

Application for Special Permit

Pursuant to Zoning Bylaw Sections 3.9

**156 Barton Road
Stow, MA 01775**

**Applicant: Samuel Hurwitz
63 Oakland Avenue
Newton, MA 02466**

**Record Owner: Samuel Hurwitz
63 Oakland Avenue
Newton, MA 02466**

**April 30th, 2021
6507**

Special Permit & Variance Application
156 Barton Road
Stow, MA

April 30th, 2021
Samuel Hurwitz

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Special Permit & Variance Application
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Stow, MA

April 30th, 2021
Samuel Hurwitz

1.0 Application, Checklist & Copy of Filing Fee

ZONING BOARD OF APPEALS
TOWN OF STOW

Karen Kelleher
Board of Appeals Secretary
kkelleher@stow-ma.gov
978-897-2784

Z.B.A MEETINGS ARE HELD THE FIRST MONDAY OF THE MONTH, EXCEPT IF DATE IS
A HOLIDAY.

SUBMITTALS ARE DUE THE MONTH PRIOR TO THE MEETING DATE.
THE FIRST MONDAY BY NOON.

CHECK LIST FOR ZONING BOARD OF APPEALS SUBMITTALS

Application: Completed with all information required, including a description or narrative of the proposed project. (Separate applications when both a Special Permit and a Variance are requested.)

List of Abutters: Request for List of Abutters must be submitted to the Assessors' Office. The application is included in this package. *The applicant is to make copies of the list of abutters provided by the Assessors office and insert it in each packet: special permit = 13 and variance = 8*

Site plan prepared by engineer or land surveyor: If the application pertains to new construction or addition to an existing structure, the plan must show the location of the same with setbacks from the lot lines.

Plan/drawing of the proposed new construction with dimensions, square footage, elevations, height, etc.

Check for the fee made payable to Town of Stow:
Special Permit filing fee is \$150.00;
Variance filing fee is \$100.00;
plus \$6.00 for each abutter as listed by the Assessors.
Payment may be made with one check.

For Special Permit: Thirteen (13) complete copies of the application, abutters list, plans and supporting documents.

For Variance: Eight (8) complete copies of the application, abutters list, plans and supporting documents.

Z.B.A Application, Abutters List and Additional Information are also available on-line at: WWW.STOW-MA.GOV

ZONING BOARD OF APPEALS
STOW, MASSACHUSETTS 01775

APPLICATION FOR HEARING

Please follow the instructions carefully. Failure to complete the form properly or to supply the required plan, properly engineered, will result in denial of the request. Submission of the form to the Board for review prior to filing is strongly recommended.

1. Nature of relief sought. Circle only one. If multiple relief is sought, complete a form for each item.

a. PETITION FOR VARIANCE: Applicable Bylaw Section na

b. APPLICATION FOR SPECIAL PERMIT: Applicable Bylaw Section Section 3.9

c. APPEAL FROM UNFAVORABLE ACTION: Specify action na

Board or Official na Date of Action na

d. OTHER (Specify) na

2. Name of Applicant Samuel Hurwitz

Address 156 Barton Road

State Stow, MA Zip Code 01775

3. Location of Property 156 Barton Road

Assessors' Map # U02 Parcel # 15 Area in sq. ft. 20,250 SF

Applicant is Owner Tenant Agent/Attorney Purchaser

Property Owner Name Samuel Hurwitz

Address 156 Barton Road Telephone

4. Definitive plan(s) or site plans in accordance with the accompanying instruction sheet shall be included with the application.

See site plan attached to this application.

5. Description of problem for which relief is sought. If a request for lot line variance(s), state the variance(s) sought in actual feet.

Relief is sought for an "intensification of the use" to raze an existing dwelling and construct a a 3-bedroom dwelling. All proposed features will conform with section 4.4 of the Stow Zoning Bylaw.

6. Justification for request:

See project narrative.

7. List of names and addresses of abutters and abutters of abutters within 300 feet of the property line of the petitioner, together with a copy of the Assessors' map showing the corresponding locations of those names listed.

See Section 3.0 of the application package.

I hereby certify that I have read and complied with the instructions accompanying this application and request a hearing before the Board of Appeals.

