

**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  
11/18/2019 9:54 AM*

The filing is not official until stamped by the Town Clerk  
 Filing Fee paid: \$ 375 Check # 2162

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.

*Charles E. Bell*  
 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 Charles E. Bell

Print Name Charles E. Bell  
 Address 474 Great Road  
 Town, State, Zip Littleton, MA 01460

Date: 10/20/2019

Phone # 978-486-8615

Email Address CBell@Nashoba

Deed Reference: Bk 50495 Page 15

**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 publication fee

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

Signature Charles E. Bell Date 28 Oct 19

Phone # \_\_\_\_\_

Email \_\_\_\_\_

Print Name (if different from petitioner) \_\_\_\_\_

Address (if different from petitioner) \_\_\_\_\_

**ASSESSOR MAP & PARCEL NUMBER** \_\_\_\_\_

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

Check box if AQUIFER DISTRICT applicable

WATER RESOURCE DISTRICT

# 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 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.

## 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?

MGL c.40A § \_\_\_\_\_

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

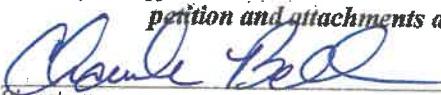
M.G.L.c40B

# 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? § 173-167
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

Charles E. Bell

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:
  - 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
  - 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.

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PROPERTY ADDRESS: 474 Great Road, Littleton, Middlesex County, Massachusetts

QUITCLAIM DEED

WE, CHARLES E. BELL AND KERSTIN E. BELL,

IN CONSIDERATION OF LESS THAN ONE HUNDRED AND 00/100 DOLLARS  
(\$100.00) AND PURSUANT TO THE TERMS OF THE  
SEPARATION AND PROPERTY SETTLEMENT  
AGREEMENT, MIDDLESEX PROBATE DOCKET NO.  
07D2479DV1

GRANT TO CHARLES E. BELL, INDIVIDUALLY  
of 474 Great Road, Littleton, Middlesex County, Massachusetts  
*with quitclaim covenants*



2007 00224447  
Bk: 50495 Pg: 15 Doc: DEED  
Page: 1 of 2 12/20/2007 01:08 PM

The land with the buildings thereon, situated in Littleton, Middlesex County, Massachusetts, on the westerly side of Great Road, so-called, leading from Concord to Groton, about one-half ( $\frac{1}{2}$ ) mile North from Littleton Common bounded and described as follows:

BEGINNING at the corner of said Great Road and Russell Street, formerly called Russell Avenue; thence running  
SOUTHWESTERLY along said Russell Street, one hundred fifteen (115) feet, more or less, to land now or formerly of DiCalo; thence  
NORTHERLY by land of said DeCalo one hundred fifty-two (152) feet, more or less, to a stake and land now or formerly of said DiCalo; thence  
EASTERLY along said DiCalo land one hundred fifteen (115) feet, more or less to Great Road; thence  
SOUTHERLY by said Great Road One Hundred Thirty-One (131) feet and six (6) inches to the point of beginning.

Subject to a taking by the Commonwealth of Massachusetts recorded with said Deeds in Book 4328, Page 31. See also Book 10769, Page 333.

Being the same premises conveyed to Grantors by deed recorded with Middlesex South Registry of Deeds in Book 27442, Page 282.

474 Great Road, Littleton, MA

Executed as a sealed instrument this 30<sup>th</sup> day of October, 2007.

