



City of Boston
Board of Appeal

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By City Clerk at 3:04 pm, Apr 20, 2023

Tuesday, April 25, 2023

BOARD OF APPEAL

Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 25, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS APRIL 25, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE APRIL 25, 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/April25Comment> 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/April25Comment>, 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

March 14, 2023

EXTENSIONS: 9:30AM

Case: BOA-805934 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq

Case: BOA# 805933 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq

Case: BOA-1016543 Address: 70 Eutaw Street Ward 1 Applicant: Lorene Schettino, Esq

Case: BOA-1019227 Address: 18 Cottage Street Ward 1 Applicant: Jeff Drago, Esq

Case: BOA-1131510 Address: 35 Cushing Avenue Ward 13 Applicant: Peter Gammie

Case: BOA-932844 Address: 192 Gladstone Street Ward 1 Applicant: Catherine Clifford

Case: BOA-1130362 Address: 59 Chellman Street Ward 20 Applicant: Joe DiSipio

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1440379 Address: 5 Jerusalem Place Ward 3 Applicant: David Neilson

Article(s): Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability

Purpose: Construct a new single family residence on a vacant lot.

BUILDING CODE: 9:30AM

Case: BOA#1445868 Address: 210 West Springfield Street Ward 9 Applicant: Gregory McCarthy

Purpose: Amendment to ALT1340313. Per BPDA PROVISIO. (BOA1376022/A1351986). Roof deck access has been changed to bubble hatch instead of head house.

Violation Violation Description Violation Comments

9th 780 CMR 1011 Stairways IBC Art.1011.12 Stairway to Roof

HEARINGS:9:30AM

Case: BOA-1430845 Address: 143-143cTremont Street Ward 22 Applicant: Chayla White, Esq

Article(s): Article 51 Section 8Use Regulations - Use : Multifamily Dwelling : Forbidden Article 51 Section 8 Use Regulations - Use : Townhouse : Forbidden Article 51 Section 8Use Regulations - Use : Accessory Parking : Forbidden Article 51 Section 9 Floor Area Ratio Excessive Article 51 Section 9Building Height (# of Stories) Excessive Article 51 Section 9 Side Yard Insufficient Article 51 Section 9Location of Main Entrance of a Dwelling shall face the Front Lot Line Article 51, Section 56Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51 Section 9 Front Yard Insufficient

Purpose: Erect 5 New Townhomes.



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Case: BOA-1443147 Address: 309 Summit Avenue Ward 21 Applicant: Marc LaCasse

Article(s): Article 51, Section 8 Use: Forbidden - Use Forbidden of 9 units Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 57.3 Traffic Visibility Across Corner -Corner lot of (Summit ave. and Allston st.) Article 51, Section 56 Off Street Parking Insufficient

Purpose: Demolish existing building [under separate demo permit]; erect new 3 story 9 unit residential dwelling building with parking for 9 vehicles and 16 bicycle storage spaces.

Case: BOA-1431895 Address: 184 Wren Street Ward 20 Applicant: Mike & Erin Donaghy

Article(s): Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Bldg Height Excessive (Stories) Article 56, Section 8 Side Yard Insufficient

Purpose: The project scope is to construct a full height addition to the side of an existing 2 1/2 story detached single family house to add a bathroom on the first floor, a master bedroom on the second floor, and to finish the existing attic as a dormered third story with two additional bedrooms.

Case: BOA-1432793 Address: 23 Regin Road Ward 18 Applicant: Derick Joyner

Article(s): Article 60, Section 8 Use: Forbidden Article 60, Section 9 Bldg Height Excessive (Stories)

Purpose: To erect a three family dwelling with 3 parking spaces in the rear.

Case: BOA-1352114 Address: 6 Winter Street Ward 15 Applicant: Taou Khamouli

Article(s): Article 65, Sec 65 41 Off Street Loading Req.

Purpose: Please check the related a application : U491209045 At 10 Winter St Dorchester MA 02122 and 6 Winter St Dorchester, MA 02122 we would like to cut one curb for both properties to use the spaces between both buildings for parking.

