

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
10/15/19 3PM HL

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300 Check # 100

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

Date:

Print Name

Address

Town, State, Zip

Phone #

Email Address

Deed Reference: Bk _____ Page _____

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

Signature

Date

Phone #

Print Name (if different from petitioner)

Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER

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

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 Intensity of Use
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. 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

General Information

OCT 17 11:17 AM

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 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 Enforcing 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.*

Janet Fairchild

From: Noella Marie <noellamarie@icloud.com>
Sent: Tuesday, October 15, 2019 2:14 PM
To: Janet Fairchild
Subject: 30 Taylor - letter with variance

To whom this may concern:

This application for variance is for requesting approval to put up 8' containment fencing, with concreted 10' posts, at property located at 30 Taylor st, Littleton, MA

Fencing will be placed along the parking lot side, train track/existing fence side, back side and street sides of the building. Request is for plans for fencing to be placed up to 10' from the street and directly along the property line near existing fence on railroad track side of premise.

Thank you for your attention in this matter. Any questions, please contact me directly at 978-502-3838.

Thank you,

Noelle Cutler
30 Taylor St
Littleton, MA
978-502-3838

Sent from my iPhone

Proposed fence
 Francis boundary of
 Riverfront line

Right of
 existing property line

200' RIVERFRONT AREA

CHAIN LINK FENCE

S19°57'00"E 295.24'

DUHIGG &
 KIRKLAND

N37°51'20"E 21.23'

N65°12'50"E

78.05'

RF_4_END

1 STORY BUILDING
 #30

RF_3

RF_2

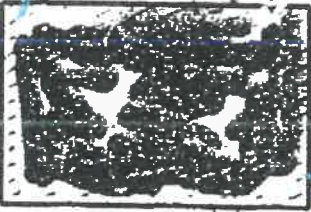
N25°25'09"W 70.87'

RF_1_START

EDGE OF PAVEMENT UP#8

10' from street
 request

EDGE OF PAVEMENT (TYPICAL)



GRAVELLED
 AREA

CATCH BASIN

EDGE 1

UP#

N

RF/A

RF

RF

RF

RF

RF

RF

BEAVER BROOK (PERENNIAL STREAM)

