

Dear Zoning Board of Appeals Chair and Members,

I have just reviewed Mr. Presti's attorneys response to my enforcement request and would like to provide a few more facts that may help you in making the right and lawful decision.

The first item would be Mr. Erkkinen's new affidavit. He states he leased the property from Mr. Buckley and the Kurker estate which I do not believe is true. His story of 180-225 vehicles on the property in 1968 and now stating he was leasing 84 Great Road is absurd.

I have attached a Board of Appeals Decision dated February 02, 1976 regarding a sign permit which was approved by the board. In the application Mr. Erkkinen states he has and I quote, "Average number of retail automobile inventory is 55. Other agency vehicles - 10." It would seem odd that someone would lease additional property especially on 84 Great Road for a total of 65 Cars. This also again defuncts Mr. Erkkinen's previous affidavit of 180 -225 cars on the lot. This decision was issued when the board was aware of the property as town residents and could actually see the property not a story time affidavit.

My belief is that Mr. Erkkinen purchased the property in 1970 and started placing cars on 102 Great Road without getting the proper permits from the town. Also knowing that it would most likely be denied as it was not an approved use in the 1968 Zoning Bylaws for outside display. He was involved with town politics, and I would guess he figured no one would question his uses.

I also believe that he never had any lease with Mr. Buckley or the Kurker Estate. I would ask that the board ask for copies of these leases to prove Mr. Erkkinen's story/affidavit. I am sure they won't be available. If Mr. Erkkinen didn't have any ties to the property today it may be an almost believable story but since he holds the Mortgage on the property, the story most likely is just that 'a story'. If Mr. Presti fails Mr. Erkkinen may not get paid his mortgage payment.

I have also attached the Planning Board Article 57 approved at the town meeting on May 19th, 2004 amending the zoning change from residential to business for which is now Mr. Presti's property. I point this out for several reasons the first being as you look at the topography aerial view you will see the back property (85a) is a treed lot and not useable to store cars or anything else back in 2004. Again, showing there was no lease agreements allowing storage of anything. Next you will see a colorful map showing the layout of the property which also shows a 50-foot required setback as per the zoning change. Mr. Presti has never followed this change/bylaw.

The change in zoning was voted in on May 19, 2004 and accepted by the attorney general's office on August 18, 2004. Mr. Presti purchased the property May 07, 2004 and I am sure he did his due diligence and knew that this buffer was required for the change of use. This should be enforced effect today in my opinion.

The last thing I would like to say is that just because Mr. Erkkinen, Mr. Presti or his attorneys say something does not make it true. Only the facts backed up by documentation is what proves out the truth.

Once again, I would like to thank you for your time.



Mark D Forgues
March 03, 2022



BOARD OF APPEALS

Stow, Mass., February 2, 1976

DECISION

On Monday, January 5, 1976 the Stow Board of Appeals held a duly notified public hearing on the application for a special permit submitted by Erkkinen Buick-Opel, Inc., 92 Great Road, Stow, Massachusetts (lessee) and Toivo H. and Lillian E. Erkkinen, Liberty Square Road, Boxborough, Massachusetts (owner-lessor). Permission is sought under Sections VI C.1.h., VII E.2.a. and VII F. to replace a sign on the facade of building located at 92 Great Road, Stow.

The Board finds the following:

1. The original building at 92 Great Road was remodeled in 1971. A shingled facade was added to the front.
2. The original building had a sign painted on the front reading "ERKKINEN BUICK CO." in large letters. This sign was erased by the renovations completed in 1971.
3. A new sign was apparently considered at the time, but none was put up.
4. Exhibit "A", a plan dated November 28, 1975 attached to the application for special permit, indicates the total proposed sign area to be approximately 115 square feet. This area includes the total area covered by the blocked letters while in fact the individual letters are to be set out from the building with no background. This reduces the actual square footage of sign area but still leaves the area substantially above thirty-six (36) square feet.
5. There are two (2) small signs affixed to the outside of the building at the present time.
6. Erkkinen Buick-Opel has a need for a sign to provide business and product identification.

