

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**JULY 11, 2005**

The meeting was held in Stow Town Building and began at 7:35 p.m. Board members present were Donald Hyde, Arthur Lowden, John Clayton, Edmund Tarnuzzer, Michele Shoemaker (associate), Lee Heron (associate) and William Byron (associate).

**Kevin & Alicia Kerr** – Board members Lowden, Clayton, Tarnuzzer, Heron and Byron discussed the application for special permit and petition for variance heard June 6th to allow the addition of a two-car garage with room above at **230 Hudson Road**. Mr. Tarnuzzer reported he had visited the Building Department and the Assessors' office to secure information about the property. It had originally been a single-story ranch house with a one-car garage and 887 square feet of living space. In 2002 the applicants had applied for and been granted a building permit to convert the structure into a two-story four-bedroom colonial with 2.5 baths and 2,089 sq. ft. of living space (Assessors' data). They are now seeking to add an additional 756 sq. ft. of living space, not including the 26-ft. x 24-ft. garage. Mr. Tarnuzzer estimated an increase in living space of 136% over the original dwelling.

Mr. Clayton felt the test of hardship had not been established as regards the room above. There could be justification for the garage, but not for the room. He cited Section 9.2.6.3 that requires a finding that the proposal is appropriate for the site, etc., and did not feel it met that test.

Mr. Lowden moved to deny the variance and special permit. Second by Mr. Clayton. Voted unanimously to deny.

**Kent & Debra Seith** – Board members Lowden, Clayton, Tarnuzzer, Heron and Byron discussed the application for special permit heard June 6th to allow the addition of a second story to the existing dwelling at **11 Hale Road**. The applicant is seeking to raise the roof by twelve feet to accommodate two bedrooms and to create attic space for storage. The Board noted that the previous owners, Jeffrey and Mary McGarry, had been granted a special permit dated September 12, 2003 to raise the roof by eight feet for the same purpose, but with no attic space. Mr. Tarnuzzer had discussed the matter with Town Counsel Jonathan Witten who advised that the special permit attaches to the property, and not to the applicant. Therefore, that permit granted the McGarrys is still in effect and may be extended. The applicant may submit revised plans, as long as they comply with the 2003 decision.

Mr. Lowden moved to deny the special permit for the reasons given. Second by Mr. Heron. Voted unanimously to deny.

**William & Donna Taylor** – Board members Lowden, Clayton, Tarnuzzer, Heron and Byron discussed the application for special permit heard June 6th to allow construction of a replacement dwelling with two-car garage at **33 Hale Road**. The members conducted a site visit on June 9th and found that the corners of the new construction had not been indicated as had been requested.

Mr. Tarnuzzer visited several days later and advised that staking had been accomplished. He did not feel there was diversion from the plan. On motion of Mr. Lowden, second by Mr. Clayton, it was voted unanimously to grant the special permit.

**William Caira** – The public hearing was held in Stow Town Building and was opened at 7:50 p.m. on the application for Special Permit filed by **William Caira, 76 Ball Hill Road, Berlin, Mass.** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to replace the existing dwelling at **147 Red Acre Road** with a new dwelling. The property contains 78,104 sq. ft. with 117-ft. frontage and is shown on Stow Property Map Sheet R-30 as Parcel 33.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23 and 30, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. Abutters present were David Cobb, 154 Red Acre Road; Catherine Morat, 153 Red Acre Road; Jean Zdanowicz, 22 Walnut Ridge Road; John Clayton, 15 Walnut Ridge Road; Wendy Braceland, 16 Walnut Ridge Road; Timothy Reed and Margaret Irwin, 137 Red Acre Road. The requirements for grant of special permit were recited.

Mr. Caira was not in attendance when the hearing opened but arrived at 8:00 p.m. He stated that it is proposed to remove the existing dwelling, currently owned by Mary Ellen Taranto, and to construct a new dwelling to be offered for sale. An inspection of the existing septic system has been conducted, and it will be the decision of the Board of Health whether a three or four-bedroom house may be constructed. The system had been updated in 1991 and includes two large leaching pits. The submitted plans include four bedrooms, the fourth being on the first floor. If not allowed, that space will be designated as office. There will be three levels, including attic space.

The square footage of the existing dwelling was said to be 1,300, and will be replaced with 3,300 square feet. The dwelling will be sited with side yard setbacks of 25.5 feet. The elevation above grade will be 33 feet as opposed to the existing 20 feet or so. There is a barn on the property that will be retained. Mr. Caira wishes the new dwelling to blend in with the neighborhood and will provide landscaping and plantings.

Timothy Reed of 137 Red Ace Road, an immediate abutter, asked if the current walk-out basement would be retained. Mr. Caira responded the intent was to keep the new structure as low as possible. Only 8" to 14" of foundation will be visible. It will be necessary to remove excess earth material that cannot be used on the lot. He was reminded that an earth removal permit from the Selectmen will be required.

David Cobb of 154 Red Acre Road asked if it was planned to replace the septic system. Records in the Board of Health office had been reviewed. The decision of that board will determine if there will be three bedrooms or four. Mr. Cobb expressed concern that the new structure may overwhelm the lot.

Wendy Braceland of 16 Walnut Ridge Road was hopeful that the rear of the lot will be cleaned up as there are fallen trees and debris. Mr. Caira replied there were plans to clean up. He intends to take a good look at the barn toward making repairs. The manure pile will be removed.

A site visit was planned for Friday, July 15th. Mr. Caira was requested to submit a revised plan of the rear of the proposed dwelling to eliminate a walk-out basement. Also, he was to submit a plan showing the proposed driveway location.

The hearing was closed at 8:25 p.m.

