

Zoning Board of Appeals
Minutes
March 5, 2018

A meeting of the Zoning Board of Appeals (ZBA) was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts on March 5, 2018 at 7:30 pm.

Members Present: Edmund Tarnuzzer, Charles Barney, William Byron and Bruce Fletcher

Associate Member: Mark Jones

Absent: Associate Member Andrew DeMore, Ruth Kennedy Sudduth and Lee Heron

The meeting was called to order at 7:30 pm.

Public Hearing continued from February 5 2018 – 323 Great Road – Stow Recreation Commission and Stow Conservation Commission

At 7:30 pm the Chair called the Public Hearing to consider the Applications for Special Permit/Site Plan Approval and Variance to allow construction of a municipal park on a pre-existing non-conforming lot and an Application for Variance to allow construction of a gravel parking lot within 35 feet of the side lot line and relief from the requirement for 30-feet of screening between the parking lot and lot line at 323 Great.

Bruce Fletcher moved to waive the reading of the Public Hearing notices. The motion was seconded by Mark Jones and carried by a unanimous vote of 5 members (Edmund Tarnuzzer, Charles Barney, William Byron and Bruce Fletcher, and Associate Member Mark Jones.)

Present: Conservation Coordinator Kathy Sferra, Stow Recreation Commission Member Mike Busch, Architect Stewart Weinreb and Stow Conservation Trust Member Susan Crane.

Kathy Sferra reviewed the Plan and explained that the proposed park is the result of a partnership with the Stow Conservation Commission, Recreation Commission, Open Space Committee, and the Stow Conservation Trust. This is the second of three permits required. The Conservation Commission issued an Order of Conditions and in addition to the Applications before the ZBA this evening, they will go before the Planning Board for an Erosion Control Special Permit.

Kathy Sferra explained that the variance requests are related to the proposed parking lot. The Special permit is required because the lot is non-conforming with regard to frontage. There is a deeded right of way for access from the Highrock Church parking lot and from Crescent Street. They propose the main access and parking lot to be from the church parking lot and pedestrian access only from Crescent Street.

Kathy Sferra explained the history of how the municipal park proposal came to be. The Town first considered the site for a Fire Station. Once it was determined that the Fire Station would be located at another site, the Selectmen went through a town board and committee request for proposal process to determine potential uses. This process resulted in a determination that the site would be used for a municipal park and conservation land

Stewart Weinreb explained the design process for the park explaining that they are creating a “passive” park which does not include active playing areas for organized sports. The plan will include a nature playground, ADA Accessible walking trails, a lawn area for picnicking and informal gatherings and a play court for activities such as pickleboard, horseshoe and shuffle board.

Stewart Weinreb noted that, although the site is small, they didn’t want to disturb the entire site. The plan is to retain the natural features of the site by retaining woodland. The already disturbed portion of the site where the home was located and an existing level area are proposed to be used for the park improvements.

Stewart Weinreb said the plan shows parking for 11 cars (including two handicap spots. In order to maximize the park area and because access has to be through Highrock Church parking lot, the proposed parking lot needs to be near the church parking lot.

The park plan includes:

- A simple entry plaza with benches and walkway from the existing walkway on Great Road, creating a drop off area or meeting area;
- a lawn area that will include benches and picnic tables;
- a gravel stone dust area with a pavilion;
- a two level grassed nature play area connected by a slide, proposed as grass terraces with granite steps and potentially granite blocks to create different terraces (depending on budget and how the bids come in);
- an amphitheater for small groups such as school classrooms or library functions; and
- walkways connecting all of the components of the park.

Stewart Weinreb noted there is an old borrow pit with a lot of young trees and informal trails. The informal trails will be formalized. Although this trail will not be ADA Accessible, it will create a nice loop. Kathy Sferra presented photographs of the site. She noted that the borrow pit is proposed to be filled as part of creating the trail.

Stewart Weinreb said they stayed away, to the greatest extent necessary, from Conservation Commissions 35 foot no disturb wetland buffer.

ZBA members asked about proposed signage. Stewart Weinreb said they propose to install a sign on Great Road to identify the park and at the entry of the plaza to the park. They do not propose any signage at Crescent Street.

ZBA members asked how close the proposed park is to the Highrock Church parsonage. Kathy Sferra said she measured it from topographic maps and it appears the closest measurement is 200 feet from the garage.

Kathy Sferra explained that two variances under Sections 3.9.1.4 (setbacks) and 7.7.4.1 (screening between the parking lot and lot line) of the Bylaw are necessary for the parking lot due to the lots unusual shape. She noted that the Zoning Bylaw (Section 3.8.1.11) gives the Board some leeway to accommodate handicap access, which may apply to this proposal, as the park is proposed to be handicap accessible.

ZBA Members discussed whether adequate screening of the parking lot is provided. It was noted that the parking lot does not appear to be very close to any house. It was noted that there is already a lot of trees adjacent to the wall and that the area could be enhanced with additional plantings.

Stewart Weinreb said the parsonage would be looking into the park rather than the parking lot.

Kathy Sferra noted that they reached out to First Parish Church, Highrock Church and the residence to north. Both Churches are incredibly enthusiastic and supportive of the proposal. They have a verbal agreement with Highrock Church to share parking on a non-interference basis – as long as the shared use does not interfere with Sunday Mass, funeral services or other functions. She noted that there is also a lot of parking in the general town center area.

ZBA members noted the plaza area will be fairly visible. Stewart Weinreb noted that it is basically proposed to be a stone dust circle and a couple of benches – a spot for someone to wait if dropped off.

Stewart Weinreb noted that they also propose to lay in a conduit for future electrical service so that in the future, if they decide want lights in the pavilion or electricity for whatever reason, the site will not have to be disturbed.

