



Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775-1122

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NOTICE OF DECISION and DECISION

**Special Permit and Site Plan Approval
148 - 156 Great Road**

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Kostas and Eftihia Asprogiannis

6.2.2021

1. Petition

This Document is the **DECISION** (hereinafter the Decision) of the Planning Board (hereinafter the Board) on a Request for Special Permit and Site Plan Approval, for grading and site improvements for the purpose of siting of approximately 5000' square feet of outdoor dining on property owned by Kede Realty Trust (hereinafter the Petitioner).

This Decision is in response to a Request for Site Plan Approval and Special Permit submitted to the Board on October 10, 2020 (hereinafter the Petition), pursuant to Sections 3.3.2.4, 3.3.2.5, Section 7, 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 Petitioner seeks permission for grading for the purpose of creating space for outdoor dining.

2. Applicant/Owner

Kede Realty Trust
156 Great Road
Stow, MA 01775

3. Location

Said property is shown on the Stow Property Map Sheet R-29 as Parcel 92A (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, on June 2, 2021, by a vote of five (5) members present throughout the proceedings, the Board voted to **DENY** the February 3, 2021 request to withdraw the Special Permit Application, **APPROVE** the request for Site Plan Approval, and by a vote of five

members present throughout the proceedings, **GRANT** the Special Permit in accordance with the Findings, Plan Modifications and Conditions contained herein.

5. Proceedings

The Petition for Special Permit and Site Plan Approval was received by the Board on November 5, 2020, pursuant to MGL Ch. 40A and Sections 3.3.2.4, 9.2 and 9.3 of the Town of Stow Zoning Bylaws (hereinafter the Bylaw). The Board considered the Request and reviewed the Application at a duly noticed Public Hearing opened on December 15, 2020. The Public Hearing was continued to January 26, February 9th, March 2 and March 9, 2021, at the conclusion of which the Public Hearing was closed. Notice of the hearing was duly published and sent to all parties in interest in accordance with MGL Chapter 40A. Board Members Lori Clark, Karen Kelleher, John Colonna-Romano, Margaret Costello and Associate Voting Member Mark Jones were present throughout the proceedings. The record of the 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 Plans entitled:

- Proposed Outside Dining Area, Stow House of Pizza, Stow, Massachusetts, dated September 30, 2020 and prepared by Lakeview Engineering Associates for Kostas and Eftihia Asprogiannis.

EXHIBIT 2 Application

- Petition for Special Permit
- Development Impact Statement
- Record Deed
- Use Description

EXHIBIT 3 Request for Waivers

EXHIBIT 4 Certified List of Abutters

EXHIBIT 5 Filing Fee

6.2 Additional Correspondence submitted by the Petitioner:

- a) March 21, 2006 Special Permit
- b) Letter From Lakeview Engineering Associates, dated December 7, 2020 RE Abutter Notification Confirmation
- c) Letter from Lakeview Engineering Associates, dated February 3, 2021
- d) Letter from Lakeview Engineering Associates, dated February 26, 2021

6.3 Comments received from Town Staff, Boards and Committees:

- a) Email from Police Chief, Michael Sallese, dated December 9, 2020
- b) Memorandum from Board of Assessors, dated December 1, 2020
- c) Memorandum from Town Treasurer, dated November 23, 2020
- d) Letter from Building Commissioner, Craig Martin to Kostas and Dennis Asprogiannis dated August 10, 2020.

- 6.4 Comments received from Abutters:
- a) Email from Werner Fritz, dated July 30, 2020
 - b) Email from Youfei Chen, dated August 2, 2020
 - c) Email from Robert DiBattista, dated August 2, 2020
 - d) Email from Werner Fritz, dated August 3, 2020
 - e) Email from Werner Fritz, dated August 5, 2020
 - f) Email from Jean DiBattista, dated August 6, 2020
 - g) Email from Werner Fritz, dated August 10, 2020
 - h) Email from Jean DiBattista, dated November 21, 2020
 - i) Email from Youfei Chen, dated December 5, 2020
 - j) Email from Jean DiBattista, dated December 6, 2020
 - k) Email from Leigh Hilderbrandt, dated January 13, 2021
 - l) Email from Dorothy Flood Granat, dated January 19, 2021
 - m) Email from Dorothy Flood Granat, dated February 1, 2021
 - n) Email from Leigh Hilderbrandt, dated February 2, 2021
 - o) Email from Leigh Hilderbrandt, dated February 4, 2021
 - p) Email from Leigh Hilderbrandt, dated February 9, 2021
- 6.5 Correspondence from Places Associates, Inc., Town of Stow Consulting Engineer:
- 1) Letter and Plan markup dated October 21, 2019
 - 2) Letter update, dated November 12, 2019

