

**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

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ \_\_\_\_\_ Check # 4730

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 Dana McLeod

Print Name Integrity Building + Design Inc

Address 498 Great Road

Address Acton MA 01720

Town, State, Zip

Date: 8/25/2020

Phone # 978-337-4436

Email Address dana.mcleod@integritybuilding.com

Deed Reference: Bk 2089C Page 229

<b>FEES</b>	
Residential Property	\$200 filing fee + \$75 recording fee + \$25 abutter list + \$75 public hearing notice = \$ 375
Commercial Property	\$350 filing fee + \$75 recording fee + \$25 abutter list + \$75 public hearing notice = \$ 525
Comprehensive Permit	\$1000 + \$100/unit over 10 units
Please make check payable to Town of Littleton	

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

Signature Linda R Lord Date 8/25/2020 Phone # 978-952-2836

Print Name (if different from petitioner) Linda Lord

Phone #

Email Lr-lord@yahoo.com

Address (if different from petitioner) 11 Lake Shore Drive

**ASSESSOR MAP & PARCEL NUMBER** Map 217 Parcel 207

**ZONING DISTRICT:** (R) VC B IA IB (Circle all that apply)

Check box if  AQUIFER DISTRICT  
 applicable

WATER RESOURCE DISTRICT

# 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? \_\_\_\_\_
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 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

# 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.*

## **Janet Fairchild**

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**From:** Linda Lord <lr\_lord@yahoo.com>  
**Sent:** Monday, September 14, 2020 9:56 AM  
**To:** Dana McKiel; Janet Fairchild; Diane Crory  
**Subject:** Linda Lord/11 Lake Shore Drive/ Garage Update: Case 952A 10/15/2020

**To:** Littleton ZBA

I am requesting the teardown of my current one car garage and the building of a two car garage. Reason being, I have decided to "Age In Place" here in my home in Littleton.

My goal is to stay as close to the original footprint of the existing garage as possible. By doing so, the side entrance of the new garage will be close to the back door of my home making entry to both my back yard and the new garage very accessible for me.

Keeping close to the original footprint will also keep to the feel of the Lake Neighborhood. The new garage would follow the property line and therefore be more in tune with existing buildings in the neighborhood.

Keeping close to the original footprint would allow me to keep as much of my side yard as possible. It is important to me to have this open space to enjoy viewing the lake, gardening and socializing with friends, family and neighbors.

Lastly, by keeping close to the original footprint I would avoid having to put in a whole new driveway. The existing driveway will line up very well to the new garage with only minor changes needed.

Please contact me should you have any questions or would like to view my property.

Thank you,

Linda Lord  
11 Lake Shore Dr.  
978-952-2636



September 9, 2020

**Project:**

Linda Lord  
11 Lake Shore Drive  
Littleton, MA 01460

Map U17      Parcel 207

**PROPOSED WORK**

The work that is proposed is to remove the existing one car garage and construct a new two car garage. The proposed two car garage is to be moved 2'-0" +/- further away from back property line. This will allow for the saving of a small tree. In addition the garage is proposed to be moved 4'-0" +/- to left of the existing location for flow from the existing staircase and porch area. The reason for the garage is to store existing car and store misc. household goods. (Lawn mower, trash barrels, shovels, tools, etc.) The reason we need ZBA approval is the existing garage is 3.4' off the back property line.

