



**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**

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**Case #: ZBA 2016-75**  
**Site: 13 Alpine Street**  
**Date of Decision: August 2, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: August 16, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	2-13 Alpine St, LLC
<b>Applicant Address:</b>	2 Alpine Street, Somerville, MA 02144
<b>Property Owner Name:</b>	2-13 Alpine St, LLC
<b>Property Owner Address:</b>	2 Alpine Street, Somerville, MA 02144
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

**Legal Notice:** Applicant, 2-13 Alpine St., LLC, seeks a Special Permit with Site Plan Review (SPSR) under Sections 7.11 and 5.2 of the SZO to construct seven residential units and Special Permits under Section 4.4.1 of the SZO to alter a non-conforming structure. The Applicant seeks Special Permits under Article 9\* of the SZO for parking relief and to provide compact spaces.

\* It has since been determined that parking relief is not needed.

<b><u>Zoning District/Ward:</u></b>	BB zone/Ward 5
<b><u>Zoning Approval Sought:</u></b>	§7.11, §5.2 & §4.4.1
<b><u>Date of Application:</u></b>	July 14, 2016
<b><u>Date(s) of Public Hearing:</u></b>	5/3, 5/17, 6/7, 6/21, 7/12 & 8/2/17
<b><u>Date of Decision:</u></b>	August 2, 2017
<b><u>Vote:</u></b>	5-0



Appeal #ZBA 2016-75 was opened before the Zoning Board of Appeals at Somerville City Hall on May 3, 2017. 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 Zoning Board of Appeals took a vote.

## **DESCRIPTION:**

Major components of the proposed project are described immediately below:

### **a. Use**

The Applicant proposes to change the use to residential in order to construct 7 units with parking provided in the existing ground-level space.

### **b. Height**

The building is currently a 20-foot tall, one-level garage structure. The Applicant proposes to increase the overall height of the structure to 50 feet at its highest point. On the sides of the building that abut the RB zone, the Applicant proposes a height of 40 feet/3 stories.

### **c. Setbacks**

**Right:** The right side yard abuts a property that is also in the BB zone. Because of this, no side yard setback is required. The Applicant proposes maintaining the .2-foot setback in this location.

**Left:** The left side of the building abuts an RB zone. The left side of the existing building rests .2 feet from the lot line. This setback will be maintained at ground level. However, the additional floors being constructed are required to be set back from the lot line because of this abutment to the RB district. The Applicant proposes setting the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the proposed structure 16'8" from the left side yard lot line. The 4<sup>th</sup> floor of the building will be set back 30 feet from the left side yard lot line.

**Rear:** The rear of the structure currently rests .9" from the rear yard lot line. This setback will be maintained on the ground level. Because the rear of the building abuts an RB zone, the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the proposed building will be set back at 16' from the rear lot line and the 4<sup>th</sup> floor is proposed to be set back 30' from the rear lot line.

**Front:** The front yard setback is currently at 3'9". This setback will be maintained at the ground, second, and third floor levels. Though not required the fourth floor level will be set back several feet from the front lot line.

### **d. Landscaping**

The Applicant proposes creating landscaping opportunities by providing containered evergreen screening on upper floors in order to help block residents' view into abutting properties from these residences. The Applicant also proposes perennial plantings in permanent containers located on the front elevation of the ground level in order to enliven the front of the building and to prevent building residents and visitors from crossing onto abutting private property on the right elevation of the building. Crushed gravel is proposed as the left and rear elevations of the parcel.

### **e. Parking**

The application states that the Applicant is required to provide 12 parking spaces but that 15 will be provided. The proposed parking spaces will be contained on the ground floor level of the building. Staff disagrees with the Applicant's parking space count, the reasons for which are explained in the findings for Article 9 of the SZO.



**f. Other**

- A mezzanine level above the garage is proposed in order to provide storage units for each of the residences.
- An elevator will be incorporated into the building.
- A handicapped parking space will be provided.
- An enclosed trash room is proposed on the garage level.
- Bike storage will be provided on the garage level.
- The elevator lobby, entrance lobby, elevator machine room, and mechanicals room is proposed for the ground level.
- A community room for the use of the building residents is proposed on the ground floor as well.

**FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §4.4.1, SZO §6.14, SZO §7.11, & SZO Article 9):**

*In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.*

1. **Information Supplied:**

The Board finds that the information provided by the Applicants conforms to the requirements of §4.4.1, §6.1.4, §7.11, and Article 9 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."*A. **Under SZO §4.4.1**

*Section 4.4.1 states that "[l]awfully existing non-conforming 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 non-conforming 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 Board finds that the proposal for 13 Alpine Street meets the standards under §4.4.1 of the SZO as they regard non-conforming structures other than one-and-two-family dwellings. The Board finds that the proposed structure, *as conditioned in this staff report*, will not be substantially more detrimental to the site or neighborhood than the existing conditions (which are that of an unused garage formerly used to store fuel oil delivery trucks).

Except during the active construction period of this project, the Board finds that the additional traffic volume created by this project will be largely residential in nature. The Board also finds that the inclusion of seven new residential units will not result in a substantial uptick in traffic volume even during "peak" commute times of the day. It is unlikely that seven or more vehicles will be exiting and entering the premises simultaneously, causing lengthy queueing of vehicles. The Board has conditioned this project to address any potential concerns about traffic flow and pedestrian-vehicular interaction as follows:



- signage indicating that only right turns are permissible out of the garage onto Alpine Street;
- vehicular indicator warning pedestrians of vehicles exiting the garage.

The majority of the parking will be off-street and contained within the ground floor of the existing garage structure.

- Shadow studies have been conducted by the Applicant's team and no significant additional shadowing will be created by the project proposal.

- The proposed project will bring a more modern design into the neighborhood, in contrast to that which exists on the one-and-two-family residential properties currently extant on and around Alpine Street. That said, the proposal includes retaining the parapeted brick façade of the existing garage structure, along with the cast stone "Faulkner Brothers" name plate, two prominent elements of the existing building. While the new, upper stories will be more modern in their design, this is in keeping with the style trends of new construction for multi-unit residential buildings found at the junction of Alpine and Cedar Streets.

#### A. Under SZO §7.11

- Section 7.11.c of the SZO allows for a building containing 7 or more dwelling units to be considered for approval by the Board under the rules of a Special Permit with Site Review (SPSR). The information contained in the proposal complies with the standards set forth under this section and under the SPSR requirements.

#### B. Under Article 9 of the SZO

- The Applicant *does not* require parking relief for this project. However, Staff is compelled to correct the record presented by the Applicant regarding the number of parking spaces that they are providing.
- The Applicant proposes 7 standard-sized parking spaces (with one of those spaces designated for handicapped access) and 5 compact spaces. The Applicant shows additional spaces as tandem spaces. Somerville zoning counts tandem spaces as one space. The Applicant's proposal states that they are providing a total of 15 spaces. Staff disagrees with the Applicant's assessment. In reality, the Applicant is providing 7 standard-sized spaces and four compact spaces. Should residents of the building choose to park in tandem with another car, that is their choice and the City has no input into the matter.

1. 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".*

#### Surrounding Neighborhood:

- The Board finds that the style of the proposed project builds upon both existing neighborhood characteristics (the design, form and materials of the existing structure) and newer design influences that are presented in newer residential construction found at the Alpine Street-Cedar Street intersection.



*Impacts of Proposal (Design and Compatibility): (non CCD & TOD districts) Special Permits with Design Review and Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.1.5/5.2.4. The design guidelines for business districts are as follows:*

1. *Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.*
  - The Board finds that, in particular, the retention of the parapeted façade of the existing brick structure helps to maintain a strong presence along this streetscape. Although the inclusion of the upper stories increases the massing along the streetscape, this is not inconsistent with the visual goals of a neighborhood business district.
2. *Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.*
  - The Board finds that the primary building entrance meets this criterion by being recessed into the ground level street façade of the building.
3. *Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.*
  - The structure being adaptively re-used is a former commercial garage and the Board finds that this criterion does not apply.
4. *Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.*
  - N/A
5. *Provide roof types and slopes similar to those of existing buildings in the area.*
  - The Board finds that the flat roof proposed for this project is consistent with adjacent buildings of similar volume, both old and new including recently-constructed buildings on Cedar Street and the Chamber of Commerce building.
6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*



