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Volume IX  
Pages 1-73

Brookline Zoning Board of Appeals Hearing  
420 Harvard Street Comprehensive Permit Application  
420 Harvard Associates, LLC  
November 30, 2016, at 7:00 p.m.  
Brookline Town Hall  
333 Washington Street, 6th Floor  
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

1

## APPEARANCES

2 Board Members:

3 Jesse Geller, Chairman

4 Lark Palermo

5 Kate Poverman

6 Johanna Schneider

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11 Dan Bennett, Building Commissioner

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13 Applicant:

14 Victor Sheen, 420 Harvard Associates, LLC

15 Bob Engler, President, SEB

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1 PROCEEDINGS:

2 7:03 p.m.

3 MR. GELLER: Good evening, everyone. We're  
4 going to get started. This is a continued hearing  
5 for a comprehensive permit under Massachusetts  
6 General Law Chapter 40B. This involves a property at  
7 420 Harvard. Again, for the record, my name is Jesse  
8 Geller. To my immediate left is Johanna Schneider,  
9 to Ms. Schneider's left is Kate Poverman, to my right  
10 is Lark Palermo.

11 Tonight's hearing will be largely dedicated  
12 to a review of the applicant's waivers request. As  
13 people will recall from the last hearing, there was  
14 discussion of the three options that were available  
15 to the ZBA under 40B. The first option being denial,  
16 the second option being an approval, and the third  
17 option being an approval subject to conditions.

18 The board's discussion was such that the  
19 board -- the consensus was that this was a project  
20 that under 40B should be approved but subject to  
21 conditions.

22 So in the steps we take under 40B, once  
23 we've reached that point, we then review what I would  
24 call the "asks" from the applicant. That is to say

1 the specific ways in which the applicant is asking us  
2 to waive application of local ordinances. And  
3 unfortunately, late this afternoon -- I use the term  
4 "unfortunately" because, as you know, I like to get  
5 things a lot earlier. I like to give them -- to make  
6 sure they're available to everyone, us as well as  
7 you. But we are all under tight time constraints,  
8 and this, unfortunately, didn't come in until late  
9 today. But there is a chart that includes a list of  
10 requested waivers from the applicant. The applicant,  
11 in tonight's hearing, will run through that list.  
12 That list of waivers has been reviewed by the  
13 building commissioner, Dan Bennett.

14 MS. MORELLI: And the director of  
15 engineering --

16 MR. GELLER: -- Peter Ditto. And Peter  
17 will not be here tonight.

18 MS. MORELLI: Dan is here.

19 MR. GELLER: Dan is here. He will be here.

20 So what they will do is they will review  
21 the requests and give us their recommendation. I  
22 know Maria will do it on behalf of Peter Ditto.

23 MS. MORELLI: Mr. Chairman, I do have  
24 copies of the packet that you have with the waivers

1 chart on the sign-in desk out in front for the  
2 attendants.

3 MR. GELLER: Okay. So that was available  
4 on the desk outside. It will also be posted, or it  
5 may have already been posted --

6 MS. MORELLI: It's posted online.

7 MR. GELLER: So it is available online as  
8 well.

9 Just so people are aware, our next hearing  
10 is scheduled for December 12th, 7:00 p.m. We  
11 anticipate at that point that we will have some  
12 comments from the commissioner of police. The  
13 applicant will present a rubbish -- is it a narrative  
14 or a plan?

15 MS. MORELLI: It's a plan using a narrative  
16 format.

17 MR. GELLER: So it will be a description of  
18 how trash will be stored and removed.

19 Also on December 12th, we're  
20 anticipating -- is this realistic? We are  
21 anticipating that at that point we will have a draft  
22 of conditions that would go along with the decision.

23 In terms of conditions, they first have to  
24 be reviewed. They're obviously drafted internally,

1 but then they are reviewed by town counsel. And what  
2 will happen is that the board members will also  
3 review them -- will then review them at this hearing.  
4 And you will see us go down, however many there  
5 are -- and we had talked about Hancock Village in  
6 which there were 70 conditions. We will go through  
7 all of those conditions and discuss them at length  
8 and may have changes to them.

9 Other administrative details? Is that it?

10 MS. MORELLI: Yes.

11 MR. GELLER: Okay. Great.

12 Maria, do we know -- we've got that -- two  
13 potential dates, the 19th versus the 21st?

14 MS. MORELLI: Right. So there might be a  
15 conflict on another case. Having the applicant --  
16 the 19th would be better for the applicant on another  
17 case.

18 MR. GELLER: Two of us are conflicted on  
19 the 21st.

20 MS. MORELLI: Okay. So we need to keep it  
21 on the 19th for this case.

22 MR. GELLER: Okay.

23 MS. MORELLI: Thank you.

24 MR. GELLER: We may have another conflict.

1 We'll have to figure that out.

2 MS. MORELLI: Okay.

3 MR. GELLER: Okay. Mr. Sheen, you are  
4 going to review the waivers?

5 MR. SHEEN: Yes.

6 MR. GELLER: Just so everyone knows, again,  
7 this hearing is being transcribed, as well as it's  
8 being videotaped for public record.

9 MR. SHEEN: Thank you. For the record,  
10 Victor Sheen, development manager for 420 Harvard  
11 Street, the applicant.

12 We did come up with a -- actually, the list  
13 that we have before us has been sort of reviewed a  
14 couple times with Maria and Dan, so we believe it's  
15 fairly complete, but there may be some additional  
16 discussions and sort of others that may need to be  
17 amended. So this is a pretty good draft, but it's  
18 still a draft format.

19 So before we start, I would like to direct  
20 you to the screen. Because we have two parcels as  
21 part of the application, and one parcel, the  
22 420 Harvard parcel, being an L-1.0 zoning district,  
23 and the 49 Coolidge is connected but it's a separate  
24 parcel under a separate T-5 district. And given that

1 they are abutting each other, and in consultation  
2 with the building commissioner, we determined that  
3 the 420 parcel has -- it's a corner lot. It has two  
4 frontages, one frontage on Harvard Street and the  
5 other frontage on Fuller Street.

6           The parcel, being a corner parcel, we can  
7 designate the remaining side -- one as the rear and  
8 one as the side, and we've made the determination  
9 that the immediate property line next to 44 Fuller  
10 being the rear lot line, and the property connecting  
11 to The Butcherie being the side.

12           And now we go to 49 Coolidge. So  
13 49 Coolidge is a fairly standard rectangular parcel.  
14 It has the front on Coolidge Street, it has two sides  
15 abutting the Coolidge neighbors, and it has one rear.  
16 And because this rear lot -- this is a rear lot line  
17 to Coolidge. Therefore, it's determined to be a rear  
18 lot line to the 420 parcel. And the same thing with  
19 45 Coolidge. So this lot line would -- connected to  
20 420 Harvard Street will be considered as the rear lot  
21 line. So this line, as we go down, would actually go  
22 from side yard lot line to the property line at the  
23 beginning of 49 Coolidge, and then from the  
24 49 Coolidge division all the way down the terminus to



1 45 Coolidge will be considered rear. Okay. So that  
2 is sort of the background.

3           And now we go to this draft condition. So  
4 condition -- the way that this table is laid out --  
5 so the first section will be the bylaw section, and  
6 then the second section will be the requirements, and  
7 then we broke it down into two separate columns. So  
8 one column is specifically for the T-5 zoning  
9 district for 49 Coolidge, and then the next column is  
10 specific for the L-1.0 for the 420 Harvard Street  
11 requested waivers. And then it will have a detailed  
12 proposal for the waivers for the combined. And then  
13 the waiver numbers was then sort of separated out by  
14 Maria, so there will be A.1 and A.2; 1 being  
15 49 Coolidge under T-5, and number 2 under Harvard or  
16 L-1.

17           Because the application -- the development  
18 straddles within two districts, so we believe bylaw  
19 Section 3.02 is necessary in order to -- is necessary  
20 to build. It is a multifamily housing and commercial  
21 development under Chapter 40B.

22           The next section is -- it talks about the  
23 table of uses, so it primarily addresses the uses  
24 under Table 4.07. So currently -- the first section

1 of Table 4.07 deals with the residential, so we -- I  
2 believe that is addressed under the comprehensive  
3 permit, so we don't need to address that.

4           The second section has to do with office  
5 uses. And given that we have a professional office  
6 or management office as part of the 49 Coolidge  
7 building, currently that office use is not by right,  
8 so we're asking a waiver to allow for Subsection 20,  
9 which is office or clinic or medical or dental  
10 examinations; 20A will be office or clinic of  
11 licensed veterinarian, a broad, general sort of  
12 office use. And we do not intend to convert that  
13 space into a marijuana clinic, so we're not asking  
14 for that. And we are asking for 21 -- Subsection 21  
15 for that as well.

16           Under the business zoning district, the L  
17 district, the only thing that is not allowed by right  
18 is 20A, which is office or clinic of a licensed  
19 veterinarian for treatment of animals, so we're just  
20 asking a waiver for that. They would all be under --  
21 you know, clearly, they would all be under 5,000  
22 square feet.

23           The next section has to do with automotive  
24 services. We added that in. Primarily just want to

1 make sure that we catch that in with -- accessory  
2 garage use is allowed use. It's included. And Dan  
3 may have something to comment about that. The  
4 intention is not to convert a garage underneath to --  
5 you know, automotive services. We want to sort of  
6 focus on using that for the purpose of parking only.

7 MR. GELLER: Excuse me. Wouldn't that  
8 apply just to 420 Harvard?

9 MR. SHEEN: Well, because, if you recall, a  
10 portion of the garage actually extends --

11 MR. GELLER: It's under the lot line?

12 MR. SHEEN: Yeah, into 49 Coolidge. Even  
13 though it's not accessed from the Coolidge side, it's  
14 under the rear lot line or rear setback.

15 The next section has to deal with retail  
16 and consumer uses, which starts in Subsection 29. So  
17 under the L district, 29, 30, 31 are allowed-by-right  
18 uses as well as 32A through C, so we're not asking  
19 for any waivers. In terms of stores over 10,000  
20 square feet gross floor area would not -- we simply  
21 don't have that, so we're not asking for any waivers  
22 on those either.

23 So 33, 33A, 34 do not apply.

24 35, office display or sales space of a

1 wholesale, jobbing, or distribution establishment,  
2 that could be, you know, a furniture showroom, so we  
3 would ask for a waiver for that.

4 36, radio or television studio without  
5 transmitting facilities, we would also ask for a  
6 waiver for that. There may be a television studio or  
7 uses like that.

8 36A, research laboratory for scientific or  
9 medical research, we would ask for a waiver for that.  
10 That's for the medical office.

11 36B, we don't believe that applies. That's  
12 50,000 square feet and over.

13 We do not intend to convert the new space  
14 back to a mortuary/funeral establishment, but -- we  
15 could strike that out as a waiver request.

16 Obviously, we're not doing any agricultural  
17 on parcels more than five acres or whatever. That is  
18 not something we intend to do.

19 Open-air use other than commercial  
20 recreational facilities, seasonal outdoor seating for  
21 licensed food vendors that does not exceed six  
22 months, we do have an outdoor area that potentially  
23 can be a seasonal outdoor space for a cafe or some  
24 sort of vendor, so we request consideration for that

1 as well.

2 MS. POVERMAN: So you're asking for a  
3 waiver to be able to use that as a future cafe area?

4 MR. SHEEN: That's a potential. We've  
5 stated that, you know, our intention is not to put a  
6 restaurant/eatery in there, but we -- I don't think  
7 it's unreasonable to consider, for example, 4A moving  
8 across the street into our space because we do have  
9 an outdoor space. They don't currently have any  
10 seating. They serve no -- they have no professional  
11 kitchen, but they do heat up pastries and cookies and  
12 the like.

13 MS. POVERMAN: See, one of the problems I  
14 have with getting this in the afternoon and my  
15 printer not working is I can't go through each zoning  
16 rule and look at them. I didn't have a chance to  
17 look at this and say, okay, which actual zoning  
18 requirement are we talking about? So I'm hearing it  
19 for the first time really now, and I'm not having a  
20 chance to consider what waivers we're talking about,  
21 so I'm not going to be able to say tonight whether or  
22 not I can agree to it. As long as that's  
23 understood --

24 MR. SHEEN: I think, you know, both us as

1 well as town staff are working literally to the last  
2 minute to make changes, so we consider this as a  
3 draft.

4 MS. POVERMAN: Sure. Okay.

5 MR. SHEEN: In terms of the retail and  
6 consumer uses for the Coolidge parcel, our intention  
7 is primarily using that as professional offices, so  
8 it should be fairly straightforward.

9 MS. POVERMAN: I also want to say -- point  
10 out that the possibility of having the coffee shop  
11 also should change our waste analysis or waste  
12 narrative.

13 MR. SHEEN: I think -- we talked briefly to  
14 staff about that. A lot of it is -- you know, it's  
15 a -- you still have to go through the board of  
16 health. We're not asking for a waiver for board of  
17 health approvals.

18 MS. POVERMAN: No, no, no. I'm not saying  
19 that. I'm just saying in terms of the waste  
20 narrative we get, it should account for the  
21 possibility that you may have food waste.

22 MR. SHEEN: Sure.

23 The next section deals with 4.08,  
24 affordable housing requirements. We're exceeding the

1 town bylaw, so I don't know -- we just threw it in  
2 there just to make sure that we cover all our bases.

3 5.07, dwelling in business district, that  
4 was recommended by the commissioner to -- because we  
5 do have an L-1 district. It does not apply to the  
6 49 Coolidge parcel.

7 The next section has to do with design  
8 review, 5.09. We initially did not break out the  
9 exclusions, but after hearing from staff and from the  
10 building commissioner, we agreed that there are seven  
11 exclusions, which are listed in the table.

12 5.10 had to do with minimum lot size.  
13 Currently the Coolidge parcel is approximately 3,105  
14 square foot, and the minimum requirement for T-5 is  
15 5,000, so we're not asking for a waiver for that.

16 The same thing on the Coolidge side, that  
17 there is a lot area for dwelling units of 5,000. Our  
18 lot is 3,000 and change.

19 The lot width, again, on the 49 Coolidge  
20 parcel, the T-5 zone, is 50 feet, and the existing  
21 lot has a 36-foot frontage.

22 The floor area ratio for both T-5 and L-1  
23 is 1.0. The existing building on 49 Coolidge is  
24 4,608 square feet, gross floor area, including the

1 basement, and our intention is to not expand on the  
2 existing building, so that translates to a 1.48 FAR  
3 for the 49 Coolidge parcel.

4           The development on 420 Harvard Street is on  
5 a 10,851-square-foot lot with a 33,090 square foot  
6 gross floor area excluding the parking  
7 garage/basement, so that is a floor area ratio of  
8 approximately 3.05.

9           The maximum height of the building is  
10 covered under 5.30 and 5.31 and Table 5.01. For the  
11 Coolidge parcel it's a maximum building height of 35  
12 feet, and for the L-1 district for 420 it's a 40-foot  
13 height limitation. The existing building at  
14 49 Coolidge, I don't have the height immediately in  
15 front of me, but we're not intending to make it  
16 higher, so we're keeping existing roof lines, so that  
17 will remain.

18           The development on 420 Harvard Street has a  
19 building height of 56 foot 10 inches to the -- as  
20 shown on the previous plans. We are working with our  
21 civil engineering staff and the building commissioner  
22 to determine the calculation in terms of the --  
23 taking the mean street grade, so we're still waiting  
24 on some information on that one.



1           The next one, exceptions to yard and  
2 setback regulations, those were recommended by the  
3 building commissioner.

4           Traffic visibility across corners, 5.45.  
5 So we've talked extensively about this one, and I  
6 believe the town engineer, Peter Ditto, has also  
7 reviewed this extensively from a safety standpoint,  
8 and this was also discussed as part of the traffic  
9 peer review. So we're asking a waiver from that.  
10 It's not a -- we're not asking a waiver from a safety  
11 standpoint. We're asking it purely from a bylaw  
12 standpoint.

13           The front yard requirement is covered under  
14 5.5, 5.51, and Table 5.01. The front yard  
15 requirement is 25 feet for the T-5 and 10 feet on the  
16 L-1. We are not changing the building -- the  
17 existing building and the existing front yard setback  
18 on the Coolidge parcel, and development on  
19 420 Harvard Street has -- as you recall, has two  
20 front yards, the one on Harvard Street, which is --  
21 we're building about a foot off the property line,  
22 and the Fuller Street frontage has roughly about  
23 three and a half feet from the property line.

24           5.54 deals with exceptions for existing

1 alignments. We're asking -- it was also recommended  
2 that be included in there.

3 In terms of side yard requirements, the  
4 existing building at 49 Coolidge has a side yard less  
5 than 20 feet on either side and we're maintaining  
6 that existing nonconforming condition.

7 The side yard on the 420 Harvard side, we  
8 only have one portion of the parcel having a side  
9 yard, which is actually immediately abutting  
10 The Butcherie building, so currently the intention is  
11 it's built to be maybe a foot off the side yard line.

12 In terms of the rear yard, the -- for the  
13 Coolidge side, because of it being a two-family with  
14 an additional office, we actually have a greater  
15 setback requirement of 40 feet. Typically it's 30.  
16 We are not changing that, the building footprint, so  
17 it will remain an existing nonconformity.

18 Under 420 Harvard Street, it has -- the  
19 rear yard is abutting 44 Fuller as well as to the  
20 rear of 49 Coolidge and 45 Coolidge, so it ranges  
21 from 15 feet to the 44 Fuller property line. And I  
22 think there's a little bit of a typo here. In terms  
23 of the rear yard setback to 49 Coolidge, it's  
24 actually zero because of the parking garage that

1 straddled both parts. But in any event, so we are  
2 asking for waivers for both parcels.

3 In terms of the minimum landscape open  
4 space, there is a requirement only on the T-5 parcel  
5 of 30 percent. We are not changing that, the  
6 existing condition, so we need -- our architect still  
7 needs to provide us with the calculation, what  
8 exactly the current landscaped area is. We'll then  
9 pull that in. And there is no minimum landscape open  
10 space requirement, we believe, for the L-1 district,  
11 but we're happy to discuss it with staff and the  
12 building commissioner.

13 In terms of the minimum usable open space,  
14 we believe the -- it's actually zero percent.

15 MS. POVERMAN: Doesn't 40B have a minimum  
16 open space requirement?

17 MS. SCHNEIDER: No.

18 MS. POVERMAN: No? Okay. Never mind.

19 MR. SHEEN: So, again, we can discuss with  
20 staff and the building commissioner about this as  
21 well. So in -- we left it in there for discussion  
22 purposes.

23 In terms of off-street parking  
24 requirements, based on staff's recommendation we

1 actually did two waiver calculations. So on the  
2 49 Coolidge side, based on the two residential and  
3 one commercial unit in there, we calculated 4  
4 point -- 4 residential parking and 2 commercial  
5 parking spaces will be needed under the existing  
6 bylaws. And under the amended bylaws that we believe  
7 to be ratified by the attorney general's office, that  
8 percentage would -- actually, that requirement would  
9 remain the same, so it would be 4 residential and 2  
10 commercial parking.

11 Under the L-1 district, the existing bylaw  
12 requires 47 -- it would require 47 residential  
13 parking spaces and 10 commercial parking spaces under  
14 the existing bylaw. And on the amended bylaw, that  
15 requirement will reduce to 39 residential and 10  
16 commercial. The amended bylaw does not adjust the  
17 commercial space requirement.

18 So in total, the development will have 19  
19 off-street residential parking spaces, and 8  
20 commercial parking spaces in addition to the 2  
21 loading spaces on the streets.

22 The next section had to do with the  
23 percentage -- I believe that has to do with the  
24 percentage of visitor spaces, which is 10 percent,

1 and we are providing the 19 and 8 that's shown.

2 MS. POVERMAN: Which of those are actually  
3 visitor parking spaces?

4 MR. SHEEN: None.

5 MS. POVERMAN: Okay.

6 MR. SHEEN: Next section, 6.04.2.E had to  
7 do with the number of compact versus the standard.  
8 For both parcels, there is a requirement for  
9 25 percent maximum, and the reason that we are  
10 including 49 Coolidge in that calculation is because  
11 the compact spaces are actually straddling the  
12 49 Coolidge parcel as well as the 420. We have 8  
13 compact parking spaces and 19 standard parking spaces  
14 with a percentage of approximately 29.6 percent.

15 So the next one, 6.04.2.F, has to do with  
16 the parking lot backing into the public way or  
17 private way. We weren't sure of the reading of that  
18 parking lot, so we left it in there. The existing  
19 condition has 3 tandem off-street parking spaces, and  
20 we're expanding to 4, and they would be -- they will  
21 continue to function the way it's currently  
22 functioning.

23 The next section, 6.04.4.C, had to do with  
24 curb cuts, and we're asking a waiver from the 30-foot

1 curb cut on the L-1 district. After the review with  
2 staff as well as the traffic engineer, the final curb  
3 cut length was determined to be 52 feet wide.

4 In terms of the design of the setback of  
5 the parking facilities, the 49 Coolidge currently has  
6 a zero setback in its current parking situation, so  
7 it will remain the same.

