

Petitioner: Timothy Neufell
Case No. 911A
Date Filed: November 27, 2018

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The Littleton Board of Appeals conducted a public hearing on January 17, 2019, continued from the prior month, at the Shattuck Street Municipal Building on the petition of Timothy Neufell for a Variance or Special Permit to allow the retention of a shed, Carport and Pergola, constructed at his home at 286 Goldsmith Street, Littleton, Massachusetts, in violation of the dimensional setbacks. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton on December 6, and 13, 2018 and by mail to all abutters and parties in interest. Present and voting: Sherrill Gould, Chairman, Members, Jeff Yates, Rod Stewart, and Alan Bell, and alternate, John Sewell. Present and not voting was member, Cheryl Hollinger, and Alternates, Jillian Shaw and Marc Saucier.

The petitioner presented the existing conditions on his property. He stated he obtained a permit to construct his 10' x 16' shed, but the building department has no evidence of a certificate of completion. The shed is actually over the lot line onto the abutter's property. He also added a 14' x 30' pergola with plastic cover over an existing porch, which he did not know required a building permit. That structure is 6.3 feet from the side line where 15' is required. Lastly, he constructed a car port within 5' of the rear setback from Goldsmith Street, where 15' is required. The lot is approximately 135' x 90' with frontage on two streets. The Petitioner presented a septic plan with setbacks, which the Zoning Enforcement Officer found adequate. The Petitioner continued this hearing so that a companion case (Case #911A) concerning use of the property could be heard with this case. Although it was alleged the petitioner is conducting a business from his residential property at 286 Goldsmith Street, Littleton, Ma., the petitioner presented evidence that the business use has been relocated and the storage buildings are now being used only for his personal use and the storage of 3 snowplows used in his business but which he requires to be secure from vandals and covered from the elements.

Neighbors were present to object mainly to the business use and to the dimensional violations. The Board discussed the uniqueness of the lot in that it has little or no location for storage of property since the lot is small and most of it is covered with structure and septic system. The Board opined that this is a classic case where a variance is warranted to keep the personal property of a resident covered, contained and not in plain view of the neighbors. The Board also discussed that the requested variances are similar to those given by the Board in the past under similar circumstances. It was also noted that other neighboring properties were not in compliance with the dimensional setbacks.

FINDINGS: The Board found that the Petitioner satisfied the requirements for a variance in that the lot was unique and he would suffer hardship if denied the opportunity to have a covering for his belongings, and that relief could be granted without substantial derogation from the intent and purpose of the zoning bylaw.

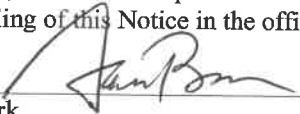
DECISION: The Board voted unanimously to grant variances to 286 Goldsmith Street, Littleton, Ma. as follows:

1. A variance for the carport provided the setback is not less than 6' from the property line.
2. A variance for the shed provided it is moved entirely onto Petitioner's lot and is not less than 2' from the sideline.
3. A variance to allow the pergola to remain in place provided it not be enclosed.

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, Clerk

 1-30-2019

Dated:

Deed Reference: Book 46696, Page 478.

I hereby signify that twenty 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.

Town Clerk

True Copy Attest: _____

Littleton, Massachusetts