Case: BOA-1352108 Address: 10 Winter Street Ward 15 Applicant: Taou Khamouli

Article(s): Art. 65 Sec. 41 Off street parking requirements

Purpose: At 10 Winter St Dorchester MA 02122 and 6 Winter St Dorchester, MA 02122 plan to cut one curb for both properties to use the spaces of both buildings for parking. The space we have on the side of both 6 and 10 Winter St in between the 2 buildings will easily allow 4 6 cars.

Case: BOA-1397632 Address: 31 Downer Avenue Ward 13 Applicant: Alexander Brown

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 32 NDOD Review Required Art.65 Sec. 8 Use: Forbidden - Parking space: Forbidden by 3 family use Forbidden Art. 65 Sec. 60 83 Family Detached Dwelling, Forbidden Art. 65 Sec. 64 34 Restricted Roof Structure District

Purpose: To change the existing two family into a three family with three parking spaces in the rear.

Case: BOA- 1034997 Address: 120 Minden Street Ward 10 Applicant: Morat Kiani

Article(s): Article 55, Section 8 Use Regulations - 4 family use Forbidden Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient

Purpose: Change of occupancy from a 3 family to a 4 family. Existing condition, no work to be done.

Case: BOA-1444249 Address: 584 East Fourth Street Ward 6 Applicant: George Morancy, Esq

Article(s): Article 68, Section 8 Side Yard Insufficient

Purpose: Amendment for ALT1039568. Add 3rd floor deck. 3rd story deck and deck components do not alter any other portion of approved permit and approved structure.



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Case: BOA-1428169 Address: 98-100 F Street Ward 6 Applicant: Marc LaCasse, Esq

Article(s): Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient
Article 68, Section 8 Rear Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose: On combined parcel [see ALT1376038 and ALT1376044] to be known at 98 100 F Street, combine existing structures to create 2 dwelling units and attached garage for 4 vehicles; one story bump out on each side; introduction of six dormer windows at front along third level; rear terraces and balconies.

Case: BOA-1447633 Address: 48 Montgomery Street Ward 4 Applicant: Lewis Legon (by John M. Moran, Esq)

Article(s): Art. 32 Sec. 04GCOD Applicability - Structure Substantially rehabilitated

Purpose : Renovation of existing single family as per plans.

Case: BOA#1447667 Address: 48 Montgomery Street Ward 4 Applicant: Lewis Legon (by John M. Moran, Esq)

Purpose: Renovation of existing single family as per plans.

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

HEARINGS:11:00AM

Case: BOA-1439355 Address: 68 Lake Shore Road Ward 22 Applicant: John Pulgini

Article(s): Art. 51 Sec. 09 Insufficient side yard setback

Purpose: Adding a two story addition that will include 2 additional baths, two bedrooms with a two car garage and an expansion of the front porch

Case: BOA-1438423 Address: 5 Delany Circle Ward 22 Applicant: Ian Meyers

Article(s): Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive
Article 51, Section 9 Rear Yard Insufficient

Purpose: Proposed 1 story addition with a rear addition with balcony.

Case: BOA-1447146 Address: 1035-1037 Commonwealth Avenue Ward 21 Applicant: Matthew Pennino-ARTICLE 80

Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Art. 51 Sec. 56^ Off street parking requirements - Insufficient parking Art. 51 Sec. 56 Off St Parking Design - Access and free maneuvering areas of required parking spaces (Parking removed 3.9.23) Article 51 Section 16 Use Regulations - Accessory parking garage - Conditional (residential/commercial) Article 51 Section 17 Excessive f.a.r. -2.0 max. Article 51 Section 17 Max allowed height exceeded in sub district -45' max Article 51, Section 16 Use Regulations - MFR (55 units)- Conditional Article 51, Section 56 Off-Street Loading Insufficient

Purpose: Demolish Existing structure and Erect a new six story 68' 1" building with 55 units and 1 retail store and 33 accessory use stacker parking spaces on ground floor to include a common roof deck above with elevator access on the existing 11,993 sf lot. *Existing structure to be razed on a separately filed and reviewed demolition permit application **REVISED PLANS PROVIDED STACKER PARKING REMOVED 3.9.23

Case: BOA-1407798 Address: 23-27 Cedar Street Ward 17 Applicant: Cynthia Cuevas

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 32 NDOD Review Required

Purpose: Third floor addition to existing three-unit townhouse with three new on-grade parking spaces in rear and large extension of front and rear porches.

