



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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GERARD AMARAL, (ALT.)

Case #: PB 2017-01
Site: 67 Broadway
Date of Decision: March 2, 2017
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 6, 2017

PLANNING BOARD DECISION

Applicant Name:	CAS Foundation
Applicant Address:	9 Bartlet Street, Suite #335, Andover, MA 01810
Property Owner Name:	67 Broadway Realty Trust
Property Owner Address:	P.O. Box 281, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, CAS Foundation, and Owner, 67 Broadway Realty Trust, seek a Special Permit under SZO §7.15 to establish a Medical Marijuana Facility in the existing structure.

<u>Zoning District/Ward:</u>	CCD 55 Zone and Medical Marijuana Overlay District/Ward 1
<u>Zoning Approval Sought:</u>	§7.15
<u>Date of Application:</u>	December 28, 2016
<u>Date(s) of Public Hearing:</u>	2/16 & 3/2/17
<u>Date of Decision:</u>	March 2, 2017
<u>Vote:</u>	5-0

Appeal #PB 2017-01 was opened before the Planning Board at Somerville City Hall on February 16, 2016. 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. After one hearing of deliberation, the Planning Board took a vote.



DESCRIPTION:

Background: In 2012, Massachusetts voters approved a statewide medical marijuana initiative petition. This ballot question received overwhelming support by voters in Somerville. Shortly after the adoption, the City of Somerville placed a moratorium on medical marijuana dispensaries while it developed guidelines for appropriate siting of dispensaries and a rigorous procedure for review and license. The process was designed to serve the community and reflect proposed new citywide zoning regulations. However, the zoning overhaul was delayed and the moratorium expired.

Therefore, the Planning Division recommended that the City establish a medical marijuana dispensary ordinance to permit dispensaries in appropriate locations in the City. Planning Division staff further proposed that a special permit would be required for final approval. This action would allow dispensaries to move forward in Somerville. The medical marijuana dispensary ordinance was adopted by the Board of Aldermen on February 25, 2016.

The ordinance incorporates an overlay district and map, indicating specific lots where a medical marijuana facility can locate. Based upon extensive research and feedback with the community and the Board of Aldermen, the staff undertook a strategy to: 1) permit dispensaries in vibrant business and mixed-use districts, with convenient access by public transportation; 2) treat dispensaries as a pharmaceutical operation; and 3) encourage dispensaries to locate in retail spaces that will complement the neighborhood and the City's neighborhood planning and development goals. While many other communities have encouraged dispensaries to be far from urban activity, the Somerville community embraced this approach as being consistent with the vision and character of the SomerVision plan

CAS Foundation: The proposal is to renovate the existing building to establish a registered medical marijuana dispensary (RMD) of approximately 4,294 square feet of net floor area. The first floor will be designed for reception, consultation, and sales. The upper floor will be reserved for employees only. The existing garage will be used for a loading zone and storing a home delivery vehicle. The surface parking lot will remain and will serve patients and employees.

FINDINGS FOR SPECIAL PERMIT (SZO §7.15):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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."*

Pursuant to Section 7.15 of the SZO, Medical Marijuana Facilities shall only be permitted under the following circumstances:

a. *A Medical Marijuana Facility shall be permitted by special permit in the Medical Marijuana Overlay Districts.*

The proposed location is within one of the Medical Marijuana Overlay Districts.

b. *Medical Marijuana Facilities shall comply with the siting requirements in the overlay districts set forth in the City of Somerville Zoning Map with respect to distance from schools, daycare centers, and facilities in which children commonly congregate. These siting requirements have been developed to incorporate adequate*



separation, in a manner that is appropriate for Somerville's urban context, from schools, daycares and places where children congregate. For this reason, the overlay districts shall serve as a local requirement to supersede the provisions of 105 CMR 725.110(A)(14).

The proposed location complies with the siting requirements of the Medical Marijuana Overlay Districts set forth in the City of Somerville Zoning Map.

- c. *Medical Marijuana Facilities must be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and must comply with all applicable state and local public health regulations and all other applicable state and local laws, rules, and regulations.*

The proposed Medical Marijuana Facility is currently in the process of obtaining a Final Certificate of Registration (FCR) with the Commonwealth of Massachusetts's Department of Public Health. Successful municipal permitting is required to obtain a FCR. A condition of approval will be that Sage Cannabis obtains an FCR prior to the issuance of a Certificate of Occupancy from the City of Somerville Inspectional Services Department (ISD).

- d. *The special permit granting authority shall be the same board that issues special permits for the underlying zoning district.*

The Planning Board is the Special Permit Granting Authority in the CCD 55 zoning district.

- e. *A special permit shall only be approved if the special permit granting authority determines that the use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance.*

The Board finds that the proposed use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance.

- f. *A Medical Marijuana Facility shall be limited to ten thousand (10,000) square feet in net floor area.*

The proposed Medical Marijuana Facility contains 4,294 square feet in net floor area.

