

General Information

What authority does the Board of Appeals have?

The Board of Appeals obtains its authority under the Massachusetts General Laws Chapter 40A §14 and the Town of Littleton's Zoning By-law 173-6 to hear and decide *appeals*, to hear and decide applications for *Chapter 40A special permits*, and to hear and decide petitions for *variances*. The Board of Appeals also hears and decides applications for *special permits for low and moderate income housing* under Massachusetts General Laws Chapter 40B Sections 20, 21, 22, and 23.

What is an Appeal?

Pursuant to Massachusetts General Laws Chapter 40A §8 and Littleton Zoning By-law 173-6 B(3) and 173-6 B(5) the Board of Appeals hears and decides appeals by any person aggrieved by any written order or decision of the Zoning Enforcement Officer or other administrative official in violation of any provision of Massachusetts General Laws Chapter 40A or the Littleton Zoning By-laws. Building permits withheld by the Building Commissioner acting under MGL C. 41, §81Y as a means of enforcing the Subdivision Control Law may also be issued by the Board of Appeals. Action taken by the Building Commissioner acting under the Code of Littleton Chapter 152 will also be heard by the Board of Appeals. *If the Zoning Enforcing Officer or other administrative official does not issue a written order or decision, the Board of Appeals will not hear the appeal.* Appeals from the written decisions of the Zoning Enforcement Officer or other administrative official must be filed with the Office of the Town Clerk pursuant to Massachusetts General Laws Chapter 40A Section 15 within thirty (30) days from the date of the written order or decision which is being appealed. **Failure to file a timely appeal is fatal.**

What is a Chapter 40A Special Permit?

Certain uses of property are permitted as a matter of right. However, the Littleton Zoning By-laws provide that other uses are not allowed in certain zoning districts, and that specific types of uses shall only be permitted in specified zoning districts upon the issuance of a Special Permit from the Board of Appeals pursuant to Massachusetts General Laws Chapter 40A § 9, 9A, and 9B. Special Permits may be issued only for uses which are in harmony with the general purpose and intent of the By-law, and may be subject to general or specific provisions set forth therein, and such permits may also impose conditions, safeguards and limitations on time or use. A Special Permit, unlike a Variance, may be conditioned by limiting its duration to the term of ownership or use by the Applicant. When a Special Permit application is accompanied by plans or specifications detailing the work to be undertaken, the plans and specifications become conditions of the issuance of the permit. Therefore, once a Special Permit is granted, modification of the plans or specifications require as a prerequisite, modification of the Special Permit through the filing of a successive Special Permit application. No building permit may be issued by the Building Commissioner for a use or structure that requires a Special Permit until 1) a Special Permit has been granted by the Board of Appeals, 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Special Permit has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. No party is entitled "as a matter of right" to a Special Permit. The Board of Appeals, in the proper exercise of its discretion, is free to deny a Special Permit even if the facts show that such a permit could be lawfully granted. **Special Permits 40A shall lapse 24 months following the granting unless substantial use or construction has commenced.**

What is a Chapter 40B Special Permit?

Chapter 40B is a state statute, which enables local Boards of Appeals to approve affordable housing developments under flexible rules if at least 25% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the shortage of affordable housing statewide by reducing unnecessary barriers created by local approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. **Special Permits 40B shall lapse 3 years from the date the permit becomes final unless construction authorized by a comprehensive permit has begun, or unless specifically noted otherwise in the permit by the Board of Appeals.**

What is a Variance?

A Variance is a waiver of the zoning rules adopted by the Citizens of Littleton at Town Meeting. A Variance may be granted pursuant to the Littleton Zoning By-laws and Massachusetts General Laws Chapter 40A Section 10. Accordingly, it is only in rare instances and under exceptional circumstances that relaxation of the general restrictions established by the Zoning By-laws are permitted. A Variance is distinguished from a Special Permit. The Variance is used to authorize an otherwise prohibited use or to loosen dimensional requirements otherwise applicable to a structure. No person has a right to a Variance. *Variance of "use" is almost never granted by the Board of Appeals. Variance of "dimensional" requirements is granted in rare occasions.* **The Board of Appeals has no discretion to grant a Variance unless the petitioner provides evidence, and that the Board of Appeals determines that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.** Even if the Board of Appeals find that such hardship exists, it may exercise its discretion and not grant a Variance. No building permit may be issued by the Building Commissioner for a use or structure that requires a Variance until 1) a Variance has been granted by the Board of Appeals, 2) the expiration of the twenty (20) day appeal period pursuant to Massachusetts General Laws Chapter 40A Section 11, and 3) the Variance has been recorded at the Middlesex South District Registry of Deeds. The Building Commissioner shall require proof of recording at the Registry of Deeds from the Town Clerk prior to issuance of a building permit. **Rights authorized by a Variance must be exercised within 1 year of granting, or said variance shall lapse.**

Page 4

ZBA Case No.: 23-968 Address 39 Washington Dr.

TOWN OF LITTLETON BOARD OF APPEALS

37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-540-2420



APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws.

