

MORNING 12

ZBA Case No.: 920A Address 11 Worcester Rd

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: \$ 275.00 Check # 1313

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 *Cathy Goldring* Date: anyway
METROWEST COMPANY (774) 245-7690
Print Name Phone #
51 HARTWELL AVE METROWESTCOMPANYINC@GMAIL.COM
Address Email Address
LITTLETON, MA 01460
Town, State, Zip

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned
Catherine Goldring (508) 479-2137
Signature Date 2026-19 Phone #
11 WORCESTER ROAD TRUST CGOLDRING1@LITTLETON.NET
Print Name (if different from petitioner) Email

22 OAK HILL RD, NATICK, MA 01760
Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER U-32 144

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 = \$450.00 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

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

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.c.40B

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? 173-10B (FRONT YARD SETBACK)
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
(NO, NEW-GUNAWAY STREET)
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

Alex Flores
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 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

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.**

NARRATIVE

ZBA - APPLICATION FOR PUBLIC HEARING

Special Permit and Variance Requests

11 Worcester Road, Littleton, Massachusetts

February 19, 2019

The narrative is to provide the request for relief and accompany the Application for a Special Permit and Variance for 11 Worcester Road to allow for a reduced front yard setback required in Section 173-27 and the Intensity of Use Schedule: the required setback is 30 feet and the applicant is asking to reduce that to no less than 10 feet.

Due to the circumstances relating to the size of the lot, shape of the lot (wetlands encroaching on more than half of the lot) and literal enforcement of the provisions of the Zoning By-law would involve substantial hardship on the applicant. The requested relief may be granted without substantial detriment to the public good without substantially derogating from the intent or purpose of the Zoning Bylaw. The evidence of the conditions requiring the relief are described below.

Petitioners/Applicants:
Metrowest Company

Owner:
11 Worcester Road Trust

Additional documents accompanying this application are as follows:

Plot Plan, 11 Worcester Road, Littleton, MA 01460 dated 2/19/19 by FORESITE Engineering

Current Deeds

Photographs of the existing property and proposed dwelling to be constructed

Assessor's Card

Certified list of abutters

Existing Conditions

The property at 11 Worcester Road adjacent to bordering vegetated wetlands and is 36,272 sf, with approximately 9,000 sf of wetlands on site. The existing front yard setback is 24.7 feet. The Littleton Conservation Commission's 50-foot No Touch Zone occupies 25,800 sf of the lot and extends beyond the 30-foot front yard setback for most of the Concord Drive frontage and severely restricts the buildable area of the lot on the Worcester Road frontage. The grades generally slope from the front of the lot at the street line to the rear. The existing structure on the lot is a one-story, two-bedroom, house that is about 840 sf. The structure is not worth keeping due to its dated condition and small size.

The property has been tested for a new septic system, this revealed that the soil is a sandy loam glacial till with a percolation rate of 10 min/in and an estimated seasonal high groundwater depth of 48 inches. A 4-bedroom sewage disposal system has been designed and approved for construction by the Board of Health for the lot and an application has been filed and currently under review by the Conservation Commission for the project.

The flood plain does not encroach on the structure and the proposed structure will not be within the flood zone.

Proposed Conditions

The applicant proposes to construct a new home on the property, the layout is enclosed with this application. The existing house is and irregular shape and small, therefore the proposed footprint is in the same area as the existing house, however, is slightly larger to accommodate the dwelling footprint desired. The footprint of the new structure proposed is 2,800 sf with 4 bedrooms.

