

Due by
April 18

ZBA Case No.: 922A Address 576 Great Rd

**TOWN OF LITTLETON
BOARD OF APPEALS**

37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-540-2420



APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws

TOWN USE ONLY

Received by the Town Clerk Office

received

4/17/2019 10:30 AM

(B)

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300

Check # 702

Pursuant to the provisions of Chapter 40, §57 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Debrah Richard

Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- Appeal of Decision of Building Inspector or other administrative official(see page 2)
- Special Permit (40A)(see page 2)
- Variance (see page 3)
- Comprehensive Permit (40B) Complete additional application (see page 2)

PETITIONER: Signature William Vales

Date: 4/16/19

Print Name William Vales

Phone # 978-486-9129

Address 576 GREAT RD

Email Address William.Vales@gmail.com

Town, State, Zip LITTLETON, MA 01460

Deed Reference: Bk _____ Page _____

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned

William Vales

Date 4/16/19

Phone # _____

Print Name (if different from petitioner) _____

Email _____

Address (if different from petitioner) _____

ASSESSOR MAP & PARCEL NUMBER _____

ZONING DISTRICT: R VC B IA IB (Circle all that apply)

Check box if AQUIFER DISTRICT
applicable

WATER RESOURCE DISTRICT

FEES

Residential Property \$200 filing fee + \$75 recording fee + \$25 abutter list = \$300 to Town of Littleton

Commercial Property \$350 filing fee + \$75 recording fee + \$25 abutter list = \$450.00 to Town of Littleton

Comprehensive Permit \$1000 + \$100/unit over 10 units

ADDITIONAL FEES: ALL APPLICATIONS:
Legal Notice publication fee to be paid prior to opening the hearing

Appeal

Under MGL c. 40A §. 8

The undersigned hereby appeals a written order or decision of the Building Commissioner / Zoning Officer or other administrative official alleged to be in violation of the provisions of MGL c. 40A or the Zoning By-laws to the Board of Appeals for the Town of Littleton.

X

1. From what Town Official or Board is the appeal being sought?

Mandatory: Attach copies of written order or decision under appeal

Administrative Official

ROLAND BERNIER

Date of order / decision

3/22/19

2. Which statute or Zoning Bylaw do you rely for your appeal?

MGL c.40A §

Zoning Bylaw §

Code of Littleton §

You may also consider whether you qualify for relief under any other authority of the Board to grant a Special Permit or Variance.

3. I hereby certify that I have read the Board of Appeals Instructions for Appellants and that the statements within my appeal and attachments are true and accurate to the best of my knowledge and belief.

Signature

Print name

Special Permit 40A

Under MGL c. 40A §. 9

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to grant a Special Permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning By-law.

1. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?

Zoning Bylaw §

2. Why are you applying for a Special Permit? Attach a written statement that specifically describes existing conditions and your objectives, along with necessary exhibits as listed in the filing instructions. *You may also consider whether you qualify for relief under any other authority of the Board to grant a variance.*

3. I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature

Print Name

Special Permit 40B

Under MGL c. 40B

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under M.G.L.c40B

Variance

Under MGL c. 40A §. 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief? _____

2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.

3. Show evidence that you meet the minimum requirements of a variance under section 173-6 B (2) of the Littleton Zoning Bylaws.

Attach a written statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.

4. *I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.*

Signature _____

Print name _____

Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION.** He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Apply for a certified abutters list with the Assessors office (request for certified list of abutters form enclosed)
3. Bring the completed application packet to the Administrative Assistant to the Building Commissioner who will assist you in filing with the Town Clerk.

Necessary Exhibits— provide 3 hard copies and an electronic copy of the following with the completed application:

1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor. The plan should show;

- A) metes and bounds of the subject land
- B) adjacent streets and other names and readily identifiable landmarks and fixed objects
- C) dimensional layout of all buildings
- D) distances and setbacks from the various boundaries
- E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
- F) direction of North
- G) the name of each abutting property owner

2. Copy of the latest recorded deed

3. A written statement which details the basis for your petition

4. Pictures, plans, maps, drawings and models are always helpful in explaining the problem

5. In cases pertaining to signs, a scale print of the sign lettering and colors

6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor

7. In cases pertaining to Accessory dwellings evidence that the Board of Health has approved the septic system

8. The date of the building construction and the history of ownership are useful in finding facts about the case

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month. The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules

April 16, 2019

To: Roland Bernier

From: William Vales

Cc:	Board of Selectman	- BOS
	Anthony Ansaldi	- Assistant Town Administrator
	Scott Wodzinski	- LFD
	Matt Pinard	- LPD
	Gino Frattalone	- BOH
	Diane Crory	- Town Clerk
	Michelle Cobleigh	- Building Department

Roland,

This email is the appeal I am making to your decision of March 22.

