

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

9/18/2019
130PM

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 450 - Check # 1691

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 Georgiana Gagnon

Print Name Georgiana Gagnon
Address 39 Walden Terrace
Concord MA 01742

Town, State, Zip

Date: September 18, 2019

Phone # 978-505-7923

Email Address giagagnon@comcast.net

Email Address

Deed Reference: Bk 68964 *Page* 508

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 = \$450.00 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(applicant will be notified of amount once notice has been submitted to newspaper)

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

Georgiana Gagnon *Date* 9/18/2019

Print Name (if different from petitioner) Soaring Hawk Meditation Center LLC

Address (if different from petitioner)

Phone # 978-505-7923

Email giagagnon@comcast.net

ASSESSOR MAP & PARCEL NUMBER R18 14 0

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

Check box if applicable **AQUIFER DISTRICT**

WATER RESOURCE DISTRICT

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? Zoning Reg. 173-31 for a fence

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



Georgiana B Gagnon

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



September 18, 2019

Soaring Hawk Meditation Center – 547 Great Rd, Littleton MA

ZBA Application Narrative

Seeking relief of Zoning Bylaw 173-31, "Intensity of Use" regarding placement of a new fence

OVERVIEW

Soaring Hawk Meditation Center resides in the town's historic 1861 Poor House, also known as the Almshouse. Purchased in 2014, Soaring Hawk has restored, reconstructed and renovated the old house, and has significantly improved and landscaped the site.

The property has a rich history in Littleton, having served as a working poor house and farm up until 1919, before being converted into a residential property. At the time the property was purchased by Soaring Hawk, it contained a residential and a business use.

547 Great Road is uniquely situated between an existing residential neighborhood along Beaver Brook Road to the north, and existing industrial / commercial uses on its south side. Both its land and building, while located in the IA district are predominantly more residential in character than commercial.

OVERVIEW

Soaring Hawk is looking to construct a 118 foot long privacy fence along a section of the property's south border. Owing to the configurations of the land (existing leach field, topography, labyrinth, etc.) strict enforcement of the Zoning By-laws relative to the configuration of the fence would result in a substantial hardship.

The aesthetic qualities of the Meditation Center's site, and its ability to provide reflective and social activities, are fundamental to Soaring Hawk's mission. The fence is being proposed to sensitively provide an appropriate separation between Soaring Hawk's site amenities and natural features, and the industrial uses next door (please refer to photos). The fence is also intended to serve as a backdrop to photographs of activities on the site, as well as new flowering vegetation.

Placing the proposed fence within the 50' setback would result in a substantial hardship, as it would be in conflict with the existing septic system, stormwater drainage (rain garden), existing topography, walking labyrinth and open lawn areas.

Please note that relief from the 50' setback requirement simply applies to the taller, more decorative central sections of the fence, and to the height of the posts between the standard 6 foot tall fence sections. The latter of which is a conventional design and construction approach for any board and rail fence design.

Please refer to the enclosed fence elevation drawings, prepared by Walpole Woodworkers. Like all other features on the Soaring Hawk site, such as bricks, historic granite, and woodwork, the fence was designed to complement the quality of the property's inherent residential feel and New England character.



Aliopoulos & Aliopoulos PC
9 North Road
Chelmsford, MA 01824



2017 00032939
Bk: 68964 Pg: 508 Doc: DEED
Page: 1 of 2 03/03/2017 08:47 AM

QUITCLAIM DEED

I, GEORGINA B. GAGNON, individually, of Concord, Massachusetts

in consideration of less than ONE HUNDRED AND 00/100 DOLLARS (\$100.00)

grant to SOARING HAWK MEDITATION CENTER, LLC a duly existing Massachusetts limited liability company having its usual place of business at 39 Walden Terrace, Concord, Massachusetts 01742

with QUITCLAIM COVENANTS

The land in Littleton, Middlesex County, Massachusetts with the buildings and improvements thereon, situated on the northeasterly side of Great Road and shown as Lot 1 on a plan entitled "Plan of Land in Littleton, Mass. Owned by Theodore and Barbara C. Eliades" recorded with the Middlesex County, South District Registry of Deeds in Book 12886, Page 18, and more particularly bounded and described as follows:

SOUTHWESTERLY by Great Road as shown on said plan, three distances measuring respectively, 172 feet, 154.99 feet and 65.71 feet;
NORTHWESTERLY by Beaver Brook Road, as shown on said plan, 329.59 feet;
NORTHEASTERLY by Lot 2, as shown on said plan, 374.34 feet; and
SOUTHEASTERLY by said Lot 2, as shown on said plan, 355.69 feet.

Said Lot 1 containing 3.0479 acres of land, according to said plan.

Subject to flowage rights to Beaver Brook and to such right of way, if any there may be, to gain access to the land located Northeasterly thereof as shown in a deed recorded with the Middlesex County South District Registry of Deeds in Book 4687, Page 231.