Exhibits 6.1 through 6.3 are referred to herein as the Plan.

7. Findings and Conclusions

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

- 7.1 **Finding:** The Petitioner seeks a Special Permit and Site Plan Approval for the creation of an approximately 5000 square foot outdoor seating arrangement and associated grading of a gravel slope adjacent to the existing parking area.
- 7.2 **Finding:** The proposed use is located in the Business District.
- Finding:** The proposed use, as conditioned herein, is allowed by Special Permit in accordance with Sections 3.3.2.4, 3.3.2.5 and Section 7 of the Zoning Bylaw, regarding outdoor seating in the Business District and parking respectively.
- 7.3 **Finding:** The Planning Board continued the meeting multiple times without testimony due to absence of the Applicant or their agent.
- 7.4 **Finding:** The Board reviewed and considered the Application, as submitted, and finds the Application and supporting documentation as adequate for the type of Special Permit applied for.

Compliance Timeline

- 7.5 **Finding:** The Planning Board finds that this Decision governs the remediation of unpermitted work and resolution of non-compliance issues, and therefore should provide the Applicant with an adequate amount of time to complete the work as conditioned

herein, prior to a request for the Zoning Enforcement Officer to reinstate the notice of zoning violations and any relevant fine schedule.

Condition: A final plan reflecting the Plan Modifications described in this Decision shall be submitted to and approved by the Planning Board prior to any further remediation, construction or site disturbance.

Condition: The Applicant shall submit the required Plan Modifications within 60 days from the time the Town Clerk certifies that the statutory appeal period has ended. The Applicant shall complete all work as conditioned herein within 120 days from the time that the Town Clerk certifies that the statutory appeal period has ended. The Planning Board may extend the construction completion period for good cause upon written request by the Applicant.

History of Work

- 7.6 **Finding:** On March 21, 2006 the Planning Board approved a Special Permit (Original Decision) for the expansion of the retail and restaurant plaza at 148 – 156 Great Road. Outside of preliminary clearing and rough grading of the existing parking area, the site circulation upgrades and building expansion never commenced due to compliance issues with the MA Department of Environmental Protection's Drinking Water Program. In accordance with Section 7.7 of the Original Decision, the Special Permit expired on March 14, 2008 due to substantial use having not commenced.
- 7.7 **Finding:** The Board received correspondence over the spring and summer of 2020 from neighboring property owners on Lanes End, Bradley Lane and Great Road, regarding unpermitted excavation and clearing of vegetation at 156 Great Road. Upon contact with the Applicant, Planning staff found that the work had been started in anticipation of creating an area for outdoor dining adjacent to the restaurant building. The unpermitted work included grading, removal of vegetation and the addition of fill material along the southern edge of the gravel parking area. Correspondence associated with the unpermitted work has been entered into the record of proceedings.
- 7.8 **Finding:** On August 6, 2020, the Planning Board issued a letter to the Applicant indicating that a request for Cease and Desist was provided to the Zoning Enforcement Officer for the purpose of halting all deliveries of fill material and grading associated with the creation of an outdoor dining area. On August 10, 2020 the Zoning Enforcement Officer delivered a Cease and Desist order to the Applicant indicating expiration of the Original Decision and providing direction for the submission of a new Special Permit.
- 7.9 **Finding:** The Planning Board reviewed the Original Special Permit for compliance with conditions and finds a lack of progress and non-compliance. The Board further finds that a new Special Permit is required for consideration of the proposed outdoor dining, parking and grading changes and elimination of the proposed building.