Note From Linda Lord, Owner

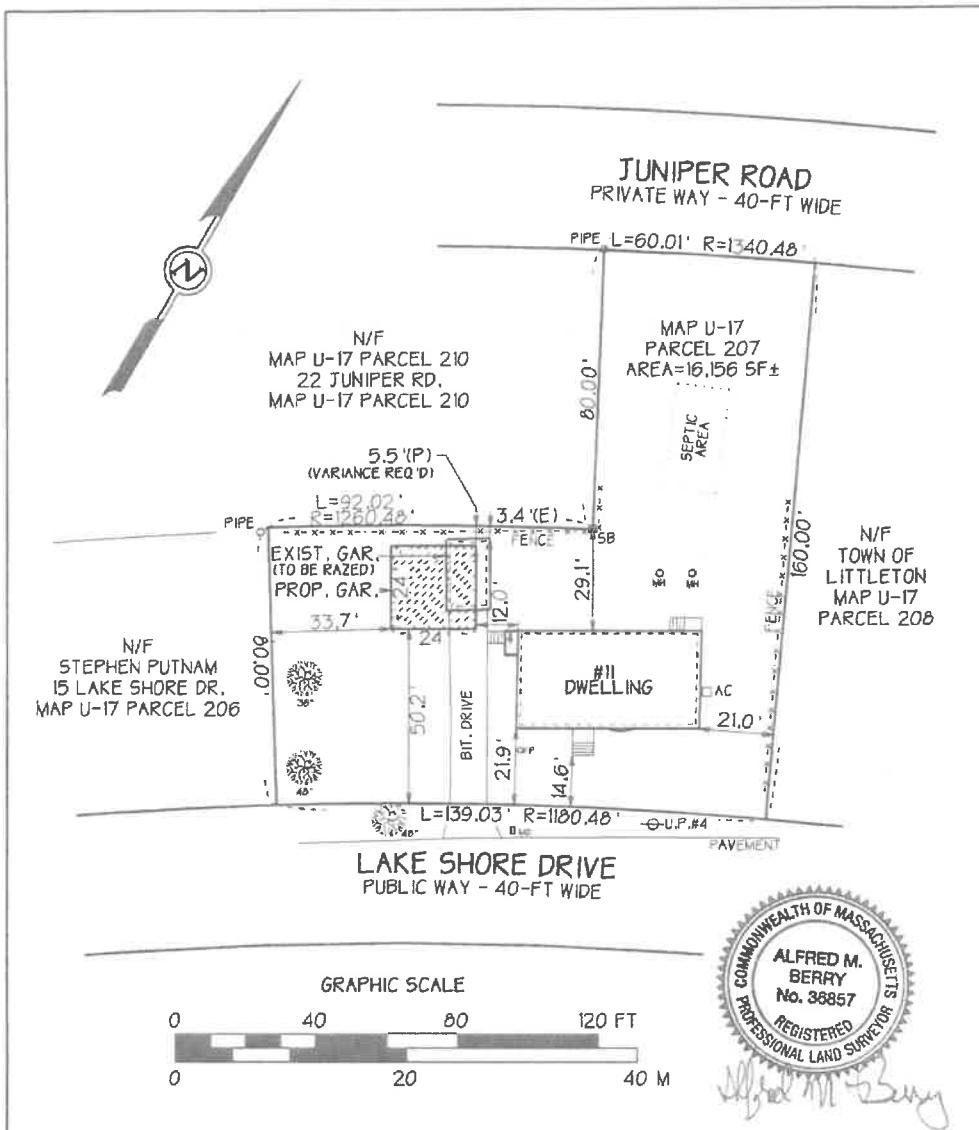
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Thank you Linda Lord.

Sincerely,

Dana McKiel, Integrity  
Building & Design Inc.  
Owner Representative



### SITE DATA

RECORD OWNER: LINDA R. LORD

ASSESSORS MAP U-17 PARCEL 207

MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS:

BK 20896 PG 229 (DEED)  
BK 25490 PG 395 (ZBA DECISION)  
PLAN BK 362 PG 26 (PLAN)  
PLAN NO. 597 OF 1975

ZONING DISTRICT: RESIDENTIAL

MINIMUM REQUIRED SETBACKS (RES)

FRONT YARD: 30-FT  
SIDE YARD: 15-FT  
REAR YARD: 15-FT\*

\* MIN. SIDE AND REAR SETBACK FOR  
ACCESSORY BUILDING = 10-FT  
VARIANCE REQUIRED FOR PROPOSED  
ACCESSORY GARAGE 5.5' OFF REAR LINE

