

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**JUNE 6, 2005**

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate) and William Byron (associate).

**Catherine & Glenn Hammill** – Members Lowden, Tarnuzzer, Heron and Byron discussed the application heard May 2nd for special permit to add a second story to the existing dwelling at **35 Hale Road**. There had been concern that the proposed expansion would exceed 100% of the square footage. Also, more information was sought about the proposed workshop extension. Those concerns were satisfied. The workshop will be a single level and fifteen feet high to include storage space. Mr. Tarnuzzer, who chaired the hearing, read from a draft decision. On motion of Mr. Heron, second by Mr. Lowden, it was voted unanimously to grant a special permit.

**Troy Brogan** – The public hearing was held in Stow Town Building and was opened at 7:45 p.m. to rehear the application filed by **Troy Brogan, 234 Windsor Avenue, Swampscott, Mass.** for Special Permit under Section 3.9.1 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement of a fire-damaged dwelling with a new dwelling on the same footprint at **13 Crescent Street**. *Rehearing is the result of an appeal of the Board's decision filed with the Town Clerk on January 14, 2005.* The property contains 10,890 sq. ft. and is shown on Stow Property Map Sheet U-10 as Parcel 2.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. Abutters present were Cathry Lodine, 11 Crescent Street and C. Anthony Todesco, 15 Crescent Street.

Mr. Tarnuzzer explained that, contrary to the Board's usual practice, a decision on the application will be made this evening. Abutter Todesco had appealed the original decision filed with the Town Clerk on January 14th. There were questions concerning restrictions 2 and 4 of the decision.

"2. The maximum height of the reconstructed rear ell, from average grade to roof peak, shall not exceed twenty-four (24) feet."

"4. The reconstruction and expansion shall substantially conform to the revised plans and renderings submitted to the Board and included in the public record."

Following the appeal filed February 3rd in Concord District Court, a meeting was held with the applicant and his attorney, Mr. Todesco and his attorney, Building Inspector Richard

Roggeveen and one Board member. There was agreement that if the language of the decision was changed, Mr. Todesco would withdraw the appeal.

The original maximum height from average grade to roof peak of the reconstructed rear ell shall now read "not to exceed fifteen (15) from existing grade to roof peak". The plans on file shall determine the criteria. This was considered a relatively minor change and all parties were in agreement. Town Counsel advised that a new hearing should be held rather than attempting to amend the original decision. Mr. Tarnuzzer read from a proposed redraft.

On motion of Mr. Clayton, second by Mr. Lowden, it was voted unanimously to grant a special permit as corrected.

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

**Leslie F. Wetherell** – The public hearing was held in Stow Town Building and was opened at 8:00 p.m. on the application for Special Permit and petition for Variance filed by **Leslie F. Wetherell, 16 Davis Road, Stow**. A special permit was sought under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement and enlargement of an existing deck at said address. A side yard variance of seventeen (17) feet was sought under Section 4.4, "Table of Dimensional Requirements", to allow the deck to be approximately eight (8) feet from the easterly lot line. The property contains 7,000 sq. ft. and is shown on Stow Property Map Sheet U-4 as Parcel 42.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notices of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The requirements for grant of special permit and criteria for grant of variance were recited.

Mrs. Wetherell was present with her daughter, Donna Rossi. Ms. Rossi explained that the existing deck is in need of replacement as it is very old. The current deck, running the width of the house at the lakeside, measures 8' x 60' and is too small to accommodate family gatherings. It is proposed to replace it with a deck 12' wide by 90'2" running toward the side lot line. Ms. Rossi said there is no usable back yard as the grade slopes toward the lake.

A site visit was planned for Thursday, June 9th. The applicant was to stake out the corners of the proposed new deck.

The hearing was closed at 8:13 p.m.

**Kevin G. & Alicia D. Kerr** – The public hearing was held in Stow Town Building and was opened at 8:15 p.m. on the application for Special Permit and petition for Variance filed by **Kevin G. and Alicia D. Kerr, 230 Hudson Road, Stow**. A special permit was sought under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow the addition

of a two-car garage with room above at said address. A side yard variance of four (4) feet was sought under Section 4.4, "Table of Dimensional Requirements", to allow the addition to be twenty-one (21) feet from the northerly lot line. The property contains 31,798 sq. ft. and is shown on Stow Property Map Sheet R-11 as Parcel 20.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notices of hearing had been forwarded to all abutters by certified mail, return receipt. Richard Bonczek of 217 Hudson Road was in attendance. The requirements for grant of special permit and criteria for grant of variance were recited.

