

**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

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ \_\_\_\_\_ Check # \_\_\_\_\_

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 Dana McKiel

Date: 2/15/19

Integrity Building + Design Inc Dana McKiel

978-337-4436

Print Name

978 Corset Road

Phone #

dana.mckiel@integritybuilding.com

Address

Acton MA 01720

Email Address

Town, State, Zip

Deed Reference: Bk Map 4-17 Page 205

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

Dustin Neil

2/8/19

978-902-4415

Signature

Date

Phone #

Dustin Neil

Print Name (if different from petitioner)

dustin.neil@gmail.com

Email

17 Lake Shore Drive

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U-17 Lot 205

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

Check box if applicable  AQUIFER DISTRICT  
 WATER RESOURCE DISTRICT

# 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 § 17310 B 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.**

Lynn McNeil  
Signature \_\_\_\_\_

Dawn McKiel  
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.**

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# INTEGRITY

**Building and Design**  
INCORPORATED

498 Great Road  
Acton, MA 01720  
978-264-0657  
[www.IntegrityBuilding.com](http://www.IntegrityBuilding.com)

February 15, 2019

Littleton Zoning Board Of Appeals

C/O Michelle Cobleigh

Littleton Town Hall

37 Shattuck Street

P.O. Box 1305

Littleton MA 01460

RE: Request For A Special Permit

17 Lake Shore Drive

Littleton MA 01460

Dear Michelle And Zoning Board Of Appeals Members:

On behalf of our client, Dustin and Lynn Neild, we respectfully request the Board Of Appeals grant a special permit to allow the removal of the existing two car garage, staircase enclosure and the construction of new two car garage, mudroom and family room addition above for the preexisting nonconforming structure that extends or increases an existing nonconformity pursuant to Section 173-10-B-1 for the above referenced property.

The existing house was constructed in 1940 on Parcel ID U17 205. The lot contains 10,197 square feet of land.

The existing dwelling has a two car garage, stair enclosure, kitchen, dining room and two bedrooms and one bathroom.

The proposed is to construct a new two car garage on the same footprint as the existing one. Construct a new mudroom connector to the house as access to garage and new proposed family room above the garage.

The existing setback of the garage is 17.9' not the required 30' for Lake Shore Drive. The new garage will be the same 17.9'.

# INTEGRITY

**Building and Design**  
INCORPORATED

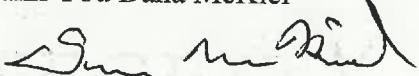
498 Great Road  
Acton, MA 01720  
978-264-0657  
[www.IntegrityBuilding.com](http://www.IntegrityBuilding.com)

The new garage is to replace the run down existing one and the foundation is to be replaced do to not compliant with today's code. The new family room is to provide a space to watch tv and relax.

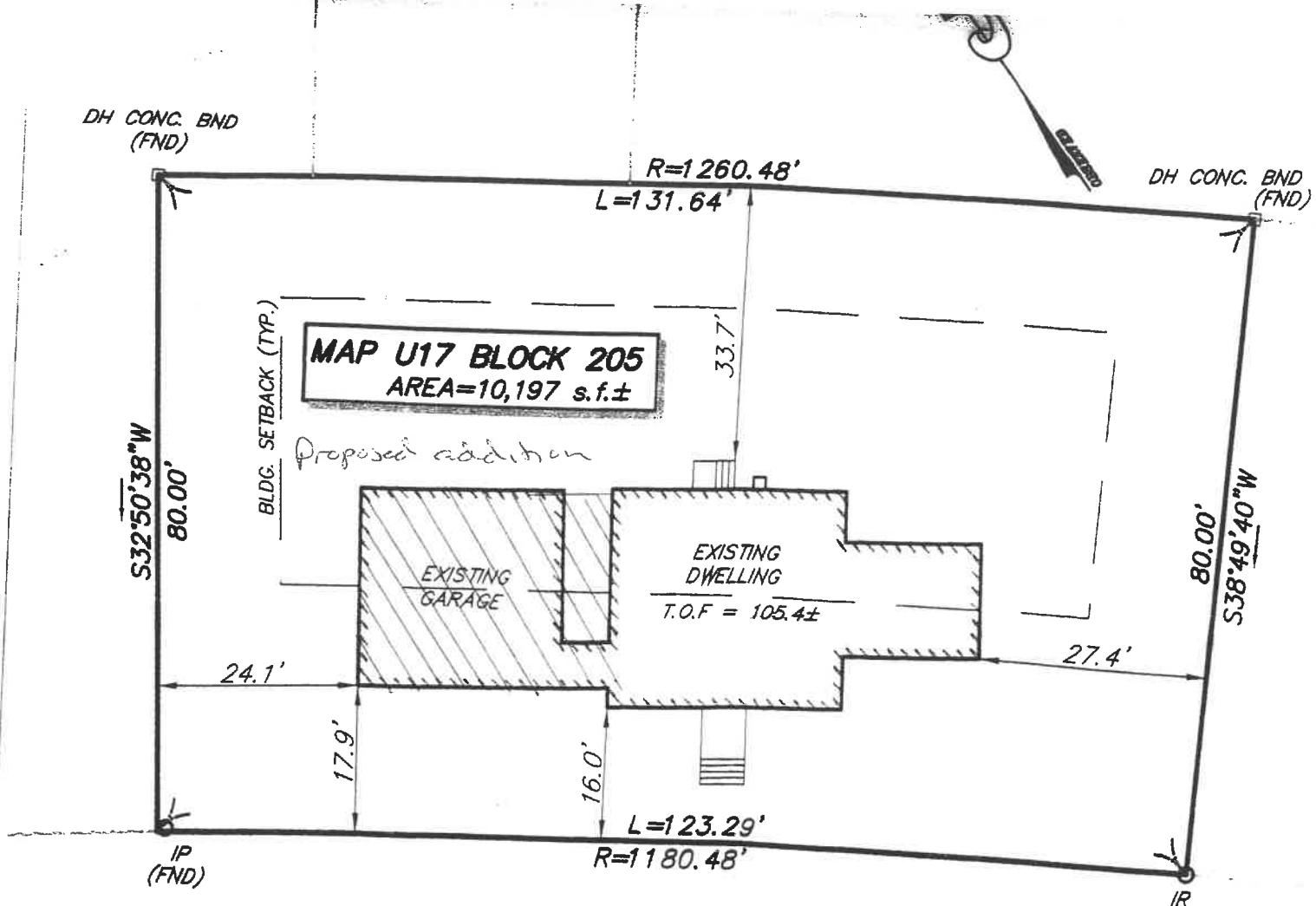
It is our opinion desirable relief may be granted without substantial detriment to public good; or without nullifying or substantially derogating from the intent of purpose of the bylaws. The proposed garage and mudroom is no closer to Lake Shore Drive than the existing one. All side and rear setbacks are in compliance.

