

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF:

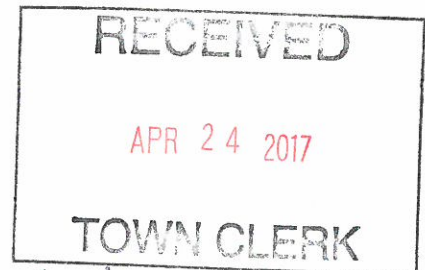
**Asphalt Engineering, LLC
c/o Farm St. Property Management
Petitioner**

OPINION OF THE BOARD

**REQUEST FOR VARIANCES
0-R Granite Street
Medway, MA 02053**

Hearing: April 5, 2107

Decision: April 12, 2017



*30 day appeal
May 15, 2017*

MEMBERS PRESENT:

**David Cole, Chairman
Carol Gould, Clerk
Eric Arbeene, Member
Brian White, Member
William Kennedy, Member**

THE WRITTEN OPINION WAS DELIVERED ON APRIL 24, 2017

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning Bylaw of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, Asphalt Engineering LLC & Farm St. Property Management, seeks Variances from Section 5.4 Table 1 Section E to allow for a "Contractor's Yard," although not allowed in Industrial III (I-III), it is allowed in other industrial zones; and to allow for the accessory "Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premise," where the future building for the business is to be located on the adjoining Bellingham Parcel, although all is shown as one lot on one deed, with respect to property located at 0-R Granite Street.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on March 22, 2017 and March 29, 2017. Notice also was sent to all “parties of interest” and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A Section 11.

The following documents were received by the Board and included as part of the Application and file for this case:

1. Application received and stamped by the Town Clerk on March 13, 2017
2. Addendum #1 (General requirements addressed for Variance Application), submitted on March 13, 2017
3. Addendum #2 (Description of Land Use and Zoning Bylaw requirements being met), submitted on March 13, 2017
4. Sound Study Report from Tech Environmental, submitted on March 13, 2017
5. Sage Environmental Letter regarding Gravel Material, submitted on March 13, 2017
6. 0-R Granite Street Site Plan, Sheet 4 of 5, dated 01/18/17, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756; showing the Medway Portion of the Medway/Bellingham Split Lot, submitted on March 13, 2017
7. Aerial Imagery of Lot Showing Proposed Storage Area, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756, submitted on March 13, 2017
8. Comments from Medway Fire Chief, received on March 27, 2017
9. Abutter Comments from Conroy Development, 51 Alder Street, received on March 28, 2017
10. Applicant Response to Abutter Comments from Conroy Development, Two Parts: Email and Aerial Imagery, received on March 28, 2017
11. Comments from Medway Conservation Agent, received March 30, 2017
12. Applicant Email to Abutter Conroy Development, received April 3, 2017 and April 5, 2017

13. Revised 0-R Granite Street Site Plan, Sheet 4 of 5, dated 01/18/17, revised 04/04/17, prepared by Allen Engineering, LLC of 2 Willowbrook Lane, Mendon, MA, 01756; showing the Medway Portion of the Medway/Bellingham Split Lot, submitted on April 4, 2017
14. Staff Report from Community and Economic Development Department, dated April 5, 2017

The Public Hearing opened and closed on April 5, 2017, and all deliberations were conducted and the Decision rendered at a Special Zoning Board of Appeals Meeting on April 12, 2017. The Medway Zoning Board of Appeals members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Eric Arbeene, Member; William Kennedy, Member; and Rori Stumpf, Associate Member. The Board members present for deliberations and voting were David Cole, Chairman; Carol Gould, Clerk; Eric Arbeene, Member; Brian White, Member; and William Kennedy, Member.

Hearing Summary

The Applicant, Asphalt Engineering LLC, c/o Farm St. Property Management, was represented by Jim Roberti, Attorney to Erin Landry-Moreland and Nathan Moreland. Ms. Landry-Moreland and Mr. Moreland, of Asphalt Engineering and Farm St. Property Management, also appeared before the Board to discuss the request for Use Variances from Section 5.4 Table 1 Section E to allow for a "Contractor's Yard," although not allowed in I-III, it is allowed in other industrial zones; and to allow for the accessory "Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premise," where the future building and business is to be on the adjoining Bellingham Parcel, although all is shown as one lot on one deed, with respect to property located at 0-R Granite Street, Parcel ID 74-001. The Applicant and representatives came before the Board on April 5, 2017 at 7:35 pm.

