

Appeal

Under MGL c. 40A § 13

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?

Answer: Attach copies of where order or decision under appeal

Administrative Official

2. Which statute or Zoning Bylaw do you rely for your appeal?

MGL c. 40A § 1

Zoning Bylaw

You may also consider whether you qualify for relief under any other authority of the Board to grant a Special Permit or Variance.

Date of order / decision

Code of Littleton

3. I hereby certify that I have read the Board of Appeals Instructions for Applicants 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. When 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

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. c. 40B

Page 2

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?

Sight

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 plan and any documentation necessary to support your request.

3. Show evidence that you meet the minimum requirements of a variance under section 173-B (2) of the Littleton Zoning Bylaw.

Attach a written statement which specifically indicates why, owing to conditions (soil, slope, 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

Print Name

Filing Instructions

1. IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILE OUT THIS APPLICATION. He will assist you with the proper zoning section and application request(s). His review may save time by preventing delays in the hearing process.

2. Apply for a certified document first with the Assessment 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 4 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 plat plan endorsed by a registered engineer or land surveyor. The plan should show:

A) notes 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, plat should show the proposed subdivisions 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 as finding facts about the case

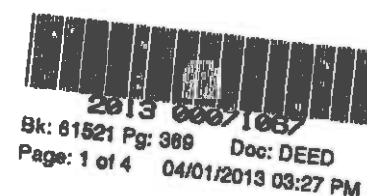
Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month.

The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules

Page 1

AFTER RECORDING RETURN TO:

Adam M. Zaiger, Esq.
Choate, Hall & Stewart LLP
Two International Place
Boston, Massachusetts 02110

DEED

PR LITTLETON EXPANSION LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of TWENTY SEVEN MILLION FOUR HUNDRED THOUSAND NINE HUNDRED ONE AND NO/100 DOLLARS (\$27,400,901.00) and other good and valuable consideration paid in hand to Grantor by MA INDUSTRIAL LITTLETON LLC, a Delaware limited liability company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, has CONVEYED, and by these presents does CONVEY unto Grantee all of Grantor's right, title and interest in and to that certain parcel of land located in Middlesex County, Massachusetts and legally described in Exhibit A attached hereto, together with all buildings, improvements and fixtures located thereon and owned by Grantor as of the date hereof and all right, title and interest, if any, that Grantor may have in and to all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest, if any, in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "Real Property").

This conveyance is made by Grantor and accepted by Grantee subject to all covenants, conditions, restrictions, and other matters of record in the office of the County Recorder of Middlesex County, Massachusetts, to the extent in force and applicable, and all unpaid taxes and assessments, known or unknown (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Real Property together with all improvements located thereon all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns forever.

Grantor, as its sole warranty herein, specially warrants to Grantee, its successors and assigns, that it will forever defend title to the Real Property (subject to the Permitted Exceptions) against only those claims of persons claiming to title or to or asserting claims affecting title to the Real Property, or any part thereof, by, through or under Grantor, but not otherwise.

This Deed is made without any covenant, warranty or representation by, or recourse against, Grantor except to the extent expressly provided herein.

The undersigned Grantor hereby certifies that it is not taxed as a corporation for the year in which this Deed is executed and delivered.

[Remainder of page intentionally blank]

PLEASE RETURN TO:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
133 FEDERAL STREET, 12TH FLOOR
BOSTON, MA 02110

Page 1

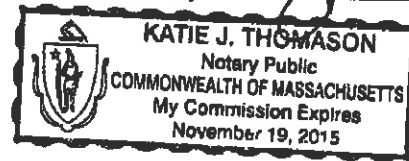
MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 04/01/2013 03:27 PM
Ctrl# 103035 19788 Doc# 00071087
Fee: \$124,058.50 Cons: \$27,400,901.00

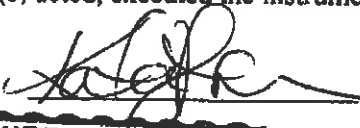
1 Distribution Center Dr
Littleton MA

STATE OF Massachusetts §COUNTY OF Suffolk §

On March 25, 2013, before me, the undersigned, a notary public in and for said State, personally appeared Jeffrey C. O'Neill, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that, by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

My Commission Expires:
11/19/2015



 Notary Public

COLONIAL SYSTEMS

Colonial Systems
326 Ballardvale Street
Suite 200
Wilmington, MA 01887

phone: 978.657.6508
fax: 978.657.6513

TO: Town of Littleton, Zoning Board of Appeals
FROM: James Phinney, Director of Operations & Safety
DATE: September 6th 2016
SUBJECT: Application for Sign Variance

