

MINUTES
ZONING BOARD OF APPEALS
JULY 12, 2010

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), William Byron (associate) and Lee Heron (associate).

Lee & Debra McNeil - The public hearing was held in Stow Town Building and opened at 7:32 p.m. on the application for Special Permit filed by **Lee T. and Debra McNeil, 150 Barton Road, Stow** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement of the existing garage at said address. Also filed was a petition for variance under Section 4.3, "Area, Frontage, Yard, and Floor Area Requirements", and Section 4.4, "Table of Dimensional Requirements", for northerly side yard variance of sixteen (16) feet and front yard setback variance of ten (10) feet. The property contains 8,300 sq. ft. and is shown on Stow Property Map U-2 as Parcel 13.

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

Mr. Byron chaired and read the notices of hearing as they had appeared in the *Beacon-Villager* on June 24 and July 1, 2010. The hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. Mr. Byron recited the criteria to be met for grant of variance and requirements for special permit.

Mr. McNeil explained that the property contains a single-family dwelling with an existing garage that is in poor condition. The existing structure is 10'x18' to be replaced by one 16'x26' to accommodate one car and storage. The proposed garage will be set on a concrete foundation, will be 13'to 15' high, and will be consistent with others in the neighborhood. The front corner of the new structure will be the same distance from the lot line as that existing.

Mr. Tarnuzzer asked why it was not proposed that the garage be constructed closer to the house. Mr. McNeil replied that he would like to retain as much yard area as possible. There will be no plumbing or heating, but there will be electrical power for lighting and a garage door operator. There will be a new paved drive from the road to the garage.

The Board planned a site visit for Friday, July 16th. Mr. McNeil was requested to indicate in some manner the corner of the proposed garage for which the variance is sought.

The hearing was closed at 7:55 p.m.

Edward Cataldo - The public hearing was held in Stow Town Building and was opened at 7:56 p.m. on the petition filed by **Edward Cataldo, 507 Taylor Road, Stow** for variance under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", for northerly side yard setback variance of approximately 19.6 feet to allow construction of a 24' x 24' two-story garage

approximately 5.4 feet from the lot line at said address. The property contains 40,300 sq. ft. and is shown on Stow Property Map R-6 as Parcel 106.

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

Mr. Byron chaired and read the notice of hearing as it had appeared in the *Beacon-Villager* on June 24 and July 1, 2010. The hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. Mr. Byron recited the criteria to be met for grant of variance.

Edward and Ellen Cataldo were present. They have lived at the address for 40 years and have wanted to build a garage, but without need for variance. They explained that the previous owner of the abutting property had at one time offered to sell them some land, but passed away before that could be accomplished. The current owner, Habitech, declined to sell as development of the property was desired. The plan showed a 22-ft. strip with an easement between the side lot line and that of the nearest dwelling. The proposed garage will be 25.4 feet from that house, but only five feet from the side property line. A metal storage container is presently at the site of the proposed garage as there is limited space for storage in the small basement and attic of the house.

The two-story garage will have electrical power but no plumbing. It will be 15 feet away from the house to enable access to the fuel oil fill and a propane gas tank at the rear. There will be a full shed dormer at the rear of the new structure and two dormers at the front to match the architecture of the house. The ridge line will be the same as the house. The intent is to create as much storage as possible and to remove the metal container. Ms. Cataldo said that the property remaining from the Habitech development may be deeded to the Town or to an owners' association as the Planning Board did not approve construction to the rear.

A site visit was planned for Friday, July 16th.

The hearing was closed at 8:17 p.m.

David & Karen Gray - The public hearing was held in Stow Town Building and was opened at 8:20 p.m. on the petition filed by Duncan Thorne, 227 Harvard Road, Stow on behalf of **David and Karen Gray, 12 Pine Point Road, Stow** for front yard setback variance of ten (10) feet and rear yard setback variance of five (5) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to allow construction of a 25' x 25' two-car, two-story garage at said address. The property contains approx. 14,500 sq. ft. and is shown on Stow Property Map U-4 as Parcel 3.

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

Mr. Byron chaired and read the notice of hearing as it had appeared in the *Beacon-Villager* on June 24 and July 1, 2010. The hearing notices had been forwarded to all abutters by

certified mail, return receipt. No abutters were in attendance. Mr. Byron recited the criteria to be met for grant of variance.

Mr. Thorne represented the petitioners. He explained there are several houses on Pine Point Road with garages on the opposite side of the road from their lakeside dwellings downhill. The proposed structure will be in line with that of the neighbor. The second story will be used for storage and possibly a studio for Mrs. Gray's hobby of weaving. There will be no plumbing.

A question arose as to the status of the property: two separate lots or one bisected by the private way? The conclusion was that the two portions are a single lot.

The Board members felt that a special permit application was required because of the non-conformity of the parcel. Mr. Thorne replied the Building Inspector had advised that only a variance was necessary. That was to be explored with the inspector.

Until clarification, the Board decided to continue the hearing. Mr. Thorne had hoped to begin construction in August, that being a dry month when runoff from the hill would be minimal.

The hearing was adjourned at 8:40 p.m. to be continued on July 16th.

Chapter 40B Comprehensive Permit Filing - The members were informed of a filing by Stow Elderly Housing Corp. for Chapter 40B Comprehensive Permit for Plantation II, a supportive living facility adjacent to Plantation I on Johnston Way. The hearing was scheduled to open on August 2nd.

Adjournment - The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board