

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 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 requires 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?

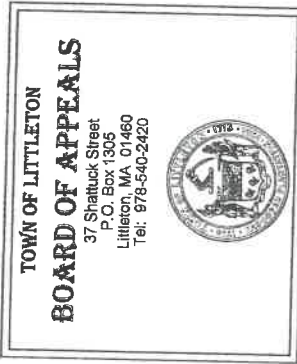
Chapter 40B is a state statute, which enables local Boards of Appeals to approve affordable housing developments under flexible rules if at least 25% of the units have long-term affordability restrictions. Also known as the Comprehensive Permit Law, Chapter 40B was enacted in 1969 to help address the 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. A 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.: 947A Address 3 Sawyer Lane



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
5/28/2020 7:00am
The filing is not official until stamped by the Town Clerk
Filing Fee paid: \$ 375.00 Check # 188

Pursuant to the provisions of Chapter 40, §87 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Debra G. Richard
Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):
 Special 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 _____ Date: _____
 Print Name _____ Phone # _____
 Address _____ Email Address _____
 Town, State, Zip _____ Deed Reference: Bk _____ Page _____

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned
Kathleen Archer Date 5/19/20 Phone # 617 433 4628
 Signature _____ Email kaa018030@yahoo.com
 Print Name (if different from petitioner) _____
 Address (if different from petitioner) 3 Sawyer Lane

ASSESSOR MAP & PARCEL NUMBER R14 7A
 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 fee + additional fees = \$375.00 to Town of Littleton
 Commercial Property \$350 filing fee + additional fees = \$475.00 to Town of Littleton
 Comprehensive Permit \$1000 + \$100/unit over 10 units
ADDITIONAL FEES: ALL APPLICATIONS:
 \$75 Recording fee, \$25 abutter list, \$75 legal notice fee

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?
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? 173-31
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.

K. Andrew Ducker
Signature

Print name 5/19/20

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:
- 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:
 - metes and bounds of the subject land
 - adjacent streets and other names and readily identifiable landmarks and fixed objects
 - dimensional layout of all buildings
 - distances and setbacks from the various boundaries
 - exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
 - direction of North
 - Copy of the name of each abutting property owner
 - A written statement which details the basis for your petition
 - Pictures, plans, maps, drawings and models are always helpful in explaining the problem
 - In cases pertaining to signs, a scale print of the sign lettering and colors
 - In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
 - In cases pertaining to Accessory dwellings, evidence that the Board of Health has approved the septic system
 - 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

May 21, 2020

Town of Littleton
Board of Appeals
37 Shattuck Street
Littleton, MA 01460

To whom it may concern

We respectfully request a variance on our property at 3 Sawyer Lane to construct a 10 x 16 tool shed. The shed will not have any electricity or water.

This is solely for the purpose of storage.

Due to the unique property lines, conservation land and easements, we are requesting this variance to allow us to place this shed ~ 7 feet from the neighbor's property at 195 Harvard Road which is most desirable location due to the proximity of the house for the purpose and use of the shed.

The neighbors, (DeBois/Bolen) have no objection to this location.

Attached please find photos of the location, the shed design, deed and plot plan.

Please let us know if you require additional information or have questions.

