

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**JULY 6, 2009**

**John & Judy McMahon** - The public hearing was held in Stow Town Building and opened at 7:35 p.m. on the application for special permit filed by **John and Judy McMahon, 249 Dutton Road, Sudbury, Mass.** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow construction of a 24-ft. by 28-ft. garage at **84 Pine Point Road**. Also filed was a petition for the following variances related to the garage: front yard of fifteen (15) feet, easterly side yard of ten (10) feet and rear yard of four (4) feet under Section 4.4, "Table of Dimensional Requirements". A westerly side yard setback variance of sixteen (16) feet was sought to allow expansion of an existing deck on the dwelling. The property contains 10,541 sq. ft. and is shown on Stow Property Map U-1 as Parcel 32. The property is identified as "Lot 31" on the plan.

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

Mr. Byron chaired and noted that only four out of the required five board members were present and offered the applicant the option of continuing or postponing to another date. Mr. McMahon wished to continue.

Mr. Byron read the notices of hearing as they had appeared in the *Beacon Villager* on June 18 and 25, 2009. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Lewis Halprin of 82 Pine Point Road and Michael Gross of 88 Pine Point Road, both direct abutters, were in attendance. Stephen Poole of Inland Survey represented the applicant who was present with a building contractor. Mr. Byron recited the criteria to be met for grant of variance and the requirements for special permit.

Mr. Poole said the subject property consists of two separate lots that are bisected by Pine Point Road. The dwelling is on the Lake Boon side, while the now vacant lot, except for a shed, is opposite where it is planned to construct a garage. As regards the deck, it is proposed to expand that existing to the extent of the patio. Mr. Poole did not feel that would have a detrimental impact on the neighbors as the patio is already nine feet from the lot line. It is not possible to expand the deck toward the lake because of the "no disturbance zone" setback limitations. The existing deck is 28 feet by 6 feet and not very useable. The entry to the house will be reconstructed, perhaps with two steps off the corner of the new deck.

The 24-ft. by 28-ft. garage to be constructed opposite will be of similar construction as that on the abutting Gross property, but not at the same orientation. It will allow the owners to store cars and boats away from the side of the road. There is an attempt to leave the same front line setback as that on neighboring properties. The garage will have two bays with a 15-ft. by 23-ft. loft above. The drawing showed two roof dormers, one larger than the other with a note that they are optional, although the contractor felt they would add character. There will be electricity but no plumbing. The location of the garage is such so as to be at least ten feet away from the septic system. The elevation of the structure will be 18 feet.

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Lewis Halprin was concerned about the appearance of the garage and said he was satisfied after seeing the drawings. There was no objection to the setback from the shared side lot line.

Michael Gross was opposed to the deck expansion as being too close to that side of his property and living room. He felt the expanded deck would become living space and take away from the privacy of his home. It was noted there is a fence on the common lot line. He had no objection to the garage.

The Board planned a site visit on Thursday, July 9th. The hearing was closed at 8:15 p.m.

**Daniel Nicholson & Julie Siftar** - The public hearing was held in Stow Town Building and was opened at 8:16 p.m. on the petition filed by **Duncan Thorne**, 227 Harvard Road, Stow on behalf of **Daniel Nicholson and Julie Siftar, 281 Sudbury Road** for special permit under Section 3.9 of the Zoning Bylaw to allow expansion of the existing dwelling at said address. The property contains 31,798 sq. ft. and is shown on Stow Property Map U-3 as Parcel 18.

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

Mr. Byron chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on June 18 and 25, 2009. The hearing notice had been forwarded to all abutter by certified mail, return receipt. No abutters were in attendance. Mr. Byron recited the requirements to be met for grant of special permit.

Mr. Thorne, a designer-builder, represented the applicants. It is proposed to add two new rooms to the existing dwelling that was described as small. That on the easterly side designated as a studio will contain 458 sq. ft. A sunroom on the westerly side will contain 231 sq. ft. Existing square footage was reported as 1,320, and the new total will be 2,010 sq. ft. The new construction will not encroach on lot line setbacks. An existing wrap-around porch will be removed and replaced with a new porch on the lake side.

A site visit was planned for Thursday, July 9th. The hearing was closed at 8:35 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board