

Karen Kelleher

From: Kathleen Fisher <katiefisher76@gmail.com>
Sent: Monday, March 7, 2022 4:56 PM
To: Karen Kelleher; katefisher@aol.com
Subject: The 2 hearing this evening related to 84-102 Great Road
Attachments: monitor well MW-6 well near my property.PDF

Dear Karen,

Please share this with the Zoning Board.

Dear Zoning board members,

I am speaking in regards to changes since 2021. Over the years there have been a lot of changes at 92 Great Rd. once used as the Erkkennin Buick new car dealership.

The changes that have been made over this past year are my new concern. I sent a letter to your board, along with the Board of Health, the building inspector, etc on the subject. There has been the creation of additional businesses and dealerships along with the other 2 or 3 preexisting businesses in the building at 92 Great Road. There has been additional clearing of land, pavement stripping, and adding ground tar without permitting around the building at 92 great Rd. Additional trash containers are being stored on the property at 84 Great Rd, adjacent to my corner at 1 White Pond Road Stow. There were monitoring wells in place from 1992 to monitor ground water contamination on the site, when the Buick Dealership closed and vacated the building. See attached. Were these disturbed in the process this year? I checked with all departments including the Highway Department and no permits were applied for or approved by the Town of Stow.

My understanding of Stow Zoning bylaws is as follows.

A special permit is required for all businesses by building area or ground area when they change their area or use **by 10% or more**, this is a ratio I hear in many town correspondence and decisions.

Uses that are allowed in a business district are on the chart in the zoning bylaws. Auto sales outside are not allowed in a business zone. However, if the use is considered pre-existing, any modification to the site of this size requires a special permit for the entire site. The other business uses, combined areas of common use, if considered business, could be allowed and are not uses affiliated with a car dealership. Stand-alone repair shops and gas stations are allowed by Special Permit. TSS does not produce chemicals from what I understand, printing more in line with today's computer-generated copying in the building. All businesses however, need a special permit when the areas of use, size or location on the premises change, are shared and are combined.

I am concerned with the water runoff, a parking plan and the trash. My well is located close to the property and any setbacks from my well have been disrupted by the changes. There are no decisions by any board or department in force for any modifications or uses of the property with the exception of a basic drawing allowing the Stepping Stones Schools to use the building and a large area on the outside of the building for a playground on the west side.

A nursery school does not require a special permit. They do however require site plan approvals etc. showing for example: handicapped access, parking, health related items such as smoke detectors, and proper egress on and off the property both in and outside the building. In addition, there are other requirements related to safety and the Board of Health which I will not discuss at this time. The Stepping Stone School left the building prior to 2021.

No Special permits have issued since Stepping Stones School vacated.

Today the property and the use of the land around the building with all the recent changes to it require site plan approvals and a special permit, regardless of any previous use as there has been a change of more than 10% uses of the building and the uses outside the building. **No special permits have been issued at anytime on these properties that have been recorded at the Middlesex Registry of Deeds.**

I ask that you request a list of current occupants who access the 92 Great Road Building for Business; The areas in the building for each with egresses to them both inside and outside, the designated parking areas, fire lanes, who clears the parking lots and is responsible for snow storage, trash storage, a drainage plan etc.

I have pulled all the Special Permits issued to business zoned properties and some residentially zoned properties. It seems 92 Great Road, 102 Great Road and 84 Great Road have never recorded a Special Permit or site plan approval with conditions. Every other property has something on file at the Registry of Deeds in Middlesex County (*will provide on request*).

The town council should have an opinion on this and it should be given publicly related to the additional changes.

The Zoning By Law Definitions are unique to Stow and the Law needs to be followed or a reason given on all permits before issuing. Here are the definitions most relevant to the current changes on the site. See Attached

My concern related to my well being so close. Stow Zoning by Law:

3.8.1.9 Drainage - When a subdivision approval or a Site Plan Approval or a Special Permit is required drainage shall be designed so that the following conditions shall be met during and after construction and development:

1. Pre-development surface water runoff rates and volumes shall not be increased;
2. Pre-development erosion and sedimentation rates shall not be increased; and
3. No building permit, special permit or subdivision approval shall be granted if these conditions cannot be met.

