

CITY OF WALTHAM

MASSACHUSETTS

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LAW DEPARTMENT

ASSISTANT CITY SOLICITORS

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Memorandum

To: Ralph Gaudet,
Building Inspector

From: Law Department

Dated: October 4, 2002

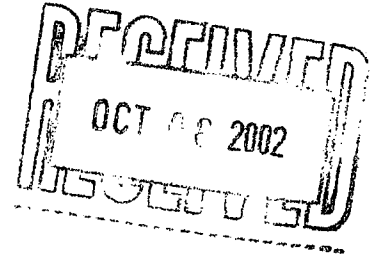
Re: Requests to the Law department for So-called "Small Lot" Opinions - Applicability of §§ 3.711 and 4.218 of the Zoning Ordinance to a Particular Lot

Op. No. 261/2002

This memorandum is provided in response to your request that the Law Department review and update the January 6, 1988, correspondence of John Mula relative to supporting data and documentation required by the Law Department to render so-called "small lot" opinions. This memorandum is intended to supercede said correspondence.

The following data and documentation must accompany any so-called "small lot" request concerning the applicability of §§ 3.711 and 4.218 of the Zoning Ordinance to a particular Lot:

1. A statement from the Building Inspector concerning the following:
 - a. Identification of the zoning district in which the Lot is located;
 - b. That the opinion is being requested for a building permit application relating to a single or two-family residential use; and
 - c. That the Building Department street card for the Lot is enclosed.
2. A title search and certification which includes a copy of all documents, including but not limited to deeds, in the chain of title from the point in time the Lot was first described up to the date of the certification. A copy of all plans recorded at the Registry showing the subject property. A copy of a Certification form is attached. The certification form must be executed by both the landowner and by the attorney or title examiner performing the title search. The following title information must be included in the title search/certification:



- a. The original recorded plan (if any) depicting the Lot as currently described;
- b. All subsequently recorded documents, including but not limited to, all deeds and plans;
- c. All documentation must bear recording information, including date of recording endorsed by the Registry of Deeds (hand written data provided by the title examiner, or others, is not acceptable);
- d. If the lot is registered land all deeds and transfer certificates of title including a complete copy of the encumbrance sheets must be provided; and
- e. If the landowner is seeking application of § 3.711 to a Lot with less than 45 ft. of frontage located in the RA-3 District, documentation is required demonstrating ownership of all adjoining lots on December 27, 1988, including separate Certifications for each such lot.



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