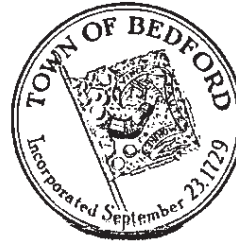


TOWN OF BEDFORD  
BEDFORD, MASSACHUSETTS 01730



8113

Doreen Tremblay, Town Clerk

Town Hall  
10 Mudge Way  
Bedford, Mass. 01730  
781-275-0083



Bk: 39613 Pg: 027

Recorded: 06/19/2003

Document: 00600354 Page: 1 of 13

Date: June 11, 2003

Petitioner Name and Address: Pamela Brown f.b.o. Elderberry Limited Partnership II,  
PANAKE Inc./General Ptr.  
268, 268A, 268B Concord Road  
023-03

Petitioner Number:

This letter certifies that twenty days have elapsed since the Zoning Board decision was filed in the office of the Town Clerk and no appeal has been filed.

Attest:

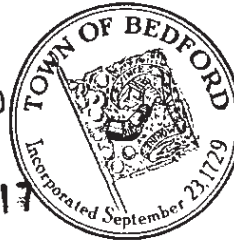
Doreen Tremblay  
Town Clerk

*Gerard Cox*  
ELDERBERRY LIMITED PARTNERSHIP II

26-15-02 PLAN SHEET 0000000000  
SEE PLAN IN RECORD BOOK PAGE 39613 OR  
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MSI 06/15/03 09:14 2.

**THE BOARD OF APPEALS**

RECEIVED  
TOWN OF BEDFORD  
TOWN CLERK



03 APR 10 AM 7:17

TOWN HALL  
10 MUDGE WAY  
BEDFORD, MASSACHUSETTS 01730

**PETITION NUMBER:** 023-03

**PETITIONER:** Pamela Brown f.b.o. Elderberry Limited Partnership II,  
PANAKE Inc. / General Ptr.

**LOCATION OF PROPERTY:** 268, 268A, 268B Concord Road

**DATE AND PLACE OF HEARING:** Lower Level Conference Room  
Town Hall, Bedford, MA  
Thursday, February 13, 2003  
Thursday, February 27, 2003  
Thursday, March 13, 2003  
Thursday, March 27, 2003

**STATUTORY NOTICE:** Notice Required by M.G.L.c. 40A sent to abutters,  
Municipal boards, posted at Town Hall and Advertised in  
the Bedford Minuteman January 30, 2003 and  
February 6, 2003.

**MEMBERS PRESENT:** **February 13, 2003**  
Robert Ellis, Chairman; Herbert Aumann, Vice-Chairman;  
Harold Ward, Charles Theobald, Jr., Caleb Warner,  
David Ezekiel and Paul Bauer.

**February 27, 2003**  
Robert Ellis, Chairman; Herbert Aumann, Vice-Chairman;  
Jeffrey Cohen, Clerk; Harold Ward, Charles Theobald, Jr.,  
Caleb Warner, and Paul Bauer.

**March 13, 2003**  
Herbert Aumann, Vice-Chairman; Jeffrey Cohen, Clerk;  
Harold Ward, Charles Theobald, Jr., Caleb Warner,  
David Ezekiel and Paul Bauer.

*[Handwritten signature]*

**March 27, 2003**

Robert Ellis, Chairman; Herbert Aumann, Vice-Chairman;  
Jeffrey Cohen, Clerk; Harold Ward, Charles Theobald, Jr.,  
Caleb Warner, David Ezekiel and Paul Bauer.

**MEMBERS ABSENT:**   **February 13, 2003:** Jeffrey Cohen, Clerk.  
                          **February 27, 2003:** David Ezekiel.  
                          **March 13, 2003:** Robert Ellis, Chairman.  
                          **March 27, 2003:** None.

**PRESENTATION:**

**Petition #023-03 February 13, 2003** Caleb Warner, Acting Clerk, read the notice of the hearing.

Mr. Ellis asked if the petitioner was present and they were, so he introduced the Board and the secretary. The Board determined that this was a new petition and decided that the following would be voting members: Ellis, Aumann, Theobald, Ward, and alternate Ezekiel, a full Board.

