



Town of Stow  
Building Department  
380 Great Road  
Stow, Massachusetts 01775  
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To: David Hartenagle, Zoning Board of Appeals Chair

Re: 73 Kingland Road Special Permit

Fr: Frank Ramsbottom, Building Commissioner

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David

I appreciate the question regarding the jurisdiction the building commissioner has under section 3.9.7.1 of the Stow Zoning Bylaw. There seems to me to be two questions I need to answer before I may issue a building permit.

- 1) What is meant by reconstruction?
- 2) What is meant by “does not intensify any existing non-conformities”?

The SCJ Decision on the case of Bjorkland V The ZBA of Norwell gives guidance on both of these questions. If the new house were simply a replacement of the existing house the ZBA could find that a special permit is not required, and the building commissioner could issue the permit.

However, in this case the proposed new house is much larger than the existing house. The decision in the Bjorkland V Norwell found that increasing the size of the house does increase the non- conformity and therefore requires a finding by the ZBA.

Respectfully

Frank Ramsbottom  
Building Commissioner