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HEARING OF BOARD OF APPEALS  
PUDDINGSTONE

Wednesday, September 12, 2018 at 7:10 p.m.

Brookline Town Hall  
333 Washington Street  
Sixth Floor  
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2 Mark Zuroff, Chairman

3 Lark Palermo, board member

4 Christopher Hussey, board member

5

6 Polly Selkoe, Assistant Director of Regulatory

7 Planning.

8

9 Alison Steinfeld, Director of Planning and Community  
10 Development.

11

12 Steve Schwartz, Esq., Goulston & Storrs, P.C., 40B  
13 Attorney.

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15 Marc Levin, President of Development and  
16 Construction, Chestnut Hill Realty.

17

18 Cliff Boehmer, Peer Reviewer

19

20 Ken Smith, Blasting Technical Supervisor

21

22 Jay Perkins, Blasting Consultant

23

24

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

2 CHAIRMAN ZUROFF: Good evening,  
3 ladies and gentlemen. I'm calling to order this  
4 meeting of the Zoning Board of Appeals. For the  
5 record, my name is Mark Zuroff. Sitting with me  
6 this evening to my right is Lark Palermo. To her  
7 right is Christopher Hussey.

8 As I state before every meeting and  
9 for those who are here for both matters, this  
10 meeting is being recorded as it's necessary to  
11 record it, and we are having it transcribed again.

12 Anybody who wishes to address the  
13 Board this evening should go to the podium and speak  
14 clearly and distinctly into the microphone.

15 The public record of this meeting and  
16 all other meetings that we have held is available to  
17 the public on-line on the website. That's why we  
18 ask you to clearly identify yourself and speak  
19 clearly into the microphone.

20 The first matter of business for this  
21 evening is we are calling case -- I don't have a  
22 case number -- but it is the matter of 8-10 Waldo  
23 Street for which the applicant has requested a  
24 continuance or a mutual agreement to continue it to

1 a date certain. So I guess somebody for the  
2 applicant should tell us why they're here and why  
3 they're requesting this so that we can act on it.

4 MR. LEVIN: Good evening. I'm Mark  
5 Levin, Chestnut Hill Realty. So Waldo Street, we  
6 have for an extended period of time been in  
7 discussions with EDAB and HABB a combined committee  
8 to discuss an alternative to the 40B, which would be  
9 a mixed-use project, so we would like to continue  
10 that proceeding with the 40B until at which time we  
11 come to an amicable project or not.

12 CHAIRMAN ZUROFF: So it is my  
13 understanding you're requesting a continuance to  
14 October 11?

15 MR. LEVIN: Sure, whatever works.

16 CHAIRMAN ZUROFF: Apparently that  
17 works for Planning.

18 MS. SELKOE: Agreed.

19 MR. LEVIN: I imagine it will happen  
20 again.

21 CHAIRMAN ZUROFF: We understand that  
22 and I guess we don't have to hear anything further  
23 from you Board members if you're willing to grant  
24 the continuance?

1 MR. HUSSEY: Agreed.

2 MS. PALERMO: Agree.

3 CHAIRMAN ZUROFF: It is unanimous of  
4 the continuance. Thank you.

5 Okay. The next matter before the  
6 Board is a continued hearing on 265-299 Gerry Road  
7 otherwise known as Puddingstone at Chestnut Hill.  
8 We have an agenda for this evening which will  
9 basically go as follows, summarizing sort of play it  
10 by ear as we go. We will hear -- well, my  
11 introductory remarks and that's why we are here as a  
12 continuation of the prior hearing. We will then  
13 hear from the development team. I understand  
14 they're presenting some modifications to the  
15 presentation that they've already made.

16 We will hear a report from the  
17 Planning Department concerning the working groups.  
18 We will hear a final overview from our peer reviewer  
19 on design, Cliff Boehmer. We will then hear a  
20 report on the proposed blasting, and we will see the  
21 report or hear of the report from the peer reviewer  
22 on that. If there is time, we will hear from the  
23 public concerning those matters.

24 The zoning and the ZBA will then,

1 provided that we are comfortable with it, we will  
2 discuss further what our final recommendations are  
3 for this ultimate decision, and then we will discuss  
4 possibly the requested waivers, and we will likely  
5 continue this meeting until the next scheduled  
6 meeting which is September 17.

7 So Puddingstone Development Team?

8 MR. LEVIN: Good evening, Chairman  
9 Zuroff, Board members, Planning staff. I'm Mark  
10 Levin, Chestnut Hill Realty. I would like to first  
11 give you a quick update of what we've been up to.  
12 We've continued to work with the architect on the  
13 skin of the building. I hope that we hear later  
14 that he's pleased with it and I know we are.

15 The building entrance has been  
16 developed at his request and we've identified  
17 exterior materials for both the apartment building  
18 and the infill buildings. The blasting plan that  
19 was created has been reviewed by the town's blasting  
20 peer reviewer, and you'll be happy to know that  
21 we've located a play area convenient to the Sherman  
22 Building.

23 Lastly, we did meet with the building  
24 commissioner to review the waivers, and I think

1 we're all set with that, but clearly you need to go  
2 through and understand what waivers are being  
3 requested.

4                   So here is the building pretty much  
5 in its final form. As I mentioned, we are pretty  
6 pleased with it and I think it's going to be a  
7 building that we can all be proud of.

8                   The materials and the fenestration  
9 and the window spacing has all been looked at and  
10 modified in a way that breaks up the building and  
11 brings down the scale.

12                   Here you have an image of the  
13 entrance to the building, nothing real fancy but we  
14 like it.

15                   Here you have a view that you've  
16 seen. This is just before Gerry turns into Sherman  
17 to the right, and you can see the garage entrance to  
18 the upper level garage.

19                   Here is further down the entryway.  
20 You see this as well but now you see the materials  
21 closer and you see how the different material types  
22 in conjunction with the articulation of the building  
23 has really created a nice effect and gives it a much  
24 better feel than the model that we started with.

1 Down at the end of drive you see the entrance to the  
2 lower garage.

3                   Here now we're back to the circle  
4 around which the three infill buildings are located,  
5 and you can see how the building sits really nicely  
6 in the site, and you see what we have there is a  
7 dark -- well, I'll get into the different materials,  
8 but by banding the building in the lower and upper  
9 floors and keep it just three stories of brick, be  
10 it red or white, it really does reduce the apparent  
11 scale of the building.

12                   So here are the material types. So  
13 as I mentioned, you have the main body of the  
14 building is brick, be it red brick or white brick.  
15 Above you have the top floor which is shingles.  
16 We've inserted fiber cement panels in the dormer  
17 type structures, which there are a few.

18                   Down lower we have these limestone  
19 panels, medium texture, lighter color limestone  
20 panel. Below that you have a dark, rougher stone  
21 panel to sort of disappear at that lower level. And  
22 in between you have some precast or limestone trim  
23 throughout, and we think it's really going to make  
24 the building very attractive.



1                   So to build this, we would be more  
2 than happy to have a condition in the permit that  
3 would require us to do this off-site as it's not  
4 within the 40B lot, can't be. We could have shoved  
5 one in maybe over here. We looked at it and said,  
6 Listen, that's really not ideal next to a roadway,  
7 and so what we did instead was we said, Look, we'll  
8 dedicate this area here for a playground, and it can  
9 be conditioned just like the roadway improvements on  
10 Independence. It's an off-site mitigation or  
11 whatever you want to call it.

12                   CHAIRMAN ZUROFF: Just as a question  
13 to you and Mr. Segall as well, because it does  
14 affect and it is off-site and it is not part of the  
15 public roadway, and I understand that you're willing  
16 to allow us to pose it as a condition, but does it  
17 have to be some kind of easement agreement between  
18 the other owner and this particular project for that  
19 to be enforceable?

20                   MR. SWARTZ: Steven Swartz, Goulston  
21 & Storrs, counsel for the applicant. Yes, there  
22 would have to be an easement agreement. As the  
23 Board knows, it's a long-term ground lease. The 40B  
24 lot is on a long-term ground lease. The ground

1 lease would include the rights to use that, but  
2 essentially it's the same thing as an easement,  
3 right.

4 CHAIRMAN ZUROFF: Okay. Thank you  
5 for clarifying that.

6 MR. LEVIN: We are coming down the  
7 home stretch. I anticipate that we may have to make  
8 some tweaks to the blasting plan depending on how  
9 the peer review discussion goes later. And I have  
10 an apology to make. I promised a drive-around with  
11 the new building. We had some technical issues and  
12 I don't have it tonight. I will have it for you on  
13 Monday. I want to say it doesn't -- well, it does a  
14 couple of things differently than the one you've  
15 seen already. You'll see its street presence on  
16 Sherman whereas the other building was tucked behind  
17 those townhomes that is now supplanted.

18 And what you will also see is that  
19 it's still not visible from Independence Drive or  
20 even from Gerry Road for the most part until you  
21 make the turn and you're coming towards the  
22 entrance, but the part of Gerry Road that's  
23 perpendicular to Independence and parallel to  
24 Sherman coming in, you just see it between the

1 buildings and sporadic. In that regard, it really  
2 hasn't changed, but you'll get to see it in its new  
3 context with the new materials.

4 We have the waiver list here, if you  
5 want to get to it later, and the waiver plan, and I  
6 think that's pretty much it, although I do want to  
7 make a couple of comments. You received a petition  
8 with a bunch of points that were made, and I would  
9 like to throw out a couple of ideas.

10 The first one was there was a lot of  
11 discussion about density and that I want to  
12 reiterate a point that I had made a few hearings ago  
13 that even when fully built out, the two 40Bs as they  
14 stand today be approved comp permit and this one, we  
15 will still be in the aggregate if you aggregate it  
16 along the Brookline portion of Hancock Village. It  
17 will still be under FAR and density that's allowed  
18 currently. So I guess we always had a theoretical  
19 opportunity to build out that density, but if we  
20 didn't concentrate it the way we did, we would be  
21 putting it into all the different courtyards, and of  
22 course in the asset, which we did some of.

23 And so this is, we think, a much  
24 better land use approach to concentrate the density.

1 And so when you have high density numbers, it's  
2 because it's a 40B lot, but when you look at it in  
3 context, the density doesn't exceed the zone.

4           There was another comment made that  
5 there was a preference for the 12 infill units  
6 because there was more affordability, but as opposed  
7 to the Gerry Building being converted to apartments  
8 as we had discussed, in fact there is more  
9 affordability with the Gerry Building than there is  
10 in those twelve that was part of the discussion.

11           I also want to point out that  
12 although the notion of -- just keep in mind that if  
13 we were to simply remove these three buildings as  
14 opposed to doing it when the Gerry got its 40A  
15 approvals, we would still need to retain all of this  
16 because of; one, we need this for fire. That would  
17 remain. This whole configuration would remain, and  
18 we need this and this for the stormwater that rests  
19 beneath it, so the detention, the stormwater  
20 detention. So even if we were to remove those  
21 infill buildings, the site would still be disturbed,  
22 if you will, in these areas.

23           There was also a comment about the  
24 fact that we had reduced the height of the Ashville

1 Building and the residences of South Brookline, and  
2 that is true; we did, and we did it in response to  
3 concerns that it was close to the neighbors and that  
4 the neighbors could in fact see this building. So  
5 when we did reduce the height, it was in response to  
6 that concern that was expressed by the Board, and  
7 furthermore, we took it down one more floor right at  
8 the edge, the edge of the building closest to the  
9 abutters. It's not analogous to this in any way,  
10 shape, or form. The nearest abutter is well over a  
11 thousand linear feet away, and it is not visible to  
12 any of them. So I don't really think that's a good  
13 comparison.

14                   There was some talk about willingness  
15 to remove buildings in ROSB, and as a result of us  
16 wanting to do the 40A at Gerry and the community  
17 center, there is some reason that that would relate  
18 to us removing the infill buildings, if you will, in  
19 the asset, and obviously it doesn't relate to this  
20 at all. I really don't understand the logic, but  
21 that was a completely different deal. Yes, we were  
22 prepared to remove those, but it was a different --  
23 that the MOA, the agreement that we had had very  
24 different -- in particular very different



1 appreciate you addressing the question again.

2 I really don't have any other  
3 questions concerning the new presentation. I do  
4 want to hear from Cliff, obviously, and we'll deal  
5 with the blasting peer and your presentation on that  
6 as well, but we may have some questions as that  
7 develops.

8 MR. LEVIN: Sure. Thank you.

9 CHAIRMAN ZUROFF: Thank you. Polly?

10 MS. SELKOE: I'll be very brief.  
11 Polly Selkoe, assistant director of Regulatory  
12 Planning. We had another working group session on  
13 August 29. Cliff Boehmer was there and the Chestnut  
14 Hill Realty team was there. Just for the sake of  
15 transparency, I will tell you that we had a meeting.  
16 We looked at the changes that you saw tonight to the  
17 large building, and Cliff was pleased with the  
18 articulation that was there, and we also looked at  
19 the three infill buildings which hasn't changed a  
20 lot, but in terms of their architecture they  
21 certainly go with the other building. That was the  
22 discussion at the meeting. We have been told we  
23 will be getting the walk-around tonight and we'll  
24 look forward to getting that next week.

1 CHAIRMAN ZUROFF: Thank you.

2 Questions about the working group?

3 MS. PALERMO: No.

4 MR. HUSSEY: No.

5 CHAIRMAN ZUROFF: Okay. Then I guess  
6 we will now hear from Cliff.

7 MR. BOEHMER: Cliff Boehmer. I'll  
8 give a few comments on the working session as well.  
9 I apologize for you getting my annotated report so  
10 late. I think you probably got it today.

11 CHAIRMAN ZUROFF: This morning.

12 MR. BOEHMER: As a matter of fact,  
13 most of that report by and large was presented a  
14 long time ago, something like six months before  
15 Trump, which seems like a very long time ago. But  
16 anyway, what I would like to do is -- I'm not going  
17 to read the whole report so much as the development  
18 has changed. I would describe my perception of how  
19 the working groups went, and they have been going on  
20 since April, so something like six months, and by my  
21 count it's been six working groups. And it's a  
22 little bit different from several of the other  
23 projects I worked on.

24 I think we've seen steady changes and

1 not all in big pieces, lots of bite-size piece  
2 changes as the project has evolved over the six  
3 months. It has in ways that were really the most  
4 important to me is it's changed significantly, and I  
5 touch on that in the annotations. I will read a  
6 couple of those annotations maybe at the risk of  
7 sounding a little repetitive, but the overview for  
8 me was from the very beginning, which was more than  
9 two years ago, that the building did not have a  
10 site, and I think I said that a number of times in  
11 that report, that 2016 report. It was a conceptual  
12 site that was worked out through setbacks and area  
13 calculations. It really wasn't something that would  
14 ever appear to be anything other than a calculation,  
15 I guess is the best way to put it.

16           So much of the work in the working  
17 sessions was establishing the site for the building  
18 that did require demolition of some of the existing  
19 buildings, and that was I think the initial  
20 resistance when the building was originally wedged  
21 in between more of the existing buildings in that  
22 not having street frontage on Sherman.

23           So what really, in my opinion, opened  
24 up the project for real serious consideration was

1 giving it a site. The reasons that, as you may -- I  
2 should just talk a little bit and pick up other  
3 highlights in here. The reason that having that  
4 building embedded within the site was so problematic  
5 was it put a kind of extraordinary load on the  
6 inside of a site that had very little population in  
7 it. It really wasn't used by a lot of people very  
8 often, and to insert a large number of people, a  
9 large number of vehicles into the middle of that  
10 site, it seemed kind of off balance. I think that  
11 kind of off balance but interesting in the sense  
12 that giving more people the opportunity to enjoy the  
13 large open space that is this entire development.

14           So the idea of having more people  
15 using that space is a nice idea in a lot of ways,  
16 but when the building was just sitting in the middle  
17 of it, it was kind of hard to imagine how it really  
18 worked. So I think one of the more subtle things  
19 that's happened by moving the building down to this  
20 southwest corner is that it really balances kind of  
21 the people below because it has a real front now and  
22 real front entry. It's a long street elevation,  
23 actually two. It's elevated on two streets. You  
24 can really start to imagine that that's actually

1 where a lot of activity happens is on that side of  
2 the building that is the main entry. There is  
3 drop-off. There is some limited parking and  
4 obviously all the deliveries for packages and things  
5 like that. That was a big change that I think  
6 really opened up the possibility of it working, in  
7 my opinion.

8                   To kind of jump to the end, like I  
9 said, maybe I'll just troll through this report and  
10 pick up a couple of points. Because so much of what  
11 I thought was problematic about the initial efforts  
12 had to do with really degrading the site. The other  
13 problem from my perspective was the three infill  
14 buildings because they're now kind of mini versions,  
15 and you see that now. They're sort of mini versions  
16 of what the big building used to be. The big  
17 building was shoe-horned in there, didn't really  
18 have a site. Clearly the smaller buildings, each  
19 one with only four units and with greater -- well,  
20 similar setback to what the big building did have in  
21 some spots but much smaller building, so the impact  
22 is not nearly as much as the big building. They  
23 still are kind of bottling up, bottling up what is  
24 really a nice opportunity to create a lot of

1 connectivity across the site.

2           So this has come up in every one of  
3 the six working sessions, so there are no surprises  
4 for anyone that's been to those sessions, but the  
5 buildings themselves, the small buildings themselves  
6 I have absolutely no issue with. I think they're  
7 nicely designed. They pull in some of the materials  
8 that you see throughout the entire site. There  
9 appears to be red brick on the buildings. The roofs  
10 are in scale with the other roofs. There is really  
11 nothing at all that is unpleasant about those  
12 buildings. I think they're quite nice, actually.

13           So while for me it's a hugely  
14 improved site plan and I can still imagine creating  
15 good pedestrian connectivity across the site, I  
16 don't think we've seen it in any of the rendering  
17 site plans at this point. I know it is possible to  
18 do it and there are improvements that can be made.  
19 So we're well down the road, in my opinion, to  
20 something that could really work.

21           I would say that in the working  
22 sessions we did talk about that alternative plan  
23 that did eliminate those three, and that certainly  
24 opens up a lot of opportunity for creating a really

1 nice internal pedestrian path that cuts all the way  
2 across from Sherman into Independence, gives good  
3 access to the proposed community center. So the  
4 whole thing, in my opinion, works much better, but I  
5 do really want to emphasize strongly that over the  
6 past six months I think the project has really come  
7 a long ways to being a very reasonable proposition.

8 I will hit on a couple of specifics.  
9 I think at this stage of development there's kind of  
10 the normal outstanding pieces that I certainly won't  
11 drone on about. I'm going to skip most of this.

12 I haven't seen the new live model  
13 that we did not see in any of the working sessions.  
14 We saw no animated views. When I talk about  
15 bite-size pieces, we did see ongoing screenshots  
16 from the modeling efforts, but we haven't seen a  
17 whole integrated model. I thought we might see it  
18 tonight.

19 So let me just read a couple of  
20 things that is -- maybe again, it may end up a  
21 little bit repetitious. The Planning staff and this  
22 peer reviewer attended six working sessions. There  
23 was no new drive-through, as I just said, although  
24 many iterations of design ideas for the large

1 building was presented and discussed, and that's  
2 really kind of an understatement. There was lots  
3 and lots of discussions about that bigger building  
4 that really changed a lot.

5           There wasn't, frankly, a lot of  
6 discussions in the working sessions about the three  
7 smaller buildings for the reasons I've already  
8 outlined. There were really no issues from my  
9 perspective of the buildings per se. We did talk a  
10 number of times about possibilities that would open  
11 up if those buildings weren't there.

12           I'll move on, if you're following it  
13 at all. Under Section 5A, which is orientation of  
14 the buildings in relation to each other. This I  
15 will read. It's a little repetitious, but since the  
16 original 2016 plans, the location of the large  
17 structure has significantly changed. It's now  
18 placed at the southwest corner of the development  
19 with street frontage on Sherman Road parallel to  
20 Boston City line, very close to it. And around the  
21 corner where it fronts the Hoar Sanctuary, the  
22 relocation requires the demolition of three existing  
23 brick townhouse structures, the main resident entry  
24 structures on the south side. You see where that

1 drop-off is, the middle piece. I can show it, but  
2 you probably all know. That's the main drop-off  
3 right at that point.

4                   There is a swimming pool. There is a  
5 rendered plan that you may or may not have seen, but  
6 there's now a swimming pool proposed for this little  
7 courtyard space there on the south side.

8                   There has been some -- and I'll bring  
9 this up again, I think it comes up a little later.  
10 In the images we have seen, and this kind of  
11 connects back to where I was, talking about a  
12 connection, a potential connection that goes all the  
13 way across. And what isn't clear in the documents  
14 that we've seen so far is kind of the nature of the  
15 pedestrian walk-through. Maybe that's been refined  
16 in more current drawings of the walk-through, but  
17 the nature of the sidewalk, width of the sidewalk,  
18 how does it keep going, do we go through that to get  
19 across over to Independence.

20                   So I think you know the alternative  
21 plan. There is both vehicular and pedestrian access  
22 that cuts all the way through to Independence.  
23 Anyway, we haven't seen a lot of exactly that kind  
24 of pedestrian experience of walking through the

1 site.

2 I think you know that the distance  
3 between the large structure and the existing  
4 building has increased since the last submittal way  
5 back six months ago. As far as that central entry,  
6 I think one thing was kind of what I was talking  
7 about that is sort of throwing off the balance of  
8 all the occupants of this building and all the cars  
9 coming in all along with what used to be -- you saw  
10 come along on this side of the main entrance of the  
11 buildings over here. You can see how, by separating  
12 out now with the main resident entry on this side  
13 and one of two auto entries on this side, it's kind  
14 of a big difference in how the building actually  
15 functions.

16 And note that it isn't my  
17 understanding that I've known if these three  
18 buildings left, there could be a -- although I'm a  
19 little confused if the roadway did continue through,  
20 then the circle wouldn't be there at that point.  
21 Okay. That may not actually ever be a  
22 consideration. I don't know if these buildings not  
23 being here that the circle being there, but anyway,  
24 that wasn't a specific discussion that we did

1 have.

2 I would say this is -- I'm sure you  
3 remember two years ago the part of the amount of  
4 natural resources, part of the concern about the  
5 building, in my opinion, didn't really have a site,  
6 would still necessitate a large scale removal of  
7 puddingstone, and this version of the building still  
8 does. That hasn't gone away. There is still a lot  
9 of ledge removal, and you're going to hear about how  
10 that gets done. And I think the balance has kind of  
11 shifted in my mind. I think what bothered me a lot  
12 about the removal of the ledge before was that at  
13 the end of the day you still had an unsatisfactory  
14 site plan. I just didn't think you were getting  
15 anything in exchange for that ledge removal.

16 And I think this new scheme has  
17 changed my opinion on that. Nobody is happy about  
18 removing. There is some pretty attractive  
19 landscape, but at least now it's done for a reason  
20 that makes sense to me, whereas before I really  
21 didn't think it was justified by what you got at the  
22 end of the day.

23 Building design, I think you've heard  
24 a decent amount about that. That's changed a lot.

1 It's been an ongoing thing, the articulation and the  
2 footprint and actually more importantly or certainly  
3 as important is that it is a tall building for this  
4 area and getting the layering going on in the  
5 horizontal plane has been a big change in the  
6 expression of the building.

7 I'll read a little bit on that. So  
8 moving structure to the south and giving it a  
9 credible building site as opposed to squeezed in  
10 between six existing buildings combined with giving  
11 it a legitimate front entry that addresses a street  
12 is a major change in thinking that's greatly  
13 improved the perception of the building and its  
14 relationship to the public realm.

15 There is significant articulation in  
16 the building footprint that effectively breaks down  
17 its scale including five-story bays particularly in  
18 the south facade. The sense of the height of the  
19 structure is mitigated through strong horizontal  
20 expression at base, middle roof, and the roof layers  
21 that are well proportioned.

