

Application for Special Permit & Dimensional Variance

Pursuant to Zoning Bylaw Sections 3.9

**23-25 Hale Road
Stow, MA 01775**

Applicant: Nathan Payne
23-25 Hale Road
Stow, MA 01775

Record Owner: Nathan Payne
23-25 Hale Road
Stow, MA 01775

**March 31st, 2021
5910-P**

Special Permit & Variance Application
23-25 Hale Road
Stow, MA

March 31st, 2021
Nathan Payne

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Special Permit & Variance Application
23-25 Hale Road
Stow, MA

March 31st, 2021
Nathan Payne

1.0 Application, Checklist & Copy of Filing Fee

ZONING BOARD OF APPEALS

TOWN OF STOW

Karen Kelleher
Board of Appeals Secretary
kkelleher@stow-ma.gov
978-897-2784

Z.B.A MEETINGS ARE HELD THE FIRST MONDAY OF THE MONTH, EXCEPT IF DATE IS
A HOLIDAY.

SUBMITTALS ARE DUE THE MONTH PRIOR TO THE MEETING DATE.
THE FIRST MONDAY BY NOON.

CHECK LIST FOR ZONING BOARD OF APPEALS SUBMITTALS

Application: Completed with all information required, including a description or narrative of the proposed project. (Separate applications when both a Special Permit and a Variance are requested.)

List of Abutters: Request for List of Abutters must be submitted to the Assessors' Office. The application is included in this package. *The applicant is to make copies of the list of abutters provided by the Assessors office and insert it in each packet: special permit = 13 and variance = 8*

Site plan prepared by engineer or land surveyor: If the application pertains to new construction or addition to an existing structure, the plan must show the location of the same with setbacks from the lot lines.

Plan/drawing of the proposed new construction with dimensions, square footage, elevations, height, etc.

Check for the fee made payable to Town of Stow:
Special Permit filing fee is \$150.00;
Variance filing fee is \$100.00;
plus \$6.00 for each abutter as listed by the Assessors.
Payment may be made with one check.

For Special Permit: Thirteen (13) complete copies of the application, abutters list, plans and supporting documents.

For Variance: Eight (8) complete copies of the application, abutters list, plans and supporting documents.

Z.B.A Application, Abutters List and Additional Information are also available on-line at: WWW.STOW-MA.GOV

**ZONING BOARD OF APPEALS
STOW, MASSACHUSETTS 01775**

APPLICATION FOR HEARING

Please follow the instructions carefully. Failure to complete the form properly or to supply the required plan, properly engineered, will result in denial of the request. Submission of the form to the Board for review prior to filing is strongly recommended.

1. Nature of relief sought. Circle only one. If multiple relief is sought, complete a form for each item.

a. PETITION FOR VARIANCE: Applicable Bylaw Section na

b. APPLICATION FOR SPECIAL PERMIT: Applicable Bylaw Section Section 3.9

c. APPEAL FROM UNFAVORABLE ACTION: Specify action na

Board or Official na Date of Action na

d. OTHER (Specify) _____
na

2. Name of Applicant Nathan Payne

Address 23-25 Hale Road

State Stow, MA Zip Code 01775

3. Location of Property 23-25 Hale Road

Assessors' Map # U-5 Parcel # 17 Area in sq. ft. 29,000 SF

Applicant is Owner Tenant _____ Agent/Attorney _____ Purchaser _____

Property Owner Name Nathan Payne

Address 23-25 Hale Road Telephone _____

4. Definitive plan(s) or site plans in accordance with the accompanying instruction sheet shall be included with the application.

See site plan attached to this application.

5. Description of problem for which relief is sought. If a request for lot line variance(s), state the variance(s) sought in actual feet.

Relief is sought for an "intensification of the use" to raze the existing structure and construct a new building in a similar on the lot. See project narrative for additional details.


6. Justification for request:

See project narrative.

7. List of names and addresses of abutters and abutters of abutters within 300 feet of the property line of the petitioner, together with a copy of the Assessors' map showing the corresponding locations of those names listed.

See Section 3.0 of the application package.

I hereby certify that I have read and complied with the instructions accompanying this application and request a hearing before the Board of Appeals.

Signature of applicant or representative 

Address 25 Hale Rd Stow Ma 01775 Telephone 508-341-6291

Owner's permission (if other than applicant) _____

WARNING

Failure to provide all of the information and documentation as required by the Stow Board of Appeals rules, regulations and instructions for filing an application for special permit or a petition for variance may very well result in an automatic denial by the Board after opening the public hearing.

Read and understood: 
Signature of Applicant/Petitioner

SUMMARY OF BOARD OF APPEALS ACTION

Received by ZBA _____ Hearing Date _____

Publishing Dates _____ Abutter Mailing _____

Decision required by _____ Decision notices sent _____
(Within 100 days of filing for variance)
(Within 90 days of hearing for special permit)

Granted _____ Denied _____

Withdrawn on _____ By _____
Signature

04/02

2.0 Project Narrative

Existing Conditions

The property is located at 23-25 Hale Road which is shown on assessors Map U05, Parcel 17. The property is afforded the benefit of an access right-of-way that extends from Hale Road to the subject property through several abutting properties. The property abuts Lake Boon on both sides. The parcel is approximately 29,000 SF in area and does not front directly onto Hale Road. The entire property is located within the Residential Zoning District.

