



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

NOTICE OF DECISION AND DECISION

On November 6, 2006 the Stow Board of Appeals held a duly notified public hearing on the request for variance filed by **Linear Retail Stow #1, LLC, c/o Linear Retail Property, Five Burlington Woods Drive, Burlington, Massachusetts**, seeking variances under Sections 4.3.1 and 4.3.2 of the Zoning Bylaw, "Area, Frontage, Yard, and Floor Requirements", to allow construction of a wastewater collection, treatment and leaching area system, above and below ground, with zero setbacks from lot lines at **Stow Shopping Center, 155 Great Road**. The property is shown on Stow Property Map R-30 as Parcels 12 and 13 and contains 574,774± sq. ft. (approximately 13.19 acres).

The Board finds the following:

1. In discussions at the hearing, it was determined that the applicant proposes to construct a new wastewater treatment facility to replace the failed system at this address.
2. It is proposed to replace the existing ³⁶⁰18-ft. x 20-ft. Control Building, which encroaches on the lot line along Samuel Prescott Drive, with a ³⁶⁰12-ft. x 32-ft. similar Control Building set within that lot line. It is proposed to be of similar height and set upon concrete footings. In addition, it is proposed to locate an emergency electric generator and control panel at this location.
3. It is proposed to construct an 8-ft. x 8-ft. valve chamber and an 8-foot diameter pump chamber below grade on the easterly side of the easterly entrance to the Shopping Center, with essentially zero setbacks from the lot line. In addition, it is proposed to locate an emergency electric generator and control panel at this location.
4. Additionally, other tanks, equipment, treatment facilities and piping will be located underground on the site and meet the setback requirements of the Stow Zoning Bylaw.
5. The proposed location and size of the building and other equipment is reasonable.
6. Literal enforcement of the provisions of the Bylaw would result in substantial hardship, financial or otherwise.
7. Desirable relief can be granted without substantial detriment to the public good, and is in keeping with the general neighborhood.
8. Granting of the requested variance would not derogate from the intent and purpose of the Zoning Bylaw.

**Linear Retail Stow #1, LLC
Notice of Decision and Decision**

The Board, at a duly notified meeting, conducted a site visit on November 9, 2006 and noted the location and size of the proposed new building and other equipment with respect to the lot lines, as well as the abutting properties, and finds that the site conditions reflect those statements made and documents presented at the hearing.

The Board, by unanimous vote of the five members present, GRANTS the requested two variances of approximately fifty (50) feet, subject to the following conditions:

1. Construction shall be in substantial conformance with plans and documents on file with this Board.
2. Any permits required by other boards, State, Federal or local, shall be obtained prior to the issuance of a building permit.

Two copies of this decision, together with copies of the petition for variance, plans and other records, have been filed with the Town Clerk. Copies of this decision have been or will be mailed to all parties, persons or boards as required by Mass. General Laws Chapter 40A, Sections 11 and 15.

The variance 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 District Registry of Deeds, or duly filed and noted on the Owners' 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.

The variance granted herewith must be exercised within one (1) year of grant (one year from the date of recording with the Town Clerk). It may be extended for a period of six months if application is made prior to the expiration of the one-year period, as required by Mass. General Laws Chapter 40A, Section 10.

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

John Clapp

William R. Fowler

Edward C. Tarver

Charles A. Brown

Daniel S. Dunith

November 14, 2006
Received and filed
Volume III, Page 589

Frank E. McCarthy

 Town Clerk of Stow

James C. Brown

 Attest, Middlesex S. Register