22 The facade materials, and you saw  
23 those earlier, are annotated on the elevations now.  
24 They are high quality including dark colored,

1 textured, large panel stone, lower base precast or  
2 limestone, banding limestone panel upper base, white  
3 and red brick in the main body, and fiber panels in  
4 the gable end. So the high quality materials  
5 frankly actually are better than what you see in  
6 most new multi-family buildings.

7 Other points. I won't talk about  
8 small buildings again. You saw the images. They  
9 have really changed very little. I will point out  
10 their scale, particularly with the brick areas and  
11 the use of the articulation of the roof, they  
12 actually are -- they're not tiny buildings, but they  
13 are actually really well-articulated.

14 The elevations that are visible from  
15 streets, another section here, I think I've talked  
16 enough about that. I will say this is really  
17 important in creating these sub-courtyards. It  
18 obviously gives more units better southern exposure  
19 to north as in that direction up towards that  
20 corner, so it's putting the articulation of the  
21 building that certainly benefits more units. It's  
22 more units with good direct sunlight.

23 Other points. I talked about that  
24 kind of load balancing of pedestrian and vehicles

1 that I think improved. I won't talk more about  
2 that. I already talked about exterior materials.  
3 And then towards the end of that report, not much of  
4 it has changed since 2016, starting with things like  
5 energy efficiency. I don't really know. The  
6 drawings aren't at that level yet, or at least I  
7 haven't seen them. Exterior lighting, I'm aware of  
8 any new lighting plans. Same with plantings.

9           Obviously in a building this size  
10 there is an awful lot you have to do for energy  
11 conservation and that's built into the code even  
12 more than two years ago, actually.

13           Other points that are important and  
14 because it's a lot of units and a lot of different  
15 conditions in the building for the different units  
16 and we only have fit plans for the building, so we  
17 don't really know where the group, two fully  
18 accessible units have been distributed throughout  
19 the building. Do we know about the affordable units  
20 scattered throughout the building? Other kind of  
21 random comments, again, that really haven't changed  
22 because the drawings aren't much more detailed than  
23 they were. The project has changed but the detail  
24 isn't a whole lot different.



1 of questions just now, but my overall question to  
2 you is: You are satisfied with the progress that  
3 the working groups have made with the improvement of  
4 the articulation of the building, the layout of the  
5 plan? You have no reservations about the current  
6 proposal as we have seen it?

7 MR. BOEHMER: I don't, actually. I  
8 mean and I've kind of lived with this for at least  
9 six months now. I have my normal level of wanting  
10 to know more detail and there a lot more important  
11 things still out there. I'm concerned about some of  
12 the pretty important things, that driveway on the  
13 north side of the building. Like I said, I think  
14 it's really important, actually, how that pedestrian  
15 access happens on that side. But overall, I'm  
16 pleased with where it's gone. It's been a slow,  
17 incremental change. If you go back and look at the  
18 older drawings, I think you see a lot of movement in  
19 the right direction.

20 MS. PALERMO: I have a question. I  
21 actually do have a question. As you know, the  
22 developer has suggested that they would pursue  
23 approval to build an alternative project to the  
24 three infill buildings.



1 this, to me, is an appropriate scale adjunct to this  
2 building that really helps tie the population of  
3 this building into the site at large. So, yes, to  
4 me it's a really big improvement.

5 MS. PALERMO: And following up on  
6 that, if the project were to proceed with this  
7 alternative plan as opposed to infill buildings, do  
8 you have an opinion as to where a good site would be  
9 for the playground?

10 MR. BOEHMER: That playground,  
11 tonight is the first night I heard of it and I think  
12 it's a great thing. Again, I even thought about it.  
13 I think the proposed site, there is a big courtyard,  
14 so it's always hard to know if people are really  
15 upset about having children playing in their  
16 backyard versus if they're really happy about it. I  
17 think the proposed location, it looks to me that you  
18 can fit a reasonably top lot in that space, and I  
19 think it's a pretty good space for it. I'm not that  
20 keenly aware of the topography there, but I think  
21 that works. I think that has potential for working  
22 and it certainly is a good amenity to add.

23 MS. PALERMO: You may not know the  
24 answer to this because this slide was just displayed

1 for us, but is that a pool that's located off of the  
2 community center?

3 MR. BOEHMER: There would be two  
4 pools. The one that was here is just for these  
5 residents?

6 MR. LEVIN: That is correct.

7 MR. BOEHMER: There is another pool  
8 over there?

9 MR. LEVIN: Yes.

10 MS. PALERMO: Maybe another  
11 playground?

12 MR. BOEHMER: Maybe another  
13 playground.

14 MS. PALERMO: They go with pools.

15 MR. BOEHMER: They do go well with  
16 pools. This is the bigger courtyard obviously, but  
17 there is some space there. But I will say that  
18 during the six months of working sessions, we really  
19 have not focused on this plan. I only know little  
20 bits and pieces of it and was always happy at the  
21 prospect knowing that might be an option to getting  
22 those three buildings out of the middle of the  
23 development.

24 MR. HUSSEY: Is this the official

1 site plan now?

2 MR. BOEHMER: No, the official site  
3 plan, it's pretty much that.

4 MR. HUSSEY: The official?

5 CHAIRMAN ZUROFF: The proposal with  
6 the --

7 MS. PALERMO: With the proposal that  
8 we have the condition that they go through an  
9 approval.

10 CHAIRMAN ZUROFF: Thank you.  
11 Mr. Levin, would you like to perhaps address some of  
12 the concerns that Cliff has raised specifics about  
13 the location or the affordable units within the  
14 project and how the screening will be done on the  
15 top of the buildings? I know these are all design  
16 elements, but some of them are of concern to the  
17 public and to us about how they're addressed.

18 MR. LEVIN: The buildings that we've  
19 built in the past, that screening of mechanical  
20 systems on the roof is something we typically do, so  
21 that's of no concern to us.

22 One of the points that was raised  
23 that were in the process of developing is that  
24 further connectivity, the walkway particularly along

1 the entry road, we're certainly going to address  
2 that.

3 As far as the accessible units,  
4 that's all code requirement. We need to follow the  
5 code and that gets dealt with. In terms of the  
6 affordability, I think Steve is probably well better  
7 suited.

8 MR. SWARTZ: So the requirement is  
9 that we have the units, the affordable units  
10 disbursed among the market. They're not isolated in  
11 the corner of the building, and among the different  
12 unit types they need to be pro rata, whatever the  
13 percentage of two bedrooms need to be that  
14 percentage of affordable two bedrooms.

15 CHAIRMAN ZUROFF: There would be  
16 affordable units in the infill buildings as  
17 currently?

18 MR. SWARTZ: Yes. And typically  
19 those details are worked without the subsidizing  
20 agency with the Town's participation as well as we  
21 get through the final design and the marketing plan  
22 for the affordable units, but that's how it works  
23 typically.

24 CHAIRMAN ZUROFF: Okay. And so it is

1 my understanding that there will be some  
2 modifications to this plan as to walkways and access  
3 between the buildings, access to the playground that  
4 you are proposing?

5 MR. LEVIN: On Monday we'll have the  
6 long-promised revised drive-around and we will also  
7 have a new rendered site plan that will indicate  
8 that.

9 CHAIRMAN ZUROFF: You'll address the  
10 walk access and pedestrian access?

11 MR. LEVIN: Absolutely. Once again,  
12 I know it's sort of an added twist, if you will,  
13 coming up with the idea of converting the Gerry  
14 garage into 36 units and redoing and converting the  
15 Independence garage into a community center. We are  
16 optimistic -- it's a special permit -- we're  
17 optimistic we will get that, and if we do, it's  
18 comfortable for us to then -- it's better for us, to  
19 be frank, to remove those twelve units to get this  
20 for many of the reasons that Cliff -- primarily the  
21 reasons that Cliff outlined that you end up with  
22 that walk and you end up with greater connectivity.

23 As I mentioned, you actually end up  
24 with one more affordable unit. There are many

1 advantages. The community center is a great amenity  
2 for the whole site. And the alternative would be,  
3 like I said, you might be able to eliminate those  
4 buildings, but you cannot eliminate the roadways  
5 because of the fire access and the --

6 CHAIRMAN ZUROFF: It will be  
7 reconfigured? It will be a straight roadway?

8 MR. LEVIN: We would get to the fire  
9 access. It becomes a straight shot. If we didn't  
10 do it that way, we would still need to retain that  
11 circle that we would need to retain those two  
12 parking lots at the back because underneath them are  
13 the stormwater for them.

14 CHAIRMAN ZUROFF: Is there a  
15 possibility that you would -- well, no. I guess  
16 not.

17 MR. LEVIN: It's tough because we've  
18 got to stay within the confines of the 40B plot.

19 CHAIRMAN ZUROFF: Fire access  
20 probably. I don't have any other questions.

21 MS. PALERMO: I have one more now  
22 that we have Mr. Levin back. Can you tell me what  
23 stage you are in with respect to the alternative  
24 plan?

1 MR. LEVIN: So I believe we are going  
2 before the Planning Board on October 11 and the  
3 design advisory team gets appointed, and then we  
4 will get a zoning opinion and we'll be off to the  
5 races.

6 MS. PALERMO: Thank you.

7 CHAIRMAN ZUROFF: So you're going to  
8 be in two place at once on October 11?

9 MR. LEVIN: It sounds that way,  
10 doesn't it?

11 CHAIRMAN ZUROFF: All right. Thank  
12 you. Moving on to the blasting question. So I  
13 guess we hear from the applicant's blasting  
14 consultant supervisor.

15 MS. SELKOE: Kenneth Smith.

16 MR. SMITH: Good evening. I'm  
17 technical supervisor for Main Drilling and Blasting.  
18 Ken Smith, you heard earlier. And I'm going to give  
19 you a high-level introduction to the blast plan.  
20 It's quite a number of pages and it's very  
21 technically in-depth. It's fortunate that you have  
22 a consultant here to have the patience to go through  
23 all of that.

24 So I'm going to try keep it simple,

1 and at the end, if there are questions that you  
2 have, I'll be more than happy -- normally I do a  
3 blasting 101. It gets very deep into the science.  
4 We don't have time to talk about that this evening.

5           What I'm going to do is just take an  
6 opportunity to show you where some of this  
7 technology that we plan to use on this project has  
8 been successfully used because sometimes a picture  
9 paints a thousand words that we don't have time to  
10 speak.

11           This project right here is out at  
12 West Point, New York. That is the historic chapel  
13 out there. We were asked to come in and remove  
14 80-foot deep cut of ledge 60 feet from the chapel,  
15 the problem being that the chapel was structurally  
16 compromised. It is sliding off of that hill, and it  
17 was in pretty poor shape. There was masonry falling  
18 on the inside of the building long before  
19 construction activity got there. So this had to be  
20 a very specialized plan. We brought very  
21 specialized technology to that project.

22           So another project that we used some  
23 of this technology, and I use it for comparison  
24 because this was a 30-foot deep ledge excavation.

1 You folks might be familiar with that location.  
2 We're looking at the surgery wing of Mass. General  
3 Hospital, and we spent a summer out there blasting  
4 60,000 cubic yards, 30-foot deep, eight foot off of  
5 the surgery wing, and as you probably have guessed,  
6 they didn't suspend the surgery while we were  
7 blasting. It takes special design to be able to do  
8 that.

9 Another example here, this is Cornell  
10 University, a new hall being built. We had a  
11 20-foot cut right up against the building and that  
12 building was actively occupied during the blast.

13 So how does that all happen? It  
14 takes a lot of planning, hazard assessment. Couple  
15 of other projects that we were involved in up in the  
16 upper right is the State House in Maine. I wasn't  
17 on that project, but we had to blast inside the  
18 State House while that was actively occupied.

19 Lower left is Metro North blasting  
20 under an active commuter line. The lower right that  
21 broad posterior person is me. That's inside of  
22 BMC's corporate headquarters in Hopkinton, the town  
23 I live in. We were asked to come in and lower that  
24 parking garage and turn it into operational space,

1 but it was built on solid granite. It had been  
2 blasted originally and we had to cut six feet of  
3 granite that supported the building and the labs on  
4 the floor above and you couldn't suspend activities  
5 or operations, so all of the engineers were in that  
6 lab working during the blasting.

7           So in the State of Massachusetts we  
8 are required to do a pre-blast analysis before we  
9 start a project. This includes pre-blast  
10 inspections. We have a very, probably in the  
11 nation, the toughest code when it comes to blasting,  
12 the most up-to-date, and we're fortunate as a  
13 community to have that.

14           That analysis takes into  
15 consideration where the blast is going to happen,  
16 the distance of the structures, that geology. We're  
17 required to make estimates. That's why this plan  
18 has quite a considerable amount of estimates in it.

19           As part of our evaluation, we take  
20 the engineered information, the geotechnical  
21 information and the surface information for top of  
22 rock, and we apply that against the proposed  
23 excavation grades and we determine what our ledge  
24 excavation is going to be, and from that we're able

1 to take and design how we're going to remove it.

2           It starts with a very small test  
3 blast, and the blasts are scaled from that very  
4 small blast up. While we're measuring the ground  
5 response, the fragmentation until we have that  
6 design refined so that it is appropriate for the  
7 geology and the environment.

8           This is what goes into a design, some  
9 elements that comes out of this blast plan, but like  
10 I said, this blast plan has got over 180 pages of  
11 information in it, and we don't have time to go  
12 through all of that.

13           This Mass General project, across  
14 from Mass General pre-blast surveys, and that  
15 particular project took over a year because those  
16 are all condos in that building, and we don't have  
17 anything like that on our project. That was a much  
18 more difficult scale.

19           So what does our pre-blast radius  
20 look like here? The State of Massachusetts requires  
21 that surveys be offered to property owners within  
22 250 feet of the closest bore hole of the blast.

23           What we are proposing on this plan,  
24 in this plan, is the double distance, double that

1 state requirement to 500 foot.

2           So a critical element, especially  
3 when we're in an environment such as we find  
4 ourselves here, is how we cover and protect the  
5 surrounding area.

6           These are blasting mats. They are  
7 made of our old automobile tires that we have to pay  
8 that charge when we go to have new tires put on  
9 because it's hazardous material, we pay that. Those  
10 tires get shipped up to Canada, sliced and diced and  
11 placed together with steel cable. It costs us a  
12 tremendous amount to dispose of these once we put  
13 holes in them or worn them out. We send them back  
14 up to Canada. It costs about fifty cents a pound  
15 for us to buy these things. It's a pretty good  
16 racket. Somebody in this country should get into  
17 it.

18           In any case, what we're proposing to  
19 use here, these are very heavy mats. Each one of  
20 those weighs almost 11,000 pounds. They are 20-foot  
21 long, 12-foot wide, and on a project like this we'll  
22 probably have 20 to 30 of them very easily. And our  
23 proposal, Massachusetts regulations says when you're  
24 within a hundred feet of a highway or structure, you

1 need to use these mats. We're going use these mats  
2 for this entire project, and we're going to use  
3 minimum of double coverage, not adjusted matting but  
4 double matting at a minimum.

5           So safety is our first and foremost  
6 priority. That's particularly important when it  
7 comes to blast time. And during the actual blast  
8 sequence itself we have to control that area from  
9 access. And being an active site, it's not just  
10 construction workers that we're worried about, we're  
11 worried about pedestrian and vehicular traffic.

12           So how you do that is all done with a  
13 blast area security plan. This is a typical one.  
14 To develop a proper plan you have to understand  
15 access points to the area where you're blasting.  
16 This is a long building. The shots are very small  
17 in size. The plan will vary depending on where  
18 you're at in the building. And it will be developed  
19 when we get on-site based on where we are working  
20 and what those access points are, and we'll have  
21 parameter entries that we communicate by radio to  
22 ensure that the area surrounding where we are  
23 working can't be penetrated. And one of these will  
24 be made out every single time that plan changes when

1 we move around the site. That's a little closer  
2 idea of what one might look like.

3                   So we're going to use precise  
4 electronic initiation, and that's basically one of  
5 the biggest tools of technology that allowed us to  
6 do those other projects. The common standard type  
7 of initiation is pyrotechnic. It's a glorified  
8 fuse. We're using electronics. There's an actual  
9 electronic microchip in each one of these detonators  
10 that we can communicate with with the blast control  
11 device, and we can program custom time designs  
12 scaled to the blast that we're at.

13                   Pyrotechnic devices come in factory  
14 preset time. We can program down to one  
15 millisecond, one one thousand of a second and these  
16 detonators are accurate to a tenth of a millisecond.  
17 Why that becomes important is because -- (cough).  
18 In the same way some of us may remember we had  
19 automobiles that had distributors and points and  
20 condensers. Anybody old enough to remember that?  
21 What happened in the middle of the winter when we  
22 went to start that car? Kind of didn't just go  
23 varoom like our kids do when they get into their  
24 cars now. They have a new appreciation for it.



1 out, a good thing for this project, because these  
2 structures are so close, these designs have to be so  
3 conservative, that means those outlying structures  
4 outside of Hancock Village probably will have levels  
5 so low that I won't even be able to measure them.

6           There is pluses and minuses. It  
7 takes the scale of this project and makes it very,  
8 very small from my perspective based on the near  
9 proximity of the existing structures on-site  
10 design-wise.

11           A little animation there, but that's  
12 what a seismograph looks like. Our regulation to  
13 the cite, the state only requires one seismograph to  
14 be set up. We're proposing in the plan three to  
15 four seismographs to be set up around the blasting  
16 area to monitor the audio and the ground response  
17 and obviously there is going to be one at the  
18 closest within the village.

19           Now, the state law requires that a  
20 monitor also be located at the nearest inhabited  
21 structure adjacent to the blast area that is not  
22 part of the project or owned by the project. So  
23 that would be the Baker Elementary School. We're  
24 putting one over there.

1 Third monitor probably along the  
2 property line adjacent to Beverly Road. We're going  
3 to bring a fourth monitor to begin with over to  
4 Harvard Vanguard. That's a long ways away, but we  
5 pay particular attention to the natural concerns  
6 that folks have at medical facilities about  
7 vibration. My calculations say right now it's not  
8 going to trigger over there. So that will be the  
9 case. That will be peelable to move, would be a  
10 mobile unit that we can move to an area if there is  
11 another potential concern.

12 So to wrap it up, I'm going to show  
13 you a little video right here. This is a project  
14 we're currently working on and in close proximity of  
15 an occupied structure. You're going to see as this  
16 video zooms out that there are buildings within 40  
17 feet and while we're blasting and people working  
18 inside of those buildings.

19 This is Middlebury, Vermont, 40-foot  
20 deep shaft, 40 foot across that we're doing for the  
21 community up there. That's our blast crew you see  
22 in there. You can see how tight it is. That brick  
23 building is a bank. To the right is an office  
24 building. A doctor's office is in there. Post

1 office to the left as you're looking at it.

2 Here's a blast that's got 40 holes in  
3 it, 40 holes that are 12-foot deep, not very much  
4 different than what we're proposing in this design.  
5 It's using the same technology that we're proposing  
6 here. That's the kind of control we need to have.

7 So if you have any questions, I would  
8 be willing to entertain them. If I've taken too  
9 much of your time, kick me off the podium. I can  
10 hear some anxious people out there.

11 CHAIRMAN ZUROFF: Well, I was making  
12 notes while you were speaking and I think you  
13 addressed some of the them. I wanted to know  
14 whether you were taking steps to monitor the school  
15 itself, which you said you are.

16 Is there going to be some kind of a  
17 pre-blast survey of adjacent structures to make sure  
18 that if there is a movement or a crack that wasn't  
19 there before that we know about it?

20 MR. SMITH: That's one of those  
21 slides. When I mentioned the state law says two  
22 structures within 250 fifty feet. We're moving that  
23 out to 500.

24 CHAIRMAN ZUROFF: You actually did a

1 survey of every building within 500 feet to make  
2 sure that there would be no cracks afterward that  
3 there weren't before?

4 MR. SMITH: Exactly.

5 CHAIRMAN ZUROFF: And are you also,  
6 as part of this project, taking down -- I know the  
7 big ledge where the big building is being placed,  
8 and that's sizable and I know there's a lot of  
9 removal there, but what about the infill buildings?  
10 Is there any blasting being done in the other  
11 buildings?

12 MR. SMITH: In order to read this  
13 what we call a cut-fill, the red color, the deeper  
14 the red, the deeper the cut. So the white and the  
15 pink are extremely shallow. By our estimates at  
16 this time there could be a very small amount of  
17 ledge that's out in those areas, but obviously you  
18 can see that significant dark color, that's where we  
19 anticipate the vast majority of that.

20 CHAIRMAN ZUROFF: Most of it is under  
21 the big building.

22 MR. SMITH: That's right.

23 CHAIRMAN ZUROFF: What about  
24 monitoring the roadways and the sewerage pipes and

1 all of that?

2 MR. SMITH: Well, the code requires  
3 us to keep the levels of vibration safe for decayed  
4 coarsehair plastic. That is a very, very small  
5 amount of vibration, and when you look at the levels  
6 that it would take to affect underground  
7 infrastructure, the maximum amount in the speed  
8 limit is two inches per second particle velocity and  
9 high frequency. Gas lines, water, underground  
10 utilities, damage isn't going to happen under ten  
11 inches per second. Even a conservative level for  
12 gas line is five inches per second.

13 So again, those structures being that  
14 close is going to scale this blast down, and so from  
15 our technical perspective those are not a risk with  
16 this kind of design.

17 CHAIRMAN ZUROFF: Okay. I know this  
18 is a real amateurish question, but I assume that you  
19 know the location of all the utility lines and pipes  
20 and so forth before you start blasting?

21 MR. SMITH: Obviously there are  
22 plans, but I can tell you that sometimes plans are  
23 wrong, but here's the important thing. When they  
24 call us in to blast, we're blasting solid ledge so

1 there's not a lot of chance. Once we rip that ledge  
2 down for there to be utilities in what we're doing.  
3 That's why we are there. We remove it. There could  
4 be a time when you're asked to go into a street to  
5 do a utility in the street and those particular  
6 times, yes, you have to pay very, very close  
7 attention to what is in there, that street.

8 CHAIRMAN ZUROFF: Okay. And your  
9 company is only involved in removing the ground, not  
10 taking down any of the existing buildings?

11 MR. SMITH: No. In fact, we're  
12 specialized to the blasting alone, not the  
13 excavation work, just strictly the blasting.

14 CHAIRMAN ZUROFF: You're not removing  
15 any of the resulting fill?

16 MR. SMITH: No.

17 CHAIRMAN ZUROFF: Okay. I don't have  
18 any other questions. Do you?

19 MS. PALERMO: I do. First of all,  
20 thank you for what was an incredibly enlightening  
21 presentation to me. I really like the comparison to  
22 the distributor in the car because it really was  
23 very good way for me to understand what electronic  
24 ignition has done for blasting. And in fact, I used



1 think the project will take for you to do the  
2 blasting alone? I realize there are other  
3 aspects.

4 MR. SMITH: It's months, not weeks  
5 because it's very scaled, and this isn't something  
6 you rush. You're very meticulous how you do this.  
7 Safety come first. And we won't stay any longer  
8 than we need to to do it right.

9 MS. PALERMO: That's what I need to  
10 know, months. And also based on what you described,  
11 this must be incredibly expensive?

12 MR. SMITH: Well, I would say there  
13 is a cost associated with it, but we do enough of it  
14 all over the country so that it's not  
15 unprecedented.

16 MS. PALERMO: No, no, I'm just  
17 imagining based on what you described that you do,  
18 the length of time that it takes and all the outside  
19 testing that you're doing and surveying, this is a  
20 huge cost to a project?

21 MR. SMITH: It is.

22 MS. PALERMO: Is it proprietary or  
23 can you tell me ballpark what would you estimate  
24 this would cost?

1 MR. SMITH: Right now our engineers  
2 are still doing take-offs based on our design,  
3 putting those numbers together, but it's probably a  
4 little bit premature to have a real firm number  
5 because we have some foundation designs that we are  
6 not privy to yet, so it would be estimates at this  
7 point, but we haven't developed them.