Atty. Brown explained that a lot of the work for the Village at Concord Road has been started, the road is in and utilities have been connected. They have been trying to put together the housing package. Prices have gone up significantly since the permitting process. It is not economically feasible for them to construct the cape style homes planned. The original proposal was for 20 units total; 12 units (6 duplexes) are rental units that are not changing. In addition 4 colonial style that will not change, and 4 cape style that they would like to change to colonial style. The footprints of these buildings will be the same as in the prior permitting process.

Atty. Brown explained why they are asking for this change. The cape styles cost \$10,000 each less to construct. The market rate will be more for the colonial style homes, which will help subsidize the project. They have been through the numbers and have shifted the contractor they were going to use. They will start with modular units and build the rest on site. The porches and garages will be built on site and the main structures will be modular. They looked for lower priced modulars and found a supplier in Canada. Even with the lower prices from the Canadian supplier the numbers didn't work for the cape styles.

Atty. Brown pointed out on the plans the locations for the capes that are expected to change to colonials. She has spoken with one of the neighbors regarding the colonials being a little taller, and they plan to supplement the landscaping to buffer this height. The other portion of the unit change will be one bedroom on the second level and a master suite on the first floor. Atty. Brown added that active senior occupants would have the

option of using the upstairs bedroom. The colonials will have two bedrooms each, for a total of 4 more bedrooms overall. The marketing strategy will not change, the project is intended for seniors.

Mr. Ezekiel asked why the original plan had any capes and not all colonial styles.

Atty. Brown said it would be a nice mix of styles. The units are to be marketed toward seniors and senior couples, not toward families. People fear that adding more bedrooms translates into family occupants, but these will be marketed toward senior citizens.

Atty. Brown said that some senior couples do not share the same bedroom, and some may have a caregiver living with them and some may wish to have an additional bedroom for visiting grandchildren, etc.

Mr. Ellis asked Atty. Brown to show the locations on the site plans.

Mr. Aumann read the housing rule and asked about DHCD approval for changes.

Atty. Brown replied that DHCD's approval is needed during the original application process. They received DHCD's approval at that time. The developers of this project considered this change (from capes to colonials) a minor change and went to the Building Dept. with the plans. The Building Dept. wasn't comfortable with the change so Atty. Brown agreed to come back to the ZBA.

Mr. Bauer asked what the difference is in square feet, floor area, between a cape and a colonial. Atty. Brown didn't have the exact dimensions, but said it was between 1900 and 2100 square feet, "not dramatically different." The footprint of both styles is the same.

Mr. Ellis asked for an elevation plan of the cape style home, however Atty. Brown did not have one with her. She said the downstairs floor plan is very similar to the previous plan.

Mr. Ellis asked about the elevation differences, Atty. Brown replied that they will alter the porches and garages.

Mr. Ellis asked about Atty. Brown going to the Housing Partnership for approval for these changes and she felt that it was not necessary. She added that the last change that they brought to the Housing Partnership was more significant and it was approved, although it took two months for the approval. The houses are under construction and they are waiting to have them delivered. Mr. Aumann spoke about a letter from the Bedford Housing Partnership that outlines their rationale for the mix of buildings and asked for comment from the Bedford Housing Partnership. There were no representatives present from the Bedford Housing Partnership.

Selectman, Gordon Feltman was present at the hearing and Mr. Ellis asked him if he could comment on the situation. Mr. Feltman said that at the end of the original process the number of bedrooms was discussed and it was the Selectmen's desire to cut back the number of bedrooms. They wanted one and two bedrooms and he is concerned that to make these two-bedroom units would undo the original decision. Mr. Feltman could appreciate the change but it does bother him that it moves against the direction that they pushed it towards at the very end, which was to make sure it doesn't turn into family

housing as opposed to senior housing. To go from one bedroom to two bedroom units with a family room that could be another bedroom seems to be moving in the opposite direction of what was intended originally. Atty. Brown said that the floor plan, which was distributed to participants of the hearing, shows the proposed colonials have a master bedroom on the first floor, for seniors, but some seniors can still go up and down stairs and therefore the master bedroom can be upstairs. This plan gives the option to the occupant. Mr. Ellis asked about the second floor, it will have a master suite with a full bath and a sitting room. Mr. Ellis said when the colonial is complete it will have two bedrooms. The cape floor plan was the same on the first floor as the colonial floor plan, with open space on the second floor. This version has an additional bathroom on the first floor. The cape style homes were to have pitched roofs on the front, and shed roofs on the back. The capes were to be partially finished upstairs except for the market rate units. Mr. Ellis said that a cape style house could be converted to a two-bedroom unit. Atty. Brown agreed. Mr. Ellis asked if a representative of the Housing Partnership were present, and there were none. Mr. Aumann said that under a Comprehensive Permit the ZBA acts as a coordinator of input from the other authorities that were involved in the original process. He added that it would be nice to have modified copy that was approved by the original people that approved the permit. Mr. Ezekiel asked for more formal documentation regarding the new sizes and square footage of the units.

