

June

**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: \$ 300 — Check # cash

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 [Signature] Date: 4/19/19  
Mark Andersen  
Print Name 9 Balsam Lane  
Address Littleton, MA 01460  
Town, State, Zip (404) 782-4543  
Phone # mark.andersen@gmail.com  
Email Address Deed Reference: Bk 70516 Page 134

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

[Signature] 4/19/19 (404) 782-4543  
Signature Date Phone #  
Print Name (if different from petitioner) Email

Address (if different from petitioner)

**ASSESSOR MAP & PARCEL NUMBER** R8 15-8

**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 + \$75 recording fee + \$25 abutter list = \$300 to Town of Littleton  
Commercial Property: \$350 filing fee + \$75 recording fee + \$25 abutter list = \$450 to Town of Littleton  
Comprehensive Permit: \$1000 + \$100/unit over 10 units  
**ADDITIONAL FEES: ALL APPLICATIONS:**  
Legal Notice publication fee to be paid prior to opening the hearing

Address 9 Balsam  
ZBA Case No.: 927A

# 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 - 108, 118


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

Mark A. Andersen  
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. Apply for a certified abutters list with the Assessors office (request for certified list of abutters form enclosed)

3. 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 hard 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

### QUITCLAIM DEED

DURKEE FARM BUILDERS INC., a duly organized and existing Massachusetts corporation with an address of 487 Groton Road, Westford, Middlesex County, Massachusetts

in consideration of SEVEN HUNDRED FORTY THOUSAND THREE HUNDRED DOLLARS AND 00/100 (\$740,300.00)

grant to MARK A. ANDERSEN and JULIE ANDERSEN, as husband and wife, tenants by the entirety, now of 9 Balsam Lane, Littleton, Massachusetts

with Quitclaim Covenants

The land and buildings thereon having a street address of 9 Balsam Lane, Littleton, Middlesex County, Massachusetts being shown as Lot 2 on a plan entitled "Durkee Farm Estates Definitive Plan of a Subdivision Open Space Development Special Permit Off Grimes Lane, Littleton, MA for Grimes Road, LLC" Prepared for Grimes Road, LLC by Hancock Associates dated February 16, 2016 and recorded with Middlesex South District Registry of Deeds as Plan 606 of 2016.

Lot 2 contains 28,813 sq. ft. of land, according to said Plan.

This conveyance is further subject to all other matters shown on the above-referenced plan and to any and all other easements, rights, agreements, covenants and restrictions of record in so far as such are in force and applicable, including the Fill and Grading Easement recorded with said Deeds at Book 69069 Page 182.

The fee in the roadway shown on the Plan is not herein conveyed, however, there is herein granted the right to use the roadway for all purposes for which streets and roadways are used in the Town of Littleton.

The premises do not constitute all, or substantially all, of the assets of the Grantor in the Commonwealth of Massachusetts.

Being a portion of the premises conveyed to Grantor by Deeds recorded with the Middlesex South District Registry of Deeds at Book 67620, Page 72 and Book 67620, Page 69 (as confirmed by Deed at said Registry of Deeds at Book 68377, Page 16).

9 Balsam Ln., Littleton, MA

### **Declaration of Easement**

Durkee Farm Builders, Inc., ("Declarant") a duly organized and existing Massachusetts corporation, as owner of certain parcels of land in Littleton, Middlesex County, Massachusetts being shown as Lots 2 and 3 on a plan entitled "Durkee Farm Estates Definitive Plan of a Subdivision Open Space Development Special Permit Off Grimes Lane, Littleton, MA for Grimes Road, LLC" Prepared for Grimes Road, LLC by Hancock Associates dated February 16, 2016 and recorded with Middlesex South District Registry of Deeds as Plan 606 of 2016,

hereby declares for the benefit of Lot 2, a fill and grading easement on Lot 3, said easement in the location labeled "Fill Easement For Lot 2" ("Easement Area") on the attached Exhibit A. The purpose of the fill easement is to allow for fill and grading to support the leach field of the subsurface sewage disposal system ("SSDS") which serves Lot 2. No structure nor underground utilities shall be placed within the Easement Area which would impede or prohibit grading necessary to construct, repair or replace the SSDS which serves Lot 2. In the event the owner of Lot 2 repairs or replaces the SSDS on Lot 2, the licensed contractors performing such work are allowed to enter upon Lot 3 in the Easement Area to complete such work. After such work is performed, any area disturbed shall be re-loamed and re-seeded.

For Declarant's title, see Deeds recorded with the Middlesex South District Registry of Deeds at Book 66745 Page 185 and Book 67620 Page 69 (as confirmed by Deed at said Registry of Deeds Book 68377 Page 16).