8 MS. PALERMO: Real general ballpark,  
9 Can you tell me what you charged to do the project  
10 next to Mass. General, just so I can get a sense?

11 MR. SMITH: Now, I'm digging back in  
12 time. I don't exactly remember what that was, but  
13 it was 60,000 cubic yards. I'm sure the cubic yard  
14 price was at that time probably \$60 a cubic yard,  
15 something like that back then.

16 MS. PALERMO: What is it now?

17 MR. SMITH: Well, every job is  
18 different. That's why we have to bid it. It's not  
19 like price --

20 MS. PALERMO: I understand. I'm not  
21 asking you to make a bid. I'm trying to get -- are  
22 we talking 100,000? A million? Three million?  
23 Just like a ballpark.

24 MR. SMITH: When we do aggregate work

1 in a quarry, it may only be less than a dollar a  
2 cubic yard, and blasting that we do sometimes goes  
3 all the way up to \$200 a cubic yard. I don't see  
4 this being \$200 a cubic yard, and I don't see this  
5 being a dollar cubic yard.

6 MS. PALERMO: That's great. I got  
7 it.

8 MR. SMITH: I'm a technical and I  
9 don't like to shoot from the hip.

10 MS. PALERMO: I understand. I  
11 appreciate that. Based again on what you described,  
12 all the ancillary work that you're doing and the  
13 length of time that the project is going to take  
14 you, I'm doing multiplication in my head, it's a lot  
15 of money, and I'm impressed with how you do it.

16 CHAIRMAN ZUROFF: It's more than you  
17 make for this hearing.

18 MS. PALERMO: I think that's right.  
19 Thank you.

20 CHAIRMAN ZUROFF: Any questions,  
21 Chris?

22 MR. HUSSEY: No.

23 CHAIRMAN ZUROFF: Thank you very  
24 much, sir. Now, it will be appropriate to hear from

1 the town peer reviewer as to this particular  
2 blasting project.

3 MS. SELKOE: This is Jay Perkins from  
4 Brierley.

5 MR. PERKINS: Jay Perkins. I'm the  
6 town's blast consultant, and I'm specifically in the  
7 planning and community development and I work with  
8 Alison.

9 (Technical difficulty).

10 Again, Jay Perkins, blasting town  
11 consultant. I work for Brierley Associates. My  
12 office is in Cambridge. My background is a  
13 geotechnical engineer with 35 years experience in  
14 underground design and construction, and I'm  
15 currently actively involved with several projects  
16 across the country involving blasting and evaluating  
17 the impacts of blasting.

18 Up to this point I completed a scope  
19 of work and that included conducting a site visit  
20 with the Town, with the blasting contractor. This  
21 happened last month with Chestnut Hill Realty. I  
22 reviewed the proposed development, geotechnical  
23 data. I reviewed the contract and the submitting  
24 blasting plan. I've identified required components

1 of the blasting plan. I identified the impacts of  
2 blasting in the nearby residences, people,  
3 sanctuary, Baker School, and I identified site  
4 safety and security, then ultimately provided  
5 recommendations that I felt was not included in the  
6 blast plan and any additional scope of work that I  
7 felt was needed during construction. And then  
8 finally I put all this together and I wrote a report  
9 and I submitted it to the Town and I believe it's  
10 on-line.

11                   This is an outline. I'll go over in  
12 a little more detail of what the contractor did  
13 relative to blasting, so I think you get a better  
14 understanding of what the vibration levels are and  
15 how they compare and how much you actually feel and  
16 not feel with all this.

17                   Anyway, I'm going through the blast  
18 plan, public relations, site safety, some of the  
19 details in blast design, impacts of blasting, and  
20 then provided my summary and recommendations.

21                   This is a laundry list of the blast  
22 plan, what I look for in a blast plan. These are  
23 all the details of what I feel are required in the  
24 blast plan; public relations, blasting

1 qualifications, and insurance, training that these  
2 workers have, scheduled hours of operation,  
3 duration, sequence, site safety, security, him  
4 understanding the geology, selection of explosives,  
5 blasting designs, detailed blasting designs and  
6 perimeter control. This is very important in this  
7 project because of close proximity to the buildings.  
8 Conducting test blasting, small conservative  
9 blasting, how they handle misfires and that's  
10 explosives that had not detonated, providing  
11 detailed post blast reports, not just for  
12 documentation, ID critical areas, structures  
13 utilities, and estimate and provide limits of ground  
14 vibrations and air overpressures and then conducting  
15 blast monitors and seismographs and controlling fly  
16 rock noise and dust and finally he has to follow all  
17 the federal and state and local regulations.

18           Just quickly going through the public  
19 relations and the outreach, pre-blast information,  
20 handouts or whatever, I don't know what the plans  
21 are, but they'll have some sort of informational  
22 handouts or something, maybe a sign board of what's  
23 going on daily, meeting with the abutters such as  
24 this, and allows for an opportunity for questions

1 and answers, and then conducting a pre-blast survey  
2 300 to 500 feet.

3 I'm impressed with the 500 feet,  
4 going out to 500 feet. That's a lot. Then most  
5 important thing of this pre-blast survey is that  
6 you're going to have hours and hours and hours of  
7 video. You have to know where you are and what  
8 you're looking at at any minute within those hours  
9 of video, and those should be verified. I've been  
10 on projects where they did surveys and opened up the  
11 videos and I don't know where I am. That's critical  
12 and that also provides an opportunity for questions  
13 and answers.

14 Site safety and security, daily  
15 safety meetings, fire department on-site during  
16 every blast, blast security. The contractor pointed  
17 out his plan showing the access point safety area,  
18 locations, charge holes. Once the holes are loaded  
19 that area is barricaded. Warning signals. Those  
20 are the three, two, one. Three and two before and  
21 the one signal when you're all clear afterwards.  
22 Sherman Road closed to vehicles and pedestrians.  
23 Shot pass that fly rock control. That's matting.  
24 He's proposing double matting and actually I would

1 like to see blast rock berms constructed all along  
2 the blast area. Then of course blast monitoring.  
3 I've got five points. I would like to stick one,  
4 the sanctuary, just to see what's going on there.

5           Just quickly, the blast designs, so  
6 people get an understanding of what the actual blast  
7 design is. This would be probably one of his test  
8 blast, basically two to three inch diameter holes,  
9 ten feet deep, spaced at five, six feet on center  
10 and that's a typical bench blast where you have two  
11 three phases and then you load the hole. This is a  
12 typical load so you get an understanding of what is  
13 in each hole. That's the electronic, the layout,  
14 the electronic detonator that the contractor was  
15 talking about.

16           I was pretty impressed with that when  
17 you were discussing costs. Those electronic  
18 detonators cost like four, five, six times more  
19 sometimes than what you would normally use. They  
20 are very, very expensive and he's using thousands of  
21 them. I was impressed that the need for those or  
22 recognizing the need for those in this project.

23           He's using a detonator plus the cast  
24 booster provides for the primer that detonates the

1 explosive and this is a typical hole, about nine  
2 feet deep, about nine pounds of explosives in there.  
3 That would detonate and the hole was capped off with  
4 crushed gravel so you don't have a rifling effect of  
5 the energy going out of the top, so it's contained.  
6 Then there is actually a lead wire that leads to the  
7 blast machine.

8                   This is a summary of his blast  
9 designs that he submitted in his blast plan. He has  
10 a minimum of three test blasts and then he has  
11 preliminary four production blasts. That is a  
12 starting point. He'll start with the test blast and  
13 then the range in depth from six to twelve feet, the  
14 number of holes 12 to 40. The delays range about --  
15 I'm sorry, the weight of the explosives is between  
16 three and fourteen pounds, and those are the  
17 distances to the Hancock Apartments roughly 100  
18 feet, 110 feet, and from those designs he had to  
19 estimate the peak particle velocity and the air  
20 overpressure for each one of these.

21                   And I'm going to show you how that  
22 compares to what the proposed limits are. I got  
23 this from the blast plan. That shows the starting  
24 location which is the west end of this building

1 wrapping around Sherman Road. The test blast one  
2 two and three, that's the location there.

3           The impacts of blasting, that's the  
4 undesirable side effects of the blasting. That's  
5 vibrations, air blast overpressure, and that's the  
6 pressure above and beyond the atmosphere, and the  
7 fly rock. The desirable effect of blasting is  
8 fracturing the rock. This is the byproduct  
9 afterwards. I don't want to get into this too much,  
10 but it's a measure of -- you measure how the speed  
11 at which the ground moves, not the speed at which  
12 the seismic wave travels through the ground. It's  
13 the speed in which the ground moves as the wave  
14 travels past.

15           The seismic wave travels through the  
16 ground at 12,000 feet per second, 10,000 feet per  
17 second, but the actual movement of the ground, of  
18 the displacement of the ground is like the  
19 contractor pointed out, point five inches per  
20 second, two inches per second. You can also from  
21 that if you stay below industry standard limits, the  
22 displacements are actually 0.008 inches, basically  
23 paper thin. It also gets acceleration and  
24 frequency.

1                   Those are the monitoring locations.  
2   During the test blast they will be 100 feet or so,  
3   under 10 feet.   During production blasting it will  
4   get up to 25, 30 feet.   That's close, 25, 30 feet.  
5   That's the Baker School, I think it's 700, 800 feet.  
6   The medical facility 1,200, and the sanctuary I'm  
7   dropping one -- I would like to drop one in 50 feet  
8   into the woods to see what we get.

9                   This is the limits that the  
10   contractor has proposed.   It's a U.S. Bureau Mines,  
11   it's an industry standard, and the particle velocity  
12   is the vertical scale and is based on the frequency.  
13   You can see the range of .4 at that line going up to  
14   two inches per second, and it is a function of the  
15   frequency.   You can see in the upper right-hand  
16   corner, the range of frequencies for construction  
17   blasting, and again that's for our residential  
18   structures, one, two story structures, and that's a  
19   safe limit that if you stay under that limit,  
20   there's less than a five percent probability of  
21   causing any damage.

22                   Again, that does not apply to  
23   engineer structures.   You asked about pipelines,  
24   stuff like that, and for pipelines, massive bridge

1 abutments underground structures, pipelines is four,  
2 five, six, seven, ten inches per second, much higher  
3 than what you require for one and two story  
4 structures. I also from that if you notice I  
5 plotted the Hancock, the results of his test blast  
6 on the Hancock apartments the two Xs, that's where  
7 we fall into the peak particle blasting. I actually  
8 went through all his designs.

9           This is just to give you a general  
10 idea of what the vibration level is and what it  
11 feels like. Barely perceptible to humans, .02 to  
12 .05 inches per second. When you start feeling it,  
13 it's about .2 to .5 inches per second. Then  
14 above -- again, that's below the line, the vibration  
15 limit -- and on the left you see walking, slamming  
16 doors, and running, that's what it would have to  
17 take for those vibration levels to occur.

18           Again, I plotted out the results of  
19 the test blast. This is at Beverly Road and the  
20 Baker School, the two Xs. Because it is so far out,  
21 it's much, much lower. It's less than .1 inches per  
22 second. The contractor mentions that. I think the  
23 trigger value on a typical seismograph is .05 inches  
24 per second, so it probably would not even trigger

1 the instrument.

2           On this is the air overpressure and  
3 the limits for the air overpressure, also U.S.  
4 Bureau of Mines standard of limit, and I calculated  
5 the test blast estimates ranged about 110, 120  
6 decibels. The seismograph measures the air  
7 overpressure and pressure, and it converts it into  
8 decibels. This is just in the decibel scale on the  
9 linear scale between 110 and 120 for the test blast,  
10 and the limit, industry standard limit is 133 and  
11 that's what is going to be set for this project.  
12 That is what is proposed in the plan. And then 140,  
13 just to give you an idea, it's like sticking your  
14 face out a window in a car going 40 miles an hour.  
15 150 to 170 you break windows. Down on the right I  
16 applaud the location of the test blast air  
17 overpressure estimate.

18           Fly rock, that's a concern at the  
19 site because of proximity to the buildings. That's  
20 an undesirable throw of the rock fragments of the  
21 blast run. You can actually throw these rocks  
22 beyond the safe area and you prevent that with  
23 matting and the contractor has proposed double  
24 matting, which is very good. He has also proposed

1 the construction of rock, the blast rock berms to  
2 try to contain all of this.

3           These are my pictures of -- this is  
4 actually what this site is going to look like. This  
5 is a wooded area. This is a project that I had last  
6 year, putting a project building in. Where there  
7 was an outcrop, they blasted it down and stripped  
8 the vegetation and exposed the rock and then drilled  
9 the holes, and that's 150 feet to those apartment  
10 buildings. There's conservation of wetlands area  
11 that they blasted right next to. You see all the  
12 blast holes.

13           This is again just pictures of the  
14 site outcrops. On the left there there is an  
15 apartment building. Just to the right and then you  
16 see another apartment building in the background.

17           In summary, obviously the most  
18 important thing is to start with a good blasting  
19 contractor, and based on his blast plan, he's  
20 definitely a good contractor. He's qualified.  
21 There is no doubt about that. Provided a good  
22 public relation and a pre-blast survey, provided  
23 on-site safety. The test blasting is a very  
24 important start with a small conservative blast to

1 get a feel of how the rock is going to break, how  
2 the surrounding -- the impacts of it.

3           And then one thing I'm adding in  
4 this, the generator regression analysis and that's  
5 basically a statistical analysis of the data from  
6 the test blast and use that information and apply it  
7 to production blasting. Then of course using safe  
8 vibration and air overpressure limits of U.S. Bureau  
9 of Mines. That's the industry standard.

10           Then just a few comments about  
11 blasting and that's elastic displacements, as I  
12 mentioned are paper thin. If the vibration limits  
13 is not exceeded, paper thin is .0008 inches. That's  
14 the actual displacements that the ground moves very,  
15 very little. Air overpressure is generally not a  
16 concern when you don't exceed the vibration limits.  
17 Then I think flat rock is the biggest threat.

18           These are my recommendations. I love  
19 the use of electronic initiation and it costs a  
20 fortune. I'm very impressed with that, that that's  
21 going to happen for the reasons that contractor  
22 explained, double matting. This is something that  
23 is probably not related to the contractor, but that  
24 should happen as a geotechnical engineer evaluating

1 the exposed blasted rock. He's going to have 20, 30  
2 foot high rock walls. That's has to be looked at by  
3 the geotechnical engineer and stabilized in order to  
4 continue working in that area. That's my  
5 geotechnical engineer coming up.

6 I should be present during the test  
7 blast. I would like to see the test blasting going  
8 on. Post-blast reports within 24 hours, I would  
9 love to see those. And then also the submitted  
10 regression analysis, the updated regression analysis  
11 and revised design because he will be revising his  
12 designs weekly. And then finally controlling noise  
13 and dust and elaborate systems for dust control is  
14 an air vapor injection system that I would like to  
15 see. That's it. For questions, I'm putting up this  
16 blast plan laundry list because it may jog some  
17 questions along with things that could be an issue.

18 MS. PALERMO: I don't have any at the  
19 moment.

20 CHAIRMAN ZUROFF: Chris?

21 MR. HUSSEY: No.

22 CHAIRMAN ZUROFF: My one question to  
23 you is: Can you put your recommendations into  
24 written form so that we can incorporate them as a

1 condition for our permitting? That's all I need to  
2 know.

3 MR. PERKINS: Okay. No problem.

4 CHAIRMAN ZUROFF: Thank you. Just as  
5 a matter of response, Mr. Levin, I assume that you  
6 and your blasting contractor have no objection to  
7 following the recommendations of our peer reviewer?  
8 You can tell me otherwise.

9 MR. LEVIN: Well, now that I hear how  
10 expensive the electronics system is, had I known, we  
11 just did a job with it and it is remarkable. I  
12 probably can describe it in layman's terms a little  
13 bit better about firing off a lot of little charges  
14 with that .004 per second each one. It sounds like  
15 one blast, but it's many. That's how they keep the  
16 vibration down because there's a lot of little  
17 blasts, a lot of them, and it's only achievable with  
18 this electronic technology. So had I realized how  
19 expensive it was, however, I would have done one big  
20 charge and blown us all to kingdom come. No, it's  
21 fine, and I appreciate the professionalism of both  
22 our contractor and the peer reviewer.

23 I make light of it, but it's no  
24 joking matter that public safety is criminal and if

1 something goes wrong on this kind of thing, nobody  
2 is happy. It is important to us and it is important  
3 to everyone, so, yes, we will conform to those  
4 recommendations.

5 CHAIRMAN ZUROFF: Thank you. Okay I  
6 suppose that we're running a little late. I would  
7 like to keep things moving. I don't think we're  
8 going to address the waivers this evening. I think  
9 it's appropriate for us to review them, all of us  
10 has to have time to review them, and we also want to  
11 review conditions which hopefully will be ready for  
12 us for the next meeting.

13 It may be appropriate for us to  
14 express any opinions on what we've heard among the  
15 Board members and maybe to discuss a possible  
16 recommendation in terms of what our ultimate  
17 decision will be.

18 Let me say this: From my  
19 perspective, I've read the petition presented by the  
20 neighbors and the public. I take that quite  
21 seriously. I think they put a lot of work into it.  
22 I think that is something that we are all concerned  
23 about in terms of the public response to any kind of  
24 application like this.

1                   That being said, I will reiterate  
2 that we as a Board, at least I do, listen very  
3 carefully to the presentations that we have heard in  
4 our hearings, and we as a Board rely very heavily on  
5 the peer reviewers' recommendations in terms of  
6 addressing the concerns that we have to address for  
7 public safety and protecting the neighborhood.

8                   The points that are made in the  
9 submission by the public I think are well taken, but  
10 each of those cases that you cited -- I've read them  
11 briefly, I didn't read them with the detail that I  
12 would ordinarily in my practice -- but they are  
13 distinguishable in my opinion from the present  
14 situation. Each of those cases dealt with certain  
15 situations that are not present here.

16                   This I look at it as a particular  
17 kind of project because the entire project being  
18 proposed is contained within the properties that's  
19 owned by the applicant. We do of course respect the  
20 nearest abutters but there are no direct abutters to  
21 this application project other than the petitioner  
22 themselves, but we obviously consider the Hoar  
23 Sanctuary as part of the public trust and as well as  
24 the school and the nearest abutters, even though

1 they may be 750 feet away.

2           Density is an issue. I've asked for  
3 consultation with town counsel. We've heard it  
4 repeatedly that the mere question of density is not  
5 what we consider here. We consider all factors that  
6 affect the public safety and welfare, but increasing  
7 the number of families that live in a certain area  
8 is not part of, in my opinion, the purview of 40B  
9 review. Nonetheless, we all think that stacking  
10 people on top of people on top of people is not  
11 necessarily a good idea, but within the parameters  
12 of our 40B review, I don't think that that's a major  
13 factor. I know it is a major concern of the  
14 neighborhood. I'm one of the neighborhood.

15           The number of people and the number  
16 of families and children that are in a certain area  
17 is obviously a concern, but we have also heard from  
18 traffic reviewers and from the other town peer  
19 reviewers as to the net effect on the public as to  
20 the increased density. And in my mind we haven't  
21 heard anything that has a severe negative effect on  
22 the public, and we are governed by the need as  
23 mandated by the statute to increase the affordable  
24 housing in the town.

1                   So based on the modifications that  
2 evolved through the group sessions and with the  
3 input of all of the peer reviewers, it appears to me  
4 that we have a project that is viable within the  
5 statute. I do appreciate the fact that the  
6 applicant has made progress and worked with the peer  
7 reviewers. I also appreciate clearly that the  
8 public's input is important in our considerations.

9                   But that being said, it's still my  
10 evaluation that we have essentially a viable project  
11 and this is what we're all talking about. So I'm  
12 interested to hear your input as well. And I have  
13 already said that I would like this building to be  
14 smaller, but nonetheless, I don't have empirical  
15 data that forces me to come to another conclusion.

16                   MR. HUSSEY: I think you're right.  
17 No argument planning on consultants with the  
18 thoroughness to review these issues and advised us  
19 and made these presentations.

20                   MS. PALERMO: I tend to agree. I  
21 think that the peer reviewers by and large have  
22 given us very specific information that actually  
23 supports the applicant's proposal as it's evolved.  
24 And I also read the cases, and there is very

1 specific language that you need to have a  
2 sophisticated analysis that demonstrates otherwise  
3 if you're going to find that the local concerns are  
4 more significant than the need for affordable  
5 housing, and I think the objective evidence is not  
6 there for that analysis.

7 CHAIRMAN ZUROFF: Right. We're not  
8 making a decision tonight, but we want to have some  
9 direction here. And we have yet to see the final  
10 video. Clearly that's aesthetic more than anything  
11 else, but it's important. And we will, and I  
12 promise you I will review these proposed waivers so  
13 that we can go through them one by one, and we can  
14 express our opinions on them then, and I also want a  
15 thorough compilation, which I know that our Planning  
16 Department will work on as to the conditions.

17 And clearly from tonight one of the  
18 conditions is that we follow the recommendations of  
19 the peer reviewer as to the blasting and that  
20 clearly Cliff's recommendations are also taken into  
21 consideration. There are a lot of conditions that  
22 will be part of this process, and so we want -- and  
23 I know you will -- provide a thorough analysis and  
24 compilation of those conditions that have come out

1 of these hearings.

2 At this point I think -- and I know  
3 the public wants to be heard and I do want to hear  
4 the public -- but I think it would be better if we  
5 postponed it until Monday. I'm sure Monday will be  
6 a long hearing, but we will accomplish a lot on  
7 Monday. And so we will hear from the public.

8 Let me say this: If somebody  
9 actually wants to speak to us about the blasting,  
10 then I'm willing to hear that. It is far too  
11 scientific for me to opine on whether the proposals  
12 and the peer reviewer are accurate or not, but if  
13 somebody actually wants to talk about the blasting  
14 and concerns of the neighborhood, I'll hear that,  
15 but as far as the design and the overall project, I  
16 think I'll reserve the public comment until Monday.  
17 Mr. Chiumentì?

18 MR. CHIUMENTI: Steve Chiumentì, town  
19 meeting member of Precinct 16. As far as blasting  
20 goes, I'd love to hear a blasting expert indicate  
21 that he's aware that all of the National Grid pipes  
22 in this area have been breaking spontaneously.  
23 We're not talking about a normal situation.  
24 Basically there has been a lawsuit. The town has

1 settled the lawsuit with National Grid. This entire  
2 area has at least hundred-year-old natural gas  
3 pipes. It is inevitable what is going to be  
4 happening and of course National Grid is going to  
5 assist in the future if the pipes break. It is the  
6 blaster's fault. It is going to say it's National  
7 Grid's fault. That's the inevitable thing. It  
8 would be nice to hear a blasting expert to indicate  
9 he actually knows what has been going on in the  
10 neighborhood.

11 CHAIRMAN ZUROFF: Thank you. Anybody  
12 else want to speak about blasting?

13 MR. DENNIS: May I ask a question?

14 CHAIRMAN ZUROFF: Sure.

15 MR. DENNIS: Sam Dennis, and I live  
16 on Beverly Road, 130 Beverly Road. I have a simple  
17 question. How deep will the pit be?

18 CHAIRMAN ZUROFF: That's a reasonable  
19 question. Mr. Smith?

20 MR. SMITH: At the deepest elevation  
21 is around 30 feet.

22 MR. DENNIS: Okay. Thank you.

23 CHAIRMAN ZUROFF: Thank you.

24 MS. LEICHTNER: I have two questions.

1 Judy Leichtner, town meeting member of Precinct 16.  
2 I have a question about the effects on wildlife in  
3 the sanctuary. I didn't hear any comment about that  
4 and I wonder if they can speak to that. And the  
5 other question is about rats, because there have  
6 been problems when they've done street stuff with  
7 rats and houses. I want to know if anybody could  
8 address that issue as well.