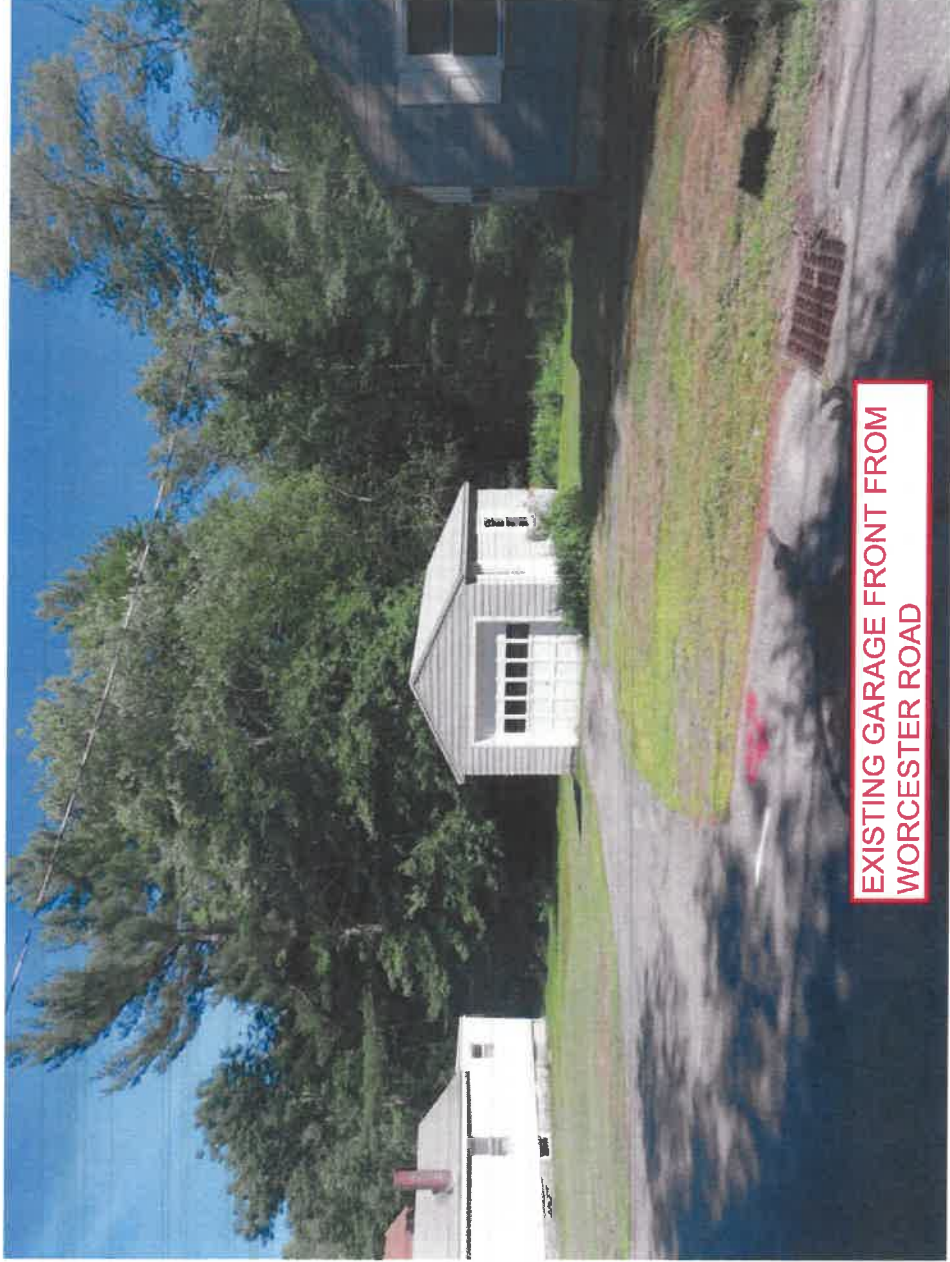
Special Permit and Variance Request

Due to the size of the lot and the location of wetland resource areas, the area conducive to construction is limited. The other complicating factor is the Conservation Commission adhering to strict compliance with the Littleton Wetland Bylaw 50-foot no-touch zone. This requirement reduces the buildable area beyond the 50-ft wetland no-touch zone and the minimum front and side yard zoning setbacks to a small area along Worcester Road that is inadequate for a suitable new home. A variance is necessary in this case for this pre-existing, non-conforming nature of the existing structure and lot. If held to strict compliance with all of the town's regulations and by-laws a suitable new dwelling could not be built on this lot resulting in substantial financial hardship to the owner.

During the initial public hearing with the Conservation Commission, the Commission requested that the applicant seek a reduction in the front yard offset to meet the requirements of the Wetland Bylaw for the application. The plan presented to the Board in this application reflects the direction received from the Conservation Commission with regarding to siting the house such that it may be permissible under the Littleton Wetland Bylaw.



EXISTING HOUSE FRONT
FROM WORCESTER ROAD



EXISTING GARAGE FRONT FROM
WORCESTER ROAD



11 CONCORD DRIVE FRONT ELEVATION (SIMILAR
PROPOSED TO BE BUILT AT 11 WORCESTER ROAD)



11 CONCORD DRIVE LEFT SIDE ELEVATION (SIMILAR
PROPOSED TO BE BUILT AT 11 WORCESTER ROAD)



BK: 51916 Pg: 239 Doc: DEED
Page: 1 of 2 11/21/2008 01:20 PM

QUITCLAIM DEED

I, JOYCE HALLORAN,

of Littleton, Middlesex County, Massachusetts

in consideration of ONE AND 00/100 (\$1.00) DOLLAR

grant to CATHERINE S. GOLDRING, TRUSTEE of 11 WORCESTER ROAD TRUST under Declaration of Trust dated November ____, 2008

of 22 Oak Hill Road, Natick, Middlesex County, Massachusetts

WITH QUITCLAIM COVENANTS

The land with the buildings thereon, located at 11 Worcester Road, Littleton, Middlesex County, Massachusetts, and being Lots numbered 5191, 5192, 5193, 5194, 5195, 5196, 5197 and 5198 as designated and shown on a Plan entitled "Map C of Long Lake, Town of Littleton, Middlesex County, Commonwealth of Massachusetts", duly recorded with the Middlesex South District Deeds on the 14th day of October 1925, in Book of Plans 362, Plan 28.