Charles Bell  
CHARLES E. BELL

Kerstin Bell  
KERSTIN E. BELL

COMMONWEALTH OF MASSACHUSETTS

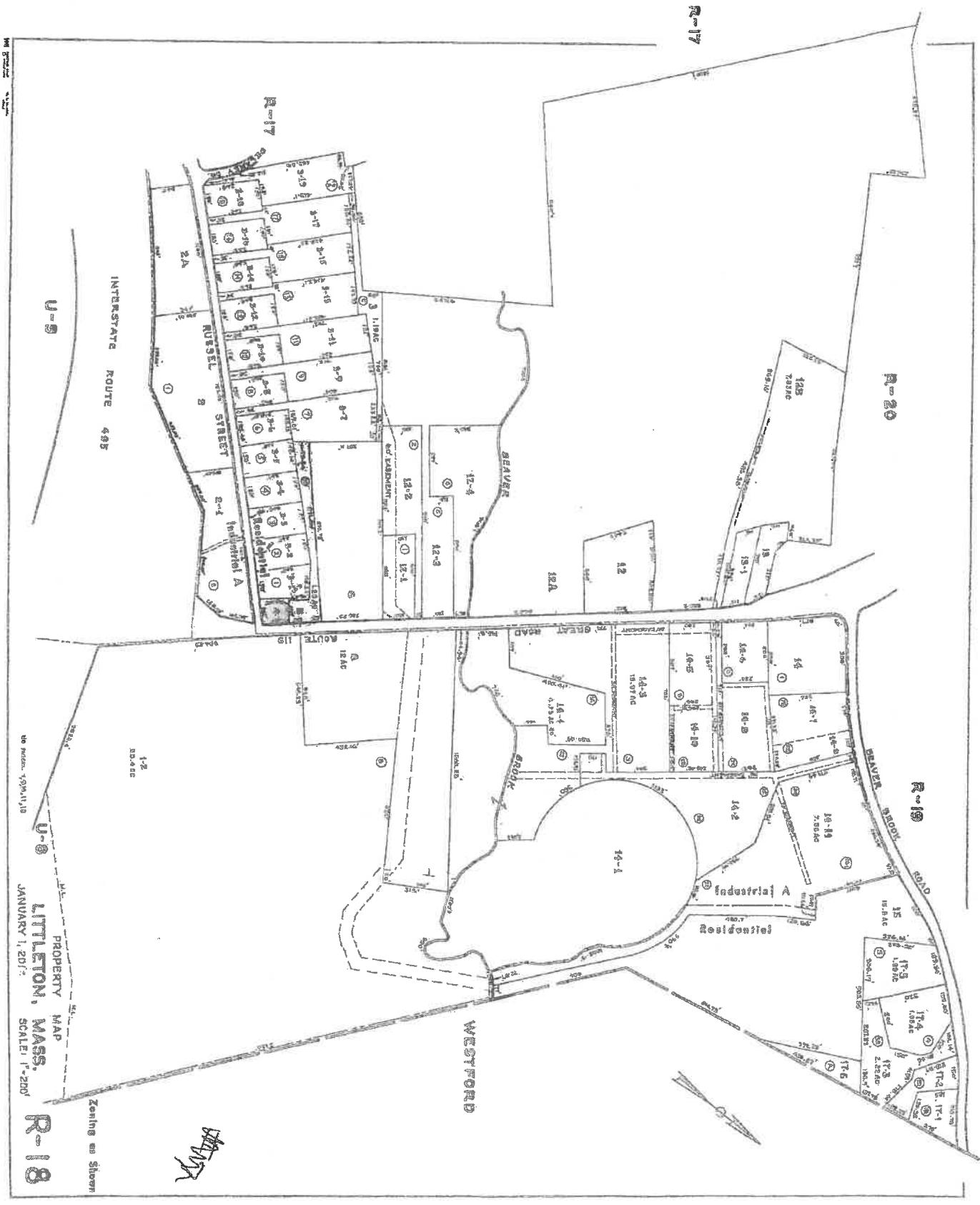
Middlesex, ss.

Date: 10/30/07

On this day, before me, the undersigned notary public, personally appeared CHARLES E. BELL AND KERSTIN E. BELL, proved to me through satisfactory evidence of identification which were valid driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose,

Shad R. Gould  
Notary Public: Shad R. Gould  
My Commission Expires: 5/17/10

REGISTRY OF DEEDS  
SOUTHERN DISTRICT  
ATTEST:  
Eugen C. Brune  
REGISTER



PROPERTY MAP  
**LITTLETON, MASS.**  
JANUARY 1, 2012  
SCALE, 1" = 200'

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**Massachusetts Office:**

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Fax (781) 786-7080

Office Hours: Monday-Friday 9:00 a.m. to 5:00 p.m.

November 15, 2019

Town of Littleton  
Zoning Board of Appeals  
37 Shattuck Street  
P.O. Box 1305  
Littleton, MA 01460

Re: Charles Bell, 474 Great Road, Littleton, MA 01460  
Request for Variance – Littleton Village Overlay District West-Beaver Brook Area

Dear Zoning Board of Appeals:

I write as legal counsel for Mr. Charles Bell, owner of the premises at 474 Great Road, Littleton, MA and owner of Nashoba Security which operates its business on the premises. This letter is written to describe the request for variance being submitted herewith.

Pursuant to a Zoning Amendment as approved on May 7, 2012, the Town voted to add the subject property located at 474 Great Road (Assessor's Map R-18, Parcel 4) and 478 Great Road (Assessors Map r-18, Parcel 5) as shown on the map entitled "May 2012 Additions to Little Village Overlay District West-Beaver Brook Ara Zoning Map," dated March 22, 2012 and on file with the Town Clerk. This amendment required each parcel within the overlay district to have a minimum lot size of 3 acres. Applicant submits that it was the intention of the Town to include his parcel within the overlay district with an express waiver of the 3 acre lot size requirement. Accordingly, applicant submits this application for an express waiver of the 3 acre lot size requirement for his property at 474 Great Road, Littleton, MA to be included in the overlay district as described above.

Sincerely,  
Charles Bell,  
By his legal counsel,  
  
David M. Rosen, Esq.



**OFFICE OF THE  
BOARD OF APPEALS**

37 Shattuck Street, Room 302  
978-540-2420  
Littleton, Massachusetts 01460

**LEGAL NOTICE  
NOTICE OF HEARING**

The Littleton Board of Appeals will conduct a public hearing on Thursday, December 19, 2019 at the Littleton Town Offices, 37 Shattuck Street, Room 103 to consider the following petitions:

7:15pm Case 937A The Petitioner Charles Bell seeks a variance pursuant to 173-167 for an express waiver of the 3 acres lot size requirement to be included in the overlay district for 474 Great Rd.

**LITTLETON BOARDS OF APPEALS**

Eagle-Independent 11/29 &12/6/19