BOARD OF ZONING APPEAL (BZA)

PROCEDURES & APPLICATION

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BEFORE YOU BUY, OR RENT PROPERTY IN THE CITY OF CAMBRIDGE, CHECK ALL APPLICABLE LAWS AND REGULATIONS, INCLUDING THE CAMBRIDGE ZONING ORDINANCE TO BE SURE THAT THE PROPERTY CAN BE USED OR ALTERED FOR THE PURPOSE INTENDED.

(Revised: January 2010)

PLEASE READ THESE INSTRUCTIONS BEFORE SUBMISSION

PROCEDURE FOR BOARD OF ZONING APPEAL PETITIONS

These procedures are general in nature and not intended to be complete. You should Consult with your advisor as to specific legal requirements that may apply in your case.

1. The process generally begins with denial of a Building Permit or Certificate of Occupancy application or with a determination of the need for a Variance or Special Permit, or upon the determination by an official of the Inspectional Services Department (ISD) that relief from the Zoning Ordinance or a special permit is required.

2. Next, petition forms, obtainable from the Inspectional Services Department*, must be fully and correctly completed and submitted to the Secretary of the Board of Zoning Appeal along with other required submissions and the filing fee. The petition is then filed with the Office of the City Clerk. The date of filing is the date time-stamped on the petition form by the Office of the City Clerk. ***State Law requires that a public hearing must be held within 65 days of the date of filing***.

3. A Copy of the Petition is provided to the Planning Board for review and comment. The planning Board reviews Board of Zoning Appeal cases at its regularly scheduled meetings. Dates of Planning Board meetings may be obtained by calling the Community Development Department at 349-4600. ***It's advisable to check prior to the Board of Zoning Appeal Hearing with the Community Development Department or Inspectional Services Department to determine if the Planning Board submitted any comments.***

4. *The Secretary to the Board of Zoning Appeal sends notices of the scheduled hearing to abutters & abutters to abutters within 300 feet of the subject property, and property owners across the street from the subject property, as described in MGL, Ch. 40A, Sec. 11, at least fourteen days in advance of the scheduled hearing date.*

5. A similar notice of the scheduled hearing is published for two consecutive weeks in a paper of local circulation. The first advertisement must appear at least two weeks prior to the date of the hearing.

6. The petitioner is also required to post a notice at the property prior to the hearing in accordance with the procedures set fourth in Attachment D. Please, read carefully for timely & proper display.

7. A notice of the scheduled hearing is posted at the City Clerk's Office two weeks prior to the hearing date.

8. At the hearing, the Board reviews the case material, the petitioner presents pertinent information, and the Board takes testimony in favor and testimony in opposition. Usually, cases are decided at the public hearing. ***Decisions on Variances and Appeals must be filed by the Board with the City Clerk's office within 100 days of the filing date of the application. Decisions on Special Permits must be filed by the Board with the City Clerks office within 90 days of the hearing date. These deadlines can be extended upon written waiver of the applicant.***

9. A deliberation meeting is held on a subsequent date if a decision is not reached at the original hearing. Generally, no additional testimony is taken at the deliberation hearings. If revised plans are to be submitted, they must be filed by the Monday prior to the hearing.

10. *The Board's decision, after reasonable time for transcription and typing, (approximately 30 days) is filed in the Office of the City Clerk and a copy is mailed to the petitioner. If no appeal to Superior Court or Land Court is undertaken within twenty (20) days of the date of filing with the City Clerk, the Petitioner brings his or her copy of the decision to the City Clerk, who signs the decision indicating that no appeal has been undertaken. For variances and special permits the petitioner must file this signed copy with the deed for the subject property at the Registry of Deeds. A copy of the decision stamped as filed by the Registry of Deeds must be filed with the Division of Inspectional Services before buidling permits or certificates of occupancy can be issued.*

***Note: Special Permits for certain use categories, as defined in the Zoning Ordinance, are issued by the Planning Board. Applications for Planning Board Special Permits are made at the Community Planning Division at the Community Development Department (349-4657)**

BZA APPLICATION FORM

CHECK LIST

PROPERTY LOCATION: _____ **DATE:** _____

PETITIONER OR REPRESENTATIVE: _____

ADDRESS & PHONE: _____

BLOCK: _____ **LOT:** _____

PLEASE CHECK THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPLICATION. APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

PLEASE INCLUDE THIS CHECKLIST WITH YOUR APPLICATION.
ALL DOCUMENTS ARE TO BE TYPED OR WRITTEN LEGIBLY.

