

# FYI



Town of Stow  
**PLANNING BOARD**

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Stow, Massachusetts 01775  
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**NOTICE OF DECISION AND DECISION  
PRELIMINARY CERTIFICATE OF ACTION  
HIGHGROVE ESTATES PRELIMINARY SUBDIVISION/PCD PLAN  
WEST ACTON ROAD  
DECEMBER 18, 2008**

**1. Applicant**

This document is the DECISION of the Stow Planning Board (hereinafter, the Board) on the Application of the Sweeney Charitable Remainder Unitrust and Colonial Realty Trust (hereinafter, the Applicant) for property located off of West Acton Road.

This decision is in response to an application filed by the Applicant for a Preliminary Planned Conservation Development/Subdivision (hereinafter the PCD/Subdivision), submitted to the Board on July 2, 2008, pursuant to the Rules and Regulations Governing the Subdivision of Land (hereinafter the Subdivision Rules) Planned Conservation Development Rules and Regulations (hereinafter PCD Rules) and Sections 3.2 (Residential District), 3.8 (General Use Regulations Pertaining to all Districts), 5.2 (Water Resource Protection District), 8.5 (Planned Conservation Development) and 8.9 of the Stow Zoning Bylaw (hereinafter the Bylaw). The Applicant seeks permission to construct an 18-lot (19-unit) Planned Conservation Development/Subdivision on property located off of West Acton Road.

**2. Applicant/Property Owner**

The Sweeney Charitable Remainder Unitrust and Colonial Realty Trust  
P.O. Box 1269  
Onset, MA 02558

**3. Location**

Said property is located off of West Acton Road and is shown on Stow Property Map Sheet R-20 as Parcels 14, 17, 19, 20, 21 and 22 and Acton Property Map Sheet G-1 as Parcels 280, 280-3, 280-4, 280-5 and 295 (hereinafter, the Site).

**4. Board Action**

After due consideration of the Application, the record of proceedings, and based upon the findings and conclusions set forth below, the Board, on December 18, 2008, by a unanimous vote of five (5) members present at the public meeting, voted to **DISAPPROVE** the request for Preliminary Planned Conservation Development/Subdivision Approval.

## 5. Proceedings

The Applicant presented the Application for Preliminary Planned Conservation Development/Subdivision Approval to the Board at a duly noticed public meeting, held on July 29, 2008. Upon assent of the Applicant, the public meeting was continued to September 2, 2008, October 7, 2008, October 21, 2008 and November 18, 2008. The public meeting was closed at the conclusion of the November 18, 2008 session. Board Members Laura Spear, Kathleen Willis, Leonard Golder, Stephen Quinn and Ernest Dodd were present throughout each of the public meeting sessions. The record of proceeding and submission upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

## 6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

### EXHIBIT 1

1. Plan entitled "Preliminary Subdivision Plan, Highgrove Estates, a Planned Conservation Development, Stow, Massachusetts", dated June 26, 2008, prepared for Colonial Realty Trust, by Stamski and McNary, Inc., consisting of the following sheets:

Sheet 1 - Title Sheet  
Sheet 2 - Proof Plan  
Sheet 3 - Master Plan  
Sheets 4 through 6 - Site Development Plan  
Sheets 7 through 9 - Plan and Profile

2. Plan entitled "Presentation Plan in Stow & Acton, Massachusetts", dated July 28, 2008, prepared for Colonial Realty Trust, by Stamski and McNary, Inc.
3. Plan entitled "Topographic Worksheet in Stow & Acton, Massachusetts", dated July 28, 2008, prepared for Colonial Realty Trust, by Stamski and McNary, Inc.
4. Plan entitled "Preliminary Pre-Development Drainage Map in Stow & Acton, Massachusetts", dated October 7, 2008, prepared for Colonial Realty Trust, by Stamski and McNary, Inc.
5. Plan entitled "Preliminary Post-Development Drainage Map in Stow & Acton, Massachusetts", dated October 7, 2008, prepared for Colonial Realty Trust, by Stamski and McNary, Inc.

EXHIBIT 2 Supplementary documents required by the Subdivision Rules, consisting of the following:

1. Application Form
2. Development Impact Statement
3. Certified List of Abutters
4. Preliminary Responses to the Town of Stow Stormwater Management Policy, adopted April 29, 2008
5. Letter, dated July 2, 2008, from Stamski and McNary, including request for waivers
6. Preliminary Drainage Outline, dated October 7, 2008

- EXHIBIT 3 Additional information submitted by the Applicant:
1. Letter, dated August 11, 2008, from Stamski and McNary – grant of time extension to the decision deadline to October 2, 2008.
  2. Letter, dated October 1, 2008, from Stamski and McNary – grant of time extension to the decision deadline to November 7, 2008.
  3. Photographs of the Meyer Hill Road Subdivision in Acton, MA., submitted to the Board on October 7, 2008.
  4. Soil Suitability Assessment for On-Site Sewage Disposal, received by the Board on September 2, 2008.
  5. Letter, dated October 28, 2008, from Stamski and McNary – grant of time extension to the decision deadline to December 15, 2008.
  6. Letter, dated November 18, 2008, from Stamski and McNary – Response to input received during the public meeting process and withdrawal of waiver requests.
  7. Letter, dated November 20, 2008, from Stamski and McNary – grant of time extension to the decision deadline to December 30, 2008.

- EXHIBIT 4 Comments received from the Board's Consultant:
1. Email, dated July 31, 2008, from Places Site Consultants, Inc.
  2. Letter, dated July 29, 2008, from Places Site Consultants, Inc.

- EXHIBIT 5 Comments received from other Town Departments, Boards and Committees:
1. Interoffice Memorandum, dated July 21, 2008, from the Stow Fire Chief
  2. Interoffice Memorandum, dated July 24, 2008, from Stow Board of Health
  3. Interoffice Memorandum, dated August 5, 2008, from the Stow Conservation Commission

- EXHIBIT 6 Comments received from residents:
1. Email, dated October 15, 2008, from Joseph Ianelli, Woodchester Drive, Acton

Exhibits 1 through 3 are referred to herein as the Application.

