# ZBA SPECIAL PERMIT APPLICATION 

## LOT 3 PACKARD ROAD <br> MAP R-17 PARCEL 20D

## PREPARED FOR: <br> THE METACOM REALTY TRUST

## CONTENTS

NARRATIVE
ZBA SPECIAL PERMIT APPLICATION
APPENDIX 5: PRE-EXISTING NON-CONFORMING LOT HISTORY ASSESSORS MAP R-17 (WITH LOCUS INDICATED)
CERTIFIED ABUTTERS LIST
CURRENT DEED
REFERENCED RECORDED PLANS
PLOT PLAN

## NARRATIVE

Lot 3 Packard Road (Stow Assessor's Map R-17 Parcel 20D) is a 2.77-acre lot located on the west side of Packard Road abutting and north of house number 36 Packard Road. The land is currently developed and utilized for agricultural purposes (an apple orchard). There are no structures currently on the tract. A special permit is sought for non-conforming frontage on Lot 3 under provisions contained in Zoning Bylaw Section 4.1.6.

## LOT HISTORY

Lot 3 was created by Planning Board endorsed Approval Not Required (ANR) plan of land of Ethel A. Herrick dated August 9, 1965 that created 2 lots, Lot 3 \& Lot 4. This plan was recorded at Middlesex South District Registry of Deeds as Plan No. 1194 of 1965 (on 9/22/65).

Lot 4 on this plan was conveyed from Herrick to Fisher on September 10, 1965, by deed recorded in Book 10936 Page 149.

Lot 3 on this plan was conveyed from Herrick to Field on August 11, 1976, by deed recorded in Book 13058 Page 328.

Lot 3 on this plan was conveyed from Field to Metacom Realty Trust on June 25, 2020, by deed recorded in Book 74973 Page 207.

Lot 3 conformed to the minimum frontage requirement in the Zoning Bylaw for a lot in the Residential District of 150 feet until May 2, 1978, when the minimum required frontage was increased from 150 feet to $\mathbf{2 0 0}$ feet in the Residential District, making Lot 3 non-conforming for minimum frontage by 15.31 feet on that date.


# TOWN OF STOW ZONING BOARD OF APPEALS APPLICATION FOR: 

邓 SPECIAL PERMITDIMENSIONAL VARIANCESIGN VARIANCE
APPEAL of DECISION OF BUILDING INSPECTORIZONING ENFORCEMENT OFFICERISIGN OFFICER

File one (1) copy of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Town Clerk.


File nine (9) copies of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Zoning Board of Appeals along with an Application fee payable to "Town of Stow" in the amount required by the Rules and Regulations. Refer to the Rules and Regulations for details on the information required.

| APPLICANT'S NAME Jeffrey D. Smith, Trustee, Metacom Realty Trust | PHONE \# <br> (978) 857-8919 |
| :---: | :---: |
|  | EMAIL: <br> jsmith@hhwarreninsurance.com |
| MAILING ADDRESS: P.O. BOX 331 STOW, MA 01775 |  |
| LOCATION AND STREET ADDRESS OF SITE LOT 3 PACKARD ROAD (PART OF MAP R-17 PARCEL 20D) |  |
| AREA OF SITE_ $\quad$ 2.77 AC _ sq. ft./acres | FRONTAGE_184.69 _ linear feet |
| ZONING DISTRICT RESIDENTIAL | TOWN OF STOW ASSESSOR'S <br> MAP Number(s) _R-17 Parcel Number(s) 20D |
| SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK AND PAGE NO.(s): BK 74973 PG 207 or LAND COURT CERTIFICATE OF TITLE NO.(s): NA |  |
| PROPERTY OWNER(S) NAME <br> Jeffrey D. Smith, Trustee, Metacom Realty Trust | PHONE NO. (978) 857-8919 <br> EMAIL jsmith@hhwarreninsurance.com |
| APPLICATION FEE MADE PAYABLE TO TOWN OF STOW $\$ 250+(15 \text { abut x \$2) }=\$ 280.00$ | \$250.00 PLUS \$2.00 FOR EACH LISTED ABUTTER |

Appendix 1 - Zoning Board of Appeals Application
Adopted: 05/03/21
Effective 06/07/21

