Well, I think that's

20 difficult because I think we need to give a charge

21 to the developer now to start working --

22 MR. HUSSEY: The developer is hearing us.

23 MS. POVERMAN: Yes. But I think that --

24 don't we want them to see what they can come up with

Page 145

1 in terms of tweaking or --

2 MS. PALERMO: We're asking for more than

3 tweaking right now. This is not tweaking. We've

4 asked the developer to do --

5 MS. POVERMAN: But we have a set amount of

6 time. So when does this hearing -- when is the 180

7 days up?

8 MS. SELKOE: I believe it's in October.

9 MS. POVERMAN: October?

10 MR. HUSSEY: I think it's too soon.

11 MS. POVERMAN: All right. So we go out to

12 June 7th?

13 MR. HUSSEY: Yeah.

14 MS. PALERMO: That's fine by me.

15 MS. SELKOE: But I do think that the

16 development team has heard what you've had to say

17 and sort of what the neighbors have to say. And I

18 think we can -- hopefully they will make some

19 progress in revising their design.

20 MS. POVERMAN: All right. Is there any

21 other administrative stuff we need to deal with,

22 Polly?

23 MS. SELKOE: Well, just to say that this

24 hearing will -- you will be continuing it to

1 June 7th. And on the June 7th meeting, we will be  
2 hearing from the traffic and parking peer reviewer  
3 on some of the issues that were mentioned here  
4 tonight.

5 We also will be hearing from Judi Barrett  
6 about the parameters for 40B projects and the ins  
7 and outs of what it means if, let's say, this board  
8 were to not approve it or to approve it with  
9 conditions or -- and the implications of all that  
10 and what the housing appeals court has done in other  
11 cases when things have not been approved.

12 So I think that for all of you here  
13 tonight, I think it's very important that you attend  
14 so you can ask questions about the process and  
15 understand it a little bit better.

16 MS. POVERMAN: Thank you. This hearing is  
17 adjourned until June 7th at 7:00.

18 (Proceedings adjourned at 10:19 p.m.)  
19  
20  
21  
22  
23  
24

1 I, Kristen C. Krakofsky, court reporter and  
2 notary public in and for the Commonwealth of  
3 Massachusetts, certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth and  
6 that the foregoing is a true and correct transcript  
7 of my shorthand notes so taken.

8 I further certify that I am not a relative  
9 or employee of any of the parties, nor am I  
10 financially interested in the action.

11 I declare under penalty of perjury that the  
12 foregoing is true and correct.

13 Dated this 24th day of May, 2017.

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Kristen Krakofsky, Notary Public

17 My commission expires November 3, 2017.  
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<hr/> <b>1</b> <hr/>	<b>17-apartment</b> 21:24	25:20 26:3 83:7 90:9 116:21	<b>455</b> 4:5 38:13 67:22 70:10 71:10 76:19 81:14 84:19 112:5
<b>1</b> 8:12,18 20:5 46:24 58:20 91:7 139:14 143:5	<b>18</b> 25:11 36:12	<b>30</b> 88:12	<b>46</b> 107:13
<b>1,700</b> 4:12,13	<b>180</b> 145:6	<b>310</b> 88:12 90:8 93:9	<b>47</b> 20:14,16
<b>1,735</b> 20:7,10	<b>19</b> 15:2,13 125:6	<b>35</b> 20:17,20 25:16 36:10	<b>48</b> 52:2 95:14
<b>1/2</b> 26:3	<b>1930s</b> 68:2	<b>35-foot</b> 119:1	<b>4th</b> 6:9
<b>10</b> 50:9 51:24 79:9 110:7 139:15,16 144:5	<b>1981</b> 110:4	<b>350</b> 143:10,12	<hr/> <b>5</b> <hr/>
<b>100</b> 35:18 109:9	<b>19th</b> 4:20	<b>3rd</b> 6:9	<b>5</b> 8:18 37:4 58:20 112:2 116:20
<b>10:19</b> 146:18	<hr/> <b>2</b> <hr/>	<hr/> <b>4</b> <hr/>	<b>5,000</b> 67:15
<b>11</b> 8:16 20:5 50:10 130:15	<b>2</b> 46:19 76:18 88:5	<b>40</b> 91:23 92:1 125:16 139:14 142:13 143:4	<b>5-foot</b> 21:10 45:2
<b>116</b> 89:1	<b>2.46</b> 139:14	<b>40-foot</b> 36:19 121:12 124:7,9 137:18 138:5	<b>50</b> 52:2
<b>12</b> 20:4	<b>2.5</b> 25:19	<b>40-foot-high</b> 138:2	<b>500</b> 88:23
<b>12-inch</b> 95:6,11	<b>20</b> 15:2,13 46:18 52:1 79:11 124:11 141:6	<b>40.0180</b> 93:9	<b>550</b> 143:17
<b>121</b> 113:14	<b>2003</b> 82:15 83:9	<b>40.1004</b> 90:8	<b>5:00</b> 41:21,24 42:19
<b>13</b> 20:5	<b>2006</b> 68:2 82:20	<b>40A</b> 137:15	<hr/> <b>6</b> <hr/>
<b>143</b> 125:5	<b>22</b> 25:11	<b>40B</b> 4:4 11:20 17:6 97:8 98:5, 8,12,22 99:13 104:20 105:10 109:11 113:17, 21,22 119:13 122:13 127:24 129:11,14,20 130:5,16 137:14 138:1 140:4,23 142:11 144:3 146:6	<b>6</b> 8:12,18 91:24
<b>15</b> 56:10,13 79:9 91:19	<b>23</b> 88:2	<b>40bs</b> 42:9 97:6 137:16 139:12	<b>6,000-gallon</b> 89:12
<b>15th</b> 26:6	<b>25</b> 99:21 100:1 128:23	<b>420</b> 126:2	<b>64</b> 106:6
<b>16</b> 112:15	<b>26</b> 127:15	<b>45</b> 52:2 133:4	<hr/> <b>7</b> <hr/>
<b>17</b> 4:9 20:2 99:18	<b>28th</b> 15:16		<b>7</b> 8:13,22
<b>17,000</b> 4:10	<hr/> <b>3</b> <hr/>		<b>750</b> 88:23
<b>17-</b> 20:7	<b>3</b> 6:16 7:15 8:21,22 20:4		

<p><b>76</b> 111:17 112:1</p> <p><b>77</b> 10:8</p> <p><b>78</b> 8:15,19 10:19 101:24 104:3 111:16</p> <p><b>7:00</b> 146:17</p> <p><b>7:04</b> 4:2</p> <p><b>7th</b> 6:13 102:12 113:20 129:11 145:12 146:1,17</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 8:13,18 50:9</p> <p><b>88</b> 109:16</p> <p><b>8:29</b> 67:1</p> <p><b>8:38</b> 67:1</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 8:16 50:18 108:5 112:14 125:5</p> <p><b>90</b> 9:20</p> <p><b>90-degree</b> 29:9</p> <p><b>9:00</b> 41:21</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>a.m.</b> 41:21 42:19</p> <p><b>Abbot</b> 125:4</p> <p><b>ABBOTT</b> 125:3</p>	<p><b>abbreviates</b> 132:1</p> <p><b>ability</b> 55:5</p> <p><b>able</b> 38:3 46:16 47:2,3</p> <p><b>abrupt</b> 134:7</p> <p><b>absence</b> 55:4</p> <p><b>absolute</b> 101:8 133:9</p> <p><b>absolutely</b> 57:10 83:13 92:7 103:6 109:3 112:11 127:12</p> <p><b>abuts</b> 16:10</p> <p><b>abutter</b> 102:3 104:2 133:13</p> <p><b>abutters</b> 133:9</p> <p><b>abutting</b> 20:17,20 25:12,18 27:18 44:22</p> <p><b>acceptable</b> 83:9,11 103:21</p> <p><b>accepted</b> 136:2</p> <p><b>access</b> 20:9 21:5 22:6 44:16,17</p> <p><b>accessed</b> 20:8</p> <p><b>accessibility</b> 46:17,24</p> <p><b>accessible</b> 11:6 46:20</p> <p><b>accommodate</b> 46:2</p> <p><b>account</b> 12:15 129:17,18 130:1 134:24</p> <p><b>accurate</b> 35:18</p> <p><b>active</b> 45:18</p>	<p><b>activity</b> 18:9,10</p> <p><b>actual</b> 12:5 53:14 65:9 123:21 130:21 132:14</p> <p><b>add</b> 9:18 66:7,10</p> <p><b>addition</b> 129:19</p> <p><b>additional</b> 4:21 6:1,14 27:4 29:22 76:12,23 77:2 107:6 129:18</p> <p><b>address</b> 28:23 71:7,8 75:2 80:11 82:5 100:13 101:8,15 105:22 106:2 116:1 120:21</p> <p><b>addressed</b> 57:21 65:10 81:2 101:10 136:17</p> <p><b>addressing</b> 86:13,19 132:21</p> <p><b>adequate</b> 21:12 38:8 53:4 57:18 64:10 95:15</p> <p><b>adjacent</b> 8:1,15 9:1 48:8 61:16</p> <p><b>adjourn</b> 66:23</p> <p><b>adjourned</b> 146:17,18</p> <p><b>adjustments</b> 136:15</p> <p><b>administrative</b> 5:23 145:21</p> <p><b>Admittedly</b> 7:11</p> <p><b>advanced</b> 100:10</p> <p><b>advice</b> 105:5,6</p> <p><b>advisory</b> 88:2</p> <p><b>advocates</b> 127:11</p>	<p><b>aesthetic</b> 113:24 114:17 119:9 124:17</p> <p><b>aesthetics</b> 34:6,7 133:23</p> <p><b>affect</b> 63:5 66:3 118:6</p> <p><b>affordability</b> 99:17</p> <p><b>affordable</b> 4:10 6:4 64:19 99:21,23 104:21 130:5 142:22 144:6</p> <p><b>afraid</b> 132:11</p> <p><b>afternoon</b> 22:22 32:11</p> <p><b>agencies</b> 74:11</p> <p><b>agenda</b> 100:8</p> <p><b>aggravated</b> 133:10</p> <p><b>ago</b> 6:9 7:9 41:15 79:11 80:23</p> <p><b>agree</b> 61:6,15 65:12 66:6 102:23 105:23,24 109:8 112:18 134:22 138:10 140:10</p> <p><b>agreed</b> 28:10 54:11</p> <p><b>agreement</b> 141:23</p> <p><b>ahead</b> 51:21</p> <p><b>air</b> 73:21 74:1,4,7,9 79:8,24 80:2,5 84:2 113:6 122:22</p> <p><b>align</b> 33:11</p> <p><b>Allen</b> 94:22</p> <p><b>allow</b> 23:22 32:3 35:15 36:19</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>93:11,13 96:24 114:8</p> <p><b>allowed</b> 107:11 124:17 137:18</p> <p><b>allows</b> 113:17 139:13</p> <p><b>Allston</b> 18:17 19:4,5,7 108:24 114:18 124:15</p> <p><b>Allston/brighton</b> 19:6 24:21</p> <p><b>alternative</b> 75:11</p> <p><b>ambient</b> 10:15,17,20 123:14</p> <p><b>amend</b> 117:4</p> <p><b>amenities</b> 21:22,24</p> <p><b>amount</b> 30:7 52:16 64:7 89:16 95:3 123:14 136:21 140:21 141:11 145:5</p> <p><b>analysis</b> 51:8 82:22 87:10 112:11 116:5,6 131:21</p> <p><b>angle</b> 29:9 65:1</p> <p><b>Anna</b> 127:14</p> <p><b>ANSI</b> 123:1,2</p> <p><b>answer</b> 14:10 34:18 35:20 75:1 129:9 139:9</p> <p><b>answered</b> 24:1 73:14 99:5</p> <p><b>answers</b> 100:4 137:9</p> <p><b>antifreeze</b> 111:2</p> <p><b>anybody</b> 13:12 86:2 91:16</p> <p><b>anyway</b> 30:18 32:22 37:21 38:7 77:22 88:11 125:1</p>	<p><b>apart</b> 16:21</p> <p><b>apartment</b> 17:12 111:21,22</p> <p><b>apologize</b> 7:15 109:23 113:15 134:18</p> <p><b>appalled</b> 125:23,24 126:13</p> <p><b>appeal</b> 58:7</p> <p><b>appeals</b> 13:2 139:2 146:10</p> <p><b>appear</b> 46:4 79:18 81:18</p> <p><b>appears</b> 25:4,5,21 44:16,17 46:1 70:15 75:9 81:5,7,20,23</p> <p><b>applause</b> 113:12</p> <p><b>applicant</b> 4:20 6:5 87:9 97:18 98:22,24 99:2,7,9,12 100:9 101:22 102:7 104:23</p> <p><b>application</b> 4:5,8 7:2 11:20 22:18 98:22</p> <p><b>applications</b> 12:4 98:5,9</p> <p><b>applies</b> 101:18</p> <p><b>apply</b> 99:13 129:22</p> <p><b>appreciate</b> 131:23 132:16</p> <p><b>appreciated</b> 106:1</p> <p><b>approach</b> 39:3 45:21 124:15</p> <p><b>approaches</b> 21:17</p> <p><b>approaching</b> 29:18,20 32:13</p> <p><b>appropriate</b></p>	<p>26:19 44:6 49:3 56:1 104:17,22</p> <p><b>approvals</b> 143:3</p> <p><b>approve</b> 146:8</p> <p><b>approved</b> 42:9,12 146:11</p> <p><b>approximately</b> 20:14 25:11,16 26:8</p> <p><b>April</b> 4:20 6:13 15:16</p> <p><b>architect</b> 32:4 35:5 38:20 53:22 59:20 61:22 97:15 122:2 130:6,8,10 138:16 140:15</p> <p><b>architect's</b> 48:4</p> <p><b>architectural</b> 6:12 15:7 30:20 50:2 52:24 66:7 109:9 133:23 140:19</p> <p><b>architecturally</b> 66:8</p> <p><b>architecture</b> 16:18 17:4 22:9 106:5</p> <p><b>area</b> 16:3,4,13 20:11,23 21:11,23 22:20 31:20 34:11 36:9 37:3 42:6 45:13 75:9 84:6 86:1 95:3,8 96:6 103:17 123:13 130:22 131:2,6,7, 14 132:4,9,11 134:2</p> <p><b>areas</b> 17:10 19:12,15 84:5 110:19 115:14</p> <p><b>aren't</b> 24:1 40:6</p> <p><b>argument</b> 49:7 98:18 127:20</p> <p><b>arguments</b> 132:24</p> <p><b>arithmetic</b> 35:6</p>	<p><b>articulated</b> 140:13</p> <p><b>articulation</b> 24:15 27:16,22,24 33:2 40:16 48:5 63:20</p> <p><b>articulations</b> 140:17</p> <p><b>artificial</b> 119:17</p> <p><b>ash</b> 72:21</p> <p><b>ashes</b> 84:4</p> <p><b>asked</b> 4:20 6:14 7:24 9:3 10:2, 10,22 55:14 92:13 110:22 112:8 145:4</p> <p><b>asking</b> 23:23 34:11 54:7 85:13 94:3 127:10 141:23 144:17 145:2</p> <p><b>aspect</b> 35:10</p> <p><b>aspects</b> 130:24</p> <p><b>assess</b> 69:5</p> <p><b>assessment</b> 80:9 81:8 85:20 86:18, 21,23 91:8</p> <p><b>assessments</b> 80:23</p> <p><b>assistant</b> 5:3</p> <p><b>associate</b> 125:8</p> <p><b>associated</b> 83:20 94:7</p> <p><b>Associates</b> 6:21 87:24</p> <p><b>assume</b> 82:16 93:3,4</p> <p><b>assuming</b> 12:14 41:22 53:13 80:14</p> <p><b>assumption</b></p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>30:15 93:4</p> <p><b>assured</b> 112:12</p> <p><b>attacks</b> 42:19</p> <p><b>attempt</b> 107:17 126:11,23 134:1</p> <p><b>attempted</b> 100:13</p> <p><b>attend</b> 11:17 54:10 146:13</p> <p><b>attended</b> 130:16</p> <p><b>attention</b> 53:8</p> <p><b>attic</b> 26:23 64:4</p> <p><b>attorney</b> 97:1,5</p> <p><b>attractive</b> 44:7 126:22,23 128:11</p> <p><b>audience</b> 14:6 23:24 40:20 41:8 59:11,18 137:21 138:4</p> <p><b>authority</b> 105:8</p> <p><b>automated</b> 33:24</p> <p><b>available</b> 35:7</p> <p><b>Avenue</b> 13:16 15:23 16:2 31:23</p> <p><b>average</b> 33:12</p> <p><b>award</b> 88:6</p> <p><b>aware</b> 15:4 74:11 79:10 136:3</p> <p><b>awful</b> 32:11</p> <p><b>awnings</b> 26:22</p>	<hr/> <p><b>B</b></p> <hr/> <p><b>b.good</b> 120:13</p> <p><b>Babcock</b> 9:15</p> <p><b>back</b> 8:10,12,15 9:11 10:19 17:10 23:1,3,9 25:1,3,10, 14 29:3,11,13 33:14 36:10,12 38:11,17,19 45:19 57:1,4,6 62:2,5,11 63:19 75:1,5 96:10 104:15 118:4 124:11 130:8 136:22 139:11</p> <p><b>background</b> 68:6,12 71:23 72:5,18 76:22 77:18,19,23 78:3 84:7 88:10</p> <p><b>backs</b> 60:3</p> <p><b>bad</b> 124:11</p> <p><b>balancing</b> 129:22</p> <p><b>balcony</b> 30:4 31:7</p> <p><b>band</b> 27:10,11,16 30:4</p> <p><b>bands</b> 27:8</p> <p><b>banging</b> 120:14</p> <p><b>bank</b> 91:9</p> <p><b>bar</b> 100:21 101:2,3,4</p> <p><b>Barrett</b> 113:20 129:12 146:5</p> <p><b>barrier</b> 74:17,22 75:14 91:23 92:8,15 93:21 94:1,5,11</p> <p><b>Bartash</b> 6:17 97:22 98:1</p> <p><b>base</b> 14:1 24:10,12 31:3 36:20</p>	<p><b>based</b> 6:12 56:15 76:10 77:1 97:5 102:18 134:24 141:8,14</p> <p><b>basement</b> 110:10</p> <p><b>basic</b> 21:24 139:21</p> <p><b>basically</b> 34:20 37:9 41:7 48:8 56:11 67:13,18 68:1 69:2,16 70:7,17 71:11 72:19 74:6 76:20 77:4,19 78:7,12 86:18,20 96:1 99:6 101:24 102:8 115:6 116:9,13,18 118:9 132:13 137:1 139:11</p> <p><b>basis</b> 54:18 86:5</p> <p><b>bay</b> 8:20 59:12,13,17</p> <p><b>bays</b> 25:24 28:3 33:17 58:24 59:3 60:1,10 140:17</p> <p><b>Beacon</b> 128:15</p> <p><b>bear</b> 27:4</p> <p><b>beautiful</b> 131:13</p> <p><b>becoming</b> 82:3</p> <p><b>beginning</b> 45:20 75:23</p> <p><b>behavior</b> 134:19</p> <p><b>believe</b> 7:3 15:4 34:14 48:23 54:24 82:21 97:1 99:23 145:8</p> <p><b>believes</b> 36:21 50:1</p> <p><b>belongs</b> 107:19</p> <p><b>benchmark</b> 128:20</p>	<p><b>bend</b> 17:22</p> <p><b>beneficial</b> 18:11 49:1 58:18</p> <p><b>beneficiaries</b> 144:9</p> <p><b>benefit</b> 11:23 19:15 54:20,21 56:4,12 57:12</p> <p><b>benefits</b> 62:15</p> <p><b>best</b> 74:19,21</p> <p><b>better</b> 22:9 32:6 34:8 41:15 58:12 63:20 101:6,9 122:4 124:1 126:14 128:2 144:2 146:15</p> <p><b>beyond</b> 56:5</p> <p><b>bicycle</b> 21:23</p> <p><b>big</b> 28:17 43:11 51:18 60:23 61:10 64:23 85:22 86:13 108:23 112:19 119:12 120:1 140:1</p> <p><b>bigger</b> 38:1 40:19 43:5 51:23 114:7 141:14,17</p> <p><b>biggest</b> 37:16</p> <p><b>bill</b> 89:6</p> <p><b>bit</b> 16:22 17:16 18:5 38:23 53:17 62:3 114:6,7 132:1 146:15</p> <p><b>black</b> 101:2</p> <p><b>blame</b> 98:9</p> <p><b>blank</b> 134:2</p> <p><b>blending</b> 123:13</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>block</b> 15:23 33:22 130:18</p> <p><b>blocking</b> 106:10</p> <p><b>blocks</b> 17:1</p> <p><b>blown</b> 119:7</p> <p><b>blue</b> 8:3 9:16</p> <p><b>blunder</b> 97:17</p> <p><b>board</b> 4:17 6:6 7:7 11:21 13:2,4 14:19,21 15:3,24 23:22 28:6,10,23 29:2 32:2 33:10 36:23 38:10,11 39:17 46:11 52:4 54:3 55:3 56:23 65:7 97:24 98:1,2 99:6 103:10 104:3,4 105:5 127:4 128:12 129:15 136:6 146:7</p> <p><b>board's</b> 105:8</p> <p><b>Bob</b> 108:4 126:15</p> <p><b>body</b> 24:11,12,17 25:1,10 39:2,19</p> <p><b>Boehmer</b> 4:24 12:13,21 13:1,22 14:9 19:7,23 24:4,7 26:5 30:13,18 34:23 35:3,23 37:24 38:7 40:12,22 41:11 43:17,18 44:15 47:18,24 50:15,20 51:6, 17 52:18 54:7,14,16 55:1 56:6,15 57:5,10 58:4 59:5,15,19 61:24 63:13, 16 64:15 85:11,13,14 86:4 103:14 122:4 123:9 124:14 131:10,20 135:1, 4 136:8 140:12,16</p> <p><b>Boehmer's</b> 11:23 14:6 54:20 97:19</p> <p><b>bordering</b> 132:6</p>	<p><b>Boston</b> 16:21 17:8,17 19:5 29:10,21 49:17 67:10 128:6,8,18 132:3,6,9</p> <p><b>bottom</b> 8:21 33:20 132:19</p> <p><b>bouncing</b> 118:10</p> <p><b>bows</b> 21:19</p> <p><b>breach</b> 98:24 99:10</p> <p><b>break</b> 66:13 67:21</p> <p><b>breaking</b> 26:24</p> <p><b>breezes</b> 113:6</p> <p><b>brevice</b> 106:1</p> <p><b>brick</b> 24:18,21 26:19,20 28:2 33:5 43:20 44:5 64:15, 18,20 121:12,20 124:7,9 134:2,8</p> <p><b>brief</b> 6:7</p> <p><b>briefly</b> 45:6 102:6</p> <p><b>bright</b> 23:6</p> <p><b>Brighton</b> 19:4</p> <p><b>bring</b> 7:17 101:7,13 106:17,18 110:1 124:19 130:7,9</p> <p><b>bringing</b> 18:9</p> <p><b>broader</b> 13:12 21:18</p> <p><b>broken</b> 16:18</p> <p><b>Brookline</b> 29:6 30:23 31:22 97:8 98:4,6 102:8 108:24 114:21 115:4 124:13,17</p>	<p>127:6 128:7,13,23 130:24 132:5 139:21 142:16 144:7</p> <p><b>Brookline's</b> 105:2</p> <p><b>brought</b> 87:10 102:6,15 122:2</p> <p><b>Buckley</b> 133:3,4</p> <p><b>buffer</b> 32:3 38:9 57:2</p> <p><b>buffering</b> 49:24</p> <p><b>build</b> 71:14 124:18 138:2,5,24</p> <p><b>building</b> 6:10 8:2,10,14,15,17,22 9:1,5,7,10,17,22 10:4 15:10,18,21 19:11,24 20:1,6,11,12,13,16 21:18,20,21 22:1,3,14,16 23:1,3,9,10,15,16,17 24:17 25:13,16 26:12 27:7,22 28:4,9,12,13,18, 19 29:11,12,17 30:7,11, 16 32:5,21 35:11 36:7 37:3 38:16 39:3,12,19 40:7 44:17,20 45:1,8,23 46:18,20,22 48:6,18 49:10,16 50:8 51:9,16 52:5,12,17,22 56:16 57:5,12,22 61:10,12,16 62:11 63:4,6 64:2 65:14, 16,18,22 66:16,18 69:14, 17 70:1,15,18,20 71:16 74:5,16,17 75:13,17 79:23 81:21 85:6 87:1 91:21,24 92:12,18 93:8 94:14,15,17 96:2,3,8,13 108:18,22 109:1,7 110:18 111:23 112:3,24 113:7 114:5,6,18,20 115:15 116:13 119:11 123:5,11,12,18 124:5,15, 20 127:18,21 128:2 130:21 131:17 132:14,17 133:6,18,19 134:6,10,12, 13 136:12 137:18 138:2, 6 140:18 143:20 144:2</p> <p><b>building's</b> 74:7</p>	<p><b>buildings</b> 8:1 17:12 19:13 24:7 31:4 33:15 36:20 44:2 52:2 58:9 59:10 60:15,22 69:1 74:5 113:5 114:13, 14,15 118:11 127:24 128:11 131:5,13 132:12 140:1</p> <p><b>built</b> 127:22 132:10</p> <p><b>bunch</b> 127:5</p> <p><b>business</b> 79:11 86:9</p> <p><b>buy</b> 110:17</p> <p><b>bylaw</b> 56:9 88:4 137:17</p> <p><b>bylaws</b> 137:16 144:4</p> <p><b>bypass</b> 111:18</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>cafe</b> 53:4</p> <p><b>calculations</b> 35:13</p> <p><b>call</b> 27:10 29:24 74:5 110:11</p> <p><b>called</b> 48:15 110:15 123:2</p> <p><b>Cambridge</b> 97:6</p> <p><b>Campbell</b> 111:15 121:17</p> <p><b>Campbells'</b> 121:13</p> <p><b>can't</b> 7:16 28:1 53:12 73:3 79:20 114:10 139:4,5</p> <p><b>candles</b> 10:15,21</p> <p><b>cap</b> 24:11,12 71:14,21</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>capped</b> 71:15</p> <p><b>capping</b> 73:2</p> <p><b>carbon</b> 115:19</p> <p><b>care</b> 5:23 44:6 80:16 138:21</p> <p><b>careful</b> 49:21</p> <p><b>Caroline</b> 133:3</p> <p><b>carry</b> 28:2</p> <p><b>carrying</b> 27:1 60:16</p> <p><b>cars</b> 11:3</p> <p><b>case</b> 12:9 87:9 88:21 112:5 144:7</p> <p><b>cases</b> 136:9 146:11</p> <p><b>cast</b> 10:12 63:24</p> <p><b>casting</b> 101:23</p> <p><b>catch</b> 18:20,21 20:18 32:14</p> <p><b>categorize</b> 85:15</p> <p><b>category</b> 44:10 77:19 79:6</p> <p><b>caucus</b> 127:8</p> <p><b>cause</b> 71:13 80:5 81:22 91:21</p> <p><b>causing</b> 131:5</p> <p><b>ceiling</b> 50:17 51:1</p> <p><b>ceiling-to-floor</b> 136:18</p> <p><b>cementitious</b></p>	<p>24:24 43:23</p> <p><b>center</b> 9:6,16,23 10:5,7</p> <p><b>certain</b> 43:7 110:19 113:17</p> <p><b>certainly</b> 13:12 14:17 29:12 38:1 47:1 78:23</p> <p><b>chair</b> 121:14</p> <p><b>chairing</b> 5:11</p> <p><b>challenge</b> 30:20</p> <p><b>Chambers</b> 5:2 67:6,8,16 69:20 70:3, 6 71:8 72:9,12 73:17,20 74:23 75:24 76:7,15,18 77:4,10 78:12,19,22 80:21 81:13 82:11,19 83:13,15 85:17 86:5,20</p> <p><b>chance</b> 14:7 24:3 54:16 86:24 121:8</p> <p><b>change</b> 23:12 28:18 37:20,21,23 44:5 69:5 80:1,4 123:6 134:7 139:20</p> <p><b>changed</b> 7:22</p> <p><b>changes</b> 11:14,24 12:5 77:17 134:24</p> <p><b>changing</b> 85:5</p> <p><b>chapter</b> 104:20</p> <p><b>character</b> 122:7 123:6 131:22</p> <p><b>characterized</b> 68:5 104:12</p> <p><b>charge</b> 134:22 144:20</p> <p><b>charged</b> 19:12</p>	<p><b>charred</b> 84:3</p> <p><b>chase</b> 14:11 92:5</p> <p><b>chasing</b> 12:1</p> <p><b>check</b> 91:13,14</p> <p><b>chemicals</b> 89:1</p> <p><b>chief</b> 112:10</p> <p><b>children</b> 127:2</p> <p><b>chimney</b> 74:6</p> <p><b>chlorinated</b> 73:22 76:7 79:6 80:22 81:16 90:15,21 91:12</p> <p><b>chlorinates</b> 89:1</p> <p><b>choice</b> 87:5</p> <p><b>choose</b> 75:15</p> <p><b>Chris</b> 11:13 61:4 63:2,4 75:20 136:24 138:16 144:12</p> <p><b>Christo's</b> 67:23 68:18 69:19 76:3 78:16 79:15 80:4,22 83:3 84:24 90:16</p> <p><b>Christopher</b> 5:12</p> <p><b>circulation</b> 44:12</p> <p><b>circumvents</b> 144:4</p> <p><b>cities</b> 127:22</p> <p><b>citizens</b> 126:4 129:16</p> <p><b>city</b> 93:18 129:12</p>	<p><b>clad</b> 24:17 43:20</p> <p><b>claim</b> 77:23</p> <p><b>claims</b> 98:24</p> <p><b>clapboard</b> 43:22,23 117:13 134:8</p> <p><b>clapboards</b> 44:3</p> <p><b>clarify</b> 7:24 10:22 12:8 41:20 137:22 138:5</p> <p><b>classic</b> 59:14</p> <p><b>clean</b> 68:7 70:12 73:8 78:9</p> <p><b>cleaned</b> 86:10</p> <p><b>cleaner</b> 67:23 73:13,16,23 89:24 91:10</p> <p><b>cleaners</b> 68:18 69:22 79:7 90:17</p> <p><b>cleaning</b> 69:19</p> <p><b>clear</b> 7:8 25:6 31:15 33:21 34:5 43:19 46:5 54:9 55:2 59:16 62:10 83:4 113:15 128:7</p> <p><b>clearly</b> 24:11 126:17 136:15</p> <p><b>client</b> 42:2 55:2 91:22</p> <p><b>client's</b> 42:16</p> <p><b>Cliff</b> 4:24 12:14 13:1 61:6 63:11 85:13 140:12</p> <p><b>close</b> 10:18 17:21 20:20 26:2 70:16 74:20 82:4 90:12 91:15 112:15</p> <p><b>closed</b> 75:9</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>closer</b> 18:2,3,9,10,16 36:14 39:11 121:13</p> <p><b>closest</b> 36:9 39:5</p> <p><b>closing</b> 83:22</p> <p><b>closure</b> 89:18</p> <p><b>closure-level</b> 85:20</p> <p><b>CMR</b> 88:12 90:8 93:9</p> <p><b>coal</b> 72:21 84:4,5</p> <p><b>code</b> 30:7 91:24 142:4</p> <p><b>codes</b> 46:17</p> <p><b>coherence</b> 16:17</p> <p><b>coherent</b> 16:1 17:4 30:1 45:21</p> <p><b>cohesive</b> 134:12</p> <p><b>cohesive-looking</b> 134:9</p> <p><b>collaboration</b> 54:17</p> <p><b>colleague</b> 73:6</p> <p><b>colleagues</b> 66:10 71:1</p> <p><b>collected</b> 95:4 96:8</p> <p><b>Columbia</b> 107:13 112:15 127:15</p> <p><b>combination</b> 24:23</p> <p><b>combined</b> 57:23</p> <p><b>come</b> 19:8 52:3 67:7 75:1,4 86:21 97:3 105:20 108:24 113:21 114:5</p>	<p>125:20 126:6,14 129:10 130:2 132:3 138:15 139:6,23 141:5,7,17 144:24</p> <p><b>comes</b> 73:7 92:1 96:5 115:10 138:18</p> <p><b>coming</b> 24:20 40:11 44:12 49:17 65:1,18 110:10 114:18 142:8</p> <p><b>comment</b> 6:22 21:4 27:13 28:4,16 38:22 43:18 44:4 46:7 50:5,20 54:8 63:1 65:12 66:17 82:14 97:1,14,20 104:16 107:20 108:7,12, 17 111:12 129:5 130:9 136:24</p> <p><b>commented</b> 63:3 130:7</p> <p><b>commenting</b> 42:22</p> <p><b>comments</b> 4:17 7:12,13 12:16 13:4, 8 14:4,16,19,20 15:8 27:21 46:9 54:24 55:5 64:21 66:19 97:12,19 101:12 104:13 107:14 108:12 114:4 115:2 121:8 130:5,20 136:3</p> <p><b>commercial</b> 16:7,11,12 17:2 18:9 19:3 20:7 21:6,11 24:16 30:3 31:4 36:17,19 42:5 45:12,18 104:16,22 105:9 131:7 137:24 142:19,23 143:2,20</p> <p><b>commission</b> 4:18</p> <p><b>committee</b> 88:2 103:11</p> <p><b>common</b> 42:14 115:13</p> <p><b>Commonwealth</b> 9:15</p> <p><b>communicated</b> 11:22 55:1 97:21</p>	<p><b>communication</b> 54:18</p> <p><b>communications</b> 97:23</p> <p><b>community</b> 15:3 125:20</p> <p><b>compared</b> 16:19 45:22</p> <p><b>completed</b> 79:18 81:7</p> <p><b>completely</b> 48:3 107:2</p> <p><b>compliance</b> 143:19 144:3</p> <p><b>complicated</b> 56:18 129:21</p> <p><b>comply</b> 105:2</p> <p><b>component</b> 88:17,18,20</p> <p><b>components</b> 48:13</p> <p><b>comport</b> 41:22</p> <p><b>compound</b> 79:4</p> <p><b>compounds</b> 76:5 79:3,7 83:24 84:13 85:19</p> <p><b>comprehensive</b> 4:4</p> <p><b>compresses</b> 32:19</p> <p><b>concentrated</b> 118:16</p> <p><b>concentrating</b> 116:17,19</p> <p><b>conceptual</b> 46:14</p> <p><b>concern</b> 34:1 123:5</p> <p><b>concerned</b> 15:11 55:3 61:14 79:13 91:18 103:15 104:9,10 110:9 111:11 114:8,23</p>	<p>123:8 125:19</p> <p><b>concerns</b> 7:8 28:24 49:9 51:15 104:8 136:2,4</p> <p><b>concluded</b> 76:21 77:11 95:14</p> <p><b>conclusion</b> 77:6 95:1 138:15</p> <p><b>conclusions</b> 40:19</p> <p><b>concrete</b> 21:12 92:21</p> <p><b>concur</b> 14:20 133:5</p> <p><b>conditioned</b> 34:16</p> <p><b>conditions</b> 67:19 73:5 146:9</p> <p><b>confident</b> 81:1</p> <p><b>confined</b> 110:18</p> <p><b>conform</b> 46:17 137:15,16 140:5</p> <p><b>confused</b> 103:4</p> <p><b>confusion</b> 42:23</p> <p><b>consider</b> 139:6</p> <p><b>consideration</b> 28:6 39:24 49:6</p> <p><b>considerations</b> 32:22 46:13</p> <p><b>considered</b> 32:10 133:15 144:6</p> <p><b>consistency</b> 16:17</p> <p><b>consistent</b> 11:20 12:4 44:8 50:3,17 60:16</p> <p><b>consists</b> 71:6</p> <p><b>constantly</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