## **7. FINDINGS, CONCLUSIONS and CONDITIONS**

Based upon its review of the Exhibits and the record of the proceedings, the Board finds and concludes the following:

- 7.1 The Plan shows a proposed 18-lot Planned Conservation Development Subdivision on 42.14 acres (37.04 acres in the Town of Stow and 5.1 acres in the Town of Acton), shown on Stow Property Map Sheet R-20 as Parcels 14, 17, 19, 20, 21 and 22 and Acton Property Map Sheet G-1 as Parcels 280, 280-3, 280-4, 280-5 and 295, located within the Residential District. Seventy-one percent (71%) of the land in Stow is located in the Water Resource Protection Overlay District and fourteen percent (14%) of the land in Stow is located in the Floodplain/Wetlands Overlay District.
- 7.2 Section 5.1.1.8 states all uses of the underlying district are permitted, provided that no such use on any LOT or parcel shall as to that portion of said LOT or parcel within the Water Resource Protection District shall render impervious, by any means, more than ten percent (10%) of the LOT area proposed for development within the Water Resource Protection District or 5,000 square feet of said district, whichever is greater. During the Public Hearing the Applicant's Engineer stated that the total impervious surface, including

roadways, sidewalks and houses, is just under 11%. The Applicant's Engineer further stated that each lot will comply with Section 5.1.1.8 of the Bylaw.

- 7.3 The Conventional Proof Plan shows 19 lots, and the proposed PCD Plan shows 18 lots with one lot to be developed with a duplex unit for a total of 19 units.
- 7.4 The initial Application included a request for waiver for a side yard setback reduction on Lots 2, 3, 5 and 15 (Section 8.5.7.1.1 of the Bylaw) and a setback reduction to the Open Land boundary for Lots 1 and 15 (Section 8.5.7.2 of the Bylaw). The Applicant subsequently withdrew the request for waivers and advised the Definitive Plan will adhere to the required setbacks.
- 7.5 The Plan is Subject to Section 8.9 (Inclusion of Affordable Housing) of the Bylaw, which requires 10% affordable housing. The Applicant proposes to provide 10.5% of the total units (two affordable dwelling units) in the form of a duplex to be constructed on-site.
- 7.6 The Board finds that Lots 7 and 8 meet the dimensional requirements set forth in Section 8.5.6.4 (Special Conditions for MULTI-FAMILY DWELLINGS) of the Bylaw.
- 7.7 Lots 7 and 8 are located within the Water Resource Protection District.
- 7.8 Section 8.2.2 (Dimensional Requirements on lots proposed for duplexes in a subdivision) of the Bylaw states: "On LOTS that are proposed for subdivision, duplexes must be situated on individual LOTS which conform to the density and dimensional regulations of the Residential District. Each LOT shall require a minimum LOT size of 65,340 square feet, 43,000 square feet of which is "buildable" land. Under no circumstances will a special permit be granted for projects the construction of which is sited in whole or in part in the Water Resource Protection District. The maximum square footage of the total duplex STRUCTURE (both units combined) shall be no greater than 3,000 square feet of FLOOR AREA. In no event shall duplexes be permitted on more than 25% of the LOTS within a subdivision."
- 7.9 The Board also finds that Lots 7 and 8 comply with the dimensional requirements of Section 8.5.7 (PCD Dimensional Requirements) of the Bylaw and therefore the dimensional requirements of Section 8.2.2 of the Bylaw do not apply, provided that Board of Health regulations can be met. The Board further finds that a duplex is not allowed on Lots 7 and 8, as they are located in the Water Resource Protection District. Section 8.2.2 of the Bylaw states "...Under no circumstances will a special permit be granted for projects the construction of which is sited in whole or in part in the Water Resource Protection District....." The Board finds that a duplex cannot be located in the Water Resource Protection District. A variance would be required.
- 7.10 Although not shown on the Plan, the Applicant's Engineer stated there are plans for four lots in the Town of Acton with frontage on Winchester Road and Windemere Road. A separate application will be filed with the Town of Acton.
- 7.11 The Plan does not indicate where the construction entrance will be located. The Applicant's Engineer stated they have not determined if the construction entrance will be in the Town of Acton or the Town of Stow.
- 7.12 In 1972, the Applicant filed an Application for Approval for a Preliminary Subdivision Plan, prepared by Colburn Engineering, for this Site with the Towns of Stow and Acton. The Town of Stow and the Town of Acton disapproved the Application, as the Plan did not adequately address drainage, access, wetlands and street standards.
- 7.13 In 1973, the Applicant filed an Application for Approval for a Definitive Subdivision Plan, prepared by Colburn Engineering, for this Site with the Towns of Stow and Acton. This

plan showed 23 lots located in the Town of Stow with sole access from the Town of Acton. The Town of Stow and the Town of Acton disapproved the Application, as the Plan did not adequately address drainage, access, wetlands and street standards.

7.14 In 1998, the Applicant filed conceptual subdivision plans, prepared by Howe Surveying Associates, Inc.:

1. A seven (7) lot conventional subdivision – four (4) hammerhead lots with frontage on West Acton Road, Stow and three (3) conventional lots with access from Woodchester Drive, Acton.
2. An eleven (11) lot conventional subdivision - four (4) ANR lots with frontage on West Acton Road, Stow and 7 conventional lots fronting on a subdivision roadway off of Woodchester Drive, Acton.
3. A seventeen (17) lot conventional subdivision with frontage on a subdivision roadway off of Woodchester Drive, Acton.
4. A seventeen (17) lot PCD Subdivision with frontage on a subdivision roadway off of Woodchester Drive, Acton.

The Planning Board met with the Applicant on November 24, 1998. The Planning Board voiced concern about sole access from the Town of Acton, excessive grades in the Town of Stow, drainage and wetlands. The Applicant's Engineer stated that there is a 100' elevation change until you meet the plateau and that they provided access off of Woodchester Drive in Acton due to the topography along West Acton Road, where slopes are in excess of 20%. He further stated that it would be nearly impossible to build a road to town standards off of West Acton Road. The Applicant's Attorney stated that he feels it would be environmentally destructive to build a road in Stow, given the topography.

