

**MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 9, 2006**

The members met at Stow Town Building at 9:00 a.m. for the purpose of conducting site visits to Stow Shopping Center and to 425 Taylor Road that had been the subject of public hearings on November 6th. Members present were Arthur Lowden, John Clayton, Edmund Tarnuzzer, Donald Dwinells and Charles Barney (associate).

Stow Shopping Center - Linear Retail Property - The members were met by engineer Bryan Lynch who pointed out certain aspects of the proposed wastewater collection and treatment project. White markings were observed on the parking lot paving and were said to have been those of Dig Safe. There were patched areas where test pits had been dug. The Board asked for a plan showing well and septic locations of abutting properties.

425 Taylor Road - Richard & Marilou Bonetti - The members observed a number of vehicles related to the R & M Earthwork & Landscape Co. operation, as well as those of employees. It was assumed that additional business vehicles were away on jobs. The location of various features was just about as depicted on the plan.

The Board returned to the Town Building at 9:45 a.m.

Linear Retail Stow #1, LLC - The members could see no problem with the request for zero setbacks from lot lines. The existing control building to be replaced with one longer, but shallower, has been in place for several years with no apparent problem. The proposed pump station and generator at the easterly side of the main entrance will have little impact on esthetics. Mr. Tarnuzzer moved to grant variances for zero setbacks from Samuel Prescott Drive and Gardner Road in connection with the wastewater collection and treatment construction project. Second by Mr. Clayton. Unanimously in favor.

Richard & Marilou Bonetti - Mr. Clayton felt that the non-conformity goes back to the zoning when the property was purchased in 1967. Did the bylaw require any action by the ZBA to issue a special permit? The applicant is requesting expansion of a contractor's yard. What is the definition of that term? What type of business was there previous to the current time, or prior to the 1968 zoning bylaw adoption? Mr. Tarnuzzer offered that Soil Exploration was the previous business, and there had been related equipment on site. Mr. Clayton asked if there was a permit for that operation that might prove grandfathering. He pointed out that the Board is now to deal with additional property and expansion, but the applicant has not supplied the information needed to make a reasonable decision. A definition of "contractor's yard" could not be found within the zoning bylaw. A copy of the zoning bylaw in effect as of March 3, 1965 was obtained from the Planning Board office, but was not helpful to the current situation.

Discussion ensued on the 25% expansion request and to what square footage that applies: 25,810 sq. ft.? The members wished a detailed plot plan of the original 42,000-sq. ft. lot with an indication of what portion(s) was used for the non-conforming business at that time. The request was to be forwarded to Attorney Edward Woll. He was also to be asked for a copy of a 1992 letter from the Selectmen's office that was displayed at the November 6th hearing.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board