



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
22 10/4/18

Petitioner: James McLaughlin
Property Address: 67 Mill Road
Case No: 904A
Date Filed: August 31, 2018

The Littleton Board of Appeals (the "Board") conducted a public hearing on September 20, 2018 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of James McLaughlin 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 at 67 Mill 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 were Members Sherrill Gould, Jeff Yates, Cheryl Cowley-Hollinger, and alternates Marc Saucier and Jillian Shaw

The Petitioner, represented by engineer, Ted Doucette, requested permission to demolish an existing structure and replace it with a new dwelling at 67 Mill Road. The lot is non-conforming as to size of lot (26560 square feet), front setback (25.7 feet). The new dwelling replacement is proposed to be 10 feet from the front property line. The location is requested because the lot is unique in that it sits adjacent to Mill Pond which has risen over the years and is now encroaching on most of the rear of the lot. The Conservation Commission has been unwilling to grant any waivers from their requirements not to build within the 50' buffer, and that leaves the upland area of the lot very limited for a building envelope. Inquiry was made whether the existing footprint could be maintained with no additional variances being granted and it was not possible to do that with a single story dwelling; the current owner requiring first floor living as he ages in place. The property is one of the last homes on a dead end cul de sac street so it was argued that there is little or no traffic being impacted by a reduced front yard setback. No abutters appeared in opposition. 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 pond and wetlands.
2. There is a clear and substantial hardship in trying to site a replacement home on thi lot.
3. The requested relief could be granted without substantial derogation from the zoning bylaw or without detriment to the neighborhood, provided, however, a compromise setback seemed to be warranted.

DECISION: The Board voted 4 to 1 to GRANT a Variance from the requirements of Section 173-31 Intensity of Use, to allow reduced frontage for a structure on this lot provided, however that it be no closer to the street than 15 feet. Member Jeff Yates abstained.

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: 10/04/2018

Book: 7799, Page:569

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