110:11	<b>continued</b> 121:10 124:19	22 29:10 32:13 44:19,21 114:19	<b>cracks</b> 74:8
<b>constraint</b> 30:19	<b>continues</b> 37:10 39:14	<b>corners</b> 15:18 26:21	<b>cramped</b> 33:9
<b>construct</b> 4:9 92:18	<b>continuing</b> 45:20 145:24	<b>cornice</b> 28:7,9,15 60:15 61:6 137:2	<b>cranked</b> 22:14
<b>constructed</b> 92:13	<b>continuity</b> 62:15 124:20	<b>correct</b> 51:14 78:19 100:24 101:1 102:3 135:13	<b>create</b> 27:23 28:3 35:8 44:7 59:21 60:1,11,12 64:17 68:24 92:12 134:12
<b>construction</b> 47:11 76:11 77:1,18 92:19 125:7	<b>continuous</b> 125:6	<b>corridor</b> 39:10	<b>creating</b> 28:22 30:1 37:24 39:14 49:10 56:12 62:15 84:23
<b>consultant</b> 6:5 68:5 77:10 82:20 113:20	<b>contract</b> 116:10 117:3,4	<b>cost</b> 72:8	<b>creation</b> 38:12 48:24
<b>Consulting</b> 67:9	<b>contractor</b> 96:4,9	<b>cost-effective</b> 69:13	<b>credit</b> 131:20
<b>contacted</b> 91:16	<b>contrast</b> 132:5	<b>couldn't</b> 25:4,7 32:18 75:8 86:11	<b>critical</b> 31:23 65:8,10
<b>contain</b> 25:21	<b>contrasted</b> 33:3	<b>counsel</b> 126:11	<b>cross</b> 85:2
<b>contained</b> 13:20 26:6	<b>contrasting</b> 26:23	<b>counselor</b> 125:24	<b>Crossing</b> 133:19
<b>containers</b> 96:3,9 118:1	<b>control</b> 98:21 99:14 108:23 143:24	<b>countless</b> 132:2	<b>crosswalk</b> 100:20
<b>contains</b> 29:23	<b>controls</b> 37:12 39:6	<b>couple</b> 7:8 18:1 41:15 47:3,10 51:11 53:20 81:16 84:13 122:1,8	<b>CUBE</b> 6:16 7:15
<b>contaminant</b> 78:9	<b>Conversely</b> 134:2	<b>course</b> 24:2 64:9,12 121:6	<b>cubic</b> 88:23
<b>contaminate</b> 68:14 72:24 73:21,24	<b>conveyed</b> 53:22	<b>court</b> 139:2 146:10	<b>curb</b> 20:24 21:2 41:1 42:14 43:9,12 45:16
<b>contaminated</b> 71:5 72:4 78:4 88:14 90:3	<b>convinced</b> 33:13	<b>courtesy</b> 134:20	<b>current</b> 14:1 45:11 86:6 94:15 137:14,24
<b>contaminates</b> 72:22 77:20 86:7	<b>Coolidge</b> 9:11 10:9 16:10 17:3 18:3,19 32:13 106:6 114:19 133:4	<b>cover</b> 45:10 92:3 93:21 94:1,12	<b>currently</b> 29:24 39:4 43:9 52:14 68:20 69:23 76:10,20 77:5,15 83:15 84:18
<b>contamination</b> 68:4,8 71:9 72:1 76:5 78:2 83:3 85:21 89:14, 19,22 93:19	<b>copious</b> 53:20 54:4	<b>covered</b> 114:1	<b>curve</b> 8:11 21:15
<b>context</b> 9:19 13:15 23:20 103:18 109:2 113:10 124:2	<b>corbeling</b> 64:18	<b>covering</b> 45:14 73:2	<b>curved</b> 26:20
<b>contingency</b> 77:12 83:16 84:22	<b>core</b> 139:22	<b>covers</b> 20:1 94:13	<b>curves</b> 8:9
<b>continue</b> 27:16 66:13 95:10 130:2	<b>corner</b> 8:7,8 10:18 16:10 17:3,7 18:3,19 20:8 21:2 22:4 26:20 27:7,12,13,17,20,	<b>cow</b> 38:24	

