



City of Boston
Board of Appeal

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By City Clerk at 3:26 pm, May 28, 2025

Tuesday, June 3, 2025

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

Please be advised of the following appeals to be heard on June 3, 2025 beginning at 9:30 am and related announcements.

All matters listed on this June 3, 2025 Hearing agenda have been noticed in accordance with the enabling act. please be advised of the following participation instructions:

The June 3, 2025 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/ZBATuesHearings2025>. You may also participate by phone by calling into the Zoom Webinar at (301) 715 8592 and entering the Webinar ID: 857 3265 6216 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/ZBA6325Comments> 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/ZBA6325Comments> 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.

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



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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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EXTENSIONS: 9:30AM

Case: BOA- 1322402 Address: 817-819 Beacon Street Ward 21 Applicant: David Linhart, ESQ

Case: BOA-1322403 Address: 819 Beacon Street Ward 21 Applicant: David Linhart, ESQ

Case: BOA-1436577 Address: 110-118 Terrace Street Ward 10 Applicant: Michael P. Ross, ESQ

Case: BOA-1435582 Address: 110-118 Terrace Street Ward 10 Applicant: Michael P. Ross, ESQ

Case: BOA- 962282 Address: 40 Berkeley Street Ward 5 Applicant: Nicholas Zozula, ESQ

Case: BOA- 979536 Address: 346-348 West Broadway Ward 6 Applicant: George Morancy, ESQ

Case: BOA- 1414548 Address: 201 Forest Hills Street Ward 11 Applicant: John Tobin, ESQ

BOARD FINAL ARBITER: 9:30AM

Case: BOA- 1536940 Address: 8 Old Road Ward 14 Applicant: Sean Nehill

Case: BOA-1536310 Address: 18 &22 Gardner Street Ward 11 Applicant: Evan Smith

Case: BOA-1598937 Address: 2-6 Readfield Place Ward 8 Applicant: Andrew Litchfield

Case: BOA-1523507 Address: 35-35B Old Morton Street Ward 17 Applicant: Suzanne Nguyen

GROUNDWATER CONSERVATION OVERLAY DISTRICT: 9:30AM

Case: BOA-1693576 Address: 27-29 Stuart Street Ward 3 Applicant: 27-29 Stuart Street Investments LLC (by Michael Sheehan)

Article(s) Art. 32 Sec. 04 GCOD Applicability

Purpose: CHANGE OF USE FROM 0344 (COMMERCIAL PROPERTY) OFFICE 3 9 STORY TO 0361 (COMMERCIAL PROPERTY/NIGHTCLUB) w/ADULT ENTERTAINMENT Clarification: Change of use and occupancy of existing five story commercial building into a multi-story night club adult entertainment complex for 246 patrons per plans for core and shell only to include installation of MEPS/FP and elevator to accomodate future tenant fitout under a separate permit application.

RE-DISCUSSION: 9:30AM

Case: BOA- 1615071 Address: 93 Howard Avenue Ward 13 Applicant: Jason Futrell

Article(s): Art. 50 Sec. 43 Off street parking requirements 50-43.6. d - Parking Size Art. 50, Section 28 Use: Forbidden Multi-Family Dwelling – Forbidden Art. 50, Section 43 Off-Street Parking Insufficient Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 44.2 Conformity Ex Bldg Alignment

Purpose: Erect a new 3-story, 9-unit multifamily dwelling, on vacant lot. Scope includes new rear parking. [ePlan]

HEARINGS: 9:30AM

Case: BOA-1707193 Address: 486-490 Medford Street Ward 2 Applicant: Mitchell Pomerance

Article(s) Article 62 Section 29 Application of Dimensional Requirements An accessory building must be no taller than 15 feet, at least 4 feet from any side or rear lot line, and at least 65 feet from the front lot line.

Purpose: installation of a 10'x13' aluminum pergola kit on side yard for the proposed terrace and new front fence.