7.15 The topography shown on the Plan indicates steep (20%±) slopes from West Acton Road to a less steep plateau at the top of the hill. Access from West Acton Road will require a road with a 5% grade at the intersection to 10% grade on the 200' radius turn. While this design is within the criteria for horizontal and vertical alignment, the combination of the two creates an unsafe condition, as it would create a difficult roadway to maneuver in the winter, as expressed by the Stow Highway and Public Safety Officials.

7.16 The Plan shows the proposed road with a 10% grade and 150' radius. The Subdivision Rules specify a 5% maximum slope in the cul-de-sac turnaround but does not address turns in a road. The Board finds a 10% slope in turns is unsafe. During the Public Meeting, the Applicant advised that with minor adjustments to the regulations, they could provide an 8% grade if the Board were willing to grant a waiver to reduce the radius to 100'. At the Applicant's request, Board Members visited the Meyer Hill Road development in Acton where the road has an 8% grade with a 100' radius. Board Members found that the Meyer Hill Road development was not comparable to the proposed Plan in that:

- The angle of the intersection on Meyer Hill Road is a 90 degree angle versus the proposed 60 degree angle as shown in the proposed Plan. The Board finds that the Meyer Hill Road intersection is safer.
- There are no wetlands crossings on Meyer Hill Road.
- Meyer Hill Road is wider (three lanes and 24') at its entrance versus 20' as shown on the proposed Plan.
- The first 50' to 75' of Meyer Hill Road is flat with a 2% grade before getting into a curve and slope versus the 5% grade as shown on the proposed Plan.

- The sight lines at Meyer Hill Road are good.
  - The amount of fill on Meyer Hill Road is 15% versus 24% as shown on the proposed Plan.
  - The Meyer Hill Road did not have much clearing along the lower half of the hill versus the proposed plan that shows clearing of practically all the lower part of the hill off of West Acton Road.
  - The number of homes below the Meyer Hill Road development is 1 versus 24 homes below the proposed subdivision road.
  - The Town of Acton has public water versus private wells in Stow.
- 7.17 The Application states that the site contains 30.31 acres of forested land. After development of the proposed Plan, the forested land will be reduced to 14.91 acres. The Board is concerned about the stability of the site and the road both during and after construction, as most of the trees on the first half of the hill will be removed and up to 20 feet of fill will be added.
- 7.18 The Police Chief requested sufficient space for 4-5 vehicles at the West Acton Road intersection for parents waiting for school buses. The Applicant's Engineer stated that a minimum of three parallel parking spaces can be provided at the entrance for school bus pick-up and drop-off. The pavement will be widened at the entrance to accommodate the parallel spaces.
- 7.19 The Board finds the proposed road, as shown on the Plan, will cause safety issues in inclement weather related to emergency response time and access to school buses and the Council on Aging van.
- 7.20 The Conservation Commission is concerned about the proposed access road and steep slopes and wetland crossings that will be required to access the property from West Acton Road. The Commission has not yet made a determination with regard to whether the access road from West Acton Road would be considered a "Limited project" under the Wetlands Protection Act regulations, given that an alternative means of access to the upland portion of the property is available, which would not require wetland crossings. If the project does not qualify as a limited project, wetlands alteration would be limited to 5,000 square feet and wetland replication would be required. The Conservation Commission recommends that the Applicant explore the feasibility of locating the primary access in Acton and working with Stow and Acton on a mutual aid agreement for emergency response.

The Applicant's engineer stated:

- Primary access from the Town of Acton, which eliminates wetlands filling, as shown on Concept Plan 1, is not allowed.
  - Existing topography, along with horizontal and vertical alignments, necessitate wetland crossings to access the site from the public way in Stow.
  - Retaining walls are proposed to minimize the extent of wetland filling.
  - Wetland fill and replication areas will be shown on the Definitive Plan.
  - Vernal pool locations are shown per the Conservation Commission's request.
- 7.21 The Fire Chief advised that the Applicant provided various concept plans with access solely from the Town of Acton. The Fire Department does not support a plan with sole

access from the Town of Acton. The response time from the fire station to a Stow entrance is approximately four (4) minutes. A response to the Acton entrance doubles this time to eight (8) minutes.

7.22 The Fire Chief, Police Chief and Superintendent of Streets advised that a 10% grade on a sharp corner will be very difficult to maintain in the winter. The Police Department does not always have a 4-wheel drive vehicle available. The Superintendent of Streets would not recommend acceptance of the Road, as proposed, as a town way.

7.23 The Applicant's Engineer advised that he met with the Acton Town Planner, who explained that they have regulations prohibiting road access solely from the Town of Acton to serve lots in another town. The Town of Acton would not support a secondary access road for a subdivision with less than forty (40) units.

7.24 The Board's Consulting Engineer made the following comments and recommendations:

1. That turnoffs be required at the beginning and end of the gradients (roughly station 0+0 to 8+50). The Applicant's Engineer stated that the Definitive Plan will show a turnout between STA 5+00 and 12+00.
2. Calculations for stopping sight distances on wet pavement should be provided and adequate information to prove adequacy of the sight distances provided on the plans. Consideration to average snow bank heights should be included.
3. Due to the steep side slopes and the potential impact of landscaping on the sight distances, it is recommended that a landscaping plan be provided identifying surface treatments and stabilization.
4. Super elevation of the curves may be counter productive due to the snowmelt on south facing snow banks.
5. Due to the angle at the intersection of West Acton Road, the grades along the curb line on the northerly side should not exceed the 5% maximum slope of the intersection. Consideration should be given to the use of 1' contours for greater detail.
6. Vertical granite curbing is recommended for the first 850' of roadway. Guardrails should be provided on all fill areas or retaining walls in accordance with MassHighway standards.
7. If the Board determines that sidewalks shall be provided, it is recommended that the 5' grass strip be eliminated to minimize the extent of grading. The Applicant's Engineer stated that a sidewalk is proposed.
8. Road maintenance costs for this roadway will be higher than the average roadway particularly with the requirements for the Stormwater Management System.
9. If the roadway meanders within the Right of Way to lengthen the curvature, centerline layout data should be included on the plans.
10. Stow Police and Fire Chiefs and Stow Superintendent of Streets all agree that primary access should be via West Acton Road. If the Board determines that an emergency access connection to Acton is warranted, the Fire Chief and Superintendent of Streets commented that the 12' width was too narrow and they preferred no gates. The Board supports the installation of a gate to prevent the entrance of unauthorized vehicles.

