

**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**

3/20/18 11:40 AM  
(D)

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300<sup>00</sup>

Check # Cash

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.

Desorah 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

Tom O'Driscoll

Date: 2/20/18

Tom O'Driscoll

Print Name

46 HARTWELL AVE

Address

LITTLETON MA 01460

Town, State, Zip

978 808-4403

Phone #

Tom.Odriscoll@Hotmail.com

Email Address

Deed Reference: Bk \_\_\_\_\_ Page \_\_\_\_\_

**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

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

R17 3

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

Check box if  AQUIFER DISTRICT  
applicable

WATER RESOURCE DISTRICT

# 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? 173-53

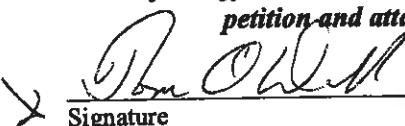
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?

*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

Tom O'Driscoll  
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 14 copies 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

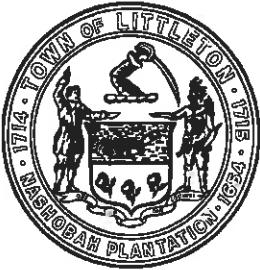
6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor

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



BUILDING COMMISSIONER  
ZONING OFFICER  
P.O. BOX 1305  
LITTLETON, MA 01460  
VOICE (978) 540-2420

February 27, 2018

TO: Board of Appeals  
*PPB*

FROM: Zoning Officer, Roland Bernier

RE: 11 Elm Road  
46 Hartwell Ave

Pursuant to MGL Chapter 40A, §15, please accept the attached documents, papers and comments constituting the record of the case in which the above noted appeal is being taken.

**11 Elm Road**

The applicant seeks a Special Permit pursuant to Article XIII which regulates Accessory Apartments. Specifically, the applicant wishes to construct a detached one story accessory structure with full garage under the 2 bedroom dwelling unit. The affected bylaw section is §173-60B as the accessory structure is detached.

- After review of the Town of Littleton-Abutter Lots Sales Program it appears construction of a detached accessory dwelling on the acquired land is not permitted pursuant to the sale agreement, page three attached. As such the applicant has moved the location of the proposed structure onto the original plot of land. I remind all that the "old lot line" is to remain open to sky.
- The sale of the town property to the applicant has not taken place...action on this appeal should not take place without the Town of Littleton authorization
- Finally, be aware that LZB §173-26B Use Regulation Schedule identifies Accessory Apartment as a permitted customary accessory use in this zoning district. As such §173-53 does apply as the proposal exceeds the 30% rule of this section requiring a variance otherwise it is no longer an accessory use. The required setback would need to be 10 feet from the side and rear property lines.

No further comment

**46 Hartwell Ave**

The applicant seeks to construct a detached 30 x 40 story and half accessory structure. §173-53 limits the square foot area of the structure to 30% of the primary dwelling. Review of the assessor record, the maximum square foot area of the accessory structure cannot exceed 590 square feet. The proposed accessory structure = 1680 square feet, representing a combination of both levels. This office is unable to determine hardship.