- g. *A Medical Marijuana Facility shall be subject to the minimum parking requirements under Article 9 of the ordinance. The number of required parking spaces shall be set based upon the requirement for a Retail Sales/Rental or Retail and Service uses of this ordinance.*

The minimum amount of off-street parking spaces for a Retail Sales/Rental or Rental and Service use in the CCD-55 zoning district is 1 space for 800 net square feet. The proposed dispensary will occupy approximately 4,294 net square feet; therefore, the proposal will require 5 (rounded down from 5.37) off-street parking spaces. The parking lot is proposed to be improved and will include a total of 17 off-street parking spaces. The parking lot will include 13 standard sized parking spaces (two of which are handicapped) and four 8'x16' compact parking space. It is important to note that there are three spaces that are not counted in the overall total that are located in the garage, which are reserved for employees of the RMD and will be the first to arrive in the morning and the last to leave in the evening. There are also two loading bays in the garage for deliveries and storing the home delivery vehicle.

- h. *The applicant shall be required to submit a traffic and parking study to determine any traffic mitigation or additional parking needs.*

The Applicant has submitted a Parking Study and Trip Generation memorandum. Refer to Section II.6 of this report for Staff findings.

- i. *Signage for the facility must:*



a. *Meet the regulations of the underlying zoning district.*

The proposed signage will be located where the existing signage is located on the building, which is above the ground floor window sills to the left of the front entrance and on the left elevation towards Broadway above the ground floor window sills, which conforms to SZO Section 12.4. The Board recommends a condition that the Applicant shall submit more detailed sign drawings for the design to be reviewed and approved by Planning Staff prior to the issuance of a building permit.

b. *Incorporate no internal illumination.*

The existing signs are not internally illuminated nor will the proposed signs be internally lit.

c. *Be subject to review and approval of the SPGA as a part of the special permit application.*

As proposed, the Board finds that the proposed signs will fit in with the character of the neighborhood. The condition that the final design be reviewed and approved by Planning Staff ensures that the signs will be designed to be compatible with the structure and the surrounding neighborhood. The proposed sign is designed in such a way where no medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are not used.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote 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 lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, "to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.

The proposal is also consistent with the purpose of the Medical Marijuana Overlay District, which is, "to establish area where Medical Marijuana Facilities may be permitted subject to Section 7.15."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The locus is located on the north side of east Broadway at the intersection with Pennsylvania Avenue, which is a residential street. The height of structures in the surrounding neighborhood,



particularly along this section of east Broadway, ranges from one-story to three-story structures. This particular stretch of east Broadway includes residential and mixed land uses.

Impacts of Proposal (Design and Compatibility):

SZO §6.1.22.H. Design Guidelines for the CCDs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.

1. Building(s) should complete the streetwall along the primary street edge(s).

The existing building is oriented toward the street and provides a streetwall along the primary street edge; however, the parking lot does not. The Board recommends a condition that the Applicant install a metal ornamental fence around the parking lot, to be reviewed and approved by Planning Staff, to help complete the streetwall along the primary street edge.

2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.

N/A

3. A transition in height should be established between residential or historically designated properties and new development.

N/A

4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.

N/A

5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

The existing structure is clad in stucco with a rear addition that is clad in vinyl. The existing stucco facade is a stark contrast from surrounding buildings and does not blend into the neighborhood well. Most structures along this section of Broadway use horizontal siding panels. The Board recommends a condition that the entire structure be clad in one material, horizontal cementitious siding, which is a high quality, durable, and aesthetically appropriate material.



6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.

See #5 above.

7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

As proposed, the Board finds that the proposed signs will fit in with the character of the neighborhood. The condition that the final design be reviewed and approved by the Board ensures that the signs will be designed to be compatible with the structure and the surrounding neighborhood. The proposed sign is designed in such a way where no medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are not used.

8. Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.

The proposed retail-type use will occupy the ground floor level of the structure.

9. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.

N/A

10. Residential units should be of varying sizes to accommodate a range of family sizes. Generally dwelling units within a structure should not have an average size of less than 1,000 square feet.

N/A

11. A sidewalk depth of at least ten (10) feet from the street curb to building is strongly encouraged for developments fronting major streets.

The existing sidewalk is approximately ten feet wide along Broadway.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*



Impacts of Proposal (Environmental): There will be no adverse environmental impacts on the surrounding area as a result of the proposed use. There will be no onsite consumption of the marijuana products nor is public consumption of medical marijuana products allowed in the Commonwealth of Massachusetts.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): A Trip Generation memorandum has been submitted as part of the application. The study concluded that the project is expected to generate approximately one vehicle trip every four minutes during the A.M. and P.M. peak hours, which will have minimal impact on area traffic operations. The Applicant is also proposing to close the driveway opening along Pennsylvania Avenue, which will add an additional parking space on the street and prevent vehicles from travelling onto Pennsylvania Avenue. The Broadway curb cut will be the only point of entry for vehicles entering the site.

