



City of Boston
Board of Appeal

Tuesday, October 17, 2017

BOARD OF APPEALS

Room 801

Revised Agenda

The board will hold a hearing on October 17, 2017 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

September 12, 2017 & September 19, 2017

EXTENSION: 9:30a.m.

Case: BOA-497987, Address: 15 Priscilla Road, Ward 21 Applicant: Vitaly Kmelnitsky

Case: U49101667, Address: 48 Dracut Street, Ward 16 Applicant: Mai Phung

Case: BOA-478235, Address: 57R Sedgwick Street, Ward 19 Applicant: Amy Murrell & Minai Kam

Case: BOA-478232 Address: 57 Sedgwick Street, Ward 19 Applicant: Amy Murrell & Minai Kam

BOARD FINAL ARBITER: 9:30a.m.

Case: BZC-32943, Address: 531 East Second Street, Ward 6 Applicant: George Morancy

GCOD: 9:30a.m.

Case: BOA-752846, Address: 173 Endicott Street, Ward 3 Applicant: Daniel Toscano

Article(s): 32(32-4)

Purpose: Erect a four unit building with four parking spaces, which requires GCOD, but is otherwise zoning compliant.

HEARINGS: 9:30 a.m

Case: BOA739099, Address: 401 Bremen Street, Ward 1 Applicant: Praticia Forbes

Article(s): 9(9-9-1) 25(25-5) 53(53-37)

Purpose: Adding a two story, 5,250 sf addition to Excel Charter High School in East Boston.

Case: BOA-753976, Address: 69-71 Maverick Square Ward 1 Applicant: Luis Vasco

Article(s): 53(53-12: Floor area ratio excessive, Height Excessive, Rear yard insufficient & Usable open space insufficient) 53(53-56) 53(53-52)

Purpose: Change occupancy from dry cleaning store with accessory storage & 6 Residential units. Renovate upper existing 3 floors with new open floor layouts, reconfigure stair wells, rear addition to 4th floor and new roof deck including upgrading MEP, 1st floor will remain as commercial. ZBA.

Case: BOA-725789, Address: 287-293 Maverick, Ward 1 Applicant: Diconstanzo Properties LLC

Article(s): 53(53-8) 53(53-9) 53(53-56.5) 53(53-56) 53(53-54)

Purpose: Raze existing building, combine lots and erect a mixed-use structure consisting of retail on the first floor, 37 units On the above floors and parking for 30 vehicles. See ALT712862 for combing lots. Building to be razed on Separate permit. ZBA.

Case: BOA-663708, Address: 275 Webster Street, Ward 1 Applicant: Onnelly Parslow

Article(s): 53(53-8) 53(53-9: Floor area ratio excessive, Insufficient open space, Height/# allowed stories has been exceeded & Insufficient addition lot area per unit) 53(53-56) 53(53-54)

Purpose: To confirm occupancy as a three family then change occupancy to a 4 family by adding a unit in basement and Add new egress stairs and deck as per plans. Construction set to be submitted upon ZBA approval.

Case: BOA-752855, Address: 43 Wordsworth Street Ward 1 Applicant: Labravor Real Estate

Article(s): 53(53-8) 53(53-9: Insufficient side yard setback & Floor area ratio excessive) 53(53-52) 53(53-56) 53(53-54)

Purpose: Complete Interior and Exterior renovation. Building rear addition and rear porches. Build new additional 3rd floor dwelling unit.

Case: BOA-717297, Address: 32 Charter Street, Ward 3 Applicant: McDonough Family LLP

Article(s): 54(54-10)

Purpose: Renovate and redesign existing floor condominium (Unit # 1) and extend residential use into the basement Space deeded to unit creating a two level condominium; install glass door/emergency egress to passageway From basement bedroom; current layout has 3 bedrooms and 1 bath; new layout has 3 bedrooms and 3.5 baths; Application is not creating and additional unit or bedrooms.

Case: BOA-730633, Address: 49 Milford Street, Ward 3 Applicant: Chris Beuscher by Derek Rubinoff

Article(s): 64(64-9) 64(64-9.4)

Purpose: Replace existing bottom run of common exterior egress steel stairs (serving as the second means of egress from this three-family condominium building) with an exterior steel spiral stair.