8 And in terms of 49 -- I mean in terms of  
9 the L-1 district for 420 Harvard, because the  
10 underground garage portion extends beyond the rear  
11 lot line, so we're asking for a waiver on the setback  
12 requirement of 5 feet.

13 The next section, 6.07, had to do with the  
14 loading facility. We are asking for a waiver on the  
15 height of that loading space. The requirement is  
16 14 feet. We believe -- our current design has 12  
17 foot clear for that space. And this was a -- was a  
18 result from -- in discussion with the peer -- design  
19 peer reviewer believes that that additional 2 feet  
20 reduction in building height outweighs -- the benefit  
21 of that outweighs the -- having that 2 feet more to  
22 meet the requirement. A typical UPS or FedEx truck  
23 is roughly about -- at the maximum is 11 feet.

24 The next two sections have to do with

1 Section 9 on the enforcement side, and I'll let our  
2 consultant Bob to expand on that if necessary. It  
3 was recommended that we leave it in there.

4 MR. ENGLER: I believe we're waiving those.  
5 We don't need them. We talked about that two nights  
6 ago. So they come out.

7 MR. SHEEN: And it's the same thing with  
8 3.17.

9 MR. ENGLER: Well, that stays.

10 Oh, that comes out too because we're  
11 willing to meet that condition. As explained by  
12 Peter, it's kind of a decision where public works  
13 gets to look at the working drawings when they're  
14 ready to go and make comments. We didn't have any  
15 intention of waiving them as not a requirement, just  
16 not having a special separate review at this stage.  
17 It should be the zoning board's review. But I think  
18 we've been clear on that, so it's not a request  
19 anymore. The whole last page.

20 MR. SHEEN: In terms of Town Bylaw 5.3,  
21 demolition, we filed for a determination of  
22 significance to the historical commission for --  
23 specifically for the 420 parcel, and it was  
24 determined to be insignificant. We believe that is

1 still valid today.

2           In terms of the 49 Coolidge parcel, our  
3 intention is to do a gut rehab, substantial  
4 renovation, and portions of the facade may be  
5 adjusted. And in consultation with the building  
6 commissioner, we will -- we may not actually trigger  
7 a demolition review, so we'll have a better sense,  
8 you know, after the architect has actually given us a  
9 little bit more detail. But we do know that a number  
10 of windows will be modified to accommodate for some  
11 privacy issues, screening against the immediate  
12 neighbors. So some of the windows may need to be  
13 shifted. The intention is not raise the roof, expand  
14 the roof, any expansion of the building footprint.

15           MR. ENGLER: The last section is a typo.  
16 It should have been deleted. The chairman -- we  
17 didn't want to encourage wrath two times in a row.  
18 We don't generally get those kind of --

19           MR. GELLER: Bob, you were paying attention  
20 Monday.

21           MR. ENGLER: I was paying attention. So  
22 that shouldn't be --

23           MR. SHEEN: 7.3.2.

24           MR. ENGLER: That's like saying, give us



1 more relief than we even can think about. You have  
2 to ask specifically for what you want so --

3 MR. SHEEN: Oh, the footnote?

4 MR. ENGLER: Yeah, the footnote. We missed  
5 the delete button on the printing of the thing.

6 MR. SHEEN: So that's the list.

7 MR. GELLER: Mr. Sheen, to the extent that  
8 you are keeping your ask under Town Bylaw Section  
9 5.3, I would urge you to -- and I think this is what  
10 you said anyway -- refine it. Refine what that ask  
11 is. So if what you're saying is, we may want to move  
12 windows around, that's a specific ask.

13 MR. SHEEN: I think there is a threshold,  
14 which is 25 percent modification of each individual  
15 facade. We will work with the design team to --

16 MR. GELLER: My suspicion is that you can  
17 remove this, but you need to look at what you're  
18 really going to do on that property.

19 MR. SHEEN: Sure.

20 MR. GELLER: Any questions at this point?

21 MS. SCHNEIDER: I have a question maybe  
22 related to an issue that Kate raised, and this goes  
23 back to the requested waiver with request to  
24 Section 4.07 in Table 4.07.

1 I'm wondering -- and, again, we're -- and I  
2 understand you guys were working right up to the last  
3 minute, but -- and we can all go and look up what  
4 these various uses are. But I wonder if there is  
5 room to refine some of these asks.

6 You mentioned, for example -- I think one  
7 of the things you were requesting -- one of the  
8 listed things was, like, a funerary. If you really  
9 don't think you're going to be having a funerary use  
10 in this building, which I expect you won't be, maybe  
11 take it out. I mean, I'm just in favor of tailoring  
12 these things. You know what you're going to be doing  
13 at this point. We'd like to have -- to pin down what  
14 we're approving. If you know that you're never going  
15 to have a funeral parlor in this building, I'd just  
16 as soon have you take that off the list of requested  
17 waivers.

18 MR. SHEEN: Sure.

19 MS. SCHNEIDER: And that was one that  
20 jumped out at me. And, again, I'm sure you're not  
21 going to do -- you just said you're probably not  
22 going to do it. So it's that and any others where it  
23 seems fairly obvious there's no way you would ever do  
24 it. If you wouldn't mind giving some thought to

1 taking those out, I think that would help the board.

2 MR. SHEEN: Sure.

3 MR. ENGLER: If I can comment, it is a  
4 confusing section because at this preliminary stage,  
5 we don't know what the use is going to be. And so  
6 you want to say, well, their office and retail and  
7 commercial, you can condition them so there's no food  
8 establishment or some other kind of performance test,  
9 but we don't know if there's going to be a barber  
10 shop or a beauty salon or whatever, so it's hard to  
11 say -- you know, it might be this, it might not be.

12 But as you're saying, we can at least  
13 eliminate the things now we know it's not going to  
14 be, but we don't know what they're really going to  
15 be. So it's kind of like, under 40B, we're allowed  
16 to have some commercial uses at 5,000 feet. We don't  
17 want to be noxious, but we don't really know what  
18 they're going to be, so I don't quite know how to  
19 handle that in a waiver request for all those  
20 subsections you have.

21 MR. GELLER: Well, to some extent, it's  
22 going to be dictated by the structure of the  
23 building. I mean, the building is -- we'll admit  
24 certain uses, but you can clearly look at it and say

1 we're not going to be able to --

2 MR. ENGLER: Not a walk-in trade or that  
3 kind of thing.

4 MS. SCHNEIDER: Exactly. I mean, if  
5 there's absolutely no possible way you would ever put  
6 this into the project, I think it would just simplify  
7 things if you could take those asks out.

8 MR. ENGLER: Okay.

9 MR. SHEEN: Sure.

10 MR. GELLER: Anything else? Kate?

11 MS. POVERMAN: I don't have anything else,  
12 no.

13 MR. GELLER: Okay. Thank you.

14 I want to call on the building  
15 commissioner, Dan Bennett, to come forward and give  
16 us his comments to the requested waivers.

17 MR. BENNETT: Good evening. Dan Bennett,  
18 building commission.

19 So I did, again -- this is a little  
20 repetitive for some of the ZBA members. We went  
21 through this Monday on a different project. But I  
22 did review the listed waivers for consistency and  
23 proper application. This is a complicated site with  
24 the fact that we have two lots, two zoning districts.

1 You have a business district abutting a residence  
2 district, you have underground structures, so this is  
3 pretty much a catchall. You've got just about every  
4 provision of our bylaw that you can get here in the  
5 requested list of waivers.

6 MR. GELLER: No 5.43, Dan.

7 MR. BENNETT: No 5.43, correct.

8 So we did work late into tonight, and the  
9 applicant was -- been very cooperative in a number of  
10 the conversations that we've had. But I want to just  
11 kind of identify a couple of things or I can go  
12 through the list or ask questions.

13 But having the two lots -- keeping that  
14 existing lot line between the Coolidge parcel and the  
15 Harvard Street parcel, if that remains, then that  
16 just increases the number of waivers because the lot  
17 line exists, and my feeling is you have to get a  
18 waiver for any structure that comes close to it or  
19 straddles it.

20 There is -- down the road, however this  
21 board decides to act, they choose to approve the  
22 application with some conditions, they might want to  
23 be specific on what happens to that lot line or how  
24 the two lots are held in common ownership and maybe

1 address that down the road.

2 MR. GELLER: That's actually a very  
3 interesting question, and I hadn't thought about it.  
4 Is there a reason that you are keeping them as  
5 separate parcels?

6 MR. SHEEN: Yes. Because they're in two  
7 separate districts. Some of the calculations are  
8 done on a --

9 MR. ENGLER: No. But as ownership -- it  
10 could be one common ownership, one parcel at the end  
11 of the day.

12 MR. SHEEN: Well, yeah. But let's say we,  
13 you know, go ahead and combine the lot, do a -- do it  
14 as one lot, then there's -- then the calculations for  
15 the particular T-5 -- the T-5 will still remain for  
16 that portion of the lot, but how do you then  
17 determine what's the size of that lot?

18 MR. ENGLER: The question is: If you have  
19 one lot and you don't have a lot -- you don't have a  
20 dividing line, you have a 40B lot, okay? There's  
21 only one lot. If you're willing to be the owner of  
22 that in common, like the commissioner said, then you  
23 don't have a dividing line, right? Am I missing the  
24 point?

1 MR. BENNETT: Well, my experience -- you  
2 know, if you have multiple lots with a common  
3 ownership, the way I've always handled it for any  
4 zoning matter is I've always advised that you get rid  
5 of that lot line. And I advise that because it can  
6 get messy.

7 And that can be done with -- I believe it's  
8 an 81X plan where the surveyor makes a certification  
9 that there are no new lot lines proposed and it's  
10 pretty much a perimeter plan and then that  
11 extinguishes that interior lot line.

12 That does complicate things on the waiver  
13 side a little bit more because now you've got one lot  
14 in two zoning districts, and I haven't looked at that  
15 part of it. It does probably extinguish some of the  
16 waivers with respect to side yard for the Harvard  
17 Street property and rear yard for the Coolidge Street  
18 property, but it doesn't extinguish all of the  
19 issues.

20 If that was to happen -- right now, my  
21 understanding is that the parcels are owned in two  
22 different -- but one's under consideration, however  
23 that happens. But down the road, my advice would be  
24 to put some sort of a condition on that. It becomes

1 common ownership, if the lot line stays, or something  
2 that would clarify ownership.

3 MR. GELLER: Well, it also raises a broader  
4 question, which is -- I think in all of our  
5 discussions and considerations we've assumed that  
6 they were going to be, if not under common ownership,  
7 under affiliated ownership, and that they would  
8 always flow together. And that sort of seems to be  
9 consistent with the methodology in which the building  
10 is structured. They've got a garage that's on 49 --  
11 that's on a portion of 49 Coolidge. So it seems to  
12 me that if they're not putting it into a single  
13 parcel, then we have to visit the question of what  
14 ramification there is from the potential of there  
15 being two owners.

16 MS. POVERMAN: Wouldn't that be an  
17 eligibility question that the state would have to  
18 address? Because each would have to determine  
19 whether or not they meet --

20 MR. GELLER: Limited dividends.

21 MR. SHEEN: It will be under common  
22 ownership. So the question, I think, right now, is:  
23 Do we combine the lots or keep it in two separate  
24 lots?



1           Our initial reaction is to keep it separate  
2 because it's just cleaner.

3           MS. POVERMAN: It is one entity or two? I  
4 mean, that really seems to make no sense for 40B.

5           MR. SHEEN: It's one entity.

6           MS. POVERMAN: I have a question about the  
7 structure because my understanding is that they're  
8 different LLCs and that the -- the ownership of the  
9 LLC, as far as I can tell, is not --

10          MR. SHEEN: So currently, one entity has a  
11 purchase and sales agreement on the other parcel. So  
12 once we apply for the building permit, it will  
13 acquire that parcel to be combined under one single  
14 entity. And that's been addressed with -- I believe  
15 with staff as well as with Mass. Housing Partnership.

16          MS. POVERMAN: When I looked at the  
17 ownership entity of -- the entity that owns  
18 49 Coolidge, all of the people listed as having an  
19 ownership interest, one of them was Yonatan -- I  
20 don't remember the last name.

21          What I'm saying is I can't tell if there's  
22 extensive ownership or coextensive ownership.

23          MR. SHEEN: It doesn't matter because we  
24 have a -- 420 Harvard Street has a purchase and sales

1 agreement that's valid and executed to purchase  
2 49 Coolidge.

3 MR. GELLER: We actually have reviewed  
4 this. We have seen that P&S, so that's really not  
5 the issue. I don't think that's the issue.

6 MS. POVERMAN: But it's really the separate  
7 ownership.

8 MS. SCHNEIDER: No. I think -- but I think  
9 the issue, if I'm understanding it correctly, is:  
10 Right now the waivers that you have requested and  
11 that you've discussed with the town are predicated on  
12 maintaining this as two legal lots. And I guess the  
13 question is: If we were to vote these waivers as  
14 currently requested and then condition the project to  
15 consolidate the lots, what happens to the relief? If  
16 these are the waivers that we vote, what happens to  
17 the relief if the lots are consolidated and then all  
18 the numbers are thrown off?

19 MR. GELLER: I think we would need to know  
20 in advance.

21 MR. BENNETT: The waivers that we do will  
22 be more conservative than what's -- if that lot line  
23 was gone, I would imagine, with respect to some of  
24 the rear and the sides. I don't know how it would

1 apply when you're looking at the overall landscaped  
2 and open space. That, then, they add together.

3 But even if it's in common ownership --  
4 even if it's in common ownership, the lot line, in my  
5 view, is still there. So the board could, in a  
6 condition, just say, prior to the issuance of a  
7 building permit, verification must be produced for  
8 town counsel to review that each lot is held in --  
9 that they're in the same ownership. And the lot line  
10 could stay there, and I think we could move on.

11 MR. SHEEN: So the only condition that  
12 we're talking about -- the side would remain, the  
13 front would remain. The only portion that would be  
14 eliminated is essentially this 36 feet. And so in  
15 that case -- you know, the reason we left it in there  
16 is so it's very clear there is a rear lot line, so we  
17 can ask for the waiver for that.

18 Once that line is gone, 49 Coolidge no  
19 longer has a rear lot line, so it becomes much, much  
20 more complicated in our mind to draft a condition  
21 that -- essentially, for a lot that has no rear yard  
22 setback, specifically for the 49 Coolidge.

23 MR. ENGLER: Why is that complicated?

24 MS. SCHNEIDER: Well, I think we would just

1 waive -- we would waive the rear yard setback  
2 requirement for that parcel in its entirety.

3 But, again, I think we're talking about  
4 granting waivers based on hypothetical lots at that  
5 point because the lots would not be merged when we  
6 would be granting this relief.

7 MR. ENGLER: Can I speak to this a second?  
8 From my experience, it's always one lot and one  
9 owner, and then the 25 percent is across the board,  
10 and all those things fit. And the waivers are there  
11 to say what's the information only -- what's the  
12 extent of what your project is not conforming to  
13 underlying zoning? So it's information. It isn't  
14 anything more than that because the plan is the plan  
15 which gets approved.

16 Now, if we're missing a waiver, if it came  
17 up when you reduced the lot, suddenly you needed a  
18 new waiver, that's a problem. But other than  
19 identifying what they are, the idea that, well,  
20 you're 4 feet away or 5 feet away or you're 1 foot  
21 away, to me it's information that doesn't really  
22 reflect anything more than what's already on the  
23 plan.

24 So I think Dan is correct. If we get rid

1 of that little lot and there's no rear, are we  
2 missing anything or do the other things disappear?  
3 It would be better if we just knew right now. And  
4 certainly we could get a surveyor to get rid of that  
5 lot and say, here's the 40B lot. One lot.

6 MS. MORELLI: Okay. So I think I just want  
7 to maybe make it simpler.

8 Commissioner Bennett stated that when the  
9 two parcels are in common ownership, you will still  
10 have that lot line. Okay? You can keep that lot  
11 line, and that will be consistent with the decisions  
12 you're making on granting the waiver. Is that  
13 simple? Does that make sense to you?

14 MS. SCHNEIDER: No. But I think what he's  
15 actually suggesting -- and, Mr. Bennett, forgive me  
16 if I'm putting words in your mouth -- is that  
17 actually, down the road, we'd want to do an 81X plan  
18 to consolidate and get rid of that lot line.

19 MR. BENNETT: I just brought it up because  
20 I think it's an either/or, and we just have to think  
21 of the ramifications of each. That's all.

22 So if it does go to common ownership and  
23 the lot line remains, I think what we're doing  
24 tonight with respect to the waivers would probably be

1 fine.

2           If, down the road, something came up that  
3 was an issue with that lot line or the common  
4 ownership, then the only way that I know to resolve  
5 that is the 81X plan, and that does open up probably  
6 some different waivers. It probably gets rid of --  
7 some of the waivers you may have already granted  
8 won't be there anymore, but there could be some  
9 additional ones because now the whole lot -- so some  
10 of the lot width and some of the lot area ones would  
11 go away, some of the open space and landscape  
12 requirements, because now it's on the entire parcel  
13 and not piecemealed between the two. So those are  
14 the variations.

15           MS. SCHNEIDER: Right. So, I mean, I just  
16 wonder if at this late juncture we are better off  
17 doing what the applicant suggested, which is to keep  
18 the two lots. And maybe what we do is we add as a  
19 condition, which I think we always would have anyway,  
20 that they remain in unified ownership or at least  
21 related ownership. Because I think that spares the  
22 applicant and also the planning staff the brain  
23 damage of having to recalculate with just a few weeks  
24 left on the timeline what the different waivers might

1 be, unless somebody has an objection to keeping that  
2 lot line and just sort of controlling the unity of  
3 the project through a condition as to ownership.

4 MS. MORELLI: Yeah. I think it would be  
5 easier to keep the lot line because, keep in mind,  
6 the two different districts will still remain even if  
7 the lot lines goes away.

8 MS. SCHNEIDER: Right. Okay.

9 MR. BENNETT: So in addition to some of the  
10 issues I've described, there's also -- again, we've  
11 got the business use and we've got the business  
12 district and we've got the residence district.

13 So in an L-1, if you have a dwelling in a  
14 business district, or the L-1, that then directs you  
15 in the bylaw to a different provision of the  
16 dimension table: M-1, dimensional requirements. And  
17 then because our bylaw does not distinguish really  
18 clearly for a mixed use building, you would then  
19 go -- in the T-5, you'd go to any other structure or  
20 principal use under the dimension table 501, and you  
21 go to the M-1: any other structure or principal use.  
22 So those are the ones that I applied when I did my  
23 review. And I'm going to say that for the most part,  
24 in the applicant's presentation, he referenced those

1 as well.

2           There are also some other requirements when  
3 you have an M district -- or, excuse me, a business  
4 district abutting a T district. The rear yard gets  
5 altered. So right now, the rear yard -- these are  
6 the two things that I said. The rear yard  
7 requirement is 40 feet in each one of those  
8 districts. The bylaw talks about that that can't be  
9 reduced by anything less than 20 feet if it's a  
10 business district abutting a residence district, so  
11 there's a waiver request in there for that as well.

12           There are a couple of other, you know,  
13 unique things here with respect to dwellings in  
14 business districts, and I tried to keep it consistent  
15 in my, you know, approach that I kept with the T-5:  
16 any other structure, and the M-1: any other  
17 structure, and tried not to bounce between the two.  
18 Okay.

19           So my memo, what I had sent up there with  
20 respect to the uses, the original one that I got, by  
21 the time I got some of Victor's alterations or  
22 changes or modifications was too late for me to  
23 change because he asked for very -- a waiver for all  
24 office use, for all automotive uses, and all retail



1 uses. And I think we did spend a lot of time on  
2 that. I think it's up to this board to make a  
3 determination what uses they want to allow and what  
4 uses they want to say no to.

5 My memo, for the most part -- Coolidge  
6 Street, I indicated that use 20 and use 21 would  
7 probably be acceptable. That's the typical  
8 office-type use: business offices, the dental  
9 office, other offices. And I had requested that no  
10 other uses be expanded for that parcel.

11 With respect to the Harvard Street parcel,  
12 I had eliminated 20A and 20B: the veterinary clinic  
13 and the marijuana dispensary. And then I had  
14 indicated with respect to the retail use they could  
15 probably stick with the permitted uses, which are  
16 typically 29, 30, 31, and 32. And those are  
17 primarily the retail -- the service industry, so that  
18 would allow a beauty parlor or a barber shop or a  
19 photography studio.

20 And I would caution the board going forward  
21 to some of the uses that are either not allowed or by  
22 special permit to just -- again, it goes back to the  
23 offensive uses, I think, which was detailed and is  
24 something that the board -- I would advise that they

1 consider carefully moving forward.

2           The design review provision, that's the  
3 same that I have requested each time. I request that  
4 you not grant waivers to those seven sections  
5 because, for the most part, the applicant has already  
6 provided all the information and intends to comply,  
7 so there would be no reason for a waiver.

