

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

received
8/19/2019 10:40 AM
Please Check

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300 Check # 3091

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.

Deborah A Richards

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 Dick Date: 8/15/19
Print Name WILLIAM DICKINSON Phone # 978-341-8267
Address 91 Main Street Suite 206 Email Address BILL@DICKINSONARC.COM
Town, State, Zip Concord, MA 01742 Deed Reference: Bk 60021 Page 438

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

Signature David T Barr Date 8/15/2019 Phone # 978-201-9524
Print Name (if different from petitioner) David & Patricia Barr Email barrdt@gmail.com
Address (if different from petitioner) 49 Matawanakee Trail

ASSESSOR MAP & PARCEL NUMBER V47-45-0

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 = \$3300 to Town of Littleton
Commercial Property \$350 filing fee + \$75 recording fee + \$25 abutter list = \$450,00 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

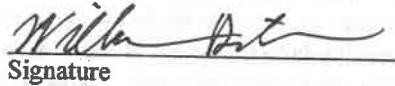
Address 49 Matawanakee ZBA Case No.: 934A

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 173-6 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

WILLIAM DICKINSON

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

OVERVIEW

The existing house at 49 Matawanakee Trail was built in 1953. The house sits on a sloping lot, in a quiet neighborhood, with great views of the lake. The Applicants purchased the property in 2012 as their retirement home. Both the lot and house are non-conforming. The applicants want to age in place and desire single level living but the current kitchen is on the lower level, separate from the bedrooms, and separate from direct access to the driveway and garage.

After reviewing renovation options and uncovering structural issues with the existing house, the applicants decided to replace the current house and garage with a new structure. The new house would be built with essentially the same footprint given the numerous site constraints. The new design would provide aging in place concepts including single level living and minimally sloping street access from the garage

EXISTING CONDITIONS

The existing lot is 17,651sf and slopes 32' from the street to the lake.

The existing house is a single story flat roofed ranch with the First Floor set approximately 9' below street level. It has a flat roof, attached garage, and a finished walkout basement approximately 15' above the lake. It is constructed of unreinforced masonry and does not have a foundation or footing. Given the applicants requested scope of work, any substantial renovation or addition would require a helical pier foundation and lateral reinforcing of the masonry walls making an addition/renovation of the current structure not feasible.

The existing house's footprint is constrained by setback violations on the Northern street side by 4', the Eastern side by 9.7', minimal dimensions to the septic system on the western side, and is within 25.9' of the lake on the Southern side making any expansion of the footprint problematic.

In addition, the existing garage is 9' below street level. The steep driveway makes it difficult to see what is happening on the street, which is an intersection of Massasoit Trail with Matawanakee Trail. There are frequent pedestrian walkers, and this is a safety concern when backing up to exit to the street. The driveway is also a slipping hazard during icy weather.

PROPOSAL

The applicants propose to construct a new house within the same general footprint as the current house but extend the existing non-conformities in three areas.

- 1) Raise the garage to street level and expand the current garage footprint south and parallel to the street to accommodate boat storage below. It is anticipated that a wider garage is less visually disruptive to the neighbors than storing a boat in the yard.

Special Permit Application

49 Matawanakee Trail, Littleton

Petition Letter

8/20/19

- 2) Expand the current house foot print over the current southeast concrete patio (which already has a footing) to accommodate the added square footage required for single level living.
- 3) Extend the existing building height, within the setback zone, to accommodate a street level garage and provide attic storage space above the main house. The proposed gable orientation also allows for photo electric panels and reduces the visual impact of the roof for the neighbors as they look across the street to the lake. The proposed roof ridge height is 118' and the next door neighbor's roof ridge height is 117.5'

	Existing	Proposed	Required
Lot	17,651sf	-	40,000sf
Footprint	2093sf	2315sf	-
Building height	14.5'	27'	32' allowed
Northern lot line setback (street)	26.1'	26.1'	30' required
Eastern lot line setback	5.3'	3.6'	15' required
Southern lake setback (deck)	26.9'	26.9'	50' buffer required
Western leaching field setback	+/-20'	+/-20'	20' required
Western septic tank setback	+/-10'	+/-10'	10' required

The Applicants have discussed their plans with the abutters. Although the proposed structure will be higher than the current structure, the roof ridges are oriented in a direction which minimizes the amount that this would affect the view of the neighbors across the street. Nine tall oak trees and seven pine trees have also been removed from the front of the lot, improving the view of the neighbors across the street.