<p><b>customarily</b> 6:17</p> <p><b>cut</b> 9:23 10:8 14:10 20:24 41:1 42:14 43:10 92:4 109:19 126:12 141:6</p> <p><b>cuts</b> 10:6 21:2 43:12 45:17</p> <p><b>cutting</b> 9:8 23:1,3,9</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>Daily</b> 18:20,21 32:14</p> <p><b>Dan</b> 97:4</p> <p><b>Danesh</b> 4:12 35:12,17,22 43:8 47:20 50:12,18 105:16</p> <p><b>Danny</b> 43:8</p> <p><b>dashed</b> 8:3</p> <p><b>data</b> 69:9 84:17 119:3</p> <p><b>date</b> 7:21 72:6</p> <p><b>dates</b> 54:11</p> <p><b>datum</b> 60:14</p> <p><b>DAVID</b> 4:12 35:12,17,22 47:20 50:12,18</p> <p><b>Davis</b> 104:7</p> <p><b>day</b> 30:16 40:24 43:7 71:21 119:1</p> <p><b>daycare</b> 85:23</p> <p><b>days</b> 73:22 117:4 145:7</p> <p><b>deadly</b> 117:6</p>	<p><b>deal</b> 53:1 54:15 57:15 66:4 85:4 98:8 127:3 145:21</p> <p><b>dealt</b> 31:11 75:16 82:10</p> <p><b>debate</b> 84:7</p> <p><b>decade</b> 68:21 74:12</p> <p><b>decay</b> 127:22</p> <p><b>decide</b> 137:6</p> <p><b>decided</b> 79:14</p> <p><b>decides</b> 144:16</p> <p><b>deciduous</b> 57:14</p> <p><b>decimated</b> 128:19</p> <p><b>decision</b> 129:7 138:24</p> <p><b>decrease</b> 123:14</p> <p><b>deep</b> 75:3</p> <p><b>deep-dive</b> 69:3</p> <p><b>deeper</b> 32:2 78:23</p> <p><b>defeated</b> 132:20</p> <p><b>defined</b> 131:12</p> <p><b>definitely</b> 58:15 82:11</p> <p><b>definition</b> 56:8</p> <p><b>degree</b> 48:9 132:16</p> <p><b>degrees</b> 9:20</p> <p><b>delineated</b></p>	<p>104:11</p> <p><b>delivered</b> 87:11</p> <p><b>deliveries</b> 21:6</p> <p><b>democracy</b> 125:9,11</p> <p><b>demolition</b> 15:11</p> <p><b>dense</b> 103:12 104:5</p> <p><b>density</b> 15:9 18:16 103:3</p> <p><b>deny</b> 132:24</p> <p><b>DEP</b> 72:18 76:20 81:23 89:15, 22 90:10 91:6 110:15</p> <p><b>department</b> 6:14 11:22 54:23 68:23 95:24 106:4 110:11 112:8 135:4 136:7 140:15</p> <p><b>depending</b> 119:2</p> <p><b>depicted</b> 26:16 39:4 47:7</p> <p><b>deployment</b> 26:18</p> <p><b>depositing</b> 78:5</p> <p><b>depressurize</b> 74:6</p> <p><b>depriving</b> 133:19</p> <p><b>description</b> 19:18,19</p> <p><b>design</b> 4:24 6:19 12:6 14:3,18 15:7 23:18 31:13,18 40:1 49:5,21 51:8 53:14,23 74:24 94:8 103:6 105:3 121:23 122:6 124:16 132:24 133:24 142:18 145:19</p>	<p><b>design-related</b> 46:12</p> <p><b>designated</b> 43:5,6 44:21</p> <p><b>designed</b> 64:1</p> <p><b>desperately</b> 138:21</p> <p><b>detail</b> 23:2 31:6 44:7 48:5 59:9 70:6,24 112:21 122:10, 11,18 140:19</p> <p><b>detailed</b> 14:11 19:17 41:16 46:14 47:9 65:15 70:23</p> <p><b>detailing</b> 31:4 33:5 50:2 57:19 60:17,20,21 63:24 64:8, 18</p> <p><b>details</b> 14:21 48:12 49:13,24 66:3 71:6 112:16</p> <p><b>determinate</b> 37:17</p> <p><b>determine</b> 67:19 80:9 83:2,11 90:10 100:2</p> <p><b>develop</b> 140:17</p> <p><b>developed</b> 34:6</p> <p><b>developer</b> 4:16 6:1 47:23 59:4 69:4 70:20 72:3 85:4,5 87:2 92:6 94:5 102:20 105:14 114:9 134:22 135:3,9,21 136:14 137:7 138:20,22 139:6 141:4,16 142:6 143:24 144:21,22 145:4</p> <p><b>developer's</b> 4:21 122:9</p> <p><b>developers</b> 126:5,6 141:5 144:8</p> <p><b>developing</b> 50:2</p> <p><b>development</b> 12:22 13:13,14 16:5,11</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>17:7,9 19:3 45:21 49:5 51:21 62:18 67:20 73:5 94:21 95:2,22 109:3 127:18,19,22 136:8 145:16</p> <p><b>developments</b> 13:6 51:20 52:6,7</p> <p><b>develops</b> 31:13</p> <p><b>devoid</b> 133:22 134:2</p> <p><b>DHCD</b> 98:7</p> <p><b>diagram</b> 100:21</p> <p><b>didn't</b> 11:17 13:18 29:3 35:5 42:18 50:11 74:23 89:14, 21 111:8 116:4,7 135:11</p> <p><b>difference</b> 28:17 85:22</p> <p><b>different</b> 37:18 83:23 86:7 124:6 138:3 139:17</p> <p><b>differentiation</b> 27:15</p> <p><b>difficult</b> 118:19 129:13,20 144:20</p> <p><b>dig</b> 73:3 78:23</p> <p><b>digging</b> 80:18 81:10</p> <p><b>dimension</b> 27:8,17 47:2</p> <p><b>dimensional</b> 103:19 113:18</p> <p><b>dimensions</b> 29:7 37:5 41:17 56:10</p> <p><b>diminished</b> 27:9 128:9,10 131:6</p> <p><b>diminishes</b> 27:11</p> <p><b>diminution</b> 18:16</p> <p><b>dining</b></p>	<p>28:23 29:7 45:13</p> <p><b>dinner</b> 106:8</p> <p><b>direct</b> 10:13,16,18 23:7 102:3</p> <p><b>direction</b> 16:9,16 17:4,23 29:19 65:19 119:2 128:14,15</p> <p><b>directly</b> 16:23 40:5 45:12 133:11</p> <p><b>director</b> 5:3,8 94:23</p> <p><b>dirt</b> 72:16</p> <p><b>disagree</b> 131:10</p> <p><b>disappointed</b> 53:12 126:9</p> <p><b>disappointing</b> 53:23</p> <p><b>disassociated</b> 30:1</p> <p><b>discharge</b> 95:10</p> <p><b>discharged</b> 95:4</p> <p><b>discouraged</b> 130:23</p> <p><b>discourteous</b> 134:19</p> <p><b>discuss</b> 122:8,10 131:24 138:12</p> <p><b>discussed</b> 105:22</p> <p><b>discussing</b> 102:12 106:24 122:17</p> <p><b>discussion</b> 23:8 57:23 114:3,17 144:16</p> <p><b>disingenuous</b> 112:23</p> <p><b>disingenuousness</b> 112:21</p> <p><b>dismayed</b></p>	<p>108:10 131:15</p> <p><b>dismissed</b> 108:12</p> <p><b>disparity</b> 120:1</p> <p><b>dispersal</b> 122:22</p> <p><b>disposal</b> 72:8 73:6 76:10</p> <p><b>disposed</b> 73:9</p> <p><b>disrespect</b> 112:20</p> <p><b>disrespects</b> 109:3</p> <p><b>dissipated</b> 118:15</p> <p><b>dissipates</b> 17:16</p> <p><b>dissolution</b> 16:16 17:14</p> <p><b>distance</b> 18:22 30:13 100:19,23 101:1,2 121:12</p> <p><b>distances</b> 121:11</p> <p><b>distinguish</b> 23:6</p> <p><b>distribution</b> 43:2</p> <p><b>district</b> 138:1</p> <p><b>Ditto</b> 5:9 94:24 95:13 102:11, 23</p> <p><b>dive</b> 75:3</p> <p><b>divided</b> 99:24 128:4</p> <p><b>doable</b> 39:1</p> <p><b>dock</b> 42:24 43:10</p> <p><b>documented</b></p>	<p>85:18</p> <p><b>documents</b> 14:19</p> <p><b>doesn't</b> 8:11 28:18 29:8 35:6 38:20 46:4 48:23 57:11 62:13 81:18 91:6 99:4,12 107:24 126:22 128:10 134:1 139:4,5 141:10,11</p> <p><b>doing</b> 53:22 64:9 73:2 125:22 128:17 142:11</p> <p><b>dollars</b> 88:4</p> <p><b>don't</b> 7:3 12:10 25:22 31:6 34:2,13,17 35:17 41:3 47:12,18 49:17 50:21 51:22 52:4 55:2,15 57:11 61:9 62:19 64:13 66:4 68:9 70:10 71:5 75:11 78:22 84:10,16,17 85:22 87:6,15 89:13,17 90:19 91:16 93:17 94:6 98:9 101:10,16 105:6 106:17 107:3 108:14 110:13 111:9,12 113:2,4 114:16 116:8 121:22 128:2,3 135:14,17 137:16 138:7, 8,23 140:22 141:14,15 143:8 144:5,12,24</p> <p><b>door</b> 33:21 34:12 41:9 48:14 69:15,21 70:16 117:11</p> <p><b>doors</b> 31:8 37:6,8 44:24 117:16,17 120:15</p> <p><b>doorered</b> 25:21</p> <p><b>double</b> 89:12</p> <p><b>double-loaded</b> 39:10</p> <p><b>downgraded</b> 93:8</p> <p><b>drainage</b> 5:9 94:20 95:1,6,11,13, 16</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p><b>draining</b> 95:5</p> <p><b>draw</b> 70:19 85:7 142:1</p> <p><b>drawings</b> 25:8 34:9,15 46:6 47:8 48:16</p> <p><b>drill</b> 91:11</p> <p><b>driven</b> 126:19</p> <p><b>driver</b> 101:4</p> <p><b>drone</b> 13:18</p> <p><b>drop</b> 36:7 138:11</p> <p><b>dropped</b> 36:10</p> <p><b>dropping</b> 61:7 137:2</p> <p><b>dry</b> 67:23 68:18 69:19,22 73:13,16,23 79:7 89:23 90:17 91:10</p> <p><b>due</b> 18:1 22:3 70:16 99:14 132:13</p> <p><b>dumped</b> 72:21</p> <p><b>dumpsters</b> 120:13</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>earlier</b> 37:18 97:15 109:8 118:13 123:10</p> <p><b>easement</b> 102:20</p> <p><b>easily</b> 118:16</p> <p><b>east</b> 45:1</p> <p><b>easy</b> 40:8 60:11</p>	<p><b>eat</b> 72:16 73:3 106:8</p> <p><b>Echelman</b> 106:3,14,18</p> <p><b>echoing</b> 118:9</p> <p><b>economically</b> 138:19,22 139:7</p> <p><b>effect</b> 72:17 74:6</p> <p><b>effective</b> 23:4,10 38:9 64:19</p> <p><b>effectively</b> 43:4 70:22 71:9 96:14 107:2</p> <p><b>effects</b> 71:14</p> <p><b>effort</b> 124:19 133:16</p> <p><b>egress</b> 39:14 44:22</p> <p><b>either</b> 12:11 27:14 29:19 71:16 74:14 80:8 82:6 83:3 86:18,22 88:20 120:3</p> <p><b>element</b> 31:1</p> <p><b>elements</b> 29:24 30:2 65:9,10</p> <p><b>elevation</b> 9:21 10:8 22:11,15 26:6, 10,17 29:20,22 30:2,22 31:20 32:1,8,15,22 33:1, 6,7 34:5 35:24 36:2,22 40:15,21 41:4,7 43:21 48:7,12 49:22 56:22,23, 24 57:14,17 58:8,14,17 59:7,22 60:9 61:18,20 93:14 119:20 134:2,8</p> <p><b>elevations</b> 9:4 22:6 24:18,22 27:18 29:17 43:20 47:16 48:6 57:22 117:10 134:7</p> <p><b>elevator</b> 47:5</p> <p><b>elevated</b> 46:22</p>	<p><b>eleven</b> 11:1,4</p> <p><b>eliminate</b> 80:12 82:7 87:3 132:13</p> <p><b>eliminated</b> 34:24 131:1</p> <p><b>eliminates</b> 45:15</p> <p><b>eliminating</b> 132:21</p> <p><b>eloquent</b> 122:5</p> <p><b>email</b> 35:20</p> <p><b>emotionally</b> 124:7</p> <p><b>emphasis</b> 102:2</p> <p><b>emphasized</b> 108:21</p> <p><b>employ</b> 24:9</p> <p><b>enable</b> 29:13</p> <p><b>enclosed</b> 10:23</p> <p><b>encountered</b> 31:21</p> <p><b>encourage</b> 108:1 124:18</p> <p><b>encouraged</b> 107:14</p> <p><b>engineering</b> 5:8 94:7,23</p> <p><b>Engineers</b> 67:9</p> <p><b>England</b> 116:11</p> <p><b>Engler</b> 6:3,4 7:6 11:17 41:2,10, 13 42:2,23 54:5,8 87:9, 13 97:21</p> <p><b>enhance</b> 26:22 33:18 48:19 59:2 134:1</p>	<p><b>enhanced</b> 45:4</p> <p><b>enjoy</b> 132:4</p> <p><b>ensure</b> 27:18</p> <p><b>ensuring</b> 50:6</p> <p><b>entail</b> 140:21</p> <p><b>enter</b> 10:24 44:20</p> <p><b>entering</b> 30:23 31:22</p> <p><b>entire</b> 13:15 62:20 71:15 95:13 110:13 132:23</p> <p><b>entirely</b> 126:20,21</p> <p><b>entrance</b> 114:24 116:22 117:23 118:20 119:6</p> <p><b>entrance/exit</b> 117:20</p> <p><b>entries</b> 30:3</p> <p><b>entry</b> 20:12 21:22 44:18</p> <p><b>environment</b> 17:16 38:16 86:8</p> <p><b>environmental</b> 5:2 6:22,24 66:15,17 67:6,19 68:23 73:4 74:10 78:7 82:17 86:6 91:8 115:21 116:2 117:1,7 120:6,19</p> <p><b>environmentally</b> 66:3</p> <p><b>equal</b> 26:8</p> <p><b>equally</b> 6:19</p> <p><b>equipment</b> 30:5 31:15,16 47:6 49:14,18 104:11</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>especially</b> 31:3 53:24 64:5,6 65:20 107:18	<b>Excuse</b> 77:7 93:24	74:13	140:21
<b>essentially</b> 45:8 58:10 60:19 103:24 123:19 128:17	<b>exempts</b> 46:19	<b>expression</b> 18:13 134:13	<b>fairly</b> 69:13 118:15
<b>establish</b> 102:20	<b>exhaust</b> 115:15	<b>extends</b> 45:18	<b>falling</b> 8:17
<b>estate</b> 119:13	<b>exhibits</b> 14:2	<b>extension</b> 47:6	<b>falls</b> 16:21
<b>evening</b> 6:17 66:14 109:8 125:3, 12 126:8	<b>exist</b> 70:14,15	<b>extensive</b> 21:2	<b>family</b> 106:9
<b>evenings</b> 125:13 126:14	<b>existing</b> 15:12 20:24 23:15,16 24:15 36:18 39:22,23 41:1 45:9,16 46:1,5 59:9 69:9 79:16 84:17 118:11	<b>extent</b> 105:9	<b>fans</b> 115:15
<b>event</b> 55:13,17 91:3	<b>exists</b> 75:18	<b>exterior</b> 30:4	<b>fantastic</b> 6:2 98:19
<b>eventually</b> 131:1	<b>exit</b> 117:19	<b>extremely</b> 107:22	<b>far</b> 15:7 17:9 18:6 23:19 33:14 36:16 38:11 55:19 61:14 80:24 104:5 112:18 113:16 114:4 138:5 139:14 143:5
<b>everybody</b> 23:23 111:21 121:7	<b>expect</b> 82:9 91:16	<hr/> <b>F</b> <hr/>	<b>faster</b> 90:2
<b>everybody's</b> 128:3	<b>expecting</b> 100:4	<b>F-r-e-d</b> 115:4	<b>feasible</b> 138:19,22
<b>evidence</b> 99:2 129:18	<b>expediency</b> 13:18	<b>fabulous</b> 4:7	<b>feel</b> 13:14 100:11,13 103:9 104:3 107:23 108:14 131:24 138:9
<b>evolution</b> 79:1	<b>expensive</b> 92:2	<b>facade</b> 31:14 32:11 39:5 44:8 63:20 64:20 134:4	<b>feeling</b> 65:3
<b>evolving</b> 68:18 82:11	<b>experience</b> 26:23 33:18 45:3 48:19 49:17 59:2 140:16	<b>face</b> 20:16 26:1 30:6 112:5 124:14	<b>feet</b> 4:10,13 8:16,21 20:7,11, 14,16,17,20 25:11,16,20 26:3 36:10,11,12 37:4 50:18 52:2 56:10 91:19 100:22 101:3 112:2 116:20,21 124:11 139:14,15,16 142:13 143:4,10,12
<b>exacerbated</b> 33:7 133:7	<b>expert</b> 69:11 125:15 130:7	<b>faces</b> 36:4	<b>fellow</b> 122:3
<b>exact</b> 35:20	<b>expertise</b> 29:11	<b>facility</b> 73:10	<b>fellows</b> 87:24
<b>exactly</b> 8:11 11:9 35:3 40:2 48:15 50:11 69:19 72:9 73:1 117:17	<b>experts</b> 125:22 127:16 129:19	<b>facing</b> 22:11 30:10 49:22 58:2 66:1 70:3 100:7 117:12 128:6,8 134:3 141:19	<b>felt</b> 125:20 130:16
<b>example</b> 26:19 28:22 53:5 57:13	<b>explain</b> 83:8 115:18 129:23	<b>fact</b> 22:4 23:11 33:10 53:1 84:20 99:8,10 101:3 109:3 118:8 127:11	<b>fence</b> 106:16,19,21,22
<b>excessively</b> 123:8	<b>explained</b> 96:6	<b>factors</b> 129:24	
<b>excite</b> 134:1	<b>exposed</b> 18:17,21,23 48:7 75:17 80:6	<b>failed</b> 124:4	
<b>excluding</b> 120:22	<b>exposure</b> 18:2 23:13 32:9 69:6	<b>fair</b> 35:22 89:16 136:21	

<p><b>fenestration</b> 39:22 134:3</p> <p><b>fewer</b> 46:18</p> <p><b>fiberglass</b> 89:12,13 110:7 124:24</p> <p><b>field</b> 80:8</p> <p><b>figure</b> 82:24 121:18</p> <p><b>file</b> 73:15 75:8 93:8</p> <p><b>fill</b> 73:8 77:22 140:19</p> <p><b>filters</b> 115:19</p> <p><b>final</b> 95:16,17 141:11</p> <p><b>Finally</b> 133:23</p> <p><b>financially</b> 118:22</p> <p><b>find</b> 77:20 81:17 89:21 91:14 102:14 111:8 129:17</p> <p><b>finding</b> 81:3</p> <p><b>findings</b> 6:23 67:13</p> <p><b>fine</b> 19:22 44:14 61:18 102:16 103:3 145:14</p> <p><b>fire</b> 46:3 110:11 112:3,5,8,10</p> <p><b>firemen</b> 112:6</p> <p><b>first</b> 4:16 5:24 6:10 7:23 9:10 25:20,24 31:21 32:4 39:12 49:16 51:6 54:19 63:15 71:2 82:10 88:11 89:11 91:6 98:20 108:7 111:17 112:4 130:17 133:5 134:18</p> <p><b>first-floor</b> 24:14 61:21 105:1</p>	<p><b>fit</b> 124:1</p> <p><b>fits</b> 9:19 13:14 140:18</p> <p><b>five</b> 82:15 99:22 108:9</p> <p><b>fixture</b> 10:13</p> <p><b>flag</b> 91:10</p> <p><b>flagged</b> 98:16</p> <p><b>flat</b> 20:15 26:8,14,15 30:5 41:6</p> <p><b>flat-roofed</b> 114:13,15</p> <p><b>flattens</b> 18:4</p> <p><b>flexibility</b> 40:2</p> <p><b>flexible</b> 42:2,16 43:15</p> <p><b>floor</b> 6:10 8:21 25:1,10,17,20, 24 28:8 30:4 31:9 33:20 39:13,15 46:13 50:7,10, 19,23 63:15 111:18,19 112:4,5 133:11 139:8 143:11,13,14</p> <p><b>floor-</b> 61:8</p> <p><b>floor-to-</b> 50:6,22</p> <p><b>floor-to-floor</b> 51:13 61:11 136:17 137:3</p> <p><b>floors</b> 25:12 27:9 50:9 137:7 143:17 144:18</p> <p><b>flow</b> 90:2</p> <p><b>flows</b> 95:9</p> <p><b>focus</b> 14:3</p>	<p><b>focusing</b> 15:22 16:3</p> <p><b>folks</b> 103:16 135:20</p> <p><b>follow</b> 8:11 26:20</p> <p><b>followed</b> 16:6 17:1</p> <p><b>follows</b> 21:15</p> <p><b>food</b> 115:19 125:2</p> <p><b>foot</b> 8:12,13,16,18,22 10:14, 21 25:4,5 50:9,10 56:13 58:20</p> <p><b>footage</b> 33:19 52:11,16,21 59:1</p> <p><b>footpath</b> 133:17</p> <p><b>footprint</b> 20:2,6 36:8</p> <p><b>foreground</b> 9:10 59:8</p> <p><b>forget</b> 36:11</p> <p><b>forgot</b> 90:23 110:2</p> <p><b>forklifts</b> 43:11</p> <p><b>form</b> 118:5 120:17</p> <p><b>formal</b> 11:24</p> <p><b>former</b> 21:1 72:22 113:7</p> <p><b>forthcoming</b> 122:11</p> <p><b>fortress-like</b> 134:4</p> <p><b>forum</b> 109:21</p> <p><b>forward</b> 7:6,12 54:12 125:13</p>	<p><b>found</b> 57:24 84:12 86:11 89:14 91:8,11 122:14</p> <p><b>foundation</b> 71:16 74:8</p> <p><b>four</b> 4:9 99:22,23,24 103:21 124:20 134:11 142:17</p> <p><b>four-story</b> 19:24 28:12 36:14 39:18 111:22</p> <p><b>fourth</b> 39:15 133:11</p> <p><b>fourth-floor</b> 28:7</p> <p><b>frames</b> 16:4</p> <p><b>frankly</b> 29:21 42:8 97:17,22 103:9</p> <p><b>Fred</b> 6:20 87:19,23 115:3</p> <p><b>free-standing</b> 39:3</p> <p><b>friendly</b> 44:1 113:9</p> <p><b>front</b> 39:11 58:6,15 62:8,16 96:7 98:14 131:8 143:8</p> <p><b>fronting</b> 48:8</p> <p><b>frustration</b> 103:7</p> <p><b>FSL</b> 6:21 82:16 87:23</p> <p><b>full</b> 27:14 36:13</p> <p><b>fully</b> 41:16 45:11,14 46:20 104:11,12</p> <p><b>fun</b> 67:3</p> <p><b>function</b> 34:6 58:14 123:12</p> <p><b>fundamentals</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>19:20 <b>funnel</b> 123:20 <b>funneled</b> 123:15 <b>further</b> 29:3,13,14 31:5 36:12 83:10 84:19 87:7 94:8 133:10 <b>Fuss</b> 67:9 <b>future</b> 17:6 31:19 47:15 51:21 128:20 139:24</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gain</b> 57:15 60:23 <b>gained</b> 33:20 <b>Gallimore</b> 130:14,15 132:2 <b>garage</b> 33:21,23 34:12,15 35:1,8 48:14 100:15,16 111:10 <b>gas</b> 9:9 10:7 15:12 16:5,24 17:1 18:18 32:14,19 68:1,2,3 72:23 76:4 83:19,22 91:18 93:6 106:15,20 110:3 113:6,7 116:18 118:14 <b>gasoline</b> 79:3 84:13 85:19 <b>gateway</b> 114:21 <b>gather</b> 131:8 <b>gathering</b> 127:7 <b>general</b> 7:11 18:7 23:21 50:21 144:16 <b>generally</b> 16:15 26:16 45:2</p>	<p><b>generated</b> 10:11 33:23 <b>generating</b> 133:21 <b>genericness</b> 133:24 <b>generous</b> 50:24 <b>gentle</b> 21:15 <b>gentleman</b> 128:4,22 130:4 <b>Geoff</b> 6:4 41:2 43:15 55:11 87:8 <b>geology</b> 116:11 <b>George</b> 125:4 <b>germane</b> 103:12 <b>getting</b> 46:7 62:5 65:3 66:2 105:24 140:24 143:3 <b>give</b> 102:8 121:8 126:12 129:2 131:20 134:22 144:20 <b>given</b> 21:1 23:14 26:11 28:6 32:9 51:7,19,20 55:18 140:23 <b>gives</b> 8:13 123:3 <b>giving</b> 63:7 88:9 <b>glad</b> 89:20 <b>glass</b> 24:24 123:19 <b>go</b> 7:18 9:20 14:8 19:16,19 26:13 27:5 43:13 55:19 66:15 70:6 71:2,5 74:8 75:12 80:5,8 84:2 88:18, 20,22,24 89:10 90:7</p>	<p>104:15 108:1 112:7,16, 22 114:4 116:20 119:1 126:7,24 128:14 139:23 145:11 <b>go-forward</b> 54:18 <b>goal</b> 28:11 <b>God</b> 125:17 126:5 <b>goes</b> 8:9 9:15 37:10 39:10 41:9 45:19 54:18 85:17, 22 86:15 113:17 131:11 139:11 <b>going</b> 4:3,23 5:1,6 6:11,15,20, 21 7:17,20 11:19 12:21 13:15 17:8 21:2 23:22 26:21 27:5 28:1 29:16 30:16 34:14,16 35:23 37:20,23 38:1 40:18 43:9,11,12 44:11 47:24 51:10 52:11 53:19,22 54:15,16,21 55:4 66:2,4, 12,14,15,22 67:5,21 69:6 71:1,20 73:24 75:2 80:16 86:22 90:6 107:1 108:24 109:10 112:3,22 113:16 114:5,6 115:13 117:12, 14,17,19,23,24 118:2,9, 24 119:4,5,7,22 120:16 121:18,20,22 123:6 125:13,14,18 126:5,6 127:4,10 131:1,7,18 132:13 137:5 139:20 140:1,21 141:6 143:2 <b>gold</b> 98:5 <b>good</b> 18:11,22 22:6 26:21 27:23 29:5 43:24 46:15 49:11 61:5 78:7 80:24 88:17 92:24 100:3 109:19 112:24 116:6 125:3 128:1 130:19 137:2,19 <b>grade</b> 20:14,15 25:20 <b>grandchildren</b> 125:17 127:2</p>	<p><b>granting</b> 105:8 <b>great</b> 12:24 47:16 57:14 67:17 87:22 97:3 105:21 113:12 114:1,20 <b>greater</b> 27:15 98:3 99:24 122:18 142:20 <b>greatest</b> 50:22 <b>greatly</b> 27:9 33:6 <b>greed</b> 126:19 <b>green</b> 62:16 123:11 124:12 128:16 141:20 <b>greenery</b> 133:22 <b>Griffin</b> 6:16 7:14,15 26:4 35:9 53:17 <b>ground</b> 10:23 33:17,20 36:24 48:21 58:24 70:19 74:3, 4,7 80:23 143:11,13,14 <b>ground-mounted</b> 47:12 <b>groundwater</b> 74:3 76:4 80:24 81:13,19 82:14,15 83:1 84:13 90:1,2,3 <b>Group</b> 46:19,24 <b>groups</b> 97:7 135:1 <b>guess</b> 5:17,18 52:3 78:15 99:4, 8 103:4 107:4 125:10 <b>guessing</b> 40:24 <b>guidelines</b> 41:23 <b>guys</b> 7:21 60:5 65:22 141:24</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>H</b>			
<b>habitable</b> 25:22 49:11	76:19 81:14 95:6,9,11 100:15,17 102:2 104:1 106:11 107:1,7 112:5 114:19,22 119:20 124:2, 3,21 126:2 128:5,18 131:6,11,14,22,24 133:7 139:15 140:20	<b>heavy</b> 30:3 89:2	<b>hip</b> 25:21 26:12
<b>hadn't</b> 65:17	<b>hasn't</b> 15:14 82:6	<b>height</b> 15:9 20:13,15 26:7,8 27:1,14 28:18,19 36:14 50:7,23 51:13,16 52:4 55:19 61:9,12 103:14,15, 18,21 104:9 107:2,10 108:22 109:1 120:1 132:16 133:6,16 136:16 138:11 139:13 141:24 142:13,16 143:4 144:12	<b>historically</b> 118:21
<b>hamburger</b> 84:3	<b>haven't</b> 81:7 122:7	<b>heights</b> 50:17 51:1 136:18 137:3	<b>hit</b> 22:15 29:8
<b>hand</b> 62:14 106:2	<b>hazard</b> 93:14	<b>held</b> 135:9	<b>hoist</b> 110:23
<b>handled</b> 47:4	<b>HDPE</b> 91:22	<b>help</b> 27:6 38:20 39:7,19 40:9 60:9,18 123:23 129:13, 23 143:21	<b>hold</b> 24:2
<b>hang</b> 131:7	<b>he's</b> 6:21 12:23 50:15 53:23 54:21 90:16,24 94:2,4 102:13 137:7	<b>helpful</b> 19:22 61:3 102:15 129:10,17 136:14 141:1	<b>holistically</b> 103:19
<b>hanging</b> 38:19	<b>head</b> 141:20	<b>helps</b> 26:24 123:14	<b>home</b> 5:17 25:14,19 26:7 33:12 37:1 39:23 62:12
<b>happen</b> 28:15 74:2 80:16 134:20	<b>health</b> 5:10 71:13 72:17 86:8 95:23	<b>here's</b> 39:8 106:21	<b>homeowner</b> 112:14
<b>happened</b> 78:21 109:24 135:2,15, 17	<b>hear</b> 5:6 6:20 7:5 43:1 54:1 55:8 67:5 97:18 105:13 114:1 116:4 137:10 141:3,8	<b>Hi</b> 108:4 109:15 112:13 113:13 121:7 133:3	<b>homes</b> 44:8 50:4
<b>happening</b> 69:15 70:21 87:3 117:23 118:3 131:4	<b>heard</b> 4:17 7:2,4,7 50:6 53:20 55:1 103:14 129:4 135:16,24 145:16	<b>hide</b> 32:5	<b>hone</b> 13:8
<b>happens</b> 45:22 83:18 128:20 139:24	<b>hearing</b> 4:4,16 5:12 7:13 67:4 101:23 105:18 108:20 113:19 122:19 130:16 144:22 145:6,24 146:2,5, 16	<b>hierarchy</b> 128:24	<b>hope</b> 54:3 111:7,9 113:8 125:17 129:23 130:1
<b>happy</b> 13:16 14:9 30:23	<b>hearings</b> 122:13 142:8	<b>high</b> 59:8 79:4 84:6 88:15 121:21 122:21 141:5	<b>hopefully</b> 120:20 145:18
<b>hard</b> 10:14 111:24 141:8	<b>heart</b> 42:19	<b>highly</b> 108:13	<b>hoping</b> 136:22
<b>harder</b> 79:17	<b>heating</b> 70:16,17	<b>hill</b> 90:7 97:2,4,5,11 98:20 99:16,20 100:4 101:13, 16,20 103:2,4,8 104:19 108:9,10 109:19 115:6, 24 120:20 134:18	<b>horizontally</b> 90:11
<b>Harvard</b> 4:5 8:4,5 9:4,7,13,23 10:1,3,17 13:7,10,15,16 15:22 16:2,4,16,19,20,23 17:9,22 18:8 20:9,13,23 21:11,17 22:19 24:9,16, 20 25:2 26:14,17 28:20, 24 29:8,14,18 31:22 36:14 37:11 40:21 44:19 45:5,13,14,17,19,21 49:7 51:19,21 52:7,13,23 55:21 58:6,8,10,11,15 61:17,18 62:20 67:22 69:21 70:3,10 71:10	<b>heavier</b> 84:1		<b>horrible</b> 121:23
			<b>hours</b> 22:22 40:24 43:15
			<b>house</b> 111:17 117:12 121:13,17
			<b>houses</b> 82:1 119:22,23 128:16
			<b>housing</b> 6:4 104:21 130:5 139:2 142:22 146:10
			<b>Housman</b> 107:13
			<b>human</b> 126:21