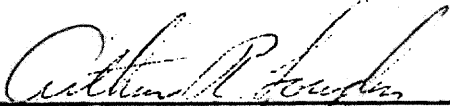
The Board by unanimous vote GRANTS the special permit with the following conditions:


1. The proposed sign shall be constructed and located as indicated in Exhibit "A" dated November 28, 1975 and attached to the application for special permit.

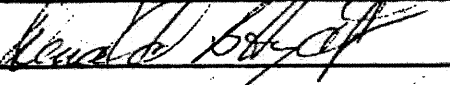
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Virginia J. Hales
Town Clerk
11/2/76 Pg 83

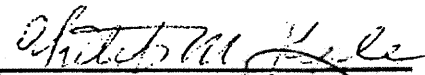
Erkkinen Buick-Opel, Inc.
Toivo H. and Lillian E. Erkkinen

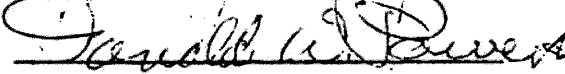
- (a) The letters spelling "ERKKINEN" must be no more than three (3) feet high and two (2) feet wide.
 - (b) The letters spelling "BUICK" and "OPEL" must be no more than two (2) feet high and eighteen (18) inches wide.
 - (c) The color of the sign shall be white.
 - (d) The individual letters of the sign shall be set out from the facade of the building.
2. The sign shall not be directly illuminated and will not have any oscillating, flashing or moving parts.
 3. All indirect illumination, other than security lights for protection of property, will be turned off at the time the sales area is closed for the day.
 4. All other signs on the outside of the building will be removed.
 5. No permanent signs will be placed in the windows of the business. Announcement signs of a temporary nature (not more than thirty (30) consecutive days for any single promotion or event) may be placed in the windows of the business not more than four (4) times a year.











COMMONWEALTH OF MASSACHUSETTS

BOARD OF APPEALS

STOW, MASSACHUSETTS 01775

- 1. Nature of relief sought (check one):
 - (a) PETITION FOR VARIANCE
 - (b) APPLICATION FOR A SPECIAL PERMIT X
 - (c) APPEAL FROM UNFAVORABLE ACTION (specify, e.g., denial of a building permit, etc.) _____ (Board)
 - (d) OTHER _____

2. Name and address of person seeking relief:

Erkkinen Buick-Opel, Inc. & Toivo H. and Lillian E. Erkkinen
 92 Great Road Liberty Square Road
 Stow, Mass. (Lessee) Boxborough, Mass. (owner-lessor)

3. Location and description of property as to which relief is sought. Description should include acreage, kind of building on property and any other pertinent information.

Permission is being sought under applicable provisions of the Stow Zoning By-Law, to replace a sign on the facade of the building located at 92 Great Road. See Exhibit "A" and "A-1" by Erkkinen Buick-Opel, Inc. as an auto show room & sales & service facility.

4. Names and addresses of abutting property owners and owners of land across the street(s), if any, by which the land is bounded. Also, attach a sketch of the property showing this information.

See attached list of abutters and abutters ^{to abutters} /as received from the Assessor's office of the Town of Stow.

Sketch as required is attached as Exhibit "A".

5. Each petition shall be accompanied by a definitive plot plan drawn to scale showing all boundary dimensions, existing or proposed structures, driveways and parking areas as they relate to the boundaries. See Plan attached as Exhibit "A".

6. (a) If this is a petition for a variance, state particular bylaw and/or regulation and give pertinent section(s) from which a variance is sought.

Not Applicable.

