



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: Donald and Cindy Waite
Property Address: 5 Charles Street
Case No: 771A
Date Filed: December 18, 2009

The Littleton Board of Appeals (the "Board") conducted a public hearing on January 21, 2010, at Shattuck Street Municipal Building, Shattuck Street, Littleton, on the petition of Donald and Cindy Waite for a Special Permit pursuant to the Town of Littleton Zoning Bylaws Section 173-10(B)(1) to allow the construction of a 4' x 10' deck with step from a new doorway of a pre-existing non-conforming structure which would result in additional encroachment into the front yard setback at 5 Charles Street. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton on January 7 and January 14, 2010, and by mail to all abutters and parties in interest. Present and voting were William Farnsworth, Vice-Chairman; Julia Adam, John Cantino, Jeff Yates, Members; and Marc Saucier, Alternate. Present but not voting were Sherrill Gould, Chair; Cheryl Cowley Hollinger, and Rod Stewart, Alternates.

The petitioners, Donald and Cindy Waite presented a plan showing that their property consists of a pre-existing house at 5 Charles Street. The Petitioners recently replaced a rotted window on the front of the house facing Charles Street with a new exterior door assembly. The Petitioners propose to add a 4'x10' deck with step down to grade from this new door. The existing structure is located on a corner lot with frontage on both Charles Street and Houghton Lane and does not satisfy current setback requirements to either street. The proposed deck/step would not increase the encroachment onto the Houghton Lane setback (22.01') but would increase the encroachment onto the Charles Street setback from 25.04' to 23.00'.

No abutters appeared in opposition to the petition.

FINDINGS: The Board identified the current non-conforming features of the property and structure and found that the extension of the nonconforming front line setback would not be substantially more detrimental to the neighborhood than the existing nonconforming use.

DECISION: The Board voted unanimously to GRANT a Special Permit under Section 173-10(B)(1) of the Town of Littleton Zoning Bylaws to construct a 4'x10' deck with step no closer than a 23' setback from Charles Street as shown on the proposed plan sketched onto drawing # S-812 dated December 29, 2000, and submitted with the application.

Appeals, if any, shall be made pursuant to M.G.L. Chapter 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. Chapter 40A, Sections 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., Chapter 40A, Section 10.

Signed Julia A. Adam Date 2/1/10
Clerk Zoning Board of Appeals

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I hereby signify that twenty 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