

PLANNING BOARD  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING  
TUESDAY, FEBRUARY 28, 2023  
6:30 p.m.

Remote Meeting  
Cambridge, Massachusetts

Mary T. Flynn, Chair  
Catherine Preston Connolly, Vice Chair  
Louis J. Bacci, Jr.  
Steven A. Cohen  
H Theodore Cohen  
Hugh Russell  
Tom Sieniewicz  
Ashley Tan

Community Development Staff  
Jeff Roberts  
Swaathi Joseph  
Suzannah Bigolin  
Adithi Moogoor  
Mason Wells



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## I N D E X

CASE	PAGE
General Business	
Update from the Community Development Department	5
Adoption of Planning Board meeting transcripts (12/20/2022, 1/10/2023, 1/17/2023)	11
Public Hearings	
PB-395 -- 425 Massachusetts Avenue	13
PB-393 -- 23 Reed Street (continued from 12/13/2022)	49

P R O C E E D I N G S

\* \* \* \* \*

(6:30 p.m.)

Sitting Members: Mary T. Flynn, Catherine Preston Connolly,  
Louis J. Bacci, Jr., Steven A. Cohen, H  
Theodore Cohen, Hugh Russell, Tom  
Sieniewicz, and Ashley Tan

MARY FLYNN: Good evening. Welcome to the  
February 28, 2023, meeting of the Cambridge Planning Board.  
My name is Mary Flynn, and I am the Chair.

This meeting is being held remotely in accordance  
with Chapter 107 of the Acts of 2022 signed into law on July  
16, 2022.

All Board members, applicants, and members of the  
public will state their names before speaking. All votes  
will be taken by roll call.

Members of the public will be kept on mute until  
it is time for public comment. I will give instructions for  
public comment at that time, and you can also find  
instructions on the City's webpage for remote Planning Board  
meetings.

This meeting is being video and audio recorded and

1 is being streamed live on the City of Cambridge online  
2 meeting portal and on cable television Channel 22, within  
3 Cambridge. There will also be a transcript of the  
4 proceedings.

5 I'll start by asking Staff to take Board member  
6 attendance and verify that all members are audible.

7 JEFF ROBERTS: Thank you. This is Jeff Roberts  
8 from Community Development. Louis Bacci, are you present,  
9 and is the meeting audible to you?

10 LOUIS J. BACCI, JR.: Present, and audible.

11 JEFF ROBERTS: Thank you, Lou. H Theodore Cohen,  
12 are you present, and is the meeting audible to you?

13 [Pause]

14 JEFF ROBERTS: We couldn't hear you.

15 H THEODORE COHEN: Present, and audible.

16 JEFF ROBERTS: Thank you, Ted. We can hear you  
17 too. Steven Cohen, are you present, and is the meeting  
18 audible to you?

19 STEVEN A. COHEN: Present, and audible.

20 JEFF ROBERTS: Thank you, Steve. Hugh Russell,  
21 are you present, and is the meeting audible to you?

22 HUGH RUSSELL: Present, and audible.

JEFF ROBERTS: Thank you, Hugh. Tom Sieniewicz, are you present, and is the meeting audible to you?

TOM SIENIEWICZ: Present, and audible.

JEFF ROBERTS: Thank you, Tom. Ashley Tan, are you present, and is the meeting audible to you?

ASHLEY TAN: Present, and audible.

JEFF ROBERTS: Thank you, Ashley. Catherine Preston Connolly, are you present, and is the meeting audible to you?

CATHERINE PRESTON CONNOLLY: Present, and audible.

JEFF ROBERTS: Thank you, Catherine. And Mary Flynn, are you present, and is the meeting visible and audible to you?

MARY FLYNN: Present and audible.

JEFF ROBERTS: Thank you, Mary. So that is eight  
Planning Board members present.

MARY FLYNN: Wonderful. Thank you very much.

\* \* \* \* \*

(6:32 p.m.)

Sitting Members: Mary T. Flynn, Catherine Preston Connolly,  
Louis J. Bacci, Jr., Steven A. Cohen, H  
Theodore Cohen, Hugh Russell, Tom

1                   Sieniewicz, and Ashley Tan

2                   MARY FLYNN: The first item this evening  
3 is an Update from the Community Development Department.  
4 Please also introduce the Staff present at the meeting. And  
5 Jeff, it's going back to you.

6                   JEFF ROBERTS: Yes. Thank you. That's me again -  
7 - Jeff Roberts, the Director of Community Development. And  
8 with me -- and if we can get cameras on, if possible, to  
9 introduce the CDD Staff.

10                  Swaathi Joseph is here from Zoning and  
11 Development, as well as Mason Wells from Zoning and  
12 Development. And we have -- I'm not sure if we have  
13 introduced the Adithi before, maybe at a meeting I wasn't  
14 at, but -- Adithi Moogoor, who is our Intern in Zoning and  
15 Development.

16                  MARY FLYNN: Hm.

17                  JEFF ROBERTS: It's great to have Adithi on board.  
18 Also from the Urban Design team we have Suzannah Bigolin  
19 present this evening, who I think is on both of the cases  
20 that we'll be reviewing. And that's it for Staff. So not  
21 too many.

22                  Just shifting to looking ahead, thank you all for

1 joining us on this last day of February.

2 And we have two public hearings this evening. So  
3 the first one is on Mass. Ave. and the second one's on Reed  
4 Street. So if you're here for the Reed Street case, or if  
5 you're listening in for the Reed Street case, that'll be  
6 after the first one. So you can wait until that first one's  
7 done.

8 The upcoming meeting schedule we don't have a  
9 meeting currently scheduled on March 7, so that will be a  
10 break.

11 And then the next meeting we have is March 14. We  
12 have one pub hearing on the books, which is a special permit  
13 amendment to a townhouse development at 6 Lilac Court. The  
14 Planning Board has seen some of these in the past. These  
15 are modifications to townhouses that were permitted way back  
16 when.

17 And then -- actually that's the only thing we  
18 have. We may have some General Business items to take care  
19 of and some administrative stuff to take care of on that  
20 date as well.

21 That is all we're looking ahead to right now, but  
22 I'm sure that a lot more will be coming in. But we're -- we

1 can enjoy a little bit of a cooldown in business, even if  
2 it's temporary.

3 A couple of updates on things happening at  
4 Council: I think many of you might be excited as I was that  
5 the City Council adopted the Climate Resilience Zoning.  
6 That was the Planning Board petition that came via the  
7 Planning Board from a Task Force process that spent a lot of  
8 time really investigating this issue and coming up with some  
9 recommendations on a fairly forward-thinking and somewhat  
10 innovative approach to dealing with future impacts of  
11 climate change in development that's taking place today. So  
12 that's pretty exciting.

13 Several other petitions are still pending at the  
14 City Council. There's one on Admissions Accounting. The  
15 Planning Board gave a positive recommendation on that. The  
16 City Council discussed it last night but did not take  
17 action. So it'll come up again on March 6. For potential  
18 action on that date, we'll give you an update later on that  
19 in March.

20 There's also a petition that's known as the  
21 Patrick Barrett et al. Petition, which looked at rezoning a  
22 site on North Mass. Ave. That -- just had a hearing of the



1 Ordinance Committee today, and it was sent to the full  
2 Council with a positive recommendation.

3 So there will be some additional discussion on  
4 that at Council, but may get acted on before it expires,  
5 which is in the early part of April.

6 A couple other things that are coming up at  
7 Council are a couple of public hearings on the suggested  
8 changes to the Affordable Housing Overlay. That's not a  
9 petition, so it hasn't come to the planning Board yet. But  
10 it's currently being considered by a couple of different  
11 City Council Subcommittees. The Committee on Housing will  
12 be discussing it on March 8, and the Neighborhood Long-term  
13 Planning Committee will be discussing it on March 22.

14 So that's a snapshot of Council. And the last  
15 piece tomorrow on Wednesday at I believe 6:00 p.m. there  
16 will be a Central Square Advisory Committee meeting.

17 They will be discussing a proposal that is in the  
18 stages of forming at 6 Brookline Street, that's the Middle  
19 East site. That: We expect we'll be seeking special  
20 permits for the Planning Board. So that will be discussed  
21 by the Advisory Committee as well as another case that is at  
22 the BZA.

1           So I will end the update there, unless there's any  
2 questions. And we can move on with the agenda.

3           MARY FLYNN: Great. Thank you, Jeff. Ted? You  
4 have a question?

5           H THEODORE COHEN: I just wanted to ask Jeff, did  
6 you say that there would not be a meeting on March 7?

7           JEFF ROBERTS: That is correct. No Planning Board  
8 on March 7.

9           H THEODORE COHEN: Thank you.

10          MARY FLYNN: Are there other questions from Board  
11 members?

12          [Pause]

13          No. Okay. Oh yes, Tom?

14          TOM SIENIEWICZ: Sorry, maybe it's my connection,  
15 but I'm finding that the Chair's Internet connection is a  
16 little unstable. I'm missing --

17          MARY FLYNN: Oh.

18          TOM SIENIEWICZ: -- words.

19          MARY FLYNN: Okay. Let's double check this. All  
20 right. Is that any better?

21          No?

22          TOM SIENIEWICZ: Well --

1           JEFF ROBERTS: This is Jeff. It's sounding a  
2 little better to me. It's --

3           MARY FLYNN: Yep.

4           JEFF ROBERTS: -- it's still, it's still a little  
5 grainy, but I'm hearing -- I'm hearing, I'm not missing  
6 words.

7           MARY FLYNN: Okay. Well, let me keep going, and  
8 if it really becomes an issue, Tom, just raise your hand  
9 again. Okay? Thanks. All right.

10                           \* \* \* \* \*

11       (6:38 p.m.)

12       Sitting Members: Mary T. Flynn, Catherine Preston Connolly,  
13                           Louis J. Bacci, Jr., Steven A. Cohen, H  
14                           Theodore Cohen, Hugh Russell, Tom  
15                           Sieniewicz, and Ashley Tan

16           MARY FLYNN: The next item is Approval of meeting  
17 minutes. The Board has received certified transcripts for  
18 the meetings held on December 20, 2022 and on January 10 and  
19 17 of 2023. If there are any questions from Board members,  
20 please raise your hand now.

21                       [Pause]

22           Okay. Seeing none, is there a motion to accept

1 the transcript as the meeting minutes? And please state  
2 your name.

3 STEVEN A. COHEN: So moved.

4 MARY FLYNN: Is there a second?

5 LOUIS J. BACCI, JR.: Louis second.

6 MARY FLYNN: All right. So Steve and Louis  
7 second. Roll call vote, please, Jeff?

8 JEFF ROBERTS: On that motion, Louis Bacci?

9 LOUIS J. BACCI, JR.: Yes.

10 JEFF ROBERTS: Ted Cohen?

11 H THEODORE COHEN: Yes.

12 JEFF ROBERTS: Steve Cohen?

13 STEVEN A. COHEN: Yes.

14 JEFF ROBERTS: Hugh Russell?

15 HUGH RUSSELL: Yes.

16 JEFF ROBERTS: Tom Sieniewicz?

17 TOM SIENIEWICZ: Yes.

18 JEFF ROBERTS: Ashley Tan?

19 ASHLEY TAN: Yes.

20 JEFF ROBERTS: Catherine Preston Connolly?

21 CATHERINE PRESTON CONNOLLY: Yes.

22 JEFF ROBERTS: Mary Flynn?

1 MARY FLYNN: Yes.

2 [All vote YES]

3 JEFF ROBERTS: All members voting in favor.

4 MARY FLYNN: Okay, thank you.

5 \* \* \* \* \*

6 (6:40 p.m.)

7 Sitting Members: Mary T. Flynn, Catherine Preston Connolly,  
8 Louis J. Bacci, Jr., Steven A. Cohen, H  
9 Theodore Cohen, Hugh Russell, Tom  
10 Sieniewicz, and Ashley Tan

11 MARY FLYNN: The next item on the agenda is a  
12 public hearing on case PB-395, a special permit application  
13 by Commonwealth Specialty Baking Company, LLC, to establish  
14 a Formula Business at 425 Massachusetts Avenue.

15 We will begin with an update from CDD Staff and  
16 then we will hear an update from the applicant, followed by  
17 public comment. And then the Board will discuss the  
18 application.

19 Our action tonight this evening is to grant or  
20 deny the requested special permit. We could ask for  
21 additional information and continue the hearing to a future  
22 date.

1           With that, we'll turn it over to Mason Wells to  
2 summarize why this is before us.

3           MASON WELLS: Thank you, Chair. So this is the  
4 first public hearing on this application. The proposal is  
5 in the Central Square Overlay District, in which a Formula  
6 Business requires a special permit from the Planning Board.

7           The definition of what constitutes the Formula  
8 Business and the criteria for approval are summarized in the  
9 CDD memo, along with comments on the proposal from the Urban  
10 Design Staff, who are also here tonight for questions.

11           The Central Square Advisory Committee received  
12 this proposal and submitted a report to the Planning Board.  
13 Thank you.

14           MARY FLYNN: Thank you, Mason. Gregory Richard is  
15 here representing the applicant. Mr. Richard, you'll have  
16 up to 30 minutes to present. We hope you can be as concise  
17 as possible, but the Board can allow additional time at our  
18 discretion. Please start by introducing yourself and any  
19 other members of your team who are present. Please begin.

20           GREGORY RICHARD: Thank you very much. Can you  
21 hear me?

22           MARY FLYNN: Yes.

1           GREGORY RICHARD: Great. Thank you very much. My  
2 name is Gregory Richard. I'm the attorney for Commonwealth  
3 Specialty Baking C, LLC, which is the proposed applicant,  
4 who is a franchisee -- which is a franchisee of Crumbl  
5 cookies.

6           The application before the Board is an application  
7 for a special permit to operate a Formula Business in the  
8 Business B Zoning District and Central Square only district.

9           First of all, I just want to say that the entire  
10 CDD Staff has been tremendous through this process. And so,  
11 if thank them very much for all their help with this.

12 They've been fantastic -- Swaathi, Suzannah, and Mason, and  
13 Daniel Messplay, as well, was great to work with. So I  
14 appreciate all their help through this process.

15           You can go to the next slide, if you will.  
16 So Joseph Oppedisano is the Owner/Manager of the applicant  
17 Commonwealth Specialty Baking C, LLC. He's with us tonight  
18 as well. Again, I'm Gregory Richard.

19           You can go to the next slide, please?

20           So -- so the proposal is to open a new Crumbl  
21 Cookies Bakery at 425 Mass. Ave. in the -- in Central  
22 Square. This will be one of the newest locations in the

1 Commonwealth, and I believe that the -- the newest one in  
2 the City of Cambridge for a Crumbl Cookies location.

3 The building was constructed in 2018 under a  
4 special permit, and it was formerly Mass. and Main -- the  
5 new plaza is Market Central, where we'll be going. We'll be  
6 located in 1500 square feet of the ground-floor space of a  
7 building. We'll be the first occupant of the building, or  
8 my client will once it goes in there.

9 And just to take a step back, the reason we're  
10 here before the Board for a special permit for the Formula  
11 Business: We do share a trademark, a logo and a  
12 standardized color scheme, which is why this triggered us as  
13 a franchisee Formula Business requesting this special  
14 permit. And we will need it in order to operate, as the  
15 Board knows.

16 Just a little bit of history about Crumbl Cookies,  
17 to the extent that there is a lot of history here. It was  
18 founded by two cousins. The first location was in 2017 in  
19 Utah. There is only 700 locations nationwide in all 50  
20 states, and they emphasize making cookies from scratch,  
21 served fresh daily. If you've ever had one, they're  
22 tremendous.



1           My client also just opened its newest location  
2   this past week on first day was the Grand Opening in -- at  
3   Boston Landing near the new Boston Bruins practice facility  
4   where the New Balance facility is. So there's plenty of  
5   cookies to be had there.

6           So, you know, if you need to taste anything to  
7   make sure this is worthwhile, if you haven't already, I  
8   encourage you to do so.

9           Crumbl Cookies mission is to bring people together  
10   a box of the best cookies in the world, with their love of  
11   cookies.

12          You can go to the next slide, Swaathi, or  
13   whomever.

14          So Central Square really seems like an ideal  
15   location for a Crumbl Cookies location. You know, just  
16   seeing the logos and the aromas is going to bring people to  
17   this location, we hope, bring people together over their  
18   love of cookies.

19          And we're going to be bringing a lot of jobs to  
20   the area. We're looking to hire 50 employees -- up to 50  
21   employees. Hopefully we get there, that's ideal. Also we  
22   can, you know, keep the cookies pumping out.

1           We're looking to hire a wider range of employees -  
2   - local residents and various students -- high school,  
3   college, graduate students. So we're hoping to have a  
4   diverse employee staff.

5           If you can go to the next slide, please?

6           So the menu on this -- the reason this is -- this  
7   is such a great franchise is it's not the same menu; maybe  
8   anytime you go in there it's a rotating menu. So every week  
9   they're going to have something different.

10          The only cookie they're always going to have on  
11   there, maybe only two cookies they're going to have on there  
12   -- is their milk chocolate chip cookie, and they also have a  
13   pink frosted sugar cookie. So you might see those at all  
14   times. But other than that, they're going to have rotating  
15   cookies.

16          So it's going to continue to bring -- hopefully  
17   bring customers -- back to Crumbl Cookies to try the new  
18   flavors. You know, there is an ice cream shop right down  
19   the street, and we're hoping that somebody might feel, you  
20   know, so inclined to buy a couple cookies, go to the ice  
21   cream shop, make their own -- you know, ice cream cookie  
22   sandwiches at home.

1           But, you know, that's not in our business  
2 proposal. But it's encouraged.

3           With the application we submitted, we submitted  
4 various renderings of what it will look like when it's all  
5 said and done with the signage and everything. Thank you  
6 for turning to the next slide.

7           This is the front rendering. If you'll see in the  
8 Louver on top, there's the Crumbl word. That's really  
9 unique to this site. Typically, we have the cookie hat logo  
10 that you see in the -- in the glass at the bottom.  
11 Typically you see that with Crumbl Cookies next to it.

12           Because of some of the -- you know, design  
13 requirements that we had to comply with, not only with the  
14 City, but also with some of the landlord design  
15 requirements, we had to, you know, work -- you know, in a  
16 unique design for the sign up front and the louver to have  
17 it comply with all that, and also have it look, you know,  
18 not only -- you know, in a design that is tasteful, but also  
19 that's going to attract people to the site. So we feel like  
20 we've accomplished that.

21           In the firm, we have, you know, a very -- very simple  
22 design area with a cookie hat in one of the windows. And

1 it's going to be a hanging sign on the interior of the  
2 building, or interior of the store, as well as the Cookie  
3 vinyl that's to the -- if you're looking to the left of the  
4 building, that cookie stack. That's also a vinyl that's  
5 going to be put on from the inside portion of the window,  
6 not on the exterior.

7 And then we have the Taste Weekly sign on the door  
8 as well.

9 If you go to the next slide, please?

10 This is just a further rendering next to Vitality  
11 Bowls.

12 And if you could go to the next slide? This will  
13 show the alleyway rendering. The pink wave towards the rear  
14 of the alleyway: This is something that is 100 percent  
15 unique to this Crumbl Cookies location. After going back  
16 and forth through a number of designs, we were able to work  
17 with this.