7.25 A resident of Canterbury Road, Stow, voiced concern that headlights will shine into their house.

7.26 Residents of Duggan Road, Acton, voiced concern about increased traffic and speeding on Duggan Road.

- 7.27 Acton residents stated that driveway grades in their neighborhood are at 25%, which is unsafe.
- 7.28 A resident of Windemere Drive, Acton, voiced concern about ameliorating effects of chemicals to be used on the road and how they will be kept from water supplies.
- 7.29 The Applicant's Engineer stated emergency access can be provided to Woodchester Road in Acton within the Open Land.
- 7.30 The hydrological features of the area of the parcel proposed for development present major obstacles for development. The land is presently forested with a significant amount of wetlands. The depth to groundwater is very shallow. Clearing the present vegetation for roads and lot development will increase the quantity of water, which must be handled by the existing natural groundwater system. This water would normally be lost through transpiration. It appears the existing water flow is currently channeled out by roots and stumps and other natural vegetation, yet abutters and the Superintendent of Streets stated that water runoff across West Acton Road and into the 24" pipe is problematic today. By removing the means of distributing the flow, runoff will be funneled into a greater flow that must be treated and addressed on site. The Board questions if the infiltration basin shown on the plan (#2C) can handle all of that water and is concerned about the impact on the properties along West Acton Road and Canterbury Road and possibly the lots in the development itself. The wetlands that presently drain to Acton will present an increased flow placing an added burden on Acton's drainage systems. The Town of Acton has not reviewed the plan to determine how it will impact their existing catch basins.
- 7.31 The Superintendent of Streets stated that the existing runoff from a spring on the hill causes flooding across and around West Acton Road. Additional water would exacerbate the problem. The existing drop inlet in Acton gets overwhelmed and cannot handle additional water. He also stated that the proposed road located to the east side of the hill will be very shady, making it susceptible to freezing.
- 7.32 The Application states the Plan will comply with the DEP Stormwater Management Volume One and Volume Two Handbooks. A new revision was released in January 2008 with stricter Best Management Practices and requirements. The Board adopted an updated Stormwater Management Policy on April 29, 2008, which includes the following:
- "Although the Planning Board is aware that the Best Management Practice (BMP) techniques employed depends largely on the site's hydrological features, it has placed a high priority on environmentally sensitive site design techniques for stormwater management, including:
- Minimizing impervious surfaces
  - Fitting the development to the terrain
  - Preserving and using natural drainage systems
  - Reproducing pre-development hydrologic conditions"
- The Preliminary Drainage Narrative, prepared by Stamski and McNary, Inc., dated October 7, 2008 and Preliminary Pre- and Post-Development Drainage Maps, dated October 7, 2008, were submitted during the Public Meeting on October 7, 2008 to illustrate compliance with the Stow Stormwater Management Policy, adopted April 29, 2008. Revisions made to the drainage maps include:
- Abutters' wells and septic locations

- An additional basin was added to subcatchment 1 behind Lot 13.
- Basin # 2 was enlarged.
- Basin # 3A-2 at the entrance was reconfigured.
- Lots 12-14 were reconfigured to increase the Open Land buffer from 40' to 70' along the perimeter behind the Kern and French properties.

The Board finds that the Application does not demonstrate compliance with the policy or the Stormwater Management Handbooks, including measures to mitigate current stormwater runoff. Although this Application is for a Preliminary Plan, the Board is extremely concerned about stormwater management on this particular site and requested data to show compliance.

7.33 The Board finds the information submitted with the documents addresses in general the intent to meet the DEP Stormwater Management Policy. The submittal did not include the watershed plan indicating underlying soils. The required checklist was not included in the submittal.

7.34 The Applicant's Engineer stated:

- The Definitive drainage will comply with the requirements of Section 3.8.1.9 of the Bylaw and Section 7.9 of the Subdivision Rules.
- Accepted engineering practices will be used to calculate pre- and post-development runoff from the site to show that runoff rate and volume will not increase in West Acton Road.
- Soil evaluations have been conducted on drainage areas and will accompany the Definitive Plan.
- Size and locations of roof runoff infiltration systems will be shown on the Definitive Plan.
- The maps show underlying soils based on available soil maps and abutting well and septic locations.
- The Definitive Plan will show culverts at each wetland crossing to maintain natural drainage patterns.

7.35 The site incorporates Low Impact Development (LID) techniques on the upper portion of the site. The use of LID techniques is limited on the steeper, lower portion of roadway due to the steep grades. The Board's Consulting Engineer advised that LID techniques must be applied carefully in areas of potentially high runoff velocities and erosion potential.

7.36 Soil evaluator testing in the settling, infiltration and detention basins has not been provided to determine the seasonal high water table. The DEP Stormwater Quality regulations require a 2' offset to groundwater for infiltration, and if less than a 4' offset, mounding calculations are required to use the basin for attenuation.

7.37 The Board is unable to determine the groundwater table where slopes will be cut. Soil evaluator testing was not provided in those areas. The Applicant's Engineer stated the water table is only at 2' at the top of the hill.

7.38 The Board is concerned about erosion control, particularly during construction of the road. The Applicant's Engineer indicated that they will clear the lower section of the hill, including the removal of all trees but one. With the removal of the root systems and the

significant fill, both new and existing soil would likely run off during a major storm. The Application does not address how erosion control will be addressed during storm events.

