



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
10/3/19
1 PM

Petitioner: James McLaughlin
Property Address: 67 Mill Road
Case No: 933A
Date Filed: August 14, 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 James McLaughlin 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, or a modification of a prior variance, to allow front entry stairs within the front yard setback of a new single family dwelling at 67 Mill Road, 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, represented by engineer, Ted Doucette, explained that this Board had granted a variance for reduced front setback of 15', approximately one year ago, owing to the unique circumstances accepted by the Board that the new dwelling proposed as a replacement at 67 Mill Road could not be setback any further from the front lot line because of wetlands and the pond. The lot is non-conforming as to size of lot (26560 square feet), front setback (25.7 feet). It was represented that the contractor believed precast concrete steps would not be counted in the setback measurement, but on completion, the building inspector advised that the landing and steps would have to be counted. The property is one of the last homes on a dead end cul de sac street so it was argued that there is little or no traffic being impacted by a reduced front yard setback and that the landing will encroach into the setback but the steps can be built to the side facing the driveway. No abutters appeared in opposition. The zoning enforcement officer opined that a variance would be required.

FINDINGS: The Board repeated the previous findings:

1. Owing to soil, shape and topography the lot is unique in that the building envelope is drastically diminished by the encroachment of the pond and wetlands.
2. There is a clear and substantial hardship in trying to site a replacement home on this lot.
3. The requested relief could be granted without substantial derogation from the zoning bylaw or without detriment to the neighborhood, provided, however, a compromise setback seemed to be warranted.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-31 Intensity of Use, to allow to modify the previous variance to allow for reduced frontage for a structure on this lot to allow the landing and stairs to project forward into the setback not more than four feet from the existing foundation.

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: 7799, Page:569

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