Structure Detail on the Plan

- 7.10 **Finding:** Section 4.7.3.4 of the Special Permit Rules requires the location and footprint of all existing and proposed buildings to be shown on the Plan.

Finding: An abutter to the retail plaza noted that a bump-out addition at the rear of the restaurant building was not shown on the site plan.

Finding: Review of satellite imagery indicates that the building footprint has been amended since the time of the 2006 Special Permit approval and now includes a bumpout addition at the southwest corner of the structure.

Plan Modification: Prior to endorsement, the Plan shall be modified to show the current footprint of all buildings as they currently exist on the parcel.

Existing Outdoor Dining

7.11 **Finding:** Section 3.3.2.4 of the Zoning Bylaw allows restaurants to serve food by Special Permit *“through accessory outdoor service on a patio or seating area.”*

Finding: The Applicant does not have a Special Permit for accessory outdoor service, therefore, unpermitted outdoor dining is currently taking place on the restaurant sidewalk via tables set up adjacent to the business entrance.

Condition: All current outdoor dining along the restaurant sidewalk shall be prohibited until the remediation work as required in this Decision has been completed and a Special Permit Modification for Outdoor Dining has been approved by the Planning Board.

Proposed Outdoor Dining

7.12 **Finding:** The Planning Board received a letter dated February 3, 2021 requesting withdrawal of the Special Permit for Outdoor Dining, citing the high costs of compliance with the provisions of the Zoning Bylaw.

Due to the unpermitted grading, removal of vegetation and addition of fill material, the work completed has negatively impacted abutting property owners and left the site in a state of zoning non-compliance. Therefore, the Board denies the request for withdrawal of the Special Permit.

The Board requires the remediation work subject to the conditions and plan modifications described herein, for the purpose of bringing the site into compliance with the Zoning Bylaw. Upon completion of the remediation work, the Applicant and Board may further modify the Special Permit to allow for outdoor dining.

Condition: The unpermitted work shall be remediated to the Board’s satisfaction and brought into compliance with the Zoning Bylaw as further conditioned herein. The proposed outdoor dining shown on the plan is prohibited until such time as all remediation work has been completed and the Applicant requests to modify the Special Permit to propose Outdoor Dining.

Plan Modification: Prior to endorsement, the Plan shall be modified to remove the location of outdoor dining tables.

Grading and Erosion Control

- 7.13 **Finding:** The Plan shows the regrading of the slope south of the existing parking area to extend a flat, level area further south for the purpose of accommodating a proposed outdoor seating area. No grade calculations are shown on the Plan.

Finding: The proposed grading at 156 Great Road includes an area of increased slope conforming to the shape of Dudley Court, a paper road that was created for the purpose of providing frontage for homes off Bradley Lane and for the parcels that formerly comprised of what is today 156 Great Road. After the creation of Dudley Court, parcels were combined to create 156 Great Road, which now has frontage on Great Road.

Due to the subject property's frontage being provided via Great Road, the Planning Board, on September 13, 2005, approved a request for rescission of portions of Dudley Court that overlap with 156 Great Road.

Finding: The Planning Board finds that the Plan may be amended by the Applicant to lessen the slopes around the former Dudley Court for the purpose of improving safety and reducing the possibility of erosion on the steepest portions of the proposed slope.

Condition and Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to show grade calculations for the proposed slopes.

Plan Modification: In the event the Applicant elects to further modify the contours of the proposed slope to disregard the former layout of Dudley Court, then Prior to endorsement, the Plan shall be modified for review and approval by the Board to show amended contours.

Stormwater and Erosion Control

- 7.14 **Finding:** The Plan includes an erosion control barrier extending along the base of the proposed grading area, along with a detail showing a straw waddle and silt fence.

Finding: The Planning Board finds that the proposed grading for the outdoor dining area does not trigger the requirement for an Erosion Control Special Permit and is adequate as conditioned herein for the work proposed.

Condition: Prior to further site disturbance, haybales shall be added behind the silt fence to ensure that sedimentation does not break through the fence during summer thunderstorms or other quick hitting rain events. Upon establishment of vegetation along the proposed slope, the haybales and associated silt fence shall be removed.

