



Town of Stow
BOARD OF APPEALS
380 Great Road
Stow, Massachusetts 01775-2127
978-897-2784

June 7, 2021

NOTICE and DECISION
313 Red Acre Road
SPECIAL PERMIT

Applicant: John Aucoin

Owner: Barbara Bosworth

Address: 313 Red Acre Road
Stow, MA 01775

Premises Affected:

313 Red Acre Road, Stow, shown on Stow Property Map Sheet R-31 as Parcel No. 39 containing 28,574+/- sq. ft.

Property Deed: Middlesex Registry of Deeds Book 48413 Page 247

Special Permit Requested:

A special permit is sought under G.L.c.40A, s.6 and Stow Zoning Bylaw Section 3.9 (Non-Conforming Uses and Structures), to allow expansion of a dwelling on a pre-existing, nonconforming lot.

A duly posted public hearing was held online via Zoom Web Conferencing Service on June 7, 2021. Zoning Board of Appeals Members, Mark Jones, William Byron, Ernest Dodd and Associate Members Andrew DeMore and Michael Naill were present throughout the proceedings.

The following documents were submitted for the Board's consideration:

1. Application comprising of the following documents:

- Application Form
- Site Plan entitled "Site Plan Stow, Massachusetts, prepared by Snelling and Hamel Associates, inc., dated December 28, 2004 with the proposed additions notated by hand.
- Project narrative
- Certified List of Abutters
- Application Fee

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Findings:

1. The property is located in the Residential District.
2. Parcel 39, as shown on the Town of Stow Assessors Map Sheet R-31 is pre-existing nonconforming as to area and frontage. The pre-existing nonconforming lot is 28,574+/- sq. ft. with 157-feet of frontage on Red Acre Road.
3. The Applicant proposes to construct an addition to the existing dwelling comprising of a new kitchen, mudroom entry, two-car garage with access to an existing barn. The proposed addition will be approximately two (2) feet lower than the ridge line of the existing house and approximately thirteen (13) feet lower than the existing barn.
4. The existing dwelling and proposed construction meet the required front, side and rear yard setbacks and height requirements of the current Zoning Bylaw.
5. The Board finds the proposed use and construction is not substantially more detrimental than the existing nonconforming use and does not substantially intensify or result in any additional nonconformities.

The subject lot was created in 1949 at which time the lot area requirement was 20,000 sq. and the frontage requirement was 100-feet.

The existing dwelling and proposed construction is consistent with existing residences on Red Acre Road.

6. The Board makes the following mandatory findings as required by Section 9.2.6 of the Zoning Bylaw:

The Board finds the proposed use and development, as conditioned herein:

- a. is in harmony with the purpose and intent of the Zoning Bylaw;
- b. will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
- c. is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed BUILDINGS in the immediate vicinity that have functional or visual relationship to the proposed use;
- d. includes sufficient mitigating measures for any adverse effects noted in reports from town boards and agencies, reports from consultants and public hearings;
- e. will result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland;
- f. will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads;
- g. will result in no significant effect on level of service for any service provided by the Town;
- h. will result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties;
- i. will result in no transport by air or water of erodible material beyond the boundary line of

- the LOT;
- j. will provide adequate provision for pedestrian traffic; and
 - k. will comply with requirements of Site Plan Approval and all other applicable requirements of this Bylaw.

Pursuant to Massachusetts General Laws Chapter 40A, after referring to the application for Special Permit, the following decision has been made by the Stow Board of Appeals as hereby certified after the public hearing.

VOTE

The Board, by roll call vote of the five members present throughout the proceedings (Mark Jones, William Byron, Ernest Dodd and Associate Members Andrew DeMore and Michael Naill **VOTES TO GRANT A SPECIAL PERMIT** to allow construction of an addition to the existing dwelling comprising of a new kitchen, mudroom entry, two-car garage with access to an existing barn, subject to the following conditions:

CONDITIONS

1. The proposed construction shall result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland.
2. The proposed construction shall result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties;
3. The proposed construction shall result in no transport by air or water of erodible material beyond the boundary line of the LOT.
4. The design and construction shall be essentially in conformance with the Plans submitted with the application.
5. Compliance with other Town Departments, Boards and Commissions is required.
6. The proposed construction shall comply with all applicable requirements of the Zoning Bylaw.
7. Exterior construction activity shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday (excluding holidays), and 8:00 a.m. to 12:00 p.m. Saturdays unless specific approval is granted by the Building Commissioner.

The Board has complied with all statutory requirements in the granting of this Special Permit.

Two copies of this decision, together with copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 15.

This Special Permit shall lapse with two (2) years of filing with the Town Clerk unless substantial use or construction has commenced or in the case of a permit for construction or reconstruction, if construction has not begun by such date, except for good cause (Massachusetts General Laws

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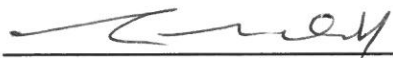
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Chapter 40A, Section 9).

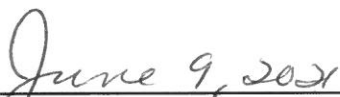
This Special Permit shall not take effect until a copy of the decision has been recorded, at the owner's expense, in the Registry of Deeds and duly indexed or noted on the owner's certificate of title. A copy of the recorded decision, certified by the Registry, or notification by the owner of the recording including recording information, shall be furnished to the Board of Appeals, Town Clerk and Building Inspector.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

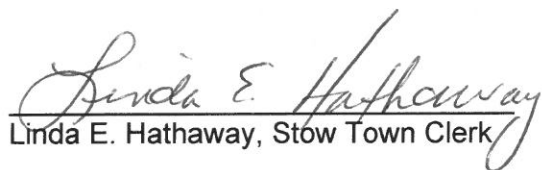
Signed on behalf of and with the permission of the Zoning Board of Appeals.



Ernest E. Dodd
Zoning Board of Appeals Clerk



Date Received and Filed
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Linda E. Hathaway, Stow Town Clerk

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