- 7.39 The Board's Consulting Engineer advised that Interceptor drains/subdrains will likely be needed where the roadway is in a deep cut. Consideration should be given to placing swales on the uphill side of the cuts to intercept overland flows to minimize the erosion potential (4+50 to 8+50) and groundwater breakout. Such swales could also provide an emergency overflow to the wetlands culvert (8+50) should the culvert become blocked. The Applicant's Engineer stated that subdrains will be provided on the Definitive Plan within cut slopes per standard engineering practices.
- 7.40 The Board's Consulting Engineer recommends that drainage calculations should include the velocities from any discharges or swales on the steeper portions of the site and include rip rap sizing for any proposed rip rap.
- 7.41 The Plan shows LID techniques, such as rain gardens and infiltration features, on the upper portion of the site, some of which will be upgradient from proposed houses and septic systems. The Board's Consulting Engineer recommends that all basement elevations and locations of all footing drains be shown on the plan.
- 7.42 The Board's Consulting Engineer recommends that drainage calculations should identify whether roof recharge systems are proposed. Due to the relatively small lots, the location of roof recharge systems should be shown on the Plan. The Applicant's Engineer stated that all dwellings will have basements and elevations will be shown on the Definitive Plan.
- 7.43 During the Public Meeting, residents of Stow and Acton voiced concern about existing runoff and the potential for the proposed development to exacerbate the situation.
- A resident of Canterbury Road, Stow stated that a ditch empties onto his property.
  - A resident of 3 Canterbury Road, Stow, stated there is an existing 24" pipe going across his septic system and that he spent \$15,000.00 on a drainage system to redirect runoff off his property.
  - A resident of 315 West Acton Road, Stow, stated she has runoff through her yard and sometimes over her septic system.
  - A resident of 37 Duggan Road, Acton, stated he has cracks in his foundation, and when it rains, water very forcefully rushes down West Acton Road.
  - A resident of 29 Duggan Road, Acton, stated he has giant sink holes in their yard from a spring that comes down the hill every spring and fall.
  - A resident of Canterbury Road, Stow, stated there have been four accidents in this area because of ice.
- 7.44 As stated in Section 8.5.1 of the Bylaw, the purpose of the Planned Conservation Development is to allow residential development which encourages:
- a) protection of Stow's rural character by development of land in clusters and villages which is in greater harmony with the town's natural resources and historic development patterns;
  - b) preservation of land for conservation, OPEN SPACE, recreation, agriculture and forestry;
  - c) preservation of significant land and water resources, natural areas and scenic vistas;
  - d) preservation of unique and significant historical and archaeological resources;

- e) a greater mixture of housing types and more energy-efficient and cost-effective residential development; and
- f) reduced costs of providing municipal services.

The Board finds that the Plan does not meet the purposes of items b), c), e) and f) above.

7.45 As stated in Section 8.5.1 (Planned Conservation Development) of the Bylaw, the Planned Conservation Development Bylaw is not intended to make undevelopable land developable, nor to permit an increase in the number of building lots that would otherwise be possible on a conventional plan, pursuant to the provisions of the zoning bylaws that otherwise apply, but rather to encourage the preservation of important site features. The Board finds that the proposed proof plan does not comply with the intent of the Bylaw for the following reasons:

1. The Conventional Proof Plan is used to determine the maximum number of dwelling units on the site. A portion of the roadway curve crosses into Acton as well as two road connections to the Acton Roadways. Acton Subdivision Rules and Regulations 8.1.25 states *"Roads or roadways in a SUBDIVISION shall not provide access to land in an adjoining town unless there is also adequate access over STREETS in the adjoining town."*
2. In light of the difficult grades and wetlands crossings in conjunction with the access from West Acton Road, additional information is required to prove that the Conventional Proof Plan could be constructed, if required.
3. The Conservation Commission's requirement for a 35' undisturbed buffer, and steep slopes would appear to make Lots 6, 10, 11 and 19 infeasible.
4. The conventional Proof Plan does not show the Water Resource Protection District. The Board is unable to determine compliance with the limitation of 10% impervious surfaces.

7.46 Section 8.5.4 of the Bylaw states the Board should consider the proposed layout and use of the Open Land in relation to the topography, soils and other characteristics and resources of the tract of land in question. The Planning Board shall grant a Special Permit, if it finds that the plan meets a number of requirements, including that the PCD provides Open Land, which is of a size, shape and location and has adequate access so as to benefit the Town and the residents of the PCD. The Board finds that the Plan does not provide adequate access or benefit to the Town and much of the Open Land, as proposed in the Plan, is in wetland or the floodplain district. The Board further finds that the Plan, as proposed, actually creates a negative impact rather than a benefit because the road cuts through some of the Open Land. As the attorney for the Applicant stated in 1998, if access is proposed from West Acton Road, it would detract from the purpose of a PCD as it would require a wetland crossing and reduce the amount of Open Land and the Open Land will be chopped up by the road.

The Applicant's Engineer stated that a landscape plan can be provided with the Definitive Plan to enhance Open Land along the road in additions to typical street trees.

7.47 Section 8.5.4 of the Bylaw further states the Planning Board shall grant a Special Permit for a PCD if it finds that the PCD:

- a) protects and enhances the rural character and environment of Stow;
- b) provides Open Land which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the PCD;

- c) is appropriate to the natural terrain of the tract of land to be developed;
- d) provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
- e) the application sets forth a specific plan for maintenance of all Open Land, waste disposal and drainage facilities, roadways and other improvements to be constructed in the development;
- f) complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for a PCD; and
- g) is consistent with the Stow Master Plan or succeeding plan, as amended.

Based on the Plan, as submitted, the Board is unable to make the above findings.

7.48 Section 8.5.6.2 of the Bylaw states: "The number of lots allowed in the PCD shall be the number of lots into which the parcel could be divided and built upon under the normally applicable dimensional requirements and use regulations". The Board finds the conventional proof plan could not be built under normally applicable dimensional requirements and use regulations.

7.49 The Conservation Commission stated that this property lies adjacent to Flagg Hill, one of the Town of Stow's largest conservation areas and recommends the Open Land should be designed in a manner that complements this conservation area and preserves the wildlife corridors – such as between Flagg Hill and the large wetland/vernal pool on the Acton/Stow Town Line. The Commission is willing to work cooperatively with the Applicant to ensure that the proposed Open Land is configured in a manner that facilitates management of the property. For example, the Open Land that is between the subdivision and West Acton Road is steeply sloping and of little value for use by the residents and the public. Also, the rear lot lines in the area of Lots 8-12 should be straightened to facilitate a clear understanding of property boundaries by the homeowners and management of the Open Land. With regard to the wildlife corridor, in preliminary discussions with the Applicant, the Commission recommended relocation or removal of several lots that could block wildlife movement in this area. Lot 7 in particular is located in this area and would require extensive construction in the 100' buffer zone.