The CAS foundation has expressed a commitment to promote transit accessibility, walkability, and bikeability to patients and staff. Their specific commitment includes the following:

- *Home Delivery Service* – the RMD will offer home delivery service to patients, which will limit the need for patients to travel to the Project site.
- *Mobility Alternatives* – Encourage employees to use ridesharing services (Uber, Lyft) for the last half-mile connection between the Project site, Sullivan Square Station, and other destinations to reduce employee parking needs.
- *Project Website* – the RMD’s website will provide information detailing travel options to the site, including MBTA service options, Hubway, and home delivery service. The nearest Hubway facility is approximately 1,000 feet from the project site at the intersection of Broadway and Mount Pleasant Street.
- *Short-Term Bicycle Parking* – Encourage patients to use a bicycle to visit the site by providing short-term bicycle racks on-site.

Additionally, the Board is recommending a condition that the Applicant shall provide the following for their staff: public transportation subsidies for MBTA passes, provide information on different transportation options for all new hires, promote the use of HubWay or other bike sharing services, and provide lockers on-site.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no adverse impact on the stock of existing affordable housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This section of East Broadway is marked as an area to Enhance in the SomerVision Map. The proposal will enhance the buildings appearance and add to the range of services provided in the neighborhood.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	2	0
<u>Commercial Sq. Ft.:</u>	1,460	4,294



<i>Estimated Employment:</i>	unknown	40
<i>Parking Spaces:</i>	14	17

DECISION:

Present and sitting were Members Kevin Prior, Michael Capuano, Dorothy Kelly Gay, Rebecca Lyn Cooper and Gerard Amaral with Joseph Favaloro absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for the establishment of a Medical Marijuana Facility. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.		
	Date (Stamp Date)				Submission
	December 28, 2016				Initial application submitted to the City Clerk’s Office
	October 9, 1997				Plot Plan submitted to OSPCD
	November 17, 2016				First floor security plan submitted to OSPCD (A.00.08)
	November 30, 2016				Existing conditions plans submitted to OSPCD (X.00.00, X.00.01, X.00.02, and X.00.03)
	December 23, 2016				Proposed plans submitted to OSPCD (A.00.00, A.00.01, A.00.02, A.00.03, A.00.05, and A.00.06)
	January 25, 2017				Exterior rendering submitted to OSPCD (A-03)
	January 27, 2017				Proposed site plan from Design Consultant, Inc. submitted to OSPCD
Any changes to the approved plan, signs, or use that are not <i>de minimis</i> must receive SPGA approval.					
Pre-Construction					



2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction, if necessary. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng	
3	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.	BP	Eng.	
Construction Impacts				
4	The Applicant shall at their 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	
5	All construction materials and equipment must be stored onsite. 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	
Traffic & Parking				
6	The Applicant shall make best efforts to locate bike parking inside of the building for employees.	CO	Plng.	
7	The Applicant shall provide the following for their staff: public transportation subsidies for MBTA passes, provide information on different transportation options for all new hires, promote the use of HubWay or other bike sharing services, and provide lockers on-site.	Ongoing	Plng.	
8	The Applicant shall promote public transportation accessibility for patients on their website and other advertising mediums.	Ongoing	Plng.	
9	The maximum parking lot aisle shall be twenty feet wide.	CO	Plng.	
Design				



10	The entire structure shall be clad in one material, horizontal cementitious siding, which is a high quality, durable, and aesthetically appropriate material. Applicant shall provide final material samples for siding, trim, windows, signage, fencing, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
11	The Applicant shall install and maintain a strip of landscaping along the property's Pennsylvania Avenue frontage. A plan shall be submitted to Planning Staff for review and approval prior to construction.	BP	Plng.	
12	The existing window grills shall be removed and the privacy film proposed on the windows shall be submitted for Planning Staff review and approval prior to the start of construction.	BP	Plng.	
13	A metal ornamental fence shall be installed around the perimeter of the parking lot. The design of the fence shall be submitted for Planning Staff review and approval prior to the start of construction.	BP	Plng.	
Miscellaneous				
14	The hours of operations shall be limited to 9 a.m. to 9 p.m. Monday through Saturday and 9 a.m. to 6 p.m. on Sunday.	Ongoing	ISD / Plng.	
15	The Applicant will abide by all provisions of the covenant with the City of Somerville that is signed prior to the PB approval.	Ongoing	Plng.	
16	Applicant must remain in compliance with all state regulations for medical marijuana and shall maintain the operational and security program as provided in the PB application and the submittal to the Medical Marijuana Advisory Committee	Ongoing	Plng.	
Signage				
17	The Applicant shall submit more detailed signage information for review and approval from Planning Staff prior to construction.	BP	Plng.	
Public Safety				
18	The Applicant shall meet the requirements of the Fire Prevention Bureau.	CO/Cont.	Plng.	
Final Sign-Off				
19	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 Planning Board:



Kevin Prior, Chairman



Michael A, Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper



Gerard Amaral

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 _____

