

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.

7/21/22

ZBA Case No: 22-960 Address

TOWN OF LITTLETON BOARD OF APPEALS

37 Shaftuck 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 By-laws

TOWN USE ONLY
Received by the Town Clerk Office

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ _____ Check # _____

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.

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

Kristen Donahue

Print Name

6 Long Lake

Address

Littleton, MA 01460

Town, State, Zip

Date: 6-1-22

978-761-0029

Phone #

Kristendondhue1980@gmail.com

com

Email Address

Deed Reference: Bk _____ Page _____

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

Kristen Donahue

Date

978-761-0029

Phone #

Print Name (if different from petitioner)

Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER # 016-3-0

ZONING DISTRICT R 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 + \$55 public hearing notice
 Commercial Property \$350 filing + \$105 recording fee + \$25 abutter list + \$75 public hearing notice = \$405
 Comprehensive Permit \$1000 + \$100/unit over 10 units
 Please make check payable to Town of Littleton

506-53

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.c40B

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? 173-31 Intensity of use

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 _____

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 2 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.

William and Kristen Donahue

6 Long Lake Road

Littleton, MA 01460

June 1, 2022

Town of Littleton – Board of Appeals

37 Shattuck St P.O. Box 1305

Littleton, MA 01460

Dear Town of Littleton – Board of Appeals:

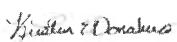
Thank you for your time and consideration of this request. We are seeking relief from Zoning ByLaw 173-31 – Intensity of Use, to place a shed (10x16) on our property at 6 Long Lake Rd., built in 1960, which we purchased in 2018. Without a garage, or suitable basement storage we need a space to store outdoor items, such as lawn mowers, snow blowers, children's toys, outdoor furniture, kayaks, and other items not suitable to be stored inside a home. Although consistent with surrounding lots, our lot is undersized (7500 s.f and the frontage of the lot is only 75'), and much of it is taken up with the septic tank system. Also the property shape, and levels of the backyard have limited us to the areas where a shed can be placed, and therefore need to place it closer than 10 feet to the property line outlined in the Zoning Bylaws.

The level of the backyard also makes it a hardship to prepare and place the shed on the East side of the property, as the drop off is 3-4 feet. Upon consultation with a landscape company to prepare the space and make it level, a retaining wall, multiple feet of fill, gravel, and other expenses such as equipment rentals would make the project a hardship for us, where as the West side of the property is already relatively leveled and less of a hardship to construct and place a platform to place a shed on top.

Currently Reed's Ferry is slated to deliver and install the shed on August 4, 2022.

Once again thank you for your time and consideration of this request, please do not hesitate to contact us with any questions, or if other documentation is needed.

