

**MINUTES
ZONING BOARD OF APPEALS
APRIL 5, 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 Andrew DeMore (associate).

Michael & Vimala Latz - The public hearing was held in Stow Town Building and opened at 7:30 p.m. on the application for Special Permit filed by **Michael and Vimala Latz, 21 Hale Road, Stow** under Section 3.9 of the Zoning Bylaws, "Non-Conforming Uses and Structures", to allow addition of a 20-ft. by 25-ft. sunroom and a 12-ft. by 34-ft. deck to the existing dwelling at said address. Also filed was a petition for variances under Section 4.4, "Table of Dimensional Requirements": easterly rear yard setback variance of seventeen (17) feet and side yard setback variance of seven (7) feet to allow the deck; northerly side yard setback variance of six (6) feet to allow the sunroom addition. The property contains 36,300 sq. ft. and is shown on Stow Property Map U-5 as Parcel 19.

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

Ms. Shoemaker chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on March 18 and 25, 2010. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Kent Seith of 11 Hale Road was present. Ms. Shoemaker recited the criteria to be met for grant of variance and the requirements for special permit.

Mr. Latz proposes to construct a deck on one side of the existing dwelling, facing Lake Boon. That will require side yard and rear yard setback variances. The proposed sunroom will be added to the rear of the dwelling, facing a cove of the lake. Mr. Latz said his proposal was in keeping with other properties in the neighborhood, and he did not believe it would have negative impact. He added that the improvements would enhance the value of this property as well as others in the vicinity. The sunroom will be single-story with a roofline matching that existing. It will be constructed on sono-tubes for all season use. The location of steps from the deck is to be determined, but should be within the footprint. Two drywells are proposed to capture runoff from the roof and driveway and to minimize drainage into the lake.

It was noted there is shown on the plan a second dwelling with one bedroom. Mr. Latz responded it is actually a garage with an accessory apartment that is currently rented.

Abutter Kent Seith of 11 Hale Road was in favor of the proposal and noted that the property is in need of improvement.

The Board planned a site visit and requested that the corners of the proposed deck and sunroom be indicated in some manner.

The hearing was closed at 7:48 p.m.

Christopher & Jennifer Rodstrom - The public hearing was held in Stow Town Building and was opened at 7:50 p.m. on the petition filed by **Christopher and Jennifer Rodstrom, 9 Assabet Street, Stow** for easterly side yard setback variance of approx. thirteen (13) feet and front yard setback variance of approx. five (5) feet under Section 4.4 of the Zoning Bylaw, "Table of Dimensional Requirements", to

allow family room replacement and expansion with a new garage below at said address. The property contains 19,150 sq. ft. and is shown on Stow Property Map R-29 as Parcel 16.

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

Ms. Shoemaker chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on March 18 and 25, 2010. The hearing notices had been forwarded to all abutters by certified mail, return receipt. David Arsenault of 12 Hastings Street was present. The criteria for grant of variance were recited.

Ms. Shoemaker noted the non-conformity of the parcel and questioned the need also for special permit. Ms. Rodstrom was to explore that. He was accompanied by contractor Wayne Jones.

Mr. Jones said that the existing family room addition will be replaced as it is unsound. The current access to the dwelling is inadequate because of the slope of the driveway. The existing garage under the dwelling is too small. The proposal will solve several problems. The replacement family room will provide a little more living space and will be only a couple of feet wider than currently. The new garage below will allow more vehicle space. A wider driveway will provide room for two cars and will be in keeping with the neighborhood. The existing garage opening will be closed in with a door to the basement level. The replacement room will be no higher than the existing roofline.

Abutter David Arsenault of 12 Hastings Street asked about the size of the proposed addition. The response was that it will be slightly larger by about three feet.

The Board planned a site visit and asked that the corners of the new room be indicated in some fashion.

The hearing was adjourned at 8:05 p.m. to be continued to Monday, May 10, 2010..

Stow Elementary School Building Committee - The public hearings on the petitions for variance filed by the **Stow Elementary School Building Committee** were held in Stow Town Building and opened at 8:10 p.m. All were in connection with addition and renovation of the existing **Center School at 403 Great Road**. The property contains 827,952 sq. ft. and is shown on Stow Property Maps U-9 as Parcel 44 and U-10 as Parcel 9.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), William Byron (associate), Andrew DeMore (associate)

Ms. Shoemaker chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on March 18 and 25, 2010. The hearing notices had been forwarded to all abutters by certified mail, return receipt. Those abutters present were Cathry Lodine, 11 Crescent Street; John Wassink, 12 Crescent Street; Bernard and Maura Hyland, 4 Crescent Street; Lars Rohrberg, 30 Russet Lane. Also present was Ernest Dodd of the Planning Board and Building Inspector Craig Martin. Representing the applicant were the following: Committee Co-Chair Ellen Sturgis with members Stephen Quinn and David Korn; Michael Wood, Nashoba Regional School District Superintendent; Symmes Maini & McKee Associates representatives James Warren, Philip Poinell, Lorraine Finnegan; project manager Paul Griffin; Benjamin Markham of Acentech.

