



## OFFICE OF THE BOARD OF APPEALS

Littleton, Massachusetts 01460

TOWN OF LITTLETON  
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Petitioner: PETER HEATH  
Case No:796A  
Date Filed: August 19, 2011

The Littleton Board of Appeals conducted a public hearing on September 15, 2011, continued to September 27, 2011, at the Town of Littleton Municipal Building, Shattuck Street, Littleton, for a variance/special permit from Section 173-10 to allow for an change, extension or alteration of a preexisting non-conforming dwelling at 59 Edsel Road, Littleton, Massachusetts. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 1, and September 8, 2011, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, John Cantino, Members, and Rod Stewart and Alan Bell, Alternates. Present and not voting were members, Cheryl Hollinger and Jeff Yates, and alternate, Marc Saucier.

The Petitioner, Peter Heath, presented a request to build an attached garage 22' x 32' to his existing dwelling at 59 Edsel Road. The petitioner described that the garage would meet the front and rear setbacks but the width would cause an encroachment into the side setback. The zoning bylaw requires a 15' setback for attached garage and 10' setback for a detached accessory dwelling. The proposed garage dimension would result in a 9'3" setback to the sideline at the closest point. The petitioner explained that he needs a garage to shelter his automobile, lawn equipment and other property. He demonstrated that this was the best location on the lot for a garage and that a chimney and porch egress were also located on that side of the house. The house is nonconforming because it is on a lot containing less than one acre of land. The house has frontage on two streets. One abutter appeared but here was no opposition to the petition.

**FINDINGS:** The Board found that the Applicant satisfied the requirements for a special permit in that the proposed garage addition would not be more detrimental to the neighborhood than the existing nonconforming use, but requested of the Petitioner that he reduce the width to minimize the setback encroachment.

1. **DECISION:** The Board voted 4 to 1 to GRANT a Special Permit pursuant to Section 173-10 (B) (1) to allow the addition of a single story garage 21' x 30' on the southerly side of the dwelling at 59 Edsel Road, located no closer than 10 feet to the lot line

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 Decision in the office of the Town Clerk.

This Variance/Special Permit 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, Sections 11 and 15, stating



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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/Special Permit are not exercised within two (2) years from the date of granting it shall lapse in accordance with the provisions of M.G.L.Ch. 40A Section 10 or Section 9.

Signed: Jeff Yates  
Jeff Yates, Clerk, Zoning Board of Appeals

Date: 10/13/2011

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