

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 14, 2009

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Arthur Lowden, Edmund Tarnuzzer, Charles Barney (associate), William Byron (associate) and Bruce Fletcher (associate).

Erik Haugsjaa - The public hearing was held in Stow Town Building and was opened at 7:35 p.m. on the application filed by **Erik Haugsjaa, 21 Davis Road, Stow** on behalf of **Haugsjaa Family Living Trust** for special permit under Section 3.9.1 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow construction of a two-bedroom dwelling on **Lot 33 North Shore Drive**. The property contains 21,053 sq. ft. and is shown on Stow Property Map U-4 as Parcel 6.

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

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on August 27 and September 3, 2009. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Greg Meeker of 151 North Shore Drive was in attendance. Mr. Tarnuzzer recited the requirements to be met for grant of special permit.

Mr. Haugsjaa was present and stated that Lot 33 was in separate ownership before the zoning bylaw change in 1954 as was documented by a title search going back to 1946 when it was owned by Albert and Alina Hendrickson. It was transferred to Philip and Bernadine Rich in 1953. At that time the lot was in conformance with the zoning bylaw of 1949. Lots within 1,000 feet of the shore line of Lake Boon were within "A" District and required no less than 7,500 square feet of land with front and rear setbacks of 30 feet, side yard setback of 20 feet and no street frontage requirement. The zoning bylaw was amended in 1954 to require not less than 40,000 square feet of area and 150-foot street frontage. The title search listed several transfers of ownership to 2007 for the Haugsjaa Family Living Trust.

Mr. Haugsjaa advised Building Inspector Craig Martin had directed him to the Board of Appeals. The lot had been in common ownership with another that was sold in 1952 (Lot 34). He had provided Mr. Martin with the same information as included with the application. All setback requirements will be met.

Mr. Lowden questioned the need for special permit as the lot appears to be pre-existing, non-conforming and in separate ownership. Mr. Tarnuzzer was to contact Mr. Martin to discuss the matter.

Abutter Greg Meeker related that he was told by a former building inspector and Assessors' office personnel in 2004 that the lot he wished to purchase was unbuildable. Therefore, he purchased an adjoining lot to enable the construction of a three-bedroom dwelling. It was unclear which of the two lots, 34 and 35, he initially wished to purchase. He questioned how lot 33 could be buildable. The Board could not provide an answer without knowing the history of both lots.

The Board planned a site visit for Friday, September 18, 2009 at 9:15 a.m. The hearing was closed at 8:10 p.m.

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New Members - The Board met with Ruth K. Sudduth and Andrew J. DeMore who were applicants for the two Associate vacancies. Ms. Sudduth had been appointed by the Selectmen to fill the vacancy until July 2012 caused by the passing in April of Donald Hyde. Since the last meeting of the Board in July, Richard Martin had submitted his resignation as Associate. Mr. DeMore had applied to fill that unexpired vacancy until July 2013, and expected to be appointed by the Selectmen on September 15th. Ms. Sudduth had previously been a member of the Planning Board. Mr. DeMore is a long-time resident of Stow, and this is his first venture into town government. Both were welcomed aboard.

Information was that Donald (Gene) Dwinells will soon submit his resignation as a regular member. It has been the custom of the Board to request the Selectmen elevate an Associate to serve in that capacity.

Adjournment - The meeting was adjourned at 8:25 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board