

**MINUTES
ZONING BOARD OF APPEALS
DECEMBER 11, 2008**

The members met at Stow Town Building at 9:00 a.m. for the purpose of conducting a site visit to the property that was the subject of a public hearing on December 1, 2008. Members present at the Town Building were Arthur Lowden, Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate) and William Byron (associate).

105 Barton Road - Allen Warner - The members traveled to the property located just over the Lake Boon dam. The footprint of the proposed porch and deck had been delineated by string tied around stakes in the ground. As had been described by the applicant, the existing "deck" is no more than a platform from a sliding door. What could be considered the front of the structure is actually facing toward the right-hand side yard.

The members returned to the Town Building at 9:30 a.m. to discuss the findings. The plans submitted with the application were reviewed. The existing roofline will extend over the proposed screened porch for its 17-foot length. It appeared the 9-foot open deck will continue beyond the corner of the house for 3.5 feet to accommodate the stairway toward the road. It was stated at the hearing that the owners of the property, Allison and Erik Treese, are seasonal residents. Discussion ensued as to the hardship. It was supposed that the house had originally been constructed for year-around occupancy, and could very well be such with a subsequent owner. The proposed porch and deck are in keeping with the neighborhood. It was proposed that a favorable decision include the following condition: The proposed new construction shall remain as a screened porch with deck, and shall not be converted to permanent living space (closed in).

On motion of Mr. Tarnuzzer, second by Mr. Barney, it was voted unanimously to grant the requested front yard setback variance of approximately 18.5 feet under Section 4.4 of the Zoning Bylaw.

On motion of Mr. Tarnuzzer, second by Mr. Barney, it was voted unanimously to grant the requested Special Permit under Section 3.9.

The vote was unanimous that Mr. Tarnuzzer shall draft the decisions to be forwarded to all members for approval before preparation for filing with the Town Clerk.

109 Barton Road - William Conley - The members noted that the property adjacent had been granted a variance for a garage addition in 2006. It appeared to them that the newly constructed structure was in violation of the Board's decision filed in August 2006. A two-car garage had been constructed with two floors above, rather than the one-floor that had been approved. Mr. Tarnuzzer spoke with the Building Inspector who advised he had not visited the property since foundation approval, and had not been contacted for a rough inspection. The appearance of the property is that of two separate, but joined, dwellings rather than what the Board was led to believe would be a one-story extension of the existing dwelling. The Building Inspector indicated he would look into this.

Adjournment - The meeting adjourned at 10:25 a.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board