

**MINUTES  
ZONING BOARD OF APPEALS  
SEPTEMBER 10, 2012**

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), Andrew DeMore (associate) and Ruth Sudduth (associate).

**Edward Norris** – The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application filed by E. Daniel Broggi, 5 Lowell Avenue, Winchester on behalf of **Edward W. Norris, 266 Sudbury Road** for Special Permit under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow addition of a 615 sq. ft. second floor, an open-air porch and basement bulkhead and replacement of an existing 8-ft. deep sunroom with one 12 feet deep. Also filed was a petition for Variance under Section 4.4, "Table of Dimensional Requirements": easterly side yard of approx. 21 feet and westerly side yard of approx. 9.5 feet to allow sunroom enlargement; and westerly side yard of approx. 13 feet to allow an open-air porch, all at said 266 Sudbury Road. The property contains 9,280 sq. ft. and is shown on Stow Property Map R-24 as Parcel 15.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), Andrew DeMore (associate), Ruth Sudduth (associate).

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on August 23 and 30, 2012. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Abutter present was David Laster of 17 Lakewood Road. Mr. Tarnuzzer recited the criteria to be met for grant of variance and the requirements for special permit.

Mr. Broggi was present with Edward Norris, the property owner. The purpose of the application is to improve the existing house. The second floor addition with two bedrooms is proposed to be constructed above the front portion that faces Sudbury Road. The sunroom at the front will be enlarged from eight feet to twelve feet deep to make it more useable. The existing open-air porch will be removed and replaced with a proper foundation and will become the main entrance to the updated dwelling. The bump-out closet shown on the plan as 1'7" from the lot line will be removed. There is no exterior access to the basement, therefore, a bulkhead is proposed at the rear corner of the structure.

Mr. Norris explained that originally the property and that adjacent was owned by a family and later parceled off to members. The driveway is off Lakewood Road and shared by abutter David Laster. Rights of way are shown on the plan that allow access to Sudbury Road and, presumably, to Lake Boon. The house dates back to 1929 and was added to in stages that can be discerned. It is proposed to retain the current dwelling footprint.

Abutter David Laster stated he was in favor of the project. Other dwellings in the neighborhood are of two floors.

An abutter at 268 Sudbury Road had contacted the Planning Board who relayed the message. She had concern about the second floor addition and felt it would raise noise levels on her property. Also, it would allow a direct view over the existing fence into her backyard. Mr. Norris pointed out that a small bathroom window is the only one on the side facing her property. Mr. Broggi added that the property improvement will not negatively affect her property value and may enhance it. The enlarged sunroom will not obstruct her view as it is further to the rear of her house.

The Board planned to conduct a site visit on Friday, September 14th at 11:00 a.m.

The hearing was closed at 8:05 p.m.

**Villages at Stow** – The Board met with Mark O'Hagan of MCO Associates who had requested a non-substantial change to the Chapter 40B Comprehensive Permit, Section 5, Item F, regarding a payment in lieu of installing a sidewalk along Great Road (Route 117). Approval was sought to allow construction of the walkway between Station 52+71 (beginning at the westerly side of Harvest Drive – incorrectly labeled on the plan as 52+52) and Station 49+00 (approximately where the guardrail ends). A plan of the proposed sidewalk entitled "Great Road Pedestrian Walkway, Old Bolton Road – Bose Driveway Area", dated May 31, 2011 was presented. It was proposed this walkway be constructed in lieu of making a payment to the Town's sidewalk fund in the amount of \$10,566.

Ernest Dodd of the Planning Board was present and verified that board has agreed to a sidewalk plan and construction for the area rather than a contribution to the sidewalk fund.

On motion of Ms. Sudduth, second by Mr. DeMore, it was voted unanimously to allow the non-substantial change to the Chapter 40B Comprehensive Permit granted for the Villages at Stow project.

Mr. O'Hagan presented a final listing of the affordable units. It was noted that the previously designated affordable unit at 30 McIntosh Drive was assigned to 24 McIntosh Drive. The change was requested and accepted by the Stow Housing Authority to accommodate the affordable buyer.

**Star Tower** – The Board was in receipt of a draft settlement agreement with Star Tower to vacate the Board's decision filed on January 26, 2011 that denied the request for use and dimensional variances to install and operate a communication facility at Wedgewood Pines Country Club off 215 Harvard Road. At the suggestion of Town Counsel, it was decided to hold executive session to consider and discuss the draft on Monday, September 17th at 7:00 p.m. A public meeting will follow at 7:30 p.m. to explain the agreement. Abutters were to be notified of the public meeting.

**Adjournment** – The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board