

**CHARLES & LESLIE BELL  
APPLICATION FOR SPECIAL PERMIT  
FEBRUARY 2, 2009**

The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application for special permit filed by **Charles and Leslie Bell, 3 Forest Road, Stow** under Section 3.2.2.5 of the Zoning Bylaw, "Residential District Uses", to allow use of an existing barn as a stable. The barn parcel contains 19,426 sq. ft. and is shown on Stow Property Map U-8 as Parcel 17-1 (owned by Fischer). The Bell property contains 69,559 sq. ft. and is shown on Stow Property Map U-8 as Parcel 24-2.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Richard Martin (associate), Charles Barney (associate), Bruce Fletcher (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on January 15 and 22, 2009. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Those abutters present were Peter and Lucy Previte of 11 Forest Road; Steven MacNeill of 15 Sudbury Road; Genevieve Kallos and Michael Karlskind of 458 Gleasondale Road. Also present were several neighbors in addition to Ernest Dodd of the Planning Board and Marcia Rising of the Board of Health. Mr. Tarnuzzer recited the requirements for grant of special permit.

Applicants Charles and Leslie Bell presented their application. The stable, owned by the Fischers of 6 Sudbury Road (who could not be present) is for the purpose of sheltering horses. The animals came to their attention and were rescued because they had little or no care on the farm where they were kept. Mrs. Bell had horses while growing up. The Board of Health was contacted for a stable license on the combined Bell and Fischer properties. As a result, they learned through the Building Inspector that a stable permit will be required. With development of the Forest Road subdivision there was a zoning change to residential use. The subject barn is not 100 feet from lot lines, as required by Section 3.2.2.5. The Fischer property on the opposite side of Sudbury Road is well over 150 feet away.

Mr. Bell did not believe there would be a detrimental effect on the neighborhood with the keeping of horses. The rear and lower level of the barn will be utilized for the horses. The rear of the structure cannot be seen from the road, but can be viewed from the Previte property. A border of trees to the rear conceals the barn from that direction. There have been many visitors to the horses and gifts and supplies have been given them. Favorable comments from neighbors have been received, and they feel they have support from the neighborhood. The barn had been part of a farm in the past. Mr. Bell commented that horses are consistent with the character of the town.

Mr. Martin asked how many horses would be stabled. Mr. Bell replied that the Board of Health license would permit three horses, but they intend to keep only one or two. The license is renewable annually.

Mr. Fletcher asked if it was intended to lease out stalls. Mr. Bell replied it is their intention to use the stable only for themselves. The property on which the barn stands was formerly owned by the Zettlers who sold to the Fischers. The barn lot was separated from the house lot by the Zettlers. The Bells do not plan alterations to the barn as there are two horse stalls existing with the possibility of creating more.

Ernest Dodd of the Planning Board referred to Section 3.2.2.5 of the Zoning Bylaw that requires a 100-ft. setback for a stable in the residential district. A memo had been received from the Planning Board in that regard that it was the opinion that a special permit could not be granted. Mr. Tarnuzzer advised he

had been in contact with Town Counsel Jon Witten this day, and it was his opinion that a special permit could be granted, however, the matter of setback would require variances with another public hearing. It was Mr. Witten's opinion that there is not a use variance in this case. Mr. Dodd indicated he would consult with Town Counsel. He commented that if the barn had been in continued use there would not be a question of non-conformity.

Favorable comments were heard from neighbors and abutters: Krista Bracci of 48 Forest Road; Michael Karlskind of 458 Gleasondale Road; Peter Previte of 11 Forest Road; Steven MacNeill of 15 Sudbury Road.

Marcia Rising of the Board of Health reported there had been an in-depth discussion with the Bells and it was agreed to grant a stable license. The requirements for manure management were met. The pre-existing barn has stalls. The license is temporary to be renewed in April. The barn is pre-existing and not a new structure. Ms. Rising noted that the stable regulations are fairly new and may have to be re-visited.

Mr. Tarnuzzer suggested this hearing be continued until a petition for variance is received. Mr. Fletcher moved to continue this hearing until March 2, 2009.

William Byron of 469 Gleasondale Road suggested it be made clear that the dimensions for variance are from the property lines of the barn lot itself or not from the combined property lines. Mr. Tarnuzzer clarified that the variances to be requested shall concern the barn lot and not the entire combined Bell and Fischer properties. Mr. Byron suggested the possibility of a shelter on the Bell property rather than using the barn. Mr. Bell responded it is difficult to comply with the 40,000 sq. ft. requirement of the Board of Health regulations. Per agreement with the Fischers, the stable license will not be transferable to another party. Ms. Shoemaker noted that a ZBA special permit runs with the land, while a stable license is renewable annually.

Mr. Fletcher's previous motion to continue this hearing to March 2, 2009 was seconded by Mr. Barney. The motion to continue the hearing was voted unanimously.

The hearing adjourned at 8:20 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board