



Town of Stow  
**PLANNING BOARD**

380 Great Road  
Stow, Massachusetts 01775  
(978) 897-5098  
FAX (978) 897-4534

**NOTICE OF DECISION AND DECISION  
POMPOSITTICUT/CENTER ELEMENTARY SCHOOL  
SITE PLAN APPROVAL**

**&**

**SPECIAL PERMITS**

**Great Road and Hartley Road**

**April 6, 2010**

**1. Petition**

This document is the DECISION of the Stow Planning Board (hereinafter, the Board) on the Petitions of the Stow Elementary School Building Committee (hereinafter, the Petitioner) for property located off of Great Road.

This decision is in response to applications filed by the Petitioner for Site Plan Approval, an Erosion Control Special Permit and an Exterior Lighting Special Permit, submitted to the Board on February 5, 2010 (hereinafter the Petitions), pursuant to Sections 9.2, 9.3, 3.8.1.10 and 3.8.1.5.2 of the Stow Zoning Bylaw (hereinafter the Bylaw), and the Special Permit Rules and Regulations (hereinafter the Rules). The Petitioner seeks permission to construct a 70,548 sq. ft. addition and comprehensive renovations to the existing Center Elementary School, on property located off of Great Road.

**2. Petitioner**

Stow Elementary School Building Committee  
c/o William Wrigley, Town Administrator  
380 Great Road  
Stow, MA 01775

**Property Owner**

Town of Stow  
380 Great Road  
Stow, MA 01775

**3. Location**

Said property is located off of Great Road and Hartley Road and is shown as Parcel 44 on Assessor's Map Sheet U-9 and parcel 9 on Assessor's Map Sheet U-10 (hereinafter, the Site).

**4. Board Action**

After due consideration of the Application and Petition, the record of proceedings, and based upon the findings and conclusions set forth below, the Board, on April 6, 2010, by a vote of 5 out of 5 members present at the public hearing, voted to **APPROVE** the request for Site Plan

Approval and **GRANT** the requested Erosion Control Special Permit and Exterior Lighting Special Permits.

## 5. Proceedings

The Petitioner presented the Petition for Site Plan Approval and Special Permits to the Board at a duly noticed public hearing held on February 23, 2010 at which time the Petitioner presented the Petition for a Site Plan Approval, Erosion Control Special Permit and Exterior Lighting Special Permit. Upon assent of the Petitioner, the public hearing was continued to March 3, 2010, March 16, 2010 and March 23, 2010. The Public Hearing was closed at the conclusion of the March 23, 2010 session. Board Members Kathleen Willis, Ernest E. Dodd, Leonard Golder, Stephen Quinn and Lori Clark were present throughout each of the hearing sessions. The record of proceeding and submission upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

## 6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

### EXHIBIT 1

1. Plan entitled "Pompositticut / Center Elementary School, 403 Great Road, Stow, MA 01775, Site Plan review and Special Permits", dated January 19, 2010, revised through March 10, 2010, prepared by Symmes Maini & McKee Associates (SMMA), consisting of the following sheets:

#### Title Sheet

- C1.01 - Existing Conditions Plan
- C2.01 - Site Preparation Plan – Phase I
- C2.02 - Site Preparation Plan – Phase II
- C3.01 - Layout & Materials Plan
- C4.01 - Grading & Utilities Plan
- C5.01 - Planting Plan
- C5.02 - Planting Plan Enlargements
- C6.01 - Details I
- C6.02 - Details II
- C6.03 - Details III
- C6.04 - Details IV
- C7.01 - Waste Water Dispersal System
- C7.02 - Waste Water Dispersal System
- C7.03 - Test Pit, Perc Test Logs & Section
- E0.03 - Electrical Site Plan
- E0.04 - Site Lighting Photometric Plan
- A0.03 - First Floor Overall Plan
- A1.01A - First Floor Plan Part A
- A1.01B - First Floor Plan Part B
- A1.01C - First Floor Plan Part C
- A1.01D - First Floor Plan Part D
- A1.02C - Second Floor Plan Part D
- A1.02D - Second Floor Plan Part D
- A2.01 - Building Elevations

2. Plan entitled "Site Lighting Photometry Plans - Lumens", dated March 9, 2010, prepared by Symmes Maini & McKee Associates, consisting of the following sheets:

EL0.04 - Site Lighting Photometry Plan - Lumens

EXHIBIT 2

Supplementary documents required by the Rules, consisting of the following:

1. Applications
  - Application for Site Plan Approval
  - Petition for Special Permits
  - Development Impact Statement Form
  - Certified List of Abutters
- Zoning Analysis
2. Figures
  - Locus Map
  - Zoning Map
  - Flood Plain/Wetlands district Map
  - Existing Conditions Plan
  - Soils Map
  - FEMA Map
  - Proposed Building Rendering
  - Proposed Site Plan
  - Existing Conditions Hydrology
  - Proposed Conditions Hydrology
  - Groundwater Recharge Contributing Subcatchments
3. Tables
  - Existing & Proposed Peak Discharge Rate Comparison
4. Appendices
  - Order of Resource Area Delineation (ORAD)
  - Geotechnical Information
  - HydroCAD Report
  - Miscellaneous Drainage Calculations
  - Stormceptor Evaluation Report
  - Stormwater Pollution Prevention Plan
  - Operation and Maintenance Plan
  - Illicit Discharge Compliance Statement
  - Massachusetts Historic Commission Letter
  - Proposed Light Fixtures
5. Traffic Impact Analysis
  - Traffic Impact Analysis, dated August 2009, prepared by Bryant Associates, Inc.
  - Traffic Impact Analysis Supplement, dated March 9, 2010, prepared by Bryant Associates, Inc.
6. Drainage Calculations, revised March 10, 2010, prepared by Symmes Maini & McKee Associates