TOWN USE ONLY

Received by the Town Clerk Office

received
10/3/23 *Km*

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 506.53 Check # 2384

Pursuant to the provisions of Chapter 40, §57 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Deborah Richards
Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- ☐ Appeal of Decision of Building Inspector or other administrative official (see page 2)
- ☐ Special Permit (40A) (see page 2)
- ☒ Variance (see page 3)
- ☐ Comprehensive Permit (40B) Complete additional application (see page 2)

PETITIONER: Signature *Mitchell Dutcher* Date: 10/2/23
Mitchell Dutcher Phone # 978 501 6854
19 Whitcomb Rd. Email Address Dutcherconstructionma@gmail.com
Bolton, Ma 01740 Deed Reference: Bk 75458 Page 166
Town, State, Zip

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned

Signature *Tammy and Brian Pelletier* Date 978-866-2804 Phone # 978-866-2804
Tammy and Brian Pelletier Email tandbpelletier@gmail.com
39 Washington Dr. Littleton Ma 01460
Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U17 362 0

ZONING DISTRICT: ☒ VC ☐ B ☐ IA ☐ IB (Circle all that apply)

Check box if applicable ☐ AQUIFER DISTRICT
☐ WATER RESOURCE DISTRICT

FEEs
Residential Property \$200 filing + \$105 recording fee + \$25 abutter list + \$176.53 public hearing notice = \$ 506.53
Commercial Property \$350 filing + \$105 recording fee + \$25 abutter list + \$176.53 public hearing notice = \$ 656.53
Comprehensive Permit \$1000 + \$100/unit over 10 units
Please make check payable to Town of Littleton

Appeal

Under MGL c. 40A § 8.

The undersigned hereby appeals a written order or decision of the Building Commissioner / Zoning Officer or other administrative official alleged to be in violation of the provisions of MGL c. 40A or the Zoning By-laws to the Board of Appeals for the Town of Littleton.

1. From what Town Official or Board is the appeal being sought?

Mandatory: Attach copies of written order or decision under appeal

Administrative Official _____ Date of order / decision _____

2. Which statute or Zoning Bylaw do you rely for your appeal?

MGL c.40A § _____ Zoning Bylaw § _____ Code of Littleton § _____

You may also consider whether you qualify for relief under any other authority of the Board to grant a Special Permit or Variance.

3. I hereby certify that I have read the Board of Appeals Instructions for Appellants and that the statements within my appeal and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print name _____

Special Permit 40A

Under MGL c. 40A § 9

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to grant a Special Permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning By-law.

1. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?

Zoning Bylaw § _____

2. Why are you applying for a Special Permit? Attach a written statement that specifically describes existing conditions and your objectives, along with necessary exhibits as listed in the filing instructions. *You may also consider whether you qualify for relief under any other authority of the Board to grant a variance.*

3. I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print Name _____

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under

Special Permit 40B

Under MGL c. 40B

M.G.L.c.40B

Variance

Under MGL c. 40A § 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief? Rear Setback

2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.

3. Show evidence that you meet the minimum requirements of a variance under section 173-6 B (2) of the Littleton Zoning Bylaws.

Attach a written statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.

4. I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.

Signature _____

Print name Mitchell Dutcher

Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION.** He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.

2. Bring the completed application packet to the Administrative Assistant to the Building Commissioner who will assist you in filing with the Town Clerk.

Necessary Exhibits— provide 3 copies and an electronic copy of the following with the completed application:

1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor. The plan should show:
 - A) metes and bounds of the subject land
 - B) adjacent streets and other names and readily identifiable landmarks and fixed objects
 - C) dimensional layout of all buildings
 - D) distances and setbacks from the various boundaries
 - E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
 - F) direction of North
 - G) the name of each abutting property owner
2. Copy of the latest recorded deed
3. A written statement which details the basis for your petition
4. Pictures, plans, maps, drawings and models are always helpful in explaining the problem
5. In cases pertaining to signs, a scale print of the sign lettering and colors
6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
7. In cases pertaining to Accessory dwellings evidence that the Board of Health has approved the septic system
8. The date of the building construction and the history of ownership are useful in finding facts about the case

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month. The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules



Deck Contract 39 Washington Dr.

HOMEOWNER: Tammie and Brian Pelletier

ADDRESS: 39 Washington Dr. Littleton, ma 01460

PROJECT: 25'x12' Azek Composite Deck

SCOPE OF WORK: The homeowners have a walkout basement. Currently there is a 8'x4'6" platform with stairs leading down to a small brick patio. The patio is not functional and the grade would require a retaining wall to be built if a larger usable one were to be built. The existing platform and stairs are to be demoed. A new Azek composite deck 25'x12' is to be built in place. The deck will start in the same position and go to the other side of the kitchen window. A set of stairs will run straight down to grade heading towards the side yard. The area below the new deck is to be scrubbed out and a layer of weed blocker fabric with crushed stone is to be put down. The new deck will be supported by 4 concrete footings. They will all be a minimum of 48" deep using 12" sonotubes. The bottoms will be belled out to create a 24" base. ½"x12" foundation bolts will be inserted in the top to anchor the support posts to the footings. The existing platform was built by cantilever joists out from the floor of the house. The joists will be cut off inside the house and a rim joist with plywood will be installed. The current platform is flush with the interior floor of the house. The new deck will be one step down to provide protection from snow and rain. The area behind the new deck ledger will have two rows of siding removed. Ice+water shield will be installed then new ledger will be fastened with ledgerlok screws. A plastic deck ledger cap will go on top and be sealed to the ice+water with flashing tape. After the decking is fastened the siding will be reinstalled. The new deck frame will be 2x10 PT joists 12" o.c. with a triple 2x10 PT support beam. The support posts will be 6x6 PT. The outside of the frame and sides of stairs will be wrapped in PVC trim fastened with stainless steel finish nails. The decking will be Azek Harvest Collection Slate Gray fastened using screws+plugs. The deck will be picture frame so no butt ends are visible. There will be a breakeer board down the middle so all expansion/contraction will be in one location. The railings will be Timbertech Premier in white with white post sleeves, balusters, caps and skirts. A white Timbertech gate kit with lock will be installed at the top of the stairs and swing in the homeowners desired direction.

