



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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10/23/19 11:35 AM
[Signature]

Petitioner: Soaring Hawk Meditation Center, LLC
Property Address: 547 Great Road
Case No: 935A
Date Filed: September 18, 2019

The Littleton Board of Appeals (the "Board") conducted a public hearing on October 17, 2019, at the Littleton Town Offices Room 103, 37 Shattuck Street, Littleton, MA on the petition of Soaring Hawk Meditation Center, LLC for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-31, Intensity of Use, to allow a 118' privacy/ornamental fence within the side setback of the property at 547 Great Road. Notice of the hearing was given by publication in the Eagle Independent, a newspaper circulated in Littleton, on October 3, and 10, 2019 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Jeff Yates, Vice Chair, Marc Saucier, Cheryl Hollinger, Members and Kathleen O'Connor, Alternate. Present and not voting was John Sewell, Alternate.

The petitioner, represented by Georgiana Gagnon, the manager and Dan Barton, architect, presented a design drawing and plan showing a proposal to construct a 118' foot privacy fence along the property line to the south of the property, which fence would vary in height from 6' to 10' and be situated 1' to 11' from the property line. The property is a newly renovated meditation center. The property is improved with reflection gardens and other contemplative landscape features, as well as the existing newly reconstructed and restored historic building. The land is in an industrial zone, but has an existing residential neighborhood along the frontage of Beaver Brook Road to the north, and several industrial buildings and commercial uses on the south side. The house and land are more residential than commercial in character.

The proposal is to construct the privacy fence parallel to the building and as a screen to the industrial uses next door. It would serve as a garden backdrop for photographs and would support the reflective mission of the center. If the petitioner were required to meet the 50' offset, the fence would conflict with the existing septic system, stormwater, drainage and topography.

No abutters appeared in opposition. The Assistant Zoning Officer's comment was not opposed..

FINDINGS: The Board made the following findings:

1. The fence requires a variance because it exceeds the 6' height stated in the bylaw to characterize it as a structure.
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 if Petitioner were held to the 50' setback, 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 118' privacy fence, substantially as shown on the Plan submitted with the application dated 9/18/19, varying in height from 6' to 10' and from 1' to 11' along the property line, parallel to the existing house.

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: 10/23/19

Book: 68964, Page: 508

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: _____