



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: **JOSEPH CATALDO**
Address of Property: **563 King Street**
Case No: **774A**
Date Filed: **January 20, 2010**

The Littleton Board of Appeals conducted a public hearing on February 18, 2010, at 7:45 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a modification/expansion of a special permit granted pursuant to Section 173-26 at 563 King Street (previously filed as 41 Robinson Road), Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on February 4 and 11, 2010, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman; John Cantino, and William Farnsworth, Members; and Rod Stewart and Cheryl Cowley Hollinger, Alternates.

The Petitioner presented a request to allow expanded sales of items to a special permit which currently permits sales of hard goods for landscaping applications as well as gifts at the farm stand which sells agricultural, landscape, nursery stock, garden supplies, trees, shrubs, food items and similar farm stand offerings at Cataldo Nurseries at 563 King Street. The Petitioner operates the business on approximately 5+ acres of land and the primary use is agricultural. The petitioner was requesting permission to add motorized landscape equipment, such as garden tractors, rototillers, snowblowers, etc., for rental, sales and servicing and to add propane sales. The petitioner presented an argument that the expansion is necessary for the business to remain competitive in the current economic state and is a natural extension of the hard goods currently offered to the consumers at the farm stand store. The activities would take place in and around an enclosed building, which is currently located on the property, and has adequate parking, loading and unloading space so no additional traffic problems would be created. The access to the business would share the same access used by the farm stand, off King Street via Farmstead Way, with no customer access from Robinson Road. The petitioner proposes to offer the repair services within the building to keep the noise down and to limit the size or type of motorized equipment to that which is customary for home applications, rather than commercial in scope.

The history of the business and the existing permit were reviewed and the Board was satisfied that the Petitioner operates a farm stand and landscaping business as of right within the zoning district. The special permit, previously granted, pertains to the expansion of the business for accessory sales of goods and products over the years.

Several abutter letters were read into the record. All expressed support for the expansion. The affected abutters were the residents of Robinson Road, Farmstead Way and Partridge Lane. Several abutters also appeared and commented at the hearing. The comments were generally favorable and concerned requests that the business not become an operation catering primarily to business and commercial patrons. One abutter requested a condition to limit the noise from the new activities to the hours of operation of the farm stand.

No abutters appeared in opposition. Board members discussed the various ways in which the permit might be conditioned to achieve the limitations which would satisfy the requirements that the expansion remain a natural expansion of the accessory sales and not become a dominant or primary use.

FINDINGS: The Board found that the expansion of activities to include rental, sales, service and repair of small engine equipment and the sale and refill of propane tanks would constitute a permitted expansion of the Special Permit provided conditions were imposed.

DECISION: The Board voted unanimously to GRANT an expansion of the Special Permit at 563 King Street to allow the sale, storage and refill of propane tanks on the property, and to allow the sale, repair, servicing and rental of small engine equipment of the type typically used in home and agriculture applications with the following conditions:

- a. The size of the equipment is not to exceed that which can be pulled or transported by a one ton vehicle;
- b. No automotive repairs are to be permitted;
- c. No heavy equipment sales, servicing, rental or repairs are to be permitted;
- d. All repair work shall be conducted within the enclosed building;
- e. All repair work, testing and operation shall be confined to the hours of operation of the retail sales business.

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: Julia A. Adam Date: 2/24/10
Julia A. Adam, Clerk

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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: _____ Date: _____
Town Clerk, Littleton, Massachusetts