

**From:** Mairi Staples [mstaples145@gmail.com]  
**Sent:** Monday, January 12, 2015 4:01 PM  
**To:** City Council; Lopez, Donna  
**Subject:** Written Legal Department opinion necessary on the Planning Board's discretion to deny Special Permits

Please enter this communication into the council record.

**To:**

[council@cambridgema.gov](mailto:council@cambridgema.gov)

**Cc:**

[dlopez@cambridgema.gov](mailto:dlopez@cambridgema.gov)

Councillors,

I am

alarmed that the members of our  
Planning  
Board

erroneously believe

that they  
**must**  
grant any special permit application it receives.

Please have the City's legal 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

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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,  
Mairi Staples  
145 Concord Ave  
Cambridge, MA