

# ALPHEN & SANTOS, P.C.

ATTORNEYS AND COUNSELORS AT LAW  
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[www.alphensantos.com](http://www.alphensantos.com)

Paul F. Alphen, Esquire  
Maria L. Santos, Esquire

November 2, 2022

Zoning Board of Appeals  
Building Commissioner  
Town of Stow  
380 Great Road  
Stow, MA 01775-2127

RE: Lot 2, Harvard Road, Stow, MA aka Assessor's Map R-9 Parcel 38

Dear Members of the Board:

This office represents John P. Giordano ("Petitioner") of 30 Heritage Lane, Stow, MA regarding the "Application for a Hearing" regarding a Special Permit Application in accordance with Section 4.1.6.1. The following is a summary of the evidence submitted with the application re-organized to follow our intended oral presentation. The text in italics is cut and pasted from Stow Zoning Bylaw.

## **BYLAW PROVISIONS:**

### **Part 1 Section 4.1.6**

*4.1.6 This section is intended to provide additional rights to build single family DWELLINGS on certain LOTS in the Residential District that do not conform to zoning area and frontage requirements in effect, and is in no way intended to limit any rights set forth as to such LOTS in Chapter 40A, as from time to time amended. The Board of Appeals shall grant a special permit for the construction of a single-family DWELLING to the owner of any LOT of at least 40,000 square feet area and at least 150 feet of contiguous LOT frontage in the Residential District, which was separately shown, laid out or described in a plan, deed or certificate of title duly recorded or registered at the Middlesex South District Registry of Deeds, and met all requirements of the Bylaw then in effect, prior to the first publication of notice of the public hearing required before any amendment of the Zoning Bylaw pursuant to said Chapter 40A, increasing such area or frontage requirements, or both, for a residential LOT, and situated on a STREET as defined in the Zoning Bylaws open for use by the public at such date of publication, upon a finding that the conditions in Section 4.1.6.1 are met.*

## **EVIDENCE OF COMPLIANCE WITH SECTION 4.1.6:**

Lot 2 contains 40,771 square feet of area and 150 feet of frontage as shown on the plan of land recorded with the Middlesex South District Registry of Deeds as Plan No. 1059 of 1959 (Exhibit A).

Lot 2 is located in the Residential Zoning District as shown on the Zoning Map (See the Zoning Map, a copy of which is attached for convenience).

Lot 2 is separately shown, laid out or described in a plan duly recorded or registered at the Middlesex South District Registry of Deeds, as Plan No. 1059 of 1959 (Exhibit A).

Lot 2 met all requirements of the Bylaw then in effect, prior to the first publication of notice of the public hearing required before any amendment of the Zoning Bylaw pursuant to said Chapter 40A, increasing such area or frontage requirements, or both, for a residential lot, whereas, according to the Appendix/History of Zoning Bylaw Amendments, at the October 15, 1973 Town Meeting an amendment was approved to change Minimum Lot Area requirement in the Residential District from 40,000 sq ft to 65,340 sq ft and the Minimum Lot Frontage requirement was changed from 150 feet to 200 feet. Said information was verified through correspondence with the Town Clerk and the Building Commissioner (Exhibit F).

Lot 2 has frontage on Harvard Road, a street in existence well before 1973, and was shown on the 1956 Approval Not Required Plan (Exhibit A).

### **Part 2 Section 4.1.6.1.**

*4.1.6.1 Any adjoining LOT to the LOT described in the application for a special permit, held in common ownership with the LOT described in the application for the special permit, had an existing lawful BUILDING thereon, or a building permit had issued for such a BUILDING (on which construction was commenced within six [6] months from the date of the permit and continued through to completion as continuously and expeditiously as reasonable) before the date of the publication of the first notice of the public hearing on the amendment to the Zoning Bylaw, increasing such area or frontage requirements, so that such adjoining LOT is not available for use in combination with the LOT which is the subject of the application at the time of filing the application.*

## **EVIDENCE OF COMPLIANCE WITH SECTION 4.1.6.1:**

Kenneth and Catherine Desmond acquired Lots 2&3 in January 1959. In April 1959 Kenneth conveyed Lot 2 to Catherine. From that point until 2003, Kenneth and Catherine owned Lot 3. Consequently, when the zoning was changed in 1973 through 2003 (when Lot 3 was conveyed to Valentine [see Exhibit C]), Lot 2 was owned by Catherine Desmond and Lot 3 was owned by Catherine and Kenneth Desmond. Therefore, Lots 2 & 3 were held in common ownership from 1959 to 2003<sup>1</sup>, however, Lot 3 has contained a dwelling since 1959 (Exhibit E).

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<sup>1</sup> Unless there is evidence that the lots were not in "common control" as Catherine owned Lot 2 by herself, in which case Lot 2 would be protected by MGL ch 40A s 6 and the special permit would not be necessary.

**Part 3 Section 4.1.6.2**

*4.1.6.2 Provided, however, that the Board of Appeals shall grant such special permit for only one LOT to any owner owning such LOT in common with a LOT unavailable for use in combination therewith as defined in this section which permit shall run with the land; and shall impose as conditions to such special permit that any proposed DWELLING is to be located on such LOT so as to conform with all other minimum requirements of FRONT, SIDE and REAR YARD setbacks of the Zoning Bylaws in effect; and the further condition that, unless the LOT is sold and thereafter is in separate ownership, a special permit granted under this section shall lapse within a specified period of time, not more than two (2) years thereafter if a building permit has not been issued and construction has not begun by such expiration date except for good cause shown and an extension of such special permit by the Board of Appeals granted upon a showing of good cause.*

**EVIDENCE OF COMPLIANCE WITH SECTION 4.1.6.2:**

The adjoining Lot 3 is now a conforming lot whereas it was combined with Lot 4 by the deed dated August 30, 2000 and recorded with said Registry of Deeds at Book 31821 Page 240 and the deed dated May 24, 1968 recorded with said Registry of Deeds at Book 11518, Page 192. (see Exhibit G) Therefore, the provisions of said sections, and the subject special permit, shall be applicable to only one (1) lot as required by Section 4.1.6.2.

