



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

Planning Division  
**ZONING BOARD OF APPEALS MEMBERS**  
ORSOLA SUSAN FONTANO, *CHAIR*  
DANIELLE EVANS, *CLERK*  
ELAINE SEVERINO  
JOSH SAFDIE  
DREW KANE (ALT.)

**Case #: ZBA 2018-159**  
**Site: 115 Beacon St**  
**Date of Decision:** May 1, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** May 15, 2019

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**ZBA DECISION**

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**Site: 115 Beacon Street**

**Applicant Name:** 115 Beacon Somerville, LLC  
**Applicant Address:** 6 Lexington St, 3<sup>rd</sup> Floor, Waltham, MA 02452  
**Property Owner Name:** Maryann Heuston  
**Property Owner Address:** 115 Beacon Street, Somerville MA  
**Agent Name:** Richard DiGirolamo  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**Ward Councilor:** J.T. Scott

Legal Notice: Applicant, 115 Beacon Street, LLC, and Owner, Maryann Heuston, seek Special Permits to build a 4-unit residential structure where a single-family structure now stands. Articles 4, 7, 8, & 9 of the SZO. NB zone. Ward 2.

<u>Zoning District/Ward:</u>	NB zone. Ward 2.
<u>Zoning Approval Sought:</u>	SZO Articles 4, 7, 8, & 9
<u>Date of Application:</u>	November 1, 2018
<u>Date(s) of Public Hearing:</u>	May 1, 2019
<u>Date of Decision:</u>	May 1, 2019
<u>Vote:</u>	5-0

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Case # ZBA 2018-159 was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on May 1, 2019. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. On May 1, 2019 the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**I.DESCRPTION:**

The details of this project appear immediately below along with the triggers for special permitting:

- Demolish the existing single-family structure
- Increase the total number of units at the locus from one (1) to four (4) by building a four-unit triple-decker *style* building (*Special Permit*)
- Retain mature tree at right of existing house
- Parking relief for five (5) spaces and providing all spaces as compact (*Special Permit*)
- Shared driveway access (use of 111 Beacon driveway) (*Special Permit*)
- Increase the GFA on the side by more than 25% (*Special Permit*)
- Re-landscape site
- Improve left side yard setback from .6” to 5.0’ (No side yard setback is required in the NB zone unless the abutting property is RA or RB which the left abutting property is not. The left side yard setback will be improved nonetheless under this proposal.)

**II. FINDINGS FOR SPECIAL PERMITS (SZO Articles 4, 7, 8, & 9)**

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the Somerville Zoning Ordinance (SZO). Also, in order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through the relevant sections of the SZO in detail.*

**1. Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

**2. Compliance with Standards:** *The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review.”*

**Nature of Application:**

**Article 9 of the SZO**

Section 9.13a of the SZO allows a Special Permit Granting Authority (SPGA), in this case, the ZBA, to grant relief from parking requirements under special permit when a project triggers Article 13 of the SZO, (inclusionary housing) as this one does. The total number of parking spaces of relief required for this proposal is five (5). All parking spaces will be compact in size (8x16).

Dwelling Unit	Existing Bdrs.	Parking Req.	Dwelling Unit	Proposed Bdrs.	Parking Req.
Unit 1	2	1.5	Unit 1	2	1.5
Unit 2	n/a	n/a	Unit 2	2	1.5
Unit 3	n/a	n/a	Unit 3	2	1.5
Unit 4	n/a	n/a	Unit 4	2	1.5

**Total: 1.5**

**Total: 6.0**



Formula:

*new parking requirement – old parking requirement = # of spaces of relief needed\**

$$6.0 \text{ spaces} - 1.5 \text{ spaces} = 5.0 \text{ spaces of relief (rounded from 4.5)}^1$$

The Applicants proposal requires five (5) parking spaces of relief. By providing a total of four spaces (on parking space per unit, this proposal is in-line with the ZBA's preference for not over-parking a site. This area is well-served by other modes of transportation: the 83 and 86 MBTA bus routes and a Hubway (bike exchange) station on nearby Kirkland Street.

In addition, the Applicant proposes sharing the driveway with the abutting property at 111 Beacon Street in order to provide access to this parcel. In order to share a driveway to reach parking on another lot, a special permit is required under SZO section 9.13.c.

Employing a shared driveway between 111 Beacon and 115 Beacon allows the Applicant to retain the large, mature tree growing to the right of the existing single-family structure at 115 Beacon. Retaining this tree was important to the neighborhood.

Further, a shared access drive allows for an existing curb cut to continue serving both properties (111 Beacon and 115 Beacon) as it currently does today. Reducing the number of curb cuts along city streets - particularly along very busy thoroughfares such as Beacon Street - helps to minimize the number of pedestrian-vehicle conflicts that can occur at the intersection of a city sidewalk with the entry/exit to a parcel.

