

From: Helen Privett [Helen.Privett@gmo.com]
Sent: Monday, January 12, 2015 3:28 PM
To: City Council
Cc: Lopez, Donna
Subject: Written Law Dept opinion needed on the Planning Board's discretion to deny Special Permits

Please enter this communication into the council record.

Dear Councilors,

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 and which the City Solicitor offered to write on Jan 5 2015.

Please ensure that the opinion addresses Attorney Costa's opinion letter, specifically this sentence: *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,
Helen Privett
463 Concord Ave
Cambridge, MA 02138