

ZBA Case No.: 953 A Address 6 Emerson



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 9/9/20 1:25PM K The filing is not official until stamped by the Town Clerk Filing Fee paid: \$ 405 Check # 200

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

FEES Residential Property \$200 filing + \$105 recording fee + \$25 abutter list + \$75 public hearing notice = \$ 405 Commercial Property \$350 filing + \$105 recording fee + \$25 abutter list + \$75 public hearing notice = \$ 555 Comprehensive Permit \$1000 + \$100/unit over 10 units Please make check payable to Town of Littleton

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 *Nathalie Barre* Date: 8/31/2020 Phone # 617 869 9357 Email Address nathaliebarre@gmail.com Town, State, Zip Littleton, MA 01460

PROPERTY OWNER: *Nathalie Barre* Date: 8/31/2020 Phone # same Email same Print Name (if different from petitioner) Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER ZONING DISTRICT: R VC B IA IB (Circle all that apply) Check box if applicable: AQUIFER DISTRICT WATER RESOURCE DISTRICT

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.

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.

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, § 9A, and 9B.

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.

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.

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.
2. Which statute or Zoning Bylaw do you rely for your appeal?
Mandatory: Attach copies of written order or decision under appeal.
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.

Administrative Official

Date of order / decision

Zoning Bylaw §

Code of Litleton §

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?
Mandatory: Attach copies of written order or decision under appeal.
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

Page 2

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?
Mandatory: 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.
Mandatory: 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

September 5, 2020

Dear Zoning Board Members,

We have lived at 6 Emerson Drive in Littleton in the Long Lake Neighborhood for almost 4 years, and plan to stay in our home for many years to come. We love our home, but one aspect of our house worries us every winter. We have a metal roof, so when the sun is shining the roof starts melting from underneath, when it falls it hits the ground like an avalanche. The first time this happened, I was sitting in our living room, and thought we were in the middle of an earthquake. The problem is our front door has no roof above it - so when the snow falls from the main roof it could be very dangerous if we are standing at the front door, walking in or out. There can also be huge icicles hanging, so when that happens or when there is snow, I make our two daughters stand far from the door while I unlock it - then tell them to run in just in case the snow or icicles are going to fall. It's especially worrisome when we have guests who might be waiting at the door for us to answer.

We've decided the risk is too great and honestly entering the home is quite stressful in the winter so we'd like to add an A framed roof above our door, to protect ourselves.

We have met with Henry Whitcomb, of Littleton, and would like to hire him to complete the work. He said the roof would come out about 4 feet. As of now our house is 26 feet from the street.

Thank you so much for your time.

Nathalie Daniel
6 Emerson Drive
Littleton, MA 01460

August 30, 2020

Dear Zoning Board Members,

We have lived at 6 Emerson Drive in Littleton in the Long Lake Neighborhood for almost 4 years, and plan on staying in our home for many years to come. Our two daughters attend school at Russell Street. We love our home, but one aspect of our house worries us every winter. We have a metal roof, so when the sun is shining the roof starts melting from underneath, when it falls it hits the ground like an avalanche. The first time this happened, I was sitting in our living room, and thought we were in the middle of an earthquake. The problem is our front door has no roof above it - so when the snow falls from the main roof it could be very dangerous if we are standing at the door. There can also be huge icicles hanging, so when there is snow/ice I make the girls stand in the front yard while unlock the door and open it - then I tell them to run in. I worry especially when we have guests. I am afraid when they arrive and knock on our door the snow will fall while they're waiting for us to open it.

We've decided the risk is too great and honestly entering the home is quite stressful so we would like to add an A frame roof above our door so that when we're coming in and out of the house we are protected from the snowfall and icicles.

We have met with Henry Whitcomb, of Littleton, and would like to hire him to do the work. He said a roof coming out 4 inches would be enough to protect us.

Thank you,
Nathalie Daniel
6 Emerson Drive
Littleton, MA

*Forgot to mention the house is 26 inches from the street.

