

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 4, 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), Andrew DeMore (associate) and Bruce Fletcher (associate).

Warren & Sara Jaworowicz: At 7:30 p.m. a public hearing was held on the petition filed under Sections 8.5.7.1 and 8.5.7.2 of the Zoning Bylaw, "Planned Conservation Development", for side and rear yard variances of thirty-five (35) feet regarding a generator; rear yard variance of twenty (20) feet and side yard variance of five (5) feet regarding a shed at **92 Dunster Drive**. The property contains 36,546 sq. ft. and is shown on Stow Property Map R-5 as Parcel 80-26.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 17 and 24, 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 variance.

Planning Board member Mark Jones and Conservation Commission member Cortini Frecha were present.

Mr. Jaworowicz represented the petitioners. A petition for variance concerning placement of a generator and a shed had been heard by the Board in June, but denied without prejudice. The Board had felt there were alternate locations for the generator and shed that were not in close proximity to the lot lines shared with the open space of the PCD. The proposed 10'x14' shed will be placed 15 feet from the side property line shared with an abutter and 30 feet from the rear property line with the open space. The generator will be on the opposite side of the lot in approximately the same location as previously proposed but set back 15 feet from both the side line and rear line. A hardship exists due to the unusual shape of the lot, placement of the septic system and uneven ground because of rock outcrops.

A letter was received from the Conservation Commission that the changes from the first petition, to which it had objected, now has its approval. It was noted there would be landscaping around the generator to shield it from the open space.

Discussion ensued concerning the interpretation of "building" and "structure" as it relates to the shed. Mr. Tarnuzzer had visited the Planning Board office this day and was told the interpretation is that a structure houses things and is not necessarily attached to the ground. The Building Inspector, on the other hand, has deemed a shed to be a building requiring a building permit. The generator will be attached to the ground.

Mark Jones of the Planning Board did not feel a building permit was necessary for the generator. The response was that the Building Inspector deems it necessary and the ZBA will comply.

The hearing was closed at 7:45 p.m.

Following the close of the hearing, there was brief discussion. On motion of Mr. Barney, second by Ms. Shoemaker, it was voted unanimously to grant the requested variances to allow placement of the

shed 15 feet from the side property line and 30 feet from the rear property line, and to allow the generator to be set back 15 feet from both the side and rear property lines.

Douglas & Margarita Sweet: At 8:00 p.m. the public hearing adjourned from July 7th was reopened 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.

An examination of the abutter list prepared by the Assessors' office had revealed that the name of the direct abutter to the subject property had been omitted (Parcels 16 and 17A, Gumbert). Therefore, that abutter had not been notified by certified mail of the hearing that opened on July 7th. The Board determined that proper notice had not been performed. There is no alternative but to again continue the hearing until proper notice is made.

The petitioners were present and advised of this development. Additional information was presented to the Board. Lacking was information concerning the location of the house on the Gumbert property and its distance from the common lot line. Ms. Sweet was requested to obtain that for presentation at the adjourned hearing.

On motion of Mr. Shoemaker, second by Mr. Barney, it was voted to adjourn the hearing to be continued on September 8th.

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

Adjournment: The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board