

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, §81 Y 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 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.: _____ Address: 15 Chestnut Lane Ext



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
4/16/2020 11:45 AM
Please Croy

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 375

Check # 0053

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

William Sturtz

Date: 4-13-2020

Print Name

3 Buttonwood Way

978-490-0975

Bill Sturtz Finish Construction Co

Address

Littleton, MA 01460

Email Address

Deed Reference: Bk 73407 Page 111

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

See authorization letter

978-376-5841

Signature

Fanny Milmarisky

Phone #

f.milmarisky@comcast.com

Print Name (if different from petitioner)

327 Berlin Road Bolton MA

Email

Address (if different from petitioner)

01740

ASSESSOR MAP & PARCEL NUMBER: R 16 14

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

- ☐ Check box if applicable
- ☐ AQUIFER DISTRICT
- ☒ WATER RESOURCE DISTRICT

FEES
Residential Property: \$300 filing fee + \$75 recording fee + \$25 abatement fee + \$75 public hearing notice = \$575
Commercial Property: \$350 filing fee + \$75 recording fee + \$25 abatement fee + \$75 public hearing notice = \$625
Comprehensive Permit: \$1000 - \$1000 over 10 units
Please make check payable to Town of Littleton

Page 1

Adopted 10-17-19

Appeal

Under MGL c. 40A § 9

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

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? 173-60 Detached Accessory Apartment

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, addition 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