### PLOT PLAN

#### 11 LAKE SHORE DRIVE

LITTLETON, MASSACHUSETTS  
ASSESSORS MAP U-17 PARCEL 207

RECORD OWNER:  
LINDA R. LORD  
11 LAKE SHORE DRIVE  
LITTLETON, MASSACHUSETTS 01460

DATE: SEPTEMBER 2, 2020  
SCALE: 1"=40'

[www.foresitel.com](http://www.foresitel.com)

**FORESITE  
ENGINEERING**  
ENGINEERING SURVEYING PLANNING

16 Gleasondale Road Suite 1-1  
Stow, Massachusetts 01775

Phone: (978) 461-2350

TOWN OF LITTLETON

REQUEST FOR CERTIFIED LIST OF ABUTTERS

THE FEE FOR PREPARING THE LIST IS AS FOLLOWS:

Within 300 feet: \$25.00  
Within 100 feet: \$10.00  
Direct & across the street: \$5.00

THE FEE MUST BE PAID AT THE TIME THE REQUEST IS MADE

Applicant: Dana McKiel Name of Firm: Integrity Building Design Inc  
Address: 498 Great Road Acton MA 01720  
Contact Phone #: 978-337-4436

*Request abutters list for:*

Owner Name: B Linda Lord

Property Location: 11 Lake Shore Drive

Parcel ID: \_\_\_\_\_

Date you need the list by: Sept 4, 2020

The Assessors' Office will generate & certify the requested abutters list, for the appropriate boards. Please check the appropriate departments.

Planning Board	<input type="checkbox"/>	Ch 40A Sec 11 (300 feet)
" "	<input type="checkbox"/>	Ch 41 Sec 81T (ann) (applicant & abutters)
Board of Appeals	<input checked="" type="checkbox"/>	Ch 40A Sec 11 (300 feet)
Conservation Comm	<input type="checkbox"/>	Ch 131 Sec 40 (100 feet)
Board of Selectmen	<input type="checkbox"/>	Ch 138 Sec 12, 15A (abutters & 500 ft if Within school, church or hosp)
Board of Health	<input type="checkbox"/>	310 CMR 15.000 (direct & across the street)
Other	<input type="checkbox"/>	Specify

Mailing labels can be provided for you at an additional charge of \$2.50 per sheet (14 labels per sheet)  Please check here if you would like the labels with this list.

EXHIBIT "A"

Re: 11 Lake Shore Drive  
Littleton, Massachusetts

The land in Littleton, Middlesex County, Massachusetts, with the buildings thereon, described as follows:

Lot Numbers 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1843, 1844 and 1845 as designated and shown on Plan entitled, "Map A of Long Lake, Town of Littleton, Middlesex County, Massachusetts", duly recorded with Middlesex South District Registry of Deeds, October 14, 1925, Book of Plans 362, Page 26.

Reference is made to said plan for a more particular description.

For my title, see Deed recorded at Middlesex South Registry of Deeds, Book 14205, Page 095.

I, Charles T. Peterson  
of 11 Lake Shore Drive, Littleton, Middlesex

County, Massachusetts.

subx

for consideration paid \$ 97,000.00

grant to Daniel J. Lord and Linda R. Lord, husband and wife, as tenants by the entirety,  
both of 11 Lake Shore Drive, Littleton, Middlesex County, Massachusetts

subx

with quitclaim warrants

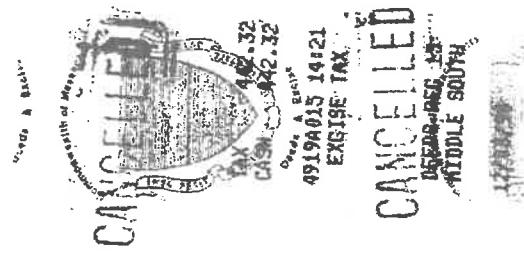
the above

(See accompanying affidavit for stamp)

SEE EXHIBIT "A" ATTACHED HERETO.