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Case: BOA#730634, **Address:** 49 Milford Street **Ward 3** **Applicant:** Chris Beuscher by Derek Rubinoff
Purpose: Replace existing bottom run of common exterior egress steel stairs (serving as the second means of egress from this three-family condominium) with an exterior steel spiral stair. SECTION: 1009.1 Stairway Width. 1009.4.3 winder treads not permitted in means of egress.

Case: BOA-745617, **Address:** 316-316A Shawmut Avenue **Ward 3** **Applicant:** Walden Local, Inc
Article(s): 64(64-8)
Purpose: Change Occupancy to include Accessory Retail Package Store Use for Butcher Shop/Meat Market. No work to be done. Amend ALT705053.

Case: BOA-754123, **Address:** 51-59 Stuart Street, **Ward 3** **Applicant:** Joanthan Serra
Article(s): 38(38-20B)
Purpose: Erect a billboard on the roof.

Case: BOA-701671, **Address:** 28-38 Winter Street, **Ward 3** **Applicant:** TFC 30 Winter LLC
Article(s): 38(38-7)
Purpose: Expansion of the ground and 2nd floor enclosed space by 1,520 SF. Exterior Improvements.

Case: BOA-733788, **Address:** 819 East Fifth Street, **Ward 6** **Applicant:** Christopher Haley
Article(s): 68(68-7)
Purpose: Basement remodeling (concrete slab, walls framing, insulation, add new bedroom, wet bar and laundry. Change Occupancy from one family to two family, new unit in the basement. As per plans.

Case: BOA-755707, **Address:** 30 Sleeper Street, **Ward 6** **Applicant:** Kyle Annutto
Article(s): 32(32-6) 6(6-3A) 8(8-7)
Purpose: Construct New Pile Supported Single Story Boston Children Museum Parking Garage at 28-36 Sleeper Street, Boston Ma 02210. A Park will be installed above. Structure to be completely constructed of concrete bearing on 14"x14" precast piles. New utilities for storm water, potable water, electrical and communications to be installed. Total site area is 8,023 sqft with building taking 4,740 sqft of the site. Classification is type 2 non combustible with occupancy classification of S-2.

Case: BOA-740848, **Address:** 1620 Columbia Road **Ward 7** **Applicant:** Christian Paul A
Article(s): 68(68-8) 68(68-33) 68(68-34)
Purpose: Curb cut for driveway at 620 and 1622-1624 Columbia Rd. The owners of 1622-1624 Columbia Road have also applied, as this permit will restore a common driveway on the premises, as provided for by proposed easement on both properties.

Case: BOA-740840, **Address:** 1622-1624 Columbia Road, **Ward 7** **Applicant:** Christian Paul A
Article(s): 68(68-34) 68(68-33) 68(68-8)
Purpose: Curb cut for driveway at 1622-1624 Columbia Road. The owners of 1620 Columbia Road have also applied, as this permit will restore a common driveway on the premises, as provided for by proposed easement on both properties.

Case: BOA-720600, **Address:** 459 East Eighth Street, **Ward 7** **Applicant:** Patrick Mahoney
Article(s): 68(68-29)
Purpose: Complete renovation to existing single family attached dwelling per architectural plans. Install new siding and Windows on exterior. Remove and construct new roof and roof deck. Construct exterior egress stairs. Reference ALT710551 & ALT702316. ZBA.

Case: BOA-720251, **Address:** 461 East Eighth Street, **Ward 7** **Applicant:** Patrick Mahoney
Article(s): 68(68-29)
Purpose: Complete renovation to existing single family attached dwelling per architectural plans. Install new siding And windows on exterior. Remove and construct new roof and roof deck. Construct exterior egress stairs. Reference ALT710607. ZBA.

Case: BOA-740158, **Address:** 11 Mayhew Street **Ward 7** **Applicant:** Larry Borins
Article(s): 65(65-41) 65(65-8) 65(65-9: Floor Area Ratio Excessive, Rear Yard Insufficient & Height Excessive)
Purpose: Addition of a single story multi-purpose assembly space (approx 3,000 SF) and a three story classroom extension over open parking (11,800 SF), and renovations of the existing building to accommodate the additions.

