



City of Boston
Board of Appeal

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By City Clerk at 2:21 pm, Aug 03, 2023

Tuesday, August 8, 2023

BOARD OF APPEAL

Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON AUGUST 8, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS AUGUST 8 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE AUGUST 8, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/August8Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/August8Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.



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If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least **48 HOURS** in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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APPROVAL OF THE HEARING MINUTES: 9:30AM

May 9, 2023

EXTENSIONS: 9:30AM

Case: BOA-914212 Address: 79 Devon Street Ward 14 Applicant: Brandon Westerling

Case: BOA-734154 Address: 14 Gleason Street Ward 14 Applicant: Brandon Westerling

Case: BOA-1186589 Address: 64 Tolman Street Ward 16 Applicant: George Morancy, Esq

Case: BOA-834506 Address: 98 Magnolia Street Ward 13 Applicant: Kendra Roe

Case: BOA-834511 Address: 100 Magnolia Street Ward 13 Applicant: Kendra Roe

Case: BOA- 834505 Address: 7-9 Ceylon Street Ward 13 Applicant: Kendra Roe

Case: BOA- 834501 Address: 170 Magnolia Street Ward 13 Applicant: Kendra Roe

Case: BOA-834542 Address: 162 Magnolia Street Ward 13 Applicant: Kendra Roe

Case: BOA- 834493 Address: 164 Magnolia Street Ward 13 Applicant: Kendra Roe

Case: BOA-1033474 Address: 1 Highgate Street Ward 21 Applicant: Jeffrey Drago, Esq

Case: BOA-788662 Address: 587 Albany Street Ward 8 Applicant: Jeffrey Drago, Esq

Case: BOA-1047748 Address: 3992-3996 Washington Street Ward 19 Applicant: Jeffrey Drago, Esq

Case: BOA-1186247 Address: 715 River Street Ward 18 Applicant: Michelle Pierre-Vimont

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1419480 Address: 18 Fabyan Street Ward 14 Applicant: Derric Small, Esq

BUILDING CODE : 9:30AM

Case: BOA-1489621 Address: 50 B Street Ward 6 Applicant: Daniel Kahn

Purpose: Add two roof decks and head house for private use.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. ZBA Proviso says to change to roof Hatch.



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HEARINGS:9:30AM

Case: BOA- 1199457 Address: 29 Sutherland Road Ward 21 Applicant: 27-29 Sutherland Road, LLC

Article(s): Art. 51 Sec. 08 Use Regulations - Multi family dwelling unit (7 units) is a forbidden use
Art. 51 Sec. 09 Lot area for the add'l units is insufficient Art. 51 Sec. 09 Floor area ratio is excessive
Art. 51 Sec. 09 Usable open space is insufficient Art. 51 Sec. 09 Front yard setback requirement is insufficient
Art. 51 Sec. 09 Rear yard setback requirement is insufficient Art. 51 Sec. 40 5(a) Off street parking design - Off street parking design (access drive and maneuverability)

Purpose: Change occupancy from 4 family [under CO5789] to 7 residential dwelling units with construction of new 3-unit addition; accessory parking for 7 vehicles as shown on plans.

Case: BOA-1422753 Address: 9-11 Holton Street Ward 22 Applicant: Patrick McKenna

Article(s): Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Floor Area Ratio Excessive
Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Lot Area Insufficient
Article 51, Section 8 Use Regulations

Purpose: Addition to property. Work on existing property: interior demolition, new kitchens and bathrooms, new plaster, sheetrock, trim, doors and siding update electrical and plumbing.

Case: BOA-1446390 Address: 108-108C Allston Street Ward 21 Applicant: Patrick McKenna

Article(s): Article 51, Section 8 Use: Forbidden - Forbidden 4 Unit townhouses Article 51, Section 9 Side Yard Insufficient - Required 10ft. Proposed left side 3ft. Article 51, Section 9 Bldg Height Excessive (Stories) - allowed 2 1/2 stories height. Proposed 3 stories height Article 51, Section 9.4 Dim Reg: Location of Main Entrance - Main entrance was re face on Front lot line. Article 51, Section 9 Floor Area Ratio Excessive - Allowed .6 FAR. Proposed .88 FAR
Article 51, Section 9 Front Yard Insufficient - Front yard setback insufficient.

Purpose: Erect 4 townhouses.

