



Office of the  
**LITTLETON BOARD OF APPEALS**  
Littleton, Massachusetts 01460

received  
4/4/13

Petitioner: JIM D'AGOSTINE, WESTCHESTER HOMES, INC.

Case No: 821A

Date Filed: MARCH 5, 2013

The Littleton Board of Appeals conducted a public hearing on March 21, 2013, at 7:30 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a special permit pursuant to Section 173-10B to allow a change, extension or alteration of a pre-existing non-conforming structure at 6 King Road, Littleton, Ma, to replace the existing home with a residential dwelling closer to the front yard setback than existing. Notice of the hearing was given by publication in the Littleton Independent, a newspaper published in Acton and circulated in Littleton, on March 7, and March 14, 2013, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates and William Farnsworth, and Cheryl Cowley Hollinger, Members and Marc Saucier, Alternate. Present but not voting were Alan Bell, Rod Stewart and Patrick Joyce, Alternates.

The Petitioner presented a Plan showing the existing structure and proposed new dwelling for the lot at 6 King Road. The property is a non-conforming lot with a structure that does not meet the requisite side setbacks, specifically 8.2 feet on one side and 11 feet on the other. The current dwelling meets the front setback requirements. Petitioner proposes to replace the existing obsolete structure with a new two-story 2 bedroom dwelling. Building elevation plans were presented to the Board. The new dwelling will be the same width so that no increase to the side setback nonconformities will result, but the house needs to be moved closer to the street setback because of the placement of a new septic system. The front yard setback will reduce to 16 feet. Required setback in the neighborhood would be the average of the abutting properties, which is less than the 30 feet but not quite as low as 16 feet. The building inspector had no comment. The Board was concerned that there would not be adequate off street parking because of the narrow lot. The Board was also concerned that the size of a two story structure with full dormer and attic would impose on the neighbors in an otherwise densely settled area. The Board requested and the Petitioner cooperated in modifications to the plans presented to satisfy the Board's concerns.

No abutters appeared in opposition to the petition.

**FINDINGS:** The Board identified the current non-conformities in the lot and structure and the new non-conformities, which would be created and found that the new dwelling will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, provided certain modifications and conditions are satisfied.

**DECISION:** The Board voted unanimously to GRANT a Special Permit from the requirements of Section 173-10B(1) to permit change, extension or alteration of the existing structure to allow construction of a new dwelling at 6 King Road, with the following conditions:

1. Two off street parking spaces are required to be provided.

2. The height of the proposed structure will be reduced by changing the full shed dormer to a "doghouse" style dormer no greater in length than 10' to 12" with a continuation of the eave and fascia boards so that the structure does not appear to be a 3 story dwelling.
3. The basement is to be a four foot crawl space and not a full basement.
4. The front setback shall be not less than 16 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: JM Haste

Date: 9 APRIL 2013

Book: 58750, Page: 5504

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