

Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

received
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3/27/14

Petitioner: John A. Bowles
Property address: 1 Adams Street
Case No.: 830A
Date Filed: March 5, 2014

The Littleton Board of Appeals (the "Board") conducted a public hearing on March 20, 2014 at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, MA on the petition of John A. Bowles to appeal the Building Inspector's Decision of February 24, 2014, issuing an opinion that the proposed tow and storage as an accessory use in the open space adjacent to the auto repair may be permitted provided a successful site plan review is conducted by the Planning Board. Notice of the hearing was given in the *Littleton Independent*, a newspaper circulated in Littleton on March 6 and March 13, 2014, and by mail to all abutters and parties in interest. Present and voting: Members, William Farnsworth, John Cantino, Jeff Yates, and alternates, Marc Saucier and Rod Stewart. Member Sherrill R. Gould recused herself as an abutter. Present and not voting was Patrick Joyce.

Mr. John A. Bowles, the petitioner, presented the history of the property. Petitioner leases the property at 1 Adams Street. The property owner was also present. The property is in a commercial district and has operated as an automotive business since it was constructed well before the 1950's. There was evidence presented by the applicant and several townspeople, including board members, who remembered the property to have a towing and storage function for decades. Currently, the property is improved with a garage where auto body work is performed and a large fenced yard where vehicles are stored pending repair or removal after being towed or driven there for repair or after accidents. The petitioner has requested approval to utilize his own tow trucks to bring vehicles to the site for repair on site as well as transfer to other businesses for repair. At least one such other business was present to support the Petitioner and to give evidence that this practice is not a change of use.

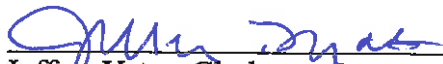
Mr. Roland Bernier, the Building Inspector / Zoning Officer, spoke to the petition stating that his objection was not to the use as a towing and storage accessory use, but that in his opinion this was a change or expansion requiring site plan review. The Building Inspector further cited a permit issued to a prior business owner in the 1990's, which contained restrictions, but, after review, the Board found that permit was for a Class II vehicle sales license and the restrictions primarily limited the number of vehicles for sale on site.

There were numerous interested parties who attended the hearing and spoke in favor of the Applicant's business, the uninterrupted "grandfathered" nature of the towing business, and the lack of disruption to the neighborhood by the business. No abutters appeared in opposition.

FINDINGS: The Board deliberated at length the Building Inspector's decision and its effect on the Board's decision and the Applicant's business. Essentially, the Building Inspector wanted to insure that the site was reviewed by the Planning Board to insure that the proposed usage would protect the intent and purpose of the bylaw. The Board, however, wanted to support the business proposed by the Petitioner as an historic use, without denying him the right to expand his current operations. The Board concluded that there was sufficient information and evidence to find that the business of towing automobiles into and away from the site was an uninterrupted "grandfathered" use. The Board also found that site plan *review* as distinguished from site plan *approval* was warranted. The Board generally favored granting petitioner some relief, recognizing the "grandfathered" history of the property.

DECISION: The Board voted unanimously to deny the Petitioner's Appeal of the Building Inspector's determination with the express finding that because of the information, testimony and evidence heard, the Petitioner's use as a towing and storage business is a "grandfathered" allowed use on the site, and that the Petitioner is able to expand the use upon Site Plan review by the Planning Board.

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: 
Jeffrey Yates, Clerk

Dated: March 25, 2014
Book 26127, Page 411.

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: _____ Date: _____
Town Clerk, Littleton, MA