

16 Gleasondale Rd., Suite 1-1 Stow, Massachusetts 01775 Phone: (978) 461-2350 Fax: (978) 841-4102 www.foresite1.com

ZBA SPECIAL PERMIT APPLICATION

LOT 3 PACKARD ROAD MAP R-17 PARCEL 20D

PREPARED FOR: THE METACOM REALTY TRUST

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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 200 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:

| SPECIAL PERMIT | |
|---|---|
| ☐ DIMENSIONAL VARIANCE | |
| ☐ SIGN VARIANCE | |
| ☐ APPEAL of DECISION OF BUILDING INSPECTOR/ZONIN ENFORCEMENT OFFICER/SIGN OFFICER | G |

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.

| Received and Filed with Town C | lerk |
|--------------------------------|------|
| Date | |
| Stow 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.

| | I = |
|--|---|
| APPLICANT'S NAME | PHONE # |
| Jeffrey D. Smith, Trustee, Metacom Realty Trust | (978) 857-8919 |
| | EMAIL: |
| | 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 PARCE | EL 20D) |
| | |
| AREA OF SITE 2.77 AC sq. ft./acres | FRONTAGE 184.69 linear feet |
| | |
| ZONING DISTRICT | TOWN OF STOW ASSESSOR'S |
| | |
| RESIDENTIAL | MAP Number(s) <u>R-17</u> Parcel Number(s) <u>20D</u> |
| | |
| SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK AN | ND PAGE NO.(s): BK 74973 PG 207 |
| and AND COURT CERTIFICATE OF TITLE NO. (a): NA | |
| or LAND COURT CERTIFICATE OF TITLE NO.(s): NA | |
| PROPERTY OWNER(S) NAME | DHONE NO (079) 957-9010 |
| FROFERT TOWNER(3) NAME | PHONE NO. <u>(978) 857-8919</u> |
| Jeffrey D. Smith, Trustee, Metacom Realty Trust | EMAIL jsmith@hhwarreninsurance.com |
| Como, Di Ciman, Tractor, Metacom Realty Tract | Livitue jointal Sillival Tolling and alloctorin |
| APPLICATION FEE MADE PAYABLE TO | |
| TOWN OF STOW | \$250.00 PLUS \$2.00 FOR EACH LISTED ABUTTER |
| $$250 + (15 \text{ abut } \times $2) = 280.00 | 4200.00 · 200 \$2.00 · 0. · 2.01 £10 · £5 / £5 / £5 / £10 |
| $\psi = 0$: (12 abut A $\psi = 0$) — $\psi = 0$ 0.00 | |

Appendix 1 - Zoning Board of Appeals Application

Adopted: 05/03/21 Effective 06/07/21

TYPE OF APPLICATION

| ■ Special Permi | t Check the | approp | riate box | below | | |
|--|--|-----------|-------------------------|---------------------|--|-----------------------|
| | ☐ Section | າ 3.2.2 ເ | of the Zon | ing Bylaw (Resid | dential District Use) | |
| | ☐ Section | า 3.3.3 ต | of the Zon | ing Bylaw (Busir | ness District Use) | |
| | | | | | onforming Use or Sti -conforming vacant | |
| | ☐ Section | า 4.1.3 ด | of the Zon | ing Bylaw (Two | or more dwelling ho | uses) |
| | ☐ Section | า 4.1.4 ต | of the Zon | ing Bylaw (Flood | dplain) | |
| | | | of the Zon vnership) | ing Bylaw (Singl | e Family dwelling or | n non-conforming |
| | | | | g Bylaw (Table o | of Dimensional Requ | irements) for |
| | ☐ Section Error) | n 5.1.1.7 | of the Zo | oning Bylaw (Flo | odplain Overlay Dist | rict – Mapping |
| | ☐ Other | | | | | |
| ☐ Variance (Section 4.4 (Dimensional Requirements) of the Zoning Bylaw) | Require Current 2 | | | Existing Setback | Proposed Setback | Variance Requested |
| , | Front yard | | feet | feet | feet | feet |
| | Side Yard | | feet | feet | feet | feet |
| | Rear Yard | | feet | feet | feet | feet |
| Rear Yardfeetfeetfeetfeet Other (Describe) | | | | | | |
| | | | | | | |
| ☐ Variance – Se (Signs) of the | ection 6.37.7 Zoning Bylaw | , | Attach de | escription of and | l justification for varia | ance. |
| | cision of the missioner/Zon Officer/Sign O | | Attach de | escription of and | l justification for appe | eal. |