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Case: BOA- 1714635 Address: 105 North Washington Street Ward 3 Applicant: Adimir Toska

Article(s) Art. 23 Sec. 01 Off street parking requirements section 23 7 Insufficient parking

Purpose: CHANGE OF USE FROM 2 RESIDENTIAL UNITS (2ND ONE UNIT AND 3RD AND 4TH FLOOR THE OTHER UNIT) AND OFFICE ON 1ST FLOOR TO 3 RESIDENTIAL UNITS. CHANGE OF USE TO THE 1ST FLOOR OFFICE SPACE TO A RESIDENTIAL UNIT. CLARIFICATION: CHANGE OF USE AND OCCUPANCY from a 2 family and Retail/ Art Gallery/ Artist Use to a 3 family by converting the existing commercial space into a residential dwelling unit

Case: BOA-1682351 Address: 146-158 Lincoln Street Ward 3 Applicant: Howeler + Yoon Architecture

Article(s) Article 44, Section 6 Roof Additions in Leather Dist No roof structure designed or used for human occupancy, access, mechanical systems, or storage shall be erected or enlarged on the roof of any Building within the Leather District, unless after public notice and hearing and subject to Section 6 2, 6 3, and 6 4 the Board of Appeal grants permission therefor. Article 44, Section 5 Maximum Building Height / FAR Building height excessive.

Purpose: Building a new rooftop wood deck. Bidding is currently in progress. Contract and actual value will be updated once a contractor is selected. Existing rooftop wood deck was demolished when a new roof was installed, see permit #SF1506329. Previously submitted via short form #SF1584195.

Case: BOA-1692469 Address: 3390 Washington Street Ward 11 Applicant: George Morancy, ESQ

Article(s) Art. 55, Section 19 Use: Forbidden Art. 55, Section 19 Use: Conditional Article 55 Section 20 Dimensional Regulations in LI Floor Area Ratio Excessive Article 55 Section 20 Dimensional Regulations in LI Building Height Excessive Article 55, Section 41.12 Two or More Dwellings on Same Lot

Purpose: Bldg A. Combine parcels: 1102896000, 1102894003, 1102896001 and 110289602 to create a new 88,525 SF lot. Change of occupancy of existing building to 2 Retail (Core/shell), 1 Bakery (core/shell), 1 Restaurant, and 39 Residential units. Scope includes partial demolition of existing building and the erection of a 6-story addition at the rear (5 1/2 stories, per Zoning code). Demolition is limited to the rear of the building and new construction features the creation of a mixed-use building. Building to feature a loading dock, balconies for select units, and a common lounge on top floor with roof deck. See ERT1651415 for Bldg B development.

Case: BOA-1686634 Address: 3390R Washington Street Ward 11 Applicant: George Morancy, ESQ

Article(s) Art. 55, Section 19 Use: Forbidden Multi Family Dwelling Forbidden Art. 55, Section 20 Dimensional Regulations Building Height Excessive Art. 55, Section 20 Dimensional Regulations Rear Yard Insufficient Article 55, Section 41.12 Two or More Dwellings on Same Lot Article 55 Section 20 Dimensional Regulations in LI Floor Area Ratio Excessive

Purpose: Bldg B. Erect a new 6 story Multi Family Dwelling with garage at the rear of 3390 Washington St. Building to contain 43 residential units with amenity spaces, roof terrace, solar roof, bike storage and garaged parking. Parking will be at level 1 and below grade, combined with surface parking with no automated parking or lifts. See ALT1664486 for combination of lots and Bldg A development.

Case: BOA-1701470 Address: 533 Washington Street Ward 17 Applicant: Eric Zachrison

Article(s) Art. 65 Sec. 15 Use: Conditional 2/5 Residential units are on the basement and first floor. Article 65 Section 16 Dimensional Regulations Open space required: 5*50 sqft = 250 sqft Art. 55 Sec. 65 41 Off Street parking insufficient Parking spaces required: 5*1.25= 6.25 Proposed: 5

Purpose: project is to renovate existing building to become a 5-unit multifamily building. Change of occupancy from Community center and daycare for 93 children to 5 residential units.

Case: BOA-1680330 Address: 37-39A Solaris Road Ward 18 Applicant: John Pulgini

Article(s) Art. 69 Sec. 09-Dimensional Reg. Excessive f.a.r. Art. 69 Sec. 09-Dimensional Reg. Number of allowed stories has been exceeded Art. 69 Sec. 09-Dimensional Reg. Insufficient open space per unit Art. 69 Sec. 8 Forbidden MFR use- Forbidden

Purpose: Combine two lots owned in common and construct a new 3 story, 5-unit MFR building, consisting of 5 semi attached dwelling units. Existing single-family home on site to be razed on a separate permit.