Regards,

Kathleen Archer Fitzpatrick and William Fitzpatrick

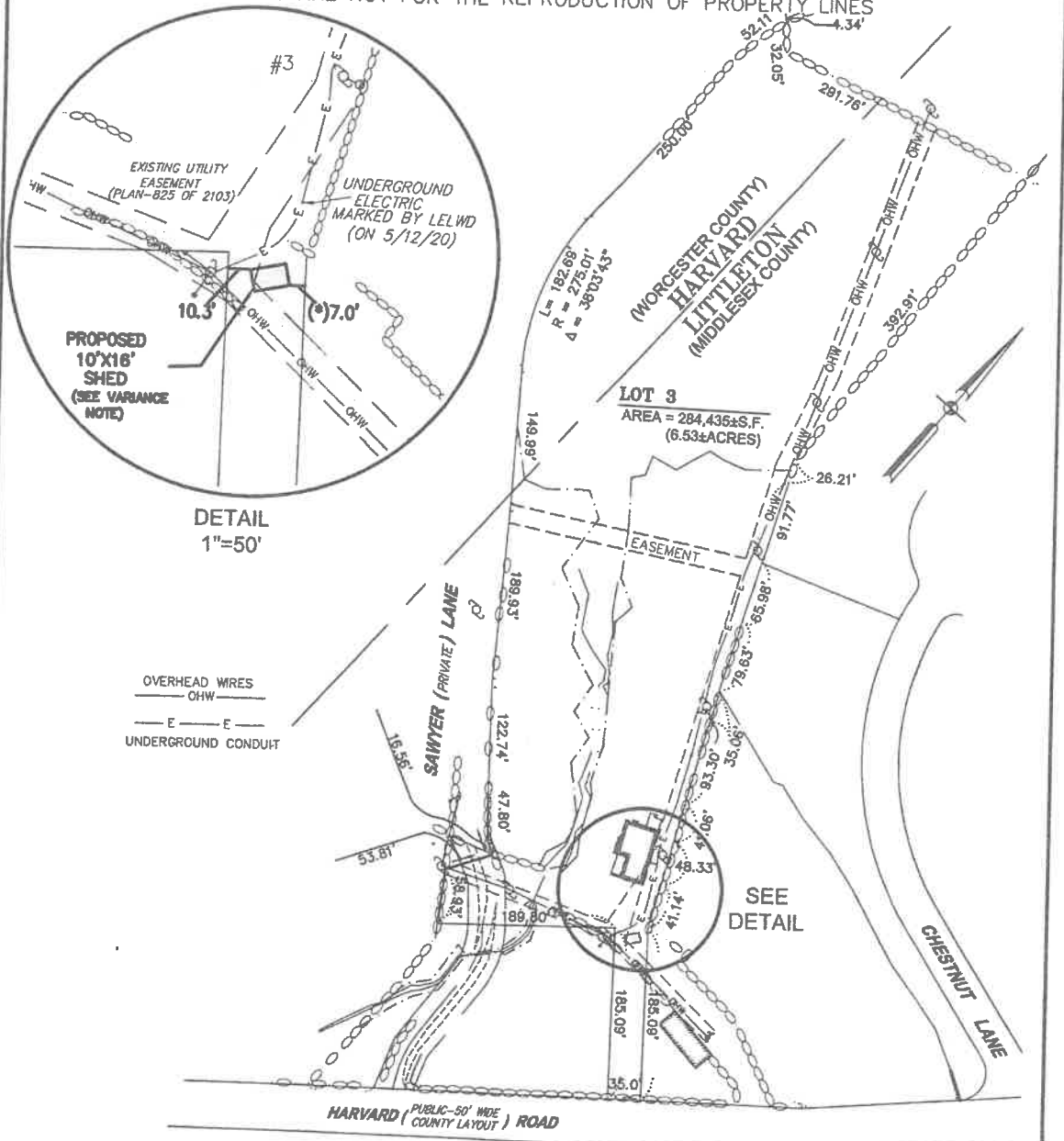
3 Sawyer Lane

Littleton, MA 0146

617 633 4628

kaa01803@yahoo.com

OFFSETS ARE NOT FOR THE REPRODUCTION OF PROPERTY LINES



DETAIL
1"=50'

OVERHEAD WRES
— OHW —
— E — E —
UNDERGROUND CONDUIT

*VARIANCE REQUIRED FOR SIDEYARD SETBACK. (10' MINIMUM NEEDED, 7.0' PROPOSED)
** PROPOSED SHED POSITION IS BASED ON CLIENT REQUEST

THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

THIS LOT IS IN ZONE C (AREAS OF MINIMAL FLOODING) AND PORTIONS OF THE LOT ARE IN ZONE X AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR LITTLETON, MASS., DATED JUNE 4, 2010, COMMUNITY-PANEL NO. 250 17CD 216E. ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. ACCURATE DETERMINATION CANNOT BE MADE UNLESS A VERTICAL CONTROL SURVEY IS PERFORMED.

REFERENCES:
ASSESSOR'S MAP R14, PARCEL 7A
PLAN #B25 OF 2013
GPR PROJECT #051095

**BUILDING PERMIT PLAN (SHED)
at #3 SAWYER LANE
LITTLETON, MASS.**

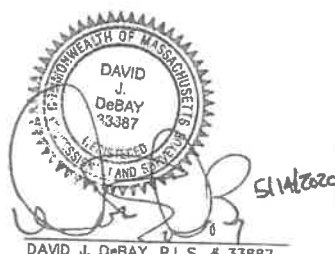
PREPARED FOR: FITZWILLIAM & ARCHER
DATE: MAY 14, 2020 SCALE: 1"=120'



Engineering Solutions
for Land & Structures

GOLDSMITH, PREST & RINGWALL, INC.