Property Address: 11 Lake Shore Drive, Littleton, Massachusetts

State MASS. EXCISE TAX: 442.32 subx



Witness..... my hand and seal this 30th day of November 1990

  
Charles T. Peterson

25.00

The Commonwealth of Massachusetts

Suffolk..... ss. November 30, 1990

465

Then personally appeared the above named Charles T. Peterson

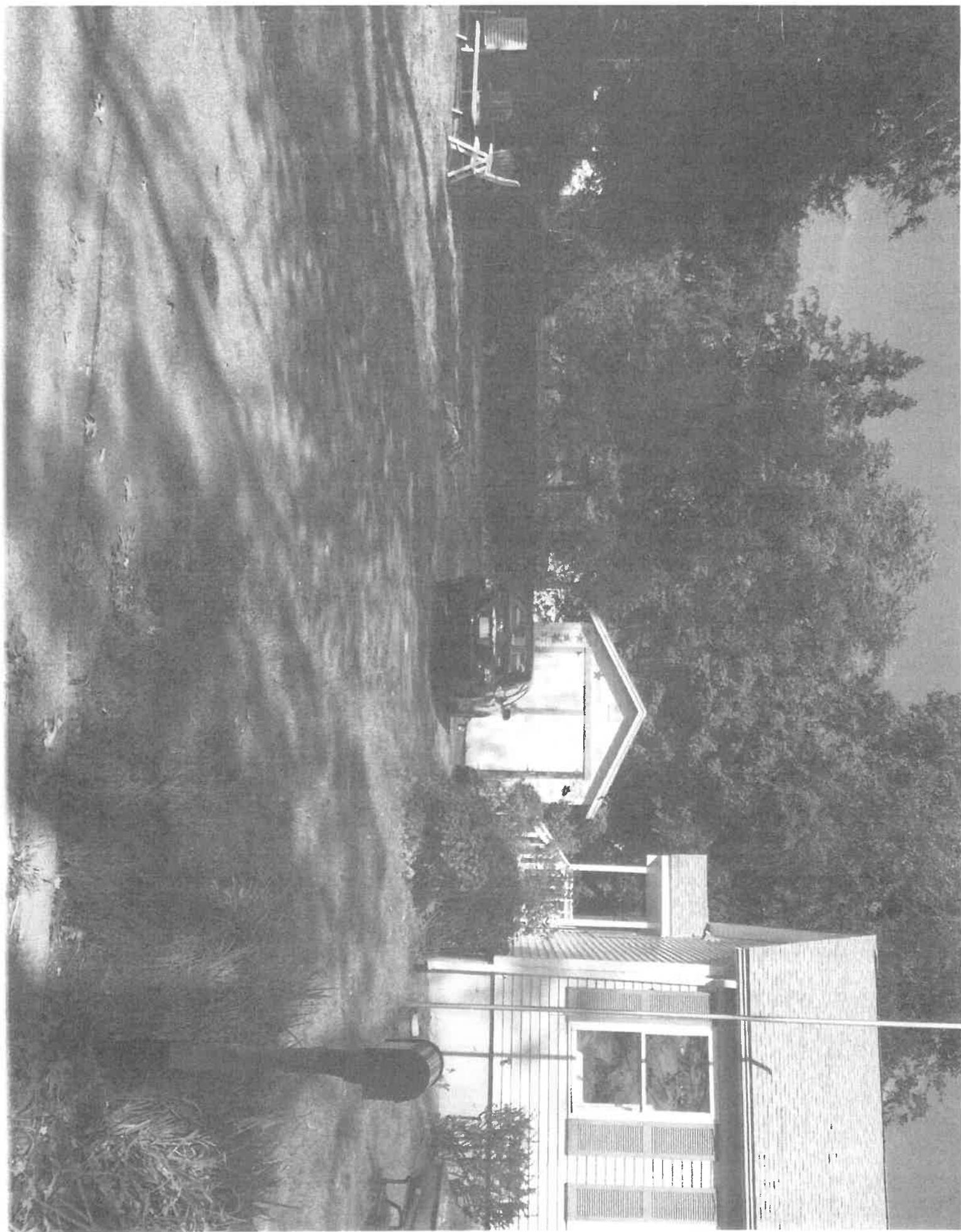
466

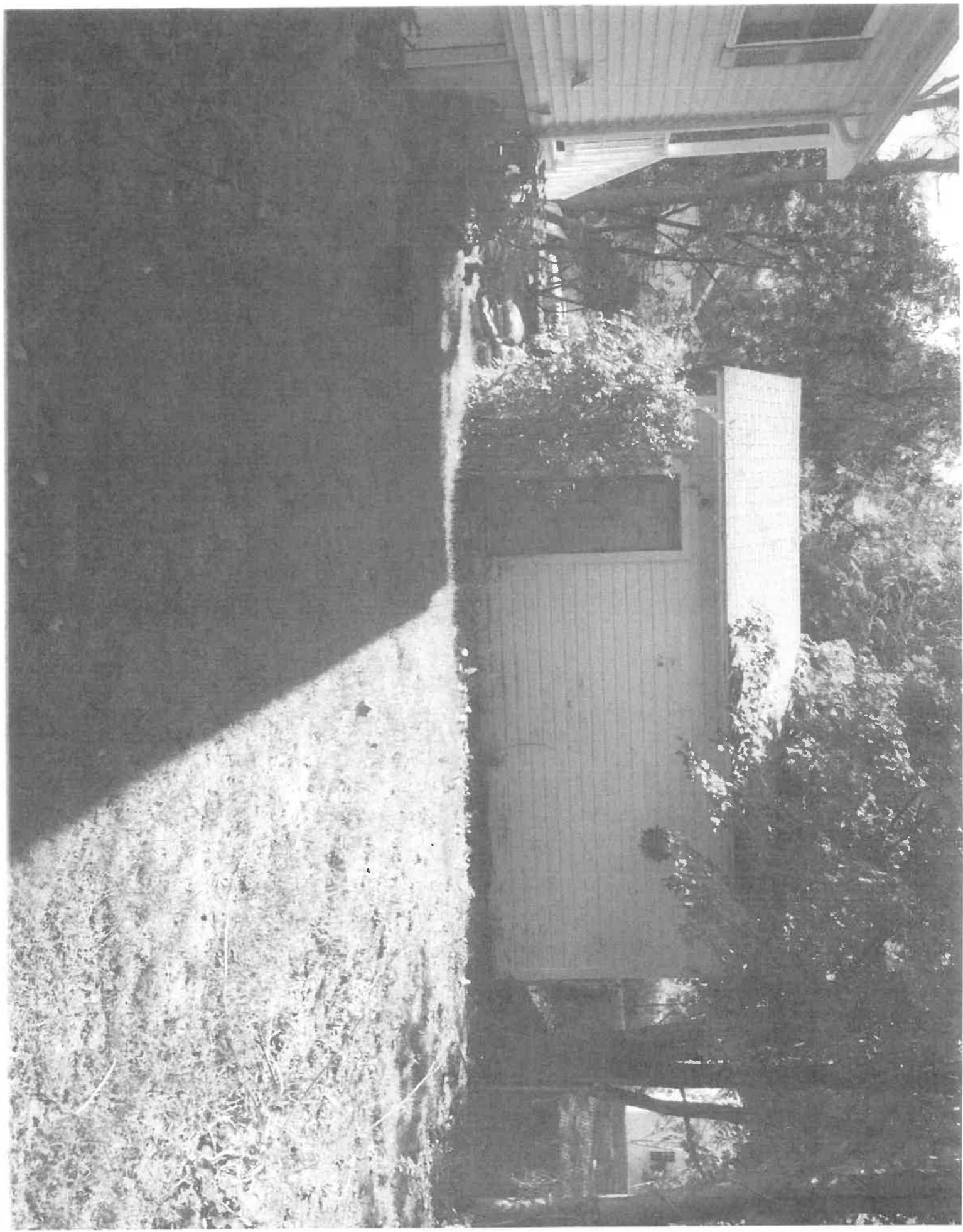
and acknowledged the foregoing instrument to be his free act and deed, before me,