8           The 40 Coolidge property, the building  
9 itself, the footprint isn't changing. They do have a  
10 parking driveway that exists. They're expanding it  
11 by one space.

12           MS. POVERMAN: Mr. Bennett, I'm getting  
13 lost. Could you tell me which paragraph you're  
14 addressing each time?

15           MR. BENNETT: Okay. I'm down in H, I, and  
16 J.

17           MS. POVERMAN: Okay.

18           MR. BENNETT: And I'll do the Coolidge  
19 parcel and then the Harvard Street parcel.

20           MS. POVERMAN: Great.

21           MR. BENNETT: So the minimum lot size, the  
22 lot area for dwelling units and the width, for the  
23 most part, the building footprint for the Coolidge  
24 Street property isn't changing, so I don't believe

1 waivers are required for some of those setbacks. And  
2 I put them in my memo. And I did open up --

3 MR. GELLER: So that's your meaning of "not  
4 applicable"?

5 MR. BENNETT: Yes.

6 MR. GELLER: Okay.

7 MR. BENNETT: In some instances, it might  
8 look inconsistent. I did -- I think I put "required"  
9 for the front yard, and that's because you have the  
10 new parking space that's created, and one of them is  
11 closer to the front yard than would be allowed under  
12 40A zoning. So any requested waivers on the Coolidge  
13 Street parcel with respect to side yard, front yard,  
14 and rear yard have to do with the parking, the four  
15 parking spaces and the underground structure. Is  
16 that clear a little bit?

17 On the Harvard Street parcel, the minimum  
18 lot size was not applicable. The lot area per  
19 dwelling unit was not applicable. And, again, that's  
20 because we're going to the different -- any other  
21 structure or principal use under the dimension table.

22 There is a provision in there -- not to  
23 confuse you -- but there is "other dwelling  
24 structure" under M.1.0. But, again, because our

1 bylaw doesn't distinguish mixed use, we typically  
2 would go with any other structure or principal use in  
3 past 40A cases and we're being consistent with this.

4 MS. POVERMAN: What paragraph are we  
5 talking about?

6 MR. BENNETT: That would be Table 5.12,  
7 5.01. I think Victor had put it in in some initial  
8 discussions. I was being more conservative and  
9 wanted it in there, but I don't think it applies in  
10 this.

11 MS. POVERMAN: Okay. So I.1 does not  
12 apply.

13 MR. BENNETT: And I.2 would not apply.

14 MS. POVERMAN: Okay. Thanks.

15 MR. BENNETT: The FAR is pretty  
16 straightforward.

17 Building height, I don't have enough  
18 information at this point to make a recommendation.  
19 They are working on providing us with which  
20 methodology that they're using, and that is actually  
21 going in -- I think it's the first time Mike and I  
22 have had it. It's not in the 5.30.1, it's 5.30.2  
23 section, and we'll deal with that going forward.

24 The traffic visibility around corners, it's

1 not applicable for Coolidge, but it is applicable --  
2 do I have that for both here? It's only  
3 applicable -- it's not applicable for Coolidge, but  
4 it is applicable -- I might have left it off of my --

5 MS. MORELLI: I think you left it off --

6 MR. BENNETT: So that provision of the  
7 bylaw talks about fences, hedges, and buildings, and  
8 the 25-foot triangle and so forth. In this instance,  
9 the last paragraph says that the traffic engineer can  
10 waive that requirement if we think it's safe, but it  
11 refers only to fences and hedges. It does not  
12 mention if there's a building there, and in this case  
13 there's a building. So I believe Peter has indicated  
14 that he doesn't think it's a safety issue, but I  
15 still believe this board has to grant that waiver.

16 Again, the next ones in O, P, and Q, it's  
17 pretty straightforward. It's side yards, it's  
18 nondwellings in business districts, so I did keep  
19 those in there because they are -- again, with the  
20 mixed-use thing, we're going with a higher standard  
21 in that instance.

22 Minimum landscaped open space and -- I  
23 think the applicant mentioned that there was not a  
24 requirement for that in the -- there is a 30 percent

1 requirement on the Coolidge Street property and  
2 there's a 20 percent requirement on the Harvard  
3 Street property in this instance, so if a waiver was  
4 to be granted, that would be required to build.

5           The next one, minimum usable open space,  
6 that is zero for both of these under that Table 5.01,  
7 so that is not applicable.

8           MS. PALERMO: I just have a question about  
9 the landscaped open space. They're looking for a  
10 waiver for Coolidge because they will not be  
11 satisfying the 30 percent requirement, but they're  
12 not looking for a waiver for 420 Harvard. And I'm  
13 assuming --

14           MR. SHEEN: That's a mistake.

15           MS. POVERMAN: It's a mistake. Okay.

16           MR. BENNETT: So after further review,  
17 Victor had submitted it without that, and I had  
18 indicated that is something that you should request  
19 and it's up to this board to determine whether --

20           MS. PALERMO: So the current plan -- what  
21 does the current plan provide for open space?

22           MR. BENNETT: I don't think it was  
23 specified. The engineer --

24           MS. PALERMO: You do have a garden.

1 MR. SHEEN: Yes. We just need to sort of  
2 make the final determination. We'll have that  
3 information. We just don't have it tonight.

4 MS. PALERMO: So right now you don't know.

5 MR. SHEEN: We don't know. It's not zero.  
6 It's not zero, obviously. But, I mean, it could be  
7 900 square feet to 1,000 square feet. We just need  
8 to finalize that calculation.

9 MS. SCHNEIDER: So the point is: It's not  
10 zero, but it's also not going to be 20 percent.

11 MR. SHEEN: It's not going to be 20  
12 percent.

13 MS. SCHNEIDER: Okay.

14 MR. SHEEN: I mean, 20 percent would be  
15 2,000 square feet.

16 MR. BENNETT: The parking regulations,  
17 those he was consistent on and --

18 MR. GELLER: Commissioner Bennett, you were  
19 on minimum useable open space. Did you finish with  
20 that?

21 MR. BENNETT: That's zero -- so that's V.  
22 So that's zero in each of the districts, so I had  
23 indicated that that would be -- hopefully I put "not  
24 applicable" there.

1 MR. GELLER: That's what I thought.

2 MR. BENNETT: So V would be not applicable.  
3 Yeah V.1 and V.2 is zero percent requirements, not  
4 applicable.

5 And the next group for the W, X, Y, Z, all  
6 of those are parking related. We did some extensive  
7 review with Peter Ditto, Mike Yanovitch, myself, and  
8 Maria, and the requested waivers are -- they're all  
9 accurate and consistent with the bylaw and we don't  
10 see any safety issues granting them.

11 One of them I think I did add is 6.04.2.F,  
12 which is backing into a way. So I believe in his  
13 request it was Coolidge, and I added the Harvard  
14 Street property because it -- there's a handicap  
15 parking space you're going to have to back in and out  
16 of.

17 6.04.5, I believe they put just D and E.  
18 In my review, I think that entire section, as you  
19 read it, would have to be waived, and that's, for the  
20 most part, setbacks. So if you take the proximity of  
21 those driveways and the walls coming in and out, the  
22 underground structure and the parking, the four-lane  
23 parking area over on Coolidge, my recommendation  
24 would be 6.04.5 would be required to build. I would



1 do the entire section and not just D and E.

2           The loading facilities doesn't apply to the  
3 Coolidge Street property, but there's a 14-foot  
4 height requirement. There's only a 12, so that would  
5 be required to build that loading facility.

6           And the enforcement sections we have  
7 discussed at a previous meeting, and my  
8 recommendation is not to recommend those waivers, but  
9 that's the enforcement arm of the building department  
10 under the zoning bylaw.

11           MR. GELLER: Questions?

12           MR. BENNETT: So I added 5.44, the  
13 accessory structures, and it says, "for parts thereof  
14 of the main building." So the heading is a little  
15 misleading. It talks about just accessory  
16 structures, but I added the 5.44. Again, that's a  
17 catchall for that underground parking that straddles  
18 the lot line, that shared lot line, and is in close  
19 proximity to, I think, two others.

20           MR. GELLER: Questions?

21           No. Everybody's sufficiently confused?

22           We may have questions again, so don't run  
23 off.

24           MR. BENNETT: All right.

1 MR. GELLER: I'd like to ask Maria to speak  
2 on behalf of Peter Ditto.

3 And then what I would hope that we could do  
4 is we could have a quick discussion running through  
5 these and essentially knock off those in which we can  
6 immediately agree upon, even those -- these are  
7 drafts. What I want to do is I want to narrow down  
8 the things that we're discussing at the next hearing,  
9 because we're going to have to spend a great deal of  
10 time at the next hearing on the conditions. Okay?

11 MS. MORELLI: Mr. Chairman, Mr. Ditto  
12 supplied two letters. Do you want me to read both of  
13 them at this time?

14 MR. GELLER: I want to start with one.  
15 Oh, yes. Go ahead.

16 MS. MORELLI: Okay. The first one is in  
17 regard to proposed waivers from Peter Ditto, director  
18 of engineering and transportation, dated November 30,  
19 2016 to the board of appeals.

20 "Board members, the engineering and  
21 transportation staff has reviewed the request for  
22 waivers for the proposed development at 420 Harvard  
23 Street and offers the following comments and  
24 recommendations:

1           "Waiver Request N: This request seeks  
2 relief from the visibility requirement across  
3 corners. The project is located at the intersection  
4 of Harvard Street and Fuller Street. Traffic at this  
5 intersection is controlled by a traffic signal. The  
6 pavement is painted to delineate stop lines and  
7 crosswalks. There are several locations along  
8 Harvard Street which mirror the existing and proposed  
9 development at this location. Because of the traffic  
10 signal system in place, along with pavement markings,  
11 no safety hazard will result from this project.  
12 There should be no action taken on this request.

13           "Waiver Request AA: This request is to  
14 allow a 52-foot-wide curb cut on Fuller Street, which  
15 is greater than the maximum 20 feet allowed by  
16 zoning. The existing curb cut is 42 feet, plus or  
17 minus. The 52-foot opening will allow for safer  
18 entrance and exiting from the underground parking  
19 garage as well as the ADA parking space and loading  
20 zone. This area is open to the street, which gives  
21 pedestrians ample time to see individuals driving on  
22 the sidewalk. The applicant should dimension the  
23 curb cut on the latest plan to reflect the new  
24 opening width of 52 feet. This waiver may be

1 approved.

2 "Waiver Request GG: This request, in part,  
3 is seeking a waiver from the town's site plan  
4 approval process which mandates compliance with both  
5 state and federal regulations. The town has been  
6 issued a National Pollution Discharge Elimination  
7 System permit by the federal government, which  
8 requires annual reporting for compliance. This  
9 waiver should be denied.

10 "Waiver Request II: This request seeks to  
11 bypass the street excavation permit process. This  
12 process ensures that all street excavation permits  
13 are documented, contractors are licensed and insured,  
14 the work is completed according to town  
15 specifications, and public safety officials are  
16 notified. This waiver should be denied."

17 And I understand that the applicant has  
18 removed those last two.

19 And if you'd like me to continue, I'll read  
20 Mr. Ditto's second letter.

21 MR. GELLER: Please.

22 MS. MORELLI: To the zoning board of  
23 appeals, Mr. Ditto, dated November 30, 2016.

24 "Dear Mr. Geller," -- the heading:

1 "Visibility of pedestrians."

2 "In conjunction with the building  
3 commissioner, Daniel Bennett, and the deputy building  
4 commissioner, Michael Yanovitch, I have reviewed the  
5 driveway design for the proposed development at  
6 420 Harvard Street within the parameters specified  
7 under Zoning Bylaw Section 6.04.4.F. The plans  
8 reviewed are dated October 28, 2016." I think that  
9 the -- Mr. Ditto had November 22nd, but it's actually  
10 October 28th -- "and were formerly submitted to the  
11 zoning board of appeals by the applicant.

12 "The building commissioner and I have  
13 determined that there is adequate sight distance of  
14 pedestrians positioned within 5 feet of either side  
15 of the driveway to be located on Fuller Street. The  
16 driveway, as designed, presents no safety hazards to  
17 pedestrians. Furthermore, the driveway design  
18 measures enhance the safety of pedestrians who might  
19 have visual, auditory, or ambulatory disabilities as  
20 specified under Zoning Bylaw Section 6.04, namely:

21 Bullet Point 1: "Flashing lights and  
22 auditory signals to alert pedestrians that a vehicle  
23 is exiting the driveway."

24 Bullet Point 2: "A driveway slope of less

1 than 10 percent for the first 20 feet from the  
2 property line to ensure that vehicles exiting the  
3 driveway can stop safely before proceeding onto the  
4 driveway apron."

5           Bullet Point 3: "Textured surfaces where  
6 the driveway and sidewalk meet to alert pedestrians  
7 that they are approaching a driveway."

8           And Bullet Point 4: "Mirrors installed at  
9 the driveway exit to further enhance visibility."  
10 And Mr. Ditto adds that this label regarding the  
11 mirrors should be noted on the plan.

12           "The existing 7-foot-high fence on the  
13 property line shared with 44 Fuller Street is owned  
14 by the abutter, not the applicant. At 5 feet away  
15 from the driveway exit, this does not present a  
16 visual obstacle to drivers exiting the driveway.

17           "However, as noted by independent traffic  
18 peer reviewer James Fitzgerald, P.E." -- and the  
19 report is dated October 18, 2016 to the ZBA on this  
20 case -- "to improve the stopping sight distance,  
21 (SSD), from 150 feet to the required 200 feet of  
22 vehicles traveling 30 miles per hour on Fuller Street  
23 toward Harvard Street, the fence should be modified.  
24 The applicant has confirmed that he is working with

1 the owner of the fence to modify it at his own  
2 expense to meet the SSD requirement.

3 "There are no retaining walls or guardrails  
4 higher than 3 1/2 feet in this area that would  
5 present a visual obstruction.

6 "In addition, a utility pole is currently  
7 located on the sidewalk beyond the property line of  
8 this project and does not present a visual  
9 obstruction. The applicant is working with the  
10 utility company to relocate the pole underground,  
11 which will further improve sidewalk conditions for  
12 pedestrians.

13 "I do recommend that a condition be applied  
14 that prohibits plantings taller than 3 feet within  
15 the space between the driveway and the lot line  
16 shared with 44 Fuller Street".

17 Regarding the waivers pertaining to traffic  
18 visibility and off-street parking design: "Under  
19 separate cover, I am submitting to the ZBA a letter  
20 with my comments on the applicant's request for  
21 waivers from local regulations. I would like to  
22 explain my review of two of those waiver requests in  
23 this letter on pedestrian safety, namely, waivers  
24 from Zoning Bylaw Section 5.45: traffic visibility

1 across corners, and Zoning Bylaw section 6.04.4.C:  
2 exceeding maximum curb cut of 30 feet.

3           Regarding the waiver from Section 5.45:  
4 traffic visibility across corners: "As specified in  
5 this section, only the ZBA may grant an exception to  
6 the bylaw so that a structure may be built in the  
7 plane specified; that is, a 4-1/2-foot-high expanse  
8 that is 2 1/2 feet above the curb which runs 25 feet  
9 from the intersection of said lot line. And that is  
10 illustrated in Figure 5.11 in the bylaw.

11           "I would like to provide the board with my  
12 technical review of the proposed conditions to  
13 confirm that there would be no adverse impact on  
14 public safety in regard to both drivers and  
15 pedestrians.

16           Bullet Point 1: "The proposed conditions,  
17 that is, no front yard setbacks, are not unique to  
18 Harvard Street street corners.

19           Bullet Point 2: "Harvard Street angles in  
20 such a way to increase sight lines for drivers at the  
21 Harvard/Fuller Street intersection of both oncoming  
22 traffic and pedestrians.

23           Bullet Point 3: "Harvard and Fuller  
24 Streets have a stop-controlled signal.



1           And Bullet Point 4: "The stop line on  
2 Fuller Street is positioned to allow drivers optimal  
3 sight lines of approaching pedestrians. In addition,  
4 the required SSD of oncoming traffic is met.

5           Regarding waiver from Section 6.04.4.C:  
6 exceeding curb cut width of 30 feet: "In a previous  
7 iteration of the plan, the curb cut was 48 feet.  
8 However, the independent traffic peer reviewer, James  
9 Fitzgerald, recommended that the southern curb cut be  
10 increased so that vehicles turning right onto Fuller  
11 would not clip the curb. The applicant applied this  
12 recommendation by increasing the curb cut to 52 feet.  
13 Along this 52-foot curb cut is a loading zone that is  
14 partially shared with a handicapped pick-up/drop-off  
15 space. I recommend that the loading be striped so  
16 that it is better delineated from the driveway  
17 entrance ramp. It appears that this is intended on  
18 the plans; however, I would add a label on the plans  
19 and a condition reinforcing this measure.

20           "In summary, the proposed driveway on  
21 Fuller Street presents no adverse impact on drivers  
22 and pedestrians. The building commissioner and I are  
23 available to address any questions you may have about  
24 public safety."

1 Signed, Peter Ditto, P.E., director.

2 MR. GELLER: Thank you.

3 Just one question: On Waiver Request N --  
4 N.2, I thought I understood Building Commissioner  
5 Bennett to say before that the waiver is necessary.  
6 But I thought I understood --

7 MS. MORELLI: Right. So he's saying that  
8 it applies, so -- because you have a structure that  
9 is going to be built with zero setback on Harvard and  
10 Fuller Streets that will be constructed in that plane  
11 that's specified.

12 Now, if you look at Section 5.45, it  
13 prohibits any obstruction, whether it's a fence,  
14 plantings, or a structure like a building, in this  
15 plane. Now, you have to think of this triangular  
16 plane that is 2 1/2 feet above the curb line and it  
17 runs 4 1/2 feet above that and then it runs along the  
18 lot line. That would be the lot line on Fuller and  
19 the lot line on Harvard Street, 25 feet in each  
20 direction. So that creates a triangular space in  
21 that area. There would be no construction in that  
22 space. That's what the bylaw specifies.

23 Obviously, you are going to have a  
24 structure in that triangular plane.

1 MR. GELLER: So they need the waiver.

2 MS. MORELLI: So they do need the waiver.

3 And what Mr. Ditto is saying is that he can't grant  
4 it because it's not his review. He's simply saying  
5 if you're going to permit this review, clearly you're  
6 going to want some technical expertise. In  
7 anticipating your discussion, he's providing that.

8 MR. GELLER: Okay. Got it.

9 So I guess the question then becomes: Did  
10 Mr. Ditto have a suggestion about how one straddles  
11 between a wholesale waiver and his desire to provide  
12 technical review?

13 MS. MORELLI: Yeah. So what he did is he  
14 reviewed -- now, I listed a few bullet points that  
15 regarded his assessment of the conditions at Harvard  
16 and Fuller Street regarding sight distance. Now,  
17 we're talking about sight lines that pertain to  
18 drivers who are looking at oncoming traffic. That's  
19 the SSD. It also pertains to drivers' visibility of  
20 pedestrians. So we're talking about oncoming traffic  
21 and approaching pedestrians. And in both cases, he  
22 emphatically states that even though a structure  
23 would be built in that triangular space where the  
24 bylaw says -- or prohibits any building, he says even

1 though there would be a building in that space, there  
2 are no traffic hazards, no adverse --

3 MS. SCHNEIDER: I understands Jesse's  
4 question, and I think I understand the answer, which  
5 is that he noted that this analysis was necessary.  
6 He went ahead and did it.

7 MR. GELLER: He's done it.

8 MS. SCHNEIDER: He's done it for us without  
9 us having to ask him to do it.

10 MR. GELLER: So he's supporting the request  
11 for the waiver. He's simply saying, I'm here for  
12 technical review and I've done it.

13 MS. SCHNEIDER: I've already done it, so  
14 you can feel comfortable. If you feel --

15 MR. GELLER: Is that correct?

16 MS. MORELLI: That is absolutely correct.

17 MR. GELLER: Thank you.

18 Any other questions?

19 (No audible response.)

20 MR. GELLER: No. Okay.

21 I want to -- let's roll through these  
22 quickly and see which ones -- and, again, I  
23 understand we haven't had a lot of time with these  
24 and we certainly haven't had an opportunity to look

1 at the bylaw and compare it to what's being asked.  
2 But I still think there are some of these that we can  
3 dismiss -- or we can accept and some we can dismiss.

4 MS. SCHNEIDER: And I just want to say, I  
5 mean, I really appreciate the memo that Mr. Bennett  
6 did. I think it helps the -- for the purposes of  
7 this discussion, certainly to the extent that we are  
8 considering approving this project with conditions,  
9 if there are things that are identified as required  
10 to build, I don't think those should be difficult for  
11 us to discuss and --

12 MR. GELLER: Right.

13 A.1 and A.2?

14 MS. SCHNEIDER: Yes.

15 MS. PALERMO: Yes.

16 MS. POVERMAN: No problem.

17 MR. GELLER: B.1 and B.2, I'm not prepared  
18 to give an answer. I think it needs to be looked at,  
19 though I do appreciate the comment from Commissioner  
20 Bennett that we should consider narrowing the  
21 request.

