



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
9/28/20 11:30AM JL

Petitioner: James Curran
Property Address: 236 Taylor Street
Case No: 949A
Date Filed: August 10, 2020

The Littleton Board of Appeals (the “Board”) conducted a virtual hearing on September 17, 2020 at 7:15 PM via the Zoom program hosted by Littleton Community Television, 37 Shattuck Street, Littleton on the petition of James Curran for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-31 to allow an 8’ privacy fence within the side setback of the property at 236 Taylor Street. Notice of the hearing was given by publication in the Eagle Independent, a newspaper circulated in Littleton, on August 21, and 27, 2020, and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Cheryl Hollinger, Rod Stewart, John Sewell and Marc Saucier, Members. Present and not voting were Jillian Shaw, John Field, and Eli Constantinou, Alternates.

The petitioner represented that his residence is adjacent to the Medical Marijuana facility, Sanctuary Medical, (“facility”) at 234 Taylor Street. The facility has installed six large compressor type structures, air handlers, at the side of the building facing Petitioner’s house. When associated piping is considered, the footprint on the facility is now 25-30 feet closer to the lot line than the existing building was. The air handlers create an unsightly view from Petitioner’s home and they generate a small amount of noise. The owners of the facility offered to mitigate the situation by providing Petitioner with a fence which would shield the equipment, but when the land was considered, due to topography, grades and the line of large boulders along the boundary, it was impractical to site the fence on the facility property. Petitioner is amenable to having the fence placed on his property as close to the lot line as possible, and the facility is agreeable to paying for it. The fence would have to be 8 feet in height to provide adequate screening of the industrial appearance of the abutting facility property to petitioner’s residence.

Petitioner explained that the fence would be a panel fence with supporting posts no more than 2” – 4” above the panels and would run a linear distance of approximately 176’, as close to the property line as possible, with the finished side facing Petitioner’s property.

An abutter supportive letter was read into the record. The Building Inspector weighed in at the meeting with no opposition.

FINDINGS: The Board made the following findings:

1. The fence requires two variances, one because it exceeds the 6’ height stated in the bylaw to characterize it as a structure, and second to construct it on or near the property line without the requisite 10’ setback.
2. The site is unique owing to soil, shape, topography, abutting properties, and uses.

3. The configuration of the parcel and the buildings thereon would create a hardship to Petitioner if the fence to screen the abutters unsightly equipment was required to be setback into Petitioner's property 10', and the variance will not effect the neighborhood generally.
4. No significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the bylaw.

DECISION: The Board voted unanimously to GRANT under Section 173-31 of the Town of Littleton Zoning Bylaws, a Variance to allow a 176' long privacy fence, not greater than 8.5' in height, next to or on the property line, with the finished side facing Petitioner's property.

Appeals, if any, shall be made pursuant to M.G.L. C. 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Town Clerk.

The Variance shall not take effect until a copy of the Decision bearing the certificate of the Town Clerk is recorded with the Middlesex District Registry of Deeds in accordance with the provisions of M.G.L. C. 40A, Section 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 are not exercised within one (1) year from the date of granting it shall elapse in accordance with the provisions of M.G.L. C. 40A Section 10.

Signed:  Marc R Saucier - Clerk

Date: 9/25/2020

Book: 29253, Page: 244

=====

I hereby certify 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: _____ *Print name* _____
Town Clerk, Littleton, Massachusetts

Date: _____