



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

February 5, 2024

**NOTICE and DECISION
110 Adams Drive**

SPECIAL PERMIT

Applicant: Jeffery Petrowicz

Owner: Jeffrey Petrowicz

Address: 110 Adams Drive
Stow, MA 01775

Premises Affected:

110 Adams Drive, Stow, shown on Stow Property Map Sheet R6 as Parcel No. 54 – containing 0.93 acres.

Property Deed: Middlesex Registry of Deeds Book 71075, Page 54

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 shed within the eastern side yard setback 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 February 5, 2024. The public hearing closed at the end of February 5, 2024, session. Zoning Board of Appeals Members David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth 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 Letter, dated January 5, 2024;
 - Letter from L. Park, 104 Adams Drive, undated; and
 - Site Sketch, Dated December 28, 2023

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Findings of the Board:

1. The lot is pre-existing non-conforming as to lot area (0.93 acres) and frontage requirements (132.4 linear feet) of the present Zoning Bylaw.

2. The applicant proposes the construction of a storage shed. The shed is proposed to have an area of 12 feet by 18 to 24 feet (216 to 288 square feet).

The application does not include how the proposed shed will be affixed to the ground. During the public hearing, the applicant stated that the proposed shed will be placed on a crushed stone pad or other foundation deemed appropriate by the Building

3. The location of the shed is proposed to be located within the eastern side yard setback of the site. The Site Sketch, dated December 28, 2023, indicates that the shed is sited 6.25 feet from the eastern property line (Scale: 1 inch = 100 feet; 1/16 inch measured).

The location of the shed does not conform to the Zoning Bylaw.

4. The proposed shed results in the addition of a new nonconformity. The Board finds that the new nonconformity will not be detrimental to the existing neighborhood.
5. The proposed shed is an accessory use in a Residential District. The proposed location of the shed, although it does not meet the 25 foot side yard setback requirement, the shed location does not substantially increase the nonconforming nature of the lot and will not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.
6. The applicant presented a letter from the abutter to the east of the site, 104 Adams Drive. The letter indicates that the abutters are aware of the proposed shed location and do not have concerns regarding the size or placement of the 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 (Members David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth) **VOTES TO GRANT A SPECIAL PERMIT** to allow construction of a shed subject to the following conditions:

1. The shed shall not have a building footprint larger than 12 feet by 24 feet. The building footprint shall not include a ramp or steps. Any ramp or steps shall be equal to or less than 32 square feet in area. The shed shall not exceed 20 feet in height.
2. The shed shall be setback from the property line by a minimum of 5 feet.
3. 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.
4. 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;
5. The proposed construction shall result in no transport by air or water of erodible material beyond the boundary line of the LOT.
6. The design and construction shall be essentially in conformance with documents and plans on file with the Board.
7. The proposed construction shall comply with conditions set by other Town Departments, Boards and Commissions.
8. The proposed construction shall comply with all applicable requirements of the Zoning Bylaw.
9. 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).

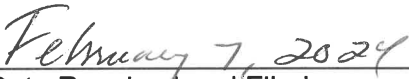
This Special Permit shall not take effect until a copy of the decision has been recorded, at the owner's expense, in the Registry of Deeds and duly indexed or noted on the owner's certificate of title. A copy of the recorded decision, certified by the Registry, or notification by the owner of the recording 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.

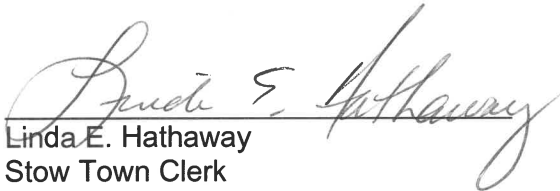
Signed on behalf of and with the permission of the Zoning Board of Appeals.



Andrew J. DeMore
Zoning Board of Appeals Clerk



Date Received and Filed
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Linda E. Hathaway
Stow Town Clerk

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