Signature of applicant or representative sam hurwitz

Address 156 Barton Rd Stow MA 01775 Telephone 617-593-8888

Owner's permission (if other than applicant) _____

WARNING

Failure to provide all of the information and documentation as required by the Stow Board of Appeals rules, regulations and instructions for filing an application for special permit or a petition for variance may very well result in an automatic denial by the Board after opening the public hearing.

Read and understood: sam hurwitz
Signature of Applicant/Petitioner

SUMMARY OF BOARD OF APPEALS ACTION

Received by ZBA _____ Hearing Date _____

Publishing Dates _____ Abutter Mailing _____

Decision required by _____ Decision notices sent _____
(Within 100 days of filing for variance)
(Within 90 days of hearing for special permit)

Granted _____ Denied _____

Withdrawn on _____ By _____
Signature

04/02

2.0 Project Narrative

Existing Conditions

The property is located at 156 Barton Road which is shown on assessors Map U02, Lot 15. The property abuts Lake Boon which exists to the northeast. The parcel is approximately 20,250 SF in area and abuts two neighboring lots one to the north west and the other to the south east. The entire property is located within the Residential Zoning District. The existing (and proposed) house faces to the south west. As such, the south westerly sideline has been defined as the "Front" property line.

Two structures exist on the property, the primary dwelling, and a shed. The dwelling has a total living area of 1,184 SF., and the shed has an approximate area of 100 SF. There is also an existing concrete patio on the property with an area of 354 SF. The site also includes an existing well approximately 25 ft from the primary dwelling. An existing stone retaining wall with an approximate length of 88 ft runs along the top of an existing slope parallel with the edge of Lake Boon.

Proposed Conditions

The applicant is proposing to remove all existing structures on the site and construct a two-story dwelling with an attached garage. The total living area of the proposed dwelling is approximately 2,400 SF, with a garage area of 456 SF. A site plan is attached showing the locations of the proposed dwelling with respect to the property lines and the waterfront. The proposed dwelling will be located 1 ft away from the existing well. As such, the proposed project will require a variance to The Town of Stow's well regulations.

Special Permit Criteria

Section 3.9.7.1 2. of the Zoning Bylaw states the following:

“the proposed alteration, extension or structural change itself does not conform to the requirements of the present Bylaw, and does intensify existing non-conformities or results in additional non-conformities, in which event a Petition for Special Permit must be made to the Board of Appeals, and the Board of Appeals must find that:

- a) there is no substantial increase in the nonconforming nature of said structure; and
- b) such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The following is a brief description of the proposed project with respect to each criteria listed above:

“...no substantial increase in the nonconforming nature of said structure”

As noted above, the proposed house will meet all dimensional zoning offsets. As such, the proposed project will not create any new non-conformity with respect to the front, side, and rear yard zoning setbacks.

The Finished Floor Area of the proposed house will increase from 2,175 SF to 4,145 SF. Section 4.4 (Table of Dimensional Requirements) does not have a maximum Floor Area Ratio listed for the site. As such, the increase in the Floor Area of the structure does not create a great non-conformity on the lot.

“...not be substantially more detrimental to the neighborhood”

The applicant is proposing to remove an existing single-family dwelling and construct a new single-family dwelling. As such, the proposed use will be identical to the existing use and harmonious with the other uses in the neighborhood.

Elevations prepared by the Client’s Architect are attached.

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3.0 Abutters List



Town of Stow
BOARD OF ASSESSORS

380 Great Road
Stow, Massachusetts 01775-1122
(978) 897-4597
Email: Assessors2@Stow-MA.gov

REQUEST FOR CERTIFIED ABUTTERS' LIST

Date of Request: 4-14-2021
Property Owner: Samuel Hurwitz
Property Location: 156 Barton Road
Parcel ID: (Map & Lot): U-2, 15
Requesting Board: Zoning Board of Appeals

Requestor Information:

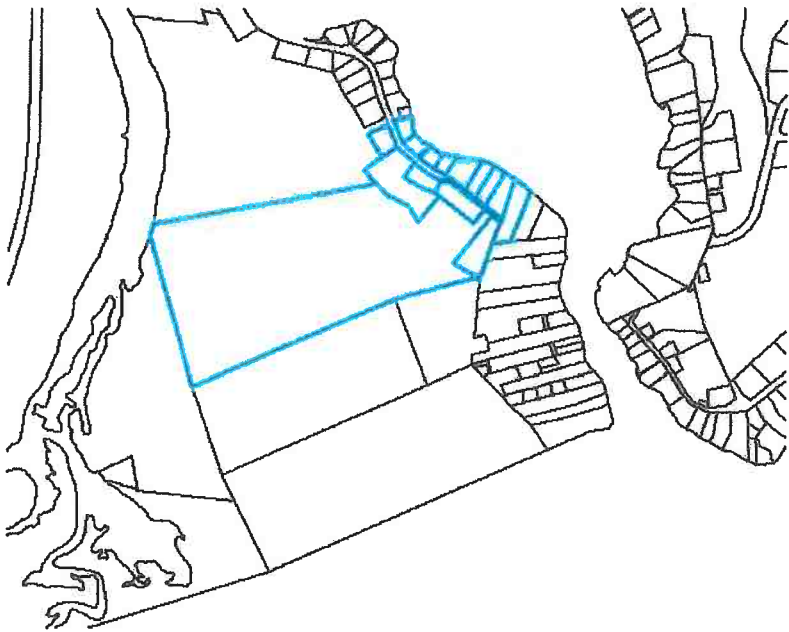
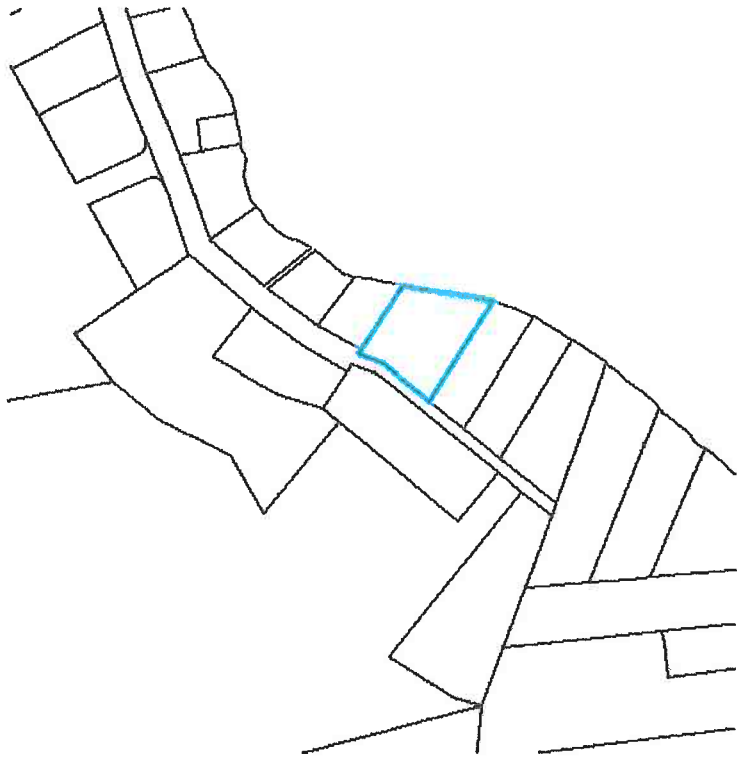
Name: Ryan Proctor - Dillis & Roy Civil Design Group, Inc.
Mailing Address: 1 Main Street, Suite #1, Lunenburg, MA 01462
Email address: rproctor@dillisandroy.com
Phone Number: 978-779-6091 ext. 311

FEE: \$20.00 for first 20 abutters or less:
PLUS: \$1.00 per abutter above 20 entries and \$2.00 per sheet of labels.

Assessors' Office Use Only:

Deposit: \$ _____ Cash Check (check # _____)
Addtl Fee: \$ 24 Cash Check (check # _____)

The Board of Assessors has 10 business days to provide all Certified Lists of Abutters.
The list is valid for 90 days from the date of Certification.
Applications submitted without all necessary information may be returned for completion.



ABUTTERS LIST
156 Barton Rd
MAP U2 PARCELS 15

MAP/PARCEL	PROPERTY LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP CODE	DEED BOOK	DEED PAGE
000U-2 000011	138 BARTON RD	LARKIN ROBERT W		138 BARTON ROAD	STOW	MA	01775	25492	139
000U-2 000012	140 BARTON RD	MARY HOUSE RENTALS LLC		51 POWDER MILL RD	MAYNARD	MA	01754	67750	367
000U-2 000013	150 BARTON RD	MCNEIL DEBRA D IRREVOCABLE TRUST		150 BARTON RD	STOW	MA	01775	66709	452
000U-2 000014	152 BARTON RD	DEVOUPE BRIAN E		152 BARTON ROAD	STOW	MA	01775	30001	16
000U-2 000015	156 BARTON RD	HURWITZ SAMUEL		63 OAKLAND AVENUE	NEWTON	MA	02466	69571	4
000U-2 000016	164 BARTON RD	CANTIN ROBERT L TRUST OF 2010		164 BARTON ROAD	STOW	MA	01775	58610	20
000U-2 000017	166 BARTON RD	CURLEY CINDY J 2013 REVOC TRUST		166 BARTON ROAD	STOW	MA	01775	71506	409
000U-2 000019	174 BARTON RD	BARTON ROAD REALTY TRUST		174 BARTON RD	STOW	MA	01775	69098	130
000U-2 000053	171 BARTON RD	JAMES W CARROLL JR		171 BARTON RD	STOW	MA	01775	73446	350
000U-2 000058	0 BARTON RD	SAMUEL HURWITZ		63 OAKLAND AVE	NEWTON	MA	02466	69571	4
000U-2 00013A	151 BARTON RD	THE CARLA J FRENCH FAMILY TRUST		151 BARTON ROAD	STOW	MA	01775	68557	379
000U-2 00018A*	168 BARTON RD	RIPPEY, JAMES		135 UNION AVENUE	SUBURRY	MA	01776	75103	379
00R-25 016A-1	0 BARTON RD	COLLINGS FOUNDATION INC		568 MAIN ST	HUDSON	MA	01749	73712	504

* RECENT OWNERSHIP CHANGE

Certified by the Stow Board of Assessors:

Stuart Carter, MAA

Date Certified or Re-Certified:

4/14/21

Ft:

300



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April 30th, 2021
Samuel Hurwitz

4.0 Record Deed/Assessors Data



Bk: 69571 Pg: 4 Doc: DEED
Page: 1 of 3 07/07/2017 02:53 PM

Return to:
Joseph Rossi, Esquire
2120 Commonwealth Avenue
Newton, Massachusetts 02466

~~MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 07/07/2017 02:53 PM
Ctrl# 285400 13658 Doc# 00105790
Fees: \$2,738.00 Cons: \$600,000.00~~

QUITCLAIM DEED

I, Debra Hurwitz, Individually and as Trustee of the Debra Hurwitz 2007 Revocable Trust u/d/t dated January 3, 2007 as evidenced by Trustee Certificate recorded with Middlesex South Registry of Deeds in Book 50560, Page 203 and herewith now of South Kingston, Rhode Island for consideration paid of Six Hundred Thousand (\$600,000.00) Dollars grant Samuel Hurwitz and Sandra B. Hurwitz Husband and Wife as Tenants by the Entirety, both of 63 Oakland Avenue, Newton, Massachusetts, with Quitclaim Covenants

The land with the buildings thereon situated in Stow, Middlesex County, Massachusetts situated on the Easterly side of a private road as Barton Road, bounded and described as follows:

Beginning at an iron pipe in the Easterly side line of said road at land of Eugene F. O'Bay; thence N. 11 degrees 30 minutes West by the Easterly side line of said road 96.53 feet to an iron pipe; thence N. 28 degrees 27 minutes West by the Easterly Side of said Road 44.91 feet to a point at land of Helen M. Eastman and Ann Barton; thence N. 71 degrees 22 minutes E. by said land of said Eastman and Barton 121.43 feet, more or less, to Lake Boone; thence by the Southwesterly side of Lake Boone 152 feet, more or less, to a point of Lake Boone and land of said O'Bay; thence S. 71 degrees 22 minutes West 181.50 feet by land of said O'Bay to the point of beginning.

Which lots are now shown as **Lots 50 and 51** on a plan of land owned by Helen M. Eastman and Ann Barton drawn by Harlan E. Tuttle, Sur., dated April 15, 1956, being Plan No. 1269 of 1956, recorded in Book 8779, Page 492, Lot 50 containing 9,067 square feet, more or less, and Lot 5 containing 11,192 square feet, more or less.

PARCEL 2:

A certain tract of land situated on the Westerly side of a private road known as Barton Road in the Town of Stow, said Middlesex County, bounded and described as follows:

Beginning at an iron pipe in the Westerly side line of said road at land owned or occupied formerly by Wyman; thence S. 78 degrees 22 minutes West 100 feet to an iron pipe at land formerly of Martha E. Cooke; thence N. 11 degrees 30 minutes W. 132.60 feet to an iron pipe and other land formerly owned by Helen M. Eastman; thence N. 71 degrees 22 minutes East 87.50 feet to a point in the Westerly side line of said road; thence S. 28 degrees 27 minutes E. 45.40 feet to a point, and S. 11 degrees 30 minutes E. 100 feet to a point designated by an iron pipe and point of beginning, the last 2 courses of the Westerly side of Road.

156 Barton Rd, Stow

Being lots No. 50A, containing 3,750 square feet, more or less, and No. 51A, containing 10,000 square feet more or less, which said Lots are shown on a Plan of Land in Stow formerly owned by Helen M. Eastman and Ann Barton, Harlan E. Turtle, Sur., dated April 15, 1956, Plan No. 1269 of 1956, Book 8779, Page 492.

PARCEL 3:

A certain parcel of land in the Town of Stow, Middlesex County, with buildings and improvements thereon on the Westerly side of Barton Road and being lots 6 and 7 as shown on a plan of "Land in Stow, surveyed for Alvin H. Fletcher by Horace F. Tuttle, December 17, 1942, Scale: 1 inch equal to 120 feet", being plan number 61 of 1943, recorded March 12, 1943 with Middlesex South District Registry of Deeds, Book 6664, Page End, more particularly bounded and described as follows:

Easterly by Barton Road there measuring one hundred fifty (150) feet; Southerly by Lot 8 shown on said plan there measuring one hundred (100) feet; Westerly by said Lot 8 there measuring one hundred fifty (150) feet; and Northerly by Lot 5 shown on said plan there measuring one hundred (100) feet.


Containing 15,000 square feet of land, more or less.

The Grantor hereby releases all of her homestead rights in the premises conveyed herein and hereby affirms under oath pursuant to Massachusetts General Laws Chapter 188, that no other person are entitled to the Homestead protection of Massachusetts General Laws Chapter 188.

Meaning and intending to convey the same property described in the deed dated July 26, 2013 and recorded with Middlesex South Registry of Deeds in Book 62388, Page 285 as confirmed by deed recorded with Middlesex South Registry of Deeds in Book 63156, Page 254.

Remainder of Page Intentionally Left Blank – Signature Page Follows

Witness my hands and seal this 6th day of July, 2017.

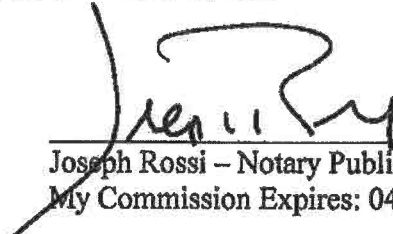


Debra Hurwitz, Individually and as Trustee of
Debra Hurwitz 2007 Irrevocable Trust

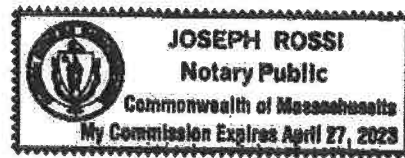
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 6th day of July, 2017, before me, the undersigned Notary Public, personally appeared ,
Debra Hurwitz, Individually and as Trustee of Debra Hurwitz 2007 Irrevocable Trust, personally
known to me to be the person whose name is signed on the preceding or attached document and
acknowledged to me that he signed it voluntarily for its stated purpose.



Joseph Rossi – Notary Public
My Commission Expires: 04/27/2023



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5.0 Architectural Plans

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6.0 Site Plan

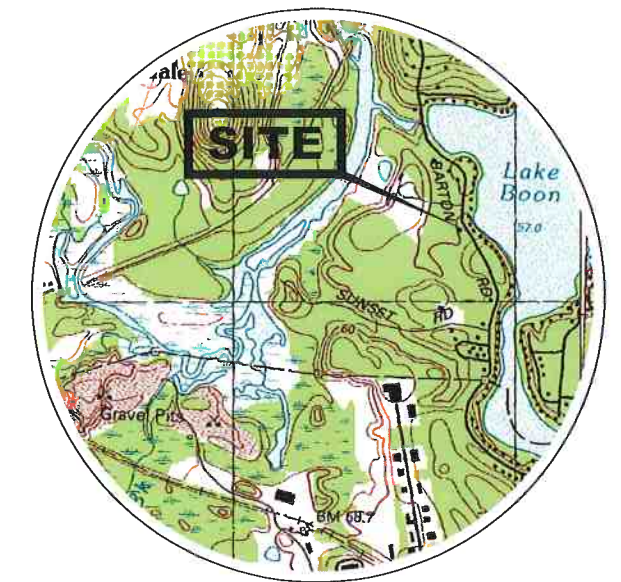
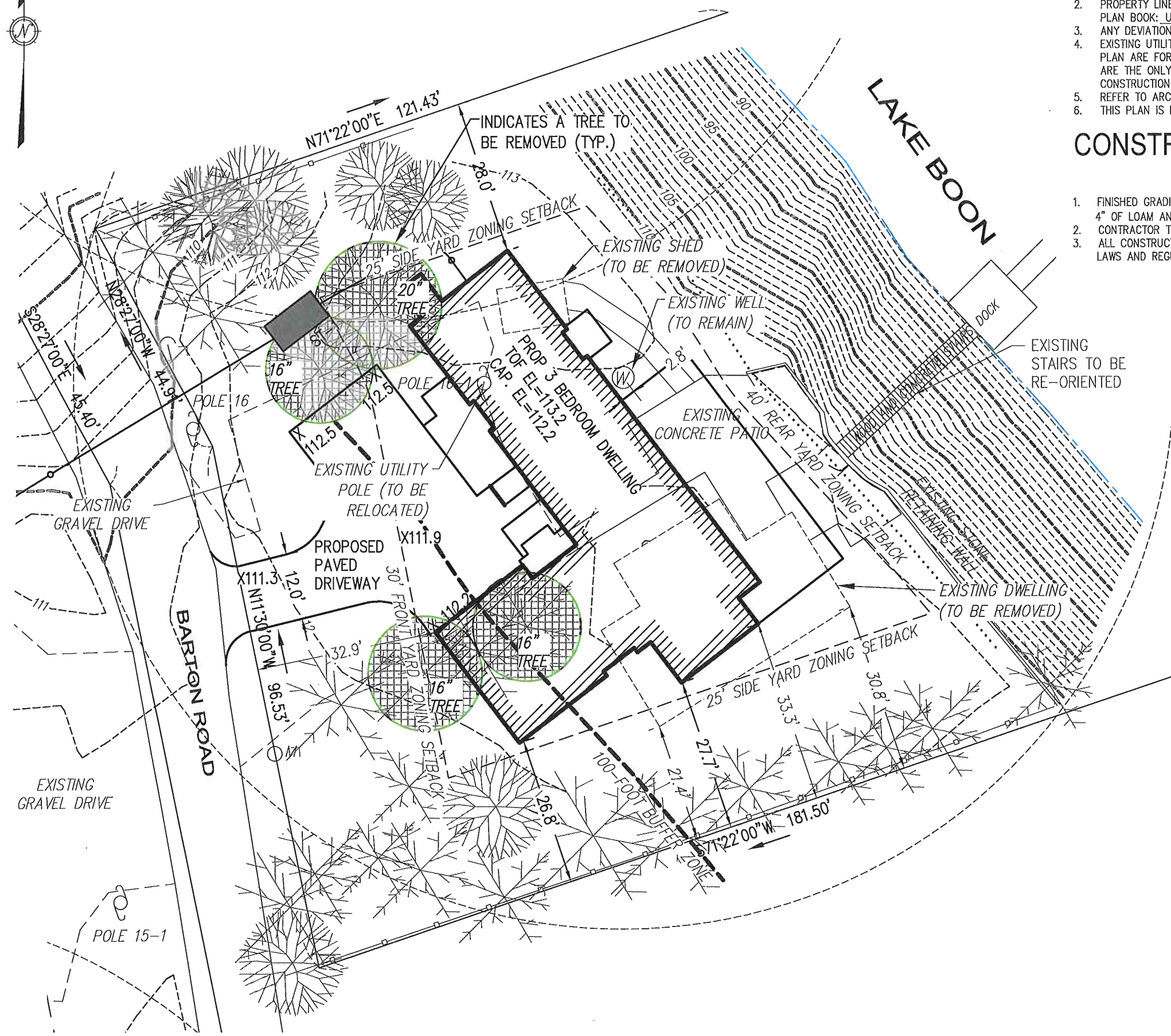


GENERAL NOTES:

1. TOPOGRAPHIC INFORMATION IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY DILLIS & ROY CIVIL DESIGN GROUP, INC. ELEVATIONS REFER TO ASSUMED DATUM (SEE BENCH MARK LOCATED ON PLOT PLAN).
2. PROPERTY LINE INFORMATION TAKEN FROM RECORDED PLAN ON FILE WITH THE S. MIDDLESEX REGISTRY OF DEEDS. PLAN BOOK: U-02 PLAN: 15
3. ANY DEVIATIONS FROM THE DESIGN PLAN MUST BE APPROVED IN WRITING BY DILLIS & ROY CIVIL DESIGN GROUP, INC.
4. EXISTING UTILITIES SHOWN ON THIS PLAN WERE COMPILED FROM FIELD MEASUREMENT AND RECORD PLANS. THE UTILITIES SHOWN ON THIS PLAN ARE FOR REFERENCE ONLY AND SHOULD NOT BE ASSUMED TO BE CORRECT NOR SHOULD IT BE ASSUMED THAT THE UTILITIES SHOWN ARE THE ONLY UTILITIES LOCATED ON OR NEAR THE SITE. THE CONTRACTOR SHALL CALL DIG SAFE 1-888-DIG-SAFE PRIOR TO CONSTRUCTION IN ACCORDANCE WITH STATE LAWS.
5. REFER TO ARCHITECTURAL PLANS BY TUCK & TUCK ARCHITECTS FOR DETAILED HOUSE RENDERINGS.
6. THIS PLAN IS INTENDED TO ACCOMPANY A SPECIAL PERMIT FILING WITH THE STOW ZONING BOARD OF APPEALS

CONSTRUCTION NOTES:

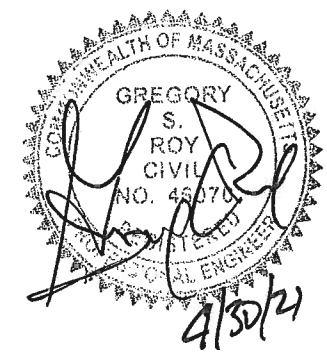
1. FINISHED GRADING SHALL BE DONE IN ACCORDANCE WITH THE PLOT PLAN. ALL DISTURBED AREAS SHALL BE COVERED WITH A MINIMUM OF 4" OF LOAM AND SEEDED WITH A NATIVE GRASS MIXTURE.
2. CONTRACTOR TO COORDINATE WITH APPROPRIATE UTILITY COMPANIES FOR ANY TEMPORARY DISCONNECTIONS AND SERVICE CONNECTIONS.
3. ALL CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.



LOCUS MAP

SCALE: 1" = 1,500'

PROPOSED SITE PLAN	
156 BARTON ROAD	
STOW, MASSACHUSETTS	
DATE: 4/30/2021	SCALE: 1"=20'
APPLICANT: SAMUEL HURWITZ 63 OAKLAND AVENUE NEWTON, MASSACHUSETTS	JOB NO. 6507
DWG NO. 6507-SP	SHEET: 1 OF 1
DRAWN BY: RWP	CHECKED BY: GSR
DILLIS & ROY CIVIL DESIGN GROUP	
<small>CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS 1 MAIN STREET, SUITE 1 LUNENBURG, MA 01462 PHONE: (978) 779-6091 www.dillissandroy.com</small>	



4/30/24