9 CHAIRMAN ZUROFF: It's reasonable  
10 questions. Mr. Smith, Mr. Perkins, and Mr. Levin?

11 MR. SMITH: I'm not rat expert, but I  
12 can speak to the environmental effects of blasting.  
13 There is often concern when we are in  
14 environmentally sensitive areas, and sometimes even  
15 when we are in populated areas, thorough bred  
16 horses, how are they going to react; very  
17 particularly concerned about American Eagle nesting  
18 areas, but we've done a lot of work in those types  
19 of environments, and it turns out that the  
20 limitations that we have is the best example that I  
21 can give for the audio response, which would be what  
22 would startle people and/or wildlife is less than a  
23 thunderclap.

24 So in reality, in their own

1 environment, they are subjected to pressures from  
2 thunder, electrical storm, all of that wildlife in  
3 excess of what we're allowed to generate.

4           Again, I go back to this is at that  
5 closest location. The sanctuary is further away.  
6 And you heard the consultant also mention about how  
7 that relates to wind, the pressure of  
8 40-mile-an-hour wind, some 140 decibels, we only  
9 make 133, that sounds close. Decibels are  
10 logarithmic. Every 6 decibels, the sound intensity  
11 is doubled. You go from 133 our limit to 140,  
12 that's over twice the amount of pressure. That  
13 stimulus is already there in the environment. So  
14 consequently when we are blasting around nesting  
15 eagles, they could care less. They're not bothered  
16 at all. That's really been by experience with the  
17 wildlife.

18           CHAIRMAN ZUROFF: And the rats?

19           MR. SMITH: Well, it's very common on  
20 any construction project to have a rodent control.  
21 Why? Because when you disturb -- it's more to do  
22 with the excavation work than it is to do with the  
23 blasting, because you'll see that in projects that  
24 have no blasting at all. When you change the

1 landscape, those critters are living there and you  
2 change their environment, then -- you didn't create  
3 them; you just change their...

4 CHAIRMAN ZUROFF: We understand.  
5 Thank you. Mr. Perkins, anything to add to that?

6 MR. PERKINS: No.

7 CHAIRMAN ZUROFF: Mr. Levin, do you  
8 want to add anything? Talk about rats? No? Okay.

9 MS. PALERMO: I have a question.  
10 Rather than wait until Monday to bring this up, I  
11 have had a question that I would like to just ask  
12 the other members of the panel. It goes back to  
13 this alternative plan and the timing of all of this.  
14 And it seems to me, and we can talk about this more  
15 Monday, but I figured I'd raise it now. It seems to  
16 me that the applicant is imposing on the Town the  
17 condition as opposed to the other way around. And I  
18 know that doesn't sound logical, but if the  
19 applicant agreed, we could just continue this  
20 hearing until it got to the point where there could  
21 be a hearing on the 40A case.

22 CHAIRMAN ZUROFF: Well, unfortunately  
23 the time limits on the 40B require us to make a  
24 decision within a certain amount of time. We cannot

1 wait until the 40A project is completed.

2 MS. PALERMO: Unless the applicant  
3 agrees?

4 MS. PALERMO: That's right.

5 MS. PALERMO: Yeah, the applicant can  
6 agree.

7 CHAIRMAN ZUROFF: The applicant could  
8 agree.

9 MS. PALERMO: That takes the onus off  
10 the Town and puts it on --

11 CHAIRMAN ZUROFF: Alison, I'm happy  
12 to hear from you since you're our governor.

13 MS. STEINFELD: I'll defer.

14 MR. SWARTZ: What we're saying is  
15 we're not attempting to impose anything on the Board  
16 or on the Town. We are suggesting that per your  
17 consideration a condition. It's really up to you  
18 whether you want to impose that condition or not.

19 But beyond that, I think the language  
20 that we're suggesting and the reality of the  
21 situation is we are going forward with special  
22 permit applications but there are other approvals  
23 that are required for us to be able to pursue that  
24 alternative project, most notably approval of the

1 neighborhood Conservation District Commission, which  
2 we have no idea whether that will be forthcoming or  
3 when it might be forthcoming. So we were careful to  
4 point out that it wasn't just the special permit  
5 that would be required but essentially any  
6 discretionary approvals, the NCD being one of them,  
7 that we would need to obtain a building permit for  
8 that alternative in order for us to pursue that. So  
9 that's for better or for worse that's probably some  
10 time away from where we are right now.

11 MS. PALERMO: I'll ask Polly because  
12 I don't know, or Alison, How does that  
13 neighborhood --

14 MS. SELKOE: The time frame?

15 MS. PALERMO: How does it operate and  
16 how quickly?

17 MS. SELKOE: They have not actually  
18 submitted formally to the Building Department  
19 because they need to go through a preliminary  
20 process, and it's hard to predict how long that  
21 would take the meeting, preliminary Planning Board  
22 meeting and they choose a DAT that meets several  
23 times.

24 It's after that time that they

1 applied for their denial letter, the Building  
2 Department. That can take up to 30 days to get the  
3 denial letter. Typically it doesn't. Then they  
4 have to be scheduled for both the Planning Board and  
5 Board of Appeals, so we're really talking six to  
6 eight months, possibly.

7 MS. PALERMO: Yes, I appreciate that.  
8 Really my question is about the neighborhood counsel  
9 that he's referring to.

10 MS. SELKOE: The DAT?

11 MS. PALERMO: No, conservation.

12 MS. SELKOE: Well, I believe it would  
13 be --

14 MS. PALERMO: I don't know anything  
15 about this.

16 MS. SELKOE: Maybe Chestnut Hill  
17 Realty should address that. They have actually  
18 appealed the legality of the NCD in court cases. It  
19 takes a long, long time.

20 CHAIRMAN ZUROFF: Let me say this,  
21 that we have always proceeded here as if we are  
22 acting on the original proposal, the 40B  
23 application. We are aware and the applicant has  
24 voluntarily proposed a condition to being inserted

1 into whatever decision we make that would require  
2 them, because they've agreed, that in the event that  
3 they get the 40A approval for the alternative  
4 proposal, that they will withdraw the portion of the  
5 project, the infill buildings to modify the 40B  
6 permit.

7           So I understand that is something  
8 that we would like to see. It appears that it is a  
9 better project, but we can't, number one, speak for  
10 what happens in the 40A application. We have no  
11 control over the Conservation Commission's activity  
12 on their application.

13           I think we have to approach it as  
14 something that is remote, but they're allowing us to  
15 put in a condition in whatever permit we grant under  
16 the 40B. I think we have to proceed on that  
17 basis.

18           MS. SELKOE: If you didn't put in  
19 that condition, actually all it means is that they  
20 would have to come back for a modification. The  
21 condition will make it so they don't have to come  
22 back to you asking for a modification.

23           MS. PALERMO: No, I appreciate this.  
24 The option is to make a condition that doesn't

1 include the infill buildings.

2 MS. SELKOE: Yes.

3 MS. PALERMO: I just want to be  
4 clear.

5 CHAIRMAN ZUROFF: Yes.

6 MS. PALERMO: That's our option.

7 CHAIRMAN ZUROFF: That's an  
8 alternative that goes into a different direction,  
9 then it becomes an economic argument. We want to go  
10 there and that's something we can talk about.

11 MS. PALERMO: I just want to bring  
12 all this up tonight and not bring it up on Monday  
13 for the first time because these are the things that  
14 are running through my mind.

15 CHAIRMAN ZUROFF: It is clear that  
16 we've all been aware of that. I think that we will  
17 have further discussion on it before we come to a  
18 final decision.

19 MS. PALERMO: I think based on all  
20 the evidence that has been presented to us, the  
21 infill buildings are the only part of this project  
22 right now that I've heard some negative comments  
23 about, and I think it relates to fire safety,  
24 density, design, and so that's the one piece of the

1 project that I think I would be willing to talk  
2 about on Monday.

3 CHAIRMAN ZUROFF: Okay.

4 MS. FRAWLEY: Regina Frawley from  
5 Precinct 16. I'm coming in late. I was down at  
6 this Zoning Committee. I was looking today at the  
7 warrant articles and in there is a removal and an  
8 agreement if it prevails at town meeting and the  
9 agreement is to eliminate the NCD or Hancock  
10 Village. So it could be moot whether it's ten  
11 months. As soon as town meeting is over, if we were  
12 to vote for that, it would be moot.

13 CHAIRMAN ZUROFF: At this point we  
14 can't even consider what the warrant says.

15 MS. FRAWLEY: You can't figure it  
16 out?

17 CHAIRMAN ZUROFF: Because it has  
18 nothing to do with this proceeding. I understand  
19 it's a town meeting action, but personally I haven't  
20 seen the town warrants.

21 MS. FRAWLEY: It's available.

22 CHAIRMAN ZUROFF: I understand that,  
23 but it's not part of our process, so I don't know if  
24 we have the jurisdiction to consider what the town

1 meeting might do. If it does come up and the town  
2 meeting --

3 MS. FRAWLEY: It's just information.

4 CHAIRMAN ZUROFF: I understand. The  
5 town meeting is soon and if it happens before we  
6 actually render a decision, then certainly we would  
7 consider that.

8 MS. FRAWLEY: It's important that you  
9 do know it's a possibility.

10 CHAIRMAN ZUROFF: And I'm sure you  
11 will bring it to our attention as well as other  
12 people. I appreciate you bringing it to our  
13 attention. I think at this point, do we have any  
14 other administrative business that we have to  
15 address?

16 MS. SELKOE: The continuation.  
17 That's it.

18 CHAIRMAN ZUROFF: Without further  
19 discussion, this meeting will be continued on  
20 Monday, same time, same place. Thank you very much  
21 for your participation. Thank you.

22 (Whereupon, the hearing adjourned at  
23 9:15 p.m.)

24

1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS

3 Worcester, ss.

4 I, Jennifer A. Doherty, Certified  
5 Shorthand Reporter and Notary in and for the  
6 Commonwealth of Massachusetts, do hereby certify  
7 that the foregoing Pages 1 to 89 to be a true,  
8 complete and accurate transcript of the testimony of  
9 the aforementioned hearing held at the time and  
10 place hereinbefore set forth, to the best of my  
11 knowledge, skill and ability.

12

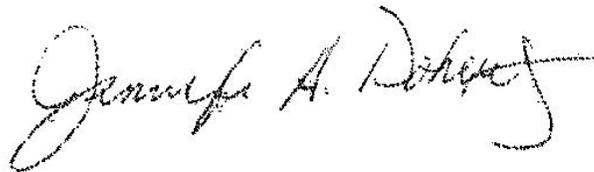
13 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY  
14 HAND AND SEAL THIS 19TH DAY OF SEPTEMBER, 2018.

15

16

17

18



19

Certified Shorthand Reporter

20

CSR No. 1398F95

21

22 My Commission Expires:

23 October 19, 2023

24

<hr/> <p style="text-align: center;"><b>\$</b></p> <hr/> <p><b>\$200</b> 57:3,4</p> <p><b>\$60</b> 56:14</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p><b>0.008</b> 64:22</p> <p><b>0008</b> 69:13</p> <p><b>004</b> 71:14</p> <p><b>02</b> 66:11</p> <p><b>05</b> 66:12,23</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1</b> 66:21</p> <p><b>1,200</b> 65:6</p> <p><b>1.33</b> 47:21</p> <p><b>10</b> 65:3</p> <p><b>10,000</b> 64:16</p> <p><b>100</b> 47:20 63:17 65:2</p> <p><b>100,000</b> 56:22</p> <p><b>101</b> 40:3</p> <p><b>11</b> 4:14 39:2,8</p> <p><b>11,000</b> 44:20</p> <p><b>110</b> 63:18 67:5,9</p>	<p><b>12</b> 13:5 63:14</p> <p><b>12,000</b> 64:16</p> <p><b>12-foot</b> 44:21 50:3</p> <p><b>120</b> 67:5,9</p> <p><b>130</b> 78:16</p> <p><b>133</b> 67:10 80:9,11</p> <p><b>140</b> 67:12 80:8,11</p> <p><b>150</b> 67:15 68:9</p> <p><b>16</b> 77:19 79:1</p> <p><b>17</b> 6:6</p> <p><b>170</b> 67:15</p> <p><b>180</b> 43:10</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 66:13</p> <p><b>20</b> 44:22 70:1</p> <p><b>20-foot</b> 41:11 44:20</p> <p><b>2016</b> 18:11 23:16 29:4</p> <p><b>24</b> 70:8</p> <p><b>25</b> 65:4</p> <p><b>250</b> 43:22 50:22</p> <p><b>265-299</b> 5:6</p> <p><b>29</b> 16:13</p>	<hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 44:22 65:4 70:1 78:21</p> <p><b>30-foot</b> 40:24 41:4</p> <p><b>300</b> 61:2</p> <p><b>35</b> 58:13</p> <p><b>36</b> 37:14</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 65:13</p> <p><b>40</b> 49:16,20 50:2,3 63:14 67:14</p> <p><b>40-foot</b> 49:19</p> <p><b>40-mile-an-hour</b> 80:8</p> <p><b>40A</b> 13:14 14:16 15:8 81:21 82:1</p> <p><b>40B</b> 4:8,10 10:4,23 13:2 15:2,7,9,10,12 32:3 38:18 74:8,12 81:23</p> <p><b>40bs</b> 12:13</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 66:13</p> <p><b>50</b> 47:19 65:7</p> <p><b>500</b> 44:1 50:23 51:1 61:2,3, 4</p> <p><b>5A</b> 23:13</p>	<hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 80:10</p> <p><b>60</b> 40:14</p> <p><b>60,000</b> 41:4 56:13</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>700</b> 65:5</p> <p><b>750</b> 74:1</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8-10</b> 3:22</p> <p><b>80-foot</b> 40:14</p> <p><b>800</b> 65:5</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>able</b> 9:21 38:3 41:7 42:24 47:22 48:5 82:23</p> <p><b>absolutely</b> 21:6 37:11</p> <p><b>abutments</b> 66:1</p> <p><b>abutter</b> 14:10</p> <p><b>abutters</b> 14:9 60:23 73:20,24</p> <p><b>acceleration</b> 64:23</p> <p><b>access</b> 22:3 24:21 31:15 37:2, 3,10 38:5,9,19 45:9,15, 20 61:17</p> <p><b>accessible</b> 9:18 29:18 36:3</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>accomplish</b> 77:6	<b>advantages</b> 38:1	<b>allows</b> 47:21 60:24	<b>anybody</b> 3:12 46:20 78:11 79:7
<b>accurate</b> 46:16 77:12	<b>advised</b> 75:18	<b>alternative</b> 4:8 21:22 24:20 31:23 32:7 33:7 38:2,23 81:13 82:24	<b>anyway</b> 17:16 24:23 25:23 59:17
<b>achievable</b> 71:17	<b>advisory</b> 39:3	<b>amateurish</b> 52:18	<b>apartment</b> 6:17 68:9,15,16
<b>act</b> 4:3	<b>aesthetic</b> 76:10	<b>amazing</b> 32:13	<b>apartments</b> 13:7 63:17 66:6
<b>active</b> 41:20 45:9	<b>affect</b> 10:14 52:6 74:6	<b>amenity</b> 33:22 38:1	<b>apologize</b> 17:9
<b>actively</b> 41:12,18 58:15	<b>affordability</b> 13:6,9 15:1 36:6	<b>American</b> 79:17	<b>apology</b> 11:10
<b>activities</b> 42:4	<b>affordable</b> 29:19 35:13 36:9,14,16, 22 37:24 74:23 76:4	<b>amicable</b> 4:11	<b>apparent</b> 8:10
<b>activity</b> 20:1 40:19	<b>afterward</b> 51:2	<b>amount</b> 26:3,24 42:18 44:12 51:16 52:5,7 80:12 81:24	<b>Apparently</b> 4:16
<b>actual</b> 45:7 46:8 62:6 64:17 69:14	<b>agency</b> 36:20	<b>analogous</b> 14:9	<b>Appeals</b> 3:4
<b>add</b> 33:22 47:19 81:5,8	<b>agenda</b> 5:8	<b>analysis</b> 42:8,14 69:4,5 70:10 76:2,6,23	<b>appear</b> 18:14
<b>added</b> 37:12	<b>aggregate</b> 12:15 54:18 56:24	<b>ancillary</b> 57:12	<b>appears</b> 21:9 75:3
<b>adding</b> 69:3	<b>ago</b> 12:12 17:14,15 18:9 25:5 26:3 29:12 32:12 54:3	<b>and/or</b> 79:22	<b>applaud</b> 67:16
<b>additional</b> 59:6	<b>agree</b> 5:2 75:20 82:6,8	<b>animated</b> 22:14	<b>applicant</b> 3:23 4:2 10:21 73:19 75:6 81:16,19 82:2,5,7
<b>address</b> 3:12 35:11 36:1 37:9 54:15 72:8 73:6 79:8	<b>agreed</b> 4:18 5:1 81:19	<b>animation</b> 48:11	<b>applicant's</b> 39:13 75:23
<b>addressed</b> 35:17 50:13	<b>agreement</b> 3:24 10:17,22 14:23	<b>annotated</b> 17:9 27:23	<b>application</b> 72:24 73:21
<b>addresses</b> 27:11	<b>agrees</b> 82:3	<b>annotations</b> 18:5,6	<b>applications</b> 82:22
<b>addressing</b> 16:1 73:6	<b>air</b> 60:14 63:19 64:5 67:2, 3,6,16 69:8,15 70:14	<b>answer</b> 33:24	<b>apply</b> 42:22 65:22 69:6
<b>adjacent</b> 48:21 49:2 50:17	<b>Alison</b> 58:8 82:11	<b>answers</b> 61:1,13	<b>appointed</b> 39:3
<b>adjunct</b> 33:1	<b>allow</b> 10:16	<b>anticipate</b> 11:7 51:19	<b>appreciate</b> 16:1 57:11 71:21 75:5,7
<b>adjusted</b> 45:3	<b>allowed</b> 12:17 46:5 80:3	<b>anxious</b> 50:10	<b>appreciation</b> 46:24
<b>advantage</b> 47:6			<b>approach</b> 12:24

<p><b>appropriate</b> 15:13 33:1 43:6 57:24 72:9,13</p> <p><b>approval</b> 30:11 31:23 35:9 82:24</p> <p><b>approvals</b> 13:15 82:22</p> <p><b>approved</b> 12:14 15:8</p> <p><b>approximate</b> 9:20</p> <p><b>April</b> 17:20</p> <p><b>architect</b> 6:12</p> <p><b>architecture</b> 16:20</p> <p><b>area</b> 6:21 9:24 10:8 18:12 27:4 44:5 45:8,13,15,22 48:16,21 49:10 61:17, 19 62:2 67:22 68:5,10 70:4 74:7,16 77:22 78:2</p> <p><b>areas</b> 13:22 28:10 51:17 60:12 79:14,15,18</p> <p><b>aren't</b> 29:6,22</p> <p><b>argument</b> 75:17</p> <p><b>articulation</b> 7:22 16:18 27:1,15 28:11,20 31:4</p> <p><b>Ashville</b> 13:24</p> <p><b>asked</b> 40:13 41:23 53:4 65:23 74:2</p> <p><b>asking</b> 56:21</p> <p><b>aspects</b> 55:3</p> <p><b>assessment</b> 41:14</p> <p><b>asset</b> 12:22 14:19</p>	<p><b>assist</b> 78:5</p> <p><b>assistant</b> 16:11</p> <p><b>associated</b> 55:13</p> <p><b>Associates</b> 58:11</p> <p><b>assume</b> 52:18 71:5</p> <p><b>atmosphere</b> 64:6</p> <p><b>attempting</b> 82:15</p> <p><b>attended</b> 22:22</p> <p><b>attention</b> 49:5 53:7</p> <p><b>Attorney</b> 15:13</p> <p><b>attractive</b> 8:24 26:18 32:22</p> <p><b>audio</b> 48:16 79:21</p> <p><b>August</b> 16:13</p> <p><b>auto</b> 25:13</p> <p><b>automobile</b> 44:7</p> <p><b>automobiles</b> 46:19</p> <p><b>available</b> 3:16</p> <p><b>aware</b> 29:7 33:20 77:21</p> <p><b>awful</b> 29:10</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>back</b> 8:3 24:11 25:5 31:17 38:12,22 44:13 56:11, 15 80:4 81:12</p>	<p><b>background</b> 58:12 68:16</p> <p><b>backyard</b> 33:16</p> <p><b>Baker</b> 48:23 59:3 65:5 66:20</p> <p><b>balance</b> 19:10,11 25:7 26:10 32:23</p> <p><b>balances</b> 19:20</p> <p><b>balancing</b> 28:24</p> <p><b>ballpark</b> 55:23 56:8,23</p> <p><b>banding</b> 8:8 28:2</p> <p><b>bank</b> 49:23</p> <p><b>Barely</b> 66:11</p> <p><b>Barrett</b> 15:14</p> <p><b>barricaded</b> 61:19</p> <p><b>base</b> 27:20 28:1,2</p> <p><b>based</b> 45:19 48:8 55:10,17 56:2 57:11 65:12 68:19 75:1</p> <p><b>basically</b> 5:9 46:4 62:8 64:22 69:5 77:24</p> <p><b>basics</b> 30:16</p> <p><b>bays</b> 27:17</p> <p><b>bedrooms</b> 36:13,14</p> <p><b>beginning</b> 18:8</p> <p><b>believe</b> 39:1 54:20 59:9</p>	<p><b>bench</b> 62:10</p> <p><b>beneath</b> 13:19</p> <p><b>benefits</b> 28:21</p> <p><b>berms</b> 62:1 68:1</p> <p><b>best</b> 18:15 79:20</p> <p><b>better</b> 7:24 12:24 22:4 28:5,18 32:15 36:6 37:18 59:13 71:13 77:4</p> <p><b>Beverly</b> 49:2 66:19 78:16</p> <p><b>beyond</b> 64:6 67:22 82:19</p> <p><b>Bicycle</b> 30:1</p> <p><b>bid</b> 56:18,21</p> <p><b>big</b> 18:1 20:5,16,20,22 25:14 27:5 32:5,24 33:4,13 51:7,21 71:19</p> <p><b>bigger</b> 23:3 34:16 47:13</p> <p><b>biggest</b> 46:5 69:17</p> <p><b>bit</b> 17:22 19:2 22:21 27:7 56:4 71:13</p> <p><b>bite-size</b> 18:1 22:15</p> <p><b>bits</b> 34:20</p> <p><b>blast</b> 39:19 41:12,17 42:15 43:3,4,9,10,22 45:7,13 46:10,12 48:21 49:21 50:2 52:14,24 58:6 59:6,17,19,21,22,24 60:11,15 61:16 62:1,2, 5,6,8,10 63:7,8,9,12,23 64:1,5 65:2 66:5,19 67:5,9,16,21 68:1,12,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