I am addressing the response to you and I am copying the departments on the original email. This response is to supplement the form which I filed with your office along with the fee. With that filing I included a copy of the deed for our property. In this email I include: 1) My appeal of your ruling, 2) Links to Supporting Pictures, 3) Your response to my original letter. (I made one correction to an email address that used .org instead of .com for LPD), 4) my original letter and attachment.

I am providing a hard copy of this letter for the filing, but the electronic copy will provide a link for pictures which are the supporting artifacts. I will be sending this in email to all recipients.

1)

My Appeal of Your Ruling

I don't feel your response addressed the primary issue of someone living on the property adjacent to our property which is on 576 Great Road. A primary issue from my perspective is a residential lot being used to provide two distinct structures for living by two families. There may also be sanitation and other issues related to this. My comments are noted and follow you ruling.

- Mobile homes are specifically prohibited in the town of Littleton unless in connection with a natural catastrophe. 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. Massachusetts does regulate campgrounds but this situation is not a campground.

My comment:

In my letter of March 22, 2019 I referred to a camping trailer as the object a person is living in. I believe that this object meets the definition of a mobile home in § 173-2 of the Littleton Zoning Code.

- Business operations are allowed in residential areas provided they comply with §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.

My comment:

In my letter of March 22, 2019 I stated my concern that a garaging or mechanical business might be occurring on the property. I maintain that this or something akin might be occurring based on the number of vehicles, trailers and stockpiled material.

2)

Supporting Pictures

The following link provides photographic support obtained empirically to document the daily activities around the camper/mobile home on the property. The pictures document the comings and goings, creation of an ad-hoc car shelter, evening lights on, leaving in the morning, arriving home in the afternoon, tying the dog in yard and other activities that one associates with daily life. The pictures accessible from the link below are a subset of the full photo album to provide you a sense of the activities over time that I believe support the notion of someone living there.

The pictures range from November 28, 2018 - April 16, 2019. The meta-data associated with each picture includes the date/time stamps of when the picture was taken.

<https://photos.app.goo.gl/yKosmAHDTDe2RqBY6>

3)

Your Response to my Original Letter

=====

from: **Roland Bernier** <RBernier@littletonma.org>

to: William Vales
<william.vales@gmail.com>,
selectmen
<selectmen@littletonma.org>

cc: Anthony Ansaldi
<aansaldi@littletonma.org>,
Scott Wodzinski
<swodzinski@littletonfire.org>,
"mpinard@littletonpd.com"
<mpinard@littletonpd.com>,
"gino4littleton@verizon.net"
<gino4littleton@verizon.net>,
Diane Crory
<DCrory@littletonma.org>,
Michelle Cobleigh
<mcobleigh@littletonma.org>

date: Mar 22, 2019, 9:36 AM

subject: RE: Complaint against neighbor

mailed-
by: littletonma.org

security: Standard encryption (TLS)

Dear Mr. Vales,

I am in receipt of your letter explaining the conditions on the property abutting your own. It is clear that you are unhappy with the current condition regarding the use and storage of material on the abutting property.

To summarize your concerns regarding code violations pertaining to this property please note the following;

- Camper trailer
- Business operation
- Storage of utility trailers, materials and equipment
- Storage of trucks
- Storage of a car
- A barking dog
- Evening fires

Of the several items mentioned, two could potentially fall under the jurisdiction of the building department.

- Mobile homes are specifically prohibited in the town of Littleton unless in connection with a natural catastrophe. 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. Massachusetts does regulate campgrounds but this situation is not a campground.
- Business operations are allowed in residential areas provided they comply with §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.

I'm afraid at the moment there is little I can do to resolve your concerns.

You have the right to appeal this opinion pursuant to General Laws Chapter 40A, Section 8 and 15, to the Littleton Board of Appeals, provided such an appeal is taken within thirty days from the receipt of this decision. Failure to file a timely application is fatal.

What is an Appeal?

