

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 6, 2007**

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, Donald Dwinells and William Byron (associate).

Maureen Mara & William Scheid - The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the petition filed by **Maureen Mara and William Scheid, 61 Hiley Brook Road, Stow** for side yard setback variance of twenty-two (22) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow construction of a 12-ft. x 22-ft. shed three (3) feet from the lot line at said address. The property contains 4+ acres and is shown on Stow Property Map R-4 as Parcel 13.

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

Mr. Lowden chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 19 and 26, 2007. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Abutter Charles Barney of 60 Lantern Lane was in attendance. Mr. Lowden recited the criteria to be met for grant of variance.

Ms. Mara believed that the petition met the conditions for grant of variance. They had met with the Conservation Commission, and there was agreement that the only place for the shed on the property is as proposed due to the presence of a pond and wetlands. An Order of Conditions was said to have been issued by the Commission. The shed will be very close to the property line and the discontinued extension of Lantern Lane (formerly Route 117). There was the question of ownership of the discontinued way and if it had reverted to abutting property. The hardship is there is no other place for the shed. There are no abutters to the rear property line. The pavement of Lantern Lane ends approximately just before the proposed shed location. The area beyond is overgrown and virtually impassable.

The Board planned a site visit for Monday, August 13th. The petitioners were requested to indicate by stakes the location of the shed.

The hearing was closed at 7:43 p.m.

Kate Hogan - The public hearing was held in Stow Town Building and opened at 7:45 p.m. on the petition filed by **Kate Hogan, 36 Hastings Street, Stow** for side yard setback variance of four (4) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow construction of a 12-ft. x 12-ft. porch addition twenty-one (21) feet from the lot line at said address. The property contains 30,000 sq. ft. and is shown on Stow Property Map R-29 as Parcel 22.

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

Mr. Lowden chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 19 and 26, 2007. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Abutter William Garcia of 44 Hastings Street was in attendance. Mr. Lowden recited the criteria to be met for grant of variance.

Ms. Hogan explained that, due to the topography of the lot, there is need for a better means of access as it is difficult for those with medical problems to get into the house by the existing side yard steps. The screened porch with a graduated walkway leading to it will make access a lot easier. There is no overhang over the existing steps to protect those entering. The sideline encroachment will be about four feet or less. The porch will be single story. There are no structures immediately abutting the lot line.

Mr. Garcia, the immediate abutter, objected to the petition as he would prefer no building closer than allowed by the bylaw. He asked how it was proposed to carry out the construction. Ms. Hogan replied there will be some grading to create two levels for easier access. The well is located close to the property line. The Board reminded that the Board of Health will look into that situation.

Susan Vick, co-owner of the property, said she was the person having difficulty accessing the house. She pointed out the problem is due to the topography of the lot.

Mr. Byron asked if the porch footprint could be reduced to 12'x8' to avoid variance. Ms. Hogan responded that, because of the investment in the proposed construction, it is felt that 12'x12' is the proper size.

A site visit was planned for Monday, August 13th. Ms. Hogan was asked to indicate the corners of the proposed porch.

The hearing was closed at 8:03 p.m.

Assabet Water Company, Inc. - The public hearing was held in Stow Town Building and opened at 8:04 p.m. on the petition filed by **Assabet Water Company, Inc., Robert E. Maynard, President, 6 South Street, Grafton, Mass.** for variance under Section 3.9.6.1 of the Zoning Bylaw, "Non-Conforming Uses and Structures", and Section 4.4, "Table of Dimensional Requirements", to allow construction of a 250,000-gallon pedestal water storage reservoir **off Dunster Drive**, as replacement for two existing water storage tanks. The property contains 12,787 sq. ft. and is shown on Stow Property Map R-5 as Parcel 53A.