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

| Date: 12/2/2022 | |
|---------------------------|----------------|
| Name: | Signature / / |
| Jeffrey D. Smith, Trustee | letter V, Sund |
| | 711 |

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Application presented above.

Date:12/2/2022

Name:

Jeffrey D. Smith, Trustee

Signature

Ar Metacom Realty Trust

TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT

Date: 12/2/2022

Name:

Jeffrey D. Smith, TrusteeP3

Signature

Signature

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.

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APPLICANT

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|---------------------------|----------------|
| Name: | Signature / / |
| Jeffrey D. Smith, Trustee | letter V, Sunh |
| *** | |

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Date:12/2/2022
Name:

Jeffrey D. Smith, Trustee

Signature

Ar Metacom Regity Trust

TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT

Date: 12/2/2022

Name:

Jeffrey D. Smith, TrusteeP3

Signature

Signature

APPENDIX 5

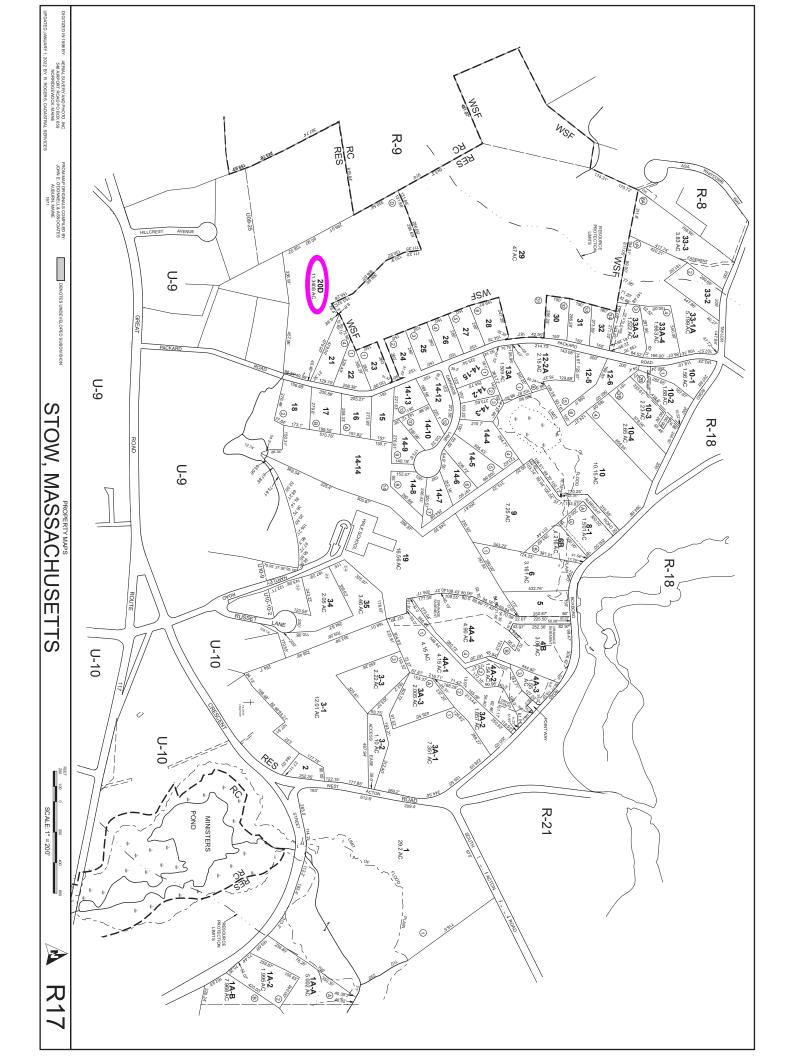
TOWN OF STOW ZONING BOARD OF APPEALS

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.

