



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

TOWN OF LITTLETON
RECEIVED
R AUG 26 2010 D
Date 8-26-10pm

Petitioner: J & D REALTY TRUST

Case No:784A

Date Filed: July 26, 2010

The Littleton Board of Appeals conducted a public hearing on August 19, 2010 at 8:10 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 ladder type business sign in a residential zone at Petitioner's business at 563 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 August 5, and August 12, 2010, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, John Cantino and Jeff Yates, Members and Marc Saucier, Alternate. Present and not voting was Alan Bell, Alternate.

The Petitioner, Joseph Cataldo, Trustee of J & D Realty Trust, presented a request to replace his existing sign at 563 King Street. J & D Realty Trust operates a nursery and agricultural use business at the location. The business sells other products as well and is the home for the Petitioner's construction and landscape business. The business is located quite a distance from a main thoroughfare, although the petitioner owns the land with frontage on the main road. The main road is a state highway, which is zoned residential at petitioner's location but is surrounded on all sides with other businesses and with IBM corporate headquarters across the street. Currently the sign consists of a small, carved oval shape sign, which is partially obscured by the foliage. Petitioner presented pictures of the current sign and his seasonal addition of chalk boards advertising seasonal produce and stock. His petition is a request to replace that sign with a larger, ladder type sign. The new area of the sign would be 32 square feet for the permanent panels increasing to 42 square feet when the seasonal chalkboards are added. The sign would be located on the premises and would be 5 to 15' from the street line, as currently exists. The requested variances from Section 173-36 of the Bylaw were for there to be more than one freestanding sign, for a size exceeding 3 square feet, and for additional colors on the panels.

The Petitioner described that the site is unique in that there is a large setback of the business from King Street. Petitioner stated that it is important for the business to be identified with enough notice for traffic to see what the business does and where the entrance is. He stated that the sign needs to attract attention and be bright enough to be distinctive, while maintaining the primary agriculture and rural nature of the business. He described the unique nature of the location being nestled in a residential zone, which is de facto a busy business location on a major state highway. The sign proposed will have no illumination.

No abutters appeared in opposition.

FINDINGS: The Board discussed at length the requested variances and determined that the operation at 563 King Street is an agricultural use which allows exemption from Sections 173-

36A and 173-36B. The board also 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 take no action with respect to Sections 173-36A and 173-36B, recognizing that the agricultural nature of Petitioner's business allows him an exemption from 173-36A. Section 173-36B allows agricultural signage to be 50 square feet in the aggregate. The Board voted unanimously to GRANT a Variance from the requirements of Section 173-36D, to allow additional colors on the sign, substantially as shown on the proposal submitted to the Board.

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 Date: 2/29/2010
Jeff Yates, Clerk, Zoning Board of Appeals

Book: 15934

Page: 186