



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
1/19/12
11:45 AM

Petitioner: ELAINE CARLO
Property Address: 341 King Street
Case No: 802A
Date Filed: November 18, 2011

The Littleton Board of Appeals conducted a public hearing on December 15, 2011 at 8:30 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a variance/special permit from Section 173-36 of the Zoning Bylaw to allow a sign variance for a sign affixed to the front of the building at Petitioner's business at 341 King Street, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on December 1, and December 8, 2011, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, John Cantino, Cheryl Hollinger and Jeff Yates, Members. Present and not voting were alternates, Marc Saucier, Rod Stewart, Alan Bell, and Patrick Joyce.

The Petitioner, Elaine Carlo, the tenant and owner of a café business in the building at 341 King Street, presented a request to attach a painted wooden sign approximately 18" by 12' affixed to the building over the entry at the business. The Petitioner explained that the sign was handmade for her and that it would be beneficial in directing traffic to the site and pedestrians to the entry. The sign is larger than the 3 square foot size allowed by the Zoning Bylaw in a residential zone. After some discussion, it was determined by the Board that the business is a conforming use, as a result of a prior grant of variance. The Petitioner requested, and the Board allowed by motion, the hearing to proceed as a variance for the sign. The Board inquired about colors, which conformed, and lighting which petitioner agreed would be external downlighting, illuminated only during her hours of operation. The premises are located on a state highway amid other nonconforming or allowed business uses and is not strictly a residential area. The petitioner shares the property with a busy auto mechanic business so that there is traffic entering, existing and parking frequently. The Board has found in prior decisions that the traffic and speed on this section of highway does make it an area which needs additional signage for safety. There were no abutters who appeared in opposition.

FINDINGS: The Board determined that the request was justified because of the uniqueness of the property, a business in a residential zone but located on a state highway with higher speed traffic, that it was reasonable to require a sign larger than that allowed by the zoning Bylaw. The board found that the Applicant satisfied the requirements for a variance, finding the site unique for the reasons presented, and finding a hardship to the applicant and to patrons if traffic was not allowed to be efficiently guided into the site.

DECISION: The Board voted unanimously to GRANT a Variance to allow the sign approximately 18" by 12', as presented to the Board, to be affixed to the front façade of the building over the entry, externally lit by goose neck type down lighting, illuminated during the petitioner's hours of business only..

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 Decision in the office of the Town Clerk.

This Variance/Special Permit shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex South District Registry of Deeds, in 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 Variance/Special Permit are not exercised within two (2) years from the date of granting it shall lapse in accordance with the provisions of M.G.L.Ch. 40A Section 10 or Section 9.

Signed: Jeff Yates
Jeff Yates, Clerk, Zoning Board of Appeals
Book: 27779, Page 488
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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: _____ Date: _____

Town Clerk, Littleton, Massachusetts