

**MINUTES  
ZONING BOARD OF APPEALS  
SEPTEMBER 16, 2011**

The members met at Stow Town Building at 9:00 a.m. for the purpose of conducting site visits to the properties that were the subject of public hearing on September 12, 2011. Members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), William Byron (associate) and Bruce Fletcher (associate).

**24 DeVincent Drive - William & Kim McPhail:** The members were met by Mrs. McPhail who led them to the rear of the house where the proposed swimming pool will be installed. The rear yard is completely enclosed by fencing. There is a rather large deck from the house extending into the yard that was not shown on the plan. The corners of the pool were indicated by wickets. Also indicated on the ground was an alternate location about ten feet further forward that would put it about 27 feet (rather than 15 feet) from the rear lot line and closer to the corner of the deck. The measurement was verified as being to the edge of the water. There will be a 5" flange around the pool.

**49 Lakewood Road - Andrew & Sylvia Messier:** The house is of a split entrance design. There is currently a two-car garage under the house. It appeared the proposed breezeway attached to the new garage to be constructed will provide access to the lower level from the driveway. The extent of the garage had been indicated on the ground. The members could only suppose certain facts as no plans had been submitted with the application. It is expected they will be available at the continued hearing on October 3rd.

**101 Kingland Road - Robert & Sherrie Kotosky:** The long dimension of the existing dwelling is from the road toward the rear of the property. There is a single-car garage under which appears to have had little use as such. The members spent a some time trying to determine how it was proposed to site the replacement house.

The member returned to the Town Building at 10:20 a.m.

**William & Kim McPhail, 24 DeVincent Drive:** The Board was satisfied with their findings. It felt there was no problem with granting the requested variance of twenty-five (25) feet from the rear lot line to allow the swimming pool to be installed fifteen (15) feet from the lot line. If the applicant chooses to move it further away, they will have that flexibility. Mr. Barney moved to grant the requested variance of 25 feet. Second by Ms. Shoemaker. The vote was four in favor and one abstention (Mr. Fletcher).

**Andrew & Sylvia Messier, 49 Lakewood Road:** Mr. Tarnuzzer distributed copies of variance and special permit draft decisions for review and discussion at the next meeting.

**Robert & Sherri Kotosky, 101 Kingland Road:** Mrs. Kotosky was present during the discussion. A copy of the Assessors' record card had been obtained that included measurements of the several sections of the dwelling. The members attempted to determine the size of the

foundation and total square footage of the structure Mrs. Kotosky said it was planned to site the replacement dwelling on approximately the same footprint, but more parallel to the left-hand lot line. It would not be placed closer to the road. She said it had been determined that the house is not located within the flood plain. It appears the existing dwelling contains 1,775 sq .ft. Mrs. Kotosky felt that a 1,800-sq .ft. house would be adequate to their needs. The footprint was determined to be 34'x55'. Rather than attempting to be precise, and because there are no firm plans at this time, it was suggested that a "not to exceed" format could be employed in the decisions. The applicants offer to purchase the property is contingent on being able to obtain these permits from the Town.

Ms. Shoemaker moved to grant a special permit as follows: foundation not to exceed 1,500 sq. ft.; habitable space not to exceed 1,800 sq. ft.; height to the roof ridge not to exceed that existing; one and a half stories. Second by Mr. Fletcher. All were in favor of the grant of special permit.

Mr. Fletcher moved to grant the requested side yard variances of ten (10) feet and thirteen (13) feet. Second by Ms. Shoemaker. All were in favor of the requested variances.

Mr. Tarnuzzer was to draft the special permit and variances decisions for review and approval of the members.

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

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board