



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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LL May 19, 2017
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Petitioner: The Homescout LLC
Property Address: Lot 8 Boxborough Road
Case No: 885A
Date Filed: March 17, 2017

The Littleton Board of Appeals (the "Board") conducted a public hearing on April 20, 2017 at the Littleton Town Offices, 37 Shattuck Street, Littleton, MA on the petition of The Homescout LLC for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-28 Street Frontage Exception for a reduced frontage lot at Lot 8 Boxborough Road Assessors Map R5 Parcel 22. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on April 6 and 13, 2017 and by mail to all abutters and parties in interest. Present and voting were Jeff Yates, Vice Chair, Cheryl Hollinger, Rod Stewart Members, and Marc Saucier Alternate.

Submitted with the application were the following materials:

- Letter dated March 17, 2017 from Kevin R. Conover of David Ross Associates.
- Certificate of Variance dated May 26, 1995
- Board of Appeals Decision dated May 26, 1995
- Plan of Land prepared by David Ross Associates dated September, 1996 with Planning Board Endorsement/ ANR of Lot 8 dated September 25, 1997.

The petitioner, represented by Kevin R. Conover of Ross Associates, presented the issue before the Board. The Zoning Officer, Roland Bernier, determined the original variance from 1995 lapsed because the owner at that time did not create the ANR lot within one year of the granting of the variance. Despite the subsequent Planning Board action approving Lot 8 in 1997, a new Variance is required at this time.

Abutters were present. Their concerns were that Lot 8 is part of a larger parcel of land which has access though Lot 8. The parcel was laid out in 1956 such that the access was wide enough to accommodate a road. Traffic and subsequent development on this larger parcel were a concern.

FINDINGS: The Board made the following findings:

1. The Findings of the original Variance granted in 1995 remain relevant and the relevant sections of the Zoning Bylaw have not changed.
2. A variance is required because the road access created in 1956 is surrounded by two parcels of 130', less than the 150' required.

3. The frontage of the flanking parcels is reduced by a curvature accommodating a future road, otherwise they could conform. This road access was provided for because of soil conditions and topography that limited access from Crestview Road.
4. The applicant agreed to a restriction that Lot 8 can not be used as access for any Definitive Subdivision. This was proposed to mitigate traffic concerns of the neighborhood.
5. The site is appropriate and no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the bylaw.

DECISION: The Board voted unanimously to GRANT under Section 173-28. of the Town of Littleton Zoning Bylaws, a Variance to permit one reduced frontage lot even though the abutting lots have less than the required frontage, provided all of the other requirements of Section 173-28 and the Zoning Bylaw are met. Further, this Variance restricts the use of Lot 8 so that it can not be used for access to any Definitive Subdivision.

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: Jeff Yates Jeff Yates, Vice Chair

Date: 19 March 2017

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I hereby certify 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: _____ *Print name*
Town Clerk, Littleton, Massachusetts

Date: _____