We respectfully request that the Board find that (a) the Petitioner submitted a complete application; (b) the Petitioner is the owner of the subject Lot and has standing to bring the Petition (see Exhibit B); (c) that Lot 2 shown on the plan of land recorded with said Registry of Deeds as Plan 1059 of 1956 meets the criteria described in Section 4.1.6.1; (d) the Special Permit shall apply to only one (1) lot as required by Section 4.1.6.2; and (e) with the conditions contained in Sections 4.1.6.2, 4.1.6.3, and 4.1.7, the Board of Appeals shall grant a Special Permit in accordance with Section 4.1.6.1. to use Lot 2 as shown on said plan of land as a single family building lot.

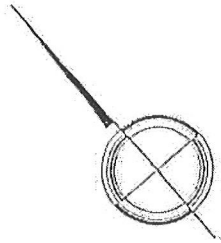
Thank you for your attention to this matter.

Very truly yours,  
ALPHEN & SANTOS, P.C.

  
\_\_\_\_\_  
Paul F. Alphen, Esq.

# Plan 1059 of 1956 (Exhibit A)

11,053  
1059



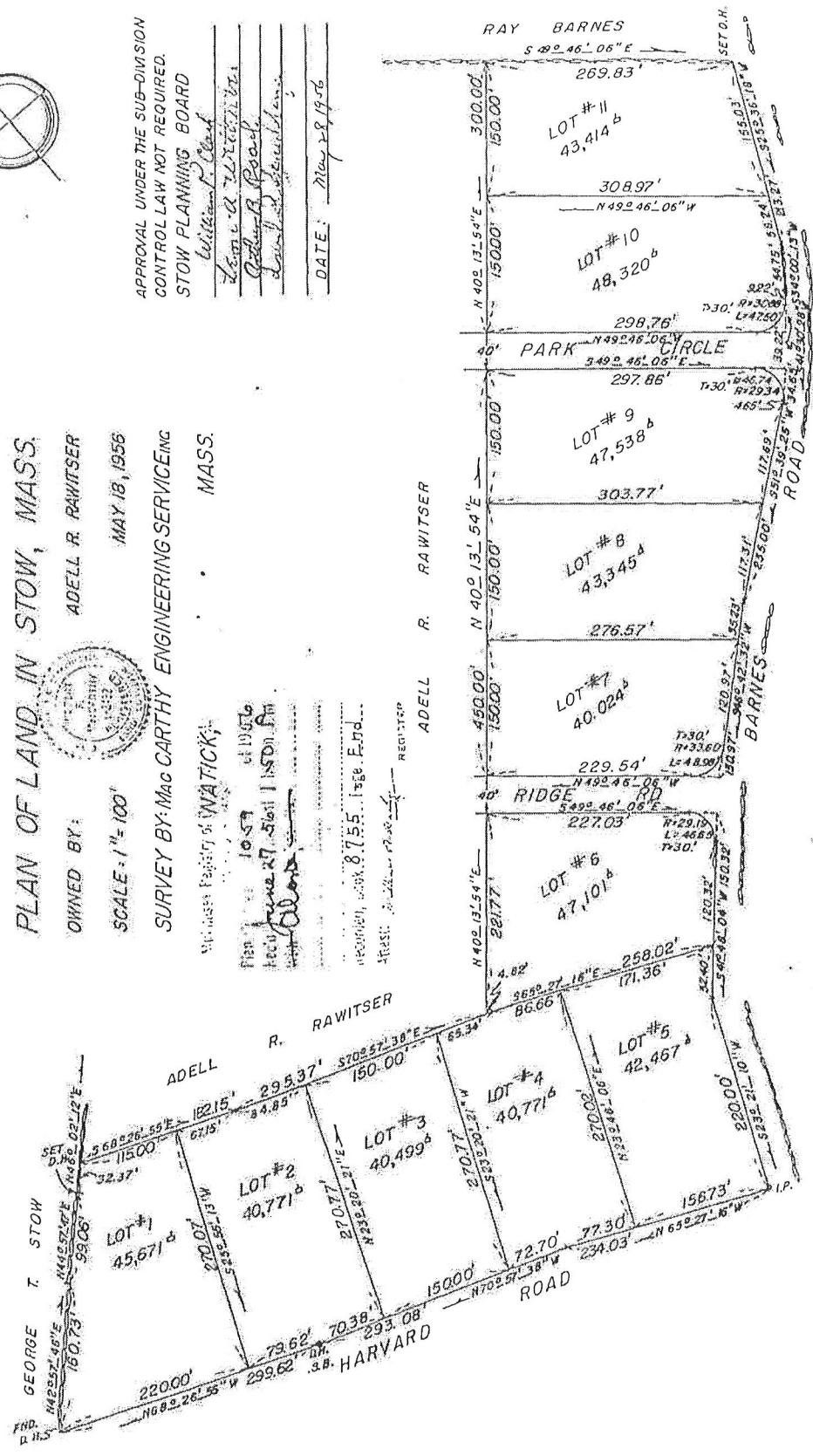
"KINGS GRANT PARK"  
PLAN OF LAND IN STOW, MASS.

OWNED BY: ADELL R. RAWITSER  
MAY 18, 1956  
SCALE: 1" = 100'  
SURVEY BY: MAC CARTHY ENGINEERING SERVICE INC.  
STOW, MASS.