Page 3

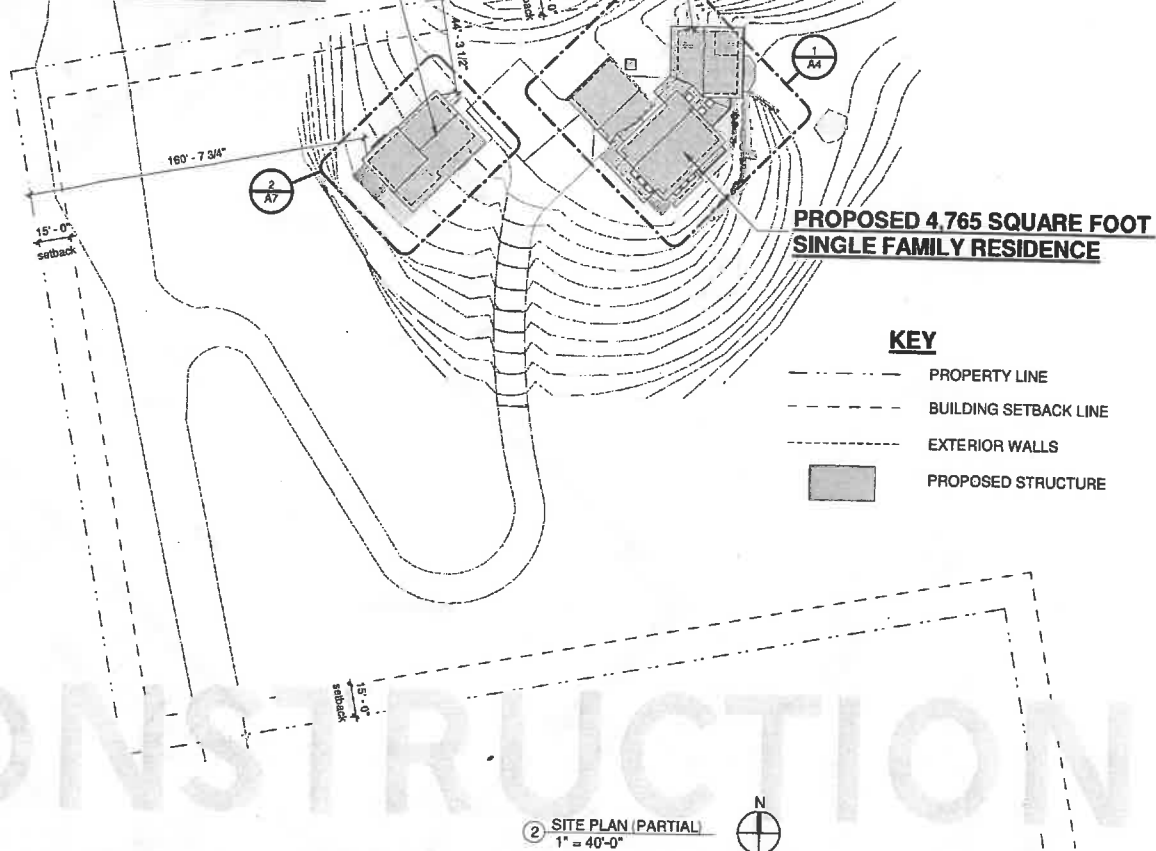
DRAWING INDEX

Sheet Number	Sheet Name	Sheet Author	Current Revision Date	Issued For ZBA Application 4-14-20	Issued For Permit	Issued For Construction	Revisions
A1	SITE PLAN & PROJECT INFO	P+D					
A2	GENERAL NOTES, ABBREVIATIONS	P+D					
A3	MAIN HOUSE - BASEMENT PLAN	P+D					
A4	MAIN HOUSE/GARAGE - FIRST FLOOR PLAN	P+D					
A5	MAIN HOUSE - MEZANINE PLAN	P+D					
A6	MAIN HOUSE ROOF PLAN	P+D					
A7	GUEST HOUSE PLANS	P+D					
A8	MAIN HOUSE EXTERIOR ELEVATIONS	P+D					
A9	MAIN HOUSE EXTERIOR ELEVATIONS	P+D					
A10	MAIN HOUSE EXTERIOR ELEVATIONS	P+D					
A11	GARAGE EXTERIOR ELEVATIONS	P+D					
A12	GUEST HOUSE EXTERIOR ELEVATIONS	P+D					
A13	MAIN HOUSE BUILDING SECTIONS	P+D					
A14	MAIN HOUSE BUILDING SECTIONS	P+D					
A15	MAIN HOUSE BUILDING SECTIONS	P+D					
A16	GUEST HOUSE BUILDING SECTIONS	P+D					
A17	GUEST HOUSE BUILDING SECTIONS	P+D					
A18	WALL SECTIONS	P+D					
A19	WALL SECTIONS	P+D					
A20	DETAILS	P+D					
A21	DETAILS	P+D					
A22	WINDOW SCHEDULE AND DETAILS	P+D					
A23	DOOR SCHEDULE AND DETAILS	P+D					
S1	RESERVED FOR STRUCTURAL	SED					
S2	RESERVED FOR STRUCTURAL	SED					
S3	RESERVED FOR STRUCTURAL	SED					
S4	RESERVED FOR STRUCTURAL	SED					
S5	RESERVED FOR STRUCTURAL	SED					
S6	RESERVED FOR STRUCTURAL	SED					
S7	RESERVED FOR STRUCTURAL	SED					
S8	RESERVED FOR STRUCTURAL	SED					
S9	RESERVED FOR STRUCTURAL	SED					
S10	RESERVED FOR STRUCTURAL	SED					
S11	RESERVED FOR STRUCTURAL	SED					
S12	RESERVED FOR STRUCTURAL	SED					
L1	RESERVED FOR LANDSCAPE	RDG					
L2	RESERVED FOR LANDSCAPE	RDG					
L3	RESERVED FOR LANDSCAPE	RDG					
L4	RESERVED FOR LANDSCAPE	RDG					
L5	RESERVED FOR LANDSCAPE	RDG					
L6	RESERVED FOR LANDSCAPE	RDG					
L7	RESERVED FOR LANDSCAPE	RDG					
I1	RESERVED FOR INTERIORS	TED					
I2	RESERVED FOR INTERIORS	TED					
I3	RESERVED FOR INTERIORS	TED					
I4	RESERVED FOR INTERIORS	TED					
I5	RESERVED FOR INTERIORS	TED					

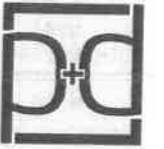
SYMBOLS:
■ FIRST ISSUE
□ ISSUED WITH REVISIONS
□ ISSUED WITHOUT REVISIONS

ABBREVIATIONS:
P+D = PURPOSE + DESIGN
SED = STRUCTURAL ENGINEERING AND DESIGN LLC
RDG = REGENERATIVE DESIGN GROUP
TED = THAYNE EMRICH DESIGN LLC

PROPOSED 1,200 SQUARE FOOT GUEST HOUSE



ARCHITECT:



PURPOSE + DESIGN
270 Hillside Ave
Pawtucket, RI 02860
347/38716757
stephanie@purposeanddesign.com

STRUCTURAL ENGINEER:

PROJECT CONTACTS

Owner:
Fanny Milnarsky
387 Berlin Road
Bolton, MA 01740
978-376-5841
fm@octoscope.com

Architect:
Purpose+Design
Stephanie Metz/Principal
16 Frigade Avenue
Providence, RI 02906
347-387-6757
stephanie@purposeanddesign.com

Contractor:
Start to Finish Construction
Bill Sturtz
3 Burtonwood Way
Littleton, MA 01460
978-953-4044
bill@starttofinishconstruction.co

Structural Engineer:
Structures Engineering and Design LLC
Jeremy Page, P.E.
Mail: 23 Burnell Rd.
Harrisville, RI 02830
401-258-6784
jeremy.page@structures-llc.com

Landscape Architect:
Regenerative Design Group
Rachel Lindsay
1 Chevalier Ave, Greenfield, MA
413-376-5510
rachel@regenerativedesigngroup.com

Interior Designer:
Thayne Emrich Design LLC
Thayne Emrich
119 Merriam Ave
Leominster, MA 01453
(978) 828-4894
thayne@thayneemrichdesign.com

SCOPE OF WORK

- The construction of a new 5,190 SF single family residence at 15 Chestnut Lane Littleton, Ma.
- The construction of a new 1,200 square foot guest house

CODE & ZONING INFORMATION

Referenced Codes:

SBC-1 Rhode Island State Building Code
Incorporates the International Building Code, 2012 Edition, by reference
SBC-2 Rhode Island State One and Two Family Dwelling Code
Incorporates the International Residential Code, 2012 Edition, by reference

Occupancy Use: R-1 Single Family
Construction Type: SB - combustible unprotected

Zoning:
Zone R

Building / Site Characteristics:

Number of Stories: 2
Proposed Height of Main House: ~26'-0"
Proposed Height of Accessory Structure: ~19'-0"