Town of Littleton

DATE:

10/3/2023

176 - Appeals

Schedule of Departmental Payments to the Treasurer

Source/From Whom	Account Name	Account Number		Amount
39 Washington Dr.	Board Receipts	01176420-432000	ZBAFEE	\$200.00
Tammy & Brian Pelletier			CLK FEE	\$105.00
			BOA FEE	\$25.00
	Adertising	20605200-538210	ZBAADS	\$176.53
				\$
				\$
				\$
				\$
				\$

TOTAL Turnover

\$506.53

Credit \$

Cash \$

Checks \$ **\$506.53**

TOTAL \$506.53

Must equal total above

The above listed receipts, collected by the Committee/Department have been turned over to the Treasurer.


Committee/Department Signature

10/3/2023
Date

Received from the Committee/Department the total as listed above.


Treasurer's Office Signature

10/3/23
Date

MITCHELL DUTCHER
19 WHITCOMB RD.
BOLTON, MA 01740

5-7017/2110

2384

DATE 10/2/23

PAY TO THE
ORDER OF

Town of Littleton \$ 506.53
five hundred six and 53/100 DOLLARS

Security Features
Available
Details on Back

Citizens

MEMO 39 Washington Dr.

[Signature]

MP

⑆ 211070175⑆ 1315556313⑆

2384



**TOWN OF LITTLETON
BOARD OF ASSESSORS**
P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410 FAX: (978) 952-2321

Date: October 2, 2023

Re: **Certified List of Abutters for Planning Board (300 feet - public hearings, special permits)**

Applicant: Mitchell Dutcher Name of Firm: Weston & Sampson
Mailing Address 19 Whitcomb Rd., Bolton, MA 01740

Subject Parcel Location: 39 Washington Dr.
Subject Owner: Tammy and Brian Pelletier
Subject Parcel ID: U17-362-0

M.G.L. Chapter 40A, Section 11. "In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply."

I hereby certify the attached list of abutter(s) as stated in the M.G.L. Chapter 40A, Section 11.

Number of Abutter(s) 45 including the subject parcels + 1 Applicant Requesting Abutter's List.

Certified by:


Hanna Axon, Office Assistant

WASHINGTON DR	U17 365 0	DAHLIA DR	U17 385 0
HARTWELL VERNON TRUSTEE OF RAINY DAY REALTY TRUST 30 DAHLIA DR LITTLETON, MA 01460	LUC: 132	FIORAVANTI LUCA J P+ GABRIELLA C/O GIORDANA FIORAVANTI SMITH 21 OXFORD ST WINCHESTER, MA 01890	LUC: 132
WASHINGTON DR	U17 366 0	39 DAHLIA DR	U17 389 0
HARTWELL VERNON TRUSTEE OF RAINY DAY REALTY TRUST 30 DAHLIA DR LITTLETON, MA 01460	LUC: 130	ANN M LOREE TRUST LOREE ANN M, TRUSTEE 39 DAHLIA DR LITTLETON, MA 01460	LUC: 101
35 DAHLIA DR	U17 367 0	47 ORCHID DR	U17 454 0
RIVARD TARA G RIVARD RYAN A 35 DAHLIA DR LITTLETON, MA 01460	LUC: 101	KAUFMAN ROGER D KAUFMAN MELANIE M 47 ORCHID DR LITTLETON, MA 01460	LUC: 101
28 GROVE RD	U17 368 0	3 HILL PL	U17 456 0
SOBERG WILLIAM D RITA E SOBERG 28 GROVE RD LITTLETON, MA 01460	LUC: 101	ROMILLY FRASER FAMILY TRUST TRUSTEE ROMILLY MARK W 3 HILL PLACE LITTLETON, MA 01460	LUC: 101
38 ORCHID DR	U17 371 0	39 ORCHID DR	U17 459 0
RUEL FRANCIS W RUEL DEBORAH M 38 ORCHID DR LITTLETON, MA 01460	LUC: 101	39 ORCHID DRIVE REALTY TRUST TRUSTEE GIBBONS JOHN 39 ORCHID DRIVE LITTLETON, MA 01460	LUC: 101
44 ORCHID DR	U17 373 0		
CHEAH BOON-SIANG NG SIAW-YUEN 44 ORCHID DR LITTLETON, MA 01460	LUC: 101		
ORCHID DR	U17 374 0		
LITTLETON TOWN OF P.O. BOX 1305 LITTLETON, MA 01460	LUC: 936		
54 ORCHID DR	U17 375 0		
EVANS LAURA NOCERA RICARDO 54 ORCHID DR LITTLETON, MA 01460	LUC: 101		
56 ORCHID DR	U17 377 0		
GRANT SHELDON I GRANT LINDA M 56 ORCHID DR LITTLETON, MA 01460	LUC: 101		
49 DAHLIA DR	U17 384 0		
SMITH BRIAN E SMITH ALISON N WELLMAN 49 DAHLIA DR LITTLETON, MA 01460	LUC: 101		

THANK YOU for your ad submission!

Your ad has been submitted for publication. Below is a confirmation of your ad placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
NY0093997
Order Status:
Submitted
Classification:
General Legal Notices & Bids
Package:
Legals MA
Final Cost:
195.12
Payment Type:
Account Billed
User ID:
W0015497
Username:
1381917

ACCOUNT INFORMATION

LITTLETON BOARD OF APPEALS MA legals
PO BOX 1305
Littleton, MA 01460
(978)540-2420
noemail@noemail.com

TRANSACTION REPORT

Date
October 3, 2023 11:08:10 AM EDT
Amount:
195.12

SCHEDULE FOR AD NUMBER NY00939970

October 5, 2023
The Lowell Sun Legals
October 12, 2023
The Lowell Sun Legals

PREVIEW FOR AD NUMBER NY00939970

**LEGAL NOTICE
NOTICE OF HEARING**
The Littleton Board of Appeals will conduct a Public Hearing on Thursday, October 19, 2023 in the Littleton Town Offices, 37 Shattuck Street, Room 103, at 7:10 PM to consider:
Case # 23-968, 39 Washington Drive.
Petition of Brian Pelletier for a Variance/ Special Permit for the construction of a deck with reduced rear setback.
10/5/2023 and 10/12/2023
#NY0093997

