

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 24, 2015**

The meeting was held in Stow Town Building and opened at 7:05 p.m. Board members present were Edmund Tarnuzzer, Charles Barney, William Byron, Bruce Fletcher and Mark Jones (associate). Town Counsel Barbara Huggins was present. Also, several members of the public were in attendance.

Robert Albright/Crow Island: Chairman Tarnuzzer began the discussion reviewing the business before the Board as determining what type of activity had occurred at Crow Island prior to the 1982 amendment to the Zoning Bylaw that eliminated airport and landing fields as a permitted use in all districts. The Board had previously determined that ultra-light aircraft were in evidence prior to 1982 and, as such, there is a pre-existing non-conforming use. The Board voted four to one at a meeting held on August 3rd meeting to overturn the cease and desist order of the Building Commissioner.

Discussion centered on the wording in describing the type of aircraft that would be permitted in connection with eventual site plan approval. The draft decision as prepared by Ms. Huggins had the following as a prior use: "non-commercial recreational ultra-light and recreational light sport aircraft". Prior to 1982 there had been at least one Piper Cub flying in and out of Crow Island. Ms. Huggins urged the Board to focus on input from Mr. Albright and the public on what had taken place prior to 1982.

Documents accompanying the appeal application were reviewed and revealed reference to a Piper Cub using the airfield. Then the discussion turned to two-seater or four-seat aircraft. Mr. Tarnuzzer questioned the FAA designation of "light sport aircraft" as not being in place prior to 1982. He believed the ultra-light definition was made later. Ms. Huggins commented that the Building Commissioner seemed satisfied with the term as being in use prior to 1982. Mr. Tarnuzzer did not wish to place a weight limit on aircraft that would cause a burden on the Building Commissioner in the future. He suggested the following wording: "Piper Cub and similar size aircraft".

Ms. Huggins commented the Board should keep in mind that whatever occurred between 1982 and today is not relevant to today. The overturn of the cease and desist order is a narrow avenue. The Board's decision is to be based on whatever is on the record. She believed the decision as drafted covers the situation at hand. Discussion continued with reference to a Piper Cub designation.

Finally, the following wording was approved by the Board as a finding: "non-commercial, recreational ultra-light aircraft, as well as Piper Cubs and aircraft of similar size and type". It was voted unanimously by members Tarnuzzer, Barney, Byron and Fletcher to accept the amended language and to approve the decision as discussed at this meeting. It was noted Mr. Jones had been the dissenting vote in the overturn of the cease and desist order.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board