

**MINUTES
ZONING BOARD OF APPEALS
MAY 8, 2014**

The meeting was held in Stow Town Building and began at 3:00 p.m. Board members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (associate), William Byron (associate) and Bruce Fletcher (associate).

Villages at Stow – Information had been received from the Board's consultant Sue Carter that there are several outstanding issues for Habitech to complete before any additional performance bond release. Those include repair of Baldwin entrance: bump is not acceptable and must be fixed; solution to a pavement problem. The as-built plans were preliminary reviewed last fall and found to be deficient in showing gas and water shutoff valve locations. There could be other issues upon site inspection.

The bond will expire May 19, 2014, and it appears the required work could not be completed prior to that date. Therefore, an extension of the performance bond is in order. Also, it should be determined if the \$40,000 bond amount will be sufficient to cover the work. It was suggested the surety, Bond Safeguard Insurance Company, be notified that the work secured by the bond is incomplete and deficient and outstanding issues remain.

Town Counsel Jonathan Witten had been consulted in this regard and drafted a letter to be forwarded to the insurance company giving notice of the deficiencies and to not allow the bond to lapse.

The members had reviewed the e-mails of Sue Carter, Karen Kelleher and Town Counsel, as well as Mr. Witten's draft to Safeguard. On motion of Mr. Barney, second by Mr. Fletcher, it was voted unanimously to inform the bonding company that the work covered by the performance bond dated May 19, 2009, with a rider dated May 19, 2013, is incomplete and unsatisfactory construction. The letter was signed and was to be forwarded by certified mail, return receipt.

The meeting was adjourned at 3:15 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board