

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE
8 DAVIS ROAD
STOW, MASSACHUSETTS

July 10, 2021



TOWN OF STOW ZONING BOARD OF APPEALS APPLICATION FOR:

- SPECIAL PERMIT
- DIMENSIONAL VARIANCE
- SIGN VARIANCE
- APPEAL of DECISION OF BUILDING INSPECTOR/ZONING ENFORCEMENT OFFICER/SIGN OFFICER

File one (1) copy of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Town Clerk.

Received and Filed with Town Clerk
Date _____
Stow Town Clerk _____

File nine (9) copies of the Application (including plans and reports as required by the Rules and Regulations), folded to fit neatly within a legal sized file folder, to the Zoning Board of Appeals along with an Application fee payable to "Town of Stow" in the amount required by the Rules and Regulations. Refer to the Rules and Regulations for details on the information required.

APPLICANT'S NAME <u>K. Andrew + Tania Borg</u>		PHONE # <u>508-344-2060</u>
MAILING ADDRESS: <u>44 Pine Street Sudbury, MA 01776</u>		EMAIL: <u>andrew@borgdesign.com</u>
LOCATION AND STREET ADDRESS OF SITE <u>8 Davis Road</u>		
AREA OF SITE <u>8,400 +/-</u> sq. ft. / 8,400	FRONTAGE <u>50</u> linear feet	
ZONING DISTRICT <u>Residential</u>	TOWN OF STOW ASSESSOR'S MAP Number(s) <u>U-04</u> Parcel Number(s) <u>39</u>	
SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK AND PAGE NO.(s): <u>BK 73978/Pg. 285</u> or LAND COURT CERTIFICATE OF TITLE NO.(s): <u>N/A</u>		
PROPERTY OWNER(S) NAME <u>K. Andrew + Tania Borg</u>		PHONE NO. <u>508-344-2060</u>
APPLICATION FEE MADE PAYABLE TO TOWN OF STOW		EMAIL <u>andrew@borgdesign.com</u>
		\$250.00 PLUS \$2.00 FOR EACH LISTED ABUTTER \$ <u>278.00</u>

TYPE OF APPLICATION

<input checked="" type="checkbox"/> Special Permit	Check the appropriate box below
	<input type="checkbox"/> Section 3.2.2 of the Zoning Bylaw (Residential District Use)
	<input type="checkbox"/> Section 3.3.3 of the Zoning Bylaw (Business District Use)
	<input type="checkbox"/> Section 3.9 of the Zoning Bylaw (Non-Conforming Use or Structure) (attach copy of form Appendix 7 for non-conforming vacant lots)
	<input type="checkbox"/> Section 4.1.3 of the Zoning Bylaw (Two or more dwelling houses)
	<input type="checkbox"/> Section 4.1.4 of the Zoning Bylaw (Floodplain)
	<input type="checkbox"/> Section 4.1.6 of the Zoning Bylaw (Single Family dwelling on non-conforming lot in single ownership)
	<input checked="" type="checkbox"/> Section 4.4 of the Zoning Bylaw (Table of Dimensional Requirements) for expansion of an existing non-conformity.
	<input type="checkbox"/> Section 5.1.1.7 of the Zoning Bylaw (Floodplain Overlay District – Mapping Error)
	<input type="checkbox"/> Other

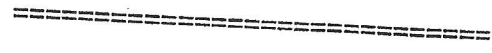
<input checked="" type="checkbox"/> Variance (Section 4.4 (Dimensional Requirements) of the Zoning Bylaw)	Required Setback – Current Zoning Bylaw		Existing Setback	Proposed Setback	Variance Requested
	Front yard	<u>30</u> feet	<u>33.5</u> feet	<u>33.5</u> feet	<u>N/A</u> feet
	Side Yard	<u>25</u> feet	<u>13.3</u> feet	<u>8.4</u> feet	<u>4.9</u> feet
	Rear Yard	<u>30</u> feet	<u>23.3</u> feet	<u>23.3</u> feet	<u>N/A</u> feet
	Other	(Describe)			

<input checked="" type="checkbox"/> Variance – Section 6.3..7.7 (Signs) of the Zoning Bylaw	Attach description of and justification for variance.
<input type="checkbox"/> Appeal of Decision of the Building Commissioner/Zoning Enforcement Officer/Sign Officer	Attach description of and justification for appeal.