<p><b>humm</b> 121:19</p> <p><b>hundreds</b> 88:3</p> <p><b>Hussey</b> 5:13 11:14 12:7 30:15 34:23 61:5 62:24 63:9 75:21 92:20 95:20 96:18, 20 137:1 139:9 144:14, 22 145:10,13</p> <p><b>HVAC</b> 79:23 115:11</p> <p><b>hydrant</b> 46:3</p> <p><b>Hydraulic</b> 111:4</p> <p><b>hydrocarbon</b> 84:1</p> <p><b>hydrocarbons</b> 71:12 84:1</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I'd</b> 13:3,7 35:18 61:11 108:7 109:13 125:8 139:9 141:18 142:11</p> <p><b>I'll</b> 6:7 14:2,13,16,21,23 19:19 23:17 24:4 40:18 44:15 45:6 46:12 48:22 49:14 51:12 83:7 88:11 106:18,22 107:5 125:23, 24</p> <p><b>I'm</b> 4:6 5:11 7:17,20 12:14 13:1,16 14:9 15:3 21:3 25:8 27:4,19 29:16 30:9 31:15 33:13 34:11 35:5 37:7 39:8 40:23 41:22,24 44:10 47:24 50:13 53:12, 13,19 54:6 55:15 57:3 58:13,14 59:20,24 60:4 62:9 63:22 66:6,12 67:9, 10 70:22 71:1 78:13 81:1 82:23 86:13 89:20 94:3 97:5 100:4 103:4 106:12, 13 107:14 108:5 109:15 110:2 112:13,21 113:13, 14,15,23 114:8 115:17</p>	<p>119:2 121:4 122:3,4 123:8 125:4,19 126:9 127:4 130:17,23 131:15, 18,19 132:11,12 136:22 138:15,20,23 143:16</p> <p><b>I've</b> 13:5,10 14:12 15:24 47:22 48:10 53:17 55:13 57:21 82:10 88:1,2 90:1 110:4 127:16 128:23 130:16 137:1</p> <p><b>idea</b> 18:7,11 32:6 43:24 45:23 46:15 64:3 123:10 137:3</p> <p><b>ideally</b> 55:21</p> <p><b>identical</b> 130:19</p> <p><b>identify</b> 83:17 105:20,21</p> <p><b>illustrate</b> 12:23 100:17</p> <p><b>imagine</b> 87:5 121:16</p> <p><b>immediately</b> 16:6</p> <p><b>imminent</b> 93:14</p> <p><b>impact</b> 17:20,24 18:11 22:19 37:19,21,23 38:2,18 52:21 55:4 65:18 67:20 73:5 106:9 119:11</p> <p><b>impacts</b> 60:7 85:1 102:3 104:12</p> <p><b>impervious</b> 95:3,8</p> <p><b>implications</b> 146:9</p> <p><b>important</b> 14:17,18 17:24 19:10 23:6 30:22 32:23 33:16 34:20 40:13 42:3 48:2 52:23 61:17 62:21 65:20 118:22 130:11 146:13</p> <p><b>imposing</b> 133:6</p>	<p><b>improve</b> 33:6</p> <p><b>improved</b> 140:13</p> <p><b>improvements</b> 36:21</p> <p><b>inadequate</b> 99:13</p> <p><b>inappropriate</b> 108:14 109:18</p> <p><b>Inaudible</b> 50:12</p> <p><b>inch</b> 90:5</p> <p><b>include</b> 37:6 46:14 56:1</p> <p><b>included</b> 14:2 20:2 22:17 30:2 41:17 117:3</p> <p><b>includes</b> 16:5,11 49:2,23 104:24</p> <p><b>including</b> 4:9 22:5 45:8,12</p> <p><b>income</b> 112:1</p> <p><b>inconsistent</b> 42:12</p> <p><b>incorporates</b> 135:20</p> <p><b>increase</b> 28:21 36:24 80:19</p> <p><b>increased</b> 33:4 45:4 48:17,21 60:20 140:11</p> <p><b>increases</b> 36:13 72:7</p> <p><b>increasing</b> 23:4,10 28:20 33:11 36:23 49:6,9 107:15</p> <p><b>independently</b> 57:24</p> <p><b>indicate</b> 24:13 26:7 47:1 68:6</p> <p><b>indicated</b> 7:1 22:19</p>	<p><b>indicates</b> 20:22</p> <p><b>indication</b> 123:3</p> <p><b>indicator</b> 123:2</p> <p><b>infill</b> 34:7,13</p> <p><b>infills</b> 35:15</p> <p><b>information</b> 6:1,15 7:18,21,22 11:7 136:19</p> <p><b>ingest</b> 71:12 72:15</p> <p><b>initial</b> 4:15</p> <p><b>input</b> 129:7,15</p> <p><b>ins</b> 146:6</p> <p><b>inside</b> 50:18 70:18</p> <p><b>insightful</b> 51:8</p> <p><b>insisted</b> 138:20</p> <p><b>inspected</b> 111:13</p> <p><b>install</b> 92:8 94:5</p> <p><b>instance</b> 74:17 85:24</p> <p><b>instinct</b> 32:4</p> <p><b>institutional</b> 109:7,12</p> <p><b>instruments</b> 123:4</p> <p><b>integrated</b> 38:23 39:2,18 57:20</p> <p><b>integration</b> 45:7 49:19</p> <p><b>intended</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>104:20</p> <p><b>intense</b> 17:15 32:9 104:5</p> <p><b>intensify</b> 28:11</p> <p><b>intent</b> 36:6</p> <p><b>intentionally</b> 120:3</p> <p><b>interactive</b> 55:12</p> <p><b>interest</b> 17:19 27:24 28:3 50:22 57:19 59:21 64:17</p> <p><b>interesting</b> 18:18 34:13 102:1</p> <p><b>interior</b> 21:22 74:7,9</p> <p><b>internal</b> 79:24</p> <p><b>interpretation</b> 54:22</p> <p><b>interrupt</b> 131:19</p> <p><b>intersection</b> 95:11 100:14,18</p> <p><b>intimately</b> 7:10</p> <p><b>introduce</b> 5:5 67:7</p> <p><b>intrusion</b> 79:2 84:16 91:15</p> <p><b>investigate</b> 77:14</p> <p><b>investigating</b> 54:10</p> <p><b>investigation</b> 75:4 91:7</p> <p><b>investigations</b> 72:5</p> <p><b>invisible</b> 117:6</p> <p><b>invited</b> 113:20</p>	<p><b>involve</b> 135:11</p> <p><b>involved</b> 53:14,18</p> <p><b>isn't</b> 20:14 25:6 31:19 32:4 34:21 58:20 64:10 90:12 100:8 126:24 138:23</p> <p><b>issue</b> 30:19 34:19 52:5 61:10 63:18 68:11,15,17,18,22 69:4,12,16 73:6,7 74:19 79:2,10,20 80:21 81:5,9, 11 82:1,5,10,12 84:17 89:8 90:19 98:3,16,20,21 100:14,18 102:17 103:1 105:6</p> <p><b>issued</b> 6:22</p> <p><b>issues</b> 15:7,9 18:12 31:11 63:2 70:8 97:13 98:16,19 100:7,10,12 102:13 103:9,10 105:22 106:2 146:3</p> <p><b>it'll</b> 88:20 111:23</p> <p><b>it's</b> 12:4 13:22 16:9 17:14 18:17,21,23 19:4,5 20:3 22:4 23:5 25:3,16,19 26:3 27:19,24 29:9 30:8, 13,18,19 31:9,12 32:5 33:2,21 34:5,16 36:3,8, 10 37:5,19 38:15,16 39:1,4,9 40:22 41:6,7,11 42:3,6,11,24 43:4,5,6,9, 10,12,23,24 45:2 46:5 50:7,18,21 53:6,23 54:14,19 55:11 56:18 57:20,23 58:20 60:1 62:12,21 63:16 64:1,5,16 65:2 66:14 69:20,22 70:1,4 71:11,12 72:1,2,5, 11,23 73:5,6 74:2,14,17, 19 75:6 76:9,17 77:23 78:2,3,24 80:1,12 82:5, 11 84:2,3,20 85:8,24 86:1,2 88:15 89:9 92:1,2, 17,18,22,24 93:12 96:14 98:10,21 99:11 100:1 101:3 102:15,24 105:24</p>	<p>107:4 108:19 109:1 111:16,21 112:2,23 114:1,22 116:8 117:1,6, 13 119:10 120:19 121:19,21,23 123:6 124:7,8,10,11 126:9,20, 22 128:9,10 129:21 130:18 132:6,7,17,21 140:6 142:13 143:17 145:8,10 146:13</p> <p><b>items</b> 109:13</p> <p><b>its</b> 21:1 25:20 26:18,19 27:14 113:10 114:22 115:12 133:24</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>James</b> 111:15</p> <p><b>Janet</b> 106:3</p> <p><b>jarring</b> 134:9</p> <p><b>JCHE</b> 62:18</p> <p><b>JFK</b> 133:19</p> <p><b>Joanna</b> 130:14</p> <p><b>job</b> 61:6 126:9</p> <p><b>John</b> 5:2 67:5,8</p> <p><b>Judi</b> 113:20 129:12,23 137:12 146:5</p> <p><b>Judith</b> 112:13</p> <p><b>jump</b> 30:9</p> <p><b>jumped</b> 50:10</p> <p><b>June</b> 102:12 113:20 129:11 145:12 146:1,17</p>	<p><b>jungle</b> 133:21</p> <p><b>jurisdictional</b> 97:12 98:15 99:16</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Karen</b> 5:14</p> <p><b>Kate</b> 5:11 85:11</p> <p><b>keep</b> 24:4 40:18 89:17 137:13 142:5 144:3</p> <p><b>keeping</b> 114:22 140:14</p> <p><b>kept</b> 89:20</p> <p><b>key</b> 93:15</p> <p><b>kicks</b> 70:17</p> <p><b>kidding</b> 121:5</p> <p><b>kind</b> 13:8 15:18 16:16 17:15 18:16 21:19 22:1 27:20 32:19 43:11 50:3 63:23 68:13,17 71:10 73:23 74:15 75:12 77:22 78:22 79:1 81:4 82:3 84:1 105:9 107:3 109:20 119:23 120:14</p> <p><b>kinds</b> 64:18 89:1,2</p> <p><b>kitchens</b> 112:4</p> <p><b>know</b> 11:18 17:5,13,19 18:20 21:1 23:6 25:23 27:23 29:6 31:7,19 34:2 35:9, 14 40:8 41:15 43:1,4,10, 11 47:13,18 48:13 50:11 51:19,24 52:9 53:9 56:18 57:22 58:11 59:9,20 60:4,14,19 62:1,4,14,19 64:13 65:22 69:11 70:8, 9,11 72:13,21 73:13</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>74:14 75:6,16 78:7,21 79:9,11 80:7 81:15,20,21 82:2 84:2,6,8 85:9,19 86:12,21 87:3,15 92:14 93:2 94:6 100:7,12 102:11 103:8 104:13 113:18 115:6 116:6,8,22 117:6 119:8,10,12 121:21,22 122:4 124:7 125:1 126:19 135:7,14, 17 136:12 138:8 140:19 141:6,8,12 142:12 144:12</p> <p><b>knowing</b> 47:13 52:20</p> <p><b>knowledge</b> 75:23</p> <p><b>knows</b> 6:19 47:23</p> <p><b>Kolodner</b> 127:14 130:3</p> <p><b>Krakofsky</b> 5:16</p> <p><b>Kristen</b> 5:16</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>L-e-b-o-w</b> 87:19</p> <p><b>laboratory</b> 82:22</p> <p><b>lack</b> 27:21 30:1 106:10 107:5, 6,8,10 122:10 133:7 134:20</p> <p><b>lacks</b> 33:1</p> <p><b>ladder</b> 112:6</p> <p><b>lading</b> 89:6</p> <p><b>land</b> 97:5</p> <p><b>landfill</b> 88:21,22 89:3</p> <p><b>landscape</b></p>	<p>33:9 46:8 49:2 62:5,17, 23</p> <p><b>landscaping</b> 55:23 56:20 58:19 71:16</p> <p><b>language</b> 24:14 50:3</p> <p><b>lanterns</b> 123:10</p> <p><b>lap</b> 43:23 44:5</p> <p><b>large</b> 14:14 16:13 17:5 23:15 27:10 30:5 45:16 70:15 108:18 131:16,22 132:18</p> <p><b>largely</b> 6:13</p> <p><b>larger</b> 9:14 13:14 85:6 103:22 133:12 136:13</p> <p><b>largest</b> 28:14</p> <p><b>Lark</b> 5:12 11:10 51:3 61:1 73:11 75:23 78:11 93:24 94:3 135:5 138:13</p> <p><b>lastly</b> 10:22</p> <p><b>late</b> 105:24 120:14 125:21</p> <p><b>law</b> 77:13 89:9 129:20,22 140:23 144:4</p> <p><b>Lawton</b> 119:22</p> <p><b>lay</b> 92:2 126:12</p> <p><b>layouts</b> 46:15</p> <p><b>LCP</b> 87:10</p> <p><b>leader</b> 95:5</p> <p><b>leadership</b> 128:13</p> <p><b>leak</b></p>	<p>89:13,21</p> <p><b>leaking</b> 110:6 125:1</p> <p><b>leaks</b> 83:19</p> <p><b>learn</b> 49:5</p> <p><b>learned</b> 26:2</p> <p><b>lease</b> 98:23,24 99:2,7,10,14</p> <p><b>leaves</b> 8:22</p> <p><b>Lebow</b> 6:21 87:18,19,23 88:9 90:15,17,19,23 91:5 92:7,10 93:3 94:13,16 110:24 111:4</p> <p><b>leeway</b> 126:13</p> <p><b>left</b> 5:4 9:6 10:1,5 11:3 68:4 70:4 76:22 119:21 130:8 131:20 133:20</p> <p><b>legal</b> 98:18 105:5</p> <p><b>lends</b> 134:4</p> <p><b>length</b> 13:15</p> <p><b>lengthiest</b> 128:4</p> <p><b>Lepson</b> 108:4 109:17 126:15</p> <p><b>let's</b> 82:23 93:3,4 146:7</p> <p><b>letter</b> 15:11 28:5 112:17</p> <p><b>letters</b> 15:2,5,13 34:1 129:16</p> <p><b>letting</b> 62:2 121:7</p> <p><b>level</b> 10:23 24:23,24 26:24 28:15,16 31:8 33:17</p>	<p>36:24 43:3 44:7 46:24 47:13 48:21 49:3 56:1 57:18 58:24 59:8 60:17 61:8,21 62:12 71:11 85:18 88:15 107:7 125:9 126:10</p> <p><b>levels</b> 68:8 72:23 79:4 83:7,9, 23 84:6,12 85:18,21</p> <p><b>liability</b> 70:10</p> <p><b>license</b> 102:9</p> <p><b>licensed</b> 67:10 73:9 75:5 87:14</p> <p><b>life</b> 118:6</p> <p><b>lift</b> 110:24 111:1,9</p> <p><b>lifts</b> 101:19</p> <p><b>light</b> 10:13,15,16,17,19,20 22:13 23:7 32:11 123:3 133:9</p> <p><b>lighting</b> 10:10,12 46:10 122:21, 22,23,24 123:1,4,7</p> <p><b>lights</b> 10:15</p> <p><b>likes</b> 125:10</p> <p><b>limitations</b> 30:6,10,11</p> <p><b>limited</b> 21:10,21 22:12 40:24 44:18 45:9 143:4</p> <p><b>limits</b> 113:18</p> <p><b>line</b> 8:3,4,5,9,17,23 21:14,19 26:2 28:24 30:14,24 37:5,13 44:23 95:11 100:23 101:2 105:20 107:18 116:13,14,19 117:21 120:16 124:19 132:19 142:1</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p><b>lined</b> 88:20</p> <p><b>lines</b> 60:14,15 112:24 118:8 135:22</p> <p><b>linger</b> 131:3</p> <p><b>listed</b> 76:20</p> <p><b>listen</b> 55:6 129:2</p> <p><b>listened</b> 127:16</p> <p><b>listening</b> 138:15</p> <p><b>little</b> 14:11 16:22 20:18 21:18 29:9,21 30:24 38:23 44:1 53:17 62:3,20 63:19 85:3 88:9 97:10 113:6,24 114:6,7 124:12 126:12, 13 130:17,20 132:1 133:20 146:15</p> <p><b>live</b> 103:16 108:5 111:16 125:5 126:24 127:15 130:15 133:4</p> <p><b>lived</b> 125:16 130:22</p> <p><b>livening</b> 64:20</p> <p><b>living</b> 124:13 126:20</p> <p><b>loading</b> 20:22 21:3 40:21 41:4, 16,21,23 42:4,9,10,13, 22,24 96:6 102:5,21,22 105:4 117:22</p> <p><b>lobby</b> 21:23</p> <p><b>local</b> 132:21 144:4</p> <p><b>locate</b> 40:4 111:9</p> <p><b>located</b> 51:10 59:4 69:19 73:13 100:22</p>	<p><b>location</b> 15:21 40:9 49:3 56:2 102:22 114:16 119:13, 14,15 136:20</p> <p><b>locations</b> 39:23</p> <p><b>logical</b> 29:12</p> <p><b>long</b> 54:13 62:19 64:16 66:14 71:13 72:14,16 101:24 130:22 144:7</p> <p><b>longer</b> 78:3</p> <p><b>look</b> 7:6,12 15:19,20 20:18,19 24:19 29:6 32:6 35:7 37:13 38:3 41:7 54:17 59:8,23 66:9 68:3 69:4,9 79:17 80:8 81:17 85:8 107:24 108:2 119:18 120:4 121:21 123:12 124:1 127:21 138:9 139:5 140:12 144:9</p> <p><b>looked</b> 31:4 67:18 81:6 116:24 117:1</p> <p><b>looking</b> 7:9 9:5,14,22 13:9 18:20 19:2,13 24:21 29:9 33:15 36:6,11 37:15 41:3,5 51:20 57:7 63:16 75:10 78:16 81:15,23,24 106:13,14,20 114:4 117:14 119:22 120:7,18 121:1,17</p> <p><b>looks</b> 79:14 120:5 121:19 122:6 125:9,11 133:11</p> <p><b>loose</b> 93:7</p> <p><b>lose</b> 33:19 59:1</p> <p><b>loss</b> 131:5 133:9</p> <p><b>lot</b> 8:4 16:11 17:18,19 19:3 22:5 25:6 31:9,11 32:11 38:15 40:2 48:8 58:7</p>	<p>59:6 60:15 62:13 63:2,23 71:13 72:19 81:15 84:4 88:1 89:17 90:1,2 97:6 102:1 111:5 112:24 113:4 123:24 124:6 129:21 134:3 139:11</p> <p><b>lots</b> 56:17 60:7 139:12</p> <p><b>loud</b> 7:8 55:1</p> <p><b>love</b> 141:18</p> <p><b>low</b> 68:7 71:11 72:23 84:12, 14 85:18,20 88:15</p> <p><b>low-level</b> 68:14 72:1 77:20 78:1</p> <p><b>lower</b> 139:8 141:13</p> <p><b>LSP</b> 76:21 77:5 82:18 87:12, 13,16 89:6 91:1 92:24 116:1,4</p> <p><b>lumens</b> 123:2</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>mail</b> 21:23</p> <p><b>main</b> 8:19 25:10 27:19 30:21 39:2,18</p> <p><b>major</b> 31:21 94:22 97:17 99:11</p> <p><b>making</b> 11:24 27:19 35:4 36:17 50:24 63:19 109:19 123:12 141:2</p> <p><b>Maloney</b> 5:9 95:24 96:11 115:18</p> <p><b>manage</b> 71:5 78:8</p> <p><b>managed</b> 77:1</p> <p><b>management</b> 47:11 68:14 71:4 74:19,</p>	<p>21 76:11,14 86:14 88:5 95:22 122:24</p> <p><b>mandated</b> 137:17 140:5,7</p> <p><b>manhole</b> 95:5</p> <p><b>manufacturer</b> 122:12</p> <p><b>marked</b> 10:16</p> <p><b>marketable</b> 50:24</p> <p><b>marketing</b> 61:9</p> <p><b>marks</b> 15:17</p> <p><b>Martin</b> 5:14</p> <p><b>masonry</b> 24:13,22,23 27:8,11,16 30:6 48:16 64:3,4,7,8 134:7</p> <p><b>mass</b> 132:14</p> <p><b>Massachusetts</b> 67:11 72:20 77:12 83:16 84:21 86:6</p> <p><b>Masshousing</b> 99:1,20</p> <p><b>massing</b> 23:1,3,10 36:7</p> <p><b>material</b> 24:23 25:17 26:18,21 43:24 44:5 48:15 68:12 71:23 72:4 77:18 78:4 81:18</p> <p><b>materials</b> 4:21 14:14 22:18 24:15 26:7 27:15 31:6 33:9,21 34:21 63:22 71:12 76:22 134:5,11 136:18,19</p> <p><b>math</b> 99:22</p> <p><b>matters</b> 97:8 113:21,24</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>max</b> 10:16,17</p> <p><b>maximize</b> 39:24</p> <p><b>maximum</b> 20:15 22:23</p> <p><b>Maxx</b> 16:14 17:11</p> <p><b>mean</b> 37:2 47:23 51:17,18 57:11 60:6 63:17,21 72:12 76:12 77:3,4 78:6, 24 93:15,19 104:18 118:24 119:5,12 122:2 125:12 139:4,5 140:22 141:10,11,14</p> <p><b>means</b> 34:17 64:14 142:7 146:7</p> <p><b>meant</b> 31:1 64:11</p> <p><b>measure</b> 100:24 101:1</p> <p><b>measured</b> 100:23</p> <p><b>measurement</b> 122:23 123:1</p> <p><b>measuring</b> 100:18 143:15</p> <p><b>mechanical</b> 30:5 31:15,16 35:1 47:6 49:14,18 104:10 122:10</p> <p><b>mechanicals</b> 136:20,21</p> <p><b>mechanism</b> 70:21</p> <p><b>mechanized</b> 20:6</p> <p><b>mediocre</b> 133:24</p> <p><b>meet</b> 46:23 142:23</p> <p><b>meeting</b> 6:7,8 11:15,18 108:5 112:14 115:22 116:3 117:2 122:13 125:4 127:6 129:11 135:7,10,</p>	<p>15,19 136:1,5 139:22 146:1</p> <p><b>member</b> 40:20 41:8 59:11,18 88:2 97:16 108:5 112:14 125:5 137:21 138:4</p> <p><b>members</b> 65:8 127:6 129:15 135:3</p> <p><b>membrane</b> 91:23</p> <p><b>memo</b> 6:13,22 83:6</p> <p><b>memos</b> 5:7</p> <p><b>mention</b> 29:3 49:19 51:13 59:23 122:1 124:4,14</p> <p><b>mentioned</b> 5:13 39:16 48:13 58:23 88:7 116:7,17 146:3</p> <p><b>mesh</b> 34:7,12,20,24 35:15</p> <p><b>mess</b> 121:22</p> <p><b>message</b> 124:16</p> <p><b>metal</b> 34:7,12,23 48:14 110:5</p> <p><b>metals</b> 89:2</p> <p><b>meteorological</b> 119:3</p> <p><b>meters</b> 43:14</p> <p><b>methods</b> 72:24</p> <p><b>microphone</b> 97:10 105:20 121:5</p> <p><b>migrate</b> 81:22 82:8</p> <p><b>migrated</b> 82:7</p> <p><b>migrates</b> 81:4</p>	<p><b>migrating</b> 73:19 74:15 75:7 86:24</p> <p><b>migration</b> 69:12 73:20 78:18 80:19 86:16</p> <p><b>mills</b> 91:23 92:1</p> <p><b>mind</b> 52:19 137:13</p> <p><b>mindful</b> 139:4</p> <p><b>minimal</b> 33:7 38:2 104:1,2</p> <p><b>minimally</b> 47:7</p> <p><b>minimize</b> 140:22</p> <p><b>minimized</b> 22:23 50:7</p> <p><b>minimum</b> 10:18,20 38:8 56:10 133:8</p> <p><b>minor</b> 38:24</p> <p><b>minute</b> 5:5 131:19</p> <p><b>minutes</b> 66:23 108:9 117:4</p> <p><b>mirror</b> 109:17</p> <p><b>misrepresentative</b> 107:22</p> <p><b>missing</b> 16:19</p> <p><b>MIT</b> 106:5</p> <p><b>mitigate</b> 74:18 123:23 133:16</p> <p><b>mitigated</b> 132:16</p> <p><b>mitigation</b> 130:21</p> <p><b>mixed-use</b> 20:10 24:8</p>	<p><b>mixed-used</b> 19:24</p> <p><b>mock</b> 126:11</p> <p><b>model</b> 122:12</p> <p><b>modeling</b> 90:2</p> <p><b>modern</b> 64:1</p> <p><b>moment</b> 27:24</p> <p><b>monolithic</b> 113:5</p> <p><b>months</b> 22:13 125:6</p> <p><b>morning</b> 22:13,15,21 42:1 107:9</p> <p><b>move</b> 17:17 18:3,16 28:14 29:16 46:12 47:24 54:12 68:11 71:20,24 90:4 98:15 103:1 134:17</p> <p><b>moved</b> 102:16</p> <p><b>movement</b> 33:4</p> <p><b>moving</b> 16:15,20 23:17 24:5 32:12 37:19,22,24 44:10 55:17 72:3,4</p> <p><b>multiple</b> 75:13</p> <p><b>multistory</b> 114:13,15</p> <p><b>municipal</b> 95:6</p> <p><b>muster</b> 121:23</p> <p><b>myriad</b> 88:24</p> <p><b>mythical</b> 113:1 119:21 120:4 123:22</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<hr/> <p><b>N</b></p> <hr/> <p><b>name</b> 6:3 7:14 43:8 67:8 87:19 88:7 97:4 106:3 108:4 110:3 111:15 115:3 125:3 127:14 128:3 130:14 133:3</p> <p><b>Naples</b> 16:8</p> <p><b>narrow</b> 21:13</p> <p><b>narrowing</b> 21:16</p> <p><b>native</b> 115:5</p> <p><b>naturally</b> 35:8</p> <p><b>nature</b> 63:3,5 78:23 109:9 125:15</p> <p><b>navigate</b> 129:13</p> <p><b>near</b> 20:17 23:1,3</p> <p><b>nearby</b> 78:16 132:9</p> <p><b>necessarily</b> 13:18 72:2 83:4 85:9</p> <p><b>necessary</b> 48:24 50:1 76:23 83:1</p> <p><b>necessitated</b> 31:15</p> <p><b>need</b> 13:18 31:5,11,17 34:17 48:13 55:8,24 62:11 65:10 66:20 83:10 86:22 87:15 92:14 93:2 94:6 102:23 107:3 111:13 114:16 125:20 127:8 136:19 140:11 144:20 145:21</p> <p><b>needed</b> 133:13,18 137:15</p> <p><b>needs</b> 33:14 40:16 53:7 60:9</p>	<p>65:5 103:17,18 132:21</p> <p><b>negative</b> 124:16</p> <p><b>negatively</b> 38:18 55:4</p> <p><b>negotiate</b> 29:14</p> <p><b>neighbor</b> 21:11 22:12,21 23:2,4, 13,14 38:18 48:22 49:23, 24 58:2,18 65:5 70:12 93:5,7 140:11 141:18</p> <p><b>neighbor's</b> 25:14 26:12 117:12</p> <p><b>neighborhood</b> 6:8 48:18 53:10 60:22,23 62:7 79:21 91:13,14 97:7 105:13 107:23 109:2,4 112:20 114:12,21 115:5 120:2 123:7,20 127:1 128:1 129:3 132:23 135:7,10,20 136:1,12 140:14 143:21 144:2</p> <p><b>neighborhood's</b> 136:4</p> <p><b>neighborhoods</b> 123:16</p> <p><b>neighboring</b> 25:19 33:15 36:5 37:1 39:23 44:1 67:23 68:19 69:1,3,7,10 70:10 75:4 79:17 81:24 86:16</p> <p><b>neighbors</b> 9:24 11:16 33:4 36:9 39:5,20 40:9 54:3 62:8 72:10,11 80:20 97:2 103:16 114:22 116:20 120:12 125:9 126:1 130:2,19 137:9 145:17</p> <p><b>neighbors'</b> 40:5</p> <p><b>neither</b> 27:20</p> <p><b>nervous</b> 130:17</p> <p><b>never</b> 88:6 89:19 111:20 142:15</p>	<p><b>new</b> 7:18,23 11:7 12:15 14:2 19:24 26:9 39:22 46:2,7 94:16 108:5 110:17 112:3 116:11 127:5</p> <p><b>nice</b> 60:11,24 65:16,21 111:21 117:13 119:19 120:5,10 123:12 132:7, 10</p> <p><b>nicely</b> 16:1</p> <p><b>Nick</b> 6:15,19 7:15 11:17 53:13</p> <p><b>Nick's</b> 54:22</p> <p><b>night</b> 106:8 115:9 120:14 125:21</p> <p><b>nights</b> 125:21</p> <p><b>noise</b> 33:23 34:2,19 101:14,17 115:7,8,9 118:4,9 120:9, 14,17 123:15</p> <p><b>noisier</b> 123:17</p> <p><b>non-40b</b> 140:4</p> <p><b>nonconformities</b> 103:20</p> <p><b>nonexistent</b> 47:17</p> <p><b>normal</b> 49:4</p> <p><b>north</b> 9:5 10:4 22:20 25:6 44:24 124:14</p> <p><b>north-facing</b> 22:11 48:7</p> <p><b>northeast</b> 72:20</p> <p><b>northerly</b> 17:23</p> <p><b>northwest</b> 17:23 22:5 44:19</p>	<p><b>note</b> 7:7 32:1 42:4 46:17</p> <p><b>noted</b> 28:5 45:2 55:23 124:13</p> <p><b>notes</b> 53:20 54:4</p> <p><b>notice</b> 27:9 100:10 127:9</p> <p><b>noticed</b> 65:17</p> <p><b>notion</b> 45:20</p> <p><b>nowadays</b> 74:18</p> <p><b>number</b> 13:6 14:14 15:24 31:14 56:16 58:5 59:22 60:10 108:16 115:20 117:16 122:12 125:13 141:13 144:17</p> <p><b>numbers</b> 10:13</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O'Neill</b> 67:9</p> <p><b>objections</b> 125:14</p> <p><b>obligation</b> 93:10</p> <p><b>obliterates</b> 107:3,5</p> <p><b>obscure</b> 120:4</p> <p><b>obstructive</b> 47:16</p> <p><b>obvious</b> 70:12 125:21</p> <p><b>obviously</b> 12:1 18:22 26:14 28:18 50:23 55:21</p> <p><b>occupants</b> 68:10 69:17 75:17</p> <p><b>occupied</b> 25:23 45:11 96:13</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>occupy</b> 111:17</p> <p><b>occurred</b> 80:18</p> <p><b>occurs</b> 20:16</p> <p><b>October</b> 145:8,9</p> <p><b>odd</b> 81:4 102:18</p> <p><b>odors</b> 115:19</p> <p><b>off-site</b> 71:24 85:17 86:15</p> <p><b>oftentimes</b> 83:17</p> <p><b>Oh</b> 12:19</p> <p><b>oil</b> 93:7 111:4</p> <p><b>okay</b> 4:13 5:22 12:7 19:7 26:5 30:17 35:21 38:6 43:18 50:20 52:10 53:11 56:11 70:5 75:19,24 76:1,9,18, 19 77:9 78:10,14 80:15 82:13 83:14 86:4 87:6 88:8 90:18 94:18 96:23 101:13,20 103:14 105:11 106:14,19 112:12 113:23 114:10 134:17 135:14,18 141:5 143:8,12,18 144:11</p> <p><b>old</b> 12:16 73:22 115:4 120:10</p> <p><b>on-site</b> 68:15 86:14</p> <p><b>once</b> 18:20 51:6 96:12 98:9,12</p> <p><b>one's</b> 131:7</p> <p><b>one-bedroom</b> 20:4</p> <p><b>one-shot</b> 54:15</p>	<p><b>one-story</b> 24:16 124:5</p> <p><b>ones</b> 20:4 75:14 123:22 125:1</p> <p><b>online</b> 122:15</p> <p><b>open</b> 16:14 18:19 19:15 21:8,9 22:4 34:18,20 35:7 38:12,17 44:24 45:15 56:4,6,8,13,17 103:22 109:21 113:3 118:12 132:4,22 133:18,20,22</p> <p><b>open-air</b> 34:14</p> <p><b>open-to-corner</b> 32:14</p> <p><b>openings</b> 27:11 30:7 53:2</p> <p><b>opinion</b> 29:23 38:19 56:12,21 60:9 64:11 84:9 86:22 133:12 134:6 138:17</p> <p><b>opportunity</b> 54:1 58:24 65:21 115:24 120:21 144:1</p> <p><b>opposed</b> 13:9 18:4 27:1 28:12 39:3 55:18,20 129:4 131:3 132:8</p> <p><b>opposite</b> 9:12,13</p> <p><b>opposition</b> 15:5</p> <p><b>oppressive</b> 124:10</p> <p><b>optional</b> 89:9</p> <p><b>orange</b> 15:19</p> <p><b>order</b> 39:24 110:19 143:21</p> <p><b>organic</b> 76:5</p> <p><b>orientation</b> 19:13 22:3</p>	<p><b>outdoor</b> 28:22 48:24 133:10</p> <p><b>outfit</b> 123:4</p> <p><b>outline</b> 31:12</p> <p><b>outlined</b> 48:11</p> <p><b>outs</b> 146:7</p> <p><b>outside</b> 105:7,17 115:15</p> <p><b>overall</b> 61:13 131:22</p> <p><b>overbuilt</b> 132:9</p> <p><b>overhang</b> 63:4</p> <p><b>overturn</b> 138:24</p> <p><b>overview</b> 67:12</p> <p><b>overwhelming</b> 109:1</p> <p><b>owner</b> 85:10 91:13 106:5</p> <p><b>owner's</b> 82:16</p> <p><b>owners</b> 70:9</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P-i-n-c-h-e-s</b> 115:4</p> <p><b>p.m.