

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**JULY 16, 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 July 12, 2010. Members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), Lee Heron (associate) and William Byron (associate).

**12 Pine Point Road - David & Karen Gray** - The corners of the proposed two-car garage had been indicated by stakes. Duncan Thorne, who had represented the Grays at the hearing, joined the members and explained the plan for construction. A large amount of earth material will be removed from the slope to enable placement into the slope of the concrete foundation that, he said, could be eight feet high at the rear. Additionally, much vegetation will be removed. Currently, there is a perforated pipe at the edge of the road behind a low stone wall to collect drainage from the slope and prevent it from running across the road surface. Mr. Thorne said that perforated pipe will be installed around the foundation to direct runoff toward a drain.

**150 Barton Road - Lee & Debra McNeil** - The corners of the proposed one-car garage had been indicated. The members noted the large tree to be removed from the front corner of the existing structure, as well as another closer to the shore. An iron pipe was found at the road edge that is apparently the bound marker for the passage easement to the lake. There is a fence along the eight-foot wide easement that is maintained with grass and plantings.

**507 Taylor Road - Edward Cataldo** - Mr. Cataldo joined the members and pointed out the corners of the proposed two-car garage. The new structure will be constructed into a slope that will require removal of small trees and shrubbery, as well as earth material. The existing metal storage container will be moved to another location until completion of construction, and thereafter removed from the property. The members noted the location of the 20-foot access strip to property at the rear and the 13-foot wide easement within it that is gravel-covered and appears to be a parking area.

The members returned to the Town Building at 10:45 a.m.

At the public hearing, the members had questioned that a Special Permit had not been sought, in addition to variance, for the Pine Point Road property. The response had been that the Building Inspector had determined that a Special Permit was not required. Mr. Tarnuzzer had contacted Town Counsel Jon Witten regarding the need for Special Permit for lots in non-conformity with current zoning, regardless of when they were created. It was Mr. Witten's opinion that a Special Permit is required. In two of the matters before the Board on July 12th requesting variance, a Special Permit had not been sought. Mr. Witten advised that, with the applicants' approval, the Board could make a finding in the variance decision that a Special Permit is required and also grant the Special Permit in the decision. Mr. Tarnuzzer had contacted Edward Cataldo and Duncan Thorne and both approved of the suggestion. Mr. Tarnuzzer felt there should be a guideline document covering Special Permit circumstances. Ms. Shoemaker favored a strict interpretation of the Zoning Bylaw to the effect that any property that does not

meet the current 65,340 sq. ft. lot size is subject to Special Permit for addition, alternation, etc., regardless of meeting setback requirements. This matter will be discussed and explored at a subsequent meeting.

**507 Taylor Road** - Mr. Heron moved to grant the requested side yard setback variance of approximately 19.6 feet, with a finding that a Special Permit is required and to grant the Special Permit within the variance decision. Second by Mr. Tarnuzzer. The location and structure were felt to be in keeping with the neighborhood. The vote was unanimous in favor of Mr. Heron's motion.

**David & Karen Gray** - At 11:00 a.m. the hearing continued from July 12th was reopened at the Town Building on the petition filed by Duncan Thorne, 237 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 to allow construction of a 25' x 25' two-car garage at said property.

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

The hearing had been continued due to the matter of the requirement for Special Permit. It was the opinion of Town Counsel Jon Witten that, with the applicant's permission, the Board could make the finding that a Special Permit was required and to grant that permit within the variance decision.

On motion of Mr. Tarnuzzer, second by Mr. Byron, the hearing was closed at 11:05 a.m.

**12 Pine Point Road** - Mr. Heron moved to grant the requested 10-foot side yard and 5-foot rear yard setback variances, with a finding that a Special Permit is required and to grant the Special Permit within the variance decision. Second by Mr. Tarnuzzer. The vote was unanimous in favor of Mr. Heron's motion.

**150 Barton Road** - Mr. Tarnuzzer moved to grant the requested side yard setback variance of 16 feet and front yard setback variance of ten feet and to grant a Special Permit. Second by Ms. Shoemaker. The vote was unanimous in favor of Mr. Tarnuzzer's motion.

**Plantation II Chapter 40B and Plantation I Amendment to Chapter 40B** - Copies of the two submittals were distributed to members Tarnuzzer, Shoemaker, Barney and Byron to be heard on August 2nd at 7:50 p.m. Also to be heard at 7:30 p.m. is a petition for variance and application for Special Permit regarding property at 103 Kingland Road.

**Adjournment** - The meeting was adjourned at 11:15 a.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board