APPROVAL UNDER THE SUB-DIVISION  
CONTROL LAW NOT REQUIRED.  
STOW PLANNING BOARD  
William R. Clark  
Lester A. Wright, Jr.  
George B. Poach  
Lynn P. Brewster  
DATE: May 28, 1956

Map No. 1059  
Recorded in 8755  
Traverse 8755  
Recorder: ADELL R. RAWITSER



11,053  
1059

1059

**Deed at Book 73436, Page 104 (Exhibit B)**

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

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Recording Information

Document Number : 155884  
Document Type : DEED  
Recorded Date : October 10, 2019  
Recorded Time : 09:25:08 AM  
  
Recorded Book and Page : 73436 / 104  
Number of Pages(including cover sheet) : 3  
Receipt Number : 2379093  
Recording Fee (including excise) : \$239.00

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 10/10/2019 09:25 AM  
Ctrl# 308851 04333 Doc# 00155884  
Fee: \$114.00 Cons: \$25,000.00  
\*\*\*\*\*

Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

QUITCLAIM DEED

I, CATHERINE A. DESMOND, an unmarried woman, of Acton, Middlesex County, Massachusetts,

For consideration paid and in full consideration of TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS,

Grant to JOHN P. GIORDANO, Individually, of 30 Heritage Lane, Stow, Middlesex County, Massachusetts;

with QUITCLAIM COVENANTS,

being Lot 2 on a plan entitled "Kings Grant Park, Plan of Land in Stow, Massachusetts, owned by Adell R. Rawitser", dated May 18, 1956, surveyed by McCarthy Engineering Service, Inc., Natick, Massachusetts, recorded with the Middlesex South District Registry of Deeds as Plan Number 1059 of 1956, at the end of Book 8755 and more particularly, bounded and described as follows:

- SOUTHWESTERLY by Harvard Road by two lines measuring one hundred fifty (150.00) feet;
- NORTHWESTERLY by Lot 1, on said plan, two hundred seventy and 7/100 (270.07) feet;
- NORTHEASTERLY by land of Adell R. Rawitser, as shown on said plan, by two lines measuring one hundred fifty-two (152.00) feet; and
- SOUTHEASTERLY by Lot 3, on said plan, two hundred seventy and 77/100 (270.77) feet.

Containing 40,771 square feet.

Grantor hereby releases any and all rights of homestead in said premises and certifies under the pains and penalties of perjury that as to the within premises there were no other persons entitled to protection of the Homestead Act.

For my title see the Deed dated April 6, 1959, recorded with said Deeds at Book 9350, Page 237. Also, see prior Deed recorded with said Deeds at Book 9309, Page 351.

Property Address: Lot 2, Harvard Road, Stow, MA



WITNESS my hand and seal this 8<sup>th</sup> day of October, 2019.

Catherine A. Desmond  
Catherine A. Desmond

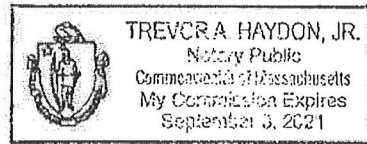
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 8<sup>th</sup> day of October, 2019, before me, the undersigned notary public, personally appeared Catherine A. Desmond, proved to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and.

Trevor A. Haydon, Jr.

Notary Public: Trevor A. Haydon, Jr.  
My Commission Expires: September 3, 2021



## Deed for Lot 3 to Deborah A. Valentine (Exhibit C)



Bk: 40729 Pg: 460  
 Recorded: 09/03/2003  
 Document: 00000341 Page: 1 of 1

MSD 09/03/03 09:42:59 341 125.00

*Harvard Rd Stow*

*1E*

We, Kenneth A. Desmond and Catherine A. Desmond, husband and wife, of Stow, Middlesex County, Massachusetts for consideration of less than One Hundred (\$100.00) Dollars paid, grant to Deborah A. Valentine of 131 Wilson Street, Framingham, Middlesex County, Massachusetts 01702 with **QUITCLAIM COVENANTS** two (2) certain parcels of land with the buildings thereon, if there be any, situated on the northerly side of Harvard Road in said Stow, and being shown as lots 2 and 3 on a plan entitled "Kings Grant Park, Plan of land in Stow, Massachusetts owned by Adell R. Rawitser" dated May 18, 1956, surveyed by McCarthy Engineering Service, Inc., Natick, Massachusetts, Plan number 1059 of 1956, recorded with Middlesex County South District Registry of Deeds at the end of Book 8755 and more particularly, bounded and described as follows:

- Beginning at the Southwesterly corner thereof at Harvard Road and the Southeasterly corner of lot one (#1) on said plan; and running
- SOUTHEASTERLY** Three hundred (300.00) feet,
- NORTHEASTERLY** By lot four (#4) on said plan two hundred seventy and 77/100 (270.77) feet,
- NORTHWESTERLY** Three hundred and two (302.00) feet, by land now or formerly of Adell R. Rawitser
- SOUTHWESTERLY** By lot one (#1) on said plan, two hundred seventy and 07/100 (270.07) feet, to the point of beginning.

Lot #2 on said plan containing 40,771 square feet, more or less, and lot #3 on said plan containing 40,499 square feet, more or less.

Being the premises conveyed to the within named grantors by deed of Doreen L. Porter, dated August 30, 2000, and recorded with said Deeds in Book 31821 Page 240.

Excepted from the within conveyance is said lot #2 which was previously conveyed to the said Catherine A. Desmond by deed of Kenneth A. Desmond dated April 6, 1959, which is recorded with said Deeds in Book 9350, Page 237.

The above-described premises are conveyed subject to the restrictions, covenants and conditions which are imposed for the benefit of lots shown on said plan.

Reserving, however, a life estate to the within named grantors, or to the survivor of them, in the above said premises. During the life of either or both of the grantors, they shall have the exclusive right to occupy the premises, to lease, let or license the same, and shall be entitled to all rents, fees or profits generated from said premises but without the right to partition. During the lifetime of either or both of the grantors, they shall bear the cost of all insurance, maintenance, fees, charges and expenses relating to the premises and shall pay all taxes assessed or imposed with respect thereto and all principal and interest on any mortgages thereon.