- The Board will work with the Applicant to choose materials appropriate for the new construction. The Applicant is retaining the existing brick street façade.
7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*
- Not applicable.
8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*
- The Applicant proposes that mechanicals be housed within the ground floor garage space. The not a “mechanical,” the elevator override on the top of the building will be minimally visible along the roof.
9. *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.*
- Not applicable.
4. **Functional Design:** *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*
- The project complies with the criteria.
5. **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 Applicant is required to submit complete engineering drawings to the Engineering Department as part of the application process for this project. Engineering will conduct a full review and require the Applicant to make any necessary changes regarding storm water run-off/drainage.
  - Both earlier in this report and in the conditions, the question of interactions between vehicular traffic entering/exiting vehicles and pedestrian traffic have been addressed through requiring an indicator be installed. The Board does not find that the addition of seven units will put undue strain on the recreational system, including nearby Albion Playground and Trum Field.

- The Board finds that this area is well-served by a few methods of transportation including the 88 and 90 bus routes which are a few blocks away. The Somerville Community Path is also close to this project.

6. 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 Board has conditioned the project such that all exterior forms of illumination are downcast and do not throw light onto abutting properties.
- Regarding noise levels, occupants of the units on this site are required to abide by City ordinances with regard to noise.
- The Board does not find that the project poses any threat to the transmission of radio, television reception/signals.
- The Applicant must follow state law with respect to any on-site contamination, removal and clean-up, if that becomes necessary as part of this project.

7. 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 purpose of the BB district is *“...To establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile.”* This project is solely residential; it does not have a commercial component, however it is not required to in the BB zone. The project is on the border of a residential neighborhood district (RB). The Board finds that the proposed multi-family residential use – which is allowed in the BB zone – is preferable to the most recent use as a fuel truck storage garage and is a good form of adaptive re-use for this building.

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

- The proposal will not add to the existing stock of affordable housing, but requires the Applicant to make a payment into the inclusionary housing fund.

9. 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 proposal complies with SomerVision in that it activates an otherwise unused property, visually improves said property, adds seven new housing units to the City’s housing stock and makes an inclusionary housing payment.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review. Elaine Severino 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 to construct 7 new residential units and provide ground-level, inside parking. A payment shall be made into the inclusionary housing fund.	BP/CO	ISD/PIng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 12, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May, 2017</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>June 23, 2017</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>June 30, 2017</td> <td>Final plans submitted to OSPCD</td> </tr> <tr> <td>July 24, 2017</td> <td>Updated (final) plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 12, 2017	Initial application submitted to the City Clerk's Office	May, 2017	Updated plans submitted to OSPCD	June 23, 2017	Updated plans submitted to OSPCD	June 30, 2017	Final plans submitted to OSPCD	July 24, 2017	Updated (final) plans submitted to OSPCD
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<p><b><u>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</u></b></p>																
<b>Pre-Construction</b>																
2	The Applicant will be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage report and plans stamped by a registered PE in Massachusetts must be submitted to the Engineering Department for review and approval.	BP	Eng.													
3	Affordable Housing Implementation Plan (AHIP) should be approved by the OSPCD Housing Division and executed prior to issuance of Building Permit. Affordable units shall be provided on-site.	BP	Housing													