- EXHIBIT 3 Additional information submitted by the Petitioner:
1. Email, dated March 1, 2010, from SMMA (response to peer review comment on monitoring wells)
  2. Letter, dated March 9, 2010, from (Response to Engineer Peer Review Comments)
  3. Letter, dated March 10, 2010, from SMMA (Response to Planning Board Comments)
  2. Letter, dated March 10, 2010, from Construction Monitoring Services, Inc. (Owner's Project Manager) regarding scope and budget relative to the Larsen Apple Barn
  3. Email, dated March 11, 2010, from SMMA, in response to comments from the Board's Light Pollution Study Sub-Committee
  4. Email, dated March 23, 2010, from SMMA in response to Planning Board Member comments on the Landscape Plan.
  5. Letter, dated March 22, 2010, from SMMA in response to Planning Board and Peer Review Comments # 2
  6. Roadstar TM Publication on lighting.
- EXHIBIT 4 Comments received from the Board's Consultant:
1. Letter dated February 23, 2010 from Places Associates, Inc.
  2. Letter dated March 18, 2010 from Places Associates, Inc
  3. Email dated March 23, 2010 from Places Associates, Inc.
- EXHIBIT 5 Comments received from other Town Boards, Committees and Departments, and State Agencies:
1. Letter, dated December 9, 2009, from the Stow Historical Commission to the Massachusetts Historical Commission
  2. Letter, dated December 11, 2009, from the Stow Historical Commission to SMMA
  3. Letter, dated January 28, 2010, from the Massachusetts Historical Commission regarding the Larsen Apple Barn to the Town Administration/Elementary School Building Committee
  4. Letter, dated February 1, 2010, from the Stow Historical Commission to the Massachusetts Historical Commission.
  5. Public Hearing Notice, dated February 8, 2010, from Conservation Commission regarding Notice of Intent
  6. Public Hearing Notice, dated February 11, 2010, from Zoning Board of Appeals regarding Special Permit and Variance Requests
  7. Email, dated February 15, 2010, from Conservation Commission Member I. Hegemann to SMMA
  8. Email, dated February 16, 2010, from Conservation Commission Member H. Castles to the Conservation Commission.
  9. Public Hearing Notice, dated February 18, 2010, from Conservation Commission regarding Request for Determination of Applicability
  10. Email, dated February 26, 2010, from the Board of Health Chairman Marcia Rising
  11. Email, dated February 26, 2010, from Planning Board's Light Pollution Study Sub-Committee
  12. Email, dated March 2, 2010, from the Police Department
  13. Email, dated March 2, 2010, from the Fire Department

14. Determination of Applicability, dated March 3, 2010, from the Conservation Commission
15. Email, dated March 3, 2010, from Community Preservation Committee
16. Letter, dated March 5, 2010, from the Massachusetts Historical Commission regarding the Larsen Apple Barn.
17. Email, dated March 8, 2010, from Conservation Commission Member I. Hegemann – comments on landscape plan
18. Letter, dated March 15, 2010, from Stow Agricultural Commission
19. Letter, dated March 8, 2010, from Stow Historical Commission
20. Email, dated March 9, 2010, from Town Counsel regarding Larsen Apple Barn
21. Emails (2), dated March 10, 2010, from Selectman Dungan regarding Larsen Apple Barn
22. Email, dated March 10, 2010, from Town Counsel regarding Larsen Apple Barn
23. Email, dated March 11, 2010 from Town Counsel – Discussion with MSBA regarding the Larsen Apple Barn
24. Email, dated March 16, 2010, from the Planning Board's Light Pollution Study Committee
25. Public Hearing Notices, received March 19, 2010, from Zoning Board of Appeals regarding Special Permit and Variance Requests

EXHIBIT 6

Comments received from residents:

1. Several emails from residents regarding the Larsen Apple Barn
2. Review of proposed school site plans, dated March 12, 2010, from M. FitzPatrick
3. Review of proposed school site plans, dated March 23, 2010, from M. FitzPatrick

EXHIBIT 7

Other:

1. Publication from the National Institute of Deafness and Other Communication Disorders "Common Sounds" (Decible (db) table comparing common sounds and how they rank in potential harm to hearing.
2. Email, dated February 16, 2010 from V. Fletcher – In support of preservation of the Larsen Apple Barn
3. Notes dated February 23, 2010, from B. Fletcher (read at the Public Hearing) – In support of preservation of the Larsen Apple Barn
4. Memo, dated February 25, 2010, from B. Fletcher – In support of preservation of the Larsen Apple Barn
5. Email, dated March 1, 2010, from V. Fletcher – comments on landscape plan
6. Email, dated March 3, 2010 from V. Fletcher – In support of preservation of the Larsen Apple Barn
7. Letter, dated March 8, 2010, from New England Landmarks to the Stow Historical Commission
8. Email, dated March 9, 2010, from Planning Coordinator regarding the Larsen Apple Barn
9. Alternate Sketch Plan, stamped received March 16, 2010 by the Board and marked "1/7/2010 Historical Commission Meeting. From Amy Hastings – Ellen Sturgis, ESBC Co-chairs. Alternate site plan with Larsen apple barn retained."

10. Petition (109 signatures) "We the undersigned, respectfully request that the Elementary School Building Committee revise its site plan for the Center School project to retain the stone Building and Blacksmith Shop in their current locations."
11. Letter, dated March 22, 2010, from Lew Halprin – in support of preservation of the Larsen Apple Barn
12. Email/Letter campaign (approximately 120 emails/letters in support of the site plan as proposed, which include demolition of the Larsen Apple Barn.

Exhibits 1 through 3 are referred to herein as the Petition.

## **7. FINDINGS, CONCLUSIONS and CONDITIONS**

Based upon its review of the Exhibits and the record of the proceedings, the Board finds and concludes that:

- 7.1 **Finding** - The Petition shows a 70,548 sq. ft. addition and comprehensive renovations to the existing Center Elementary School. The project will combine the educational programs of the Pompositticut Elementary School, Center Elementary School and the Stow Pre-K program into a single facility at the Center School site. The new addition will include a 2-story classroom wing with single-story community spaces including a new gymnasium/cafeteria, library and administration spaces. Site improvements will include parking for approximately 100 vehicles, separate parent drop-off and bus driveways and construction of new utilities and drainage systems to serve the building, a dedicated fire lane and detailed landscaping improvements. The proposed site plan also includes a new multi-purpose ball field, relocation of the existing playground area, a new Pre-K playground,

The existing Center School, is located on a 15-acre site, located at 403 Great Road. The site is bordered on the south and west by residential properties, to the east by the Town of Stow Fire Department and to the north by Hale Middles School. The site consists of the existing school building (built in 1954 with additions in 1956 and 1958, an existing stone building, known as the Larsen Apple Barn and currently used as program space for the school, a wood framed blacksmith Shop that was moved to the site in 1914 and three small storage sheds.

