



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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Petitioner: Rebecca Zolla
Property Address: 34 Matawanakee Trail
Case No: 932A
Date Filed: August 12, 2019

The Littleton Board of Appeals (the “Board”) conducted a public hearing on September 19, 2019 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of Rebecca Zolla for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-31 Intensity of Use Schedule and 173-10B(2) Non-conforming Uses and Structures, to allow a carport to be located 2 feet from the right side property line at 34 Matawanakee Trail, Littleton MA. Notice of the hearing was given by publication in the Eagle Independent, a newspaper circulated in Littleton, on August 30 and September 6, 2019 and by mail to all abutters and parties in interest. Present and voting were Members Sherrill Gould, Jeff Yates, Cheryl Cowley-Hollinger, Rod Stewart and Marc Saucier. Present and not voting were alternates, John Sewell and Jillian Shaw.

The Petitioner requested permission to erect a carport approximately 12' x 34' alongside the existing garage and driveway of the home at 34 Matawanakee, resulting in a side setback of 2 feet. The lot is non-conforming as to size of lot (12,340 square feet) and frontage (93.44 feet). The carport would be open sided, with a slightly contoured roof, and would be sited on a gravel parking pad, with posts and footings. The Petitioner presented that the lot is heavily wooded resulting in considerable damage to their vehicles from sap and acorns. They further demonstrated that owing to the location of the house and septic, as well as the topography of the land, there would not be another suitable location on the site for this protective cover. It was also argued that future plans for the carport might include protecting a boat, which is desirable in the lake neighborhood where they live, as well as the possibility of a motor home. There was much discussion about the effect on the abutter’s view, the size of the requested carport, and the ability to maintain a structure that close to a lot line. No abutters appeared in opposition. The Board allowed the petitioner to modify the proposal in response to the Board’s concerns. The petitioner proposed lowering the height to 11 feet and the requesting a reduced setback of 4 feet instead of 2. The Board also determined that the structure would abut other sheds of the closest abutter, and not living space. The zoning enforcement officer opined that a variance was required.

FINDINGS: The Board made the following findings:

1. Owing to soil, shape and topography the lot is unique in that the only location for a structure to cover cars and a boat is in the area proposed.
2. There is a hardship in trying to site an enclosure for vehicles and yard equipment on this lot.
3. The requested relief could be granted without substantial derogation from the zoning bylaw or without detriment to the neighborhood.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-31 Intensity of Use, to allow a carport to be constructed at 34 Matawanakee Trail, substantially as shown on the plans submitted with the application, provided the height of the carport not exceed 11 feet, the setback to the side lot line be not less than 4 feet and the sides of the carport not be enclosed.

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: 10/3/2019

Book: 68052, Page:210.

I hereby signify 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