The lot is non-conforming with respect to both Area and Frontage. As such, the lot is considered to be a Pre-Existing Non-conforming lot.

Given that the lot does not front directly onto Hale Road, the existing house orientation was used to define the front, side and rear setbacks. The existing (and proposed) house faces to the east. As such, the easterly sideline has been defined as the "Front" with the associated 30-foot front yard setback depicted on the plan. The westerly property line depicts the 40-foot rear yard setback with the two northerly and southerly lines being "side lines" with the associated 25-foot setbacks shown on the plans.

Two structures exist on the property. The primary residence is listed as a 3-bedroom dwelling based on the latest available assessors' records (see section 6 for property record cards). The dwelling has a total living area of 2,175 SF. The existing structure meets all current front, rear and side yard setbacks.

The second structure (referred to as "the cottage") is listed as a 1-bedroom dwelling based on the assessor's records. This structure has 410 SF of living area.

Proposed Conditions

The applicant is proposing to add a drive under garage, a raised deck facing the west, and a front porch to the existing house. The existing cottage will be maintained in its current configuration with no proposed improvements. A site plan is attached showing the locations of the proposed additions with respect to the property lines.

The proposed house will be an increase in the floor area as compared to the existing dwelling. As such, a Special Permit is required to extend the non-conformance of the property. The finished floor area of the proposed structure will be 4,145 SF. The house will have an additional 820 SF of lower-level area (Garage).

Special Permit Criteria

Section 3.9.7.1 2. of the Zoning Bylaw states the following:

“the proposed alteration, extension or structural change itself does not conform to the requirements of the present Bylaw, and does intensify existing non-conformities or results in additional non-conformities, in which event a Petition for Special Permit must be made to the Board of Appeals, and the Board of Appeals must find that:

- a) there is no substantial increase in the nonconforming nature of said structure; and
- b) such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The following is a brief description of the proposed project with respect to each criteria listed above:

“...no substantial increase in the nonconforming nature of said structure”

As noted above, the proposed house will meet all dimensional zoning offsets. As such, the proposed project will not create any new non-conformity with respect to the front, side, and rear yard zoning setbacks.

The Finished Floor Area of the proposed house will increase from 2,175 SF to 4,145 SF. Section 4.4 (Table of Dimensional Requirements) does not have a maximum Floor Area Ratio listed for the site. As such, the increase in the Floor Area of the structure does not create a great non-conformity on the lot.

“...not be substantially more detrimental to the neighborhood”

The applicant is proposing to add an attached garage and an addition to an existing single-family dwelling which will fit in with the architectural character of the neighborhood. The proposed use will be identical to the existing use and harmonious with the other uses in the neighborhood.

Elevations prepared by the Client’s Architect are attached.

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3.0 Abutters List



Town of Stow
BOARD OF ASSESSORS

380 Great Road
Stow, Massachusetts 01775-1122
(978) 897-4597
FAX (978) 897-4534

REQUEST FOR CERTIFIED ABUTTERS' LIST

Date of Request: 3-18-2021

Property Owner: Nathan Payne

Property Location: 23-25 Hale Road U5 | 17

Parcel ID: (Map & Lot): Map ~~U-4~~ Parcel ~~32~~

Requesting Board: Zoning Board of Appeals

Requestor Information:

Name: Ryan Proctor

Mailing Address: 1 Main Street, Suite 1 - Lunenburg, MA 01462 (Dillis & Roy Civil Design Group)