DESCRIPTION AND JUSTIFICATION FOR THE PROPOSED REQUEST:

Attach detailed description and justification for request.

Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.



The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

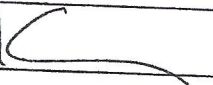
The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

APPLICANT

Date: 7/10/2021	
Name (print) KARL A BORG	Signature 

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Application presented above.

Date: 7/10/2021	
Name (print) KARL A BORG	Signature 

TRUST, CORPORATION OR COMPANY KNOWLEDGE AND CONSENT

Date:	
Name (print)	Signature

APPLICATION FOR A VARIANCE

8 DAVIS ROAD

STOW, MASSACHUSETTS

PROJECT JUSTIFICATION

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE
ANDREW & TANIA BORG
8 DAVIS ROAD
STOW, MASSACHUSETTS

PROJECT JUSTIFICATION

The existing house under construction at 8 Davis Road is a single family dwelling on a pre-existing, non-conforming lot under the current zoning regulations of the Town of Stow, with regard to "Lot Area & Setback" requirements. The project was granted a series of variances by the Board of Appeals in conjunction with a special permit decision, also by the Board on June 2, 2020. The variances granted by the Board included rear and side yard offsets needed to construct the proposed single family dwelling. As the proposed house is nearing completion, the Owner realized that the previously submitted plot plan & the architectural plans did not include a stairway from the upper deck to the ground level, as intended. As such, construction of this stairway will be in violation of the approved side yard offset, requiring the submittal of this variance request to the Board, in conjunction with another special permit request.

As noted in the variance justification, this stairway provides for a second means of exit from the upper level in the event of a fire in the central portion of the home, as well as a convenient means of access to ground level for daily use. The stairway is located in the rear of the northerly side of the new home and would reduce the side yard offset from the approved 13.3 feet to 8.4 feet. This would be a localized reduction that would be visible only from the backyard of 10 Davis Road and will not impact the offset between the new home and the property line in the location of the existing structure at 10 Davis Road. The proposed stairway is approximately forty five (45) feet from the rear corner of the abutting structure.

Granting of this Variance request would not be a detrimental impact the residential neighborhood in general and also not to the direct abutter, as the stairway would be a minimal change in the previously approved structure setbacks, while providing for an improved use of the structure and an emergency exit at the rear of the second floor. The previously approved variances determined that the proposed house was in keeping with the neighborhood and the overall project would not have adverse impacts on the variance granting criteria. In the opinion of the applicant, this addition to the overall project will have no negative visual impact to the abutter or the area in general and will be an improvement to the occupant safety of the home. In addition, there is no viable option to the proposed stairway that would meet the needs of the Borg's with regard to use of the structure and code compliance.

DRAFT Conservation Commission Presentation #: 13th May 2020

A.101

Sheet:
Stamp:

DAVIS ARCHITECTS
Glenn R. Davis
31 Woodrow Street, Hudson, MA, 01734
781.526.0794 • glenn@glennr.com Visit our new website at www.glennr.com
2014-2019