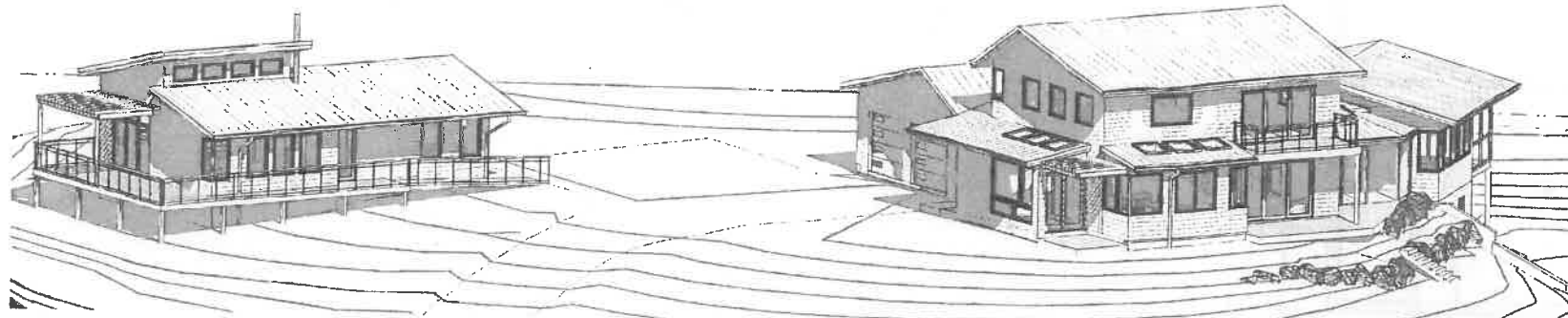
Proposed Main House Floor Area:
Basement Area: 2,098 sf gross
First Floor Area: 2,119 sf gross
Mezzanine Floor Area: 558 sf gross
Total Main House Floor Area: 4,765 sf gross
Screened Porch: 308 sf gross

Accessory Structure Floor Area:
Allowable: 4,765 x 30% = 1,429.5 (use 1,200 max.)

First Floor Area: 1,200 sf gross
(+1,180 unfinished basement, accessible from exterior only)

Lot Coverage:

Lot Area: 363,728 sf
Primary Structure Footprint: 2,427 sf (.67%)
Accessory Structure Footprint: 1,200 sf (.33%)



PERSPECTIVE
N.T.S.

Hill House

15 Chestnut Lane
Littleton, MA 01460

REVISIONS	ISSUE DATE
ZBA Application	04-14-20

DRAWN: _____ CHECKED: _____
DATE: 04-14-20
SCALE: As Noted
JOB NO: _____
SHEET

SITE PLAN &
PROJECT INFO

A1

NOT FOR CONSTRUCTION

MAIN HOUSE BASEMENT SLAB: 387.07'
MAIN HOUSE LEVEL 1 SUBFLOOR: 397.50'
MAIN HOUSE MEZZANINE SUBFLOOR: 407.93'
GUEST HOUSE BASEMENT SLAB: 387.57'
GUEST HOUSE SUBFLOOR: 397.00'

FIRST FLOOR PLAN - MAIN HOUSE + GARAGE
1/4" = 1'-0"



ARCHITECT:
PURPOSE + DESIGN
270 Hillside Ave
Pawtucket, RI 02860
347.387.6757
stephanie@purposeanddesign.com

STRUCTURAL ENGINEER:

Hill House
15 Chestnut Lane
Littleton, MA 01460

REVISIONS	ISSUE DATE
ZBA Application	04-14-20

DRAWN: CHECKED:
DATE: 4/14/21
SCALE: 1/4" = 1'-0"
JOB NO: 5

SHEET
MAIN HOUSE/GARAGE - FIRST FLOOR PLAN A4

POWDER COATED STEEL PERGOLA

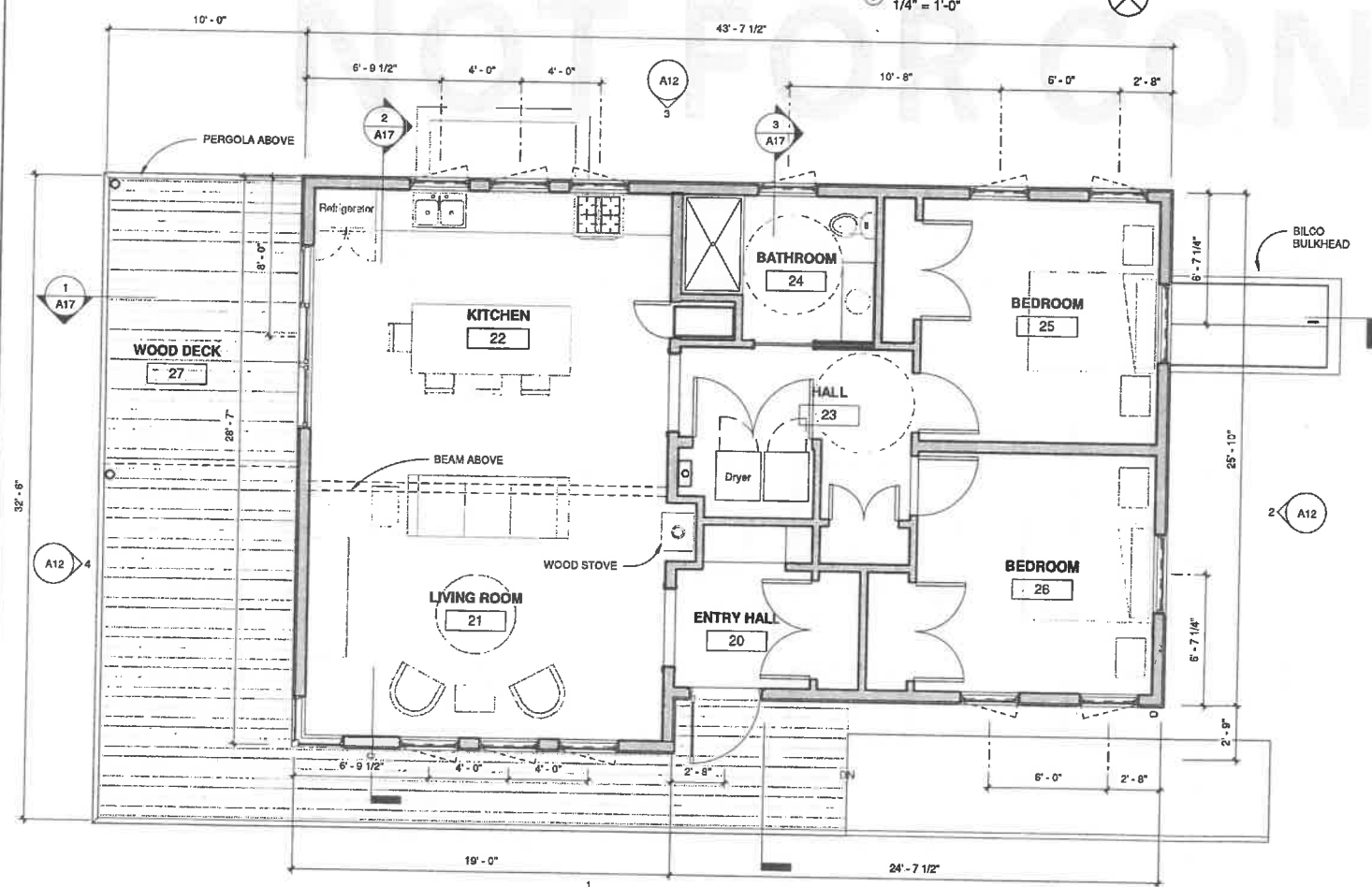
DECK BELOW

WOOD STOVE VENT

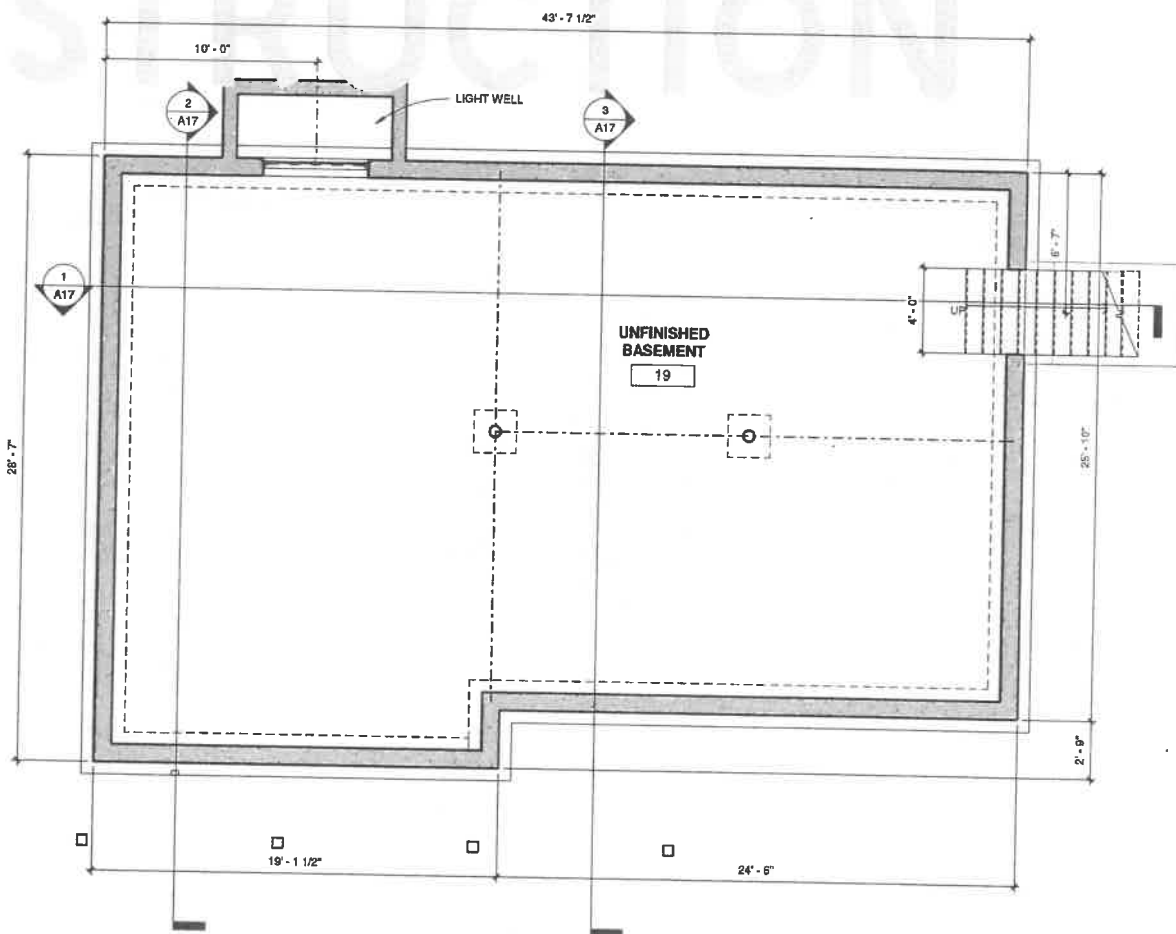
STANDING SEAM METAL ROOF, TYP.

