

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 1, 2014**

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Charles Barney, Michele Shoemaker, William Byron, Bruce Fletcher, Andrew DeMore (associate) and Ruth Sudduth (associate).

Denise Story-Kerble: At 7:30 p.m. a public hearing was held on the application for Special Permit and petition for Variance filed by **Denise Story-Kerble, 10 Fox Court, Stow** for property located at **41 Hale Road**. A Special Permit was sought under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to extend and alter a pre-existing 615-sq. ft. dwelling with a 2,800-sq. ft. dwelling. Variance was sought under Section 4.4, "Table of Dimensional Requirements", to accommodate the construction of a replacement dwelling at said address: easterly side yard variance of five (5) feet and rear yard variance of seven (7) feet. The property contains 57,634 sq. ft. and is shown on Stow Property Map U-5 as Parcel 8.

Board members present: Edmund Tarnuzzer, Charles Barney, Michele Shoemaker, William Byron, Bruce Fletcher.

Chairman Tarnuzzer read the notices of hearing as they had appeared in the *Beacon-Villager* on November 13 and November 20, 2014. The hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were present. Mr. Tarnuzzer recited the criteria to be met for grant of variance and special permit.

Eric Kerble and Denise Story-Kerble were present with Gregory Roy of Ducharme & Dillis Civil Design Group, who had prepared the plan, and with architect Elise Braceras Stone. Mr. Roy noted that the application and petition had previously been before the Board on September 8th. Three variance requests had been granted but the easterly side yard variance and the special permit had been denied without prejudice. Architectural plans of the proposed new structure had not been presented at that time. The existing footprint was shown on the plan with the easterly side yard limit to be retained. A proposed front porch will wrap around the left front corner of the dwelling and 21 feet from the property line. The rear yard variance request concerns a staircase off the end of the porch into the rear yard setback. The deck and porch do not encroach. The Board of Health has approved a septic system for four bedrooms, and the Conservation Commission has issued an Order of Conditions for work within the 100-ft. buffer zone to Lake Boon.

Mr. Tarnuzzer noted the front elevation of 32 feet from ground level to the ridge. There was a question of whether the retaining wall also requires variance. Mr. Roy advised the Building Inspector had indicated that a four-foot high wall does not require a variance. He added that the shape of the lot does not easily lend itself to the design of a modern dwelling. This is felt to be in keeping with the neighborhood.

The hearing was closed at 7:58 p.m.

Joshua & Marissa Jones: At 8:00 p.m. a public hearing was held on the application for Special permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow

addition of a second story to the existing 720-sq. ft. dwelling at **23 Bradley Lane**. The property contains 18,453 sq. ft. and is shown on Stow Property Map U-11 as Parcel 3.

Board members present: Edmund Tarnuzzer, Charles Barney, Michele Shoemaker, William Byron, Bruce Fletcher.

Chairman Tarnuzzer read the notice of hearing as it had appeared in the *Beacon-Villager* on November 13 and November 20, 2014. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Werner Fritz of 14 Bradley Lane was present. Mr. Tarnuzzer recited the criteria to be met for grant of special permit.

Mr. and Mrs. Jones presented photos of existing conditions and plans for the addition of a second story and internal renovations to the small Cape-style dwelling. The second story will add 858 sq. ft. The footprint will not change except for a small corner, but within the setback requirement. The height will be approximately 29 feet. The non-conformity concerns the size of the lot.

The hearing was closed at 8:10 p.m.

Richard & Ruby Bernklow: At 8:20 p.m. a public hearing was held on the application for Special Permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement of an existing 1,190 sq. ft. footprint dwelling with a proposed 2,140 sq. ft. footprint dwelling at **24 Old Bolton Road**. The property contains 48,000 sq. ft. and is shown on Stow Property Map R-3 as Parcel 14.

Board members present: Edmund Tarnuzzer, Charles Barney, William Byron, Andrew DeMore (associate), Ruth Sudduth (associate).

Chairman Tarnuzzer read the notice of hearing as it had appeared in the *Beacon Villager* on November 13 and November 20, 2014. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Miriam Karhumaa of 28 Old Bolton Road was present. Mr. Tarnuzzer recited the criteria to be met for grant of special permit.