Section 8.5.8.2 of the Bylaw states "The location and layout of the Open Land shall take into account, preserve and, where appropriate, promote such features of the tract as rivers, streams, ponds, marshes, wetlands, historic sites, wildlife refuges, unique geological or botanical areas or features, and existing or potential trails, paths and Open Land links." The Conservation Commission stated the emergency access road over the Open Land diminishes the ability to maintain a wildlife corridor between Flagg Hill and the vernal pools at the Acton/Stow line. The Board finds that an emergency access road meets the requirements of Section 8.5.9.4 of the Bylaw which states "In addition, a portion of the Open Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the PCD or adjacent land if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Open Land."

The Applicant's Engineer said they can provide trails to the Flagg Hill Conservation Area in the Definitive Plan.

- 7.50 The Conservation Commission stated the Applicant should not locate drainage basins, emergency access roads, or well or septic components in the required Open Land. These areas should remain with the subdivision and responsibility for their maintenance should lie with the homeowners. The Conservation Commission recommends that the Open Land be deeded to the Town of Stow Conservation Commission or Conservation Trust to be preserved as part of the Flagg Hill Complex of protected land. The Board finds that wells and sewage disposal areas or facilities are allowed in the Open Land in accordance with Section 8.5.9.3 of the Bylaw.
- 7.51 The proposed Open Land meets the requirements of Section 8.5.8.1 of the Bylaw, which states "Except as otherwise permitted by the Planning Board, because it is in the public interest, the minimum required area of the Open Land shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw."
- 7.52 Section 8.5.8.5 of the Bylaw requires adequate access to the Open Land in a PCD. Due to the natural slope of the hillside, a more level access from the top of the hill should be provided to the Open Land (which also connects to the adjacent Town of Stow Conservation Land).
- 7.53 The Application does not specify the use of the Open Land. A Land Use plan, as required by Section 8.5.9.1 is required with the filing of a Definitive Plan.
- 7.54 Section 8.5.9.4 of the Bylaw states: "In addition, a portion of the Open Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the PCD or adjacent land if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Open Land." The Applicant requests permission to use a portion of the Open Land for emergency access as shown to enhance better site and community planning if deemed necessary by the Board. The Board finds the Plan meets the requirements of Section 8.5.9.4 of the Bylaw.
- 7.55 The Plan does not show large trees (12" and 18") as required by Section 4.3.6 and 4.3.24 of the Subdivision Rules and Section 3.9.5.g of the PCD Rules. The Board's Consulting Engineer recommended that the trees within the Open Land and wetlands, by the sharp turn in the roadway, be evaluated by an arborist and be removed, if they are damaged or likely to block the roadway in a blow down. The Board supports this recommendation.
- 7.56 The Fire Department requires fully functional 30,000-gallon underground water cisterns for firefighting purposes installed in locations as specified by the Fire Department. The Applicant's Engineer stated that fire cisterns will be provided per the request of the Fire Department.
- 7.57 The Board of Health reviewed the Plan and advised that:
- They have witnessed soil testing and percolation tests at locations as shown on the Plan.
  - They will review the proposed development with the Applicant's Engineer.
  - A nitrogen-loading plan is required.
  - They will review individual septic and wells on a lot-by-lot basis.
- 7.58 Section 5.2.1.1.8 (Water Resource Protection District) of the Bylaw allows all uses of the underlying district, provided that no such use on any LOT or parcel shall as to that portion of said LOT or parcel within the Water Resource Protection District: Render impervious, by

any means, more than ten percent (10%) of the LOT area proposed for development within the Water Resource Protection District or 5,000 square feet of said district, whichever is greater. The Board finds this section of the Bylaw applies to individual lots and the parcel as a whole.

- 7.59 Section 7.3.1 of the Subdivision Rules defines unsuitable land as: "Land which the Board finds to be unsuitable for development due to flooding, improper drainage or adverse drainage, adverse topography, poor soils, bedrock, location of utility easements, or other features which the Board has reason to believe would be harmful to the safety, health and general welfare of the present and future inhabitants of the subdivision and/or its surrounding area, shall not be subdivided or developed unless adequate measures are formulated by the subdivider and approved by the Board to eliminate any short-term or long-term impacts created by the development of the unsuitable land." The Board finds this site meets the definition of "Unsuitable Land", which should not be developed.
- 7.60 Section 7.3.2 of the Subdivision Rules states: "Wherever possible, streets shall be laid out to minimize cutting and filling. If the construction of the street would require filling or disruption of a wetland, such filling or disruption shall be made in compliance with the Wetlands Protection Act, M.G.L. Ch. 131, S. 40 and the Stow Wetlands Bylaw. Filling or disruption of a wetland shall be avoided wherever possible by utilizing alternative upland access over the parcel to be subdivided or over an adjacent parcel which is also owned by the owner of the land to be subdivided either in person or through a separate realty trust or similar form of ownership. Where no such alternative upland access is available, the filling and disruption shall be minimized." The Board finds the proposed application does not meet the requirements of Section 7.3.2 of the Subdivision Rules due to extensive cutting and filling.
- 7.61 The Plan does not comply with the requirements of Section 7.5.10 (Sight Distances) of the Subdivision Rules. Calculations were not provided to verify compliance with requirements of AASHTO Geometric Design of Highways and Streets to determine adequate site distance including stopping sight distance. Calculations were not provided for adequate sight distances at the curves, which appear to have relatively low K factors. The Applicant's Engineer stated that adequate sight distances will be provided and shown on the Definitive Plan.
- 7.62 The Applicant's Engineer stated, in order to provide adequate sight line distance at the entrance, it will be necessary to cut into the hill and remove the stonewall. The Plan does not indicate how the streetscape will be restored to the existing streetscape to the extent possible to reinforce the "rural" character of the Town. The Applicant's Engineer stated the stonewall will be rebuilt to the extent feasible.
- 7.63 The Applicant requested a waiver from the requirements of Section 7.5.12 (Termination Setback from Town Boundaries) of the Subdivision Rules. The Applicant submitted Concept Plan 1, which provided access from Woodchester Road in Acton, which is an alternative upland access which will eliminate or minimize wetland filling in accordance with Section 7.3.2 of the Subdivision Rules. The Board Finds an emergency access road to the Town of Acton would be of public benefit.
- 7.64 The Plan does not comply with the requirements of Section 7.8.2 (Additional Standards for Cul-de-sac Streets) of Subdivision Rules. The Plan does not show a turn out between 500' and 1200' length marker.
- 7.65 The Applicant requested a waiver from the requirements of Section 7.8.2.2 (Cul-de-sac Streets) of the Subdivision Rules to allow the road length to be extended past the one

thousand five hundred foot (1,500') length. The Applicant states that, if this waiver is not granted, a wetland filling of 3,673+ sq. ft. would be necessary to access the site from West Acton Road in Stow as shown on the Preliminary Plan. The Board finds that the proposed subdivision does gain access from West Acton Road, and therefore, needs clarification of the public benefit for this waiver request.

