



**OFFICE OF THE
BOARD OF APPEALS**

Littleton, Massachusetts 01460

received
10/11/2017
9:00 AM

Petitioner: PETER SCOTT
Case No: 888A
Date Filed: August 23, 2017

The Littleton Board of Appeals conducted a public hearing on October 5, 2017 at 7:00 P.M., at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Variance pursuant to Section 173-31, and 173-10(b)(1) to allow the reconstruction of a dwelling with new dimensional variances at 17 Roxbury Drive, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 7, and 14, 2017, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Rod Stewart, and Alan Bell, Members, Jillian Shaw and John Sewell, Alternates. Present and not voting was Jeffrey Yates, Member.

The Petitioner requested a variance to reconstruct a dwelling at 17 Roxbury Drive, Littleton, Ma., Roxbury Drive is a residential area near the lake where lots are typically less than the current zoning requirement of 1 acre minimum. The current lot is less than one acre (6,000 square feet), and has frontage of only 60 feet where 150 is required. The current front setback is 15.6 feet, not including the steps (30' is required), and the left side setback is 10.2 feet where 15 feet is required. Petitioner had obtained approval for a replacement septic system for the failed system and presented a plan to construct a new two bedroom two story dwelling which would be built in a way which minimizes the visual impact of the mounded septic system required for this lot. The new dimensional variances being created are a front setback of 10.6 feet (taking the steps into consideration), and left and right setbacks of 8 feet. The petitioner explained to the Board that the new variances would improve the situation because (a) the front setback would be lessened as the current steps are closer to the street than proposed (b) a detached garage which is on the lot line with no setback is being removed, and (c) the house will be more centered on the lot. The Petitioner described that the hardship to this lot is owing to the soil, shape and topography insofar as a necessary new septic system and the small lot size prevent the house location from being situated much differently than proposed.

The Building Inspector commented that it is his preference that when replacing grandfathered structures they be rebuilt to code, and he doesn't favor leaving one wall standing. Several abutters appeared to comment and offer input. The major concern was relocating the driveway so there would be a safe egress to the neighbors who have driveways in close proximity, making sure there was adequate off street parking, and avoiding water runoff onto abutting properties.

FINDINGS: The Board found that the Applicant satisfied the conditions for a variance since the site was unusually small and constricted by the septic location. The Board found that the front stair encroachment would not substantially derogate from the intent of the



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bylaw or be a detriment to the public good and the side setback variances were unavoidable, but consistent generally with the intent and purpose of the zoning bylaw..

DECISION: The Board voted unanimously to GRANT a Variance to allow the Petitioner to replace with new construction, the home at 17 Roxbury Drive in accordance with Plans by Integrity dated 9/28/17 submitted with the application, on condition that the garage is to be removed, the plan is to be flipped, so that the driveway is on the left as you face the house, and the side setbacks are no less than 8 feet and the front setback no less than 10.6 feet.

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

Date: October 10, 2017

Deed Reference: Registered Land Certificate of Title 261054

Book: 1482 Page 30.

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



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