



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

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9/28/12 10AM
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Petitioner: Sean Keenan
Property Address: 4 Lincoln Drive
Case No: 815A
Date Filed: August 18, 2012

The Littleton Board of Appeals (the "Board") conducted a public hearing on September 13, 2012 at Shattuck Street Municipal Building, Shattuck Street, Littleton, MA on the petition of Sean Keenan for a Special Permit pursuant to the Town of Littleton Zoning Bylaws Section 173-10B(1) to build a deck onto a nonconforming structure at 4 Lincoln Drive. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on August 30 & September 6, 2012 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, William Farnsworth, John Cantino, Jeff Yates, Members and Marc Saucier, Alternate. Present but not voting were Rod Stewart and Patrick Joyce, Alternates.

Submitted with the Application was:

- Quitclaim Deed, Bk. 8684, Pg. 339
- Certified List of Abutters by Lorraine Freitas, Assessment Analyst, dated August 30, 2012
- Plan titled "Plot Plan of Land for 4 Lincoln Drive in Littleton, Mass" dated August 28, 2012, Sheet No. 1 of 1, prepared by R. Wilson & Associates, Inc.
- Plan titled "Septic System Upgrade for 4 Lincoln Drive in Littleton, Mass" dated June 11, 2012, Sheet 1 of 1, prepared by R. Wilson & Associates, Inc.

Mr. Matt Field presented the petition for Mr. Sean Keenan. Mr. Field stated that the existing house was a preexisting, nonconforming structure because it is located on a lot of 5,400 square feet and frontage of 60 feet. A building permit was filed for and received from the Building Department to remove an existing house which met all of the required setbacks on the nonconforming lot. The proposed porch at the front of the house and the deck at the rear of the house requires a Special Permit from the Zoning Board of Appeals. The proposed front porch, 4 feet by 10 feet, is 29 feet from the front property line, 30 foot setback is required. The proposed 10 foot by 10 foot rear deck is 9 feet from the rear property line, 15 feet is required. When questioned by the Board about the 10 foot depth of the rear deck, Mr. Field agreed to change it to 8 foot depth and to make the width at 12 feet, 100 square feet in size as originally proposed.

Roland Bernier, Building Commissioner / Zoning Officer, submitted a memo on September 12, 2012 in which he states that the applicant is "seeking relief from the zoning bylaw allowing for the construction of an open deck on the rear and a new porch on the front of the "in-progress" single family dwelling."

There were no persons or correspondences in opposition.

FINDINGS: The Board made the following findings:

1. The property is in the Residential zoning district.
2. The lot area is non-conforming: 40,000 square feet required, 5,400 square feet actual.
3. The lot frontage is non-conforming: 150 feet required, 60.0 feet actual.
4. The front setback is conforming: 30 feet required, 33 feet actual.
5. The side setback is conforming: 15 feet required, 18.0 feet actual at the left side, 16.0 feet at the right side.
6. The front porch will encroach into the front 30 foot setback, 29.0 feet proposed.
7. The rear deck will encroach into the rear 15 foot setback, 11 feet proposed.
8. The proposed front porch and the rear deck will not increase the non-conformities any will not create any new non-conformity.
9. The proposed front porch and the rear deck are not substantially more detrimental to the neighborhood than the existing structure.

DECISION: The Board voted unanimously to GRANT, under Section 173-10B(1) of the Town of Littleton Zoning Bylaws, a Special Permit to 4 Lincoln Drive to construct a 8 foot by 12 foot deck off the rear and a front porch onto the house as substantially as shown on the plot plan dated August 28, 2012 submitted with this application.

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 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, 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 Special Permit are not exercised within two (2) years 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: 29 SEP 2012

Book: 8684, Page: 339

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: _____ Date: _____

Town Clerk, Littleton, Massachusetts