The project also includes a portion of the Stow Fire Department Site (approximately 2-acres).

The petitioner anticipates construction to begin in June 2010 and completed by October 2012. The project is proposed to be constructed in two primary phases to ensure continued use of the site.

### **Phase 1:**

- Preparation of the site for the construction of the building addition
- Demolition of a portion of the existing building
- Student/staff access from the existing parking lot and driveways from Great Road. Construction access will be from Hartley Road
- Construction of the new school building
- Installation of all utilities to serve the new school addition.
- Construction of the staff parking and bus loop from Hartley Road

- Reconstruction of the ball fields
- Construction of the new playground area (Relocation of existing equipment will occur during the summer vacation between Phases 1 and 2.)

**Phase 2:**

- Renovation of the remaining portion of the existing Center School
- Construction of the Pre-K/K playground
- Reconstruction of the parent drop-off/visitor parking area off Great Road

7.2 **Finding** - The proposed use, as conditioned herein, is allowed by Site Plan Approval under Section 9.3 of the Bylaw.

7.3 **Finding** – The proposed use is subject to Exterior Lighting Special Permit under Section 3.8.1.5 of the Bylaw.

7.4 **Finding** – The proposed use is subject to an Erosion Control Special Permit under Section 3.8.1.10 of the Bylaw. The Board finds that the proposed plan, as conditioned herein, complies with the Bylaw.

**Condition** – Erosion and sedimentation control measures, as shown on the plan, must be in place at least 48 hours prior to the commencement of any site work or earthwork operation and must be maintained during construction and remain in place until all site work is complete and groundcover is established.

**Condition** – A description of proposed dust control measures shall be provided to the Building Commissioner.

**Condition** - Dust control measures shall be in place at all times.

7.5 **Finding** - The proposed use is subject to an NPDES Permit.

**Condition** - The Petitioner shall provide a copy of the NPDES submission and any update to the Board.

7.6 **Finding** – the proposed use is subject to a MEPA Review. An Environmental Notification Form was filed with the Executive Office of Energy & Environmental Affairs.

7.7 **Finding** – The Petitioner submitted a Petition for Special Permit to the Zoning Board of Appeals under section 5.1.1.7 (Flood Plain/Wetlands District) of the Bylaw to allow construction of a building within said district, all in connection with construction of an addition and renovation of the existing Center School. The Petitioner explained that the request for Special Permit is based on the Flood Plain Wetlands District Line as shown on the Town of Stow Assessor's Maps. The Board finds that proposed construction is not in the Flood Plain/Wetlands District as defined in the Bylaw, which is based on the Flood Insurance Rate Map for floodplain boundary for this area of Town and the IEP (Interdisciplinary Environmental Planning) Wetlands Map, Figure 13, with a scale of 1" = 800', Water Resource Study, Town of Stow, dated October 28, 1977 for the wetlands boundary.

7.8 **Finding** – The Petitioner submitted an Application for Variance to the Zoning Board of Appeals under Section 6.3.3.1 (Signs) of the Bylaw to allow a sign at Great Road exceeding five (5) sq. ft. and a sign at Hartley Road exceeding three (3) sq. ft.. The Application for variance indicates that the signs are currently being designed, and will be of wood construction similar in size and design to signage at other Town of Stow

properties. The sign at Great Road will replace the existing message board located immediately in front of the existing school and will include the school name as well as a message board. The sign at Hartley Road will include the school name. The Board supports the requested variance.

**Condition** – Plan shall be modified to include the final sign details as approved by the Zoning Board of Appeals.

**Condition** – This Site Plan Approval decision is subject to issuance of a Variance by the Board of Appeals to allow a sign at Great Road exceeding five (5) sq. ft. and a sign at Hartley Road exceeding three (3) sq. ft.

**Condition** – Signs shall be sited in such a manner as to not obscure visibility for cars exiting the school site.

**Condition** – No signs shall be illuminated in any manner.

7.9 **Finding** – The Petitioner submitted an Application for Variance to the Zoning Board of Appeals under Section 3.8.1.3 (Noise) of the Zoning Bylaw to allow noise generation that exceeds the allowable sound level limits during nighttime hours. Roof top equipment, two proposed roof-mounted air-cooled chillers and three proposed roof-mounted energy recover units (ERU's), are proposed to be placed in such a way as to meet the noise requirements of the bylaw during daylight hours, but may marginally exceed the requirement during nighttime operation on the westerly property line only. During the Public Hearing the Petitioner explained that rooftop equipment will rarely operate at night. Chillers will never operate outside of the cooling season and will only operate at nighttime during special events. The ERU's will not operate at night during any season, heating or cooling. They will operate in the morning during the heating season, likely commencing around 6:30 a.m. This equipment will be provided with sound-mitigation and will be visually screened from all directions of view. The Project also includes a school-wide public address and clock system, which includes speakers outside the building at selected locations. The exterior speakers can be put on a separate zone allowing the School staff to transmit tones or announcements to those locations by selection only. The level of the exterior speakers can be adjusted. All equipment complies with the Massachusetts Division of Air Quality Control Policy Regulation 310 CMR 7.10. The Board finds that the Plan, as conditioned herein, meets the intent of the Bylaw and supports the requested variance.

**Condition** – This Site Plan Approval decision is subject to issuance of a Variance by the Board of Appeals to allow noise generation that exceeds the allowable sound level limits during nighttime hours.

7.10 **Finding** – Snow storage as shown on Sheet C3.01 is insufficient, particularly in the main entrance area. The two areas identified for storage are not practical for plows. It is likely that the snow will be plowed to the area adjacent to the maintenance driveway and wetlands (similar to the current practice) which places it into the buffer zone. There is virtually no storage along the access driveway if the sidewalks are kept free and clear. The Peittioner's engineer noted that the proposed snow storage areas are specifically located outside of the resource area buffer zones and up-gradient of proposed drainage structures. The petitoner agreed to provide a detailed snow removal plan to the Board prior to construction.

**Conditon** – Prior to commencement of construction, a detailed snow removal plan shall be submitted to and approved by the Board.