## TYPE OF APPLICATION

| 区 Special Permit | Check the appropriate box below |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | $\square$ Section 3.2.2 of the Zoning Bylaw (Residential District Use) |  |  |  |  |
|  | $\square$ Section 3.3.3 of the Zoning Bylaw (Business District Use) |  |  |  |  |
|  | Section 3.9 of the Zoning Bylaw (Non-Conforming Use or Structure) (attach copy of form Appendix 7 for non-conforming vacant lots) |  |  |  |  |
|  | $\square$ Section 4.1.3 of the Zoning Bylaw (Two or more dwelling houses) |  |  |  |  |
|  | $\square$ Section 4.1.4 of the Zoning Bylaw (Floodplain) |  |  |  |  |
|  | Section 4.1.6 of the Zoning Bylaw (Single Family dwelling on non-conforming lot in single ownership) |  |  |  |  |
|  | Section 4.4 of the Zoning Bylaw (Table of Dimensional Requirements) for expansion of an existing non-conformity. |  |  |  |  |
|  | Section 5.1.1.7 of the Zoning Bylaw (Floodplain Overlay District - Mapping Error) |  |  |  |  |
|  | $\square$ Other |  |  |  |  |
| $\square$ Variance (Section 4.4 (Dimensional Requirements) of the Zoning Bylaw) | Required Setback Current Zoning Bylaw |  | Existing Setback | Proposed Setback | Variance Requested |
|  | Front yard | __feet | feet | feet | _feet |
|  | Side Yard | __feet | _feet | feet | __feet |
|  | Rear Yard | __feet | ___feet | ___feet | __feet |
|  | Other | (Describe) |  |  |  |

Variance - Section 6.3..7.7 $\quad$ Attach description of and justification for variance.
(Signs) of the Zoning Bylaw
Appeal of Decision of the Building Commissioner/Zoning Enforcement Officer/Sign Officer

## Appendix 1

## DESCRIPTION AND JUSTIFICATION FOR THE PROPOSED REQUEST:

Attach detailed description and justification for request.
Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.
=============================
The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

## APPLICANT



OWNER'S KNOWLEDGE AND CONSENT
I hereby assert that I have knowledge of and give my consent to the Application presented above.


TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT


Appendix 1 - Zoning Board of Appeals Application
Adopted: 05/03/21
Effective 06/07/21

## Appendix 1

## DESCRIPTION AND JUSTIFICATION FOR THE PROPOSED REQUEST:

Attach detailed description and justification for request.
Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.
===:=================:==========
The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

## APPLICANT



OWNER'S KNOWLEDGE AND CONSENT
I hereby assert that I have knowledge of and give my consent to the Application presented above.


TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT


Appendix 1 - Zoning Board of Appeals Application
Adopted: 05/03/21
Effective 06/07/21

## APPENDIX 5

## TOWN OF STOW ZONING BOARD OF APPEALS

## PRE-EXISTING NON-CONFORMING LOT JUSTIFICATION

The items listed in the checklist below shall be submitted with Special Permit Applications for Preexisting Non-conforming lots.

| $\square$ | Recorded Transaction History <br> For vacant lots, the applicant must provide a copy of all recorded transactions related to the lot from the last transaction that occurred prior to the lot becoming nonconforming to the most recent transaction. See attached history of Zoning Bylaw Amendments to determine when the lot became nonconforming) <br> The applicant must provide verification that the lot was not held in common with abutting properties beyond 5 -years from a zoning change rendering the lot non-conforming (see MGL Chapter 40A, Section 6). |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | DATE |  | SELLER | BUYER |
|  | 10/11/1948-LT 3\&4 ORIG TRCT |  | FISHER K RICE | HARRY W. \& ETHEL A. HERRICK |
|  | 9/10/1965 (LOT 4) |  | ETHEL A HERRICK | ROBT \& JOAN FISHER |
|  | 8/11/1976 (LOT 3) |  | ETHEL A HERRICK | PEDER O \& FAITH B FIELD |
|  | 6/26/2020 (LOT 3) |  | PEDER O \& FAITH B FIELD | J SMITH, METACOM REALTY TR |
|  | REF PLANS: |  |  |  |
|  | PLAN NO. 1194 OF 1965 |  | PLAN NO. 413 OF 2020 |  |
| $\square$ | Assessor's Map | Town of Map Num <br> Provide a shows th | Stow Assessor's <br> mber(s) $\qquad$ R-17 Pa <br> a copy of the portion of th he property. | bers (s) 20D (formerly 20) <br> Stow Assessor's Map that |