DOCUMENTS	REQUIRED	ENCLOSED
Application Form **3 Forms with Original Signatures**	_____	_____
Supporting Statements – 2 Copies	_____	_____
Application Fee ($) (SEE ATTACHED FEE SCHEDULE)	_____	_____
Assessor's Plat (Available at Engineering Dept. - 147 Hampshire Street)	_____	_____
Dimensional Form - Refer to Cambridge Zoning Ordinance - 2 Copies (Subject to further review by Zoning Specialist)	_____	_____
Ownership Certificate, Notarized - 2 Copies	_____	_____
Floor Plans - 2 Sets	_____	_____
Elevations - 2 Sets *	_____	_____
Certified Plot Plan - 2 Copies (By Registered Land Surveyor)	_____	_____
Photographs of Property – 2 Copies	_____	_____
Parking Plan (if relevant to your application) 2 Copies	_____	_____

FOR SUBDIVISION ALSO INCLUDE:**

Proposed Deeds	_____	_____
Evidence of Separate Utilities ***	_____	_____
Proposed Subdivision Plan	_____	_____

Petitioners are advised to refer to Attachment A (Procedures for applying to the Board of Zoning Appeal) & consult zoning staff for review.
It is advisable for the Petitioner to discuss the petition with the abutters as listed in the Zoning BZA Case file.

* For Special Permits under Art. 4.32.G.1 (Communication Towers and Antennas), include a photo simulation.
** See attachment G.
*** Can be submitted after subdivision has been approved.

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ **Variance:** _____ **Appeal:** _____

PETITIONER: _____

PETITIONER'S ADDRESS: _____

LOCATION OF PROPERTY: _____

TYPE OF OCCUPANCY: _____ **ZONING DISTRICT:** _____

REASON FOR PETITION:

_____ Additions _____ New Structure

_____ Change in Use/Occupancy _____ Parking

_____ Conversion to Addi'l Dwelling Unit's _____ Sign

_____ Dormer _____ Subdivision

_____ Other: _____

DESCRIPTION OF PETITIONER'S PROPOSAL:

_____

_____

_____

_____

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5
Applicants for a **Special Permit** must complete Pages 1-4 and 6
Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): _____
(Petitioner(s)/Owner)

_____
(Print Name)

Address: _____

_____

Tel. No.: _____

E-Mail Address: _____

Date: _____

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ **Variance:** _____ **Appeal:** _____

PETITIONER: _____

PETITIONER'S ADDRESS: _____

LOCATION OF PROPERTY: _____

TYPE OF OCCUPANCY: _____ **ZONING DISTRICT:** _____

REASON FOR PETITION:

_____ Additions _____ New Structure

_____ Change in Use/Occupancy _____ Parking

_____ Conversion to Addi'l Dwelling Unit's _____ Sign

_____ Dormer _____ Subdivision

_____ Other: _____

DESCRIPTION OF PETITIONER'S PROPOSAL:

_____

_____

_____

_____

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5
Applicants for a **Special Permit** must complete Pages 1-4 and 6
Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): _____
(Petitioner(s)/Owner)

_____
(Print Name)

Address: _____

_____

Tel. No.: _____

E-Mail Address: _____

Date: _____

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ **Variance:** _____ **Appeal:** _____

PETITIONER: _____

PETITIONER'S ADDRESS: _____

LOCATION OF PROPERTY: _____

TYPE OF OCCUPANCY: _____ **ZONING DISTRICT:** _____

REASON FOR PETITION:

_____ Additions _____ New Structure

_____ Change in Use/Occupancy _____ Parking

_____ Conversion to Addi'l Dwelling Unit's _____ Sign

_____ Dormer _____ Subdivision

_____ Other: _____

DESCRIPTION OF PETITIONER'S PROPOSAL:

_____

_____

_____

_____

SECTIONS OF ZONING ORDINANCE CITED:

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5
Applicants for a **Special Permit** must complete Pages 1-4 and 6
Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): _____
(Petitioner(s)/Owner)

_____
(Print Name)

Address: _____

_____

Tel. No.: _____

E-Mail Address: _____

Date: _____

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We_____
(OWNER)

Address:_____

State that I/We own the property located at _____,

which is the subject of this zoning application.