James Warren, civil engineer of SMMA, presented the proposed plan that he said is based on existing site conditions. There is an on-site wetland system. The topography of the parcel with levels of 136 feet up to 255 feet presents certain challenges. The septic system will be located off Hartley Road. Setbacks and restrictions dictate siting of the project. The hearing then proceeded to the several variances requested.

(1) Variance under Section 3.8.1.3, "General Use Regulations", to allow noise generation that exceeds allowable sound pressure limits during nighttime hours.

Mr. Warren explained that much thought went into choice of mechanicals. It is planned to utilize half of the gymnasium to block the view and sound generation. The chillers of the HVAC system will rarely operate at night. The energy recovery equipment will not run at night. The gymnasium is a single-space building to accommodate the roof-top units. There will be acoustical screening to provide sound deadening. A very detailed analysis has been performed in this regard.

Benjamin Markham of Acentech, accoustical consultants, explained the conditions and the sound generation of the proposed equipment. The ambient sound levels were found to be about 30 dba at night and within a range of 40 to 55 dba during daytime. The readings were taken at the site during the February break. The chillers have low speed fans calculated at worst case at 50 dba. In warm weather the chillers might be in operation if there was an event in the school building. The worst case of 38 dba exceeds the Zoning Bylaw that prohibits sound levels of more than three decibels above the ambient sound level. The chillers will be about five dba over the allowable nighttime level. Mr. Markham pointed out that the equipment will operate only during warm weather when school is in session, and not in cold weather months. Investigation is ongoing into several chiller models to meet energy requirements of the proposed building. They could be operated at partial capacity. The air handlers may be shut down and not used to maintain temperature. Building Inspector Craig Martin said he would be willing to perform decibel level testing at night if requested.

The Board members and those in attendance left the meeting room to assemble in the rear parking lot for a demonstration by Mr. Markham of various sound levels. A recording of the chiller sound was played. The meeting was resumed in the Warren Room at 8:57 p.m.

Mr. Markham summarized and said the energy recovery units would not be operating at night. It was noted there is a discrepancy between Stow's zoning bylaw and State regulations that limits decibels levels to ten dba over ambient. Planning Board member Ernest Dodd advised it is planned to present amendment to the Zoning Bylaw so as to be in compliance with the State.

This hearing was closed at 9:04 p.m..

(2) Variance under Section 6.3.3.1, "Signs", for a sign at Great Road exceeding five (5) sq. ft. and a sign at Hartley Road exceeding three (3) sq. ft.

Mr. Warren said that the proposed sign at the Great Road location will be slightly larger than the existing message board sign but no higher. It is proposed that both be eight (8) feet wide. Great Road: 8'x4' (32 sq. ft.). Hartley Road: 2'x8' (16 sq. ft.) The existing sign at Great Road was said to be six feet wide, while that at Pompositticut School is 7.5 feet wide.

Building Inspector Craig Martin, as sign officer, advised he was in support of the sign proposals.

This hearing was closed at 9:05 p.m.

(3) Variance under Section 7.3, "Minimum Parking Requirements", to allow a reduction of 49 parking spaces from the 149-space requirement.

Mr. Warren reported that the Fire Department has requested a fire lane with no parking for use by first responders and for bus drop off and pick-up. It is now proposed there be 100 striped spaces and use of areas along the driveways for overflow parking of 60 vehicles. Staff spaces would also be available for after-school events in the building. The Fire Department has also requested that parking along the driveway be restricted to a single side.

This hearing was closed at 9:10 p.m.

(4) Variance from Section 7.7, "Off-Street Parking and Loading Area Design Requirements - Landscaping".

Site constraints concerning the location of the building, parking and service areas affect the landscaping scheme. A 10-ft. perimeter of landscaping around proposed parking areas would impede effective snow removal from the parking areas and driveways. A 10-ft. buffer strip creates blind spots from the parking areas and driveways and potential hiding spots relative to security. It is desired to keep the parking areas open for child safety and security. The Police Department prefers fewer plantings around parking areas. There will be more buffer plantings to the west and the south of the site.

This hearing was closed at 9:17 p.m.

The public hearing was reopened in Stow Town Building at 9:17 p.m. on the application filed by the **Stow Elementary School Building Committee** for special permits as follows: under Section 7.2.3.1 of the Zoning Bylaw, "Parking Regulations", to allow a reduction of 49 parking spaces from the 149-space requirement, and under Section 5.1.1.7, "Flood Plain/Wetlands District", to allow construction of a building within said district, all in connection with **construction of an addition and renovation of the existing Center School at 403 Great Road**. The property contains 827,952 sq. ft. and is shown on Stow Property Maps U-9 as Parcel 44 and U-10 as Parcel 9.

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

Ms. Shoemaker chaired and noted that there had been agreement that a variance was applicable in this instance rather than special permit as regards parking spaces. A variance under Section 7.3 of the Zoning Bylaw, "Minimum Parking Requirements", was heard earlier in the evening.

It was reported there was no water overflow from the pond adjacent to the westerly side of the Center School parcel as a result of the recent heavy rains. Slight modifications are planned to the drainage scheme.

The hearing on the special permit applications was declared closed at 9:18 p.m.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board