[<< Click here to print a printer friendly version >>](#)



***Materials to be paid for upon delivery**

***Labor to be paid for upon completion of work and satisfaction of completed project by homeowners**

***If any rot is found upon demo of the existing structure the homeowners will be notified. Associated repair costs will be gone over prior to repair work being done.**

PROJECT COST:

MATERIAL COST: \$15,920.00

GATE KIT: \$875.00

DUMPSTER: \$850.00

CRUSHED STONE: \$1,500.00

VARIANCE FEE APPLICATION: \$510.00

LABOR: \$11,500.00

PERMIT: \$375.00

TOTAL: \$31,530.00

Mitch Dutcher

8/14/23

Tammie and or Brian Pelletier

8/17/23

Checks made payable to Mitchell Dutcher



VARIANCE REQUEST

Property: 39 Washington Dr. Littleton, Ma 01460

Homeowners: Tammy and Brian Pelletier

Zoning Bylaw Seeking Relief From: Rear Setback

**Reason for Relief Request: To allow for construction of a
25'x12' Deck**



Request for Variance

My name is Mitchell Dutcher I am the contractor that is representing Tammy and Brian Pelletier in their request for a variance. The subject property is 39 Washington st. Littleton, Ma 01460. The property is on the side of a hill in the long lake area. The homeowners are seeking relief from the Rear Setback to build a 12'x25' deck. The relief needed is 5.1' at one end on the deck with a slight increase to 5.52' on the other. The deck will give the homeowners an outdoor space to enjoy that they currently do not have.

As stated the property is located on the side of a hill. Due to the landscape there are several retaining walls installed on the property that were needed to even allow for the construction of the home. Located in the front of the property is the septic tank and pump chamber with a retaining wall wrapped around the front. On the left side of the home the leaching field is located 10' from the side of the garage. There is a retaining wall running the entire length of the property on the right side of the home 12' off of the foundation. In the back of the home there is an additional retaining wall that encompasses the leaching field and returns into the back of the garage. The adjoining property in the back also has a retaining wall in its back yard. Running down the middle of these two properties is a drainage swale. The swale runs straight through two thirds of the property then sweeps towards the home.

The location of the deck off of the kitchen in the rear of the house is the only possible location. The home has a walkout basement. There is currently a small platform with a long run of stairs accessed through a sliding door. This acts as a 2nd means of egress to the home. The stairs land currently on a small 8'x8' patio that is not usable as the stairs take up most of it. Due to the grade in the back it would not be possible to construct a usable patio. The homeowners desired variance of 5.52' at most would allow for a deck 12' deep. This is the minimum needed to make a truly usable deck. Any less and it becomes hard to fit a dining table with chairs. The 25' length will allow for a dining and seating area. It allows the deck to stop on the other side of the kitchen window.

Overall due to the location of the home on the side of a rather steep hill the homeowners and myself feel the construction of the deck on the rear of the home is the only solution to giving them a usable outdoor space. In order to do that a variance granting relief of the rear setback will be needed. They hope that the committee will take in consideration the various conditions of their property that make this the only possible solution.

Tony and Stacy Blanco
38 Dahlia Drive
Littleton, MA 01460

30 August 2023

Town of Littleton
Zoning and Planning

To Whom It May Concern:

Our property at 38 Dahlia Drive, Littleton, MA, abuts the back edge of the Pelletier property at 39 Washington Drive, Littleton, MA 01460. The Pelletier family approached us to review their proposed plan for a new deck on their property which would come within 5 feet of our property line at the closest point. We have no objections to their proposed plan developed by Dutcher Construction, dated August 14, 2023.

Please feel free to contact us at 786-255-4405, if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony and Stacy Blanco'.