Grantors waive all rights of homestead exemption in the premises.

The consideration of the within deed being less than One Hundred (\$100.00) Dollars no excise tax stamps are required.

WITNESS our hands and seals this 31st day of July, 2003

*Kenneth A. Desmond*  
 Kenneth A. Desmond  
*Catherine A. Desmond*  
 Catherine A. Desmond

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, ss:

July 31, 2003

Then personally appeared the above-named Kenneth A. Desmond and Catherine A. Desmond and acknowledged the foregoing instrument to be their free act and deed before me

*Michael M.T. Romanow*  
 Michael M.T. Romanow, Notary Public  
 My Commission Expires: December 15, 2006

**Plan of land dated February 2, 2021 (Exhibit D)**

**ZBL 3.3.1.10 EROSION CONTROL**

- LOADING OR CONSTRUCTION ON SLOPES 25% OR GREATER ON 25% OR MORE OF THE LOT AREA
- GRADES WILL RESULT IN SLOPES OF 25% OR GREATER ON 25,000 SF OR MORE ON A 5-10% PARCEL, EVEN IF LESS THAN 25% OF LOT AREA
- LOADING AND CONSTRUCTION ON OVER 25,000 SF OF A PARCEL OR SITE INCLUDING SITES IN WHICH MULTIPLE PARCELS ARE PART OF THE SAME DEVELOPMENT PROPOSAL

**SITE DISTURBANCE BY DEVELOPMENT PROPOSAL**

**137 HARVARD RD (LOTS 3 & 4)**

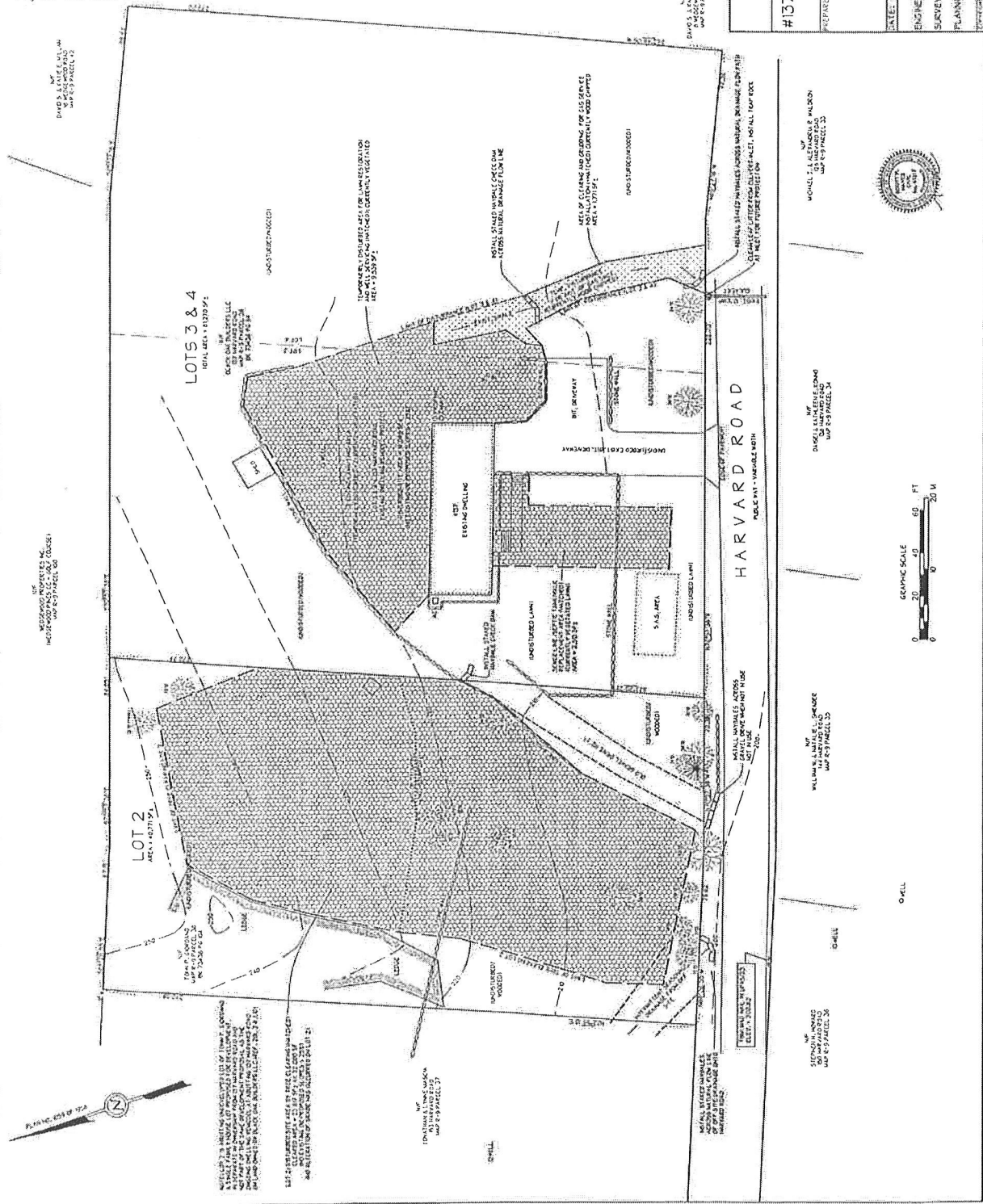
CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE DEVELOPMENT PROPOSAL. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND SHALL OBTAIN NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.

LOT AREA: 42,279 SF  
 TOTAL DISTURBED AREA: 42,279 SF (100%)  
 TOTAL CLEARING: 1,771 SF  
 TOTAL DISTURBED AREA: 40,508 SF (95.8%)

**LOT 2**

CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE DEVELOPMENT PROPOSAL. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND SHALL OBTAIN NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.