MAIN HOUSE BASEMENT SLAB: 387.07'
MAIN HOUSE LEVEL 1 SUBFLOOR: 387.50'
MAIN HOUSE MEZZANINE SUBFLOOR: 407.93'
GUEST HOUSE BASEMENT SLAB: 387.57'
GUEST HOUSE SUBFLOOR: 397.00'

3 ROOF PLAN - GUEST HOUSE
1/4" = 1'-0"

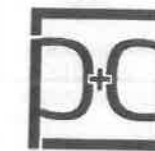


2 FIRST FLOOR PLAN - GUEST HOUSE
1/4" = 1'-0"



1 BASEMENT PLAN - GUEST HOUSE
1/4" = 1'-0"

ARCHITECT:



PURPOSE + DESIGN
270 Hillside Ave.
Pawtucket, RI 02860
347/38716737
stephanie@purposeanddesign.com

STRUCTURAL ENGINEER:

Hill House

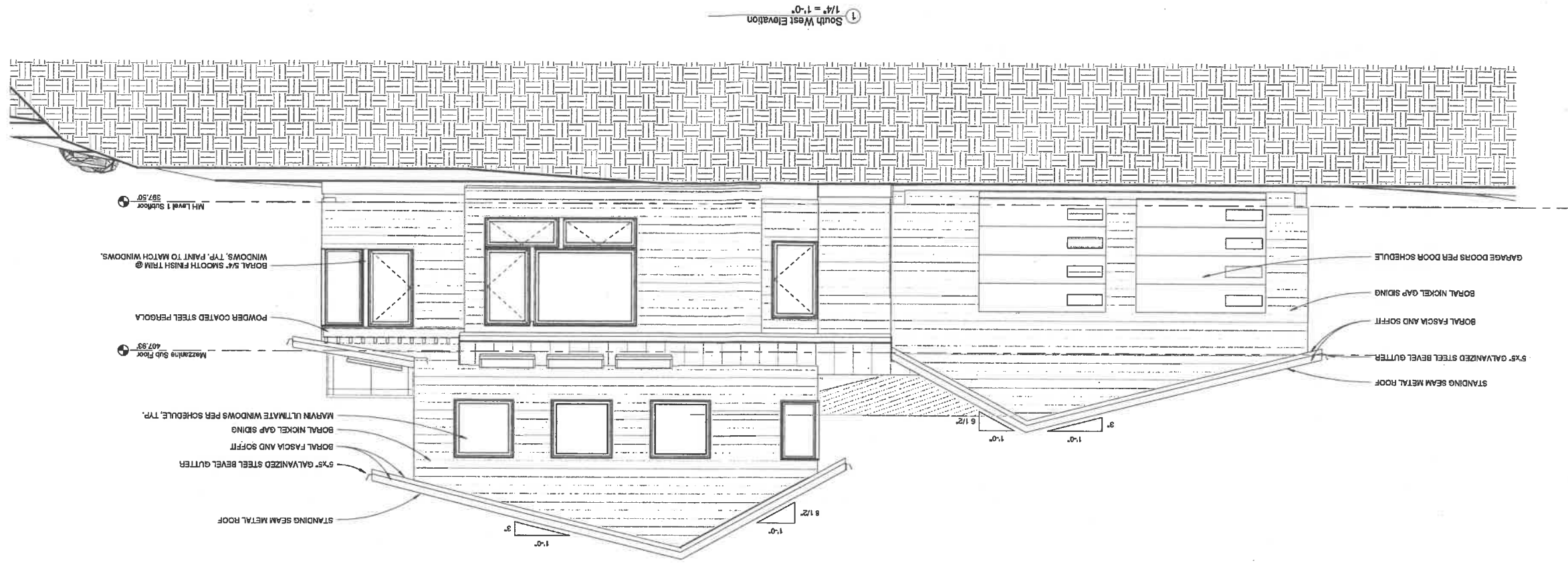
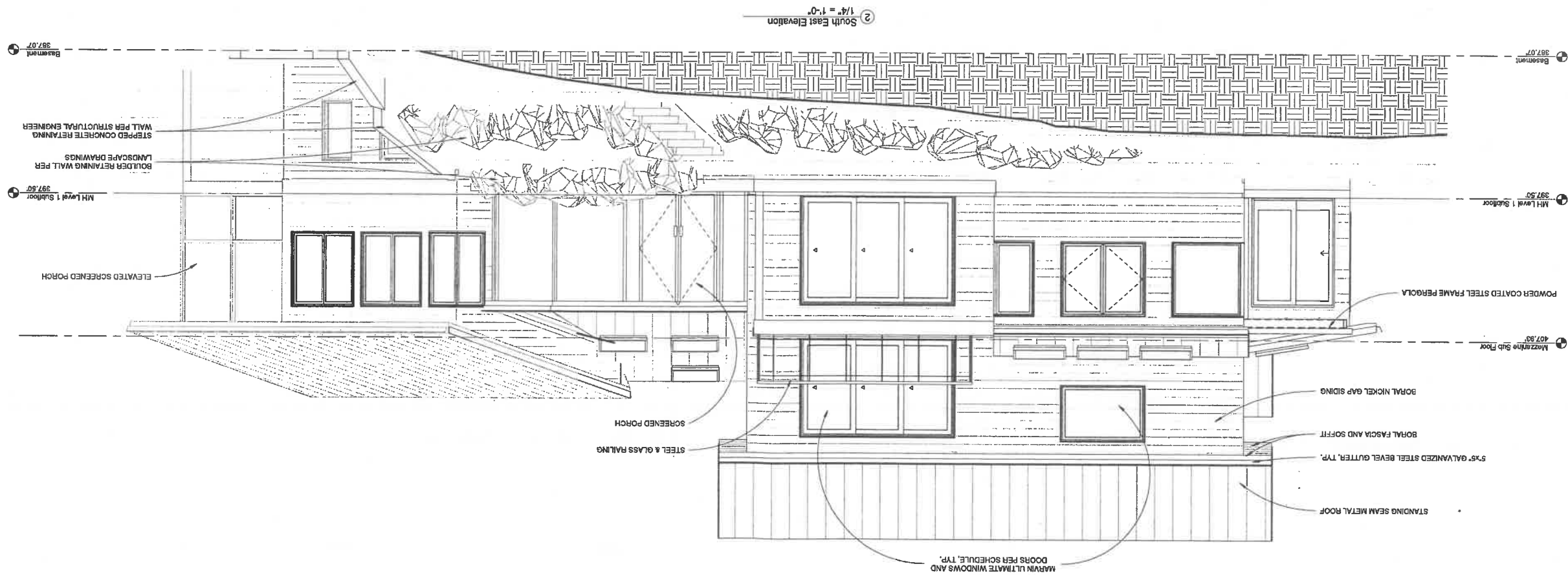
15 Chestnut Lane
Littleton, MA 01460