Case: BOA-1431908 Address: 74 Corona Street Ward 15 Applicant: Norma Wallace

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Complete gut renovation of a 3 family dwelling. Reframing and adding 3 new kitchens and 3 bathrooms. Installing fire alarm and sprinkler system.



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Case: BOA-1411057 Address: 630 Dorchester Avenue Ward 7 Applicant: George Morancy, Esq

Article(s): Art. 13 Sec. 13 1 Insufficient additional lot area per dwelling unit Art. 13 Sec. 13 1 Insufficient usable open space per unit Art. 13 Sec. 13 1 Excessive f.a.r. Art. 23 Sec. 23 1 Off street parking insufficient - Insufficient off street parking

Purpose: Renovate lower level of 3-Family building to create new 4th Dwelling Unit w/separate entrance and sprinkler system as per plans submitted. Change of occupancy from 3-Family to 4-Family.

Case: BOA-1435496 Address: 489-489A East Broadway Ward 6 Applicant: John Walsh

Article(s): Art. 68 Sec. 07 Use Regs. - Large restaurant (exceeds 1000 sq. ft) with take out is a forbidden use.

The Petitioner wishes to open a Coffee Shop in a space of 1244 sq. ft. with takeout and located on the ground floor.

Purpose: New Coffee Shop. Interior renovation of an existing Commercial Business tenant space for Scope of work includes minor interior demolition, new walls, new doors, new millwork, new interior lighting, new ADA restroom and new plumbing fixtures

RE-DISCUSSIONS :11:30 AM

Case: BOA- 1183277 Address: 68 Rowe Street Ward 19 Applicant: Michael McGough

Article(s): Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - 4 family use forbidden

Art. 67 Sec. 09 Open Space insufficient - Required: 4*1,750sqft= 7, 000 sqft Provided: +-4,348 sqft Art. 67 Sec. 09 Side Yard Insufficient - Required: 10' Proposed: 5.4 (R) and 5' (L) Art. 67 Sec. 33 App. of Dimensional Req. - Conformity with existing building alignment. Street modal not provided. Art. 67 Sec. 56 Off street parking requirements - spaces are located in the front yard Article 67, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 0.92 Article 67, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3

Article 67, Section 9 Rear Yard Insufficient Required: 40' Proposed rear patio at 35' but building at 51'

Purpose: Erect (4) unit building per plans on current vacant lot.

Reason for Prior Deferral: The Board moved to defer this case.

Case: BOA-1404307 Address: 19-21 Standard Street Ward 18 Applicant: Jean Samedi

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Three family in a one family subdistrict >25% forbidden Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 Floor Area Ratio excessive Article 60 Section 9 Dimensional Regulations - # of allowed habitable stories exceeded

Purpose: Build dormer on left side of existing home as per plans submitted and have licensed company install new sprinklers, new rear porches, Juliet balconies on each side. *10.14.22 Extending three family living space in basement and attic. (Other 200k costs of work shown on issued SF permit).

Reason for Prior Deferral: The Board moved to defer to allow for community process.

Case: BOA-1348905 Address: 120-124 Babson Street Ward 18 Applicant: Sketchone Studios

Article(s): Article 60, Section 8 Use: Forbidden - Elderly Housing Article 60, Section 8 Use: Conditional - Day care center, elderly

Purpose: 18 independent elderly housing plus adult daycare on ground floor.

Reason for Prior Deferral: This proposal was deferred unanimously to allow time to reduce the number of units to fall under the Article 10 requirements.

Reason for Prior Deferral: The Board moved to defer this project to allow time to rework the plans and to meet with the community.