22 MS. POVERMAN: I just have a question as to  
23 why office use is something that's buildable under  
24 40B. I mean --

1 MS. SCHNEIDER: This is a mixed-use  
2 project.

3 MS. POVERMAN: Okay.

4 MS. PALERMO: I'm suggesting that all of  
5 these use provisions I would rather defer so I can  
6 read the code.

7 MR. GELLER: Correct.

8 MS. SCHNEIDER: Agreed.

9 MR. GELLER: E.1, E.2, I think yes.

10 MS. SCHNEIDER: Yes.

11 MR. GELLER: F.2, yes.

12 MS. POVERMAN: Hold on. Wait for me.

13 Yup.

14 MR. GELLER: G.1, G.2, yes.

15 MS. POVERMAN: Yes.

16 MS. PALERMO: Yes.

17 MS. SCHNEIDER: Yes.

18 MR. GELLER: H.1, yes.

19 MS. SCHNEIDER: Yes.

20 MS. PALERMO: Yes.

21 MR. GELLER: Everybody caught up? I.1?

22 MS. SCHNEIDER: Yes.

23 MS. PALERMO: Yes.

24 MS. POVERMAN: Yes.

1 MR. GELLER: J.1?

2 MS. PALERMO: Yes.

3 MS. SCHNEIDER: Yes.

4 MS. POVERMAN: Yes.

5 MR. GELLER: K.1 and 2.

6 MS. PALERMO: Yes.

7 MS. SCHNEIDER: Yes.

8 MS. POVERMAN: Yes.

9 MR. GELLER: L.1 and 2 are not ready  
10 because clearly they have to review with the building  
11 commissioner the methodology by which they're going  
12 to calculate the height of the building.

13 I was going to go to M, but I think M is  
14 out. That's 5.43. Doesn't apply.

15 N.2 is yes.

16 MS. POVERMAN: Yes.

17 MS. PALERMO: Yes.

18 MS. SCHNEIDER: Yes.

19 MR. GELLER: O.1 and 2.

20 MS. MORELLI: After N.2 --

21 MS. SCHNEIDER: Thank you. I have that  
22 question too.

23 MS. MORELLI: So in the building  
24 commissioner's memo --

1 MR. GELLER: Oh, that's right.

2 MS. MORELLI: If you want toggle between  
3 the waivers list and the building commissioner's  
4 memo, after N.1 there's a dash and there's 5.44.  
5 That is being added by the building commissioner. I  
6 don't know when you want to pull that in.

7 MR. GELLER: Yeah. Let me suggest that  
8 5.43 doesn't apply here.

9 MS. MORELLI: No. I'm talking about 5.44.

10 MR. GELLER: Yeah. I'm simply going to say  
11 that when they redo this, they can fit it in there.  
12 They can reletter fitting it in because you don't  
13 need --

14 MS. MORELLI: 5.44, accessory underground  
15 structures, we don't need it?

16 MR. GELLER: No. We do need it, but I'm  
17 saying substitute it for where you've got a reference  
18 to 5.43, which doesn't apply.

19 MS. MORELLI: Got it.

20 MS. POVERMAN: And we'll assess it at that  
21 time?

22 MR. GELLER: No. They need it.

23 MS. SCHNEIDER: No. They need it, because  
24 the parking garage straddles it.



1 MR. GELLER: Right.

2 MS. MORELLI: So it's a yes.

3 MR. GELLER: Yes.

4 MS. SCHNEIDER: And that will become M.1 or  
5 something like that.

6 MR. GELLER: 0.1, 0.2, anybody answer on  
7 that?

8 MS. PALERMO: Yes.

9 MS. POVERMAN: Yes.

10 MS. SCHNEIDER: Yes.

11 MR. GELLER: P.1 and P.2 --

12 MS. POVERMAN: Those are irrelevant.

13 MR. GELLER: Right.

14 MS. SCHNEIDER: Mr. Sheen, did you agree  
15 that those are irrelevant. You still have them on  
16 this list. I'm not sure if it's a moving target  
17 or --

18 MR. GELLER: We had a discussion on it  
19 Monday night.

20 MR. SHEEN: Let's leave it in there, and  
21 I'll consult with the building commission on it.

22 MR. BENNETT: I can address it now if you  
23 want.

24 MS. SCHNEIDER: Yes, please.

1 MR. BENNETT: For Coolidge -- where are we  
2 here? So it's not applicable. So for the Coolidge  
3 Street property, they're not making any changes to  
4 the front yard, and that's why I kept that as not  
5 applicable.

6 On the Harvard Street property, you need  
7 150 feet on each side of the lot, so a corner lot,  
8 the existing lot, does not apply. The way the zoning  
9 is written, you have to have 150 feet on each side of  
10 the building to come up with the new setbacks, so  
11 corner lots, that does not apply.

12 MR. GELLER: Okay. Q.1, Q.2.

13 MS. PALERMO: Yes.

14 MS. POVERMAN: Yes.

15 MS. SCHNEIDER: Yes.

16 MR. GELLER: R?

17 MS. PALERMO: Yes.

18 MS. POVERMAN: Yes.

19 MS. SCHNEIDER: Yes.

20 MR. GELLER: S.1, S.2?

21 MS. SCHNEIDER: Yes.

22 MR. GELLER: T is -- T.2 is -- it's not  
23 broken down, but T.2 is a yes.

24 MS. POVERMAN: Right. T.1 is irrelevant.

1 MS. SCHNEIDER: U.1 and U.2, I think we're  
2 not ready yet, right, because we don't have a  
3 calculation --

4 MR. GELLER: They have to do a calculation  
5 on 420.

6 V.1 and V.2 are not applicable.

7 W.1, W.2.

8 MS. SCHNEIDER: Yes.

9 MS. PALERMO: Yes.

10 MR. GELLER: X.2, yes.

11 MS. SCHNEIDER: Yes.

12 MS. PALERMO: Yes.

13 MR. GELLER: Y.1 and 2, yes.

14 MS. SCHNEIDER: Yes.

15 MR. GELLER: Z.1, yes.

16 MS. SCHNEIDER: Yes.

17 MR. GELLER: AA.2.

18 MS. SCHNEIDER: Hang on a second. We have  
19 to add a Z.2 to that because, as the commissioner  
20 pointed out, we need to add it to the Harvard Street  
21 side as well because of the handicap space.

22 MR. GELLER: Right.

23 MS. SCHNEIDER: So that's Z.2.

24 MR. GELLER: This is the handicap loading.

1 MS. SCHNEIDER: Yes. There's that one  
2 handicap at grade.

3 MR. GELLER: Right.

4 AA.2, yes.

5 MS. SCHNEIDER: Yes.

6 MS. PALERMO: Yes.

7 MR. GELLER: BB.1 and BB.2.

8 MS. SCHNEIDER: Yes.

9 MS. PALERMO: Yes.

10 MR. GELLER: And I think the recommendation  
11 from Commissioner Bennett in that case was rather  
12 than specify D and E as the applicant has --

13 MS. SCHNEIDER: All of 6.0.4.5.

14 MR. GELLER: Correct.

15 MS. SCHNEIDER: Yes.

16 MR. GELLER: CC.2.

17 MS. SCHNEIDER: Yes.

18 MS. PALERMO: Yes.

19 MS. POVERMAN: Yes.

20 MR. GELLER: And then everything else  
21 should be gone, including the bold note at the end.

22 So I think we've gotten through a fair  
23 number of those. We only have a limited number.

24 Maria, you have --

1 MS. MORELLI: There was HH regarding --  
2 HH.1 and 2 regarding demolition. I don't know that  
3 you specifically -- that's not on Commissioner  
4 Bennett's list. That's a preservation issue. We  
5 do -- we would need to return to HH.1 pending further  
6 information from the applicant regarding what they're  
7 doing, if they meet the criteria for partial  
8 demolition.

9 MR. GELLER: Right.

10 MS. MORELLI: And then regarding HH.2, they  
11 already received, in October of 2015, a determination  
12 that the building is not -- at 420 Harvard is not  
13 significant, so therefore it can be demolished and  
14 that they do not need a waiver, so that's no longer  
15 applicable.

16 MR. GELLER: All right. Thank you.

17 Okay. Any other questions/comments on the  
18 waiver list?

19 MS. PALERMO: No.

20 MR. GELLER: So my hope would be that we  
21 could get a cleaned-up version of this for our review  
22 at the next hearing.

23 MS. PALERMO: In advance.

24 MS. SCHNEIDER: Well, I think that we'll

1 need to do some homework, too, on the uses.

2 MR. GELLER: Yes, absolutely.

3 MS. SCHNEIDER: But if the applicant -- I  
4 mean, I know we already talked about this, but if the  
5 applicant wants to forward a cleaned-up list of the  
6 uses as well in advance, I think that would greatly  
7 assist the board.

8 MR. SHEEN: Sure. We'll work with staff.

9 MR. GELLER: Thank you.

10 I want to mention, before we do close the  
11 hearing -- just for the record, I want to acknowledge  
12 a petition that was signed by the residents -- or  
13 many of the residents of the Cohen Residences. And  
14 this is a petition, and I'll read the content.

15 "We petition the Brookline Zoning Board of  
16 Appeals to fully and carefully consider safety  
17 impacts to seniors from the proposed development at  
18 420 Harvard Street.

19 "We understand the proposed project  
20 includes a five-story building with underground  
21 parking with a lane of traffic to enter the  
22 underground parking, a second lane of traffic to exit  
23 the underground parking, and a third lane of traffic  
24 for a truck loading zone.

1            "We also fully understand these three lanes  
2 will cut across the sidewalk on Fuller Street  
3 directly across from the busy Fuller Street parking  
4 lot. Cars already often block the sidewalk on that  
5 side of Fuller. The sidewalks on both sides of the  
6 street will be blocked by the proposed project. Our  
7 safety will be jeopardized. Warning lights are not  
8 the answer.

9            "We urge the zoning board of appeals not to  
10 approve the project unless the entrance, exit, and  
11 loading zone are moved from Fuller Street so that one  
12 sidewalk remains free for us to walk safely."

13            And there are a number of signatures that  
14 are attached.

15            So this will entered into the record, and  
16 it can also be, like everything else, available  
17 online if anybody wants to see it.

18            Okay. As mentioned, our next hearing is  
19 December 12, 7:00 p.m., and I anticipate at that  
20 hearing we will wrap up with the waiver list. And  
21 then in advance of that hearing, there will be  
22 distributed proposed conditions, and we'll start to  
23 review conditions.

24            MS. POVERMAN: When does this hearing

1 close?

2 MS. MORELLI: December 27th is the  
3 deadline.

4 MS. STEINFELD: We're hoping not to have a  
5 hearing on that night.

6 MR. GELLER: And then we have 40 days of  
7 deliberation.

8 I want to thank everyone for coming, and we  
9 are adjourned until the 12th.

10 (Proceedings adjourned at 8:44 p.m.)

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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 12th day of December, 2016.

14 

15 \_\_\_\_\_  
16  
17 Kristen Krakofsky, Notary Public

18 My commission expires November 3, 2017.

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<b>1</b>	53:24 56:8,19 58:16 63:5,9,19 67:13 69:2	<b>3,000</b> 15:18	<b>4</b>
<b>1</b> 9:14 36:20 53:21 56:16	<b>2,000</b> 47:15	<b>3,105</b> 15:13	<b>4</b> 20:3,4,9 21:20 36:20 54:8 57:1 58:17
<b>1,000</b> 47:7	<b>20</b> 10:8 18:5 40:9 41:6 46:2 47:10,11,14 51:15 54:1	<b>3.02</b> 9:19	<b>4,608</b> 15:24
<b>1.0</b> 15:23	<b>200</b> 54:21	<b>3.05</b> 16:8	<b>4-1/2-foot-high</b> 56:7
<b>1.48</b> 16:2	<b>2015</b> 69:11	<b>3.17</b> 23:8	<b>4.07</b> 9:24 10:1 25:24
<b>1/2</b> 55:4 56:8 58:16,17	<b>2016</b> 50:19 52:23 53:8 54:19	<b>30</b> 11:17 18:15 19:5 41:16 45:24 46:11 50:18 52:23 54:22 56:2 57:6	<b>4.08</b> 14:23
<b>10</b> 16:19 17:15 20:13,15, 24 54:1	<b>20A</b> 10:10,18 41:12	<b>30-foot</b> 21:24	<b>40</b> 18:15 40:7 42:8 72:6
<b>10,000</b> 11:19	<b>20B</b> 41:12	<b>31</b> 11:17 41:16	<b>40-foot</b> 16:12
<b>10,851-square-foot</b> 16:5	<b>21</b> 10:14 41:6	<b>32</b> 41:16	<b>40A</b> 43:12 44:3
<b>11</b> 22:23	<b>21st</b> 6:13,19	<b>32A</b> 11:18	<b>40B</b> 3:6,15,20,22 9:21 19:15 27:15 30:20 33:4 37:5 61:24
<b>12</b> 22:16 49:4 71:19	<b>22nd</b> 53:9	<b>33</b> 11:23	<b>42</b> 51:16
<b>12th</b> 5:10,19 72:9	<b>25</b> 17:15 21:9 25:14 36:9 56:8 58:19	<b>33,090</b> 16:5	<b>420</b> 3:7 7:10,22 8:3,18,20 9:10 11:8 16:4,12,18 17:19 18:7,18 21:12 22:9 23:23 33:24 46:12 50:22 53:6 67:5 69:12 70:18
<b>14</b> 22:16	<b>25-foot</b> 45:8	<b>33A</b> 11:23	<b>44</b> 8:9 18:19,21 54:13 55:16
<b>14-foot</b> 49:3	<b>27th</b> 72:2	<b>34</b> 11:23	<b>45</b> 8:19 9:1 18:20
<b>15</b> 18:21	<b>28</b> 53:8	<b>35</b> 11:24 16:11	<b>47</b> 20:12
<b>150</b> 54:21 66:7,9	<b>28th</b> 53:10	<b>36</b> 12:4 35:14	<b>48</b> 57:7
<b>18</b> 54:19	<b>29</b> 11:16,17 41:16	<b>36-foot</b> 15:21	<b>49</b> 7:23 8:12,13,23,24 9:9, 15 10:6 11:12 15:6,19, 23 16:3,14 18:4,20,23 20:2 21:10,12 22:5,8
<b>19</b> 20:18 21:1,13	<b>29.6</b> 21:14	<b>36A</b> 12:8	
<b>19th</b> 6:13,16,21	<b>3</b>	<b>36B</b> 12:11	
<b>2</b>	<b>3</b> 21:19 54:5 55:4,14 56:23	<b>39</b> 20:15	
<b>2</b> 9:15 20:4,9,20 22:19,21			

<p>24:2 32:10,11 33:18 34:2 35:18,22</p> <p><b>4A</b> 13:7</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 22:12 36:20 53:14 54:14</p> <p><b>5,000</b> 10:21 15:15,17 27:16</p> <p><b>5.01</b> 16:10 17:14 44:7 46:6</p> <p><b>5.07</b> 15:3</p> <p><b>5.09</b> 15:8</p> <p><b>5.10</b> 15:12</p> <p><b>5.11</b> 56:10</p> <p><b>5.12</b> 44:6</p> <p><b>5.3</b> 23:20 25:9</p> <p><b>5.30</b> 16:10</p> <p><b>5.30.1</b> 44:22</p> <p><b>5.30.2</b> 44:22</p> <p><b>5.31</b> 16:10</p> <p><b>5.43</b> 29:6,7 63:14 64:8,18</p> <p><b>5.44</b> 49:12,16 64:4,9,14</p> <p><b>5.45</b> 17:4 55:24 56:3 58:12</p> <p><b>5.5</b> 17:14</p> <p><b>5.51</b> 17:14</p>	<p><b>5.54</b> 17:24</p> <p><b>50</b> 15:20</p> <p><b>50,000</b> 12:12</p> <p><b>501</b> 39:20</p> <p><b>52</b> 22:3 51:24 57:12</p> <p><b>52-foot</b> 51:17 57:13</p> <p><b>52-foot-wide</b> 51:14</p> <p><b>56</b> 16:19</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6.0.4.5</b> 68:13</p> <p><b>6.04</b> 53:20</p> <p><b>6.04.2.E</b> 21:6</p> <p><b>6.04.2.F</b> 21:15 48:11</p> <p><b>6.04.4.C</b> 21:23 56:1 57:5</p> <p><b>6.04.4.F</b> 53:7</p> <p><b>6.04.5</b> 48:17,24</p> <p><b>6.07</b> 22:13</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7-foot-high</b> 54:12</p> <p><b>7.3.2</b> 24:23</p> <p><b>70</b> 6:6</p>	<p><b>7:00</b> 5:10 71:19</p> <p><b>7:03</b> 3:2</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 20:19 21:1,12</p> <p><b>81X</b> 31:8 37:17 38:5</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 23:1</p> <p><b>900</b> 47:7</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>A.1</b> 9:14 61:13</p> <p><b>A.2</b> 9:14 61:13</p> <p><b>AA</b> 51:13</p> <p><b>AA.2</b> 68:4</p> <p><b>AA.2.</b> 67:17</p> <p><b>able</b> 13:3,21 28:1</p> <p><b>absolutely</b> 28:5 60:16 70:2</p> <p><b>abutter</b> 54:14</p> <p><b>abutting</b> 8:1,15 18:9,19 29:1 40:4,10</p> <p><b>accept</b> 61:3</p> <p><b>acceptable</b> 41:7</p> <p><b>accessed</b> 11:13</p>	<p><b>accessory</b> 11:1 49:13,15 64:14</p> <p><b>accommodate</b> 24:10</p> <p><b>account</b> 14:20</p> <p><b>accurate</b> 48:9</p> <p><b>acknowledge</b> 70:11</p> <p><b>acquire</b> 33:13</p> <p><b>acres</b> 12:17</p> <p><b>act</b> 29:21</p> <p><b>action</b> 51:12</p> <p><b>actual</b> 13:17</p> <p><b>ADA</b> 51:19</p> <p><b>add</b> 35:2 38:18 48:11 57:18 67:19,20</p> <p><b>added</b> 10:24 48:13 49:12,16 64:5</p> <p><b>addition</b> 20:20 39:9 55:6 57:3</p> <p><b>additional</b> 7:15 18:14 22:19 38:9</p> <p><b>address</b> 10:3 30:1 32:18 57:23 65:22</p> <p><b>addressed</b> 10:2 33:14</p> <p><b>addresses</b> 9:23</p> <p><b>addressing</b> 42:14</p> <p><b>adds</b> 54:10</p> <p><b>adequate</b> 53:13</p>
---	---	--	---

<p><b>adjourned</b> 72:9</p> <p><b>adjust</b> 20:16</p> <p><b>adjusted</b> 24:5</p> <p><b>administrative</b> 6:9</p> <p><b>admit</b> 27:23</p> <p><b>advance</b> 34:20 69:23 70:6 71:21</p> <p><b>adverse</b> 56:13 57:21 60:2</p> <p><b>advice</b> 31:23</p> <p><b>advise</b> 31:5 41:24</p> <p><b>advised</b> 31:4</p> <p><b>affiliated</b> 32:7</p> <p><b>affordable</b> 14:24</p> <p><b>afternoon</b> 4:3 13:14</p> <p><b>ago</b> 23:6</p> <p><b>agree</b> 13:22 50:6 65:14</p> <p><b>agreed</b> 15:10 62:8</p> <p><b>agreement</b> 33:11 34:1</p> <p><b>agricultural</b> 12:16</p> <p><b>ahead</b> 30:13 50:15 60:6</p> <p><b>alert</b> 53:22 54:6</p> <p><b>alignments</b> 18:1</p> <p><b>allow</b> 10:8 41:3,18 51:14,17</p>	<p>57:2</p> <p><b>allowed</b> 10:17 11:2 27:15 41:21 43:11</p> <p><b>allowed-by-right</b> 11:17</p> <p><b>alterations</b> 40:21</p> <p><b>altered</b> 40:5</p> <p><b>ambulatory</b> 53:19</p> <p><b>amended</b> 7:17 20:6,14,16</p> <p><b>ample</b> 51:21</p> <p><b>analysis</b> 14:11 60:5</p> <p><b>angles</b> 56:19</p> <p><b>animals</b> 10:19</p> <p><b>annual</b> 52:8</p> <p><b>answer</b> 60:4 61:18 65:6 71:8</p> <p><b>anticipate</b> 5:11 71:19</p> <p><b>anticipating</b> 5:20,21 59:7</p> <p><b>anybody</b> 65:6 71:17</p> <p><b>anymore</b> 23:19 38:8</p> <p><b>anyway</b> 25:10 38:19</p> <p><b>appeals</b> 50:19 52:23 53:11 70:16 71:9</p> <p><b>appears</b> 57:17</p> <p><b>applicable</b> 43:4,18,19 45:1,3,4 46:7 47:24 48:2,4 66:2, 5 67:6 69:15</p>	<p><b>applicant</b> 3:24 4:1,10 5:13 6:15, 16 7:11 29:9 38:17,22 42:5 45:23 51:22 52:17 53:11 54:14,24 55:9 57:11 68:12 69:6 70:3,5</p> <p><b>applicant's</b> 3:12 39:24 55:20</p> <p><b>application</b> 4:2 7:21 9:17 28:23 29:22</p> <p><b>applied</b> 39:22 55:13 57:11</p> <p><b>applies</b> 12:11 44:9 58:8</p> <p><b>apply</b> 11:8,23 15:5 33:12 35:1 44:12,13 49:2 63:14 64:8,18 66:8,11</p> <p><b>appreciate</b> 61:5,19</p> <p><b>approach</b> 40:15</p> <p><b>approaching</b> 54:7 57:3 59:21</p> <p><b>approval</b> 3:16,17 52:4</p> <p><b>approvals</b> 14:17</p> <p><b>approve</b> 29:21 71:10</p> <p><b>approved</b> 3:20 36:15 52:1</p> <p><b>approving</b> 26:14 61:8</p> <p><b>approximately</b> 15:13 16:8 21:14</p> <p><b>apron</b> 54:4</p> <p><b>architect</b> 19:6 24:8</p> <p><b>area</b> 11:20 12:22 13:3 15:17, 22,24 16:6,7 19:8 38:10 42:22 43:18 48:23 51:20 55:4 58:21</p>	<p><b>arm</b> 49:9</p> <p><b>asked</b> 40:23 61:1</p> <p><b>asking</b> 4:1 10:8,13,14,20 11:18,21 13:2 14:16 15:15 17:9,10,11 18:1 19:2 21:24 22:11,14</p> <p><b>asks</b> 3:24 26:5 28:7</p> <p><b>assess</b> 64:20</p> <p><b>assessment</b> 59:15</p> <p><b>assist</b> 70:7</p> <p><b>assumed</b> 32:5</p> <p><b>assuming</b> 46:13</p> <p><b>attached</b> 71:14</p> <p><b>attendants</b> 5:2</p> <p><b>attention</b> 24:19,21</p> <p><b>attorney</b> 20:7</p> <p><b>audible</b> 60:19</p> <p><b>auditory</b> 53:19,22</p> <p><b>automotive</b> 10:23 11:5 40:24</p> <p><b>available</b> 3:14 4:6 5:3,7 57:23 71:16</p> <p><b>aware</b> 5:9</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>B.1</b> 61:17</p>
---	--	--	--

