



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

November 8, 2021

NOTICE and DECISION
206 Barton Road
SPECIAL PERMIT

Applicant: Timothy Hess, Studio InSitu Architects, Inc.

Owner: Michael Lombardi, Jr.

Address: 206 Barton Road
Stow, MA 01775

Premises Affected:

206 Barton Road, Stow, shown on Stow Property Map Sheet U-2 as Parcel No. 29 containing 5,183+/- sq. ft.

Property Deed: Middlesex Registry of Deeds Book 68894, Page 348

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 a single-family dwelling and car port on a pre-existing, non-conforming lot.

A duly posted public hearing was held at 380 Great Road and online via Zoom Web Conferencing Service on September 20, 2021. The Public Hearing was continued to November 1, 2021 and closed at the conclusion of the November 1, 2021 Public Hearing. Zoning Board of Appeals Members Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Andrew DeMore were present throughout the proceedings.

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

- Application comprising of the following documents:
- Application comprising of the following documents:
- Application form
- Certified List of Abutters
- Application Fee

November 8, 2021

Zoning Board of Appeals Special Permit Decision – 206 Barton Road, Stow, Massachusetts
Volume III Page 848

Page 1 of 5

- Plan set entitled “Lombardi Residence”, prepared by InSitu Architects, Inc. dated September 4, 2021 comprising of the following sheets:
 - Existing Site Plan
 - Proposed Site Plan
 - Basement
 - First Floor Plan
 - Second Floor Plan
 - Attic
 - Roof Plan
 - West Elevation
 - South Elevation
 - East Elevation
 - North Elevation
- Architectural Plan Set received October 26, 2021 for November 1st, 2021 ZBA Meeting comprising of 5 sheets.
- Architectural Plan Set received October 26, 2021 comprising of the following sheets:
 - Sheet 1 (South and West elevation)
 - Sheet 2 (East and North elevation)
- Correspondence
 - Interoffice Memorandum dated September 9, 2021 from Stow Conservation Director

Findings of the Board:

1. The lot is pre-existing non-conforming as to lot size and frontage requirements of the present Zoning Bylaw.
2. The existing structure (single-family dwelling) does not conform to the side and rear yard setback requirements of the present Zoning Bylaw.
3. The proposed single-family dwelling does not intensify any existing nonconformities.
4. The proposed car port, to be located in front of the proposed single-family dwelling, is consistent with the pre-existing side and rear yard setbacks of the single-family dwelling. During the public hearing, the applicant stated that the northeast corner of the dwelling is 2.1 feet from the property line, and it is their intention to maintain that setback for the proposed car port.
5. The proposed car port, located 8.1 feet from the front yard, does not conform to the 30-foot front yard setback requirement of the present Zoning Bylaw. The Board finds that it is possible to construct a car port situated on the lot in a location that complies with the 30-foot front yard setback requirement of the Zoning Bylaw.
6. The Board makes the following mandatory findings as required by Section 9.2.6 of the Zoning Bylaw:

November 8, 2021

*Zoning Board of Appeals Special Permit Decision – 206 Barton Road, Stow, Massachusetts
Volume III Page 848*

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.

VOTE

Pursuant to Massachusetts General Laws, Chapter 40A, after referring to the application for Special Permit, the Board, by roll call vote of the five members present throughout the proceedings (Members Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Andrew DeMore) **VOTES TO GRANT A SPECIAL PERMIT** to allow construction of a single-family dwelling and car port subject to the following 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 documents and plans on file with the Board with the following exceptions:
 - The proposed car port shall be situated on the lot in a location that meets the required

30-foot front yard setback requirements of the Zoning Bylaw.

- The proposed car port shall be located no closer than 2.1 feet from the northerly property line.
 - The proposed car port shall be located no closer to the southerly property line than the setback as shown on the Plan.
5. The proposed construction shall comply with conditions set by the Conservation Commission, Board of Health and 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 Zoning Board of Appeals.



Ernest E. Dodd
Zoning Board of Appeals Clerk



Date Received and Filed
Volume III, Page 848



Linda E. Hathaway
Stow Town Clerk