Mr. and Mrs. Kerr were present. They propose a two-car garage to shelter their vehicles. At the same time, they would like to construct a family room above. The garage would be served by the existing driveway that is not planned to be changed. The height of the addition would match that of the existing dwelling. A kitchen area with sink would be installed in the family room but no bath. The new construction includes a six-foot wide mud room between the existing house and the new garage, and set back from the front line of the dwelling with a slightly lower roofline.

The applicants were asked to furnish the existing square footage and that with the addition. A site visit was planned for Thursday, June 9th. The corners of the proposed construction were to be staked out.

The hearing was closed at 8:28 p.m.

**Kent & Debra Seith** – The public hearing was held in Stow Town Building and was opened at 8:30 p.m. on the application filed by **Kent and Debra Seith, 11 Hale Road, Stow** for Special Permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow the addition of a second story to the existing dwelling at said address. The property contains 5,540 sq. ft. and is shown on Stow Property Map Sheet U-5 as parcel 32A-1.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. The requirements for grant of special permit were recited.

Mr. and Mrs. Seith were present. They propose to add a second story to the existing dwelling. Mr. Seith said that the former owners, the McGarrys, had been granted a special permit for a second story but with different plans. Their proposal is for a higher roofline. It is not proposed to go beyond the footprint. The porch at the front will be converted to a kitchen area. The current square footage is 1,400. The new square footage will be 2,600. The current

height of 19'5" will be expanded to 32 feet. The attic area would be used for storage and is not intended for living space.

Mr. Seith said they had met with a potential contractor who suggested a cantilevered second story. He questioned if that might be considered encroachment on the lot line. The Board suggested he consult with the Building Inspector in that regard. In any case, if it were proposed to divert from the plans filed with the Board, a new application would be required.

A site visit was planned for Thursday, June 9th.

The hearing was closed at 8:48 p.m.

**Aaron & Jacqueline Ondrey** – The public hearing was held in Stow Town Building and was opened at 8:49 p.m. on the application for Special Permit and petition for Variance filed by **Aaron and Jacqueline Ondrey, 84 Peabody Drive, Stow**. A special permit was sought under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow the addition of a Farmer's Porch to the existing dwelling at said address. Side yard variances of three (3) feet and four (4) feet were sought under Section 4.4, "Table of Dimensional Requirements", to allow the porch approximately 22 feet from the westerly lot line and approximately 21 feet from the northerly lot line. The property contains 23,976 sq. ft. and is shown on Stow Property Map Sheet R-6 as Parcel 131.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. The requirements for grant of special permit and criteria for grant of variance were recited.

Mr. and Mrs. Ondrey were present. They advised the proposed porch would project eight feet from the house on two sides. It would be supported by pilings with footings. Abutters on both sides of the lot were said to be in favor.

A site visit was planned for Thursday, June 9th. The applicants were asked to stake out the corners of the proposed porch.

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

**William R. & Donna C. Taylor** – The public hearing was held in Stow Town Building and was opened at 9:00 p.m. on the application filed by Mark Burrell, Esq., 282 Central Street, Acton, Mass. on behalf of **William R. and Donna C. Taylor** for Special Permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow construction of a replacement dwelling with two-car garage at **33 Hale Road**. The property contains 16,000 sq. ft. and is shown on Stow Property Map Sheet U-5 as Parcel 16.

Board members present: Arthur Lowden, John Clayton, Edmund Tarnuzzer, Lee Heron (associate), William Byron (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on May 19 and 26, 2005. Notice of hearing had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. The requirements for grant of special permit were recited.

Attorney Burrell and Mr. Taylor were present. It was noted that the Board had previously granted a variance and a special permit for construction of a two-car garage and additions to the then existing house. As that construction was about to begin, it was discovered that the house was beyond saving, so it was demolished. This special permit is sought for a replacement house on the same footprint with a two-car garage as previously approved and shown on the plan. Mr. Burrell said it would not be more detrimental to the neighborhood as there are other houses in the area with a garage.

The square footage of the original house was 1,464. The proposed new house will contain 3,601 square feet. The original ridge height from grade was 16'-5", and will be raised to 18'-5". The garage/storage ridge height from grade will be 20'-4". The space over the garage will contain a family room, but the main house will be one-story. There will be no basement.

A site visit was planned for Thursday, June 9th.

The hearing was closed at 9:14 p.m.

**Site Visits** – The members planned site visits to the subject properties on Thursday, June 9th beginning at 9:00 a.m.

**Adjournment** – The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Catherine A. Desmond  
Secretary to the Board