



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

received
2/23/12 1:30pm
DH

Petitioner: Matthew Field
Property Address: 32 Washington Drive
Case No: 803A
Date Filed: January 26, 2012

The Littleton Board of Appeals (the "Board") conducted a public hearing on February 16, 2012 at Shattuck Street Municipal Building, Shattuck Street, Littleton on the petition of Matthew Field for a Special Permit pursuant to the Town of Littleton Zoning Bylaws Section 173-10B(1) to construct a deck onto a nonconforming structure at 32 Washington Drive. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on February 2 and February 9, 2012 and by mail to all abutters and parties in interest. Present and voting were William Farnsworth, Acting Chair, John Cantino, Jeff Yates and Cheryl Cowley-Hollinger, Members, and Alan Bell, Alternate member. Present but not voting were Rod Stewart, and Patrick Joyce, Alternates.

Submitted with the Application was:

- Quitclaim Deed, Bk. 57522, Pg. 314
- Plans, 6 pages, of the existing new house, No Title or Date.
- Plan titled "SEWER DISPOSAL SYSTEM in Littleton, Mass" for Applicant: Matt and Sheila Field, dated June 8, 2011, prepared by R. Wilson & Associates, Inc.
- Plan titled "FOUNDATION CERT. PLAN" for 32 Washington Drive, Littleton, Mass., dated November 14, 2011, and prepared by R. Wilson and Associates.

Mr. Matt Field presented the petition. Mr. Field stated that the existing house is a preexisting, nonconforming structure. Mr. Field explained that the lot is undersized and the existing house is closer to the front at Forest Road. Also, there is an existing 4' x 6' deck at the rear of the house closer to the side / rear property line. The proposal is to remove the 4' x 6' deck and to construct a 12' x 16' deck which will be approximately 9 feet from the side property line. No new nonconformities will be created.

The Board received a Memo from Roland Bernier, Zoning Officer, dated February 13, 2012. Mr. Bernier explained some of the history to this request and following the logic of case law *Holmes v. Zoning Board of Appeals Chatham* in 1995, a Special Permit is required.

There were no persons 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 is required, 10,019+/- square feet actual.
3. The front setback is non-conforming, Forest Road: 30 feet required, 2'-8" actual.

4. The side setback is non-conforming: 15 feet required, 13'-0" +/- actual from deck to property line.
5. The proposed 12' x 16' deck will not increase the non-conformities and will not create any new non-conformity.
6. The proposed addition is 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 construct a 12' x 16' deck to the existing house at 32 Washington Dr. as generally shown on the plans submitted with this application and not to be closer than 8 feet to the property line.

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: 2-23-2012

Book: 57522, Page: 314

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