Dear Town of Littleton Board of Appeals:

My family and I moved to Littleton back in January of 2017, into the Durkee Farms development near the train station. Upon realizing that my newly purchased garden tractor and other outdoor equipment like snowblower, power washer, and other garden supplies – would not fit in our garage, I purchased a 10 X 12 shed to utilize as such. I had a few discussions with the builder and his representative who told me that I needed to have a 10' foot distance between the perimeter of my property line and where the shed could be placed. In the mean-time, I completed the Littleton shed permit application. I am not sure if I did measure and then scale the measurements to depict accurately on the property septic tank map, but I made sure that the shed would not be placed anywhere where there are existing septic tank-related items such as tank, pipes, leeching field, etc. This being the case, there was really only 1 location in which to place the shed – in the left back corner of my property, where the grade of the landscape is also much more level than anywhere else. The shed needed to be a certain distance from the house as well – which further limited my site choice to the spot it was installed.

To try and work with the shed manufacturer who needed to deliver early to satisfy their busy schedule, I ended up having the shed delivered earlier than originally planned. I felt confident that I had chosen a shed spot that was within the town zoning laws, as it was more than 10 feet within the boundaries of my property. I also chose completely matching siding and roof color as well as had a nice rock surround placed around the foundation gravel to further enhance the appearance of the shed.

At this point, I am asking that the town appeals committee understand my hardship case surrounding my shed. There is no other level place on my property where the shed can fit and not be placed to close to property lines or the house. The septic system takes up a huge chunk of what would otherwise be perfect location for the shed. In addition, the cost to move the shed and build a strong foundation like the existing site contains – would be several thousand dollars, of which I do not have this amount of funds available to pay for this.

Please consider my case to grant a variance based on the facts above. I am more than happy to discuss this in person and appreciate the town's wonderful hospitality and friendliness that my family continues to experience in our new lives in Littleton.

Thank you for your consideration.

Sincerely,

Mark Andersen

(404)782-4543

ASSESSORS  
MAP 808-15-8-HOUSE

OWNER OF RECORD:  
DURKEE FARM BUILDERS, INC.  
487 CROTON ROAD  
WESTFORD, MA 01886

DEED REFERENCE:  
DEED BK 87620 PG 69

PLAN REFERENCE:  
PLAN NO 008 OF 2016

ZONING:  
RESIDENCE DISTRICT  
SETBACKS PER PLANNING BOARD DECISION  
OPEN SPACE DEVELOPMENT  
FRONT = 20 FEET  
SIDE = 10 FEET  
REAR = 10 FEET

REF: PLAN NUMBER 808 OF 2016

CHK. BY: DWM	DATE: 10/13/17	JOB NO. 18885
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**AS-BUILT PLAN**  
FOR LOT 2  
9 BALSAM LANE  
LITTLETON, MA

PREPARED FOR: DURKEE FARM ESTATES

Hancock  
Survey Associates, Inc.  
34 CHELMSFORD ROAD, CHELMSFORD, MA 01824  
VOICE (978) 244-0110, FAX (978) 244-1133

SCALE: 1" = 40'