- 7.11 **Finding** – The retaining wall proposed along Hartley Road, necessitated by the septic system leaching area, is 6-9 feet tall and is located 7 feet off the edge of the pavement. In response to a request from the Board to see if the height of the retaining wall can be minimized, the Petitioner’s Engineer responded that the height of the wall was minimized to the maximum extent possible. Symmes, Maini & McKee Associates worked extensively with Sanborn Head & Associates, who completed the mounding analysis for the proposed system, and the Stow Board of Health to determine the suitable location for the proposed sanitary sewer leaching area. There are limited locations within the site that provide the required separation from groundwater, sufficient depth of naturally occurring C soils above bedrock, percolation rates within Title V requirements, the proximity to the proposed on-site water supply well and site improvements, as well as project phasing, building addition location/elevations and site improvements. The Board finds that the retaining wall elevation as proposed is necessary due to the significant site constraints.
- 7.12 **Finding** – The Petitioner advised that Nashoba Regional School District Maintenance Staff will receive training on operation and maintenance of the septic system.
- Condition** – Nashoba Regional School District Maintenance Staff shall receive training on operation and maintenance of the septic system.
- 7.13 **Finding** – The Peititioner advised that blasting may be necessary.
- Condition** – Blasting, if necessary, shall be done in accordance with State Law and shall be subject to Fire Department Approval. Notice shall be posted on the school notice board and the town notice board, if available. Written notice shall be given to direct abutters.
- 7.14 **Landscape Plan**
- 7.14.1 **Finding** - Access to the playground next to the soccer field is not clear. An ADA compliant accessible route to the play facilities and viewing area for soccer and playground equipment is required. The Petitioner’s engineer advised that a paved accessible walkway to both playgrounds is provided. Access to the playground near the soccer field is across the basketball court. A ramp to the playground surface will be provided.
- Plan Modification** – The plan shall be modified to clearly show an ADA compliant accessible route to the play facilities and viewing area for soccer and playground equipment.
- 7.14.2 **Finding** - Eastern Red Cedar is not appropriate if an orchard is located within 1/4 mile of the site due to concerns of red cedar rust. The Petitioner agreed to substitute Colorado Spruce for Red Cedar.
- Plan Modification** – The Plan shall be modified to substitute Colorado Spruce for Red Cedar.
- 7.14.3 **Finding** – Inkberry (*Ilex glabra*) is shown on the southerly side of the building (West and East Plaza) and has a lower tolerance to drought, making it likely to burn in these locations. Also, inkberries (fruit) are not appropriate around pre-school children as they are toxic. The Petitioner agreed to substitute *Juniperus chinensis* “Sea” Green Juniper for the *Ilex glabra*-Inkberry at the south-facing plazas.
- Plan Modification** – The plan shall be modified to substitute *Juniperus chinensis* “Sea Green” for the *Ilex Glabra*

- 7.14.4 **Finding** – Taxus (yew) is not appropriate around pre-school children as the berries are noxious if ingested. The Petitioner agreed to substitute Boxwood for Taxus (yew).  
**Plan Modification** – The Plan shall be modified to substitute Boxwood for Taxus (yew).
- 7.14.5 **Finding** - Root barriers should be provided between trees and sidewalks and adjacent to the porous pavement and infiltration areas. These should be clearly delineated on the plan as the landscapers may not be familiar with the locations of critical subsurface structures.  
**Plan Modification** – The Plan shall be modified to clearly delineate locations for installation of root barriers between trees and sidewalks and adjacent to the porous pavement and infiltration areas.
- 7.14.6 **Finding** – The Plan shows “Native warm season grass’ and ”highland Linx mix” which are not the usual nomenclature for New England grass cover. The Petitioner explained that the native warm season grasses area will be the New England Road Side Matrix Upland Mix.  
**Plan Modification** – The Plan shall be modified to specify details on the proposed “Native warm season grass” and “Highland Linx mix”
- 7.14.7 **Finding** - The Plan shows a symbol "W", which is unidentified. The Petitioner advised that the “W” indicates a waste receptacle.  
**Plan Modification** – The Plan shall be modified to identify the symbol “W” as waste receptacle.
- 7.14.8 **Finding** – The Plan does not indicate if irrigation will be provided to the planting beds. The Petitioner stated that the beds will not be irrigated, but a water source will be provided at each plaza area for convenient use in manually watering.
- 7.14.9 **Finding** – No species or other specifications are provided for the two Memorial trees. The petitioner advised that the two memorial trees (a linden and a crabapple) are existing trees that will be transplanted.  
**Plan Modification** – The Plan shall be modified to indicate the species of each memorial tree and detailed language on transplanting methods.
- 7.14.10 **Finding** – The Plan shows fir trees specified along the westerly driveway are shown too close to the sidewalk due to the mature characteristics of the tree,  
**Plan Modification** – The Plan shall be modified to show the fir trees located further away from the sidewalk to accommodate their mature spread.
- 7.14.11 **Finding** – The Plan shows Ilex glabra “Densa” which is a relatively expensive plant. The Board will allow a substitution for a shrub with similar characteristics if the planting budget is reduced. The Petitioner agreed to substitute Standard Ilex glabra for the Ilex glabra “Densa”.  
**Plan Modification** – The Plan shall be modified to substitute Standard Ilex glabra for the Ilex glabra “Densa”.
- 7.14.12 **Finding** – The proposed planting along the retaining wall on Hartley Road is monoculture of dwarf cranberry bush viburnum (100 plantings). The Board questions whether they will survive the effects of snow storage as the wall is 7 feet from the edge of pavement. The Petitioner agreed to consider a vining plant instead.

**Plan Modification** – The Plan shall be modified to show plantings along the retaining wall that are appropriate for the limited planting area, will withstand snow storage and provides an adequate screen to the wall.

7.14.13 **Finding** – It is unclear what is intended on the Landscape Plan in the approximate location of the stone apple storage building. The Petitioner explained that the landscape plan included a stone building memorial option that was being considered, however this option has been eliminated and will be removed from the plan. The Landscape Plan for this area is an extension of what is shown on either side of the access road.

7.15 **Drainage**

The Board finds that the Petition complies with requirements of Section 3.8.1.9 (Drainage) of the Zoning Bylaw.