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Case: BOA- 1702950 Address: 813 Cummins Highway Ward 18 Applicant: EJS Investments, LLC

Article(s) Article 60 3 Proposed Use Table A Multi Family Dwelling Forbidden (Parcels:

1801806000 & 1801805000) Article 60, Section 60 4 Dimensional Regulations Table D Building Lot Coverage Excessive (Parcels: 1801806000 & 1801805000) Article 60, Section 60 4 Dimensional Regulations Table D Permeable Area of Lot Insufficient (Parcels: 1801806000 & 1801805000) Article 60, Section 60 4 Dimensional Regulations Table D Rear Yard Excessive (Feet) (Parcels: 1801806000 & 1801805000) Article 60, Section 60 4 Dimensional Regulations Table D Building Height Excessive (Stories) (Parcels: 1801806000 & 1801805000)

Article 60 Section 32 Off Street Parking and Loading Requirements Parking (Parcels: 1801806000 & 1801805000)

Article 60 Section 32 Off Street Parking and Loading Requirements Loading (Parcels: 1801806000 & 1801805000)

Article 60, Section 60 4-Dimensional Regulations Table D Side Yard, per Article 60 33.3. (Parcels: 1801806000 & 1801805000) Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Building Lot Coverage Excessive (Parcels: 1801804000 & 1801803000)

Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Permeable Area of Lot Insufficient (Parcels: 1801804000 & 1801803000)

Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Rear Yard (Parcels: 1801804000 & 1801803000) Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Building Floor Plate Excessive (Parcels: 1801804000 & 1801803000) Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Building Height (Feet) Excessive (Parcels: 1801804000 & 1801803000) Article 26 Section 2C Dimensional Regulations Applicable in Squares + Streets Building Height (Height) Excessive (Parcels: 1801804000 & 1801803000)

Purpose: Combine Parcels: 1801803000, 1801804000, 1801805000, & 1801806000 into one 19,491 SF lot and erect a new five (5) story, mixed use building with forty (40) residential units and ground floor retail. Building features amenity spaces, bike storage, a common roof deck and garage parking spaces.

Case: BOA- 1689386 Address: 482-488 Centre Street Ward 19 Applicant: Panagiotis Papadopoulos

Article(s) Article 7, Section 4 Other Conditions Necessary as Protection

Purpose: Remove proviso from petitioner only. It will be changed from Gervasios Papadopoulos and will be placed under Panagiotis Papadopoulos. The business name will also change from Ideal Cafe & Pizza to Pete's A pizza.

Case: BOA- 1706187 Address: 4541-4549 Washington Street Ward 20 Applicant: Fleming Octonier Pena Franco

Article(s) Art. 06 Sec. 04 Other Protectional Conditions

Purpose: remove proviso for take out

Case: BOA- 1709436 Address: 105 Allston Street Ward 21 Applicant: Guy Compagnone

Article(s) Art. 09 Sec. 01 Extension of Non-Conforming Use Community Center. Notes: The exact use in the existing building occupancy is "Boys and girls club" Article 89 Urban Agriculture 89 10 Accessory freight container for farm use. Forbidden use. Article 51, Section 8 Use: Forbidden Accessory freight farm use.

Purpose: The scope of work consists of a new opening in an existing nonstructural exterior wall to allow interior access to a new self-contained urban hydroponic garden built within a standard, Type 1AAA inter model shipping container and interior and exterior finishes within the immediate area of work. Change of occupancy to include accessory freight farm use.



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HEARINGS: 11:00 AM

Case: BOA-1694795 Address: 560 Harrison Avenue Ward 3 Applicant: Mario Nicosia, GTI Properties

Article(s) Article 64, Section 15 Use Regulations USE CONDITIONAL

Purpose: Expand existing Fitness Gym occupancy on the first floor an additional 8000 Square feet, replacing existing office use. Install new ceiling assembly to meet 1 hour rating. All other work done on issued ALT1680087. All permit accessory information filed with ALT1680087.