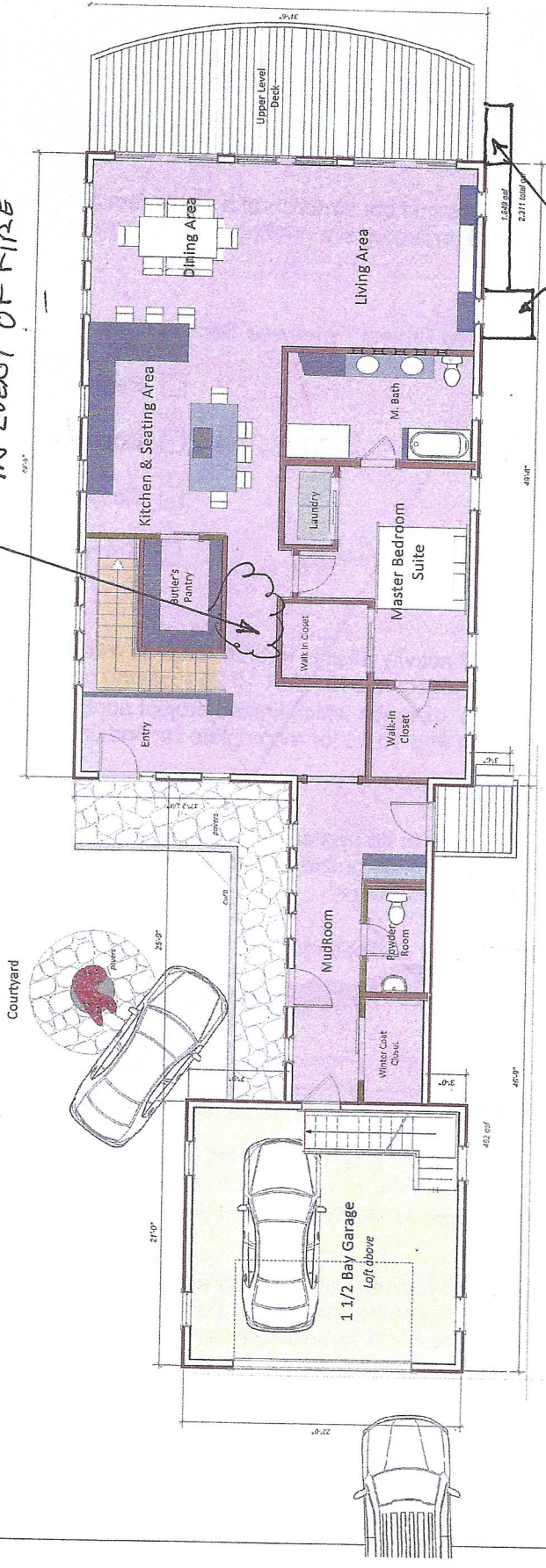
Date: May 13th 2020
Scale: see graphic scale
Project No.: 2001-100-0000

First Level Plan & View

Tania & Andrew Borg Residence
8 Birch Hill, Southwick, MA, 01773

POTENTIAL CHOKE POINT
IN EVENT OF FIRE

Proposed
Stairway



First Level Plan

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APPLICATION FOR A VARIANCE

8 DAVIS ROAD

STOW, MASSACHUSETTS

SITE PLAN

APPLICATION FOR A VARIANCE

8 DAVIS ROAD

STOW, MASSACHUSETTS

PROPERTY DEED

QUITCLAIM DEED

Graham R. Waiting, being unmarried, of Randolph, Massachusetts, hereinafter called the "Grantor",

in consideration of the sum of Three Hundred Forty-Three Thousand and 00/00 Dollars (\$343,000.00), paid, grant to:

Karl Andrew Borg and Tania Borg, as husband and wife, tenants by the entirety, of 44 Pine Street, Sudbury, Massachusetts, hereinafter called the "Grantee",

with Quitclaim Covenants

The land, with the buildings thereon, situated in Stow, Middlesex County, Massachusetts, on the Northerly side of Lake Boon, second basin, so-called, and being the Westerly portion of "Plan of House Lots owned by Estate of William H. Parker on North Shore of Lake Boon, 2nd Basin, Stow, Mass., May 1945" recorded with Middlesex County (Southern District) Registry of Deeds as Plan Number 449 of 1945 in Book 6872, Page 63, bounded and described as follows:

Beginning at a point at the Southwesterly corner of the premises at the shore line of Lake Boon and at land now or formerly of Bartholomew, as shown on said plan;

Thence running Northeasterly by last mentioned land, one hundred forty (140) feet to an angle at a road, as shown on said plan, at a right of way;

Thence running Southeasterly by said right of way, fifty (50) feet to an angle at land now or formerly of Aldrich;

Thence running Southwesterly by last mentioned land, one hundred eighty (180) feet, more or less, to the shores of said Lake;

Thence running Northwesterly by said shore line, sixty-two (62) feet to land of said Bartholomew and point of beginning.

Together with the right to use the right of way as shown on said Plan.

Subject to a right of way ten (10) feet in width extending over and along the Southeasterly line of granted premises from said right of way to the shore line of said Lake Boon for a distance of approximately one hundred eighty (180) feet, said right of way being for the use and benefit of the lot situated immediately Northeasterly of the granted premises and being situated on the opposite side of said right of way.