7.15.1 **Finding** – During the recent flooding event, the hydraulic connection between the upper pond and lower pond was observed. The upper pond was observed to be flowing overland to the lower pond with a 4-6" depth 4-6" wide flow, roughly in the area of the proposed maintenance building. Ponding (estimated 6-12" depth) was noted at the two catchbasins on the northerly side of the existing school. At the drop in grade, presumably by the outlet of the 24" pipe, there was significant turbulence, which may have impacted the hydraulic functions of the outlet. The flooding, velocities and turbulence pose a potential safety hazard. Based on these observations, the Board recommends and the Petitioner agreed to the following recommendations:

- a. Design the drainage system so that the outlet to the upper pond (30") is isolated and not incorporated into the same system, which drains the other drainage structures to avoid any potential surcharging of the system.
- b. Do not connect new drainage system to existing inlet/outfall since the condition of those pipes is unknown and may be the cause of the reduced capacity-more cost effective than a field change if during construction these existing pipes are visibly damaged. New outlets with HDPE will also be resistant to root penetration from trees.
- c. Provide a well-defined overflow swale to route any future flooding around the maintenance building.
- d. Provide locking debris grates on all exposed pipe end sections to prevent debris, and access by children or animals.

**Condition** – As agreed by the Petitioner, the drainage system shall be revised to isolate the existing hydraulic connection from the upper pond to the lower pond. The proposed drainage system for the project shall include a separate discharge point located adjacent to the existing 24" RCP outfall.

**Condition** – As agreed by the Petitioner, the proposed drainage system shall be revised to include a separate drainage outfall, constructed of HDPE.

**Condition** – As agreed by the Petitioner, the Plans shall be modified to include an overflow swale immediately west of the proposed maintenance building.

**Condition** – The plan shall be modified to provide locking debris grates on all exposed pipe end sections to prevent debris and access by children or animals.

- 7.15.2 **Finding** – The drainage summary does not state that the drainage calculations did not utilize the benefit of the green roof. The pipe sizing charts should also be updated to reflect the final design plans.
- Condition** – The drainage summary shall be updated to clearly state that the drainage calculations did not utilize the benefit of the green roof because the proposed design includes the potential for future expansion of a second story, which would eliminate the green roof.
- 7.15.3 **Finding** – The pipe sizing charts do not reflect the revised design plans.
- Condition** – The pipe sizing charts shall be updated to reflect the final design plans.
- 7.15.4 **Finding** – The details provided on the infiltration areas have some inconsistencies between the plan and the calculations and should be crosschecked.
- Plan Modification** – The Plan shall be modified to correct inconsistencies between the plan and calculations.
- 7.15.5 **Finding** – The drainage revisions include adjustments to the times of concentration for the calculations. There is an inconsistency between the previous calculations and the current calculations in that some subcatchments include a full routing to the design point and others do not. For those areas that do not, the flows should be routed through reaches so the model reflects travel times to the design points from all subcatchments.
- Condition** – The drainage calculations shall be modified to resolve the inconsistencies in times of concentration.
- 7.15.6 **Finding** – Subcatchment 1-4 appears to have transposed to the Manning's n on the two types of pipes.
- Condition** – The hydrology model shall be revised to correct the Manning's n on the two types of pipes.
- 7.15.7 **Finding** – It is unclear as to the flow path for roof runoff from the existing school building roof. If it is intended as overland flow, consideration must be given to preventing black ice along the proposed driveway and sidewalk network. The calculations do not reflect routing to design point 2. The Petitioner explained that the existing building is included in proposed Subcatchment 2-4. The roof drains will be collected internally and discharged to Infiltration Area -2 via the proposed roof drain line exiting below the main vestibule.
- Condition** – The plan shall be modified to indicate the connection.
- 7.15.8 **Finding** – The recharge calculations utilize the infiltration from Infiltration Area 2, which is less than 2' above the water table. The calculations should be revised to reflect the final record set.
- Condition** - The drainage calculations shall be revised to reflect that they utilize the infiltration from Infiltration Area 2.
- 7.15.9 **Finding** – the Stormwater Prevention Plan is included in the submittal booklet, but not on the plan.
- Plan Modification** – The plan shall be modified to include the Stormwater Pollution Prevention Plan (SWPP) so the contractor can easily refer to it during construction.
- 7.15.10 **Finding** – The Phasing Plan does not address phasing of drainage and erosion control.

**Condition** – The phasing plan shall address phasing of drainage and erosion control.

7.15.11 **Finding** – Plan details on location of settling basins are inadequate.

**Plan Modification** – The Plan shall be modified to include greater detail on settling basins.

7.15.12 **Finding** – The labels to drainage structures on Plan sheet C4.01 is difficult to read due to shading on the proposed building.

**Plan Modification** – The Plan shall be modified for clarity in reading the labels to drainage structures.

7.15.13 **Finding** – The Stormwater Management System, relies heavily on the use of porous pavement, which has specific maintenance requirements and cannot be swept with an ordinary street sweeper. Maintenance of the porous pavement is critical to the overall drainage system. The Petitioner advised that the Nashoba Regional School District will be responsible party for execution of the Operation & Maintenance Plan and have indicated that the vacuum sweeping requirements for the Operation & Maintenance will be contracted through a street sweeping company and that the Town of Stow also has the required vacuum sweeping equipment and is also available to contract with the District to achieve the required maintenance.

**Condition:** The Petitioner shall provide maintenance reports, as required by the Operation & Maintenance Plan, to the Board and the Building Commissioner on an annual basis so that the Board may determine if the schedule, as proposed, is appropriate. Any recommendation for a change in the schedule shall be submitted to the Board and shall be coordinated with the Building Commissioner and the Nashoba Regional District's Facilities Manager.

## 7.16 **Traffic Study**

7.16.1 **Finding** – The Petitioner submitted an Application for Variance and Petition for Special Permit to the Zoning Board of Appeals under Section 7.2.3.1 of the Zoning Bylaw, "Parking Regulations:", to allow a reduction of 49 parking spaces from the 149-space requirement. The proposed plan shows 100 parking spaces provided in two separate parking lots. The main parking lot, accessed from Great Road, will contain 55 spaces and will be used primarily by visitors, Pre-K parent drop-off and staff volunteers. The second parking lot, accessed from the bus drop off Hartley Road, will contain 43 spaces. Two additional handicap accessible spaces are provided at the bus loop for ADA/MAAB. In its application to the Zoning Board of Appeals, the Petitioner submitted an "Event Parking Plan", dated February 1, 2010, showing an additional 90 parking spaces provided along the shoulder of the access ways and the bus loop. During the Public Hearing, the Petitioner stated that based on input from the Fire Chief, shoulder parking will not be provided in the bus loop and therefore the additional spaces will be reduced from 90 spaces to 60 spaces.

