

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 M.G.L. 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 Enforcement 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 2 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.

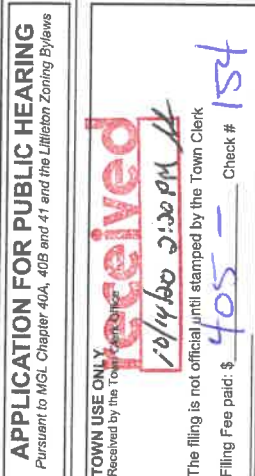
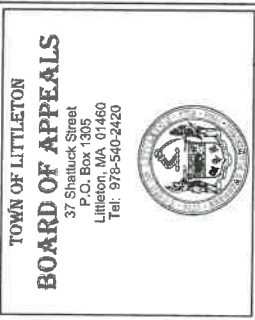
What is a Variance?

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.

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ZBA Case No.: 954A

Address 420 Newtown



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

John Scott
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 *John Scott* Date: 10/17/20
 Print Name: John Scott Phone #: 978-302-8677
 Address: 420 Newtown Rd Email Address: john.scott@lc6mail.com
 Town, State, Zip: Littleton MA 01460 Deed Reference: Bk _____ Page _____

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned
 Signature: *John Scott* Date: 10/17/20 Phone #: 978-302-8677
 Print Name (if different from petitioner): John Scott Email: john.scott@lc6mail.com
 Address (if different from petitioner): _____

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

john.scott@lc6mail.com

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

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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-G 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

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Littleton Zoning Board of Appeals

Hello, we are the Scott's, Rebecca and John. We live at 420 Newtown Road in Littleton. We have both grown up in Littleton and are now starting our own family here. We have a six month old daughter, Sadie. Improvements to our house are vital, as Sadie will soon be on the move. The current state of our breezeway and garage are mold and rotting away. We are requesting to improve the look, function, and value of our home. As of right now the way our garage looks is not appealing, outside or inside. Due to the lack of quality and quantity of our garage we are not able to use it for its purpose. Adding a two car garage onto our home including a breezeway would allow us to safely exit and enter our home with our daughter. A two car garage is necessary for the sizes of our vehicles (truck and SUV). Because of the size and shape of our lot there is no other place to build a garage. Our neighbors garage is about 40ft off of the property line and after speaking with our neighbors at, 416 Newtown Rd, they have no complaints about this new garage. Please accept our request to build our garage 6ft in the front and 11ft in the back off of the property line.

Best Regards,

John, Rebecca and Sadie Scott

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING

Certified Plot Plan

420 Newtown Road
Littleton, Mass.
TOWN STREET

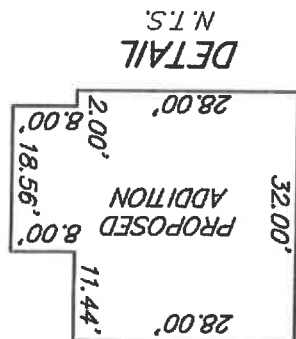
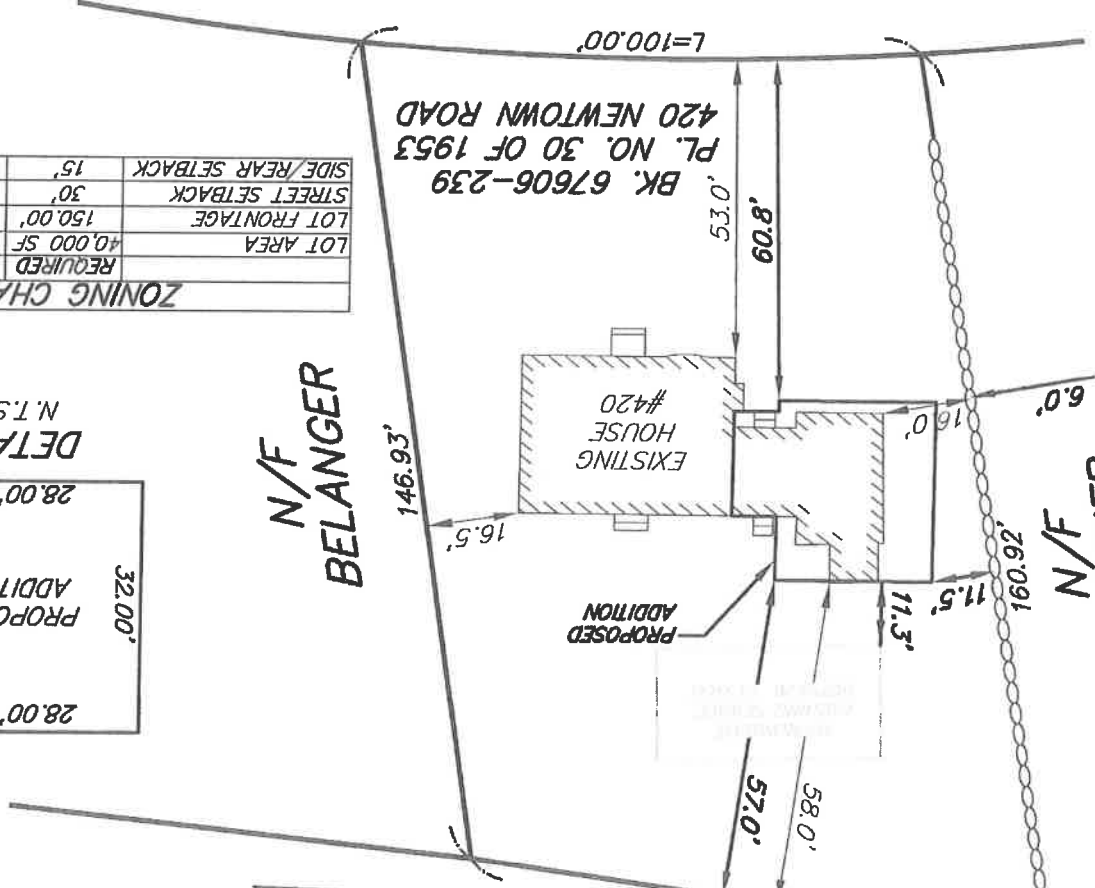
David E. Ross Associates, Inc.
6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-6232 FAX 772-6258



