



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE (ALT.)
BRANDY BROOKS (ALT.)

Case #: ZBA 2014-56
Site: 204 Morrison Avenue
Date of Decision: August 20, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 25, 2014

ZBA DECISION

Applicant Name:	Ronald E. Dynneson & Linde S. Dynneson
Applicant Address:	221 Morrison Avenue, Somerville, MA 02144
Property Owner Name:	Ronald E. Dynneson & Linde S. Dynneson
Property Owner Address:	221 Morrison Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicants and Owners, Ronald and Linde Dynneson, seek a Special Permit with Design Review under SZO §7.11.3.g for a change in use to a Historic Bed and Breakfast. The Applicants also seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure, which includes the addition of dormers and an enlargement of the existing rear addition.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§7.11.3.g & §4.4.1
<u>Date of Application:</u>	June 12, 2014
<u>Date(s) of Public Hearing:</u>	August 20, 2014
<u>Date of Decision:</u>	August 20, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-56 was opened before the Zoning Board of Appeals at Somerville City Hall on August 20, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicants propose to become a Historic Bed & Breakfast (SZO §7.11.3.g); to alter the existing structure to incorporate six guest rooms and an Innkeepers Suite.

Historic Preservation Commission: The Applicants have begun the historic designation process to utilize the Historic Bed & Breakfast use. The Historic Preservation Commission voted to support the Preliminary Study Report for historic designation on July 15, 2014. This Report has been sent to the Massachusetts Historical Commission as the next step in the designation process. Approval for this use will be contingent upon designation as a local historic district. At this meeting, the HPC also reviewed the proposed alterations to the building and provided comments regarding appropriate changes to a future local historic district. The Applicant incorporated these comments into the proposed design.

Alterations to the building include the addition of three gable dormers and an enlarged rear addition. Two dormers will be located on the left side roof plane and look toward Grove Street. A third dormer will be located on the right side roof plane, consistent with those on the other side. Each dormer will have one sash window in the gable with return eaves for compatibility with the Italianate style of the house. The rear addition will add 72 square feet of living space and have one window on both the first and second floors. The rear porch will be moved forward so the front of the porch is flush with the side façade of the building. The altered porch will also incorporate a wheelchair lift at the rear and will be consistent with the existing porch with regard to Italianate style architectural detail. The resulting net floor area will be 3013 with a 0.33 floor area ratio.

Alterations to the site plan include demolition of the existing garage/shed at the rear of the driveway, the addition and screening of three parking spaces, new fencing, a rear patio and enhanced landscaping. The Applicants have proposed to demolish the existing garage/shed. This was determined by the HPC on July 15, 2014 to be "Significant" and will return on August 18, 2014 for a determination of "Preferably Preserved." Removing the garage will enable additional parking at the rear of the lot, for a total of 4 spaces which includes one ADA space. This additional parking will be screened with fencing, landscaping, and a new garden shed. A 3.5' split rail fence will be located along the Grove Street and Morrison Avenue property lines and a 5'-8" fence will be located around the parking to mitigate views. As the type of fencing proposed will enable vegetation to climb, this will incorporate landscaping to mitigate views of parking. A rear patio will be installed behind the existing dwelling with a path to the parking area and to the ADA lift. Last, the landscaping (54%) will be enhanced to include a garden shed, additional vegetation, and a meandering pathway.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.13.g & §4.4.1):

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 §5.2.5 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."*

Use: The Applicant requires a Special Permit with Design Review to establish a Historic Bed and Breakfast use under §7.11.3.g of the SZO. Upon local historic district designation, the proposal will meet the requirements for a



Historic Bed and Breakfast described under §7.12.3. The Applicants are providing no more than the permitted number of guest rooms (6), and the guest rooms do not include cooking facilities. A common gathering area is maintained for guest use on the first floor. As a condition of this report, the Innkeeper, otherwise known as the operator, is required to use 204 Morrison Avenue as their principle residence, and shall be on the premises when services are being provided. At a minimum, the operator will be on the premises overnight and for breakfast.

Structure: The Applicant requires a Special Permit under SZO §4.4.1 to add a dormer on the right side façade as well as to modify the rear addition due to the nonconforming side yard setback.

In considering a special permit under 4.4 of the SZO, the Board finds that the alteration proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer will adhere to Historic Preservation Commission standards and is an appropriate for the district.

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 proposal is consistent with the purpose of the RA district, §6.1.1, which is, "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

The proposed use, a historic B&B, is compatible with the existing neighborhood and does not propose to alter the site or the building greatly. Rather, this use will retain the character of the streetscape and the neighborhood.

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 immediate neighborhood is predominantly residential, with a mix of single-, two-, and three-family homes. The property is in close vicinity to both RB and CBD zoning districts and to College Avenue, a highly traveled street in Davis Square. The Davis Square T-Station is about a two minute walk from the property.

The dormers and rear addition are appropriate to the building and compatible with the neighborhood. The use requires that the parcel become a local historic district, whereby exterior changes visible from a public way are subject to review. In addition, this use retains the character of the building and streetscape.

The project also complies with the applicable design guidelines for developments within a residence zone under §5.1.5 of the SZO:

Design Guidelines for Residence Zones.

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.*
2. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*
3. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*
4. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps*



by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).

5. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*
6. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*
7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*
8. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

- The building will predominantly retain the existing form.
- Original materials will be restored under HPC regulations.
- The alteration to the addition creates a common form throughout the City. Various components of the altered rear addition will signal this is not original to the building; HPC regulations also encourage that later changes be understood.
- The driveway will not be altered, but additional parking will be located at the rear. Parking will be screened by the garden shed, fencing and vegetation.
- A transformer is not necessary.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The proposal meets the accepted standards and criteria for a functional design. The building will have three dormers and the rear addition will be enlarged. The garage/shed will be demolished and four parking spaces will be located at the rear along with a patio and ADA lift near the porch.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

The approval of a Special Permit with Site Plan Review shall be contingent upon a determination by the City Engineer that no adverse impact on public systems will result from the proposed development.

7. 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.”*

The proposed use will not constitute an adverse impact on the surrounding area.

8. 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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting “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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; and increase the amenities of the municipality.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

The existing structure will be retained and the garage/shed will be demolished.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The existing dwelling will be retained; the site will be altered to incorporate more on-site parking.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

While additional review is required of drainage plans, any approval of the Special Permit with Site Plan Review should be conditional upon approval by the City Engineer of such plans and determination that no adverse impact would result to the drainage system from the design of the project. Planning Staff therefore proposes a condition for the Applicant to demonstrate that the project meets the current City stormwater policy and that utility and drainage plans be submitted to the Engineering Department for review and approval.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The Applicant is seeking local historic district designation through the Historic Preservation Commission.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or*



a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

Retaining the existing building and character of the streetscape enhances the appearance of the City.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

Lighting will be appropriate for a historic B&B as well as residential neighborhood. Staff has added a lighting condition that lighting not interfere or spill onto adjacent properties.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

Emergency access is provided from Morrison Avenue.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

Vehicles entering and exiting the site would do so in a forward manner onto and off of Morrison Avenue. The existing curb cut is not proposed to change.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

A condition will also state that utility cables and equipment should be painted to match the facade or screened from view.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

The project does not propose a detrimental effect to adjacent properties or the general neighborhood; rather, the project proposes to enhance the neighborhood and streetscape as well as provide an amenity to Davis Square.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

In a residential district, 12 sf of signage is allowed. The Historic Preservation Commission also regulates signage.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

There will be no transformer, but parking will be screened by the garden shed, fencing, and landscape.

21. Screening of Parking:



Parking for 4 will be screened by the garden shed, fencing, and landscape.

In addition to the above criteria and objectives listed above, the proposed development shall take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville.

The City is working with residents to create a Davis Square neighborhood plan, but this is not yet complete.

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

This proposal does not have an effect on existing or future affordable housing.

22. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	1
<i>Estimated Employment:</i>	0	1
<i>Parking Spaces:</i>	2	4

The proposal complies with SomerVision through preserving the streetscape and neighborhood, providing an amenity to the community, and retaining a corner of green space for the neighborhood to appreciate



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit with Design Review and a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals 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 Special Permit with Design Review under SZO §7.11.3.g for a change in use to a Historic Bed and Breakfast, and a Special Permit under SZO §4.4.1 to alter a nonconforming structure, which includes the addition of dormers and an enlargement of the existing rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(June 12, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 2014 (August 13, 2014)</td> <td>Existing plans submitted to OSPCD (1, 2, 3, 4, & 5)</td> </tr> <tr> <td>August 8, 2014 (August 13, 2014)</td> <td>Plans submitted to OSPCD (Cover, Existing photos & Site Plan, Proposed Site Plan, Proposed Floor Plans, Proposed Elevations, & Renderings)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(June 12, 2014)	Initial application submitted to the City Clerk's Office	February 2014 (August 13, 2014)	Existing plans submitted to OSPCD (1, 2, 3, 4, & 5)	August 8, 2014 (August 13, 2014)	Plans submitted to OSPCD (Cover, Existing photos & Site Plan, Proposed Site Plan, Proposed Floor Plans, Proposed Elevations, & Renderings)
	Date (Stamp Date)				Submission							
	(June 12, 2014)				Initial application submitted to the City Clerk's Office							
	February 2014 (August 13, 2014)				Existing plans submitted to OSPCD (1, 2, 3, 4, & 5)							
August 8, 2014 (August 13, 2014)	Plans submitted to OSPCD (Cover, Existing photos & Site Plan, Proposed Site Plan, Proposed Floor Plans, Proposed Elevations, & Renderings)											
Any changes to the approved site plan, elevations, & use that are not <i>de minimis</i> must receive SPGA approval.												
Use												
2	The Historic B&B use is contingent upon completion of the historic designation process, a vote of the Board of Alderman.	CO	Plng.									
Pre-Construction												
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Full site and civil plans must be submitted to the Engineering Department for review and approval.	BP	Eng.									
Construction Impacts												
3	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									



4	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	
Design				
5	New siding type and color, roofing, trim, and materials of the dormers and rear addition shall match or be complimentary to the existing historic structure.	BP	Plng.	
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
7	Utility cords and equipment affixed to the historic building shall be painted to match the exterior or screened from view.	CO	Plng.	
8	The Applicant will accommodate bike parking in shed.	CO	Plng.	
Traffic & Parking				
9	The fencing that surrounds the parking area shall incorporate climbing vegetation to further mitigate view of vehicles.	In perpetuity	Plng./ISD	
Miscellaneous				
10	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.	Cont.	ISD	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	The Applicant shall suppress the building with sprinklers.	CO	FP	
13	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
14	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.	
15	As part of the Bed & Breakfast use, an on-site innkeeper/operator shall be present overnight and for breakfast (at a minimum) every day. The Applicant will submit letter notifying Staff of innkeeper prior to final Certificate of Occupancy.			



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____