REVISIONS	ISSUE DATE
ZBA Application	04-14-20

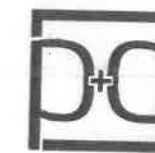
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DATE:	1/4/14
SCALE:	1/4" = 1'-0"
JOB NO:	15
SHEET	

GUEST HOUSE PLANS

A7



ARCHITECT:



PURPOSE + DESIGN
270 Hillside Ave
Pawtucket, RI 02860
347.387.6757
stephanie@purposeanddesign.com

STRUCTURAL ENGINEER:

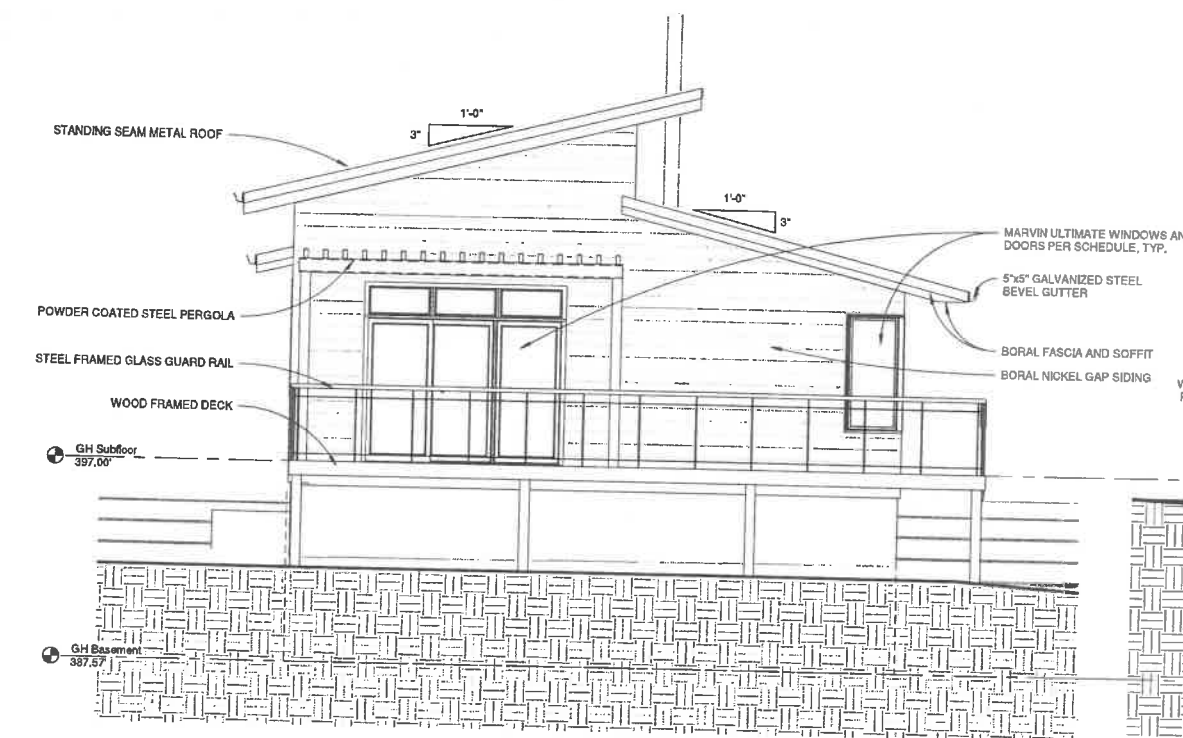
Hill House
15 Chestnut Lane
Littleton, MA 01460