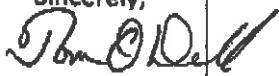
No further comment

February 26, 2018

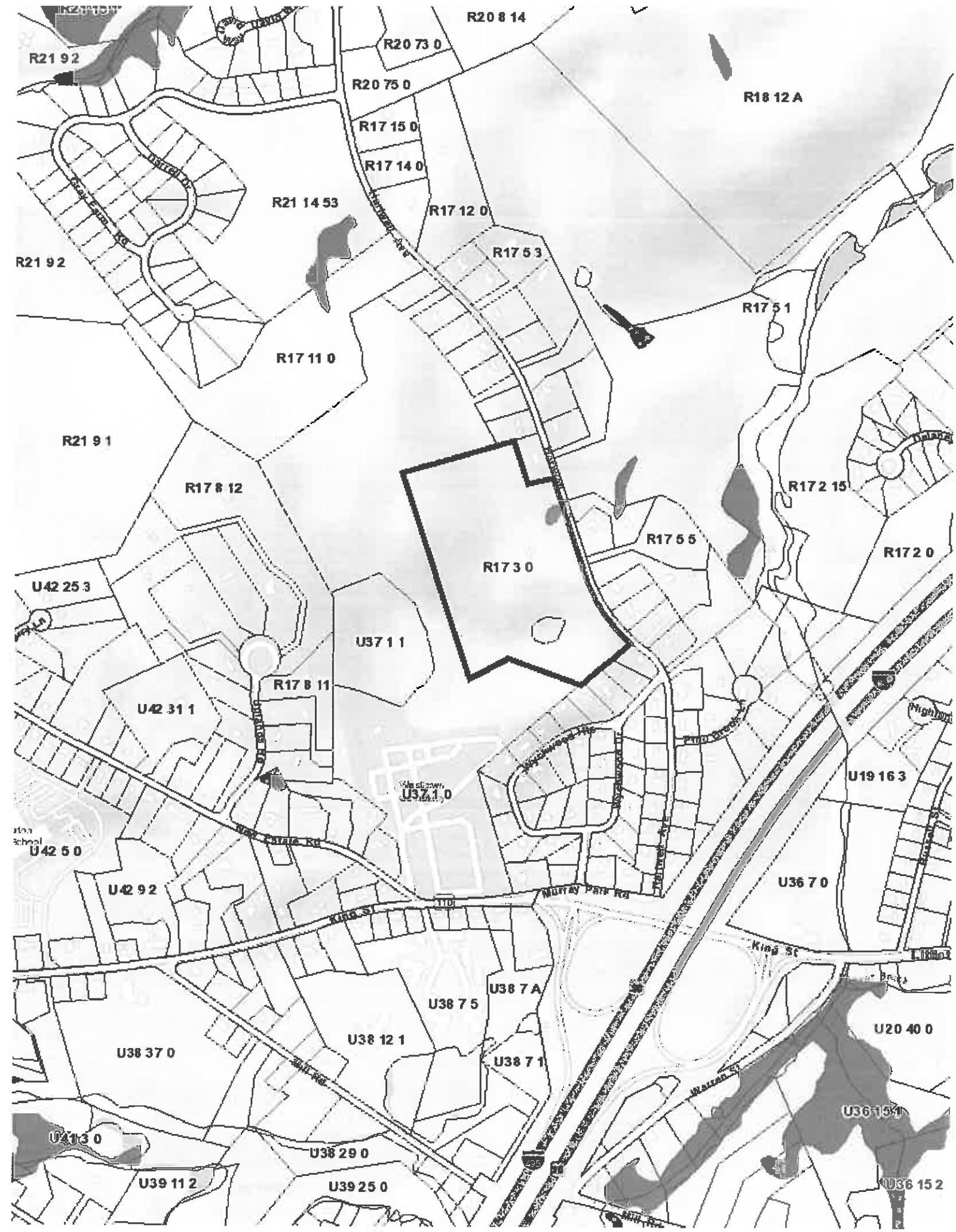
Town of Littleton  
Building Dept.  
37 Shattuck St  
Littleton, Ma 01460