Case: BOA- 1698431 Address: 61 Worcester Street Ward 9 Applicant: David Arrowsmith

Article(s) Article 6, Section 3 Conditions Req'd for Approval Remove a proviso for decks approved for the first, second and third story in order to legalize an existing roof deck. Current proviso permit: #3771

Purpose: To legalize the existing fourth floor deck, remove the proviso that was included on permit #3771 dated 11/2/2001. Existing deck being re built same foot print on SF1613764. see attachments

Case: BOA-1696196 Address: 150-152 State Street Ward 3 Applicant: Tito Jackson

Article(s) Art. 09 Sec. 02 Nonconforming Use Change Conditional Art 45 Sec.14 Use:Conditional Adding Live entertainment to Bar Use Occupancy on upper stories Conditional

Purpose: Change Occupancy to Bar Lounge with Live Entertainment or #38

Clarification: Change of occupancy of the Bar and lounge on the 6th and 7th flr to include live entertainment use (i.e., Band and DJ)

Case: BOA- 1715120 Address: 17 Linden Street Ward 21 Applicant: George Morancy, ESQ

Article(s) Art. 51 Sec. 08 Use Regulations MFR use- Forbidden Art. 51 Sec. 09 Dimensional Regulations

Insufficient additional lot area per unit-2000sf/unit req. Art. 51 Sec. 09 Dimensional Regulations excessive f.a.r.-.8 max

Art. 51 Sec. 09 Dimensional Regulations Number for allowed stories exceeded- 3 stories max Art. 51 Sec. 09

Dimensional Regulations MAX allowed height has been exceeded -35' max. Art. 51 Sec. 09 Dimensional Regulations

Insufficient open space per unit -650sf/unit req. Art. 51 Sec. 09 Dimensional Regulations Insufficient front yard setback -

20'/modal min. required Art. 51 Sec. 09 Dimensional Regulations Insufficient side yard setback Art. 51 Sec. 09

Dimensional Regulations Insufficient rear yard setback -30' req. Article 51, Section 56. Off-Street Parking & Loading

Req Insufficient parking and loading -2/unit and one loading area req.

Purpose: Erect new 4 story 14-unit residential building. Nominal fee, requires zoning relief

Case: BOA- 1679889 Address: 106 Lincoln Street Ward 22 Applicant: Boustris Properties LLC

Article(s) Article 51, Section 56 Off Street Parking & Loading Req Insufficient Parking Article 51, Section 17

Dimensional Regulations Excessive f.a.r. Article 51 Section 17 Dimensional Regulations Excessive building height

Article 51 Section 17 Dimensional Regulations Insufficient rear yard setback Article 51 Section 17 Dimensional

Regulations Insufficient side yard setback (abutting a 3f 4000 residential subdistrict) Art.51 Sec.56 Off St Parking Design

Maneuvering areas (Stacker parking)

Purpose: Erection of new 5 story building with steel framed podium with 4 wood framed stories above. Ground level lobby, commercial space (restaurant/Professional office Core and shell only) and vehicle parking with lifts, second story of general/professional office use, and floors 3 5 consisting of 9 residential units.

RE-DISCUSSION: 11:30AM

Case: BOA- 1598189 Address: 1A-1B Mystic Street Ward 2 Applicant: Vahid Nickpour

Article(s) Article 62, Section 12 Use: Conditional Two Family Detached Dwelling (Bsmt, & First Story) - Conditional

Article 62, Section 12 Use: Conditional Two Family Detached Dwelling (Second Story & Above) - Conditional

Article 62, Section 13-Dimensional Regulations Floor Area Ratio Excessive Article 62, Section 13-Dimensional

Regulations Rear Yard Insufficient

Purpose: Erect a new 3-story, two-family (duplex), on newly created 2,442 sqft lot. Building features townhouse style, elevated window bays onto public way, and decks on first floor, second floor, & roof. See ALT1592346 for subdivision and related ERT1576723. Demolition of existing building to be filed under separate permit.



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Case: BOA-1598199 Address: 223-225 Bunker Hill Street Ward 2 Applicant: Vahid Nickpour

Article(s) Article 62, Section 12 Use: Conditional General Retail – Conditional Article 62, Section 12 Use: Conditional Three Family Detached Dwelling (Bsmt & 1st Story) -Conditional Article 62, Section 12 Use: Conditional Three Family Detached Dwelling (2nd Story & Above) – Conditional Article 62, Section 13 Dimensional Regulations Floor Area Ratio Excessive Article 62, Section 13 Dimensional Regulations Building Height Excessive Article 62, Section 13 Dimensional Regulations Usable Open Space Insufficient Article 62, Section 13 Dimensional Regulations Rear Yard Insufficient Article 62, Section 29.2 Traffic Visibility Across Corner

Purpose: Construction of 4-story mixed use structure, on newly created 2,271 sqft lot, consisting of Ground Floor Retail and 3 Residential Units. Ground floor to have accessible unit and retail space with two attached triplex residential units located on the upper three floors. Building features roof terraces and elevated window bays onto public way. See ALT1592346 for subdivision and related ERT1576719. Demolition of existing structure to be filed under separate permit.