Susan Crane said that during the public information process, they heard a lot of input from residents that they wanted lights for pavilion.

It was noted that they do not plan a bathroom at this time, but if it is determined to be warranted in the future, they could take advantage of the existing leach field. In planning the site, they considered setback requirements for proposed bathrooms.

ZBA Members noted that the parking lot will be shielded by the hill on Great Road where the existing sidewalk is located.

A ZBA Member noted that one of the informal paths seems to be very steep. In reviewing the plan it does not appear to be too steep. It was noted that an informal path shown on the plan as being on the adjacent land, appears to be, at least in part, located in a highway easement, known as the Grove Lot.

Kathy Sferra noted the park was designed so as to have a connection to the parking lot from First Parish visitors can gain access to the park.

The ZBA noted that when they scaled the plan, the setbacks do not appear to be consistent with the requested waiver. Stewart Weinreb and Kathy Sferra acknowledge that the plan copies do not scale accurately and confirmed that the Parking lot is 15 feet from the lot line.

When asked about the pump house shown on the plan, Kathy Sferra confirmed that it has already been removed. She also noted there is an old well that had a concrete cover that was opened. The cover was moved back for now. However, the Highway Department agreed to fill it.

The ZBA noted that the Public Hearing notice refers to a front yard variance. Members agreed that there is no front yard and, due to the shape of the lot all of the lot lines should be considered side yards.

ZBA Members noted concern about the parsonage having view of the park and the need for additional screening. Stewart Weinreb recommended that they could add some screening noting that it does not have to be very tall because the area is already screened by taller trees. Kathy Sferra presented a photograph taken in the summer noting there is some vegetation. Members agreed that there should be some type of evergreen vegetation. Stewart Weinreb suggested something that will mature to about 5 to 6 feet to fill in the lower level.

Members agreed to find that all the property lines are to be considered side lines and there is a need for a 20 foot variance to allow construction of the parking lot within 35 feet of the side yard, which is different than what the hearing notice indicated.

Bruce Fletcher moved to close the public hearing. The motion was seconded by Charles Barney and carried by a unanimous vote of five members (Edmund Tarnuzzer, Charles Barney, William Byron and Bruce Fletcher; and Associate Member Mark Jones).

323 Great Road – Stow Recreation and Stow Conservation Deliberations

Members discussed the applications and public hearing proceedings for 323 Great Road.

Brue Fletcher moved to grant a Special Permit and Site Plan Approval and setback variances as requested. The motion was seconded by Mark Jones and carried by a unanimous vote of five

members (Edmund Tarnuzzer, Charles Barney, William Byron and Bruce Fletcher; and Associate Member Mark Jones).

Ed Tarnuzzer will draft decision.

Public Hearing continued from February 5, 2018 – Applications for Variance and Special Permit to allow a two-car garage at 84 Peabody Drive.

At 8:20 pm Chairman Ed Tarnuzzer called the Public Hearing continued from February 5, 2018 to consider a request for Variance and Special Permit to allow a two-car garage to order. The Chair announced that the applicant requested that the Public Hearing be continued without testimony to allow time for him to consider a revised plan.

Mark Jones moved to continue the Public Hearing without testimony to April 2, 2018. The motion was seconded by Charles Barney and carried by a vote of four members (Ed Tarnuzzer, Charles Barney, William Byron and Associate Member Mark Jones. (Bruce Fletcher abstained as he has not participated in the public hearing proceedings for this application.)

Public Hearing continued from January 29, 2018– Application for Ch. 40B Comprehensive Permit filed by Stow Elderly Housing Corporation at Johnston Way, known as Plantation Apartments II.

At 8:25pm Chairman Ed Tarnuzzer called the Public Hearing continued from December 29, 2018 to consider a Comprehensive Permit at Johnston Way, known as Plantation Apartments II to order. He announced that the Applicant requested that the public hearing be continued April 2, 2018.

Mark Jones moved to continue the public hearing to April 2, 2018. The motion was seconded by Charles Barney and carried by a unanimous vote of vote of four members (Ed Tarnuzzer, Charles Barney, William Byron and Associate Member Mark Jones. (Bruce Fletcher abstained as he has not participated in the public hearing proceedings for this application.)

Minutes – February 15, 2018

Mark Jones moved to approve the minutes of the February 15, 2018 meeting as amended. The motion was seconded by Charles Barney and carried by a vote of four in favor (Ed Tarnuzzer, Charles Barney, William Byron and Associate Member Mark Jones). Bruce Fletcher abstained as he was not present at the meeting.

Executive Session

Mark Jones moved that the Board enter into executive session for the purposes of review and approval of the February 5, 2018 Executive Session Minutes and not to reconvene in open session at the conclusion of Executive Session. The motion was seconded by Bruce Fletcher and carried by a unanimous roll call vote (Ed Tarnuzzer, Charles Barney, Bill Byron and Bruce Fletcher, and Associate Member Mark Jones.)

Executive Session Minutes – February 5, 2018

Members reviewed the February 5, 2018 Executive Session minutes.

Mark Jones moved to approve the February 5, 2018 Executive Session minutes but not to release them. The motion was seconded by Charles Barney and carried by a unanimous roll call vote (Ed Tarnuzzer, Charles Barney, Bill Byron and Bruce Fletcher, and Associate Member Mark Jones.)

Adjournment

At 8:45 PM, Mark Jones moved to adjourn the meeting. The motion was seconded by Charles Barney and carried by a unanimous roll call vote (Ed Tarnuzzer, Charles Barney, Bill Byron and Bruce Fletcher, and Associate Member Mark Jones.)

Respectfully submitted,
Karen Kelleher, Secretary