



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

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Petitioner: Matthew Field/ M & M Realty
Property Address: 27 Dahlia Drive
Case No: 864 A
Date Filed: 10/21/2015

The Littleton Board of Appeals (the "Board") conducted a public hearing on November 19, 2015, continued to December 10, 2015 at the Littleton Town Offices, 37 Shattuck Street, Littleton, MA on the petition of Matthew Field/ M & M Realty for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-6B (2) to allow the demolition of two single family dwellings on a single lot and the construction of two new dwellings on the subject lot. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on November 5 and November 12, 2015 and by mail to all abutters and parties in interest. Present and voting were Jeffrey Yates, Vice Chair, Alan Bell, Clerk, and Cheryl Cowley and Rod Stewart, Members, Rosanne Bales, Alternate. Present but not voting were Marc Saucier, Alternate.

Documents submitted with the application included:

Certified Plot Plan showing the existing and proposed structures dated October 5, 2015.

Narrative stating existing and proposed nonconformities.

Renderings of the proposed dwellings were presented at the December meeting.

The petitioner, Matt Field, presented the proposed structures at the November meeting and Michael Field presented at the December meeting. The existing lot (10000)sf is non-conforming in size and frontage (100ft). There are two existing dwellings: The left (west) dwelling (4 BRs) is nonconforming with reference to the front setback (11.4') and the left side setback (12'). The right (East) dwelling (1 BR) is nonconforming with reference to the front setback (12.9') and the right side setback (3'). The proposed left structure (3BRs) will be nonconforming with respect to the front setback (18') and the left side setback (12'). The proposed right structure (2BR) will be nonconforming with reference to the front setback (22') and the right side setback (12').

The Building Inspector/Zoning Official submitted his opinion that he would prefer this matter dealt with as a variance rather than a special permit. The proposal would be approved as a special permit as no new non-conformities are created by the proposal. This assumes that the existing structures would be altered, thereby some portion of the existing buildings would remain. Mr. Bernier stated it would be in the interests of the town to completely demolish the existing structures which have significant deficiencies due to their age. The proposed structures allowed under a variance would be the same as those allowed under a special permit but would have the advantage of being completely new and up to present building codes.

One neighbor in attendance spoke in favor of the petition at the November meeting. One neighbor in attendance spoke in favor of the petition at the December meeting.

FINDINGS: The Board made the following findings:

- (1.) The proposed structures do not extend any existing nonconformities of the existing structures to be demolished and would be approved as a special permit.
- (2.) The existing structures are of old and substandard construction. To incorporate them into the proposed structures as would be required by a special permit is to pose a hardship for the reasonable construction of the proposed structures.
- (3.) A variance is required for the front, right and left side setbacks to allow for the proposed structures to be constructed as shown on the plot plan submitted and with the setbacks stated above.
- (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 4 to 1 to GRANT under Section 173-6B (2) of the Town of Littleton Zoning Bylaws, a Variance to allow the construction of the proposed structures with the setbacks as states above. Voting Members Yates, Bell, Cowley and Bales voted FOR, Stewart AGAINST.

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:  Alan Bell, Clerk

Date: 12/30/15

Book: 66016, Page: 236

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: _____