

**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
2/13/2019 1:45 PM
[Signature]

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300 Check # 9103

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

Edward Caykendall
Print Name

8 Long Lake Rd
Address

LITTLETON, MA 01460
Town, State, Zip

Date: 2/16/19

781 983 0393
Phone #

LAORDA.MAC@GMAIL.COM
Email Address

Deed Reference: Bk 69357 Page 336

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

Edward Caykendall
Signature

Date

Edward Caykendall
Print Name (if different from petitioner)

781 983 0393
Phone #

LAORDA.MAC@GMAIL.COM
Email

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U16 4

ZONING DISTRICT: B 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 8 Long Lake Rd ZBA Case No.: 918A

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

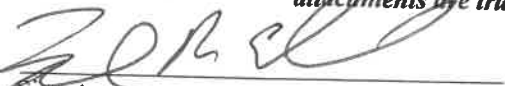
The undersigned hereby petitions the Board of Appeals for the Town of Littleton to grant a Special Permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the Zoning By-law.

1. Special Permits are expressly permitted in the Zoning Bylaws. Which Zoning Bylaw section do you rely for your appeal?

Zoning Bylaw § 173-10B"1"

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

Edward Conkennell
Print Name

Special Permit 40B

Under MGL c. 40B

See supplemental instructions: Littleton Zoning Board of Appeals Rules for the Issuance of a Comprehensive Permit under M.G.L.c40B

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?

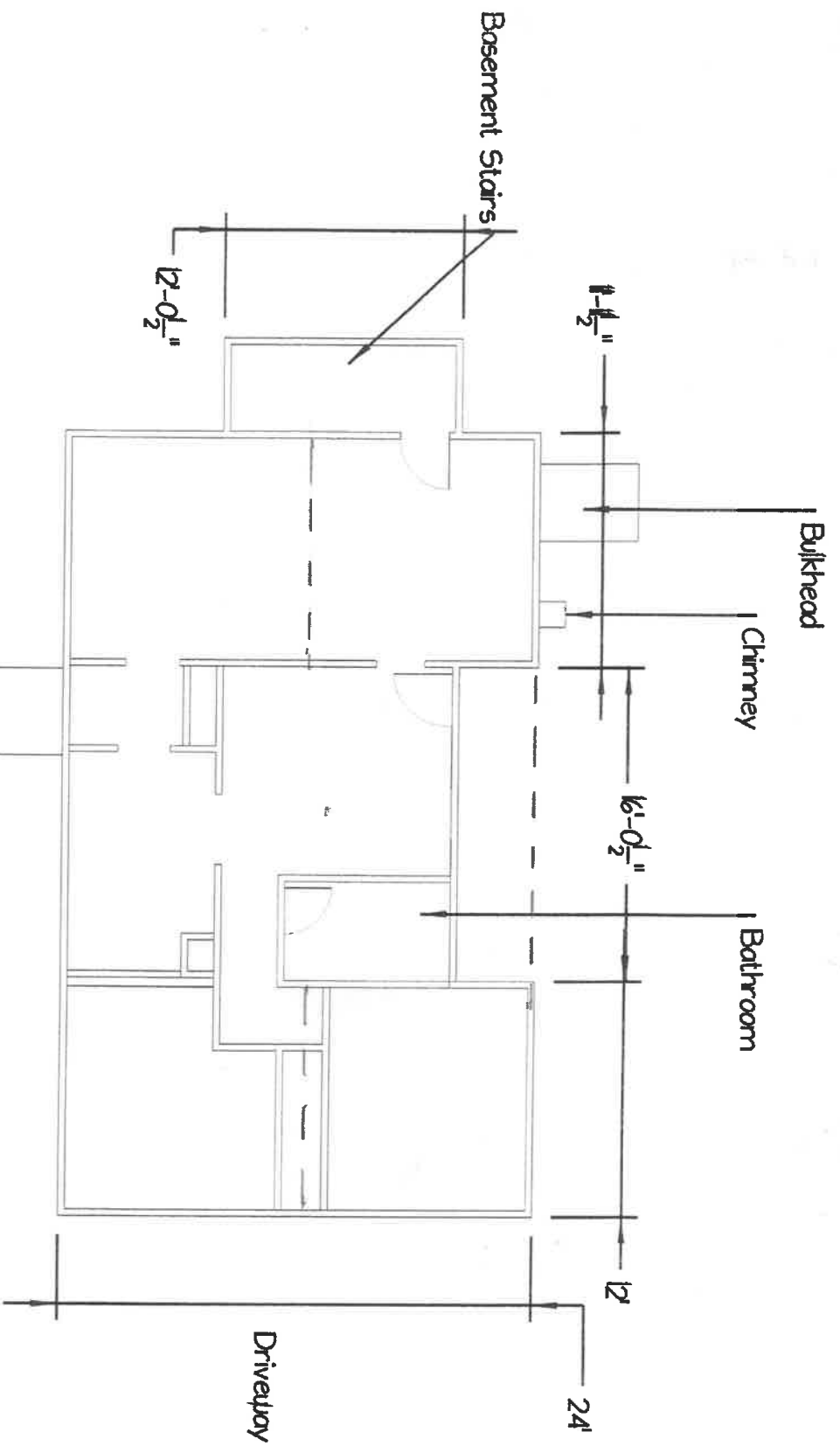
Certain uses of property are permitted as a matter of right. However, the Littleton Zoning By-laws provide that other uses are not allowed in certain zoning districts, and that specific types of uses shall only be permitted in specified zoning districts upon the issuance of a Special Permit from the 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.**