18 You know, I understand from the Staff they would  
19 like to have a little bit more transparency -- you know,  
20 into the rear of the building. But we also are dealing with  
21 Crumbl Cookies Corporate that does have some restrictions as  
22 to looking into the rear of the kitchen from the side.

1           And you can look into it from the front, but not  
2   from the side. So we -- we did try to work as best as we  
3   could with the City's design requirements, as well as what  
4   Corporate would approve. And ultimately, we were able to  
5   get this pink wave.

6           And the first few windows, right on the corner of  
7   the building, we did eliminate any signage from there, so  
8   that we would maintain some transparency as you're coming  
9   from the alley to Mass. Ave. You know, we discussed that  
10   with the Staff, and we were able to achieve that.

11           So we hope that this is a -- a good design that  
12   the Planning Board appreciates.

13           And I did want to express that corporate  
14   restriction that we have, that we're trying to work -- you  
15   know, with both parties here, Corporate and the City.

16           If you can go to the next slide, please?

17           This is just a further visual of this, what it  
18   will look like from the street and maybe across the street  
19   here.

20           And you can go to the next slide.

21           So this is just -- this was in your application  
22   package that you should have received. This is just a

1 layout of all the various signs that are going to be up  
2 there to show that it complies with the Design Requirements.

3 Again, Daniel Messplay was -- was great in working  
4 through this, as was Suzannah. So I appreciate all their  
5 help with that.

6 The next slide is just other locations, to show  
7 how this differentiates -- this location differentiates from  
8 other locations nationwide.

9 The photographs to the left here, which has the  
10 Crumbl Cookies hat and the Crumbl Cookies word and the sign,  
11 that's the standard sign. You can see that on the bottom  
12 right photograph as well from another location.

13 Typically, the signage will have, you know, all of  
14 that. In our sign, if you recall from the louver sign, you  
15 just have the word, "Crumbl" in there, which is very unique  
16 to this site. And it's very clean and I think it keeps in  
17 line with what we're trying to -- what the City is trying to  
18 achieve in the Central Square district.

19 So as I said, that's sort of the end of the major  
20 slide presentation that I have here. And I want to be  
21 respectful to the Board's time with any questions they may  
22 have and with other matters that may be on there.

1 But essentially, I think my application -- the  
2 application we filed -- really does speak for itself. I  
3 hope this is a very straightforward application for the  
4 Board to vote on.

5 We are requesting that the Board grant our  
6 requested relief for the special permit to operate as a  
7 Formula Business. We feel like we meet the criteria, and we  
8 thank you for your time, and we hope that, you know, you  
9 will approve our application.

10 MARY FLYNN: Great. Thank you very much,  
11 Attorney. We appreciate it.

12 So as I mentioned before, this is a public  
13 hearing. Any member of the public who wishes to speak  
14 should now click the button that says, "Raise hand." If  
15 you're calling in by phone, you can raise your hand by  
16 pressing \*9.

17 As of 5:00 p.m. yesterday, the Board had no  
18 written communications on this case. Written communications  
19 received after 5:00 p.m. yesterday will be entered in the  
20 record.

21 If anybody wishes to speak, please raise your hand  
22 now.

1 [Pause]

2 I'm not seeing any at the moment. Jeff, were --  
3 are you seeing the same? No hands.

4 JEFF ROBERTS: This is Jeff. Yeah. I'll just --  
5 I'll repeat the instructions, in case the audio is  
6 difficult. So if there's anybody attending the meeting over  
7 Zoom in the Attendees, and you'd like to speak on this case  
8 -- this is the 425 Mass. Ave. Crumbl Cookie proposal -- you  
9 can, if you're connected by phone you can press \*9 or push  
10 the button on Zoom that says, "Raise hand." You just have to  
11 do that once, and your hand will go up. We'll see that you  
12 would like to speak on this case.

13 So I'll just give a few seconds, in case there's  
14 anybody who wants to do that.

15 [Pause]

16 I'm still seeing none. So I'll turn it back over  
17 to the Chair.

18 MARY FLYNN: Okay. Thank you very much. So we're  
19 now going to move from public comment discussion.  
20 Additional written comments may be submitted for the record.

21 Do Board members have questions for either Staff  
22 or the proponent?



1 Ashley?

2 ASHLEY TAN: Yeah, I had a quick question. I  
3 couldn't quite tell from the plans if the main sign and the  
4 logo sign from the window were going to be lit. So if the  
5 applicant can just address that, that would be helpful.

6 MARY FLYNN: Okay. Mr. Gregory (sic)?

7 GREGORY RICHARD: Yes. With us tonight is Tony  
8 Williams, who is with the sign design team for the project.

9 And before I turn it over to him for comment, I --  
10 all the signs, those two signs will be lit. They will be  
11 lit in up in accordance with the requirements of the city.  
12 But Tony, do you have any additional comment at this point?

13 MARY FLYNN: Just let me just interrupt for a  
14 minute, because there were two other Board members with  
15 comments, and they usually have design comments. So maybe  
16 we should get those before we --

17 GREGORY RICHARD: Sure.

18 MARY FLYNN: -- have Mr. Williams. And then we  
19 can answer everything at once. Hugh, what is your question?

20 HUGH RUSSELL: My question is about the pink wave  
21 that's being applied to the windows in the alleyway. Is  
22 that completely opaque, or can you sense motion or light or

1 anything coming through it? I can understand how you  
2 wouldn't want people to actually look into your -- your  
3 cleanup kitchen, but just curious.

4 MARY FLYNN: Okay. Thank you. And Tom?

5 TOM SIENIEWICZ: I had exactly -- Part A of my  
6 question, yes, was transparent or translucent on the pink  
7 wave, but also a question about the corporate Standards.

8 Would it be possible to -- to lower that, so that  
9 you've got some sense of motion, you wouldn't be able to see  
10 directly in, but, you know, eye level being about five feet  
11 above grade. I think on that side of the building, we need  
12 to look at this detail pretty carefully.

13 MARY FLYNN: Okay. Lou? You're muted, Lou. We  
14 can't hear you. Now -- yeah. I just -- we just couldn't  
15 hear you.

16 LOUIS J. BACCI, JR.: On that alley, besides the  
17 lack of transparency, it also makes kind of a --

18 THE REPORTER: I'm having a hard time hearing you  
19 -- I'm sorry, it's the transcriptionist.

20 MARY FLYNN: Yeah. I think your connection is  
21 like mine, Lou, and it's --

22 THE REPORTER: It's very muffled.

1           JEFF ROBERTS: Yeah. This is Jeff. Yeah, Lou,  
2 maybe if there's something covering your microphone or --

3           LOUIS J. BACCI, JR.: One sec. Is that any  
4 better?

5           MARY FLYNN: Much better. Mm-hm.

6           LOUIS J. BACCI, JR.: Same comment. Too much lack  
7 of transparency. And also, it adds a -- I hate to say this,  
8 but kind of a chalkboard for graffiti. It makes a nice  
9 place to write.

10           Did you say it was a corporate problem with seeing  
11 into the bakery itself? What is directly behind it?

12           MARY FLYNN: Okay. So that was all the questions  
13 so far. So let me turn it to the proponent.

14           GREGORY RICHARD: So again, with respect to the  
15 lighting, Tony, I'll follow up with you on that in a minute.  
16 And the other three questions regarding the pink wave, to my  
17 understanding -- and Tony, correct me if I'm wrong -- it is  
18 opaque, so that you could not see into it or see, you know,  
19 movement or anything.

20           The corporate requirements do require that there  
21 be no -- no looking into the back of the kitchen to see  
22 what, you know, what's going on back there, essentially,

1 from the side.

2           You know, when you're inside the store, you know,  
3 it's -- it's, you know, not -- not an issue. But that --  
4 that's right why we're here. So I don't know if lowering  
5 that -- lowering the sign would be something that we could  
6 do.

7           I know we went back, you know, after working with  
8 the Staff and the design team was working directly with  
9 Corporate. We did try to come up with what was hopefully an  
10 acceptable -- an acceptable proposal. So this is really  
11 where we landed on trying to minimize, you know, so much of  
12 that.

13           And I believe that the vinyl, again, is going to  
14 be on the -- laid on the inside of the window. So I  
15 understand the concern for graffiti. I don't know if the  
16 fact that it's on the inside, if that alleviates any concern  
17 for that or -- or, you know, or if, you know, just having a  
18 window invites -- you know, a window in a side alley may  
19 invite graffiti regardless. You know --

20           LOUIS J. BACCI, JR.: It's not so much the window,  
21 it's the solid background.

22           GREGORY RICHARD: Yep. But would a -- like a

1     frosted glass window really make any difference compared to  
2     -- compared to a pink wave?

3             LOUIS J. BACCI, JR.: But you don't have frosted  
4     windows. You're frosting the window sill. The problem is I  
5     don't know what the -- first of all, I don't know why the  
6     big secret behind the -- in the kitchen. You might want to  
7     emphasize that a little bit. A lot of places, the people  
8     have open kitchens, the public looks into the kitchen.

9             GREGORY RICHARD: Yeah.

10            LOUIS J. BACCI, JR.: I know you're just making  
11     cookies and so forth but --

12            MARY FLYNN: Right.

13            LOUIS J. BACCI, JR.: It creates a problem.

14            JOSEPH OPPEDISANO: I can comment to this.

15            MARY FLYNN: All right. All right. Yeah, one at  
16     a time, please. Okay. So Mr. Oppedisano?

17            JOSEPH OPPEDISANO: Yeah, sure. Great question.  
18     So we do have an open kitchen concept from scratch --

19            THE REPORTER: Could you intro yourself for  
20     record?

21            JOSEPH OPPEDISANO: Oh, Joseph Oppedisano. I'm  
22     the owner.

1           MARY FLYNN: All right.

2           JOSEPH OPPEDISANO: Can everyone hear me okay?

3           MARY FLYNN: Yes.

4           JOSEPH OPPEDISANO: Okay, great. So we do have an  
5 open kitchen concept. That's what makes Crumbl unique. So  
6 when customers come through the front door, you can actually  
7 see our product being made -- mixers and ovens and people  
8 balling dough. And it's a very beautiful, nice environment.  
9 You should check us out on Boston Landing and also Station  
10 Landing in Medford.

11           But they control what's visible to the consumer  
12 for the following reasons. So what's behind that wall is  
13 actually storage and sinks and storage and boxes and  
14 storage.

15           So they do not allow anybody to video or take  
16 pictures of the back of the house. The only thing that's  
17 allowed is what a customer can see. And that includes  
18 employees of the facility.

19           So they don't -- trade secrets, and they do not  
20 allow any visibility, video, pictures at all into the back  
21 of the house. And I honestly wouldn't know why anybody  
22 would want to see a three-compartment sink and boxes and

1 storage. It wouldn't be a very pretty sight in the  
2 alleyway. So this was a very nice -- you know, amicable  
3 resolution the problem that we had.

4 So for us, it's very operational. We actually  
5 allowed for that little corner, the first few panes in the  
6 alleyway, to be visible. That's actually very high-use  
7 space for us. That would have been additional back of the  
8 house space that we opened up as lobby space so that you  
9 could view in.

10 So we felt that that was a very good compromise to  
11 make with the City in allowing that, which did give us less  
12 operational space and use for the back of our house.

13 I hope that answers your question.

14 LOUIS J. BACCI, JR.: So we're dealing with cookie  
15 espionage?

16 GREGORY RICHARD: [Laughter]

17 MARY FLYNN: No, I -- I mean --

18 LOUIS J. BACCI, JR.: It's just there's so much --

19 MARY FLYNN: Lou --

20 LOUIS J. BACCI, JR.: -- you know, if it were a  
21 couple of panels that would be different. This creates a  
22 problem of, you know, transparency and --

1           MARY FLYNN: Yeah. I think --

2           LOUIS J. BACCI, JR.: No activation. You'd like  
3 that walkway to become kind of a vibrant place instead of a  
4 closed-in passageway that's -- that's what it's doing.

5           MARY FLYNN: All right. Thank you. Catherine?

6           CATHERINE PRESTON CONNOLLY: So, you know, I don't  
7 want to make light of the "cookie espionage," as Lou called  
8 it, because I'm aware at least of a lawsuit between Crumbl  
9 and some of its competitors regarding specifically stealing  
10 of trade secrets.

11           So I think it is very much on Corporate's mind at  
12 the moment, because I'm certainly not in the cookie  
13 industry. And if I know about this, this is certainly out  
14 there.

15           So I think it's unlikely that we're going to get  
16 them to budge much on this, but we should explore ways to  
17 have the activation that is really important to us as a city  
18 and have that, you know, urban environment that whether or  
19 not, you know, it's not the sink that we want people to have  
20 visibility into, it's the sense that there are people there  
21 doing things.

22           And that is -- it's not about being beautiful,



1 necessarily, it's the sense that there are -- that there are  
2 place behind those windows. And that's -- that is really  
3 important to us as a city.

4 And so, it -- you know, whether it's bringing it  
5 down a little bit so that you can see tops of heads or  
6 making it translucent so that we can, again, see that sense  
7 of movement, I think that, you know, we can be sensitive to  
8 Crumbl's, you know, need for some trade secrets and -- and  
9 wanting to be protective of their intellectual property, but  
10 we need them to be sensitive to our need to have activation  
11 in the neighborhood. That's why we have the requirements of  
12 transparency that we do.

13 JOSEPH OPPEDISANO: And just to comment on -- and  
14 thank you --

15 CATHERINE PRESTON CONNOLLY: Thank you.

16 JOSEPH OPPEDISANO: -- Catherine. And that's what  
17 makes Crumbl crumble, the fact that we do have an open  
18 kitchen concept and you can walk in, and you can right there  
19 see people baking cookies, you can see people balling dough,  
20 you can see cookies going in and out of the ovens.

21 So that is actually one of the strengths of  
22 Crumbl. And you're allowed to see that in the corner,

1     you're allowed to see it up front. It's just such a  
2     beautiful inviting environment that you can see all these  
3     bakers.

4             I mean, you know, we have a lot of employees, you  
5     know. Now there's 50 to 60 employees per location. That's  
6     a very high rate, compared to competitors, compared to  
7     Vitality Bowl. So you're going to be able to see this  
8     vibrant operation from scratch -- these cookies being made.  
9     You'll be able to smell it, see it, feel it. It's just --  
10    it's wonderful.

11            MARY FLYNN: So two things: There's another,  
12    before we get to that: I'd like to hear more about the  
13    possibility of just lowering the wave a bit, so at least  
14    maybe you'd get a sense of the fact that there is activity  
15    just by lowering it.

16            The thing is, we still need an answer to Ashley's  
17    question about the signage and the lighting. Why don't we  
18    do the lighting first, and then we can come back to the  
19    wave. Give you a little time to think about it?

20            GREGORY RICHARD: Tony, can I turn this over to  
21    you about the lighting of the two signs? And also, you  
22    might be able to -- Madam Chair, if you'll allow, you might

1 be able to touch upon the possibility of lowering the pink  
2 wave --

3 MARY FLYNN: Okay.

4 GREGORY RICHARD: -- a little bit. I know that's,  
5 that's something that we did explore alternatives to the  
6 pink wave, such as like frosted glass so that there could be  
7 some -- you know appearance of activity in the back.

8 You know, we did go through that with Corporate.  
9 But Tony might be able to help shed some additional light on  
10 this, because I believe that they handle all the signage for  
11 Crumbls nationwide.

12 MARY FLYNN: Okay. Wonderful. Mr. Williams?

13 TONY WILLIAMS: Yeah. Concerning the signs in the  
14 front of the store, those are all -- those are both  
15 internally illuminated, UL standard signs that you would  
16 find in any other of the electrical signs in your area. And  
17 as was mentioned, the main building sign is on the exterior  
18 over the louvers. The hanging circle sign is actually on  
19 the interior of the store.

20 And as far as the graphics go, we can prepare  
21 them, so they're installed either on the exterior or the  
22 interior. So if there's any issues concerning people

1 writing on them, or peeling or anything like that, we can --  
2 we can prepare them so they're actually placed on the inside  
3 of the glass so they can't be -- you know, damaged or  
4 altered.

5 As far as the wave pattern goes, we can go back to  
6 Corporate and see if we can bring the actual wave down to  
7 about five feet or so. I think that was what was mentioned.  
8 And we can also circle back to them about designing it in a  
9 manner where it isn't just taking up the whole window and  
10 actually forms a wave pattern.

11 And as Gregory mentioned earlier, this -- that  
12 particular wave pattern, this is the only Crumbl that will  
13 have that look. So --

14 MARY FLYNN: Great. Thank you for clarifying  
15 that. Tom, you have another question?

16 TOM SIENIEWICZ: Yes, thank you. Now that I  
17 understand the operations -- and I very much appreciate  
18 fellow Board members suggesting that we need to respect the  
19 business plan here and the confidentiality potentially  
20 around the mixing and stuff. I very much appreciate that.

21 But we're also hemmed in by the criteria we have  
22 to find for the special permit, which indicates that we're

1 supposed to have active ground floor, and it's got to be  
2 consistent with Central Square, which is typified by retail  
3 on that ground floor.

4 And I also appreciate the description now of the  
5 kitchen being open and being welcoming. And I think the  
6 solution is fairly straightforward, we just reverse the  
7 plan. You put your storage on the inside on the party wall,  
8 and you put your kitchen, which will be on display, on the  
9 window side. So just flip your plan.

10 And it would make everybody happy, you'd be able  
11 to see the kitchen. We'd have the passive surveillance that  
12 we absolutely I think need to demand on that narrow walkway.

13 The special permit, as I recall, for the overall  
14 complex of course promises great activity and market space  
15 behind the building. And permeability of the lot and  
16 permeability of the block is vitally important.

17 And so, the character of that pedestrian way has  
18 got to be welcoming. And it's got to be vital. And so,  
19 having stickers even to five feet would be -- would be an  
20 issue in my opinion. I think we should just simply flip  
21 your plan, put the kitchen on the outside and the storage on  
22 the inside, and everybody will be happy.

1           MARY FLYNN: Lou, did you have another question?

2           LOUIS J. BACCI, JR.: More clarification. So I  
3 just want to get a better idea. And so, it's the  
4 ingredients that you're worried about being seen from the  
5 public? My comment would lead directly to what Tom just  
6 said and reverse the floor plan. Is that the -- is that the  
7 problem is you don't want the ingredients where they're  
8 being stored being seen from the public?

9           MARY FLYNN: Attorney Richard, would you like to  
10 address that?

11          GREGORY RICHARD: I don't want to speak for -- you  
12 know, for the applicant over the franchise, but my  
13 understanding is they -- their ideal, you know, situation is  
14 to not have people looking into areas that are not -- that  
15 are, you know, coming in from the side that I have an  
16 opportunity to take a video from the outside on the side of  
17 the kitchen.

18           You know, I guess -- I guess if we did lower the  
19 pink wave, somebody could put a phone up there, you know,  
20 potentially and take a video of some sort.

21           You know, I don't know that just the simple  
22 solution of flipping the plan would actually work in terms

1 of -- in terms of how the utilities would be set up and  
2 everything else. Certainly, I don't want to say it  
3 absolutely cannot work, but I don't know that it will.  
4 Certainly, something we can go back to.

