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Town Clerk

Petitioner: Matthew Francis  
Property Address: 15 Edward Drive  
Case No: 921A  
Date Filed: March 13, 2019

The Littleton Board of Appeals (the “Board”) conducted a public hearing on April 18, 2019 at Room 103 Shattuck Street Town Offices, Littleton, MA on the petition of Matthew Francis for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-118B, Open Space Development, variance from Planning Board subdivision regulations. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on March 21 and 28, 2019 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, Jeff Yates, Vice Chair, Alan Bell, Secretary, Cheryl Cowley Hollinger and Rod Stewart, Members and Marc Saucier and John Sewall Alternates .

Submitted with the application were the following materials:

- Letter dated from Matthew Francis
- Engineered Plan showing location of proposed fence and shed.
- Photographs of Subject Property

The petitioner presented the issue before the Board. He proposes a 10' x 14' shed and a 6' high fence with posts extending to 6'-4" H along the right side property line. Both fence and shed were located with input from the adjacent neighbor. The location of the shed is limited by the 40' setback from the open space at the rear of the property, the topography, and location of the septic system. It is proposed to be located approximately 3.5' from the property line. The subdivision requires a 10' setback from the side property line.

The fence will be classified as a structure to the extent that the posts caps extend beyond 6' from the grade. Therefore, a variance is required as the fence is within the 10' setback.

No Abutters were present.

**FINDINGS:** The Board made the following findings:

1. A hardship exists for the shed location due to the existing septic system location, the required setback from the adjacent open space, and the topography. The fence height in excess of the allowed 6' consists of fence caps which are incidental to the height of the fence.

2. 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 or the Planning Board open space requirements.

DECISION: The Board voted unanimously to GRANT under Section 173-118B(2) of the Town of Littleton Zoning Bylaws, a Variance to allow the location of a 10' x 14' shed in the location shown to extend no further in the side setback than 3' from the right side property line and a 6' high fence (allowed as of right) with 6'-4" posts (allowed by variance) within the setback along the right side property line.

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: 5/1/19  
Book: 70573, Page: 593

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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: \_\_\_\_\_