



**OFFICE OF THE
BOARD OF APPEALS**

Received
12/9/16 JH

Littleton, Massachusetts 01460

Petitioner: MICHELLE MCDEVITT

Case No: 878A

Date Filed: August 24, 2016

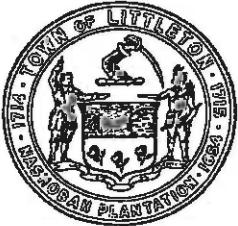
The Littleton Board of Appeals conducted a public hearing on September 15, 2016 at 7:30 P.M., continued to October 20, 2016, at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Special permit pursuant to Section 173-10B (1), to allow change or extension of a pre-existing non-conforming structure, or a variance pursuant to Section 173-31 to allow a replacement of the dwelling at 29 Lakeshore Drive, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 1, and 8, 2016, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Rod Stewart, Jeff Yates, and Cheryl Hollinger, Members and Marc Saucier, Alternate.

The Petitioner, Michelle McDevitt, together with co-owner, Paula Blanchard, requested approval to replace the existing structure at 29 Lakeshore Drive with a newly constructed dwelling. Lakeshore Drive is a residential area near the lake where lots are typically less than the current zoning requirement of 1 acre minimum. This lot is a corner lot on Lakeshore Drive and Forest Road, primarily a private way, with approximately 7,914 square feet. The lot has significant elevation changes from the current house location to the abutters in the side and rear. The septic system occupies much of the lot and the current dwelling is 16.5 feet from the left side lot line and 18 feet from the street. Right side and rear setbacks are conforming. The current location of the structure has little off street parking. The petitioner presented a plot plan showing a proposed location for the new structure. The Board requested a continuance to see more detailed building and site plans. At the continuance, the petitioner presented a proposal to increase the front setback from 18' to 14.8 feet to provide for a porch, and to improve the left side setback violation by conforming it to 15 feet. The new location would allow for some improved off street parking as well.

The Zoning Officer opined that the policy in Littleton is to allow by variance or special permit a new structure as preferable to the "save one wall" method, as it would improve the cohesiveness of the structure to build completely new. It has been the policy of this Board to treat such applications as Special Permits under Section 173-10(B)(1) where no new nonconformities are being created, and as variances when a new non conformity is created.

Abutters appeared at the first hearing to inquire about the use or blocking of the private way and were satisfied with the plans .

FINDINGS: The Board found that the Applicant satisfied the conditions for a variance since the site was challenging in size and the location of the septic system. The Board



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also found that due to elevation changes the new structure would not impose on the view of any abutting structures. The Board found that new dwelling replacement as proposed would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

DECISION: The Board voted unanimously to GRANT a Variance to construct a new home at 29 Lakeshore Drive, approximately as shown on the site plans submitted with the petition, provided that the front setback be not less than 14 feet as shown on the plot plan by R. Wilson dated October, 2016.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed: Alan Bell 12/15/16

ALAN BELL, CLERK

Date: December 15, 2016

Book: 66005, Page 579.

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