0 20 40 80



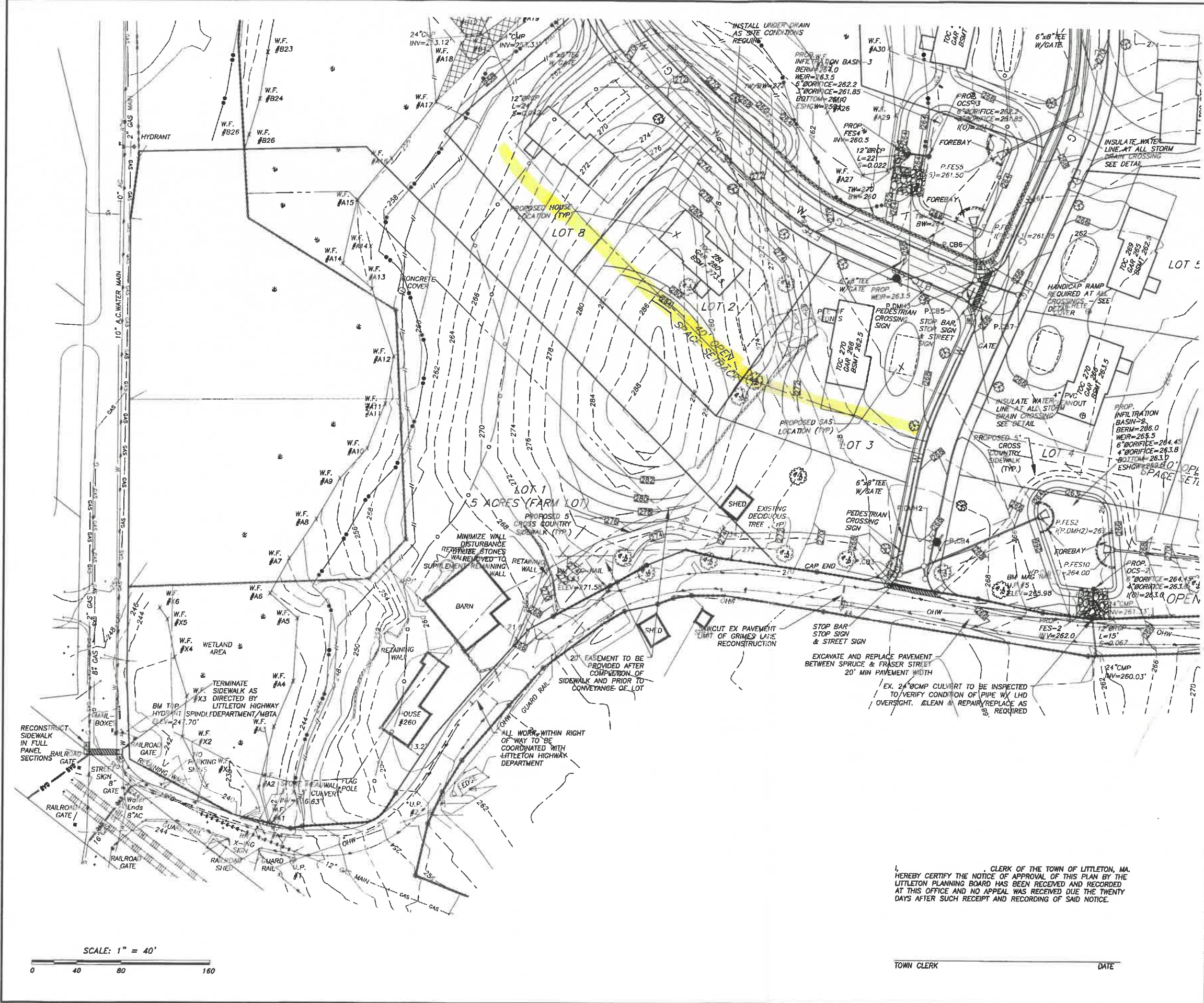
12' x 10'  
GARDEN SHED



*Danah C. Armit*  
10/17/17

I REPORT TO THE BUILDING COMMISSIONER OF THE TOWN OF LITTLETON THAT THE EXISTING FOUNDATION IS LOCATED ON THE LOT AS SHOWN. THE EXISTING FOUNDATION IS IN CONFORMANCE WITH THE FRONT, SIDE AND REAR SETBACK REQUIREMENTS AS SET FORTH BY THE TOWN OF LITTLETON PLANNING BOARD DECISION RECORDED ON PLAN NUMBER 808 OF 2016. THE EXISTING FOUNDATION DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE PER FIRM MAP 250200 PANEL NUMBERS 0219F AND 0236F DATED JULY 7, 2014.





DURKEE FARM  
ESTATES

260 Foster Street & Grimes Lane  
Littleton, Massachusetts 01460

MAP	BLOCK	LOT
R08	0	15
R08	G	13
R08	F	13

GRIMES  
ROAD, LLC

487 Groton Road, Unit C  
Westford, Massachusetts 01886

HANCOCK  
ASSOCIATES

Civil Engineers  
Land Surveyors  
Wetland Scientists

34 Chelmsford Street, Chelmsford, MA 01824  
Voice (978) 244-0110, Fax (978) 244-1133  
www.HancockAssociates.com



3	BG	JP	6/1/16	CONSERVATION COMMENTS
2	BG	JP	5/11/16	PEER REVIEW COMMENTS
1	BG	JP	4/26/16	PLANNING BOARD COMMENTS
NO.	BY	APP.	DATE	ISSUE/REVISION DESCRIPTION
DATE:	2/18/2016	DESIGN BY:	BG	
SCALE:		DRAWN BY:	BG/SD	
APPROVED BY:	JP	CHECK BY:	JP	

GRADING  
DRAINAGE AND  
UTILITY PLAN  
(SHEET 1 OF 4)

PROJECT NO.: 18885

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I, CLERK OF THE TOWN OF LITTLETON, MA,  
HEREBY CERTIFY THE NOTICE OF APPROVAL OF THIS PLAN BY THE  
LITTLETON PLANNING BOARD HAS BEEN RECEIVED AND RECORDED  
AT THIS OFFICE AND NO APPEAL WAS RECEIVED DUE THE TWENTY  
DAYS AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW REQUIRED  
LITTLETON PLANNING BOARD

DATE: \_\_\_\_\_