Middlesex South Registry of Deeds
Electronically Recorded Document

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

Recording Information

Document Number : 188334
Document Type : DEED
Recorded Date : October 24, 2016
Recorded Time : 08:27:49 AM

Recorded Book and Page : 68256 / 193
Number of Pages(including cover sheet) : 3
Receipt Number : 2008830
Recording Fee (including excise) : \$1,857.80

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 10/24/2016 08:27 AM
Ctr# 252436 11104 Doc# 00188334
Fee: \$1,732.80 Cons: \$380,000.00

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

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1

QUITCLAIM DEED

FTB Homes, LLC, a Massachusetts Limited Liability Company, with a principal place of business of 24 Hartwell Avenue, Littleton, Massachusetts 01460

for consideration paid and in full consideration of **\$380,000.00**
(Three Hundred Eighty Thousand and 00/100 Dollars)

grants to **Peter N. Daniel and Nathalie T. Daniel**, Husband and Wife, Tenants by the Entirety, of 6 Emerson Drive, Littleton, MA 01460

with QUITCLAIM COVENANTS

The land in Littleton, Middlesex County, Massachusetts, with the buildings thereon, situated on the southerly side of Emerson Drive, being shown as lots numbered 1420, 1421, 1422, and 1423 on a plan entitled "Map A of Long Lake, Town of Littleton, Middlesex County, Massachusetts", which plan is recorded with the Middlesex South District Registry of Deeds in Book of Plans No. 362, on Plan No. 26, said lots together being bounded and described as follows:

NORTHERLY by Emerson Drive, as shown on said plan, eighty (80) feet;
EASTERLY by Elm Road, as shown on said plan, one hundred (100) feet;
SOUTHERLY by Lot 1449, as shown on said plan, eighty (80) feet; and
WESTERLY by Lot 1419, as shown on said plan, one hundred (100) feet.

Containing 8,000 square feet of land, more or less, according to said plan.

Said premises are conveyed subject to and with the benefit of all covenants, conditions and restrictions of record, insofar as the same are now in force and applicable, and the right to use the streets and ways as shown on said plan with others legally entitled thereto for all purposes for which said streets and ways are used in the Town of Littleton.

Meaning and intending to convey and hereby conveying the same premises conveyed by deed recorded with said Deeds in Book 66301 Page 168.

6 Emerson Drive, Littleton, MA

The within premises was not homestead property of the Grantor and Grantor does under oath depose and say that there are no other individuals entitled to claim the benefit of any existing estate of homestead in and to the property.

This conveyance does not constitute the sale or transfer of all or substantially all of the grantor's assets within the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, FTB HOMES, LLC has caused this Deed to be duly executed this 21st day of October, 2016, by and through Ralph R. Ogilvie, its duly authorized Manager,

FTB HOMES, LLC



by: Ralph R. Ogilvie, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 21st day of October, 2016, before me, the undersigned notary public, personally appeared Ralph R. Ogilvie, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager of FTB HOMES, LLC, a Massachusetts Limited Liability Company.