The Board finds that a total of 160 parking spaces (100 spaces in the parking lot and 60 spaces along the shoulders) is adequate and therefore, the Board supports the Petitioner's Special Permit Petition filed with the Zoning Board of Appeals.

**Plan Modification** – The Plan shall be modified to show an additional 60 parking spaces along the shoulder of the access way. There is no requirement that the 60 spaces along the shoulder be striped.

**Condition** – This Site Plan Approval decision is subject to issuance of a Variance Granted by the Board of Appeals to allow a reduction of 49 parking spaces from the 149-space requirement.

## 7.17 **Parking Lot Screening**

7.17.1 **Finding** – The Petitioner submitted an application for Variance to the Zoning Board of Appeals for Off-Street Parking and Loading Area Design Requirements as follows:

- Section 7.7.4 (Perimeter Landscape Requirements), which requires a minimum of a ten (10) foot wide landscape buffer strip along the border of all parking areas with more than five (5) spaces and all loading areas.
- Section 7.7.4.1 (Off-Street Parking and Loading Areas which are located within or adjacent to a Residential District or a Recreation-Conservation District), which requires a landscaped buffer strip of at least thirty (30 feet in width bordering off-street parking and loading areas, which are located within or adjacent to a Residential District or a Recreation-Conservation District.
- Section 7.7.5 (Interior Area Landscaping Requirements), which requires a minimum of ten percent (10%) of the interior area, exclusive of perimeter landscaping, planted as landscaped island areas.

The Petitioner advised that, due to site constraints, the possible locations for off-street parking and loading areas are very limited. The site plan was designed to meet the landscaping and buffer requirements of the bylaw to the maximum extent practicable.

The Board finds that the Plan, as conditioned herein, meets the intent of the Bylaw.

**Condition** – This Site Plan Approval decision is subject to issuance of a Variance Granted by the Board of Appeals to allow relief from the landscaping and buffer requirements in Section 7.7.4, 7.7.4.1 and 7.7.5 of the Bylaw.

## 7.18 **Historic Structures**

**Finding** – The Site, historically know as the Center School Grounds, is included in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archeological Assets of the Commonwealth. The site consists of the existing school building (built in 1954 with additions in 1956 and 1958, an existing stone building, known as the Larsen Apple Barn and currently used as program space for the school, a wood framed Blacksmith Shop that was moved to the site in 1914 and three small storage sheds. MHC's inventory form only describes a one-story fieldstone building with a gable roof.

The Petitioner filed a Project Notification Form with the MHC in October 2009 requesting MHC review of the historical significance of the Larsen Apple Barn, which is planned for demolition.

The Stow Historical Commission, in a letter, dated December 9, 2009, to the Massachusetts Historical Commission, stated that they consider the Larsen Apple Barn and the Larsen Blacksmith Shop to be significant to the historic character of the Town as a tangible artifact of Stow's agricultural heritage and urged a minor modification to the plan to prevent its demolition.

Based on its review of photographs and historical information provided by SMMA and Commonwealth Collaborative, MHC, in a letter dated January 28, 2010, found that the Larsen Apple Barn does not meet the criteria of eligibility for listing in the National Register, as the apple storage/barn was highly altered in 1954 when the building was

converted to school use and therefore the building no longer retains historic integrity architecturally and its setting and relationship have been severely compromised, disassociating itself from its former agrarian heritage, when the Town purchased the land from Andrew L. Larsen in 1953. Although MHC found that the Larsen Apple Barn does not meet the criteria of eligibility for listing in the National Register; MHC encouraged the Petitioner to continue to consult with the Stow Historical Commission and other interested members of the public to address their concerns.

In a letter, dated February 1, 2010 to the Massachusetts Historical Commission, the Stow Historical Commission provided additional information on the Larsen Farm buildings based on Stow historical records, Stow history books, residents who remember the Larsen working farm, MassHistPres list serve members and the Stow Master Plan. (This letter was not mailed until after receipt of Massachusetts Historical Commission's finding, dated January 28, 2010.

In a letter, dated March 8, 2010, the Stow Historical Commission stated that they support the preservation and re-use of the Larsen Apple Barn and Blacksmith Shop in such a way that does not delay or impede the advancement of the school building project or jeopardize MSBA funding.

During the Public Hearing process, it was noted that Community Preservation Act funds were used to secure the Blacksmith Shop and therefore a preservation restriction may apply. The Community Preservation Committee advised that the Community Preservation Coalition informed them that use of Community Preservation Act Funds does not automatically create any restrictions on the property.

During the Public Hearing process, the Board heard from many residents, both in support of the site plan as proposed, which includes demolition of the Larsen Apple Barn and in support of a requirement that the plan be modified to prevent removal of the Larsen Apple Barn. Two alternate sketch plans (one from the Elementary School Building Committee and one prepared by B. Fletcher) indicating preservation of the Larsen Apple Barn were submitted to the Board.

The Petitioner advised that they considered input from the Historical Commission but found that the plan as proposed, which includes demolition of the Larsen Apple Barn and removal of the Larsen Blacksmith Shop, represents the best overall plan for the site in terms of safety, traffic circulation and site amenities. The Petitioner further stated that any change to the plan relative to any structure on the site would constitute a Project Scope Change requiring MSBA approval, and that such a process could cause significant delays to the project and could potentially put MSBA funding at risk. In addition, the Petitioner agreed to work with the Stow Historical Commission on a plan to memorialize the Larsen Apple Building.

On March 16, 2010, the Board received a copy of a Petition article for the Annual May 2010 Annual Town Meeting, which states:

"To see if the Town will vote to require the Elementary School Building Committee to revise the current site plans for the proposed "add/reno" of the Center School in order to retain the former Larson Apple Storage Barn, also know as the Stone Building, currently situated on the Center School property and depicted on Assessors Map U-9, Parcel 44, under the condition that this article shall become null and void unless all necessary permits are received and relevant agreements executed or amended that would allow for such revision to the site plans to be accomplished without causing significant delay to the current construction schedule and without

jeopardy to the overall funding reimbursement agreement with the Massachusetts School Building Authority, or take any action relative thereto.”

