



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

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Case #: PB 2014-30
Site: 337 Broadway
Date of Decision: June 25, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 8, 2015

PLANNING BOARD DECISION

Applicant Name:	Urgent Care Centers of New England, Inc.
Applicant Address:	2 Adams Place, Suite 305, Quincy, MA 02169
Property Owner Name:	KLT Corp., c/o Constantine Tsiros
Property Owner Address:	20 Red Coat Road, Framingham, MA 01701
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145
<u>Legal Notice:</u>	Applicant, Urgent Care Centers of New England, Inc. and Owner, KLT Corp, seek a Special Permit per SZO §7.13.A to establish a medical office.
<u>Zoning District/Ward:</u>	CCD 45 zone/Ward 4
<u>Zoning Approval Sought:</u>	§7.13.A
<u>Date of Application:</u>	December 10, 2014
<u>Date(s) of Public Hearing:</u>	7/24/14 – 6/25/15
<u>Date of Decision:</u>	June 25, 2015
<u>Vote:</u>	4-0

Appeal #PB 2014-30 was opened before the Planning Board at Somerville City Hall on July 24, 2014. 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.



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DESCRIPTION:

The proposal before the Board is for a first floor medical use in the existing building. CareWell Urgent Care Center would occupy the building which is approximately 3,000 square feet. A ramp will be remodeled on the south side of the building. There is an additional signage case under review, PB 2014-20.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13.A):

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."*

In CCD and TOD zones, medical and office uses, of any size, require a Special Permit if located on the first floor. This was a recent amendment to the zoning code after seeing the effect on retail corridors that offices and medical uses can have on active street life. The zoning amendment was passed with the following purpose statements, "Office uses often do not create the vibrancy that is desired along retail corridors and the location and design is important to consider to retain or create an active streetscape; and retail continuity is important for retail business' success as it keeps pedestrians engaged in continuing down city blocks past storefronts."

That being said, medical offices are needed in Somerville and every community to provide basic health services. This applicant secured a lease on this project site while the first-floor zoning amendment was under review, and now seeks to occupy this building for the duration of their initial lease.

It is unfortunate that an alternative does not exist to establish such a use in an upper floor of a multi-story building, nor has there been significant interest from others to occupy this particular space. However, there are options to improve the site which will increase activity and amenities in the neighborhood.

In considering a special permit under §7.13.A of the SZO, the Board finds that the use proposed, as conditioned, would not be substantially more detrimental to the neighborhood than the existing use. Occupancy of a vacant storefront is a positive impact but the largest detriment is the massing and siting on the site. Nonetheless, this building in this location on this site has not generated interest by more active retail users, and may not generate such interest unless a redevelopment takes place. With current leases, the other users on the site are not vacating for a redevelopment in the near future, although it will likely happen in time.

Therefore, a conditioned approval for the length of the lease makes sense. But, the property will continue to lack an inviting and pedestrian-oriented streetscape without substantial renovation or redevelopment. The other tenants, through their leases, have locked in the quantity of parking spaces and curbcuts. During the Winter Hill charrette, Planning Staff presented tactical low cost solutions to increase amenity space along Broadway before a streetscape plan is finalized. Furthermore, the pedestrian passage at Winter Hill Terrace is not accessible. A condition of this report is that the Applicant will pay the city \$35,000.00 towards a fund to install and maintain a tactical solution in the Winter Hill plan area and improve the crosswalk at Winter Hill Terrace. This fund will implement the positive community feedback given at the charrette presentation and the Central Broadway Streetscape Improvements

meetings, while awaiting full redevelopment which may not occur until after the streetscape improvement is complete.

The City would like to see this site redeveloped in the future to be more in-line with the adopted CCD zoning/4 story mixed use zoning. The applicant will sign a development covenant with the City that will require the applicant to cease operations at this location within ten years of the date of the lease start date. The owner will be asked to begin taking steps to redevelop the site with a structure(s) and use(s) that are compatible with the zoning regulations. Additional benefits offered by CareWell, including CareWell's partnership with the community, will also be outlined in the letter and are therefore incorporated into the conditions of approval in this report as appropriate.

3. **Purpose of the 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, as conditioned, 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 proposal fills a vacant storefront yet ensures the community that redevelopment potential remains possible when the time is right.

This proposal will impact one of the most significant sites on Broadway. The location is a prominent location and has significant street frontage that has the ability to help define the character of this area for many years. After careful consideration of how the proposal will interface with the rest of the fabric of this neighborhood-serving business district, OSPCD staff have conditioned property improvements to help meet the purpose of the CCD district, as follows:

a. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street

It is typical for medical offices to have some parking associated with their use. However, the site is surrounded on three sides with parking. A tactical solution to reclaim some automobile space on Winter Hill will be an interim solution prior to redevelopment of the site.

b. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings

Care Well will fill a vacant property while permitting redevelopment to occur in the future. Investment in the site will be neighborhood serving. A condition of this report is that the front windows cannot be blocked with signage or film. This is to improve the presence at the street.

c. Preserve and complement historic structures

There are no historic structures on the site.

d. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors

To discourage auto-oriented trips, the staff recommends that the applicant install 2 bike racks to accommodate 2 bicycles each on site.

e. Promote pedestrian and bicycle activity



As conditioned, the site will improve the pedestrian and bicycle experience.

