



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received

4/30/2024

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Petitioner: PETER MC ANESPIE

Case No: 24-971

Date Filed: March 12, 2024

The Littleton Board of Appeals conducted a public hearing on April 18, 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 the construction of a new single family residential dwelling upon three contiguous undersized lots at 26, 28 and 30 Cricket Lane, Littleton, MA. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on April 4 and 11, 2024 and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, John Sewell, John Field and Rod Stewart, Members and Jonathan Vance, Alternate. Cheryl Hollinger, was present and recused herself for the hearing because of a past association with the property, but not due to actual current conflict.

The Petitioner represented by Kevin Conover, Engineer with Ross Associates, presented the Applicant's proposal to combine his three contiguous lots, all of which have deteriorated structures (mostly camp cottage buildings in disrepair) and to demolish the structures to construct one new single family residential dwelling on the 3 lots. The applicant stated that the Board could review this under the zoning bylaw Section 173-10 for a special permit to "change, extend or alter" a preexisting non-conforming dwelling, or under Section 173-31 for a variance due to the combined lot size, the reduced frontage and the plan proposal for a variance to the side setback.

The Petitioner represented that they already had Board of Health approval and had an Order of Conditions from the Conservation Commission. Detailed plans were presented for a single-family home which would not increase the non-conformity of any of the 3 pre-existing structures, and in fact would improve a current side setback of 2 feet to 6 feet, instead of the required 15 feet. After a preliminary discussion by the Board it was determined that since the existing 3 structures appear to have been abandoned for over 2 years, and since the intentional merging of 3 non-conforming lots may effectively void their non-conforming status, it would be best to proceed under the stricter requirements for a variance.

The engineer presented detailed plans showing the location of the proposed structure, a two-story house with two bedrooms and a walk out toward the lake. The structure, a modular home, would appear as a ranch from the street elevation, and a two-story structure as viewed from the lake. He stated the home will meet the height restrictions. He stated that the combined lot would be 9,180 square feet in size. There is no frontage, but access is through a deeded right of way easement off Cricket Lane. The new structure will have one variance required for a side setback of 6 feet instead of the required 15 feet and will be served by a private tight tank septic system.

He stated that the lot is unique in that it was created and developed in 1946, before the zoning by law so that it lacks frontage and the elevation changes and proximity to the lake limit the build area. He stated that the applicant purchased the three lots with structures by 3 separate deeds, and will combine the 3 lots into one new home, which will improve the lakefront as well as the property overall. He described the hardship, financial and otherwise, if the applicant was not granted a variance to realize the potential of this lake property and was somehow forced to keep the 3 deteriorating structures or be prevented from improving the real estate.

Several abutters appeared in support of Petitioner's request. One abutter was opposed, primarily because there are ongoing disputes over rights of way access on Cricket Lane to the homes of Applicant and the abutter and also disputes over access rights to the lake from her home. All of those disputes were represented by both parties to be the subject of ongoing litigation.

The Board determined that the requested relief from setback, frontage and lot size would require a Variance.

FINDINGS: The Board found that the Petitioner satisfied the criteria for hardship, and that the proposed rebuilding would be a significant improvement to the lot and the property values overall. The Board also found that the dispute over the access way was outside the jurisdiction of the Board, but relief could be granted without any impact to the rights of all parties to the deeded right of way, provided the proposed construction did not block or otherwise modify the deeded access areas. The Board found that the requested relief would not substantially derogate from the intent and purpose of the zoning bylaw.

DECISION: The Board voted unanimously to GRANT a Variance to allow the construction of a new 2 bedroom dwelling on Lots number 26, 28 and 30 Cricket Lane, Littleton, Ma., with no frontage, with a reduced side setback of 6 feet on one site; and with less than the requisite 1 acre as required by current zoning, the house to be substantially as shown on the Plans submitted with the application, on condition that the following criteria are met:

1. The house elevation will not obstruct the view to the lake any more than as shown in the plans;
2. No obstruction of the easement areas shown on the plan will be permitted;
3. All three of the lots numbered 26, 28 and 30 Cricket Lane, Littleton, Ma., will be combined to form one building lot;
4. All existing structures on the three lots will be demolished and properly disposed of;
5. Petitioner will obtain Board of Health and Conservation approvals prior to commencement of construction;

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: , Clerk, John Sewell

Date: April 1, 2024

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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