HEARINGS: 10:30 a.m.

Case: BOA-743386, **Address:** 768-772 Tremont Street, **Ward 9 Applicant:** Vargas Dasilveira
Article(s): 6(6-4)
Purpose: Remove proviso # 1 this petitioner only BZC-32989.

Case: BOA-647490, **Address:** 95 Calumet Street, **Ward 10 Applicant:** Tanes Casting
Article(s): 59(59-7) 59(59-8: Location of Main Entrance Shall Face the Front Lot Line, Lot Area for Additional Dwelling Units Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient & Side Yard Insufficient) 59(59-37)
Purpose: Change of occupancy from three (3) family dwelling to nine (9) unit residential dwelling. Extension of living space to basement. Construct new 3-story rear addition to existing 3-story building. Complete interior renovation with new sprinkler system.

Case: BOA-738153, **Address:** 14 Sydney Street, **Ward 13 Applicant:** John Pulgini
Article(s): 65(65-9: Floor area ratio excessive, Building height excessive (Stories), Building Height Excessive (Feet), Rear yard insufficient & Side yard insufficient) 65(65-15) 65(65-41)
Purpose: Raze 2 current buildings and erect a new 9 unit residential building. See ALT732521 subdivision plan.

Case: BOA-738147, **Address:** 102-110 Savin Hill Avenue, **Ward 13 Applicant:** John Pulgini
Article(s): 65 Sec. 41 Off-Street Parking & Loading Req. - Off Street parking is insufficient. Art. 65 Sec. 16 Dimensional Regulations - Rear yard is insufficient for a LC district, FAR is excessive for a LC district. Art. 65 Sec 15 Use: Forbidden - Large takeout is forbidden in an LC district. Use: Conditional - Some of the proposed uses are conditional. Art. 65 Sec. 9 Building Height Excessive (Feet) - Building Height is excessive for a 2F-4000 District, Rear Yard Insufficient - Rear yard is insufficient for a 2F-4000 District, Side Yard Insufficient - Side yard is insufficient for a 2F-4000 District, Building Height Excessive (Stories) - # of Stories is excessive for a 2F-4000 District, Floor area ratio excessive - FAR is excessive for a 2F-4000 District. Art. 65 Sec. 8 Use Regulations - Proposed uses are forbidden in a 2F-4000 District.
Purpose: Erect a new 3 story commercial building, with proposed uses as automated teller machine, art gallery, public arts/display space, studios, art, fitness center or gymnasium, general office space, restaurant, takeout, large, bakery, local retail business, catering. See ALT 732521 for subdivision plan.

Case: BOA-733442, **Address:** 24 Browning Avenue, **Ward 14 Applicant:** Joe Grealish
Article(s): 60(60-9: Lot area insufficient, Lot area for additional dwelling unit (s) insufficient, Usable open space insufficient, Front yard (60-41.1 CEB) insufficient & Side yard insufficient)
Purpose: Erect on three family dwelling as per plans.

Case: BOA-733438, **Address:** 26 Browning Avenue, **Ward 14 Applicant:** Joe Greaslish
Article(s): 60(60-9: Lot area insufficient, Lot area for additional dwelling unit (s) insufficient, Usable open space insufficient, Front yard (60-41.1 CEB) insufficient & Side yard insufficient)
Purpose: Erect a Three family dwelling as per plans.

Case: BOA-733431, **Address:** 28 Browning Avenue, **Ward 14 Applicant:** Joe Grealish
Article(s): 60(60-9: Lot area insufficient, Lot area for additional dwelling unit (s) insufficient, Usable open space insufficient, Front yard (60-41.1 CEB) insufficient & Side yard insufficient)
Purpose: Erect a 3 family dwelling as per plans.

Case: BOA-732466, **Address:** 2269-2269A Dorchester Avenue, **Ward 17 Applicant:** Patrick Mahoney
Article(s): 65(65-15)
Purpose: Lower Mills Tavern - Add Live Entertainment to existing Restaurant/Bar Occupancy.