- 7.66 Section 7.8.4.3 (Street Intersections) of the Subdivision Rules, requires an intersection angle of 60 degrees or greater, implying a straight tangent at the intersection. The proposed roadway intersection has a 200' centerline radius. Based on the slope and the turn, the Board strongly recommends an intersection angle much greater than 60 degrees for public safety.
- 7.67 The Plan does not comply with the requirements of Section 8.6 (Curbs) of the Subdivision Rules. The Board's Consulting Engineer recommends vertical granite curbing for the first 850' of roadway. The Board supports this recommendation.
- 7.68 The Plan does not comply with the requirements of Section 8.7.3 (Green Strip) of the Subdivision Rules. The Board's Consulting Engineer recommends that the green strip be eliminated to reduce grading. The Board supports this recommendation.
- 7.69 The Plan does not comply with the requirements of Section 8.9 (Street Trees and other Vegetation) of the Subdivision Rules. The Board's Consulting Engineer indicated that Street Trees may not be appropriate along the lower portion of the roadway due to sight distances. The Board agrees.
- 7.70 The Conservation Commission advised that they have confirmed the wetlands lines on the property through an Order of Resource Area Delineation, issued on November 20, 2007.
- 7.71 The Plan shows three vernal pools. The Applicant's Engineer stated that they met with the Conservation Commission last April and the Conservation Commission indicated it was pretty clear there are vernal pools on the site but they were dried up at the time. The Conservation Commission requested that the Applicant certify any vernal pools on the property in conjunction with this Application.
- 7.72 The Conservation Commission stated that development of Lots 6, 10, 11 and 19 would result in encroachment in the required 35' undisturbed buffer from wetlands.
- 7.73 The Conservation Commission stated that retaining walls that require footings could cause temporary impact to wetlands.
- 7.74 A common driveway is proposed to serve Lots 6 through 9, which is shown as 12' wide. The Board's Consulting Engineer recommended that the driveway should be designed with a 16' width and provide sufficient area for an SU-30 truck turn. The Board agrees with this recommendation.
- 7.75 The Plan does not show the existing AT&T Easement.
- 7.76 A resident of 310 West Acton Road, Stow, voiced concern about how the proposed development would impact his artesian well that does not need a pump.
- 7.77 The Applicant's Engineer stated that Developable Site Area is not applicable for residential development as it relates to floor area ratio. The Board finds that Developable Site Area applies to individual lots shown on the Plan.
- 7.78 The Applicant's Engineer indicated that they will look into the potential of using porous pavers on the site.

- 7.79 The Tree Warden indicated that removal of the two street trees at the entrance will require a public hearing.
- 7.80 The Plan does not indicate where snow storage will be located. The Applicant's Engineer stated that snow storage areas along shoulders will be provided on the Definitive Plan.
- 7.81 The Applicant's Engineer stated that the Definitive Plan will comply with the requirements of Section 3.8.1.5 (Exterior Lighting) of the Bylaw.
- 7.82 A Special Permit is required under Section 5.2.2.3 (Water Resource Protection District) of the Bylaw to allow sewage disposal over 110 gpd per 10,000 s.f of lot area for all lots. The Applicant's Engineer stated that nitrogen credit land has been provided on-site and within the Water Resource Protection District to meet the intent of Section 5.2.2.3 of the Bylaw; impervious surface on each lot will comply with Section 5.2.1.1.8; and deep sump and hooded catch basins are provided as required by Section 5.2.5.7 of the Bylaw; and use of swales and other LID techniques are prohibited per policy.
- 7.83 An Erosion Control Special Permit under Section 3.8.1.10 of the Bylaw is required for the entire site regardless of the type of residential development. Erosion control during construction is critical. The Applicant's Engineer stated:
- A detailed Erosion Control Plan will be submitted, including details on construction entrances, temporary parking areas for equipment and workers during the initial phases of construction and provisions for protecting the integrity of West Acton Road.
  - Erosion and sediment controls will comply with Section 7.12 of the Subdivision Rules.
  - Hooded catchbasins and sediment forebays will collect sand from the roadway.
  - A full detail Erosion Control Plan will be provided with the Definitive Plan.
  - The entrance will be constructed in incremental phases to control erosion and stabilize slopes.
  - A Landscape plan can be provided to indicate slope vegetation (Conservation seed mixture with additional plantings).
  - Contech erosion mats will be provided along all slopes in addition to siltation haybale barriers.

The Board finds an Erosion Control Special Permit must be filed with the Definitive Plan.

- 7.84 The proposed PCD Plan is allowed by Special Permit by the Planning Board. Section 9.2.6 of the Bylaw states the Special Permit Granting Authority shall not issue a Special Permit unless without exception it shall find that the proposed use and development:
- is in harmony with the purpose and intent of this Bylaw;
  - will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
  - 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;
  - 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;

- will result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland;
- will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads. A significant effect on level of service is a projected use of greater than five percent (5%) of the reserve capacity of a road segment or turning movement by the proposed use at the completion of its development. Reserve capacity calculations are to be done by a registered professional engineer using accepted methods of traffic analysis and shall include both projected growth in traffic during the period of development and projected traffic from other uses and developments which have applied for approval under the Zoning Bylaw prior to the close of the public hearing;
- will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development;
- 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;
- will result in no transport by air or water of erodible material beyond the boundary line of the LOT (See also Section 3.8. Use Regulations, General);
- 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.

Based on the Plan, as submitted, the Board is unable to make the mandatory findings as required by Section 9.2.6 of the Bylaw.