Condition: The proposed slope shall be loamed and hydroseeded with 4" inches of loam upon completion of final grading.

Condition: Any fill material used at the site shall be free of hazardous materials or construction debris.

Condition: The proposed grading and construction shall result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties.

Condition: The proposed construction shall result in no transport by air or water of erodible material beyond the boundary line of the lot.

Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to include the following:

- Updated erosion control barrier detail;
- Note added to the Plan indicating that all disturbed areas shall be loamed with 4" inches of topsoil and hydroseeded;
- Note added to the Plan that all fill material used at the site shall be free from hazardous materials and construction debris.

Retaining Wall

- 7.15 **Finding:** The plan shows a proposed retaining wall extending from the western wall of the restaurant structure, and south along the proposed gravel slope for the purpose of protecting a 6' foot high PVC cleanout pipe. No detail for the wall is shown on the plan and it is unclear whether the wall will require review by a structural engineer.

Condition: In the event the proposed retaining wall is higher than four feet above the grade, the wall shall be reviewed by a structural engineer and the report shall be provided to the Building Commissioner upon application for a Building Permit.

Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to note the height of the proposed wall. In the event the wall requires review by a structural engineer, a note shall be added to the Plan stating the requirement.

Parking

- 7.16 **Finding:** Section 7.3.3.5 of the Zoning Bylaw requires one (1) parking space for every three (3) restaurant seats and one space for every employee at the largest shift.

- 7.17 **Finding:** The Stow House of Pizza restaurant is permitted for 28 seats via the DEP Drinking Water Program standards. Therefore, the required number of spaces at the Stow House of Pizza restaurant is twelve (12).

The restaurant currently has nine (9) paved spaces, with ten (10) spaces shown on the Plan in the existing gravel parking area through the addition of 10 wheel stops. The total number of spaces offered is nineteen (19), well in excess of the minimum parking required.

Condition: The total number of seats allowed for the restaurant portion of the plaza shall not exceed 28 without prior confirmation by the Department of Environmental Protection and/or the Stow Board of Health.

Condition: The gravel parking area shall not be further enlarged except as conditioned herein.

- 7.18 **Finding:** Separation from the existing parking area is provided via ten (10) proposed concrete wheel stops. The proposed wheel stops do not extend across the entire length

of the proposed outdoor dining area. Detail for the concrete wheel stops is not shown on the Plan. The Board finds that although the outdoor dining proposed is not permitted by this Decision, the wheel stops adequately delineate the existing gravel parking area from the proposed grading area and should be installed regardless of future outdoor dining plans.

- 7.19 **Finding:** Due to the lack of a natural barrier between the parking area and the proposed graded slope, the Chief of Police provided correspondence indicating that no wheel stops were proposed for approximately twenty (20') feet extending from the northwestern corner of the restaurant to the eastern extent of the proposed wheel stops, leaving two proposed tables exposed to operating vehicles. The Planning Board finds that even though outdoor dining is not permitted, a separation between vehicles and the proposed graded slope is appropriate.

Condition: Physical separation between the parking area and the graded location shall be provided for the entire length of the graded area.

Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to include a method of separation between the parking area and denied outdoor dining area, including but not limited to additional wheel stops.

- 7.20 **Finding:** The Planning Board finds that the eastern parking spaces, bordering land owned now or formerly by Habitech, Inc. and the southern parking area, directly south of the existing restaurant are pre-existing, non-conforming parking areas that are not proposed to be modified by the Application and/or this Decision.

Perimeter Landscaping for Parking Areas

- 7.21 **Finding:** Prior to submission of the Special Permit application, the Applicant removed brush and small trees along the southern edge of the parking area to prepare for the delivery of fill material. The vegetation removed had been functioning as a de-facto landscape screen, reducing the glare of headlights and noise from the existing gravel parking area and adjacent Route 117 traffic.
- 7.22 **Finding:** The Planning Board received correspondence and verbal testimony from residents of Lanes End, Dudley Court (Bradley Lane), and Great Road regarding increased impacts from vehicle headlights and building lighting, noise and privacy concerns due to the removal and/or deterioration of vegetation south of the existing gravel driveway and south of the Middlesex Savings Bank's drive-through access.
- 7.23 **Finding:** Section 7.7.4.1 of the Zoning Bylaw requires the following:

Off-street parking and loading areas which are located within or adjacent to a Residential District or a Recreation-Conservation District (whether on the side or rear) shall be screened from all adjacent LOTS in said district by a landscaped buffer strip of at least thirty (30) feet in width through the use of an opaque screen. Said screen shall be opaque from the ground to a height of at least six (6) feet with intermittent visual obstruction to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, FENCE, landscaped earth berm or densely planted vegetation in a mix of deciduous

and evergreen varieties, tolerant to the climatic conditions of Stow. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.

