



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

received
11/4/2021 1:30 PM
Cheryl Cowley
Town Clerk

Petitioner: Marian Bartholomay
Property Address: 5 Forest Rd.
Case No: 956A
Date Filed: September 10, 2021

The Littleton Board of Appeals (the "Board") conducted a virtual public hearing on October 21, 2021 via Zoom Program hosted by Littleton Community Television 37 Shattuck Street, Littleton on the petition of Marian Bartholomay for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-192 to replace a shed at **5 Forest Road**. Notice of the hearing was given by publication in the Eagle Independent, a newspaper published in Acton and circulated in Littleton, on September 14, 2021 and by mail on September 20, 2021 to all abutters and parties in interest. Present and voting were Cheryl Cowley Hollinger, Vice-Chair, Marc Saucier, and John Sewell, Members, Eli Constantinou, Alternate. Absent: Sherrill Gould, Chair, Rod Stewart, Member, Kathleen O'Connor Jillian Shaw and John Field, Alternates.

The petitioner, Marian Bartholomay, presented her case to replace her existing shed in the same location, along with various documents including a plot plan of her property and pictures of her yard and new shed.

Ed Mullins, Building Inspector, was present and stated that he had inspected the site and measured the distances using the certified plot plan and that he believed that the proposed site for the new shed was part of the petitioner's property, but would require a variance due to set back requirements of Littleton Zoning By-Laws 173-192

FINDINGS: The Board made the following findings:

1. 5 Forest Rd is a grandfathered non-conforming lot due to size, with limited options for placement of a shed due to the topography and the location of the septic system.
2. The certified plot plan and the Littleton Building Inspector indicated that the proposed site is part of 5 Forest Road.
3. Given the limited options for placement of a shed due to the topography and the location of the septic system the required setbacks of Littleton Zoning By-Laws 173-192 could not be met.
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 intent of the bylaw.

DECISION: The Board voted unanimously to GRANT, under section 173-192 of the Town of Littleton Zoning Bylaws, a Variance to Marian Bartholomay, provided the shed will maintain a minimum of 2 feet from the property line, and be placed on the same general footprint as the original shed.

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: Marc Saucier Marc Saucier, Clerk

Date: 11/4/2021

Book: _____, Page: _____

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