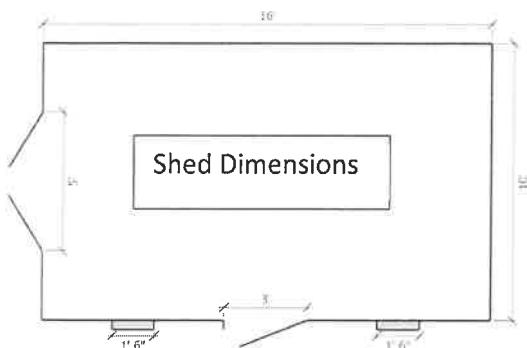
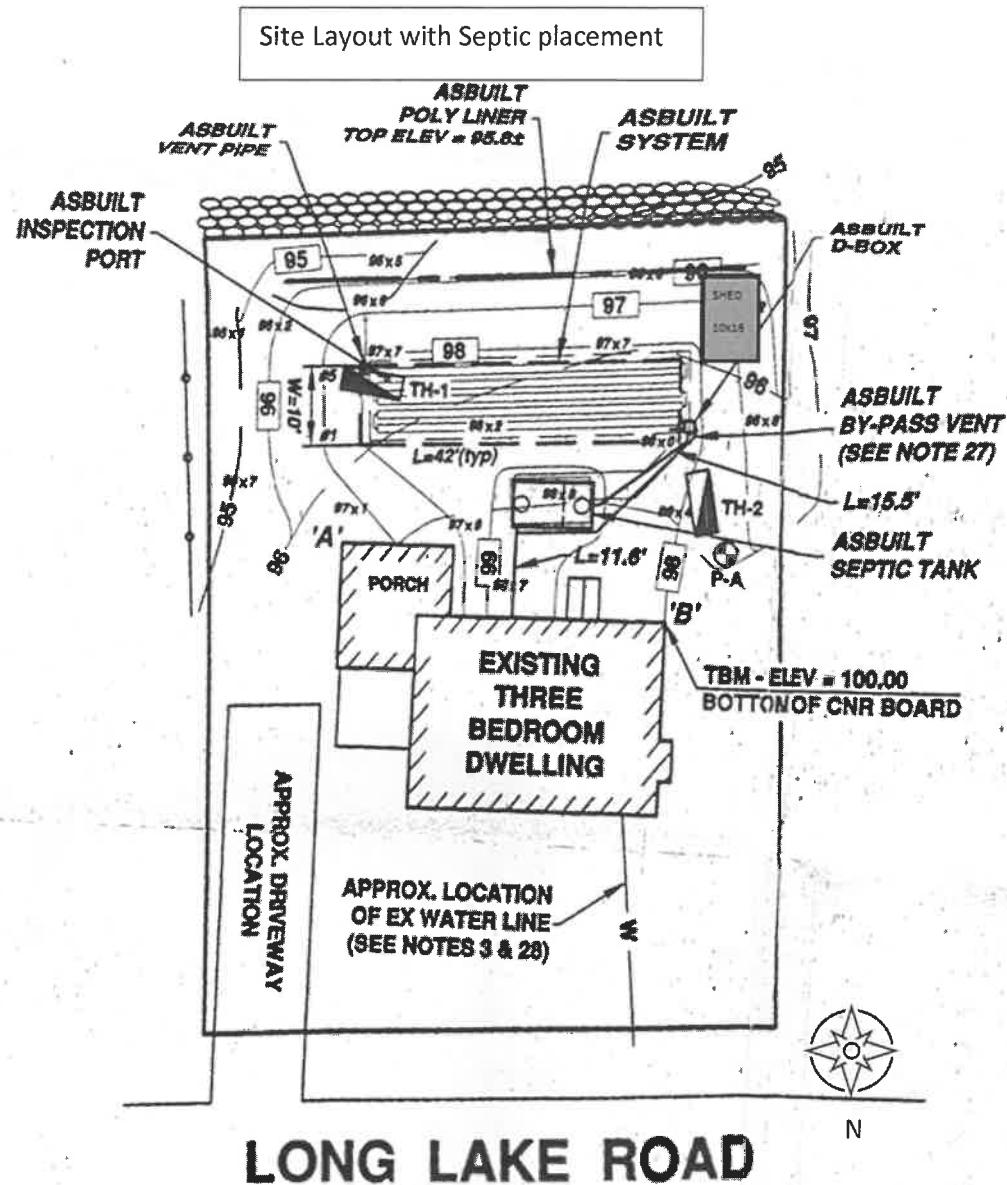
Sincerely,

