

ENGINEERING

LAND SURVEYING

WETLAND CONSULTING

April 21, 2023
4312-B

Town of Stow Planning Board
380 Great Road
Stow, MA 01775

RECEIVED

APR 21 2023

**TOWN OF STOW
PLANNING BOARD**

**Re: Approval Not Required Plan
124 Great Road
Stow, MA**

Dear Members of the Board,

On behalf of the applicant, Mr. Saeid Borghani, please find enclosed an Approval Not Required Plan for 124 Great Road (Map R-29 Parcel 88). In accordance with the Town of Stow Rules & Regulations Governing the Subdivision of Land Section 2.1, the original mylar and four (4) copies of the Plan of Land for the property are enclosed.

Also enclosed with this letter are five (5) copies of the properly executed Application for Endorsement of Plan Believed Not to Require Approval (Form A) along with a check for the application fee. This application is being submitted to request endorsement of the enclosed mylar.

We trust this meets your needs at this time. If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

DILLIS & ROY
CIVIL DESIGN GROUP, INC.



Seth Donohoe
Project Manager

cc: Town Clerk with copy of plan and Form A
Saeid Borghani (applicant)
Lower Village, LLC (owner)

Enclosures: Plan of Land, Form A & Application Fee

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

The undersigned, believing that the accompanying plan of his property in the Town of Stow does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Please type or print information in blanks below.

1. Name of Applicant(s) Saied Borghani
Contact Address 57 Highland Avenue, Sudbury, MA 01776 Phone 508-663-9371
2. Name of Property Owner(s) Lower Village LLC
Contact Address 171 Great Road, Acton, MA 01970 Phone _____
3. Name of Registered Land Surveyor Dillis & Roy Civil Design Group, Inc.
Address 1 Main Street, Suite 1, Lunenburg, MA 01462 Phone 978-779-6091
4. Deed of property recorded in Middlesex South Registry of Deeds,
Book Number 51375, Page Number 12; and/or registered in Middlesex
Registry of land Court, Certificate of Title Number _____.
5. Zoning District Business, Town Map No. R-29, Parcel No. 88
Location and Description of Property South side of Great Road opposite Stow Shopping Center
6. Board of Appeals decisions pertaining to land or building (attach decision).
Special Permit Middlesex Registry of Deeds Book 56838 Page 70 (attached)
7. Reason plan does not constitute a subdivision Lot has required frontage and area.
Parcel is not a building lot.

Applicant(s) Signature, _____ Date 4/19/23


Applicant(s) Signature, _____ Date 04/19/23

Owner(s) Signature, _____ Date X


Owner(s) Signature, _____ Date 4-19-23

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.

Planning Board approval under the Subdivision Control Law not Required

Signed _____ for the Stow Planning Board

Date _____



Bk: 56838 Pg: 570 Doc: DECIS
Page: 1 of 3 05/10/2011 01:07 PM



Town of Stow OFFICE OF THE TOWN CLERK

**Town Building - 380 Great Road
Stow, Massachusetts 01775-2127**

(978) 897-4514 x 1
FAX (978) 897-4534

TO WHOM IT MAY CONCERN:

Address: 124 Great Road, Stow

Stow property map: Map R-29, Parcel 88

Owner: Lower Village, LLC B 513 75 P 12

Applicant: Acton Auto Inspectors, Inc.

Date of Filing: November 17, 2010

Zoning Board of Appeals Number: Vol. III, Page 650

This is to certify that the Special Permit decision (**X**) or Variance () from the Stow Zoning Board of Appeals for the above property and applicant was filed in my office on the above date and no appeal has been made in the 20 days following.

A True Copy.

Attest: *Shirley E. Felt-Laway*
Town Clerk of Stow

Date: March 9, 2011

Town Seal

*McWalter Bunker & Lewis
30 Monument Square
Concord, MA 01742*



Town of Stow
BOARD OF APPEALS
Stow, Massachusetts 01775-2127

NOTICE AND DECISION OF PERMIT GRANTING AUTHORITY

Applicant: **Acton Auto Inspectors, Inc.**

Address: 408 Massachusetts Avenue, Acton, MA

Premises Affected: **124 Great Road, Stow**

Special Permit Requested: A Special Permit is sought under Section 33.3.3 of the Zoning Bylaw, "Business District Uses", to allow an automobile inspection station at **124 Great Road**.
The property contains 41,016 sq. ft. and is shown on Stow Property Map R-29 as Parcel 88.

At a duly notified public hearing held on November 1, 2010 at Stow Town Building, the following information and facts were considered:

1. The property previously was the site of a Mobil service station that closed on or about 2006 and has remained closed since that time.
2. The Building Commissioner directed the applicant to the Board of Appeals in a letter dated September 16, 2010, based on Stow Zoning Bylaw Section 3.9, "Non-Conforming Uses and Structures", specifically Section 3.9.3: "If the non-conforming use is discontinued or abandoned for a period of two (2) years or more, it shall not be re-established except upon a special permit granted by the Board of Appeals."
3. Under Section 3.3.3.3, service stations, garages and repair shops are permitted uses with the imposition of certain conditions. It is a moot point that this proposed use is non-conforming or conforming. A Special Permit is still required under this section.
4. A note on a plan entitled "Remedial System Layout", submitted with the application, indicated the Mobil service station predated June 1991. The Board could not easily determine if a special permit had been granted for the original service station business. In any event, a special permit issued by the Board of Appeals is required for the proposed business use.