Case: BOA-757453, **Address:** 653 Cummins Highway **Ward 18 Applicant:** Patrick Mahoney
Article(s): 60(60-8) 60(60-9: Floor area ratio excessive, Height excessive, Rear yard insufficient, Side yard insufficient, Usable open space insufficient & Front yard insufficient) 60(60-40)
Purpose: To erect new 5 story building with 13 residential units & 9 parking spaces as per plans.

Case: BOA-716302, **Address:** 119 Neponset Avenue, **Ward 18 Applicant:** Mai Phung
Article(s): 69(69-9)
Purpose: Proposed to erect a one family with 2 car garage attached at rear of the structure (as per plans). Please see ALT703185 for subdivision of lots into two lots (also see ERT703177 for one family with two off street parking spaces at 121 Neponset Ave).

Case: BOA-716304, **Address:** 121 Neponset Avenue, **Ward 18 Applicant:** Mai Phung
Article(s): 69(69-9)
Purpose: Please see ALT703185 for subdivision of existing lot into two lots; this lot B is proposing to erect a one Family with 2 off street parking spaces (as per plans) Lot A to also erecting a One Family dwelling with two off street parking spaces (ERT703170).

Case: BOA-719303, **Address:** 435 Hyde Park Avenue, **Ward 19 Applicant:** James Christopher
Article(s): 67(67-56)
Purpose: Change occupancy from stores, storage contractor equipment (Mech/Storage) & four apartments Doc#2301/1192 to stores, storage contractor equipment and 10 apartments.

Case: BOA-730716, **Address:** 177 Glenellen Road **Ward 20 Applicant:** John Harrington
Article(s): 56(56-8: Insufficient minimum lot area, Insufficient minimum lot width, Insufficient minimum lot frontage, Excessive F.A.R. & Insufficient front yard setback)
Purpose: On existing parcel # 2010194000 (with 4,300 s.q.f.t.) erect new construction single family dwelling as per attached plans.

Case: BOA-732459, **Address:** 4-10 Cufflin Street, **Ward 22 Applicant:** Patrick Mahoney
Article(s): 51(51-8) 51(51-9) 51(51-56)
Purpose: Erect a 4 Unit Townhouse.

Case: BOA-732458, **Address:** 118-122 Tremont Street, **Ward 22 Applicant:** Patrick Mahoney
Article(s): 51(51-8) 51(51-9)
Purpose: Erect 3 townhouses with parking as per plans.

RE-DISCUSSION: 11:30a.m.

Case:BOA-728276 , **Address:** 22 Albion Place , **Ward 2 Applicant:** Christina Poyant
Article(s): 10(10-1: Limitation of parking areas) 62(62- 62.29: Off Street parking requirements - Design size, Maneuverability, buffer) 62(62-08: Dimensional Regulations - Reduction in usable open space)
Purpose: Install curb cut to rear patio of condo unit and provide for 2 compact parking spaces on the property.

Case: BOA-700987, **Address:** 5 Cypher Street , **Ward 6 Applicant:** Smiley First LLC
Article(s): 68(68-13) 6(6-3) 25(25-5)
Purpose: Commercial parking for 39 vehicles.

Case: BOA-682855 **Address:** 13 Shetland Street, **Ward: 8, Applicant:** Joseph Holland
Article(s): 50(50-28) 50(50-29) 50(50-43)
Purpose: Demolish existing building, erect new 57 unit apartment complex. Permit application will require zoning relief & variances, please charge nominal fee permit application. Req ZBA

Case: BOA-729433, **Address:** 22-26 Plainfield Street , **Ward 11 Applicant:** Boris Yablonovsky
Article(s): 55(55-9)
Purpose: Erect new three single-family residential townhouse with front porch and rear deck on existing foundation on vacant lot. Purpose three off-street parking.

Case:BOA-738439 , **Address:** 99-103 Savin Hill Avenue , **Ward 13 Applicant:** Patrick Mahoney
Article(s): 65(65-15)
Purpose: Change occupancy to include veterinary clinic.

Case: BOA-715061, **Address:** 89 Savin Hill Avenue, **Ward 13 Applicant:** Obrain Stadhard
Article(s): Art. 65 Section 9, Residential Dimensional Regs.: Floor Area Ratio is excessive
Purpose: Add new bathroom laundry, playroom and home office in basement as part of unit one per drawings.