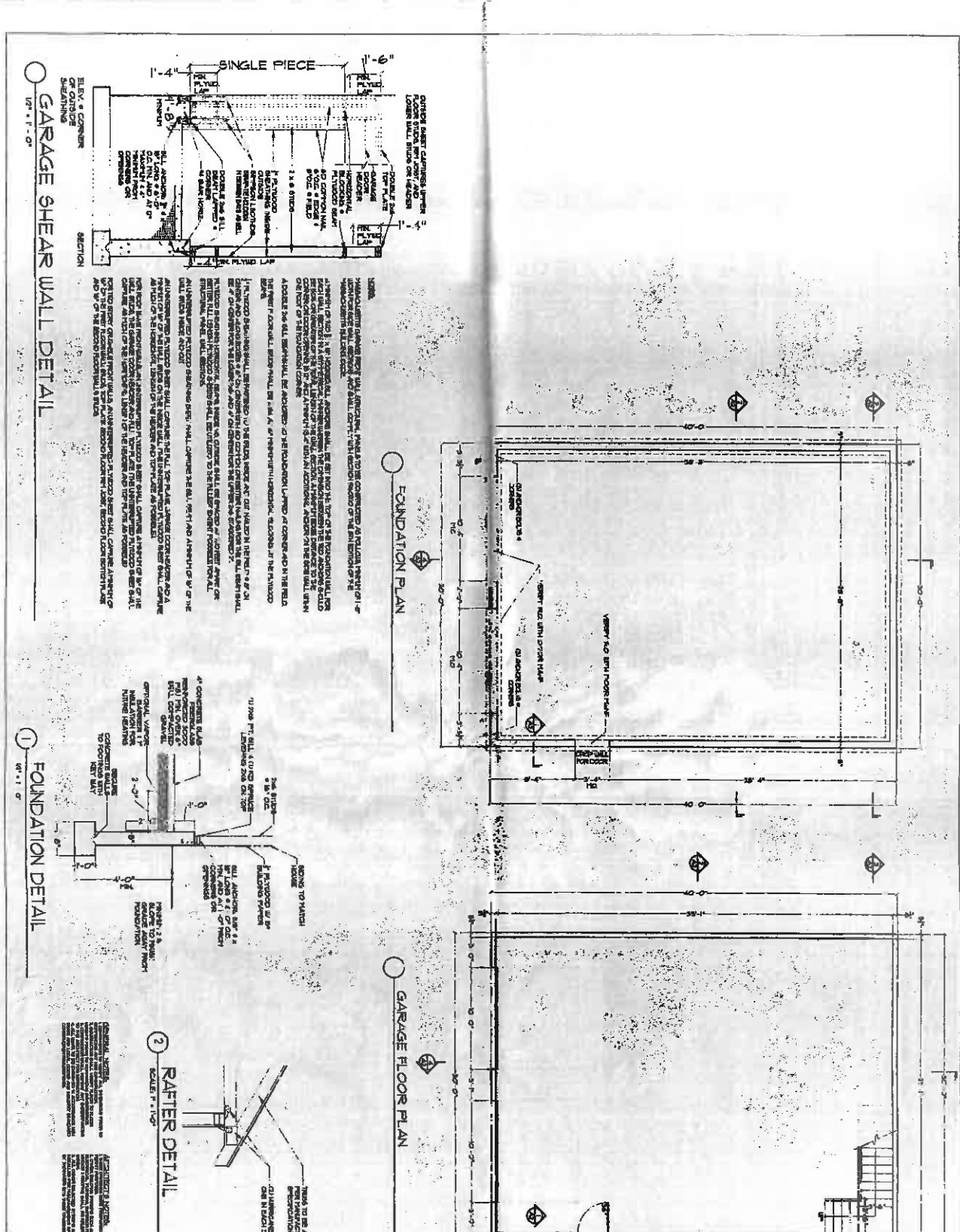
I, Thomas O'Driscoll, 46 Hartwell Ave, Littleton Ma. request a variance pursuant to 173-53 Accessory  
Uses for a proposed 40 x 30 detached garage to store antique cars and trucks.