**Brian Walsh & Dorothy Sansevero** – The public hearing was held in Stow Town Building and was opened at 8:26 p.m. on the application for Special Permit filed by **Brian Walsh and Dorothy Sansevero, 35 Sudbury Road, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to add a 21' x 24'-8" family room to the existing dwelling at said address. The property contains 42,689 sq. ft. and is shown on Stow Property Map Sheet R-13 as Parcel 12.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23 and 30, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The requirements for grant of special permit were recited.

The applicants plan to add a single-story family room to the existing dwelling to meet the needs of the family with teenage children. The proposed addition will not encroach on side yard setbacks.

A site visit was planned for Friday, July 15th. The corners of the proposed structure are to be indicated.

The hearing was closed at 8:36 p.m.

**Thomas M. French** – The public hearing was held in Stow Town Building and was opened at 8:37 p.m. on the application for Special Permit filed by **Thomas M. French, 151 Barton Road, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to construct a two-bedroom dwelling on pre-existing **Lot 32 North Shore Drive**. The property contains 17,386 sq. ft. and is shown on Stow Property Map Sheet U-4 as Parcel 7.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23rd and 30th, 2005. Notice of hearing had been forwarded to all abutters by certified

mail, return receipt. Abutters present were Mr. and Mrs. Paul Stageman of 137 North Shore Drive. The requirements for grant of special permit were recited.

Mr. French proposes to construct a two-bedroom single-story bungalow style dwelling on the lot. The maximum footprint will be 40 feet by 60 feet. The septic system is approved for two bedrooms. He said that the surveyor had roughly located the house on the plan to conform with 25-foot side yard setbacks, so variances will be sought.

Mr. Tarnuzzer asked when the lot was created. Mr. French replied in the late 1940's. There was a letter from the Building Inspector advising his opinion that Lot 32 was a legal building lot. It had been part of the deed that included Lot 24 opposite North Shore Drive. "Because the deed had each parcel separate from each other by means of the 40-foot right of way or road, they are not considered contiguous lots with the deeded lot, therefore, these are separate lots and are considered as buildable lots."

Mr. Stageman questioned the reference to a 40-foot right of way. It was explained that there may be a 40-foot road layout but it is not necessarily reflected by the width of the paved surface.

Mr. Tarnuzzer asked if the lot had been taxed as "buildable". He intended to contact the Assessors' office for further information. Mr. French indicated there was a plan of the original subdivision.

A site visit was planned for Friday, July 15th.

The hearing was closed at 8:52 p.m.

**Laurence & Amanda Bennett** – The public hearing was held in Stow Town Building and was opened at 8:53 p.m. on the application for Special Permit filed by **Laurence W. and Amanda L. Bennett, 28 Crescent Street, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to replace an existing 11' x 12'-9" addition with new construction on the same footprint at said address. The property contains 99,752 sq. ft. with 138-ft. +/- frontage and is shown on Stow Property Map Sheet U-10 as Parcel 12.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23rd and 30th, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. Edward Deluca of 26 Crescent Street was present. The requirements for grant of special permit were recited.

The applicants were present and said it was planned to demolish the existing 11' x 12'-9" section of the existing house and replace with the same size, height and footprint. It is planned to install a proper foundation that does not now exist and that has been the cause of the structural failure.

A site visit was planned for Friday, July 15th.

The hearing was closed at 8:58 p.m.

**Brian McCarthy** – The public hearing was held in Stow Town Building and was opened at 8:59 p.m. on the application for Special Permit filed by **Brian McCarthy, 155 Crescent Street, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to add a second story and a Farmer's Porch to the existing dwelling at said address.. The property contains 40,892 sq. ft. and is shown on Stow Property Map Sheet U-11 as Parcel 23.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23rd and 30th, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The requirements for grant of special permit were recited.

The applicants said the existing dwelling has two bedrooms and one bath. It is proposed to add a second story to contain three bedrooms and two baths. The first floor will be remodeled to eliminate the bedrooms and include a family room and office. Mr. McCarthy said that a shed dormer will be added to the rear of the dwelling to accommodate the new space. The roofline at the front may be slightly adjusted to meet the dormer, but it will look much the same as now. Existing square footage is 1,008 to be expanded to 2,016. Existing height above grade is 18'-6" to expand to 26'-6". All work will be on the same footprint. The Farmer's Porch will be eight feet deep across the front of the dwelling.

A site visit was planned for Friday, July 15th.

The hearing was closed at 9:08 p.m.

**Mark & Kathleen Harnett** – The public hearing was held in Stow Town Building and was opened at 9:09 p.m. on the petition for variance filed by **Mark and Kathleen Harnett, 35 Heritage Lane, Stow** for side yard variance of six (6) feet under Section 8.5.7.1 of the Zoning Bylaw, "Planned Conversation Development", to allow a 42'-8" x 16'-2" covered porch addition to be fourteen (14) feet from the northerly lot line at said address. The property contains 40,623 sq. ft. and is shown on Stow Property Map Sheet R-29 as Parcel 85-8.

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

Mr. Hyde chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 23rd and 30th, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The criteria for grant of variance were recited.

Mrs. Harnett was present with contractor John Aucoin. Mr. Aucoin said there is presently a porch. It is proposed to modify it to wrap around the corner of the house to provide access to the rear yard. It is necessary to bring it out toward the lot line by an additional three feet due to the presence of a gas fireplace that protrudes from that side of the house. Therefore, the variance request. Mrs. Harnett said that access to the rear yard is desired in order to keep tabs on her children, six years old and younger.

A site visit was planned for Friday, July 15th.

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

**Site Visits** – The members planned site visits to the above on Friday, July 15th.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board