Case: BOA#715060, **Address:** 89 Savin Hill Avenue , **Ward 13 Applicant:** Obrain Stadhard
Purpose: Add new bathroom, laundry, playroom and home office in basement as part of unit one per drawings.
SECTION: 8th 780CMR705.8.1 - Allowable Openings: Openings are not allowed in exterior walls where the fire separation distance is less than 3ft.

Case: BOA-683450, **Address:** 15 Woolson Street , **Ward 14 Applicant:** Cecil Hansel
Article(s): 60(60-40) 60(60-8)
Purpose: Change occupancy from a three family to a four family and renovate and install sprinkler. Legalize existing condition.

Case: BOA-710259, **Address:** 51 Lawley Street , **Ward 16 Applicant:** Timothy Johnson
Article(s): 65(65-41:Off Street Parking & Loading Req: Off Street Parking Design/ Maneuverability.
65(65-9: Dimensional Regulations: Lot Area Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of stories) Excessive. 65(65-8: Use Regulations: Two Family Dwelling - Forbidden, Accessory Parking for a two family dwelling - Forbidden. 10(10-1: Limitation of Area: Limitation of Area of Accessory Uses)
Purpose: Erect a new 4 story, Two (2) Family Dwelling with Rear Deck on an existing 3,557 sq ft Lot There will be a Head house built to access a new roof deck for unit #2. Anticipate a ZBA hearing

CALL OF THE CHAIR: 12:00p.m.

Case: BOA-696619, **Address:** 303 Paris Street, **Ward 1 Applicant:** Daniel Glissman
Article(s): 86(86-6)

Purpose: Change occupancy to include Wireless Telecommunications Facility. Install nine (9) new wireless antennas and (6) RRU's concealed behind a screen wall enclosure on existing roof of the church rectory and painted to match the building. Install equipment cabinets, gas generator, and associated cables

Recommendations/Hearings :

Case: BOA-730899, **Address:** 362 Sumner Street **Ward:** 1, **Applicant:** Chrysostomos Makridis
Article(s): 53(53-56: Off Street Parking- Insufficient Parking, 53(53-9: Dimensional Regulations - Insufficient additional lot area per unit; Excessive F.A.R.; Insufficient side yard.

Purpose: Confirm occupancy as a single family and change occupancy to two family. Add pitched roof with dormers to existing structure.

Case: BOA-717699, **Address:** 182 West Eighth Street **Ward:** 13, **Applicant:** Douglas Stefanov
Article(s): 68(68-08: Rear Yard is Insufficient & Side Yard is Insufficient)

Purpose: Remove deck and add new egress for second floor unit and patio.

Case: BOA-733748, **Address:** 40 Creighton Street **Ward:** 10, **Applicant:** Charles Snekvik
Article(s): 10(10-1: Limitation of Area - Limitation of Area of Accessory Uses, 55(55-40: Off-Street Parking / Loading Reqs. - Location of Off - Street Parking in a Front Yard.

Purpose: Off-Street Parking for 1 Car.

Case: BOA-726332, **Address:** 4-6 Auckland Street **Ward:** 13 , **Applicant:** Kim Dung Nguyen
Article(s): 10(10-1: Limitation of Area of Accessory Uses, 66(66-09: Dimensional Regulations - Usable Open Space Insufficient.

Purpose: Curb cut to access parking for 2 parking spaces for residential parking.

Case: BOA-731287, **Address:** 10 Belton Street **Ward:** 16, **Applicant:** John Doherty
Article(s): 65(65-9: Residential Dimensional Regulations - Floor Area Ratio is excessive; side Yard setback is insufficient.

Purpose: Build addition to be handicapped accessible at rear of home.

Case: BOA-731113, **Address:** 11 Ellis Street **Ward:** 18, **Applicant:** Luciano Cirino
Article(s): 69(69-9: Dimensional Reg - Height is excessive (2 1/2 stories max allowed. The proposed 3rd story is not allowed); Floor area ratio is excessive; Side yard setback requirement is insufficient; Rear Yard setback requirement is insufficient;

Purpose: Erect a third level by adding two dormers, one on each side. Expanded footprint and roof line, amend ALT643448 to conform to BPDA Design Review.