Ms. Landry-Moreland stated that the parcel had been purchased in August of 2016 and before purchasing the parcel, the Applicant had met with the Town of Bellingham to express what they were looking to do on-site and had felt that it was going to be a good fit for their projects and moved forward with purchasing the land. The Applicant has been working with both the Conservation Commission and Planning Board in Bellingham; the Planning Board indicated that they wanted the Applicant to have a Variance approved from the Medway Zoning Board of Appeals before finalizing the approval for what they are looking to do in Bellingham, for both access to the back parcel of the lot, and the bulk storage permit they are applying for with the Bellingham portion of the lot. Starting in the fall, they would be building the new office location, as well as a bay.

Ms. Landry-Moreland stated that they were looking to store the reprocessed gravel material on Medway land and then remove the material. There would be one bobcat that would be used to load and unload trucks periodically and all access to the site itself will be through the Bellingham portion of the lot. The applicant had conducted a sound study and expanded the scope to include the Medway Parcel when they realized they needed to use the parcel for their business operations and wanted to address any neighbor concerns regarding disturbance. The study concluded that the performance standards for noise were met as set forth under Section 7.3 of the Medway Zoning Bylaw. There was one neighbor who submitted written comments about their concerns. Ms. Landry-Moreland stated that she reached out multiple times, to whom she believed was a manager of Conroy Development, through email and calls; the manager had just responded to her stating that he would need to talk to his boss. She had asked the manager if he would like to sit down with her and she hadn't heard back in that regard, so she did not feel it was a major concern; in the email she did indicate that Conroy Development was two hundred (200) feet from Interstate 495 and eight hundred (800) feet from the applicant's proposed use, with power lines and wetlands in between. Even at a 45 decibel limit, Conroy Development will not hear anything.

Ms. Landry-Moreland stated that they were looking for this variance in order to ultimately move their business, in its entirety to 190 Farm Street, Bellingham and 0-R Granite Street, Medway. The

applicant's business, Asphalt Engineering, had been in Bellingham for thirteen (13) years; they have a very good reputation and would like to be in the area for a long time.

Ms. Roberti stated as for shape, topography and soil conditions, the lot is split between two towns, but all the frontage is located in Bellingham. The lot is oddly shaped; the Medway portion is completely landlocked, so the parcel is not useful unless used in conjunction with the Bellingham parcel. The applicant has been through extensive conversations with the Bellingham Conservation Commission and the Medway Conservation Agent. From what Mr. Roberti understood, the applicant had filed a request for an Order of Conditions with Bellingham, but they would not be filing with Medway because the operations would be completely outside of the Conservation Jurisdiction in Medway; which had been confirmed by the Conservation Agent and also through a site walk. There are a lot of wetlands on the Bellingham portion of the lot, leaving less room for storage on that portion, which is a key part of the applicant's operations so the reprocessed gravel must be on the Medway Parcel.

Ms. Roberti stated that the Medway Parcel is not usable except in attachment with the Bellingham Parcel/portion of the Lot because it is land locked; the Medway Parcel cannot be used for anything else; and those are circumstances which are different than for other properties in the area. Mr. Roberti stated that Bellingham Parcel is located in an Industrial Zone; all that is required in Bellingham is to go through the Special Permit process for Bulk Storage. For Medway, the Parcel is located in the Industrial III District. The Bellingham Parcel is going to be used as a Contractor's Yard with a building out-front with parking and the trucks will be kept there. A Contractor's Yard is an allowed use in Bellingham with the Special Permit process, however, in Medway, the used is not allowed as of right, but it is allowed under a Use Variance which the applicant was applying for that evening. The topography and the wetlands constrain the Bellingham Parcel so that the storage of gravel must be on the Medway Parcel. A hardship would occur if storage wasn't allowed on the Medway Parcel, since the Bellingham Parcel would not be able to store all the vehicles and then as a result, the Bellingham Parcel would not be able to support the project. Without the Medway Variance and the Medway Parcel, the business would not be able to operate; it is a unified project. A Variance from Medway would need to be issued in conjunction with a Special Permit from Bellingham; the applicant was meeting with the Bellingham Conservation Commission on April 12, 2017 and the Bellingham Planning Board again on April 13, 2017. The Bellingham portion of the Lot cannot be used on its own and the Medway portion of the Lot is needed for the storage of gravel. If the Medway Parcel is deemed unusable the applicant would suffer financial hardship in that in the Medway Parcel is unusable, it makes the whole project not viable. The applicant needs to view both the Medway Parcel and the Bellingham Parcel as a single Lot, which is how it was purchased in the Deed.

Mr. Roberti stated that Use Variances are allowed in Medway that are compatible to the zoning district. The same use, being the request for a Use Variance for a Contractor's Yard, is allowed by Special Permit in Bellingham. The Contractor's Yard would be primarily located in Bellingham, along with the building and trucks. The Medway portion of the Lot would be used strictly for gravel.

Mr. Landry-Moreland stated that a truck might be idling on the Medway portion of the lot, mostly for the sound study, with the unloading and loading of a vehicle to and from the bobcat, but the applicant wouldn't be parking vehicles on the Medway portion of the lot, again vehicles may idle while loading.

Mr. Roberti stated that the Outdoor Storage and Parking of Vehicles (in association with a business operation in a building on the premises) is an allowed accessory use in Medway; if you take the Bellingham Parcel and Medway Parcel and look at the lot as one premises, using the definition of a Premises, which is a lot together with all buildings and structures, Bellingham and Medway is one lot. The use of the Medway parcel as an accessory to the Bellingham parcel does not derogate from the purpose or intent of Medway Zoning Bylaw. A lot is defined in Medway as a single area of land in one ownership defined by bounds or boundary lines in a recorded deed; the applicant's deed include both the Medway and Bellingham portions of the lot; the applicant feels that all of the land is one lot. The applicant intends to use the Medway portion of the lot only for the outdoor storage of materials associated with the business that will be operating in a building operated on the Bellingham portion of the lot, consistent with the definitions of lot and premises in Medway.

Mr. Roberti also stated that the use of the lot as a Contractor's Yard should be looked at unitarily.

Chairman Cole asked for clarification on the applicant's argument. Mackenzie Leahy, Administrative Assistant of the Community and Economic Development Department, clarified that the accessory use for outdoor storage is a by-right use, but only in conjunction with an existing business operating in a building on the premises. The applicant did not currently have an existing building on the premises.

Mr. Roberti also reiterated that the applicant does not have an existing building so the use isn't by-right currently. Mr. Landry-Moreland stated that the Bellingham Planning Board had wanted the applicant to obtain a variance from the Medway Zoning Board of Appeals prior to issuance of a permit in Bellingham. Mr. Roberti stated that Bellingham does not want to permit the applicant for a gravel operation and storage of materials without a building. The condition that the applicant would be facing in Bellingham would be that within five or six months, the applicant would have a building designed and approved and under construction.

Chairman Cole stated that one of the factors in granting a variance is the effect of the proposed use on the neighbors. He stated that it wasn't clear where the actual neighbors were or what they, the neighbors, were doing, operations or use. Mr. Roberti provided a topographic image showing some of the neighbors at a distance of eight hundred (800) feet, as determined by the applicant's engineer. Ms. Leahy stated that the neighbors are also referenced in the sound study; the maps show the abutting properties and house locations.

Mr. Stumpf said it appeared there was a residence on the east side of the lot and asked how far away that residence was. Mr. Moreland stated that the house was quite a few hundred, if not a thousand

(1000) feet away. Ms. Landry-Moreland stated that the receptor location for 8 Granite Street, as an example, was under the maximum sound limit (in decibels).

Chairman Cole stated that he wanted to know where the neighbors were and what they do – business or residence. Ms. Landry-Moreland stated that there is a commercial neighbor, Verizon, above the parcel, and neighbors far to the east on Granite Street. Ms. Landry-Moreland stated that there is a business across the street in Bellingham. Mr. Roberti stated that there is a large amount of wooded area around the Medway parcel. Ms. Landry-Moreland stated that there are power lines behind the parcel as well. Chairman Cole also noted the proximity to Interstate 495. Ms. Landry-Moreland noted that the neighbor to the west of the lot ran a sawing operation.

Ms. Landry-Moreland noted that the abutters were notified both within Medway and Bellingham to be on the safe side.

Mr. Stumpf noted the residential abutter at 42 Granite Street, and that from the proposed storage pile, the residence appeared equidistant to the distance for 51 Alder Street, which was about eight hundred (800) feet.