Case: BOA- 1690706 Address: 507 Massachusetts Avenue Ward 9 Applicant: Armando Hernandez

Article(s): Article 50, Section 29 Floor Area Ratio Excessive Max. allowed: 1 Proposed is extending living space into the garden level. Art. 50 Sec. 29 Usable open space insufficient 600 extra sqft required. (200 per lodging unit) Article 50, Section 29 Add'l Lot Area Insufficient 3,000 sqft extra required. Art. 09 Sec. 01 Extension of Non-Conforming Use Lodging house use is conditional.

Purpose : 1) Increase existing lodging house occupancy from seven (7) lodging units to ten (10) total lodging units. 2) light demo, fire proof on demising wall between units and build 3 new bathrooms to each new unit. No FP needed. No exterior work 3) Increase total lodgers from 7 to 40. 4 lodgers per unit. eplan BOA

Case: BOA-1704660 Address: 75 Marcella Street Ward 11 Applicant: Vernon Woodworth -MOH

Article(s): Art. 50 Sec. 29 Dimensional Requirements Insufficient additional lot area per unit Art. 50 Sec. 29 Dimensional Requirements Excessive f.a.r. Art. 50 Sec. 29-Dimensional Requirements Number of allowed stories exceeded Art. 50 Sec. 29-Dimensional Requirements Max allowed height exceeded Art. 50 Sec. 29 Dimensional Requirements Insufficient side yard setback Art. 50 Sec. 43 Off street parking insufficient Article 50 Section 28 Use Regulations MFR (8 unit) dwelling -Forbidden

Purpose: Construction of eight (8) dwelling units. Nominal fee requested pending ZBA zoning relief. Clarification: Combine city parcel #'s 1100559000 and 1100558000 into a new 8,682sf lot and then construct an eight (8) unit affordable housing building per plans submitted. *Filing assigned to Fd by Dept Head Paul Williams on 12.10.24

****Project is further subject to NDOD and Article 79 review**

Case: BOA-1704664 Address: 86 Marcella Street Ward 11 Applicant: Vernon Woodworth -MOH

Article(s): Art. 50 Sec. 43 Off street parking requirements 5. Location; (c) Off-street parking shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard

Art. 50 Sec. 43 Off street parking requirements 6. Design (a) access, maneuvering areas (d) Size Article 50 Section 28 Use Regulations 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 (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient

Purpose: MOH Construct a twelve (12) unit multifamily building. Nominal fee requested pending ZBA zoning relief.

CLARIFICATION: MOH Project (EO2425) Combine 5 vacant parcels into one 7,307sf lot (i.e. 1100834000, 1100835000, 1100831000, 1100830000 & 1100829000 Area=7,307± S.F. (0.17± Ac.) to create a through lot per stamped land survey provided and then Construct a four story MFR dwelling which will consist of twelve (12) Affordable housing units with 6 off street parking spaces to include photovoltaic panel array on roof per plans provided 2.6.25 *9.27.24 Application assigned to FD by PW on 10/28/24 **Stamped land survey provided 2.6.25



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INTERPRETATION: 12:00 PM

Case: BOA-1704440 Address: 944 Saratoga Street Ward 1 Applicant: CBE 944 Saratoga Street, LLC

Article(s): Article 53, Section 7.2 EB Neighborhood Business Dimensional Regulations Building Height (Stories)
Excessive Article 53, Section 7.2 EB Neighborhood Business Dimensional Regulations Building Height (Feet)
Excessive Article 53, Section 29.1 Conformity with Existing Bldg Alignment Article 25A Section CFROD Applicability
Art. 25 Sec. 5 Flood Hazard Districts

Purpose: This petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Article 53-29.1 – Conformity with existing building alignment, Article 53-7.2 – Building Height (Feet) – Excessive, Article 53-7.2 – Building Height (Stories) – Excessive.FOR THE BOARD OF APPEAL

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