LOT AREA: 42,279 SF  
 TOTAL DISTURBED AREA: 42,279 SF (100%)  
 TOTAL CLEARING: 1,771 SF  
 TOTAL DISTURBED AREA: 40,508 SF (95.8%)



**SITE DISTURBANCE PLAN**

**#137 HARVARD RD. & LOT 2 HARVARD RD.**

STON MASSACHUSETTS  
 PREPARED FOR: BLACK OAK BUILDERS LLC  
 30 HERITAGE LANE  
 STON, MASSACHUSETTS 01775

DATE: FEBRUARY 2021 SCALE: 1"=40'-0" (SEE PLAN)

ENGINEERING: J. J. FORESTI  
 SURVEYING: J. J. FORESTI  
 PLANNING: J. J. FORESTI

WWW.JJFORESTI.COM



**Assessors' Records regarding the dwelling on Lot 3  
(Exhibit E)**

**137 HARVARD RD**

Location 137 HARVARD RD

Mblu 000R-9/ 000039/ //

Acct# 000R-9 000039

Owner BLACK OAK BUILDERS LLC

PBN SINGLE FAMILY

Assessment \$451,600

Appraisal \$451,600

PID 763

Building Count 1

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$178,200	\$273,400	\$451,600
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$178,200	\$273,400	\$451,600

**Owner of Record**

Owner BLACK OAK BUILDERS LLC  
 Co-Owner  
 Address 2352 MAIN ST  
 CONCORD, MA 01742

Sale Price \$255,000  
 Certificate  
 Book & Page 73436/93  
 Sale Date 10/10/2019  
 Instrument 10

**Ownership History**

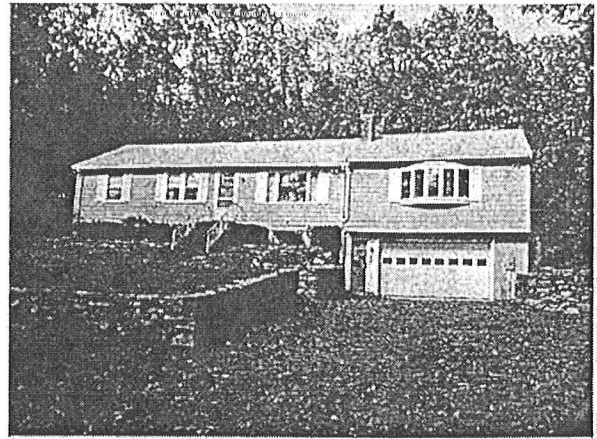
Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BLACK OAK BUILDERS LLC	\$255,000		73436/93	10	10/10/2019
DESMOND KENNETH A LE	\$100	358100	40729/461	1A	09/03/2003
DESMOND KENNETH A	\$100	273300	31821/240	1F	09/15/2000
DESMOND KENNETH A	\$0	0	0/0	00	01/01/1900

**Building Information**

Building 1 : Section 1

Year Built: 1959  
 Living Area: 2,008  
 Replacement Cost: \$273,434  
 Building Percent Good: 65  
 Replacement Cost  
 Less Depreciation: \$177,700

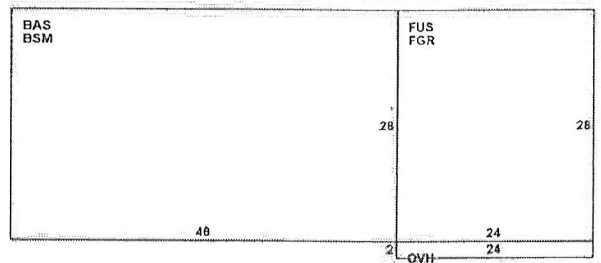
**Building Photo**



(<http://images.vgsi.com/photos/StowMAPPhotos/APICTURE\00078301.JPG>)

Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Grade	C
Stories	1
House Color	Natural
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	
Interior Floor 1	Average
Interior Floor 2	
Heat Fuel	Oil
Heat Type	Hot Water
AC Type	None
Bedrooms	3
Full Baths	2
Half Baths	0
Extra Fixtures	1
Total Rooms	7
Bath Style	Average
Kitchen Style	Average
Extra Kitchens	0
Interior/Exterior	Same
Rec Room	644
Fin Bsmt Area	0
Attic	None
WB FPL Openings	1
MTL FPL Stacks	0
Unfinished Area	0
WB FPL Stacks	1
MTL FPL Openings	0.00
Basement Area	0
Bsmt Garage	0

**Building Layout**



(ParcelSketch.ashx?pid=763&bid=763)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,288	1,288
FUS	Finished Upper Story	672	672
OVH	Overhang	48	48
BSM	Basement	1,288	0
FGR	Garage	672	0
		3,968	2,008



In-Law Apts	0
Special Feature	Unknown
Family Room(s)	0
Brick Size 1	0
Stone Size 1	0
CDU	Average CDU
Basement	Full
Unheated Area	0
Stone Size 2	0
Bath Remodel	No
Kitchen Remodel	No
Brick Size 2	0

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

Use Code 1010  
 Description Single Family  
 Zone R  
 Neighborhood 101  
 Alt Land Appr No  
 Category

**Land Line Valuation**

Size (Acres) 1.88  
 Frontage 0  
 Depth 0  
 Assessed Value \$273,400  
 Appraised Value \$273,400

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	Shed			168.00 SF	\$500	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$163,800	\$248,300	\$412,100
2019	\$142,300	\$248,300	\$390,600
2018	\$0	\$0	\$381,200

**Assessment**

Valuation Year	Improvements	Land	Total
2020	\$163,800	\$248,300	\$412,100
2019	\$142,300	\$248,300	\$390,600
2018	\$0	\$0	\$381,200

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**Correspondence regarding the 1973 Zoning change  
(Exhibit F)**

TO: Craig Martin, P.E. and Linda Hathaway  
 FR: Paul Alphen  
 DA: April 1, 2021  
 RE: Zoning Bylaw Section 4.4

Mr. Martin or Ms. Hathaway:

Which office is best equipped to answer a historical question regarding the Zoning Bylaw? I have to determine the effective date of a zoning change and I find the following:

Section 4.4 of the Zoning Bylaw contains the Table of Dimensional Requirements:

3) Driveways are allowed within the SIDE and REAR YARD setbacks.