  
Notary Public  
My Commission expires 10/2/92

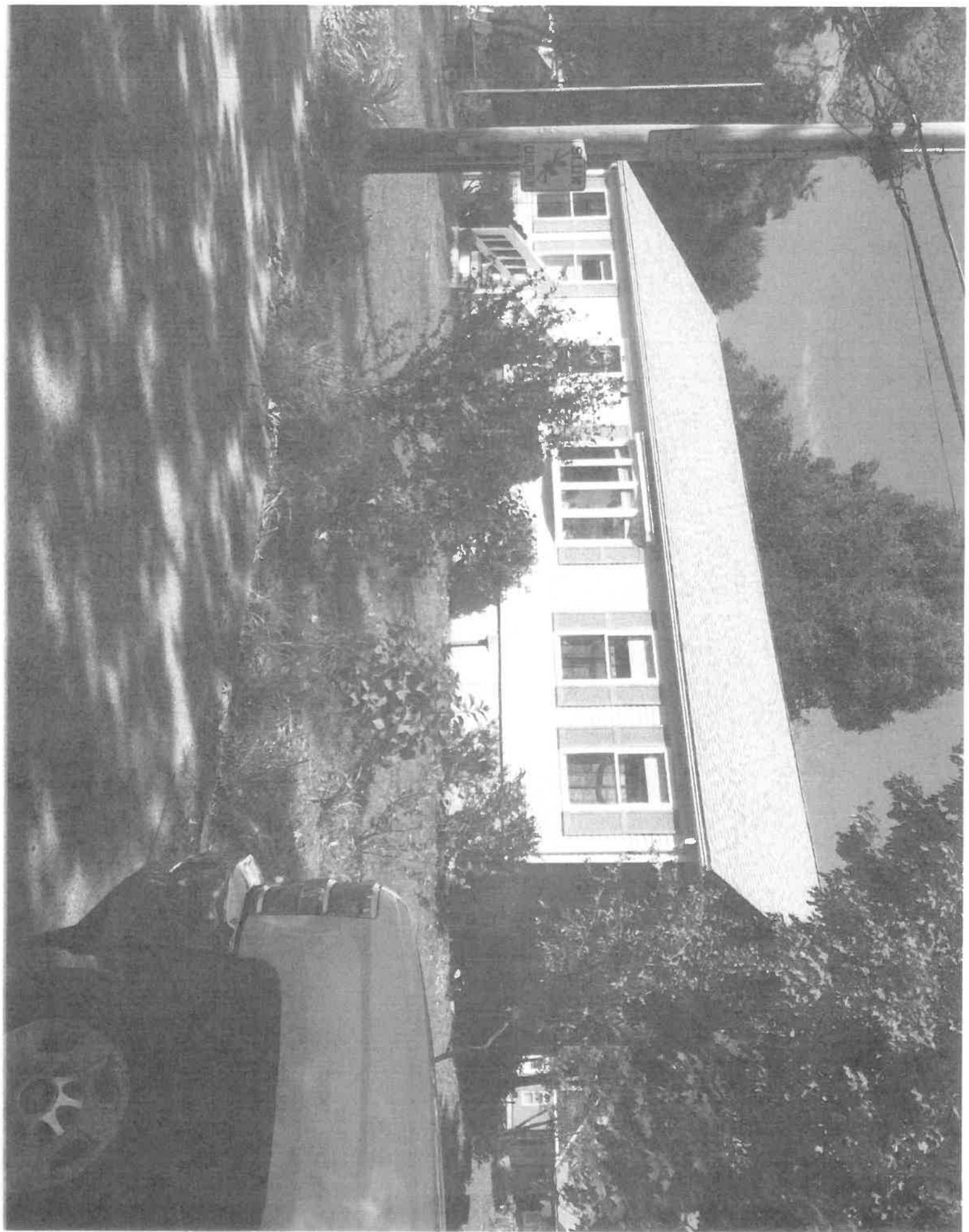
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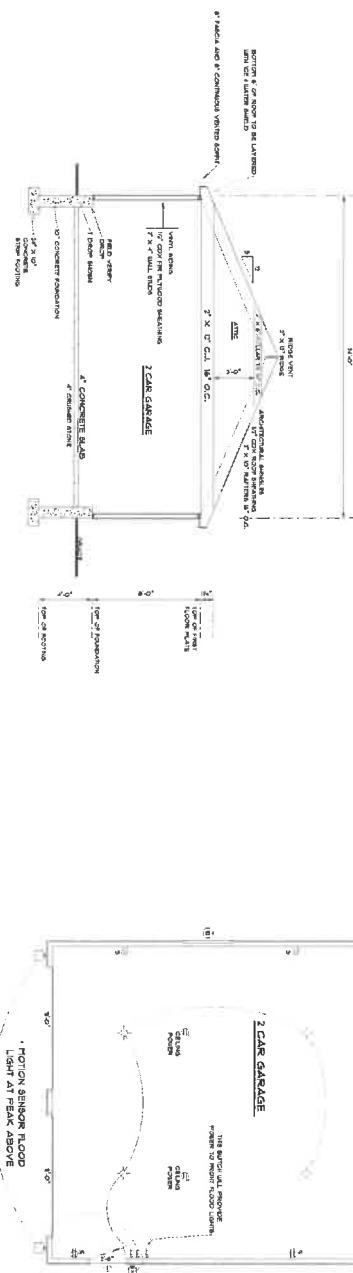