The record title of this property is in the name of_____

_____

*Pursuant to a deed of duly recorded in the date _____, Middlesex South

County Registry of Deeds at Book _____, Page _____; or

Middlesex Registry District of Land Court, Certificate No._____

Book _____ Page _____.

_____
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

****Written evidence of Agent's standing to represent petitioner may be requested.***

Commonwealth of Massachusetts, County of _____

The above-name _____ personally appeared before me,

this _____of _____, 20____, and made oath that the above statement is true.

_____Notary

My commission expires _____(Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We_____
(OWNER)

Address:_____

State that I/We own the property located at _____,

which is the subject of this zoning application.

The record title of this property is in the name of_____

_____

*Pursuant to a deed of duly recorded in the date _____, Middlesex South

County Registry of Deeds at Book _____, Page _____; or

Middlesex Registry District of Land Court, Certificate No._____

Book _____ Page _____.

_____
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

****Written evidence of Agent's standing to represent petitioner may be requested.***

Commonwealth of Massachusetts, County of _____

The above-name _____ personally appeared before me,

this _____of _____, 20____, and made oath that the above statement is true.

_____Notary

My commission expires _____(Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: _____ **PRESENT USE/OCCUPANCY:** _____

LOCATION: _____ **ZONE:** _____

PHONE: _____ **REQUESTED USE/OCCUPANCY:** _____

		EXISTING CONDITIONS	***REQUESTED CONDITIONS***	***ORDINANCE REQUIREMENTS***[1]	
TOTAL GROSS FLOOR AREA:		_____	_____	_____	(max.)
LOT AREA:		_____		_____	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA:[2]		_____	_____	_____	(max.)
LOT AREA FOR EACH DWELLING UNIT:		_____	_____	_____	(min.)
SIZE OF LOT:	WIDTH	_____		_____	(min.)
	DEPTH				
Setbacks in Feet:	FRONT	_____	_____	_____	(min.)
	REAR	_____	_____	_____	(min.)
	LEFT SIDE	_____	_____	_____	(min.)
	RIGHT SIDE	_____	_____	_____	(min.)
SIZE OF BLDG.:	HEIGHT	_____	_____	_____	(max.)
	LENGTH				
	WIDTH				
RATIO OF USABLE OPEN SPACE TO LOT AREA:[3])		_____	_____	_____	(min.)
NO. OF DWELLING UNITS:		_____	_____	_____	(max.)
NO. OF PARKING SPACES:		_____	_____	_____	(min./max)
NO. OF LOADING AREAS:		_____	_____	_____	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		_____	_____	_____	(min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

_____

_____

_____

_____

1. *SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).*
2. *TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.*
3. *OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.*

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

***EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL* BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:**

***A*)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

***B*)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following rearsons:

C*)** ***DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

***1*)** Substantial detriment to the public good for the following reasons:

***2*)** Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

*** If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.**

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for _____ (*location*) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

D) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

Effective 7/01/2009

BOARD OF ZONING APPEAL (FEE SCHEDULE)

The fee for a public hearing before the Board of Zoning Appeal shall be determined by the category of relief being sought. The fee per case for each category is as follows:

1. Parking
   $100.00 per space for which relief is requested.

2. Signs
   $100.00 per sign plus $2.00 per square foot of signage requiring relief.

3. Appeal of Building Department Official's Determination
   $100.00

4. Additions, Structural Alterations, Dimensional Violations, Alteration of Non-Conforming Structure
   $100.00 plus $20.00 per 100 square feet of construction requiring relief.

5. Subdivision
   $500.00 plus $100.00 per new lot proposed.

6. Conversion to Additional Dwelling Units
   $300.00 plus $100.00 per dwelling unit requested.

7. Use Variance, Use Special Permit, Alteration or Enlargement of Non-Conforming Uses
   $100.00 base fee, subject to an additional fee of $100.00 per occupied dwelling) unit or its equivalent requiring relief.