19,24 69:6 70:7,16 71:15	<b>bottling</b> 20:23	7,21 63:24 68:6,15,16 75:13	<b>Canada</b> 44:10,14
<b>blasted</b> 42:2 68:7,11 70:1	<b>break</b> 54:13 67:15 69:1 78:5	<b>buildings</b> 6:18 8:4 9:5,19 12:1 13:13,21 14:15,18 16:19 18:19,21 20:14, 18 21:5,9,12 23:7,9,11, 14 25:11,18,22 27:10 28:6,8,12 31:24 33:7 34:22 35:15,18 36:16 37:3 38:4 49:16,18 51:9,11 53:10 60:7 67:19 68:10	<b>capped</b> 63:3
<b>blaster's</b> 78:6	<b>breaking</b> 77:22		<b>car</b> 46:22 47:3 53:22 67:14
<b>blasting</b> 5:20 6:18,19 11:8 16:5 39:12,13,17 40:3 41:3, 7,19 42:6,11 44:6 45:15 48:15 49:17 51:10 52:20,24 53:12,13,24 54:1,4 55:2 57:2 58:2, 10,16,17,20,24 59:1,2, 13,19,24 60:5,8,9 64:3, 4,7 65:3,17 66:7 68:18, 23 69:7,11 70:7 71:6 76:19 77:9,13,19,20 78:8,12 79:12 80:14,23, 24	<b>breaks</b> 7:10 27:16 54:8,9		<b>care</b> 80:15
<b>blasts</b> 43:3 63:10,11 71:17	<b>bred</b> 79:15		<b>carefully</b> 73:3
<b>blown</b> 71:20	<b>brick</b> 8:9,14 9:3,4 21:9 23:23 28:3,10 49:22	<b>built</b> 12:13 29:11 35:19 41:10 42:1	<b>cars</b> 25:8 32:19 46:24
<b>BMC's</b> 41:22	<b>bridge</b> 65:24	<b>bunch</b> 12:8	<b>case</b> 3:21,22 44:18 49:9 81:21
<b>board</b> 3:4,13 4:23 5:6 6:9 9:6 10:23 14:6 15:18 39:2 60:22 72:15 73:2,4 82:15	<b>brief</b> 16:10	<b>Bureau</b> 65:10 67:4 69:8	<b>cases</b> 73:10,14 75:24
<b>body</b> 8:13 28:3	<b>briefly</b> 73:11	<b>business</b> 3:20	<b>cast</b> 62:23
<b>Boehmer</b> 5:19 16:13 17:7,12 31:7 32:4 33:10 34:3,7,12,15 35:2	<b>Brierley</b> 58:4,11	<b>buy</b> 44:15	<b>causing</b> 65:21
<b>booster</b> 62:24	<b>bring</b> 24:8 49:3 81:10	<b>byproduct</b> 64:8	<b>cement</b> 8:16 9:6
<b>bore</b> 43:22	<b>brings</b> 7:11 32:24	<b>C</b>	<b>center</b> 14:17 15:8 22:3 34:2 37:15 38:1 62:9
<b>Boston</b> 23:20 30:8,10,11	<b>broad</b> 41:21	<b>cable</b> 44:11	<b>central</b> 25:5
<b>Boston's</b> 30:12	<b>Brookline</b> 12:16 14:1	<b>calculated</b> 67:4	<b>cents</b> 44:14
<b>bothered</b> 26:11 80:15	<b>brought</b> 40:20	<b>calculation</b> 18:14	<b>certain</b> 4:1 73:14 74:7,16 81:24
	<b>build</b> 10:1 12:19 31:23	<b>calculations</b> 18:13 49:7	<b>certainly</b> 15:15 16:21 21:23 22:10 27:2 28:21 33:22 36:1 54:19
	<b>building</b> 6:13,15,17,22,23 7:4,7, 10,13,22 8:5,8,11,14,24 9:1,10,18 11:11,16 13:7,9 14:1,4,8 15:7 16:17,21 18:9,17,20 19:4,16,19 20:2,16,17, 20,21,22 23:1,3 25:4,8, 14 26:5,7,23 27:3,6,9, 13,16 28:21 29:9,15,16, 19,20 31:4,13 32:9,24 33:2,3 36:11 40:18 41:11,12 42:3 43:16 45:16,18 49:23,24 51:1,	<b>call</b> 10:11 51:13 52:24	<b>Chairman</b> 3:2 4:12,16,21 5:3 6:8 10:12 11:4 15:18,22 16:9 17:1,5,11 30:21,24 35:5,10 36:15,24 37:9 38:6,14,19 39:7,11 50:11,24 51:5,20,23 52:17 53:8,14,17 57:16, 20,23 70:20,22 71:4 72:5 76:7 78:11,14,18, 23 79:9 80:18 81:4,7,22

<p>82:7,11 <b>chance</b> 53:1 <b>change</b> 20:5 27:5,12 31:17 80:24 81:2,3 <b>changed</b> 12:2 16:19 17:18 18:4 23:4,17 26:17,24 28:9 29:4,21,23 <b>changes</b> 16:16 17:24 18:2 45:24 <b>chapel</b> 40:12,14,15 <b>characteristics</b> 54:13 <b>charge</b> 44:8 61:18 71:20 <b>charged</b> 56:9 <b>charges</b> 71:13 <b>Chestnut</b> 4:5 5:7 6:10 16:13 58:21 <b>children</b> 33:15 74:16 <b>Chiumenti</b> 77:17,18 <b>Chris</b> 30:21 57:21 70:20 <b>Christopher</b> 3:7 <b>circle</b> 8:3 25:20,23 38:11 <b>circulation</b> 30:1 <b>cite</b> 48:13 <b>cited</b> 73:10 <b>City</b> 23:20 <b>clarify</b> 30:20</p>	<p><b>clarifying</b> 11:5 <b>clear</b> 15:24 24:13 61:21 <b>clearly</b> 3:14,18,19 7:1 9:19 20:18 75:7 76:10,17,20 <b>Cliff</b> 5:19 16:4,13,17 17:6,7 35:12 37:20,21 <b>Cliff's</b> 76:20 <b>close</b> 9:17 14:3 23:20 48:2 49:14 52:14 53:6 60:7 65:4 80:9 <b>closed</b> 61:22 <b>closer</b> 7:21 46:1 <b>closest</b> 14:8 43:22 48:18 80:5 <b>coarsehair</b> 52:4 <b>cobbles</b> 54:18 <b>code</b> 29:11 36:4,5 42:11 52:2 <b>color</b> 8:19 51:13,18 <b>colored</b> 27:24 <b>combined</b> 4:7 27:10 <b>come</b> 4:11 21:2 22:6 25:10 30:7 40:13 41:23 46:13 55:7 71:20 75:15 76:24 <b>comes</b> 24:9 42:11 43:9 45:7 47:1 <b>comfortable</b> 6:1 37:18 <b>coming</b> 11:6,21,24 25:9 37:13 70:5</p>	<p><b>comment</b> 13:4,23 30:14 77:16 79:3 <b>comments</b> 12:7 17:8 29:21 69:10 <b>Commission</b> 30:11 <b>commissioner</b> 6:24 <b>committee</b> 4:7 <b>common</b> 30:6 46:6 80:19 <b>communicate</b> 45:21 46:10 <b>community</b> 14:16 15:8 22:3 34:2 37:15 38:1 42:13 49:21 58:7 <b>commuter</b> 41:20 <b>comp</b> 12:14 <b>company</b> 53:9 <b>compare</b> 59:15 <b>compares</b> 63:22 <b>comparison</b> 14:13 40:23 53:21 <b>compilation</b> 76:15,24 <b>completed</b> 54:20 58:18 82:1 <b>completely</b> 14:21 <b>component</b> 15:1 <b>components</b> 58:24 <b>compromised</b> 40:16 <b>concentrate</b> 12:20,24</p>	<p><b>conceptual</b> 18:11 <b>concern</b> 14:6 26:4 35:16,21 49:11 67:18 69:16 74:13,17 79:13 <b>concerned</b> 31:11 72:22 79:17 <b>concerning</b> 5:17,23 16:3 <b>concerns</b> 14:3 35:12 49:5 73:6 76:3 77:14 <b>conclusion</b> 75:15 <b>conclusionary</b> 15:2 <b>condensers</b> 46:20 <b>condition</b> 10:2,16 15:5 35:8 71:1 81:17 82:17,18 <b>conditioned</b> 10:9 <b>conditioning</b> 15:9,12 <b>conditions</b> 29:15 72:11 76:16,18, 21,24 <b>condos</b> 43:16 <b>conducting</b> 58:19 60:8,14 61:1 <b>configuration</b> 13:17 <b>confines</b> 38:18 <b>confirm</b> 15:15 <b>conform</b> 72:3 <b>confused</b> 25:19 <b>confusing</b> 47:17</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>conjunction</b> 7:22	<b>continue</b> 3:24 4:9 6:5 25:19 70:4 81:19	42:4	41:4 56:13,14 57:2,3,4, 5
<b>connection</b> 24:12	<b>continued</b> 5:6 6:12	<b>counsel</b> 10:21 74:3	<b>current</b> 24:16 31:5 32:2
<b>connectivity</b> 21:1,15 35:24 37:22	<b>contract</b> 58:23	<b>count</b> 17:21	<b>currently</b> 12:18 36:17 49:14 58:15
<b>connects</b> 24:11	<b>contractor</b> 58:20 59:12 61:16 62:14 64:19 65:10 66:22 67:23 68:19,20 69:21,23 71:6,22	<b>country</b> 44:16 55:14 58:16	<b>custom</b> 46:11
<b>consequently</b> 80:14	<b>control</b> 45:8 46:10 47:6 50:6 60:6 61:23 70:13 80:20	<b>couple</b> 11:14 12:7,9 18:6 20:10 22:8,19 30:24 41:14	<b>cut</b> 40:14 41:11 42:2 51:14
<b>conservation</b> 29:11 68:10	<b>controlling</b> 47:9 60:15 70:12	<b>course</b> 12:22 62:2 69:7 73:19 78:4	<b>cut-fill</b> 51:13
<b>conservative</b> 48:3 52:11 60:8 68:24	<b>controls</b> 47:2	<b>courtyard</b> 24:7 33:13 34:16	<b>cuts</b> 22:1 24:22
<b>consider</b> 73:22 74:5	<b>convenient</b> 6:21	<b>courtyards</b> 12:21	<hr/> <b>D</b> <hr/>
<b>considerable</b> 42:18	<b>converted</b> 13:7	<b>cover</b> 44:4	<b>daily</b> 60:23 61:14
<b>consideration</b> 18:24 25:22 42:15 47:11 76:21 82:17	<b>converting</b> 37:13,14	<b>coverage</b> 45:3	<b>damage</b> 52:10 65:21
<b>considerations</b> 75:8	<b>converts</b> 67:7	<b>crack</b> 50:18	<b>dark</b> 8:7,20 27:24 51:18
<b>constructed</b> 62:1	<b>Cornell</b> 41:9	<b>cracks</b> 51:2	<b>data</b> 58:23 69:5 75:15
<b>construction</b> 30:6 40:19 45:10 58:14 59:7 65:16 68:1 80:20	<b>corner</b> 19:20 23:18,21 28:20 36:11 65:16	<b>create</b> 20:24 81:2	<b>date</b> 4:1
<b>consultant</b> 39:14,22 58:6,11 80:6	<b>corporate</b> 41:22	<b>created</b> 6:19 7:23	<b>day</b> 15:24 26:13,22
<b>consultants</b> 75:17	<b>correct</b> 34:6	<b>creating</b> 21:14,24 28:17	<b>deal</b> 14:21 16:4
<b>consultation</b> 74:3	<b>corridor</b> 32:22	<b>credible</b> 27:9	<b>dealt</b> 36:5 54:19 73:14
<b>contain</b> 68:2	<b>cost</b> 55:13,20,24 62:18	<b>crew</b> 49:21	<b>decay</b> 47:14
<b>contained</b> 63:5 73:18	<b>costs</b> 44:11,14 62:17 69:19	<b>criminal</b> 71:24	<b>decayed</b> 52:3
<b>context</b> 12:3 13:3	<b>cough</b> 46:17	<b>critical</b> 44:2 60:12 61:11	<b>decays</b> 47:12
<b>continuance</b> 3:24 4:13,24 5:4	<b>couldn't</b>	<b>critters</b> 81:1	<b>decent</b> 26:24
<b>continuation</b> 5:12		<b>crushed</b> 63:4	<b>decibel</b> 67:8
		<b>cubic</b>	

<b>decibels</b> 67:6,8 80:8,9,10	<b>depth</b> 63:13	6:16 45:18 56:7	<b>disbursed</b> 36:10
<b>decision</b> 6:3 72:17 76:8 81:24	<b>describe</b> 17:18 71:12	<b>developer</b> 31:22	<b>discuss</b> 4:8 6:2,3 72:15
<b>decrease</b> 47:16	<b>described</b> 55:10,17 57:11	<b>developing</b> 35:23	<b>discussed</b> 13:8 23:1
<b>decreases</b> 47:12	<b>design</b> 5:19 22:24 26:23 35:15 36:21 39:3 41:7 43:1,6, 8 47:23 50:4 52:16 56:2 58:14 59:19 62:7 70:11 77:15	<b>development</b> 5:13 6:7 17:17 19:13 22:9 23:18 34:23 58:7, 22	<b>discussing</b> 62:17
<b>Dedham</b> 54:7	<b>design-wise</b> 48:10	<b>develops</b> 16:7	<b>discussion</b> 11:9 12:11 13:10 16:22 25:24
<b>dedicate</b> 10:8	<b>designed</b> 21:7	<b>device</b> 46:11	<b>discussions</b> 4:7 23:3,6
<b>deep</b> 40:3,14,24 41:4 49:20 50:3 62:9 63:2 78:17	<b>designs</b> 46:11 48:2 56:5 60:5 62:5 63:9,18 66:8 70:12	<b>devices</b> 46:13	<b>displacement</b> 64:18
<b>deeper</b> 51:13,14	<b>desirable</b> 64:7	<b>diameter</b> 62:8	<b>displacements</b> 64:22 69:11,14
<b>deepest</b> 78:20	<b>detail</b> 29:23 31:10 59:12 73:11	<b>diced</b> 44:10	<b>displayed</b> 33:24
<b>defer</b> 82:13	<b>detailed</b> 29:22 60:5,11	<b>didn't</b> 12:20 20:17 26:5,14,21 38:9 41:6 46:22 73:11 79:3 81:2	<b>dispose</b> 44:12
<b>definitely</b> 68:20	<b>details</b> 32:6,17 36:19 59:19,23	<b>difference</b> 25:14 54:4	<b>distance</b> 25:2 42:16 43:24 47:15, 17,21
<b>degrading</b> 20:12	<b>detention</b> 13:19,20	<b>different</b> 7:21 8:7 12:21 14:21, 22,24 17:22 29:14,15, 24 36:11 50:4 56:18	<b>distances</b> 63:17
<b>degree</b> 32:14	<b>determine</b> 42:23	<b>differently</b> 11:14	<b>distinctly</b> 3:14
<b>delays</b> 63:14	<b>detonate</b> 63:3	<b>difficult</b> 43:18 54:11	<b>distinguishable</b> 73:13
<b>deliveries</b> 20:4	<b>detonated</b> 60:10	<b>difficulty</b> 58:9	<b>distributed</b> 29:18
<b>demolition</b> 18:18 23:22	<b>detonates</b> 62:24	<b>digging</b> 56:11	<b>distributor</b> 53:22
<b>demonstrates</b> 76:2	<b>detonator</b> 62:14,23	<b>direct</b> 28:22 73:20	<b>distributors</b> 46:19
<b>Dennis</b> 78:13,15,22	<b>detonators</b> 46:9,16 62:18	<b>direction</b> 28:19 31:19 76:9	<b>disturb</b> 80:21
<b>density</b> 12:11,17,19,24 13:1,3 74:2,4,20	<b>develop</b> 45:14	<b>director</b> 16:11	<b>disturbed</b> 13:21
<b>department</b> 5:17 61:15 76:16	<b>developed</b>	<b>disappear</b> 8:21	<b>doctor's</b> 49:24
<b>depending</b> 11:8 45:17			<b>documentation</b> 60:12

<p><b>documents</b> 24:13</p> <p><b>doesn't</b> 11:13 13:3 14:19 39:10 47:3 81:18</p> <p><b>doing</b> 13:14 49:20 53:2 55:19 56:2 57:12,14</p> <p><b>dollar</b> 57:1,5</p> <p><b>don't</b> 3:21 4:22 11:12 14:12, 20 16:2 21:16 25:22 29:5,17 30:2,4 31:7 32:5 38:20 40:4,9 43:11,16 47:13 53:17 56:12 57:3,4,9 60:20 61:11 63:4 64:9 69:16 70:18 72:7 74:12 75:14</p> <p><b>doors</b> 66:16</p> <p><b>dormer</b> 8:16</p> <p><b>double</b> 43:24 45:3,4 47:20 61:24 67:23 69:22</p> <p><b>doubled</b> 80:11</p> <p><b>doubles</b> 47:17</p> <p><b>doubt</b> 68:21</p> <p><b>drawings</b> 24:16 29:6,22 31:18</p> <p><b>drilled</b> 68:8</p> <p><b>Drilling</b> 39:17</p> <p><b>drive</b> 8:1 11:19</p> <p><b>drive-around</b> 11:10 37:6</p> <p><b>drive-through</b> 22:23</p> <p><b>driveway</b> 31:12</p>	<p><b>drone</b> 22:11</p> <p><b>drop</b> 65:7</p> <p><b>drop-off</b> 20:3 24:1,2</p> <p><b>dropping</b> 47:12 65:7</p> <p><b>duration</b> 60:3</p> <p><b>dust</b> 60:16 70:13</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>Eagle</b> 79:17</p> <p><b>eagles</b> 80:15</p> <p><b>ear</b> 5:10</p> <p><b>earlier</b> 27:23 39:18</p> <p><b>easement</b> 10:17,22 11:2</p> <p><b>easily</b> 44:22</p> <p><b>easy</b> 54:14</p> <p><b>EDAB</b> 4:7</p> <p><b>edge</b> 14:8 32:10,14</p> <p><b>edges</b> 32:8</p> <p><b>effect</b> 7:23 63:4 64:7 74:19,21</p> <p><b>effectively</b> 27:16</p> <p><b>effects</b> 64:4 79:2,12</p> <p><b>efficiency</b> 29:5</p> <p><b>efforts</b> 20:11 22:16</p>	<p><b>eight</b> 41:4</p> <p><b>elaborate</b> 70:13</p> <p><b>elastic</b> 69:11</p> <p><b>electrical</b> 80:2</p> <p><b>electronic</b> 46:4,9 47:1 53:23 62:13,14,17 69:19 71:18</p> <p><b>electronics</b> 46:8 71:10</p> <p><b>element</b> 44:2</p> <p><b>Elementary</b> 48:23</p> <p><b>elements</b> 9:8 35:16 43:9</p> <p><b>elevated</b> 19:23</p> <p><b>elevation</b> 19:22 78:20</p> <p><b>elevations</b> 27:23 28:14</p> <p><b>eliminate</b> 21:23 38:3,4</p> <p><b>embedded</b> 19:4</p> <p><b>emphasize</b> 22:5</p> <p><b>empirical</b> 75:14</p> <p><b>enabled</b> 15:3</p> <p><b>ends</b> 30:12</p> <p><b>energy</b> 29:5,10 47:2,7 54:14 63:5</p> <p><b>enforceable</b> 10:19</p> <p><b>engineer</b> 58:13 65:23 69:24 70:3,</p>	<p>5</p> <p><b>engineered</b> 42:20</p> <p><b>engineers</b> 42:5 56:1</p> <p><b>enjoy</b> 19:12</p> <p><b>enlightening</b> 53:20</p> <p><b>ensure</b> 45:22</p> <p><b>entertain</b> 50:8</p> <p><b>entire</b> 19:13 21:8 45:2 73:17 78:1</p> <p><b>entrance</b> 6:15 7:13,17 8:1 11:22 25:10</p> <p><b>entries</b> 25:13 45:21</p> <p><b>entry</b> 19:22 20:2 23:23 25:5, 12 27:11 36:1</p> <p><b>entryway</b> 7:19</p> <p><b>environment</b> 43:7 44:3 80:1,13 81:2</p> <p><b>environmental</b> 79:12</p> <p><b>environmentally</b> 79:14</p> <p><b>environments</b> 79:19</p> <p><b>equipment</b> 30:16</p> <p><b>especially</b> 44:2</p> <p><b>essentially</b> 11:2 75:10</p> <p><b>establishing</b> 18:17</p> <p><b>estimate</b> 55:23 60:13 63:19 67:17</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>estimates</b> 42:17,18 51:15 56:6 67:5	<b>explosives</b> 60:4,10 63:2,15	<b>familiar</b> 41:1 54:23	<b>fine</b> 71:21
<b>evaluating</b> 58:16 69:24	<b>exposed</b> 68:8 70:1	<b>families</b> 74:7,16	<b>fire</b> 13:16 38:5,8,19 54:20 61:15
<b>evaluation</b> 42:19 75:10	<b>exposure</b> 28:18	<b>fancy</b> 7:13	<b>firing</b> 71:13
<b>evening</b> 3:2,6,13,21 4:4 5:8 6:8 39:16 40:4 72:8	<b>express</b> 72:14 76:14	<b>far</b> 12:17 24:14 25:5 36:3 66:20 77:10,15,19	<b>firm</b> 56:4
<b>evidence</b> 76:5	<b>expressed</b> 14:6	<b>fault</b> 78:6,7	<b>first</b> 3:20 6:10 12:10 33:11 45:5 53:19 55:7
<b>evolved</b> 18:2 75:2,23	<b>expression</b> 27:6,20	<b>federal</b> 60:17	<b>fit</b> 29:16 33:18
<b>exactly</b> 24:23 51:4 56:12	<b>extended</b> 4:6	<b>feel</b> 7:24 59:15,16,23 69:1	<b>five</b> 52:12 62:3,9,18 64:19 65:20 66:2
<b>example</b> 41:9 54:5 79:20	<b>exterior</b> 6:17 29:2,7	<b>feeling</b> 66:12	<b>five-story</b> 27:17
<b>excavation</b> 40:24 42:23,24 53:13 80:22	<b>extraordinary</b> 19:5	<b>feels</b> 66:11	<b>flat</b> 69:17
<b>exceed</b> 13:3 69:16	<b>extremely</b> 51:15 54:11	<b>feet</b> 14:11 40:14 42:2 43:22 44:24 47:19,20 49:17 50:22 51:1 61:2,3,4 62:9 63:2,13,18 64:16 65:2,3,4,5,7 68:9 74:1 78:21	<b>flexibility</b> 9:21
<b>exceeded</b> 69:13	<b>facade</b> 27:18,22	<b>fenestration</b> 7:8	<b>floor</b> 8:15 14:7 42:4
<b>excess</b> 80:3	<b>face</b> 67:14	<b>felt</b> 59:5,7	<b>floors</b> 8:9
<b>exchange</b> 26:15	<b>facilities</b> 49:6	<b>fenestration</b> 7:8	<b>fly</b> 60:15 61:23 64:7 67:18
<b>existing</b> 9:4 18:18,21 23:22 25:3 27:10 48:9 53:10	<b>facility</b> 65:6	<b>fiber</b> 8:16 9:6 28:3	<b>focused</b> 34:19
<b>expensive</b> 55:11 62:20 71:10,19	<b>fact</b> 13:8,24 14:4 17:12 53:11,24 75:5	<b>fifty</b> 44:14 50:22	<b>folks</b> 41:1 49:6
<b>experience</b> 24:24 58:13 80:16	<b>factor</b> 54:16 74:13	<b>figured</b> 81:15	<b>follow</b> 36:4 60:16 76:18
<b>expert</b> 77:20 78:8 79:11	<b>factors</b> 74:5	<b>fill</b> 53:15	<b>following</b> 23:12 33:5 71:7
<b>explain</b> 15:13	<b>factory</b> 46:13	<b>final</b> 5:18 6:2 7:5 30:14 36:21 76:9	<b>follows</b> 5:9
<b>explained</b> 69:22	<b>fall</b> 66:7	<b>finally</b> 59:8 60:16 70:12	<b>foot</b> 41:4 44:1 49:20 70:2
<b>explosive</b> 63:1	<b>falling</b> 40:17	<b>find</b> 44:3 76:3	<b>footprint</b> 27:2,16
	<b>F</b>		<b>forces</b> 75:15

