

Petitioner: Timothy Neufell
Case No. 914A
Date Filed: December 13, 2018

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1/29/2019
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The Littleton Board of Appeals conducted a public hearing on January 17, 2018, at the Shattuck Street Municipal Building on the petition of Timothy Neufell to appeal the Assistant Zoning Officer's Decision of December 11, 2018, ordering him to cease and desist the business activity and storage of equipment in connection with the activity on a residential site at 286 Goldsmith Street, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton on December 28, 2018 and January 4, 2019 and by mail to all abutters and parties in interest. Present and voting: Sherrill Gould, Chairman, Members, Jeff Yates, Rod Stewart, and Alan Bell, and alternate, John Sewell. Present and not voting was member, Cheryl Hollinger, and Alternates, Jillian Shaw and Marc Saucier.

The petitioner, explained that he was appealing the determination of the building inspector that he is conducting a business from his residential property at 286 Goldsmith Street, Littleton, Ma. The property consists of a single family residential dwelling on an undersized lot in a residentially zoned neighborhood. The lot has been improved with a shed and carport which take up much of the yard area and has been used to store equipment in connection with his business of landscaping and snowplowing. The neighbors filed complaints about the truck traffic, noise and disruption to the neighborhood from the business activity. Simultaneously with those complaints, it was found that the outbuildings were constructed without the benefit of building permits and they violate dimensional setbacks, so the Petitioner also filed for variances in a companion case hear on the same date and for which there is a separate decision. The petitioner presented evidence that he has moved his business activity off site, including open storage for his business equipment, with the exception that one personal pickup truck is now located at his residence, his son's vehicle, as well as one 1 ton dump truck that he requires for commuting to and from his business location when that truck is needed, as well as 3 snow plows with frames that are stored under the carport and out of the weather.

The neighbors voiced many complaints and concerns about the frequency of truck traffic to and from the site at all hours, including weekends, and the hazard to the residential area since the property is located near the elementary school and the lot is small. However, when polled, most of the neighbors agreed that the problem has abated considerably since the petitioner moved the business and most of the storage off site. The Petitioner acknowledged that his business use was in excess of the definition of home occupation but requested the Board to find that the retention of 1 pickup truck on site as well as one 1 ton dump truck and the snowplow storage was not in excess of what any other home occupation landscapers/contractors were keeping on their residential properties and asked the Board to find accordingly.

FINDINGS: The Board found that the Assistant Zoning Officer's decision was correct and the Petitioner was operating a commercial business in the residential zone, but in a mixed vote the Board found that the Petitioner's request was reasonable.

DECISION: The Board voted four to one (the one member abstaining), to affirm the Assistant Zoning Officer's decision by denying the Petitioner's appeal but allowing the petitioner to retain on site his personal pickup truck, another personal vehicle, plus one 1 ton dump truck and two of the snowplows, with the condition that he would not start the vehicles earlier than 7:00 AM, except for snowplowing operations as necessary, and that the Board could review this exception in 6 months. One member abstained.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed: _____

Alan Bell, Clerk

1/29/2019

Dated:

Deed Reference: Book 46696, Page 478.

I hereby signify that twenty days have elapsed since the filing of the above decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

Town Clerk

True Copy Attest: _____

Littleton, Massachusetts