Tony and Stacy Blanco
38 Dahlia Drive
Littleton, MA 01460

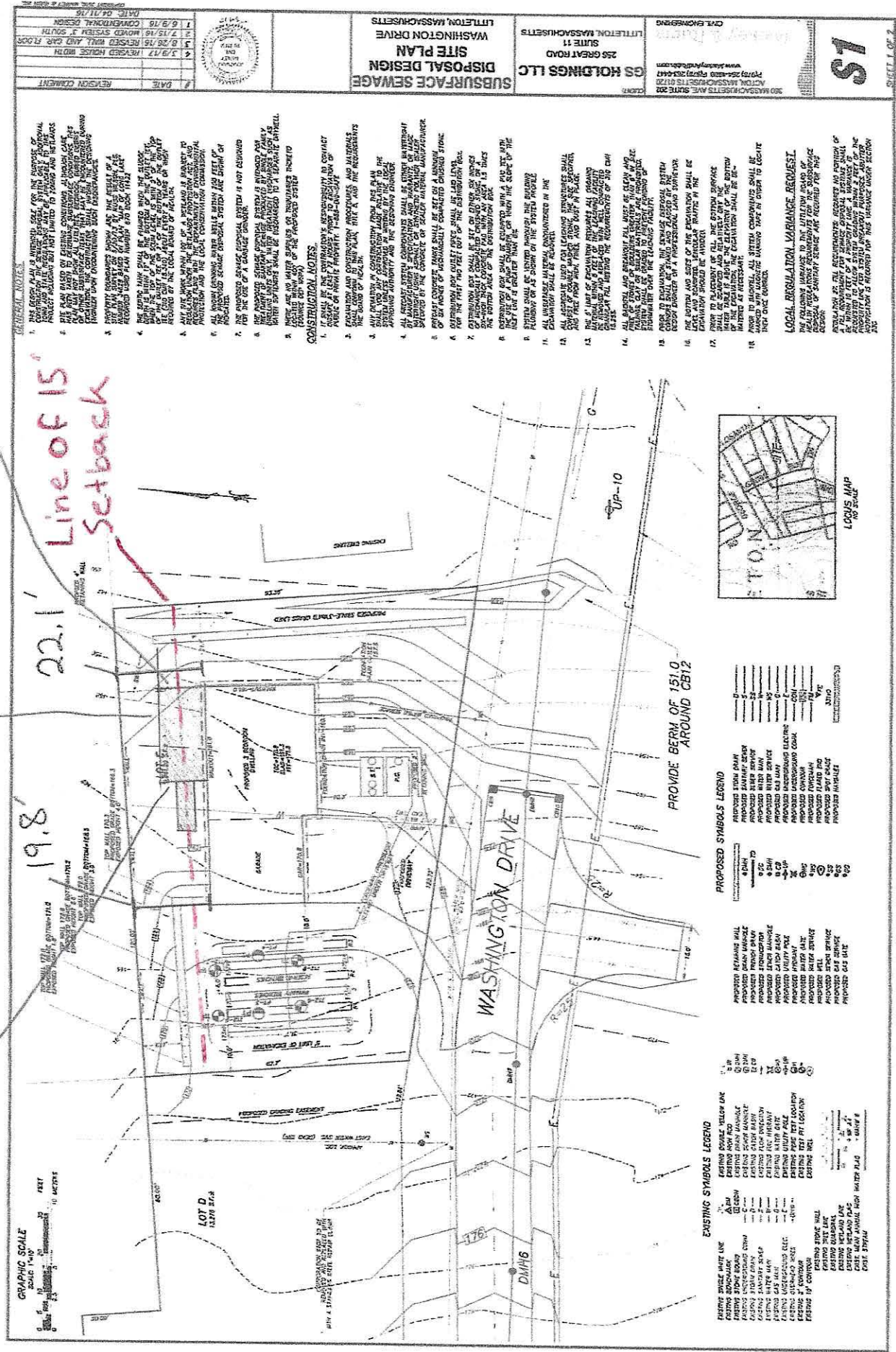
- ### GENERAL NOTES
- THIS DESIGN PLAN IS INTENDED FOR THE DISPOSAL OF SOLID WASTE. THE DISPOSAL OF LIQUID WASTE, SUCH AS OIL, GREASE, AND OTHER FLAMMABLE OR TOXIC LIQUIDS, IS NOT PERMITTED. THE DISPOSAL OF SOLID WASTE SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS SOLID WASTE MANAGEMENT ACT (94A:12B) AND THE REGULATIONS THEREUNDER (800 CMR 17.00).
 - THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS. THE DESIGNER HAS NOT CONDUCTED ANY SOIL BORINGS OR OTHER INVESTIGATIONS TO DETERMINE THE SUBSURFACE CONDITIONS OF THE SITE. THE DESIGNER HAS ASSUMED THAT THE SUBSURFACE CONDITIONS ARE AS SHOWN ON THE ATTACHED GEOTECHNICAL REPORT.
 - THE PROPOSED DISPOSAL SYSTEM IS DESIGNED TO BE IN ACCORDANCE WITH THE MASSACHUSETTS SOLID WASTE MANAGEMENT ACT (94A:12B) AND THE REGULATIONS THEREUNDER (800 CMR 17.00). THE PROPOSED DISPOSAL SYSTEM IS DESIGNED TO BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
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CONSTRUCTION NOTES

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 - THE PROPOSED DISPOSAL SYSTEM SHALL BE DESIGNED TO BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