5 But yeah. I mean, maintaining -- maintaining as  
6 much privacy as the store possibly can is an ideal goal  
7 here. You know, I don't know if -- if the sign design team,  
8 Corporate could accomplish some objective of, you know, we  
9 did talk about having some frosted glass instead of the pink  
10 wave.

11 But, you know, that wasn't -- you know, that  
12 wasn't an option. I don't know if some accommodation might  
13 be achievable, you know, to create some -- a little bit of  
14 transparency. I mean, I don't want to -- I don't want to  
15 say that it can.

16 Certainly something we can look to. I don't know  
17 if just simply lowering and creating the wave sign -- Tony  
18 would know better than I do on that, if that's something  
19 that he's been able to do in other locations or something  
20 like that.

21 But, you know, if we need to maintain -- you know,  
22 the privacy there, we might have to get creative.

1           MARY FLYNN: Okay. Thank you for that. All  
2 right. So I see some hands up. If people have questions,  
3 that's great. Also let's go back for further comments and  
4 your thoughts on how the Board might want to proceed this  
5 evening.

6           Catherine?

7           CATHERINE PRESTON CONNOLLY: Thanks, Mary. So I  
8 just want to clarify that while I understand exactly why  
9 they want the privacy, I think it is this Board's  
10 responsibility, exactly as Tom said, to ensure that the  
11 goals of the City are respected and achieved as well.

12           And I think his point is a really good one. And  
13 that's why I so appreciate having designers on the team. I  
14 don't -- I didn't think of flipping the plan.

15           But I think that we are, you know, looking for a  
16 solution here that brings a real sense of activity and life  
17 to those windows. You know, that -- that is a requirement  
18 of this building, of the area, and -- you know, I -- while  
19 there may be window treatments that might make it more  
20 acceptable, I think we need a serious exploration of  
21 revising the layout of the -- of the space so that those can  
22 be truly transparent, and that the activity associated with



1 the retail use is what's visible.

2 I -- this Board member would really want to see a  
3 serious look at that kind of solution before, you know,  
4 settling for some kind of semi-transparent or reduced window  
5 coverage.

6 MARY FLYNN: All right. Thank you very much.  
7 Hugh, what are your thoughts?

8 HUGH RUSSELL: Well, my thoughts are very much in  
9 line with my colleagues that -- particularly what Catherine  
10 just said. You know, I think -- I guess, so I'm going to  
11 sort of aside from the fact that I think Catherine and Tom  
12 are right, if you can't do it, than I would say you want to  
13 have a pink wave, and then above it it wants to be  
14 translucent so that you can see light and movement, perhaps  
15 -- at least light coming through there.

16 And I have to say this is a really depressing  
17 little alleyway. And it's depressing for three reasons.  
18 One reason is it's got a very dark black mural on the other  
19 side, which is really pretty -- it's not fun.

20 The second thing is that there are huge overhangs  
21 in the alleyway that keep light from the sky from getting  
22 down. They perhaps cover half the alleyway. But it's

1 really significant.

2 And then the third is this issue of trying to show  
3 sunlight on the cookie side of the alleyway in some way. So  
4 good luck.

5 MARY FLYNN: Okay, Ted, what are your comments?

6 H THEODORE COHEN: Well, I'm not disagreeing with  
7 anything my colleagues are saying, but I do want to remind  
8 them and everybody else that there are a lot of vacant  
9 storefronts in Cambridge, and there are a lot of vacant  
10 storefronts in Central Square and Harvard Square.

11 And we're losing Milk Bar, another sweet cookie  
12 ice cream place. And that -- you know, I think it is -- it  
13 -- in -- it is necessary for us to keep in mind the overall  
14 needs of the City to fill up these locations, and that we  
15 ought not to require or demand things of some retail  
16 establishment that's willing to go in in these difficult  
17 times and, you know, I agree it would be great to have that  
18 alley -- you know, more activated.

19 But I would, you know, more interested in seeing a  
20 store that's likely to attract a lot of customers being in  
21 that location.

22 MARY FLYNN: Okay. Thank you. So what I'm

1 hearing from the Board, then, is that additional work needs  
2 to be done, or at least studied. And some -- I think the  
3 proponent hands up, but I'll let the Planning Board discuss  
4 this now.

5 So I think it's probably best for us to go back to  
6 the Urban Design team, work out the details there rather  
7 than trying to work it out here with some of us who are  
8 planners, and some who are not.

9 So is there anyone who disagrees that we should  
10 continue the hearing? I have some hands up. Ted? Yeah,  
11 you're muted.

12 H THEODORE COHEN: I'm sorry, I didn't -- I had  
13 failed to lower my hand from before.

14 MARY FLYNN: Oh, okay. Lou?

15 LOUIS J. BACCI, JR.: I actually had a leftover  
16 comment. I also agreed that --

17 MARY FLYNN: Oh, sorry.

18 LOUIS J. BACCI, JR.: -- they really need to work  
19 on this. They put so much emphasis on having an open  
20 kitchen that why not put the kitchen on the visible side  
21 from the public and emphasize it there and activate that  
22 walkway? It would make it such a much better project.

1           So I think they should really go back and take a  
2   look at this. I mean, they also have rear of the house that  
3   has no windows. You know, it's hard to rationalize what  
4   they do when they get deliveries. Do these deliveries come  
5   in covered? Is it a material problem? You know, really  
6   like to have them activate that walkway. Because it is, as  
7   you said, a very dark alley and it could be so much better.

8           MARY FLYNN: Okay. Steve, we haven't heard from  
9   you, so let me go to you next.

10          STEVEN A. COHEN: I agree with all of the issues  
11   that have been expressed. But I would be inclined to let  
12   Staff address this. The Staff has heard our issues. So we  
13   work with them, come up with something.

14          If Staff is satisfied with it, they're done, and  
15   they don't have to come back. If Staff can't be satisfied,  
16   then they could come back to us. I just think that's a more  
17   efficient approach, both for them and for us.

18          MARY FLYNN: All right. Thank you. Hugh?

19          HUGH RUSSELL: So in a way I'm support Steve's  
20   comment, because I think the front of the store is fine. I  
21   think having a cookie store there is good. The fact that  
22   there are two or three others in the Boston area is not, you

1 know, it's not like it's Dunkin' Donuts, and I like cookies.

2 So the only issue is really the treatment of that.

3 I think we could -- you know, I think it would be possible  
4 just to let the proponent work with Staff until they get an  
5 acceptable solution on this one piece of it.

6 MARY FLYNN: Okay.

7 HUGH RUSSELL: I would support -- I'd support  
8 that, I'd support a continuance. I don't really -- I'm sort  
9 of --

10 MARY FLYNN: Okay.

11 HUGH RUSSELL: Okay?

12 MARY FLYNN: Yeah, I just -- my only concern is  
13 that if swapping the floor plan starts to raise some other  
14 issues that it might need to come back to us. But let me  
15 ask Suzannah.

16 Suzannah, would you be comfortable with us leaving  
17 it to your discretion, or would you prefer to continue to  
18 work with the proponent and come back to the Board?

19 SUZANNAH BIGOLIN: I think I would be comfortable  
20 just working on it as a Staff-level item. I wanted to  
21 clarify though, so flipping the plan would be the Board's  
22 first preference, and then if that can't be achieved,

1 working out a better treatment for the windows?

2 MARY FLYNN: Yes.

3 SUZANNAH BIGOLIN: The wave print, making that  
4 more transparent or translucent? Okay.

5 MARY FLYNN: Yes. I think --

6 HUGH RUSSELL: I would say that flipping the plan  
7 is one way to expose the operations. But there might be  
8 some other design thing to do at some point. But another  
9 permanent -- another way of maybe rotate the plan, rather  
10 than flip it. Maybe just say, "Wait a minute, we've got an  
11 opportunity to meet this particular thing" and put our story  
12 out there for everybody who walks down that alleyway.

13 So I don't think we've -- I think the -- the  
14 notion that you flip the plan is just a shorthand for  
15 saying, "Think about this in a lot bigger terms."

16 SUZANNAH BIGOLIN: And that's helpful. Thank you,  
17 Hugh.

18 MARY FLYNN: Okay. Is there anybody -- any member  
19 of the Board who's uncomfortable with the idea of moving  
20 forward and granting the petition tonight, or feels strongly  
21 about it coming back? Lou?

22 LOUIS J. BACCI, JR.: I'd like to see it come

1 back. I think it needs a better outcome than a -- I'd  
2 really like to see no vinyl along those windows, especially  
3 where they emphasize the open kitchen concept and so forth.  
4 It seems like a lot of room on this floor plan to rearrange  
5 something.

6 It doesn't have to be flipped, but maybe it could  
7 be back of house, front of house. I don't know. But that  
8 really needs to be an activated area. It needs to have some  
9 light.

10 MARY FLYNN: Okay. Thank you.

11 LOUIS J. BACCI, JR.: And by the way, they've  
12 already dealt with Suzannah and her team for I don't know  
13 how long. So really need to have this come back, I believe.

14 MARY FLYNN: All right. Thank you. Catherine?

15 CATHERINE PRESTON CONNOLLY: Yeah. I concur with  
16 Lou on this. I -- as much as I certainly know that Suzannah  
17 can find tons of great ideas for mitigating the situation  
18 where we are asking them to fundamentally rethink the  
19 layout, I think we only get them to do that if they have to  
20 come back.

21 And otherwise, we are putting Staff in an  
22 untenable position of -- of having to assess whether or not

1 they've done an adequate job of exploring that to satisfy  
2 the Board.

3 And I think that therefore until we know the  
4 layout of the floor as a final -- you know, not final, final  
5 but -- you know, general layout that we are all agreed on, I  
6 think that they do need to come back.

7 MARY FLYNN: Great. Thank you. I tend to agree  
8 that having the proponent come back makes a lot of sense.  
9 So, let us then -- is there, are there other items that the  
10 Board wants the proponent to work on or come back with  
11 additional information on? Or are we pretty much I think  
12 focused on the thing that's most important? Okay.

13 So let's see. Then could I have a motion to  
14 continue the hearing as discussed this evening?

15 TOM SIENIEWICZ: So moved.

16 LOUIS J. BACCI, JR.: Louis second.

17 CATHERINE PRESTON CONNOLLY: Okay. Can I have a  
18 roll call vote, please?

19 JEFF ROBERTS: On that motion, Louis Bacci?

20 LOUIS J. BACCI, JR.: Yes.

21 JEFF ROBERTS: Ted Cohen?

22 H THEODORE COHEN: Yes.



1 JEFF ROBERTS: Steve Cohen?

2 STEVEN A. COHEN: Yes.

3 JEFF ROBERTS: Hugh Russell?

4 HUGH RUSSELL: Yes.

5 JEFF ROBERTS: Tom Sieniewicz?

6 TOM SIENIEWICZ: Yes.

7 JEFF ROBERTS: Ashley Tan?

8 ASHLEY TAN: Yes.

9 JEFF ROBERTS: Catherine Preston Connolly?

10 CATHERINE PRESTON CONNOLLY: Yes.

11 JEFF ROBERTS: And Mary Flynn?

12 MARY FLYNN: Yes.

13 [All vote YES]

14 JEFF ROBERTS: Okay. That's all eight members  
15 voting in favor.

16 MARY FLYNN: Okay. Thank you. Thank you to the  
17 members of the Project Team. We appreciate the efforts  
18 you've put in so far. And we look forward to continued work  
19 with Staff and to seeing you and this project again. Thanks  
20 very much. All right.

21 \* \* \* \* \*

22 (7:26 p.m.)

1     Sitting Members: Mary T. Flynn, Catherine Preston Connolly,  
2                               Louis J. Bacci, Jr., Steven A. Cohen, H  
3                               Theodore Cohen, Hugh Russell, and Tom  
4                               Sieniewicz

5               MARY FLYNN: We're going to move on, then, to the  
6     second item on the agenda, which is the continued public  
7     hearing on Planning Board Case No. 393, a special permit  
8     application by Marcel Tagore Hernandez to permit more than  
9     one structure containing a principal residence farther than  
10    75 feet from the street line in a Residence B district.

11              We are going to begin with an update from CDD  
12    Staff. We'll then hear an update from the applicant  
13    followed by public comment, and then the Board will discuss  
14    the application.

15              Our action is to grant or deny the requested  
16    special permit or we can ask for additional information and  
17    continue the hearing again to a future date.

18              We're going to begin with having Jeff says why  
19    this is before us.

20              JEFF ROBERTS: Thank you. So this case was first  
21    heard by the Planning Board on December 13 of last year. I  
22    wasn't there for that meeting. This was Daniel Messplay's

1 case, but he's on vacation, so I'm covering for him.

2 At that meeting, the Board continued the hearing  
3 with questions for the applicant.

4 As a reminder on this case, the applicant proposes  
5 to renovate an existing single-family structure, and  
6 construct a new, detached, single-family structure in the  
7 rear yard of a lot in the Residence B district. And that  
8 requires a special permit from the Planning Board, because  
9 the second principal structure is more than 75 feet from the  
10 street line.

11 The criteria for the Board's approval are  
12 summarized in a new CDD memo, which also has comments on the  
13 revised submission.

14 And because of the timing on this case, we would  
15 ask for an -- need to ask for an extension of time, either  
16 to file the decision if the Board acts tonight, or to  
17 continue the hearing if more information is needed without  
18 the Planning Board -- before the Planning Board can act.

19 So Zoning Staff, myself and Urban Design Staff  
20 Suzannah are present to answer any questions. Thank you.

21 SUZANNAH BIGOLIN: Thanks, Jeff. Our presenter is  
22 Tagore Hernandez. And I apologize if I misstated your name.

1 Mr. Hernandez, you'll have up to 30 minutes for your  
2 presentation, and we hope you will be as concise as  
3 possible. So if you would please intro your project team  
4 and begin.

5 TAGORE HERNANDEZ: Greetings. Yes, Tagore  
6 Hernandez. You pronounced it correctly, thank you. We have  
7 with us Keith Glover and Hamilton Magri, who are the project  
8 owners. I'm going to be much less than 30 minutes. We will  
9 try to do this as briefly as we can.

10 So just to recap the four main concerns for this  
11 project was the hardscape and parking, the tree removal.  
12 There was a small kind of driveway, or some kind of peculiar  
13 geometry at the driveway. And then there was a comment  
14 about trash along the abutter's side. So if we can just  
15 flip to the next slide.

16 Trying to address the first -- first and fourth  
17 comments, we reduced the hardscaping by approximately -- or  
18 the parking area by about 500 square feet. So we went from  
19 four spaces down to two. And we did so by extending the  
20 central landscape, which we can see a little bit later in a  
21 landscape scheme.

22 We also extended some of the driveway and

1 tightened up the entryway a little bit from the street. We  
2 still are maintaining the -- kind of the classic zoning  
3 rules, just to be consistent with, you know, the kind of  
4 standard fabric that's been along a long time, the 20-foot  
5 setback -- the -- what I'm calling the classic Cambridge  
6 zoning ordinance, the 8.5 x 18 spaces, which is a decent  
7 size for, you know, medium size and larger size people with  
8 children.

9 Next slide?

10 So you can see in the heavy blue line, this is  
11 where our landscaping used to end, and where our parking  
12 extended to. So we've extended that parking by  
13 approximately eight -- 16 feet or so. I think one of the  
14 really nice -- I actually really liked how this created more  
15 of a delineation between the two units. And there's much  
16 more of a private sequence and entryway into the rear house.

17 And it -- you know, it -- it creates more of a  
18 buffer from the ground plane moving up to the house, so it's  
19 not just like this, you know, rising of the house. So I  
20 think that was an interesting and positive outcome.

21 Next slide?

22 We consulted with the excavators specifically, and

1 some tree specialists that said that, you know, as long as  
2 you're not -- I think there's like this rule. And it really  
3 varies from species to species, as well as the health of the  
4 trees.

5 But generally speaking, if you don't disturb more  
6 than, you know, 10 to 15 percent of the root ball, then most  
7 trees tend to -- to heal pretty well and to not be terribly  
8 disturbed by construction processes.

9 So the blue line represents the very minimum kind  
10 of cutline that we can make in order to excavate and keep  
11 the building in the existing location, so as to not  
12 adversely impact the rear yard of the front house.

13 And it -- it represents roughly 10 percent of the  
14 existing trees. So we feel that by first pruning them so  
15 that they're not as -- you know that they can concentrate  
16 their kind of the next cycle of energy on, you know, the  
17 roots as opposed to trying to leaf out, and keeping the  
18 trees that there's a very good chance that, you know,  
19 everything could work out for everybody.

20 So as a result, we are proposing to keep these two  
21 trees, or keep the three trees, rather, in the proposed  
22 design scheme.

1           We haven't removed all of the landscaping in the  
2   rear. That was designed and planned as caliper replacement.  
3   Because it's something that we've kind of -- we're on the  
4   hook now for with abutters. So it looks like there's going  
5   to be a bit more landscaping than we had originally  
6   imagined. But perhaps it's for the best.

7           Next slide?

8           Oh, I'm sorry, excuse me. I skipped over the  
9   trash land. There was a concern about trash, where on the  
10   comment on the right, blue where it says, "Reserved for car  
11   charging station" this is where we had our trash that we've  
12   now scooped all the way over to the left.

13           I'm still not convinced that users of the rear  
14   building are going to walk all -- you know, they're going to  
15   be comfortable putting their trash on that side. But we  
16   will at least plan for it.

17           Next slide?

18           So slightly elevated camera view showing the  
19   modified entry curb -- but not the curb cuts, rather but the  
20   kind of triangulated spaces of the driveway, and the  
21   extended buffer zone -- landscape scheme in the back, and  
22   the two trees.

1                   Next slide?

2                   I think we can probably just go all the way  
3   towards the back, so that we can go straight to -- because  
4   nothing else has changed and go straight to the renderings  
5   and the landscape scheme. Here we go.

6                   So this is at ground level, where the four parking  
7   spaces have now converted to two, moving it back, being  
8   fairly consistent with the rest of the street.

9                   This time, I made the -- I made a little bit of  
10   effort to at least show the existing curb cuts. It's not --  
11   we all know that that's not exactly how it's detailed, but I  
12   just wanted to clarify to the Board specifically where the  
13   ramp -- where the curb began at the street.

14                  So you can see the relationship to the -- to the  
15   entryway and why we're not, you know, pushing the -- you  
16   know, why our entry, our driveway entry isn't further along,  
17   specifically because we want to avoid having any impact to  
18   the existing city tree.

19                  Next slide?

20                  These are consistent with the same views as Lasix  
21   time, just showing effectively the extended buffer zone and  
22   the reduced parking spaces. If you look at the top



1 rendering, you can see how the unpruned tree is crashing  
2 into our building. It's kind of a graphic loopier. But it  
3 really is demonstrative of some of the pruning that will  
4 need to take place in in order to --

5 This is the unpruned tree, if you will, that will  
6 need some love in order to, you know, avoid impacting our  
7 solar.

8 To that effect, there will be a conveyance  
9 reduction of solar gain and solar efficiency, if you will.  
10 But we're willing to make that compromise, specifically  
11 because in the summertime we'll -- you know, with enough of  
12 the -- when the sun is at its highest peak, I think we're  
13 going to get a lot of really good productivity out of it.  
14 So it's worth -- it's worth, you know, trying to achieve the  
15 two.