Subject to Affidavit recorded with Middlesex County South District Registry of Deeds in Book 12944, Page 397.

Subject to a taking for the purpose of relocating and repair of Beaver Brook Road as shown in a document recorded with Middlesex County South District Registry of Deeds in Book 7989, Page 274.

No title exam requested and none performed.

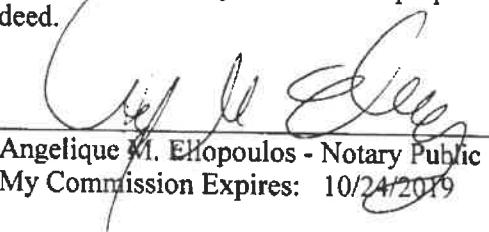
For Grantor's title see Deeds recorded with Middlesex South District Registry of Deeds at Book 63845, Page 191.

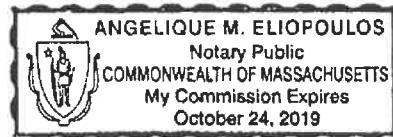
Executed as a sealed instrument this 31st day of January, 2017.

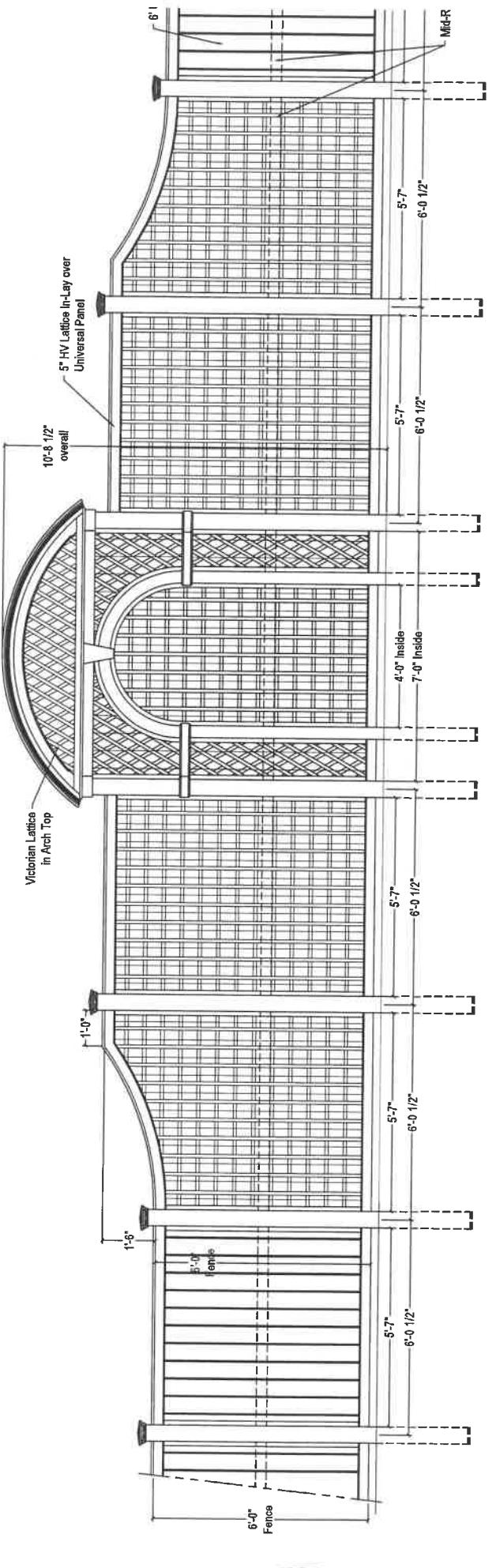

GEORGINA B. GAGNON

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

On 3rd day of January, 2017, before me, the undersigned notary public, personally appeared GEORGINA B. GAGNON, the above-named and proved to me through satisfactory evidence of identification being Driver's license, to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed.


