



Office of the  
LITTLETON BOARD OF APPEALS

received  
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Petitioner: BRIAN and JILL CADOGAN  
Case No: 824A  
Date Filed: June 13, 2013

The Littleton Board of Appeals conducted a public hearing on June 20, 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 change or extension of a pre-existing non-conforming structure at 44 Matawanakee Trail, to construct an addition within the front and side setback. Notice of the hearing was given by publication in the Lowell Sun, a newspaper published in Lowell and circulated in Littleton, on June 6, and June 13, 2013, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Jeff Yates, John Cantino, Members, Marc Saucier and Patrick Joyce, Alternates. Present and not voting was Rod Stewart, Alternate.

The Petitioners presented a request to construct an addition on their home at 44 Matawanakee Trail. The house is situated on a corner lot with two streets abutting. The Zoning Bylaw provides that if more than one street abuts a lot, the additional street setback may be reduced one foot for every 2,000 square feet under forty thousand square feet of lot area, but not less than 15 feet. The lot size is 15,200 square feet. The current house faces Matawanakee but due to the slope of the property, it is impractical to access the house through the front, so the driveway and entry doors are both facing Massasoit Trail. The house is set back 35 plus feet from Massasoit Trail. It is set back approximately 25 – 30 feet from Matawanakee Trail. The current sideline setback is just 15 feet. The proposed addition is to add a room within the front and side setbacks with an open deck facing the water. If the deck is constructed to a full 4 foot width, the setbacks would decrease to less than 11 feet at the side and approximately 7 – 11 feet at the front corner. The side setback will not impact an abutter since it would not obstruct the view or be visually closer to the abutting structure than most of the properties in the neighborhood. The front setback, similarly, will not appear closer to the street than other houses generally in the neighborhood, due to the slopes and the elevation of the property. The deck will improve the quality of enjoyment since the deck will face the lake and the sunrise. The Building inspector submitted a letter reciting the setbacks.

No abutters appeared in opposition to the petition.

**FINDINGS:** The Board found that with a minor modification the requested relief would not substantially derogate from the intent and purpose of the by-law or be substantially more detrimental to the neighborhood than the existing nonconforming use

**DECISION:** The Board voted unanimously to GRANT a Special Permit to construct an addition, generally as described on the site plan of June 27, 1990 on the condition that the new enclosed portion of the addition be no closer than 15' to the south side setback and no closer to Matawanakee Trail than 18'; and in addition to the enclosed room, that the applicant is granted approval to construct a non-enclosed deck 4' in width, on the south side of the addition and on the Matawanakee Trail side of the addition, all as shown on the plan.

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: John Donahue

Date: 10/16/13

Book: 27239, Page: 303

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