



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received

11/6/2012 9:45am

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Petitioner: Kathleen Cochran
Property Address: Lot 12 Ipswich Drive
Case No: 817A
Date Filed: October 4, 2012

The Littleton Board of Appeals (the "Board") conducted a public hearing on October 18, 2012 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of Kathleen Cochran for a Variance pursuant to the Town of Littleton Zoning Bylaws Section 173-31, Intensity of Use Schedule, to allow the location of a proposed dwelling to be closer to the left side property line. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton on October 4 and 11, 2012 and by mail to all abutters and parties in interest. Present and voting were William Farnsworth, Chair, John Cantino, Jeff Yates, Members, Marc Saucier and Rod Stewart, Alternate Members. Present but not voting were Alan Bell and Patrick Joyce, Alternate Members.

Submitted with the application:

- a) ZBA Plan for Map U-15, Parcel 12, Ipswich Drive dated October 8, 2012
- b) ZBA Plan for Map U-15, Parcel 12, Ipswich Drive dated October 18, 2012
- c) Architectural sketch plans, 9 pages, titled "18 Ipswich Drive U15-12". The proposed house will be 25 feet x 36 feet, 18 feet by 20 feet, 2 stories.
- d) Certified List of Abutters for U15-12-0 dated October 5, 2012.

Kathleen Cochran presented the petition to the Board. Douglas Shaw, builder, was present and assisted her. Ms. Cochran stated that she is purchasing the lot and wishes to build a house which will be closer to the left side property line than allowed by the zoning bylaw. She indicated that the lot is 10,000 square feet in size with 100 feet of frontage. The lot has been determined to be a buildable lot. An on-site septic system is required and must be located on the right side of the lot keeping it away from the wetland area at the left side of the lot. The location of the system will force the house to be located approximately 5 feet from the left side property line. Ms. Cochran stated that at the left side of the lot is Tracy Place, a paper street, and that she will own to the center line of this 40 foot area. No construction can occur on this easement. She states that there is no other location on the lot to locate the building.

No letters or comments were received in objection or support of the petition.

FINDINGS: The Board made the following findings:

1. The property is located in the Residence District.

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2. The lot has 10,000 square feet of area and 100 feet of frontage, under MGL C. 40A, s. 6 and the Town Zoning Bylaw section 173-11, this is a buildable lot.
3. Tracy Place, a "paper street", 40 foot wide, is located at the left side of the lot. The owner of lot 12 will own to the centerline of Tracy Place. No construction can occur on this easement.
4. There are wetlands at the side of Tracy Place. This regulates that the septic system for lot 12 to be located at the right side of the lot. The proposed dwelling can only be located at the left side of the lot.
5. The lot is unique such that there is a paper street and wetlands at the left side.
6. There would be a financial hardship to the owner such that without the variance a reasonable size dwelling could not be built on the lot.
7. There will be no substantial harm to the neighborhood or derogation from the intent of the zoning bylaw.

DECISION: The Board voted unanimously to GRANT, under Section 173-31 of the Town of Littleton Zoning Bylaws, a Variance for Lot 12 to build no closer than 5 feet to the left side property line as shown on the ZBA PLAN dated October 18, 2012 by Civil Solutions, Inc. as submitted at the hearing.

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, Clerk

Date: 6 Nov 2012

Book: _____, Page: _____

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