</b> 4:2 67:1 146:18</p> <p><b>package</b> 57:20</p> <p><b>page</b> 76:16,18 83:7</p> <p><b>pages</b> 95:14</p> <p><b>PAH</b> 83:7</p>	<p><b>PAHS</b> 83:24 85:18</p> <p><b>paid</b> 126:3</p> <p><b>paint</b> 15:19</p> <p><b>paintings</b> 41:11</p> <p><b>palatable</b> 141:2</p> <p><b>Palermo</b> 5:12 11:12 12:17 51:4 52:9 53:11,19 54:6 55:7, 11 56:11 57:7 58:1,22 59:13 61:2 66:20 69:18 70:1,5 72:7 73:12,18 74:21 75:19 81:10 82:18 87:12,14 90:16,24 91:4 92:4,8,11,17,22 93:23 94:2,4 96:21,22 102:17 135:6,11,14,18 136:5,10 138:14 139:3 142:2,19 143:1,12,14,18 145:2,14</p> <p><b>palette</b> 24:15</p> <p><b>panels</b> 34:7,13,24</p> <p><b>paper</b> 71:4</p> <p><b>paragraph</b> 76:17</p> <p><b>parallel</b> 10:3</p> <p><b>parameters</b> 113:22 146:6</p> <p><b>parcels</b> 78:16</p> <p><b>park</b> 96:6</p> <p><b>parking</b> 9:6 10:6,23 15:9 16:10, 13 17:10 19:2,14 21:11 22:5,20 25:6 31:20 33:22,24 34:11,14 35:8, 10 40:23 43:5,14 45:12, 16 48:8 60:6 96:7 105:3 113:4 114:24 115:8 120:22 122:11 134:3</p>
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<p>142:24 143:7,9,10 144:11 146:2</p> <p><b>part</b> 41:18 48:10 62:2 64:24 81:1 88:11 92:18 97:17 98:13 102:19 108:11 111:24 130:24 131:21 132:5 133:21 134:23</p> <p><b>particular</b> 17:24 18:13 23:9,14 43:6 51:8 58:13</p> <p><b>particularly</b> 13:6 26:11 33:2 34:19 48:6 49:1 59:7</p> <p><b>partly</b> 121:20</p> <p><b>parts</b> 14:24 16:2 57:16,18 67:21</p> <p><b>party</b> 84:23</p> <p><b>pass</b> 121:23 131:2</p> <p><b>passed</b> 19:18</p> <p><b>Pat</b> 5:9 95:24 96:11 115:18</p> <p><b>path</b> 39:15</p> <p><b>patio</b> 133:11</p> <p><b>pattern</b> 27:2 60:11</p> <p><b>patterns</b> 26:23</p> <p><b>paved</b> 45:13</p> <p><b>pavement</b> 41:7,8</p> <p><b>paving</b> 45:14</p> <p><b>paying</b> 87:4</p> <p><b>pedestrian</b> 26:22 33:18,22 44:16,17 45:3 48:19 59:2 128:9</p>	<p><b>pedestrian-friendly</b> 17:16</p> <p><b>pedestrians</b> 124:9</p> <p><b>peer</b> 4:24 5:2 6:23 11:24 12:13 13:2,5 34:3 42:21 54:2 67:6 101:12 104:7, 13 144:15 146:2</p> <p><b>PEL</b> 99:15</p> <p><b>penetrations</b> 31:14</p> <p><b>penthouses</b> 47:6</p> <p><b>people</b> 4:6 19:16 35:24 38:18 42:18 59:6 64:22 66:15, 23 73:3 74:18 79:12 80:5 89:17 93:11 105:13 106:22 108:1 110:16,17 117:11 118:24 119:5 124:2 125:13,16 126:16, 23 131:2 132:3,6 136:11 139:19</p> <p><b>people's</b> 86:8</p> <p><b>perceived</b> 58:17 124:8</p> <p><b>percent</b> 35:18 99:21 100:1 109:9 141:6 144:5</p> <p><b>percentage</b> 129:7</p> <p><b>perception</b> 28:17 127:12</p> <p><b>perfectly</b> 20:14 93:1</p> <p><b>perimeters</b> 45:1</p> <p><b>period</b> 72:14,16</p> <p><b>permanence</b> 26:20</p> <p><b>permit</b> 4:5 99:13 142:17,21</p>	<p><b>perpetrated</b> 112:20</p> <p><b>person</b> 53:15 130:13</p> <p><b>personal</b> 134:19</p> <p><b>personally</b> 33:13 38:14 138:10 140:8</p> <p><b>perspective</b> 17:20,21 30:20 31:24 32:16,17 40:12,14 45:24 48:5 79:19 129:1 136:11</p> <p><b>perspectives</b> 20:19</p> <p><b>Peter</b> 5:8 6:17 7:15 11:18 35:12,19 38:24 53:12,18 54:9,14,19 55:14 94:23 95:13 97:18 102:11,23</p> <p><b>Peter's</b> 55:3</p> <p><b>petroleum</b> 88:18,19</p> <p><b>petty</b> 93:17</p> <p><b>phase</b> 81:4 88:5 91:7</p> <p><b>phone</b> 47:21</p> <p><b>phonetic</b> 40:8</p> <p><b>photograph</b> 47:20</p> <p><b>photos</b> 106:7</p> <p><b>physically</b> 124:8</p> <p><b>pick</b> 96:4</p> <p><b>picked</b> 117:22</p> <p><b>picket</b> 106:16,19,21,22</p> <p><b>picture</b></p>	<p>40:10 51:18</p> <p><b>piece</b> 18:8 20:10 25:3 37:4 47:22</p> <p><b>pieces</b> 31:9</p> <p><b>pile</b> 72:13</p> <p><b>Pinches</b> 115:3 120:24</p> <p><b>pipe</b> 95:6</p> <p><b>place</b> 5:20 17:21 27:23 72:22 93:6 111:6 112:6 118:10 132:8,10</p> <p><b>placed</b> 39:13</p> <p><b>placement</b> 39:21 49:4,23 56:3</p> <p><b>plainness</b> 33:6</p> <p><b>plan</b> 5:9,10 10:11 20:22 21:9, 15 39:9 41:5,17 46:7,8, 10 49:2 55:24 60:6 62:5, 17,23 71:4 77:12 83:16 84:22 95:16,22 96:1,12, 16</p> <p><b>plane</b> 60:2</p> <p><b>planned</b> 52:14</p> <p><b>planner</b> 38:20</p> <p><b>planners</b> 5:14</p> <p><b>planning</b> 4:17 5:4 6:14 11:22 14:19,21 17:13 28:6,10, 23 29:2 32:2 33:10 36:23 38:10,11 39:12,17 45:24 46:11 52:4 54:23 56:23 65:7 97:24 103:10 104:4 135:4,12 136:6,7 140:15</p> <p><b>plans</b> 21:3 46:13 47:1,11 53:1,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>3 54:16</p> <p><b>plant</b> 57:1,2 88:19</p> <p><b>planting</b> 21:13,17 57:14</p> <p><b>plantings</b> 57:13 123:21 133:22</p> <p><b>playing</b> 133:20</p> <p><b>please</b> 67:7 77:7 94:10 105:14, 17,19,22 106:1</p> <p><b>pleasing</b> 130:24 131:15</p> <p><b>plenty</b> 23:24 58:9</p> <p><b>plume</b> 90:4,10,12,13</p> <p><b>plus</b> 115:12,14 116:21</p> <p><b>pneumatic</b> 110:24 111:1</p> <p><b>podium</b> 107:15</p> <p><b>point</b> 10:20 14:23 27:19 30:21 31:12 35:4 39:16,17,21 47:5,14 51:22 52:12 55:13 56:19,24 63:23 96:24 97:16 98:14,17 99:6 100:3,19 121:11 130:4 137:6,10,20 138:10</p> <p><b>pointed</b> 65:1 126:16</p> <p><b>pointing</b> 114:9</p> <p><b>points</b> 43:7 47:10 48:1 100:5 109:20</p> <p><b>pole</b> 46:4</p> <p><b>pollution</b> 115:10 118:5 120:18</p> <p><b>Polly</b> 5:3,7,13 41:15 94:19</p>	<p>102:14 135:8 137:23 138:4 145:22</p> <p><b>polyaromatic</b> 71:11 83:24</p> <p><b>ponder</b> 144:13</p> <p><b>poor</b> 114:21 115:1</p> <p><b>populating</b> 29:4</p> <p><b>portion</b> 102:9 131:22</p> <p><b>pose</b> 69:6 71:22 72:14 81:8 86:7</p> <p><b>poses</b> 71:17</p> <p><b>posing</b> 68:9 84:10 86:2</p> <p><b>position</b> 98:8,11</p> <p><b>positive</b> 65:14</p> <p><b>possibility</b> 61:19 141:23</p> <p><b>possible</b> 26:10 31:13,19 60:1 61:21 80:17 107:17 115:14 118:14</p> <p><b>possibly</b> 115:24 116:17</p> <p><b>posted</b> 112:17</p> <p><b>potential</b> 21:13 49:10 73:18 81:21 82:8 85:7 115:16 116:22 131:16</p> <p><b>potentially</b> 25:22 29:4 49:11 51:9 59:4 80:4 92:23 116:12 130:23 139:6</p> <p><b>pour</b> 111:2,6</p> <p><b>Poverman</b> 4:3,13 5:11 7:4 11:10,13 12:10,19,24 13:20 19:6,</p>	<p>21 23:21 24:6 30:9,17 35:9,14,21 37:22 38:6 40:10 41:19 42:18 43:17 44:14 47:15,22 50:13 51:2 55:9 57:3 59:16 61:1,4 63:1,11,14 64:13, 21 66:22 67:2,14 69:24 70:23 72:10 73:11 75:20, 22 76:1,9,16,24 77:7 78:10,14,20 80:14 82:9, 13,22 83:14 85:12 86:17 87:6,16,20 88:8 90:13, 18,21 91:3 92:15 93:21, 24 94:3,9,15,18 95:18 96:15,18,21,23 97:9 98:17 99:19 100:2 101:6, 14 102:14,24 103:3,6 104:18 105:11 106:12,17 107:12 108:3 109:6,14, 22 111:14 112:10 113:11 120:23 121:2 122:15,19 129:9 130:12 131:18 133:2 134:16 136:24 137:19,23 138:8 140:8 144:19,23 145:5,9,11,20 146:16</p> <p><b>practical</b> 117:10 119:9</p> <p><b>practically</b> 115:5</p> <p><b>practice</b> 74:19,22 78:7 136:9</p> <p><b>precedent</b> 114:5 127:17,20,23,24 128:18</p> <p><b>Precinct</b> 108:5 112:14 125:5</p> <p><b>precludes</b> 33:8</p> <p><b>predatory</b> 98:12</p> <p><b>prefer</b> 66:18</p> <p><b>prepared</b> 94:21 120:20</p> <p><b>preponderance</b> 20:3</p> <p><b>prerequisite</b> 98:21</p>	<p><b>prerogative</b> 23:23 98:2 101:20</p> <p><b>present</b> 4:22 102:12 125:14</p> <p><b>presentation</b> 4:15 5:24 6:12 7:17 11:8, 11 12:15 24:2 26:6 37:15 53:24 114:18 117:18 121:9 122:9</p> <p><b>presentations</b> 13:11 14:12</p> <p><b>presenting</b> 6:11,16 7:13</p> <p><b>preservation</b> 4:18 45:9 103:11</p> <p><b>preserved</b> 5:18</p> <p><b>president</b> 87:23</p> <p><b>pressure</b> 70:18</p> <p><b>pressurizing</b> 79:24</p> <p><b>presumably</b> 12:3 83:20</p> <p><b>presume</b> 70:9</p> <p><b>pretty</b> 21:22,24 24:11 53:2 60:16 66:14 92:1 93:14 115:17 118:12 140:1 141:22</p> <p><b>prevent</b> 69:14 70:21 74:13</p> <p><b>previous</b> 12:4 13:10 19:18 68:5 77:10 84:9 116:14 120:9 122:13 128:22</p> <p><b>previously</b> 11:9 96:7</p> <p><b>primary</b> 44:18 48:6 131:4</p> <p><b>prior</b> 11:24</p> <p><b>prioritize</b> 52:19</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>prioritized</b> 57:8 58:5</p> <p><b>priority</b> 55:18,19</p> <p><b>pristine</b> 86:10</p> <p><b>privacy</b> 39:24 133:10</p> <p><b>private</b> 96:4,9 133:17</p> <p><b>proactive</b> 80:15 86:19</p> <p><b>probably</b> 19:9 20:24 22:9 50:16 59:6 85:15 90:4 93:18 115:13 137:10</p> <p><b>problem</b> 30:8 64:23 80:10 96:11 99:11 111:20 116:12,22 139:23</p> <p><b>problems</b> 92:12 118:14 120:12 131:4</p> <p><b>proceed</b> 12:12</p> <p><b>proceedings</b> 4:1 5:15,20 96:24 146:18</p> <p><b>process</b> 54:14 55:12 113:16,22 146:14</p> <p><b>produce</b> 56:1 99:2</p> <p><b>professional</b> 14:18 67:10 75:5 86:22 87:14</p> <p><b>professor</b> 106:4</p> <p><b>profile</b> 80:1</p> <p><b>program</b> 20:2</p> <p><b>progress</b> 145:19</p> <p><b>project</b> 8:18 15:5 19:20 22:9 26:16 31:24 38:21 42:5</p>	<p>52:15 53:16 56:14 62:21 74:15 87:4 97:13 99:18, 23 100:7,12 101:23 103:12 104:5,24 124:1 126:18 138:1,19 139:7, 14,23 140:4,9,12 141:2 142:11,14,20,23 143:2</p> <p><b>projects</b> 42:8 98:12 140:4 142:16 146:6</p> <p><b>prominent</b> 29:19</p> <p><b>prominently</b> 24:18</p> <p><b>promoting</b> 127:20</p> <p><b>proof</b> 99:7</p> <p><b>properties</b> 78:21 79:8,17 80:18 85:2</p> <p><b>property</b> 8:3,5,9,17,23 20:17,21 21:14 25:12 26:1,2 30:14 37:4 42:10,11 44:22 46:23 67:22,23 68:1,5, 19,20 69:3,7,10,12 70:4, 11 71:10 73:2,19 79:23 82:4 85:5,10 86:16 90:7, 12 93:5,8,12 94:12 98:23 103:22,24 104:6 106:23 107:18 110:8 112:15 116:13,14,19 117:21 118:8,20 120:16</p> <p><b>proponent</b> 50:1 58:18</p> <p><b>proportion</b> 8:19 112:19</p> <p><b>proportioning</b> 24:10</p> <p><b>proportions</b> 33:1</p> <p><b>proposal</b> 19:23 21:3 42:7,17 43:21</p> <p><b>propose</b> 60:8</p> <p><b>proposed</b> 8:2,16 9:5,17,22 10:4,11 16:5 20:22 21:21 22:2</p>	<p>24:8 26:9 31:24 33:22 36:6 41:20 42:4 45:15,18 46:6 95:2,5 96:12 106:10 130:21 133:19,24 143:24</p> <p><b>proposing</b> 99:23 102:7</p> <p><b>protect</b> 69:17 126:10</p> <p><b>protecting</b> 85:1</p> <p><b>protection</b> 68:23 74:11 92:23</p> <p><b>protruding</b> 59:13</p> <p><b>provide</b> 4:20 10:2,10 21:5 44:6 58:16,19 62:16 99:7 104:21 133:18</p> <p><b>provided</b> 7:19 11:8 37:14 143:3</p> <p><b>provides</b> 103:24 124:12</p> <p><b>provision</b> 93:11</p> <p><b>proximity</b> 56:17</p> <p><b>prudent</b> 40:4 82:5 85:8</p> <p><b>psychologically</b> 132:7</p> <p><b>public</b> 4:18 5:10 7:2 36:3,4 48:10 56:17 95:23 97:1 102:10 108:11,15 133:17 136:1 142:8</p> <p><b>public's</b> 129:6 130:9</p> <p><b>pull</b> 5:17,19 31:9 43:4 83:18</p> <p><b>pulled</b> 29:13 57:1,4,6 76:21 82:20 87:24 89:11</p> <p><b>pulling</b> 29:10 43:3 63:18 83:18, 21 116:18</p>	<p><b>pump</b> 79:5</p> <p><b>punched</b> 27:11</p> <p><b>punctuated</b> 17:10</p> <p><b>punish</b> 141:15</p> <p><b>purpose</b> 35:16</p> <p><b>purposes</b> 39:12</p> <p><b>purview</b> 115:21</p> <p><b>pushing</b> 62:2</p> <p><b>put</b> 14:7 47:16 57:16 58:6,15 72:18 74:16 78:2 79:22 91:22 92:15,17 94:16,17 98:7,10 108:16 110:6 111:22 127:8</p> <p><b>putting</b> 81:21 85:6 116:13 123:5</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 118:6 124:12</p> <p><b>question</b> 11:19 35:19 47:11 53:12 58:22 61:22 73:4 82:24 83:12 85:11,13 94:9 99:4,17 104:22 115:7,10 116:8 117:2,8,9 118:4 120:19 122:20 128:21 139:10 142:3 143:6</p> <p><b>questions</b> 7:11,12 11:11 12:10 13:13 14:10 15:2 23:19, 23 24:1,3 47:3 51:5 54:7 67:15 70:24 73:11 75:21, 22 87:7 95:19 96:19,20 116:1,2 120:6,8,24 127:10 146:14</p> <p><b>quibble</b> 84:8</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>quick</b> 22:7 27:6 35:6 98:19 107:20</p> <p><b>quickly</b> 7:20 14:11 19:19 24:19 48:1 49:19 118:15</p> <p><b>quiet</b> 77:8 123:16</p> <p><b>quieter</b> 123:20</p> <p><b>quite</b> 26:2 42:11 49:15 50:8 58:12 102:4 126:16 131:11 132:5 134:8 135:2 140:23</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>radon</b> 116:8,11,17 117:5</p> <p><b>raise</b> 100:5,9</p> <p><b>raised</b> 43:3 97:13 102:15,24 103:9,10</p> <p><b>raises</b> 91:10</p> <p><b>raising</b> 97:16</p> <p><b>ratio</b> 99:17</p> <p><b>rationale</b> 127:17</p> <p><b>reaches</b> 90:6</p> <p><b>read</b> 10:14 15:4 24:11 63:22 73:15 129:16</p> <p><b>reading</b> 26:24 28:11 53:3 75:8 83:6</p> <p><b>ready</b> 138:10</p> <p><b>real</b> 37:19 86:15 107:22 119:12 123:22</p>	<p><b>realistic</b> 140:24</p> <p><b>reality</b> 89:5</p> <p><b>really</b> 12:16 13:8 14:3,20 16:1 17:15 18:11,18 25:4 28:1 30:21,22 31:5 34:17 36:4 37:16,20 38:14 41:5 48:2,9 50:21,22 51:17 58:20 60:23,24 61:9 62:21 64:20 65:10,14,16, 21 67:21 68:9,15 69:5 70:8 71:17,19 72:12 73:5 79:20 80:10 81:8 84:8, 14,16,24 86:13 92:14 93:2 98:4,10,18 109:18, 19 113:8,15 114:20,23 122:7 123:22 124:19 132:15 139:19</p> <p><b>realm</b> 48:10</p> <p><b>rear</b> 38:22 39:1,13 49:20 61:15 117:11,23 137:4</p> <p><b>reason</b> 56:20 57:10 58:16 142:5</p> <p><b>reasonable</b> 50:8 93:1 141:7,10,16</p> <p><b>reasons</b> 18:1 50:23 57:15 118:23</p> <p><b>reassembling</b> 67:3</p> <p><b>reassurance</b> 55:8</p> <p><b>reassured</b> 53:21</p> <p><b>recall</b> 4:8</p> <p><b>receive</b> 22:12</p> <p><b>received</b> 6:13 13:4</p> <p><b>recess</b> 67:1</p> <p><b>recessed</b> 27:14 53:2</p>	<p><b>recessing</b> 33:20</p> <p><b>recognize</b> 52:12 136:14</p> <p><b>recognized</b> 118:5 120:17</p> <p><b>recommend</b> 38:11 58:2 69:2,4,16 74:22,23 85:4</p> <p><b>recommendation</b> 36:22 75:15 86:17 87:2 94:2,4</p> <p><b>recommendations</b> 27:3 71:3</p> <p><b>recommended</b> 32:2 33:11 38:10 74:24 91:22 92:5</p> <p><b>reconvene</b> 4:4</p> <p><b>reconvening</b> 67:3</p> <p><b>record</b> 6:3 7:14 41:18 66:24 97:4 108:16</p> <p><b>records</b> 89:20</p> <p><b>recycling</b> 88:19 89:3,4 96:2 117:24</p> <p><b>red</b> 91:10</p> <p><b>reduce</b> 52:16</p> <p><b>reduces</b> 70:18 95:2</p> <p><b>reducing</b> 61:8 136:17 137:3</p> <p><b>reduction</b> 61:11,12 141:24 144:17</p> <p><b>reemphasize</b> 49:14</p> <p><b>reevaluate</b> 96:14</p> <p><b>refer</b> 15:1 117:16</p>	<p><b>reference</b> 13:23</p> <p><b>references</b> 12:17</p> <p><b>referred</b> 72:5 79:2 118:13</p> <p><b>referring</b> 78:10,13</p> <p><b>reflected</b> 134:11</p> <p><b>reflects</b> 123:18,19</p> <p><b>refocus</b> 27:6</p> <p><b>regard</b> 85:24</p> <p><b>regarding</b> 28:24</p> <p><b>regardless</b> 84:9</p> <p><b>regional</b> 5:4</p> <p><b>regulated</b> 68:13 78:3,6 85:24</p> <p><b>regulating</b> 77:13</p> <p><b>regulation</b> 76:12,13,23 77:2</p> <p><b>regulations</b> 72:19 77:15,20 84:15 86:6,12 88:13</p> <p><b>regulatory</b> 84:18</p> <p><b>relate</b> 28:13</p> <p><b>related</b> 15:8 79:2 83:21</p> <p><b>relates</b> 51:19</p> <p><b>Relating</b> 82:13</p> <p><b>relation</b> 19:14</p> <p><b>relative</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>6:23 11:15 32:1 42:12,16 74:7</p> <p><b>relatively</b> 46:14 123:16 141:7,9</p> <p><b>release</b> 68:20 73:15 74:20 78:3 79:15 82:4 83:17 84:23 85:1</p> <p><b>released</b> 73:21 79:4</p> <p><b>releases</b> 68:22 80:22</p> <p><b>relevant</b> 88:8 119:10 128:22</p> <p><b>relief</b> 65:6 104:21,24</p> <p><b>relocating</b> 28:7</p> <p><b>remainder</b> 45:14</p> <p><b>remaining</b> 95:8</p> <p><b>remediate</b> 77:14</p> <p><b>remediation</b> 80:11 86:19</p> <p><b>remember</b> 12:20 29:2 40:14 62:19 110:5 124:23 128:3</p> <p><b>reminding</b> 40:13</p> <p><b>remotely</b> 107:24</p> <p><b>remove</b> 119:20</p> <p><b>removed</b> 46:2 68:3</p> <p><b>renderings</b> 24:13 26:17</p> <p><b>renovated</b> 122:6</p> <p><b>renovation</b> 17:6</p> <p><b>rent</b> 61:10 111:17,24 118:21</p>	<p><b>rental</b> 46:18,23 112:1</p> <p><b>rented</b> 118:21</p> <p><b>renting</b> 111:20</p> <p><b>repeat</b> 27:6 31:2 48:22 64:22 125:24</p> <p><b>repetitiously</b> 19:9</p> <p><b>replace</b> 113:8</p> <p><b>replaced</b> 110:5</p> <p><b>report</b> 4:23 5:1 12:18 13:21,23 14:6 15:1 19:9 40:18 52:12 58:23 59:24 70:7 78:14 89:19 90:24 91:7 94:20 95:1,14,15 128:4</p> <p><b>reportable</b> 89:15</p> <p><b>reported</b> 89:22 90:9</p> <p><b>reporting</b> 53:15</p> <p><b>reports</b> 66:21 89:18</p> <p><b>represent</b> 55:15 97:7</p> <p><b>representative</b> 139:22</p> <p><b>represented</b> 102:18</p> <p><b>representing</b> 97:2</p> <p><b>represents</b> 9:16 130:4</p> <p><b>request</b> 95:15 102:19 137:11</p> <p><b>requested</b> 41:14 116:9</p> <p><b>require</b> 78:8 115:17</p>	<p><b>required</b> 46:20,23 52:15 56:3 77:12,15 91:12,13 99:1 116:9 139:16</p> <p><b>requirement</b> 37:6 68:7 84:18 90:8 143:7,9</p> <p><b>requirements</b> 46:19 105:2,3,4 113:18 115:18</p> <p><b>requires</b> 29:22 91:9,24 99:20 129:21 142:17,21</p> <p><b>residences</b> 82:2</p> <p><b>resident</b> 106:5 113:14 115:4</p> <p><b>residential</b> 4:9 17:12 20:3,12 21:7 33:3 36:18 44:18 48:18 50:9 53:10 60:13 61:16 69:6 82:3 85:6 124:21 133:17</p> <p><b>residents</b> 38:13 44:20 129:3</p> <p><b>residents'</b> 129:1</p> <p><b>resolve</b> 31:23</p> <p><b>respect</b> 81:11 100:6 138:17</p> <p><b>respects</b> 92:23</p> <p><b>respond</b> 87:10,18</p> <p><b>response</b> 46:10 54:21</p> <p><b>responsibility</b> 84:21 85:9</p> <p><b>responsible</b> 60:5 84:23,24</p> <p><b>rest</b> 5:5 11:8 112:11</p> <p><b>restaurant</b> 43:13 115:16,17 116:15</p>	<p><b>restore</b> 113:1</p> <p><b>restoring</b> 18:8</p> <p><b>result</b> 21:16 137:9</p> <p><b>results</b> 133:9 136:23</p> <p><b>retail</b> 4:11,14 9:7,9 10:6 104:18,19 105:1 115:14</p> <p><b>retained</b> 129:12</p> <p><b>retaining</b> 28:8</p> <p><b>review</b> 6:23 11:24 12:13 14:1,13 35:5,6 46:24 76:11 84:9 95:17 105:3 142:18 144:15</p> <p><b>reviewed</b> 14:15 52:6 94:22 95:13, 23</p> <p><b>reviewer</b> 4:24 5:2 13:2,5 21:4 34:3 36:20 42:21 48:23 54:2 67:6 101:12 104:7,14 146:2</p> <p><b>reviewer's</b> 29:23</p> <p><b>reviewing</b> 34:3 79:19</p> <p><b>revise</b> 9:3 54:15</p> <p><b>revising</b> 145:19</p> <p><b>ridge</b> 26:7</p> <p><b>right</b> 5:23 7:6 8:8 9:7,23,24 10:7,9 11:2 12:19 13:8 18:24 20:9 21:4 24:4 25:8,14 26:3 35:3,4,23 38:4 58:19 66:22 67:2,16 69:20,21 80:3 81:6 82:9 86:1,3 98:6 99:5 100:5, 22 101:8 102:9 103:8</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>104:4 109:22 110:20 116:20 120:16 121:15 124:9 134:14 136:10 139:24 140:2,3 142:6,9, 12,15 143:3 145:3,11,20</p> <p><b>rights</b> 126:4</p> <p><b>risk</b> 68:9 69:6 71:18,19,22 72:1,2,11,15 73:20 80:13,17,19 84:10 86:2, 7,15</p> <p><b>risks</b> 86:13,14</p> <p><b>road</b> 16:8 