

**MINUTES  
ZONING BOARD OF APPEALS  
JUNE 8, 2006**

Board members met at Stow Town Building at 9:00 a.m. for the purpose of conducting a site visit to 13 Crescent Street that had been the subject of a public hearing on June 5th. Members present were Arthur Lowden, John Clayton, Edmund Tarnuzzer, Charles Barney (associate) and Lee Heron (associate).

**13 Crescent Street - Bruce Fletcher** - Due to the inclement weather and the fact that the members were quite familiar with the subject property, having visited it previously in connection with the Brogan applications, the meeting commenced within the Town Building. Mr. Fletcher joined the meeting. Members Lowden, Clayton, Tarnuzzer and Heron had participated in the hearing and discussed the application for special permit and petition for variances. It was felt the proposal to reconstruct a single-family dwelling with accessory apartment was in compliance with the intent and purpose of the Zoning Bylaw. On motion of Mr. Clayton, second by Mr. Lowden, it was voted unanimously by the four members to grant the special permit under Section 3.9, "Non-Conforming Uses and Structures", an easterly side yard variance of approximately twenty (20) feet and a westerly side yard variance of approximately eight (8) feet under Section 4.4, "Table of Dimensional Requirements".

**Robert & Caroline Collings** - All of the members discussed the Collings' application for special permit with regard to a perceived flood plain mapping error. It was acknowledged there is a unique situation in that the knoll upon which it is proposed to construct a single-family dwelling appears to be above the 100-year flood plain elevation, according to the FEMA *Flood Boundary and Floodway Map* dated August 1, 1979 for the National Flood Insurance Program. On the other hand, the *Flood Plains & Profiles* plan of the Corps of Engineers dated June 1966 shows the entire area within the flood plain. Access to the subject property would be within the flood plain and the Flood Plain/Wetlands District. In any event, the property lies within the Recreation-Conservation District, and dwellings are not permitted by the Zoning Bylaw. It is noted that the map and plan mentioned above were provided by the Conservation Commission, and not the applicant. It was felt incumbent upon the applicant to provide evidence of mapping error.

Confidential communications from Town Counsel Jon Witten were reviewed in which he summarized that grounds for not approving the application are that a residential use is not allowed within the underlying Recreation-Conservation District and that the applicant has not demonstrated that the mapping is inaccurate or incorrect. Based on that advice, Mr. Tarnuzzer had drafted a proposed decision to deny that he read aloud. Each member was given a copy for review and asked to submit comments, additions, etc. to him prior to the end of the month, after which a final draft will be forwarded to Town Counsel for review.

**Adjournment** - The meeting was adjourned at 10:08 a.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board