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5/30/2019 1:00 PM
Jane Gould
Govt Clerk

Petitioner: MICHELLE MCDEVITT

Case No: 923A

Date Filed: April 17, 2019

The Littleton Board of Appeals conducted a public hearing on May 16, 2019 at 7:25 P.M., at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Special permit pursuant to Section 173-10B (1), to allow change or extension of a pre-existing non-conforming structure, or a variance pursuant to Section 173-31 to allow a replacement of the dwelling at 29 Lakeshore Drive, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on April 26, 2019 and May 3, 2019, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Alan Bell and Jeff Yates, Members and Jillian Shaw and Kathleen O'Connor, Alternates. Present and not voting was alternate John Sewell.

The Petitioner, Michelle McDevitt, together with co-owner, Paula Blanchard, requested approval to replace the existing structure at 29 Lakeshore Drive with a newly constructed dwelling. This property was granted a variance unanimously for substantially the same request in December, 2016 but the petitioners allowed it to lapse before exercising. Lakeshore Drive is a residential area near the lake where lots are typically less than the current zoning requirement of 1 acre minimum. This lot is a corner lot on Lakeshore Drive and Forest Road, a private way, with approximately 7,914 square feet of area. The lot has significant elevation changes from the current house location to the abutters in the side and rear. The septic system occupies much of the lot and the current dwelling is 16.5 feet from the left side lot line and 18 feet from the street. Right side and rear setbacks are conforming. The current location of the structure has little off street parking. The petitioner presented a plot plan showing a proposed location for the new structure. The current proposal seeks to reduce the front setback to 15' for the house and 10.1 feet with front porch and stairs. The side setback to Forest Road, the paper street, will be 15', but the petitioner may own to the midpoint under the derelict fee statute. The proposal includes some improved off street parking as well.

The Zoning Officer opined that the policy in Littleton is to allow by variance or special permit a new structure as preferable to the "save one wall" method, as it would improve the cohesiveness of the structure to build completely new. It has been the policy of this Board to treat such applications as Special Permits under Section 173-10(B)(1) where no new nonconformities are being created, and as variances when a new non conformity is created.

Abutters appeared at the hearing to inquire about the size of the structure and the possibility it would impair their view, but their concern was with the conforming right side where the petitioner has a right to expand without a variance.



FINDINGS: The Board found that the Applicant satisfied the conditions for a variance since the site was challenging in size and the location of the septic system. The Board also found that due to elevation changes the variance if approved would not impose on the view of any abutting structures. The Board found that new dwelling replacement as proposed would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

DECISION: The Board voted unanimously to GRANT a Variance to construct a new home at 29 Lakeshore Drive, approximately as shown on the site plans submitted with the petition, provided that the front setback be not less than 10.1 feet as shown on the plans.

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:  5/20/19

ALAN BELL, CLERK

Date: / /

Book: 66005, Page 579.

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