Other uses shall be subject to an additional fee per square foot of new construction or conversion requiring relief as follows:

Under the following Sections of the Zoning Ordinance:

Sec. 4.15	*Unlisted Uses*	Category to be determined by Zoning Specialist.
Sec. 4.32	*Transportation, etc.*	20 cents per sq. ft.
Sec. 4.33	*Institutional*	20 cents per sq. ft.
Sec. 4.34	*Office and Lab*	20 cents per sq. ft.
Sec. 4.35	*Retail Business & Consumer Service*	20 cents per sq. ft.
Sec. 4.36	*Open Air/Drive-In*	20 cents per sq. ft.
Sec. 4.37	*Light Industry*	25 cents per sq. ft.
Sec. 4.38	*Heavy Industry*	30 cents per sq. ft.

Projects requesting relief in more than one of the above categories shall be required to pay a total of the fees from each applicable category.

(ATTACHMENT C)

Fees are based on the magnitude of the relief being requested and not that ultimately granted.

Notwithstanding the above schedule of fees, City Agencies and Non-Profit Institutions established for the welfare of citizens of the City of Cambridge shall be subject to a maximum fee of $100.00 or the actual cost of advertisement and notification of the Board of Zoning Appeal's hearing, whichever is greater.

Those structures and uses begun in advance of obtaining necessary relief from the Board of Zoning Appeal shall be subject to an additional charge of ten percent of the applicable fee for corrective hearing before the Board of Zoning Appeal.

The fee for renotification of a case pending before the Board of Zoning Appeal shall be $100.00 or the actual cost of advertisement and notification of the Board of Zoning Appeal's hearing, whichever is greater.

In no case shall the fee for a hearing before the Board of Zoning Appeal exceed three thousand dollars ($3,000.00).

The foregoing fee schedule may be waived and the fee for a given case established by the Board of Zoning Appeal by variance from the Board of Zoning Appeal.

All Board of Zoning Appeal decisions predicated on the fulfillment of certain conditions assigned by the Board shall be subject to certification for compliance with those conditions on an annual or other appropriated basis. The fee for such certification shall be $25.00 per year.

ADDENDUM TO THE BOARD OF ZONING APPEAL APPLICATION FORM

RE: ADDITIONAL PUBLIC NOTIFICATION REQUIREMENTS FOR VARIANCE OR SPECIAL PERMIT APPLICATIONS.

AN AMENDMENT TO THE CAMBRIDGE ZONING ORDINANCE UNDER ARTICLE 10.000, SECTION 10.42.1 REQUIRES THAT APPLICANTS FOR A VARIANCE OR SPECIAL PERMIT ERECT AND MAINTAIN ONE OR MORE NOTIFICATION PANELS AT THE SITE FOR WHICH THE VARIANCE OR SPECIAL PERMIT RELIEF IS REQUESTED. THE REQUIREMENTS ARE AS FOLLOWS:

A. The number of notification panels required to be erected is based on the street frontage of the property. For the first 200 feet of frontage, one panel is required. Additional panels are required for each additional 500 feet of frontage or portion thereof.

B. The panels shall be securely mounted on the lot at the street line or within the property, but in any case not more than twenty (20) feet from the street line.

C. The location of the panel(s) shall be shown on the site plan included with the application documents. The locations are subject to the approval of the Inspectional Services Department.

D. The panels will be available for pickup by the applicant from the BZA Secretary at the Inspectional Services Department, no later than 3 weeks from the hearing date. The wording on the panels will be completed by the Inspectional Services Department.

E. The panels must be installed by the applicant at the designated locations, no later than fourteen (14) days prior to the public hearing. Failure to install the panels by this date could result in rescheduling of the public hearing.

F. The panels must be displayed continuously until such time as the notice of decision is filed with the city clerk. Note: For information purposes, it can take approximately a month and a half between the time of the hearing and the filing of the notice of decision.

G. After the notice of decision has been filed, the panel shall be promptly removed and discarded.

Note: The following information will be included on the notification panel:

Name of Petitioner;
Description of Premises;
Information concerning the public hearing;
Nature of relief requested;
Case number, and
City point of contact for additional information of submission of comments.