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Case: BOA-1296092 Address: 23 Kenilworth Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations - Multi Family Dwelling (6 units) Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. Building A: Erect 6 residential units into a newly created lot of 2,549 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral: The applicant requested a deferral to rework the plans

Case: BOA-1296093 Address: 27-29 Kenilworth Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations-Multi Family Dwelling (10 units) Use: Forbidden Article 50 Section 28 Use Regulations Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 27 Kenilworth St. Building B: Erect 10 residential units and 1 commercial space into a newly created lot of 4,413 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral: The applicant requested a deferral to rework the plans

Case: BOA-1296094 Address: 49 Dudley Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations-Multi Family Dwelling (6 units) Use : Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 49 Dudley St. Building C: Erect 6 residential units into a newly created lot of 2,269 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral:

Case: BOA-1332095 Address: 130 Marginal Street Ward 1 Applicant: Star property Holdings, LLC

Article(s): Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 56 Off St.Parking Requirements Art. 53 Sec. 12 Rear Yard insufficient Art. 27G E Boston IPOD

Purpose: Erect a new residential building with four units and four parking spaces.

Reason for Prior Deferral: The applicant requested a deferral to allow time for the plans examiner to review the plans.

HEARINGS: 1:00PM

Case: BOA-1439675 Address: 214R Stratford Street Ward 20 Applicant: James O'Loughlin

Article(s): Article 56. Section 8 Side Yard Insufficient Art. 56 Sec. 08 Building Height Excessive

Purpose: Raze existing garage and rebuild new garage 18'x28' and offset 1' from property line no increase in living area.



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Case: BOA-1414548 Address: 201 Forest Hills Street Ward 11 Applicant: Forest Hills Housing Cooperative, Inc

Article(s): Art. 55, Section 8 Use: Conditional - Community center: Use Conditional Article 55, Section 37 Specific Design Requirements Article 55, Section 41.12 Two or More Dwellings on Same Lot

Purpose: New construction free standing one story community services building to provide accessibility because accessibility does not exist in the existing buildings.

Case: BOA- 1440171 Address: 31 Winchester Street Ward 5 Applicant: Marc LaCasse, Esq

Article(s): Article 63, Section 8 Rear Yard Insufficient

Purpose: Replace and modify roof deck on the third floor, per structural engineer drawings. Remove exterior stairs from third to second floor (not a means of egress, per code consultant report).

Case: BOA-1366165 Address: 1 Harvard Place Ward 2 Applicant: Terry Caddell

Article(s): Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Front Yard Insufficient

Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 25 Roof Structure Restrictions - Also Building Code Violation IBC 1011.12 Art. 62 Sec. 30.1 Conformity of Bldg.Alignmnt

Purpose: Add interior stair and roof deck.

Case: BOA- 1433817 Address: 147-163 Orleans Street Ward 1 Applicant: East Boston Neighborhood Health Center

Article(s): Art. 53, Section 36 Use: Forbidden - Clinic is a forbidden use in a CE Sub district.

Purpose: Work consists of interior renovations and exterior work limited to vestibule construction at lot addressed as 151 163 Orleans (in 1 story portion of building addressed as 155 Orleans). Seeking to change occupancy to permit clinical health care uses.

Case: BOA-1448501 Address: 69 Saratoga Street Ward 1 Applicant: Gabriel Restrepo

Article(s): Art. 09 Sec. 02 Nonconforming Use – Change: Change of Use from a Single to a Three Family

Art. 53 Sec. 08 Forbidden - Three Family Dwelling: Forbidden Use Art. 53 Sec. 09 Floor Area Ratio Excessive

Art. 53 Sec. 09 Side yard insufficient Article 32, Section 4 GCOD, Applicability Article 53 Section 56 Off-Street Parking & Loading Req Article 53, Section 9 Rear Yard Insufficient

Purpose: Change the legal occupancy from a one family dwelling to a three family dwelling.



City of Boston
Board of Appeal

**STEPHANIE HAYNES
BOARD OF APPEAL
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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