



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

Received
10/7/15 82
10:20am

Petitioner: Lorna and Raymond Rush
Property Address: 26 Snow Drive
Case No: 862 A
Date Filed: 9/4/2015

The Littleton Board of Appeals (the "Board") conducted a public hearing on September 17, 2015 at the Littleton Town Offices, 37 Shattuck Street, Littleton, MA on the petition of Lorna and Raymond Rush for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-6B (2) to allow construction of an addition at the existing single family residence. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 3 and September 10, 2015 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould Chair, Bill Farnsworth, Vice Chair and Jeff Yates, Cheryl Cowley John Cantino Members. Present but not voting were Marc Saucier, Rod Stewart, Alan Bell, and Patrick Joyce, Alternates.

Documents submitted with the application included:

Certified Plot Plan showing the addition dated August 24, 2015.

Architectural drawings showing plans, sections, and elevations dated June 26, 2015.

Narrative stating reason for request of Variance dated August 25, 2015.

The petitioner, Lorna Rush, presented the proposed structure. The existing structure is on a non-conforming lot size of 12511 sf. The existing structure is conforming as to setbacks. A detached garage is placed with a non-conforming setback allowed with a variance. The proposed addition, designed as a first floor bedroom to allow aging-in-place, will encroach into the right side setback at the rear corner such that the setback at that corner is 13.7'. The house is placed on the curve of the street such that the right side property line is at an angle to the house, therefore the rear corner of the addition will be within the setback for approximately 5' of its length. The variance requested will be for approximately 4 square feet of floor area.

The abutters to the right were in attendance and spoke in favor of the petition. A letter was received from a neighbor opposed to the petition.

FINDINGS: The Board made the following findings:

- (1.) The addition cannot be located in any other location due to the plan of the house, its location on the site, and the location of the septic system.
- (2.) The property is irregularly shaped which poses a hardship for the reasonable planning of the proposed addition.

- (3.) A variance is required for the right side setback to allow for a minor encroachment at the rear of the proposed addition. It will be constructed no closer than 13.5' to the right side property line as shown on the plot plan submitted.
- (4.) 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 of the bylaw.

DECISION: The Board voted unanimously) to GRANT under Section 173-6B (2) of the Town of Littleton Zoning Bylaws, a Variance to allow the right side setback to be reduced to 13.5'.

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: Jeff Yates Jeff Yates, Clerk

Date: 7 October 2015

Book:44408, Page: 305

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: _____