[^0]七f0 て $\operatorname{\text {əsed}}$

| $0 \varepsilon^{*}$ | əэeds uədo unu！u！！W \％0Z | ＇H SE | OG |  ло uо！̣еләәsuoう －uo！̣еәлэәу słnqe әләцм 0G әuon | 0 G | （peoy łeaŋの） <br> LLL əłnoy uo 00Z <br> OGl | 000＇0t | 966L əun「 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| － | әбеләлоэ 6u！̣！！！ng unu！xew \％0\＆ | S\＆ | OG | ई！！ıs！a Ie！quәp！səy ло uo！̣елалиoう －uо！̣еәлวәу słnqe әцәчм 0G əuon | OG | OSL | 000＇0t | 8L6L／Z0／G0 |
| － | әбеләлоう 6u！̣！！ng unu！xew $\% 0 \varepsilon$ | S\＆ | OG | ฉו！us！ <br> uо！̣еләәsuoう －uo！peaдәәу słnqe әəәчм OG әuou | OG | ssəu！！snq әuо иецł әıои 6u！̣snoч бu！p！！！nq ло дәұиә๐ 6uiddous e u！ ssəu！̣nq ןeuo！！！！ppe Кдəлә IOł OG snld OGL |  | 896L／とL／レレ |
|  |  |  |  |  |  |  |  | ఫכ！ıis！${ }^{\text {ssou！sng }}$ |
|  |  |  |  |  |  |  |  |  |
| －－ | $\begin{array}{r} \text { eveds uedo } \\ \text { unu!u!w } \\ \% 01 \end{array}$ | ¢ $\varepsilon$ | 0t | GZ | $0 \varepsilon$ | 00Z | Oヤع＇¢9 | 966L əun「 |
| әuou | әбедәлоว 6u！̣！！ng unu！uxew \％乌乙 | ¢ $\varepsilon$ | 0t | GZ | $0 \varepsilon$ | 00Z | 0tع＇99 | 8L6L／ZO／G0 |
|  | әбеләлоう 6u！̣！！！ng unu！uxew \％乌己 | ¢ $\varepsilon$ | 0t | GZ | $0 \varepsilon$ | OGL | 000＇0t | 8961／EL／レレ |
|  |  |  |  |  |  |  |  |  |
| 子 bs u！ еәл <br>  unu！xew | әбеләлоэ 6u！p！！ng unu！xew әכeds иәdo unu！u！w |  | дәәц и！ р．ед леәу unu！u！w | „әәц и！ pre人 әр！S யnu！u！ | $\begin{gathered} \text { дәәд и! } \\ \text { р.ел диолд } \end{gathered}$ unu!u!w | ұәәц и！ <br> әбетиол」 <br> unu！！！！w | †әә」 əıenbs u！еәл 107 unu！u！w |  |



|  |  |  | $\overline{\Omega 0}$ |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 202 | EL6tL | SLLTO | $\forall W$ | MOIS |  |  | （1） |
| LII | 2t＜0t | s＜lto | vw | Mols |  |  | ronownva gyoivioju |
| 22 L | $0895 \varepsilon$ | s＜lı0 | $\forall \mathrm{W}$ | MOIS |  | W7311 ${ }^{\text {a }}$－ |  |
| LL5 | ${ }_{\text {r }}^{\text {¢ } 519}$ | SLLTO | VW | Mos |  |  | 「M3YON甘 XJIG9n3 |
| ITS |  | SLLLTO | ${ }_{* W}^{*}$ | MOIS |  | 7NN＊NOSYGanv |  |
| 625 | かなても | SLLT0 | ＊w | Mois | Oy वy४¢ | 1 INVOO NOSYBCNV |  |
| 788 | EzzIL | SLLIO | VW | Mols | वy व४४ | Ө7\％W W WHvajs | OIAVOT39ヤNLYUH |
| 2 zz | عL6tL | SLLT0 | ＊W | MoIs |  |  |  |
| O¢E | 2zzoを | SLLTO | VW | MOIS | $96 \times 0808$ |  | O N3YYVM NOSYGONV |
| 2 zz | EL6tL | SLLTO | $\forall W$ | MOIS | OVOy LV3y9 Est |  |  |
| 698 | 06002 | S＜＜0 | $\forall W$ | MOIS | OVOY |  |  |
| 961 <br> 955 | 920EL | SLLLO | $\forall W$ | mos | Oy Oy४ |  | НЈПษНЭ 708 ¢ |
| ${ }^{565}$ | TL06ז | SLLT0 | $\forall W$ | Mors |  |  |  |
| SLI | 00821 | s＜LTo | ＊W | MOLS |  | NOISSIWWOS NOILVA ${ }^{\text {a }}$ SNOS | MOLS SO NMOL |
| $\begin{array}{\|l\|} \hline \begin{array}{l} \text { 3vivd } \\ \text { a3ac } \end{array} \\ \hline \end{array}$ | $\begin{array}{\|l\|} \hline \text { yоооя } \\ \text { аээа } \\ \hline \end{array}$ | $3002$ | 3ivis | แว | Ssyuaor 9nnivw | z 3wvo żnmo |  |