(ATTACHMENT D)

CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASS. 02139 (617) 349-6100

IMPORTANT NOTICE CONCERNING BZA AND HISTORICAL COMMISSION COORDINATION

For BZA applications where it is proposed to make exterior changes to structures located in historic or neighborhood conservation districts, designated as landmarks, or subject to preservation restrictions, or removed portions of buildings such that the result would amount to substantial demolition of the structure, it is necessary that the applicant obtain approval from the Historical Commission for these cases as required by Ch. 2.78 of the Municipal Code. In order to insure that any relief that might be granted by the BZA takes into consideration actions by the Historical Commission, it is most important that this approval be obtained prior to the BZA hearing date. For a case where a required Historical Commission review has not been completed, the BZA hearing would likely have to be continued to a later date thereby delaying and inconveniencing the applicant.

As this approval could require a hearing before the Historical Commission, it is most important that discussions with the Historical Commission staff be initiated at the earliest possible time.

If you have any questions as to whether your property is subject to Historical Commission review, you should contact the Historical Commission.

(ATTACHMENT E)

CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASS. 02139 (617) 349-6100

ADDENDUM TO BOARD OF ZONING APPEAL APPLICATION FORM

SUBJECT: DEVIATIONS FROM PLANS APPROVED BY THE BOARD OF ZONING APPEAL (BZA)

WHEN THE BZA GRANTS A VARIANCE OR SPECIAL PERMIT, SUCH APPROVAL IS CONDITIONED ON CONFORMANCE WITH THE EXTERIOR FEATURES OF THE PLANS AND DRAWINGS APPROVED AT THE HEARING BY THE BOARD. THEREFORE, WHEN APPLYING FOR THE BUILDING PERMIT FOR THE APPROVED PROJECT, THE PLANS MUST BE THE SAME AS THOSE APPROVED BY THE BOARD, INCLUDING THE LOCATION AND SIZE OF WINDOWS.

IF THE PLANS ARE NOT THE SAME, THE BUILDING PERMIT CANNOT BE ISSUED.

IF THE APPLICANT FEELS THAT THE EXTERIOR FEATURES OF THE PLANS ARE LIKELY TO UNDERGO MODIFICATION BETWEEN THE TIME OF THE BZA HEARING AND THE APPLICATION FOR THE BULDING PERMIT, THIS SHOULD BE BROUGHT TO THE ATTENTION OF THE BOARD AT THE HEARING SO THE DECISION CAN REFLECT THE FINAL CHANGES AS APPROVED BY THE BOARD. NO CHANGES CAN BE MADE TO PLANS APPROVED BY THE BZA SUBSEQUENT TO THE ISSUANCE OF THE BOARD'S DECISION.

(ATTACHMENT F)

PROCEDURES FOR SUBDIVIDING EXISTING BUILDINGS OR PARCELS

1. Petition is made to the Board of Zoning Appeal for subdivision approval.

2. Twenty days after the Board of Zoning Appeal's decision granting the subdivision has been filed, petitioner must bring the decision to the Office of the City Clerk for Certification that there has been no appeal to the Superior Court. Then, the decision must be filed with the Registry of Deeds and evidence of such filing submitted to the Department of Inspectional Services.

3. When an interior lot line is created through an existing building or connected buildings, a total separation is to be made with a fire wall in accordance with the provisions of the Massachusetts State Building Code.

4. An existing fire wall must be certified by a registered professional Architect, Engineer, or qualified person.

5. Where compliance with a fire wall is impractical because of structural or construction difficulties or regulatory conflicts, compliance alternatives may be submitted to the building inspector for consideration and approval.

6. All utilities must be divided and be totally independent in each unit. All penetrations of the separated utilities left in a fire wall must be inspected and approved.

7. Upon compliance with the conditions of the decision and subdivision of the property, an application for a Certificate of Occupancy must be submitted.

8. Prior to issuance of the final Certificate of Occupancy the following items must be on file with the Inspectional Services Department.

a) Reports attesting items No. 3, 4, 5, 6 by a registered professional Architect, Engineer or qualified person.

b) A copy of the subdivision plan and relevant documents as recorded with the Registry of Deeds.

(ATTACHMENT G)