

**168 BARTON ROAD REALTY TRUST
PETITION FOR VARIANCE
APPLICATION FOR SPECIAL PERMIT
OCTOBER 2, 2017**

The public hearing was held in Stow Town Building and opened at 8:10 p.m. The petition for Variance and application for Special Permit were filed by **Ron Ham, 168 Barton Road Realty Trust, P. O. Box 515 Sudbury, MA**. A Special Permit was sought under Section 3.9 of the Zoning Bylaw, "Non-Conforming Uses and Structures", to allow replacement of an existing dwelling and garage at **168 Barton Road**. Side yard variances were sought under Section 4.4, "Table of Dimensional Requirements": dwelling – 7.7-ft. side yard; garage – 24-ft. side yard. The property contains 19,729 sq. ft. and is shown on Stow Property Map U-2 as Parcel 18A.

Board members present: Edmund Tarnuzzer, Charles Barney, William Byron, Mark Jones (associate).

Mr. Tarnuzzer chaired and read the notices of hearing as they had appeared in the *Beacon Villager* on September 14 and 21, 2017. He recited the criteria to be met for grant of special permit and variance. The hearing notices had been forwarded by certified mail, return receipt, to all abutters. Those abutters present were Martin French, 151 Barton Road; Ron Ham, 168 Barton Road; Robert and Cathy Cantin, 164 Barton Road; Mary House, 145 Barton Road; Cindy Curly, 166 Barton Road; David Siewierski, 178 Barton Road; and Chad and Amanda Atwell, 171 Barton Road.

Ron Ham and Ron Ham Jr. of 168 Barton Road described their petition and application, saying that the proposal will not increase non-conformities.

Edmund Tarnuzzer asked if the dwelling and garage will fit the current footprint. Ron Ham Jr. said that the footprint would be expanded on the south side, and that they propose constructing a two-story dwelling, whereas the existing dwelling is one-story.

Edmund Tarnuzzer asked if there are any existing dwellings that would have blocked views because of this proposed construction. Ron Ham Jr. said that across the street is only a gravel access to the Collings Foundation.

William Byron commented that the proposed dwelling looks like a three-story dwelling. Ron Ham Jr. said that the proposed home includes an attic. William Byron said that the plans provided to the Board do not include heights. Ron Ham said that the homes they build typically do not exceed 31 feet in height. Ron Ham said that if they are granted a Variance and Special Permit, they would provide architectural information, and that the height appears to be typical to other homes in the area.

William Byron asked about the considerations of the placement of the proposed dwelling. Ron Ham Jr. said that there were septic and leach field considerations. The leach field is to the south

of the garage. Ron Ham Jr. said that the proposed construction will expand the foundation of the single-story garage.

Mark Jones noted that the expanded garage would make the lot less conforming. Charles Barney notes that the setbacks would decrease.

William Byron asked about the location of the rear deck and its proximity to Lake Boon. Ron Ham Jr. said that there is an easement for a public walking access and that the property has stairs to the lake.

Cindy Curley asked if the distance between the proposed home and Lake Boon is increasing, and how many stories the home would be. Edmund Tarnuzzer said that the home should not extend further towards the Lake.

Martin French said that he has no concern with the replacement of the home, as he believes it would add value to the neighborhood.

Ron Ham noted that he would like to install a bathroom on the second floor of the proposed home. William Byron said that would be a concern.

Mark Jones asked if the applicant presently lives in the home. Ron Ham Jr. said that his parents live there half of the year.

Amanda Atwell noted that her home does have winter views of the Lake, and that she is concerned the views would be lost with the proposed home.

The Board discussed conducting individual site visits before making a determination.

On motion of Mr. Barney, second by Mr. Jones, it was voted unanimously to continue the hearing until November 6, 2017.

At 9:10, the hearing was continued until November 6, 2017.

Respectfully submitted,

Valerie Oorthuys