



**Town of Stow**  
**BOARD OF APPEALS**  
380 Great Road  
Stow, Massachusetts 01775-2127  
978-897-7258

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To: Frank Ramsbottom, Building Commissioner  
Re: 73 Kingland Road Special Permit  
Fr: David Hartnagel, Zoning Board of Appeals Chair

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The Zoning Board of Appeals held a public hearing on July 10, 2023, for a Special Permit at 73 Kingland Road, Assessor's Map U-04 Parcel 66. The applicant proposed the demolition of an existing dwelling and the construction of a new dwelling. The new dwelling will be placed approximately at the same location as the existing dwelling and will have a larger footprint. The lot is 41,273 square feet and has 191.5 feet of frontage; both area and frontage are less than the current lot dimensional requirements of the Bylaw.

During the hearing, the applicant asked the Board if a special permit is required, citing Section 3.9.7.1 Subsection 1 of the Zoning Bylaw which states:

*As provided for in G. L. c. 40A sec. 6, a nonconforming single or two-family dwelling or structure accessory thereto may be altered, reconstructed, extended or otherwise structurally changed provided that:*

*the proposed alteration, extension or structural change itself conforms to the requirements of the present Bylaw, and does not intensify any existing non-conformities or result in any additional non-conformities, in which event the Building Inspector may issue a building permit and an application to the Board of Appeals need not be made; or...*

The applicant stated that besides the above-referenced non-conformities associated with frontage and lot size, the proposed dwelling conforms to the present Bylaw as it is within the setback requirements for the Residential District. Otherwise, the proposed structure itself will neither add any new nonconformities nor intensify any of the existing nonconformities.

As a result, the Board does not believe that a Special Permit is required given Section 3.9.7.1 Subsection 1. However, the Board is seeking input from the Building Commissioner to see if a building permit can be issued for this site without the Board issuing a Special Permit. The public hearing has been continued to August 7; if a permit can be issued, the applicant will withdraw their application from the Board.

Sincerely,

*/s/ David Hartnagel*

David Hartnagel, Chair  
Zoning Board of Appeals