Zoning Board of Appeals
September 19, 2019 7:15pm
Littleton Town Offices
37 Shattuck Street Room 103
Littleton MA 01460

Approved 10/17/19
Present: Sherrill Gould, Chair; Jeffrey Yates, Vice Chair; Marc Saucier; Rod Stewart; Cheryl Cowley; John Sewell; Jillian Shaw

Absent: John Field; Kathleen O'Connor

Chair Gould opened the meeting at 7:15pm
7:15pm Case 927A 9 Balsam Lane The petitioner Mark Andersen seeks a variance pursuant to Section 173-108(B) for accessory dwelling within 40 feet from the boundary line of the open space.

Gould opened the hearing and postponed for Administrative Matters.

- Minutes – August 15, 2019
It was moved by Stewart, seconded by Saucier, and voted unanimously to approve the August 15, 2019 meeting minutes as amended.

7:20pm Returning to the Balsam Lane Public Hearing, the petitioner asked for a continuance due to a scheduling conflict. The 100 day time period is nearing its end, so Gould suggested the hearing be held in his absence. The Board had requested clarification from the Planning Board regarding the open space corridor.

Cowley read the email from Maren Toohill, Town Planner.

Saucier stated that he was not present for the original hearing so suggested that an alternate be named. Shaw was named as voting alternate.

It was moved by Cowley that the accessory structure be allowed as it sits, to be located within 40 feet of open space boundary line of open space variance and greater than 10 feet from the property line. This was seconded by Shaw, and voted 5:0 in favor.

7:25pm Case 932A 34 Matawanakee Trail The petitioner Rebecca Zolla requests a variance from Intensity of Use, Minimum Side Setback for a carport.

Zolla presented to the Board. The grandfathered lot is small. She is requesting to put a carport at the right side of the house. The septic system is located in front of the house, so they cannot access the left side of the house. There is only 18’ from the house to the right edge of the property line. Their truck is too large to fit in the existing garage. They also have a college student who has an additional car. The fence and trees that overhang the driveway belong to the neighbors. The proposed carport is 12’ wide x 34’ long x 12’ high, which is consistent with a single car garage.
Saucier stated that he is not comfortable reducing the 15' buffer because of the close proximity to neighbors. The carport would also prevent fire emergency vehicles from getting in the back. Shaw stated she is concerned with the proximity to the neighbors. Yates doesn’t see this as a hardship, but rather a “want”. Stewart and Sewell concurred. Cowley stated that the Board has granted carports in that area several times. Yates asked for an example but was not given one.

Gould read the Assistant Zoning Officer’s comments.

Gould agreed that this is a want and not a need. She stated she’s conflicted because if the petitioner chose to put up a tent carport, it would be much less attractive.

Gould asked for comments from abutters. Patty Barr of 49 Mattawanakee stated that they have had a windshield broken from the acorns falling from the trees.

Saucier suggested moving the carport to the rear of the house. Zolla stated that the buried propane is in that location. Saucier suggested a permanent structure attached to the house, but Zolla said they were trying for a more temporary solution.

This Public Hearing was postponed until after other scheduled hearings.

7:50pm  Case 933A  67 Mill Road The petitioner James McLaughlin Jr seeks a variance from the Decision of Case 904A pursuant to 173-31 Intensity of Use, to allow reduced front setback.

Ted Doucette presented to the Board. The steps will be 5’ by 5’ with landing and the steps will sit along the house. Cowley and Stewart stated that 4’ should be sufficient.

Gould asked for abutter comments; there were none.

Cowley read the Assistant Zoning Officer’s comments.

It was moved by Cowley to close the Public Hearing. Saucier seconded the motion, and it was voted 5:0 in favor.

It was moved by Yates to grant the applicant’s request for modification to allow a landing and stair from the front door that projects no further than 4 feet from the existing foundation. This was seconded by Cowley, and voted 5:0 in favor.

34 Matawanakee Trail continued
Zolla said that they feel like the Board isn’t being fair with their request, stating that they could just build a temporary tent carport without requiring a variance.
Saucier is concerned with the small distance of 2-3’ from the property line. Zolla said they can push the carport against the house, allowing an increase to 4’ from the property line.

It was moved by Cowley, seconded by Stewart, and voted 5:0 to close the hearing.

Yates has concerns with the height of the carport because the neighbors will see it over the fence. It was moved by Cowley to reopen the hearing. It was seconded and voted 5:0 in favor.

Gould took a poll of the Board:
Saucier is ok with 4’ from property line, but now concerned with height.
Yates is ok with 4’ from property line, concerned with the height.
Shaw is ok with 4’ from property line, concerned with the height.
Cowley is ok with 4’ from property line, concerned with the length.
Stewart is ok with 4’ from property line, concerned with the height.
Sewell is ok with 4’ from property line.
It was moved by Cowley, seconded by Stewart, and voted 5:0 to close the public hearing.

It was moved by Yates to grant a variance for a proposed carport. The carport shall be no closer than 4’ from the property line and no taller than 11’ in height with no sides, as shown in plan. This motion was seconded by Saucier and voted 5:0 in favor.

8:35pm Case 934A 49 Matawanakee Trail The Petitioner William Dickinson seeks a variance pursuant to 173-31 Intensity of Use and 173-10B(2) Non-conforming Uses and Structures to allow demolition and construction of a new single family dwelling.

Dickinson submitted changes to the plans originally submitted, describing alterations in the roofline. The original house had no foundation or reinforced basement. The footprint is 25’ offset from the front, and 10’ from the offset from the side. Two variances are required: one for extending the non-conformity of the front setback, and the other for filling in the rear corner cement pad with more structure. The third floor of the house will be at street level, with two levels below.

Becky Hadden of 59 Mattawanakee Trail has no objections.
Rich Huffnagle of 57 Mattawanakee Trail has no objections.

Gould read the Assistant Zoning Officer’s comments.

Cowley made a motion to close the Public Hearing. The motion was seconded and voted 5:0 in favor.

Yates made a motion to grant a variance for 49 Matawanakee Trail. The variance shall allow an increased non-conformity according to the plans as presented. The motion was seconded by Cowley, and voted 5:0 in favor.
It was moved by Stewart, seconded by Yates and voted 5:0 to adjourn the meeting.

Respectfully submitted by Janet Fairchild.