



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

July 13, 2020

**NOTICE and DECISION**  
**143 North Shore Drive**  
**SPECIAL PERMIT**

**Applicant:** Robert Corkum

**Owner:** Robert R. and Lynne E. Corkum

**Address:** 143 North Shore Drive  
Stow, MA 01775

**Premises Affected:**

143 North Shore Drive, Stow, shown on Stow Property Map Sheet U-4 as Parcel No. 7 containing 18,000+/- sq. ft.

**Property Deed:** Middlesex Registry of Deeds Book 47966, Page 198

**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 construction of an addition to an existing deck on a pre-existing, non-conforming lot.

At a duly posted public hearing held online via the Zoom Web Conferencing on July 13, 2020 the following information and facts were considered:

1. The Applicant proposes to construct an addition to an existing deck as shown on the following plans:
  - Foundation As-Built Plan 143 Northshore Drive, Stow, Map, prepared by Inland Survey, Inc. DBA Zanca Land Surveying, dated October 25, 2005 with existing and proposed deck hand drawn by the Applicant.
  - Architectural Plans dated June 11, 2020:
    - DSK-01 – Axonometric View
    - Existing 10 x 20 Deck

---

July 13, 2020

Zoning Board of Appeals Special Permit Decision – 143 North Shore Drive, Stow, Massachusetts  
Volume III Page 817

Page 1 of 4

- New 20 x 20 Deck

**Findings of the Board:**

1. The lot is pre-existing, non-conforming as to lot size requirements of the present Zoning Bylaw.
2. The existing dwelling and deck conform to the front, side and rear yard setback requirements of the present Zoning Bylaw.
3. The proposed deck addition conforms to the requirements of the present Zoning Bylaw, and does not intensify any existing nonconformities or result in any additional non-conformities.
4. 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.

The Board, by vote of the five members present, **VOTES TO GRANT A SPECIAL PERMIT** to allow construction of an addition to an existing deck, subject to the following conditions:

---

*July 13, 2020*

*Zoning Board of Appeals Special Permit Decision – 143 North Shore Drive, Stow, Massachusetts  
Volume III Page 817*

*Page 2 of 4*

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 documents and plans on file with the Board.
5. The proposed construction shall comply with conditions set by other Town Departments, Boards and Commissions.
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 recording 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 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.

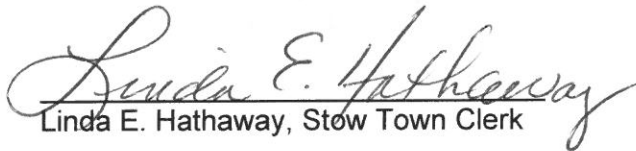
Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

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



Ernest E. Dodd  
Zoning Board of Appeals Clerk

July 20, 2020  
Date Received and Filed  
Volume III, Page 817



Linda E. Hathaway, Stow Town Clerk