<p><b>B.2</b> 61:17</p> <p><b>back</b> 12:14 25:23 41:22 48:15</p> <p><b>background</b> 9:2</p> <p><b>backing</b> 21:16 48:12</p> <p><b>barber</b> 27:9 41:18</p> <p><b>based</b> 19:24 20:2 36:4</p> <p><b>basement</b> 16:1</p> <p><b>bases</b> 15:2</p> <p><b>BB.1</b> 68:7</p> <p><b>BB.2.</b> 68:7</p> <p><b>beauty</b> 27:10 41:18</p> <p><b>beginning</b> 8:23</p> <p><b>behalf</b> 4:22 50:2</p> <p><b>believe</b> 7:14 9:18 10:2 12:11 17:6 19:10,14 20:6,23 22:16 23:4,24 31:7 33:14 42:24 45:13,15 48:12,17</p> <p><b>believes</b> 22:19</p> <p><b>benefit</b> 22:20</p> <p><b>Bennett</b> 4:13 28:15,17 29:7 31:1 34:21 37:8,15,19 39:9 42:12,15,18,21 43:5,7 44:6,13,15 45:6 46:16, 22 47:16,18,21 48:2 49:12,24 53:3 58:5 61:5,20 65:22 66:1 68:11</p>	<p><b>Bennett's</b> 69:4</p> <p><b>better</b> 6:16 24:7 37:3 38:16 57:16</p> <p><b>beyond</b> 22:10 55:7</p> <p><b>bit</b> 18:22 24:9 31:13 43:16</p> <p><b>block</b> 71:4</p> <p><b>blocked</b> 71:6</p> <p><b>board</b> 3:19 6:2 14:15,16 27:1 29:21 35:5 36:9 41:2, 20,24 45:15 46:19 50:19,20 52:22 53:11 56:11 70:7,15 71:9</p> <p><b>board's</b> 3:18 23:17</p> <p><b>Bob</b> 23:2 24:19</p> <p><b>bold</b> 68:21</p> <p><b>bounce</b> 40:17</p> <p><b>brain</b> 38:22</p> <p><b>break</b> 15:8</p> <p><b>briefly</b> 14:13</p> <p><b>broad</b> 10:11</p> <p><b>broader</b> 32:3</p> <p><b>broke</b> 9:7</p> <p><b>broken</b> 66:23</p> <p><b>Brookline</b> 70:15</p> <p><b>brought</b> 37:19</p>	<p><b>build</b> 9:20 46:4 48:24 49:5 61:10</p> <p><b>buildable</b> 61:23</p> <p><b>building</b> 4:13 8:2 10:7 15:10,23 16:2,9,11,13,19,21 17:3,16,17,21 18:4,10, 16 19:12,20 22:20 24:5, 14 26:10,15 27:23 28:14,18 32:9 33:12 35:7 39:18 42:8,23 44:17 45:12,13 49:9,14 53:2,3,12 57:22 58:4,14 59:24 60:1 63:10,12,23 64:3,5 65:21 66:10 69:12 70:20</p> <p><b>buildings</b> 45:7</p> <p><b>built</b> 18:11 56:6 58:9 59:23</p> <p><b>bullet</b> 53:21,24 54:5,8 56:16, 19,23 57:1 59:14</p> <p><b>business</b> 10:16 15:3 29:1 39:11, 14 40:3,10,14 41:8 45:18</p> <p><b>busy</b> 71:3</p> <p><b>Butcherie</b> 8:11 18:10</p> <p><b>button</b> 25:5</p> <p><b>bylaw</b> 9:5,18 15:1 17:11 20:11,14,16 23:20 25:8 29:4 39:15,17 40:8 44:1 45:7 48:9 49:10 53:7,20 55:24 56:1,6,10 58:22 59:24 61:1</p> <p><b>bylaws</b> 20:6</p> <p><b>bypass</b> 52:11</p>	<hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>cafe</b> 12:23 13:3</p> <p><b>calculate</b> 63:12</p> <p><b>calculated</b> 20:3</p> <p><b>calculation</b> 16:22 19:7 21:10 47:8 67:3,4</p> <p><b>calculations</b> 20:1 30:7,14</p> <p><b>call</b> 3:24 28:14</p> <p><b>can't</b> 13:15 33:21 40:8 59:3</p> <p><b>carefully</b> 42:1 70:16</p> <p><b>Cars</b> 71:4</p> <p><b>case</b> 6:15,17,21 35:15 45:12 54:20 68:11</p> <p><b>cases</b> 44:3 59:21</p> <p><b>catch</b> 11:1</p> <p><b>catchall</b> 29:3 49:17</p> <p><b>caught</b> 62:21</p> <p><b>caution</b> 41:20</p> <p><b>CC.2.</b> 68:16</p> <p><b>certain</b> 27:24</p> <p><b>certainly</b> 37:4 60:24 61:7</p> <p><b>certification</b> 31:8</p> <p><b>chairman</b> 4:23 24:16 50:11</p>
--	---	---	---

<p><b>chance</b> 13:16,20</p> <p><b>change</b> 14:11 15:18 40:23</p> <p><b>changes</b> 6:8 14:2 40:22 66:3</p> <p><b>changing</b> 17:16 18:16 19:5 42:9, 24</p> <p><b>Chapter</b> 3:6 9:21</p> <p><b>chart</b> 4:9 5:1</p> <p><b>choose</b> 29:21</p> <p><b>civil</b> 16:21</p> <p><b>clarify</b> 32:2</p> <p><b>cleaned-up</b> 69:21 70:5</p> <p><b>cleaner</b> 33:2</p> <p><b>clear</b> 22:17 23:18 35:16 43:16</p> <p><b>clearly</b> 10:21 27:24 39:18 59:5 63:10</p> <p><b>clinic</b> 10:9,10,13,18 41:12</p> <p><b>clip</b> 57:11</p> <p><b>close</b> 29:18 49:18 70:10 72:1</p> <p><b>closer</b> 43:11</p> <p><b>code</b> 62:6</p> <p><b>coextensive</b> 33:22</p> <p><b>coffee</b> 14:10</p> <p><b>Cohen</b> 70:13</p>	<p><b>column</b> 9:8,9</p> <p><b>columns</b> 9:7</p> <p><b>combine</b> 30:13 32:23</p> <p><b>combined</b> 9:12 33:13</p> <p><b>come</b> 4:8 7:12 23:6 28:15 66:10</p> <p><b>comes</b> 23:10 29:18</p> <p><b>comfortable</b> 60:14</p> <p><b>coming</b> 48:21 72:8</p> <p><b>comment</b> 11:3 27:3 61:19</p> <p><b>comments</b> 5:12 23:14 28:16 50:23 55:20</p> <p><b>commercial</b> 9:20 12:19 20:3,4,10, 13,16,17,20 27:7,16</p> <p><b>commission</b> 23:22 28:18 65:21</p> <p><b>commissioner</b> 4:13 5:12 8:2 15:4,10 16:21 17:3 19:12,20 24:6 28:15 30:22 37:8 47:18 53:3,4,12 57:22 58:4 61:19 63:11 64:5 67:19 68:11 69:3</p> <p><b>commissioner's</b> 63:24 64:3</p> <p><b>common</b> 29:24 30:10,22 31:2 32:1,6,21 35:3,4 37:9, 22 38:3</p> <p><b>compact</b> 21:7,11,13</p> <p><b>company</b> 55:10</p> <p><b>compare</b> 61:1</p>	<p><b>complete</b> 7:15</p> <p><b>completed</b> 52:14</p> <p><b>compliance</b> 52:4,8</p> <p><b>complicate</b> 31:12</p> <p><b>complicated</b> 28:23 35:20,23</p> <p><b>comply</b> 42:6</p> <p><b>comprehensive</b> 3:5 10:2</p> <p><b>condition</b> 9:3,4 18:6 19:6 21:19 23:11 27:7 31:24 34:14 35:6,11,20 38:19 39:3 55:13 57:19</p> <p><b>conditions</b> 3:17,21 5:22,23 6:6,7 29:22 50:10 55:11 56:12,16 59:15 61:8 71:22,23</p> <p><b>confirm</b> 56:13</p> <p><b>confirmed</b> 54:24</p> <p><b>conflict</b> 6:15,24</p> <p><b>conflicted</b> 6:18</p> <p><b>conforming</b> 36:12</p> <p><b>confuse</b> 43:23</p> <p><b>confused</b> 49:21</p> <p><b>confusing</b> 27:4</p> <p><b>conjunction</b> 53:2</p> <p><b>connected</b> 7:23 8:19</p> <p><b>connecting</b></p>	<p>8:10</p> <p><b>consensus</b> 3:19</p> <p><b>conservative</b> 34:22 44:8</p> <p><b>consider</b> 13:7,20 14:2 42:1 61:20 70:16</p> <p><b>consideration</b> 12:24 31:22</p> <p><b>considerations</b> 32:5</p> <p><b>considered</b> 8:20 9:1</p> <p><b>considering</b> 61:8</p> <p><b>consistency</b> 28:22</p> <p><b>consistent</b> 32:9 37:11 40:14 44:3 47:17 48:9</p> <p><b>consolidate</b> 34:15 37:18</p> <p><b>consolidated</b> 34:17</p> <p><b>constraints</b> 4:7</p> <p><b>constructed</b> 58:10</p> <p><b>construction</b> 58:21</p> <p><b>consult</b> 65:21</p> <p><b>consultant</b> 23:2</p> <p><b>consultation</b> 8:1 24:5</p> <p><b>consumer</b> 11:16 14:6</p> <p><b>content</b> 70:14</p> <p><b>continue</b> 21:21 52:19</p> <p><b>continued</b></p>
---	---	---	---

3:4	16:10 17:13	<b>deal</b> 11:15 44:23 50:9	<b>description</b> 5:17
<b>contractors</b> 52:13	<b>created</b> 43:10	<b>deals</b> 10:1 14:23 17:24	<b>design</b> 15:7 22:4,16,18 25:15 42:2 53:5,17 55:18
<b>controlled</b> 51:5	<b>creates</b> 58:20	<b>Dear</b> 52:24	<b>designate</b> 8:7
<b>controlling</b> 39:2	<b>criteria</b> 69:7	<b>December</b> 5:10,19 71:19 72:2	<b>designed</b> 53:16
<b>conversations</b> 29:10	<b>crosswalks</b> 51:7	<b>decides</b> 29:21	<b>desire</b> 59:11
<b>convert</b> 10:12 11:4 12:13	<b>curb</b> 21:24 22:1,2 51:14,16, 23 56:2,8 57:6,7,9,11, 12,13 58:16	<b>decision</b> 5:22 23:12	<b>desk</b> 5:1,4
<b>cookies</b> 13:11	<b>current</b> 19:8 22:6,16 46:20,21	<b>decisions</b> 37:11	<b>detail</b> 24:9
<b>Coolidge</b> 7:23 8:12,13,14,15,17, 19,23,24 9:1,9,15 10:6 11:12,13 14:6 15:6,13, 16,19,23 16:3,11,14 17:18 18:4,13,20,23 20:2 21:10,12 22:5 24:2 29:14 31:17 32:11 33:18 34:2 35:18,22 41:5 42:8,18,23 43:12 45:1,3 46:1,10 48:13,23 49:3 66:1,2	<b>currently</b> 9:24 10:7 13:9 15:13 18:10 21:21 22:5 33:10 34:14 55:6	<b>dedicated</b> 3:11	<b>detailed</b> 9:11 41:23
<b>cooperative</b> 29:9	<b>cut</b> 22:1,3 51:14,16,23 56:2 57:6,7,9,12,13 71:2	<b>defer</b> 62:5	<b>details</b> 6:9
<b>copies</b> 4:24	<b>cuts</b> 21:24	<b>delete</b> 25:5	<b>determination</b> 8:8 23:21 41:3 47:2 69:11
<b>corner</b> 8:3,6 66:7,11	<b>D</b>	<b>deleted</b> 24:16	<b>determine</b> 16:22 30:17 32:18 46:19
<b>corners</b> 17:4 44:24 51:3 56:1,4, 18	<b>damage</b> 38:23	<b>deliberation</b> 72:7	<b>determined</b> 8:2,17 22:3 23:24 53:13
<b>correct</b> 29:7 36:24 60:15,16 62:7 68:14	<b>Dan</b> 4:13,18,19 7:14 11:2 28:15,17 29:6 36:24	<b>delineate</b> 51:6	<b>development</b> 7:10 9:17,21 16:4,18 17:18 20:18 50:22 51:9 53:5 70:17
<b>correctly</b> 34:9	<b>Daniel</b> 53:3	<b>delineated</b> 57:16	<b>dictated</b> 27:22
<b>counsel</b> 6:1 35:8	<b>dash</b> 64:4	<b>demolished</b> 69:13	<b>didn't</b> 4:8 13:16 23:14 24:17
<b>couple</b> 7:14 29:11 40:12	<b>dated</b> 50:18 52:23 53:8 54:19	<b>demolition</b> 23:21 24:7 69:2,8	<b>different</b> 28:21 31:22 33:8 38:6, 24 39:6,15 43:20
<b>cover</b> 15:2 55:19	<b>dates</b> 6:13	<b>denial</b> 3:15	<b>difficult</b> 61:10
<b>covered</b>	<b>day</b> 30:11	<b>denied</b> 52:9,16	<b>dimension</b> 39:16,20 43:21 51:22
	<b>days</b> 72:6	<b>dental</b> 10:9 41:8	<b>dimensional</b> 39:16
	<b>deadline</b> 72:3	<b>department</b> 49:9	<b>direct</b>
		<b>deputy</b> 53:3	
		<b>described</b> 39:10	

<p>7:19 <b>direction</b> 58:20 <b>directly</b> 71:3 <b>director</b> 4:14 50:17 58:1 <b>directs</b> 39:14 <b>disabilities</b> 53:19 <b>disappear</b> 37:2 <b>Discharge</b> 52:6 <b>discuss</b> 6:7 19:11,19 61:11 <b>discussed</b> 17:8 34:11 49:7 <b>discussing</b> 50:8 <b>discussion</b> 3:14,18 19:21 22:18 50:4 59:7 61:7 65:18 <b>discussions</b> 7:16 32:5 44:8 <b>dismiss</b> 61:3 <b>dispensary</b> 41:13 <b>display</b> 11:24 <b>distance</b> 53:13 54:20 59:16 <b>distinguish</b> 39:17 44:1 <b>distributed</b> 71:22 <b>distribution</b> 12:1 <b>district</b> 7:22,24 9:9 10:16,17 11:17 15:3,5 16:12 19:10 20:11 22:1,9 29:1,2 39:12,14 40:3,4,</p>	<p>10 <b>districts</b> 9:18 28:24 30:7 31:14 39:6 40:8,14 45:18 47:22 <b>Ditto</b> 4:16,22 17:6 48:7 50:2, 11,17 52:23 53:9 54:10 58:1 59:3,10 <b>Ditto's</b> 52:20 <b>dividends</b> 32:20 <b>dividing</b> 30:20,23 <b>division</b> 8:24 <b>documented</b> 52:13 <b>doesn't</b> 19:15 31:18 33:23 36:21 44:1 45:14 49:2 63:14 64:8,18 <b>doing</b> 12:16 26:12 37:23 38:17 69:7 <b>don't</b> 10:3 11:21 12:11 13:6,9 15:1 16:14 23:5 24:18 26:9 27:5,9,14,16,17,18 28:11 30:19,23 33:20 34:5,24 42:24 44:9,17 46:22 47:3,4,5 48:9 49:22 61:10 64:6,12,15 67:2 69:2 <b>draft</b> 5:21 7:17,18 9:3 14:3 35:20 <b>drafted</b> 5:24 <b>drafts</b> 50:7 <b>drawings</b> 23:13 <b>drivers</b> 54:16 56:14,20 57:2,21 59:18</p>	<p><b>drivers'</b> 59:19 <b>driveway</b> 42:10 53:5,15,16,17,23, 24 54:3,4,6,7,9,15,16 55:15 57:16,20 <b>driveways</b> 48:21 <b>driving</b> 51:21 <b>dwelling</b> 15:3,17 39:13 42:22 43:19,23 <b>dwelling's</b> 40:13</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E.1</b> 62:9 <b>E.2</b> 62:9 <b>earlier</b> 4:5 <b>easier</b> 39:5 <b>either</b> 11:22 18:5 41:21 53:14 <b>either/or</b> 37:20 <b>eligibility</b> 32:17 <b>eliminate</b> 27:13 <b>eliminated</b> 35:14 41:12 <b>Elimination</b> 52:6 <b>emphatically</b> 59:22 <b>encourage</b> 24:17 <b>enforcement</b> 23:1 49:6,9 <b>engineer</b></p>	<p>17:6 22:2 45:9 46:23 <b>engineering</b> 4:15 16:21 50:18,20 <b>ENGLER</b> 23:4,9 24:15,21,24 25:4 27:3 28:2,8 30:9,18 35:23 36:7 <b>enhance</b> 53:18 54:9 <b>ensure</b> 54:2 <b>ensures</b> 52:12 <b>enter</b> 70:21 <b>entered</b> 71:15 <b>entire</b> 38:12 48:18 49:1 <b>entirety</b> 36:2 <b>entity</b> 33:3,5,10,14,17 <b>entrance</b> 51:18 57:17 71:10 <b>essentially</b> 35:14,21 50:5 <b>establishment</b> 12:1,14 27:8 <b>evening</b> 3:3 28:17 <b>event</b> 19:1 <b>Everybody</b> 62:21 <b>Everybody's</b> 49:21 <b>exactly</b> 19:8 28:4 <b>examinations</b> 10:10 <b>example</b> 13:7 26:6 <b>excavation</b></p>
---	--	---	---