The Board finds that, although they do not meet the criteria of eligibility for listing in the National Register, both the Larsen Apple Barn and the Blacksmith Shop are part of Stow’s agricultural heritage and significant to the historic character of the Town. The Board finds that the Stow Historical Commission’s intent to move the Blacksmith Shop to another location is appropriate. As the Larsen Apple Barn building continues to be an issue of controversy between town residents and Town Boards and may or may not have a significant financial impact on this municipal project, the Board finds that Town Meeting action on the proposed petition article at the Annual May 2010 Town meeting is the appropriate way to determine the fate of this building.

The Petition has since been withdrawn.

7.18.1 **Finding** – The Board received a significant amount of correspondence from residence with regards to the Larsen Apple Barn.

7.18.2 **Finding** – The Stow Agricultural Commission voted to support the Stow Historical Commission’s position with regard to the Apple Barn and Blacksmith Shop at Center School: “To preserve and reuse the structures on site in such a way that their preservation and reuse do not delay or impede the advancement of the school building project.

7.19 **Finding** – The Plan indicates that the Blacksmith Shop is to be relocated by others. The Petitioner is not responsible to relocate the Blacksmith Shop.

**Condition** – Under the direction of the Board of Selectmen, the Town shall continue to work with the Historical Commission on efforts to remove the Blacksmith Shop from the site.

7.20 **Finding** – Section 6.5 of the Bylaw prohibits removal of soil, loam, sand or gravel except as provided under Article 6, Section 22 (Earth Removal) of the General Bylaws. The Petitioner advised that an Application for Earth Removal Permit will be filed with the Board of Selectmen. Exact details of the hauling equipment, traffic routes and disposal locations will be provided by the contractor.

**Condition** – Prior to any earth removal, an Earth Removal Permit shall be obtained from the Board of Selectmen

7.21 **Finding** – Section 3.8.1.5 of the Bylaw requires that no exterior lighting, or other street lighting approved by the Selectmen, shall shine on adjacent properties or towards any STREET in such a manner as to create a nuisance or hazard.

Section 3.8.1.5.2 requires a Special Permit from the Planning Board is required when installing new fixtures or replacing existing fixtures and the total resulting INITIAL DESIGN LIGHT OUTPUT would be more than 100,000 lumens on any LOT. However, a Special Permit shall not be required when replacing existing fixtures with FULL-CUTOFF fixtures and the total INITIAL DESIGN LIGHT OUTPUT of the replacement fixtures is less than half the total INITIAL DESIGN LIGHT OUTPUT of the removed fixtures.

The Planning Board’s Light Pollution Study Sub-Committee reviewed the Plan to determine compliance with Section 3.8.1.5 of the Bylaw.

The total exterior light output is based on a total of 17 acres. The total output per acre is 1035.29, which is less than the 2500 lumens per acre cap. The Board finds that the Plan, as conditioned herein, complies 3.8.1.5.1 of the Bylaw.

The Planning Board's Light Pollution Study Sub-Committee reviewed the Plan to determine compliance with Section 7.7.7 (Lighting - Off-street parking and loading areas) of the Bylaw. When this section of the Bylaw was drafted, the state of practice in exterior was that split-level controls were not common and motion operation was impractical due to start up time. The Plan calls for many fixtures to be at half output unless motion triggered and for parking lot lighting to be at half output after 6 p.m. Based on the proposed time/motion/level plan the Board finds that the normal light output after 6 pm under the Plan will be 45600 total lumens, which meets the cap under Section 7.7.7 of the Bylaw.

**Finding** - The Board finds that the fixture plan, as submitted, complies with the requirements of the Bylaw.

**Condition** – Only those fixtures shown on the fixture plan may be installed.

**Condition** – All exterior lighting fixture shall be FULL CUTOFF.

**Condition** – All exterior lighting fixtures (other than emergency lighting fixtures for signaling as described in Section 3.8.1.5.7 of the Bylaw shall not shine DIRECT LIGHT onto any other LOT (other than town-owned roads). Any light source that can be seen from anywhere on another LOT shall be considered a violation of this section of the Bylaw.

**Condition** – All wallpack fixtures, downlight fixtures and pedestrian fixtures must be operated at no more than half output between 6 a.m. and 6 p.m. The fixtures shall be off between 6 pm. And 6 am, unless there is an event in progress at the school. Full output is permissible at all times due to motion activation or emergency conditions. Motion triggering shall be considered correct if it is due to humans or vehicles, and considered false triggering due to animals. If false triggering occurs more than two hours a week total on time, mitigation shall be required.

**Condition** – Parking lot lighting shall be at no more than half output between 6 p.m. and 6 am, except in emergency conditions. Parking lot lighting shall be off between 8 p.m. and 6 am unless there is an event in progress at the school.

**Condition** – All existing exterior lighting fixtures shall be removed.

7.22 **Finding** – The Petitioner submitted a Notice of Intent and Request for Determination of Applicability to the Conservation Commission. The Board supports Petitioner's request before the Conservation Commission.

**Condition** – All conditions of the Conservation Commission shall be met.

7.23 **Finding** – The Police Department and Fire Department recommend that gates be installed at the emergency access way to prevent vehicles from driving behind the school building and that keys be supplied to the police and fire department. The Police Department and Fire Department will work with the School Department to determine when the gate should be shut and locked.

**Condition** – The Plan shall be modified to show gates equipped with a locking device at the emergency access way to prevent vehicles from driving behind the school building. Keys to the gate shall be provided the Police Department and Fire Department.

7.24 **Finding** – The Plan shows two underground tanks, sized per NFPA 13, Section 11.2.3.1.2 – “Installation of Sprinkler System”, that provide water for the building sprinkler system and the outside fire hydrants. The fire alarm system includes a radio style master box for fire alarm reporting. A building security system will be provided to protect the building from unauthorized entry. This system will also include three IP-based CCTV cameras installed at the two entrance doors and at the back of the building. This system will be programmable to transmit an alarm signal to the main office during school hours and to the police department or a selected service during non-school hours.