<b>foremost</b> 45:5	12:13 29:17	<b>give</b> 6:11 17:8 32:1 39:18 66:9 67:13 79:21	<b>grades</b> 42:23
<b>form</b> 7:5 14:10 70:24	<b>function</b> 65:14	<b>given</b> 75:22	<b>grading</b> 9:10
<b>former</b> 47:16	<b>functions</b> 25:15	<b>gives</b> 7:23 22:2 28:18	<b>granite</b> 42:1,3 54:5,7,8
<b>forth</b> 52:20	<b>further</b> 4:22 6:2 7:19 35:24 80:5	<b>giving</b> 19:1,12 27:8,10	<b>granites</b> 54:10
<b>fortunate</b> 39:21 42:12	<b>furthermore</b> 14:7	<b>glorified</b> 46:7	<b>grant</b> 4:23
<b>fortune</b> 69:20	<b>fuse</b> 46:8	<b>Gloucester</b> 54:9	<b>gravel</b> 63:4
<b>forward</b> 16:24 82:21	<b>future</b> 78:5	<b>glue</b> 54:17	<b>gray</b> 9:6
<b>foundation</b> 56:5	<hr/> <b>G</b> <hr/>	<b>go</b> 3:13 5:9,10 7:1 16:21 24:18 30:9 31:17 34:14, 15 35:8 39:22 43:11 44:8 46:22 53:4 59:11 76:13 80:4,11	<b>great</b> 33:12 38:1 57:6
<b>four</b> 20:19 48:15 62:18 63:11 66:1	<b>gable</b> 28:4	<b>goes</b> 11:9 24:12 43:8 57:2 72:1 77:20 81:12	<b>greater</b> 20:19 37:22
<b>fourteen</b> 63:16	<b>garage</b> 7:17,18 8:2 37:14,15 41:24	<b>going</b> 7:6 8:23 15:10,11 17:16,19 22:11 24:18 26:9 27:4 36:1 39:1,7, 18,24 40:5 42:15,24 43:1 45:1,2 46:3 47:8 48:17 49:2,8,12,15 50:16 52:10,14 57:13 59:17 60:18,23 61:4,6 62:4 63:5,21 65:13 67:11,14 68:4 69:1,21 70:1,7 72:8 76:3 78:3,4, 6,9 79:16 82:21	<b>greatly</b> 27:12
<b>fourth</b> 49:3	<b>gas</b> 52:9,12 78:2	<b>good</b> 3:2 4:4 6:8 14:12 21:15 22:2 28:22 33:8,19,22 39:16 44:15 48:1 53:23 67:24 68:18,20,21 74:11	<b>Grid</b> 77:21 78:1,4
<b>fracturing</b> 64:8	<b>general</b> 41:2 43:13,14 54:2 56:8,10 66:9	<b>Goulston</b> 10:20	<b>Grid's</b> 78:7
<b>fragmentation</b> 43:5	<b>generally</b> 69:15	<b>governed</b> 74:22	<b>ground</b> 10:23,24 43:4 47:11 48:16 53:9 60:13 64:11, 12,13,16,17,18 69:14
<b>fragments</b> 67:20	<b>generate</b> 80:3	<b>governor</b> 82:12	<b>group</b> 16:12 17:2 29:17 75:2
<b>frank</b> 37:19	<b>generator</b> 69:4		<b>groups</b> 5:17 17:19,21 31:3
<b>frankly</b> 23:5 28:5	<b>gentlemen</b> 3:3		<b>grow</b> 30:4
<b>frequencies</b> 65:16	<b>geology</b> 42:16 43:7 54:6,22 60:4		<b>guess</b> 4:1,22 12:18 17:5 18:15 38:15 39:13
<b>frequency</b> 52:9 64:24 65:12,15	<b>geotechnical</b> 42:20 58:13,22 69:24 70:3,5		<b>guessed</b> 41:5
<b>front</b> 19:21,22 27:11	<b>Gerry</b> 5:6 7:16 11:20,22 13:7, 9,14 14:16 15:7 37:13		<hr/> <b>H</b> <hr/>
<b>frontage</b> 18:22 23:19	<b>getting</b> 16:23,24 17:9 26:14 27:4 34:21		<b>HABB</b> 4:7
<b>fronts</b> 23:21			<b>hall</b>
<b>fully</b>			

<p>41:10 <b>Hancock</b> 12:16 48:4 63:17 66:5,6</p> <p><b>handle</b> 60:9</p> <p><b>handled</b> 30:5</p> <p><b>handouts</b> 60:20,22</p> <p><b>happen</b> 4:19 41:13 42:15 52:10 69:21,24</p> <p><b>happened</b> 19:19 46:21 58:21</p> <p><b>happening</b> 78:4</p> <p><b>happens</b> 20:1 31:15</p> <p><b>happy</b> 6:20 10:2 26:17 30:19 33:16 34:20 40:2 72:2 82:11</p> <p><b>hard</b> 19:17 33:14</p> <p><b>Harvard</b> 49:4</p> <p><b>hasn't</b> 12:2 16:19 26:8</p> <p><b>haven't</b> 22:12,16 24:23 29:7,21 54:19 56:7 74:20</p> <p><b>hazard</b> 41:14</p> <p><b>hazardous</b> 44:9</p> <p><b>He'll</b> 63:12</p> <p><b>he's</b> 6:14 61:24 62:20,23 68:19,20 70:1 77:21</p> <p><b>head</b> 57:14</p> <p><b>headquarters</b> 41:22</p>	<p><b>hear</b> 4:22 5:10,13,16,18,19, 21,22 6:13 16:4 17:6 26:9 39:13 50:10 57:24 71:9 75:12 77:3,7,10, 14,20 78:8 79:3 82:12</p> <p><b>heard</b> 26:23 30:5,16 33:11 39:18 72:14 73:3 74:3, 17,21 77:3 80:6</p> <p><b>hearing</b> 5:6,12 57:17 77:6 81:20,21</p> <p><b>hearings</b> 12:12 73:4 77:1</p> <p><b>heavily</b> 73:4</p> <p><b>heavy</b> 44:19</p> <p><b>height</b> 13:24 14:5 27:18</p> <p><b>held</b> 3:16</p> <p><b>helps</b> 33:2</p> <p><b>here's</b> 50:2 52:23</p> <p><b>high</b> 13:1 27:24 28:4 52:9 70:2</p> <p><b>high-level</b> 39:19</p> <p><b>higher</b> 66:2</p> <p><b>highlights</b> 19:3</p> <p><b>highway</b> 44:24</p> <p><b>hill</b> 4:5 5:7 6:10 16:14 40:16 58:21</p> <p><b>hip</b> 57:9</p> <p><b>historic</b> 40:12</p>	<p><b>hit</b> 22:8</p> <p><b>Hoar</b> 23:21 73:22</p> <p><b>holds</b> 54:17</p> <p><b>hole</b> 43:22 62:11,13 63:1,3</p> <p><b>holes</b> 44:13 50:2,3 61:18 62:8 63:14 68:9,12</p> <p><b>home</b> 11:7</p> <p><b>hop</b> 47:4</p> <p><b>hope</b> 6:13</p> <p><b>hopefully</b> 72:11</p> <p><b>Hopkinton</b> 41:22</p> <p><b>horizontal</b> 27:5,19</p> <p><b>horses</b> 79:16</p> <p><b>Hospital</b> 41:3 54:2</p> <p><b>hour</b> 67:14</p> <p><b>hours</b> 60:2 61:6,8 70:8</p> <p><b>House</b> 41:16,18</p> <p><b>houses</b> 79:7</p> <p><b>housing</b> 74:24 76:5</p> <p><b>huge</b> 55:20</p> <p><b>hugely</b> 21:13</p> <p><b>humans</b> 66:11</p> <p><b>hundred</b></p>	<p>44:24</p> <p><b>hundred-year-old</b> 78:2</p> <p><b>Hussey</b> 3:7 5:1 15:20 17:4 30:22 34:24 35:4 57:22 70:21 75:16</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I'D</b> 30:19 77:20 81:15</p> <p><b>I'LL</b> 8:7 16:10 17:7 20:9 23:12 24:8 27:7 40:2 59:11 77:14,16 82:13</p> <p><b>I'M</b> 3:3 4:4 6:9 9:13 15:15 17:16 22:11 25:18 26:2 29:7 31:11,15 33:19 39:16,18,24 40:5 49:12 54:22 55:16 56:11,13, 20,21 57:8,14,15 58:5, 6,14 59:17 61:3 63:15, 21 65:6 69:3,20 70:15 74:14 75:11 77:5,10 79:11 82:11</p> <p><b>I'VE</b> 15:16 23:7 25:17 28:15 31:8 50:8 58:24 61:9 62:3 72:19 73:10 74:2</p> <p><b>ID</b> 60:12</p> <p><b>idea</b> 19:14,15 37:13 46:2 66:10 67:13 74:11</p> <p><b>ideal</b> 10:6</p> <p><b>ideas</b> 12:9 22:24</p> <p><b>identified</b> 6:16 9:3 58:24 59:1,3</p> <p><b>identify</b> 3:18</p> <p><b>ignition</b> 47:1 53:24</p> <p><b>image</b> 7:12 9:2</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>images</b> 24:10 28:8	<b>including</b> 27:17,24	<b>injection</b> 70:14	<b>isolated</b> 36:10
<b>imagine</b> 4:19 19:17,24 21:14 32:21	<b>incorporate</b> 70:24	<b>input</b> 75:3,8,12	<b>issue</b> 21:6 70:17 74:2 79:8
<b>imagining</b> 55:17	<b>incorporated</b> 9:24	<b>insert</b> 19:8	<b>issues</b> 11:11 23:8 75:18
<b>impact</b> 20:21	<b>increase</b> 74:23	<b>inserted</b> 8:16	<b>it's</b> 3:10 7:6 8:23 9:17 10:3, 10,23 11:2,19 13:1,2 14:9 15:13 17:21 18:4 19:22,23 21:13 23:15, 17 25:13 26:19 27:1 28:20,21 29:14 31:14, 16 32:4,15 33:4,12,14, 19 35:3 37:12,16,17,18 38:17 39:20,21 44:9,15 45:9 46:7 49:7 50:5 55:4,5,14 56:3,18 57:14,16 59:9 63:5 64:10,12 65:5,10,11 66:13,21 67:13 71:15, 17,20,23 72:9 75:9,23 76:11 78:6 79:9 80:19, 21 82:17
<b>impacts</b> 58:17 59:1,19 64:3 69:2	<b>increased</b> 25:4 74:20	<b>inside</b> 19:6 40:18 41:17,21 49:18	<b>iterations</b> 22:24
<b>important</b> 18:4 27:3 28:17 29:13 31:10,12,14 45:6 46:17 47:10 52:23 60:6 61:5 68:18,24 72:2 75:8 76:11	<b>increasing</b> 74:6	<b>inspections</b> 42:10	<b>its</b> 7:5 9:11,19 11:15 12:2 13:14 27:13,17 54:12
<b>importantly</b> 27:2	<b>incredibly</b> 53:20 55:11	<b>instrument</b> 67:1	
<b>impose</b> 82:15,18	<b>incremental</b> 31:17	<b>insurance</b> 60:1	<b>J</b>
<b>imposing</b> 81:16	<b>Independence</b> 10:10 11:19,23 22:2 24:19,22 37:15	<b>integrated</b> 22:17	<b>Jay</b> 58:3,5,10
<b>impressed</b> 57:15 61:3 62:16,21 69:20	<b>indicate</b> 37:7 77:20 78:8	<b>intensities</b> 47:22	<b>job</b> 56:17 71:11
<b>improved</b> 21:14 27:13 29:1	<b>indoor</b> 32:16	<b>intensity</b> 47:14 80:10	<b>jog</b> 70:16
<b>improvement</b> 31:3 32:2,5 33:4	<b>industry</b> 47:5 64:21 65:11 67:10 69:9	<b>interested</b> 75:12	<b>joking</b> 71:24
<b>improvements</b> 10:9 21:18	<b>inevitable</b> 78:3,7	<b>interesting</b> 19:11	<b>Judi</b> 15:14
<b>in-depth</b> 39:21	<b>infill</b> 6:18 8:4 9:1 13:5,21 14:18 16:19 20:13 31:24 33:7 36:16 51:9	<b>interior</b> 32:16	<b>Judy</b> 79:1
<b>inch</b> 62:8	<b>information</b> 42:20,21 43:11 60:19 69:6 75:22	<b>internal</b> 22:1	<b>jump</b> 20:8
<b>inches</b> 52:8,11,12 64:19,20,22 65:14 66:2,12,13,21,23 69:13	<b>informational</b> 60:21	<b>introduction</b> 39:19	<b>justified</b> 26:21
<b>include</b> 11:1	<b>infrastructure</b> 52:7	<b>introductory</b> 5:11	
<b>included</b> 58:19 59:5	<b>inhabited</b> 48:20	<b>involved</b> 41:15 53:9 58:15	
<b>includes</b> 42:9	<b>initial</b> 18:19 20:11	<b>involves</b> 32:7	
	<b>initiation</b> 46:4,7 69:19	<b>involving</b> 58:16	
		<b>isn't</b> 24:13 25:16 29:24 52:10 55:5	

<b>K</b>	<p><b>ladies</b> 3:3</p> <p><b>land</b> 12:24</p> <p><b>landscape</b> 26:19 81:1</p> <p><b>language</b> 76:1 82:19</p> <p><b>large</b> 9:16 16:17 17:13 19:8, 9,13 22:24 23:16 25:3 26:6 28:1 33:3 75:21</p> <p><b>Lark</b> 3:6</p> <p><b>Lastly</b> 6:23</p> <p><b>late</b> 17:10 72:6</p> <p><b>laundry</b> 59:21 70:16</p> <p><b>law</b> 48:19 50:21</p> <p><b>lawsuit</b> 77:24 78:1</p> <p><b>layering</b> 27:4</p> <p><b>layers</b> 27:20</p> <p><b>layman's</b> 71:12</p> <p><b>layout</b> 31:4 62:13</p> <p><b>lead</b> 63:6</p> <p><b>leads</b> 63:6</p> <p><b>lease</b> 10:23,24 11:1</p> <p><b>ledge</b> 26:9,12,15 40:14,24 42:23 51:7,17 52:24 53:1</p> <p><b>left</b> 25:18 41:19 50:1 66:15 68:14</p>	<p><b>legitimate</b> 27:11</p> <p><b>Leichtner</b> 78:24 79:1</p> <p><b>length</b> 55:18 57:13</p> <p><b>level</b> 7:18 8:21 29:6 31:9 52:11 66:10</p> <p><b>levels</b> 48:4 52:3,5 59:14 66:17</p> <p><b>Levin</b> 4:4,5,15,19 6:8,10 11:6 16:8 34:6,9 35:11,18 37:5,11 38:8,17,22 39:1,9 71:5,9 79:10 81:7</p> <p><b>light</b> 71:23</p> <p><b>lighter</b> 8:19</p> <p><b>lighting</b> 29:7,8 32:21</p> <p><b>limestone</b> 8:18,19,22 28:2</p> <p><b>limit</b> 52:8 65:19 66:15 67:4, 10 80:11</p> <p><b>limitations</b> 79:20</p> <p><b>limited</b> 20:3 30:10</p> <p><b>limits</b> 60:13 63:22 64:21 65:9 67:3 69:8,12,16 81:23</p> <p><b>line</b> 23:20 30:8 41:20 49:2 52:12 65:13 66:14</p> <p><b>linear</b> 14:11 67:9</p> <p><b>lines</b> 52:9,19</p> <p><b>lingering</b> 30:14</p> <p><b>list</b> 12:4 59:21 70:16</p>	<p><b>listen</b> 10:6 73:2</p> <p><b>little</b> 17:22 18:7 19:2,6 22:21 23:15 24:6,9 25:19 27:7 28:9 34:19 46:1 48:11 49:13 56:4 59:12 69:15 71:12,13,16 72:6</p> <p><b>live</b> 22:12 41:23 54:1 74:7 78:15</p> <p><b>lived</b> 31:8</p> <p><b>living</b> 81:1</p> <p><b>load</b> 19:5 28:24 32:23 62:11, 12</p> <p><b>loaded</b> 61:18</p> <p><b>local</b> 60:17 76:3</p> <p><b>located</b> 6:21 8:4 9:22 34:1 48:20</p> <p><b>location</b> 9:11,16,19 23:16 33:17 35:13 41:1 52:19 63:24 64:2 67:16 80:5</p> <p><b>locations</b> 61:18 65:1</p> <p><b>logarithmic</b> 80:10</p> <p><b>logic</b> 14:20 32:9</p> <p><b>logical</b> 81:18</p> <p><b>long</b> 17:14,15 19:22 22:7 40:18 44:21 45:16 49:4 54:3,24 77:6</p> <p><b>long-promised</b> 37:6</p> <p><b>long-term</b> 10:23,24</p> <p><b>longer</b></p>
<b>L</b>			
<p><b>lab</b> 42:6</p> <p><b>labs</b> 42:3</p>			

<p>55:7</p> <p><b>look</b> 10:7 13:2 16:24 31:17 43:20 46:2 52:5 59:22 68:4 73:16</p> <p><b>looked</b> 7:9 10:5 16:16,18 70:2</p> <p><b>looking</b> 41:2 50:1 61:8</p> <p><b>looks</b> 33:17 48:12</p> <p><b>lot</b> 10:4,24 12:10 13:2 15:10,11 16:20 19:7,15 20:1,24 21:24 23:4,5 24:23 26:8,11,24 29:10, 14,24 30:2,16 31:10,18 32:15 33:18 41:14 51:8 53:1 57:14 61:4 71:13, 16,17 72:21 76:21 77:6 79:18</p> <p><b>lots</b> 18:1 23:2,3 38:12</p> <p><b>love</b> 69:18 70:9 77:20</p> <p><b>low</b> 48:5</p> <p><b>lower</b> 8:2,8,18,21 28:1 41:19, 20,23 54:16 66:21</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>machine</b> 63:7</p> <p><b>main</b> 8:13 20:2 23:23 24:2 25:10,12 28:3 39:17</p> <p><b>Maine</b> 41:16</p> <p><b>major</b> 27:12 74:12,13</p> <p><b>majority</b> 51:19</p> <p><b>making</b> 50:11 76:8</p>	<p><b>management</b> 30:7</p> <p><b>mandated</b> 74:23</p> <p><b>Mark</b> 3:5 4:4 6:9</p> <p><b>market</b> 36:10</p> <p><b>marketing</b> 36:21</p> <p><b>masonry</b> 40:17</p> <p><b>Mass</b> 41:2 43:13,14 54:2 56:10</p> <p><b>Massachusetts</b> 42:7 43:20 44:23</p> <p><b>massive</b> 65:24</p> <p><b>material</b> 7:21 8:12 44:9 54:17</p> <p><b>materials</b> 6:17 7:8,20 8:7 12:3 21:7 27:22 28:4 29:2</p> <p><b>mats</b> 44:6,19 45:1</p> <p><b>matter</b> 3:20,22 5:5 17:12 32:17 71:5,24</p> <p><b>matters</b> 3:9 5:23</p> <p><b>matting</b> 45:3,4 61:23,24 67:23, 24 69:22</p> <p><b>mature</b> 9:22</p> <p><b>maximum</b> 52:7</p> <p><b>mean</b> 31:8</p> <p><b>means</b> 48:3</p> <p><b>measure</b> 47:18 48:5 64:10</p>	<p><b>measures</b> 67:6</p> <p><b>measuring</b> 43:4</p> <p><b>mechanical</b> 30:15 35:19</p> <p><b>medical</b> 49:6 65:6</p> <p><b>medium</b> 8:19</p> <p><b>meet</b> 6:23</p> <p><b>meeting</b> 3:4,8,10,15 6:5,6 16:15, 22 60:23 72:12 77:19 79:1</p> <p><b>meetings</b> 3:16 61:15</p> <p><b>member</b> 77:19 79:1</p> <p><b>members</b> 4:23 6:9 72:15 81:12</p> <p><b>mention</b> 80:6</p> <p><b>mentioned</b> 7:5 8:13 37:23 50:21 69:12</p> <p><b>mentions</b> 66:22</p> <p><b>mere</b> 74:4</p> <p><b>meticulous</b> 55:6</p> <p><b>Metro</b> 41:19</p> <p><b>microchip</b> 46:9</p> <p><b>microphone</b> 3:14,19</p> <p><b>middle</b> 19:9,16 24:1 27:20 34:22 46:21</p> <p><b>Middlebury</b> 49:19</p>	<p><b>miles</b> 67:14</p> <p><b>Milford</b> 54:8</p> <p><b>million</b> 56:22</p> <p><b>millisecond</b> 46:15,16</p> <p><b>mind</b> 13:12 26:11 74:20</p> <p><b>Mines</b> 65:10 67:4 69:9</p> <p><b>mini</b> 20:14,15</p> <p><b>minimum</b> 45:3,4 63:10</p> <p><b>minuses</b> 48:6</p> <p><b>minute</b> 61:8</p> <p><b>misfires</b> 60:9</p> <p><b>mitigated</b> 27:19</p> <p><b>mitigation</b> 10:10</p> <p><b>mixed-use</b> 4:9</p> <p><b>MOA</b> 14:23</p> <p><b>mobile</b> 49:10</p> <p><b>model</b> 7:24 22:12,17</p> <p><b>modeling</b> 22:16</p> <p><b>modifications</b> 5:14 37:2 75:1</p> <p><b>modified</b> 7:10</p> <p><b>moment</b> 70:19</p> <p><b>Monday</b> 11:13 37:5 77:5,7,16</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>81:10,15</p> <p><b>money</b> 57:15</p> <p><b>monitor</b> 48:16,20 49:1,3 50:14</p> <p><b>monitoring</b> 51:24 62:2 65:1</p> <p><b>monitors</b> 60:15</p> <p><b>month</b> 58:21</p> <p><b>months</b> 17:14,20 18:3 22:6 25:5 31:9 34:18 55:4,10</p> <p><b>morning</b> 17:11</p> <p><b>move</b> 23:12 32:9 46:1 49:9,10</p> <p><b>moved</b> 32:14</p> <p><b>movement</b> 31:18 50:18 64:17</p> <p><b>moves</b> 64:11,13 69:14</p> <p><b>moving</b> 19:19 27:8 32:7,19 39:12 50:22 72:7</p> <p><b>multi-family</b> 28:6</p> <p><b>multiplication</b> 57:14</p> <p><b>mutual</b> 3:24</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>name</b> 3:5</p> <p><b>nation</b> 42:11</p> <p><b>National</b> 77:21 78:1,4,6</p> <p><b>natural</b> 26:4 49:5 78:2</p>	<p><b>nature</b> 24:14,17 32:5</p> <p><b>near</b> 48:8</p> <p><b>nearby</b> 59:2</p> <p><b>nearest</b> 14:10 48:20 73:20,24</p> <p><b>nearly</b> 20:22</p> <p><b>necessarily</b> 9:23 74:11</p> <p><b>necessary</b> 3:10</p> <p><b>necessitate</b> 26:6</p> <p><b>need</b> 7:1 13:15,16,18 32:19, 20 36:4,12,13 38:10,11 45:1 50:6 54:16 55:8,9 62:21,22 71:1 74:22 76:1,4</p> <p><b>needed</b> 59:7</p> <p><b>needs</b> 32:20 54:14</p> <p><b>negative</b> 74:21</p> <p><b>neighborhood</b> 73:7 74:14 77:14 78:10</p> <p><b>neighbors</b> 14:3,4 72:20</p> <p><b>nesting</b> 79:17 80:14</p> <p><b>net</b> 74:19</p> <p><b>new</b> 9:10,11 11:11 12:2,3 16:3 22:12,23 26:16 28:6 29:8 37:7 40:12 41:10 44:8 46:24</p> <p><b>nice</b> 7:23 19:15 20:24 21:12 22:1 78:8</p> <p><b>nicely</b> 8:5 21:7</p>	<p><b>night</b> 33:11</p> <p><b>nine</b> 63:1,2</p> <p><b>noise</b> 60:16 70:12</p> <p><b>normal</b> 22:10 31:9 77:23</p> <p><b>normally</b> 40:2 62:19</p> <p><b>north</b> 28:19 31:13 41:19</p> <p><b>notably</b> 82:24</p> <p><b>note</b> 25:16</p> <p><b>notes</b> 50:12</p> <p><b>notice</b> 66:4</p> <p><b>notion</b> 13:12 32:6</p> <p><b>number</b> 3:22 18:10 19:8,9 23:10 39:20 56:4 63:14 74:7, 15</p> <p><b>numbers</b> 13:1 56:3</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objection</b> 71:6</p> <p><b>objective</b> 76:5</p> <p><b>obviously</b> 14:19 16:4 20:4 28:18 29:9 32:19 34:16 48:17 51:17 52:21 68:17 73:22 74:17</p> <p><b>occupants</b> 25:8</p> <p><b>occupied</b> 41:12,18 49:15</p> <p><b>occur</b> 66:17</p>	<p><b>October</b> 4:14 39:2,8</p> <p><b>off-site</b> 10:3,10,14</p> <p><b>offered</b> 43:21</p> <p><b>office</b> 49:23,24 50:1 58:12</p> <p><b>official</b> 34:24 35:2,4</p> <p><b>offset</b> 15:11</p> <p><b>Okay</b> 5:5 11:4 17:5 25:21 36:24 52:17 53:8,17 71:3 72:5 78:22 81:8</p> <p><b>old</b> 44:7 46:20</p> <p><b>older</b> 31:18</p> <p><b>on-line</b> 3:17 59:10</p> <p><b>on-site</b> 45:19 48:9 61:15 68:23</p> <p><b>once</b> 9:3 37:11 39:8 44:12 53:1 61:18</p> <p><b>one-third</b> 47:16</p> <p><b>ongoing</b> 22:15 27:1</p> <p><b>onus</b> 82:9</p> <p><b>open</b> 19:13 23:10</p> <p><b>opened</b> 18:23 20:6 61:10</p> <p><b>opens</b> 21:24</p> <p><b>operation</b> 60:2</p> <p><b>operational</b> 41:24</p> <p><b>operations</b> 42:5</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>opine</b> 77:11	<b>overpressure</b> 63:20 64:5 67:2,3,7,17 69:8,15	26:3,4 42:19 48:22 51:6 73:23 74:8 76:22	74:10,15 79:22
<b>opinion</b> 18:23 20:7 21:19 22:4 26:5,17 33:8 39:4 73:13 74:8	<b>overpressures</b> 60:14	<b>participation</b> 36:20	<b>percent</b> 65:20
<b>opinions</b> 72:14 76:14	<b>overview</b> 5:18 18:7	<b>particle</b> 52:8 63:19 65:11 66:7	<b>percentage</b> 36:13,14
<b>opportunity</b> 12:19 19:12 20:24 21:24 40:6 60:24 61:12	<b>owned</b> 48:22 73:19	<b>particular</b> 10:18 14:24 43:15 49:5 53:5 58:1 73:16	<b>perceptible</b> 66:11
<b>opposed</b> 13:6,14 27:9 33:7 81:17	<b>owner</b> 10:18	<b>particularly</b> 27:17 28:10 35:24 45:6 79:17	<b>perception</b> 17:18 27:13
<b>optimistic</b> 37:16,17	<b>owners</b> 43:21	<b>pass</b> 61:23	<b>perimeter</b> 60:6
<b>option</b> 34:21	<hr/> <b>P</b> <hr/>	<b>path</b> 22:1	<b>period</b> 4:6
<b>order</b> 3:3 51:12 70:3	<b>packages</b> 20:4	<b>patience</b> 39:22	<b>Perkins</b> 58:3,5,10 71:3 79:10 81:5,6
<b>ordinarily</b> 73:12	<b>pages</b> 39:20 43:10	<b>pavers</b> 30:4	<b>permit</b> 10:2 12:14 37:16 82:22
<b>orientation</b> 23:13	<b>paints</b> 40:9	<b>pay</b> 44:7,9 49:5 53:6	<b>permitting</b> 30:9 71:1
<b>original</b> 23:16	<b>Palermo</b> 3:6 5:2 15:21 17:3 30:23 31:20 33:5,23 34:10,14 35:7 38:21 39:6 53:19 54:24 55:9, 16,22 56:8,16,20 57:6, 10,18 70:18 75:20 81:9 82:2,4,5,9	<b>peak</b> 66:7	<b>perpendicular</b> 11:23
<b>originally</b> 18:20 42:2	<b>panel</b> 8:20,21 28:1,2 81:12	<b>pebble</b> 47:12	<b>person</b> 41:21
<b>outcrop</b> 68:7	<b>panels</b> 8:16,19 28:3	<b>pedestrian</b> 21:15 22:1 24:15,21,24 28:24 31:14 37:10 45:11	<b>perspective</b> 15:24 20:13 23:9 48:8 52:15 72:19
<b>outcrops</b> 68:14	<b>paper</b> 64:23 69:12,13	<b>pedestrians</b> 61:22	<b>pervious</b> 30:4
<b>outline</b> 59:11	<b>parallel</b> 11:23 23:19	<b>peek</b> 63:19	<b>petition</b> 12:7 72:19
<b>outlined</b> 23:8 37:21	<b>parameter</b> 45:21	<b>peelable</b> 49:9	<b>petitioner</b> 73:21
<b>outlying</b> 48:3	<b>parameters</b> 74:11	<b>peer</b> 5:18,21 6:20 9:12 11:9 16:5 22:22 58:1 71:7,22 73:5 74:18 75:3,6,21 76:19 77:12	<b>phases</b> 62:11
<b>outreach</b> 60:19	<b>parking</b> 20:3 30:3 38:12 41:24	<b>penetrated</b> 45:23	<b>pick</b> 19:2 20:10
<b>outside</b> 15:9,10,11 48:4 55:18	<b>part</b> 10:14 11:20,22 13:10	<b>people</b> 19:7,8,12,14,21 33:14 49:17 50:10 59:2 62:6	<b>picture</b> 40:8
<b>outstanding</b> 22:10			<b>pictures</b> 68:3,13
<b>overall</b> 31:1,15 77:15			<b>piece</b> 18:1 24:1
			<b>pieces</b>