William and Kristen Donahue

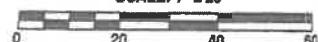
978-761-0029

Kristendonahue1980@gmail.com



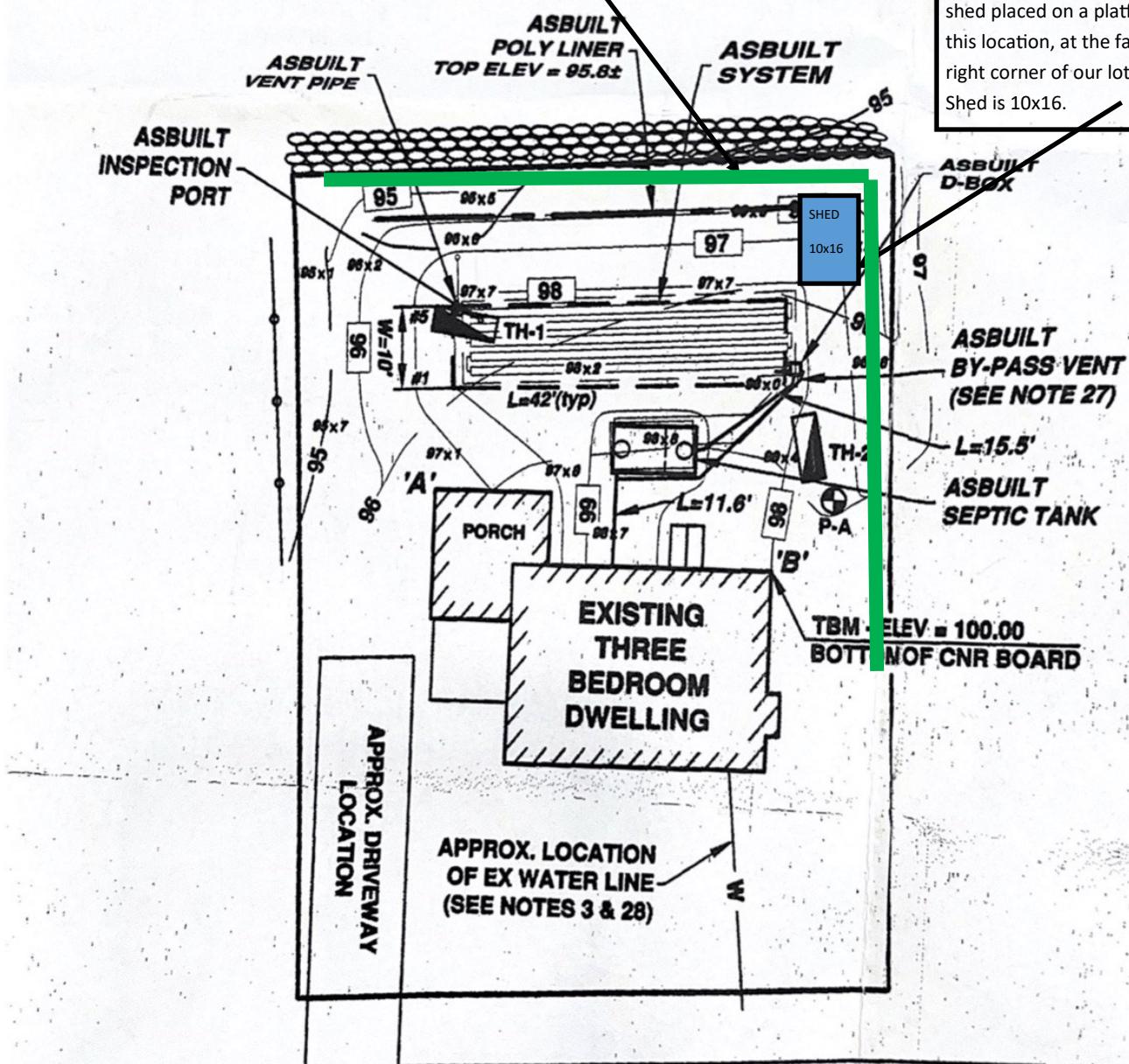
I, KEVIN J. RITCHIE, A CIVIL ENGINEER, DULY LICENSED AS SUCH IN THE COMMONWEALTH OF MASSACHUSETTS, DO HEREBY CERTIFY THAT THIS FIRM HAS VISUALLY INSPECTED THE SUBSURFACE SEWAGE DISPOSAL SYSTEM SHOWN ON THIS PLAN, AND FURTHER CERTIFY THAT THE SYSTEM HAS BEEN INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF 310 CMR 15.00, THE LITTLETON BOARD OF HEALTH, AND THE APPROVED PLAN OF RECORD. OUR CERTIFICATION IS WHOLLY BASED UPON THE RESULTS OF OUR INSPECTION(S) ON SEPTEMBER 12, 2017 (bed bottom), SEPTEMBER 18, 2017 (final system) AND SEPTEMBER 27, 2017 (final grading). NO WARRANTY OF THE SYSTEM IS HEREBY MADE OR IMPLIED IN PART OR IN WHOLE. NO ALTERATIONS MADE TO THE SYSTEM AFTER THE DATE OF THIS CERTIFICATION ARE ALLOWED WITHOUT THE CONSENT OF THIS FIRM AND THE LOCAL BOARD OF HEALTH.

