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9/2/15 8:00 AM

Petitioner: Carl Strathmeyer
Address: 80 King Street, Littleton, Ma.
Case No. 858A
Date Filed: July 27, 2015

The Littleton Board of Appeals ("Board") conducted a continued public hearing on September 17, 2015 at the Shattuck Street Municipal Building on the petition of Carl Strathmeyer for a special permit under the requirements of Section 173-10(B) to permit a change, extension or alteration to a preexisting non-conforming use at 80 King Street, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton on August 6 and 13, 2015, and by mail to all abutters and parties in interest. Present and voting: Acting Chairman, William Farnsworth, Cheryl Hollinger, and Jeff Yates, members, Marc Saucier and Rod Stewart, Alternates. Present and not voting were John Cantino, Member and Patrick Joyce, Alternate.

The petitioner is the purchase under contract for the property at 80 King Street. This is a property in a residential zone on a busy state highway, Route 2A/110. It currently houses a residence and a florist business. He had previously presented an application for a special permit to extend and alter a pre-existing non-conforming florist business use at 80 King Street to allow for (a) retail sales and repair of musical instruments, (b) small studio space for private music lessons, and (c) small performance/recital space for students. The Board granted a Special Permit for a change of use from an existing retail flower shop to a business for (a) the retail sales and repair of musical instruments, and (b) for studio space for private lessons. The Petitioner's third request for (c) small performance space for recitals by students and demonstrations by visiting musicians, however, was continued so that the Board could obtain an opinion of counsel whether this additional use could be treated as a special permit or whether it would require a variance.

A letter was received from Town Counsel with his opinion. It stated that the small performance/recital space could also be authorized by special permit upon a Board finding that this use will not be substantially more detrimental to the neighborhood than the existing use.

The Petitioner submitted information that the proposed recital space consists of approximately 400 square feet, in a renovated two car garage. It is intended only for small gatherings of students and family, not to exceed 25 persons. His plans allow for sufficient off street parking (approximately 24 spaces) to accommodate the use. He also explained that the noise and sound levels generated would be far less than the noise generated from the traffic already present on Route 2A/110. He submitted that his hours of operation would not be later than 9:00 PM. The board noted that there is already heavy traffic and noise on the street, as it is a major trucking route, and it hosts the High School, a Church and a larger musical performing arts studio. One abutter appeared in support of the applicant if the use was allowed by Special Permit and not by variance.

FINDINGS: The Board found that the Petitioner satisfied all of the requirements for a special permit under the bylaw and that the proposed change of use to small studio and recital space would not be more detrimental to the neighborhood provided there were limited conditions.

DECISION: The Board voted unanimously to grant a Special Permit under Section 173-10(B) of the Littleton Zoning By-law to permit the small studio and recital space at 80 King Street, Littleton, Ma., with the following conditions:

1. No more than 25 person capacity during the recital
2. The recitals not go past 9:00 P.M.

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.

This Special Permit shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex District Registry of Deeds in accordance with the provisions of M.G.L. C. 40A, Section 11 and 15 stating that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied.

Signed: 
Jeffrey Yates, Clerk

Dated: September 22, 2015
Book 30137, Page 166

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