(b) If this is an application for a special permit, state the nature of the use for which a permit is sought. ~~If xxxxxx remove xxxxxx permit xxxxxx sought xxxxxx include xxxxxx the following~~ Sign for facade of building - see Exhibit "A" and "A-1" to replace sign that had

~~xxxx Attach xxxxxx plot plan showing the location of building, streets, water courses, xxxxxx and location and the present and proposed contours of the land to be xxxxxx used. Such plan shall show contours at five foot intervals~~

xxxx been on facade of building from 1948 to 1971 - see Exhibit "B"
 Describe the use to which the land is presently devoted.

Business

*Received & filed
 December 5, 1975
 Catherine G. Duomo
 Asst. Town Clerk
 Val. III Page 83*

- 3. Describe the character of the immediate neighborhood, e.g., farm, residential, commercial, etc. Business zoned area. Residential nearby and across Route 117.
- 4. List the number and kinds of machines or vehicles which will be used in connection with the proposed operation. Average number of retail automobile inventory is 55. Other agency vehicles - 10.

(c) If this is a petition seeking the modification or reversal of the action of some board or official, state:

- 1. The name of such board or official.
Not Applicable
- 2. The action or failure to act by which you are aggrieved.
Not Applicable
- 3. The date of such action, or in the case of a refusal to act, the date and manner in which relief was requested.
Not Applicable

7. Enclose Twenty-Five Dollars (\$25.00) to cover costs of publishing and serving notice. Make check payable to the Town of Stow.

8. State the name and address of any person or attorney who is authorized to represent you before the Board.

Richard M. Cotter, Esq.
Wilson & Orcutt, Inc.
147 Main Street
Maynard, Mass. 01754

ERKINNEN BUICK - OPEL, INC.

December 5, 1975
(date)

By: 
(signature) Vice President
Treasurer

FILE (TRIPLICATE) ORIGINALS WITH THE BOARD OF APPEALS

You will be notified of the time and place of the public hearing on this matter at the address shown on this form unless you request mailing to another address below.

Richard M. Cotter, Esq.

147 Main Street

Maynard, Mass. 01754

897-8821

Start Time: _____ FinCom By: _____
 Motion By: _____ Fin Com: In Favor _____ Opposed: _____
 Pres/Ques(s) By: _____ Cap. Plan: _____
 Vote Required: Majority _____ 2/3s _____ 4/5s _____ 9/10s _____ No Action _____

MOTION

ARTICLE 57. Zoning Map Amendment [revised 5/19/04]

Mr. Moderator:

I move that the Town vote to amend the Zoning District Map by rezoning the residentially zoned portions of two parcels of land on Great Road to Business, said parcels identified on the Stow Assessors' Records as Map R-29, Parcel 83, and more particularly described in a deed dated April 5, 1999, recorded in the Middlesex Registry of Deeds on Page 479 of Book 30011 and Map R-29, Parcel 85A, and more particularly described in a deed dated February 1, 1999, recorded in the Middlesex Registry of Deeds on Page 346 of Book 29743.

Hand Vote: Pass: _____ Unanimous: _____ Fail: _____

Teller/Ballot Vote: Pass: _____ Fail: _____ Votes: Total _____ Req _____ In Favor _____ Opposed _____

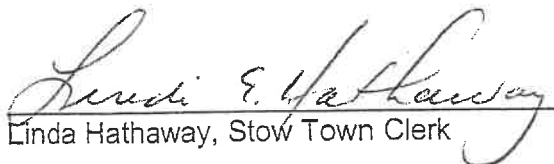
Time Declared: _____

Town Meeting Action:

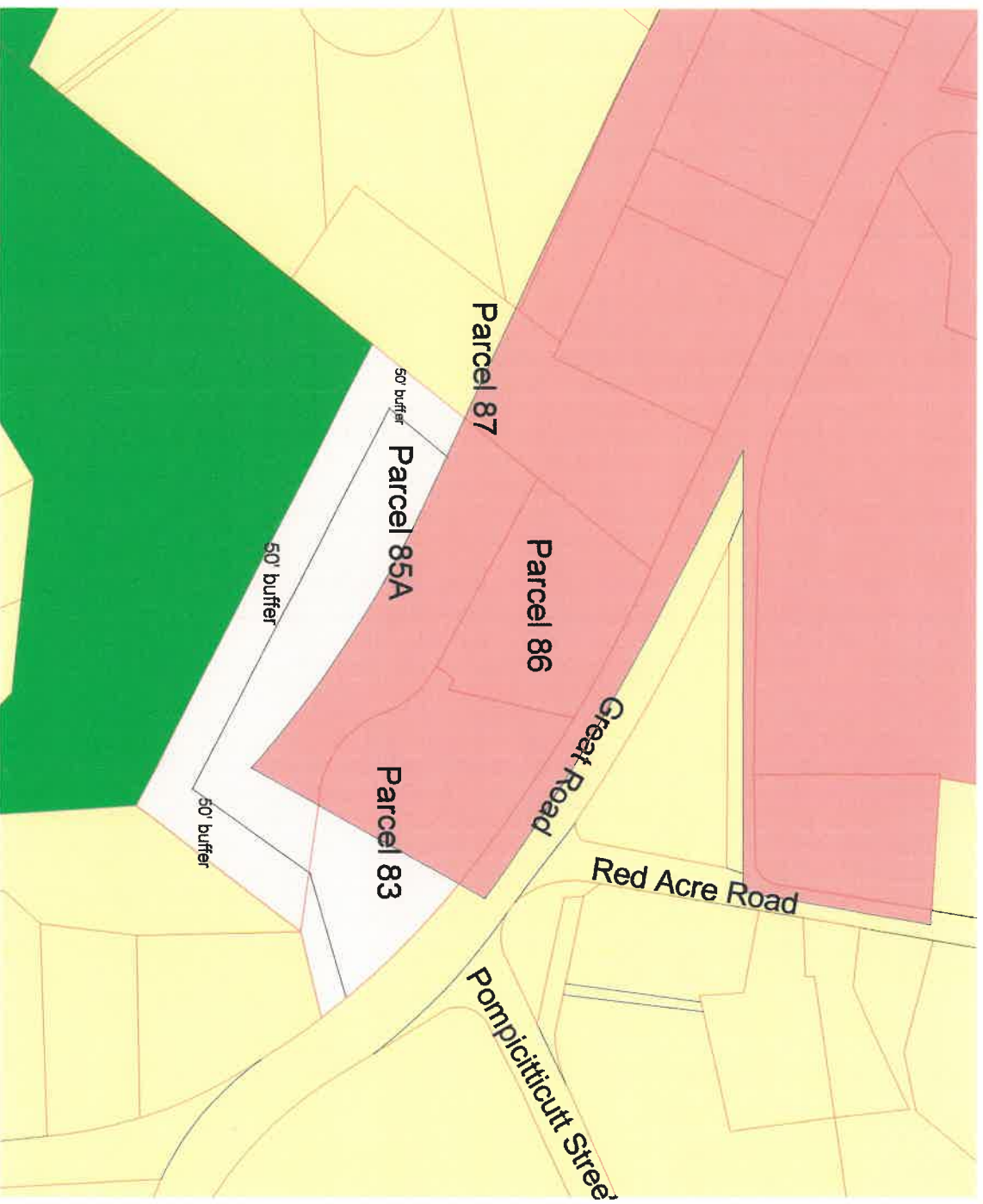
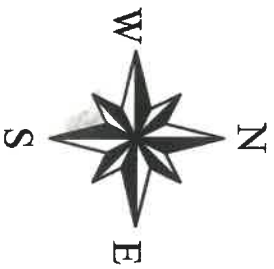
Article 57. To see if the Town will vote to amend the Zoning District Map by rezoning the Residentially zoned portions of two parcels of land on Great Road to Business, said parcels identified on the Stow Assessors' Records as Map R-29, Parcel 83, and more particularly described in a deed dated April 5, 1999, recorded in the Middlesex Registry of Deeds on Page 479 of Book 30011 and Map R-29, Parcel 85A, and more particularly described in a deed dated February 1, 1999, recorded in the Middlesex Registry of Deeds on Page 346 of Book 29743.