**Condition** – The Fire protection plan is subject to final approval by the Fire Department.

7.25 **Finding** – Mandatory Findings under Section 9.2 (Special Permits) of the Bylaw. The Board makes the following mandatory findings as required by Section 9.2 of the Bylaw:

- The proposed use, as conditioned herein, is in harmony with the purpose and intent of this Bylaw;
- The proposed use, as conditioned herein, will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
- The proposed use, as conditioned herein, is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed BUILDINGS in the immediate vicinity that have functional or visual relationship to the proposed use
- The proposed use, as conditioned herein, includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants and public hearings;
- The proposed use, as conditioned herein, will result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland;
- The proposed use, as conditioned herein, will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads. A significant effect on level of service is a projected use of greater than five percent (5%) of the reserve capacity of a road segment or turning movement by the proposed use at the completion of its development.
- The proposed use, as conditioned herein, will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development;
- The proposed use, as conditioned herein, will result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties unless an appropriate easement is obtained to an existing watercourse;
- The proposed use, as conditioned herein, will result in no transport by air or water of erodible material beyond the boundary line of the LOT ( See also Section 3.8. Use Regulations, General);
- The proposed use, as conditioned herein, will provide adequate provision for pedestrian traffic; and

- The proposed use, as conditioned herein, will comply with all requirements of Site Plan Approval and all other applicable requirements of this Bylaw.
- 7.26 **Finding** – Section 9.2.7.14 requires a sidewalk, walkway or path along the entire frontage of a lot. There is an existing walkway along the Route 117/Great Road frontage of the Lot and on the opposite side of the Hartley Road frontage. During the Public Hearing the Petitioner advised that any walkway that is removed or damaged during construction will be replaced.
- 7.27 **Finding** – Mandatory Findings under Section 9.3 (Site Plan Approval) of the Bylaw.
- The Board makes the following mandatory findings as required by Section 9.2 of the Bylaw:
- The proposed use, as conditioned herein, protects the abutting properties and ways, the neighborhood, community amenities and the Town against seriously detrimental or offensive uses on the site and against adverse effects on the natural environment;
  - The proposed use, as conditioned herein, provides for convenient and safe vehicular and pedestrian movement and that the locations of road and driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;
  - The proposed use, as conditioned herein, provides an adequate, convenient and safe arrangement of parking and LOADING SPACES in relation to the proposed uses of the site;
  - The proposed use, as conditioned herein, provides adequate and safe methods of disposal of REFUSE or other wastes resulting from the uses permitted on the site;
  - The proposed use, as conditioned herein, will not derogate from the purpose of the Bylaw; and complies with all applicable requirements of this Bylaw.
- 7.28 **Condition** - All expenses for construction inspections, recording and filing of plans and documents shall be borne by the Petitioner.
- 7.29 **Condition** – The Petitioners Architects and Engineers shall perform site inspections as follows, to ensure compliance with the Plan:
- All drainage structures and installation prior to backfill.
  - Erosion Control measures
  - Pavement
- Reports shall be submitted to the Board.
- 7.30 **Condition** - In accordance with Section 9.3.14 of the Bylaw, at the time the BUILDINGs contained within the development site are ready for occupancy and prior to the issuance of an Occupancy Permit by the BUILDING INSPECTOR, the Petitioner shall have prepared and certified by a registered professional engineer or land surveyor an "As-Built Plan" drawn with dark lines on a medium acceptable for recording with the Middlesex County Registry of Deeds or Land Court showing the following:
- property boundary lines;
  - location of all BUILDINGs and other STRUCTURES, including utility sheds, storage areas and storage tanks;
  - actual widths, lengths and bearings of all boundary lines of driveways, parking lots/areas, drainage structures and easements;
  - grades of streets, driveways, parking lots/areas, drainage structures, pipes and easements; and
  - locations of all pipes and utilities.

- Certification from the design engineer that the drainage system is substantially as designed or provides as-built drainage calculations to demonstrate that the system will function in a manner similar to the approved plan.

Said "As-Built Plan" shall be accepted by and approved by the Board as a pre-requisite to final completion of the project.

- 7.31 **Finding** – During the Public Hearing, abutters requested a limitation on hours for exterior construction activity.
- Condition** - Exterior construction activity shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. Saturdays unless specific approval is granted by the Building Commissioner.
- Condition** - The Petitioner shall post allowable hours on site.
- Condition** – In the event that the Building Commissioner authorizes an exception to the posted hours, written notice shall be provided to direct abutters, the Police Department and the Board.
- Finding** - This Decision applies only to the requested Site Plan Approval and Special Permits. Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.32 **Finding** – The foregoing required modifications and conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Special Permit and Site Plan Approval Regulations, or other applicable laws and regulations. At the time of endorsement, the Plan must be in compliance with the Rules, except for the waivers granted herein.
- 7.33 **Finding** – In accordance with Section 9.2.9 of the Bylaw, the Planning Board will conduct an annual review to ensure compliance with the conditions imposed within the Special Permits approved herein. Notification of any deficiencies found through said review will be forwarded to the Petitioner. Failure to rectify said deficiencies may result in rescission of the special permit or other zoning enforcement proceedings.
- Finding** - Upon determination by the Board that the conditions of the special permit have been met, the Board will conduct a review every five years to ensure ongoing compliance with the conditions imposed within the Special Permits approved herein.
- 7.34 **Finding** – The Board reserves the right to go on the property to review ongoing compliance with the conditions imposed within the Special Permits approved herein.
- Condition** – The Petitioner shall grant permission to agents of the Town of Stow, as said agency is determined by the Stow Planning Board, to enter, inspect and take whatever related actions are necessary to ensure completion of the ways and related infrastructure within the subject property.
- 7.35 **Condition** - The Site Plan Approval and Special Permits granted by this decision shall not take effect until a copy of the decision has been recorded, at the owner's expense, in the Registry of Deeds and duly indexed or noted on the owner's certificate of title. A copy of the recorded decision, certified by the Registry, or notification by the owner of the recording, including recording information, shall be furnished to the Town Clerk and the Planning Board.
- 7.36 **Condition** - This Special Permit shall lapse on April 6, 2012, if a substantial use has not commenced, except for good cause.

**8. APPEALS**

Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

Witness our hands this 6<sup>th</sup> day of April 2010

Kathleen Willis  
Kathleen Willis

Ernest E. Dodd  
Ernest E. Dodd

Leonard Golder  
Leonard Golder

Stephen Quinn  
Stephen Quinn

Lori Clark  
Lori Clark

Received and Filed  
Volume II, Page 561

Linda S. Hathaway  
Linda Hathaway, Town Clerk

April 12, 2010  
Date

This is to certify that the twenty (20) day appeal period on this decision has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Linda Hathaway, Town Clerk

\_\_\_\_\_  
Date