| Recorded Transac | ction Hist | ory | |
|-----------------------------------|-------------|---|-----------------------------|
| lot from the last tra | nsaction to | t must provide a copy of all recorded hat occurred prior to the lot becomin a attached history of Zoning Bylaw Anforming) | g nonconforming to the |
| | 5-years fro | verification that the lot was not held in om a zoning change rendering the lo | |
| DATE | | SELLER | BUYER |
| 10/11/1948 - LT 3&4 | ORIG TRCT | | 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 |
| DEE DI ANG. | | | |
| REF PLANS: PLAN NO. 1194 OF 19 | 65 | PLAN NO. 413 OF 2020 | |
| F LAIV IVO. 1134 OF 19 | 0.5 | LAN NO. 413 OF 2020 | |
| Assessor's Map | Map Nur | Stow Assessor's mber(s) R-17 Parcel Numl a copy of the portion of the Town of | bers (s) 20D (formerly 20) |
| | | ne property. | Slow Assessor s Map Mat |

| Date/District | Minimum | Minimum | Minimum | Minimum Side | Minimum | Maximum | Minimum | Maximum |
|----------------------|--|---|---------|--|----------------|---------|--|---|
| | Area in square feet | in feet | in feet | in feet | in feet | In feet | Maximum Building Coverage | Area in sq. ft. |
| Residential District | - | | | | | | 4 | |
| 11/13/1968 | 40,000 | 150 | 30 | 25 | 40 | 35 | 25% Maximum Building Coverage | 768 plus 600 for each additional dwelling |
| 05/02/1978 | 65,340 | 200 | 30 | 25 | 40 | 35 | 25% Maximum Building Coverage | none |
| June 1996 | 65,340 | 200 | 30 | 25 | 40 | 35 | 10% Minimum Open Space | ŀ |
| | | | | | | | | |
| Business District | 40 000 | 150 | አበ | DODD | ۶ ₀ | ν, N | 30% | 1 |
| 11/13/1968 | 40,000 Plus 5,000 for each additional business in a shopping center or building housing more than one business | 150 Plus 50 for every additional business in a shopping center or building housing more than one business | 50 | none 50 where abuts Recreation- Conservation District | 50 | ა ზ | 30% Maximum Building Coverage | ı |
| 05/02/1978 | 40,000 | 150 | 50 | None 50 where abuts Recreation- Conservation or Residential District | 50 | 35 | 30% Maximum Building Coverage | 1 |
| June 1996 | 40,000 | 150 200 on Route 117 (Great Road) | 50 | None 50 where abuts Recreation- Conservation or Residential District | 50 | 35 ft. | 20% Minimum Open Space | .30 |