SCALE: 1" = 20'



Shed set back dimensions would be 3 feet from the property lines

We would like a reeds ferry shed placed on a platform in this location, at the far back right corner of our lot. The Shed is 10x16.

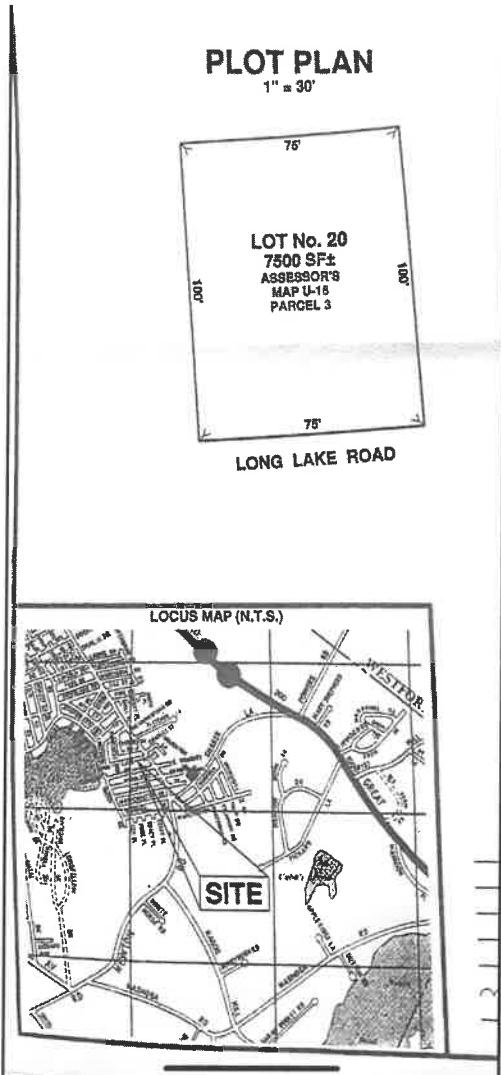


LONG LAKE ROAD

Town of Littleton – Board of Appeals

June 1, 2022

Page 3



15 ROXBURY DR	U15 163 0	8 LONG LAKE RD	U16 4 0
	LUC: 101		LUC: 101
NEWBOLD SCOTT		COYKENDALL EDWARD R	
NEWBOLD ELISABETH R		COZZENS AMY	
15 ROXBURY DR		8 LONG LAKE RD	
LITTLETON, MA 01460		LITTLETON, MA 01460	
9 ROXBURY DR	U15 164 0	10 LONG LAKE RD	U16 5 0
	LUC: 101		LUC: 101
BAILEY JOHN M		BUCKLEY WILLIAM G	
BAILEY HELEN W		10 LONG LAKE RD	
9 ROXBURY DR		LITTLETON, MA 01460	
LITTLETON, MA 01460			
ROXBURY DR	U15 166 0		
	LUC: 936		
LITTLETON TOWN OF			
PO BOX 1305			
LITTLETON, MA 01460			
295 GOLDSMITH ST	U16 1 0		
	LUC: 101		
DAVIS JR DONALD J			
DAVIS JENNIE			
295 GOLDSMITH ST			
LITTLETON, MA 01460			
291 GOLDSMITH ST	U16 15 0		
	LUC: 101		
TABER JAMES P			
TABER ANNALISE O			
291 GOLDSMITH ST			
LITTLETON, MA 01460			
4 LONG LAKE RD	U16 2 0		
	LUC: 101		
LOUGHMAN LEO T			
LOUGHMAN VALERIE M			
4 LONG LAKE RD			
LITTLETON, MA 01460			
9 LONG LAKE RD	U16 22 0		
	LUC: 101		
MILLER MICHAEL D			
MILLER AKIYO T			
9 LONG LAKE RD			
LITTLETON, MA 01460			
7 LONG LAKE RD	U16 23 0		
	LUC: 101		
MALONE GREGG R			
MALONE SHARON L			
7 LONG LAKE RD			
LITTLETON, MA 01460			
5 LONG LAKE RD	U16 24 0		
	LUC: 101		
MCNAUGHT ANDREW			
MCNAUGHT ERICA ANN			
5 LONG LAKE RD			
LITTLETON, MA 01460			
6 LONG LAKE RD	U16 3 0		
	LUC: 101		
DONAHUE WILLIAM M			
DONAHUE KRISTEN E			
6 LONG LAKE RD			
LITTLETON, MA 01460			

