

**CHARLES & LESLIE BELL  
APPLICATION FOR SPECIAL PERMIT  
PETITION FOR VARIANCE  
MARCH 2, 2009**

The public hearing continued from February 2, 2009 was held in Stow Town Building and opened at 7:35 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. Simultaneously the hearing was to consider the petition for variance from the 100-ft. setback requirement of Section 3.2.2.5 to allow use of the barn as a stable: front lot line 77 ft., easterly lot line 71.5 ft.; rear lot line 49.6 ft.; westerly lot line 60 ft. 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 continued to this date for the special permit as it had appeared in the *Beacon Villager* on January 15 and 22, 2009. He then read the notice of hearing for variance as it had appeared in the *Beacon Villager* on February 12 and 19, 2009. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Those abutters present were Sean Traverse, 21 Sudbury Road; Meagan MacNeill, 15 Sudbury Road; Michael and Sandra Delos-Santos, 452 Gleasondale Road; Rosario Rizzo, 18 Forest Road. Also present were Andrew and Eve Fischer of 6 Sudbury Road, owners of the barn parcel, and the applicants Charles and Leslie Bell. Mr. Tarnuzzer recited the requirements for grant of special permit and criteria for grant of variance.

Applicants Charles and Leslie Bell indicated there was nothing different from the prior hearing, except for the petition for variance. The stable, owned by the Fischers is for the purpose of sheltering horses. The animals were owned by friends who were losing their Vermont farm. They had no care so the Bells took them in. They have a license from the Board of Health to keep three horses, but have only two.

Mr. Bell stated that the barn lot owned by the Fischers is unique. It was created from a larger parcel, the remainder of which is that on which the Bell residence is located. A 100-ft. circle does not affect any other property, except for Sudbury Road that separates the Fischer residence portion of the parcel at 6 Sudbury Road from the barn portion. The barn is 200 years old, and it does not make sense to move it. It needs no improvement and is already divided inside having at one time housed cows. There have been favorable comments from neighbors. Access to the lower level would be from the rear of the barn as the land drops off away from Sudbury Road. There is currently a tree barrier for Gleasondale Road neighbors.

Mr. Tarnuzzer asked if there is fencing. Mr. Bell responded there is a small paddock closer to their residence with rail fencing. There is a plan to install electric fencing to the rear of the property where the corral is located, but three-rail fencing along the road and elsewhere.

Mr. Bell explained there is an arrangement with the Fischers to use the barn as a stable. If ownership changes, the Bells will lose their license from the Board of Health. If they could no longer use the barn, they could apply for a license to use thier portion of the land that is around the barn for keeping horses. There are two separate parcels as regards the Board of Health. Mr. Barney asked if there would be restrictions as to the barn if the Fischers decided to sell. Mr. Bell said there would be no obligation to

continue to allow the Bells to use the barn. Mr. Fletcher asked if the Board of Health permit requires shelter for the horses. Mr. Bell replied there is nothing specific in the regulations.

Sandra Delos-Santos of 452 Gleasondale Road said she lives on the lot adjacent to the southerly side of the Bell property, and her deck would be only twelve feet from where horses would graze. She was concerned about the possibility of flies and the odor of manure that would interfere with enjoyment of her small backyard. Mrs. Bell responded that she cleans up two or three time a day. She grew up with horses and did not expect that flies would be a problem. Additionally, there are Board of Health requirements that are to be met for manure management. Mr. Fletcher noted that the zoning bylaw regulates setbacks for the barn but not for horses. Mrs. Bell said the horses would be kept in the corral most of the day and allowed in the pasture perhaps an hour a day. They are working with the Conservation Commission and had removed invasive species from that area to create a pasture.

Sean Traverse of 21 Sudbury Road did not believe there would be complaints to the Board of Health as the Bells are good neighbors. Meagan MacNeill of 15 Sudbury Road spoke favorably of the Bells' maintenance. Rosario Rizzo of 18 Forest Road was in support and noted there is a management plan.

Mr. Tarnuizzer asked if the members felt that a site visit was in order. All of the members were familiar with the properties and did not feel a visit was necessary.

Mr. Tarnuizzer declared the hearings on the application for special permit and petition for variance closed at 8:20 p.m. It was planned to meet on Thursday, March 12, 2009 at 9:00 a.m. to discuss and vote on the matters.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board