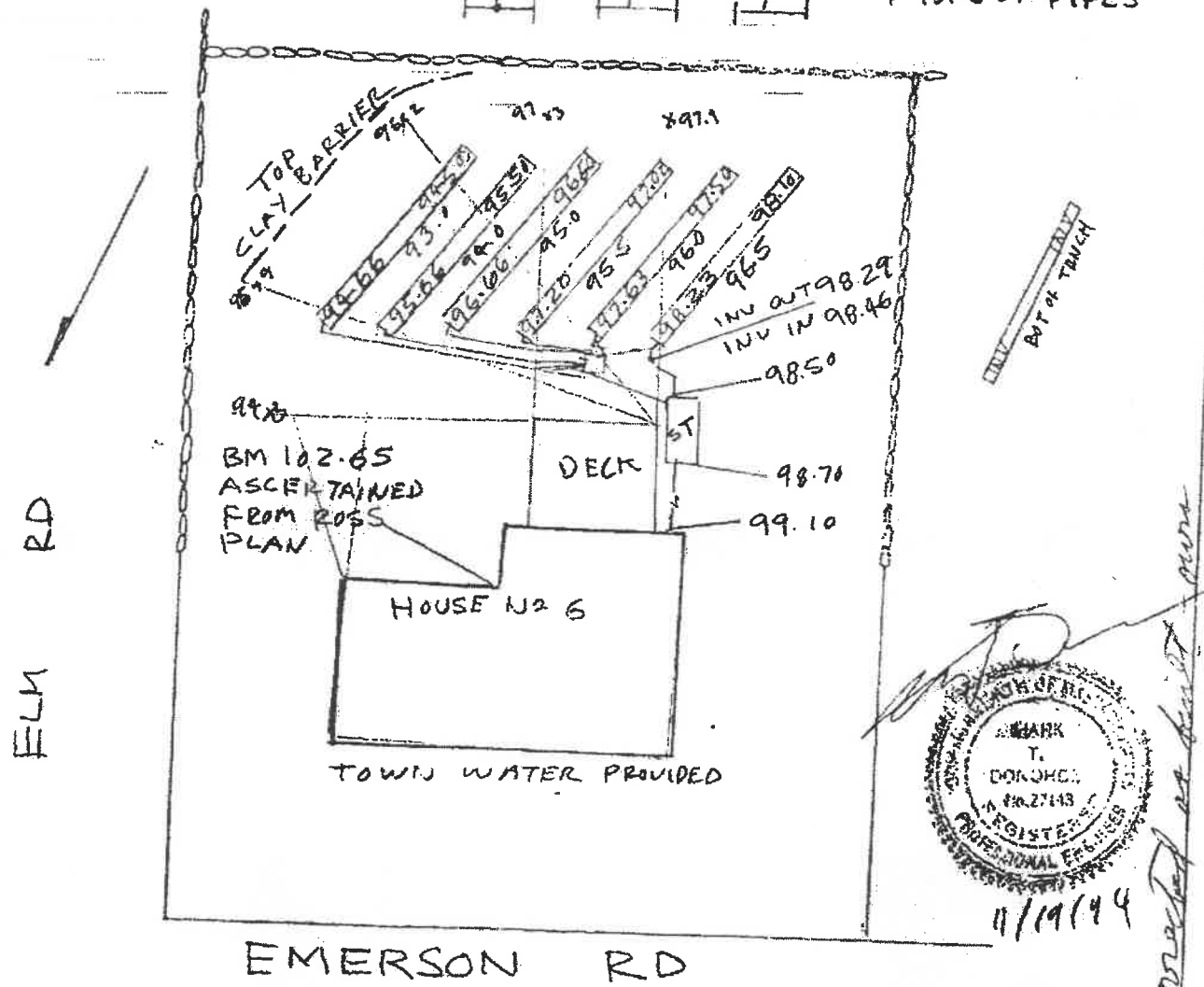



Notary Public: Christine Morgan
My commission expires: 5-23-2019

LAND DESIGN SERVICES
 P.O. Box 647
 ACTON, MA 01720
 (508) 635-9112
 FAX (508) 635-0572

JOB _____
 SHEET NO. _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____

FROM OBSERVATIONS OF OTHERS
 INVERTS (TOP OF PIPES)
 BOTTOM OF TRENCH
 & TOPS OF PIPES



AS BUILT PLAN SCALE 1"=20'

1. Property line and house locations from plan prepared by Ross - bench mark was ascertained from Ross Plan.
2. Lower two trenches were observed by S. Sears and elevation information shown is based on level of pea stone. (10/27/90) mtd
3. Date of observations 10/28/94 SPOT GRADES ADD'D 4/3/95 mtd.

4/5/95 corrected as built plan

