

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT

C.A. NO:

\_\_\_\_\_  
RICHARD K. BENDETSON,

Plaintiff,

v.

SHERRY DONG,  
NORM STEMBRIDGE,  
GIOVANNY VALENCIA,  
HANSY BETTER BARRAZA,  
DAVID COLLINS,  
DAVID AIKEN,  
JEANNE PINADO,  
KATIE WHEWELL,  
ALAN E. LANGHAM,  
SHAVEL'LE OLIVIER,  
RAHEEM SHEPARD,  
ALAA MUKAHHAL,  
SHAMAIAH TURNER,  
members of the CITY OF BOSTON  
BOARD OF APPEAL;  
EMBER GARDENS BOSTON, LLC,  
SHANE HYDE, and  
297 NEWBURY STREET, LLC,

Defendants.  
\_\_\_\_\_

**COMPLAINT**

**I. Introduction**

This is an appeal under the Enabling Act, Ch. 665, Acts of 1956 from a decision of the City of Boston Board of Appeal (the "Board") dated October 8, 2024 (the "Decision") and filed with the City of Boston Inspectional Services Department ("ISD") on October 11, 2024 related to 297 Newbury Street, Boston, Massachusetts 02115 (the "Property"). The Property is owned by 297 Newbury Street, LLC (the "Owner") and was the subject of an appeal for relief from the City

of Boston Zoning Code (the “Code”) filed by Ember Gardens Boston, LLC and Shane Hyde (collectively, the “Applicant”), which resulted in the Decision. A copy of the Decision is attached hereto as *Exhibit 1*. The Decision purports to grant the Applicant a variance under Article 09, § 9-3 and Article 08, § 08-07 of the Code and a conditional use permit under Article 06, § 6-3 and Article 08, § 08-7 of the Code allowing the Applicant to, among other things, operate a retail cannabis establishment at the Property. The Decision grants, among other things, a variance from provisions of the Code requiring that no cannabis dispensary be located within half a mile of an existing cannabis establishment. Plaintiff Richard K. Bendetson (“Plaintiff”) owns the property at 304 Commonwealth Avenue, Unit 2, Boston, Massachusetts 02115 which directly abuts the Property and consists of a residential condominium with common space and other rights. Plaintiff will suffer substantial damages as a result of the proposed project due to, among other things, traffic congestion, parking issues, security problems, loitering problems, traffic and crowd problems, noise, loss of property value, danger to pedestrians and vehicles, and nuisance. There was no showing before the Board of the elements required for a variance or the elements required for the granting of a conditional use permit. The Board lacked authority to approve the variance and conditional use in the Decision and failed to provide a valid basis for the issuance of such relief, which relief is in direct conflict with the purpose and intent of the Code. The Board’s decision must therefore be annulled.

## **II. Parties**

1. Plaintiff Richard K. Bendetson is an individual residing at 304 Commonwealth Avenue, Unit 2, Boston, Massachusetts 02115
2. Defendant Ember Gardens Boston, LLC is a Massachusetts limited liability company with a principal office located at 297 Newbury Street, Boston Massachusetts 02115.

3. Defendant Shane Hyde is an individual residing at 254 Newhill Avenue, Somerset, Massachusetts 02726.

4. Defendant 297 Newbury Street, LLC is a Massachusetts limited liability company with a principal office located at 137 Newbury Street, 9th Floor Boston, MA 02116. Defendant 297 Newbury Street, LLC is the owner of the Property.

5. Defendants Sherry Dong, Norm Stenbridge, Giovanni Valencia, Hansy Better Barraza, David Collins, David Aiken, Jeanne Pinado, Katie Whewell, Alan E. Langham, Shavel'le Olivier, Raheem Shepard, Alaa Mukahhal, and Shamaiah Turner are the duly appointed members of the City of Boston Board of Appeal and are named in their capacities as members of the Board and not individually. All of these defendants have a mailing address c/o the City of Boston Board of Appeal, 1010 Massachusetts Avenue, Boston, Massachusetts 02118.

### **III. Jurisdiction**

6. This Court has jurisdiction over this matter pursuant to Section 11 of the Enabling Act, Ch. 665, Acts of 1956.

7. This Court has jurisdiction over the defendants pursuant to G.L. c. 223A, § 3.

8. Plaintiff owns the property at 304 Commonwealth Avenue, Unit 2, Boston, Massachusetts and is thus an abutter or an abutter to abutters within three hundred feet of the Property.

9. Plaintiff is a person aggrieved by the decision of the Board, pursuant to Section 11 of the Zoning Enabling Act, Ch. 665, Acts of 1956.

10. Plaintiff, as an abutter and party in interest, enjoys a presumption of standing to challenge the Decision of the Board.

#### **IV. Facts**

11. The Property is situated in the Boston Proper Zoning District and the General Business B-3-65 Zoning Subdistrict.

12. The Property directly abuts the Plaintiff's property at 304 Commonwealth Avenue, Unit 2, Boston, Massachusetts 02115.

13. The Property consists of a lot that is approximately 2,576 square feet and is currently occupied by a building with retail space.

14. The Applicant sought from the Board relief pursuant to Article 8, Section 7 of the Code for a change of occupancy from Retail to Cannabis Establishment in the form of a conditional use permit and variance to allow for such use.

15. Applicant sought this relief in an effort to fit-out and operate a cannabis dispensary where the use was prohibited by the Code.

16. Article 8, Section 8-2 – General Use Provisions of the Code states as follows:

1. Allowed Uses. In any applicable district, land or structures may be used for specific purposes where such use is allowed and designated "A," "A-G - C," "A-G - F," "A\*" "A-G - C\*," or "A-G - F\*" in Table A or Table B of Article 8.
2. Conditional Uses. In any applicable district, land or structures may be used for specific purposes where such use is conditional and designated "C," "C-G - F," "C\*," or "C-G - F\*" in Table A or Table B of Article 8, upon receipt of a conditional use permit from the Board of Appeal. The procedures and conditions required for receiving such permit can be found in Article 6. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.
3. Forbidden Uses. In any applicable district, no land or structure may be used for specific purposes where such use is forbidden and designated "F" in Table A and Table B of Article 8, unless such land or structure is allowed as a nonconforming use under the provisions of Article 9.

17. Article 8 – Regulation of Uses of the Code, Table B: Use Regulations for Residential (R, H), Business (L, B), Industrial (MJ) and Open Space (OS) Districts states as follows:

**Use Item No. 39B**

Cannabis Establishment

DISTRICT						
R	H	L	B	M	I	MER
F*	F*	C*	C*	C*	C*	C*

\*Cannabis Establishment-provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

18. The Property is less than one-half mile or 2,640 feet from at least one other existing cannabis establishment.

19. Article 6, Section 3 of the Code States as follows:

Section 6-3. - Conditions Required for Approval.

The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;

- (e) adequate and appropriate facilities will be provided for the proper operation of the use;
- (f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.
- (h) if such appeal relates to a Proposed Project in an area designated a flood hazard district as defined in Article 25, the Applicant shall have complied with provisions set forth in Article 25.
- (i) if such appeal relates to a Proposed Project in an area designated a Coastal Flood Resilience Overlay District (CFROD), as defined in Article 25A, the Applicant shall have complied with provisions [sic.] set forth in Article 25A.
- (j) if such appeal relates to any Proposed Project which is subject to or shall elect to comply with Section 80B of this Code, Large Project Review, the Applicant shall have complied with the provisions set forth in Article 37.

20. Article 7, Section 3 of the Code states as follows:

Section 7-3. - Conditions Required for Variance.

The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;
- (b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

- (c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (d) That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements.

In determining its findings, the Board of Appeal shall take into account:

- (1) the number of persons residing or working upon such land or in such structure;
- (2) the character and use of adjoining lots and those in the neighborhood; and
- (3) traffic conditions in the neighborhood.

21. The Board held a hearing on the proposal on September 24, 2024.

22. The Board voted to grant the requested conditional use permit and variance.

23. On October 8, 2018, the Board filed with ISP its written decision reflecting its approval of the Applicant's request for conditional use permit and variance. A copy of the decision is attached hereto as *Exhibit 1*.

24. The Board made erroneous findings in the decision that had no basis in law or fact and were in direct conflict with the evidence including, but not limited to: i) that the specific site is an appropriate location for such use; ii) the use will not adversely affect the neighborhood; iii) there will be no serious hazard to vehicles or pedestrians from the use; iv) no nuisance will be created by the use; v) adequate and appropriate facilities will be provided for the proper operation of the use; vi) there are special circumstances or conditions applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said

circumstances or conditions are such that the application of the provisions of the Code would deprive the appellant of the reasonable use of such land or structure; vii) that for the reasons of practical difficulty and demonstrable and substantial hardship, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and viii) that the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. There was no showing before the Board whatsoever of special circumstances or conditions applying to the land or structures or hardship on the part of the Applicant, which was required for the relief granted.

25. The decision approving the proposed project and the retail cannabis establishment at the Property will be substantially detrimental and injurious to Plaintiff, Plaintiff's property, and the residents of the Plaintiff's property by, among other things:

- a) increasing traffic congestion and inhibiting vehicular ingress to and egress from Plaintiff's property;
- b) decreasing available parking for Plaintiff and residents and visitors of his property and increasing other parking issues for Plaintiff and residents and visitors of his property;
- c) decreasing Plaintiff's property value;
- d) having a material adverse effect on the views from the Plaintiff's property;
- e) producing noise, dust, odors and other effects in amounts seriously objectionable and detrimental to the normal use of the Plaintiff's property;
- f) causing noxious odors in amounts seriously objectionable and detrimental to the normal use of the Plaintiff's property;



- g) creating security problems;
- h) detracting from the visual amenities of and from Plaintiff's property;
- i) causing loitering problems;
- j) creating serious hazard to vehicles and pedestrian traffic and inhibiting vehicle and pedestrian traffic to and from Plaintiff's property;
- k) creating overcrowding and overuse of the Property, affecting Plaintiff's property;
- l) causing crowd problems affecting Plaintiff's property;
- m) creating nuisance affecting Plaintiff's property; and
- n) impairing air quality with respect to Plaintiff's property.

26. The Applicant's proposal is in direct conflict with the general purpose and intent of the Code.

27. The Board failed to impose conditions, safeguards, and limitations to ensure that the project is in harmony with the general purpose and intent of the Code.

28. Sections 11 of the Enabling Act states in pertinent part that "Any person aggrieved by a decision of said board of appeal, whether or not previously a party to the proceeding, or any municipal board or officer, may appeal to the superior court department of the trial court sitting in equity for the county of Suffolk."

## **V. Claims**

### COUNT I

(Enabling Act, Ch. 665, Acts of 1956, Section 11)

29. Plaintiff realleges and reasserts all of the allegations contained in Paragraphs 1 through 28 as if fully set forth herein.

30. Based on the foregoing, the decision by the Board was based on legally untenable grounds, exceeded the Board's authority, was an abuse of discretion, arbitrary, capricious, and was contrary to the Code and the Enabling Act, Ch. 665, Acts of 1956.

31. Plaintiff is aggrieved by the decision, which purports to authorize a change in use of the Property and the operation of a cannabis establishment at the Property in violation of the Code.

32. As a direct and proximate result of the Board's unlawful actions, Plaintiff has incurred and will continue to incur substantial damages.

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment:

- i. annulling the decision of the Board dated October 8, 2024;
- ii. awarding Plaintiff reasonable attorneys' fees and costs; and
- iii. granting such other and further relief as the Court deems just and appropriate.

Respectfully Submitted,  
RICHARD K. BENDETSON,  
By his counsel,



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Dated: October 22, 2024

# Exhibit 1



City of Boston  
Board of Appeal

NOTICE OF DECISION  
CASE NO. BOA1615937  
PERMIT # ALT1549303  
APPEAL SUSTAINED

In reference to the appeal of

Ember Gardens Boston LLC/Shane Hyde

Concerning the premises located at

297 Newbury Street, Ward 05

For relief from the provisions of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

The Board's decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, Fourth Floor, Boston, MA 02118, and is open for public inspection. A copy of the decision is available on the Board's website at <https://www.boston.gov/departments/inspectional-services/zoning-board-appeal-decisions>. The decisions are organized by filing date.

Date of filing of this decision with the Inspectional Services Department was 10/11/2024. **The relief granted by this decision expires on 10/11/2026, and must be exercised or extended for good cause only on or before this date. Requests for extensions must be submitted in writing before the expiration date.**

Please be advised, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

FOR THE BOARD OF APPEAL

/s/Caroline M. Burkard  
Caroline M. Burkard, Esq.  
ZBA Executive Secretary &  
Assistant Corporation Counsel  
Boston Inspectional Services Department



City of Boston  
Board of Appeal

**DECISION OF THE BOARD ON THE APPEAL OF**

September 24, 2024  
DATE

**Ember Gardens Boston LLC/ Shane Hyde**

to provide relief from the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises at **297 Newbury Street, Ward - 05**. Appellant requires relief from the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance, Conditional Use Permit, and /or other relief as appropriate.**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 08 Sec. 07	Use: Forbidden	Cannabis Establishment-provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.
Art. 08 Sec.07	Use: Conditional	

Purpose: Change occupancy from a two (2) family dwelling (Sec 336/1915) to Educational Use. Interior renovations only.  
Clarification: Change occupancy from a two family to an Educational USE detached dwelling as an extension of the (Brooke Charter School) and renovate structures 1st floor for classroom use (28 students) and second floor for school Administrative office use and incidental kitchen. Renovations shall include a newly proposed handicap ramp in rear to create a clear pathway to the existing school located on the 96 Horace street lot

In his formal appeal, Appellant briefly stated in writing the grounds for his appeal from the Building Commissioner's refusal letter, as set forth in file numbered **BOA-1615937**, and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the Appellant and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, August 20, 2024

The Board reviewed relevant documents, photographs, and other submissions and conducted other reviews as necessary to determine the location, layout, and other characteristics of the Appellant's land, the scope of its proposal, and the issues presented by the appeal. The Building Department sent notice of the appeal to the Boston Planning and Development Agency and the BPDA rendered a recommendation to the Board within the legally required period of time, as prescribed in the Code.

In accordance with the notice and advertisements and after hearing all of the facts and evidence presented at the public hearing held on Tuesday, September 10, 2024, and again on Tuesday, September 24, 2024 the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned terms of the Boston Zoning Code, all as per Application for Permit# **ALT-1549303** and plans submitted to the Board at its hearing, and now on file in the Building Department.



City of Boston  
Board of Appeal

**DECISION OF THE BOARD ON THE APPEAL OF**

297 Newbury Street, Boston (Ward 5)  
BOA- 1615937  
Date of Hearing: September 24, 2024  
Permit # ALT-1549303  
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In this appeal, the Petitioner seeks a Conditional Use Permit pursuant to the Boston Zoning Code Article 6, § 6-3 and Article 08, § 08-7 relating to use to operate a Retail Cannabis Establishment, and a Variance pursuant to Article 9, § 9-3 and Article 08, § 08-07 relating to the buffer zone violation (the "Proposed Project") at the building located at 297 Newbury Street, within the Boston Proper Zoning District ("the Property").

**BACKGROUND**

The Petitioner filed with the Inspectional Services Department on or about November 30, 2023, and received a Zoning Code Refusal letter from Plans Examiner Francesco D'Amato, on or about June 17, 2024, on behalf of the Commissioner. It appealed said refusal and was given a public hearing date of September 24, 2024.

At the public hearing, the Petitioner presented facts and materials, as to how it satisfied the criteria for a conditional use permit, as set forth in the Boston Zoning Code and public testimony was taken. The Mayor's Office of Neighborhood Services (ONS) testified to the community process conducted by the applicant and deferred judgement to the Board. A representative of the District City Councilor's Office, a representative from the State Representative's Office, and some community members spoke in opposition of the Proposed Project. There were over 150 letters or signatures of support submitted to the Board, as well as several letters and/or communications of opposition. Community meetings were held, including a meeting with the Boston Cannabis Board as well as the state required and properly noticed Community Outreach Meeting.

**DOCUMENTS FILED WITH THE CITY AND/OR THE BOARD**

The Petitioner filed the following documents:

- Appeal and filing fee
- Plans
- A portion of the presentation from the Boston Planning Department that stated the statutory required number of licenses could not be fulfilled without relief of the buffer zone requirement; and
- Other materials as presented.



City of Boston  
Board of Appeal

**DECISION OF THE BOARD ON THE APPEAL OF**

297 Newbury Street, Boston (Ward 5)  
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**FINDINGS**

Based on the evidence before it, and pursuant to Article 6, § 6-3, the Board makes the following findings:

**a) The specific site is an appropriate location for such use;**

The Cannabis Establishment is a conditional use in this part of Boston Proper Zoning District. The location of the Cannabis Establishment is an appropriate location. The Cannabis Establishment is centrally located and easily accessible via public or private means of transportation.

**b) The use will not adversely affect the neighborhood;**

The Cannabis Establishment will not adversely affect the neighborhood, or alter the essential character of the neighborhood, or produce an undesirable change in the character of the neighborhood. Pursuant to state and local regulations, the Cannabis Establishment is specifically designed to minimize and mitigate any impact on the neighborhood. It is equipped with state-of-the-art security features including video surveillance and security.

**c) There will be no serious hazard to vehicles or pedestrians from the use;**

The Cannabis Establishment will not disturb the existing right of way, pedestrian access, and will not cause a serious hazard to vehicle or pedestrian traffic.

**d) No nuisance will be created by the use; and**

The Cannabis Establishment will not produce any unusual noise or odors, fumes or waste nor will it cause any serious hazard to pedestrians or create a nuisance. The Petitioner is and will continue to be subject to rigorous requirements set for by the CCC to ensure the proper operation of the Cannabis Establishment.

**e) Adequate and appropriate facilities will be provided for the proper operation of the use.**

The Cannabis Establishment will be fitted with high-end equipment, providing adequate and appropriate facilities to enhance its operation. The Petitioner further states that it has designed the Cannabis Establishment in a manner that will be in keeping with the neighborhood, while preserving



City of Boston  
Board of Appeal

**DECISION OF THE BOARD ON THE APPEAL OF**

297 Newbury Street, Boston (Ward 5)  
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its ability to provide vital services. The Cannabis Establishment will benefit the City and promote the health and welfare of its residents by providing quality service to its customers and/or patients, and will operate in a professional manner.

Based on the foregoing Findings, the Board finds that the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Cannabis Establishment will provide necessary access to customers and/or patients. It will serve as a benefit to the City by fulfilling the state mandate that Cannabis Establishments need to be allowed to open and operate, while ensuring the safety of the public.

Based on the evidence before it, and pursuant to 7, § 7-3, the Board makes the following findings:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure;
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare

As mentioned in the presentation, given that it would not be possible for the required number of licenses to be established in Boston as mandated by state statute without the use of a variance for the half-mile buffer, as reported by the Boston Planning Department, it raised the question as to whether the legal standards of the of the variance would be required.





City of Boston  
Board of Appeal

**DECISION OF THE BOARD ON THE APPEAL OF**

297 Newbury Street, Boston (Ward 5)  
BOA- 1615937  
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**CONCLUSION**

Based on the evidence, the Board finds that all conditions required for the granting of a Conditional Use Permit under Article 6 § 6-3 and a Variance under Article 7 § 7-3 of the Zoning Code have been met

Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) voted unanimously to grant the requested Conditional Use Permit as described above, which annuls the refusal of the Building Commissioner and orders him to grant a Conditional Use Permit with removal of the Proviso as referenced.

APPROVED AS TO FORM:

PROVISO:

/s/ Edward Coburn  
Assistant Corporation Counsel

1) None.

Signed: October 8<sup>th</sup>, 2024

With my signature, I certify that the signatories of this decision have given their express permission for electronic signature:

/s/ Caroline M. Burkard  
Caroline M. Burkard, Esq.  
ZBA Executive Secretary &  
Assistant Corporation Counsel  
Boston Inspectional Services  
Department

/s/ Sherry Dong  
Sherry Dong – Chair (Voted In Favor)  
/s/ Norm Stembridge  
Norm Stembridge – Secretary (Voted In Favor)  
/s/ Giovanni Valencia  
Giovanni Valencia (Voted In Favor)  
/s/Hansy Better Barraza  
/ Hansy Better Barraza (Voted In Favor)  
/s/David Collins  
David Collins (Voted In Favor)  
David Aiken  
David Aiken Voted In Favor)  
/s/ Jeanne Pinado  
Jeanne Pinado Voted In Favor)