Mr. Moreland stated that the maximum height the piles would be was thirty (30) feet. Ms. Landry-Moreland stated that the residence would not be able to see the piles because of the trees, wetlands, and power lines as buffering and screening.

Chairman Cole asked if the applicant still needed to have a discussion with the Medway Fire Department. Ms. Landry-Moreland stated that the Fire Chief had originally requested twenty (20) feet width for safety access, but after Ms. Leahy spoke to the Fire Chief again, he indicated that he would accept fifteen (15) feet. Ms. Landry-Moreland stated that they had no problem maintaining fifteen (15) feet as requested; and that the access would be something that would be maintained on a daily basis, Monday through Friday when the operators are onsite and there will always be a bobcat available if anything needs to be adjusted.

Ms. Landry-Moreland also noted the concern about the intersection from the Access Road to the gravel safety access path and said that the intersection could be adjusted for the turning radius of a safety vehicle.

Chairman Cole stated his concern for lack of access from Medway in the instance of an emergency. Mr. White stated that if a call was made, it would most likely be for the Bellingham address. Stephanie Mercandetti, Director of Community and Economic Development Department, noted that would be part of mutual-aid procedures amongst Fire Departments.

Mr. Stumpf asked if there was any processing on the Medway parcel. Mr. Moreland stated that there would not be processing on the Medway parcel. Chairman Cole asked if there was any crushing or grinding. Mr. Moreland stated that most of the asphalt goes back to the asphalt plant to be recycled,

however, if there is any gravel in the mix, the plant can't recycle it. The applicant will bring the load back to the site and once a year they will bring in a crusher. They will use that as the base for driveways. The crushing would be on Bellingham land and then storing in Medway. The applicant hires AF Amorello for the crushing, the professionals bring in their equipment and their operator and service it for a week. Ms. Landry-Moreland stated that AF Amorello services the applicant for about 5 days out of the year.

Chairman Cole stated there was a letter from Conservation Commission proposing a number of conditions. Ms. Landry-Moreland stated that their engineer had no issue with any of the proposed conditions and that the changes to the flags have already been indicated on the revised plan that the Board had.

Ms. Landry-Moreland also stated that there is a note for 6 wooden stakes to be placed at 75 foot intervals, which was suggested at the site visit, on the plans as well. They would act as a visual for maintaining the area for the reprocessed gravel pile.

Ms. Leahy stated in the second addendum, the applicant stated that the total pile would take up less than one (1) acre, approximately 0.9 acres. Ms. Leahy stated that she wanted to make sure that was the calculated area for the Medway portion of the pile. Ms. Landry-Moreland stated that was correct. Ms. Leahy noted that if the safety access was widened to fifteen (15) feet that pile area might be slightly reduced depending on the location of the stormwater systems.

Mr. White asked if there was a reason that wooden stakes were proposed. Ms. Leahy stated that she had proposed including permanent stakes as a suggestion for the Board so that the Board and Zoning Enforcement Officer would be able to recognize where the pile limits were. Mr. White suggested some sort of bollard might be more permanent, as well as markers in the instance that a stake was accidentally knocked down. Ms. Mercandetti reiterated, for clarification, that the markers were to designate the boundaries of the pile.

The Board voted unanimously to close the public hearing on April 5, 2017.

On April 12, 2017, the Board met to deliberate.

Mr. White stated that he saw no issues with the application, but had the understanding that if the variance was for a contractor's yard, the Board would only need to worry about that rather than the outdoor storage as an accessory use.

Mr. White also stated that access was through Bellingham.

Mr. Arbeene concurred and stated that the use of the lot was very limited with it being landlocked and a split lot. Mr. Arbeene emphasized the need for markers around the pile and the 15 foot emergency access.

Mr. Kennedy stated he would also like to see the variance as a contractor's yard and there would need to be a discussion about the frontage. He wanted to have a discussion on the access to the pile and the wetlands surrounding the lot.

Chairman Cole stated that there was no point in constructing a building on the Bellingham portion of the lot unless the applicant had the storage space for the use. The geography and wetlands leave the lot so that a bulk of the storage needs to be in Medway. The applicant needs permission from Medway before the go-ahead in Bellingham.