Being the same premises conveyed to grantor by deed of Joyce Halloran, Trustee of Steele Realty Trust dated December 17, 1998 and recorded with Middlesex South District Registry of Deeds in Book 29543, Page 240.

Witness my hand and seal this 19th day of November, 2008.

Joyce Halloran
JOYCE HALLORAN

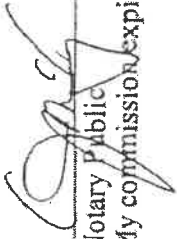
11 Worcester Road
Natick, MA 01908
Catherine S. Goldring

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 19th day of November, 2008, before me, undersigned notary public, personally appeared JOYCE HALLORAN, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.





Notary Public
My commission expires:

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:



Notary Public



2011 00044778

Bk: 56552 Pg: 556 Doc: DEED
Page: 1 of 1 03/03/2011 12:09 PM

QUITCLAIM DEED

I, JOYCE S. HALLORAN, also known as JOYCE HALLORAN

of Littleton, Middlesex County, Massachusetts

in consideration of One & no/100 (\$1.00) Dollar

grant to CATHERINE S. GOLDRING, TRUSTEE of 11 WORCESTER ROAD TRUST
Declaration of Trust dated November 19, 2008..

of 22 Oak Hill Road, Natick, Middlesex County, Massachusetts

WITH QUITCLAIM COVENANTS

The land located in Littleton, Middlesex County, Massachusetts more particularly described as follows:

A certain parcel of land shown as OUTLOT "1B" as shown on a "Plan of Land prepared for JOYCE HALLORAN LITTLETON, MA" dated October 29, 2002, Edward J Boucher, PLS, 4 Jolly Road, Royalston, MA, 01368, and recorded with Middlesex South District Deeds in Book 38858 with said deed recorded in said Book on page 137.

Being the same premises described in a deed Louise A Fox et al to me dated April 8, 2003 and recorded with said deeds in Book 38858 Page 137.

