

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**AUGUST 7, 2006**

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

**William P. Conley** - The public hearing was held in Stow Town Building and was opened at 7:32 p.m. on the petition filed by **William P. Conley, 109 Barton Road, Stow** for rear yard variance of approximately twenty-five and one-half (25.5) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow construction of a 24-ft. by 28-ft. two-car garage with room above approximately 14.5 feet from the rear lot line at said address. The property contains 15,379 sq. ft. and is shown on Stow Property Map U-2 as Parcel 61.

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

Mr. Lowden chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 20 and July 27, 2006. Hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. Mr. Lowden recited the criteria to be met for grant of variance.

Mr. Conley was in attendance and presented a preliminary drawing of the proposed garage addition to the existing house. The addition will be attached to the existing sunroom/deck that is currently resting on 4"x4" posts. The area beneath is in disrepair and planned to be replaced with a proper foundation. Plans are incomplete at this time, however, that area may be enclosed and used for storage as an extension of the basement, but not living area. There are plans to make modifications to the existing house to eliminate the flat roof.

There is need for a garage to provide shelter for a truck, car, boat and tools. Mr. Conley said the proposed garage is as close to the front of the house and as small as possible for accommodation. The room above will consist of a master bedroom suite to add about 700 square feet and may become living space for Mr. Conley's mother. With this addition, the square footage of the house will increase from 1,176 square feet to approximately 1,900 square feet, about average for that area of the Lake. The septic system is about three years old and designed for three bedrooms.

The areas to the rear property line and to the right contain wetlands and are mostly owned by the Collings family. A Notice of Intent was submitted to the Conservation Commission and was heard last week. That hearing was continued to allow modification to the site plan.

Mr. Tarnuzzer asked the height of the addition with respect to the existing house. The response was the roof line will be level with the existing sunroom. The ridge will be 25 feet above ground and about five feet higher than the existing house.

A site visit was planned at a date to be determined.

The hearing was closed at 7:47 p.m.

**Richard & Marilou Bonetti** - The public hearing was held in Stow Town Building and was opened at 7:50 p.m. on the application filed by **Richard and Marilou Bonetti, 425 Taylor Road, Stow** for Special Permit under Section 3.9.6 of the Zoning Bylaw, "Changes of Use and Limitation on Intensity and Size of Use", to allow extension by 25% of a pre-existing, non-conforming use (contractor's yard) on portions of the property at said address. The property contains 111,510 sq. ft. and is shown on Stow Property Map R-6 as Parcel 115.

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

Mr. Lowden chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 20 and July 27, 2006. Hearing notices had been forwarded to all abutters by certified mail, return

receipt. Abutters in attendance: David Cannistraro, 431 Taylor Road; Zerzy Zieba, 413 Taylor Road; Arthur and Laurie Larson, 435 Taylor Road; Michael Taylor, 433 Taylor Road. Mr. Lowden recited the criteria to be met for grant of special permit under Chapter 40A and Section 9.2.6 of the Zoning Bylaw.

The applicants were in attendance and were represented by Attorney Edward Woll. He referred to the submitted site plan that showed the limits of the Bonetti property with notes indicating when certain portions were purchased, as well as various features. The applicant claims that the contractor yard is a grandfathered use, having been commenced in 1967. The rear portion where most of the contractor yard is confined was marked as having been purchased in 1981 from Cahill and McGloin. Mr. Woll noted this site was the subject of a prior proceeding before the Board what went to court and has been resolved. Use of the earth screener was upheld by the Board. The files of the Building Inspector were said to contain the history of the site. A history of motor vehicles involved in the operation over a period of five or six years was provided the Building Inspector. Mr. Woll stated that the intensity of the operation is less than it was when reviewed by the Building Inspector in 2002.

The request for special permit is related to the Appeal from Unfavorable Action and the letter of the Building Commissioner dated March 2, 2006, which hearing was opened on May 8th and continued to June 5th and this date. This request is made to clarify the existing situation. No new extension of the area used as a contractor's yard is proposed beyond that currently on the site and involves a portion of the property purchased after 1968. Mr. Woll said there would be no more effect on the neighborhood than two to four years ago. Neighbors to the rear cannot see this portion of the property. The number of vehicles is fewer than several years ago.

The Board noted that square footage dimensions were not indicated on the plan and questioned how a determination of the 25% value can be made. Mr. Tarnuzzer inquired into vehicle parking on Taylor Road. Mr. Woll replied there is no employee parking along the road, although he said there is a question of ownership as roadway relocation resulted in abandonment of a portion. There are no issues with regard to hours of operation. Operations are within the guidelines set by the Board in previous decision.

Abutter William Joss inquired into the number of vehicles to be parked on the property. Mr. Woll responded there will be no increase in the number of vehicles. A listing will be provided the Board. Mr. Joss asked if loam was being removed from the property. The response was it was not.

Abutter Arthur Larson read from a prepared statement that was then submitted to the Board. He noted that a 25% calculation to be based on the total number of square feet would intend to grandfather the entire lot including the house, pool area, etc. He did not believe the calculation should involve the entire 0.95 acres, only that being used for the business. Mr. Clayton responded that is the reason the Board has requested square footage dimensions. Mr. Larson continued his statement and objections.

Abutter Jerzy Zieba questioned that the business is grandfathered and did not believe there was documentation to support that.

Abutter David Cannistraro said he has observed the operation since moving next door in December 1979. He had no problem and felt it was an asset to the community. He did not believe there was a traffic or noise problem. Most of the activity is on the lot and cannot be seen by others.

Attorney Steven Graham, representing abutter Taylor, noted the cease and desist action before the Board that has been continued. A determination should be made as to the nature of the business which he did not believe has been established. He did not believe there was information as to activity on the property prior to 1966, nor to the extent of the non-conforming use. There was a drilling business on the site prior to 1967. There is no starting point.

Mr. Woll said there was a letter from Mr. Zieba in 2002 asking for zoning bylaw enforcement. Nothing was appealed to the Board on that issue, and it is over. The only issue was the screener. There was history of the yard submitted as part of that process. There is a large volume of material with regard to the number and types of vehicles. Mr. Graham did not agree and said there was nothing to take up because the only matter at that time was the screener. Mrs. Larson said her contacts with the Building

Inspector at the time resulted in statements that he could not comment as the matter was in litigation. Finally in March 2006, there was a response.

At this point, Mr. Clayton said the Board could take no action until there is information provided with regard to the dimensional figures requested earlier. On motion of Mr. Clayton, second by Mr. Heron, it was voted unanimously to continue the hearing to Monday, October 2, 2006 at a time to be determined.

At 8:45 p.m. the hearing was adjourned to October 2, 2006.

**Site Visit** - The Board scheduled a site visit to 109 Barton Road on Thursday, August 17th at 11:00 a.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board