Pursuant to Massachusetts General Laws Chapter 40A §8 and Littleton Zoning By-law 173-6 B(3) and 173-6 B(5) the Board of Appeals hears and decides appeals by any person aggrieved by any written order or decision of the Zoning Enforcement Officer or other administrative official in violation

of any provision of Massachusetts General Laws Chapter 40A or the Littleton Zoning By-laws. Building permits withheld by the Building Commissioner acting under MGL C. 41, §81Y as a means of enforcing the Subdivision Control Law may also be issued by the Board of Appeals. Action taken by the Building Commissioner acting under the Code of Littleton Chapter 152 will also be heard by the Board of Appeals. *If the Zoning Enforcing Officer or other administrative official does not issue a written order or decision, the Board of Appeals will not hear the appeal.* Appeals from the written decisions of the Zoning Enforcement Officer or other administrative official must be filed with the Office of the Town Clerk pursuant to Massachusetts General Laws Chapter 40A Section 15 within thirty (30) days from the date of the written order or decision which is being appealed. **Failure to file a timely appeal is fatal.**

Sincerely,
Roland Bernier
Building Commissioner
Zoning officer

4)

My Original Letter and Attachment.

Hello,

My name is William Vales, I live at 576 Great Rd. in Littleton with my wife Carol. I have lived here since 1986 and Carol since 1990. The attached letter documents a situation we are experiencing with a neighbor for the last 7 years. The problem intensified in 2015 which is 4 years ago, which brings us to today, the current crescendo at March 2019.

The letter tells the story of what we have been experiencing and how we have handled it to date.

I look forward to hearing from you.

regards

Bill

To: Littleton Board of Selectman

March 22, 2019
From: William R. Vales

Cc: Littleton Police Department
Littleton Fire Department
Littleton Building Inspector
Littleton Board of Health
Littleton Assistant Town Administrator
Littleton Town Clerk

Introduction

My name is William Vales, I live at 576 Great Rd. in Littleton with my wife Carol. I have lived here since 1986 and Carol since 1990.

Current Situation

We have a situation where someone on the adjacent property at 580 Great Rd. has been living in a camping trailer since November 2018. I started observing this in November, taking photographs of the comings and goings to see if there was regular occupancy. After 4 months of observation I can say with certainty someone is living there. I have observed many different vehicles, trucks, trailers, building materials, tractor, and snowplows. I wonder if a business is being run or if space being leased.

I have photographic evidence of this which I am happy to share with you, but hesitate in this initial missive for fear of information overload.

I have spoken to the Town Clerk, Diane Crory, when I first observed residential activity although I was not sure of the occupancy at that time. I told Diane I was going to watch for a while to gain some surety of what was going on. After observing this activity for several months, I sent email to Detective Patrick O'Donoghue at LPD on January 4, 2019 and at that time he suggested that the next step was to contact the building inspector which I did on January 15.

I reported what I saw to Roland Bernier and extended an invitation for him to come up and observe the situation. He and his assistant made one trip up to our house that I am aware of; I ran into Roland when he was leaving and he indicated he needed to see more. I mentioned that most activity would be early morning ~7:00 and late afternoon since the occupant seems to come and go. I have since sent Roland email to report a generator running near the trailer and a few other emails with the latest photo album showing the comings and goings of the occupant. As of this date I have not received further instruction from the Building Inspector, nor have I been contacted by his office.

For the last several months I have observed large fires in the side yard of the property at night. I am able to hear the sounds of power saws cutting pallets and other wood. I have observed piles of pallets one day that would be reduced the day after the fires. During these fire incidents I can sometimes see a large and sudden flash of flames reflecting off our fence as if accelerant is being thrown on the fire. I further suspect trash is being burnt during these evening fires. I previously reported this to the LFD chief when I saw him at the town hall, and on February 14th I stopped at the fire station to report a fire. I was told by the chief, after the fact, that this was investigated and the rules of burning were explained to the people at the residence. Additional fires have taken place since that incident when the conveyance of the rules of burning was done. On February 19 a member of the LPD was at our home in response to a barking dog complaint I made, and he observed another fire. He indicated he was going down to the neighbors, where the barking dog also resides in the camper trailer to investigate.

I have made numerous calls to LPD about an uncontrolled barking dog associated with the person living in the trailer. At times there are two barking dogs at the property, but it is hard to keep track.

Historic Summary

To provide you some history with this neighbor, I offer the following. Since approximately 2013 trash was accumulating outside this house. Large clear plastic bags of cans, mattresses, furniture and other trash. We had to drive by this several times a day. We debated for a while putting a fence up to block the view. In May of 2015 we did just that at the approximate cost of 12 thousand dollars (\$12,000), for the fence, property surveying and driveway reconfiguration.

In May of 2015 the neighbor was seen using our driveway for egress from his backyard, which required driving across a portion of our property and then onto our driveway. It became apparent he had been doing this for a while based on car tracks going from his yard to our yard. His yard was full with vehicles, many of which were unregistered, and we suspect that is why he had been using our driveway for access and egress.