I appreciate your consideration of all pertinent information and I would like to thank you for your attention to the matters before you related to the properties 84- to 102 Great Road. I am happy to provide you with the letters and photos related to the recent change to the site at a future meeting.

Sincerely,

Kathleen Fisher

1 White Pond Road

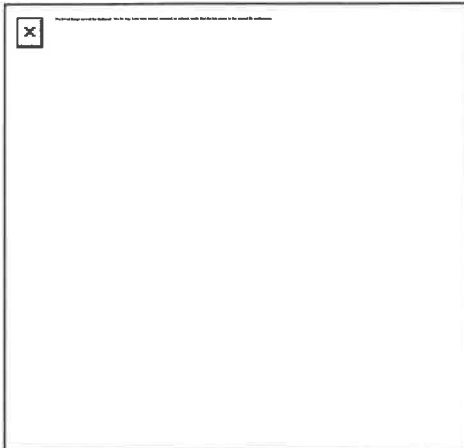
Stow MA 01775

The Zoning By Law Definitions are unique to Stow and the Law needs to be followed or a reason given on all permits before issuing. Here are the definitions most relevant to the current changes on the site.

1.3 Definitions

The words defined in this section shall be capitalized throughout the Bylaw. Where a defined word has not been capitalized, it is intended that the meaning of the word be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context.

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "LOT" includes the word "plot", the word "land" includes the words "marsh" and "water".



ACCESS DRIVEWAY - The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the edge of street pavement to the area within the LOT where the ACCESS DRIVEWAY is no longer within the minimum parking area setback required under the Parking Section of the Zoning Bylaw.

DEVELOPABLE SITE AREA - The DEVELOPABLE SITE AREA of existing or proposed LOT(s) shall be calculated by subtracting from the LOT area all land, which is located in:

- a wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the Massachusetts General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the Stow General Bylaws;
 - a Flood Plain District as defined in the Stow Zoning Bylaw;
 - another zoning district in which the principal use of the LOT is not also permitted; and
 - an access or right of way easement.
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- **DIRECT LIGHT** - Light that reaches a location from a light source or some part of the fixture containing the source, rather than reflecting off an illuminated surface. Light from filaments or other sources, surrounding glass, reflectors, diffusers, or similar components is DIRECT LIGHT. Light arriving from illuminated ground is not direct light.
 - **DWELLING** - Any BUILDING, or part thereof, used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, however mounted.
 - **DWELLING UNIT** - One (1) or more rooms for cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit, but not for more than five (5) persons unrelated by blood or marriage.
 - **ERECTED** - Attached, constructed, reconstructed, altered, enlarged or moved. ERECTED shall not mean repainted, cleaned, repaired or maintained. Altered includes changes in the structure or lettering or symbols of the sign, or replacement.
 - **EXISTING CONDITIONS** - As referred to in this Bylaw means conditions in existence on the date the first publication of notice of this Bylaw appears in accordance with Chapter 40A, Sections 5 and 6 of the Massachusetts General Laws.
 - **EXTERIOR LIGHT** - Any luminaire (light fixture) that is either not within a structure having a substantially opaque roof or is installed so that more than half the light output shines outside. A permanently-installed fixture in a screen- or glass-

