



Office of the
LITTLETON BOARD OF APPEALS

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Petitioner: DAVE CANNISTRARO

Case No: 907A

Date Filed: September 17, 2018

The Littleton Board of Appeals conducted a public hearing on October 18, 2018 at 7:30 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance pursuant to Section 173-31 to allow a detached garage within the required side setback at 4 Liberty Square, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on October 4 and 11, 2018, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates, Alan Bell, and Rod Stewart, Members and Marc Saucier, Alternate. Present and not voting was John Sewell, Alternates.

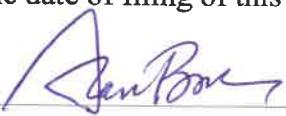
The Petitioner requested a variance for a 14' x 16' garage or accessory structure which he had erected on his property pursuant to a validly obtained building permit. When the permit was obtained, the petitioner and the building inspector had relied upon an engineered septic plan to determine sideline setback and confirmed it to be at least the required 10 feet. Unfortunately, when a final inspection was requested, it was discovered that the line depicted as a side line on the septic plan was, in fact, an additional street frontage and the building inspector could not approve the construction since the bylaw requires a frontage setback of 30 feet and the structure was only 11 feet to the line. Petitioner's house is on a conforming lot but is unique in that it has streets on three sides, resulting in this property having frontage on three streets. The location of the garage was chosen because Liberty Square is an historic landmark location in the Town and he wanted not to impair its attractiveness with a structure visible from the front of the property. The property is also unique in that it has a wide drainage easement along the rear and the septic system and components occupy a large area of land to the rear and the side of the property. The structure was built in good faith and is on a poured concrete foundation with all utilities serving the structure installed underground. The location was chosen because of the other improvements on the land and to minimize its visibility from each of the streets.

One Abutter sent a letter supporting the Petitioner's request. The assistant zoning officer confirmed that the error was made in good faith, and that the structure is located approximately 11 feet from the side street.

FINDINGS: The Board found that the lot was unique due to having three frontage streets and the existing improvements, limiting placement of the structure. The Board also found that the Petitioner had acted in good faith reliance upon a validly issued building permit, and that while the Littleton bylaw requires 30 feet from each street frontage and only 10 feet from a sideline for detached structures, that it would create an unjust hardship to require relocation of this structure.

DECISION: The Board voted unanimously to GRANT a Variance for the existing garage structure at 4 Liberty Square to remain in its "as built" location, approximately 11 feet from Hill Road. .

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: 

ALAN BELL

Date: 10/26/2018

Middlesex South Registry of Deeds, Registered Land Section, Book 1488, Page 28, Certif. # 281195.

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