



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

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Petitioner: JOHN E. CROTEAU

Case No: 837A

Date Filed: September 4, 2014

The Littleton Board of Appeals conducted a public hearing on September 18, 2014, at 7:30 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a special permit pursuant to Section 173-10B (1) to allow a change, extension or alteration of a pre-existing non-conforming structure at 10 Emerson Drive, Littleton, Ma, to add a deck to the side of a residential dwelling on a nonconforming lot. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on September 4, and 11, 2014, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates, John Cantino, Cheryl Hollinger and William Farnsworth, Members. Present but not voting were Alan Bell, Marc Saucier, Patrick Joyce and Rod Stewart, Alternates.

The Petitioner presented a proposal to build an open deck approximately 8' x 14' to connect his kitchen to the land in the back yard. The back yard is elevated due to the septic system installation, and it was presented that a connecting deck would allow for some outdoor activities on the deck, as well as a safe passageway from the house to the yard for enjoyment of the yard in all seasons. The Petitioner presented sufficient facts to establish the need for a variance or a special permit, demonstrating that due to the location of the septic system and leach field, there is no other practical location for the deck. The proposed deck would be 7.4' from the side line. The zoning bylaw requires 15' for attached portions of the house and 10' for a detached garage. The current lot is non-conforming in that it has 6000 square feet of area and 60 feet of frontage. The existing house meets dimensional requirements, but the detached garage is only 2' from the side lot line. The proposed deck would add an additional nonconformity in the side dimension. The Petitioner presented sketch plans which he represented were suggested by an architect. The Board reviewed the plans and the comments of the Building Inspector, as well as the existing lot size and conditions.

No abutters appeared in opposition to the petition.

FINDINGS: The Board identified the current non-conforming lot and the proposed structure and found that the additions would create a new non-conformity of a sideline setback of 7.4' instead of 15' on one side of the property. The Board discussed at length whether to treat this application as a variance or a special permit and agreed with the building inspector that absent engineered plans, it was difficult to determine whether there are current nonconformities. The Board concluded by a poll, however, to treat this as a nonconformity as it has with similar requests in the past. The Board found that the new non-conformity would not be substantially more detrimental to the neighborhood than the existing nonconformity.

DECISION: The Board voted unanimously to GRANT a Special Permit from the requirements of Section 173-10B(1) to permit change of the existing structure to allow an open deck as shown

on the Plan submitted with the application, on the side of Petitioner's house provided that it be no closer to the side lot line than seven feet.

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 Notice in the office of the Town Clerk.

Signed: Jay Yata

Date: 30 Sep 2014

Book: 51284, Page: 423

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