4.3.2.8 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.

**4.4 Table of Dimensional Requirements**

These requirements shall be satisfied entirely within each district.

Zoning District	Minimum LOT Area in sq. ft.	Minimum LOT Frontage in ft.	Minimum FRONT YARD in ft.	Minimum SIDE YARD in ft.	Minimum REAR YARD in ft.	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO
R/C	40,000	150 (2)	100	50	100	80%	.10
Res	65,340	200 (2)	30	25	40	10%	NR
Bus	40,000	150 (2)	50	None (1)	50 (1)	20%	.30
Comm	40,000	150 (2)	50	25 (1)	50 (1)	30%	.30
Ind	40,000	150 (2)	100	25 (1)	50 (1)	40%	.30
C/B	65,340	200	50	None (1)	40 (1)	30%	.30
R/D	300,000	150	300 (3)	150 (3)	150 (3)	80%	.10

NR = Not Regulated

Footnote to Table of Dimensional Requirements

- (1) If the LOT abuts a residential or recreation-conservation district, whether directly or separated by a public or railroad right-of-way, the side and rear YARDS abutting the residential or recreation-conservation district shall be increased as follows and shall include a 50' landscaped buffer that consists of an opaque screen as defined in Section 7.7.4.1 of the Zoning Bylaw.

Minimum Side or Rear YARD

Compact Business District	50 feet
Business District	50 feet
Commercial District	50 feet
Industrial District	100 feet

We are attempting to verify the date when the Minimum Lot Area requirement in the Residential District was changed from 40,000 sq ft to 65,340 sq ft and the Minimum Lot Frontage requirement was changed from 150 feet to 200 feet.

In the Appendix/History of Zoning Bylaw Amendments, the below information appears, and we were hoping that you could verify that it was at the October 15, 1973 Town Meeting that the amendment was approved to change Minimum Lot Area requirement in the Residential District was changed from 40,000 sq ft to 65,340 sq ft and the Minimum Lot Frontage requirement was changed from 150 feet to 200 feet.

It seems like a silly question, but because the reference in the margin of the amendment refers to "Section VII-B", and not to the current Section 4.4, I am guessing that "Section VII-B" was from a prior codification of the Bylaw but I need to be certain.

October 15, 1973

(Approved by Attorney General November 13, 1973)

- Section VII-B "Area, Frontage, Yard, & FLOOR AREA Requirements" and the accompanying table for the Residential District:
- Column entitled "Minimum LOT Area in Square Feet", changed the number "40,000" to read "65,340".
  - Column entitled "Minimum Contiguous LOT Frontage in Feet", changed the number "150" to read "200"
- Section VII-B-5-b-(4) Second sentence: changed "40,000 square feet" to read "65,340 square feet".
- Section VII-B-6-c Added paragraph (3) to read:  
"Those lots within the cluster, but having frontage on existing roads, must meet the frontage and area requirements of the District without regard to the provisions of this section."

May 6, 7, 8 and 20, 1974

(Approved by Attorney General October 7, 1974)

- Section VII-B-5-b-(4) Added the words "In a wetlands district or" to the third sentence of the section.
- Section VII-B-5-b-(8) Added the words "if it is not in a Wetlands District" to the second sentence of

Thank you for your assistance in this matter.

Paul

**PAIphen\_AlphenSantos**

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**From:** building <building@stow-ma.gov>  
**Sent:** Tuesday, April 06, 2021 8:21 AM  
**To:** PAIphen\_AlphenSantos; townclerk  
**Subject:** RE: Zoning bylaw history

Paul, The information and dates you have for the zoning change are correct. The reference to "Section VII-B" is a reference to a preceding zoning format.

Sincerely,  
Craig

Craig D. Martin, P.E.  
Building Commissioner  
Town Office Building  
380 Great Road  
Stow, MA 01775  
Office 978/897-2193  
Cell 508/561-3977

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**From:** PAIphen\_AlphenSantos <palphen@alphensantos.com>  
**Sent:** Thursday, April 01, 2021 4:55 PM  
**To:** building <building@stow-ma.gov>; townclerk <townclerk@stow-ma.gov>  
**Subject:** RE: Zoning bylaw history

Thank you.

PAUL F. ALPHEN, ESQ  
**ALPHEN & SANTOS, P.C.**  
200 Littleton Road, Westford, MA 01886  
(978) 692-3107 ext 823 FAX (978) 692-5454

DURING THE STATE OF EMERGENCY IF YOU CANNOT REACH ME AT THE OFFICE, TRY MY CELL PHONE AT 978-204-6351.

WIRING INSTRUCTION FRAUD IS A WORLDWIDE PROBLEM: WE WILL **NOT** SEND YOU COMPLETE WIRING INSTRUCTIONS BY EMAIL. NEVER ACCEPT WIRING INSTRUCTIONS VIA EMAIL.

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**From:** building  
**Sent:** Thursday, April 01, 2021 2:29 PM

To: PAlphen\_AlphenSantos <[palphen@alphensantos.com](mailto:palphen@alphensantos.com)>; townclerk <[townclerk@stow-ma.gov](mailto:townclerk@stow-ma.gov)>  
Subject: RE: Zoning bylaw history

Hello Paul, I can check into your question. Give me a day or so.