Ms. Leahy clarified two points: that in her staff letter to the Board, she had recommended the Board waiting to make a decision until Bellingham had made a decision, but the applicant had stated that the Bellingham Planning Board was waiting on Medway's decision; and Contractor's Yard by the Medway Zoning Bylaw definition does not require a building, whereas Outdoor Storage as an accessory use does require a building on the premises.

Chairman Cole stated that the property is awkward to use, and that the only road access is through Bellingham. The Medway lot has no frontage.

Mr. Kennedy stated that Outdoor Storage was an allowed use where Contractor's Yard was not.

Mr. White asked Ms. Leahy for clarification on the storage aspect of a Contractor's Yard. Ms. Leahy explained that storage was allowed as part of a Contractor's Yard without a building; whereas Outdoor Storage as an accessory use does require a building and the applicant would require a variance where there was no building at the present.

Chairman Cole stated that his one concern for a Contractor's Yard was that it would allow the applicant more than they are requesting. Ms. Leahy stated that the Board could put in place a condition to specify what would be allowed with the use variance. The Board could impose conditions relative to terms and operations for granting the use.

Chairman Cole stated that the Contractor's Yard was a permitted use on the Bellingham parcel. It would make sense to extend the use to the Medway parcel. Then the Board could impose conditions that there would be no building and would only be used for storage.

Ms. Leahy explained that the findings should say "parcel" rather than "lot," as the Medway Zoning Bylaw definition suggests that a Lot is "a single area of land in one ownership defined by bounds or boundary lines in a recorded deed or shown on a recorded plan."

Mr. Kennedy asked that a finding include that there is no disturbance to the commercial businesses nearby, along with residential uses.

Chairman Cole asked the Board about parking of vehicles. Ms. Leahy stated that the applicant had said in the hearing that there would be no parking of vehicles on the Medway Parcel. Mr. White stated that the applicant had said there would be temporary parking or idling for loading and unloading materials. Chairman Cole proposed no overnight parking.

Chairman Cole stated that there needed to be a clear space of 15 feet around the periphery of the pile. Ms. Leahy stated that the current plans show a 10 foot gravel path on the east and north sides of the pile and asked for clarification in the Board intended to provide access on the western side which would be within the setback. Ms. Leahy also clarified that the Fire Chief had not asked for access all the way around the pile. Mr. White stated that he thought the Fire Chief was more concerned about emergency medical access and not fire access.

Mr. Kennedy noted that there are wetlands to the eastern side of the pile on the Medway Parcel.

Chairman Cole proposed that the Board specify that the storage shall be substantially located in accordance with the plan.

Mr. White stated that the markers should be permanent in the ground, something that would not move. Chairman Cole noted that the plan shows the stakes at 75 foot intervals. Mr. White wanted to see something permanent, like granite or curbing in addition to the stakes that they show on the plans – something that wouldn't move over time. Mr. White stated that their wooden stakes would supplement the permanent markers as visuals for the applicant.

Chairman Cole asked if the applicant would be going to Conservation Commission. Ms. Leahy clarified that they would not because they are staying out of Conservation Commission jurisdiction.

Chairman Cole stated that he saw no issue with the proposed conditions in the letter from the Conservation Agent, apart from condition "E," which was addressed by the Board.

Mr. Kennedy asked if there needed to be a finding regarding the frontage through Bellingham. Ms. Leahy stated that granting of the use variance would not imply access through Medway, but the Board could make a finding relative to the fact that the Medway parcel is used in conjunction with the Bellingham parcel, and that the lot meets the frontage requirement through Bellingham.

Chairman Cole suggested that the variance would only be valid so long as the Bellingham Parcel was used as a Contractor's Yard. Ms. Leahy noted that the Board should be careful about including a condition which references the use of the Bellingham Parcel as a Contractor's Yard, as any reader besides the Board may interpret the language as the Board attempting to grant something outside of their jurisdiction or authority. Chairman Cole was concerned that if there was a use other than a contractor's yard on the Bellingham Parcel that involved storage of materials on the Medway parcel, that they could potentially use the lot for storage other than the intended materials. Mr. Kennedy noted that the application has the proposed use as gravel storage. The Board determined that including the

limitation of the outdoor storage of gravel, specifically, would limit the Contractor's Yard use on the Medway parcel as to not exceed the intended granting of a variance.

Mr. Kennedy asked if a condition needed to be included for hours of operations or for complying with the Medway Zoning Bylaw Environmental Standards. Chairman Cole stated that he didn't believe they needed a condition because they need to comply with the regulations anyways.