<p>18:1 22:10,15 34:20</p> <p><b>pink</b> 51:15</p> <p><b>pipelines</b> 65:23,24 66:1</p> <p><b>pipes</b> 51:24 52:19 77:21 78:3,5</p> <p><b>pit</b> 78:17</p> <p><b>place</b> 39:8</p> <p><b>placed</b> 9:11 23:18 44:11 51:7</p> <p><b>plan</b> 6:18 9:9 11:8 12:5 21:14,22 24:5,21 26:14 30:7 31:5 32:2,7 33:7 34:19 35:1,3 36:21 37:2,7 38:24 39:19 40:7,20 42:17 43:9,10, 23,24 45:13,14,17,24 48:14 54:15 58:24 59:1, 6,18,22,24 61:17 63:9, 23 67:12 68:19 70:16 81:13</p> <p><b>plane</b> 27:5</p> <p><b>planning</b> 4:17 5:17 6:9 16:12 22:21 39:2 41:14 58:7 75:17 76:15</p> <p><b>plans</b> 21:17 23:16 29:8,16 52:22 60:20</p> <p><b>plantings</b> 29:8</p> <p><b>plastic</b> 52:4</p> <p><b>play</b> 5:9 6:21 9:24</p> <p><b>playground</b> 9:15,24 10:8 15:10 33:9,10 34:11,13 37:3</p> <p><b>playing</b> 33:15</p>	<p><b>pleased</b> 6:14 7:6 16:17 31:16</p> <p><b>plot</b> 38:18</p> <p><b>plotted</b> 66:5,18</p> <p><b>plus</b> 62:23</p> <p><b>pluses</b> 48:6</p> <p><b>podium</b> 3:13 50:9</p> <p><b>point</b> 9:13 12:12 13:11 21:17 24:3 25:20 28:9 40:12 47:24 56:7 58:18 61:17 63:12 64:19 77:2 81:20</p> <p><b>pointed</b> 61:16 64:19</p> <p><b>points</b> 12:8 20:10 28:7,23 29:13 35:22 45:15,20 46:19 54:10 62:3 73:8</p> <p><b>Polly</b> 16:9,11</p> <p><b>pond</b> 47:14</p> <p><b>pool</b> 24:4,6 34:1,7 47:13</p> <p><b>pools</b> 34:4,14,16</p> <p><b>poor</b> 40:17</p> <p><b>populated</b> 79:15</p> <p><b>population</b> 19:6 33:2</p> <p><b>portion</b> 12:16</p> <p><b>pose</b> 10:16</p> <p><b>possibilities</b> 23:10</p> <p><b>possibility</b> 20:6 38:15</p>	<p><b>possible</b> 21:17 72:15</p> <p><b>possibly</b> 6:4</p> <p><b>post</b> 49:24 60:11</p> <p><b>Post-blast</b> 70:8</p> <p><b>posterior</b> 41:21</p> <p><b>postponed</b> 77:5</p> <p><b>posturing</b> 15:6</p> <p><b>potential</b> 24:12 33:21 49:11</p> <p><b>pound</b> 44:14</p> <p><b>pounds</b> 44:20 63:2,16</p> <p><b>practice</b> 73:12</p> <p><b>pre-blast</b> 42:8,9 43:14,19 50:17 60:19 61:1,5 68:22</p> <p><b>precast</b> 8:22 28:1</p> <p><b>Precinct</b> 77:19 79:1</p> <p><b>precise</b> 32:5 46:3</p> <p><b>precisely</b> 47:2</p> <p><b>predict</b> 47:22</p> <p><b>preference</b> 13:5</p> <p><b>preliminary</b> 63:11</p> <p><b>premature</b> 56:4</p> <p><b>prepared</b> 14:22 54:15</p> <p><b>presence</b></p>	<p>11:15</p> <p><b>present</b> 70:6 73:13,15</p> <p><b>presentation</b> 5:15 16:3,5 53:21</p> <p><b>presentations</b> 73:3 75:19</p> <p><b>presented</b> 17:13 23:1 72:19</p> <p><b>presenting</b> 5:14</p> <p><b>preset</b> 46:14</p> <p><b>pressure</b> 64:6 67:7 80:7,12</p> <p><b>pressures</b> 80:1</p> <p><b>pretty</b> 7:4,5 12:6 26:18 31:12 33:19 35:3 40:17 44:15 54:21,22 62:16</p> <p><b>prevent</b> 67:22</p> <p><b>price</b> 56:14,19</p> <p><b>primarily</b> 9:3 37:20</p> <p><b>primer</b> 62:24</p> <p><b>prior</b> 5:12</p> <p><b>priority</b> 45:6</p> <p><b>privy</b> 56:6</p> <p><b>pro</b> 36:12</p> <p><b>probability</b> 65:20</p> <p><b>probably</b> 17:10 24:2 36:6 38:20 41:5 42:10 44:22 48:4 49:1 56:3,14 62:7 66:24 69:23 71:12</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>problem</b> 20:13 40:15 71:3	<b>proposal</b> 31:6 35:5,7 44:23 75:23	<b>pursue</b> 31:22 82:23	<hr/> <b>R</b> <hr/>
<b>problematic</b> 19:4 20:11	<b>proposals</b> 77:11	<b>purview</b> 74:8	<b>racess</b> 39:5
<b>problems</b> 79:6	<b>proposed</b> 5:20 22:3 24:6 33:13,17 42:22 58:22 63:22 65:10 67:12,23,24 73:18 76:12	<b>put</b> 15:10 18:15 19:5 44:8, 12 59:8 70:23 72:21	<b>racket</b> 44:16
<b>proceed</b> 33:6	<b>proposing</b> 37:4 43:23 44:18 48:14 50:4,5 61:24	<b>puts</b> 82:10	<b>radio</b> 45:21
<b>proceeding</b> 4:10	<b>proposition</b> 22:7	<b>putting</b> 12:21 28:20 48:24 56:3 68:6 70:15	<b>radius</b> 43:19
<b>process</b> 30:9 35:23 76:22	<b>proprietary</b> 55:22	<b>pyrotechnic</b> 46:7,13	<b>raise</b> 81:15
<b>production</b> 63:11 65:3 69:7	<b>prospect</b> 34:21	<hr/> <b>Q</b> <hr/>	<b>raised</b> 30:24 35:12,22
<b>professionalism</b> 71:21	<b>protect</b> 44:4	<b>quadrangle</b> 9:17	<b>random</b> 29:21
<b>program</b> 46:11,14	<b>protecting</b> 73:7	<b>qualifications</b> 60:1	<b>range</b> 63:13,14 65:13,16
<b>progress</b> 31:2 75:6	<b>proud</b> 7:7	<b>qualified</b> 68:20	<b>ranged</b> 67:5
<b>project</b> 4:9,11 10:18 18:2,24 22:6 29:23 31:23 33:6 35:14 40:7,11,21,22 41:17 42:9 43:13,15,17 44:21 45:2 48:1,7,22 49:13 51:6 54:20 55:1, 20 56:9 57:13 58:2 60:7 62:22 67:11 68:5,6 73:17,21 75:4,10 77:15 80:20 82:1,24	<b>provide</b> 47:23 60:13 76:23	<b>quality</b> 27:24 28:4	<b>rat</b> 79:11
<b>projects</b> 17:23 30:17 41:15 46:6 58:15 61:10 80:23	<b>provided</b> 6:1 59:4,20 68:21,22	<b>quarry</b> 57:1	<b>rata</b> 36:12
<b>promise</b> 76:12	<b>provides</b> 61:12 62:24	<b>question</b> 10:12 16:1 30:7 31:1, 20,21 39:12 52:18 70:22 74:4 78:13,17,19 79:2,5 81:9,11	<b>rats</b> 79:5,7 80:18 81:8
<b>promised</b> 11:10	<b>providing</b> 60:10	<b>questions</b> 15:19 16:3,6 17:2 30:19,22 31:1 38:20 40:1 50:7 53:18 57:20 60:24 61:12 70:15,17 78:24 79:10	<b>react</b> 79:16
<b>proper</b> 45:14	<b>proximity</b> 48:9 49:14 60:7 67:19	<b>quick</b> 6:11	<b>read</b> 17:17 18:5 22:19 23:15 27:7 51:12 72:19 73:10, 11 75:24
<b>properties</b> 73:18	<b>public</b> 3:15,17 5:23 10:15 27:14 35:17 59:18,24 60:18 68:22 71:24 72:20,23 73:7,9,23 74:6,19,22 77:3,4,7,16	<b>quickly</b> 60:18 62:5	<b>ready</b> 72:11
<b>property</b> 43:21 49:2	<b>public's</b> 75:8	<b>quite</b> 21:12 39:20 42:18 72:20	<b>real</b> 7:13 18:24 19:21,22 52:18 56:4,8
<b>proportioned</b> 27:21	<b>puddingstone</b> 5:7 6:7 26:7 54:5,12,13		<b>reality</b> 79:24 82:20
	<b>pull</b> 21:7		<b>realize</b> 55:2
			<b>realized</b> 71:18
			<b>really</b>

7:23 8:5,10,23 10:6 12:1 14:12,20 15:16 16:2 18:3,13,23 19:7, 17,20,24 20:6,12,17,24 21:10,20,24 22:5,6 23:2,4,8 26:5,20 28:9, 13,16 29:5,17,21 31:14 32:13,17,22 33:2,4,14, 16 34:18 47:5 53:21,22 80:16 82:17	13:24 <b>reducing</b> 47:9 <b>reference</b> 9:14 <b>refined</b> 24:15 43:6 <b>regard</b> 12:1 <b>regression</b> 69:4 70:10 <b>regularly</b> 54:22 <b>regulation</b> 48:12 <b>regulations</b> 44:23 60:17 <b>Regulatory</b> 16:11 <b>reiterate</b> 12:12 73:1 <b>relate</b> 9:4 14:17,19 <b>related</b> 69:23 <b>relates</b> 80:7 <b>relation</b> 23:14 68:22 <b>relations</b> 59:18,24 60:19 <b>relationship</b> 27:14 <b>relative</b> 59:13 <b>release</b> 47:2,6 <b>relocation</b> 23:22 <b>rely</b> 73:4 <b>remain</b> 13:17	<b>remarkable</b> 71:11 <b>remarks</b> 5:11 <b>remember</b> 26:3 46:18,20 56:12 <b>removal</b> 15:6 26:6,9,12,15 51:9 <b>remove</b> 13:13,20 14:15,22 15:3 37:19 40:13 43:1 53:3 <b>removing</b> 14:18 26:18 53:9,14 <b>rendered</b> 24:5 37:7 <b>rendering</b> 21:16 <b>repeatedly</b> 74:4 <b>repetitious</b> 22:21 23:15 <b>repetitive</b> 18:7 <b>report</b> 5:16,20,21 17:9,13,17 18:11 20:9 29:3 59:8 <b>reports</b> 60:11 70:8 <b>request</b> 6:16 <b>requested</b> 3:23 6:4 7:3 9:11 <b>requesting</b> 4:3,13 <b>require</b> 10:3 18:18 66:3 81:23 <b>required</b> 42:8,17 58:24 59:23 82:23 <b>requirement</b> 36:4,8 44:1 <b>requirements</b> 15:3 <b>requires</b> 23:22 43:20 48:13,19	52:2 <b>reservations</b> 31:5 <b>reserve</b> 77:16 <b>residences</b> 14:1 59:2 <b>resident</b> 23:23 25:12 <b>residential</b> 65:17 <b>residents</b> 34:5 <b>resistance</b> 18:20 <b>resources</b> 26:4 <b>respect</b> 38:23 73:19 <b>response</b> 14:2,5 43:5 48:16 71:5 72:23 79:21 <b>rests</b> 13:18 <b>result</b> 14:15 <b>resulting</b> 53:15 <b>results</b> 66:5,18 <b>retain</b> 13:15 38:10,11 <b>review</b> 6:24 9:12 11:9 72:9,10, 11 74:9,12 75:18 76:12 <b>reviewed</b> 6:19 58:22,23 <b>reviewer</b> 5:18,21 6:20 9:12 22:22 58:1 71:7,22 76:19 77:12 <b>reviewers</b> 74:18,19 75:3,7,21 <b>reviewers'</b> 73:5
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>revised</b> 37:6 70:11</p> <p><b>revising</b> 70:11</p> <p><b>rifling</b> 63:4</p> <p><b>right</b> 3:6,7 7:17 9:23 11:3 14:7 24:3 31:19 39:11 40:11 41:11,16,20 49:7, 13,23 51:22 55:8 56:1 57:18 67:15 68:11,15 75:16 76:7 82:4</p> <p><b>right-hand</b> 65:15</p> <p><b>rights</b> 11:1</p> <p><b>rip</b> 53:1</p> <p><b>risk</b> 18:6 52:15</p> <p><b>road</b> 5:6 11:20,22 21:19 23:19 36:1 49:2 61:22 64:1 66:19 78:16</p> <p><b>roadway</b> 10:6,9,15 15:11 25:19 38:7</p> <p><b>roadways</b> 38:4 51:24</p> <p><b>rock</b> 42:22 60:16 61:23 62:1 64:7,8 67:18,20 68:1,8 69:1,17 70:1,2</p> <p><b>rocks</b> 67:21</p> <p><b>rodent</b> 80:20</p> <p><b>roof</b> 27:20 28:11 35:20</p> <p><b>roofs</b> 21:9,10</p> <p><b>ROSB</b> 14:15 15:23</p> <p><b>rough</b> 32:6</p>	<p><b>rougher</b> 8:20</p> <p><b>roughly</b> 63:17</p> <p><b>rule</b> 47:15</p> <p><b>run</b> 67:21</p> <p><b>running</b> 66:16 72:6</p> <p><b>runs</b> 47:3</p> <p><b>rush</b> 55:6</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safe</b> 52:3 65:19 67:22 69:7</p> <p><b>safety</b> 45:5 55:7 59:4,18 60:3 61:14,15,17 68:23 71:24 73:7 74:6</p> <p><b>sake</b> 16:14</p> <p><b>Sam</b> 78:15</p> <p><b>sanctuary</b> 23:21 59:3 62:4 65:6 73:23 79:3 80:5</p> <p><b>satisfied</b> 31:2</p> <p><b>save</b> 9:22</p> <p><b>saw</b> 16:16 22:14 25:9 27:22 28:8</p> <p><b>saying</b> 15:15 82:14</p> <p><b>says</b> 44:23 50:21</p> <p><b>scale</b> 7:11 8:11 21:10 26:6 27:17 28:10 33:1 43:18 48:7 52:14 65:12 67:8,9</p>	<p><b>scaled</b> 43:3 46:12 55:5</p> <p><b>scattered</b> 29:20</p> <p><b>scheduled</b> 6:5 60:2</p> <p><b>scheme</b> 26:16</p> <p><b>school</b> 48:23 50:14 59:3 65:5 66:20 73:24</p> <p><b>science</b> 40:3</p> <p><b>scientific</b> 77:11</p> <p><b>scope</b> 58:18 59:6</p> <p><b>screening</b> 30:15 35:14,19</p> <p><b>screenshots</b> 22:15</p> <p><b>se</b> 23:9</p> <p><b>second</b> 46:15 52:8,11,12 64:16, 17,20 65:14 66:2,12,13, 22,24 71:14</p> <p><b>section</b> 23:13 28:15</p> <p><b>security</b> 45:13 59:4 60:3 61:14, 16</p> <p><b>see</b> 5:20 7:17,20,21 8:1,5,6 11:15,18,24 12:2 14:4 20:15 21:8 22:13,15,17 23:24 25:11 28:5 31:18 49:15,21,22 51:18 57:3, 4 62:1,4 65:8,13,15 66:15 68:11,16 70:7,9, 15 76:9 80:23</p> <p><b>seen</b> 7:16 9:2 11:15 17:24 21:16 22:12,16 24:5,10, 14,23 29:7 31:6</p> <p><b>Segall</b> 10:13</p>	<p><b>seismic</b> 64:12,15</p> <p><b>seismograph</b> 48:12,13 66:23 67:6</p> <p><b>seismographs</b> 48:15 60:15</p> <p><b>selected</b> 9:16</p> <p><b>selection</b> 60:4</p> <p><b>Selkoe</b> 4:18 16:10,11 39:15 58:3</p> <p><b>send</b> 44:13</p> <p><b>sense</b> 19:11 26:20 27:18 32:1 56:10</p> <p><b>sensitive</b> 32:21 79:14</p> <p><b>separating</b> 25:11</p> <p><b>September</b> 6:6</p> <p><b>sequence</b> 45:8 60:3</p> <p><b>serious</b> 18:24</p> <p><b>seriously</b> 72:21</p> <p><b>session</b> 16:12 17:8</p> <p><b>sessions</b> 18:17 21:3,4,22 22:13, 22 23:6 34:18 75:2</p> <p><b>set</b> 7:1 48:14,15 67:11</p> <p><b>setback</b> 20:20</p> <p><b>setbacks</b> 18:12</p> <p><b>settled</b> 78:1</p> <p><b>seven</b> 66:2</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>severe</b> 74:21	<b>sidewalk</b> 24:17	63:13 66:2	37:12 60:21
<b>Sewer</b> 30:11	<b>Sidewalks</b> 32:20	<b>sizable</b> 51:8	<b>sound</b> 80:10 81:18
<b>sewerage</b> 51:24	<b>sign</b> 60:22	<b>size</b> 29:9 45:17	<b>sounding</b> 18:7
<b>shaft</b> 49:20	<b>signal</b> 61:21	<b>skin</b> 6:13	<b>sounds</b> 39:9 47:17 71:14 80:9
<b>shallow</b> 51:15	<b>signals</b> 61:19	<b>skip</b> 22:11 47:4	<b>source</b> 47:10
<b>shape</b> 14:10 40:17	<b>significant</b> 27:15 51:18 76:4	<b>slamming</b> 66:15	<b>south</b> 14:1 23:24 24:7 27:8,18 54:10
<b>Sherman</b> 6:21 7:16 9:18 11:16,24 18:22 22:2 23:19 61:22 64:1	<b>significantly</b> 18:4 23:17	<b>sliced</b> 44:10	<b>southern</b> 28:18
<b>shift</b> 9:21	<b>similar</b> 20:20 32:9	<b>slide</b> 33:24	<b>southwest</b> 19:20 23:18
<b>shifted</b> 26:11	<b>simple</b> 39:24 78:16	<b>slides</b> 50:21	<b>space</b> 19:13,15 24:7 32:16 33:18,19 34:17 41:24
<b>shingles</b> 8:15	<b>simply</b> 13:13	<b>sliding</b> 40:16	<b>spaced</b> 62:9
<b>shipped</b> 44:10	<b>single</b> 45:24	<b>slow</b> 31:16	<b>spaces</b> 30:3
<b>shoe-horned</b> 20:17	<b>sir</b> 57:24	<b>slowly</b> 32:20	<b>spacing</b> 7:9
<b>shoot</b> 57:9	<b>site</b> 8:6 9:9,13 13:21 15:2,7 18:10,12,17 19:1,4,6,10 20:12,18 21:1,8,14,15, 17 25:1 26:5,14 27:9 30:1 32:8,10,13,15,24 33:3,8,13 35:1,2 37:7 38:2 45:9 46:1 54:2 58:19 59:3,18 60:3 61:14 67:19 68:4,14	<b>small</b> 21:5 28:8 43:2,4 45:16 48:8 51:16 52:4 60:8 68:24	<b>speak</b> 3:13,18 40:10 77:9 78:12 79:4,12
<b>shot</b> 38:9 61:23	<b>sits</b> 8:5	<b>smaller</b> 20:18,21 23:7 75:14	<b>speaking</b> 50:12
<b>shots</b> 45:16	<b>sitting</b> 3:5 19:16	<b>Smith</b> 39:15,16,18 50:20 51:4, 12,22 52:2,21 53:11,16 54:6 55:4,12,21 56:1, 11,17,24 57:8 78:19,20 79:10,11 80:19	<b>special</b> 37:16 41:7 82:21
<b>shoved</b> 10:4	<b>situation</b> 73:14 77:23 82:21	<b>solid</b> 42:1 52:24	<b>specialized</b> 40:20,21 53:12
<b>show</b> 24:1 40:6 49:12 63:21	<b>situations</b> 73:15	<b>somebody</b> 4:1 44:16 77:8,13	<b>specific</b> 25:24 75:22 76:1
<b>showing</b> 9:13 61:17	<b>six</b> 17:14,20,21 18:2 21:3 22:6,22 25:5 27:10 31:9 34:18 42:2 62:9,18	<b>sophisticated</b> 76:2	<b>specifically</b> 58:6
<b>shows</b> 63:23		<b>sorry</b> 63:15	<b>specifics</b> 22:8 35:12
<b>side</b> 20:1 23:24 24:7 25:10, 12,13 31:13,15 47:14 64:4		<b>sort</b> 5:9 8:21 20:15 25:7	<b>speed</b> 47:18,19 52:7 64:10,11, 13
			<b>spent</b> 41:3