17:22 18:4 21:19 51:24 52:1 110:21</p> <p><b>role</b> 128:13</p> <p><b>roof</b> 25:21 26:9,12,14 28:14 49:18 50:16 95:4,5 115:11 137:2</p> <p><b>rooftop</b> 30:5 47:5</p> <p><b>room</b> 63:7 96:2,10 105:18 117:20</p> <p><b>Rosen</b> 121:3,4 122:16,20 126:15</p> <p><b>roughly</b> 21:5 119:23</p> <p><b>round</b> 100:3</p> <p><b>rounds</b> 27:7</p> <p><b>route</b> 80:9,11,15</p> <p><b>row</b> 113:4</p> <p><b>rule</b> 69:11 82:6</p> <p><b>rules</b> 88:13</p> <p><b>rumbling</b></p>	<p>117:24</p> <p><b>run</b> 64:16</p> <p><b>run-through</b> 22:7</p> <p><b>running</b> 10:3 64:15</p> <p><b>rush</b> 98:5 126:11</p> <p><b>Russell</b> 130:15</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safely</b> 29:15</p> <p><b>safest</b> 93:18</p> <p><b>safety</b> 49:8 58:13 64:24 114:23</p> <p><b>sake</b> 13:17 14:5 93:4</p> <p><b>sample</b> 82:1,15</p> <p><b>samples</b> 81:14,16 82:14,15</p> <p><b>sampling</b> 83:1</p> <p><b>sand</b> 142:1</p> <p><b>satisfy</b> 137:8</p> <p><b>save</b> 113:11</p> <p><b>saved</b> 88:3 120:10</p> <p><b>saw</b> 20:7 21:8,15 22:7 26:9 42:19 46:9 56:4 68:16 83:23</p> <p><b>saying</b> 12:23 14:13 45:19 50:15 56:22 59:19,24 62:9 70:22 76:2 79:16 86:23 91:1 102:21 111:7 114:10 137:23 138:21,23</p>	<p>141:5</p> <p><b>says</b> 90:9 99:22</p> <p><b>scale</b> 9:14,19 22:2 23:15 24:14 28:9,13 36:7 60:12,21 126:21 132:22</p> <p><b>Schlatter</b> 113:13,23</p> <p><b>science</b> 74:15 87:4</p> <p><b>scope</b> 101:22 103:5,7 105:7 109:5 114:2</p> <p><b>screen</b> 32:3,7 57:17,19</p> <p><b>screened</b> 36:2,4</p> <p><b>screening</b> 47:7 48:14 49:3,13 56:2, 20 58:16</p> <p><b>se</b> 41:4 52:5</p> <p><b>SEB</b> 6:4 41:2</p> <p><b>second</b> 4:16 25:11 66:9 76:16 88:11 111:18 112:4 130:16</p> <p><b>section</b> 9:9,12,18,20 10:3 37:14 76:15 90:9 128:5,6,8</p> <p><b>sections</b> 128:5</p> <p><b>secure</b> 126:3</p> <p><b>secured</b> 126:1</p> <p><b>see</b> 6:14 8:1 9:5,16 10:24 12:5 15:6 16:15 29:13 32:20 34:8 37:15,17 40:11 49:18 59:8 61:11 63:21 66:9,10 68:9,11 80:15 82:1,23 84:10,16, 17 86:16 93:17 96:14 100:21 113:3 116:7</p>	<p>117:10 121:19 131:15,23 132:2 134:24 135:19 136:23 141:19 144:24</p> <p><b>seeing</b> 6:18 53:14 86:13 132:12 139:18 141:11</p> <p><b>seeking</b> 104:23</p> <p><b>seen</b> 7:21 29:20 103:18 141:9</p> <p><b>sees</b> 101:4</p> <p><b>selected</b> 134:6</p> <p><b>selection</b> 26:18</p> <p><b>selective</b> 13:8 14:24</p> <p><b>selectmen</b> 103:11 104:4</p> <p><b>Selkoe</b> 5:3,13 12:21 14:5 42:21 56:8 69:22 94:20 95:21 96:17 99:15 101:11,18 102:11 113:19 122:17 135:9,13,16,23 136:7 137:13 138:7 139:2 140:3 142:14,20 143:9, 13,16 145:8,15,23</p> <p><b>sends</b> 54:23 124:16</p> <p><b>sense</b> 18:7 27:18 36:16 61:8 62:13 83:12 132:10 143:19</p> <p><b>sensitivity</b> 60:20</p> <p><b>sentiment</b> 99:9</p> <p><b>serious</b> 116:12 117:5</p> <p><b>seriously</b> 65:23 118:6 129:16</p> <p><b>seriousness</b> 55:5</p> <p><b>serves</b></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>16:14 123:11</p> <p><b>service</b> 30:3 31:8 37:6,8 44:24 116:15 117:16,17 119:4 120:9,15</p> <p><b>set</b> 17:9 25:1,3,10 33:14 36:10 37:5 62:11 77:14 83:16 113:4 124:10 140:13 145:5</p> <p><b>setback</b> 21:12 23:16 25:7 28:20 32:2 33:5,7,12,16 36:24 38:1,8 39:6 45:2 48:17, 21 52:13,19,22,23 55:20, 22 57:8 58:3,10 60:20 61:15,17,20 63:14 65:4 104:2 107:1,6,10 114:14, 16 115:1 124:6 133:8,12, 15 137:4 139:15,17</p> <p><b>setbacks</b> 7:24 8:24 21:10 33:11 45:4 52:20 55:18,19 57:22 58:5 61:14 64:23 103:20,23,24 104:1,10 106:10 107:6,16,17 108:18 121:10 124:3,5 128:16 133:7 136:16 138:3 139:15 140:10 141:1,14,17 143:4</p> <p><b>setting</b> 29:3 38:11 51:9 128:18</p> <p><b>seven-page</b> 14:24</p> <p><b>seventeen</b> 99:24 115:12</p> <p><b>shading</b> 32:10</p> <p><b>shadow</b> 17:24 22:8,17 37:19,21, 23 38:2 101:21 106:9</p> <p><b>shadowed</b> 102:2</p> <p><b>shadows</b> 22:22 37:17 101:21,24</p> <p><b>shameful</b> 98:13</p> <p><b>Shan-a-punjab</b> 106:23</p>	<p><b>shapes</b> 10:12</p> <p><b>shared</b> 102:22</p> <p><b>shares</b> 99:9</p> <p><b>Shaw</b> 109:15 110:1 111:1,5</p> <p><b>sheet</b> 95:8</p> <p><b>Shimon's</b> 106:15,20</p> <p><b>shingles</b> 44:3</p> <p><b>shocked</b> 109:20</p> <p><b>shocking</b> 102:4</p> <p><b>shoot</b> 35:20</p> <p><b>short</b> 30:8</p> <p><b>shorter</b> 132:17</p> <p><b>shortly</b> 20:19</p> <p><b>shouldn't</b> 73:8</p> <p><b>show</b> 9:18,21 10:11,14 14:1 15:17 34:8 47:21 53:1 62:18 106:22 119:19 120:1</p> <p><b>showing</b> 50:8</p> <p><b>shown</b> 134:19</p> <p><b>sic</b> 8:16</p> <p><b>side</b> 9:12,13 17:8 22:16 29:10 30:12 37:9,10 45:23 53:7 58:21 66:1 100:20 116:21 118:20 119:6,9, 10,21 141:19</p>	<p><b>sides</b> 22:4 38:15 107:17 124:20 134:11</p> <p><b>sidewalk</b> 16:8,13,14 17:2 21:13,16 28:21 29:4,7 33:9 37:9 49:6,11 65:2 71:17 100:15</p> <p><b>siding</b> 24:24 43:22,23 44:5 117:13</p> <p><b>sight</b> 28:24 100:19,23,24 101:1 107:18</p> <p><b>sight-distance</b> 100:12</p> <p><b>signed</b> 89:6</p> <p><b>significant</b> 18:5 23:12 100:11 104:23 133:21 141:1</p> <p><b>significantly</b> 27:12</p> <p><b>similar</b> 24:7,14 60:12 79:7</p> <p><b>Similarly</b> 13:24</p> <p><b>simplest</b> 75:13</p> <p><b>simply</b> 102:21</p> <p><b>simulated</b> 119:17</p> <p><b>single</b> 11:5</p> <p><b>single-family</b> 62:12</p> <p><b>single-story</b> 16:7,12 17:2</p> <p><b>sister's</b> 111:24</p> <p><b>sit</b> 72:13 126:10</p> <p><b>site</b> 4:19 6:24 10:2,12 13:9 15:9,12,15,17 16:10,24</p>	<p>17:18,19 18:6,15,17 20:1,22 21:1,9 22:4 29:20 33:14 45:8,11,15 46:5 62:8 67:10,19,20 68:10,12,21 71:10,15,21, 23 72:14 73:7 74:20 75:5 76:2,3,10,19,20 77:5,11, 16,17 78:2 81:6,8,11,22 83:2,3 84:10 85:16 87:14 91:15 93:20 95:2,8,9,16 98:21 99:13 103:6,13 108:1 110:13,16,17,22, 23 111:1,11,12 125:7 128:10</p> <p><b>sites</b> 93:18</p> <p><b>sits</b> 67:24 86:1,2</p> <p><b>sitting</b> 5:4 81:18 108:8 121:15 142:3</p> <p><b>situation</b> 6:24 115:8</p> <p><b>six</b> 142:21</p> <p><b>size</b> 109:4 132:14 141:13 142:15</p> <p><b>sizes</b> 32:24</p> <p><b>skills</b> 140:16</p> <p><b>sky</b> 23:4,7,11 37:1,12,17,18 38:3 39:6,20 113:5</p> <p><b>slab</b> 92:20,21</p> <p><b>slack</b> 126:12</p> <p><b>sleek</b> 64:1</p> <p><b>slide</b> 7:23 14:1 107:21</p> <p><b>slides</b> 12:22 13:24 21:9</p> <p><b>slightly</b> 89:23</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Sloat</b> 109:15</p> <p><b>slope</b> 26:13</p> <p><b>slowly</b> 97:10</p> <p><b>small</b> 16:11 23:15 28:16 31:12 38:16 45:13 53:4 61:10 65:2 108:19 118:8 130:4</p> <p><b>smaller</b> 28:8 128:16 133:14</p> <p><b>smaller-scale</b> 33:3 59:9 60:12</p> <p><b>smell</b> 73:23,24 79:5</p> <p><b>smells</b> 110:10</p> <p><b>smoother</b> 53:9</p> <p><b>so-called</b> 46:14</p> <p><b>sociologist</b> 127:18</p> <p><b>soften</b> 63:6</p> <p><b>softening</b> 33:8 63:12</p> <p><b>soil</b> 68:13,14,15 71:5,13,20 72:3,13,19 73:7 74:3 76:4,11 77:1,11 78:8,9 80:18 81:1,13,19 82:15 85:15,17 86:15 88:12,14 110:12</p> <p><b>solar</b> 18:2 57:15</p> <p><b>sold</b> 110:7 111:6</p> <p><b>soldier</b> 64:9,12</p> <p><b>solidity</b> 27:18</p> <p><b>solitary</b> 134:8</p>	<p><b>solved</b> 63:18</p> <p><b>solvent</b> 68:19 73:22 74:20 76:8 79:15 80:3,22</p> <p><b>solvents</b> 68:22 79:6 81:16</p> <p><b>somebody</b> 40:11 91:7 110:20 118:19</p> <p><b>somewhat</b> 32:17</p> <p><b>soon</b> 62:7 127:7 145:10</p> <p><b>sorry</b> 9:13 30:9 57:3 106:13 110:2 131:19 143:16</p> <p><b>sort</b> 15:6 38:24 48:1 59:14 64:7 65:20 92:4 132:7 137:12 145:17</p> <p><b>sorts</b> 54:17</p> <p><b>sound</b> 45:23 118:14</p> <p><b>sounds</b> 67:16 117:13</p> <p><b>south</b> 9:14</p> <p><b>southern</b> 23:13</p> <p><b>space</b> 4:11,14 11:5,6 19:15 20:8 21:6,8,9 25:22 28:21,22 32:7,19 34:16 35:7 38:12,17 48:24 49:7,11 56:4,7,9,13,17 58:20 62:9,16 102:21 103:22 105:1 108:19 113:3 115:14 118:8,12 123:11 124:12 128:16 132:22 133:18,20,22 143:10</p> <p><b>spaces</b> 11:1,4 20:5,6 40:23 43:14 96:7</p> <p><b>speak</b></p>	<p>97:9 113:21 117:21 130:17</p> <p><b>speakers</b> 133:6</p> <p><b>speaking</b> 45:2</p> <p><b>speaks</b> 98:3</p> <p><b>special</b> 142:17,21</p> <p><b>specialist</b> 44:12 129:11</p> <p><b>specific</b> 7:10 14:3 42:6 48:12 104:6 105:6 136:19</p> <p><b>specifically</b> 42:5 55:24 103:20 120:7 122:21 135:17</p> <p><b>specious</b> 127:20</p> <p><b>spill</b> 90:9,15,22 91:9,12,20 93:5</p> <p><b>spite</b> 23:11</p> <p><b>spoke</b> 121:10 123:9</p> <p><b>spot</b> 43:5 111:10</p> <p><b>spots</b> 16:18</p> <p><b>square</b> 4:10,13 9:16 20:7,10 33:19 52:11,16,21 59:1 104:7 143:10,12</p> <p><b>squished</b> 65:3</p> <p><b>stackers</b> 11:2</p> <p><b>stacking</b> 11:3</p> <p><b>staff</b> 97:24 135:12 136:7</p> <p><b>stage</b> 40:1 134:17</p>	<p><b>stair</b> 39:14,18</p> <p><b>staircase</b> 8:20</p> <p><b>stairway</b> 111:19</p> <p><b>stairwell</b> 37:7 38:22 39:1,8,10,11, 13 44:23 49:20</p> <p><b>stand</b> 62:2</p> <p><b>standard</b> 11:5 122:24 123:1</p> <p><b>standards</b> 17:14 29:7 114:8</p> <p><b>standing</b> 99:12</p> <p><b>stands</b> 50:20 132:24</p> <p><b>Starbucks</b> 16:12 66:1 69:21 70:2 117:21 134:3 141:19</p> <p><b>staring</b> 40:5</p> <p><b>stark</b> 33:2 63:3 109:7,12</p> <p><b>stark-looking</b> 59:7</p> <p><b>stark/institutional</b> 63:5</p> <p><b>start</b> 8:3,8 12:5 14:13 17:12 51:12 97:14 144:17,21</p> <p><b>started</b> 64:9 79:11 86:9</p> <p><b>starting</b> 36:22</p> <p><b>starts</b> 76:2</p> <p><b>state</b> 77:19 79:14 91:24 98:6, 10 137:17 140:6</p> <p><b>state's</b> 98:13</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>stated</b> 37:2 98:22 104:8 139:13</p> <p><b>statement</b> 28:15 78:15</p> <p><b>states</b> 72:20</p> <p><b>station</b> 9:9 10:7 15:12 16:5,24 17:1 18:18 32:14,19 68:2,3 83:19,22 91:19 93:6 106:15,20 110:4 113:7 116:15 120:10,11</p> <p><b>stations</b> 72:23</p> <p><b>status</b> 93:9</p> <p><b>statute</b> 104:20</p> <p><b>stay</b> 60:2 126:5 131:3</p> <p><b>stays</b> 21:18 26:15</p> <p><b>steep</b> 26:11</p> <p><b>stenographer</b> 121:14</p> <p><b>step</b> 25:15</p> <p><b>steps</b> 20:17,19 25:14 65:23</p> <p><b>sticks</b> 8:21</p> <p><b>stone</b> 63:24 123:19</p> <p><b>stop</b> 100:21</p> <p><b>stopped</b> 115:6</p> <p><b>storage</b> 21:23</p> <p><b>stores</b> 131:8</p> <p><b>stories</b> 25:20 36:8 64:6 103:21</p>	<p><b>stormwater</b> 88:5 95:4,10</p> <p><b>story</b> 25:3 64:4 132:18</p> <p><b>straight</b> 8:10 21:19 112:7</p> <p><b>strategies</b> 48:11</p> <p><b>strategy</b> 36:16 49:13</p> <p><b>stream</b> 132:3 140:18</p> <p><b>street</b> 4:5 8:1,4,6,13 9:1,3,4,7, 8,11,14,23,24 10:1,4,17, 24 13:7,10,15 15:22 16:6,16,19,23 17:7,10 18:8,10,24 20:9,13,23 21:10,12,14,17 22:12,16, 20,22 23:14 24:9,16 25:2,19 26:5,10,13,14,17 28:14,20 29:1,14,18 32:15 34:10 36:5,15 37:11,14 39:20 41:12 44:2,9,19,22 45:5,9,13, 17,22 46:1 48:7,17,22 49:3,7 50:4 51:19,21 52:8,13,14,22,23 53:7 55:20 56:2 58:6,8,10,11, 15 60:16 61:17,18,20 62:20 67:22 69:21 70:3 71:10 76:19 81:14 95:7,9 100:16,19 102:1,2 103:23 104:2,3 106:6,11 107:1,8,21 108:6 109:16 110:4 111:16 112:1,5,15 113:14 114:19,23,24 118:1 119:7,20,23,24 123:17 124:2,4,21 125:6 126:2 127:15 128:5,15, 19 130:15 131:6,12,14, 23 132:1,8 133:4,8,15 134:4 139:15 140:20</p> <p><b>street along</b> 8:4</p> <p><b>streets</b> 19:14</p> <p><b>streetscape</b> 113:2</p> <p><b>stretch</b></p>	<p>16:1,2 18:2 62:20</p> <p><b>stretches</b> 16:20</p> <p><b>strictly</b> 28:4</p> <p><b>strikes</b> 105:4,7</p> <p><b>strip</b> 21:13,17</p> <p><b>strong</b> 24:13</p> <p><b>struck</b> 65:17</p> <p><b>structure</b> 17:5 25:18 26:1,9 31:21 36:5 45:15 46:3</p> <p><b>structures</b> 24:9 44:2</p> <p><b>struggle</b> 143:22</p> <p><b>studied</b> 127:19</p> <p><b>studies</b> 22:8,17 56:22 83:21</p> <p><b>Studio</b> 7:15</p> <p><b>study</b> 17:18 27:4 29:23 32:8 40:17 56:21 60:8 74:14 75:6 101:21</p> <p><b>studying</b> 59:21</p> <p><b>stuff</b> 84:3 141:21 145:21</p> <p><b>stylistically</b> 65:11</p> <p><b>subject</b> 16:10,24 26:1 76:12 77:2</p> <p><b>submission</b> 46:13</p> <p><b>submitted</b> 41:14,16 46:10 47:8 94:21 95:17,22 101:21</p> <p><b>substantial</b> 53:2 68:4 138:11</p>	<p><b>substantive</b> 97:13 100:6</p> <p><b>substituting</b> 53:15</p> <p><b>subsurface</b> 76:4</p> <p><b>successful</b> 26:18</p> <p><b>successfully</b> 135:3</p> <p><b>succinctly</b> 87:21</p> <p><b>sucked</b> 68:24 80:2</p> <p><b>sucking</b> 69:7</p> <p><b>Sue</b> 107:13</p> <p><b>suggest</b> 54:13 59:3</p> <p><b>suggested</b> 92:24</p> <p><b>suggestion</b> 42:13</p> <p><b>suitable</b> 33:1 44:7</p> <p><b>suited</b> 22:9</p> <p><b>summarizing</b> 5:7</p> <p><b>summary</b> 48:1 54:23 76:1</p> <p><b>summer</b> 22:13,23</p> <p><b>summoned</b> 121:5</p> <p><b>sun</b> 32:10 38:4 113:4</p> <p><b>Sunday</b> 132:2</p> <p><b>sunlight</b> 22:6,15 23:5,8 107:8 131:5,9</p> <p><b>sunny</b></p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>111:22,23</p> <p><b>support</b> 104:13 107:16 121:10 124:18 129:5</p> <p><b>supposed</b> 28:2,3 86:10</p> <p><b>sure</b> 12:8 15:3 19:21 37:7 41:24 50:14 63:22 70:20 74:14 75:16 76:16 85:12 97:11 98:20 106:12 108:18 115:17 119:2 122:3,4</p> <p><b>surfaces</b> 123:18</p> <p><b>surprising</b> 18:14 19:1 22:1 29:21 49:15</p> <p><b>surround</b> 10:14</p> <p><b>surrounded</b> 8:2</p> <p><b>surrounding</b> 9:19 80:17 120:2 123:13</p> <p><b>susceptible</b> 98:11</p> <p><b>suspect</b> 87:1 88:21 90:3</p> <p><b>suspected</b> 12:8</p> <p><b>sweet</b> 73:24</p> <p><b>system</b> 24:10 33:24 34:2 70:17 74:5 88:5 122:11</p> <p><b>systems</b> 70:16 75:13 79:24</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T.J.</b> 16:14 17:11</p> <p><b>tables</b> 53:5</p> <p><b>tailored</b> 86:12</p>	<p><b>take</b> 5:20,23 13:7 14:23 39:22 51:14 53:20 54:3 55:5 65:22 66:13 71:23 78:1 79:17 80:9,10,16 85:16 88:11 89:3,4 105:6 108:1 119:16 128:13 129:15,17 137:7</p> <p><b>taken</b> 44:6 65:24 67:1 72:11 81:14 124:24 129:18,24</p> <p><b>takes</b> 12:14 17:22 117:5 134:9</p> <p><b>talented</b> 122:3</p> <p><b>talk</b> 4:6 13:16 17:14 22:8 23:2,5 47:10 66:16 97:10 101:16 102:5 103:13 105:14 109:13 116:2 124:3 137:11</p> <p><b>talked</b> 38:23 40:15 44:23 49:8 127:17</p> <p><b>talking</b> 4:6 16:4 25:8 36:1 39:8 58:13 63:24 83:6 90:13, 16,24 94:11 101:7 108:9 110:2,3 120:15 140:3 142:5</p> <p><b>tall</b> 25:16 26:11 36:19 52:2 114:12,15 137:18 140:2</p> <p><b>tank</b> 83:18 89:17</p> <p><b>tanker</b> 93:7</p> <p><b>tanks</b> 68:2 76:21 82:20 83:19, 21 88:1 89:11,12,13,21 110:3,5,7 124:24</p> <p><b>taped</b> 5:16</p> <p><b>taper</b> 50:16</p> <p><b>target</b> 82:2</p> <p><b>team</b></p>	<p>4:22 12:22 94:21 95:22 136:8 145:16</p> <p><b>technical</b> 7:10 17:20 84:8 116:6 120:8</p> <p><b>technically</b> 70:9</p> <p><b>tectonic</b> 28:4</p> <p><b>teeth</b> 16:19</p> <p><b>tell</b> 25:4,7 28:1 34:15 35:17 47:4 75:8 79:20 87:20,21 112:24 127:8,11,19 128:24 137:6 139:19</p> <p><b>temple</b> 17:5</p> <p><b>tenant</b> 99:1,8,10</p> <p><b>tenants</b> 49:10</p> <p><b>tend</b> 61:6</p> <p><b>term</b> 71:13 109:7</p> <p><b>terminated</b> 99:3,8</p> <p><b>terms</b> 65:3,9 66:1 121:11 122:24 135:1 141:1 145:1</p> <p><b>terrible</b> 121:22</p> <p><b>test</b> 89:4 110:17</p> <p><b>tested</b> 82:23 83:8 110:12,13,14</p> <p><b>testimony</b> 4:19 7:2 12:2 129:17 130:8</p> <p><b>testing</b> 84:19 85:14 89:17 110:16,18,20</p> <p><b>tests</b> 83:10 88:24 89:2,5</p>	<p><b>Texaco</b> 120:11</p> <p><b>thank</b> 6:5 7:13 12:9 24:6 43:15 51:2,4,6 55:7 59:5 61:2 62:24 75:19 77:8 87:6 93:1 94:18 95:18 97:16 103:1,2 105:11,18 106:2 107:12 108:3 109:14 111:14 112:9,12 113:10 115:2 120:23 121:2,9 124:21 127:13 129:8 130:11 133:1,2 134:15, 16 144:11 146:16</p> <p><b>thanks</b> 30:17 40:13 121:7</p> <p><b>there's</b> 8:4,20 11:1,5,14 16:13 17:22 18:18,19 20:10 27:10 30:15 31:1,7 34:11,12 35:7 37:8 40:1, 2,12,24 41:6 43:10 47:1 51:23 54:17 58:9 64:6,7, 11 66:9 68:4,6,13 69:8, 11,12 70:11,20 74:8,12 75:12,14 77:15 79:1,20 80:3 83:15,19 84:18 86:23,24 87:15 88:13 89:8 91:10,14 98:23 100:11,14 103:22 109:10 114:14 115:13 122:11 124:3,5 131:8 136:21</p> <p><b>they'll</b> 47:2 61:10 127:3,6 138:24</p> <p><b>they're</b> 5:18 12:16 14:14 34:8,13 50:8 57:7,24 63:21,24 70:8 73:1 75:9 79:12,16 81:24 83:11 84:1,7 91:12 100:18 102:21 114:2 117:14 119:7 123:2,5 124:17 127:9 141:6 143:15</p> <p><b>they've</b> 79:18 81:3</p> <p><b>thick</b> 91:23 92:1</p> <p><b>thickness</b> 50:16</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>thing</b>  18:5,14 19:1 29:5 45:6  49:12 51:12 55:13 62:5  63:19 82:3 85:8 89:10  92:10,24 112:2 113:1  115:14 116:4,7 120:4,15  121:24 132:20 137:8,12</p> <p><b>things</b>  5:23 12:1 31:17 41:13,19  44:15 49:4,21 51:12  53:21 59:22 60:4,7 65:14  69:13 71:17 74:12,16  80:2 83:20 85:7 93:15  111:2 115:20 116:16  117:10 118:2 119:8  122:1,9 126:12 127:9  135:17,19 141:9 146:11</p> <p><b>think</b>  5:22 6:8 7:1,4 11:18  12:3,12,17 13:3,5,24  14:2 15:2 18:6,7,11,14  19:1,21 20:15 23:21 29:5  31:3 32:6,16,17,20,23,24  33:15 34:4,16,18 36:1  38:14,15,17 39:1,16  40:3,7,15,16,22 41:3,4,  14 42:2,3 43:19,22,24  45:23 47:22 48:13 49:7,  9,16 50:7,10,15,21  51:22,24 52:4,10,20,22,  24 53:6,7,21 55:3 57:11,  23 58:7,11,12 59:6,15,23  61:5,9,15,18,22 62:4,6,  10 63:9,11,16,17 64:5,  10,11 65:4,8,13,15,19  66:2,12,20 82:4 85:7  96:23 97:17,23 98:3,12  101:6,22 102:23 103:14,  16 105:5 107:9,22  108:13,22 109:6 110:13  111:12 112:8,23 114:1,  17,20 115:10 116:5,23,  24 119:10,12,16,24  120:2,6,7,18,19 121:1  123:24 124:13 126:8,9,  14,16 127:5 130:10,12  131:23 132:19,23  134:10,23 135:2,24  136:3,13 137:2,5,7 138:7  140:11,14,22,24 141:4,  10,11,22 142:10 144:13,  14,19,20,23 145:10,15,  18 146:12,13</p>	<p><b>thinking</b>  62:1</p> <p><b>third</b>  25:12 28:8 61:7 111:18</p> <p><b>third-floor</b>  25:22</p> <p><b>thirteen</b>  11:1</p> <p><b>Thorndike</b>  8:7,10,13,15,19 9:8,10,  13,21,24 10:6,8,19,24  16:6 18:22 20:8,21  21:10,14 22:12,16,21  23:14 24:19 25:2,13,19  26:5,12 28:14 29:8 32:15  33:4,8,12 34:10 36:5  39:20 40:11 44:8,22  45:4,17 48:6,17,22 49:22  50:4 52:14,22 53:6 55:20  57:8 61:20 63:7 64:23  65:5 78:20 95:9,12  100:14,16,17,19 101:24  104:1,3 107:21 108:6  109:16 110:4 111:16  112:1 113:14 114:24  118:1 119:7,24 123:16  133:8,15 137:4 139:16  140:10,20 141:18</p> <p><b>thorough</b>  48:3 51:7</p> <p><b>thought</b>  13:17 19:17 55:14 57:1  122:5 125:2 138:13,14</p> <p><b>thousands</b>  88:3</p> <p><b>threat</b>  117:6 142:9</p> <p><b>three</b>  11:2 20:5 22:4,5 24:18  36:8 43:20 89:12 115:13  134:7,21</p> <p><b>three-story</b>  28:12 37:4 39:5 117:14</p> <p><b>throw</b>  115:23</p> <p><b>tie</b>  48:18 63:1</p> <p><b>tie-in</b>  62:19</p>	<p><b>tied</b>  56:21 62:22</p> <p><b>tight</b>  16:7</p> <p><b>time</b>  11:11 12:11,12 23:24  42:3,16 72:14,16 76:21  82:10 90:6 101:9 108:19,  20 126:20 129:23 130:23  145:6</p> <p><b>times</b>  15:24 19:9 41:21 81:5</p> <p><b>titrate</b>  40:8</p> <p><b>to-floor</b>  61:9</p> <p><b>today</b>  14:7 105:22 106:7 114:8  121:19</p> <p><b>today's</b>  17:13 84:15</p> <p><b>told</b>  25:17 102:19</p> <p><b>Tom</b>  113:13</p> <p><b>Tommy</b>  110:5 111:2 124:23</p> <p><b>tomorrow</b>  112:17</p> <p><b>tonight</b>  4:21 6:11,18 7:5 12:2  13:3 26:3 53:13,24  54:10,19 55:1 57:21  87:10 100:8 103:13  114:1 121:9 146:4,13</p> <p><b>tonight's</b>  5:11,15 37:14 101:23</p> <p><b>tons</b>  40:6 88:24</p> <p><b>top</b>  9:4 25:1,3,10,17 28:7,9  30:4 31:8 50:9 61:7  76:17,18 120:13</p> <p><b>top-floor</b>  33:5</p> <p><b>topic</b>  101:9 115:9 116:3 117:2</p> <p><b>topsoil</b>  85:23</p> <p><b>total</b>  11:1,4</p> <p><b>totally</b>  13:22</p> <p><b>touch</b>  45:6</p> <p><b>tough</b>  30:8</p> <p><b>town</b>  5:1 14:6 18:12 30:24  31:22 41:14,22 43:14  54:9,11 55:15 72:2 88:2,  3,6 93:19 97:21 98:7,9  102:8 107:15 108:5  109:4 110:19 112:14  118:1 125:4 126:4 127:5  128:12 129:13 139:21,22  140:6 144:3,6</p> <p><b>town's</b>  5:8,21</p> <p><b>toxins</b>  111:5</p> <p><b>tradeoff</b>  51:1</p> <p><b>traditional</b>  24:9 63:23 64:3</p> <p><b>traditionally</b>  27:23</p> <p><b>traffic</b>  5:8 42:21 100:7 101:5,7  102:13 107:19 115:7  120:22 123:14 128:9  146:2</p> <p><b>transcribed</b>  5:15 107:4</p> <p><b>transcript</b>  55:10</p> <p><b>transcripts</b>  5:19</p> <p><b>transformer</b>  47:12 49:4 56:3</p> <p><b>transition</b>  36:17 53:9 60:24 62:6</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