Findings:

By a vote of 5-0-0:

1. The Board finds that the applicant demonstrated circumstances relating to soil conditions, shape, or topography of the subject parcel and especially affecting the subject parcel and not generally affecting the zoning district in which it is located, specifically that the applicant demonstrated that the location of the subject parcel adjacent the Bellingham town line and with road access only through Bellingham, renders the parcel essentially unusable except in conjunction with the Bellingham Parcel.
2. The Board finds that the use of the subject parcel as a Contractor's Yard would not represent a major deviation from the permitted uses of the subject parcel, having regard to the fact that a Contractor's Yard is permitted in other industrial districts in Medway; that a Contractor's Yard is a permitted use on the Bellingham parcel; that there are no residential units or commercial entities close enough to suffer disturbance from the proposed use as a Contractor's Yard; and that all adjacent uses appear sufficiently distant from the subject parcel not to suffer significant disturbance from use of the subject parcel as a Contractor's Yard.

Relief Granted:

By a vote of 5-0-0:

The Board Grants to the Applicant, Asphalt Engineering, LLC and Farm St. Property Management, a Variance from Section 5.4 Table 1 Section E of the Medway Zoning Bylaw to allow for a Contractor's Yard on the property located at 0-R Granite Street, subject to the following conditions:

1. Use of the Medway parcel shall be confined to the outdoor storage of gravel only and shall be confined to the area shown for that purpose on the plan, signed by the Board members;
2. Permanent markers shall be provided at grade level at no more than 75 foot intervals to delineate the boundaries of the piles;
3. The height of the storage piles shall not exceed 30 feet above grade;
4. A clear space of at least 15 feet wide shall be maintained along the eastern and northern edges of the pile to provide access, as shown on the plan signed by the Board Members;
5. Prior to construction, the applicant shall add erosion controls consisting of compost sock and trenched siltation fencing at the 100 foot buffer zone to the wetland resource;
6. The applicant shall have the surveyors stake the 100 foot buffer zone line prior to the installation of the erosion controls to ensure they are placed in the appropriate location;
7. The applicant shall provide a letter from a Professional Engineer stating that the erosion controls were in the appropriate locations along the 100 foot buffer zone or the applicant may authorize the Medway Conservation Agent to complete erosion control check prior to installation;
8. During construction, the applicant shall protect all portions of the constructed stormwater system from un-stabilized slopes and land. This may be achieved through the placement of compost socks at the end of all portions of the completed stormwater system;
9. The applicant shall be required that post-construction, a final As-Built for drainage grades and fire roads have been constructed per plan and this decision; and in addition, a letter from a professional engineer stating that during construction to the date of completion, there were no violations of any local and state laws as they pertain to this site;
10. Post-construction and after submission of above required letter, a site visit will be schedule with Medway Town Officials to verify the statements of the Engineer in the letter;

11. The applicant shall continue to maintain all stormwater management systems, noted in their Long Term Pollution Prevention Plan submitted to the Bellingham Conservation Commission, under Standard 3 of the MassDEP Stormwater Management Standards; and
12. There shall be no overnight parking of vehicles.

The Board took no action on the request for a Use Variance from Section 5.4 Table 1 Section E of the Medway Zoning Bylaw to allow for “the accessory ‘Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises,’ where the future building and business is on the adjoining Bellingham Parcel, although all is shown as one lot on one deed.”

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to MGL c. 40A, Section 17, within twenty (20) days after the date of filing this Decision with the Town Clerk.

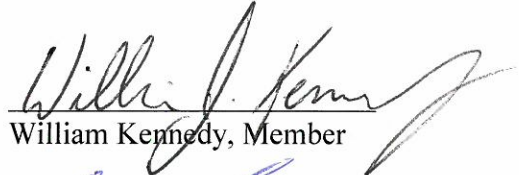
In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied, is recorded in the Norfolk County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.



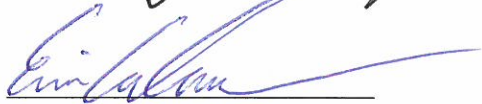
David J. Cole, Chairman



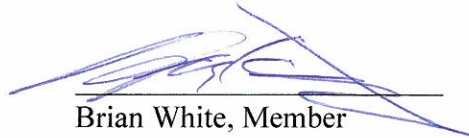
Carol Gould, Clerk



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