Sincerely,

Craig

Craig D. Martin, P.E.  
Building Commissioner  
Town Office Building  
380 Great Road  
Stow, MA 01775  
Office 978/897-2193  
Cell 508/561-3977

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**From:** PAlphen\_AlphenSantos <[palphen@alphensantos.com](mailto:palphen@alphensantos.com)>  
**Sent:** Thursday, April 01, 2021 1:35 PM  
**To:** townclerk <[townclerk@stow-ma.gov](mailto:townclerk@stow-ma.gov)>; building <[building@stow-ma.gov](mailto:building@stow-ma.gov)>  
**Subject:** Zoning bylaw history

TO: Craig Martin, P.E. and Linda Hathaway  
FR: Paul Alphen  
DA: April 1, 2021  
RE: Zoning Bylaw Section 4.4

Mr. Martin or Ms. Hathaway:

Which office is best equipped to answer a historical question regarding the Zoning Bylaw? I have to determine the effective date of a zoning change and I have a question within the attached memo. Thank you,

Paul

**PAUL F. ALPHEN, ESQ**  
**ALPHEN & SANTOS, P.C.**  
200 Littleton Road, Westford, MA 01886  
(978) 692-3107 ext 823 FAX (978) 692-5454

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**Deeds Recorded with Middlesex South District Registry of  
Deeds at Book 31821 Page 240 and the deed dated May 24,  
1968 recorded with said Registry of Deeds at Book 11518,  
Page 192.  
(Exhibit G)**



F-1

DEED

I, Doreen L. Porter, of Bellingham, Norfolk County, Massachusetts, for consideration of less than One Hundred (\$100.00) Dollars paid grant to Kenneth A. Desmond and Catherine A. Desmond of Stow, Middlesex County, Massachusetts, husband and wife, as tenants-by-the-entirety, with QUITCLAIM COVENANTS two (2) a certain parcels of land with the buildings thereon, if there be any, situated on the northerly side of Harvard Road, Stow, and being shown as lots 2 and 3 on a plan entitled "Kings Grant Park, Plan of land in Stow, Massachusetts owned by Adell R. Rawitser" dated May 18, 1956, surveyed by McCarthy Engineering Service, Inc., Natick, Massachusetts, Plan number 1059 of 1956, recorded with Middlesex South District Deeds, at the end of Book 8755, and more particularly bounded and described as follows:

25-00  
20-00  
15-00  
10-00  
5-00  
0-00

Beginning at the Southwesterly corner thereof at Harvard Road and the Southeasterly corner of lot one (#1) on said plan, and running

- SOUTHEASTERLY Three hundred (300.00) feet,
- NORTHEASTERLY By lot four (#4) on said plan two hundred seventy and 77/100 (270.00) feet,
- NORTHWESTERLY Three hundred and two (302.00) feet, by land now or formerly of Adell R. Rawitser
- SOUTHWESTERLY By lot one (#1) on said plan, two hundred seventy and 07/100 (270.07) feet, to the point of beginning.

Lot #2 on said plan containing 40,771 square feet, more or less, and lot #3 on said plan containing 40,499 square feet, more or less.

Being the same premises conveyed to Doreen L. Porter by deed of Kenneth A. Desmond and Catherine A. Desmond dated August 30, 2000 and recorded immediately prior hereto.

Excepted from the within conveyance is said lot #2 which was previously conveyed to the said Catherine A. Desmond by deed of Kenneth A. Desmond dated April 6, 1959, which is recorded with said Deeds in Book 9350, Page 237.

The above-described premises are conveyed subject to the restrictions, covenants and conditions which are imposed for the benefit of lots shown on said plan.

The consideration for the within deed being less than One Hundred (\$100.00) Dollars no excise tax stamps are required.

Witness my hand and seal this 30th day of August 2000.

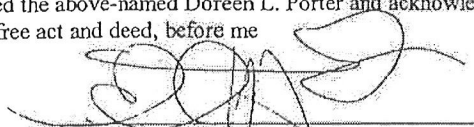
  
Doreen L. Porter

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

August 30, 2000

Then personally appeared the above-named Doreen L. Porter and acknowledged the foregoing instrument to be her free act and deed, before me

  
Michael M.T. Romanow, Notary Public  
My Commission Expires: December 15, 2006

Harvard Rd Stow

BOOK 11518 PG 192

M

I, Thomas J. Yered  
of Sudbury, Middlesex County, Massachusetts

being ~~married~~, for consideration paid, grant to  
Kenneth A. Desmond and Catherine A. Desmond, husband and wife, as  
tenants by the entirety, both  
of Stow, Middlesex County,  
Commonwealth of Massachusetts,  
HARVARD RD, STOW  
with quitclaim covenants

A certain parcel of land situated in the Westerly part of  
said Stow, and situated on the Northerly side of Harvard Road, being  
shown as Lot #4 on a Plan entitled "Kings Grant Park, Plan of Land in  
Stow, Mass. owned by Adell R. Rawitser" dated May 18, 1956, surveyed by  
MacCarthy Engineering Service, Inc., Natick, Mass., recorded with  
Middlesex South District Deeds at the end of Book 8755 and more particularly  
bounded and described as follows:

Commencing at a bound on the Northerly side of Harvard Road at  
Lot #3 on said Plan, thence running North 23° 20' 21" east two hundred  
seventy and 77/100 (270.77) feet by said Lot #3 to other land of the grantor;

Thence turning and running South 70° 57' 38" East sixty-five and  
34/100 (65.34) feet by other land of the grantor to Lot #6 on said Plan and  
South 65° 27' 16" East eighty-six and 66/100 (86.66) feet by said Lot #6 to  
Lot #5 on said Plan;

Thence turning and running South 23° 46' 06" West two hundred  
seventy and 02/100 (270.02) feet by said Lot #5 to the northerly side of  
Harvard Road;

Thence turning and running North 65° 27' 16" West seventy-seven  
and 30/100 (77.30) feet and North 70° 57' 38" West seventy-two and 70/100  
(72.70) feet to Lot #3 on said Plan and the point of beginning, both courses  
by Harvard Road.

