



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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2/26/2020 9:15a
Kurt Dufy

Petitioner: Mark Frye
Property Address: 75 Edsel Road
Case No: 940A
Date Filed: January 10, 2020

The Littleton Board of Appeals (the "Board") conducted a public hearing on February 13, 2020 at Room 103, Town Offices, Shattuck Street, Littleton, MA on the petition of Mark Frye for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-10B(1), alteration of nonconforming structures with respect to a new nonconformity. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on January 23 and January 30, 2020 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair; Jeff Yates, Vice Chair; Marc Saucier, Clerk; Cheryl Cowley and Rod Stewart, Members and Kathleen O'Connor, Jillian Briggs Shaw, and John Sewell, Alternates.

Submitted with the application were the following materials:

- Letter dated December 27, 2019 from Mark Frye.
- Plot Plan by Ludwig Survey Solutions Dated 12/5/2019.
- Photographs of Subject Property
- Floor Plan and Elevation for Proposed Structure.

The petitioner presented the issue before the Board. His home has a deck along the left side, approximately 10' W and 14' D. It is nonconforming in that extends to 11' from the side lot line. He would like to build a 12' W x 14' D screened room that would incorporate this existing deck for the enjoyment of his yard. Additionally he would like a 5'D landing at the front of the Structure resulting in a total footprint of 12' W x 19'D, not including several steps at the front of the structure. This was shown in a plan and elevation submitted with the application.

The property is unique in that the neighboring property has a concrete wall retaining a septic field that is offset from the property line such that the area between the wall and the subject property's side lot line has been, with the abutter's consent, maintained by Mr. Frye and appears to be part of his own property.

No Abutters were present.

FINDINGS: The Board made the following findings:

1. A variance is required because the proposed structure will increase an existing non-conformity.

2. The plan as presented in the drawing labelled A-1 will increase the existing non-conformity.
3. The proposed structure's encroachment on the side yard is mitigated by the topography of the adjacent property.
4. The site is appropriate and 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 173-10 (B) 1 of the Town of Littleton Zoning Bylaws, a Variance to allow the construction of a screened porch, landing and steps as described in Drawing A1, not to be closer than 8' to the property line with the condition that the adjacent yard between the side lot line and the neighboring concrete wall be planted with shrubs agreed upon by the abutter.

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 Saucier

Marc Saucier, Clerk

Date: 2/26/2020

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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:

Town Clerk, Littleton, Massachusetts

Print name

Date: _____