1/8" = 1'

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number : 80509
Document Type : DEED
Recorded Date : May 31, 2017
Recorded Time : 11:09:06 AM

Recorded Book and Page : 69357 / 336
Number of Pages(including cover sheet) : 3
Receipt Number : 2088617
Recording Fee (including excise) : \$125.00

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 05/31/2017 11:09 AM
Ctrl# Doc# 00080509
Fee: \$.00 Cons: \$1.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

Witness my hand and seal this 25 day of May, 2017


Edward R. Coykendall

Miguel, ss:

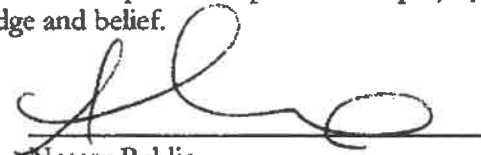
COMMONWEALTH OF MASSACHUSETTS

May 25, 2017

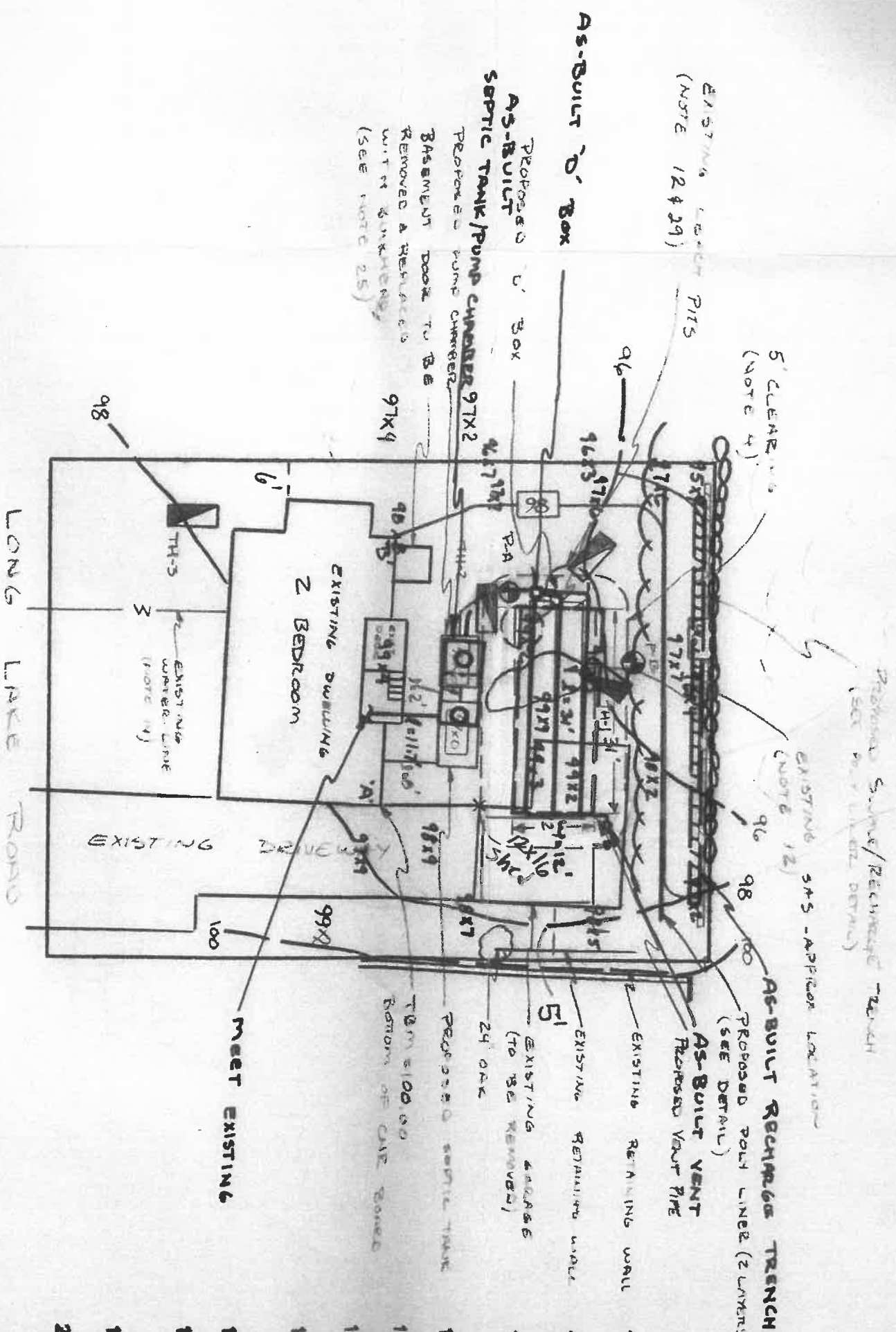
On this 25 day of May, 2017, before me, the undersigned notary public, personally appeared, Edward R. Coykendall, proved to me through satisfactory evidence of identification, which was a MA Driver's License (other MA DL), to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose and with regard to those statements made under the pains and penalties of perjury, that the same are true and correct to the best of his knowledge and belief.



ALEXANDER W. MULCAHY
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
October 6, 2017