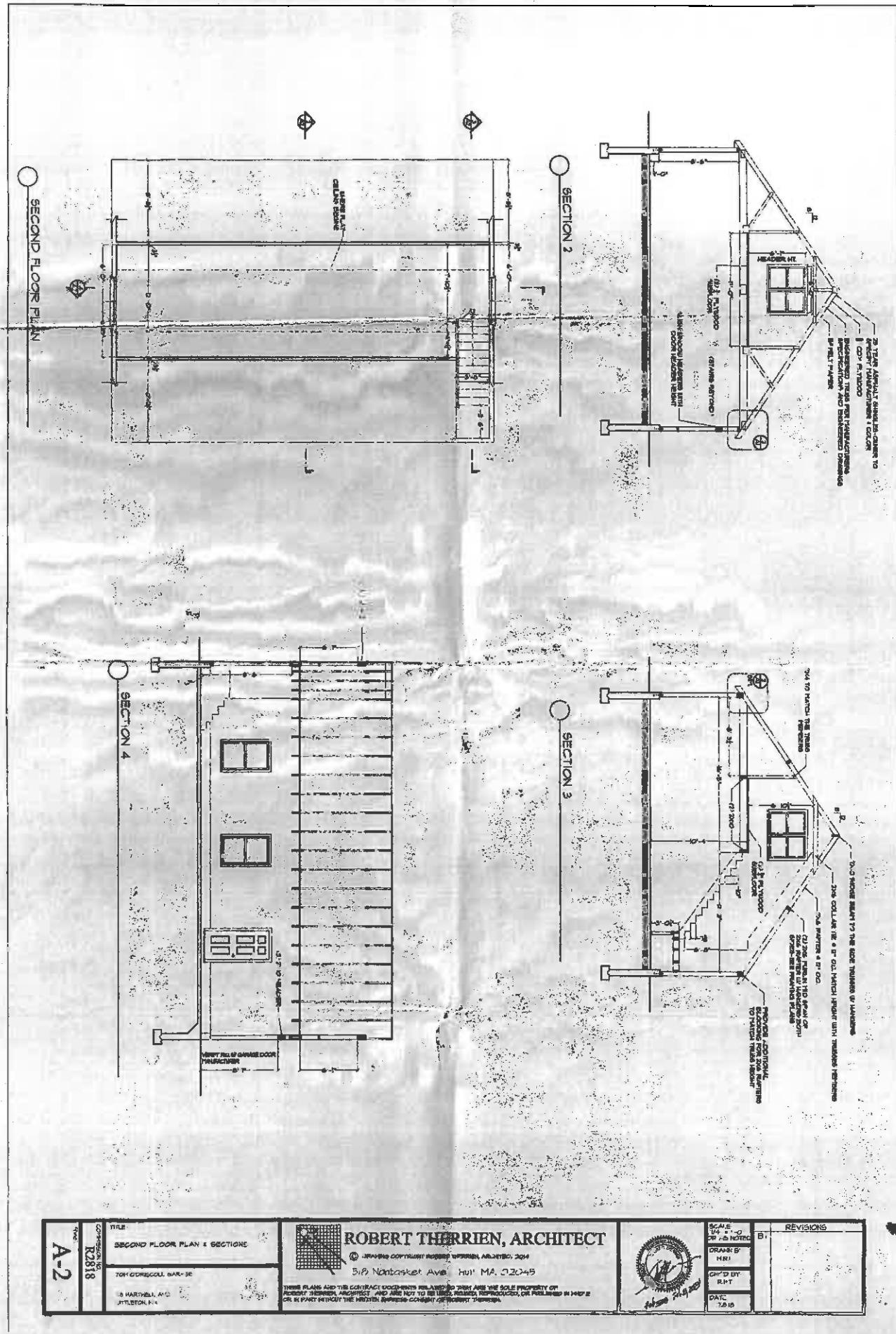
Sincerely,

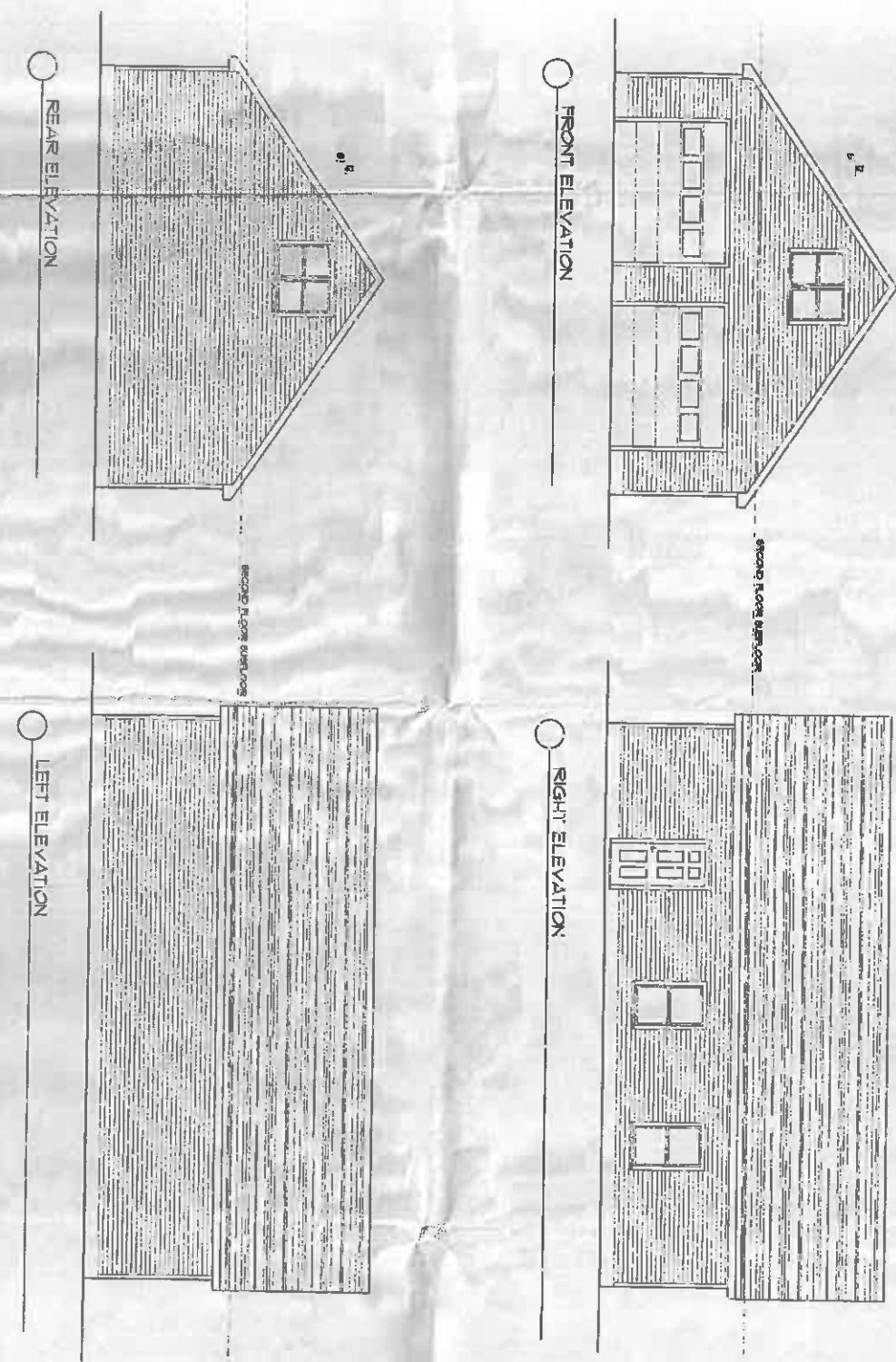


Thomas O'Driscoll  
46 Hartwell Ave  