The Board, by unanimous vote of the five members present, VOTED TO GRANT A SPECIAL PERMIT under Section 3.3.3.3 of the Zoning Bylaw, "Business District Uses", to allow an automobile inspection station at **124 Great Road**, such proposed use being specifically found to be in harmony with the purpose and intent of the Zoning Bylaw, as substantiated by facts found by the Board and in documents filed with the Board, subject to the following conditions:

1. Compliance with all of the subsections of 3.3.3.3 is required.
2. The term "minor repairs" in subsection 3.3.3.3.1 shall mean repairs that can be made within no more than one business day.

**Acton Auto Inspectors, Inc.
Notice and Decision of Permit Granting Authority**

Page Two

3. Operations shall be conducted during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday.
4. Compliance with all other sections of the Zoning Bylaws as well as the General Bylaws of the Town of Stow is required.

The Board has complied with all statutory requirements in the granting of this Special Permit. Two copies of this decision together with copies of the application for Special Permit, site plans, other plans and records have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 15.

The Special Permit granted by this decision shall not take effect until a copy of the decision has been recorded, at the owner's expense, in the Middlesex South Registry of Deeds, or duly filed and noted on the owner's certificate of title if registered land. 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 Board of Appeals of the Town of Stow.

This Special Permit shall lapse within two (2) years unless substantial use or construction has commenced. In the case of a permit for construction, if construction has not begun by such date, except for good cause (Mass. General Laws Chapter 40A, Section 9).

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk

Edward C. Tennage

Charles A. Barrows

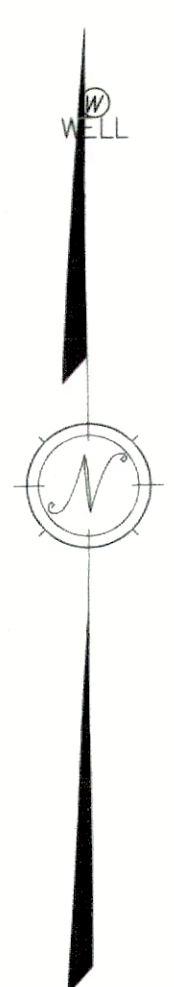
Yvonne Shoemaker

Cecilia Miller

William Repore

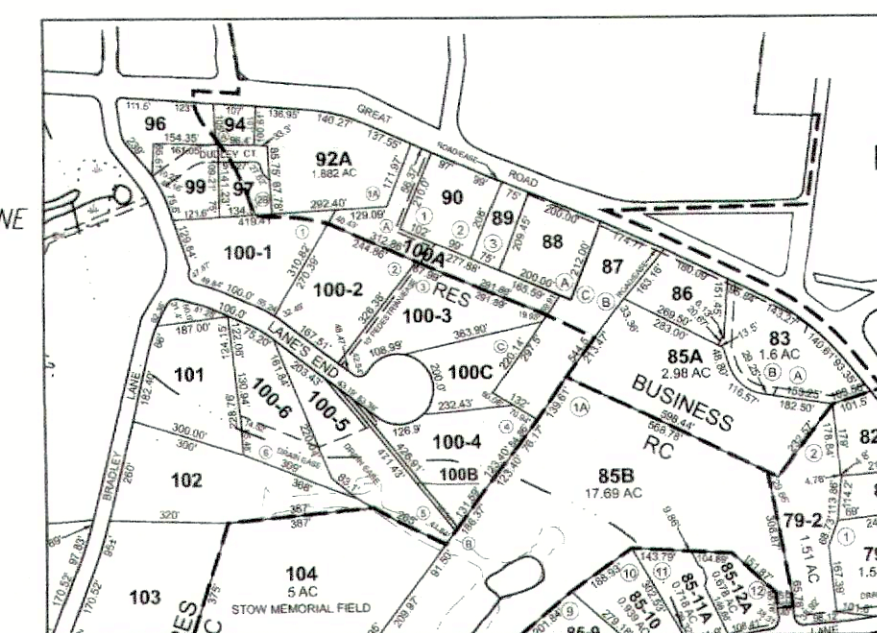
November 17, 2010
Volume III, Page 650

Rebecca E. Hathaway
Town Clerk of Stow



LEGEND

DRAWING ENTITY	DESCRIPTION
● IR (1)	IRON ROD FOUND
■ CTR BK SB FD	CENTERLINE BACK STONE BOUND FOUND
⊙ DH (1)	DRILL HOLE FOUND



STOW ASSESSOR'S LOCUS MAP

SCALE: 1" = 500'
PER SUBDIVISION RULES & REGULATIONS 2.1.2

- NOTES:
- THE LAND OUTSIDE OF THE PROPOSED ANR SHALL NOT BE CONSIDERED AS PART OF THIS ENDORSEMENT.
 - THIS PLAN IS MEANT AND INTENDED TO SUPERSEDE ALL PLANS WHICH PREDATE THE ENDORSEMENT.
 - SEE STOW ZONING BOARD OF APPEALS DECISIONS DATED MARCH 9, 2011 AND RECORDED IN BK. 56838 PG. 570.
 - ABUTTING WELLS AND SEPTIC SYSTEMS ARE SHOWN BASED UPON BOARD OF HEALTH RECORDS.