<p>52:11,12</p> <p><b>exceed</b> 12:21</p> <p><b>exceeding</b> 14:24 56:2 57:6</p> <p><b>exception</b> 56:5</p> <p><b>exceptions</b> 17:1,24</p> <p><b>excluding</b> 16:6</p> <p><b>exclusions</b> 15:9,11</p> <p><b>excuse</b> 11:7 40:3</p> <p><b>executed</b> 34:1</p> <p><b>existing</b> 15:20,23 16:2,13,16 17:17,24 18:4,6,17 19:6 20:5,11,14 21:18 29:14 51:8,16 54:12 66:8</p> <p><b>exists</b> 29:17 42:10</p> <p><b>exit</b> 54:9,15 70:22 71:10</p> <p><b>exiting</b> 51:18 53:23 54:2,16</p> <p><b>expand</b> 16:1 23:2 24:13</p> <p><b>expanded</b> 41:10</p> <p><b>expanding</b> 21:20 42:10</p> <p><b>expanse</b> 56:7</p> <p><b>expansion</b> 24:14</p> <p><b>expect</b> 26:10</p> <p><b>expense</b> 55:2</p> <p><b>experience</b> 31:1 36:8</p>	<p><b>expertise</b> 59:6</p> <p><b>explain</b> 55:22</p> <p><b>explained</b> 23:11</p> <p><b>extends</b> 11:10 22:10</p> <p><b>extensive</b> 33:22 48:6</p> <p><b>extensively</b> 17:5,7</p> <p><b>extent</b> 25:7 27:21 36:12 61:7</p> <p><b>extinguish</b> 31:15,18</p> <p><b>extinguishes</b> 31:11</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F.2</b> 62:11</p> <p><b>facade</b> 24:4 25:15</p> <p><b>facilities</b> 12:5,20 22:5 49:2</p> <p><b>facility</b> 22:14 49:5</p> <p><b>fact</b> 28:24</p> <p><b>fair</b> 68:22</p> <p><b>fairly</b> 7:15 8:13 14:8 26:23</p> <p><b>far</b> 16:2 33:9 44:15</p> <p><b>favor</b> 26:11</p> <p><b>federal</b> 52:5,7</p> <p><b>Fedex</b> 22:22</p> <p><b>feel</b> 60:14</p>	<p><b>feeling</b> 29:17</p> <p><b>feet</b> 10:22 11:20 12:12 15:20,24 16:12 17:15, 23 18:5,15,21 22:3,12, 16,19,21,23 27:16 35:14 36:20 40:7,9 47:7,15 51:16,24 53:14 54:1,14,21 55:4,14 56:2,8 57:6,7,12 58:16, 17,19 66:7,9</p> <p><b>feet allowed</b> 51:15</p> <p><b>fence</b> 54:12,23 55:1 58:13</p> <p><b>fences</b> 45:7,11</p> <p><b>figure</b> 7:1 56:10</p> <p><b>filed</b> 23:21</p> <p><b>final</b> 22:2 47:2</p> <p><b>finalize</b> 47:8</p> <p><b>fine</b> 38:1</p> <p><b>finish</b> 47:19</p> <p><b>first</b> 3:15 5:23 9:5,24 13:19 44:21 50:16 54:1</p> <p><b>fit</b> 36:10 64:11</p> <p><b>fitting</b> 64:12</p> <p><b>Fitzgerald</b> 54:18 57:9</p> <p><b>five</b> 12:17</p> <p><b>five-story</b> 70:20</p> <p><b>Flashing</b> 53:21</p>	<p><b>floor</b> 11:20 15:22,24 16:6,7</p> <p><b>flow</b> 32:8</p> <p><b>focus</b> 11:6</p> <p><b>following</b> 50:23</p> <p><b>food</b> 12:21 14:21 27:7</p> <p><b>foot</b> 15:14 16:5,19 17:21 18:11 22:17 36:20</p> <p><b>footnote</b> 25:3,4</p> <p><b>footprint</b> 18:16 24:14 42:9,23</p> <p><b>forgive</b> 37:15</p> <p><b>format</b> 5:16 7:18</p> <p><b>formerly</b> 53:10</p> <p><b>forth</b> 45:8</p> <p><b>forward</b> 28:15 41:20 42:1 44:23 70:5</p> <p><b>four</b> 43:14</p> <p><b>four-lane</b> 48:22</p> <p><b>free</b> 71:12</p> <p><b>front</b> 5:1 8:14 16:15 17:13, 14,17,20 35:13 43:9,11, 13 56:17 66:4</p> <p><b>frontage</b> 8:4,5 15:21 17:22</p> <p><b>frontages</b> 8:4</p> <p><b>Fuller</b> 8:5,9 17:22 18:19,21 51:4,14 53:15 54:13,22</p>
--	---	--	--

<p>55:16 56:23 57:2,10,21 58:10,18 59:16 71:2,3, 5,11</p> <p><b>fully</b> 70:16 71:1</p> <p><b>function</b> 21:21</p> <p><b>functioning</b> 21:22</p> <p><b>funeral</b> 26:15</p> <p><b>funerary</b> 26:8,9</p> <p><b>furniture</b> 12:2</p> <p><b>further</b> 46:16 54:9 55:11 69:5</p> <p><b>Furthermore</b> 53:17</p> <p><b>future</b> 13:3</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G.1</b> 62:14</p> <p><b>G.2</b> 62:14</p> <p><b>garage</b> 11:2,4,10 18:24 22:10 32:10 51:19 64:24</p> <p><b>garage/basement</b> 16:7</p> <p><b>garden</b> 46:24</p> <p><b>Geller</b> 3:3,8 4:16,19 5:3,7,17 6:11,18,22,24 7:3,6 11:7,11 24:19 25:7,16, 20 27:21 28:10,13 29:6 30:2 32:3,20 34:3,19 43:3,6 47:18 48:1 49:11,20 50:1,14 52:21, 24 58:2 59:1,8 60:7,10, 15,17,20 61:12,17 62:7, 9,11,14,18,21 63:1,5,9, 19 64:1,7,10,16,22</p>	<p>65:1,3,6,11,13,18 66:12,16,20,22 67:4,10, 13,15,17,22,24 68:3,7, 10,14,16,20 69:9,16,20 70:2,9 72:6</p> <p><b>general</b> 3:6 10:11</p> <p><b>general's</b> 20:7</p> <p><b>generally</b> 24:18</p> <p><b>getting</b> 13:14 42:12</p> <p><b>GG</b> 52:2</p> <p><b>give</b> 4:5,21 24:24 28:15 61:18</p> <p><b>given</b> 7:24 10:5 24:8</p> <p><b>gives</b> 51:20</p> <p><b>giving</b> 26:24</p> <p><b>go</b> 5:22 6:4,6 8:12,21 9:3 13:15 14:15 23:14 26:3 29:11 30:13 37:22 38:11 39:19,21 44:2 50:15 63:13</p> <p><b>goes</b> 25:22 39:7 41:22</p> <p><b>going</b> 3:4 7:4 13:21 25:18 26:9,12,14,21,22 27:5, 9,13,14,18,22 28:1 32:6 39:23 41:20 43:20 44:21,23 45:20 47:10, 11 48:15 50:9 58:9,23 59:5,6 63:11,13 64:10</p> <p><b>good</b> 3:3 7:17 28:17</p> <p><b>gotten</b> 68:22</p> <p><b>government</b> 52:7</p>	<p><b>grade</b> 16:23 68:2</p> <p><b>grant</b> 42:4 45:15 56:5 59:3</p> <p><b>granted</b> 38:7 46:4</p> <p><b>granting</b> 36:4,6 37:12 48:10</p> <p><b>great</b> 6:11 42:20 50:9</p> <p><b>greater</b> 18:14 51:15</p> <p><b>greatly</b> 70:6</p> <p><b>gross</b> 11:20 15:24 16:6</p> <p><b>group</b> 48:5</p> <p><b>guardrails</b> 55:3</p> <p><b>guess</b> 34:12 59:9</p> <p><b>gut</b> 24:3</p> <p><b>guys</b> 26:2</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>H.1</b> 62:18</p> <p><b>hadn't</b> 30:3</p> <p><b>half</b> 17:23</p> <p><b>Hancock</b> 6:5</p> <p><b>handicap</b> 48:14 67:21,24 68:2</p> <p><b>handicapped</b> 57:14</p> <p><b>handle</b> 27:19</p> <p><b>handled</b> 31:3</p>	<p><b>Hang</b> 67:18</p> <p><b>happen</b> 6:2 31:20</p> <p><b>happens</b> 29:23 31:23 34:15,16</p> <p><b>happy</b> 19:11</p> <p><b>hard</b> 27:10</p> <p><b>Harvard</b> 3:7 7:10,22 8:4,20 9:10, 15 11:8 16:4,18 17:19, 20 18:7,18 22:9 29:15 31:16 33:24 41:11 42:19 43:17 46:2,12 48:13 50:22 51:4,8 53:6 54:23 56:18,19,23 58:9, 19 59:15 66:6 67:20 69:12 70:18</p> <p><b>Harvard/fuller</b> 56:21</p> <p><b>haven't</b> 31:14 60:23,24</p> <p><b>hazard</b> 51:11</p> <p><b>hazards</b> 53:16 60:2</p> <p><b>he's</b> 37:14 58:7 59:4,7 60:7, 8,10,11</p> <p><b>heading</b> 49:14 52:24</p> <p><b>health</b> 14:16,17</p> <p><b>hearing</b> 3:4,11,13 4:11 5:9 6:3 7:7 13:18 15:9 50:8,10 69:22 70:11 71:18,20, 21,24 72:5</p> <p><b>heat</b> 13:11</p> <p><b>hedges</b> 45:7,11</p> <p><b>height</b> 16:9,11,13,14,19 22:15, 20 44:17 49:4 63:12</p>
---	--	--	--

<p><b>held</b> 29:24 35:8</p> <p><b>help</b> 27:1</p> <p><b>helps</b> 61:6</p> <p><b>here's</b> 37:5</p> <p><b>HH</b> 69:1</p> <p><b>HH.1</b> 69:2,5</p> <p><b>HH.2</b> 69:10</p> <p><b>higher</b> 16:16 45:20 55:4</p> <p><b>historical</b> 23:22</p> <p><b>Hold</b> 62:12</p> <p><b>homework</b> 70:1</p> <p><b>hope</b> 50:3 69:20</p> <p><b>hopefully</b> 47:23</p> <p><b>hoping</b> 72:4</p> <p><b>hour</b> 54:22</p> <p><b>housing</b> 9:20 14:24 33:15</p> <p><b>hypothetical</b> 36:4</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I'd</b> 26:15 50:1</p> <p><b>I'll</b> 23:1 42:18 52:19 65:21 70:14</p> <p><b>I'm</b> 13:18,19,21 14:18,19 26:1,11,20 33:21 34:9</p>	<p>37:16 39:23 42:12,15 46:12 60:11 61:17 62:4 64:9,10,16 65:16</p> <p><b>I've</b> 31:3,4 39:10 60:12,13</p> <p><b>I.1</b> 44:11 62:21</p> <p><b>I.2</b> 44:13</p> <p><b>idea</b> 36:19</p> <p><b>identified</b> 61:9</p> <p><b>identify</b> 29:11</p> <p><b>identifying</b> 36:19</p> <p><b>II</b> 52:10</p> <p><b>illustrated</b> 56:10</p> <p><b>imagine</b> 34:23</p> <p><b>immediate</b> 3:8 8:9 24:11</p> <p><b>immediately</b> 16:14 18:9 50:6</p> <p><b>impact</b> 56:13 57:21</p> <p><b>impacts</b> 70:17</p> <p><b>improve</b> 54:20 55:11</p> <p><b>inches</b> 16:19</p> <p><b>included</b> 11:2 18:2</p> <p><b>includes</b> 4:9 70:20</p> <p><b>including</b> 15:24 21:10 68:21</p> <p><b>inconsistent</b> 43:8</p> <p><b>increase</b></p>	<p>56:20</p> <p><b>increased</b> 57:10</p> <p><b>increases</b> 29:16</p> <p><b>increasing</b> 57:12</p> <p><b>independent</b> 54:17 57:8</p> <p><b>indicated</b> 41:6,14 45:13 46:18 47:23</p> <p><b>individual</b> 25:14</p> <p><b>individuals</b> 51:21</p> <p><b>industry</b> 41:17</p> <p><b>information</b> 16:24 36:11,13,21 42:6 44:18 47:3 69:6</p> <p><b>initial</b> 33:1 44:7</p> <p><b>initially</b> 15:8</p> <p><b>insignificant</b> 23:24</p> <p><b>installed</b> 54:8</p> <p><b>instance</b> 45:8,21 46:3</p> <p><b>instances</b> 43:7</p> <p><b>insured</b> 52:13</p> <p><b>intend</b> 10:12 12:13,18</p> <p><b>intended</b> 57:17</p> <p><b>intending</b> 16:15</p> <p><b>intends</b> 42:6</p> <p><b>intention</b></p>	<p>11:4 13:5 14:6 16:1 18:10 23:15 24:3,13</p> <p><b>interest</b> 33:19</p> <p><b>interesting</b> 30:3</p> <p><b>interior</b> 31:11</p> <p><b>internally</b> 5:24</p> <p><b>intersection</b> 51:3,5 56:9,21</p> <p><b>involves</b> 3:6</p> <p><b>irrelevant</b> 65:12,15 66:24</p> <p><b>isn't</b> 36:13 42:9,24</p> <p><b>issuance</b> 35:6</p> <p><b>issue</b> 25:22 34:5,9 38:3 45:14 69:4</p> <p><b>issued</b> 52:6</p> <p><b>issues</b> 24:11 31:19 39:10 48:10</p> <p><b>it's</b> 5:6,15 7:7,14,17,23 8:3, 17 11:2,11,13 13:7 14:14 16:11,12 17:10 18:11,15,23 19:14 21:21 23:7,12,18 26:22 27:10,13,15,21 31:7,9 33:2,5 34:6 35:3,4,16 36:8,13,21 37:20 38:12 40:9 41:2 44:21,22,24 45:2,3,10,14,16,17 46:15,19 47:5,6,9,10,11 53:9 58:13 59:4 65:2,16 66:2,22</p> <p><b>iteration</b> 57:7</p> <p><b>its</b> 22:6 36:2</p>
---	--	--	--

<p style="text-align: center;"><b>J</b></p> <hr/> <p><b>J.1</b> 63:1</p> <p><b>James</b> 54:18 57:8</p> <p><b>jeopardized</b> 71:7</p> <p><b>Jesse</b> 3:7</p> <p><b>Jesse's</b> 60:3</p> <p><b>jobbing</b> 12:1</p> <p><b>Johanna</b> 3:8</p> <p><b>jumped</b> 26:20</p> <p><b>junction</b> 38:16</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>K.1</b> 63:5</p> <p><b>Kate</b> 3:9 25:22 28:10</p> <p><b>keep</b> 6:20 32:23 33:1 37:10 38:17 39:5 40:14 45:18</p> <p><b>keeping</b> 16:16 25:8 29:13 30:4 39:1</p> <p><b>kept</b> 40:15 66:4</p> <p><b>kind</b> 23:12 24:18 27:8,15 28:3 29:11</p> <p><b>kitchen</b> 13:11</p> <p><b>knew</b> 37:3</p> <p><b>knock</b> 50:5</p>	<p><b>know</b> 4:4,22 6:12 10:21 11:5 12:2 13:5,24 14:14 15:1 24:8,9 26:12,14 27:5,9, 11,13,14,17,18 30:13 31:2 34:19,24 35:15 38:4 40:12,15 47:4,5 64:6 69:2 70:4</p> <p><b>knows</b> 7:6</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>L-1</b> 9:16 15:5,22 16:12 17:16 19:10 20:11 22:1, 9 39:13,14</p> <p><b>L-1.0</b> 7:22 9:10</p> <p><b>L.1</b> 63:9</p> <p><b>label</b> 54:10 57:18</p> <p><b>laboratory</b> 12:8</p> <p><b>laid</b> 9:4</p> <p><b>landscape</b> 19:3,9 38:11</p> <p><b>landscaped</b> 19:8 35:1 45:22 46:9</p> <p><b>lane</b> 70:21,22,23</p> <p><b>lanes</b> 71:1</p> <p><b>largely</b> 3:11</p> <p><b>Lark</b> 3:10</p> <p><b>late</b> 4:3,8 29:8 38:16 40:22</p> <p><b>latest</b> 51:23</p> <p><b>Law</b> 3:6</p> <p><b>leave</b></p>	<p>23:3 65:20</p> <p><b>left</b> 3:8,9 19:21 21:18 35:15 38:24 45:4,5</p> <p><b>legal</b> 34:12</p> <p><b>length</b> 6:7 22:3</p> <p><b>let's</b> 30:12 60:21 65:20</p> <p><b>letter</b> 52:20 55:19,23</p> <p><b>letters</b> 50:12</p> <p><b>licensed</b> 10:11,18 12:21 52:13</p> <p><b>lights</b> 53:21 71:7</p> <p><b>limitation</b> 16:13</p> <p><b>limited</b> 32:20 68:23</p> <p><b>line</b> 8:9,10,16,18,19,21,22 11:11,14 17:21,23 18:11,21 22:11 29:14, 17,23 30:20,23 31:5,11 32:1 34:22 35:4,9,16, 18,19 37:10,11,18,23 38:3 39:2,5 49:18 54:2, 13 55:7,15 56:9 57:1 58:16,18,19</p> <p><b>lines</b> 16:16 31:9 39:7 51:6 56:20 57:3 59:17</p> <p><b>list</b> 4:9,11,12 7:12 25:6 26:16 29:5,12 64:3 65:16 69:4,18 70:5 71:20</p> <p><b>listed</b> 15:11 26:8 28:22 33:18 59:14</p> <p><b>literally</b> 14:1</p> <p><b>little</b> 18:22 24:9 28:19 31:13</p>	<p>37:1 43:16 49:14</p> <p><b>LLC</b> 33:9</p> <p><b>LLCS</b> 33:8</p> <p><b>loading</b> 20:21 22:14,15 49:2,5 51:19 57:13,15 67:24 70:24 71:11</p> <p><b>local</b> 4:2 55:21</p> <p><b>located</b> 51:3 53:15 55:7</p> <p><b>location</b> 51:9</p> <p><b>locations</b> 51:7</p> <p><b>long</b> 13:22</p> <p><b>longer</b> 35:19 69:14</p> <p><b>look</b> 13:16,17 23:13 25:17 26:3 27:24 43:8 58:12 60:24</p> <p><b>looked</b> 31:14 33:16 61:18</p> <p><b>looking</b> 35:1 46:9,12 59:18</p> <p><b>lost</b> 42:13</p> <p><b>lot</b> 4:5 8:3,10,16,18,19,20, 22 11:11,14 14:14 15:12,17,18,19,21 16:5 21:16,18 22:11 29:14, 16,23 30:13,14,16,17, 19,20,21 31:5,9,11,13 32:1 34:22 35:4,8,9,16, 19,21 36:8,17 37:1,5, 10,18,23 38:3,9,10 39:2,5,7 41:1 42:21,22 43:18 49:18 55:15 56:9 58:18,19 60:23 66:7,8 71:4</p> <p><b>lots</b> 28:24 29:13,24 31:2</p>
--	---	--	---

<p>32:23,24 34:12,15,17 36:4,5 38:18 66:11</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>M-1</b> 39:16,21 40:16</p> <p><b>M.1</b> 65:4</p> <p><b>M.1.0.</b> 43:24</p> <p><b>main</b> 49:14</p> <p><b>maintaining</b> 18:5 34:12</p> <p><b>making</b> 37:12 66:3</p> <p><b>management</b> 10:6</p> <p><b>manager</b> 7:10</p> <p><b>mandates</b> 52:4</p> <p><b>Maria</b> 4:22 6:12 7:14 9:14 48:8 50:1 68:24</p> <p><b>marijuana</b> 10:13 41:13</p> <p><b>markings</b> 51:10</p> <p><b>Mass</b> 33:15</p> <p><b>Massachusetts</b> 3:5</p> <p><b>matter</b> 31:4 33:23</p> <p><b>maximum</b> 16:9,11 21:9 22:23 51:15 56:2</p> <p><b>mean</b> 16:23 22:8 26:11 27:23 28:4 33:4 38:15 47:6,14 61:5,24 70:4</p> <p><b>meaning</b> 43:3</p>	<p><b>measure</b> 57:19</p> <p><b>measures</b> 53:18</p> <p><b>medical</b> 10:9 12:9,10</p> <p><b>meet</b> 22:22 23:11 32:19 54:6 55:2 69:7</p> <p><b>meeting</b> 49:7</p> <p><b>members</b> 6:2 28:20 50:20</p> <p><b>memo</b> 40:19 41:5 43:2 61:5 63:24 64:4</p> <p><b>mention</b> 45:12 70:10</p> <p><b>mentioned</b> 26:6 45:23 71:18</p> <p><b>merged</b> 36:5</p> <p><b>messy</b> 31:6</p> <p><b>met</b> 57:4</p> <p><b>methodology</b> 32:9 44:20 63:11</p> <p><b>Michael</b> 53:4</p> <p><b>Mike</b> 44:21 48:7</p> <p><b>miles</b> 54:22</p> <p><b>mind</b> 19:18 26:24 35:20 39:5</p> <p><b>minimum</b> 15:12,14 19:3,9,13,15 42:21 43:17 45:22 46:5 47:19</p> <p><b>minus</b> 51:17</p> <p><b>minute</b> 14:2 26:3</p>	<p><b>mirror</b> 51:8</p> <p><b>mirrors</b> 54:8,11</p> <p><b>misleading</b> 49:15</p> <p><b>missed</b> 25:4</p> <p><b>missing</b> 30:23 36:16 37:2</p> <p><b>mistake</b> 46:14,15</p> <p><b>mixed</b> 39:18 44:1</p> <p><b>mixed-use</b> 45:20 62:1</p> <p><b>modification</b> 25:14</p> <p><b>modifications</b> 40:22</p> <p><b>modified</b> 24:10 54:23</p> <p><b>modify</b> 55:1</p> <p><b>Monday</b> 24:20 28:21 65:19</p> <p><b>months</b> 12:22</p> <p><b>MORELLI</b> 4:14,18,23 5:6,15 6:10, 14,20,23 7:2 37:6 39:4 45:5 50:11,16 52:22 58:7 59:2,13 60:16 63:20,23 64:2,9,14,19 65:2 69:1,10 72:2</p> <p><b>mortuary/funeral</b> 12:14</p> <p><b>mouth</b> 37:16</p> <p><b>move</b> 25:11 35:10</p> <p><b>moved</b> 71:11</p> <p><b>moving</b> 13:7 42:1 65:16</p>	<p><b>multifamily</b> 9:20</p> <p><b>multiple</b> 31:2</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N.1</b> 64:4</p> <p><b>N.2</b> 58:4 63:15,20</p> <p><b>name</b> 3:7 33:20</p> <p><b>narrative</b> 5:13,15 14:12,20</p> <p><b>narrow</b> 50:7</p> <p><b>narrowing</b> 61:20</p> <p><b>National</b> 52:6</p> <p><b>necessary</b> 9:19 23:2 58:5 60:5</p> <p><b>need</b> 6:20 7:16 10:3 19:6 23:5 24:12 25:17 34:19 47:1,7 59:1,2 64:13,15, 16,22,23 66:6 67:20 69:5,14 70:1</p> <p><b>needed</b> 20:5 36:17</p> <p><b>needs</b> 19:7 61:18</p> <p><b>neighbors</b> 8:15 24:12</p> <p><b>never</b> 19:18 26:14</p> <p><b>new</b> 12:13 31:9 36:18 43:10 51:23 66:10</p> <p><b>night</b> 65:19 72:5</p> <p><b>nights</b> 23:5</p> <p><b>nonconforming</b> 18:6</p>
--	--	---	---