On behalf of the owners Dustin & Lynn Neild it is our opinion desirable relief could be granted either by special permit as mentioned above while being in harmony with the general purpose and intent of the bylaw. We look forward to discussing the project at your next available meeting.

Thank You Dana McKiel



Integrity Building & Design Inc.



LAKE SHORE DR.

MINIMUM BUILDING SETBACKS

RESIDENTIAL

FRONT: 30 FEET MINIMUM  
SIDE: 15 FEET MINIMUM  
REAR: 15 FEET MINIMUM

REFERENCE PLANS:

M.S.R.D. PLAN BOOK 356 PLAN 46  
M.S.R.D. PLAN BOOK 362 PLAN 26

PLAN REFERENCE : 356/46 362/26

LOT AREA : 10,197 s.f.

SCALE : 1" = 20'

DATE : DEC. 5, 2005

I CERTIFY TO THE LITTLETON  
BLDG. DEPT. THAT THE DWELLING  
AS SHOWN DOES NOT CONFORM  
WITH CURRENT LITTLETON  
ZONING REGULATIONS REGARDING  
SETBACKS FROM STREET LINES.

PLAN IS INVALID WITHOUT  
RED SURVEYOR'S SEAL



MEISNER BREM CORPORATION

151 MAIN STREET, SALEM, NH 03079 (603) 893-3301  
142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 (978) 692-1313

JOB NO. 2039.80



Neil.  
RMM  
(CHASSED/VIEWED  
NO/PAL/TE MA  
01/49)

QUITCLAIM DEED

2004 00067290  
Bk: 42297 Pg: 181 Doc: DEED  
Page: 1 of 1 03/24/2004 10:02 AM

The Building Exchange Company, a Virginia Corporation maintaining an office at 104 Sebethe Drive, Cromwell, CT, for consideration paid and in full consideration of Two Hundred Eighty Seven Thousand Five Hundred and no/100 Dollars (\$287,500.00) grant to Dustin O. Neild and Lynn T. Neild, husband and wife, as tenants by the entirety,

with quitclaim covenants

the land with buildings thereon situated in Littleton, Middlesex County, Massachusetts, being shown as Lots 1796, 1797, 1798, 1799, 1800, 1801 and 1802, on a plan entitled Map A of Long Lake, Town of Littleton, Middlesex County, Massachusetts recorded with Middlesex South Registry of Deeds in Plan Book 356 Plan 46. See also in said deeds Book of Plans 362 Plan 26.

Subject to and together with the benefit of the rights and privileges to maintain poles and wires for electric lights and telephone and water mains in the streets and ways as shown on said plan, to be used in common by the owners of lots on said plan, and their heirs and assigns, as stated in a deed dated September 19, 1975, recorded in Book 12864 at Page 168.

Also subject to building and use restrictions stated in a deed dated November 19, 1926, recorded in Book 5070 at Page 9, insofar as the same are now in force and applicable.

Also subject to an order for the layout and taking of Lake Shore Drive contained in and instrument dated February 21, 1950 recorded in Book 7557 at Page 514 and to all other easements, restrictions and agreements of record insofar as the same are now in force and applicable.

The transfer of this property does not transfer all or substantially all of the assets of the corporation.

Hereby conveying the same premises conveyed to Building Exchange Company by deed recorded with said deeds in Book 41442 at Page 82.

Witness its hand and seal this 15th day of March, 2004

Witnesses:

Denis R. Caron  
Amy J. D' Arcangelo  
Matthew J. Cholewa  
Matthew J. Cholewa

Building Exchange Company

By: Denis R. Caron  
Denis R. Caron

Its Vice President

STATE OF CONNECTICUT }  
{} ss. Cromwell  
COUNTY OF MIDDLESEX }

March 15, 2004

Then personally appeared the above-named Denis R. Caron, Vice President of Building Exchange Company, as aforesaid and acknowledged the foregoing instrument to be the free act and deed of the Building Exchange Company, before me,

Matthew J. Cholewa  
Notary Public: Matthew J. Cholewa  
My commission expires: June 30, 2008

John C. Brown  
Notary Public in Massachusetts

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 00  
Date: 03/24/2004 10:02 AM  
Ctrl# 026938 07142 Doc# 00067290  
Fee: \$1,311.00 Cenc: \$287,500.00

Property Address: 17 Lake Shore Dr, Littleton, MA