S.S.I. Relief needed

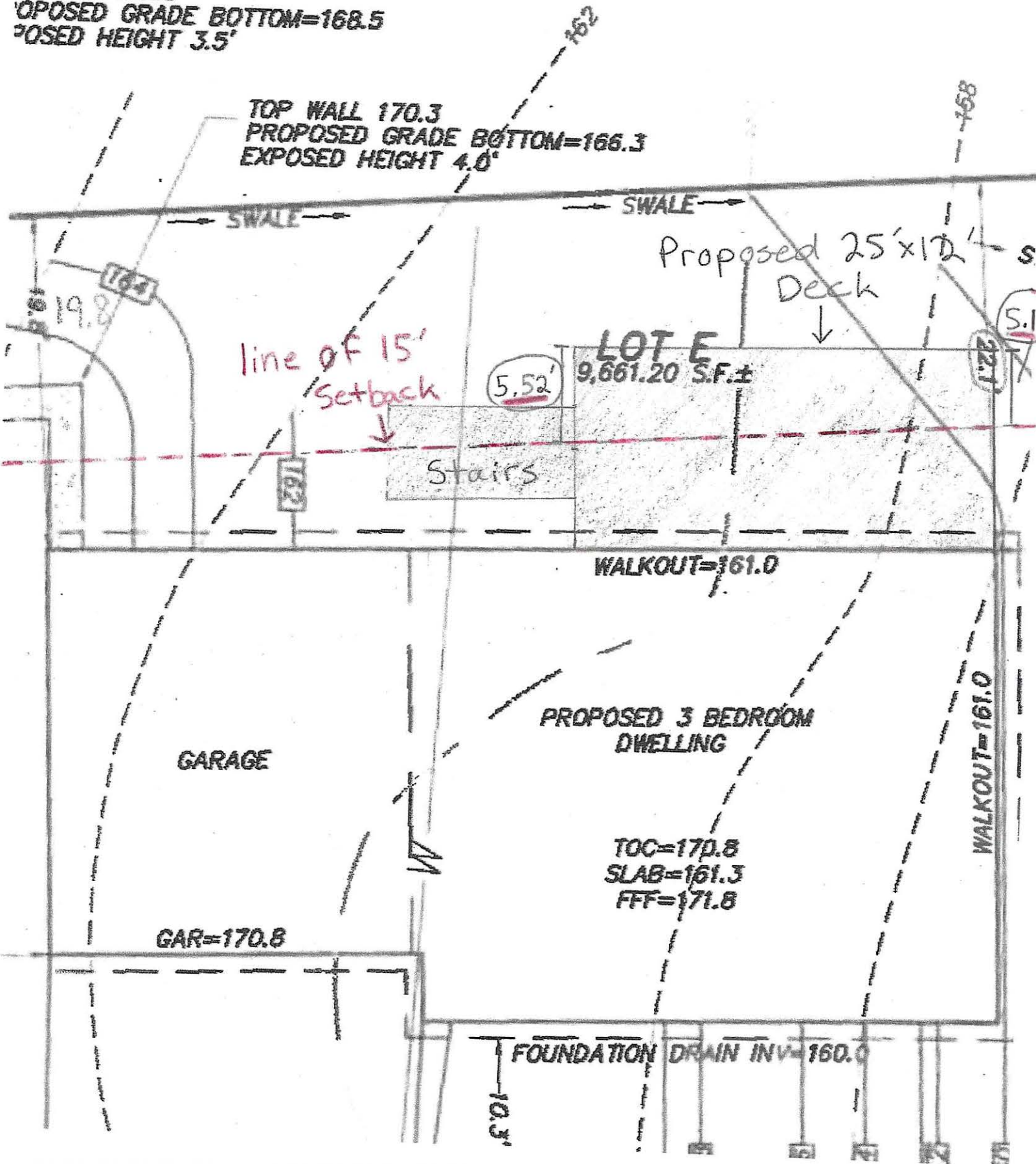


1.5
ADE BOTTOM=170.2
HT 2.6'

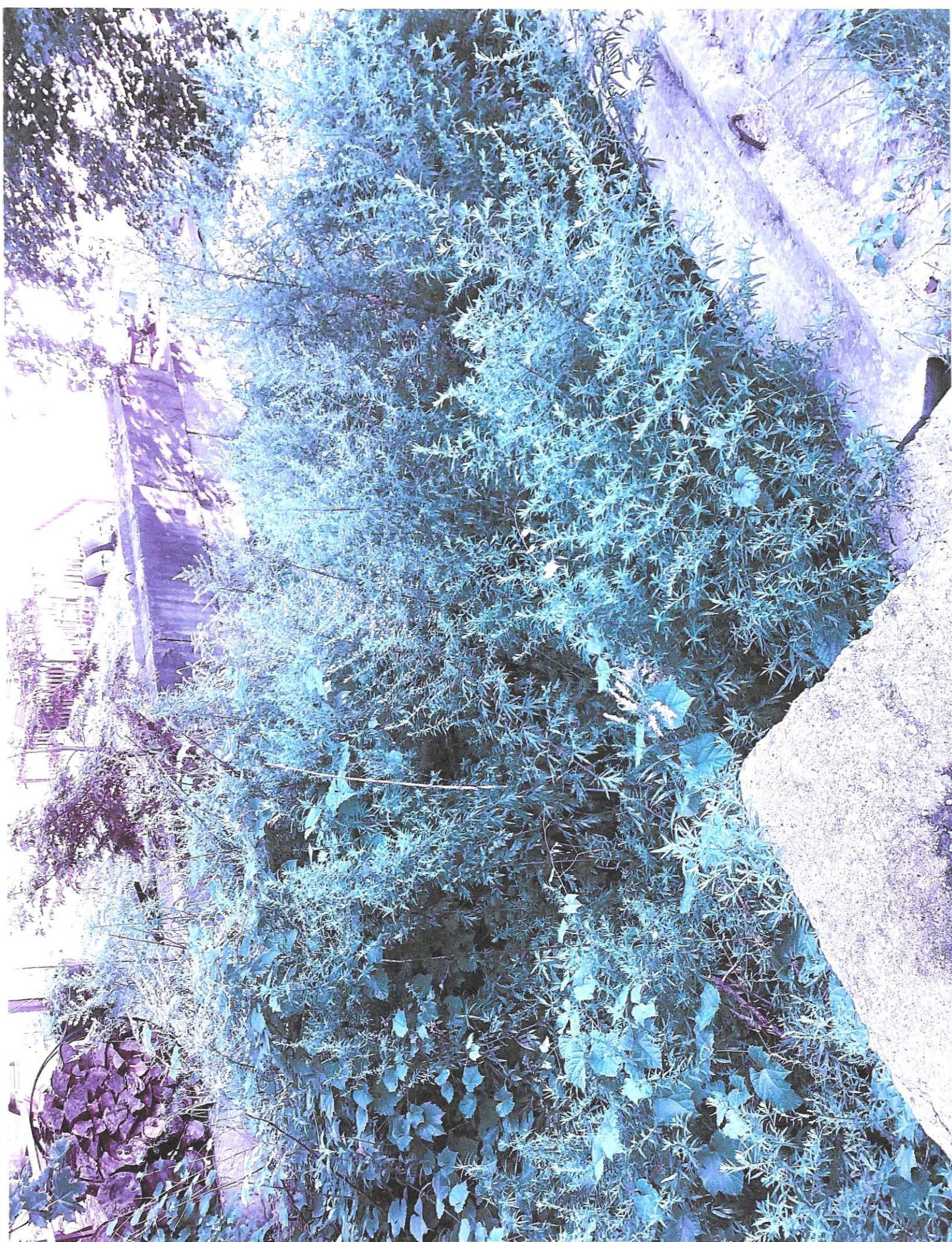
39 Washington Dr.

