

**MINUTES  
ZONING BOARD OF APPEALS  
NOVEMBER 29, 2006**

The meeting was held in Stow Town Building and began at 4:04 p.m. Members present were Arthur Lowden, John Clayton, Edmund Tarnuzzer, Charles Barney (associate) and Lee Heron (associate).

**Richard & Marilou Bonetti** - The Board had received from the applicant a drawing of the original 42,000-square foot lot with designations of those areas devoted to the landscape operation. There was no indication on the drawing of the total square footage in that regard. The members spent considerable time in trying to determine that figure in order to arrive at a baseline on which to apply the 25% expansion request.

It was noted that until 2005 the zoning bylaw allowed increase of a non-conforming use up to 100% of the floor area and up to 25% of ground area by right and without a special permit. The dilemma is determining the actual ground area as there has been insufficient information from the applicant. Mr. Clayton expressed his discomfort that the Board has to determine the numbers. They should be based on some findings of fact rather than claims that the activity was such as shown on the plan.

The plan showed additional parking for vehicles. Comment was made that more parking meant more trucks and equipment. Neighbor complaints were of noise caused by trucks and equipment operation. Noting the request was for 25% expansion of a "contractor's yard", the question was raised as to its definition as that term is not mentioned in Stow's zoning bylaw. The Planning Board had advised the term is included in the bylaws of several other towns.

Finally, after much discussion and calculation, it was decided to use 16,000 square feet as the non-conforming baseline, as determined by the Board, based on the information furnished. Therefore, a 25% expansion would be 4,000 square feet. There was agreement. Concerning the issue itself, a contractor's yard is not defined in the bylaw. It was felt the Planning Board should be consulted with regard to the term.

Mr. Tarnuzzer moved to grant a 25% increase in the contractor's yard, as defined by this Board, based on 16,000 square feet and the plan dated October 6, 2006. Mr. Barney seconded. A vote on the motion was deferred. Mr. Tarnuzzer was to draft a possible decision with findings for the Board's review at a subsequent meeting, tentatively scheduled for Thursday, December 7th.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board