16 Next slide?

17 Here you can see the dramatic impact from both of  
18 these views of keeping the two trees from the back yard.

19 The top view shows the dramatic amount of shade  
20 that is affecting not just our lot, but also the abutter's  
21 lot. So there's a tremendous amount of shade that's  
22 remaining on our abutter's side, as well as our own.

1           And on the lower slide, it creates from -- this is  
2   the view from the front house rear lot. And you can see how  
3   the two trees create a bit of a -- I wouldn't call it forest  
4   view, but it's certainly a little bit more -- it's just a  
5   greener, earthier, more planted -- you know, vista. So  
6   there's, you know, it really does feel kind of nice.

7           And the next views I believe are landscape schemes  
8   that we -- we can kind of skip towards. Yeah. And so, here  
9   are the two original maple, or the two -- the two rings.  
10   It's really three trees, the original 15" -- 17" -- and 28"  
11   existing maples that are to remain and to be pruned.

12           And you can see also in the middle of the plan  
13   where there's the parking and the hardscaping, the brick  
14   hardscaping that has been extended to -- that's consistent  
15   with the renderings and our architectural drawings.

16           And I will leave it there for questions and  
17   comments.

18           MARY FLYNN: Thank you very much. Appreciate the  
19   presentation. As I mentioned before, this is a public  
20   hearing. So we're going to go to public comment now. Any  
21   members of the public who wish to speak should now click the  
22   button that says, "Raise hand." If you're calling in by

1 phone, you can raise your hand by pressing \*9. And let's  
2 see.

3 All right. Jeff? Confirm what I'm seeing, which  
4 is we don't have any hands up now, but you might want to  
5 repeat the instructions.

6 JEFF ROBERTS: Yes. So I don't see any hands  
7 raised. So I'll just go through the instructions again,  
8 just to make sure in case people are still looking for the  
9 controls.

10 So this is the 23 Reed Street case. If you'd like  
11 to comment on this case, and you're in attendance on the  
12 Zoom webinar, you can push the button that says, "Raise  
13 hand" which would be on your screen on Zoom. Or if you're  
14 connected by phone, you can press \*9 on your phone number  
15 ending. And then you just need to push that once, and then  
16 the hand will go up.

17 I'll give you a few seconds, to see if anybody is  
18 going to push that.

19 [Pause]

20 Nope. Once again, I'm not seeing any hands. So I  
21 will turn it back over to the Chair.

22 MARY FLYNN: All right. Thank you very much. So

1 we're now going from public comment to Board discussion.

2 If this hearing is continued to a future date and  
3 additional information is received, there will be an  
4 opportunity for public comment on the additional materials.  
5 Additional written communications may also be submitted.

6 So let me first ask if any members of the Board  
7 have questions for the applicant or for Staff?

8 [Pause]

9 All right. I see no questions. Then let us move  
10 to discussion. We'll start with Lou. You have your hand  
11 up.

12 LOUIS J. BACCI, JR.: Yes. I like everything  
13 they've done. I'm happy they relocated the trash location  
14 over onto their own property away from the abutter's  
15 property.

16 But I will -- I would like to ask them one thing.  
17 Could they continue the planting on that border, instead of  
18 having that blank spot of gravel that they left for a  
19 possible charging station? Considering you didn't seem to  
20 have much faith in the owner moving the trash over there,  
21 because they left them a spot to put it on.

22 So some planting to continue up that border would

1 discourage the owner from putting the trash onto a bush.

2 And I would like to see them continue that planting to make  
3 it go all away.

4 MARY FLYNN: Okay. Tom, do you have a question or  
5 a comment?

6 TOM SIENIEWICZ: Comment.

7 MARY FLYNN: Okay.

8 TOM SIENIEWICZ: If it's time for a comment.

9 MARY FLYNN: Yes, that's fine. Yeah.

10 TOM SIENIEWICZ: I just wanted to thank the  
11 proponents for listening carefully and responding. And I  
12 think this scheme is much better. And I think it serves the  
13 public interest with the adjustments that they have made.

14 So if we were in person, rather than in Zoom, I  
15 would like to shake the proponent's hand. But anyway, I'll  
16 leave it here. So thank you very much for making the  
17 adjustments.

18 TAGORE HERNANDEZ: Thanks, Tom.

19 MARY FLYNN: Mr. Hernandez, to get back to Mr.  
20 Bacci's point about the -- the location for a potential  
21 charging station, is it possible to landscape that area at  
22 least temporarily with plans -- it might be relocated

1 elsewhere if -- so that if something doesn't get the  
2 construction right away, it will discourage them from  
3 putting their trash against the neighbor's property line?

4 TAGORE HERNANDEZ: Yeah. We would be open to  
5 that. We are -- it says that we are in fact installing a  
6 charging station there, but we can reduce --

7 MARY FLYNN: Oh, you are? Okay.

8 TAGORE HERNANDEZ: -- we are, yeah. It's -- I  
9 don't believe the landscape -- the drawings are very clear  
10 about that. But it will be in our permit application to  
11 have underground power. And the renderings -- I probably  
12 didn't focus on that, but the renderings do show a bollard-  
13 style, dual car charging station.

14 The -- it could be -- to Louis' point, we don't  
15 need that much crushed stone for the charging station. But  
16 we -- you know, we would certainly scale, and we can  
17 increase the landscaping to the -- and leave just enough  
18 room, you know, a small little -- it's really probably a 30"  
19 x 30" area that we only need for the charging station.  
20 Because it's a bollard. You know, it's really just a post.

21 MARY FLYNN: Oh, perfect.

22 TAGORE HERNANDEZ: I think -- I believe Slide 33

1 might show it. Probably have to pan over. I can't control  
2 the screen. Yeah, it's just behind and it's in front of the  
3 tree. You can barely see it.

4 And anyway, Louis, we had a -- we have that  
5 border, that granite border, that was, like, elevated, as a  
6 way of keeping people from wanting to roll trash over it. I  
7 should have highlighted that as well, but that was a detail  
8 that we were --

9 MARY FLYNN: Mm-hm.

10 TAGORE HERNANDEZ: In fact, you see where it says  
11 4" landscape curb? Yeah. So that -- that would deter  
12 people from wanting to drag the trash up and over, I think.  
13 It sits in the top middle of the slide.

14 MARY FLYNN: Yeah.

15 TAGORE HERNANDEZ: Notwithstanding, we can  
16 absolutely extend that landscaping and scale down the amount  
17 of gravel necessary.

18 MARY FLYNN: Terrific. Thank you. Appreciate  
19 that response. Do Board -- any of the Board members have  
20 thoughts? Questions? No, okay. So I think Tom summarized  
21 things nicely when he said that the applicant had been very  
22 responsive to the Board's comments previously.

1           So I -- and since I'm not hearing any objections,  
2     I assume that the Board is prepared to make -- to grant the  
3     permit, if we can make the appropriate findings.

4           So in order to grant the permit, the Board needs  
5     to find that the proposal meets the following criteria: And  
6     the first set of criteria: Special permit for more than one  
7     structure containing a principal residential use, which is  
8     Section 5.53.2 of the Zoning Ordinance.

9           And that the states that the development of two  
10    structures on the lot will not significantly increase the  
11    impact of the new construction, should it occur in a single  
12    structure, or the development of two structures will provide  
13    identifiable benefit beyond that provided construction in a  
14    single structure, considering the following:

15           The extent to which preservation of a large,  
16    contiguous open space in the rear of the lot or a series of  
17    adjacent lots is achieved.

18           Incentives to locate buildings and parking in the  
19    front half of the lot, pertinent development in the  
20    neighborhood.

21           Providing an enhanced environment for residents of  
22    the lot and to retain existing structures, particularly



1 structures that are properly preserved.

2 Opportunities to reduce visual impact of parking  
3 from the public street and adjacent lots.

4 Opportunity to reduce height and bulk, new  
5 construction is deeper into a lot or closer to structure  
6 than abutting lots.

7 And we also need to find that it conforms to the  
8 General criteria for the issuance of a special permit, which  
9 is Section 10.43. And I know everybody is completely up to  
10 date on those.

11 So in addition, well before we do that, are there  
12 any concerns about making those findings?

13 [Pause]

14 Okay. Seeing none, the Staff memo contains  
15 suggested conditions to be included in the special permit  
16 decision, and there are also standard conditions for  
17 continuing review and certification by Staff that the  
18 conditions are met.

19 Are there any other conditions the Board would  
20 like to include? Any other suggestions from Staff?

21 Okay. Hearing none, is there a motion, then, to  
22 grant the requested special permits with those conditions,

1 based on the Board's finding that the applicable Special  
2 Permit Criteria are met?

3 STEVEN A. COHEN: So moved.

4 MARY FLYNN: Is there a second?

5 LOUIS J. BACCI, JR.: Second.

6 HUGH RUSSELL: Second.

7 MARY FLYNN: Okay. Thank you. Hugh second.  
8 Could we have a roll call vote, please?

9 JEFF ROBERTS: On that motion, Louis Bacci?

10 LOUIS J. BACCI, JR.: Yes.

11 JEFF ROBERTS: Ted Cohen?

12 H THEODORE COHEN: Yes.

13 JEFF ROBERTS: Steve Cohen?

14 STEVEN A. COHEN: Yes.

15 JEFF ROBERTS: Hugh Russell?

16 HUGH RUSSELL: Yes.

17 JEFF ROBERTS: Tom Sieniewicz?

18 TOM SIENIEWICZ: Yes.

19 JEFF ROBERTS: Catherine Preston Connolly?

20 CATHERINE PRESTON CONNOLLY: Yes.

21 JEFF ROBERTS: Mary Flynn?

22 MARY FLYNN: Yes.

1 [All vote YES]

2 JEFF ROBERTS: That is all Planning Board members  
3 voting in favor of granting. I'll just note in case  
4 anyone's paying attention, Ashley Tan is absent and was not  
5 sitting on this case.

6 MARY FLYNN: Thank you, Jeff. As Jeff noted  
7 before, an extension of time needed to draft and file the  
8 decision, does the permittee agree to an extension of time  
9 to April 30, 2023, to file the decision?

10 TAGORE HERNANDEZ: Yes, I do. Thank you.

11 MARY FLYNN: Thank you very much. Then Board  
12 members, is there a motion to agree to an extension of time  
13 to file the decision to April 20, 2023?

14 CATHERINE PRESTON CONNOLLY: Sorry, Mary, was that  
15 April 20 or April 30?

16 MARY FLYNN: I'm sorry. Thank you very much,  
17 Catherine, for catching that. April 30, 2023.

18 CATHERINE PRESTON CONNOLLY: So moved.

19 TOM SIENIEWICZ: Tom.

20 CATHERINE PRESTON CONNOLLY: Roll call vote,  
21 please.

22 JEFF ROBERTS: On that motion, Louis Bacci?

1           LOUIS J. BACCI, JR.: Yes.

2           JEFF ROBERTS: Ted Cohen?

3           STEVEN A. COHEN: Yes.

4           JEFF ROBERTS: Steve Cohen?

5           H THEODORE COHEN: Yes.

6           JEFF ROBERTS: Hugh Russell?

7           HUGH RUSSELL: Yes.

8           JEFF ROBERTS: Tom Sieniewicz?

9           TOM SIENIEWICZ: Yes.

10          JEFF ROBERTS: Catherine Preston Connolly?

11          CATHERINE PRESTON CONNOLLY: Yes.

12          JEFF ROBERTS: And Mary Flynn?

13          MARY FLYNN: Yes.

14          [All vote YES]

15          JEFF ROBERTS: That's all members voting in favor  
16 to grant the extension.

17          MARY FLYNN: All right. Well, thank you --

18          TAGORE HERNANDEZ: Thank you.

19          MARY FLYNN: -- very much. We really appreciate  
20 the extra work you did on this and wish you luck with the  
21 project.

22          TAGORE HERNANDEZ: Thank you so much.

1 MARY FLYNN: Mm-hm.

2 TAGORE HERNANDEZ: We appreciate it.

3 MARY FLYNN: Okay. So that concludes the  
4 business on our agenda. Are there additional comments from  
5 Staff?

6 JEFF ROBERTS: Nothing. Just a reminder, again,  
7 we won't be meeting next week. Meeting again March 14.

8 CATHERINE PRESTON CONNOLLY: Great. Okay. And  
9 Board members, anything to add before we adjourn? No? All  
10 right. Well, then, we're adjourned.

11 HUGH RUSSELL: Bye.

12 CATHERINE PRESTON CONNOLLY: Have a nice night,  
13 everyone.

14 LOUIS J. BACCI, JR.: Goodnight, everyone.

15 TOM SIENIEWICZ: Goodnight.

16 [7:50 p.m. End of proceedings.]

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## E R R A T A   S H E E T

Page	Line	'Change From'	'Change To'	Reason for change
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I have read the foregoing transcript of the  
Planning Board meeting, and except for any corrections or  
changes noted above, I hereby subscribe to the transcript  
as an accurate record of the proceedings.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

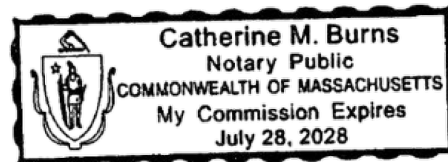
In witness whereof, I have hereunto set my hand this ninth day of March, 2023.



Notary Public

My commission expires:

July 28, 2028



<p><b>A</b></p> <p><b>ability</b> 71:7</p> <p><b>able</b> 20:16 21:4 21:10 26:9 34:7,9,22 35:1 35:9 37:10 39:19</p> <p><b>absent</b> 67:4</p> <p><b>absolutely</b> 37:12 39:3 63:16</p> <p><b>abutter's</b> 52:14 57:20,22 60:14</p> <p><b>abutters</b> 55:4</p> <p><b>abutting</b> 65:6</p> <p><b>accept</b> 11:22</p> <p><b>acceptable</b> 28:10,10 40:20 45:5</p> <p><b>accommodation</b> 39:12</p> <p><b>accomplish</b> 39:8</p> <p><b>accomplished</b> 19:20</p> <p><b>Accounting</b> 8:14</p> <p><b>accurate</b> 70:17</p> <p><b>achievable</b> 39:13</p> <p><b>achieve</b> 21:10 22:18 57:14</p> <p><b>achieved</b> 40:11 45:22 64:17</p> <p><b>act</b> 51:18</p> <p><b>acted</b> 9:4</p> <p><b>action</b> 8:17,18 13:19 50:15 71:9,11</p> <p><b>activate</b> 43:21 44:6</p> <p><b>activated</b> 42:18 47:8</p> <p><b>activation</b> 32:2 32:17 33:10</p> <p><b>active</b> 37:1</p> <p><b>activity</b> 34:14 35:7 37:14 40:16,22</p> <p><b>acts</b> 3:12 51:16</p> <p><b>actual</b> 36:6</p> <p><b>add</b> 69:9</p> <p><b>addition</b> 65:11</p>	<p><b>additional</b> 9:3 13:21 14:17 24:20 25:12 31:7 35:9 43:1 48:11 50:16 60:3,4,5 69:4</p> <p><b>address</b> 25:5 38:10 44:12 52:16</p> <p><b>adds</b> 27:7</p> <p><b>adequate</b> 48:1</p> <p><b>Adithi</b> 1:13 6:13 6:14,17</p> <p><b>adjacent</b> 64:17 65:3</p> <p><b>adjourn</b> 69:9</p> <p><b>adjourned</b> 69:10</p> <p><b>adjustments</b> 61:13,17</p> <p><b>administrative</b> 7:19</p> <p><b>Admissions</b> 8:14</p> <p><b>adopted</b> 8:5</p> <p><b>Adoption</b> 2:5</p> <p><b>adversely</b> 54:12</p> <p><b>Advisory</b> 9:16 9:21 14:11</p> <p><b>Affordable</b> 9:8</p> <p><b>agenda</b> 10:2 13:11 50:6 69:4</p> <p><b>agree</b> 42:17 44:10 48:7 67:8,12</p> <p><b>agreed</b> 43:16 48:5</p> <p><b>ahead</b> 6:22 7:21</p> <p><b>al</b> 8:21</p> <p><b>alleviates</b> 28:16</p> <p><b>alley</b> 21:9 26:16 28:18 42:18 44:7</p> <p><b>alleyway</b> 20:13 20:14 25:21 31:2,6 41:17 41:21,22 42:3 46:12</p> <p><b>allow</b> 14:17 30:15,20 34:22</p>	<p><b>allowed</b> 30:17 31:5 33:22 34:1</p> <p><b>allowing</b> 31:11</p> <p><b>altered</b> 36:4</p> <p><b>alternatives</b> 35:5</p> <p><b>amendment</b> 7:13</p> <p><b>amicable</b> 31:2</p> <p><b>amount</b> 57:19 57:21 63:16</p> <p><b>answer</b> 25:19 34:16 51:20</p> <p><b>answers</b> 31:13</p> <p><b>anybody</b> 23:21 24:6,14 30:15 30:21 46:18 59:17</p> <p><b>anyone's</b> 67:4</p> <p><b>anytime</b> 18:8</p> <p><b>anyway</b> 61:15 63:4</p> <p><b>apologize</b> 51:22</p> <p><b>appearance</b> 35:7</p> <p><b>applicable</b> 66:1</p> <p><b>applicant</b> 13:16 14:15 15:3,16 25:5 38:12 50:12 51:3,4 60:7 63:21</p> <p><b>applicants</b> 3:14</p> <p><b>application</b> 13:12,18 14:4 15:6,6 19:3 21:21 23:1,2,3 23:9 50:8,14 62:10</p> <p><b>applied</b> 25:21</p> <p><b>appreciate</b> 15:14 22:4 23:11 36:17,20 37:4 40:13 49:17 58:18 63:18 68:19 69:2</p> <p><b>appreciates</b> 21:12</p> <p><b>approach</b> 8:10</p>	<p>44:17</p> <p><b>appropriate</b> 64:3</p> <p><b>approval</b> 11:16 14:8 51:11</p> <p><b>approve</b> 21:4 23:9</p> <p><b>approximately</b> 52:17 53:13</p> <p><b>April</b> 9:5 67:9 67:13,15,15,17</p> <p><b>architectural</b> 58:15</p> <p><b>area</b> 17:20 19:22 35:16 40:18 44:22 47:8 52:18 61:21 62:19</p> <p><b>areas</b> 38:14</p> <p><b>aromas</b> 17:16</p> <p><b>Ashley</b> 1:10 3:7 5:4,6,7 6:1 11:15 12:18,19 13:10 25:1,2 49:7,8 67:4</p> <p><b>Ashley's</b> 34:16</p> <p><b>aside</b> 41:11</p> <p><b>asking</b> 4:5 47:18</p> <p><b>assess</b> 47:22</p> <p><b>associated</b> 40:22</p> <p><b>assume</b> 64:2</p> <p><b>attendance</b> 4:6 59:11</p> <p><b>Attendees</b> 24:7</p> <p><b>attending</b> 24:6</p> <p><b>attention</b> 67:4</p> <p><b>attorney</b> 15:2 23:11 38:9</p> <p><b>attract</b> 19:19 42:20</p> <p><b>audible</b> 4:6,9,10 4:12,15,18,19 4:21,22 5:2,3,5 5:6,9,10,13,14</p> <p><b>audio</b> 3:22 24:5</p> <p><b>Ave</b> 7:3 8:22 15:21 21:9 24:8</p> <p><b>Avenue</b> 2:7 13:14</p>	<p><b>avoid</b> 56:17 57:6</p> <p><b>aware</b> 32:8</p> <p><b>B</b></p> <p><b>B</b> 15:8 50:10 51:7</p> <p><b>Bacci</b> 1:8 3:5 4:8 4:10 5:21 11:13 12:5,8,9 13:8 26:16 27:3,6 28:20 29:3,10,13 31:14,18,20 32:2 38:2 43:15,18 46:22 47:11 48:16,19 48:20 50:2 60:12 66:5,9 66:10 67:22 68:1 69:14</p> <p><b>Bacci's</b> 61:20</p> <p><b>back</b> 6:5 7:15 16:9 18:17 20:15 24:16 27:21,22 28:7 30:16,20 31:7 31:12 34:18 35:7 36:5,8 39:4 40:3 43:5 44:1,15,16 45:14,18 46:21 47:1,7,13,20 48:6,8,10 55:21 56:3,7 57:18 59:21 61:19</p> <p><b>background</b> 28:21</p> <p><b>bakers</b> 34:3</p> <p><b>bakery</b> 15:21 27:11</p> <p><b>baking</b> 13:13 15:3,17 33:19</p> <p><b>Balance</b> 17:4</p> <p><b>ball</b> 54:6</p> <p><b>balling</b> 30:8 33:19</p> <p><b>Bar</b> 42:11</p> <p><b>barely</b> 63:3</p> <p><b>Barrett</b> 8:21</p>
---	---	---	---	--