***In order to grant the parking relief, the following criteria must be assessed:***

1. *Increase in traffic volumes*

While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, the Board finds that such increase in traffic would diminish once the project is completed. It is possible that if each of the future residents park a car on-site, that there will be more traffic coming and going from the property than usual. However, as the times that people leave for/return from work and errands vary, there is no expectation of increased traffic volumes or queueing of vehicles at any point in the day.

2. *Increased traffic congestion or queueing of vehicles*

See item #1 above.

3. *Change in the types of traffic*

There will be more construction-type traffic during the construction phase of the project. Post-construction, the traffic to-and-from the site will be largely residential in nature.

4. *Change in traffic patterns and access to the site*

The traffic pattern in the area will not change. The site will be accessed from the same location as current.

<sup>1</sup> When this result is a negative number or >1, no parking relief is needed.

5. Reduction in on-street parking

It is possible that granting relief for 5.0 parking spaces could create an increase in on-street parking in the area, depending on the number of vehicles owned by each future household on the site.

6. Unsafe conflict of motor vehicle and pedestrian traffic

As the location for vehicular entry/exit to the site will be the same as current, using the same curb cut, there is no anticipation of additional conflicts between vehicular and pedestrian traffic at this location.

**§4.4.1 of the SZO**

***This portion of the SZO states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”***

The existing single-family structure presents a GFA of 2,071 square feet. After the demolition of the existing building and the construction of the new four-unit structure, the GFA on the site will increase by more than 25% to 4,644 square feet.

**§7.11 of the SZO**

This portion of the SZO provides a table that indicates the permitted uses in each zoning district. 7.11.1.c indicates that 4-6 residential units may exist in the NB district through the issuance of a Special Permit. Beacon Street and the surrounding intersecting streets present a few single-family structures but are replete with two-, three-, and multi-unit buildings and mixed-use sites. The increase in the number of units on this site is consistent with the mixed density levels in the surrounding area.

The new four-unit structure will be built in a triple-decker style with architectural detailing reflective of that proposed for the renovated triple decker at 111 Beacon Street. The triple-decker style is replete across the city, with this immediate area proving to be no exception. The building is sited such that it will provide additional “breathing room” between it and the abutting structure to its left, 117 Beacon Street, by improving the left side yard setback. The construction of this new building will help provide a visual consistency along this portion of the street wall.

***The Board also made the findings regarding the following:***

Traffic volumes

The Board has already addressed this issue earlier in the report but reiterates its position here:

While there may be some up-tick in construction traffic to and from the site during the construction phase of the project, the Board finds that such increase in traffic would diminish once the project is completed. It is possible that if each of the future residents park a car on-site, that there will be more traffic coming

and going from the property than usual. However, as the times that people leave for/return from work and errands vary, there is no expectation of increased traffic volumes or queueing of vehicles at any point in the day.

Traffic congestion

See “traffic volumes” immediately above.

Adequacy of municipal water supply and sewer capacity

As with all projects of this nature, the Applicant is required to submit their engineering plans to the Engineering Department for their review and approval (or modification). While any increase in the number of bedrooms can add additional burden to municipal systems, the Engineering Department will assess the impact that any of these new connections may have on municipal systems.

The scale of the landscaping being installed will increase the permeability of this parcel. It is unusual to have this amount of green space provided in the heart of a busy urban square. The amount of green space being opened up will allow more stormwater to percolate through the site rather than flow into the municipal system. The Board has also conditioned this report to further increase the permeability of the site by requiring the parking spaces to be constructed of pea stone or pervious paving rather than the asphalt proposed in the plan.

Noise, odor

The neighborhood can anticipate the additional noise and odor that goes hand-in-hand with construction projects such as this. In a densely-built urban environment, this may be particularly noticeable. However, any uptick in noise and/or odor(s) is expected to be temporary in nature and is expected to last only the duration of the construction portion of the project.

All Applicants are required to provide demolition and construction plans to the Inspectional Services Department (ISD) for their review and approval prior to the issuance of a building permit. Applicants will have to demonstrate how they will contain dust and debris associated with demolition and construction. Submission of a demolition plan to ISD is a condition attached to the Board’s recommendation for this project.

As in all situations, if abutters become concerned about noise, dust, debris, and the like, then they will need to contact ISD and/or 311 and register their concerns.

Scale

The Applicant proposes a second principal structure on the site that is subservient to the original triple decker due to its proposed location and scale/massing. The new structure is proposed to be set back on the lot such that it does not visually distract from the existing triple-decker that sits along the street front.