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

Mr. Lowden chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on July 19 and 26, 2007. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Abutters in attendance: Blake and Elizabeth Nelson, 38 Dunster Drive; William and Josephine Avery, 50 Dunster Drive; Mark Hahn, 35 Dunster Drive; Bruce Wheeler representing Habitech, developer of Derby Woods subdivision. Planning Board member Ernest Dodd was also present. Mr. Lowden recited the criteria to be met for grant of variance.

Robert Maynard noted there are several steps leading to the tank replacement. The installation of new water meters should be completed this week. The filtration plant is complete and has been inspected by the Conservation Commission. The last item is replacement of the water storage tank. The current two tanks are not high enough to provide required water pressure to customers and volume for fire protection. It is necessary to install a much higher tank. Mr. Maynard said the subject property is small but a good location for the new reservoir. Piping is there. To place it elsewhere will mean purchase of another piece of property plus additional expense for piping, etc. This location makes sense. An elevated storage tank at 90 feet high is a good fit. The 44-ft. diameter ball will be 32 feet above the pedestal to replace the two existing tanks. The current location has a zero setback at one corner and zero toward the

Avery property. Another location will cause higher rates for Harvard Acres customers. Mr. Maynard felt there would be no more detriment, although the tank will be higher than surrounding trees by about half way to the ball. A portion of the ball will be seen above the tree line. The ball will be painted a shade of blue to fit in with the color of the sky.

Mr. Lowden asked for an estimate of the cost of another site. Mr. Maynard did not offer a number. He said it would be necessary to connect to the existing system. If another site were on lower ground, the tank would have to be 40 to 60 feet higher for pressure. Mr. Tarnuzzer asked if he had been in contact with abutters to learn if there is the possibility of purchasing property to avoid variance. Mr. Maynard replied he had not explored that.

Mr. Lowden expressed concern with the construction phase. He did not see how the new tank could be brought into the area without encroachment on abutting properties. Mr. Maynard said it will be necessary to enter into easement agreements in that regard. There will be a stationary crane and another crane that will move about on the site. Mr. Tarnuzzer noted there will be welding and grinding associated with the installation. On the matter of ice fall protection, Mr. Maynard said it would probably melt and slide off.

Mr. Tarnuzzer said he would feel more comfortable if there were more land around the construction site. Mr. Clayton noted that once construction is complete there will probably be no problem, but construction will be disruptive. He asked how long that might take. Mr. Maynard said that from foundation to steelwork and up, it would be five months.

Mr. Tarnuzzer noted Mr. Maynard has not been in contact with abutting property owners about land encroachment or land purchase. He felt that was necessary because of the small size of the site, especially during construction. Mr. Maynard said that if additional property were purchased from neighbors there is still the objection to the height and the presence of a tank.

At this point, the suggestion was made that the hearing be continued until alternative avenues can be explored, perhaps to two weeks hence. Mr. Nelson asked that the hearing be continued to a date more than two weeks away.

Planning Board member Ernest Dodd acknowledged that construction will be disruptive. The Planning Board has granted and issued its decision for special permit regarding height. That board will decide every tree to be removed. He noted that the Derby Woods catch basin nearby will be cleared of trees and vegetation. This site will be more visual from the Avery property than from any other. There is need for this water improvement for the subdivision.

Mr. Avery said he had viewed a similar installation and did not wish to see this one. If the new tank could be set with a helicopter, that would be okay. It will be necessary to clear a much larger area, and there is not much buffer between his property and the site.

Mrs. Blake asked if there are other similar installations in the state. Mr. Maynard mentioned several others and said some are close to homes and other buildings and may have been installed as replacements.

On motion of Mr. Tarnuzzer, second by Mr. Clayton, it was voted unanimously to continue this hearing to Monday, August 20th at 7:30 p.m. Mr. Maynard is to contact neighboring property owners for possible land purchase. Bruce Wheeler of Habitech suggested a sitescope plan be generated to show the proposed tank site and surrounding vegetation. Mr. Maynard agreed to that.

The hearing was adjourned at 8:45 p.m. to continue on Monday, August 20th, 2007 at 7:30 p.m.

Adjournment - The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board