



BUILDING COMMISSIONER

ZONING OFFICER

P.O. BOX 1305
LITTLETON, MA 01460
VOICE (978) 952-2308
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November 2, 2009

Joseph Pittorino, Trustee
First Harwood Avenue Realty Trust
215 Harwood Avenue
Littleton, MA 01460

Re: Processing of soil

Dear Mr. Pittorino,

I have been asked to review the ongoing soil removal operation at 215 Harwood Ave., specifically as it pertains to Chapter 173 of the Code of Littleton.

It was agreed by both you and the selectmen at the October 19, 2009 selectmen meeting that a soil mixing business was taking place at the site. Said business involves the receiving of new soil material onto the site, mixing said material with existing material and selling approximately two thirds of the material, the remaining one third to be used onsite. You argued that the existing soil is of poor quality and requires the mixing of additional organic material which is brought in from offsite, and that the additional revenue is necessary to complete the ongoing residential / agricultural project.

Receiving soil material onsite is permitted by right and may be subject to the approval of the Board of Health. Mixing received soil with existing soil is also permitted by right for personal use onsite. *However, resale of wholesale and retail mercantile soil product is not permitted in a residential district unless specifically authorized by variance from the Littleton Board of Appeals and soil removal permit from the Littleton Board of Selectman.*

As such, it is the opinion of this office that you are in violation of the Littleton Zoning Bylaw §173-26 Use Regulation Schedule and hereby ordered you to immediately cease and desist the sale of wholesale and retail mercantile soil product from 215 Harwood Ave, until such time you have secured the necessary variances and permits as noted above. Failure to comply shall result in further legal action as required.

You have the right to appeal this order pursuant to General Laws Chapter 40A, Section 8 and 15, to the Littleton Board of Appeals, provided such an appeal is taken within thirty days from the receipt of this order.

As always, should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roland Bernier', with a long horizontal flourish extending to the right.

ROLAND BERNIER
Building Commissioner
Zoning Officer

Cc: Board of Appeals
Board of Selectman