7.85 The PCD Special Permit is subject to Site Plan Approval requirements as part of the Special Permit process. Section 9.3.11 of the Bylaw states the Site Plan Approval Granting Authority shall determine compliance with the following:

The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties or ways, the neighborhood, community amenities or the Town of Stow in accordance with, but not limited to, the following:

1. Site development shall minimize impacts on wetlands, steep SLOPES, flood plains, hilltops;
2. Site development, including building sites and STRUCTURES proposed thereon, should not obstruct scenic views from publicly accessible locations;
3. Sites shall be developed so as to preserve unique natural or historical features;
4. Site development shall minimize deforestation, vegetation and soil removal and shall avoid grade changes;
5. Development of the site shall be in accordance with OPEN SPACE provisions of the Bylaw; and
6. Screening of objectionable features, including, but not limited to, exposed storage areas, storage tanks, machinery, service areas, truck loading areas, and utility BUILDINGS and STRUCTURES, from abutting properties and roadways shall be year-round and provided in the site development plan.

The Applicant stated there are no historical features on the site. The Board received no input from the Stow Historical Commission. Based on the Plan, as submitted, the Board is unable to determine compliance with Items 1, 3, 4, 5 and 6.

Section 9.3.11.2 requires that the Developable Site Area shall be clearly identified on the Plan and shall meet the requirements of the definition in Section 1.3. The Plan does not show Developable Site Area. The Applicant's Engineer stated the Developable Site Area will be shown on the Definitive Plan. The Board finds that the Developable Site Area applies to each lot.

Section 9.3.11.3 states "Architectural style should be in harmony with the prevailing character and scale of BUILDINGS in the neighborhood and the town through the use of similar building materials, screening, roof and wall lines and other architectural features. Variation in detail, form and siting should be used to provide visual interest and avoid monotony. Proposed site development shall provide adequate light, air circulation and separation between BUILDINGS". The Applicant stated the Definitive Plan will comply with this requirement.

Section 9.3.11.4 states "The development shall be served with adequate water supply and waste disposal systems. For STRUCTURES to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a registered professional engineer and approval by the Board of Health;" The Applicant stated the Definitive Plan will comply with this requirement.

Section 9.3.11.5 states "The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. Unless waived by the Site Plan Approval Granting Authority, a traffic study plan shall be prepared by a registered professional engineer and shall prescribe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site;" Estimated daily vehicular trips were provided in the Development Impact Statement. The Board finds a traffic study is not required.

Section 9.3.11.6 states "The site plan shall show adequate proven measures to prevent pollution of surface or GROUND WATER, to prevent erosion and sedimentation, and to prevent significant changes in GROUND WATER levels, increased runoff and potential for flooding. Drainage shall be designed so that the rate and volume of runoff from the site shall not be increased, and abutting properties and ways, the neighborhood and community amenities will not be adversely impacted;" The Applicant stated that the Definitive Drainage Plan will comply with the Stormwater Policy and Erosion Control Plan.

Section 9.3.11.7 states "The development shall not excessively burden town services and infrastructures. To that end, the development shall place no more than the minimum demands on town services and infrastructures as may be reasonably taken care of on site or by alternate means. If the foregoing is not reasonably feasible, the site plan approval shall include provisions to assure that adequate provision for any significant increase in demands on town services and infrastructures which result from the development are provided or secured by the applicant;" The Board finds road maintenance costs for this roadway will be higher than the average roadway particularly the requirements for the Stormwater Management System and costs associated with snow and ice removal on the proposed 10% grade roadway.

Section 9.3.11.8 states: "Electric, telephone, natural gas, cable television and other such utilities and services shall be underground unless otherwise authorized by the Site Plan

Approval Granting Authority;" The Applicant stated the Definitive Plan will comply with this requirement.

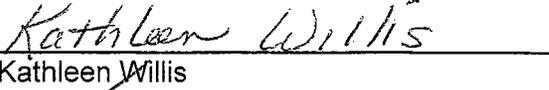
Section 9.3.11.9 states: "The site plan shall comply with all zoning requirements for parking, loading, lighting, dimensions, environmental performance standards, and all other provisions of this Bylaw;" The Applicant stated the Definitive Plan will comply with this requirement.

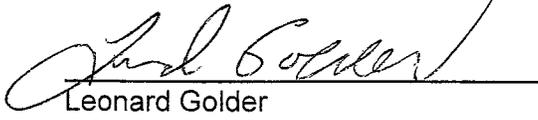
Section 9.3.11.10 states: "Before approval of a site plan, the Site Plan Approval Granting Authority may request the applicant make modifications in the proposed design to ensure that the above criteria are met." The Applicant stated the Definitive Plan will comply with this requirement.

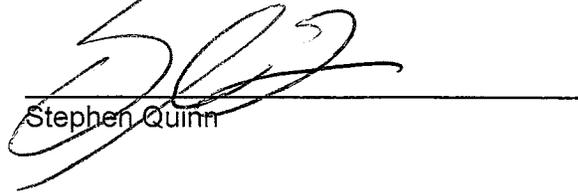
- 7.86 Unless directed otherwise by this Decision, the Definitive Plan shall comply with all requirements of the Subdivision and PCD Rules and Zoning Bylaw and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 7.87 Prior to submission of a Definitive Plan, the Applicant shall consult with the Board for approval of the street name.
- 7.88 Any request for waivers filed with the Definitive Plan shall include those required for the PCD regulations, as well as the Rules including those that are repetitive.
- 7.89 This Decision applies only to the requested Preliminary Subdivision Approval. Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.

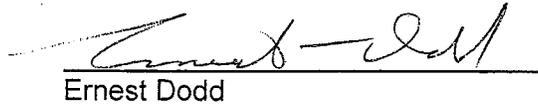
Witness our hands this 18<sup>th</sup> day of December 2008

  
Laura Spear

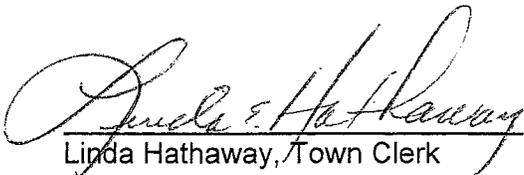
  
Kathleen Willis

  
Leonard Golder

  
Stephen Quinn

  
Ernest Dodd

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Linda Hathaway, Town Clerk

December 23, 2008  
Date