Richard Bernklow was present with attorney Mark Burrell. The proposal is to remove the existing house with a 1,190 sq. ft. footprint and replace it with a modern colonial design dwelling of 2,140 sq. ft. The existing structure was described as a 1961 vintage cape in poor condition. All dimensional requirements will be met as relate to setbacks. The new dwelling will be 29 feet high. The topography and grade will remain the same. The proposed dwelling is similar to others in the neighborhood in terms of style and size. The cesspool will be replaced with new Title V septic system. The non-conformity concerns the size of the lot.

The hearing was closed at 8:35 p.m.

Town of Stow: At 8:45 p.m. a public hearing was held on the application for Special Permit under Section 7 of the Zoning Bylaw, "Parking Regulations", for relief from sub-sections 7.5.5, 7.7.3, 7.7.4.1, 7.7.5 and 7.7.7 concerning conversion of the former Pompositticut School to a Fire

Station and a Community Center at **511 Great Road**. The property contains 290,038 sq. ft. and is shown on Stow Property Map R-9 as Parcel 92.

Board members present: Edmund Tarnuzzer, Charles Barney, William Byron, Andrew DeMore (associate), Ruth Sudduth (associate).

Chairman Tarnuzzer read the notice of hearing as it had appeared in the *Beacon Villager* on November 13 and November 20, 2014. The hearing notice had been forwarded to all abutters by certified mail, return receipt. No abutters were present. Mr. Tarnuzzer recited the criteria to be met for grant of special permit.

The applicants were represented by DeVellis Zrein, land planning, and architect Kaffee Kang. Prior to Mr. Zrein's presentation, Mr. Tarnuzzer noted the receipt by the Board of a memo from the Planning Board concerning the application.

7.5.5 - Request to reduce the parking stalls from 18 feet to 17 feet, and drive aisles from 24 feet to 22 feet because of space limitations. Planning Board staff believes relief can be granted.

7.7.3 – Zoning Bylaw requires minimum 20-ft. interior driveways. Request to reduce to 18 feet with a 3'6" wide sidewalk to ensure access to the rear lot. The Planning Board felt the proposed turnout measuring approx. 30 feet should accommodate two vehicles and mitigate the reduction in width.

7.7.4.1 – Zoning Bylaw requires off-street parking be screened from adjacent lots with a 30-ft. wide opaque screen. Relief is requested along the northerly and easterly property lines. The Planning Board suggested mixed evergreens that are resistant to needle rusts, such as white fir or balsam fir, may provide better screening through four seasons and mitigate relief from the 30-ft. opaque screen.

7.7.5 – Relief is sought for 10% landscaping within off-street parking areas in the Fire Station parking lot. Planning Board commented that would provide the fewest obstructions for entering and exiting the apparatus.

7.7.7 – Parking lot illumination of more than 10,000 lumens. The Planning Board is the special permit granting authority per Section 3.8.1.5.2 and 9.2.1.

Vehicle overhang – Parking spaces along the pedestrian entrance to the fire station, as well as the southernmost face of the community center are lacking wheel stops to prevent vehicle overhang on adjacent sidewalk.

Mr. Zrein advised there will be 5,000 sq. ft. of impervious pavement to be added. There will be signage to direct people to the rear of the building. Noting the proposed plantings at the road edge, concern was expressed regarding the sight lines for exiting vehicles, especially fire apparatus. Ms. Kang suggested that lighting of the parking areas could be controlled with timers, perhaps in separate areas. That would be the decision of the Town. As to the lighting fixtures that will direct illumination downward, it is the decision of the Town as to brightness. There was

brief discussion concerning traffic control for exiting fire apparatus, perhaps through adaptation of the existing school zone lights.

The hearing was closed at 9:15 p.m.

Following conclusion of the hearings, the Board members met. It was determined site visits were not necessary. They proceeded to voting.

41 Hale Road: On motion of Ms. Shoemaker, second by Mr. Barney, it was voted unanimously by members Tarnuzzer, Barney, Shoemaker, Byron and Fletcher to grant the requested Special Permit and Variance.

23 Bradley Lane: On motion of Ms. Shoemaker, second by Mr. Byron, it was voted unanimously by members Tarnuzzer, Barney, Shoemaker, Byron and Fletcher to grant the requested Special Permit.

24 Old Bolton Road: On motion of Mr. DeMore, second by Mr. Barney, it was voted unanimously by members Tarnuzzer, Barney, Byron, DeMore and Sudduth to grant the requested Special Permit.

511 Great Road: On motion of Ms. Sudduth, second by Mr. DeMore, it was voted unanimously by members Tarnuzzer, Barney, Byron, DeMore and Sudduth to grant the requested Special Permit.

Adjournment: The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board