



Town of Stow  
**PLANNING BOARD**

**380 Great Road**  
**Stow, Massachusetts 01775**  
(978) 897-5098  
FAX (978) 897-2321

**Notice of Decision and Decision**

**January 17, 2023**

**94-98 Old Bolton Road**  
**Hammerhead Lot Special Permit Modification #1**

**1. Petition**

This document is the DECISION (hereinafter the Decision) of the Stow Planning Board (hereinafter the Board) on the request for modification of the Hammerhead Lot Special Permit dated March 6, 1990, as filed by Raymond Mong and Jacqueline Prince (hereinafter the Petitioners), as shown on a plan entitled "Plan of Land in Stow, Massachusetts," dated September 26, 2022, prepared by Chess Engineering (hereinafter the Plan).

This Decision is in response to a Petition for Modification of a Hammerhead Lot Special Permit submitted to the Board on October 21, 2022 (hereinafter the Petition), pursuant to Sections 6.1, 9.2, and 9.3 of the Stow Zoning Bylaw and the Rules and Regulations for Special Permit and Site Plan Approval (hereinafter the Rules). The Petitioners seek permission to convert one Hammerhead Lot to a conforming lot through a land swap with an abutting lot at 7 Maple Street.

**2. Applicant/ Owner**

Raymond Mong & Jacqueline Prince  
98 Old Bolton Road  
Stow, MA 01775

**Owner**

Robert C. Mong, Mong Family Trust  
94 Old Bolton Road  
Stow, MA 01775

**3. Location**

Said property is shown on the Stow Assessor's Property Map Sheet R-3 as Parcels 33 and 33-1 (hereinafter the Site), as more fully described in the Petition.

**4. Board Action**

After due consideration of the Petition, the record of proceedings, and based upon the findings set forth below, the Board, on January 17, 2023, by a vote of five (5) members present throughout the proceedings, the Board voted to **GRANT** a modification of the Hammerhead Lot Special Permit in accordance with the Findings, Plan Modifications and Conditions contained herein.

**5. Proceedings**

The Petitioner presented the Petition to the Board at a duly noticed public hearing held on December 6, 2022. The public hearing was continued to January 10, 2023 and closed at the

conclusion of that session. Notice of the hearing was duly published and sent to all parties of interest in accordance with M.G.L. Chapter 40A.

Board Members Lori Clark, Karen Kelleher, John Colonna-Romano, Nancy Arsenault, and Voting Associate Member Mark Jones were present throughout the proceedings. The record of proceedings and submissions 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:

### **6.1 Documents Required by the Rules, consisting of the following:**

- Exhibit 1      Plan entitled "Plan of Land in Stow, Massachusetts", dated September 26, 2022, prepared by Chess Engineering for KC Building LLC.
- Exhibit 2      Supplemental items and documents, consisting of the following:
- a) Petition for Special Permit
  - b) Certified List of Abutters
  - c) Hammerhead Lot Special Permit decision, dated March 6, 1990
  - d) Plan entitled "Plan of Land in Stow, Massachusetts", dated November 20, 1989, prepared by Veo Associates, Inc.

### **6.2 Comments received from Town Boards and Departments:**

- a) Memo from the Treasurer, dated October 24, 2022
- b) Memo from the Fire Department, dated October 26, 2022
- c) Memo from the Board of Health, dated November 1, 2022
- d) Memo from the Police Department, dated November 1, 2022

### **6.3 Additional Correspondence:**

- a) Email from Paul Campbell, PLS, Chess Engineering, dated October 31, 2022
- b) Email from Scott Hayes, PE, Foresite Engineering, dated January 10, 2023

## **7. Findings, Conclusions and Conditions**

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

### **7.1 Finding:** The approval hereby granted is based on and specifically applies to the following parcels of land:

- 94 Old Bolton Road (formerly identified as Lot 1-A), shown on the Stow Property Map Sheet R-3 as Parcel 33
- 98 Old Bolton Road (formerly identified as Lot 3), shown on the Stow Property Map Sheet R-3 as Parcel 33-1

### **7.2 Finding:** The Application was received by the Board on October 21, 2022 in accordance with Section 9.2 of the Zoning Bylaw, the Rules and Regulations for Special Permits, and M.G.L. Ch.40A Section 9.