Littleton, Ma 01460

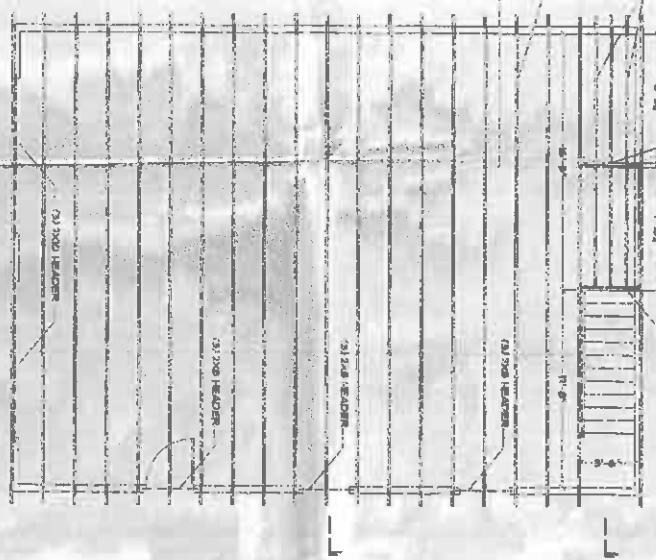








SECOND FLOOR FRAMING PLAN



## ROOF FRAMING PLAN