I approached someone at the house that day to ask what they thought they were doing and to say they could not drive on our property; I got no satisfaction. The next day I put up temporary boundary stakes in preparation for boundary surveying and a fence. The following day the boundary stakes were run over by the neighbor. While collecting the stakes I was approached by the neighbor and verbally threatened. I then called the LPD and explained what had occurred. I have photographic evidence of the car tracks and the boundary stakes after being run over. There should also be a police report on this, since LPD visited the house and I went to the station a few times. The approximate dates for this are May 2015.

In May of 2015 we re-surveyed our property and had a 200' fence put up to protect our property, privacy and sanity. The trespassing and accumulation of junk was causing emotional distress. This was a cost of approximately \$12,000 which I can show receipts if necessary.

Starting in June 2015 I reported to LPD of a buildup of unregistered vehicles on the neighbor's property. I sent mail to both LPD and the town clerk whenever there was some change in the number of vehicles. At times there were 8 or 9 vehicles. I thought maybe a garaging or mechanical business might be running there. I reported the number of vehicles to the LPD for the better part of a year, since I saw the cars threatening our property values, not to mention the impact on groundwater. LPD was diligent and had some success reducing the number of vehicles; I believe a fine was levied on the owner. LPD or the Town Clerk should have a record of this. However, over time the number of cars, trailers and junk has since gone back up.

Conclusion

This brings us to today, where now we have someone living on the property in a camping trailer. Along with this trailer came additional trailers, trucks, car, materials, a barking dog and regular evening fires burning trash. The number of vehicles is hard to keep up with. I don't know if a business is being run, or property being leased for storage of vehicles.

This situation has seriously affected the quality of life we have in Littleton. It has also affected the value of our property which we are quantifying now.

We have incurred significant expense to protect our property, privacy and sanity with little success. We need to invest more since the situation is getting worse.

I pay taxes and I have the expectation of living peacefully, within the law and respecting other's rights. I have lived in Littleton for 40 years and at this address since 1986. I consider myself a good neighbor and have the expectation of those around me to live within the law.

At this point I would like to extend an invitation for any of you to come up to the house to observe the situation. I feel that representatives from Littleton Government, Public Safety, and Inspectional Services will not be able to fully grasp, and thus properly adjudicate, the current infractions without seeing the situation first hand.

I will be following up with a phone call, but I do hope to hear from you.

Chronological Summary of Events:

2012 - Trash accumulation starts.

2012 - Barking dog starts.

2015 - Trespassing by vehicle across property for access to/from 119; property damage. LPD contacted.

2015 - Our Property surveyed, driveway reconfigured, fence installed.

2015 – current - Unregistered vehicles; reported regularly to LPD and Town Clerk.

November 2018 – trailers, trucks, car, tractor, snow plows, materials moved onto property.

November 2018 – person and barking dog take up occupancy inside camping trailer.

December 2018 – fires first noticed when alerted by neighbor.

January 2019 – LPD contacted about occupant, advised to contact building inspector.

January 2019 – Building Inspector contacted.

January – current – LPD contacted about barking dogs.

February 2019 – LFD contacted about fires.

March 2019 – On two occasions I approached trailer occupant about quieting barking dog.

Regards

William R. Vales
PO Box 830; 576 Great Road
Littleton, Ma. 01460

1M

E3
E3

QUITCLAIM DEED

WILLIAM R. VALES of 576 Great Road, Littleton, Massachusetts 01460

Being married, for consideration paid, and in full consideration of \$1.00 and good consideration

Grant to WILLIAM R. VALES and CAROL A. VALES, husband and wife as tenants by the entirety, of 576 Great Road, P.O. Box 830, Littleton, Massachusetts 01460

WITH QUITCLAIM COVENANTS

The land with the buildings thereon on the southwesterly side of Great Road in Littleton, Middlesex County, Massachusetts, being shown as Lot 1 on a plan entitled "Land in Littleton, Mass. Surveyed for Theodore & Barbara C. Eliades" dated October, 1981 as revised October 29, 1981 drawn by Charles A Perkins Co., Inc. recorded herewith in the Middlesex South District Registry of Deed in Book 14466, Page 441, reference to which plan may be had for a more particular description.

Containing an area of 2.44 acres according to said plan.

Hereby conveying Lot 1 as shown on said plan however otherwise bounded, measured or described.

Being the same premises conveyed to me by deed of Karen L. Vales dated January 8, 1983 and recorded in Middlesex Registry of Deeds in Book 14874, Page 133.

Executed as a sealed instrument this 17th day of August, 2000.

WILLIAM R. VALES

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

August 17, 2000

Then personally appeared the above named William R. Vales and acknowledged the foregoing instrument to be his free act and deed before me.


 James L. Gmeiner Notary Public
 My commission expires: 6/18/2004