

OFFICE OF THE BOARD OF APPEALS

received
12/19/16 LF

Littleton, Massachusetts 01460

Petitioner: DONNA MORRIS

Case No: 875A

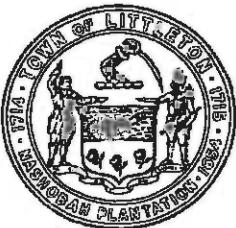
Date Filed: Sept. 7, 2016

The Littleton Board of Appeals conducted a public hearing on September 15, 2016 at 7:30 P.M., continued to October 20, 2016, at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Special permit pursuant to Section 173-10B (1), to allow change or extension of a pre-existing non-conforming structure to allow a replacement of the dwelling at 3 Lincoln Drive, Littleton, Ma, within the existing nonconforming setbacks. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 1, and 8, 2016, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Rod Stewart, Jeff Yates, and Cheryl Hollinger, Members and Marc Saucier, Alternate.

The Petitioner, represented by Ted Doucette, of Doucette Engineering, presented the petition. The petition is for a proposed tear down and rebuild of the home at 3 Lincoln Drive. Lincoln Drive is a residential area near the lake where lots are typically less than the current zoning requirement of 1 acre minimum. This lot is 6,000 square feet. The lot has high groundwater and poor soils, the house is in disrepair and the septic system needs replacing. The Petitioner explained that it would not make economic sense to spend the money for a replacement septic system without improving the home substantially. The Petitioner explained that the existing nonconformities included the lot size, the front yard setback of 19.9 feet when 30 is required; a right side setback of 9.7 feet and a left side setback of 14.6 feet, instead of the required side setbacks of 15 feet. The proposed new dwelling would have a front setback of 20.4 feet, a right side setback of 10.2 feet and a left side setback of a conforming 15.8 feet, all of which are improvements over existing. The Petitioner explained that the house could not be located further back because of the septic location. The new dwelling would be two stories.

The Zoning Officer opined that the policy in Littleton is to allow by variance or special permit a new structure as preferable to the "save one wall" method, as it would improve the cohesiveness of the structure to build completely new. It has been the policy of this Board to treat such applications as Special Permits under Section 173-10(B)(1) where no new nonconformities are being created.

Abutters appeared at the first hearing to inquire about the drainage and runoff from the new septic system, the retaining walls, if any, the proximity of the septic system to the rear lot line, and the removal of trees for the system. The Board determined that septic concerns were the domain of the Board of Health for review. The hearing was continued to give the applicant and the abutters a chance to further confer and to try to improve the plans. The hearing was reconvened on October 20, 2016.



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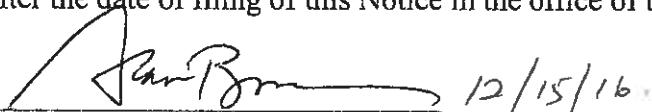
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FINDINGS: The Board found that the proposal to replace the existing structure was allowed under the Special Permit features of the Littleton Zoning Bylaw and that the proposal was to improve slightly the dimensional variance. The Board found that new dwelling replacement as proposed would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

DECISION: The Board voted unanimously to GRANT a Special Permit to construct a new home at 3 Lincoln Drive, approximately as shown on the site plans submitted with the petition, provided that the front setback be not less than 20 feet and the right side setback would not be less than 9.7 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: _____



12/15/16

Date: December 15, 2016

Book: 14597, Page 645.

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