Case: BOA-1462119 Address: 1742-1748 Dorchester Avenue Ward 16 Applicant: DIMI, Inc

Article(s): Art. 65 Sec. 41 Off street parking requirements - Insufficient parking for residential Art. 65 Sec. 9 Max allowed height exceeded Art. 65 Sec. 9 Insufficient usable open space Art. 65 Sec. 9 Insufficient side yard setback
Art. 65 Sec. 9 Insufficient rear yard setback Art. 65 Sec. 08 Conditional - Restaurant use conditional Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Insufficient additional lot area per unit Art. 65 Sec. 9 Number of allowed stories has been exceeded Art. 10 Sec. 01 Limitation of parking areas - 5' side yard setback buffer requirement Art. 65 Sec. 41 Off street parking requirements - Insufficient parking for Restaurant Art. 65 Sec. 41 Off street parking requirements - Clear maneuvering areas/turn radius design Two-way parking garage with right 90-degree angle parking (12'x2= 24' required)
Art. 65 Sec. 42 Appl. of Dimensional Req'mnts - Traffic visibility across a corner lot

Purpose: Demolish the existing single story gas station and automotive shop on separate permit and construct a mixed use, 4 storey building with a restaurant space on the ground floor and 14 Group 1 (per 521 CMR) dwelling units on the upper floors. Provide 9 parking spaces on grade at rear. *Existing structure to be razed on a separately applied for and issued permit.

Case: BOA-1484717 Address: 229-233 Bowdoin Street Ward 15 Applicant: Derric Small

Article(s): Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 9 Floor Area Ratio Excessive
Article 65, Section 9 Bldg Height Excessive (Feet) Art. 65 Sec. 08 Conditional - Dwelling units are a conditional use in a LC zone

Purpose: Proposed three story addition to change use from stores, laundromat and dry cleaners to store, laundromat and six dwelling units, as per plans.

Case: BOA- 1341023 Address: 81 Woodlawn Street Ward 11 Applicant: Highline Development

Article(s): Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Lot Width Insufficient
Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Floor Area Ratio Excessive

Purpose: New erection of a 3-family building on an empty lot per plans. to include 3 car indoor parking.



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HEARINGS:11:00AM

Case: BOA-1444270 Address: 27 Shepard Street Ward 22 Applicant: Anthony King

Article(s): Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 8 Use: Forbidden - MFR in a 2F 5000 (A) Article 51, Section 9 Side Yard Insufficient Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Add'l Lot Area Insufficient - Per Dwelling unit.

Purpose: New construction of a six (6) unit residential dwelling with (7) parking spots on the ground.

Case: BOA-1473928 Address: 4-6 Alcott Street Ward 22 Applicant: Imtiyaz Hussein

Article(s): Article 51 Section 9 Lot Area for Additional Dwelling Unit Insufficient Article 51 Section 9 Usable Open Space Insufficient Article 51 Section 9 Side Yard Insufficient Article 51 Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51 Section 9 Location of the Main Entrance to a Dwelling shall face the Front Lot Line

Purpose: Seeking to change the occupancy of the existing structure from a two family dwelling to a three family dwelling. Also, to rebuild rear decks and erect a new egress stair. Sprinkler system to be installed.

Case: BOA-1468247 Address: 277-279 Roslindale Avenue Ward 20 Applicant: Jose de La Rosa

Article(s): Article 67, Section 8.2 Use Regs: Basement Units Art. 67 Sec. 9.4 Location of Main Entrance - Entry to basement unit shall face the front lot line Article 67, Section 9 Lot Area Insufficient - Min. required: 8,000 sqft Proposed: 4,950 sqft Article 67, Section 9 Usable Open Space Insufficient - Min. required: 5,250 sqft Article 67, Section 9 Floor Area Ratio Excessive - Max allowed: 0.5 Proposed: 0.8 Art. 67 Sec. 08 Three family dwelling unit use is a forbidden use. Art. 67 Sec. 30 Off street parking screening & buffering - 2 off street parking spaces required

Purpose: Change of occupancy from two family to three family, relocate rear mechanical room add bulkhead door and egress window for additional bedroom, basement is existing finish space. Sprinkler system to be installed.

Case: BOA-1461525 Address: 48 Torrey Street Ward 17 Applicant: Edward Gaeta

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Rear Yard Insufficient Art. 65 Sec. 08 Forbidden - MFR In a 3F 6000 Article 65, Section 41 Off Street Parking & Loading Req

Purpose: The proposed project will require the demolition and removal of the three existing garage structures. The proposal is a new (14) unit 3 levels of multi-family housing over 1 level of off-street open-air parking, lobby, and utilities. Demolition permit will be applied for separately. Also see the associated ALT1439850.