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."*

The surrounding neighborhood is a mix of residential and commercial uses. A redevelopment in a very similar zoning district (CCD-55) has been approved a block from the proposed site. The redevelopment of 315 Broadway (PB 2012-22) will have first floor retail and residential above that matches the form of the buildings proposed in the forthcoming neighborhood plan. The existing Winter Hill shopping district includes primarily local serving businesses such as a bakery, post office, barber shop, hair salon, nail salon, and several pizzerias among other uses. All are small scale with approximately 30 foot wide storefronts that are located directly on the sidewalk. Further up the hill, the Broadway corridor is zoned Residential C which allows for residential and retail in shop fronts. Farther west on Broadway, the majority of structures are residential with the exception of the Main Street and Broadway intersection. To the rear, the property abuts the Residence B district with one- and two-family dwellings that front Heath Street.

The building will be unchanged with the exception of the signage proposal which is not part of this report. Due to the first floor office use and interior design, two of the six storefront windows will be covered with opaque film to accommodate a bathroom. Covering windows on the first floor does not positively contribute to the appearance of the Winter Hill business district. A condition of this report is that existing windows not be filmed. Redesign is required.

6.1.22.H. Design Guidelines for the CCDs. Uses requiring a Special Permit shall be subject to the Special Permit with Site Plan Review. The guidelines below 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. The building will not be altered with the exception of signage but has been evaluated based on these guidelines.

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

The building is significantly set back from the street since redevelopment is not proposed.

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.

The massing and height of the building will not fulfill the intentions of the CCD 45 district.

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

The building will not place new impacts on residential or historically designated structures.

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.



The building is approximately 40' feet wide with a relatively flat façade.

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 building is textured concrete block and EIFS.

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.

The sides and front of the building are visible from the street and are of the same materials as the front facade.

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.

The signage will be addressed in the Special Permit application PB 2014-30.

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.

Filling a vacant storefront will contribute to the street life.

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.

There are no artist or live work spaces associated with the application.

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.

There are no residential uses associated with the application.

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 Broadway corridor of Winter Hill is currently in design phase of a streetscape project. The street will have some design elements of the East Broadway corridor.

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



The building, a conditioned to prevent window films, will meet the functional design requirements.

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 project has not been reviewed for engineering purposes since the building footprint and massing are not changing.

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 project has not been reviewed for engineering purposes since the building footprint and massing are not changing.

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 encourage the most appropriate use of land throughout the City; and to preserve 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.”

There are no natural landforms on the site.

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 project will maintain the same relationship with the surrounding built environment.

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.”

The project has not been reviewed for engineering purposes since the building footprint and massing are not changing.

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.”

There are no significant architectural changes proposed.

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.”

Approving the use will fill a vacant storefront.

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.”

No new lighting is proposed.

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.”

The buildings will be accessible via Broadway and the parking area.

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.”

The vehicular access will be on Broadway in the existing curb cuts.

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.”

The use will use the same utility connections.

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;”



There will be no changes to the building envelope or project site.

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.”

Signage will be addressed in case PB 2014-20.

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 changes to the service facilities.

21. Screening of Parking:

The parking will not be screened.

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

The proposal will have no impact on existing affordable housing.

23. 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.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	3,000	3,000
<i>Estimated Employment:</i>	Unknown	Unknown
<i>Parking Spaces:</i>	Unchanged	Unchanged
<i>Publicly Accessible Open Space:</i>	0	0

The project will contribute to the goals of the SomerVision plans by providing employment opportunities.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Rebecca Lyn Cooper and Gerard Amaral with Michael Capuano and Dorothy Kelly Gay absent. Upon making the above findings, Rebecca Lyn Cooper made a motion to approve the request for a Special Permit. Kevin Prior seconded the motion. Wherefore the Planning Board voted 4-0 to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for the medical office use of Care Well. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 10, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 22, 2014</td> <td>Modified plans submitted to OSPCD (Cover, Existing/New Parking Plan, Demo Plan, Floor Plan, Ramp Plan)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan, elevations, or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	October 10, 2014	Initial application submitted to the City Clerk's Office	May 22, 2014	Modified plans submitted to OSPCD (Cover, Existing/New Parking Plan, Demo Plan, Floor Plan, Ramp Plan)	BP/CO	ISD/ Plng.	
Date (Stamp Date)	Submission									
October 10, 2014	Initial application submitted to the City Clerk's Office									
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Pre-Construction										
2	<p>The SPSR approval:</p> <ol style="list-style-type: none"> Is granted only to this applicant and is not transferrable Shall terminate immediately if CareWell ceases to occupy the space Shall expire ten (10) years after the start date of the lease between the property owner and the applicant (Care Well), at which point all medical office use of the Property shall be discontinued <p>The lease shall be submitted to Planning Staff for file. The applicant and owner shall, prior to occupancy of the building, sign and record a covenant with the city that outlines and specifies the terms of this condition.</p>	Cont/BP	ISD/ Plng	Covenant						
3	The Applicant will comply with the letter stamped on June 24, 2015 that details the medical office commitment to community services.	BP	Plng							
Construction Impacts										
4	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							

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	
Design				
6	The front elevation must comply with the storefront requirements and shall not be blocked with window film or other coverings. The Applicant shall submit to Planning Staff for review and approval a revised plan.	BP	Plng.	
7	The applicant shall pay the city \$35,000 to implement a design solution to improve the pedestrian experience in the Winter Hill plan area.	BP	Plng	
Site				
8	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
9	Applicant shall install 2 bicycle racks to accommodate 4 bicycles, on site near the front entrance of the building.	CO	Plng	
Traffic & Parking				
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	
Final Sign-Off				
12	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.	
13	The Applicant will submit a landscaping plan with dense plantings that improve the pedestrian experience for review and approval and implement prior to Certificate of Occupancy.	CO	Plng.	

Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



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 _____