133:14,16	<b>truncated</b> 30:4 31:8	140:14	120:3
<b>transpired</b> 108:8	<b>trust</b> 86:23	<b>types</b> 86:7	<b>unique</b> 85:3
<b>transportation</b> 88:14 94:23	<b>try</b> 14:3 80:9 106:2 144:1	<b>typically</b> 54:23 74:12 77:21 82:2 89:13 135:23	<b>unit</b> 46:15 59:1 115:12
<b>transported</b> 88:12 89:7	<b>trying</b> 64:2 82:23 92:9 118:24 119:6 120:3 121:17 122:5 143:18	<hr/> <b>U</b> <hr/>	<b>units</b> 4:9,10 20:3,4 39:22 46:16,18,21,23 50:24 56:16 99:18,21,24 115:11,12 141:13 142:17,21 144:5
<b>trash</b> 5:10 47:4 95:21 96:1,2,3, 4,5,8,10,12,15 117:19,22 120:13	<b>tunnel</b> 118:18 119:5 120:8	<b>ubiquitous</b> 72:24	<b>unlined</b> 88:21,22
<b>treat</b> 73:1	<b>turn</b> 8:7	<b>ugly</b> 107:7	<b>unnecessary</b> 92:23
<b>treated</b> 68:21 108:11,15	<b>turning</b> 43:12	<b>ultimate</b> 52:11	<b>unpleasant</b> 141:3
<b>treating</b> 48:9	<b>turns</b> 19:10 89:23	<b>ultimately</b> 103:12 129:22	<b>unquestionably</b> 23:12
<b>tree</b> 45:9 46:1 47:19 119:21 120:5	<b>tweaking</b> 65:15 145:1,3	<b>unanimously</b> 129:4	<b>unspecified</b> 24:22
<b>trees</b> 46:5,6 47:17 49:4 56:2 57:2,14,16 119:17 123:22 131:12	<b>Twenty</b> 80:23	<b>unclear</b> 113:24	<b>up-close</b> 15:20
<b>tremendous</b> 64:7	<b>two</b> 5:19 6:9 11:3,21 25:24 29:17 43:13 49:21 52:20 58:5 64:6 65:8,9 67:21 71:3 96:7 109:13 115:13 128:5 137:7	<b>uncomfortable</b> 98:7	<b>updated</b> 6:12 64:2
<b>tricky</b> 29:9	<b>two-bedroom</b> 20:4	<b>unconscionable</b> 107:11	<b>upgraded</b> 89:23
<b>tried</b> 32:18	<b>two-dimensional</b> 41:5	<b>undergoing</b> 17:6	<b>upper</b> 62:2 143:17
<b>trigger</b> 84:15	<b>two-family</b> 111:16 119:23	<b>understand</b> 30:10 59:17 62:6 103:7 107:19 143:21 144:10 146:15	<b>upper-story</b> 37:16
<b>tripartite</b> 24:10	<b>two-mile</b> 16:1	<b>understanding</b> 48:9 62:9 78:24	<b>upset</b> 108:10
<b>truck</b> 43:4 91:20 96:5	<b>two-minute</b> 66:13	<b>Understood</b> 86:4	<b>upstairs</b> 33:19
<b>trucked</b> 73:8	<b>two-story</b> 24:17	<b>unexpectedly</b> 22:18	<b>upwards</b> 26:13
<b>trucks</b> 43:2	<b>twos</b> 20:5	<b>unfortunate</b> 98:4	<b>urban</b> 13:14 15:7 17:13 23:19 38:16 45:24 72:19 77:22 84:5 127:19,21 133:21
<b>true</b> 82:7	<b>tying</b> 60:21 62:14	<b>unfortunately</b> 35:13 98:6	<b>usable</b> 38:12,17 48:24 49:6 52:11,16 56:6,8,13
<b>truly</b> 99:12	<b>type</b>	<b>UNIDENTIFIED</b> 40:20 41:8 59:11,18 137:21 138:4	<b>use</b>
		<b>unintentionally</b>	