<p><b>spontaneously</b> 77:22</p> <p><b>sporadic</b> 12:1</p> <p><b>spots</b> 20:21</p> <p><b>squeezed</b> 27:9</p> <p><b>stabilized</b> 70:3</p> <p><b>stacking</b> 74:9</p> <p><b>staff</b> 6:9 22:21</p> <p><b>stage</b> 22:9 38:23</p> <p><b>stand</b> 12:14</p> <p><b>standard</b> 46:6 64:21 65:11 67:4, 10 69:9</p> <p><b>start</b> 19:24 42:9 46:22 47:4,8 52:20 63:12 66:12 68:18,24</p> <p><b>started</b> 7:24</p> <p><b>starting</b> 29:4 63:12,23</p> <p><b>startle</b> 79:22</p> <p><b>starts</b> 43:2 47:3</p> <p><b>state</b> 3:8 41:16,18 42:7 43:20 44:1 48:13,19 50:21 60:17</p> <p><b>station</b> 54:21</p> <p><b>statistical</b> 69:5</p> <p><b>statute</b> 74:23 75:5</p> <p><b>stay</b> 38:18 55:7 64:21 65:19</p>	<p><b>steady</b> 17:24</p> <p><b>steel</b> 44:11</p> <p><b>STEINFELD</b> 82:13</p> <p><b>steps</b> 50:14</p> <p><b>Steve</b> 36:6 77:18</p> <p><b>Steven</b> 10:20</p> <p><b>stick</b> 62:3</p> <p><b>sticking</b> 67:13</p> <p><b>stimulus</b> 80:13</p> <p><b>stone</b> 8:20 28:1</p> <p><b>stories</b> 8:9</p> <p><b>storm</b> 80:2</p> <p><b>stormwater</b> 13:18,19 30:12 38:13</p> <p><b>Storrs</b> 10:21</p> <p><b>story</b> 65:18 66:3</p> <p><b>straight</b> 38:7,9</p> <p><b>street</b> 3:23 4:5 11:15 18:22 19:22 23:19 27:11 53:4, 5,7 79:6</p> <p><b>streets</b> 19:23 28:15</p> <p><b>stretch</b> 11:7</p> <p><b>strictly</b> 53:13</p> <p><b>stripped</b> 68:7</p>	<p><b>strong</b> 27:19</p> <p><b>strongly</b> 22:5</p> <p><b>structurally</b> 40:15</p> <p><b>structure</b> 23:17 25:3 27:8,19 44:24 48:21 49:15</p> <p><b>structures</b> 8:17 23:23,24 42:16 48:2,3,9 50:17,22 52:13 60:12 65:18,23 66:1,4</p> <p><b>stuff</b> 65:24 79:6</p> <p><b>stutter</b> 47:4</p> <p><b>sub-courtyards</b> 28:17</p> <p><b>subjected</b> 80:1</p> <p><b>submission</b> 73:9</p> <p><b>submittal</b> 25:4</p> <p><b>submitted</b> 59:9 63:9 70:9</p> <p><b>submitting</b> 58:23</p> <p><b>subsidizing</b> 36:19</p> <p><b>subtle</b> 19:18</p> <p><b>successfully</b> 40:8</p> <p><b>suggested</b> 31:22</p> <p><b>suggesting</b> 82:16,20</p> <p><b>suited</b> 36:7</p> <p><b>summarizing</b> 5:9</p> <p><b>summary</b> 59:20 63:8 68:17</p>	<p><b>summer</b> 41:3</p> <p><b>sunlight</b> 28:22</p> <p><b>supervisor</b> 39:14,17</p> <p><b>supplanted</b> 11:17</p> <p><b>supported</b> 42:3</p> <p><b>supports</b> 75:23</p> <p><b>suppose</b> 72:6</p> <p><b>sure</b> 4:15 16:8 26:2 50:17 51:2 56:13 77:5 78:14</p> <p><b>surface</b> 42:21</p> <p><b>surgery</b> 41:2,5,6</p> <p><b>surprises</b> 21:3</p> <p><b>surround</b> 9:5</p> <p><b>surrounding</b> 44:5 45:22 69:2</p> <p><b>survey</b> 50:17 51:1 61:1,5 68:22</p> <p><b>surveying</b> 55:19</p> <p><b>surveys</b> 43:14,21 61:10</p> <p><b>suspend</b> 41:6 42:4</p> <p><b>Swartz</b> 10:20 15:13 36:8,18 82:14</p> <p><b>swimming</b> 24:4,6</p> <p><b>system</b> 30:13 70:14 71:10</p> <p><b>systems</b> 35:20 70:13</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>T</b></p> <p><b>take</b> 40:5 42:19 43:1 47:10 52:6 55:1 57:13 66:17 72:20</p> <p><b>take-offs</b> 56:2</p> <p><b>taken</b> 50:8 73:9 76:20</p> <p><b>takes</b> 41:7,14 42:14 48:7 55:18 82:9</p> <p><b>talk</b> 14:14 19:2 21:22 22:14 23:9 28:7 29:1 40:4 77:13 81:8,14</p> <p><b>talked</b> 28:15,23 29:2 30:2,6 32:23</p> <p><b>talking</b> 24:11 25:6 30:17 56:22 62:15 75:11 77:23</p> <p><b>tall</b> 27:3</p> <p><b>team</b> 5:13 6:7 16:14 39:3</p> <p><b>technical</b> 11:11 39:17 52:15 57:8 58:9</p> <p><b>technically</b> 39:21</p> <p><b>technology</b> 40:7,21,23 46:5 50:5 71:18</p> <p><b>tell</b> 4:2 16:15 38:22 52:22 55:23 56:9 71:8</p> <p><b>ten</b> 52:10 62:9 66:2</p> <p><b>tend</b> 75:20</p> <p><b>tenth</b> 46:16</p> <p><b>terms</b> 16:20 36:5 71:12 72:16,</p>	<p>23 73:5</p> <p><b>test</b> 43:2 60:8 62:7 63:10,12 64:1 65:2 66:5,19 67:5, 9,16 68:23 69:6 70:6,7</p> <p><b>testing</b> 55:19</p> <p><b>texture</b> 8:19</p> <p><b>textured</b> 28:1</p> <p><b>thank</b> 5:4 11:4 16:8,9 17:1 35:10 39:6,11 53:20 57:19,23 71:4 72:5 78:11,22,23 81:5</p> <p><b>theoretical</b> 12:18</p> <p><b>there's</b> 22:9 24:6 46:8 51:8 53:1 65:20 68:10 71:16</p> <p><b>they'll</b> 60:21</p> <p><b>they're</b> 4:2,3 5:14 20:14,15 21:6,12 28:12 33:16 35:17 36:10 80:15</p> <p><b>they've</b> 5:15 79:6</p> <p><b>thin</b> 64:23 69:12,13</p> <p><b>thing</b> 11:2 22:4 25:6 27:1 33:12 47:10 48:1 52:23 61:5 68:18 69:3 72:1 78:7</p> <p><b>things</b> 11:14 19:18 20:4 22:20 29:4 30:6 31:11,12 32:14 44:15 70:17 72:7</p> <p><b>think</b> 6:24 7:6 8:23 12:6,23 14:12 17:10,24 18:10, 19 19:10,18 20:5 21:6, 12,16 22:6,9 24:9,20 25:2,6 26:10,11,14,16, 21,23 28:15 29:1 30:2, 5,10,18 31:13,18 32:4,</p>	<p>11,17 33:11,13,17,19, 20,21 36:6 50:12 55:1 57:18 59:13 65:5 66:22 69:17 72:7,8,21,22 73:9 74:9,12 75:16,21 76:5 77:2,4,16 82:19</p> <p><b>thinking</b> 27:12 30:20</p> <p><b>third</b> 47:21 49:1</p> <p><b>thorough</b> 76:15,23 79:15</p> <p><b>thoroughness</b> 75:18</p> <p><b>thought</b> 20:11 22:17 33:12</p> <p><b>thousand</b> 14:11 40:9 46:15</p> <p><b>thousands</b> 62:20</p> <p><b>threat</b> 69:17</p> <p><b>three</b> 8:4,9 13:13 16:19 20:13 21:23 23:6,22 25:17 31:24 34:22 48:14 56:22 61:20 62:8,11 63:10,16 64:2</p> <p><b>throw</b> 12:9 67:20,21</p> <p><b>throwing</b> 25:7</p> <p><b>thumb</b> 47:15</p> <p><b>thunder</b> 80:2</p> <p><b>thunderclap</b> 79:23</p> <p><b>tie</b> 33:2</p> <p><b>tight</b> 49:22</p> <p><b>time</b> 4:6,10 5:22 17:14,15 30:15 40:4,9 43:11 45:7,24 46:11,14 47:16,</p>	<p>20 50:9 51:16 53:4 54:3 55:18 56:12,14 57:13 72:10 81:23,24</p> <p><b>times</b> 18:10 23:10 53:6 62:18</p> <p><b>timing</b> 81:13</p> <p><b>tiny</b> 28:12</p> <p><b>tires</b> 44:7,8,10</p> <p><b>today</b> 12:14 17:10</p> <p><b>told</b> 16:22</p> <p><b>tonight</b> 11:12 16:16,23 22:18 33:11 76:8,17</p> <p><b>tools</b> 46:5</p> <p><b>top</b> 8:15 33:18 35:15 42:21 63:5 74:10</p> <p><b>topography</b> 9:10 33:20</p> <p><b>touch</b> 18:5</p> <p><b>tough</b> 38:17</p> <p><b>toughest</b> 42:11</p> <p><b>town</b> 41:22 54:21 58:1,10,20 59:9 74:3,18,24 77:18, 24 79:1 81:16 82:10,16</p> <p><b>town's</b> 6:19 36:20 58:6</p> <p><b>townhomes</b> 9:5,17 11:17</p> <p><b>townhouse</b> 23:23</p> <p><b>traffic</b> 45:11 74:18</p> <p><b>training</b> 60:1</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>transcribed</b> 3:11</p> <p><b>transparency</b> 16:15</p> <p><b>trash</b> 30:5</p> <p><b>travels</b> 64:12,14,15</p> <p><b>trees</b> 9:22</p> <p><b>tremendous</b> 44:12 47:6</p> <p><b>trigger</b> 49:8 66:23,24</p> <p><b>trim</b> 8:22 9:7</p> <p><b>troll</b> 20:9</p> <p><b>true</b> 14:2</p> <p><b>Trump</b> 17:15</p> <p><b>trust</b> 73:23</p> <p><b>try</b> 39:24 68:2</p> <p><b>trying</b> 56:21</p> <p><b>tucked</b> 11:16</p> <p><b>turn</b> 11:21 41:24</p> <p><b>turns</b> 7:16 79:19</p> <p><b>tweaks</b> 11:8</p> <p><b>twelve</b> 13:10 37:19 63:13</p> <p><b>twice</b> 80:12</p> <p><b>twist</b> 37:12</p> <p><b>two</b> 12:13 18:9 19:23 25:13</p>	<p>26:3 29:12,17 32:12 34:3 36:13,14 38:11 39:8 50:21 52:8 61:20 62:8,10 64:2,20 65:14, 18 66:3,6,20 78:24</p> <p><b>type</b> 8:17 46:6 54:22</p> <p><b>types</b> 7:21 8:12 36:12 54:7,8 79:18</p> <p><b>typical</b> 45:13 62:10,12 63:1 66:23</p> <p><b>typically</b> 35:20 36:18,23</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>U.S.</b> 65:10 67:3 69:8</p> <p><b>ultimate</b> 6:3 72:16</p> <p><b>ultimately</b> 59:4</p> <p><b>unanimous</b> 5:3</p> <p><b>underground</b> 52:6,9 58:14 66:1</p> <p><b>underneath</b> 38:12</p> <p><b>understand</b> 4:21 5:13 7:2 10:15 14:20 15:22 45:14 53:23 56:20 57:10 81:4</p> <p><b>understanding</b> 4:13 25:17 37:1 59:14 60:4 62:6,12</p> <p><b>understatement</b> 23:2</p> <p><b>undesirable</b> 64:4 67:20</p> <p><b>unfortunately</b> 81:22</p> <p><b>unit</b> 36:12 37:24 49:10</p> <p><b>units</b></p>	<p>13:5 15:4 20:19 28:18, 21,22 29:14,15,18,19 32:8 35:13 36:3,9,16,22 37:14,19</p> <p><b>University</b> 41:10</p> <p><b>unpleasant</b> 21:11</p> <p><b>unprecedented</b> 55:15</p> <p><b>unsatisfactory</b> 26:13</p> <p><b>up-to-date</b> 42:12</p> <p><b>update</b> 6:11</p> <p><b>updated</b> 70:10</p> <p><b>upper</b> 7:18 8:8 28:2 41:16 65:15</p> <p><b>upset</b> 33:15</p> <p><b>use</b> 11:1 12:24 28:11 40:7, 23 44:19 45:1,2 46:3 62:19 69:6,19</p> <p><b>utilities</b> 52:10 53:2 60:13</p> <p><b>utility</b> 52:19 53:5</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>value</b> 47:16 66:23</p> <p><b>Vanguard</b> 49:4</p> <p><b>vapor</b> 70:14</p> <p><b>variation</b> 54:11,16</p> <p><b>varies</b> 54:6</p> <p><b>various</b> 9:7</p>	<p><b>varoom</b> 46:23</p> <p><b>vary</b> 45:17</p> <p><b>vast</b> 51:19</p> <p><b>vegetation</b> 68:8</p> <p><b>vehicles</b> 19:9 28:24 61:22</p> <p><b>vehicular</b> 24:21 45:11</p> <p><b>velocity</b> 47:18 52:8 63:19 65:11</p> <p><b>verified</b> 61:9</p> <p><b>Vermont</b> 49:19</p> <p><b>version</b> 26:7</p> <p><b>versions</b> 20:14,15</p> <p><b>versus</b> 33:16</p> <p><b>vertical</b> 65:12</p> <p><b>viable</b> 75:4,10</p> <p><b>vibration</b> 47:9,11,18 49:7 52:3,5 59:14 66:10,14,17 69:8, 12,16 71:16</p> <p><b>vibrations</b> 60:14 64:5</p> <p><b>video</b> 49:13,16 61:7,9 76:10</p> <p><b>videos</b> 61:11</p> <p><b>view</b> 7:15</p> <p><b>views</b> 22:14</p> <p><b>village</b> 12:16 48:4,18</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>vinyl</b> 9:7</p> <p><b>virtually</b> 30:8</p> <p><b>vis-a-vis</b> 9:13</p> <p><b>visible</b> 11:19 14:11 28:14</p> <p><b>visit</b> 58:19</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 81:10 82:1</p> <p><b>waiver</b> 12:4,5</p> <p><b>waivers</b> 6:4,24 7:2 72:8 76:12</p> <p><b>Waldo</b> 3:22 4:5</p> <p><b>walk</b> 37:10,22</p> <p><b>walk-around</b> 16:23</p> <p><b>walk-through</b> 24:15,16</p> <p><b>walking</b> 24:24 66:15</p> <p><b>walkway</b> 35:24</p> <p><b>walkways</b> 37:2</p> <p><b>walls</b> 70:2</p> <p><b>want</b> 9:20,23 10:11 11:13 12:5,6,11 13:11 16:4 22:5 47:24 64:9 72:10 76:8,14,22 77:3 78:12 79:7 81:8 82:18</p> <p><b>wanted</b> 50:13</p> <p><b>wanting</b> 14:16 31:9</p>	<p><b>wants</b> 77:3,9,13</p> <p><b>Warning</b> 61:19</p> <p><b>wasn't</b> 18:13 19:7 23:5 25:24 41:16 50:18</p> <p><b>water</b> 30:11 47:13 52:9</p> <p><b>wave</b> 47:20 64:12,13,15</p> <p><b>waves</b> 47:13</p> <p><b>way</b> 7:10 9:21 12:20 14:9 18:15 22:1 24:13,22 25:4 38:10 39:9 46:18 53:23 57:3 81:17</p> <p><b>ways</b> 18:3 19:15 22:7 49:4</p> <p><b>we'll</b> 10:7 16:4,23 37:5 39:4 44:21 45:20</p> <p><b>we're</b> 7:1 8:3 15:8,10,11,12 21:19 36:1 37:16 41:2 42:12,16,24 43:1,4 44:3,18 45:1,2,10 46:3, 8,12 47:8 48:14,23 49:2,14,17,20 50:4,5,22 52:24 53:2,11 54:15,21 72:6,7 75:11 76:7 77:23 80:3 82:14,15,20</p> <p><b>we've</b> 6:11,12,16,21 8:16 9:2 17:24 21:16 24:14 35:18 38:17 72:14 74:3 79:18</p> <p><b>weaker</b> 54:17</p> <p><b>website</b> 3:17</p> <p><b>wedged</b> 18:20</p> <p><b>week</b> 16:24</p> <p><b>weekly</b></p>	<p>70:12</p> <p><b>weeks</b> 55:4</p> <p><b>weighs</b> 44:20</p> <p><b>weight</b> 63:15</p> <p><b>welfare</b> 74:6</p> <p><b>well-articulated</b> 28:13</p> <p><b>went</b> 17:19 46:22 66:8</p> <p><b>weren't</b> 23:11 51:3</p> <p><b>west</b> 40:12 63:24</p> <p><b>wetlands</b> 68:10</p> <p><b>what's</b> 60:22 62:4</p> <p><b>white</b> 8:10,14 28:2 51:14</p> <p><b>wide</b> 44:21</p> <p><b>widened</b> 32:20</p> <p><b>width</b> 24:17</p> <p><b>wildlife</b> 79:2,22 80:2,17</p> <p><b>willing</b> 4:23 10:15 50:8 77:10</p> <p><b>willingness</b> 14:14</p> <p><b>wind</b> 80:7,8</p> <p><b>window</b> 7:9 67:14</p> <p><b>windows</b> 9:7 67:15</p> <p><b>wing</b> 41:2,5</p>	<p><b>winter</b> 46:21</p> <p><b>wire</b> 63:6</p> <p><b>wishes</b> 3:12</p> <p><b>won't</b> 22:10 28:7 29:1 48:5 55:7</p> <p><b>wonder</b> 79:4</p> <p><b>wonderful</b> 32:16</p> <p><b>wooded</b> 68:5</p> <p><b>woods</b> 65:8</p> <p><b>words</b> 40:9</p> <p><b>work</b> 6:12 18:16 21:20 53:13 56:24 57:12 58:7,11,19 59:6 72:21 76:16 79:18 80:22</p> <p><b>worked</b> 17:23 18:12 19:18 36:19 75:6</p> <p><b>workers</b> 45:10 60:2</p> <p><b>working</b> 5:17 16:12 17:2,8,19,21 18:16 20:6 21:3,21 22:13,22 23:6 31:3 33:21 34:18 42:6 45:19, 23 49:14,17 70:4</p> <p><b>works</b> 4:15,17 9:12 22:4 32:15 33:21 36:22</p> <p><b>worn</b> 44:13</p> <p><b>worried</b> 45:10,11</p> <p><b>wouldn't</b> 9:23 25:20</p> <p><b>wrap</b> 49:12</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>wrapping</b> 64:1</p> <p><b>written</b> 70:24</p> <p><b>wrong</b> 52:23 72:1</p> <p><b>wrote</b> 59:8</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p><b>Xs</b> 66:6,20</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yard</b> 56:13,14 57:2,3,4,5</p> <p><b>yards</b> 41:4 56:13</p> <p><b>Yeah</b> 82:5</p> <p><b>year</b> 43:15 68:6</p> <p><b>years</b> 18:9 26:3 29:12 32:12 58:13</p> <p><b>York</b> 40:12</p> <p><b>you'll</b> 6:20 11:15 12:2 37:9 80:23</p> <p><b>you're</b> 4:13,23 10:15 11:21 23:12 26:9 39:7 44:23 45:15,18 49:15 50:1 53:4,14 55:6,19 57:12 61:6,8,21 75:16 76:3 82:12</p> <p><b>you've</b> 7:15 11:14 26:23 30:16</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>ZBA</b> 5:24</p>	<p><b>zone</b> 13:3</p> <p><b>zoning</b> 3:4 5:24 15:2 39:4</p> <p><b>zooms</b> 49:16</p> <p><b>Zuroff</b> 3:2,5 4:12,16,21 5:3 6:9 10:12 11:4 15:18,22 16:9 17:1,5,11 30:21,24 35:5,10 36:15,24 37:9 38:6,14,19 39:7,11 50:11,24 51:5,20,23 52:17 53:8,14,17 57:16, 20,23 70:20,22 71:4 72:5 76:7 78:11,14,18, 23 79:9 80:18 81:4,7,22 82:7,11</p>	
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