

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 1, 2008**

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, Michele Shoemaker, Charles Barney (associate) and William Byron (associate).

Allen Warner - The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application for special permit filed by **Allen Warner, 5 Larch Road, Acton, Mass.** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow the addition of a 27.7-ft. x 12.5-ft. porch and deck to the existing dwelling at **105 Barton Road**. Also filed was a petition for front yard setback variance of approx. 18.5 feet under Section 4.4, "Table of Dimensional Requirements", to allow the addition approx. 11.5 feet from the lot line. The property contains 18,355 sq. ft. and is shown on Stow Property Map U-2 as Parcel 62.

Board members present: Arthur Lowden, Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate); William Byron (associate).

Mr. Lowden chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on November 13 and 20, 2008. The hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were present. Mr. Lowden recited the requirements for grant of special permit and criteria for grant of variance.

Mr. Warner was present with his wife. He explained that the property is owned by his daughter and son-in-law, Allison and Erik Treese, who spend the months of June through August there. The existing structure does not provide a place to enjoy the outdoors, especially in the evening. Lake Boon is on the opposite side of the road and there are adjacent wetlands which breed mosquitoes. The existing front entrance has a small deck with stairs to the ground. There is barely enough space for a chair. The proposed structure would not impede the view to the lake, nor that of motorists. The roofline would be an extension of that existing. The porch would be screened.

The members planned a site visit for Thursday, December 11th at 9:00 a.m. Mr. Warner was asked to stake the corners of the proposed structure.

The hearing was closed at 7:45 p.m.

Community Recreational Facility - The Board met with Robert Wilber, chair of the Community Preservation Committee, and members of the Recreation Commission. Those individuals had been appointed by the Selectmen to work out plans for development of the former Snow property off Old Bolton Road for a recreational facility. An application for special permit was heard by this Board on March 3, 2008, and the special permit was granted with certain conditions. One of the conditions was that site plan approval be sought from the Planning Board and be submitted to this board. Failure to comply would void the special permit on December 31, 2008. Members Clayton, Tarnuzzer, Shoemaker, Barney and Byron had participated in the hearing and decision.

The Planning Board opened its public hearing on September 23rd, continued to October 7th and closed on October 21st. The decision to grant site plan approval was filed with the Town Clerk on December 1st. That decision enumerates the Planning Board's findings, conditions and requires that certain modifications be made to the plan originally submitted. Mr. Wilber said that his group wishes to make sure that all steps have been met.

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Mr. Tarnuzzer noted that site plan approval had been granted by the Planning Board, and it was felt that decision was thorough. Mr. Clayton believed that the business of this board is complete.

Town Clerk Linda Hathaway was present and pointed out there is still the requirement of a revised plan to be submitted to the Planning Board prior to seeking bids for development of the property. Mr. Wilber was to contact the Planning Board toward completion of a modified plan. A copy of the modified plan was requested by this board.

Mr. Clayton noted there are a number of matters that have to be met during the course of construction over which this board has no jurisdiction. The Building Inspector will have the responsibility of making sure of compliance with the special permit and site plan approval.

Mr. Tarnuzzer stated that the Zoning Board of Appeals agrees that the conditions of its special permit decision have been met. All of the members voiced individual agreement.

Villages at Stow - Mr. Tarnuzzer reported there was nothing new to report as regards the request for the submittal of certain financial documents. He will keep the members apprised.

Adjournment - The meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board