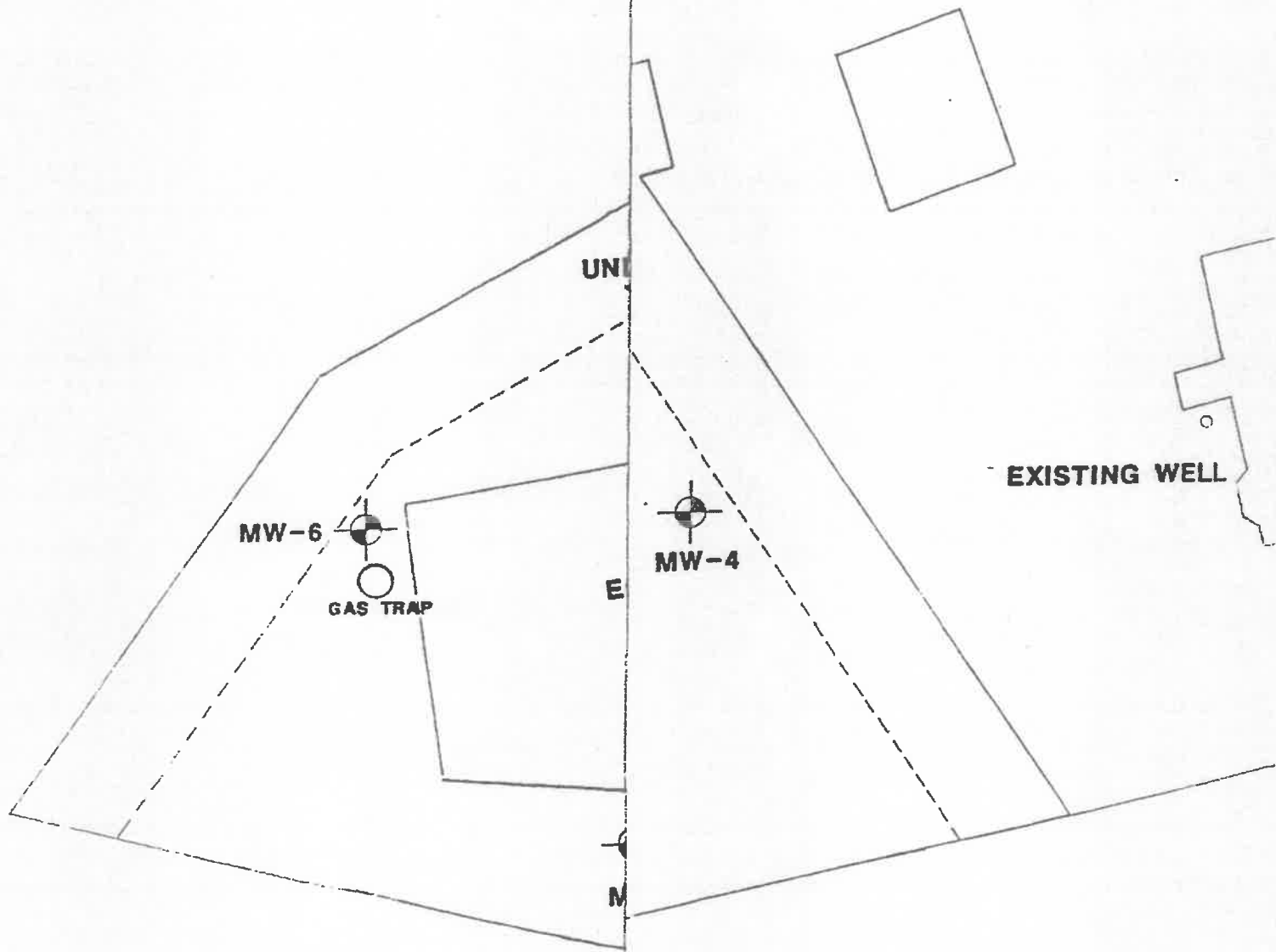
enclosed porch that is not normally climate-controlled or in a greenhouse or similar structure shall be considered an exterior light.