On-street parking

The requested relief is for five (5) on-site parking spaces. It is possible that occupants of the residential units may have more than one car for which parking will need to be found on surrounding streets or other private, individual parking accommodations will need to be made.

Shading

Regarding the new 4-unit structure, this building is flanked by a tall, mature tree which is already capable of casting significant shadow on abutting properties. It is possible that some shadowing of left-abutting



property will be created by this new structure given that it is a longer building, but one that is only two (2) feet higher than the existing single-family structure.

Visual effects and neighborhood character

The Board finds that the construction of this triple-decker style building will have a positive visual impact on the character of the neighborhood and this portion of the streetscape when viewed from multiple locations along the public way.

**3. Purpose of District: *The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.***

The Board finds that the proposed project is compatible with the purpose of the NB district which is: “[t]o establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

**4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.***

The Board has addressed this item already throughout the report.

**5. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”***

The Board finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to, promot[ing] the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

**6. SomerVision Plan:**

The proposed project is consistent with SomerVision in the following manner(s):

- visually improves an existing property
- adds 3 new residential units to the City’s housing stock<sup>2</sup>

**7. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and***

<sup>2</sup> Since the existing property presents one (1) unit, and the new building will present four (4), the next increase in number of new units in the city is three (3).





*determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

The proposal will not add to the City’s affordable housing stock.

**III. DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Drew Kane and Anne Brockelman. Upon making the above findings, Susan Fontano made a motion to approve the request for Special Permits. Josh Safdie seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to increase the total number of units on the site from 1 to 4 through the demolition of the existing single-family structure, and the construction of a four-unit building. Increase the GFA by more than 25%, parking relief for 5 spaces, shared driveway access.	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>November 1, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>February 6, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	November 1, 2018	Initial application submitted to the City Clerk’s Office	February 6, 2019	Updated plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	November 1, 2018				Initial application submitted to the City Clerk’s Office					
February 6, 2019	Updated plans submitted to OSPCD									
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
<b>Engineering</b>										
2	The Applicant must contact the Engineering Department to obtain street addresses prior to a building permit being issued.	BP	Eng							
3	The Applicant shall complete the Site Plan Review Checklist and supply the information to the Engineering Office. The plans must comply with the City’s Stormwater Management Policy.	BP	Eng.							

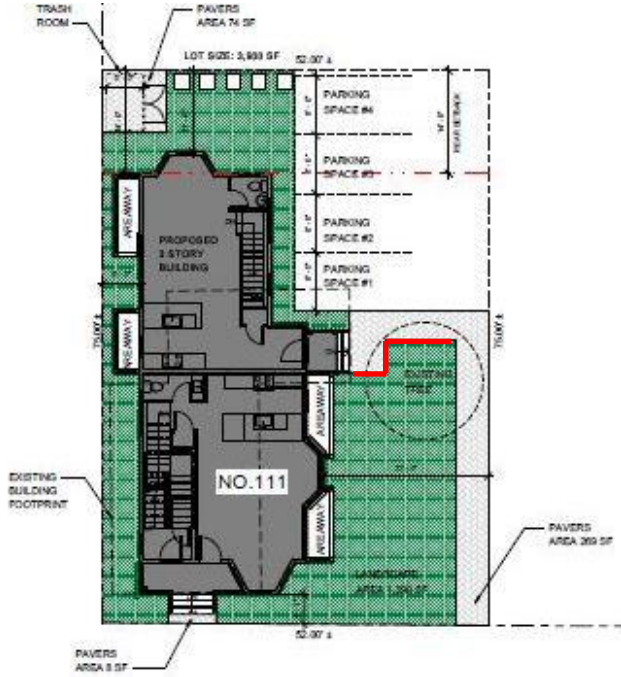


4	New sanitary connection flows over 2,000 GPD require a removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment, established by the City Engineers Office, to the City based on the cost per gallon of I/I to be removed from the sewer system and a removal ratio of 4:1. If a different ratio of removal or mitigation payment amount is adopted by the Board of Aldermen prior to the Applicant receiving a Certificate of Occupancy, payment will be adjusted to the BOA rate. The Applicant shall work with Engineering and meet this condition before a certificate of occupancy is issued.	CO	Eng.	
5	The Applicant shall submit a proposed drainage report to the City's Engineering department (stamped by a registered PE if requested by the City Engineer) that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
6	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	
7	The Applicant shall contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	Eng.	
8	The applicant must comply with the: "Policy for new connections to and modifications to existing connections to the municipal sewer and drainage system stormwater management and infiltration/inflow mitigation." The Applicant shall work with Engineering to meet this condition and provide the required fees/mitigation.	BP	Eng.	
<b>Construction Impacts</b>				
9	The Applicant shall post the names and phone numbers of the contractors, including the general contractor, at the site entrance where it is visible to people passing by.	During Construction	ISD	
10	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed





11	The Applicant shall, at his expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
12	All construction materials and equipment shall be stored on-site. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
<b>Design</b>				
13	Applicant shall provide material samples for siding, trim, windows, and doors and the like to Planning Staff for their review and approval prior to construction. No vinyl, including PVC, shall be allowed. Preference given to natural materials.	BP	Plng.	
14	Any rooftop mechanical equipment shall be screened so as it is not visible at ground level.	CO	Plng.	
<b>Site</b>				
15	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
16	All materials to be used for hardscape shall first be supplied to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
17	Any fencing and retaining wall materials shall first be supplied to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
18	If the site needs to be serviced by a transformer, an updated landscaping and site plan shall be submitted showing the location thereof.	BP	Plng/ISD	
19	All trash, recycling, mechanicals, including transformers, shall be screened from the public way and from the view of abutting properties. All screening materials shall be submitted to Planning Staff for their review and approval prior to ordering and installation.	BP	Plng/ISD	
20	All utility/power lines to the new structure shall be buried.	CO	ISD/Plng/ Wiring- Electrical	
21	All parking spaces shall be constructed of permeable pavers or pea stone or similar and shall first be reviewed and approved by planning staff prior to installation. No polymeric sand shall be used.	Prior to installation/ CO	ISD/Plng	
22	An arborist shall be retained to assess the existing mature tree and develop a plan to protect the tree (root system) during the construction process. The tree protection plan shall be uploaded to CitizenServe by the Applicant and shall be implemented prior to the issuance of a building permit.	BP	ISD/Plng	

	<p>A 3-foot wood fence shall be erected along the back portion of the walkway adjacent to the green space with mature tree at the front of the parcel. In addition, evergreen shrubs and seasonal perennials shall be planted in front of this fence to soften the appearance of the area. The area is indicated in red on the site image below taken from page A-020 of the approved plan set immediately below:</p> 	CO	ISD/PIng	
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<b>Miscellaneous</b>				
23	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well-kept and in good and safe working order.	Perpetual	ISD	
24	The property shall be serviced by a snow removal contractor and all snow shall be carted off-site. That a snow removal contractor shall be engaged must be written into the condo docs.	CO	ISD	
25	There shall be no loitering by project workers on the project site. All personnel shall be respectful of abutting properties and shall not leave equipment or vehicles idling, shall not play loud music at the site, shall not engage in loud conversation prior to or after permitted working hours.	During construction	ISD	
26	All construction waste shall be stored neatly on-site and carted away on a regular basis.	During construction	ISD	
27	Food waste shall be removed from the site daily.	During construction	ISD	

28	Rodent baiting shall be performed as-necessary.	During construction	ISD	
29	Construction and construction-related activity shall occur between the hours of 7:30pm and 5:00pm Monday through Friday only. There shall be no construction or construction-related work occurring on weekends or holidays, including deliveries.	During construction	ISD	
31	All trash and recycling shall be removed from the premises through a private hauling company. This shall be written into the condo documents.	CO	ISD	
32	A binding agreement ensuring a shared access drive in perpetuity between 111 Beacon Street & 115 Beacon Street must be executed, recorded and proof thereof submitted to Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
<b>Public Safety</b>				
33	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements including, but not limited to, sprinkling/fire suppression.	CO	FP	
34	The Applicant shall submit a construction traffic management plan to the Traffic and Parking division for their review and approval. Plan should include delivery locations, delivery windows, anticipated number of vehicles, parking proposals and the like. Traffic and Parking shall be responsible for reviewing (if necessary, amending), and signing off on the plan.	BP	T&P	
35	All exterior lighting shall be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
36	Barbeques, grills, chimineas, and the like are not permitted on decks or porches per Somerville fire safety regulations.	Perpetual	ISD/Fire Prevention	
37	A full utility and electrical plan shall be submitted to the Lights and Lines, Wiring/Electrical Inspector for review and approval prior to the issuance of a building permit. Location of any transformers shall be subject to approval by Lights & Lines.	Electrical permits & CO	Lights and Lines/Wiring/electrical/ISD	
38	Utility meters shall not be installed on the front façade of either the existing triple-decker or the new, 3-unit structure	CO	ISD/Plng	
39	All venting and piping shall be wrapped or painted to match the color of the portion of the building from which they protrude.	CO	ISD/Plng	
<b>Final Sign-Off</b>				
40	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans, *Clerk*  
Josh Safdie  
Anne Brockelman  
Drew Kane (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_

Monique Baldwin

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

