



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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Petitioner: William Dickinson
Property Address: 49 Matawanakee Trail
Case No: 934A
Date Filed: August 19, 2019

The Littleton Board of Appeals (the “Board”) conducted a public hearing on September 19, 2019 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of William Dickinson for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-31 Intensity of Use Schedule and 173-10B(2) Non-conforming Uses and Structures, to allow demolition and construction of a new single family dwelling to replace the existing dwelling at 49 Matawanakee Trail, Littleton MA. Notice of the hearing was given by publication in the Eagle Independent, a newspaper circulated in Littleton, on August 30 and September 6, 2019 and by mail to all abutters and parties in interest. Present and voting were Members Sherrill Gould, Jeff Yates, Cheryl Cowley-Hollinger, Rod Stewart and Marc Saucier. Present and not voting were alternates, John Sewell and Jillian Shaw.

The Petitioner requested permission to demolish an existing structure and replace it with a new dwelling at 49 Matawanakee Trail. The lot is non-conforming as to size of lot (17,651 square feet), front setback (28.1 feet), and side setback (5.3 feet). The new dwelling replacement is proposed to be substantially on the same footprint with a slight “filling in” of an existing concrete patio, and a raised height to allow for single story living with a street level garage, and attic storage space. The changes would result in slight additional increases to the non-conformity requiring a variance. The Petitioner presented the building constraints: There is currently no foundation or footings on much of the structure, the house has a flat roof, a sub-grade walk out basement approximately 15 feet from Lake Matawanakee, and the building is constructed of unreinforced masonry. Any investment in improvements would not be warranted without a full replacement. The lot constraints include the already non-conforming front and Easterly side setbacks. In addition, the leaching field and septic tank on the Westerly side preclude any construction in that direction, and the Lake is on the remaining side.

The property is in an area where lakefront cottages on similar sized lots have been improved over the years into year round dwellings and expanded. Some abutters appeared in favor of the proposal. The zoning enforcement officer opined that a variance would be required.

FINDINGS: The Board made the following findings:

1. Owing to soil, shape and topography the lot is unique in that the building envelope is drastically diminished by the encroachment of the lake, conservation restraints and the location of the septic system.
2. There is a clear and substantial hardship in trying to site a replacement home on this lot.

3. The requested relief could be granted without substantial derogation from the zoning bylaw or without detriment to the neighborhood.

DECISION: The Board voted unanimously to GRANT a Variance from the requirements of Section 173-31 Intensity of Use, to allow a replacement structure to be built at 49 Matawanakee Trail, substantially as shown on the plans submitted with the application, with a reduced front street setback of 25' and a side setback of 3.6 feet, provided, however, that the foundation at the rear left corner of the house be no closer to the lot line than 5 feet.

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: 10/3/2019

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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