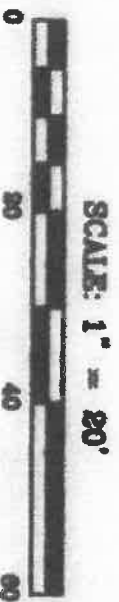

Notary Public
My Commission Expires:

- 27. THIS DESIGN PROPOSES THE USE OF THE B HORIZON IN COMPLIANCE WITH THE DEP TITLE 5 POLICY ON THE USE OF THE B HORIZON FOR SOIL ABSORPTION SYSTEM UPGRADES.
- 28. A TWO BEDROOM DEED RESTRICTION SHALL BE PROVIDED.
- 29. EXISTING LEACHING PITS ARE TO BE EXCAVATED AND REMOVED FROM SITE. EXCAVATED AREAS SHALL BE FILLED WITH MATERIAL IN CONFORMANCE WITH 310 CMR 15.255 AS SPECIFIED BELOW.
- 30. FILL MATERIAL FOR SYSTEMS CONSTRUCTED IN FILL SHALL CONSIST OF SELECT ON-SITE OR IMPORTED SOIL MATERIAL. THE FILL SHALL BE COMPRISED OF CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES. MIXTURES AND LAYERS OF DIFFERENT CLASSES OF SOIL SHALL NOT BE USED. THE FILL SHALL NOT CONTAIN ANY MATERIAL LARGER THAN TWO INCHES. SEE 310 CMR 15.255.



SOIL PROFILE TEST
PERCOLATION TEST
EXISTING CONTOUR
PROPOSED CONTOUR
WATER LINE
DRAIN LINE
STONE WALL

31. A VARIANCE IS HEREBY REQUESTED FROM LITTLETON BOARD OF HEALTH REG. 24(b) TO ALLOW THE USE OF A 40 MIL POLY-LINER INSTEAD OF THE REQUISITE REINFORCED CONCRETE RETAINING WALL FOR BREAKOUT GRADING PURPOSES ON A SEWAGE DISPOSAL SYSTEM UPGRADE.



NOT

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