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7/18/2019 11:00 AM
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AMENDED DECISION. This Amendment is filed for the sole purpose to correct a street address error in Paragraph 2.

Petitioner: WILLIAM VALES

Case No. 922A

Date Filed: April 16, 2019

The Littleton Board of Appeals conducted a public hearing on May 16, 2019, continued to June 20, 2019 at 7:45 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, on an appeal from the decision of the Zoning Enforcement Officer pursuant to MGL Ch. 40A Section 15, and Littleton Zoning Bylaw Section 173-54, Home Occupations, and Section 173-2 and 26, Mobile Home Parks, Use Regulations, regarding property at 580 Great Road, Littleton, Ma., which was in response to complaints by the applicant, an abutter, at 576 Great Road. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on April 26, and May 3, 2019, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates, Cheryl Hollinger, and Marc Saucier, Members and John Sewell, Alternate. Present and not voting was member, Rod Stewart.

The petitioner is an abutter to the property at 580 Great Road. The Petitioner has made complaints about the use of the property at 580 Great Road, all of which complaints have been ongoing for approximately 6 years and were documented with photographic evidence which had been time stamped showing the violations and the increasing offenses. The complaints included accumulation of trash, keeping unregistered motor vehicles, fires on the property in violation of the burn laws, possible yard encroachments and intentional damage to the fence and property of Petitioner, an unlicensed dog, storage trailers, snowplows and other types of commercial and landscape business vehicles stored on the property, and most recently, a camper which was brought to the property in November, 2018 and appeared by all evidence to be housing a tenant with no apparent connection to a septic system and who regularly has open flame fires fueled with some sort of accelerant.

The owner of the property at 580 Great Road was not present. There were no abutters who spoke at the first hearing. The only zoning violations appeared to be the possibility of a home occupation exceeding the limitations of allowed home occupations under the by-law and the occupancy of the camper. The Zoning Enforcement officer had determined (a) Camper trailers are not mobile homes, are self-contained and permitted on residential property for personal use. "Both the building code and the Littleton Zoning Bylaws are silent on camper trailers." And (b) "Business operations (customary home occupations) are allowed (by right) in residential areas provided they comply with Section 173-54 of the Littleton Zoning Bylaws. To the best of my knowledge there is no evidence of activity exceeding the limitations of said code regulation." The Zoning Enforcement Officer stated he had visited the site on January 17, February 7, March 1 and June 17, and "did not observe anything on the site that is in violation of the zoning bylaw."

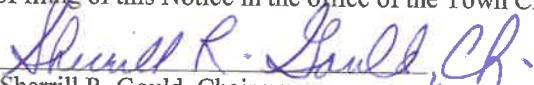
The Board asked for a continuance to write letters to each of the Boards and departments in the town having jurisdiction over the other allegations in the Applicant's complaint, specifically the Board of Health, the Fire Department and the Police Department, in an effort to assist the Applicant with his complaints, and to determine if any of the other Boards or departments had observed other violations.

At the continued hearing, the applicant repeated and summarized his earlier argument and provided time stamped photographic evidence of the allegations. The Zoning Enforcement officer was present and stated that he was made aware that the alleged occupant of the camper had relocated to an apartment elsewhere in town. A discussion of the definition of "mobile home" ensued and several members of the Board were in agreement that a camper is distinguished from a mobile home. The owner of 580 Great Road submitted a letter, and registry of motor vehicle evidence that the vehicles are registered, there was no one occupying the camper, the fires are cooking fires contained within a fire pit, and the dog is licensed. The fire department submitted a letter that they had only one complaint which was "very minor in nature", and that they would respond to any future complaints. The Board of Health submitted an email that the camper was self-contained and did not require a septic hookup. One abutter appeared and expressed his opinion in support of the applicant.

FINDINGS: The Board found that there were only two items in the complaint which fell within the jurisdiction of the Board, (the home occupation and the "mobile home") and that the decision of the Building Enforcement Officer was valid at this time.

DECISION: The Board voted UNANIMOUSLY to DENY the Applicant's Appeal of the Building Inspector's decision.

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: 
Sherrill R. Gould, Chairman

Dated: July 2, 2019

Deed Reference: Book 31793, Page 280.

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