



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

**NOTICE AND DECISION OF SPECIAL PERMIT AND SITE PLAN APPROVAL
BY PERMIT GRANTING AUTHORITY**

Applicant: **S. C. Quinn Electric**

Address: P. O. Box 187, Stow, MA 01775

Premises Affected: **43-45 Crescent Street, Stow**

Special Permit Requested: A Special Permit is sought under G.L. c. 40A, s. 6 and Zoning Bylaw Sections 3.9 and 9.2 for a change in non-conforming use from the prior use of the property as automobile repair business to electrical contracting business.

1. No business is proposed to be conducted on the site by the electrical contractor.
2. Material deliveries are principally made to job sites.
3. Company vehicles are parked overnight; employee vehicles during the day on the site.
4. The proposed electrical contracting business generates far less vehicle traffic than the previous auto repair business.
5. The proposed electrical contracting business uses only a portion of the lot and a portion of the existing building.

The property contains 1.5 ac. and is shown on Stow Property Map U-10 as Parcel 29.

At a duly notified public hearing held in Stow Town Building on October 2, 2017 and continued to November 6, 2017, when the hearing closed, the following information and facts were considered:

1. Description of the proposed Business Use: The leased portion of the lot and the building is essentially a business office where typical clerical work is conducted by the owner. Business client contact is usually by telephone and not by entering onto the premises. Tools and materials used in the business are also stored within the building. On a typical day the employees arrive in their personal vehicles, obtain their work assignments and leave to the job sites in company vehicles, only to return at the end of the business day. The current five (5) company vehicles are small panel trucks and one (1) small company trailer. No actual business is conducted on this site. Delivery of materials is usually made from the supplier to the job site and not to this business address. Mail delivery is to a Post Office box. Normal business hours are from 7:00 a.m. to 5:00 p.m. Monday through Friday. The owner on occasion will spend some time on weekends doing routine office tasks.
2. The building previously was the site of an automobile repair business. That business had many vehicles on site undergoing repair or awaiting repair. There was coming and going of traffic throughout the day.

3. Quinn Electric leases approximately 1,900 sq. ft. of the approximately 3,700-sq. ft. building as office space and equipment storage.
4. Quinn Electric leases an approximate 2,500-sq. ft. yard area for parking of employee and company vehicles on the 1.5-acre lot.
5. The electrical contracting business represents a Change in Use of a previous Non-Conforming Use in a Residential District and requires a Special Permit.

Findings of the Board: The proposed change in use

1. complies with Section 3.9.6.2 of the Zoning Bylaw, "Guidelines for Review of Extensions, Alterations or Changes to Pre-existing Non-Conforming Uses and Structures";
2. the change in non-conforming use meets the criteria of Section 9.2.6 and its sub-sections for a Special Permit, where applicable, to wit;
3. "is in harmony with the purpose and intent of this Bylaw;
4. "will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
5. "is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed BUILDINGS in the immediate vicinity that have functional or visual relationship to the proposed use;
6. "includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants and public hearings;
7. "will result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland;
8. "will result in no significant effect on the 'level of service' (LOS) of the town roads or intersections of those roads;
9. "will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance;
10. "will result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties unless an appropriate easement is obtained to an existing watercourse;
11. "will result in no transport by air or water of erodible material beyond the boundary line of the LOT;
12. "will provide adequate provision for pedestrian traffic and will comply with all requirements of Site Plan Approval and all other applicable requirements of this Bylaw."

Additional Findings:

1. There is no change in the structure of the building.
2. The business does not primarily occur on site.

3. The proposed use is not more detrimental to the neighborhood than the prior non-conforming use.
4. No additional contamination in ground water, no generation of waste, and no change in level of service.
5. Does not increase any parking on the portion of the lot under lease.
6. Does not change any signage size on site and it complies with the current bylaw.
7. Will not have any outside storage of materials.
8. There is generally less activity than there was with a previous tenant, and therefore the Board finds that the applicant is in compliance with various bylaws.

The Board has approved the applicant's Site Plan in accordance with Sections 9.3.3.4 and has complied with (or will comply with) Section 9.2.5 of the Bylaw regarding Public Hearing and filing requirements. The site plan conforms with site plan design criteria to the extent possible given the pre-existing limitations of the site.

The Board, by unanimous vote of the five members present, VOTES TO GRANT A SPECIAL PERMIT under G.L. c. 40A, s. 6 and Zoning Bylaw Sections 3.9 and 9.2 for a change in non-conforming use from the prior use of a portion of the property as automobile repair business to electrical contracting business, such proposed change in use being specifically found to be in harmony with the purpose and intent of the Zoning Bylaw as substantiated by facts found by the Board and in documents filed with the Board, subject to the following conditions:

The use shall conform, except under unusual circumstances, to the limitations contained in the impact statement and site plan, including as to parking of marked company vehicles and hours of operation.

- a. Normal hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday.
- b. No outside storage of materials.
- c. Vehicle parking shall be limited to six (6) marked company vehicles and one (1) company trailer and six (6) employee vehicles.
- d. No contracting work to take place on site.
- e. Major stock deliveries shall be made to job sites; only occasional minor delivery by a package delivery service is allowed.
- f. No storage of waste materials shall be allowed on site.

The Board has complied with all statutory requirements in the granting of this Special Permit. Two copies of this decision together with copies of the application for Special Permit, site plans, other plans and records have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 15.

The Special Permit 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 Registry of Deeds, or duly filed and noted on the owner's 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.

This Special Permit shall lapse after two (2) years of recording unless substantial use or construction has commenced. In the case of a permit for construction, if construction has not begun by such date, except for good cause (Mass. General Laws Chapter 40A, Section 9).

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

Ernest Townsend

Charles A. Barry

William Byron

Mark Jones

Bruce E. Stedman

November 21, 2017
Received and filed
Volume III, Page 759

Suzela E. Hallaway
Town Clerk of Stow