

# Middlesex South Registry of Deeds

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### Recording Information

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**Middlesex South Registry of Deeds**  
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CERTIFICATE OF CONSTRUCTIVE APPROVAL

On February 5, 2019, Anne Stone (the “Applicant”) filed applications for variances (the “Applications”), pursuant to G.L. c.40A, §10, concerning property located at 554 Boston Post Road, Sudbury, MA (the “Property”). The Applications are as follows:

<u>Application</u>	<u>Bylaw</u>	<u>Description</u>
Use Variance Application	2230, App. A: D-3	Allowing self-storage facility (Industrial D-3) in a Residential A-1 District
Variance Application	2210	Allowing more than one (1) principal structure on the Property

The Zoning Board of Appeals did not take final action on the Applications and did not file a decision with the Town Clerk concerning the Applications within the time required under G.L. c.40A, §15. Accordingly, on May 29, 2019, the Applicant filed with this office a Notice of Constructive Approval of the Applications. Thereafter, a timely appeal of the Notice of Constructive Approval was filed with the Massachusetts Land Court (19MISC000301). Said appeal has now been dismissed, and the constructive approval has therefore become final, subject to the agreed upon limitation that the variances shall not be exercised except in full conformance with the following approvals of the Sudbury Planning Board (“Planning Board Approvals”): (1) Site Plan Review Decision, filed with the Sudbury Town Clerk on September 27, 2019 and recorded in the Middlesex South Registry of Deeds at Book 73816, Page 145; (2) Stormwater Management Permit Decision, filed with the Sudbury Town Clerk on September 19, 2019 and recorded in the Middlesex South Registry of Deeds at Book 73818, Page 540; and (3) Water Resource Protection Overlay District Special Permit Decision, filed with the Sudbury Town Clerk on September 19, 2019 and recorded in the Middlesex South Registry of Deeds at Book 73816, Page 157. The Applicant, by recording this Certificate of Constructive Approval,

For Title, see Deed in Book 50662, Page 74

agrees on her behalf and on behalf of her agents, employees, successors and assigns to fully comply with the Site Plan Approval and all of the conditions set forth therein and to not seek to modify the Site Plan Approval except as may be necessary to comply with the requirements or conditions of other permits or approvals required for the project that is the subject of the Applications. By this Certificate of Constructive Approval, the Town of Sudbury acknowledges and agrees that nothing herein shall obligate the Applicant or her successors and assigns to proceed with construction of the project approved by the Site Plan Approval.

Accordingly, as Town Clerk of the Town of Sudbury, I hereby certify that, due to failure of the Zoning Board of Appeals to take timely final action on said Applications and failure to file a copy of its decision with the Town Clerk within the time required by G.L. c.40A, §15, that the Applications, as modified by the Site Plan Approval, shall be deemed approved, and the approval has become final.

Date: 12/19/2019

  
Sudbury Town Clerk

Agreed and accepted:

Date: 12/20/19

  
Anne Stone