

**MINUTES  
ZONING BOARD OF APPEALS  
APRIL 8, 2010**

The members met at Stow Town Building at 9:00 a.m. for the purpose of conducting site visits to the properties that had been the subject of public hearings on April 5, 2010. Following return to the Building, the members would discuss the findings of those visits and also discuss the others matters heard on April 5th.

**9 Assabet Street - Christopher & Jennifer Rodstrom** - The members found that the corners and extent of the proposed replacement family room had been indicated by stakes. The property slopes upward from Assabet Street. It will be necessary to remove a good amount of earth material to accommodate the family room with garage under and the new driveway.

**21 Hale Road - Michael & Vimala Latz** - Mr. Latz joined the members for a tour of the property. He had indicated the corners of the proposed sunroom. Excavation for the proposed deck had begun before it was learned that applications before this board would be necessary. The parcel is larger than most around the Lake.

The members returned to Town Building at 10:00 a.m. for discussion.

**21 Hale Road** - It was noted that although not delineated in the petition for variance, the directional indicated as "easterly rear yard setback variance of seventeen (17) feet" should have read "westerly rear yard setback variance of seventeen (17) feet".

Mr. Tarnuzzer moved to grant the requested special permit for sunroom and deck addition. Second by Mr. Barney. All were in favor of grant of special permit.

The proposed sunroom and deck additions were felt to be in keeping with the neighborhood. The westerly side of the deck will be no closer to the lot line than the existing dwelling. Mr. Tarnuzzer moved to grant the requested variances: westerly rear yard of 17 feet and southerly side yard of seven (7) feet for the 12-ft. x 34-ft. deck; and northerly side yard of six (6) feet for the 20-ft. x 24-ft. sunroom. Second by Mr. Barney. All were in favor of grant of variance.

**9 Assabet Street** - The Board took no action on the petition for variance as that hearing had been continued to May 10th when it was expected that a companion application for special permit would be filed. The members, however, had no objection to the proposal for sunroom replacement and expansion with new garage under.

**Stow Elementary School Building Committee** - The members discussed the several petitions for variance heard on April 5th regarding addition and renovation of Center School. Also discussed was the application for special permit heard March 1st and continued to April 5th.

**Special Permit under Section 5.1.1.7, "Flood Plain/Wetlands District"**, to allow construction of a building within said district: A memo from the Conservation Commission indicated it had no major issues with regard to the drainage and maintenance as proposed. In its Order of Resource Area Delineation, the Commission wrote, "The Floodplain/Wetland District line does not depict area subject to jurisdiction by the Stow Conservation Commission and is shown for information purposes only." Based on information made available to the Board, there appears to be a mapping error. It was noted that the FEMA flood plain maps were or are being updated.

Mr. Tarnuzzer moved to grant a special permit under Section 5.1.1.7 to allow construction of a building within the Flood Plain/Wetlands District in connection with addition and renovation of Center School. Second by Mr. DeMore. All were in favor of the motion.

**Special Permit under Section 7.2.3.1, "Parking Regulations"**, to allow a reduction of 49 parking spaces from the 149-space requirement:

Mr. Tarnuzzer moved to grant a special permit under Section 7.2.3.1 to allow a reduction of 49 parking spaces from the 149-space requirement. Second by Mr. Barney. All were in favor of the motion.

**Variance under Section 7.3, "Minimum Parking Requirements"**, to allow a reduction of 49 parking spaces from the 149-space requirement: Mr. Tarnuzzer moved to grant a variance under Section 7.3, "Minimum Parking Requirements", to allow a reduction of 49 parking spaces from the 149-space requirement. Second by Mr. DeMore. All were in favor of the motion.

**Variance under Section 3.8.1.3, "General Use Regulations"**, to allow noise generation that exceeds allowable sound pressure limits during nighttime hours: Mr. Tarnuzzer moved to grant a variance to allow noise generation to exceed the sound pressure limits during nighttime hours by ten (10) decibels over ambient. Second by Mr. Barney. All were in favor of the motion.

**Variance under Section 6.3.3.1, "Signs"**, to allow a sign at Great Road exceeding five (5) square feet and a sign at Hartley Road exceeding three (3) square feet: The applicant proposed an approximately 32 sq. ft. sign at Great Road and an approximately 24 sq. ft. sign at Hartley Road. The members felt signs of those sizes were excessive. Mr. Tarnuzzer moved to grant a variance with the condition that the sign at Great Road not exceed 28 sq. ft. and the sign at Hartley Road not exceed 12 sq. ft. Second by Mr. DeMore. All were in favor of the motion.

**Variance under Section 7.7, "Off-Street Parking and Loading Area Design Requirements - Landscaping"**, to allow reduction of perimeter landscaping around parking areas and buffer areas: The members were in agreement that snow removal and storage would be impacted and that there were public safety concerns with certain landscape plantings. Mr. Tarnuzzer moved to grant the variance in conformance with descriptions presented in the March 9th petition. Second by Mr. Barney. All were in favor of the motion.

Mr. Tarnuzzer was designated to draft decisions in accordance with the votes taken at this meeting for comment and approval of the members.

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board