Mr. Ellis read a letter from Town Counsel regarding Comprehensive Permit regulations dated March 8, 2001, section 3 page 5 of 17, about changes after the issuance of a permit. If the applicant wants to make a change they should notify the Board whether it is substantial or insubstantial; the Comprehensive Permit can be modified if it is not a substantial change. If it is a substantial change a public hearing is required. The decision of the Board can be appealed. If the committee rules that the change is insubstantial it can modify the permit. The first question is whether it is a substantial change or not. Mr. Ellis mentioned comments received from the Board of Selectmen and the Board still needs comments from the Housing Partnership. The Board agreed. The Chairman offered a continuance or a vote. Mr. Aumann said there are other issues that need attention. Will the units be affordable for the occupants as well as the developer? The developer needs to provide the Board with a proforma. If the Board decides they don't want to approve the change, the applicant has the option of going to the housing development court. Mr. Aumann said the ZBA needs justification for the economics of the situation. Atty. Brown said the affordable units are not going to change. The Board explained that if the ZBA does not approve the change, the developer could say that the project is not affordable and Mr. Aumann said the Board needs to see it on a proforma.

Mr. Feltman said the petitioner can volunteer to give the ZBA more time. The petitioner was given the option of a vote or a continuation of the hearing. The Board and Atty. Brown discussed the options.

Mr. Ellis asked if there was any input from the public.

Mr. Aumann reiterated to the public that this request is strictly about the change to the Comprehensive Permit, i.e. the change to the units. There may be other issues related to this particular request, information that the Board should have, and the public may have other opinions, and the Board is open to talk about them. The Chairman agreed.

Mr. Ellis opened the hearing to the public about comments from cape style units to colonial style units. Mr. Ward asked if it is a substantial change or not, that is the first question. Mr. Aumann said the Building Inspector considered it substantial and that is why it is before the ZBA. Mr. Ward said that the ZBA needs to vote on it for the record. Mr. Warner asked for the Comprehensive Affordable Housing document, and it was determined that the Board will have it at the next meeting. Mr. Ellis took a pole of the Board as to whether or not this is a substantial change. The members of the Board agreed that it is a substantial change; Ellis, Aumann, Warner, Bauer, Ezekiel, Ward, Theobald. Atty. Brown said she is satisfied with that determination.

Mr. Feltman wanted clarification about whether or not the DHCD in processing this can't prohibit people in a particular age group. Atty. Brown discussed it and said it appears that you can preclude people between age 21 and 55, but not people under age 21.

Mr. Feltman asked if this restriction of people aged 22-49 is legal. Mr. Ellis would like to ask Town Counsel through Rick Reed to research the age group issue. The secretary was asked to forward this request to Rick Reed. Mr. Ellis opened the hearing to the public about the issue of the difference between the capes and colonials only.

Stan Wentworth, 270 Concord Rd., abutter, said that the proposal to go to two bedrooms is an issue. It is an extension to family housing and asked how it will be enforced. If someone turns it over to a younger person, what legal course does the town have to prevent that from happening. Atty. Brown said that the units are restricted to who lives there not to who owns it. At least one-person age 55 or older must live there. The ownership is perpetual so the town can enforce it. There are also restrictions on visitors with visitation time limits.

Blanche Wentworth, 270 Concord Rd., asked how large the sitting rooms will be and if they could be converted into bedrooms. Atty. Brown said they could be but the population these units are being marketed to makes the difference and they are placing a number of controls on them.

Richard Heinrich, 286 Concord Rd., said he has been attending the meetings on this project for six years. He pointed out the location of his house on the site plans and commented on his concern of the filling of the land to almost seven feet of fill for this project and the height of the houses. He added that the cape style mirrors his house, roughly the same height, but that the colonial style is higher which changes the whole complexion. The houses are very close to the lot line compared to some of the other houses. Mr. Heinrich wants to know the height and is not satisfied with the proposed height. Mr. Ellis clarified that the elevation plan of the colonial style home is needed and the height of the colonial in relation to the height of the cape style. Mr. Heinrich is also concerned about the landscaping issue.