SURVEYOR

9-25-2020

TOWN OF LITTLETON
N/F



ZONING CHART

LOT AREA	40,000 SF	REQUIRED	15,177 SF	PROP.
LOT FRONTAGE	150.00'	REQUIRED	100.00'	
STREET SETBACK	30'	REQUIRED	53.0'	60.8'
SIDE/REAR SETBACK	15'	REQUIRED	16.0'	6.0'

Zoning Classification: Residential
Scale 1"=30'

I certify that the existing house and proposed addition are located on the lot as shown.
I further certify that the existing house and proposed addition are located within Flood Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Littleton, Community Panel No.250200 0239F dated July 7, 2014.

REFERENCES: Job #33390,NB 823-40, Job #32626
PLAN NO. S-14405



google.com/search?q=420+nev



Photographs may show

Elenc

REVER



familyhomeplans.com/house-p

QUITCLAIM DEED

MATTBOB, INC., a Massachusetts Corporation, with a principal office located at 442 King Street, Littleton, Middlesex County, Massachusetts

for consideration paid and in full consideration of **TWO HUNDRED FORTY THOUSAND AND 00/100 (\$240,000.00) DOLLARS**

grant to **JOHN B. SCOTT**, an unmarried man, of 420 Newtown Road, Littleton, Middlesex County, Massachusetts

with Quitclaim Covenants

The land with the buildings thereon, located at 420 Newtown Road in said Littleton, and bounded and described as follows:

- NORTHWESTERLY** by Newtown Road, one hundred three (103) feet;
- NORTHERLY** by land now or formerly of C.H. Yapp, as shown on a plan hereinafter mentioned, one hundred fifty (150) feet;
- SOUTHEASTERLY** by land of owners unknown, as shown on said plan, one hundred three (103) feet; and
- SOUTHERLY** by land now or formerly of George A. Yapp, as shown on said plan, one hundred fifty feet.

Being the parcel of land shown on plan entitled "Land in Littleton," surveyed for Charles H. Yapp by S. C. Frost dated October 30, 1952 and recorded with Middlesex South District Registry of Deeds in Book 8018, Page 206.

The above premises are conveyed subject to a taking by the Town of Littleton for the relocation of Newtown Road as set forth in an instrument recorded with said Deeds in Book 9869, Page 57.

This sale does not constitute a sale of all or substantially all of the assets of the Corporation.

This is not homestead property of the Grantor and therefore no one is entitled to a homestead exemption on this property.

Being the same premises conveyed to Grantor by Deed dated November 23, 2015, and recorded with the Middlesex South District Registry of Deeds in Book 66429, Page 267.



Middlesex South Registry of Deeds

Electronically Recorded Document

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

Recording Information

Document Number	: 115873
Document Type	: DEED
Recorded Date	: Julv 13. 2016
Recorded Time	: 09:15:47 AM
Recorded Book and Page	: 67606 / 239
Number of Pages(including cover sheet)	: 3
Receipt Number	: 1965365
Recording Fee (including excise)	: \$1,219.40

 MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 07/13/2016 09:15 AM
 Ctr# 246123 27931 Doc# 00115873
 Fee: \$1,094.40 Cons: \$240,000.00

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

Executed as a sealed instrument this 12th day of July, 2016.

MATTBOB, INC.

Matthew P. Field
Matthew P. Field, President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

July 12, 2016

On this day, before me, the undersigned Notary Public, personally appeared the above-named MATTHEW P. FIELD, as President and Treasurer of MattBob, Inc., who proved to me through satisfactory evidence of identification, which was the presentation of a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose and who swore or affirmed to me that contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Sherrill K. Gould
Notary Public: Sherrill K. Gould
My Commission Expires: 05/22/20

**OFFICE OF THE
BOARD OF APPEALS**
37 Shattuck Street, Room 302
978-540-2420
Littleton, Massachusetts 01460



**LEGAL NOTICE
NOTICE OF HEARING**

The Littleton Board of Appeals will conduct a public hearing on Thursday, October 15, 2020 at the Littleton Town Offices (please see website for specific Zoom invitation) to consider the following petition:

7:15pm Case 954A The petitioner, John Scott, requests a Special Permit/Variance pursuant to Section 173-10 and 173-31 for a pre-existing non-conforming structure at **420 Newtown Road.**

LITTLETON BOARDS OF APPEALS
Marc Saucier
Zoning Board of Appeal Clerk

Eagle Independent 10/23 and 10/30/2020

