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Alice Crony

Petitioner: Theodore Nussdorfer
Maureen Nussdorfer
Case No. 915A
Date Filed: December 14, 2018

The Littleton Board of Appeals conducted a public hearing on January 17, 2019, at the Shattuck Street Municipal Building on the petition of Theodore Nussdorfer and Maureen Nussdorfer for a Variance from Section 173-26 Use Regulations to allow for the continued use of a campground in a business and residence district at 264 Ayer Road, Littleton, Ma. 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, Cheryl Hollinger and Alan Bell, Present and not voting were Alternates, Jillian Shaw, John Sewell and Marc Saucier.

The petitioner, represented by Kevin Conover of David E. Ross Associates, Inc. presented the existing conditions on the property. The property consists of approximately 18.99 acres in the business and residence zones in Littleton. Prior relevant permits include the following:

In 1972 the Zoning Board granted a variance for a campground on 19 acres in the business a residential zones, with the restriction that the residential district was to remain unused as a greenbelt.

The property was granted an Extensive Recreation Use Permit by the Board of Selectmen in 1978, which allowed limited expansion into the residential district for a picnic area and a 24' x 52' recreational building.

In 1990 the Board of Health restricted the number of campsites to 100 sites due to septic considerations.

In 1993 the Zoning Board modified the 1978 earlier variance by allowing 10 Kamping Kabins on skids and a building to be located setback from the westerly property line at least 100 feet, with no mention of the residential zone restrictions.

The property has been operated as a campground continuously for over 40 years. In assessing the property for financing and/or sale purposes it was discovered that there were actually 2 or 4 extra campsites and that some of the campsites were actually located over the zoning line into the residential zone. It was described by the applicant that the nature of camping is that a family is directed to a cleared area for them to set up their tent and campsite and it is not always easy to find the zoning district line. In this case, however, due to topography and the existence of a natural rock wall, the residence district to the east of the site is rather well defined, with the septic system occupying most of the property and the campsites set away from the residences on Bruce Street by about 100 feet. The residence district to the west of the property abuts a state highway and undeveloped residential land. It was explained that very few, but some, of the campsites are located just east of the district line to the east, and just west of the district line to the west.

The site is unique in that the district lines bisect it with no apparent rationale, and that it is undeveloped except for campground use and has enjoyed a consistent operation under the Board of Selectmen approval for over 40 years. The applicant stated that it would impose a hardship on the facility to limit the unsuspecting users to a line which has no definitive location on the ground.

One abutter appeared in support of the petition and expressed that the campground has never been the source of any noise or noxious activity. Several Board members opined that the campground creates less evening noise than a residential property.

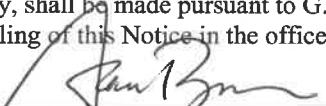
FINDINGS: The Board found that the Petitioner satisfied the requirements for a variance in that the lot was unique and that relief could be granted without substantial derogation from the intent and purpose of the zoning bylaw, however, the Board was reluctant to grant a use variance for this site since the Board of Selectmen had previously approved it under the Extensive Use Recreation bylaw.

DECISION: The Board voted four to one (one member abstaining) to modify the restriction imposed against use of the residential area for campsites by allowing that campsites of any type could be located on the residential portion of the property provided that they were offset 30 feet from any property line of any abutter in the residential district, and requiring that the number of campsites on the property be limited to 100.

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

 1-30-2019

Dated:

Deed Reference: Book 50576, Page 223.

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.

True Copy Attest:

Town Clerk

Littleton, Massachusetts