

MINUTES
ZONING BOARD OF APPEALS
JULY 7, 2014

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

Andrea & Gregory Kean: At 7:30 p.m. a public hearing was held on the petition filed under Section 8.5.7.1 of the Zoning Bylaw, "Planned Conservation Development", for side yard and rear yard variance of thirteen (13) feet to allow a shed seven (7) feet from the lot lines at **86 Dunster Drive**. The property contains 37,310 sq. ft. and is shown on Stow Property Map R-5 as Parcel 80-25.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 19 and 26, 2014. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Warren Jaworowicz of 92 Dunster Drive was present. Mr. Tarnuzzer recited the criteria to be met for grant of variance.

Andrea Kean represented the petitioners. The existing 10'x12' shed was placed on the lot in 2011 when they moved in. At that time it was said there was no requirement for a permit. After a survey, it was discovered that part of the garden had been inadvertently placed on the Jaworowicz property. The shed's current location is 12 feet from the rear lot line. The underground propane gas tank is located nearby. There are woods on three sides of the lot. The proposed new location for the shed will provide better access to the driveway. Ms. Kean noted the presence of ledge in the area that creates a bumpy topography with few level areas. Also, the garden will be relocated to about the same area.

The definitions of "structure" and "building" were discussed. Apparently the Building Inspector's interpretation is that a shed is a structure. The Board members felt that a shed not attached to the ground is not a structure and therefore not a building requiring a building permit. Ms. Kean reported that the Building Inspector had advised her that a variance and a building permit would be required, even though the shed will only be relocated.

Mr. Jaworowicz whose petition for variance had been denied earlier, entered the conversation. He will file a revised petition for variance concerning shed and generator locations. Ms. Kean commented that the PCD does not take into account the possibility of sheds or other additions. In the case of Dunster Drive, there is the added situation of underground propane gas tanks in addition to wells and septic fields.

The hearing was closed at 8:15 p.m.

Following the close of the hearing, there was brief discussion. On motion of Ms. Shoemaker, second by Mr. Fletcher, it was voted unanimously to grant the requested variance to allow relocation of the existing shed to be no closer than seven (7) feet from the property lines.

Douglas & Margarita Sweet: At 8:25 p.m. a public hearing was opened on the petition filed under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", for side yard variance of approx. seventeen (17) feet to allow construction of a covered porch at **54 Pine Point Road**. The property contains 0.24 acre and is shown on Stow Property Map U-1 as Parcel 15.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 19 and 26, 2014. The hearing notice had been forwarded to the applicants and all abutters by certified mail, return receipt. The applicants were not in attendance. Therefore, the hearing was adjourned at 8:30 p.m. to Monday, August 4, 2014 at 8:00 p.m. The petitioners were to be advised of the adjournment with the expectation they will be represented at the August meeting.

Adjournment: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board