SUBDIVISION RULES AND REGULATIONS SECTION 2 COMPLIANCE:

- 2.1.18 GREAT ROAD IS A PUBLIC WAY
- 2.1.19 THE LOT IS NOT LOCATED WITHIN THE FLOOD PLAIN/WETLANDS DISTRICT. THE LOT DOES NOT CONTAIN WETLANDS OR LAND UNDER WATER.
- 2.10.22 INDEX OF REGULARITY
STOW ZONING BYLAW 4.3.2.5 LOT SHAPE:
R = 16A/P²
WHERE: R = THE INDEX OF REGULARITY
A = THE AREA OF THE LOT IN SQUARE FEET. (40,633 SF)
P = THE PERIMETER OF THE LOT IN LINEAR FEET. (816.20')
0.97 = 16x40633 / 816.20²
- 2.1.23 ANY FURTHER DEVELOPMENT OR DIVISION OF LAND, WHICH WILL RESULT IN THE CREATION OF A TOTAL OF SIX (6) OR MORE DWELLING UNITS ON THE PROPERTY SHOWN ON THIS PLAN, SHALL REQUIRE A SPECIAL PERMIT FROM THE PLANNING BOARD IN ACCORDANCE WITH SECTION 8.9 OF THE ZONING BYLAW.

OWNED BY:
LOWER VILLAGE, LLC
171 GREAT ROAD
ACTON, MA

APPLICANT:
SAIED BORGHANI
57 HIGHLAND ROAD
SUDBURY, MA

DEED REFERENCE:
BK. 51375 PG. 12

PLAN REFERENCES:
1928 COUNTY LAYOUT GREAT RD.
PLAN 410 OF 1919
PLAN 1024 OF 1974
PLAN 537 OF 1984
PLAN 1079 OF 1990
PLAN 1360 OF 1998

ASSESSORS MAP:
MAP R-29, PARCEL 88

ZONING DISTRICT:
BUSINESS

FIELD SURVEY COMPLETED APRIL 17, 2023
THE INTENT OF THIS PLAN IS CREATE PARCEL A

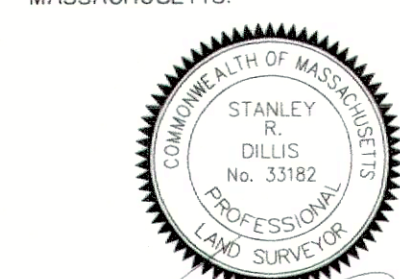
PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A SUBDIVISION PURSUANT TO THE DEFINITION CONTAINED IN G.L. C.41, S.81-L AND DOES NOT INDICATE THAT THE LOT IS BUILDABLE, OR THAT IT COMPLIES WITH THE STOW ZONING BYLAW, RULES AND REGULATIONS GOVERNING WASTEWATER DISPOSAL, WETLANDS PROTECTION OR ANY GENERAL BYLAW IN THE TOWN OF STOW.

RESERVED FOR REGISTRY USE

APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
STOW PLANNING BOARD

DATE:

I CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF THE REGISTERS
OF DEEDS OF THE COMMONWEALTH OF
MASSACHUSETTS.



PROFESSIONAL LAND SURVEYOR
DATE: 4/21/23
1 in. = 20 ft.

LOT A-1
EXISTING LOT A
PLAN 537 OF 1984 41,016± S.F.
- PARCEL A 383± SF
40,633± SF
0.93± ACRES
SHAPE FACTOR=0.97
TOTAL FRONTAGE=200.00'

ZONING REQUIREMENTS: BUSINESS DISTRICT

LOT SIZE STANDARDS:	AREA	40,000 S.F.*
FRONTAGE	150 FT.(2)-(2) 200 FT.	
SETBACKS:	FRONT - 50 FT.	
	REAR - 50 FT.(1)	
	SIDE - NONE (1)	

PLAN OF LAND IN
STOW, MASSACHUSETTS

DATE: APRIL 21, 2023SCALE: 1 in. = 20 ft.

RECORD OWNER: LOWER VILLAGE, LLCJOB NO. 4312
171 GREAT ROAD
ACTON, MADWG. NO. 4312-ANR

DILLIS & ROY
CIVIL DESIGN GROUP

CIVIL ENGINEERSLAND SURVEYORSWETLAND CONSULTANTS

CORPORATE OFFICE: 1 MAIN STREET, SUITE 11LUNENBURG, MA 01462978-779-6091www.dillisoroy.comCONCORD OFFICE: 100 MAIN ST., SUITE 310CONCORD, MA 01742