<p>12:21 21:1,7 26:22 29:4 33:13,17 42:16 43:6 45:12,18 58:24 69:5 73:1 77:17 79:7 84:5,10 85:5, 23 88:16 96:3 97:5 102:9,20 104:16,18,19 105:9 116:15 118:11</p> <p><b>useful</b> 61:23 62:4</p> <p><b>usefulness</b> 28:21 58:8</p> <p><b>users</b> 69:17 71:18,22</p> <p><b>uses</b> 16:7,12 24:16 37:7 42:6 104:22 115:16 120:9</p> <p><b>usually</b> 73:1 91:9 110:18</p> <p><b>utility</b> 46:3</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>valid</b> 132:23</p> <p><b>value</b> 51:23 63:8,12 128:24</p> <p><b>Vanderkay</b> 112:13</p> <p><b>vapor</b> 74:16,22 75:14 78:17 79:2,20 80:19 81:4 84:16 86:16,24 91:15,23 92:8, 12 94:5</p> <p><b>vapors</b> 68:24 69:7 70:14,19 81:22 89:10 91:21 141:20</p> <p><b>variety</b> 29:24 49:9</p> <p><b>various</b> 37:7 44:24 129:24</p> <p><b>vegetation</b> 141:19</p> <p><b>vegetative</b> 32:3 38:9</p>	<p><b>vehicle</b> 44:11</p> <p><b>ventilate</b> 34:17</p> <p><b>ventilated</b> 35:8</p> <p><b>ventilation</b> 35:1,10,16</p> <p><b>verbal</b> 12:2</p> <p><b>version</b> 64:3</p> <p><b>versus</b> 23:7</p> <p><b>vertical</b> 24:10</p> <p><b>vertically</b> 64:16 90:11</p> <p><b>viable</b> 139:7</p> <p><b>victims</b> 144:8</p> <p><b>Victorian</b> 59:14</p> <p><b>view</b> 18:19,21,23 19:2,10 23:5 24:20 32:3,18 36:3,4 37:1,12,18 39:6,20 64:22 106:8,10 107:5,7,9,18 119:19 128:18 129:6 131:13 140:8</p> <p><b>views</b> 23:11 33:22</p> <p><b>vigorous</b> 107:16</p> <p><b>virtually</b> 17:9 18:24 22:7 130:18</p> <p><b>visibility</b> 115:1</p> <p><b>visible</b> 24:19 29:18 30:2,22 32:15 45:16 47:8 49:13, 15</p> <p><b>visit</b> 4:19 103:17</p>	<p><b>visiting</b> 106:4</p> <p><b>vista</b> 131:11</p> <p><b>visual</b> 64:17</p> <p><b>VOCS</b> 73:15,19 81:11</p> <p><b>voice</b> 129:1,5,6</p> <p><b>voiced</b> 130:19</p> <p><b>volatile</b> 76:5 79:3</p> <p><b>volatilize</b> 79:5,8</p> <p><b>volatilizes</b> 74:4</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 37:22 66:16</p> <p><b>waivers</b> 105:9</p> <p><b>walk</b> 7:20 15:23 117:20 132:11</p> <p><b>walk-through</b> 15:16</p> <p><b>walkable</b> 132:11</p> <p><b>walked</b> 15:14 73:23</p> <p><b>walking</b> 111:7 132:4</p> <p><b>wall</b> 39:13 58:1,3 117:11,14 118:16,17 119:1 121:12, 20 124:7,9</p> <p><b>walled</b> 89:12</p> <p><b>want</b> 35:17 42:18 43:19 49:17 50:1 51:11 53:21 54:8 57:17 66:15,24 67:12</p>	<p>70:7,24 74:24 75:3,12 84:8 85:23 87:18 97:14, 16 98:13,15,17 99:5 100:5 101:10,16 102:5 104:15 107:16 108:16,17 112:11 113:3,4 121:9 122:1,8 125:10,23 126:8 128:14 131:2,7 133:5 134:14,18 136:13 137:10 139:1,19,20 141:15,24 144:9,13,24</p> <p><b>wanted</b> 9:18 12:8 41:20 73:12 97:11 100:8 107:20 109:17 110:1,12 121:11 135:6 144:10</p> <p><b>wants</b> 15:20 98:1</p> <p><b>warehouse</b> 43:2 122:6</p> <p><b>wasn't</b> 47:3 83:4 89:22 103:15 104:8 111:10 117:3</p> <p><b>watch</b> 5:17</p> <p><b>watching</b> 55:12 108:8</p> <p><b>water</b> 66:23</p> <p><b>waters</b> 129:13</p> <p><b>watershed</b> 95:3</p> <p><b>wax</b> 122:5</p> <p><b>way</b> 9:15 13:9,16,19 16:8 17:2,4 27:2 33:18 39:9 40:4,6 41:24 42:14 47:17 51:18 55:4 57:14 60:11 62:1,6,10 64:16 75:12 82:5 83:16 84:21 93:3 100:24 101:1 102:9,10, 18 108:15,23 112:19 124:8 131:11,14 144:9</p> <p><b>ways</b> 16:22 30:24 52:24 59:21 60:10,13 62:21 63:19 64:19 69:8 81:4 125:22</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>129:20</p> <p><b>we'd</b> 79:16 134:23</p> <p><b>we'll</b> 7:5 12:1 18:12 20:18 54:11 67:14 80:15 89:10 101:13 122:17 136:23 139:3</p> <p><b>we're</b> 4:3,23 6:11,15,20 7:9 12:1 16:3 23:22 35:23 36:5,11 43:15 53:14 54:2,15 66:2,14 67:20 83:6 87:24 90:11 91:15 101:7 102:12 106:12,23 113:16 120:15 126:4,20 136:3 137:5 141:10,22 145:2</p> <p><b>we've</b> 6:8 7:1,18 10:16 52:5 96:6 113:20,24 114:12, 13,14 135:16,24 136:2,9 141:9 145:3</p> <p><b>weather</b> 119:4</p> <p><b>weather's</b> 121:18</p> <p><b>web</b> 131:21</p> <p><b>website</b> 5:20,21 14:7,15 15:1</p> <p><b>week</b> 6:23</p> <p><b>weeks</b> 5:19 6:9 7:8 41:15</p> <p><b>weight</b> 129:2</p> <p><b>wells</b> 91:11</p> <p><b>went</b> 38:11 80:24 81:1</p> <p><b>weren't</b> 19:16 53:13 79:12 137:14 138:1 142:11</p> <p><b>west</b> 9:22</p>	<p><b>west-facing</b> 57:13</p> <p><b>westerly</b> 18:4</p> <p><b>western</b> 32:9</p> <p><b>what's</b> 28:1 42:12 59:11 66:3,8 68:10 69:15 78:21 80:16 86:14 98:4 103:4,5 114:5 117:23 118:2 131:3 141:7 143:6</p> <p><b>whatnot</b> 41:17</p> <p><b>whatsoever</b> 128:2</p> <p><b>wheel</b> 96:9</p> <p><b>whichever</b> 144:9</p> <p><b>white</b> 106:15,19,20,22 125:3,4</p> <p><b>who's</b> 34:3</p> <p><b>wide</b> 84:5 138:6</p> <p><b>Williams</b> 17:7</p> <p><b>willing</b> 125:17 126:5</p> <p><b>win</b> 28:3</p> <p><b>Winchester</b> 125:5</p> <p><b>wind</b> 118:18 119:2,4,5 120:8</p> <p><b>window</b> 8:20 26:23 32:24 39:23 59:13,14,17 121:17</p> <p><b>windows</b> 37:16 40:3,4,6,7,9 49:23 64:1</p> <p><b>windy</b> 119:1</p> <p><b>winter</b></p>	<p>22:24</p> <p><b>won't</b> 15:23 71:22 111:23 112:16</p> <p><b>wondering</b> 61:19</p> <p><b>wood-framed</b> 59:10</p> <p><b>word</b> 78:17 126:19 140:20</p> <p><b>words</b> 81:10</p> <p><b>work</b> 42:15 58:12 77:15 79:18 88:1 93:11 97:6 116:5 124:1 136:21 140:22</p> <p><b>worked</b> 31:17 32:7</p> <p><b>working</b> 7:9 58:12 87:1 96:14 135:1 144:21</p> <p><b>works</b> 31:5 39:9 42:15</p> <p><b>worried</b> 79:12</p> <p><b>worry</b> 92:9,10</p> <p><b>worrying</b> 69:15</p> <p><b>worse</b> 118:7</p> <p><b>worth</b> 63:16</p> <p><b>worthy</b> 23:8</p> <p><b>wouldn't</b> 35:1 38:4 57:12,19 128:12</p> <p><b>wraps</b> 31:2</p> <p><b>write</b> 112:16</p> <p><b>writing</b> 12:3</p>	<p><b>written</b> 13:4,21,22 42:19 54:20 84:22 136:2</p> <p><b>wrong</b> 32:16,17 51:15 119:14, 15</p> <p><b>wrote</b> 88:4 89:19</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yard</b> 62:9 133:12</p> <p><b>yards</b> 62:8,16 88:23</p> <p><b>yeah</b> 12:19 26:4 40:12,13 69:20 71:8 78:12 82:19 86:20 99:20 100:4 102:24 104:19 137:19 143:2 144:12 145:13</p> <p><b>year</b> 38:5 90:5,23 101:24</p> <p><b>year-round</b> 22:7</p> <p><b>years</b> 11:22 51:24 52:1 79:9,11 80:23 88:3 110:7 125:16 128:24</p> <p><b>you'd</b> 14:8 34:24</p> <p><b>you'll</b> 8:1 9:5,16 12:5 14:7 24:3 127:1 131:23</p> <p><b>you're</b> 11:19 16:15,20 17:11 18:20 24:21 40:4 41:3,5 45:22 47:13 53:15 72:4 74:20 78:4,10 83:18 86:21 94:11 109:22 116:12 119:4,22 121:22 128:17 139:18,20 140:3 142:3</p> <p><b>you've</b> 31:3 50:5 55:17 61:5 65:23 139:11 145:16</p>
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**Z**

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**ZBA**

55:16

**zero**

8:4 51:11 58:10 103:24  
124:3,5,6

**zone**

20:23 21:3 36:17,18,19  
40:21 41:4,17,21 42:4,  
14,22 44:21 102:5,21,23  
117:22 133:14,16

**zones**

41:23 42:9,10,11

**zoning**

13:2,4 15:3 36:20 56:9  
97:24 98:1,2 104:21,24  
105:2,8 113:18 137:14,  
15,17,24 139:10,13,21  
140:5 142:4 144:4

**zoom**

45:7