<b>based</b> 66:1	51:2,8,16,18	23:7 36:19	<b>CDD</b> 6:9 13:15	<b>City's</b> 3:20 21:3
<b>beautiful</b> 30:8	51:18 56:12	69:4	14:9 15:10	<b>clarification</b>
32:22 34:2	60:1,6 63:19	<b>button</b> 23:14	50:11 51:12	38:2
<b>began</b> 56:13	63:19 64:2,4	24:10 58:22	<b>central</b> 9:16	<b>clarify</b> 40:8
<b>believe</b> 9:15	65:19 67:2,11	59:12	14:5,11 15:8	45:21 56:12
16:1 28:13	69:9 70:16	<b>buy</b> 18:20	15:21 16:5	<b>clarifying</b> 36:14
35:10 47:13	<b>Board's</b> 22:21	<b>Bye</b> 69:11	17:14 22:18	<b>classic</b> 53:2,5
58:7 62:9,22	40:9 45:21	<b>BZA</b> 9:22	37:2 42:10	<b>clean</b> 22:16
<b>benefit</b> 64:13	51:11 63:22		52:20	<b>cleanup</b> 26:3
<b>best</b> 17:10 21:2	66:1	<b>C</b>	<b>certainly</b> 32:12	<b>clear</b> 62:9
43:5 55:6 71:6	<b>bollard</b> 62:20	<b>C</b> 3:1 15:3,17	32:13 39:2,4	<b>click</b> 23:14
<b>better</b> 10:20	<b>bollard-</b> 62:12	<b>cable</b> 4:2	39:16 47:16	58:21
11:2 27:4,5	<b>books</b> 7:12	<b>caliper</b> 55:2	58:4 62:16	<b>client</b> 16:8 17:1
38:3 39:18	<b>border</b> 60:17,22	<b>call</b> 3:16 12:7	<b>CERTIFICA...</b>	<b>climate</b> 8:5,11
43:22 44:7	63:5,5	48:18 58:3	71:1	<b>closed-in</b> 32:4
46:1 47:1	<b>Boston</b> 17:3,3	66:8 67:20	<b>certification</b>	<b>closer</b> 65:5
61:12	30:9 44:22	<b>called</b> 32:7	65:17	<b>Cohen</b> 1:8,9 3:5
<b>beyond</b> 64:13	<b>bottom</b> 19:10	<b>calling</b> 23:15	<b>certified</b> 11:17	3:6 4:11,15,17
<b>big</b> 29:6	22:11	53:5 58:22	<b>certify</b> 71:5,8	4:19 5:21,22
<b>bigger</b> 46:15	<b>Bowl</b> 34:7	<b>Cambridge</b> 1:2	<b>Chair</b> 1:7,7 3:10	10:5,9 11:13
<b>Bigolin</b> 1:12	<b>Bowls</b> 20:11	1:6 3:9 4:1,3	14:3 24:17	11:14 12:3,10
6:18 45:19	<b>box</b> 17:10	16:2 42:9 53:5	34:22 59:21	12:11,12,13
46:3,16 51:21	<b>boxes</b> 30:13,22	<b>camera</b> 55:18	<b>Chair's</b> 10:15	13:8,9 42:6
<b>bit</b> 8:1 16:16	<b>break</b> 7:10	<b>cameras</b> 6:8	<b>chalkboard</b> 27:8	43:12 44:10
20:19 29:7	<b>brick</b> 58:13	<b>car</b> 55:10 62:13	<b>chance</b> 54:18	48:21,22 49:1
33:5 34:13	<b>briefly</b> 52:9	<b>care</b> 7:18,19	<b>change</b> 8:11	49:2 50:2,3
35:4 39:13	<b>bring</b> 17:9,16,17	<b>carefully</b> 26:12	70:2,2,2	66:3,11,12,13
52:20 53:1	18:16,17 36:6	61:11	<b>changed</b> 56:4	66:14 68:2,3,4
55:5 56:9 58:3	<b>bringing</b> 17:19	<b>case</b> 2:3 7:4,5	<b>changes</b> 9:8	68:5
58:4	33:4	9:21 13:12	70:16	<b>colleagues</b> 41:9
<b>black</b> 41:18	<b>brings</b> 40:16	23:18 24:5,7	<b>Channel</b> 4:2	42:7
<b>blank</b> 60:18	<b>Brookline</b> 9:18	24:12,13 50:7	<b>Chapter</b> 3:12	<b>college</b> 18:3
<b>block</b> 37:16	<b>Bruins</b> 17:3	50:20 51:1,4	<b>character</b> 37:17	<b>color</b> 16:12
<b>blue</b> 53:10 54:9	<b>budge</b> 32:16	51:14 59:8,10	<b>charging</b> 55:11	<b>come</b> 8:17 9:9
55:10	<b>buffer</b> 53:18	59:11 67:3,5	60:19 61:21	28:9 30:6
<b>board</b> 1:1 2:5	55:21 56:21	<b>cases</b> 6:19	62:6,13,15,19	34:18 44:4,13
3:9,14,20 4:5	<b>building</b> 16:3,7	<b>catching</b> 67:17	<b>check</b> 10:19	44:15,16 45:14
5:16 6:17 7:14	16:7 20:2,4,20	<b>Catherine</b> 1:7	30:9	45:18 46:22
8:6,7,15 9:9,20	21:7 26:11	3:4 5:7,10,11	<b>children</b> 53:8	47:13,20 48:6
10:7,10 11:17	35:17 37:15	5:20 11:12	<b>chip</b> 18:12	48:8,10
11:19 13:17	40:18 54:11	12:20,21 13:7	<b>chocolate</b> 18:12	<b>comfortable</b>
14:6,12,17	55:14 57:2	32:5,6 33:15	<b>circle</b> 35:18 36:8	45:16,19 55:15
15:6 16:10,15	<b>buildings</b> 64:18	33:16 40:6,7	<b>city</b> 1:2 4:1 8:5	<b>coming</b> 7:22 8:8
21:12 23:4,5	<b>bulk</b> 65:4	41:9,11 47:14	8:14,16 9:11	9:6 21:8 26:1
23:17 24:21	<b>Burns</b> 71:4	47:15 48:17	16:2 19:14	38:15 41:15
25:14 36:18	<b>bush</b> 61:1	49:9,10 50:1	21:15 22:17	46:21
40:4 41:2 43:1	<b>business</b> 2:4	66:19,20 67:14	25:11 31:11	<b>comment</b> 3:18
43:3 45:18	7:18 8:1 13:14	67:17,18,20	32:17 33:3	3:19 13:17
46:19 48:2,10	14:6,8 15:7,8	68:10,11 69:8	40:11 42:14	24:19 25:9,12
50:7,13,21	16:11,13 19:1	69:12 71:4	56:18	27:6 29:14

33:13 38:5 43:16 44:20 50:13 52:13 55:10 58:20 59:11 60:1,4 61:5,6,8 <b>comments</b> 14:9 24:20 25:15,15 40:3 42:5 51:12 52:17 58:17 63:22 69:4 <b>commission</b> 71:17 <b>Committee</b> 9:1 9:11,13,16,21 14:11 <b>Commonwealth</b> 13:13 15:2,17 16:1 71:2,5 <b>communicatio...</b> 23:18,18 60:5 <b>Community</b> 1:11 2:4 4:8 6:3,7 <b>Company</b> 13:13 <b>compared</b> 29:1 29:2 34:6,6 <b>competitors</b> 32:9 34:6 <b>completely</b> 25:22 65:9 <b>complex</b> 37:14 <b>complies</b> 22:2 <b>comply</b> 19:13,17 <b>compromise</b> 31:10 57:10 <b>concentrate</b> 54:15 <b>concept</b> 29:18 30:5 33:18 47:3 <b>concern</b> 28:15 28:16 45:12 55:9 <b>concerning</b> 35:13,22 <b>concerns</b> 52:10 65:12 <b>concise</b> 14:16	52:2 <b>concludes</b> 69:3 <b>concur</b> 47:15 <b>conditions</b> 65:15 65:16,18,19,22 <b>confidentiality</b> 36:19 <b>Confirm</b> 59:3 <b>conforms</b> 65:7 <b>connected</b> 24:9 59:14 <b>connection</b> 10:14,15 26:20 <b>Connolly</b> 1:7 3:4 5:8,10,20 11:12 12:20,21 13:7 32:6 33:15 40:7 47:15 48:17 49:9,10 50:1 66:19,20 67:14 67:18,20 68:10 68:11 69:8,12 <b>considered</b> 9:10 <b>considering</b> 60:19 64:14 <b>consistent</b> 37:2 53:3 56:8,20 58:14 <b>constitutes</b> 14:7 <b>construct</b> 51:6 <b>constructed</b> 16:3 <b>construction</b> 54:8 62:2 64:11,13 65:5 <b>consulted</b> 53:22 <b>consumer</b> 30:11 <b>containing</b> 50:9 64:7 <b>contains</b> 65:14 <b>contiguous</b> 64:16 <b>continuance</b> 45:8 <b>continue</b> 13:21 18:16 43:10 45:17 48:14 50:17 51:17 60:17,22 61:2	<b>continued</b> 2:8 49:18 50:6 51:2 60:2 <b>continuing</b> 65:17 <b>control</b> 30:11 63:1 <b>controls</b> 59:9 <b>converted</b> 56:7 <b>conveyance</b> 57:8 <b>convinced</b> 55:13 <b>cookie</b> 18:10,12 18:13,21 19:9 19:22 20:2,4 24:8 31:14 32:7,12 42:3 42:11 44:21 <b>cookies</b> 15:5,21 16:2,16,20 17:5,9,10,11 17:15,18,22 18:11,15,17,20 19:11 20:15,21 22:10,10 29:11 33:19,20 34:8 45:1 <b>cooldown</b> 8:1 <b>corner</b> 21:6 31:5 33:22 <b>corporate</b> 20:21 21:4,13,15 26:7 27:10,20 28:9 35:8 36:6 39:8 <b>Corporate's</b> 32:11 <b>correct</b> 10:7 27:17 <b>corrections</b> 70:16 <b>correctly</b> 52:6 <b>Council</b> 8:4,5,14 8:16 9:2,4,7,11 9:14 <b>counsel</b> 71:9 <b>couple</b> 8:3 9:6,7 9:10 18:20 31:21 <b>course</b> 37:14 <b>Court</b> 7:13	<b>cousins</b> 16:18 <b>cover</b> 41:22 <b>coverage</b> 41:5 <b>covered</b> 44:5 <b>covering</b> 27:2 51:1 <b>crashing</b> 57:1 <b>cream</b> 18:18,21 18:21 42:12 <b>create</b> 39:13 58:3 <b>created</b> 53:14 <b>creates</b> 29:13 31:21 53:17 58:1 <b>creating</b> 39:17 <b>creative</b> 39:22 <b>criteria</b> 14:8 23:7 36:21 51:11 64:5,6 65:8 66:2 <b>Crumb</b> 15:4,20 16:2,16 17:9 17:15 18:17 19:8,11 20:15 20:21 22:10,10 22:15 24:8 30:5 32:8 33:17,22 36:12 <b>Crumb's</b> 33:8 <b>crumble</b> 33:17 <b>Crumb</b> 35:11 <b>crushed</b> 62:15 <b>curb</b> 55:19,19 56:10,13 63:11 <b>curious</b> 26:3 <b>currently</b> 7:9 9:10 <b>customer</b> 30:17 <b>customers</b> 18:17 30:6 42:20 <b>outline</b> 54:10 <b>cuts</b> 55:19 56:10 <b>cycle</b> 54:16	22:3 50:22 <b>dark</b> 41:18 44:7 <b>date</b> 7:20 8:18 13:22 50:17 60:2 65:10 70:22 <b>day</b> 7:1 17:2 71:13 <b>dealing</b> 8:10 20:20 31:14 <b>dealt</b> 47:12 <b>December</b> 11:18 50:21 <b>decent</b> 53:6 <b>decision</b> 51:16 65:16 67:8,9 67:13 <b>deeper</b> 65:5 <b>definition</b> 14:7 <b>delineation</b> 53:15 <b>deliveries</b> 44:4,4 <b>demand</b> 37:12 42:15 <b>demonstrative</b> 57:3 <b>deny</b> 13:20 50:15 <b>Department</b> 2:4 6:3 <b>depressing</b> 41:16,17 <b>description</b> 37:4 <b>design</b> 6:18 14:10 19:12,14 19:16,18,22 21:3,11 22:2 25:8,15 28:8 39:7 43:6 46:8 51:19 54:22 <b>designed</b> 55:2 <b>designers</b> 40:13 <b>designing</b> 36:8 <b>designs</b> 20:16 <b>detached</b> 51:6 <b>detail</b> 26:12 63:7 <b>detailed</b> 56:11 <b>details</b> 43:6 <b>deter</b> 63:11 <b>development</b>
---	---	--	---	---

1:11 2:4 4:8 6:3,7,11,12,15 7:13 8:11 64:9 64:12,19 <b>difference</b> 29:1 <b>different</b> 9:10 18:9 31:21 <b>differentiates</b> 22:7,7 <b>difficult</b> 24:6 42:16 <b>directly</b> 26:10 27:11 28:8 38:5 <b>Director</b> 6:7 <b>disagreeing</b> 42:6 <b>disagrees</b> 43:9 <b>discourage</b> 61:1 62:2 <b>discretion</b> 14:18 45:17 <b>discuss</b> 13:17 43:3 50:13 <b>discussed</b> 8:16 9:20 21:9 48:14 <b>discussing</b> 9:12 9:13,17 <b>discussion</b> 9:3 24:19 60:1,10 <b>display</b> 37:8 <b>district</b> 14:5 15:8,8 22:18 50:10 51:7 <b>disturb</b> 54:5 <b>disturbed</b> 54:8 <b>diverse</b> 18:4 <b>doing</b> 32:4,21 <b>Donuts</b> 45:1 <b>door</b> 20:7 30:6 <b>double</b> 10:19 <b>dough</b> 30:8 33:19 <b>draft</b> 67:7 <b>drag</b> 63:12 <b>dramatic</b> 57:17 57:19 <b>drawings</b> 58:15 62:9 <b>driveway</b> 52:12	52:13,22 55:20 56:16 <b>dual</b> 62:13 <b>Dunkin'</b> 45:1 <hr/> <b>E</b> <b>E</b> 2:1 3:1,1 70:1 70:1,1 <b>earlier</b> 36:11 <b>early</b> 9:5 <b>earthier</b> 58:5 <b>East</b> 9:19 <b>effect</b> 57:8 <b>effectively</b> 56:21 <b>efficiency</b> 57:9 <b>efficient</b> 44:17 <b>effort</b> 56:10 <b>efforts</b> 49:17 <b>eight</b> 5:15 49:14 53:13 <b>either</b> 24:21 35:21 51:15 <b>electrical</b> 35:16 <b>elevated</b> 55:18 63:5 <b>eliminate</b> 21:7 <b>emphasis</b> 43:19 <b>emphasize</b> 16:20 29:7 43:21 47:3 <b>employed</b> 71:9 <b>employee</b> 18:4 <b>employees</b> 17:20 17:21 18:1 30:18 34:4,5 <b>encourage</b> 17:8 <b>encouraged</b> 19:2 <b>energy</b> 54:16 <b>enhanced</b> 64:21 <b>enjoy</b> 8:1 <b>ensure</b> 40:10 <b>entered</b> 23:19 <b>entire</b> 15:9 <b>entry</b> 55:19 56:16,16 <b>entryway</b> 53:1 53:16 56:15 <b>environment</b> 30:8 32:18	34:2 64:21 <b>especially</b> 47:2 <b>espionage</b> 31:15 32:7 <b>essentially</b> 23:1 27:22 <b>establish</b> 13:13 <b>establishment</b> 42:16 <b>et</b> 8:21 <b>evening</b> 3:8 6:2 6:19 7:2 13:19 40:5 48:14 <b>everybody</b> 37:10,22 42:8 46:12 54:19 65:9 <b>exactly</b> 26:5 40:8,10 56:11 <b>excavate</b> 54:10 <b>excavators</b> 53:22 <b>excited</b> 8:4 <b>exciting</b> 8:12 <b>excuse</b> 55:8 <b>existing</b> 51:5 54:11,14 56:10 56:18 58:11 64:22 <b>expect</b> 9:19 <b>expires</b> 9:4 71:17 <b>exploration</b> 40:20 <b>explore</b> 32:16 35:5 <b>exploring</b> 48:1 <b>expose</b> 46:7 <b>express</b> 21:13 <b>expressed</b> 44:11 <b>extend</b> 63:16 <b>extended</b> 52:22 53:12,12 55:21 56:21 58:14 <b>extending</b> 52:19 <b>extension</b> 51:15 67:7,8,12 68:16 <b>extent</b> 16:17 64:15	<b>exterior</b> 20:6 35:17,21 <b>extra</b> 68:20 <b>eye</b> 26:10 <hr/> <b>F</b> <b>fabric</b> 53:4 <b>facility</b> 17:3,4 30:18 <b>fact</b> 28:16 33:17 34:14 41:11 44:21 62:5 63:10 <b>failed</b> 43:13 <b>fairly</b> 8:9 37:6 56:8 <b>faith</b> 60:20 <b>fantastic</b> 15:12 <b>far</b> 27:13 35:20 36:5 49:18 <b>farther</b> 50:9 <b>favor</b> 13:3 49:15 67:3 68:15 <b>February</b> 1:4 3:9 7:1 <b>feel</b> 18:19 19:19 23:7 34:9 54:14 58:6 <b>feels</b> 46:20 <b>feet</b> 16:6 26:10 36:7 37:19 50:10 51:9 52:18 53:13 <b>fellow</b> 36:18 <b>felt</b> 31:10 <b>file</b> 51:16 67:7,9 67:13 <b>filed</b> 23:2 <b>fill</b> 42:14 <b>final</b> 48:4,4,4 <b>financially</b> 71:10 <b>find</b> 3:19 35:16 36:22 47:17 64:5 65:7 <b>finding</b> 10:15 66:1 <b>findings</b> 64:3 65:12 <b>fine</b> 44:20 61:9	<b>firm</b> 19:21 <b>first</b> 6:2 7:3,6,6 14:4 15:9 16:7 16:18 17:2 21:6 29:5 31:5 34:18 45:22 50:20 52:16,16 54:14 60:6 64:6 <b>five</b> 26:10 36:7 37:19 <b>flavors</b> 18:18 <b>flip</b> 37:9,20 46:10,14 52:15 <b>flipped</b> 47:6 <b>flipping</b> 38:22 40:14 45:21 46:6 <b>floor</b> 37:1,3 38:6 45:13 47:4 48:4 <b>Flynn</b> 1:7 3:4,8 3:10 5:12,14 5:17,20 6:2,16 10:3,10,17,19 11:3,7,12,16 12:4,6,22 13:1 13:4,7,11 14:14,22 23:10 24:18 25:6,13 25:18 26:4,13 26:20 27:5,12 29:12,15 30:1 30:3 31:17,19 32:1,5 34:11 35:3,12 36:14 38:1,9 40:1 41:6 42:5,22 43:14,17 44:8 44:18 45:6,10 45:12 46:2,5 46:18 47:10,14 48:7 49:11,12 49:16 50:1,5 58:18 59:22 61:4,7,9,19 62:7,21 63:9 63:14,18 66:4 66:7,21,22 67:6,11,16
--	---	--	--	--