4	Written certification of the creation of affordable housing units, any fractional payment required, or alternative methods of compliance, must be obtained from the OSPCD Housing Division before the issuance of a Certificate of Occupancy (C.O.). No C.O. shall be issued until the OSPCD Housing Division has confirmed that the Affordable Housing Restriction has been approved and recorded and the developer has provided the promised affordable units on-site.	CO	Housing	
5	No Certificate of Occupancy shall be issued until the OSPCD Housing Division has confirmed that: (for Condominium Projects) the Condominium Documents have been approved and the Developer has agreed to a form of Deed Rider for the Affordable Unit(s), or (for Rental Projects) the Developer has agreed to and executed a Memorandum of Understanding for Monitoring of the Affordable Unit(s).	CO	Housing	
6	Additional requirements for projects converting to condominiums or removing rental units from the market: If a rental unit is going to be removed as a result of this project, it must comply with City of Somerville Code of Ordinances Chapter 7, Article IV, Condominium Conversion and Removal of Rental Units prior to issuance of Building Permit. No Building Permit shall be issued until the OSPCD Housing Division has confirmed compliance.	BP	Housing	
7	The Applicant shall submit a proposed drainage plan, stamped by a registered PE in Massachusetts that demonstrates compliance with the City's stormwater policy.	BP	Eng.	
8	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	
9	New sanitary connection flows over 2,000 GPD require a 4:1 removal of infiltration and/or inflow by the Applicant. This will be achieved by submitting a mitigation payment to the City based on the cost per gallon of I/I to be removed from the sewer system. The Applicant shall work with Engineering to meet this condition before a certificate of occupancy is issued.	CO	Eng.	
<b>Design</b>				
10	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. No vinyl shall be used on this property.	BP	Plng.	
11	The Applicant shall work with Staff on the type and articulation of exterior materials on the building envelope.	BP	Plng	
<b>Construction Impacts</b>				



12	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	
13	The Applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
14	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application form signed
15	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	
16	<b><u>Construction shall occur from 7:30am – 5:00pm Monday-Friday ONLY. There shall be no construction or construction-related work allowed on the weekends or holidays.</u></b>	During Construction	ISD	
17	The Applicant shall ensure that all food waste associated with construction personnel be removed from the premises at the end of each work day.	During Construction	ISD	
<b>Site</b>				
18	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	
19	All landscaping materials, screening materials and materials used for parking/driveway areas shall first be reviewed and approved by Planning Staff prior to their installation and again prior to final sign-off.	BP/CO	Plng/ISD	
20	The stone planter to be located at the right front of the renovated building shall be planted with evergreen plants (such as rhododendron or other evergreen shrub) to prevent building residents and visitors from crossing onto the rear of the abutting Cedar Street property.	CO/Perpetual	ISD/Plng	
21	The Applicant shall ensure that residents and visitors to 13 Alpine Street (and construction crews) do not park in the parking spot immediately to the right of the 13 Alpine Street property line.	During construction /perpetual	ISD	
22	No snow shall be pushed from upper-floor patio/deck areas onto abutting properties or the public way below.	Perpetual	ISD	
23	The Applicant shall provide Planning Staff with a final list of plantings and their locations for Staff's review and approval prior to the issuance of a Building Permit.	BP	Plng/ISD	



24	Trash and recycling shall be stored within the ground-level garage at all times except on trash/recycling pick-up day.	Perpetual	ISD	
25	The Applicant shall retain a <b>private</b> trash/recycling company to remove such items from the site on a regular basis. No public trash/recycling pick-up is provided to properties containing this number of residential units.	Perpetual	ISD	
26	A green wall shall be installed along the horizontal span of the brick-faced first story and along the vertical span of the elevator shaft, minus the override.	CO	ISD/Plng	
<b>Public Safety</b>				
27	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
28	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.	
29	All smoke detectors shall be hard-wired.	CO	Fire Prevention / ISD	
30	The building shall be sprinkled.	CO	Fire Prevention / ISD	
31	An electronic pedestrian alert sign with sensor shall be installed to warn pedestrians when a vehicle is exiting the building.			
32	A sign shall be installed stating that a Right Turn Only is allowed from the garage (as Alpine is a one-way street) at this point.	CO	T&P/ISD/Plng	
33	Grills, barbecues, chimineas and the like are NOT permitted on decks and porches, per Somerville Fire Prevention. This shall be written into any condo documents or rental agreements.			
<b>Final Sign-Off</b>				
34	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*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

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 \_\_\_\_\_

