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06/03/19 3:00p
Dave Dailey
Town Clerk

Petitioner: David F. Outman, Jenny Ewing Outman
Property Address: 75 Harvard Road
Case No: 924A
Date Filed: April 30, 2019

The Littleton Board of Appeals (the “Board”) conducted a public hearing on May 16, 2019 at Room 307, Littleton Town Offices, 37 Shattuck Street, Littleton, MA on the petition of David F. and Jenny E. Outman for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-53 Accessory Uses and 173-54 Home Occupations. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on April 26 and May 3, 2019 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Jeff Yates, Vice Chair, Alan Bell, Secretary, and Jillian Briggs Shaw and James Sewell Alternates. Present and not voting was Kathleen O’Connor.

Submitted with the application were the following materials:

- Certified Plot Plan dated October 18, 2017 from David E. Ross Associates
- Variance Narrative dated April 2019
- Aerial Photograph of Subject Property with notations
- Neighborhood GIS showing neighboring properties
- Site Plan, Floor Plans, and Elevations for proposed building dated December 12, 2018

The petitioner presented the issue before the Board. He proposes an accessory building with a studio and loft, an attached single garage, and a carport. The first floor will have a hobby room of approximately 750 square feet with an open loft of approximately 200 square feet. The garage will be 240 square feet, and the carport 230 square feet. The location of the building will be in the current location of an “auto tent” so that the proposed garage can be accessed by the existing driveway, which location is forward of the existing house. The existing house is 1300 square feet, therefore Zoning allows an accessory building of 390 square feet based on the size of the existing house. The use of the building will be as a hobby studio, allowed by zoning except that it may not be placed forward of the existing house. The parcel of land is 1.66 acres. The existing house is 125’ back from Harvard Road, and the new building will be approximately 80’ back from Harvard Road. The residential structures on either side are forward of the proposed building location. A location to the rear of the existing house is precluded by an existing shed with a foundation, the septic system, the drywell system and a downward slope.

No Abutters were present. Several letters of support from abutters were read into the record.

FINDINGS: The Board made the following findings:

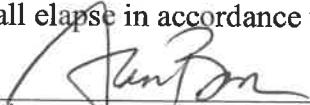
1. Variances are required for the size of the proposed building and its location on the site.
2. The modest size of the existing house limits the size of the structure to 390 square feet under the bylaw only because it is detached.
3. The location of the building is well behind its neighbors.
4. The size and location of the structure are modest relative to the size of the parcel and the location of the new building is unobtrusive.
5. The building location is dictated by soil conditions (septic location), shape and topography of the site
6. The applicant agreed to a condition that the building cannot be used as a dwelling unit.
7. 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 173-53 and 173-54 of the Town of Littleton Zoning Bylaws, a Variance to locate an accessory structure of the size noted above and shown in the application in a location forward of the existing house, but no closer than 75' from the front property line Harvard Road. This variance is conditional on the building not being used as a dwelling unit.

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 Variances 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:  Alan Bell, Clerk

Date: 5/23/19

Book: 50409, Page: 371

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: _____