

**MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 12, 2011**

The public hearing was held in Stow Town Building and opened at 7:35 p.m. on the petition filed by **William and Kim McPhail, 24 DeVincent Drive, Stow** for Variance under Section 4.4, "Table of Dimensional Requirements", for rear yard variance of twenty-five (25) feet to allow construction of a 16-ft. x 32-ft. in-ground swimming pool at said address. The property contains 65,351 sq. ft. and is shown on Stow Property Map U-11 as Parcel 9.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, 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 25th and September 1st, 2011. The hearing notice had been forwarded to all abutters by certified mail, return receipt. No abutters were present. Mr. Tarnuzzer recited the criteria to be met for grant of variance.

The petitioners were present. Mr. McPhail explained that the proposed location of the pool was selected so as to allow the site to be readily visible from the house. The lot is of an odd shape with a long, narrow section along the roadway. The septic system is located toward the right corner, while the well is at the rear right corner. If the pool were placed closer to the house to lessen the variance, an existing fence would have to be moved. Additionally, the pool vendor has advised there should be a five to ten-foot space between the pool and the house. Also, the Building Inspector had been consulted concerning the distance of the pool from the house. The McPhails are parents of a handicapped child who cannot walk or talk and has to be carried. The pool will offer aqua-therapy. The abutting property to the rear is owned by Joseph Quinn who stores his construction equipment on the undeveloped lot.

The Board planned a site visit for Friday, September 16th at 9:00 a.m.

The hearing was closed at 7:53 p.m.

The public hearing was held in Stow Town Building and opened at 7:55 p.m. on the application for Special Permit filed by **Daniel Memont, 260 Sudbury Road, Stow on behalf of Andrew and Sylvia Messier** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow addition of a two-car garage with breezeway to an existing dwelling at **49 Lakewood Road**. Also filed was a petition for Variance under Section 4.3 and 4.4, "Area, Frontage, Yard, and Floor Area Requirements", for front yard variance of seventeen (17) feet. The property contains 19,632 sq. ft. and is shown on Stow Property Map U-3 as Parcel 7.

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

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on August 25th and September 1st, 2011. The hearing notices had been forwarded to all abutters by certified mail, return receipt. No abutters were in attendance. Mr. Tarnuzzer recited the criteria to be met for grant of variance and the requirements for special permit.

The petitioners were present. The new construction will be on the section of the lot that abuts Queens Lane, an undeveloped section of the private way that begins at Sudbury Road. The septic system location is to the left of the dwelling. It is planned to construct a two-car garage with a master bedroom above. The existing garage under the house will be converted to a playroom.

The members noted there was no mention of a two-story garage in the application documents and pointed out they can only act on the request as submitted. A member suggested the joint hearings be continued to the next regular meeting to allow the applicants to submit additional information as relates to the proposed two-story structure. At that time the Board would expect to see plans with elevations, etc.

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

The joint hearing was adjourned at 8:28 p.m. to reconvene on Monday, October 3rd, 2011 at 7:30 p.m.

The public hearing was held in Stow Town Building and opened at 8:30 p.m. on the application for Special Permit filed by **Robert and Sherri Kotosky, 70 Simpson Drive, Framingham** under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement of an existing dwelling at **101 Kingland Road** on approximately the same footprint. Also filed was a petition for Variance under Section 4.4, "Table of Dimensional Requirements": ten (10) foot easterly side yard and thirteen (13) foot southerly side yard. The property contains 13,610 sq. ft. and is shown on Stow Property Map U-4 as Parcel 59.

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

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on August 25th and September 1st, 2011. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Abutters Ellen Krag and Kristen Krablin of 107 Kingland Road were in attendance. Mr. Tarnuzzer recited the criteria to be met for grant of variance and the requirements for special permit.

The petitioners were present. Mr. Kotosky explained that they had made an offer to purchase the property from present owners Ronald and Beverly Winter. The offer is contingent on their being able to obtain permits from this board and others of the Town to replace the existing structure. Inspection by a structural engineer has revealed a multitude of major structural flaws that would be very costly to correct and probably not worth the expense. Among

others, the supporting beams are inadequate, there are cracks in the foundation, the roof needs replacement, etc. The dwelling was constructed in 1910 as a summer camp on the Lake.

At first the petitioners had intended to raze the structure and replace it with a modular home. They recently learned that the vendor has backed away as it is felt the site will be unable to accommodate the crane and other equipment necessary for assembly of the modular components. In the alternative, it is now proposed to construct a new dwelling by conventional methods, possibly in a chalet style, with about 1,800 sq. ft. The new structure would be no closer to any lot line than that existing. The petitioners were cautioned to determine the location of the flood plain line, as well as septic and well considerations.

A site visit was planned for Friday, September 16th. Copies of the permission of the current owners for the special permit and variance filings were to be forwarded to the Board.

The joint hearings were closed at 9:15 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board