WITNESS my hand and seal this 20th Day January 2011

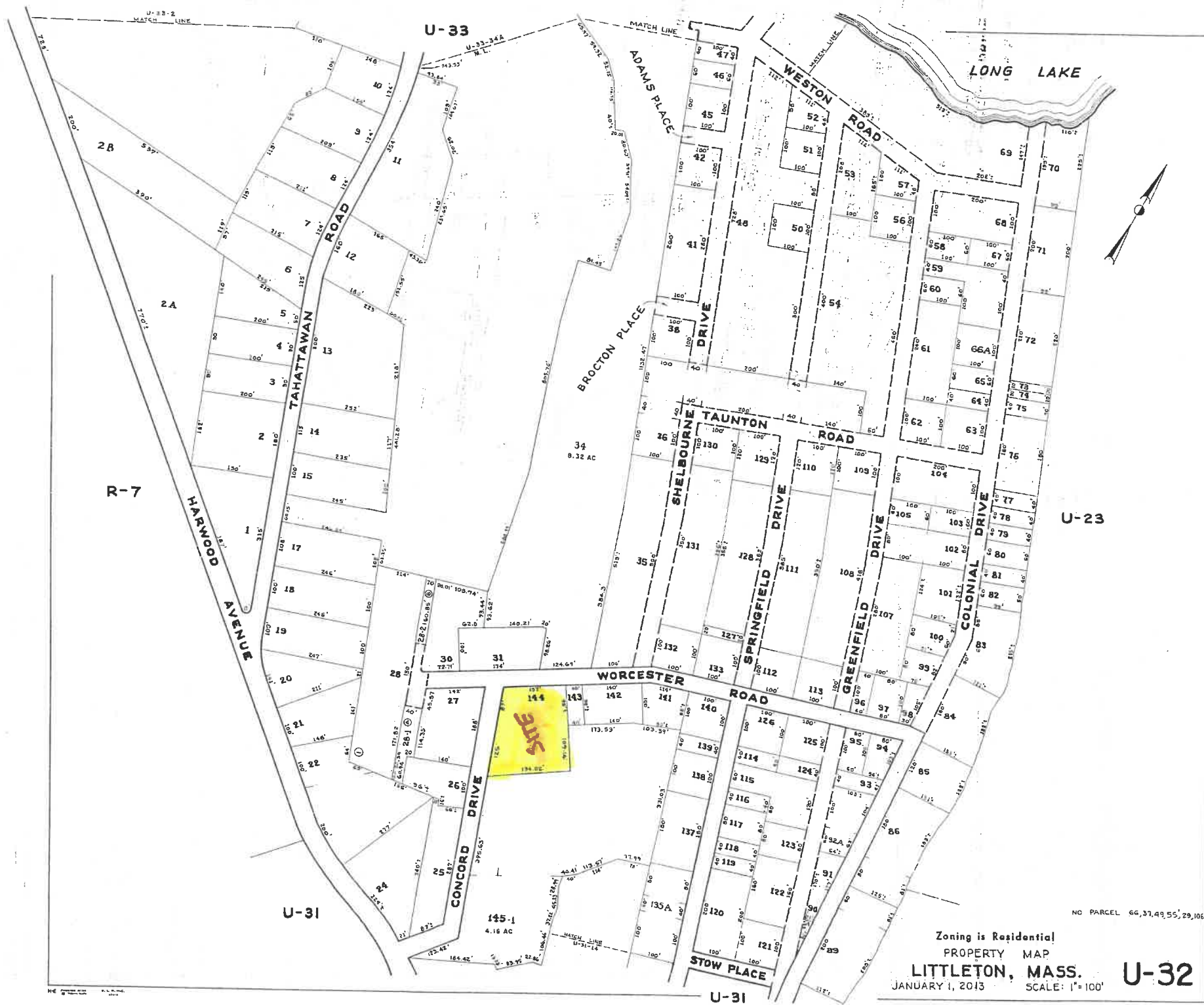
Joyce S. Halloran
Joyce S. Halloran

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Then personally appeared the above named Joyce S Halloran, personally known to me, and acknowledged the foregoing instrument to be her free act and deed before me

Alfred P. Glavey
Alfred P. Glavey, Notary Public, MA
My Commission expires 5/13/2016



Zoning is Residential!
PROPERTY MAP
LITTLETON, MASS.
JANUARY 1, 2013 SCALE: 1"=100'

U-32

Unofficial Property Record Card - Littleton, MA

General Property Data

Parcel ID U32 144 0	Account Number 0
Prior Parcel ID --	
Property Owner GOLDRING CATHERINE S TR OF	Property Location 11 WORCESTER RD
11 WORCESTER ROAD TRUST	Property Use ONE FAM
Mailing Address 22 OAK HILL RD	Most Recent Sale Date 3/3/2011
	Legal Reference 56552-556*
City NATICK	Grantor GOLDRING CATHERINE S TR OF,
Mailing State MA	Zip 01760
Parcel Zoning R	Sale Price 1
	Land Area 0.812 acres

Current Property Assessment

Card 1 Value	Building Value 74,900	Xtra Features Value 3,700	Land Value 160,300	Total Value 238,900
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Building Description

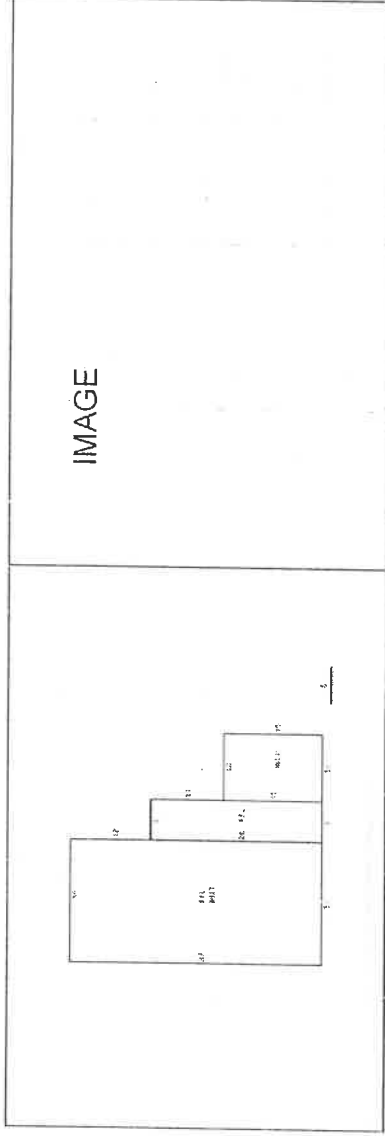
Building Style BUNGALOW	Foundation Type CONCRETE	Flooring Type SOFTWOOD
# of Living Units 1	Frame Type WOOD	Basement Floor N/A
Year Built 1940	Roof Structure GABLE	Heating Type FORCED HW
Building Grade AVERAGE	Roof Cover ASPHALT	Heating Fuel GAS
Building Condition Fair	Siding ASBESTOS	Air Conditioning 0%
Finished Area (SF) 840	Interior Walls DRYWALL	# of Bsmt Garages 0
Number Rooms 4	# of Bedrooms 2	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.812 acres of land mainly classified as ONE FAM with a(n) BUNGALOW style building, built about 1940 ,having ASBESTOS exterior and ASPHALT roof cover, with 1 unit(s), 4 room(s), 2 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.