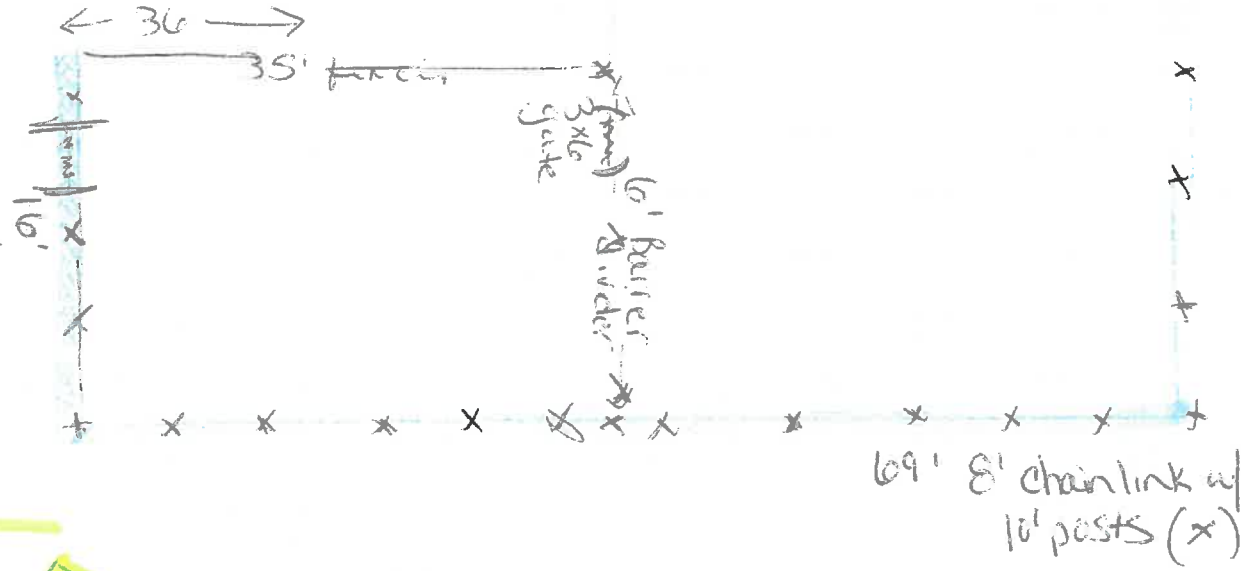
TAYLOR

add'l
 1 foot
 1 foot

10' from
existing
fence

(train side) existing drain link fence

Keyed/locked
8' tall w/ 10' posts
full capacity wood
barrier fence

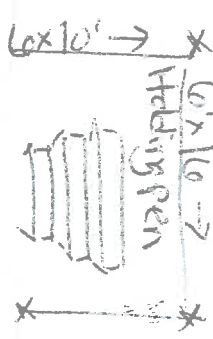


← 54' →



Boyle St
Building

33' 8' chain link w/
10' posts (x)



10' from
road

Street side

(x) spaced 10' 8' chain link w/ 10' posts (x)



N/F
E. J. TUROWSKI, IN

TOPOGRAPHIC
PLAN OF LAND
IN

LITTLETON, MASSACHUSETTS

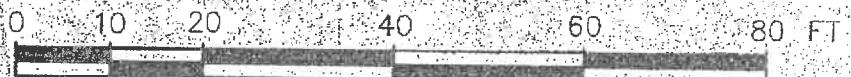
(MIDDLESEX COUNTY)

FOR: IDYLWILDE FARM, INC.
SCALE: 1"=50' MAY 12, 2014

ESS PRINT
5/27/2014

STAMSKI AND MCNARY, INC.

1000 MAIN STREET ACTON, MASSACHUSETTS
ENGINEERING — PLANNING — SURVEYING



U41-26-0 30 TAYLOR ST
LANCASTER ROAD HOLDINGS LLC
53 MIDLAND DRIVE
WALTHAM, MA 02451-1329

U41-19-8 8 MASONBROOK LN
DUTCHER TODD O
DUTCHER KELLY A
62 SPECTACLE POND RD
LITTLETON, MA 01460

U41-27-0 60 TAYLOR ST
SIXTY TAYLOR LLC
60 TAYLOR STREET
LITTLETON, MA 01460

U41-30-0 82 TAYLOR ST
TUROWSKI JOSEPHINE E TRUST
TUROWSKI JOSEPHINE - TRUSTEE
140 LINCOLN RD APT 314
LINCOLN, MA 01773

U41-32-0 47 TAYLOR ST
BARKOVIC JAMES R AND
DOLL RHONDA F
47 TAYLOR ST
LITTLETON, MA 01460

U41-37-0 WHITCOMB AV
LITTLETON TOWN OF
P.O. BOX 1305
LITTLETON, MA 01460

U40-2-0 96 TAYLOR ST
28 KEEL, LLC
PO BOX 2276
LITTLETON, MA 01460

U41-23-0 1 HARWOOD AV
BOSTON & MAINE RAILROAD
C/O GUILFORD TRANSPORTATION
IRON HORSE PARK 67 HIGH ST
NO BILLERICA, MA 01862

U41-28-0 66 TAYLOR ST
ROGERS DAVID A
ROGERS MARILYN
66 TAYLOR ST
LITTLETON, MA 01460

U41-31-0 51 TAYLOR ST
RACELA HEATH J
RAHMAN SEEMA
51 TAYLOR ST
LITTLETON, MA 01460

U41-33-0 6 WHITCOMB AV
MAGURN FRANCIS B II
COLEMAN JOANNE R
6 WHITCOMB AV
LITTLETON, MA 01460

REQUESTOR:
NOELLE CUTLER
30 TAYLOR ST
LITTLETON, MA 01460

U41-19-7 10 MASONBROOK LN
HERBERT JAMES D
HERBERT KATHARINE M
10 MASONBROOK LN
LITTLETON, MA 01460

U41-25-2 20 TAYLOR ST
TAYLOR STREET TRUST
DUHIGG MICHAEL F & KIRKLAND DANIEL G
20 TAYLOR ST
LITTLETON, MA 01460

U41-29-0 80 TAYLOR ST
THUNDER RD REALTY TRUST
TRUMBULL DEBORAH A f/k/a BRAY - TRS
80 TAYLOR ST
LITTLETON, MA 01460

U41-31-A 55 TAYLOR ST
KAZMAIER SUSAN M
51 PLAINFIELD ROAD
CONCORD, MA 01742-5726

U41-34-0 8 WHITCOMB AV
OTTO ROBERT
PO BOX 2758
ACTON, MA 01720