<p><b>nonconformity</b> 18:17</p> <p><b>nondwellings</b> 45:18</p> <p><b>note</b> 68:21</p> <p><b>noted</b> 54:11,17 60:5</p> <p><b>notified</b> 52:16</p> <p><b>November</b> 50:18 52:23 53:9</p> <p><b>noxious</b> 27:17</p> <p><b>number</b> 9:15 21:7 24:9 29:9,16 68:23 71:13</p> <p><b>numbers</b> 9:13 34:18</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O.1</b> 63:19 65:6</p> <p><b>O.2</b> 65:6</p> <p><b>objection</b> 39:1</p> <p><b>obstacle</b> 54:16</p> <p><b>obstruction</b> 55:5,9 58:13</p> <p><b>obvious</b> 26:23</p> <p><b>obviously</b> 5:24 12:16 47:6 58:23</p> <p><b>October</b> 53:8,10 54:19 69:11</p> <p><b>off-street</b> 19:23 20:19 21:19 55:18</p> <p><b>offensive</b> 41:23</p> <p><b>offers</b> 50:23</p>	<p><b>office</b> 10:4,5,6,7,9,10,12,18 11:24 12:10 18:14 20:7 27:6 40:24 41:9 61:23</p> <p><b>office-type</b> 41:8</p> <p><b>offices</b> 14:7 41:8,9</p> <p><b>officials</b> 52:15</p> <p><b>Oh</b> 23:10 25:3 50:15 64:1</p> <p><b>okay</b> 5:3 6:11,20,22 7:2,3 9:1 13:17 14:4 19:18 21:5 28:8,13 30:20 37:6,10 39:8 40:18 42:15,17 43:6 44:11,14 46:15 47:13 50:10,16 59:8 60:20 62:3 66:12 69:17 71:18</p> <p><b>once</b> 3:22 33:12 35:18</p> <p><b>oncoming</b> 56:21 57:4 59:18,20</p> <p><b>one's</b> 31:22</p> <p><b>ones</b> 38:9,10 39:22 45:16 60:22</p> <p><b>online</b> 5:6,7 71:17</p> <p><b>open</b> 19:3,9,13,16 35:2 38:5, 11 43:2 45:22 46:5,9,21 47:19 51:20</p> <p><b>Open-air</b> 12:19</p> <p><b>opening</b> 51:17,24</p> <p><b>opportunity</b> 60:24</p> <p><b>optimal</b> 57:2</p> <p><b>option</b> 3:15,16,17</p>	<p><b>options</b> 3:14</p> <p><b>order</b> 9:19</p> <p><b>ordinances</b> 4:2</p> <p><b>original</b> 40:20</p> <p><b>outdoor</b> 12:20,22,23 13:9</p> <p><b>outside</b> 5:4</p> <p><b>outweighs</b> 22:20,21</p> <p><b>overall</b> 35:1</p> <p><b>owned</b> 31:21 54:13</p> <p><b>owner</b> 30:21 36:9 55:1</p> <p><b>owners</b> 32:15</p> <p><b>ownership</b> 29:24 30:9,10 31:3 32:1,2,6,7,22 33:8,17, 19,22 34:7 35:3,4,9 37:9,22 38:4,20,21 39:3</p> <p><b>owns</b> 33:17</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P&amp;s</b> 34:4</p> <p><b>P.1</b> 65:11</p> <p><b>P.2</b> 65:11</p> <p><b>P.E.</b> 54:18 58:1</p> <p><b>p.m.</b> 3:2 5:10 71:19</p> <p><b>packet</b> 4:24</p> <p><b>page</b></p>	<p>23:19</p> <p><b>painted</b> 51:6</p> <p><b>Palermo</b> 3:10 46:8,20,24 47:4 61:15 62:4,16,20,23 63:2,6,17 65:8 66:13,17 67:9,12 68:6,9,18 69:19,23</p> <p><b>paragraph</b> 42:13 44:4 45:9</p> <p><b>parameters</b> 53:6</p> <p><b>parcel</b> 7:21,22,24 8:3,6,13,18 14:6 15:6,13,20 16:3,11 17:18 18:8 19:4 21:12 23:23 24:2 29:14,15 30:10 32:13 33:11,13 36:2 38:12 41:10,11 42:19 43:13,17</p> <p><b>parcels</b> 7:20 12:17 19:2 21:8 30:5 31:21 37:9</p> <p><b>parking</b> 11:6 16:6 18:24 19:23 20:4,5,10,13,19,20 21:3,13,16,18,19 22:5,6 42:10 43:10,14,15 47:16 48:6,15,22,23 49:17 51:18,19 55:18 64:24 70:21,22,23 71:3</p> <p><b>parlor</b> 26:15 41:18</p> <p><b>part</b> 7:21 10:6 17:8 31:15 39:23 41:5 42:5,23 48:20 52:2</p> <p><b>partial</b> 69:7</p> <p><b>partially</b> 57:14</p> <p><b>particular</b> 30:15</p> <p><b>Partnership</b> 33:15</p> <p><b>parts</b> 19:1 49:13</p>
--	---	--	---

<p><b>pastries</b> 13:11</p> <p><b>pavement</b> 51:6,10</p> <p><b>paying</b> 24:19,21</p> <p><b>pedestrian</b> 55:23</p> <p><b>pedestrians</b> 51:21 53:1,14,17,18,22 54:6 55:12 56:15,22 57:3,22 59:20,21</p> <p><b>peer</b> 17:9 22:18,19 54:18 57:8</p> <p><b>pending</b> 69:5</p> <p><b>people</b> 3:13 5:9 33:18</p> <p><b>percent</b> 19:5,14 20:24 21:9,14 25:14 36:9 45:24 46:2, 11 47:10,12,14 48:3 54:1</p> <p><b>percentage</b> 20:8,23,24 21:14</p> <p><b>performance</b> 27:8</p> <p><b>perimeter</b> 31:10</p> <p><b>permit</b> 3:5 10:3 33:12 35:7 41:22 52:7,11 59:5</p> <p><b>permits</b> 52:12</p> <p><b>permitted</b> 41:15</p> <p><b>pertain</b> 59:17</p> <p><b>pertaining</b> 55:17</p> <p><b>pertains</b> 59:19</p> <p><b>Peter</b> 4:16,22 17:6 23:12 45:13 48:7 50:2,17 58:1</p>	<p><b>petition</b> 70:12,14,15</p> <p><b>photography</b> 41:19</p> <p><b>pick-up/drop-off</b> 57:14</p> <p><b>piecemealed</b> 38:13</p> <p><b>pin</b> 26:13</p> <p><b>place</b> 51:10</p> <p><b>plan</b> 5:14,15 31:8,10 36:14, 23 37:17 38:5 46:20,21 51:23 52:3 54:11 57:7</p> <p><b>plane</b> 56:7 58:10,15,16,24</p> <p><b>planning</b> 38:22</p> <p><b>plans</b> 16:20 53:7 57:18</p> <p><b>plantings</b> 55:14 58:14</p> <p><b>please</b> 52:21 65:24</p> <p><b>plus</b> 51:16</p> <p><b>point</b> 3:23 5:11,21 14:9 20:4 25:20 26:13 30:24 36:5 44:18 47:9 53:21,24 54:5,8 56:16,19,23 57:1</p> <p><b>pointed</b> 67:20</p> <p><b>points</b> 59:14</p> <p><b>pole</b> 55:6,10</p> <p><b>police</b> 5:12</p> <p><b>Pollution</b> 52:6</p> <p><b>portion</b> 11:10 18:8 22:10 30:16</p>	<p>32:11 35:13</p> <p><b>portions</b> 24:4</p> <p><b>positioned</b> 53:14 57:2</p> <p><b>possibility</b> 14:10,21</p> <p><b>possible</b> 28:5</p> <p><b>posted</b> 5:4,5,6</p> <p><b>potential</b> 6:13 13:4 32:14</p> <p><b>potentially</b> 12:22</p> <p><b>Poverman</b> 3:9 13:2,13 14:4,9,18 19:15,18 21:2,5 28:11 32:16 33:3,6,16 34:6 42:12,17,20 44:4,11,14 46:15 61:16,22 62:3,12, 15,24 63:4,8,16 64:20 65:9,12 66:14,18,24 68:19 71:24</p> <p><b>predicated</b> 34:11</p> <p><b>preliminary</b> 27:4</p> <p><b>prepared</b> 61:17</p> <p><b>present</b> 5:13 54:15 55:5,8</p> <p><b>presentation</b> 39:24</p> <p><b>presents</b> 53:16 57:21</p> <p><b>preservation</b> 69:4</p> <p><b>pretty</b> 7:17 29:3 31:10 44:15 45:17</p> <p><b>previous</b> 16:20 49:7 57:6</p> <p><b>primarily</b> 9:23 10:24 14:7 41:17</p>	<p><b>principal</b> 39:20,21 43:21 44:2</p> <p><b>printer</b> 13:15</p> <p><b>printing</b> 25:5</p> <p><b>prior</b> 35:6</p> <p><b>privacy</b> 24:11</p> <p><b>private</b> 21:17</p> <p><b>probably</b> 26:21 31:15 37:24 38:5, 6 41:7,15</p> <p><b>problem</b> 36:18 61:16</p> <p><b>problems</b> 13:13</p> <p><b>proceeding</b> 54:3</p> <p><b>PROCEEDINGS</b> 3:1</p> <p><b>process</b> 52:4,11,12</p> <p><b>produced</b> 35:7</p> <p><b>professional</b> 10:5 13:10 14:7</p> <p><b>prohibits</b> 55:14 58:13 59:24</p> <p><b>project</b> 3:19 28:6,21 34:14 36:12 39:3 51:3,11 55:8 61:8 62:2 70:19 71:6,10</p> <p><b>proper</b> 28:23</p> <p><b>property</b> 3:6 8:9,10,22 17:21,23 18:21 25:18 31:17,18 42:8,24 46:1,3 48:14 49:3 54:2,13 55:7 66:3, 6</p> <p><b>proposal</b> 9:12</p>
---	--	--	--

<p><b>proposed</b> 31:9 50:17,22 51:8 53:5 56:12,16 57:20 70:17, 19 71:6,22</p> <p><b>provide</b> 19:7 46:21 56:11 59:11</p> <p><b>provided</b> 42:6</p> <p><b>providing</b> 21:1 44:19 59:7</p> <p><b>provision</b> 29:4 39:15 42:2 43:22 45:6</p> <p><b>provisions</b> 62:5</p> <p><b>proximity</b> 48:20 49:19</p> <p><b>public</b> 7:8 21:16 23:12 52:15 56:14 57:24</p> <p><b>pull</b> 19:9 64:6</p> <p><b>purchase</b> 33:11,24 34:1</p> <p><b>purely</b> 17:11</p> <p><b>purpose</b> 11:6</p> <p><b>purposes</b> 19:22 61:6</p> <p><b>put</b> 13:5 28:5 31:24 43:2,8 44:7 47:23 48:17</p> <p><b>putting</b> 32:12 37:16</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>Q.1</b> 66:12</p> <p><b>Q.2.</b> 66:12</p> <p><b>question</b> 25:21 30:3,18 32:4,13, 17,22 33:6 34:13 46:8 58:3 59:9 60:4 61:22</p>	<p>63:22</p> <p><b>questions</b> 25:20 29:12 49:11,20, 22 57:23 60:18</p> <p><b>questions/comments</b> 69:17</p> <p><b>quick</b> 50:4</p> <p><b>quickly</b> 60:22</p> <p><b>quite</b> 27:18</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>radio</b> 12:4</p> <p><b>raise</b> 24:13</p> <p><b>raised</b> 25:22</p> <p><b>raises</b> 32:3</p> <p><b>ramification</b> 32:14</p> <p><b>ramifications</b> 37:21</p> <p><b>ramp</b> 57:17</p> <p><b>ranges</b> 18:20</p> <p><b>ratified</b> 20:7</p> <p><b>ratio</b> 15:22 16:7</p> <p><b>reached</b> 3:23</p> <p><b>reaction</b> 33:1</p> <p><b>read</b> 48:19 50:12 52:19 62:6 70:14</p> <p><b>reading</b> 21:17</p>	<p><b>ready</b> 23:14 63:9 67:2</p> <p><b>realistic</b> 5:20</p> <p><b>really</b> 13:19 25:18 26:8 27:14, 17 33:4 34:4,6 36:21 39:17 61:5</p> <p><b>rear</b> 8:7,10,15,16,17,20 9:1 11:14 18:12,19,20,23 22:10 31:17 34:24 35:16,19,21 36:1 37:1 40:4,5,6 43:14</p> <p><b>reason</b> 21:9 30:4 35:15 42:7</p> <p><b>recalculate</b> 38:23</p> <p><b>recall</b> 3:13 11:9 17:19</p> <p><b>received</b> 69:11</p> <p><b>recommend</b> 49:8 55:13 57:15</p> <p><b>recommendation</b> 4:21 19:24 44:18 48:23 49:8 57:12 68:10</p> <p><b>recommendations</b> 50:24</p> <p><b>recommended</b> 15:4 17:2 18:1 23:3 57:9</p> <p><b>record</b> 3:7 7:8,9 70:11 71:15</p> <p><b>recreational</b> 12:20</p> <p><b>rectangular</b> 8:13</p> <p><b>redo</b> 64:11</p> <p><b>reduce</b> 20:15</p> <p><b>reduced</b> 36:17 40:9</p> <p><b>reduction</b> 22:20</p>	<p><b>reference</b> 64:17</p> <p><b>referenced</b> 39:24</p> <p><b>refers</b> 45:11</p> <p><b>refine</b> 25:10 26:5</p> <p><b>reflect</b> 36:22 51:23</p> <p><b>regard</b> 50:17 56:14</p> <p><b>regarded</b> 59:15</p> <p><b>regarding</b> 54:10 55:17 56:3 57:5 59:16 69:1,2,6,10</p> <p><b>regulations</b> 17:2 47:16 52:5 55:21</p> <p><b>rehab</b> 24:3</p> <p><b>reinforcing</b> 57:19</p> <p><b>related</b> 25:22 38:21 48:6</p> <p><b>reletter</b> 64:12</p> <p><b>relief</b> 25:1 34:15,17 36:6 51:2</p> <p><b>relocate</b> 55:10</p> <p><b>remain</b> 16:17 18:17 20:9 22:7 30:15 35:12,13 38:20 39:6</p> <p><b>remaining</b> 8:7</p> <p><b>remains</b> 29:15 37:23 71:12</p> <p><b>remember</b> 33:20</p> <p><b>remove</b> 25:17</p> <p><b>removed</b> 5:18 52:18</p>
--	--	--	--



<p><b>renovation</b> 24:4</p> <p><b>repetitive</b> 28:20</p> <p><b>report</b> 54:19</p> <p><b>reporting</b> 52:8</p> <p><b>request</b> 3:12 12:15,24 23:18 25:23 27:19 40:11 42:3 46:18 48:13 50:21 51:1, 12,13 52:2,10 55:20 58:3 60:10 61:21</p> <p><b>requested</b> 4:10 9:11 25:23 26:16 28:16 29:5 34:10,14 41:9 42:3 43:12 48:8</p> <p><b>requesting</b> 26:7</p> <p><b>requests</b> 4:21 55:22</p> <p><b>require</b> 20:12</p> <p><b>required</b> 43:1,8 46:4 48:24 49:5 54:21 57:4 61:9</p> <p><b>requirement</b> 13:18 15:14 17:13,15 18:15 19:4,10,16 20:8, 15,17 21:8 22:12,15,22 23:15 36:2 40:7 45:10, 24 46:1,2,11 49:4 51:2 55:2</p> <p><b>requirements</b> 9:6 14:24 18:3 19:24 38:12 39:16 40:2 48:3</p> <p><b>requires</b> 20:12 52:8</p> <p><b>research</b> 12:8,9</p> <p><b>residence</b> 29:1 39:12 40:10</p> <p><b>Residences</b> 70:13</p> <p><b>residential</b> 10:1 20:2,4,9,12,15,19</p>	<p><b>residents</b> 70:12,13</p> <p><b>resolve</b> 38:4</p> <p><b>respect</b> 31:16 34:23 37:24 40:13,20 41:11,14 43:13</p> <p><b>response</b> 60:19</p> <p><b>restaurant/eatery</b> 13:6</p> <p><b>result</b> 22:18 51:11</p> <p><b>retail</b> 11:15 14:5 27:6 40:24 41:14,17</p> <p><b>retaining</b> 55:3</p> <p><b>return</b> 69:5</p> <p><b>review</b> 3:12,23 4:20 6:3 7:4 15:8 17:9 22:1 23:16,17 24:7 28:22 35:8 39:23 42:2 46:16 48:7,18 55:22 56:12 59:4,5,12 60:12 63:10 69:21 71:23</p> <p><b>reviewed</b> 4:12 5:24 6:1 7:13 17:7 34:3 50:21 53:4,8 59:14</p> <p><b>reviewer</b> 22:19 54:18 57:8</p> <p><b>rid</b> 31:4 36:24 37:4,18 38:6</p> <p><b>right</b> 3:9 6:14 10:7,17 26:2 30:23 31:20 32:22 34:10 37:3 38:15 39:8 40:5 47:4 49:24 57:10 58:7 61:12 64:1 65:1,13 66:24 67:2,22 68:3 69:9,16</p> <p><b>road</b> 29:20 30:1 31:23 37:17 38:2</p>	<p><b>roll</b> 60:21</p> <p><b>roof</b> 16:16 24:13,14</p> <p><b>room</b> 26:5</p> <p><b>roughly</b> 17:22 22:23</p> <p><b>row</b> 24:17</p> <p><b>rubbish</b> 5:13</p> <p><b>rule</b> 13:16</p> <p><b>run</b> 4:11 49:22</p> <p><b>running</b> 50:4</p> <p><b>runs</b> 56:8 58:17</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S.1</b> 66:20</p> <p><b>S.2</b> 66:20</p> <p><b>safe</b> 45:10</p> <p><b>safely</b> 54:3 71:12</p> <p><b>safer</b> 51:17</p> <p><b>safety</b> 17:7,10 45:14 48:10 51:11 52:15 53:16,18 55:23 56:14 57:24 70:16 71:7</p> <p><b>sales</b> 11:24 33:11,24</p> <p><b>salon</b> 27:10</p> <p><b>satisfying</b> 46:11</p> <p><b>saying</b></p>	<p>14:18,19 24:24 25:11 27:12 33:21 58:7 59:3,4 60:11 64:17</p> <p><b>says</b> 45:9 49:13 59:24</p> <p><b>scheduled</b> 5:10</p> <p><b>Schneider</b> 3:8 19:17 25:21 26:19 28:4 34:8 35:24 37:14 38:15 39:8 47:9,13 60:3,8,13 61:4,14 62:1, 8,10,17,19,22 63:3,7, 18,21 64:23 65:4,10,14, 24 66:15,19,21 67:1,8, 11,14,16,18,23 68:1,5, 8,13,15,17 69:24 70:3</p> <p><b>Schneider's</b> 3:9</p> <p><b>scientific</b> 12:8</p> <p><b>screen</b> 7:20</p> <p><b>screening</b> 24:11</p> <p><b>seasonal</b> 12:20,23</p> <p><b>seating</b> 12:20 13:10</p> <p><b>second</b> 3:16 9:6 10:4 36:7 52:20 67:18 70:22</p> <p><b>section</b> 9:5,6,19,22,24 10:4,23 11:15 14:23 15:7 20:22 21:6,23 22:13 23:1 24:15 25:8,24 27:4 44:23 48:18 49:1 53:7, 20 55:24 56:1,3,5 57:5 58:12</p> <p><b>sections</b> 22:24 42:4 49:6</p> <p><b>see</b> 6:4 13:13 48:10 51:21 60:22 71:17</p> <p><b>seeking</b> 52:3</p>
--	---	---	---