Case: BOA-1412139 Address: 25 Colebrook Street Ward 7 Applicant: Chris Drew

Article(s): Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive

Purpose: To erect a 3 story addition on top of the existing lower level basement for an at grade garage and single family dwelling above as per plans.

Case: BOA-1408665 Address: 16 Piedmont Street Ward 5 Applicant: Bennie Ber

Article(s): Article 63, Section 20 Roof Structure Restrictions - Roof Structure Restrictions Article 63, Section 8 Floor Area Ratio Excessive Article 63, Section 8 Regulations Rear Yard Insufficient

Purpose: Construct a 3rd story addition onto building; Construct a new Roof Deck; Alter floor layouts per plans.

Case: BOA- 1480704 Address: 540 Commonwealth Avenue Ward 5 Applicant: The Shubert Foundation Inc.

Article(s): Art. 08 Sec.07 Use: Conditional

Purpose: Tenant Fit up of a new Starbucks Coffee Shop going in space formerly "Qdoba Mexican Grill". We anticipate needing BOA relief for a 36A restaurant with takeout use.



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RE-DISCUSSIONS :11:30 AM

Case: BOA- 1399546 Address: 45 Winthrop Street Ward: 12 Applicant: Steve Desmangles
Article(s): Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient
Article 50 , Section 43 Off Street Parking & Loading Req
Purpose: Relocate existing curb cut.
Reason for Prior Deferral: The board moved for a deferral.

Case: BOA-1269163 Address: 734-742 Dudley Street Ward 7 Applicant: Vargas DaSilveira-ARTICLE 80
Article(s): Article 65 Section 16 FAR. Max. allowed: 1 Existing: 3.9 Proposed: 4.7 Article 65 Section 16 Building
height: Max. allowed: 40' Existing: 48' Proposed: 57' Article 65 Section 16 Open space insufficient. Required: 50 x 25 =
1,250 sqft Article 65 Section 16 Rear yard. Min required: 20' Existing: 0.5' Proposed: 1 additional story at 0.5'
Art. 55 Sec. 65 41Off Street parking insufficient - Spaces required: 25 x 1.5= 37.5 Existing: 10' Proposed: any new space
Art. 65 Sec. 43 Ext. of non conforming use Article 65, Section 32 NDOD Review Required
Purpose : Add sixth floor with additional 5 units permit no Ert 580730 8 1 19 also known as 734 742 Dudley street as
per plan (board of appeal) Change occupancy from 20 units and 3 stores with 36a take out to 25 units and 3 stores with
36A take out.
Reason for Prior Deferral: The board moved for a deferral.

Case: BOA-1461276 Address: 34 Vinton Street Ward 7 Applicant: AKG Realty LLC: Manger Theodore I. Goldberg
Article(s): Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8
Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) - Allowed 40ft. Proposed 43ft. Article
68. Section 8.4 Dim Regs: Extension in Rear Yard - Residential use by (1,000) or more square feet.
Art.68 Sec. 33Off Street Loading Req. - Art. 68 33.5 Parking space designed.
Purpose: An addition to an existing 3 family building to expand the existing residential units and include accessory
garage space in the ground level (3 parking spaces).
Reason for Prior Deferral: The applicant was granted an administrative deferral due to a five member board.

Case: BOA-1459061 Address: 74 Horace Street Ward 1 Applicant: Hao Quann & Jason Krupp
Article(s): Article 27T – 5 East Boston IPOD Applicability Article 53, Section 9 Floor Area Ratio Excessive
Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9
Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Insufficient off-street parking. 9
required, 6 provided. Art. 53 Sec. 08 Forbidden - MFR is forbidden in a 2F 2000 Sub district
Article 53 Section 56.5.a Parking maneuverability Some of the provided parking has insufficient maneuverability.
Purpose: Raze existing building (on separate permit) and erect a six (6) unit residential dwelling with six (6) parking
spaces
Reason for Prior Deferral: The applicant requested a deferral to follow modifications outlined by the BPDA.

Case: BOA-1285218 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez
Article(s): Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability
Art. 27G E Boston IPOD Art. 53 Sec. 08Forbidden -Multifamily use Art. 53 Sec. 56^Off street parking insufficient -
Required: 6 spaces. Provided: 0 Article 53, Section 57.2Conformity Ex Bldg Alignment - modal not provided to verify
compliance Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53,
Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg
Height Excessive (Feet) Article 53, Section 9Usable Open Space Insufficient Article 53, Section 9Front Yard
Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient
Purpose: Erect a four (4) unit residential dwelling with roof deck.
Reason for Prior Deferral: The applicant requested an administrative deferral and it was granted



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Case: BOA#1285217 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez

Purpose: Erect a four (4) unit residential dwelling with roof deck.

