



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
JZ 10/4/18

Petitioner: MELISSA FIELD

Case No: 902A

Date Filed: August 29, 2018

The Littleton Board of Appeals conducted a public hearing on September 20, 2018 at 7:20 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance or Special permit pursuant to Section 173-31 and Section 173-10B (1), to allow change or extension of a pre-existing non-conforming structure to allow a detached garage within the required side setback on a non-conforming lot at 13 Winged Cove Road, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on August 31, and September 7, 2018, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates, Cheryl Hollinger, Members and Marc Saucier and Jillian Shaw, Alternates.

The Petitioner requested permission to erect a two story oversized detached garage approximately 28' x 30' on the property at 13 Winged Cove, Littleton, Ma. The lot is non-conforming as to size of lot and frontage. The proposed garage would be 7' from the side lot line, 10 feet is required. The petitioner described that the garage is necessary for housing cars, which includes an extended bed truck, yard and snowblowing equipment, and various tools and equipment used in the construction business, which, otherwise, might have to be left outdoors. The lot is a large wooded lot in the lake area of Forge Pond. Many of the lots in that area are wooded lots with little or no frontage, on private drives and rights of way. The location of the existing driveway and septic system limits placement, but the Petitioner presented that the proposal was intended to minimize interference with the neighbor's view of the lake and minimize the number of trees which might have to be removed. Petitioner requested that the garage size not be reduced due to his needs for storage and the limitations on the house having no full usable basement or other place for the items necessary for a growing family. The Board recognized that the size of the garage might also require a variance from Section 173-53, and Petitioner was allowed to amend the petition to include that request. The side line where the garage would encroach into the setback is contiguous to the right of way and impacts one specific neighbor, who, it was represented supported the location due to the view.

The assistant zoning officer opined that the garage would require a variance from the setback requirements of the bylaw and could not be greater than 918.9 s.f. without an additional variance from Section 173-53. No abutters appeared in opposition. The Board requested the Petitioner to reduce the size or minimize the requested setback variance and Petitioner agreed to a side setback amendment of 8.5 feet.

FINDINGS: In split findings, the Board agreed that the lot was unique in its topography and size with existing conditions limiting placement and some of the members found that the proposed location would not be substantially more detrimental to the neighborhood or substantially derogate the intent and purpose of the Bylaw.

DECISION: The Board voted four to one to GRANT a Variance to construct a two story 2 car garage 28' x 30' approximately shown on the plans presented to the Board no closer to the side lot line than 8.5 feet, Member Hollinger voting Nay.

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:  _____

Date: 10/04/2018

Book: 67383, Page 517.

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