- FAMILY DAY CARE HOME - A FAMILY DAY CARE HOME as defined in the Massachusetts General Laws, Chapter 40A.
- FENCE - A structure made of wood, wire, metal or other durable material ERECTED so as to serve as an enclosure or a barrier against unobstructed passage from one side to another.
- FLOOR AREA - The interior FLOOR AREA exclusive of basements, stair wells, halls, bathrooms, corridors, attics, walls, partitions, porches and attached ACCESSORY BUILDINGS.
- FLOOR AREA, GROSS - The sum of the horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a common wall, but not including any space where the floor-to-ceiling height is less than six feet.
- FLOOR AREA, NET - The sum of the horizontal areas of the several floors of a BUILDING, measured from the interior face of the exterior walls or common wall, but not including stairwells, elevator wells, bathrooms, hallways and corridors, designated and approved building service areas and areas used for a CHILD CARE FACILITY as defined in this Bylaw, provided that such CHILD CARE FACILITY is accessory to a principal use located in the same BUILDING or on the same LOT.
 - FLOOR AREA RATIO - The ratio of the sum of the GROSS FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- FULL-CUTOFF FIXTURE - A luminaire having a light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. This kind of luminaire emits no light above the horizontal.
 - GARAGE, PRIVATE - Covered space for the housing of motor vehicles, but not for the rental of more than two (2) stalls for commercial repair or commercial storage.
 - GROUND WATER - All water beneath the surface of the ground.
- HAZARDOUS MATERIAL - A substance which because of quantity, concentration or physical or chemical characteristics poses a hazard to human health, safety, welfare or the environment, when improperly treated, stored, transported, used or disposed, or otherwise managed; this includes but is not limited to any substance set forth or deemed a HAZARDOUS MATERIAL in Massachusetts General Laws Chapter 21C and 21E, 310 CMR 30.00 of the Code of Massachusetts Regulations or pursuant to any Bylaws or regulations of the Town of Stow.
- INITIAL DESIGN LIGHT OUTPUT - The luminous output of a fixture as determined by specifications of the fixture and lamps (bulbs) that are installed in it, rather than by measuring the actual light output.
- INTERIOR DRIVEWAY - A travel lane located within the LOT which is not used to directly enter or leave parking spaces. An INTERIOR DRIVEWAY shall not include any part of the ACCESS DRIVEWAY.
- LOADING SPACE, OFF-STREET - An off-street space or berth, on the same LOT with a BUILDING, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress or egress.

- **LOT** - An area of land, undivided by any **STREET**, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title or record disclosed by any and all pertinent public documents or otherwise established by determination of a court. A corner LOT shall be any LOT abutting on two (2) or more streets at their intersection.
 - **MANEUVERING AISLE** - A travel lane located within the perimeter of a parking area by which motor vehicles directly enter and leave parking spaces.
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 - **NON-CONFORMING USES, STRUCTURES and LOTS** - A **NON-CONFORMING USE, STRUCTURE** or **LOT** shall be defined in Chapter 40A, Section 6 of the General Laws.
 - **ON-SITE SIGN** - A **SIGN** pertaining to products or activities located or offered at the same location as the **SIGN**.
- **OPEN LAND** – An area of land within a **PLANNED CONSERVATION DEVELOPMENT** preserved in perpetuity exclusively for the purposes set forth in Section 8.5.14 (Open Land Requirements) of the Zoning Bylaw.
- **OPEN SPACE** – An area of natural or landscaped vegetated growth. This may include within said area recreation areas, playing fields, benches, trails, footpaths, bodies of water and certain other surfaces such as gravel, cobblestone, brick, pavers or other similar materials when used to construct permeable walkways as may be approved by the Special Permit Authority or Site Plan Approval Authority.
 - **PARKING STALL LENGTH** - The longitudinal dimension of the stall measured parallel to the angle of parking.
 - **PARKING STALL WIDTH** - The linear dimension measured across the stall and parallel to the **MANEUVERING AISLE**.
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 - **PERMANENT SIGN** - Any sign other than a temporary sign.
 - **PLANNED CONSERVATION DEVELOPMENT (PCD)** – A development of land that
 - adheres to the following process: (a) determines the amount of development allowed upfront by by a **PROOF PLAN**; (b) requires a **PLANNED CONSERVATION DEVELOPMENT DESIGN PROCESS** to identify the significant natural, cultural, agricultural, and historic features of the land; (c) concentrates development, through design flexibility and reduced dimensional requirements, in order to preserve those features; and (d) permanently preserves at least sixty percent of the gross area of the proposed PCD locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with Section 8.5 (Planned Conservation Development) of the Zoning Bylaw.

Katie Fisher
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1 White Pond Rd.
Stow, MA 01775
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APPROXIMATE MONITOR WELL LOCATIONS		
92 GREAT POND ROAD STOW, MASSACHUSETTS		
DATE: 3/92	FIGURE 3	 IES, INC.
PROJECT NUMBER: 791-424	SCALE: 1" = 30'	