

**MINUTES
ZONING BOARD OF APPEALS
MARCH 6, 2006**

The meeting was held in Stow Town Building and began at 8:00 p.m. Board members present were Edmund Tarnuzzer, Donald Dwinells, Michele Shoemaker (associate), Lee Heron (associate) and William Byron (associate).

Donald P. & Lori L. Hawkes – The public hearing was held in Stow Town Building and was opened at 8:00 p.m. on the petition filed by **Donald P. and Lori L. Hawkes, 9 Dawes Road, Stow** for easterly side yard variance of sixteen (16) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow construction of a 16-ft. by 14-ft. addition nine (9) feet from the lot line at said address. The property contains 14, 100 sq. ft. and is shown on Stow Property Map U-6 as Parcel 5.

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

Ms. Shoemaker chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on February 16 and 23. Hearing notices had been forwarded to all abutters by certified mail, return receipt. Edward Fasulo of 7 Dawes Road was in attendance. Ms. Shoemaker recited the criteria to be met for grant of variance.

Mr. Hawkes was present and advised this is a rehearing of a petition for variance filed in 2004 for which the Board granted the side yard variance. The related decision granting the variance was filed with the Town Clerk on June 11, 2004. Thereafter, the petitioners encountered difficulty in obtaining the services of a contractor and were unable to exercise the variance within the one-year period allowed by General Law. They also failed to seek an extension of the variance prior to the one-year lapse. Mr. Hawkes explained that this petition is identical to the original with no deviation. A contractor has now been lined up, and he is hopeful the project will get under way prior to the expiration date of the companion special permit granted at the same time as the variance in June 2004.

Mr. Fasulo questioned the process as related to the effective dates of a variance and a special permit. He felt his view of Lake Boon would be obstructed by the proposed addition. It appeared there are personal issues between the parties, but which have nothing to do with the matter before the Board. Mr. Fasulo was reminded of that fact several times.

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

The hearing was closed at 8:20 p.m.

Meeting Commencement Time – At a prior meeting it had been suggested the members consider a change in the long-standing meeting commencement time of 8:00 p.m. On occasion meetings/hearings have begun at 7:30 p.m. when there are several matters before the Board. The consensus of those present was to change the monthly meeting start time to 7:30 p.m. The Town Clerk was to be notified.

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

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board