<p><b>seeks</b> 51:1 52:10</p> <p><b>seen</b> 34:4</p> <p><b>seniors</b> 70:17</p> <p><b>sense</b> 24:7 33:4 37:13</p> <p><b>sent</b> 40:19</p> <p><b>separate</b> 7:23,24 9:7 23:16 30:5, 7 32:23 33:1 34:6 55:19</p> <p><b>separated</b> 9:13</p> <p><b>serve</b> 13:10</p> <p><b>service</b> 41:17</p> <p><b>services</b> 10:24 11:5</p> <p><b>setback</b> 11:14 17:2,17 18:15,23 22:4,6,11 35:22 36:1 58:9</p> <p><b>setbacks</b> 43:1 48:20 56:17 66:10</p> <p><b>seven</b> 15:10 42:4</p> <p><b>shared</b> 49:18 54:13 55:16 57:14</p> <p><b>Sheen</b> 7:3,5,9,10 11:9,12 13:4, 24 14:5,13,22 19:19 21:4,6 23:7,20 24:23 25:3,6,7,13,19 26:18 27:2 28:9 30:6,12 32:21 33:5,10,23 35:11 46:14 47:1,5,11,14 65:14,20 70:8</p> <p><b>shifted</b> 24:13</p> <p><b>shop</b> 14:10 27:10 41:18</p> <p><b>shouldn't</b></p>	<p>24:22</p> <p><b>shown</b> 16:20 21:1</p> <p><b>showroom</b> 12:2</p> <p><b>side</b> 8:7,8,11,22 11:13 15:16 18:3,4,5,7,8,11,13 20:2 23:1 31:13,16 35:12 43:13 45:17 53:14 66:7, 9 67:21 71:5</p> <p><b>sides</b> 8:14 34:24 71:5</p> <p><b>sidewalk</b> 51:22 54:6 55:7,11 71:2,4,12</p> <p><b>sidewalks</b> 71:5</p> <p><b>sight</b> 53:13 54:20 56:20 57:3 59:16,17</p> <p><b>sign-in</b> 5:1</p> <p><b>signal</b> 51:5,10 56:24</p> <p><b>signals</b> 53:22</p> <p><b>signatures</b> 71:13</p> <p><b>signed</b> 58:1 70:12</p> <p><b>significance</b> 23:22</p> <p><b>significant</b> 69:13</p> <p><b>simple</b> 37:13</p> <p><b>simpler</b> 37:7</p> <p><b>simplify</b> 28:6</p> <p><b>simply</b> 11:20 59:4 60:11 64:10</p> <p><b>single</b> 32:12 33:13</p>	<p><b>site</b> 28:23 52:3</p> <p><b>situation</b> 22:6</p> <p><b>six</b> 12:21</p> <p><b>size</b> 15:12 30:17 42:21 43:18</p> <p><b>slope</b> 53:24</p> <p><b>somebody</b> 39:1</p> <p><b>soon</b> 26:16</p> <p><b>sort</b> 7:13,16 9:2,13 10:11 11:5 12:24 31:24 32:8 39:2 47:1</p> <p><b>southern</b> 57:9</p> <p><b>space</b> 10:13 11:24 12:13,23 13:8,9 19:4,10,13,16 20:17 22:15,17 35:2 38:11 42:11 43:10 45:22 46:5,9,21 47:19 48:15 51:19 55:15 57:15 58:20,22 59:23 60:1 67:21</p> <p><b>spaces</b> 20:5,13,19,20,21,24 21:3,11,13,19 43:15</p> <p><b>spares</b> 38:21</p> <p><b>speak</b> 36:7 50:1</p> <p><b>special</b> 23:16 41:22</p> <p><b>specific</b> 4:1 9:10 25:12 29:23</p> <p><b>specifically</b> 9:8 23:23 25:2 35:22 69:3</p> <p><b>specifications</b> 52:15</p>	<p><b>specified</b> 46:23 53:6,20 56:4,7 58:11</p> <p><b>specifies</b> 58:22</p> <p><b>specify</b> 68:12</p> <p><b>spend</b> 41:1 50:9</p> <p><b>square</b> 10:22 11:20 12:12 15:14,24 16:5 47:7,15</p> <p><b>SSD</b> 54:21 55:2 57:4 59:19</p> <p><b>staff</b> 14:1,14 15:9 16:21 19:11,20 22:2 33:15 38:22 50:21 70:8</p> <p><b>staff's</b> 19:24</p> <p><b>stage</b> 23:16 27:4</p> <p><b>standard</b> 8:13 21:7,13 45:20</p> <p><b>standpoint</b> 17:7,11,12</p> <p><b>start</b> 7:19 50:14 71:22</p> <p><b>started</b> 3:4</p> <p><b>starts</b> 11:16</p> <p><b>state</b> 32:17 52:5</p> <p><b>stated</b> 13:5 37:8</p> <p><b>states</b> 59:22</p> <p><b>stay</b> 35:10</p> <p><b>stays</b> 23:9 32:1</p> <p><b>STEINFELD</b> 72:4</p>
--	--	--	---

<p><b>steps</b> 3:22</p> <p><b>stick</b> 41:15</p> <p><b>stop</b> 51:6 54:3 57:1</p> <p><b>stop-controlled</b> 56:24</p> <p><b>stopping</b> 54:20</p> <p><b>stored</b> 5:18</p> <p><b>stores</b> 11:19</p> <p><b>straddled</b> 19:1</p> <p><b>straddles</b> 9:18 29:19 49:17 59:10 64:24</p> <p><b>straddling</b> 21:11</p> <p><b>straightforward</b> 14:8 44:16 45:17</p> <p><b>street</b> 7:11 8:4,5,14,20 9:10 13:8 16:4,18,23 17:19, 20,22 18:18 29:15 31:17 33:24 41:6,11 42:19,24 43:13,17 46:1, 3 48:14 49:3 50:23 51:4,8,14,20 52:11,12 53:6,15 54:13,22,23 55:16 56:18,19,21 57:2, 21 58:19 59:16 66:3,6 67:20 70:18 71:2,3,6,11</p> <p><b>streets</b> 20:21 56:24 58:10</p> <p><b>strike</b> 12:15</p> <p><b>striped</b> 57:15</p> <p><b>structure</b> 27:22 29:18 33:7 39:19, 21 40:16,17 43:15,21, 24 44:2 48:22 56:6 58:8,14,24 59:22</p>	<p><b>structured</b> 32:10</p> <p><b>structures</b> 29:2 49:13,16 64:15</p> <p><b>studio</b> 12:4,6 41:19</p> <p><b>subject</b> 3:17,20</p> <p><b>submitted</b> 46:17 53:10</p> <p><b>submitting</b> 55:19</p> <p><b>Subsection</b> 10:8,14 11:16</p> <p><b>subsections</b> 27:20</p> <p><b>substantial</b> 24:3</p> <p><b>substitute</b> 64:17</p> <p><b>suddenly</b> 36:17</p> <p><b>sufficiently</b> 49:21</p> <p><b>suggest</b> 64:7</p> <p><b>suggested</b> 38:17</p> <p><b>suggesting</b> 37:15 62:4</p> <p><b>suggestion</b> 59:10</p> <p><b>summary</b> 57:20</p> <p><b>supplied</b> 50:12</p> <p><b>supporting</b> 60:10</p> <p><b>sure</b> 4:6 11:1 14:4,22 15:2 21:17 25:19 26:18,20 27:2 28:9 65:16 70:8</p> <p><b>surfaces</b> 54:5</p>	<p><b>surveyor</b> 31:8 37:4</p> <p><b>suspicion</b> 25:16</p> <p><b>system</b> 51:10 52:7</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T-5</b> 7:24 9:8,15 15:14,20,22 17:15 19:4 30:15 39:19 40:15</p> <p><b>T.1</b> 66:24</p> <p><b>T.2</b> 66:22,23</p> <p><b>table</b> 9:4,23,24 10:1 15:11 16:10 17:14 25:24 39:16,20 43:21 44:6 46:6</p> <p><b>tailoring</b> 26:11</p> <p><b>take</b> 3:22 26:11,16 28:7 48:20</p> <p><b>taken</b> 51:12</p> <p><b>talked</b> 6:5 14:13 17:5 23:5 70:4</p> <p><b>talking</b> 13:18,20 35:12 36:3 44:5 59:17,20 64:9</p> <p><b>talks</b> 9:22 40:8 45:7 49:15</p> <p><b>taller</b> 55:14</p> <p><b>tandem</b> 21:19</p> <p><b>target</b> 65:16</p> <p><b>team</b> 25:15</p> <p><b>technical</b> 56:12 59:6,12 60:12</p>	<p><b>television</b> 12:4,6</p> <p><b>tell</b> 33:9,21 42:13</p> <p><b>term</b> 4:3</p> <p><b>terminus</b> 8:24</p> <p><b>terms</b> 5:23 11:19 14:5,19 16:22 18:3,12,22 19:3, 13,23 22:4,8 23:20 24:2</p> <p><b>test</b> 27:8</p> <p><b>Textured</b> 54:5</p> <p><b>thank</b> 6:23 7:9 28:13 58:2 60:17 63:21 69:16 70:9 72:8</p> <p><b>Thanks</b> 44:14</p> <p><b>there's</b> 18:22 26:23 27:7,9 28:5 30:14,20 33:21 37:1 39:10 40:11 45:12,13 46:2 48:14 49:3,4 64:4 68:1</p> <p><b>thereof</b> 49:13</p> <p><b>they're</b> 4:6 5:24 23:13 27:14,18 30:6 32:12 33:7 35:9 42:10 44:20 46:9,11 48:8 63:11 66:3 69:6</p> <p><b>They've</b> 32:10</p> <p><b>thing</b> 8:18 10:17 15:16 23:7 25:5 28:3 45:20</p> <p><b>things</b> 4:5 26:7,8,12 27:13 28:7 29:11 31:12 36:10 37:2 40:6,13 50:8 61:9</p> <p><b>think</b> 13:6,24 14:13 18:22</p>
--	--	--	--

<p>23:17 25:1,9,13 26:6,9 27:1 28:6 32:4,22 34:5, 8,19 35:10,24 36:3,24 37:6,14,20,23 38:19,21 39:4 41:1,2,23 43:8 44:7,9,21 45:5,10,14,23 46:22 48:11,18 49:19 53:8 58:15 60:4 61:2,6, 10,18 62:9 63:13 67:1 68:10,22 69:24 70:6</p> <p><b>third</b> 3:16 70:23</p> <p><b>thought</b> 26:24 30:3 48:1 58:4,6</p> <p><b>three</b> 3:14 17:23 71:1</p> <p><b>threshold</b> 25:13</p> <p><b>threw</b> 15:1</p> <p><b>thrown</b> 34:18</p> <p><b>tight</b> 4:7</p> <p><b>time</b> 4:7 13:19 40:21 41:1 42:3,14 44:21 50:10,13 51:21 60:23 64:21</p> <p><b>timeline</b> 38:24</p> <p><b>times</b> 7:14 24:17</p> <p><b>today</b> 4:9 24:1</p> <p><b>toggle</b> 64:2</p> <p><b>tonight</b> 4:17 13:21 29:8 37:24 47:3</p> <p><b>tonight's</b> 3:11 4:11</p> <p><b>total</b> 20:18</p> <p><b>town</b> 6:1 14:1 15:1 17:6 23:20 25:8 34:11 35:8 52:5,14</p>	<p><b>town's</b> 52:3</p> <p><b>trade</b> 28:2</p> <p><b>traffic</b> 17:4,8 22:2 44:24 45:9 51:4,5,9 54:17 55:17,24 56:4,22 57:4,8 59:18,20 60:2 70:21,22,23</p> <p><b>transcribed</b> 7:7</p> <p><b>translates</b> 16:2</p> <p><b>transmitting</b> 12:5</p> <p><b>transportation</b> 50:18,21</p> <p><b>trash</b> 5:18</p> <p><b>traveling</b> 54:22</p> <p><b>treatment</b> 10:19</p> <p><b>triangle</b> 45:8</p> <p><b>triangular</b> 58:15,20,24 59:23</p> <p><b>tried</b> 40:14,17</p> <p><b>trigger</b> 24:6</p> <p><b>truck</b> 22:22 70:24</p> <p><b>turning</b> 57:10</p> <p><b>two</b> 6:12,18 7:20 8:3,14 9:7, 18 17:19 20:1,2 22:24 23:5 24:17 28:24 29:13, 24 30:6 31:14,21 32:15, 23 33:3 34:12 37:9 38:13,18 39:6 40:6,17 49:19 50:12 52:18 55:22</p> <p><b>two-family</b> 18:13</p>	<p><b>typical</b> 22:22 41:7</p> <p><b>typically</b> 18:15 41:16 44:1</p> <p><b>typo</b> 18:22 24:15</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>U.1</b> 67:1</p> <p><b>U.2</b> 67:1</p> <p><b>underground</b> 22:10 29:2 43:15 48:22 49:17 51:18 55:10 64:14 70:20,22,23</p> <p><b>underlying</b> 36:13</p> <p><b>underneath</b> 11:4</p> <p><b>understand</b> 26:2 52:17 60:4,23 70:19 71:1</p> <p><b>understanding</b> 31:21 33:7 34:9</p> <p><b>understands</b> 60:3</p> <p><b>understood</b> 13:23 58:4,6</p> <p><b>unfortunately</b> 4:3,4,8</p> <p><b>unified</b> 38:20</p> <p><b>unique</b> 40:13 56:17</p> <p><b>unit</b> 20:3 43:19</p> <p><b>units</b> 15:17 42:22</p> <p><b>unity</b> 39:2</p> <p><b>unreasonable</b> 13:7</p> <p><b>UPS</b></p>	<p>22:22</p> <p><b>urge</b> 25:9 71:9</p> <p><b>usable</b> 19:13 46:5</p> <p><b>use</b> 4:3 10:7,12 11:2 12:19 13:3 26:9 27:5 39:11, 18,20,21 40:24 41:6,8, 14 43:21 44:1,2 61:23 62:5</p> <p><b>useable</b> 47:19</p> <p><b>uses</b> 9:23 10:5 11:16,18 12:7 14:6 26:4 27:16,24 40:20,24 41:1,3,4,10, 15,21,23 70:1,6</p> <p><b>utility</b> 55:6,10</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>V.1</b> 48:3 67:6</p> <p><b>V.2</b> 48:3 67:6</p> <p><b>valid</b> 24:1 34:1</p> <p><b>variations</b> 38:14</p> <p><b>various</b> 26:4</p> <p><b>vehicle</b> 53:22</p> <p><b>vehicles</b> 54:2,22 57:10</p> <p><b>vendor</b> 12:24</p> <p><b>vendors</b> 12:21</p> <p><b>verification</b> 35:7</p> <p><b>version</b> 69:21</p>
--	---	--	--

<p><b>versus</b> 6:13 21:7</p> <p><b>veterinarian</b> 10:11,19</p> <p><b>veterinary</b> 41:12</p> <p><b>Victor</b> 7:10 44:7 46:17</p> <p><b>Victor's</b> 40:21</p> <p><b>videotaped</b> 7:8</p> <p><b>view</b> 35:5</p> <p><b>Village</b> 6:5</p> <p><b>visibility</b> 17:4 44:24 51:2 53:1 54:9 55:18,24 56:4 59:19</p> <p><b>visit</b> 32:13</p> <p><b>visitor</b> 20:24 21:3</p> <p><b>visual</b> 53:19 54:16 55:5,8</p> <p><b>vote</b> 34:13,16</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>W.1</b> 67:7</p> <p><b>W.2.</b> 67:7</p> <p><b>Wait</b> 62:12</p> <p><b>waiting</b> 16:23</p> <p><b>waive</b> 4:2 36:1 45:10</p> <p><b>waived</b> 48:19</p> <p><b>waiver</b> 9:13 10:8,20 12:3,6,9,</p>	<p>15 13:3 14:16 15:15 17:9,10 20:1 21:24 22:11,14 25:23 27:19 29:18 31:12 35:17 36:16,18 37:12 40:11, 23 42:7 45:15 46:3,10, 12 51:1,13,24 52:2,3,9, 10,16 55:22 56:3 57:5 58:3,5 59:1,2,11 60:11 69:14,18 71:20</p> <p><b>waivers</b> 3:12 4:10,12,24 7:4 9:11,12 11:19,21 13:20 19:2 26:17 28:16,22 29:5,16 31:16 34:10,13, 16,21 36:4,10 37:24 38:6,7,24 42:4 43:1,12 48:8 49:8 50:17,22 55:17,21,23 64:3</p> <p><b>waiving</b> 23:4,15</p> <p><b>walk</b> 71:12</p> <p><b>walk-in</b> 28:2</p> <p><b>walls</b> 48:21 55:3</p> <p><b>want</b> 10:24 11:5 14:9 24:17 25:2,11 27:6,17 28:14 29:10,22 37:6,17 41:3,4 50:7,12,14 59:6 60:21 61:4 64:2,6 65:23 70:10,11 72:8</p> <p><b>wanted</b> 44:9</p> <p><b>wants</b> 70:5 71:17</p> <p><b>Warning</b> 71:7</p> <p><b>waste</b> 14:11,19,21</p> <p><b>way</b> 8:24 9:4 21:16,17,21 26:23 28:5 31:3 38:4 48:12 56:20 66:8</p> <p><b>ways</b> 4:1</p>	<p><b>we'd</b> 26:13 37:17</p> <p><b>we'll</b> 7:1 19:8 24:7 27:23 44:23 47:2 64:20 69:24 70:8 71:22</p> <p><b>we're</b> 3:3 5:19 10:8,13,19 11:18,21 12:16 13:20 14:16,24 15:15 16:15, 16,23 17:9,10,11,21 18:1,5 19:11 21:20,24 22:11 23:4,10 26:1,14 27:15 28:1 35:12 36:3, 16 37:23 43:20 44:3 45:20 50:8,9 59:17,20 67:1 72:4</p> <p><b>we've</b> 3:23 6:12 8:8 13:4 17:5 23:18 29:10 32:5 39:10, 11,12 68:22</p> <p><b>weeks</b> 38:23</p> <p><b>went</b> 28:20 60:6</p> <p><b>weren't</b> 21:17</p> <p><b>what's</b> 30:17 34:22 36:11,22 61:1</p> <p><b>wholesale</b> 12:1 59:11</p> <p><b>wide</b> 22:3</p> <p><b>width</b> 15:19 38:10 42:22 51:24 57:6</p> <p><b>willing</b> 23:11 30:21</p> <p><b>windows</b> 24:10,12 25:12</p> <p><b>won't</b> 26:10 38:8</p> <p><b>wonder</b> 26:4 38:16</p> <p><b>wondering</b> 26:1</p>	<p><b>words</b> 37:16</p> <p><b>work</b> 25:15 29:8 52:14 70:8</p> <p><b>working</b> 13:15 14:1 16:20 23:13 26:2 44:19 54:24 55:9</p> <p><b>works</b> 23:12</p> <p><b>wouldn't</b> 11:7 26:24 32:16</p> <p><b>wrap</b> 71:20</p> <p><b>wrath</b> 24:17</p> <p><b>written</b> 66:9</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p><b>X.2</b> 67:10</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>Y.1</b> 67:13</p> <p><b>Yanovitch</b> 48:7 53:4</p> <p><b>yard</b> 8:22 17:1,13,14,17 18:3,4,7,9,11,12,19,23 31:16,17 35:21 36:1 40:4,5,6 43:9,11,13,14 56:17 66:4</p> <p><b>yards</b> 17:20 45:17</p> <p><b>yeah</b> 11:12 25:4 30:12 39:4 48:3 59:13 64:7,10</p> <p><b>Yonatan</b> 33:19</p> <p><b>you'd</b> 39:19 52:19</p> <p><b>you're</b> 13:2 25:11,17 26:9,12,</p>
--	---	--	--

14,20,21 27:12 30:21  
35:1 36:20 37:12 42:13  
48:15 59:5

**you've**

29:3 31:13 34:11 64:17

**Yup**

62:13

---

**Z**

---

**Z.1**

67:15

**Z.2**

67:19

**Z.2.**

67:23

**ZBA**

3:15 28:20 54:19 55:19  
56:5

**zero**

18:24 19:14 22:6 46:6  
47:5,6,10,21,22 48:3  
58:9

**zone**

15:20 51:20 57:13  
70:24 71:11

**zoning**

7:22 9:8 10:16 13:15,17  
23:17 28:24 31:4,14  
36:13 43:12 49:10  
51:16 52:22 53:7,11,20  
55:24 56:1 66:8 70:15  
71:9