- 7.24 **Finding:** The Plan shows the addition of boulders and green giant arborvitaes along the southern edge of the proposed outdoor dining area to provide safety and separation between the proposed slope and outdoor seating, and to provide a visual screen between the parking and seating areas and the abutting residential uses.

Finding: Residents of Lanes End and Great Road expressed concern that the arborvitaes and boulders would not provide the quality of screening provided by the previous vegetation. Abutting property owners suggested the use of a ten foot tall fence to screen the business use from abutting residential properties.

Finding: The maximum height of a fence allowed via the Zoning Bylaw is 8' feet and requires a Building Permit prior to installation.

Finding: The Planning Board finds that an opaque screen including but not limited to installation of an 8' foot tall, solid wall fence, together with the proposed plantings, would mitigate multiple concerns, including reducing noise from any future outdoor seating, eliminating headlight glare from the gravel parking area, and providing a solid barrier between the parking area and the adjacent graded slope for properties along Dudley Court (Bradley Lane), Lanes End and at 196 Great Road.

Condition: An eight (8) foot tall fence shall be constructed along the southern edge of the existing gravel parking area from approximately the northwestern corner of the restaurant building, running west along the top grade of the proposed slope area to a location 30' feet from the abutting property line of 196 Great Road. At such location, the fence shall turn north to approximately the edge of the parking area along Great Road.

The fence shall include no more than two panels that taper downward to a height of not less than four feet at the at the base of the existing Route 117 sidewalk. The tapered fence design will allow for maximizing sight lines for vehicles on Great Road and softening the visual impact.

Condition: The fence shall be located in a manner that reduces further clearing of vegetation to the extent practicable.

Plan Modification: Prior to endorsement the Plan shall be modified for review and approval by the Board to include the location and detail of an eight (8) foot tall fence along the southern edge of the existing gravel parking area from approximately the northwestern corner of the restaurant building, running west along the top of the proposed slope to a location within 30' from the abutting property line of 196 Great Road. At such location, the fence shall run north to approximately the sidewalk along Route 117.

- 7.25 **Finding:** The existing parking area and proposed outdoor dining layout is directly adjacent to the home at 196 Great Road. Although the home is zoned business it is used as a residential home and therefore it is appropriate to require compliance with the conditions herein.

Finding: Green giant arborvitaes are proposed for landscaping the proposed section of fence along the southern edge of the gravel parking area. The Planning Board finds that extending the landscaping along the fence running parallel to the property at 196 Great Road would provide for continuity of the site plan.

Condition: Plantings capable of providing up to a twenty (20) foot tall screen, shall be installed along all portions of the fence line in accordance with Section 7.4 of the Zoning Bylaw.

Condition: The 36" elm tree shown on the Plan in the vicinity of the 196 Great Road property line shall be retained.

Plan Modification: Prior to endorsement the Plan shall be modified for review and approval by the Board to include a landscape plan showing the location and detail of shrubs and trees proposed for the required parking area fence, including a note that the 36" elm tree shall be retained.

Existing Bank Drive Through Screening

7.26 **Finding:** During the Public Hearing, the Board received testimony regarding headlight glare entering the homes of residents along Lanes End, due to the existing drive through bank use. The Board finds that screening along the metal fence directly south of the bank would eliminate or reduce the intrusion of headlight glare during months of bare vegetation.

Condition: Headlight glare onto Lanes End properties from the drive through bank use shall be eliminated through the installation of a solid wall screen, fence or other proposed barrier added at the rear of the bank drive through, attached to or in the same location as the existing railing.