## Middlesex South Registry of Deeds

## Electronically Recorded Document

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

## Recording Information

| Document Number | $: 100665$ |
| :--- | :--- |
| Document Type | : DEED |
| Recorded Date | $:$ June 26, 2020 |
| Recorded Time | $: 10: 09: 30$ AM |
|  |  |
| Recorded Book and Page | $: 74973 / 207$ |
| Number of Pages(including cover sheet) | $: 3$ |
| Receipt Number | $: 2480649$ |
| Recording Fee (including excise) | $: \$ 839.00$ |
|  |  |
| ************************************************ |  |
| MASSACHUSETTS EXCISE TAX |  |
| Southern Middlesex District ROD \# 001 |  |
| Date: 06/26/2020 10:09 AM |  |
| Ctrl\# 319679 05262 Doc\# 00100665 |  |
| Fee: \$684.00 Cons: \$150,000.00 |  |
| $* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * ~$ |  |

Middlesex South Registry of Deeds Maria C. Curtatone, Register<br>208 Cambridge Street<br>Cambridge, MA 02141<br>617-679-6300<br>www.middlesexsouthregistry.com

## QUITCLAIM DEED

We, PEDER O. FIELD and FAITH B. FIELD, being married to each other, of Stow, Massachusetts

For consideration paid and in full consideration of ONE HUNDRED FIFTY THOUSAND AND 00/100 ( $\$ 150,000.00$ ) DOLLARS,

Grant to JEFFREY D. SMITH, TRUSTEE OF THE METACOM REALTY TRUST $\mathbf{u} / \mathbf{d} / \mathbf{t}$ June 25, 2020, as evidenced by a Certificate of Trust pursuant to M.G.L. c. 184, §35, recorded with the Middlesex South District Registry of Deeds herewith, PO Box 331, Stow, MA 01775
with QUITCLAIM COVENANTS,
A parcel of land consisting of 11.34 acres $+/-$ and shown as Parcel $D$ on a plan dated February 17, 2020, entitled "Plan of Land on Great Road \& Packard Road in Stow, Massachusetts" prepared by Foresite Engineering and recorded with Middlesex South Registry of Deeds as Plan No. 413 of 2020.

Meaning and intending to convey a portion of the premises conveyed to the Peder O . Field and Faith B. Field dated August 11, 1976 recorded with the Middlesex South District Registry of Deeds in Book 13058, Page 328. Also being a portion the premises described in a deed conveyed to Faith B. Field dated July 30, 1969 recorded in Book 11718, Page 69.

The premises being conveyed are not homestead property of the Grantors.

WITNESS our hands and seals this $25^{112}$ day of June, 2020.


## COMMONWEALTH OF MASSACHUSETTS

## Middlesex, ss.

On this $25^{\text {th }}$ day of June, 2020, before me, the undersigned notary public, personally appeared Peder O. Field and Faith B. Field, proved to me through satisfactory evidence of identification which were MSS Duvets censes , to be the person whose name is signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose as their free act and deed.


Notary Public:
My Commission Expires:






[^0]:    Pre-Existing Non-Conforming Lot Justification
    Adopted 05/03/2021
    Effective 06/07/2021

