



Office of the
LITTLETON BOARD OF APPEALS
Littleton, Massachusetts 01460

Received
2:30 pm 10/23/14
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Petitioner: Sean Keenan
Property Address: 4 Dogwood Road
Case No: 842A
Date Filed: September 26, 2014

The Littleton Board of Appeals (the "Board") conducted a public hearing on October 16, 2014 at Shattuck Street Municipal Building, 37 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 second floor addition onto a nonconforming structure at 4 Dogwood Road. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on October 2 and 9, 2014 and by mail to all abutters and parties in interest. Present and voting were Sherrill Gould, Chair, William Farnsworth, John Cantino, Jeff Yates, and Cheryl Hollinger, Members. Present but not voting were Marc Saucier, Alan Bell and Patrick Joyce, Alternates.

Submitted with the Application was:

- Massachusetts Quitclaim Deed, Bk. 48084, Page 502
- Certified List of Abutters by Anita Harding, Assistant Assessor, dated September 29, 2014
- Plan titled "Proposed Plot Plan For Second Floor Addition 4 Dogwood Road in Littleton, Mass." dated August 26, 2014, Sheet No. 1 of 1, prepared by R. Wilson & Associates, Inc.
- Floor Plans, Elevations and Section Plans by Giattino Design for John T. & Tessa Kaminski dated 7/1/14.

Mr. Sean Keenan presented the petition. Mr. Keenan stated that the existing house was a preexisting, nonconforming structure because it is located on a lot of 8,000 square feet, frontage of 80.0 feet and front setback at 29.4 feet. A building permit was filed for and received by the Building Department for a second story addition to the existing house which met the required side and rear setbacks on the nonconforming lot. The proposed second story addition to the house requires a Special Permit from the Zoning Board of Appeals. The proposed second story addition will not create any new nonconformity.

Roland Bernier, Zoning Officer, submitted a memo on October 16, 2014 in which he states that the applicant is "seeking a Special Permit pursuant to Section 173-10B(1) to increase an existing nonconformity. The proposal is to construct a second level, increasing the height of an existing nonconforming."

An abutter was in attendance and in support of the petition.

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, 8,000 square feet actual.
3. The lot frontage is non-conforming: 150 feet required, 80.0 feet actual.
4. The front setback is non-conforming: 30 feet required, 29.4 feet actual.
5. The second floor addition will encroach into the front setback to be 28.6 feet, additional 1.2 feet from existing first floor.
6. The second floor addition will increase the height and encroachment into the front setback, both non-conformities.
7. The proposed second floor addition will not create any new non-conformity.
8. The proposed second floor addition will not be 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 Dogwood Road to construct a second floor addition onto the house as substantially shown on the proposed plot plan dated August 26, 2014 by R. Wilson & Associates, Inc. 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: 10-22-2014

Book 48084, Page 502

I hereby certify 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