39 MAIN ST., SUITE 301, AYER, MA 01432
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591 WEB: www.gpr-inc.com

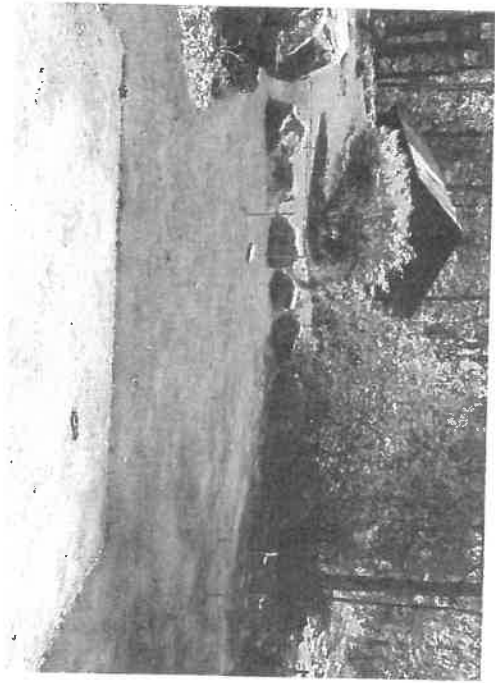


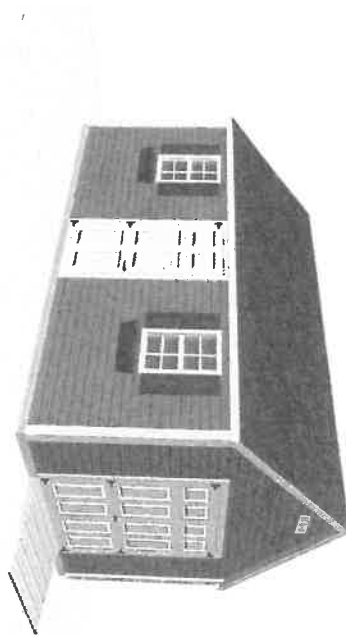
DAVID J. DeBAY, P.L.S. # 33887

FLD: AMB CALC: DSB CHK: DSB

P:\201024\DWG\SURVEY DWG\FINAL\201024_BPP_VAR_1.DWG

2020 © COPYRIGHT GOLDSMITH, PREST & RINGWALL, INC.





Property Address: 3 Sawyer Lane fka 195 Harvard Rd, Lot 3 Littleton & Harvard

QUITCLAIM DEED

THE HOMESCOUT, LLC, a Massachusetts Limited Liability Company, with a principal place of business at 6 Taft Street, Ayer, Massachusetts,

for consideration paid, and in full consideration of **SEVEN HUNDRED FORTY EIGHT THOUSAND TWO HUNDRED SIXTY ONE and 97/100 (\$748,261.97) DOLLARS,**

grant to **Kathleen A. Archer and William D. Fitzpatrick Jr.** as husband and wife as tenants by the entirety of 29 Grove Lane, Burlington, MA 01803

with **QUITCLAIM COVENANTS,**

The land with the buildings and improvements thereon situated in Littleton, Middlesex County and Harvard, Worcester County, Massachusetts, now known as and numbered 3 Sawyer Lane (f.k.a. 195 Harvard Road, Lot 3,), Littleton, MA described as follows:

That certain parcel of land with the buildings thereon, situated in Littleton and Harvard, Massachusetts, containing 6.53 acres of land +/-, with the portion of the parcel located in Littleton, Massachusetts, being shown as Lot 3 on a plan entitled "Plan of Land in Littleton, Mass." dated September 23, 2013, by Goldsmith, Prest & Ringwall, Inc. and recorded with the Middlesex South District Registry of Deeds in Plan Book 2013, Page 825 and with the portion of the parcel located in Harvard, Massachusetts being shown on a plan entitled "Land in Harvard & Littleton, Mass" dated January, 1972, by Charles A. Perkins Co. Inc., recorded with the Worcester County Registry of Deeds in Plan Book 1972 Page 435.

*Deed also Recorded in Middlesex South Registry of Deeds

rec on 3/31/16 at which time tax stamps were paid see BK 67024

Reference to said plans may be had for a more particular description.

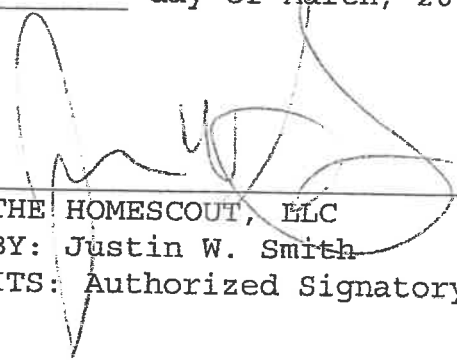
Subject to and with the benefit of all easements, agreements, restrictions, covenants and other matters of record, in so far as the same are in force and applicable, including without limitation (i) that certain easement agreement dated November 29, 2005, recorded with Middlesex South District Registry of Deeds at Book 46620 Page 67, and (ii) that certain easement agreement dated April 10, 2014, recorded with Middlesex South District Registry of Deeds at Book 63476 Page 299.

For Grantor's title, see deed recorded with Middlesex South District Registry of Deeds at Book 64034 Page 361 and with Worcester County Registry of Deeds at Book 52641 Page 383.

The Grantor has no homestead rights in the property.

LOCUS: 3 Sawyer Lane, Littleton, MA

Witness my hand and seal this 30 day of March, 2016.



THE HOMESCOUT, LLC
BY: Justin W. Smith
ITS: Authorized Signatory

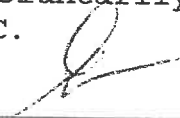
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 30th day of March, 2016, before me, the undersigned Notary Public, personally appeared Justin W. Smith, Authorized Signatory as aforesaid, proved to me through satisfactory evidence of identification which was photo identification personal knowledge, 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 purposes on behalf of THE HOMESCOUT, LLC.



GERALD F. MULLEN, JR.
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 14, 2022



Notary Public Gerald F. Mullen, Jr.

My commission expires: January 14, 2022