

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 5, 2013**

The hearing was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Michele Shoemaker, Lee Heron (associate), Charles Barney (associate) and William Byron (associate).

Craig Brown – The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the petition filed by **Craig Brown, 5 Whispering Way, Stow** under Section 8.5.7.2 of the Zoning Bylaw, "Planned Conservation Development", for Variance of approximately five (5) feet from the requirement for a 50-ft. setback from open space to allow extension of a garage at said address. The property contains 25,936 sq. ft. and is shown on Stow Property Map R-25 as Parcel 2A-31.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Lee Heron (associate), Charles Barney (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 18 and 25, 2013. The hearing notice had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. Mr. Tarnuzzer recited the criteria to be met for grant of variance.

Mr. Brown was present and explained that he wishes to extend the existing garage by 8'6" toward the side lot line that abuts Wildlife Way. There is a narrow strip of land extending along Wildlife Way that is deemed to be "open space" of the Planned Conservation Development as approved by the Planning Board. Section 8.5.7.2 states that: "No building shall be located within 100 feet of an existing public way or within 50 feet of the boundary line of the PCD or the Open Land". The petitioner had considered another method of gaining the additional space at the rear of the dwelling. That was considered cost prohibitive as it would have involved alterations to the roof line. In addition, trees would have to be removed. The plan will include the addition of a mud room and relocation of the laundry. Mr. Brown presented photos of existing conditions.

Mr. Brown cited as hardship the size of the lot within the PCD with less space to lot lines, as opposed to the 1.5-acre lot size of the Zoning Bylaw, and the 50-ft. requirement from open space.

Questions were asked and answered. Mr. Byron questioned the hardship factor.

The hearing was closed at 7:50 p.m.

Following the close of the hearing, the members discussed the petition. It was decided a site visit was not necessary as sufficient information had been presented. Mr. Byron felt that a hardship had not been demonstrated.

Ms. Shoemaker moved to grant a variance of approximately five (5) feet from the requirement of a 50-ft. setback from open space to allow an 8'5" extension of the garage. Second by Mr. Heron. Members Tarnuzzer, Shoemaker, Barney and Heron voted in favor of the motion. Mr. Byron was opposed. The motion was carried by four out of the five members present to grant the requested variance.

Chapter 40B Guidelines – The Comprehensive Permit Policy Task Force had drafted an update of the policy dated December 18, 2002 and requested review and comments. The update had been requested by the Selectmen. The general feeling was that the guidelines were meant for prospective developers and not binding on the ZBA. The Board's feeling is it must consider whatever Chapter 40B application is put before it.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board