REVISIONS	ISSUE DATE
ZBA Application	04-14-20

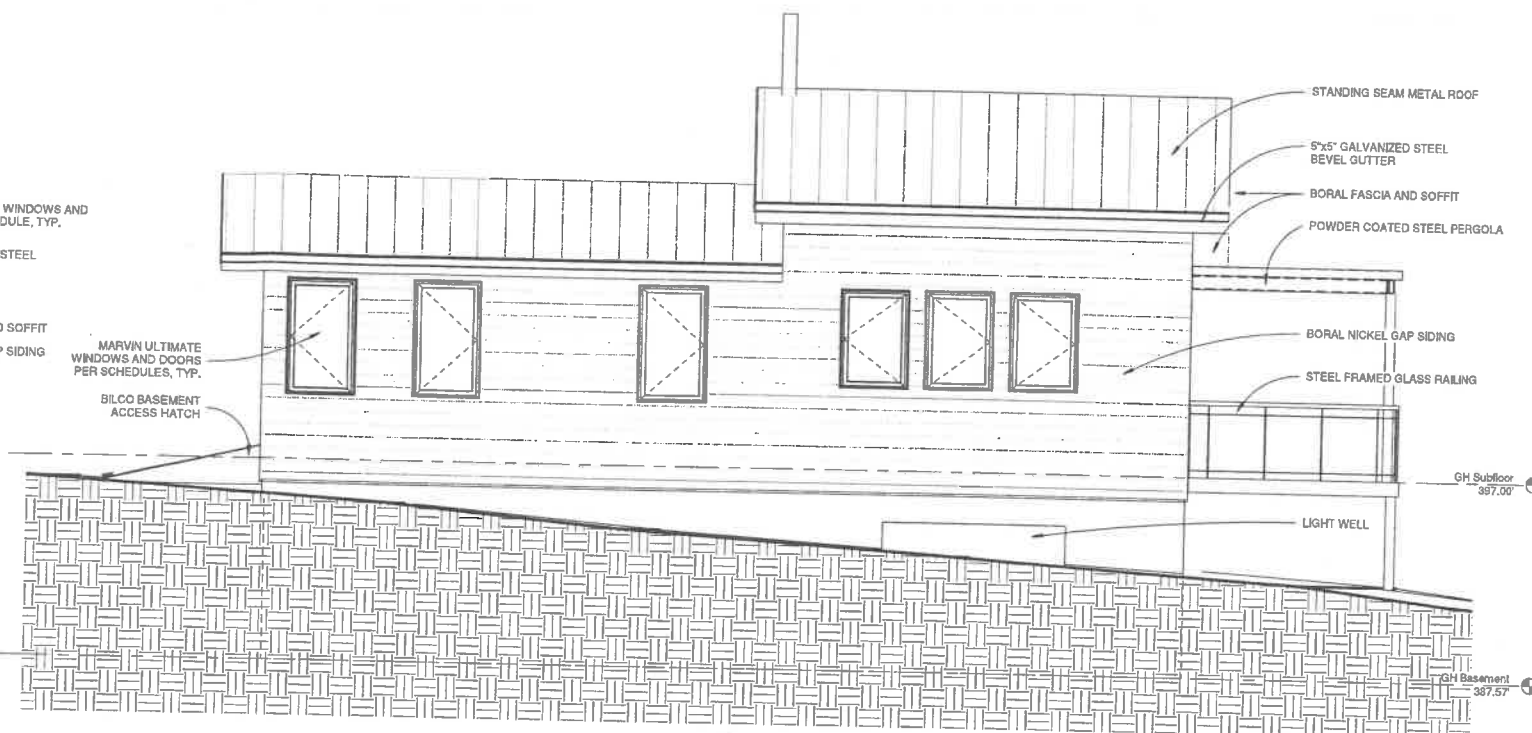
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DATE: 12-1-11
SCALE: 1/4" = 1'-0"
JOB NO: 5-11