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 6/14/2022 10:48:30 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
96076	DEED		71244/192	06/29/2018	420000.00
Property-Street Address and/or Description					
6 LONG LAKE RD					
Grantors					
MCCARTHY ELIZABETH S					
Grantees					
DONAHUE WILLIAM M, DONAHUE KRISTEN E					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

Middlesex South Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	:	96076
Document Type	:	DEED
Recorded Date	:	June 29, 2018
Recorded Time	:	12:23:52 PM
Recorded Book and Page	:	71244 / 192
Number of Pages(including cover sheet)	:	4
Receipt Number	:	2223400
Recording Fee (including excise)	:	\$2,040.20

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 06/29/2018 12:23 PM
Ctrl# 284147 29319 Doc# 00096076
Fee: \$1,915.20 Cons: \$420,000.00

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

QUITCLAIM DEED

I, Elizabeth S. McCarthy, being a single woman, of Littleton, Middlesex County, Massachusetts, Grantor

for consideration paid and in full consideration of the amount of Four Hundred Twenty Thousand and 00/100 (\$420,000.00) Dollars, grant to

William M. Donahue and Kristen E. Donahue, husband and wife and tenants by the entirety, now of 6 Long Lake Road, Littleton, Middlesex County, Massachusetts, Grantee

with Quitclaim Covenants

A certain lot of land, with any buildings thereon, situated on the southerly side of Long Lake Road, Littleton, Mass., bounded and described as follows:

Beginning at a point on said Long Lake Road being the northeasterly corner of the lot, at lot #21 on plan hereinafter mentioned and running thence by lot #21 on said plan southerly one hundred (100) feet, more or less, to a wall at land of Long Lake Development; thence by said wall North 86° 37' West seventy-five (75) feet to lot #19 on said plan; thence by said lot northerly one hundred (100) feet to Long Lake Road; thence by said Road South 86° 37' East seventy-five (75) feet to the place of beginning.

Said premises contain 7,500 square feet, more or less, and are shown on plan entitled "Plan of Long Lake Shores, Goldsmith Street and Town Road, Littleton, Mass. Owned by Thompson Lake Shores Inc." dated April 15, 1945, drawn by Horace F. Tuttle, Surveyor, recorded with Middlesex South District Registry of Deeds in Book 6855, Page End as Plan No. 246 of 1945.

I, Elizabeth S. McCarthy, the Grantor named herein voluntarily release all my rights of homestead, if any, as set forth in M.G.L. chapter 188 and state under the pains and penalties of perjury that there are no other persons entitled to any homestead rights in the subject property.

Bernard C. McCarthy died on October 13, 2006. A death certificate is recorded herewith.

Meaning and intending to convey the same premises conveyed to the Grantor herein by Deed dated July 31, 1963 and recorded with the Middlesex South District Registry of Deeds in Book 10325, Page 109.

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Executed this 5th day of June, 2018.

Elizabeth S. McCarthy
Elizabeth S. McCarthy

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

June 5th, 2018

On this 5th day of June, 2018, before me, the undersigned notary public, personally appeared Elizabeth S. McCarthy, proved to me through satisfactory evidence of identification, which was MDL, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose.

Mary Donegan Fields
Notary Public
My Commission Expires:

