

**MINUTE
ZONING BOARD OF APPEALS
SEPTEMBER 8, 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).

Douglas & Margarita Sweet: At 7:30 p.m. a public hearing adjourned from August 4th 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 originally 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. As was noted at the August 4th meeting, it was discovered that a direct abutter had not been notified. Since that date, a notice of hearing was forwarded to the abutters at 56 Pine Point Road, Bruce Gumbert and Linda DiGregorio, who were present. Notice of this continued hearing had also been forwarded to all abutters by regular mail. The applicants were present. Also present was Donald Hawkes, the Selectmen's liaison to the ZBA. Mr. Tarnuzzer recited the criteria to be met for grant of variance.

The proposed covered porch would be approximately eight feet from the side lot line at its closest point and attached to the entire side dimension of the dwelling. The property line is that shared with Gumbert/DiGregorio at 56 Pine Point Road that is a separate strip of land that appears to have previously been a narrow right of way to the Lake. The applicants did not have construction drawings of the proposed porch, however, Mr. Sweet advised an attempt will be made to tie the roof line in with the existing dwelling. Pencil drawings of the front and side views were submitted as well as photos of existing conditions. One photo showed the house on the abutting property.

The location of the septic tank and pump chamber were noted. Access to both will be maintained. The leach field is on the other side of Pine Point Road, as is common in that area. The members felt a site visit was required as it was difficult to determine existing conditions from the information present. A site visit was planned for Thursday, September 11th

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

Laurel Reynolds: At 7:50 p.m. a public hearing was held on the petition filed for variances under Section 4.3, "Area, Frontage, Yard, and Floor Area Requirements": 26-ft. rear yard and 6-ft. side yard variances for proposed deck; 6-ft. side yard variance for second deck; 13-ft. max.

side yard and 24.5-ft. max. front yard variances for stonewalls at **128 Barton Road**. The property contains 8,970 sq.ft. and is shown on Stow Property Map U-2 as Parcel 7.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 21 and August 28, 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. Ms. Reynolds was present with Thomas Dipersio of Thomas Land Associates who had prepared the plot plan.

The existing dwelling had been new construction that replaced a smaller structure. (Ms. Reynolds had been granted a special permit in that regard.) The proposed deck on the entire rear lakeside of the dwelling will be fourteen feet from the Lake at its nearest point. That deck and a second deck on the northerly side will be nineteen feet from the side lot line. The application had included requests for variances related to stonewalls. The members questioned the need for those and were advised the Building Inspector had required same. It is proposed to construct the rear deck on concrete piers that will allow access to the well site. The septic system is located near the roadside with the leach field on the opposite side of Barton Road on Reynolds property.

The members planned a site visit for Thursday, September 11th. The hearing was closed at 8:10 p.m.

Denise Story-Kerble: At 8:15 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 allow replacement of an 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: easterly side yard variance of thirteen (13) feet and westerly side yard variance of five (5) feet. Also, easterly and westerly side yard variance of fifteen (15) feet for a proposed garage. The property contains 57,634 sq. ft. and is shown on Stow Property Map U-5 as Parcel 8.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 21 and August 28, 2014. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Abutters present: Janet Orf, 52 North Shore Drive; Hazel Miller, 20 Hale Road; William and Pamela Fuller, 39 Hale Road. 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 prepared the plan. Mr. Kerble stated that the family has lived on Fox Court for eight years, like and visit the Lake and would wish to relocate there.

Mr. Roy noted the existing 615-sq. ft. structure to be replaced with another on a footprint of about double the size. The westerly property line would have a 12-ft. offset; the easterly a 35.5-ft. offset. The front yard would have a 41.8-ft. offset and the lakeside would have close to a 40-ft. offset. The proposed new dwelling would be 45' x 50'. An architect will be obtained to finalize plans. At this point it had not been determined if the new structure will be of colonial design or Cape Cod, but will include four bedrooms. A 12' x 24' deck on the rear will comply with rear yard setbacks. Mr. Roy said there is no place to construct a dwelling on this parcel without requesting setback variances. A proposed garage on the other side of Hale Road would have 20-ft. side yard offsets. (The plan showed the garage as being ten feet from side lot lines.)

A retaining wall less than four feet high may not be needed, depending on the final plans of the house. There could be a walk-out basement.

Mr. Tarnuzzer noted a difference between the submitted plan and that in the Assessors' office. The Assessors show a "C" Street that does not relate to the submitted plan. It is difficult to determine just where the property is situated. Mr. Roy attempted to locate Lot 8 on the Assessors' map. The traveled way is as shown on the submitted plan.

If the dwelling design is of colonial style, it would comply with the height restriction of 35 feet. It would be located 200 feet from the site of the septic system on the opposite side of Hale Road connected to a forced pumping system. Ms. Story-Kerble explained that the design has not been determined as they did not wish to expend money on plans until this procedure is completed. They will be appearing before the Conservation Commission and the Board of Health.

Mark Jones of the Planning Board inquired into the hardship issue. Mr. Roy pointed out the non-conformity and the shape of the property. Houses constructed today are of the size proposed with four bedrooms. It will be no larger than current standards.

A site visit was planned for Thursday, September 11th.

The hearing was closed at 8:55 p.m.

Adjournment: The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board