ABUTTERS LIST Packard Road MAP R-17 PARCEL 20D

Page 1 of 1

| 207 | 74973 | 01775 | MA | STOW | 23 HILLCREST AVE | THE METACOM REALTY TRUST | SMITH, JEFFREY D. (TRUSTEE) | 0 GREAT RD | 00R-17 00020D |
|--------------|-------|--------|-------|------|------------------|-------------------------------------|--|----------------------|---------------|
| 117 | 10742 | 01775 | MA | STOW | 96 PACKARD RD | TR CACCIATORE REALTY TRUST | CACCIATORE RAYMOND J | 0 PACKARD RD | 00R-17 000029 |
| 122 | 35680 | 01775 | MA | STOW | 66 PACKARD ROAD | BARRETT DANIEL M | BARRETT ELIZABETH A | 66 PACKARD RD | 00R-17 000023 |
| 577 | 61581 | 01775 | MA | STOW | 54 PACKARD RD | BENEDICK ERICA D | BENEDICK ANDREW J | 54 PACKARD RD | 00R-17 000022 |
| 511 | 43747 | 01775 | MA | STOW | 101 PACKARD RD | | SONNICHSEN DOROTHY G | 0 PACKARD RD | 00R-17 000021 |
| 330 | 30222 | 01775 | MA | STOW | PO BOX 46 | ANDERSON ANN L | ANDERSON WARREN D | 41 PACKARD RD | 00R-17 000018 |
| 529 | 44214 | 01775 | MA | STOW | 45 PACKARD RD | ANDERSON JOANN T | ANDERSON ERIC A | 45 PACKARD RD | 00R-17 000017 |
| 484 | 71223 | 01775 | MA | STOW | 53 PACKARD RD | SERAFIM AMALIA | HARTNAGEL DAVID | 53 PACKARD RD | 00R-17 000016 |
| 242 | 74973 | 01775 | MA | STOW | 453 GREAT RD | | DEBORAH A. WOODS AND THOMAS E. RYAN I | 0 PACKARD RD | 000U-9 0033-2 |
| 330 | 30222 | 01775 | MA | STOW | PO BOX 46 | ANDERSON ANN L | ANDERSON WARREN D | 0 PACKARD RD | 000U-9 00036B |
| 242 | 74973 | 01775 | MA | STOW | 453 GREAT ROAD | | DEBORAH A. WOODS AND THOMAS E. RYAN, | 0 PACKARD RD | 000U-9 00031C |
| 369 | 70490 | 01775 | MA | STOW | 29 PACKARD ROAD | HAMBLIN, MICHAEL W AND MARY A TTEES | HAMBLIN, MICHAEL W & MARY A HAMBLIN THAMBLIN, MICHAEL W AND MARY A TTEES | 29 PACKARD RD | 0000-9 000036 |
| 196 | 73076 | 01775 | MA | STOW | 37 PACKARD RD | | CAROL EHRLICH | 37 PACKARD RD | 0000-9 000035 |
| 565 | 67542 | 01775 | MA | STOW | 36 PACKARD RD | ANGELIDES GREGORY M | ANGELIDES TESSA | 36 PACKARD RD | 000U-9 000034 |
| 594 | 19071 | 01775 | MA | STOW | PO BOX 331 | LISA WEIGHT-SMITH | SMITH JEFFREY D | 23 HILLCREST AV | 0000-9 000025 |
| 175 | 12800 | 01775 | MA | STOW | 380 GREAT RD | CONSERVATION COMMISSION | TOWN OF STOW | O HARVARD/TAYLOR RDS | 000R-9 000080 |
| DEED PAGE | DEED | E CODE | STATE | СПҮ | MAILING ADDRESS | OWNER NAME 2 | OWNER NAME 1 | PROPERTY LOCATION | MAP/PARCEL |

Certified by the Stow Board of Assessors:

Stuart Carter, MAA

Date Certified or Re-Certified:

Bk: 74973 Pg: 207

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 208 Cambridge Street Cambridge, MA 02141 617-679-6300 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 u/d/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.

Bk: 74973 Pg: 209

WITNESS our hands and seals this 25th day of June, 2020.

Faith B. Fiel

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 25th 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 <u>INFO DAVICE</u>, 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:

TREVOR A. HAYDON, JR.
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 3, 2021

-To Greatin 12+18M D.H. Formerly Road Plan Number 11194 1965
Rec'd St. PT. 22 1965 at 11 155 m A m
With DEED Doc. No. 141
ETHEL A. HERRICK
ROBERT A. FISHER ETUX
Recorded, Book 10936 Page 149 Middlesex Registry of Deeds, So. Dist.
CAMBRIDGE MASS.
lan Number 1194 of 1965 B 2.77t Acres 20,741±S.F. Luxunger Walter DACKARD 073 -69'PB/-BY P. me 6.00 N29-02-12E \$32-38-99 0 40.45 0 REGISTER ≤ ¿¿çe OWIS Naporal es Ocial DOAO 56,638±S.F. \$28°-57-30"W (1.30tAcres) 15100-0 7 4 6 Boxboroughpipe HIJBUUJOJ "E Ben Control LAW no et ux Approval under Date: 370fei3363 Stow Planning Board Harlan E. Tuttle, Surveyor Scale linch=40fee. August9,1965 Ethe Plan of Land in STOW, MASS Owned by A. Herrick the Subdivision COMILEC 14,5 21,75

