

**From:** Alice Heller [aliceheller15@gmail.com]  
**Sent:** Monday, January 05, 2015 10:11 AM  
**To:** City Council  
**Cc:** Lopez, Donna  
**Subject:** planning board/special permitting

Please enter this communication into the council record.

Dear Councillors,

Many residents have been following the rules regarding special permitting and the decisions by the planning board. I am one of many who are watching and hoping tonight's meeting will address the Teague Petition Part 2 which asks for the Law Dept opinion to be put in writing.

***ORDERED: That the City Manager be and hereby is requested to instruct the Law Department to clarify the discretion of the Planning Board as it relates to special permits ...*** Please have the Law Department publish its opinion with citations on the Planning Board's discretion to deny Special Permits as ordered by the council on November 14 2014.

Please ensure that the opinion addresses Attorney Costa's opinion letter, : *Stating that a special permit "may be," instead of "will normally be," granted is consistent with and underscores the holding in Humble Oil v. Board of Appeals of Amherst, 360 Mass. 604, 605 (1971): "The mere fact that the standards set forth [in a bylaw or ordinance] are complied with does not compel the granting of a special permit. . ."*

Thank you for your consideration.

Alice Heller  
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