SHEET
GUEST HOUSE,
EXTERIOR
ELEVATIONS

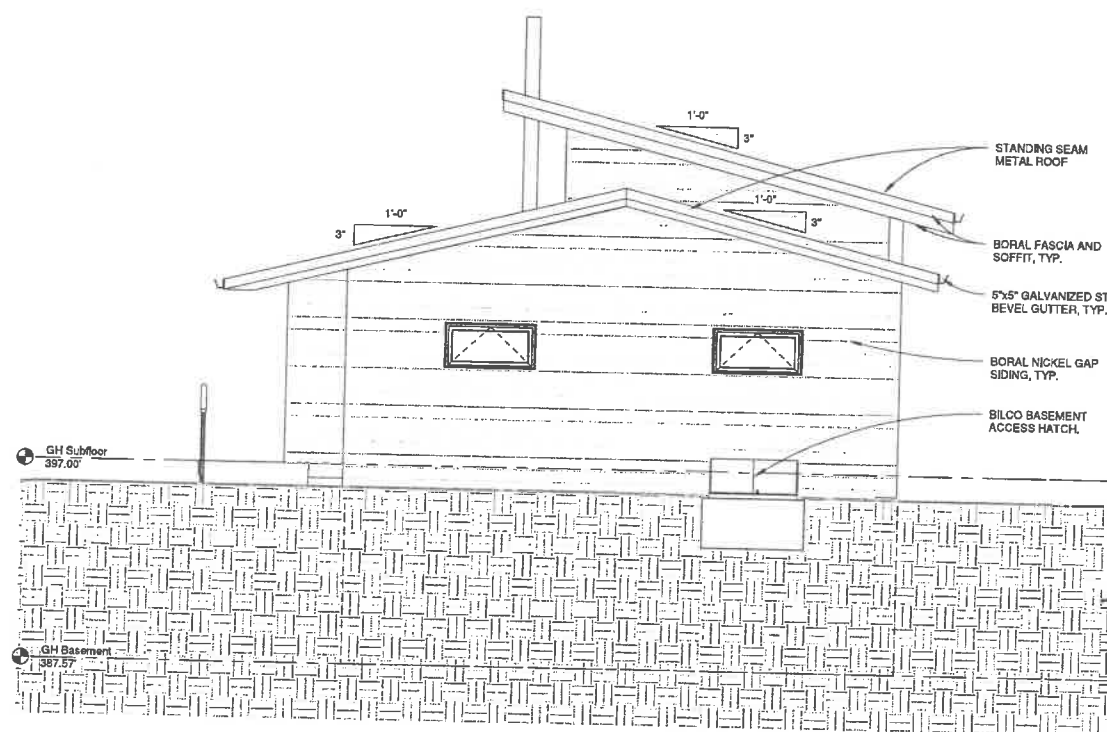
A12



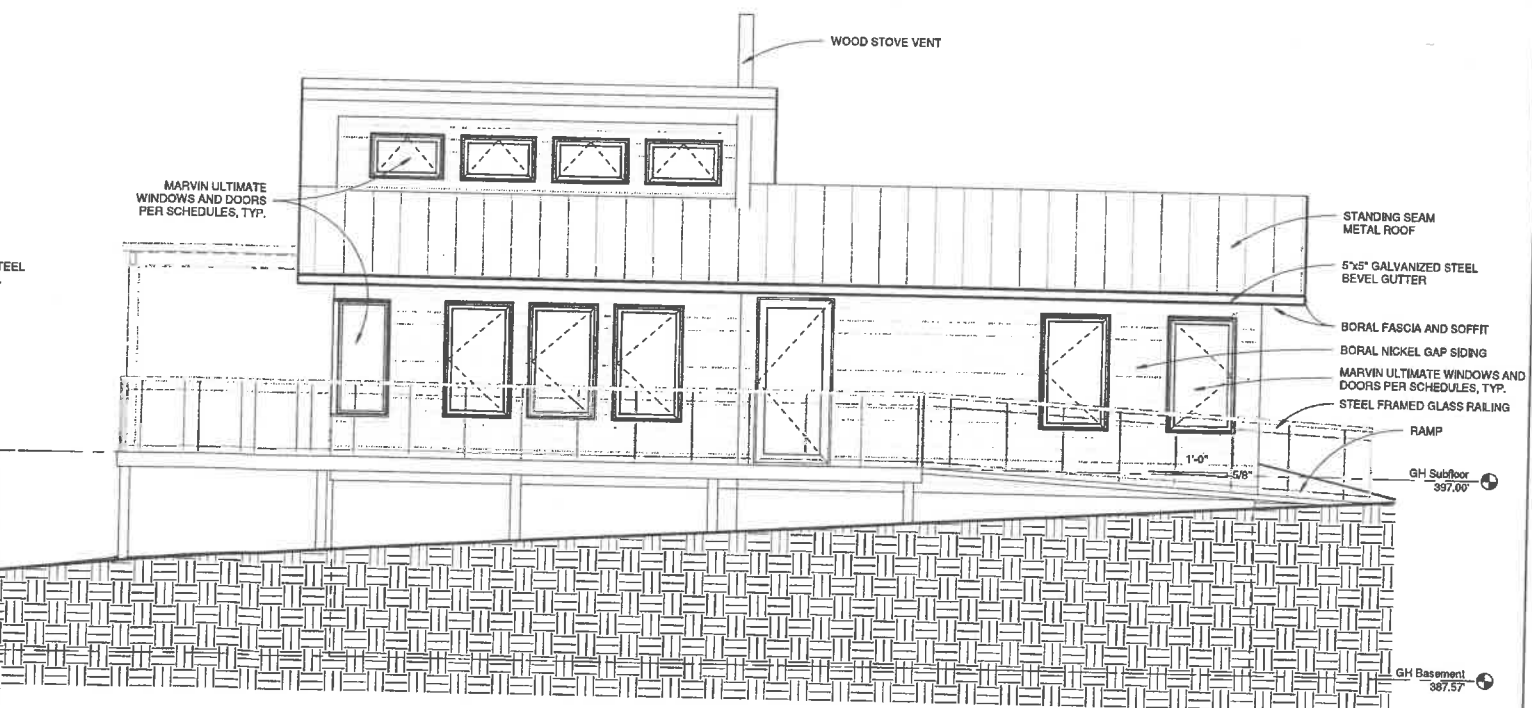
4 GUEST HOUSE - SOUTH WEST
ELEVATION
1/4" = 1'-0"



3 GUEST HOUSE - NORTH WEST
ELEVATION
1/4" = 1'-0"



2 GUEST HOUSE NORTH EAST
ELEVATION
1/4" = 1'-0"



1 GUEST HOUSE - SOUTH EAST
ELEVATION
1/4" = 1'-0"

April 12, 2020

Town of Littleton

Zoning Board of Appeals

37 Shattuck street

Littleton, MA 01460

William Sturtz

Start to Finish Construction Company, Inc.

3 Buttonwood Way

Littleton, MA 01460

Board members:

I am the authorized agent for Fanny Milinarsky, the owner of 15 Chestnut Lane. I am seeking relief to allow for an accessory apartment to be located in a separate guest house proposed to be constructed on property located at 15 Chestnut Lane.

The property contains approx. 8.5+ acres of land and the proposed single family residence will be around 5073 sf., 3 Bedroom The proposed accessory two bedroom guest house will be 1200 sf. (23% of the proposed main house). The approved septic is a 6 Bedroom.

The owners intentions for the apartment would be for visits from family and guest.

I hope the board will see fit to allow this appeal to be allowed.

Thank you for your Consideration is this matter.

William Sturtz

William Sturtz

Start to Finish Construction Company, Inc.

Fanny Mlinarsky
387 Berlin Road
Bolton, MA 01740

9-Apr-20

To whom it may concern,

William J. Sturtz, President of Start to Finish Construction Co., Inc., has the authority to act on my behalf in all matters relating to the house Start to Finish Construction is building on the lot at 15 Chestnut Lane, Littleton, MA, 01460.

Feel free to contact me with any questions at fm@octoscope.com or 978-376-5841.

Sincerely

A handwritten signature in cursive script, appearing to read 'Fanny Mlinarsky', written in dark ink.

Fanny Mlinarsky
Owner of the property at 15 Chestnut Lane