Angelique M. Eliopoulos - Notary Public
My Commission Expires: 10/24/2019





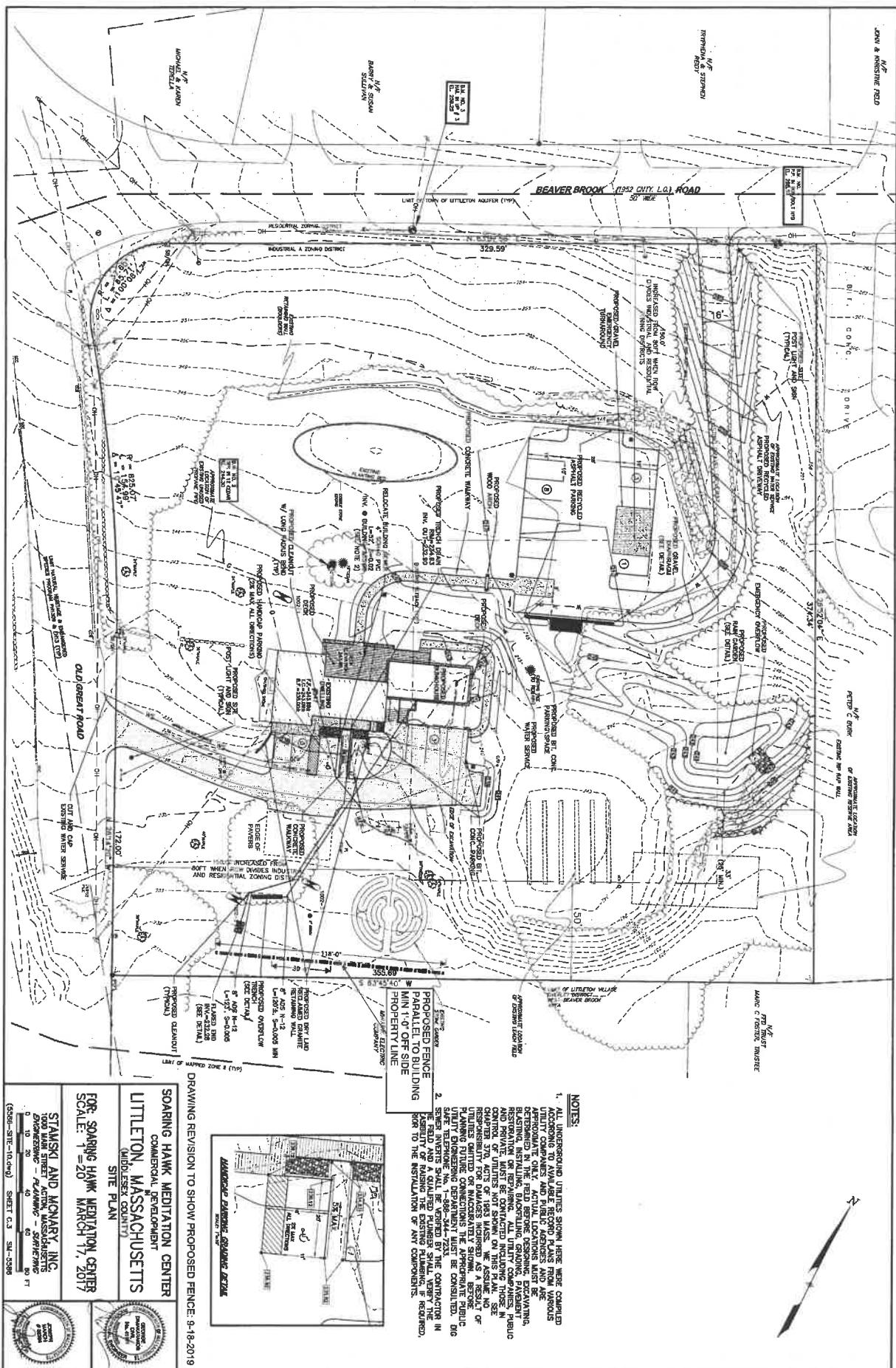
Face Side Elevation 1 Not to Scale

100 388

Customer Signature / Date:

Walpole Outdoors,
80+ years & AZEK®

:\1-Clients\AzeK\AZ-Special\AZ2019\2019-B09-SoaringHawk-653205.dwg, 9/16/2019 1:13:11 PM, DWG To PDF.pc3
XXXXXX



1.

1. ALL UNDERGROUND UTILITIES SHOWN HERE WERE COUPLED TO THE SURFACE AND ARE NOT SHOWN AS SEPARATE LINES. APPROXIMATELY 10% OF THE ACTUAL LOCATIONS MUST BE DETERMINED IN THE FIELD BEFORE DESIGNING, EXCAVATING, DRAFTING, INSTALLING, OR MAINTAINING. PLACEMENT OF PUBLIC AND PRIVATE UTILITIES MUST BE CONDUCTED INCLUDING THOSE IN CONTROL OF UTILITIES NOT SHOWN ON THIS PLAN. SEE SECTION 10.00 FOR ADDITIONAL INFORMATION.

2. PROPOSED FENCE LINE PARALLEL TO BUILDING LINE. A QUALIFIED PLUMBER SHALL VERIFY THE ABILITY OF RAISING THE EXISTING PLUMBING, IF REQUIRED, DUE TO THE INSTALLATION OF ANY COMPONENTS.

SOARING HAWK MEDITATION CENTER COMMERCIAL DEVELOPMENT FOR: SOARING HAWK MEDITATION CENTER SCALE: 1=20 MARCH 17, 2017	
LITTLETON, MASSACHUSETTS <small>(MIDDLESEX COUNTY)</small>	SITE PLAN