Containing according to said Plan 40,771 square feet of land and  
being Lot #4 on said Plan however otherwise bounded, measured or described.

Being a part of the premises conveyed to me by deed of  
Adell R. Rawitser, dated April 9, 1959, and recorded with said Deeds Book  
9353 Page 225.

The above-described premises are conveyed subject to the  
restrictions, covenants and conditions which are imposed for the benefit of  
lots shown on the above-mentioned Plan entitled "Kings Grant Park, Plan of  
Land in Stow, Mass. owned by Adell R. Rawitser" dated May 18, 1956,  
recorded with Middlesex South District Deeds at the end of Book 8755.

MIDDLESEX  
SOUTH  
COMMONWEALTH OF MASSACHUSETTS  
RECORDS & EXCISE  
6-5-68 800'

I, MARLENE A. YERED, ~~XXXXXXXXXXXX~~ of said grantor, wife  
release to said grantee all rights of ~~XXXXXXXXXXXX~~ and other interests therein.  
dower and homestead

Witness my hand and seal this 24th day of May 1968.

*Thomas J. Yerred*  
*Notary Public*

The Commonwealth of Massachusetts

MIDDLESEX, SS. May 24, 1968.

Then personally appeared the above named THOMAS J. YERED

and acknowledged the foregoing instrument to be his free act and deed, before me

*Robert E. Shannon*  
Notary Public

My commission expires Dec 1, 1974

# ZONING MAP

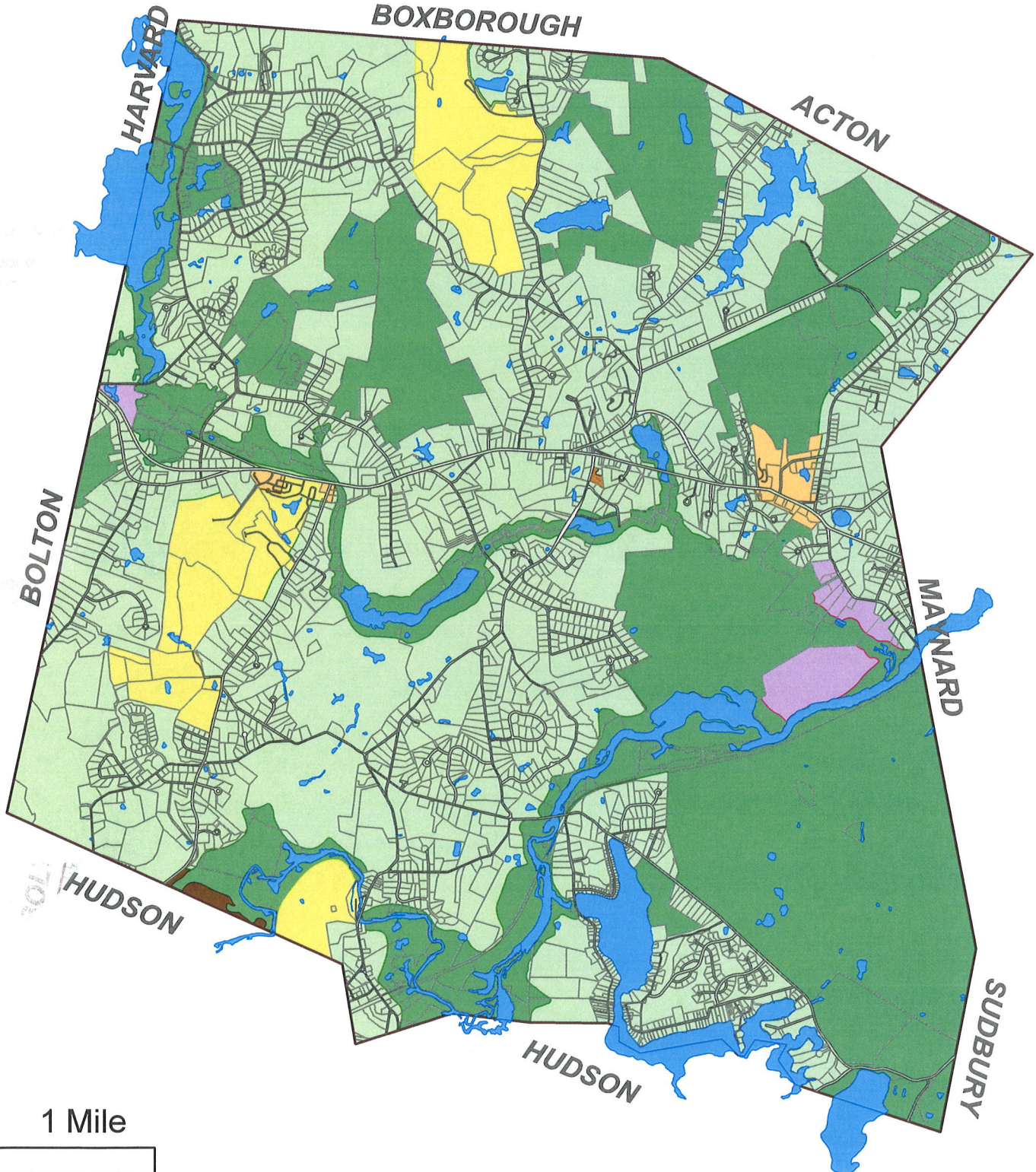


# Town of Stow

## Zoning - 2015



- |                                                                                              |                                                                                                             |                                                                                                   |                                                                                                 |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|  Business   |  Compact Business          |  Industrial      |  Residential |
|  Commercial |  Recreation / Conservation |  Refuse Disposal |                                                                                                 |



Town of Stow Zoning Ordinance, amended by Municipal Review Planning Council dated May 1, 1995 and amended through May 12, 2015.  
 Base Map, features provided by MassGIS.  
 Map produced 10/10/15 by J.P. Inc.  
 jsmith@jppinc.com stow\_ma\_2015.mxd