Middlesex South Registry of Deeds

Electronically Recorded Document

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Recording Information

Document Number : 200066
Document Type : DEED
Recorded Date : September 17, 2012
Recorded Time : 03:31:40 PM

Recorded Book and Page : 60021 / 438
Number of Pages(including cover sheet) : 3
Receipt Number : 1455933
Recording Fee (including excise) : \$1,563.68

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 09/17/2012 03:31 PM
Ctr# 175060 09864 Doc# 00200066
Fee: \$1,438.68 Cons: \$315.500.00

QUITCLAIM DEED

I, Micheal Jacobson, a married man, of 217 E. Huntingdon Street, Savannah, Georgia for consideration paid and in full consideration of Three Hundred Fifteen Thousand Five Hundred Dollars and 00/100 (\$315,500.00) grant to David T. Barr and Patricia A Barr, husband and wife, Tenants by the Entirety, of 8 Washington Drive, Acton, Middlesex County, Massachusetts

With Quitclaim Covenants:

The land with the buildings and any improvements thereon situated in Littleton, in the County of Middlesex, shown as Lot No. 24 on a plan entitled "Plan of Lake Matawanakee Shores, Littleton, Mass., owned by Lake Properties, Inc., H.R. Anderson, Surveyor, June 1945, which plan is recorded with Middlesex South District Registry of Deed as Plan 499 of 1945, recorded with Registry of Deeds at the end of Book 6878.

Also the land in said Littleton, with the buildings and any improvements thereon, being shown as Lot No. 25 on the above entitled plan.

Said parcels are conveyed subject to the following:

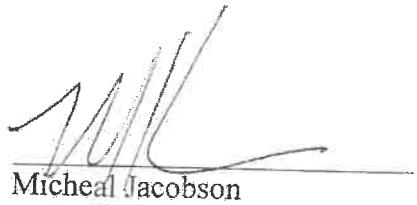
1. Littoral rights of others in Lake Matawanakee
2. The rights of other in the area between the mean low and high water marks of Lake Matawanakee.
3. Restrictions set forth in deeds recorded in Book 7095, page 298 and Book 7367, Page 331, so far as the same remain in force and effect.
4. Any and all other easements and restrictions of record insofar as now in force and applicable.

For Grantors title see deed recorded in Book 485535, Page 20.

See also Notice to Registry of Deeds of an alternative septic system recorded in Book 48484, Page 104.

The Premises conveyed herein is not Grantor's primary residence, and therefore does not constitute Homestead Property subject to M.G.L. Chapter 188.

WITNESS our hands and seals this 28 day of AUG, 2012.



Micheal Jacobson

Commonwealth/State of GEORGIA

County of: CHATHAM

On this 28 day AUG 2012, before me, the undersigned notary public, personally appeared, Micheal Jacobson, who proved to me through satisfactory evidence of identification, which was valid driver's licenses to be the person whose name is signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.



Myron T. Jones
Notary Public
My commission expires: 9/21/2012

MYRON T. JONES
Notary Public, Chatham County, GA
My Commission Expires September 31, 2012

Return to:

David T. Barr and Patricia A Barr,
49 Matawanakee Trail
Littleton, MA 01460





EXISTING HOUSE



EXISTING HOUSE



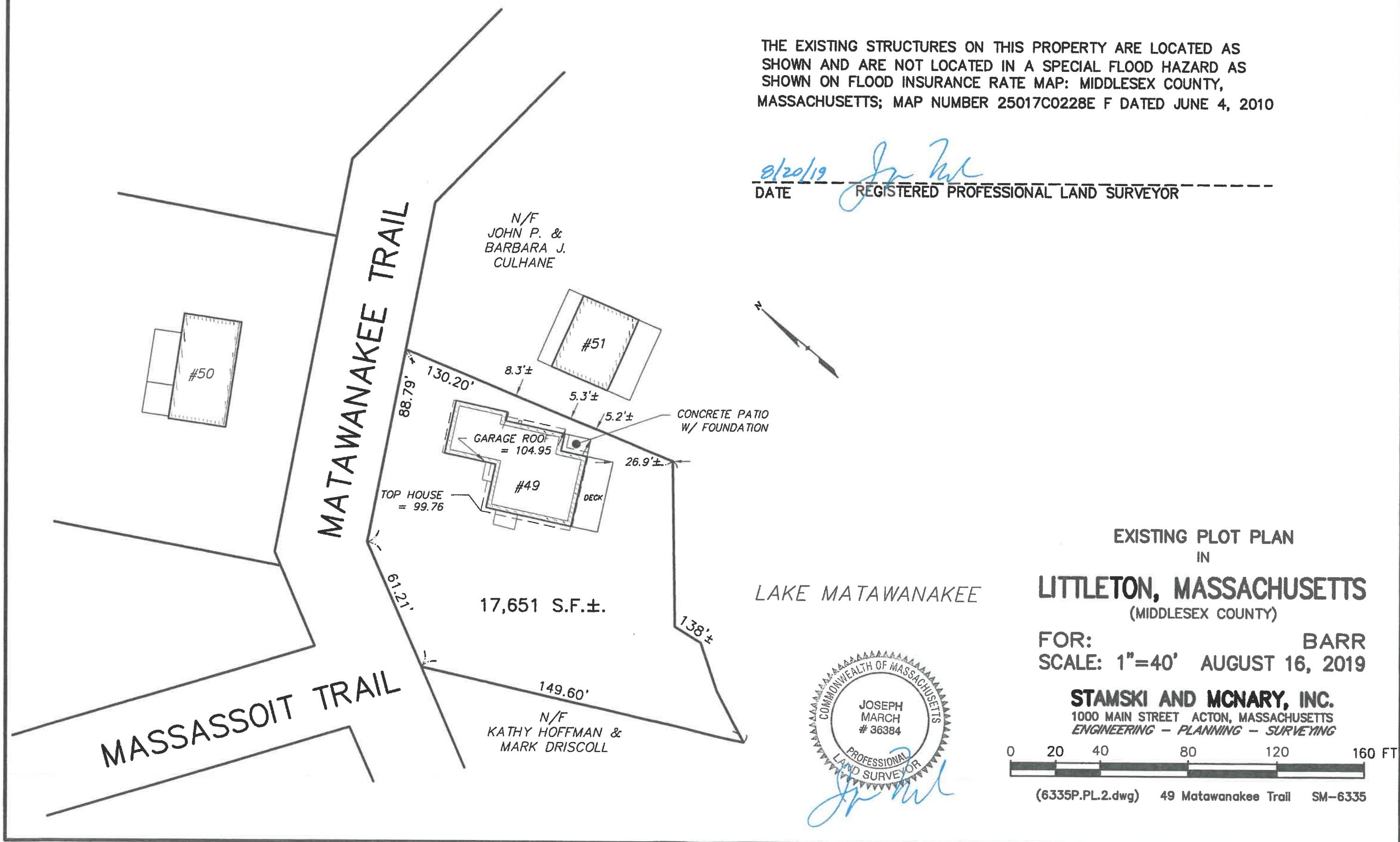
THE EXISTING STRUCTURES ON THIS PROPERTY ARE LOCATED AS SHOWN AND ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AS SHOWN ON FLOOD INSURANCE RATE MAP: MIDDLESEX COUNTY, MASSACHUSETTS; MAP NUMBER 25017C0228E F DATED JUNE 4, 2010