Violation: Violation Description Violation Comments

9th 780 CMR 1011Stairways 1011.12.2 Roof access through a penthouse.

Reason for Prior Deferral: The applicant requested an administrative deferral and it was granted

Case: BOA-1463031 Address: 171 Brooks Street Ward 1 Applicant: Gabriel Trisca

Article(s): Art. 27G E Boston IPOD Article 53, Section 9 Rear Yard Insufficient Article 53, Section 52Roof Structure Restrictions

Purpose : New roof Deck 3rd floor: Build new roof deck as per plans , 2x10 PT, composite decking and rails, approximate dimension 12'x18' (Deck for Unit #3 only).

Reason for Prior Deferral: The applicant requested a deferral to complete the community process.

HEARINGS: 1:00PM

Case: BOA- 1242680 Address: 171 Corey Road Ward 21 Applicant: Cameron Merrill

Article(s): Article 51 Section 16Use Regulations - Multi family dwelling unit use is a conditional use Article 51 Section 17 Dimensional Regulations - Floor area ratio requirements is excessive Article 51 Section 17Dimensional Regulations - Height requirement is excessive Article 51 Section 17Dimensional Regulations - Usable open space requirements is insufficient Art. 51 Sec. 23^Off street parking requirement -Off street parking requirements is insufficient

Purpose: Demolition of Existing garage/studio and erection of a 5 story mixed use building with 9 residential units and two ground floor commercial and/or other educational (eg. Gallery) spaces.

Case: BOA-1490218 Address: 496-500 Talbot Avenue Ward 16 Applicant: Thomas Rooney-ARTICLE 80

Article(s): Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 41 Off Street Parking & Loading Req - Off street parking is insufficient

Purpose: Change of occupancy from 40 to 42 residential units with commercial units unchanged. Please reference ERT #954971 and ZBA Approval/Decision #963960. Building envelope and elevations unchanged. Existing square footage on 4th floor being re configured to create units.

Case: BOA-1455486 Address: 285 Washington Street Ward 14 Applicant: Stephane Goncalves Rodrigues

Article(s): Art. 65 Sec. 08Forbidden - You will need relief from BOA. Restaurant/Coffee shop takeout use forbidden in 3F 5000

Purpose: Convert storage area in existing convenience store into a coffee serving area. Please see plans for details.

Case: BOA-1487838 Address: 509 East Fifth Street Ward 6 Applicant: George Morancy

Article(s): Article 68, Section 33 Off Street Parking & Loading Req

Purpose: Amend ERT885769/ALT886824 with BOA897172 to change ground floor plan only from parking for 4 vehicles to bicycle and building storage. New zoning violation for insufficient off street parking. All cost of work reflected on application ERT885769.

Case: BOA-1489026 Address: 24 Dry Dock Avenue Ward 6 Applicant: John Pulgini-ARTICLE 80

Article(s): Article 6, Section 3AAdd'l Cond in Restricted Parking District Art. 08 Sec.07 Use: Conditional - Trade/Professional School Conditional Art. 15 Section 1 Floor Area Ratio Excessive Article 20, Section 8Rear Yd of Certain Shallow Lot Art. 21, Section 1 Setback of Parapet Insufficient Art. 24 Section 1 Off Street Loading Insufficient Art. 25 Sec. 5 Flood Hazard Districts Article 25A Section4 CFROD Applicability

Purpose: New Construction of an 8 story + Mechanical Penthouse steel framed core and shell building for following uses: Marine industrial use; life sciences/research and development (#48) with industrial uses (#68/69), offices (#41). Ground Trade/Professional School (#18), Ground Restaurant/Lunch Counter/Take Out (#36A/37), & Ground BSR Office (#39); below grade Parking garage included. Total approximate square footage of 280,000 sf includes above grade general industrial, marine industrial and supportive uses as well as 1 level of below grade parking containing up to 70 on site parking spaces. LPR Separate demo/short form permit to be filed for existing building.



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Case: BOA-1386283 Address: 24 Geneva Street Ward 1 Applicant: Nicola Diberto

Article(s): Art. 32 Sec. 04 GCOD Applicability Article 27T 5East Boston IPOD Applicability - Erect a building have GFA greater 1000SF Article 53, Section 9Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Art. 53, Section 56 Off Street Parking Insufficient

Purpose: Erect a five (5) story six (6) unit residential dwelling with parking for four (4) vehicles.

OPEN SESSION: 1:00PM

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

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For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority