

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_  
MAVERICK MEDIA, LLC,

Plaintiff,

v.

SHERRY DONG, NORM STEMBRIDGE,  
KATIE WHEWELL, JEANNE PINADO  
ALAN LANGHAM, GIOVANNY VALENCIA,  
and DAVID COLLINS, as they are MEMBERS  
of the CITY OF BOSTON BOARD  
OF APPEAL

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

**COMPLAINT**

**INTRODUCTION**

The Plaintiff, Maverick Media, LLC (“Maverick”), appeals pursuant to Section 11 of Chapter 665 of the Acts of 1956, as amended (the “Enabling Act”), from the decision of the Defendant, City of Boston Board of Appeal (the “BOA”), dated September 5, 2023, and filed with the City of Boston Inspectional Services Department (“ISD”) on September 8, 2023 (the “Decision”). The Decision denied Maverick’s administrative appeal and the variance that ISD has maintained is necessary to upgrade two preexisting nonconforming, single-faced static billboards with a single 60-foot-tall digital, double-sided billboard affixed to a monopole (the “Project”) on property known as and located at 423 William F. McClellan Highway, East Boston, Massachusetts (the “Property”). The Property is owned by Sons of Divine Providence, Inc. (“SDP”), of Boardman Street, Boston, Massachusetts, which is affiliated with the Roman Catholic Church.

Maverick brings this action because the BOA’s Decision was arbitrary, capricious, issued in excess of authority, and upon a legally untenable ground because: (a) the BOA wrongfully denied Maverick’s request for reconsideration due to the erroneous belief that a supermajority was required on the procedural vote whether to reconsider Maverick’s appeal and petition; and (b) the BOA denied the Project a variance or conditional use permit despite substantial evidence that the Project meets the requirements for either form of relief under the City of Boston Zoning Code (the “Code”)—the Property is and can only be the site of a billboard owing to its unique grade. Accordingly, the Decision of the BOA must be annulled.

Additionally, ISD and the BOA ignored the provisions of the Enabling Act in insisting that zoning relief, including a variance, is required for the Project, which merely contemplates and entails the modernization of one of the preexisting nonconforming billboards at the Property, and the decommissioning of the other billboard already present at the Property. As such, Maverick also seeks declaratory judgment that no zoning relief under the Code can be lawfully required consonant with the Enabling Act’s provision for and protection of vested rights. All that Maverick needed, here, was a building permit, and ISD and the BOA committed errors of law and acted in excess of authority when they insisted that the Project required zoning relief.

### **JURISDICTION**

1. Pursuant to Section 11 of Chapter 665 of the Act of 1956, as amended, “[a]ny person aggrieved by a decision of [the Board] . . . may appeal to the superior court department of the trial court sitting in equity for the county of Suffolk.”
2. This appeal of the Decision is brought by a person aggrieved thereby, Maverick, the applicant, and is thus within the subject matter and territorial jurisdiction of the Suffolk Superior Court.

3. Pursuant to G.L. c. 231A, §§ 1 & 2, Suffolk Superior Court has the power to render declaratory judgment concerning the validity, applicability, meaning and effect of the Code, and its relationship to the Enabling Act.
4. There is a live controversy between Maverick, on the one hand, and ISD and the BOA, on the other, about whether the Project required zoning relief under the Code based on the Enabling Act's constitutionally-required provision for vested rights.

**PARTIES**

5. The Plaintiff, Maverick Media, LLC, is a domestic limited liability company within the Commonwealth of Massachusetts, with a principal place of business located at 7 Howe Street, Unit # 7, Boston, MA.
6. The Defendant, Sherry Dong, is an individual and Chair of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
7. The Defendant, Norm Stembridge, is an individual and Secretary of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
8. Defendant, Katie Whewell, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
9. Defendant, Jeanne Pinado, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
10. Defendant, Alan Langham, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
11. Defendant, Giovanni Valencia, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.

12. Defendant, David Collins, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
13. Defendant, Hansy Better Barraza, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
14. Defendant, David Aiken, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.
15. Defendant, Shavel'le Olivier, is an individual and Member of the Board, principally located at 1010 Massachusetts Avenue, 4th floor, Boston, MA 02118.

### **FACTS**

#### **The Property**

16. SDP owns the Property by virtue of the deed dated December 28, 2012, recorded with the Suffolk County Registry of Deeds (the "Registry") at Book 50742, Page 24.
17. The Property consists of a single parcel containing 192,680 s.f. as denoted as "Parcel A" on a plan of land prepared by Whitman & Howard, Inc., dated November 6, 1987, recorded at the Registry at Plan Book 15935, Page 50.
18. The Property is located in the East Boston Neighborhood zoning district, the CPS zoning subdistrict, and the Interim Planning Overlay District ("IPOD"), pursuant to the Code and the Boston Zoning Map, 3A-3C, East Boston Neighborhood District.
19. The topography and shape of the Property are unique.
20. At the northernmost point of the Property is a hill with a 100-foot drop that slopes sharply downward. Any excavation at the bottom of the hill risks compromising the stability of the ground above within the boundaries of the Property, and the adjacent properties built on top of the hill.

21. At the bottom of the hill, the Property directly abuts William F. McClellan Highway, also known as State Highway Route 1A (“Route 1A”).
22. Across Route 1A from the Property are a series of commercial properties and warehouses.
23. Both static and digital billboards already exist on adjacent parcels, flanking and directed at traffic on Route 1A.
24. Since at least the 1950’s, SDP has maintained two preexisting nonconforming billboards facing Route 1A on the Property.
25. These two billboards are currently maintained on the Property. However, SDP cannot afford to maintain these billboards, and SDP’s lack of financial resources has caused the two preexisting billboards and the surrounding area to fall into relative disrepair.
26. Indeed, SDP does not have the financial wherewithal to maintain the Property writ-large, and it has become an area dumping ground for trash and debris. Many neighborhood residents refer to the Property as an “eyesore” due to the trash and unkept landscaping.

### **The Project**

27. On October 15, 2020, Maverick entered into an agreement with SDP to lease the Property for the purposes of modernizing one of the two preexisting nonconforming billboards and decommissioning the other at the Property (the “Lease Agreement”).
28. On April 21, 2021, Maverick filed its application for a building permit with ISD for the Project at the Property (the “Application”).
29. According to the Application, the Project is to be constructed between the locations of the two existing billboards in direct proximity of Route 1A.

30. The proposed location of the Project is depicted on a plan of land entitled “Billboard Location Plan,” dated January 5, 2021, surveyed by J.K. Holmgren Engineering, Inc., of Brockton, MA, as submitted to ISD as part of the Application.
31. The proposed, single free-standing sign will have a square, center mount made of steel and concrete, and back-to-back digital faces will be affixed thereto.
32. The display screens of the proposed free-standing sign will be equipped with the latest light blocking technology and directed at traffic traveling along Route 1A in both directions, northerly and southerly.
33. On March 28, 2023, Maverick and SDP amended the Lease Agreement whereby, *inter alia*, Maverick would design, install, and maintain on a bi-weekly basis a park and garden landscape on the Property for the benefit of the public, and thereby to remediate the Property’s present state of disrepair (the “Lease Amendment”).
34. Pursuant to the Lease Amendment, Maverick further agreed to remove the two neglected static billboards currently on the Property.
35. Under the Lease Agreement and Lease Amendment, the lease term is 30 years.

**The Zoning Refusal Letter and the April Hearing**

36. On May 26, 2021, ISD issued a zoning code refusal letter for the Project (the “Refusal Letter”).
37. The Refusal Letter listed the following violations of the Code: Article 53, Section 28 (Use Regulations Applicable in Conservation Protection Subdistricts); Article 53, Section 55 (Sign Regulations); Article 11, Section 06 (Signs Subject to Other Regulations); Article 11, Section 7 (Electronic Signs); and Article 27T, Section 09 (Enforcement).

38. Maverick filed an administrative appeal of the Refusal Letter with the BOA, also requesting the necessary zoning relief for construction of the Project.
39. Public hearings on Maverick's appeal and petition for the Project were conducted on November 1, 2022, January 10, 2023, and April 11, 2023, all via Zoom Video Conference.
40. At the April 11, 2023 hearing (the "April Hearing"), Maverick informed the BOA that, after conferring with the community, the height of the billboard would be reduced from sixty (60) feet to fifty-five (55) feet, and Maverick would take responsibility for maintaining a park and adding new landscaping to the Property, as well as removing the two neglected static billboards, to further beautify the area for the benefit of the public.
41. A plethora of community residents submitted a total of 107 emails and 382 letters to the BOA voicing their support for the Project as it would beautify an area of East Boston long neglected and considered an "eyesore."
42. Amongst those in support were Boston City Counselor Gabriela Coletta and Massachusetts State Senator Lydia Edwards, both of whom were willing to appear before the BOA to speak in favor of the Project.
43. The extensive agenda for the April Hearing caused a long delay in Maverick's appeal and petition being heard, ultimately resulting in multiple supporters of the Project being deprived of the opportunity to speak, including both City Counselor Coletta and Senator Edwards.
44. Despite the overwhelming community and political support, the BOA failed to reach the necessary vote threshold or supermajority to approve a variance, conditional use permit, or IPOD permit, voting 4-to-3 in favor of the Project; effectively denying Maverick's appeal and petition despite the favorable vote.

45. Thereafter, on June 6, 2023, Maverick submitted a letter seeking reconsideration to the BOA, attaching letters in support of the project on behalf of City Counselor Coletta and Senator Edwards, and objecting to the abject delay of the BOA in hearing Maverick's appeal and petition during the April Hearing, effectively denying stakeholders' ability to be heard.

### **The August Reconsideration**

46. On August 29, 2023, the BOA held a hearing on Maverick's request for reconsideration of its appeal and petition (the "August Hearing").
47. During its presentation at the August Hearing, Maverick through counsel expressed its confusion as to whether a final decision had been made at the April Hearing, as no further action was taken after the vote in favor failed to reach a supermajority.
48. Relatedly, Maverick did not know whether its appeal, petition, and Application were denied with or without prejudice.
49. Additionally, Maverick made a presentation demonstrating how the Project satisfies the criteria necessary for a conditional use permit pursuant to Article 6 of the Code and/or a variance pursuant to Article 7 of the Code.
50. The BOA's counsel, who was present to provide advice, incorrectly posited that a failure to garner a supermajority resulted in a straight denial of the Application with prejudice.
51. The BOA's counsel further incorrectly claimed that the BOA could not take public testimony and could only vote to hold a new reconsideration hearing at another date or vote to uphold the original denial from the April Hearing.
52. Thereafter, the BOA voted 4-to-3 in opposition to a motion to deny the request for reconsideration.



53. As the first motion failed to carry, the BOA then considered a motion to approve the request for reconsideration, resulting in a 4-to-3 vote in favor of granting reconsideration.
54. Despite this favorable vote, the BOA Chair declared that the motion had failed as it did not garner a supermajority, even though this motion was purely procedural in nature, and not facially subject to the Enabling Act's or Code's express voting requirements for substantive zoning relief in Boston.
55. The BOA's counsel, then, further advised that the BOA could either hold a third vote or the Application would be considered denied as a "hung board."
56. Board Member Jeanne Pinado asked the BOA's counsel if a motion to deny without prejudice could be made, to which counsel incorrectly replied that it was not possible to make such a motion and vote because of the original vote at the April Hearing.

### **The Decision**

57. The BOA signed the Decision on September 5, 2023, and the Decision was filed with ISD on September 8, 2023, file number BOA1214604. See Exhibit 1 (Certified copy of the Decision).
58. The Decision fails properly to assess, consider and honor the reality that the Project will substantially improve the East Boston Neighborhood and is in harmony with the general purpose of the Code.
59. The Decision merely parrots portions of the Code to deny the requested zoning relief, without making any specific findings as to why the Project did not comply with Article 53, Section 28; Article 53, Section 55; Article 11, Section 06; Article 11, Section 07; and Article 27T, Section 09.

60. The Decision states that Maverick did not advance sufficient evidence establishing facts and/or conditions necessary for the grant of a variance, conditional use permit, or IPOD permit.
61. The Decision is completely devoid of any factual findings to support its denial of Maverick's appeal and petition.

**COUNT I**

**Appeal of the Decision pursuant to Section 11 of Chapter 665 of the Act of 1956**

62. Maverick repeats and restates the allegations set forth in paragraphs 1-61 and incorporates the same by reference herein.
63. Maverick's appeal and petition for the zoning relief purportedly necessary for construction of the Project at the Property were denied. Maverick accordingly is a "person[] aggrieved" within the meaning of Section 11 of the Enabling Act.
64. Pursuant to Article 1, Section 1-2 of the Code, particular purposes of the Code include to encourage the most appropriate use of land throughout the City, and conserve the value of land and buildings.
65. Maverick and the SDP will be injured if they are not granted zoning relief to construct the Project at the Property to the extent any such relief is necessary.
66. The Decision is arbitrary and capricious because the BOA failed to consider the facts and conditions that qualify the Project at the Property for either a conditional use permit or a variance.
67. The Project, seeking to modernize one preexisting, nonconforming billboard at the Property, and to decommission the other preexisting nonconforming billboard at the Property, is appropriately sited as it is to be located along the Route 1A, which reflects a commercial

and/or industrial area and is where multiple billboards, including two already on the Property, are presently maintained and operated.

68. The Project would be located on the westerly edge of the Property in closest proximity to Route 1A and as far away from the adjoining residential neighborhood as practically possible.
69. The Project poses no serious hazard to pedestrian or vehicular traffic, enhances the Property and surrounding neighborhood as it would entail the installation of a public park and landscaping, and will be regularly maintained and cleaned of trash on a bi-weekly basis at Maverick's expense.
70. The Property is unique in its shape and topography, and that shape and topography result in the Property being only suitable as the location of a billboard, as no other beneficial use can be made of the Property as a result of these unique characteristics.
71. There exists a substantial hardship to Maverick and SDP resulting from these special conditions on the Property that allow for only one beneficial use—a billboard—and the Code presently prohibits the only beneficial use of the Property.
72. Indeed, the topography of the Property is such that excavation of the hill, a necessary predicate for the re-grading necessary for other development of the Property, risks destabilizing the higher-grade land within the boundaries of the Property, and the foundations of homes at the top of the hill on adjacent properties.
73. The Project at the Property would be in harmony with the general purpose and intent of the Code, and would not be injurious to the surrounding neighborhood, but rather would help to improve the area and abate present nuisance conditions in the neighborhood.

74. The Decision was rendered in excess of the BOA's authority, and upon a legally untenable ground, because it contains a mere repetition of the Code and statutory language, without any findings specific as to why the requested zoning relief for the Project was denied, as required under Articles 6 and 7 of the Code and Sections 9 and 10 of the Enabling Act.
75. The Decision was further rendered in excess of authority since the delay in the agenda for the April Hearing resulted in multiple community supporters of Maverick's appeal and petition, including multiple elected representatives of such citizens, being deprived of their constitutional rights to be heard by the *quasi*-judicial BOA.
76. Further, the BOA erroneously denied the request for reconsideration of the Application under the mistaken belief that such a procedural vote by the BOA requires a supermajority, rather than the simple majority that was in favor of reconsideration.
77. Moreover, the BOA was given incorrect legal advice at the August Hearing, including about whether the BOA could then take testimony and the motions that could be presented and voted upon.
78. For these reasons, the Decision is arbitrary and capricious, issued in excess of the Board's lawful authority, and founded upon a legally untenable ground; and Maverick is entitled to a decree annulling the Decision.

## **COUNT II**

### **G.L. c. 231A – The Project Requires No Zoning Relief**

79. Maverick repeats and restates the allegations set forth in paragraphs 1-78 and incorporates the same by reference herein.
80. The BOA's Decision directly and negatively affects Maverick's and the SDP's rights for the reasons set forth herein.

81. An actual controversy exists in which it is Maverick's understanding of the Enabling Act and Code that no zoning relief can be required simply to modernize a preexisting nonconforming structure and use, which has been ongoing for 70 plus years, whereas ISD and the BOA have maintained that the Project requires multiple forms of zoning relief.
82. Maverick has exhausted its administrative remedies with respect to this controversy; it brought an administrative appeal of the Refusal Letter to, and otherwise petitioned the BOA for the zoning relief that ISD has insisted is needed, despite the Enabling Act's provision for vested rights. Maverick's appeal and petition were denied.
83. The Property has been the site of the two preexisting nonconforming billboards since the 1950's, creating vested rights to freeze zoning for these structures and uses.
84. Pursuant to Chapter 665 of the Acts of 1956, Section 04, and Article 8, Section 06 of the Code, the Project reflects an authorized alteration to a preexisting nonconforming use and structure.
85. Maverick is entitled to a binding declaration that the Project does not require any zoning relief under the Enabling Act and Code, but only a building permit under the state Building Code, and corresponding equitable and injunctive relief.

#### **PRAYERS FOR RELIEF**

**WHEREFORE**, Maverick prays that this Honorable Court enter judgment in this matter, as follows:

1. Annuling the Decision as unlawful and issued in excess of the BOA's authority;
2. Declaring that the Project reflects a lawful, as-of-right alteration of a preexisting nonconforming use and structure under the Enabling Act and Code, requiring no zoning relief, but only a building permit under the state Building Code;

3. Enjoining ISD and the BOA, any other departments of the City of Boston, and any other person acting in active concert with the foregoing, with actual knowledge of this action, from requiring the Project to obtain zoning relief for its construction, operation and maintenance; and/or
4. Granting such other relief as the Court may deem just and proper.

Plaintiff,  
MAVERICK MEDIA, LLC

By their attorneys,

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# EXHIBIT "1"



City of Boston  
Board of Appeal

## DECISION OF THE BOARD ON THE APPEAL OF

August 29, 2023  
DATE

**Sons Divine Providence Inc.**

to provide relief from the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,  
at premises: **423 William F McClellan Highway, Ward – 01**

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.11 Sec.06	Billboard Signs	
Article 11, Section 7	Electronic Signs	electronic/digital
Art. 53, Section 28	Use: Forbidden	Use not identified in table "D"
Art. 53, Section 55	Sign Regulations	Insufficient front yard setback
Art. 53, Section 55	Sign Regulations	Max allowed height exceeded

Purpose: Erect an outdoor advertising device (digital billboard) consisting of a single monopole with back to back digital faces with dimensions of 14 ' by 48 ' (60' Height) facing William F. McClellan Highway, East Boston.

In his formal appeal, Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1214604 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, October 12, 2022, and again on, Tuesday March 21, 2023 and again on Tuesday, August 08, 2023

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 Boston Planning and Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 1, 2022, and discussed again on Tuesday, January 10, 2023, and discussed again on April 11, 2023, and discussed again on August 29, 2023 in accordance with notice and advertisement aforementioned, 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# ERT1184292 and April 21, 2021 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

423 William F McClellan HWY, Ward 01  
BOA1214604  
Date of Hearing: April 11, 2023  
Date of Reconsideration: August 29, 2023  
Permit: #ERT1184292  
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The property in question is located in the East Boston Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT1184292, to erect a digital billboard consisting of a single monopole with back-to-back digital faces facing the William F. McClellan Highway in East Boston, by the Building Commissioner for violations of Statute 1956, Chapter 665:

Article 11, Section 6	Billboard Signs;
Article 11, Section 7	Electronic Signs;
Article 53, Section 28	Use: Forbidden;
Article 53, Section 55	Front Yard Setback Insufficient;
Article 53, Section 55	Max Heigh Exceeded; and
Article 27T, Section 9	IPOD Enforcement.

This matter was originally heard by the Board on April 11, 2023. At that hearing, the Board determined that the Appellant did not advance sufficient reasons to establish that the conditions under which the Board may grant a Variance, Conditional Use Permit and an IPOD Permit specified in Article 7, Section 7-3, Article 6, Section 6-3 and Article 27T, Section 27T-9 of the Zoning Code had been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises; nor to cause the Board to come to a conclusion that this is a case where the specific site is an appropriate location for such use, nor that the use will not adversely affect the neighborhood, nor that the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by the use nor that adequate and appropriate facilities will be provided for the proper operation or extension of the use have been met, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

The Board (the members and substitute member/members sitting on this appeal) failed to reach a quorum on a motion to approve the requested relief on April 11, 2023; with 4 votes in favor and 3 votes in opposition. As a result, the applicant's appeal was denied.

Pursuant to Article 5, Section 5-3 of the Zoning Code, the Appellant requested reconsideration of the Board's initial decision to dismiss the appeal. The Board held a hearing on the Applicant's request for reconsideration on August 29, 2023. The Applicant was represented



City of Boston  
Board of Appeal

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

423 William F McClellan HWY, Ward 01  
BOA1214604  
Date of Hearing: April 11, 2023  
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by counsel at this hearing who presented the arguments for reconsideration of the April 11, 2023 denial of the request for zoning relief to the Board members. After hearing counsel's presentation, the Board sitting on that date voted 4-3 in opposition to a motion to deny the request for reconsideration as follows: Chair Sherry Dong (in favor); Secretary Norm Stembridge (in opposition); Katie Whewell (in opposition); Jeanne Pinado (in favor); Alan Langham (in opposition); Giovanni Valencia (in favor); and David Collins (in opposition). As the first motion failed to carry, the Board then voted as follows on a subsequent motion to approve the request for reconsideration: Chair Sherry Dong (in opposition); Secretary Norm Stembridge (in support); Katie Whewell (in support); Jeanne Pinado (in opposition); Alan Langham (in support); Giovanni Valencia (in opposition); and David Collins (in support).

As the Board (the members and substitute member/members sitting on this appeal) failed to reach a quorum on a motion to deny the request for reconsideration (4 votes in opposition and 3 in favor) and on a motion approve the request for reconsideration (4 votes in favor and 3 in opposition), the Board's April 11, 2023 denial of the requested relief stands as the final decision of the Board.



City of Boston  
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

423 William F McClellan HWY, Ward 01  
BOA1214604  
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Therefore, the Board (the members and substitute member/members sitting for this appeal at the hearing on April 11, 2023) is of the opinion that the Building Commissioner was justified in his refusal, and affirms the same.

APPEAL DISMISSED

Signed: September 05, 2023

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

Javier R. Salas Esq.  
Executive Secretary  
Board of Appeal

/s/ Sherry Dong  
Sherry Dong – Chair (Voted In Opposition)  
/s/ Norm Stembridge  
Norm Stembridge – Secretary (Voted In Favor)  
/s/ Katie Whewell  
Katie Whewell (Voted In Favor)  
/s/ Jeanne Pinado  
Jeanne Pinado (Voted In Opposition)  
/s/ Alan Langham  
Alan Langham (Voted In Favor)  
/s/ Giovanni Valencia  
Giovanni Valencia (Voted In Opposition)  
/s/ David Collins  
David Collins (Voted In Favor)