Email address: rproctor@dillisandroy.com

Phone Number: 978-779-6091 x311

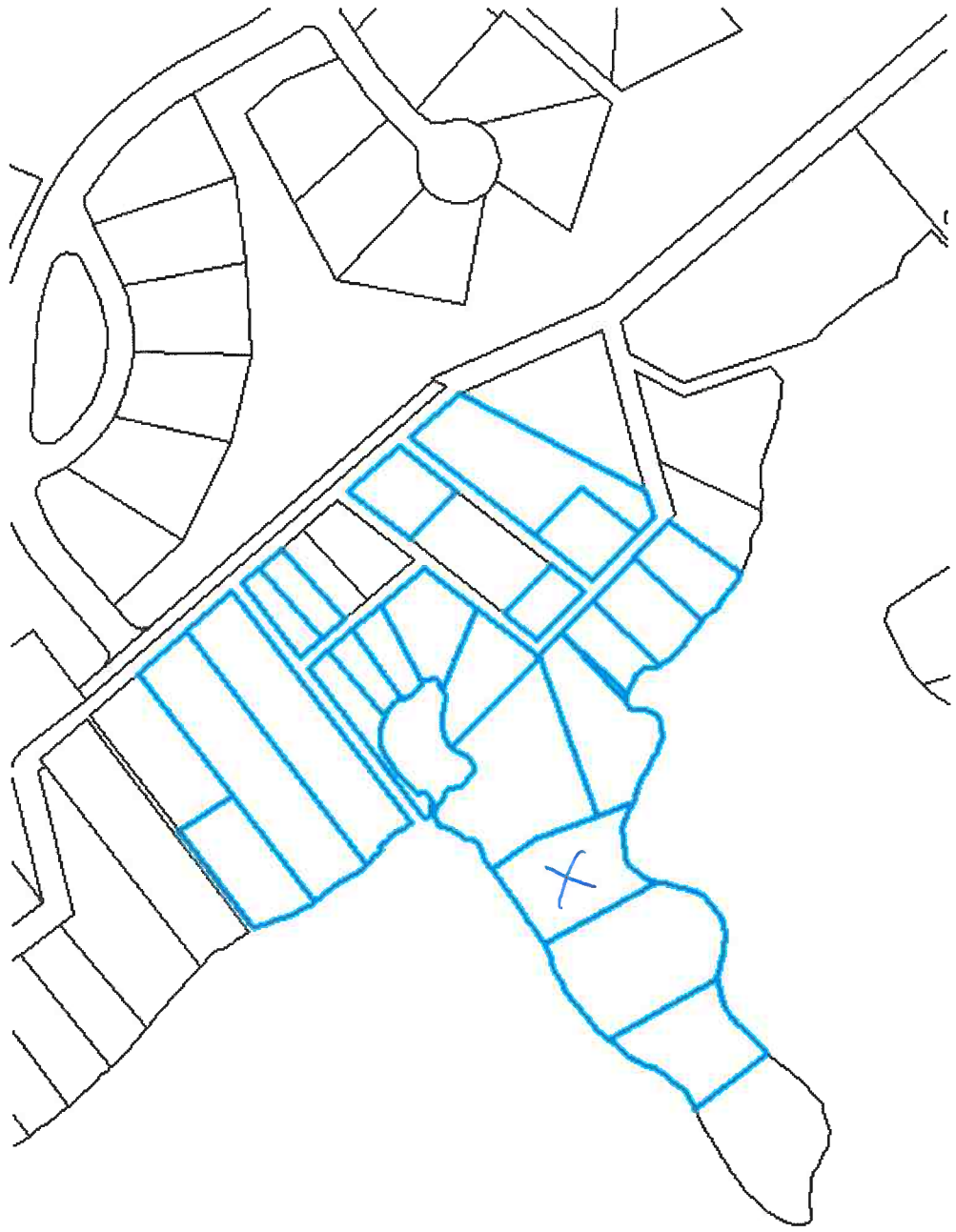
FEE: \$20.00 (deposit required at time of request) for first 20 abutters or less:
Plus, \$1.00 per abutter above 20 entries: Plus, \$2.00 per sheet of labels.

Assessors' Office Use Only:

Deposit: \$ _____ Cash Check (check # _____)

Add'l Fee: \$ 24.- Cash Check (check # _____)

The Board of Assessors has 10 business days to provide all Certified Lists of Abutters.
The list is valid for 90 days from the date of Certification.
Applications submitted without all necessary information may be returned for completion.



↑

ABUTTERS LIST
23 - 25 Hale Rd
MAP US PARCELS 17

MAP/PARCEL	PROPERTY LOCATION	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP CODE	DEED BOOK	DEED PAGE
000U-5 000008	41 HALE RD	KERBLE ERIC		41 HALE RD	STOW	MA	01775	64777	506
000U-5 000010	39 HALE RD	FULLER WILLIAM R		39 HALE ROAD	STOW	MA	01775	41080	415
000U-5 000011	37 HALE RD	JOHNSON JOANNE T		37 HALE RD	STOW	MA	01775	16011	349
000U-5 000012	35 HALE RD	HAMMILL GLENN M		35 HALE ROAD	STOW	MA	01775	7949	54
000U-5 000017	23 HALE RD	PAYNE, NATHAN KEVIN J TRENHOLME		23-25 HALE ROAD	STOW	MA	01775	75397	251
000U-5 000019	21 HALE RD	KEVIN J TRENHOLME		21 HALE RD	STOW	MA	01775	73847	122
000U-5 000020	20 HALE RD	MILLER GARY R/ALBERT IRA GOULD		20 HALE RD	STOW	MA	01775	27970	62
000U-5 000027	19 HALE RD	ABRUTYN SCOTT D		19 HALE ROAD	STOW	MA	01775	44872	172
000U-5 000029	15 HALE RD	HENDRIX BASYE		15 HALE RD	STOW	MA	01775	53998	515
000U-5 000030	7 HALE RD	OCONNELL DONALD P		7 HALE ROAD	STOW	MA	01775	31972	320
000U-5 000034	72 NORTH SHORE DR	WININ LINDA CASACELI		72 NORTH SHORE DR	STOW	MA	01775	35714	143
000U-5 000035	76 NORTH SHORE DR	MCDONALD CAROLYN A TRUST		76 NORTH SHORE DRIVE	STOW	MA	01775	69650	386
000U-5 00013A	27 HALE RD	CUNNINGHAM KEVIN		27 HALE ROAD	STOW	MA	01775	32597	108
000U-5 00015A	31 HALE RD	HALE ROAD REALTY TRUST		31 HALE RD	STOW	MA	01775	69894	437
000U-5 0038-1	82 NORTH SHORE DR	ALVING RUTH E LIFE ESTATE		82 NORTH SHORE DRIVE	STOW	MA	01775	70475	154
000U-5 031A-1	9 HALE RD	AMICHELLI LAURA ANNE		9 HALE RD	STOW	MA	01775	60775	392
000U-5 032A-1	11 HALE RD	SEITH KENT LJR		11 HALE ROAD	STOW	MA	01775	43076	187

Certified by the Stow Board of Assessors:



Stuart Carter, MAA

Date Certified or Re-Certified:

3/18/21

Ft:

300

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4.0 Record Deed/Assessors Data

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 140868
Document Type	: DEED
Recorded Date	: August 18, 2020
Recorded Time	: 02:25:39 PM
Recorded Book and Page	: 75397 / 251
Number of Pages(including cover sheet)	: 4
Receipt Number	: 2506199
Recording Fee (including excise)	: \$3,803.00

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 08/18/2020 02:25 PM
Ctrl# 323067 29872 Doc# 00140868
Fee: \$3,648.00 Cons: \$800,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

CHARLES P BALL
ATTORNEY AT LAW
cpb@cpb-law.com



QUITCLAIM DEED

I, BRETT D. SIGWORTH, A MARRIED MAN OF STOW, MIDDLESEX COUNTY, MASSACHUSETTS

for consideration paid of EIGHT HUNDRED THOUSAND AND 00/100 (\$800,000.00) DOLLARS

grant to NATHAN PAYNE AND SEVERINE TISNE, as Joint Tenants with Rights of Survivorship, now of 23-25 Hale Road, Stow, MA

WITH QUITCLAIM COVENANTS

The land with the buildings thereon situated in Stow, Middlesex County, Massachusetts being known and numbered as 23-25 Hale Road, Stow, MA 0175 situated in the Southeasterly part thereof, on Lake Boone, shown as Lot A on plan entitled "Land in Stow, Surveyed for Axel T. Lawson, by Horace F. Tuttle, C.E., October 5, 1946, Scale 40 feet = 1 inch" said plan duly recorded with the Middlesex South District Registry of Deeds, bounded and described as follows:

- COMMENCING at the Southwesterly corner thereof at a stone bound at land of Prescott and the shore of Lake Boone; thence running Northerly by said Lake Bone, one hundred eighty-four and 5/10 (184.50) feet to a stone bound at Lot A-1 on said plan
- THENCE turning and running S. 79° 58' E. by said Lot A-1, seventy-four and 25/100 (74.25) feet to a stone bound;
- THENCE running S 65° E. by land formerly of Hale, one hundred forty-six (146) feet to a stone bound at the shore of Lake Boone;
- THENCE turning and running Southerly by said Lake Boone, one hundred twenty-two (122) feet to land of Prescott;
- THENCE turning and running N. 86°19' W by said Prescott land, one hundred seventy-nine (179) feet to the point of beginning.

Property Address: 23-25 HALE ROAD, STOW, MA 01775

Meaning and intending to convey and hereby conveying Lot A as shown on said plan however otherwise measured, bounded or described.

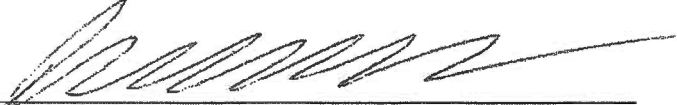
Subject to and with the benefit of any rights, restrictions and reservations of record, insofar as the same are now in force and applicable.

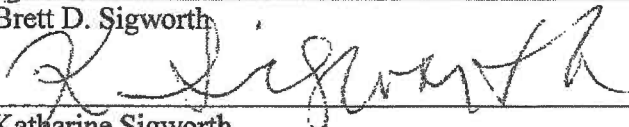
Meaning and intending to convey the same Premises conveyed to the herein Grantor by deed of Martha J. Chapman, dated March 12, 2001 and recorded with said Deeds in Book 56635, Page 417.

The said Grantor hereby releases any and all homestead rights and certifies under pains and penalties of perjury that there are no occupants or others with homestead rights in the premises.

The Grantor's spouse, Katharine Sigworth, hereby joins in this deed for the purpose of releasing his homestead rights in the premises.

Witness our hand and seal this 23 day of July, 2020



Brett D. Sigworth

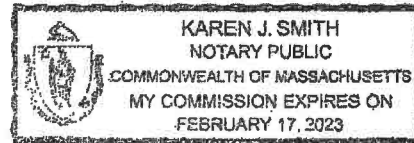

Katharine Sigworth
w/s/k K. Sigworth

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 23 day of July, 2020, before me the undersigned notary public, personally appeared Brett D. Sigworth and Katharine Sigworth and proved to me through satisfactory evidence of identification, which were drivers licenses, to be the persons whose names are signed on the preceding or attached documents, and acknowledged to me that they signed it voluntarily for its stated purpose as their free act and deed.


Notary Public:
My commission expires:



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5.0 Architectural Plans

PAYNE RESIDENCE
25 HALE ROAD
STOW, MA

Project:

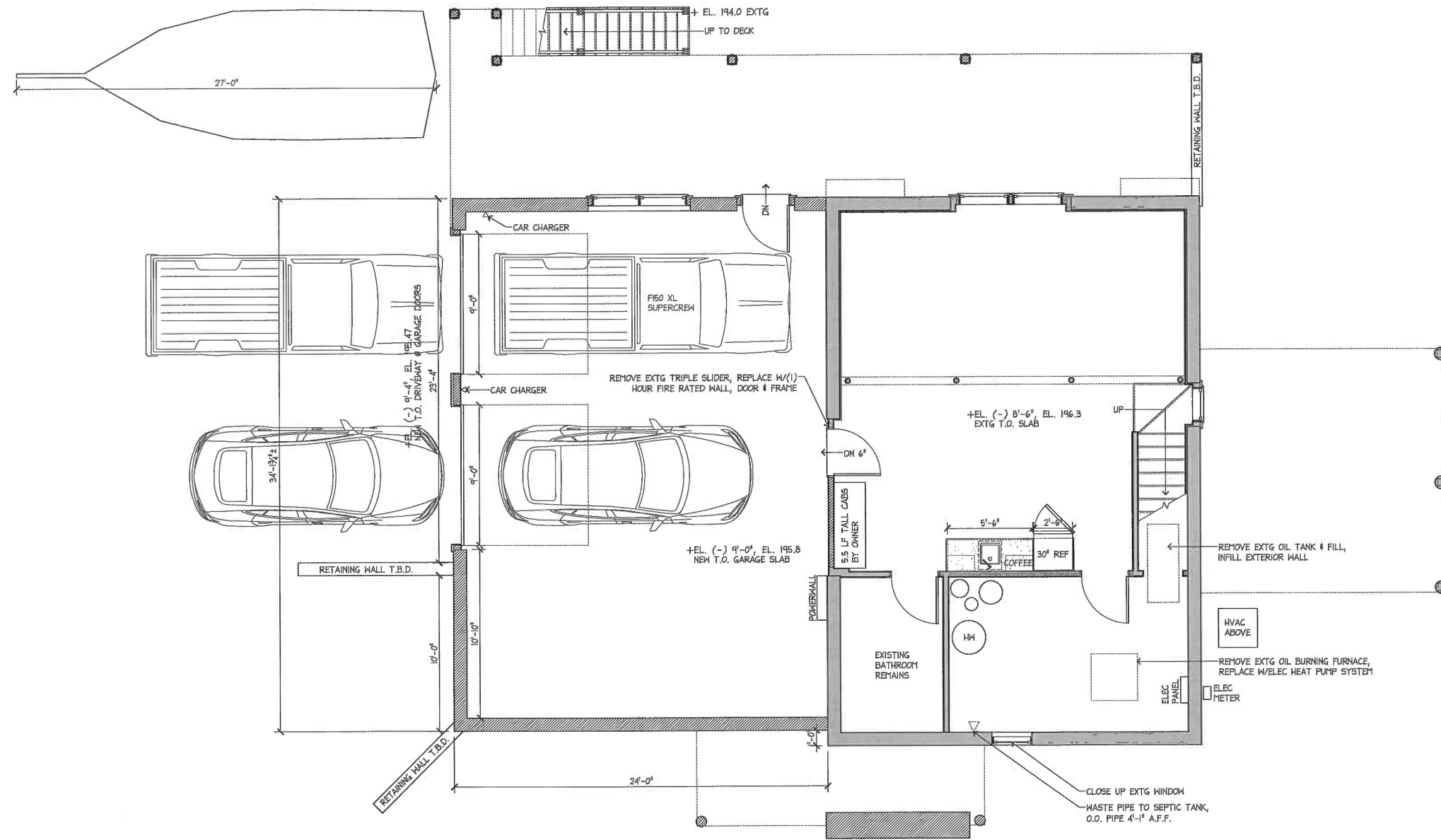
BASEMENT FLOOR PLAN
REVISED

Sheet Title:

DESIGNED FOR:	SCHEMATIC 2	
DATE:	08/22	
SCALE:	AS NOTED	
DRAWN BY:		
CHECKED BY:		
FILE NAME:	2021 Plan	
DATE	REVISION	BY

Sheet Number:

A1.0



1
A1.0 **BASEMENT FLOOR PLAN REVISED**
SCALE: 1/4"=1'-0"



PAYNE RESIDENCE
25 HALE ROAD
STOW, MA

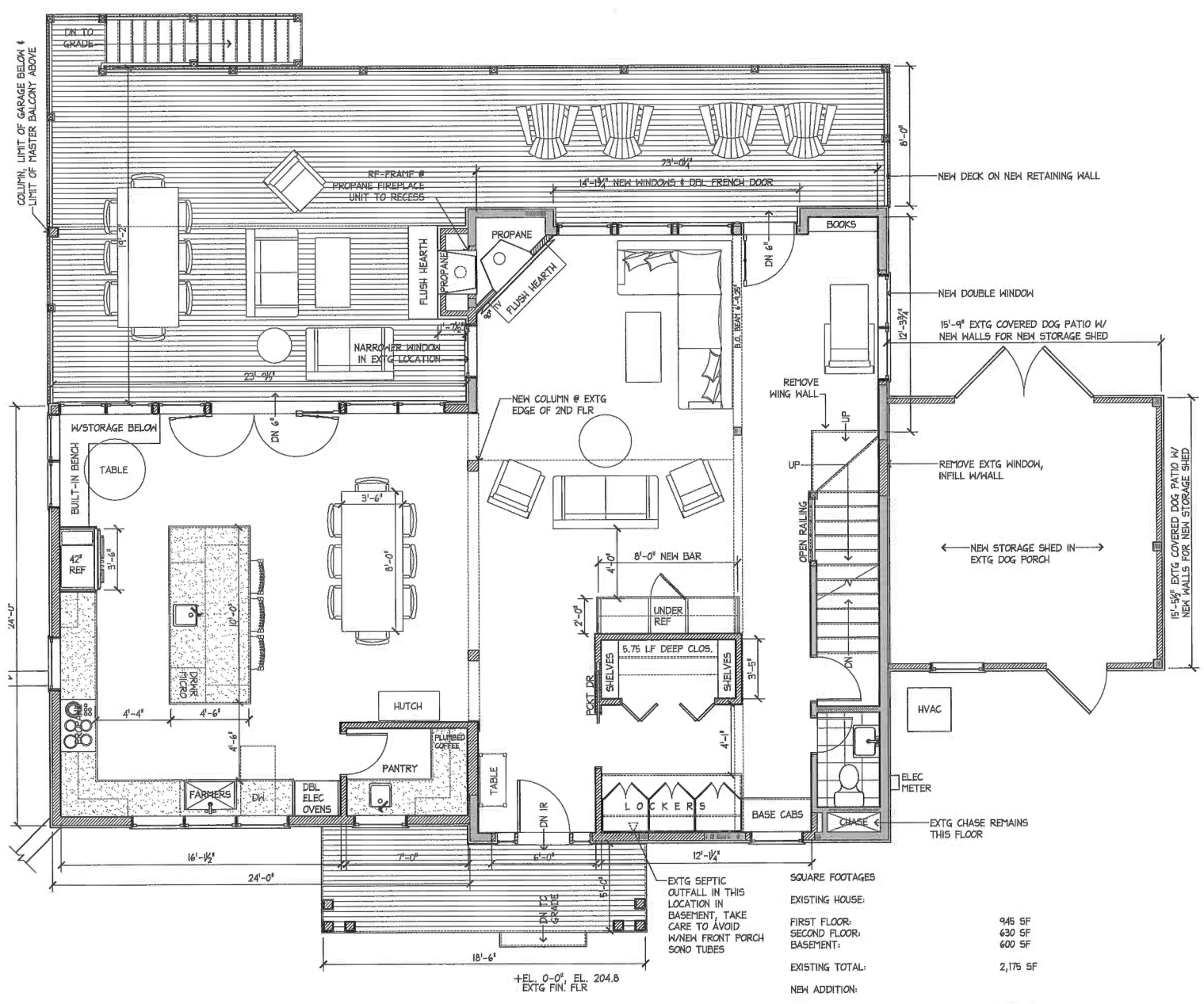
1ST & 2ND FLOOR PLANS
REVISED

ISSUED FOR: SCHEMATIC 2
DATE: 08/23
SCALE: AS NOTED
DRAWN BY:
CHECKED BY:
FILE NAME: 2018 Payne
DATE REVISION BY

DATE	REVISION	BY

Sheet Number:

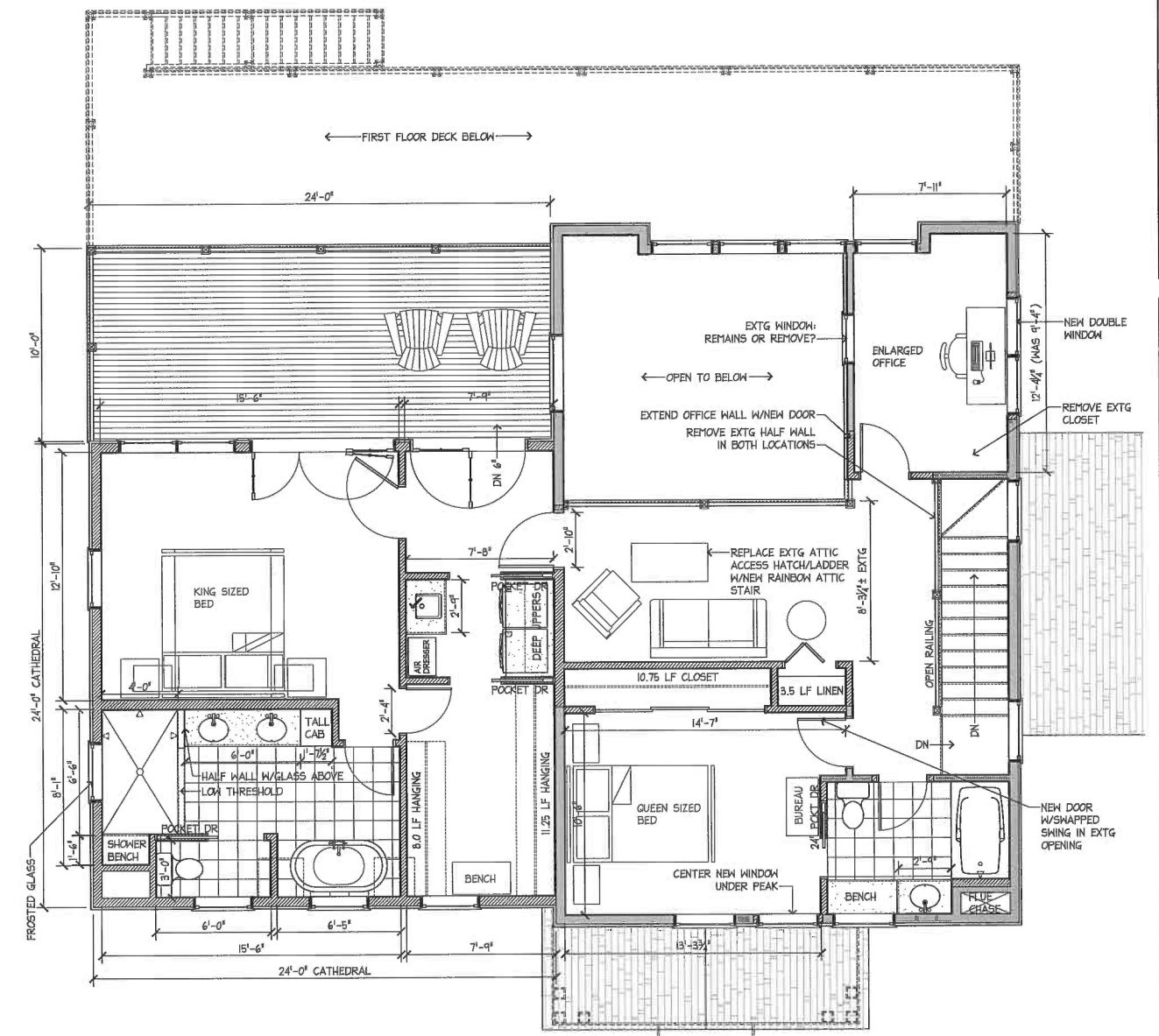
A1.1



SQUARE FOOTAGES

EXISTING HOUSE:	946 SF
FIRST FLOOR:	630 SF
SECOND FLOOR:	600 SF
BASEMENT:	600 SF
EXISTING TOTAL:	2,176 SF
NEW ADDITION:	
FIRST FLOOR:	575 SF
SECOND FLOOR:	575 SF
GARAGE:	820 SF
NEW ADDITION TOTAL:	1,970 SF
TOTAL HEATED SPACE (W/OUT BSMT):	2,725 SF
NEW DECKS:	80 + 675 = 755 SF

1 FIRST FLOOR PLAN REVISED
SCALE: 1/4"=1'-0"



2 SECOND FLOOR PLAN REVISED
SCALE: 1/4"=1'-0"



1 EAST ELEVATION REVISED
A2.1 SCALE: 1/4"=1'-0"



2 SOUTH ELEVATION REVISED
A2.1 SCALE: 1/4"=1'-0"

Project:
PAYNE RESIDENCE
25 HALE ROAD
STOW, MA

Sheet Title:
**EAST & SOUTH ELEVATIONS
REVISED**

DESIGNED FOR:	SCHEMATIC 2	
DATE:	08/20	
SCALE:	AS NOTED	
DRAWN BY:		
CHECKED BY:		
FILE NAME:	2011 Elevations	
DATE	REVISION	BY

Sheet Number:
A2.1



1 WEST ELEVATION REVISED
A2.2 SCALE: 1/4"=1'-0"



2 NORTH ELEVATION REVISED
A2.2 SCALE: 1/4"=1'-0"

Project:
PAYNE RESIDENCE
25 HALE ROAD
STOW, MA

Sheet Title:
**WEST & NORTH ELEVATIONS
REVISED**

ISSUED FOR:	SCHEMATIC 2	
DATE:	08/22	
SCALE:	AS NOTED	
DRAWN BY:		
CHECKED BY:		
FILE NAME:	2018 Elevations	
DATE	REVISION	BY

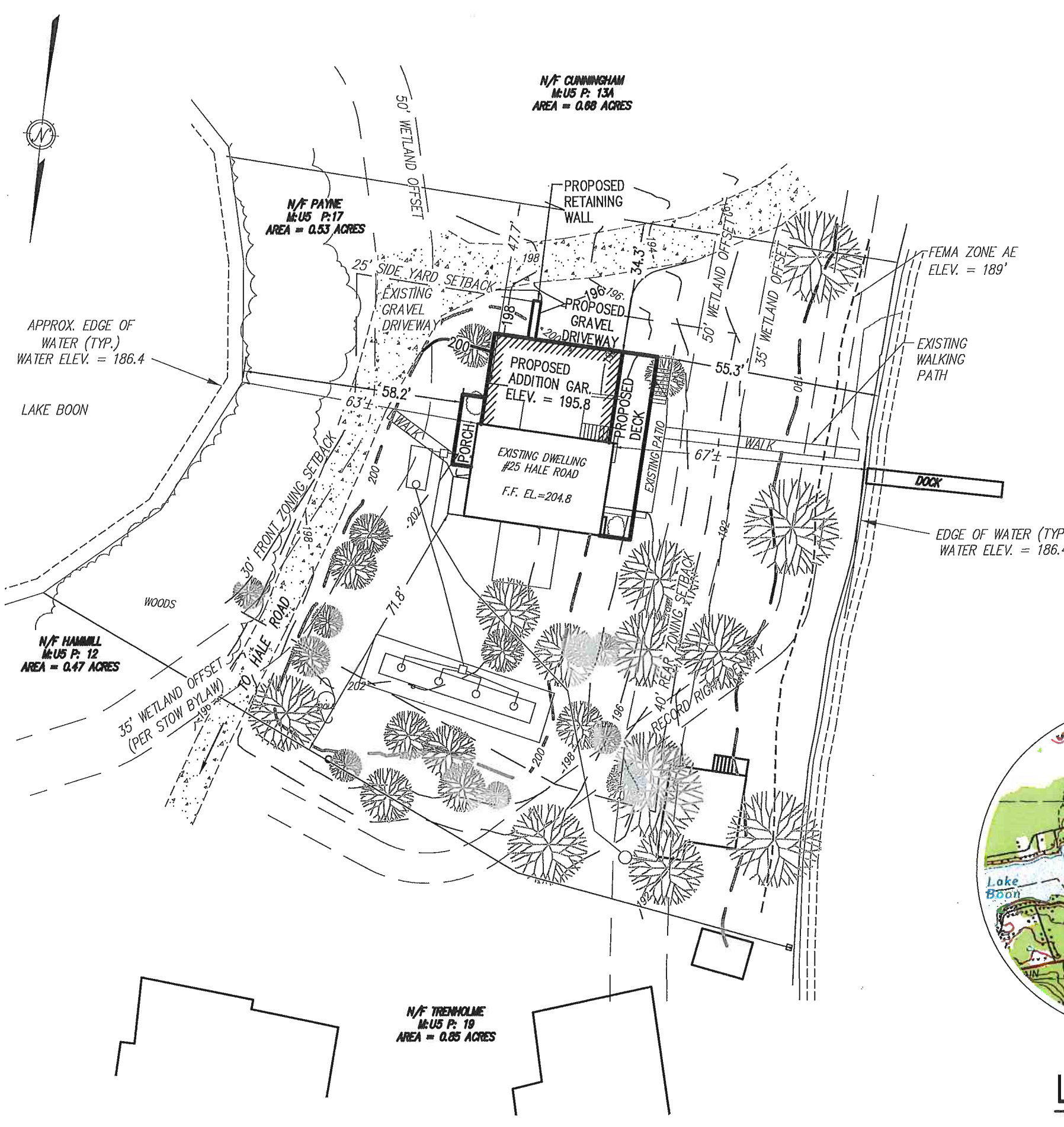
Sheet Number:

A2.2

Special Permit & Variance Application
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Nathan Payne

6.0 Site Plan

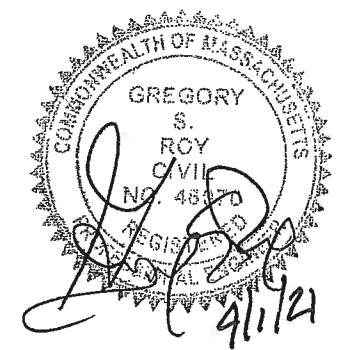


GENERAL NOTES:

1. TOPOGRAPHIC INFORMATION IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY DILLIS & ROY CIVIL DESIGN GROUP, INC. ELEVATIONS REFER TO ASSUMED DATUM (SEE BENCH MARK LOCATED ON PLOT PLAN).
2. PROPERTY LINE INFORMATION TAKEN FROM RECORDED PLAN ON FILE WITH THE S. MIDDLESEX REGISTRY OF DEEDS. PLAN BOOK: U-5 PLAN: 17
3. ANY DEVIATIONS FROM THE DESIGN PLAN MUST BE APPROVED IN WRITING BY DILLIS & ROY CIVIL DESIGN GROUP, INC.
4. EXISTING UTILITES SHOWN ON THIS PLAN WERE COMPILED FROM FIELD MEASUREMENT AND RECORD PLANS. THE UTILITIES SHOWN ON THIS PLAN ARE FOR REFERENCE ONLY AND SHOULD NOT BE ASSUMED TO BE CORRECT NOR SHOULD IT BE ASSUMED THAT THE UTILITIES SHOWN ARE THE ONLY UTILITES LOCATED ON OR NEAR THE SITE. THE CONTRACTOR SHALL CALL DIG SAFE 1-888-DIG-SAFE PRIOR TO CONSTRUCTION IN ACCORDANCE WITH STATE LAWS.
5. REFER TO ARCHITECTURAL PLANS BY TUCK & TUCK ARCHITECTS FOR DETAILED HOUSE RENDERINGS.
6. THIS PLAN IS INTENDED TO ACCOMPANY A SPECIAL PERMIT FILING WITH THE STOW ZONING BOARD OF APPEALS

CONSTRUCTION NOTES:

1. FINISHED GRADING SHALL BE DONE IN ACCORDANCE WITH THE PLOT PLAN. ALL DISTURBED AREAS SHALL BE COVERED WITH A MINIMUM OF 4" OF LOAM AND SEEDED WITH A NATIVE GRASS MIXTURE.
2. PARKING AREA SHALL BE 6" GRAVEL IN ACCORDANCE WITH SSHB M.1.03.0 TYPE B.
3. CONTRACTOR TO COORDINATE WITH APPROPRIATE UTILITY COMPANIES FOR ANY TEMPORARY DISCONNECTIONS AND SERVICE CONNECTIONS.
4. ALL CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.



PROPOSED SITE PLAN
23-25 HALE ROAD
STOW, MASSACHUSETTS

DATE: 4/1/2021 SCALE: 1"=30'

APPLICANT:
NATHAN PAYNE
23-25 HALE ROAD
STOW, MASSACHUSETTS

JOB NO. 5910-P
SHEET: 1 OF 1

DWG NO. 5910-SITE PLAN

DRAWN BY: RWP CHECKED BY: GSR

DILLIS & ROY
CIVIL DESIGN GROUP

CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS
1 MAIN STREET, SUITE 1 LUNENBURG, MA 01462 PHONE: (978) 779-8091
www.dillissandroy.com