The motion was in terms of the article as printed in the warrant. Town Meeting vote was declared by the Moderator to be more than the required two-thirds majority to amend the Zoning District Map. Town of Stow Annual Town Meeting commencing May 17, 2004. Vote occurred May 19, 2004, third session.

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Planning Board Article 57

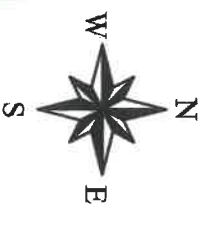


 **Business District**
 **Rezone from Residential to Business**

 **Residential District**

 **Recreation Conservation District**

Planning Board Article 57



May 17, 2004(Approved by Attorney General August 18, 2004)

- Section 6 Amend Sections 6.2 and 6.2.1 by adding new Section 6.2.6 (Common Drives)
- Section 8 Amend Section 8.5.6.4 by deleting Sub-Section 1 and replacing with new Sub-Section 1, deleting Sub-Section 2 and replacing with new Sub-Section 2, deleting Sub-Section 3 and replacing with new Sub-Section 3
- Section 9 Amend Section 8.5.7.2 (Planned Conservation Development)
Amend Sections 9.3.3.3 and 9.3.3.5 (Site Plan Approval)
Zoning Map Amendment:
Amend Zoning District Map by rezoning Business portion of certain parcel of land on Great Road to Industrial, as shown on Plan entitled "Town of Stow – Proposed Zoning Map Change – Parcel 65, Map R-10", dated September 25, 2003, identified on Stow Assessors' Records as Map R-10, Parcel 65.
- Amend Zoning District Map by rezoning Residentially zoned portions of 2 parcels of land on Great Road to Business, identified on Stow Assessors' Records as Map R-29, Parcels 83 and 85A..

May 17, 2005(Approved by Attorney General July 13, 2005)

- Section 8.5 Amend Section 8.5.1, by changing the bullets to letters
Amend Section 8.5.4, by changing the words "Growth Management Plan" in the last bullet to "Master Plan" and changing the format from bullets to letters
Amend Section 8.5.10, by changing the format from bullets to letters
- Section 8.6 Amend Section 8.6.4.4, by changing the words "Open Space Residential Development" to "Planned Conservation Development"
- Section 8.8 Add a new section 8.8.12
- Section 9.3 Amend Section 9.3.11.2 by changing the reference to section "1.3.1.2" to "1.3.16"

October 24, 2005(Approved by Attorney General January 20, 2006)

- Section 1.3 Amend Section 1.3.39 (definition for Multi-Family Dwelling)
- Section 1.3 Amend Section 1.3.42, by changing the word "impermeable" to "permeable"
- Section 4.1 Amending Section 4.1.2, by adding the words "commercial, or industrial"
- Section 4.4 Amend correct the section number referenced in footnote (1) from "7.7.5.1" to "7.7.4.1"
- Section 6.2 Amending Section 6.2.2, by adding a second sentence
- Section 6.6 Amend Section 6.6.3
- Section 8.1 Amend Section 8.1.2.3 by adding the words "secondary and" to subsection 1; correcting the reference "(Sanitary Code – Title V)" to "(Sanitary Code – Title 5)" and deleting the current language in subsection 6 and replacing it with the words "this subsection language deleted October 24, 2005"
- Section 8.9 Amending Section 8.9.2.1, by changing the word "will" to "could" in the second line, Amend Section 8.9.2.1, by deleting the words "subject to Massachusetts General law Chapter 41 Sections 81-K through 81-