68:12,13,17,19 69:1,3 <b>focus</b> 62:12 <b>focused</b> 48:12 <b>follow</b> 27:15 <b>followed</b> 13:16 50:13 <b>following</b> 30:12 64:5,14 <b>Force</b> 8:7 <b>foregoing</b> 70:15 <b>forest</b> 58:3 <b>formerly</b> 16:4 <b>forming</b> 9:18 <b>forms</b> 36:10 <b>Formula</b> 13:14 14:5,7 15:7 16:10,13 23:7 <b>forth</b> 20:16 29:11 47:3 <b>forward</b> 46:20 49:18 <b>forward-think...</b> 8:9 <b>founded</b> 16:18 <b>four</b> 52:10,19 56:6 <b>fourth</b> 52:16 <b>franchise</b> 18:7 38:12 <b>franchisee</b> 15:4 15:4 16:13 <b>fresh</b> 16:21 <b>From'</b> 70:2 <b>front</b> 19:7,16 21:1 30:6 34:1 35:14 44:20 47:7 54:12 58:2 63:2 64:19 <b>frosted</b> 18:13 29:1,3 35:6 39:9 <b>frosting</b> 29:4 <b>full</b> 9:1 <b>fun</b> 41:19 <b>fundamentally</b> 47:18 <b>further</b> 20:10 21:17 40:3	56:16 71:8 <b>future</b> 8:10 13:21 50:17 60:2 <hr/> <b>G</b> <b>G</b> 3:1 <b>gain</b> 57:9 <b>general</b> 1:3 2:4 7:18 48:5 65:8 <b>generally</b> 54:5 <b>geometry</b> 52:13 <b>getting</b> 41:21 <b>give</b> 3:18 8:18 24:13 31:11 34:19 59:17 <b>glass</b> 19:10 29:1 35:6 36:3 39:9 <b>Glover</b> 52:7 <b>go</b> 15:15,19 17:12 18:5,8 18:20 20:9,12 21:16,20 24:11 35:8,20 36:5 39:4 40:3 42:16 43:5 44:1,9 56:2,3,4 56:5 58:20 59:7,16 61:3 <b>goal</b> 39:6 <b>goals</b> 40:11 <b>goes</b> 16:8 36:5 <b>going</b> 6:5 11:7 16:5 17:16,19 18:9,10,11,14 18:16 19:19 20:1,5,15 22:1 24:19 25:4 27:22 28:13 32:15 33:20 34:7 41:10 50:5,11,18 52:8 55:4,14 55:14 57:13 58:20 59:18 60:1 <b>good</b> 3:8 21:11 31:10 40:12 42:4 44:21 54:18 57:13	<b>Goodnight</b> 69:14,15 <b>grade</b> 26:11 <b>graduate</b> 18:3 <b>graffiti</b> 27:8 28:15,19 <b>grainy</b> 11:5 <b>Grand</b> 17:2 <b>granite</b> 63:5 <b>grant</b> 13:19 23:5 50:15 64:2,4 65:22 68:16 <b>granting</b> 46:20 67:3 <b>graphic</b> 57:2 <b>graphics</b> 35:20 <b>gravel</b> 60:18 63:17 <b>great</b> 6:17 10:3 15:1,13 18:7 22:3 23:10 29:17 30:4 36:14 37:14 40:3 42:17 47:17 48:7 69:8 <b>greener</b> 58:5 <b>Greetings</b> 52:5 <b>Gregory</b> 14:14 14:20 15:1,2 15:18 25:6,7 25:17 27:14 28:22 29:9 31:16 34:20 35:4 36:11 38:11 <b>ground</b> 37:1,3 53:18 56:6 <b>ground-floor</b> 16:6 <b>guess</b> 38:18,18 41:10 <hr/> <b>H</b> <b>H</b> 1:9 3:5 4:11 4:15 5:21 10:5 10:9 11:13 12:11 13:8 42:6 43:12 48:22 50:2	66:12 68:5 70:1 <b>half</b> 41:22 64:19 <b>Hamilton</b> 52:7 <b>hand</b> 11:8,20 23:14,15,21 24:10,11 43:13 58:22 59:1,13 59:16 60:10 61:15 71:12 <b>handle</b> 35:10 <b>hands</b> 24:3 40:2 43:3,10 59:4,6 59:20 <b>hanging</b> 20:1 35:18 <b>happening</b> 8:3 <b>happy</b> 37:10,22 60:13 <b>hard</b> 26:18 44:3 <b>hardscape</b> 52:11 <b>hardscaping</b> 52:17 58:13,14 <b>Harvard</b> 42:10 <b>hat</b> 19:9,22 22:10 <b>hate</b> 27:7 <b>heads</b> 33:5 <b>heal</b> 54:7 <b>health</b> 54:3 <b>hear</b> 4:14,16 13:16 14:21 26:14,15 30:2 34:12 50:12 <b>heard</b> 44:8,12 50:21 <b>hearing</b> 1:3 7:12 8:22 11:5,5 13:12,21 14:4 23:13 26:18 43:1,10 48:14 50:7,17 51:2 51:17 58:20 60:2 64:1 65:21 <b>hearings</b> 2:7 7:2 9:7 <b>heavy</b> 53:10 <b>height</b> 65:4 <b>held</b> 3:11 11:18	<b>help</b> 15:11,14 22:5 35:9 <b>helpful</b> 25:5 46:16 <b>hemmed</b> 36:21 <b>hereunto</b> 71:12 <b>Hernandez</b> 50:8 51:22 52:1,5,6 61:18,19 62:4 62:8,22 63:10 63:15 67:10 68:18,22 69:2 <b>high</b> 18:2 34:6 <b>high-use</b> 31:6 <b>highest</b> 57:12 <b>highlighted</b> 63:7 <b>hire</b> 17:20 18:1 <b>history</b> 16:16,17 <b>Hm</b> 6:16 <b>home</b> 18:22 <b>honestly</b> 30:21 <b>hook</b> 55:4 <b>hope</b> 14:16 17:17 21:11 23:3,8 31:13 52:2 <b>hopefully</b> 17:21 18:16 28:9 <b>hoping</b> 18:3,19 <b>house</b> 30:16,21 31:8,12 44:2 47:7,7 53:16 53:18,19 54:12 58:2 <b>Housing</b> 9:8,11 <b>huge</b> 41:20 <b>Hugh</b> 1:9 3:6 4:20,22 5:1,22 11:14 12:14,15 13:9 25:19,20 41:7,8 44:18 44:19 45:7,11 46:6,17 49:3,4 50:3 66:6,7,15 66:16 68:6,7 69:11 <hr/> <b>I</b> <b>ice</b> 18:18,20,21 42:12
--	--	---	---	--

<b>idea</b> 38:3 46:19	<b>Intern</b> 6:14	49:3,5,7,9,11	43:20,20 47:3	61:21 62:9
<b>ideal</b> 17:14,21	<b>internally</b> 35:15	49:14 50:18,20	<b>kitchens</b> 29:8	63:11
38:13 39:6	<b>Internet</b> 10:15	51:21 59:3,6	<b>know</b> 17:6,15,22	<b>landscaping</b>
<b>ideas</b> 47:17	<b>interrupt</b> 25:13	66:9,11,13,15	18:18,20,21	53:11 55:1,5
<b>identifiable</b>	<b>intro</b> 29:19 52:3	66:17,19,21	19:1,12,15,15	62:17 63:16
64:13	<b>introduce</b> 6:4,9	67:2,6,6,22	19:17,18,21	<b>large</b> 64:15
<b>illuminated</b>	<b>introduced</b> 6:13	68:2,4,6,8,10	20:18,19 21:9	<b>larger</b> 53:7
35:15	<b>introducing</b>	68:12,15 69:6	21:15 22:13	<b>Lasix</b> 56:20
<b>imagined</b> 55:6	14:18	<b>job</b> 48:1	23:8 26:10	<b>Laughter</b> 31:16
<b>impact</b> 54:12	<b>investigating</b>	<b>jobs</b> 17:19	27:18,22 28:2	<b>law</b> 3:12
56:17 57:17	8:8	<b>joining</b> 7:1	28:2,3,4,7,7,11	<b>lawsuit</b> 32:8
64:11 65:2	<b>invite</b> 28:19	<b>Joseph</b> 1:12	28:15,17,17,18	<b>layout</b> 22:1
<b>impacting</b> 57:6	<b>invites</b> 28:18	6:10 15:16	28:19 29:5,5	40:21 47:19
<b>impacts</b> 8:10	<b>inviting</b> 34:2	29:14,17,21,21	29:10 30:21	48:4,5
<b>important</b> 32:17	<b>issuance</b> 65:8	30:2,4 33:13	31:2,20,22	<b>lead</b> 38:5
33:3 37:16	<b>issue</b> 8:8 11:8	33:16	32:6,13,18,19	<b>leaf</b> 54:17
48:12	28:3 37:20	<b>Jr</b> 1:8 3:5 4:10	33:4,7,8 34:4,5	<b>leave</b> 58:16
<b>Incentives</b> 64:18	42:2 45:2	5:21 11:13	35:4,7,8 36:3	61:16 62:17
<b>inclined</b> 18:20	<b>issues</b> 35:22	12:5,9 13:8	38:12,13,15,18	<b>leaving</b> 45:16
44:11	44:10,12 45:14	26:16 27:3,6	38:19,21,21	<b>left</b> 20:3 22:9
<b>include</b> 65:20	<b>it'll</b> 8:17	28:20 29:3,10	39:3,7,7,8,11	55:12 60:18,21
<b>included</b> 65:15	<b>item</b> 6:2 11:16	29:13 31:14,18	39:11,12,13,16	<b>leftover</b> 43:15
<b>includes</b> 30:17	13:11 45:20	31:20 32:2	39:18,21,21	<b>let's</b> 10:19 40:3
<b>increase</b> 62:17	50:6	38:2 43:15,18	40:15,17,18	48:13 59:1
64:10	<b>items</b> 7:18 48:9	46:22 47:11	41:3,10 42:12	<b>level</b> 26:10 56:6
<b>indicates</b> 36:22		48:16,20 50:2	42:17,18,19	<b>life</b> 40:16
<b>industry</b> 32:13	<b>J</b>	60:12 66:5,10	44:3,5 45:1,3	<b>light</b> 25:22 32:7
<b>information</b>	<b>J</b> 1:8 3:5 4:10	68:1 69:14	47:7,12,16	35:9 41:14,15
13:21 48:11	5:21 11:13	<b>July</b> 3:12 71:18	48:3,4,5 53:3,7	41:21 47:9
50:16 51:17	12:5,9 13:8		53:17,19 54:1	<b>lighting</b> 27:15
60:3	26:16 27:3,6	<b>K</b>	54:6,15,16,18	34:17,18,21
<b>ingredients</b> 38:4	28:20 29:3,10	<b>keep</b> 11:7 17:22	55:14 56:11,15	<b>liked</b> 53:14
38:7	29:13 31:14,18	41:21 42:13	56:16 57:6,11	<b>Lilac</b> 7:13
<b>innovative</b> 8:10	31:20 32:2	54:10,20,21	57:14 58:5,6	<b>line</b> 22:17 41:9
<b>inside</b> 20:5 28:2	38:2 43:15,18	<b>keeping</b> 54:17	62:16,18,20	50:10 51:10
28:14,16 36:2	46:22 47:11	57:18 63:6	65:9	53:10 54:9
37:7,22	48:16,20 50:2	<b>keeps</b> 22:16	<b>known</b> 8:20	62:3 70:2
<b>installed</b> 35:21	60:12 66:5,10	<b>Keith</b> 52:7	<b>knows</b> 16:15	<b>listening</b> 7:5
<b>installing</b> 62:5	68:1 69:14	<b>kept</b> 3:17		61:11
<b>instructions</b>	<b>January</b> 11:18	<b>kind</b> 26:17 27:8	<b>L</b>	<b>lit</b> 25:4,10,11
3:18,20 24:5	<b>Jeff</b> 1:11 4:7,7	32:3 41:3,4	<b>lack</b> 26:17 27:6	<b>little</b> 8:1 10:16
59:5,7	4:11,14,16,20	52:12,12 53:2	<b>laid</b> 28:14	11:2,4 16:16
<b>intellectual</b> 33:9	5:1,4,7,11,15	53:3 54:9,16	<b>land</b> 55:9	20:19 29:7
<b>interest</b> 61:13	6:5,6,7,17 10:3	55:3,20 57:2	<b>landed</b> 28:11	31:5 33:5
<b>interested</b> 42:19	10:5,7 11:1,1,4	58:6,8	<b>Landing</b> 17:3	34:19 35:4
71:10	12:7,8,10,12	<b>kitchen</b> 20:22	30:9,10	39:13 41:17
<b>interesting</b>	12:14,16,18,20	26:3 27:21	<b>landlord</b> 19:14	52:20 53:1
53:20	12:22 13:3	29:6,8,18 30:5	<b>landscape</b> 52:20	56:9 58:4
<b>interior</b> 20:1,2	24:2,4,4 27:1,1	33:18 37:5,8	52:21 55:21	62:18
35:19,22	48:19,21 49:1	37:11,21 38:17	56:5 58:7	<b>live</b> 4:1

<b>LLC</b> 13:13 15:3 15:17	46:21 47:16 60:10	9:13 10:6,8 69:7	<b>Medford</b> 30:10	<b>minimize</b> 28:11
<b>lobby</b> 31:8	<b>Louis</b> 1:8 3:5	<b>market</b> 16:5	<b>medium</b> 53:7	<b>minimum</b> 54:9
<b>local</b> 18:2	4:8,10 5:21	37:14	<b>meet</b> 23:7 46:11	<b>minute</b> 25:14
<b>locate</b> 64:18	11:13 12:5,5,6	<b>Mary</b> 1:7 3:4,8	<b>meeting</b> 1:5 2:5	27:15 46:10
<b>located</b> 16:6	12:8,9 13:8	3:10 5:11,14	3:9,11,22 4:2,9	<b>minutes</b> 11:17
<b>location</b> 16:2,18	26:16 27:3,6	5:15,17,20 6:2	4:12,17,21 5:2	12:1 14:16
17:1,15,15,17	28:20 29:3,10	6:16 10:3,10	5:5,8,12 6:4,13	52:1,8
20:15 22:7,12	29:13 31:14,18	10:17,19 11:3	7:8,9,11 9:16	<b>missing</b> 10:16
34:5 42:21	31:20 32:2	11:7,12,16	10:6 11:16	11:5
54:11 60:13	38:2 43:15,18	12:4,6,22 13:1	12:1 24:6	<b>mission</b> 17:9
61:20	46:22 47:11	13:4,7,11	50:22 51:2	<b>misstated</b> 51:22
<b>locations</b> 15:22	48:16,16,19,20	14:14,22 23:10	69:7,7	<b>mitigating</b> 47:17
16:19 22:6,8	50:2 60:12	24:18 25:6,13	<b>meetings</b> 3:21	<b>mixers</b> 30:7
39:19 42:14	63:4 66:5,9,10	25:18 26:4,13	11:18	<b>mixing</b> 36:20
<b>logo</b> 16:11 19:9	67:22 68:1	26:20 27:5,12	<b>meets</b> 64:5	<b>Mm-hm</b> 27:5
25:4	69:14	29:12,15 30:1	<b>member</b> 4:5	63:9 69:1
<b>logos</b> 17:16	<b>Louis'</b> 62:14	30:3 31:17,19	23:13 41:2	<b>modifications</b>
<b>long</b> 47:13 53:4	<b>louver</b> 19:8,16	32:1,5 34:11	46:18	7:15
54:1	22:14	35:3,12 36:14	<b>members</b> 3:4,14	<b>modified</b> 55:19
<b>Long-term</b> 9:12	<b>louvers</b> 35:18	38:1,9 40:1,7	3:14,17 4:6	<b>moment</b> 24:2
<b>look</b> 19:4,17	<b>love</b> 17:10,18	41:6 42:5,22	5:16,20 10:11	32:12
21:1,18 26:2	57:6	43:14,17 44:8	11:12,19 13:3	<b>Moogoor</b> 1:13
26:12 36:13	<b>lower</b> 26:8 38:18	44:18 45:6,10	13:7 14:19	6:14
39:16 41:3	43:13 58:1	45:12 46:2,5	24:21 25:14	<b>motion</b> 11:22
44:2 49:18	<b>lowering</b> 28:4,5	46:18 47:10,14	36:18 49:14,17	12:8 25:22
56:22	34:13,15 35:1	48:7 49:11,12	50:1 58:21	26:9 48:13,19
<b>looked</b> 8:21	39:17	49:16 50:1,5	60:6 63:19	65:21 66:9
<b>looking</b> 6:22	<b>luck</b> 42:4 68:20	58:18 59:22	67:2,12 68:15	67:12,22
7:21 17:20		61:4,7,9,19	69:9	<b>move</b> 10:2 24:19
18:1 20:3,22	<b>M</b>	62:7,21 63:9	<b>memo</b> 14:9	50:5 60:9
27:21 38:14	<b>Madam</b> 34:22	63:14,18 66:4	51:12 65:14	<b>moved</b> 12:3
40:15 59:8	<b>Magri</b> 52:7	66:7,21,22	<b>mentioned</b>	48:15 66:3
<b>looks</b> 29:8 55:4	<b>main</b> 16:4 25:3	67:6,11,14,16	23:12 35:17	67:18
<b>looper</b> 57:2	35:17 52:10	68:12,13,17,19	36:7,11 58:19	<b>movement</b>
<b>losing</b> 42:11	<b>maintain</b> 21:8	69:1,3	<b>menu</b> 18:6,7,8	27:19 33:7
<b>lot</b> 7:22 8:7	39:21	<b>Mason</b> 1:13 6:11	<b>Messplay</b> 15:13	41:14
16:17 17:19	<b>maintaining</b>	14:1,3,14	22:3	<b>moving</b> 46:19
29:7 34:4	39:5,5 53:2	15:12	<b>Messplay's</b>	53:18 56:7
37:15 42:8,9	<b>major</b> 22:19	<b>Mass</b> 7:3 8:22	50:22	60:20
42:20 46:15	<b>making</b> 16:20	15:21 16:4	<b>met</b> 65:18 66:2	<b>muffled</b> 26:22
47:4 48:8 51:7	29:10 33:6	21:9 24:8	<b>microphone</b>	<b>mural</b> 41:18
57:13,20,21	46:3 61:16	<b>Massachusetts</b>	27:2	<b>mute</b> 3:17
58:2 64:10,16	65:12	1:6 2:7 13:14	<b>middle</b> 9:18	<b>muted</b> 26:13
64:19,22 65:5	<b>manner</b> 36:9	71:2,5	58:12 63:13	43:11
<b>lots</b> 64:17 65:3,6	<b>maple</b> 58:9	<b>material</b> 44:5	<b>Middlesex</b> 71:3	<b>N</b>
<b>Lou</b> 4:11 26:13	<b>maples</b> 58:11	<b>materials</b> 60:4	<b>milk</b> 18:12	<b>N</b> 2:1 3:1
26:13,21 27:1	<b>Marcel</b> 50:8	<b>matters</b> 22:22	42:11	<b>name</b> 3:10 12:2
31:19 32:7	<b>March</b> 7:9,11	<b>mean</b> 31:17 34:4	<b>mind</b> 32:11	15:2 51:22
38:1 43:14	8:17,19 9:12	39:5,14 44:2	42:13	<b>names</b> 3:15
			<b>mine</b> 26:21	