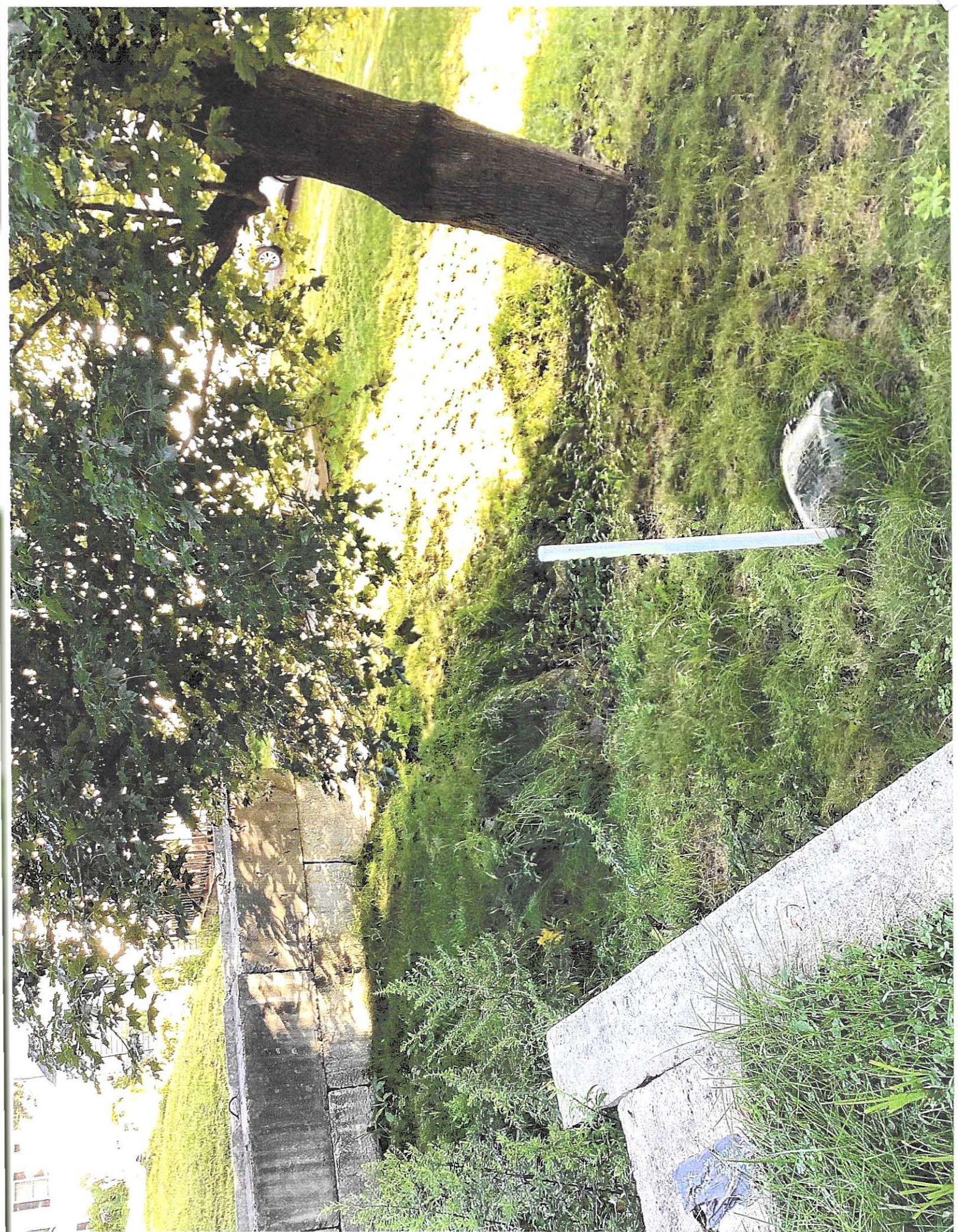
P WALL 172.0
PROPOSED GRADE BOTTOM=168.5
PROPOSED HEIGHT 3.5'

TOP WALL 170.3
PROPOSED GRADE BOTTOM=166.3
EXPOSED HEIGHT 4.0'