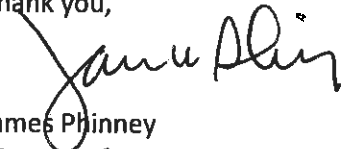
Sign Proposal and Reasons for Variance

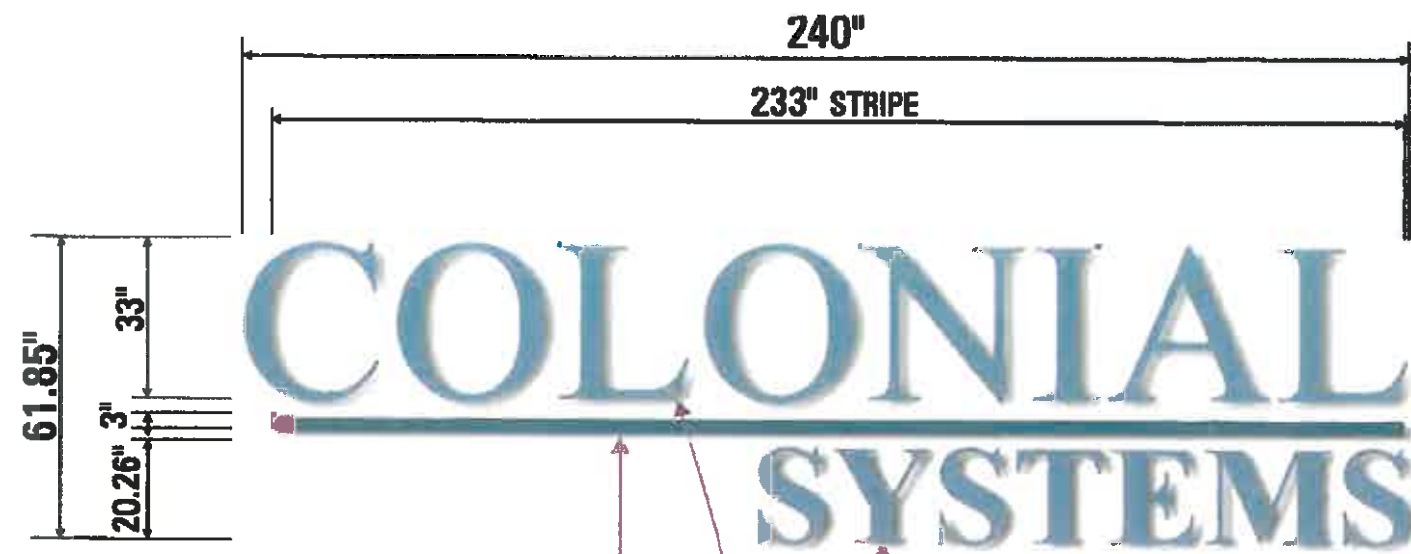
Colonial Systems Inc. is here to request relief from the zoning bylaw that limits the square footage of a sign or logo to 50 square feet. The sign that was proposed by our architect is one single sign that represents our logo with the words Colonial and Systems stacked on top of one another with a line in between. The sign we propose is 5'-2" in height and 20'-0" in length.

The bylaw states that "no group of attached signs on any single face of the building on which they are viewed shall exceed fifteen percent (15%) of that exterior surface of the wall area of the building or (50) square feet. As a result a sign variance is necessary.

We request that the variance be approved here as there will be no detriment to the neighborhood as we are located in an industrial zone. The building is unique in its size standing 40' tall and covering a foot print of 480,000 sf (1200'x400'). The total coverage of the proposed sign is less than the 15% as set forth in the bylaw. This building is set back from the road and it would be very difficult to make out if left at the smaller size. Therefore with the size of the building and the setback from the roadway a large sign is necessary. In addition the contents of the sign relate exclusively Colonial's advertising and identification of its longtime log and business. There would be a hardship to the applicant if the sign variance is not granted.

Thank you,


James Phinney
Director of Operations and Safety
Colonial Systems, Inc.



Loc. 1

DIMENSIONAL LETTER SIGN

SCALE: 1/4" = 1'-0"

1" deep x 3" wide rectangular aluminum tube painted "Dark Blue".
 Divider stripe stud mounted to background wall with 3/4" deep spacers.
(3" stripe slightly wider than normal logo width of 2.7")

1" deep acrylic letters painted "Blue".
 Letters stud mounted to background wall with 3/4" deep spacers.

Paint Color (Color Matched)	
Blue # _____	COLONIAL SYSTEMS
Match: c75 m40 y15 k0	
Dark Blue # _____	(divider stripe)
Match: c99 m72 y22 k6	

Sign Square Footage: 62" x 240" = 103 sq.ft.

