

**MINUTES**  
**ZONING BOARD OF APPEALS**  
**JUNE 4, 2012**

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Charles Barney (associate), William Byron (associate) and Ruth Sudduth (associate). The opening of the hearing scheduled for 7:30 p.m. was delayed while the Board awaited the arrival of a fourth member.

**Valeria Petry & Lucinha Almeida** – The public hearing was held in Stow Town Building and opened at 7:40 p.m. on the application filed by **Valeria Petry and Lucinha Almeida, 219/221 Taylor Road, Stow** for removal of a restriction included in the Special Permit granted by the Board of Appeals and filed with the Town Clerk on July 2, 1996 concerning said address. The property is shown on Stow Property Map R-7 as Parcel 33 and contains 0.925 acres.

Board members present: Edmund Tarnuzzer, Charles Barney (associate), William Byron (associate), Ruth Sudduth (associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on May 17 and 24, 2012. The hearing notice had been forwarded to all abutters by certified mail, return receipt. No abutters were present. The applicants were present as was Andrea Bonaldi of Coldwell Realtors. Mr. Tarnuzzer recited the requirements to be met for special permit.

Mr. Tarnuzzer noted the presence of four members, rather than a full board of five members, and asked the applicants if they wished the hearing to continue this evening or to another date when a full board would be present. They were reminded that the decision will then require a unanimous vote. The applicants wished to go forward with the hearing.

Valeria Petry said she and her mother have lived at the subject property for sixteen years. The property was purchased from Carl and Priscilla Sterczala to whom the special permit in question was granted to allow conversion of a one-family dwelling into a two-family dwelling. The restriction the applicants wish to have removed is as follows: "The legal property owner or owners must occupy the existing dwelling as his/her/their principal place of residence".

The property has been on the market since last year when there was thought to be a sale. A week before closing the matter of the restriction caused loss of the sale as the lender could not accept it under current banking practices. Ms. Petry presented a copy of a letter from the review appraiser for the Veterans' Administration, a potential lender, that "with the rental restriction in place, this property does not comply with VA regs as either a single family or two-family. The veteran must be able to rent out his property". Ms. Petry said they have found that banks appear to consider the restriction a risk to selling the loan to another institution.

Options were suggested. Conversion to a single family or conversion of one unit to an accessory apartment in compliance with the Zoning Bylaw. Ms. Petry said there is expense

involved in those options. There is financial hardship and they have had to take a bank loan. She added that the house was constructed as a two-family and is not "rental grade property".

Mr. Tarnuzzer advised he had no problem with removing the restriction. Ms. Sudduth cautioned that such a decision would create precedent. Section 3.2.2.3 of the Zoning Bylaw under which the special permit had been granted in 1996 was reviewed, allowing conversion of a one-family dwelling to a two-family dwelling. It did not appear there is language in the bylaw that the dwelling must then be owner-occupied. This point was to be reviewed with the Building Inspector. The advice of Town Counsel was to be sought.

The hearing was closed at 8:30 p.m.

**Stow Fire Department** – Fire Chief Michael McLaughlin met with the Board. He said that with the Fire Department radio on the UHF band, as it will be, the higher the antenna the better. As for lighting, the lights at the top of the antenna can be directed upward rather than downward. Still awaited is information from FAA and FCC on whether it will be required that the antenna have a beacon. The Chief feels that a height of 120 feet will provide coverage for all parts of town.

**Next Meeting** – It was decided to meet again on Thursday, June 7th at 7:30 p.m. when all members who participated in the Fire Department hearing can be present to discuss and vote on the decisions for special permit and variance. They were Tarnuzzer, Shoemaker, Barney, DeMore and Sudduth. At the same meeting, there was expected to be information from the Building Inspector and Town Counsel concerning the Taylor Road matter.

**Adjournment** – The meeting was adjourned at 8:45 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board