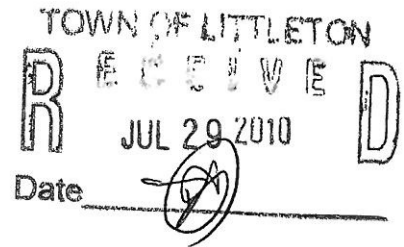




**OFFICE OF THE  
BOARD OF APPEALS**

Littleton, Massachusetts 01460



Petitioner: PATRICIA S. GODDARD and JOHN R. LEGER

Case No:781A

Date Filed: June 24, 2010

The Littleton Board of Appeals conducted a public hearing on July 15, 2010 at 7:30 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a variance/special permit from Section 173-10 to allow for an change, extension or alteration of a preexisting non-conforming dwelling at 16 Middlesex Drive, Littleton, Massachusetts. Notice of the hearing was given by publication in the Lowell Sun, a newspaper published in Lowell and circulated in Littleton, on June 30, and July 7, 2010, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, William Farnsworth, John Cantino, Jeff Yates and Cheryl Hollinger, Members. Present and not voting were alternates Rod Stewart and Alan Bell, Alternate

The Petitioners, Patricia Goddard and John Leger, presented a petition accompanied by sketch plans showing their lots and the proposed addition to their home on Middlesex Drive. They own 3 lots, two acquired with the house, originally, and one behind, acquired later. The plot plan when they originally acquired the house shows the house and deck to be non-conforming in the following respects. The lot is less than the required 40,000 square feet and has only 100' of frontage instead of the required 150'. The rear deck sits on the property line, failing to meet the offset requirements of 15'. By acquiring the additional lot in the rear, a portion of the deck became more conforming but there still existed a setback violation on the southwesterly corner of the deck. The Petitioners proposed to build an enclosed addition in the location of the existing deck, expanding it to approximately 16' x 16' and then replacing the deck at the westerly side of the new addition. The proposal was to have the new addition conform to the rear setback requirements but there still would be sideline setback violations; and the new deck would be placed right on the rear lot line in common with Lot 101 on the Assessor's maps, at its southwest corner, continuing the existing non-conformity, but moving it slightly to the west. The Petitioner presented a rationale for having the placement of the deck convenient to the new addition, and the existing kitchen and dining areas of the house. The lots affected in the rear are both undersized lots owned by the Town of Littleton. No abutters appeared in opposition.

**FINDINGS:** The Board found that the Applicant satisfied the requirements for a special permit in that the proposed addition would not be more detrimental to the neighborhood than the existing nonconforming use, but requested of the Petitioner that they create some setback and not place the deck directly on the lot line.

**DECISION:** The Board voted unanimously to GRANT a Special Permit pursuant to Section 173-10 (B) (1) to allow the addition of a room and a deck at the rear of the house at 16 Middlesex Drive upon the following conditions:



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1. The addition will not extend greater than 24' in a southerly direction from the house;
2. The addition is to be no closer than 7' to the lot lines in the side and rear;
3. The deck is to be no closer than 3' from the rear lot line of the Petitioners' lot and the lot line of Lot 101 on the Assessor's map.

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 Decision in the office of the Town Clerk.

This Variance/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, 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 Variance/Special Permit are not exercised within two (2) years from the date of granting it shall lapse in accordance with the provisions of M.G.L.Ch. 40A Section 10 or Section 9.

Signed: Jeff Yates  
Jeff Yates, Clerk, Zoning Board of Appeals

Date: 29 JULY 2010

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