

received
7/27/09



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: James McNiff
Property Address: 244 Great Road
Case No: 763A
Date Filed: June 25, 2009

The Littleton Board of Appeals (the "Board") conducted a public hearing on July 16, 2009 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of James McNiff for a Special Permit pursuant to the Town of Littleton Zoning Bylaws Section 173-26 "Use regulations to allow storage of motor vehicles and / or open and bulk storage" at 244 Great Road. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on July 2 and July 9, 2009 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, William Farnsworth, John Cantino, Members, Rod Stewart and Cheryl Cowley Hollinger, Alternates. Present but not voting was Marc Saucier, Alternate.

Peter E. Knox, Attorney for James McNiff, King Tuck Trust, presented the application. James and Sheryl McNiff, Trustees of King Tuck Trust, and Tim Casey were present. Mr. Knox stated that the area to be used at 244 Great Road is currently being used by a landscaping business. This landscaping business will be leaving the property approximately the end of July. The new proposed use will be a small towing business, one (1) to three (3) trucks and the necessary short term storage of motor vehicles, not more than four (4) vehicles. The Town of Littleton zoning bylaw allows, by Special Permit by the Board of Appeals, the use of "Motor vehicle service station".

Additional information submitted was a MEMO from Maren Toohill, on behalf of the Planning Board, an e-mail from Savas Danos, General Manager, LELWD, and a Memos from Roland Bernier, Building Commissioner.

Mr. Roland Bernier, Building Commissioner was present and answered questions and added clarification to points under review.

The Board had concerns of safety with vehicles entering and exiting the storage area as these vehicle interchange with traffic for the other businesses adjacent to this property. Safety issues and devices were discussed and agreed to by the applicant.

No abutters or persons of opposition were present. No opposition presented.

FINDINGS: The Board made the following findings:

1. Town of Littleton Zoning Bylaw, Section 173-26 Use regulations requires a Special from the Board of Appeals for "Motor vehicle service stations" in a B District. "Motor vehicle service station" is defined, Section 173-2, as "Premises devoted to retail sale of fuel and

lubricants and/or washing of motor vehicles and/or repair services and/or sales or storage of motor vehicles”.

2. This property is in the B District.
3. The site is appropriate and no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the bylaw.

DECISION: The Board voted unanimously to GRANT, under Section 173-26 of the Town of Littleton Zoning Bylaws, a Special Permit to 244 Great Road, to operate a towing business with the following conditions:

1. Limited to “storage of motor vehicle”, passenger cars and small pick-up truck only as towed by this business.
2. Limited to storage of not more than four (4) vehicles at any given time.
3. Limited to not more than three (3) trucks of the towing business stored at the property.
4. Attach a “STOP” sign at the corner of the building of 244 Great Road and to be located at the top of the right-of-way.
5. Install a convex mirror at the corner of the building of 244 Great Road and to be located at the top of the right-of-way.

Appeals, if any, shall be made pursuant to M.G.L. C. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Town Clerk.

Signed: _____ Julia Adam, Clerk

Date: _____

Book: _____, Page: _____

I hereby signify that twenty (20) 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