



TOWN OF STOW

Building Department

380 Great Road

Stow, MA 01775

RECEIVED

DEC 21 2021

Town of Stow
Zoning Board of Appeals

December 21, 2021

Mark D Forgues
9 White Pond Road
Stow MA 01775

**RE: Request for Cease & Desist of Auto Sales at 84-102 Great Road
Stow, MA**

Dear Mr. Forgues:

In your request for a Cease-and-Desist Order relative to the use of the property for Auto Sales or Repair Shops you bring up two points.

First you assert that the use of Auto Sales was abandoned for at least two years and therefore would require a Special Permit to resume the use.

You are correct that an abandoned use would require a special permit granted by the Zoning Board of Appeals, however the ZBA in its decision of November 16, 2017 reads in part "The Board finds no abandonment of the automobile sale use, ..." and "the Board finds that the current outside display and storage of automobiles is not a "change or substantial extension" of the preexisting non-conforming use". Therefore, no special permit is required for the continuation of this use.

Second you assert that the issuing by the Select Board of a 3rd Class II Auto Dealership License creates an increase in intensity of use which would therefore require a Special Permit.

The issuing of multiple Class II Auto Dealership Licenses by the Select Board does not itself translate to an increase in use. An increase or substantial extension of the use would be based on the number of cars on the lot not on the number of licenses held.

Therefore, I do not find that the conditions exist for me to issue a Cease and Desist Order for the Sale and Storage of Automobiles

If you are aggrieved by my decision and wish to appeal to the Stow Zoning Board of Appeals, please contact the ZBA Secretary, Karen Kelleher at kkelleher@stow-ma.gov regarding the application process.

If you have any questions, please feel free to contact me at 978-897-2193 or building@stow-ma.gov.

Respectfully,

Francis Ramsbottom
Building Commissioner

CC: Karen Kelleher-Planning Department