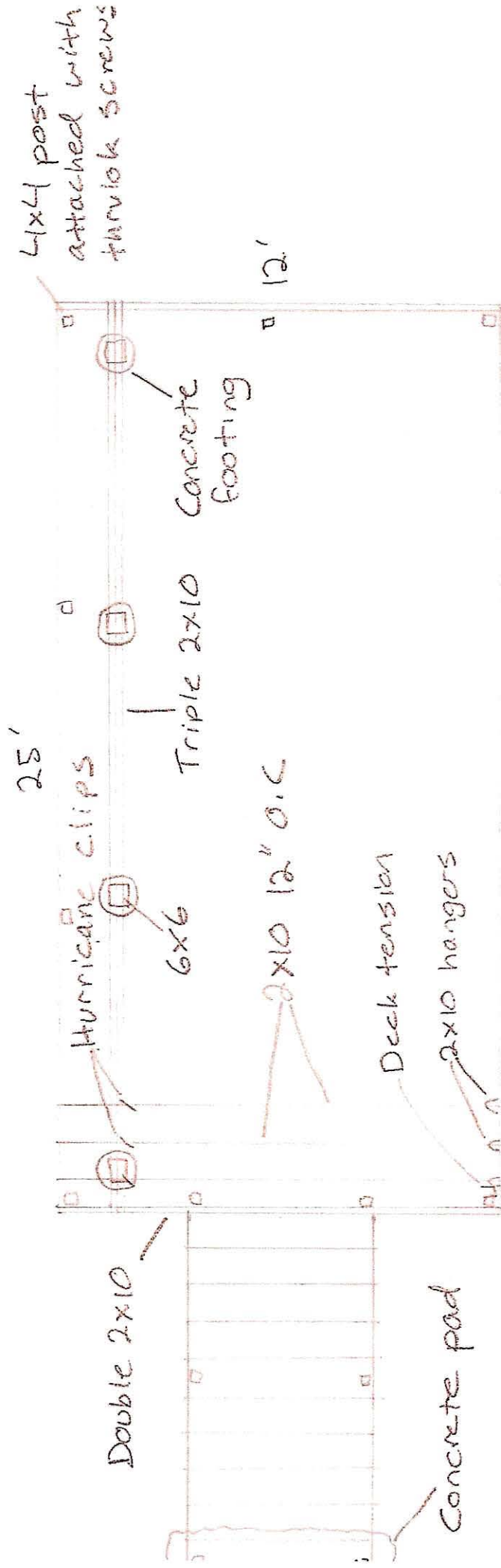




Scale $1/4" = 1'$

- Decking Azek $5/4 \times 6$ fastened with Lortex screws + plugs
- TimberTech railings around perimeter and down sides of stairs

- Concrete footings
minimum 48" deep
12" sand tubes with bottom
belled out. 1/2" x 12"
foundation bolts in top



- 2x12 strings 12" 0.00

- Deck ledger fastened with ledger
lok screws. Ice + water shield
behind with plastic deck ledger
cap.

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

| | |
|--|-------------------|
| Document Number | : 146891 |
| Document Type | : DEED |
| Recorded Date | : August 26, 2020 |
| Recorded Time | : 12:16:41 PM |
| Recorded Book and Page | : 75458 / 166 |
| Number of Pages(including cover sheet) | : 3 |
| Receipt Number | : 2510059 |
| Recording Fee (including excise) | : \$3,114.44 |

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 08/26/2020 12:16 PM
Ctrl# 323525 26662 Doc# 00146891
Fee: \$2,959.44 Cons: \$649,000.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

QUITCLAIM DEED

We, Dustin A. Bawor and Erika Bawor, married, of Littleton, Middlesex County, Massachusetts, in consideration of Six Hundred Forty-Nine Thousand Dollars (\$649,000.00), hereby grant to Tamara A. Sebelius and Brian Pelletier, now of 39 Washington Drive, Littleton, Middlesex County, Massachusetts, as Joint tenants with rights of Survivorship

With QUITCLAIM COVENANTS,

The land with the improvements thereon located on Washington Drive in Littleton, Middlesex County, Massachusetts known as Lots Nos. 493, 494, 495, 496, 497 and 498 as designated on a plan entitled "Map A of Long Lake, Town of Littleton Middlesex County, Massachusetts" duly recorded with Middlesex South District Deeds on October 14, 1925 in Book of Plans No. 362, Plan No. 26.

The Grantors hereby release all rights of homestead in the within described premises and attest under pains and penalties of perjury that no other individual has any claim of such rights in the premises.

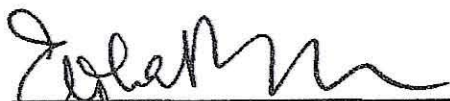
Meaning and intending to convey the same premises conveyed to Grantors by deed dated recorded with the Middlesex South District Registry of Deeds in Book 70358, Page 306.

SIGNATURE PAGE FOLLOWS

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Property Address: 39 Washington Drive, Littleton, MA

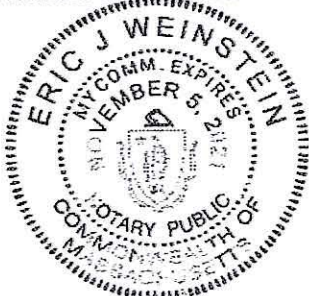
WITNESS my hand and seal this 20th day of August, 2020.



ERIKA BAWOR

COMMONWEALTH OF MASSACHUSETTS

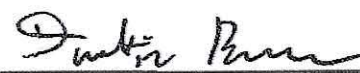
Middlesex, ss.

On this 20 day of August 2020, then personally appeared the above named Erika Bawor, who proved through satisfactory evidence of identification, which was a Massachusetts Drivers' Licenses, to be the person whose name is signed on this document, and acknowledged to me that its contents are true and accurate and that she signed it voluntarily for its stated purpose.




Notary Public: Eric J. Weinstein
My commission expires: 11/05/2021

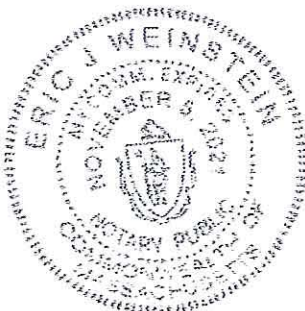
WITNESS my hand and seal this 21st day of August, 2020.



DUSTIN BAWOR

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 21 day of August 2020, then personally appeared the above named Dustin Bawor, who proved through satisfactory evidence of identification, which was a Massachusetts Drivers' Licenses, to be the person whose name is signed on this document, and acknowledged to me that its contents are true and accurate and that he signed it voluntarily for its stated purpose.




Notary Public: Eric J. Weinstein
My commission expires: 11/05/2021



ZONING BOARD OF APPEALS

P.O. Box 1305
Littleton, Massachusetts 01460



LEGAL NOTICE NOTICE OF HEARING

The Littleton Board of Appeals will conduct a Public Hearing on Thursday, October 19, 2023 in the Littleton Town Offices, 37 Shattuck Street, Room 103, to consider the following petitions:

7:10 P.M:

Case #23-968, 39 Washington Drive. The Petitioner, Brian Pelletier, seeks a Variance/Special Permit pursuant to 173 -31, to reduce rear set back and install a deck, and such other business as may properly come before the meeting.

LITTLETON BOARD OF APPEALS

Lowell Sun Dates: October 5, and October 12, 2023