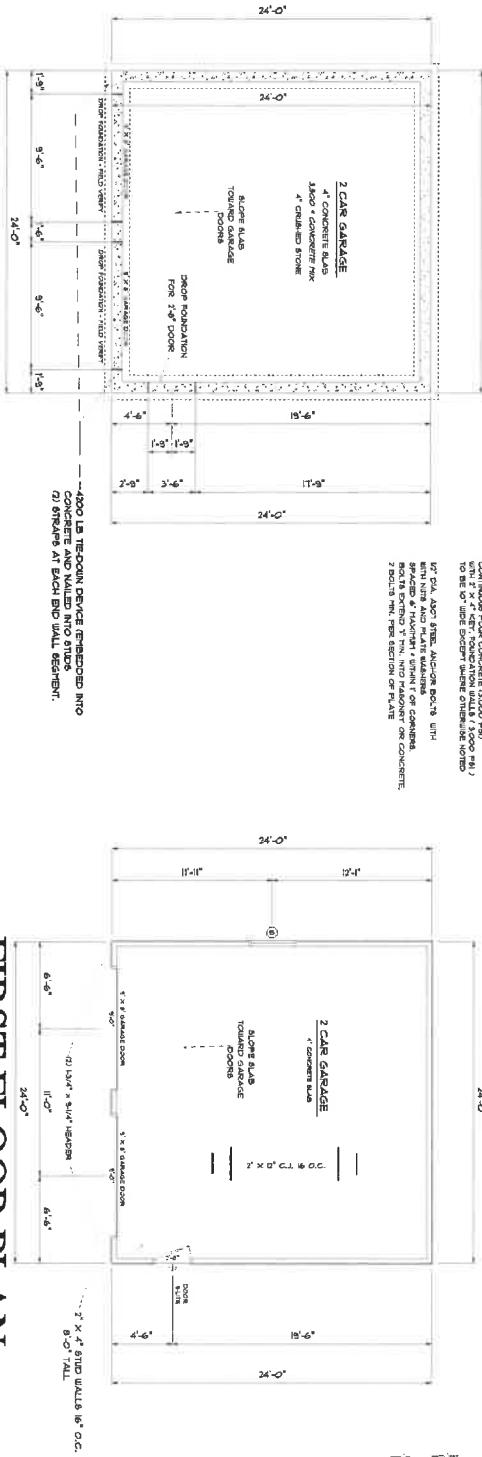
## CROSS SECTION

## ELECTRICAL PLAN



## FOUNDATION PLAN

FIRST FLOOR PLAN



#### GENERAL FOUNDATION NOTES:

DO NOT SCALE DRAWINGS USE WRITTEN NUMBERS

1/2" CDA ALST. STEEL. ANCHOR BOLTS WITH  
NUTS AND PLATE WASHERS  
SPACED 6" MAXIMUM & WITHIN 1" OF CORNERS.  
BOLTS EXTEND 1/2" MIN. INTO MASONRY OR CONCRETE.  
2 BOLTS MIN. PER SECTION OF PLATE

DRAFT PRINTERS' AND PUBLISHERS' GUIDE

The computer will verify all standard components and verify all elevations & dimensions in the studio. Once confirmed, the design will be rendered, changes or edits will be made, and finally the computer will verify all standard components and verify all elevations & dimensions in the studio. Once confirmed, the design will be rendered, changes or edits will be made, and finally