Atty. Brown responded that she has made a commitment regarding the landscaping. The developer will meet with the neighbors when choosing the trees and other landscaping materials. A suggestion was made about perhaps moving the colonial style homes closer to the street.

Tom Bruha, 11 Lane Ave., asked how the ages of the occupants will be policed. Atty. Brown referred to case law about that and the association of the Village at Concord Road will police the age situation. The town will also have enforcement ability and the restrictions will be in the deed.

Mr. Ellis asked if anyone had any questions. Mr. Bauer mentioned items needed. A height change dimension is needed. He also mentioned that the project was approved for 28 bedrooms and now there's an increase from 28 to 34 bedrooms. Atty. Brown responded that the figure of 28 should actually be 30, for 10 one-bedrooms and 10 two-bedrooms. Mr. Ezekiel wants a list of needs. The Chairman said the secretary will get the list of needs done. Mr. Bauer also brought up the cost factor and said that it should be made clear.

Mr. Ellis told Atty. Brown that she will have the opportunity to speak to other parties and get a written response on a date certain. The Board has 30 days to hold a hearing and 40 days to make a decision. Mr. Aumann asked about the landscaping plan and if it should be included. The reply is yes that it should be included. Atty. Brown didn't think that the landscaping plan would change but would review it.

There was a discussion about when the hearing should be continued in order to obtain the needed information. Mr. Ezekiel said that he didn't think he would be available for the hearing on February 27. It was decided to continue to Feb. 27, the voting members will be Ellis, Aumann, Ward, Theobald and Bauer. Mr. Warner would like copies of paperwork in advance of the meeting date. Atty. Brown said she would do her best to get the information to the Board prior to the hearing.

**MOTION:**

Herb Aumann moved to continue this hearing to February 27, 2003, 7:30 PM, Pamela Brown, Esq., for Elderberry Limited Partnership II, requesting an amendment to the Comprehensive Permit issued for the Village at Concord Rd. (268, 268A and 268B Concord Rd.) to allow the construction of 4 colonial style homes with two bedrooms per unit in lieu of 4 cape style homes proposed as one-bedroom units.

Harold Ward seconded the motion.

**VOTING IN FAVOR:** Ellis, Aumann, Theobald, Ward, and Bauer.

**VOTING AGAINST:** None.

Mr. Warner abstained because there was no definite commitment on the paperwork being received by the Board in advance, and he was not designated as a voter.

**PRESENTATION:**

**Petition #023-03 February 27, 2003:** Jeffrey Cohen, Clerk, read the notice of the hearing.

The Petitioner was not present, however she sent a letter to the Zoning Board to the attention of Mr. Ellis, Chair, dated February 26, 2003 to request a continuance of this petition to the next scheduled meeting of March 13, 2003. The reason for the request was because the ZBA required comments from the other Boards involved in the original petition that were not yet all received. The Board of Selectmen met and discussed this amendment, however, a full Board was not present and they requested additional financial information. Mr. Cohen read the letter for the record.

The Board determined that there should be enough voting members present March 13, 2003 to accommodate this continuance.

**MOTION:**

Jeff Cohen moved to continue this hearing to March 13, 2003, at 7:45 PM. Pamela Brown, Esq., for Elderberry Limited Partnership II, requesting an amendment to the Comprehensive Permit issued for the Village at Concord Rd. (268, 268A and 268B Concord Rd.) to allow the construction of 4 colonial style homes with two bedrooms per unit in lieu of 4 cape style homes proposed as one-bedroom units.

Mr. Ellis asked if there were any special time constraints from the time the original petition was submitted until March 13, so the Board is not in default. The Board determined that once the hearing is opened, which it was on February 13, 2003, it can be continued indefinitely.

Paul Bauer seconded the motion.

**VOTING IN FAVOR:** Ellis, Aumann, Theobald, Ward, and Bauer.

**VOTING AGAINST:** None.

The Chairman asked the secretary to notify the Petitioner of the date and time of the continuance to March 13, 2003.

**PRESENTATION:**

**Petition #023-03 March 13, 2003:** Jeffrey Cohen, Clerk, read the notice of the hearing.



The Petitioner was not present, however she sent a letter to the Zoning Board to the attention of Mr. Ellis, Chair, dated March 11, 2003 to request a continuance of this petition to the next scheduled meeting of March 27, 2003. Mr. Cohen read the letter, which stated that the reason for the request of the continuance is because the petitioner has not yet received approval of the project change from the DHCD.

**MOTION:**

Jeff Cohen moved to continue this hearing to March 27, 2003, 7:45 P.M.

Pamela Brown, Esq., for Elderberry Limited Partnership II, requesting an amendment to the Comprehensive Permit issued for the Village at Concord Rd. (268, 268A and 268B Concord Rd.) to allow the construction of 4 colonial style homes with two bedrooms per unit in lieu of 4 cape style homes proposed as one-bedroom units.

Harold Ward seconded the motion.

Mr. Warner asked about the time between these hearings as being too close. The other Board members explained why they are scheduled close. It is done to conserve time in the event that something happens such as a case getting continued.

**VOTING IN FAVOR:** Aumann, Cohen, Theobald, Ward, and Bauer.

**VOTING AGAINST:** None.

**PRESENTATION:**

**Petition #023-03 March 27, 2003** Jeff Cohen, Clerk, read the notice of the hearing.

Mr. Ellis asked if the petitioner was present and they said they were. The Chairman introduced the Board and the secretary.

The Board decided that the following would be voting members: Ellis, Aumann, Ward, Theobald, and alternate Ezekiel, a full Board.

Atty. Pam Brown explained the request to the Board to refresh their memories. To change four of the homes originally proposed as cape style to colonial style. She said that the first line of the other housing units will be delivered soon. The construction has not begun, except for construction on the units that were previously approved. Atty. Brown pointed out on the drawing plan the location of the lots where the homes will be built. Also on the drawing was a side silhouette of the proposed colonial style house in comparison to the cape style that illustrated the height difference. The difference is not substantial, only about 3 ½ feet higher to the peak of the colonial style house. The rear drip line remains the same.

Atty. Brown said the main concerns brought up at the last meeting were the comments from the other town Boards. They have received letters of approval from the Planning Board, the Housing Partnership and the Selectmen. The Selectmen reviewed the

proforma. The DPW had a comment regarding the drainage, and the footprints of the structures will be the same for the colonials as they were going to be for the capes, so there is no change in impervious cover. In response to a comment by the DPW, the foundations will not extend into the groundwater. The basement floors will be above that level.

Mr. Ezekiel asked what the difference will be on the interior of the houses, and if the basements will be finished. Atty. Brown replied that the basements will be for mechanicals and storage space, they will not be finished space. Atty. Brown referred to a March 11 letter from Elderberry Trust that shows the houses have a change in the bathrooms from one and ½ to two ½ bathrooms, plus one bedroom. Atty. Nat. Brown said the initial application stated that the capes could be developed to have another bedroom on the top floor.

Atty. Brown distributed an approval letter from the DHCD and asked if the Board wanted to read the letters into the record. Mr. Ellis asked if there were any questions from the Board. Mr. Aumann said that the DPW raised an issue about the basements being added and the issue of drainage. Mr. Aumann asked about the impact on the drainage.

The following letters were read for the record by either Mr. Cohen or Mr. Ellis:

\*Letter from the DPW dated 2/25/03 and the letter of response from BSC Group, dated 3/26/03.

Mr. Ellis asked if the Board was satisfied that the issues were being addressed and the Board agreed that they were. Mr. Ward referred to Richard and Nancy Heinrich's letter about the same concern.

\*Letter from the Heinrich's dated 2/25/03, and Atty. Brown's Elderberry letter of response dated 3/11/03.

\*Letter from Rick Reed, Town Administrator, dated 3/11/03, regarding the Selectmen's approval of the change, and the letter from Michael Lehane, Town Counsel dated 3/26/03 regarding the age question.

\*Letter from the Fire Dept., letter from DHCD, dated 3/26/03, and the letter from the Planning Board dated 3/12/03.

\*Letter from the Conservation Commission dated 2/25/03.

\*Letter from David Black of the Board of Health, dated 2/24/03.

Mr. Cohen asked Atty. Brown about the Conservation Commission's issue and she responded that nothing has changed with regard to Conservation issues.

\*Letter from James Hicks, Police Chief, dated 3/12/03.

\*Mr. Ezekiel asked about the proforma, it was received from Elderberry Limited Partnership II, dated 3/11/03.

\*Letter from Heinrichs dated 2/7/03.

\*Atty. Brown responded to this letter and provided a copy dated 3/27/03 to the Board.

At this point Mr. Ellis stated that all the requested documents have been received and asked if there were any questions.

Rich Heinrich, 286 Concord Road, said that things are moving along with this project and asked if the new colonial foundations will be located in the same place as the cape styles. He would like to maintain a linear distance and wants to guarantee the measurement of 45 feet from the property line to the structure. Mr. Ellis said that the previous plans were approved by the ZBA and the foundations can't move from the originally approved location. Mr. Heinrich wanted to see a plan showing these locations. He didn't know if the foundations would be different. #1 locus of foundation to be 45 feet from his lot line. Plans have not changed from before. The Board discussed if they had a plan showing what Mr. Heinrich was looking for and it was determined that they didn't but the change request that is before the Board now does not change the location of the foundations. Atty. Brown committed that it will not change and Atty. Nat Brown said some may have porches but the plan shown that the selectmen approves shows the difference. The footprint on the plan is the same.

Mr. Ward said that cape style and colonial style homes do have different footprints. Atty. Nat Brown pointed out that the footprint will be the same as on the plan. Mr. Aumann didn't understand—Atty. Nat Brown said that the box of the house will match but the garage may change, and he pointed out what it will look like on the plan. Mr. Ellis asked Mr. Heinrich to show where his house is on the plan. Atty. Nat Brown reiterated that nothing will be different but to accommodate the porch the garages may come forward. The rear of the colonial style will not be as far back.

The Board discussed this and asked for a letter from Atty. Nat Brown stating that the structure will not be any closer than what is shown on the plan approved last spring and the petitioner agreed to provide the letter.

The Chairman opened the hearing to the Public. There were no questions.

The Chairman closed the public hearing.

#### **DELIBERATION:**

Mr. Bauer brought up the fact that the Board had discussed the petitioner's request and determined that it was substantial enough to require a public hearing. The only issue is the request for the change of cape style homes to colonial style homes. Any other issues

would have to be addressed by the appeal process. The Board needs to decide to approve the change or not to approve it. Mr. Bauer said it goes back to the Comprehensive Permit.

Mr. Aumann said that the Board has to decide if the proposed change will not be injurious or detrimental to the neighborhood or derogate from the intent and purpose of the by-law. Mr. Ellis agreed and said that was the purpose the ZBA requested input from the other town boards. Mr. Aumann also agreed and added that the issue of the footprint of these structures was brought up and if the footprint moves, it will have to be reviewed—the location, not the dimension. The Board agreed that issue would be in the jurisdiction of the Building Inspector. Mr. Warner said that the wording, footprint of the house and footprint of the garage are different. The structure contains one footprint.

Mr. Cohen added that the Board does not have a site plan available, however the Board is only addressing the change of style. Mr. Aumann said that if the footprint moved the Building Inspector would stop the progress and the petitioner would have to come back to the ZBA.

**MOTION:**

Jeff Cohen moved to grant to Pamela Brown, Esq., for Elderberry Limited Partnership II, an amendment to the Comprehensive Permit issued for the Village at Concord Rd. (268, 268A and 268B Concord Rd.) to allow the construction of 4 colonial style homes with two bedrooms per unit in lieu of 4 cape style homes proposed as one-bedroom units. Subject to receipt of a letter confirming that the previously approved structure on lot 8 won't materially change setbacks that were previously approved.


Harold Ward seconded the motion.

Point of clarification: Mr. Cohen asked if there are other setbacks that may have changed slightly and Atty. Nat Brown replied no, but that Mr. Heinrich was interested in trying to move it further away from his house, and if the petitioner had the flexibility to move the house forward a couple of feet they would like to be able to do that. The Board decided that the wording in the motion was sufficient.

**VOTING IN FAVOR:** Ellis, Aumann, Theobald, Ward, and Ezekiel.

**VOTING AGAINST:** None

Mr. Ellis informed the petitioners that the Board has 14 days to write up the decision, and there is then an appeal period of 20 days after which the petitioner must have the Special Permit recorded and they then may apply for a building permit.

  
Jeffrey Cohen, Clerk *BR*

**IMPORTANT NOTICE:**

M.G.L.c 40A, Section 11 and 17 require that no Variance or Special Permit or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and that no appeal has been filed within said twenty (20) days that it has been dismissed or denied, and is recorded in the Middlesex Registry of Deeds for this district. The fee for recording or registering shall be paid by the owner or petitioner.