Not APPROVED



MAIN ENTRANCE BUILDING ELEVATION

Client/Project Name: Colonial Systems	Drawing Dates: 7.20.2016	Drawing #: 16-17264-1r1	 This drawing and the ideas expressed remain the confidential property of SIGN SYSTEM SOLUTIONS. This drawing and its ideas are not to be reproduced, copied, or disclosed to any other person or entity without the express written consent of a representative of SIGN SYSTEM SOLUTIONS.
	8.4.2016 Rev. 1: acrylic thickness	File Name: SSS Colonial Systems_16-17264.cdr	
		Drawn By: SM PM: TL	

20x5 15



TOWN OF LITTLETON
BOARD OF ASSESSORS
P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410 FAX: (978) 952-2321

Date: September 6, 2016

Re: **Certified List of Abutters for Board of Appeals (300 feet - public hearings, special permits
And/or for Variances)**

Applicant Jim Phinney Name of Firm: Colonial Systems
Mailing Address 326 Ballardvale St Wilmington, MA 01887

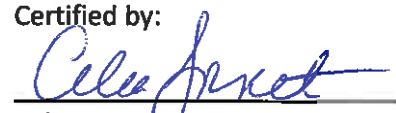
Subject Parcel Location: 1 Distribution Center Circle
Subject Owner MA Industrial LLC c/o Condyne
Subject Map & Parcel No: R21 9 2

M.G.L. Chapter 40A, Section 11. "In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply."

I hereby certify the attached list of abutter(s) as stated in the M.G.L. Chapter 40A, Section 11.

Number of Abutter(s) 48, including the subject parcel(s) + 1 Applicant Requesting Abutter's List.

Certified by:


Celia Jornet, Assistant Assessor

90 HARTWELL AV R17 11 0
LEWIS RICHARD W TRUSTEE OF
GRAY FARM REALTY TRUST
222 LITTLETON RD
WESTFORD, MA 01886-3513

21 GRAY FARM RD R21 14 11
YANG CHUN
YANG YI JIN
21 GRAY FARM RD
LITTLETON, MA 01460

27 GRAY FARM RD R21 14 14
MORVAY MICHAEL S
MORVAY TERRI S C
27 GRAY FARM RD
LITTLETON, MA 01460

33 GRAY FARM RD R21 14 17
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

39 GRAY FARM RD R21 14 20
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE ROAD
WESTFORD, MA 01886

23 DARRELL DR R21 14 23
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

26 DARRELL DR R21 14 29
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

18 DARRELL DR R21 14 32
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

38 GRAY FARM RD R21 14 47
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

32 GRAY FARM RD R21 14 50
KUJALA JONATHAN P
KUJALA JULIE A
32 GRAY FARM RD
LITTLETON, MA 01460-4321

9 DAVID WY R20 64 0
CAPIZZI ORLANDO P
CAPIZZI RITA A
9 DAVID WAY
LITTLETON, MA 01460

23 GRAY FARM RD R21 14 12
ROGERS DENNIS A
ROGERS NICOLETTE A
23 GRAY FARM RD
LITTLETON, MA 01460

29 GRAY FARM RD R21 14 15
MCCUMBER JOSEPH T
MCCUMBER CHRISTINA M
29 GRAY FARM RD
LITTLETON, MA 01460

35 GRAY FARM RD R21 14 18
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

41 GRAY FARM RD R21 14 21
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

25 DARRELL DR R21 14 24
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

24 DARRELL DR R21 14 30
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

2 DARRELL DR R21 14 39
BEAUSOLEIL MIREILLE H VARTANIA
BEAUSOLEIL MATHEW
2 DARRELL DR
LITTLETON, MA 01460-4321

36 GRAY FARM RD R21 14 48
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

30 GRAY FARM RD R21 14 51
CLEMENT NICOLAS
CLEMENT ELSA Z
30 GRAY FARM RD
LITTLETON, MA 01460

19 GRAY FARM RD R21 14 10
KINNE JON R
KINNE AMY
19 GRAY FARM RD
LITTLETON, MA 01460

25 GRAY FARM RD R21 14 13
WARE ROBERT P
WARE CHRISTINE
25 GRAY FARM RD
LITTLETON, MA 01460

31 GRAY FARM RD R21 14 16
GU XINYE
BISCEGLIA AARON JAMES
31 GRAY FARM RD
LITTLETON, MA 01460

37 GRAY FARM RD R21 14 19
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

21 DARRELL DR R21 14 22
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

27 DARRELL DR R21 14 25
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

22 DARRELL DR R21 14 31
COYOTE TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE RD
WESTFORD, MA 01886

1 DARRELL DR R21 14 40
TESS DAVID A
TESS LISA A
1 DARRELL DR
LITTLETON, MA 01460

34 GRAY FARM RD R21 14 49
LAPOINTE JOSHUA D
LAPOINTE SHANNON B
34 GRAY FARM ROAD
LITTLETON, MA 01460

26 GRAY FARM RD R21 14 52
AYALASOMAYAJULA CHANDRA V
SRIADIBATLA KAMESWARI
26 GRAY FARM RD
LITTLETON, MA 01460



13 GRAY FARM RD R21 14 7

DAVIS II JOHN W
DAVIS MARIA J CHURCH
13 GRAY FARM RD
LITTLETON, MA 01460

REAR WHITETAIL WY R21 15 1

WHITETAIL TRUST
LEWIS R, PALMER W JR, T, S & M TR
222 LITTLETON RD
WESTFORD, MA 01886-3513

23 WHITETAIL WY R21 15 12

NIXON CLIVE I
NIXON GAYLE M
23 WHITETAIL WAY
LITTLETON, MA 01460

OFF SPECTACLE POND RD R21 16 0

WHITETAIL TRUST
LEWIS R, PALMER W JR, T, S & M TR
222 LITTLETON RD
WESTFORD, MA 01886-3513

1 DISTRIBUTION CENTER CIR R21 9 2

MA INDUSTRIAL LITTLETON LLC
C/O CONDYNE LLC
100 GRANDVIEW RD SUITE 312
BRAintree, MA 02184

13 WHITETAIL WY R23 20 7

PALMER MAX A
PALMER JESSICA L
13 WHITETAIL WAY
LITTLETON, MA 01460

REQUESTOR:

JIM PHINNEY
COLONIAL SYSTEMS
326 BALLARDVALE ST
WILMINGTON. MA 01887

15 GRAY FARM RD R21 14 8

PALMER SAMUEL A
PALMER NICOLE M
15 GRAY FARM RD
LITTLETON, MA 01460

19 WHITETAIL WY R21 15 10

JUELS PHILIP I
JUELS KERRIE A
19 WHITETAIL WAY
LITTLETON, MA 01460

25 WHITETAIL WY R21 15 13

OLSON PAUL F
OLSON CATHLEEN
25 WHITETAIL WY
LITTLETON, MA 01460

53 AYER RD R21 9 0

FIVE K LLC

53 AYER ROAD
LITTLETON, MA 01460

149 AYER RD R22 13 0

AGGREGATE INDRUSTRIES
MIDDLESEX -ATTN: RE TAX DEPT
1715 BROADWAY
SAUGUS, MA 01906

15 WHITETAIL WY R23 20 8

KANE JENNIFER
KANE DANIEL
15 WHITETAIL WY
LITTLETON, MA 01460

17 GRAY FARM RD R21 14 9

BOX GENE E
BOX JEANINE ANNETTE
17 GRAY FARM RD
LITTLETON, MA 01460

21 WHITETAIL WY R21 15 11

BRANCH GREGORY
BRANCH NATALIE
21 WHITETAIL WY
LITTLETON, MA 01460

27 WHITETAIL WY R21 15 14

PUDANS WILLIAM CHARLES
COLLINS BRIDGET ELIZABETH
27 WHITETAIL WAY
LITTLETON, MA 01460

3 DISTRIBUTION CENTER CIR R21 9 1

CFI NNN LITTLETON LLC
C/O COLONY CAPITAL ACQUISITION
515 SO FLOWER ST 44TH FL
LOS ANGELES, CA 90071

11 WHITETAIL WY R23 20 6

WHITETAIL TRUST
LEWIS R, PALMER W JR, T, S & M TR
21 VOSE ROAD
WESTFORD, MA 01886

17 WHITETAIL WY R23 20 9

JACKSON DAVID T
JACKSON PATRICIA L
17 WHITETAIL WAY
LITTLETON, MA 01460

48
-13
33

**LEGAL NOTICE
NOTICE OF HEARING**

The Littleton Board of Appeals will conduct a public hearing on Thursday September 15, 2016 at the Littleton Town Offices, 37 Shattuck Street, Room 103 to consider the following petition:

7:50 p.m. Case #877A – The petitioner Jim Phinney request for a variance pursuant to Section 173-35 C (3) Sign areas for an attached sign at 1 Distribution Center Circle.

LITTLETON BOARDS OF APPEALS
Alan Bell, Clerk
Littleton Independent September 1 and 8, 2016

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