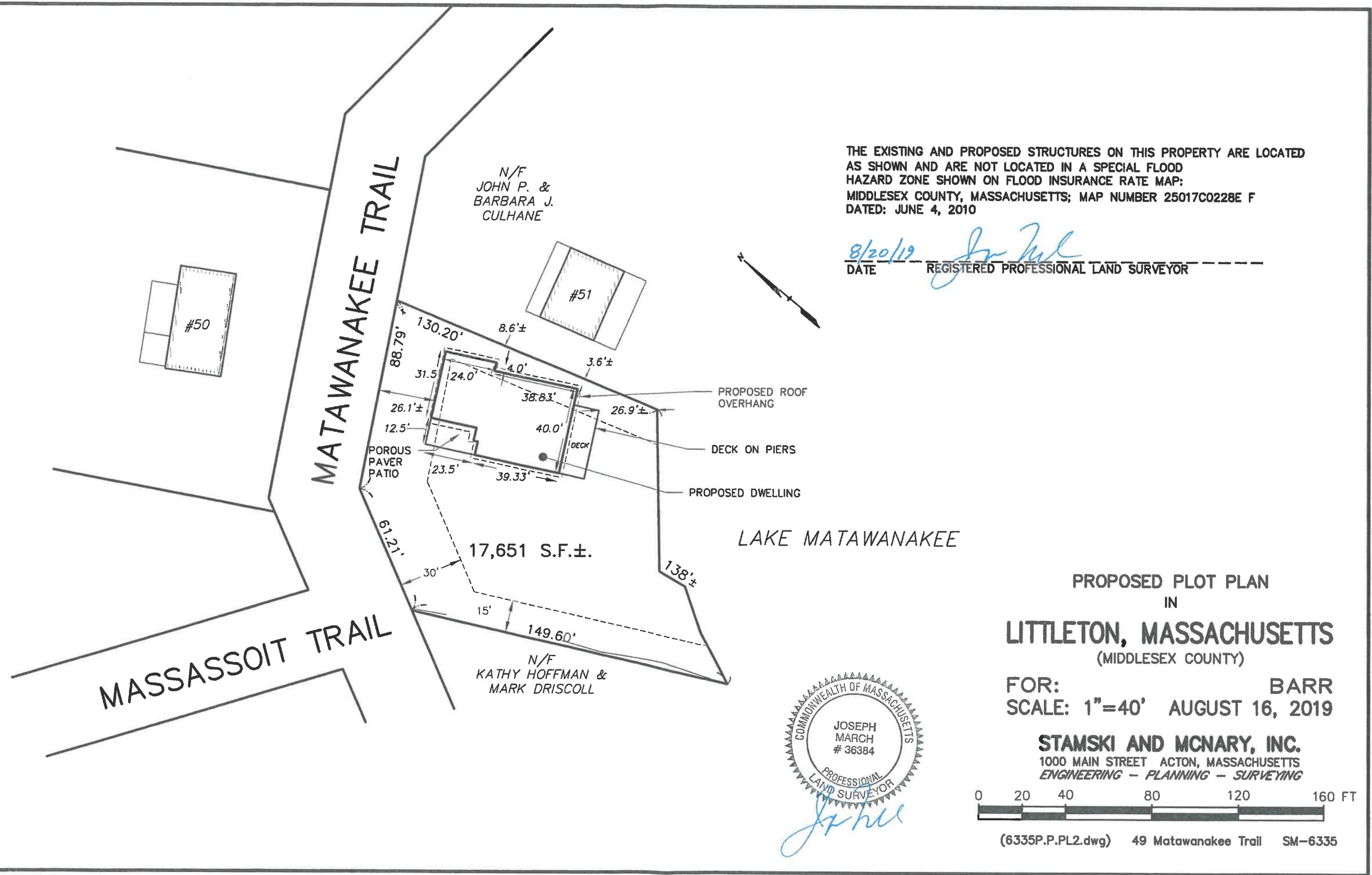
8/20/19

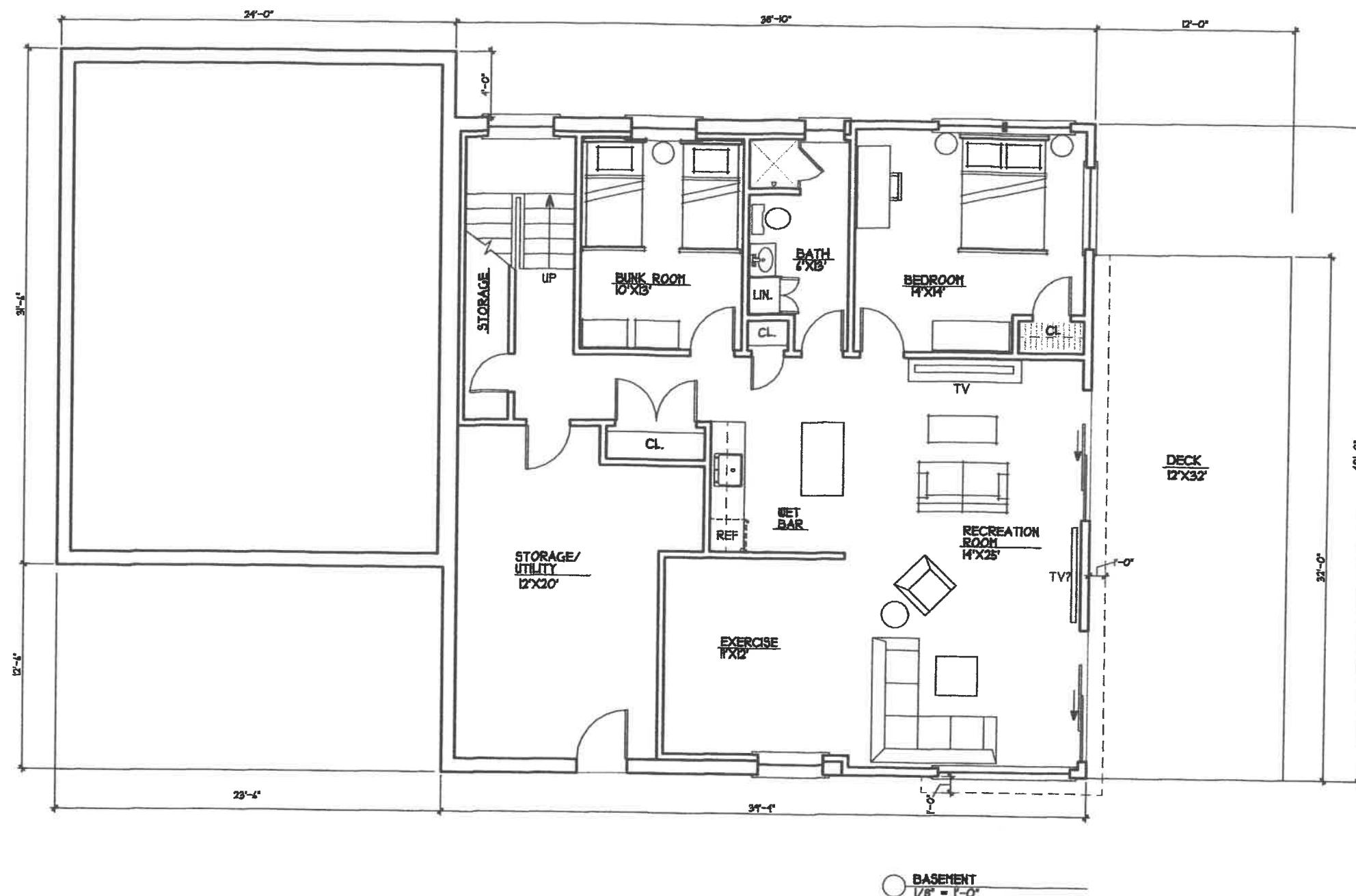
DATE

Joe M

REGISTERED PROFESSIONAL LAND SURVEYOR







BARR RESIDENCE
49 MATAWANAKEE TRAIL
LITTLETON, MASSACHUSETTS

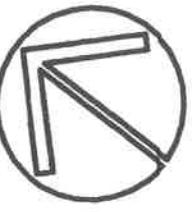
DICKINSON
 ARCHITECTS, LLC
 P.O. BOX 704
 91 MAIN STREET
 CONCORD, MA 01742
 (978) 341-8267

scale: 1/8"=1'-0"
 date: 08/20/19

drawn by: JP

checked by: BD





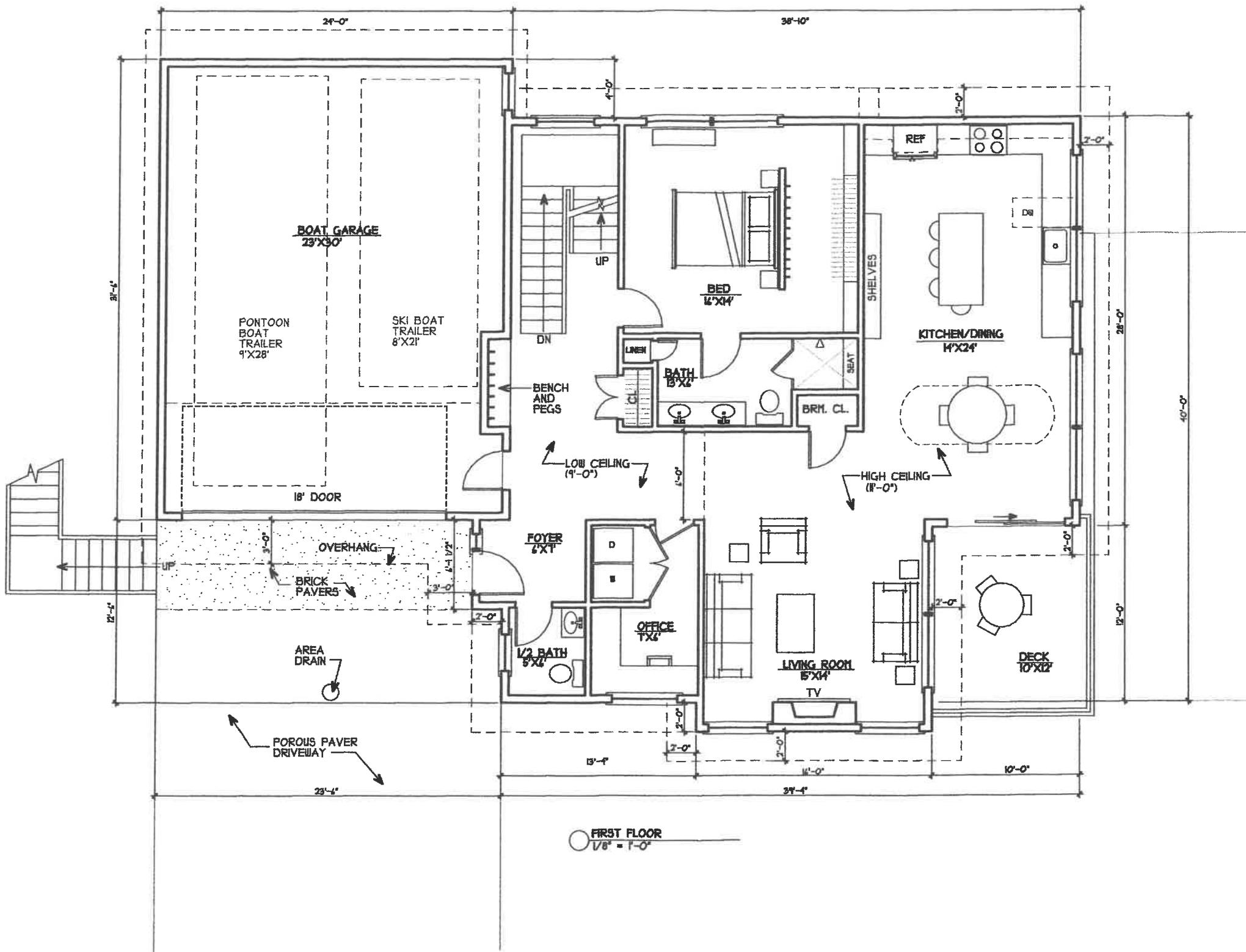
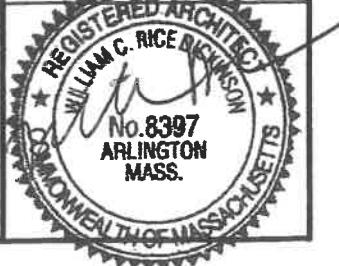
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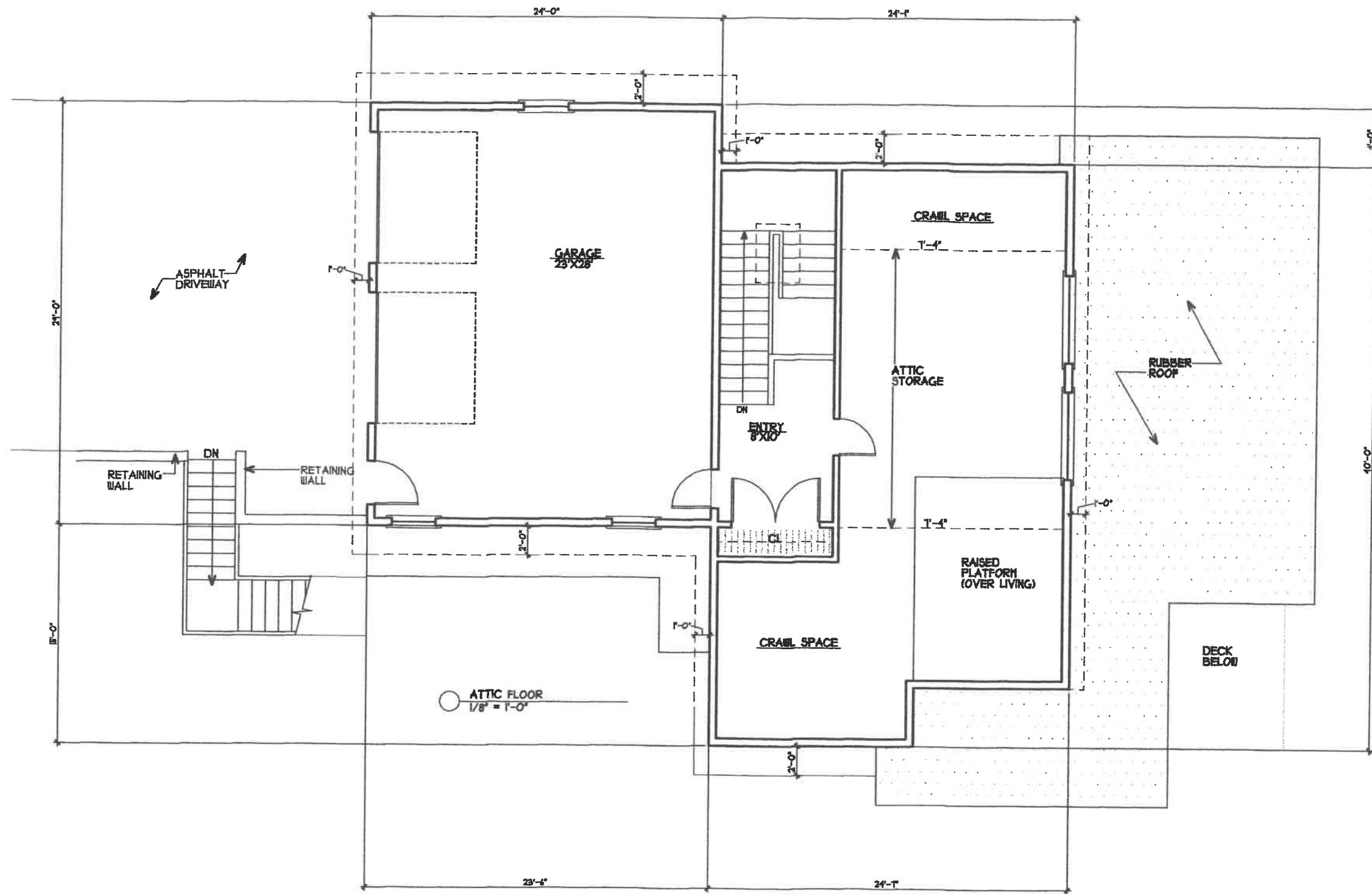
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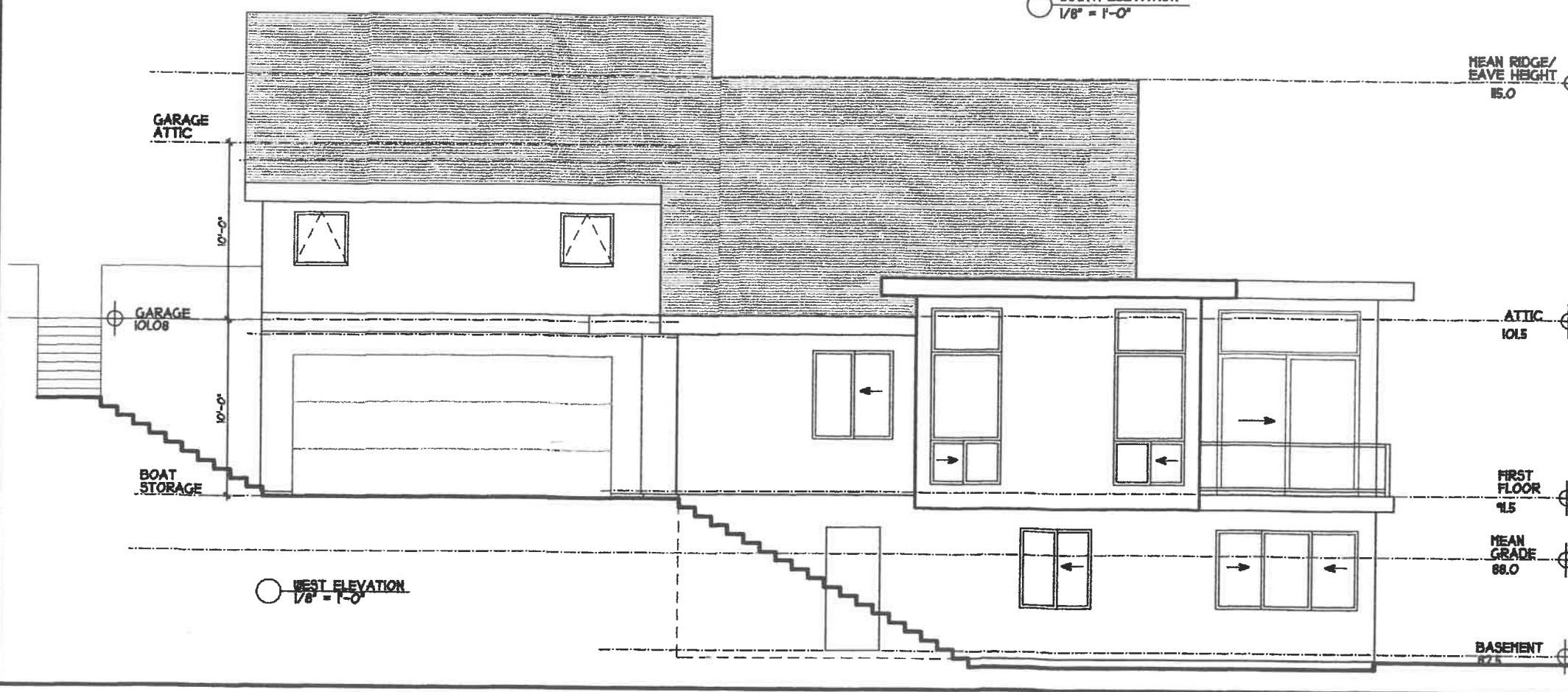
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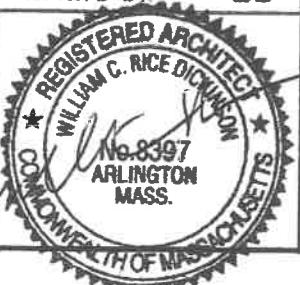
SOUTH ELEVATION
1/8" = 1'-0"



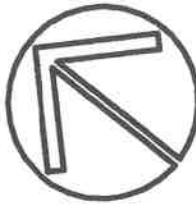
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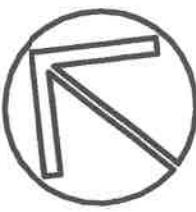
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