Plan Modification: The Plan shall be modified for review and approval of the Board to include the location and detail of a solid wall screen, fence or barrier along the southern edge of the existing bank drive through.

Landscape Plan

7.27 **Finding:** The Applicant did not include a landscape plan or a waiver from the requirement for a landscape plan in accordance with Section 4.9 of the Rules.

Finding: The Planning Board finds that the plan does not meet the expectations and vision for landscaping in the Lower Village as proposed, nor does it provide the necessary screening to mitigate impacts of the proposed use.

Condition and Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to include landscaping and parking area upgrades as conditioned herein.

Donation Bin Location

- 7.28 **Finding:** Abutting property owners noted that the existing donation bins have been moved closer to abutting residential properties.

Condition: Donation bins, existing and proposed, shall be located inside of the proposed fenced parking area.

Plan Modification: Prior to endorsement, the Plan shall be modified for review and approval by the Board to show the location of donation bins within the required fenced parking area.

Dumpster Screening

- 7.29 **Finding:** During the sitewalk it was noted that no screening is provided for the dumpster location.

Condition: Screening shall be required to limit visibility of the dumpsters.

Plan Modification: Prior to endorsement, the Plan shall be modified to show the location and detail of proposed dumpster screening.

Lower Village Streetscape Standards

- 7.30 **Finding:** During the Public Hearing the Planning Board noted that the Lower Village Committee's Standard Streetscape and Fencing Style and Specifications, which included the use of split rail fencing and street trees along property frontages in Lower Village, may be difficult to implement at this site.

Finding: The Planning Board finds that the frontage area where such Streetscape standards would be applied is within the Town's pedestrian easement. The Board would be interested in working with the Applicant at a future time to agree upon the placement of a split rail fence in the grass buffer between the frontage parking stalls and the sidewalk.

Lighting

- 7.31 **Finding:** Section 3.8.1.5 of the Zoning Bylaw requires that no lighting shine on a Street or abutting property in a manner that creates a nuisance or hazard.

Finding: The Plan includes the location of a light on the northwestern corner of the restaurant building with a note that it shall be converted to a spotlight. Given that outdoor dining is not permitted by this Decision, the proposed light does not need to be added at this time and instead can be considered if a future modification of the permit to allow for outdoor dining is submitted.

Condition: The proposed light at the corner of the Stow House of Pizza restaurant shall not be installed until such time as outdoor dining is permitted.

Condition: No lighting shall shine on a Street or abutting property in a manner that creates a nuisance or hazard.

Condition: All proposed exterior lighting fixtures shall be full cutoff fixtures and otherwise conform to the Fixture Specific Conditions in Section 3.8.1.5.6 of the Zoning Bylaw. Prior to installation, cut sheets for proposed lighting shall be submitted to the Planning Board, demonstrating full cutoff design compliance.

Condition: Only lighting shown on the Plan shall be permitted.

Plan Modification: The Plan shall be modified for review and approval of the Board to remove the proposed light at the northwestern corner of the existing building.

Legal Provisions

- 7.32 **Condition:** This approval shall not be deemed approval by any other authority having its separate jurisdiction and inspection requirements.
- 7.33 **Condition:** The site shall be in compliance with all other applicable state, local and federal rules and regulations not specifically conditioned or referenced as part of this Decision.
- 7.34 **Condition:** This Special Permit/Site Plan Approval shall lapse in two (2) years from the date of this Decision, unless substantial use or construction has commenced
- 7.35 **Finding:** The Board reserves the right to enter the property to review ongoing compliance with the conditions imposed within the Special Permits approved herein.
- 7.36 **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 compliance with the terms of this Special Permit Decision.
- 7.37 **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.
- 7.38 **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.
- 7.39 **Condition:** This Special Permit shall be recorded in the Middlesex South Registry of Deeds and duly indexed or noted on the Owner's Certificate of Title. Prior to issuance of a Building Permit, 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, the Building Commissioner 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.

Signed on behalf of and with the permission of the Planning Board.

Karen Kelleher – Vice Chair

Received and Filed
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Linda Hathaway, Town Clerk

Date

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

Linda Hathaway, Town Clerk

Date