

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 13, 2007**

The members met at Stow Town Building at 9:00 a.m. for the purpose of conducting site visits to the locations that had been the subject of public hearings on August 6th. Members present were Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells and William Byron (associate).

61 Hiley Brook Road - Maureen Mara and William Scheid - The subject property fronts on both Hiley Brook Road and Lantern Lane. It was noted that the pavement of Lantern Lane terminates beyond the proposed site of the storage shed, and the former Route 117 (indicated as discontinued on the site plan) continues along westerly toward the E.T.&L. site. The petitioners had placed markers indicating the corners of the shed, but the property line could not be determined. A rail fence ran along the edge of the roadway.

36 Hastings Street - Kate Hogan - The petitioner had indicated the corners of the proposed 12-ft. by 12-ft. porch that is to access the side entrance. The topography of the property was noted. There is a set of steps from the driveway to another few steps to reach the upper level. It was not possible to see the abutting property of Mr. Garcia due to the amount of vegetation. Measurements were taken to help determine how a smaller dimension might fit in with the existing structure.

The members returned to the Town Building at 9:40 a.m.

Kate Hogan, 36 Hastings Street - The members questioned if the issue of hardship had been demonstrated. It was pointed out that a smaller porch, probably 12-ft. by 8-ft., could be constructed without encroachment into the side lot line setback and still provide adequate access to the side entrance. The Board noted it was not within its authority to provide design or offer alternatives.

Mr. Clayton moved to deny the requested four-foot side yard setback variance as hardship has not been demonstrated to the satisfaction of the Board, and there are other alternatives. Second by Mr. Tarnuzzer. The vote on the motion to deny was unanimous in favor.

Maureen Mara & William Scheid, 61 Hiley Brook Road - There was much discussion on the status of Lantern Lane, identified as "discontinued" on the petitioners' site plan. The Zoning Bylaw definition of "street" was reviewed. It was determined that the extent of existing pavement delineates the road. The remaining unpaved portion running westerly may be discontinued but not abandoned. There is a residence with a Lantern Lane address on the opposite side of the paved roadway from the subject property. There is also an undeveloped lot next to it, but it was said by Assessors' staff to be unbuildable. It appeared to the Board that the existing rail fence is not on the lot line but rather on the right of way layout.

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The Board determined that Lantern Lane is a town way, therefore, the property has frontage on two roads. The Zoning Bylaw requires two front yard setbacks of 30 feet. The petitioner requested a side yard setback variance of 22 feet from that 25-foot requirement. The Board now finds that a 27-foot front yard setback variance would be required.

Mr. Clayton moved to grant a 27-foot front yard setback variance to allow a shed to be placed three (3) feet from the lot line. Second by Mr. Tarnuzzer. The vote on the motion to grant was unanimous in favor.

A copy of the Conservation Commission's Order of Conditions had been obtained and was to be referenced in the Board's written decision. Mr. Tarnuzzer was to draft the decision for review and comment by members.

Membership Status - Mr. Clayton pointed out there has been no response to the Board's July 11th letter to the Selectmen requesting a change in membership status for members Donald Hyde and Michele Shoemaker: from regular to Associate for Mr. Hyde and from Associate to regular for Ms. Shoemaker. Both had been reappointed to five-year terms effective July 1st. A reminder was to be forwarded to the Selectmen.

Adjournment - The meeting was adjourned at 11:05 a.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board