



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

November 1, 2021

NOTICE and DECISION
99 Pine Point Road

SPECIAL PERMIT

Applicant: Dan and Eva Barstow

Owner: Dan and Eva Barstow

Address: 99 Pine Point Road
Stow, MA 01775

Premises Affected:

99 Pine Point Road, Stow, MA shown on Stow Property Map Sheet U-1 as Parcel No. 39A containing 0.4 acres.

Property Deed: Middlesex Registry of Deeds Book 23275, Page 478

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 storage shed 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 November 1, 2021. Zoning Board of Appeals Members Mark Jones, Ernest Dodd, David Hartnagel, Andrew DeMore and Associate Member Leonard Golder were present throughout the proceedings.

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

1. Application comprising of the following documents:
 - Application form
 - Certified List of Abutters
 - Application Fee
 - Project Description
 - Plot Map of Barstow property with proposed shed location

November 1, 2021

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- Photo mock-up of shed in Barstow back yard
- Photo mock-up of shed as seen from abutter's unoccupied property
- Photo mock-up of shed as seen from abutters home
- Reeds Ferry site preparation procedure

Findings of the Board:

1. The Applicant proposes to construct a 10-foot by 14-foot storage shed in their back yard. The proposed shed is located 10 feet from the westerly side property line, 80 feet from the easterly side property line, 98 feet from the front property line and 70+ feet from the rear property line.
2. The lot is located in the Residential District.
3. The lot is pre-existing non-conforming as to lot size and frontage requirements of the present Zoning Bylaw.
4. The existing structure (single family dwelling) is pre-existing nonconforming as to the front and westerly side yard setback requirements of the present bylaw.
5. The proposed storage shed does not conform to the westerly side yard requirements of the present Zoning Bylaw and is therefore subject to this Special Permit for expansion of a pre-existing nonconforming setback on a pre-existing nonconforming lot.
6. The proposed storage shed is located 10 feet from the westerly side property line abutting 104 Pine Point Road. There is no physical structure in that portion of the 104 Pine Point Road property. The owner of 104 Pine Point Road does not object to the proposed location of the storage shed.
7. 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.

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 (Mark Jones, Ernest Dodd, David Hartnagel, Andrew DeMore and Associate Member Leonard Golder) **VOTES TO GRANT A SPECIAL PERMIT** to allow construction of a 10-foot by 14-foot storage shed 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.
5. The proposed construction shall comply with conditions set by 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 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.

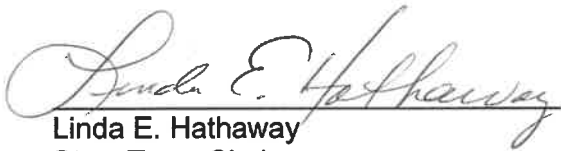
Signed on behalf of and with the permission of the Zoning Board of Appeals.



Ernest E. Dodd
Zoning Board of Appeals Clerk

November 5, 2021

Date Received and Filed
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Linda E. Hathaway
Stow Town Clerk