<b>narrow</b> 37:12 <b>nationwide</b> 16:19 22:8 35:11 <b>near</b> 17:3 <b>necessarily</b> 33:1 <b>necessary</b> 42:13 63:17 <b>need</b> 16:14 17:6 26:11 33:8,10 33:10 34:16 36:18 37:12 39:21 40:20 43:18 45:14 47:13 48:6 51:15 57:4,6 59:15 62:15,19 65:7 <b>needed</b> 51:17 67:7 <b>needs</b> 42:14 43:1 47:1,8,8 64:4 <b>neighbor's</b> 62:3 <b>neighborhood</b> 9:12 33:11 64:20 <b>neither</b> 71:8 <b>new</b> 15:20 16:5 17:3,4 18:17 51:6,12 64:11 65:4 <b>newest</b> 15:22 16:1 17:1 <b>nice</b> 27:8 30:8 31:2 53:14 58:6 69:12 <b>nicely</b> 63:21 <b>night</b> 8:16 69:12 <b>Nope</b> 59:20 <b>North</b> 8:22 <b>Notary</b> 71:4,16 <b>note</b> 67:3 <b>noted</b> 67:6 70:16 <b>notion</b> 46:14 <b>Notwithstandi...</b> 63:15 <b>number</b> 20:16 59:14 <hr/> <b>O</b> <hr/>	<b>O</b> 3:1 <b>objections</b> 64:1 <b>objective</b> 39:8 <b>occupant</b> 16:7 <b>occur</b> 64:11 <b>Oh</b> 10:13,17 29:21 43:14,17 55:8 62:7,21 <b>okay</b> 10:13,19 11:7,9,22 13:4 24:18 25:6 26:4,13 27:12 29:16 30:2,4 35:3,12 40:1 42:5,22 43:14 44:8 45:6,10 45:11 46:4,18 47:10 48:12,17 49:14,16 61:4 61:7 62:7 63:20 65:14,21 66:7 69:3,8 <b>once</b> 16:8 24:11 25:19 59:15,20 <b>one's</b> 7:3,6 <b>online</b> 4:1 <b>opaque</b> 25:22 27:18 <b>open</b> 15:20 29:8 29:18 30:5 33:17 37:5 43:19 47:3 62:4 64:16 <b>opened</b> 17:1 31:8 <b>Opening</b> 17:2 <b>operate</b> 15:7 16:14 23:6 <b>operation</b> 34:8 <b>operational</b> 31:4 31:12 <b>operations</b> 36:17 46:7 <b>opinion</b> 37:20 <b>Oppedisano</b> 15:16 29:14,16 29:17,21,21 30:2,4 33:13 33:16 <b>Opportunities</b>	65:2 <b>opportunity</b> 38:16 46:11 60:4 65:4 <b>opposed</b> 54:17 <b>option</b> 39:12 <b>order</b> 16:14 54:10 57:4,6 64:4 <b>ordinance</b> 9:1 53:6 64:8 <b>original</b> 58:9,10 <b>originally</b> 55:5 <b>ought</b> 42:15 <b>outcome</b> 47:1 53:20 71:10 <b>outside</b> 37:21 38:16 <b>ovens</b> 30:7 33:20 <b>overall</b> 37:13 42:13 <b>overhangs</b> 41:20 <b>Overlay</b> 9:8 14:5 <b>owner</b> 29:22 60:20 61:1 <b>Owner/Mana...</b> 15:16 <b>owners</b> 52:8 <hr/> <b>P</b> <hr/> <b>P</b> 3:1 <b>p.m</b> 1:4 3:3 5:19 9:15 11:11 13:6 23:17,19 49:22 69:16 <b>package</b> 21:22 <b>Page</b> 2:3 70:2 <b>pan</b> 63:1 <b>panels</b> 31:21 <b>panes</b> 31:5 <b>parking</b> 52:11 52:18 53:11,12 56:6,22 58:13 64:18 65:2 <b>part</b> 9:5 26:5 <b>particular</b> 36:12 46:11 <b>particularly</b> 41:9 64:22	<b>parties</b> 21:15 71:9 <b>party</b> 37:7 <b>passageway</b> 32:4 <b>passive</b> 37:11 <b>Patrick</b> 8:21 <b>pattern</b> 36:5,10 36:12 <b>Pause</b> 4:13 10:12 11:21 24:1,15 59:19 60:8 65:13 <b>paying</b> 67:4 <b>PB-393</b> 2:8 <b>PB-395</b> 2:7 13:12 <b>peak</b> 57:12 <b>peculiar</b> 52:12 <b>pedestrian</b> 37:17 <b>peeling</b> 36:1 <b>pending</b> 8:13 <b>people</b> 17:9,16 17:17 19:19 26:2 29:7 30:7 32:19,20 33:19 33:19 35:22 38:14 40:2 53:7 59:8 63:6 63:12 <b>percent</b> 20:14 54:6,13 <b>perfect</b> 62:21 <b>permanent</b> 46:9 <b>permeability</b> 37:15,16 <b>permit</b> 7:12 13:12,20 14:6 15:7 16:4,10 16:14 23:6 36:22 37:13 50:7,8,16 51:8 62:10 64:3,4,6 65:8,15 66:2 <b>permits</b> 9:20 65:22 <b>permitted</b> 7:15 <b>permittee</b> 67:8 <b>person</b> 61:14	<b>pertinent</b> 64:19 <b>petition</b> 8:6,20 8:21 9:9 46:20 <b>petitions</b> 8:13 <b>phone</b> 23:15 24:9 38:19 59:1,14,14 <b>photograph</b> 22:12 <b>photographs</b> 22:9 <b>pictures</b> 30:16 30:20 <b>piece</b> 9:15 45:5 <b>pink</b> 18:13 20:13 21:5 25:20 26:6 27:16 29:2 35:1,6 38:19 39:9 41:13 <b>place</b> 8:11 27:9 32:3 33:2 42:12 57:4 <b>placed</b> 36:2 <b>places</b> 29:7 <b>plan</b> 36:19 37:7 37:9,21 38:6 38:22 40:14 45:13,21 46:6 46:9,14 47:4 55:16 58:12 <b>plane</b> 53:18 <b>planned</b> 55:2 <b>planners</b> 43:8 <b>planning</b> 1:1 2:5 3:9,20 5:16 7:14 8:6,7,15 9:9,13,20 10:7 14:6,12 21:12 43:3 50:7,21 51:8,18,18 67:2 70:15 <b>plans</b> 25:3 61:22 <b>planted</b> 58:5 <b>planting</b> 60:17 60:22 61:2 <b>plaza</b> 16:5 <b>please</b> 6:4 11:20 12:1,7 14:18 14:19 15:19
---	---	---	--	---

18:5 20:9 21:16 23:21 29:16 48:18 52:3 66:8 67:21 <b>plenty</b> 17:4 <b>point</b> 25:12 40:12 46:8 61:20 62:14 <b>portal</b> 4:2 <b>portion</b> 20:5 <b>position</b> 47:22 <b>positive</b> 8:15 9:2 53:20 <b>possibility</b> 34:13 35:1 <b>possible</b> 6:8 14:17 26:8 45:3 52:3 60:19 61:21 <b>possibly</b> 39:6 <b>post</b> 62:20 <b>potential</b> 8:17 61:20 <b>potentially</b> 36:19 38:20 <b>power</b> 62:11 <b>practice</b> 17:3 <b>prefer</b> 45:17 <b>preference</b> 45:22 <b>prepare</b> 35:20 36:2 <b>prepared</b> 64:2 <b>present</b> 4:8,10 4:12,15,17,19 4:21,22 5:2,3,5 5:6,8,10,12,14 5:16 6:4,19 14:16,19 51:20 <b>presentation</b> 22:20 52:2 58:19 <b>presenter</b> 51:21 <b>preservation</b> 64:15 <b>preserved</b> 65:1 <b>press</b> 24:9 59:14 <b>pressing</b> 23:16 59:1	<b>Preston</b> 1:7 3:4 5:8,10,20 11:12 12:20,21 13:7 32:6 33:15 40:7 47:15 48:17 49:9,10 50:1 66:19,20 67:14 67:18,20 68:10 68:11 69:8,12 <b>pretty</b> 8:12 26:12 31:1 41:19 48:11 54:7 <b>previously</b> 63:22 <b>principal</b> 50:9 51:9 64:7 <b>print</b> 46:3 <b>privacy</b> 39:6,22 40:9 <b>private</b> 53:16 <b>probably</b> 43:5 56:2 62:11,18 63:1 <b>problem</b> 27:10 29:4,13 31:3 31:22 38:7 44:5 <b>proceed</b> 40:4 <b>proceedings</b> 4:4 69:16 70:18 71:7 <b>process</b> 8:7 15:10,14 <b>processes</b> 54:8 <b>product</b> 30:7 <b>productivity</b> 57:13 <b>project</b> 25:8 43:22 49:17,19 52:3,7,11 68:21 <b>promises</b> 37:14 <b>pronounced</b> 52:6 <b>properly</b> 65:1 <b>property</b> 33:9 60:14,15 62:3 <b>proponent</b>	24:22 27:13 43:3 45:4,18 48:8,10 <b>proponent's</b> 61:15 <b>proponents</b> 61:11 <b>proposal</b> 9:17 14:4,9,12 15:20 19:2 24:8 28:10 64:5 <b>proposed</b> 15:3 54:21 <b>proposes</b> 51:4 <b>proposing</b> 54:20 <b>protective</b> 33:9 <b>provide</b> 64:12 <b>provided</b> 64:13 <b>Providing</b> 64:21 <b>pruned</b> 58:11 <b>pruning</b> 54:14 57:3 <b>pub</b> 7:12 <b>public</b> 2:7 3:15 3:17,18,19 7:2 9:7 13:12,17 14:4 23:12,13 24:19 29:8 38:5,8 43:21 50:6,13 58:19 58:20,21 60:1 60:4 61:13 65:3 71:4,16 <b>pumping</b> 17:22 <b>push</b> 24:9 59:12 59:15,18 <b>pushing</b> 56:15 <b>put</b> 20:5 37:7,8 37:21 38:19 43:19,20 46:11 49:18 60:21 <b>putting</b> 47:21 55:15 61:1 62:3	31:13 34:17 36:15 38:1 61:4 <b>questions</b> 10:2 10:10 11:19 14:10 22:21 24:21 27:12,16 40:2 51:3,20 58:16 60:7,9 63:20 <b>quick</b> 25:2 <b>quite</b> 25:3	37:13 <b>recap</b> 52:10 <b>received</b> 11:17 14:11 21:22 23:19 60:3 <b>recommenda...</b> 8:15 9:2 <b>recommenda...</b> 8:9 <b>record</b> 23:20 24:20 29:20 70:18 71:6 <b>recorded</b> 3:22 <b>reduce</b> 62:6 65:2 65:4 <b>reduced</b> 41:4 52:17 56:22 <b>reduction</b> 57:9 <b>Reed</b> 2:9 7:3,4,5 59:10 <b>regarding</b> 27:16 32:9 <b>regardless</b> 28:19 <b>related</b> 71:8 <b>relationship</b> 56:14 <b>relief</b> 23:6 <b>relocated</b> 60:13 61:22 <b>remain</b> 58:11 <b>remaining</b> 57:22 <b>remind</b> 42:7 <b>reminder</b> 51:4 69:6 <b>remote</b> 1:5 3:20 <b>remotely</b> 3:11 <b>removal</b> 52:11 <b>removed</b> 55:1 <b>rendering</b> 19:7 20:10,13 57:1 <b>renderings</b> 19:4 56:4 58:15 62:11,12 <b>renovate</b> 51:5 <b>repeat</b> 24:5 59:5 <b>replacement</b> 55:2 <b>report</b> 14:12 <b>REPORTER</b> 26:18,22 29:19
---	---	---	---	--



<b>representing</b> 14:15	<b>review</b> 65:17	<b>roughly</b> 54:13	32:10 33:8	<b>shorthand</b> 46:14
<b>represents</b> 54:9	<b>reviewing</b> 6:20	<b>rule</b> 54:2	<b>Section</b> 64:8	<b>show</b> 20:13 22:2
54:13	<b>revised</b> 51:13	<b>rules</b> 53:3	65:9	22:6 42:2
<b>requested</b> 13:20	<b>revising</b> 40:21	<b>Russell</b> 1:9 3:6	<b>see</b> 18:13 19:7	56:10 62:12
23:6 50:15	<b>rezoning</b> 8:21	4:20,22 5:22	19:10,11 22:11	63:1
65:22	<b>Richard</b> 14:14	11:14 12:14,15	24:11 26:9	<b>showing</b> 55:18
<b>requesting</b>	14:15,20 15:1	13:9 25:20	27:18,18,21	56:21
16:13 23:5	15:2,18 25:7	41:8 44:19	30:7,17,22	<b>shows</b> 57:19
<b>require</b> 27:20	25:17 27:14	45:7,11 46:6	33:5,6,19,19	<b>sic</b> 25:6
42:15	28:22 29:9	49:3,4 50:3	33:20,22 34:1	<b>side</b> 20:22 21:2
<b>requirement</b>	31:16 34:20	66:6,15,16	34:2,7,9 36:6	26:11 28:1,18
40:17	35:4 38:9,11	68:6,7 69:11	37:11 40:2	37:9 38:15,16
<b>requirements</b>	<b>right</b> 7:21 10:20		41:2,14 46:22	41:19 42:3
19:13,15 21:3	11:9 12:6	<b>S</b>	47:2 48:13	43:20 52:14
22:2 25:11	18:18 21:6	<b>S</b> 3:1 70:1	52:20 53:10	55:15 57:22
27:20 33:11	22:12 28:4	<b>sandwiches</b>	56:14 57:1,17	<b>Sieniewicz</b> 3:7
<b>requires</b> 14:6	29:12,15,15	18:22	58:2,12 59:2,6	5:1,3 6:1 10:14
51:8	30:1 32:5	<b>satisfied</b> 44:14	59:17 60:9	10:18,22 11:15
<b>Reserved</b> 55:10	33:18 40:2	44:15	61:2 63:3,10	12:16,17 13:10
<b>residence</b> 50:9	41:6,12 44:18	<b>satisfy</b> 48:1	<b>seeing</b> 11:22	26:5 36:16
50:10 51:7	47:14 49:20	<b>saying</b> 42:7	17:16 24:2,3	48:15 49:5,6
<b>residential</b> 64:7	55:10 59:3,22	46:15	24:16 27:10	50:4 61:6,8,10
<b>residents</b> 18:2	60:9 62:2	<b>says</b> 23:14 24:10	42:19 49:19	66:17,18 67:19
64:21	68:17 69:10	50:18 55:10	59:3,20 65:14	68:8,9 69:15
<b>Resilience</b> 8:5	<b>rings</b> 58:9	58:22 59:12	<b>seeking</b> 9:19	<b>sight</b> 31:1
<b>resolution</b> 31:3	<b>rising</b> 53:19	62:5 63:10	<b>seen</b> 7:14 38:4,8	<b>sign</b> 19:16 20:1
<b>respect</b> 27:14	<b>Roberts</b> 1:11 4:7	<b>scale</b> 62:16	<b>semi-transpar...</b>	20:7 22:10,11
36:18	4:7,11,14,16	63:16	41:4	22:14,14 25:3
<b>respected</b> 40:11	4:20 5:1,4,7,11	<b>schedule</b> 7:8	<b>sense</b> 25:22 26:9	25:4,8 28:5
<b>respectful</b> 22:21	5:15 6:6,7,17	<b>scheduled</b> 7:9	32:20 33:1,6	35:17,18 39:7
<b>responding</b>	10:7 11:1,4	<b>scheme</b> 16:12	34:14 40:16	39:17
61:11	12:8,10,12,14	52:21 54:22	48:8	<b>signage</b> 19:5
<b>response</b> 63:19	12:16,18,20,22	55:21 56:5	<b>sensitive</b> 33:7,10	21:7 22:13
<b>responsibility</b>	13:3 24:4 27:1	61:12	<b>sent</b> 9:1	34:17 35:10
40:10	48:19,21 49:1	<b>schemes</b> 58:7	<b>sequence</b> 53:16	<b>signed</b> 3:12
<b>responsive</b>	49:3,5,7,9,11	<b>school</b> 18:2	<b>series</b> 64:16	<b>significant</b> 42:1
63:22	49:14 50:20	<b>scooped</b> 55:12	<b>serious</b> 40:20	<b>significantly</b>
<b>rest</b> 56:8	59:6 66:9,11	<b>scratch</b> 16:20	41:3	64:10
<b>restriction</b>	66:13,15,17,19	29:18 34:8	<b>served</b> 16:21	<b>signs</b> 22:1 25:10
21:14	66:21 67:2,22	<b>screen</b> 59:13	<b>serves</b> 61:12	25:10 34:21
<b>restrictions</b>	68:2,4,6,8,10	63:2	<b>set</b> 39:1 64:6	35:13,15,16
20:21	68:12,15 69:6	<b>sec</b> 27:3	71:12	<b>sill</b> 29:4
<b>result</b> 54:20	<b>roll</b> 3:16 12:7	<b>second</b> 7:3 12:4	<b>setback</b> 53:5	<b>simple</b> 19:21
<b>retail</b> 37:2 41:1	48:18 63:6	12:5,7 41:20	<b>settling</b> 41:4	38:21
42:15	66:8 67:20	48:16 50:6	<b>shade</b> 57:19,21	<b>simply</b> 37:20
<b>retain</b> 64:22	<b>room</b> 47:4 62:18	51:9 66:4,5,6,7	<b>shake</b> 61:15	39:17
<b>rethink</b> 47:18	<b>root</b> 54:6	<b>seconds</b> 24:13	<b>share</b> 16:11	<b>single</b> 64:11,14
<b>reverse</b> 37:6	<b>roots</b> 54:17	59:17	<b>shed</b> 35:9	<b>single-family</b>
38:6	<b>rotate</b> 46:9	<b>secret</b> 29:6	<b>shifting</b> 6:22	51:5,6
	<b>rotating</b> 18:8,14	<b>secrets</b> 30:19	<b>shop</b> 18:18,21	<b>sink</b> 30:22 32:19