### **7.3 Finding:** The original Hammerhead Lots are shown on a plan dated November 20, 1989 as a 14.5 acre parcel divided into a 1.5 acre Lot 2-A with 201.00' feet of frontage, an 8.83

acre Lot 1-A containing 54.42' feet of frontage and a 4.13 acre Lot 3 containing 157.50' feet of frontage.

- 7.4 **Finding:** The Petitioners seek modification of the Hammerhead Lot Special Permit as approved on March 19, 1990. Lot 3A, formerly identified as Lot 3, 98 Old Bolton Road, is proposed to be made a conforming residential lot via a land swap with the abutter at 7 Maple Street through an Application for Endorsement of a Plan Believed Not to Require Approval (ANR). Lot 3A is proposed to contain 4.06 acres with 200.73' feet of frontage. An ANR application and plan was submitted concurrently with the Petitioner's request to modify the existing Hammerhead Lot Special Permit.

**Condition:** This Special Permit modification to remove 98 Old Bolton Road, Lot 3A, shown on the Stow Property Map Sheet R-3 as Parcel 33-1, from the Special Permit shall take effect upon recording of the Subdivision Approval Not Required (ANR) Plan entitled "Plan of Land in Stow, Massachusetts", dated September 26, 2022 and this decision.

**Condition:** The property owners of 94 Old Bolton Road shall provide acknowledgement of this modification to the Planning Department.

#### *Mandatory Findings*

- 7.5 **Finding:** In accordance with Section 9.2.6 of the Zoning Bylaws, the Planning Board makes the following mandatory findings regarding the proposed use:
- It is in harmony with the purpose and intent of the Zoning Bylaw;
  - It will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
  - It 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;
  - It 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;
  - It will result in no pollution or contamination of the ground water, a ground water recharge area, a well, pond, stream, watercourse or inland wetland;
  - It will result in no significant effect on the "level of service" of the town roads or intersections of these roads;
  - It 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;
  - It will result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties;
  - It will result in no transport by air or water of erodible material beyond the boundary line of the lot;
  - It will provide adequate provision for pedestrian traffic; and
  - It will comply with all requirements of Site Plan Approval and all other applicable requirements of the Zoning Bylaw.

#### *Applicability / Compliance / Recordation*

7.6 **Finding:** The Board finds the proposed use, as conditioned herein, complies with Sections 6.1 (Hammerhead Lots); 9.2 (Special Permits) and 9.3 (Site Plan Approval) of the Bylaw.

7.8 **Condition:** This approval shall not be deemed approval by any other authority having its separate jurisdiction and inspection requirements.

7.9 **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 Bylaw, Rules, 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.

**Condition:** This Special Permit Modification No. 1 shall be considered a condition of, and modification to the Original Special Permit and all prior modifications. Except as expressly modified by this Decision Modification No. 1, all terms and conditions of the Original Special permit Decision shall remain in full force and effect.

**Condition:** The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Decision, with or without a public hearing, upon the request of the Applicant or upon its own motion.

7.10 **Condition:** The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Petitioner, its successors in interest and assigns, and shall be enforceable by the Town of Stow.


7.11 **Condition:** The Special Permit Modification 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.

## 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 17<sup>th</sup> day of January 2023

  
Lori Clark, Chair

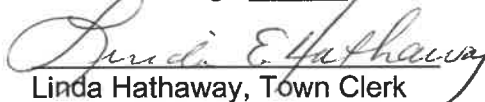
  
Karen Kelleher

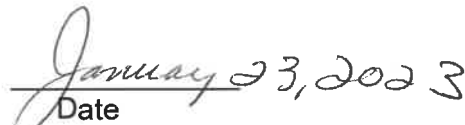
  
John Colonna-Romano

  
Nancy Arsenault

  
Mark Jones, Voting Associate Member

Received and Filed  
Volume II, Page 394-1

  
Linda Hathaway, Town Clerk

  
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