Case: BOA-700976, **Address:** 41 Myopia Road **Ward:** 18 , **Applicant:** Michael Allen
Article(s): 69(69-9: Dimensional Reg - The additional floor creates an excessive F.A.R.; Insufficient Front Yard Setback; Insufficient Rear Yard Setback; Insufficient Side Yard Setback.

Purpose: All of the home on Myopia Road have a 2nd floor. This project is to allow my home to conform with the other home on the street. The additional space will allow my elderly parents to live with me so that I can manage their care and reduce their stress.

Case: BOA-702333, **Address:** 207 Savannah Avenue **Ward:** 18, **Applicant:** Rocky Huynh
Article(s): 09(09-1: Extension of Non-Conforming Use - Extension of non conforming use is conditional.
Purpose: Extend living space to basement on existing two-family residential dwelling. Construct new exterior egress stairway. Interior renovation to include half bath, washer and dryer and replace the kitchen for second floor. Other cost reflected on SF683481, SF674796, SF673541.

Case: BOA-736617, **Address:** 68 Louder's Lane **Ward:** 19, **Applicant:** Phil Wallace
Article(s): 55(55-9: Dimensional Regulations - Side Yard Insufficient.

Purpose: Add Master bath on top of existing 1st floor sun porch and replace plumbing fixtures and wall tile in existing main bath. Basement not finished.

Case: BOA-730816, **Address:** 82 Cummins Highway **Ward:** 19, **Applicant:** Elba Rojas
Article(s): 10(10-2: ACCESSORY USE: Restriction in Residential District - Relief is required from the Board of Appeals as follows: In a residential district, there shall not be any use accessory to a main dwelling which involves: (c) The use of any show window, display or advertising open to view from outside the lot for the purpose of attracting customers or clients, other than professional announcement signs; or (d) The conduct of a business office open to the public.

Purpose: Would like to convert / add home office in two existing rooms of the existing one family and add a sign of the company on my front lawn. Plans to be submitted. Office will be for mortgage company.

Case: BOA-729723, **Address:** 23-25 Chestnut Square **Ward:** 19 , **Applicant:** Wim Dekok
Article(s): 10(10-1: Limitation of Area - Limitation of Area of Accessory Uses, 55(55-40: Off-Street Parking/Loading Reqs - Off-Street Parking Design / Maneuverability, 55(55-8: Use Regulations - Use : Ancillary Parking : Conditional.
Purpose: Off street parking for 1 car to be used by 19 - 21 Chestnut Square.

Case: BOA-736605, **Address:** 36 Maxfield Street **Ward:** 20, **Applicant:** Cameron Trenor
Article(s): 56(56-8: Residential Sun District: The new roof covering the porch triggers a violation for Front Yard Setback.
Purpose: Reconstruction of porch.

Case: BOA-735990, **Address:** 275-277 Summit Avenue **Ward:** 21, **Applicant:** Mendy Gould
Article(s): 51(51-09: Dimensional Regulations - Insufficient rear yard setback.
Purpose: Remove and replace existing rear porch to one that is somewhat a little larger - see plans filed.

Case: BOA728276-, **Address:** 22 Albion Place **Ward:** 2, **Applicant:** Christian Poyant
Article(s): 10(10-1: Limitation of parking areas) 62(62- 62.29: Off Street parking requirements - Design size, Maneuverability, buffer) 62(62-08: Dimensional Regulations - Reduction in usable open space)
Purpose: Install curb cut to rear patio of condo unit and provide for 2 compact parking spaces on the property.

Case: BOA-721551, **Address:** 20 Chapin Avenue **Ward:** 20 , **Applicant:** Tom Timko
Article(s): Left Side Yard Insufficient ; Floor area ratio is excessive; Rear Yard Insufficient)
Purpose: : Confirm as an existing 1 family dwelling. The owners of 20 Chapin Avenue are proposing to renovate Kitchen, plus add a Family Room and an additional Bedroom to accommodate the needs of their growing family. The proposed new work is all on the first floor, and has been kept low in scale in order to minimize the impact on the existing property and the neighborhood.

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