<b>sinks</b> 30:13	38:11 58:21	<b>states</b> 16:20 64:9	<b>style</b> 62:13	61:18 62:4,8
<b>site</b> 8:22 9:19	<b>speaking</b> 3:15	<b>station</b> 30:9	<b>Subcommittees</b>	62:22 63:10,15
19:9,19 22:16	54:5	55:11 60:19	9:11	67:10 68:18,22
<b>sits</b> 63:13	<b>special</b> 7:12 9:19	61:21 62:6,13	<b>submission</b>	69:2
<b>sitting</b> 3:4 5:20	13:12,20 14:6	62:15,19	51:13	<b>take</b> 4:5 7:18,19
11:12 13:7	15:7 16:4,10	<b>stealing</b> 32:9	<b>submitted</b> 14:12	8:16 16:9
50:1 67:5	16:13 23:6	<b>step</b> 16:9	19:3,3 24:20	30:15 38:16,20
<b>situation</b> 38:13	36:22 37:13	<b>Steve</b> 4:20 12:6	60:5	44:1 57:4
47:17	50:7,16 51:8	12:12 44:8	<b>subscribe</b> 70:17	<b>taken</b> 3:16
<b>size</b> 53:7,7,7	64:6 65:8,15	49:1 66:13	<b>sugar</b> 18:13	<b>talk</b> 39:9
<b>skip</b> 58:8	65:22 66:1	68:4	<b>suggested</b> 9:7	<b>Tan</b> 1:10 3:7 5:4
<b>skipped</b> 55:8	<b>specialists</b> 54:1	<b>Steve's</b> 44:19	65:15	5:6 6:1 11:15
<b>sky</b> 41:21	<b>Specialty</b> 13:13	<b>Steven</b> 1:8 3:5	<b>suggesting</b>	12:18,19 13:10
<b>slide</b> 15:15,19	15:3,17	4:17,19 5:21	36:18	25:2 49:7,8
17:12 18:5	<b>species</b> 54:3,3	11:13 12:3,13	<b>suggestions</b>	67:4
19:6 20:9,12	<b>specifically</b> 32:9	13:8 44:10	65:20	<b>Task</b> 8:7
21:16,20 22:6	53:22 56:12,17	49:2 50:2 66:3	<b>summarize</b> 14:2	<b>taste</b> 17:6 20:7
22:20 52:15	57:10	66:14 68:3	<b>summarized</b>	<b>tasteful</b> 19:18
53:9,21 55:7	<b>spent</b> 8:7	<b>stickers</b> 37:19	14:8 51:12	<b>team</b> 6:18 14:19
55:17 56:1,19	<b>spot</b> 60:18,21	<b>stone</b> 62:15	63:20	25:8 28:8 39:7
57:16 58:1	<b>square</b> 9:16 14:5	<b>storage</b> 30:13,13	<b>summertime</b>	40:13 43:6
62:22 63:13	14:11 15:8,22	30:14 31:1	57:11	47:12 49:17
<b>slightly</b> 55:18	16:6 17:14	37:7,21	<b>sun</b> 57:12	52:3
<b>small</b> 52:12	22:18 37:2	<b>store</b> 20:2 28:2	<b>sunlight</b> 42:3	<b>Ted</b> 4:16 10:3
62:18	42:10,10 52:18	35:14,19 39:6	<b>support</b> 44:19	12:10 42:5
<b>smell</b> 34:9	<b>ss</b> 71:3	42:20 44:20,21	45:7,7,8	43:10 48:21
<b>snapshot</b> 9:14	<b>stack</b> 20:4	<b>stored</b> 38:8	<b>supposed</b> 37:1	66:11 68:2
<b>solar</b> 57:7,9,9	<b>staff</b> 1:11 4:5	<b>storefronts</b> 42:9	<b>sure</b> 6:12 7:22	<b>television</b> 4:2
<b>solid</b> 28:21	6:4,9,20 13:15	42:10	17:7 25:17	<b>tell</b> 25:3
<b>solution</b> 37:6	14:10 15:10	<b>story</b> 46:11	29:17 59:8	<b>temporarily</b>
38:22 40:16	18:4 20:18	<b>straight</b> 56:3,4	<b>surveillance</b>	61:22
41:3 45:5	21:10 24:21	<b>straightforward</b>	37:11	<b>temporary</b> 8:2
<b>somebody</b> 18:19	28:8 44:12,12	23:3 37:6	<b>Suzannah</b> 1:12	<b>tend</b> 48:7 54:7
38:19	44:14,15 45:4	<b>streamed</b> 4:1	6:18 15:12	<b>terms</b> 38:22
<b>somewhat</b> 8:9	47:21 49:19	<b>street</b> 2:9 7:4,4,5	22:4 45:15,16	39:1 46:15
<b>sorry</b> 10:14	50:12 51:19,19	9:18 18:19	45:19 46:3,16	<b>terribly</b> 54:7
26:19 43:12,17	60:7 65:14,17	21:18,18 50:10	47:12,16 51:20	<b>Terrific</b> 63:18
55:8 67:14,16	65:20 69:5	51:10 53:1	51:21	<b>thank</b> 4:7,11,16
<b>sort</b> 22:19 38:20	<b>Staff-level</b> 45:20	56:8,13 59:10	<b>Swaathi</b> 1:12	4:20 5:1,4,7,11
41:11 45:8	<b>stages</b> 9:18	65:3	6:10 15:12	5:15,17 6:6,22
<b>sounding</b> 11:1	<b>standard</b> 22:11	<b>strengths</b> 33:21	17:12	10:3,9 13:4
<b>space</b> 16:6 31:7	35:15 53:4	<b>strongly</b> 46:20	<b>swapping</b> 45:13	14:3,13,14,20
31:8,8,12	65:16	<b>structure</b> 50:9	<b>sweet</b> 42:11	15:1,11 19:5
37:14 40:21	<b>standardized</b>	51:5,6,9 64:7		23:8,10 24:18
64:16	16:12	64:12,14 65:5	<b>T</b>	26:4 32:5
<b>spaces</b> 52:19	<b>Standards</b> 26:7	<b>structures</b> 64:10	<b>T</b> 1:7 3:4 5:20	33:14,15 36:14
53:6 55:20	<b>start</b> 4:5 14:18	64:12,22 65:1	11:12 13:7	36:16 40:1
56:7,22	60:10	<b>students</b> 18:2,3	50:1 70:1,1	41:6 42:22
<b>speak</b> 23:2,13	<b>starts</b> 45:13	<b>studied</b> 43:2	<b>Tagore</b> 50:8	44:18 46:16
23:21 24:7,12	<b>state</b> 3:15 12:1	<b>stuff</b> 7:19 36:20	51:22 52:5,5	47:10,14 48:7

49:16,16 50:20 51:20 52:6 58:18 59:22 61:10,16 63:18 66:7 67:6,10 67:11,16 68:17 68:18,22 <b>Thanks</b> 11:9 40:7 49:19 51:21 61:18 <b>Theodore</b> 1:9 3:6 4:11,15 5:22 10:5,9 11:14 12:11 13:9 42:6 43:12 48:22 50:3 66:12 68:5 <b>thing</b> 7:17 30:16 34:16 41:20 46:8,11 48:12 60:16 <b>things</b> 8:3 9:6 32:21 34:11 42:15 63:21 <b>think</b> 6:19 8:4 22:16 23:1 26:11,20 32:1 32:11,15 33:7 34:19 36:7 37:5,12,20 40:9,12,14,15 40:20 41:10,11 42:12 43:2,5 44:1,16,20,21 45:3,3,19 46:5 46:13,13,15 47:1,19 48:3,6 48:11 53:13,20 54:2 56:2 57:12 61:12,12 62:22 63:12,20 <b>third</b> 42:2 <b>thoughts</b> 40:4 41:7,8 63:20 <b>three</b> 27:16 41:17 44:22 54:21 58:10 <b>three-compar...</b> 30:22	<b>tightened</b> 53:1 <b>time</b> 3:18,19 8:8 14:17 22:21 23:8 26:18 29:16 34:19 51:15 53:4 56:9,21 61:8 67:7,8,12 <b>times</b> 18:14 42:17 <b>timing</b> 51:14 <b>To'</b> 70:2 <b>today</b> 8:11 9:1 <b>Tom</b> 3:6 5:1,3,4 5:22 10:13,14 10:18,22 11:8 11:14 12:16,17 13:9 26:4,5 36:15,16 38:5 40:10 41:11 48:15 49:5,6 50:3 61:4,6,8 61:10,18 63:20 66:17,18 67:19 67:19 68:8,9 69:15 <b>tomorrow</b> 9:15 <b>tonight</b> 13:19 14:10 15:17 25:7 46:20 51:16 <b>tons</b> 47:17 <b>Tony</b> 25:7,12 27:15,17 34:20 35:9,13 39:17 <b>top</b> 19:8 56:22 57:19 63:13 <b>tops</b> 33:5 <b>touch</b> 35:1 <b>townhouse</b> 7:13 <b>townhouses</b> 7:15 <b>trade</b> 30:19 32:10 33:8 <b>trademark</b> 16:11 <b>transcript</b> 4:3 12:1 70:15,17 71:6 <b>transcriptionist</b>	26:19 <b>transcripts</b> 2:5 11:17 <b>translucent</b> 26:6 33:6 41:14 46:4 <b>transparency</b> 20:19 21:8 26:17 27:7 31:22 33:12 39:14 <b>transparent</b> 26:6 40:22 46:4 <b>trash</b> 52:14 55:9 55:9,11,15 60:13,20 61:1 62:3 63:6,12 <b>treatment</b> 45:2 46:1 <b>treatments</b> 40:19 <b>tree</b> 52:11 54:1 56:18 57:1,5 63:3 <b>trees</b> 54:4,7,14 54:18,21,21 55:22 57:18 58:3,10 <b>tremendous</b> 15:10 16:22 57:21 <b>triangulated</b> 55:20 <b>triggered</b> 16:12 <b>true</b> 71:6 <b>truly</b> 40:22 <b>try</b> 18:17 21:2 28:9 52:9 <b>trying</b> 21:14 22:17,17 28:11 42:2 43:7 52:16 54:17 57:14 <b>TUESDAY</b> 1:4 <b>turn</b> 14:1 24:16 25:9 27:13 34:20 59:21 <b>turning</b> 19:6 <b>two</b> 7:2 16:18	18:11 25:10,14 34:11,21 44:22 52:19 53:15 54:20 55:22 56:7 57:15,18 58:3,9,9,9 64:9 64:12 <b>Typically</b> 19:9 19:11 22:13 <b>typified</b> 37:2 <hr/> <b>U</b> <hr/> <b>UL</b> 35:15 <b>ultimately</b> 21:4 <b>uncomfortable</b> 46:19 <b>underground</b> 62:11 <b>understand</b> 20:18 26:1 28:15 36:17 40:8 <b>understanding</b> 27:17 38:13 <b>unique</b> 19:9,16 20:15 22:15 30:5 <b>units</b> 53:15 <b>unpruned</b> 57:1 57:5 <b>unstable</b> 10:16 <b>untenable</b> 47:22 <b>upcoming</b> 7:8 <b>update</b> 2:4 6:3 8:18 10:1 13:15,16 50:11 50:12 <b>updates</b> 8:3 <b>urban</b> 6:18 14:9 32:18 43:6 51:19 <b>use</b> 31:12 41:1 64:7 <b>users</b> 55:13 <b>usually</b> 25:15 <b>Utah</b> 16:19 <b>utilities</b> 39:1 <hr/> <b>V</b> <hr/> <b>vacant</b> 42:8,9	<b>vacation</b> 51:1 <b>varies</b> 54:3 <b>various</b> 18:2 19:4 22:1 <b>verify</b> 4:6 <b>vibrant</b> 32:3 34:8 <b>Vice</b> 1:7 <b>video</b> 3:22 30:15 30:20 38:16,20 <b>view</b> 31:9 55:18 57:19 58:2,4 <b>views</b> 56:20 57:18 58:7 <b>vinyl</b> 20:3,4 28:13 47:2 <b>visibility</b> 30:20 32:20 <b>visible</b> 5:12 30:11 31:6 41:1 43:20 <b>vista</b> 58:5 <b>visual</b> 21:17 65:2 <b>vital</b> 37:18 <b>Vitality</b> 20:10 34:7 <b>vitality</b> 37:16 <b>vote</b> 12:7 13:2 23:4 48:18 49:13 66:8 67:1,20 68:14 <b>votes</b> 3:15 <b>voting</b> 13:3 49:15 67:3 68:15 <hr/> <b>W</b> <hr/> <b>wait</b> 7:6 46:10 <b>walk</b> 33:18 55:14 <b>walks</b> 46:12 <b>walkway</b> 32:3 37:12 43:22 44:6 <b>wall</b> 30:12 37:7 <b>want</b> 15:9 21:13 22:20 26:2 29:6 30:22 32:7,19 38:3,7
--	--	---	--	--

38:11 39:2,14 39:14 40:4,8,9 41:2,12 42:7 56:17 59:4 <b>wanted</b> 10:5 45:20 56:12 61:10 <b>wanting</b> 33:9 63:6,12 <b>wants</b> 24:14 41:13 48:10 <b>wasn't</b> 6:13 39:11,12 50:22 <b>wave</b> 20:13 21:5 25:20 26:7 27:16 29:2 34:13,19 35:2 35:6 36:5,6,10 36:12 38:19 39:10,17 41:13 46:3 <b>way</b> 7:15 37:17 42:3 44:19 46:7,9 47:11 55:12 56:2 63:6 <b>ways</b> 32:16 <b>we'll</b> 6:20 8:18 9:19 14:1 16:5 16:5,7 24:11 50:12 57:11 60:10 <b>we're</b> 7:21,22 16:9 17:19,20 18:1,3,19 21:14 22:17 24:18 28:4 31:14 32:15 36:21,22 42:11 50:5,18 55:3 56:15 57:10,12 58:20 60:1 69:10 <b>we've</b> 19:20 46:10,13 53:12 55:3,11 <b>webinar</b> 59:12 <b>webpage</b> 3:20 <b>Wednesday</b> 9:15	<b>week</b> 17:2 18:8 69:7 <b>Weekly</b> 20:7 <b>Welcome</b> 3:8 <b>welcoming</b> 37:5 37:18 <b>Wells</b> 1:13 6:11 14:1,3 <b>went</b> 28:7 52:18 <b>whereof</b> 71:12 <b>wider</b> 18:1 <b>Williams</b> 25:8 25:18 35:12,13 <b>willing</b> 42:16 57:10 <b>window</b> 20:5 25:4 28:14,18 28:18,20 29:1 29:4 36:9 37:9 40:19 41:4 <b>windows</b> 19:22 21:6 25:21 29:4 33:2 40:17 44:3 46:1 47:2 <b>wish</b> 58:21 68:20 <b>wishes</b> 23:13,21 <b>witness</b> 71:12 <b>wonderful</b> 5:17 34:10 35:12 <b>word</b> 19:8 22:10 22:15 <b>words</b> 10:18 11:6 <b>work</b> 15:13 19:15 20:16 21:2,14 38:22 39:3 43:1,6,7 43:18 44:13 45:4,18 48:10 49:18 54:19 68:20 <b>working</b> 22:3 28:7,8 45:20 46:1 <b>world</b> 17:10 <b>worried</b> 38:4 <b>worth</b> 57:14,14 <b>worthwhile</b> 17:7	<b>wouldn't</b> 26:2,9 30:21 31:1 58:3 <b>write</b> 27:9 <b>writing</b> 36:1 <b>written</b> 23:18,18 24:20 60:5 <b>wrong</b> 27:17 <hr/> <b>X</b> <hr/> <b>x</b> 2:1 53:6 62:19 70:22 <hr/> <b>Y</b> <hr/> <b>yard</b> 51:7 54:12 57:18 <b>yeah</b> 24:4 25:2 26:14,20 27:1 27:1 29:9,15 29:17 32:1 35:13 39:5 43:10 45:12 47:15 58:8 61:9 62:4,8 63:2,11,14 <b>year</b> 50:21 <b>Yep</b> 11:3 28:22 <b>yesterday</b> 23:17 23:19 <hr/> <b>Z</b> <hr/> <b>zone</b> 55:21 56:21 <b>zoning</b> 6:10,11 6:14 8:5 15:8 51:19 53:2,6 64:8 <b>Zoom</b> 24:7,10 59:12,13 61:14 <hr/> <b>0</b> <hr/> <b>1</b> <hr/> <b>1/10/2023</b> 2:6 <b>1/17/2023</b> 2:6 <b>10</b> 11:18 54:6,13 <b>10.43</b> 65:9 <b>100</b> 20:14 <b>107</b> 3:12 <b>11</b> 2:6 <b>12/13/2022</b> 2:8	<b>12/20/2022</b> 2:5 <b>13</b> 2:7 50:21 <b>14</b> 7:11 69:7 <b>15</b> 54:6 58:10 <b>1500</b> 16:6 <b>16</b> 3:13 53:13 <b>17</b> 11:19 58:10 <b>18</b> 53:6 <hr/> <b>2</b> <hr/> <b>20</b> 11:18 67:13 67:15 <b>20-foot</b> 53:4 <b>2017</b> 16:18 <b>2018</b> 16:3 <b>2022</b> 3:12,13 11:18 71:13 <b>2023</b> 1:4 3:9 11:19 67:9,13 67:17 <b>2028</b> 71:18 <b>22</b> 4:2 9:13 <b>23</b> 2:9 59:10 <b>28</b> 1:4 3:9 58:10 71:18 <hr/> <b>3</b> <hr/> <b>30</b> 14:16 52:1,8 62:18,19 67:9 67:15,17 <b>33</b> 62:22 <b>393</b> 50:7 <hr/> <b>4</b> <hr/> <b>4</b> 63:11 <b>425</b> 2:7 13:14 15:21 24:8 <b>49</b> 2:9 <hr/> <b>5</b> <hr/> <b>5</b> 2:4 <b>5.53.2</b> 64:8 <b>5:00</b> 23:17,19 <b>50</b> 16:19 17:20 17:20 34:5 <b>500</b> 52:18 <hr/> <b>6</b> <hr/> <b>6</b> 7:13 8:17 9:18 <b>6:00</b> 9:15 <b>6:30</b> 1:4 3:3	<b>6:32</b> 5:19 <b>6:38</b> 11:11 <b>6:40</b> 13:6 <b>60</b> 34:5 <hr/> <b>7</b> <hr/> <b>7</b> 7:9 10:6,8 <b>7:26</b> 49:22 <b>7:50</b> 69:16 <b>700</b> 16:19 <b>75</b> 50:10 51:9 <hr/> <b>8</b> <hr/> <b>8</b> 9:12 <b>8.5</b> 53:6 <hr/> <b>9</b> <hr/> <b>9</b> 23:16 24:9 59:1,14
---	---	--	---	---