



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: ELIZA WOODBURY and MATTHEW LAPENTA
Case No: 24-970
Date Filed: February 15, 2024

The Littleton Board of Appeals conducted a public hearing on February 15, 2024, at 7:10 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance or Special permit pursuant to Section 173-31 and Section 173-10B (1), to allow change or extension of a pre-existing non-conforming structure to allow replacement of a garage within the side setback at 10 Dogwood Road, Littleton, Ma. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on February 1, and 8, 2024 and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Cheryl Hollinger, John Sewell and Rod Stewart, Members and Jonathan Vance, Alternate. Present and not voting were: Kathleen O'Connor and Daryl Baker, Alternates.

The Petitioner together with and represented by Counsel, Mark Scheier and Design Engineer, Ann Walters, requested permission to replace a small garage on the property with a new garage. The petitioners explained that the lot is non-conforming in the following respects: It contains 14,000 square feet, (less than the currently required 40,000 square feet), most of which is improved by a mounded septic system; it has only 80 feet of frontage, the south side setback to the house 12.3 feet at the closest point; the front setback is 24.3 feet and the north side setback, where the garage is currently located is only 5 feet. The Petitioners propose to remove the garage, a structure which has long outlived its utility and is in a state of disrepair, with a new garage. The current garage is a single-story structure approximately 15' x 15'. The proposed new garage would be 18' x 34', with a second story accessible from the rear at grade (due to the mounded lot, and would be built to house the motor vehicles, lawn and yard equipment, and boating equipment which accumulates in the yards of properties in close proximity to the Long Lake recreational area. It would be connected to the house with a modest one-story breezeway.

The Petitioner explained that there is no other location on the lot to construct a garage with vehicle access due to the narrow lot and the elevations. The proposed new garage would not increase the non-conformity on the north side (maintaining the current distance of 5 feet from the lot line) but would increase the intensity of the non-conformity (creating additional linear dimensional.) (The Petitioners did present evidence of uniqueness owing to soil, shape and topography; and hardship owing to the need for an enclosure for vehicles, specifically an electric vehicle, and all of the typical homeowner apparatus and machinery). The petitioner stated the construction of a new garage would actually be an improvement to the values in the neighborhood.

received
(3/1/2024) 11:30 AM
Alison Gray
Town Clerk

Section 173-10 B(1), of the Littleton Zoning Bylaw provides that the Board of Appeals may, “*by special permit, allow.....extension...of a preexisting nonconforming structure that extends or increases an existing nonconformity*, where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.” (emphasis added).

Petitioners represented that they have the approval of neighbors on both sides of their property. The immediate abutter most affected on the north side submitted a letter in support of the application. Petitioners demonstrated with dimensional plans and drawings that the new structure would be pushed back on the lot in a manner which minimizes the visual impact to the abutter on the north.

No abutters appeared in opposition.

FINDINGS:

The Board determined that this application could be decided by applying the special permit criteria of Section 173-10B(1) and a variance was not required. The Board determined that the request was reasonable, that the design of the new garage was modest and that there would be no adverse impact on the neighborhood or the neighborhood generally.

DECISION: The Board voted unanimously to GRANT a Special Permit, pursuant to Section 173-10b(1) to replace the existing garage at 10 Dogwood with a new garage approximately 18’ x 34’ substantially as represented in the plans filed with the Petition, provided that the north side setback of 5 feet be maintained and not further reduced.

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:  John Sewell, Clerk

Date: 2/29/24

Book: 44319, Page 573

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