

OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460



Petitioner: CLAIRE E. SOJA
Property Address: 103 Hartwell Avenue
Case No: 772A
Date Filed: December 22, 2009 (original appeal)

The Littleton Board of Appeals conducted a public hearing on April 15, 2010, at 8:40 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a reconsideration of the case of Claire E. Soja's Appeal of Building Inspector's decision that excavator use at 103 Hartwell Avenue does not violate noise provision of Littleton Zoning Bylaw Section 173-80. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on April 1 and April 8, 2010, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth and John Cantino, Members, Marc Saucier and Cheryl Hollinger, Alternates. Present and not voting were member, Julia Adam and Alternate, Rod Stewart.

The Petitioner, Claire E. Soja, who resides at 95 Hartwell Avenue, had filed an appeal from the Building Inspector's Determination dated November 27, 2009, that noise from an abutter was not in violation of Section 173-80. At the request of the petitioner the matter was continued to February 18, 2010 and subsequently to March 18, 2010, and dismissed on that date when no parties appeared. Through counsel, petitioner explained that the failure to appear on March 18, 2010, was due to a miscommunication about the continuance date and was unintentional. Petitioner therefore requested the Board reconsider its decision of dismissal of March 18, 2010. The request was accompanied by Petitioner's agreement to extend the time to close the hearing to May 30, 2010, and for filing a decision to June 15, 2010. The Petitioner appeared on April 15, 2010, and the Board voted unanimously to reopen the hearing for reconsideration, all parties having been notified. Thereafter, Petitioner reported that the matter had been satisfactorily resolved between her and the abutter and it was her request to dismiss the Appeal without prejudice.

No parties appeared in opposition.

DECISION: The Board voted unanimously to ALLOW Petitioner to withdraw the appeal without prejudice.

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.

The 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

Soja – 95 Hartwell Ave

accordance with the provisions of M.G.L. C. 40A, Sections 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.

If the rights authorized by this Special Permit are not exercised within two (2) years from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed Julia A. Adam Date 4/28/10
Clerk, Zoning Board of Appeals

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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, Massachusetts