has begun. Intaglio Design will not assume any liability for criticism, changes or errors of any type.

EXTERIOR WINDOW DIMENSIONS ARE ROUGH OPENINGS IF GIVEN.  
INTERIOR AND EXTERIOR DOORS ARE DOOR SIZES

ALL FRAMING MATERIAL UNLESS OTHERWISE NOTED  
TO BE STAMPED S.P.F. K.D. 2 OR BETTER

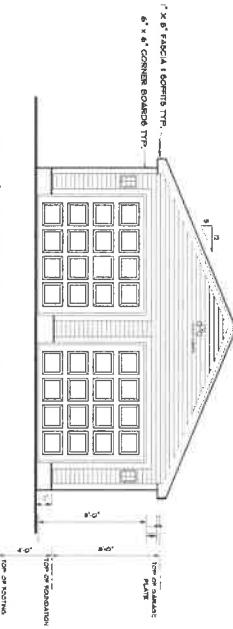
ALL BEARING WALL HEADERS  
REQUIRE DBL. JACK STUDS - MIN.

ALL FLUSH PRINTED BEAMS REQUIRE  
JOIST HANGERS FOR ANY ATTACHED JOISTS

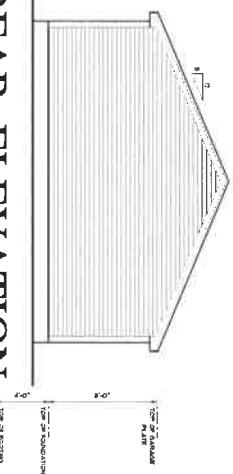
<b>KYRIEY</b>	
<b>DESIGN</b>	<b>BUILDER</b>
	<b>LORD - TWO CAR GARAGE</b>
<b>SITE</b>	111 Elm St., New Haven
<b>SCALE</b>	1/4" = 1'-0"
<b>DATE</b>	August 15, 2010
<b>DRWING NO.</b>	DRW-002
<b>FOUNDATION AND FIRST FLOOR PLANS</b>	
ACROSS SECTION	



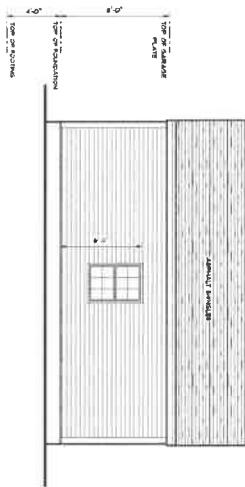
## FRONT ELEVATION



## REAR ELEVATION



**LEFT ELEVATION**



**RIGHT ELEVATION**