Property Address: 8 Davis Road, Stow, MA

Grantor hereby releases any and all rights of Homestead in the herein-conveyed Premises and certifies under the pains and penalties of perjury that there are no other persons entitled to protection of the Homestead Act in said Premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to the grantor by Deed dated December 31, 2019 and recorded with said Deeds in Book 73934, Page 573.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

WITNESS my hand and seal this 8 day of January 2020.

Graham R. Waiting
Graham R. Waiting

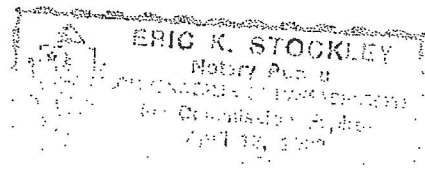
ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS)
) ss
COUNTY OF Norfolk)

On this 8 day of January 2020, before me, the undersigned notary public, personally appeared, Graham R. Waiting proved to me through satisfactory evidence of identification, which was Mass. D.L., to be the person who signed the preceding or attached document voluntarily for its stated purpose in my presence as his free act and deed.

[Signature] (official signature and seal of notary)

Notary Public:
My Commission Expires:



APPLICATION FOR A VARIANCE

8 DAVIS ROAD

STOW, MASSACHUSETTS

ABUTTER LISTING

ABUTTERS LIST
8 Davis Rd
MAP U4 PARCELS 39

MAP/PARCEL	PROPERTY LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP CODE	DEED BOOK	DEED PAGE
000U-4 000003	159 NORTH SHORE DR	PRIANTE RICHARD J		159 NORTH SHORE DR	STOW	MA	01775	14182	203
000U-4 000028	156 NORTH SHORE DR	HODGKINS EDMUND F		UNKNOWN				20924	368
000U-4 000031	0 NORTH SHORE DR	PRICE BARRY W		166 NORTH SHORE DR	STOW	MA	01775	43719	152
000U-4 000032	166 NORTH SHORE DR	PRICE BARRY W		166 NORTH SHORE DR	STOW	MA	01775	52346	339
000U-4 000033	168 NORTH SHORE DR	GWALTNEY ORVILLE LEE III		168 NORTH SHORE DR	STOW	MA	01775	69551	149
000U-4 000034	170 NORTH SHORE DR	CARTER CAMERON		170 NORTH SHORE DR	STOW	MA	01775	72723	586
000U-4 000035	172 NORTH SHORE DR	HEFFNER DIANE		172 NORTH SHORE DR	STOW	MA	01775	42937	237
000U-4 000036	4 DAVIS RD	KATZ STEVEN J		4 DAVIS RD	STOW	MA	01775	14654	330
000U-4 000038*	6 DAVIS RD	VACHON, RONALD		6 DAVIS RD	STOW	MA	01775	74984	219
000U-4 000039*	8 DAVIS RD	BORG, KARL ANDREW		8 DAVIS RD	STOW	MA	01775	73978	285
000U-4 000040	10 DAVIS RD	CASSIDY KEVIN J		10 DAVIS RD	STOW	MA	01775	27453	578
000U-4 000085	5 DAVIS RD	EVANS FAMILY TRUST OF 2013		5 DAVIS RD	STOW	MA	01775	61931	529
000U-4 00030A*	160 NORTH SHORE DR	LAWLOR, JOHN E.		160 NORTH SHORE DR	STOW	MA	01775	77205	101
000U-4 00041A	12 DAVIS RD	O'RIORDEN STEPHEN M		12 DAVIS RD	STOW	MA	01775	39738	517
000U-4 00043A	20 DAVIS RD	GERECKE WILLIAM L		20 DAVIS RD	STOW	MA	01775	70896	467
000U-4 00084A	21 DAVIS RD	GERECKE WILLIAM L		21 DAVIS RD	STOW	MA	01775	42912	424
000U-4 00087A	139 KINGLAND RD	CHRUMKA GLENN J		139 KINGLAND RD	STOW	MA	01775	31463	137
00R-25 02A-1A	0 WOODLAND WAY	TOWN OF STOW		380 GREAT RD	STOW	MA	01775	53275	413
* RECENT SALES									

[Handwritten Signature]

Certified by the Stow Board of Assessors:

Stuart Carter, MAA

Date Certified or Re-Certified:

7/8/21

Ft: 300

